PUBLICATION NO: 2575

REEL NO: 102

TITLE: FEDERAL REGISTER

VOLUME: 26

DATE: November 1, 1961-December 30, 1961

University Microfilms, A Xerox Company, Ann Arbor, Michigan

THE UNIVERSITY OF MICHIGAN
JAN 3 1962
MAIN READING ROOM

INDEX AND TABULAR GUIDES

FEDERAL REGISTER

Volume 26 NOVEMBER 1961 Nos. 211–230

INDEX

Page

Accidents:
AIRCRAFT ACCIDENTS, investigation *See* Civil Aeronautics Board.
RAILROAD ACCIDENTS, monthly reports 10846

Agency for International Development:
See International Development Agency.

Agricultural Trade Development and Assistance Act of 1954:
ADMINISTRATION (Executive Order 10972) 10469
LOANS made by Export-Import Bank, transfer of functions to State Department (Executive Order 10973) 10469

Agriculture Department:
AGRICULTURAL MARKETING SERVICE; Administrator, definition 11236
ALMONDS; price support program, surplus, 1961 crop 10686
ANIMALS:
See also Packers and Stockyards Division.
Diseases:
Scabies in sheep 10223
Screwworms 10338
Humane slaughter of livestock; identification of carcasses 10242, 10613, 11300
Viruses, serums, toxins, etc.; handling of anti-hog-cholera serum and hog-cholera virus, fee for wholesaler application, findings and determinations, proposed rule 10358
AUTHORITY DELEGATION by Secretary to Assistant Secretary, Agricultural Stabilization; reassignment of functions, marketing agreements and order programs 11256
BARLEY; loan and purchase agreement program, 1961 11233
BEANS, dry edible; loan and purchase agreement program, 1961 crop 11025
COMMODITY CREDIT CORPORATION:
Loan and purchase agreement programs; 1961 crops:
Barley 11233
Beans, dry edible 11025
Grain sorghums 11233
Wheat 11281
Loan programs:
Cotton; 1960 and subsequent programs, Lending Agency Agreement, interest rate increase 10575
Tobacco, 1961 crop 11233
Price support programs. *See* Price support programs, *below*.
COTTON:
Exports; payment in kind, 1961–62 10586
Loan programs, 1960 and subsequent; lending agency agreement, interest rate increase 10575
Price support programs; participation of commercial banks in pools of CCC price support loans on cotton, interest rate increase 10546

73000—61 —1

CONTENTS

Page
Subject Index 1
Codification Guide 22
Parallel Table U.S.C.—CFR 27

Agriculture Department—Continued Page
COTTONSEED; purchase program, 1961, payment by cooperative gins 10961
COTTONSEED OIL; purchase program, 1961, payments by cooperative oil mills 10961
DATES; import restrictions 10689
DISASTER AREAS; need for agricultural credit:
Alabama 10943
South Carolina 10814
EXPORTS:
Cotton; payment in kind, 1962–63 10586
Grain; special study of Technical Committee 11256
FARMERS HOME ADMINISTRATION. *See main heading* Farmers Home Administration.
FARMS, allotments, farm history and soil bank base acreages; reconstitution, proposed transfer of pooled allotments 10731
FEDERAL CROP INSURANCE CORPORATION; Federal crop insurance, 1962 and succeeding crop years, peach crop, general provisions 10630
FEDERAL SEED ACT regulations; correction 10471
FEED GRAINS, special programs:
1961 10769
1962 10787
FILBERTS:
Marketing; Oregon and Washington 10688
Standards for filberts in shell 11025
GRAIN SORGHUMS; loan and purchase agreement program, 1961 crop 11233
GRAINS:
Exports; special study of Technical Committee 11256
Participation of financial institutions in pools of CCC price support loans on certain commodities; interest rate increase 10546
GRAPEFRUIT, marketing:
Arizona and California 11037
Florida 10337, 10424, 10790, 11062
Texas 10338
GRAPES, marketing; California crushing grapes 10516, 10772, 10933
HUMANE SLAUGHTER; identification of carcasses 10242, 10613, 11300
IMPORT RESTRICTIONS:
Dates 10689
Limes 10587
Onions 10632, 11287
Walnuts 10426

Agriculture Department—Continued

LEMONS, marketing; Arizona and California 10425, 10586, 10792, 10872, 11037, 11207
LETTUCE; marketing, Texas 10773, 10793, 11236
LIMES:
Import restrictions 10587
Marketing, Florida 10587
LIVESTOCK:
See also Packers and Stockyards Division.
Diseases. *See under* Animals.
Humane slaughter; identification of carcasses 10242, 10613, 11300
MARKETING QUOTAS, farm acreage allotments, etc.:
See also specific commodities.
Referenda 10208
Review regulations 10204
Marketing quota review committee panels; areas of venue established 10522
MILK AND MILK PRODUCTS; marketing in various areas, orders proposed or adopted:
Arkansas; Central 10307, 10485
Colorado:
Colorado Springs–Pueblo 10216
Rio Grande Valley 10691
Connecticut; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Delaware; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Idaho; Inland Empire 11284
Illinois; Suburban St. Louis 10360, 10879, 11283
Indiana; Ohio Valley 10597, 11079, 11284
Kentucky; Ohio Valley 10597, 11079, 11284
Louisiana; New Orleans 10425, 11035
Maryland; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Massachusetts; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Michigan; Upper Peninsula 11207
Minnesota:
Minneapolis-St. Paul 10215
Minnesota-North Dakota 11317
Mississippi; Gulf Coast 10472
Missouri:
Ozarks 10810, 11281
St. Louis 10810
Suburban St. Louis 10360, 10859, 11283
Nebraska; Platte Valley 10507
New Mexico; Rio Grande Valley 10691
New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
North Dakota; Western 11317
Ohio:
Northeastern 11074
Ohio Valley 10597, 11079, 11284
Oklahoma:
Metropolitan 10298, 11026
Red River Valley 10298, 11038
Pennsylvania; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Tennessee; Memphis 10307
Texas:
Corpus Christi 11294
North 10214, 10236, 11036
Red River Valley 10298, 11038
Rio Grande Valley 10691
Vermont; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Virginia; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Washington:
Inland Empire 11284
Puget Sound 10486
West Virginia; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Wisconsin; Northeastern 11208
NUTS. *See* Almonds; Filberts; Peanuts; Tung-nuts; Walnuts.
OILSEEDS. *See* Cottonseed; Cottonseed oil; Peanuts; Tung nuts.
ONIONS:
Import restrictions 10632, 11287
Marketing:
Idaho 10426
Oregon; Malheur County 10426
Texas 10772

Agriculture Department—Continued

ORANGES, marketing:
Arizona and California:
Navel 10586, 10789, 10933, 11034
Valencia 10214, 10423
Florida 10337, 10423, 10790
Texas 10338
ORGANIZATION AND FUNCTIONS, Agriculture Department 11256
PACKERS AND STOCKYARDS DIVISION:
Posted stockyards; designation or removal 10310, 10311, 10312
Rates and charges; modification of rate orders, petitions 10242, 10613
PEANUTS, marketing quotas, farm acreage allotments, etc., 1959 and subsequent crops 10209
PEARS, marketing, Oregon, Washington, and California; Beurre d'Anjou, Winter Nelis, etc 10296
PLANT QUARANTINE, domestic quarantine notices; white-fringed beetle, proposed rule, correction 10571
POTATOES, Irish; marketing:
California 10809
Colorado 10792, 11236
Maine 11053
Oregon; all counties except Malheur 10809
POULTRY. *See* Turkeys.
PRICE SUPPORT PROGRAMS:
Participation of financial institutions in pools of CCC price support loans on certain commodities; interest increase 10546
Price support limitation, field crops in surplus supply, 1959 and 1960; waiver of final date for filing application of exemption 11207
Sales of certain commodities acquired through price support operations; monthly sales list, November 1961 10576, 10981
Various commodities:
Almonds 10686
Cotton 10546
Grains 10546
Tung nuts 10769
RAISINS; marketing, raisin variety grapes, California 10770
RICE; marketing quotas, farm acreage allotments, etc., 1959 and subsequent crops 10336
SALES of certain commodities acquired through price support operations, monthly sales list, November 1961 10576, 10981
SUGAR:
Allotment of quotas; domestic beet sugar area:
1961 crop 10547
1962 crop, proposed rule 10691
Commercially recoverable sugarcane, mainland; 1961 crop 10961
Normal yields and eligibility for abandonment and crop deficiency payments; sugarcane, Puerto Rico, 1960–61 crop 10214
Prices; sugarcane:
Florida, 1961 crop 10272
Puerto Rico, 1961–62 crop 10644
Virgin Islands, 1962 crop 10644
Proportionate shares; cane sugar area:
Mainland; 1962 crop 10268
Puerto Rico; 1961–62 crop 10505
Wage rates; sugarcane:
Louisiana, 1961 crop 10270
Virgin Islands, 1962 crop 10644
SURPLUS COMMODITIES:
Field crops in surplus supply, 1959 and 1960, price support limitation on; waiver of final date for filing application of exemption 11207
Sales of certain commodities acquired through price support operations 10576, 10981
TANGELOS; marketing, Florida 10337, 10425, 10791
TANGERINES; marketing, Florida 10337, 10424, 10791, 11035, 11281
TOBACCO:
Loan program; 1961 crop, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco 10873
Marketing quotas, farm acreage allotments, etc.:
Cigar-filler and cigar-binder; 1962–63 marketing year 10471, 10503
Flue-cured; 1962–63 marketing year 10927
Referendum; proposed rule 10933
Maryland tobacco; 1962–63 marketing year 10504

Agriculture Department—Continued

TUNG NUTS; price support program, 1961 crop, applicable forms 10769
TURKEYS, marketing; hatching eggs and turkeys, proposed rules, hearing 10286, 10516, 10772
VIRUSES, serums, toxins, etc.; handling of anti-hog-cholera serum and hog-cholera virus, fee for wholesaler application, findings and determinations, proposed rule 10358
WALNUTS:
Import restrictions 10426
Marketing; California, Oregon, and Washington 10688
WHEAT:
Loan and purchase agreement program, 1961 crop 11281
Marketing quotas, farm acreage allotments, etc.:
1960 and subsequent crops; durum wheat 10484
1961 and subsequent crop 10596
Stabilization program, special; 1962 11234

Air Carriers:

See Aircraft and air carriers.

Air Force Department:

See Defense Department.

Aircraft and Air Carriers:

CIVIL AIR PATROL radio stations, use of frequency 4602.5 kc. 10926
CIVIL AIRCRAFT, regulations. *See* Civil Aeronautics Board; Federal Aviation Agency.
EMERGENCY BOARDS to investigate labor disputes. *See* National Mediation Board.
FEDERAL AIRWAYS, control areas, etc. *See* Federal Aviation Agency.
INTERNATIONAL AVIATION, Interagency Group on (IGIA); reconsideration of Warsaw Convention and Hague Protocol, comments invited, extension of time 10981
RADIO COMMUNICATIONS. *See* Federal Communications Commission.
RESTRICTED AREAS over military installations. *See* Federal Aviation Agency.

Alaska:

AMATEUR RADIO SERVICE, frequency bands 10240
PUBLIC LANDS. *See* Land Management Bureau.

Alien Property Office:

DISSOLUTION ORDER; Chemnyco, Inc. 10453
RETURN OF VESTED PROPERTY:
Guardo, Ermenegildo 10735
Marton, George Nicolas, et al 10734
Sottero, Carlotta Yvone 10735

Almonds:

Price support, 1961 surplus 10686

Anchorage Regulations:

See Engineers Corps.

Animals:

See Livestock; Wildlife.

Antenna Structures:

Radio and television antenna structures, construction; aeronautical studies. *See* Federal Aviation Agency.

Antidumping Act of 1921:

DETERMINATIONS. *See* Customs Bureau; Treasury Department.
INVESTIGATIONS. *See* Tariff Commission.

Archeological Research:

Availability of funds 10812

Armed Services:

See also Defense Department *and specific services.*
FAMILIES of military personnel stationed overseas, reduced rate air transportation; proposed rules 10238
HOUSING INSURANCE. *See* Federal Housing Administration.
MILITARY FORCES ABROAD, chain of command (Memorandum of May 27, 1961) 10749
PROCUREMENT. *See* Army Department.

Arms, Ammunition, etc.:

Designation by Secretary of State (Executive Order 10973) 10469

Army Department:

See also Defense Department.
AUTHORITY DELEGATION from Secretary of Defense; claims, settlement of, under Federal Tort Claims Act 11089
CANAL ZONE, employment and compensation. *See main heading* Canal Zone Government.
CLAIMS AGAINST U.S.; military payment certificates 11291
DECORATIONS, manufacture of; authority to manufacture and sell, articles authorized or not authorized, etc 10509
ENGINEERS CORPS regulations. *See main heading* Engineers Corps.
MILITARY RESERVATIONS, use of Army real estate, claims founded upon contract; correction 10728
PROCUREMENT REGULATIONS:
Advertising, formal 10558
Bonds and insurance 10567
Contracts:
Clauses 10566
Termination 10566
Foreign purchases 10566
Forms 10567
General provisions 10553
Government property 10567
Labor 10567
Negotiation 10558
Patents, copyrights and technical data 10566
Supplemental provisions 10568
Taxes, Federal, State and local 10567
Veterinary inspection; deletion 10728
PUBLIC CONTACT, relations with agencies of; public information policies, authority and responsibilities, etc 10797
RESERVES, organized, enlistments; periods, qualifications, age, etc 10931

Atomic Energy Commission:

AUTHORITY DELEGATION by General Manager to Los Alamos Area Office Manager; leasing Government-owned land and buildings in Los Alamos, New Mexico, commercial and other purposes 10644
BYPRODUCT MATERIAL:
Lock illuminators, automobile, containing tritium:
Exemption from licensing 10473
Manufacture or import, specific license; proposed rule 10487
Waste disposal, radioactive material; licenses to listed companies:
Long Island Nuclear Service Corp 10310
Nuclear Engineering Co., Inc 10781
EXPORTS; source material, uranium in aircraft counterweights 10929
FINANCIAL PROTECTION requirements and indemnity agreements; appendixes B and C 10933
INDEMNITY AGREEMENTS. *See* Financial protection requirements and indemnity agreements.
PRACTICE, RULES OF; licenses, reactor and waste disposal, notice of application to local officials, administrative examination of applications 10770
RADIATION, protection against; concentrations in water and air above natural background, radionuclides 11046
REACTORS AND CRITICAL EXPERIMENT FACILITIES, construction and/or operation; licenses or permits to listed companies, etc.:
Aerojet-General Nucleonics 10246
Consolidated Edison Company of New York, Inc 10455
Consumers Public Power District; Power Demonstration Reactor Project 10981
General Dynamics Corp 11257
General Electric Co 11220
Kansas University 10885
Maryland University 10521
Michigan University 10492, 10736
Missouri University, Curators of 10368, 10453, 11257
Ohio State University 10454
Oklahoma University 10493
Philadelphia Electric Co 10736
Saxton Nuclear Experimental Corp 10944
Union Carbide Corp 11221
Utah University 10814
Western New York Nuclear Research Center, Inc 11221

Atomic Energy Commission—Continued Page
SOURCE MATERIAL; licensing:
Exemptions; uranium, unimportant quantities of, in aircraft counterweights and shipping casks ... 10929
General licenses to export; uranium in aircraft counterweights ... 10929
WASTE DISPOSAL, radioactive; licenses to various companies. *See under* Byproduct material.

Attorney General:
See Justice Department.

Australia:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ... 10543

Austria:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ... 10543

Autos:
See Motor vehicles.

B

Balance of Payments:
(Memorandum of October 18, 1961) ... 10543

Balloons and Kites:
Hazards to aircraft; operational requirements, proposed rules, hearing ... 10701

Banks:
COOPERATIVES, banks for. *See* Farm Credit Administration.
FEDERAL HOME LOAN BANKS. *See* Federal Home Loan Bank Board.
FEDERAL RESERVE BANKS. *See* Federal Reserve System.
MERGER, certain banks in New York; hearing ... 11219

Barley:
Loan and purchase agreement program, 1961 crop ... 11233

Beans, Dry Edible:
Loan and purchase agreement program, 1961 crop ... 11025

Belgium:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ... 10543

Biological Products:
LICENSING, STANDARDS, TESTING, etc. *See* Public Health Service.
VIRUSES, SERUMS, TOXINS, etc. *See* Agriculture Department.

Birds, Migratory:
Hunting, protection, etc. *See* Fish and Wildlife Service.

Boards:
See Committees and boards.

Boats:
See Vessels.

Bonds:
POSITION SCHEDULE SURETY BOND, invitation to bid; Commerce Department ... 11220
SAVINGS BONDS. *See* Treasury Department.
SURETY COMPANIES acceptable. *See* Treasury Department.
TREASURY BONDS. *See* Treasury Department.

Bread:
Standards of identity, optional ingredients:
Hydroxylated lecithin ... 10550
L-cysteine, proposed rule ... 10362

Bridge Regulations:
See Engineers Corps.

C

Campaign Costs, President's Commission on:
Establishment (Executive Order 10974) ... 10585

Canada:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ... 10543

Canal Zone Government: Page
EMPLOYMENT AND COMPENSATION IN CANAL ZONE:
Filling positions, certification for appointment under apprentice program ... 10503
General regulations, exclusions from Act; apprentices, deletion ... 10503
OPERATION AND NAVIGATION of Canal and adjacent waters; diving operations, industrial and commercial, recreational skin diving, light, flag (CZO 58) ... 10353

Census Bureau:
CANNED FOOD, distributors stocks; proposed annual survey ... 11097
MANUFACTURING AREA, proposed annual survey ... 10579
MULTI-UNIT COMPANIES, number of employees, taxable wages, geographic location, and kinds of business; proposed survey ... 10246
RETAILERS' INVENTORIES, sales, and number of stores; proposed survey ... 11301

Child Labor Regulations:
Exemption, homeworkers on natural evergreen wreaths ... 10419

China, Republic of:
Melon seeds, salted; imports ... 11255

Civil Aeronautics Board:
ACCIDENT, Richmond, Virginia; investigation ... 10781
AGREEMENTS, filing; Traffic Conferences of International Air Transport Association, specific commodity rates ... 10456, 10580
ECONOMIC PROCEEDINGS:
Exceptions and supporting briefs; proposed rule, correction ... 10307
Interlocutory orders, petitions for reconsideration; proposed rule ... 10641
ECONOMIC REGULATIONS:
Agreements, filing; Traffic Conferences of International Air Transport Association, specific commodity rates ... 10456, 10580
Certificates, public convenience and necessity; names of air carriers and foreign air carriers, proposed rules ... 10774
Classification and exemption of certain air carriers; proposed rules:
Names of air carriers and foreign air carriers ... 10774
Operations pursuant to exemption authority; repeal of Part ... 11287
Names of air carriers and foreign air carriers; proposed rule ... 10774
Tariffs of air carriers:
Rate transportation, reduced, for immediate families of military personnel stationed overseas; proposed rules ... 10238
Seating and configuration of aircraft; postponement of effective date ... 11046
HEARINGS, investigations, etc.:
Accident investigation at Richmond, Va ... 10781
Companies and cases. *See list at end of this agency.*
PROCEDURAL REGULATIONS. *See* Economic proceedings.
SPECIAL REGULATIONS; continuance of expired authorizations, applications for renewal of temporary authorizations ... 11287

HEARINGS, INVESTIGATIONS, ETC.:
Aaxico Airlines, Inc., 10246.
Aerovias Internacional Balboa, S.A., 10645.
Air Line Pilots Association, 10369.
American Airlines, Inc. et al., 10455, 11257.
British West Indian Airways, Ltd., 10817.
Chicago Helicopter Airways, Inc. et al., 11222.
Columbus, Nebr., service to, 10369.
Continental Air Lines, Inc., 10369, 10885, 10886.
Eastern Air Lines, Inc., 10455.
Emery Air Freight Corp., 10247.
Flying Tiger Line, Inc., 11223.
Fort Worth investigation; reopened, 10312.
Helicopter operators consolidated mail rate proceedings, 11302.
Mackey Airlines, Inc., 11302.
Mohawk Airlines, Inc., 10523.
National Air Taxi Conference, Inc., members, 11089.
Pacific Air Lines, Inc., 10312.
Pan American World Airways, Inc., 10944.
Sheboygan County, Wis., service to, 10313.

Civil Aeronautics Board—Continued Page
HEARINGS, INVESTIGATIONS, ETC.—Continued
Southern Airways, Inc., 10369.
Toolco-Northeast control case, 10705.
Trans-Texas Airways, Inc.; "use it or lose it" investigation, 10580.
Trans-Texas Airways mail rate, 10645.
Trans World Airlines, Inc., 10645, 10887.
Transpacific route case (international phase), 10613.

Civil and Defense Mobilization Office:
See successor agency Emergency Planning Office.

Civil Service Commission:
APPEALS, preference eligibles, Veterans' Preference Act of 1944; notification of adverse decision ... 10750
EDUCATION (formal) requirements for appointment to certain scientific, technical, and professional positions; teachers, principals, and school superintendents ... 10447
EXEMPTIONS FROM COMPETITIVE SERVICE ... 10900
Method of filling excepted positions and status of incumbents ... 10900
Schedule A; positions other than confidential or policy determining for which examination is not practicable ... 10900
Agencies with positions added, amended, or revoked:
Civil Rights Commission ... 10204
Commerce Department ... 10544
Interior Department ... 10204
Maritime Administration ... 10544
Navy Department ... 11281
Schedule B, positions other than confidential or policy determining for which competitive examination is not practicable ... 10908
Schedule C, confidential or policy determining positions ... 10909
Agencies with positions added, amended, or revoked:
Agriculture Department ... 10447
Defense Department ... 10204, 10267
General Services Administration ... 10204
Justice Department ... 10447
Peace Corps ... 10267
State Department ... 11233
Treasury Department ... 10962
FOREIGN ASSISTANCE PERSONNEL, regulations (Executive Order 10973) ... 10469
INSURANCE, GROUP LIFE; appeals ... 11046
MILITARY DUTY, ABSENCE FOR ... 10750
PAY REGULATIONS; general compensation rules and step increases ... 10544
SEPARATIONS, suspensions, and demotions; procedure for taking adverse action, notice of decision ... 10750
TRAVEL AND TRANSPORTATION EXPENSES; appointees to certain positions where there is manpower shortage:
Education specialist (Swahili language) ... 10370
Executive Director, District of Columbia Redevelopment Land Agency ... 10370

Claims:
Authority delegations, regulations, etc. *See specific agencies.*

Coast Guard:
AUTHORITY DELEGATION from Secretary of Treasury; Oil Pollution Act, 1961, functions under ... 10609
CARGO VESSELS; shipboard cargo gear and power-operated industrial trucks ... 11010
EQUIPMENT, INSTALLATIONS, or MATERIALS; approval notices ... 10364, 10366, 10812
EXPLOSIVES, transportation or storage on board vessels:
List of explosives; additions, changes ... 11016
Power-operated industrial trucks ... 11016
Regulations governing explosives, inflammable, corrosive or combustible liquids, etc ... 11019
NAVIGATION AIDS, private; district regulations ... 10353
ORGANIZATION; Coast Guard Districts, Marine inspection zones, and Captain of Port areas ... 10343
PASSENGER VESSELS; shipboard cargo gear and power-operated industrial trucks ... 11003
TANK VESSELS; shipboard cargo gear and power-operated industrial trucks ... 10996

Commerce Department: Page
See Census Bureau.
International Programs Bureau.
Maritime Administration.
National Bureau of Standards.
APPEALS BOARD, suspension of export license privilege; Henry Weingartner & Co., Inc., and Henry Weingartner ... 11301
APPOINTMENTS without compensation and statements of business interests under Defense Production Act of 1950 ... 10329, 10453, 10492, 10622, 10735, 10736, 10814, 10944, 11098
INVESTMENTS IN LESS-DEVELOPED COUNTRIES, functions of Secretary (Executive Order 10973) ... 10469
POSITION SCHEDULE SURETY BOND, invitation to bid ... 11220

Commission on Campaign Costs, President's:
Establishment (Executive Order 10974) ... 10585

Committees and Boards:
DEVELOPMENT LOAN COMMITTEE, establishment (Executive Order 10973) ... 10469
EMERGENCY BOARDS to investigate labor disputes. *See* National Mediation Board.
GRAIN EXPORTS, TECHNICAL COMMITTEE ON; special study, request for written views and information ... 11256

Commodity Credit Corporation:
LOAN AND PURCHASE AGREEMENT, PROGRAMS; 1961 crops:
Barley ... 11233
Beans, dry edible ... 11025
Grain sorghums ... 11233
Wheat ... 11281
LOAN PROGRAMS:
Cotton; 1960 and subsequent programs, Lending Agency Agreement, interest rate increase ... 10575
Tobacco, 1961 crop ... 11233
PRICE-SUPPORT PROGRAMS:
Participation of financial institutions in pools of CCC price-support loans on certain commodities; interest increase ... 10546
Price-support limitation, field crops in surplus supply, 1959 and 1960; waiver of final date for filing application of exemption ... 11207
Sales of certain commodities acquired through price-support operations; monthly list, November 1961 ... 10576, 10981
Various commodities:
Almonds ... 10686
Cotton ... 10546
Grains ... 10546
Tung nuts ... 10769

Comptroller of the Currency:
National Bank of Winchester and First National City Bank of New York; application for merger, hearing ... 11219

Conduct Standards:
See Conflict of interest.

Conflict of Interest:
APPOINTMENTS WITHOUT COMPENSATION, statements of financial interests. *See* Commerce Department.
STANDARDS OF CONDUCT, Small Business Administration employees ... 10723

Continental Shelf:
NAVIGATION AIDS, private; Coast Guard regulations ... 10343
PHOSPHATE LEASE OFFER, off California coast ... 10612

Contracts:
See also Procurement.
Authority delegations respecting contracts. *See specific agencies.*

Corn Meal:
Standard of identity, labeling requirements ... 11209

Cotton:
EXPORT PROGRAM, 1961–62; payment in kind ... 10586
LOAN PROGRAMS, increased interest rate ... 10575
PRICE-SUPPORT LOANS, increased interest rate ... 10546

Cottonseed: Page
Purchase program, 1961 ... 10961

Cottonseed Oil:
Purchase program, 1961 ... 10961

Customs Bureau:
ANTIDUMPING ACT of 1921:
Appraisement, publication of findings; portland gray cement from Portugal ... 10476
Findings of dumping, amendment of authority delegation order ... 11255
Secretary of Treasury determinations. *See main heading* Treasury Department.
APPRAISEMENT, Antidumping Act procedure; publication of findings; portland gray cement from Portugal ... 10476
ORGANIZATION and functions; offices, establishment of, under Deputy Commissioners, Divisions of Marine Administration, and Technical Services ... 10643
TARIFF CLASSIFICATION; footwear, certain, tennis type, proposed classification ... 10521
VESSELS:
Documentation:
Enrollment and licenses, coasting trade and fisheries ... 10508
Redocumentation of vessels sold or transferred abroad to U.S. citizen; proposed rule ... 10731
In foreign and domestic trades; formal entry, deposit of register ... 10508

D

Danger and Restricted Areas and Zones:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, navigation danger zones. *See* Engineers Corps.

Dates:
Import regulations ... 10689

Defense Department:
See Army Department.
Navy Department.
AUTHORITY DELEGATIONS:
By Secretary to Army Department Secretary; settlement of tort claims ... 11089
From Secretary of State; certain functions under Foreign Assistance Act, 1961, respecting International Development Agency, staff compensation under Foreign Service Act, 1946 ... 10609
FOREIGN ASSISTANCE, functions of Secretary (Executive Order 10973) ... 10469
Procurement outside United States (Memorandum of October 18; 1961) ... 10543
TRANSPORTATION SERVICE, ocean; authority and responsibility ... 10931

Defense Mobilization:
See Emergency Planning Office.

Denmark:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ... 10543

Development Loan Committee:
Establishment (Executive Order 10973) ... 10469

Development Loan Fund:
Termination, and transfer of functions to State Department (Executive Order 10973) ... 10469

Diplomatic Missions, U.S.:
Responsibilities of chiefs (Memorandum of May 27, 1961) ... 10749

Disaster Areas:
Federal assistance. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.

Discrimination:
See Nondiscrimination.

Diving Operations:
Canal Zone regulations ... 10353

Drugs: Page
Certification and tests, etc. *See* Food and Drug Administration.

E

Education and Educational Facilities:
INDIANS, schools for; handling of student funds ... 10637
SCHOOL PURPOSES, public lands opened to application by certain States for. *See* Land Management Bureau.
TEACHERS, PRINCIPALS, school superintendents, in Indian schools and federally operated elementary and secondary schools; education requirements ... 10447
VETERANS, education and training. *See* Veterans Administration.
WAR ORPHANS, educational assistance ... 10478

Eggs:
Turkey hatching eggs, proposed marketing agreement; hearing ... 10286, 10516, 10772

Eight-Hour Law:
Suspension with respect to laborers and mechanics employed on public works by National Aeronautics and Space Administration (Executive Order 10976) ... 10825

Emergency Boards:
See National Mediation Board.

Emergency Planning Office:
DISASTER AREA requiring Federal assistance, Texas ... 10534
VOLUNTARY PLANS, Ordnance Corps Integration Committee on M14 rifle; deletion of company ... 10509

Employees' Compensation Bureau:
Compensation for disability and death of noncitizens outside United States, criteria for payment ... 10509

Engineers Corps, Army Department:
ANCHORAGE REGULATIONS:
Delaware, Delaware Bay and River ... 11179
New York, port of New York and vicinity ... 11171, 11174
Rhode Island, Narragansett Bay ... 11172
Texas, Sabine Pass Channel ... 10805
Virginia, Hampton Roads and adjacent waters ... 11181
Washington, Puget Sound area ... 11184
BRIDGE REGULATIONS:
Atlantic Ocean, Chesapeake Bay and Gulf of Mexico, navigable waters, except Mississippi River ... 11188
California, San Francisco and San Pablo Bays, tributaries ... 11195
Florida, Oklawaha and Dead Rivers, and Haines Creek ... 10445
Massachusetts, Boston Harbor and adjacent waters ... 11185
New Jersey, navigable waters ... 11187
New York, navigable waters ... 11187
Texas, Intracoastal Waterway; revocation ... 10805
DANGER ZONE REGULATIONS:
Delaware, Atlantic Ocean ... 11196
Florida:
Choctawatchee Bay ... 11197
Straits of Florida and Florida Bay, Key West vicinity; Naval Air Station ... 11197
Massachusetts:
Atlantic Ocean off Cape Cod ... 10278
Buzzards Bay, and adjacent waters ... 11195
Rhode Island, Narragansett Bay, naval operations ... 11196
FISHING REGULATIONS, California, certain bays, rivers, etc.; floating or drifting fish nets ... 11197
NAVIGATION REGULATIONS:
California, San Francisco and San Pablo Bays and certain connecting waters ... 11201
Illinois, Ohio and Mississippi Rivers and tributaries, above Cairo ... 11199
Washington, Puget Sound area ... 11203

Explosives:
Packing, transportation, etc. *See* Coast Guard; Interstate Commerce Commission.

Export Control:
See International Programs Bureau.

Export-Import Bank: Page
Agricultural Trade Development and Assistance Act of 1954, functions:
Foreign currencies, termination of functions (Executive Order 10972) ... 10469
Loans, transfer of functions to State Department (Executive Order 10973) ... 10469

Exports:
See Imports and exports.

F

Farm Credit Administration:
Banks for cooperatives; cancellation and retirement of stock, etc., of borrower in liquidation or dissolution ... 10267

Farmers Home Administration:
DEBT ADJUSTMENT, VOLUNTARY; general methods, processing applications ... 10267
GREAT PLAINS AREA, assistance in; revocation and supersedure ... 10267

Federal Aviation Agency:
AGENCY REGULATIONS; proposed recodification ... 10698
AIR TRAFFIC RULES:
Aircraft speed ... 10752
Instrument flight rules, course to be flown; proposed rule ... 10307
AIRSPACE; construction, proposed:
Radio antenna structures and towers:
No objections ... 10248
Objections ... 10248, 10373
Television antenna structures and towers; no objections ... 10456, 10457
Water storage structures:
No objection ... 10248
Objection ... 10944
AIRWORTHINESS DIRECTIVES:
Aeronca ... 11047
Bell ... 10274
Boeing ... 10341, 10571, 10963
Brantly ... 10341
Canadair ... 10223, 10224, 10340
Convair ... 11236
Curtiss-Wright ... 10362, 10963
De Havilland Heron ... 10273
Douglas ... 10474, 10963, 10964
Lockheed ... 10634
Mooney ... 10274
Navion and Twin Navion ... 10362
Sensenich ... 10634
Vickers ... 10224, 10274
ALTITUDES, instrument. *See* Instrument flight rules.
ANTENNA STRUCTURES AND TOWERS, etc. *See under* Airspace.
APPROACH PROCEDURES. *See* Instrument flight rules.
BALLOONS, moored; kites, unmanned free balloons, rockets and missiles, operation, proposed rule, hearing ... 10701
CERTIFICATES; proposed rules:
Mechanic; time limit for completion of mechanic examinations ... 10571
Supplemental type, delegation option procedures ... 10776
CONSTRUCTION; radio and TV antenna structures and towers, buildings, etc. *See under* Airspace.
CONTROL AREAS, CONTROL ZONES, etc.:
Control areas:
Continental control area; alterations ... 10342, 10876, 11047, 11048, 11237
Extension of control areas:
Alterations ... 10225, 10429, 10451, 10475, 10488, 10602, 10603, 10605, 10635, 10636, 10724, 10778, 10779, 10876, 10883, 10935, 11048, 11289
Revocation and redesignation; proposed rule ... 10881
VOR Federal airway control areas; low altitude; alterations, domestic ... 10428, 10429, 10451, 10507, 10547, 10588, 10602, 10723, 10733, 10876
Control zones:
Alterations ... 10225, 10341, 10429, 10489, 10507, 10520, 10723, 10876, 10964
Revocation and redesignation; proposed rule ... 10881
Positive control areas; revocation and redesignation, proposed rule ... 10881

Federal Aviation Agency—Continued Page
CONTROL AREAS, CONTROL ZONES, etc.—Con.
Positive control route segments; revocation and redesignation, proposed rule ... 10881
Reporting points:
Alterations:
Other reporting points ... 10635
VOR Federal airways report points:
Intermediate altitude ... 10588, 10589
Low altitude ... 10589, 10635
Revocation and redesignation; proposed rule ... 10881
Transition areas:
Designation and alterations ... 10363, 10451, 10488, 10602, 10603, 10605, 10733, 10778, 10779, 10876, 10883 10935.
Revocation and redesignation; proposed rule ... 10881
FEDERAL AIRWAYS:
Basis and purpose; redesignation, proposed rule ... 10881
Control areas, extent; redesignation, proposed rule ... 10882
Federal airways, extent; redesignation, proposed rule ... 10882
Redesignation, proposed rules ... 10882
Terms, explanation; redesignation, proposed rule ... 10882
VOR Federal airways; alterations:
Intermediate altitude ... 10427, 10428, 10520, 10546, 10588, 10634, 10635, 10723, 10753, 10777, 10874, 10875, 10964, 11237, 11289
Low altitude, domestic ... 10225, 10428, 10429, 10451, 10475, 10507, 10547, 10588, 10602, 10723, 10875, 10876, 10934, 11047.
INSTRUMENT FLIGHT RULES:
Altitudes, minimum en route IFR; particular routes and intersections:
Colored Federal airways (amber, blue, green, red) ... 10724
VOR Federal airways ... 10724
Approach procedures, standard, for take-off and landing at particular airports; alterations:
Instrument landing system procedures ... 10434, 10441, 10759, 10767
Radar procedures ... 10435, 10443, 10761, 10768
Radio range procedures ... 10430, 10436, 10754, 10762
INTERNATIONAL AVIATION; Warsaw convention and Hague protocol, reconsideration, time extension ... 10981
JET ROUTES, jet advisory areas, and high altitude navigational aids; alterations:
Jet advisory areas:
En route ... 10590, 11254
Terminal ... 10590, 10635
Jet routes ... 10724, 10809, 11087, 11254
Navigational aids, high altitude ... 10635
KITES; operation, proposed rule, hearing ... 10701
MAINTENANCE, REPAIR, and alteration of airframes, powerplants, etc.; work by Canadian mechanics (SR-377B) ... 10473
MISSILES; operation, proposed rule, hearing ... 10701
ORGANIZATION AND FUNCTIONS:
Airports Division of Aviation Facilities Service, abolishment ... 10644
Airports Service, establishment ... 10644
PROCEDURAL REGULATIONS; delegation option procedures for supplemental type certification, proposed rule ... 10776
RECODIFICATION of agency regulations, proposed rules ... 10698
RESTRICTED AREAS over military installations, etc.; alterations:
Florida ... 10342, 10636, 11047, 11048
Hawaii ... 10636
Indiana ... 11237
Kansas ... 10733, 10965
Michigan ... 10965
Minnesota ... 10724
North Carolina ... 10876
ROCKETS; operation, proposed rule, hearing ... 10701
STRUCTURES, proposed construction; effect upon navigable airspace. *See* Airspace.
WARSAW CONVENTION and Hague protocol; international aviation, reconsideration, time extension ... 10981

Federal Communications Commission:
ALASKA, public fixed stations and stations of maritime services:
Change in terminology, kc/s and Mc/s in lieu of kc and Mc ... 10591
Survival craft stations and frequencies, coast and ship stations ... 10925, 11246, 11293

Federal Communications Commission—Con.

Page

AMATEUR RADIO SERVICE; availability of certain frequency bands in Alaska and Hawaii, proposed rule ---- 10240
AVIATION SERVICES; various stations:
Aircraft radio stations, radionavigation stations aboard aircraft, etc.; transmission of radio signals to activate lights ---- 10926
Civil Air Patrol stations, additional frequencies ---- 10926
Private aircraft stations; frequencies available, control of airport lights ---- 10926
CANADIAN BROADCAST STATIONS ---- 10647
COMMERCIAL RADIO OPERATORS; fraudulent licenses, proposed rule ---- 11298
EDUCATIONAL BROADCAST STATIONS. *See under* Radio broadcast services.
EXPERIMENTAL NONBROADCAST RADIO SERVICES:
Definition of terms, authorized power ---- 10806
Developmental service, frequencies available ---- 10806
Operator requirements, Mc changed to Mc/s ---- 10806
Student authorizations, frequencies ---- 10806
FREQUENCIES AND CHANNELS:
See also Frequency allocations.
Frequency bands:
610–1220 kc/s ---- 10447
2638 kc/s ---- 10918
4602.5 kc/s ---- 10926
4630 kc/s ---- 10926
7245–7255 kc/s ---- 10240
14,220–12,230 kc/s ---- 10240
2–27.5 Mc/s ---- 10918, 10925
30 Mc/s, below ---- 11298
46.51–46.60 Mc/s ---- 10573
88–108 Mc/s ---- 10940
8750–8850 Mc/s ---- 10702
Services and stations:
Aeronautical radionavigation service ---- 10702
Aviation services ---- 10926
Canadian broadcast stations ---- 10647
Maritime radio services ---- 10918, 10919, 10925
Telemetering devices and wireless microphones ---- 10940
Television broadcast stations ---- 10239, 10572, 10606, 10917, 10935, 10938, 10939, 10940, 11293, 11297
FREQUENCY ALLOCATIONS:
See also Frequencies and channels, *above*.
Allocation, assignment and use of radio frequencies ---- 10656
Table of frequency allocations ---- 10660
8750–8850 Mc/s ---- 10702
Definitions ---- 10656
HEARINGS, ORDERS, etc.; companies and stations, *see list at end of this agency.*
INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT:
Definitions, ISM frequencies, operation on microwave frequencies ---- 10281
Industrial heating equipment, radiation limits ---- 10282
Medical diathermy equipment, frequencies ---- 10282, 10591, 10927
INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES; single sideband transmissions in radiotelephone service below 30 Mc/s, proposed rules ---- 11298
MARITIME RADIO SERVICES:
Alaska. *See* Alaska.
Land stations:
Change in terminology, kc/s and Mc/s in lieu of kc and Mc ---- 10591
Safety communications, use of 2638 kc ---- 10918
Survival craft stations and frequencies ---- 10918
Technical standards, transmitter power; frequencies below 27,500 kc ---- 10919
Telegraphy, use by coast stations; assignable frequencies ---- 10919
Telephony, use by public coast stations; frequencies ---- 10919
Shipboard stations:
Change in terminology, kc/s and Mc/s in lieu of kc and Mc ---- 10591
Definitions, maritime mobile service ---- 10921
Radiotelegraphy, use of:
Frequencies ---- 10921
Licenses, modification ---- 10925
Tables of ship radiotelegraph frequencies from 2 Mc/s to 27.5 Mc/s ---- 10923

Federal Communications Commission—Con.

Page

MARITIME RADIO SERVICES—Continued
Shipboard stations—Continued
Radiotelephony, use of:
Frequencies ---- 10922
Licenses, modification ---- 10925
Safety and operational communications, use of 2638 kc ---- 10918
Survival craft stations and frequencies ---- 10921
Technical requirements ---- 10921
NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT; changes in assignments in Canada ---- 10647
ORGANIZATION AND FUNCTIONS, Chief Hearing Examiner ---- 10946
PRACTICE AND PROCEDURE:
Clear channel broadcasting in standard broadcast band; applications for frequencies adjacent to class I–A channels ---- 10447
Hearing proceedings, taking of depositions ---- 10279
PUBLIC SAFETY RADIO SERVICES; various services:
Fire service; split channels ---- 10569
Forestry-conservation service, frequencies available:
Reallocation of band, and 20 kc channeling; proposed rules ---- 10573
Split channels ---- 10569
Highway maintenance service, frequencies available; split channels ---- 10569
Local Government service, frequency band 46.51–46.60 kc, and 20 kc channeling; proposed rules ---- 10573
Police service; split channels ---- 10569
RADIATION DEVICES:
Definition, harmful interference ---- 10281
Low power communication devices, proposed rules ---- 10940
Radio receivers, measurement procedure ---- 10281
Telemetering devices and wireless microphones, proposed rules ---- 10940
RADIO BROADCAST SERVICES:
Educational FM broadcast stations, noncommercial; stereophonic broadcasts ---- 10729
Standard broadcast stations:
Applications ready and available for processing ---- 10816, 10982, 11303
Clear channel broadcasting:
Application processing, modification ---- 10280, 10448
Petitions for reconsideration, extension of time for filing responses to ---- 10280
Television broadcast stations:
Channel utilization:
Table of assignments; additions, deletions, changes:
Alabama ---- 10606, 10940, 11297
California ---- 10572, 10935
Connecticut ---- 10606, 10940
Florida ---- 11297
Georgia ---- 11297
Illinois ---- 10606, 10940
Kentucky ---- 10938
Michigan ---- 10939, 11293
Nevada ---- 10935
New York ---- 10606, 10939, 10940
North Carolina ---- 11297
Ohio ---- 10938
Oregon ---- 10917
Pennsylvania ---- 10572, 10606, 10940
South Carolina ---- 10239, 10606, 10940
Tennessee ---- 11297
Wisconsin ---- 10606, 10940
UHF channels, expanded use; proposed rules, extension of time ---- 10606
Option time and station's right to reject network programs; oral argument, continuation ---- 10939
TELEPHONE AND TELEGRAPH COMPANIES; rates and charges, hearings and investigations respecting American Telephone and Telegraph Co. *See under* Hearings, *below*.

HEARINGS, ORDERS, ETC.:
American Telephone and Telegraph Co., 10313, 10314, 10814.
Antennavision Service Co., Inc., 10315, 10645.
Arizona Micro-Wave System Co., 10316, 10645.
Barren County Broadcasting Co., 10614.
Barrick John M., 10614.
Baysden, W. E., 10982.
Bi-States Co. (KHOL–TV), 10458.

Federal Communications Commission—Con.

Page

HEARINGS, ORDERS, ETC.—Continued
Black Hills Video Corp., 10316, 10646.
Bloomington Broadcasting Corp. (WJBC and WJBC–FM), 10249.
Burbank, Eugene R., 10945.
Catskills Broadcasting Co. et al., 10249, 11224.
Ceracche & Co., Inc., 10320, 10646, 10706.
Clay Service Corp., 10323.
Collier Electric Co., 10317, 10646.
Columbia Basin Microwave Co., 10320, 10617.
Community Service Broadcasters, Inc. et al., 10706.
Crosby County Broadcasting Co., 10321.
Dakota Microwave Co., 10321, 10646.
Dean, Elbert H. et al., 10580.
Eastern Broadcasting System, Inc. et al., 10945.
Fitzgerald, Francis M., 11091.
Flower City Television Corp., 11094.
Folkways Broadcasting Co., Inc. (WTCW), 10617.
Follmer, Walter L., 10737.
Gem State Candy Co., 10457.
Genesee Valley Television Co., Inc., 11094.
Hershey Broadcasting Co., Inc., 10321.
Higson-Frank Radio Enterprises, 10614, 10707.
Howard, William S., 10249.
Humbert, William, Jr., 10983.
Johnson Broadcasting Corp., 10707.
Jones, Clarence Everett, 10321.
KOFE, Inc. (KOFE), 10615.
KSAY Broadcasting Co., 11224.
KWTX Broadcasting Co. (KWTX), 11303.
Kenosha Broadcasting, Inc., 10249.
Kent-Ravenna Broadcasting Co. et al., 10707, 10983.
Kerryville Broadcasting Co. (KERV), 11303.
Lake Shore Broadcasting Co., Inc. (WDOE), 11304.
Levitt, Neil N., 10523, 10814.
Little Joe Enterprises (WJOE), 10616.
M & M Telecasters et al., 10615, 10707.
Magnolia Broadcasting Co. (KVMA), 11225.
Mararian, Harold A., 10986.
Mesa Microwave, Inc., 10322, 10646.
Mia Enterprises, Inc. (KWBE), 10458, 10615.
Neighborly Broadcasting Co., Inc. (WLOV–FM), 10618, 10737.
New York Penn Microwave Corp., 10323, 10647.
Newman, William Wright, 10737.
Oklahoma Broadcasting Co., 10459.
Patchogue Broadcasting Co., Inc. (WAPC), 10986.
Port Chester Broadcasting Co., 10945.
Pressley, Vernon E., 10617.
Putnam Broadcasting Corp., 10945.
Quincy Valley Broadcasters, 10617.
REA Radio and Electronic Laboratory, 10580, 11225, 11305.
Radio-Active Broadcasting, Inc. (WATO), 10323.
Radio Alexander City, 10323.
Radio Americana, Inc., 10946.
Radio Associates, Inc. (WEER), 11306.
Reading Radio, Inc., 10321.
Ridge Radio Corp., 10618.
Rounsaville of Miami Beach, Inc. (WFUN), 10617, 10707.
S B B Corp., 10614, 10707.
Sands Broadcasting Corp. et al., 10987.
Sapulpa Broadcasters, 10459.
Sarasota-Charlotte Broadcasting Corp., 10616.
Schlueb, Harold V., 11225.
Scott, George L., 10458.
Smackover Radio Inc., 11225.
Strafford Broadcasting Corp. (WWNH), 10618.
Sullivan Trail Coal Co., 10987, 11225.
Superior Communications Co., Inc., 10324, 10647.
Taylor, Robert S., 10321.
Topeka Broadcasting Association, Inc. (WIBW–TV), 10458.
Turchiaro, Al, 10987.
Veterans Broadcasting Co., Inc. et al., 10814, 11225.
WFYC, Inc. (WFYC), 11306.
WJMJ Broadcasting Corp., 10250.
WNOW, Inc. (WNOW), 11306.
Western TV Relay, Inc., 10324, 10647.
Wilson, William, 11226.
Windber Community Broadcasting System, 10618.
Wolverine Broadcasting Co. et al., 10459, 10618.
Ybor City Broadcasting Co., 10707.
Young People's Church of the Air, Inc., 10250.

Federal Crop Insurance Corporation:

Federal Crop Insurance; 1962 and succeeding crop years, peach crop, general provisions ---- 10630

Federal Employees:

See Government employees.

Federal Home Loan Bank Board:

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; operations, proposed rules:
Change of State-chartered mutual insured institution to guaranty or permanent stock type institution ---- 11217
Loans and investments, general powers ---- 10239
FEDERAL SAVINGS AND LOAN SYSTEM; conversion from Federal to State charter ---- 11208

Federal Housing Administration:

ARMED SERVICES housing mortgage insurance, military personnel; amendment of regulations by Commissioner ---- 10231
COOPERATIVE HOUSING mortgage insurance, eligibility requirements, projects; maximum insurable amounts ---- 10229
MODERATE INCOME AND DISPLACED FAMILIES housing mortgage insurance; projects, eligibility requirements, maximum mortgage amounts ---- 10230
MUTUAL MORTGAGE INSURANCE and insured home improvement loans; eligibility requirements:
Amendment of regulations by Commissioner ---- 10229
Loan amortization period ---- 10229
NATIONAL DEFENSE housing mortgage insurance, individual residences:
Amendment of regulations by Commissioner ---- 10231
Forbearance of foreclosure ---- 10231
NURSING HOMES, mortgage insurance; amendment of regulations by Commissioner:
Contract rights and obligations ---- 10231
Eligibility requirements; increased mortgage amounts ---- 10230
RENTAL HOUSING, multifamily housing mortgage insurance:
Contract rights and obligations; amendment of regulations by Commissioner ---- 10229
Eligibility requirements; maximum mortgage amounts ---- 10229
TITLE I mortgage insurance, property improvement loans; contract rights and obligations, amendment of regulations by Commissioner ---- 10229
URBAN RENEWAL mortgage insurance and insured improvement loans:
Homes, eligibility requirements, insured improvement loans:
Cost certification requirements ---- 10230
Incorporation by reference ---- 10230
Maximum loan amount ---- 10230
Projects, eligibility requirements:
Insured project improvement loans; amendment of regulations by Commissioner ---- 10230
Project mortgage insurance:
Classification of mortgagors; deletion ---- 10230
Incorporation by reference ---- 10230
Maximum mortgage amounts ---- 10230
WAR HOUSING mortgage insurance; amendment of regulations by Commissioner:
Individual homes ---- 10231
Multifamily projects ---- 10231
Single family project loans ---- 10231
YIELD INSURANCE, for investments in rental housing for moderate income families; amendment of regulations by Commissioner ---- 10231

Federal Maritime Commission:

CHARGES, user, establishment; proposed rules, extension of time ---- 10520
FREIGHT FORWARDERS; licensing of independent ocean freight forwarders, proposed rule ---- 10941
RATES, schedules, tariffs, etc.; investigations and hearings:
Atlantic-Gulf/Puerto Rico trade ---- 10325, 10738
Hawaiian rates; second general increase, 1961 ---- 10738
TARIFF SCHEDULES, effective; references to Federal Maritime Board changed to read Federal Maritime Commission (FMC) ---- 10989
TRANSPORTATION AGREEMENTS, approved, unapproved, cancellations, hearings, etc.:
Alcoa Steamship Co., Inc ---- 10325, 10988
Cunard Steam-Ship Co., Ltd ---- 10325
Encinal Terminals ---- 10460
Hanson, T. J ---- 10988
M.A.N.Z. Line joint service ---- 10988
Oakland, Calif ---- 10460

Federal Maritime Commission—Continued

Page

TRANSPORTATION AGREEMENTS, etc.—Continued
- Pacific Westbound Conference member lines et al. 10739
- Spedden, T. R. 10988, 10989
- Stockholm Port District 10988
- Stockton Elevators, Inc. 10988
- Thielen, H. S., Inc. 10989
- Wilh. Wilhelmsen Line joint service 10325

USER CHARGES, establishment; proposed rules, extension of time 10520

Federal Power Commission:

FEDERAL POWER ACT regulations:
- Headwater benefits; annual payments to licensees and permittees, settlement agreements 10794
- Power site reserves, determinations:
  - No. 44, Washington 10947
  - No. 363, New Mexico 10947
  - No. 378, Oregon 10989

HEARINGS. *See list at end of this agency.*

LANDS; withdrawals, vacations, etc. for listed projects:
- No. 2079, California 10524
- No. 2227, Alaska 10373

NATURAL GAS ACT; area price levels for sales by independent producers, Louisiana 10342, 10887

PRACTICE AND PROCEDURE, general policy statements; area price levels for natural gas sales by independent producers, Louisiana 10342, 10887

HEARINGS, APPLICATIONS, ETC.:
- American Gas Co., 11309.
- Arkansas Louisiana Gas Co., 10619, 10946.
- Bel Oil Corp., 11309.
- Brown, George R., 10251.
- Cabot Corp., 10740.
- Colorado Interstate Gas Co., 10370, 11309.
- Columbia Gulf Transmission Co., 10493.
- Constantine, S. T. et al., 11095.
- Continental Oil Co. et al., 10817.
- East Tennessee Natural Gas Co., 10493.
- Eastern Shore Natural Gas Co., 10817.
- El Paso Natural Gas Co., 10371, 10494, 10888.
- First Transportation Gas Corp., Inc., 10741.
- Frio-Tex Oil and Gas Co., 11310.
- Getty, Jean Paul et al., 11307.
- Hartman, E. C. et al., 10495.
- Heckert, Leland D., lease et al, 10889.
- Home Gas Co., 10496.
- Huber, J. M., Corp. et al., 10740.
- Hunt, H. L. et al., 10252.
- Indiana Natural Gas Corp., 10817, 11310.
- Iowa Southern Utilities Co., 10707.
- Katz Oil Co. et al., 10889.
- Lima Gas Co., 10253.
- Lone Star Gas Co., 10496, 10619.
- Louisville, Ill., village of, 10709.
- Manufacturers Light & Heat Co., 10620, 10742.
- Mississippi River Transmission Corp., 10524.
- Montana-Dakota Utilities Co. et al., 11095.
- Natural Gas Pipeline Co. of America, 10371.
- New York State Natural Gas Corp., 11259.
- Ohio Fuel Gas Co., 10989.
- Ohio Oil Co. et al., 10496.
- Pan American Petroleum Corp. et al., 10525.
- Prophetstown Natural Gas Co., 10497.
- Puget Sound Power & Light Co. et al., 10891.
- Rockland Electric Co., 10325.
- Shamrock Oil & Gas Corp., 10708.
- Simmons Gas Co. et al., 10526.
- Sinclair Oil & Gas Co., 10741.
- Socony Mobil Oil Co., Inc. et al., 10253.
- Sohoma Natural Gas Co., Inc., 10741.
- Southwestern Power Administration, 10818.
- Standard Oil Co. of Texas et al., 10891.
- Sun Oil Co. et al., 10371.
- Sunray Mid-Continent Oil Co. et al., 11310.
- Tennessee Gas Transmission Co., 10620, 10742, 11312.
- Texaco, Inc. et al., 10647, 11259.
- Texas Eastern Transmission Corp., 10250.
- Texas Gas Corp., 10620.
- Texas Gas Transmission Corp., 10250, 10708.
- Texas Gulf Producing Co., 10743.
- Trunkline Gas Co., 10524.
- Union Water-Power Co., 10743.
- Western Colorado Power Co., 10990.
- Yuba County Water Agency, 10947.

Federal Radiation Council:

Page

Radiation protection standards for uranium mining, requests for comments 10740

Federal Reserve System, Board of Governors:

BANK HOLDING COMPANIES, applications, requests for determinations, etc.:
- First Colorado Bankshares, Inc. 10497
- Marine Corp 10709, 11260
- Montana Shares, Inc. 10892
- United California Bank 10948

PROCEDURE; action on bank holding company and merger applications 10340

Federal Trade Commission:

FUR PRODUCTS LABELING ACT; name guide pertaining to foxes, raccoons, and opossums 10446

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS:
- Baker, Samuel B., and Robert C., 10508.
- Baker Merchandising Corp., 10508.
- Bergstein, Stanley, 10637.
- Brourman, Phillip, 10637.
- Caplan, Bernard, 10637.
- Columbia Contracting Co., 10637.
- Comess, Morris and Max, 11238.
- Commerce Contracting Co. et al., 10637.
- Crawford Industries, Inc., 10727.
- Diamonstein, Albert, 11238.
- Doehla Greeting Cards, Inc., 10771.
- Eastern Marketing Service, 10966.
- Eastwood, H. Palmer, 10966.
- Egelberg, Morris, 10965.
- Egelberg & Seidman, Inc., 10965.
- Foster, Louis W., and Howard S., 10548.
- Foster, L. W., Sportswear Co., Inc., 10548.
- Graber, Jack L., 10929.
- Hament, Augustus, 11237.
- Hankin, Arthur, 10476.
- Hypo Surgical Supply Corp., 11237.
- Karpus, Benno, 11289.
- Kastner, Harold Henry, 10878.
- Kastner, H. H., & Co., 10878.
- Lees, James and Sons Co., 10445.
- Leous, Thomas M., Jr., and Alfred T., 10445.
- Leous Furriers, 10445.
- Levine, Lawrence, 10690.
- Levine, Larry, Inc., 10690.
- Lubell, Murray, 10727.
- Lubell, Murray, Inc., 10727.
- Luxury Industries, Inc., 10476.
- Margolis, Tevis, 10637.
- Nelson, Alfred E., 10226.
- Nelson, A. E., and Co., Inc., 10226.
- Paramount Bedding Corp., 11238.
- Patlum Co., 10476.
- Patlum Luxury Industries, 10476.
- Portnoy, David, 10929.
- Rawlings, Lawrence, 10508.
- Rosenhirsch, Alfred E., 11237.
- Rosenstein, Samuel J., 10929.
- Segal, David, 10929.
- Seidman, Hyman, 10965.
- Stevens, W. B., 10966.
- Towers Marts, Inc., 10929.
- Wallik, Melvin, 11237.
- Weiner, Harry, 10727.
- Weintraub, Aron, 11289.
- Western European Import Co., 11289.
- Zimmerman, Irving, 10727.
- Zisson, Max, 11237.

Feed Grains:

1961 PROGRAM, regulations 10769
1962 PROGRAM, regulations 10787

Filberts:

MARKETING, Oregon and Washington 10688
STANDARDS, filberts in shell 11025

Fish and Wildlife Service:

COMMERCIAL FISHERIES, Pribilof Islands, administration; landing and use of liquor, proposed deletion of restriction 10640

HUNTING AND POSSESSION OF WILDLIFE:
- Areas open to hunting and fishing. *See under* Wildlife refuges.

Fish and Wildlife Service—Continued

Page

HUNTING AND POSSESSION OF WILDLIFE—Con.
- Migratory birds:
  - Hunting methods, exceptions 11246
  - Permits 11246

MIGRATORY BIRDS. *See* Hunting and possession of wildlife.

PRIBILOF ISLANDS, administration, commercial fisheries; landing and use of liquor, proposed deletion of restriction 10640

WILDLIFE REFUGES, NATIONAL:
- *See also* Hunting and possession of wildlife.
- Areas open to hunting or sport fishing:
  - California, hunting:
    - Colusa 10638
    - Merced 10639
    - Salton Sea 10639
    - Sutter 10639
  - Florida; Loxahatchee, sport fishing 10973
  - Maine; Moosehorn, sport fishing 10878
  - Minnesota:
    - Hunting:
      - Rice Lake 11251
      - Upper Mississippi River 11251
    - Sport fishing; Rice Lake 10234
  - New Mexico; Burford Lake, hunting 10730
  - North Dakota:
    - Hunting; Tewaukon 10233, 10730
    - Sport fishing:
      - Arrowwood 10973
      - Lake Ilo 10973
      - Long Lake 10973
      - Lower Souris 10974
      - Tewaukon 10974
      - Upper Souris 10974
  - South Dakota:
    - Hunting:
      - Lacreek 10234
      - Sand Lake 11216
    - Sport fishing:
      - Sand Lake 10235
      - Waubay 10235
  - Wisconsin; Horicon:
    - Hunting 10282
    - Sport fishing 10974

Fishing:

COMMERCIAL FISHING, restrictions on use of nets in certain California waterways; Engineers Corps regulation 11197

SPORT FISHING in certain wildlife refuge areas. *See* Fish and Wildlife Service.

Food Additives:

See Food and Drug Administration.

Food and Drug Administration:

BACITRACIN, food additive containing, in certain feed:
- Chicken feed, combined with zoalene 10774
- Quail chicks 10732

BREAD, white, rolls or buns, standards of identity, label statements of optional ingredients:
- *L*-cysteine; proposed rule 10362
- Shortening; lecithin, certain glycerides, etc. 10550

CORN MEAL, enriched; standards of identity 11209

DRUGS:
- *See also specific drugs.*
- Antibiotic and antibiotic containing drugs; general regulations, animal feed, containing penicillin 10228
- Drugs and devices, prescription and veterinary; directions for use, labeling requirements, proposed rule 10601
- Laboratory diagnosis of disease, antibiotics intended for use in; antibiotic sensitivity discs, tests and methods of assay, potency 11212
- New drugs, anthelmintics containing piperazine preparations; exemption from certain prescription-dispensing requirements, proposed rule 10811

ENFORCEMENT regulations, drugs and devices; directions for use, labeling requirements, prescription and veterinary drugs and devices, proposed rule 10601

FOOD ADDITIVES, specific tolerances for listed chemicals in animal feed, certain foods, and food processing and packaging; rules proposed or adopted:
- Animal or poultry feed, or supplements:
  - Cattle and heifers; ronnel for control of grubs 11210, 11293

Food and Drug Administration—Continued

Page

FOOD ADDITIVES—Continued
- Animal or poultry feed, or supplements—Continued
  - Chicken feed:
    - Amprolium 10228, 10362
    - Nystatin 10590
    - Zoalene combined with procaine penicillin and zinc bacitracin 10774
  - Dog food, medicated; diethylcarbamazine 11211
  - Quail chicks; bacitracin in feed 10732
  - Turkey feed:
    - Amprolium 10228
    - Nystatin 10590
- Definitions, procedural and interpretative regulations; further extension of effective date of statute for certain specified additives:
  - Direct additives 11210, 11241
  - Indirect additives 11210, 11242
- Human consumption:
  - Cereal flours or cooked cereal; hydrogen cyanide, fumigant 10476
  - Cereal grains; piperonyl butoxide combined with pyrethrins 11052
  - Chickens; edible tissues containing residues of amprolium 10228
  - Cocoa; fumigation with hydrogen cyanide 10698
  - Dietary supplements:
    - 4-Amino-2-methyl-1-naphthol hydrochloride; withdrawal of petition 10881
    - Corn oil emulsion in caloric dietary supplement; polysorbate 80 as emulsifier 11254
    - Vitamin-mineral preparations; potassium iodide 10343
  - Eggs containing residues of amprolium 10228
  - Extract, sugar beet, as flavor base in food 11217
  - Foods, certain, processed; hydrogen cyanide as fumigant 10476
  - Meat, uncooked; ham, bacon, and sausages, hydrogen cyanide as fumigant 10476
  - Milk; ronnel residues 11210
  - Salmon, smoked, cured; sodium nitrite 10452
  - Shad, smoked, cured; sodium nitrite, petition withdrawn 10452
  - Turkeys; edible tissues containing residues of amprolium 10228
  - Vitamin-mineral preparations; nutritional supplement, potassium iodide 10343
- Packaging or processing materials:
  - Containers or equipment, additives affecting food; acrylate ester copolymer coating 11211
  - Paper or paperboard for packaging or food contact, certain additives for coatings, slime control, etc. 11242
  - Safe substances, certain; synthetic flavoring and adjuvants 11210

HAZARDOUS SUBSTANCES:
- Definitions; substances that generate pressure 11214
- Exemptions for small packages, minor hazards, and special circumstances 11214
- Fire extinguisher; proposed rule 11217
- Labeling:
  - Placement, conspicuousness, contrast 11214, 11293
  - Special labeling:
    - Carbon tetrachloride; proposed rule 11217
    - Methyl alcohol 11214
    - Turpentine and petroleum distillates 11214

NEW DRUGS; anthelmintics containing piperazine preparations, exemption from certain prescription-dispensing requirements, proposed rules 10811

PEANUT BUTTER; standards of identity, label statement of optional ingredients 11209

PENICILLIN:
- Certification of batches 10728
- Food additive combined with zoalene in chicken feed 10774

PESTICIDE CHEMICALS:
- Nematocides, plant regulators, etc.; further extension of effective date of enforcement proceedings 10551
- Specific tolerances or exemptions, for residues of listed chemicals on various agricultural commodities, rules proposed or adopted:
  - Diatomaceous earth 10228
  - 2, 4-Dichloro-6-o-chloroanilino-s-triazine 10732
  - Ethylene oxide 11297

Food and Drug Administration—Continued Page
PESTICIDE CHEMICALS—Continued
Specific tolerances or exemptions, etc.—Continued
Inert ingredients, certain 10640
Methyl bromide, inorganic bromides resulting from fumigation with 10487
1-Naphthyl *N*-methylcarbamate 10550, 10551
Sulfur dioxide and sodium metabisulfite 10810
VITAMIN-MINERAL preparations; nutritional supplement, potassium iodide 10343

Foreign Assets Control:
See Treasury Department.

Foreign Assistance:
ADMINISTRATION (Executive Order 10973) 10469
PROCUREMENT outside United States (Memorandum of October 18, 1961) 10543

Foreign Commerce Bureau:
See International Programs Bureau.

Foreign Currencies:
AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, use under (Executive Order 10972) 10469
INTERNATIONAL DEVELOPMENT ACT OF 1961, use under (Executive Order 10973) 10469

Foreign Duty Personnel:
Diplomatic missions, responsibilities of chiefs (Memorandum of May 27, 1961) 10749

Foreign Service:
Fees and charges, effective date 10728

Foreign Social Insurance:
MALAYA, FEDERATION OF 11089
SINGAPORE 11089

Foreign-Trade Zones Board:
Penuelas, Puerto Rico; application for sub-zone 11226

France:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Free World Countries:
Procurement under International Development Act of 1961 (Memorandum of October 18, 1961) 10543

Fur Products:
Labeling; foxes, raccoons, opossums 10446

G

General Services Administration:
PROCUREMENT:
Federal procurement regulations; use of excess personal property as source of supply 10590
GSA procurement regulations; general policies:
Advance notice of contract award 10354
Liquidated damages 10354
STRATEGIC AND CRITICAL MATERIALS in national stockpile, proposed disposition; ferromanganese fines 11261

Germany:
MENTHOL IMPORTS 10943
NON-MILITARY PROCUREMENT, restrictions (Memorandum of October 18, 1961) 10543

Government Employees:
CIVIL SERVICE regulations. *See* Civil Service Commission.
DIPLOMATIC MISSIONS, responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FOREIGN ASSISTANCE PERSONNEL, regulations (Executive Order 10973) 10469
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department.
WITNESS FEES and travel expenses 10232

Grain Sorghums:
Loan and purchase agreement program, 1961 crop 11233

Grains: Page
PRICE-SUPPORT LOANS, increased interest rate 10546
TECHNICAL COMMITTEE ON GRAIN EXPORTS; special study, request for written views and information 11256

Grapefruit:
Marketing:
Arizona and California 11037
Florida 10337, 10424, 10790, 11062
Texas 10338

Grapes:
Marketing; crushing grapes, California 10516, 10772, 10933

H

Hawaii:
AMATEUR RADIO SERVICE, frequency bands 10240
MARITIME FREIGHT RATES, second general increase, 1961; investigation and hearing 10738

Hazardous Substances:
EXPLOSIVES, packing, transportation, etc. *See* Coast Guard; Interstate Commerce Commission.
FEDERAL HAZARDOUS SUBSTANCES LABELING ACT, regulations. *See* Food and Drug Administration: hazardous substances.

Health, Education, and Welfare Department:
See Food and Drug Administration.
Old-Age and Survivors Insurance Bureau.
Public Health Service.
Social Security Administration.

Home Loan Bank Board:
See Federal Home Loan Bank Board.

Homesteads:
Lands available as. *See* Land Management Bureau.

Hong Kong:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Hours of Work:
Suspension of eight-hour law with respect to laborers and mechanics employed on public works by National Aeronautics and Space Administration (Executive Order 10976) 10825

Housing and Home Finance Agency:
See Federal Housing Administration.
Organization, authority delegations, etc.:
By Administrator; Urban Renewal Administration, Acting Assistant Commissioner for Technical Standards, designation of certain officials to serve as and order of succession 10990
By Urban Renewal Commissioner; Acting Assistant Commissioner for Program Planning and Development, designation 10580

Humane Slaughter:
Livestock, humanely slaughtered; identification of carcasses 10242, 10613, 11300

Hunting:
Wildlife refuges, open areas. *See* Fish and Wildlife Service.

I

Immigration and Naturalization Service:
IMMIGRATION REGULATIONS:
Crewmen, alien; proposed rules:
Landing; examination, requirements for admission 10358
Parole:
Crewmen alleging persecution 10358
Medical treatment or observation 10358
Other crewmen 10358
Documentary requirements, nonimmigrants; waiver of certain grounds of excludability under Section 212(f) 10928
Forms:
For sale to public, printed by Public Printer, G–28, addition 10928
Immigration, prescribed; Form I–132 Permit to reenter U.S., deletion 10928

Immigration and Naturalization Service—Continued Page
IMMIGRATION REGULATIONS—Continued
Immigrant status, petition for, as relative of citizen, lawful resident alien, or eligible orphan 10962
Powers and duties of service officers, records and fees; additional fees 10928
Reentry permits; application, extensions, expired permits 10928
Registration and fingerprinting of aliens in U.S.; replacement of registration 10928
NATIONALITY REGULATIONS; forms:
Nationality, prescribed; N–50 Receipt for duplicate petitions, deletion 10928
Official; prescribed for use of clerks of naturalization courts, N–50 Receipt for duplicate petitions, deletion 10928

Imports and Exports:
AGRICULTURAL COMMODITIES. *See* Agriculture Department.
ANTIDUMPING ACT OF 1921:
Determinations. *See* Customs Bureau; Treasury Department.
Investigations. *See* Tariff Commission.
CUSTOMS REGULATIONS. *See* Customs Bureau.
EXPORT CONTROL. *See* International Programs Bureau.
FOREIGN ASSETS CONTROL, certain imports. *See* Treasury Department.
INVESTIGATION OF CERTAIN IMPORTS. *See* Tariff Commission.
LIQUOR EXPORTATION, excise tax regulations; proposed rules 10484

Indian Affairs Bureau:
IRRIGATION PROJECTS; operation and maintenance charges, proposed rules:
Blackfeet project, Montana 11296
Colorado River project, Arizona 10516
Flathead project, Montana 10808
LEASING AND PERMITTING 10966
OSAGE INDIANS, action on wills of; appeals 10930
SCHOOLS, FEDERAL; handling of student funds 10637
TIMBER; cutting contracts and permits 10232
VOCATIONAL TRAINING for adult Indians, administration; financial assistance for trainees, proposed rule 10640

Indians:
BEER, packaged, ordinance legalizing sale of; Fort Belknap Reservation, Mont 10813
REGULATIONS. *See* Indian Affairs Bureau.

Information:
Foreign assistance operations (Executive Order 10973) 10469

Insecticides, Pesticides, etc.:
Tolerances for residues on various agricultural commodities. *See* Food and Drug Administration.

Inspector General and Comptroller Office, Foreign Assistance:
Termination (Executive Order 10973) 10469

Insurance:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
FOREIGN SOCIAL INSURANCE and pension systems:
Malaya, Federation of 11089
Singapore 11089
GOVERNMENT EMPLOYEES, group life insurance; appeals 11046
HOUSING mortgage insurance. *See* Federal Housing Administration.
OLD-AGE AND SURVIVORS INSURANCE. *See* Old-Age and Survivors Insurance Bureau.
RAILROAD EMPLOYEES, unemployment insurance. *See* Railroad Retirement Board.

Interior Department:
See Fish and Wildlife Service.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
National Park Service.
Reclamation Bureau.

Interior Department—Continued Page
Fort Belknap Indian Reservation, Mont.; sale of packaged beer 10813

Internal Revenue Service:
AUTHORITY DELEGATION by Commissioner to certain officials; inspection of returns and related documents 10241
EXCISE TAXES; proposed rules:
Liquors, exportation:
Form 206, preparation 10484
Marking of containers 10484
Supplies on vessels and aircraft in trade between Hawaii, or Alaska and other part of U.S. 10484
Wine exported with benefit of drawback 10484
Manufacturers tax on motor vehicles and parts 10593
INCOME TAX REGULATIONS, taxable years beginning after 1953:
Accounting methods, installment method; disposition of installment obligations to life insurance companies, proposed rules 10450
Deductions:
Additional first-year depreciation allowance:
Dollar limitation, affiliated group 10477
Election, time and manner of 10477
Dependent defined, proposed rules 10483
Medical, dental, etc., expenses; proposed rules 10449
Life insurance contracts, proceeds, amounts under family income riders; correction 10275
Refractory products, quartzite and clay used in production of; election for prior taxable years, proposed rules 10283
ORGANIZATION AND FUNCTIONS; regional and district offices, alcohol and tobacco tax branch offices, and appellate branch offices 11219

International Cooperation Administration:
See also successor agency, International Development Agency.
Termination (Executive Order 10973) 10469

International Development Act of 1961:
ADMINISTRATION (Executive Order 10973) 10469
PROCUREMENT outside United States (Memorandum of October 18, 1961) 10543

International Development Agency:
AUTHORITY DELEGATIONS:
By Administrator to various officials:
Deputy Administrator; functions delegated to Deputy Director for Operations, International Cooperation Administration, or Managing Director, Development Loan Fund 10734
Officials of International Cooperation Administration and Development Loan Fund; certain functions under Foreign Assistance Act, 1961, comparable to Mutual Security Act, 1954 now in effect, continuation 10491, 10734
By Deputy Administrator to head of Office of Development Financing; authority to sign certain loan and guaranty agreements 10977
From Secretary of State; certain authority and functions under Foreign Assistance Act, 1961, and letter from President of September 30, 1961 10491
ESTABLISHMENT:
(Executive Order 10973) 10469
State Department document 10608
ORGANIZATION AND FUNCTIONS 10608

International Programs Bureau:
Suspension of export privileges:
Appeals Board decision; Henry Weingartner & Co., Inc., and Henry Weingartner 11301
Order affecting S. R. Tippett & Co., Ltd 11097

Interstate Commerce Commission:
ACCIDENTS, RAILROAD, monthly reports; instructions, classification, forms, etc 10846
ACCOUNTS, uniform system of, for railroad companies; republication of regulations 11104, 11216
AGREEMENTS under section 5a; Middle Atlantic Conference 10621
EXPLOSIVES and other dangerous articles, packing and transportation; shippers, use of portable and cargo tanks, proposed rules, hearing 10572, 11088, 11299

Interstate Commerce Commission—Con. Page

HOUSEHOLD GOODS, transportation of, by motor carriers in interstate or foreign commerce; pooling, proposed rule 10240
MOTOR CARRIERS:
Applications for operating authority, transfer proceeding, etc.:
Declaratory order petition; Alexandria, Barcroft and Washington Transit Co 10955
"Grandfather" Alaska certificate or permit and Hawaii freight forwarder permit 10263
Operating authority:
Passenger carriers, lists of applicants 10259, 10260, 10261, 10532, 10533, 10715, 10950, 10951, 10953, 11270, 11273.
Property carriers, lists of applicants 10254, 10260, 10261, 10528, 10532, 10712, 10715, 10716, 10948, 10951, 10952, 11264, 11270.
Transfer proceedings 10263, 10463, 10533, 10622, 10717, 10781, 10818, 10954, 10992, 11098, 11274, 11313
Commercial zone; New York, N.Y., correction 10771
Explosives and other dangerous articles; shippers, use of certain portable and cargo tanks, proposed rules, hearing 10572, 11088, 11299
Household goods transportation in interstate and foreign commerce; pooling, proposed rule 10240
Routes, alternate, deviation notices 10328, 10527, 10711, 10948, 11262
ORGANIZATION of divisions and boards, and assignment of work:
Boards, assignments to:
Finance Review Board 10991
Operating Rights Review Board 10991
Rates and Practices Review Board 10991
Divisions, assignment of duties to 10991
Rehearings and further proceedings; Divisions 1, 2, and 3 10992
RAILROADS:
Accident reports, monthly; instructions, classification, forms, etc 10846
Accounts, uniform system of; republication of regulations 11104, 11216
Fares; Louisiana intrastate coach fares 10621
Loan guaranty application by New York, New Haven and Hartford Railroad Co. Trustees 10376
Rates and charges:
See also Tariffs and schedules, *below*.
Utah intrastate freight rates and charges 10327
Routing of traffic, rerouting:
Pittsburgh & West Virginia Railway Co 10819
Rutland Railroad Corp 10464, 11314
TARIFFS AND SCHEDULES, long and short haul charges provision of section 4(1), Interstate Commerce Act, applications for relief 10264, 10328, 10375, 10463, 10717, 10781, 10818, 10893, 10955, 10991, 11098, 11274.

Inventions:
Naval personnel, inventions by; deletion of Navy Department regulations 10353

Investment Abroad:
Less-developed countries (Executive Order 10973) 10469

Italy:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

J

Japan:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Justice Department:
See Alien Property Office.
Immigration and Naturalization Service.
ORGANIZATION AND FUNCTIONS; Prisons Bureau, compensation of Federal prisoners for injuries 10574
WITNESS FEES; travel expenses and subsistence of Federal officers and employees summoned as witnesses for Government 10232

K

Kites and Balloons: Page
Operational requirements, hazards to aircraft; proposed rules, hearing 10701

L

Labor Department:
See Employees Compensation Bureau.
Public Contracts Division.
Wage and Hour Division.
LONGSHORING, safety and health regulations 10795
SHIP REPAIRING, safety regulations; welding, heating, etc., variations granted:
Sun Shipbuilding & Dry Dock Co 10643
Todd Shipyards Corp 11256

Labor Disputes:
Emergency boards. *See* National Mediation Board.

Labor Standards Bureau:
Safety regulations for ship repairing; welding, heating, etc., variations granted:
Sun Shipbuilding & Dry Dock Co 10643
Todd Shipyards Corp 11256

Laborers and Mechanics:
Employed on public works by National Aeronautics and Space Administration, suspension of eight-hour law (Executive Order 10976) 10825

Land Management Bureau:
ALASKA:
Homesteads, lands opened to entry. *See under* Homesteads, *below*.
Mental health program, lands reserved in connection with:
Kaltag and Birches (PLO 2529) 10356
Seward, and Homer Spit (PLO 2528) 10356
Mineral lands opened to entry:
Kaltag and Birches (PLO 2529) 10356
Seward, and Homer Spit (PLO 2528) 10356
Small tracts. *See* Small tracts, *below*.
Survey plat, Seward Meridian 10575
Transfer of jurisdiction of interest to Office of Territories, lands near Three Mile Bay Road 10643
Withdrawals of lands for use of Federal agencies, etc. *See* Withdrawals, *below*.
ASPHALT, solid and semisolid bitumen, and bituminous rock leases; proposed rules 10808
AUTHORITY DELEGATIONS by Field Administrative Officer, Denver, Colo., to Field Administrative Services Officer and Field Property Management Officer; transfer and disposal of property:
Personal property 10885
Real property and related personal property 10885
CONTESTS, initiation and proceedings 10479
CONTINENTAL SHELF off California, phosphate lease offer 10612
HOMESTEADS, lands opened to entry:
For small tracts opened to lease or purchase, see Small tracts, *below*.
Alaska 10356, 10357, 10735
California 10480, 10574
Colorado 10806
Montana 10568, 10569
Nevada 10241, 10638
Oklahoma 10480
Wyoming 10356
LANDS OPENED for various purposes:
Homesites. *See* Small tracts.
Homesteads. *See* Homesteads.
Mineral entry. *See under* Mineral lands.
MINERAL LANDS:
Asphalt, solid and semisolid bitumen and bituminous rock leases; proposed rules 10808
General regulations for permits and leases; purpose of leasing acts, proposed rule 10808
Lands opened to mineral entry:
Alaska:
Kaltag and Birches (PLO 2529) 10356
Seward, and Homer Spit (PLO 2528) 10356
Montana, Montana Principal Meridian (PLO 2534) 10568
Nevada, Clark County (PLO 2536) 10638

Land Management Bureau—Continued Page

MINERAL LANDS—Continued
Oil and gas deposits, Perrin Air Force Base, Texas; transfer of jurisdiction to Interior Department for protection (PLO 2530) 10427
Oil and gas lease offers, protraction diagrams filed as basis for; Utah, Salt Lake Meridian 10705
Phosphate lease offer, outer continental shelf off California 10612
NATIONAL FOREST LANDS:
Arizona, Kaibab National Forest, administrative site; proposed withdrawal 10309
California:
El Dorado National Forest, Nashville Unit, Central Valley Project; proposed withdrawal 10241
San Bernardino National Forest, recreation area and water storage; proposed withdrawal 10735
Six Rivers National Forest, lands restored from power site classification No. 115 (PLO 2533) 10480
Colorado:
San Isabell National Forest, lands restored from power withdrawals (PLO 2540) 10806
San Juan National Forest, Sultan Mountain winter sports area; proposed withdrawal 10977
Idaho; proposed withdrawals:
Challis National Forest, campgrounds 10978
Salmon National Forest, recreation areas 10977, 10978
New Mexico, Cibola National Forest; prior proposed withdrawal terminated in part 10978
South Dakota, Black Hills National Forest; forest, range, and watershed management, proposed withdrawal 10521
Wyoming; proposed withdrawals:
Big Horn National Forest, roadside zone 10980
Prior proposed withdrawal, correction 10242
Medicine Bow National Forest:
Recreation areas 10309
Roadside zone 10980
Shoshone National Forest, administrative sites and recreation areas 10309
NATIONAL PARKS; Washington, Olympic National Park, lands withdrawn in aid of legislation to add to (PLO 2539) 10806
OIL AND GAS DEPOSITS, Perrin Air Force Base, Texas; transfer of jurisdiction to Interior Department for protection (PLO 2530) 10427
OIL AND GAS LEASE OFFERS, protraction diagrams filed as basis for; Utah, Salt Lake Meridian 10705
ORGANIZATION, California, change of location of certain offices:
Los Angeles Land Office 10368
Sacramento Land Office, State office, and Sacramento District Office 11255
PHOSPHATE LEASE OFFER, outer continental shelf off California 10612
POWER PROJECTS, power site reserves, etc.:
California, power site classification No. 115 (PLO 2533) 10480
Colorado:
Power site classification No. 110 (PLO 2540) 10806
Power site reserve No. 92 (PLO 2540) 10806
RIGHTS-OF-WAY, for highway purposes:
Miscellaneous rights-of-way:
Emergency access permits for salvage operations, revoked 10728
Payment required, fee schedule 10728
Various States:
Arizona, Navajo County (PLO 2542) 11215
California (PLO 2533) 10480
Colorado (PLO 2540) 10806
Wyoming (PLO 2527) 10356
SCHOOL PURPOSES:
Colorado (PLO 2540) 10806
Montana (PLO 2534, 2535) 10568, 10569
Oklahoma (PLO 2531) 10480
Wyoming (PLO 2527) 10356
SMALL TRACTS:
Classifications:
Arizona, No. 78 11255
California:
No. 572, revoked in part 10574
No. 608, revoked in part 10574
No. 632, revoked in part 10574

Land Management Bureau—Continued Page

SMALL TRACTS—Continued
Classifications—Continued
Nevada:
No. 164, amended 10241
No. 205 10979
No. 206 11255
No. 209 10980
No. 210 11300
Lands opened for lease or purchase as homesites, etc., under Small Tract Act:
Alaska 10356, 10357, 10735
California 10480, 10574
Colorado 10806
Montana 10568, 10569
Nevada 10241, 10638
Oklahoma 10480
Wyoming 10356
Sale or lease, public auction, fair market value, elimination of group agreements, etc.; proposed rules 10285
SURVEY PLAT, Alaska, Seward Meridian 10575
WILDLIFE, California, Mount Diablo and San Bernardino Meridians; establishment of certain National Cooperative Land and Wildlife Management Areas (PLO 2460), correction 10568
WITHDRAWALS of lands for specified uses of Federal agencies, etc.:
Alaska:
Homer area, dock and wharf site, Public Roads Bureau; prior order (PLO 1071) revoked (PLO 2528) 10356
Kaltag and Birches, air navigation sites No. 1 and No. 2; prior departmental orders revoked (PLO 2529) 10356
Seward, cantonment site, Army Department; prior order (EO 9026) revoked (PLO 2528) 10356
Arizona:
Gila River Valley, San Carlos Project, Reclamation Bureau; proposed withdrawal 10943
Kaibab National Forest, administrative site, Forest Service; proposed withdrawal 10309
Navajo County, stock driveway No. 10; prior departmental order modified for highway right-of-way (PLO 2542) 11215
California:
Baker, air navigation facilities, Commerce Department; prior departmental order revoked (PLO 2537) 10729
El Dorado National Forest, Nashville Unit, Central Valley Project, Reclamation Bureau; proposed withdrawal 10241
Elder Creek Basin, scenic and recreational areas and watershed studies, Land Management Bureau (PLO 2532) 10480
Humboldt Meridian, classification; prior order (EO 5237) revoked in part (PLO 2538) 10729
Imperial County, Colorado River Storage Project, modification of prior order to permit highway right-of-way (PLO 2435), correction 11052
Mount Diablo Meridian:
Auburn Unit, Central Valley Project, Reclamation Bureau; proposed withdrawal 10309
National cooperative land and wildlife management areas, establishment (PLO 2460), correction 10568
Point Delgada, Shelter Cove Lighthouse Reserve; prior orders (Executive orders of January 26, 1867, and April 30, 1872) revoked in part (PLO 2538) 10729
San Bernadino National Forest, recreation area and water storage, Forest Service; proposed withdrawal 10735
Colorado, San Juan National Forest, Sultan Mountain winter sports area, Forest Service; proposed withdrawal 10977
Idaho:
Challis National Forest, campgrounds, Agriculture Department; proposed withdrawal 10978
Salmon National Forest, recreation areas, Agriculture Department; proposed withdrawals 10977, 10978
Montana, Principal Meridian:
Air navigation sites Nos. 94 and 110 revoked (PLO 2534) 10568

Land Management Bureau—Continued Page
WITHDRAWALS of lands for specified uses, etc.—Con.
Montana, Principal Meridian—Continued
Reservoir site reserves Nos. 3, 4, 5, 7, 8, 10, 12, 13; prior departmental orders revoked in part (PLO 2535) 10569
Nevada, Clark County, flood and erosion control purposes; prior orders (EO 6541, PLO 73) revoked (PLO 2536) 10638
New Mexico:
Cibola National Forest, Forest Service; prior proposed withdrawal terminated in part 10978
New Mexico Principal Meridian, experimental project, Atomic Energy Commission (PLO 2526) 10279
Oklahoma, Cimarron, Texas, and Beaver Counties, classification; prior order (EO 6681) revoked (PLO 2531) 10480
Oregon:
Mark's Arch, lighthouse purposes; prior order (Executive order of January 26, 1867) revoked in part (PLO 2541) 10806
Willamette, Meridian, scenic and recreation areas, Land Management Bureau; prior proposed withdrawal terminated 10309
South Dakota, Black Hills National Forest, forest, range, and watershed management, Agriculture Department; proposed withdrawal 10521
Utah, Salt Lake Meridian; proposed withdrawals:
Hovenweep National Monument, expansion of, National Park Service 10979
Interstate highway, right-of-way for, Public Roads Bureau 10979
Washington:
Cape Johnson Lighthouse Reservation, prior order (Executive order of March 7, 1900) revoked in part (PLO 2539) 10806
Olympic National Park, withdrawal in aid of legislation to add to (PLO 2539) 10806
Wyoming; proposed withdrawals:
Big Horn National Forest, roadside zone, Forest Service 10980
Prior proposed withdrawal, correction 10242
Medicine Bow National Forest;
Recreation areas, Forest Service 10309
Roadside zone, Forest Service 10980
Shoshone National Forest, administrative sites and recreation areas, Forest Service 10309

Lemons:
Marketing orders. *See* Agriculture Department.

Less-Developed Countries:
INVESTMENTS by U.S. private enterprise (Executive Order 10973) 10469
PROCUREMENT FROM (Memorandum of October 18, 1961) 10543

Lettuce:
Marketing, Texas 10773, 10793, 11236

Limes:
IMPORT RESTRICTIONS 10587
MARKETING, Florida 10587

Livestock:
DISEASES, control, quarantine, etc. *See* Agriculture Department: animals.
FOOD ADDITIVES in animal feed. *See* Food and Drug Administration.
HUMANELY SLAUGHTERED LIVESTOCK, identification of carcasses 10242, 10613, 11300
PACKERS AND STOCKYARDS. *See* Agriculture Department.

Loans:
AGRICULTURAL COMMODITIES, loan and purchase agreement programs. *See specific commodities.*
DISASTER AREAS, emergency loans. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.
FEDERAL RESERVE banks, loans by. *See* Federal Reserve System.
FEDERAL SAVINGS AND LOAN SYSTEM. *See* Federal Home Loan Bank Board.
RAILROAD COMPANY, certain; application to ICC for loan guaranty 10376

Luxembourg: Page
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

M

Mail:
POSTAL REGULATIONS. *See* Post Office Department.
TRANSPORTATION by certain air carriers 10645, 11302

Maritime Administration:
See also Federal Maritime Commission.
CHARTER OF VESSELS; charges for processing applications for approval, proposed rules, extension of time:
Surrender of marine documents of certain vessels 10601
Vessel transfer, subject to mortgage outstanding in favor of U.S. 10601
FEDERAL SHIP MORTGAGE AND LOAN INSURANCE, applications, fees; proposed rules, extension of time 10601
FEES for copies of regulations; proposed rules, extension of time 10601
MERCHANT SHIP SALES ACT of 1946, rules and regulations, forms, and citizenship requirements; assumption of mortgage by new mortgagor, application to transfer vessel, fee, proposed rule, extension of time 10601
PRACTICE AND PROCEDURE, permission to practice, applications, fee, etc.; proposed rule, extension of time 10601
SUBSIDIZED VESSELS AND OPERATORS, operating differential subsidies:
Applications under Merchant Marine Act, 1936, as amended, for approval of certain cruises:
American Export Lines, Inc. 11256
United States Lines Co. 10453
Inventories of vessels covered by operating-differential subsidy agreements; regulations 11243

Maritime Commission, Federal:
See Federal Maritime Commission.

Mechanics and Laborers:
Employed on public works by National Aeronautics and Space Administration, suspension of eight-hour law (Executive Order 10976) 10825

Medical Diathermy Equipment:
Type approval, frequencies 10282, 10591, 10927

Mental Illness:
Alaska, certain public lands reserved for mental health purposes. *See* Land Management Bureau.

Military Assistance:
Under International Development Act of 1961 (Executive Order 10973) 10469
Procurement outside United States (Memorandum of October 18, 1961) 10543

Milk and Milk Products:
Marketing orders. *See* Agriculture Department.

Minerals and Metals:
OIL AND GAS LEASING. *See* Land Management Bureau.
PUBLIC LANDS, mineral entry, etc. *See* Land Management Bureau.

Mines Bureau:
Methane-monitoring systems, procedures for tests and certification 10969

Missions and Staffs Abroad:
DIPLOMATIC MISSIONS, responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FOREIGN ASSISTANCE (Executive Order 10973) 10469

Monaco:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Mortgages:
See also Loans.
Housing mortgage insurance. *See* Federal Housing Administration.

Motor Carrier Regulations: Page
See Interstate Commerce Commission.

Motor Vehicles:
EXCISE TAXES, proposed rules 10593
LOCK ILLUMINATORS, tritium-activated:
Exemption from licensing 10473
Manufacture or import; proposed rule 10472

Munitions Control:
Arms, ammunition, and implements of war; designation by Secretary of State (Executive Order 10973) 10469

N

National Aeronautics and Space Administration:
Laborers and mechanics employed on public works, suspension of eight-hour law (Executive Order 10976) 10825

National Bureau of Standards:
SAMPLES issued by Bureau, weights and fees; freezing point standards, lead 11049
TEST FEE SCHEDULES; analytical and inorganic chemistry, pure substances 11048

National Forests, Parks, Monuments, etc.:
REGULATIONS. *See* National Park Service.
SAGUARO NATIONAL MONUMENT, enlargement (Proclamation 3439) 10899
WITHDRAWALS for specific use of Federal Agencies, etc. *See* Land Management Bureau.

National Mediation Board:
Emergency boards to investigate labor disputes:
Pan American World Airways, Inc. (Executive Order 10975) 10629
Trans World Airlines, Inc. (Executive Order 10971) 10335

National Park Service:
National parks:
Hot Springs National Park; commercial passenger-carrying vehicle fees 10638
Vicksburg National Military Park; use of radiomicrowaves (radar) 10600

Navigation Regulations:
AIRWAYS. *See* Federal Aviation Agency.
WATERWAYS. *See* Coast Guard; Engineers Corps.

Navy Department:
See also Defense Department.
CLAIMS:
Foreign claims 10842
General:
Administrative claims under Military Claims Act 10828
Federal tort claims 10826
Investigation and procedure 10830
Personnel claims 10836
PATENT POLICY respecting inventions made by Navy personnel, administration; deletion of part 10353
PATENT ROYALTY REVISION BOARD, deletion of part 10353
VISITORS ON VESSELS under construction or conversion 10591

Netherlands:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

New Zealand:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Nondiscrimination:
Equal employment opportunity, Securities and Exchange Commission regulations 11290

Norway:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Nuts:
See Almonds; Filberts; Peanuts; Tung Nuts; Walnuts.

O

Oilseeds: Page
See Cottonseed oil; Peanuts; Tung nuts.

Old-Age and Survivors Insurance Bureau:
Federal old-age, survivors and disability insurance:
Disability, rights and benefits based on:
Evaluating disability, substantial gainful activity 11049
Evidentiary requirements for establishment of disability 11049
Records of wages and self-employment income 10226
State and local governments, employees of; payments and reports by States, proposed rules 11083

Onions:
IMPORT RESTRICTIONS 10632, 11287
MARKETING:
Idaho and Oregon 10426
Texas 10772

Oranges:
Marketing orders. *See* Agriculture Department.

Overtime Pay:
Laborers and mechanics employed on public works by National Aeronautics and Space Administration (Executive Order 10976) 10825

P

Panama Canal:
See Canal Zone Government.

Pay, Compensation, etc.:
GOVERNMENT EMPLOYEES. *See* Civil Service Commission.
LABORERS AND MECHANICS employed on public works by National Aeronautics and Space Administration, overtime pay (Executive Order 10976) 10825
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department.

Peaches:
Crop insurance, 1962 and succeeding crop years 10630

Peanut Butter:
Standard of identity, labeling requirements 11209

Peanuts:
Marketing quotas, 1959 and subsequent crops 10209

Pears:
Marketing, Beurre d'Anjou, Beurre bosc, etc.; Oregon, Washington, and California 10296

Pesticides:
Tolerances. *See* Food and Drug Administration.

Plant Quarantine:
See Agriculture Department.

Post Office Department:
AUTHORITY DELEGATION by Assistant Postmaster General, Bureau of Facilities, to Director, Realty Division, Bureau of Facilities; real property management, correction 10241
DOMESTIC SERVICES; air transportation, first class mail (FCM), authority, rates and service, responsibility for program, forms, etc. 10510
INTERNATIONAL MAIL:
Directory of international mail, individual country regulations 10771, 10806, 10972
Postal union mail, conditions applicable to all classes; postage, reply coupons 10805
ORGANIZATION AND FUNCTIONS; Judicial Officer:
Authority delegation; duties 10813
Hearing Examiners; administrative jurisdiction 10813

Potatoes, Irish:
Marketing:
California 10809
Colorado 11236
Maine 11053
Oregon 10809

Poultry and Poultry Products:
Food additives. *See* Food and Drug Administration.

73000—61——3

Power Sites, Projects, etc.: Page
LANDS WITHDRAWN. *See* Federal Power Commission.
RESTORATION OF LANDS to entry, etc. *See* Land Management Bureau.

President, The:
DELEGATION OF FUNCTIONS under section 301, title 3, United States Code (Executive Order 10973) 10469
EXECUTIVE ORDERS, PROCLAMATIONS, etc. *See* Presidential documents.
REPORTS to President:
By Emergency Boards. *See* National Mediation Board.
By President's Commission on Campaign Costs (Executive Order 10974) 10585
By Tariff Commission respecting imports; stainless-steel table flatware 10464

Presidential Documents:
AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT of 1954, administration (EO 10972) 10469
DIPLOMATIC MISSIONS, U.S.; responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FOREIGN ASSISTANCE:
Administration (EO 10973) 10469
Procurement outside United States (Memorandum of October 18, 1961) 10543
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, suspension of eight-hour law with respect to laborers and mechanics employed on public works (EO 10976) 10825
NATIONAL MEDIATION BOARD; emergency boards to investigate labor disputes:
Pan American World Airways, Inc. (EO 10975) 10629
Trans World Airlines, Inc. (EO 10971) 10335
PRESIDENT'S COMMISSION ON CAMPAIGN COSTS, establishment (EO 10974) 10585
SAGUARO NATIONAL MONUMENT, enlargement (Proc. 3439) 10899
THANKSGIVING DAY, 1961 (Proc. 3438) 10203

President's Commission on Campaign Costs:
Establishment (Executive Order 10974) 10585

Pribilof Islands:
Liquor, landing and use of 10640

Price-Support Programs:
SALE OF SURPLUS COMMODITIES 10576, 10981
VARIOUS COMMODITIES. *See* Commodity Credit Corporation.

Prisons Bureau:
Organization and functions, compensation of Federal prisoners for injuries 10574

Private Enterprise:
Investments in less-developed countries (Executive Order 10973) 10469

Procurement:
See also Contracts.
ARMED SERVICES REGULATIONS. *See* Army Department.
AUTHORITY DELEGATIONS respecting procurement functions. *See specific agencies.*
FEDERAL PROCUREMENT regulations. *See* General Services Administration.
FOREIGN ASSISTANCE FUNDS, use outside United States (Memorandum of October 18, 1961) 10543
Exclusion of listed countries (Memorandum of October 18, 1961) 10543
REGULATIONS of various agencies. *See specific agencies.*

Public Assistance Bureau:
Assistance for U.S. citizens returned from foreign countries 10481

Public Contracts Division, Labor Department:
Minimum wage determinations, various industries:
Chemical and related products 10355
Electric lamp industry; proposed rules 10773
Miscellaneous chemical products and preparations 10355
Office, computing, and accounting machines; proposed rules 10517

Public Health Service: Page
Biological products:
Definitions 10355
Licensed products, manufacturers, and license numbers, list 10492

Puerto Rico:
FOREIGN TRADE SUB-ZONE, application for 11226
SUGAR:
Prices 10644
Producing areas for 1960–61 crop 10214
Proportionate shares, 1961–62 crop 10505
WAGE RATES. *See* Wage and Hour Division.

Q

Quarantine Regulations:
ANIMAL DISEASES, control of, etc. *See* Agriculture Department.
PLANT QUARANTINE. *See* Agriculture Department.

R

Radiation:
See Radioactivity.

Radio Antenna Structures:
Construction, aeronautical studies respecting. *See* Federal Aviation Agency.

Radio Communications:
See Federal Communications Commission.

Radio Station Employees:
Exemption from overtime pay requirements for certain employees 10275

Radioactivity:
INDUSTRIAL HEATING EQUIPMENT, radiation limits 10282
PROTECTION STANDARDS. *See* Atomic Energy Commission.
RADIATION DEVICES, restriction on interference to radionavigation service or other safety services 10281
REACTORS, construction, operation, etc. *See* Atomic Energy Commission.

Railroad Retirement Board:
Railroad unemployment insurance account; proclamation of deficit 10980

Railroads:
Regulations, tariffs, etc. *See* Interstate Commerce Commission.

Raisins:
Marketing, California 10770

Reclamation Bureau:
COLUMBIA BASIN PROJECT, Washington, sale of full-time farm units in South Columbia Basin Irrigation District 10575
RUPERT, IDAHO, reclamation addition; sale of Government-owned Block 67 10575

Records:
Availability for research, retention, fees for reproduction, etc. *See specific agencies.*

Reports to President:
See under President.

Restricted Areas:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, navigation danger zones. *See* Engineers Corps.

Rice:
Marketing quotas and acreage allotments, 1961 crop 10336

S

Securities and Exchange Commission:
HEARINGS, *see list at end of this agency.*

Securities and Exchange Commission—Con. Page
INVESTMENT ADVISERS ACT of 1940:
Advertisements by investment advisers 10548
Custody or possession of funds or securities of clients; proposed rules 10607
INVESTMENT COMPANY ACT of 1940:
Forms prescribed under Act; Form N–17D–1, report filed by registered SBIC and affiliated bank respecting investments 11240
Regulations:
Applications regarding joint enterprises or arrangements and certain profit sharing plans 11240
Exemption of certain transactions with affiliates from provisions of section 17(a) (1) and (3) 11240
Exemption of privately held indebtedness 11240
Form for report by small business investment company and affiliated bank 11240
NONDISCRIMINATION, equal employment opportunity 11290
SECURITIES ACT of 1933; delayed or suspended offerings and sale 10930
HEARINGS, ETC.:
Aberdeen Fund, 10534.
American Metal Climax, Inc. et al., 10535.
Apex Minerals Corp., 10327, 10622, 10955, 11312.
Arcady Corp., 11312.
Axe-Houghton Stock Fund, Inc., 10373.
Baldwin-Montrose Chemical Co., Inc., 10535.
Black Bear Industries, Inc., 10374, 10743, 11096.
Bond Investment Trust of America, 11260.
Courts & Co. et al., 10535.
Delaware Variable Investment Plan, 10461.
Guarantee Mortgage, Inc., 11260.
Holiday Mines, Inc., 10497.
I.B.T., Inc., 10649.
Investors Diversified Services, Inc., 10623.
Iowa Interests Corp., 10650.
J. K. Lasser Convertible Fund, Inc., 10892.
Lifetime Pools Equipment Corp., 10498.
Midwestern Instruments, Inc., 10461.
Multnomah Canadian Fund, Ltd., 10710.
Norse-Am. Financial Corp., 11096.
Nylonet Corp., 10893.
Ohio Franklin Fund, Inc., 10710.
Savings Bank Investment Fund, 10711.
Seaboard Associates, Inc., 10623.
Shares in American Industry, Inc., 10743.
Siltronics, Inc., 11313.
Unified Funds, Inc., 10624.

Seeds:
Federal Seed Act regulations, correction 10471

Ships:
See Vessels.

Small Business:
Commodities and services for foreign assistance (Executive Order 10973) 10469

Small Business Administration:
AUTHORITY DELEGATIONS:
By Assistant Administrator (Management), to certain Directors:
Organization and Management Office 10536
Personnel Office 10536
By Branch Managers, Region IV, to Branch Counsels:
Baltimore, Md 10719
Charlotte, N.C 10463
By Chief, Financial Assistance Division, Region XIII, to Assistant to Chief, Financial Assistance Division 10463, 10624
By Deputy Regional Director, Region X, to various officials:
Chief, Financial Assistance Division 10718
Managers, Disaster Field Offices:
Cameron, La.; rescission 10719
Corpus Christi, Tex.; rescission 11261
Lafayette, La.; rescission 10719
Port Isabel, Tex.; rescission 11261
Texas City, Tex 10719

Small Business Administration—Continued Page
AUTHORITY DELEGATIONS—Continued
By Regional Directors, to various officials:
Region V:
Branch Manager, Jacksonville, Fla 11261
Managers, Disaster Field Offices; rescission of delegations:
Montgomery, Ala 11261
Nashville, Tenn 11261
Region X; Deputy Regional Director, Dallas, Tex 10717
Region XI:
Branch Manager, Salt Lake City, Utah 10462
Chief, Financial Assistance Division 10462
CONDUCT STANDARDS; employees engaged in outside employment, approval of Assistant Administrator (Management) 10723
DISASTER AREA requiring Federal assistance, California 10819
SMALL BUSINESS ACT, regulations; size standards, definitions of small business for various purposes:
Government procurement:
Custodial and janitorial service contracts 10633
Self certification by small business 10633
SBA business loans; service trades, trailer courts or parks industry 10634
SMALL BUSINESS INVESTMENT ACT regulations; investment companies, proposed rules 10702

Small Business Office, State Department:
Establishment under International Development Act of 1961 (Executive Order 10973) 10469

Social Security Administration:
See Old-Age and Survivors Insurance Bureau.
FOREIGN COUNTRIES, assistance for U.S. citizens returned from 10481
FOREIGN SOCIAL INSURANCE and pension systems:
Malaya, Federation of 11089
Singapore 11089

South Africa:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Standards:
AGRICULTURAL COMMODITIES. *See specific commodities.*
FOODS, canned, processed, etc. *See* Food and Drug Administration.
TECHNICAL STANDARDS for equipment, materials, operations, etc. *See specific agencies.*

State Department:
See International Development Agency.
AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT of 1954, functions (Executive Order 10972) 10469
ARCHAEOLOGICAL AND RELATED RESEARCH in Egypt; availability of funds under Supplemental Appropriations Act, 1962, in areas threatened with inundation by Aswan Dam 10812
DIPLOMATIC MISSIONS, U.S.; responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FEES AND CHARGES, foreign service; visa services for aliens 10170, 10728
FOREIGN ASSISTANCE, functions of Secretary (Executive Order 10973) 10469
Procurement outside United States (Memorandum of October 18, 1961) 10543
INTERNATIONAL DEVELOPMENT AGENCY, establishment under Foreign Assistance Act, 1961; functions of Administrator, allocation of funds, etc., authority delegation by Secretary 10608
ORGANIZATION, authority delegations by Secretary to various officials:
Defense Department Secretary, certain functions respecting compensation of staff at rates provided under Foreign Service Act, 1946 10609
International Development Agency:
Administrator, authority delegations 10491
Establishment, functions of Administrator, allocation of funds, successorship 10609

Stockpile of Strategic Materials:
Disposal of certain materials. *See* General Services Administration.

Strategic and Critical Materials: Page
Stockpile, National, disposal of certain materials. *See* General Services Administration.

Sugar:
Production, marketing, imports. *See* Agriculture Department.

Surplus Property and Commodities:
AGRICULTURAL COMMODITIES acquired through price support operations, sales of ---------- 10576, 10981
FIELD CROPS in surplus supply, nonrecourse price support, 1960 crop ---------- 11207
STOCKPILE, NATIONAL, disposal of certain materials. *See* General Services Administration.

Sweden:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ---------- 10543

Switzerland:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ---------- 10543

T

Tangelos:
Marketing, Florida ---------- 10337, 10425, 10791

Tangerines:
Marketing, Florida ---------- 10337, 10424, 10791, 11035, 11281

Tariff Commission:
INVESTIGATION OF IMPORTS:
Cotton products ---------- 11226
Creeping red fescue seed ---------- 11226
Stainless-steel table flatware; report to President ---- 10464
TARIFF CLASSIFICATION STUDY; hearing on proposed first supplemental report ---------- 10374

Taxes:
Excise, income, etc., regulations. *See* Internal Revenue Service.

Telephone and Telegraph Companies:
See Federal Communications Commission.

Television Antenna Structures:
Construction, aeronautical studies respecting. *See* Federal Aviation Agency.

Television Station Employees:
Exemption from overtime pay requirements for certain employees ---------- 10275

Television Stations:
See Federal Communications Commission.

Thanksgiving Day, 1961:
(Proclamation 3438) ---------- 10203

Timber:
Indian reservations, cutting permits ---------- 10232

Tobacco:
LOAN PROGRAM, 1961 crop ---------- 10873, 11233
MARKETING QUOTAS:
1962–63 ---------- 10471, 10503, 10504, 10927
1963–64, referendum ---------- 10933
1964–65, referendum ---------- 10933

Trade Practices:
See Federal Trade Commission.

Travel Expenses:
APPOINTEES to certain positions where there is manpower shortage ---------- 10370
WITNESSES for Government; fees, expenses, and subsistence ---------- 10232

Treasury Department:
See Coast Guard.
Comptroller of Currency Bureau.
Customs Bureau.
Internal Revenue Service.
ACCOUNTS BUREAU; surety companies acceptable on Federal bonds:
American Fire and Casualty Co ---------- 11300
American Independent Reinsurance Co ---------- 11300

Treasury Department—Continued Page
ACCOUNTS BUREAU; surety companies, etc.—Con.
Massachusetts Bonding & Insurance Co.; termination ---------- 10643
Pennsylvania Millers Mutual Insurance Co ---------- 10574
Southern General Insurance Co ---------- 11220
ANTIDUMPING ACT of 1921:
Appraisement, publication of findings. *See main heading* Customs Bureau.
Determinations of no sales at less than fair value on listed imports:
Ammonium sulfate from listed countries:
Belgium ---------- 10491
West Germany ---------- 10368
Molasses from Cuba ---------- 11220
Findings of dumping; amendment of authority delegation order ---------- 11255
BILLS, Treasury. *See* Public Debt Bureau.
BONDS:
Savings bonds, United States. *See* Public Debt Bureau.
Surety companies acceptable on Federal Bonds. *See* Accounts Bureau.
Treasury bonds. *See* Public Debt Bureau.
FEDERAL SEED ACT REGULATIONS, correction ---- 10471
FISCAL SERVICE. *See* Accounts Bureau; Public Debt Bureau.
FOREIGN ASSETS CONTROL:
Certificates of origin available for listed importations:
Melon seeds, salted, from Taiwan (Formosa) ----- 11255
Menthol, natural and synthetic, from Federal Republic of Germany ---------- 10943
License applications for importation of limited quantities of animal hair, silk and cotton waste, from certain countries not in authorized trade territory ---------- 11300
FOREIGN CURRENCIES, regulations on use in connection with foreign assistance (Executive Order 10973) ---------- 10469
NOTES, Treasury, Series E–1963, 3¼ percent ---------- 10609
ORGANIZATION, delegations of authority, etc.; by Secretary to various officials:
Coast Guard, Commandant, and/or designees; Oil Pollution Act, 1961, certain functions ---------- 10609
Customs Bureau:
Dumping, findings of; amendment of delegation order ---------- 11255
Establishment of new offices under Deputy Commissioners; Divisions of Marine Administration, and Technical Services ---------- 10643
Deputies for certain officials; designation ---------- 10977
PUBLIC DEBT BUREAU:
Bills, Treasury, issue and sale:
Denominations and exchange ---------- 11214
Tenders, when cash deposit is required ---------- 11214
Bonds, Treasury, offering:
3¾ percent, 1966 ---------- 10610
3⅞ percent, 1974 ---------- 10611
Notes; Series E–1963, 3¼ percent ---------- 10609
U.S. Savings Bonds; Series H:
Amount which may be held ---------- 11215
Limitation on holdings ---------- 11215
UNITED STATES SAVINGS Bonds. *See* Public Debt Bureau.

Tung Nuts:
Price support program, 1961 crop ---------- 10769

Turkeys:
FOOD ADDITIVES, turkey feed ---------- 10228, 10590
MARKETING AGREEMENTS for hatching eggs and turkeys, proposed rules, hearing ---------- 10286, 10516, 10772

U

United Kingdom:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ---------- 10543

United States Information Agency:
Foreign assistance, public information functions (Executive Order 10973) ---------- 10469

Uranium Mining:
Radiation protection standards, request for comments 10740

V

Vessels: Page
ANCHORAGE REGULATIONS. *See* Engineers Corps.
DANGER ZONE REGULATIONS. *See* Engineers Corps.
DOCUMENTATION. *See* Customs Bureau.
LONGSHORING, safety and health regulations ---------- 10795
MARITIME CARRIERS, regulations affecting. *See* Federal Maritime Commission; Maritime Administration.
NAVIGATION REGULATIONS. *See* Coast Guard; Engineers Corps.
RADIO SERVICES, maritime. *See* Federal Communications Commission.
SHIP REPAIRING, safety regulations; exceptions ----- 10643, 11256
VISITORS on vessels under construction or conversion, Navy Department regulations ---------- 10591

Veterans:
See also Veterans Administration.
Civil Service positions, veterans' preference; appeals -- 10750

Veterans' Administration:
ADJUDICATION. *See* Pension, compensation.
CHIEF ATTORNEYS; veterans' benefits ---------- 10232
MEDICAL TREATMENT and hospital care:
Claims, adjudication of ---------- 11214
Medical and ancillary services on fee basis, agreements to procure ---------- 11214
Outpatient treatment ---------- 11214
PENSION, COMPENSATION, and dependency and indemnity compensation:
"Veterans' Pension Act of 1959," implementation of provisions ---------- 10551
Wartime cases, certain; increased dependency and indemnity compensation ---------- 10552
VETERANS' BENEFITS DEPARTMENT; Chief Attorneys ---------- 10232
VOCATIONAL REHABILITATION AND EDUCATION:
Korean Conflict veterans; reports by institutions ---- 10478
War Orphans' educational assistance:
Disapproval of courses and discontinuance of educational assistance allowances ---------- 10478
Reports by institutions ---------- 10478
World War II veterans, maximum duration of course -- 10278

Virgin Islands:
Sugarcane, fair wages and prices ---------- 10644

Vocational Training and Rehabilitation:
INDIANS, adult; financial assistance for trainees, proposed rule ---------- 10640
WORLD WAR II and Korean conflict veterans. *See* Veterans Administration.

Voluntary Plans:
Defense production pool, business, industry, etc. *See* Emergency Planning Office; Small Business Administration.

W

Wage and Hour Division, Labor Department: Page
AGRICULTURE, processing of agricultural commodities, etc., exemptions applicable to; republication of regulations ---------- 10377
EXEMPTIONS of various types of employment; policy or interpretation adapted to Fair Labor Standards Amendments, 1961:
Agriculture, processing of agricultural commodities, etc ---------- 10377
Radio and television station employees, certain, overtime pay requirements ---------- 10275
LEARNERS, employment at below minimum wages, special certificates to various industries ---------- 10329, 10536, 10744, 10991
OVERTIME PAY REQUIREMENTS, Fair Labor Standards Amendments, 1961; exemption of certain radio and television station employees ---------- 10275
PUERTO RICO:
Learners, employment at subminimum wages, special certificates, issuance to listed companies ---- 10745
Minimum wage orders for workers in shoe and related products industry, wage order ---------- 10275

Wages:
CIVIL SERVICE pay regulations. *See* Civil Service Commission.
LEARNERS, employment at subminimum wages. *See* Wage and Hour Division.
MINIMUM WAGES, Government supply contracts. *See* Public Contracts Division.

Walnuts:
IMPORT RESTRICTIONS ---------- 10426
MARKETING, California, Oregon, and Washington ---- 10688

Wheat:
LOAN AND PURCHASE AGREEMENT PROGRAM, 1961 crop ---------- 11281
MARKETING QUOTAS, acreage allotments:
1961 and subsequent crops ---------- 10596
1962 and 1963 crops ---------- 10484
STABILIZATION PROGRAM, 1962 ---------- 11234

Wildlife:
FISHING AND HUNTING, in certain wildlife refuges. *See* Fish and Wildlife Service.
WILDLIFE MANAGEMENT AREAS, establishment in California; correction ---------- 10568

Wills:
Indians, appeals from actions on wills ---------- 10930

Without-Compensation Employees:
Appointments and statements of financial interests. *See* Commerce Department.

Witness Fees:
Government officers and employees, witness fees, travel expenses, and subsistence, when summoned as witnesses for Government ---------- 10232

CODIFICATION GUIDE

The following numerical guide is a list of the titles and sections of the Code of Federal Regulations affected by documents published in the *Federal Register* during November 1961. Page numbers of documents affecting CFR sections but not specifically amending the text thereof appear in brackets.

Cumulative Codification Guides are separately published annually and at the end of each quarter. In the intervening period, monthly Codification Guides are carried with the monthly indexes, Daily Guides follow the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

3 CFR

	Page
Proclamations:	
Feb. 25, 1893	10735
2032	10899
2914	10825
3438	10203
3439	10899
Executive orders:	
Jan. 26, 1867	10729, 10806
Apr. 30, 1872	10729
Mar. 7, 1900	10806
5237	10729
6541	10638
6681	10480
9026	10356
10893	10469
10900	10469
10915	10469
10955	10469
10971	10335
10972	10469
10973	10469
10974	10585
10975	10629
10976	10825
Presidential documents other than proclamations and Executive orders:	
Memorandum, May 27, 1961	10749
Memorandum, Oct. 18, 1961	10543

5 CFR

	Page
6	10900
6.106	11281
6.302	11233
6.303	10962
Prior to revision:	
6.110	10204
6.112	10544
6.160	10204
6.304	10204, 10267
6.308	10447
6.311	10447
6.333	10204
6.368	10267
9.202	10750
22.205	10750
24.147	10447
25.1—25.176	10544
35	10750
37.12	11046
201.100	10503
202.10	10503

6 CFR

	Page
70.165a	10267
305	10267
390	10267
421.147	11281
421.187	11233
421.278	11025
421.285	11025
421.337	11233
421.3803	10546
423	10686
427.1238	10546
443.209	10769
443.1743	10961
443.1764	10961
464.1331—464.1335	10873
464.1341—464.1344	11233
477.106	11207
482.411	10586

7 CFR

	Page
51.1995—51.2008	11025
201.228a	10471
401.1—401.11	10630
401.26	10630
403	10630
711	10204
717.1	10209
717.3	10209
723.988	10503
723.1329	10471
725.1301—725.1302	10927
727.1328	10504
729.1011	10210
729.1012	10210
729.1015—729.1018	10210
729.1020	10211
729.1021	10211
729.1024	10212
729.1027	10213
730.1016	10336
730.1018	10336
730.1021	10336
730.1025	10337
730.1027	10337
730.1029	10337
775.5	10769
775.30	10769
775.32—775.33	10769
775.34—775.35	10769
775.37a	10769
775.43	10770
775.161—775.177	10787
776.61—776.72	11234
813.1	10548
833.8	10961
847.10	10214
855.9	10268
857.14	10505
864.8	10270
873.14	10272
900.2	11236
900.51	11236
900.200	11236
906	11026
914.513	10423
914.514	10586
914.515	10789
914.516	11034
921.11	[11281]
922.550	10214
927.6	10632
927.7	10632
927.11—927.12	10632
927.24—927.29	[10632]
927.24	10632
927.26	10632
927.27	10632
927.29	10632
927.30	10632
927.33	10632
927.34	10632
927.35	10632
927.36	10632
927.37	10632
927.40	10632, 11283
927.42	10632
927.43	10632
927.50	10632
927.53	10632
927.65	10632
927.70	10632
927.71	10632
927.83	10632
927.90	10632
927.140	11282
927.141	11282
927.142	11282
927.143	11282
927.180	11282
927.202	11282
927.230	11283
927.501	10859
933.215	10338
933.1071	10423
933.1072	10424
933.1073	10424
933.1074	10425
933.1075	10790
933.1076	10790
933.1077	10791
933.1078	10791
933.1079	11035, 11282
933.1080	11281
942.14	[10423], [11035]
943.51	11036
943.55	10215
943.70	10215
947.13	11284
947.51	11284
953.1031	10425
953.1032	10586, 10873
953.1033	10792, 11207
953.1034	11037
955.400	11037
958.101—958.103	10792
958.120—958.132	10793
958.301	11236
973.8	10216
973.9	10216
973.41	10216
973.54	10216
984.313	10688
986	11038
989.312	10770
994	10216
997.306	10688
1001.312	10587
1001.313	10587
1008.12	11284
1008.15	11284
1011.51	[11207]
1013	10507
1014.10	[10472]
1014.15	[10472]
1016.51	[11208]
1017.306	10426
1024.10	11285
1024.12	11285
1024.13	11285
1024.14	11285
1024.17	11285

7 CFR—Continued

	Page
1024.30	11285
1024.31	11285
1024.41	11285
1024.42	11285
1024.44	11286
1024.45	11286
1024.46	11286
1024.53	11286
1024.60	11286
1024.61	11286
1024.70	11286
1024.71	11286
1024.74	11286
1024.75	11286
1024.80	11286
1024.82	11286
1024.83	11286
1024.85	11286
1024.86	11286
1031.203	10338
1034.304	10794, 11236
1069.6	10587
1070	10632, 11287
1071	10426
1073	10689
Proposed rules:	
301	10571
719	10731
725	10933
728	10484, 10596
813	10691
900—1073	10286, 10516, 10772
903	10810
906	10298
908	10307, 10485
914	10933
918	10307
921	10810
925	10486
927	10597, 11253
939	10296
943	10236
947	10360, 10879
959	10809
970	11053
975	11074
986	10298
998	11294
1015	11317
1024	10597, 11079
1026	10516, 10772, 10933
1028	11062
1033	10772
1034	10773
1035	11317
1138	10691

8 CFR

	Page
103.7	10928
205	10962
212.7	10928
223	10928
264.1	10928
282	10928
299.1	10928
332a.2	10928
499.1	10928
Proposed rules:	
252	10358
253	10358

9 CFR

	Page
74.3	10223
83.1	10338
83.2—83.3	10338
83.5	10338
83.6	10338
83.7	10339
83.8	10339
83.8a	10339
83.9	10339
Proposed rules:	
131	10358

10 CFR

	Page
2.101	10770
2.735	10770
20—	
Appendix B	11046
30.12	10473
40.13	10929
40.23	10929
Proposed rules:	
30	10487
140	10933

12 CFR

	Page
262.4	10340
546	[11208]
546.5	11208
Proposed rules:	
563	10239, 11217

13 CFR

	Page
105.4–6	10723
121.3–8	10633, 10634
121.3–10	10634
Proposed rules:	
107	10702

14 CFR

	Page
18—	
SR 377A	10473
SR 377B	10473
60.27	10753
221.38	11046
290	11287
377	11288
507.10	10224, 10273, 10274, 10340, 10341, 10474, 10634, 10963, 10964, 11047, 11236
600.1505	10875
600.1508	10427
600.1510	10875
600.1520	10588
600.1526	10589
600.1530	10874
600.1531	10635
600.1547	10875
600.1557	10428
600.1609	10635
600.1627	10547
600.1663	10723
600.1674	10289
600.1679	10874
600.1698	10875
600.1715	11237
600.1717	10964
600.1734	10875
600.1736	10875
600.1744	10753
600.1762	10428
600.1764	10428
600.6003	10588
600.6004	10588
600.6008	10589
600.6031	10547
600.6037	10428
600.6045	10877
600.6051	10723
600.6092	10589
600.6133	10429
600.6139	10475
600.6140	10589
600.6143	10429, 10588
600.6144	10589
600.6149	10225
600.6155	10589
600.6157	10589
600.6172	10723
600.6174	10589
600.6193	10723
600.6222	10547
600.6223	10588
600.6229	10877
600.6265	10588
600.6267	11047
600.6296	10429
600.6479	10507
600.6507	10876
600.6530	10428
601.1005	11048
601.1053	10429
601.1066	10475
601.1138	11048
601.1141	10636
601.1142	10636
601.1177	11289
601.1265	10877
601.1316	11289
601.1380	10636
601.1422	10724
601.1423	10636
601.1425	10226
601.1429	10226
601.1984	10341
601.2022	10723
601.2081	10877
601.2324	10877
601.2326	10507
601.2407	10226
601.2408	10226
601.2494	10429
601.2495	10341
601.2496	10341
601.2499	10964
601.5001	10635
601.6003	10588
601.6004	10588
601.6031	10547
601.6133	10429
601.6143	10429, 10588
601.6155	10589
601.6193	10723
601.6222	10547
601.6223	10588
601.6265	10588
601.6296	10429
601.6479	10507
601.6507	10876
601.6530	10428
601.7001	10589, 10635
601.7003	10589
601.7101	10342, 10877, 11047, 11048, 11237
601.10411—601.10412	10877
602.100	10590, 10724
602.200	10590
602.300	10636
608.29	10342, 10636, 11047, 11048
608.31	10636
608.34	11237
608.36	10965
608.42	10965
608.43	10724
608.53	10877
609.100	10430, 10436, 10754, 10762
609.200	10433, 10439, 10758, 10766
609.300	10433
609.400	10434, 10441, 10759, 10767
609.500	10435, 10443, 10761, 10768
610.12	10724
610.104	10724
610.613	10724
610.1504	10726
610.1516	10726
610.1522	10726
610.1536	10726
610.1543	10726

14 CFR—Continued

	Page
610.1555	10726
610.1625	10726
610.1629	10726
610.1642	10726
610.1645	10726
610.1702	10726
610.1728	10726
610.1761	10726
610.6002	10724
610.6003	10724
610.6005	10724
610.6006	10724
610.6007	10724
610.6014	10724
610.6015	10724
610.6016	10724
610.6017	10724
610.6019	10725
610.6020	10725
610.6021	10725
610.6025	10725
610.6031	10725
610.6034	10725
610.6054	10725
610.6066	10725
610.6068	10725
610.6070	10725
610.6074	10725
610.6076	10725
610.6077	10725
610.6079	10725
610.6081	10725
610.6094	10725
610.6095	10725
610.6102	10725
610.6114	10725
610.6137	10725
610.6149	10725
610.6154	10725
610.6163	10725
610.6178	10725
610.6181	10725
610.6211	10725
610.6220	10725
610.6222	10725
610.6244	10725
610.6257	10725
610.6264	10725
610.6273	10725
610.6284	10726
610.6300	10726
610.6444	10726
610.6448	10726
610.6454	10726
610.6471	10726
610.6477	10726
610.6479	10726
610.6830	10726
610.6853	10726
610.6855	10726
610.6875	10726
610.6887	10726
Proposed rules:	
1—190	10698
24	10571
48	10701
60	10307
202	10774
203	10774
213	10774
215	10774
227	10238
291	10774
292	10774
296	10774
297	10774
298	10774
302	10307, 10641
401—635	10698

14 CFR—Continued

	Page
Proposed rules—Continued	
411	10776
507	10362, 10571
600	10451, 10520, 10602, 10777, 10881, 10934
601	10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
602	10809, 11087, 11254
608	10451, 10520, 10733

15 CFR

205	11048
230.11	11049

16 CFR

13.15	10727
13.15–235	10727
13.15–235(m)	10727
13.30	10226, 10476
13.70	10476, 11238
13.71	10727
13.155	10476, 10508, 10727, 10929
13.155–10	10476, 10727
13.155–33	10476, 10727
13.155–40	10508, 10929
13.155–45	10508, 10929
13.170	11238
13.170–52	11238
13.205	10727
13.235	10226, 11289
13.235–60	10226, 11289
13.235–60(a)	10226
13.235–60(c)	11289
13.510	11237
13.725	10445
13.755	10445
13.820	10878, 10966
13.822	10878, 10966
13.843	10771
13.1053	10727
13.1053–35	10727
13.1055	11237, 11238, 11289
13.1055–50	11238
13.1108	10445, 10727, 10965
13.1108–45	10445, 10727, 10965
13.1185	10226, 10445, 10548
13.1185–30	10445
13.1185–90	10226, 10548
13.1212	10226, 10445, 10548, 10690
13.1212–30	10445
13.1212–90	10226, 10548, 10690
13.1255	10965
13.1255–30	10965
13.1325	11289
13.1325–70	11289
13.1325–70(c)	11289
13.1395	10637
13.1623	10727
13.1623–30	10727
13.1663	10637
13.1680	10727
13.1745	10445
13.1745–70	10445
13.1745–70(c)	10445
13.1747	10637
13.1811	11238
13.1845	10445, 10508, 10548, 10690
13.1845–30	10445, 10508
13.1845–80	10548, 10690
13.1852	10226, 10445, 10508, 10548, 10690, 10727, 10965
13.1852–35	10445, 10508, 10727, 10965
13.1852–80	10226, 10548, 10690
13.1865	10445, 10508
13.1865–40	10445, 10508
13.1900	10445, 11237
13.1900–30	11237
13.1900–40	10445
13.1900–40(b)	10445

16 CFR—Continued

	Page
13.1985	10637
301.0	10446

17 CFR

200.90—200.104	11290
230.263	10930
230.462	10930
270.17a–6	11240
270.17d–1	11240
270.17d–2	11240
270.18c–1	11240
274.200	11240
275.206(4)–1	10549
Proposed rules:	
275	10607

18 CFR

2.56	[10342]
13	10794

19 CFR

3.11	10508
4.9	10508
14.13	10476
Proposed rules:	
3	10731

20 CFR

25.5	10509
404.801	10226
404.804	10227
404.806	10227
404.807	10227
404.810	10227
404.812	10228
404.1502	11049
404.1520—404.1539	11049
Proposed rules:	
404	11083

21 CFR

15.513	11209
17.1	10550
46	11209
120.3	10550
120.37	10551
120.169	10550, 10551
120.188	10228
121.90	11210, 11241
121.91	11210, 11242
121.101	11210
121.209	11210, 11293
121.210	10228
121.214	11211
121.220	10590
121.1022	10228
121.1072	10477
121.1073	10343
121.1074—121.1075	11052
121.1078	11210
121.2525	11211
121.2529	11242
146.26	10229
146a.89	10728
147.1	11212
191.1	11214
191.7	11214
191.63	11214
191.101	11214, 11293
Proposed rules:	
1	10601
17	10362
120	10487, 10640, 10732, 10810, 11297
121	10362, 10452, 10698, 10732, 10774, 10881, 10976, 11217, 11254
130	10811
191	11217

22 CFR

22.1	[10728]

24 CFR

	Page
202a.267	10229
203.71	10229
203.497	10229
207.4	10229
207.263	10229
213.7	10229
220.100	10230
220.102	10230
220.125	10230
220.501	10230
220.507	10230
220.512	10230
220.634	10230
221.514	10230
232.31	10231
232.95	10231
232.345	10231
603.263	10231
608.268	10231
611.262	10231
702.259	10231
803.263	10231
903.256	10231
903.266	10231

25 CFR

17.14	10930
31.7	10637
131	10966
141.7	10232
141.12	10232
141.19	10232
Proposed rules:	
34	10640
194	10808
221	10516, 10808, 11296

26 CFR

1.101–4	10275
1.179–2	10477
1.179–4	10477
Proposed rules:	
1	10283, 10449, 10450, 10483
48	10593
252	10484

28 CFR

21.1	10232

29 CFR

9.3	10795
9.41	10795
9.42	10795
9.43	10795
9.51	10795
9.52	10796
9.53	10796
9.61	10796
9.64	10796
9.67	10796
9.69	10796
9.73	10796
9.74	10797
9.75	10797
9.85	10797
9.91	10797
9.92	10797
9.93	10797
9.105	10797
601.2	10275
780	10377
793	10275

30 CFR

27	10969

31 CFR

309.3	11215
309.8	11215
315.10	11215
332.7	11215

32 CFR

	Page
200	10931
200.1	10931
504	10797
507	10509
536.79—536.87	11291
552.16	10728
552.16a	10728
552.18	10728
552.18a	10728
561.29—561.37	10931
590.102	10553
590.109–3	10553
590.109–50	10553
590.300	10553
590.301	10553
590.302–5	10553
590.306—590.306–54	10553
590.308	10554
590.310	10554
590.311	10555
590.313	10555
590.350	10555
590.403–50	10555
590.600–50	10555
590.601–1	10555
590.603–50	10555
590.604	10555
590.604–3	10555
590.605	10555
590.650	10556
590.1005–5	10556
590.1302—590.1350	10556
591.204	10558
591.250	10558
592.106—592.106–3	10558
592.108	10558
592.151—592.152	10558
592.154	10558
592.156—592.157	10558
592.216–2	10558
592.306	10558
592.405–3	10558
592.605–51	10558
592.700—592.707	10558
592.850—592.850–6	10563
595.504	10566
596.105–5	10566
596.203–50	10566
597.300	10566
598.105–51	10566
598.105–64	10566
598.1500—598.1509	10567
599.501–4	10567
600.051	10567
601.102–4	10567
601.450	10567
602.406–50	10567
602.406–51	10567
605.203	10567
605.505–50	10567
605.601	10568
606.203–4	10568
608	10728
737	10353
739	10353
750	10826
751	10836
753	10842
765.4	10591

33 CFR

3	10344
67.50–5	10353
67.50–10	10353
67.50–15	10353
67.50–20	10353
67.50–25	10353
67.50–30	10353
67.50–35	10353
67.50–40	10353

33 CFR—Continued

	Page
202.60	11171
202.145	11172
202.155	11174
202.157	11179
202.168	11181
202.196	10805
202.230	11184
203.75	11185
203.190	11187
203.225	11187
203.245	11188
203.434	10445
203.541—203.542	10805
203.560	11192
203.712	11195
204.3	10278
204.5	11195
204.10	11196
204.25	11196
204.95	11197
204.130	11197
206.85	11197
207.128	11198
207.300	11199
207.640	11201
207.750	11203

35 CFR

4.304	10353
Canal Zone Orders:	
58	10353

36 CFR

6.3	10638
Proposed rules:	
7	10600

38 CFR

3.1553	10551
3.1568	10552
13.72—13.77	10232
13.104	10233
17.52	11214
17.60	11214
17.123	11214
17.140	11214
21.204	10278
21.800	10279
21.2303	10478
21.3208	10478
21.3210	10478

39 CFR

96.45—96.50	10510
111.2	10805
168.5	10771, 10806, 10972

41 CFR

1–5.3—1–5.304	10590
5–1.315–2	10354
5–1.350—5–1.350–4	10354
50–202.11	10355
50–202.27	10355
Proposed rules:	
50–202	10517, 10773

42 CFR

73.1	10355

43 CFR

221.53	10479
221.68	10479
244	[10728]
244.21	10728
244.70—244.92	10728
Proposed rules:	
191	10808
203	10808
257	10285
Public land orders:	
73	10638
1071	10356

73000—61——4

43 CFR—Continued

Public land orders—Continued

	Page
2435	11052
2460	10568
2524	10735
2526	10279
2527	10356
2528	10356
2529	10356
2530	10427
2531	10480
2532	10480
2533	10480
2534	10568
2535	10569
2536	10638
2537	10729
2538	10729
2539	10806
2540	10806
2541	10806
2542	11215

45 CFR

212	10481

46 CFR

30.01–5	10997
31.01–1	10997
31.10–5	10997
31.10–16	10997
31.37–1—31.37–85	10997
35.30–40	11000
35.70–1—35.70–35	11001
71.25–25	11003
71.47–1—71.47–85	11004
71.65–5	11007
78.80–1—78.80–35	11007
91.25–25	11010
91.37–1—91.37–85	11010
91.55–5	11013
97.70–1—97.70–35	11014
146.04–5	11017
146.09–15	11017
146.20–3	11019
146.20–11	11019
146.20–35	11019
146.20–100	11019
146.20–200	11019
146.21–57	11019
146.21–100	11019
146.22–7	11020
146.22–25	11020
146.22–100	11020
146.23–13	11020
146.23–100	11020
146.24–15	11020
146.24–20	11020
146.24–27	11020

46 CFR—Continued

	Page
146.24–100	11020
146.25–5	11021
146.25–43	11021
146.25–55	11021
146.25–100	11021
146.25–200	11021
146.26–35	11022
146.27–35	11022
293	11243
Proposed rules:	
201	10601
206	10601
221	10601
298	10601
299	10601
502	10520
510	10941

47 CFR

1.122—1.123	10279
1.351	[10280], 10448
1.354	[10280]
2.1—2.106	10656
3.21	[10280]
3.22	[10280]
3.24	[10280]
3.25	[10280]
3.28	[10280]
3.182	[10280]
3.185	[10280]
3.190	[10280]
3.596	10730
3.606	10918, 11293
5.3	10807
5.155	10807
5.253	10807
5.406	10807
7—	
Technical amendment	10591
7.134	10919
7.206	10919
7.304	10919
7.306	10918, 10920
8	[10925]
Technical amendment	10591
8.3	10921
8.131	10921
8.132	10921
8.133	10921
8.322	10921
8.323	10921
8.324	10921
8.351	10922
8.354	10918, 10922
8.355	10923
8.801	10923
8.802	10925
8.804	10918
9.312	10926

47 CFR—Continued

	Page
9.331	10926
9.912	10927
10.255	10570
10.305	10570
10.355	10570
10.405	10570
14—	
Technical amendment	10591
14.259	10925, 11293
14.264	10925, 11246
14.266—14.267	11246
15—	
Technical amendment	10281
15.4	10281
15.63	10281
18	[10281]
Technical amendment	10281
18.2	10281
18.6	10282
18.7	10282
18.11	10282
18.14	10282, 10591, 10927
18.102	10282
18.107	10282
Proposed rules:	
2	10701
3	10239, 10572, 10606, 10935, 10938, 10939, 10940, 11297
6	11298
10	10573
12	10240
13	11298
15	10940

49 CFR

10	11104, 11216
125.9—125.12	10846
125.14—125.60	10846
170.1	10771
Proposed rules:	
73	10572, 11088, 11299
176	10240

50 CFR

10.3	11247
10.15—10.16	11247
10.21—10.23	11247
10.31	11247
10.61—10.65	11247
10.81—10.87	11247
16	11247
32.11	10730
32.12	10638
32.21	10730
32.22	10233, 11216
32.32	10234, 10282, 11251
33.5	10234, 10235, 10878, 10973, 10974
Proposed rules:	
215	10640

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to 2 CFR; November 1961)

This table lists the sections of the U.S. Code which were added to 2 CFR as a result of new citations of authority carried in the *Federal Register* during November 1961.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the Codification Guide above.

5 U.S.C.:	CFR
1125	5 Part 25
7 U.S.C.:	
601–674	7 Parts 986, 1015, 1035, 1071, 1073
1134	7 Part 833
1316	7 Parts 723, 727
1375	7 Part 727
1378	7 Part 729
1421	6 Part 423
1447	6 Part 423
1448	6 Part 423
1449	6 Part 423
1813	7 Part 730
1987	6 Part 305
1989	6 Part 305
8 U.S.C.:	
1101	8 Part 205
10 U.S.C.:	
5031	32 Part 751
12 U.S.C.:	
1134*l*	6 Part 70
1748h–1	24 Part 803
14 U.S.C.:	
633	33 Part 3
15 U.S.C.:	
69e	16 Part 301
80b–6	17 Part 275

15 U.S.C.—Continued	CFR
714b	6 Part 423; 7 Parts 775–776
714c	7 Parts 775–776
16 U.S.C.:	
704	50 Part 16
825h	18 Part 13
18 U.S.C.:	
701	32 Part 507
704	32 Part 507
21 U.S.C.:	
341	21 Part 46
371	21 Part 46
29 U.S.C.:	
201–219	29 Part 793
30 U.S.C.:	
3	30 Part 27
5	30 Part 27
7	30 Part 27
471	30 Part 27
479	30 Part 27
482	30 Part 27
33 U.S.C.:	
180	33 Part 203
471	33 Part 203
38 U.S.C.:	
180k	33 Part 202
40 U.S.C.:	
442	6 Part 305

42 U.S.C.:	CFR
422	20 Part 404
1302	45 Part 212
1313	45 Part 212
48 U.S.C.:	
170	46 Parts 35, 78, 97
369	46 Part 71
391a	46 Parts 78, 97
404	19 Part 3
405	46 Part 71
409	46 Part 71
481–482	46 Part 91
483	46 Part 71
489	46 Parts 35, 78, 97
1114	46 Part 293
47 U.S.C.:	
155	47 Part 15
409	47 Part 1
49 U.S.C.:	
1301	14 Part 18
1324	14 Part 377
1354	14 Part 18
1376	39 Part 96
1421	14 Part 18
1425	14 Part 18
1430	14 Part 18

U.S. GOVERNMENT PRINTING OFFICE: 1961

THE UNIVERSITY OF MICHIGAN
NOV 2 1961
MAIN READING ROOM

Pages 10201–10264

FEDERAL REGISTER

VOLUME 26 NUMBER 211

Washington, Wednesday, November 1, 1961

Contents

THE PRESIDENT

Proclamation

Thanksgiving Day, 1961 10203

EXECUTIVE AGENCIES

Agricultural Marketing Service

NOTICES:
Market agencies at Union Stock Yards, Ogden, Utah; petition for modification of rate order .. 10242

RULES AND REGULATIONS:
Valencia oranges grown in Arizona and designated part of California; handling limitation .. 10214

Agricultural Research Service

NOTICES:
Certain humanely slaughtered livestock; identification of carcasses 10242

RULES AND REGULATIONS:
Scabies in sheep; interstate movement 10223

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in North Texas marketing area; decision on proposed amendments to tentative agreement and order 10236

RULES AND REGULATIONS:
Farm marketing quotas:
Holding of referenda 10208
Peanuts; 1959 and subsequent crops 10209
Review regulations 10204
Milk in certain marketing areas; orders amending orders:
Colorado Springs-Pueblo 10216
Minneapolis-St. Paul 10215
North Texas 10214
Sugar; Puerto Rico; approved local producing areas for 1960–61 crop 10214

Agriculture Department

See also Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
Aerojet-General Nucleonics; issuance of facility license amendment 10246

Attorney General's Office

RULES AND REGULATIONS:
Witness fees; travel expenses and subsistence of Federal officers and employees summoned as witnesses for Government 10232

Census Bureau

NOTICES:
Number of employees, taxable wages, geographic location, and kind of business for establishments of multiunit companies .. 10246

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Aaxico Airlines, Inc 10246
Emery Air Freight Corp 10247

PROPOSED RULE MAKING:
Tariffs of air carriers and foreign air carriers; reduced rate transportation for members of immediate families of military personnel stationed overseas ... 10238

Civil Service Commission

RULES AND REGULATIONS:
Exceptions from competitive service:
Civil Rights Commission 10204
Defense Department 10204
General Services Administration 10204
Interior Department 10204

Commerce Department

See Census Bureau.

Federal Aviation Agency

NOTICES:
Proposed radio antenna structure; determination of hazard to air navigation 10248
Proposed water storage tank; determination of no hazard to air navigation 10248
Radio antenna structure; determination of no hazard to air navigation 10248

RULES AND REGULATIONS:
Airworthiness directives:
Canadair CL-44D4 aircraft (2 documents) 10223, 10224
Vickers Viscount 745D and 810 series aircraft 10224
Control zones and control area extensions; alteration 10225
Federal airway; alteration 10225

Federal Communications Commission

NOTICES:
Howard, William S.; show cause order 10249
Hearings, etc.:
Bloomington Broadcasting Corp. (WJBC and WJBC–FM) ... 10249
Catskills Broadcasting Co. et al 10249
Kenosha Broadcasting, Inc ... 10250
Young People's Church of the Air, Inc., and WJMJ Broadcasting Corp 10250

PROPOSED RULE MAKING:
Amateur radio service; availability of certain frequency bands in Alaska and Hawaii 10240
Deintermixture of Columbia, S.C.; order extending time for filing responsive pleadings 10239

Federal Home Loan Bank Board

PROPOSED RULE MAKING:
Operations; loans and investments 10239

Federal Housing Administration

RULES AND REGULATIONS:
Miscellaneous amendments 10229

Federal Power Commission

NOTICES:
Hearings, etc.:
Brown, George R 10251
Hunt, H. L., et al 10252
Lima Gas Co 10253
Socony Mobil Oil Co., Inc., et al 10253
Texas Eastern Transmission Corp. and Texas Gas Transmission Corp 10250

(*Continued on next page*)

CONTENTS

Federal Trade Commission
RULES AND REGULATIONS:
A. E. Nelson and Co., Inc., et al.; prohibited trade practices 10226

Fish and Wildlife Service
RULES AND REGULATIONS:
Special regulations for individual wildlife refuge areas:
Hunting big game; Lacreek, S. Dak. 10234
Hunting upland game; Tewaukon, N. Dak. 10233
Sport fishing:
Minnesota; Rice Lake 10234
South Dakota:
Sand Lake 10235
Waubay 10235

Food and Drug Administration
RULES AND REGULATIONS:
Food additives permitted in food for human and animal consumption; certification of antibiotic and antibiotic-containing drugs 10228
Pesticide chemicals in or on raw agricultural commodities; diatomaceous earth; exemption from tolerance requirement 10228

Health, Education, and Welfare Department
See Food and Drug Administration; Social Security Administration.

Housing and Home Finance Agency
See Federal Housing Administration.

Indian Affairs Bureau
RULES AND REGULATIONS:
Forestry; timber cutting permits 10232

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

Internal Revenue Service
NOTICES:
Certain officials; delegation of authority to permit inspection of returns and related documents 10241

Interstate Commerce Commission
NOTICES:
Applications for "grandfather" Alaska certificate or permit and Hawaii freight forwarder permit 10263
Fourth section applications for relief 10264
Motor carrier:
Applications and certain other proceedings 10254
Transfer proceedings 10263
PROPOSED RULE MAKING:
Motor common carriers of household goods; pooling 10240

Justice Department
See Attorney General's Office.

Land Management Bureau
NOTICES:
California; proposed withdrawal and reservation of lands 10241
Nevada; small tract classification; amendment 10241
Wyoming; proposed withdrawal and reservation of lands; correction 10242

Post Office Department
NOTICES:
Director, Realty Division, Bureau of Facilities; delegation of authority with respect to real property mangement 10241

Social Security Administration
RULES AND REGULATIONS:
Federal old-age, survivors and disability insurance (1950——); maintenance and revision of records of wages and self-employment income 10226

Treasury Department
See Internal Revenue Service.

Veterans Administration
RULES AND REGULATIONS:
Department of Veterans Benefits, Chief Attorneys; miscellaneous amendments 10232

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR
PROCLAMATIONS:
3438 10203

5 CFR
6 (4 documents) 10204

7 CFR
711 10204
717 10208
729 10209
847 10214
922 10214
943 10214
973 10215
994 10216
PROPOSED RULES:
943 10236

9 CFR
74 10223

12 CFR
PROPOSED RULES:
563 10239

14 CFR
507 (3 documents) 10223, 10224
600 10225
601 10225
PROPOSED RULES:
227 10238

16 CFR
13 10226

20 CFR
404 10226

21 CFR
120 10228
121 10228
146 10228

24 CFR
202a 10229
203 10229
207 10229
213 10229
220 10230
221 10230
232 10230
603 10231
608 10231
611 10231
702 10231
803 10231
903 10231

25 CFR
141 10232

28 CFR
21 10232

38 CFR
13 10232

47 CFR
PROPOSED RULES:
3 10239
12 10240

49 CFR
PROPOSED RULES:
176 10240

50 CFR
32 (2 documents) 10233, 10234
33 (3 documents) 10234, 10235

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3438

THANKSGIVING DAY, 1961

By the President of the United States of America

A Proclamation

"It is a good thing to give thanks unto the Lord."

More than three centuries ago, the Pilgrims, after a year of hardship and peril, humbly and reverently set aside a special day upon which to give thanks to God for their preservation and for the good harvest from the virgin soil upon which they had labored. Grave and unknown dangers remained. Yet by their faith and by their toil they had survived the rigors of the harsh New England winter. Hence they paused in their labors to give thanks for the blessings that had been bestowed upon them by Divine Providence.

This year, as the harvest draws near its close and the year approaches its end, awesome perils again remain to be faced. Yet we have, as in the past, ample reason to be thankful for the abundance of our blessings. We are grateful for the blessings of faith and health and strength and for the imperishable spiritual gifts of love and hope. We give thanks, too, for our freedom as a nation; for the strength of our arms and the faith of our friends; for the beliefs and confidence we share; for our determination to stand firmly for what we believe to be right and to resist mightily what we believe to be base; and for the heritage of liberty bequeathed by our ancestors which we are privileged to preserve for our children and our children's children.

It is right that we should be grateful for the plenty amidst which we live: the productivity of our farms, the output of our factories, the skill of our artisans, and the ingenuity of our inventors. But in the midst of our thanksgiving, let us not be unmindful of the plight of those in many parts of the world to whom hunger is no stranger and the plight of those millions more who live without the blessings of liberty and freedom. With some we are able to share our material abundance through our Food-for-Peace Program and through our support of the United Nations Freedom-from-Hunger Campaign. To all we can offer the sustenance of hope that we shall not fail in our unceasing efforts to make this a peaceful and prosperous world for all mankind.

NOW, THEREFORE I, JOHN F. KENNEDY, President of the United States of America, in consonance with the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day, do hereby proclaim Thursday, the twenty-third day of November of this year, as a day of national thanksgiving.

I urge all citizens to make this Thanksgiving not merely a holiday from their labors, but rather a day of contemplation. I ask the head of each family to recount to his children the story of the first New England Thanksgiving, thus to impress upon future generations the heritage of this nation born in toil, in danger, in purpose, and in the conviction that right and justice and freedom can through man's efforts persevere and come to fruition with the blessing of God.

Let us observe this day with reverence and with prayer that will rekindle in us the will and show us the way not only to preserve our blessings, but also to extend them to the four corners of the earth. Let us by our example, as well as by our material aid, assist all peoples of all nations who are striving to achieve a better life in freedom.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of October in the year of our Lord nineteen hundred and sixty-one, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-10438; Filed, Oct. 30, 1961; 2:10 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) of § 6.110 is amended as set out below.

§ 6.110 Department of the Interior.

* * * * * * *

(e) *Office of Territories.* (1) Until December 31, 1962, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10394; Filed, Oct. 31, 1961; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Commission on Civil Rights

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.160 is amended as set out below.

§ 6.160 Commission on Civil Rights.

(a) Ten positions at grade GS-11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 85-315. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond November 9, 1963.

(R.S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10373; Filed, Oct. 31, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (32) of paragraph (a) of § 6.304 is amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(32) One Deputy Assistant Secretary (Arms Control), Office of the Assistant Secretary of Defense for International Security Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10371; Filed, Oct. 31, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (f) of § 6.333 is amended to read *"Transportation and Communications Service."*

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10372; Filed, Oct. 31, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 711—MARKETING QUOTA REVIEW REGULATIONS

The regulations contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) and govern the review of farm marketing quotas of commodities under section 363 of the act. The purpose of this revision is to reissue the Marketing Quota Review Regulations (25 F.R. 6505, 26 F.R. 7693) with various minor language changes arising out of certain organizational changes in the Department of Agriculture and to make other minor changes. The principal changes are as follows:

(1) References to Commodity Stabilizaton Service are changed to Agricultural Stabilization and Conservation Service, (2) references to State administrative officer are changed to State executive director, (3) citations to other regulations are changed or deleted, (4) reference to particular forms of notice of quota is deleted so that any official written notice of quota will be a basis for review of such quota, and (5) some provisions relating to 1960 only are deleted.

Since these changes are procedural and minor in nature and since the use of Forms MQ-29 and MQ-30 will not occur until release and reapportionment of farm allotments in the Spring of 1962, it is hereby determined that compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this revision shall become effective on January 1, 1962.

GENERAL

Sec.
711.1 Effective date.
711.2 Definitions.
711.3 Issuance of forms and instructions.
711.4 Availability of records.

REVIEW COMMITTEE

711.5 Eligibility as member of a panel.
711.6 Appointment of members of a panel.
711.7 Oath of office.
711.8 Composition of review committee.
711.9 Term of office.
711.10 Compensation.
711.11 Effect of change in composition of review committee.

JURISDICTION

711.12 Area of venue and jurisdiction.

APPLICATION FOR REVIEW OF QUOTA

711.13 Manner and time of filing.
711.14 Examination by county committee.
711.15 Withdrawal of applications.
711.16 Amendments.

HEARING AND DETERMINATION

711.17 Place and schedule of hearing.
711.18 Notice of hearing.
711.19 Order of dismissal.
711.20 Continuances.
711.21 Conduct of hearing.
711.22 Nonappearance of applicant.
711.23 Determination by review committee.
711.24 Service of determination.
711.25 Reopening of hearing.
711.26 Record of hearing.

COURT PROCEEDINGS

711.27 Procedure in the case of court proceedings.

PUERTO RICO

711.28 Special provisions applicable to Puerto Rico.

AUTHORITY: §§ 711.1 to 711.28 issued under secs. 363-368, 52 Stat. 63, 64, as amended, 378, 52 Stat. 66, as amended; 7 U.S.C. 1363-1368, 1375.

GENERAL

§ 711.1 Effective date.

The Marketing Quota Review Regulations, as amended, (25 F.R. 6505; 26 F.R. 7693) shall remain in effect and shall apply to all actions and proceedings taken prior to January 1, 1962, and such regulations are superseded as of midnight, December 31, 1961. The provisions of §§ 711.1 to 711.28 are effective January 1, 1962.

§ 711.2 Definitions.

As used in §§ 711.1 to 711.28 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) The terms "Secretary," "Deputy Administrator," "State committee," "county committee," "community committee," "State executive director," and "county office manager" as defined in Part 719 of this chapter, as amended, shall apply to the regulations in §§ 711.1 to 711.28.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(c) "Director" means the Director, or Acting Director, of the applicable Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture. The applicable Division shall be the Cotton Division in the case of upland and extra long staple cotton, the Grain Division in the case of rice and wheat, the Oils and Peanut Division in the case of peanuts, and the Tobacco Division in the case of tobacco.

(d) "Quota" means a farm marketing quota established under the act and includes one or more of the following factors: farm acreage allotment, normal yield for the farm, actual production for the farm, farm marketing excess, acreage of the commodity on the farm, determination by the county committee of the land constituting the farm, and with respect to the farm marketing quota for the 1962 crop of wheat the marketing quota exemption acreage.

(e) "Application" means an application for review of a quota under section 363 of the act.

(f) "Review committee" means three farmers appointed by the Secretary as members of a panel to review quotas under section 363 of the act.

(g) "Clerk" means a person designated by the State executive director to serve as clerk to the review committee and such person shall be the county office manager for the county in which the application was filed or an employee of the State office or other employee of the county office.

(h) "County" means a county or parish of a State or any other equivalent subdivision of a State, or area established by the State committee, as for example but not limited to independent cities and the northern and southern areas of Puerto Rico.

(i) "Expiration of time limitation" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 711.1 to 711.28.

§ 711.3 Issuance of forms and instructions.

The Deputy Administrator shall issue such forms and instructions with respect to internal management as are necessary for carrying out §§ 711.1 to 711.28. The following general forms, as revised from time to time, are prescribed for use in connection with review hearings:

(a) MQ-53 Application for Review.
(b) MQ-54 Notice of Untimely Filing.
(c) MQ-55 Notice of Insufficiency.
(d) MQ-56 Notice of Hearing.
(e) MQ-57 Order of Dismissal.
(f) MQ-58 Determination of Review Committee.
(g) MQ-59 Oath of Review Committeeman.

§ 711.4 Availability of records.

The clerk shall carefully keep a record of all applications and of all proceedings relating to the review of such applications. Such records shall be available for public inspection at the office of the clerk.

REVIEW COMMITTEE

§ 711.5 Eligibility as member of a panel.

Any farmer who meets the eligibility requirements for county committeeman prescribed in the regulations in Part 7 of Subtitle A of this Title, as amended, in a county within the area of venue for which he is to be appointed shall be eligible for appointment as a member of a review committee panel for such area of venue. If the area of venue consists of only one county or a part of a county, these eligibility requirements must be met in such county or in a nearby county. No farmer whose legal residence is in one State shall be eligible for appointment as a member of a review committee panel for an area of venue in another State.

§ 711.6 Appointment of members of a panel.

The Secretary shall appoint six or more eligible farmers to serve as members of a review committee panel in each area of venue. Notice of appointment shall be sent to the State committee, which shall notify the farmers so appointed and the clerk. Appointments may be made before, during, or after the period in which applications for review of quotas are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act, to make such other appointment deemed proper.

§ 711.7 Oath of office.

Each farmer appointed to serve as a member of a review committee shall, as soon as possible after appointment, execute an oath of office on such form as may be prescribed by the Deputy Administrator, duly subscribed and sworn to or affirmed before a notary public. No farmer shall serve on a review committee unless such oath of office has been duly executed and filed with the State executive director or the clerk. A farmer appointed for consecutive terms to serve as a member of a review committee shall not be required to file a new oath of office after the original filing. If the form of oath of office prescribed by the Deputy Administrator is materially changed, a new oath of office shall be executed if required by the Deputy Administrator.

§ 711.8 Composition of review committee.

(a) *Three designated members from the panel constitute a review committee.* Three members from the panel shall act as a review committee to hear applications for review for the prescribed area of venue. The State executive director shall designate from the panel of members for the prescribed area of venue three members who shall act as a review committee to hear specific applications and shall designate one of these three members as chairman of the review committee and another member as vice-chairman. Where the number of applications pending require two or more review committees for prompt disposition of such applications, the State executive director shall designate the members of each review committee, the chairman and vice-chairman thereof, and the specific applications to be heard by each review committee. Two or more review committees may hear applications concurrently in an area of venue. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman. The State executive director shall notify members of each review committee of the schedule of hearings. No member shall serve in any case in which a quota will be reviewed for a farm in which such member, any of his relatives or business associates is interested, nor shall any member serve where he had acted as State, county, or community committee member on a quota to be reviewed by the review committee.

(b) *Only two members present to commence hearing.* Where only two members of a review committee are present to commence a hearing, although three members were scheduled to hear the application, at the request of or with the consent of the applicant in writing, a hearing conducted by two members of the review committee shall be deemed to be a regular hearing of the review committee as to such application. The determination made by such members shall constitute the determination of the review committee. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State executive director. If the applicant does not consent in writing to a hearing conducted by two members of the review committee, the hearing shall be rescheduled.

(c) *Only two members remain to complete a hearing.* Where only two members of a review committee remain to complete a hearing commenced with three members, due to serious illness, death, or other cause which prevents one of the members from completing the hearing within a reasonable time, at the request or with the consent of the applicant in writing, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purpose of such hearing. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State executive director. If the applicant does not consent in writing to completion of the hearing by two members of the review committee, the hearing shall be rescheduled.

(d) *Reopened or remanded hearings.* In the case of a reopened or remanded hearing, if any member of the review committee is no longer in office because of death, resignation, or ineligibility, the State executive director shall designate another member of the review committee panel to serve on the review committee. If a hearing held pursuant to paragraph (b) or (c) of this section is reopened or remanded and only one review committee member is available to hear such reopened or remanded hearing, the State executive director shall designate two additional members from the review committee panel to serve on the review committee.

§ 711.9 Term of office.

Appointment as a member of a review committee panel shall be for a term of one calendar year. A member may be reappointed for succeeding terms. Notwithstanding the foregoing, a review committee shall continue in office to conclude hearings before it which are begun during such year and make final determinations thereof, or to hold a reopened hearing, or to conclude a hearing remanded to it by a court.

§ 711.10 Compensation.

The members designated as review committeemen shall receive compensation when serving at the same rate as that received by the members of the county committee which established the quotas sought to be reviewed. No member of a review committee shall be entitled to receive compensation for services as such member for more than thirty days in any one year. Payment of compensation, reimbursement for travel expenses and rates therefor, shall be made under such conditions as may be prescribed by the Deputy Administrator.

§ 711.11 Effect of change in composition of review committee.

Nothing contained in §§ 711.5 to 711.10 relating to any vacancy or revocation or suspension of appointment and nothing done pursuant thereto shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee whose office has become vacant participated, or as affecting in any way court proceeding which may be instituted to review such determination.

JURISDICTION

§ 711.12 Area of venue and jurisdiction.

An area of venue for a review committee shall be established by the State committee taking into consideration the requirement of section 363 of the act that review committee members must be from the county in which the quota was established or from nearby counties, the prompt handling of applications for review, transportation problems and the limit of 30-day service by review committeemen in any one year. An area of venue may consist of all or part of a county, or more than one county within a State. A review committee shall have jurisdiction to hear timely filed applications respecting quotas established or denied by official written notice for farms within its area of venue. In all cases, the review committee shall consider only such matters as, under applicable provisions of the act and regulations of the Secretary, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed.

APPLICATION FOR REVIEW OF QUOTA

§ 711.13 Manner and time of filing.

Any farmer who is dissatisfied with his quota may, within fifteen days after the date of mailing to him of notice of such quota, file a written application for review thereof by the review committee. Such review may include any of the factors applicable to the quota as defined in § 711.2(d): *Provided, however,* That any determination of the county committee, such as the farm acreage allotment, which has previously been reviewed by a review committee and has become final, shall not be reconsidered in a subsequent review proceeding. Unless application for review is made within such period, the original determination of the quota shall be final. An application shall be in writing and addressed to, and filed with, the county office manager for the county from which the notice of quota was received. Any application (Form MQ–53 available on request) whether made on Form MQ–53 or not, shall contain the following:

(a) Date of application and commodity (including type where applicable, e.g. upland cotton, flue-cured tobacco).

(b) Correct full name and address of applicant.

(c) Brief statement of each ground upon which the application is based.

(d) A statement of the amount of quota which it is claimed should have been established.

(e) Signature of applicant.

§ 711.14 Examination by county committee.

As soon as practicable, the county committee and county office manager shall examine the applications and the following action shall be taken:

(a) If the application is not filed within the prescribed 15-day period the county office manager shall send a notice of untimely filing on Form MQ–54 by certified mail to the applicant at the address shown on the application;

(b) If the increase, adjustment or other determination requested in the application is found to be proper in whole or in part, the county committee shall notify the applicant thereof and, upon withdrawal of the application by the applicant, shall revise the quota within the limits of the act and the regulations for the commodity and mail a notice of revised quota to the applicant. Where any such adjustment is approved as provided in the applicable regulations for the commodity, a charge of the amount so approved, but not to exceed the amount approved by the review committee if the application is not withdrawn, shall be made against applicable available reserve acreages;

(c) If the application does not contain substantially the information required under § 711.13, the county office manager shall send a notice of insufficiency on Form MQ–55 by certified mail to the applicant at the address shown on the application. The applicant may file an amended application within 15 days from the date of mailing the notice of insufficiency;

(d) All applications which are not withdrawn by the applicant and which are not disposed of under paragraphs (a) to (c) of this section shall be listed and a report thereof sent to the State executive director with a request that hearings be scheduled. The county committee, in each case scheduled for a hearing on the merits, shall prepare a written answer to the application setting forth all of the pertinent facts relating to the case, pointing out the provisions of applicable regulations under which the quota being reviewed was established, explaining the data used, how the quota was established, pointing out why the quota should not be revised, if such be the case, and any other matters deemed pertinent. The answer shall set forth the foregoing so as to include all the issues of fact which are known to be in dispute. In each case scheduled for a hearing under § 711.19(b), the county committee shall prepare an appropriate written answer.

§ 711.15 Withdrawal of applications.

An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed by the clerk "Dismissed at the request of the applicant."

§ 711.16 Amendments.

Upon due request, and within the discretion of the review committee, the right to amend the application and all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

HEARING AND DETERMINATION

§ 711.17 Place and schedule of hearing.

The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the State executive director or by the review committee in cases arising under § 711.20: *Provided, however,* That the place of hearing may be in some other county if agreed to in writing by the applicant. The State executive director shall schedule applications for hearings and forward such schedule to the clerk.

§ 711.18 Notice of hearing.

The clerk shall give written notice on Form MQ–56 to the applicant by depositing such notice in the United States mail, certified and addressed to the last known address of the applicant at least ten days prior to the time appointed for the hearing and copies of such notice shall also be sent to the county committee and the State office. If the applicant requests waiver of such ten day period, the hearing may be scheduled earlier upon consent of the other interested parties. The notice of the hearing shall specify the time and place of the hearing, contain a statement of the statutory authority for the hearing, state that the application will be heard by the review committee duly appointed for the area of venue in which the applicant's farm is located, and that a verbatim transcript may be obtained by the applicant if he makes arrangement therefor before the hearing and pays the expense thereof.

§ 711.19 Order of dismissal.

(a) *Review committee examination of notices of insufficiency and untimely filing.* The review committee shall examine each application where a notice of insufficiency or untimely filing was sent. If it concurs in the action taken by the county office manager, an order of dismissal on Form M2–57 shall be issued, as provided in § 711.24. If it does not concur, the State executive director shall be advised and shall schedule a hearing.

(b) *Hearing on isuses of timely filing, sufficiency of application, or failure to appear at a scheduled hearing.* The applicant may file a written request for a hearing on issues of timely filing, sufficiency of the application, or failure to appear at a scheduled hearing, with the clerk within 15 days after the date of mailing of the order of dismissal giving the reasons why he believes a hearing should be held and the State executive director shall schedule a hearing as to such issues. Such hearing shall also include a determination on the merits of any application found to be timely filed and sufficient, and, where applicable, the applicant shows that with the exercise of due diligence he was unable to appear at his scheduled hearing.

§ 711.20 Continuances.

Hearings shall be held at the time and place set forth in the notice of hearing or in any subsequent notice amending or superseding the prior notice, but may without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued pursuant to § 711.18. In the event a full committee of three is not present, those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing unless the hearing is held pursuant to § 711.8 (b) or (c). There shall not be a continuance for lack of a full committee in the case of a reopened or remanded hearing where the hearing was initially held pursuant to § 711.8 (b) or (c) and the two review committeemen who previously held the hearing are present and eligible to serve.

§ 711.21 Conduct of hearing.

(a) *Open to public.* Except as otherwise provided in §§ 711.1 to 711.28, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the quota being reviewed.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated by the review committee on its own motion or at the request of the State executive director and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read or cause to be read the pertinent portions of the application for review. The written answer of the county committee shall be submitted and shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe. The review committee may take official notice of relevant publications of the Department of Agriculture and regulations of the Secretary.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall testify under oath or affirmation. The review committee shall confines the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal exidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the reivew committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes including but not limited to stenographic reports or recordings at the hearing as will enable it to make a summary of the proceedings and the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript prior to the time the hearing begins and provides for its preparation and for the payment of the expense thereof, or (2) the State committee representative requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee and one copy shall be furnished to the State office without charge. The clerk shall certify that the summary of the testimony or the verbatim transcript is accurate to the best of his knowledge and belief.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk and an additional copy thereof shall be provided to the other party.

§ 711.22 Nonappearance of applicant.

(a) If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant and no continuance has been requested by the applicant, the review committee shall thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application.

(b) If, at a hearing which is reopened pursuant to § 711.25 or remanded by a court, the applicant is absent and no appearance is made on his behalf, the review committee shall continue the hearing for a reasonable period of time and if the applicant does not appear at such continued hearing, the review committee shall make a determination on Form MQ–58.

§ 711.23 Determination by review committee.

As soon as practicable after hearing on an application, including a hearing on an order of dismissal, the review committee shall make a determination upon the application. If it is determined by the review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The

concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary thereunder . If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate. The appropriate county office manager shall make available to the review committee such clerical and stenographic assistance as may be required.

§ 711.24 Service of determination.

A copy of the determination or of any order dismissing the application, certified by the clerk as a true and correct copy of the signed original, shall be served upon the applicant by sending the same by certified mail addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof substantially the following statement: "To all persons who, as operator, landlord, tenant, or sharechopper, are or will be interested in the above-named commodity on the above-identified farm in the year for which the marketing quota being reviewed is established" and such statement shall constitute notice to all such persons. The clerk shall make a notation on the original determination or order of the date and place of such mailing. The clerk forthwith shall forward two copies of such determination or order to the State office, and one copy to the county committee. The determination of the review committee does not become final until the maximum period for reopening of hearing under § 711.25 has expired without any reopening; or if reopened thereunder, such determination becomes final upon issuance of a new determination pursuant to the reopened hearing, subject to further appeal to a court by the applicant.

§ 711.25 Reopening of hearing.

(a) *Upon motion of review committee.* Upon its own motion within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58 the review committee may reopen a hearing for the purpose of taking additional evidence or of adding any relevant matter or document.

(b) *Upon written request based on new evidence.* Upon written request by the applicant, the county committee, or other interested parties, to the review committee within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58, the review committee shall reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document if such evidence or documents constitute new evidence not available to the parties at the time of the hearing.

(c) *Upon written notice by the Secretary.* Upon written notice by the Secretary or on his behalf by the Deputy Administrator to the review committee within forty-five days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58, the hearing shall be deemed reopened and the State executive director shall schedule the reopened hearing.

(d) *Schedule of reopened hearing.* Schedule of and notice of any reopened hearing shall follow the requirements of §§ 711.17 and 711.18 insofar as practicable. Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, no hearing shall be reopened after an appeal to a court pursuant to section 365 of the act has been timely filed by the applicant. No special hearing to contest a reopening of a hearing shall be scheduled; however, the applicant may present evidence and arguments to contest the reopening when the reopened hearing is held.

§ 711.26 Record of hearing.

The record of the proceedings shall be prepared by the clerk and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notices of quota and hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, regulations in this part, and apportionments, national, State, or county, issued by the Secretary in respect to the quota in question, as may be presented at the hearing by or on behalf of the Secretary.

(c) The answer of the county committee to the allegations contained in the application.

(d) The summary of the proceedings and the testimony prepared by the review committee if a verbatim transcript is not made, or a transcript of the testimony where a verbatim transcript is made, in accordance with § 711.21(f), to which shall be annexed any documentary evidence received at the hearing.

(e) Any written arguments or proposed findings of fact and conclusions filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record and a certificate by the clerk stating that such record is true, correct, and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk and upon payment of the actual cost of supplying such copy.

COURT PROCEEDINGS

§ 711.27 Procedure in the case of court proceedings.

Upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, the review committee is required by section 365 of the act to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee. Any member of the review committee served with papers in such suit shall immediately forward such papers to the clerk. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary.

PUERTO RICO

§ 711.28 Special provisions applicable to Puerto Rico.

Notwithstanding the provisions of §§ 711.1 to 711.27, the Caribbean Area Agricultural Stabilization and Conservation Committee (hereinafter referred to as the "ASC Committee") shall perform, insofar as applicable, the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees except as provided herein. The Director, Caribbean Area ASCS office, shall recommend members of the review committee panel, the areas of venue, and perform the functions of the State executive director. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed shall be eligible for appointment as a member of a review committee panel. The clerk shall be the ASC district supervisor of the district in which the review committee will hold its hearings. Where it is impractical or impossible to use the United States mail to serve the applicant with notice of hearing or determination or order, use shall be made of such other method of service as is available. However, when such other method is used, the ASC Committee shall make provision for keeping an accurate record of the date and method of delivery to the applicant.

Effective date: January 1, 1962.

Signed at Washington, D.C. on October 27, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10408; Filed, Oct. 31, 1961; 8:55 a.m.]

[Referendum Bulletin, Amdt. 5]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Miscellaneous Amendments

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 31, as amended; 7 U.S.C. 1281 et. seq.) for the purpose of amending § 717.1(h) to clarify the term "engaged in the production" and § 717.3(a) (1), (2), (3), (5), and (6) to clarify specific requirements for eligibility to vote in a referendum on marketing quotas contained in §§ 717.1 to 717.14, (23 F.R. 3432, 7285; 25 F.R. 5907; 26 F.R. 7258, 7693). Prior to preparing this amendment, public notice (26 F.R. 9513) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to this amendment which were submitted pursuant to such notice have been duly considered.

Section 717.1 is hereby amended by changing paragraph (h) to read:

(h) *Engaged in the production.* The term "engaged in the production" shall include planting a crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition,

(1) Each person who shared in the crop, or proceeds of the crop, actually produced on the farm during the year immediately preceding the first crop year for which the referendum is held, as owner-operator, cash tenant, landlord of a share tenant, share tenant (including, in the case of rice, an irrigation company furnishing water for a share of the crop), or sharecropper and,

(2) Each person who was either the owner or was the operator of a farm for which an acreage allotment of a commodity was established for the year immediately preceding the first crop year for which the referendum is held, but on which no such crop was produced, shall be deemed to be a farmer engaged in the production of the commodity in such year to the extent of the acreage of the commodity deemed to be devoted to such commodity for history purposes under applicable provisions of law in which he would have shared if the allotment crop for such commodity had been produced.

Section 717.3(a) (1), (2), (3), (5), and (6) are hereby amended by withdrawing the present content therein and made to read as follows:

(1) *Upland cotton.* Farmers eligible to vote in a referendum with respect to upland cotton shall be those farmers who were engaged in the production of upland cotton in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of extra long staple cotton, shall not be eligible to vote in the upland cotton referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

(2) *Extra long staple cotton.* Farmers eligible to vote in a referendum with respect to extra long staple cotton shall be those farmers who were engaged in the production of extra long staple cotton in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of upland cotton shall not be eligible to vote in an extra long staple cotton referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

(3) *Tobacco.* Farmers eligible to vote in a referendum with respect to a particular kind of tobacco will be those farmers who were engaged in the production of the crop of the kind of tobacco with respect to which the referendum is held which is harvested immediately prior to the referendum. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

* * * * * *

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice, or engaged in the production of more than three acres of non-irrigated rice on a farm. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. A person who obtained a rice allotment with respect to the crop of rice harvested immediately prior to the referendum as a new producer under applicable regulations and did not plant any of such rice allotment shall not be eligible.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who were engaged in the production of more than one acre of peanuts for nuts on a farm in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(Secs. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 27, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10409; Filed, Oct. 31, 1961; 8:55 a.m.]

[Amdt. 11]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for Peanuts of 1959 and Subsequent Crops

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising several sections of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611; 25 F.R. 897, 8065, 10567; 26 F.R. 1344, 2523, 4631, 8560). The amendment (1) expands the definition of "buyer" to include a person who receives peanuts as collateral for or in settlement of a price support loan, (2) restates the definition of "farm peanut history acreage" for clarification and to delete provisions incorporated in Part 719 of this chapter (26 F.R. 7324) (3) expands the definition of "market" to make it clear that peanuts are considered marketed when they are delivered to the buyer or as collateral for or in settlement of a price support loan, (4) clarifies the definitions of "new farm" and "old farm", (5) amends § 729.1011(ff) by adding a sentence reading "The title State Administrative Officer as used herein shall have the same meaning as State Executive Director", (6) expands § 729.1012, as amended, to include a rule of fractions to be used in the determination of the support price per pound for each type of peanuts, (7) revises § 729.1015 for clarification and to delete provisions relative to the establishment of farm allotments of one acre or less which will be incorporated in § 729.1017, as amended, (8) deletes references to 1958 and prior years in § 729.1016, as amended, as such years are no longer in the base period and revises the same section to provide that farm peanut history acreage may be increased because of abnormal conditions affecting acreage to the smaller of the planted acreage or the farm allotment, (9) deletes from § 729.1017, as amended, the reference to Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262) because reserve acreage is no longer required for adjustments under such amendment, (10) revises § 729.1018 to make it clear data for farms for which it is obvious that the farm allotment would be one acre or less is not to be included in the determination of the State allotment factor, (11) amends § 729.1020 to provide that the determination of county normal yields shall be approved by the Administrator, (12) changes the condition of eligibility for a new farm allotment contained in § 729.1021, as amended, which requires that the farm operator be largely dependent on the farm for his livelihood to require that he obtain more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment is requested, (13) revises § 729.1024, as amended, (a) to provide a more specific procedure under which acreage may be released to the county committee and reapportioned to other farms, and (b) to publish closing dates for such release and reapportionment, and (14) revises § 729.1027, as amended, to provide for use of additional forms as a notice of farm acreage allotment.

(b) Public notice of intention to so amend these regulations was given (26 F.R. 8565) in accordance with the Administrative Procedure Act (5 U.S.C. 1001–1011). Due consideration has been given to recommendations submitted in response to such notice prior to the publication of this amendment.

(c) Some of the provisions of this amendment affect the determination of farm peanut allotments for 1962. Because the determination of such farm allotments is now in progress it is hereby determined and found that compliance with the effective date requirement of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impractical and

contrary to the public interest. Therefore, this amendment shall be effective upon publication in the FEDERAL REGISTER.

II. The Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops, as amended, are hereby amended as follows:

A. Paragraphs (d), (l), (o), (r), (s), and (t) of § 729.1011 as amended, are amended to read as follows:

§ 729.1011 Definitions.

* * * * *

(d) "Buyer" means a person who:

(1) Buys or otherwise acquires peanuts in any form from a producer or who buys or otherwise acquires farmers stock peanuts from any person; or

(2) Markets, as a commission merchant, broker, or cooperative any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(3) Receives peanuts as collateral for or in settlement of a price support loan.

* * * * *

(l) "Farm peanut history acreage" for a farm for any year means the acreage which is considered as devoted to peanuts on the farm for purposes of establishing future allotments.

(1) *Maximum history acreage.* The farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year. The production of peanuts without an allotment but within the one acre exemption provided by section 359(b) of the Act shall not constitute farm peanut history acreage.

(2) *Full allotment preserved as history acreage.* For any year the entire farm peanut allotment shall be preserved as peanut history acreage if the provisions of either § 719.12(d) or § 719.14 of this chapter, relating to allotments pooled for farms acquired by an agency having the right of eminent domain and the preservation of allotment history acreage under the provisions of section 377 of the Act, so provide.

(3) *Computation of history acreage.* If the full allotment is not preserved as history acreage as specified in subparagraph (2) of this paragraph the farm peanut history acreage shall be the sum of the following acreages:

(i) The final acreage, adjusted to compensate for abnormal conditions affecting acreage if the county committee determines that such action is necessary to maintain equitable allotments.

(ii) The acreage diverted from the production of peanuts under provisions of the Soil Bank Act or the Great Plains Program, determined pursuant to § 719.13 of this chapter;

(iii) The acreage temporarily released to the county committee under provisions of § 729.1024; and,

(iv) The amount of any reduction in the current year allotment made pursuant to the provisions of § 729.1023.

(4) *Reduction of previously determined history.* Notwithstanding any other provisions of this Part and subject only to any limitation imposed by the provisions of section 377 of the Act, the peanut history acreage for each year of the base period shall be zero unless in one or more years of the base period there is acreage in the peanut history acreage of a kind other than acreage released to the county committee or acreage reduction(s) for the violation of marketing quota regulations.

* * * * *

(o) "Market" means to dispose of peanuts including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone. Any lot of farmers stock peanuts will be considered as marketed when delivered by the producer to the buyer pursuant to either an oral or a written sales agreement. Peanuts which are delivered by the producer as collateral for or in settlement of a price support loan will be considered as marketed at the time of delivery.

* * * * *

(r) "New farm" means a farm which cannot be considered an "old farm" under these regulations. A new farm will be eligible for an allotment only if it meets the requirements prescribed in § 729.1021.

(s) "Offices":

(1) "ASCS County Office" means the office of the Agricultural Stabilization and Conservation county committee.

(2) "ASCS State Office" means the office of the Agricultural Stabilization and Conservation State committee. The addresses of the ASCS State offices of the peanut-producing States are:

Old Post Office Building, Montgomery, Ala.
230 North First Avenue, Phoenix 25, Ariz.
387 Federal Office Building, P.O. Box 2781, Little Rock, Ark.
2020 Milvia Street, Berkeley 4, Calif.
412 Northeast 16th Avenue, Gainesville, Fla.
Old Post Office Building, P.O. Box 1552, Athens, Ga.
528 Monroe St., Alexandria, La.
P.O. Box 1251, 420 Milner Building, 200 South Lamar Street, Jackson 5, Miss.
I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo.
517 Gold Avenue SW., P.O. Box 1706, Albuquerque, N. Mex.
State College Station, Raleigh, N.C.
Agricultural Center Office Building, Stillwater, Okla.
P.O. Box 660, Associates Building, Seventh Floor, 901 Sumter Street, Columbia 1, S.C.
Room 579, U.S. Courthouse, Nashville 3, Tenn.
USDA Building, College Station, Tex.
900 North Lombardy Street, Richmond 20, Va.

(t) "Old farm" means a farm for which a peanut allotment was established for one or more years of the base period or which was eligible for an allotment as an "old farm" in one or more years of the base period and for which the farm peanut history acreage, determined pursuant to § 729.1011(l), for one or more years of the base period is any acreage other than zero.

B. Section 729.1011, as amended, is further amended by inserting in paragraph (ff) the definition "State Executive Director" to replace the definition "State Administrative Officer" and by adding a new paragraph (ii) as follows:

(ff) The following words and phrases have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Combination", "Community Committee", "County Committee", "State Committee", "County Office Manager", "Cropland", "Deputy Administrator", "Division", "Farm", "Operator", "Person", "Reconstitution", "Secretary", and "State Executive Director". The title "State Administrative Officer" as used herein shall have the same meanings as the title "State Executive Director".

* * * * *

(ii) "Dryer operator" means a person who processes farmers stock peanuts for a producer by removal of moisture by artificial means.

C. Section 729.1012, as amended, is amended by adding a new paragraph (g) to read as follows:

§ 729.1012 Extent of calculations and rule of fractions.

* * * * *

(g) The support price per pound for each type of peanuts, for purposes of computing liquidated damages in cases involving violation of an agreement signed pursuant to § 729.1054, shall be expressed in cents and tenths of a cent and shall be rounded.

D. Sections 729.1015, 729.1016, and 729.1017, as amended, and 729.1018 are amended to read as follows:

§ 729.1015 Basis of farm allotment.

(a) A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: past acreage of peanuts, taking into consideration the acreage allotments previously established for the farm; abnormal conditions affecting acreage; the farm peanut history acreages for the base period; land, labor, and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts on the farm.

(b) Any acreage of peanuts harvested in excess of the farm allotment, any acreage of peanuts harvested as the result of allotment acreage reapportioned to the farm under provisions of § 729.1024, and any acreage of peanuts harvested as a result of any increase in allotment for peanuts of a type determined to be in short supply shall not be considered in the establishment of the allotment for the farm in succeeding years. The production of peanuts on a farm in 1959 or any subsequent year for which no farm acreage allotment was established shall not make the farm eligible for an allotment as an old farm.

§ 729.1016 Determination of Adjusted Acreage.

(a) For each old farm the county committee shall determine an adjusted acreage to be used as the basis for a farm allotment for the current year. Adjusted acreages shall be determined as provided below:

(1) The county committee shall examine the farm peanut history acreage for the preceding year and if abnormal conditions caused such acreage to be low, the farm peanut history acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions. The acreage as so increased shall not exceed the smaller of the planted acreage or the farm allotment.

(2) If a farm allotment was not established for the preceding year for a farm which was eligible to receive an allotment for such year, the county committee shall determine an acreage for the farm which shall be considered the preceding year farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the marketing quota regulations applicable to the crop of peanuts produced in the preceding year.

(3) For each farm the county committee shall compare the preceding year farm peanut history acreage with the farm allotment established for such year, and if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be considered the adjusted acreage for the farm for the purpose of determining the farm allotment for the current year.

(4) The county committee shall examine the preceding year farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotment downward if it determines that such action is necessary to obtain an adjusted acreage for the farm which is equitable when compared with the adjusted acreages established for other similar old farms in the community. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor, or (ii) the average peanut history acreage for the farm for the three years of the base period.

(5) An acreage not in excess of 10 percent of the preceding year State peanut acreage allotment may be made available to the county committees by the State committee for making upward adjustments. The county committee shall examine the preceding year farm allotment for each farm and may adjust such allotment upward if it determines that such action is necessary to obtain an adjusted acreage for the farm which is equitable when compared with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut history acreages for the base period; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available on the farm by the tillable acreage factor, or (ii) the largest farm peanut history acreage for the farm for any year of the base period: *Provided, however,* That such limitation may be waived with prior approval of a representative of the State committee.

(6) The adjusted acreage for each old farm in the county shall be the preceding year farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraps (3), (4), and (5) of this paragraph.

(b) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available on the farm.

§ 729.1017 Reserve for late allotments, corrections, and missed farms.

The county committee shall estimate the acreage that will be needed in the county as a reserve (a) for subsequent establishment of allotments for old farms which are entitled to an allotment of one acre or less when either of the following conditions exist: (1) The measured acreage of peanuts on the farm determined pursuant to § 729.1040 is in excess of one acre, or (2) the measured acreage of peanuts so determined for the farm is one acre or less and the producers who share in the peanuts on the farm also share in the peanuts produced on another farm, (b) for the correction of errors in farm allotments, and (c) to establish allotments for missed farms. The reserve estimated by the county committee to be needed for such purposes shall be subject to adjustment by the State committee and shall be held as a State reserve.

§ 729.1018 Allotments for old farms.

(a) The farm allotment for each old farm shall be calculated by multiplying the adjusted acreage (determined pursuant to § 729.1016) for each such old farm by a State allotment factor determined by dividing the total of the adjusted acreages for all old farms in the State into the current year State peanut acreage allotment (minus the acreage reserve determined pursuant to § 729.1017).

(b) Notwithstanding paragraph (a) of this section, an allotment shall not be established initially for any farm for which it is obvious that the result which would be obtained by multiplying the adjusted acreage (determined pursuant to § 729.1016) by the State allotment factor would be one acre or less. The adjusted acreage for any such farm shall not be included in the State total of adjusted acreages determined under provisions of paragraph (a) of this section for purposes of computing the State allotment factor.

E. Section 729.1020(a) is amended to read as follows:

§ 729.1020 Normal yields.

(a) *County.* Each year the State committee shall determine a county normal yield for each peanut-producing county. The normal yield for any county shall be the average yield per acre of peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any year in the five-year period, production data are not available, or there was no actual yield, an appraised yield for such year shall be determined by the State committee on the basis of yields obtained in similar nearby counties during such year and shall be used as the actual yield for such year. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of the five-year period is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the county normal yield per acre. The most reliable yield data available to the State committee shall be used in computing county normal yields. County normal yields shall be approved by the Administrator, Agricultural Stabilization and Conservation Service.

F. Section 729.1021, as amended, is amended to read as follows:

§ 729.1021 Allotments for new farms.

(a) *Basis for allotments.* The farm allotment for a new farm shall be that acreage which the county committee, with the approval of a representative of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; the tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts.

(b) *Limitations.* The farm allotment established under this section for a new farm shall not exceed the result obtained by multiplying the tillable acreage available on the farm by the tillable acreage factor: *Provided, however,* That such limitation may be waived with prior approval of a representative of the State committee. Not more than one per centum of the national acreage allotment shall be apportioned among new farms.

(c) *Reduction and cancellation.* The allotment determined under this section for a farm shall be reduced to the acreage planted to peanuts on the farm when it is found that such acreage is less than 75 percent of the allotment. Any farm allotment established under the provisions of this section shall be void as of the date issued if the State

committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment.

(d) *Apportionment of new farm national reserve among States.* One-tenth of one percent of the national peanut acreage allotment shall be reserved for establishing allotments for new farms and, if the total of the acreage required to establish allotments and reserves hereunder for old farms in any State is less than the State allotment for such farms, the balance shall upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms, as determined pursuant to this section, after deducting acreage available for such farms which was originally allotted for old farms exceeds the acreage reserved for new farm allotments, the acreage reserved for new farms shall be apportioned to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments so determined does not exceed the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), no adjustment will be made in the recommended new farm allotments and there shall be made available to each such State an acreage equal to the total of the new farm allotments so determined;

(2) For any State for which the total of the new farm allotments so determined exceeds the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), there shall be made available for new farm allotments in each such State an acreage equal to the State's said proportionate share of the national new farm reserve;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments that is in excess of the acreage made available under subparagraph (2) of this paragraph. The new farm allotments established from acreage apportioned under subparagraph (2) of this paragraph, and under this subparagraph, shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage available.

(e) *Eligibility.* An allotment shall not be established for a new farm from acreage made available from the new farm national reserve unless each of the following conditions is met:

(1) A written application for a new farm allotment is filed by the farm operator and farm owner (both if different persons) at the office of the county committee on or before February 15 of the year for which application for an allotment is being filed;

(2) The farm is the only farm in the United States, owned or operated by the farm operator or farm owner for which a farm peanut allotment is established for the current year;

(3) The type of soil and topography of the available land on the farm for which the allotment is requested is suitable for the production of peanuts, and the continuous production of peanuts on the farm will not result in an undue erosion hazard;

(4) The farm operator shall own, or otherwise have readily available, adequate equipment and any other facilities of production (including irrigation water) necessary to the successful production of peanuts on the farm;

(5) The operator will obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, such corporation must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) A producer on the farm shall have had experience in growing peanuts either as a sharecropper, tenant, or as a farm operator or farm owner during at least two of the five years immediately preceding the current year. In making a determination of any producer's experience in growing peanuts no credit shall be given for the producer's interest, in 1959 or a subsequent year, in peanuts grown on a farm for which no farm allotment is established for such year. If the producer furnishing the required experience is a person who is not the farm owner and operator he shall live on the farm for which the new farm allotment is requested.

(f) *Additional acreage for new farms.* If the total of the acreage required to establish allotments and reserves for all old farms in the State and for all new farms in the State that meet all the eligibility requirements set forth in paragraph (e) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of factors specified in paragraph (a) of this section, for other new farms if;

(1) A written application for an allotment is filed by the farm operator and farm owner (both if different persons) at the office of the county committee on or before March 1 of the year for which an allotment is being requested; and,

(2) The conditions prescribed in subparagraphs (1) through (5) of paragraph (e) of this section are met.

G. Section 729.1024, as amended, is amended to read as follows:

§ 729.1024 Release and reapportionment.

(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of § 729.1018 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee shall be deducted from the allotment to such farm provided such acreage is surrendered not later than the applicable of the closing dates specified below. If any part of the farm allotment is permanently released (i.e. for the current year and all subsequent years), such release shall be in writing and signed by both the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year. The following dates are hereby established as the closing dates for releasing acreage which will not be used on the farm for which allotted.

State and closing date

Alabama, March 15.
Arizona, March 1.
Arkansas, May 15.
California:
  Imperial and Riverside counties, March 16.
  Other counties, May 15.
Florida, March 15.
Georgia, March 25.
Louisiana, July 1.
Mississippi, May 1.
Missouri, May 10.
New Mexico, May 6.
North Carolina, April 15.
Oklahoma, May 29.
South Carolina, May 1.
Tennessee, April 1.
Virginia, April 15.
Texas (see listing under paragraph (b) of this section).

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts; except that any acreage allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract shall not be reapportioned by the county committee to any other farm.

In following States, a farm shall be eligible to receive a reapportionment of released acreage only if a written request is filed by the farm owner or operator at the office of the county committee not later than the applicable of the dates specified below.

State and closing date

Alabama, March 15.
Arizona, March 15.
California:
  Imperial and Riverside counties, April 17
  Other counties, June 15.
Florida, March 15.
Georgia, April 1.
Missouri, May 25.
New Mexico, May 10.
North Carolina, April 15.
Oklahoma, June 7.
South Carolina, May 10.
Tennessee, April 1.
Virginia, April 15.
Texas (see following list).

TEXAS

In this State the same closing dates are applicable for purposes of both paragraphs (a) and (b) of this section. These closing dates, by zones within the State, are as listed listed below.

March 1 for Zone 1, comprised of the counties of:

Aransas.
Atascosa.
Austin.
Bandera.
Bee.
Bexar.
Brazoria.
Brooks.
Calhoun.
Cameron.
Chambers.
Colorado.
Comal.
DeWitt.
Dimmit.
Duval.
Edwards.
Fort Bend.
Frio.
Galveston.
Goliad.
Gonzales.
Guadalupe.
Hardin.
Harris.
Hidalgo.
Jackson.
Jefferson.
Jim Hogg.
Jim Wells.
Karnes.
Kendall.
Kenedy.
Kerr.
Kinney.
Kleberg.
LaSalle.
Lavaca.
Liberty.
Live Oak.
McMullen.
Matagorda.
Maverick.
Medina.
Nueces.
Orange.
Real.
Refugio.
San Patricio.
Starr.
Uvalde.
Val Verde.
Victoria.
Waller.
Webb.
Wharton.
Willacy.
Wilson.
Zapata.
Zavala.

April 4 for Zone 2, comprised of the counties of:

Anderson.
Andrews.
Angelina.
Archer.
Bastrop.
Bell.
Blanco.
Borden.
Bosque.
Bowie.
Brazos.
Brewster.
Brown.
Burleson.
Burnet.
Caldwell.
Callahan.
Camp.
Cass.
Cherokee.
Clay.
Coke.
Coleman.
Collin.
Comanche.
Concho.
Cooke.
Coryell.
Crane.
Crockett.
Culberson.
Dallas.
Dawson.
Delta.
Denton.
Eastland.
Ector.
Ellis.
El Paso.
Erath.
Falls.
Fannin.
Fayette.
Fisher.
Franklin.
Freestone.
Gaines.
Gillespie.
Glasscock.
Grayson.
Gregg.
Grimes.
Hamilton.
Harrison.
Hays.
Henderson.
Hill.
Hood.
Hopkins.
Houston.
Howard.
Hudspeth.
Hunt.
Irion.
Jack.
Jasper.
Jeff Davis.
Johnson.
Jones.
Kaufman.
Kimble.
Lamar.
Lampasas.
Lee.
Leon.
Limestone.
Llano.
Loving.
McCulloch.
McLennan.
Madison.
Marion.
Martin.
Mason.
Menard.
Midland.
Milam.
Mills.
Mitchell.
Montague.
Montgomery.
Morris.
Nacogdochea.
Navarro.
Newton.
Nolan.
Palo Pinto.
Panola.
Parker.
Pecos.
Polk.
Presidio.
Rains.
Reagan.
Red River.
Reeves.
Robertson.
Rockwall.
Runnels.
Rusk.
Sabine.
San Augustine.
San Jacinto.
San Saba.
Schleicher.
Scurry.
Shackelford.
Shelby.
Smith.
Somervell.
Stephens.
Sterling.
Sutton.
Tarrant.
Taylor.
Terrell.
Titus.
Tom Green.
Travis.
Trinity.
Tyler.
Upshur.
Upton.
Van Zandt.
Walker.
Ward.
Washington.
Wichita.
Williamson.
Winkler.
Wise.
Wood.
Young.

April 18 for Zone 3, comprised of the counties of:

Armstrong.
Bailey.
Baylor.
Briscoe.
Carson
Castro.
Childress.
Cochran.
Collingsworth.
Cottle.
Crosby.
Dallam.
Deaf Smith.
Dickens.
Donley.
Floyd.
Foard.
Garza.
Gray.
Hale.
Hall.
Hansford.
Hardeman.
Hartley.
Hemphill.
Haskell
Hockley.
Hutchinson.
Kent.
King.
Knox.
Lamb.
Lipscomb.
Lubbock.
Lynn.
Moore.
Motley.
Ochiltree.
Oldham.
Parmer.
Potter.
Randall.
Roberts.
Sherman.
Stonewall.
Swisher.
Terry.
Throckmorton.
Wheeler.
Wilbarger.
Yoakum.

In the following states, a farm shall be eligible to receive a reapportionment of released acreage if the farm owner or operator files a request, either verbal or in writing, at the office of the county committee not later than the applicable of the dates specified below. If the request is verbal, a record of such request shall be made and placed in the county office files.

State and closing date

Arkansas, May 15.
Louisiana, July 1.
Mississippi, May 15.

(c) *Closing date for reapportionment of released acreage.* Any acreage released to the county committee may be reapportioned by the county committee to other farms in the county at any time not later than 15 days following the closing date established under paragraph (b) of this section for the filing of a request for an increase in allotment from released acreage.

(d) *Maximum acreage allotment.* No allotment shall be increased under the provisions of paragraph (b) of this section to an acreage greater than the tillable acreage available for the production of peanuts on the farm.

(e) *Credit for released or reapportioned acreage.* The release of allotment acreage, under provisions of paragraph (a) of this section, for the current year only shall not operate to reduce the allotment for the farm for any subsequent year unless such farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm resulting from a reapportionment of acreage under provisions of paragraph (b) of this section shall not operate to increase the allotment for such farm for any subsequent year.

(f) *Applicability of section to farms acquired by an agency having the right of eminent domain.* (1) Any part or all of a peanut allotment for a farm acquired by an agency having the right of eminent domain and held under lease or other agreement by the former owner may be released to the county committee in accordance with the provisions of paragraph (a) of this section. Also, such farm is eligible to receive a reapportionment of acreage under the provisions of paragraph (b) of this section.

(2) During any year of the period the peanut acreage allotment from a farm remains in the allotment pool pursuant to Part 719 of this chapter, the displaced owner may release, for one year at a time, all or any part of such allotment to the county committee. Such release shall be in accordance with the provisions of paragraph (a) of this section; except that, the acreage allotment for such a farm shall not be released permanently. The acreage released from the allotment pool shall be available to the county committee for reapportionment under the provisions of paragraph (b) of this section.

H. Section 729.1027 is amended to read as follows:

§ 729.1027 Approval of determinations and notice of farm allotment.

(a) The State committee shall review farm allotments and normal yields and may correct or require the correction of any determination made in connection therewith. Such review may be performed on the basis of summaries of farm data transmitted to the State office or by a representative of the State committee inspecting appropriate records in the county offices. Notwithstanding the foregoing provisions of this paragraph, approval of the State committee or its representative is not required prior to the mailing of notices of revised farm allotments resulting from (1) farm reconstitutions which do not involve the

use of additional allotment acreage, (2) the release and reapportionment of allotments, and (3) allotment reductions due only to failure to return marketing cards.

(b) Farm allotments must be approved by the county committee and official notice of the allotment for a farm shall not be issued until so approved. After approval of farm allotments by county committees, a notice shall be prepared and mailed to the operator of each farm for which a farm allotment is established. A notice of allotment shall not be valid unless the signature of a member of the county committee either actual or facsimile, is entered thereon.

(Secs. 358, 359, 375, 378, 55 Stat. 88, 90, as amended, 52 Stat. 66, as amended, 72 Stat. 995, as amended; sec. 115, 70 Stat. 196; 7 U.S.C. 1358, 1359, 1375, 1378, 1803)

Effective date: Date of publication.

Signed at Washington, D.C., on October 27, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10410; Filed, Oct. 31, 1961; 8:55 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Supp. 6]

PART 847—PUERTO RICO

Approved Local Producing Areas for 1960–61 Crop

Pursuant to the provisions of § 847.2, as amended (15 F.R. 6490, 20 F.R. 5963, 24 F.R. 7942), the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office hereby makes the following determinations:

§ 847.10 Approved local producing areas in Puerto Rico.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1960–61 sugarcane crop in Puerto Rico, each of the following named single wards and each of the following combinations of adjoining wards is determined to be a local producing area in which due to flood and storm the actual yields of sugar for the 1960–61 crop year from ten percent or more of the sugarcane acreage harvested on all farms or parts of farms located in each such local producing area were below 80 percent of the applicable farm normal yields:

(a) *Single wards.* Ward Quebradas of the municipality of Guayanilla; Wards Sierra Alta and Vegas of the municipality of Yauco; Ward Loiza Aldea of the municipality of Loiza.

(b) *Combinations of adjoining wards.* (1) Wards Jaguas and Rucio of the municipality of Penuelas.

(2) Ward Guajataca of the municipality of Quebradillas, and wards Cibao, Puertos, Quebrada and Santiago of the municipality of Camuy.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a farm in Puerto Rico for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office determines that drought, flood, storm, disease, or insects have damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to set forth that a combination of adjoining wards has been determined to comprise a local producing area for the 1960–61 crop and that such area, as well as the specified single-ward areas, have qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in any one of these local producing areas and which is otherwise qualified, may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153)

G. LAGUARDIA,
Director, Caribbean Area Office, Agricultural Stabilization and Conservation Service.

OCTOBER 17, 1961.

[F.R. Doc. 61-10407; Filed, Oct. 31, 1961; 8:55 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 250, Amdt. No. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 922.550 (Valencia Orange Regulation 250, 26 F.R. 9901) are hereby amended to read as follows:

(ii) District 2: 525,000 cartons.

(Secs. 1–19, 48 Stat. 31; as amended; 7 U.S.C. 601–674)

Dated: October 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10377; Filed, Oct. 31, 1961; 8:49 a.m.]

[Milk Order 43]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

Order Amending Order

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as

will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision was issued September 22, 1961 and the decision containing all amendment provisions of this order was issued October 16, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Add a new § 943.55 immediately following § 943.54 to read as follows:

§ 943.55 Cheddar cheese credit.

On and after the effective date hereof through March 1962, any milk used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese shall be assigned to such use by the market administrator and shall be subject to a credit computed as follows: Multiply the rate by which the per hundredweight Class II price for milk containing 4.0 percent butterfat exceeds the amount (rounded to the nearest tenth of a cent) obtained by multiplying by 9.0 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month, by the hundredweight of Class II milk not in excess of the combined volume of skim milk and butterfat remaining after the computation specified in § 943.46 (a)(8) and the corresponding step of § 943.46(b) less any overage deducted pursuant to § 943.46(a)(11) and the corresponding step of § 943.46(b), which was either used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese: *Provided*, That in the event the plant at which Cheddar cheese was produced also received milk to be classified and priced under some other Federal order(s) on the basis of its specific use in Cheddar cheese and the volume of milk so used in such plant was less than the combined volume of milk to be so classified and priced under this and such other order(s), then the hundredweight of milk to which this paragraph is applicable shall be a pro rata share of such usage determined by computing the percentage that the volume of milk for which Cheddar cheese use is claimed under this order is of the total volume of Federal order milk for which such use is claimed and applying that percentage to the volume of milk so used in such plant.

§ 943.70 [Amendment]

2. Add a new paragraph (f) at the end of § 943.70 to read as follows:

(f) Deduct the amount of any credits computed for such handler pursuant to § 943.55.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10412; Filed, Oct. 31, 1961; 8:56 a.m.]

[Milk Order 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

Order Amending Order

§ 973.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of the Agricultural Stabilization and Conservation Service was issued October 12, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued October 26, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means

pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby amended as follows:

§ 973.9 [Amendment]

1. In § 973.9(b) delete "July" wherever it appears.

2. In § 973.9(b)(1) replace "June" with "July".

3. In § 973.9(c) replace "July" with "August".

§ 973.41 [Amendment]

4. In § 973.41(a) replace "sterilized milk or milk drinks" with "sterilized milk, cream or milk drinks".

5. Replace § 973.54 with the following:

§ 973.54 Class II price.

The price per hundredweight for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, obtained by multiplying 0.12 by the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month.

§ 973.8 [Amendment]

6. In § 973.8 delete "which is subject to the class price provisions of another milk marketing agreement or order issued pursuant to the Act".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on October 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10413; Filed, Oct. 31, 1961; 8:56 a.m.]

[Milk Order 94]

PART 994—MILK IN THE COLORADO SPRINGS-PUEBLO, MARKETING AREA

Order Amending Order

Sec.
994.0 Findings and determinations.

DEFINITIONS

994.1 Act.
994.2 Secretary.
994.3 Department.
994.4 Person.
994.5 Cooperative association.
994.6 Colorado Springs-Pueblo marketing area.
994.7 Pool plant.
994.8 Nonpool plant.
994.9 Handler.
994.10 Producer.
994.11 Producer-handler.
994.12 Producer-milk.
994.13 Other source milk.
994.14 Fluid milk products.
994.15 Route.

MARKET ADMINISTRATOR

994.20 Designation.
994.21 Powers.
994.22 Duties.

REPORTS, RECORDS AND FACILITIES

994.30 Reports of receipts and utilization.
994.31 Payroll reports.
994.32 Other reports.
994.33 Records and facilities.
994.34 Retention of records.

CLASSIFICATION

994.40 Skim milk and butterfat to be classified.
994.41 Class of utilization.
994.42 Shrinkage.
994.43 Responsibility of handlers and reclassification of milk.
994.44 Transfers.
994.45 Computation of milk and butterfat in each class.
994.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

994.50 Basic formula price.
994.51 Class prices.
994.52 Location differentials to handlers.
994.53 Butterfat differentials to handlers.
994.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

994.60 Producer-handlers.
994.61 Exempt plants.
994.62 Handler operating a nonpool plant.

DETERMINATION OF UNIFORM PRICE

994.70 Computation of the value of producer milk for each handler.
994.71 Computation of the uniform price.
994.72 Notification of handlers.

PAYMENTS

994.80 Payment to producers.
994.81 Location differential to producers.
994.82 Butterfat differential to producers.
994.83 Producer-settlement fund.
994.84 Payments to the producer-settlement fund.
994.85 Payments out of the producer-settlement fund.
994.86 Adjustment of accounts.
994.87 Marketing services.
994.88 Expense of administration.
994.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

994.90 Effective time.
994.91 Suspension or termination.
994.92 Continuing obligations.
994.93 Liquidation.

MISCELLANEOUS PROVISIONS

994.100 Agents.
994.101 Separability of provisions.

AUTHORITY: §§ 994.0 to 994.101 issued under secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674.

§ 994.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than November 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Acting Secretary was issued October 16, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued October 26, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 3c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 994.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 994.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 994.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 994.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 994.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association, to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 994.6 Colorado-Springs-Pueblo, Colorado, marketing area.

"Colorado Springs-Pueblo, Colorado, marketing area" hereinafter called the "marketing area" means all territory within the boundaries of the counties of El Paso, Pueblo, Huerfano, and Teller, all in the State of Colorado.

§ 994.7 Pool plant.

A "pool plant" shall be any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempted in § 994.60 or § 994.61:

(a) Any plant, hereinafter referred to as a "distributing pool plant", (1) in which fluid milk products are pasteurized or packaged, (2) from which an amount equal to 50 percent or more of receipts of Grade A milk from dairy farmers, from a cooperative association pursuant to § 994.9(d), and from other pool plants is disposed of as Class I milk, and (3) from which 20 percent or more of the total Class I sales are on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the month not less than 40 percent of its dairy farm supply of Grade A milk is moved to a distributing pool plant(s). Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant for each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

§ 994.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 994.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

§ 994.10 Producer.

"Producer" means any person, other than a producer-handler (or a dairy farmer with respect to milk delivered to a pool plant which qualifies as producer milk under another Federal milk order) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant for the account of the handler operating the pool plant or of a cooperative association, subject to the following limitations and conditions:

(1) The days of production of such person for which milk is diverted during the month may not exceed the days of production for which milk is received at a pool plant, otherwise such person will not be considered a producer with respect to any milk diverted;

(2) For purposes of the requirements of § 994.7, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(3) For purposes of location adjustments pursuant to § 994.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

§ 994.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant at which, during the month, there is received no other source milk or milk from other producers.

§ 994.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and:

(a) With respect to the operator of a pool plant:

(1) Received directly from such producers at such pool plant; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 994.10.

(b) With respect to receipts of a cooperative association at a plant other than one it operates:

(1) For which the cooperative association is the handler pursuant to § 994.9(c), subject to the limitations and conditions provided in § 994.10; and

(2) For which the cooperative association is the handler pursuant to § 994.9(d).

§ 994.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants; (2) producer milk; or (3) receipts from a cooperative association pursuant to § 994.9(d).

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 994.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, eggnog, cultured sour mixture to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product), which are neither sterilized or in hermetically sealed containers.

§ 994.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or

plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 994.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 994.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 994.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of the part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 994.88 the cost of his bond and those of his employees his own compensation, and all other expenses (except those incurred under § 994.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 994.30 to § 994.32, or (2) payments pursuant to § 994.80 to § 994.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the Class I price and butterfat differential for the month; computed pursuant to §§ 994.51(a) and 994.53(a) respectively;

(2) On or before the 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 994.51(b) and 994.53(b), respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 994.71, the location differential computed pursuant to § 994.81, and the butterfat differential computed pursuant to § 994.82, all for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 994.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 994.62 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

§ 994.31 Payroll reports.

On or before the 23d day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 994.62(a) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 994.32 Other reports.

Each producer-handler and each handler making payments pursuant to § 994.61 or § 994.62(a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 994.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 994.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 944.40 Skim milk and butterfat to be classified.

All skim milk and butterfat at pool plants which is required to be reported pursuant to § 994.30 shall be classified by the market administrator, pursuant to the provisions of §§ 994.41 to 994.46.

§ 994.41 Classes of utilization.

Subject to the conditions set forth in §§ 994.42 through 994.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat contents; and

(ii) As classified pursuant to paragraph (b) (2), (3) and (5) of this section; or

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 994.12(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 994.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests determined from farm tank samples, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 994.9(d), unless the exception provided in § 994.41 (b) (7) (ii) applies; and

(8) In shrinkage allocated to receipts of other source milk.

§ 994.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between:

(1) Skim milk and butterfat in pool milk in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 994.41(b)(7); and

(2) Skim milk and butterfat in other source milk.

§ 994.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 994.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 994.46, and any additional amount of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) Class I milk, if transferred or diverted as a fluid milk product in bulk to a nonpool plant located more than 200 miles, by the shortest highway distance as determined by the market administrator, from the El Paso County Courthouse, but not located in Cache or Weber Counties, Utah.

(d) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages;

(e) Class I milk, if transferred or diverted as a fluid milk product in bulk to a nonpool plant located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the El Paso County Courthouse, or located in Cache or Weber Counties, Utah, unless the following conditions are met:

(1) The transferring handler claims Class II utilization in his report submitted pursuant to § 994.30;

(2) The operator of the nonpool plant maintains books and records showing receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers. If Class I utilization exceeds such receipts, the skim milk and butterfat so transferred or diverted shall be Class I to the extent of a pro rata share of total receipts at the nonpool plant from all pool plants and from plants fully subject to other orders that are claimed as Class II utilization or as a class other than Class I under another order; and

(4) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply.

(f) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler for such milk pursuant to § 994.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computation pursuant to § 994.46(a)(7) and the corresponding step of (b).

§ 994.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 994.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 994.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 994.45, the market administrator shall determine the classification of milk received from producers at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated in shrinkage of skim milk classified as Class II pursuant to § 994.41 (b)(7);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received:

(i) In the form of a fluid milk product in consumer type packages which are classified and priced as Class I milk under Order No. 1, regulating the handling of milk in the Eastern Colorado marketing area if such fluid milk products are not processed and packaged in the pool plant during the month; or

(ii) In the form of sour cream which is classified and priced as Class I or its equivalent value under another order issued pursuant to the Act.

(3) Subtract from the pounds of remaining skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a product other than a fluid milk product;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not classified and priced as Class I milk or its equivalent value under another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not subtracted pursuant to subparagraphs (2) and (4) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants according to its classification as determined pursuant to § 994.44(a);

(9) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk classified pursuant to § 994.44(f); and

(10) If the remaining pounds of skim milk in both classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

Minimum Prices

§ 994.50 Basic formula price.

The basic formula price for each month to be used in determining the class prices set forth in § 994.51, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent:

(a) Determine the average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 994.51 Class prices.

Subject to the provisions of §§ 994.52 and 994.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* During the first 18 months following the effective date of this paragraph, the basic formula price for the preceding month plus $2.10; and

(b) *Class II milk.* During the months of March through July, the price specified in § 994.50(b), and during all other months such price plus 10 cents: *Provided,* That such price shall not be higher than the basic formula price for the month.

§ 994.52 Location differentials to handlers.

For milk which is received from producers at a plant located more than 200 miles by the shortest highway distance, as determined by the market administrator, from the El Paso County Courthouse in Colorado Springs, and which is classified as Class I milk the prices computed pursuant to § 994.51(a) shall be reduced by 31.5 cents if such plant is located more than 200 miles but not more than 210 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 210 miles: *Provided,* That for the purpose of calculating such differential transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 994.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 994.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 994.50(b)(1) for the preceding month by 1.30 and divide the result by 10.

(b) *Class II milk.* Multiply the butter price specified in § 994.50(b)(1) by 1.20 and divide the result by 10.

§ 994.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 994.60 Producer-handler.

Sections 994.40 to 994.46, 994.50 to 994.54, 994.70 to 994.72, and 994.80 to 994.88 shall not apply to a producer-handler.

§ 994.61 Exempt plants.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except that the operator of such plant shall make such reports of receipts and utilization of milk as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant from which less than an average of 300 pounds of Class I milk per day is disposed of on routes in the marketing area during the month.

(b) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless (1) such plant is qualified as a pool plant pursuant to § 994.7(a) and more Class I milk is disposed of from such plant on routes in the Colorado Springs-Pueblo marketing area than in the marketing area regulated pursuant to such other order, or (2) such plant was qualified as a supply plant under the other order.

§ 994.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 994.80 to 994.88, each handler, other than a producer-handler or one exempt pursuant to § 994.61, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 994.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 994.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 994.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 994.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed those made in the Colorado Springs-Pueblo marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

Determination of Uniform Price

§ 994.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 994.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 994.46(a)(10) and, the corresponding step of § 994.46(b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 994.46(a)(6) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 994.46(a)(6) and the corresponding step of § 994.46(b) for the current month, whichever is less;

(d) Add the amount computed in subparagraphs (1) and (2) of this paragraph;

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 994.46(a)(3) and the corresponding step of § 994.46(b) by the difference between the Class II price and the Class I price for the current month, adjusted by the applicable butterfat differentials; and

(2) For any skim milk or butterfat subtracted from Class I milk pursuant to § 994.46(a)(4) and the corresponding step of § 994.46(b) and pursuant to § 994.46(a)(6) and the corresponding step of § 994.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided,* That such calculations shall not apply if the total receipts of producer milk at pool plants during the month are less than 110 percent of the total Class I utilization of such plants for the month.

§ 994.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 994.70 for the producer milk of all handlers who submitted reports prescribed in § 994.30, and who are not in default of payments pursuant to § 994.80 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 994.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 994.81;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants within the 80-mile zone.

§ 994.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 994.71 and the producer location and butterfat differentials computed pursuant to §§ 994.81 and 994.82; and

(c) The amounts to be paid by such handler pursuant to §§ 994.84, 994.86, 994.87, and 994.88 and the amount due such handler pursuant to § 994.85.

Payments

§ 994.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 994.71, subject to the butterfat differential computed pursuant to § 994.82 and location adjustment computed pursuant to § 994.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 994.87, and (3) proper deductions authorized in writing by such producer:

Provided, That if by such date such handler has not received full payment for such delivery period pursuant to § 994.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be sub-

ject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 994.9(d) shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 994.44(f) at the applicable class prices, less payment made pursuant to subparagraph (1) of this section.

§ 994.81 Location differential to producers.

For milk which is received at a plant located more than 200 miles but not more than 210 miles by shortest highway distance, as determined by the market administrator, from the El Paso County Courthouse in Colorado Springs, there should be deducted 31.5 cents per hundredweight and an additional 1.5 cents shall be deducted for each 10 miles or fraction thereof that such distance exceeds 210 miles.

§ 994.82 Butterfat differential to producers.

The applicable uniform price to be paid producers pursuant to § 994.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 994.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 994.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 994.62 and 994.84 and out of which he shall make all payments pursuant to § 994.85: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 994.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 994.70, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 994.80.

§ 994.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 994.70 is less than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 994.80. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 994.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator; the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 994.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 994.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 994.88 Expense of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 16th day after the end of each month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, including such handler's own farm production, (b) other source milk received at a pool plant and classified as Class I and (c) the quantities of milk at the plants of handler's operating nonpool plants as specified in § 994.62 (a) (2) or (b) (2).

§ 994.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information.

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 994.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 994.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 994.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 994.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 944.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 994.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: November 1, 1961.

Signed at Washington, D.C. on October 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10414; Filed, Oct. 31, 1961; 8:56 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On September 1, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8256), a notice with respect to a proposal to amend § 74.3(a) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 74.3(a) of said Part 74 is hereby amended to read:

§ 74.3 Designation of eradication and quarantine areas.

(a) Notice is hereby given that sheep in the following States and Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Hawaii, Illinois, New York, North Dakota, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, and all Counties in the State of Kansas lying west thereof;

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the States of Hawaii and Wisconsin to the eradication areas since the cooperative sheep scabies eradication program is now being conducted in such States. These States are presently included in the infected areas as sheep scabies is known to exist in such States. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to these States.

The amendment imposes certain restrictions supplemental to the cooperative sheep scabies eradication program now being conducted in the States of Hawaii and Wisconsin. The restrictions imposed are necessary to prevent the spread of sheep scabies from the infected areas to these States. The amendment should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of October 1961.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 61-10405; Filed, Oct. 31, 1961; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 941; Amdt. 355]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft

There have been several reported cases of cracking in the main landing gear rotation lever on Canadair CL-44D4 aircraft. Failure of the landing gear rotation lever can cause the landing gear to remain in the up position when the lever is operated to lower the gear. To preclude possible failures, inspection is required pending the development and installation of a modification of the affected parts.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL-44D4 aircraft.

Compliance required as indicated.

Failures have occurred on the main landing gear rotation lever P/N 4487528 on Model CL-44D4 aircraft. Failure of the lever can cause the landing gear to remain in "up" position when the lever is operated to lower the gear.

The following must be accomplished pending the development and installation of a Canadian Department of Transport and FAA approved modification of the affected parts after which no further inspection will be required:

(a) Within the next 45 hours' time in service unless already accomplished within the past 180 hours' time in service and at intervals not exceeding 225 hours' time in service thereafter conduct the dye penetrant inspection specified in Canadair Service Information Circular No. 27-CL-44D4 or FAA approved equivalent. Cracked levers must be replaced prior to further flight except for a ferry flight in accordance with the provisions of CAR 1.76.

(b) Subsequent to the effective date of this AD, at intermediate intervals between dye penetrant inspections not exceeding each 45 hours' time in service, conduct a visual inspection of the affected part. Cracked levers must be replaced prior to further flight except for a ferry flight in accordance with the provisions of CAR 1.76.

(c) Upon request of the operator an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 25, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10351; Filed, Oct. 31, 1961; 8:45 a.m.]

[Reg. Docket No. 943; Amdt. 336]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft

There has been a reported incident of elevator flutter during flight on a Canadair CL-44D4 aircraft. In order to prevent this condition on other aircraft of the same type design, an airworthiness directive requiring inspection of the elevator hinge bracket attachment fittings is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL-44D4 aircraft.

Compliance required as indicated.

The following measures are required pending the development and installation of Canadian Department of Transport and FAA approved modification to the outer elevator hinge fittings to prevent elevator flutter during flight.

Within the next 25 hours' time in service after the effective date of this airworthiness directive, and every 25 hours' time in service thereafter, apply an upload of approximately 110 lbs. on elevator spar at Station 299 and check for fore and aft movement at upper and lower hinge bracket attachments.

(a) If movement exceeds .010 inches at the upper and lower hinge bracket attachment points, the fittings, P/N 28-A24498 A and B and P/N 28-A24670 must be reworked as stated in (1) or (2):

(1) Open up the 0.375 inch diameter holes to 0.4375±0.0005-inch diameter. Replace existing bolt, P/N 28-A24367 with an NAS 464-7-22 bolt or equivalent: AN 320-7 nut or equivalent; (use washers under nut to line up cotter pin hole), and cotter pin.

(2) Open up the 0.375-inch diameter holes to 0.4750±0.0005-inch diameter. Install bushings and reinstall the original bolt, P/N 28-A24367, if within tolerance (i.e., 0.3745+0.0000—0.0003-inch diameter), or replace with new bolt, P/N 28-A24367. Use existing nut and washer, install new cotter pin. Remove all sharp edges. The bushings shall meet the following requirements:

Material: SAE 4130, MIL-S6758 condition "N". Cadmium plated.

Outside diameter: Before plating 0.4770+0.0005—0.0000-inch diameter. After plating 0.4780+0.0005—0.0000-inch diameter.

Length: 0.748+0.002—0.000-inch for bushings in P/N 28-A24498 A and B. 0.298+0.002—0.000-inch for bushings in P/N 28-A24670.

After installation, the bushings must be line reamed to their inside diameter of 0.3750 ±0.0005-inch. Chamfer inside of bushing 0.03-inch×45°, under head of bolt.

(b) Prior to installing bolts, shim the gap between the attachment lugs, P/N 28-A24498 A and B and the hinge brackets, P/N 28-A24670 to eliminate any movement. The torque value for either of the replacement bolts, P/N 28-A24367 or NAS 464-7-20 or equivalent, is 10 inch-pounds.

(c) After rework, holes must be line reamed to positively insure alinement. When the line reaming is done from outside and from underside of stabilizer, a 0.5-inch diameter hole is required in the horizontal stabilizer outer skin. If reamed from top, the spar cap may be removed locally to clear reamer. Rework of the skin shall be in accordance with Canadair Drawing 28-22135.

(d) Fittings, P/N 28-A24498 A and B, and P/N 28-A24670 whose 0.375-inch diameter (original) holes are elongated beyond 0.4750-inch ±0.0005-inch must be replaced.

(e) Upon request of the operator, and FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this airworthiness directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10352; Filed, Oct. 31, 1961; 8:45 a.m.]

[Reg. Docket No. 883; Amdt. 357]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive changing the inspections and rework provisions for Vickers Viscount 745D and 810 Series aircraft superseding Amendment 271 (26 F.R. 2525), was published in 26 F.R. 8677.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive.

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

As a result of reported cracks in the inner and outer wing spar attachment joint lugs, inspections were made and a number of aircraft were found to have cracks in the spar boom joint lugs. These cracks may occur on any one of the fingers of the joint lugs and appear to originate in the taper holes and then generally progress in a direction parallel to the joint lug. Accordingly, the following must be accomplished:

(a) Unless already accomplished per Amendment 271, 26 F.R. 2525, within the next 20 hours' time in service after the effective date of this AD, inspect for cracks using ultrasonic methods, or FAA approved equivalent, all the inner wing to outer wing spar boom attachment joint lugs, top and bottom, right and left and the center section to inner wing spar boom attachment joint lugs, top and bottom, right and left, in the region of the taper bolt holes.

(1) If cracks are found in any of the lower spar boom joints, replacement with new spar booms is required prior to further flight.

(2) If there are no cracks in any of the lower spar boom joints, aircraft having cracks in the top spar boom joints, within the limits specified in (a)(2)(i), may be continued in service provided the inspection of (a) is repeated on the affected top spar boom joints at the intervals specified in (b)(4).

(i) One crack is permitted in any of the four top joints, i.e., a total of four cracks per aircraft. Permissible cracks are those extending completely between two adjacent holes in one lug only; extending between the bolt hole nearest the end of one lug and the end of that lug; or between the bolt hole nearest the boom body and a line one inch from this hole towards the body of the boom, in one lug only.

(3) If cracks beyond the limits specified in (a)(2)(i) are found in any of the top spar boom joints, replacement with a new top spar boom is required prior to further flight; except that, if there are no cracks in any of the lower spar boom joints and the extent of the cracking in the top spar boom joints has been reported to Vickers-Armstrongs for evaluation and the operator has obtained and presented to the FAA approval for flight from Vickers-Armstrongs based upon such evaluation, the aircraft may be flown in accordance with CAR's 1.76 and 1.77 to a base where replacement with a new top spar boom can be accomplished.

(b) Subsequent to the initial inspection of (a), the following repetitive inspections must be accomplished:

(1) Inspect all bottom spar boom joints for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding two years, commencing from date of last ultrasonic or FAA approved equivalent inspection. If cracks are found in any of the bottom spar boom joints, replacement with new spar booms is required prior to further flight.

(2) Inspect all top spar boom joints, in which the taper bolts have not been retensioned to the revised instructions detailed in the applicable PTL referenced below, for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding six months, commencing from the date of the last ultrasonic or FAA approved equivalent inspection. Aircraft found to have cracks in the top spar boom joints which are within the limits specified in (a)(2)(i) may be continued in service and must be reinspected in accordance with paragraph (b)(4). When cracks are found which exceed the limits of paragraph (a)(2)(i), the spar boom must be replaced prior to further flight in accordance with paragraph (a)(3).

(3) Inspect top spar boom joints, in which the taper bolts have been retensioned to the revised instructions detailed in the applicable PTL referenced below, for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding twelve months, commencing from the date of the last bolt retensioning. Aircraft found to have cracks in the top spar boom joints which are within the limits specified in (a)(2)(i) may be continued in service and must be reinspected in accordance with paragraph (b)(4). When cracks are found which exceed the limits of paragraph (a)(2)(i), the spar boom must be replaced prior to further flight in accordance with paragraph (a)(3).

(4) On aircraft having cracks in the top spar boom joint which are within the limits of paragraph (a)(2)(i), inspect the affected joint using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding three months, commencing from the date of the last ultrasonic inspection. When cracks exceed limits of (a)(2)(i), spar boom must be replaced prior to further flight per paragraph (a)(3).

(c) Reprotection of wing spar joints at controlled intervals is required and must be accomplished in accordance with the procedure detailed in the applicable PTL referenced herein. This procedure necessitates the removal of all bolts in each joint thus enabling a thorough visual inspection for corrosion and cleanliness, of both bolts and holes. After inspection per the provisions of this AD and repair in accordance with the applicable PTL, the bolts and joints are to be reprotected and assembled in accordance with the applicable PTL referenced below. Refitment of the bolts must be followed by an inspection of the joint for cracks using ultrasonic methods, or FAA approved equivalent, prior to further flight. Reprotection of all top and bottom spar boom joints must be carried out on all aircraft when they achieve five years of age, dating from the time of manufacture. If this age is achieved before June 30, 1962, compliance is required by this date. Subsequently, repeat the reprotection at intervals of six years. If the spar taper bolts were retensioned prior to receipt of Vickers-Armstrongs cable SS.6952, reprotection of all spar joints must be accomplished within six years from the date of the initial retensioning and at subsequent intervals of six years.

(d) Following the installation of new or replated bolts, unless already accomplished, conduct a visual inspection of the bolts for security at a suitable inspection period, not less than 100 hours' and not more than 600 hours' time in service from the time of bolt installation. Any new or replated bolts with 550 or more hours' time in service that have not been inspected for security on the effective date of this AD, must be inspected within the next 50 hours' time in service. Within six months of refitting, a check must be carried out to ensure that the torque values of the bolts are within the figures given in the PTL. Where any of the bolts in a joint have a torque value less than that quoted in the applicable PTL, the procedure detailed in the applicable PTL must be carried out on that joint.

(Vickers-Armstrongs Preliminary Technical Leaflet (PTL) No. 230 Issue 4, as amended (700 Series) and PTL No. 97 Issue 3 as amended (800/810 Series) cover this subject.)

This supersedes Amendment 271, 26 F.R. 2525.

This amendment shall become effective December 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10353; Filed, Oct. 31, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On April 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3572) stating that the Federal Aviation Agency (FAA) proposed to alter VOR Federal airway No. 149 by redesignating it from the Georgetown, N.Y., VOR via the Georgetown VOR 029° and the Utica, N.Y., VOR 280° True radials to the Utica VOR, and to designate the control area associated with this segment of Victor 149 to extend upward from 1,200 feet above the surface or, if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

On July 27, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6737) amending the original notice. The supplemental notice proposed that the control area associated with this segment of Victor 149 extend upward from 700 feet above the surface to the base of the continental control area until such time as all control areas associated with other airways in the vicinity of Georgetown and Utica can be altered by applying Amendment 60-21 to Part 60 of the Civil Air Regulations.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and supplemental notice, the following action is taken:

Section 600.6149 (14 CFR 600.6149) is amended to read:

§ 600.6149 VOR Federal airway No. 149 (Allentown, Pa., to Utica, N.Y.).

From the Allentown, Pa., VORTAC via the Thornhurst, Pa., VOR; Binghamton, N.Y., VORTAC; Georgetown, N.Y., VOR; INT of the Georgetown VOR 029° and the Utica VOR 280° radials; to the Utica, N.Y., VOR.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 26, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10355; Filed, Oct. 31, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-193]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones and Control Area Extensions

The purpose of these amendments to §§ 601.1425, 601.1429, 601.2407 and 601.2408 is to alter the Alpena, Mich., control area extension and control zone; and the Camp Douglas, Wis., control area extension and control zone.

The Department of the Air Force has stated an urgent and immediate need to extend the times of designation of these control area extensions and control zones. Due to the requirement for intensified training to bring selected Air National Guard Units to peak combat readiness at the earliest practicable date, the actions taken herein are justified as a matter of military urgency and necessity, and in the interest of national defense.

Because of the varied training mission requirements including periods of inactivity between changes of unit assignment, the part-time features of these control area extensions and control zones are being retained. However, to permit maximum training period flexibility and effectiveness with a minimum of operational penalty, the specific calendar and

daily effective dates and times will be established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12532), the following actions are taken:

§ 601.1425 [Amendment]

1. In the text of § 601.1425 (14 CFR 601.1425, 26 F.R. 3065), "during the period beginning 0001 e.s.t., July 1, 1961, through 0001 e.s.t., August 21, 1961, and annually thereafter." is deleted and "during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide." is substituted therefor.

2. Section 601.1429 (14 CFR 601.1429) is amended to read:

§ 601.1429 Control area extension (Camp Douglas, Wis.).

The airspace within a 30-mile radius of Volk Field, Camp Douglas (Lat. 43° 56'25" N., Long. 90°15'20" W), N of Lat. 43°39'00" N, excluding the portions which coincide with R-6901 and R-6904, shall be designated a control area extension during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

§ 601.2407 [Amendment]

3. In the txet of § 601.2407 (14 CFR 601.2407, 26 F.R. 3065), "from 0600 to 2200 local time daily during the period July 1 through August 20, annually," is deleted and "during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide." is substituted therefor.

4. Section 601.2408 (14 CFR 601.2408, 26 F.R. 8100) is amended to read:

§ 601.2408 Camp Douglas, Wis., control zone.

Within a 5-mile radius of Volk Field, Camp Douglas (Lat. 43°56'25" N, Long. 90°15'20" W), and within 2 miles either side of the Volk Field VORTAC 093° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC, during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on October 26, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10354; Filed, Oct. 31, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8376 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. E. Nelson and Co., Inc., and Alfred E. Nelson

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(a) *Domestic products as imported.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, A. E. Nelson and Company, Inc., et al., Wilkes-Barre, Pa., Docket 8376, Sept. 7, 1961]

In the Matter of A. E. Nelson and Company, Inc., a Corporation, and Alfred E. Nelson, Individually and as an Officer of Said Corporation

Consent order requiring a Wilkes-Barre, Pa., clothing manufacturer to cease violating the Wool Products Labeling Act by tagging as "95% wool, 5% Nylon", boys' trousers which contained substantially less wool than thus represented and by failing to label wool products as required; and to cease making the same false statement as to fiber content in catalogs, and stating also that the domestically manufactured trousers were "Manufactured and Styled in Italy . . .", "Imported from Italy", etc.

The order to cease and desist is as follows:

It is ordered, That respondent A. E. Nelson and Company, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of trousers or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent A. E. Nelson and Company, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of trousers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, in any manner, the fiber content, place of manufacture and styling of their garments or of any other products.

It is further ordered, That the complaint insofar as it concerns Alfred E. Nelson, be dismissed and the same is hereby dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10361; Filed, Oct. 31, 1961; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950 —)

Maintenance and Revision of Records of Wages and Self-Employment Income

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.801 is amended to read as follows:

§ 404.801 Meaning of terms.

For the purposes of this subpart:

(a) The term "earnings" means wages paid to, and self-employment income derived by an individual.

(b) The term "record of earnings" means the Administration's records of the amounts of wages paid to and the self-employment income derived by an individual and the periods in which such wages were paid and such income was derived.

(c) The term "time limitation" means a period of 3 years, 3 months, and 15 days. (Where the time limitation ends on a non-work day see § 404.3(c).)

2. Section 404.804 is amended to read as follows:

§ 404.804 Records to be evidence.

For the purpose of proceedings before the Secretary or any court, such records shall, as provided in this Subpart I, be evidence of the amounts of earnings of such individual and the periods of such earnings. The absence of an entry as to an individual's earnings with respect to any period shall be evidence that the individual had no earnings in such period. After the expiration of the time limitation, as defined in § 404.801(c), following any year:

(a) The Administration's records (with revisions, if any, made pursuant to § 404.805 or § 404.806) of the amounts of earnings of an individual during any period in such year shall be conclusive;

(b) The absence of an entry in the Administration's records as to the wages alleged to have been paid by an employer to an individual during any period in such year shall be presumptive evidence that no such alleged wages were paid to such individual in such period; and

(c) The absence of an entry in the Administration's records as to the self-employment income alleged to have been derived by an individual in such year shall be conclusive that no such income was derived by such individual in such year unless it is shown that he filed a tax return of his self-employment income for such year before the expiration of the time limitation following such year. See § 404.807(b) with respect to conforming earnings records to tax returns of self-employment income.

3. Section 404.806 is amended by revising paragraphs (f), (g), (i), and (j) and adding a new paragraph (k) after paragraph (j) to read as follows:

§ 404.806 Revision of records of earnings after expiration of time limitation.

After the expiration of the time limitation following any year in which an individual had earnings or is alleged to have had earnings the Administration may change or delete any entry of earnings in its records for such year for such individual or include in its records for such year an individual's earnings which had been omitted but only:

* * * * * *

(f) Except as provided in § 404.807, to conform its records to tax returns or portions thereof (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act, under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code of 1939, or chapter 2 or 21 of the Internal Revenue Code of 1954, or under regulations made under authority of such title, subchapter, or chapter, and to conform its records to wage reports filed by a State pursuant to an agreement under section 218 of the Act or regulations of the Secretary thereunder, or, effective January 1, 1962, to conform its records to wage amounts for which assessments of amounts due under an agreement pursuant to section 218 of the Act are made within the period specified in subsection (q) of section 218 of the Act, or to wage amounts for which allowances of credits or refunds of overpayments by a State under an agreement pursuant to section 218 of the Act are made;

(g) To correct errors made in the allocation, to individuals or periods, of earnings entered in the records of the Administration;

* * * * * *

(i) To enter items of compensation for railroad service which constitute remuneration for employment pursuant to the provisions of Subpart O, such entries to be in accordance with certified reports of records made by the Railroad Retirement Board pursuant to section 5(k)(3) of the Railroad Retirement Act of 1937;

(j) To include in the Administration's records of earnings for any period, the amount of wages allocable to such period of any award paid prior to April 1, 1946, pursuant to an act of Congress or a State statute which as a means of making an individual whole, evidences an intent to create an employment relationship by law or to confer upon him all the ordinary incidents of an employment relationship, notwithstanding his discharge or the employer's refusal to hire him or which indicates an intent to protect an individual's right to wages; or

(k) To include self-employment income for any taxable year in an amount up to, but not greater than, the amount of wages deleted by the Administration as payments erroneously included in its records as wages paid to such individual, if such income (or net earnings from self-employment), not already included in its records as self-employment income, is included in a return or statement (referred to in paragraph (f) of this section) filed before the expiration of the time limitation following the taxable year in which such deletion of wages was made.

4. Section 404.807 is amended to read as follows:

§ 404.807 Conforming records to tax returns.

(a) *Tax returns of wages.* Where, pursuant to § 404.806(f), action is taken to conform a record of earnings with a tax return of wages or portion of a tax return of wages, or to a wage report filed by a State, and prior to the incorporation of such return or report into the record of earnings, the Administration has information that such return or report is incorrect, the record of earnings may be revised to incorporate the return, or some portion thereof, or the report, only insofar as such incorporation would make the record of earnings more nearly correct.

(b) *Tax returns of self-employment income—(1) Tax returns filed before expiration of time limitation.* Where action is taken to conform a record of earnings with a tax return of self-employment income filed by an individual with the Commissioner of Internal Revenue before the expiration of the time limitation following any taxable year (see § 404.804(c)), the Administration shall incorporate into its records the self-employment income of such individual for such year as evidenced by such tax return or some portion thereof but only insofar as such incorporation would make the record of earnings more nearly correct.

(2) *Tax returns filed after expiration of time limitation.* The Administration shall not, pursuant to § 404.806(f) or § 404.806(k), include in its records the amount of self-employment income of an individual for any taxable year if the tax return or portion thereof which evidences such income was filed after the expiration of the time limitation following the taxable year in which such self-employment income was derived or in which a deletion of wages was made. (This provision is not applicable to earnings which are derived in any taxable year ending after 1954 and before 1960 by a minister, member of a religious order who has not taken a vow of poverty, or a Christian Science practitioner, and which constitute self-employment income solely by reason of the filing of a certificate or supplemental certificate which is effective under section 1402(e)(3)(B) or (5) of the Internal Revenue Code of 1954.) In the case of a self-employment tax return filed after the expiration of the time limitation, the Administration may only revise its records to reflect a decrease. Therefore, if such return or any portion thereof evidences that the individual had no self-employment income for the taxable year, or had self-employment income in an amount less than the amount of self-employment income entered on the records of the Administration for such taxable year, the Administration shall revise its records to conform to such return or such portion thereof, but only to the extent that such revision would make the record of earnings more nearly correct.

(Sec. 101 of the Social Security Amendments of 1960, 74 Stat. 924)

5. Section 404.810 is amended to read as follows:

§ 404.810 Request for revision.

Any individual to whom wages have allegedly been paid or by whom self-employment income has allegedly been derived, or, after his death, his survivor, may, within the time limitation following any year with respect to any part of which he claims that the Administration's records of earnings are erroneous, or within such further time as is provided in § 404.612 of this chapter, file a request for the revision of the records to correct such error. (See § 404.806 for conditions under which the Administration may revise its records to correct errors after the expiration of the time limitation.) Any individual, or after his death, his survivor, may, within 6 months after the date of an adverse revision of an entry on his record of earnings made on the Administration's own motion, or the date of mailing of notice of such revision in cases in which notice must be given, whichever is later, or within such further time as is provided in § 404.612, file a request to correct such revision. Such requests may be filed at any office of the Bureau, or with an employee of the Bureau authorized to receive them at a place other than at such

procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL-44D4 aircraft.

Compliance required as indicated.

Failures have occurred on the main landing gear rotation lever P/N 4487526 on Model CL-44D4 aircraft. Failure of the lever can cause the landing gear to remain in "up" position when the lever is operated to lower the gear.

The following must be accomplished pending the development and installation of a Canadian Department of Transport and FAA approved modification of the affected parts after which no further inspection will be required:

(a) Within the next 45 hours' time in service unless already accomplished within the past 180 hours' time in service and at intervals not exceeding 225 hours' time in service thereafter conduct the dye penetrant inspection specified in Canadair Service Information Circular No. 27-CL-44D4 or FAA approved equivalent. Cracked levers must be replaced prior to further flight except for a ferry flight in accordance with the provisions of CAR 1.76.

(b) Subsequent to the effective date of this AD, at intermediate intervals between dye penetrant inspections not exceeding each 45 hours' time in service, conduct a visual inspection of the affected part. Cracked levers must be replaced prior to further flight except for a ferry flight in accordance with the provisions of CAR 1.76.

(c) Upon request of the operator an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 25, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10351; Filed, Oct. 31, 1961; 8:45 a.m.]

[Reg. Docket No. 943; Amdt. 356]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft

There has been a reported incident of elevator flutter during flight on a Canadair CL-44D4 aircraft. In order to prevent this condition on other aircraft of the same type design, an airworthiness directive requiring inspection of the elevator hinge bracket attachment fittings is considered necessary.

Since this condition is likely to exist or develop in other aircraft of the same type design, the above procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL-44D4 aircraft.

Compliance required as indicated.

The following measures are required pending the development and installation of Canadian Department of Transport and FAA approved modification to the outer elevator hinge fittings to prevent elevator flutter during flight.

Within the next 25 hours' time in service after the effective date of this airworthiness directive, and every 25 hours' time in service thereafter, apply an upload of approximately 110 lbs. on elevator spar at Station 299 and check for fore and aft movement at upper and lower hinge bracket attachments.

(a) If movement exceeds .010 inches at the upper and lower hinge bracket attachment points, the fittings, P/N 28-A24498 A and B and P/N 28-A24670 must be reworked as stated in (1) or (2):

(1) Open up the 0.375 inch diameter holes to 0.4375±0.0005-inch diameter. Replace existing bolt, P/N 28-A24367 with an NAS 464-7-22 bolt or equivalent: AN 320-7 nut or equivalent; (use washers under nut to line up cotter pin hole), and cotter pin.

(2) Open up the 0.375-inch diameter holes to 0.4750±0.0005-inch diameter. Install bushings and reinstall the original bolt, P/N 28-A24367, if within tolerance (i.e., 0.3745+0.0000—0.0003-inch diameter), or replace with new bolt, P/N 28-A24367. Use existing nut and washer, install new cotter pin. Remove all sharp edges. The bushings shall meet the following requirements:

Material: SAE 4130, MIL-S6758 condition "N". Cadmium plated.

Outside diameter: Before plating 0.4770+0.0005—0.0000-inch diameter. After plating 0.4780+0.0005—0.0000-inch diameter.

Length: 0.748+0.002—0.000-inch for bushings in P/N 28-A24498 A and B. 0.298+0.002—0.000-inch for bushings in P/N 28-A24670.

After installation, the bushings must be line reamed to their inside diameter of 0.3750 ±0.0005-inch. Chamfer inside of bushing 0.03-inch×45°, under head of bolt.

(b) Prior to installing bolts, shim the gap between the attachment lugs, P/N 28-A24498 A and B and the hinge brackets, P/N 28-A24670 to eliminate any movement. The torque value for either of the replacement bolts, P/N 28-A24367 or NAS 464-7-20 or equivalent, is 10 inch-pounds.

(c) After rework, holes must be line reamed to positively insure alinement. When the line reaming is done from outside and from underside of stabilizer, a 0.5-inch diameter hole is required in the horizontal stabilizer outer skin. If reamed from top, the spar cap may be removed locally to clear reamer. Rework of the skin shall be in accordance with Canadair Drawing 28-22135.

(d) Fittings, P/N 28-A24498 A and B, and P/N 28-A24670 whose 0.375-inch diameter (original) holes are elongated beyond 0.4750-inch ±0.0005-inch must be replaced.

(e) Upon request of the operator, and FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this airworthiness directive to

This amendment shall become effective November 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10352; Filed, Oct. 31, 1961; 8:45 a.m.]

[Reg. Docket No. 863; Amdt. 357]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive changing the inspections and rework provisions for Vickers Viscount 745D and 810 Series aircraft superseding Amendment 271 (26 F.R. 2525), was published in 26 F.R. 8677.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

As a result of reported cracks in the inner and outer wing spar attachment joint lugs, inspections were made and a number of aircraft were found to have cracks in the spar boom joint lugs. These cracks may occur on any one of the fingers of the joint lugs and appear to originate in the taper holes and then generally progress in a direction parallel to the joint lug. Accordingly, the following must be accomplished:

(a) Unless already accomplished per Amendment 271, 26 F.R. 2525, within the next 20 hours' time in service after the effective date of this AD, inspect for cracks using ultrasonic methods, or FAA approved equivalent, all the inner wing to outer wing spar boom attachment joint lugs, top and bottom, right and left and the center section to inner wing spar boom attachment joint lugs, top and bottom, right and left, in the region of the taper bolt holes.

(1) If cracks are found in any of the lower spar boom joints, replacement with new spar booms is required prior to further flight.

(2) If there are no cracks in any of the lower spar boom joints, aircraft having cracks in the top spar boom joints, within the limits specified in (a)(2)(i), may be continued in service provided the inspection of (a) is repeated on the affected top spar boom joints at the intervals specified in (b)(4).

(i) One crack is permitted in any of the four top joints, i.e., a total of four cracks per aircraft. Permissible cracks are those extending completely between two adjacent holes in one lug only; extending between the bolt hole nearest the end of one lug and the

(ii) If cracks beyond those specified in (a)(2)(i) are found in any of the top spar boom joints, replacement with a new top spar boom is required prior to further flight; except that, if there are no cracks in any of the lower spar boom joints and the extent of the cracking in the top spar boom joints has been reported to Vickers-Armstrongs for evaluation and the operator has obtained and presented to the FAA approval for flight from Vickers-Armstrongs based upon such evaluation, the aircraft may be flown in accordance with CAR's 1.76 and 1.77 to a base where replacement with a new top spar boom can be accomplished.

(b) Subsequent to the initial inspection of (a), the following repetitive inspections must be accomplished:

(1) Inspect all bottom spar boom joints for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding two years, commencing from date of last ultrasonic or FAA approved equivalent inspection. If cracks are found in any of the bottom spar boom joints, replacement with new spar booms is required prior to further flight.

(2) Inspect all top spar boom joints, in which the taper bolts have not been retensioned to the revised instructions detailed in the applicable PTL referenced below, for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding six months, commencing from the date of the last ultrasonic or FAA approved equivalent inspection. Aircraft found to have cracks in the top spar boom joints which are within the limits specified in (a)(2)(i) may be continued in service and must be reinspected in accordance with paragraph (b)(4). When cracks are found which exceed the limits of paragraph (a)(2)(i), the spar boom must be replaced prior to further flight in accordance with paragraph (a)(3).

(3) Inspect top spar boom joints, in which the taper bolts have been retensioned to the revised instructions detailed in the applicable PTL referenced below, for cracks using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding twelve months, commencing from the date of the last bolt retensioning. Aircraft found to have cracks in the top spar boom joints which are within the limits specified in (a)(2)(i) may be continued in service and must be reinspected in accordance with paragraph (b)(4). When cracks are found which exceed the limits of paragraph (a)(2)(i), the spar boom must be replaced prior to further flight in accordance with paragraph (a)(3).

(4) On aircraft having cracks in the top spar boom joint which are within the limits of paragraph (a)(2)(i), inspect the affected joint using ultrasonic methods, or FAA approved equivalent, at intervals not exceeding three months, commencing from the date of the last ultrasonic inspection. When cracks exceed limits of (a)(2)(i), spar boom must be replaced prior to further flight per paragraph (a)(3).

(c) Reprotection of wing spar joints at controlled intervals is required and must be accomplished in accordance with the procedure detailed in the applicable PTL referenced herein. This procedure necessitates the removal of all bolts in each joint thus enabling a thorough visual inspection for corrosion and cleanliness, of both bolts and holes. After inspection per the provisions of this AD and repair in accordance with the applicable PTL, the bolts and joints are to be reprotected and assembled in accordance with the applicable PTL referenced below. Refitment of the bolts must be followed by an inspection of the joint for cracks using ultrasonic methods, or FAA approved equivalent, prior to further flight. Reprotection of all top and bottom spar boom joints must

protection at intervals of six years. If the spar taper bolts were retensioned prior to receipt of Vickers-Armstrongs cable SS.6952, reprotection of all spar joints must be accomplished within six years from the date of the initial retensioning and at subsequent intervals of six years.

(d) Following the installation of new or replated bolts, unless already accomplished, conduct a visual inspection of the bolts for security at a suitable inspection period, not less than 100 hours' and not more than 600 hours' time in service from the time of bolt installation. Any new or replated bolts with 550 or more hours' time in service that have not been inspected for security on the effective date of this AD, must be inspected within the next 50 hours' time in service. Within six months of refitting, a check must be carried out to ensure that the torque values of the bolts are within the figures given in the PTL. Where any of the bolts in a joint have a torque value less than that quoted in the applicable PTL, the procedure detailed in the applicable PTL must be carried out on that joint.

(Vickers-Armstrongs Preliminary Technical Leaflet (PTL) No. 230 Issue 4, as amended (700 Series) and PTL No. 97 Issue 3 as amended (800/810 Series) cover this subject.)

This supersedes Amendment 271, 26 F.R. 2525.

This amendment shall become effective December 1, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10353; Filed, Oct. 31, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On April 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3572) stating that the Federal Aviation Agency (FAA) proposed to alter VOR Federal airway No. 149 by redesignating it from the Georgetown, N.Y., VOR via the Georgetown VOR 029° and the Utica, N.Y., VOR 280° True radials to the Utica VOR, and to designate the control area associated with this segment of Victor 149 to extend upward from 1,200 feet above the surface or, if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

On July 27, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6737) amending the original notice. The supplemental notice proposed that the control area associated with this segment of Victor 149 extend upward from 700 feet above the surface to the base of the Amendment 60-21 to Part 60 of the Civil Air Regulations.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and supplemental notice, the following action is taken:

Section 600.6149 (14 CFR 600.6149) is amended to read:

§ 600.6149 VOR Federal airway No. 149 (Allentown, Pa., to Utica, N.Y.).

From the Allentown, Pa., VORTAC via the Thornhurst, Pa., VOR; Binghamton, N.Y., VORTAC; Georgetown, N.Y., VOR; INT of the Georgetown VOR 029° and the Utica VOR 280° radials; to the Utica, N.Y., VOR.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 26, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10355; Filed, Oct. 31, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-193]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones and Control Area Extensions

The purpose of these amendments to §§ 601.1425, 601.1429, 601.2407 and 601.2408 is to alter the Alpena, Mich., control area extension and control zone; and the Camp Douglas, Wis., control area extension and control zone.

The Department of the Air Force has stated an urgent and immediate need to extend the times of designation of these control area extensions and control zones. Due to the requirement for intensified training to bring selected Air National Guard Units to peak combat readiness at the earliest practicable date, the actions taken herein are justified as a matter of military urgency and necessity, and in the interest of national defense.

Because of the varied training mission requirements including periods of inactivity between changes of unit assignment, the part-time features of these control area extensions and control zones are being retained. However, to permit maximum training period flexibility and effectiveness with a minimum of operational penalty, the specific calendar and

daily effective dates and times will be established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 601.1425 [Amendment]

1. In the text of § 601.1425 (14 CFR 601.1425, 26 F.R. 3065), "during the period beginning 0001 e.s.t., July 1, 1961, through 0001 e.s.t., August 21, 1961, and annually thereafter." is deleted and "during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide." is substituted therefor.

2. Section 601.1429 (14 CFR 601.1429) is amended to read:

§ 601.1429 Control area extension (Camp Douglas, Wis.).

The airspace within a 30-mile radius of Volk Field, Camp Douglas (Lat. 43° 56'25" N., Long. 90°15'20" W), N of Lat. 43°39'00" N, excluding the portions which coincide with R-6901 and R-6904, shall be designated a control area extension during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

§ 601.2407 [Amendment]

3. In the txet of § 601.2407 (14 CFR 601.2407, 26 F.R. 3065), "from 0600 to 2200 local time daily during the period July 1 through August 20, annually." is deleted and "during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide." is substituted therefor.

4. Section 601.2408 (14 CFR 601.2408, 26 F.R. 8100) is amended to read:

§ 601.2408 Camp Douglas, Wis., control zone.

Within a 5-mile radius of Volk Field, Camp Douglas (Lat. 43°56'25" N, Long. 90°15'20" W), and within 2 miles either side of the Volk Field VORTAC 093° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC, during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on October 26, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10354; Filed, Oct. 31, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8376 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. E. Nelson and Co., Inc., and Alfred E. Nelson

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(a) *Domestic products as imported.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, A. E. Nelson and Company, Inc., et al., Wilkes-Barre, Pa., Docket 8376, Sept. 7, 1961]

In the Matter of A. E. Nelson and Company, Inc., a Corporation, and Alfred E. Nelson, Individually and as an Officer of Said Corporation

Consent order requiring a Wilkes-Barre, Pa., clothing manufacturer to cease violating the Wool Products Labeling Act by tagging as "95% wool, 5% Nylon", boys' trousers which contained substantially less wool than thus represented and by failing to label wool products as required; and to cease making the same false statement as to fiber content in catalogs, and stating also that the domestically manufactured trousers were "Manufactured and Styled in Italy . . .", "Imported from Italy", etc.

The order to cease and desist is as follows:

It is ordered, That respondent A. E. Nelson and Company, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of trousers or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent A. E. Nelson and Company, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of trousers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, in any manner, the fiber content, place of manufacture and styling of their garments or of any other products.

It is further ordered, That the complaint insofar as it concerns Alfred E. Nelson, be dismissed and the same is hereby dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10361; Filed, Oct. 31, 1961; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950 —)

Maintenance and Revision of Records of Wages and Self-Employment Income

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.801 is amended to read as follows:

§ 404.801 Meaning of terms.

For the purposes of this subpart:

(a) The term "earnings" means wages paid to, and self-employment income derived by an individual.

(b) The term "record of earnings" means the Administration's records of the amounts of wages paid to and the self-employment income derived by an individual and the periods in which such wages were paid and such income was derived.

(c) The term "time limitation" means a period of 3 years, 3 months, and 15 days. (Where the time limitation ends on a non-work day see § 404.3(c).)

2. Section 404.804 is amended to read as follows:

§ 404.804 Records to be evidence.

For the purpose of proceedings before the Secretary or any court, such records shall, as provided in this Subpart I, be evidence of the amounts of earnings of such individual and the periods of such earnings. The absence of an entry as to an individual's earnings with respect to any period shall be evidence that the individual had no earnings in such period. After the expiration of the time limitation, as defined in § 404.801(c), following any year:

(a) The Administration's records (with revisions, if any, made pursuant to § 404.805 or § 404.806) of the amounts of earnings of an individual during any period in such year shall be conclusive;

(b) The absence of an entry in the Administration's records as to the wages alleged to have been paid by an employer to an individual during any period in such year shall be presumptive evidence that no such alleged wages were paid to such individual in such period; and

(c) The absence of an entry in the Administration's records as to the self-employment income alleged to have been derived by an individual in such year shall be conclusive that no such income was derived by such individual in such year unless it is shown that he filed a tax return of his self-employment income for such year before the expiration of the time limitation following such year. See § 404.807(b) with respect to conforming earnings records to tax returns of self-employment income.

3. Section 404.806 is amended by revising paragraphs (f), (g), (i), and (j) and adding a new paragraph (k) after paragraph (j) to read as follows:

§ 404.806 Revision of records of earnings after expiration of time limitation.

After the expiration of the time limitation following any year in which an individual had earnings or is alleged to have had earnings the Administration may change or delete any entry of earnings in its records for such year for such individual or include in its records for such year an individual's earnings which had been omitted but only:

* * * * * *

(f) Except as provided in § 404.807, to conform its records to tax returns or portions thereof (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act, under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code of 1939, or chapter 2 or 21 of the Internal Revenue Code of 1954, or under regulations made under authority of such title, subchapter, or chapter, and to conform its records to wage reports filed by a State pursuant to an agreement under section 218 of the Act or regulations of the Secretary thereunder, or; effective January 1, 1962, to conform its records to wage amounts for which assessments of amounts due under an agreement pursuant to section 218 of the Act are made within the period specified in subsection (q) of section 218 of the Act, or to wage amounts for which allowances of credits or refunds of overpayments by a State under an agreement pursuant to section 218 of the Act are made;

(g) To correct errors made in the allocation, to individuals or periods, of earnings entered in the records of the Administration;

* * * * * *

(i) To enter items of compensation for railroad service which constitute remuneration for employment pursuant to the provisions of Subpart O, such entries to be in accordance with certified reports of records made by the Railroad Retirement Board pursuant to section 5(k)(3) of the Railroad Retirement Act of 1937;

(j) To include in the Administration's records of earnings for any period, the amount of wages allocable to such period of any award paid prior to April 1, 1946, pursuant to an act of Congress or a State statute which as a means of making an individual whole, evidences an intent to create an employment relationship by law or to confer upon him all the ordinary incidents of an employment relationship, notwithstanding his discharge or the employer's refusal to hire him or which indicates an intent to protect an individual's right to wages; or

(k) To include self-employment income for any taxable year in an amount up to, but not greater than, the amount of wages deleted by the Administration as payments erroneously included in its records as wages paid to such individual, if such income (or net earnings from self-employment), not already included in its records as self-employment income, is included in a return or statement (referred to in paragraph (f) of this section) filed before the expiration of the time limitation following the taxable year in which such deletion of wages was made.

4. Section 404.807 is amended to read as follows:

§ 404.807 Conforming records to tax returns.

(a) *Tax returns of wages.* Where, pursuant to § 404.806(f), action is taken to conform a record of earnings with a tax return of wages or portion of a tax return of wages, or to a wage report filed by a State, and prior to the incorporation of such return or report into the record of earnings, the Administration has information that such return or report is incorrect, the record of earnings may be revised to incorporate the return, or some portion thereof, or the report, only insofar as such incorporation would make the record of earnings more nearly correct.

(b) *Tax returns of self-employment income—(1) Tax returns filed before expiration of time limitation.* Where action is taken to conform a record of earnings with a tax return of self-employment income filed by an individual with the Commissioner of Internal Revenue before the expiration of the time limitation following any taxable year (see § 404.804(c)), the Administration shall incorporate into its records the self-employment income of such individual for such year as evidenced by such tax return or some portion thereof but only insofar as such incorporation would make the record of earnings more nearly correct.

(2) *Tax returns filed after expiration of time limitation.* The Administration shall not, pursuant to § 404.806(f) or § 404.806(k), include in its records the amount of self-employment income of an individual for any taxable year if the tax return or portion thereof which evidences such income was filed after the expiration of the time limitation following the taxable year in which such self-employment income was derived or in which a deletion of wages was made. (This provision is not applicable to earnings which are derived in any taxable year ending after 1954 and before 1960 by a minister, member of a religious order who has not taken a vow of poverty, or a Christian Science practitioner, and which constitute self-employment income solely by reason of the filing of a certificate or supplemental certificate which is effective under section 1402(e)(3)(B) or (5) of the Internal Revenue Code of 1954.) In the case of a self-employment tax return filed after the expiration of the time limitation, the Administration may only revise its records to reflect a decrease. Therefore, if such return or any portion thereof evidences that the individual had no self-employment income for the taxable year, or had self-employment income in an amount less than the amount of self-employment income entered on the records of the Administration for such taxable year, the Administration shall revise its records to conform to such return or such portion thereof, but only to the extent that such revision would make the record of earnings more nearly correct.

(Sec. 101 of the Social Security Amendments of 1960, 74 Stat. 924)

5. Section 404.810 is amended to read as follows:

§ 404.810 Request for revision.

Any individual to whom wages have allegedly been paid or by whom self-employment income has allegedly been derived, or, after his death, his survivor, may, within the time limitation following any year with respect to any part of which he claims that the Administration's records of earnings are erroneous, or within such further time as is provided in § 404.612 of this chapter, file a request for the revision of the records to correct such error. (See § 404.806 for conditions under which the Administration may revise its records to correct errors after the expiration of the time limitation.) Any individual, or after his death, his survivor, may, within 6 months after the date of an adverse revision of an entry on his record of earnings made on the Administration's own motion, or the date of mailing of notice of such revision in cases in which notice must be given, whichever is later, or within such further time as is provided in § 404.612, file a request to correct such revision. Such requests may be filed at any office of the Bureau, or with an employee of the Bureau authorized to receive them at a place other than at such

office. For other offices or places where such requests may be filed under special circumstances, see § 404.610(b).

6. Section 404.812 is amended by making certain revisions in the heading and in paragraph (a) and by adding after paragraph (b) a new paragraph (c), to read as follows:

§ 404.812 Revision of records of earnings for service performed in the employ of the United States.

(a) *Service for United States or a wholly owned instrumentality of the United States.* Notwithstanding the provisions of §§ 404.805 and 404.806, there shall be no revision of records of earnings based upon service included as employment under section 210 of the Act which is performed in the employ of the United States or in the employ of any instrumentality wholly owned by the United States, including service performed as a member of a uniformed service included as employment under section 210(l)(1) of the Act, except as such revision is necessitated by a determination of the head of the appropriate Federal agency or instrumentality, and of such agents as such head may designate, as evidenced by returns filed in accordance with the provisions of section 3122 of the Internal Revenue Code of 1954 and certifications made pursuant to section 205(p) of the Act.

* * * * *

(c) *Service for Coast Guard Exchanges.* The provisions of paragraph (a) of this section shall also be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard; and for purposes of paragraph (a) of this section the Secretary of the Treasury shall be deemed to be the head of such instrumentality.

(Secs. 205, 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 1302)

Effective date. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

OCTOBER 23, 1961.

Approved: October 26, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-10389; Filed, Oct. 31, 1961; 8:52 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Diatomaceous Earth; Exemption From Tolerance Requirement

A petition was filed with the Food and Drug Administration by Phoenix Gems, Inc., 1701 East Elwood Street, Phoenix, Arizona, requesting the establishment of an exemption from the requirement of a tolerance for residues of diatomaceous earth when used as a post-harvest treatment for barley, buckwheat, corn, oats, rice, rye, sorghum (milo) grain, and wheat.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which an exemption from the requirement of a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the exemption established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding thereto the following new section:

§ 120.188 Diatomaceous earth; exemption from requirement of tolerance.

Diatomaceous earth is exempted from the requirement of a tolerance for residues when used against insect pests in accordance with good agricultural practice on the following stored grains: Barley, buckwheat, corn, oats, rice, rye, sorghum (milo), wheat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 26, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-10381; Filed, Oct. 31, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Amprolium

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the following amendment to § 121.210 of the food additive regulations should issue with respect to removal of the 4-day preslaughter interval for birds receiving feeds medicated by addition of amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.210; 26 F.R. 4286, 5370) are amended in the following respects:

§ 121.210 [Amendment]

In § 121.210 *Amprolium (1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride)*, paragraphs (b)(9) and (c)(8) are deleted.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786, 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens and turkeys have been treated with amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride) in accordance with § 121.210, as amended, tolerance limitations are required in order to assure that the edible tissues and eggs of chickens and turkeys are safe for human consumption. Therefore, § 121.1022 (26 F.R. 4286) is amended to read as follows:

§ 121.1022 Tolerances for residues of amprolium (1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).

Tolerances are established as follows for residues of amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride) in the edible tissues and in eggs of chickens and turkeys:

(a) 1.0 part per million (0.0001 percent) in uncooked liver and kidney.

(b) 0.5 part per million (0.00005 percent) in uncooked muscle meat.

(c) Zero in eggs.

§ 146.26 [Amendment]

3. Pursuant to the provisions of the act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)); *It is ordered*, That § 146.26 Animal feed containing penicillin; * * *, paragraph (b)(44) be amended by changing the introduction to subdivision (i) to read as follows:

(44) (i) It is intended for the use solely as an aid in preventing outbreaks of coccidiosis in chickens and turkeys and as an aid in stimulating growth and improving feed efficiency in growing chickens and turkeys, and its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens. It contains, per ton of complete feed:

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 348(c)(1), (4), 357)

Dated: October 26, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-10388; Filed, Oct. 31, 1961; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 202a—TITLE I MORTGAGE INSURANCE

In Part 202a the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
202a.267 Amendment of regulations.

Section 202a.267 is amended to read as follows:

§ 202a.267 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 2, 48 Stat. 1246, as amended, sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1703, 1706c)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
203.497 Amendment of regulations.

Subpart A—Eligibility Requirements

Section 203.71 is amended to read as follows:

§ 203.71 Loan amortization period.

The loan shall have an amortization of either 3, 5, 7, 10, 12, 15, 17 or 20 years by providing for either 36, 60, 84, 120, 144, 180, 204 or 240 monthly amortization payments.

Section 203.497 is amended to read as follows:

§ 203.497 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
207.263 Amendment of regulations.

Subpart A—Eligibility Requirements

In § 207.4 paragraph (f) is amended to read as follows:

§ 207.4 Maximum mortgage amounts.

* * * * *

(f) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

Section 207.263 is amended to read as follows:

§ 207.263 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In § 213.7 paragraph (k) is amended to read as follows:

§ 213.7 Maximum insurable amounts.

* * * * *

(k) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such

mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220 in the Table of Contents the reference to § 220.512 is deleted, a new section heading is added and the pertinent section heading is amended as follows:

Sec.
220.125 Cost certification requirements.
220.634 Amendment of regulations.

In § 220.100 the introductory text is amended to read as follows:

§ 220.100 Incorporation by reference.

All of the provisions in §§ 203.50 et seq. covering insured home improvement loans under section 203(k) of the Act shall apply to insured home improvement loans on one- to eleven-family dwellings under section 220(h) of the Act except the following provisions:

In § 220.102 paragraph (a) is amended to read as follows:

§ 220.102 Maximum loan amount.

The principal amount of the loan shall not exceed:

(a) The Commissioner's estimate of the cost of improvements, $40,000, or $10,000 per family unit, whichever, is the least; or

Part 220 is amended by adding a new § 220.125 as follows:

§ 220.125 Cost certification requirements.

A loan for the improvement of a structure which is used, or upon completion of the improvements will be used, as a dwelling for five to eleven families shall be subject to the provisions of paragraphs (a) through (c) of this section as follows:

(a) The lender shall submit with the application for commitment an agreement on a form prescribed by the Commissioner, executed by the borrower and the lender, in which:

(1) The borrower agrees to execute, upon completion of the improvements, a certificate of the actual cost of the improvements.

(2) The borrower and the lender agree that if the actual cost of the improvements is less than the amount authorized in the commitment, the amount of the loan shall not exceed the actual cost of the improvements, and that the amount of the loan shall be further adjusted to the lowest $50 multiple where the amount is not in excess of $10,000, or adjusted to the lowest $100 multiple where the amount exceeds $10,000.

(b) No loan shall be insured unless in accordance with the agreement between the borrower and the lender.

(1) The required certification of actual cost is made by the borrower; and

(2) The amount of the loan is adjusted to reflect the actual cost of the improvements.

(c) The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including:

(1) The amounts paid under any contract for the improvements, labor, materials, and for any other items of expense approved by the Commissioner; and

(2) A reasonable allowance for contractor's profit, in an amount approved by the Commissioner, where the Commissioner determines that there is an identity of interest between the borrower and the contractor.

In § 220.501 paragraph (a) is amended by deleting from the listed provisions the following:

Sec.
207.17 Classification.
207.32 Eligibility of refinanced mortgages.
207.34 Reinsurance of Commissioner-held mortgages.

In §.220.507 paragraph (e) is amended to read as follows:

§ 220.507 Maximum mortgage amounts.

* * * * *

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

§ 220.5120 [Deletion]

In Part 220 § 220.512 is deleted.

Section 220.634 is amended to read as follows:

§ 220.634 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.514 paragraph (e) is amended to read as follows:

§ 221.514 Maximum mortgage amounts.

* * * * *

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232 the pertinent section headings are amended to read as follows:

Sec.
232.95 Amendment of regulations.
232.345 Amendment of regulations.

Subpart A—Eligibility Requirements

In § 232.31 paragraph (b) is amended to read as follows:

§ 232.31 Increased mortgage amounts.

* * * * *

(b) *Operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extent the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

Section 232.95 is amended to read as follows:

§ 232.95 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

Section 232.345 is amended to read as follows:

§ 232.345 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER R—WAR HOUSING INSURANCE

PART 603—INDIVIDUAL HOMES; WAR HOUSING MORTGAGE INSURANCE

In Part 603 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
603.263 Amendment of regulations.

Section 603.263 is amended to read as follows:

§ 603.263 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interprets or applies sec. 603, 55 Stat. 56, as amended; 12 U.S.C. 1738)

PART 608—MULTIFAMILY PROJECTS; WAR HOUSING MORTGAGE INSURANCE

In Part 608 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
608.268 Amendment of regulations.

Section 608.268 is amended to read as follows:

§ 608.268 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interprets or applies sec. 608, 56 Stat. 303, as amended; 12 U.S.C. 1743)

PART 611—SINGLE FAMILY PROJECT LOANS; WAR HOUSING MORTGAGE INSURANCE

In Part 611 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
611.262 Amendment of regulations.

Section 611.262 is amended to read as follows:

§ 611.262 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 607, 55 Stat. 61, as amended; sec. 611, 62 Stat. 1271, as amended; 12 U.S.C. 1742, 1746)

SUBCHAPTER S—INSURANCE FOR INVESTMENTS IN RENTAL HOUSING FOR FAMILIES OF MODERATE INCOME

PART 702—YIELD INSURANCE

In Part 702 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
702.259 Amendment of regulations.

Section 702.259 is amended to read as follows:

§ 702.259 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 712, 62 Stat. 1281, as amended; 12 U.S.C. 1747k)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 803—ARMED SERVICES HOUSING—MILITARY PERSONNEL

In Part 803 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
803.263 Amendment of regulations.

Section 803.263 is amended to read as follows:

§ 803.263 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–1)

SUBCHAPTER U—NATIONAL DEFENSE HOUSING INSURANCE

PART 903—INDIVIDUAL RESIDENCES; NATIONAL DEFENSE HOUSING MORTGAGE INSURANCE

In Part 903 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
903.266 Amendment of regulations.

In § 903.256 paragraph (c) is amended to read as follows:

§ 903.256 Forbearance of foreclosure.

* * * * *

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 903.262.

Section 903.266 is amended to read as follows:

§ 903.266 Amendment of regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interest of a mortgagee under the contract of insurance or any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f. Interpret or apply sec. 903, 65 Stat. 296, as amended; 12 U.S.C. 1750b)

Issued at Washington, D.C., October 26, 1961.

JAMES B. CASH, Jr.,
Acting Federal Housing Commissioner.

[F.R. Doc. 61–10380; Filed, Oct. 31, 1961; 8:50 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Timber Cutting Permits

On page 7778 of the FEDERAL REGISTER of August 19, 1961, there was published a notice and text of proposed amendments of §§ 141.7, 141.12 and 141.19 of Title 25, Code of Federal Regulations. The purposes of the amendments are to change the $200 limitation on stumpage values to $500 in §§141.7, 141.12, and 141.19, and to make clear that the 1-year limitation in § 141.19 applies to a calendar year rather than to any other 12-month period.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 25, 1961.

1. Section 141.7 is amended to read as follows:

§ 141.7 Timber sales from unallotted and allotted lands.

On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the Indian owners for allotted timber. The consent of the Secretary is required in all cases. Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding $500 in value, the timber shall be appraised and sold at not less than its appraised value.

2. Section 141.12 is amended to read as follows:

§ 141.12 Contracts required.

Except as provided in § 141.19(c), in sales of timber with an appraised stumpage value exceeding $500 the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. The approved forms provide flexibility to meet variable conditions, but essential departures from the fundamental requirements of such contracts shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. Contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion.

3. The introductory paragraph of § 141.19 is amended to read as follows:

§ 141.19 Timber cutting permits.

Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under the regular timber cutting permit forms. Permits to be valid must be approved by the Secretary. Permits will be issued only with the consent of authorized representatives of the tribe for unallotted lands, and for allotted lands with the consent of the Indian owner or the Superintendent as authorized in § 141.13 (b) and (c). The stumpage value which may be cut in 1 calendar year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $500, but this limitation shall not apply to cutting under authority of paragraph (c) of this section.

[F.R. Doc. 61-10367; Filed, Oct. 31, 1961; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 252-61]

PART 21—WITNESS FEES

Travel Expenses and Subsistence of Federal Officers and Employees Summoned as Witnesses for the Government

By virtue of the authority vested in me by section 1823(a) of Title 28 of the United States Code, and by section 30 of the act of June 6, 1960 (48 U.S.C. 25), as affected by section 23(c) of the Alaska Omnibus Act (73 Stat. 147), I hereby revise § 21.1 of Chapter I of Title 28 of the Code of Federal Regulations to read as follows:

§ 21.1 Officers and employees of the United States summoned as witnesses.

Officers and employees of the United States summoned as witnesses for the Government in cases before United States courts (including such courts in the possessions of the United States) or United States commissioners shall be entitled (a) to necessary expenses incident to travel by common carrier, or, if travel is made by privately-owned automobile, to mileage at the rate of ten cents a mile, and (b) to a per-diem allowance, in lieu of subsistence, at the rate of $16 within the continental United States except in Alaska, and at the maximum rates prescribed by the President or his delegate pursuant to the Travel Expense Act of 1949, as amended (5 U.S.C. 836), outside the continental United States and in Alaska. Such allowances shall be paid in accordance with the provisions of the Standardized Government Travel Regulations.

(28 U.S.C. 1823(a))

Order No. 107-55 of December 2, 1955 is hereby superseded.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the only change made by the order in existing regulations, other than changes in the interest of form and clarification, relieves a restriction and is advantageous to persons affected by it.

Dated: October 27, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61-10435; Filed, Oct. 31, 1961; 10:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellanous Amendments

1. In Part 13, §§ 13.72 through 13.77 are added to read as follows:

§ 13.72 Release of funds from Personal Funds of Patients.

Chief Attorneys may authorize release of funds from Personal Funds of Patients for the needs of veterans and their dependents, including amounts fixed by statute or valid administrative regulations as the cost of current maintenance of veterans in institutions of the United States or a political subdivision thereof other than Veterans Administration institutions.

§ 13.73 Transfer of funds from Funds Due Incompetent Beneficiaries.

(a) *Authorization.* Chief Attorneys may recommend the transfer of amounts credited to individual veterans from Funds Due Incompetent Beneficiaries to Personal Funds of Patients at Veterans Administration hospitals, regional offices and centers. Chief Attorneys may recommend the transfer of such funds from Funds Due Incompetent Beneficiaries to managers, superintendents or medical officers in charge of non-Veterans Administration institutions maintained by the United States or a political subdivision thereof for the account of the institutionalized veteran.

(b) *Limitation.* No transfer of funds will be authorized from Funds Due Incompetent Beneficiaries in excess of $500 and only when the funds in Personal Funds of Patients or deposited to the veteran's account at an institution do not exceed $500 prior to such transfer.

§ 13.74 Recommendation for payment.

(a) *General.* When veterans' benefits are discontinued under 38 U.S.C. 3203 (b)(2), Chief Attorneys are delegated authority to recommend apportionments or awards in accordance with paragraphs (b) and (c) of this section.

(b) *Needy dependent parent.* If the veteran's estate is $4,000 or more, the Chief Attorney may authorize payment from Personal Funds of Patients or recommend payment from the veteran's estate for the needs of the dependent parent and for the care and maintenance of the veteran if hospitalized by the United States or a political subdivision thereof in other than a Veterans Administration hospital. If the estate is $2,500 or more but less than $4,000, the Chief Attorney may recommend an apportionment from appropriated funds to the dependent parent or parents, predicated upon need, not to exceed the veteran's discontinued award, and authorize an award to the hospital from Personal Funds of Patients if available, otherwise, the hospital must look to the veteran's estate for payment. If the veteran's estate is less than $2,500, the Chief Attorney may recommend an apportionment to the dependent parents, predicated upon need, and an award of so much of the balance, if any, of the veteran's discontinued award as is necessary for the current care and maintenance of the veteran, to the hospital.

(c) *No dependents.* If the veteran is hospitalized by the United States or a political subdivision thereof other than a Veterans Administration institution and has no dependent parent, and the estate is less than $2,500, the Chief Attorney may recommend an award from appropriated funds, not to exceed the amount of the veteran's discontinued award, to the hospital for current care and maintenance. When the veteran's estate is $2,500 or more, no award from appropriated funds should be made but the Chief Attorney may authorize an award from Personal Funds of Patients if available; otherwise, the hospital must look to the veteran's estate for payment.

(d) *Hardship cases.* Chief Attorneys are authorized, in exceptional cases, to deviate from the criteria stated to avoid hardship.

§ 13.75 Application of 38 U.S.C. 3203 (b)(2) to confinement of incompetent veteran in a penal institution.

Payment of compensation, pension or retirement pay to a veteran who comes within the provisions of 38 U.S.C. 3203 (b)(2) must be discontinued upon confinement in a penal institution, whether awaiting trial, sentence, or after conviction, until his release from such institutional care (§ 13.108).

§ 13.76 Appeals from Chief Attorney's determination under 38 U.S.C. 3203 (b)(3).

(a) *Notification.* The Chief Attorney will be responsible for notification of action taken and the right and time limitation to appeal (§ 19.2) when he determines that:

(1) The dependent is not in need.

(2) The needs of the dependent parent are to be met from the veteran's estate or from Personal Funds of Patients and no payments or partial payments will be made for the dependent parents' support from appropriated funds.

(3) No award from appropriated funds for care and maintenance for the veteran in a non-Veterans Administration hospital will be made, and that the veteran's estate will have to defray the cost.

(b) *Right to appeal.* An appeal may be taken from the determination of the Chief Attorney:

(1) By the dependent parent on the question of need.

(2) By the dependent parent as to payments for his or her support from appropriated funds.

(3) By the guardian for the disallowance of the use of appropriated funds for the veteran's care and maintenance at an institution maintained by the United States or a political subdivision thereof.

(c) *Hearings on appeal.* Personal hearings at a Veterans Administration field office before station personnel acting as a hearing agency or before a section of the Board of Veterans Appeals will be granted if requested by persons entitled thereto (§ 19.3).

(d) *Notification to claimant of hearing.* The person requesting the hearing will be notified of the time and place of the hearing, including notice that the Government may not assume any expense incurred by the appellant or his representative in connection with the hearing.

§ 13.77 Administrative review of the Chief Attorney's determination made under 38 U.S.C. 3203(b)(3).

(a) *Chief Attorney (reversals).* (1) The Chief Attorney may revise any previous determination upon review of the evidence of record, provided a specific finding is made in writing that it was clearly and unmistakably erroneous.

(2) The Chief Attorney may revise a previous determination upon receipt of new evidence.

(b) *Chief Benefits Director.* Upon request for further review by the dependent parent, the Chief Benefits Director or his designee will review and may revise the determination of the Chief Attorney as to the amount to be paid from Personal Funds of Patients for the support of the dependent parent, predicated upon need.

2. In § 13.104, paragraph (b) is amended to read as follows:

§ 13.104 Accounts of guardians.

* * * * *

(b) In jurisdictions where State law requires accountings from guardians less frequently than annually, the Chief Attorney will require accountings from individual guardians annually but need not require corporate fiduciaries to account other than as provided by State law but in no event less frequently than once every 3 years.

(72 Stat 1114; 38 U.S.C. 210)

These regulations are effective November 1, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-10392; Filed, Oct. 31, 1961; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tewaukon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,840 acres or 33 percent of the total refuge area is delienated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants only during the season specified below. The hunting of upland game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 9:00 a.m. to sunset daily from November 20 through December 5, 1961.

(c) Daily bag limit: Four male birds.

(d) Methods of hunting: (1) Weapons—shotguns or bow and arrow. Shotguns must be no larger than 10 gauge, fired from the shoulder and capable of holding three shots or less. Arrows must be at least 24 inches in length and have at least 2 untrimmed or not less than 5 trimmed feathers (Flu-Flu type.)

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 6, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10363; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 32—HUNTING

National Wildlife Refuges, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open season: From one-half hour before sunrise to sunset, daily from November 1 through November 12, 1961.

(c) Bag limit: One buck deer with two or more points to one antler; one deer per person per season.

(d) Methods of hunting: (1) Weapons: It is unlawful to hunt big game with any rifle or firearm which discharges a projectile less than 22/100 of an inch in diameter, or less than two inches in length; cartridge must contain a soft point or expanding bullet. Muzzle loading rifles which discharge a projectile of less than 42/100 of an inch in diameter are unlawful. Self-loading or auto-loading firearms capable of holding more than six cartridges, or firearms capable of operating as a full automatic, are unlawful. No buckshot may be used, and no single ball or rifled slug weighing less than one-half ounce may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through November 12, 1961.

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, South Dakota is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres or 93 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open season: From one-half hour before sunrise to sunset, daily from December 2 through December 10, 1961.

(c) Bag limit: One deer, of any age or sex, per person per season.

(d) Methods of hunting: Weapons—only shotguns, firing a single ball or rifled slug weighing one-half ounce or more may be used; all other firearms are unlawful.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through December 10, 1961.

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Waubay National Wildlife Refuge, South Dakota is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres or 24 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open seasons: Gun season—From one-half hour before sunrise to sunset, daily from December 2 through December 10, 1961. Bow and arrow season—From one-half hour before sunrise to sunset, daily from December 11 through December 31, 1961.

(c) Bag limit: One deer, of any age or sex, per person per season.

(d) Methods of hunting: (1) Weapons: It is unlawful to hunt big game with any rifle or firearm which discharges a projectile less than 22/100 of an inch in diameter, or less than two inches in length; cartridge must contain a soft point or expanding bullet. Muzzle loading rifles which discharge a projectile of less than 42/100 of an inch in diameter are unlawful. Self-loading or auto-loading firearms capable of holding more than six cartridges, or firearm capable of operating as a full automatic, are unlawful. No buckshot may be used, and no single ball or rifled slug weighing less than one-half ounce may be used. Archery hunters must be equipped with a non-mechanical bow of not less than 40 pounds pull capable of shooting an arrow 150 yards, the cutting edge of which shall be of steel and be not less than 7/8 inch in width and not less than 1½ inches in length, and the shaft of said arrow shall not be less than 24 inches in length. Bow and arrow hunters may not carry any firearms, crossbows, explosives, poisonous or barbed arrow points.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through December 31, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10364; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 5,000 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1961, through February 15, 1962.

(c) Daily creel limits: Northern pike—6; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing: (1) Tackle—anglers may use a maximum of two lines, and a maximum of three hooks on each line. Artificial lures constitute one hook, regardless of the number of gang hooks attached.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10362; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 150 acres or 5 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1961, through February 15, 1962.

(c) Daily creel limits: Northern pike—3; perch—no limit; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing: (1) Tackle: No more than one line and one hook may be used, except that three artificial flies may be used in angling for large and small-mouthed black bass, crappies, sunfish or rock bass, and except that a single artificial bait may contain more than one hook.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10363; Filed, Oct. 31, 1961; 8:48 a.m.]

PART 33—SPORT FISHING

Waubay National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Sport fishing on the Waubay National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 320 acres or 16 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1961, through February 28, 1962.

(c) Daily creel limits: Northern pike—6; perch—50; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing: (1) Tackle—anglers may use a maximum of two lines, and a maximum of three hooks on each line. Artificial lures constitute one hook, regardless of the number of gang hooks attached.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1961.

[F.R. Doc. 61-10366; Filed, Oct. 31, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 943]

[Docket No. AO 231–A10]

MILK IN NORTH TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas, on July 24, 1961, pursuant to notice thereof issued on July 14, 1961 (26 F.R. 6452).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Secretary, United States Department of Agriculture, on September 15, 1961 (26 F.R. 8908; F.R. Doc. 61–9046) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to revision of the supply-demand adjustment component of the Class I pricing formula.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Producers' proposed modification of the supply-demand adjustment mechanism of the Class I pricing formula should be adopted.

Under the existing order provisions the amount of the supply-demand adjustment is determined by a direct comparison of the supply-sales relationship for the 2d and 3d preceding months with fixed specified monthly standard utilization ranges which average 113–119 percent on an annual basis. The amount and direction of the adjustment is a composite of the deviations computed for the current and two immediately preceding pricing months, eliminating any deviation in a preceding month which is in an opposite direction from a subsequent month and any amount by which the deviation in a preceding month exceeds that of a more recent month.

The Texas Milk Producers' Federation proposed the changes herein recommended contending that the existing supply-demand adjustment mechanism has not appropriately reflected trends in supplies and Class I sales and that it is too sensitive and has produced extremely variable and contraseasonal Class I price changes. In support of their proposal proponents pointed out that during the 44 months period immediately preceding the hearing, the amount of supply-demand adjustment changed 37 times, that eleven of these changes (30 percent) adjusted the price in a different direction from the adjustment of the preceding month and that forty-two percent of the changes were in amounts of less than four cents. This situation, proponents contend, has been confusing to producers and as a result the action of the adjustment mechanism has not tended to encourage appropriate supply adjustments.

The mechanism which producers proposed cannot be expected to reflect the current supply-demand situation as accurately as the existing mechanism. However, it does provide a basis for adjusting the "norm" or standard utilization percentage to reflect changing seasonality of supplies and sales which the existing mechanism does not provide. Further, it cannot be concluded, as producers suggest, that the adjustments under the recommended procedure will reflect trends in the supply-demand relationship to any greater degree than the existing mechanism. The use of the four-month mover, in lieu of the existing two-month mover, however, tends to mask variations in month-to-month supply-demand relationships and accordingly can be expected to provide less variation in month-to-month price adjustments. Since this is the objective which producers aim to achieve, and since, as indicated later in this decision, the annual level of price is not affected there is no compelling reason why it should not be adopted.

The base period should be the 12-month period extending from the 2d to the 14th month preceding the pricing month. To determine changes in seasonality of supplies and sales a utilization percentage (ratio of supplies to sales) for the immediately preceding four-month period and for the same four months of the preceding year should be computed and compared to the utilization percentage for the base period. This comparison provides a basis for adjusting the "norm" or standard to reflect the current seasonality of supplies and sales.

Under the present order provisions the normal relationship between supply and sales at which no adjustment is made is expressed as stated monthly ranges which average 113–119 on an annual basis. Proponents suggested that the 118 percent, which approximates the average supply-sales relationship for the five markets during the past three years, be used. The use of 118 percent in conjunction with the new scheme of adjustments provided will tend to provide a level of Class I pricing essentially the same as that which the existing provision has provided.

The relationship established between supplies and sales in the two four-month periods and in the base period should be applied to the 118 percent to establish the "norm" or standard for comparing with actual utilization in the four-month period ending with the second preceding month. The deviation between the two percentages would indicate the direction and extent of desirable price adjustments.

Each price adjustment should reflect the deviation percentage for the current and the preceding pricing month. Thus, if August were the pricing month, the deviation percentage for such month would reflect the supply-sales relationship for the preceding March, April, May and June, and the deviation percentage for the preceding month (July) would reflect the supply-sales relationship for the months of February, March, April and May. The two deviation percentages to be used in determining the price adjustment for the month should be applied in a manner so that the most recent of the two deviations is given more importance than the earlier deviation. This is accomplished by eliminating any deviation for the preceding month which is in the opposite direction from that of the current month and reducing any deviation for the preceding month to the extent that it exceeds the deviation for the current month. The sum of the resulting adjusted deviation percentages provides the basis for price adjustments. The price adjustment would be upward or downward depending on whether the sum of the adjusted deviation percentages reflects utilization below or above, respectively, the standard utilization percentages. Each percentage point variation from the standard would represent an indicated one-cent price change. However, to eliminate minor fluctuating price changes no additional adjustment from that effective in the preceding month should be made unless the indicated adjustment exceeds that of the preceding month by more than three cents. This procedure was supported by producers who contend that minor fluctuation in the amount of the adjustor is confusing to producers and serves no useful purpose.

Official notice is taken of the market administrator's Class I price announcement for the months of August and September 1961. The procedure herein recommended would have produced virtually the identical level of pricing which has been in effect during the period since January 1960. However, the variations in the amount of the month-to-month adjustments would have been substantially reduced. Thus the recommended procedure meets producers' objections to the existing procedure while at the same time providing assurance that an appropriate price level will be maintained.

In addition to the changes herein recommended producers also proposed that the amount of the supply-demand adjustment in any month be limited to not more than 25 cents from that of the same month of the previous year.

There is no prospect that the recommended mechanism will provide an adjustment during the current fall and winter months more than 25 cents greater than that of last year. Further, since the current adjustment under the recommended mechanism would be 30 cents it would not be possible in view of the maximum adjustment of 50 cents provided, for the adjustment during the fall and winter months of 1962–63 to exceed those of this year by more than 25 cents. If the twenty-five-cent limitation were adopted, however, and the supply-demand relationship should change significantly it is possible that the limitation would restrict a price increase which producers might otherwise receive as a result of the action of the adjustor and which might be necessary to bring forth the necessary market supply. On the other hand, producers pointed out that the adjustments provided by the existing mechanism during the flush production months of 1961, when compared to those provided during the previous fall months, probably were less than were appropriate. A continuation of the present trend in supply-sales relationship will likely provide adjustments during the flush production months of 1962 which will exceed those of the corresponding months of this year by more than 25 cents. Hence, the adoption of the 25-cent limitation might well result in adjustments during the 1962 flush production season which would be less than those actually in effect this fall. Elimination of contraseasonal price adjustments was one of proponent's principal arguments for changing the adjustment mechanism. In view of the above considerations, the adoption of the 25-cent limitation would be inappropriate.

Proponents suggested (in line with their position that when the indicated adjustment for any month varies from the adjustment of the previous month by less than 4 cents, the adjustment of the previous month should be used) that if the adjustment indicated for the first month under the amended order varies from that of the preceding month by less than 4 cents the adjustment of the preceding month should be used. Official notice is taken that the amount of the adjustment for the months of August and September 1961, has been set by suspension action. It is possible that the indicated adjustment over an extended period following amendment of the order could be higher or lower, than the adjustment set by suspension, but, nevertheless, within four cents of that amount. Under such circumstances producers could receive a price either higher or lower than that herein concluded to be appropriate. It is concluded, therefore, that in computing the adjustment for the first month under the amended order the relationship to the adjustment applicable in the immediately preceding month should be disregarded.

No exceptions were filed to this conclusion. However, producers called attention to the fact that the order language did not appear to implement this position. The order language has been clarified in this regard.

A handler proposed the complete elimination of the supply-demand adjustment mechanism and a 15-cent reduction in the specified differentials which are added to the basic formula price to determine the Class I price. He further proposed a contraseasonal provision which would prevent the price from falling during the fall months and from rising during the spring months. He contended that no satisfactory supply-demand adjustment mechanism has yet been devised for the North Texas market notwithstanding the fact that the matter had been under consideration at numerous hearings. He further contended that the adjustment mechanism proposed and herein recommended would not be understood by producers and therefore could not be effective in achieving its intended purpose.

Notwithstanding proponents position the supply-demand adjustment mechanism has served to adjust the Class I price in response to changes in supply and sales relationship in the five Texas markets. The proposed 15-cent adjustment in the Class I price level would provide a higher price than that presently in effect despite the fact that the market is in an oversupply situation. Further, there would be no procedure other than amendment hearings whereby the price level could be adjusted in response to changing supply-demand relationships. Under the procedure herein recommended producers have assurance that their Class I price will be maintained at that level necessary to bring forth an adequate supply of milk to meet the fluid milk requirements of the market. Accordingly, the proposal is denied.

Proponent in his exceptions suggested that his proposed 15-cent reduction in the specified differentials to be added to the basic formula price to determine the Class I price was intended to be merely suggestive. He contended that it was his intent that the Department eliminate the supply-demand mechanism and make whatever price adjustment was necessary to compensate for this change. This position is not apparent from the record, however.

Proponent also pointed out that adoption of his proposal would eliminate contraseasonal pricing. He further suggested that in light of previous actions involving the supply-demand adjustment mechanism it seemed likely that future requests for modification of the mechanism would be considered whenever significant price adjustment were indicated. Hence there could be no assurance that the recommended mechanism would be effective in adjusting the Class I price to reflect the actual supply-demand situation in the market.

It cannot be anticipated what the market situation may be at some future date. Neither can it be anticipated what action might be taken on future requests for order amendments. For reasons previously stated, it is desirable that a supply-demand adjustment mechanism be continued under the order. While adoption of proponent's proposal would eliminate the possibility of contraseasonal pricing, it is not apparent that this would be achieved in a way which would be in the best interest of the market. It is more necessary that the current Class I price reflect as accurately as possible the current supply-demand situation.

Rulings on proposed findings and conclusions. A brief and addendum with proposed findings and conclusions was filed on behalf of an interested party. This brief and addendum, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exceptions received were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas

Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the North Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 26, 1961.

CHARLES S. MURPHY,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended and as hereby further amended:

Delete § 943.51(a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth of a cent) plus $1.85 for the months of March through June and plus $2.25 for all other months, subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this Part and Parts 949, 952, 982, and 998 of this Chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage computed pursuant to subparagraph (1)(iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1)(i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2)(iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1)(ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided*, That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

[F.R. Doc. 61-10378; Filed, Oct. 31, 1961; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

CIVIL AERONAUTICS BOARD

[14 CFR Part 227]

[Economic Regs. Docket No. 13142]

TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Proposed Reduced Rate Transportation for Members of the Immediate Families of Military Personnel Stationed Overseas

OCTOBER 30, 1961.

Notice is hereby given that the Civil Aeronautics Board is proposing new rules which will permit air carriers to file tariffs providing for reduced-rate transportation for certain limited travel of members of the immediate families of military personnel stationed overseas. The principal features of the proposed rules are explained in the Explanatory Statement below, and the proposed rules are set forth below. These rules are proposed under the authority of section 204(a) and 403(b) of the Federal Aviation Act of 1958 (72 Stat. 743, 759; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before November 13, 1961 will be considered by the Board before taking final action on the proposed rules. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 227 of the Board's Economic Regulations (14 CFR Part 227) contains rules which permit any air carrier or foreign air carrier to furnish foreign or overseas air transportation at reduced rates to personnel of the U.S. Armed Forces stationed outside the continental United States and traveling at their own expense while on official furlough, leave or pass.

The Board has received requests from the Department of Defense and an air carrier to broaden Part 227 to permit members of the immediate family of such military personnel to enjoy limited travel in foreign or overseas air transportation at reduced rates. It is the view of the Department of Defense that air travel by furloughed military personnel as well as their dependents is essential to the morale of the overseas forces of the United States and that generally such persons are not financially able to pay presently established fares for air transportation.

Under section 102 of the Act, the Board, in the exercise and performance of its powers and duties, is required to consider as being in the public interest the encouragement and development of an air transportation system properly adapted to the needs of the national defense. In this respect the Board is of the view that reduced rates for members of the immediate families of military personnel stationed overseas will contribute toward maintaining the morale of such personnel and thus aid in the national defense.

Accordingly, the Board proposes herein various amendments to Part 227 which will permit carriers to file tariffs providing for reduced rates on an individually ticketed basis, for limited travel in foreign or overseas air transportation for members of the immediate families of such military personnel.

Proposed rules. In view of the foregoing the Board proposes to amend Part 227 (14 CFR Part 227) as follows:

§ 227.1 [Amendment]

1. By amending paragraph (b) of § 227.1 to read:

(b) "Reduced rate transportation" means the carriage by a carrier subject to the provisions of this part of any furloughed military personnel or members of the immediate family of military personnel on active duty status and stationed outside the continental United States, for compensation specified in the applicable tariff * * * [remainder unchanged]

2. By adding a new paragraph (d) to § 227.1 of this part to read:

(d) "Immediate family" means the spouse and dependent children, living in the same household, of a member of the Armed Forces of the United States who is on active duty status and stationed outside the continental United States.

3. By amending § 227.2 of this part to read:

§ 227.2 Conditions governing the furnishing of reduced-rate transportation.

Subject to compliance with the other provisions of this part and with the limitations imposed in an air carrier's certificate of public convenience and necessity, issued under section 401 of the Act; in the applicable regulation or order of the Board authorizing an air carrier's operation; or in a foreign air carrier's foreign air carrier permit issued under section 402 of the Act, any air carrier or foreign air carrier may furnish reduced-rate transportation to:

(a) Furloughed military personnel traveling on through tickets calling for overseas or foreign air transportation and where the trip originates at a foreign or overseas point.

(b) Members of the immediate family of military personnel traveling on round-trip tickets calling for overseas or foreign air transportation: *Provided*, That such members are accompanied on the trip by such personnel, and the trip originates and terminates at a foreign or overseas point.

(c) Members of the immediate family of military personnel traveling on one-way through ticket calling for overseas or foreign air transportation from an overseas or foreign point to the United States, its territories or possessions.

§ 227.4 [Amendment]

4. By changing the section heading of § 227.4 to read *Identification;* redesignating present § 227.4 as paragraph (a) of § 227.4; and adding a new paragraph (b) to § 227.4 to read:

(b) *Identification of members of the immediate family.* No air carrier or foreign air carrier shall sell reduced-rate tickets or furnish reduced-rate transportation, pursuant to this part, to the immediate family of any member of the Armed Forces of the United States unless such member shall execute and have countersigned by his Commanding Officer and deliver to the representatives of the carrier at the time of sale a declaration of eligibility reading as follows:

"I declare that I am a member of the United States Armed Forces on active duty status and stationed outside the continental United States and that I am purchasing a ticket or tickets for ---------- who is (are) my spouse and dependent child (children) for travel in foreign or overseas air transportation."

(Signed)

(Grade)

(Branch of Service)

(Service number)

(Commanding Officer)

5. By amending the heading of Part 227 to read: "Part 227—Tariffs of Air Carriers and Foreign Air Carriers: Reduced Rates for Furloughed Military Personnel and Immediate Families of Military Personnel".

[F.R. Doc. 61-10462; Filed, Oct. 31, 1961; 9:44 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[FSLIC-1,220]

OPERATIONS

Amendment of Resolution Proposing Amendment Relating to Loans and Investments

OCTOBER 26, 1961.

Resolved that Federal Home Loan Bank Board Resolution No. FSLIC-1,202, dated October 4, 1961 (26 F.R. 9557), proposing that § 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 563.9) be amended by an amendment the substance of which is set forth in said resolution, is hereby amended as follows:

The last sentence of said resolution, which provides that all written data, views, or arguments on the issues set forth in said resolution must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than November 7, 1961, to be entitled to be considered, but that any received later may be considered in the discretion of the Federal Home Loan Bank Board, is hereby amended by striking "November 7, 1961" and inserting in lieu thereof "November 13, 1961".

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61-10391; Filed, Oct. 31, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14245]

DEINTERMIXTURE OF COLUMBIA, S.C.

Order Extending Time for Filing Responsive Pleadings

1. The Commission has before it a motion, filed October 19, 1961, by The Broadcasting Company of the South, licensee of Station WIS-TV (Channel 10), Columbia, South Carolina, requesting that the time for it to file an opposition to the "Petition To Amend Notice of Proposed Rule Making" filed on October 9, 1961, by Wilton E. Hall, permittee of Station WAIM-TV, (Channel 40), Anderson, South Carolina, in this proceeding be extended to October 31, 1961.

2. The notice of proposed rule making released by the Commission on August

3, 1961, in this proceeding invited comments on a proposal to deintermix Columbia, South Carolina, to all UHF television channel assignments by deleting VHF Channel 10. The Hall petition requests that we amend this notice to invite comments on a proposal for assignment of Channel 10 to Anderson, South Carolina, if it is deleted from Columbia.

3. The Broadcasting Company of the South asserts that the extension of time it requests is necessary because the illness of its consulting engineer has delayed its completion of engineering studies needed in the preparation of its comments on the Hall petition. It advises that Hall and all other known parties to the proceeding have no objection to the requested extension of time. It urges that the grant of its request will not prejudice any party or delay the proceeding.

4. The Commission believes, in light of the matters raised by the Hall petition, that the requested additional time for commenting upon it is warranted and is in the public interest.

5. *Accordingly, it is ordered,* This 24th day of October 1961, that the motion of The Broadcasting Company of the South for extension of time is granted; and that the time for filing responses to the petition of Wilton E. Hall herein is extended to October 31, 1961.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10402; Filed, Oct. 31, 1961; 8:54 a.m.]

[47 CFR Part 12]

[Docket No. 14349; FCC 61-1267]

AMATEUR RADIO SERVICE

Proposed Availability of Certain Frequency Bands in Alaska and Hawaii

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The State of Alaska, Department of Public Safety, requested by letter that the frequency bands 7245–7255 and 14,220–14,230 kc/s be made available to Radio Amateur Civil Emergency Service (RACES) stations in Alaska. The letter stated that the lack of any 40 and 20 meter frequencies for Alaskan RACES stations coupled with the distances involved in communicating with the continental United States preclude their participation in actual or simulated Civil Defense operations. It would appear that Hawaiian RACES stations face the same problem.

3. In a Report and Order, Docket 12719, released May 29, 1959, the Commission amended § 12.231(a) of the rules making additional amateur frequencies available for RACES. Because of the then existing requirements of other governmental agencies having primary responsibility for national defense functions, however, these additional frequencies were not made available to Alaska, Hawaii or the territories or possessions of the United States. Further coordination by the Commission with the governmental agencies concerned has indicated that the earlier difficulties have been resolved with respect to making the bands 7245–7255 and 14,220–14,230 kc/s available for RACES operation in Alaska and Hawaii. Accordingly, the Commission is proposing to amend § 12.231(a)(2) to make the frequency bands 7245–7255 and 14,220–14,230 kc/s available for use by authorized stations in Alaska and Hawaii.

4. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 2, 1962 and reply comments on or before January 15, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: October 25, 1961.

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10403; Filed, Oct. 31, 1961; 8:54 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-51]

TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Proposed Pooling by Motor Common Carriers of Household Goods

OCTOBER 24, 1961.

On October 12, 1961, a report proposed by the Bureau of Finance was served on the parties to this proceeding, together with a draft of tentative rules to be prescribed (26 F.R. 9786) and a questionnaire to which responses are to be made on or before February 28, 1962.

Part A, page 3, of the questionnaire, to be completed by the principal carrier, contains the following:

3. Attach as Exhibit A copies of all outstanding agreements or contracts with your carrier and noncarrier agents, and other persons, concerning (a) the soliciting, transporting, and surrender of shipments of household goods; (b) the performance of services of any kind, including accessorial services, in connection therewith; and (c) the leasing of motor vehicles, terminals, warehouses, or space in terminals and warehouses, in connection with such transportation and/or services.

Where the carrier uses a standard form for such agreements or contracts, one copy of each such form of agreement or contract, as representative, with a list of the names and headquarters of all contracting parties thereto, may be furnished in lieu of copies of each executed agreement or contract.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-10387; Filed, Oct. 31, 1961; 8:52 a.m.]

Notices

POST OFFICE DEPARTMENT

DIRECTOR, REALTY DIVISION, BUREAU OF FACILITIES

Delegation of Authority With Respect to Real Property Management; Correction

The introductory paragraph in FEDERAL REGISTER Document 61-10150, appearing at page 10002 of the issue of October 25, 1961, is corrected by striking out "Order Number 179" therein and inserting in lieu thereof "Order Number 201". As so corrected, the introductory paragraph reads as follows: "The following is the text of Order Number 201 of the Acting Assistant Postmaster General, Bureau of Facilities, dated October 11, 1961:"

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-10375; Filed, Oct. 31, 1961; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 83]

CERTAIN OFFICIALS

Delegation of Authority To Permit Inspection of Returns and Related Documents

Pursuant to authority vested in me by Treasury Decision 6543, approved by the President January 17, 1961, District Directors, the Director of International Operations, and the Director of the Collection Division are authorized:

1. To permit inspection of returns in their custody by any applicant eligible therefor in accordance with paragraph (c) of § 301.6103(a)-1 of Treasury Decision 6543, including any applicant with respect to whom inspection is made discretionary with the Secretary or the Commissioner or the delegate of either, provided such applicant meets the requirements embodied by such paragraph. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

2. To permit inspection of returns in their custody by United States attorneys and attorneys of the Department of Justice in accordance with paragraph (g) of § 301.6103(a)-1 of Treasury Decision 6543, and to furnish returns, or copies thereof, to such attorneys in accordance with paragraph (h) of such section. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been furnished by the Service to the taxpayer, except that other records or reports containing information included or required by statute to be included in the return may be furnished (a) when the return or copy thereof is requested for official use in the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States or officers and employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of the Treasury to the Department of Justice for such prosecution or defense, or (b) in cases not so referred, when so authorized by the Assistant Commissioner (Compliance).

The authority delegated herein may not be redelegated.

Date of issue: October 16, 1961.

Effective date: October 16, 1961.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner.

[F.R. Doc. 61-10390; Filed, Oct. 31, 1961; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 164]

NEVADA

Small Tract Classification; Amendment

1. Effective October 24, 1961, Federal Register Document 58-8759 appearing on page 8163 of the issue for October 23, 1958, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 12, N½SE¼.
T. 14 N., R. 20 E.,
Sec. 7, Lot 2 of the SW¼.

The areas described aggregate 145.11 acres.

2. The land is situated about 5 miles south of the city limits of Carson City, Nevada, at an elevation of approximately 4,900 feet above sea level. The climate is dry and the area is used extensively for mining. The topography of the land is a steep hillside, cut by arroyos, having very shallow rocky soils.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on November 28, 1961 to the operation of the public land laws, subject to any valid existing rights, the provisions of the existing withdrawals, and the requirements of applicable laws, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

OCTOBER 24, 1961.

[F.R. Doc. 61-10368; Filed, Oct. 31, 1961; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 23, 1961.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Sacramento 068102 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the land for the construction, operation and maintenance of the proposed Nashville Unit, Cosumnes River Division of the Central Valley Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 10 E.,
Sec. 2: Unpatented Mineral Lot 62.
T. 8 N., R. 10 E.,
Sec. 2: Lot 7, unpatented portions of Mineral Lot 39;
Sec. 12: Lots 6 and 7, unpatented Mineral Survey 6122, S½NE¼, excepting Mineral Survey 4582, NW¼NW¼SW¼, SE¼SW¼SE¼, SW¼SE¼SE¼;
Sec. 15: NW¼SE¼;
Sec. 22: SE¼NW¼;
Sec. 23: That portion of Lot 5 segregated as Mineral land, Lots 7 and 8;
Sec. 35: Lot 2.
T. 9 N., R. 10 E.,
Sec. 1: SE¼NE¼ except those portions in Mineral Surveys 5815 and 5869;
Sec. 12: Lot 1, Lot 2 excepting patented Mineral Survey 5422; Lots 7 and 9; Lots 15 and 16 excepting Mineral Survey 6300; Lots 22, 24; SE¼SW¼ excepting Mineral Survey 5423; unpatented portions of Mineral Survey 6303, and Stingaree Quartz Mine; and unpatented Yellow Jacket Quartz Mine and New El Dorado Quartz Mine;

Sec. 13: Lot 6 excepting Mineral Survey 5774, Lots 7 and 10 excepting Mineral Survey 5817, Lots 11, 12, unpatented Mineral Surveys 3650A and 3650B;
Sec. 14: Lot 5, unpatented Mineral Survey 4098;
Sec. 23: E½ Lot 1, unpatented portion of Mineral Survey 4098, E½SE¼NE¼;
Sec. 24: Unpatented Mineral Survey 3650A, SW¼NW¼;
Sec. 25: NE¼NE¼NW¼, S½NE¼NW¼;
Sec. 26: E½NE¼;
Sec. 35: Unpatented Mineral Lot 43.
T. 9 N., R. 11 E.,
Sec. 7: East 20 acres of Lots 3 and 4;
Sec. 10: SW¼NE¼SE¼;
Sec. 15: NW¼SW¼;
Sec. 18: East 20 acres of Lots 1, 2, 3, and north half of east 20 acres of Lot 4;
Sec. 19: Lot 4, E½NE¼NW¼, SE¼NE¼SW¼, SE¼SW¼, S½NW¼SE¼, SW¼SE¼;
Sec. 20: N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, SE¼SE¼NE¼, SE¼NW¼, NE¼NE¼SE¼, S½NE¼SE¼;
Sec. 21: NW¼NW¼.
T. 8 N., R. 13 E.,
Sec. 11: S½NE¼, N½NW¼SE¼;
Sec. 12: NW¼SW¼, S½SE¼;
Sec. 13: NE¼NE¼.
T. 8 N., R. 14 E.,
Sec. 4: N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 9: NW¼NE¼, E½NW¼;
Sec. 10: NW¼NE¼, S½NE¼, NW¼, NW¼SE¼;
Sec. 11: N½.

The areas described above aggregate approximately 2,655 acres, of which 1,260 acres in Tps. 8 N., Rs. 13 and 14 E., are in the El Dorado National Forest.

The applicant agency desires the withdrawal of the land described below from location and entry under the general mining and mineral leasing laws only, as these lands are patented, having been patented under the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862) with a reservation of all minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 10 E.,
Sec. 25: Lots 1, 2, 3, and 4.

The areas described above aggregate 80.76 acres of patented land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 61-10369; Filed, Oct. 31, 1961; 8:49 a.m.]

WYOMING

Correction Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 24, 1961.

The Notice of Proposed Withdrawal and Reservation of Lands in behalf of the Forest Service, U.S. Department of Agriculture, Serial Number Wyoming 0146198, published as F.R. Document 61-8007 on page 7812 of the FEDERAL REGISTER issued August 22, 1961, showed the total area 15,463.28 acres, more or less, as to the lands withdrawn. This acreage figure was in error. The correct acreage of lands in the proposed withdrawal for the roadside zones is 3,928 acres, more or less.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

[F.R. Doc. 61-10370; Filed, Oct. 31, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 14, 1959 (18 A.D. 1393), authorizing the respondents, Market Agencies at Union Stock Yards, Ogden, Utah, to assess the current temporary schedule of rates and charges to and including December 19, 1961, unless modified or extended by further order before the latter date.

By a petition filed on October 11, 1961, as amended by a document filed on October 23, 1961, the respondents requested authority to modify the current temporary schedule of rates and charges as indicated below.

SECTION II—SELLING COMMISSIONS

	Rate per head	
	Proposed	Present
A. Cattle	$1.45	$1.35
B. Calves	.95	.85
C. Hogs: Consignments of one head only	.65	.60
Consignments of more than one head:		
First 10 head in each consignment	.50	.50
Next 15 head in each consignment	.45	.45
Each head over 25 in each consignment	.40	.35
D. Sheep—Consignments of 179 head or less:		
First 20 head in each consignment	.55	.50
Next 30 head in each consignment	.39	.34
Next 129 head in each consignment	.17	.12
Consignments of 180 head and over: A flat rate of $0.25 per head [presently $0.20 per head] will be assessed on the entire consignment.		
E. Horses and Mules: Horses and Mules, irrespective of weight and age	5.00	2.50
[The following provisions would be deleted: All horses and mule sales to include halters, furnished at a price of $0.50 per head, in addition to the commission charge. A charge of $1.00 per head, plus $0.60 for feed shall be made on all horses and mules passing through the auction and offered for sale, where the animal is bid in by the owner.]		
G. Sale Condition: [New provision] A full selling commission shall be assessed on all livestock passing through the Auction Ring and offered for sale.		

SECTION III—BUYING CHARGES

The rates for buying livestock shall be the same as selling like species except as follows: When livestock received for sale on a commission basis is used to fill, in whole or part of an order received from a buyer, the agency will be presumed to be acting solely as an agent of the consignor and shall collect the regular selling charges from the consignor. Collection shall also be made from the buyer to cover expenses incurred of an amount equal to one-half the regular buying charge on cattle, calves and hogs and a flat rate of twelve and one-half (12½) cents per head [presently $0.08 per head] on sheep.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 27th day of October 1961.

LEE D. SINCLAIR,
Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10404; Filed, Oct. 31, 1961; 8:54 a.m.]

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to Section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on October 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after October 1, as using humane methods on October 1, or a later date in October will be listed in a supplemental list. Previously published lists represented establishments reported in September or October 1961 as humanely slaughtering and handling the designated species of livestock on September 1 or some later date in September 1961 (26 F.R. 9561 and 9877). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Malone Packing Co.	03	(*)	(*)				
Empire Packing Corp.	06						
Sioux City Dressed Beef Co.	07E			(*)		(*)	(*)
The Quaker Oats Co.	07F						
Minchs Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	
Eastern Packing Co.	71E			(*)			
Armour and Co.	75						
The Braun Brothers Packing Co.	79						
City Packing Co.	80						
The Cudahy Packing Co.	81						
Illinois Beef Co.	81E						(*)
Edgar Packing Co.	84	(*)		(*)		(*)	
Excel Packing Co., Inc.	86						
The E. Kahns Sons Co.	89	(*)	(*)	(*)		(*)	(*)
Hygrade Food Products Corp.	90						
Sugardale Provision Co.	92						
Shonyo Packing Co.	93				(*)		
The Val Decker Packing Co.	95						
John Engelhorn and Sons	97						
A. Kochs Sons	98	(*)	(*)	(*)		(*)	(*)
Swift and Co.	100						
Liberty Packing Co.	101	(*)	(*)	(*)		(*)	(*)
J. Lynn Cornwell, Inc.	107						
Wilson and Co., Inc.	111	(*)	(*)	(*)	(*)	(*)	(*)
Hoffman Packing Co., Inc.	112						
Morris Packing Co.	113	(*)	(*)				
West Coast Meat Co., Inc.	117						
Wilson and Co., Inc.	119	(*)		(*)		(*)	(*)
Arnold Ballard and Sons, Inc.	120						
E. J. Roth Packing Co., Inc.	121						
City Dressed Beef, Inc.	125	(*)	(*)	(*)		(*)	(*)
Peyton Packing Co., Inc.	126						
Superior Packing Co.	127						
The Luer Packing Co.	128						
John Roth and Son, Inc.	130						
Tobin Packing Co., Inc.	133			(*)		(*)	(*)
Ottawa Packing Co.	135						
Armour and Co.	139	(*)	(*)	(*)		(*)	(*)
Siegel Dressed Beef Co., Inc.	144						
Siegel Weller Packing Co.	153						
Kansas City Dressed Beef Co.	155	(*)	(*)	(*)		(*)	(*)
Armour and Co.	158						
Missouri Farmers Assn. Packing Division	159						
Do.	159A						
Joel E. Harrell and Son, Inc.	162						
New York State College of Agriculture	163	(*)	(*)	(*)	(*)	(*)	(*)
Swift and Co.	163A						
Amour and Co.	174	(*)	(*)	(*)		(*)	(*)
Peerless Packing Co.	177						
Montrose Beef Co.	180	(*)	(*)	(*)		(*)	(*)
Swift and Co.	181						
The Rath Packing Co.	184	(*)	(*)	(*)		(*)	(*)
Do.	186						
Do.	186C						
Do.	186F						
Fort Dodge Packing Co., Inc.	187	(*)	(*)				
Standard Packing Co.	188						
Sioux City Packing Co.	191	(*)	(*)	(*)	(*)	(*)	(*)
Krey Packing Co.	192						
John Morrell and Co.	195	(*)	(*)	(*)		(*)	(*)
Hymes Packing Co.	196						
United Fryer and Stillman, Inc.	197	(*)	(*)	(*)		(*)	(*)
George A. Hormel and Co.	199A						
Do.	199D						
Do.	199J						
Do.	199N						
Do.	201						
Mid Valley Co., Inc.	202						
Ouchby Packing Co., Inc.	205						
Emge Packing Co., Inc.	208	(*)	(*)				
Central Packing Co., Inc.	210						
Helms Riverside Abattoir, Inc.	211	(*)	(*)				
S. Adams Packing Co.	212						
Penn Packing Co.	214	(*)	(*)	(*)		(*)	(*)
Blum Packing Co.	216						
Fred Dold and Sons Packing Co.	216C						
Lincoln Meat Co.	217						
York Packing Co., Inc.	220	(*)	(*)	(*)	(*)	(*)	(*)
Gwaltney, Inc.	221A						
Armour and Co.	2AD						
Do.	2AG						
Do.	2AU						
Do.	2B						
Do.	2C						
Do.	2E						
Do.	2F						
Do.	2HC						
Do.	2HD						
Do.	2SD						
Do.	2WN						
Swift and Co.	3A						
Do.	3AC						
Do.	3AE						
Do.	3AF						
Do.	3AN						
Do.	3AW						
Do.	3B						
Do.	3CC						
Do.	3D						
Do.	3E						
Do.	3F						
Do.	3FF						
Do.	3K						
Do.	3L						
Do.	3NN						
Do.	3NR						
Do.	3R						
Do.	3T						
Do.	3UU						
Do.	3W						
Do.	3Z						
Do.	6C						
Lykes Bros., Inc.	8						
Do.	8B						
Hygrade Food Products Corp.	12A						
Do.	12C						
Do.	12D						
Do.	12G						
Do.	12P						
Mickelberrys Food Products Co.	16						
John Morrell and Co.	17						
Do.	17A						
Do.	17D						
C. Finkbeiner, Inc.	18						
The Cudahy Packing Co.	19A						
The Cudahy Packing Co. of Nebraska	19E						
Wilson and Co., Inc.	20A						
Do.	20N						
Do.	20Q						
Do.	20Y						
Swift and Co.	23						
Brander Meat Co.	25						
American Packing Co.	26						
The Sperry and Hornes Co.	26C						
Patrick Cudahy, Inc.	28						
Kretschmer Packing, Inc.	30						
Rosenthal Provision Co.	32						
Valleydale Packers, Inc.	34						
Armour and Co.	35						
Kenton Packing Co.	36						
Montana Packing Co., Inc.	37						
Pocomoke Provision Co.	39						
Armour and Co.	40						
Sunnyland Packing Co.	44						
Stacy Wetzel and Co., Inc.	44A						
Do.	45						
Astor Abattoir, Inc.	47						
Consolidated Dressed Beef Co., Inc.	49						
Lackawanna Beef and Provision Co.	52						
Nevada Meat Packing Co.	53						
Midwestern Beef, Inc.	53						
Sunnyland Packing Co. of Alabama	56						
Glover Packing Co. of Amarillo	60A						
Glover Packing Co.	60C						
Wellmid Packing Co., Inc.	61						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	222	(*)				(*)	
Hygrade Food Products Corp	224	(*)	(*)	(*)		(*)	
Do	224B	(*)					
Gold Merit Packing Co., Inc	232	(*)					
Waltl Schilling and Co., Inc	235	(*)	(*)	(*)			
Raskin Packing Co	237	(*)					
Armour and Co	238			(*)		(*)	
P. D. and J. Meats	240	(*)					
Greenwood Packing Plant	242		(*)	(*)		(*)	
I. Klayman and Co	243	(*)					
Iowa Beef Packers, Inc	245	(*)					
John Morrell and Co	246	(*)				(*)	
The Danahy Packing Co	247	(*)				(*)	
Swift and Co	249	(*)				(*)	
Frosty Morn Meats, Inc	250	(*)				(*)	
Balentine Packing Co., Inc	251	(*)	(*)				
The Jones Dairy Farm	263						
Pacific Meat Co., Inc	267	(*)				(*)	
Houston Packing Co	271	(*)	(*)			(*)	
Elliott Packing Co	274	(*)		(*)			
Wilson and Co., Inc	275	(*)					
American Stores Co	279	(*)		(*)			
Bookey Packing Co	281	(*)					
Agar Packing Co., Inc	282					(*)	
Figge and Hutwelker Co	283					(*)	
Solano Meat Co	285	(*)	(*)	(*)			
Roessler Packing Co. of Erie	286	(*)				(*)	
Western Packing Co	288	(*)	(*)	(*)			
Arbogast and Bastian Co	289	(*)				(*)	
The H. H. Meyer Packing Co	290						
San Jose Meat Co	291	(*)	(*)	(*)			
Sioux City Dressed Pork, Inc	292					(*)	
Gus Juengling and Son, Inc	298	(*)	(*)				
Waldock Packing Co	299					(*)	
Great Falls Meat Co	301	(*)					
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Do	305A	(*)					
Star Packing Co	306	(*)					
Survail Packing Co	307	(*)					
Melton Provision Co	311	(*)	(*)	(*)	(*)		
Ideal Packing Co., Inc	312	(*)					
Greater New York Packing Co., Inc	317A					(*)	
Estes Packing Co	319	(*)	(*)				
Stadler Packing Co., Inc	320	(*)				(*)	
Turlock Meat Co	325	(*)	(*)				
Frisco Packing Co	327	(*)					
C. and M. Meat Packing Corp	329	(*)	(*)				
Royal Packing Co	331	(*)					
Sokolik Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)	(*)				
Great Western Packing Co., Inc	334	(*)					
Nobles Independent Meat Co	335	(*)	(*)				
Chino Valley Meat Packing Co., Inc	336	(*)					
Des Moines Packing Co	340	(*)					
Peters Packing Co., Inc	341	(*)	(*)				
State Packing Co., Inc	344	(*)					
Anza Packing Co	345	(*)	(*)	(*)			
Union Packing Co	351	(*)					
Samuels East Texas Packing Co	353	(*)					
Fresno Meat Packing Co	354	(*)	(*)				
Heil Packing Co	357	(*)				(*)	
Marks Meat Co	362	(*)					
Meyers Packing Co	363	(*)					
United Dressed Beef Co	364	(*)					
James Allan and Sons	365	(*)		(*)		(*)	
Westport Packing Corp	369	(*)					
Bowling Provision Co., Inc	372					(*)	
Fischer Packing Co	374	(*)	(*)			(*)	
The John Hilberg and Sons Co	375	(*)	(*)	(*)			
Cross Bros. Meat Packers, Inc	376	(*)	(*)				
Emge Packing Co., Inc	380	(*)				(*)	
Smithfield Packing Co., Inc	382					(*)	
American Stores Co	384	(*)					
Liebmann Packing Co	388		(*)				
Dugdale Packing Co	390	(*)					
Oldhams Farm Sausage Co., Inc	392					(*)	
Roth Packing Co	394	(*)					
The Jacob Schlachters Sons Co	395		(*)				
Imbrogs Packing Co	396	(*)		(*)		(*)	
Lopez Packing Co	397	(*)					
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Superior Packing Co	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Neuhoff Bros	406	(*)				(*)	
Endlich Packing Co., Inc	410	(*)					
Alpine Packing Co	412	(*)	(*)	(*)		(*)	
Frosty Morn Meats	414	(*)					
Philadelphia Boneless Beef Co	418	(*)					
Murray Packing Co., Inc	421	(*)					
E. W. Kneip Inc. of Iowa	422	(*)				(*)	
The Collins Packing Co	423	(*)					
Hebron Packing Co., Inc	426	(*)	(*)				
Lone Star Packing Co	433	(*)					
Monarch Meat Packing Co	435	(*)					
Queen Packing Corp	436	(*)					
Schneider Packing Co	439	(*)					
Omaha Dressed Beef Co., Inc	441	(*)					
Prime Packing Co., Inc	443	(*)					
Del Curto Meat Co	445	(*)	(*)	(*)		(*)	
Peerless Packing Co., Inc	448	(*)					
Midwest Packing Co	451	(*)	(*)				
DeWitt Packing Corp	456	(*)					
Swift and Co	459	(*)				(*)	
Morris Rifkin and Sons, Inc	460	(*)					
Pioneer Provision Co	461	(*)					
Lancaster Packing Co	462	(*)					
Litvak Packing Co	465	(*)					
Beewar Packing Co	467	(*)	(*)			(*)	
Corn Husker Packing Co	468	(*)					
Eckert Packing Co	471	(*)				(*)	
Eldridge Packing Co	478	(*)					
Middletown Beef Co., Inc	483	(*)					
St. Cloud Meat Packing Co	485	(*)					
East Tennessee Packing Co	487	(*)	(*)			(*)	
Nebraska Beef Co	489	(*)					
Goldring Packing Co., Inc	490	(*)		(*)			
Mid State Packers, Inc	494	(*)	(*)				
Triangle Meat Distributors, Inc	497	(*)					
Heim Brothers Packing Co	499	(*)				(*)	
Sioux Falls, S. Dak	501	(*)					
Swift and Co	505	(*)					
B. Rothschild and Co	506	(*)					
Frosty Morn Meats	507	(*)	(*)				
Gruensfelder Packing Co	508	(*)		(*)			
Armour and Co	509	(*)				(*)	
Shen Valley Meat Packers, Inc	511	(*)					
Capitol Packing Co	513	(*)		(*)			
Charles Miller and Co	517	(*)				(*)	
Illinois Packing Co	521	(*)	(*)				
Pearl Packing Co., Inc	524	(*)	(*)	(*)	(*)	(*)	
Armour and Co	528	(*)					
Smallwood Packing Co., Inc	529	(*)					
Omaha Packing Co	532	(*)		(*)	(*)	(*)	
Rosenthal Packing Co., Inc	535	(*)	(*)				
Pepper Packing Co	536	(*)		(*)			
Oscar Mayer and Co., Inc	537A	(*)				(*)	
Do	537C	(*)					
Midwest Packing Co	538	(*)					
United Dressed Meats, Inc	546	(*)	(*)			(*)	
Swift and Co	548	(*)					
Pride Packing Co., Inc	549	(*)					
Piute Packing Co	550	(*)					
Salter Packing Co	551	(*)		(*)	(*)		
Springfield Rendering Co	555D	(*)					
Mid South Packers, Inc	557	(*)	(*)			(*)	
The Cudahy Packing Co	559	(*)					
D and W Packing Co	560	(*)					
Emery Land Co	561	(*)					
Packerland Packing Co., Inc	562	(*)	(*)			(*)	
John Morrell and Co	564	(*)					
Texas Meat Packers, Inc	565	(*)	(*)	(*)			
Elmer Binder and Son, Inc	569	(*)					
Ferretta Packing Co., Inc	571	(*)	(*)			(*)	
Armour and Co	579	(*)					
Kingsford Packing Co., Inc	581	(*)					
Stahl Meyer, Inc	583	(*)					
Andrew Peterman Co., Inc	583	(*)					
Coffeyville Packing Co., Inc	583	(*)					
W. A. Ferris and Co., Inc	583	(*)					
Peoria Packing Co., Inc	583	(*)					

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Empire Packing Co., Inc	586	(*)					
City of Austin Municipal Abattoir	590	(*)	(*)				
Swift and Co	591	(*)	(*)	(*)		(*)	
Harman Packing Co	596	(*)					
Steinbacher Packing Co	597	(*)					
San Antonio Packing Co	602	(*)	(*)	(*)	(*)		
Central Packing Co	606	(*)	(*)				
National Tea Co	613	(*)				(*)	
Donner Packing Co	614	(*)					
Kummer Packing Co	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc	618	(*)					
Hill Packing Co	628E						(*)
Big Foot Packing Co., Inc	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc	628	(*)					
General Meat Co	632	(*)					
Ebner Bros., Packers	633	(*)	(*)			(*)	
Zipron Bros., Inc	635	(*)					
Auburn Packing Co., Inc	636	(*)					
R and C Packing Co	645	(*)					
Bird Provision Co	647					(*)	
Spencer Packing Co	648	(*)					
Wm. Schluderberg-T. J. Kurdle Co	649	(*)	(*)	(*)		(*)	
John Morrell and Co	650					(*)	
Nagle Packing Co	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co	654	(*)					
Wilson and Co., Inc	655	(*)		(*)			
Baums Bologna, Inc	657	(*)					
St. Louis Dressed Beef Co	659	(*)					
Quality Meat Packing Co	661	(*)	(*)				
Globe Packing Co	663	(*)					
Crown Packing Co	666					(*)	
Scottsbluff Packing Co	667	(*)		(*)			
San Joaquin Packing Co	671	(*)					
E. S. Read and Sons, Inc	672	(*)	(*)				
Union Packing Co	673	(*)					
Jacob Bauers Sons, Inc	678	(*)					
Armour and Co	680	(*)	(*)	(*)		(*)	
Nation Brothers Packing Co	684	(*)	(*)			(*)	
The William Fockes Sons Co	688	(*)	(*)	(*)		(*)	
The Sucher Packing Co	689	(*)	(*)			(*)	
Marco Packing Co	692	(*)	(*)				
Bryan Meat Co	693	(*)	(*)				
Kramer Beef Co	695	(*)					
Dana Packing Co	706	(*)				(*)	
Central Nebraska Packing Co	713E						(*)
Davenport Packing Co., Inc	710	(*)					
Crawford County Packing Co	717					(*)	
The Joseph N. Rice Co	719	(*)	(*)				
Wilmington Packing Co., Inc	720	(*)				(*)	
Coast Packing Co	724	(*)				(*)	
Swift and Co	726	(*)	(*)	(*)		(*)	
Decker and Son	727	(*)				(*)	
The Quaker Oats Co	734E						(*)
Jacob Schlachters Sons Co	739	(*)	(*)	(*)			
Sonora Meat Co., Inc	741	(*)	(*)				
Pioneer Provision Co	742	(*)				(*)	
Howard Pancero and Co	747	(*)	(*)				
Ruchti Bros	749	(*)	(*)				
Luck Brothers Cooperative Packing Co	753	(*)					
Monroe Packing Co., Inc	755	(*)					
Seitz Packing Co., Inc	756A	(*)				(*)	
Philadelphia Dressed Beef Co	758	(*)					
Schaake Packing Co., Inc	761	(*)					
Karler Packing Co	767	(*)	(*)				
Sheridan Meat Co., Inc	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs, Inc	770	(*)					
Cadwell Martin Meat Co	772	(*)					
Modern Meat Packing Co	774	(*)					
Atlas Packing Co	775	(*)					
Dale Packing Co., Inc	777	(*)					
The Cudahy Packing Co	779	(*)	(*)			(*)	
Bryan Brothers Packing Co	780	(*)	(*)	(*)		(*)	
Diamond Meat Co., Inc	783	(*)	(*)				
Granite State Packing Co	785	(*)					
Aurora Packing Co., Inc	788	(*)					
Wimp Packing Co	791	(*)					
Baums Meat Packing	792	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
Acees Meat Co., Inc	809	(*)					
The G. Erhardt Sons, Inc	810	(*)	(*)				
McFarland, Inc	811	(*)	(*)	(*)		(*)	
Midwest Packing Co., Inc	812	(*)					
William N. Peters, Inc	813	(*)				(*)	
Rochester Independent Packer, Inc	817	(*)					
Henry Meyers Sons, Inc	822	(*)	(*)				
Home Packing Co	823	(*)	(*)			(*)	
Hibbs Packing Co	825	(*)					
Penford Packing Co	827	(*)	(*)				
Bristol Packing Co	828	(*)	(*)				
Berchems Meat Co	830	(*)					
Norman Peters Packing Co	834	(*)					
John Morrell and Co	836	(*)					
Nat Buring Packing Co. of Ark., Inc	837B	(*)				(*)	
Frederick County Products, Inc	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons	839	(*)	(*)				
Reelfoot Packing Co	840	(*)	(*)			(*)	
G. Bartusch Packing Co	843	(*)					
The Allen Packing Co	845	(*)	(*)	(*)			
Sioux City Dressed Beef, Inc	857	(*)					
Siouxland Dressed Beef Co., Division of Needha	857F	(*)		(*)			
Jordan Meat and Livestock Co	858	(*)	(*)	(*)		(*)	
Sam McDaniel and Sons, Inc	859	(*)					
Sierra Meat Co	862	(*)					
Gunsberg Beef Co	867	(*)					
Genesee Packing Co	868	(*)					
Pahler Packing Corp	880	(*)					
Vermont Dressed Beef Co., Inc	883	(*)					
Walden Packing Co., Inc	886	(*)					
William Davies Co., Inc	888A	(*)				(*)	
O'Neill Packing Co	889	(*)					
Sambol Packing Co	892	(*)					
Tobin Packing Co., Inc	893	(*)				(*)	
Vernon Calhoun Packing Co	897	(*)					
Meats, Inc	899	(*)	(*)				
Sigman Meat Co., Inc	901	(*)	(*)				
Hansen Packing Corp	901A	(*)					
Hoosier Veterinary Laboratories, Inc	912					(*)	
Chiapetti Packing Co	916	(*)		(*)			
National Meat Packers, Inc	917	(*)	(*)			(*)	
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc	923	(*)	(*)				
Wisconsin Packing Co	924	(*)					
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	
Kerber Packing Co	929	(*)	(*)				
Tarpoff Packing Co	931	(*)					
McKenney Meat Co	932	(*)					
E. B. Manning and Son	934	(*)					
Volz Packing Co	938	(*)					
Cappellino Abattoir, Inc	939	(*)					
Wilson and Co., Inc	940	(*)	(*)			(*)	
Gentner Packing Co., Inc	941	(*)					
Delrich Meat Packers, Inc	944	(*)		(*)		(*)	
Whitehall Packing Co	946	(*)					
M. Brizer and Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	
Reliable Packing Co., Inc	959					(*)	
Greater Omaha Packing Co., Inc	960	(*)					
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
Greeley Capitol Packing Co	969	(*)		(*)			
Hawaii Meat Co., Ltd	970	(*)	(*)	(*)			
Perlin Packing Co., Inc	974	(*)	(*)		(*)		
National Food Stores, Inc	981	(*)					
Reitz Meat Products Co	983	(*)				(*)	
Hospers Packing Co	985	(*)					
Eagle Packing Co	987	(*)					
Everett C. Horlein and Son, Inc	988	(*)					
The Kiarer Co	995	(*)	(*)				
Do	995A	(*)				(*)	
Do	995C	(*)				(*)	
Valley Meat Co	1009	(*)	(*)	(*)			
Armour and Co	1085	(*)	(*)				
Landy Packing Co	1171	(*)					
The Harris Packing Co	1175					(*)	
A. F. Moyer and Sons, Inc	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)					
Samuels and Co., Inc	1313	(*)					
H. and H. Packing Co	1315	(*)	(*)			(*)	
Nebraska Iowa Dressed Beef Co	1319	(*)					

Done at Washington, D.C., this 26th day of October 1961.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-10406; Filed, Oct. 31, 1961; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, to conduct a First Quarter 1962 Survey of selected multiunit companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1962 Report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies.

Reports will be required from only the larger multiunit companies in the United States and only when the data are not available from other governmental sources. The requested data are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recomendations concerning the subject matter of the proposed survey should be submitted in writing within 30 days after the date of this publication to the Director, Bureau of the Census, and will receive consideration.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 61-10374; Filed, Oct. 31, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-32]

AEROJET-GENERAL NUCLEONICS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 7, set forth below, to Facility License No. R-10. The license authorizes Aerojet-General Nucleonics to operate its nuclear reactor Model AGN-201, Serial No. 103 located on its site in San Ramon, California.

The amendment amends the description of the reactor to include the changes in the instrumentation and control described in the licensee's letter to the Commission dated July 20, 1961.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's request for amendment of the license dated July 20, 1961, and a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, may be inspected at the Commission's Public Document Room. A copy of the hazards analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 25th day of October 1961.

For the Atomic Energy Commission.

R. H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-10; Amdt. No. 7]

License No. R-10, as amended, which authorizes Aerojet-General Nucleonics to operate a nuclear reactor Model AGN-201, Serial No. 103 located at its site in San Ramon, California, is hereby amended by amending paragraph 2 to read as follows:

2. This license applies to the nuclear reactor (herein "the reactor") designated by the applicant as Model AGN-201, Serial No. 103 which is owned by AGN and located at San Ramon, California, and described in the application filed September 11, 1956 and amendments thereto filed on October 2, 1956, December 3, 1956, and January 14, 1957, in application amendments dated February 7, 1957, February 27, 1957, August 22, 1957, May 23, 1958, June 17, 1958, December 29, 1958, and January 6, 1959, and in AGN's letter to the Commission dated July 20, 1961, all herein collectively referred to as "the application".

This amendment is effective as of the date of issuance.

Date of issuance: October 25, 1961.

For the Atomic Energy Commission.

R. H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10393; Filed, Oct. 31, 1961; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

AAXICO AIRLINES, INC.

[Docket 12880; Order E-17626]

Application for Exemption; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1961.

By application filed August 3, 1961, AAXICO Airlines, Inc. (AAXICO), a certificated air carrier, seeks an exemption from section 408 of the Federal Aviation Act of 1958 (the Act) for the purchase for $775,000 of a DC-6A aircraft from Transportation Corporation of America, d/b/a Trans Caribbean Airways, Inc. (TCA), also a certificated air carrier.[1] Applicant states that the aircraft is required to meet expanded Logair military cargo contract requirements; that there are no interlocking relationships between the two air carriers; and that the transaction was consummated as a result of arm's length bargaining.[2]

The Board, upon consideration of the application, finds that the transaction may be subject to section 408 of the Act. However, the Board has concluded tentatively that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in the case is currently requesting a hearing. It would therefore appear that approval of the transaction would not be inconsistent with the public interest.[3]

In view of the foregoing, the Board tentatively finds that the transaction involved herein should be approved and intends to approve it without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of 15 days within which to file comments with respect to the Board's proposed action herein.[4]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10395; Filed, Oct. 31, 1961; 8:53 a.m.]

[1] AAXICO was authorized to suspend scheduled service effective July 1, 1959, and is currently performing only military contract operations.

[2] The Board has decided that exceptional circumstances exist with respect to the doctrine established in the Sherman Interlocking Relationships Case, 15 CAB 876 (1952), to the extent that it may be applicable in this case, and thus will consider the application on its merits.

[3] The Board considers it more appropriate in this instance to act under the third proviso of section 408 than to grant an exemption from such section.

[4] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

[Docket 13014 etc.; Order No. E-17630]

EMERY AIR FREIGHT CORP.

Approval of Control and Interlocking Relationships; Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1961.

By application filed September 6, 1961, as amended October 4, and October 17, 1961, Emery Air Freight Corporation (Emery), a domestic and international air freight forwarder, requests the Board to approve, pursuant to section 408 of the Federal Aviation Act of 1958 (the Act), acquisitions of control of Cargo Facilities, Inc. (Cargo) and Bradley Facilities, Inc. (Bradley). In addition, pursuant to section 409 of the Act, approval is sought of the interlocking relationships resulting from the holding by the following individuals of positions with the three companies:

Individual	Emery	Cargo	Bradley
Vanda Arendt	Assistant secretary and assistant treasurer.	Assistant secretary	
Walter G. Corcoran	Secretary and treasurer	Vice president and secretary.	Vice president and secretary.
Ellis D. Slater	Director	Director	Director.
Leonard G. Hunt	Senior vice president and director.	Director, president and treasurer.	Director, president and treasurer.
John C. Emery	Director and president	Director	Director.
Edward Glassmeyer	Director	Director	Director.

Approval is also sought for the interlocking relationships resulting from Mr. Glassmeyer serving, in addition to the above positions, as Vice President and Director of Blyth & Co., Inc., investment bankers, while other officers of Blyth & Co., Inc. are directors of Northrop Corporation (Northrop) and General Dynamics Corporation (Dynamics), persons engaged in a phase of aeronautics for purposes of the Act.[5a]

According to the application, Cargo was organized by Emery[5] because of the urgent need for a cargo terminal facility at Bradley Field and the fact that the State of Connecticut had no funds available for financing such a project. Cargo has undertaken the planning for the facility, acting as agent for Bradley as described hereafter. In addition, Cargo intends to initiate and develop similar facilities at other points where an unfilled need exists, through the medium of other individual operating subsidiaries which would also provide general management after the facilities are operational.

Bradley was organized as the subsidiary which would actually enter the formal leasing, financing and operating arrangements with respect to the Bradley Field terminal and its activities will be restricted to this location. Cargo has acquired, for $1,000, all 200 shares of Bradley stock currently outstanding but, after formal leases with the air carrier tenants are executed,[6] it is planned to expand Bradley's capitalization to $10,000 (2,000 shares), offering stock to the tenants in proportion to the space occupied by each in the terminal.[7] Since Bradley has no employees other than corporate officers, it has appointed Cargo as its agent for negotiation of leases and all other matters preparatory to commencement of operations. In addition, Bradley intends to appoint Cargo managing agent for the new terminal for the first year of operation at a fee of $8,000. Thereafter, such services will be arranged by the then existing Board of Directors of Bradley. Applicant states that all air carriers, direct and indirect, serving Bradley Field were offered the opportunity to secure space in the facility on equal terms, and that it will never be the intention of Cargo or Bradley to refuse to construct additional cargo terminal facilities for new tenants.[8]

In addition to the fixed component of rent which reflects construction and other developmental costs, there will be a component covering Bradley's actual operating, maintenance and janitorial expenses, initially estimated at $0.79 per square foot.

No objections to the application have been filed.

The Board, upon consideration of the application, concludes that relationships within the purview of section 408(a) of the Act are created by the control of Cargo and Bradley by Emery.[9] However, the Board further concludes tentatively that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in the matter is currently requesting a hearing.

The organization of Cargo and Bradley by Emery may well assist in the development of needed cargo facilities, particularly at points where public funds are not available for this purpose. For this reason, and on the basis of the representations of the applicants, it would appear that approval of the control by Emery of Cargo would not be inconsistent with the public interest either with respect to Cargo's activities at Bradley Field or its exploration of similar needs at other locations.[10] Likewise, approval of the control by Emery (through 100% ownership of Cargo) of Bradley does not appear to be inconsistent with the public interest. Relying on the representations of applicants that the occupancy of space in the cargo terminal or necessary extensions thereto will not be refused any direct or indirect air carrier serving Bradley Field, the Board tentatively finds that the control by Emery, an indirect air carrier, of Cargo and Bradley, each deemed to be a person engaged in a phase of aeronautics, should be approved.

The Board further finds that interlocking relationships within the scope of section 409(a) of the Act will exist between Emery, Cargo, Bradley, Northrop and Dynamics from the holding by their officers and directors of the positions described herein. For the reasons expressed above, the Board finds that the parties have made a due showing in the form and manner prescribed, that the interlocking relationships will not adversely affect the public interest and

[5a] The interlocking relationships between Emery, Northrop and Dynamics were previously approved by Order E-15605, August 3, 1960.

[5] Emery is sole owner of Cargo through an investment of $50,000 in 250 shares.

[6] Bradley received, on October 18, 1961, an acceptable bid for construction of the terminal, resulting in a fixed rental of $2.35 per square foot or less, and accordingly, leases will be executed as follows:

Tenant	Committed interior area	
	Sq. ft.	*Percent*
Air Cargo Consolidators, Inc	1,440	4.54
Airborne Freight Corp	1,440	4.54
Allied Air Freight, Inc	1,440	4.54
American Airlines, Inc	6,750	21.29
Eastern Air Lines, Inc	2,880	9.08
Emery Air Freight Corp	5,000	15.77
The Flying Tiger Line Inc	6,550	20.66
United Air Lines, Inc	4,770	15.04
Wings & Wheels Express, Inc	1,440	4.54
Totals	31,710	100.00

[7] Cargo will take any stock not so subscribed.

[8] The fixed rental for additional facilities will necessarily depend upon the cost of development and construction of such facilities. The land to be leased from the State of Connecticut includes ground for limited expansion of the cargo terminal and an option for additional ground, if needed.

[9] The Board has decided to waive application of the doctrine expressed in the Sherman Interlocking Relationships Case, 15 CAB 876 (1952), to the extent that it may be applicable in this case, and consider the application on its merits.

[10] Activities in addition to those expressed in the application and/or involving the creation of additional subsidiaries may, of course, be subject to sections 408 and 409 of the Act.

should be approved. The Board also intends to authorize, subject to the provisions of § 251.4 of the Economic Regulations, the holding by the individual applicants, in addition to the positions specifically requested, of other directorships or offices with Emery, Cargo and Bradley to which they may be elected or appointed hereafter.

Moreover, the Board notes that the arrangements with respect to Bradley Field facility contemplate the possible future participation of air carrier tenants in the ownership of Bradley. Such participation would presumably also create control and interlocking relationships subject to sections 408 and 409 of the Act. The Board does not believe that any new issues of substance would arise from these additional relationships, and to obviate the need for reviewing them, to the extent that they may be subject to sections 408 and 409 of the Act, the Board proposes to approve, under section 408(b), the participation of other air carriers in the ownership of Bradley. In addition, the Board will approve interlocking relationships arising from the officers and directors of such additional air carriers serving as officers and directors of Bradley.

In view of the foregoing, the Board intends to approve the control relationships involved herein without a hearing, pursuant to the provisions of section 408 (b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[1]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action herein.[2]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10396; Filed, Oct. 31, 1961; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-SW-71]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The U.S. Army Corps of Engineers through R. E. Clarson, Inc., St. Petersburg, Florida, proposes to construct a missile tracking antenna structure near Malabar, Florida, at latitude 27°57'39" north, longitude 80°33'29" west. The overall height of the structure would be 188 feet above mean sea level (163 feet above ground).

In response to the circularization, the Florida Development Commission objected to the proposed structure on the basis that it would be located on the Valkaria, Florida, Airport in proximity to the runways. At the FAA Regional Informal Airspace Meeting held at Atlanta, Georgia, the Aircraft Owners and Pilots Association objected to the proposal on the basis that the structure would be hazardous to general aviation.

The structure would be located on the Valkaria Airport, Malabar, Florida, operated by the Brevard County Board of County Commissioners, Titusville, Florida. Brevard County concurs with the proposal and has acted in cooperation with the military in the planning for the structure. There are no based aircraft at Valkaria Airport and the Form FAA 29A, Record of Airport Facilities, dated December 22, 1960, indicates that the airport is in a limited use category with physical inspection required. Positioned on the airport, the proposed structure would be 810 feet southeast of the centerline of the Northeast/Southwest runway and 560 feet south of the centerline of the East/West runway. It would be 400 feet northeast of the approach end of the Northeast runway and 950 feet east of the approach end of the East runway. The proposed structure would be hazardous to aeronautical operations to or from the Northeast/Southwest and the East/West runways at the Valkaria Airport since aircraft would pass in the immediate vicinity of the structure at low altitudes climbing or descending when the pilot's attention is directed toward extremely critical phases of flight.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would adversely affect aeronautical operations conducted to or from the Northeast/Southwest or East/West runways of the Valkaria Airport; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on October 24, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation.

[F.R. Doc. 61-10348; Filed, Oct. 31, 1961; 8:45 a.m.]

[OE Docket No. 61-SW-86]

RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized information concerning the following structure to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The General Telephone Company of the Southwest, San Angelo, Texas, has constructed a radio antenna structure in Buffalo, Oklahoma, at latitude 36°50'03" north, longitude 99°37'52" west. The overall height of the structure is 1971 feet above mean sea level (153 feet above ground).

No objections were made in response to the circularization. The structure is located in the City of Buffalo, Oklahoma, approximately .3 mile southeast of the center of the Buffalo Airport, Buffalo, Oklahoma. The Agency study disclosed that the structure does not adversely affect aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes are affected by this structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the above described structure, at the location and mean sea level elevation specified herein, has no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure is not a hazard to air navigation, provided the structure be obstruction marked and lighted in accordance with Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on October 23, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-10349; Filed, Oct. 31, 1961; 8:45 a.m.]

[OE Docket No. 61-SW-79]

PROPOSED WATER STORAGE TANK

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The City Water Board of San Antonio, Texas, proposes to construct a water storage tank near San Antonio, Texas, at latitude 29°32'38" north, longitude 98°31'57" west. The overall height of the structure would be 1,120 feet above mean sea level (200 feet above ground).

An objection was made by the Air Transport Association of America in response to the circularization and at the Federal Aviation Agency Fort Worth Informal Airspace Meeting by the ATA and the National Business Aircraft Association on the basis that the proposed structure would require an increase in the final approach minimum altitude from 1,208 feet MSL (minimum ceiling 400 feet) to 1,408 feet MSL (minimum ceiling 600 feet) for standard Instrument Approach Procedure AL-369-ADF-3 to San Antonio International Airport.

The proposed structure would be located approximately 4 miles west-northwest of the San Antonio International Airport. It would require an increase in the final approach minimum altitude from 1,208 feet MSL (minimum ceiling 400 feet) to 1,408 feet MSL (minimum ceiling 600 feet) for standard Instrument Approach Procedure AL-369-ADF-3 to this airport. However, there are six other current Instrument Approach Procedures for this airport which can be used with a ceiling of 400 feet. Furthermore, the Agency study disclosed that when instrument approaches are being conducted, the AL-369-ADF-3 procedure is used only an estimated one percent of the time and therefore the instrument approach procedure capabilities of this airport would not be substantially derogated.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that the structure would not be a hazard to air navigation provided that the structure be obstruction marked and lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on October 24, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-10350; Filed, Oct. 31, 1961; 8:45 a.m.]

[1] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[2] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14264, 14265; FCC 61M-1697]

BLOOMINGTON BROADCASTING CORP.

Order Continuing Hearing

In re applications of Bloomington Broadcasting Corporation (WJBC and WJBC-FM), Bloomington, Illinois, Docket No. 14264, File No. BML-1947; Docket No. 14265, File No. BMLH-149; for modification of licenses.

The Hearing Examiner having under consideration the necessity of modifying the date for commencement of hearing;

It appearing that a prehearing conference was held on the date of this order at which time matters were discussed which make it desirable to change the currently established date for commencement of hearing, which is November 30;

It is therefore ordered, this 25th day of October 1961, that the date for commencement of hearing is changed from November 30 to December 18, 1961.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10397; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket No. 13257 etc.; FCC 61M-1700]

CATSKILLS BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Harry G. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266 et al., Docket Nos. 13258, 13272; for construction permits.

The Hearing Examiner having under consideration petition to reschedule notification and hearing dates, filed by the Commission's Broadcast Bureau on October 25, 1961;

It appearing, that counsel for other parties have consented to immediate consideration and grant of the petition;

It is ordered, This 26th day of October 1961, that the above petition is granted; the date for notification of witnesses desired for cross-examination is continued from October 25 to November 3, 1961; and the hearing is continued from November 1 to November 13, 1961.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10398; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket No. 14345]

WILLIAM S. HOWARD

Order To Show Cause

In the matter of William S. Howard, Costa Mesa, California, Docket No. 14345; order to show cause why there should not be revoked the license for Radio Station 11WO425 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau under delegated authority having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on June 13, 1961, alleging that on March 3, 1961, Citizens Radio Station 11WO425 was operated in violation of §§ 19.24(a)(1), 19.31(c) and 19.61(a) of the Commission's rules.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 25, 1961, and sent by Certified Mail—Return Receipt Requested (125289), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, George Tolin, on July 27, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 24th day of October 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to

the said licensee at 271 Rose Lane, Costa Mesa, California.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10399; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket No. 14174; FCC61M-1696]

KENOSHA BROADCASTING, INC.

Order Scheduling Hearing

In re application of Kenosha Broadcasting, Inc., Kenosha, Wisconsin, Docket No. 14174, File No. BPH-3367, for construction permit.

The Hearing Examiner having under consideration: (1) his Memorandum Opinion and Order released September 27, 1961 (FCC 61M-1574) striking from the record evidence admitted during a hearing session held September 22, 1961 and declaring the hearing to be a nullity because of failure of the applicant to comply with the statutory and regulatory requirement on publication of the notice of hearings; (2) his order released October 3, 1961 (FCC 61M-1597) directing applicant, by October 23, 1961, to supplement petition filed by it September 25, 1961 requesting the scheduling of a new hearing date with affidavits to establish its good faith; and (3) Supplemental Petition filed October 23, 1961 supported by four attached affidavits as required by item (2), above;

It appearing, that the supplemental petition (item 3) and supporting affidavits show clearly that applicant's failure to publish the notice of hearing resulted from a bona fide agreement of counsel whereunder publication was to have been accomplished by a former applicant which had applied for the same facility in Kenosha, Wisconsin whose application was dismissed on August 23, 1961, rather than from any intention to abuse the Commission's hearing processes;

It appearing further, that the hearing examiner has been advised verbally by Mr. Fitzpatrick of the Broadcast Bureau's Hearing Division that the Bureau has no objection in view of the circumstances to grant of the relief requested, i.e., scheduling of a new hearing date, by the applicant; further, that the Examiner has likewise been advised by counsel for the applicant that counsel for the intervenor has been contacted and has no objection; and, finally, that the petition and supplement and supporting affidavits are to be included in the docket of the proceeding and as such will be deemed to be part of the record and that the incident should be considered closed now in view of all the circumstances;

Accordingly, it is ordered, This 25th day of October, 1961, that the petition of Kenosha Broadcasting, Inc. filed September 25, 1961, requesting that the Hearing Examiner "schedule a hearing date for November 15, 1961, or as soon thereafter as possible", is hereby granted;

It is ordered further, That the hearing in this proceeding will commence at 9 a.m., November 22, 1961 at the Commission's Offices, Washington, D.C.; *provided, however*, That the publication requirements of the Commission's rules are duly and properly complied with.[1]

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10400; Filed, Oct. 31, 1961; 8:54 a.m.]

[Docket Nos. 12488, 12489; FCC 61M-1699]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCASTING CORP.

Order Continuing Hearing

In re applications of the Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration informal agreement of the parties regarding continuance of hearing in order to accommodate Bureau Counsel's hearing schedule;

It is ordered, This 26th day of October 1961, that the hearing now scheduled for November 14, 1961 is continued to November 21, 1961, at 10:00 a.m.

Released: October 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10401; Filed, Oct. 31, 1961; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-6]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

OCTOBER 25, 1961

Take notice that on July 10, 1961, Texas Eastern Transmission Corporation (Texas Eastern), Texas Eastern Building, Shreveport 94, Louisiana, and Texas Gas Transmission Corporation (Texes Gas), 416 West Third Street, Owensboro, Kentucky (sometimes hereinafter referred to jointly as Applicants), filed a joint application, as supplemented on August 18, 1961, in Docket No. CP62-6, pursuant to section 7 of the Natural Gas Act. Applicants request a certificate of public convenience and necessity authorizing: (a) Texas Gas to sell natural gas to Ohio Valley Gas Corporation (Ohio Valley) and (b) the delivery, for a temporary period, of natural gas by Texas Eastern to Ohio Valley for the account of Texas Gas in exchange for the delivery of equivalent volumes of gas by Texas Gas to Texas Eastern. Texas Eastern requests permission and approval to abandon natural gas service rendered by it to Ohio Valley and upon the termination of the proposed exchange of gas, permission and approval to abandon the facilities presently used to effect such service.

Applicants' proposals are more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows that Texas Gas proposes to sell to Ohio Valley up to 6,000 Mcf of natural gas per day for resale in Connersville, Indiana, and environs; the proposed sale is to be made in lieu of the presently authorized sale by Texas Eastern to Ohio Valley, which sale Texas Eastern herein proposes to abandon.

Applicants also propose herein to exchange natural gas pursuant to the terms of an exchange agreement, dated June 14, 1961. The purpose of the exchange arrangement is to enable Texas Gas to make the proposed sale to Ohio Valley until the latter can extend its facilities to connect directly with those of Texas Gas. The agreement is for a period of three years from date of first delivery and provides that Texas Eastern shall deliver Ohio Valley's gas requirements for Connersville at the existing delivery point in Ripley County, Indiana, for the account of Texas Gas. Texas Gas will deliver equivalent volumes to Texas Eastern at an existing interconnection between the two pipelines near Lebanon, Ohio.

The application further shows that, pursuant to an agreement, dated June 14, 1961, between Ohio Valley, Texas Gas and Texas Eastern, Ohio Valley agrees, within 3 years, to construct a 15-mile transmission line extending from a connection with Texas Gas' facilities in Dearborn County, Indiana, to the terminus of its existing 26-mile pipeline extending from Connersville to Texas Eastern's main line in Ripley County, Indiana.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 30, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10360; Filed, Oct. 31, 1961; 8:47 a.m.]

[1] The Examiner expects the parties to be alert to any repetition of the incident described herein and to take whatever steps as may be necessary to keep the examiner informed prior to November 22 should there be any kind of a delay or snag in effecting publication.

[Docket Nos. RI62-123—RI62-134]

GEORGE R. BROWN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

OCTOBER 25, 1961.

George R. Brown, Docket No. RI62-123; Bankers Trust Company, Trustee, Docket No. RI62-124; Tennessee-Texan Oil Company (Operator) et al., Docket No. RI62-125; Benedum-Trees Oil Co. et al., Docket No. RI62-126; Christie, Mitchell & Mitchell Co. (Operator) et al., Docket No. RI62-127; Jack W. Grigsby, Docket No. RI62-128; Hiawatha Oil & Gas Company, Docket No. RI62-129; Pan American Petroleum Corporation, Docket No. RI62-130; Pan American Petroleum Corporation (Operator) et al., Docket No. RI62-131; Plymouth Oil Company, Docket No. RI62-132; Cabot Corporation (SW), Docket No. RI62-133; General Crude Oil Company, Docket No. RI62-134.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-123	George R. Brown, 1201 San Jacinto Building, Houston, Tex.	3	6	Texas Eastern Transmission Corp., Lochridge Field, Brazoria County, Tex. (R. R. District No. 3).	$710	[1] 9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-178
RI62-124	Bankers Trust Co., Trustee, c/o Thomas V. McMahan, Attorney, 2100 First City National Bank, Houston 2, Tex.	1	8	El Paso Natural Gas Co., Amacker-Tippett Field, Upton County, Tex. (R. R. District No. 7c).	2,162	9-28-61	[2] 10-29-61	3-29-62	[3] 8.108	13.69225	
		2	5	do	541	9-28-61	[2] 10-29-61	3-29-62	[3] 10.5	15.5	
RI62-125	Tennessee-Texan Oil Co. (Operator), et al., P. O. Box 2511, Houston, Tex.	6	8	Texas Eastern Transmission Corp., West Rockport Field, Aransas County, Tex. (R. R. District No. 4).	1,744	9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-267
RI62-126	Benedum-Trees Oil Co. et al., c/o Ivan V. Kerno, Attorney, Shoreham Building, Washington, D.C.	10	5	Texas Eastern Transmission Corp., DeLate Charco Field, Brooks County, Tex. (R. R. District No. 4).	8	9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-120
RI62-127	Christie, Mitchell & Mitchell Co. (Operator), et al., 1200 Houston Club Building, Houston 2, Tex.	9	23	Texas Eastern Transmission Corp., Vienna Field, Lavaca County, Tex. (R. R. District No. 2).	5	9-28-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-219
RI62-128	Jack W. Grigsby, c/o Thomas E. Stagg, Jr., Attorney, 406 Petroleum Tower, Shreveport, La.	4	7	Texas Eastern Transmission Corp., Bethany-Longstreet Field, De Soto Parish, La. (North La.).	1, 8	9-29-61	[1] 11-1-61	4-1-62	[4] 16.211	16.4161	RI61-171
RI62-129	Hiawatha Oil & Gas Co., Benedum-Trees Building, Pittsburg 22, Pa.	6	8	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La. (North La.).	80	9-29-61	[1] 11-1-61	4-1-62	[4] 16.336	16.5411	RI61-177
RI62-130	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	282	7	Texas Eastern Transmission Corp., Carthage Field, Harrison, Gregg and Rusk Counties, Tex. (R. R. District No. 6).	50	9-29-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-151
RI62-131	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	283	5	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex. (R.R. District No. 6).	667	9-29-61	[1] 11-1-61	4-1-62	[3] 15.0	15.2	RI61-152
RI62-132	Plymouth Oil Co., c/o Jerome J. Dick, Attorney, Ring Building, Washington 6, D.C.	10	8	Texas Eastern Transmission Corp., Greenwood Waskom Field, Caddo Parish, La. (North, La.).	80	9-29-61	[1] 11-1-61	4-1-62	[4] 16.336	16.5411	RI61-180
RI62-133	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex.	56	3	United Fuel Gas Co., Ellis Field, Acadia (South, La.).	1,464	9-29-61	[1] 11-1-61	4-1-62	[4] 19.9	20.3	RI61-173
RI62-134	General Crude Oil Co., P.O. Box 2252, Houston 1, Tex.	2	11	Texas Eastern Transmission Corp., Silsbee Field, Hardin County, Tex. (R.R. District No. 3).	286	10-2-61	[1] 11-2-61	4-2-62	[3] 15.0	15.2	RI61-211

[1] The Stated effective date is that proposed by respondent.
[2] Effective date is the first day after expiration of required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.

On October 10, 1961, El Paso Natural Gas Company filed a protest requesting that the Commission reject the filings of Bankers Trust Company, designated as its Rate Schedules Nos. 1 and 2, and deny the rate increases proposed thereunder.

The proposed rates exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regula-

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

tions under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 11, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-10356; Filed, Oct. 31, 1961; 8:46 a.m.]

[Docket Nos. RI62-136—RI62-149]

H. L. HUNT ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 25, 1961.

H. L. Hunt et al., Docket No. RI62-136; Lamar Hunt, Docket No. RI62-137; Hidalgo Gas Production Company, Docket No. RI62-138; Nelson Bunker Hunt Trust Estate, Docket No. RI62-139; William Herbert Hunt Trust Estate, Docket No. RI62-140; Hassie Hunt Trust, Docket No. RI62-141; Hunt Oil Company (Operator) et al., Docket No. RI62-142; Hunt Oil Company, Docket No. RI62-143; Placid Oil Company (Operator) et al., Docket No. RI62-144; George R. Brown (Operator) et al., Docket No. RI62-145; The California Company, a Division of California Oil Company, Docket No. RI62-146; Monsanto Chemical Company (Operator) et al., Docket No. RI62-147; Monsanto Chemical Company, Docket No. RI62-148; Tidewater Oil Company, Docket No. RI62-149.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-136	H. L. Hunt, et al., 700 Mercantile Bank Building, Dallas 1, Tex.	4	15	Texas Eastern Transmission Corp. (Whelan and North Lansing Fields, Harrison County, Tex. 6).	$4,080	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-308
RI62-137	Lamar Hunt, 700 Mercantile Bank Building, Dallas 1, Tex.	9	9	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, North La.).	16	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-196
RI62-138	Hidalgo Gas Production Co., 700 Mercantile Bank Building, Dallas 1, Tex.	1	5	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex. 4).	750	9-25-61	11-1-61	4-1-62	15.0	15.2	RI60-144
		2	5	Texas Eastern Transmission Corp. (Aqua Dulce Field, Nueces County, Tex. 4).	286	9-25-61	11-1-61	4-1-62	15.0	15.2	RI60-144
RI62-139	Nelson Bunker Hunt, Trust Estate, 700 Mercantile Bank Building, Dallas 1, Tex.	7	9	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, North La.).	414	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-196
RI62-140	William Herbert Hunt, Trust Estate, 700 Mercantile Bank Building, Dallas 1, Tex.	1	10	Texas Eastern Transmission Corp. (North Cottonwood Field, Liberty County, Tex. 3).	1,152	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-143
		10	9	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, North La.).	646	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-197
RI61-141	Hassie Hunt Trust, 700 Mercantile Bank Building, Dallas 1, Tex.	4	16	Texas Eastern Transmission Corp. (N E Lisbon Field, Claiborne Parish, North La.).	2,830	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-206
RI62-142	Hunt Oil Co. (Operator), et al., 700 Mercantile Bank Building, Dallas 1, Tex.	28	10	Texas Eastern Transmission Corp. (Greenwood Waskom Field, Caddo Parish, North La.).	2,539	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-205
RI62-143	Hunt Oil Co., 700 Mercantile Bank Building, Dallas 1, Tex.	32	7	Texas Eastern Transmission Corp. (Waskom Field, Harrison Co., Tex. 6).	14	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-204
RI62-143	Hunt Oil Co	35	5	Texas Eastern Transmission Corp. (South Nome Field, Jefferson Co., Tex. 3).	321	9-25-61	11-1-61	4-1-62	15.0	15.2	RI61-204
RI62-144	Placid Oil Co. (Operator), et al., 418 Market Street, Shreveport, La.	26	9	Texas Eastern Transmission Corp. (Lucky and Liberty Hill Fields, Bienville Parish, North La.).	17,260	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-198
		30	1	H. L. Hunt, et al. (North Lansing Field, Harrison Co., Tex. 6).	297	9-25-61	11-1-61	4-1-62	14.5	14.7	RI61-176
RI62-145	George R. Brown (Operator), et al, 1201 San Jacinto Bldg. Houston, 2, Tex.	7	3	United Gas Pipe Line Co. (Abbeville Field, Vermilion Parish, South La.).	20,060	9-25-61	10-26-61	3-26-62	20.25	22.25	
RI62-146	The California Co., a division of California Oil Co., 800 The California Co. Building, New Orleans 12, La.	23	1	United Fuel Gas Co. (South Thornwell Field, Jefferson Davis Parish, South La.).	876	9-25-61	11-1-61	4-1-62	19.9	20.3	
RI62-147	Monsanto Chemical Co. (Operator), et al., c/o Lion Oil Co. 1401 South Coast Building, Houston, 2, Tex.	20	8	Texas Eastern Transmission Corp. (Logansport Field, De Soto Parish, North La.).	660	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-208

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.

[2] The rates for sales from Louisiana are at a pressure base of 15.025 psia; the rates from Texas are at a pressure base of 14.65 psia.

[3] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, no should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-148	Monsanto Chemical Co. (same address).	1	13	Texas Eastern Transmission Corp. (Bryceland Field, Bienville Parish, North La.).	867	9-25-61	11-1-61	4-1-62	16.211	16.4161	RI61-265
RI62-149	Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex.	60	7	United Fuel Gas Company (Savoy Field, St. Landry Parish, South La.).	1,460	9-25-61	11-1-61	4-1-62	19.9	20.3	RI61-125
		24	13	United Fuel Gas Co. (North Bourg Field, Lafourche and Terrebonne Parish, South La.).	1,423	9-25-61	11-1-61	4-1-62	19.9	20.3	RI61-124

See footnotes on preceding page.

The proposed changes in rate are all periodic rate increases. The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-10357; Filed, Oct. 31, 1961; 8:47 a.m.]

[Docket No. RI62-135]

LIMA GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change of Rate and Allowing Rate To Become Effective

OCTOBER 26, 1961.

On September 28, 1961, Lima Gas Company (Lima) [1] tendered for filing a proposed increase in rate for sales of natural gas subject to the jurisdiction of the Commission. The filing, designated Supplement No. 4 to Lima's FPC Gas Rate Schedule No. 1, proposes an increase from 12.0 cents to 13.824 cents per Mcf [2] to Cabot Corporation [3] from the producing area of Washington District, Calhoun County, West Virginia, and reflects a total annual increase of $81. Lima does not request a specific effective date for the filing.

The subject increase is based upon a contract provision which provides that Lima shall receive 60 percent of any increase in the resale price received by Cabot from Hope Natural Gas Company. Cabot's related rate increase was suspended and is now in effect subject to refund in Docket No. RI61-308.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change contained in the above-designated supplement.

(B) Pending hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until October 30, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Lima shall execute and file under the above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Lima is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-10358; Filed, Oct. 31, 1961; 8:47 a.m.]

[1] C/o Hayes and Company, Agent, Spencer, West Virginia.

[2] The pressure base is 15.325 psia.

[3] Referred to herein as Cabot.

[Docket Nos. RI61-112—RI62-114]

SOCONY MOBIL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 26, 1961.

Socony Mobil Oil Company, Inc., Docket No. RI62-112; Socony Mobil Oil

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Company, Inc. (Operator) et al., Docket No. RI62–113; Gulf Oil Corporation, Docket No. RI62–114.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62–112	Socony Mobile Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	1	12	United Fuel Gas Co., (Gum Cove Field, Cameron Parish, La.). [2]	$4,691	9–28–61	11–1–61	4–1–62	[3] 19.9	20.3	RI61–113
RI62–112	Socony Mobile Oil Co., Inc.	2	11	United Fuel Gas Co., (Chalkley Field, Cameron Parish, La.). [2]	7,682	9–28–61	11–1–61	4–1–62	[3] 19.9	20.3	RI61–113
RI62–112	do	42	12	Texas Eastern Transmission Corp. (Willow Springs Field., Gregg County, Tex.). [12]	93	9–28–61	11–1–61	4–1–62	[3] 14.0	[4] 15.2	RI61–113
RI62–112	do	43	12	Texas Eastern Transmission Corp. (East Provident Field, Lavaca County, Tex.). [11]	72	9–28–61	11–1–61	4–1–62	[3] 15.0	15.2	RI61–113
RI62–112	do	123	8	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County Tex.). [14]	664	9–28–61	11–1–61	4–1–62	[3] 15.0	15.2	RI61–113
RI62–112	do	124	10	Texas Eastern Transmission Corp. (East Bishop Field, Nueces County, Tex.). [14]	800	9–28–61	11–1–61	4–1–62	[3] 15.0	15.2	RI61–113
RI62–112	do	141	6	United Fuel Gas Company (Thornwell Field, Jefferson Davis Parish, La.). [9]	1,140	9–28–61	11–1–61	4–1–62	[3] 19.9	20.3	RI61–113
RI62–112	do	146	9	Shell Oil Co. (Provident City Field, Lavaca and Colorado Counties, Tex.). [11]	778	9–28–61	11–1–61	4–1–62	[3] 15.0	[4] 15.2	RI61–113
RI62–112	do	149	11	Shell Oil Co. (Mustang Creek Field, Colorado County, Tex.). [11]	228	9–28–61	11–1–61	4–1–62	[3] [7] 15.0	[3] [7] 15.2	RI61–113
RI62–113	Socony Mobile Oil Company, Inc. (Operator), et al.	150	11	Hassie Hunt Trust (Lisbon Field, Claiborne Parish, La.). [13]	177	9–28–61	11–1–61	4–1–62	[3] [8] 16.461	[3] [8] 16.6661	RI61–114
RI62–113	do	151	10	Shell Oil Co. (Provident City Field, Lavaca County, Tex.). [11]	2,735	9–28–61	11–1–61	4–1–61	[3] 15.0	15.2	RI61–113
RI62–113	do	152	11	Hassie Hunt Trust (Lisbon Field, Claiborne Parish, La.). [13]	41	9–28–61	11–1–61	4–1–61	[3] [8] 16.461	[3] [8] 16.6661	RI61–113
RI62–114	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	52	2	Panhandle Eastern Pipeline Co. (Singly Field, Meade County, Kans.).	1,542	9–28–61	11–1–61	4–1–62	16.0	[3] 17.0	----------
RI62–114	Gulf Oil Corp	54	2	Panhandle Eastern Pipe Line Co. (Haviland Field, Keowa County, Kans.).	1,104	9–28–61	11–1–61	4–1–62	15.0	[3] 16.0	----------
RI62–114	do	182	3	H. L. Hunt, et al. (Whelan Field, Harrison County, Tex.). [15]	354	9–28–61	11–1–61	4–1–62	12.5	[3] 12.7	RI62–223

[1] The proposed effective dates are the first day after the required thirty days' notice or, if later, the date requested by respondent.
[2] The pressure base is 15.025 psia.
[3] The pressure base is 14.65 psia.
[4] Includes 0.5 cent per Mcf for amortization of facilities deducted by buyer.
[5] Includes 1.5 cents per Mcf handling charge deducted by buyer.
[6] Includes 1.25 cents per Mcf handling charge deducted by buyer.
[7] Subject to a compression charge of 1.75 cents per Mcf.
[8] Subject to processing charge of 0.25 cent per Mcf.
[9] Southern Louisiana.
[10] Northern Louisiana.
[11] Railroad District No. 2.
[12] Railroad District No. 3.
[13] Railroad Districts Nos. 2 and 3.
[14] Railroad District No. 4.
[15] Railroad District No. 6.

The proposed changes in rates are all periodic rate changes. The proposed increased rates, except that designated as Supplement No. 3 to Gulf Oil Corporation's FPC Gas Rate Schedule No. 182, exceeds the applicable price level set forth in the Commission's Statement of General Policy No. 61–1 and the amendments thereto. Although Supplement No. 3 to Gulf Oil Corporation's FPC Gas Rate Schedule No. 182 is below the applicable price level, the corresponding increased resale price of the purchaser is over the applicable price level.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10359; Filed, Oct. 31, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 404]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 27, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 7746 (Sub-No. 116), filed August 3, 1961. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between Bellingham, Wash. and Lynden, Wash.; from Bellingham over U.S. Highway 99A to a point approximately one mile west of Lynden, thence over unnumbered Washington highway to Lynden, and return over the same route, serving all intermediate points.

HEARING: December 8, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 10875 (Sub-No. 12), filed October 10, 1961. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 300 Maspeth Avenue, Brooklyn 11, N.Y. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between York, Pa., and Hagerstown, Md., from York over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 15 to Thurmont, Md., thence over Maryland Highway 77 to its junction with Maryland Highway 64, thence over Maryland Highway 64 to Hagerstown, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between York, Pa., and Hagerstown, Md.

HEARING: December 4, 1961, at the Offices of Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 25798 (Sub-No. 53) (AMENDMENT), filed September 7, 1961, published FEDERAL REGISTER issue October 11, 1961, amended October 20, 1961, republished as amended this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, 610 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Kentucky, Tennessee, West Virginia, Georgia, Alabama, and Florida.

NOTE: The purpose of this republication is to include Alabama and Florida as destination states.

HEARING: Remains as assigned December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 28573 (Sub-No. 17) (CLARIFICATION), filed July 24, 1961, published issue of October 4, 1961, amended October 10, 1961, and republished as clarified this issue. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's representative: R. W. Cronon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over unnumbered highways, transporting: *General commodities*, between all Great Northern Railway Company stations in North Dakota and all Intercontinental Ballistic Missile launching sites in North Dakota, as off-route points in connection with applicant's presently authorized regular-route operations, limited to service which is auxiliary to, or supplemental of, its rail service.

NOTE: Applicant states tacking is proposed with authority contained in lead Docket MC 28573 and Subs 3, 5A, and 11. The purpose of this republication is to clearly set forth the issues involved.

HEARING: Remains as assigned December 18, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Joint Board No. 300, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 34930 (Sub-No. 20), filed October 4, 1961. Applicant: PRUE MOTOR TRANSPORTATION, INC., Maplewood Avenue, Portsmouth, N.H. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride*, in bulk, *returned, refused and rejected shipments*, between Portsmouth, N.H., on the one hand, and, on the other, points in New Hampshire, points in Massachusetts on and north of Massachusetts Highway 9 and on and east of Massachusetts Highway 12 and points in York, Cumberland, Androsoggin, Sagadahoc, and Kennebec Counties, Maine.

HEARING: December 6, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 38320 (Sub-No. 6), filed October 12, 1961. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Box 216, Campbellsville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barrel staves and barrel headings*, from points in Illinois, Missouri, Ohio, Tennessee, and Indiana, to Lebanon, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: December 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 52465 (Sub-No. 25), filed August 3, 1961. Applicant: RICE TRUCK LINES, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 529 Ford Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Casper, Wyo. and points within ten (10) miles thereof, to points in Montana and *rejected shipments* of the above-specified commodities, on return.

HEARING: December 18, 1961, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 123.

No. MC 52657 (Sub-No. 619), filed October 9, 1961. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers, trailer chassis and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Mansfield, Ohio, to points in the United States, including Alaska, but excluding Hawaii. (B) *Tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Mansfield, Ohio, to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

HEARING: December 4, 1961, at the Offices of Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 84739 (Sub-No. 9), filed September 8, 1961. Applicant: SEVERSON TRANSPORT, INC., R. 1, Box 163, Edgerton, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk milk and cooling tanks, uncrated*, from Hartford, Wis., to points in Virginia, Maryland, Pennsylvania, New York, Maine, Vermont, New Hampshire, and Ohio, and *rejected shipments*, on return.

HEARING: December 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 85255 (Sub No. 14), filed June 26, 1961. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between La Conner, Wash., and Mt. Vernon, Wash.

NOTE: Applicant states the proposed operation will be subject to the following conditions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, water service of Puget Sound Freight Lines; 2. Ship-

ments transported by applicant shall be limited to those which it receives from or delivers to Puget Sound Freight Lines under a through bill of lading covering, in addition to movement by applicant, an immediately prior or subsequent movement by water; 3. All contractual arrangements between applicant and Puget Sound Freight Lines shall be reported to the Interstate Commerce Commission and shall be subject to revision, if and as it may find it to be necessary to assure that such arrangements shall be fair and equitable to the parties; 4. Such further specific conditions as the Interstate Commerce Commission in the future may find necessary to impose in order to restrict applicant's service to that which is auxiliary to, or supplemental of, the water service of Puget Sound Freight Lines. Applicant further states it is a wholly-owned subsidiary of Puget Sound Freight Lines, a Washington Corporation, which renders water service on the inland waters of the State of Washington pursuant to Certificate W 505.

HEARING: December 4, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 85255 (Sub-No. 15), filed October 2, 1961. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle 1, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, hogged fuel* and *planer shavings*, from points in Columbia and Klatsop counties, Oreg., to points in Clark and Cowlitz counties, Wash.

NOTE: Applicant states that it is a wholly-owned subsidiary of Puget Sound Freight Lines, a Washington Corporation, which renders water service on the inland waters of the State of Washington pursuant to Certificate W. 505.

HEARING: December 12, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 88161 (Sub-No. 61), filed August 22, 1961. Applicant: INLAND PETROLEUM TRANSPORTATION CO., INC., 5047 Colorado Avenue South, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, in tank vehicles, from Quendall, Wash., to points in Washington on the International Boundary line between the United States and Canada, and to points in Idaho, and *rejected and contaminated shipments* of the above-specified commodity on return.

HEARING: December 6, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 81, or if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 106965 (Sub-No. 176), filed October 10, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in tank vehicles, equipped with pneumatic unloading facilities; from Baltimore, Md., to points in Delaware, the District of Columbia, and in that part of Pennsylvania bounded by a line beginning at the junction of the Pennsylvania-Delaware State line and Pennsylvania Highway 82, thence north along Pennsylvania Highway 82 to junction U.S. Highway 122, thence north along U.S. Highway 122 to junction U.S. Highway 22, thence west along U.S. Highway 22 to the Pennsylvania-West Virginia State line, thence south and east along said State line to the Pennsylvania-Maryland State line, and thence east along the Pennsylvania-Maryland and Pennsylvania-Delaware State lines to the point of beginning, including points on said highway boundaries, and points in that part of West Vrginia on and north of a line beginning at the junction of the Ohio River and U.S. Highway 250, thence southeast along U.S. Highway 250 to junction U.S. Highway 19, thence south along U.S. Highway 19 to junction U.S. Highway 33, and thence east and south along U.S. Highway 33 to the Virginia-West Virginia State line.

NOTE: Applicant states it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia Corporation.

HEARING: December 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William N. Culbertson.

No. MC 107107 (Sub-No. 175), (AMENDMENT), filed July 19, 1961, published FEDERAL REGISTER, issue of October 11, 1961, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65 Allapattah Station, Miami 42, Fla. Applicant's attorneys: Frank B. Hand, Jr., and Daniel B. Johnson, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Montana and Wyoming.

NOTE: The purpose of this republication is to add the State of Wyoming as a destination State.

HEARING: Remains as assigned November 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Frank R. Saltzman.

No. MC 107107 (Sub-No. 178) (AMENDMENT), filed August 25, 1961, published FEDERAL REGISTER issue October 11, 1961, amended October 20, 1961, republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65 Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, (2) *candy and confectionery coatings*, (3) *chocolate*, and (4) *advertising, promotional and display materials* and *premiums*, from Hershey, Pa., and points in Lancaster County, Pa., to points in Florida.

NOTE: The purpose of this republication is to broaden the scope of the application as to the commodities proposed to be transported and also to include points in Lancaster County Pa.

HEARING: Remains as assigned, December 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner William R. Tyers.

No. MC 107541 (Sub No. 6), filed May 17, 1961. Applicant: MAGEE TRUCK SERVICE INC., P.O. Box 67, Klickitat, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Washington and Oregon.

HEARING: December 11, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 111045 (Sub No. 17), filed April 27, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (*including liquefied petroleum gas and nitrogen solution*), in bulk in tank vehicles, from points in Bradford County, Fla., to points in Florida and Georgia.

HEARING: November 8, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if, the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 111623 (Sub-No. 36), filed August 14, 1961. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the plant site of the Marquette Cement Manufacturing Company, at Superior, Ohio, to points in Lee, Wise, Dickenson, Buchanan, Scott, Russell, Tazewell, Washington, Smyth, Bland, Wythe, Grayson, Carroll, Patrick, Floyd, Pulaski, Giles, Montgomery, Craig, Alleghany, Bath, and Highland Counties, Va.

NOTE: Applicant states the proposed service will be under a continuing contract or contracts with the Marquette Cement Manufacturing Co.

HEARING: December 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 111731 (Sub-No. 4) (CORRECTION), filed July 19, 1961, published FEDERAL REGISTER issue October 11, 1961, amended October 17, 1961, republished as amended under docket No. MC 123817 assigned to cover *common carrier* operations as originally applied for in application. Republished this issue to reflect that operations are proposed to be conducted as a contract carrier. Applicant: DALE SAMMONS, Magnolia, Ill. Applicant's attorney: M. G. Gulo, 124 South Monroe Street, Streator, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel culverts*, from Havana, Ill., to points in Illinois, Missouri, Iowa, Wisconsin, and Indiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: The docket number previously assigned MC 123817 has been cancelled. The above subsequent docket number, MC 111731 (Sub-No. 4), is correctly assigned to cover proposed contract carrier operations.

HEARING: Remains as assigned, December 1, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Garland E. Taylor.

No. MC 111948 (Sub-No. 4), filed August 7, 1961. Applicant: ALPHIE F. BOUSLEY, Box 141, Armstrong Creek, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished lumber*, (1) from Goodman, Wis., to points in Illinois and Minnesota, and (2) from points in the Upper Peninsula of Michigan, to Goodman, Wis., and *damaged and rejected shipments* of finished and unfinished lumber, in connection with routes (1) and (2) above, on return.

HEARING: December 11, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 111552 (Sub-No. 2), filed July 21, 1961. Applicant: JAMES J. SCHIFFAUER, SR. AND JAMES J. SCHIFFAUER, JR., a partnership, doing business as S & S TRUCKING COMPANY, 5133 Argyle Street, Chicago 30, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete poles, concrete piling, metal poles, metal sign poles, metal brackets for same, equipment* used in connection therewith and *accessories*, between Waukegan, Ill., and points in Illinois, Arkansas, Connecticut, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: December 11, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 112148 (Sub-No. 20), filed August 21, 1961. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Slater, Iowa, to Dodgeville and Plymouth, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: December 6, 1961, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 112750 (Sub-No. 72), filed September 28, 1961. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside (Long Island), N.Y. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed microfilm, prints and incidental dealer handling supplies*, between Chicago, Ill., and points in Iowa, lying in and east of Winnebago, Hancock, Wright, Hamilton, Story, Polk, Warren, Lucas, and Wayne Counties and (2) (a) *Commercial papers, documents, and written instruments* (except coin, currency, bullion, and negotiable securities) *as are used in the conduct of the business of banks and banking institutions* (b) *eye glasses, including frames, lenses, and other parts thereof* (c) *audit media, punch cards, and other business papers, documents, and records* (excluding plant removals) and (d) *exposed and processed film, microfilm, and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibitions), between Omaha, Nebr., points in Minnesota and points lying in and west of Buchanan, Fayette, Jefferson, Johnson, Linn, Van Buren, Washington, and Winneshiek Counties, Iowa.

HEARING: December 7, 1961, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 112750 (Sub No. 73), filed September 29, 1961. Applicant: ARMORED-CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside 61, N.Y. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments*, and *business records* (except coin, currency and negotiable securities) as are used in the business of banks, banking institutions and business concerns, and *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies* and *advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Boston, Mass., on the one hand, and, on the other, points in Windham, Bennington, Rutland, Washington, Addison, Orange, Chittenden, Orleans, Franklin, Caledonia, Windsor, and Lamoille Counties, Vt.

NOTE: Applicant states common control may be involved in that an affiliate corporation, Southern Couriers Inc., of Dallas, Tex., which is owned by Arthur DeBevoise, the owner of Armored Carrier Corporation stock, has applications pending with this Commission under Docket No. MC 123304, none of which have been finally determined, and no operations interstate are being conducted by said Southern Couriers Inc.

HEARING: December 12, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 187.

No. MC 113267 (Sub-No. 46) (AMENDMENT), filed September 21, 1961, published issue of October 25, 1961, and republished as amended, this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Norfolk and Suffolk, Va., to Atlanta, Ga.

NOTE: The purpose of this republication is to add Norfolk, Va. as an origin point.

HEARING: Remains assigned December 15, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 113267 (Sub-No. 49), filed October 16, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant has pending an application for contract authority in MC 50132 Sub 57. Applicant states its officers are stockholders and officers in the following motor carriers of passengers, baggage and express: Industrial Bus Lines, Inc. and Vandalia Bus Line, Inc. In addition thereto, Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc.

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 114211 (Sub-No. 30), filed September 11, 1961. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Blackhawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and platforms and warehouse tractors and attachments* when moving incidental to lift trucks and platform and warehouse tractors, from Danville and Peoria, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, and *rejected shipments*, on return.

HEARING: December 4, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 114211 (Sub-No. 31), filed October 16, 1961. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 213 Witry Street, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery, tractors, and parts thereof*, from Racine, Wis., to points in Iowa, Kansas, Missouri, Nebraska, South Dakota, and Colorado.

NOTE: Applicant states it now holds authority to perform service from and to points named above by operating through the gateways of DeWitt, Logan, Macon, and Sangamon Counties, Ill. Applicant further states the purpose of this application is to eliminate the necessity of operating through said gateways and to modify applicant's commodity authorization to transport all types of tractors originating at Racine, Wis., and destined to points in Colorado, Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: November 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 114364 (Sub-No. 59) (AMENDMENT), filed September 21, 1961, published issue of October 25, 1961, amended October 20, 1961, and republished as amended this issue. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen and canned fruits*, from Delta, Colo., to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, and (2) *Frozen vegetables*, from La Junta, Colo., and points within five (5) miles thereof, to points in Arizona, Arkansas, California, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Louisiana, Oregon, Texas, Washington, and Wyoming.

NOTE: Applicant states it is controlled by Earl Bray, Inc. The purpose of this republication is to include item (2) to the authority previously sought.

HEARING: Remains as assigned December 8, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 116282 (Sub-No. 4), filed September 11, 1961. Applicant: ONILE P. FRANCOEUR, doing business as NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* from Boston, Mass., to Portsmouth, N.H., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Applicant states the proposed service is to be performed under a continuing contract with Drake Bakeries, Inc.

HEARING: December 7, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 116434 (Sub-No. 11), filed July 31, 1961. Applicant: HUGH MAJOR, 150 North Sinclair, South Roxana, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Picket fence made of wire and wood*, and *lumber and wire*, and *lumber* to be used in the manufacture of picket fence, between Cable, Wis., and points within 25 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Missouri, Ohio, Kansas, Nebraska, South Dakota, and North Dakota.

HEARING: December 12, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 116434 (Sub-No. 12), filed August 30, 1961. Applicant: HUGH MAJOR, 150 Sinclair Street, South Roxana, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water well casing, pipe, tubing, pipe fittings and protectors*, and *steel* and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Alabama, Florida, Georgia, Kansas, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Dakota, South Dakota, North Carolina, South Carolina, Oklahoma, Pennsylvania, Texas, Virginia, and West Virginia on the one hand, and, on the other, points in Sparta, Carlinville, Centralia, Cairo, Irvington, and Olney, Ill., and Louisiana, Mo.

HEARING: December 7, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 119552 (Sub-No. 1) (AMENDMENT-CORRECTION), filed July 21, 1961, published FEDERAL REGISTER, issue of September 27, 1961, republished as amended and corrected this issue. Applicant: RICHARD J. SNOW & SON, INC., Putnam Pike, Harmony, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Junction City, Ky., on the one hand, and, on the other, East Providence and Pawtucket, R.I., and Greenville, Ohio.

NOTE: Applicant states the proposed operations are to be limited to a transportation service to be performed under a continuing contract, or contracts, with the Fram Corporation of East Providence, R.I. The purpose of this republication is to correctly identify the origin point as Junction City, Ky., in lieu of Danville, Ky., as shown in error in previous publication. Since this republication is effected the same day that the hearing is assigned, any person or persons who who may have been prejudiced by the designation of the erroneous origin point as set forth in the previous publication, may file a protest against the application within 20 days from the date of this republication.

HEARING: Remains as assigned November 1, 1961, in Room 308, Main Post Office Building, Providence, R.I., before Examiner Walter R. Lee.

No. MC 119895 (Sub-No. 5), filed September 28, 1961. Applicant: INTER-CITY EXPRESS, INC., P.O. Box 1054, Fort Dodge, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milan, Marshall, Carrollton, Moberly, and Macon, Mo., to points in Iowa, Nebraska, Minnesota, North Dakota, and South Dakota.

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 123050 (Sub-No. 2), filed June 23, 1961. Applicant: MICHEL TRANSPORT, INC., 57 Laurier Avenue, Arthabaska, P.Q., Canada. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood veneer*, from the Port of Entry on the International Boundary line, between the United States and Canada at Jackman, Maine, to Bingham and Greenville, Maine, and *empty containers or other such incidental facilities* (not specified) and *empty pallets*, used in transporting the above-described commodities, on return.

NOTE: Applicant states shipments will originate at Victoriaville, Province of Quebec, Canada.

HEARING: December 14, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 115.

No. MC 123067 (Sub-No. 12), filed September 28, 1961. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, Box 4174, North Station, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica Sand Flour*, in bulk, in tank vehicles, from Edmund (Lexington County), S.C., to Shelby and West Shelby, N.C., and *damaged or rejected shipments of the above commodity* on return.

NOTE: Applicant states that its president also controls Hennis Freight Lines, Inc., operating under MC 64994 and subs thereto.

HEARING: November 7, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 123502 (Sub No. 1), filed June 26, 1961. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed slag*, in bulk, in dump vehicles, from Sparrows Point, Md., to points in Delaware, Virginia, West Virginia, Pennsylvania, and the District of Columbia; and (2) *Sand*, in bulk, in dump vehicles, from Linthicum, Md., to points in Delaware, West Virginia, Pennsylvania, Virginia, and the District of Columbia.

HEARING: December 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 123746 (Sub-No. 2), filed July 11, 1961. Applicant: SECURITY TRANSPORT CO., a corporation, P.O. Box 110, Bozeman, Mont. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, namely *wallboard, lath, sheathing, backer board, plaster, and wallboard reinforced joint systems*, from Cody, Wyo., to points in Madison, Park, Stillwater, Broadwater, Jefferson, Deer Lodge, Silver Bow, Granite, Lewis and Clark, Missoula, Meagher, Gallatin, Flathead, Lake, Sweet Grass, Beaverhead, Ravalli, Lincoln, and Sanders Counties, Mont., and *empty containers, rejected shipments, or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: December 18, 1961, at the Board of R.R. Commissioner, Helena, Mont., before Joint Board No. 123.

No. MC 123784 (Sub-No. 2), filed September 11, 1961. Applicant: JOCKO VALLEY TRUCKING COMPANY, INC., Arlee, Mont. Applicant's attorney: Jeremy G. Thane, Western Bank Building, Missoula, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished lumber*, from Columbia Falls and Pablo, Mont., to Missoula, Mont.

HEARING: December 19, 1961, at the Board of R.R. Commissioner, Helena, Mont., before Joint Board No. 82.

No. MC 123865, filed August 11, 1961. Applicant: HERBERT G. LING, doing business as LING TRANSFER, 918 Peoria Avenue, Dixon, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising circulars* and *miscellaneous advertising matter*, between Dixon, Ill., and points in Iowa, Missouri, and Wisconsin.

HEARING: December 11, 1961, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 123883, filed August 18, 1961. Applicant: CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Alexandria, La. Applicant's representative: Warren A. Goff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments*, ordinarily used in banks and banking institutions, destined to or originating at banks or banking institutions (excluding coins, currency, negotiable securities, stationery, and supplies), between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 94, on the one hand, and, on the other, Memphis, Tenn.

HEARING: December 6, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Charles B. Heinemann.

NOTE: In the FEDERAL REGISTER, issue of November 25, 1961, an application of the subject carrier filed August 18, 1961, covering the transportation of the above-described commodities between certain points in Louisiana, points in Mississippi, and other specified points in Alabama and Florida, on the one hand, and, on the other, New Orleans, La., assigned docket No. MC 123883 (Sub-No. 1), was assigned for hearing at the above time and place, in error. The purpose of this republication is to advise that the issues to be heard at the hearing December 6, 1961, are those contained in docket No. MC 123883 as outlined above. The issues in the proceeding No. MC 123883 (Sub-No. 1) will be assigned for hearing at a later date.

No. MC 123898, filed August 25, 1961. Applicant: LEONARD J. MORIN, doing business as MORIN'S AUTO BODY SHOP, 188 Warren Avenue, Portland, Maine. Applicant's attorney: William D. Pinansky, 403–4–5 Clapp Memorial Building, 433 Congress Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, trailers* and *motor vehicles*, wrecked and disabled, by use of wrecker equipment, between points in Maine, on the one hand, and, on the other, points in New Hampshire and Massachusetts.

HEARING: December 14, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 69.

No. MC 123912, filed August 31, 1961. Applicant: CICERO CENTRAL AUTO TOWING CO., a corporation, 3515 South 55th Court, Cicero, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disabled automotive vehicles*, and (2) *replacement vehicles*, between Chicago, Ill., and points in the Commercial Zone thereof as defined by the Commission, on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, Illinois, and Iowa.

HEARING: December 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC–123939, filed September 20, 1961. Applicant: ROBERT B. WEST, Turnpike Road, Somers, Conn. Applicant's representative: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and heating supplies and equipment*, between Boston, Mass., on the one hand, and, on the other, points in Maine on, north and east of a line as follows: Beginning at Rockland, Maine, thence west along U.S. Highway 1 to the junction with Maine Highway 32 near Waldoboro, Maine, thence north along Maine Highway 32 to Waterville, Maine, thence west along Maine Highway 137 through Oakland, Maine, to the junction with Maine Highway 27 at Rome Corner, Maine, thence north along Maine Highway 27 to the Port of Entry on the International Boundary Line between the United States and Canada at or near Coburn Gore, Maine.

NOTE: Applicant states the proposed service will be under a continuing contract with Samuel Hurwitz Co., Boston, Mass. Applicant proposes to transport *exempt commodities and sawdust shavings* as a private carrier.

HEARING: December 8, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

MOTOR CARRIERS OF PASSENGERS

No. MC 52362 (Sub-No. 3), filed July 17, 1961. Applicant: MARINEL TRANSPORTATION, INC., 15 Groton Street (North), Chelmsford, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, who at the time are traveling for the purpose of participating in Beano and Bingo games, beginning and ending in Chelmsford, Lowell, and Dracut, Mass. and extending to Salem and Goffs Falls, N.H.

HEARING: December 6, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20.

No. MC 61016 (Sub-No. 15), filed October 9, 1961. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip seasonal operations, between May 1 and November 1 of each year, from Springfield, Chicopee, Holyoke, Northampton, and Amherst, Mass., to Hinsdale Raceway, Hinsdale, N.H., and return.

HEARING: December 11, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20.

No. MC 120075 (Sub-No. 1), filed July 17, 1961. Applicant: THE TACOMA SUBURBAN LINES, INC., P.O. Box 117—Building 2197, Fort Lewis, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers and their baggage* and *express* in the same vehicle with passengers, between Tacoma, Wash., and Fort Lewis, Wash.; from Tacoma over U.S. Highway 99 to Fort Lewis, and return over the same route, serving all intermediate points on U.S. Highway 99, and the off-route points of McChord Field and Madigan Army Hospital. (2) *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Pierce and Thurston Counties, Wash., and extending to points in Washington including Ports of Entry on the International Boundary between the United States and Canada, and points in Oregon.

NOTE: Applicant is expected to specifically name the roads, or highways to be used in serving McChord Field and Madigan Army Hospital at the hearing.

HEARING: December 6, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 123860, filed August 8, 1961. Applicant: ANTHONY RANA, EMILIO CANZANO, JOSEPH CANZANO, JOHN CANZANO, doing business as, AL LIMOUSINE SERVICE, 3 Southgate Place, Worcester, Mass. Applicant's attorney: John F. Keenan, 332 Main Street,

Worcester 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, without baggage, in special service, between Worcester, Mass., on the one hand, and, on the other, Pawtucket, Central Falls, Providence, Valley Falls, R.I., and Salem and Salem Depot, N.H.

HEARING: December 5, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 190.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12766 (CORRECTION AND CLARIFICATION), filed August 28, 1961, published FEDERAL REGISTER, issue of October 18, 1961, republished as corrected and clarified this issue. Applicant: ELLIOTT C. SCHUBINER AND JARED M. SCHUBINER, a partnership, doing business as AMERICANA TOURS, 19663 Livernois, Detroit 21, Mich. For a license (BMC 5) to engage in operations as a *broker* at Detroit, Mich., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip special and charter all-expense conducted sightseeing and pleasure tours, between points in the United States, including Ports of Entry located on the International Boundary lines between the United States-Canada-Mexico.

NOTE: This republication corrects the previous publication and clarifies the territory proposed to be served erroneously set forth in the previous notice of filing.

HEARING: Remains as assigned November 27, 1961, at the Federal Building, Lansing, Mich., at 1:00 p.m., before Joint Board No. 76.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 61231 (Sub-No. 13), filed October 20, 1961. Applicant: ALKIRE TRUCK LINES, INC., Livestock Exchange Building, Kansas City, Mo. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, including road building materials, structural steel, and tanks*, in truckloads, from Chicago and Cicero, Ill., and Gary, Ind., and points in the commercial zones of each, to Kansas City, Mo. and points in the commercial zone thereof.

NOTE: Applicant states it presently holds the authority in Certificates MC 61231 Sub Nos. 6 and 8 necessitating using gateway Marshalltown, Iowa. The purpose of this application is to make available additional routes.

No. MC 66562 (Sub-No. 1850), filed October 18, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Inc., Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Westminster, Md., and Westminster, Md., in a circuitous manner, as follows: From Westminster over Maryland Highway 27 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Maryland Highway 32, thence over Maryland Highway 32 to Sykesville, Md., thence continue over Maryland Highway 32 to junction Maryland Highway 26, thence over Maryland Highway 26 to junction Maryland Highway 97, thence over Maryland Highway 97 to Westminster, and return over the same route, serving the intermediate point of Mount Airy, Md. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states that interchange with rail and air express service will be made at Baltimore, Md. Applicant further states that the proposed service will be operated in connection with its presently authorized operations between Baltimore, Md., and Hagerstown, Md., as authorized in MC 66562 (Sub-No. 1360), issued November 5, 1957.

No. MC 103051 (Sub-No. 117), filed October 23, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Alabama, Georgia, North Carolina, and South Carolina.

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of Applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned by R. L. Walker of Waycross, Ga., Mr. Baggett is president of both applicant and Gasoline Transport, Inc.

No. MC 103051 (Sub-No. 118), filed October 23, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oils, fats and greases* (except petroleum) in bulk, in tank vehicles, from Macon, Ga., to Chicago, Ill., Dayton, Ohio, and Indianapolis, Ind.

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned by R. L. Walker of Waycross, Ga., Mr. Baggett is president of both applicant and Gasoline Transport, Inc.

No. MC 109881 (Sub-No. 4), filed October 19, 1961. Applicant: RICHARD TRUCKING COMPANY, INC., P.O. Box 277, Bradley Beach, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Monmouth and Ocean Counties, N.J., on the one hand, and, on the other, points in Middlesex County, N.J.

NOTE: Applicant states the proposed operation is restricted to the delivery to or receipt from connecting carriers of interline traffic which has originated at or is destined to points beyond Middlesex County, N.J.

No. MC 112668 (Sub-No. 23), filed October 18, 1961. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Superphosphate*, granulated and pulverized, in bulk, from Baltimore, Md., to Lyons, N.Y.

No. MC 113832 (Sub-No. 57), filed October 20, 1961. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from the plant site of the Kansas Power & Light Co., at LaDue, Mo., to the John Redmond Dam Site, six (6) miles northwest of Burlington, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

NOTE: Applicant states "the proposed service is to be performed under a contract with the H. B. Zachry Company". Also "is under common control with SCHWERMAN TRUCKING CO. of Ohio and SCHWERMAN CO. of Pa., Inc. which was approved by the Commission May 29, 1951, MC–F–4632; SCHWERMAN TRUCKING CO., of Indiana, INC., approved February 8, 1955, MC–F–5793; SCHWERMAN TRUCKING CO. of Ill., Inc., approved January 17, 1957, MC–F–6124; SCHWERMAN TRUCKING CO. of Texas, approved July 6, 1959, MC–F–6834; and SCHWERMAN TRUCKING CO. of N.Y. INC., approved January 11, 1960, MC–F–6963."

No. MC 116967 (Sub-No. 2), filed October 16, 1961. Applicant: MARTIN WONDAAL, Doing business as MARTIN WONDAAL AND SONS, 2857 Ridge Road, Lansing, Ill. Applicant's attorney: Samuel Ruff, 2109 Broadway, East Chicago, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed cement and slag blocks and related articles and materials used in the manufacture thereof*, handled on special equipment, from points in the Chicago, Ill., Commercial Zone to points in Indiana, Iowa, Wisconsin, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

No. MC 117165 (Sub-No. 10), filed October 23, 1961. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, labels*, and *knocked down paper boxes* when transported with shipments of *salt*, said lading not to exceed 10 percent of the aggregate weight of the shipment, from St. Clair, Mich., to Akron, Ohio, and *damaged, rejected and refused shipments*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 246), filed October 16, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, Eastern Greyhound Lines, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, beginning and ending at Steubenville, Ohio, and Wheeling and Weirton, W. Va., and extending to the Waterford Park Race Track (approximately 6.5 miles from Chester, W. Va.)

NOTE: Applicant indicates the proposed operations will be seasonal during the respective racing seasons of each year.

No. MC 1501 (Sub-No. 247), filed October 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail* in the same vehicle with passengers; (1) Between Macon, Ga., and Junction Interstate Highway 75 and U.S. Highway 90 at or near Lake City, Fla., from Macon over Interstate Highway 75 to Junction U.S. Highway 90 at or near Lake City, and return over the same route, serving all intermediate points; (2) between Junction Interstate Highway 75 and Georgia Highway 257 easct of Cordele, Ga. and Junction Interstate Highway 75 and U.S. Highway 280 near Cordele, from Junction Interstate Highway 75 and Georgia Highway 257 east of Cordele, over Georgia Highway 257 to Cordele, thence over U.S. Highway 280 to Junction Interstate 75, and return over the same route, serving all intermediate points; (3) between Junction Interstate Highway 75 and U.S. Highway 82 west of Tifton, Ga., and Tifton, Ga., from Junction Interstate Highway 75 and U.S. Highway 82 west of Tifton, over U.S. Highway 82 to Tifton, and return over the same route, serving all intermediate points; (4) between Junction Interstate Highway 75 and Georgia Highway 94 near Valdosta, Ga. and Junction Georgia Highway 94 and U.S. Highway 84 at or near Valdosta, from Junction Interstate Highway 75 and Georgia Highway 94, over Georgia Highway 94 to Junction U.S. Highway 84, and return over the same route, serving all intermediate points; and (5) between Junction Interstate Highway 75 and U.S. Highway 84 and Valdosta, Ga., from Valdosta over U.S. Highway 84 to its junction with Interstate Highway 75, and return over the same route, serving all intermediate points.

No. MC 1501 (Sub-No. 248), filed October 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail*, in the same vehicle with passengers, between Jacksonville, Fla., and junction Interstate Highway 10 and U.S. Highway 90 approximately 3 miles west of Sanderson, Fla.; from Jacksonville over Interstate Highway 10 to junction Interstate Highway 10 and U.S. Highway 90 approximately 3 miles west of Sanderson, and return over the same route, serving all intermediate points.

No. MC 1501 (Sub-No. 249), filed October 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, between junction U.S. Highway 78 and Alabama Highway 4 approximately 1 mile east of Jasper, Ala., and Hamilton, Ala.; from junction U.S. Highway 78 and Alabama Highway 4 approximately 1 mile east of Jasper, over Alabama Highway 4 to Hamilton, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations.

No. MC 116005 (Sub-No. 4), filed October 20, 1961. Applicant: ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park (P.O. Box 25), Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers; (1) Between Syracuse, N.Y., and Fairmount, N.Y., from Syracuse over New York Highway 5 to Fairmount and return over the same route, serving all intermediate points; (2) between Junction New York Highway 96A and U.S. Highway 20 east of Geneva, N.Y., and Geneva, N.Y., from Junction New York Highway 96A and U.S. Highway 20, over U.S. Highway 20 to Geneva, and return over the same route, serving all intermediate points; (3) between Port Byron, N.Y., and Syracuse, N.Y., from Port Byron over New York Highway 31 to Junction New York Highway 173, thence over New York Highway 173 through Warners, N.Y. to Fairmount, N.Y., thence over New York Highway 5 to Syracuse, and return over the same route, serving all intermediate points; (4) between Port Byron, N.Y., and Auburn, N.Y., from Port Byron over New York Highway 38 to Auburn, and return over the same route, serving all intermediate points; (5) between Junction Howlett Hill Road and Kasson Road located in Onondaga County, N.Y., and Syracuse, N.Y., from the junction of Howlett Hill Road and Kasson Road, over Kasson Road to Junction New York Highway 5 and Kasson Road, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular-route operations; (6) between Onondaga Hill, N.Y., and Syracuse, N.Y., from Onondaga Hill over New York Highway 173 to Junction New York Highway 5 and New York Highway 173, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular-route operations.

NOTICE OF FILING OF PETITIONS

No. MC 5483 (PETITION FOR WAIVER OF RULE 101(e) OF THE GENERAL RULES OF PRACTICE AND PETITION TO REOPEN AND AMEND CERTIFICATE), filed October 3, 1961. Petitioner: ELK TRANSPORTATION COMPANY, INC., 916 Grand Street, Brooklyn, N.Y. Petitioner's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. By Certificate No. MC 5483 dated December 10, 1940, petitioner is authorized to transport: *General commodities* (except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings") commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), over irregular routes; between New York, N.Y., on the one hand, and, on the other, points and places in Essex, Passaic, Morris, Bergen, Hudson, and Union Counties, N.J.. By petition dated October 2, 1961, petitioner requests the Commission reopen the proceeding MC 5483 and reissue the Certificate to include therein authority to transport *glass and glass articles*, between New York, N.Y., and points on Long Island, N.Y. Applicant has also tendered simultaneously with the filing of the subject petition an application for extension of the authority recited above. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of the notice of filing of this petition as published in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 7166 (PETITION FOR WAIVER OF RULE 1.101(e) OF THE GENERAL RULES OF PRACTICE AND FOR REOPENING, RECONSIDERATION AND MODIFICATION OF A PORTION OF THE ORDER OF MAY 9, 1955), dated August 28, 1961. Petitioner: CHARLES B. WILSON, CHARLES D. WILSON and ELEANOR KAGY, a

partnership, doing business as WILSON TRANSPORTATION SERVICE, Ottawa, Ohio. Petitioner's attorneys: Noel F. George and John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. By petition dated August 28, 1961, petitioner advises that the problem which gives rise to the instant petition is the language of petitioner's certificate describing petitioner's general commodity (usual exceptions) authority as "Between Holgate, Ohio, Ottawa, Ohio, points and places within two miles of Holgate, and points and places within fifteen miles of Ottawa, on the one hand, and, on the other, points and places within 200 miles of Ottawa in Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and West Virginia." Petitioner requests the Commission reopen the proceedings and reissue the Certificate so as to authorize transportation as follows: *"General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment: Between Holgate, Ohio, Ottawa, Ohio and points and places within two miles of Holgate, and points and places within fifteen miles of Ottawa, on the one hand, and, on the other, Chicago, Illinois, Terre Haute, Indiana, Frankfort and Lexington, Kentucky, Huntington, West Virginia, Pittsburgh, Pennsylvania, Gladwin and Muskegon, Michigan, and points and places within 200 miles of Ottawa, Ohio, in the States of Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and West Virginia, including points on said 200-mile radius line." Any person or persons desiring to oppose the relief sought, may, within 30 days from this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or pasesngers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with the respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7961. (WOODWORTH & SONS, INC.—PURCHASE—A. A. STOUT AND R. C. STOUT), published in the September 7, 1961, issue of the FEDERAL REGISTER on page 8432. Supplement filed October 19, 1961, to show joinder of ALFRED WOODWORTH, CHARLES WOODWORTH and RICHARD WOODWORTH, all of P.O. Box 546, Tolono, Ill., as persons in control of WOODWORTH & SONS, INC.

No. MC-F-7984. Authority sought for purchase by BLUE ARROW-DOUGLAS, INC., 525 Burton Street SW., Grand Rapids, Mich., of the operating rights and certain property of BLUE ARROW TRANSPORT LINES, INC., 525 Burton Street SW., Grand Rapids, Mich., and DOUGLAS TRUCKING LINES, INC., 1011 East Main Street, Owosso, Mich., and for acquisition by C. B. THOMPSON, J. L. THOMPSON, both of 525 Burton Street SW., Grand Rapids, Mich., O. R. WINTERS, 2501 South Paulina Street, Chicago, Ill., JAMES E. DOUGLAS, JR., and H. L. DOUGLAS, both of 1011 East Main Street, Owosso, Mich., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred (BLUE ARROW TRANSPORT LINES, INC.): *General commodities*, as a *common carrier*, over a regular route, between Benton Harbor, Mich., and Flint, and Saginaw, Mich.; *general commodities*, excepting, among others, household goods and commodities in bulk, between Bay City, Mich., and Chicago, Ill., serving all intermediate and certain off-route points, between Traverse City, Mich., and Chicago, Ill., serving certain intermediate and off-route points, between Traverse City, Mich., and Manistee, Mich., serving the intermediate point of Cadillac, Mich., between Saginaw, Mich., and junction Michigan Highways 13 and 78, between Kalamazoo, Mich., and Chicago, Ill., serving certain intermediate and off-route points, between New Buffalo, Mich., and Jackson, Mich., between Niles, Mich., and Jackson, Mich., serving all intermediate and certain off-route points, between Coldwater, Mich., and Tokonsha, Mich., between Three Rivers, Mich., and the Michigan-Indiana State line, serving all intermediate points between Kalamazoo, Mich., and Jackson, Mich., between Niles, Mich., and Kalamazoo, Mich., between Decatur, Mich., and Benton Harbor, Mich., serving all intermediate and certain off-route points, between Marshall, Mich., and Tekonsha, Mich., between Plainwell, Mich., and Three Rivers, Mich., serving all intermediate points, between Battle Creek, Mich., and Niles, Mich., serving all intermediate and certain off-route points, and between Flint, Mich., and Grand Blanc, Mich., serving certain off-route points, over several alternate routes for operating convenience only; *canned goods*, from Onekama, Mich., to Louisville, Ky., serving the intermediate point of Scottville, Mich., *paper and paper products*, from Filer City, Mich., to Ottawa, Ill., serving the intermediate point of Morris, Ill.; *paper and paper products*, over irregular routes, from Otsego and Plainwell, Mich., to Chicago, Cicero, Joliet, and Aurora, Ill., from Kalamazoo, Mich., to Joliet, and Rockford, Ill., from Vicksburg, Mich., to Chicago, Ill., and from Watervliet, Mich., to Chicago, and St. Charles, Ill., and Hammond, Ind., *scrap paper*, from Chicago, and Cicero, Ill., to Otsego, Plainwell, and Watervliet, Mich.; *alum*, from Joliet, and Chicago Heights, Ill., to Kalamazoo, Otsego and Watervliet, Mich.; *casein*, from Chicago, Ill., to Watervliet, and Otsego, Mich.; *petroleum products*, from Whiting, Ind., to Battle Creek, Mich.; dried whey, in bulk, from Pinconning, Mich., to Riverdale, Ill. (DOUGLAS TRUCKING LINES, INC.): *General commodities*, as a *common carrier* over regular routes, between Saginaw, Mich., and Chicago, Ill., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Bay City, Mich., and Detroit, Mich., between Flint, Mich., and Lansing, Mich., serving certain off-route points, between Flint, Mich., and Ann Arbor, Mich., serving all intermediate points, between Ann Arbor, Mich., and the site of the Scio, Mich., plant of the King-Seeley Corp., and between Chicago, Ill., and Detroit, Mich., serving the intermediate points of Ann Arbor, and Kalamazoo, Mich., unrestricted, and all intermediate and off-route points in the Chicago, Ill., Commercial Zone, as defined by the Commission, restricted to traffic moving to or from Ann Arbor, Kalamazoo, and Detroit, Mich., between Chicago Heights, Ill., and junction U.S. Highway 12 and U.S. Highway 421, at or near Michigan City, Ind., as an alternate route for operating convenience only, in connection with carrier's regular route operations; *empty vehicles*, used in conducting operations otherwise authorized, between Pontiac, Mich., on the one hand, and, on the other, junction Michigan Highway 59 and U.S. Highway 23, and between Ann Arbor, Mich., on the one hand, and, on the other, Detroit, Mich.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Chicago Heights, Ill., and points other than Chicago in the Chicago, Ill., Commercial Zone as defined in 1 M.C.C. 673. Vendee holds no authority from this Commission. However its controlling stockholders are affiliated with the vendors herein. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7985. Authority sought for purchase by LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr., of the operating rights of NEIL B. OLMSTED, E. B. OLMSTED, and ALVIN H. ANDERSON, a partnership, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mont Vernon, Wash., and PACIFIC EASTERN REFRIGERATED LINES, INC., Route 3, Box 147, Mount Vernon, Wash., and for acquisition by MIDWEST TRANSFER COMPANY OF ILLINOIS, MIDWEST EMERY FREIGHT SYSTEM, INC., and in turn by MILTON D. RATNER, all of 7000 South Pulaski Road, Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred (REFRIGERATED TRUCK LINES): *Frozen fruits, frozen berries, and frozen vegetables*, as a *common carrier* over irregular routes, from and to certain points in Washington, Illinois, Iowa, Michigan, Minnesota, Nebraska, Wisconsin, California, Oregon, and Utah. (PACIFIC EASTERN REFRIGERATED LINES, INC.): *Fresh and cured meats, and lard*, as a *common carrier* over irregular routes, from Rapid City, S. Dak., to Seattle, Wash., and points within 50 miles of Seattle; *fresh fruits and fresh vegetables*, from San Francisco, and Los Angeles, Calif., and Seattle, Wash., and points within 50 miles of each, to Rapid City, S. Dak., restriction: Service shall be restricted to shipments moving between Rapid City, S. Dak., on the one hand, and, on the other, the described points in California and Washington; *meat, meat products, and meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Rapid City, S. Dak., to Las Vegas, and Reno, Nev., and points in California. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Arizona, California, Texas, Colorado, Illinois, Minnesota, Nebraska, South Dakota, Nevada, Missouri, Iowa, Oklahoma, Oregon, Washington, Michigan, Wisconsin, Montana, Kentucky, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7986. Authority sought for merger into SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg., of the operating rights and property of WRIGHT TRUCK LINE CO., 1321 Southeast Water Avenue, Portland, Oreg., and for acquisition by HERMAN O. SITES, also of Portland, of control of such rights and property through the transaction. Applicants' attorney: William B. Adams, 624 Pacific Building, Portland 4, Oreg. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Portland, Oreg., and Dallas, Oreg., between Salem, Oreg., and Scio, Oreg., serving all intermediate and certain off-route points, and between Stayton, Oreg., and West Stayton, Oreg., serving no intermediate points; *general commodities*, between Salem, Oreg., and Idanha, Oreg., serving all intermediate points, without restriction; and the off-route point of Turner, Oreg., restricted against the pickup and delivery of commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, *general commodities*, except petroleum products, in bulk, between Portland, Oreg., and Salem, Oreg., serving all intermediate points. SITES SILVER WHEEL FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10385; Filed, Oct. 31, 1961; 8:51 a.m.]

[Notice 7]

APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

OCTOBER 27, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The special rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

MOTOR CARRIER ALASKA "GRANDFATHER" RIGHTS

No. MC 123313 (CORRECTION), filed December 23, 1960, published issue of March 8, 1961, and republished as corrected this issue. Applicant: JESSE ORME, doing business as ORME TRANSFER COMPANY, 535 Willoughby Avenue, Juneau, Alaska. The purpose of this republication is to correctly reflect the status of applicant which is that of an individual, doing business under the trade name as shown above. The previous publication inadvertently failed to designate applicant's entity as an individual.

FREIGHT FORWARDER HAWAII "GRANDFATHER" RIGHTS

No. FF-291 (Sub-No. 1) (CORRECTION AND REPUBLICATION), filed December 30, 1960, published FEDERAL REGISTER, issue of March 8, 1961, as a motor carrier application, in error, republished correctly this issue as a freight forwarder. Applicant: SECURITY VAN LINES, INC., 120 West Airline Highway, Kenner, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *Household goods*, as defined by the Commission, between points in Hawaii, on the one hand, and, on the other, points in the Continental United States.

NOTE: Applicant also claims "grandfather" rights as a motor carrier. See MC 8768 (Sub-No. 25), and as a freight forwarder, Alaska, FF-291. The subject application as originally filed was "timely" filed under the provisions of the "grandfather" clause of the Alaska-Hawaii amendments to the Act. Notice of the filing, however, was incorrectly set forth in the previous publication and indicated that motor carrier operations involving Hawaii were sought, in error. The docket number erroneously assigned, MC 8768 (Sub-No. 24) has been cancelled and the operations correctly set forth as a freight forwarder.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10383; Filed, Oct. 31, 1961; 8:51 a.m.]

[Notice 561]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 27, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64299. By order of October 24, 1961, the Transfer Board approved the transfer to Days Moving & Storage, Inc., Elkhart, Ind., of a portion of the operating rights in Certificate No. MC 2989 Sub 1, issued March 11, 1948, and a portion of the operating rights in Certificate No. MC 2989 Sub 26, issued June 30, 1958, to Days Transfer, Inc., Elkhart, Ind., authorizing the transportation of: Heavy machinery, between points in Illinois, Indiana, and Michigan, within 75 miles of Valparaiso, Ind., including Valparaiso; between Elkhart, Ind., on the one hand, and, on the other, Toledo, Ohio, and Three Rivers and Constantine, Mich.; and, Household goods, between points in Elkhart, Ind., on the one hand, and, on the other, points in Ohio, Michigan, and Illinois. Homer E. Bradshaw, 510 Central National Building, Des Moines 9, Iowa, attorney for applicants.

No. MC-FC 64536. By order of October 24, 1961, the Transfer Board approved the transfer to Walter Rowan, Jamestown, N.Y., of Certificate No. MC 111293, issued June 6, 1950, to Glenn Alderman, Hornell, N.Y., authorizing the transportation of: Salt, over irregular routes, from Watkins Glen and Retsof, N.Y., to points in Potter, Crawford, McKean, Warren, and Erie Counties, Pa. Kenneth T. Johnson, Johnson, Peterson, Tener & Anderson, Bank of Jamestown Building, Jamestown, N.Y., attorney for applicants.

No. MC-FC 64543. By order of October 24, 1961, the Transfer Board approved the transfer to Tiede Truck Line, Inc., 101 North 12th Street, Herington, Kans., of Certificate No. MC 42171, issued August 16, 1943, to James Rolland Goodman, Rome Rolland Goodman, James Oltman Goodman, and Overton Goodman, a partnership, doing business as J. R. Goodman and Sons, R.F.D. No. 3, White City, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between White City, Kans., and Kansas City, Mo.; and household goods as defined by the Commission, over irregular routes, between White City and Dwight, Kans., on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.

No. MC-FC 64544. By order of October 19, 1961, the Transfer Board approved the transfer to Samuel W. Feldman, Everett J. Nash and Robert M. Viviano, a partnership, doing business as Ludlow Associates, Yonkers, N.Y., of Permit No. MC 111721, issued July 29, 1952, to Samuel W. Feldman, Raymond L. Michel, Everett J. Nash, and Robert W. Viviano, a partnership, doing business as Ludlow Associates, Yonkers, N.Y., authorizing the transportation of Drugs, medicines, toilet preparations, and drug sundries, and display material, over irregular routes, from Yonkers, N.Y., to points in Rockland County, N.Y., and points in Connecticut within 50 miles of Yonkers, N.Y., and empty containers and damaged, defective, returned, or rejected shipments, over irregular routes, from the above-specified destination points to Yonkers, N.Y. Richard R. Schwartz, 15 West 44th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 64551. By order of October 19, 1961, the Transfer Board approved the transfer to Jennings Bond, doing business as Bond Enterprises, Lutesville, Mo., of Certificate No. MC 116989, issued July 28, 1958, to Ansel E. Tropf, doing business as Tropf Truck Service, Advance, Mo., authorizing the transportation of fertilizer and feed, in bags, from East St. Louis, Ill., to Advance, Mo. A. A. Marshall, 305 Buder Building, St. Louis 1, Mo., representative for applicants.

No. MC-FC 64554. By order of October 19, 1961, the Transfer Board approved the transfer to Richard Dahn, Inc., Sparta, N.J., of a portion of Certificate No. MC 9359, issued March 27, 1941, to Edgar G. Mitchell, Media, Pa., authorizing the transportation over irregular routes of animal and poultry feed, hay, and straw between points in Delaware, New Jersey, specified points in Maryland, Pennsylvania, and New York; lumber and logs, from Ford, Va., to Philadelphia and Minersville, Pa., and points within 15 miles of Minersville; from points in that part of Cecil County, Md., west of the Susquehanna River and those in Hartford County, Md., to Swedesboro and Pitman, N.J., and points in Kent County, Del., and Chester County, Pa.; and firewood, from points in that part of Maryland, on and east of U.S. Highway 15, to Philadelphia, Pa., and points on and south of U.S. Highway 30 within 25 miles of Philadelphia. James J. Farrell, 201 Montague Place, South Orange, N.J., representative for transferee.

No. MC-FC 64558. By order of October 19, 1961, the Transfer Board approved the transfer to Thomas Holmes, doing business as Garnett Truck Line, Garnett, Kans., of Certificate No. MC 7127, issued March 24, 1960, to Thomas Holmes and Donald Couture, a partnership, doing business as Garnett Truck Line, Garnett, Kans., authorizing the transportation of general commodities, excluding household goods, over regular routes, between Garnett, Kans., and Kansas City, Mo., serving intermediate point of Kansas City, Kans., and off-route point of North Kansas City, Mo.; from Kansas City, Mo., to Garnett, Kans., serving no intermediate points; twine, parts for agricultural implements and grease, in containers, from Kansas City, Mo., to Richmond, Kans.; feed, agricultural implements and wire, from Kansas City, Mo., to Williamsburg, Kans., serving the off-route point of Westphalia, Kans.; livestock, from Harris, Kans., to Kansas City, Mo.; from Harris to Garnett, Kans.; general commodities, excluding household goods, from Kansas City, Mo., to Harris, Kans., serving intermediate and off-route points of Kansas City, Kans., without restriction, and those within 12 miles of Harris, restricted to livestock; livestock, agricultural commodities and farm machinery, over irregular routes, from Garnett, Kans., and points within 15 miles of Garnett, to Kansas City, Kans., and Kansas City, Mo.; and livestock, fertilizer, feed, agricultural commodities, lumber, farm machinery and parts, from Kansas City, Mo., and Kansas City, Kans., to Garnett, Kans., and points within 15 miles of Garnett.

No. MC-FC 64567. By order of October 19, 1961, the Transfer Board approved the transfer to L. H. Curtis Moving & Storage, Inc., Whitesboro, N.Y., of Certificate No. MC 14033, issued February 23, 1960, to Edward James Godemann, doing business as Curtis Moving and Storage Company, Whitesboro, N.Y., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between Utica, N.Y., and points within 35 miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania. John R. Tenney, 120 Mayro Building, Utica, N.Y., attorney for applicants.

No. MC-FC 64580. By order of October 19, 1961, the Transfer Board approved the transfer to John R. Loomis, Granville, N.Y., of Certificate No. MC 21846, issued March 24, 1949, to Dorothy B. Vogel, doing business as Sims Freight Service, Granville, N.Y., authorizing the transportation of metal blanks and stampings, between Granville, N.Y., and Middletown, Conn.; slate, and slate products, over irregular routes, from Granville, N.Y., and Bangor, Pa., and points within 15 miles of each, to points in New York, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, and the District of Columbia; from Salem, N.Y., and Fair Haven, Poultney, Rupert, West Pawlet, and West Rutland, Vt., to Peterboro, N.H., points in Connecticut, Massachusetts, New York, Vermont, New Jersey, and Rhode Island; grain and grain products from Baltimore, Md., Carteret, N.J., and Albany, N.Y., to Granville, N.Y., and points within 15 miles of Granville; fertilizer, from Carteret, N.J., to points in Vermont, and those in Washington, Rensselaer, Albany, Schenectady, Montgomery, Saratoga, and Warren Counties, N.Y.; and from Baltimore, Md., to Granville, N.Y., and points within 15 miles of Granville; lime, from Adams, Mass., to Granville, N.Y., and points within 15 miles of Granville; from Rutland, Vt., to points in the above-specified N.Y. Counties, and through New York to points in Bennington and Rutland Counties, Vt.; lumber and logs, from points in New Hampshire and Vermont, to Granville, N.Y.; and petroleum products (not including gasoline), in containers, from Bayonne, N.J., to Granville, N.Y. Martin Werner, 2 West 45th Street, New York 36, N.Y., attorney for transferee, and Albert Berkowitz, Granville, N.Y., attorney for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10386; Filed, Oct. 31, 1961; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 27, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37424: *Brick from and to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2212), for interested rail carriers. Rates on brick and related articles, in carloads, from Rockford, Iowa, Chaska, Osseo and Roseville, Minn., Havelock and South Omaha, Nebr., and Eau Claire, Wis., to points in western trunk-line territory.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 37 to Western Trunk Line Committee tariff I.C.C. A-4338.

FSA No. 37425: *Fertilizers from southern territory to IFA and WTL territories.* Filed by O. W. South, Jr., Agent (No. A4138), for interested rail carriers. Rates on fertilizers and fertilizer materials, and superphosphate, in carloads, from points in southern territory, also Helena, Ark., to points in Illinois and western trunk-line territories.

Grounds for relief: Market competition.

Tariffs: Supplements 105, 26 and 4 to Southern Freight Association tariffs I.C.C. 1522, S-128 and S-184, respectively.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37423: *Commodities between points in Texas.* Filed by Texas Louisiana Freight Bureau, Agent (No. 421), for interested rail carriers. Rates on zinc concentrates, in carloads, from, to and between points in Texas, over interstate route through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 17 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10382; Filed, Oct. 31, 1961; 8:51 a.m.]

OF MICHIGAN

NOV 7 1961

MAIN READING ROOM

Pages 10265-10331

FEDERAL REGISTER

VOLUME 26 NUMBER 212

Washington, Thursday, November 2, 1961

Contents

Agricultural Marketing Service

NOTICES:
Stockyards:
George R. Kirchner Commission Sales Co. et al.; deposting ... 10310
O'Neill Livestock Auction et al.; proposed posting ... 10311
Pelham Stockyards, Inc., et al.; posted stockyards; changes in names ... 10311
Walker County Livestock et al.; proposing posting ... 10312

PROPOSED RULE MAKING:
Turkey hatching eggs and turkeys; hearing on proposed marketing agreements and orders ... 10286
Varieties of pears grown in Oregon, Washington, and California; decision on proposed amendment of amended marketing agreement and order ... 10296

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain marketing areas:
Central Arkansas and Memphis, Tennessee ... 10307
Oklahoma Metropolitan and Red River Valley ... 10298

RULES AND REGULATIONS:
Mainland cane sugar area; proportionate shares for farms, 1962 crop ... 10268
Sugarcane:
Florida; fair and reasonable prices, 1961 crop ... 10272
Louisiana; fair and reasonable wage rates ... 10270

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Farmers Home Administration.

Army Department

See Engineers Corps.

Atomic Energy Commission

NOTICES:
Long Island Nuclear Service Corp.; byproduct and source material license; proposed issuance ... 10310

Civil Aeronautics Board

NOTICES:
Pacific Air Lines, Inc.; order denying application for certain authority ... 10312
Reopened Fort Worth Investigation; hearing ... 10312
Service to Sheboygan County, Wis.; oral argument ... 10313

PROPOSED RULE MAKING:
Economic proceedings; exceptions and supporting briefs; correction ... 10307

Civil Service Commission

RULES AND REGULATIONS:
Exceptions from competitive service:
Defense Department ... 10267
Peace Corps ... 10267

Commerce Department

NOTICES:
Statements of changes in financial interests:
Klaff, Jerome L ... 10329
Risley, Roger E ... 10329

Defense Department

See Engineers Corps.

Engineers Corps

RULES AND REGULATIONS:
Danger zone regulations; Atlantic Ocean off Cape Cod, Mass ... 10278

Farm Credit Administration

RULES AND REGULATIONS:
Banks for cooperatives; cancellation and retirement of stock and other equities of borrower in liquidation or dissolution ... 10267

Farmers Home Administration

RULES AND REGULATIONS:
Voluntary debt adjustment; assistance in Great Plains area; revocation and supersedure of part ... 10267

Federal Aviation Agency

PROPOSED RULE MAKING:
Instrument flight rules; course to be flown ... 10307

RULES AND REGULATIONS:
Airworthiness directives:
Bell Model 47 Series helicopters ... 10274
De Havilland Heron Model 114 aircraft ... 10273
Mooney M-20, M-20A, and M-20B aircraft ... 10274
Vickers Viscount 745D and 810 Series aircraft ... 10274

Federal Communications Commission

NOTICES:
Hearings, etc.:
American Telephone and Telegraph Co. (3 documents) ... 10313, 10314
Antennavision Service Co., Inc. (2 documents) ... 10315
Arizona Micro-Wave System Co ... 10316
Black Hills Video Corp ... 10316
Ceracche & Co., Inc ... 10320
Collier Electric Co ... 10317
Columbia Basin Microwave Co ... 10320
Crosby County Broadcasting Co ... 10321
Dakota Microwave Co ... 10321
Hershey Broadcasting Co., Inc., and Reading Radio, Inc ... 10321
Jones, Clarence Everett, and Taylor, Robert S ... 10321
Mesa Microwave, Inc. (2 documents) ... 10322
New York Penn Microwave Corp ... 10323
Radio-Active Broadcasting, Inc. (WATO) ... 10323
Radio Alexander City and Clay Service Corp ... 10323
Superior Communications Co., Inc ... 10324
Western TV Relay, Inc ... 10324

RULES AND REGULATIONS:
Clear channel rules; modification and clarification of application processing ... 10280
Hearing proceedings; taking of depositions ... 10279

(*Continued on next page*)

Federal Communications Commission—Continued

RULES AND REGULATIONS—Continued
Incidental and restricted radiation devices:
Harmful interference ... 10281
Measurement procedure ... 10281
Industrial, scientific and medical equipment; miscellaneous amendments ... 10281
Standard broadcast band, clear channel broadcasting; order extending time for filing responses to petitions for reconsideration ... 10280

Federal Maritime Commission

NOTICES:
Agreements filed for approval:
Cunard Steam-Ship Co., Ltd., and Alcoa Steamship Co., Inc. ... 10325
Wilh. Wilhelmsen Line joint service ... 10325
Atlantic-Gulf/Puerto Rico trade; investigation of rates and practices; supplemental orders ... 10325

Federal Power Commission

NOTICES:
Rockland Electric Co.; application ... 10325

Fish and Wildlife Service

RULES AND REGULATIONS:
Horicon National Wildlife Refuge, Wisconsin; hunting ... 10282

Interior Department

See Fish and Wildlife Service; Land Management Bureau.

Internal Revenue Service

PROPOSED RULE MAKING:
Income tax; taxable years beginning after December 31, 1953; election for prior taxable years for quartzite and clay used in refractory products production ... 10283

RULES AND REGULATIONS:
Income tax; taxable years beginning after December 31, 1953; taxation of amounts received under family income riders; correction ... 10275

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief ... 10328
Motor carrier alternate route deviation notices ... 10328
Utah intrastate freight rates and charges ... 10327

Labor Department

See Wage and Hour Division.

Land Management Bureau

NOTICES:
Withdrawals and reservations of lands, proposed:
Arizona ... 10309
California ... 10309
Oregon; termination ... 10309
Wyoming ... 10309

PROPOSED RULE MAKING:
Small tracts; sale or lease ... 10286

RULES AND REGULATIONS:
New Mexico; public land order; withdrawing lands for use of Atomic Energy Commission ... 10279

Securities and Exchange Commission

NOTICES:
Apex Minerals Corp.; order summarily suspending trading ... 10327

Treasury Department

See Internal Revenue Service.

Veterans Administration

RULES AND REGULATIONS:
Education and training of World War II veterans and vocational rehabilitation; maximum duration of course ... 10270

Wage and Hour Division

NOTICES:
Certificates authorizing employment of learners at special minimum rates ... 10320

RULES AND REGULATIONS:
Certain radio and television station employees; exemption from overtime pay requirements ... 10275
Shoe and related products industry in Puerto Rico; wage order ... 10275

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 (2 documents) ... 10267

6 CFR
70 ... 10267
305 ... 10267
390 ... 10267

7 CFR
855 ... 10268
864 ... 10270
873 ... 10272
PROPOSED RULES:
900—1072 ... 10286
906 ... 10298
908 ... 10307
918 ... 10307
939 ... 10296
986 ... 10298

14 CFR
507 (4 documents) ... 10273, 10274
PROPOSED RULES:
60 ... 10307
302 ... 10307

26 CFR
1 ... 10275
PROPOSED RULES:
1 ... 10283

29 CFR
601 ... 10275
793 ... 10275

33 CFR
204 ... 10278

38 CFR
21 ... 10278

43 CFR
PROPOSED RULES:
257 ... 10285
PUBLIC LAND ORDERS:
2526 ... 10279

47 CFR
1 (2 documents) ... 10279, 10280
3 (2 documents) ... 10280
15 (2 documents) ... 10281
18 ... 10281

50 CFR
32 ... 10282

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (40) is added to paragraph (a) of § 6.304 as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(40) One Special and Confidential Assistant to the Assistant Secretary of Defense (Civil Defense).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10463; Filed, Nov. 1, 1961; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (k) of § 6.368 is amended as set out below.

§ 6.368 Peace Corps.

* * * * *

(k) The Associate Director, Office of Planning and Evaluation.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10465; Filed, Nov. 1, 1961; 8:52 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 70—BANKS FOR COOPERATIVES GENERALLY

Cancellation and Retirement of Stock and Other Equities of Borrower in Liquidation or Dissolution

In order to supplement an amendment to the Farm Credit Act of 1933, as amended, made by section 2(3) of Public Law 87-343 (75 Stat. 758), Subpart—Capital Stock, Surplus, Reserves, of Part 70, Chapter I of Title 6 of the Code of Federal Regulations, is amended by adding § 70.165a, as follows:

§ 70.165a Cancellation and retirement of stock and other equities of borrower in liquidation or dissolution.

In the case of liquidation or dissolution of any present or former borrower from a bank for cooperatives, the bank may retire and cancel any capital stock or allocated surplus or contingency reserves or other equity interest in the bank owned by such borrower at the fair book value thereof, not exceeding par, as hereinafter indicated.

(a) The bank has reasonable assurance that the liquidation or dissolution is or soon will be completed and that the business of the borrower is not being continued in circumstances in which it would be appropriate and feasible for the successor to acquire and hold the interests of its predecessor in the bank.

(b) The retirement of stock and other equities of any such borrower would not unduly affect the financial position of the bank.

(c) Any such retirement shall be subject to authorization as follows:

(1) Whenever the total amount of equities to be retired in any one case is $5,000 or less the Executive or Loan Committee of the bank may approve the retirement when authorized to do so by the Board of Directors;

(2) Whenever the total amount of equities to be retired in any one case is in excess of $5,000 but does not exceed $25,000, retirement may be made only upon prior approval of the Board of Directors; and

(3) Whenever the total amount of equities to be retired in any one case is in excess of $25,000, retirement may be made only upon prior approval of the Board of Directors, subject to approval of the Farm Credit Administration.

(d) At the same time, corresponding shares of stock which the regional bank was required to purchase in the Central Bank shall also be retired.

(e) A report of any retirements made hereunder showing the name of the association and the amount of separate equities retired for each shall be forwarded to the Director of Cooperative Bank Service at the end of each quarter.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Supplements sec. 36, 48 Stat. 263, as amended by sec. 2(3), 75 Stat. 758; 12 U.S.C. 1134*l*(d))

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 61-10428; Filed, Nov. 1, 1961; 8:46 a.m.]

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 408.1]

PART 305—VOLUNTARY DEBT ADJUSTMENT

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[Administration Letters 447(440), 438(400)]

PART 390—ASSISTANCE IN THE GREAT PLAINS AREA

Revocation and Supersedure of Part

Subpart A, Part 390, Title 6, Code of Federal Regulations (21 F.R. 5978, 23 F.R. 637), is hereby revoked; Subpart B, Part 390, Title 6, Code of Federal Regulations (21 F.R. 5981), is superseded by a new Part 305 revised to read as follows:

Sec.
305.1 General.
305.2 Methods.
305.3 Processing applications for voluntary debt adjustment.

AUTHORITY: §§ 305.1 to 305.3 issued under sec. 4, 64 Stat. 100, secs. 337, 339, 75 Stat. 318, 318; 40 U.S.C. 442; 7 U.S.C. 1987, 1989; Order of Sec. of Agr., 19 F.R. 74, 22 F.R. 6168, 26 F.R. 7888, 8403.

§ 305.1 General.

(a) When the adjustment of debts appears necessary to establish a sound financial position and to carry on a sound farming operation, voluntary debt adjustment assistance will be provided in accordance with the provisions of this part to a farmer or rancher upon request to the County Supervisor, including applicants for loans from the Farmers Home Administration. However, assistance will not be given to any farmer or rancher in avoiding the payment of an obligation within his reasonable ability to pay. It is expected that adjustments will be made on the basis that each debtor will meet his obligations to the full extent of his ability to pay considering his assets, income, and the demands on his income.

(b) Debts owed to the Farmers Home Administration will not be adjusted pursuant to this part but will be considered for settlement in accordance with Parts 364 and 372 of this chapter.

§ 305.2 Methods.

After a determination is made that a debtor's financial situation and debt paying ability is such that adjustment of his debts is necessary, attempts to assist the debtor in adjusting his debts will be made along the following lines as the situation demands:

(a) *Rearrangement of payment terms.* If the debt is not in excess of the debtor's ability to pay over a reasonable period of time, an effort will be made to get the creditor(s) to extend the time for repayment so as to enable the debtor to

retire the debt in an orderly manner. This may require such changes as reamortization, rearrangement of payment dates, or suspension of payments during periods of low income. It may be desirable in some situations for a debtor to refinance his present indebtedness with other creditors in order to effect terms that can be met or to consolidate his debts.

(b) *Reduction of debts.* If all debts considered, the debtor cannot be expected to pay his creditor(s) in a reasonable period of time, an amount which can be repaid will be determined by the County Supervisor and the applicant and, as needed, with the advise of the County Committee. An effort will then be made to get the creditor(s) to reduce the indebtedness in line with this determination, taking into consideration the priority of liens involved, the security for the debts, and other pertinent factors.

(c) *Other methods.* It may be necessary in some cases to reduce interest rates, to transfer to a creditor some property not needed in the farm business in exchange for a full or partial release from an obligation, or to work out various other arrangements with creditors. The most equitable method for all parties of interest should be chosen so long as it brings the total indebtedness within the debtor's ability to pay in an orderly manner.

(d) *Combination of methods.* The more complex cases may require a variety of methods or combinations of methods in accomplishing an adjustment which will be reasonable and equitable to all parties of interest.

§ 305.3 Processing applications for voluntary debt adjustment.

(a) Applications for voluntary debt adjustment will be made on Form FHA 410–1, "Application for FHA Services." The applicant will be required to give complete information concerning his assets, debts, farming or ranching operations, and any other information which has a bearing on his debt paying ability. This will be accomplished by the use of Form FHA 431–2, "Farm and Home Plan," plus any other documents and supplemental information as needed in the individual case.

(b) If the information developed as outlined in paragraph (a) of this section shows a need for an adjustment of debts, and a proposed method and amount of adjustment is determined, the information will be made known to the creditors involved who will be invited to make proposals for the adjustment of the debts they hold. This preliminary contact with creditors may be made by the debtor or the County Supervisor, depending on the circumstances in the case. If the proposals made in response to this contact are adequate for a reasonable and equitable adjustment, the proposals will be formalized into written agreements in accordance with paragraph (d) of this section. If the original proposals are not acceptable, additional negotiations with the individual creditors may be advisable.

(c) When a satisfactory adjustment cannot be reached in accordance with paragraph (b) of this section, it usually will be advisable to invite part or all of such creditors to attend a meeting with the debtor, the County Supervisor, and if determined advisable, the County Committee for the purpose of discussing the debtor's situation and attempting to arrive at appropriate adjustments. Any satisfactory arrangements reached at this meeting will be formalized into written agreements in accordance with paragraph (d) of this section.

(d) Each satisfactory agreement reached for the adjustment of a debt will be documented on Form FHA 440–11, "Debt Adjustment Agreement," and executed by the creditor and the debtor. Revisions will be made in Form FHA 440–11 when necessary to reflect the agreement reached between the creditor and the debtor. Any such revision will be initialed by both parties. Form FHA 440–11 will be prepared and executed in an original and two copies. The original will be delivered to the debtor, one copy will be delivered to the creditor, and the other copy will be filed in the County Office files.

Dated: October 27, 1961.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 61–10458; Filed, Nov. 1, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 855.9]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1962 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 855.9 Proportionate shares for sugarcane farms in the mainland cane sugar area for the 1962 crop.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(2) "State Committee" means the persons in a State designated by the Secretary of Agriculture as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(3) "County Committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation county and community committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(4) "Producer" shall have the meaning set forth in section 101(k) of the act.

(5) "Operator" means the producer who controls and directs the operations on the farm and who bears the major portion of the risk of financial loss or the opportunity for financial gain resulting from such operations.

(6) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(7) "Acreage" or "acres" means the area on which sugarcane is grown and marketed (or processed) for the extraction of sugar or liquid sugar, or which is harvested for seed or abandoned and classified as bona fide abandonment under procedure issued by the Agricultural Stabilization and Conservation Service.

(b) *Farm proportionate share.* The 1962-crop proportionate share for each sugarcane farm in the Mainland Cane Sugar Area, as constituted at the beginning of harvest of the 1962 crop on such farm, shall be the acreage of sugarcane thereon.

(c) *Credit for sugarcane acreage.* For possible use in establishing proportionate shares of subsequent crops, the subdivisions of any farm which is subdivided for the 1962-crop season shall be credited with the sugarcane acreage record of the crop years 1958 through 1961 of such farm by apportioning such record among the subdivisions on the basis of the cropland suitable for the production of sugarcane in such subdivisions and the farm. However, if the local County Committee determines that the use of the cropland relationship in any case is materially inconsistent with the acreage of sugarcane grown on any subdivision during the crop years 1958 through 1961 or is not representative of the sugarcane acreage growing on any subdivision, or if all persons concerned in the subdivision of such farm file a written request with the County Committee which is approved by the committee, such subdivisions shall be credited with the acreage of sugarcane grown within farm proportionate shares on each subdivision during such four crop years or the portions of the 1958–61 acreage record of the farm determined on the basis of the acreage of sugarcane growing on each subdivision.

(d) *Transfer of credit for sugarcane acreage.* For the purpose of establishing farm proportionate shares for subsequent crops, the sugarcane production record for any of the crop years 1958 through 1961 of any land removed from sugarcane production either because of transfer of such land by sale, lease or donation to any Federal, State or other agency or entity, having the right of eminent domain, or because of transfer of such land to such an agency or entity for use primarily for the production of sugarcane for experimental purposes, shall, upon application to the appropriate State Committee within three years from the date of such transfer, be added to the sugarcane production record for such crop years, if any, on other land within the State owned or purchased by the owner of the land so transferred.

(e) *Eligibility for payment under the act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions:

(1) The number of share tenants or sharecroppers engaged in the production of sugarcane of the 1962 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval, the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer.

(2) The producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

(3) The requirements of the act with respect to child labor and the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane shall have been met.

(f) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1962-crop season shall be made on Form SU–120 by a producer on the farm or his legal representative or heirs who must sign and file the form in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than June 30, 1964.

(g) *Determination of eligibility and basis for payment; and appeals for review thereof.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the County Committee. Determinations by the County Committee shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder, and on the basis of the facts in the individual case. Within 15 days after the notice of such a determination is mailed to or otherwise made available to a producer, he may request the County Committee in writing to reconsider such determination. Within 5 days after all facts in the case have been considered, the County Committee shall notify him of its decision in writing. If the producer is dissatisfied with the decision of the County Committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. In an appeal to the County Committee, or the State Committee, the producer or his representative shall be afforded the opportunity of appearing in person. The State Committee shall notify him in writing of its decision within 5 days after all facts in the case have been considered. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the notice of the decision is forwarded to or otherwise made available to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

(h) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the County Committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Secretary in reviewing, upon appeal, any such determination by the County Committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title (24 F.R. 4223), as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the County Committee or employees of the State Committee designated respectively by the County Office Manager or by the State Administrative Officer to be qualified to perform such a duty may obtain such information. If the operator, or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act Requirements. As a condition for payment to producers, section 301(b) of the act provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302 of the act.

Section 302(a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm.

Section 302(b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers, and of producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, flood, storm, freeze, disease, insects, or other similar abnormal and uncontrollable conditions.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms are established for each crop for use in fixing the amounts of sugar for payment on individual farms. Restrictive proportionate shares are required in any area for a given crop when the indicated production will be greater than the quantity needed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

No restrictions under the act were applicable to sugarcane acreage in this area during World War II or during the post-war period until 1954. Acreage restrictions were applicable to each of the crops of 1954 through 1959, although such restrictions were modified on March 4, 1959, to permit the harvesting of all 1959-crop acreages of sugarcane then growing. Neither the 1960 nor the 1961 crop was restricted.

Adverse weather conditions resulted in lower than anticipated sugar production from the 1958, 1959, and 1960 crops. This situation, together with relatively large increases in the annual sugar marketing quotas because of deficits in marketings from Puerto Rico and Hawaii, resulted in the area falling short of meeting its augmented quota for either 1959 or 1960. Furthermore, the stocks of sugar at the beginning of this year were undesirably low.

It is too early to reliably estimate the amount of sugar that will be produced from the unrestricted 1961 crop. However, if the yield per acre equals the average yield for the 1955–59 period, the area will not meet its 1961 quota including deficit reallocations. Moreover, even a yield per acre equivalent to the highest on record would not result in an appreciable increase in stocks on January 1, 1962.

Since the date of announcement of non-restrictive acreages for the 1960 crop, considerable expansion in sugarcan acreage and processing facilities has occurred in the Mainland Cane Sugar Area, principally in Florida, and further expansion is planned. Two additional mills in Florida are scheduled to begin operating during the coming crop season but will process consider-

ably below capacity. It is understood that the operators of these mills plan to have sufficient cane to greatly increase processings in the fall of 1962. In addition, two larger mills will begin processing sugarcane in the fall of 1962. Reports indicate that consideration is being given to the erection of two more mills, but even if these are erected, they probably could not be ready to process cane in the fall of 1962. This expansion is occurring despite recognition by those involved that substantial cutbacks in acreage might be necessary in future years. The possibility of such cutbacks has been set forth in regulations issued by the Department for the last two crops and in correspondence with many of those engaged in the expansion. Indications point to a 1962-crop planted acreage in Florida about 65 percent greater than for the last restricted crop (1959) and in Louisiana about 14 percent greater.

In response to requests from the Department for views and recommendations on the 1962 crop, representatives of growers and processors in the Mainland Cane Sugar Area, including the spokesman for growers producing about 95 percent of the Louisiana crop and for all of the processors in that State, recommended unanimously that the 1962 crop be unrestricted. They also expressed the view that the customary informal public hearing would be unnecessary. Generally, it was the view of those contacted that unrestricted acreage for the 1962 crop would not result in excessive inventories on January 1, 1963.

Based on the best information available on acreages that will likely be devoted to sugarcane for the 1962 crop if the crop is not restricted and using recent sugar yields per acre, 1962-crop sugar production could range between 775,000 and 925,000 tons. Thus, considering the probable stocks on January 1, 1962, and the 1962 marketing opportunities of the area under the terms of the present Sugar Act, the stocks on January 1, 1963, could range from 50,000 to 220,000 tons and the effective inventory on the same date could range from 225,000 to 460,000 tons. If the quota provisions of the present act are continued beyond June 30, 1962, favorable crops would result in a serious over-supply prospect and drastic cutbacks in acreage would be necessary for the 1963 crop. Representatives of the industry in Florida and Louisiana recognized and considered these possibilities before recommending that the 1962 crop be unrestricted. It is believed that those who are planning expansion of acreage, as well as those planning to build new mills, recognize the risks involved and will not take irrevocable steps in this direction without considering fully the possible need for future adjustments.

Determination. This determination provides that in the Mainland Cane Sugar Area the 1962-crop proportionate share for each farm, as constituted at the beginning of harvest of the 1962 crop on such farm, shall be the acreage of sugarcane thereon which is grown and marketed (or processed) for the extraction of sugar or liquid sugar, or which is harvested for seed or is abandoned and classified as bona fide abandonment. In making this determination, consideration has been given to the recommendations of the industry and to production and marketing prospects.

The provisions of this determination with respect to (1) acreage removed from sugarcane production because of transfer to any agency or entity having the right of eminent domain, (2) the division or combination of acreage records for historical purposes, and (3) certain general matters, are substantially the same as those included in the 1961-crop determination.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 30, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10431; Filed, Nov. 1, 1961; 8:47 a.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 864.8]

PART 864—WAGES; SUGARCANE; LOUISIANA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on August 2, 1961, the following determination is hereby issued:

§ 864.8 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the following:

(i) *For work performed on a time or piecework basis.*

Class of Worker or Operation	*Rate per hour*
Harvest work:	
Cutters, toppers, strippers, and scrapers behind loaders	$0.70
Loaders, spotters, ropemen, grabmen, and teamsters	.75
Cutters and loaders, pilers, and hoist operators	.70
Tractor drivers, truck drivers, and harvester bottom blade operators	.80
Operators of mechanical loading or harvesting equipment	.85
All other harvesting workers	.65

Class of Worker or Operation—Continued	*Rate per ton*
Cutting top and bottom:	
Large barrel varieties [1]	$1.10
Small barrel varieties [2]	1.30
Production and cultivation work:	**Rate per hour**
Tractor drivers	$0.70
All other production and cultivation workers	.60

[1] Large barrel varieties: Co. 290; C.P. 29/103; C.P. 29/116; C.P. 32/243; C.P. 36/13; C.P. 36/105; C.P. 29/120; C.P. 43/47; C.P. 44/101; C.P. 44/155; N. Co. 310; C.P. 47/100; C.P. 48/103; and C.P. 52/68.

[2] Small barrel varieties: All other.

(ii) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable hourly wage rates for adults provided under subdivision (i) of this subparagraph.

(iii) *Other piecework rates.* For any piecework performed on a unit basis for which a rate is not specified in subdivision (i) of this subparagraph, the rate shall be as agreed upon between the producer and worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks), shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to an assembly point located on the farm, or from a central recruiting point to the field, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish, upon request, to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements in this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 528 Monroe Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section applicable to harvest work shall become effective on the date of publication of this section in the FEDERAL REGISTER and the provision for production and cultivation work shall become effective on January 1, 1962, and the provisions of this section shall remain in effect until amended, superseded, or terminated.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *Wage determination.* This determination continues the requirements of the prior determination except that the minimum time wage rates for all classes of workers are increased 5 cents per hour.

A public hearing was held in Thibodaux, Louisiana, on August 2, 1961, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for work performed during the 1961 harvest season and for production and cultivation work during the calendar year 1962. Testimony was presented by an economist of the Louisiana State University appearing at the request of the American Sugar Cane League; by the Chairman of the Wage and Employee Relations Committee of the American Sugar Cane League; and by the Chairman of the Louisiana Farm Bureau Federation Sugar Advisory Committee. No testimony was presented on behalf of sugarcane field workers.

The Louisiana State University representative presented the costs and returns of producing sugarcane for the period 1937 through 1959. He stated that 1959 was an unfavorable year; that total returns for large-scale farms averaged $173 per acre in 1959 as compared to $193 per acre for the 1954–58 period; that return on investment averaged 2.2 percent in 1959 as compared to 5.7 percent for the 1954–58 period; that labor costs had not decreased in proportion to the reduction in the amount of labor required in producing sugarcane; and that for the period 1957–59 labor costs accounted for 48 percent of the total direct costs of producing sugarcane.

The witness for the American Sugar Cane League recommended that there be no increase in wage rates and that the present determination be continued without change. He stated that while many workers are paid wage rates higher than the minimum this does not indicate that the minimum rates prescribed in the past have been too low; that average results of the 1960 crop, based on general information, were better than for 1959 but not as good as for the 1958 crop, and that 1961 crop prospects appear good at this time; and that the present raw sugar price and future market quotations did not present an optimistic picture. He pointed out that the primary reasons for the decrease in the number of man-hours required to produce a ton of sugarcane are mechanization, chemical weed and grass control, improved fertilization, improved cane varieties, and piecework employment on some farms; and that it has been through such reduction in man-hour requirements that the Louisiana sugarcane producers have been able to pay wage rates 67 percent above those in 1947.

The representative of the Louisiana Farm Bureau recommended no change in wage rates. The witness stated that after studying the data at their disposal, which included the cost studies of the Louisiana State University, personal farm operators costs, and anticipated returns per ton of sugarcane of the 1961 crop, he believed that there was no evidence that would support an increase in wage rates. The witness said that mosaic disease is a real threat, that 79 percent of the cane acreage is planted in varieties highly susceptible to this disease, and that this has caused a substantial increase in production costs.

Consideration has been given to the recommendations presented at the hearing, to the returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect prospective conditions for the 1961 crop, and to other pertinent factors.

An analysis of returns, costs, and profits of sugarcane production and other relevant factors indicates that the increase in the wage rates provided herein are fair and reasonable and within the ability of producers to pay. As pointed out by a witness at the hearing man-hour requirements per ton of sugarcane have decreased during the past decade as a result of technological improvements in sugarcane production. During this period producers voluntarily have paid higher wages to fieldworkers and minimum wage rates have been increased periodically. The wage rates of this determination, which compare favorably with general farm wage rates in Louisiana, also recognize improvements in labor productivity.

The increase of 5 cents per hour results in minimum rates ranging from 60 cents per hour for unskilled workers to 85 cents for operators of mechanical loading or harvesting equipment. The increase in minimum rates for all classes of workers averages approximately 8 percent as compared to the rates which have been effective for the past two years. However, since some workers are

employed on a piecework basis earning more than the minimum and others have been paid on an hourly basis at rates higher than the minimum, it is estimated that the increase in the average hourly earnings may average somewhat less than 8 percent.

Although this determination is on a continuing basis, the Department, in order to keep informed on current conditions in the area, will conduct the customary investigations, and will afford interested persons the opportunity to present testimony at a hearing to be held annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, Stat. 929, as amended; 7 U.S.C. 1131)

Signed at Washington, D.C., on October 30, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10433; Filed, Nov. 1, 1961; 8:47 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.14]

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices; 1961 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Clewiston, Florida, on May 10, 1961, the following determination is hereby issued:

§ 873.14 Fair and reasonable prices for the 1961 crop of Florida sugarcane.

A producer of sugarcane in Florida who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1961 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 7 domestic contract, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar.

(2) "Season's average price" means the weighted average price of raw sugar for the months in which 1961-crop raw sugar is marketed, such average price to be determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is sold by the quantity of 1961-crop raw sugar or raw sugar equivalent sold by or for the account of the processor during each corresponding month.

(3) "Raw sugar" means raw sugar, 96° basis.

(4) "Net sugarcane" means the gross weight of the sugarcane as delivered by a producer to a processor minus a deduction for trash of 4 percent.

(5) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(6) "Average percent sucrose in normal juice" means the percentage determined by multiplying the season's average percent sucrose in crusher juice of the producer's sugarcane by (i) the ratio of the average normal juice sucrose for all Florida mills to the average crusher juice sucrose for all such mills during the most recent 5 years; or (ii) the 1961 crop ratio of the average normal juice sucrose to the average crusher juice sucrose at the processor's mill. In applying method (ii) above, average crusher juice sucrose shall be obtained by direct analysis; average normal juice sucrose shall be computed by multiplying the average dilute juice purity by the average normal juice Brix; and normal juice Brix shall be determined by multiplying the average crusher juice Brix by a dry milling factor, obtained by running dry milling tests supervised by representatives of the Sugar Division. The processor shall elect the method to be used in determining the average normal juice sucrose and shall uniformly use the method selected throughout the crop.

(7) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(8) "State Office" means the Florida State Agricultural Stabilization and Conservation Service Office, Gainesville, Florida.

(9) "State Committee" means the Florida State Agricultural Stabilization and Conservation Committee.

(b) *Basic price for purchased sugarcane.* (1) The basic price for sugarcane purchased by a processor from producers shall be not less than $1.07 per ton of standard sugarcane for each one cent per pound of the season's average price of raw sugar.

(2) Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	*Standard sugarcane quality factor* [1]
9.5	.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

Average percent sucrose in normal juice:	*Standard sugarcane quality factor* [1]
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

(3) *Molasses payment.* The processor shall pay to the producer for each ton of net sugarcane ground an amount equal to the product of 5.4 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, f.o.b. mill tanks, sold during the 12-month period ending May 31, 1962: *Provided*, That if the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purposes of this paragraph be determined on the basis of the prices at which all molasses was sold by such processor during such 12-month period.

(4) *General.* (i) The price for sugarcane specified in this paragraph is applicable to sugarcane loaded on carts or trucks at the farm, or, if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm: *Provided*, That if the producer transports sugarcane to the mill from a distance 16 miles or less the processor shall pay to the producer for transporting such sugarcane an amount equal to the cost of transporting sugarcane (based on gross weight) by railroad or by other common carrier, whichever customarily is used by the processor: *Provided further*, That if the producer transports sugarcane to the mill from a distance greater than 16 miles the processor shall pay to the producer 80 cents per gross ton for transporting such sugarcane or if the processor transports sugarcane for the producer a charge of 5 cents per ton mile for each mile in excess of 16 miles may be made by the processor.

(ii) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1961 crop sugarcane shall be as agreed upon between the producer and the processor.

(iii) Nothing in subdivision (ii) of this subparagraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State Office.

(iv) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State Office upon a determination by the State Committee that the payment is fair and reasonable.

(v) The processor shall submit to the State Office for approval: (1) A statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; (2) a statement setting forth the gross proceeds and the handling and delivery

expenses deducted in arriving at the weighted average net sales price of blackstrap molasses; and

(3) A statement prior to the start of grinding or within 10 days after the date of publication of this determination in the FEDERAL REGISTER whichever is later, specifying the method to be used in determining the average percent sucrose in normal juice.

(c) *Salvage sugarcane.* The price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State Office.

(d) *Toll agreements.* The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

(e) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1961 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1961 price determination.* This determination continues the provisions of the 1960 crop determination, except that the price of raw sugar to be used in computing settlements with producers for sugarcane is the daily spot quotation for raw sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) without adjustment for a bag allowance; where one processor markets molasses for himself and for another processor, the weighed average of the combined sales prices of all molasses sold by the processor during the 12-month period ending May 31 shall be used by each processor as the basis for computing the molasses payment to producers; the molasses payment is to be based on 5.4 gallons of blackstrap molasses instead of 5.6 gallons, reflecting the most recent 5-year average recovery; and where sugarcane is transported a distance greater than 16 miles the processor may require the producer to bear a part of the transportation cost.

A public hearing was held in Clewiston, Florida, on May 10, 1961, at which interested parties were afforded an opportunity to testify with respect to fair and reasonable prices for the 1961 crop of sugarcane. Representatives of processors and a representative of producers testified and recommended that the major provisions of the 1960 crop determination remain unchanged for the 1961 crop. A processor representative stated that commencing with the 1961 crop the raw sugar delivered to the refinery by his company would be priced on the basis of the domestic spot price quotations for bulk sugar, and he recommended that the same price basis be used in making settlements with producers for sugarcane. The representatives of two processors reviewed their arrangement for marketing molasses whereby one processor sells the molasses production of both processing companies. Both of the representatives indicated that under such circumstances it would be equitable to base the molasses payment to be made to producers by each processor upon the weighted average net sales price of all molasses sold by the processor during the 12-month period ending May 31.

Consideration has been given to the recommendations presented at the hearing, and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Florida, obtained through field survey for a recent year, have been recast in terms of prospective price and production conditions for the 1961 crop. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns from sugar and molasses between producers and processors based on their sharing of costs.

The recommendation that the daily spot price quotations for raw sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) be used for computing the average price of raw sugar on which settlements for sugarcane are based has been adopted. Prior determinations required the use of spot price quotations of the No. 6 domestic contract applicable to bagged sugar. However, this contract is no longer in use and price quotations thereunder were discontinued as of February 1, 1961.

Prior determinations have provided that the processor bear the costs of transporting sugarcane from the farm, or from the railroad siding nearest the farm if transported by railroad, to the mill. However, new sugar mills have been constructed and new producers are engaging in the production of sugarcane, some of whom are located at distances in excess of 16 miles from the mill, the greatest distance which sugarcane has heretofore been transported for the account of the processor. To enable these new producers to have a market for their sugarcane and to avoid excessive transportation cost to the processor where the farm is located a considerable distance from the mill, it is deemed equitable to permit the processor to limit his responsibility for transportation cost. Thus, the processor who transports sugarcane for the producer may charge the producer 5 cents per gross ton for each mile in excess of 16 miles, or if the producer transports sugarcane to the mill for a distance greater than 16 miles, the total cost which the processor is required to bear is 80 cents per gross ton of sugarcane.

During the past several years one processor has marketed molasses for his own account and also for the account of another processor. The arrangements between these processors in relation to the requirement of the fair price determinations have resulted in one of the processors being unable to make the final molasses payment to producers immediately after the end of the marketing period. The provision relating to the molasses payment is modified in accordance with the suggestions made at the hearing and will enable the processor to make payment to producers somewhat sooner after the end of the marketing period than heretofore.

On the basis of examination of all the pertinent factors, the changes in this determination will result in an equitable sharing of proceeds and the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. 1131)

Signed at Washington, D.C., on October 30, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10432; Filed, Nov. 1, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 876; Amdt. 358]

PART 507—AIRWORTHINESS DIRECTIVES

De Havilland Heron Model 114 Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring periodic inspections for cracking of the wing rear spar web on De Havilland Heron Model 114 aircraft without Modification No. 1454 was published in 26 F.R. 8597.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to all Heron Model 114 aircraft without Modification No. 1454.

Compliance required as indicated.

(a) Cases have occurred of cracking of the wing rear false spar web adjacent to the wing-to-fuselage attachment P/N 14W 253/4.

To preclude failure of the spar, an X-ray or visual inspection for cracks must be conducted in accordance with De Havilland Technical News Sheet CT(114) No. W. 10 Issue 2, within the next 250 hours' time in service after the effective date of this directive and at each 600 hours' time in service thereafter. If cracks are found, repair in accordance with De Havilland Drawing RD 14W 224, Issue 4, or subsequent, within the time in service given in paragraphs (1), (2), and (3).

(1) Cracks less than ½ inch in length must be repaired at the next wing removal and the inspection in (a) must be made every 600 hours' time in service in the interim between the inspection and the wing removal.

(2) Cracks of ½ inch to 1½ inches in length must be repaired within 300 hours' time in service after the inspection.

(3) Cracks exceeding 1½ inches in length must be repaired within the next 150 hours' time in service after the inspection.

(b) The special inspection in (a) is no longer required when the repair per Drawing RD 14W 224, Issue 4, or subsequent, has been incorporated.

(De Havilland Technical News Sheet CT (114) No. W. 10 Issue 2 dated July 24, 1961, covers this subject.)

This amendment shall become effective December 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10444; Filed, Nov. 1, 1961; 8:49 a.m.]

[Regulatory Docket No. 944; Amdt. 359]

PART 507—AIRWORTHINESS DIRECTIVES

Mooney M-20, M-20A, and M-20B Aircraft

Failure of the copper fuel and oil pressure gage lines on Mooney M-20, M-20A, and M-20B aircraft has occurred. Since this creates a potential fire hazard which can occur on other aircraft of the same type design which have not previously been modified, it is necessary to require replacement of the copper lines with flexible hose.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

MOONEY. Applies to the M-20, M-20A, and M-20B aircraft, Serial Numbers 1001 through 1875.

Compliance required within 25 hours' time in service after the effective date of this AD unless already accomplished.

To prevent failures of the fuel and oil pressure gage lines in the accessory compartment, the following replacement is required:

Replace the copper fuel and oil pressure gage lines from the firewall to the engine pickup location with flexible hose in accordance with Mooney Service Letter 20-82A or replace with other FAA approved equivalent lines or fittings.

(Mooney Service Letter 20-82A covers this same subject.)

This amendment shall become effective November 2, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10445; Filed, Nov. 1, 1961; 8:49 a.m.]

[Regulatory Docket No. 945; Amdt. 360]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

Amendment 340, 26 F.R. 8935, required compliance with the provisions of paragraph (f)(2) no later than 30 days after the effective date of the AD for aircraft having accumulated 16,000 or more flights at 5.5 p.s.i. on the fuselage skin overlap joints on Vickers Viscount 745D and 810 Series aircraft. However, the applicable PTL upon which the amendment was based allows 16,800 flights at 5.5 p.s.i. instead of the 16,000 flights prescribed in Amendment 340, 26 F.R. 8935. Subsequent evaluation indicates that it is not necessary to require compliance at an interval which is more restrictive than that contained in the PTL and therefore paragraph (f)(2) of Amendment 340 is being revised accordingly.

Since this provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 340 (26 F.R. 8935) Vickers Viscount 745D and 810 Series aircraft is amended by revising paragraph (f)(2) as follows:

(2) Fuselage Skin Overlap Joints—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with incorporation of Modification D.2990 (a) or (b) (745D aircraft) or Modification FG.1783 (810 aircraft) required no later than 30 days after the effective date of this AD for aircraft having accumulated 11,000 or more flights at 6.5 p.s.i., or 16,800 or more flights at 5.5 p.s.i., or 30,000 or more flights at 4.5 p.s.i.

This amendment shall become effective November 2, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10446; Filed, Nov. 1, 1961; 8:49 a.m.]

[Regulatory Docket No. 946; Amdt. 361]

PART 507—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

The incorrect installation of the main rotor pitch link rod end bearing on a Bell Model 47G-2 helicopter resulted in loss of the ball bearings and subsequent loss of main rotor control. To preclude the possibility of rod end bearing failures on other Bell Model 47 Series helicopters, an airworthiness directive requiring a one-time only inspection is necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BELL. Applies to all Model 47 Series helicopters.

Compliance required as indicated.

To preclude failure of the main rotor pitch link rod end bearing P/N RE4F7 which causes loss of main rotor control, the following one-time only inspection is required to determine that the bearing is correctly installed.

(a) Within the next 10 hours' time in service after the effective date of this AD, on all Model 47 Series helicopters, inspect the main rotor control pitch link located between the stabilizer bar mixing lever and the main rotor blade control horn to see that the rod end bearing sides are parallel to the cleris slot. These surfaces must be adjusted parallel to prevent binding of the rod end bearing at extreme ends of travel, as specified, in all applicable model maintenance manuals.

(b) Within the next 10 hours' time in service after the effective date of this AD, inspect all Models 47D, 47D-1, 47H-1, 47G, 47G-2, and 47J helicopters equipped with Fafnir P/N RE4F7 rod end bearing as follows:

(1) Remove the RE4F7 rod end bearing in accordance with the applicable maintenance manual and visually inspect for obvious damage or defect of the outer race such as nicks and gouges adjacent to the shield, looseness, roughness, distortion or kinks in bearing shields.

(2) If any damage or defect is found, replace the bearing prior to further flight.

(3) If no damage or defect is found, the bearing may be reinstalled.

(4) The installation of the bearings under subparagraphs (2) or (3) shall be made in accordance with the applicable maintenance manual making positive that requirements of paragraph (a) are followed.

(c) Helicopters listed in paragraph (b) that are not equipped with the Fafnir P/N RE4F7 bearings are equipped with Bell P/N 45-140-241-3 rod end bearings. These bearings are of a different make and only require the inspection called for in paragraph (a). (Bell Service Instruction 345 SI covers this same subject for the models listed under (b).)

This amendment shall become effective November 7, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10447; Filed, Nov. 1, 1961; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6577]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Taxation of Amounts Received Under Family Income Riders

Correction

In F.R. Doc. 61-10287, appearing at page 10127 of the issue for Saturday, October 28, 1961, the date in § 1.101-4(b)(4) reading "October 20, 1961" should read "October 28, 1961".

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 601—SHOE AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Public Law 87-30), the Secretary of Labor by Administrative Order No. 558 (26 F.R. 7706) appointed and convened Review Committee No. 2-D, and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under above cited paragraph (C) of proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the shoe and related products industry in Puerto Rico, as that industry is defined in Administrative Order No. 558.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064 as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), section 6(c)(3) of the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending the first paragraph in 29 CFR 601.2, effective November 26, 1961, to read as follows:

§ 601.2 Wage rates.

(a) Wages at a rate of not less than 71 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the shoe and related products industry in Puerto Rico who in any workweek is engaged in commerce or the production of goods for commerce, and this classification shall be defined as all activities included in the definition of the shoe and related products industry in Puerto Rico, when performed by employees who would have been subject to section 6 of the Act prior to the 1961 amendments.

Signed at Washington, D.C., this 26th day of October 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-10426; Filed, Nov. 1, 1961; 8:46 a.m.]

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 793—EXEMPTION OF CERTAIN RADIO AND TELEVISION STATION EMPLOYEES FROM OVERTIME PAY REQUIREMENTS UNDER SECTION 13(b)(9) OF THE FAIR LABOR STANDARDS ACT

Chapter V of Title 29 of the Code of Federal Regulations is hereby amended by adding thereto an additional part, designated Part 793. The new Part 793 contains the interpretations formulated by the Department of Labor of section 13(b)(9) of the Fair Labor Standards Act of 1938, as added by the Fair Labor Standards Amendments of 1961 (sec. 9, Public Law 87-30), which provides an exemption from the overtime pay provisions of the Act for certain employees employed by certain small market radio and television stations.

This part shall become effective upon publication in the FEDERAL REGISTER.

The new 29 CFR Part 793 reads as follows:

INTRODUCTORY

Sec.
793.0 Purpose of interpretative bulletin.
793.1 Reliance upon interpretations.
793.2 General explanatory statement.

REQUIREMENTS FOR EXEMPTION

Sec.
793.3 Statutory provision.
793.4 General requirements for exemption.
793.5 What determines application of the exemption.
793.6 Exemption limited to employees in named occupations.
793.7 "Announcer."
793.8 "News editor."
793.9 "Chief engineer."
793.10 Primary employment in named occupations.
793.11 Combination announcer, news editor and chief engineer.
793.12 Related and incidental work.
793.13 Limitation on related and incidental work.
793.14 Employed by.
793.15 "Duties away from the station."
793.16 "Radio or television station."
793.17 "Major studio."
793.18 Location of "major studio".

WORKWEEK APPLICATION OF EXEMPTION

Sec.
793.19 Workweek is used in applying the exemption.
793.20 Exclusive engagement in exempt work.
793.21 Exempt and nonexempt work.

AUTHORITY: §§ 793.0 to 793.21 issued under secs. 1-19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201-219.

INTRODUCTORY

§ 793.0 Purpose of interpretative bulletin.

This Part 793 constitutes the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(b)(9) of the Fair Labor Standards Act of 1938, as amended. This section provides an exemption from the overtime pay provisions of the Act for certain employees employed by certain small market radio and television stations. This exemption was added to the Act by the 1961 amendments. It is the purpose of this bulletin to make available in one place the interpretations of the provisions in section 13(b)(9) which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon re-examination of an interpretation, that it is incorrect.

§ 793.1 Reliance upon interpretations.

The interpretations of the law contained in this part are official interpretations which may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947. All prior opinions, rulings and interpretations which are inconsistent with the interpretations in this bulletin are rescinded and withdrawn.

§ 793.2 General explanatory statement.

Some employees of radio and television stations perform work which may be exempt from the minimum wage and overtime requirements under section 13(a)(1) of the Act. The 13(a)(1) exemption applies to employees employed in a bona fide executive, administrative or professional capacity, or in the capacity of outside salesman, as these terms are defined and delimited by regulations of the Secretary. This exemption con-

tinues to be available for employees of radio and television stations who meet the requirements for exemption specified in Part 541 of this chapter. The section 13(b)(9) exemption, which is an exemption from the overtime provisions of the Act, but not from the minimum wage requirements, applies to a limited classification of employees employed by small market radio and television stations whose employment meets the requirements for the exemption. These requirements and their meaning and application are discussed in this bulletin.

REQUIREMENTS FOR EXEMPTION

§ 793.3 Statutory provision.

Section 13(b)(9) of the Act exempts from the overtime requirements of section 7, but not from the minimum wage provisions of section 6, of the Act:

> any employee employed as an announcer, news editor, or chief engineer by a radio or television station the major studio of which is located (A) in a city or town of one hundred thousand population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Budget, which has a total population in excess of one hundred thousand, or (B) in a city or town of twenty-five thousand population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area.

§ 793.4 General requirements for exemption.

All of the following requirements must be met in order that an employee may be exempt under section 13(b)(9):

(a) The employee must be "employed as" an announcer, or a news editor, or a chief engineer.

(b) The employee must be employed "by" a radio or television station.

(c) The major studio of such radio or television station must be located in a city or town which meets the prescribed population and locality tests.

§ 793.5 What determines application of the exemption.

The exemption applies only to an employee who is "employed as" an announcer, news editor, or chief engineer, under the conditions specified in section 13(b)(9). Although the nature of the employer's business is important in applying the exemption to a particular employee in one of the named occupations, employment in the named occupation is an essential prerequisite for exemption. Whether an employee is exempt therefore depends upon an examination of his duties as well as the nature of the employer's activities. Some employees of the employer may be exempt and others may not.

§ 793.6 Exemption limited to employees in named occupations.

The legislative history of section 13(b)(9) makes it clear that the exemption is specifically limited to employees employed in the specified occupations (S. Rept. 145, 87th Cong., 1st sess., p. 37). To be exempt, therefore, an employee must be employed in the named occupations of announcer, a news editor, or a chief engineer. In applying this test to an employee, his title or job description is not determinative. His aggregate duties, as evidenced by the work which he actually performs in his everyday activities, determines the nature of his occupation. The employee's duties, taken as a whole, must characterize the occupation of the employee as that of announcer, news editor, or chief engineer, if the statutory requirement that he be "employed as" such an employee is to be satisfied (see Walling v. Haden, 153 F. 2d 196, cert. denied 328 U.S. 866). This exemption does not apply to employees who are employed in occupations other than those of announcer, news editor, or chief engineer.

§ 793.7 "Announcer."

An announcer is an employee who appears before the microphone or camera to introduce programs, read news announcements, present commercial messages, give station identification and time signals, and present other similar routine on-the-air material. In small stations, an announcer may, in addition to these duties, operate the studio control board, give cues to the control room for switching programs, make recordings, make the necessary preparations for the day's programs, play records, or write advertising, promotional or similar type copy. An employee who is primarily engaged in the above described activities and in activities which are an integral part thereof will be considered to be employed as an announcer within the meaning of the exemption in section 13(b)(9).

§ 793.8 "News editor."

A news editor is an employee who gathers, edits and rewrites the news. He may also select and prepare news items for broadcast and present the news on the air. An employee who is primarily engaged in the above duties and in activities which are an integral part thereof will be considered to be employed as a news editor within the meaning of the exemption in section 13(b)(9).

§ 793.9 "Chief engineer."

A chief engineer is an employee who primarily supervises the operation, maintenance and repair of all electronic equipment in the studio and at the transmitter and is licensed by the Federal Communications Commission as a Radio Telephone Operator First Class. In small stations, only one such engineer may be employed, and in some cases he may be assisted by part-time workers from other departments. The engineer in such cases will be regarded as employed as the "chief engineer" for purposes of the section 13(b)(9) exemption provided that he performs the duties described above and is properly licensed by the Federal Communications Commission. Where two or more engineers are employed by a station, only one may qualify as "chief engineer"—that one who, on the basis of the factual situation, is in charge of the engineering work.

§ 793.10 Primary employment in named occupations.

The legislative history of the exemption is explicit that the exemption applies only to an employee who is employed "primarily" as an announcer, news editor, or chief engineer. Thus the Senate Report states: "The exemption is specifically limited to those employees who are employed primarily in the named occupations * * *" (S. Rept. 145, 87th Cong., 1st sess., p. 37). No specific rule can be established for determining whether in any given case an employee is employed "primarily" in the named occupations. Generally, however, where an employee spends more than half of the hours he works in a workweek in a named occupation, he will be considered to be primarily employed in such occupation during that workweek. The answer will necessarily depend upon the facts in each case.

§ 793.11 Combination announcer, news editor and chief engineer.

The 13(b)(9) exemption, as was made clear during the debate on the amendment, is intended to apply to employees employed in the named occupations by small market radio and television stations. It was known at the time of such debate that these stations employ only a small number of employees and that, at times, an employee of such a station may perform a variety of duties in connection with the operation of the station. For example, an employee may perform work both as an announcer and as a news editor. In such cases, the primary employment test under the section 13(b)(9) exemption will be considered to be met by an employee who is employed primarily in any one or any combination of the named occupations. Thus an employee who works both as an announcer and news editor for the greater part of the workweek will be considered to be primarily employed in the named occupations during that week.

§ 793.12 Related and incidental work.

An employee who is employed primarily in one or more of the named occupations may also engage in other duties pertaining to the operation of the station by which he is employed. The Senate Report states that, for purposes of this exemption, employees who are primarily employed in the named occupation "may engage in related activities, including the sale of broadcasting time for the broadcasting company by which they are employed, as an incident to their principal occupation", (S. Rept. 145, 87th Cong., 1st sess., p. 37). Time spent in such duties will not be considered to defeat the exemption if the employee is primarily employed in the named occupations and if the other requirements of the exemption are met.

§ 793.13 Limitation on related and incidental work.

The related work which an employee may perform is clearly limited in nature and extent by a number of requirements. One limitation is that the work must be an incident to the employee's primary occupation. The work therefore may not predominate over his primary job. He is not "employed as" an announcer, news editor, or chief engineer if his dominant employment is in work outside such occupations (see Walling v. Haden, 153 F. 2d 196, cert. denied 328 U.S. 866). For instance, an announcer who spends 40 hours of his 48 hour workweek in selling broadcasting time would not be considered to be "incidentally" engaged in such selling. Selling would in such circumstances be his primary occupation. His duties as an announcer must constitute his primary job. Another requirement is that the work of the employees must be performed "for the broadcasting company by which they are employed * * *" (see S. Rept. cited in § 793.12). Sale of broadcasting time for a company which does not employ the employee as an announcer, news editor, or chief engineer, is not exempt work. Work which is not performed for the station by which the employee is employed, is not intended to be exempt. For a discussion of the effect on the exemption of nonexempt work see §§ 793.19 to 793.21.

§ 793.14 Employed by.

The application of the exemption is limited to employees "employed by" a radio or television station. The question whether a worker is employed "by" a radio or television station depends on the particular facts. (See Rutherford Food Corporation v. McComb, 331 U.S. 722; U.S. v. Silk, 331 U.S. 704.) In general, however, an employee is so employed where he is hired by the radio or television station, engages in its work, is paid by the radio or television station and is under its supervision and control. Employees of independent contractors and of others who work for a radio or television station but who are not "employed by" such station are not exempt under this exemption even if they engage in the named occupation. (Mitchell v. Kroger, 248 F. 2d 935.)

§ 193.15 Duties away from the station.

An employee who is "employed by" a radio or television station in one or more of the named occupations may perform his work at the station or away from the station so long as his activities meet the requirements for exemption.

§ 793.16 "Radio or television station."

The employee must be employed by a "radio or television station." A radio or television station is one which is designated and licensed as such by the Federal Communications Commission.

§ 793.17 "Major studio."

The exemption further depends on whether "the major studio" of the radio or television station which employs the employee is in a city or town as defined in section 13(b)(9). The location of secondary studios of the radio or television station is immaterial. It is the location of the "major" studio that determines the qualification of the employer for the exemption. A major studio for purposes of the exemption is the main studio of the radio or television station as designated on the station's license by the Federal Communications Commission. It is this major studio which must be located in the city or town as defined in section 13(b)(9) of the Act.

§ 793.18 Location of "major studio".

Section 13(b)(9) specifies that the "major studio" must be located "(A) in a city or town of one hundred thousand population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Budget, which has a total population in excess of one hundred thousand, or (B) in a city or town of twenty-five thousand population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area." These tests may be summarized as follows:

(a) *A city or town with more than 100,000 population.* The exemption does not apply to any employee of a radio or television station the major studio of which is located in any city or town with a population in excess of 100,000.

(b) *A city or town with 100,000 population or less.* The exemption may apply if the major studio is located in a city or town of not more than 100,000 population: *Provided,* That the city or town is not within a standard metropolitan statistical area which has more than 100,000 population.

(c) *A city or town with 25,000 population or less.* The exemption may apply even if the major studio is located in a city or town that is within a standard metropolitan statistical area which has more than 100,000 population: *Provided,* That such city or town has a population of not more than 25,000, and the city or town is at least 40 airline miles from the principal city in such area.

(d) *Sources of information.* The Bureau of the Budget issues periodically a booklet entitled "Standard Metropolitan Statistical Areas", which lists and describes these areas in the United States and Puerto Rico. The booklet lists the Standard metropolitan statistical areas by name and shows their population according to the latest available decennial census figures as compiled by the Bureau of the Census. The booklet also lists the major cities within each standard metropolitan statistical area and the population of these cities. From time to time, new areas are designated as "standard metropolitan statistical areas" and areas once designated as such are deleted from the area definitions. This booklet may be purchased, for 25 cents, from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

(e) *Principal city.* The term "principal city", as used in section 13(b)(9), means the "central city", or cities, of the standard metropolitan statistical area, which are defined and designated as such by the Bureau of the Census. The name of the "central city" is incorporated in the name of the standard metropolitan statistical area. Where two or more cities are designated by the Bureau of the Census as the "central cities", the names of such cities appear in the title of the standard metropolitan statistical area. For example, the "Duluth-Superior" standard metropolitan statistical area, has two "central" cities, namely Duluth and Superior; both appear in the title of the standard metropolitan statistical area, and both are regarded as "principal" cities for purposes of the section 13(b)(9) exemption. Where, as in the example, more than one city is designated as the "central" city, airline mileage will be measured from that "central" city which is nearest to the city or town in which the major studio of the radio or television station is located.

(f) *Determining the population.* The population of a city or town, or of a standard metropolitan statistical area, will be determined by the latest available decennial census figures as compiled by the U.S. Bureau of the Census.

(g) *Measuring airline miles.* Airline miles for purposes of the section 13(b)(9) exemption are measured, with a straight edge on a map, from the zero milestone, or the city hall, of the "central" city, to the zero milestone, or city or town hall, of the city or town in which the major studio of the radio or television station is located.

WORKWEEK APPLICATION OF EXEMPTION

§ 793.19 Workweek is used in applying the exemption.

The unit of time to be used in determining the application of the exemption under section 13(b)(9) to an employee is the workweek. (See Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n, 80 F. Supp. 953, affirmed, 181 F. 2d 697.) A workweek is a fixed and regularly recurring period of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. The workweek may not be changed for the purpose of evading the requirements of the Act.

§ 793.20 Exclusive engagement in exempt work.

An employee who engages exclusively in a workweek in work which is exempt under section 13(b)(9) is exempt from the Act's overtime requirements for the entire week.

§ 793.21 Exempt and nonexempt work.

Where an employee in the same workweek performs work which is exempt from the overtime requirements of the Act under section 13(b)(9), and also engages in work to which the overtime requirements apply, he is not exempt from overtime provisions of the Act in that week. (See McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed, 181 F. 2d 697; Mitchell v. Hunt, 263 F. 2d 913; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969; McComb v. del Valle, 80 F. Supp. 945; Walling v. Peacock Corp., 58 F. Supp. 880.) As explained in § 793.13, work which does not come within the occupational duties of an announcer, news editor, or chief engineer, or which is not related and incidental thereto, is

not exempt work under section 13(b)(9). The mere isolated or occasional performance of insubstantial amounts of such nonexempt work will not defeat the exemption for the employee. Where, however, an employee, in a particular workweek, performs a substantial amount of nonexempt work to which the overtime provisions of the Act are applicable, the employee is not exempt under section 13(b)(9) in that workweek. For administrative purposes an employee who spends 20 percent or more of the hours he works in a workweek in such nonexempt work, will not be considered exempt under section 13(b)(9) in that workweek.

Signed at Washington, D.C., this 30th day of October 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-10451; Filed, Nov. 1, 1961; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean Off Cape Cod, Massachusetts

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.3 governing the use and navigation of a danger zone in the Atlantic Ocean off Wellfleet, Cape Cod, Massachusetts, is hereby revoked effective on publication in the FEDERAL REGISTER since the danger zone is no longer required for a firing range, as follows:

§ 204.3 Atlantic Ocean off Cape Cod, Mass.; Army Antiaircraft Artillery firing range. [Revoked]

[Regs., October 6, 1961, 285/91 (Atlantic Ocean, Mass.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-10418; Filed, Nov. 1, 1961; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MAXIMUM DURATION OF THE COURSE

1. In § 21.204, paragraphs (b) and (c) are amended to read as follows:

§ 21.204 Maximum duration of the course.

* * * * *

(b) *Conditions governing providing vocational rehabilitation training for World War II veterans.* An otherwise eligible veteran who has been prevented from timely entering or, having entered, from completing vocational rehabilitation training may be afforded training beyond July 25, 1960, but not beyond July 25, 1965, subject to meeting one of the following conditions:

(1) The veteran had not entered training prior to July 25, 1960, but it is determined that:

(i) His physical or mental condition was such as to make training medically infeasible during all or any part of both of the periods April 25, 1952, to July 25, 1952, and April 25, 1956, to July 25, 1956. Such determination shall not be based upon an acute condition of a transitory nature such as would have caused a temporary delay as distinguished from an indefinite postponement of the veteran's induction into training; or

(ii) His discharge from service was such as to meet the basic eligibility requirements for vocational rehabilitation for the first time on or subsequent to April 25, 1956; or

(iii) He first established the existence of a service-connected compensable disability on or subsequent to April 25, 1956; or

(iv) Subsequent to April 25, 1956, he has established the existence of an increase in the degree of the disabling effect of his service-connected disability or an additional service-connected disability which warrants a current finding that need for vocational rehabilitation exists and is attributable to the change.

(2) The veteran had entered training on or before July 25, 1960, had been unable to enter, or, having entered, had been unable to complete training before July 25, 1956, for one of the reasons specified in the law and Veterans Administration regulations governing training during the 4-year period following July 25, 1956, and it is determined that one of the following additional conditions exists:

(i) As of the last day when sufficient time remained to permit completion of the course by July 25, 1960, the veteran's physical or mental condition:

(*a*) Made pursuit of training medically infeasible; or

(*b*) Required a reduction in his scheduled hours of training; or

(*c*) Prevented an anticipated increase in his scheduled hours of training where the veteran was already pursuing training on a reduced-time basis.

(ii) Because of the veteran's physical or mental condition and, through no fault on his part, revaluation became necessary, and the objective selected required or requires training beyond July 25, 1960. Where such veteran was in interrupted or discontinued status, except where his physical or mental condition prevented him from pursuing training, he must have made himself available for reentrance when there was sufficient time remaining before July 25, 1960, to complete the training which would have been required to attain the last established objective of record.

(3) The veteran was in pursuit of a course of vocational rehabilitation training on June 1, 1960.

A World War II veteran may not be entered or reentered into training which cannot be completed by July 25, 1965, except under paragraph (d) of this section.

(c) *Conditions governing providing vocational rehabilitation training for Korean conflict veterans.* The basic termination date for a disabled veteran of the Korean conflict is August 20, 1963, if he was discharged from active service prior to August 20, 1954; or January 31, 1964, or that date which is exactly 9 years after his discharge or release from active service whichever is earlier, if he was discharged on or after August 20, 1954. In accordance with the following provisions an otherwise eligible veteran who has been prevented from timely entering or, having entered, from completing vocational rehabilitation training within the 9-year period ending with his basic termination date, may be afforded training beyond his basic termination date but not beyond a date falling exactly 4 years after his basic termination date.

(1) *Prevented from timely entering training.* A veteran who has not entered training prior to his basic termination date shall be deemed to have been prevented from timely entering training if it is determined that:

(i) His physical or mental condition was such as to make training medically infeasible during all or any part of the 90-day period immediately preceding the date falling exactly 4 years prior to his basic termination date. Such determination shall not be based upon an acute condition of transitory nature such as would have caused a temporary delay as distinguished from an indefinite postponement of the veteran's induction into training; or

(ii) His discharge from service was such as to meet the basic eligibility requirement for vocational rehabilitation for the first time on or subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date; or

(iii) He first established the existence of a service-connected compensable disability on or subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date, he has established the existence of an increase in the degree of the disabling effect of his service-connected disability or an additional service-connected disability which warrants a current finding that need for vocational rehabilitation exists and is attributable to the change.

(2) *Having timely entered training, prevented from completing training.* A veteran who was not prevented from timely entering vocational rehabilitation training, and who was properly entered into training will be deemed to have been prevented from completing his training only when it is determined that one of the following conditions exists:

(i) As of the last day when sufficient time remained or remains to permit completion of the course within the 9-year period ending with his basic termination date, the veteran's physical or mental condition:

(*a*) Made or makes pursuit of training medically infeasible; or

(*b*) Requires a reduction in his scheduled hours of training; or

(*c*) Prevents an anticipated increase in his scheduled hours of training where the veteran is already pursuing training on a reduced-time basis.

(ii) Because of the veteran's physical or mental condition and, through no fault on his part, revaluation is necessary, and the objective selected will require training beyond his basic termination date. Where such veteran was in interrupted or discontinued status, except where his physical or mental condition prevented him from doing so, he must have made himself available for reentrance when there was sufficient time remaining before his basic termination date to complete the training which would have been required to attain the last established objective of record.

A Korean conflict veteran may not be entered or reentered into training which cannot be completed by his termination date except under this paragraph or paragraph (d) of this section.

* * * * *

2. Section 21.800 is revoked.

§ 21.800 Vocational rehabilitation for disabled veterans of World War II, who were prevented from timely entering or completing training. [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective November 2, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-10439; Filed, Nov. 1, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2526]

[New Mexico 094320]

NEW MEXICO

Withdrawing Lands for Use of the Atomic Energy Commission

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Atomic Energy Commission for experimental project purposes, and allied safety areas:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 30 E.,
Sec. 10, NW¼NW¼;
Sec. 34.
(680 acres.)

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 26, 1961.

[F.R. Doc. 61-10429; Filed, Nov. 1, 1961; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-1260]

PART 1—PRACTICE AND PROCEDURE

Taking of Depositions in Hearing Proceedings

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration §§ 1.122 and 1.123 of its rules of practice and procedure, which pertain to the taking of depositions in hearing proceedings; and

It appearing, under these provisions, that the presiding officer has no opportunity to rule on the propriety of depositions unless a motion opposing the taking of depositions is filed by one of the parties or by the person to be examined, and that his authority to prevent the taking of depositions is severely restricted even in the event such a motion is filed; and

It further appearing that there are circumstances in which the taking of depositions is neither necessary nor desirable and in which a timely adverse ruling by the presiding officer will effect a saving of work, time, and expense, and will expedite the conduct of the hearing; and

It further appearing that the presiding officer is charged with controlling the course and conduct of the hearing and that, in effectively exercising this responsibility, he should be afforded an opportunity to prevent or restrict the taking of depositions; and

It further appearing that the amendments adopted herein pertain to matters of procedure and hence that section 4 of the Administrative Procedure Act is inapplicable; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 303(r), and 409 of the Communications Act of 1934, as amended;

It is ordered, effective November 2, 1961, except as notices of the taking of depositions may have been served upon the parties before that date, that Part 1, rules of practice and procedure, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303; sec. 409, 75 Stat. 422, as amended; 47 U.S.C. 409)

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 1.122 and 1.123 are amended to read as follows:

§ 1.122 Notice of take depositions.

(a) A party to a hearing desiring to take the deposition of any person shall give reasonable notice in writing to every other party and to the person to be examined. An original and seven copies of the notice shall be filed with the Commission.

(b) The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined.

(3) The matters upon which each person will be examined.

(4) A statement of reasons supporting the need for eliciting testimony upon such matters by deposition rather than by direct testimony.

(5) A statement of reasons (where depositions on a single matter are to be taken from more than one person) for taking multiple depositions to establish the facts in question.

§ 1.123 Deposition orders.

(a) On his own motion or upon motion reasonably made by any party or by the person to be examined, the presiding officer may order:

(1) That the deposition shall not be taken.

(2) That it may be taken only at some designated time or place other than that stated in the notice.

(3) That it may be taken only on written interrogatories.

(4) That certain matters shall not be inquired into.

(5) That the scope of the examination shall be limited to certain matters.

(6) That the examination shall be held under such circumstances as will effectuate the ends of justice.

(7) That after being sealed the deposition shall be opened only by order of the presiding officer.

(b) Motions opposing the taking of depositions shall be served on all parties to the proceeding and on the person to be examined. No further pleadings may be filed unless specifically requested or authorized by the presiding officer. The presiding officer may in his discretion direct the parties or their attorneys to appear at a specified time and place for a conference to consider matters raised by the notice or the opposition.

(c) If a motion opposing the taking of depositions is not filed, and if no action is taken by the presiding officer on his own motion, within ten days after filing of the notice to take depositions,

the depositions described in the notice may be taken.

(d) In acting on the notice to take depositions, the presiding officer may consider the following matters:

(1) The relevancy and materiality of the matters upon which each person will be examined, and the competency of such person to testify on such matters.

(2) Any measures which justice may require to protect a party or witness from annoyance, embarrassment, or oppression.

(3) The desirability of establishing the facts in question by direct testimony rather than by deposition.

(4) The necessity for taking multiple depositions to establish the facts in question.

(e) No inference concerning the admissibility of a deposition in evidence shall be drawn because of favorable action on the notice to take depositions.

(f) Nothing in this section or in § 1.122 shall be construed to prevent the taking of depositions which may be authorized by the presiding officer on the record during the course of either a prehearing conference or an evidentiary hearing.

[F.R. Doc. 61-10467; Filed, Nov. 1, 1961; 8:52 a.m.]

[Docket No. 6741]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

Clear Channel Broadcasting In Standard Broadcast Band; Order Extending Time for Filing Responses to Petitions for Reconsideration

1. In a motion, filed October 25, 1961, Midwest Radio-Television, Inc., licensee of Station WCCO, Minneapolis, Minnesota, and a party to the above-entitled proceeding, requests that the time for filing responses to the petitions for reconsideration herein be extended to November 6, 1961. In so doing, it notes that the petitions for reconsideration have been filed on various different dates so that responses would fall due on different dates, and suggests the November 6 date be made applicable to all such responses.

2. Since it does not appear that the Commission would, in any event, be able to complete its study of this matter prior to the date requested, the requested extension of time will not delay disposition of the petitions or prejudice any party. Moreover, it is desirable that the Commission have before it the benefit of the opposing views. We therefore find the requested extension to be warranted and that it will serve the public interest.

3. *Accordingly, it is ordered,* This 26th day of October 1961, That the aforesaid motion of Midwest Radio-Television, Inc. is granted; and that the time for filing responses to petitions for reconsideration herein is extended to November 6, 1961.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10468; Filed, Nov. 1, 1961; 8:52 a.m.]

[FCC 61-1292]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

Modification and Clarification of Application Processing Under New Clear Channel Rules

OCTOBER 27, 1961.

This notice refers to the Report and Order released by the Commission September 14, 1961 (26 F.R. 8886) in the Clear Channel proceeding (Docket No. 6741). In addition to amending Part 3 of the rules concerning the use of certain clear channel frequencies, that Report and Order also amends Part 1 with respect to the procedures to be followed in processing applications on frequencies adjacent to those substantively affected by the amendments to Part 3. This Public Notice is being issued to clarify the processing of applications under the new rules and to announce certain modifications adopted today and effective October 30, 1961. Those modifications, which will be the subject of a Supplement to the Report and Order in Docket No. 6741, apply to applications for new stations or major change in an existing station on one of the frequencies within 30 kc of one of the 12 Class I–A frequencies on which the status quo is presently maintained. The details thereof are incorporated within the explanation which follows.

Clear channels. It should be noted that, excluding the States of Alaska and Hawaii, and the Commonwealth of Puerto Rico and the Virgin Islands, the amendment of § 3.25 will permit the assignment of only one additional unlimited time station to certain of the clear channels listed under § 3.25(a) and will bar the assignment of any other new stations, either unlimited time, daytime, or part-time, to these or any of the other Class I–A clear channels. Further, and with the exceptions mentioned above, existing stations now operating on these channels are restricted to the facilities authorized as of October 30, 1961. Therefore, no applications inconsistent with the new provisions of § 3.25, as outlined above, will be accepted for filing and such applications now on file will be dismissed.

Adjacent channels. With respect to applications involving operation on channels adjacent to (i.e., within 30 kc of) the clear channel frequencies now included in the new § 3.25(a) of the Commission rules, procedures previously in effect have been modified.

Applications involving frequencies adjacent to the 25 Class I–A clear channels will be treated as follows:

As to the 13 clear channels on which duplication by a new Class II station is being permitted, applications involving adjacent frequencies will be processed with a view to preserving the benefits expected to be realized from the new Class II assignments. Only those applications which would co-exist with the new assignments will be considered for grant. The specifics of the procedures are set out in paragraph (a) of new § 1.351 of the rules and are further explained in paragraphs 60–62 of the Report in Docket 6741.

As to the 12 clear channels on which decision has been deferred—beginning October 30, 1961, applications will not be accepted for new stations on, for change of frequency to, or to increase power or operate during nighttime hours not previously authorized on a frequency within 30 kc of one of these 12 Class I–A frequencies. Applications for such facilities filed prior to October 30, 1961 will be studied in the light of their likely impact upon the possible future use of the unduplicated clear channels. From such study, it is contemplated that more precise engineering criteria might evolve which can then be applied in acting upon those applications now pending and announced as standards to govern the acceptance of future applications on these adjacent frequencies. This moratorium on applications does not apply where the facilities requested are in Hawaii, Alaska, Puerto Rico or the Virgin Islands. Applications for other types of changes in facilities on these adjacent frequencies will be processed and acted upon in normal course.

For the adjacent channel frequencies which are subject to both of the above restrictions, applications will be subject to both sets of restrictions.

The formal text of the new rules adopted in Docket 6741 will in all cases govern. Special provision is made there for the frequencies 640, 830, 1230, and 1240 kc. Useful clarification of the adjacent channel question may be found in the following table of frequencies adjacent to the Class I–A clear channels:

610, 620, 630, 680, 690, 710, 730, 790, 800, 810, 850, 860, 900, 1010, 1050, 1060, 1070, 1130, 1140, 1150, 1170, 1190, 1220 kc.	Applications for new stations on, change of frequency to, or to increase power or operate nighttime hours not previously authorized on these frequencies: Will not be accepted on or after October 30, 1961. Those filed before that date will be studied in light of likely impact on either the new Class II assignments provided for on the 13 I–A channels, or possible future use of the other 12. Study continues with criteria and processing rules to be announced. Applications for other changes in facilities by existing stations: Such applications will be routinely processed except where they might impinge on the new Class II assignments provided on the 13 Class I–A channels. (This means such applications for 610, 620, or 630 kc will be routinely processed.)
640, 910, 920, 990, 1000, 1080, 1090, 1110, 1230, 1240 kc.	All applications will be processed, and considered for grant upon determination that grant would not impinge upon making of the new Class II assignments provided on the 13 Class I–A channels.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10471; Filed, Nov. 1, 1961; 8:53 a.m.]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

Measurement Procedure

The Commission having under consideration the desirability of making certain editorial changes in Part 15 of its rules and regulations; and

It appearing that § 15.63(b)(2) of the Commission's rules lists Institute of Radio Engineers Standard 54 IRE 17S1 and amendment 56 IRE 27S1 as measurement methods acceptable for certification of receivers; that these IRE Standards have been superseded by IRE Standard 61 IRE 27S1; that 61 IRE 27S1 prescribes the same measurement procedures as were prescribed by earlier IRE Standards, except that it clarifies and explains in detail the measurement procedures; and that the rule reference should be corrected to direct interested persons to the latest and most complete IRE Standard; and

It further appearing that since the amendment adopted herein is editorial in nature and imposes no new requirements, but clarifies and updates the existing requirements, that prior publication of notice of proposed rule making provided under section 4 of the Administrative Procedure Act is unnecessary and that the amendments may become effective immediately;

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegation of Authority and Other Information:

It is ordered, This 25th day of October 1961, that effective November 2, 1961, § 15.63(b)(2) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 15.63(b)(2) is amended to read as follows:

§ 15.63 Measurement procedure.

* * * * *

(b) * * *

(2) Institute of Radio Engineers Standard 61 IRE 27S1 for conducted interference measurements from frequency modulated and television broadcost receivers in the range 300 kc to 25 Mc.

[F.R. Doc. 61-10469; Filed, Nov. 1, 1961; 8:52 a.m.]

[FCC 61-1261]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration the Geneva Radio Regulations (1959), which were scheduled to become effective on May 1, 1961, and which have now been ratified by the United States; frequency changes made in Part 2 of the Commission's rules by a Second Memorandum Opinion and Order (FCC 61-1235) in Docket No. 13928; and changes in Parts 15 and 18 of its rules required to conform Parts 15 and 18 to the Geneva Radio Regulations and the changes in Part 2 of the rules; and

It appearing, apart from minor changes of an editorial nature, that the amendments adopted herein conform Parts 15 and 18 to the Geneva Radio Regulations and that such amendments are interpretative; and further that certain of these amendments conform Parts 15 and 18 with changes in Part 2 made following rule making proceedings and that such amendments are editorial in nature; and hence that section 4 of the Administrative Procedure Act is not applicable; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective November 2, 1961, Parts 15 and 18 are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 46 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Part 15 is amended by changing "kc" and "Mc", wherever they appear, to "kc/s" and "Mc/s".

2. Section 15.4(b) is amended to read as follows:

§ 15.4 General definitions.

* * * * *

(b) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

3. Change heading of Part 18 to read: "Industrial, Scientific and Medical Equipment."

4. Part 18 is amended by changing "kc" and "Mc", wherever they appear, to "kc/s" and "Mc/s".

5. Section 18.2 (f) and (g) is amended to read as follows:

§ 18.2 Definitions.

* * * * *

(f) "Industrial, scientific and medical equipment" (ISM equipment). Devices which use radio waves for industrial, scientific, medical or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

(g) "Harmful interference." Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

6. Section 18.6 is amended to read as follows:

§ 18.6 ISM frequencies and frequency tolerances.

The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency:	*Frequency tolerance*
13,560 kc/s	±6.78 kc/s
27,120 kc/s	±160.0 kc/s
40,680 kc/s	±20.0 kc/s
915 Mc/s [1]	±25.0 Mc/s
2,450 Mc/s [1]	±50.0 Mc/s
5,800 Mc/s [1]	±75.0 Mc/s
22,125 Mc/s [1]	±125.0 Mc/s

[1] The use of this frequency is subject to the conditions in § 18.7.

7. The introductory text of § 18.7 is amended to read as follows:

§ 18.7 Operation on microwave frequencies.

Except for industrial heating equipment which is regulated by §§ 18.101 through 18.122, inclusive, ISM equipment may be operated on the microwave ISM frequencies (915 Mc/s, 2450 Mc/s, 5800 Mc/s and 22,125 Mc/s) subject to the following conditions:

8. Section 18.11(a) is amended to read as follows:

§ 18.11 Operation on assigned frequencies.

* * * * *

(a) Such operation must conform to the general condition set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies:

ISM frequency:	*Frequency tolerance*
13,560 kc/s	±6.78 kc/s
27,120 kc/s	±160.0 kc/s
40,680 kc/s	±20.0 kc/s
915 Mc/s [1]	±25.0 Mc/s
2,450 Mc/s [1]	±50.0 Mc/s
5,800 Mc/s [1]	±75.0 Mc/s
22,125 Mc/s [1]	±125.0 Mc/s

[1] The use of this frequency is subject to the conditions in § 18.7.

9. The note following § 18.14 is amended to read: § 18.14 Procedure for type approval.

§ 18.14 Procedure for type approval.

* * * * *

NOTE: Medical diathermy equipment operated on 915 Mc/s, 2450 Mc/s, 5800 Mc/s or 22,125 Mc/s will be eligible for type approval upon a determination by the Laboratory Division of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.7.

10. In § 18.102, paragraphs (d) and (e) are amended by changing "5775 Mc" to "5725 Mc/s"; as amended, paragraphs (d) and (e) read as follows:

§ 18.102 Technical limitations.

* * * * *

(d) Radiation of radio frequency energy from any industrial heating equipment on any frequency below 5725 Mc/s, except ISM frequencies, shall be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of one mile or more from the equipment.

(e) Radiation of radio frequency energy from any industrial heating equipment on any frequency above 5725 Mc/s, except ISM frequencies, shall be reduced to the greatest extent practicable.

NOTE: The Commission will establish definite radiation limits for these frequencies as soon as information regarding equipment operating on these frequencies becomes available.

11. Section 18.107(f) is amended by changing "5775 Mc" to "5725 Mc/s", as follows:

§ 18.107 Measurement of field strength.

* * * * *

(f) The spectrum shall be investigated from the lowest frequency generated in the equipment up to the tenth harmonic of the fundamental frequency or to 5725 Mc/s whichever is lower.

[F.R. Doc. 61-10470; Filed, Nov. 1, 1961; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Horicon National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Horicon National Wildlife Refuge, Wisconsin is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,400 acres or 98 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only, during the season specified below. The hunting of big game species, as may be otherwise authorized by Wisconsin State regulations, is prohibited.

(b) Open season: From one-half hour before sunrise to sunset daily from December 2 through December 31, 1961.

(c) Bag limit: One deer, of any age or sex, per person per season.

(d) Methods of hunting:

(1) Weapons—Bows and arrows only. Bows must have a pull of not less than 30 pounds. Arrows must have well sharpened metal broadhead blades not less than seven-eighths of an inch and not more than one and one-half inches in width. Arrows with poisoned or explosive points may not be used. Bows held or released by mechanical means may not be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 26, 1961.

[F.R. Doc. 61-10434; Filed, Nov. 1, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Proposed Regulations Relating to the Election for Prior Taxable Years in the Case of Quartzite and Clay Used in the Production of Refractory Products

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 2(f) of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

The regulations set forth below are hereby prescribed under section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683):

Sec.

1.9005 Statutory provisions; section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683).
1.9005-1 Election relating to the determination of gross income from the property for taxable years beginning prior to 1961 in the case of clay and quartzite used in making refractory products.
1.9005-2 Effect of election.
1.9005-3 Statutes of limitation.
1.9005-4 Manner of exercising election.
1.9005-5 Terms; applicability of other laws.

§ 1.9005 Statutory provisions; section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683).

SEC. 2. *Election for quartzite and clay used in the production of refractory products*—(a) *Election for past years.* If an election is made under subsection (c), in the case of quartzite and clay used by the mine owner or operator in the production of refractory products, for the purpose of applying section 613 (c) of the Internal Revenue Code of 1954 (and corresponding provisions of the Internal Revenue Code of 1939) for each of the taxable years with respect to which the election is effective—

(1) The term "ordinary treatment processes" shall include crushing, grinding, and separating the mineral from waste, but shall not include any subsequent process; and

(2) The gross income from mining for each short ton of such quartzite or clay used in the production of all refractory products sold during the taxable year shall be equal to 87½ percent of the lesser of—

(A) The average lowest published or advertised price, or

(B) The average lowest actual selling price, at which, during the taxable year, the mine owner or operator offered to sell, or sold, such quartzite or clay (in the form and condition of such products after the application of only the processes described in paragraph (1) and before transportation from the plant in which such processes were applied). For purposes of this paragraph, exceptional, unusual, or nominal sales or selling prices shall be disregraded. If the mine owner or operator makes no sales of, or makes only exceptional, unusual, or nominal sales of, such quartzite or clay after application of only the processes described in paragraph (1), then in lieu of the price provided for in subparagraph (A) or (B) there shall be used the average lowest recognized selling price for the taxable year for such quartzite or clay in the marketing area of the mine owner or operator published in a trade journal or other industry publication.

(b) *Years to which applicable.* An election made under subsection (c) to have the provisions of this section apply shall be effective on and after January 1, 1951, for all taxable years beginning before January 1, 1961, in respect of which—

(1) The assessment of a deficiency,

(2) The refund or credit of an overpayment, or

(3) The commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on the date of the enactment of this Act by the operation of any law or rule of law. Such election shall also be effective on and after January 1, 1951, for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before the date of the enactment of this Act.

(c) *Time and manner of election.* An election to have the provisions of this section apply shall be made by the taxpayer on or before the 60th day after the date of publication in the FEDERAL REGISTER of final regulations issued under authority of subsection (f), and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations. Such election, if made, may not be revoked.

(d) *Statutes of limitations.* Notwithstanding any other law, the period within which an assessment of a deficiency attributable to the election under subsection (c) may be made with respect to any taxable year for which such election is effective, and the period within which a claim for refund or credit of an overpayment attributable to the election under such subsection may be made with respect to any such taxable year, shall not expire prior to one year after the last day for making an election under subsection (c). An election by a taxpayer under subsection (c) shall be considered as a consent to the application of the provisions of this subsection.

(e) *Terms; applicability of other laws.* Except where otherwise distinctly expressed or manifestly intended, terms used in this section shall have the same meaning as when used in the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939) and all provisions of law shall apply with respect to this section as if this section were a part of such Code (or corresponding provisions of the Internal Revenue Code of 1939).

(f) *Regulations.* The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section.

§ 1.9005-1 Election relating to the determination of gross income from the property for taxable years beginning prior to 1961 in the case of clay and quartzite used in making refractory products.

(a) *In general.* Section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683), provides that certain taxpayers may elect to apply the provisions of such section to all taxable years beginning before January 1, 1961, with respect to which the election is effective. Section 2 of the Act prescribes special rules for the application of section 613(c) of the Internal Revenue Code of 1954 (and corresponding provisions of the Internal Revenue Code of 1939) in the case of quartzite and clay used by the mine owner or operator in the production of refractory products.

(b) *Election.* The election to apply the provisions of section 2 of the Act may be made only in the case of quartzite and clay used in the production of products generally recognized as refractory products by the refractories industry. Examples of such products are clay firebrick, silica brick, and refractory bonding mortars. The election may be made only by a taxpayer who both mined the clay or quartzite and used it in the production of refractory products. The election must be made in accordance with § 1.9005-4 on or before the 60th day after the date of publication in the FEDERAL REGISTER of §§ 1.9005 to 1.9005-5, in final form, and the election shall become irrevocable on that date.

(c) *Years to which the election is applicable.* If the election described in paragraph (b) of this section is made by the taxpayer, the provisions of section 2 of the Act shall be effective on and after January 1, 1951, for all taxable years beginning before January 1, 1961, in respect of which the—

(1) Assessment of a deficiency,

(2) Refund or credit of an overpayment, or

(3) Commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on September 26, 1961, by the operation of any law or rule of law. The election is also effective on and after January 1, 1951, for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before September 26, 1961.

§ 1.9005–2 Effect of election.

(a) *In general.* If a taxpayer makes the election described in paragraph (b) of § 1.9005–1, he shall be deemed to have consented to the application of section 2 of the Act with respect to all the clay and quartzite described in that paragraph for all taxable years for which the election is effective whether or not the taxpayer is litigating the issue for any of such years. Thus, in applying section 613(c) of the Internal Revenue Code of 1954 (and corresponding provisions of the Internal Revenue Code of 1939) to those years—

(1) The term "ordinary treatment processes" shall include crushing, grinding, and separating the mineral from waste, but shall not include any subsequent process; and

(2) The gross income from mining for each short ton of quartzite or clay mined by the taxpayer and used by him in the production of all refractory products sold during the taxable year shall be equal to 87½ percent of the lesser of—

(i) The average lowest published or advertised price, or

(ii) The average lowest actual selling price at which the mine owner or operator offered to sell or sold any such quartzite or clay during the taxable year.

(b) *Rules for applying paragraph (a) of this section.* (1) The price described in paragraph (a)(2) of this section and any price described in this paragraph shall be determined with reference to quartzite or clay in the form and condition of such products after the application of only the processes described in paragraph (a)(1) of this section and before transportation from the plant in which such processes were applied.

(2) If quartzite and clay were mined and used by the taxpayer in the production of refractory products, a separate price shall be used with respect to each mineral.

(3) There shall be used for each mineral the lowest price at which it was sold or offered for sale by the taxpayer during the taxable year. Thus, only one price shall be used with respect to each mineral regardless of variations in type or grade.

(4) For purposes of this paragraph, exceptional, unusual, or nominal sales of quartzite or clay shall be disregarded. Thus, for example, if the taxpayer made an accommodation sale during the taxable year at other than the regular price, such sale is to be disregarded.

(5) If the taxpayer made no sales during the taxable year of quartzite or clay in the form and condition described in subparagraph (1) of this paragraph, or if his sales were exceptional, unusual, or nominal, there shall be used the lowest recognized selling price for the taxpayer's marketing area for quartzite or clay (of the same grade and type as that used by him) which was published for the taxable year in a trade journal or other industry publication.

(6) If subparagraph (5) of this paragraph does not apply for the reason that there is no recognized selling price published in a trade journal or other industry publication for the taxpayer's marketing area, there shall be used the lowest price at which quartzite or clay comparable to that used by the taxpayer was sold or offered for sale during the taxable year in that area by other producers similarly circumstanced as the taxpayer or, if appropriate, the lowest price paid by the taxpayer for purchased quartzite or clay.

(7) If the lowest selling price otherwise applicable under the preceding provisions of this paragraph fluctuated during the taxable year, the two or more lowest selling prices shall be averaged according to the number of days during the taxable year that each such price was in effect.

(c) The provisions of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1).—(i) *Facts.* Taxpayer A, a calendar year taxpayer, mined quartzite and clay and used them in the production of recognized refractory products. During the taxable year, the lowest price for which A sold clay after the application of crushing and grinding was $13.75 per short ton. He also sold some ground clay of a different type at $20.00 per short ton. A sold quartzite after the application of crushing and grinding for various prices, depending upon type, ranging from $14.00 per short ton to $20.00 per short ton. During the taxable year, the prices for the various types of ground clay and quartzite did not change. None of the sales by A of ground clay or quartzite were exceptional, unusual, or nominal.

(ii) *Determination of gross income from mining.* If A makes the election described in paragraph (b) of § 1.9005–1, the gross income from mining per short ton of clay mined by A and used in the production of refractory products sold during the taxable year is $12.03 (87½ percent of $13.75), and the gross income from mining per short ton of quartzite mined by A and used in the production of refractory products sold during the taxable year is $12.25 (87½ percent of $14.00). To determine his gross income from mining, A must compute the sum of—

(*a*) $12.03 multiplied by the number of short tons of clay which were mined by A (whether or not during the taxable year) and which were used by A in the production of refractory products (refractory bonding mortar, fire brick, etc.) sold during the taxable year; plus

(*b*) $12.25 multiplied by the number of short tons of quartzite which were mined by A (whether or not during the taxable year) and which were used by A in the production of refractory products sold during the taxable year.

Example (2). Assume the same facts as in example (1) except that on October 1 of the taxable year A's lowest price for clay after the application of crushing and grinding increased to $14.40 per short ton. In this case, the average lowest price for which A sold ground clay during the taxable year must be determined by taking into account the price adjustment of October 1. Under these circumstances, the average lowest price for the ground clay would be $13.91, that is $\$13.75 \times \frac{273}{365}$ plus $\$14.40 \times \frac{92}{365}$.

(d) *Effect on depletion rates and other items.* The election shall have no effect on the applicable rate of percentage depletion for the taxable years for which the election is effective. In applying the election to the years affected there shall be taken into account the effect that any adjustments resulting from the election shall have on other items affected thereby, such as charitable contributions, foreign tax credit, net operating loss, and the effect that adjustments to any such items shall have on other taxable years. The provisions of section 2 of the Act are applicable with respect to taxable years subject to the Internal Revenue Code of 1939 for purposes of applying sections 450 and 453 of that Code. The election shall have no effect on the determination of the treatment processes which are to be considered as mining or on the determination of gross income from mining for any taxable year beginning after December 31, 1960.

§ 1.9005–3 Statutes of limitation.

Notwithstanding any provision of law to the contrary, the period within which the assessment of any deficiency attributable to the election may be made, or within which the credit or refund of any overpayment attributable to the election may be made, shall not expire sooner than one year after the last day for making the election. Thus, if assessment of a deficiency or credit or refund of an overpayment, whichever is applicable, is not prevented on September 26, 1961, the time for making assessment or credit or refund shall not expire for at least one year after the last day for making the election. Even though assessment of a deficiency is prevented on September 26, 1961, if commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954 may be made on such date, then any deficiency resulting from the election may be assessed at any time within one year after the last day for making the election. If a taxpayer makes the election, he shall be deemed to have consented to the application of the provisions of section 2 of the Act extending the time for assessing a deficiency attributable to the election. Section 2 of the Act does not shorten the period of limitations otherwise applicable. An agreement may be entered into under section 6501(c)(4) of the Internal Revenue Code of 1954 and corresponding provisions of prior law to extend the period for assessment.

§ 1.9005–4 Manner of exercising election.

(a) *By whom election is to be made.* Generally, the taxpayer whose tax liability is affected by the election shall make the election. In the case of a partnership, or a corporation electing under the provisions of subchapter S, chapter 1 of the Internal Revenue Code of 1954, the election shall be exercised by the partnership or such corporation, as the case may be.

(b) *Time and manner of making election.* The election shall be made on or before the 60th day after publication in the FEDERAL REGISTER of §§ 1.9005 to 1.9005–5 in final form, by filing a statement with the district director with whom the taxpayer's income tax return for the taxable year in which the election is made is required to be filed. The statement shall include the following:

(1) A clear indication that an election is being made under section 2 of the Act, and

(2) The taxable years to which the election applies.

Amended income tax returns reflecting any increase or decrease in tax attributable to the election shall be filed for the taxable years to which the election applies. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the Internal Revenue Code of 1954, amended returns shall be filed by the partnership or electing small business corporation, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made, and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than the last day of the first month which ends more than 90 days after the last day for making the election, unless an extension of time is granted under section 6081 of the Internal Revenue Code of 1954. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns. The amended returns shall be accompanied by payment of the additional tax (together with interest thereon) resulting from the election.

§ 1.9005–5 Terms; applicability of other laws.

All other terms which are not otherwise specifically defined shall have the same meaning as when used in the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) except where otherwise distinctly expressed or manifestly intended to the contrary. Further, all provisions of law contained in the Code (or the corresponding provisions of prior law) shall apply to the extent that they can apply. Thus, all the provisions of subtitle F of the Code (and the corresponding provisions of prior law) shall apply to the extent they can apply, including the provisions of law relating to assessment, collection, credit or refund, and limitations. For purposes of this section and §§ 1.9005–1 to 1.9005–4, inclusive, the term "Act" means the Act of September 26, 1961 (Public Law 87–321, 75 Stat. 683).

[F.R. Doc. 61–10440; Filed, Nov. 1, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 257]

SALE OR LEASE OF SMALL TRACTS

Miscellaneous Amendments

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of June 1, 1938 (43 U.S.C. 682a), as amended, and section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR 257.2, 257.9, 257.10, 257.11, 257.13 and 257.14 as set forth below. The purpose of this amendment is to (1) permit public auctions of small tracts wherever appropriate, (2) make the reversionary clause in community site dispositions unlimited in duration; (3) make specific that lands will be leased or sold at their fair market value and (4) eliminate group agreements. In addition, the amendment would spell out requirements for coordination with local governmental units and for consideration of availability of public facilities, and would set new minimum rentals.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publications of this notice in the FEDERAL REGISTER.

1. The caption and text of § 257.2 are revised to read as follows:

§ 257.2 Criteria.

(a) It is the program in the administration of the act of June 1, 1938, as amended, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end small tract activity shall be coordinated with interested local governmental agencies, and small tract sites will be considered in the light of their effect upon the conservation of natural resources and upon the communities or area involved and in the light of availability of schools, utilities, and other facilities. Lands will not be leased or sold, for example, which would lead to private ownership or control of scenic attractions, or water resources, or other areas that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon State or local governments for roads; schools; police, health, and fire protection; and other facilities. Undesirable types of construction for settlement or business along public highways and parkways will be guarded against, and lands will not be leased or sold under the act if such action would unreasonably interfere with the use of water for grazing purposes or unduly impair the protection of watershed areas.

(b) Under this act lands may be classified for direct sale, for lease and sale, or for lease only. Revested Oregon and California Railroad lands and reconveyed Coos Bay Wagon Road grant lands in Oregon will be classified for lease only—as will other public lands where title should remain in the United States and leasing is not contrary to the interests of the United States. Lands suitable for community site purposes will be classified for lease, lease and sale, or direct sale at appraised prices and will be subject to application only by nonprofit corporations or associations, States, municipalities, or other governmental subdivisions. Lands may be classified for lease and sale, as provided for in § 257.13, where such action is necessary for the protection of adjacent property and the community as a whole. In other cases, lands will be sold at public auction at not less than their appraised fair market value in accordance with § 257.14.

2. Paragraph (a) of § 257.9 is amended to read as follows:

§ 257.9 Advance payment.

* * * * *

(a) If the land has been classified for lease or for lease and sale, the advance payment is the rental for the entire lease period, as specified in the classification order if such period does not exceed five years. Where lands are classified for lease for periods in excess of five years, the advance payment will be as specified in the classification order. If the land has not been classified, the advance payment is $25 for nonbusiness and $100 for business site applications. Successful applicants will be required to pay any difference between advance payment and rental or purchase price before their applications will be granted.

3. Paragraph (b) of § 257.10 is amended to read as follows:

§ 257.10 Community sites; appraisal; restrictions.

* * * * *

(b) Where lands are sold at less than fair market value in accordance with paragraph (a) of this section, the patent will contain a provision for reversion of title to the United States if the lands are used for any purpose not consistent with the classification order after issuance of patent unless consent to change the use is first obtained from the authorized officer.

4. Paragraph (b) of § 257.11 is amended to read as follows:

§ 257.11 Lease provisions; terms and rentals.

* * * * *

(b) The amount of rental will be specified in the appropriate order. The rental for community sites will take into consideration the purpose for which the land will be used. Rental for other types of sites will equal the fair market rental of the lands, provided, however, the minimum rental will be $100 per year for business sites and $25 per year for other sites.

5. Paragraph d (1), (2), and (3) of § 257.13 are revoked and paragraph (a) is revised to read as follows:

§ 257.13 Leases with option to purchase; sale; patent.

(a) Leases for lands classified for lease and sale will contain an option to purchase clause. The option to purchase clause will afford the lessee or his duly approved successor in interest an opportunity to purchase the tract at any time within the term of the lease,

provided the improvements required by the lease have been made and all other terms and conditions of the lease complied with. The net purchase price of the land will be the appraised fair market value of the unimproved land as of the date of the lease minus an amount equal to the advance rental for each full lease year, if any, subsequent to the filing of an allowable application to purchase.

6. Paragraph (a) of § 257.14 is revised to read as follows:

§ 257.14 Public auctions.

(a) Whenever lands are classified for direct sale by public auction, they will be sold at not less than their appraised fair market value at the time and place and in the manner specified by the classification order.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 26, 1961.

[F.R. Doc. 61-10423; Filed, Nov. 1, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Dockets Nos. AO 336, AO 337]

TURKEY HATCHING EGGS AND TURKEYS

Notice of Hearing With Respect to Proposed Marketing Agreements and Orders

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the times and places hereinafter specified with respect to a proposed marketing agreement and order regulating the handling of turkey hatching eggs and a proposed marketing agreement and order regulating the handling of turkeys. The proposed marketing agreements and orders have not received the approval of the Secretary of Agriculture.

The public hearing will be held at Southern States Cooperative Inc. Building, 12th Floor, 7th and Main Streets, Richmond, Virginia, November 20 to 22, 1961, inclusive; at Senate Chamber, State Capitol, Des Moines, Iowa, November 24 to 27, 1961, inclusive; at Clark Court, Court 5, 3d and Carson Streets, Las Vegas, Nevada, November 29 to December 1, 1961, inclusive; at New Federal Office Building, 9th Floor, 4th and Robinson Streets, Oklahoma City, Oklahoma, December 4 to 6, 1961, inclusive; and at Century Room, LaSalle Hotel, Chicago, Illinois, beginning December 8, 1961. Each day's session of the hearing will commence at 9:00 a.m., local time, unless the Presiding Officer otherwise specifies during the course of the hearing.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreements and orders hereinafter set forth, and to any appropriate modifications thereof.

Upon the request of the National Turkey Federation, a National Turkey Advisory Committee was appointed for the purpose, among others, of making recommendations to the Secretary of Agriculture concerning whether there is reason to believe that national marketing agreements and orders regulating the handling of turkey hatching eggs and turkeys would tend to effectuate the declared policy of the act. As a result of several meetings of the committee, such committee proposed that a public hearing be held upon the following proposed marketing agreements and orders regulating the handling of turkey hatching eggs and turkeys.

It is concluded that there is reason to believe that the issuance of an order or orders will tend to effectuate the declared policy of the act and that a hearing thereon should be held.

Proposed Marketing Agreement and Order Regulating the Handling of Turkey Hatching Eggs

DEFINITIONS

§ E1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ E2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674).

§ E3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ E4 Production area.

"Production area" means the 50 states of the United States and the District of Columbia.

§ E5 Hatching eggs.

"Hatching eggs" means turkey eggs which are acquired for the production of poults within the production area by hatching in incubators.

§ E6 Handle.

"Handle" means to set hatching eggs, in incubators for the hatching of turkey poults, or to receive such eggs at a hatchery for hatching, within the production area.

§ E7 Handler.

"Handler" means any person who handles hatching eggs, or causes hatching eggs to be handled, and includes a person who handles hatching eggs of his own production.

§ E8 Producer.

"Producer" means any person directly or indirectly engaged in the production of hatching eggs and who (a) has a proprietary interest in the eggs, or (b) who in a proprietary capacity operates and controls facilities for the production of hatching eggs and produces hatching eggs with such facilities: *Provided*, That for purposes of this part, if two or more persons are producers with respect to the same hatching eggs their respective percentage shares in the eggs for purposes of this order shall be deemed to be an amount of eggs equal to the total number of eggs so produced divided by the number of persons who are producers thereof unless a written contract between the parties relating to such production submitted to the Secretary or the committee provides for a different percentage distribution of interest.

§ E9 Type or breed.

"Type" or "breed" are synonymous and mean such classification of hatching eggs, by type or breed of turkey, as the committee may recommended and the Secretary approves.

§ E10 Board.

"Board" means the Turkey Hatching Egg Advisory Board established pursuant to § 20.

§ E11 Committee.

"Committee" means the Turkey Hatching Egg Committee established pursuant to § 25.

§ E12 Allotment period.

"Allotment period" means the 12-month period beginning on October 1 of each year and ending on September 30 of the following year or such other period as may be recommended by the committee and approved by the Secretary: *Provided*, That the initial allotment period shall be the period beginning with the effective date of this part and ending on September 30, 1962.

§ E13 Fiscal year.

"Fiscal year" means the 12-month period from October 1 in each year to September 30 in the following year, or such other period as the Secretary, after recommendation of the committee, may establish.

TURKEY HATCHING EGG ADVISORY BOARD

§ E20 Establishment and membership.

A Turkey Hatching Egg Advisory Board (herein referred to as the "board") shall be established, consisting of 60 members, of whom 57 shall be selected to represent various States and regions, as listed below:

California-Nevada-Hawaii	6
Minnesota	6
Iowa	4
Wisconsin	3
Virginia-West Virginia	3
Missouri	3
Texas	3
Indiana	2
Utah and Arizona	2
Ohio	3
Arkansas	3
North Carolina	2
Colorado-New Mexico	1
New England States	1
Georgia-Florida	1
Alaska-Washington	1
Oregon	1
Pennsylvania	1
Oklahoma	1
Michigan	1
Nebraska	1
North Dakota	1
Illinois	1
Kansas	1
South Dakota	1
Kentucky-Tennessee	1
New York	1
Delaware-Maryland-New Jersey	1
South Carolina	1
Montana-Idaho-Wyoming	1
Alabama-Mississippi-Louisiana	1

The remaining three members shall be representatives-at-large and shall be selected at the discretion of the Secretary. Each member of the board shall have an alternate member selected in the same manner as for members.

§ E21 Term of office.

Members and alternate members of the board shall serve for terms of three years ending on September 30: *Provided*, That the term of office of the initial board shall be three years for one-third of the members and their alternates, two years for one-third of the members and their alternates, and for the remaining one-third of the members and their alternates shall be from the effective date of this part to September 30, 1962: *Provided*, That each such member and his alternate shall serve until his successor is selected and qualified.

§ E22 Nomination.

Nominations for membership on the board shall be made at nomination meetings called and supervised by the committee and held in and for each of the States or groups of States specified in § 20 and reasonable publicity shall be provided for such nomination meetings by the committee. Only producers or handlers shall be eligible to vote and each such person shall have but one vote. Three nominations shall be made for each member position, which shall also be deemed nominations for such members' alternate. All nominations shall be certified by the committee to the Secretary as soon as practicable and after the initial appointment of the board, no later than September 1 immediately preceding the commencement of the term of office for the position for which a nomination is certified. Such certification shall include for each nominee a brief summary of his experience and current association with the turkey hatching egg or turkey industry. For the purpose of obtaining nominations for the initial board the Secretary shall perform the functions of the committee.

§ E23 Duties.

The duties of the board shall consist of selecting from among its members a chairman and other officers, establishing procedures for performing its functions, the making of nominations for membership on the committee, the certifying of such nominations to the Secretary, the making of recommendations with respect to marketing policy and the consideration of such other matters as it deems proper or as the committee or the Secretary may request.

TURKEY HATCHING EGG ADMINISTRATIVE COMMITTEE

§ E25 Establishment and membership.

A Turkey Hatching Egg Administrative Committee (herein referred to as committee) is hereby established to administer the terms and provisions of this part. Such committee shall consist of 19 members. For each member there shall be an alternate member.

§ E26 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the committee unless he is serving as a member or alternate member of the board.

§ E27 Term of office.

Members and alternate members of the committee shall serve for terms of one year ending on September 30, the initial term beginning with the effective date of this part and ending on September 30, 1962, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ E28 Nominations.

The board shall nominate from among its members and alternate members 38 nominees for appointment as members and alternate members of the committee. All such nominations for the committee shall be certified by the board to the Secretary as soon as practicable following the selection of board members by the Secretary. For the purposes of initial nominations the Secretary may consider nominations made by nominees for board membership.

§ E29 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ E30 Duties.

The committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of turkey hatching eggs and turkeys; and to make recommendations concerning the issuance of regulations pursuant to this part.

(d) To submit to the Secretary or the board, such available information with respect to turkey hatching eggs and turkeys as may be requested and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee and the board available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the commitee and the board as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

BOARD AND COMMITTEE

§ E31 Selection.

The Secretary shall select and appoint members and alternate members of the board and the committee in the numbers and with the qualifications specified in this subpart. Such selections may be made from the nominations certified by the committee and the board or from other producers and handlers: *Provided*, That the Secretary in making such selections and appointments shall give due recognition to hatching egg and turkey producers, including consideration of the size, nature, and location of their production operations, and reasonable handler representation with a view to the extent possible and practicable to have representation from all segments of the industry.

§ E32 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary shall select an eligible person to fill such position without regard to nomination.

§ E33 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ E34 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ E35 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ E36 Compensation and expenses.

The members of the committee and the board, and the alternate members when acting as members, shall be allowed their necessary expenses, actual or per diem, as approved by the committee. If the Secretary upon recommendation of the board determines that it is necessary for the efficient and effective operation of the board or committee that the members thereof receive reasonable compensation for their services, such members may receive such compensation at a rate determined by the Secretary.

§ E37 Procedure.

All decisions of the board and the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the board shall consist of not less than thirty (30) members and for the committee not less than ten (10) members. Such quorum requirements may be changed by the Secretary, upon recommendation of the board or committee. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, it must be favored by not less than 14 members of the committee to constitute action by the committee.

JOINT BOARD AND JOINT COMMITTEE

§ E38 Joint board and joint committee.

In the event that the Secretary issues and makes effective separate marketing orders regulating the handling of turkey hatching eggs and of turkeys, the Secretary may appoint the same advisory board and committee to function in such capacities for both orders. Such board and committee shall be established, nominated and appointed in the same manner as specified in this order and shall have duties and responsibilities specified in this order for the board and the committee, respectively: *Provided, however,* That in such event, nominations for the joint board shall be made by the handlers and producers of turkey hatching eggs or of turkeys, as defined in such marketing orders, and, for purposes of voting on nominations to the board, each person who qualifies in any or all such capacities shall have but one vote: *Provided further,* That the costs and expenses of the joint board and joint committee shall be prorated equitably between the two orders as directed by the Secretary.

EXPENSES AND ASSESSMENTS

§ E40 Expenses and budget.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each allotment period for the maintenance and functioning of the board and committee and for such other purposes, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the fiscal year.

§ E41 Assessments.

Each handler shall pay to the committee, upon demand, with respect to hatching eggs handled by him, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each allotment period. Each handler's pro rata share shall be the rate of assessment per hundred hatching eggs fixed by the Secretary, but such assessment shall not in any event exceed $.25 per 100 hatching eggs. At any time during or after the fiscal year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in the anticipated number of eggs handled. In order to provide funds to carry out the functions of the board and committee, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the board and committee may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative, or whether volume regulation is in effect in the allotment period.

§ E42 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practical to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal years as a reserve: *Provided,* That funds already in the reserve do not equal approximately one fiscal year's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal year, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the committee full title to all of the property, funds, and claims vested in such manner pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members, thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

MARKETING POLICY

§ E45 Marketing policy.

(a) Prior to the beginning of each allotment period, or, for the initial allotment period, as soon as practicable, the board shall prepare and submit to the Secretary, through the committee, a report setting forth its general marketing policy for the allotment period. Notice of the board's marketing policy shall be given promptly by reasonable publicity to producers and handlers. In the board's considerations and the report to the Secretary through the committee, the board shall include consideration of the probable supply of and demand for market turkeys for the ensuing turkey marketing year, including estimated opening inventory of market turkeys in all forms and desirable carryout inventory thereof at the end of such turkey marketing year, the number of hatching eggs which probably should be set in the allotment period to ensure a sufficient supply of market turkeys for consumers, achieve the objectives of the act with respect to hatching eggs and be in the public interest, and such other factors as the board may deem relevant to any recommendation it may make for regulatory action in the allotment period. The board may include in its marketing policy consideration and report relevant factors concerning such different regulation by types of hatching eggs for the production of breeder stock, and/or by production regions or districts as may be necessary to give due recognition to differences in production and marketing of hatching eggs in such areas.

(b) Recommendations with respect to specific implementation of the general marketing policy recommended by the board shall be made by the committee from time to time, as circumstances warrant, and the committee's recommendation shall contain the data and information upon which it is based, together with the specific regulatory action recommended.

VOLUME REGULATION

§ E46 Volume regulation.

On the basis of the board or the committee recommendations or other available information the Secretary may establish, for such period or periods as he may prescribe, regulation of hatching eggs by any one or more of the methods hereinafter specified if he determines that regulation by the method or methods employed may tend to effectuate the declared policy of the act. Such regulation may be based upon different desirable quantities established separately for different types of hatching eggs for the production of breeder stock, or for any or all portions of the production area; and when such desirable quantities are established for different types of hatching eggs, for the production of breeder stock, or by regions, the establishment of bases, allotments, or percentages under such regulation for producers or handlers shall be determined on the same basis.

METHOD NO. 1

§ E47 Desirable quantity.

The Secretary may establish the desirable quantity of hatching eggs which all handlers may set, or cause to be set, in any allotment period: *Provided,* That such quantities may subsequently be increased, or diminished, for the allotment period.

§ E48 Allocation bases and allotments.

Whenever the Secretary has established a desirable quantity of hatching eggs to be set in the allotment period, the committee shall pro rate such quantity among handlers of hatching eggs who set or cause their eggs to be set by assigning to each handler an allocation base and an allotment for the allotment period, computed as follows:

(a) *Allocation bases.* Each eligible handler of hatching eggs shall be assigned an allocation base computed, at his option, in one of the following ways.

(1) The total number of the handler's own hatching eggs which the handler set, or caused to be set, in the 12-month period ending September 30, 1961, or such other period as may be prescribed by the Secretary, or

(2) The total number of the handler's own hatching eggs which the handler set, or caused to be set, in the 24-month period ending September 30, 1961, or such other period as may be prescribed by the Secretary which shall be double the period specified under subparagraph (1) of this paragraph, divided by two, or

(3) A handler who set no hatching eggs or caused none to be set in the period designated in subparagraph (1) of this paragraph, or whose setting of eggs in such period was not representative and who can establish that he has a plant and facilities for the hatching of hatching eggs and an established available supply of eggs may be assigned an allocation base by the committee in accordance with regulations recommended by the committee and approved by the Secretary, which shall take into consideration the hatching capacity of the establishment of such handler and his established available supply of hatching eggs for the allotment period.

(b) *Application.* Each handler seeking an allocation base for the allotment period shall, not later than six weeks preceding such allotment period, or prior to such date as the committee may prescribe for the initial allotment period, file with the committee an application therefor on forms prescribed by the committee, which shall provide all pertinent information required by the committee.

(c) *Committee verification.* The committee shall check and determine the accuracy of the information submitted pursuant to this section and shall be authorized to make a thorough investigation of any application. Whenever the committee finds an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the corrections. In the event of correction of a base, the allotment assigned to the handler pursuant to paragraph (d) of this section shall likewise be corrected.

(d) *Handler allotments.* Each handler who has an allocation base for the allotment period shall be assigned an allotment of hatching eggs which he may set, or cause to be set, during the allotment period, computed by determining the percentage which such handler's allocation base is of all allocation bases of all handlers and multiplying the desirable hatch as established by the Secretary for the allotment period, by the percentage so computed. The result shall be the handler's allotment for the allotment period and no handler shall set, or cause to be set, a greater number of hatching eggs in the allotment period than the total quantity so alloted to him: *Provided, however,* That a handler who does not set, or cause to be set, his total allotment of hatching eggs within an allotment period, may carry over such unused allotment into the succeeding allotment period, but not more than such percentage of such allotment as may be prescribed by the Secretary thus may be carried over.

(e) *Allotments by periods.* The Secretary may establish, within the quantity or allotment set for all handlers during an allotment period under this section, the portions thereof to be utilized during quarters or other periods of the allotment period by all handlers and the committee shall prorate such amounts among the handlers in the manner prescribed by this section, for apportionment of the allotment for the allotment period.

(f) *Transfer of bases and allotments.* Allocation bases and allotments shall not be transferable except as authorized by regulations recommended by the committee and approved by the Secretary and then only in the following circumstances:

(1) In the event of a transfer of the hatchery, to the person acquiring and continuing the use of such hatchery.

(2) The whole or any part of a base or allotment may not be transferred to any other hatchery, except where fire, flood, or other similar occurrence prevents the use of such hatchery for all or part of the allotment period: *Provided,* That the base or allotment of a handler who caused his eggs to be hatched at a hatchery other than his own in the base period, may be used by that handler at any hatchery.

§ E49 Prohibition against handling in excess of allotment.

No handler shall set, or cause to be set, hatching eggs in excess of his allotment or set hatching eggs without allotment: *Provided,* That a handler with respect to allotments made under paragraph (d) of § 48 may use the unused portion of his allotment for the handling of hatching eggs in a period within the allotment period but only during the ensuing period within such year, and to the extent allowed under paragraph (e) of § 48 a handler may handle in the ensuing allotment period such unused percentage of his allotment as may be authorized by the Secretary in paragraph (d) of § 48.

METHOD NO. II

§ E50 Desirable quantity.

The Secretary may establish the desirable quantity of hatching eggs for the allotment period which all handlers may receive at hatcheries for hatching in the allotment period.

§ E51 Acquisition bases and allotments.

Whenever the Secretary has established a desirable quantity of hatching eggs which may be received at hatcheries for the allotment period, the committee shall prorate such quantity among handlers of hatching eggs by establishing an allocation base and allotment for the allotment period, referrable to each producer of hatching eggs and computed as follows:

(a) *Allocation bases.* Each producer of hatching eggs shall be assigned an allocation base computed at his option in one of the following ways:

(1) The producer's total marketings or use of hatching eggs in the 12-month period ending September 30, 1961 or in such other period as may be prescribed by the Secretary, or

(2) The producer's total marketings or use of hatching eggs in the 24-month period ending September 30, 1961, or in such other period prescribed by the Secretary which shall be double the period

specified in subparagraph (1) of this paragraph; divided by two, or

(3) A producer who produced no hatching eggs in the period designated in subparagraph (1) of this paragraph, or whose production of hatching eggs in such period was not representative, and who can establish that he has facilities for the production of hatching eggs and has breeder hens for that purpose, may be assigned an allocation base by the committee in accordance with recommendations made by the committee and approved by the Secretary, which shall take into consideration his establishment's production capacity and his established available breeder hens for the allotment period.

(b) *Application.* Each producer seeking an allocation base for the allotment period shall, not later than 6 weeks preceding such allotment period, or prior to such date as the committee may otherwise prescribe, file with the committee an application therefor on forms prescribed by the committee, which shall supply all pertinent information required by the committee.

(c) *Committee verification.* The committee shall check and determine the accuracy of the information submitted pursuant to this section and shall be authorized to make a thorough investigation of any application. Whenever the committee finds an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the corrections. In the event of correction of a base, the allotment assigned to the producer pursuant to paragraph (d) of this section shall likewise be corrected.

(d) *Allotments.* Each producer who has an allocation base for the allotment period shall be assigned an allotment of hatching eggs which handlers may acquire during the allotment period, computed by determining the percentage which such producer's allocation base is of all allocation bases of all producers, and multiplying the desirable quantity to be acquired by all handlers, as established by the Secretary for the allotment period, by the percentage so computed. The result shall be the producer's allotment for the allotment period and no handler or handlers may acquire a greater number of hatching eggs from such producer in the allotment period than the total quantity allotted to such producer.

(e) *Allotments by period.* Whenever the Secretary finds from the recommendations and information supplied by the committee, or from other available information, that such regulation may tend to effectuate the declared policy of the act, he may establish, within the quantity or allotment to be acquired by all handlers during an allotment period, the portions thereof to be acquired during quarters or other periods of the allotment period by all handlers and the committee shall prorate such amounts among the producers in the manner prescribed by the foregoing paragraphs for apportionment of the allotment for the allotment period.

(f) *Transfer of bases and allotments.* Allocation bases and allotments shall not be transferrable except as authorized by regulations recommended by the committee and approved by the Secretary and then only in the following circumstances:

(1) In the event of a transfer of the producer's entire production facilities, to the person acquiring and continuing the use of such facilities.

(2) The whole or any part of a producer's base or allotment may not be transferred to any other producer, except where fire, flood, or other similar occurrence prevents the use of the original producer's production facilities for all or part of the allotment period.

METHOD NO. III

§ E52 Desirable free quantity.

The Secretary may establish the desirable free quantity of hatching eggs which all handlers may set at their hatcheries, for their own account or for others, in such period or periods as he may prescribe.

§ E53 Percentages.

Whenever the Secretary concludes that the volume of hatching eggs to be set by all handlers, in any period or periods for which the Secretary has established a desirable free quantity of hatching eggs, probably will exceed such desirable free quantity he may establish free and surplus percentages applicable to all hatching eggs received by handlers at hatcheries within such period or periods, which shall total 100 percent of the hatching eggs. If the Secretary determines that such percentages should be modified within such period or periods, appropriate new percentages may be established and the applicable surplus may be either increased or decreased within any such period.

§ E54 Restrictions on handling.

Whenever free and surplus percentages have been established by the Secretary, for a period or periods, each handler operating a hatchery shall withhold from setting for hatching, from each lot of hatching eggs received for hatching at such hatchery, a quantity of eggs computed by multiplying the total number of hatching eggs in each such lot by the applicable surplus percentage. All hatching eggs so withheld from setting shall not thereafter be set for hatching by such handler, or any other person, but shall be disposed of in such manner and subject to such safeguards as the committee, with the approval of the Secretary, may prescribe. For purposes of this provision each day's receipts of hatching eggs at the hatchery from any person, or each day's receipts of eggs of the handler's own production, shall be a separate lot.

CERTIFICATION OF ALLOTMENTS

§ E55 Certification of allotments.

The committee, with the approval of the Secretary, shall establish by regulation such means of certification with respect to allotments of handlers or producers as may be required to effectuate the purposes of any regulation issued under this part.

RESEARCH AND DEVELOPMENT

§ E56 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, and distribution of hatching eggs. The expenses of such projects shall be paid from funds collected pursuant to § 41.

UNFAIR TRADE PRACTICES

§ E57 Authorization for prohibition of unfair trade practices.

(a) Whenever the Secretary finds, upon recommendation of the committee or other information, that continuance of certain unfair practices in trade channels would tend to interfere with the achieving of the objectives of this part, he may prohibit handlers from using such practices, for any period or periods.

(b) Prior to any such practices being prohibited in any period, the committee shall recommend, for the approval of the Secretary, such rules and procedures and such record keeping requirements as are necessary to administer these prohibitions and obtain compliance therewith.

REPORTS AND RECORDS

§ E60 Reports.

(a) *Regular monthly reports.* On or before the fifth day of each month, each handler shall report on forms prescribed by the committee, his handlings and settings of hatching eggs for the preceding month, providing such information with respect thereto as the committee may prescribe.

(b) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ E61 Records.

Each handler shall maintain such records pertaining to all hatching eggs handled as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of the allotment period to which such records relate or for such lesser period as the committee may direct.

§ E62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where hatching eggs are handled, and, at any time during reasonable business hours, shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ E63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ E70 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ E71 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually, or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ E72 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ E73 Derogation.

Nothing contained in this subpart, is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ E74 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ E75 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ E76 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 77.

§ E77 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the _____ day of _____ of any _____ year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. If the Secretary receives a recommendation, adopted by the board, requesting the holding of such a referendum he shall hold such referendum. The results of any such referendum shall be announced by the Secretary by _____ of the _____ year in which held.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ E78 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or deliverd by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ E79 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ E80 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

Proposed Marketing Agreement and Order Regulating the Handling of Turkeys

DEFINITIONS

§ T1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ T2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 stat. 31, as amended: 7 U.S.C. 601–674).

§ T3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ T4 Production area.

"Production area" means the 50 states of the United States and the District of Columbia.

§ T5 Turkey.

"Turkey" means fresh whole turkeys slaughtered within the production area for the production of meat.

§ T6 Handling.

"Handling" means the slaughtering of turkeys for the production of meat and the disposition, storing or further processing of turkeys resulting from such slaughter.

§ T7 Handler.

"Handler" is a person engaged in the handling of turkeys.

§ T8 Producer.

"Producer" means any person directly or indirectly engaged in the commercial production of turkeys and who (a) has a proprietary interest in the turkeys or (b) who in a proprietary capacity operates and controls the facilities for the production of turkeys and produces turkeys with such facilities: *Provided*, That for the purposes of this part, if two or more persons are producers with respect to the same turkeys their respective percentage shares in the turkeys for the purposes of this order shall be deemed to be an amount of turkeys equal to the total number of turkeys so produced divided by the number of persons who are producers thereof, unless a written

contract between the parties relating to such production submitted to the Secretary or the Committee provides for a different percentage distribution of interest.

§ T9 Type or breed.

"Type" or "Breed" are synonymous and mean such classification of turkeys as the committee may recommend and the Secretary approve.

§ T10 Board.

"Board" means the Turkey Advisory Board established pursuant to § 20.

§ T11 Committee.

"Committee" means the Turkey Committee established pursuant to § 24.

§ T12 Fiscal year.

"Fiscal year" means the 12-month period beginning October 1 of each year and ending on September 30 of the following year, or such other period as may be recommended by the committee and approved by the Secretary.

§ T13 Quantity.

"Quantity" means the eviscerated (ready to cook) weight of turkeys, or the equivalent thereof as to any turkeys dressed for market not ready to cook.

TURKEY ADVISORY BOARD

§ T20 Establishment and membership.

A turkey advisory board (herein referred to as the "board") shall be established, consisting of 60 members, of whom 57 shall be selected to represent various states and regions, as listed below:

California-Nevada-Hawaii	6
Minnesota	6
Iowa	4
Wisconsin	3
Virginia-West Virginia	3
Missouri	3
Texas	3
Indiana	2
Utah and Arizona	2
Ohio	2
Arkansas	2
North Carolina	2
Colorado-New Mexico	1
New England States	1
Georgia-Florida	1
Alaska-Washington	1
Oregon	1
Pennsylvania	1
Oklahoma	1
Michigan	1
Nebraska	1
North Dakota	1
Illinois	1
Kansas	1
South Dakota	1
Kentucky-Tennessee	1
New York	1
Delaware-Maryland-New Jersey	1
South Carolina	1
Montana-Idaho-Wyoming	1
Alabama-Mississippi-Louisiana	1

The remaining three members shall be representatives-at-large and shall be selected at the discretion of the Secretary. Each member of the board shall have an alternate member selected in the same manner as for members.

§ T21 Term of office.

Members and alternate members of the board shall serve for terms of three years ending on September 30: *Provided*, That the term of office of the initial board shall be three years for one-third of the members and their alternates, two years for one-third of the members and their alternates, and for the remaining one-third of the members and their alternates shall be from the effective date of this part to September 30, 1962: *Provided*, That each such member and his alternate shall serve until his successor is selected and qualified.

§ T22 Nomination.

Nominees for membership on the Board shall be made at nomination meetings called and supervised by the Committee and held in and for each of the states or groups of states specified in § 20 and reasonable publicity shall be provided for such nomination meetings by the committee. Only producers or handlers shall be eligible to vote and each such person shall have but one vote. Three nominations shall be made for each member position, which shall also be deemed nominations for such member's alternate. All nominations shall be certified by the committee to the Secretary as soon as practicable and after the initial appointment of the board, no later than September 1 immediately preceding the commencement of the term of office for the position for which a nomination is certified. Such certification shall include, for each nominee, a brief summary of his experience and current association with the turkey hatching egg or turkey industry. For the purpose of obtaining nominations for the initial board, the Secretary shall perform the functions of the committee.

§ T23 Duties.

The duties of the board shall consist of selecting from among its members a chairman and other officers, establishing procedures for performing its functions, the making of nominations for membership on the committee, the certifying of such nominations to the Secretary, the making of recommendations with respect to marketing policy, and the consideration of such other matters as it deems proper or as the committee or the Secretary may request.

TURKEY ADMINISTRATIVE COMMITTEE

§ T24 Establishment and membership.

A Turkey Administrative Committee (herein referred to as committee) is hereby established to administer the terms and provisions of this part. Such committee shall consist of 19 members. For each member there shall be an alternate member.

§ T25 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the committee unless he is serving as a member or alternate member of the board.

§ T26 Term of office.

Members and alternate members of the committee shall serve for terms of one year ending on September 30, the initial term beginning with the effective date of this part and ending on September 30, 1962, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ T27 Nomination.

The board shall nominate from among its members and alternate members 38 nominees for appointment as members and alternate members of the committee. All such nominations for the committee shall be certified by the board to the Secretary as soon as practicable following the selection of board members by the Secretary. For the purposes of initial nominations the Secretary may consider nominations made by nominees for board membership.

§ T28 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ T29 Duties.

The committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time.

(c) To investigate and assemble data on the production, handling, and marketing of turkey hatching eggs and turkeys and to make recommendations concerning the issuance of regulations pursuant to this part.

(d) To submit to the Secretary or the board such available information with respect to turkey hatching eggs and turkeys as may be requested and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee and the board available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee and the board as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

BOARD AND COMMITTEE

§ T30 Selection.

The Secretary shall select and appoint members and alternate members of the board and the committee in the numbers and with the qualifications specified in this subpart. Such selections may be made from the nominations certified by the committee and the board or from other producers and handlers: *Provided*, That the Secretary in making such selections and appointments shall give due recognition to hatching egg and turkey producers, including consideration of the size, nature, and location of their production operations, and reasonable handler representation with a view to the extent possible and practicable to have representation from all segments of the industry.

§ T31 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ T32 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ T33 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ T34 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ T35 Compensation and expenses.

The members of the committee and the board, and the alternate members when acting as members, shall be allowed their necessary expenses, actual or per diem, as approved by the committee. If the Secretary upon recommendations of the board determines that it is necessary for the efficient and effective operation of the board or committee that the members thereof receive reasonable compensation for their services such members may receive such compensation at a rate determined by the Secretary.

§ T36 Procedure.

All decisions of the board and the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the board shall consist of not less than thirty (30) members and for the committee not less than ten (10) members. Such quorum requirements may be changed by the Secretary, upon recommendation of the board or committee. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, it must be favored by not less than fourteen (14) members of the committee to constitute action by the committee.

JOINT BOARD AND JOINT COMMITTEE

§ T37 Joint board and joint committee for separate marketing orders.

In the event that the Secretary issues and makes effective separate marketing orders regulating the handling of turkey hatching eggs and of turkeys, the Secretary may appoint the same advisory board and a single committee to function in such capacities for both orders. Such board and committee shall be established, nominated and appointed in the same manner as specified in this order and shall have duties and responsibilities specified in this order for the board and the committee, respectively: *Provided, however*, That in such event, nominations for the joint board shall be made by the handlers and producers of turkey hatching eggs and/or of turkeys, as defined in such marketing orders, and, for purposes of voting on nominations to the board, each person who qualifies in any or all such capacities shall have but one vote: *Provided, further*, That the costs and expenses of the joint board and joint committee shall be prorated equitably between the two orders as directed by the Secretary.

EXPENSES AND ASSESSMENTS

§ T38 Expenses and budget.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each allotment period for the maintenance and functioning of the Board and committee and for such other purposes, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the fiscal year.

§ T39 Assessments.

Each handler shall pay to the committee, upon demand, with respect to turkeys handled by him, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each allotment period. Each handler's pro rata share shall be the rate of assessment per hunderd pounds of turkey (ready-to-cook) fixed by the Secretary, but such assessments shall not in any event exceed $.20 per 100 pounds of turkey (ready-to-cook). At any time during or after the fiscal year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in the anticipated quantity of turkeys handled. In order to provide funds to carry out the functions of the board and committee, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the board and committee may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative, or whether volume regulation is in effect in the allotment period.

§ T40 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practical to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal years as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal year's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal year, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall ac-

count for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members, thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

MARKETING POLICY

§ T45 Marketing policy.

At least once each fiscal year the board shall prepare and submit to the Secretary through the committee a report setting forth its general marketing policy for such ensuing period or periods as it may deem appropriate. Notice of the board's marketing policy shall be given promptly by reasonable publicity to producers and handlers. The report shall include any recommendation it may make for regulatory action in such period or periods as well as data and information used by the board in formulating the marketing policy. In developing the marketing policy, the board shall give consideration to the following factors:

(a) The estimated quantity of turkeys held for handlers, for themselves and for the account of the committee, at the beginning of such period or periods.

(b) The probable availability of additional turkeys during such period or periods.

(c) The estimated quantity of turkeys which should be carried over as a desirable inventory into any succeeding period or periods.

(d) The number of turkey hatching eggs set for hatching or the number of poults placed in such period or periods as will reflect probable availability of turkeys in the period or periods for which regulation is proposed.

(e) The estimated market requirements for turkeys for the period or periods for which regulation may be proposed, including in such estimates as separate items probable trade demands for turkeys in the various available outlets for turkeys.

(f) Current prices being received for turkeys and the probable general level of prices to be received for turkeys by producers and handlers.

(g) The trend and level of consumer income and any other factors which may affect consumer demand for turkeys.

(h) Any other pertinent factors bearing on the marketing of such turkeys, including the estimated supply or demand for particular types of turkeys or special problems relating to particular districts or other regional areas within the production area, and

(i) The need for any regulations and recommendations with respect thereto dealing in any manner with any of the foregoing or with the authorities for regulation provided by this order.

Recommendations with respect to specific implementation of the general marketing policy recommended by the board shall be made by the committee from time to time, as circumstances warrant, and the committee's recommendation shall contain the data and information upon which it is based, together with the specific regulatory action recommended.

REGULATIONS

§ T50 Issuance of regulations.

The Secretary shall limit the handling of turkeys as authorized by this section whenever he finds from the recommendations and information submitted by the board or committee, or from other available information, that such regulation may tend to effectuate the declared policy of the act. Such regulations may:

(a) Limit the handling in specified outlets of particular grades, sizes, qualities or packs of any or all types of turkeys during a specified period or periods.

(b) Limit the handling of turkeys in specified outlets by establishing in terms of grade, size or quality, minimum standards of quality.

(c) Fix, or provide methods for fixing, pursuant to § 51 through § 59, free and surplus percentages applicable to the handling of all turkeys handled by handlers and for the pooling of surplus turkeys and the distribution of the proceeds of such pool.

(f) Limit the handling of turkeys differently for different types, for different districts or other regional areas, for different purposes, or any combination of the foregoing, for any period.

VOLUME REGULATION

§ 51 Desirable free quantity.

If, on the basis of the board or committee recommendation or other information, the Secretary concurs in the likely need for volume regulation for turkeys for such period or periods as he may prescribe, he shall establish the desirable free quantity of turkeys which all handlers may freely use or dispose of in such period or periods.

§ T52 Percentages.

Whenever the committee concludes that the volume of turkeys to be handled in a marketing period, or periods, for which the Secretary has established a desirable free quantity of turkeys will exceed such desirable free quantity and that limiting the volume which handlers may freely use or dispose of in such period or periods through establishing free and surplus percentages applicable to all handlings of turkeys, or handlings of turkeys of any grade, size or quality, or any combination thereof may tend to effectuate the declared policy of the act; it shall make recommendations to the Secretary and the Secretary may establish free and surplus percentages applicable to such total handlings, or of any grade, size, or quality thereof, within such period or periods, which shall total 100 percent of the turkeys to which the percentages apply. If the Secretary determines that such percentages should be modified within any such period or periods, appropriate new percentages may be established: *Provided*, That any change in the applicable percentages may be applicable only to the remainder of the period.

§ T53 Set aside.

(a) Whenever free and surplus percentages have been established for a period or periods by the Secretary, each handler shall set aside and withhold from marketing a quantity of turkeys computed by multiplying the quantity of all turkeys handled by him in such period by the applicable surplus percentage. The committee, with the approval of the Secretary, may prescribe the grade, size, or quality of turkeys which shall be set aside to meet the surplus percentage and may require that such surplus percentage be set aside from each lot handled: *Provided*, That for purposes of this provision each day's slaughter of each person's turkeys or of the handler's own turkeys, shall be deemed a separate lot.

(b) The turkeys handled by a handler which are free quantity turkeys may be disposed of by him in any marketing outlet, subject, however, to any grade, size, or quality restrictions otherwise provided by this part.

§ T54 Set aside surplus turkeys.

(a) All turkeys set aside to meet the handler's surplus setaside obligation shall be free and clear of all liens and shall be held by the handler for the account of the committee in compliance with regulations of the committee, approved by the Secretary, until the handler has been relieved of such responsibility by the committee, either by delivery to, or at the direction of, the committee, or otherwise: *Provided*, That any liens outstanding on setaside surplus turkeys at the time of handling shall, when the turkeys are set aside, be subject in every way to this order and the regulations thereunder, and any lienholder with respect to such lien shall, to the extent of such lien, be deemed an assignee of a pro rata interest in the net proceeds of the applicable pool of setaside surplus turkeys.

(b) If so directed by the committee, the handler shall hold such turkeys in storage, in such facilities and under such storage conditions as the committee may prescribe and in such manner as to maintain the stored turkeys in good merchantable condition.

(c) Set-aside turkeys shall be held or stored and containers shall be labeled or otherwise marked in such manner as the committee may prescribe so as to be identifiable at all times and shall be subject to inspection by the committee or its representatives at all times.

(d) Upon 5-day's notice, a handler shall commence delivery to the committee or its designee of any or all setaside turkeys held for the account of the committee and at such rate as may be prescribed.

(e) Handlers shall use good commercial practices in caring for set-aside items and be liable to the committee for losses of set aside resulting from lack of due care.

§ T55 Set aside by grade, size, or type.

Upon recomendation by the committee and approval by the Secretary, the quantities to be set aside by handlers may be segregated by grade, size, or type and separate pools may be established for the disposition thereof and the distribution of proceeds.

§ T56 Title.

The committee, with respect to turkeys set aside as surplus for the account of the committee, shall be deemed to have title thereto as trustees, and is authorized to negotiate loans on such setaside surplus turkeys for the purpose of paying the cost of processing, storing, and other costs relating thereto, or for making advance payments to producers, or both, with respect thereto.

§ T57 Pooling period.

Any pool of set-aside surplus turkeys shall consist of all surplus turkeys as are set aside by all handlers for any period or periods as the Secretary may prescribe for pooling, but such period shall be not less than one month, nor more than one year in duration. *Provided*, That the pooling period may include one or more set-aside periods.

§ T58 Handler compensation.

Each handler shall be compensated for processing, storing, and such other costs relating to the surplus percentage setaside of turkeys as the committee may deem to be appropriate, in accordance with charges established by the committee with the approval of the Secretary. Such costs shall be borne initially by the handlers but such handlers shall be compensated from each pool for the cost thereof as soon as funds become available from such pool: *Provided*, That such charges as may be established by the committee, with the approval of the Secretary, may be deducted from any moneys owed by handlers to producers, or their successors in interest.

§ T59 Distribution of net proceeds.

The net proceeds from the disposition of any pool of setaside surplus turkeys shall be distributed, after deduction of any expenses incurred by the committee for the receiving, handling, holding, or disposition thereof, to handlers pro rata on the basis of the quantities of their respective contributions to be set aside contained in such pool, for distribution by such handlers to the respective producers of such turkeys, or their successors in interest, in accordance with records of each handler showing their respective contributions to the handler's total setaside.

§ T60 Equity holders.

So that the handler may determine each producer's or his successor's or assignee's interest or equity in the handlers total setaside, each handler who sets aside turkeys to meet his surplus percentage shall determine, or cause to be determined, the type, grade, and quantity of turkeys so set aside which were received from each producer thereof, together with the name and address of such producer, or his successor in interest, the place of production, and any other information which the committee may require to identify all producers of the turkeys so set aside. The handler shall keep a record of all such information pertinent to each pool of setaside surplus turkeys to which it may be pertinent.

DISPOSITION

§ T61 Prohibition.

Except as provided herein setaside surplus turkeys shall not be used or disposed of by any handler.

§ T62 Disposition of surplus by committee.

(a) *General.* The committee shall have the power and authority to sell and dispose of any and all setaside surplus turkeys upon the best terms and at the highest prices attainable consistent with the provisions and objectives of this part, but only in the outlets specified in paragraph (b) of this section.

(b) *Outlets.* The committee may sell or dispose of setaside surplus turkeys in the following outlets:

(1) By sale for disposition in export;

(2) By direct sale to any agency of the United States Government for noncompetitive uses;

(3) In other outlets which the Secretary, upon recommendation of the committee, may specify by regulation to be substantially noncompetitive with those for normal outlets for turkeys, or

(4) To the extent feasibly and consistent with the purposes of this part, the committee may sell or dispose of setaside surplus turkeys in any other outlets, including any normal outlets for turkeys, but only with the approval of the Secretary.

INSPECTION AND CERTIFICATION FOR GRADE OR QUALITY

§ T63 Inspection and certification for grade or quality.

Whenever, for any period or periods regulations are in effect which require the determination of grade or quality of turkeys, the Secretary, upon recommendation of the committee, may, by regulation, require each handler to cause such turkeys to be inspected for grade or quality by any agency or agencies which he may designate, and further require that any such agency certify the grade or quality of such turkeys on forms of certificates to be prescribed by the committee with the approval of the Secretary. The cost of any such services shall be borne by the handler and not by the committees.

RESEARCH AND DEVELOPMENT

§ T64 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, and distribution of turkeys. The expenses of such projects shall be paid from funds collected pursuant to § 39.

UNFAIR TRADE PRACTICES

§ T65 Authorization for prohibition of unfair trade practices.

(a) Whenever the Secretary finds, upon recommendation of the committee or other information, that continuance of certain unfair practices in trade channels would tend to interfere with the achieving of the objectives of this part, he may prohibit handlers from using such practices, for any period or periods.

(b) Prior to any such practices being prohibited in any period, the committee shall recommend, for the approval of the Secretary, such rules and procedures and such record keeping requirements as are necessary to administer these prohibitions and obtain compliance therewith.

REPORTS AND RECORDS

§ T70 Reports.

(a) *Regular monthly reports.* On or before the fifth day of each month, each handler shall report on forms prescribed by the committee, his handlings of turkeys for the preceding month, providing such information with respect thereto as the committee may prescribe.

(b) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ T71 Records.

Each handler shall maintain such records pertaining to all turkeys handled as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of the allotment period to which such records relate or for such lesser period as the committee may direct.

§ T72 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where turkeys are handled, and, at any time during reasonable business hours, shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ T73 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall

disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ T75 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ T76 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually, or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ T77 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ T78 Derogation.

Nothing contained in this subpart, is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ T79 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ T80 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ T81 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 82.

§ T82 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the _____ day of _____ of any _____ year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. If the Secretary receives a recommendation, adopted by the board, requesting the holding of such a referendum he shall hold such referendum. The results of any such referendum shall be announced by the Secretary by _____ of the _____ year in which held.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ T83 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ T84 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart, or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ T85 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

PROVISIONS APPLICABLE ONLY TO MARKETING AGREEMENTS FOR EACH PROPOSED PROGRAM

§ 97 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 98 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 99 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of turkey hatching eggs (turkeys) in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.

Copies of this notice of hearing may be obtained at the times and places of hearing or from the Hearing Clerk, Room 112A, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Dated: October 30, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10456; Filed, Nov. 1, 1961; 8:51 a.m.]

[7 CFR Part 939]

[Docket No. AO-99-A2]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Decision With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Portland, Oregon, on July 13, 1961, after

notice thereof published in the FEDERAL REGISTER (26 F.R. 5897) on the proposed amendment of the marketing agreement, as amended, and of Order No. 39, as amended (7 CFR Part 939), hereinafter referred to collectively as the "order," regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed, on September 12, 1961, with the Hearing Clerk, United State Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 61–8866; 26 F.R. 8672) on September 16, 1961.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 61–8866; 26 F.R. 8672) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. An exception to the recommended decision was filed, within the prescribed time, by Stephen Lavagnino and Milton A. Nielson, grower and handler member, respectively, representing the Santa Clara District on the Winter Pear Control Committee. Such exception was carefully and fully considered, in conjunction with the evidence in the record, in arriving at the findings and conclusions set forth herein.

Exception was taken to the findings and conclusions of the recommended decisions, and to the effectuating provisions set forth in the recommended amendment, pertaining to amendment of the order to authorize marketing research and development projects on the basis that such projects might include sales promotion and advertising; that such activities would be a duplication of activities already being undertaken by other organizations within the industry, and that the "minority segment" of the Winter pear industry has no safeguard against unlimited assessments to finance such sales promotion and advertising.

Exception also was taken to the recommended provision for exemption of minimum quantities of pears from inspection and certification. The reasons or basis for such exception are not stated but it is contended that should such exemption be made a provision of the order, means should be provided whereby, through referendum procedures, a district could be entirely exempted from any provision of the order.

The recommended decision cited a limited number of examples of activities which might be undertaken under the marketing research and development provision, and further stated that authority for such work should be sufficiently broad to permit any activities of this nature permitted by the act. The act does not authorize provision for sales promotion or advertising, hence no such activities would be authorized under the research and development provision of the order. Moreover, plans for and the expenditure of funds to carry out any research and development projects must be recommended by the Control Committee and approved by the Secretary. This is the usual safeguard provision included in marketing agreements and orders. It has proved to be adequate, and it seems reasonable to believe that it will be a sufficient safeguard against unreasonable assessments in this instance.

The exception is, therefore, denied.

With respect to the exception relative to the exemption of minimum quantities of pears from the inspection and certification provisions of the order and the contention that provision should be made authorizing suspension of order provisions by district, the notice of hearing did not contain any proposal to consider suspension of order provisions by district. Therefore, no such provision was considered, and the hearing record does not contain any evidence to support such provision.

This exception is, therefore, denied.

To the extent that the findings and conclusions contained herein are at variance with any exception pertaining thereto, such exception is denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exception refers.

Amendments to the marketing agreement and amendments to the marketing order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington, and California" and "Order Amending the Order Regulating the Handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Buerre Clairgeau Varieties of Pears Grown in Oregon, Washington, and California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1960, through June 30, 1961 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the States of Oregon, Washington, and California, in the production for market of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears to ascertain whether such producers favor the issuance of the said annexed order amending the order regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, 1218 SW. Washington Street, Portland 5, Oregon, are hereby designated agents of the Secretary to conduct, severally or jointly, said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) To Be Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176, 19 F.R. 35).

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: October 30, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du Comice, Beurre Easter, and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington, and California*

§ 939.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Port-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

land, Oregon, on July 13, 1961, upon proposed amendments to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Buerre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby proposed to be amended, regulates the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby proposed to be amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby proposed to be amended, prescribes such different terms, applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of such pears.

It is therefore ordered, That, on and after the effective date hereof, all handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 939.42 *Handler accounts* is revised to read as follows:

§ 939.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carryover such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed aproximately one fiscal period's expenses. Such reserve may be used (1) to cover any expense authorized under this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. Any such excess not retained in a reserve or applied to any outstanding obligation of the person from whom it was collected shall be refunded proportionately to the persons from whom it was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

2. A new § 939.47 is added as follows:

§ 939.47 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of pears.

§ 939.60 [Amendment]

3. Section 939.60 *Inspection and certification* is amended as follows:

a. The following is added at the beginning of the first sentence: "(a) Except as hereinafter provided,".

b. A new paragraph (b) is added as follows:

(b) Any handler may ship pears, on any one conveyance and in such quantity as the committee, with the approval of the Secretary, may prescribe, exempt from the inspection and certification requirements of paragraph (a) of this section.

§ 939.32 [Amendment]

4. The following phrase is deleted from § 939.32(c): "to engage in such research and service activities relative to the handling of pears as may be approved by the Secretary."

[F.R. Doc. 61-10457; Filed, Nov. 1, 1961; 8:51 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 906, 986]

[Docket Nos. AO-210-A13-RO1, AO-298-A1-RO1]

MILK IN OKLAHOMA METROPOLITAN AND RED RIVER VALLEY MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Oklahoma City, Oklahoma, on May 23 to May 25, 1961, and was reopened at Tulsa, Oklahoma, on August 8, 1961, pursuant to notices thereof which were issued on May 9, 1961 (26 F.R. 4110) and July 25, 1961 (26 F.R. 6816).

Upon the basis of the evidence introduced at the hearings and the record thereof, the Assistant Secretary, United States Department of Agriculture, on September 22, 1961 (26 F.R. 9073; F.R. Doc. 61-9260) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof. Several of the material issues (Nos. 1 through 4) relate to both Oklahoma Metropolitan and Red River Valley; several (Nos. 5 through 9) relate only to Oklahoma Metropolitan; and several (Nos. 10 through 13) relate only to Red River Valley. No testimony was offered in support of certain proposed amendments as contained in the notice of hearing and, accordingly, they will not receive further consideration.

The material issues on the record are:

1. The pricing of Class I milk;
2. The pricing of Class II milk;
3. Skim equivalent method of accounting;
4. Basic butterfat content;
5. Classification of skim milk and butterfat used for animal feed, and skim milk dumped;
6. Shrinkage;
7. Allocation of packaged sour cream;
8. Base-excess plan;
9. Definition of producer, producer-handler and distributing plant;
10. Deletion of Hardeman and Wilbarger Counties, Texas, from the Red River Valley marketing area;
11. Individual handler pooling;
12. Diversion of producer milk;
13. Determination of plants subject to other orders; and
14. Miscellaneous.

1. *Pricing of Class I milk.* The mechanics of the Class I pricing formula in the Oklahoma Metropolitan order should be revised but the changes should not affect the level of the Class I price relative to the basic formula manufacturing milk price. The changes would also affect the Red River Class I price formula since the price under that order is established at 15 cents over the Oklahoma Metropolitan order price. The supply-demand adjustment to the Class I price in the Oklahoma Metropolitan order should be amended by substituting a new table of standard utilization percentages and reducing the rate of adjustment for each percentage above or below the applicable standard utilization from one cent to one-half cent. The basic butterfat content at which Class I prices are announced should be changed from 4 to 3.5 percent. (This change is discussed under issue No. 4 of this decision.) In order to preserve the present price level with these recommended changes the Class I differential should be reduced seven cents. The changes proposed in the supply-demand adjuster would have increased the Class I price 14 cents in the January 1959–September 1961 period. On the other hand, the proposed change in the basic butterfat content would have reduced the Class I price seven cents in the same period.

The Minnesota-Wisconsin manufacturing grade milk price series should not be included and the average pay price at local manufacturing plants should be deleted from the basic formula.

The Central Oklahoma Milk Producers Association and the Pure Milk Producers Association of Eastern Oklahoma petitioned for the reopening of the hearing held in Oklahoma City during May 1961 to consider amending the supply-demand and basic formula provisions of the Oklahoma Metropolitan Order. At the reopened hearing held in Tulsa, Oklahoma, on August 8, 1961, the cooperative associations modified the proposals submitted by them and which were contained in the notice of hearing. Pursuant to the modified supply-demand proposal the table of the standard utilization percentages of the supply-demand provisions would be revised and the rate of adjustment by which the Class I price is either increased or decreased would be changed from one cent to one-half cent. The cooperatives also proposed that the Class I differential be decreased ten cents each month. The effect of their proposed revision of the supply-demand adjustment and the decreased Class I differential would have been to increase the Class I price an average of four cents per hundredweight, during the thirty-three month period, beginning with January 1959 and ending with September 1961. No opposition to the modified supply-demand proposal was offered at the hearing.

The present supply-demand provisions were incorporated into the order on May 1, 1960 and no supply-demand price adjustments occurred the first two months they were effective. Since then, however, the supply-demand provisions have caused a minus adjustment to the Class I price in each month reflecting an increase in producer receipts in relation to Class I sales. Producers recognize that the Class I price must be reduced in response to increasing supply as witnessed by their proposal that the Class I differential be decreased. However, they contend that the present type of adjustment causes contraseasonal, erratic and relatively large month-to-month changes in the Class I price.

The present supply-demand provisions have, in fact, produced some erratic contraseasonal pricing. During the months of May and June 1960 there were no supply-demand adjustments to the Class I price. During the subsequent months of October, November, and December, 1960 the supply-demand adjustment reduced the Class I price 37, 36, and 30 cents respectively. The supply-demand adjustment has reduced the Class I price less this year in the spring months than it did in the preceding relatively short production months. This indicates that the normal utilization percentages which are used in determining the Class I prices in the spring months should be lowered and percentages used in the fall and winter months should be increased.

The supply-demand provisions have also tended to cause relatively large month-to-month changes in the Class I price. During the 5-month period of June to October 1960, the supply-demand adjustment went from 0 to −37; and during the 4-month period of April to July 1961, it went from −21 to −50.

Pending the analysis of evidence introduced at the hearing on which this decision is based, the Secretary of Agriculture on July 27, 1961, issued a suspension order which had the effect of limiting the minus supply-demand adjustment to 32 and 38 cents, respectively, for the months of August and September 1961. Without the suspension action the Class I price would have been reduced 50 cents in both months, the maximum provided in the order.

The supply-demand adjuster proposed by producers would tend to cause less contraseasonality and sensitivity than the present one. However, their proposed adjuster with the 10-cent reduction in the Class I differential would have resulted in an average monthly Class I price increase of 4 cents during the 33-month period of January 1959 through September 1961; and an average increase of 7 cents for the first nine months of 1961. In view of the magnitude of the increase of producer receipts in relation to Class I sales during this period, such an increase in price would be unwarranted.

A new supply-demand adjuster which incorporates the half-cent rate proposed by producers and a new table of standard utilization percentages would tend to eliminate the contraseasonal pricing and relatively large month-to-month changes in price. A reduction of 7 cents in the Class I differential and the change in basic test with the resulting price formula would have resulted in a level of Class I price almost identical to that which has been in effect in the order.

The table of standard utilization percentages now contained in the order, that proposed by producers and that contained herein are, as follows:

Months used in computation	Standard utilization percentages	
	Current	Recommended
October–November	114–122	128–136
November–December	117–125	117–125
December–January	115–123	110–118
January–February	114–122	110–118
February–March	118–126	119–127
March–April	126–134	130–138
April–May	137–145	142–150
May–June	139–147	160–168
June–July	132–140	152–160
July–August	126–134	149–157
August–September	120–128	140–148
September–October	115–123	132–140
Average	122.8–130.8	132–140

The Minnesota-Wisconsin manufacturing grade milk price series should not be included as an alternative used to determine the basic formula price.

The use of the Minnesota-Wisconsin series in the basic formula was proposed by the Central Oklahoma and Pure Milk Producers Associations. Handlers were opposed to its use.

The basic formula for the month is the highest of prices paid at selected Midwest condenseries, the value of milk used in the manufacture of butter and nonfat dry milk, or prices paid at nearby manufacturing plants. The pay price at Midwest condenseries has been the basic formula in 31 of the 32 months ending with August 1961.

The Midwest condensery series has also been the basic formula of most nearby Federal orders. Therefore, inclusion of this new basic formula should be deferred until consideration can be given to making it effective simultaneously in all nearby orders at the same time.

As concluded in the discussion of the Class II price level, the prices paid at the plants included in the list of local plants no longer reflect the value of milk used for manufacturing purposes. Therefore, it would be inconsistent to retain in the formula the prices paid at these plants as an alternative in computing the basic formula.

2. *The pricing of Class II milk.* The Oklahoma Metropolitan and Red River Valley orders should be amended to provide that the price per hundredweight of Class II milk containing 3.5 percent butterfat would be the same as the price for milk used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plants, United States, adjusted to 3.5 percent butterfat by the Class II butterfat differential; except that during the months of March through August the price for Class II milk used in the manufacture of American cheese, butter and nonfat dry milk should be 10 cents less. The 10-cent lower price for milk used in the manufacture of American cheese, butter and nonfat dry milk should be effective also from the effective date of this amendment through February 1962.

The Class II price under the Oklahoma Metropolitan order is the average of basic prices reported to have been paid at local manufacturing plants. The Red River Valley Class II price during the months of February through July is also the average pay price of the local plants, and during the months of August through January it is computed on a butter-powder formula.

A cooperative association (Central Oklahoma Milk Producers Association) which represents producers delivering to regulated plants located in Oklahoma City as well as plants regulated by the Red River Valley order proposed that the Class II price for both orders be the same as the average price of milk for manufacturing purposes paid f.o.b. plants, United States, minus 10 cents during the months of February through July. A cooperative association representing producers who deliver to plants located in the Tulsa part of the marketing area (Pure Milk Producers of Eastern Oklahoma) proposed that milk used for cottage cheese and ice cream mix should be priced at the butter and nonfat dry milk component of the basic formula plus 15 cents, and milk used for all other Class II products be priced at the average pay price at local manufacturing plants plus 5 cents. Proprietary handlers proposed a price for all milk used for Class II purposes based upon the value of butter and nonfat dry milk. Each of the proposals would result in some increase in the Class II price levels.

Under the Class II pricing provisions of the orders, the average price during 1960 for each hundredweight of Class II milk containing 3.5 percent butterfat was $2.86 in the Oklahoma Metropolitan area and $2.92 in Red River Valley. Pursuant to the proposal of the Central Oklahoma Milk Producers Association, the average Class II price under both orders during 1960 would have been $3.01. The proposal of Pure Milk Producers Association of Eastern Oklahoma would have resulted in an average price of about $3.11 for milk used for cottage cheese and ice cream, and $2.91 for milk used to produce all other manufactured products. The average Class II price under the handler's proposal would have been approximately $3.00 per hundredweight. The 1960 average Class II price recommended herein would have been $3.06 for products other than American cheese, butter and nonfat dry milk powder. During the February–July period of 1960, the average price for each hundredweight of milk used for American cheese, butter and nonfat dry milk would have been $2.89 or 6 cents higher than the average Class II prices under the orders; and during the February–July 1961 period it would have been $3.02 or 12 cents higher.

Handlers operating distributing plants regulated by the Oklahoma Metropolitan and Red River Valley orders normally arrange for a supply of milk which includes some reserve over their actual volume of Class I sales. When this reserve is not used for Class I purposes it is used for manufacturing purposes and, accordingly, is classified as Class II. The price for this reserve milk should be established at a level low enough to allow for its orderly disposition in manufacturing, but should not be so low as to encourage handlers to develop excessive supplies for manufacturing purposes. While other factors may have contributed to an excessive supply of Class II milk, the Class II price level which has existed in the two markets has been such that some handlers have been encouraged to develop a supply of producer milk much in excess of a reasonable reserve for Class I use. This excess has been utilized for manufacture by pool plants and by plants which function only as manufacturing plants.

During the years 1958, 1959, and 1960, 108 million, 132 million and 146 million pounds, respectively, of producer milk were utilized in Class II in the Oklahoma Metropolitan market. This represents an increase of 35 percent from 1958 to 1960. The increase in producer milk used for Class II in most recent months has been even more pronounced. During the first four months of 1961, almost 57 million pounds of such milk were used as Class II. This represents a 67 percent increase over the amount used for Class II during the first four months of 1960.

A similar situation has prevailed in the Red River Valley market, at least in the Oklahoma portion thereof. During 1959, 22 million pounds of producer milk were used in Class II whereas during 1960, 36 million pounds or 64 percent more were so used. Class II utilization during the months of January through April 1961 increased 58 percent over that during the same months of the previous year.

Producer milk at pool plants which is in excess of fluid milk demand is used primarily in the manufacture of cottage cheese and ice cream. However, some pool plant operators also have facilities for the manufacture of mellorine, condensed skim milk, butter and nonfat dry milk. When producer milk is in excess of that which can be processed with the manufacturing facilities at pool plants, it is moved to nonpool plants which maintain manufacturing facilities.

The nonpool manufacturing plants which usually receive milk from pool plants are: Kraft Foods Company, Sulphur, Oklahoma; Armour Creamery, Chickasha, Oklahoma; Muskogee Dairy Products Company, Muskogee, Oklahoma; and American Foods Company, Miami, Oklahoma. Only cheese is manufactured at the Kraft, Armour and American Foods plants; cheese, butter and nonfat dry milk are manufactured at the Muskogee Dairy plant.

As mentioned previously, three separate proposals were made to amend the Class II pricing provisions. While each of the three was different, each would increase the level of the Class II price, and no testimony was offered by any interested party opposing a Class II price increase.

During 1960, the Central Oklahoma Association received an average price of $3.45 for each hundredweight of milk testing 4 percent butterfat transferred to the Armour plant, and $3.54 per hundredweight for milk transferred during the first four months of 1961. The prices paid to this cooperative for 4 percent milk by the Kraft plant during the same periods were $3.49 and $3.62, respectively. Including dividends, the Central Oklahoma Association received $3.65 for milk moved during 1960 to the plant of another cooperative, and, including anticipated dividends, expects to receive about $3.68 for milk transfered during January through April 1961. The average Class II prices under the Oklahoma Metropolitan order during these same periods were $3.20 and $3.24, respectively; and under the Red River order they were $3.26 and $3.27, respectively.

The other proponent cooperative, Pure Milk Producers Association, has received the Oklahoma Metropolitan Class II price plus amounts ranging from 20 to 34 cents for milk moved by it to the Muskogee Dairy Products plant which receives the bulk of the surplus Grade A milk marketed by the cooperative. Both cooperatives incur some extra cost for hauling milk in some cases, but milk can usually be diverted directly from the farms with no additional hauling cost.

Producer milk used for manufacturing purposes is priced higher under the terms of other nearby Federal orders than under the Oklahoma Metropolitan order. During 1960, the average of surplus class prices for milk containing 3.5 percent butterfat under the Wichita and Southwest Kansas orders was $3.06, $3.14 under Neosho Valley, $2.93 under North Texas and $2.94 in Central West Texas compared with $2.86 in Oklahoma Metropolitan area and $2.92 in Red River Valley.

The average price paid in 1960 by Oklahoma milk plants for manufacturing grade milk used in making American cheese, evaporated milk and butter and by-products was $3.35 for milk containing 4.07 percent butterfat. Adjusted to 3.5 percent using the Class II butterfat differential the price was $2.96. This price represents the average of all Grade C milk and includes some milk for which cooler and volume premiums were paid. Payroll stubs issued by one of the manufacturing plants in the area attest that ungraded milk producers were paid prices ranging from $3.45 to $3.65 for 4 percent cooled milk delivered during the period December 16, 1960, through April 15, 1961.

The price for Class II milk generally should reflect to some extent the premiums being paid for ungraded milk Reserve milk is used regularly each month in Class II products such as cottage cheese and ice cream. The alternative supply of milk for such uses is ungraded milk, but to obtain a regular, dependable supply of ungraded milk, plants in the area pay premiums over posted prices. The pool milk for such regular use should command such premiums also. Pool milk moved to nonpool plants for manufacturing also has been sold at prices higher than the order price in most instances during he months of September through February. The facilities for manufacturing reserve milk in nonpool plants are not taxed as they are during the months of March through August. Witnesses testified they were able to obtain higher prices during the September–February period.

The series of average prices paid for all manufacturing milk in Oklahoma provides a measure of the general value of manufacturing grade milk in the state. Except for milk used in butter, cheese and nonfat dry milk during the months of March through August (discussed later), the price for Grade A milk disposed of for or used in manufacturing (Class II) should be established at a slightly higher level of price to reflect its premium quality.

The appropriate Class II price can be established through a formula using the United States average price paid for manufacturing grade milk. This price is available for pricing milk received during the immediately preceding month whereas the average price received for manufacturing grade milk for the same month in Oklahoma is announced one month later. The United States price averages 10 cents higher than the price paid at Oklahoma milk manufacturing plants. To the extent that the United States average price exceeds the Oklahoma average price it will reflect some premium value for cooled milk in this market.

To accommodate the disposition of excess milk which cannot be absorbed in the usual outlets during the months of seasonally high milk production the price for milk used in butter, cheese and nonfat dry milk should be 10 cents less than the United States average price during March–August.

Though all milk diverted from these Grade A markets to manufacturing plants is eligible for the premium payments, these premiums are not always obtained. The capacity of manufacturing plants located in the area is limited and during flush production months the pressure of relatively heavy supplies forces a downward movement of prices. One manufacturing plant used as a surplus outlet reduced its offering price to a proponent cooperative for surplus Grade A milk by 10 cents for milk received during the month of May. Another proponent cooperative testified to the effect that, because of limited manufacturing facilities, there is considerable pressure on prices obtainable from manufacturing plants in the area. American type cheese, butter and nonfat dry milk are the manufactured dairy products produced at the manufacturing plants in the area which usually receive surplus Grade A milk. To facilitate the marketing of producer milk, the price of Class II milk used in the manufacture of these products during the flush production months of March through August should be established at a slightly lower level than in other months. This will assure the orderly movement of such excess milk off the market. Exceptions were filed to the failure to extend the lower seasonal price for milk used in American cheese over a longer period. It was pointed out that the currently high level of milk production makes the disposition of excess milk difficult even in those months when production is normally low relative to fluid sales. In view of this condition the 10-cent lower price for milk used in making American cheese, butter and nonfat dry milk should apply from the effective date of this order through February 1962.

The order should provide that when milk is transferred between plants and the 10-cent credit is claimed at the transferring plant it may not be claimed at the transferee plant.

3. *Classification of fluid milk products fortified with nonfat milk solids.* "Dietary foods" and other fluid milk products fortified with nonfat milk solids should be classified as Class I up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

The Oklahoma Metropolitan and Red River Valley orders provide that the skim milk equivalent of nonfat milk solids used in the fortification of fluid milk products be classified as Class I. Handlers proposed that the equivalent be classified as Class II. Producer associations opposed the proposed change in classification on the basis, generally, that nonfat solids would replace producer milk if skim milk equivalent were not accounted for as Class I.

Fortified fluid milk products customarily result from the addition of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

Nonfat dry milk and condensed milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demands of consumers and thereby to maintain or even increase Class I sales. Until recently, fortified fluid milk products represented a very small proportion of total fluid milk sales. The increased emphasis on low fat diets and the high nutritional value of nonfat solids in relation to their weight are the most often cited reasons for the recent and rapid increase in the demand for added nonfat solids in fluid milk products.

When the skim milk equivalent provision is applied to the fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about 2½ times the actual volume.

It is practical and administrativly necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Therefore, the difference between the volume classified in Class I and the total skim milk equivalent of nonfat milk solids in the product should be assigned to Class II. Accordingly, the order should be amended to classify fortified products as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content. Under this system flavoring materials, not including their water content, should be excluded from the weight of the unmodified fluid milk product.

4. *Basic butterfat content.* The basic butterfat content at which prices are computed and announced under the Oklahoma Metropolitan and Red River Valley orders should be changed from 4.0 to 3.5 percent to better reflect the average butterfat test of Class I sales and producer receipts. The Class I price differentials should be adjusted so that returns to producers for Class I milk will not be affected by the change in basic butterfat tests.

Operators of plants which are pooled pursuant to the terms of each of the subject orders proposed that the basic butterfat tests of the orders be changed be changed to 3.5 percent. Cooperative associations representing the majority of producers serving these plants opposed the change as proposed by handlers primarily because it would lower handlers' cost of Class I milk.

The average butterfat test of homogenized milk, the largest Class I sales item in both markets, is 3.55 percent. During the past several years there has been a gradual decrease in the average butterfat test of total Class I sales in the Oklahoma Metropolitan market. During 1956 the average butterfat test of Class I was 3.796 percent. It was 3.764 percent during 1957, 3.757 percent during 1958, 3.739 for 1959, and 3.737 for 1960, and during the first four months of 1961 the average test was 3.685 percent as compared with an average of 3.709 percent for the first four months of 1960. (For the period prior to May 1957, data for the formerly separate Tulsa and Oklahoma City orders have been combined.)

The average butterfat test of Class I sales in the Red River Valley market is considerably lower than the average of Class I sales in the Oklahoma market. During 1959, the average butterfat test of total Class I sales was 3.469 and in 1960 was 3.436. The average test of sales in the first four months of 1961 was 3.410 compared with 3.466 for the first four months of 1960.

The average butterfat test of producer milk has also been decreasing in both markets. During 1956, the average butterfat test of producer milk delivered to Oklahoma Metropolitan pool plants was 3.863 percent, 3.828 in 1957, 3.814 in 1958, 3.774 in 1959, and 3.723 in 1960. The average butterfat content of Red River Valley producer receipts was 3.765 during 1959 and 3.717 percent during 1960.

The Midwest condensery price, which has been the basic formula price in all but one month during the 33-month period ending with September 1961, is adjusted from 3.5 to 4.0 percent butterfat content by direct ratio. Therefore, unless an adjustment is made in the Class I differential, the change of the basic test to 3.5 percent would decrease the return to producers and the cost to handlers for each hundredweight of Class I sales by seven cents. The additional one-half pound of butterfat in 4 percent milk over that in milk containing 3.5 percent butterfat was valued at 44 cents under the direct ratio conversion based on the January 1959–September 1961 period. The Class I butterfat differential during the same period valued one-half pound of butterfat at 37 cents.

The supply-demand adjustment of the order and other features of the Class I pricing formula will adequately adjust the level of the Class I price in response to changing milk supply and demand conditions. Accordingly, the change in the basic test to 3.5 percent should not, in and of itself, reduce returns to producers for Class I sales.

From January 1959 through September 1961, the use of the announced 3.5 condensery price would have reduced the return to producers and the cost to

handlers for Class I milk an average of 7 cents per hundredweight. The Class I differential should be adjusted by this amount.

Cooperative associations excepted to the proposed change in the basic butterfat content at which prices are announced because their members are now accustomed to prices stated in terms of 4 percent butterfat. This decision does not preclude the publication and announcement of prices at 4 percent butterfat content. Cooperative associations may wish to announce prices in terms of 4 percent as well as 3.5 percent at least during a transitional period.

5. *Classification of skim milk and butterfat used for livestock feed and skim milk dumped.* No changes should be made in the provisions of the Oklahoma Metropolitan order which relate to the classification of skim milk and butterfat used for livestock feed and skim milk dumped. However, the order should permit the market administrator to receive certain reports on receipts and utilization at times other than "on or before the 7th day after the end of each month."

Milk disposed of for livestock feed and skim milk dumped are classified as Class II. Producers proposed that a volume limitation be provided for such Class II utilization and that a plant operator be required to notify the market administrator of his intention to dispose of skim milk and butterfat for livestock feed prior to the disposition and that specific documentation be required of disposition for livestock feed.

The proposed maximum Class II utilization for milk disposed of for livestock feed has been exceeded slightly on a marketwide basis during several months during the 24-month period ending with April 1961 and by more than one percent in seven of the 24 months. The proposed maximum Class II classification for dumped skim milk was not exceeded during the same period on a marketwide basis.

The Agricultural Marketing Agreement Act provides for "Classifying milk in accordance with the form in which or the purpose for which it is used, and fixing minimum prices for each such use classification * * *". The Oklahoma Metropolitan order provides that all milk utilized for other than fluid purposes shall be classified and priced as Class II. The Class II classification includes milk used in manufactured dairy products as well as that used for livestock feed or dumped. A plant operator receives no return for dumped products and there is no evidence that he receives a return for milk used for livestock feed which exceeds the Class II price. However, he pays at least the Class II price for these utilizations. The proposal by producers would require, under certain circumstances, that handlers pay the Class I price for milk dumped or used for livestock feed. This would have the effect of requiring payments for milk dumped and used for feed at a price higher than payments for milk used in the manufacture of butter, cottage cheese and ice cream and would not be consistent with the standards proposed in the Act.

While a plant operator must give prior notification to the market administrator of his intention to dump skim milk, a similar provision is not necessary for milk used for animal feed. The order provides that all milk which is not specifically accounted for as Class II utilization shall be classified as Class I. When milk is claimed to have been dumped, there is no record beyond that of the actual dumpage through which the market administrator can verify the claim. However, when milk is claimed to have been used for feed, records of its receipt and use as feed are involved in the transaction and this claimed utilization can be verified by the market administrator if adequate records are maintained. If the market administrator cannot verify it, he has no alternative, under the terms of the order, and must classify the milk involved as Class I utilization.

It is also not necessary for the order to specifically require the filing of reports, in duplicate, within two days following the disposition of milk for livestock feed. The order now requires that handlers must report to the market administrator information with respect to receipts and utilization as he may prescribe. To clarify this point the order should specify that use in livestock feed is Class II only if adequate records are maintained and submitted.

6. *Shrinkage.* No shrinkage should be allowed on packaged other source milk under the Oklahoma Metropolitan order.

The order prorates total plant shrinkage between other source milk and producer milk receipts. The shrinkage prorated to other source milk is classified as Class II and that prorated to producer milk is classified as Class II up to a maximum of two percent. An association of producers proposed that the proration of shrinkage to other source milk be limited to that received in bulk form.

The shrinkage provision recognizes that there is some plant loss incurred in the receipt, processing, and packaging of milk. However, when other source milk is received in packaged form there will be no processing loss of product at the receiving plant. Any processing loss involved will have occurred at the plant of original receipt, processing and packaging. Therefore, any proration of shrinkage or plant loss to other source milk should be limited to that received in bulk form.

7. *Allocation of packaged sour cream.* The allocation procedure in the Oklahoma Metropolitan order should be amended to provide prior allocation to Class I of packaged sour cream which is priced and pooled under the terms of the order regulating the handling of milk in the Chicago, Illinois, marketing area (Part 941 of this chapter).

A handler who operates a pool plant proposed that packaged sour cream which is priced as Class II under the terms of the Chicago order and which is received at an Oklahoma Metropolitan pool plant be allocated to Class I disposition at the receiving plant. The proponent handler does not process any sour cream at his plant at Tulsa. He receives his supply for this plant in packaged form from the Chicago market. The cost per hundredweight of 19 percent cream classified as Class II under the Chicago order exceeds the cost per hundredweight of 19 percent cream classified as Class I under the terms of the Oklahoma Metropolitan order. A comparison of exhibits prepared by the market administrators of the Chicago and Oklahoma Metropolitan orders shows that the average price of Class II 19 percent cream under the Chicago order was $17.13 during 1960 and $17.39 for the first four months of 1961 whereas the average cost of Class I 19 percent cream under the Oklahoma order was $16.34 and $16.84 for the respective periods.

Under the accounting procedure of the Oklahoma Metropolitan order, when other source packaged fluid milk products are received at a pool plant and disposed of therefrom they become Class I disposition under the Oklahoma order for which the handler is obligated to Oklahoma Metropolitan producers to the extent that producer milk is available. Since the transfer of sour cream priced as Class II under the Chicago order is a regular and recurring arrangement, the daily and seasonal reserve for this supply is, in fact, borne by Chicago producers rather than producers delivering to Oklahoma Metropolitan plants. In recognition of this, the allocation provisions of the order should be modified so that packaged sour cream which is priced as Class II under the Chicago order will receive allocation to Class I before producer milk is so allocated. However, to obviate any abuse, the modification of the allocation provisions, should only be applicable when sour cream is not processed or packaged in the plant during the month.

8. *Base-excess plan.* All references to the base-excess plan should be removed from the Oklahoma Metropolitan order.

In a decision issued April 12, 1960, it was determined that the base-excess plan should be eliminated from the order. However, its termination was defered until after the base paying months of March through June 1960. The Central Oklahoma Milk Producers Association submitted a proposal for inclusion in the notice of hearing on this proceeding which would have had the effect of reinstating the base-excess plan. They did not support their proposal at the hearing; however, proprietary plant operators did. The plant operators testified that a base-excess plan was needed to prevent supply plants which might become associated with the market on the basis of shipments during the months of September through December from adding producers during subsequent flush production months when the plant could be pooled only on the basis of shipments during the previous September–December period. In effect, handlers supported the base-excess plan as a means of restricting entry of new producers rather than as a means of influencing more even seasonality of production.

Because there is no support among producers for the former base-excess plan as a means of encouraging even seasonal production and because the seasonality of Class I price differentials will tend to encourage even seasonality of production, the base-excess plan should not be reinstated in the order.

At the hearing, a modified base-excess plan was proposed by another cooperative, the Pure Milk Producers Association of Eastern Oklahoma. This modified plan should not be adopted.

The obvious purpose of the modified plan is to reduce deliveries by producers to the market's fluid needs. New producers could not participate fully in the plan until they had delivered to the market for a 3-year period. The plan would, therefore, have a very direct effect upon the supply of milk. Since it is clearly the intent of the statute that the supply of milk shall be adjusted by the price mechanism, the base plan proposed does not comport with the pricing standards of the statute.

Moreover, the plan is not in accord with the intended use of the base-rating authorization of the statute, since the purpose and effect of the plan is to reduce total long run supplies rather than merely the modification of the seasonal distribution of such supplies.

9. *Definition of "producer", "producer-handler" and "distributing plant".* The "producer" definition of the Oklahoma Metropolitan order should exclude dairy farmers whose milk is diverted from a plant regulated by the Red River Valley order. No change should be made in the definition of "producer-handler" other than to delete the reference to "distributing plant". "Distributing plant" should be redefined to include only those plants from which 50 percent of receipts from pool plants and dairy farmers is disposed of as Class I on routes.

The Central Oklahoma Producers Association at times is called upon to find a manufacturing outlet for milk of its member producers which is ordinarily delivered to Red River Valley pool plants. It usually moves the milk to a plant at Stillwater which is pooled under the Oklahoma Metropolitan order where it is used for manufacturing purposes. The most economically efficient method of handling this surplus milk is to move it directly from the farm to the plant at Stillwater. However, any Grade A milk received at the Stillwater plant directly from a farm is producer milk under the terms of the Oklahoma Metropolitan order and must be pooled accordingly. The Association pointed out that the Red River Valley order excludes from its producer definition, any person who is a producer under another Federal milk order and whose milk is diverted to a Red River Valley plant by a cooperative association.

The proposed amendment would facilitate the efficient handling of milk which is surplus on the Red River Valley market and would not be detrimental to the Oklahoma Metropolitan pool. Under the present order provisions, since that milk from Red River Valley diverted to the plant at Stillwater is producer milk under the Oklahoma Metropolitan order it decreases that order's blend and Class I prices. Yet, this milk cannot be considered as a supply furnished to meet Oklahoma Metropolitan demand for Class I milk. Accordingly, in the interest of providing a means to efficiently market Red River Valley surplus milk, the Oklahoma order should be amended to exclude from the producer definition any person who has producer status under the Red River Valley order.

No substantive change should be made in the producer-handler definition of the Oklahoma Metropolitan order but it should be rewritten to delete the reference to "distributing plant". In an amendment action effective May 1, 1960, a distributing plant definition was provided to incorporate specific standards by which association with the Oklahoma Metropolitan market might be determined. A reference to "distributing plant" was made in the producer-handler definition which may be confusing. To eliminate this possibility the producer-handler definition should refer only to a plant which is approved to and does distribute Grade A milk in the marketing area.

The proposal is denied which would include as producer-handlers those persons who do not operate a plant approved for fluid milk distribution by health authorities but who distribute 30 gallons of milk a day in the marketing area. By defining such persons as producer-handlers they would be excluded from the producer definition. The proponent cooperative association testified that dairy farmers selling at least 30 gallons of Grade A milk in the market (such persons are commonly referred to as "juggers") should not be permitted to pool their production which is in excess of their route sales.

No specific evidence was offered as to the extent of such jugging operations nor was any showing made of disorderly marketing conditions.

The provision which specifies the percentages of Class I sales which qualify a distributing plant for pool plant status should be redefined. In part, the Oklahoma Metropolitan order defines as distributing plants those plants from which 50 percent of receipts of Grade A milk from dairy farmers and from pool plants is disposed of as Class I. It was proposed that 50 percent disposition should relate to Class I sales on routes and that packaged Class I receipts from other pool plants should not be included in the 50 percent computation.

The percentages set forth in the distributing plant definition are to provide a means of determining if a plant is primarily engaged in distributing or manufacturing milk. It is the intent that only those plants primarily engaged in supplying Class I milk for the market should participate in the pool. However, because of the wording of the distributing plant definition and the transfer provisions of the order, the intent of the order has been avoided. Milk has been claimed as Class I utilization even though it was used for manufacturing purposes. In addition, packaged milk which is moved from one plant to another which now may be claimed as Class I utilization by both the transferee and transferor plants should be credited only at the plant where it is disposed of on routes.

10. *Deletion of Hardeman and Wilbarger Counties, Texas from the Red River Valley marketing area.* The two counties should not be deleted from the marketing area.

Two handlers, each of whom operated a pool plant at the time the hearing opened in Oklahoma City, proposed that the two counties be deleted from the marketing area. No opposition to the proposal was offered at the original hearing held in Oklahoma City.

Subsequent to the original hearing the two plants were sold to a handler who also operates plants in other parts of Texas. In his brief the new owner opposed the deletion of the two counties. At the reopened hearing held in Tulsa, producers and other handlers whose plants are regulated by the Red River order opposed the deletion of the two counties.

There is no evidence that the deletion of these counties from the marketing area definition would contribute to orderly marketing. Therefore, no change should be made in the marketing area definition.

11. *Individual handler pooling.* The Red River Valley order should retain marketwide pooling as a means of distributing to producers the use value of their milk deliveries.

The Agricultural Marketing Agreement Act of 1937 specifies that an order must provide for (1) the payment of uniform prices for all milk delivered by producers delivering to the same handler depending on the use of the milk by the handler, or (2) the payment of uniform prices for all milk delivered by all producers to all handlers based upon the marketwide use of such milk. The former method of payment is by individual handler pools and the latter by a marketwide pool. The North Texas Producers Association proposed that the Red River Valley change from marketwide to individual handler pooling. Central Oklahoma Milk Producers Association opposed the proposal.

There were 550 producers who delivered milk to Red River Valley pool plants during April 1961, the last complete month prior to the hearing in Oklahoma City. Of these, 270, or approximately 50 percent, were members of the Central Oklahoma Association, and about 80, almost 15 percent were members of the North Texas Association. The remaining 200 producers were either members of a third cooperative association or did not belong to any milk cooperative association.

The utilization of Class I milk varies among plants serving the Red River Valley marketing area. Some plants consistently carry more reserve milk than do other plants. The Class I utilization of producer milk received at plants located in Texas is usually higher than at those located in Oklahoma. The continued use of the marketwide pool under which the lower value of reserve supplies is distributed proportionately among all producers supplying the market will better contribute to milk market stability.

12. *Diversion of producer milk.* The Red River Valley order should permit diversion to nonpool plants of 29 days' production of a producer during each of the months of September through December.

The order now limits diversion to nonpool plants to 10 days' production of a producer during the months of September through December. The Central Oklahoma Association proposed that the order permit diversion of 29 days' production during each of the months of September through December. No testimony was offered in opposition to the proposal.

The need for more liberal diversion has arisen because a pool plant operator whose plant is located in the Ardmore area has added producers beyond those needed for his supply of Grade A milk and the proponent cooperative has been called upon to divert the milk of those producers who are members of the Association. The plant operator has also diverted milk of some of the producers. In order to maintain a market for producers who have regularly served the market additional flexibility in the diversion provision during the months of September through December is needed. The relatively low level of the Class II price which has existed in the market has provided some incentive for the plant operator to add producers beyond his own fluid requirements. The Class II price increase recommended herein should remove this incentive.

13. *Determination of plants subject to other orders.* Whether a plant is regulated by the Red River Valley order or an order regulating another marketing area should be determined on the basis of the area in which the plant distributes the most Class I milk. The basis for determination should be the current month unless the other order regulates an area entirely in Texas and provides that the determination be made on the basis of a different period.

Packaged fluid milk sales from plants currently regulated by the North Texas order extend into the marketing areas of other Federal orders including that of the Red River Valley order. Because of possible fluctuations in sales, the proponent handler testified that the order under which a plant should be regulated be determined on the basis of a three-month moving average of sales rather than on sales within one month. He has made the same proposal for other orders regulating the handling of milk in Texas.

A small increase or decrease in Class I sales by a particular plant within respective Federal areas would cause the plant to be regulated first by one order and then by the other. This could contribute to unstable milk marketing conditions under certain circumstances. However, since the testimony in the record relates only to sales in Texas areas, the Red River order should be so amended only as relating to other orders whose marketing areas are within the State of Texas.

14. *Miscellaneous.*

(a) In a previous amendment action, it was provided that a handler may elect more than one accounting period within a month but several corresponding references to "month" were not changed to "accounting period". They should be changed to avoid misinterpretation.

(b) Class I and Class II prices of both orders should be rounded to the nearest cent rather than the nearest tenth of a cent. An association of producers proposed this amendment and no opposition testimony was offered. The proposed amendment, on average, should result in no change in cost of milk to handlers or returns to producers and will facilitate billings and payments.

(c) The subparagraph reference (2) omitted in error from § 986.41(a)(1) in the original issuance of order No. 86 should be inserted. The decision issued September 12, 1958 (23 F.R. 7225) clearly states the intention to exclude from Class I, fluid milk products disposed of to commercial food manufacturing plants which do not dispose of fluid milk products.

(d) Several plants which are listed in the Midwest condensery series of the basic formula are no longer operating. They should be deleted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Red River Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Red River Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Referendum order, determination of representative period; and designation of referendum agent. It is hereby directed that referenda be conducted to determine whether the issuance of the attached orders amending the orders regulating the handling of milk in the Oklahoma Metropolitan and Red River Valley marketing areas, is approved or favored by the producers, as defined under the terms of the orders, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

The month of August is hereby determined to be the representative period for the conduct of such referenda.

Richard E. Arnold is hereby designated agent of the Secretary to conduct such referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on October 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area

§ 906.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

§ 906.7 [Amendment]

1. Delete § 906.7(c), and insert therefor the following:

(c) Which receives milk from dairy farmers who would be producers if this plant qualified as a pool plant, or Grade A milk in bulk from other pool plants, and from which an amount equal to 50 percent of such receipts is disposed of as Class I milk on routes, and an amount equal to at least 5 percent of such receipts is disposed of as Class I milk on routes in the marketing area.

§ 906.12 [Amendment]

2. Delete the period at the end of § 906.12, and add the following: "or any person with respect to milk produced by him which is deemed to have been received at a plant which is subject to full regulation by the order regulating the handling of milk in the Red River Valley marketing area (Part 963 of this Chapter), if such person is designated as a producer under the Red River Valley order."

3. Delete § 906.15 and insert therefor the following:

§ 906.15 Producer-handler.

"Producer-handler" means any person who produces milk and operates a plant which meets the standards in § 906.7(a) from which Class I milk is disposed of on routes in the marketing area, but who receives no milk from producers or other dairy farmers.

§ 906.14 [Amendment]

4. In § 906.14 delete the word "month" and substitute therefor "accounting period".

§§ 906.16, 906.17, 906.18, 906.19 [Deletion and Redesignation]

5. Delete § 906.16 and renumber §§ 906.17, 906.18, and 906.19 as §§ 906.16, 906.17 and 906.18, respectively.

6. Delete § 906.40 and substitute therefor the following:

§ 906.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received during each accounting period by a handler which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions contained in §§ 906.41 to 906.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

7. Delete § 906.41 and substitute therefor the following:

§ 906.41 Classes of utilization.

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (2), (3), (4), and (8) of this section, and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In cream stored and frozen;

(3) Disposed of for livestock feed if records and reports satisfactory to the market administrator to verify such use are maintained and submitted as required;

(4) In skim milk dumped after prior notification to, and opportunity for verification by the market administrator;

(5) In actual shrinkage of producer milk in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers' farms, plus one and one-half percent of the total pounds of skim milk and butterfat in milk, skim milk and cream in bulk fluid form received at a pool plant from both producers and other pool plants and which were not disposed of in bulk to the pool plant of another handler;

(6) In shrinkage of bulk other source milk;

(7) In inventory as fluid milk products at the end of the accounting period; and

(8) The weight of skim milk in fortified fluid milk products which is not classified pursuant to paragraph (a)(1)(ii) of this section.

§§ 906.33, 906.43, 906.45 [Amendment]

8. In §§ 906.33(d) and 906.43(b), delete the word "month" and in § 906.45 delete the word "monthly" and substitute therefor "accounting period".

§ 906.42 [Amendment]

9. Delete § 906.42(b) and substitute therefor the following:

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and bulk other source milk.

§ 906.46 [Amendment]

10. Delete § 906.46(a)(5) and substitute therefor the following:

(5) Subtract from the remaining pounds of skim milk:

(i) In series beginning with Class II milk, the pounds of skim milk in other source milk received in fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the Act; but which are not subtracted from Class I pursuant to (ii) of this subparagraph.

(ii) In Class I milk, the pounds of skim milk in sour cream (in case of fortified sour cream, the pounds of an equivalent volume of unfortified sour cream) received in packaged form if such sour cream is priced as Class II pursuant to Part 941 of this chapter and if no sour cream is processed and packaged in the plant during the accounting period.

§ 906.45 [Amendment]

11. Delete the second sentence in § 906.45.

12. Delete § 906.50 and substitute therefor the following:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 906.50 Basic formula price to be used in determining Class I price.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month, rounded to the nearest whole cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.5; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.2.

§ 906.51 [Amendment]

13. In § 906.51(a) delete "$1.55" and "$1.95" and substitute therefor "$1.48" and "$1.88", respectively.

14. Delete the table of standard utilization percentages in § 906.51(a)(2)(iii) and substitute therefor the following:

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	128	136
February	November–December	117	125
March	December–January	110	118
April	January–February	110	118
May	February–March	119	127
June	March–April	130	138
July	April–May	142	150
August	May–June	160	168
September	June–July	152	160
October	July–August	149	157
November	August–September	140	148
December	September–October	132	140

15. Delete § 906.51(a)(3) and substitute therefor the following:

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(ii) One-half cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

16. Delete § 906.51(b) and substitute therefor the following:

(b) *Class II milk.* The average price reported by the Department for the month for milk of 3.5 percent butterfat used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States: *Provided,* That during the months March through August of each year and for each month from the effective date of this order through February 1962, the price for milk, skim milk and cream used in the manufacture of American cheese, butter and nonfat dry milk shall be 10 cents less, subject to the following limitations:

(1) For the purpose of computing the Class II price credit, the volume of milk used in a pool plant for the manufacture of American cheese, butter, and nonfat dry milk shall be reduced by the volume of milk received from other handlers under this order or any other order, on which a similar price credit has been allowed.

(2) Milk used in the manufacture of American cheese, butter and nonfat dry milk within a nonpool plant which has received milk from a handler(s) regulated under this order or any other order which permits a similar price credit, shall be prorated among such handlers, for the purpose of determining the amount of price credit to be allowed such handlers.

§ 906.52 [Amendment]

17. In § 906.52 delete "4.0 percent" wherever it appears and substitute therefor "3.5 percent".

§§ 906.65, 906.66 [Deletion]

18. Delete §§ 906.65 and 906.66 and the heading "Determination of Base" which precedes § 906.65.

§ 906.71 [Amendment]

19. In § 906.71 delete "4.0 percent" wherever it appears and substitute therefor "3.5 percent".

20. Delete that part of § 906.72 which precedes paragraph (a) and substitute therefor the following:

§ 906.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for all milk of 3.5 percent butterfat content received from producers as follows:

§ 906.73 [Deletion]

21. Delete § 906.73.

§ 906.80 [Amendment]

22. In § 906.80(a) delete the reference "§ 906.73".

23. Delete § 906.80(d)(1)(ii)(*d*) and renumber § 906.80(d)(1)(ii)(e) as § 906.80(d)(1)(ii)(*d*).

§ 906.81 [Amendment]

24. In § 906.81 delete "(except that during the months of March through June 1960, the deduction shall be limited to base milk)."

§ 906.82 [Amendment]

25. In § 906.82 delete "4.0 percent" and substitute therefor "3.5 percent."

Order[1] Amending the Order Regulating the Handling of Milk in the Red River Valley Marketing Area

§ 986.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Red River Valley marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Red River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 986.40 [Amendment]

1. Delete § 986.40 and substitute therefor the following:

§ 986.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 986.30 shall be classified by the market administrator pursuant to the provisions contained in § 986.41 to § 986.46, inclusive. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 986.41 [Amendment]

2. Delete § 986.41(a) and substitute therefor the following:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(2), (4), and (7) of this section, and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II milk;

3. Add a new subparagraph (7) to § 986.41(b) to read as follows:

(7) The weight of skim milk in fortified fluid milk products which is not classified in subdivision (a)(1)(ii) of this section.

§ 986.50 [Amendment]

4. Delete § 986.50(b) and substitute therefor the following:

(b) The Class II price shall be the price for Class II milk established under Federal Order No. 6 regulating the handling of milk in the Oklahoma Metropolitan marketing area.

§ 986.51 [Amendment]

5. In § 986.51 delete "4.0 percent" wherever it appears and substitute therefor "3.5 percent."

§ 986.61 [Amendment]

6. Add the following sentence to § 986.61: "Such determination shall be made on the basis of Class I sales during the month unless the other marketing area is entirely within the State of Texas and the order regulating the area provides that the determination be made on the basis of a different period, in which case the same period shall be used in this order".

§ 986.63 [Amendment]

7. In § 986.63(d), delete "10 days' production" and substitute therefor "29 days' production."

§§ 986.71, 986.72, 986.73 [Amendment]

8. In §§ 986.71, 986.72 and 986.73 delete "4.0 percent" wherever it appears and substitute therefor "3.5 percent".

[F.R. Doc. 61–10416; Filed, Nov. 1, 1961; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Parts 908, 918]

[Docket Nos. AO–243–A5 and AO–219–A9]

MILK IN CENTRAL ARKANSAS AND MEMPHIS, TENNESSEE, MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommend Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Central Arkansas and Memphis, Tennessee, marketing areas, which was issued October 17, 1961 (26 F.R. 9860), is hereby extended to November 6, 1961.

Dated: October 27, 1961, Washington, D.C.

H. L. Forest,
Director, Milk Marketing Orders Division; Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–10430; Filed, Nov. 1, 1961; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 13127]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Exceptions and Supporting Briefs

Correction

In F.R. Doc. 61–10259, appearing at page 10099 of the issue for Friday, October 27, 1961, the phrase in § 302.31(b)(1) which reads "on motion to strike" should read "no motion to strike".

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 942; Draft Release 61–23]

INSTRUMENT FLIGHT RULES

Course To Be Flown; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal which would amend the Civil Air Regulations, Part 60, § 60.45, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to January 1, 1962, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for the return of comments has expired. Because of the large number of comments anticipated in reply to this notice, we will be unable to acknowledge receipt of each reply.

The proposed revision to § 60.45 *Course to be flown,* is a restatement of the existing rule with exceptions added to more clearly show the applicability of the section in conjunction with other equally applicable sections of Part 60.

The general flight rules of Part 60 contain the air traffic rules of general applicability such as right-of-way, proximity of aircraft, and careless and reckless operation. Section 60.10, applicability of the general flight rules, states, "Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable." Therefore, for proper interpretation, all sections of Part 60 must be read together as a consonant whole.

The intent of § 60.10 is quite clear. Likewise, the language of the visual flight rule sections is such that applicability of these rules in conjunction with

provisions of the general flight rules provides minimum opportunity for misinterpretation. However, this does not hold true for the applicability of § 60.45 of the instrument flight rules in conjunction with the general flight rules.

Section 60.45 requires an aircraft operating IFR in controlled airspace to be flown along the center line of an airway or, when flight is conducted on other routes, to be flown along the direct course between navigational aids or fixes defining the route. Taken by itself, the section is devoid of language which specifically permits deviation from the center line or course when necessary to comply with the general flight rules set forth in §§ 60.12, 60.14 and 60.15. As a result, various interpretations have been given § 60.45 when the pilot was in a position which required noncompliance with this particular section in order to comply with the general flight rules.

The analysis of near-collision reports reveals that a high percentage of these incidents occurred in VFR conditions and involved an IFR aircraft either climbing or descending and a VFR aircraft. A presumed contributing factor to these incidents is the probability that some IFR pilots are not clearing the area during these altitude changes because they feel that § 60.45 does not permit the necessary deviation from the center line. On the other hand, those pilots in the foregoing circumstances that do conduct gentle "S" turns to clear their position, although certainly conducting the safer operation, could be considered as not complying fully with § 60.45 as presently written.

The responsibility of the pilot in these circumstances should be made clear. All pilots, during their elementary flight training, are impressed with the need for first scanning the area toward which they are about to turn, climb, or descend. This fundamental technique of safety, commonly called "clearing the area," becomes especially significant when modern, high-speed aircraft are involved. Pilots who conduct many hours of instrument flying may tend to forget this basic technique when operating on an IFR flight plan in VFR conditions. They may be lulled into a false sense of traffic separation security when operating in VFR conditions on an air traffic control clearance.

It is realized that when minimum IFR separation is being provided by air traffic control, the required maneuvering and resultant deviation from center line could result in less than standard separation between two IFR aircraft. However, this maneuvering is authorized only when operating in VFR conditions, and would be conducted for the sole purpose of conducting a visual search for other traffic. Further, the pilot of an aircraft so maneuvering, by virtue of the fact that he is operating in VFR conditions, is responsible for separation of his aircraft from all others. This responsibility is made very clear in the note appended to § 60.30. Therefore, the possible loss of standard IFR separation in these conditions is considered of small consequence compared to the added safety gained by these clearing turns. It is not possible for a pilot to meet his responsibility to avoid other traffic if these clearing turns are not authorized.

Likewise, the action required by the pilot of an IFR aircraft, when overtaking or otherwise converging with another aircraft which has the right-of-way, should not be subject to question. If weather conditions permit the observation of the other aircraft, the pilot is required by the general flight rules to maneuver as necessary to pass well clear, and therefore must deviate somewhat from the center line. The proposed revision would specifically provide for such maneuvers.

Therefore, to preclude any possible misinterpretation and to avoid the possible inference that the regulations are contradictory, it is proposed to amend § 60.45 to read as follows:

§ 60.45 IFR course to be flown.

Aircraft operating in controlled airspace shall be flown along the center line of federal airways, or along a direct course between the navigational aids or fixes defining other routes, unless:

(a) Otherwise authorized by air traffic control; or

(b) Maneuvering as necessary to pass well clear of other aircraft; or

(c) In VFR conditions and maneuvering as necessary to visually clear the intended flight path during climb or descent.

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 749, U.S.C. 1348).

Issued in Washington, D.C., on October 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10448; Filed, Nov. 1, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LO, AR-031024, 23.1 WdI]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The United States Department of Agriculture has filed an application, Serial Number Arizona 031024 for the withdrawal of the lands described below, from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use by the Forest Service to develop the Williams Administrative Site by construction of offices and warehouses for the administration of the Kaibab National Forest in Arizona.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of Interior, P.O. Box 148, Phoenix 1, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER BASE AND MERIDIAN

KAIBAB NATIONAL FOREST

Williams Administrative Site

T. 22 N., R. 2 E.,
Sec. 33: SW¼SW¼, S½S½NW¼SW¼.

The area described above aggregates 50 acres.

FRED J. WEILER,
State Director.

[F.R. Doc. 61-10419; Filed, Nov. 1, 1961; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 26, 1961.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Sacramento 068455 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the land for the construction and operation of the Auburn Unit, American River Division, Central Valley Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 8 E.,
Sec. 12: Lot 2.
T. 12 N., R. 9 E.,
Sec 4: Lot 1.
T. 13 N., R. 9 E.,
Sec. 2: Lot 18;
Sec. 25: Lot 1, W½NW¼, NW¼SW¼ (excluding lands under M.S. 5488, M.S. 5209, M.S. 5289, M.S. 6129).
T. 13 N., R. 10 E.,
Sec. 2: SE¼SE¼;
Sec. 22: Lot 3;
Sec. 28: NE¼NW¼;
Sec. 30: Lots 8, 11 and 12.
T. 14 N., R. 9 E.,
Sec. 25: SE¼SE¼.

The areas described above aggregate approximately 475.01 acres of Federal land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 61-10420; Filed, Nov. 1, 1961; 8:45 a.m.]

[100.7b, Oregon 06764, (23.1)]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 25, 1961.

Notice of an application serial No. Oregon 06764, for withdrawal and reservation of lands was published as Federal Register Document No. 59-4053 on page 3891 of the issue for May 14, 1959. The applicant agency has canceled the application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 259, the lands will be at 10:00 a.m. on October 30, 1961 relieved of the segregative effect of the above-mentioned application.

The land involved in this notice of termination is:

WILLAMETTE MERIDIAN, OREGON

T. 9 S., R. 3 E.,
Sec. 9: SW¼SE¼NE¼, S½SW¼NE¼, N½NW¼SE¼.
T. 27 S., R. 2 W.,
Sec. 1: SW¼SW¼, S½NW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE¼.
T. 39 S., R. 2 W.,
Sec. 25: E½W½SE¼NE¼, W½E½SE¼NE¼.
T. 39 S., R. 4 W.,
Sec. 23: N½NW¼NW¼, N½S½NW¼NW¼.

The areas described above aggregate 200 acres.

M. M. GORECKI,
Chief, Lands Adjudication Unit,
Land Office, Portland.

[F.R. Doc. 61-10421; Filed, Nov. 1, 1961; 8:45 a.m.]

[W-0150196]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 26, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number Wyoming 0150196, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for public recreation and administrative uses.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

SHOSHONE NATIONAL FOREST

Wayne's Creek Sagebrush Watershed Project

T. 43 N., R. 105 W.,
Sec. 10: Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 11: Lot 1, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼.

Sunlight Ranger Station Administrative Site

T. 55 N., R. 105 W.,
Sec. 19, portions of Lots 3 and 4, and W½SE¼SW¼ more particularly described as Tract B; beginning at Corner #1, which is on the section line common to Sec. 19, T. 55 N., R. 105 W., and Sec. 24, T. 55 N., R. 106 W., 6th P.M., from which the quarter corner common to Sec. 19, T. 55 N., R. 105 W., and Sec. 24, T. 55 N., R. 106 W., 6th P.M., bears North 1,632.7 feet, thence from said corner #1 S 87°45' E 825.5 feet to Corner #2; thence S 69°45' E 1,749 feet to Corner #3; thence N 52° E 594 feet to Corner #4; thence N 24°25' W 1,603.3 feet to Corner #5 which is common to Corner #14 of HES #244; thence N 78°55' W 2,314 feet to Corner #6 which is common to Corner #1 of HES # 244 and the common quarter corner of Sec. 19, T. 55 N., R. 105 W., and Sec. 24, T. 55 N., R. 106 W.; thence South 1,632.7 feet along section line to point of beginning.

T. 55 N., R. 106 W.
Sec. 24, portions of SE¼NE¼, N½SE¼, SE¼SE¼; more particularly described as Tract A; beginning at Corner No. 1, which is on the section line common to Sec. 19, T. 55 N., R. 105 W., and Sec. 24, T. 55 N., R. 106 W., 6th P.M., from which the quarter corner common to Sec. 19, T. 55 N., R. 105 W., and Sec. 24, T. 55 N., R. 106 W., 6th P.M., bears North 1,632.7 feet; Thence from said Corner No. 1 North 1,632.7 feet to Corner No. 2 which is common to Corner No. 1 of HES No. 244 and the common quarter corner of Sec. 19, T. 55 N., R. 105 W., and Sec. 24, T. 55 N., R. 106 W.; thence N 0°02' W 490.5 feet along section line to Corner No. 3; thence S 84°37' W 271 feet to Corner No. 4; thence S 40°43' W 1,831.2 feet to Corner No. 5 which is common to Corner No. 1 of HES No. 53; thence S 53°31' E 659.3 feet to Corner No. 6 which is common to Corner No. 2 of HES No. 53; thence S 62°03' E 647.5 feet to Corner No. 7 which is common to Corner No. 3 of HES No. 53; thence S 87°45' E 362.5 feet to point of beginning.

Middle Fork Guard Station Administrative Site

T. 32 N., R. 101 W.,
Sec. 24: W½SW¼NE¼, SE¼NW¼, S½SW¼NW¼, NW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼NW¼SE¼.

Louis Lake Guard Station Administrative Site

T. 30 N., R. 101 W.,
Sec. 12: Lot 2.

Dickinson Park Guard Station Administrative Site

T. 33 N., R. 102 W.,
Sec. 5: SE¼SE¼.

Louis Beach Campground

T. 30 N., R. 101 W.,
Sec. 1: Lots 6, 7, 10.

Popo Agie Campground

T. 30 N., R. 101 W.,
Sec. 1: Lot 4.

Fiddlers Lake Campground

T. 31 N., R. 101 W.,
Sec. 27: SE¼NE¼, SE¼SW¼NE¼, E½NW¼SE¼, SW¼NE¼SE¼.

Sinks Canyon Campground

T. 32 N., R. 100 W.,
Sec. 19: Lot 1.

Brooks Lake Campground

T. 44 N., R. 110 W., (unsurveyed)
Lands which when surveyed will probably be:
Sec. 25: S½NE¼NW¼, N½SE¼NW¼.

Beartooth Lake Campground

T. 57 N., R. 105 W., (unsurveyed)
Lands which when surveyed will probably be:
Sec. 6: E½SW¼SE¼, SE¼SE¼.

Kinnikinick Campground

T. 55 N., R. 106 W.,
Sec. 34: E½SE¼SW¼, W½SW¼SE¼.

Painted Rock Campground

T. 55 N., R. 106 W.,
Sec. 26: SE¼NE¼SW¼, SW¼NW¼SE¼.

MEDICINE BOW NATIONAL FOREST

Platte River Recreation Area

T. 13 N., R. 80 W.,
Sec. 6: Lots 2, 3, NE¼SE¼NW¼, S½SE¼NW¼.

T. 14 N., R. 80 W.,
Sec. 30: Lot 4, S½SE¼SW¼, NE¼SE¼SW¼, E½NE¼SW¼, W½NW¼SE¼;
Sec. 31: SE¼SW¼SE¼, N½SE¼SE¼.

T. 14 N., R. 81 W.
Sec. 25: SW¼SW¼, SW¼SE¼SW¼, S½SE¼SE¼.
Sec. 26: NW¼SW¼, N½NE¼SW¼, NE¼SW¼SE¼, N½SE¼SE¼.
Sec. 36: N½NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, SW¼SW¼NE¼, S½NE¼NW¼, NW¼NE¼NW¼, E½NW¼NW¼, NE¼SW¼NW¼, SE¼NW¼, E½NE¼SW¼, NW¼SE¼, S½NE¼SE¼, SE¼SE¼.

LaBonte Canyon Recreation Area

T. 28 N., R. 73 W.,
Sec. 1: SE¼SE¼SW¼, S½SW¼SE¼.
Sec. 8: W½NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, S½SE¼SW¼, S½S½SE¼.
Sec. 9: SE¼SW¼SW¼, S½SE¼SW¼, SE¼NW¼SE¼, W½SW¼SE¼, NE¼SW¼SE¼, S½NE¼SE¼, N½SE¼SE¼.
Sec. 10: E½SE¼NE¼, SW¼SE¼NE¼, S½SW¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, W½NE¼SW¼, E½NW¼SW¼, SW¼NW¼SW¼.
Sec. 11: E½NE¼NE¼, SW¼NE¼NE¼, S½NW¼NE¼, S½NE¼NW¼, N½SW¼NW¼, N½SE¼NW¼.
Sec. 12: N½NE¼NW¼, N½NW¼NW¼, SW¼NW¼NW¼.
Sec. 16: N½NW¼NW¼.
Sec. 17: N½NW¼NE¼, NE¼NW¼, SE¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼.
Sec. 18: Lots 3, 4, E½SE¼NE¼, SW¼SE¼NE¼, S½SW¼NE¼, NE¼SW¼, N½NW¼SE¼.
T. 28 N., R. 74 W.,
Sec. 13: S½SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, S½NW¼SE¼, N½SW¼SE¼, S½NE¼SE¼, NW¼SE¼SE¼.

Total area 2,717.98 acres, more or less.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

[F.R. Doc. 61-10422; Filed, Nov. 1, 1961; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Proposed Issuance of Byproduct and Source Material License

Please take notice that Long Island Nuclear Service Corporation, 35 New Mill Road, Smithtown, Long Island, New York has applied for a license to receive and store solid byproduct and source material waste only at their facility located on Lakeland Avenue at Wilson Street, Bohemia, Town of Islip, Suffolk County, Long Island, New York, and to transfer said material to the AEC designated sites at the National Reactor Testing Station, Idaho Falls, Idaho and Oak Ridge National Laboratory, Oak Ridge, Tennessee for land burial. Under the requested license Long Island Nuclear Service Corporation would not possess more than 100 curies of any byproduct material having Atomic Numbers between 3 and 83, 1,000 curies of Hydrogen 3 and 1,000 pounds of source material at any one time.

The AEC has reviewed the application and proposes to grant the license subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing is filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter 1, Part 2, "Rules of Practice."

For further details see (1) the application submitted by the Long Island Nuclear Service Corporation and amendment thereto and (2) a memorandum prepared by the Division of Licensing and Regulation summarizing the considerations evaluated prior to the proposed issuance of the license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., October 27, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director,
Licensing and Regulation.

[F.R. Doc. 61-10417; Filed, Nov. 1, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GEORGE R. KIRCHNER COMMISSION SALES CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act, and are, therefore, no longer subject to the provisions of the act.

Name, Location of Stockyard, and Date of Posting

George R. Kirchner Commission Sales Co., Morgan Hill, Calif., April 20, 1961.
Trev. Moore Sales Yard, Paramount (Hynes), Calif., January 6, 1947.
Gulf Coop. Marketing Assn., Inc., Trenton, Fla., July 8, 1960.
Greenville Livestock Auction, Greenville, Ill., May 18, 1961.
Laurel Burns Sale Barn, Brownsburg, Ind., June 10, 1959.
Decatur Sale Barn, Decatur, Ind., April 27, 1959.
Dixon Bros. Livestock Sales, Dexter, Mich., May 11, 1959.
Dixon Bros. Livestock Sales, Jackson, Mich., May 16, 1959.
Sparta Livestock Market, Sparta, Tenn., June 6, 1959.
Ned Parrish Livestock Auction, Clarksville, Tex., March 3, 1959.
Palestine Livestock Auction, Palestine, Tex., March 24, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 30th day of October 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10452; Filed, Nov. 1, 1961; 8:50 a.m.]

O'NEILL LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

O'Neill Livestock Auction, Eldora, Iowa.
Oskaloosa Livestock Auction, Oskaloosa, Iowa.
Ottawa Livestock Commission Co., Ottawa, Kans.
S. & J. Livestock Commission Co., Inc., Norton, Kans.
Walnut Sales Co., Walnut, Miss.
Clark County Sale Co., Kahoka, Mo.
Dillon Livestock Auction Co., Dillon, Mont.
Farmers Livestock Market, Plymouth, N.C.
Valley Livestock Auction Market, Hood River, Oreg.
Lincoln County Live Stock Market, Fayetteville, Tenn.
Arlington Livestock Commission Co., Inc., Arlington, Tex.
Junction Stockyards, Junction, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of October 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10453; Filed, Nov. 1, 1961; 8:50 a.m.]

PELHAM STOCKYARDS, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
GEORGIA	
Pelham Stockyards, Inc., Pelham, May 13, 1959.	Pelham Livestock Co., March 1, 1961.
IDAHO	
Coeur d'Alene Livestock Commission Yards, Coeur d'Alene, October 2, 1959.	Coeur d'Alene Livestock Yards, June 23, 1961.
Idaho Falls Livestock Commission Co., Idaho Falls, August 10, 1937.	Idaho Livestock Auction, May 15, 1961.
IOWA	
Farmers Salea Co., Sumner, May 22, 1959.	Farmera Salea Co., July 28, 1961.
MICHIGAN	
Hart Livestock Sales, Hart, May 14, 1959.	Hart-Scottville Livestock Sales, Inc., August 1, 1961.
Scottville Livestock Sales, Scottville, May 14, 1959.	Hart-Scottville Livestock, Sales, Inc., August 1, 1961.
MINNESOTA	
Belgrade Community Sale, Belgrade, December 4, 1959.	Belgrade Livestock Auction Market, August 15, 1961.
MISSISSIPPI	
Southwest County Stockyards, Port Gibson, February 16, 1959.	Claiborne County Stockyards, March 8, 1961.
MONTANA	
Great Falls Stockyards Co., Great Falls, November 16, 1936.	Great Falls Livestock Market Center, July 1, 1961.
NEBRASKA	
Sargent Livestock Commission Co., Sargent, November 4, 1958.	Sargent Livestock Commission Co., Inc., August 7, 1961.
NEW MEXICO	
New Mexico Livestock, Inc., Artesia, November 22, 1960.	Artesia Livestock Auction, March 25, 1961.
Roswell Livestock Commission Co., Roswell February 14, 1957.	Roswell Livestock Commission Co., Inc., March 24, 1961.
OKLAHOMA	
Tillman County Livestock Sale, Frederick, March 19, 1951.	Frederick Stockyards, April 18, 1961.
TEXAS	
Cuero Livestock Commission Company, Cuero, May 3, 1957.	Cuero Livestock Commission, Inc., July 1, 1960.
Marshall-Longview Livestock Auction, Inc., Marshall, March 9, 1959.	Marshall Livestock Commission Co., March 22, 1961.
WYOMING	
Worland Livestock Commission Co., Worland, June 28, 1950.	Worland Livestock Auction, July 17, 1961.

Correction. On September 26, 1961, there appeared in the FEDERAL REGISTER (26 F.R. 9055) a notice of changes in names of posted stockyards. In the second column of such notice the heading "Current Name of Stockyard and Date of Posting" should read "Current Name of Stockyard and Date of Change in Name."

Done at Washington, D.C., this 30th day of October 1961.

H. L. JONES,
Chief, Rates and Registrations Branch Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10454; Filed, Nov. 1, 1961; 8:51 a.m.]

WALKER COUNTY LIVESTOCK ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Walker County Livestock, Jasper, Ala.
Greenville Livestock Auction Co., Greenville, Ill.
Hampton Auction, Inc., Hampton, Iowa.
Faribault Livestock Sales Barn, Faribault, Minn.
Kahoka Sale Co., Kahoka, Mo.
Eustis Livestock Commission Co., Eustis, Nebr.
Schnell Livestock Market, Inc., Lemmon, S. Dak.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of October 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10455; Filed, Nov. 1, 1961; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 7382]

REOPENED FORT WORTH INVESTIGATION

Notice of Hearing

In the matter of the Reopened Fort Worth Investigation in relation to Fort Worth-New York and Fort Worth-Washington service.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 28, 1961, at 10:00 a.m. (local time) in the Hereford Room of the Hotel Texas, Fort Worth, Texas, before Examiner Leslie G. Donahue.

For further details on the scope and the issues in this proceeding, parties and other interested persons are referred to the Board's Second Supplemental Opinion and Order E-16673, adopted the 14th day of April 1961, the report of prehearing conference served July 28, 1961, and all other orders and notices heretofore issued by the Civil Aeronautics Board in this proceeding.

Dated at Washington, D.C., October 27, 1961.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 61-10459; Filed, Nov. 1, 1961; 8:51 a.m.]

[Docket No. 12929; Order No. E-17641]

PACIFIC AIR LINES, INC.

Order Denying Application for Authority To Serve Red Bluff, California, Through Redding Airport; Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1961.

In the matter of an airport notice filed by Pacific Air Lines, Inc., Docket 12929, pursuant to § 202.3 of the Economic Regulations.

On May 4, 1960, Pacific Air Lines, Inc. (Pacific) filed with the Board a notice of its intent to regularly serve Red Bluff, California, through the Redding airport at Redding, California. By Order E-15317, dated June 2, 1960, the Board ordered that Redding airport should not be used to serve Red Bluff unless and until the Board found upon application of Pacific that the public interest would not be adversely affected thereby. By its present application, Pacific seeks approval by the Board of its proposed use of Redding airport to serve Red Bluff.

Red Bluff is an intermediate point on segment 2 of Pacific's route 76.[1] By the terms of its certificate, the carrier is required to schedule two daily round trips to each intermediate point before service to a point may be omitted. Following Order E-15317, Pacific filed an application for a change in service pattern which would authorize it to overfly Red Bluff after one daily round trip. By Order E-15712, August 30, 1960, the Board authorized the overflight of Red Bluff after the point was scheduled to be served on one daily round trip to and from San Francisco, thereby enabling Pacific to increase the available capacity of segment 2 service by using Martin 404 aircraft, for which the Red Bluff airport is inadequate, on one of the two round trips which the carrier previously had been operating with DC-3 equipment.

In support of its application, Pacific alleges that the Red Bluff airport is inadequate for Martin 404 and F-27 aircraft operations, although all other airports served on the same flights which serve Red Bluff are fully adequate for Martin 404 operations; that the pattern of service of two daily round trips with the larger Martin 404 and F-27 aircraft, and one daily DC-3 round trip, authorized under Order E-15712, did not attain the hoped for traffic results; that in order to increase load factors and economize, Pacific was compelled to eliminate one of the two larger aircraft schedules over this segment in May 1961, since it was necessary to retain the DC-3 schedule to serve Red Bluff; that the discontinuance of one of the large aircraft schedules has resulted in complaints as to the lack of sufficient capacity as well as with respect to the lack of air conditioning and pressurization on the DC-3 schedule; and that the use of Martin 404 pressurized equipment as a substitute for the remaining DC-3 schedule will provide a more acceptable pattern of service to the other communities on the segment, stimulate additional traffic without additional plane miles, and meet some of the complaints as to service made by Redding and other communities on this segment.

The carrier further states that the Redding airport is only 24 miles north of the center of Red Bluff, requiring only about 30 minutes of driving time at the posted speed limits; that limousine service would be provided for mail, express and freight by a contractor; that many passengers from Red Bluff now use the Pacific service through the Redding airport or through the Chico airport, 33 miles south of Red Bluff; that Red Bluff has not met "use it or lose it" standards, although it has been served by Pacific since 1947; that in 1960 Red Bluff originated an average of 2.8 passengers per day, whereas Redding and Chico originated 26.7 and 16.3 passengers per day, respectively; that use of the larger pressurized equipment proposed will benefit over 90 per cent of the total traffic using the airports; that the use of DC-3 equipment to serve Red Bluff results in a less convenient service to points which generated over 132,000 passengers in 1960; and that the use of the Redding airport to serve Red Bluff will eliminate $23,000 of expense incurred in serving Red Bluff with a DC-3 round trip daily and will eliminate the need for the expenditure of substantial funds by local, State and Federal governments for extension of the runway at Red Bluff by the 1,500 feet which would be required for service with Martin 404 aircraft.

Answers were filed on behalf of the Chico Chamber of Commerce and the Redding Chamber of Commerce and the City of Redding urging that the carrier's application be granted. The City of Red Bluff filed an answer opposing the application. The city alleges that Red Bluff generates more than sufficient traffic to warrant proper service by Pacific; that the greater number of persons traveling from Red Bluff to San Francisco or Sacramento use the Redding airport since the service provided at Red Bluff did not permit one day round trips to these points; and that such Red Bluff passengers must drive to Redding at their own expense, pay additional fare, and add one hour to their round trip time. It further alleges that many Red Bluff passengers using the Redding airport purchased their tickets at Red Bluff, but were not credited as Red Bluff passengers.

[1] Segment 2 extends from the coterminals of San Francisco and Oakland, California, via nine intermediate points to the terminals of Medford and Portland, Oregon.

After careful consideration of all of the pleadings of the parties, and of the service needs of Red Bluff as compared to the service needs of other points on Pacific's segment 2, we tentatively find and conclude that service to Red Bluff through the Redding airport would be in the public interest.

Service through the Red Bluff airport in 1960 benefited only approximately 2,000 passengers generated at that point, but the substitution of a larger pressurized aircraft for the DC-3 aircraft, which must be used to serve Red Bluff, would provide better service for a greater number of passengers generated at the other points served by these flights. The required 30 minutes of driving time between Red Bluff and the Redding airport, and the approximately 10 percent increase in fare required, would not be unduly burdensome on Red Bluff since Red Bluff passengers would benefit by the improved service made available at the Redding airport. Red Bluff in its answer suggests that Pacific's application be denied and that the carrier be authorized to overfly Red Bluff until its airport is made adequate for Martin 404 or F-27 aircraft. No estimate of a completion date for the extension of the runway at Red Bluff is given at that city.[2][3]

Pacific's authority to serve Red Bluff under the terms of its certificate expires December 29, 1961. In the absence of an application from Pacific for a renewal of its authority to serve Red Bluff, service will terminate on that date, and the city will no longer be designated as an airline point. It is estimated that Pacific received approximately $29,000 in passenger revenues in 1960 at Red Bluff and that most of this revenue would be retained if service is provided through the Redding airport. The carrier estimates that service to Red Bluff through the Redding airport would eliminate $23,000 of expense incurred in serving the Red Bluff airport on one DC-3 round trip daily. Under the class rate formula, the elimination of the DC-3 round trip serving Red Bluff and the substitution therefor of a Martin 404 round trip, which would eliminate one station and six miles of circuity on each round trip, would result in an increase in Pacific subsidy payments of approximately $92,000. This estimate is based on experienced operating data filed with the Board covering the first nine months of 1961 plus Pacific's forecast submitted for the last three months of the year.

On the basis of all these considerations, it is tentatively concluded that the public interest requires that Red Bluff should be served through the Redding airport. It is clear, however, that there are involved herein precise issues as to the needs of the Red Bluff/Redding area which should be resolved in a proceeding under section 401(g) of the Act, rather than on an informal basis. Accordingly, we will deny Pacific's application in Docket 12929 for authority to serve Red Bluff through the Redding airport, and conclude that an order should be entered directing Pacific to show cause why its authority to serve Red Bluff should not be renewed to provide for Red Bluff service as a dual point with Redding. In order to permit the conclusion of the proceeding prior to December 29, 1961, the date on which Pacific's authority to serve Red Bluff expires, petitions for reconsideration of this order will not be entertained, and an early date will be set for the filing of objections to the tentative findings and conclusions set forth herein.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth herein, and amending the certificate of public convenience and necessity of Pacific for route 76 so as to authorize service at Red Bluff and Redding, California, as a dual point to be served through the Redding airport;

2. That any interested persons having an objection to the issuance of an order, making final the proposed findings, conclusions and certificate amendment set forth herein, shall, within 15 days from the service date, file with the Board, and serve upon all persons hereafter made parties to this proceeding, a statement of objections;[4]

3. That in the event there are timely filed objections, this proceeding, identified as the Pacific Air Lines Service to Red Bluff and Redding Case, Docket 12929, shall be set for hearing, at the earliest practicable time, before an Examiner of the Board;

4. That, in the event no objections are filed, all further procedural steps will be deemed to have been waived and the case will be submitted to the Board for final action;

5. That the application of Pacific in Docket 12929 be and it hereby is denied;

6. That copies of this order shall be served upon Pacific Air Lines, Inc., the City of Redding, the City of Chico, and the City of Red Bluff, all hereby made parties to this proceeding in Docket 12929; and

7. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10460; Filed, Nov. 1, 1961; 8:52 a.m.]

[2] We are informally advised by the Federal Aviation Agency that no Federal funds are presently allocated to Red Bluff for development purposes.

[3] Pertinent traffic and passenger load data are set forth in Appendices A and B filed as part of the original document.

[4] The Board will not separately entertain petitions seeking reconsideration of this order. All requests for relief from, or modifications of, this order shall be submitted with such objections as may be made to the issuance of an order making final the proposed findings and conclusions and certificate amendment set forth herein.

[Docket 9767]

SERVICE TO SHEBOYGAN COUNTY, WISCONSIN

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 15, 1961, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 30, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-10461; Filed, Nov. 1, 1961; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14154; FCC 61-1252]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Regarding Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 14154; regulations and charges for developmental line switched service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration its order adopted October 4, 1961, herein, which suspended the following tariff schedules: Original Pages 3A, 4A, 4B, 4C, 5A, and 22 through 79, 1st Revised Title Page, 1st Revised Pages 2 through 15, and 17 through 21, and 2d Revised Page 16 of American Telephone and Telegraph Company (A.T. & T.) Tariff F.C.C. No. 252; 2d Revised Title Page, 13th Revised Page 5, 4th Revised Pages 4, 6, and 14, and 7th Revised Page 7 of A.T. & T. Tariff F.C.C. No. 133; and 4th Revised Page 4, and 3d Revised Page 6 of A.T. & T. Tariff F.C.C. No. 245; and

It appearing that through inadvertence said order of October 4, 1961 failed to extend the investigation ordered herein on June 7, 1961 to include the revisions of A.T. & T. Tariffs F.C.C. Nos. 133 and 245;

It is ordered, That the first ordering clause of the order adopted herein on June 7, 1961, is amended to read as follows:

It is ordered, That pursuant to the provisions of sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, that investigation is hereby instituted upon the Commission's own motion into the lawfulness of A.T. & T. Tariff F.C.C. No. 252; 2d Revised Title Page, 13th Revised Page 5, 4th Revised Pages 4, 6, and 14, and 7th Revised Page 7 of A.T. & T. Tariff F.C.C. No. 133; and 4th Revised Page 4, and 3d Revised

Page 6 of A.T. & T. Tariff F.C.C. No. 245, including amendments thereto and successive issues thereof;.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10472; Filed, Nov. 1, 1961; 8:53 a.m.]

[Docket No. 14251; FCC 61-1256]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone and Telegraph Company, Docket No. 14251; regulations and charges for TELPAK services and channels.

1. The Commission has before it the record to date in the above-entitled proceedings and (A) Tariff F.C.C. No. 250 of the American Telephone and Telegraph Company (A.T. & T.) applicable to TELPAK services and channels including the revised schedules of that tariff placed under suspension by order of September 7, 1961, such schedules hereinafter referred to as the "Revisions"; (B) A "Motion to Change and Separate Issues and to Expedite Proceedings" filed by Motorola, Inc. (Motorola) on September 29, 1961, requesting that, in the interest of expediting a determination, the questions as to whether the Revisions are unlawfully discriminatory or preferential within the meaning of section 202(a) of the Communications Act be resolved separately from, and prior to the resolution of the other questions at issue in this proceeding; (C) Oppositions to the Motorola request filed by A.T. & T. on October 10, 1961, and jointly by the NAM Committee on Manufacturers Radio Use and the American Trucking Associations (NAM-ATA) on October 12, 1961; and (D) A reply to the above-mentioned oppositions filed by Motorola on October 20, 1961, and comments filed by The Western Union Telegraph Company on October 6, 1961, urging that Motorola's motion be granted if, in the Commission's judgement, such a separation of the issues would not delay the final determination relative to the entire TELPAK concept.

2. In support of its request for separation of the issues, Motorola argues that unless the questions of the lawfulness of the Revisions are resolved as soon as possible, preferably within the period of suspension, the customers of TELPAK might suffer irreparable injury, the development of the private microwave communications industry would be precluded, and the establishment of a monopoly in the manufacture and sale of microwave communications equipment and in the furnishing of communications services would be fostered in the Bell System. Motorola suggests that the presiding examiner be directed to receive the evidence necessary for a determination as to whether the furnishing of TELPAK services and channels under the revised schedules is in any material respect different from the furnishing of services and channels under A.T. & T. Tariff F.C.C. Nos. 135, 140, 208, 220, 231 and 237 (hereinafter referred to as the "other private line services"). Motorola further suggests that after receiving such evidence as may be adduced, the presiding examiner should certify that portion of the record to the Commission without preparing either an initial or recommended decision at which time, it is urged, the Commission can determine the lawfulness of the revisions under section 202(a) of the Act as a matter of law without further evidentiary proceedings. Under this concept, the Commission would reach its determination under the assumptions, arguendo, that the rates under the Revisions are compensatory and competively necessary.

3. In opposing the Motorola action, A.T. & T. and NAM-ATA question Motorola's standing to seek a separation of the issues especially since it does so on the grounds that the TELPAK customers, some of whom are intervenors in this proceeding, would suffer injury. Motorola's standing to speak for the private microwave manufacturing industry is also questioned. There is no merit to this argument inasmuch as Motorola has been granted the privileges of full intervention which alone gives it sufficient standing. A.T. & T. and NAM-ATA also assert that the issues are so intertwined as to be inseparable and that even if separation is possible in this case it can only result in delay rather than expedition as a consequence of the inevitable duplication of the evidentiary and decisional processes.

4. It would appear that if separation of a limited number of issues for early determination is possible, and if such a separation will not unduly delay the determination of the remainder of the questions at issue, such a separation would serve the public interest. An early resolution of the problems of discrimination and preference relating to the Revisions is particularly desirable in view of the concern we expressed in the order of September 7, 1961, as the basis for suspending those Revisions; viz.:

> • • • if the August 3 revisions of Tariff F.C.C. No. 250 are permitted to become effective as scheduled, substantial injury to the rights and interests of the public may result if the tariff schedules are determined to be unjust, unreasonable or otherwise unlawful.

The problem then becomes whether separation is possible and whether separation will retard unduly the resolution of the other issues.

5. Our understanding of Motorola's contention is that, assuming the TELPAK rates under the Revisions are compensatory and competitively necessary, they are nevertheless unlawful if (1) the services are indistinguishable from other private line services; and (2) there are no material cost differences associated with furnishing a given number of channels to one customer as opposed to furnishing the same number of channels to as many customers. If Motorola is correct, the matter of evidence becomes comparatively simple. Question number 1 is properly resolved by reference to the tariffs on file with the Commission. Since we do not understand that A.T. & T. contends to the contrary of question number 2, brief testimony, or perhaps a stipulation, would establish the basic facts for the record. It then becomes a question of law as to whether under such circumstances the Commission must determine that the TELPAK rates under the Revisions are ipso facto, unlawful.

6. If Motorola is correct in its contention, it would seem futile to proceed with the more voluminous evidentiary procedures required to demonstrate that the rates are necessary to meet competition and are compensatory. Moreover, it would appear that more expeditious procedures than those suggested by Motorola are desirable in order to dispose of this threshold question at the earliest possible time.

7. *Accordingly, it is ordered,* This 25th day of October 1961, that on November 13, 1961 at 10 a.m. at its offices in Washington, D.C., the Commission en banc will receive evidence as to:

(1) Whether services under the suspended revised tariff schedules are distinguishable in any material respects from services offered under Tariff F.C.C. Nos. 135, 140, 208, 220, 231, and 237; and

(2) Whether there are any material cost differences associated with furnishing a given number of channels to one customer as opposed to furnishing the same number of channels to as many customers;

and that immediately subsequent to the receipt of such evidence the Commission will have oral argument as to whether, in the light of such evidence, the TELPAK rates under the Revisions as above described are unlawfully discriminatory or preferential under the provisions of section 202(a) of the Communications Act of 1934, as amended.

8. *It is further ordered,* That the parties may file briefs on or before November 9, 1961 and that no initial decision on these matters will be issued.

9. *It is further ordered,* That, for the reasons given above, the Motorola motion to change and separate issues and to expedite proceedings is granted to the extent indicated herein and in all other respects denied.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10473; Filed, Nov. 1, 1961; 8:53 a.m.]

[Docket No. 14251; FCC 61M-1702]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order After Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 14251; regulations and charges for TELPAK services and channels.

A prehearing conference having been held in the above-entitled proceeding on October 26, 1961;

It is ordered, This 26th day of October, 1961 that:

(1) The hearing presently scheduled to commence on November 28, 1961 is hereby rescheduled so as to commence on Monday, December 11, 1961, at 2 p.m. at the offices of the Commission, Washington, D.C.;

(2) American Telephone and Telegraph Company will deliver a copy of its written direct case to counsel for each of the parties, and to the Hearing Examiner, not later than the close of business on Monday, December 4, 1961;

(3) The rules of procedure proposed by the Hearing Examiner, as modified and clarified as the result of discussions during the prehearing conference, are hereby incorporated by reference to the prehearing transcript with full force and effect as if set forth verbatim herein and are hereby adopted as the ground rules to govern the future conduct of the hearing;

It is ordered further, That the deadline dates established herein, as well as the procedures adopted, shall be considered as firm and will not be altered except on the basis of a timely filed motion predicated on a strong showing of good cause.

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10474; Filed, Nov. 1, 1961; 8:53 a.m.]

[Docket Nos. 14336-14340; FCC 61-1247]

ANTENNAVISION SERVICE CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Antennavision Service Company, Inc.: For renewal of the license for station KPH82, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona, Docket No. 14336, File No. 657-C1-R-61; for renewal of the license for station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona, Docket No. 14337, File No. 658-C1-R-61; for renewal of the license for station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14338, File No. 2326-C1-R-61; for a modification of license to cover a construction permit for additional facilities for station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14339, File No. 2525-C1-ML-61; for a construction permit to increase power and change antenna at existing licensed station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14340, File No. 3699-C1-P-61.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled applications for renewal of the licenses for stations KPH82 and KPH83, facilities in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in Page, Arizona; as well as the above-captioned application for renewal of license for station KOU61 serving community antenna television systems in Winslow and Holbrook, Arizona; and associated applications for modification of license to cover a construction permit for additional facilities for station KOU61 to serve a community antenna television system in Cottonwood, Arizona and for a construction permit to increase power and change antenna at station KOU61; and

It appearing that the only communication service provided by the applicant is to Antennavision, Inc. and Merrill CTV, Inc., the owners and operators of the community antenna television systems serving Page, Winslow and Holbrook, Arizona and Cottonwood, Arizona,[1] respectively, and that Mr. Bruce Merrill, the principal stockholder of the applicant corporation holds the principal stock interest in Antennavision, Inc. and also controls Merrill CTV, Inc.; and

It further appearing, that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing, that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing, that the above-captioned applications for modification of license to cover a construction permit for additional facilities and for a construction permit to increase power and change antenna at station KOU61 are to serve existing customers with whom, as stated above, there exists an identity of ownership interest; and

It further appearing that Commission action on the above-mentioned applications is contingent upon renewal of the license for station KOU61; and

It further appearing that the Commission is unable to find that a grant of the applications would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, as it existed prior to modification and as modified, in view of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the the licensee is not directly or indirectly affiliated.

(b) To determine the need for the holding out of the enhanced common carrier communication service proposed to be offered over the facilities of station KOU61, in view of the identity of ownership interest existing between applicant and its customers.

(c) To determine the facts with respect to the past business activities of the applicant relating to the operation of stations KOU61, KPH82 and KPH83 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(d) To determine the nature and extent of the interests existing among the applicant and Antennavision, Inc., and Merrill CTV, Inc., respectively.

(e) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(f) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of all or any of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10475; Filed, Nov. 1, 1961; 8:53 a.m.]

[Docket No. 14348; FCC 61-1264]

ANTENNAVISION SERVICE CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Antennavision Service Company, Inc., Docket No. 14348; File Nos. 4083/4084/4085/4086-C1-P-61; for construction permits to establish stations in the Point-to-Point Microwave Radio Service located respectively at Toro Peak, El Centro, 14 miles ESE of Holtville, and 8 miles SE of Ogilby, California.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration the above-entitled applica-

[1] Applicant presently has on file an application for modification of license to cover a construction permit for additional facilities for station KOU61 and is currently providing, under service tests, pursuant to § 21.212 of our rules, microwave transmission service to Cottonwood, Arizona.

[2] Dissenting statement of Commissioner Cross filed as part of original document.

tions of Antennavision Service Company, Inc. (hereinafter called Antennavision) for construction permits to establish fixed (video) point-to-point microwave stations at Toro Peak, El Centro, 14 miles ESE of Holtville and 8 miles SE of Ogilby, California; and

It appearing that the only communication service to be provided over the proposed facilities is to Valley Telecasting Co., Inc. (hereinafter called Valley), a community antenna system serving El Centro, California and Yuma, Arizona, and television broadcast station KIVA, Yuma, Arizona; and

It further appearing that Bruce Merrill, the principal stockholder of Antennavision, also owns one hundred percent of the stock of Valley, and that television station KIVA is affiliated with Valley; and

It further appearing that there is a question whether there is a need for the holding out of this particular common carrier communication service in view of the apparent absence of any present or prospective request for such service from any public subscribers, i.e., persons or entities with whom Antennavision is not directly or indirectly affiliated; and

It further appearing that the Commission is unable to find that a grant of the applications would serve the public interest, convenience or necessity; and

It further appearing that, since determination of the issues hereinafter designated will involve facts common to the captioned applications as well as to certain related applications of Antennavision designated for hearing in Docket Nos. 14336, 14337, 14338, 14339, and 14340, a consolidated hearing on all such applications is desirable;

It is ordered, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, a hearing be held herein, at the offices of the Commission in Washington, D.C., at a time and place to be hereafter specified, on the following issues:

(a) To determine the legal, financial and other relationships heretofore and presently existing between Bruce Merrill, Valley, station KIVA, and Antennavision, respectively.

(b) To determine the need for the holding out of this particular common carrier service in view of the apparent absence of any present or prospective request for such service from any public subscribers, i.e., persons or entities with whom Antennavision is not directly or indirectly affiliated.

(c) To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the hearing on the issues specified above be consolidated with the hearing in Docket Nos. 14336, 14337, 14338, 14339 and 14340; and

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein; and

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with the provisions of § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10476; Filed, Nov. 1, 1961; 8:53 a.m.]

[Docket No. 14316; FCC 61-1239]

ARIZONA MICRO-WAVE SYSTEM CO.

Order Designating Application for Hearing on Stated Issues

In re application of Arizona Micro-Wave System Company, Mule Mountain, Arizona, Docket No. 14316, File No. 1592-C1-R-61; for renewal of the license for station KOU84, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled application for renewal of the license for station KOU84, a facility in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in Douglas, Arizona; and

It appearing that the only communication service provided by the applicant is to Whitey's T.V. Cable Company, the owner and operator of the community antenna television system serving Douglas, Arizona and that an identity of ownership interest exists between the applicant and the community antenna television system served; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing that the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facility by public subscribers, i.e., person or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of station KOU84 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine the nature and extent of the interest existing between applicant and the community antenna television system served by it.

(d) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(e) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10477; Filed, Nov. 1, 1961; 8:53 a.m.]

[Docket Nos. 14321-14329; FCC 61-1243]

BLACK HILLS VIDEO CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Black Hills Video Corporation: For renewal of the license for station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14321, File No. 223-C1-R-61; For a modification of license to cover a construction permit for additional facilities for station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14322, File No. 361-C1-ML-61; For renewal of the license for station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas, Docket No. 14323, File No. 338-C1-R-61; For renewal of the license for station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado, Docket No. 14324, File No. 752-C1-R-61; For renewal of the license for station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska, Docket No. 14325, File No. 753-C1-R-61; For renewal of the license for station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska, Docket No. 14326, File No. 754-C1-R-61; For renewal of the license for station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming, Docket No. 14327, File No. 755-C1-R-61; For renewal of the license for station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota, Docket No. 14328, File No. 756-C1-R-61; For renewal of the license for station KKX74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Muleshoe, Texas, Docket No. 14329, File No. 2697-C1-R-61.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled applications for renewal of the licenses for stations KAP22, KAP23, KAP25, KAQ88 and KOY47 (system No. 1), KKU98 (system No. 2) and KKX74 (system No. 3), in the Domestic Public Point-to-Point Microwave Radio Service serving community antenna television systems in Rapid City, South Dakota; Victoria, Texas; and Clovis, New Mexico, respectively, as well as the above-captioned applications for renewal and modification of license to cover a construction permit for additional facilities for station KAR42 (system No. 4), a facility in the above service serving a community antenna television system in Poplar Bluff and Dexter, Missouri; and

It appearing that the only communication service provided by the applicant over each system is to Rapid City Television Corporation, the owner and operator of the community antenna television system serving Rapid City, South Dakota (system 1) and Tele-Tenna Corporation of Texas, the owner and operator of the community antenna television system serving Victoria, Texas (system 2) (both of which are subsidiaries of Midwest Video Corporation), as well as to Midwest Video Corporation, the owner and operator of the community antenna television system serving Clovis, New Mexico (system 3) and Poplar Bluff and Dexter, Missouri (system 4),[1] and that each of the above-mentioned operators of community antenna television systems, other than those operated directly by Midwest Video Corporation, as well as the applicant, are all subsidiaries of Midwest Video Corporation; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its respective radio systems and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling, or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of these particular common carrier communication services in light of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing that the above-captioned application for modification of license to cover a construction permit for additional facilities for station KAR42 is to serve Midwest Video Corporation, the parent corporation of the applicant; and

It further appearing that Commission action on the above-mentioned application is contingent upon renewal of the license for station KAR42; and

It further appearing that the Commission is unable to find that a grant of these applications would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D.C. on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of these particular respective common carrier communication services, as they existed prior to modification, and as modified, in view of the non-use of each of the respective four systems identified above by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of stations KAP22, KAP23, KAP25, KAQ88, KOY47, KKU98, KKX74, and KAR42 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier as to each respective system, or whether, in light of such determinations, such holding out should be terminated.

(d) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of all or any of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10478; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket Nos. 14341-14344; FCC 61-1248]

COLLIER ELECTRIC CO.

Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In re Applications of Collier Electric Company: For renewal of the license for station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado, Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado, Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska, Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska, Docket No. 14344, File No. 2710-C1-R-61.

1. The Commission has before it for consideration (a) the above-entitled applications (filed on January 4, 1961) of Collier Electric Company (hereinafter called Collier), for renewal of the licenses for stations KAQ79, KAQ80, KAQ81 and KAS41, facilities in the Domestic Public Point-to-Point Microwave Radio Service serving community antenna television systems in Sterling, Colorado, Sidney, Kimbal, Alliance and Gering, Nebraska, respectively; (b) a petition to deny such applications filed pursuant to section 309(d) of the Communications Act of 1934, as amended, on February 6, 1961 by Frontier Broadcasting Company (hereinafter called Frontier), licensee of television broadcast stations KSTF in Scottsbluff, Nebraska and KFBC-TV in Cheyenne, Wyoming; (c) an opposition to said petition, timely filed by Collier on February 20, 1961; and (d) a reply to the opposition filed by Frontier on March 2, 1961, which, in accordance with §§ 1.13 and 1.18 of the Commission's rules was not timely filed and, accordingly, has not been considered in our disposition of the subject protest.

THE RENEWAL APPLICATIONS

2. Collier has provided point-to-point microwave radio service to Sterling Community T.V. Company, Sidney Community T.V. Company, Kimball Community T.V. Company, Alliance Community T.V.

[1] Dissenting statement of Commissioner Cross filed as part of original document.

[1] Applicant presently has on file an application for modification of license to cover a construction permit for additional facilities for station KAR42 and is currently providing, under service tests, pursuant to § 21.213 of our rules, microwave transmission service over a fourth channel to Poplar Bluff and Dexter, Missouri.

[2] Dissenting statement of Commissioner Cross filed as part of original document.

Company and Scotts Bluff County Community T.V. Company, the owners and operators of the CATVs in the respective cities mentioned in paragraph 1. In Exhibit No. 3, attached to its applications, Collier states that these respective CATVs are its only customers and are wholly owned by it. It, thus, appears that the only communication service provided by Collier has been to CATV customers in which it has a controlling interest and that Collier has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself. It further appears that Collier has been in operation of the above stations for substantial periods of time (the licenses for stations KAQ79 and KAQ80 having been granted on October 15, 1957 and for stations KAQ81 and KAS41 on April 14, 1959 and May 18, 1959, respectively). Thus, there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated. Accordingly, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience or necessity and would, on its own motion, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, designate the subject applications for hearing upon issues (a), (b), (c), (d), and (e) as set forth hereinafter in this Memorandum Opinion and Order.

THE PREGRANT PROTEST

3. In support of its pregrant protest, Frontier alleges that it is a party in interest, within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, for the following reasons: It operates television station KSTF in Scottsbluff, the only television station in that city. The city of Gering is adjacent to Scottsbluff and within the calculated city grade signal contour of station KSTF. A community of interest exists between Scottsbluff and Gering, Nebraska, and, therefore, station KSTF is identified by Frontier with Gering as well as Scottsbluff. The city of Alliance is within the calculated Grade B contour of station KSTF. Frontier alleges that it suffers economic injury from the activities of the CATV systems in Gering and Alliance in furnishing to their customers the programs of Denver, Colorado network affiliated television stations, as well as those of station KSTF, thereby duplicating the programs of KSTF, dividing and reducing its audience, reducing the sale value of its program time, and causing it loss of revenues.

4. Frontier alleges that Collier is not a common carrier. It bases that allegation on Exhibit No. 3, attached to the subject renewal applications, which indicates that Collier has neither provided microwave service to any customer not wholly owned by it, nor succeeded, during the past three and a half years, in acquiring non-affiliated subscribers to its service. Frontier further asserts that, judging from the widely varying rates that Collier was quoting to persons making inquiry about microwave relay service, it must be inferred that Collier has actively and successfully attempted to discourage the use of its service by prospective public subscribers and has, therefore, insured use of its microwave facilities for its own business purposes.

5. Frontier alleges that it is required to pay valuable consideration for the copyrighted works and other literary properties which it broadcasts over station KSTF, but that Collier transmits the programs of KSTF and others over its CATV systems in Gering and Alliance without obtaining the permission of Frontier or the other alleged owners. This action on Collier's part is viewed by Frontier as unfair competition to it, as well as unlawful taking of property. Frontier maintains that Collier transmits KSTF's programs despite the fact that it has forbidden it to do so.

6. Frontier alleges that Collier constructed station KAS41 prior to the grant by the Commission of a construction permit for such facilities and that, consequently, the Commission was forbidden by section 319(a) of our Act from issuing a license for that station. Frontier, thus, alleges that the Commission may not renew the license for station KAS41.[1]

7. Frontier further alleges that Collier has been lacking in candor in some of its representations to the Commission which, it maintains, establishes a prima facie case that Collier does not possess the requisite qualifications to receive a grant of its renewal applications.[2]

8. Upon the foregoing allegations, Frontier requests that all the above-entitled applications be designated for hearing on the following issues.

"(a) To determine whether Collier has been, is, or is likely in the future to be, a communication common carrier eligible to receive a grant of the licenses it seeks, and whether there is any public need for the common carrier service specified in the licenses it seeks, and, as part of that determination, to determine whether Collier has made a bona-fide effort to hold itself out to be a common carrier to serve the public without preference or discrimination.

(b) To determine the effect which a grant of the above-entitled application(s) and the operation in accordance with it by Collier would have upon the operation of station KSTF and KFBC-TV and upon the public served by those stations.

(c) To determine whether Collier is engaging in unfair competition with respect to Frontier and the use of copyrighted works and other literary property without the permission of or compensation to their owners and contrary to law.

(d) To determine whether Collier's station KAS41 was prematurely constructed in violation of section 319(a) of the Communications Act, and, if so, whether a license for the continued use of that station can or should be issued.

(e) To determine whether Collier has been lacking in candor in its filings with and representations to the Commission, and whether it has been lacking in candor in its representations to prospective customers of the costs and other conditions of service from Collier.

(f) To determine whether Collier is legally or otherwise qualified to be a Commission licensee.

(g) To determine whether the public interest, convenience and necessity would be served by a grant of the above-entitled application(s).

OPPOSITION TO THE PROTEST

9. Collier partially concedes Frontier's status as a party in interest and requests that Frontier's participation in any hearing herein be limited to the application for renewal of license for station KAS41, which station provides service to CATV customers in Gering and Alliance, Nebraska. Collier maintains that, insofar as service provided by stations KAQ79, KAQ80 and KAQ81 to CATV systems in Kimball and Sidney, Nebraska and Sterling, Colorado is concerned, Frontier has not established its party in interest status and that, consequently, any hearing which is set on the basis of Frontier's petition to deny, or in which Frontier should be permitted to participate, should be restricted to the renewal of license for station KAS41. Additionally, Collier contends that, with respect to the question of "economic impact" alleged to be occasioned to Frontier's broadcast operation by the CATV operations served by Collier, Frontier has failed completely to make the required statutory showing that this matter is in any way material to the question of whether or not the subject applications should be granted. Collier, while not conceding the truth of the allegations by Frontier concerning its "holding out" as a common carrier for hire, does admit that these allegations raise questions which should be resolved in a common carrier proceeding. So far as the question of property rights in television signals or the question of "unfair competition" between television stations and other members of the public is concerned, Collier contends that Frontier has utterly failed to make any showing that this matter is substantial or material to the question of whether or not its common carrier microwave licenses should be renewed. With respect to matters raised by Frontier relating to alleged prior violations by Collier of our Act and rules, Collier asserts that such matters were submitted to the Commission by Frontier in formal pleadings and determined by formal action.[3]

DISPOSITION OF THE PROTEST

10. Based upon allegations of adverse economic impact, we find and conclude that Frontier is a party in interest only with respect to the application for renewal of license for station KAS41. Frontier's allegations of adverse economic injury are based solely upon service rendered to CATV systems in Alliance and Gering, Nebraska, which receive their service from station KAS41. Accordingly, the hearing order hereinafter set forth will limit Frontier's participation solely to renewal of the license for station KAS41.

11. In our Report and Order in Docket No. 12443, we undertook an extensive and careful review of all the considerations brought to our attention and bearing upon the alleged interrelationships between the provision of common carrier microwave relay communication service to CATVs generally and the operation of CATVs versus television broadcasters. In the Report and Order, we arrived at various considered conclusions, some of which have a direct bearing upon this situation. Thus, in paragraphs 45 through 51 of that Report and Order, we considered the impact of CATVs on television broadcasters and concluded that there was nothing that would justify us in taking action or seeking authority under which we could act, to bar CATVs from coming into or continuing to operate in a particular market. As a concomitant to this, we also concluded, in paragraphs 58 through 71, that we had no jurisdiction to regulate CATVs directly or indirectly. In paragraphs 65 through 68, and in paragraphs 78 through 79, we made various pertinent determinations concerning our lack of authority and competence to determine contested questions of property rights as between broadcasters and others on the one hand and common carriers and CATVs, on the other hand. In paragraphs 72 through 77 of our Report and Order, we set out the basis for our conclusion that it would not constitute a legally valid exercise of regulatory jurisdiction over common carriers to deny authorizations for common carrier microwave, wire or cable transmission of television programs to CATV systems on the ground that such facilities would abet the creation of adverse competitive impact by the CATV on the construction or successful operation of local or nearby television stations.[4]

12. Section 21.709 of the Commission's rules establishes a criterion by which to determine whether or not licensees in the Domestic Public Point-to-Point Microwave Radio Service have, during the preceding license period, been rendering a bona fide common carrier service to the public.[5] Exhibit No. 3, attached to Collier's renewal applications, indicates that, during the preceding license period, it has not served any subscribers with whom it has no identity of interest. In fact, the showing indicates that Collier serves only CATV systems which it wholly owns. The Commission has consistently held that common carrier status may be initially achieved by a genuine holding out of service to the public, and that the implementation of this holding out is for later review, after a reasonable opportunity to use the service had been afforded the licensee. Collier has been afforded such opportunity and this is the time for re-appraisal. Accordingly, in the hearing hereinafter provided, an appropriate issue on this matter is included.

13. Frontier's allegation of unlawful appropriation by Collier of televised program material belonging to it and other alleged owners, has not been considered in the disposition hereof. In our Memorandum Opinion and Order In re Collier Electric Company (footnote 2, above) we held, in considering the identical allegations by Frontier, that there was no legal authority to support the conclusion that any property right was invaded by one simultaneously receiving and viewing the broadcast signal in these circumstances. We also held that the ultimate decision of this question was outside the Commission's competence in the absence of any controlling statute on this point or any adjudication of this proposition by a court.[6]

14. The prior violations of our Act and rules by Collier, which Frontier now seeks to reexamine, are all matters which have been fully considered and formally disposed of by the Commission.[7] Frontier has presented nothing new in its instant petition. Accordingly, there is no need to reexamine the matters previously adjudicated.

15. With regard to Frontier's allegations that Collier was quoting widely varying rates to prospective subscribers for service over the same system, the Commission desires that a full record be made on this matter and, accordingly, an issue with respect thereto is included herein.

16. The suggested issues (a), (b), and the latter part of (e), as contained in the petition to deny, have been rewritten as four separate issues; issues (c), (d), the first part of (e) and (f) have been eliminated for the reasons set forth in paragraphs 13 and 14 above; and issue (g), which is conclusionary in nature, has been rewritten to include the issues set forth hereinafter.

17. In view of the foregoing; *It is ordered*, That the petition to deny is granted to the extent herein provided, and denied in all other respects; and that, pursuant to the provisions of Section 309(d)(2) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the nonuse of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of Collier relating to the operation of stations KAQ79, KAQ80, KAQ81 and KAS41 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine whether Collier has engaged in any discriminatory or unlawful practices relating to the operation of stations KAQ79, KAQ80, KAQ81 and KAS41, with respect to its representations to prospective customers of the charges for, and other conditions of service, to be rendered by it.

(d) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(e) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of any, or all, of the applications would serve the public interest, convenience or necessity.

18. *It is further ordered*, That the burden of proof on all issues is placed on Collier; and

19. *It is further ordered*, That Frontier Broadcasting Company and the Chief, Common Carrier Bureau are made parties to the proceedings herein; and

20. *It is further ordered*, That Frontier's participation with respect to issues (a), (b), (c), (d), and (e) be limited solely to that phase of the hearing concerned with renewal of the license for station KAS41.

21. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Adopted: October 18, 1961.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10479; Filed, Nov. 1, 1961; 8:54 a.m.]

---

[1] The Commission's letter of April 14, 1959, disposed, in a formal action, of all the allegations in paragraph 6 above raised by Frontier.

[2] The alleged misrepresentations, to which Frontier refers as having occurred in 1960, were formally considered and disposed of by the Commission. See Commission's Memorandum Opinion and Order In re: Collier Electric Co. (FCC 60-1429), released on December 7, 1960.

[3] See footnotes 1 and 2 *supra*.

[4] See also the Memorandum Opinion and Order cited in footnote 2, above.

[5] § 21.709 *Renewal of station licenses.*

(a) Upon filing applications for renewal of station license of a radio system in the Domestic Public Point-to-Point Microwave Radio Service, each such common carrier licensee who does not also operate a telephone or telegraph wireline system shall make a factual showing that, during the preceding license period, at least 50 percent of the total hours of service rendered over the radio system, and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with, the applicant.

(b) If the applicant is unable to meet the criteria set forth in paragraph (a) of this section, he shall make a factual showing of the extent of such service rendered, the specific nature, extent, and dates of any efforts the licensee has made to achieve use of the service by the public, and offer such further showing or explanation as he may deem appropriate.

(c) The showing made under paragraphs (a) and (b) of this section shall be made in duplicate and under oath and submitted with the appropriate renewal application.

[6] A decision of the U.S. District Court for the Dist. of Idaho, Southern Div., in Intermountain Broadcasting & Television Corp. v. Idaho Microwave, Inc., et al., June 26, 1961, disposing of motions for summary judgment, suggests, tentatively, no invasion of property rights in this situation.

[7] See footnotes 1 and 2 above.

[Docket No. 14320; FCC 61-1242]

CERACCHE & CO., INC.

Order Designating Application for Hearing on Stated Issues

In re application of Ceracche & Company, Incorporated, Connecticut Hill, New York, Docket No. 14320, File No. 1676-C1-R-61; for renewal of the license for station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled application for renewal of the license for station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in Ithaca, New York; and

It appearing that the only communication service provided by the applicant is to Ceracche Television Corporation, the owner and operator of the community antenna television system serving Ithaca, New York and that an identity of ownership interest exists between the stockholders of the applicant and the community antenna television system served; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing, that the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of station KEG51 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine the nature and extent of the interest existing between applicant and the community antenna television system served by it.

(d) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(e) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10480; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket Nos. 14318, 14319; FCC 61-1241]

COLUMBIA BASIN MICROWAVE CO.

Order Designating Applications for Hearing on Stated Issues

In re applications of Columbia Basin Microwave Company, for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464-C1-R-61; for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082-C1-AL-61.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled application for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in Moses Lake, Washington, as well as the above-captioned application for consent to assignment of the subject station license from the applicant to Columbia Basin Microwave Company, Inc.; and

It appearing that the only communication service provided by the applicant is to Moses Lake T.V., Inc., the owner and operator of the community antenna television system serving Moses Lake, Washington and that Patricia Hughes owns a substantial block of stock in H & H Construction Company, the parent corporation of Moses Lake T.V., Inc.; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing that 49 percent of the outstanding stock of the proposed assignee corporation would be owned by Patricia Hughes and that the considerations involved in the above-captioned renewal applications are inter-related with those involved in the captioned application for assignment of license; and

It further appearing that the Commission is unable to find that a grant of the applications would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the need for the continued holding out of this particular common carrier communication service if the above facility were assigned from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc.

(c) To determine the facts with respect to the past business activities of the applicant relating to the operation of station KOY40 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(d) To determine the nature and extent of the interests existing between the applicant, Patricia Hughes, d/b as Columbia Basin Microwave Company, as well as the proposed assignee, Columbia Basin Microwave Company, Inc., and H & H Construction Company and Moses Lake T.V., Inc., respectively.

(e) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(f) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10481; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket No. 14268; FCC 61M-1704]

CROSBY COUNTY BROADCASTING CO.

Order Continuing Hearing

Darrell Willis, W. R. Bentley, Phil Crenshaw, Galen O. Gilbert and Lew D'Ella d/b as Crosby County Broadcasting Co., Ralls, Texas, Docket No. 14268, File No. BP-14864; for construction permit.

Pursuant to request by counsel for applicant: *It is ordered*, This 26th day of October 1961, that the hearing herein now scheduled for November 29, 1961, be, and the same is hereby rescheduled for January 16, 1962, at 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10482; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket No. 14315; FCC 61-1238]

DAKOTA MICROWAVE CO.

Order Designating Application for Hearing on Stated Issues

In re application of Dakota Microwave Company, Turkey Ridge, South Dakota, Docket No. 14315, File No. 1046-C1-R-61, for renewal of the license for station KAQ71, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled application for renewal of the license for station KAQ71, a facility in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in Mitchell, South Dakota; and

It appearing that the only communication service provided by the applicant is to Palace Trans-Video Company, the owner and operator of the community antenna television system serving Mitchell, South Dakota and that an identity of ownership interest exists between the applicant and the community antenna television system served; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing that the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of station KAQ71 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine the nature and extent of the interest existing between applicant and the community antenna television system served by it.

(d) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(e) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10483; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket Nos. 14269, 14270; FCC 61M-1705]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Order Following Prehearing Conference

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held October 25, 1961 in the above-entitled matter: *It is ordered*, This 26th day of October 1961:

1. Engineering exhibits shall be exchanged on or before November 28, 1961;

2. An informal conference shall be had among the parties December 12, 1961;

3. Notification of witnesses shall be given December 13, 1961; and

4. Hearing on the engineering phases of this matter shall be held commencing at 10:00 a.m., December 19, 1961 (in lieu of the hearing on all issues now scheduled to commence on November 27, 1961).

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10484; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket Nos. 14256, 14257 FCC 61M-1703]

CLARENCE EVERETT JONES AND ROBERT S. TAYLOR

Order Following Prehearing Conference

In re applications of Clarence Everett Jones, St. George, South Carolina, Docket No. 14256, File No. BP-13022; Robert S. Taylor, Aiken, South Carolina, Docket No. 14257, File No. BP-13892; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 26th day of October 1961:

1. Taylor's engineering exhibits shall be supplied to Jones on or before November 27, 1961;

2. Jones's engineering exhibits shall be supplied to Taylor on or before December 11, 1961;

3. Both parties shall exchange their 307(b) exhibits on or before December 11, 1961;

[1] Dissenting statement of Commissioner Cross filed as part of original document.

4. Notification of witnesses shall be made on or before December 18, 1961; and

5. The hearing presently scheduled for November 29, 1961 is rescheduled to commence at 10:00 a.m., December 27, 1961 in the Commission's offices in Washington, D.C.

Released: October 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10485; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket Nos. 14334, 14335; FCC 61-1246]

MESA MICROWAVE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Mesa Microwave, Inc., Docket No. 14334, File No. 2843-C1-R-61, for renewal of the license for station KLH35, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Silverton, Texas; Docket No. 14335, File No. 2844-C1-R-61, for renewal of the license for station KLH36, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Memphis, Texas.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled applications for renewal of the licenses for stations KLH35 and KLH36, facilities in the Domestic Public Point-to-Point Microwave Radio Service serving community antenna television systems in Memphis, Wellington, and Childress, Texas; and

It appearing that the only communication service provided by the applicant is to Vumore Company, the owner and operator of the respective community antenna television systems serving Memphis, Wellington, and Childress, Texas and that both applicant and Vumore Company are wholly-owned subsidiaries of Video Independent Theatres, Inc.; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing that the Commission is unable to find that a grant of the applications would serve the public interest, convenience or necessity; and

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of stations KLH35 and KLH36 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(d) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10486; Filed, Nov. 1, 1961; 8:54 a.m.]

[Docket No. 14347; FCC 61-1263]

MESA MICROWAVE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Mesa Microwave, Inc., Docket No. 14347, File Nos. 3664-C1-P-61, 3665-C1-P-61; for construction permits to establish stations in the Point-to-Point Microwave Radio Service at Pledger and Rhodes Ranch, Texas.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration the above-entitled applications of Mesa Microwave, Inc. (hereinafter called Mesa) for construction permits to establish fixed (video) point-to-point microwave stations at Pledger and Rhodes Ranch, Texas; and

It appearing that the only communication service to be provided over the proposed facilities is to Vumore Company (hereinafter called Vumore), a community antenna television system presently serving Port Lavaca, Texas, and that both Mesa and Vumore are wholly owned subsidiaries of Video Independent Theatres, Inc.; and

It further appearing, that there is a question whether there is a need for the holding out of this particular common carrier communication service in view of the apparent absence of any present or prospective request for such service from any public subscribers, i.e., persons or entities with whom Mesa is not directly or indirectly affiliated; and

It further appearing that the Commission is unable to find that a grant of the applications would serve the public interest, convenience or necessity; and

It further appearing, that, since the determination of issues hereinafter designated will involve facts common to the captioned applications as well as to certain related applications of Mesa designated for hearing in Docket Nos. 14334 and 14335,, a consolidated hearing on all such applications is desirable;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, a hearing be held herein, at the offices of the Commission in Washington, D.C., at a time and place to be hereafter specified, on the following issues:

(a) To determine the legal, financial and other relationships heretofore and presently existing between Vumore Company, Video Independent Theatres, Inc., and Mesa Microwave, Inc., respectively.

(b) To determine the need for the holding out of this particular common carrier service in view of the apparent absence of any present or prospective request for such service from any public subscribers, i.e., persons or entities with whom Mesa is not directly or indirectly affiliated.

(c) To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the hearing on the issues specified above be consolidated with the hearing in Docket Nos. 14334 and 14335; and

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein; and

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with the provisions of § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10487; Filed, Nov. 1, 1961; 8:55 a.m.]

[1] Dissenting statement of Commissioner Cross filed as part of the original document.

[Docket No. 14330; FCC 61-1244]

NEW YORK PENN MICROWAVE CORP.

Order Designating Application for Hearing on Stated Issues

In re application of New York Penn Microwave Corporation, Canisteo, New York, Docket No. 14330, File No. 2590-C1-R-61; for renewal of the license for station KEG41, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled application for renewal of the license for station KEG41, a facility in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in Corning, New York; and

It appearing that the only communication service provided by the applicant is to Corning Community Television Corporation, the owner and operator of the community antenna television system serving Corning, New York and that the stockholders of the applicant own 100 percent of the stock of such customer; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing that the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of station KEG41 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(d) To determine in the light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10488; Filed, Nov. 1, 1961; 8:55 a.m.]

[Docket No. 14255; FCC 61M-1712]

RADIO-ACTIVE BROADCASTING, INC. (WATO)

Order Following Prehearing Conference Continuing Hearing

In re application of Radio-Active Broadcasting, Inc. (WATO), Oak Ridge, Tennessee, Docket No. 14255, File No. BP-13833; for construction permit.

The Hearing Examiner having under consideration the proceedings at the prehearing conference in the above-entitled matter held on October 27, 1961, and the agreements of the parties as approved therein by the Examiner:

It is ordered, This 27th day of October 1961, that:

(1) The direct case of the applicant with respect to all the issues shall be presented in the form of written sworn exhibits;

(2) Copies of the applicant's exhibits shall be furnished to all other parties and to the Examiner no later than December 11, 1961;

(3) In the period between December 11, 1961 and December 22, 1961, the parties or their respective engineers shall consult regarding any problems which may be found to exist with respect to any engineering exhibits furnished by the applicant on December 11, 1961;

(4) No later than December 22, 1961, the applicant shall furnish to the other parties and to the Examiner copies of any revised engineering exhibits which he may desire to submit as a result of discussions held with the other parties or their engineers regarding such engineering exhibits;

(5) The other parties to the proceeding shall no later than December 22, 1961, notify the applicant and the Examiner of the names of the witnesses they desire to cross-examine and the applicant so notified shall make such witnesses available at the hearing: *Provided, however*, That, should the applicant furnish revised engineering exhibits pursuant to subparagraph (4) hereinabove by December 22, 1961, the time for notification regarding the names of witnesses to be cross-examined with respect to such revised engineering exhibits shall be extended to December 29, 1961, and the applicant shall make the witnesses so requested available for cross-examination at the hearing;

It is further ordered, That the hearing heretofore scheduled to begin on November 30, 1961, is hereby rescheduled to commence on January 4, 1962, at 10:00 a.m. at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the prehearing conference which, to this extent, is incorporated herein by reference and, in this connection, the attention of the applicant is specifically invited to those portions of the transcript of prehearing conference wherein particular requests were made for data to be included in proposed exhibits.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10489; Filed, Nov. 1, 1961; 8:55 a.m.]

[Docket Nos. 14259, 14261; FCC 61M-1718]

RADIO ALEXANDER CITY AND CLAY SERVICE CORP.

Order Continuing Hearing

In re applications of Hudie M. Brown and Eathel Holley, d/b as Radio Alexander City, Alexander City, Alabama, Docket No. 14259, File No. BP-13309; Clay Service Corporation, Ashland, Alabama, Docket No. 14261, File No. BP-13795; for construction permits.

It is ordered, This 27th day of October 1961, pursuant to a prehearing conference in this proceeding as of this date, that (1) the exchange of exhibits by the parties will be accomplished on or before November 27, 1961, (2) the parties will notify each other as to the witnesses desired for cross-examination on or before December 8, 1961, and (3) the hearing now scheduled for November 27, 1961, be, and the same is hereby rescheduled for January 9, 1962, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10490; Filed, Nov. 1, 1961; 8:55 a.m.]

[1] Dissenting statement of Commissioner Cross filed as part of the original document.

[Docket Nos. 14331–14333; FCC 61–1245]

SUPERIOR COMMUNICATIONS CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Superior Communications Co., Inc., Docket No. 14331, File No. 1710–C1–R–61, for renewal of the license for station KAQ73, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Virginia, Minnesota; Docket No. 14332, File No. 1711–C1–R–61, for renewal of the license for station KAQ74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Kabetogama, Minnesota; Docket No. 14333, File No. 1712–C1–R–61, for renewal of the license for station KAQ75, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Gheen, Minnesota.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled applications for renewal of the licenses for stations KAQ73, KAQ74 and KAQ75, facilities in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in International Falls, Minnesota; and

It appearing that the only communication service provided by the applicant is to International T.V. Cable Corporation, the owner and operator of the community antenna television system serving International Falls, Minnesota and that Mr. Arthur L. Allard, president of Superior Communications Co., Inc. owns 77 percent of applicant's stock as well as 70 percent of the stock in International T.V. Cable Corporation; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is need for the continued holding out of this particular common carrier communication service in light of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing that a grant of the applications would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facilities by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of stations KAQ73, KAQ74, and KAQ75 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(d) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10491; Filed, Nov. 1, 1961; 8:55 a.m.]

[Docket No. 14317; FCC 61–1240]

WESTERN TV RELAY, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Western TV Relay, Inc., Weatherford, Oklahoma, Docket No. 14317, File No. 2985–C1–R–61; for renewal of the license for station KLF85, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

The Commission having under consideration the above-entitled application for renewal of the license for station KLF85, a facility in the Domestic Public Point-to-Point Microwave Radio Service serving a community antenna television system in Elk City, Oklahoma; and

It appearing that the only communication service provided by the applicant is to Community T.V., the owner and operator of the community antenna television system serving Elk City, Oklahoma and that an identity of ownership interest exists between the applicant and the community antenna television system served; and

It further appearing that applicant has been unable to show compliance with that portion of § 21.709 of our rules which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself; and

It further appearing that there is a question whether there is a need for the continued holding out of this particular common carrier communication service in light of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated, as set forth above; and

It further appearing, that the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the need for the continued holding out of this particular common carrier communication service, in view of the non-use of the facility by public subscribers, i.e., persons or entities with whom the licensee is not directly or indirectly affiliated.

(b) To determine the facts with respect to the past business activities of the applicant relating to the operation of station KLF85 and the efforts made to make Domestic Public Point-to-Point Microwave Radio Service available to the public.

(c) To determine the nature and extent of the interest existing between applicant and the community antenna television system served by it.

(d) To determine, in light of the determinations made on the foregoing issues, whether the applicant should be afforded a continued opportunity to hold itself out as a communication common carrier, or whether, in light of such determinations, such holding out should be terminated.

(e) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: October 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10492; Filed, Nov. 1, 1961; 8:55 a.m.]

[1] Dissenting statement of Commissioner Cross filed as part of the original document.

[1] Dissenting statement of Commissioner Cross filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. E–7015]

ROCKLAND ELECTRIC CO.

Notice of Application

OCTOBER 27, 1961.

Take notice that on October 23, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Rockland Electric Company ("Applicant") a corporation organized under the laws of the State of New Jersey and doing business in the States of New Jersey and New York with its principal business office at Nyack, New York, seeking an order authorizing the issuance of short-term unsecured promissory notes in the maximum principal amount of $5,200,000 outstanding at any one time. Applicant proposes to issue to commercial banks or similar institutions from time to time short-term unsecured promissory notes in the maximum principal amount of $5,200,000 outstanding at any one time, such notes to mature not later than one year from the date of issue thereof and in no event later than March 31, 1965. The interest rate of said notes shall not be over ¼ of 1 percent in excess of the prime rate prevailing in New York City at the time of initial issuance. At present, Applicant is authorized by the Commission to issue not in excess of $2,700,000 principal amount of short-term notes maturing not later than December 31, 1961. The notes would include notes presently outstanding, presently aggregating $1,400,000. Applicant states that the balance of the proceeds from the securities would be used for construction, completion, extension or improvement of its facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 17th day of November 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10424; Filed, Nov. 1, 1961; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

CUNARD STEAM-SHIP CO., LTD., AND ALCOA STEAMSHIP CO., INC.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8736, between Cunard Steam-Ship Company Limited and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Le Havre to Puerto Rico, with transhipment at New York or Baltimore.

Agreement Numbered 8737, between Cunard Steam-Ship Company Limited and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Le Havre to the Virgin Islands, with transhipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 30, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–10441; Filed, Nov. 1, 1961; 8:48 a.m.]

WILH. WILHELMSEN LINE JOINT SERVICE

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 7589–2, between the carriers comprising the Wilh. Wilhelmsen Line joint service, modifies the approved agreement of that joint service (Numbered 7589, as amended), which covers worldwide trades. The purpose of the modification is to include the trade to and from Cuba and East Coast of Mexico within the scope of the joint service.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 30, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–10442; Filed, Nov. 1, 1961; 8:48 a.m.]

[Docket No. 954]

INVESTIGATION OF RATES AND PRACTICES IN ATLANTIC-GULF/PUERTO RICO TRADE

Notice of Supplemental Orders

On October 16, 1961, the Federal Maritime Commission entered the following Seventh and Eighth Supplemental Orders to the original Order in this proceeding dated July 17, 1961:

SEVENTH SUPPLEMENTAL ORDER

It appearing that there is currently pending an investigation into and a hearing concerning certain reduced rates and practices from Atlantic and Gulf coast ports of the United States to ports in the Commonwealth of Puerto Rico which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing, that Alcoa Steamship Company, Inc. (Alcoa), and Sea-Land of Puerto Rico, division of Sea-Land Service, Inc., and its successor Sea-Land Service, Inc., Puerto Rican Division, hereafter separately or collectively, as the context may require, referred to as Sea-Land, have been named respondents in the said proceeding; and

It further appearing, that on September 21, 1961, Alcoa filed with the Federal Maritime Commission (Commission) certain revised pages, hereinafter described, to Alcoa's Outward Freight Tariff No. 2, FMB–F No. 2, to become effective October 22, 1961, which said pages publish new increased rates on the following commodities:

Commodity	*Published on—*
Clay, ball or china	1st revised p. 46.
Flint rock, pulverized (clay body mix), in bags.	1st revised p. 54.
Gypsum rock, in bags	1st revised p. 57.
Lime, slacked	1st revised p. 65.
Limestone, in bags	1st revised p. 65.

It further appearing, that on October 4, 1961, Sea-Land filed with the Commission certain revised pages, hereinafter described, to its Outward Freight Tariff No. 2, FMB–F No. 3 (Pan-Atlantic Steamship Corporation, Series), to become effective November 4, 1961, which said pages publish new increased rates on the following commodities:

Commodity	*Published on—*
Clay, ball or china	4th revised p. 48.
Flint rock, pulverized (clay body mix), in bags.	4th revised p. 53.
Gypsum rock, in bags	2d revised p. 58.

It further appearing, that the Commission is of the opinion that the said Alcoa and Sea-Land schedules and the rates, charges, classifications, rules, regulations, tariffs, and practices contained therein should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the aforementioned rate reductions and increases indicate the existence of unstable conditions in the aforementioned trade, which said conditions may result not only from the said rate reductions or increases but also from their relationship to the rates charged by all carriers in the aforementioned trade for transportation of the aforementioned commodities;

Now therefore it is ordered, That, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, this proceeding be, and it hereby is, expanded to

include, in addition to the matters now under suspension or investigation, an investigation of and a hearing concerning, the lawfulness under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, of the rates, rate reductions, increases, revisions, rules, conditions, charges, tariffs, regulations, or practices stated in the aforementioned Alcoa and Sea-Land schedules, as well as those stated with respect to the aforementioned commodities in schedules heretofore filed on various dates by American Union Transport, Inc. (AUT), A. H. Bull Steamship Company (Bull), Lykes Bros. Steamship Company, Inc. (Lykes), TMT Trailer Ferry, Inc. (TMT), and Waterman Steamship Corporation of Puerto Rico (Waterman), except that where such carriers move the said commodities under cargo n.o.s. rates as hereinafter indicated, the said cargo n.o.s. rate is, to that extent placed under investigation, as follows:

AUT Southbound Freight Tariff No. 6, FMB–F No. 6

Commodity	Published on—
Clay, ball or china (cargo n.o.s., nonhazardous).	2d revised p. 20.
Flint rock, pulverized (clay body mix), in bags (cargo n.o.s., nonhazardous).	2d revised p. 20.
Gypsum rock, in bags (cargo n.o.s., nonhazardous).	2d revised p. 20.
Lime, slacked (cargo n.o.s., nonhazardous).	2d revised p. 20.
Limestone, in bags (cargo n.o.s., nonhazardous).	2d revised p. 20.

Bull Outward Freight Tariff No. 1, FMB–F No. 1

Clay, ball or china	Original p. 40.
Flint rock, pulverized (clay body mix), in bags.	Original p. 40.
Gypsum rock, in bags	1st revised p. 51.
Lime, slacked	Original p. 59.
Limestone, in bags	Original p. 59.

Sea-Land Outward Freight Tariff No. 2, FMB–F No. 3 (Pan-Atlantic Steamship Corporation Series)

Lime, slacked	4th revised p. 72.
Limestone, in bags (cargo n.o.s., nonhazardous).	2d revised p. 41.

TMT Freight Tariff No. 3, FMB–F No. 3

Clay, ball or china	2d revised p. 57.
Flint rock, pulverized (clay body mix), in bags (cargo n.o.s., nonhazardous).	4th revised p. 54.
Gypsum rock, in bags (cargo n.o.s., nonhazardous).	4th revised p. 54.
Lime, slacked	2d revised p. 91.
Limestone, in bags (cargo n.o.s., nonhazardous).	4th revised p. 54.

U.S. Atlantic & Gulf-Puerto Rico Outward Freight Tariff No. 1, FMB–F No. 1 Richard Kinsella, agent, Lykes and Waterman being participating carriers named therein

Clay, ball or china	Original p. 50.
Flint rock, pulverized (clay body mix), in bags.	Original p. 57.
Gypsum rock, in bags	Original p. 61.
Lime, slacked	Original p. 68.
Limestone, in bags	Original p. 68.

and

It is further ordered, That all subsequent revisions, cancellations, amendments, reissues, or replacements of the said schedules by other schedules subsequently filed by the respondents in this proceeding, shall be, and they are hereby, placed under investigation in this proceeding; and

It is further ordered, That copies of this order shall be filed in the Office of Regulations of the Federal Maritime Commission with the tariff schedules hereby placed under investigation; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence which will provide an adequate record for proper disposition of the issues, and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon all protestants herein and upon Alcoa, AUT, Bull, Lykes, Sea-Land, TMT, Waterman, and United States Atlantic and Gulf-Puerto Rico Conference, Richard Kinsella, agent, all heretofore named respondents herein; (III) the said protestants and respondents be duly notified of the time and place of the hearing herein ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

EIGHTH SUPPLEMENTAL ORDER

It appearing, that there is currently pending an investigation into and a hearing concerning certain reduced rates and practices from Atlantic and Gulf coast ports of the United States to ports in the Commonwealth of Puerto Rico which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing, that TMT Trailer Ferry, Inc. (TMT), has been named a respondent in the said proceeding; and

It further appearing, that on September 14, 1961, TMT filed with the Federal Maritime Commission (Commission) certain revised schedules, hereinafter described, to TMT's Southbound Freight Tariff No. 3, FMB–F No. 3, to become effective October 15, 1961, whereby new rates have been added to, or rates changed in, the said tariff by reason of the following new, or changed, commodity descriptions published on the pages indicated:

Commodity	Published on—
Ammonium Nitrate in drums, dry.	5th revised p. 46.
Chemicals, n.o.s., hazardous and nonhazardous.	2d revised p. 56.
Fertilizer, n.o.s., nonhazardous.	3d revised p. 69.

It further appearing, that the Commission is of the opinion that the said TMT schedules and the rates, charges, classifications, rules regulations, tariffs, and practices contained therein should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the aforementioned new rates or rate changes indicate the existence of unstable conditions in the aforementioned trade, which said conditions may result not only from the said new rates or rate changes but also from their relationship to the rates charged by all carriers in the aforementioned trade for transportation of the aforementioned commodities;

Now, therefore it is ordered, That with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, this proceeding be, and it hereby is, expanded to include, in addition to the matters now under suspension or investigation, an investigation of and a hearing concerning, the lawfulness under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, of the rates, rate reductions, increases, revisions, rules, conditions, charges, tariffs, regulations, or practices stated in the aforementioned TMT schedules, as well as those stated with respect to the aforementioned commodities in schedules heretofore filed on various dates by Alcoa Steamship Company, Inc. (Alcoa), American Union Transport, Inc. (AUT), A. H. Bull Steamship Company (Bull), Lykes Bros. Steamship Company, Inc. (Lykes), Sea-Land Service, Inc., Puerto Rican Division (Sea-Land), and Waterman Steamship Corporation of Puerto Rico (Waterman), except that where such carriers move the said commodities under cargo n.o.s. rates as hereinafter indicated, the said cargo n.o.s. rate is that extent placed under investigation, as follows:

Alcoa Outward Freight Tariff No. 2, FMB–F No. 2

Commodity	Published on—
Chemicals, n.o.s., hazardous.	1st revised p. 6.
Fertilizer, viz: Ammonium nitrate, mixed fertilizer in bags, and ammonium nitrate (organic coated or nonorganic coated) in wooden or fibre drums.	2d revised p. 51.
Fertilizer, viz: n.o.s. in bags.	Original p. 52.

AUT Southbound Freight Tariff No. 6, FMB–F No. 6

Chemicals, n.o.s., hazardous.	5th revised p. 21.
Ammonium nitrate and fertilizer, n.o.s. (cargo, n.o.s. hazardous and nonhazardous).	2d revised p. 30.

Bull Outward Freight Tariff No. 1, FMB–F No. 1

Chemicals, n.o.s., hazardous.	1st revised p. 30.
Fertilizer, n.o.s., in bags	Original p. 45.
Fertilizer, viz: Ammonium nitrate, mixed fertilizer, in bags, and ammonium nitrate (organic coated or nonorganic coated) in wooden or fibre drums.	Original p. 45.

Sea-Land Outward Freight Tariff No. 2/ FMB–F No. 3

Chemicals, n.o.s., hazardous.	4th revised p. 61.
Fertilizer, viz: n.o.s., in bags.	1st revised p. 52.
Fertilizer, viz: Ammonium nitrate mixed, in bags.	1st revised p. 52.
Ammonium nitrate, in drums (cargo n.o.s. hazardous).	2d revised p. 41.

U.S. Atlantic & Gulf-Puerto Rico Outward Freight Tariff No. 1 FMB–F No. 1, Richard Kinsella, agent, Lykes and Waterman participating carriers therein

Chemicals, n.o.s., hazardous.	1st revised p. 49.
Fertilizer, viz: Ammonium nitrated, mixed fertilizer in bags and ammonium nitrate (organic coated or nonorganic coated) in wooden or fibre drums.	1st revised p. 56.
Fertilizer, viz: n.o.s., in bags.	1st revised p. 56–A.

and

It is further ordered, That all subsequent revisions, cancellations, amendments, reissues, or replacements of the said schedules by other schedules subsequently filed by the respondents in this proceeding, shall be, and they are hereby, placed under investigation in this proceeding; and

It is further ordered, That copies of this order shall be filed in the Office of Regulations of the Federal Maritime Commission with the tariff schedules hereby placed under investigation; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence which will provide an adequate record for proper disposition of the issues, and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon all protestants herein and upon Alcoa, AUT, Bull, Lykes, Sea-Land, TMT, Waterman, and the United States Atlantic and Gulf-Puerto Rico Conference, Richard Kinsella, agent, all heretofore named respondents herein; (III) the said protestants and respondents be duly notified of the time and place of the hearing herein ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: October 30, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–10443; Filed, Nov. 1, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

OCTOBER 27, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation; File No. 1–3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 28, 1961 to November 6, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–10427; Filed, Nov. 1, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33888]

UTAH INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of October A.D. 1961.

It appearing that in Ex Parte No. 212, Increased Freight Rates, 1958, 304 I.C.C. 289, and in Ex Parte No. 223, Increased Freight Rates, 1960, 311 I.C.C. 373, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing that a petition, dated September 18, 1961, has been filed on behalf of The Denver and Rio Grande Western Railroad Company and other common carriers by railroad operating to, from and between points in the State of Utah, named in Appendix A to the petition, averring that the Public Service Commission of Utah has failed to authorize or permit petitioners to increase their freight rates on intrastate traffic corresponding to those authorized for interstate traffic in Ex Parte Nos. 212 and 223, supra, and alleging that such failure causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and in undue, unreasonable and unjust discrimination against and undue burden on interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing that by the said petition there have been brought in issue rates and charges made or imposed by authority of the State of Utah;

It is ordered, That in response to the said petition an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Utah, for the intrastate transportation of property, made or imposed by authority of the State of Utah, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in Ex Parte No. 212 and Ex Parte No. 223, supra, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Utah, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this preceeding; that a copy of this order be served upon each of the said respondents; and that the State of Utah be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of said State and to the Public Service Commission of Utah at Salt Lake City, Utah;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., for public inspection, and by filing a copy with the Federal Register Division, Washington, D.C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–10437; Filed, Nov. 1, 1961; 8:48 a.m.]

[Notice 183]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 27, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1658 (Deviation No. 5), NORWALK TRUCK LINES INC. OF DELAWARE, 1091 Manheim Pike, Lancaster, Pa., filed October 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Pennsylvania Turnpike Interchange No. 16 (near Middlesex, Pa.) over Pennsylvania Turnpike to junction New Jersey Turnpike (Interchange No. 6); (B) from junction Pennsylvania Turnpike and Pennsylvania Turnpike Extension (east of Norristown, Pa.) over Pennsylvania Turnpike Extension to Scranton, Pa.; (C) from junction New Jersey Highway 49 and New Jersey Turnpike (Interchange No. 1) over New Jersey Turnpike to junction U.S. Highway 46 and New Jersey Turnpike; and (D) from Buffalo, N.Y., over New York Thruway to Interchange 45 of the New York Thruway near Rochester, N.Y., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From junction U.S. Highway 11 and Pennsylvania Turnpike near Middlesex over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa.; from Scranton, over U.S. Highway 611 to junction Pennsylvania Highway 12, thence over Pennsylvania Highway 12 to Nazareth, Pa., thence over Pennsylvania Highway 45 to Easton, Pa., thence over U.S. Highway 611 to Philadelphia (also from Nazareth over Pennsylvania Highway 12 to Bethlehem, Pa., thence over unnumbered highway (formerly U.S. Highway 22) to Allentown, Pa., thence over U.S. Highway 309 to Philadelphia); from Wilmington, Del., over U.S. Highway 202 to junction U.S. Highway 322, thence over U.S. Highway 322 to Chester, Pa., thence over U.S. Highway 13 to Philadelphia, thence over U.S. Highway 1 to New York, N.Y.; from Buffalo over New York Highway 5 to Batavia, N.Y., thence over New York Highway 33 to Rochester, thence over New York Highway 96 to junction New York Highway 332, thence over New York Highway 332 to Canandaigua, N.Y. (also from Batavia over New York Highway 5 to Canandaigua), thence over New York Highway 5 via Geneva, N.Y., to Albany, N.Y., thence over U.S. Highway 9 and also over U.S. Highway 9W to New York, and return over the same routes.

No. MC 2998 (Deviation No. 1), WOLVERINE EXPRESS, INCORPORATED, 701 Erie Avenue, Muskegon, Mich., filed October 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Scottville, Mich., over U.S. Highway 10 to Clare, Mich., thence over U.S. Highway 27 to Lansing, Mich., and return over the some route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Scottville, over U.S. Highway 10 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, thence over U.S. Highway 16 to Lansing, and return over the same route.

No. MC 42487 (Deviation No. 10), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 9 First Street, San Francisco 5, Calif., filed October 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general* commodities, with certain exceptions, over a deviation route as follows: From Minneapolis, Minn., over Minnesota Highway 7 to junction U.S. Highway 212, at or near Montevideo, Minn., thence over U.S. Highway 212 to its junction with Montana Highway 8 approximately 3 miles northwest to Broadus, Mont., thence over Montana Highway 8 to junction U.S. Highway 87 near Crow Agency, Mont., thence over U.S. Highway 87 to junction U.S. Highway 10, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 10 and 87 (east of Billings, Mont.), over U.S. Highway 10 to Fargo, N. Dak., and thence over U.S. Highway 52 to Minneapolis, and return over the same route.

No. MC 44447 (Deviation No. 4), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 18, 1961. Attorney Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Bridgeport, Ohio, over Ohio Highway 7 to Belpre, Ohio, thence over U.S. Highway 50 to Parkersburg, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Bridgeport, over U.S. Highway 40 to Wheeling, W. Va., thence over West Virginia Highway 2 to Parkersburg, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10384; Filed, Oct. 31, 1961; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 30, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37426: *Salt from Michigan and Ohio points to Memphis, Tenn.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2590), for interested rail carriers. Rates on salt, bulk, in carloads, from Manistee, Marysville, Midland, and St. Clair, Mich., Akron and Rittman, Ohio, to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 49 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4534.

FSA No. 37427: *Chemicals from Chaison and Houston, Tex., to Arkendale, Va.* Filed by Southwestern Freight Bureau, Agent (No. B-8099), for interested rail carriers. Rates on motor fuel, anti-knock compound, in tank-car loads, from Chaison and Houston, Tex., to Arkendale, Va.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 15 to Southwestern Freight Bureau tariff I.C.C. 4435.

FSA No. 37428: *Phosphate Rock to points in Missouri.* Filed by O. W. South, Jr., Agent (No. A4139), for interested rail carriers. Rates on phosphate rock and precipitated phosphate dust, in carloads, from L&N RR producing points in Tennessee, to points in Missouri.

Grounds for relief: Market competition.

Tariff: Supplement 3 to Southern Freight Association tariff I.C.C. S-171.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10436; Filed, Nov. 1, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JEROME L. KLAFF

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of October 15, 1961.

JEROME L. KLAFF.

OCTOBER 15, 1961.

[F.R. Doc. 61-10449; Filed, Nov. 1, 1961; 8:50 a.m.]

ROGER E. RISLEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of October 26, 1961.

R. E. RISLEY.

OCTOBER 26, 1961

[F.R. Doc. 61-10450; Filed, Nov. 1, 1961; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ann Lee Frocks, 108 South Main Street, Pittston, Pa.; effective 10-31-61 to 10-30-62 (women's cotton and rayon dresses).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La.; effective 10-26-61 to 10-25-62 (men's and boys' sport shirts).

Carthage Shirt Corp., Carthage, Tenn.; effective 11-3-61 to 11-2-62 (men's and boys' dress shirts).

Cowden Manufacturing Co., 124 Apperson Heights, Mt. Sterling, Ky.; effective 10-23-61 to 10-22-62 (men's and boys' work suits and dungarees).

The Formfit Co., Jasonville, Ind.; effective 10-23-61 to 10-22-62 (women's bras and girdles).

Hones Path Shirt Co., Hones Path, S.C.; effective 10-17-61 to 10-16-62 (men's sport shirts).

Lamar Manufacturing Co., Millport, Ala.; effective 10-30-61 to 10-29-62 (men's and boys' dress trousers).

Lansford Apparel Co., West Patterson Street, Lansford, Pa.; effective 10-23-61 to 10-22-62 (children's dresses).

Ray Lee, Inc., 1405 Warford Street, Memphis 8, Tenn.; effective 10-19-61 to 10-18-62 (ladies' dresses).

Mylcraft Manufacturing Co., Inc., North Main Plant, Rich Square, N.C.; effective 10-20-61 to 10-19-62 (women's nightwear).

Press Dress and Uniform Co., Hummelstown, Pa.; effective 10-21-61 to 10-20-62 (women's cotton dresses).

Regal Shirt Corp., 125 West Center Street, Millersburg, Pa.; effective 10-26-61 to 10-25-62 (men's dress and sport shirts).

Rob Roy Co., Inc., Cambridge, Md.; effective 11-1-61 to 10-31-62 (boys' shirts).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 10-12-61 to 10-11-62 (men's and boys' woven and knitted sport shirts).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville 7, Ind.; effective 10-31-61 to 10-30-62 (men's and women's washable uniforms).

Sustan Garments, Inc., Winnsboro, La.; effective 11-1-61 to 10-31-62 (men's and boys' cotton trousers).

Triple A Trouser Manufacturing Co., Inc., 1429-31 Capouse Avenue, Scranton, Pa.; effective 11-1-61 to 10-31-62 (boys' trousers).

Troy Sportswear Co., Inc., 80-90 Second Avenue, Troy, N.Y.; effective 10-18-61 to 10-17-62. Learners may not be employed at special minimum wage rates in the production of suit-coat type jackets and coats (men's sport jackets and suburban coats).

Washington Overall Manufacturing Co., Inc., South Court and Maple Streets, Scottsville, Ky.; effective 10-26-61 to 10-25-62 (men's and boys' trousers).

White Stag Manufacturing Co., Sylvania, Ga.; effective 10-18-61 to 10-17-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's active sports clothing).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anderson Brothers Consolidated Co's. Inc., Floyd and High Streets, Danville, Va.; effective 10-31-61 to 10-30-62; six learners (men's and women's work clothes).

Apco Manufacturing Co., 1109 West 22d Street, Broadhead, Wis.; effective 10-11-61 to 10-10-62; 10 learners (infants' and children's cotton knit polo shirts).

Blain Products, Inc., Blain, Pa.; effective 10-19-61 to 10-18-62; three learners (ladies' pajamas, gowns, sleepcoats, and dusters).

Carolina Garment Co., Jackson Street, Rich Square, N.C.; effective 10-20-61 to 10-19-62; 10 learners (women's nightwear).

J. R. Davis Manufacturing Co., Beaver Springs, Pa.; effective 10-20-61 to 10-19-62; 10 learners (girls' car coats, men's and boys' jackets).

Eugenia Sportswear, 873 Peace Street, Hazleton, Pa.; effective 10-17-61 to 10-16-62; five learners (children's snowsuits).

Ozark Manufacturing Co., Ozark, Ala.; effective 10-19-61 to 7-20-62; 10 learners (ladies' cotton blouses) (replacement certificate).

Schoolhouse Togs, Inc., Rockport, Maine; effective 10-19-61 to 10-18-62; 10 learners (girls' blouses).

Tamaqua Garment Co., Tamaqua Pa.; effective 10-17-61 to 10-16-62; 10 learners (women's street dresses).

Towanda Corset Co., Inc., 200 Main Street, Towanda, Pa.; effective 10-18-61 to 10-17-62; 10 learners (women's girdles and bras).

Trend Trousers, Inc., LaCrosse, Ind.; effective 10-23-61 to 10-22-62; 10 learners (men's dress slacks).

Trend Trousers, Inc., 615 Railroad Avenue, North Judson, Ind.; effective 10-19-61 to 10-18-62; 10 learners (men's dress slacks).

Tritex Sportswear, Inc., 12 Logan Boulevard, Altoona, Pa.; effective 10-18-61 to 10-17-62; 10 learners (car coats and raincoats).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 10-25-61 to 4-24-62; 10 learners (lingerie, slips, petticoats, and gowns).

S. A. Kott Co., Belton, S.C.; effective 10-13-61 to 4-12-62; 30 learners (men's sport shirts).

Lavonia Industries, Inc., Lavonia, Ga.; effective 10-20-61 to 4-19-62; 100 learners (house dresses).

Linden Apparel Corp., Factory Street, Plant No. 1, Averett Street, Plant No. 2, Linden, Tenn.; effective 10-23-61 to 4-22-62; 50 learners (men's and boys' pants and dungarees).

Lyn-Gal Garment Co., 207 East Franklin Street, Sesser, Ill.; effective 10-20-61 to 4-19-62; five learners. No learners may be employed at special minimum wage rates in the manufacture of separate skirts (ladies' dusters, slacks, and dresses).

Riviera Sportswear Co., 1207 South Seventh Street, La Crosse, Wis.; effective 10-20-61 to 4-19-62; 100 learners (women's and children's cotton dresses).

Stitchcraft, Inc., 393 Oconee Street, Athens, Ga.; effective 10-18-61 to 4-17-62; 15 learners (children's and toddlers' clothing, women's dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Gloversville-Continental Mills, Inc., 1037 Congress Street, Schenectady, N.Y.; effective 10-23-61 to 10-22-62; 10 percent of the total number of factory production workers engaged in the authorized learner occupations for normal labor turnover purposes (dress gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Loudon, Tenn.; effective 10-21-61 to 10-20-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (Seamless).

Bear Brand Hosiery Co., Fayetteville, Ark.; effective 10-31-61 to 10-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 10-31-61 to 10-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Beaver Hosiery Co., Hickory, N.C.; effective 10-18-61 to 10-17-62; five learners for normal labor turnover purposes (seamless).

Candor Hosiery Mill, Candor, N.C.; effective 10-23-61 to 10-22-62; five learners for normal labor turnover purposes (seamless).

Dumas Hosiery Mills, Inc., Dumas, Ark.; effective 10-18-61 to 4-17-62; five learners for plant expansion purposes (children's hosiery).

Mars Hosiery Co., Inc., Johnston School Road, West Asheville, N.C.; effective 10-18-61 to 5-9-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned hosiery) (replacement certificate).

May Hosiery Mills, 425 Chestnut Street, Nashville, Tenn.; effective 10-16-61 to 10-15-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and children's seamless hosiery).

Roane Hosiery, Inc., Harriman, Tenn.; effective 10-31-61 to 10-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dri-Set, Inc., Graysville, Tenn.; effective 10-30-61 to 10-29-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's sleepwear).

Munsingwear, Inc., Guin, Ala.; effective 10-17-61 to 10-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and girls' apparel).

Munsingwear, Inc., Hamilton, Ala.; effective 10-17-61 to 10-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and girls' apparel).

Munsingwear, Inc., Little Falls, Minn.; effective 10-18-61 to 10-17-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (T-shirts, briefs and boxer shorts).

Munsingwear, Inc., Montgomery, Minn.; effective 10-17-61 to 10-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (T-shirts, briefs ,and sport shirts).

Munsingwear, Inc., Hominy, Okla.; effective 10-17-61 to 10-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (T- and athletic shirts).

Munsingwear, Inc., Ashland, Wis.; effective 10-17-61 to 10-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sleepwear).

Van Raalte Co., Inc., Maple Street, Middlebury, Vt.; effective 10-31-61 to 10-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Lambert Manufacturing Co., Inc., Gallatin, Mo.; effective 10-23-61 to 4-22-62; four learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 200 hours at the rate of $1.00 an hour (Headwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 24th day of October 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-10425; Filed, Nov. 1, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page
PROCLAMATIONS:
3438 — 10203

5 CFR
6 — 10204, 10267

6 CFR
70 — 10267
305 — 10267
390 — 10267

7 CFR
711 — 10204
717 — 10208
729 — 10209
847 — 10214
855 — 10268
864 — 10270
873 — 10272
922 — 10214
943 — 10214
973 — 10215
994 — 10216
PROPOSED RULES:
900—1072 — 10286
906 — 10298
908 — 10307
918 — 10307
939 — 10296
943 — 10236
986 — 10298

9 CFR
74 — 10223

12 CFR
PROPOSED RULES:
563 — 10239

14 CFR — Page
507 — 10223, 10224, 10273, 10274
600 — 10225
601 — 10225
PROPOSED RULES:
60 — 10307
227 — 10238
302 — 10307

16 CFR
13 — 10226

20 CFR
404 — 10226

21 CFR
120 — 10228
121 — 10228
146 — 10228

24 CFR
202a — 10229
203 — 10229
207 — 10229
213 — 10229
220 — 10230
221 — 10230
232 — 10230
603 — 10231
608 — 10231
611 — 10231
702 — 10231
803 — 10231
903 — 10231

25 CFR
141 — 10232

26 CFR — Page
1 — 10275
PROPOSED RULES:
1 — 10283

28 CFR
21 — 10232

29 CFR
601 — 10275
793 — 10275

33 CFR
204 — 10278

38 CFR
13 — 10232
21 — 10278

43 CFR
PROPOSED RULES:
257 — 10285
PUBLIC LAND ORDERS:
2526 — 10279

47 CFR
1 — 10279, 10280
3 — 10280
15 — 10281
18 — 10281
PROPOSED RULES:
3 — 10239
12 — 10240

49 CFR
PROPOSED RULES:
176 — 10240

50 CFR
32 — 10233, 10234, 10282
33 — 10234, 10235

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Part II begins on page 10377

OF MICHIGAN
NOV 7 1961
MAIN READING ROOM

Pages 10333–10420

PART I

FEDERAL REGISTER

VOLUME 26 NUMBER 213

Washington, Friday, November 3, 1961

Contents

THE PRESIDENT

Executive Order

Trans World Airlines, Inc., and certain of its employees; creation of emergency board to investigate disputes 10335

EXECUTIVE AGENCIES

Agricultural Marketing Service

RULES AND REGULATIONS:
Oranges and grapefruit grown in Lower Rio Grande Valley in Texas; determination relative to carryover of unexpended funds .. 10338
Oranges, grapefruit, tangerines, and tangelos grown in Florida; approval of expenses and fixing of assessment rate for 1961–62 fiscal period 10337

Agricultural Research Service

PROPOSED RULE MAKING:
Anti-hog-cholera and hog-cholera virus; decision on proposed amendments to marketing agreement and order 10358

RULES AND REGULATIONS:
Screwworms; miscellaneous amendments 10338

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in suburban St. Louis marketing area; recommended decision and opportunity to file written exceptions on proposed amendments to tentative agreement and order 10360

RULES AND REGULATIONS:
Rice acreage allotments, 1959 and subsequent crops; miscellaneous amendments 10336

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
Curators of University of Missouri School of Mines and Metallurgy; proposed issuance of utilization facility license 10368

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Air Line Pilots Association and Southern Airways, Inc.; enforcement proceedings 10369
Continental Air Lines, Inc 10369
Service to Columbus, Nebr 10369

Civil Service Commission

NOTICES:
Positions for which there are determined to be manpower shortages 10370

Coast Guard

NOTICES:
Equipment, installations, or materials; approval notices (2 documents) 10364, 10366

RULES AND REGULATIONS:
Descriptions of Coast Guard Districts, Marine Inspection Zones, and Captain of the Port area; private aids to navigation, Outer Continental Shelf and waters under jurisdiction of U.S.; miscellaneous amendments 10343

Defense Department

See Navy Department.

Federal Aviation Agency

NOTICES:
Proposed alteration of radio antenna structure; determination of hazard to air navigation 10373

PROPOSED RULE MAKING:
Airworthiness directives:
Curtiss-Wright C–46 Series aircraft 10362
Navion and Twin Navion aircraft 10362
Transition area; proposed alteration of designation 10363

RULES AND REGULATIONS:
Airworthiness directives:
Boeing 707 Series aircraft 10341
Brantly B–2 helicopters 10341
Canadair CL–44D4 aircraft 10340
Control zone; alteration 10341
Restricted area, designation; and alteration of continental control area 10342

Federal Power Commission

NOTICES:
Alaska; Nenana River No. 1, Stagle Hydroelectric Project; land withdrawal; correction 10373
Hearings, etc.:
Colorado Interstate Gas Co 10370
El Paso Natural Gas Co 10371
Natural Gas Pipeline Company of America 10371
Sun Oil Co. et al 10371

RULES AND REGULATIONS:
General policy statement; price levels 10342

Federal Reserve System

RULES AND REGULATIONS:
Action on bank holding company and merger applications 10340

Food and Drug Administration

PROPOSED RULE MAKING:
Bread, enriched bread, milk bread, raisin bread, and whole wheat bread; proposed standard of identity 10362
Food additive; filing of petition .. 10362

RULES AND REGULATIONS:
Food additives permitted in food for human consumption; potassium iodide 10343

General Services Administration

RULES AND REGULATIONS:
General policies; miscellaneous amendments 10354

Health, Education, and Welfare Department

See Food and Drug Administration; Public Health Service.

(Continued on next page)

Immigration and Naturalization Service

PROPOSED RULE MAKING:
Requirements for admission and parole of alien crewmen; examination, and medical treatment or observation 10358

Interior Department

See Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief 10375
Trustees of New York, New Haven and Hartford Railroad Co.; application for loan guaranty 10376

Justice Department

See Immigration and Naturalization Service.

Labor Department

See Public Contracts Division; Wage and Hour Division.

Land Management Bureau

NOTICES:
California; change of location and temporary closing of Los Angeles Land Office 10368

RULES AND REGULATIONS:
Public land orders:
Alaska:
Air navigation site withdrawals; revocation 10356
Executive order and public land order; revocations 10356
Wyoming; opening of lands 10356

Navy Department

RULES AND REGULATIONS:
Patent Royalty Revision Board, and administration of uniform patent policy regarding inventions by naval personnel; deletion of rules 10353

Panama Canal

RULES AND REGULATIONS:
Diving operations, industrial and commercial; recreational skin diving; light, flag 10353

Public Contracts Division

RULES AND REGULATIONS:
Miscellaneous chemical products and preparations industry; minimum wage determination 10354

Public Health Service

RULES AND REGULATIONS:
Biologic products; definitions 10355

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Axe-Houghton Stock Fund, Inc. 10373
Black Bear Industries, Inc. 10374

Tariff Commission

NOTICES:
Tariff Classification Study; hearing on proposed first supplemental report 10374

Treasury Department

See also Coast Guard.

NOTICES:
Ammonium sulfate from West Germany; determination of no sales at less than fair value 10366

Wage and Hour Division

RULES AND REGULATIONS:
Agriculture, processing of agricultural commodities, and related subjects; miscellaneous amendments (*see* Part II of this issue).

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
9026 (revoked by PLO 2528) 10356
10971 10335

7 CFR

730 10336
933 10337
1031 10338

PROPOSED RULES:
947 10360

8 CFR

PROPOSED RULES:
252 10358
253 10358

9 CFR

83 10338

PROPOSED RULES:
131 10358

12 CFR

262 10340

14 CFR

507 (3 documents) 10340, 10341
601 (2 documents) 10341, 10342
608 10342

PROPOSED RULES:
507 (2 documents) 10362
601 10363

18 CFR

2 10342

21 CFR

121 10343

PROPOSED RULES:
17 10362
121 10362

29 CFR

780 (*see* Part II of this issue).

32 CFR

737 10353
739 10353

33 CFR

3 10343
67 10343

35 CFR

4 10353

CANAL ZONE ORDERS:
58 10353

41 CFR

5-1 10354
50-202 10354

42 CFR

73 10355

43 CFR

PUBLIC LAND ORDERS:
1071 (revoked by PLO 2528) 10356
2527 10356
2528 10356
2529 10356

Announcing first
5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10971

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN TRANS WORLD AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between Trans World Airlines, Inc., a carrier, and certain of its employees represented by the Air Line Pilots Association, International, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to this dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by Trans World Airlines, Inc., or by its employees, in the conditions out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 1, 1961.

[F.R. Doc. 61-10591; Filed, Nov. 2, 1961; 10:13 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 730—RICE

Subpart—Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice

MISCELLANEOUS AMENDMENTS

The purpose of the amendments herein is to (1) incorporate by reference, for 1961 and subsequent crops, regulations in Part 719 for determining the acreage considered planted to rice on a farm under the conservation reserve program; (2) change the eligibility requirements for a rice acreage allotment as a new producer or a new farm in order to obtain uniformity between the rice acreage allotment regulations and the regulations for other allotment crops; (3) provide that the rice acreage allotment established for a new producer or a new farm will be reduced if it is determined that the acreage planted to rice on the farm is less than 75 percent of the farm rice acreage allotment; (4) provide that approval shall not be given to a producer's request for allocation of his rice acreage allotment to government-owned lands covered by a lease containing a clause restricting the production of price-supported crops in surplus supply; and (5) remove the incompetency clause from the succession of interest provision and allow the allotment to remain in the name of a person even though declared incompetent.

Prior to preparing this amendment, public notice (26 F.R. 8566) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003) with respect to the above amendments. No data, views, or recommendations were received pursuant to such notice and these amendments shall become effective as provided herein.

1. Section 730.1016(b) is amended by changing the title of subparagraph (3) to read *"1960 crop year"* and by deleting the words "and any subsequent crop" appearing in the third line of subparagraph (i).

2. Section 730.1016(b) is further amended by adding at the end thereof a new subparagraph (4) as follows:

(4) *1961 and subsequent crop years.* (i) The acreage planted or considered planted to rice on any farm for 1961 and any subsequent crop shall be the farm rice acreage allotment (before reapportionment) established under applicable regulations for the farm for such year: *Provided*, That the farm consists of federally-owned lands, or that for the current year or either of the two immediately preceding years an acreage equal to 75 percent or more of the farm rice acreage allotment (before reapportionment) for such year was actually planted to rice on the farm or was regarded as planted to rice under a conservation reserve contract of the soil bank. The acreage regarded as planted to rice under a conservation reserve contract shall be determined as provided in Part 719 of this Chapter, Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages.

(ii) If the farm does not consist of federally owned land, and for the current year and each of the two immediately preceding years an acreage equal to 75 percent of the farm rice acreage allotment (before reapportionment) for such year was not actually planted to rice or regarded as planted to rice under a conservation reserve contract, the acreage planted or considered planted to rice on such farm for the current year shall be the sum of the rice acreage and the acreage considered rice acreage as a result of participating in the conservation reserve program.

(iii) Notwithstanding the provisions of this subparagraph, the acreage determined to be planted or considered planted to rice on any farm shall not exceed the rice acreage allotment (before reapportionment) determined for such farm.

3. Subparagraphs (b) and (c) of § 730.1018 are amended to read as follows:

(b) Each person desiring a rice acreage allotment as a new producer shall file an application therefor with the county committee on or before the 31st day of January of the current year. Each such application shall contain the following information: The name, address and age of the applicant; whether arrangements have been made for the land and water necessary to produce a rice crop in the current year; the source from which irrigation water will be obtained; the equipment owned by the applicant or otherwise available to him for producing rice in the current year; whether the applicant is engaged in farming at the time of filing the application; whether the applicant expects to derive more than 50 percent of his livelihood in the current year from farming operations on the farm to which the requested allotment will be allocated; the applicant's past experience in the production of rice; and the acreage allotment requested by the applicant for the current year.

(c) To be eligible for a rice acreage allotment as a new producer, the applicant must have filed his application for an allotment on or before the date provided herein, and must establish to the satisfaction of the county committee that (1) the applicant does not own or operate any other farm in the United States for which a rice allotment is established for the current crop year; (2) the available land, type of soil, and topography of the land on the farm to which the requested allotment will be allocated is suitable for the production of rice; (3) the applicant owns, or otherwise has readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of rice on the farm; (4) the applicant will obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm to which the requested allotment will be allocated; and (5) he has not filed his application for the purpose of obtaining a rice acreage allotment as a new producer which would be used, if obtained, as a device to offset a reduction in the rice acreage of an old producer with whom he was formerly, or will be, associated in financing, producing, or marketing rice.

4. Section 730.1021(c) is amended to read as follows:

(c) The State committee, with the assistance of county committees, shall allocate the allotment determined under § 730.1017, § 730.1018, or § 730.1020, as applicable, for a producer to the farm or farms on which it has been determined that the producer will be actively engaged in the production of rice in the current year: *Provided*, That an application for the allocation of his producer rice acreage allotment, or any part thereof, was timely filed. The sum of the producer allotments allocated to any farm, adjusted where necessary to establish an allotment for the farm within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices, the land, labor, water and equipment available for the production of rice, the sizes of fields, the arrangement of levees and drainage facilities, the soil and other physical factors affecting the production of rice on the farm in the current year and the acreage available for such adjustments, shall be the official farm rice acreage allotment for such farm: *Provided*, That the total acreage allocated to all farms for any producer shall not exceed such producer's allotment determined under § 730.1017, § 730.1018, or § 730.1020, as applicable, by more than 5 per centum or 5 acres, whichever is larger: *And provided further*, That the total acreage allocated to all farms for any new producer shall not exceed such producer's rice acreage allotment, including the adjustment, if any, under this paragraph. If the acreage planted or considered planted to rice on any farm in which the new producer has an interest in such acreage is less than 75 percent of the farm rice acreage allotment, the new producer's rice acreage allotment shall be reduced to the extent of his share in the underplanted allotment acreage for the farm. The sum of the upward adjustments in allocated acreages under this paragraph shall be limited to the sum of the downward adjustments that are not released by the producer for reapportionment to other farms under § 730.1024. The acreage resulting from the reduction of new producer allotments under this section shall be transferred to the reserve available to the State committee for appeals and corrections, missed farms, and adjustments under § 730.1017.

5. Section 730.1021 is further amended by adding at the end thereof a new paragraph (f) as follows:

(f) Notwithstanding any other provisions of this section, approval shall not be given to a producer's request for allocation of his rice acreage allotment to government-owned lands covered by a lease containing a clause restricting the production of price-supported crops in surplus supply.

6. Section 730.1025(a) is amended to read as follows:

(a) If a producer dies or voluntarily retires from the production of rice, his history of rice production shall be apportioned in whole or in part among the heirs, devisees, or members of his family according to the extent to which they may continue, or have continued, his farming operatons if satisfactory proof of such relationship and succession of farming operations is furnished the county committee.

7. Section 730.1027(b) is amended by changing the title of subparagraph (3) to read *"1960 crop year"* and by deleting the words "and any subsequent crop" appearing in the third line of subparagraph (i).

8. Section 730.1027(b) is further amended by adding at the end thereof a new subparagraph (4) as follows:

(4) *1961 and subsequent crop years.* (i) The acreage planted or considered planted to rice on any farm for 1961 and any subsequent crop for history purposes shall be the farm rice acreage allotment (before release and before reapportionment) established under applicable regulations for the farm for such year: *Provided*, That the farm consists of federally-owned lands, or that for the current year or either of the two immediately preceding years an acreage equal to 75 percent or more of the farm rice acreage allotment (after release and before reapportionment) for such year was actually planted or was regarded as planted to rice under a conservation reserve contract of the soil bank. The acreage regarded as planted to rice under a conservation reserve contract shall be determined as provided in Part 719 of this Chapter, Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages.

(ii) If the farm does not consist of federally-owned land, and for the current year and each of the two immediately preceding years an acreage equal to 75 percent of the farm rice acreage allotment (after release and before reapportionment) for such year was not actually planted or regarded as planted to rice under a conservation reserve contract, the acreage planted or considered planted to rice on such farm for the current year shall be the sum of the rice acreage and the acreage considered as rice acreage as a result of participating in the conservation reserve program and any rice allotment released for reapportionment.

(iii) Notwithstanding the provisions of this subparagraph, the acreage determined to be planted or considered planted to rice on any farm shall not exceed the rice acreage allotment (before release and before reapportionment) determined for such farm.

9. Subparagraphs (b), (c) and (d) of § 730.1029 are amended to read as follows:

(b) The request for a new farm rice acreage allotment shall be made by the farm operator, who must furnish the county committee with the following information relating to the farm for which the allotment is requested: The name and address of the farm operator; the name and address of the farm owner; the location and identification of the farm for which the allotment is being requested; the acreage of total land, cropland, and tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available for the current year; the source from which irrigation water will be obtained; the sum of other allotments established for the farm for the current year; the equipment owned by the applicant or otherwise available to him for producing rice in the current year; the applicant's past experience in the production of rice; whether or not either the owner or the operator will own or operate any other farm in the United States on which a rice allotment is established for the current year; whether the applicant expects to derive more than 50 percent of his livelihood in the current year from farming operations on the farm; and the producer's requested rice acreage allotment.

(c) To be eligible for a new farm rice acreage allotment, the application must be filed on or before the closing date referred to in paragraph (a) of this section, and the county committee must be satisfied that (1) neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a rice allotment is established for the current crop year; (2) the available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of rice; (3) the operator owns, or otherwise has readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of rice on the farm and (4) the operator will obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed.

(d) The rice acreage allotment for any new farm shall not exceed the smaller of (1) the rice acreage allotment requested or (2) the acreage of tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available: *Provided*, That if the acreage planted to rice on the farm in the current year is less than 75 percent of the allotment established under this section, the rice acreage allotment for the farm shall be reduced to the acreage planted to rice on the farm. The acreage resulting from any such reduction in each county shall be transferred to the reserve available to the county committee for appeals and corrections, missed farms, and adjustments as provided for under § 730.1028.

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended, sec. 125, 70 Stat. 198, as amended; 7 U.S.C. 1353, 1375, 1813)

Effective date. The amendments contained herein shall become effective 30 days after their publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 31, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10537; Filed, Nov. 2, 1961; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for the 1961–62 Fiscal Period

On October 19, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9833) regarding the expenses and the fixing of the rate of assessment for the 1961–62 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.215 Expenses and rate of assessment for the 1961–62 fiscal period.

(a) *Expenses.* The expenses necessary to be incurred by the Growers Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1961, and ending July 31, 1962, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $168,000.

(b) *Rate of assessment.* (1) The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and order shall be six mills ($0.006) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforementioned expenses.

(2) As used herein, the terms "standard packed box," "fiscal period," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period and (2) the current fiscal period began on August 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10535; Filed, Nov. 2, 1961; 8:52 a.m.]

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Determination Relative to Carryover of Unexpended Funds

Notice was published in the October 13, 1961, issue of the FEDERAL REGISTER (26 F.R. 9677) that consideration was being given to a proposal that unexpended assessment funds, which are in excess of expenses incurred during the fiscal period ended July 31, 1961, be carried over into subsequent fiscal periods as a reserve, to be used by the Texas Valley Citrus Committee in accordance with the provisions of the marketing agreement and Order No. 131 (7 CFR Part 1031) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was submitted by the Texas Valley Citrus Committee, established pursuant to the said marketing agreement and order, the said proposal is hereby approved.

§ 1031.203 Carryover of unexpended funds.

The Texas Valley Citrus Committee is hereby authorized to carryover into subsequent fiscal periods as a reserve unexpended assessment funds which are in excess of expenses incurred during the fiscal period ended July 31, 1961. Such reserve shall be used in accordance with the provisions of § 1031.35(a)(2) of the said marketing agreement and order.

Terms used herein shall have the same meaning as is given to the respective term in said marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10536; Filed, Nov. 2, 1961; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—SCREWWORMS

Miscellaneous Amendments

Pursuant to sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121), the regulations designated "Screwworms", appearing in Part 83, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

§ 83.1 [Amendment]

1. A new paragraph (l) is added to § 83.1 to read:

(l) *Area of temporary infestation.* The States in the eradication area, designated as such in § 83.2(c), in which the infestation of screwworms is of such a nature that additional restrictions on the interstate movement of livestock from and through such States are necessary in order to prevent screwworms from being disseminated interstate in such a way that the eradication of screwworms would be impaired.

2. Section 83.2 is amended to read:

§ 83.2 Notice relating to existence of screwworms.

(a) Notice is hereby given that screwworms usually exist in Arizona, California, Louisiana, New Mexico, Texas, and Puerto Rico throughout the year and usually exist in Arkansas during the period May 1 through November 30, both inclusive, of each year, and said areas are hereby designated as areas of recurring infestation.

(b) Notice is also hereby given that there is reason to believe that screwworms may exist in all other States of the United States (except Alaska and Hawaii) during the period May 1 through November 30, both inclusive, of each year, and such States are hereby designated as areas of seasonal infestation.

(c) Notice is also hereby given that screwworms currently exist in Alabama and Georgia, and such States are hereby designated as areas of temporary infestation.

3. Section 83.3 is amended to read:

§ 83.3 Notice of regulations.

Notice is hereby given that in order to effectually suppress and extirpate screwworms, to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of livestock, and dogs as defined in § 83.1(t), from areas of seasonal infestation, and from or through areas of recurring infestation and areas of temporary infestation.

4. A new paragraph (c) is added to § 83.5 to read as follows:

§ 83.5 Cleaning and treatment of means of conveyance, litter, and manure.

* * * * *

(c) Whenever any livestock are inspected at an inspection station under § 83.8a, all straw and other litter and manure in the railroad car, truck, or other vehicle, used in connection with the movement of the livestock to such station shall be removed, the vehicle shall be thoroughly treated with a permitted precautionary pesticide as prescribed by a Federal inspector and under his supervision, and the straw or bedding shall be replaced with fresh material at such inspection station. No person, knowing that a railroad car, truck, or other vehicle, is one in which such livestock were moved to such an inspection station under this part, shall move such means of conveyance interstate until all litter and manure therein have been removed and the vehicle treated with a permitted precautionary pesticide as required by this paragraph.

5. The introductory text of § 83.6 is amended to read:

§ 83.6 Interstate movement of livestock from certain areas of recurring infestation by road vehicle or on foot.

Except as authorized under § 83.12, and subject to the further restrictions of § 83.8a, no livestock shall be moved by road vehicle or on foot, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, or Texas, at any time, or from Arkansas during the period May 1 to November 30, both inclusive, of any year, unless:

6. The introductory text of paragraph (a) of § 83.7 is amended to read:

§ 83.7 Interstate movement of livestock from certain areas of recurring infestation by railroad or water or air carrier.

(a) Except as authorized under § 83.12, and subject to the further restrictions of § 83.8a, no livestock shall be moved by railroad, interstate, into or through any part of the eradication area from Arizona, California, Louisana, New Mexico, or Texas, at any time, or from Arkansas during the period May 1 to November 30, both inclusive, of any year unless:

7. The introductory portion of paragraph (c) of § 83.7 preceding the word "unless" is amended to read:

(c) Except as authorized under § 83.12 and subject to the further restrictions of § 83.8a, no livestock shall be moved by water or air carrier, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, Texas, or Puerto Rico, at any time, or from Arkansas during the period May 1 to November 30, both inclusive, of any year * * *

8. Paragraph (a) of § 83.8 is amended to read:

§ 83.8 Interstate movement of livestock from areas of seasonal infestation.

(a) Except as provided in paragraph (b), (c), or (d) of this section or under § 83.12, and subject to the further restrictions of § 83.8a, no livestock shall be moved by road vehicle, or on foot, or by railroad or water or air carrier, interstate, into or through any part of the eradication area from any of the areas of seasonal infestation outside the eradication area, during the period May 1 to November 30, both inclusive, of any year, unless such livestock have been inspected by a Federal or State inspector or an accredited veterinarian and found to be free of any evidence of screwworms within 36 hours prior to loading for such movement and have been certified by the inspector or veterinarian in accordance with § 83.9(d) and the certificate accompanies the livestock to destination.

9. The introductory portion of paragraph (c) of § 83.8 preceding the word "unless" is amended to read:

(c) Except as provided in paragraph (d) of this section or under § 83.12, and subject to the further restrictions of § 83.8a, no livestock shall be moved by road vehicle, or foot, or by railroad, or otherwise, interstate, into or through any part of the eradication area from any public stockyard where Federal inspection is maintained at Memphis, Tennessee, as designated in § 78.14(a) of this chapter, during the period May 1 through November 30, both inclusive, of any year * * *

10. A new § 83.8a is added to read:

§ 83.8a Interstate movement of livestock from areas of temporary infestation.

Except as authorized under paragraph (c) of § 83.12, no livestock shall be moved by road vehicle, or on foot, or by railroad or water or air carrier, interstate, from or through Alabama or Georgia into Florida except as provided in this section.

(a) *Movement by road vechicle for immediate slaughter.* Livestock may be moved interstate from or through Alabama or Georgia into Florida by road vehicle for immediate slaughter at a Federally inspected slaughtering establishment or a slaughtering establishment specifically approved under § 78.15(b) of this chapter, if: (1) the livestock are moved into Florida through one of the inspection stations designated in paragraph (e) of this section; (2) the livestock are inspected by a Federal inspector at such inspection station; (3) the livestock are found upon such inspection to be free of any evidence of screwworms; (4) any wounds of the livestock are given an approved treatment under the supervision of the inspector at such station; (5) the livestock are certified by the inspector in accordance with § 83.9(b); and (6) the livestock are accompanied to destination by such certificate. The vehicle in which such animals are transported to destination from the inspection station shall be sealed with a seal of the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, applied by the Federal inspector and such seal shall not be broken except by a State or Federal inspector or other person specifically authorized by the Director. Livestock moved interstate under this paragraph shall be slaughtered prior to the end of the work day following the arrival of the animals at the slaughtering establishment.

(b) *Movement by road vehicle or on foot for any purpose.* Livestock may be moved interstate from or through Alabama or Georgia into Florida by road vehicle or on foot for any purpose, if the livestock: (1) Are moved into Florida through one of the inspection stations designated in paragraph (e) of this section; (2) are inspected by a Federal inspector at such inspection station; (3) are found upon such inspection to be free of any evidence of screwworms; (4) are thoroughly treated with a permitted precautionary pesticide under the supervision of the inspector at such inspection station; (5) are certified by the inspector in accordance with § 83.9(a); and (6) are accompanied to destination by such certificate.

(c) *Movement by railroad or water or air carrier for immediate slaughter.* Livestock may be moved interstate from or through Alabama or Georgia into Florida by railroad or water or air carrier for immediate slaughter to a Federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15(b) of this chapter, if: (1) The livestock are inspected at the point of origin of the shipment by a Federal inspector; (2) the livestock are found upon such inspection to be free of any evidence of screwworms; (3) any wounds of the livestock are given an approved treatment under the supervision of the inspector at such point of origin; (4) the livestock are certified by the inspector in accordance with § 83.9(b); and (5) the livestock are accompanied to destination by such certificate. Livestock moved interstate under this paragraph shall be slaughtered prior to the end of the work day following the arrival of the animals at the slaughtering establishment.

(d) *Movement by railroad or water or air carrier for any purpose.* Livestock may be moved interstate from or through Alabama or Georgia into Florida by railroad or water or air carrier for any purpose if the livestock: (1) are inspected at the point of origin of the shipment by a Federal inspector; (2) are found upon such inspection to be free of any evidence of screwworms; (3) are thoroughly treated with a permitted precautionary pesticide under the supervision of the inspector at such point of origin; (4) are certified by the inspector in accordance with § 83.9(a); and (5) are accompanied to destination by such certificate.

(e) *Designation of inspection stations.* The following places along the boundary between Alabama and Georgia and Florida are designated as inspection stations under this part for livestock moving by road vehicle or on foot, interstate, from or through Alabama or Georgia into Florida:

(1) *Geneva, Alabama.* The premises of the Geneva Stockyards in Geneva County, Alabama, located on the south side of Alabama Highway No. 52 at Eunola, Alabama, approximately 3½ miles east of Geneva, Alabama.

(2) *Folkston, Georgia.* The premises of O. C. Mizell in Charlton County, Georgia, on the west side of U.S. Highways 123 and 301, approximately 2 miles south and east of Folkston, Georgia.

(3) *Thomasville, Georgia.* The premises of P. C. Benson at Thomasville in Thomas County, Georgia, located on the east side of U.S. Highway 319, approximately 2 miles north of the intersection of New U.S. Highway 19 and U.S. Highway 319.

11. Paragraphs (a) and (b) of § 83.9 are amended to read:

§ 83.9 Certificates; forms and distribution.

(a) When a lot of livestock has been inspected and found to be free of any evidence of screwworms and has been thoroughly treated with a permitted precautionary pesticide at an inspection station or other place in accordance with § 83.6(a), § 83.7(a)(1), § 83.8(c)(1), § 83.8a (b) or (d), or § 83.12(a), the inspector may issue a certificate in quadruplicate, reciting such facts, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(b) When a lot of livestock, to be moved under this part, for immediate slaughter, to a federally inspected slaughtering establishment or a slaughtering establishment specifically approved in § 78.15(b) of this chapter, has been inspected and found free of any evidence of screwworms and treated at an inspection station or other place in accordance with § 83.6(b), § 83.7(a)(2), § 83.8(c)(2), § 83.8a (a) or (c), or § 83.12(a), the inspector may issue a certificate, in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms and treated, identifying the lot by number of livestock, kind, breed, and sex, and giving the data of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U.S.C. 111–113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117, 19 F.R. 74, as amended.)

The foregoing amendments impose additional requirements upon the interstate movement of livestock and certain dogs from or through Alabama or Georgia into Florida. There are currently existing in Alabama and Georgia screwworm infestations which may be disseminated into Florida, an area currently free of screwworms, if additional preventive measures are not taken regarding the interstate movement of livestock into Florida. The amendments should be made effective promptly in order to accomplish their purpose in the public interest. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to such amendments are impracticable, unnecessary, and contrary to the public interest, and good cause if found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 31st day of October 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61–10563; Filed, Nov. 2, 1961; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 262—RULES OF PROCEDURE

Actions on Applications or Requests, and Similar Matters; Bank Holding Company and Merger Applications

1. Effective November 1, 1961, Part 262 is amended by adding the following new paragraph (g) to § 262.4:

§ 262.4 Action on applications or requests, and similar matters.

* * * * *

(g) *Bank holding company and merger applications.* In addition to procedures applicable under other provisions of this part, the following procedures are applicable in connection with the Board's consideration of applications under section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), hereafter called holding company applications, and of applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828), hereafter called merger applications. Unless otherwise indicated, these procedures apply to both types of applications.

(1) The Board issues each week a list that identifies holding company and merger applications received during the preceding week. Notice of receipt of each holding company application is published in the FEDERAL REGISTER as provided in § 222.4(e)(2) of this chapter [Regulation Y].

(2) If a hearing is required by law or if the Board determines that a hearing for the purpose of taking evidence is desirable, the Board will issue an order for such a hearing, and notice thereof will be published in the FEDERAL REGISTER. Any such hearing will be conducted by a hearing examiner or hearing officer in accordance with the Board's Rules of Practice for Formal Hearings (Part 263 of this chapter) and, unless otherwise ordered by the Board, shall be public.

(3) In any case in which a formal hearing is not ordered by the Board, the Board may afford the applicant and other properly interested persons (including Governmental agencies) an opportunity to present views orally before the Board or its designated representative. Unless otherwise ordered by the Board, any such oral presentation of views shall be public and notice of such public proceeding will be published in the FEDERAL REGISTER. Participants in any oral presentation of views will be allotted reasonable periods of time for presentation of their views.

(4) The Board's action on each application is embodied in an Order that indicates the voting of members of the Board and is accompanied by a Statement of the reasons for the Board's action. Both the Order and accompanying Statement are released to the press. Normally, the Statement is issued at the time of issuance of the Order; where this is not practicable, the Statement is issued as promptly as possible after issuance of the Order. Each such Order is published in the FEDERAL REGISTER; and the Order and Statement are published in the next succeeding issue of the Federal Reserve Bulletin.

(5) Each Order of the Board approving an application includes, as a condition of such approval, a requirement that the transaction approved shall not be consummated within seven calendar days following the date of such Order, except in emergency or other situations as to which the Board determines that such a requirement would not be in the public interest. Each Order approving an application also includes, as a condition of approval, a requirement that the transaction approved shall be consummated within three months and, in the case of acquisition by a holding company of stock of a newly organized bank, a requirement that such bank shall be opened for business within six months.

(6) After action by the Board on an application, the Board will not grant any request for reconsideration of its action, unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate.

2a. The purpose of this amendment is to inform the public of procedures followed by the Board of Governors of the Federal Reserve System with respect to applications under section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and of applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828).

b. Notice, public participation, and deferred effective date are not required by section 4 of the Administrative Procedure Act for rules of agency procedure or practice, and therefore were not provided in connection with the adoption of these amendments.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i))

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61–10538; Filed, Nov. 2, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 950; Amdt. 362]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL–44D4 Aircraft

There have been failures of the elevator tab tension rods on Canadair CL-44D4 aircraft. To preclude further failures, an airworthiness directive requiring replacement of the elevator tab tension rods every 450 hours' time in service is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL-44D4 aircraft. Compliance required as indicated.

To preclude failure of the elevator tab tension rods, P/N 28–90031, the life of each rod is limited to 450 hours' time in service. Every 450 hours' time in service, all eight tension rods of the elevator tab system must be replaced with similar parts supplied by Canadair or FAA approved equivalent. For those aircraft with more than 450 hours' time in service on the effective date of this AD, rods must be replaced within the next 25 hours' time in service.

(Canadair Service Bulletin No. CL–44D4–190 applies to this subject).

This amendment shall become effective November 3, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10498; Filed, Nov. 2, 1961; 8:46 a.m.]

[Regulatory Docket No. 956; Amdt. 364]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B–2 Helicopters

There have been failures of the bonding between the skin and plastic foam filler of the main rotor blades on Brantly B-2 helicopters. To preclude complete bonding failure which would result in loss of the rotor blades, an airworthiness directive requiring inspection of the blades is necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all Model B–2 helicopters equipped with B2–248–53 or B2–248–53A outboard main rotor blades. Compliance required as indicated.

As the result of bond separation between the skin and foam filler on the inboard end of the B2–248–53 and –53A main rotor blades and cracks around the root fitting in both the upper and lower skins the following inspections are required:

(a) Within the next 10 hours' time in service unless already accomplished within the last 15 hours' time in service and at the expiration of each 25 hours' time in service thereafter, inspect the upper and lower skins of the inboard end of the B2–248–53 and –53A blades as follows:

(1) Inspect for bond separation by feel or sound tests. If the skin is separated from the foam filler a sponginess will be felt or a dullness in tone will be heard when tapped with a coin. Blades with voids exceeding 12 inches in length shall be replaced prior to further flight.

(2) Inspect for cracks between rivets in the skins with a 5-power or greater magnifying glass. If any cracks are found around two or more rivets the blade must be replaced prior to further flight.

(b) When blades are replaced they must be replaced with either B2–248–53M or B2–248–101 blades. Brantly Service Letter No. 31A must be complied with when B2–248–101 blades are installed.

(c) In addition to the inspection interval specified in (a), the inspection required in (a)(1) also must be made prior to each flight after the initial inspection.

(d)(1) The inspections required in (a) shall be made by a person as authorized by CAR 18.11.

(2) The inspections required in (c) and appropriate log book entries thereon are hereby authorized to be made by the pilot. (Brantly Service Letter No. 28A applies to this same subject.)

This amendment shall become effective November 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 31, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10577; Filed, Nov. 2, 1961; 8:55 a.m.]

[Regulatory Docket No. 957; Amdt. 365]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Boeing 707 Series aircraft in complying with Amendment 265, 26 F.R. 2114, as amended by Amendment 276, 26 F.R. 3298. Accordingly, Amendment 265 is being amended to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 265, (26 F.R. 2114) as amended by Amendment 276, (26 F.R. 3298), is further amended by adding paragraph (f) as follows:

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 3, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 1, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61–10578; Filed, Nov. 2, 1961; 8:55 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–130]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On August 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6941) stating that the Federal Aviation Agency proposed to alter the Reno, Nev. (Stead Air Force Base and Reno Airport) control zones.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all revelant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

§ 601.1984 [Amendment]

1. In § 601.1984 (14 CFR 601.1984) "Reno, Nev.: Reno Airport." and "Reno, Nev.: Stead AFB." are deleted.

2. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.2495 Reno, Nev., control zone (Reno Airport).

Within a 5-mile radius of the Reno Airport (latitude 39°30'02" N., longitude 119°46'07" W.) and within 2 miles either side of the Reno ILS localized N course extending from the 5-mile radius zone to the Sparks, Nev., RBN.

3. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.2496 Reno, Nev., control zone (Stead AFB).

Within a 5-mile radius of the Stead AFB (latitude 39°40'25" N., longitude 119°52'40" W.) excluding the portion which coincides with the Reno, Nev., (Reno Airport) control zone (§ 601.2495).

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 27, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10500; Filed, Nov. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 61-FW-73]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

The purpose of these amendments to §§ 608.29 and 601.7101 of the Regulations of the Administrator is to designate the Venice, Fla., Restricted Area R–2920 and to alter the description of the continental control area to include this new restricted area.

The Department of the Air Force has stated an urgent and immediate requirement for the designation of a restricted area within a 3-nautical mile radius of latitude 27°03'30" N., longitude 82°26'-15" W., excluding the portion which would overlie Control Area Extension 1228. This restricted area will be utilized to contain high altitude rocket launching activities which will be conducted in conjunction with certain missile launchings from Cape Canaveral, Fla. The Department of the Air Force has justified this requirements as a matter of military urgency and necessity, and in the interest of national defense.

This restricted area is being designated on a part-time basis and will be activated approximately twice each month, normally during the hours of darkness, which will result in minimum interference to other aeronautical activities in the area. R–2920 will be activated by the issuance of NOTAMS at least 24 hours in advance of the activation. Further, in order to promote the efficient utilization of this restricted area, it is designated herein as a joint use area, with the Miami Air Route Traffic Control Center as the controlling agency.

In addition, it is necessary to include R–2920 in the continental control area in order to provide controlled airspace for the portion of Jet Route No. 43 which overlies this restricted area.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.29 Florida (26 F.R. 7192) the Venice, Fla., Restricted Area R–2920 is added to read:

R–2920 Venice, Fla.

Boundaries. A circular area with a 3-nautical mile radius centered at latitude 27° 03'30" N, longitude 82°26'15" W., excluding the portion E of a line extending from latitude 27°05'50" N., longitude 82°24'10" W., to latitude 27°02'00" N., longitude 82°24'15" W.

Designated altitudes. Unlimited.

Time of designation. As published in NOTAMS, to be activated approximately twice a month normally during the hours of darkness from November 16, 1961, to November 15, 1962.

Controlling agency. Federal Aviation Agency, Miami ARTC Center.

Using agency. Commander, Air Proving Ground Center, Eglin AFB, Fla.

2. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R–2920 Venice, Fla.

These amendments shall become effective 0001 e.s.t. November 16, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 31, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10499; Filed, Nov. 2, 1961; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Statement of General Policy No. 61–1; Amdt. 4]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Price Levels

OCTOBER 31, 1961.

As observed in the Commission's Statement of General Policy No. 61–1, the price levels announced therein were to be "adjusted from time to time as such facts as may come before us compel such adjustments." On October 25, 1960, the Commission issued its first amendment to that Statement of Policy announcing a price level (not including state taxes) of 21.5 cents per Mcf (at 15.025 psia) for initial sales from Southern Louisiana. This ceiling price represented the Commission's judgment based upon the facts then before it. Since that date, four Courts of Appeals have passed upon the proper level for initial rates in Southern Louisiana in light of the Supreme Court's decision in the case of Atlantic Refining Co. v. Public Service Commission of New York, 360 U.S. 378 (Catco); they have unanimously viewed this price level for initial sales in the area as being "out-of-line."[1]

On May 10, 1961 the Commission instituted an area proceeding for the Southern Louisiana area (AR 61–2) contemplating that it would make an interim decision in that proceeding at an early date in order to redetermine the appropriate initial rate for Southern Louisiana. Our review of the examiner's report of the prehearing conference in that proceeding indicates, however, that this is not feasible. Accordingly, we propose to eliminate the contemplated first phase of AR 61–2 and to establish a new maximum price level for initial sales in Southern Louisiana.

It is apparent that it would be contrary to the public interest for us to maintain a price level in Southern Louisiana which the courts have ruled out-of-line. Indeed, apart from the fact that we are necessarily guided by decisions of the courts, it is the present opinion of the Commission that the order of October 25, 1960, fixed the price at a level which afforded inadequate assurance of protection to customer and consumer interests. We have carefully re-examined the matter, reviewing the factors set forth in our original statement of policy[2] in light of the decisions previously mentioned and in light of present conditions in the area. We have taken into account judicial rulings that certain sales in the area do not provide reliable indicia and have considered, inter alia, information that was not previously available to the Commission, including evidence in pending cases covering producers' revenue requirements and cost trends in the area.

Our guiding purpose has been to arrive at a revised price which will enable the Commission to hold the line on new sales in the area at a level consistent with the public interest and, at the same time, to enable producers to obtain authorizations which provide them a reasonable basis for proceeding with their operations and furnishing needed supplies of gas. We conclude that, effective this date, the ceiling price level for initial sales in Southern Louisiana, inclusive of state taxes, shall be 21.25 cents per Mcf (at 15.025 psia).

There remains for consideration the appropriate price level for initial sales of gas produced off the coast of Louisiana in those areas determined to be within the Federal domain. We conclude that, effective this date, the level for initial off-shore sales not subject to the taxing jurisdiction of the State of Louisiana shall be 19.5 cents per Mcf (at 15.025 psia). The differential (1.75 cents) between this price and the price set for sales which fall within the State's taxing jurisdiction is less than the amount of the State's taxes (2.3 cents per Mcf). This differential provides producers with an additional incentive to explore for and extract natural gas of great value to the Nation's economy in areas beyond the limits of the State's jurisdiction.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10526; Filed, Nov. 2, 1961; 8:51 a.m.]

[1] United Gas Improvement Co. v. F.P.C., 283 F. 2d 817 (CA9), certiorari denied sub nom. California Co. v. United Gas Improvement Co., 365 U.S. 881, and Superior Oil Co. v. United Gas Improvement Co., 365 U.S. 879; Public Service Commission v. F.P.C., 287 F. 2d 146 (CADC), certiorari denied sub nom. Hope Natural Gas Co. v. Public Service Commission, 365 U.S. 880, and Shell Oil Co. v. Public Service Commission, 365 U.S. 882; United Gas Improvement Co. v. F.P.C., 287 F. 2d 159 (CA10); United Gas Improvement Co. v. F.P.C., 290 F. 2d 133 (CA5), certiorari denied sub nom. Sun Oil Co. v. United Gas Improvement Co., — U.S. — (October 9, 1961); United Gas Improvement Co. v. F.P.C., 290 F. 2d 147 (CA5), certiorari denied sub nom. Superior Oil Co. v. United Gas Improvement Co., 366 U.S. 965.

[2] These were summarized as follows: "cost information from all decided and pending cases, existing and historical price structures, volumes of production, trends in production, price trends in the various areas over a number of years, trends in exploration and development, trends in demands, and the available markets for the gas."

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POTASSIUM IODIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Encapsulations, Inc., 269 Chestnut Street, Newark 5, New Jersey, and other relevant material, has concluded that the following regulation should issue with respect to the food additive potassium iodide as a nutritional supplement in mineral and vitamin-mineral preparations. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1073 Potassium iodide.

The food additive potassium iodide may be safely used in accordance with the following prescribed conditions:

(a) The food additive is used or intended for use as a nutritional supplement in mineral and vitamin-mineral preparations marketed under labeling which provides that the maximum daily intake of the additive does not exceed 0.15 milligram of iodine.

(b) To assure safe use of the additive in addition to the other information required by the act:

(1) The label of the additive shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any mixture.

(iii) The designation "food grade."

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (a) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 26, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–10511; Filed, Nov. 2, 1961; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 61–40]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

SUBCHAPTER C—AIDS TO NAVIGATION

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

Subpart 67.50—District Regulations

MISCELLANEOUS AMENDMENTS

The Coast Guard's organization is divided into Coast Guard Districts to assist in the performance of assigned functions and duties. The Coast Guard District Commander, within the confines of his District, is responsible for the performance of assigned Coast Guard functions under the general superintendence of the Commandant. In general terms these functions include maritime law enforcement, saving and protecting life and property, safeguarding navigation, and readiness for military operations.

A Coast Guard District consists of a defined area within the United States, its territories and possessions, as well as described portions of the high seas. These descriptions of the Coast Guard Districts are established by the Secretary of the Treasury. They are first published in a directive series designated "Coast Guard General Orders." The descriptions of the Coast Guard Districts now in effect are in this document and they were copied from Coast Guard General Order No. 1, as amended by General Order Nos. 6, 8 to 11, incl. Within such Districts are Marine Inspection Zones and Captain of the Port Areas. They define the areas in which certain Coast Guard officials are responsible for the performance of assigned functions and duties under the superintendence and direction of the Coast Guard District Commander. As the marine inspection duties and Captain of the Port duties are different but are performed within the same general area, the boundaries may or may not coincide.

A Marine Inspection Zone is a defined area within a Coast Guard District. Under the superintendence and direction of the Coast Guard District Commander, an Officer in Charge, Marine Inspection, is in charge of a Marine Inspection Zone for the performance of duties with respect to inspections, enforcements, and administration of Titles 52 and of 53 of the Revised Statutes and acts amendatory thereof or supplemental thereto, and rules and regulations prescribed thereunder in 33 CFR Parts I (General Provisions), 19 (Waivers of Navigation and Vessel Inspection Laws and Regulations), 80 through 86 (Navigation Requirements for Certain Inland Waters), 90 through 92 (Navigation Requirements for Great Lakes and St. Mary's River), 95 and 96 (Navigation Requirements for Western Rivers), 100 (Marine Regattas or Marine Parades), 121 (Special Validation Endorsement for Emergency Service for Merchant Marine Personnel), 135 (Lights for Coast Guard Vessels of Special Construction), and 140 through 146 (Artificial Islands and Fixed Structures on the Outer Continental Shelf), and in 46 CFR, Chapter I (Shipping).

The Captain of the Port Area is a defined area within a Coast Guard District. Under the superintendence and direction of the Coast Guard District Commander, the Captain of the Port and his representatives are responsible for the performance of those functions of the Coast Guard concerning maritime law enforcement, saving and protecting life and property, control over anchorages and the movement of vessels within this assigned area. In certain areas a representative of the Captain of the Port may be designated for the performance of specific functions, such as the representative of the Captain of the Port at Sault Ste. Marie, Michigan, who is in charge of the St. Mary's River Patrol and controls traffic on the St. Mary's River as provided in 33 CFR Part 92. With respect to the safeguarding of vessels, harbors, ports, and waterfront facilities of the United States, the Captains of the Port where designated (otherwise the Coast Guard District Commander) perform assigned Coast Guard functions as further described in 33 CFR Part 6 (Protection and Security of Vessels, Harbors, and Waterfront Facilities), Parts 121, 122, and 124 (Security of Vessels, Including Control Over Movement of Vessels), 125 and 126 (Security of Waterfront Vessels) and 46 CFR Parts 146 and 147 (Dangerous Cargo Regulations). The purpose for publishing specific descriptions of Coast Guard Districts, Marine Inspection Zones and Captain of the Port Areas is to assist the public in determining initially where application need be made, with respect to activities

under the superintendence of the Coast Guard. This information has been previously published in various pamphlets distributed by the Coast Guard to the public, as notices in the FEDERAL REGISTER and portions thereof were published as parts of 33 CFR 67.50–5 to 67.50–45, inclusive.

Because the regulations in this document are rules describing Coast Guard organization, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–3, dated May 22, 1953 (18 F.R. 2962), 167–15, dated January 3, 1955 (20 F.R. 840), 167–17, dated June 25, 1955 (20 F.R. 4976), and 167–23, dated July 27, 1956 (21 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall be in effect on and after the date of publication in the FEDERAL REGISTER.

Subchapter A is amended by inserting after Part 1 a new Part 3 reading as follows:

Subpart 3.01—General Provisions

Sec.
3.01–1 General description.
3.01–5 Assignment of functions.

Subpart 3.05—First Coast Guard District

3.05–1 First district.
3.05–10 Boston Marine Inspection Zone.
3.05–15 Portland, Maine Marine Inspection Zone.
3.05–20 Providence Marine Inspection Zone.
3.05–55 Boston Captain of the Port.
3.05–60 Providence Captain of the Port.
3.05–70 Portland, Maine Captain of the Port.

Subpart 3.10—Second Coast Guard District

3.10–1 Second district.
3.10–10 St. Louis Marine Inspection Zone.
3.10–15 Cairo Marine Inspection Zone.
3.10–20 Cincinnati Marine Inspection Zone.
3.10–25 Dubuque Marine Inspection Zone.
3.10–30 Huntington Marine Inspection Zone.
3.10–35 Louisville Marine Inspection Zone.
3.10–40 Memphis Marine Inspection Zone.
3.10–45 Nashville Marine Inspection Zone.
3.10–50 Pittsburgh Marine Inspection Zone.
3.10–55 Cairo Captain of the Port.
3.10–60 Cincinnati Captain of the Port.
3.10–65 Dubuque Captain of the Port.
3.10–70 Huntington Captain of the Port.
3.10–75 Louisville Captain of the Port.
3.10–80 Memphis Captain of the Port.
3.10–85 Nashville Captain of the Port.
3.10–90 Pittsburgh Captain of the Port.
3.10–95 St. Louis Captain of the Port.

Subpart 3.15—Third Coast Guard District

3.15–1 Third district.
3.15–10 New York Marine Inspection Zone.
3.15–15 Albany Marine Inspection Zone.
3.15–20 New London Marine Inspection Zone.
3.15–25 Philadelphia Marine Inspection Zone.
3.15–55 New London Captain of the Port.
3.15–60 New York Captain of the Port.
3.15–65 Philadelphia Captain of the Port.

Subpart 3.25—Fifth Coast Guard District

Sec.
3.25–1 Fifth district.
3.25–10 Portsmouth Marine Inspection Zone.
3.25–15 Baltimore Marine Inspection Zone.
3.25–20 Wilmington Marine Inspection Zone.
3.25–55 Baltimore Captain of the Port.
3.25–60 Norfolk Captain of the Port.
3.25–65 Wilmington Captain of the Port.

Subpart 3.35—Seventh Coast Guard District

3.35–1 Seventh district.
3.35–10 Miami Marine Inspection Zone.
3.35–15 Charleston Marine Inspection Zone.
3.35–20 Jacksonville Marine Inspection Zone.
3.35–25 San Juan Marine Inspection Zone.
3.35–30 Savannah Marine Inspection Zone.
3.35–35 Tampa Marine Inspection Zone.
3.35–55 Charleston Captain of the Port.
3.35–60 Jacksonville Captain of the Port.
3.35–65 Key West Captain of the Port.
3.35–70 Miami Captain of the Port.
3.35–75 San Juan Captain of the Port.
3.35–80 Savannah Captain of the Port.
3.35–85 Tampa Captain of the Port.

Subpart 3.40—Eighth Coast Guard District

3.40–1 Eighth district.
3.40–10 New Orleans Marine Inspection Zone.
3.40–15 Corpus Christi Marine Inspection Zone.
3.40–20 Galveston Marine Inspection Zone.
3.40–25 Houston Marine Inspection Zone.
3.40–30 Mobile Marine Inspection Zone.
3.40–35 Port Arthur Marine Inspection Zone.
3.40–55 Corpus Christi Captain of the Port.
3.40–60 Galveston Captain of the Port.
3.40–65 Houston Captain of the Port.
3.40–70 Mobile Captain of the Port.
3.40–75 New Orleans Captain of the Port.
3.40–80 Sabine Captain of the Port.
3.40–85 Port Isabel Captain of the Port.

Subpart 3.45—Ninth Coast Guard District

3.45–1 Ninth district.
3.45–5 Cleveland Marine Inspection Zone.
3.45–10 Buffalo Marine Inspection Zone.
3.45–15 Chicago Marine Inspection Zone.
3.45–20 Detroit Marine Inspection Zone.
3.45–25 Duluth Marine Inspection Zone.
3.45–30 Ludington Marine Inspection Zone.
3.45–35 Milwaukee Marine Inspection Zone.
3.45–40 Oswego Marine Inspection Zone.
3.45–45 St. Ignace Marine Inspection Zone.
3.45–50 Toledo Marine Inspection Zone.
3.45–55 Buffalo Captain of the Port.
3.45–60 Chicago Captain of the Port.
3.45–65 Cleveland Captain of the Port.
3.45–70 Detroit Captain of the Port.
3.45–75 Duluth Captain of the Port.
3.45–80 Milwaukee Captain of the Port.
3.45–85 Ludington Captain of the Port.
3.45–90 Oswego Captain of the Port.
3.45–95 Sault Ste. Marie Captain of the Port.
3.45–97 Toledo Captain of the Port.

Subpart 3.55—Eleventh Coast Guard District

3.55–1 Eleventh district.
3.55–10 Long Beach Marine Inspection Zone.
3.55–15 San Diego Marine Inspection Zone.
3.55–55 San Diego Captain of the Port.
3.55–60 Los Angeles Captain of the Port.

Subpart 3.60—Twelfth Coast Guard District

3.60–1 Twelfth district.
3.60–10 San Francisco Marine Inspection Zone.
3.60–55 San Francisco Captain of the Port.

Subpart 3.65—Thirteenth Coast Guard District

3.65–1 Thirteenth district.
3.65–10 Seattle Marine Inspection Zone.
3.65–15 Portland, Oreg., Marine Inspection Zone.
3.65–55 Portland, Oreg., Captain of the Port.
3.65–60 Seattle Captain of the Port.

Subpart 3.70—Fourteenth Coast Guard District

Sec.
3.70–1 Fourteenth district.
3.70–10 Honolulu Marine Inspection Zone.
3.70–15 Guam Marine Inspection Zone.
3.70–55 Honolulu Captain of the Port.
3.70–60 Guam Captain of the Port.

Subpart 3.85—Seventeenth Coast Guard District

3.85–1 Seventeenth district.
3.85–10 Juneau Marine Inspection Zone.
3.85–55 Ketchikan Captain of the Port.

AUTHORITY: §§ 3.01–1 to 3.85–55 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633.

Subpart 3.01—General Provisions

§ 3.01–1 General description.

(a) The Coast Guard's organization is divided into Coast Guard Districts to assist in the performance of assigned functions and duties. A Coast Guard District consists of a defined area within the United States, its territories and possessions, including portions of the high seas adjacent thereto. These descriptions are established by the Secretary of the Treasury in a series of directives designated "Coast Guard General Orders."

(b) The Coast Guard District Commander is in command of a Coast Guard District and his office may be referred to as a Coast Guard District Office. (See § 1.01–1 of this subchapter.) An Officer in Charge, Marine Inspection, is in command of a Marine Inspection Zone and his office may be referred to as a Coast Guard Marine Inspection Office. (See § 1.01–20 of this subchapter.) The Captain of the Port is in command of a Captain of the Port Area and his office may be referred to as a Captain of the Port Office. (See § 1.01–30 of this subchapter.)

(c) Various Coast Guard floating units and shore units come under the cognizance of the Coast Guard District in which located except certain Headquarters' units performing specialized functions.

§ 3.01–5 Assignment of functions.

(a) The Secretary of the Treasury in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 25, 1955 (20 F.R. 4976), delegated to the Commandant, United States Coast Guard, authority to prescribe rules and regulations as necessary to carry out the provisions of any law administered by the Coast Guard. The general statements of policy in the rules describing Coast Guard organization are prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S. Code 1002), and section 633 of Title 14, U.S. Code, in the act of August 4, 1949.

Subpart 3.05—First Coast Guard District

§ 3.05–1 First district.

(a) The District Office is in Boston, Massachusetts.

(b) The First Coast Guard District shall comprise Maine and New Hampshire; Vermont, except the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison; Massachusetts, except

the waters of Congamond Lakes; Rhode Island, with the exception of Watch Hill Light Station; that portion of Connecticut containing the waters of Beach Pond in New London County; all United States naval reservations on shore in Newfoundland; the ocean area north of a line from Watch Hill Light south to Montauk Point Light, thence 112° T.

§ 3.05–10 Boston Marine Inspection Zone.

(a) The Boston Marine Inspection Office is in Boston, Massachusetts.

(b) The Boston marine inspection zone boundary starts at a point on the coast of New Hampshire 5 miles south of 43° N. latitude; thence due west to the western boundary of the Vermont State line; thence south along the New York-Massachusetts State lines to the southern boundary of Massachusetts; thence east along the southern boundary of Massachusetts, excluding the waters of Congamond Lakes, to the town of North Easton, Mass., approximately 10 miles north of Taunton, Mass.; thence southeast to Butler's Point at the southeast tip of Sippican Neck (this line follows the southeast shore line of Sippican Neck but does not include any of the waters of Sippican Harbor, its bays, coves, or inlets); thence southwest to Uncatena Island lighted bell buoy at approximately 41°32′ N. latitude and 70°-42′ W. longitude; thence south, east, and south (through the passage between Woods Hole and Nonamesset Island) to Quick Ledge lighted buoy at approximately 41°30 N. latitude and 70°40′ W. longitude; thence southwest to Gay Head lighted gong buoy at approximately 41°22′ N. latitude and 70°51′ W. longitude; thence due south to 41° N. latitude.

§ 3.05–15 Portland, Maine, Marine Inspection Zone.

(a) The Portland, Maine, Marine Inspection Office is in Portland, Main.

(b) The Portland marine inspection zone boundary starts at a point on the coast of New Hampshire, 5 miles south of 43° N. latitude; thence due west to the Vermont State line; thence north along the Vermont State line to the Addison County line; thence north along the eastern boundaries of the Addison, Chittenden, Franklin, and Orleans Counties until this line meets the Canadian border; thence north, east, and south along the Canadian border to the sea.

§ 3.05–20 Providence Marine Inspection Zone.

(a) The Providence Marine Inspection Office is in Providence, Rhode Island.

(b) The Providence marine inspection zone boundary starts at but does not include Montauk Point, Long Island; thence due north to Watch Hill, R.I.; thence follows the east shore of the Pawcatuck River to Westerly, R.I.; thence north along the Rhode Island State line, including the waters of Beach Pond, until it touches the Massachusetts State line; thence east to the town of North Easton, Mass., approximately 10 miles north of Taunton, Mass.; thence southeast to Butler's Point at the southeast tip of Sippican Neck (this line follows the southeast shore line of Sippican Neck and includes the waters of Sippican Harbor as well as all bays, coves, and inlets); thence southwest to Uncatena Island lighted bell buoy at approximately 41°32′ N. latitude and 70°42′ W. longitude; thence south, east, and south (through the passage between Woods Hole and Nonamesset Island) to the Quick Ledge lighted buoy at approximately 41°30′ N. latitude and 70°40′ W. longitude; thence southwest to Gay Head lighted gong buoy at approximately 41°22′ N. latitude and 70°51′ W. longitude; thence due south to 41° N. latitude. All of the Elizabeth Islands are under the jurisdiction of the Providence marine inspection office.

§ 3.05–55 Boston Captain of the Port.

(a) The Boston Captain of the Port Office is in Boston, Massachusetts.

(b) The Boston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 70°50′00″ W. meridian, on the south the 42°13′00″ N. parallel, on the west the 71°05′00″ W. meridian, and on the north the 42°25′00″ N. parallel.

§ 3.05–60 Providence Captain of the Port.

(a) The Providence Captain of the Port Office is in Providence, Rhode Island.

(b) The Providence Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Judith, R.I., Light in an east-northeasterly direction to the southern tip of Sakonnet Point, R.I., thence in a north-northeasterly direction to 41°45′00″ N., 71°07′40″ W., thence westerly to 41°45′00″ N., 71°20′-00″ W., thence in a north-northwesterly direction to 41°48′00″ N., 71°22′00″ W., thence northerly to 41°53′00″ N., 71°-22′00″ W., thence westerly to 41°53′00″ N., 71°29′00″ W., thence southerly to Point Judith Light.

§ 3.05–70 Portland Captain of the Port.

(a) The Portland Captain of the Port Office is in Portland, Maine.

(b) The Portland Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Elizabeth Light in a northeasterly direction to Halfway Rock Light, thence north to 43°50′00″ N., 70°02′15″ W., in Maquoit Bay, thence west to 43°50′00″ N., 70°-19′00″ W., thence south to 43°34′00″ N., thence easterly to Cape Elizabeth Light.

Subpart 3.10—Second Coast Guard District

§ 3.10–1 Second district.

(a) The District Office is in St. Louis, Missouri.

(b) The Second Coast Guard District shall comprise West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, Missouri, Pennsylvania south of latitude 41° N. and west of longitude 79° W.; those parts of Ohio and Indiana south of latitude 41° N.; Illinois, except that part north of latitude 41° N. and east of longitude 90° W.; Wisconsin south of latitude 46°20′ N. and west of longitude 90°-W.; Minnesota south of latitude 46°20′ N.; and those parts of Arkansas, Mississippi, and Alabama north of latitude 34° N.

§ 3.10–10 St. Louis Marine Inspection Zone.

(a) The St. Louis Marine Inspection Office is in St. Louis, Mo.

(b) The St. Louis marine inspection zone boundary starts at 42°30′ N. latitude and 111° W. longitude, on the Wyoming, Idaho State line and runs due east to, but not including, Sioux City, Iowa; thence southeast to, but not including Keokuk, Iowa; thence northeast to 41°10′ N. latitude and 90° W. longitude; thence due south to 41° N. latitude; thence due east to 87°10′ W. longitude; thence due south to and including Fowler, Ind.; thence southwest to Urbana, Ill.; thence south to Arcola, Ill.; thence south to Altamont, Ill.; thence south to Mount Vernon, Ill.; thence south to Oak Ridge, Mo.; thence west to Licking, Mo.; thence southwest to Cabool, Mo.; thence west to Springfield, Mo.; thence northwest to Greenfield, Mo.; thence northwest to McPherson, Kans.; thence west to La Crosse, Kans.; thence due west to where this line touches the Utah, Colorado State line; thence north along the Utah, Colorado State line to 41° N. latitude and 109° W. longitude; thence due west along the Utah, Wyoming State line to 111° W. longitude; thence due north along the Wyoming State line to 42°30′ N. latitude and 111° W. longitude.

§ 3.10–15 Cairo Marine Inspection Zone.

(a) The Cairo Marine Inspection Office is in Cairo, Illinois.

(b) The Cairo marine inspection zone boundary starts at 41° N. latitude and 87°10′ W. longitude; thence south to, but not including Fowler, Ind.; thence southwest to, but not including, Urbana, Ill.; thence south to, but not including Arcola, Ill.; thence south to, but not including, Altamont, Ill.; thence south to, but not including, Mount Vernon, Ill.; thence southwest to, but not including Oak Ridge, Mo.; thence southeast to, but not including, Benton, Mo.; thence south to, but not including, Sikeston, Mo.; thence due east to Scottsville, Ky.; thence northwest to, but not including, Mount Vernon, Ind.; thence northeast to 86°10′ W. longtitude and 40°45′ N. latitude; thence northwest to 41° N. latitude and 86°30′ W. longitude; thence due west to 87°10′ W. longitude.

§ 3.10–20 Cincinnati Marine Inspection Zone.

(a) The Cincinnati Marine Inspection Office is in Cincinnati, Ohio.

(b) The Cincinnati marine inspection zone boundary starts at 86°30′ W. longitude and 41° N. latitude; thence southeast to, but not including, Anderson,

Ind.; thence southeast to, but not including Carrollton, Ky.; thence to, but not including, Winchester, Ky.; thence to, but not including, Cannel City, Ky.; thence to, but not including, Jenkins, Ky.; thence east and north along the Kentucky State line to Louisa, Ky.; thence in a northerly direction to Portsmouth, Ohio; thence north to 41° N. latitude, approximately 8 miles west of New Washington, Ohio; thence due west to 86°30′ W. longitude.

§ 3.10–25 Dubuque Marine Inspection Zone.

(a) The Dubuque Marine Inspection Office is in Dubuque, Iowa.

(b) The Dubuque marine inspection zone boundary starts at a point where the Montana-North Dakota State line touches the Canadian border; thence east along the Canadian border until it meets the Red River of the North; thence south along this river to 46°25′ N. latitude and 96°35′ W. longitude; thence due east until this line meets 90° W. longitude; thence due south to 41°10′ N. latitude; thence in a southwesterly direction to and including Keokuk, Iowa; thence in a northwesterly direction to and including Sioux City, Iowa; thence due west to the Idaho, Wyoming State line at 42°30′ N. latitude and 111° W. longitude; thence north along the Idaho, Wyoming State line to 45° N. latitude; thence east along the Wyoming State line to 45° N. latitude and 104° W. longitude; thence due north along the Montana State line to the Canadian border.

§ 3.10–30 Huntington Marine Inspection Zone.

(a) The Huntington Marine Inspection Office is in Huntington, West Virginia.

(b) The Huntington marine inspection zone boundary starts at 41° N. latitude, approximately 8 miles west of New Washington, Ohio; thence proceeds south to, but not including, Portsmouth, Ohio; thence southeast to Louisa, Ky.; thence along the Kentucky, West Virginia State line (Big Sandy River) to the Kentucky, West Virginia, and Virginia State line; thence north and east along the West Virginia, Virginia State line to Fairfax, W. Va.; thence northwest to, but not including, Fairmont, W. Va.; thence northwest to Dam No. 13, Ohio River (3½ miles west of Wheeling, W. Va.); thence continuing northwest in a straight line to 81°40′ W. longitude and 41° N. latitude; thence due west to approximately 8 miles west of New Washington, Ohio.

§ 3.10–35 Louisville Marine Inspection Zone.

(a) The Louisville Marine Inspection Office is in Louisville, Kentucky.

(b) The Louisville marine inspection zone boundary starts at 86°10′ W. longitude and 40°45′ N. latitude; thence southwest to and including Mount Vernon, Ind.; thence southeast to, but not including, Scottsville, Ky.; thence due east to the Virginia State line; thence northeast along the Virginia State line to Jenkins, Ky.; thence northwest to Cannel City, Ky.; thence northwest to Winchester, Ky.; thence northwest to Carrollton, Ky.; thence northwest to Anderson, Ind.; thence northwest to 86°10′ W. longitude and 40°45′ N. latitude.

§ 3.10–40 Memphis Marine Inspection Zone.

(a) The Memphis Marine Inspection Office is in Memphis, Tennessee.

(b) The Memphis marine inspection zone boundary starts at 38°30′ N. latitude and 109° W. longitude, on the Utah, Colorado State line and runs due east to, but not including, LaCrosse, Kans.; thence east to, but not including, McPherson, Kans.; thence southeast to, but not including, Greenfield, Mo.; thence southeast to, but not including, Springfield, Mo.; thence east to, but not including, Cabool, Mo.; thence northeast to, but not including, Licking, Mo.; thence east to, but not including, Oak Ridge, Mo.; thence southeast to and including Benton, Mo.; thence south to and including Sikeston, Mo.; thence east to and including Bardwell, Ky.; thence southeast to 34° N. latitude and 88° W. longitude; thence due west along 34° N. latitude to the Oklahoma, Arkansas State line; thence due south to the Red River; thence west, north, and west along the Oklahoma, Texas State line to the New Mexico State line; thence due north along the New Mexico, Oklahoma State line to 37° N. latitude; thence due west along the Colorado, New Mexico State line to 109° W. longitude; thence due north along the Utah, Colorado State line to 38°30′ N. latitude.

§ 3.10–45 Nashville Marine Inspection Zone.

(a) The Nashville Marine Inspection Office is in Nashville, Tennessee.

(b) The Nashville marine inspection zone boundary starts at 88° W. longitude and 34° N. latitude; thence due east to the Georgia, Alabama State line; thence northwest to the Tennessee, Alabama State line; thence north and east to the North Carolina State line; thence following the Tennessee, North Carolina State line; thence west along the Tennessee, Virginia State line to the Kentucky State line; thence northeast along the Kentucky, Virginia State line to 36°45′ N. latitude; thence due west to and including Scottsville, Ky., and continuing west to, but not including, Bardwell, Ky.; thence southeast to 88° W. longitude and 34° N. latitude.

§ 3.10–50 Pittsburgh Marine Inspection Zone.

(a) The Pittsburgh Marine Inspection Office is in Pittsburgh, Pennsylvania.

(b) The Pittsburgh marine inspection zone boundary starts at 41° N. latitude and 79° W. longitude; thence due south to the junction of the Pennsylvania, Maryland State line; thence west and south along the Pennsylvania, Maryland, State line to Fairfax, W. Va.; thence northwest to, and including Fairmont, W. Va.; thence northwest to, but not including Dam No. 13, Ohio River (about 3½ miles west of Wheeling, W. Va.); thence continuing in a straight line to 41° N. latitude and 81°40′ W. longitude; thence due east to 79° W. longitude.

NOTE: Notwithstanding the foregoing, factory inspections at the town of Alliance, Ohio, shall be conducted by marine inspectors assigned from the office of the Officer in Charge, Marine Inspection at Cleveland, Ohio, rather than from the office of the Officer in Charge, Marine Inspection, Pittsburgh, Pa.

§ 3.10–55 Cairo Captain of the Port.

(a) The Cairo Captain of the Port Office is in Cairo, Illinois.

(b) The Cairo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Upper Mississippi River from Mile 0.0 to Mile 7.0, an of the Ohio River from Mile 977.0 to Mile 981.0.

§ 3.10–60 Cincinnati Captain of the Port.

(a) The Cincinnati Captain of the Port Office is in Cincinnati, Ohio.

(b) The Cincinnati Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Ohio River from Mile 466.0 to Mile 474.0.

§ 3.10–65 Dubuque Captain of the Port.

(a) The Dubuque Captain of the Port Office is in Dubuque, Iowa.

(b) The Dubuque Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Upper Mississippi River from Mile 579.0 to Mile 584.0.

§ 3.10–70 Huntington Captain of the Port.

(a) The Huntington Captain of the Port Office is in Huntington, West Virginia.

(b) The Huntington Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Ohio River from Mile 304.0 to Mile 324.0.

§ 3.10–75 Louisville Captain of the Port.

(a) The Louisville Captain of the Port Office is in Louisville, Kentucky.

(b) The Louisville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Ohio River from Mile 601.0 to Mile 611.0.

§ 3.10–80 Memphis Captain of the Port.

(a) The Memphis Captain of the Port Office is in Memphis, Tennessee.

(b) The Memphis Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Lower Mississippi River from Mile 731.0 to Mile 733.0, and of the Tennessee Chute, and of Wolf River from Mile 0.0 to Mile 4.0.

§ 3.10–85 Nashville Captain of the Port.

(a) The Nashville Captain of the Port Office is in Nashville, Tenn.

(b) The Nashville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Cumberland River from Mile 182.0 to Mile 194.0.

§ 3.10–90 Pittsburgh Captain of the Port.

(a) The Pittsburgh Captain of the Port Office is in Pittsburgh, Pa.

(b) The Pittsburgh Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Ohio River from Mile 0.0 to Mile 19.0, of the Alleghany River from Mile 0.0 to Mile 9.0, of the Monongahela River from Mile 0.0 to Mile 20.0, and of the Youghiogheny River from Mile 0.0 to Mile 3.0.

§ 3.10–95 St. Louis Captain of the Port.

(a) The St. Louis Captain of the Port Office is in St. Louis, Mo.

(b) The St. Louis Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Upper Mississippi River from Mile 168.0 to Mile 205.0.

Subpart 3.15—Third Coast Guard District

§ 3.15–1 Third district.

(a) The District Office is in New York, N.Y.

(b) The Third Coast Guard District shall comprise the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Light Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°39′ W.; New Jersey; Pennsylvania east of longitude 79° W.; Delaware, including Fenwick Island, the ocean area between a line from Watch Hill Light due south to Montauk Point Light, thence 112° T and a line from the coastal end of the Third-Fifth Coast Guard District boundary, thence 122° T.

§ 3.15–10 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is in New York, N.Y.

(b) The New York marine inspection zone boundary starts at the southern bank of the Manasquan River, N.J.; thence along the southern boundary of Monmouth and Mercer Counties to the Delaware River; thence north along the east bank of the Delaware River to Tusten, N.Y.; thence due east to the New York, Connecticut State line; thence in a southerly direction along the Connecticut-New York State line to its end on Long Island Sound. All of Long Island, including the suburbs of New York thereon and the islands to and including Little Gull Island, and its surrounding waters, are under the jurisdiction of the New York marine inspection office.

§ 3.15–15 Albany Marine Inspection Zone.

(a) The Albany Marine Inspection Office is in Albany, N.Y.

(b) The Albany marine inspection zone boundary starts at the junction of the Massachusetts, Connecticut, and New York State lines; thence in a southerly direction along the New York-Connecticut State line to a point at approximately 41°33′ N. latitude, 73°32.5′ W. longitude (this point is further defined by the place where the northern boundary of the New York marine inspection district crosses the New York-Connecticut State line and is the junction of the New York, Albany, and New London districts); thence due west to Tusten, N.Y.; thence in a northwesterly direction along the east bank of the Delaware River to 42° N. latitude; thence due east to 74°40′ W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundary of Orleans, Franklin, Chittenden, and Addison County lines to the Vermont-New York State line; thence south along the Vermont-New York State line to the junction of the Massachusetts, Connecticut, and New York State lines.

§ 3.15–20 New London Marine Inspection Zone.

(a) The New London Marine Inspection Office is in New London, Conn.

(b) The New London marine inspection zone boundary starts at the Connecticut-New York State line on Long Island Sound; thence north, east, including the waters of Congamond Lakes, and south, excluding the waters of Beach Pond, along the Connecticut State line to Westerly, R.I.; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill, R.I.; thence due south to the northeasterly end of, but not including any part of Long Island. All the islands along the Connecticut shore line between the Connecticut-New York State line and the Connecticut-Rhode Island State line, including Fishers Island, are under the jurisdiction of the New London marine inspection office.

§ 3.15–25 Philadelphia Marine Inspection Zone.

(a) The Philadelphia Marine Inspection Office is in Philadelphia, Pa.

(b) The Philadelphia marine inspection zone boundary starts at the southeastern boundary of Monmouth County, N.J., on the southern bank of, but not including the waters of the Manasquan River; thence following the southern boundary of Monmouth and Mercer Counties to the Delaware River; thence north following the course of and including all the waters of the Delaware River until it meets the New York State line; thence west along the New York-Pennsylvania State line to 79° W. longitude; thence due south to the Pennsylvania-Maryland State line; thence east to the junction of the Maryland-Delaware State line; thence south and east along the Maryland-Delaware State line to the sea.

§ 3.15–55 New London Captain of the Port.

(a) The New London Captain of the Port Office is in New London, Conn.

(b) The New London Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 72°04′30″ W. meridian, on the south a line extending through New London Harbor Light and Eastern Point, on the west the 72°06′30″ W. meridian, and on the north the parallel extending through Ice House Light.

§ 3.15–60 New York Captain of the Port.

(a) The New York Captain of the Port Office is located in New York, N.Y.

(b) The New York Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Navesink South Tower through Ambrose Lightship to the 73°39′00″ W. meridian, 40°35′00″ N. parallel; thence due north to 41°00′00″ N. parallel; thence due west to the 74°10′00″ W. meridian; thence southwesterly to a point located at 40°30′00″ N., 74°30′00″ W.; thence due south to the 40°23′48″ N. parallel; thence due east to Navesink South Tower.

§ 3.15–65 Philadelphia Captain of the Port.

(a) The Philadelphia Captain of the Port Office is located in Philadelphia, Pa.

(b) The Philadelphia Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Hereford Inlet Light to the south tower at Indian River Inlet; thence northwesterly to a point on the Delaware-Maryland boundary at 39°20′00″ N., thence northerly along Delaware-Maryland boundary to a point at 39°35′00″ N., thence northeasterly to a point at 40°20′00″ N., 74°50′00″ W.; thence east to the 74°40′00″ W. meridian; thence south to the 40°07′30″ N., parallel; thence southwesterly to a point at 39°35′00″ N., 75°20′00″ W.; thence southeasterly to a point at 39°20′00″ N., 74°55′00″ W.; thence south-southeasterly to Hereford Inlet Light.

Subpart 3.25—Fifth Coast Guard District

§ 3.25–1 Fifth district.

(a) The District Office is in Portsmouth, Va.

(b) The Fifth Coast Guard District shall comprise Maryland, Virginia, District of Columbia, and North Carolina; and the ocean between a line from the coastal end of the Third-Fifth Coast Guard District boundary, thence 122° T, and a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T.

§ 3.25–10 Portsmouth Marine Inspection Zone.

(a) The Portsmouth Marine Inspection Office is in Portsmouth, Va.

(b) The Portsmouth marine inspection zone boundary starts at the sea and follows the Virginia-Maryland State line to a point 37°57′.2 N. latitude, 76°03′ W. longitude on Chesapeake Bay; thence to a point 37°56′.5 N. latitude, 76°10′.5 W. longitude; thence to a point 37°55′ N. latitude, 76°18′.8 W. longitude; thence to a point 37°55′ N. latitude, 76°28′.2 W. longitude; thence to a point 38°19′.5 N. latitude, 77°25′.2 W. longitude; thence to a point 39°06′ N. latitude, 78°30′ W. longitude, thence southerly along the western boundary of Virginia to its junction with the Tennessee State line; thence eastward along the Virginia, Ten-

nessee and North Carolina boundary lines to and including all of Kerr (Buggs Island) Lake in North Carolina; thence eastward to the west bank of the Chowan River; thence southerly along the west bank of the Chowan River to a point 36° 00′ N. latitude, 76°41′ W. longitude; thence generally southerly and easterly along the border of Washington, Beaufort and Hyde Counties to a point 35°37′ N. latitude, 76°32′ W. longitude; thence easterly to a point 35°37′ N. latitude, 75° 40′ W. longitude; thence generally southwesterly to a point 35°01′.5 N. latitude, 76°20′ W. longitude; thence easterly to a point 35°01′.5 N. latitude, 76°10′ W. longitude; thence southeasterly to the sea.

§ 3.25–15 Baltimore Marine Inspection Zone.

(a) The Baltimore Marine Inspection Office is in Baltimore, Md.

(b) The Baltimore marine inspection zone boundary starts at 75°00′ W. longitude at the sea on the Delaware coast and follows the Delaware, Maryland State line west and north to the junction of the Delaware, Maryland and Pennsylvania State lines; thence due west along the Pennsylvania-Maryland State line until it meets the West Virginia State line; thence south to the Potomac River; thence eastward along the Potomac River to the Maryland, Virginia State lines; thence south and west along the Virginia-West Virginia State line to a point 39°06′ N. latitude, 78°30′ W. longitude; thence to a point 38°19′.5 N. latitude, 77°25′.2 W. longitude; thence to a point 37°55′ N. latitude, 76°28′.2 W. longitude; thence to a point 37°55′ N. latitude, 76°16′.8 W. longitude; thence to a point 37°56′.5 N. latitude, 76°10′.5 W. longitude; thence to a point 37°57′.2 N. latitude, 76°03′ W. longitude on Chesapeake Bay; thence along the Maryland-Virginia State line to the sea.

§ 3.25–20 Wilmington Marine Inspection Zone.

(a) The Wilmington Marine Inspection Office is in Wilmington, N.C.

(b) The Wilmington marine inspection zone boundary starts from the sea northwesterly to a point 35°01′.5 N. latitude, 76°10′ W. longitude; thence westerly to a point 35°01′.5 N. latitude, 76°20′ W. longitude; thence northeasterly to a point 35°37′ N. latitude, 75°40′ W. longitude; thence westerly to a point 35°37′ N. latitude, 76°32′ W. longitude; thence north and westerly along the border of Hyde, Beaufort and Washington Counties to a point 36°00′ N. latitude, 76°41′ W. longitude; thence northerly along the west bank of the Chowan River to the North Carolina-Virginia State boundary; thence along this boundary to and excluding Kerr (Buggs Island) Lake in North Carolina to the North Carolina, Tennessee State boundary to its intersection with the North Carolina-Georgia State boundary; thence along the North Carolina, Georgia, and South Carolina State boundaries to the sea.

§ 3.25–55 Baltimore Captain of the Port.

(a) The Baltimore Captain of the Port Office is in Baltimore, Md.

(b) The Baltimore Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 76°15′00″ W. meridian; on the south the 38°53′30″ N. parallel, on the west the 76°40′00″ W. meridian and on the north the 39°18′00″ N. parallel.

§ 3.25–60 Norfolk Captain of the Port.

(a) The Norfolk Captain of the Port Office is in Portsmouth, Va.

(b) The Norfolk Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Charles Light in a south-southwesterly direction to a point located at 36°45′00″ N., 76°00′00″ W., thence west to 76°49′00″ W., thence north to 37°15′00″ N., thence in an easterly direction to Cape Charles Light.

§ 3.25–65 Wilmington Captain of the Port.

(a) The Wilmington Captain of the Port Office is in Wilmington, N.C.

(b) The Wilmington Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 77°55′00″ W. meridian, on the south the 33°50′00″ N. parallel, on the west the 78°02′00″ W. meridian, and on the north the 34°17′00″ N. parallel.

Subpart 3.35—Seventh Coast Guard District

§ 3.35–1 Seventh district.

(a) The District Office is in Miami, Fla.

(b) The Seventh Coast Guard District shall comprise South Carolina; Florida and Georgia, except that part of Florida west of the east bank of the Apalachicola River and part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up-stream to Montezuma, Georgia and south and west of a line between Montezuma and West Point, Ga.; Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and the Virgin Islands; all of the United States naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean area between a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T, and a line from the coastal end of the Seventh-Eighth Coast Guard District boundary, thence 193° T; and the ocean area bounded by a line from the border between Guatemala and Mexico on the Pacific Coast (14°38′ N., 92°19′ W.) southwesterly to latitude 5° S., longitude 110° W., thence due east to the Coast of South America.

§ 3.35–10 Miami Marine Inspection Zone.

(a) The Miami Marine Inspection Office is in Miami, Fla.

(b) The Miami marine inspection zone boundary starts at sea at 28° N. latitude and runs due west to 81°30′ W. longitude; thence due south to the Gulf of Mexico. All of the Florida Keys to and including the Dry Tortugas area are under the jurisdiction of the Miami marine inspection office.

§ 3.35–15 Charleston Marine Inspection Zone.

(a) The Charleston Marine Inspection Office is in Charleston, S.C.

(b) The Charleston marine inspection zone boundary comprises the entire State of South Carolina except the ports and navigable waters of the Savannah River.

§ 3.35–20 Jacksonville Marine Inspection Zone.

(a) The Jacksonville Marine Inspection Office is in Jacksonville, Fla.

(b) The Jacksonville marine inspection zone comprises that part of the State of Florida south of the Georgia, Florida State line, including the ports and navigable waters of the St. Marys River, and east of a line drawn from the Georgia-Florida State line at 83° W. longitude and running 155° to a point at 28° N. latitude and 81°30′ W. longitude, and north of a line running due east to the sea from 28° N. latitude and 81° 30′ W. longitude.

§ 3.35–25 San Juan Marine Inspection Zone.

(a) The San Juan Marine Inspection Office is in San Juan, Puerto Rico.

(b) The San Juan marine inspection zone comprises Puerto Rico and the Virgin Islands.

§ 3.35–30 Savannah Marine Inspection Zone.

(a) The Savannah Marine Inspection Office is in Savannah, Georgia.

(b) The Savannah marine inspection zone comprises the entire State of Georgia except that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Ga., and south and west of a line between Montezuma and West Point, Ga.; including the ports and navigable waters of the Savannah River and excepting the ports and navigable waters of the St. Marys River.

§ 3.35–35 Tampa Marine Inspection Zone.

(a) The Tampa Marine Inspection Office is in Tampa, Fla.

(b) The Tampa marine inspection zone comprises the land masses, inland and territorial waters of the State of Florida, as well as artificial islands in the Gulf of Mexico, which are south of the Florida-Georgia State line; east of a line following the east shore of the Apalachicola River from the Florida-Georgia State line to the Gulf of Mexico and thence along a line running 193° T. into the Gulf of Mexico; and west of a line drawn from the Florida-Georgia State line at 83° W. longitude and running 155° to a point at 28° N. latitude and 81°30′ W. longitude and thence due south to the Gulf of Mexico.

§ 3.35–55 Charleston Captain of the Port.

(a) The Charleston Captain of the Port Office is in Charleston, S.C.

(b) The Charleston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 32°57′00″ N., 80°00′00″ W., east to 79°52′00″ W. meridian; thence southeasterly to a point at 32°45′00″ N., 79°45′00″ W.; thence southwesterly to a point at 32°41′00″ N., 79°49′00″ W., thence northwesterly to a point at 32°45′00″ N., 80°00′00″ W., thence north to the point of beginning.

§ 3.35–60 Jacksonville Captain of the Port.

(a) The Jacksonville Captain of the Port Office is in Jacksonville, Fla.

(b) The Jacksonville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 30°45′00″ N., 81°48′00″ W., east to the 81°22′00″ W. meridian; thence southeasterly to a point at 29°51′00″ N., 81°15′00″ W., thence west to the 81°48′00″ W. meridian; thence north to the point of beginning.

§ 3.35–65 Key West Captain of the Port.

(a) The Key West Captain of the Port Office is in Key West, Fla.

(b) The Key West Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 81°44′00″ W. meridian; on the south the 24°27′00″ N. parallel; on the west the 81°55′00″ W. meridian; and on the north the 24°39′00″ N. parallel.

§ 3.35–70 Miami Captain of the Port.

(a) The Miami Captain of the Port Office is in Miami, Fla.

(b) The Miami Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 26°50′00″ N., 80°10′00″ W., east to the 79°54′00″ W. meridian; thence southsouthwesterly to a point at 25°30′00″ N., 80°02′00″ W.; thence west to the 80°21′00″ W. meridian; thence north-northeasterly to the point of beginning.

§ 3.35–75 San Juan Captain of the Port.

(a) The San Juan Captain of the Port Office is in San Juan, Puerto Rico.

(b) The San Juan Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the United States possessions of Puerto Rico and Virgin Islands.

§ 3.35–80 Savannah Captain of the Port.

(a) The Savannah Captain of the Port Office is in Savannah, Ga.

(b) The Savannah Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 32°10′00″ N., 81°10′00″ W., east to the 81°08′00″ W. meridian; thence south to the 32°08′00″ N. parallel; thence east to the 80°47′30″ W. meridian; thence south to the 31°59′00″ N. parallel; thence west to the 81°09′00″ W. meridian; thence north to the 32°08′00″ N. parallel; thence west to the 81°10′00″ W. meridian; thence north to the point of beginning.

§ 3.35–85 Tampa Captain of the Port.

(a) The Tampa Captain of the Port Office is in Tampa, Fla.

(b) The Tampa Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 28°03′00″ N., 82°49′00″ W. east to the 82°20′00″ W. meridian; thence south to the 27°27′00″ N. parallel; thence west to the 82°43′00″ W. meridian; thence northwesterly to a point at 27°36′00″ N., 82°56′00″ W.; thence northeasterly to the point of beginning.

Subpart 3.40—Eighth Coast Guard District

§ 3.40–1 Eighth district.

(a) The District Office is in New Orleans, La.

(b) The Eighth Coast Guard District shall comprise New Mexico, Texas and Louisiana; those parts of Alabama, Mississippi and Arkansas south of latitude 34° N.; and that part of Florida west of the east bank of the Apalachicola River and that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River upstream to Montezuma, Ga., and south and west of a line between Montezuma and West Point, Ga.; the water of the Gulf of Mexico westward of a line from the coastal end of the Seventh-Eighth Coast Guard District boundary thence 193° T.

§ 3.40–10 New Orleans Marine Inspection Zone.

(a) The New Orleans Marine Inspection Office is in New Orleans, La.

(b) The New Orleans marine inspection zone comprises land masses, inland and/or territorial waters of the States of Mississippi, Arkansas, Louisiana, and Texas, as well as artificial islands in the Gulf of Mexico, which are south of 34° N. latitude; east of a line following the Oklahoma, Arkansas State line from 34° N. latitude to the Red River, thence west along the Red River to 94°37′ W. longitude, thence southeast to and including Keachie, La., thence to and including Peason, La., thence to and including Otis, La., thence to and including Lafayette, La., thence due south along 92° W. longitude into the Gulf of Mexico; and west of a line drawn from 34° N. latitude and 88°45′ W. longitude south to and across the Mississippi Sound touching the west tip of Cap Island, and thence running 155° T. into the Gulf of Mexico.

§ 3.40–15 Corpus Christi Marine Inspection Zone.

(a) The Corpus Christi Marine Inspection Office is in Corpus Christi, Tex.

(b) The Corpus Christi marine inspection zone comprises the land masses, inland and territorial waters of the State of Texas, as well as the artificial islands in the Gulf of Mexico, which are north of the International Boundary between the United States and Mexico; east and south of a line starting at the International Boundary and the Rio Grande River, thence north and east along the New Mexico, Texas State line to the southeast corner of the State of New Mexico, thence southeasterly to, but not including, Wharton, Tex., and west of a line from Wharton, Tex.; south to the Coast line at 96°05′ W. longitude, thence to a point 28° N. latitude and 95°30′ W. longitude, thence due south into the Gulf of Mexico.

§ 3.40–20 Galveston Marine Inspection Zone.

(a) The Galveston Marine Inspection Office is in Galveston, Tex.

(b) The Galveston marine inspection zone comprises the land masses, inland and territorial waters of the State of Texas, as well as the artificial islands in the Gulf of Mexico, which are south of a line drawn from, but not including Wharton, Tex., to and including Anahuac, Tex., thence southeast to High Island, Tex., thence to a point 29° N. latitude and 94° W. longitude; west of a line drawn south from 29° N. latitude and 94° W. longitude into the Gulf of Mexico; and east of a line drawn south from Wharton, Tex., to the Coast line at 96°05′ W. longitude, thence to a point 28° N. latitude and 95°30′ W. longitude, thence due south into the Gulf of Mexico.

§ 3.40–25 Houston Marine Inspection Zone.

(a) The Houston Marine Inspection Office is in Houston, Tex.

(b) The Houston marine inspection zone comprises the land masses and inland waters within the State of New Mexico and that portion of the State of Texas south of a line following the Texas, Oklahoma State line drawn from its junction with the State of New Mexico to the east, south, and easterly along the North bank of the Red River to 96°55′ W. longitude; west of a line drawn from 96°55′ W. longitude on the north bank of the Red River southeast to, but not including, McKinney, Tex., thence south following the east bank of the Trinity River to, but not including Anahuac, Tex.; and north of a line drawn from Anahuac, Tex.; to and including Wharton, Tex., thence northwesterly to the southeast corner of the State of New Mexico at the New Mexico-Texas State line.

§ 3.40–30 Mobile Marine Inspection Zone.

(a) The Mobile Marine Inspection Office is in Mobile, Ala.

(b) The Mobile marine inspection zone comprises those portions of the land masses, inland and territorial waters of the States of Mississippi, Alabama, Florida and Georgia, as well as the artificial islands in the Gulf of Mexico, south of 34° N.; east of a line starting at 34° N., 80°45′ W., and drawn south to and across the Mississippi Sound touching the west tip of Cat Island, and thence running 155° T. into the Gulf of Mexico, and west of a line starting 34° N. and drawn south along the Alabama, Georgia State line to West Point, Ga., thence to Montezuma, Ga., downstream

along the east bank of the Flint River, the east bank of the Jim Woodruff Reservoir, the east bank of the Apalachicola River to its mouth, and thence running 193° T. into the Gulf of Mexico.

§ 3.40–35 Port Arthur Marine Inspection Zone.

(a) The Port Arthur Marine Inspection Office is in Port Arthur, Tex.

(b) The Port Arthur marine inspection zone comprises the land masses, inland and territorial waters of the States of Texas and Louisiana, as well as artificial islands in the Gulf of Mexico, south of the north bank of the Red River; east of a line starting at a point on the north bank of the Red River at 96°55′ W. longitude and drawn southeast to and including McKinney, Tex., thence south following the east bank of the Trinity River to, but not including, Anahuac, Tex., thence southeasterly to and including High Island, Tex., thence to a point 29° N. latitude and 94° W. longitude, and thence south along 94° W. longitude into the Gulf of Mexico.

§ 3.40–55 Corpus Christi Captain of the Port.

(a) The Corpus Christi Captain of the Port Office is in Corpus Christi, Tex.

(b) The Corpus Christi Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 96°55′00″ W. meridian; on the south the 27°35′00″ N. parallel; on the west the 97°35′00″ W. meridian; and on the north the 28°00′00″ N. parallel.

§ 3.40–60 Galveston Captain of the Port.

(a) The Galveston Captain of the Port Office is in Galveston, Texas.

(b) The Galveston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 94°30′00″ W. meridian, on the south the 29°10′00″ N. parallel, on the west the 95°00′00″ W. meridian, and on the north 29°50′00″ N. parallel.

§3.40–65 Houston Captain of the Port.

(a) The Houston Captain of the Port Office is in Galena Park, Texas.

(b) The Houston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 95°00′00″ W. meridian; on the south the 29°40′00″ N. parallel; on the west the 95°30′00″ W. meridian; and on the north the 29°50′00″ N. parallel.

§ 3.40–70 Mobile Captain of the Port.

(a) The Mobile Captain of the Port Office is in Mobile, Ala.

(b) The Mobile Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 87°10′00″ W. meridian, on the south the 30°05′00″ N. parallel, on the west the 88°10′00″ W. meridian, and on the north the 31°00′00″ N. parallel.

§ 3.40–75 New Orleans Captain of the Port.

(a) The New Orleans Captain of the Port Office is in New Orleans, La.

(b) The New Orleans Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the south the 28°50′00″ N. parallel, on the west the 91°20′00″ W. meridian, on the north the 31°00′00″ N. parallel to the Louisiana boundary line, thence south along said boundary line to the coast, thence east-southeasterly to a point located at 30°00′00″ N., 88°50′00″ W., then south to 28°50′00″ N.

§ 3.40–80 Sabine Captain of the Port.

(a) The Sabine Captain of the Port Office is in Sabine, Tex.

(b) The Sabine Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 93°10′00″ W. meridian, on the south the 29°30′00″ N. parallel, on the west the 94°10′00″ W. meridian, and on the north the 30°25′00″ N. parallel.

§ 3.40–85 Port Isabel Captain of the Port.

(a) The Port Isabel Captain of the Port Office is in Port Isabel, Tex.

(b) The Port Isabel Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 97°00′00″ W. meridian, on the south the 26°00′00″ N. parallel, on the west the 97°50′00″ W. meridian, and on the north the 26°25′00″ N. parallel.

Subpart 3.45—Ninth Coast Guard District

§ 3.45–1 Ninth district.

(a) The District Office is in Cleveland, Ohio.

(b) The Ninth Coast Guard District shall comprise Michigan, New York north of latitude 42° N. and west of longitude 74°39′ W.; Pennsylvania north of latitude 41° N. and west of longitude 79° W.; those parts of Ohio and Indiana north of latitude 41° N.; Illinois north of latitude 41° N. and east of longitude 90° W.; Wisconsin, except that part south of latitude 46°20′ N. and west of longitude 90° W.; and Minnesota north of latitude 46°20′ N.

§ 3.45–5 Cleveland Marine Inspection Zone.

(a) The Cleveland Marine Inspection Office is in Cleveland, Ohio.

(b) The Cleveland marine inspection zone boundary starts on the Canadian border in Lake Erie at 82°25′ W. longitude; thence due south to 41° N. latitude; thence due east to 80° W. longitude; thence northwest to 80°17′ W. longitude on the Canadian border; thence west along the Canadian border to 82°25′ W. longitude.

NOTE: Notwithstanding the foregoing, factory inspections at the town of Alliance, Ohio, shall be conducted by marine inspectors assigned from the office of the Officer in Charge, Marine Inspection at Cleveland, Ohio, rather than from the office of the Officer in Charge, Marine Inspection at Pittsburgh, Pa.

§ 3.45–10 Buffalo Marine Inspection Zone.

(a) The Buffalo Marine Inspection Office is in Buffalo, N.Y.

(b) The Buffalo marine inspection zone boundary starts at the Canadian border in Lake Erie at 80°17′ W. longitude; thence southeast to 41° N. latitude and 80° W. longitude; thence due east to 79° W. longitude; thence north to 42° N. latitude; thence east to 77°28′ W. longitude; thence due north to the Canadian border; thence west along the Canadian border to 80°17′ W. longitude.

§ 3.45–15 Chicago Marine Inspection Zone.

(a) The Chicago Marine Inspection Office is in Chicago, Illinois.

(b) The Chicago marine inspection zone boundary starts at the Illinois, Wisconsin State line and 90° W. longitude; thence due east to 84°45′ W. longitude; thence due south to 41° N. latitude; thence due west to 90° W. longitude; thence due north to the Illinois, Wisconsin State line.

§ 3.45–20 Detroit Marine Inspection Zone.

(a) The Detroit Marine Inspection Office is in Detroit, Michigan.

(b) The Detroit marine inspection zone boundary starts at 84°45′ W. longitude and 42° N. latitude; thence due east to the Canadian border; thence north along the Canadian border to 45° N. latitude; thence due west to 84°45′ W. longitude; thence due south to 42° N. latitude.

§ 3.45–25 Duluth Marine Inspection Zone.

(a) The Duluth Marine Inspection Office is in Duluth, Minnesota.

(b) The Duluth marine inspection zone boundary starts at the intersection of the Red River of the North and 48°20′ N. latitude; thence due east to 89° W. longitude; thence due north to 47°30′ N. latitude; thence northwesterly to the intersection of the Canadian border with 89°30′ W. longitude; thence westward along the Canadian border to its intersection with the Red River of the North, thence south to 46°20′ N. latitude, the place of the beginning.

§ 3.45–30 Ludington Marine Inspection Zone.

(a) The Ludington Marine Inspection Office is in Ludington, Michigan.

(b) The Ludington marine inspection zone boundary starts at 42°30′ N. latitude, 87° W. longitude; thence east to 84°45′ W.; thence north to 45° N.; thence northwesterly to 45°20′ N., 86°11′ W.; thence southwesterly to 44°30′ N., 87° W.; thence due south to 42°30′ N., 87° W., the place of the beginning.

§ 3.45–35 Milwaukee Marine Inspection Zone.

(a) The Milwaukee Marine Inspection Office is in Milwaukee, Wisconsin, with a sub-office in Manitowoc, Wis.

(b) The Milwaukee marine inspection zone boundary starts at 42°30′ N. latitude and 90° W. longitude; thence due east to 87° W.; thence due north to 44°30′ N.; thence northeasterly to 45°33′ N. 85°56′ W.; thence west to 45°33′ N., 88° W.; thence north to 46°20′ N.; thence due west to 90° W., thence south to the place of the beginning.

§ 3.45–40 Oswego Marine Inspection Zone.

(a) The Oswego Marine Inspection Office is in Oswego, N.Y.

(b) The Oswego marine inspection zone boundary starts at the Canadian border in Lake Ontario at 77°28′ W. longitude; thence due south to 42° N. latitude; thence due east to 74°40′ W. longitude; thence due north to the Canadian border; thence west and south along the Canadian border to 77°28′ W. longitude.

§ 3.45–45 St. Ignace Marine Inspection Zone.

(a) The St. Ignace Marine Inspection Zone is in St. Ignace, Mich.

(b) The St. Ignace marine inspection zone boundary starts at 46°20′ N. 89° W., thence east to 88° W.; thence south to 45°33′ N.; thence east to 45°33′ N. 85°56′ W.; thence southwesterly to 45°20′ N. 86°11′ W.; thence southeasterly to 45° N. 84°45′ W.; thence east to the Canadian border; thence northwesterly along the Canadian border to 89°30′ W.; thence 147° T. to 47°30′ N., 89° W.; thence south to 46°20′ N. 89° W.

§ 3.45–50 Toledo Marine Inspection Zone.

(a) The Toledo Marine Inspection Office is in Toledo, Ohio.

(b) The Toledo marine inspection zone boundary starts at 84°45′ W. longitude and 42° N. latitude; thence due south to 41° N. latitude; thence due east to 82°25′ W. longitude; thence due north to the Canadian border in Lake Erie; thence northwest along the Canadian border to 42° N. latitude; thence due west to 84°45′ W. longitude.

§ 3.45–55 Buffalo Captain of the Port.

(a) The Buffalo Captain of the Port Office is in Buffalo, New York.

(b) The Buffalo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 78°46′15″ W. meridian, on the south the 42°48′00″ N. parallel, on the west the United States-Canadian International Boundary, and on the north the 43°04′00″ N. parallel.

§ 3.45–60 Chicago Captain of the Port.

(a) The Chicago Captain of the Port Office is in Chicago, Illinois.

(b) The Chicago Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 42°05′00″ N., 87°32′00″ W. southeasterly to a point located at 41°35′00″ N., 87°16′00″ W; thence west to the 88°-00′00″ W. meridian; thence north to the 42°05′00″ N. parallel; thence east to the point of beginning.

§ 3.45–65 Cleveland Captain of the Port.

(a) The Cleveland Captain of the Port Office is in Cleveland, Ohio.

(b) The Cleveland Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 41°27′00″ N., 81°30′00″ W. north to a point at 41°32′00″ N., 81°31′00″ W.; thence northwesterly to a point at 41°-33′30″ N., 81°51′00″ W.; thence south to the 41°27′00″ N. parallel; thence east to the point of beginning.

§ 3.45–70 Detroit Captain of the Port.

(a) The Detroit Captain of the Port Office is in Detroit, Mich.

(b) The Detroit Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the intersection of the 42°00′00″ N. parallel and the United States-Canadian Boundary west to 83°12′00″ W.; thence north to a point at 42°25′00″ N., 83°12′00″ W.; thence east to 82°55′00″ W., thence north to 42°45′00″ N.; thence east to 82°30′00″ W.; thence north to 43°02′45″ N.; thence east to the International Boundary; thence southerly along the International Boundary to point of beginning.

§ 3.45–75 Duluth Captain of the Port.

(a) The Duluth Captain of the Port Office is in Duluth, Minn.

(b) The Duluth Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 91°58′20″ W. meridian, on the south the 46°38′00″ N. parallel, on the west the 92°18′00″ W. meridian, and on the north the 46°48′00″ N. parallel.

§ 3.45–80 Milwaukee Captain of the Port.

(a) The Milwaukee Captain of the Port Office is in Milwaukee, Wis.

(b) The Milwaukee Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 87°43′00″ W. meridian, on the south the 42°50′40″ N. parallel, on the west the 88°00′00″ W. meridian, and on the north the 43°11′30″ N. parallel.

§ 3.45–85 Ludington Captain of the Port.

(a) The Ludington Captain of the Port Office is in Ludington, Mich.

(b) The Ludington Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 86°26′00″ W. meridian, on the south the 43°56′00″ N. parallel, on the west the 86°30′00″ W. meridian, and on the north the 43°58′00″ N. parallel.

§ 3.45–90 Oswego Captain of the Port.

(a) The Oswego Captain of the Port Office is in Oswego, N.Y.

(b) The Oswego Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 43°27′04″ N., 76°31′45″ W. northwesterly to a point in Lake Ontario at 43°-31′30″ N., 76°34′25″ W.; thence northeasterly to a point at 43°32′15″ N., 76°-32′20″ W.; thence southeasterly to a point at 43°27′42″ N., 76°29′41″ W.; thence southwesterly to the point of beginning.

§ 3.45–95 Sault Ste. Marie Captain of the Port.

(a) The Sault Ste. Marie Captain of the Port Office is in Sault Ste. Marie, Mich.

(b) The Sault Ste. Marie Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Detour Reef Light southeasterly to the United States-Canadian International boundary; thence northerly along that boundary to the 85°00′00″ W. meridian; thence south to the 46°10′00″ N. parallel; thence east to the 84°30′00″ W. meridian; thence southeasterly to Detour Reef Light.

§ 3.45–97 Toledo Captain of the Port.

(a) The Toledo Captain of the Port Office is in Toledo, Ohio.

(b) The Toledo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 41°35′00″ N., 83°38′00″ W. north to the Ohio-Michigan State Boundary; thence easterly along the Ohio-Michigan State Boundary to shore line; thence northeasterly to a point at 41°48′30″ N., 83°17′35″ W.; thence southeasterly to a point at 41°44′00″ N., 83°13′45″ W.; thence southwesterly to the 41°35′00″ N. parallel; thence west to the point of beginning.

Subpart 3.55—Eleventh Coast Guard District

§ 3.55–1 Eleventh district.

(a) The District Office is in Long Beach, Calif.

(b) The Eleventh Coast Guard District shall comprise Arizona; Clark County in Nevada; the southern part of California comprising the Counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof; and the ocean area bounded by a line from California coast at latitude 34°58′ N. (mouth of Santa Maria River) southwesterly to latitude 24°15′ N., longitude 134°40′ W.; thence southeasterly to latitude 5° S., longitude 110° W.; thence northeasterly to the border between Guatemala and Mexico on the Pacific Coast (14°38′ N., 92°19′ W.).

§ 3.55–10 Long Beach Marine Inspection Zone.

(a) The Long Beach Marine Inspection Office is in Long Beach, Calif., with a sub-office in San Pedro, Calif.

(b) The Long Beach marine inspection zone comprises the land masses and waters of the State of Arizona and Clark County in Nevada and also the land masses, inland and territorial

waters of that part of California which includes the counties of Santa Barbara, Kern, San Bernardino, and all counties south thereof with the exception of San Diego County, as well as all artificial islands subject to inspection on the Pacific Ocean due west thereof.

§ 3.55–15 San Diego Marine Inspection Zone.

(a) The San Diego Marine Inspection Office is in San Diego, Calif.

(b) The San Diego marine inspection zone comprises the land masses, inland and territorial waters of the State of California in San Diego County, as well as all artificial islands subject to inspection on the Pacific Ocean due west thereof.

§ 3.55–55 San Diego Captain of the Port.

(a) The San Diego Captain of the Port Office is in San Diego, Calif.

(b) The San Diego Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Loma Light north to 32°45'00" N., thence east to 117°05'00" W., thence south to 32°35'00" N., thence west to 117°08'00" W., thence in a northwesterly direction to Point Loma Light.

§ 3.55–60 Los Angeles Captain of the Port.

(a) The Los Angeles Captain of the Port Office is in Long Beach, Calif.

(b) The Los Angeles Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: On the south the 33°42'00" N. parallel, on the west the 118°18'00" W. meridian, on the north the 33°47'00" N. parallel, and on the east the 118°05'00" W. meridian.

Subpart 3.60—Twelfth Coast Guard District

§ 3.60–1 Twelfth district.

(a) The District Office is in San Francisco, Calif.

(b) The Twelfth Coast Guard District shall comprise Utah, Nevada, except Clark County; and the northern part of California comprising the counties of San Luis Obispo, Kings, Tulare, and Inyo, and all counties north thereof; and the ocean area bounded by a line from the California coast at latitude 34°58' N. (mouth of Santa Maria River), southwesterly to latitude 24°15' N., longitude 134°40' W., thence northwesterly to latitude 40° N., longitude 150° W., thence easterly to the California-Oregon State line.

§ 3.60–10 San Francisco Marine Inspection Zone.

(a) The San Francisco Marine Inspection Office is in San Francisco, Calif.

(b) The San Francisco marine inspection zone comprises the States of Utah, Nevada less Clark County, and all the State of California north of Santa Barbara, Kern, and San Bernardino Counties.

§ 3.60–55 San Francisco Captain of the Port.

(a) The San Francisco Captain of the Port Office is in San Francisco, Calif.

(b) The San Francisco Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Reyes Light in a north-northeasterly direction to a point located at 38°16'00" N., 122°42'00" W., thence in a general northeasterly direction to 38°38'00" N., 121°24'00" W., thence in a south-southeasterly direction to 37°57'00" N., 121°12'00" W., thence in a southwesterly direction to 37°15'00" N., 121°54'00" W., thence in a northwesterly direction to Point Reyes Light.

Subpart 3.65—Thirteenth Coast Guard District

§ 3.65–1 Thirteenth district.

(a) The District Office is in Seattle, Wash.

(b) The Thirteenth Coast Guard District shall comprise Washington, Oregon, Idaho, and Montana; and the ocean area bounded by a line from California-Oregon state line westerly to latitude 40° N. longitude, 150° W., thence northeasterly to latitude 54°40' N., longitude 140° W., thence due east to the Canadian coast.

§ 3.65–10 Seattle Marine Inspection Zone.

(a) The Seattle Marine Inspection Office is in Seattle, Wash.

(b) The Seattle marine inspection zone comprises those portions of the States of Washington, Idaho, and Montana north of a line beginning at Cape Disappointment, Wash., and running in an easterly direction to and including Jordan, Mont.; thence continuing due east until this line touches the Montana, North Dakota State line; thence north along the Montana State line to the Canadian border; thence west along the Canadian border to the sea.

§ 3.65–15 Portland, Oreg. Marine Inspection Zone.

(a) The Portland, Oreg., Marine Inspection Office is in Portland, Oreg.

(b) The Portland marine inspection zone comprises the State of Oregon and those portions of the States of Washington, Idaho, and Montana south of a line beginning at Cape Disappointment, Wash., and running in an easterly direction to, but not including, Jordan, Mont.; thence continuing due east until this line touches the Montana-North Dakota State line.

§ 3.65–55 Portland Captain of the Port.

(a) The Portland Captain of the Port Office is in Portland, Oreg.

(b) The Portland Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point at 46°20'00" N., 123°05'00" W., southeasterly to a point at 46°00'00" N., 122°30'00" W., thence south to the 45°45'45" N. parallel; thence east to the 121°05'00" W. meridian; thence south to the 45°20'00" N. parallel; thence west to the 122°45'00" W. meridian; thence northwesterly to a point at 45°45'00" N., 123°05'00" W.; thence north to the 46°20'00" N. parallel. Additionally the following area in the vicinity of Astoria, Oreg.: All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from the Columbia River Lightship northeasterly to a point at 46°20'00" N., 124°00'00" W.; thence east to the 123°15'00" W. meridian; thence south to the 46°05'00" N. parallel; thence west to the 123°56'00" W. meridian; and thence north-westerly to the Columbia River Lightship.

§ 3.65–60 Seattle Captain of the Port.

(a) The Seattle Captain of the Port Office is in Seattle; Wash.

(b) The Seattle Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 47°00'00" N., 122°00'00" W., north to the United States-Canadian International Boundary line; thence west and southerly along said boundary line to a junction with the 123°20'00" W. meridian; thence south to the 47°00'00" N. parallel; thence east to the point of beginning.

Subpart 3.70—Fourteenth Coast Guard District

§ 3.70–1 Fourteenth district.

(a) The District Office is in Honolulu, Hawaii.

(b) The Fourteenth Coast Guard District shall comprise the State of Hawaii; and the Pacific Islands belonging to the United States south of latitude 40° N., and west of a line running from 40° N., 150° W. through latitude 5° S., 110° W.; and the ocean area west and south of a line from latitude 53°15' N., longitude 160° E. (Cape Shipunski), due south to latitude 40° N., thence due east to longitude 150° W., thence southeasterly through latitude 5° S., longitude 110° W.

§ 3.70–10 Honolulu Marine Inspection Zone.

(a) The Honolulu Marine Inspection Office is in Honolulu, Hawaii.

(b) The Honolulu marine inspection zone comprises the State of Hawaii.

§ 3.70–15 Guam Marine Inspection Zone.

(a) The Guam Marine Inspection Office is in Agana, Guam.

(b) The Guam marine inspection zone comprises the Territory of Guam.

§ 3.70–55 Honolulu Captain of the Port.

(a) The Honolulu Captain of the Port Office is in Honolulu, Hawaii.

(b) The Honolulu Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 154°00'00" W. meridian, on the south the 18°00'00" N. parallel, on the west the 162°00'00" W. meridian, and on the north the 23°00'00" N. parallel.

§ 3.70–60 Guam Captain of the Port.

(a) The Guam Captain of the Port Office is in Agana, Guam.

(b) The Guam Captain of the Port area shall comprise all navigable waters of the United States and continguous land areas within the following boundaries: On the east the 145°00'00" E. meridian; on the south 13°11'00" N. parallel; on the west 144°34'00" E. meridian; and on the north 13°42'00" N. parallel.

Subpart 3.85—Seventeenth Coast Guard District

§ 3.85–1 Seventeenth district.

(a) The District Office is in Juneau, Alaska.

(b) The Seventeenth Coast Guard District shall comprise the State of Alaska; and the ocean area bounded by a line from the Canadian coast at latitude 54°40' N. due west to longitude 140° W., thence southwesterly to latitude 40° N., longitude 150° W., thence due west to longitude 160° E., thence due north to latitude 53°15' N. (Cape Shipunski), thence southeasterly to the southern terminus of the U.S.-Russian boundary at latitude 50°36' N., longitude 167° E., thence northeasterly along that boundary to the Arctic Ocean.

§ 3.85–10 Juneau Marine Inspection Zone.

(a) The Juneau Marine Inspection Office is in Juneau, Alaska, with a sub-office in Ketchikan, Alaska.

(b) The Juneau marine inspection zone comprises the State of Alaska.

§ 3.85–55 Ketchikan Captain of the Port.

(a) The Ketchikan Captain of the Port Office is in Ketchikan, Alaska.

(b) The Ketchikan Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point at the junction of 54°40'00" N. and the United States-Canadian Boundary as indicated on USC&GS Chart 8102, easterly and northerly along the United States-Canadian Boundary to the 56°-00'00" N. parallel, thence west to the 134°00'00" W. meridian, thence south to the 54°40'00" N. parallel, and thence east to the point of beginning.

1. Section 67.50–5(a) is amended to read as follows:

§ 67.50–5 First Coast Guard District.

(a) *Description.* See § 3.05–1 of this chapter.

2. Section 67.50–10(a) is amended to read as follows:

§ 67.50–10 Third Coast Guard District.

(a) *Description.* See § 3.15–1 of this chapter.

3. Section 67.50–15(a) is amended to read as follows:

§ 67.50–15 Fifth Coast Guard District.

(a) *Description.* See § 3.25–1 of this chapter.

4. Section 67.50–20(a) is amended to read as follows:

§ 67.50–20 Seventh Coast Guard District.

(a) *Description.* See § 3.35–1 of this chapter.

5. Section 67.50–25(a) is amended to read as follows:

§ 67.50–25 Eighth Coast Guard District.

(a) *Descripition.* See § 3.40–1 of this chapter.

6. Section 67.50–30(a) is amended to read as follows:

§ 67.50–30 Ninth Coast Guard District.

(a) *Description.* See § 3.45–1 of this chapter.

7. Section 67.50–35(a) is amended to read as follows:

§ 67.50–35 Eleventh Coast Guard District.

(a) *Description.* See § 3.55–1 of this chapter.

8. Section 67.50–40(a) is amended to read as follows:

§ 67.50–40 Twelfth Coast Guard District.

(a) *Description.* See § 3.60–1 of this chapter.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 83, 633, 63 Stat. 500, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 83, 633, 43 U.S.C. 1333)

Dated: October 26, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–10516; Filed, Nov. 2, 1961; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

PART 737—THE PATENT ROYALTY REVISION BOARD

PART 739—ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO INVENTIONS MADE BY NAVAL PERSONNEL

Deletion of Parts

1. Parts 737 and 739 of Title 32 are deleted.

(R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

OCTOBER 27, 1961.

[F.R. Doc. 61–10493; Filed, Nov. 2, 1961; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order No. 58]

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Diving Operations; Industrial and Commercial; Recreational Skin Diving; Light, Flag

1. Effective upon publication in the FEDERAL REGISTER new § 4.304 is added added as follows:

§ 4.304 Diving operations; industrial and commercial; recreational skin diving; light, flag.

(a) When industrial or commercial diving operations are underway in any waters of the Canal Zone, a revolving red light shall be displayed from the diving barge or other craft serving the diver. The light shall be so mounted and of sufficient intensity as to be visible for not less than 1 mile by day and by night. Vessels approaching or passing an area where diving operations are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

(b) Recreational skin diving in waters of the Canal proper, including Gaillard Cut and the channel through Gatun and Miraflores Lakes and in the waters of all ship's anchorages, harbors, piers, and docks is prohibited unless authorized in writing by the respective port captain. Authorization shall not be given for skin diving at night. When recreational skin-diving activities are underway in any waters of the Canal Zone, a flag with a hoist or height of not less than 12 inches and a fly or length of not less than 18 inches and having a red background and a 3½-inch diagonal yellow stripe, running from the upper corner of the staff end of the flag to the lower corner of the outside end of the flag, shall be displayed from the mast of the craft serving the skin diver. Flags larger than the foregoing minimum dimensions shall preserve the same proportions. Vessels approaching an area where such skin-diving activities are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

(c) The provisions of this section do not apply to diving operations conducted in or about the locks by locks personnel.

(d) The provisions of this section do not apply to emergency situations in which prompt action is necessary to save or protect life or property and time does not permit compliance.

(See. 9 of title 2 of the Canal Zone Code; E.O. 9746, 3 CFR 554 (1943–48 Comp.); E.O. 10101, 3 CFR 296 (1949–53 Comp.); E.O. 10595, 3 CFR 58 (1955))

ELVIS J. STAHR, Jr.,
Secretary of the Army.

OCTOBER 26, 1961.

[F.R. Doc. 61–10507; Filed, Nov. 2, 1961; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5—1—GENERAL

Subpart 5—1.3 General Policies

MISCELLANEOUS AMENDMENTS

Sections 5–1.315–2, 5–1.350, 5–1.350–1, and 5–1.350–2 are amended; §§ 5–1.350–3 and 5–1.350–4 are added, to read as follows:

§ 5–1.315–2 Policy.

Liquidated damages provisions shall not be used in contracts for supplies and services, other than construction, without the prior approval of the head of the procuring activity. In construction contracts, use shall be at the discretion of the contracting officer.

§ 5–1.350 Advance notices of contract award.

Advance notice of award shall be in writing over the signature of the contracting officer except as otherwise authorized in this § 5–1.350. When an advance notice of award is issued, it shall be followed as soon as possible by the formal contract document.

§ 5–1.350–1 Circumstances which warrant advance notice.

Advance notices of contract award may be issued by contracting officers under any one or more of the circumstances listed in this § 5–1.350–1 and § 5–1.350–3.

(a) A bid or offer is about to expire and it is necessary to issue an award notice promptly.

(b) Prompt action is necessary to afford the contractor an opportunity to secure necessary materials.

(c) Delivery or performance is urgent and cannot await release of formal contract documents.

(d) Contract involves work of an urgent nature and it is essential that the contractor rush all preliminaries prior to actual starting of work.

(e) Prompt action is necessary to secure advance predelivery samples on contracts.

(f) Prompt action is necessary to permit contractors to proceed with preparation of necessary catalogs and other Federal Supply Schedule data.

(g) A prospective contractor requests advice, orally or in writing, as to whether he is to receive the award, and gives good and sufficient reasons to the satisfaction of the contracting officer, why advance notice is desirable.

(h) Other compelling circumstances exist, but only with the approval of the head of the procuring activity.

§ 5–1.350–2 Telegraphic notices.

When justified, contracting officers may issue telegraphic notices. Such notices shall contain in addition to the requirements set forth in § 5–1.350–4, a statement that written confirmation will follow. Such confirmation shall be issued without delay.

§ 5–1.350–3 Oral notices.

Oral notices shall not be used, except as authorized in this § 5–1.350–3. Such notices shall include a statement that written confirmation will follow, and such confirmation shall be issued without delay.

(a) Oral notices may be issued by DMS in negotiating the procurement of rubber and cordage fibers.

(b) Oral notices may be issued by TCS in negotiating the procurement of transportation and related services when the exigencies of the situation will not admit of delay, and when security regulations preclude telegraphic notice of award.

§ 5–1.350–4 Content of notice.

The content of advance notices of award may vary, but shall contain all of the essential elements to identify the award, such as: identification of invitation, description of item, quantity and price, and contract number assigned. Care should be taken to avoid the use of language which might in any way vary from the terms of the offer.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: October 30, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61–10528; Filed, Nov. 2, 1961; 8:51 a.m.]

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–202—MINIMUM WAGE DETERMINATIONS

Miscellaneous Chemical Products and Preparations Industry

Exceptions have been filed to the tentative decision in the determination of prevailing minimum wages for the miscellaneous chemical products and preparations industry. Some of the exceptions and the reasons supporting them repeat matters considered and rejected in the tentative decision. For the reasons indicated in the tentative decision, each of these exceptions is overruled. The remaining exceptions are discussed below.

The Chemical Specialties Manufacturers Association, Inc., contends that the statistical method used in determining the prevailing minimum wage for product group 1 was not applied in the case of product group 2. It argues that an application of the method employed in product group 1 to product group 2 would result in a prevailing minimum wage of $1.60 for product group 2 as of the survey period. A careful examination of the statistical method used in product group 1 shows it to be identical with that used in product group 2. In product group 1 the median for plants unweighted by their covered employment and that for plants weighted by their covered employment coincided at the $1.30 level. In product group 2, the unweighted plant median was $1.80, the minimum wage proposed by the Association, while the median of plants weighted by their covered employment was $1.74. The prevailing minimum wage was found to be $1.67, between the two medians.

That Association also excepts to the finding of an increase in prevailing minimum wages since the BLS survey period. The reasons for the exception deal with certain characteristics detracting from the weight of Government Exhibit 8, such as the differences shown in a cents-by-cent comparison between Government Exhibit 8 and Government Exhibit 5. Such characteristics were considered along with other evidence relating to the question of whether minimum wages increased in this industry subsequent to the BLS survey in making the finding excepted to, and the record as a whole sustains this finding. Also, there was no error, as is now contended, in attaching significance to the fact that the minimum wage increases arrived at by an application of the percentages of the increases in the average straight time hourly earnings shown in Government Exhibit 8 to the prevailing minimum wages as of the survey period show a close correspondence with proposed minimum wage increases. Cf. Electronic Component Parts Industry; tentative decision (May 13, 1961, 26 F.R. 4173); Manifold Business Forms Industry; tentative decision (June 30, 1961, 26 F.R. 5898).

The Adhesives Manufacturers Association of America excepts on the ground that the tentative decision discriminates against small producers. The record as a whole does not support this assertion. In this connection it should be noted that the minimum wage data in evidence indicate that small plants do not uniformly pay low minimum wages or that large plants uniformly pay high minimum wages. Nevertheless, it should be observed that the minimum wage practices of large plants contributing most to the employment in the industry have necessarily greater weight than small plants in establishing minimum wage practices which may be said to be prevailing for "persons employed" in the industry.

The Thompson-Hayward Chemical Co. filed an exception to the tentative decision, and proposed that $1.25 be found as the prevailing minimum wage for product group 1. However, its exception is not based upon evidence in the record, and it is therefore overruled.

Accordingly, pursuant to sections 1 and 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 38), 41 CFR Part 50–202 as recently revised (26 F.R. 9042) is hereby amended by making appropriate changes in § 50–202.11 containing the minimum wage determination for the chemical and related products industry and by adding thereto a new section, designated § 50–202.27, containing this minimum wage determination.

These amendments shall become effective December 4, 1961.

1. As amended, 41 CFR 50–202.11 reads as follows:

§ 50–202.11 Chemical and related products industry.

(a) *Definitions*—(1) *Industrial and refined basic chemical products branch.* The industrial and refined basic chemical products branch of the chemical and related products industry is defined as that branch of the industry which manufactures (including packaging) or furnishes any of the following products: Basic industrial inorganic chemicals; industrial organic chemicals; plastics materials; and compressed and liquefied gases.

(2) *Bone black, carbon black, and lamp black branch.* The bone black, carbon black, and lamp black branch of the chemical and related products industry is defined as that branch of the industry which manufactures (including packaging) or furnishes bone black, carbon black, and lamp black.

(3) *Exclusions.* Expressly excluded from the scope of the definitions of the branches of the chemical and related products industry are: Cyclic coal tar crudes; prepared photographic developers, fixers and toners; petroleum gases; synthetic rubber; synthetic fibers; explosives, ammunition, and fireworks; drugs and medicines; soap, glycerin, and synthetic organic detergents for household and institutional use; paints, varnishes, lacquers, japans, and enamels; floor and furniture wax and polish, and paint and varnish removers; inorganic color pigments; whiting, putty, and wood fillers; gum and wood chemicals; fertilizers; vegetable and animal oils and fats; printing inks; essential oils; perfumes, cosmetics, and other toilet preparations; gelatin; salt, specialty cleaning, polishing, and sanitation preparations (such as metal polishes, including automobile waxes; household, institutional and industrial plant insecticides, disinfectants and deodorants; and dry cleaning preparations); surface active agents, finishing agents, and sulfonated oils and assistants (such as wetting agents, emulsifiers, and penetrants); and agricultural chemicals (such as trace elements, soil conditioners, and ready-to-use agricultural pest control chemicals including insecticides, fungicides, and herbicides); adhesives, glues, mucilage, cements and sizes; household tints, dyes, and bleaches; bluings; writing inks; industrial compounds (such as boiler and heat insulating compounds, metal, oil and water treating compounds, and waterproofing compounds, and chemical supplies for foundries); and automotive chemicals (such as cooling system chemicals including antifreeze, synthetic base hydraulic fluids, and de-icing and defrosting compounds).

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the industrial and refined basic chemical products branch of the chemical and related products industry shall be not less than that prescribed in § 50–202.2.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the bone black, carbon black, and lamp black branch of the chemical and related products industry shall be not less than $1.40 an hour.

(c) *Tolerances.* In the bone black, carbon black and lamp black branch of the chemical and related products industry beginners, as defined in this paragraph, may be employed for 320 hours at wages of not less than $1.35 an hour. In the industrial and refined basic chemicals branch of the chemical and related products industry in all States except Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia, beginners may be employed for 320 hours at wages not less than $1.10 an hour. A beginner, for the purpose of this paragraph, is a person who has less than 320 hours of experience in the industry.

2. The new § 50–202.27 would read as follows:

§ 50–202.27 Miscellaneous chemical products and preparations industry.

(a) *Definitions.* The miscellaneous chemical products and preparations industry is defined as that industry which manufactures (including packaging) or furnishes the products in the product groups defined in subparagraphs (1) and (2) of this paragraph.

(1) *Product Group 1.* Specialty cleaning, polishing, and sanitation preparations (such as metal polishes, including automobile waxes; household, institutional and industrial plant insecticides, disinfectants and deodorants; and dry cleaning preparations); surface active agents, finishing agents, and sulfonated oils and assistants (such as wetting agents, emulsifiers, and penetrants); and agricultural chemicals (such as trace elements, soil conditioners, and ready-to-use agricultural pest control chemicals including insecticides, fungicides, and herbicides).

(2) *Product Group 2.* Adhesives, glues, mucilage, cements and sizes; gelatin (except dessert preparations); household tints, dyes, and bleaches; bluings; writing inks; essential oils; industrial compounds (such as boiler and heat insulating compounds, metal, oil and water treating compounds, and waterproofing compounds, and chemical supplies for foundries); automotive chemicals (such as cooling system chemicals including antifreeze, synthetic base hydraulic fluids, and de-icing and defrosting compounds); and evaporated salt (except byproduct salt).

(3) *Exclusions.* Products excluded from the groups defined in subparagraphs (1) and (2) of this paragraph are: Basic industrial inorganic and organic chemicals including industrial gases and basic plastic materials; bone black, carbon black, and lamp black, cyclic coal tar crudes; display fireworks; explosives and ammunition; fatty acids; fertilizers; fissionable materials; floor and furniture waxes and polishes; gum and wood chemicals; inorganic color pigments; paint and varnish removers; paints, varnishes, lacquers, japans and enamels; perfumes, cosmetics, and toilet preparations; petroleum crudes; prepared photographic developers, fixers and toners; printing ink; soap, glycerin, and synthetic organic detergents for household and institutional use; cleaners, washing compounds and other cleaning agents and compounds containing any soap and/or synthetic organic detergents; synthetic fibers; synthetic rubber; whiting, putty, and wood fibers; and solid fuel propellants.

(b) *Minimum wages*—(1) *Product group 1.* The minimum wage for persons employed in the manufacture (including packaging) or furnishing of the products in product group 1 of the miscellaneous chemical products and preparations industry shall be $1.42 per hour.

(2) *Product group 2.* The minimum wage for persons employed in the manufacture (including packaging) or furnishing of the products of product group 2 of the miscellaneous chemical products and preparations industry shall be $1.80 per hour.

Signed at Washington, D.C., this 30th day of October 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–10529; Filed, Nov. 2, 1961; 8:51 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGIC PRODUCTS

Miscellaneous Amendments

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted as unnecessary in the issuance of the following clarifying amendments to the definitions contained in Part 73, § 73.1 of the Public Health Service Regulations. The amendments shall become effective immediately upon publication in the FEDERAL REGISTER.

1. Redesignate paragraphs (h) through (aa) as paragraphs (i) through (bb) respectively.

2. Insert a new paragraph (h) to read as follows:

(h) "Products" includes biological products and trivalent organic arsenicals.

3. Amend paragraph (i)(1), as redesignated, to read as follows:

(1) A virus is interpreted to be a product containing the minute living cause of an infectious disease and includes but is not limited to filterable viruses, bacteria, rickettsia, fungi, and protozoa.

4. Amend paragraph (l)(2), as redesignated, to read as follows:

(2) A therapeutic serum is the product obtained from the blood of an animal by removing the clot or clot components and the blood cells, and not intended for ingestion.

5. Amend paragraph (l)(5)(ii), as redesignated, to read as follows:

(ii) To a therapeutic serum, if composed of whole blood or plasma or containing some organic constituent or product other than a hormone or an amino acid, derived from whole blood, plasma, or serum, and not intended for ingestion.

6. Amend paragraph (i) (5) (iii), as redesignated, to read as follows:

(iii) To a toxin or antitoxin, if tended, irrespective of its source of origin, to be applicable to the prevention, treatment, or cure of disease or injuries of man through a specific immune process.

7. Amend paragraph (k), as redesignated, by deleting the first sentence.

8. Amend paragraph (n), as redesignated, to read as follows:

(n) "Expiration date" means the time of termination of the dating period expressed as the calendar month, day, and year, and where applicable the hour at or in which the dating period ends.

9. Amend paragraph (q), redesignated, to read as follows:

(q) The word "safety" means the relative freedom from harmful effect to persons affected, directly or indirectly, by a product when prudently administered, taking into consideration the character of the product in relation to the condition of the recipient at the time.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, as amended, 42 U.S.C. 262)

Dated: October 23, 1961.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved October 27, 1961.

JAMES M. QUIGLEY,
Acting Secretary

[F.R. Doc. 61-10512; Filed, Nov. 2, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2527]

[77142]

WYOMING

Opening of Lands Under Section 24, Federal Power Act

By virtue of the authority contained in Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to determination DA-141-Wyoming issued September 16, 1957, it is ordered as follows:

1. The following described lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, the provisions of any existing withdrawals, and the provisions of Section 24 of the Federal Power Act, supra:

SIXTH PRINCIPAL MERIDIAN

T. 14 N., R. 84 W.,
Sec. 24, lots 8 to 20, incl., and SW¼NW¼.

Aggregating 88.33 acres.

2. Until 10:00 a.m. on May 1, 1962, the State of Wyoming shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with the provisions of Section 24 of the Federal Power Act, supra.

3. The lands have been open to mineral leasing and to mining locations subject to provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 30, 1961.

[F.R. Doc. 61-10504; Filed, Nov. 2, 1961; 8:46 a.m.]

[Public Land Order 2528]

ALASKA

Revoking Executive Order No. 9026 of January 16, 1942, and Public Land Order No. 1071 of February 15, 1955

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

[Anchorage 053853]

1. Executive Order No. 9026 of January 16, 1942, which withdrew a tract of land described by metes and bounds in section 34, T. 1 N., R. 1 W., S.M., in approximate latitude 60°07'30" North, longitude 149°26'15" West, for use of the War Department as a cantonment site is hereby revoked. The lands are identified on Supplemental Plat of U.S. Survey 242 accepted May 16, 1952, as "Tract A", containing 28.83 acres.

[Anchorage 053856]

2. Public Land Order No. 1071 of February 15, 1955, which withdrew the following described lands for use of the Alaska Road Commission, now Bureau of Public Roads, as a dock and wharf site, is hereby revoked:

SEWARD MERIDIAN

HOMER AREA

T. 7 S., R. 13 W.,
Sec. 1, lot 22.

Containing 0.92 acre.

3. The lands described in paragraph 1, hereof, are situated approximately one mile north of the townsite of Seward. Those in paragraph 2 are at the end of Homer Spit, which separates Kachemak Bay and Cook Inlet. The Spit is a natural gravel bar extending some 5 miles from a southerly point of the Kenai Peninsula.

4. Until 10:00 a.m. on January 30, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

5. Beginning at 10:00 a.m. on January 30, 1962, the lands shall be subject to operation of the public land laws, generally, including the mining laws subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

The lands described in paragraph 1, hereof, have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.
Assistant Secretary of the Interior.

OCTOBER 30, 1961.

[F.R. Doc. 61-10505; Filed, Nov. 2, 1961; 8:47 a.m.]

[Public Land Order 2529]

ALASKA

Revoking Air Navigation Site Withdrawals Nos. 1 and 2

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered that the following described orders of the Bureau of Land Management withdrawing lands for the use of the Department of Commerce in the maintenance of air navigation facilities be and they are hereby revoked:

[Fairbanks 08606]

The order of August 14, 1951, withdrawing 45.89 acres near Kaltag on the right bank of the Yukon River, by metes and bounds, as Air Navigation Site Withdrawal No. 1.

[Fairbanks 08522]

The order of October 1, 1951, withdrawing 141.00 acres in the vicinity of Birches on the Yukon River about 500 feet northeast of the mouth of Montana Creek by metes and bounds as Air Navigation Site Withdrawal No. 2.

2. The lands are within the area described in section 10(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85-508).

3. Until 10:00 a.m. on May 1, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6 (b) and (g) of the Alaska Statehood Act of July 7, 1958, supra, and the regulations in 43 CFR Part 76.

4. Beginning at 10:00 a.m. on May 1, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 30, 1961.

[F.R. Doc. 61-10506; Filed, Nov. 2, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 252, 253]

REQUIREMENTS FOR ADMISSION AND PAROLE OF ALIEN CREWMEN

Examination; Medical Treatment or Observation; Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules pertaining to the requirements for admission and parole of alien crewmen. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. In Part 252, paragraph (c) of § 252.1 is amended to read as follows:

§ 252.1 Examination of crewmen.

* * * * * *

(c) *Requirements for admission.* Every alien crewman applying for landing privileges in the United States must make his application in person before an immigration officer, present a passport issued by the country of his nationality, valid for the period set forth in section 212(a)(26) of the act, and a valid unexpired visa if his name does not appear on the crew list visaed by a consular officer, and establish to the satisfaction of the immigration officer that he is not subect to exclusion under any provision of the law and is entitled clearly and beyond doubt to landing privileges in the United States.

2. In Part 253, paragraph (d) is amended and paragraphs (e) and (f) are added to § 253.1 to read as follows:

§ 253.1 Parole.

* * * * * *

(d) *Medical treatment or observation.* Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1(d)(1) of this chapter is revoked may, upon the request of the master or agent, be paroled into the United States under the provisions of section 212(d)(5) of the act in the custody of the agent of the vessel or aircraft and at the expense of the transportation line for medical treatment or observation.

(e) *Crewman alleging persecution.* Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1(d)(1) of this chapter is revoked who alleges that he cannot return to a Communist, Communist-dominated, or Communist-occupied country because of fear of persecution in that country on account of race, religion, or political opinion may be paroled into the United States under the provisions of section 212(d)(5) of the act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

(f) *Other crewmen.* Any alien crewman not within the purview of paragraphs (a) through (e) of this section may for other emergent reasons or for reasons deemed strictly in the public interest be paroled into the United States under the provisions of section 212(d)(5) of the act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: October 31, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-10530; Filed, Nov. 2, 1961; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO 16-A8]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Decision With Respect to Proposed Amendments to Marketing Agreement, as Amended, and Order as Amended

Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851 et seq.) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 132) a public hearing was held at Kansas City, Missouri, on May 10, 1961, pursuant to notice thereof published in the FEDERAL REGISTER (26 F.R. 2319) on proposed amendments to the Marketing Agreement, as amended, hereinafter referred to as the "marketing agreement," and to the order, as amended (9 CFR Part 131), hereinafter referred to as the "order," regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, Agricultural Research Service, on August 16, 1961, filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision containing notice of the opportunity to file written exceptions thereto (26 F.R. 7781).

The material issues presented on the record of the hearing were:

1. The share of the cost of processing an application to be borne by an applicant for classification as a wholesaler; and

2. Circumstances justifying refund of all or a portion of the processing fee.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The share of the cost of processing an application to be borne by an applicant.* The marketing agreement and the order should be amended to provide that a fee of $100.00 shall accompany an application for classification as a wholesaler, $25.00 of which shall cover the applicant's pro rata share of the expenses of the Control Agency for the calendar year in which the application is approved and $75.00 shall cover the cost of processing the application.

The order presently provides that a fee of $25.00 shall accompany the application to cover the applicant's pro rata share of the expenses of the Control Agency in the year in which the application is approved, which fee shall be refunded if the application is denied. At the time this provision was placed in the order, it was not the practice of the Control Agency to require inspection of the facilities and operations of an applicant by an employee of the Agency. It relied upon information and representations submitted by the applicant in the application and any supplemental information obtained through correspondence, or otherwise, in arriving at a decision on the application. As an applicant had nothing to lose if his application was denied, many dealers and other unqualified persons applied for classification as a wholesaler in the hopes of being so classified on the basis of representations contained in the application. Due to lack of full disclosure of pertinent information, intentional or otherwise, or misrepresentations by the applicant, the Control Agency would often approve the application of a person who actually could not meet the requirements of a wholesaler set forth in the order. As a result, time and money was expended by the Control Agency in taking the action necessary to delete such persons from the list of approved wholesalers. In order to remedy the situation, the Control Agency recently has made a practice of investigating the qualifications of each applicant by having the Executive Secretary of the Control Agency inspect the premises and operations of each applicant. The cost of such investigation has placed an added burden upon the budget of the Control Agency, which expense must be borne by the handlers under the order. The average cost of investigating 34 applicants located in different states in 1960 was $125.90 per applicant, covering travel, subsistence and salary of the investigator. This amount does not include office overhead and the expense of the Control Agency for the time spent in considering applications, which consumes approximately one-half the time of the members of the Control Agency while in session. Inasmuch as both the applicant and the handlers within the industry benefit from the proper classification of wholesalers, both should share the expense of processing an application. It is believed that $75.00 is a reasonable share of the cost of processing an application to be borne by an applicant. It is proposed, therefore, that the order be amended as set forth in the first paragraph of 1 hereof.

2. *Circumstances justifying refund of all or a portion of the processing fee.* Provision should be made for refunding to the applicant all or a portion of the processing fee in the following circumstances: (a) in the event the Control Agency receives a written request from the applicant for cancellation of his application before any expense has been incurred in processing such application, the entire processing fee shall be refunded to such applicant; (b) in the event of the death of the applicant, or the destruction of applicant's place of business, or the institution of insolvency proceedings by or against the applicant, during the pendency of the application, the Control Agency may refund any portion of the processing fee which is unexpended at the time of the receipt of a written request for cancellation of the application; and (c) in the event of the death of the applicant during the pendency of his application or shortly after action has been taken on such application by the Control Agency, and the Control Agency determines that the illness and death of the applicant prevented the timely filing of a request for cancellation of such application, the Control Agency may refund all or a portion of the application fee, whichever is consistent with its findings and conclusions in the matter.

Where a written request for cancellation of the application is received prior to the expenditure of any portion of the processing fee, all of the processing fee should be refunded as the purpose for which the fee is assessed ceases to exist. If a request for cancellation is received after expenses have been incurred, no part of the processing fee should be refunded, except under the circumstances specified in (b) and (c) of the first paragraph of 2, which are discussed hereinafter. As the processing fee is the minor portion of the total expense of processing an application, it would be inequitable for an applicant to recoup a portion of the application fee while handlers under the order bear the major portion of the expense occasioned by the applicant. Further, to refund a portion of the fee after investigation has commenced would encourage filing of an application by a person who knows he cannot meet the requirements of a wholesaler but would file on the chance that the investigation would not disclose certain facts. If such facts were discovered during the investigation and partial refunding were permitted, such person could recoup a portion of the fee by immediately filing a request for cancellation. In a number of instances in the past, applicants have requested cancellation when certain disqualifying facts were uncovered by the Control Agency or because the applicant "changed his mind." This was done even though no pecuniary incentive then existed.

There are certain circumstances over which an applicant has no control which would justify the refunding of an unexpended portion of the processing fee if timely application for cancellation is made. If the business premises of a qualified applicant were destroyed or insolvency proceedings were instituted by or against the applicant, and the applicant requested cancellation of the application during the pendency of the application, that portion of the fee which is unexpended at the time the request for cancellation is received should be refunded by the Control Agency. Destruction of the business premises or insolvency usually cannot be foreseen or controlled by the applicant.

Another circumstance that would warrant refunding all or a portion of the processing fee would be the death of the applicant during the pendency of the application or shortly after action thereon. In the event of a request for cancellation of the application because of the death of the applicant, that portion of the processing fee which is unexpended at the time the request is received should be refunded. As the circumstances surrounding the illness and death of an applicant may be such as to result in an excusable failure to file a timely request, provision should be made therefor. In the event of such excusable failure to file a timely request, the amount that should be refunded would depend upon the facts and circumstances existing at the time the request for cancellation would have been filed had the applicant been in a position to file a timely request. In the event of a finding of such excusable failure to file a timely request, the Control Agency should be authorized to refund all or a portion of the processing fee in accordance with its findings and conclusions in the matter. It is possible that the Control Agency could approve an application prior to being notified of the death of the applicant. In such event, it also should be authorized to refund the $25 "pro rata share" portion of the application fee if it determined that the illness and death of the applicant prevented the timely filing of a request for cancellation of the application.

Rulings on proposed findings and conclusions. No proposed findings and conclusions were received.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid marketing agreement and order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The said marketing agreement as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Rulings on exceptions. No exceptions to the recommended decision were received.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" and "Order Amending the Order, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Done at Washington, D.C., this 30th day of October 1961.

FRANK J. WELCH,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus

§ 131.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851 et seq.) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 132) a public hearing was held at Kansas City, Missouri, on May 10, 1961 pursuant

[1] This order shall not become effective unless and until the requirements of § 132.14(b) of this chapter have been met.

to notice thereof published in the FEDERAL REGISTER (26 F.R. 2319) on proposed amendments to the Marketing Agreement, as amended, and to the order, as amended (9 CFR Part 131), regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearings, and the record thereof, it is hereby found that:

(1) The said marketing agreement as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

Delete § 131.44 and substitute therefor the following:

§ 131.44 Fee to accompany application for wholesaler classification.

(a) Each application for classification as a wholesaler shall be accompanied by an application fee of $100. Seventy-five dollars of such fee shall cover the cost of processing the application and the remaining $25 shall cover the applicant's pro rata share of the expenses of the Control Agency for the calendar year in which the application is approved.

(b) If the application for classification as a wholesaler is cancelled at the request of the applicant or denied by the Control Agency, $25 shall be refunded to the applicant and $75 shall be retained by the Control Agency to cover the cost of processing the application: *Provided*, That, in the event the Control Agency receives a written request from the applicant for cancellation of the application before any expense has been incurred in processing such application, the Control Agency shall refund the $75 processing fee: *And provided*, That, in the event of the death of the applicant, or the destruction of the applicant's place of business, or the institution of insolvency proceeding by or against the applicant, during the pendency of the application, the Control Agency may refund that portion of the processing fee which is unexpended at the time of the receipt of a written request for cancellation of the application: *And provided further*, That, in the event of the death of the applicant during the pendency of his application or within a short time after action has been taken on such application by the Control Agency, and the Control Agency determines, upon evidence satisfactory to it, that the illness and death of the applicant prevented the timely filing of a request for cancellation of such application, the Control Agency may refund all or a portion of the application fee, whichever is consistent with its findings and conclusions in the matter.

(c) The Control Agency shall make refunds on application fees only in accordance with the provisions of this section.

[F.R. Doc. 61-10514; Filed, Nov. 2, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 947]

[Docket No. AO-313-A-2]

MILK IN SUBURBAN ST. LOUIS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Suburban St. Louis marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Litchfield, Illinois, on October 4, 1961, pursuant to notice thereof which was issued August 31, 1961 (26 F.R. 8399).

The material issues on the record of the hearing relate to:

1. Revision of requirements for pool plant status of distributing plants;

2. The Class I price after November 30, 1961; and

3. Revision of both the rate and the method of applying the payment on unpriced milk including that distributed on routes from nonpool distributing plants.

No testimony was presented with respect to the three proposals relating to Issue No. 3. The proponents stated that since a hearing on this and other issues is expected to be held in the near future they would reserve their testimony on these points until that time. Hence, no action is taken on Issue No. 3.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The requirements for pool plant status of a distributing plant should be revised.

Cooperative associations proposed that the present requirement that a distributing plant dispose of not less than 20 percent of such plant's total Class I sales on routes in the marketing area be lowered to 10 percent. They stated the proposed change is necessary to insure the continued regulation of a plant which is located outside the marketing area at Mattoon, Illinois. This plant, one of the largest subject to the regulation, has been a pool plant since the inception of the order. Its Class I disposition outside the marketing area has been expanding much more rapidly than within the marketing area. As a consequence, its percentage of Class I distribution within the marketing area has fallen from approximately 40 percent to less than 25 percent since the order became effective.

A continuation of this trend would result in this plant's in-area distribution falling below the required minimum and a consequent loss of its pool plant status. Since this situation is being brought about, not by any decline in the volume of milk disposed of in the marketing area but by an increase in its disposition outside the area, it becomes necessary to consider whether the actual volume of milk disposed of in the area as well as the percentage should not be considered as a criterion for pooling.

Under the present provisions of the order a plant with a large volume of Class I business could acquire a large percentage of the total Class I distribution in the marketing area without becoming subject to full regulation. Reducing the pool plant requirements from 20 percent to 10 percent would still permit such a plant to distribute a substantial volume of milk in the area without becoming subject to full regulation and might bring under regulation several additional small plants whose in-area distribution is insignificant and has little or no effect upon the marketing of milk in the area.

Any plant which distributes 20 percent of its total Class I milk in the marketing area has demonstrated a significant association with the market and should continue to be fully regulated. In addition to these plants, however, any plant which distributes within the area a volume of Class I milk equal to one percent or more of the total Class I milk in the market is an important competitive factor and should be subject to full regulation, even though this volume represents less than 20 percent or even 10 percent of its total Class I business.

The total Class I disposition by all pool plants subject to regulation under the order plus the in-area sales of nonpool plants averages approximately 700,000 pounds per day. The order, therefore, should provide for full regulation of any plant whose distribution of Class I milk in the marketing area amounts to an average of 7,000 pounds or more per day. Use of the fixed figure rather than of 1 percent of the total Class I sales will afford plants an opportunity to know beforehand whether they will be subject to regulation and will permit them to adjust their business accordingly. It will also eliminate the shifting in and out of the pool of plants whose distribution in the area might be fairly constant but might be more or less than 1 percent as total Class I milk in the pool varied.

Since the Mattoon plant is one of the largest regulated plants there is no question but that its Class I distribution in the area is well in excess of 7,000 pounds per day. It will, therefore, continue to be regulated even though its in-area distribution should fall below 20 percent of its total Class I business.

With respect to the several plants which are partially regulated at the present time, only two might be affected by the proposed 7,000 pounds per day figure. Both have in-area distribution at the present time in an amount between 10 and 15 percent of their total Class I distribution. Since the volume of their Class I distribution, either within the area or in total, is not available their status under the proposed amendment cannot be determined from the record.

In addition, the present language should be revised to more clearly reflect the intent of the provision. Since it is impossible to identify individual lots of milk in a plant the phrase, "a volume equal to not less than 50 percent of the total receipts of approved milk etc." should be used instead of the phrase, "not less than 50 percent of total receipts etc." Likewise the qualification of a plant should depend on its Class I distribution rather than on its Class I sales within the marketing area.

2. The present level of the Class I price should be continued.

The present Class I price provision is effective only through November 30, 1961. Cooperatives proposed that the present pricing scheme providing that the Class I base zone price per hundredweight be 10 cents less than the St. Louis Order No. 3 Class I price at the zero to 30-mile zone be continued and that the northern zone price, as now, be 5 cents less than the base zone price.

It was further proposed by a handler who is subject to regulation under Order No. 3 regulating the handling of milk in the St. Louis marketing area that a new base zone composed of St. Clair and Madison Counties be established and the Class I price at plants located therein be the same as the Class I price for the St. Louis Order No. 3 plants located in the 0- to 30-mile zone. The remainder of the present base zone, under this proposal, would be renamed the southern zone and the Class I prices in this and the northern zone would be, as now 10 and 15 cents, respectively, less than the 0- to 30-mile zone Class I price for Order No. 3 regulating the handling of milk in the St. Louis, Missouri, marketing area.

The Suburban St. Louis order became effective in part on May 1, 1960 and in its entirety on June 1, 1960. The Class I price was made effective only through November 1961, to provide opportunity for a review of marketing conditions and a reevaluation of such price in the light of actual experience. Figures compiled during the first 12 months show that approximately 79 percent of all producer milk was classified as Class I. During this 12-month period, May 1960 through April 1961, total receipts of producer milk were 27 percent greater than the gross Class I utilization of fully regulated handlers. During the 4-month period May through August, the only period for which market information is available for both 1960 and 1961, the average percent of producer milk classified as Class I decreased from 69 to 65 percent. In the same period total receipts of producer milk exceeded gross Class I utilization by 43 percent in 1960 and 54 percent in 1961. The relationship of producer receipts to Class I utilization in this market follows a similar trend found in the St. Louis, Missouri, market and in other midwest marketing areas. Receipts from producers in this area follow the regional trend of increasing at a slightly higher rate than Class I utilization. Analysis of the market information available during the first sixteen months under this order indicates that the present method of determining the Class I price has encouraged an adequate, but not excessive, supply of milk for the market's Class I needs and has maintained such price in alignment with prices in surrounding areas.

Proponents of the proposal to establish a Class I price at plants located in St. Clair and Madison Counties 10 cents higher than the present level failed to reveal substantial changes in marketing conditions which would warrant a revision at this time. Handlers located in these two counties continue to procure milk in the same area and to distribute approximately the same percentages of Class I milk in the various counties as they did at the time of the promulgation hearing. Differences in the health department requirements and in the degree of enforcement are still substantially the same as 2 years ago.

There is no showing that proponent or other St. Louis handlers have suffered any competitive disadvantage because the Class I price under the Surburban St. Louis order in these counties is 10 cents per hundredweight less than the St. Louis order price. Therefore, the proposal to change the present Class I pricing plan is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Suburban St. Louis marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 947.13(a) and substitute:

(a) A distributing plant from which a volume equal to not less than 50 percent of the total receipts of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 947.9(c) is distributed during the month as Class I on routes, and from which an average of not less than 7,000 pounds per day or not less than 20 percent of the plant's total Class I milk, whichever is less, is distributed on routes in the marketing area.

2. Delete § 947.51(a) and substitute:

(a) *Class I price.* The price per hundredweight of Class I milk at plants located in the base zone shall be 10 cents less, and at plants located in the northern zone shall be 15 cents less than the St. Louis Federal Order (Part 903 of this chapter) Class I price effective at a pool plant located in the 0- to 30-mile zone.

Signed at Washington, D.C., on October 30, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10515; Filed, Nov. 2, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD, ENRICHED BREAD, MILK BREAD, RAISIN BREAD, AND WHOLE WHEAT BREAD

Proposed Standard of Identity

Notice is given that a petition has been filed by Foremost Dairies, San Francisco, California, and Hy-Klas Food Products, Inc., St. Joseph, Missouri, proposing amendment of the standards of identity for bread, enriched bread, milk bread, raisin bread, and whole wheat bread (21 CFR 17.1, 17.2, 17.3, 17.4, 17.5) to make *L*-cysteine an optional ingredient permitted to be used in making each of these kinds of bread. This optional ingredient is proposed for use on the claim that it will facilitate dough handling and speed production; it is not proposed because of any claimed nutritive value. Because the standards for enriched bread, milk bread, raisin bread, and whole wheat bread are cross referenced to § 17.1, the standard for bread, the amendments proposed can be achieved by adding to paragraph (a) of § 17.1 a new subapragraph (16), as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(16) *L*-cysteine, in a quantity not to exceed 0.009 part for each 100 parts by weight of flour used.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding this proposal. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 30, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-10527; Filed, Nov. 2, 1961; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 566) has been filed by Merck Chemical Division, Merck and Co., Inc., Rahway, New Jersey, proposing the issuance of an amendment to § 121.210 of the food additives regulations to provide for the safe use of amprolium in medicated feed for replacement pullets at levels of 0.004 percent to 0.0125 percent as an aid in developing immunity to coccidiosis.

Dated: October 27, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-10510; Filed, Nov. 2, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 949]

AIRWORTHINESS DIRECTIVES

Navion and Twin Navion Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator by amending airworthiness directive 61-12-4 (26 F.R. 5121) pertaining to inspection of the main landing gear retract link, P/N 143-33165-10 on Navion and Twin Navion aircraft. It has subsequently been determined that a similar part bearing Temco P/N TN-57009-1 is installed on some aircraft and likewise should be inspected. Therefore, it is proposed to amend AD 61-12-4 to include Temco P/N TN-57009-1.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before December 4, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), as follows:

Airworthiness Directive 61-12-4 (26 F.R. 5121), is amended by changing the first sentence in paragraph 4 to read as follows:

Inspect by magnetic particle or equivalent, the main landing gear retract link assembly Navion P/N 143-33165-10 or Temco P/N TN-57009-1, whichever is installed, for cracks in or near end fitting welds.

Issued in Washington, D.C., on October 26, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-10494; Filed, Nov. 2, 1961; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 954]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright C-46 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring correction of the fire protection deficiencies on C-46 Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before December 5, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

CURTISS-WRIGHT. Applies to all C-46 Series aircraft except the following: Those aircraft listed on Aircraft Specification 2A1, C-46R aircraft listed on Aircraft Specification 3A2, aircraft certificated under STC SA4-33, and aircraft certificated under STC SA2-422.

Compliance with items (a) (1), (2), and (3), and (b) (4) (vi) required within the next 150 hours of time in service after the effective date of this AD.

Compliance with all other items required within the next 500 hours of time in service after the effective date of this AD.

To correct the fire protection deficiencies on the C-46 Series aircraft, the following is considered necessary:

(a) To prevent fire originating in the engine sections from burning into the wheel well area, accomplish the following:

(1) Cover the landing gear doors with an .015 stainless steel sheet from the forward edge of the doors aft to approximately station 145 (approximately 55 inches).

(2) Cover the fixed portion of the lower wheel well skin fore and aft between the firewall and the forward edge of the landing gear doors, peripherally between the wheel well door hinge lines, with an .015 stainless steel sheet.

(3) Cover the sides of the nacelle in the area of the exhaust impingement with an .015 stainless steel rectangular sheet approximately 20 inches by 40 inches with the lower, long side boundary along the landing gear door hinge line and the forward, short side even with the forward edge of the existing nacelle skin at the firewall.

Attach all of the above steel sheets with monel or steel feasteners.

(b) In order to generally improve the powerplant fire protection in C-46 Series, aircraft, accomplish the following:

(1) *Shut-off valves.* Install fluid shut-off valves which may be opened and closed in flight aft of the firewall in all fuel, oil, and hydraulic lines. USAF Technical Order 01-25LA-190 covers this same subject. If propeller or carburetor anti-icing systems are employed and use alcohol or other flammable fluids as the anti-icing medium, the systems described in USAF T.O. AN 01-25LA-2, pages 458-464, are satisfactory except that shut-off valves or a selector valve which can be opened and closed in flight must be provided aft of the firewall to shut off the flow to either engine. The system shall be such as to shut off the pump automatically, or otherwise guard against hazardous pressures, when the flow to both nacelles is stopped. (No shut-off valve will be required for the feathering pump oil lines—see (3) below.)

(2) *Engine firewalls.* Engine firewalls must be rendered fireproof by adequately sealing all openings such as the filtered air duct opening, the oil cooler control rod and filtered air control rod openings, other power plant control openings, holes through the firewall for electric conduits, and any other firewall openings. All attachments through the firewall utilized in rendering the firewall fireproof shall be monel or steel attachments.

(3) *Propeller feathering pump installation.* The portion of the propeller feathering oil line forward of the firewall between the firewall and the pump shall be of steel or other fireproof material. The line between the pump and governor shall be of fire resistant material with coupled hose assemblies, meeting the requirements of TSO-C42, used in any flexible connections. Electrical conduit for the pump motor and other electrical components forward of the firewall which are essential for propeller feathering shall be fire resistant or protected in a manner to render them fire resistant. Wire conforming to MIL-C-25038 is considered fire resistant. The feathering pump can be considered an adequate means of shutting off the flow of oil in the feathering line.

(4) *Fire detectors.* The Fenwal continuous type fire detectors, which were originally provided, must be removed and replaced with unit or continuous type fire detectors conforming with FAA Technical Standard Order, TSO-C11c. Such detectors shall also meet the requirements specified in subparagraphs (i) through (vi). If unit type detectors are used, they shall be spaced as specified in subparagraphs (i) and (ii) and continuous type detectors, if used, shall be so installed as to provide the same coverage.

(i) Engine nacelles: Fire detectors, spaced not over 7 inches apart, shall be installed on the lower half of the forward side of the firewall at its outer periphery, and along the horizontal diameter. Also, fire detectors shall be located so as to be in the air egress pattern for any other openings in the engine or accessory cowling.

(ii) Engine mount ring and oil cooler supports: Additional fire detectors, spaced not over 18 inches apart, shall be provided for the upper two-thirds of the engine mount ring. Also, a fire detector shall be installed on each oil cooler support approximately 2 or 3 inches above the oil cooler.

(iii) Warning light covers: Fire-warning-light covers or shutters, which are capable of dimming or shutting off the light entirely, must be removed.

(iv) Means shall be provided to permit the crew to check in flight the functioning of the electric circuit associated with the fire detection and fire warning systems.

(v) Wiring and other components of the fire detection system which are located in the engine and accessory sections shall be of fire resistant construction.

(vi) Aural fire warning means, along with fire warning lights, shall be in stalled to indicate the presence of fire in either engine nacelle.

(5) *Engine compartment lines.* The following lines carrying inflammable fluids or vapors in the engine compartment shall be fire resistant, and items (a) through (g), inclusive, shall also have fireproof firewall fittings. Flexible connections in lines attached to the engine or subject to relative motion or pressure shall employ fire resistant coupled hose assemblies: (a) carburetors bleed back lines, (b) cabin heater fuel lines, (c) oil dilution lines, (d) fuel pressure transmitter lines, (e) oil pressure transmitter lines, (f) manifold pressure lines, (g) all other hydraulic oil lines, (h) all engine fuel lines, (i) engine primer lines, (j) engine breather lines, (k) engine supercharger drain lines, (l) oil separator return lines, (m) vacuum system pressure lines, (n) all main oil lines, (o) engine oil cooler lines, (p) hydraulic pump drain lines, (q) exhaust collector drain lines, (r) oil tank vent lines, (s) fuel pump drain lines.

Flexible hose assemblies for those lines noted above shall conform to TSO-C53 Type "C". Metal tubing, hose, and clamp type plumbing utilized in those lines noted above shall consist of steel tubing and fire resistant hose. Aeroquip 624 fire sleeve, or equivalent, may be utilized to render non-fire resistant hose (for the hose, steel tube, and clamp type plumbing) fire resistant.

(6) Airplane flight manual. Appropriate changes to the airplane flight manual shall be prepared to cover emergency procedures associated with the above changes.

Issued in Washington, D.C., on October 30, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-10495; Filed, Nov. 2, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-29]

CONTROLLED AIRSPACE

Proposed Alteration of Transition Area Designation

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-LA-29 on September 14, 1961 (26 F.R. 8599), it was stated that the Federal Aviation Agency proposed, in addition to other actions, to designate a transition area at Miles City, Mont., to extend upward from 1,200 feet above the surface within a 20-mile radius of the Miles City VORTAC extending clockwise from the 254° True radial to the 156° True radial, and within a 35-mile radius of the VORTAC extending clockwise from the 156° True radial to the 254° True radial.

Subsequent to publication of the notice, the controlled airspace requirements in the Miles City area were reviewed attendant to the provisions of the new aircraft holding pattern procedures to become effective January 1, 1962. It has been determined that the additional controlled airspace within a 40-mile radius of the Miles City VORTAC extending clockwise from the 236° True radial to the 254° True radial is required to encompass the increased dimensions of the holding pattern areas. This would provide additional controlled airspace for the protection of aircraft in holding patterns at a DME fix 15 nautical miles west of the Miles City VORTAC on the 254° True radial. Accordingly, action is taken herein to amend the notice by adding to the description of the proposed transition area the airspace described above.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to November 20, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-LA-29 is extended to November 20, 1961. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 27, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-10496; Filed, Nov. 2, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61–46]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from September 7, 1961, through September 19, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/27/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

Approval No. 160.003/28/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/43/0, 20-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

Approval No. 160.009/44/0, 24-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

Approval No. 160.009/45/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/505/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Ky., for DRYBAK, Eminence, Kentucky, effective September 19, 1961. (It supersedes Approval No. 160.047/505/0 dated March 2, 1961, to show change of address of distributor and name and address of manufacturer.)

Approval No. 160.047/506/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Ky., for DRYBAK, Eminence, Kentucky, effective September 19, 1961. (It supersedes Approval No. 160.047/506/0 dated March 2, 1961, to show change of address of distributor and name and address of manufacturer.)

Approval No. 160.047/507/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Ky., for DRYBAK, Eminence, Kentucky, effective September 19, 1961. (It supersedes Approval No. 160.047/507/0 dated March 2, 1961, to show change of address of distributor and name and address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/26/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, effective September 19, 1961. (It supersedes Approval No. 160.048/26/0 dated December 20, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/27/1, special approval for 17" x 14" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. 4, dated August 30, 1960, and bill of material dated August 5, 1955, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, effective September 19, 1961. (It supersedes Approval No. 160.048/27/1 dated September 7, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/152/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4(c)(1)(ii), manufactured by Marine Upholstery & Specialty Co., Division of Shearman Brothers, 25 Shearman Place, Jamestown, New York, effective September 7, 1961. (It supersedes Approval No. 160.048/152/0 dated May 12, 1961, to show change of name and address.)

Approval No. 160.048/182/0, special group approval for 15" x 2" x various lengths rectangular kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Marine Upholstery & Specialty Co., Division of Shearman Brothers, 25 Shearman Place, Jamestown, New York, effective September 7, 1961. (It supersedes Approval No. 160.048/182/0 dated May 12, 1961, to show change of name and address.)

Approval No. 160.048/195/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Ky., for Van Camp Hardware & Iron Company, 401 West Maryland Street, Indianapolis 6, Indiana, effective September 19, 1961. (It supersedes Approval No. 160.048/195/0 dated November 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/198/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by the Brunswick Corporation, Brunswick Sports Division, Eminence, Ky., for The Point Sporting Goods Co., Stevens Point, Wisconsin, effective September 19, 1961. (It supersedes Approval No. 160.048/198/0 dated November 28, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/203/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Ky., for DRYBAK, Eminence, Kentucky, effective September 19, 1961. (It supersedes Approval No. 160.048/203/0, dated March 2, 1961, to show change of address of distributor and name and address of manufacturer.)

Approval No. 160.048/204/0, special approval for 17" x 14" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. 4, dated August 30, 1960, and bill of material dated August 5, 1955, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for DRYBAK, Eminence, Kentucky, effective September 19, 1961. (It supersedes Approval No. 160.048/204/0 dated March 2, 1961, to show change of address of distributor and name and address of manufacturer.)

Approval No. 160.048/205/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by the Brunswick Corporation, Brunswick Sports Division, Eminence, Ky., for J. S. Oshman Co., 2320 Maxwell Lane, Houston 23, Texas, effective September 19, 1961. (It supersedes Approval No. 160.048/205/0 dated May 5, 1961, to show change of name and address of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/41/0, special group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes limited to 2" thick as per Table 160.049–4(c)(1); manufactured by Marine Upholstery & Specialty Co., Division of Shearman Brothers, 25 Shearman Place, Jamestown, New York, effective September 7, 1961. (It supersedes Approval No. 160.049/41/0 dated May 12, 1961, to show change of name and address.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/33/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. 12874, dated March 6, 1959, revised July 15, 1959, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, N.Y., buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Conn., effective September 14, 1961.

Approval No. 160.050/34/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich Co. dwg. 12874, dated March 6, 1959, revised July 15, 1959, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Conn., effective September 14, 1961.

Approval No. 160.050/35/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich Co. dwg. 12874, dated March 6, 1959, revised July 15, 1959, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Conn., effective September 14, 1961.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/101/1, Type II, Model JV–L, adult unicellular plastic foam buoyant vest, dwg. JV–L No. 3, dated August 16, 1961, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective September 12, 1961. (It supersedes Approval No. 160.052/101/0 dated September 19, 1960.)

Approval No. 160.052/102/1, Type II, Model JV–M, child unicellular plastic foam buoyant vest, dwg. JV–M No 3, dated August 16, 1961, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective September 12, 1961. (It supersedes Approval No. 160.052/102/0 dated September 19, 1960.)

Approval No. 160.052/103/1, Type II, Model JV–S, child unicellular plastic foam buoyant vest, dwg. JV–S No. 3, dated August 16, 1961, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective September 12, 1961. (It supersedes Approval No. 160.052/103/0 dated September 19, 1960.)

Approval No. 160.052/140/0, Type II, Model 390, adult unicellular plastic foam buoyant vest, dwg. LP 39012 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Model 390, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, effective September 12, 1961.

Approval No. 160.052/141/0, Type II, Model 391, child, medium, unicellular plastic foam buoyant vest, dwg. LP 39012 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Model 391, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, effective September 12, 1961.

Approval No. 160.052/142/0, Type II, Model 392, child, small, unicellular plastic foam buoyant vest, dwg. LP 39012 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Model 392, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, effective September 12, 1961.

Approval No. 160.052/144/0, Type II, Model UPA, adult unicellular plastic foam buoyant vest, dwg. 122060 (sheets 1 to 4) dated December 20, 1960, and Specification dated December 20, 1960, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

Approval No. 160.052/145/0, Type II, Model UPM, medium, child unicellular plastic foam buoyant vest, dwg. 122060 (sheets 1 to 4) dated December 20, 1960, and Specifications dated December 20, 1960, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

Approval No. 160.052/146/0, Type II, Model UPS, small, child unicellular plastic foam buoyant vest, dwg. 122060 (sheets 1 to 4) dated December 20, 1960, and Specifications dated December 20, 1960, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn, 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, effective September 14, 1961.

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/45/0, Volvo Model No. A6050–B16 and/or Mann

NK66–00 backfire flame arrester for carburetors, dwg. No. 886315, assembly, dated March 7, 1960, dwg. No. 803036, arrester assembly, dated September 19, 1956, provided by Volvo Import, Inc., 452 Hudson Terrace, Englewood Cliffs, N.J., effective September 15, 1961. (It supersedes Approval No. 162.015/45/0 published in the FEDERAL REGISTER June 21, 1960.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/73/0, "TURNALL Asbestos Ships Board" asbestos cement board type incombustible material, identical to that described in National Bureau of Standards Test Report No. TG10210–2077: FR 3594, dated August 22, 1961, approved in a nominal density of 45 pounds per cubic foot, manufactured by Turners Asbestos Cement Co. Ltd., Trafford Park, Manchester 17, England, effective September 12, 1961.

Dated: October 26, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–10517; Filed, Nov. 2, 1961; 8:50 a.m.]

[CGFR 61–47]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the items specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from September 26, 1961, through October 2, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/318/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Kentucky, effective September 26, 1961. (It supersedes Approval No. 160.047/318/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/319/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Kentucky, effective September 26, 1961. (It supersedes Approval No. 160.047/319/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/320/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Kentucky, effective September 26, 1961. (It supersedes Approval No. 160.047/320/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/378/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pennsylvania, effective September 28, 1961. (It supersedes Approval No. 160.047/378/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/379/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pennsylvania, effective September 28, 1961. (It supersedes Approval No. 160.047/379/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/380/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pennsylvania, effective September 28, 1961. (It supersedes Approval No. 160.047/380/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/472/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Div., Eminence, Ky., for the Beck & Gregg Hardware Company, P.O. Box 984, 217 Luckie Street, Atlanta 1, Georgia, effective October 2, 1961. (It supersedes Approval No. 160.047/472/0 dated November 28, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/473/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Div., Eminence, Ky., for the Beck & Gregg Hardware Company, P.O. Box 984, 217 Luckie Street, Atlanta 1, Georgia, effective October 2, 1961. (It supersedes Approval No. 160.047/473/0 dated November 28, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/474/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for the Beck & Gregg Hardware Company, P.O. Box 984, 217 Luckie Street, Atlanta 1, Georgia, effective October 2, 1961. (It supersedes Approval No. 160.047/474/0, dated November 28, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/484/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Bob Erath Company, 603 East Washington Street, South Bend 22, Indiana, effective September 29, 1961. (It supersedes Approval No. 160.047/484/0 dated January 4, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/485/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Bob Erath Company, 603 East Washington Street, South Bend 22, Indiana, effective September 29, 1961. (It supersedes Approval No. 160.047/485/0 dated January 4, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/486/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Bob Erath Company, 603 East Washington Street, South Bend 22, Indiana, effective September 29, 1961. (It supersedes Approval No. 160.047/486/0 dated January 4, 1961, to show change of name and address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/131/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Bob Erath Co., 603 East Washington Street, South Bend 22, Indiana, effective September 26, 1961. (It supersedes Approval No. 160.048/131/0 dated December 31, 1958, to show change of name and address of manufacturer.)

Approval No. 160.048/141/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Coast to Coast Stores, Central Organization, Inc., 7500 Excelsior Boulevard, Minneapolis 26, Minn., effective September 26, 1961. (It supersedes Approval No. 160.048/141/0 dated March 14, 1959, to show change of name and address of manufacturer.)

Approval No. 160.048/173/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Liberty Distributors, 4300 North Fifth Street, P.O. Box 95, Philadelphia, Pa., effective September 26, 1961. (It supersedes Approval No. 160.048/173/0 dated March 16, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/181/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Associated Merchandising Corp., 1440 Broadway, New York 18, New York, effective September 26, 1961. (It supersedes Approval No. 160.048/181/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/190/0, group approval for rectangular and trapezoidal kapok bouyant cushion, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective September 26, 1961. (It supersedes Approval No. 160.048/190/0 dated September 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/197/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Beck & Gregg Hardware Company, P.O. Box 984, 217 Luckie Street, Atlanta 1, Georgia, effective September 26, 1961. (It supersedes Approval No. 160.048/197/0 dated November 28, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/199/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Automatic Distributing Corp., 5721 Harvey Wilson Drive, Houston 20, Texas, effective September 26, 1961. (It supersedes Approval No. 160.048/199/0 dated December 2, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/202/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Bowman Products Company, 850 East 72d Street, Cleveland 3, Ohio, effective September 26, 1961. (It supersedes Approval No. 160.048/202/0, dated January 27, 1961, to show change of name and address of manufacturer.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/36/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. 12988 dated November 30, 1959, revised January 13, 1960, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Connecticut, effective September 28, 1961.

Approval No. 160.050/37/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, and B. F. Goodrich dwg. 12988 dated November 30, 1959, revised January 13, 1960, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Connecticut, effective September 28, 1961.

Approval No. 160.050/38/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. 12988 dated November 30, 1959, revised January 13, 1960, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Nautical Products, Inc., 86–88 Congress Street, Brooklyn 1, New York, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Sheldon, Connecticut, effective September 28, 1961.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/137/0, Type II, Model LG–97, adult unicellular plastic foam buoyant vest, dwg. D–97 (Sheet 1 of 1) dated June 26, 1961, and Bill of Materials dated September 14, 1961, manufactured by Stearns Manufacturing Company, Division Street at 30th, St. Cloud, Minnesota, effective September 27, 1961.

Approval No. 160.052/138/0, Type II, Model LG–98M, child, medium, unicellular plastic foam buoyant vest, dwg. D–98M (Sheet 1 of 1) dated June 26, 1961, and Bill of Materials dated September 14, 1961, manufactured by Stearns Manufacturing Company, Division Street at 30th, St. Cloud, Minnesota, effective September 27, 1961.

Approval No. 160.052/139/0, Type II, Model LG–98S, child, small, unicellular plastic foam buoyant vest, dwg. D–98S (Sheet 1 of 1) dated June 26, 1961, and Bill of Materials dated September 14, 1961, manufactured by Stearns Manufacturing Company, Division Street at 30th, St. Cloud, Minnesota, effective September 27, 1961.

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/63/0, Morrison Fig. 153B pressure-vacuum relief valve, atmospheric pattern, weight-loaded pressure and vacuum poppets, all brass construction, dwg. No. B4584, dated February 27, 1951, and revised March 12, 1951, and dwg. No. B4585, dated March 6, 1951, approved for size 2½", manufactured by Morrison Bros. Co., Dubuque, Iowa, effective September 26, 1961. (It reinstates and extends Approval No. 162.017/63/0 dated August 24, 1956, published in the Federal Register December 4, 1956.)

Dated: October 26, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–10518; Filed, Nov. 2, 1961; 8:50 a.m.]

Office of the Secretary

[AA 643.3–C]

AMMONIUM SULFATE FROM WEST GERMANY

Determination of No Sales at Less Than Fair Value

OCTOBER 26, 1961.

A complaint was received that ammonium sulfate from West Germany was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that ammonium sulfate from West Germany is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The quantity of ammonium sulfate sold for home consumption is not adequate to furnish a basis for a fair value comparison. After due consideration, it was concluded that the fertilizers, other than ammonium sulfate, sold for home consumption are not similar within the meaning of the Antidumping Act to the synthetic ammonium sulfate sold for exportation to Puerto Rico. As identical ammonium sulfate is sold in adequate quantities for exportation to third countries by the exporter involved, third country price was used as a basis for the determination of fair value.

It was determined that a comparison between purchase price and the weighted-average adjusted third country price was appropriate for the purpose of the fair value comparison.

Purchase price was computed on the basis of the c.i.f., free out, price in bulk to Puerto Rico. From this price were deducted ocean freight, insurance, and trimming charges.

Weighted-average adjusted third country price was computed on the basis of the prices at which sales were made to various third countries during the period proximate to the date of the contracts pursuant to which the involved merchandise was shipped to Puerto Rico From such prices were deducted ocean freight, insurance, the costs of bags, and selling commission. A weighted-average price was determined on the basis of the quantities shipped to each country.

Purchase price was found to be not lower than the weighted-average adjusted third country price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61–10519; Filed, Nov. 2, 1961; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Change of Location and Temporary Closing of Los Angeles Land Office

OCTOBER 27, 1961.

Notice is hereby given that the Los Angeles Land Office, Bureau of Land Management, Bartlett Building, 215 West Seventh Street, Los Angeles, Calif., will be closed to the public from 3:00 p.m., November 15, 1961, to 10:00 a.m., November 21, 1961, to permit the relocation of the Los Angeles Land Office to a new location and mailing address at P.O. Box 723, 1414 Eighth Street, Riverside, Calif. Personnel of the land office will be available to receive over the counter applications and for consultation purposes on those dates between the hours of 10:00 a.m. and 3:00 p.m. at 1414 Eighth Street, Riverside, Calif.

In accordance with 43 CFR 101.20, all documents presented for filing during the closed period cited above shall be deemed as simultaneously filed as of 10:00 a.m. on November 21, 1961.

ROLLA E. CHANDLER,
Manager, Land Office.

[F.R. Doc. 61–10503; Filed, Nov. 2, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–123]

CURATORS OF THE UNIVERSITY OF MISSOURI SCHOOL OF MINES AND METALLURGY

Notice of Proposed Issuance of Utilization Facility License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or a petition to intervene is filed as provided by the Commission's rules of practice (Title 10 CFR Ch. 1, Part 2), the Commission proposes to issue to The Curators of the University of Missouri School of Mines and Metallurgy a facility license substantially as set forth below authorizing operation of a pool-type reactor at power levels up to 10 kilowatts (thermal) on the University of Missouri's campus in Rolla, Mo. Prior to issuance of the license, the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR–44, as amended.

Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by The Curators of the University of Missouri School of Mines and Metallurgy and amendments thereto, and (2) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 30th day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED UTILIZATION FACILITY LICENSE

1. This license applies to the pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by the Curators of the University of Missouri School of Mines and Metallurgy (hereinafter referred to as "University of Missouri") and located on University of Missouri's campus in Rolla, Mo., and described in University of Missouri's application for license dated January 31, 1959 and amendments thereto dated February 6, 1959, February 26, 1959, June 1, 1959, July 13, 1959, July 8, 1960, February 1, 1961, March 16, 1961, April 6, 1961, June 1, 1961, September 1, 1961 and October 4, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR–44.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR–44, as amended, and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. University of Missouri is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. University of Missouri is a nonprofit educational institution and will use the reactor for the conduct of educational activities. University of Missouri is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses University of Missouri:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Rolla, Mo., in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor up to 7.0 kilograms of uranium–235 contained in highly enriched uranium and up to 160 grams of plutonium contained in encapsulated plutonium-beryllium sources; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. University of Missouri shall not operate the reactor at a steady-state power level in excess of 10 kilowatts thermal without prior written authorization from the Commission.

B. The excess reactivity of the core assembly alone or with any fixed experiment in place shall not exceed 0.007: *Provided, however,* That for one period not to exceed seven consecutive days during which calibration of the shim-safety rods and the regulating rod will be conducted following initial criticality and initial core tests, it may be as large as 0.032.

C. The fuel loading shall be such that the total excess reactivity above cold, clean critical shall at no time exceed 0.015, except that it may be as large as 0.032 for the period of seven consecutive days described in 4.B above.

D. University of Missouri shall observe the procedures described in the application pertaining to operations with the reactor shut down which might involve a change in core reactivity.

E. During operation of the reactor and during any other activity which might involve a change in reactor core reactivity, there shall be at least one person, in addition to the reactor operator, in the reactor building to control access to the reactor building and to assist the reactor operator as may be required.

F. The University of Missouri shall not bypass the minimum count rate interlock except during the loading of the core when the minimum count rate required by the interlock cannot be obtained, and then only if an adequate indication of the true neutron level in the reactor core is available with the core nuclear instrumentation so that any change in the neutron population and the reactivity of the core assembly can be readily detected.

G. University of Missouri shall use the room in which the reactor instrumentation console is located solely for activities associated with operation of the reactor and related student training.

H. Not more than three months shall elapse between meetings of the University of Missouri's Safeguards Committee for the purpose of reviewing safety aspects of the operation of the reactor and the experiments associated therewith.

I. In addition to those otherwise required under this license and applicable regulations, University of Missouri shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of University of Missouri as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

J. University of Missouri shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

K. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, University of Missouri shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

L. The University of Missouri shall promptly submit a written report to the Commission whenever, during operation of the reactor subsequently to initial criticality, any of the operating conditions or characteristics of the reactor, including those described in paragraph 4K above and the application, which might affect nuclear safety, is observed to vary significantly from its predicted value.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter 1, Part 50, the Commission has allocated, in Construction Permit No. CPRR–44, as amended, to University of Missouri for use in connection with operation of the reactor 7.0 kilograms of uranium–235 contained in highly enriched uranium and 160 grams of plutonium contained in plutonium-beryllium sealed sources.

6. This license is effective as of the date of issuance and shall expire at midnight November 20, 1979.

Date of Issuance: October 30, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–10464; Filed, Nov. 2, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11654]

AIR LINE PILOTS ASSOCIATION AND SOUTHERN AIRWAYS, INC.

Enforcement Proceeding; Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be heard on November 29 is postponed to November 30, 1961, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 31, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–10532; Filed, Nov. 2, 1961; 8:52 a.m.]

[Docket No. 13122]

SERVICE TO COLUMBUS, NEBR., INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on November 14, 1961 at 10 a.m., e.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., October 31, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–10533; Filed, Nov. 2, 1961; 8:52 a.m.]

[Docket Nos. 13114, 13144; Order No. E–17656]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of October, 1961.

By tariff revisions marked to become effective November 1, 1961, Continental Air Lines, Inc. (Continental) proposes to reduce freight rates on commodities involving a significant volume of its traffic between Chicago and Los Angeles. This is accomplished by replacing a number of current specific commodity groups with new groups. In the eastbound direction from Los Angeles to Chicago, the rates proposed for Groups 31, 32, and 33 are identical and are approximately 5 percent below the rates currently applied by Continental to the bulk of the commodities included within the three Groups. The eastbound rates at the 100 pound level are equivalent to the lowest rates now in effect on any other carrier or to those which have recently been in effect in this market. Continental also proposes to maintain a series of weight breaks at 1,000, 2,000, 3,000, 5,000, and 10,000 pounds. In addition, Continental proposes to lower eastbound rates on flowers at all weight breaks above 100 pounds, thereby substantially increasing volume spreads.

In the westbound direction from Chicago to Los Angeles, the carrier proposes two levels of rates, effecting reductions from its present rates for all specific commodities ranging from approximately 25 to 40 percent. The rates proposed again equal the lowest rates currently in effect, those for Group 32 being equivalent at the 100 pound weight break to the class 4 rate recently put into effect

by The Flying Tiger Line Inc. (Tiger) and those for Group 33 equaling Tiger's lower class 5 rate, as well as the Group 565 rate recently published by United Air Lines, Inc. and met by American Airlines, Inc. As in the case of the proposed eastbound rates, Continental proposes to maintain a series of weight breaks. The commodities listed in Group 33 to which the rates would apply include some for which Tiger, American, and United apply higher rates.

Tiger has filed a complaint against Continental's proposed tariff, and requests investigation and suspension. In summary, the complaint alleges that the proposed rates are unreasonably low to the extent that they undercut Tiger's effective rates on less dense commodities and at the higher weight breaks; that they are discriminatory and constitute unfair competition because reductions are confined to that part of Continental's route competitive with Tiger.

Upon consideration of the matters of record the Board finds that the rates westbound from Chicago to Los Angeles for Group 33 proposed by Continental to apply to carriage of the commodities listed in the appendix hereto may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. We recognize that the proposed rates meet those now in effect for most of the commodities. However, Continental would extend their application so as to include other commodities to which a higher level of rates is currently being applied in westbound carriage, and has furnished no basis upon which to justify such further reductions. In view of the dilution of carrier revenues which might ensue from the application of the proposed rates to those commodities set forth in the appendix hereto and the absence of support for these additional reductions, the Board has further concluded to suspend these portions of the tariff revisions and defer their use pending investigation.

The Board has concluded that investigation is not warranted with respect to the eastbound rates proposed at the 100 pound weight break from Los Angeles to Chicago since they are equivalent to rates which are now or have recently been in effect for the commodities in question. We likewise conclude that the rates proposed both eastbound and westbound at the various weight breaks above 100 pounds do not raise questions which warrant investigation in view of the fact that the volume spreads involved are equivalent either to those provided in Continental's now effective tariff or to those in effect on other carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A below, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A below are suspended and their use deferred to and including January 29, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The complaint of The Flying Tiger Line Inc. in Docket 13114 to the extent granted is consolidated herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon Continental Airlines, Inc. and The Flying Tiger Line Inc. which are made parties to the proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

On 27th, 28th, and 29th Revised Pages 131 of Agent B. H. Smith's Official Air Freight Specific Commodity Tariff No. 5–B, C.A.B. No. 12, the rates from Chicago, Ill., to Los Angeles, Calif., via routing "CO," only insofar as they apply on the following commodities in Commodity Group No. 33:

Advertising matter, store or window, excluding ink, pencils, pens, pen refills and parts of pencils or pens.
Clothing and footwear, not on hangers or racks, and excluding hats or millinery.
Decorative greens, excluding cut flowers.
Nursery stock, namely, trees, shrubs, or vines, grown in the field, excluding growing plants in pots or tubs and rooted cuttings.
Photographic or projection instruments.
Textile articles, viz.:

Awnings.	Napkins.
Bags.	Netting.
Bandaging.	Padding.
Batting.	Sails.
Bed clothes.	Sailcloth.
Belting.	Table coverings.
Curtains.	Tapestries.
Draperies.	Tents.
Floor coverings.	Toweling.
Furniture coverings.	Upholstery cloth.
Hammocks.	Wall coverings.

[F.R. Doc. 61–10534; Filed, Nov. 2, 1961; 8:52 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86–587, the Civil Service Commission has determined that there is a manpower shortage for the following positions:

1. Education Specialist (Swahili Language), GS–1710–9, U.S. Army Language School, Presidio of Monterey, California.
Effective date: August 30, 1961.
2. Executive Director, GS–17, District of Columbia Redevelopment Land Agency, Washington, D.C., for which qualifications requirements include professional urban planning.
Effective date: October 5, 1961.

Travel and transportation expenses may be paid for appointees to their first duty station for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61–10531; Filed, Nov. 2, 1961; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–58]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

OCTOBER 30, 1961.

Take notice that on September 7, 1961, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed in Docket No. CP62–58 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas on an interruptible basis to Kansas-Colorado Utilities, Inc. (Kansas-Colorado) from the Hugoton Field, Stanton County, Kansas, commencing upon issuance of authorization in this docket and terminating on April 30, 1962, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its minimum gas purchase obligations are temporarily in excess of its system requirements, due primarily to the delay of certificate authority for its expansion program in Docket No. G–16904 (Provo project) presently in rehearing. Sales in that application were initially proposed to commence during the 1959–1960 heating season and have now been deferred until January 1963. As a result Applicant has been placed in a position of not being able to take the minimum volumes of take-or-pay-for gas under all of its gas purchase or lease agreements.

Applicant proposes to sell and deliver to Kansas-Colorado an estimated quantity of 800,000 Mcf of natural gas with maximum daily deliveries limited to 6,000 Mcf. The subject deliveries will be made by means of existing facilities and no new facilities will be necessary.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held November 30, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10522; Filed, Nov. 2, 1961; 8:50 a.m.]

[Docket No. CP62–53]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 30, 1961.

Take notice that on August 28, 1961, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex., filed an application in Docket No. CP62–53, pursuant to section 7(b) of the Natural Gas Act, seeking permission and approval to abandon certain main line tap facilities on Applicant's 26-inch O.D. main transmission pipeline in Garfield County, Colorado, all as more fully set forth in the application on file with the Commission and open to public inspection.

The subject facilities, authorized by the Commission's order issued September 24, 1958, in Docket No. G–12792 (20 FPC 382) were utilized to receive gas purchased from Beehive Uranium Corporation and Standard Uranium Corporation, Operator, which gas was produced from two wells in the Garmesa Field, Garfield County, Colorado.

Applicant states that due to insufficient production capacity, both wells were plugged and abandoned, and that further exploration and production is not anticipated in the Garmesa Field at this time; therefore, Applicant proposes to abandon the subject facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 22, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10523; Filed, Nov. 2, 1961; 8:50 a.m.]

[Docket No. CP62–87]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

OCTOBER 30, 1961.

Take notice that on October 9, 1961, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62–87 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of meter stations, lateral pipelines, and taps on Applicant's existing transmission system to enable it to take into its certificated main pipeline system natural gas which will be purchased from producers thereof during the calendar year 1962, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas generally coextensive with said system.

The total cost for all projects for which authorization is sought in this "budget-type" application is stated to be not over $3,500,000, with no single project to exceed a cost of $500,000, with financing from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 7, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10524; Filed, Nov. 2, 1961; 8:51 a.m.]

[Docket Nos. RI62–115—RI62–122]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

OCTOBER 27, 1961.

Sun Oil Company, Docket No. RI62–115; H. L. Moses, Docket No. RI62–116; Lucy Moses, Docket No. RI62–117; William L. Hernstadt, Docket No. RI62–118; Midwest Oil Corporation (Operator), et al., Docket No. RI62–119; Gulf Oil Corporation (Operator), et al., Docket No. RI62–120; Pan American Petroleum Corporation, Docket No. RI62–121; Humble Oil & Refining Company, Docket No. RI62–122.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-115	Sun Oil Co., 1608 Walnut Street, Philadelphia 3, Pa.	23	13	Texas Eastern Trans. Corp. (Carthage Field, Panola County, Tex.) (R.R. District No. 6).	$895	9-27-61	11- 1-61	4- 1-62	[3] 15.0	15.2	RI61-129
RI62-115	Sun Oil Co	91	6	Texas Eastern Trans. Corp. (Hidalgo Field, Hidalgo County, Tex.) (R.R. District No. 4).	38	9-27-61	11- 1-61	4- 1-62	[3] 15.0	15.2	RI61-129
RI62-116	H. L. Moses, c/o Thomas V. McMahan, Attorney, 2100 First City National Bank Building, Houston 2, Tex.	1	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. District No. 7c).	4,324	9-28-61	10-29-61	3-29-62	[3] 8.108	13.68225	
RI62-116	H. L. Moses	2	5	do	1,088	9-28-61	10-29-61	3-29-62	[3] 10.5	15.5	
RI62-117	Lucy Moses, c/o Thomas V. McMahan, Attorney, 2100 First City National Bank Building, Houston 2, Tex.	2	5	do	1,088	9-28-61	10-29-61	3-29-62	[3] 10.5	15.5	
RI62-117	Lucy Moses	1	8	do	4,324	9-28-61	10-29-61	3-29-62	[3] 8.108	13.68225	
RI62-118	Wm. L. Hernstadt c/o Thomas V. McMahan, Attorney, 2100 First City National Bank Building, Houston 2, Tex.	1	8	do	2,162	9-28-61	10-29-61	3-29-62	[3] 8.108	13.68225	
RI62-118	Wm. L. Hernstadt	2	5	do	541	9-28-61	10-29-61	3-29-62	[3] 10.5	15.5	
RI62-119	Midwest Oil Corp. (Operator), et al. 1700 Broadway, Denver 2, Colo.	19	3	United Fuel Gas Co. (Ellis Field, Acadia Parish, La.) (Southern La.).	3,049	9-28-61	11- 1-61	4- 1-62	[3] 19.9	20.3	RI61-251
RI62-119	Midwest Oil Corp. (Operator), et al.	19	3	United Fuel Gas Co. (Branch Field, Acadia Parish, La.) (Southern La.).	1,753	9-28-61	11- 1-61	4- 1-62	[3] 19.9	20.3	RI61-251
RI62-119	do	20	6	United Fuel Gas Co. (Ellis Field, Acadia Parish, La.) (Southern La.).	1,810	9-28-61	11- 1-61	4- 1-62	[3] 19.9	20.3	RI61-251
RI62-120	Gulf Oil Corp. (Operator), et al., P.O. Drawer 2100, Houston 1, Tex.	124	7	United Fuel Gas Co. (SE. Houma Field, Terrebonne Parish, La.). (Southern La.).	1,906	9-28-61	11- 1-61	4- 1-62	[3] 19.9	20.3	RI61-170
RI62-120	Gulf Oil Corp. (Operator), et al.	124	8	United Fuel Gas Co. (NE. Payne Field, Acadia Parish, La.) (Southern La.).	1,216	9-28-61	11- 1-61	4- 1-62	[3] 19.9	20.3	RI61-170
RI62-121	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	276	3	H. L. Hunt, et al. (Whelan Field, Harrison County, Tex.) (R.R. District No. 6).	293	9-28-61	11- 1-61	4- 1-62	[3] 12.5	12.7	RI61-102
RI62-121	Pan American Petroleum Corp.	306	1	H. L. Hunt, et al. (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	38	9-28-61	11- 1-61	4- 1-62	[3] 14.5	14.7	RI61-101
RI62-122	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	210	3	El Paso Natural Gas Co. (East La Barge Field, Lincoln and Sublette Counties, Wyo.).	10,698	9-28-61	11- 1-61	4- 1-62	[4] 15.0 / [5] 15.384	[4] 16.0 / [5] 17.0	

[1] The proposed effective dates are the first day after the required thirty days' notice or, if later, the date requested by respondent.
[2] The pressure base is 14.65 psia.
[3] The pressure base is 15.025 psia.
[4] Gas delivered below 860 psig.
[5] Gas delivered at or above 860 psig.

On October 10, 1961, El Paso Natural Gas Company filed formal protests to the acceptance for filing of the notices of proposed increased rates by H. L. Moses, Lucy Moses and William L. Hernstadt stating that the filings unilaterally propose increased rates without the contractual consent of El Paso Natural Gas Company, and are without basis in law or fact.

The proposed changes in rates filed by Sun Oil Company, Midwest Oil Corporation (Operator), et al., Gulf Oil Corporation (Operator), et al., Pan American Petroleum Corporation, and Humble Oil & Refining Company are periodic increases. The proposed changes in rates filed by H. L. Moses, Lucy Moses and William L. Hernstadt are favored-nation increases. The proposed changes, except that designated as Supplement No. 3 to Pan American Petroleum Corporation's FPC Gas Rate Schedule No. 275, exceed the applicable area price level set forth in the Commission's Statement of General Policy No. 61–1 and the amendments thereto. Pan American Petroleum Corporation's increased rate is below the applicable ceiling level, but should be suspended in order to maintain the contractual differential between such increased rate and the buyer's resale rate, which has been suspended in Docket No. RI62–136.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10502; Filed, Nov. 2, 1961; 8:46 a.m.]

[Project No. 2227]

NENANA RIVER NO. 1, SLAGLE HYDROELECTRIC PROJECT, ALASKA

Land Withdrawal; Correction

OCTOBER 31, 1961.

By withdrawal notice of October 5, 1961, published in 26 F.R. 9607, of October 11, 1961, this Commission gave notice of the reservation of approximately 840 acres of United States lands for Project No. 2227 pursuant to the filing of an application for major license on April 19, 1961, by Mr. John Chandler Slagle, John Slagle Electric Power, Nenana, Alaska. This notice reserved "All lands of the United States lying within the boundaries of Project No. 2227 as delimited upon map Exhibit K, entitled 'John Slagle Electric Power, Nenana, Alaska, Exhibit "K", Project Features' as filed in the office of the Federal Power Commission on April 19, 1961."

A comparison of the protractions shown on this map exhibit with Bureau of Land Management protraction diagrams, of the unsurveyed lands adjacent to the Nenana River, indicates the exhibit is in error insofar as it relates to T. 13 S., R. 7 W.

Therefore the lands in T. 13 S., R. 7 W. are hereby adjusted according to the Bureau of Land Management protraction as described below:

FAIRBANKS MERIDIAN

NENANA RIVER (NEAR HEALY)

Fourth Judicial District

T. 13 S., R. 7 W.,
Section 5: SE¼NW¼, W½NW¼, E½SW¼, W½SE¼;
Section 6: NE¼NE¼;
Section 8: N½NE¼, SE¼NE¼;
Section 9: SW¼NW¼, W½SW¼.

The area reserved remains as previously noted. Map exhibit (FPC No. 2227–5) provided with the October 5 notice will be retained for use of the public only insofar as it relates to T. 12 S., R. 7 W.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10525; Filed, Nov. 2, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–AL–2]

PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Trans-Alaskan Telephone Company, Anchorage, Alaska, proposes to increase by 40 feet the overall height of an existing radio antenna structure near King Salmon, Alaska, at latitude 58°40'43" north, longitude 156°39'41" west. The new overall height of the structure would be 158 feet above mean sea level (120 feet above ground).

Objections were made in response to the circularization by the Department of the Air Force and Pacific Northern Airlines, on the basis that the proposed increase in height of this antenna structure would be a physical obstruction to air navigation, penetrating the 7:1 transition surface of this Agency's TSO–N18 and the Department of the Air Force criteria; it would require an increase in the GCA (ground controlled approach) ceiling weather minimum from 200 feet to 300 feet and it would preclude lowering the ILS Instrument Approach Procedure ceiling weather minimum from 300 feet to 200 feet when the low frequency radio range tower structure is removed as planned. At the FAA Anchorage Informal Airspace Meeting, the Department of the Air Force, Pacific Northern Airlines and Northern Consolidated Airlines objected to the proposed increase in height of this structure on the same basis as stated above.

The proposed structure would be located 1,125 feet south of Runway 11–29 centerline and approximately 300 feet inboard from the west end of Runway 11–29 of the King Salmon, Alaska, Airport. The Department of the Air Force reported that the proposed increase in height of this structure would require an increase in the GCA Instrument Approach Procedure ceiling weather minimum from 200 feet to 300 feet. At the present time, the ILS approach ceiling weather minimum at this airport is 300 feet. When the low frequency radio range structure is removed as planned, it will permit the ILS approach ceiling weather minimum at this airport to be reduced from 300 feet to 200 feet, providing that the proposed increase in height of this antenna structure is not effected.

The King Salmon Airport is used by the Department of the Air Force and three scheduled air carriers; it is the hub for commercial and private aircraft operating in the Bristol Bay area. During fiscal year 1961, there were 6,492 Instrument Operations and 1,338 Instrument Approaches at the King Salmon Airport. A substantial number of these Instrument Approaches were conducted when the ceiling was reported at less than 300 feet. The nearest alternate airport for large aircraft is at Anchorage, Alaska, approximately 250 miles distant.

The Agency study disclosed that the proposed structure, or any structure at a height exceeding 134 feet above mean sea level at the proposed site, would derogate the established GCA ceiling weather minimum and preclude the planned reduction in ILS approach ceiling weather minimum, and thus would have a substantial adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level specified herein, or any structure exceeding 134 feet MSL in overall height at this location, would have a substantial adverse effect upon aeronautical operations, procedures, and minimum flight altitudes and it is hereby determined that the proposed structure, or any structure at this location higher than 134 feet MSL, would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder that a structure at any height not exceeding 134 feet MSL at this location would not be a hazard to air navigation will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on October 25, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61–10497; Filed, Nov. 2, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1427]

AXE-HOUGHTON STOCK FUND, INC.

Notice of Filing of Application for Order Exempting Proposed Transaction From Provisions

OCTOBER 27, 1961.

Notice is hereby given that Axe-Houghton Stock Fund, Inc. (Tarrytown, N.Y.) ("Applicant"), of Tarrytown, New York, a Delaware corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act a certain transaction as hereinafter set forth. All persons are referred to the application on file with the Commission for a complete statement thereof.

It is proposed that Applicant sell to Bernard J. Salembier 600 shares of the preferred stock of Katzenbach & Warren, Inc. ("K&W"), a small unlisted manufacturing concern, at $53 per share, for an aggregate sale price of $31,800, representing the par value of such stock plus approximately one-half of the presently accrued dividends thereon. Salembier is to purchase such stock for his own account and for investment.

K&W has three classes of equity securities: common stock, class A stock, and preferred stock; Applicant now owns 59.1 percent, 72.5 percent, and 71.4 percent of the outstanding stock of each respective class. The following table indicates Applicant's holdings in each such class, the price per share, and the aggregate cost of the shares to Applicant:

Class of security	Number of shares	Price per share	Aggregate cost
Common	25,000	$1	$25,000
Class A	18,000	5	90,000
Preferred	600	50	30,000
Total			145,000

All of such securities were purchased by Applicant directly from K&W. In the opinion of the board of directors of Applicant, their present value is their original cost to Applicant.

The K&W preferred stock has a par value of $50 per share and a 6 percent cumulative dividend preference, among certain other rights. No dividends have been paid thereon, and K&W cannot properly pay these accrued dividends at this time, so far as Applicant is aware, by reason of the requirements of Section 58 of the New York Stock Corporation Law, prohibiting the payment of any dividend unless the value of the corporation's assets remaining after such payment shall be at least equal to the aggregate amount of the corporation's debts and liabilities, including its capital. Applicant has no reason to believe that K&W will legally be able to pay any dividends in the immediate future.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of an affiliated person of a registered investment company from purchasing any security from such registered company. K&W is an affiliated person of Applicant, and Salembier is an affiliated person of K&W in that he is a vice president thereof, presently holding 6,950 shares of its common stock, 2,174 shares of its class A stock, and 240 shares of its preferred stock. Under section 17(b) of the Act, the Commission shall grant an application for exemption of a proposed transaction from the provisions of section 17 (a) if it finds that the terms thereof are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 13, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issue of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10508; Filed, Nov. 2, 1961; 8:47 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

OCTOBER 30, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 31, 1961, to November 9, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10509; Filed, Nov. 2, 1961; 8:47 a.m.]

TARIFF COMMISSION

TARIFF CLASSIFICATION STUDY

Hearing on Proposed First Supplemental Report

Under section 101(b), Title 1, Customs Simplification Act of 1954, as amended, and section 332 of the Tariff Act of 1930.

The United States Tariff Commission hereby gives notice that on November 20, 1961, a public hearing will be held for the purpose of receiving the views of interested parties with respect to a proposed first supplemental report to accompany the Tariff Classification Study, issued on October 31, 1961.

The Tariff Classification Study was prepared pursuant to Title I of the Customs Simplification Act of 1954, as amended (Public Law 768, 83d Congress; Public Law 934, 84th Congress), which directed the Commission to make a comprehensive study of the laws of the United States prescribing the tariff status of imported articles and to submit to the President and to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a revision and consolidation of these laws which, in the judgment of the Commission, would, to the extent practicable—

(1) Establish schedules of tariff classifications which will be logical in arrangement and terminology and adapted to the changes which have occurred since 1930 in the character and importance of articles produced in and imported into the United States and in the markets in which they are sold.

(2) Eliminate anomalies and illogical results in the classification of articles.

(3) Simplify the determination and application of tariff classifications.

The results of this study, embodied in the Tariff Classification Study, were submitted on November 15, 1960 to the President and to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

Since that date, legislative modifications, court decisions, and administrative actions have occurred which affect a number of the provisions in the Tariff Classification Study. The Commission has also received suggestions from interested parties for changes in certain of the headnotes and tariff schedules contained in the Study, both in the form of direct submissions to the Commission and in the form of submissions to the Committee on Ways and Means of the House of Representatives in response to a press release of that Committee on August 15, 1961, calling for written comments from interested parties on the Tariff Classification Study.

The proposed supplemental report to which the hearing announced in this notice will be addressed contains an explanation of the changes in the headnotes and tariff schedules of the Tariff Classification Study which, in the judgment of the Commission, are necessary to bring them up to date, to correct error, or to further the objectives of the Study, as well as a statement of the reasons for not accepting certain of the suggestions received from interested parties.

Copies of the proposed supplemental report may be obtained upon request from the Secretary, United States Tariff Commission, Washington 25, D.C. Copies also will be available for public inspection at the offices of the Commission in Washington, D.C., and New York, N.Y.; at all field offices of the Department of Commerce; and at the offices of collectors of customs and appraisers of merchandise at all headquarters ports of entry in the United States.

Appended hereto is a list of the locations of these offices.

Written statements and appearances. Information and views regarding the proposed supplemental report may be submitted either in writing or by oral testimony at the public hearing, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views in an orderly manner with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of the hearing:

1. *Written statements in lieu of or in addition to appearance at hearing.* Fifteen (15) copies of written statements must be submitted. Each such statement should be submitted as early as possible, and, in order to assure due consideration, must be submitted not later than December 1, 1961.

NOTE: Interested parties are urged to present information and views in writing in lieu of appearances at the hearing; such statements will be given the same consideration as oral testimony.

2. *Scope of written statements and oral testimony.* Written statements and oral testimony must be limited to the contents of the proposed supplemental report. Submissions which deal with matters other than those contained in the proposed supplemental report or which are aimed at seeking increases or reductions in existing tariff rates which are not incidental to the accomplishment of the purposes of the study, whether or not the product or products are the subject of attention in the proposed supplemental report, are not relevant and will not be entertained.

3. *Appearances at the public hearing.* The following information and instructions should be carefully noted by any interested party intending to appear at the public hearings:

a. Request to appear at the hearing must be filed in writing with the Secretary of the Commission not later than November 15, 1961. Any such request must include:

(1) The particular subject matter contained in the proposed supplemental report on which testimony will be presented, together with a description, where appropriate, of the article or articles to which the testimony will relate.

(2) The name and represented organization of any witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the particular subject matter contained in the proposed supplemental report to which the testimony will be addressed.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE: The Commission reserves the right to set the time within which a witness must complete his statement. In this connection, experience in previous extensive hearings shows that, in most cases, essential information can be effectively presented orally in a period of from 15 to 30 minutes. Because of the limited time available, parties desiring an allowance of time in excess of such an amount should set forth the special circumstances which they believe support a grant of additional time. Witnesses may supplement oral testimony with written statements of any length.

b. The Secretary of the Commission shall be promptly notified of any changes in a request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the provisions of the proposed supplemental report endeavor to arrange a consolidated presentation of information and views.

4. *Time and conduct of hearing.* a. The public hearing on the proposed supplemental report will begin at 10:00 a.m. on Monday, the 20th day of November 1961, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. In the event that the hearing requires more than one day for completion, the continuation thereof will commence at 10:00 a.m. on succeeding days as scheduled by the Commission until completed. The Commission will sit at the hearing from 10:00 a.m. until 12:30 and 2:00 until 5:00 p.m.

b. Parties who have properly entered an appearance by November 15, 1961, as indicated in paragraph 3 above, will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after November 15, 1961 (the closing date for requests to appear). Any person who fails to receive such notification by November 17, 1961, should immediately communicate with the office of the Secretary of the Commission.

c. Questioning of witnesses will be limited to members of the Commission and of the Commission's staff.

5. *Communications to be addressed to the Secretary.* All communications regarding this public hearing, including requests to appear, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D.C.

Issued: October 31, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

Location of Bureau of Customs and Department of Commerce field offices at which copies of the Tariff Commission's proposed first supplemental report to accompany the Tariff Classification Study may be inspected:

Bureau of Customs

Baltimore, Md.	Laredo, Tex.
Boston, Mass.	Los Angeles, Calif.
Bridgeport, Conn.	Louisville, Ky.
Buffalo, N.Y.	Memphis, Tenn.
Charleston, S.C.	Miami, Fla.
Chicago, Ill.	Milwaukee, Wis.
Cleveland, Ohio	Minneapolis, Minn.
Columbus, N. Mex.	Mobile, Ala.
Denver, Colo.	New Orleans, La.
Detroit, Mich.	New York, N.Y.
Duluth, Minn.	Nogales, Ariz.
El Paso, Tex.	Norfolk, Va.
Galveston, Tex.	Ogdensburg, N.Y.
Great Falls, Mont.	Pembina, N. Dak.
Honolulu, Hawaii	Philadelphia, Pa.
Houston, Tex.	Pittsburgh, Pa.
Indianapolis, Ind.	Port Arthur, Tex.
Juneau, Alaska	Portland, Maine
Portland, Oreg.	Savannah, Ga.
Providence, R.I.	Seattle, Wash.
Rochester, N.Y.	St. Albans, Vt.
Rouses Point, N.Y.	St. Louis, Mo.
San Diego, Calif.	St. Thomas, V.I.
San Francisco, Calif.	Tampa, Fla.
San Juan, P.R.	Wilmington, N.C.

Department of Commerce

Albuquerque, N. Mex.	Los Angeles, Calif.
Atlanta, Ga.	Memphis, Tenn.
Boston, Mass.	Miami, Fla.
Buffalo, N.Y.	Minneapolis, Minn.
Charleston, S.C.	New Orleans, La.
Cheyenne, Wyo.	New York, N.Y.
Chicago, Ill.	Philadelphia, Pa.
Cincinnati, Ohio	Phoenix, Ariz.
Cleveland, Ohio	Pittsburgh, Pa.
Dallas, Tex.	Portland, Oreg.
Denver, Colo.	Reno, Nev.
Detroit, Mich.	Richmond, Va.
Greensboro, N.C.	St. Louis, Mo.
Houston, Tex.	Salt Lake City, Utah
Jacksonville, Fla.	San Francisco, Calif.
Kansas City, Mo.	Savannah, Ga.
	Seattle, Wash.

[F.R. Doc. 61-10513; Filed, Nov. 2, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 31, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37430: *Petroleum oil residuum from Montana points to Minnesota.* Filed by Great Northern Railway Company (No. 1076), and the Northern Pacific Railway Company (No. 121), jointly for themselves. Rates on petroleum oil residuum, in tank-car loads, as described in the application, from Billings, East Billings, Great Falls, Kevin, and Laurel, Mont., to Minneapolis, Minnesota Transfer and St. Paul, Minn.

Grounds for relief: Market competition.

Tariffs: Supplement 36 to Great Northern Railway tariff I.C.C. A-8854 and Supplement 9 to Northern Pacific Railway tariff I.C.C. 9977.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37429: *Passenger fares in the United States.* Filed by E. B. Padrick, Agent (No. 7), for interested rail carriers. Involving basic coach fares for the transportation of persons, between points in the United States.

Grounds for relief: Maintenance of through one factor fares in excess of lower combinations of intermediate fares, due to joint fares reflecting increased factors.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-10520; Filed, Nov. 2, 1961; 8:50 a.m.]

[Notice 17]

TRUSTEES OF NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO.

Applications for Loan Guaranties

OCTOBER 31, 1961.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 21808, filed October 30, 1961, by the Trustees of the property of The New York, New Haven and Hartford Railroad Company, Debtor, 54 Meadow Street, New Haven 6, Connecticut, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $7,500,000. Applicant's representatives: Fleming James, Jr., and James Wm. Moore, Counsel for Trustees, 54 Meadow Street, New Haven 6, Connecticut. Loan is for the purpose of reimbursing the estate of said Debtor for certain expenditures made from funds of said estate after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10521; Filed, Nov. 2, 1961; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page

PROCLAMATIONS:
3438 — 10203

EXECUTIVE ORDERS:
9026 — 10356
10971 — 10335

5 CFR
6 — 10204, 10267

6 CFR
70 — 10267
305 — 10267
390 — 10267

7 CFR
711 — 10204
717 — 10208
729 — 10209
730 — 10336
847 — 10214
855 — 10268
864 — 10270
873 — 10272
922 — 10214
933 — 10337
943 — 10214
973 — 10215
994 — 10216
1031 — 10338

PROPOSED RULES:
900—1072 — 10286
906 — 10298
908 — 10307
918 — 10307
939 — 10296
943 — 10236
947 — 10360
986 — 10298

8 CFR
PROPOSED RULES:
252 — 10358
253 — 10358

9 CFR
74 — 10223
83 — 10338

PROPOSED RULES:
131 — 10358

12 CFR
262 — 10340

PROPOSED RULES:
563 — 10239

14 CFR — Page
507 — 10223, 10224, 10273, 10274, 10340, 10341
600 — 10225
601 — 10225, 10341, 10342
608 — 10342

PROPOSED RULES:
60 — 10307
227 — 10238
302 — 10307
507 — 10362
601 — 10363

16 CFR
13 — 10226

18 CFR
2 — 10342

20 CFR
404 — 10226

21 CFR
120 — 10228
121 — 10228, 10343
146 — 10228

PROPOSED RULES:
17 — 10362
121 — 10362

24 CFR
202a — 10229
203 — 10229
207 — 10229
213 — 10229
220 — 10230
221 — 10230
232 — 10230
603 — 10231
608 — 10231
611 — 10231
702 — 10231
803 — 10231
903 — 10231

25 CFR
141 — 10232

26 CFR
1 — 10275

PROPOSED RULES:
1 — 10283

28 CFR
21 — 10232

29 CFR — Page
601 — 10275
780 — 10377
793 — 10275

32 CFR
737 — 10353
739 — 10353

33 CFR
3 — 10343
67 — 10343
204 — 10278

35 CFR
4 — 10353

CANAL ZONE ORDERS:
58 — 10353

38 CFR
13 — 10232
21 — 10278

41 CFR
5-1 — 10354
50-202 — 10354

42 CFR
73 — 10355

43 CFR
PROPOSED RULES:
257 — 10285

PUBLIC LAND ORDERS:
1071 — 10356
2526 — 10279
2527 — 10356
2528 — 10356
2529 — 10356

47 CFR
1 — 10279, 10280
3 — 10280
15 — 10281
18 — 10281

PROPOSED RULES:
3 — 10239
12 — 10240

49 CFR
PROPOSED RULES:
176 — 10240

50 CFR
32 — 10233, 10234, 10282
33 — 10234, 10235

Pages 10377–10420

PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 213

Washington, Friday, November 3, 1961

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 780—EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS

All of Part 780 of Title 29 of the Code of Federal Regulations except Subpart E (§§ 780.50 to 780.53) is hereby revised in the manner indicated below in order to adapt it to the Fair Labor Standards Amendments of 1961 (secs. 2–14, Public Law 87–30). Subpart E is redesignated as Subpart J and §§ 780.50, 780.51, 780.52, and 780.53 are redesignated as §§ 780.950, 780.951, 780.952, and 780.953, respectively. In addition, clarifying amendments are made in the title of the redesignated subpart and in paragraph (a) of redesignated § 780.950.

As these changes are concerned solely with interpretative rules, neither public procedure nor delay in effective date is required by the Administrative Procedure Act, and they will become effective upon publication in the FEDERAL REGISTER.

1. As revised, all of Part 780 of Title 29 of the Code of Federal Regulations except that provided for in Amendments 2, 3, and 4 of this document reads as follows:

Subpart A—Introductory

Sec.
780.0 Purpose of interpretative bulletins in this part.
780.1 General scope of the Act.
780.2 Exemptions from Act's requirements.
780.3 Exemptions discussed in this part.
780.4 Matters not discussed in this part.
780.5 Significance of official interpretations.
780.6 Basic support for interpretations.
780.7 Reliance on interpretations.
780.8 Interpretations made, continued, and superseded by this part.
780.9 Related exemptions are interpreted together.

Subpart B—Employment in Agricultural or Irrigation Exempted From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(6)

INTRODUCTORY

Sec.
780.100 Scope and significance of interpretative bulletin.
780.101 Matters discussed in this and other subparts.
780.102 Relation of discussion to child labor provisions.

STATUTORY PROVISIONS

780.103 "Agriculture" as defined by the Act.
780.104 Statutory exemptions in sections 13(a)(6) and 13(c).

PRINCIPLES FOR APPLYING THE SECTION 13(a)(6) EXEMPTION

780.105 The general guides for applying the exemption.
780.106 Employee basis of exemption under section 13(a)(6).
780.107 Activities of the employer considered in some situations.
780.108 Workweek standard under section 13(a)(6).
780.109 Exempt and noncovered work during a workweek under section 13(a)(6).
780.110 Exempt and nonexempt work during the same workweek.
780.111 Work exempt under another section of the Act.

GENERAL SCOPE OF "AGRICULTURE"

780.112 How modern specialization affects the scope of agriculture.
780.113 "Primary" and "secondary" agriculture under section 3(f).

EXEMPTION FOR "PRIMARY" AGRICULTURE GENERALLY

780.114 General statement on "primary" agriculture.
780.115 Employment in "primary" agriculture is exempt regardless of why or where work is performed.

"FARMING IN ALL ITS BRANCHES"

780.116 Scope of the statutory term.
780.117 Listed activities.
780.118 Determination of whether unlisted activities are "farming".

"CULTIVATION AND TILLAGE OF THE SOIL"

780.119 Operations included in "cultivation and tillage of the soil".

"DAIRYING"

780.120 "Dairying" as a farming operation.

"AGRICULTURAL OR HORTICULTURAL COMMODITIES"

Sec.
780.121 General meaning of "agricultural or horticultural commodities".
780.122 Seeds, spawn, etc.
780.123 Wild commodities.
780.124 Forest products.
780.125 Commodities included by reference to the Agricultural Marketing Act.

"PRODUCTION, CULTIVATION, GROWING, AND HARVESTING" OF COMMODITIES

780.126 "Production, cultivation, growing".
780.127 "Harvesting".

"RAISING OF LIVESTOCK, BEES, FUR-BEARING ANIMALS, OR POULTRY"

780.128 Employment in the specified operations generally.
780.129 Raising of "livestock".
780.130 What constitutes "raising" of livestock.
780.131 Activities relating to race horses.
780.132 Raising of bees.
780.133 Raising of fur-bearing animals.
780.134 Raising of poultry in general.
780.135 Contract arrangements for raising poultry.
780.136 Hatchery operations.

PRACTICES EXEMPT UNDER "SECONDARY" MEANING OF AGRICULTURE GENERALLY

780.137 General statement on "secondary" agriculture.
780.138 Required relationship of practices to farming operations.

PRACTICES PERFORMED "BY A FARMER"

780.139 Performance "by a farmer" generally.
780.140 Operations which constitute one a "farmer".
780.141 Operations must be performed "by" a farmer.
780.142 Farmers' cooperative as a "farmer".

PRACTICES PERFORMED "ON A FARM"

780.143 Performance "on a farm" generally.
780.144 Meaning of "farm".
780.145 Employment in practices on a farm.

"SUCH FARMING OPERATIONS"—OF THE FARMER

780.146 Practices must be performed in connection with farmer's own farming.
780.147 Application of the general principles.
780.148 Pea vining.
780.149 Place of performing the practice as a factor.

"SUCH FARMING OPERATIONS"—ON THE FARM

Sec.
780.150 Practices must relate to farming operations on the particular farm.
780.151 Practices on a farm not related to farming operations.
780.152 Practices on a farm not performed for the farmer.

PERFORMANCE OF THE PRACTICES "AS AN INCIDENT TO OR IN CONJUNCTION WITH" THE FARMING OPERATIONS

780.153 "As an incident to or in conjunction with" the farming operations.
780.154 The relationship is determined by consideration of all relevant factors.
780.155 Importance of related exemptions.
780.156 Importance of relationship of the practice to farming generally.
780.157 Practices performed on farm products—special factors considered.

PRACTICES INCLUDED WHEN PERFORMED AS PROVIDED IN SECTION 3(f)

780.158 "Any" practices meeting the requirements will qualify for exemption.
780.159 Named practices as well as others must meet the requirements.

"FORESTRY OR LUMBERING OPERATIONS"

780.160 Exemption of forestry or lumbering operations is limited.
780.161 Meaning of "forestry or lumbering operations".
780.162 Subordination to farming operations is necessary for exemption.
780.163 Performance of operations on a farm but not by the farmer.
780.164 Number of employees engaged in operations not material.

"PREPARATION FOR MARKET"

780.165 Scope and limits of exemption for "preparation for market".
780.166 Particular operations on commodities.

SPECIFIED DELIVERY OPERATIONS

780.167 Application of exemption to specified delivery operations generally.
780.168 Delivery "to storage".
780.169 Delivery "to market".
780.170 Delivery "to carriers for transportation to market".

EXEMPTION OF TRANSPORTATION OPERATIONS NOT MENTIONED IN SECTION 3(f)

780.171 Transportation of farm products from the fields or farm.
780.172 Other transportation incident to farming.

OTHER UNLISTED PRACTICES WHICH MAY BE EXEMPT

780.173 Examples of practices exempt if requirements of section 3(f) are met.

APPLICATION OF SECTIONS 3(f) AND 13(a)(6) TO NURSERIES AND LANDSCAPING

780.174 Exempt nursery activities generally.
780.175 Exempt and nonexempt planting; lawn mowing.
780.176 Operations with respect to wild plants.
780.177 Forest and Christmas tree activities.
780.178 Packing, storage, warehousing, and sale of nursery products.

APPLICATION OF SECTIONS 3(f) AND 13(a)(6) TO HATCHERIES

780.179 The typical hatchery operations constitute "agriculture".
780.180 Contract production of hatching eggs.
780.181 Hatchery employees working on farms.
780.182 Produce business.
780.183 Feed sales and other nonexempt activities.

THE SECTION 13(a)(6) IRRIGATION EXEMPTION

780.184 Exemption of employees employed in specified irrigation activities.
780.185 Exemption is direct and does not mean activities are agriculture.
780.186 Exemption is from minimum wages and overtime only.
780.187 System must be nonprofit or operated on a share-crop basis.
780.188 Facilities of system must be used exclusively for agricultural purposes.
780.189 Employment "in connection with the operation or maintenance" is exempt.

Subpart C—Employment in Agriculture and Livestock Auction Operations Under the Section 13(a)(16) Exemption

INTRODUCTORY

780.200 Scope and significance of interpretative bulletin.
780.201 Statutory provision.
780.202 General explanatory statement.

REQUIREMENTS FOR EXEMPTION

780.203 What determines application of exemption.
780.204 General requirements.
780.205 Employment in agriculture.
780.206 Interpretation of term "agriculture".
780.207 "Primarily employed" in agriculture.
780.208 "During his workweek".
780.209 Workweek unit in applying the exemption.
780.210 Workweek exclusively in exempt work.
780.211 Workweek exclusively in agriculture.
780.212 Employment by a "farmer".
780.213 "By such farmer".
780.214 Definition of a farmer.
780.215 Raising of livestock.
780.216 Operations included in raising livestock.
780.217 Adjunct livestock auction operations.
780.218 "His own account"—"in conjunction with other farmers".
780.219 Work "in connection with" livestock auction operations.
780.220 Minimum wage for livestock auction work.

EFFECT OF EXEMPTION

780.221 No minimum wage for agriculture in exempt week.
780.222 No overtime wages in exempt week.

COMBINATION OF EXEMPT AND NONEXEMPT WORK

780.223 Engagement in exempt and nonexempt work.
780.224 Work exempt under more than one section of the Act.

Subpart D—Employment of Agricultural Employees in Processing Shade-Grown Tobacco; Exemption From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(21)

INTRODUCTORY

780.300 Scope and significance of interpretative bulletin.
780.301 Statutory provision.
780.302 Legislative history of exemption.
780.303 What determines the application of the exemption.

REQUIREMENTS FOR EXEMPTION

780.304 Basic conditions of exemption.

"SHADE-GROWN TOBACCO"

780.305 Definition of "shade-grown tobacco".
780.306 Dependence of exemption on shade-grown tobacco operations.
780.307 "Such tobacco".

AGRICULTURAL EMPLOYEES WHO MAY QUALIFY FOR EXEMPTION

780.308 Exemption limited to specified agricultural employees.
780.309 Agriculture.
780.310 "Any agricultural employee".
780.311 Meaning of "agricultural employee".
780.312 "Employed in the growing and harvesting".
780.313 What employment in growing and harvesting is sufficient.
780.314 "Growing" and "harvesting".

EXEMPT PROCESSING

780.315 Processing requirements of section 13(a)(21).
780.316 "Prior to the stemming process".
780.317 "For use as cigar wrapper tobacco".
780.318 Exempt processing operations.
780.319 General scope of exempt operations.
780.320 Particular operations which may be exempt.
780.321 Other processing operations.
780.322 Nonprocessing employees.

WORKWEEK APPLICATION OF EXEMPTION

780.323 Workweek is used in applying the exemption.
780.324 Exclusive engagement in exempt work.
780.325 Exempt and nonexempt work.
780.326 Work exempt under another section of the Act.

Subpart E—Employment in Fruit and Vegetable Harvest Transportation Exempted From Minimum and Overtime Pay Requirements Under Section 13(a)(22)

INTRODUCTORY

780.400 Scope and significance of interpretative bulletin.
780.401 Statutory provision.
780.402 Legislative history of exemption.
780.403 General scope of exemption.
780.404 What determines the exemption.
780.405 Employers who may claim exemption.

EXEMPT OPERATIONS ON FRUITS OR VEGETABLES

780.406 Requisites for exemption generally.
780.407 "Fruits or vegetables".
780.408 Relation of employee's work to specified transportation.
780.409 "Transportation".
780.410 Engagement in transportation and preparation.
780.411 Preparation for transportation.
780.412 Exempt preparation.
780.413 Nonexempt preparation.
780.414 "From the Farm".
780.415 "Place of first processing".
780.416 "Place of * * * first marketing".
780.417 "Within the same State".

EXEMPT TRANSPORTATION OF FRUIT OR VEGETABLE HARVEST EMPLOYEES

780.418 Requisites for exemption generally.
780.419 Engagement "in transportation" of harvest workers.
780.420 Workers transported must be fruit or vegetable harvest workers.
780.421 Persons "employed or to be employed" in fruit or vegetable harvesting.
780.422 "Harvesting" of fruits or vegetables.
780.423 "Between the farm and any point within the same State".

WORKWEEK APPLICATION OF EXEMPTION

Sec.
780.424 Workweek is used in applying the exemption.
780.425 Exclusive engagement in exempt work.
780.426 Exempt and nonexempt work.
780.427 Work exempt under another section of the Act.

Subpart F—Employment in Ginning of Cotton for Market Exempted From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(18)

INTRODUCTORY

780.500 Scope and significance of interpretative bulletin.
780.501 Statutory provisions.
780.502 What determines application of the exemption.
780.503 Basic conditions of exemption.

GINNING OF COTTON FOR MARKET

780.504 "Ginning" of cotton.
780.505 Ginning of "cotton".
780.506 Exempt ginning limited to first processing.
780.507 Cotton must be ginned "for market".

EMPLOYEES "ENGAGED IN" GINNING

780.508 Who may qualify for the exemption generally.
780.509 Employees engaged in exempt operations.
780.510 Employees not "engaged in" ginning.

"COUNTY WHERE COTTON IS GROWN IN COMMERCIAL QUANTITIES"

780.511 Exemption dependent on place of employment generally.
780.512 "County".
780.513 "County where cotton is grown".
780.514 "Grown in commercial quantities".

WORKWEEK APPLICATION OF EXEMPTION

780.515 Workweek is used in applying the exemption.
780.516 Exclusive engagement in exempt work.
780.517 Exempt and nonexempt work.
780.518 Work exempt under another section of the Act.

Subpart G—Employment by Small Country Elevators Within Area of Production; Exemption From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(17)

INTRODUCTORY

780.600 Scope and significance of interpretative bulletin.
780.601 Statutory provision.
780.602 What determines application of the exemption.
780.603 Basic requirements for exemption.

"ESTABLISHMENT COMMONLY RECOGNIZED AS A COUNTRY ELEVATOR"

780.604 Dependence of exemption on nature of employing establishment.
780.605 Meaning of "establishment".
780.606 Recognition of character of establishment.
780.607 Establishments "commonly recognized" as country elevators.
780.608 A country elevator is located near and serves farmers.
780.609 Size and equipment of a country elevator.
780.610 A country elevator may sell products and services to farmers.
780.611 Exemption of mixed business applies only to country elevators.

EMPLOYMENT OF "NO MORE THAN FIVE EMPLOYEES"

Sec.
780.612 Limitation of exemption to establishments with five or fewer employees.
780.613 Determining the number of employees generally.
780.614 Employees employed "in such operations" to be counted.
780.615 Counting employees "employed in the establishment".

EMPLOYEES "EMPLOYED * * * BY" THE COUNTRY ELEVATOR ESTABLISHMENT

780.616 Exemption of employees "employed * * * by" the establishment.
780.617 Determining whether there is employment "by" the establishment.
780.618 Employees who may be exempt.
780.619 Employees not employed "by" the elevator establishment.

EMPLOYMENT "WITHIN THE AREA OF PRODUCTION"

780.620 "Area of production" requirement of exemption.

WORKWEEK APPLICATION OF EXEMPTION

780.621 Employment in the particular workweek as test of exemption.
780.622 Exempt workweeks.
780.623 Exempt and nonexempt employment.
780.624 Work exempt under another section of the Act.

Subpart H—Employment Within Area of Production of Individuals Engaged in Specified Operations on Products of Agriculture, Exempted From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(10)

INTRODUCTORY

780.700 Scope and significance of interpretative bulletin.
780.701 Statutory provision.
780.702 What determines the application of the exemption.
780.703 The exemption applies only to those plainly within it.

REQUIREMENTS FOR EXEMPTION

780.704 Basic conditions of exemption.
780.705 Employment "within the area of production".
780.706 Engagement in the named operations.
780.707 Employees not exempt because not engaged in named operations.

OPERATIONS ON "AGRICULTURAL OR HORTICULTURAL COMMODITIES"

780.708 Performing operations on "agricultural or horticultural commodities" as a condition of exemption.
780.709 The "agricultural or horticultural commodities" referred to in the exemption.
780.110 Commodities produced by agricultural or horticultural techniques.
780.711 Commodities not included.
780.712 Exemption relates to "farm-market" commodities.
780.713 Operations on processed commodities not included.
780.714 Ownership of commodities.

OPERATIONS ON COMMODITIES "FOR MARKET"

780.715 Performance of operations "for market".
780.716 Form in which commodities are marketed as a factor.
780.717 Change in form of commodities after performing named operations.
780.718 Operations performed for farmers.
780.719 Performance of more than one of named operations "for market".
780.720 Operations performed within and outside "area of production".

SCOPE OF THE NAMED OPERATIONS

Sec.
780.721 Operations included within the exemption generally.
780.722 Exemption cannot be extended to processing operations not named.
780.723 Illustrations of processing operations not included.
780.724 Activities incidental to named operations.

NAMED OPERATIONS PERFORMABLE ON THE SPECIFIED COMMODITIES FOR MARKET

780.725 General statement on performance of named operations.

"HANDLING"

780.726 Exempt "handling".
780.727 Activities included in "handling".
780.728 Activities not included in "handling".
780.729 Handling as a part of processing.

"PACKING"

780.730 Exempt "packing".
780.731 Activities included and excluded.

"STORING"

780.732 Exempt "storing".
780.733 Activities included and excluded.

"COMPRESSING"

780.734 Exempt "compressing".
780.735 Activities included and excluded.

"PASTEURIZING"

780.736 Exempt "pasteurizing".
780.737 Activities included in "pasteurizing".

"DRYING"

780.738 Exempt "drying".
780.739 Activities included in "drying".
780.740 Drying where change in natural form of commodities is involved.
780.741 Processing preliminary to actual drying.

"PREPARING IN THEIR RAW OR NATURAL STATE"

780.742 Exempt "preparing".
780.743 "Raw or natural state".
780.744 General characteristics of included operations.
780.745 Operations on particular commodities.
780.746 Fruits and vegetables.
780.747 Grain, seeds, and field crops.
780.748 Hemp, flax, and other fibre crops.
780.749 Nursery stock.
780.750 Nuts.
780.751 Sugar cane and sugar beets.
780.752 Tobacco.
780.753 Poultry and livestock.
780.754 Eggs.
780.755 Milk.
780.756 Wool.
780.757 Fur.

"CANNING"

780.758 Exempt "canning".
780.759 Canning of mixtures containing products other than specified commodities.
780.760 Operations included in "canning".
780.761 Necessary preparatory operations.
780.762 Operations subsequent to hermetical sealing and sterilizing.
780.763 Other activities performed as part of "canning".
780.764 Other activities not performed as part of "canning".

"MAKING CHEESE OR BUTTER OR OTHER DAIRY PRODUCTS"

780.765 Exempt "making" of "dairy products".
780.766 Products which are considered "dairy products".
780.767 Making dairy products is not confined to first processing.

Sec.
780.768 Making dairy products for conversion into other products.
780.769 Operations performed on previously made dairy products.
780.770 Operations which are an integral part of making dairy products.
780.711 Employees not engaged in "making" the dairy products.

WORKWEEK APPLICATION OF EXEMPTION

780.772 Employment in the particular workweek as test of exemption.
780.773 Exempt workweeks.
780.774 Exempt and nonexempt employment.
780.775 Work exempt under another section of the Act.
780.776 Segregation of exempt and nonexempt work.

Subpart I—Employment of Homeworkers in Making Wreaths; Exemption From Minimum Wage, Overtime Compensation and Child Labor Provisions

INTRODUCTORY

780.800 Scope and significance of interpretative bulletin.
780.801 General explanatory statement.

REQUIREMENTS FOR EXEMPTION

780.802 Statutory requirements.
780.803 What determines the application of the exemption.
780.804 General requirements.
780.805 Homeworker.
780.806 In or about a home.
780.807 Exemption is inapplicable if wreath-making is not in or about a home.
780.808 Examples of places not considered homes.
780.809 Wreaths.
780.810 Principally.
780.811 Evergreens.
780.812 Other evergreens.
780.813 Natural evergreens.
780.814 Harvesting.
780.815 Other forest products.
780.816 Use of evergreens and forest products.

WORKWEEK APPLICATION OF EXEMPTION

780.817 Workweek is used in applying the exemption.
780.818 Exclusive engagement in exempt work.
780.819 Work exempt under another section of the Act.
780.820 Exempt and nonexempt work.

AUTHORITY: §§ 780.0 to 780.820 issued under secs. 1–19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201–219.

Subpart A—Introductory

§ 780.0 Purpose of interpretative bulletins in this part.

It is the purpose of the interpretative bulletins in this part to provide an official statement of the views of the Department of Labor with respect to the application and meaning of the provisions of the Fair Labor Standards Act of 1938, as amended, which exempt certain employees from the minimum wage or overtime pay requirements, or both, when employed in agriculture or in certain related activities or in certain operations with respect to agricultural or horticultural commodities.

§ 780.1 General scope of the Act.

The Fair Labor Standards Act is a Federal statute of general application which establishes minimum wage, overtime pay, and child labor requirements that apply as provided in the Act. These requirements are applicable, except where exemptions are provided, to employees in those workweeks when they are engaged in interstate or foreign commerce or in the production of goods for such commerce or are employed in enterprises so engaged within the meaning of definitions set forth in the Act. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act, and with specified recordkeeping requirements contained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 780.2 Exemptions from Act's requirements.

The Act provides a number of specific exemptions from the general requirements described in § 780.1. Some are exemptions from the overtime provisions only. Others are from the child labor provisions only. Several are exemptions from both the minimum wage and the overtime requirements of the Act. Finally, there are some exemptions from all three—minimum wage, overtime pay, and child labor requirements. An employer who claims an exemption under the Act has the burden of showing that it applies (Walling v. General Industries Co., 330 U.S. 545; Mitchell v. Kentucky Finance Co., 359 U.S. 290). Conditions specified in the language of the Act are "explicit prerequisites to exemption" (Arnold v. Kanowsky, 361 U.S. 388). "The details with which the exemptions in this Act have been made preclude their enlargement by implication" and "no matter how broad the exemption, it is meant to apply only to" the specified activities (Addison v. Holly Hill, 322 U.S. 607; Maneja v. Waialua, 349 U.S. 254). Exemptions provided in the Act "are to be narrowly construed against the employer seeking to assert them" and their application limited to those who come "plainly and unmistakably within their terms and spirit" (Phillips v. Walling, 334 U.S. 490; Mitchell v. Kentucky Finance Co., 359 U.S. 290; Arnold v. Kanowsky, 361 U.S. 388).

§ 780.3 Exemptions discussed in this part.

The specific exemptions which the Act provides for employment in agriculture and in certain operations more or less closely connected with the agricultural industry are discussed in this Part 780. These exemptions differ substantially in their terms, scope, and methods of application. Each of them is therefore separately considered in a subpart of this part which, together with this Subpart A, constitutes the official interpretative bulletin of the Department of Labor with respect to that exemption. Exemptions from minimum wages and overtime pay and the subparts in which they are considered include the section 13(a)(6) exemption (agriculture and irrigation) discussed in Subpart B of this part, the section 13(a)(16) exemption (agriculture and livestock auction operations) discussed in Subpart C of this part, the section 13(a)(21) exemption (agricultural employees processing shade-grown tobacco) discussed in Subpart D, the section 13(a)(22) exemption (fruit and vegetable harvest transportation) discussed in Subpart E of this part, the section 13(a)(18) exemption (cotton ginning) discussed in Subpart F of this part, the section 13(a)(17) exemption (country elevators) discussed in Subpart G of this part, and the section 13(a)(10) exemption (operations on agricultural commodities in the "area of production") discussed in Subpart H of this part. An exemption in section 13(d) of the Act from the minimum wage, overtime pay, and child labor provisions for certain homeworkers making holly and evergreen wreaths is discussed in Subpart I of this part. Exemptions from only the overtime provisions under sections 7(c) (specified operations on agricultural commodities), 7(b)(3) (seasonal industries), and 13(b)(5) (outside buyers of certain commodities) are discussed in Subpart J of this part.

§ 780.4 Matters not discussed in this part.

The application of provisions of the Fair Labor Standards Act other than the exemptions referred to in § 780.3 is not considered in this Part 780. Interpretative bulletins published elsewhere in the Code of Federal Regulations deal with such subjects as the general coverage of the Act (Part 776 of this chapter) and of the child labor provisions (Part 4 of this title, Subpart G of this part of which also discusses exemptions from child labor requirements), methods of payment of wages (Part 777 of this chapter), computation and payment of overtime compensation (Part 778 of this chapter), and hours worked (Part 785 of this chapter). Regulations on recordkeeping are contained in Part 516 of this chapter and regulations defining exempt administrative, executive, and professional employees, and outside salesmen are contained in Part 541 of this chapter. Regulations and interpretations on other subjects concerned with the application of the Act are listed in the table of contents to this chapter. Copies of any of these documents may be obtained from any office of the Wage and Hour and Public Contracts Divisions.

§ 780.5 Significance of official interpretations.

The regulations in this part contain the official interpretations of the Department of Labor with respect to the application under described circumstances of the provisions of law which they discuss. These interpretations indicate the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect.

§ 780.6 Basic support for interpretations.

The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this bulletin are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950; 15 F.R. 3290). As included in the regulations in this part, these interpretations are believed to express the intent of the law as reflected in its provisions and as construed by the courts and evidenced by its legislative history. References to pertinent legislative history are made in this bulletin where it appears that they will contribute to a better understanding of the interpretations.

§ 780.7 Reliance on interpretations.

The interpretations of the law contained in this part are official interpretations which may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947. In addition, the Supreme Court has recognized that such interpretations of this Act "provide a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" and "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance." Further, as stated by the Court: "Good administration of the Act and good judicial administration alike require that the standards of public enforcement and those for determining private rights shall be at variance only where justified by very good reasons." (Skidmore v. Swift, 323 U.S. 134.) Some of the interpretations in this part are interpretations of exemption provisions as they appeared in the original Act before amendment in 1949 and 1961, which have remained unchanged because they are consistent with the amendments. These interpretations may be said to have Congressional sanction because "When Congress amended the Act in 1949 it provided that pre-1949 rulings and interpretations by the Administrator should remain in effect unless inconsistent with the statute as amended. 63 Stat. 920." (Mitchell v. Kentucky Finance Co., 359 U.S. 290; accord, Maneja v. Waialua, 349 U.S. 254.)

§ 780.8 Interpretations made, continued, and superseded by this part.

On and after publication of this Part 780 in the FEDERAL REGISTER, the interpretations contained therein shall be in effect and shall remain in effect until they are modified, rescinded or withdrawn. This part supersedes and replaces the interpretations previously published in the FEDERAL REGISTER and Code of Federal Regulations as Part 780 of this chapter. Prior opinions, rulings, and interpretations and prior enforcement policies which are not inconsistent with the interpretations in this part or with the Fair Labor Standards Act as amended by the Fair Labor Standards Amendments of 1961 are continued in effect; all other opinions, rulings, interpretations, and enforcement policies on the subjects discussed in the interpretations in this part are rescinded and withdrawn. The interpretations in this part provide statements of general principles applicable to the subjects discussed and illustrations of the application of these principles to situations that frequently arise. They do not and cannot refer specifically to every problem which may be met in the consideration of the exemptions discussed. The omission to discuss a particular problem in this part or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy. Questions on matters not fully covered by this bulletin may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions.

§ 780.9 Related exemptions are interpreted together.

The interpretations contained in the several subparts of this Part 780 consider separately a number of exemptions which affect employees who perform activities in or connected with agriculture and its products. These exemptions deal with related subject matter and varying degrees of relationships between them were the subject of consideration in Congress before their enactment. Together they constitute an expression in some detail of existing Federal policy on the lines to be drawn in the industries connected with agriculture and agricultural products between those employees to whom the pay provisions of the Act are to be applied and those whose exclusion in whole or in part from the Act's requirements has been deemed justified. The courts have indicated that these exemptions, because of their relationship to one another, should be construed together insofar as possible so that they form a consistent whole. Consideration of the language and history of a related exemption or exemptions is helpful in ascertaining the intended scope and application of an exemption whose effect might otherwise not be clear (Addison v. Holly Hill, 322 U.S. 607; Maneja v. Waialua, 349 U.S. 254; Bowie v. Gonzalez (C.A. 1), 117 F. 2d 11). In the interpretations of the several exemptions discussed in the various subparts of this Part 780, effect has been given to these principles and each exemption has been considered in its relation to others in the group as well as to the combined effect of the group as a whole.

Subpart B—Employment in Agriculture or Irrigation Exempted From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(6)

INTRODUCTORY

§ 780.100 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this Subpart B together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of sections 3(f) and 13(a)(6) of the Fair Labor Standards Act of 1938, as amended. Section 3(f) defines "agriculture" as the term is used in the Act. Section 13(a)(6) provides exemption from the minimum wage and overtime pay provisions of the Act for employees employed in "agriculture", as so defined. It also provides a similar exemption for employees employed in connection with certain irrigation operations. As appears more fully in Subpart A of this Part 780, interpretations in this bulletin with respect to the provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act.

§ 780.101 Matters discussed in this and other subparts.

Those principles and rules which govern the interpretation of the meaning and application of the Act's definition of "agriculture" in section 3(f) and of the terms used in it are set forth in this Subpart B. Included is a discussion of that portion of section 3(f) which refers to forestry or lumbering operations. Also included is a discussion of the application of the definition in section 3(f) to the employees of farmers' cooperative associations. Although the application to the exemption provided by section 13(a)(6) of the general principles and rules for interpretation of the definition is fully discussed, reference must be made to other subparts of this Part 780 for their particular application in the context of other exemptions from the pay provisions of the Act which are related to agriculture and products of agriculture. As noted in those subparts, the official interpretations of section 3(f) of the Act and the terms which appear in it are to be taken into consideration in determining the meaning intended by the use of like terms in particular related exemptions which are provided by the Act.

§ 780.102 Relation of discussion to child labor provisions.

As indicated, this subpart deals with sections 3(f) and 13(a)(6) of the Act.

To the extent that the term "agriculture" as defined in section 3(f) is involved in the section 13(c) child labor exemption, the discussion contained in this subpart is applicable. The meaning and scope of the child labor coverage and exemption provisions are discussed in Subpart G of Part 4 of this title.

STATUTORY PROVISIONS

§ 780.103 "Agriculture" as defined by the Act.

Section 3(f) of the Act defines "agriculture" as follows:

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

§ 780.104 Statutory exemptions in sections 13(a)(6) and 13(c).

(a) Section 13(a)(6) of the Act exempts from the minimum wage requirements of section 6 and from the overtime pay requirements of section 7:

any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes.

(b) Section 13(c) exempts from the child labor requirements of section 12:

any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed.

See § 4.123 of Subpart G of Part 4 of this title (the interpretative bulletin on child labor) for a full discussion of the application of this provision insofar as it depends on matters other than the meaning of "agriculture".

PRINCIPLES FOR APPLYING THE SECTION 13(a)(6) EXEMPTION

§ 780.105 The general guides for applying the exemption.

Like other exemptions provided by the Act, the section 13(a)(6) exemption is narrowly construed (Phillips, Inc. v. Walling, 334 U.S. 490; Bowie v. Gonzalez, 117 F. 2d 11; Calaf v. Gonzalez, 127 F. 2d 934; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Fleming v. Swift & Co., 41 F. Supp. 825; Miller Hatcheries v. Boyer, 131 F. 2d 283; Walling v. Friend, 156 F. 2d 429; see also § 780.2 of Subpart A of this Part 780). An employer who claims the exemption has the burden of showing that it applies. (See § 780.2.) The section 13(a)(6) exemption for employment in agriculture is intended to cover all agriculture, including "extraordinary methods" of agriculture as well as the more conventional ones and large operators as well as small ones. Nevertheless, it was meant to apply only to agriculture. It does not extend to processes that are more akin to manufacturing than to agriculture. Practices performed off the farm by nonfarmers are not within the exemption, except for the irrigation activities specifically described in section 13(a)(6). Practices performed by a farmer do not come within the exemption for agriculture if they are neither a part of farming nor performed by him as an incident to or in conjunction with his own farming operations. These principles have been well established by the courts in such cases as Mitchell v. Budd, 350 U.S. 473; Maneja v. Waialua, 349 U.S. 254; Farmers Reservoir Co. v. McComb, 337 U.S. 755; Addison v. Holly Hill Fruit Products, 322 U.S. 607; Calaf v. Gonzalez, 127 F. 2d 934; Chapman v. Durkin, 214 F. 2d 360; certiorari denied 348 U.S. 897; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363, certiorari denied, 348 U.S. 897; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n, 80 F. Supp. 953, 181 F. 2d 697. When the Congress, in the 1961 amendments, provided special exemptions for some activities which had been held not to be included in the exemption for agriculture (see Subparts D and E of this Part 780), it was made very clear that no implication of disagreement with "the principles and tests governing the application of the present agricultural exemption as enunciated by the courts" was intended (Statement of the Managers on the Part of the House, Conference Report, H. Rep. No. 327, 87th Cong. 1st Sess., p. 18). Accordingly, an employee is considered an exempt agricultural or irrigation employee if, but only if, his work falls clearly within the specific language of section 3(f) or section 13(a)(6).

§ 780.106 Employee basis of exemption under section 13(a)(6).

Section 13(a)(6) exempts "any employee employed in * * *". It is clear from this language that it is the activities of the employee rather than those of his employer which ultimately determine the application of the exemption. Thus the exemption may not apply to some employees of an employer engaged almost exclusively in activities within the exemption, and it may apply to some employees of an employer engaged almost exclsively in other activities. But the burden of effecting segregation between exempt and nonexempt work as between different groups of employees is upon the employer.

§ 780.107 Activities of the employer considered in some situations.

Although the activities of the individual employee, as distinguished from those of his employer, constitute the ultimate test for applying the exemption, it is necessary in some instances to examine the activities of the employer. For example, in resolving the status of the employees of an irrigation company for purposes of the agriculture exemption, the United States Supreme Court found it necessary to consider the nature of the employer's activities (Farmers Reservoir Co. v. McComb, 337 U.S. 755).

§ 780.108 Workweek standard under section 13(a)(6).

The workweek is the unit of time to be taken as the standard in determining the applicability of section 13(a)(6). An employee's workweek is a fixed and regularly recurring period of 168 hours—seven consecutive 24-hour periods. It need not coincide with the calendar week. If in any workweek an employee does only exempt work, he is exempt from the wage and hour provisions of the Act during that workweek, irrespective of the nature of his work in any other workweek or workweeks. An employee may thus be exempt in one workweek and not in the next. But the burden of effecting segregation between exempt and nonexempt work as between particular workweeks is upon the employer.

§ 780.109 Exempt and noncovered work during a workweek under section 13(a)(6).

The wage and hours requirements of the Act do not apply to an employee during any workweek in which a portion of his activities fall within section 13(a)(6) if all of the remainder of his activities are not covered by the Act.

§ 780.110 Exempt and nonexempt work during the same workweek.

Where an employee in the same workweek performs work which is exempt under this section 13(a)(6) and also engages in work to which the Act applies, not exempt under this or any other section of the Act, he is not exempt that week, and the wage and hour requirements of the Act are applicable (see Mitchell v. Hunt, 263 F. 2d 913; Mitchell v. Maxfield, 12 WH Cases 792 (S.D. Ohio), 29 Labor Cases 69, 781; Jordan v. Stark Bros. Nurseries, 45 F. Supp. 769; McComb v. Puerto Rico Tobacco Marketing Co-op Ass'n, 80 F. Supp. 963, affirmed 181 F. 2d 697; Walling v. Peacock Corp., 58 F. Supp. 880–883).

§ 780.111 Work exempt under another section of the Act.

The combination ("tacking") of exempt work under section 13(a)(6) with exempt work under another section is permitted. The wage and hour requirements are not considered applicable to an employee who does work within section 13(a)(6) for only part of a workweek if all of the covered work done by him during the remainder of the workweek is within one or more equivalent exemptions under other provisions of the Act. If the scope of such exemptions is not the same, however, the exemption applicable to the employee is equivalent to that provided by whichever exemption provision is more limited in scope. For instance, an employee who devotes part of a workweek to work within section 13(a)(6) and the remainder to work exempt under section 7(c) must receive the minimum wage but is not required to be paid time and one-half for his overtime work during that week. Each activity is tested separately under the applicable exemption as though it

were the sole activity of the employee for the whole workweek in question. The availability of a combination exemption depends on whether the employee meets all the requirements of each exemption which it is sought to combine.

GENERAL SCOPE OF "AGRICULTURE"

§ 780.112 How modern specialization affects the scope of agriculture.

The effect of modern specialization on agriculture has been discussed by the United States Supreme Court as follows:

Whether a particular type of activity is agricultural depends, in large measure, upon the way in which that activity is organized in a particular society. The determination cannot be made in the abstract. In less advanced societies the agricultural function includes many types of activity which, in others, are not agricultural. The fashioning of tools, the provision of fertilizer, the processing of the product, to mention only a few examples, are functions which, in some societies, are performed on the farm by farmers as part of their normal agricultural routine. Economic progress, however, is characterized by a progressive division of labor and separation of function. Tools are made by a tool manufacturer, who specializes in that kind of work and supplies them to the farmer. The compost heap is replaced by factory produced fertilizers. Power is derived from electricity and gasoline rather than supplied by the farmer's mules. Wheat is ground at the mill. In this way functions which are necessary to the total economic process of supplying an agricultural product become, in the process of economic development and specialization, separate and independent productive functions operated in conjunction with the agricultural function but no longer a part of it. Thus the question as to whether a particular type of activity is agricultural is not determined by the necessity of the activity to agriculture nor by the physical similarity of the activity to that done by farmers in other situations. The question is whether the activity in the particular case is carried on as part of the agricultural function or is separately organized as an independent productive activity. The farmhand who cares for the farmer's mules or prepares his fertilizer is engaged in agriculture. But the maintenance man in a power plant and the packer in a fertilizer factory are not employed in agriculture, even if their activity is necessary to farmers and replaces work previously done by farmers. The production of power and the manufacture of fertilizer are independent productive functions, not agriculture (see Farmers Reservoir Co. v. McComb, 337 U.S. 755 cf. Maneja v. Waialua, 349 U.S. 254).

§ 780.113 "Primary" and "secondary" agriculture under section 3(f).

(a) Section 3(f) of the Act contains a very comprehensive definition of the term "agriculture". The definition has two distinct branches (see Farmers Reservoir Co. v. McComb, 337 U.S. 755). One has relation to the primary meaning of agriculture; the other gives to the term a somewhat broader secondary meaning for purposes of the Act (NLRB v. Olaa Sugar Co., 242 F. 2d 714).

(b) First, there is the primary meaning. This includes farming in all its branches. Listed as being included "among other things" in the primary meaning are certain specific farming operations such as cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities and the raising of livestock, bees, fur-bearing animals or poultry. If an employee is employed in any of these activities, he is exempt regardless of whether he is employed by a farmer or on a farm (Farmers Reservoir Co. v. McComb, supra; Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 398).

(c) Then there is the secondary meaning of the term. The second branch includes operations other than those which fall within the primary meaning of the term. It includes any practices, whether or not they are themselves farming practices, which are performed either by a farmer or on a farm as an incident to or in conjunction with "such" farming operations (Farmers Reservoir Co. v. McComb, supra; NLRB v. Olaa Sugar Co., 242 F. 2d 714; Maneja v. Waialua, 349 U.S. 254).

(d) Employment not within the scope of either the primary or the secondary meaning of "agriculture" as defined in section 3(f) is not employment in agriculture within the meaning of the section 13(a)(6) exemption. In other words, employees not employed in farming or by a farmer or on a farm are not exempt (Tobin v. Wenatchee Air Service, 10 WH Cases 680 (E.D. Wash.).

EXEMPTION FOR "PRIMARY" AGRICULTURE GENERALLY

§ 780.114 General statement on "primary" agriculture.

The discussion in §§ 780.114–780.136 relates to the activities which exempt an employee who is employed in "agriculture" within its "primary" meaning. Within this meaning of "agriculture", employees employed in the listed activities, generally characterizable as direct farming operations, are exempt without qualification from both the minimum wage and overtime pay provisions.

§ 780.115 Employment in "primary" agriculture is exempt regardless of why or where work is performed.

When an employee is engaged in direct farming operations included in the primary definition of "agriculture", the purpose of the employer in performing the operations is immaterial. For example, where an employer owns a factory and a farm and operates the farm only for experimental purposes in connection with the factory, those employees who devote all their time during a particular workweek to the direct farming operations, such as the growing and harvesting of agricultural commodities, are nevertheless exempt from the Act's wage and hour requirements during that workweek. It is also immaterial whether the agricultural or horticultural commodities are grown in enclosed houses, as in greenhouses or mushroom cellars, or in an open field. Similarly, the mere fact that production takes place in a city or on industrial premises, such as in hatcheries, rather than in the country or on premises possessing the normal characteristics of a farm makes no difference (see Jordan v. Stark Brothers Nurseries, 45 F. Supp. 769; Miller Hatcheries v. Boyer, 131 F. 2d 283; Damutz v. Pinchbeck, 158 F. 2d 882).

"FARMING IN ALL ITS BRANCHES"

§ 780.116 Scope of the statutory term.

The language "farming in all its branches" includes all activities, whether listed in the definition or not, which constitute farming or a branch thereof under the facts and circumstances.

§ 780.117 Listed activities.

Section 3(f), in defining the practices included as "agriculture" in its statutory secondary meaning, refers to the activities specifically listed in the earlier portion of the definition (the "primary" meaning) as "farming" operations. They may therefore be considered as illustrative of "farming in all its branches" as used in the definition.

§ 780.118 Determination of whether unlisted activities are "farming".

Unlike the specifically enumerated operations, the phrase "farming in all its branches" does not clearly indicate its scope. In determining whether an operation constitutes "farming in all its branches", it may be necessary to consider various circumstances such as the nature and purpose of the operations of the employer, the character of the place whether the employee performs his duties, the general types of activities there conducted, and the purpose and function of such activities with respect to the operations carried on by the employer. The determination may involve a consideration of the principles contained in § 780.112. For example, so-called "bird dog" operations of the citrus fruit industry consisting of the purchase of fruit unsuitable for packing and of the transportation and sale of the fruit to canning plants do not qualify as "farming" and, consequently, employees engaged in such operations are not exempt. (See Chapman v. Durkin, 214 F. 2d 360 cert. denied 348 U.S. 897; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363 cert. denied, 348 U.S. 897.) However, employees gathering the fruit at the groves are exempt because they are engaged in harvesting operations. (For exempt transportation, see Subpart E of this part.)

"CULTIVATION AND TILLAGE OF THE SOIL"

§ 780.119 Operations included in "cultivation and tillage of the soil."

"Cultivation and tillage of the soil" includes all the operations necessary to prepare a suitable seedbed, eliminate weed growth and improve the physical condition of the soil. Thus, grading or leveling land or removing rock or other matter to prepare the ground for a proper seebed or building terraces on farmland to check soil erosion are included. The application of water, fertilizer or limestone to farmland is also included. Irrigation employees not exempt on this ground may be exempt under other provisions. (See in this connection §§ 778.137 et seq. and §§ 780.184 et seq. Also see Farmers Reservoir Co. v. McComb, 337 U.S. 755.) Employees engaged in the commercial production and distribution of fertilizer are not ex-

empt (McComb v. Super-A Fertilizer Works, 165 F. 2d 824).

"DAIRYING"

§ 780.120 "Dairying" as a farming operation.

"Dairying" includes the work of caring for and milking cows or goats. It also includes putting the milk in containers, cooling it, and storing it where done on the farm. The handling of milk and cream at receiving stations is not included. Such operations as separating cream from milk, bottling milk and cream, or making butter and cheese may be exempt as "dairying" under some circumstances, or they may be exempt practices under the "secondary" meaning of the definition when performed by a farmer or on a farm, if they are not performed on milk produced by other farmers or produced on other farms. (See the discussions in §§ 780.137 et seq.)

"AGRICULTURAL OR HORTICULTURAL COMMODITIES"

§ 780.121 General meaning of "agricultural or horticultural commodities".

Section 3(f) of the Act defines as "agriculture" the "production, cultivation, growing and harvesting" of "agricultural or horticultural commodities," and employees employed in such operations are within the section 13(a)(6) exemption. In general, within the meaning of the Act, "agricultural or horticultural commodities" refers to commodities resulting from the application of agricultural or horticultural techniques. Insofar as the term refers to products of the soil, it means commodities that are planted and cultivated by man. Among such commodities are the following: grains, forage crops, fruits, vegetables, nuts, sugar crops, fibre crops, tobacco, and nursery products. Thus, employees engaged in growing wheat, corn, hay, onions, carrots, sugarcane, seed, or any other agricultural or horticultural commodity are engaged in "agriculture." In addition to such products of the soil, however, the term includes domesticated animals and some of their products such as milk, wool, eggs and honey. The term does not include commodities produced by industrial techniques, by exploitation of mineral wealth or other natural resources, or by uncultivated natural growth.

§ 780.122 Seeds, spawn, etc.

Seeds and seedlings of agricultural and horticultural plants are considered "agricultural or horticultural commodities." Thus, since mushrooms and beans are considered "agricultural or horticultural commodities," the spawn of mushrooms and bean sprouts are also so considered and the production, cultivation, growing and harvesting of mushroom spawn or bean sprouts is "agriculture" within the meaning of section 3(f).

§ 780.123 Wild commodities.

Employees engaged in the gathering or harvesting of wild commodities such as mosses, wild rice, burls and laurel plants, the trapping of wild animals, or the appropriation of minerals and other uncultivated products from the soil are not employed in "the production, cultivation, growing, and harvesting of agricultural or horticultural commodities". However, the fact that plants or other commodities actually cultivated by man are of a species which ordinarily grows wild without being cultivated does not preclude them from being classed as "agricultural or horticultural commodities". Transplanted branches which were cut from plants growing wild in the field or forest are included within the term. Cultivated blueberries are also included.

§ 780.124 Forest products.

Trees grown in forests and the lumber derived therefrom are not "agricultural or horticultural commodities". Christmas trees, whether wild or planted, are also not so considered. It follows that employment in the production, cultivation, growing, and harvesting of such trees or timber products is not sufficient to bring an employee within section 3(f) unless the operation is performed by a farmer or on a farm as an incident to or in conjunction with his or its farming operations. On the latter point, see §§ 780.160–780.164, which discusses the question of when forestry or lumbering operations are incident to or in conjunction with farming operations so as to constitute "agriculture". For a discussion of the exemption in section 13(a)(15) of the Act for certain forestry and logging operations in which not more than 12 employees are employed, see Part 788 of this chapter.

§ 780.125 Commodities included by reference to the Agricultural Marketing Act.

(a) Section 3(f) expressly provides that the term "agricultural or horticultural commodities" shall include the commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended (12 U.S.C. 1141–1141j). Section 15(g) of that Act provides: "As used in this act, the term 'agricultural commodity' includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine, and gum resin, as defined in the Naval Stores Act, approved March 3, 1923" (7 U.S.C. 91–99). As defined in the Naval Stores Act, "'gum spirits of turpentine' means spirits of turpentine made from gum (oleoresin) from a living tree" and "'gum rosin' means rosin remaining after the distillation of gum spirits of turpentine". The production of these commodities is therefore within the definition of "agriculture".

(b) Since the only oleoresin included within section 15(g) of the Agricultural Marketing Act is that derived from a living tree, the production of oleoresin from stumps or any sources other than living trees is not within section 3(f). If turpentine or rosin is produced in any manner other than the processing of crude gum from living trees, as by digging up pine stumps and grinding them or by distilling the turpentine with steam from the oleoresin within or extracted from the wood, the production of the turpentine or rosin is not included in section 3(f).

(c) Similarly, the production of gum turpentine or gum rosin is not included when these are produced by anyone other than the original producer of the crude gum from which they are derived. Thus, if a producer of turpentine or rosin from oleoresin from living trees makes such products not only from oleoresin produced by him but also from oleoresin delivered to him by others, he is not producing a product defined as an agricultural commodity and employees engaged in his production operations are not exempt. (For an explanation of the inclusion of the word "production" in section 3(f), see § 780.126(b).) It is to be noted, however, that the production of gum turpentine and gum rosin from crude gum (oleoresin) derived from a living tree is exempt when performed at a central still for and on account of the producer of the crude gum. But where central stills buy the crude gum they process and are the owners of the gum turpentine and gum rosin that are derived from such crude gum and which they market for their own account, the production of such gum turpentine and gum rosin is not exempt.

"PRODUCTION, CULTIVATION, GROWING, AND HARVESTING" OF COMMODITY

§ 780.126 "Production, cultivation, growing".

(a) The words "production, cultivation, growing" describe actual raising operations which are normally intended or expected to produce specific agricultural or horticultural commodities. The raising of such commodities is included even though done for purely experimental purposes. The "growing" may take place in growing media other than soil as in the case of hydroponics. The words do not include operations undertaken or conducted for purposes not concerned with obtaining any specific agricultural or horticultural commodity. Thus operations which are merely preliminary, preparatory or incidental to the operations whereby such commodities are actually produced are not within the terms "production, cultivation, growing". For example, employees of a processor of vegetables who are engaged in buying vegetable plants and distributing them to farmers with whom their employer has acreage contracts are not engaged in the "production, cultivation, growing" of agricultural or horticultural commodities. The furnishing of mushroom spawn by a canner of mushrooms to growers who supply the canner with mushrooms grown from such spawn does not constitute the "growing" of mushrooms. Similarly, employees of an employer who is engaged in servicing insecticide sprayers in the farmer's orchard and employees engaged in such operations as the testing of soil or genetics research are not included within the terms. (However, see §§ 780.137 et seq. for possible exemption on other grounds.) The word "production", used in conjunction with "cultivation, growing, and harvesting", refers, in its natural and unstrained meaning, to

what is derived and produced from the soil, such as any farm produce. Thus, "production" as used in section 3(f) does not refer to such operations as the grinding and processing of sugar cane, the milling of wheat into flour, or the making of cider from apples. These operations are clearly the processing of the agricultural commodities and not the production of them (Bowie v. Gonzalez, 117 F. 2d 11).

(b) The word "production" was added to the definition of "agriculture" in order to take care of a special situation—the production of turpentine and gum rosins by a process involving the tapping of living trees. (See S. Rep. No. 230, 71st Cong., 2d Sess. (1930); H.R. Rep. No. 2738, 75th Cong., 3d Sess. p. 29 (1938).) To insure the inclusion of this process within the definition, the word "production" was added to section 3(f) in conjunction with the words "including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended" (Bowie v. Gonzalez, 117 F. 2d 11). It is clear, therefore, that "production" is not used in section 3(f) in the artificial and special sense in which it is defined in section 3(j). It does not exempt an employee merely because he is engaged in a closely related process or occupation directly essential to the production of agricultural or horticultural commodities. To so construe the term would render unnecessary the remainder of what Congress clearly intended to be a very elaborate and comprehensive definition of "agriculture". The legislative history of this part of the definition was considered by the United States Supreme Court in reaching these conclusions in Farmers Reservoir Co. v. McComb, 337 U.S. 755.

§ 780.127 "Harvesting".

(a) The term "harvesting" as used in section 3(f) includes all operations customarily performed in connection with the removal of the crops by the farmer from their growing position (Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 398; NLRB v. Olaa Sugar Co., 242 F. 2d 714). Examples include the cutting of grain, the picking of fruit, the stripping of bluegrass seed, and the digging up of shrubs and trees grown in a nursery. Employees engaged on a plantation in gathering sugar cane as soon as it has been cut, loading it, and transporting the cane to a concentration point on the farm are engaged in "harvesting" (Vives v. Serralles, 145 F. 2d 552).

(b) The combining of grain is exempt either as harvesting or as a practice performed on a farm in conjunction with or as an incident to farming operations. (See in this connection Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 398.) "Harvesting" does not extend to operations subsequent to and unconnected with the actual process whereby agricultural or horticultural commodities are severed from their attachment to the soil or otherwise reduced to possession. For example, the processing of sugar cane into raw sugar (Bowie v. Gonzalez, 117 F. 2d 11, and see Maneja v. Waialua, 349 U.S. 254), or the vining of peas are not included. For a further discussion on the exempt status of vining employees, see § 780.148. While transportation to a concentration point on the farm may be included, "harvesting" never extends to transportation or other operations off the farm. Off-the-farm transportation can only be "agriculture" when performed by the farmer as an incident to his farming operations (Chapman v. Durkin, 214 F. 2d 360 cert. denied 348 U.S. 897; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363 cert. denied 348 U.S. 897). For further discussion of this point, see §§ 780.153–780.157; §§ 780.167–780.172.

"RAISING OF LIVESTOCK, BEES, FUR-BEARING ANIMALS, OR POULTRY

§ 780.128 Employment in the specified operations generally.

Employees are employed in the raising of livestock, bees, fur-bearing animals or poultry only if their operations relate to animals of the type named and constitute the "raising" of such animals. If these two requirements are met, it makes no difference for what purpose the animals are raised or where the operations are performed. For example, the fact that cattle are raised to obtain serum or virus or that chicks are hatched in a commercial hatchery does not affect the exempt status of the operations.

§ 780.129 Raising of "livestock".

The meaning of the term "livestock" as used in section 3(f) is confined to the ordinary use of the word and includes only domestic animals ordinarily raised or used on farms. That Congress did not use this term in its generic sense is supported by the specific enumeration of activities, such as the raising of fur-bearing animals, which would be included in the generic meaning of the word. The term includes the following animals, among others: cattle (both dairy and beef cattle), sheep, swine, horses, mules, donkeys, and goats. It does not include such animals as albino and other rats, mice, guinea pigs and hamsters, which are ordinarily used by laboratories for research purposes (Mitchell v. Maxfield, 12 WH Cases 792 (S.D. Ohio), 29 Labor Cases 69, 781). Fish are not "livestock" (Dunkly v. Erich, 158 F. 2d 1), but employees employed in propagating or farming of fish may be exempt under section 13(a)(5) of the Act, as explained in Part 784 of this chapter.

§ 780.130 What constitutes "raising" of livestock.

The term "raising" employed with reference to livestock in section 3(f) includes such operations as the breeding, fattening, feeding and general care of livestock. Thus, employees exclusively engaged in feeding and fattening livestock in stock pens where the livestock remains for a substantial period of time are engaged in the "raising" of livestock. The fact that the livestock is purchased to be fattened and is not bred on the premises does not characterize the fattening as something other than the "raising" of livestock. The feeding and care of livestock does not necessarily or under all circumstances constitute the "raising" of such livestock, however. It is clear, for example, that animals are not being "raised" in the pens of stockyards or the corrals of meat packing plants where they are confined for a period of a few days while en route to slaughter or pending their sale or shipment. Therefore, employees employed in these places in feeding and caring for the constantly changing group of animals cannot reasonably be regarded as "raising" livestock (NLRB v. Tovrea Packing Co., 111 F. 2d 626, cert. denied 311 U.S. 668; Walling v. Friend, 156 F. 2d 429). Employees of a cattle raisers' association engaged in the publication of a magazine about cattle, the detection of cattle thefts, the location of stolen cattle, and apprehension of cattle thieves are not employed in raising livestock and are not exempt.

§ 780.131 Activities relating to race horses.

Employees engaged in the breeding, raising and training of horses on farms for racing purposes are exempt. Included are such employees as grooms, attendants, exercise boys, and watchmen employed at the breeding or training farm. On the other hand, employees engaged in the racing, training and care of horses and other activities performed off the farm in connection with commercial racing are not exempt. For this purpose, a training track at a race track is not a farm. Where a farmer is engaged in both the raising and commercial racing of race horses, the activities performed off the farm by his employees as an incident to racing, such as the training and care of the horses, are not practices performed by the farmer in his capacity as a farmer or breeder as an incident to his raising operations. Employees engaged in the feeding, care and training of horses which have been used in commercial racing and returned to a breeding or training farm for such care pending entry in subsequent races are exempt.

§ 780.132 Raising of bees.

The term "raising of * * * bees" refers to all of those activities customarily performed in connection with the handling and keeping of bees, including the treatment of disease and the raising of queens.

§ 780.133 Raising of fur-bearing animals.

(a) The term "fur-bearing animals" has reference to animals which bear fur of marketable value and includes, among other animals, rabbits, silver foxes, minks, squirrels, and muskrats. Animals whose fur lacks marketable value, such as albino and other rats, mice, guinea pigs, and hamsters, are not "fur-bearing animals" within the meaning of section 3(f).

(b) The term "raising" of fur-bearing animals includes all those activities customarily performed in connection with breeding, feeding and caring for fur-bearing animals, including the treatment of disease. Such treatment of disease has reference only to disease of the animals being bred and does not refer to the use of such animals or their fur in experimenting with disease or treating diseases in others. The fact that musk-

rats or other fur-bearing animals are propagated in open water or marsh areas rather than in pens does not prevent the raising of such animals from constituting the "raising of fur-bearing animals". Where wild fur-bearing animals propagate in their native habitat and are not raised as above described, the trapping or hunting of such animals and activities incidental thereto are not exempt.

§ 780.134 Raising of poultry in general.

(a) The term "poultry" includes domesticated fowl and game birds. Ducks and pigeons are included. Canaries and parakeets are not included.

(b) The "raising" of poultry includes the breeding, hatching, propagating, feeding and general care of poultry. Slaughtering, which is the antithesis of "raising", is not included. To constitute "agriculture", slaughtering must come within the secondary meaning of the term "agriculture". The temporary feeding and care of chickens and other poultry for a few days pending sale, shipment or slaughter is not the "raising" of poultry. However, feeding, fattening and caring for poultry over a substantial period may constitute the "raising" of poultry.

§ 780.135 Contract arrangements for raising poultry.

Feed dealers and processors sometimes enter into contractual arrangements with farmers under which the latter agree to raise to marketable size baby chicks supplied by the former who also undertake to furnish all the required feed and possibly additional items. Typically, the feed dealer or processor retains title to the chickens until they are sold. Under such an arrangement, the activities of the farmers and their employees in raising the poultry are clearly exempt. The activities of the feed dealer or processor, on the other hand, are not "raising of poultry" and employees engaged in them cannot be exempt on that ground. Employees of the feed dealer or processor who perform work on a farm as an incident to or in conjunction with the raising of poultry on the farm and engage in no nonexempt activities during the workweek may, however, be exempt as employed in "secondary" agriculture (see §§ 780.137 et seq., and Johnston v. Cotton Producers Ass'n., 244 F. 2d 553).

§ 780.136 Hatchery operations.

Hatchery operations incident to the breeding of poultry, whether performed in a rural or urban location, are the "raising of poultry" (Miller Hatcheries v. Boyer, 131 F. 2d 283). The exemption for employees of hatcheries is further discussed in §§ 780.179–780.183.

PRACTICES EXEMPT UNDER "SECONDARY" MEANING OF AGRICULTURE GENERALLY

§ 780.137 General statement on "secondary" agriculture.

The discussion in §§ 780.114–780.136 relates to the direct farming operations which come within the "primary" meaning of the definition of "agriculture". As defined in section 3(f) "agriculture" includes not only the distinctively farming activities described in the "primary" meaning but also includes, in its "secondary" meaning, "any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market". The legislative history makes it plain that this language was particularly included to make certain that independent contractors such as threshers of wheat, who travel around from farm to farm to assist farmers in what is recognized as a purely agricultural task and also to assist a farmer in getting his agricultural goods to market in their raw or natural state, should be included within the definition of agricultural employees (see Bowie v. Gonzalez, 117 F. 2d 11; 81 Cong. Rec. 7876, 7888).

§ 780.138 Required relationship of practices to farming operations.

To come within this secondary meaning, a practice must be performed either by a farmer or on a farm. It must also be performed either in connection with the farmer's own farming operations or in connection with farming operations conducted on the farm where the practice is performed. In addition, the practice must be performed "as an incident to or in conjunction with" the farming operations. No matter how closely related it may be to farming operations, a practice performed neither by a farmer nor on a farm is not within the scope of the "secondary" meaning of "agriculture". Thus, employees employed by commission brokers in the typical activities conducted at their establishments, warehouse employees at the typical tobacco warehouses, shop employees of an employer engaged in the business of servicing machinery and equipment for farmers, plant employees of a company dealing in eggs or poultry produced by others, employees of an irrigation company engaged in the general distribution of water to farmers, and other employees similarly situated do not generally come within the secondary meaning of "agriculture". The exemption of industrial operations is not within the intent of section 13(a)(6) and the definition in section 3(f). The exemption of agricultural labor from the operation of the Act is not admissible as an argument to exempt labor in an industry from its operation, nor does it justify exemption of processes that are more akin to manufacturing than to agriculture (see Bowie v. Gonzalez, 117 F. 2d 11; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 398; Maneja v. Waialua, 349 U.S. 254; Mitchell v. Budd, 350 U.S. 473).

PRACTICES PERFORMED "BY A FARMER"

§ 780.139 Performance "by a farmer" generally.

Among other things, a practice must be performed by a farmer or on a farm in order to come within the secondary portion of the definition of "agriculture". No precise lines can be drawn which will serve to delimit the term "farmer" in all cases. Essentially, however, the term is an occupational title and the employer must be engaged in activities of a type and to the extent that the person ordinarily regarded as a "farmer" is engaged in order to qualify for the title. If this test is met, it is immaterial for what purpose he engages in farming or whether farming is his sole occupation. Thus, an employer's status as a "farmer" is not altered by the fact that his only purpose is to obtain products useful to him in a non-farming enterprise which he conducts. For example, an employer engaged in raising nursery stock is a "farmer" for purposes of section 3(f) even though his purpose is to supply goods for a separate establishment where he engages in the retail distribution of nursery products. The term "farmer" as used in section 3(f) is not confined to individual persons. Thus an association, a partnership, or a corporation which engages in actual farming operations may be a "farmer" (see Mitchell v. Budd, 350 U.S. 473). This is so even where it operates "what might be called the agricultural analogue of the modern industrial assembly line" (Maneja v. Waialua, 349 U.S. 254).

§ 780.140 Operations which constitute one a "farmer".

Generally, an employer must undertake farming operations of such scope and significance as to constitute a distinct activity, for the purpose of yielding a farm product, in order to be regarded as a "farmer". It does not necessarily follow, however, that any employer is a "farmer" simply because he engages in some actual farming operations of the type specified in section 3(f). Thus, one who merely harvests a crop of agricultural commodities is not a "farmer" although his employees who actually do the harvesting are employed in "agriculture" and are exempt in those weeks when exclusively so engaged. As a general rule, a farmer performs his farming operations on land owned, leased, or controlled by him and devoted to his own use. The mere fact, therefore, that an employer harvests a growing crop, even under a partnership agreement pursuant to which he provides credit, advisory or other services, is not generally considered to be sufficient to qualify the employer so engaged as a "farmer". Such an employer would stand, in packing or handling the product, in the same relationship to the produce as if it were from the fields or groves of an independent grower. One who engages merely in practices which are incidental to farming is not a "farmer". For example, a company which merely prepares for market, sells, and ships flowers and plants grown and cultivated on farms by affiliated corporations is not a "farmer". The fact that one has suspended actual farming operations during a period in which he performs only practices incidental to his past or prospective farming operations does not, however, preclude him from qualifying as a "farmer". One otherwise qualified as a farmer does not lose his status as such because he performs farming operations on land which he does not own or control, as in the case of a cattleman using public lands for grazing.

§ 780.141 Operations must be performed "by" a farmer.

"Farmer" includes the employees of a farmer. It does not include an employer merely because he employs a farmer or appoints a farmer as his agent to do the actual work. Thus, the stripping of tobacco, i.e., removing leaves from the stalk, by the employees of an independent warehouse is not a practice performed "by a farmer" even though the warehouse acts as agent for the tobacco farmer or employs the farmer in the stripping operations. One who merely performs services or supplies materials for farmers in return for compensation in money or farm products is not a "farmer". Thus, a person who provides credit and management services to farmers cannot qualify as a "farmer" on that account. Neither can a repairman who repairs and services farm machinery qualify as a "farmer" on that basis. Where crops are grown under contract with a person who provides a market, contributes counsel and advice, makes advances and otherwise assists the grower who actually produces the crop, it is the grower and not the person with whom he contracts who is the farmer with respect to that crop (Mitchell v. Huntsville Nurseries, 267 F. 2d 286).

§ 780.142 Farmers' cooperative as a "farmer".

(a) The phrase "by a farmer" covers practices performed either by the farmer himself or by the farmer through his employees. Employees of a farmer's cooperative association, however, are employed not by the individual farmers who compose its membership or who are its stockholders, but by the cooperative association itself. Cooperative associations, whether in the corporate form or not, are distinct, separate entities from the farmers who own or compose them. The work performed by a farmers' cooperative association is not work performed "by a farmer" but for farmers. Therefore, employees of a farmers' cooperative association are not generally engaged in any practices performed "by a farmer" within the meaning of section 3(f) and are not ordinarily exempt (Farmers Reservoir Co. v. McComb, 337 U.S. 755; Goldberg v. Crowley Ridge Ass'n., — F. 2d — (C.A. 8, Oct. 16, 1961, No. 16732); McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, 181 F. 2d 697). The legislative history of the Act supports this interpretation. Statutes usually exempt farmers' cooperative associations in express terms if an exemption is intended. The omission of an express exemption from the Fair Labor Standards Act is significant since many unsuccessful attempts were made on the floor of Congress to secure special treatment for such cooperatives.

(b) It is possible that some farmers' cooperative associations may themselves engage in actual farming operations to an extent and under circumstances sufficient to qualify as a "farmer". In such case, any of their employees who perform practices as an incident to or in conjunction with such farming operations are employed in "agriculture".

PRACTICES PERFORMED "ON A FARM"

§ 780.143 Performance "on a farm" generally.

If a practice is not performed by a farmer, it must, among other things, be performed "on a farm" to come within the secondary meaning of "agriculture" in section 3(f). Any practice which cannot be performed on a farm, such as "delivery to market", is necessarily excluded, therefore, when performed by someone other than farmer (see Farmers Reservoir Co. v. McComb, 337 U.S. 755; Chapman v. Durkin, 214 F. 2d 360, cert. denied 348 U.S. 897; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363, cert. denied 348 U.S. 897). Thus, employees of an alfalfa dehydrator engaged in hauling chopped or unchopped alfalfa away from the farms to the dehydrating plant are not employed in a practice performed "on a farm".

§ 780.144 Meaning of "farm".

A "farm" is a tract of land devoted to the actual farming activities included in the first part of section 3(f). Thus, the gathering of wild plants in the woods for transplantation in a nursery is not an operation performed "on a farm". (For a further discussion, see § 780.176.) The total area of a tract operated as a unit for farming purposes is included in the "farm", irrespective of the fact that some of this area may not be utilized for actual farming operations (see NLRB v. Olaa Sugar Co., 242 F. 2d 714; In re Princeville Canning Co., 14 WH Cases 641 and 762). It is immaterial whether a farm is situated in the city or in the country. However, a place in a city where no primary farming operations are performed is not a farm even if operated by a farmer (Mitchell v. Huntsville Nurseries, 267 F. 2d 286).

§ 780.145 Employment in practices on a farm.

Employees engaged in building terraces or threshing wheat and other grain, employees engaged in the erection of silos and granaries, employees engaged in digging wells or building dams for farm ponds, employees engaged in inspecting and culling flocks of poultry, and pilots and flagmen engaged in the aerial dusting and spraying of crops are examples of the types of employees of independent contractors who may be considered employed in practices performed "on a farm". Even though an employee may work on several farms during a workweek, he is regarded as employed "on a farm" for the entire workweek if his work on each farm pertains solely to farming operations on that farm. The fact that a minor and incidental part of the work of such an employee occurs off the farm will not defeat the exemption. Thus, a small amount of time within the workweek spent in transporting necessary equipment for work to be done on farms will not defeat the exemption. Field employees of a canner or processor of farm products who work on farms during the planting and growing season where they supervise the planting operations and consult with the grower on problems of cultivation are employed in practices performed "on a farm" so long as such work is done entirely on farms save for an incidental amount of reporting to their employer's plant. Other employees of the above employers employed away from the farm would not come within the exemption. For example, airport employees such as mechanics, loaders, and office workers employed by a crop dusting firm would not be exempt (see Tobin v. Wenatchee Air Service, 10 WH Cases 680, (E.D. Wash.)).

"SUCH FARMING OPERATIONS"—OF THE FARMER

§ 780.146 Practices must be performed in connection with farmer's own farming.

"Practices • • • performed by a farmer" must be performed as an incident to or in conjunction with "such farming operations" in order to constitute "agriculture" within the secondary meaning of the term. Practices performed by a farmer in connection with his non-farming operations do not satisfy this requirement (see Calaf v. Gonzalez, 127 F. 2d 934; Mitchell v. Budd, 350 U.S. 473.) Furthermore, practices performed by a farmer can meet the above requirement only in the event that they are performed in connection with the farming operations of the same farmer who performs the practices. Thus, the requirement is not met with respect to employees engaged in any practices performed by their employer in connection with farming operations that are not his own (see Farmers Reservoir Co. v. McComb, 337 U.S. 755; Mitchell v. Hunt, 263 F. 2d 913; NLRB v. Olaa Sugar Co., 242 F. 2d 714; Mitchell v. Huntsville Nurseries, 267 F. 2d 286; Bowie v. Gonzalez, 117 F. 2d 11.) The processing by a farmer of commodities of other farmers, if incident to or in conjunction with farming operations, is incidental to or in conjunction with the farming operations of the other farmers and not incidental to or in conjunction with the farming operations of the farmer doing the processing (Mitchell v. Huntsville Nurseries, supra; Farmers Reservoir Co. v. McComb, supra; Bowie v. Gonzalez, supra).

§ 780.147 Application of the general principles.

Some examples will serve to illustrate the above principles. Employees of a fruit grower who dry or pack fruit not grown by their employer are not exempt. Storage operations conducted by a farmer in connection with products grown by someone other than the farmer are not exempt. Employees of a grower-operator of a sugar cane mill who transport cane from fields to the mill are not exempt where such cane is grown by independent farmers on their land as well as by the mill operator (Bowie v. Gonzalez, 117 F. 2d 11). Employees of a tobacco grower who strip tobacco (i.e. remove the leaves from the stalk) are not exempt when performing this operation on tobacco not grown by their employer. On the other hand, where a farmer rents some space in a warehouse or packing house located off the farm and the farmer's own employees there

engage in handling or packing only his own products for market, such operations by the farmer are exempt if performed as an incident to or in conjunction with his farming operations. Such arrangements are distinguished from those where the employees are not actually employed by the farmer. The fact that a packing shed is conducted by a family partnership, packing products exclusively grown on lands owned and operated by individuals constituting the partnership, does not alter the status of the packing activity. Thus, if in a particular case an individual farmer is exempt, a family partnership which performs the same operations would also be exempt (Dofflemeyer v. NLRB, 206 F. 2d 813).

§ 780.148 Pea vining.

Vining employees of a pea vinery located on a farm, who vine only the peas grown on that particular farm, are exempt. If they also vine peas grown on other farms, the exemption does not apply unless the farmer-employer owns or operates the other farms and vines his own peas exclusively. However, the work of vining station employees in weeks in which the stations vine only peas grown by a canner on farms owned or leased by him is considered part of the canning operations. As such, the cannery operations, including the vining operations, are exempt only if the canner cans crops which he grows himself and if the canning operations are subordinate to the farming operations.

§ 780.149 Place of performing the practice as a factor.

So long as the farming operations to which a farmer's practice pertains are performed by him in his capacity as a farmer, the exempt status of the practice is not necessarily altered by the fact that the farming operations take place on more than one farm or by the fact that some of the operations are performed off his farm (NLRB v. Olaa Sugar Co., 242 F. 2d 714). Thus, where the practice is performed with respect to products of farming operations, the controlling consideration is whether the products were produced by the farming operations of the farmer who performs the practice rather than at what place or on whose land he produced them. Ordinarily, a practice performed by a farmer in connection with farming operations conducted on land which he owns or leases will be considered as performed in connection with the farming operations of such farmer in the absence of facts indicating that the farming operations are actually those of someone else. Conversely, a contrary conclusion will ordinarily be justified if such farmer is not the owner or a bona fide lessee of such land during the period when the farming operations take place. The question of whose farming operations are actually being conducted in cases where they are performed pursuant to an agreement or arrangement, not amounting to a bona fide lease, between the farmer who performs the practice and the land-owner necessarily involves a careful scrutiny of the facts and circumstances surrounding the arrangement. Where commodities are grown on the farm of the actual grower under contract with another, practices performed by the latter on the commodities, off the farm where they were grown, relate to farming operations of the grower rather than to any farming operations of the contract purchaser. This is true even though the contract purports to lease the land to the latter, give him title to the crop at all times, and confer on him the right to supervise the growing operations, where the facts as a whole show that the contract purchaser provides a farm market, cash advances, and advice and counsel but does not really perform growing operations (Mitchell v. Huntsville Nurseries, 267 F. 2d 286).

"Such Farming Operations"—on the Farm

§ 780.150 Practices must relate to farming operations on the particular farm.

"Practices * * * performed * * * on a farm" must be performed as an incident to or in conjunction with "such farming operations" in order to constitute "agriculture" within the secondary meaning of the term. No practice performed with respect to farm commodities is within the language under discusion by reason of its performance on a farm unless all of such commodities are the products of that farm. Thus, the performance on a farm of any practice, such as packing or storing, which may be incidental to farming operations cannot constitute a basis for exempting employees engaged in such practice if the practice is performed upon any commodities that have been produced elsewhere than on such farm (see Mitchell v. Hunt, 263 F. 2d 913). The construction by an independent contractor of a granary on a farm is not connected with "such" farming operations if the farmer for whom it is built intends to use the structure for storing grain produced on other farms. Nor is the requirement met with respect to employees engaged in any other practices performed on a farm, but not by a farmer, in connection with farming operations that are not conducted on that particular farm. The fact that such a practice pertains to farming operations generally or to those performed on a number of farms, rather than to those performed on the same farm only, is sufficient to take it outside the scope of the statutory language. Area soil surveys and genetics research activities, results of which are made available to a number of farmers, are typical of the practices to which this principle applies and which are not exempt under this provision.

§ 780.151 Practices on a farm not related to farming operations.

Practices performed on a farm in connection with nonfarming operations performed on or off such farm do not meet the requirement stated in § 780.150. For example, if a farmer operates a gravel pit on his farm, none of the practices performed in connection with the operation of such gravel pit would be exempt. Whether or not some practices are performed in connection with farming operations conducted on the farm where they are performed must be determined with reference to the purpose of the farmer for whom the practice is performed. Thus, land clearing operations may or may not be connected with such farming operations depending on whether or not the farmer intends to devote the cleared land to farm use.

§ 780.152 Practices on a farm not performed for the farmer.

The fact that a practice performed on a farm is not performed by or for the farmer is a strong indication that it is not performed in connection with the farming operations there conducted. Thus, where such an employer other than the farmer performs certain work on a farm solely for himself in furtherance of his own enterprise, the practice cannot ordinarily be regarded as performed in connection with farming operations conducted on the farm. For example, it is clear that the work of employees of a utility company in trimming and cutting trees for power and communications lines is part of a non-farming enterprise outside the exemption. When a packer of vegetables or dehydrator of alfalfa buys the standing crop from the farmer, harvests it with his own crew of employees, and transports the harvested crop to his off-the-farm packing or dehydrating plant, the transporting and plant employees, who are not engaged in "primary" agriculture as are the harvesting employees (see NLRB v. Olaa Sugar Co., 242 F. 2d 714), are clearly not exempt. Such an employer cannot automatically gain the exemption for the plant employees by merely transferring the operations to the farm so as to meet the "on a farm" requirement. They will continue outside the exemption if the packing or dehydrating is not in reality done for the farmer. The question of for whom the practices are performed is one of fact. In determining the question, however, the fact that prior to the performance of the packing or dehydrating operations, the farmer has relinquished title and divested himself of further responsibility with respect to the product, is highly significant.

Performance of the Practices "As an Incident to or in Conjunction With" the Farming Operations

§ 780.153 "As an incident to or in conjunction with" the farming operations.

In order for practices other than actual farming operations to constitute "agriculture" within the meaning of section 3(f) of the Act, it is not enough that they be performed by a farmer or on a farm in connection with the farming operations conducted by such farmer or on such farm, as explained in §§ 780.138–780.152. They must also be performed "as an incident to or in conjunction with" these farming operations. The line between practices that are and those that are not performed "as an incident to or in conjunction with" such farming operations is not susceptible of precise definition. Generally, a practice performed in connection with farming operations is within the statutory language only if it constitutes an established part of agriculture, is subordinate to the farming operations involved, and does not amount to an independent business. Industrial operations (Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 398) and processes that are more akin to manufacturing than to agriculture (Maneja v. Waialua, 349 U.S. 254; Mitchell v. Budd, 350 U.S. 473) are not included. This is also true when on-the-farm practices are performed for a farmer. As to when practices may be regarded as performed for a farmer, see § 780.152.

§ 780.154 The relationship is determined by consideration of all relevant factors.

The character of a practice as a part of the agricultural activity or as a distinct business activity must be determined by examination and evaluation of all the relevant facts and circumstances in the light of the pertinent language and intent of the Act. The result will not depend on any mechanical application of isolated factors or tests. Rather, the total situation will control (Maneja v. Waialua, 349 U.S. 254; Mitchell v. Budd, 350 U.S. 473). Due weight should be given to any available criteria which may indicate whether performance of such a practice may properly be considered an incident to farming within the intent of the Act. Thus, any mention or lack of mention of the particular practice in related provisions of the Act (see § 780.155), the general relationship, if any, of the practice to farming as evidenced by common understanding, competitive factors, and the prevalence of its performance by farmers (see § 780.156), and similar pertinent matters should be considered. Other factors to be considered in determining whether a practice may be properly regarded as incidental to or in conjunction with the farming operations of a particular farmer or farm include the size of the operations and respective sums invested in land, buildings and equipment for the regular farming operations and in plant and equipment for performance of the practice, the amount of the payroll for each type of work, the number of employees and the amount of time they spend in each of the activities, the extent to which the practice is performed by ordinary farm employees and the amount of interchange of employees between the operations, the amount of revenue derived from each activity, the degree of industrialization involved, and the degree of separation established between the activities. With respect to practices performed on farm products (see § 780.157) and in the consideration of any specific practices (see § 780.158–780.183), there may be special factors in addition to those above mentioned which may aid in the determination.

§ 780.155 Importance of related exemptions.

As indicated in § 780.9 of Subpart A of this Part 780, the exemptions in the Act which relate to agriculture and its products should be construed together to form a consistent whole. In determining whether a given practice should be considered to be performed as an incident to or in conjunction with farming operations within the secondary meaning intended to be given to "agriculture" under the definition in section 3(f) of the Act, it is important to consider any mention or omission of the practice in the related exemption provisions of the Act. For example, a practice for which an exemption from the overtime provisions only is specifically provided in another section of the Act would not appear to be one which Congress intended to include in "agriculture" for which a complete exemption from minimum wages and overtime is provided (see Bowie v. Gonzalez, 117 F. 2d 11). The Supreme Court has considered the treatment of the practice under section 13(a)(10) of the Act especially significant as an indication of the intent to include or exclude it under the exemption for agriculture. The section 13(a)(10) exemption for specified operations performed within the "area of production" on agricultural or horticultural commodities for market was intended, as shown by the legislative history cited by the Court, to equalize the cost position of the small farmer who does not have his own facilities to prepare the crop for market with that of the large farmer who does have such facilities, by providing a minimum wage and overtime exemption for independent operators of such facilities who provide these services for the small farmers' crops. Accordingly, in the Court's view, the omission of a particular practice from those listed in section 13(a)(10) indicates that it is not within the intended scope of the exemption for agriculture, especially if the practice is expressly mentioned in a narrower exemption. Thus, with respect to the processing of sugar cane, the Court said in Maneja v. Waialua, 349 U.S. 254: "Congress would not have omitted sugar milling from the 'area of production' exemption if it had not concluded that it also fell outside the agricultural exemption."

§ 780.156 Importance of relationship of the practice to farming generally.

As pointed out previously in § 780.105, the exemption provided by sections 3(f) and 13(a)(6) was meant to apply only to agriculture. The inclusion of incidental practices in the definition of agriculture was not intended to exempt typical factory workers or industrial operations, and the sponsors of the exemption made it clear that the erection and operation on a farm by a farmer of a factory, even one using raw materials which he grows, "would not make the manufacturing * * * a farming operation" (see 81 Cong. Rec. 7658; Maneja v. Waialua, 349 U.S. 254). Accordingly, in determining whether a given practice is performed "as an incident to or in conjunction with" farming operations under the intended meaning of section 3(f), the nature of the practice and the circumstances under which it is performed must be considered in the light of the common understanding of what is agricultural and what is not, of the facts indicating whether performance of the practice is in competition with agricultural or with industrial operations, and of the extent to which such a practice is ordinarily performed by farmers incidentally to their farming operations (see Bowie v. Gonzalez, 117 F. 2d 11; Calaf v. Gonzalez, 127 F. 2d 934; Vives v. Serralles, 145 F. 2d 552; Mitchell v. Hunt, 263 F. 2d 913; Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 398; Mitchell v. Budd, 350 U.S. 473; Maneja v. Waialua, supra). Such an inquiry would appear to have a direct bearing on whether a practice is an "established" part of agriculture. The fact that farmers raising a commodity on which a given practice is performed do not ordinarily perform such a practice has been considered a significant indication that the practice is not "agriculture" within the secondary meaning of section 3(f) (Mitchell v. Budd, supra; Maneja v. Waialua, supra). The test to be applied is not the proportion of those performing the practice who produce the commodities on which it is performed but the proportion of those producing such commodities who perform the practice (Maneja v. Waialua, supra). In Mitchell v. Budd, supra, the United States Supreme Court found that the following two factors tipped the scales so as to take the employees of tobacco bulking plants outside the scope of the agriculture exemption: Tobacco farmers do not ordinarily perform the bulking operation; and, the bulking operation is a process which changes tobacco leaf in many ways and turns it into an industrial product.

§ 780.157 Practices performed on farm products—special factors considered.

In determining whether a practice performed on agricultural or horticultural commodities is incident to or in conjunction with the farming operations of a farmer or a farm, it is also necessary to consider the type of product resulting from the practice—as whether the raw or natural state of the commodity has been changed. Such a change may be a strong indication that the practice is not within the exemption (Mitchell v. Budd, 350 U.S. 473); the view was expressed in the legislative debates on the Act that it marks the dividing line between processing as an agricultural function and processing as a manufacturing operation (Maneja v. Waialua, 349 U.S. 254, citing 81 Cong. Rec. 7659–7660, 7877–7879). Consideration should also be given to the value added to the product as a result of the practice and whether a sales organization is maintained for the disposal of the product. Seasonality of the operations involved in the practice would not be very helpful as a test to distinguish between operations incident to agriculture and operations of commercial or industrial processors who handle a similar volume of the same seasonal crop. But the length of the period during which the practice is performed might cast some light on whether the operations are conducted as a part of agriculture or as a separate undertaking when considered together with the amount of investment, payroll, and other factors. In some cases, the fact that products resulting from the practice are sold under the

producer's own label rather than under that of the purchaser may furnish an indication that the practice is conducted as a separate business activity rather than as a part of agriculture.

PRACTICES INCLUDED WHEN PERFORMED AS PROVIDED IN SECTION 3(f)

§ 780.158 "Any" practices meeting the requirements will qualify for exemption.

The language of section 3(f) of the Act, in defining the "secondary" meaning of "agriculture", provides that any practices performed by a farmer or on a farm as an incident to or in conjunction with such (his or its) farming operations are within the definition. The practices which may be exempt as "agriculture" if so performed are stated to include forestry or lumbering operations, preparation for market, and delivery to storage or to market or to carriers for transportation to market. The specification of these practices is illustrative rather than limiting in nature. The broad language of the definition clearly includes all practices thus performed and not merely those named (see Maneja v. Waialua, 349, U.S. 254).

§ 780.159 Named practices as well as others must meet the requirements.

The specific practices named in section 3(f) must, like any others, be performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, for this condition applies to "any" practices brought within the secondary meaning of agriculture as defined in that section of the Act. Thus, the preparation for market by a farmer's employees on a farm of animals to be sold at a livestock auction is not exempt if animals from other farmers and other farms are also handled. The practice is not performed as an incident to or in conjunction with "such" farming operations, that is, the operations of the farmer by whom, or of the farm on which, the livestock is raised (Mitchell v. Hunt, 263 F. 2d 913).

"FORESTRY OR LUMBERING OPERATIONS"

§ 780.160 Exemption of forestry or lumbering operations is limited.

Employment in forestry or lumbering operations is expressly included in agriculture if the operations are performed "by a farmer or on a farm as an incident to or in conjunction with such farming operations". While "agriculture" is sometimes used in a broad sense as including the science and art of cultivating forests, the language quoted in the preceding sentence is a limitation on the forestry and lumbering operations which will be considered agricultural for purposes of section 3(f). It follows that employees of an employer engaged exclusively in forestry or lumbering operations are not within the agricultural exemption.

§ 780.161 Meaning of "forestry or lumbering operations".

The term "forestry or lumbering operations" refers to the cultivation and management of forests, the felling and trimming of timber, the cutting, hauling, and transportation of timber, logs, pulpwood, cordwood, lumber, and like products, the sawing of logs into lumber or the conversion of logs into ties, posts, and similar products, and similar operations. It also includes the piling, stacking, and storing of all such products. The gathering of wild plants and of wild or planted Christmas trees are included. (See the related discussion in §§ 780.174–780.178, and in Part 788 of this chapter which considers the section 13(a)(15) exemption for forestry or logging operations in which not more than 12 employees are employed.) "Wood working" as such is not included in "forestry" or "lumbering" operations. The manufacture of charcoal under modern methods is neither a "forestry" nor "lumbering" operation and cannot be regarded as "agriculture".

§ 780.162 Subordination to farming operations is necessary for exemption.

While section 3(f) speaks of practices performed "in conjunction with" as well as "incident to" farming operations, it would be an unreasonable construction of the Act to hold that all practices were to be regarded as agricultural if the person performing the practice did any farming, no matter how little, or resorted to tilling a small acreage for the purpose of qualifying for exemption (Ridgeway v. Warren, 60 F. Supp. 363 (M.D. Tenn.); In re Combs, 5 WH Cases 595, 10 Labor Cases 62,802 (M. D. Ga.)). To illustrate, where an employer owns several thousand acres of timberland on which he carries on lumbering operations and cultivates about 100 acres of farm land which are contiguous to such timberland, he would not be entitled to the benefit of the exemption so far as his forestry or lumbering operations are concerned. In such case, the forestry or lumbering operations would clearly not be subordinate to the farming operations but rather the principal or a separate business of the "farmer".

§ 780.163 Performance of operations on a farm but not by the farmer.

Logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner are not within the exemption, unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to "such farming operations".

§ 780.164 Number of employees engaged in operations not material.

The fact that the employer employs fewer than a certain number of employees in forestry and lumbering operations does not provide a basis for their exemption as agricultural employees. This exemption is thus to be distinguished from the exemption provided by section 13(a)(15) (discussed in Part 788 of this chapter) which is limited to employers employing not more than 12 employees in the forestry or logging operations described therein.

"PREPARATION FOR MARKET"

§ 780.165 Scope and limits of exemption for "preparation for market".

"Preparation for market" is also named as one of the practices which may be included in "agriculture". The term includes the operations normally performed upon farm commodities to prepare them for the farmer's market. The farmer's market normally means the wholesaler, processor, or distributing agency to which the farmer delivers his products. "Preparation for market" clearly has reference to activities which precede "delivery to market". It is not, however, synonymous with "preparation for sale". The term must be treated differently with respect to various commodities. It is emphasized that "preparation for market", like other practices, must be performed "by a farmer or on a farm as an incident to or in conjunction with such farming operations" in order to be exempt.

§ 780.166 Particular operations on commodities.

Subject to the rules heretofore discussed, the following activities are, among others, activities that may be performed in the "preparation for market" of the indicated commodities and may come within the exemption:

(a) *Grain, seed, and forage crops.* Weighing, binning, stacking, drying, cleaning, grading, shelling, sorting, packing and storing.

(b) *Fruits and vegetables.* Assembling, ripening, cleaning, grading, sorting, drying, preserving, packing, and storing. (See In the Matter of J. J. Crosetti, 29 LRRM 1353, 98 NLRB 20; In the Matter of Imperial Garden Growers, 91 NLRB 1034, 26 LRRM 1632; Lanroot v. Hazelhurst Mercantile Co., 80 F. Supp. 595; North Whittier Heights Citrus Ass'n. v. NLRB, 109 F. 2d 70; Doflemeyer v. NLRB, 206 F. 2d 813.)

(c) *Peanuts and nuts* (pecans, walnuts, *etc.*). Grading, cracking, shelling, cleaning, sorting, packing, and storing.

(d) *Eggs.* Handling, cooling, grading, candling, and packing.

(e) *Wool.* Grading and packing.

(f) *Dairy products.* Separating, cooling, packing, and storing.

(g) *Cotton.* Weighing, ginning, and storing cotton; hulling, delinting, cleaning, sacking, and storing cottonseed.

(h) *Nursery stock.* Handling, sorting, grading, trimming, bundling, storing, wrapping, and packaging. (See Jordan v. Stark Brothers Nurseries, 45 F. Supp. 769; Mitchell v. Huntsville Nurseries, 207 F. 2d 286.)

(i) *Tobacco.* Handling, grading, drying, stripping from stalk, tying, sorting, storing, and loading.

(j) *Livestock.* Handling and loading.

(k) *Poultry.* Culling, grading, cooping, and loading.

(l) *Honey.* Assembling, extracting, heating, ripening, straining, cleaning, grading, weighing, blending, packing, and storing.

(m) *Fur.* Removing the pelt, scrapping, drying, putting on boards, and packing.

SPECIFIED DELIVERY OPERATIONS

§ 780.167 Application of exemption to specified delivery operations generally.

Exempt employment in "secondary" agriculture, under sections 3(f) and 13(a)(6), includes employment in "delivery to storage or to market or to carriers for transportation to market" when performed by a farmer as an incident to or in conjunction with his own farming operations. To the extent that such deliveries may be accomplished without leaving the farm where the commodities delivered are grown, the exemption extends also to employees of someone other than the farmer who raised them if they are performing such deliveries for the farmer. However, normally such deliveries require travel off the farm, and where this is the case, only employees of a farmer engaged in making them can come within the exemption. Such employees would not be exempt in any workweek when they delivered commodities of other farmers, however, because such deliveries would not be performed as an incident to or in conjunction with "such" farming operations, as explained previously. If the "delivery" trip is an exempt practice, the necessary return trip to the farm is also exempt as a part of it.

§ 780.168 Delivery "to storage".

The term "delivery to storage" includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, or poultry to the places where they are to be stored or held pending preparation for or delivery to market. The fact that the commodities have been subjected to some other practice "by a farmer or on a farm as an incident to or in conjunction with such farming operations" does not preclude application of the exemption to "delivery to storage". The same is true with respect to "delivery to market" and "delivery to carriers for transportation to market".

§ 780.169 Delivery "to market".

The term "delivery * * * to market" includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, or poultry to market. It ordinarily refers to the initial journey of the farmer's products from the farm to the market. The market referred to is the farmer's market which normally means the distributing agency, cooperative marketing agency, wholesaler or processor to which the farmer delivers his products. Delivery to market ends with the delivery of the commodities at the receiving platform of such a farmer's market (Mitchell v. Budd, 350 U.S. 473). When the delivery involves travel off the farm (which would normally be the case) the delivery must be performed by the employees employed by the farmer in order to constitute an exempt practice. Delivery by an independent contractor for the farmer or a group of farmers or by a "bird-dog" operator who has purchased the commodities on the farm from the farmer is not an exempt agricultural practice (see Chapman v. Durkin, 214 F. 2d 360, cert. denied 348 U.S. 897; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363, cert. denied 348 U.S. 897). However, in the case of fruits or vegetables, the Act provides a special exemption for intrastate transportation of the freshly harvested commodities from the farm to a place of first marketing or first processing, which may apply to employees engaged in such transportation regardless of whether they are employed by the farmer. See Subpart E of this Part 780, discussing the exemption provided by section 13(a)(22).

§ 780.170 Delivery "to carriers for transportation to market".

The term "delivery * * * to carriers for transportation to market" includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, and poultry to any carrier (including carriers by truck, rail, water, etc.) for transportation by such carrier to market. The market referred to is the farmer's market which normally means the distributing agency, cooperative marketing agency, wholesaler, or processor to which the farmer delivers his products. As in the case of "delivery to market", when it involves travel off the farm (as would normally be the case) the delivery must be performed by the farmer's own employees in order to constitute an exempt practice. Employees of the carrier who transport to market the commodities which are delivered to it are not within the exemption.

EXEMPTION OF TRANSPORTATION OPERATIONS NOT MENTIONED IN SECTION 3(f)

§ 780.171 Transportation of farm products from the fields or farm.

Transportation of farm products from the fields where they are grown or from the farm to other places may be exempt within the "secondary" meaning of agriculture, regardless of whether the transportation is included as "delivery to storage or to market or to carriers for transportation to market", provided only that it is performed by a farmer or on a farm as an incident to or in conjunction with the farming operations of that farmer or that farm. Of course, any transportation operations which are part of, and not subsequent to, the "primary" farming operations are also within the exemption. These principles have been recognized by the courts in the following cases, among others: Maneja v. Waialua, 349 U.S. 254; NLRB v. Olaa Sugar Co., 242 F. 2d 714; Bowie v. Gonzalez, 117 F. 2d 11; Calaf v. Gonzalez, 127 F. 2d 934; Vives v. Serralles, 145 F. 2d 552; Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 398. If not performed by the farmer, transportation beyond the limits of the farm is not exempt, even when performed by a purchaser of the unharvested commodities who has harvested the crop. The exemption available for his harvesting employees does not extend to the employees transporting the commodities off the farm (Chapman v. Durkin, 214 F. 2d 360, cert. denied, 348 U.S. 897; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363, cert. denied, 348 U.S. 897).

§ 780.172 Other transportation incident to farming.

(a) Transportation by a farmer or on a farm as an incident to or in conjunction with the farming operations of the farmer or of that farm is within the exemption for agriculture even though things other than farm commodities raised by the farmer or on the farm are being transported. As previously indicated, transportation of commodities raised by other farmers or on other farms would defeat the exemption. The exemption clearly covers the transportation by the farmer, as an incident to or in conjunction with his farming activities, of farm implements, supplies, and field workers to and from the fields, regardless of whether such transportation involves travel on or off the farm and regardless of the method used. The Supreme Court of the United States so held in Maneja v. Waialua, 349 U.S. 254. Transportation of field workers to or from the farm by persons other than the farmer does not come within the exemption. However, under section 13(a)(22) of the Act, discussed in Subpart E of this Part 780, an exemption is provided for transportation, whether or not performed by the farmer, of fruit or vegetable harvest workers to and from the farm, within the same State where the farm is located. In the case of transportation to the farm of materials or supplies, it seems clear that transportation to the farm by the farmer of materials and supplies for use in his farming operations, such as seed, animal or poultry feed, farm machinery or equipment, etc., would be incidental to the farmer's actual farming operations. Thus, truck drivers employed by a farmer to haul feed to the farm for feeding pigs are engaged in "agriculture."

(b) With respect to the practice of transporting farm products from farms to a processing establishment by employees of a person who owns both the farms and the establishment, such practice may or may not be incident to or in conjunction with the employer's farming operations depending on all the pertinent facts. For example, the transportation is clearly incidental to milling operations, rather than to farming, where the employees engaged in it are hired by the mill, carried on its payroll, do no agricultural work on the farms, and report for and end their daily duties at the mill where the transportation vehicles are kept (Calaf v. Gonzales, 127 F. 2d 934). On the other hand, a different result is reached where the facts show that the transportation workers are farm employees whose work is closely integrated with harvesting and other direct farming operations (NLRB v. Olaa Sugar Co., 242 F. 2d 714; and see Vives v. Serralles, 145 F. 2d 552). The method by which the transportation is accomplished is not material (Maneja v. Waialua, 349 U.S. 254).

OTHER UNLISTED PRACTICES WHICH MAY BE EXEMPT

§ 780.173 Examples of practices exempt if requirements of section 3(f) are met.

(a) As has been noted above, the term "agriculture" includes other practices performed by a farmer or on a farm as an incident to or in conjunction with the farming operations conducted by such farmer or on such farm in addition to the practices listed in section 3(f). The selling (including selling at roadside stands or by mail order and house to house selling) by a farmer and his employees of his agricultural commodities, dairy products, etc., is such a practice provided it does not amount to a separate business. Other such practices are office work and maintenance and protective work. The exemption applies, for example, to secretaries, clerks, bookkeepers, night watchmen, maintenance workers, engineers, and others who are employed by a farmer or on a farm if their work is part of the agricultural activity and is subordinate to the farming operations of such farmer or on such farm. (Damutz v. Pinchbeck, 66 F. Supp. 667, aff'd. 158 F. (2d) 882). Employees of a farmer who repair the mechanical implements used in farming, as a subordinate and necessary task incident to their employer's farming operations, are within the exemption. It makes no difference that the work is done by a separate labor force in a repair shop maintained for the purpose, where the size of the farming operations is such as to justify it. Only employees engaged in the repair of equipment used in performing agricultural functions would be exempt, however; employees repairing equipment used by the employer in industrial or other nonfarming activities would have to qualify under other exemptions if they are to be exempt (Maneja v. Waialua, 349 U.S. 254). The repair of equipment used by other farmers in their farming operations would not qualify for exemption as a practice incident to the farming operations of the farmer employing the repair workers.

(b) The following are other examples of practices which may qualify as "agriculture" under the secondary meaning in section 3(f), when done on a farm, whether done by a farmer or by a contractor for the farmer, so long as they do not relate to farming operations on any other farms: The operation of a cook camp for the sole purpose of feeding persons engaged exclusively in agriculture on that farm; artificial insemination of the farm animals; custom corn shelling and grinding of feed for the farmer; the packing of apples by portable packing machines which are moved from farm to farm packing only apples grown on the particular farm where the packing is being performed; the culling, catching, cooping, and loading of poultry; the threshing of wheat; the shearing of sheep; the gathering and baling of straw.

(c) It must be emphasized with respect to all practices performed on products, for which exemption is claimed that they must be performed only on the products produced or raised by the particular farmer or on the particular farm (Mitchell v. Huntsville Nurseries, 267 F. 2d 286; Bowie v. Gonzalez, 117 F. 2d 11; Mitchell v. Hunt, 263 F. 2d 913; NLRB v. Olaa Sugar Co., 242 F. 2d 714; Farmers Reservoir Co. v. McComb, 337 U.S. 755; Walling v. Peacock Corp., 58 F. Supp. 880; Lenroot v. Hazelhurst Mercantile Co., 153 F. 2d 153; Jordan v. Stark Bros. Nurseries, 45 F. Supp. 769). If exempt at all, practices on farm products which fail to qualify under section 13(a)(6) must qualify under section 13(a)(10) or other exemptions for certain operations and practices on farm commodities.

APPLICATION OF SECTIONS 3(f) AND 13(a)(6) TO NURSERIES AND LANDSCAPING

§ 780.174 Exempt nursery activities generally.

The employees of a nursery who are engaged in the following activities are employed in "agriculture":

(a) Sowing seeds and otherwise propagating fruit, nut, shade, vegetable and ornamental plants or trees (but not Christmas trees), and shrubs, vines and flowers;

(b) Handling such plants from propagating frames to the field;

(c) Planting, cultivating, watering, spraying, fertilizing, pruning, bracing, and feeding the growing crop.

§ 780.175 Exempt and nonexempt planting; lawn mowing.

(a) The planting of trees and bushes is exempt where it constitutes a step in the production, cultivation, growing, and harvesting of agricultural or horticultural commodities, or where it constitutes a practice performed by a farmer or on a farm as an incident to or in conjunction with farming operations (as where it is part of the subordinate marketing operations of the grower of such trees or bushes). Thus, employees of the nurseryman who raised such nursery stock are doing exempt work when they plant the stock on private or public property, trim, spray, brace and treat the planted stock, or perform other duties incidental to its care and preservation. Similarly, employees who plant fruit trees and berry stock not raised by their employer would qualify for exemption if the planting is done on a farm as an incident to or in conjunction with the farming operation on that farm.

(b) On the other hand, the planting of trees and bushes on residential, business or public property is not exempt when it is done by employees of an employer who has not grown the trees and bushes, or who, if he has grown them, engages in the planting operations as an incident, not to his farming operations, but to landscaping operations which include principally the laying of sod and the construction of pools, walks, drives, and the like.

(c) The mowing of lawns, except where it can be considered incidental to farming operations, is not exempt work.

§ 780.176 Operations with respect to wild plants.

Nurseries frequently obtain plants growing wild in the woods or fields which are to be further cultivated by the nursery before they are sold by it. Obtaining such plants is a practice which is incidental to farming operations. It is therefore exempt if performed by a farmer or on a farm. Thus, if performed by employees of the nursery, it is exempt. On the other hand, if performed off the farm by employees of an independent contractor, it is not exempt. The transplanting of such wild plants in the nursery is performed "on a farm" and is exempt whether performed by employees of an independent contractor or by employees of the nursery.

§ 780.177 Forest and Christmas tree activities.

Operations in a forest tree nursery such as seeding new beds and growing and transplanting forest seedlings are not farming operations. The planting, tending, and cutting of Christmas trees do not constitute farming operations. If such operations on forest products are within section 3(f), they must qualify under the second part of the definition dealing with incidental practices. (See § 780.160.)

§ 780.178 Packing, storage, warehousing, and sale of nursery products.

Employees of a grower of nursery stock who work in packing and storage sheds sorting the stock, grading and trimming it, racking it in bins, and packing it for shipment are employed in "agriculture" provided they handle only products grown by their employer and their activities constitute an established part of their employer's agricultural activities and are subordinate to his farming operations. Such employees are not employed in agriculture when they handle the products of other growers (Mitchell v. Huntsville Nurseries, 267 F. 2d 286; Jordan v. Stark Bros. Nurseries & Orchards Co., 45 F. Supp. 769). The exemption would typically apply to employees engaged in the balling and storing of shrubs and trees grown in the nursery. Where a grower of nursery stock operates, as a separate enterprise, a processing establishment or an establishment for the wholesale or retail distribution of such commodities, the employees in such separate enterprise are not exempt (see Walling v. Rocklin, 132 F. 2d 3; Mitchell v. Huntsville Nurseries, 267 F. 2d 286). Although the handling and the sale of nursery commodities by the grower at or near the place where they were grown may be incidental to his farming operations, the character of these operations changes when they are performed in an establishment set up as a marketing point to aid in the distribution of those products.

APPLICATION OF SECTIONS 3(f) AND 13(a)(6) TO HATCHERIES

§ 730.179 The typical hatchery operations constitutes "agriculture".

As stated in § 780.136, the typical hatchery is engaged in "agriculture", whether in a rural or city location. Where the hatchery is engaged solely in procuring eggs for hatching, performing the hatching operations and selling the chicks, all the employees including office and maintenance workers are exempt (see Miller Hatcheries v. Boyer, 131 F. 2d 283).

§ 780.180 Contract production of hatching eggs.

It is common practice for hatcherymen to enter into arrangements with farmer poultry raisers for the production of hatching eggs which the hatchery agrees to buy. Ordinarily, the farmer furnishes the facilities, feed and labor and the hatchery furnishes the basic stock of poultry. The farmer undertakes a specialized program of care and improvement of the flock in cooperation with the hatchery. The hatchery may at times have a surplus of eggs, including those suitable for hatching and culled eggs, which it sells. Activities such as grading and packing performed by the hatchery employees in connection with the disposal of these eggs, are an incident to the breeding of poultry by the hatchery and are exempt.

§ 780.181 Hatchery employees working on farms.

The work of hatchery employees in connection with the maintenance of the quality of the poultry flock on farms is also part of the "raising" operations. This includes testing for disease, culling, weighing, cooping, loading, and transporting the culled birds. The catching and loading of broilers on farms by hatchery employees for transportation to market are exempt operations.

§ 780.182 Produce business.

In some instances, hatcheries also engage in the produce business as such and commingle with the culled eggs and chickens other eggs and chickens which they buy for resale. Employees are not exempt in any workweek in which their work relates to both the hatchery and produce types of activities.

§ 780.183 Feed sales and other nonexempt activities.

In some situations, the hatchery also operates a feed store and furnishes feed to the growers. As in the case of the produce business operated by a hatchery, this is not an exempt activity and employees engaged therein, such as truck drivers hauling feed to growers, are not exempt. Office workers and other employees lose the exemption in any workweek in which their duties relate to both exempt and nonexempt activities.

THE SECTION 13(a)(6) IRRIGATION EXEMPTION

§ 780.184 Exemption of employees employed in specified irrigation activities.

In addition to exempting employees employed in agriculture, section 13(a)(6) also exempts from the wage and hour provisions of the Act "any employee employed * * * in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes".

§ 780.185 Exemption is direct and does not mean activities are agriculture.

The exemption provided in section 13(a)(6) for irrigation activities is a direct exemption which depends for its application on its own terms and not on the meaning of "agriculture" as defined in section 3(f). This exemption was added by an amendment to section 13(a)(6) in 1949 to alter the effect of the decision of the United States Supreme Court in Farmers Reservoir Co. v. McComb, 337 U.S. 755, so as to exclude the type of employees involved in that case from certain requirements of the Act. Congress chose to accomplish this result, not by expanding the definition of agriculture in section 3(f), but by adding a further exemption. In view of this approach, it can well be said that Congress agreed with the Supreme Court's holding that such workers are not employed in agriculture, but nevertheless wished to exclude them from the minimum wage and overtime requirements of the Act (Goldberg v. Crowley Ridge Ass'n., — F. 2d — (C.A. 8, Oct. 16, 1961, No. 16732)). Irrigation workers who are employed in any workweek exclusively by a farmer or on a farm in irrigation work which meets the requirement of performance as an incident to or in conjunction with the primary farming operations of such farmer or such farm, as previously explained, are exempt as employed in agriculture under sections 3(f) and 13(a)(6). Where they are not so employed, they are not exempt as agricultural employees (Farmers Reservoir Co. v. McComb, supra), but are exempt only if their duties and the irrigation system on which they work come within the express language of section 13(a)(6) which refers to irrigation work. Where this is the case, it is not material whether or not any of the requirements for exemption of employees employed in agriculture, as previously discussed in this part, are met.

§ 780.186 Exemption is from minimum wages and overtime only.

It should be noted at the outset that this exemption applies only to the minimum wage and overtime provisions of the Act and does not affect the child labor, recordkeeping and other requirements of the Act.

§ 780.187 System must be nonprofit or operated on a share-crop basis.

The exemption does not apply to employees employed in the described operations on facilities of any irrigation system unless the ditches, canals, reservoirs, or waterways in connection with which their work is done meet the statutory requirement that they either be not owned or operated for profit, or be operated on a share-crop basis. The employer is paid on a share-crop basis when he receives, as his total compensation, a share of the crop of the farmers serviced.

§ 780.188 Facilities of system must be used exclusively for agricultural purposes.

Section 13(a)(6) requires for exemption of irrigation work that the ditches, canals, reservoirs, or waterways in connection with which the employee's work is done be "used exclusively for supply and storing of water for agricultural purposes". If a water supplier supplies water for other than "agricultural purposes", the exemption would not apply. For example, the exemption would not apply where a portion of its water is delivered by the supplier to a municipality to be used for general, domestic and commercial purposes. The fact that a small amount of the water furnished for use in his farming operations is in fact used for incidental domestic purposes by the farmer on the farm does not, however, require the conclusion that the water supplied was not exclusively "for agricultural purposes" within the meaning of the irrigation exemption in section 13(a)(6). Accordingly, if otherwise applicable, the exemption is not defeated merely because the water stored and supplied through the ditches, canals, reservoirs, or waterways of the irrigation system includes a small amount which is used for domestic purposes on the farms to which it is supplied. On the other hand, if the water supplier should maintain separate facilities for storing and supplying water for domestic use, it is clear that employees employed in connection with the maintenance or operation of such facilities would not be employed in activities to which the exemption applies. Water used for watering livestock raised by a farmer is "for agricultural purposes".

§ 780.189 Employment "in connection with the operation or maintenance" is exempt.

The irrigation exemption provided by section 13(a)(6) applies to "any employee employed * * * in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways" of an irrigation system which qualifies for the exemption. The employee, to be exempt, must be employed "in connection with the operation or maintenance" of the named facilities; other employees of the irrigation system, not employed in connection with the named activities, are not exempt. The exemption may apply to employees engaged in insect, rodent, and weed control along the canals and waterways of the irrigation system.

Subpart C—Employment in Agriculture and Livestock Auction Operations Under the Section 13(a)(16) Exemption

INTRODUCTORY

§ 780.200 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this Subpart C together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(a)(16) of the Fair Labor Standards Act of 1938, as amended. This section provides an exemption from the minimum wage and overtime pay provisions of the Act for certain employees who, in the same workweek, are employed by a farmer in agriculture and also in the farmer's livestock auction operations. As appears more fully in Subpart A of this part, interpretations in this bulletin with respect to provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor

and the Administrator in the performance of their duties under the Act. The general exemption provided in section 13(a)(6) of the Act for employees employed in agriculture is not discussed in this subpart except in its relation to section 13(a)(16). The meaning and application of the section 13(a)(6) exemption is fully considered in Subpart B of this Part 780.

§ 780.201 Statutory provision.

Section 13(a)(16) of the Fair Labor Standards Act exempts from the minimum wage requirements of section 6 and from the overtime provisions of section 7:

any employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee (A) is primarily employed during his workweek in agriculture by such farmer, and (B) is paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by section 6(a)(1).

§ 780.202 General explanatory statement.

Ordinarily, as discussed in Subpart B of this Part 780, an employee who in the same workweek engages in work which is exempt as agriculture under sections 13(a)(6) and 3(f) of the Act and also performs nonexempt work to which the Act applies is not exempt in that week. Employees of a farmer are not employed in work exempt as "agriculture" while engaged in livestock auction operations in which the livestock offered at auction includes livestock raised by other farmers (Mitchell v. Hunt, 263 F. 2d 913). However, under section 13(a)(16) an employee who is employed by a farmer in agriculture as well as in livestock auction operations in the same workweek will not lose the minimum wage exemption for those hours spent exclusively in agriculture, nor the overtime exemption for that workweek, if certain conditions are met. These conditions and their meaning and application are discussed in this subpart.

REQUIREMENTS FOR EXEMPTION

§ 780.203 What determines application of exemption.

The application of the section 13(a)(16) exemption depends largely upon the nature of the work performed by the individual employee for whom exemption is sought. The character of the employer's business also determines the application of the exemption. Whether an employee is exempt therefore depends upon his duties as well as the nature of the employer's activities. Some employees of the employer may be exempt in some weeks and others may not.

§ 780.204 General requirements.

The general requirements for exemption under section 13(a)(16) are as follows:

(a) Employment of the employee "primarily" in agriculture in the particular workweek.

(b) This primary employment by a farmer.

(c) Engagement by the farmer in raising livestock.

(d) Engagement by the farmer in livestock auction operations "as an adjunct to" the raising of livestock.

(e) Payment of the minimum wage for all hours spent in livestock auction work by the employee.

These requirements will be separately discussed in the following sections of this subpart.

§ 780.205 Employment in agriculture.

One requirement for exemption is that the employee be employed in "agriculture". "Agriculture", as used in the Act, is defined in section 3(f) as follows:

(f) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

An employee meets the tests of being employed in agriculture when he either engages in any one or more of the branches of farming listed in the first part of the above definition or performs, as an employee of a farmer or on a farm, practices incident to such farming operations as mentioned in the second part of the definition (Farmers Reservoir & Irrigation Co. v. McComb, 337 U.S. 755). The exemption applies to "any employee" of a farmer whose employment meets the tests for exemption. Accordingly, any employee of the farmer who is employed in "agriculture", including laborers, clerical, maintenance and custodial employees, harvesters, dairy workers and others may qualify for the exemption under section 13(a)(16) if the other conditions of the exemption are met.

§ 780.206 Interpretation of term "agriculture".

Section 3(f) of the Act, which defines "agriculture", has been extensively interpreted by the Department of Labor and the courts. Subpart B of this Part 780 contains those interpretations which have full application in construing the term "agriculture" as used in the 13(a)(16) exemption.

§ 780.207 "Primarily employed" in agriculture.

Not only must the employee be employed in agriculture, but he must be "primarily" so employed during the particular workweek or weeks in which the 13(a)(16) exemption is to be applied. The word "primarily" may be considered to mean chiefly or principally. (Agnew v. Board of Governors, 153 F. 2d 785.) This interpretation is consistent with the view, expressed by the sponsor of the exemption at the time of its adoption on the floor of the Senate (107 Cong. Rec. (daily ed., April 19, 1961) p. 5879), that the word means "most of his time." The Department of Labor will consider that an employee who spends more than one-half of his hours worked in the particular workweek in agriculture, as defined in the Act, is "primarily" employed in agriculture during that week.

§ 780.208 "During his workweek".

Section 13(a)(16) specifically requires that the unit of time to be used in determining whether an employe is primarily employed in agriculture is "during his workweek". The employee's own workweek, and not that of any other person, is to be used in applying the exemption. The employee's employment must meet the "primarily" test in each workweek in which the exemption is applied to him.

§ 780.209 Workweek unit in applying the exemption.

The unit of time to be used in determining the application of the exemption to an employee is the workweek. (See Overnight Transportation Co. v. Missel, 316 U.S. 572.) A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing of the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 780.210 Workweek exclusively in exempt work.

An employee who engages exclusively in a workweek in duties which come within the exemption under section 13(a)(16) and is paid in accordance with the requirements of that exemption, is exempt in that workweek from the minimum wage and overtime requirements of the Act.

§ 780.211 Workweek exclusively in agriculture.

In any workweek in which the employee works exclusively in agriculture, performing no duty in respect to livestock auction operations, his exemption for that week is determined by application of section 13(a)(6) to his activities. (See Subpart B of this part.)

§ 780.212 Employment by a "farmer".

A further requirement for exemption is the expressed statutory one that the employee must be employed in agriculture by a "farmer". Employment by a non-farmer will not qualify an employee for the exemption.

§ 780.213 "By such farmer".

The employee's primary employment in agriculture during the exempt week is also required to be by "such farmer". The phrase "such farmer" refers to the particular farmer by whom the employee is employed in agriculture and who engages in the livestock auction operations as an adjunct to his raising of livestock. Even if an employee may spend more than half of his work time in a workweek in agriculture, he would not be exempt if such employment in agriculture were engaged in for various persons so that less than the primary portion of his workweek was performed in his employment in agriculture by such farmer. For example, an employee may work a 60 hour week and be employed in agriculture for 50 of those hours, of which 20 hours are worked in his employment by the farmer who is engaged in the livestock auction operations, the other 30 being performed for a neighboring farmer. Although this employee was primarily employed in agriculture during the workweek he is not exempt. His primary employment in agriculture was not by the farmer described in section 13(a)(16) as required.

§ 780.214 Definition of a farmer.

The Act does not define the term "farmer." Whether an employer is a "farmer" within the meaning of section 13(a)(16) must be determined by consideration of the particular facts, keeping in mind the purpose of the exemption. A full discussion of the meaning of the term "farmer" as used in the Act's definition of agriculture is contained in §§ 780.139–780.142 of this part. Generally, as indicated in that discussion, a farmer under the Act is one who engages, as an occupation, in farming operations as a distinct activity for the purpose of producing a farm crop. A corporation of a farmers' cooperative may be a "farmer" if engaged in actual farming of the nature and extent there indicated.

§ 780.215 Raising of livestock.

Livestock auction operations are within the 13(a)(16) exemption only when they are conducted as an adjunct to the raising of livestock by the farmer. The farmer is required to engage in the raising of livestock as a prerequisite for the exemption of an employee employed in the operations described in section 13(a)(16). Engagement by the farmer in one or more of the other branches of farming will not meet this requirement.

§ 780.216 Operations included in raising livestock.

Raising livestock includes such operations as the breeding, fattening, feeding and care of domestic animals ordinarily raised or used on farms. A fuller discussion of the meaning of raising livestock is contained in §§ 780.128–780.131 of this part.

§ 780.217 Adjunct livestock auction operations.

The livestock auction operations referred to in section 13(a)(16) are those engaged in by the farmer "as an adjunct" to the raising of livestock. This phrase limits the relative extent to which the farmer may conduct livestock auctions and claim exemption under section 13(a)(16). To qualify under the exemption provision, the auction operations should be an established part of the farmer's raising of the livestock and subordinate to it. The auction operations should not be conducted on so large a scale as to predominate over the raising of livestock. The livestock auction should be adjunct to the farmer's raising of livestock not only when he engages in it on his own account, but also when he joins with other farmers to hold an auction.

§ 780.218 "His own account"—"in conjunction with other farmers".

Under the terms of section 13(a)(16), the farmer may operate a livestock auction solely for his own benefit or he may join with "other farmers" to auction livestock for their mutual benefit. (See § 780.214 with regard to the definition of "farmer".) Unless the auction is conducted by the farmer alone or with others who are "farmers" the exemption does not apply.

§ 780.219 Work "in connection with" livestock auction operations.

An employee whose agricultural employment meets the tests for exemption may engage in "other" employment "in connection with" his employer's livestock auction operations under the conditions stated in section 13(a)(16). The work which an employee may engage in under the phrase "in connection with" includes only those activities which are a necessary incident to conducting a livestock auction of the limited type permitted under the exemption. Such work as transporting the livestock and caring for it, custodial, maintenance, and clerical duties are included. Work which cannot be considered necessarily incident to the livestock auction is not exempt.

§ 780.220 Minimum wage for livestock auction work.

The application of the exemption is further determined by whether another condition has been met. That condition is that the employee, in the workweek in which he engages in livestock auction activities, must be paid at a wage rate not less than the minimum rate required by the Act for the time spent in livestock auction work. The exemption does not apply unless there is payment for all hours spent in livestock auction work at not less than the applicable minimum rate prescribed in the Act.

EFFECT OF EXEMPTION

§ 780.221 No minimum wage for agriculture in exempt week.

In a workweek in which all the requirements for exemption under section 13(a)(16) are met, the employee is exempt from the minimum wage requirements of the Act for all hours worked exclusively in agriculture.

§ 780.222 No overtime wages in exempt week.

In a workweek in which all the requirements of the section 13(a)(16) exemption are met, the employee is exempt from the overtime requirements of section 7 for that entire workweek.

COMBINATIONS OF EXEMPT AND NONEXEMPT WORK

§ 780.223 Engagement in exempt and nonexempt work.

Where an employee in the same workweek performs work which is exempt under section 13(a)(16) and also engages in other work to which the Act applies and which is not exempt under this or any other section of the Act, he is not exempt for that week. (See Mitchell v. Hunt, 263 F. 2d 913; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969; McComb v. del Valle (D.P.R.), 15 Labor Cases 64,842; Walling v. Peacock Corp. (D. Minn.), 7 Labor Cases 61,945.)

§ 780.224 Work exempt under more than one section of the Act.

Where an employee in a workweek performs some work which is exempt under one section of the Act and other work which is exempt under another section of the Act and does no nonexempt work covered by the Act, the exemptions may be combined. If the scope of such exemptions is not the same, the exemption of lesser scope will be applicable for that workweek. For example, if part of an employee's work is exempt from both the minimum wage and overtime requirements and the remainder is exempt only from the overtime pay provisions, the employee is exempt that week from the overtime pay requirements but not from the minimum wage provisions. A case in point would be an employee employed in agriculture for part of the workweek and in handling the livestock of his employer and other farmers at an auction barn for the remainder of the workweek. If any of the requirements of section 13(a)(16) were not met, a combination of the section 13(a)(6) "agriculture" exemption (from minimum wages and overtime) and the section 7(c) "livestock handling" exemption (from overtime only, limited to 14 workweeks in any calendar year) would exempt the employee for the workweek from the overtime, but not the minimum wage provisions of the Act (see Mitchell v. Hunt, 263 F. 2d 913).

Subpart D—Employment of Agricultural Employees in Processing Shade-Grown Tobacco; Exemption From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(21)

INTRODUCTORY

§ 780.300 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this Subpart D together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(a)(21) of the Fair Labor Standards Act of 1938, as amended. This section provides an exemption from the minimum wage and overtime pay provisions of the Act for certain agricultural employees engaged in the processing, prior to stemming, of shade-grown tobacco for use as cigar wrapper tobacco. As appears more fully in Subpart A, interpretations in this bulletin with respect to provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act. The general exemption provided in section 13(a)(6) of the Act for employees employed in agriculture is not discussed in this subpart except in its relation to section 13(a)(21). The meaning and application of the section 13(a)(6) exemption

are fully considered in Subpart B of this Part 780.

§ 780.301 Statutory provision.

Section 13(a)(21) of the Fair Labor Standards Act exempts from the minimum wage requirements of section 6 of the Act and from the overtime provisions of section 7:

> any agricultural employee employed in the growing and harvesting of shade-grown tobacco who is engaged in the processing (including, but not limited to, drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling) of such tobacco, prior to the stemming process, for use as cigar wrapper tobacco.

§ 780.302 Legislative history of exemption.

Section 13(a)(21) was added to the Act by the Fair Labor Standards Amendments of 1961, effective September 3, 1961. The intent of the committee which inserted the provision in the amendments which were reported to the House (see H. Rep. No. 75, 87th Cong., 1st Sess., p. 29) was to exclude from the minimum wage and overtime requirements of the Act "employees engaged prior to the stemming process in processing shade-grown tobacco for use as cigar wrapper tobacco, but only if the employees were employed in the growing and harvesting of such tobacco". The Report also pointed out that "such operations were assumed to be exempt prior to the case of Mitchell v. Budd, 350 U.S. 473 (1956), as a continuation of the agricultural process occurring in the vicinity where the tobacco was grown". The original provision in the House-passed bill was in the form of an amendment to the Act's definition of agriculture. In that form, it would have altered the effect of the Supreme Court's decision in the case of Mitchell v. Budd, cited above, by bringing the described employees under the exemption provided for agriculture in section 13(a)(6) of the Act. (H. Rep. No. 75, p. 26, and H. Rep. No. 327, p. 17, 87th Cong., 1st Sess.) The Conference Committee, in changing the provision to provide a separate exemption, made it clear that it was "not intended by the committee of conference to change * * * by the exemption for employees engaged in the named operations on shade-grown tobacco the application of the act to any other employees. Nor is it intended that there be any implication of disagreement by the conference committee with the principles and tests governing the application of the present agricultural exemption as enunciated by the courts." (H. Rep. No. 327, supra, p. 18.)

§ 780.303 What determines the application of the exemption.

The application of the section 13(a)(21) exemption depends upon the nature of the work performed by the individual employee for whom exemption is sought and not upon the character of the work of the employer. A determination of whether an employee is exempt therefore requires an examination of that employee's duties. Some employees of the employer may therefore be exempt while others may not.

REQUIREMENTS FOR EXEMPTION

§ 780.304 Basic conditions of exemption.

Under section 13(a)(21) of the Act all the following conditions must be met in order for the exemption to apply to an employee:

(a) He must work on "shade-grown tobacco".

(b) He must be both an "agricultural employee" and employed as such "in the growing and harvesting" of shade-grown tobacco.

(c) In the workweeks for which exemption is claimed, he must be engaged "in the processing * * * of such tobacco" and this processing must be both "prior to the stemming process" and to prepare the tobacco "for use as cigar wrapper tobacco," in order for the exemption to apply.

These requirements are discussed in the following sections of this subpart.

"SHADE-GROWN TOBACCO"

§ 780.305 Definition of "shade-grown tobacco".

Shade-grown tobacco to which the exemption applies is Connecticut Valley Shade-Grown U.S. Type 61 and Georgia-Florida Shade-Grown U.S. Type 62.

§ 780.306 Dependence of exemption on shade-grown tobacco operations.

The exemption provided by section 13(a)(21) of the Act is limited to the performance of certain operations with respect to the specified commodity, shade-grown tobacco. Work in connection with any other kind of tobacco, or any other commodity, including any other farm product, is not exempt under this section. An employee must be an agricultural employee employed in the growing and harvesting of "shade-grown tobacco" and must also engage in the described processing of "such tobacco" in order that the section 13(a)(21) exemption may apply.

§ 780.307 "Such tobacco".

To be within the exemption, the processing activities with respect to shade-grown tobacco must be performed by an employee who has been employed in growing and harvesting "such tobacco". The term "such tobacco" clearly is limited to the specified type of tobacco named in the section, that is, shade-grown tobacco. While a literal interpretation of the term "such tobacco" might lead to a conclusion that the exemption extends only to the processing of the tobacco which the employee grew or harvested, it appears from the legislative history that the intent was to extend the exemption to the processing of such tobacco which may be viewed "as a continuation of the agricultural process, occurring in the vicinity where the tobacco was grown". (H. Rep. 75, 87th Cong. 1st Sess. p. 26.) Thus, it appears that the term "such tobacco" has reference to the local crop of shade-grown tobacco, raised by other local growers as well as by the processor, and which is being processed as a continuation of the growing and harvesting of such crop in the vicinity.

AGRICULTURAL EMPLOYEES WHO MAY QUALIFY FOR EXEMPTION

§ 780.308 Exemption limited to specified agricultural employees.

As indicated in § 780.304, an employee processing shade-grown tobacco qualifies for exemption under section 13(a)(21) only if he is both an "agricultural employee" and employed as such "in the growing and harvesting" of shade-grown tobacco. It should be noted that section 13(a)(21) is an exemption applicable to such an employee while he is engaged in the specified processing operations; his employment in growing and harvesting shade-grown tobacco is not included in this exemption but is a prerequisite to its application. Employment in such growing and harvesting operations would, however, be exempt from the minimum wage and overtime pay provisions as employment in agriculture under section 13(a)(6) in any workweek spent exclusively by the employee in such work.

§ 780.309 Agriculture.

The definition of "agriculture", as contained in section 3(f) of the Act, is discussed in Subpart B of this Part 780. The principles there discussed should be referred to as guides to the meaning of the terms "agricultural employee" and "growing and harvesting" as used in section 13(a)(21).

§ 780.310 "Any agricultural employee".

The section 13(a)(21) exemption applies to "any agricultural employee" who is employed in the specified activities. The term "any agricultural employee" includes not only agricultural employees of the tobacco grower but also such employees of other farmers or independent contractors. "Any agricultural employee" employed in the growing and harvesting of shade-grown tobacco will qualify for exemption if he engages in the specified processing operations. The use of the word "agricultural" before "employee" makes it apparent that separate consideration must be given to whether an employee is an "agricultural employee" and to whether he is employed in the specified "growing and harvesting" within the meaning of the Act.

§ 780.311 Meaning of "agricultural employee".

An "agricultural employee," for purposes of section 13(a)(21), may be defined as an employee employed in activities which are included in the definition of "agriculture" in section 3(f) of the Act (see § 780.103 of this part), and who is employed in these activities with sufficient regularity or continuity to characterize him as a person who engages in them as an occupation. Isolated or sporadic instances of engagement by an employee in activities defined as "agriculture" would not ordinarily establish that he is an "agricultural employee". His engagement in agriculture should be sufficiently substantial to demonstrate some dedication to agricultural work as a means of livelihood.

§ 780.312 "Employed in the growing and harvesting".

Section 13(a)(21) exempts processing operations on shade-grown tobacco only when performed by agricultural employees "employed in the growing and harvesting" of such tobacco. The use of the term "and" in the phrase "growing and harvesting" may be in recognition of the fact that in the raising of shade-grown tobacco the two operations are typically intermingled; however, it is not considered that the word "and" would preclude a determination on the particular facts that an employee is qualified for the exemption if he is employed only in "growing" or only in "harvesting." Employment in work other than growing and harvesting of shade-grown tobacco will not satisfy the requirement that the employee be employed in growing and harvesting, even if such work is on shade-grown tobacco and constitutes "agriculture" as defined in section 3(f) of the Act. For example, delivery of the tobacco by an employee of the farmer to the receiving platform of the bulking plant would be a "delivery to market" included in "agriculture" when performed by the farmer as an incident to or in conjunction with his farming operations (Mitchell v. Budd, 350 U.S. 473), but it would not be part of "growing and harvesting".

§ 780.313 What employment in growing and harvesting is sufficient.

To qualify an agricultural employee for exemption while processing shade-grown tobacco, the employee must be one who may currently be described in the language of the exemption as an "agricultural employee employed in the growing and harvesting of shade-grown tobacco". He must be one of those who "were employed in the growing and harvesting of such tobacco" (H. Rep. No. 75, 87th Cong., 1st Sess., p. 29) and one whose processing work could be viewed as a "continuation of the agricultural process, occurring in the vicinity where the tobacco was grown". (Ibid. p. 26.) This appears to require that such employment be in connection with the crop of shade-grown tobacco which is being processed; it appears to preclude an employee who has had no such employment in the current crop season from qualifying for this exemption even if in some past season he was employed in growing and harvesting such tobacco. Bona fide employment in growing and harvesting shade-grown tobacco would also appear to be necessary. An attempt to qualify an employee for the processing exemption by sending him to the fields for growing or harvesting work for a few hours or days would not establish the bona fide employment in growing and harvesting contemplated by the Act. It would not seem sufficient that an employee has been engaged in growing or harvesting operations only occasionally or casually or incidentally for a small fraction of his work time. (See Walling v. Haden, 153 F. 2d 196.) Employment for a significant period in the current crop season or on some regular recurring basis during this season would appear to be necessary before an agricultural employee could reasonably be described as one "employed in the growing and harvesting of shade-grown tobacco". The determination in a doubtful case will, therefore, require a careful examination and consideration of the particular facts.

§ 780.314 "Growing" and "harvesting".

The general meaning of "growing" and "harvesting" of agricultural commodities is explained in §§ 780.126 and 780.127 of Subpart B of this Part 780, where the meaning of these terms as used in the Act's definition of agriculture is fully discussed. As there indicated, these terms include the actual raising of the crop and the operations customarily performed in connection with the removal of the crops by the farmer from their growing position, but do not extend to operations subsequent to and unconnected with the actual process whereby the agricultural commodities are severed from their attachment to the soil. Thus, while transportation to a concentration point on the farm may be included, "harvesting" never extends to transportation or other operations off the farm. The "growing" of shade-grown tobacco is considered to include such work as preparing the soil, planting, irrigating, fertilizing, and other activities. This type of tobacco requires special cultivation and is grown in fields that are completely enclosed and covered with cheesecloth shade. The leaves of the plant are picked in stages, as they mature. The leaves are taken immediately to a tobacco barn, located on the farm, where they are strung on sticks and dried by heat. Before the drying process is completed, the leaves are allowed to absorb moisture. Then they are dried again. It is not until the end of this drying operation that the leaves are packed in boxes and taken from the farm to a bulking plant for further processing (see Mitchell v. Budd, 350 U.S. 473). Under the general principles stated above, "harvesting" of shade-grown tobacco is considered to include the removal of the tobacco leaves from the plant and moving the tobacco from the field to the drying barn on the farm, together with the performance of other work as a necessary part of such operations. Subsequent operations such as the drying of the tobacco in the barn on the farm and packing of the tobacco for transportation to the bulking plant are not included in "harvesting".

EXEMPT PROCESSING

§ 780.315 Processing requirements of section 13(a)(21).

When it has been determined that an employee is an "agricultural employee employed in the growing and harvesting of shade-grown tobacco", to whom section 13(a)(21) of the Act may apply, it then becomes necessary to ascertain whether he is "engaged in the processing * * * of such tobacco, prior to the stemming process, for use as cigar wrapper tobacco". It is only in workweeks when he is so engaged that section 13(a)(21) will provide an exemption from the minimum wage and overtime provisions of the Act.

§ 780.316 "Prior to the stemming process".

The exemption provided by section 13(a)(21) applies only to employees whose processing operation on shade-grown tobacco are performed "prior to the stemming process". (See H. Rep. No. 75, 87th Cong. 1st Sess. p. 26.) This means that an employee engaged in stemming, the removal of the midrib from the tobacco leaf (McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697), or in any operations on the tobacco which are performed after stemming has begun will not come within the exemption. Stemming and all subsequent operations are nonexempt work.

§ 780.317 "For use as cigar wrapper tobacco".

The phrase "for use as cigar wrapper tobacco" limits the type of end product which may be produced by the exempt operations. As its name indicates, cigar wrapper tobacco is used as a cigar wrapper and is distinguished from other types of tobacco which serve other purposes such as filling, pipe, chewing and other kinds of tobacco. Normally, shade-grown tobacco is used only for cigar wrappers. However, if the tobacco is not being processed by the employer for such specific and limited use, the employee is not engaged in exempt processing operations.

§ 780.318 Exempt processing operations.

The processing operations under section 13(a)(21) include, but are not limited to, "drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling" of the shade-grown tobacco. As previously noted, these operations are exempt only if performed on shade-grown tobacco prior to the stemming process to prepare the tobacco for use as cigar wrapper tobacco. Some operations in the named categories may, as noted in § 780.314, be performed by a tobacco farmer or on a tobacco farm as an incident to or in conjunction with the growing and harvesting operations performed by such farmer or on such farm, in which event the exemption for agriculture under section 13(a)(6) may be applicable to the employees engaged in these operations. (See §§ 780.139–780.157 of this part.) Where they are not so performed by the farmer or on the farm, however, the exemption provided by section 13(a)(21) will apply if all its conditions are met. Bulking and subsequent processing of shade-grown tobacco, which change and improve the leaf in many ways and turn it into an industrial product, are not normally performed by the farmer or on the farm. Such operations have been held to be more akin to manufacturing than to agriculture (Mitchell v. Budd, 350 U.S. 473, at 475, 481, 482).

§ 780.319 General scope of exempt operations.

All operations normally performed in the processing of shade-grown tobacco for use as cigar wrapper tobacco, if performed prior to the stemming process

and for such use, are included in the exemption. As a whole, this processing substantially changes the physical properties and chemical content of the tobacco, improves its color, increases its combustibility, and eliminates the rawness and harshness of the freshly cured leaf. In the process the leaves are piled in "bulks" of about 4,000 pounds each to undergo a "sweating" or "fermentation" process in which temperature and humidity are carefully controlled. Proper heat control includes, among other things, breaking up the bulk, redistributing the tobacco, and adding water. Proper fermentation or aging requires the bulk to be reconstructed several times. This bulking process may last from four to eight months. When the tobacco is properly dried, cured, fermented, and aged, it is moved to long tables where the leaves are individually graded and sorted, after which they are tied in bundles called "hands" of about 30 to 35 leaves each, which are then baled for shipment. Equipment required for the work may include a steam-heated plant, platforms, thermometers, bulk covers, baling boxes and presses, baling mats and packing, sorting, and grading tables. (See Mitchell v. Budd, 350 U.S. 473, 475.) Employees performing any part of this processing prior to the stemming process, including the operations named in section 13(a)(21), may come within the exemption if they are otherwise qualified and if the tobacco on which they work is being processed for use as cigar wrapper tobacco.

§ 780.320 Particular operations which may be exempt.

(a) *General.* Section 13(a)(21) lists a number of operations as being included in the processing of shade-grown tobacco. Some of these are, and others are not, themsleves "processing" in the sense that performance of the operation changes the natural form of the commodity on which it is performed. All of the operations named and described in paragraph (b) of this section, however, are a necessary and integral part of the overall process of preparing shade-grown tobacco for use as cigar wrapper tobacco and, when performed as part of that process and prior to stemming of the tobacco, by an employee qualified under the terms of the section, will provide the basis for his exemption from the minimum wage and overtime provisions of the Act.

(b) *Particular operations*—(1) *Drying.* Drying includes the removal or lowering of the moisture content of the tobacco, whether by natural means or by exposure to heat from ovens, furnaces, etc.

(2) *Curing.* Curing includes removing the tobacco to the curing shed or barn and stringing the tobacco over slats.

(3) *Fermenting.* Fermenting includes the operations controlling the chemical changes which take place in the tobacco as the result of bulking and rebulking.

(4) *Bulking.* Bulking includes piling the tobacco in piles or bulks of about 4,000 pounds each for the purpose of fermenting the tobacco.

(5) *Rebulking.* Rebulking includes the breaking down of the tobacco bulks or piles and rearranging them so that the tobacco on the inside will be placed on the outside of the bulk and tobacco on the outside will be placed inside.

(6) *Sorting.* Sorting includes segregation of the tobacco leaves in connection with the grading and classifying of the cured tobacco.

(7) *Grading.* Grading includes sorting or classifying as to size and quality.

(8) *Aging.* Aging includes the curing process brought about by bulking.

(9) *Baling.* Baling includes the tying of the tobacco into "hands" and placing them in bales for shipment.

§ 780.321 Other processing operations.

The language of the section, namely; "including, but not limited to", extends the exemption for processing to include other operations in the processing of shade-grown tobacco besides those specifically enumerated. These additional operations include only those which are a necessary and integral part of preparing the shade-grown tobacco for use as cigar wrapper tobacco. These additional operations, like those enumerated in section 13(a)(21), must be performed before the tobacco has been stemmed. Stemming work and further work on the tobacco after stemming has been performed are nonexempt.

§ 780.322 Nonprocessing employees.

Only those employees who actually engage in the specified exempt processing activities are exempt. Clerical, maintenance and custodial workers are not included.

Workweek Application of Exemption

§ 780.323 Workweek is used in applying the exemption.

The unit of time to be used in determining the application of the exemption to an employee is the workweek. (See Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n, 80 F. Supp. 953, affirmed 181 F. 2d 697.) A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 780.324 Exclusive engagement in exempt work.

An employee who engages exclusively in a workweek in work which is exempt under section 13(a)(21) is exempt from the Act's minimum wage and overtime requirements for that entire workweek.

§ 780.325 Exempt and nonexempt work.

Where an employee in the same workweek performs work which is exempt under this section 13(a)(21) and also engages in work to which the Act applies, and which is not exempt under this or any other section of the Act, he is not exempt that week. (See McComb v. Puerto Rico Tobacco Marketing Co-op Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697; Mitchell v. Hunt 263 F. 2d 913; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969; McComb v. del Valle, 80 F. Supp. 945; Walling v. Peacock Corp., 58 F. Supp. 880.)

§ 780.326 Work exempt under another section of the Act.

Where an employee performs work during his workweek, some of which is exempt under section 13(a)(21) and the remainder of which is exempt under another section or sections of the Act, the exemptions may be combined. The employee's combination exemption is controlled in such a case by that exemption which is narrower in scope. For example, if part of his work is exempt from both minimum wage and overtime compensation under section 13(a)(21) and the rest is exempt only from the overtime pay requirements (as under section 7(c) for the first processing of an agricultural commodity in the area of production during seasonal operations), the employee is exempt that week from the overtime provisions, but not from the minimum wage requirements.

Subpart E—Employment in Fruit and Vegetable Harvest Transportation Exempted From Minimum and Overtime Pay Requirements Under Section 13(a)(22)

Introductory

§ 780.400 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this Subpart E together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(a)(22) of the Fair Labor Standards Act of 1938, as amended. This section provides exemption from the minimum wage and overtime pay provisions of the Act for employees engaging in specified transportation activities when fruits and vegetables are harvested. As appears more fully in Subpart A of this part, interpretations in this bulletin with respect to the provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act. The general exemption provided in section 13(a)(6) of the Act for employees employed in agriculture, and the exemption provided in section 13(a)(10) for certain operations on agricultural commodities within "the area of production", are not discussed in this subpart except in their relation to section 13(a)(22). The meaning and application of these exemptions are fully considered in Subparts B and H, respectively, of this Part 780.

§ 780.401 Statutory provision.

Section 13(a)(22) of the Act exempts from the minimum wage requirements of section 6 and from the overtime provisions of section 7:

any employee engaged (A) in the transportation and preparation for transportation of fruits or vegetables, whether or not performed by the farmer, from the farm to a place of first processing or first marketing within the same State, or (B) in transportation, whether or not performed by the farmer, between the farm and any point within the same State of persons employed or to be employed in the harvesting of fruits or vegetables.

§ 780.402 Legislative history of exemption.

Section 13(a)(22) was added to the Act by the Fair Labor Standards Amendments of 1961, effective September 3, 1961. The original provision in the House-passed bill was in the form of an amendment to the Act's definition of agriculture. It would have altered the effect of holdings of the courts that operations such as those described in the amendment are not within the agriculture exemption provided by section 13(a)(6) when performed by employees of persons other than the farmer. (Chapman v. Durkin, 214 F. 2d 360, certiorari denied 348 U.S. 897; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363, certiorari denied, 348 U.S. 897.) The amendment was offered to exempt operations which, in the sponsor's view, were meant to be exempt under the original Act. (See 107 Cong. Rec. (daily ed.) p. 4523.) The Conference Committee, in changing the provision to make it a separate exemption made it clear that it was "not intended by the committee of conference to change by this exemption [for the described transportation employees] • • • the application of the Act to any other employees. Nor is it intended that there be any implication of disagreement by the conference committee with the principles and tests governing the application of the present agricultural exemption as enunciated by the courts." (H. Rept. No. 327, 87th Cong. 1st Sess., p. 18.)

§ 780.403 General scope of exemption.

The exemption provided by section 13(a)(22) is in two parts, subsection (A), which exempts employees engaged in the described transportation and preparation for transportation of fruits or vegetables, and subsection (B) which exempts employees engaged in the specified transportation of employees who harvest fruits or vegetables. The transportation and preparation for transportation of fruits and vegetables must be from the farm to a place of first processing or first marketing located in the same State where the farm is located; the transportation of harvesters must be between the farm and a place located in the same State as the farm.

§ 780.404 What determines the exemption.

The application of the exemptions provided by section 13(a)(22) depends on the nature of the employee's work and not on the character of the employer's business. An employee is not exempt in any workweek unless his employment in that workweek meets all the requirements for exemption. To determine whether an employee is exempt an examination should be made of the duties which that employee performs. Some employees of the employer may be exempt and others may not.

§ 780.405 Employers who may claim exemption.

A nonfarmer, as well as a farmer, who has an employee engaged in the operations specified in section 13(a)(22) may take advantage of the exemption. Employees of contractual haulers, packers, processors, wholesalers, "bird-dog" operators, and others may qualify for exemption. If an employee is engaged in the specified operations, the exemption will apply "whether or not" these operations are "performed by the farmer" who has grown the harvested fruits and vegetables. Where such operations are performed by the farmer, the engagement by his employee in them will provide a basis for exemption under section 13(a)(22) without regard to whether the farmer is performing the operations as an incident to or in conjunction with his farming operations. (See §§ 780.167–780.172 of this part.)

Exempt Operations on Fruits or Vegetables

§ 708.406 Requisites for exemption generally.

Section 13(a)(22), in clause (A), provides an exemption from the minimum wage and overtime pay provisions of the Act for an employee during any workweek in which all the following conditions are satisfied:

(a) The employee must be engaged "in the transportation and preparation for transportation of fruits or vegetables"; and

(b) Such transportation must be transportation "from the farm"; and

(c) The destination to which the fruits or vegetables are transported must be "a place of first processing or first marketing"; and

(d) The transportation must be from the farm to such destination "within the same State".

§ 708.407 "Fruits or vegetables".

The exempt operations of preparing for transportation and transporting must be performed with respect to "fruits or vegetables". The intent of section 13(a)(22) is to exempt such operations on fruits or vegetables which are "just-harvested" and still in their raw and natural state. As explained at the time of adoption of the amendment on the floor of the House, the exemption was intended to eliminate the difference in treatment of farmers and nonfarmers with respect to exemption of such "handling or hauling of fruit or vegetables in their raw or natural state". (See 107 Cong. Rec. (daily ed.) p. 4523.) Transporting and preparing for transportation other farm products which are not fruits or vegetables are not exempt under section 13(a)(22). For example, operations on livestock, eggs, tobacco or poultry are nonexempt.

§ 780.408 Relation of employee's work to specified transportation.

In order for the exemption to apply to an employee, he must be engaged "in the transportation and preparation for transportation" of the just-harvested fruits or vegetables from the farm to the specified places within the same State. Engagement in other activities is not exempt work. The employee must be actually engaged in the described operations. The exemption is not available for other employees of the employer, such as office, clerical, and maintenance workers.

§ 780.409 "Transportation".

"Transportation", as used in section 13(a)(22), refers to the movement by any means of conveyance of fruits or vegetables from the farm to a place of first processing or first marketing in the same State. It includes only those activities which are immediately necessary to move the fruits or vegetables to the specified points and the return trips. Drivers, drivers' helpers, loaders and checkers perform work which is exempt. Transportation ends with delivery at the receiving platform of the place to which the fruits or vegetables are transported. (Mitchell v. Budd, 350 U.S. 473.) Thus, unloading at the delivery point by employees who did not transport the commodities would not be a part of the transportation activities under section 13(a)(22).

§ 780.410 Engagement in transportation and preparation.

Since transportation and preparation for transportation are both exempt activities, an employee who engages in both is performing exempt work. In referring to "the transportation and preparation for transportation" of the fruits or vegetables, the statute recognizes the two activities as interrelated parts of the single task of moving the commodities from the farm to the designated points. Accordingly, the word "and" between the words "transportation" and "preparation" is not considered to require that any employee be employed in both parts of the task in order to be exempt. The exemption may apply to an employee engaged either in transporting or preparing the commodities for transportation if he otherwise qualifies under section 13(a)(22).

§ 780.411 Preparation for transportation.

The "preparation for transportation" of fruits or vegetables includes only those activities which are necessary to prepare the fruits or vegetables for transportation from the farm to the places described in section 13(a)(22). These preliminary activities on the farm will vary with the commodity involved, with the means of the transportation to be used, and with the nature of operations to be performed on the commodity after delivery.

§ 780.412 Exempt preparation.

The following operations, if required in order to move the commodities from the farm and to deliver them to a place of first marketing or first processing, are considered preparation for transportation: assembling, weighing, placing the fruits or vegetables in containers such as lugs, crates, boxes or bags, icing, marking, labeling or fastening containers, and moving the commodities from storage or concentration areas on the farm to loading sites.

§ 780.413 Nonexempt preparation.

(a) *Retail packing.* Since the exemption, as expressly stated in section 13(a)(22), includes the transportation of the fruits or vegetables only to places of first marketing or first processing, packing or preparing for retail distribution is not exempt as "preparation for transportation".

(b) *Preparation for market.* No exemption is provided under section 13(a)(22) for operations performed on the farm in preparation for market (such as ripening, cleaning, grading, or sorting) rather than in preparation for the transportation described in the section. Exemption, if any, for these activities should be considered under sections 13(a)(6) and 3(f) of the Act. (See Subpart B of this Part 780.)

(c) *Processing or canning.* Processing is not exempt preparation for transportation. Thus, the canning of fruits or vegetables is not under section 13(a)(22).

§ 780.414 "From the farm".

The exemption applies only to employees whose work relates to transportation of fruits or vegetables "from the farm". The phrase "from the farm" makes it clear that the preparation of the fruits or vegetables should be performed on the farm and that the first movement of the commodities should commence at the farm. A "farm" has been interpreted under the Act to mean a tract of land devoted to one or more of the primary branches of farming outlined in the definition of "agriculture" in section 3(f) of the Act. These expressly include the cultivation and tillage of the soil and the growing and harvesting of any agricultural or horticultural commodities. Fruits and vegetables are such commodities. (See § 780.144 of this part for a fuller discussion of the term "farm".)

§ 780.415 "Place of first processing".

Under section 13(a)(22) the fruits or vegetables may be transported to only two types of places. One is a "place of first processing", which includes any place where canning, freezing, drying, preserving, or other operations which first change the form of the fresh fruits or vegetables from their raw and natural state are performed. (For overtime exemption applicable to "first processing", see Subpart J of this Part 780.) A plant which grades and packs only is not a place of first processing (Walling v. DeSoto Creamery and Produce Co., 51 F. Supp. 938). However, a packer's plant may qualify as a place of first marketing. (See § 780.416.)

§ 780.416 "Place of * * * first marketing".

A "place of * * * first marketing" is the second of the two types of places to which the freshly harvested fruits or vegetables may be transported from the farm under the exemption provided by section 13(a)(22). A place of first marketing is a place where the grower sells his fruits or vegetables or to which the grower's fruits or vegetables are first delivered there to be sold. A place of first marketing may also be a place of first processing (see Mitchell v. Budd, 350 U.S. 473) but it need not be. It is a farmer's market, and will include any packing plant or any establishment of a wholesaler or other distributor, cooperative, or processor to which the farmer's fruits or vegetables are first delivered for sale. (See 107 Cong. Rec. (daily ed.) p. 4523; see also the discussion of "delivery to market" by a farmer in § 780.169 of this part.) If the farmer sells his crop in the field, "first marketing" has taken place and no transportation from the farm could qualify as transportation "to a place of * * * first marketing", but if the transportation is to a plant where the fruits or vegetables are first processed, it could qualify as transportation "to a place of first processing" notwithstanding that title to the commodities had passed from the farmer to another person. (See § 780.415.) Transportation to places which are not first processing or first marketing places is not exempt.

§ 780.417 "Within the same State".

To qualify for exemption under section 13(a)(22), the transportation of the fruits or vegetables must be made to the specified places "within the same State" in which the farm is located. Transportation is made to a place "within the same State" when the commodities are taken from the farm, hauled and delivered within the same State to first markets or first processors for sale or processing at the place of delivery. The exemption is not provided for transportation to any place of first marketing or first processing across State lines and does not apply to any part of the transportation within the State of fruits or vegetables destined for a place in another State at which they are to be first marketed or first processed. Transportation from the farm to an intermediate point in such a journey located within the same State would not qualify for exemption; it would make no difference that the intermediate point is a place of first marketing or first processing for other fruits or vegetables if it is not actually such for the fruits or vegetables being transported. On the other hand, where the place to which fruits or vegetables are transported from the farm within the same State is actually the place of first marketing or first processing of those very commodities, transportation of the goods across State lines by the first-market operator or first processor, after such delivery to him within the State, does not affect the nature of the delivery to him as one made within the State.

EXEMPT TRANSPORTATION OF FRUIT OR VEGETABLE HARVEST EMPLOYEES

§ 780.418 Requisites for exemption generally.

Section 13(a)(22), in clause (B), provides an exemption from the minimum wage and overtime pay provisions of the Act for an employee during any workweek in which all the following conditions are satisfied:

(a) The employee must be engaged "in transportation" of harvest workers; and

(b) The harvest workers transported must be "persons employed or to be employed in the harvesting of fruits or vegetables"; and

(c) The employee's transportation of such harvest workers must be "between the farm and any point within the same State".

§ 780.419 Engagement "in transportation" of harvest workers.

In order for the exemption to apply, the employees must be engaged "in transportation" of the specified harvest workers between the points stated in the statute. Actual engagement "in transportation" of such workers is required. Engagement in other activities is not exempt work. Drivers, driver's helpers and others who are engaged in the actual movement of the persons transported may qualify for the exemption. Office employees, garage mechanics, and other employees of the employer who may perform supporting activities but do not engage in the actual transportation work do not come within the exemption. There is no restriction in the statute as to the means of conveyance used; the exempt transportation may be by land, air, or water in any vehicle or conveyance appropriate for the purpose. Employees of any employer who are engaged in the specified transportation activities may qualify for exemption; it is not necessary that the transportation be performed by the farmer. (See § 780.405.) Transportation by a farmer of his field workers may also qualify the transportation workers for exemption under section 13(a)(6). (See Maneja v. Waialua, 349 U.S. 254.)

§ 780.420 Workers transported must be fruit or vegetable harvest workers.

Clause (a) of section 13(a)(22) exempts only those transportation employees who are engaged in transportation "of persons employed or to be employed in the harvesting of fruits or vegetables." Transportation of harvest workers is not exempt unless the workers are fruit or vegetable harvest workers; transportation of workers employed or to be employed in harvesting other commodities is not exempt work under section 13(a)(22). Nor does the exemption apply to the transportation of persons for the purpose of planting or cultivating any crop, whether or not it is a fruit or a vegetable crop.

§ 780.421 Persons "employed or to be employed" in fruit or vegetable harvesting.

The exemption applies to the transportation of persons "employed or to be employed" in the harvesting of fruits or vegetables. Included in this phrase are persons who at the time of transportation are currently employed in harvesting fruits or vegetables and others who, regardless of their occupation at such time, are being transported to be employed in such harvesting. The conveying of persons to a farm from a factory, packinghouse or processing plant would be exempt where their transportation is for the purpose of their employment in harvesting the named commodities. On the other hand, the transportation of harvest workers, who have been employed in the fruit or vegetable harvest, to such a plant for the purpose of their employment in the plant would not be exempt. The transportation must come within the intended scope of section 13(a)(22), which is to provide exemption for "transportation of the harvest crew to and from the farm" (see 107 Cong. Rec. daily ed. p. 4523).

§ 780.422 "Harvesting" of fruits or vegetables.

Only transportation of employees employed or to be employed in the "harvesting" of fruits or vegetables is exempt under clause (B) of section 13(a)(22). As indicated in § 780.420, such harvest workers do not include employees employed or to be employed in planting or cultivating the corp. Nor do they include employees employed or to be employed in operations subsequent to harvesting, even where such operations constitute "agriculture" within the definition in section 3(f) of the Act. "Harvesting" refers to the removal of fruits or vegetables from their growing position in the fields and, as explained in § 780.127 of this part, includes the operations customarily performed in connection with this severance of the crops from the soil (see Vives v. Sarralles, 145 F. 2d 552), but does not extend to operations subsequent to and unconnected with the actual severance process or to operations performed off the farm. It may include moving the fruits or vegetables to concentration points on the farm, but would not include packingshed or pea-vinery operations or other operations performed in preparation for market rather than as part of harvesting, such as ripening, cleaning, grading, sorting, drying and storing. If the workers are employed or to be employed in "harvesting", it does not matter for purposes of the exemption whether a farmer or someone else employs them or does the harvesting. It is the character of their employment as "harvesting" and not the identity of their employer or the owner of the crop which determines whether their transportation to and from the farm will provide a basis for exemption of the transportation employees.

§ 780.423 "Between the farm and any point within the same State".

The transportation of fruit or vegetable harvest workers is permitted "between the farm and any point within the same State". The exempt transportation of such harvest workers therefore includes their movement to and from the farm (see 107 Cong. Rec. (daily ed.) p. 4523; see § 780.414 for meaning of "farm"). Such transportation must, however, be from or to points "within the same State" in which the farm is located. Crossing of State lines is not contemplated. Thus, the exemption would not apply to day-haul transportation of fruit or vegetable harvest workers between a town in one State and farms located in another State. Also, the intent to exempt "transportation of the harvest crew to and from the farm" (see 107 Cong. Rec. (daily ed.) p. 4523) within a single State would not justify exemption of the transportation of workers from one State to another to engage in harvest work in the latter State. The exemption does not apply to transportation of persons on any trip, or any portion of a trip, in which the point of origin or point of destination is in another State. Subject to these limitations, however, where employees are being transported for employment in harvesting they may be picked up at any place within the State, including other farms, packing or processing establishments, factories, transportation terminals and other places. The broad term "any point" must be interpreted in the light of the purpose of the exemption to facilitate the harvesting of fruits or vegetables. Transportation from a farm to "any point" within the same State (such as a factory or processing plant) where some other purpose than harvesting is served is not exempt.

WORKWEEK APPLICATIONS OF EXEMPTION

§ 780.424 Workweek is used in applying the exemption.

The unit of time to be used in determining the application of the section 13(a)(22) exemption to an employee is the workweek. (See Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697). A workweek is a fixed and regularly recurring period of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. The workweek may not be changed for the purpose of escaping the requirements of the Act.

§ 780.425 Exclusive engagement in exempt work.

An employee who engages exclusively in a workweek in work which is exempt under section 13(a)(22) is exempt from the Act's minimum wage and overtime requirements for the entire week, whether such work is that described in Clause (A) or in Clause (B) or both.

§ 780.426 Exempt and nonexempt work.

Where an employee in the same workweek performs work which is exempt under this section 13(a)(22) and also engages in work to which the Act applies, not exempt under this or any other section of the Act, he is not exempt that week (See McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697; Mitchell v. Hunt, 263 F. 2d 913; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969; McComb v. del Valle (80 F. Supp. 945; Walling v. Peacock Corp., 58 F. Supp. 880).

§ 780.427 Work exempt under another section of the Act.

Where an employee performs work during his workweek, some of which is exempt under section 13(a)(22) and the remainder of which is exempt under another section or sections of the Act, the exemptions may be combined. The employee's combination exemption is controlled by that exemption which is narrower in scope. For example, if part of his work is exempt from both minimum wage and overtime compensation under section 13(a)(22) and the rest is exempt only from the overtime pay requirements (as under section 7(c) for the first processing, canning or packing of perishable or seasonal fresh fruits or vegetables), the employee is exempt that week from the overtime provisions, but not from the minimum wage requirements.

Subpart F—Employment in Ginning of Cotton for Market Exempted From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(18)

INTRODUCTORY

§ 780.500 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this Subpart F together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(a)(18) of the Fair Labor Standards Act of 1938, as amended. This section provides an exemption from the minimum wage and overtime pay provisions of the Act for employees engaged in ginning of cotton for market. In any place of employment located in a county where cotton is grown in commercial quantities. As appears more fully in Subpart A, of this part interpretations in this bulletin with respect to provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act. The minimum wage and overtime exemptions provided in section 13(a)(6) of the Act for employees employed in agriculture and in section 13(a)(10) for certain related employment within the "area of production", and the overtime exemptions provided for cotton ginning by section 7(c) and under section 7(b)(3) of the Act, are not discussed in this subpart except in their relation to section 13(a)(18). The meaning and application of these other exemptions are fully considered in Subparts B, H, and J, respectively, of this Part 780.

§ 780.501 Statutory provisions.

Section 13(a)(18) of the Fair Labor Standards Act exempts from the minimum wage requirements of section 6 and from the overtime provisions of section 7:

any employee engaged in ginning of cotton for market, in any place of employment located in a county where cotton is grown in commercial quantities.

Section 13(a)(18) was added to the Act by the Fair Labor Standards Amendments of 1961, which at the same time removed ginning from the operations named in section 13(a)(10) (which provides a minimum wage and overtime exemption for individuals engaged in the named operations if they are employed within the "area of production" as defined by the Secretary of Labor). Accordingly, since September 3, 1961 the effective date of the 1961 amendments, section 13(a)(18) and not section 13(a)(10) determines whether an employee engaged in ginning cotton for market is exempt from the minimum wage as well

as the overtime pay provisions of the Act. The legislative history of the exemption indicates that it was the intent of the amendments to relieve cotton ginners from the application of the "area of production" requirements of section 13(a)(10) and to substitute therefor the requirement that the place of the employee's employment be in a county where cotton is grown in commercial quantities (107 Cong. Rec. (daily ed.) p. 5887).

§ 780.502 What determines application of the exemption.

It is apparent from the language of section 13(a)(18) that the application of this exemption depends upon the nature and purpose of the work performed by the individual employee for whom exemption is sought and on the location of the place of employment where the work is done. It does not depend upon the character of the business of the employer. A determination of whether an employee is exempt therefore requires an examination of that employee's duties. Some employees of the employer may be exempt while others may not.

§ 780.503 Basic conditions of exemption.

Under section 13(a)(18) of the Act all the following conditions must be met in order for the exemption to apply to an employee:

(a) He must be "engaged in ginning".

(b) The commodity ginned must be cotton.

(c) The ginning of the cotton must be "for market".

(d) The place of employment in which this work is done must be "located in a county where cotton is grown in commercial quantities." The following sections discuss the meaning and application of these requirements.

Ginning of Cotton for Market

§ 780.504 "Ginning" of cotton.

The term "ginning" refers to operations performed on "seed cotton" to separate the seeds from the spinnable fibers. (Moore v. Farmer's Manufacturing and Ginning Co., 51 Ariz. 378, 77 P. 2d 209; Frazier v. Stone, 171 Miss. 56, 156 So. 596). "Seed cotton" is cotton in its natural state (Burchfield v. Tanner, 142 Tex. 404, 178 S.W. 2d 681, 683) and the ginning to which section 13(a)(18) refers is the "first processing" of this agricultural commodity (107 Cong. Rec. (daily ed.) p. 5887), which converts it into the marketable product commonly known as "lint cotton" (Mangan v. State, 76 Ala. 60, 66) by removing the seed from the lint and then pressing and wrapping the lint into bales. Ginning, as used in the exemption, includes reginning and rebaling where necessary, as in the case of damaged or loose cotton, since these operations are performed in the same way and for the same purpose as the original ginning.

§ 780.505 Ginning of "cotton".

Only the ginning of "cotton" is within the exemption. An employee engaged in ginning of moss, for example, would not be exempt. The reconditioning of cotton waste resulting from spinning or oil mill operations is not included, since such waste is not the agricultural commodity in its natural state for whose first processing the exemption was provided. (See 107 Cong. Rec. (daily ed.) p. 5887.) The "cotton", "seed cotton", and "lint cotton" ginned by ordinary gins do not include "linter" or "Grabbot" cotton, obtained by reginning cotton seed and hard locks of cotton mixed with hulls, bolls, and other substances which could not be removed by ordinary ginning (Mississippi Levee Com'rs v. Refuge Cotton Oil Co., 91 Miss. 480, 44 So. 828, 829).

§ 780.506 Exempt ginning limited to first processing.

As indicated in § 780.504, the ginning for which the exemption is intended is the first processing of the agricultural commodity, cotton, in its natural form, into lint cotton for market. It does not include further operations which may be performed on the cottonseed or the cotton lint, even though such operations are performed in the same establishment where the ginning is done. Delinting, which is the removal of short fibers and fuzz from cottonseed, is not exempt under section 13(a)(18). It is not first processing of the seed cotton; rather, it is performed on cottonseed, usually in cottonseed processing establishments, and even if regarded as ginning (Mitchell v. Burgess, 239 F. 2d 484) it is not the ginning of cotton for market contemplated by section 13(a)(18). It may come within the overtime exemption provided in section 7(c) of the Act for processing cottonseed. (See Subpart J of this Part 780.) Compressing of cotton, which is the pressing of bales into higher density bales than those which come from the gin, is a further processing of the cotton entirely removed from ginning (Peacock v. Lubbock Compress Co., 252 F. 2d 892). Employees engaged in compressing may, however, be subject to exemption from minimum wages and overtime pay under section 13(a)(10) (Subpart H of this Part 780) or from overtime pay under section 7(c) (Subpart J of this Part 780) if the requisite conditions of the particular exemption are met.

§ 780.507 Cotton must be ginned "for market".

As noted in § 780.504, it is ginning of seed cotton which converts the cotton to marketable form. Section 13(a)(18), however, provides an exemption only where the cotton is actually ginned "for market". The ginning of cotton for some other purpose is not exempt work. Cotton is not ginned "for market" if it is not to be marketed in the form in which the ginning operation leaves it. Cotton is not ginned "for market" if it is being ginned preliminary to further processing operations to be performed on the cotton by the same employer before marketing the commodity in an altered form. (Compare Mitchell v. Park (D. Minn.), 14 WH Cases 43, 36 Labor Cases 65, 191; Bush v. Wilson & Co., 157 Kans. 82, 138 P. 2d 457; Gaskin v. Clell Coleman & Sons, 2 WH Cases 977.) The meaning of "for market" as used in section 13(a)(18) is not different from its meaning in section 13(a)(10), where it was applied to ginning prior to the 1961 amendments. A discussion of the term "for market" as used in section 13(a)(10) is contained in Subpart H of this Part 780.

Employees "Engaged in" Ginning

§ 780.508 Who may qualify for the exemption generally.

The exemption applies to "any employee engaged in" ginning of cotton. This means that the exemption may apply to an employee so engaged, no matter by whom he is employed. Employees of the gin operator, of an independent contractor, or of a farmer may come within the exemption in any workweek when all other conditions of the exemption are met. To come within the exemption, however, an employee's work must be an integral part of ginning of cotton, as previously described. The courts have uniformly held that exemptions in the Act must be construed strictly to carry out the purpose of the Act. (See § 780.2, in Subpart A of this Part 780.) No operation in which an employee engages in a place of employment where cotton is ginned is exempt unless it comes within the meaning of the term "ginning".

§ 780.509 Employees engaged in exempt operations.

Employees engaged in actual ginning operations, as described in § 780.504, will come within the exemption if all other conditions of section 13(a)(18) are met. These include the ginners and ginners' helpers, pressmen, and any others whose work is so directly and physically connected with the ginning process itself that it constitutes an integral part of its actual performance.

§ 780.510 Employees not "engaged in" ginning.

Since an employee must actually be "engaged in" ginning of cotton to come within the exemption, an employee engaged in other tasks, not an integral part of "ginning" operations, will not be exempt. (See, for rule that only the employees performing the work described in the exemption are exempt, Mitchell v. Stinson, 217 F. 2d 210; Phillips v. Meeker Cooperative Light and Power Ass'n., 63 F. Supp. 743, affirmed 158 F. 2d 698; Jenkins v. Durkin, 208 F. 2d 941; Heaburg v. Independent Oil Mill, Inc., 46 F. Supp. 751; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969.) Accordingly, section 13(a)(18) does not provide any exemption for office employees, watchmen, or other employees not directly and physically connected with the ginning process itself who are engaged in general maintenance work or custodial or clerical duties. Similarly, no employee employed in a cotton gin during the off-season when no ginning is being performed can come within the exemption, because he cannot then be engaged in ginning.

"County Where Cotton Is Grown in Commercial Quantities"

§ 780.511 Exemption as dependent upon place of employment generally.

Under section 13(a)(18), if the employee's work meets the requirements for exemption, the location of the place of employment where he performs it will determine whether the exemption is applicable. This location is required to be in a county where cotton is grown in commercial quantities. The exemption will apply, however, to an employee who performs such work in "any" place of employment in such a county. The place of employment in which he engages in ginning need not be an establishment exclusively or even principally devoted to such operations; nor is it important whether the place of employment is on a farm or in a town or city in such a county, or whether or to what extent the cotton ginned there comes from the county in which the ginning is done or from nearby or distant sources. It is enough if the place of employment where the employee is engaged in ginning cotton for market is "located" in such a county.

§ 780.512 "County".

As used in the section 13(a)(18) exemption, the term "county" refers to the political subdivision of a State commonly known as such, whether or not such a unit bears that name in a particular State. It would, for example, refer to the political subdivision known as a "parish" in the State of Louisiana. A place of employment would not be located in a county, within the meaning of the exemption, if it were located in a city which, in the particular State, was not a part of any county.

§ 780.513 "County where cotton is grown".

For the exemption to apply, the employee must be ginning cotton in a place of employment in a county where cotton "is grown" in the described quantities. It is the cotton grown, not the cotton ginned in the place of employment, to which the quantity test is applicable. The quantities of cotton ginned in the county do not matter, so long as the requisite quantities are grown there.

§ 780.514 "Grown in commercial quantities".

Cotton must be "grown in commercial quantities" in the county where the place of employment is located if an employee ginning cotton in such place is to be exempt under section 13(a)(18). The term "commercial quantities" is not defined in the statute, but in the cotton-growing areas of the country there should be little question in most instances as to whether commercial quantities of cotton are grown in the county where the ginning is done. If it should become necessary to determine whether commercial quantities are grown in a particular county, it would appear appropriate in view of crop-year variations to consider average quantities produced over a representative period such as five years. On the question of whether the quantities grown are "commercial" quantities, the trade understanding of what are "commercial" quantities of cotton would be important. It would appear appropriate also to measure "commercial" quantities in terms of marketable lint cotton in bales rather than by acreages or amounts of seed cotton grown, since seed cotton is not a commercially marketable product (Mangan v. State, 76 Ala. 60). Also, production of a commodity in "commercial" quantities generally involves quantities sufficient for sale with a reasonable expectation of some return to the producers in excess of costs (Blanco v. Hess (Ariz.), 339 P. 2d 1038; Nystel v. Thomas (Tex. Civ. App.) 42 S.W. 2d 168).

Workweek Application of Exemption

§ 780.515 Workweek is used in applying the exemption.

Once the growing of cotton in commercial quantities in the county where the employee's place of employment is located has been tested by a period appropriate for that purpose and established, the unit of time to be used in determining the application of the section 13(a)(18) exemption to an employee is the workweek. (See Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697.) A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 780.516 Exclusive engagement in exempt work.

An employee who engages exclusively in a workweek in work which is exempt under section 13(a)(18) is exempt from the Act's minimum wage and overtime pay requirements for the entire week, if he is so engaged in a place of employment located in a county where cotton is grown in commercial quantities.

§ 780.517 Exempt and nonexempt work.

Where an employee in the same workweek is engaged in ginning of cotton for market which is exempt under section 13(a)(18) if engaged in for the entire workweek, and also engages in work to which the Act applies and which is not exempt under this or any other section of the Act, he is not exempt that week. (See McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 397; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969; McComb v. del Valle, 80 F. Supp. 945; Walling v. Peacock Corp., 58 F. Supp. 880; Waialua v. Maneja, 77 F. Supp. 480.)

§ 780.518 Work exempt under another section of the Act.

Where an employee performs work during his workweek, some of which is exempt under section 13(a)(18) and the remainder of which is exempt under another section or sections of the Act, the exemptions may be combined. If the scope of the exemptions is not the same, the combination exemption applicable to the employee is controlled by the exemption which is more limited in scope. For example, if part of his work is exempt from both minimum wage and overtime compensation under section 13(a)(18) and the rest is exempt only from the overtime pay requirements, as under the section 7(c) exemption for the processing of cottonseed, the employee is exempt that week from the overtime provisions, but not from the minimum wage requirements.

Subpart G—Employment by Small Country Elevators Within Area of Production; Exemption From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(17)

Introductory

§ 780.600 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this subpart together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(a)(17) of the Fair Labor Standards Act of 1938, as amended. This section provides an exemption from the minimum wage and overtime pay provisions of the Act for employees employed by certain country elevators "within the area of production", as defined by the Secretary of Labor. As appears more fully in Subpart A of this part, interpretations in this bulletin with respect to provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act. The general exemptions provided in section 13(a)(6) of the Act for employees employed in agriculture and in section 13(a)(10) for certain related employment within the "area of production", and the partial overtime exemption for seasonal industries under section 7(b)(3) of the Act are not discussed in this subpart except in their relation to section 13(a)(17). The meaning and application of these exemptions are discussed in Subparts B, H, and J, respectively, of this Part 780.

§ 780.601 Statutory provision.

Section 13(a)(17) of the Fair Labor Standards Act, effective September 3, 1961, exempts from the minimum wage requirements of section 6 and from the overtime provisions of section 7:

> any employee employed within the area of production (as defined by the Secretary) by an establishment commonly recognized as a country elevator, including such an establishment which sells products and services used in the operation of a farm: *Provided*, That no more than five employees are employed in the establishment in such operations • • •

§ 780.602 What determines application of the exemption.

The application of the section 13(a)(17) exemption depends on the employment of the employee by an establishment of the kind described in the section, and on such employment "within the area of production" as defined by regulation. In any workweek when an employee is employed in country elevator activities by such an establishment

within the area of production, the minimum wage and overtime pay requirements of the Act will not apply to him.

§ 780.603 Basic requirements for exemption.

The basic requirements for exemption of country elevator employees under section 13(a)(17) of the Act are as follows:

(a) The employing establishment must—

(1) Be an establishment "commonly recognized as a country elevator", and

(2) Have not more than five employees employed in its operations as such; and

(b) The employee must—

(1) Be "employed by" such establishment, and

(2) Be employed "within the area of production", as defined by the Secretary of Labor.

All the requirements must be met in order for the exemption to apply to an employee in any workweek. The requirements in section 13(a)(17) are "explicit prerequisites to exemption" and the burden of showing that they are satisfied rests upon the employer who asserts that the exemption applies (Arnold v. Kanowsky, 361 U.S. 388). In accordance with the general rules stated in § 780.2 of Subpart A of this Part 780, this exemption is to be narrowly construed and applied only to those establishments plainly and unmistakably within its terms and spirit. The requirements for its application will be separately discussed below.

"ESTABLISHMENT COMMONLY RECOGNIZED AS A COUNTRY ELEVATOR"

§ 780.604 Dependence of exemption on nature of employing establishment.

If an employee is to be exempt under section 13(a)(17), he must be employed by an "establishment" which is "commonly recognized as a country elevator". If he is employed by such an establishment, the fact that it may be part of a larger enterprise which also engages in activities that are not recognized as those of country elevators (see Tobin v. Flour Mills, 185 F. 2d. 596) would not make the exemption inapplicable.

§ 780.605 Meaning of "establishment".

The word "establishment" has long been interpreted by the Department of Labor and the courts to mean a distinct physical place of business and not to include all the places of business which may be operated by an organization (Phillips v. Walling, 334 U.S. 490; Mitchell v. Bekins Van and Storage Co., 352 U.S. 1027). Thus, in the case of a business organization which operates a number of country elevators (see Tobin v. Flour Mills, 185 F. 2d 596), each individual elevator or other place of business would constitute an establishment, within the meaning of the Act. Country elevators are usually one-unit places of business with, in some cases, an adjoining flat warehouse. No problem exists of determining what is the establishment in such cases. However, where separate facilities are used by a country elevator, a determination must be made, based on their proximity to the elevator and their relationship to its operations, on whether the facilities and the elevator are one or more than one establishment. If there are more than one, it must be determined by which establishment the employee is employed and whether that establishment meets the requirements of section 13(a)(17) before the application of the exemption to the employee can be ascertained (compare Mitchell v. Cammill, 245 F. 2d 207; Remington v. Shaw (W.D. Mich.), 2 WH Cases 262.)

§ 780.606 Recognition of character of establishment.

A further requirement for exemption is that the establishment must be "commonly recognized" as a country elevator. The word "commonly" means ordinarily or generally and the term "recognized" means known. An elevator should be generally known by the public as a country elevator. This requirement imposes, on the establishment for whose employees exemption is sought, the obligation to demonstrate that it engages in the type of work and has the attributes which will cause the general public to know it as a country elevator. The recognition which the statute requires must be shown to exist if the employer seeks to take the benefit of the exemption (see Arnold v. Kanowsky, 361 U.S. 388, 395).

§ 780.607 Establishments "commonly recognized" as country elevators.

In determining whether a particular establishment is one that is "commonly recognized" as a country elevator—and this must be true of the particular establishment if the exemption is to apply—it should be kept in mind that the intent of section 13(a)(17) is to "exempt country elevators that market farm products, mostly grain, for farmers" (107 Cong. Rec. (daily ed.) P. 5883). It is also appropriate to consider the characteristics and functions which the courts and government agencies have recognized as those of "country elevators" and the distinctions which have been recognized between country elevators and other types of establishments. For example, in proceedings to determine industries of a seasonal nature under section 7(b)(3) of the Act and Part 526 of the regulations in this chapter, "country" grain elevators, public terminal and sub-terminal grain elevators, wheat flour mill elevators, non-elevator type bulk grain storing establishments, and "flat warehouses" in which grain is stored in sacks, have been recognized as distinct types of establishments engaged in grain storage. (See 24 F.R. 2584; 3581.) As the legislative history of the exemption cited above makes clear, country elevators handle "mostly grain". The courts have recognized that the terms "country elevator" and "country grain elevator" are interchangeable (the term "country house" has also been recognized as synonymous), and that there are significant differences between country elevators and other types of establishments engaged in grain storage (see Tobin v. Flour Mills, 185 F. 2d 596; Mitchell v. Sampson Const. Co. (D. Kan.) 14 WH Cases 269).

§ 780.608 A country elevator is located near and serves farmers.

Country elevators, as commonly recognized, are typically located along railroads in small towns or rural areas near grain farmers, and have facilities especially designed for receiving bulk grain by wagon or truck from farms, elevating it to storage bins, and direct loading of the grain in its natural state into railroad boxcars. The principal function of such elevators is to provide a point of initial concentration for grain grown in their local area and to handle, store for limited periods, and load out such grain for movement in carload lots by rail from the producing area to its ultimate destination. They also perform a transport function in facilitating the even and orderly movement of grain over the interstate network of railroads from the producing areas to terminal elevators, markets, mills, processors, consumers and to seaboard ports for export. The country elevator is typically the farmer's market for his grain or the point at which his grain is delivered to carriers for transportation to market. The elevator may purchase the grain from the farm or store and handle it for him, and it may also store and handle substantial quantities of grain owned by or pledged to the government under a price-support program. Country elevators customarily receive, weigh, test, grade, clean, mix, dry fumigate, store, and load out grain in its natural state, and provide certain incidental services and supplies to farmers in the locality. The foregoing attributes of country elevators have been recognized by the courts. See, for example, Mitchell v. Sampson Const. Co. (D. Kan.) 14 WH Cases 269; Tobin v. Flour Mills, 185 F. 2d 596; Holt v. Barnesville Elevator Co., 145 F. 2d 250; Remington v. Shaw (W.D. Mich), 2 WH Cases 262.

§ 780.609 Size and equipment of a country elevator.

Typically, the establishments commonly recognized as country elevators are small. Most of the establishments intended to come within the exemption have only one or two employees (107 Cong. Rec. (daily ed.) p. 5883), although some country elevators have a larger number. (See Holt v. Barnesville Elevator Co., 145 F. 2d 250.) Establishments with more than five employees are not within the exemption. (See § 780.612.) The storage capacity of a country elevator may be as small as 6,000 bushels (see Tobin v. Flour Mills, 185 F. 2d 596) and will generally range from 15,000 to 50,000 bushels. As indicated in § 780.608, country elevators are equipped to receive grain in wagons or trucks from farmers and to load it in railroad boxcars. The facilities typically include scales for weighing the farm vehicles loaded with grain, grain bins, cleaning and mixing machinery, driers for pre-storage drying of grain and endless conveyor belts or chain scoops to carry grain from the ground to the top of the elevator. The facilities for receiving grain in truckloads or wagon loads from farmers and the limited storage capacity, together with location of the elevator in or near the grain-producing area, serve to distinguish country elevators from terminal or subterminal elevators, to which the exemption is not applicable. The latter are located at terminal or interior market points, receive grain in carload lots, and receive the bulk of their grain from country elevators. Although some may receive grain from farms in the immediate area, they are not typically equipped to receive grain except by rail. (See Tobin v. Flour Mills, supra; Mitchell v. Sampson Const. Co. (D.Kan.) 14 WH Cases 269.) It is the facilities of a country elevator for the elevation of bulk grain and the discharge of such grain into rail cars that make it an "elevator" and distinguish it from warehouses that perform similar functions in the flat warehousing, storage and marketing for farmers of grain in sacks. Such warehouses are not "elevators" and therefore do not come within the section 13(a)(17) exemption.

§ 780.610 A country elevator may sell products and services to farmers.

Section 13(a)(17) expressly provides that an establishment commonly recognized as a country elevator, within the meaning of the exemption, includes "such an establishment which sells products and services used in the operation of a farm". This language makes it plain that if the establishment is "such an establishment", that is, if its functions and attributes are such that it is "commonly recognized as a country elevator" but not otherwise, exemption of its employees under this section will not be lost solely by reason of the fact that it sells products and services used in the operation of a farm. Establishments commonly recognized as country elevators, especially the smaller ones, not only engage in the storing of grain but also conduct various merchandising or "sideline" operations as well. (See Findings and Determination of the Presiding Officer (in proceedings for determination of industries of a seasonal nature under section 7(b)(3) of the Act and Part 526 of the regulations in this chapter), Wage and Hour Division Release G–143, April 14, 1941, p. 4.) They may distribute feed grains to feeders and other farmers, sell fuels for farm use, sell and treat seeds, and sell other farm supplies such as fertilizers, farm chemicals, mixed concentrates, twine, lumber, and farm hardware supplies and machinery. (See Tobin v. Flour Mills, 185 F. 2d 596; Holt v. Barnesville Elevator Co., 145 F. 2d 250). Services performed for farmers by country elevators may include grinding of feeds, cleaning and fumigating seeds, supplying bottled gas, and gasoline station services. As conducted by establishments commonly recognized as country elevators, the selling of goods and services used in the operation of a farm is a minor and incidental secondary activity and not a main business of the elevator (see Tobin v. Flour Mills, supra; Holt v. Barnesville Elevator Co., supra).

§ 780.611 Exemption of mixed business applies only to country elevators.

The language of section 13(a)(17) permitting application of the exemption to country elevators selling products and services used in the operation of a farm does not extend the exemption to an establishment selling products and services to farmers merely because of the fact that it is also equipped to provide elevator services to its customers. The exemption will not apply if the extent of its business of making sales to farmers is such that the establishment is not commonly known as a "country elevator" or is commonly recognized as an establishment of a different kind. As the legislative history of the exemption indicates, its purpose is limited to exempting country elevators that market farm products, mostly grain, for farmers who are working long workweeks and need to have the elevator facilities open and available for disposal of their crops during the same hours that are worked by the farmers. (See 107 Cong. Rec. (daily ed.) p. 5883.) The reason for the exemption does not justify its application to employees selling products and services to farmers otherwise than as an incidental and subordinate part of the business of a country elevator as commonly recognized. An establishment making such sales must be "such an establishment" to come within this exemption. An employer may, however, be engaged in the business of making sales of goods and services to farmers in an establishment separate from the one in which he provides the recognized country elevator services. In such event, the exemption of employees who work in both establishments may depend on whether the work in the sales establishment comes within another exemption provided by the Act. (See Remington v. Shaw (W.D. Mich.), 2 WH Cases 262, and infra, § 780.624).

EMPLOYMENT OF "NO MORE THAN FIVE EMPLOYEES"

§ 780.612 Limitation of exemption to establishments with five or fewer employees.

If the operations of an establishment are such that it is commonly recognized as a country elevator, its employees may come within the section 13(a)(17) exemption provided that "no more than five employees are employed in the establishment in such operations". The exemption is intended, as explained by its sponsor, to "affect only institutions that have five employees or less" (107 Cong. Rec. (daily ed.) p. 5883). Since the Act is applied on a workweek basis, a country elevator is not an exempt place of work in any workweek in which more than five employees are employed in its operations.

§ 780.613 Determining the number of employees generally.

The number of employees referred to in section 13(a)(17) is the number "employed in the establishment in such operations". The determination of the number of employees so employed involves a consideration of the meaning of employment "in the establishment" and "in such operations" in relation to each other. If, in any workweek, an employee is "employed in the establishment in such operations" for more than a negligible period of time, he should be counted in determining whether, in that workweek, more than five employees were so employed. An employee so employed must be counted for this purpose regardless of whether he would, apart from this exemption, be within the coverage of the Act. Also, as noted in the following discussion, the employees to be counted are not necessarily limited to employees directly employed by the country elevator but may include employees directly employed by others who are engaged in performing operations of the elevator establishment.

§ 780.614 Employees employed "in such operations" to be counted.

(a) The five-employee limitation on the exemption for country elevators relates to the number of employees employed in the establishment "in such operations". This means that the employees to be counted include those employed in, and do not include any who are not employed in, the operations of the establishment commonly recognized as a country elevator, including the operations of such an establishment in selling products and services used in the operation of a farm, as previously explained.

(b) In some circumstances, an employee employed in an establishment commonly recognized as a country elevator may, during his workweek, be employed in work which is not part of the operations of the elevator establishment. This would be true, for example, in the case of an employee who spends his entire workweek in the construction of an overflow warehouse for the elevator. Such an employee would not be counted in that workweek because constructing a warehouse is not part of the operations of the country elevator but is an entirely distinct activity.

(c) Employees employed by the same employer in a separate establishment in which he is engaged in a different business, and not employed in the operations of the elevator establishment, would not be counted.

(d) Employees not employed by the elevator establishment who come there sporadically, occasionally, or casually in the course of their duties for other employers are not employed in the operations of the establishment commonly recognized as a country elevator and would not be counted in determining whether the five-employee limitation is exceeded in any workweek. Examples of such employees are employees of a restaurant who bring food and beverages to the elevator employees, and employees of other employers who make deliveries to the establishment.

§ 780.615 Counting employees "employed in the establishment".

(a) Employees employed "in the establishment", if employed "in such operations" as previously explained, are to be counted in determining whether the five-employee limitation on the exemption is exceeded.

(b) Employees employed "in" the establishment clearly include all employees engaged, other than casually or sporadically, in performing any duties of their

employment there, regardless of whether they are direct employees of the country elevator establishment or are employees of a farmer, independent contractor, or other person who are suffered or permitted to work (see Act, section 3(g)) in the establishment. However, tradesmen, such as dealers and their salesmen, for example, are not employed in the elevator simply because they visit the establishment to do business there. Neither are workers who deliver, on behalf of their employers, goods used in the sideline business of the establishment to be considered employed in the elevator.

(c) The use of the language "employed in" rather than "engaged in" makes it plain also that the employees to be counted include all those employed by the establishment in its operations without regard to whether they are engaged in the establishment or away from it in performing their duties. This has been the consistent interpretation of similar language in other sections of the Act.

EMPLOYEES "EMPLOYED * * * BY" THE COUNTRY ELEVATOR ESTABLISHMENT

§ 780.616 Exemption of employees "employed * * * by" the establishment.

If the establishment is a country elevator establishment qualified for exemption as previously explained, and if the "area of production" requirement is met (see § 780.620), any employee "employed * * * by" such establishment will come within the section 13(a)(17) exemption. This will bring within the exemption employees who are engaged in duties performed away from the establishment as well as those whose duties are performed in the establishment itself, so long as such employees are "employed * * * by" the country elevator establishment within the meaning of the Act. The employees employed "by" the establishment, who may come within the exemption if the other requirements are met, are not necessarily identical with the employees employed "in the establishment in such operations" who must be counted for purposes of the five-employee limitation since some of the latter employees may be employed by another employer. (See §§ 780.612–780.615.)

§ 780.617 Determining whether there is employment "by" the establishment.

(a) No single test will determine whether a worker is in fact employed "by" a country elevator establishment. This question must be decided on the basis of the total situation (Rutherford Food Corp. v. McComb, 331 U.S. 722; U.S. v. Silk, 331 U.S. 704). Clearly, an employee is so employed where he is hired by the elevator, engages in its work, is paid by the elevator and is under its supervision and control.

(b) "Employed by" requires that there be an employer-employee relationship between the worker and the employer engaged in operating the elevator. The fact, however, that the employer carries an employee on the payroll of the country elevator establishment which qualifies for exemption does not automatically extend the exemption to that employee. In order to be exempt an employee must actually be "employed by" the exempt establishment. This means that whether the employee is performing his duties inside or outside the establishment, he must be employed in the work of the exempt establishment itself in activities within the scope of its exempt business in order to meet the requirement of actual employment "by" the establishment (see Walling v. Connecticut Co., 154 F. 2d 552).

(c) In the case of employers who operate multi-unit enterprises and conduct business operations in more than one establishment (see Tobin v. Flour Mills, 185 F. 2d 596; Remington v. Shaw (W. D. Mich.) 2 WH Cases 262), there will be employees of the employer who perform central office or central warehousing activities for the enterprise or for more than one establishment, and there may be other employees who spend time in the various establishments of the enterprise performing duties for the enterprise rather than for the particular establishment in which they are working at the time. Such employees are employed by the enterprise and not by any particular establishment of the employer (Mitchell v. Miller Drugs, 255 F. 2d 574; Mitchell v. Kroger Co., 248 F. 2d 935). Accordingly, so long as they perform such functions for the enterprise they would not be exempt as employees employed by a country elevator establishment operated as part of such an enterprise, even while stationed in it or placed on its payroll.

§ 780.618 Employees who may be exempt.

Employees employed "by" a country elevator establishment which qualifies for exemption will be exempt, if the "area of production" requirement is met, while they are engaged in any of the customary operations of the establishment which is commonly recognized as a country elevator. Included among such employees are those who are engaged in selling the elevator's goods or services, keeping its books, receiving, handling, and loading out grain, grinding and mixing feed or treating seed for farmers, performing ordinary maintenance and repair of the premises and equipment or engaging in any other work of the establishment which is commonly recognized as part of its operations as a country elevator. An employee employed by such an elevator is not restricted to performing his work inside the establishment. He may also engage in his exempt duties away from the elevator. For example, a salesman who visits farmers on their farms to discuss the storage of their grain in the elevator is performing exempt work while on such visits. It is sufficient that an employee employed by an elevator is, while working away from the establishment, doing the exempt work of the elevator. If the establishment is engaged only in activities commonly recognized as those of a country elevator and none of its employees engage in any other activities, all the employees employed by the country elevator will come within the exemption if no more than five employees are employed in the establishment in such operations and if the "area of production" requirement is met.

§ 780.619 Employees not employed "by" the elevator establishment.

Since the exemption depends on employment "by" an establishment qualified for exemption rather than simply the work of the employee, employees who are not employed by the country elevator are not exempt. This is so even though they work in the establishment and engage in duties which are part of the services which are commonly recognized as those of a country elevator. Since they are not employed by the elevator, employees of independent contractors, farmers and others who work in or for the elevator are not exempt under section 13(a)(17) simply because they work in or for the elevator (see Walling v. Friend, 156 F. 2d 429; Mitchell v. Kroger, 248 F. 2d 935; Durkin v. Joyce Agency, 110 F. Supp. 918, affirmed sub. nom. Mitchell v. Joyce Agency, 348 U.S. 945). Thus an employee of an independent contractor who works inside the elevator in drying grain for the elevator is not exempt under this section.

EMPLOYMENT "WITHIN THE AREA OF PRODUCTION"

§ 780.620 "Area of production" requirement of exemption.

In addition to the requirements for exemption previously discussed, section 13(a)(17) requires that the employee employed by an establishment commonly recognized as a country elevator be "employed within the area of production (as defined by the Secretary)". This is a requirement similar to that contained in certain other exemptions in the Act (see Subparts H and J of this Part 780). Regulations, defining employment within the "area of production" for purposes of section 13(a)(17) are, together with the regulations defining the term as used in other exemptions, contained in Part 536 of this chapter. All the requirements of the applicable regulations must be met in order for the exemption to apply. Under the regulations, an employee is considered to be employed within "the area of production" within the meaning of section 13(a)(17) if the country elevator establishment by which he is employed is located in the "open country or a rural community", as defined in the regulations, and receives 95 per cent or more of the agricultural commodities handled through its elevator services from normal rural sources of supply within specified distances from the country elevator. A definition of "area of production" in terms of such criteria has been upheld by the United States Supreme Court in Mitchell v. Budd, 350 U.S. 473. Reference should be made to Part 536 of this chapter for the precise requirements of the definition. However, it is appropriate to point out here that nothing in the definition places limits on the distance from which commodities come to the elevator for purposes other than the storage or marketing of farm products. The commodities 95 per cent of which are required by the definition to come from specified distances are those agricultural commodities received by the elevator with respect to which it performs the primary concentration, storage, and marketing functions of a country elevator as previously explained (see § 780.608). This is consistent with the emphasis given, in the legislative history, to the country elevator's function of marketing farm products, mostly grain, for farmers (see 107 Cong. Rec. (daily ed.) p. 5883). Commodities brought or shipped to a country elevator establishment not for storage or for market but in connection with its secondary, incidental, or side-line functions of selling products and services used in the operation of a farm (see § 780.610) are not required to be counted in determining whether 95 per cent of the agricultural commodities handled come from rural sources of supply within the specified distances.

WORKWEEK APPLICATION OF EXEMPTION

§ 780.621 Employment in the particular workweek as test of exemption.

The period for determining whether the "area of production" requirement of section 13(a)(17) is met is prescribed in the regulations in Part 536 of this chapter. Whether or not an establishment is one commonly recognized as a country elevator must be tested by general functions and attributes over a representative period of time, as previously explained, and requires re-examination for exemption purposes only if these change. But insofar as the exemption depends for its application on the employment of employees, it applies on a workweek basis. An employee employed by the establishment is not exempt in any workweek when more than five employees "are employed in the establishment in such operations", as previously explained (see §§ 780.612–780.615). Nor is any employee within the exemption in a workweek when he is not employed "by" the establishment within the meaning of section 13(a)(17) (see §§ 780.616–780.619). This is in accordance with the general rule that the unit of time to be used in determining the application of the Act and its exemptions to an employee is the workweek. (See Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; Mitchell v. Hunt, 263 F. 2d 913; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697.) A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 780.622 Exempt workweeks.

An employee performing work for an establishment commonly recognized as a country elevator is exempt under section 13(a)(17) in any workweek when he is, for the entire workweek, employed "by" such establishment, if no more than five employees are "employed in the establishment in such operations", and if the "area of production" requirement is met.

§ 780.623 Exempt and nonexempt employment.

Under section 13(a)(17), where an employee, for part of his workweek, is employed "by" an "exempt" establishment (one commonly recognized as a country elevator which has five employees or less employed in the establishment in such operations in that workweek) and the employee is, in his employment by the establishment, employed "within the area of production" as defined by the regulations, but in the remainder of the workweek is employed by his employer in an establishment or in activities not within this or another exemption provided by the Act, in the course of which he performs any work to which the Act applies, the employee is not exempt for any part of that workweek (see Mitchell v. Hunt, 263 F. 2d 913; Waialua v. Maneja, 77 F. Supp. 480; Walling v. Peacock Corp., 58 F. Supp. 880; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 181 F. 2d 697).

§ 780.624. Work exempt under another section of the Act.

Where an employee's employment during part of his workweek would qualify for exemption under section 13(a)(17) if it continued throughout the workweek, and the remainder of his workweek is spent in employment which, if it continued throughout the workweek, would qualify for exemption under another section or sections of the Act, the exemptions may be combined (see Remington v. Shaw (W.D. Mich.) 2 WH Cases 262). The employee, however, qualifies for exemption only to the extent of the exemption which is more limited in scope (see Mitchell v. Hunt, 263 F. 2d 913). For example, if part of the work is exempt from both minimum wage and overtime compensation under section 13(a)(17) and the rest is exempt only from the overtime pay provisions under section 7(c), the employee is exempt that week from the overtime provisions, but not from the minimum wage requirements. In this connection, attention is directed to two other exemptions in the Act which relate to work in grain elevators, which may apply in appropriate circumstances, either in combination with section 13(a)(17) or to employees for whom the requirements of section 13(a)(17) cannot be met. These other exemptions are those provided by sections 7(b)(3) and 13(a)(10). Section 7(b)(3), which is discussed in Subpart J of this Part 780, provides a limited overtime exemption for employees employed in the seasonal industry of storing grain in country grain elevators, public terminal and sub-terminal elevators, wheat flour mills, non-elevator bulk storing establishments and flat warehouses. Section 13(a)(10), which is discussed in Subpart H of this Part 780, grants a complete exemption from the Act's minimum wage and overtime requirements for individuals employed within the area of production in "handling" or "storing" agricultural or horticultural commodities for market. Grain is an agricultural commodity under the section 13(a)(10) exemption.

Subpart H—Employment Within Area of Production of Individuals Engaged in Specified Operations on Products of Agriculture, Exempted From Minimum Wage and Overtime Pay Requirements Under Section 13(a)(10)

INTRODUCTORY

§ 780.700 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this subpart together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(a)(10) of the Fair Labor Standards Act of 1938, as amended. As appears more fully in Subpart A of this part, interpretations in this bulletin with respect to provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act. This subpart deals specifically with the provisions of section 13(a)(10) which exempt from both the minimum wage and the overtime pay requirements of the Act certain individuals employed within "the area of production" who are engaged in specified operations performed on products of agriculture. Other subparts of this Part 780 discuss certain related exemptions. Such exemptions, which include the section 13(a)(6) exemption (see Subpart B of this part) for agriculture and certain irrigation workers, and the overtime exemptions contained in sections 7(c) and 7(b)(3) dealing with certain employment relating to agricultural commodities and in seasonal industries (see Subpart J of this part), are not discussed in this subpart except in their relation to section 13(a)(10). Questions relating to the ginning of cotton, previously named as an operation which could qualify for exemption under section 13(a)(10) of the Act but now deleted from this section and made the subject of a separate exemption under section 13(a)(18) by the 1961 amendments, are considered in Subpart F of this Part 780.

§ 780.701 Statutory provision.

Section 13(a)(10) of the Fair Labor Standards Act exempts from the minimum wage requirements of section 6 and from the overtime provisions of section 7:

> any individual employed within the area of production (as defined by the Secretary), engaged in handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products.

As recognized by the Supreme Court in Maneja v. Waialua, 349 U.S. 254 (see § 780.155), the legislative history of the Act indicates that it was intended by this provision to complement or supplement the exemption applicable to employment in "agriculture" so as to assure more nearly equal treatment as between farmers who rely on independent establishments to perform the named opera-

tions and those who perform such operations with their own employees.

§ 780.702 What determines the application of the exemption.

It is apparent from the language of section 13(a)(10) that the application of this exemption depends upon the engagement by the individual employee in the operations named in the statute and his employment "within the area of production" as defined by the Secretary of Labor. The exemption does not depend upon the character of the business of the employer nor is it applicable to an employee because the employer performs the named operations in the establishment where the employee is employed, if the employee himself does not perform them. A determination of whether an employee is exempt therefore requires an examination of that employee's duties. Some employees of the employer may be exempt while others may not. These principles have been made clear in pertinent court decisions, such as Puerto Rico Tobacco Marketing Coop. Assn. v. McComb, 181 F. 2d 697; Farmers Reservoir Co. v. McComb, 337 U.S. 755; Maneja v. Waialua, 349 U.S. 254; Mitchell v. Stinson, 217 F. 2d 210; Jenkins v. Durkin, 208 F. 2d 941; Wyatt v. Holtville Alfalfa Mills, 106 F. Supp., 624; Shain v. Armour & Co., 50 F. Supp. 907 (W.D. Ky.) (see also Walling v. W. D. Haden Co., 153 F. 2d 196, certiorari denied 328 U.S. 866; North Shore Corp. v. Barnett, 143 F. 2d 172; Anderson v. Manhattan Ligherage Corp.,148 F. 2d 971, certiorari denied, 326 U.S. 722; and Walling v. Bridgeman-Russell, 2 W.H. Cases 785 (D. Minn.)). See also § 780.106.

§ 780.703 The exemption applies only to those plainly within it.

As previously noted in § 780.2, court decisions have firmly established that any exemption from this Act must be narrowly construed and cannot be extended to other than those "plainly and unmistakably within" its terms and spirit. This principle of strict construction has been consistently applied by the Supreme Court and other courts in cases relating specifically to the group of exemptions under consideration in this part, including the exemption which is discussed in this subpart (Addison v. Holly Hill Co., 322 U.S. 607, 617; Farmers Reservior Co. v. McComb, 337 U.S. 755, 759–760; 764–766; Maneja v. Waialua, 349 U.S. 254; Mitchell v. Budd, 350 U.S. 473; Bowie v. Gonzalez, 117 F. 2d 11. See also § 780.105). This principle applies even to so broadly phrased an exemption as that for "agriculture" because, as stated by the Supreme Court in the Waialua case, "no matter how broad the exemption, it was meant to apply only to agriculture" (349 U.S. at 260). It applies even more clearly to the exemption in section 13(a)(10), which is not broadly phrased at all, but very specifically enumerates each of the separate operations to which it is applicable.

REQUIREMENTS FOR EXEMPTION

§ 780.704 Basic conditions of exemption.

In order to come within the exemption provided by section 13(a)(10) during any particular workweek an individual must (a) be employed "within the area of production" as defined by the Secretary of Labor (see § 780.705) and (b) be engaged either (1) in the performance of one or more of the operations, performed on agricultural or horticultural commodities and performed for market, which are specified in the section, or (2) in "making" dairy products (see § 780.706).

§ 780.705 Employment "within the area of production".

The "area of production", within which an individual must be employed under section 13(a)(10), is defined in Part 536 of this chapter. The validity of this definition has been upheld by the Supreme Court in Mitchell v. Budd, 350 U.S. 473, rehearing denied, 351 U.S. 934. Without repeating any of the detailed provisions of that definition here, certain of the more basic requirements which govern its applicability will be indicated. Whether an employee is employed "within the area of production" is determined by the location of the "establishment" where he is employed. That establishment is within the area of production if it is located "in the open country or in a rural community" and within specified mileages from the source of 95 percent of the agricultural and horticultural commodities received there. Location of an establishment "in the open country or in a rural community" is further determined under the definition by its geographical separation from communities of designated populations. The fact that an employee is, under the definition, "employed within the area of production" does not, however, in itself bring him within the exemption from the operation of the wage and hours requirements provided by section 13(a)(10) of the Act. An employee is within the exemption only if, while thus employed, he is engaged in operations named in that section.

§ 780.706 Engagement in the named operations.

(a) If an individual is employed within the area of production (see § 780.705), the application of the exemption in section 13(a)(10) to him will depend on his engagement during his workweek in the named operations of "handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products." As indicated in § 780.702, whether or not the exemption applies is determined by whether the employee is, as an individual, engaged in these named operations. The operations are described in terms connecting physical contact with, or active work upon, a commodity being prepared for market or processed. The section refers only to employees individually engaged in the operations specified. The Department has, therefore, consistently taken the position that this exemption applies only to those employees who actually engage in the enumerated activities and not to all employees in a plant where named operations are performed. For judicial support of this view, see Farmers Reservoir Co. v. McComb, 337 U.S. 735; Puerto Rico Tobacco Marketing Coop. Assn. v. McComb, 181 F. 2d 697; Jenkins v. Durkin, 206 F. 2d 941; and other cases cited in § 780.702.

(b) An employee is engaged in the named operations only if (1) he is actually individually engaged in the performance of (i) operations expressly named in section 13(a)(10) (other than the making of dairy products), (ii) which are performed on "agricultural or horticultural commodities", and (iii) which are so performed "for market", or if (2) he is actually individually engaged in "marking" dairy products. Accordingly, for the exemption to apply there must actually be individual engagement by the employee in activities that are themselves an integral part of a named operation, as distinguished from activities that are not a part of the operation itself but are only a necessary incident, or closely related and directly essential, to it. Activities which are closely related and directly essential to a named operation by which goods are produced for commerce will bring the employee performing them within the coverage of the Act but not within the section 13(a)(10) exemption unless the activities are part of the named operation itself. See, in this connection, Farmers Reservoir Co. v. McComb, 337 U.S. 775, and Mitchell v. Stinson, 217 F. 2d 210.

§ 780.707 Employees not exempt because not engaged in named operations.

It follows from the principles discussed in § 780.706 that the exemption provided by section 13(a)(10), like other exemptions in the Act which depend on engagement by employees in specified activities, does not apply to employees whose individual duties do not bring them within the statutory language, such as employees during the dead season; bookkeepers, clerks, stenographers, and other office employees; guards and watchmen; janitors and charwomen; and other maintenance, service, and miscellaneous employees who do not engage directly in any of the operations named, which are performed by their employer upon the commodities prepared or processed in the establishment where they are employed. Similarly, since the operations described do not include the manufacture of packages or containers used in the shipment of agricultural or horticultural commodities or dairy products, employees engaged therein are not within the exemption. (See Mitchell v. Stinson, 217 F. 2d 210; Phillips v. Meeker Cooperative Light & Power Assn. 63 F. Supp. 743, affirmed on other grounds, 158 F. 2d 698; Abram v. San Joaquin Cotton Oil Co., 46 Supp. 969 (S.D. Calif.); Heaburg v. Independent Oil Mill, 46 F. Supp. 751 (W.D. Tenn.); Colbeck v. Dairyland Creamery Co., 70 S.D. 283, 17 N.W. 2d 262; Damutz v. Wm. Pinchbeck, Inc., 66 F. Supp. 667, 670, Aff'd 158 F. 2d 882; Jenkins v. Durkin, 208 F. 2d 941; Maneja v. Waialua, 349 U.S. 254, 271; cf. Maisonet v. Central Coloso, Inc. (D.P.R.) 2 W.H. Cases 753).

OPERATIONS ON "AGRICULTURAL OR HORTICULTURAL COMMODITIES"

§ 780.708 Performing operations on "agricultural or horticultural commodities" as a condition of exemption.

An employee performing the specified operations of handling, packing, storing, compressing, pasteurizing, drying, preparing in the raw or natural state, or canning of commodities must be engaged in performing such operations on "agricultural or horticultural commodities" if the performance of these operations is to qualify him for exemption. In addition, as explained in § 780.715, even if such operations are performed on agricultural or horticultural commodities their performance by an employee will not qualify him for exemption unless they are performed "for market". An employee employed within the area of production and engaged in performing the named operations on agricultural or horticultural commodities for market will come within the exemption even though the commodities are used in dairy products; it does not matter whether such operations also qualify the employee for exemption under section 13(a)(10) as an individual engaged in "making • • • dairy products".

§ 780.709 The "agricultural or horticultural commodities" referred to in the exemption.

The "agricultural or horticultural commodities" referred to in section 13(a)(10) are, in general, those cultivated, raised, and harvested by farmers which are referred to in section 3(f) and which are discussed in §§ 780.121–780.125 in Subpart B of this Part 780. The legislative history of this exemption (see Maneja v. Waialua, 349 U.S. 254) and the requirement of the statute that the operations on the commodities be performed "for market" further indicate that the exemption has reference to such farm commodities as are produced and delivered to others by farmers. Accordingly, it is the view of the Department of Labor that the "agricultural or horticultural commodities" to which section 13(a)(10) has reference are commodities which (a) have resulted from the use of agricultural or horticultural techniques and (b) are, at the commencement of the named operations, in the form in which they are customarily harvested or marketed by farmers or in which they normally come from the farm and before their natural state has been substantially changed or destroyed.

§ 780.710 Commodities produced by agricultural or horticultural techniques.

Commodities resulting from the use of "agricultural or horticulture techniques", in the case of products of the soil, are those commodities that are planted and cultivated by man. Among such commodities are the following: grains, forage crops, seeds, fruits, vegetables, nuts, sugar cane, fibre crops, tobacco, mushrooms, and nursery products, including those transplanted from a wild state, but not forest seedlings. In addition to such products of the soil, commodities produced by agricultural techniques include live domesticated animals such as cattle, sheep, goats, and poultry and their recurring products such as milk, eggs, wool, and mohair (See colloquy among Congressmen Lucas, Lea, and Keller, 82 Cong. Rec. 1783–1784, as to "ordinary agricultural commodities of the farm"; see also §§ 780.121–780.124. See, however, Stratton v. Farmers Produce Co., 134 F. 2d 825, holding the exemption inapplicable to the handling of livestock and poultry). Furs procured from fur-bearing animals raised by man are included, whereas furs from animals of the same kind that have remained in their natural habitat until trapped or killed for their fur are not.

§ 780.711 Commodities not included.

The term "agricultural or horticultural commodities" as used in section 13(a)(10) does not have reference to commodities produced by industrial techniques, by exploitation of mineral wealth or other natural resources, or by uncultivated natural growth. Consequently, commodities such as meats and meat products, breakfast cereals, flour, sugar, peat and other uncultivated mosses, minerals, wild rice, wild animals, wild fruits and wild plants are not considered agricultural or horticultural commodities within the meaning of the exemption. Trees and timber products are also not considered agricultural or horticultural commodities even when grown in managed forests. Support for this position is found in the fact that a separate exemption is provided in section 13(a)(15) for certain logging operations and in the fact that sections 3(f) and 13(a)(6) do not include forestry operations in general, but are limited to situations where they are incidental to farming operations. Therefore, employees who perform any of the enumerated operations upon any of these commodities, or upon others similarly derived from industrial or nonagricultural processes, are not within the exemption.

§ 780.712 Exemption relates to "farm-market" commodities.

Generally, as previously indicated in § 780.709, to be an agricultural or horticultural commodity within the meaning of section 13(a)(10) the commodity must be in the form in which it normally comes from the farm and before any substantial change in its natural form has taken place or in a form in which it is customarily harvested or marketed by farmers. Typical of such commodities are eggs and nuts in the shell, honey, fruits, vegetables, hops, sugar cane and sugar beets, as they come from the farm; nursery products as they normally come from the greenhouse or field; live animals and poultry; and unpasteurized fluid milk or cream. Hides are to be distinguished from furs of fur-bearing animals raised by the farmer. Hides are normally by-products of slaughtering operations which customarily are performed off the farm by others than the farmer, whereas fur farmers customarily skin the animals on the farm and market the furs rather than the whole animals. Mohair and wool which have not been processed or mixed with other commodities are "agricultural commodities" within the meaning of section 13(a)(10). For purposes of the section threshed grain, shelled corn, cured sweet potatoes, dry edible beans removed from the pod, cream separated from milk, ginned cotton, cottonseed, cotton linters, and unstemmed farm-cured tobacco are considered agricultural or horticultural commodities since they are in the form customarily marketed by farmers. Consequently the performance of the enumerated operations on these commodities is within the exemption. The fact that such commodities may have been in storage before operations are performed on them does not change their character as agricultural or horticultural commodities.

§ 780.713 Operations on processed commodities not included.

As indicated in § 780.712, the threshing of grain, the shucking of corn, and other operations normally performed on farm commodities before they leave the farm do not destroy their character as "agricultural or horticultural commodities." On the other hand, such commodities as grease, tallow, tankage, hides, cereals, manufactured feeds, citrus waste, bagasse, beet pulp, flour, raw sugar, alfalfa meal, shelled nuts, milled rice, stemmed, redried, fermented or bulked tobacco, slaughtered animals or poultry, meat products, butter, cheese, dried or evaporated milk, casein, ice cream, dried or frozen fruits, brined cherries, sauerkraut, cider, vinegar, wine or beer, pickled vegetables, and a variety of other processed commodities which have been cut, cracked, sliced, peeled, heated, frozen, or subjected through industrial processes to other changes are no longer in a form in which they are customarily marketed by farmers, and have therefore lost their character as agricultural or horticultural commodities of the kind to which section 13(a)(10) refers. Operations on them thereafter, even if of the types enumerated in that section, will not come within the exemption because not performed on the "agricultural or horticultural commodities" to which the section has reference. Exemption of operations performed on commodities changed in form and no longer in their natural state cannot reasonably be said to have been contemplated under section 13(a)(10), which provides no such exemption for most of the operations by which such change in form may be effected. Neither the language nor the purpose of this provision justifies the view that an exemption inapplicable to all but a few processing operations is nevertheless applicable to subsequent operations relating to the processed commodity, which operations are a further step removed from the farm. Certain processed commodities, such as flour, raw sugar, dried or frozen fruits, dressed meats or poultry, etc. may be characterized as agricultural or horticultural commodities for purposes of some statutes, but cannot be considered as agricultural or horticultural commodities within the meaning of section 13(a)(10). In this connection,

see Bowie v. Gonzales, 117 F. 2d 11; Lewis v. Nailling, 36 F. Supp. 187 (W. D. Tenn.).

§ 780.714 Ownership of commodities.

For purposes of section 13(a)(10) ownership of the commodities is not a determinative factor in the applicability of the exemption. The exemption is applicable to an employee engaged in the named operations whether or not the commodities are owned by his employer. For example, employees of brokers, commission houses and farmers may come within the exemption upon meeting its requirements.

OPERATIONS ON COMMODITIES "FOR MARKET"

§ 780.715 Performance of operations "for market".

The requirement that the operations be performed on agricultural or horticultural commodities "for market" is applicable to all of the named operations in section 13(a)(10) except the making of dairy products. Unless done "for market" no handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities constitutes a ground for exemption of an employee engaged in these operations. Where the named operations are performed on the commodities to prepare them for a market in which the employer expects to dispose of them as thus prepared, without any substantial subsequent change in their form, the operations are considered to be performed "for market". Such a "market" may be either a purchaser of the commodities or a purchaser of the services performed on them, such as a farmer on whose commodities the named operations are performed. On the other hand, the named operations are not performed "for market" if they are performed, not to prepare the commodities for disposal by the employer in the form in which they are left by the named operations but to prepare them instead for other operations of the employer by which the commodities will be further processed or converted into different products. The exemption does not apply to employees performing the named operations on commodities as a preparation for further processing rather than for market.

§ 780.716 Form in which commodities are marketed as a factor.

Where the employer receives agricultural or horticultural commodities in the natural form in which they normally come from the farm, and disposes of them in substantially the same form after his employees perform such named operations on them as handling, packing, storing, or preparing in the raw and natural state, the operations are considered as performed "for market". Certain of the named operations, however, such as canning, and in most instances drying, effect a change in the natural form of agricultural or horticultural commodities and destroy their character as such. Such operations are also considered to be performed "for market" so long as the employer will dispose of the commodities in substantially the form in which they are left by the named operations, but not where he will process them further and market only the product of the subsequent operations. It should be remembered, of course, that performance "for market" of a listed operation is no ground for exemption unless, when it commences, the operation is performed upon "agricultural or horticultural commodities." Thus, while the exemption may apply to employees engaged in each of several such operations performed on such commodities if the commodities reach market in their natural form, and while it may apply to employees engaged in such operations as canning or drying of agricultural or horticultural commodities even though the canned or dried commodities are to be further prepared for market by handling, packing, or storing operations, it cannot apply to employees engaged in the handling, packing, or storing for market of the canned or dried commodities because such commodities are no longer "agricultural or horticultural commodities."

§ 780.717 Change in form of commodities after performing named operations.

If an employer disposes of a commodity in a form other than that in which the operations named in section 13(a)(10) leave it, operations performed on it by his employees prior to its change of form will not be "for market" but for the subsequent nonexempt operation which changes its form. Thus, employees of poultry or meat packers, or of other employers who slaughter poultry or livestock which they receive, are typically not within the exemption when such employees pick up, receive, transport, or otherwise handle or prepare such poultry or livestock for their employer's subsequent operations. Their handling of the poultry or livestock is not "for market" because the commodities will not be disposed of in the form in which the named operation leaves them (Bush v. Wilson, 157 Kan. 82, 138 F. 2d 457). Employees of a sugar mill operator who transport sugar cane to the mill, where it is to be processed, are not engaged in handling the cane "for market," and are not within the section 13(a)(10) exemption. See Bowie v. Gonzalez, 117 F. 2d 11. Similarly, the packing of vegetables in cartons for freezing, before the employer markets them as frozen products, or the canning of agricultural or horticultural commodities which the employer intends to re-can, would not meet the "for market" requirement. An employee "handling" and "storing", at a country grain elevator or at a mill, wheat which his employer expects to mill before disposing of it, is not performing those operations "for market" (Gaskin v. Clell Coleman and Sons, 2 W.H. Cases 977, 980); they would be performed "for milling", and consequently not within the exemption. Although in Tobin v. Flour Mills of America, 185 F. 2d 596, 602, the court concluded that wheat was stored "for market" in a situation where the employer did not know whether it would be sold on the market in the form in which it was stored, or would be milled before it was marketed, this decision does not affect the conclusion that wheat is not stored "for market" if an employer knows or has reason to believe he is going to mill it before he markets it. On the other hand, employees of an independent country grain elevator handling grain intended to be sold to others in the same form in which it is received would be handling it "for market". The same principles apply in the case of country or rural "receiving stations" in which employees are handling or performing other named operations on milk, cream, live poultry, eggs, or other agricultural or horticultural commodities. Where these stations are independently operated and the commodities they receive are marketed to others in substantially the same form in which they come from the farm, the employees will be performing such operations "for market". However, where the receiving station is operated by an enterprise which processes such commodities at another plant by operations not named in section 13(a)(10), the employees are not handling the commodities "for market" (Mitchell v. Park, 14 WH Cases 43, 36 Lab. Cases 65,101 (D. Minn.)). They could be considered to do so only if the form in which the commodities are disposed of by the main plant is substantially unchanged from that in which they are left by the operations which qualify for exemption.

§ 780.718 Operations performed for farmers.

Where an employer performs operations named in section 13(a)(10) for farmers on commodities which are agricultural or horticultural commodities within the meaning of the section, without taking title to the commodities, his employees will be performing such operations "for market" if the employer disposes of the commodities in the form in which the named operations leave them. This would be true of employees of a country grain elevator handling and storing grain which the elevator ships and sells for the farmer. In such a case the "for market" requirement is not affected by the fact that the grain is handled and stored under government loan, nor does it matter that a different employer may have cleaned the grain before it goes into storage. Other examples of employees who may be performing operations "for market" are employees engaged in cleaning seeds bought and sold by their employer for farmers or in cleaning seeds belonging to farmers, or in the custom shelling of corn. Employees of an auctioneer who are actually engaged in handling agricultural commodities such as livestock for sale at auction are also performing "for market" activities.

§ 780.719 Performance of more than one of named operations "for market".

Notwithstanding the fact that each of the operations listed in section 13(a)(10) prior to the words "for market" is individually qualified by that phrase, any such operation can be performed "for market" within the meaning of the section either alone or in combination with others of the listed operations. If the commodities will reach market in substantially the form in which the particular operation leaves them, any such operation may be considered to be performed "for market" notwithstanding further operations are to be performed on the same commodities before they are marketed. Thus, where the employees of an employer perform more than one of the named operations on an agricultural or horticultural commodity, all of them will be considered "for market" if the employer disposes of the commodity in the form in which the last of the named operations leaves it. For example, an employer who packs fresh fruit may have employees engaged in several of the enumerated operations "for market." Some may be "handling" it, "storing" it, "preparing" it in its "raw or natural state" in various ways, and finally "packing" it in crates and loading it onto transportation facilities. Since it is then disposed of by the employer in the form in which the exempt "packing" operations left it, all of the employees performing the other enumerated operations would be doing so "for market". It is immaterial whether these operations are performed in one or several establishments or by the same or different employees.

§ 780.720 Operations performed within and outside "area of production".

Sometimes an employer may have some employees employed within the "area of production" and others outside the "area of production" who perform operations on the same agricultural or horticultural commodities before the employer disposes of them. If the operations by employees who are not employed within the "area of production" are performed first and do not change the commodities from the form in which they normally come from the farm or are harvested or marketed by farmers, employees of the employer who are employed within the "area of production" will be within the exemption if their operations on the commodities are those named in section 13(a)(10), provided the employer disposes of the commodities in the form in which the named operations leave them. If, on the other hand, the employees employed within the "area of production" perform the first operations on the agricultural or horticultural commodities, and these are operations named in section 13(a)(10), the performance of subsequent operations on the same commodities by employees of the employer who are not employed within the "area of production" will not cause the prior operations to be viewed as not performed "for market" so long as such subsequent operations do not change the commodities from the form in which they were left by the named operations performed within the "area of production", and the employer disposes of the commodities in such form. For example, employees whose work consists of receiving eggs at first concentration points within the area of production for shipment to another establishment of their employer outside the area of production where the eggs are candled, graded, and packed, are performing such operations "for market" because the subsequent operations in the other establishment do not effect any change in the form of the eggs. In the above situations the operations performed outside the area of production are, of course, not exempt.

SCOPE OF THE NAMED OPERATIONS

§ 780.721 Operations included within the exemption generally.

As previously noted, section 13(a)(10) does not exempt employees employed within the area of production in every type of operation on agricultural or horticultural commodities but exempts only those actually engaged in the specifically enumerated operations. The named operations comprise two general categories. One includes certain specified operations performed "for market" upon "agricultural or horticultural commodities." The other includes the operations involved in making dairy products. In the following discussion, the particular operations in the first group will be considered first. To the extent that milk and cream are "agricultural or horticultural commodities" (see § 780.12), this portion of the discussion will be applicable to them. Reference should, however, be made to the subsequent discussion of "making dairy products" for a consideration of operations on such commodities which may be a ground for exemption even though not included among the named operations performed for market. The operations named in section 13(a)(10) may be broadly characterized as of two types: (a) Non-processing operations (handling, packing, storing, compressing and preparing in the raw or natural state) which make no substantial change in the form (physical structure or chemical content) of an agricultural or horticultural commodity, and (b) specifically designated processing operations (pasteurizing, drying, canning, and making cheese or butter or other dairy products) which do make substantial changes in the form of the commodity.

§ 780.722 Exemption cannot be extended to processing operations not named.

(a) The language of section 13(a)(10), unlike that contained in other provisions of the Act exempting employees from overtime requirements only, does not in terms mention "processing" of agricultural or horticultural commodities. Certain specified processing operations only are included among the listed operations. The section was not intended to provide an exemption with respect to any employee engaged within the area of production in processing operations other than those expressly named. The term "processing operations," as here used, refers to operations which commonly involve the application of heat, cold, or mechanical pressure to such an extent that the natural form of the commodity undergoes substantial change. Examples of processing by means of heat are the drying, the cooking, the roasting, and the canning of commodities. The freezing of commodities is an example of processing by means of cold. The squeezing, pressing, or crushing, the shelling, and the milling of commodities are examples of processing by means of mechanical pressure. It will be noted that some of these are, and some are not, mentioned in section 13(a)(10).

(b) Section 13(a)(10) specifies very definitely the precise processing operations included within the exemption. This specificity of enumeration has been pointed out by the courts as a reason for restricting such an exemption to the named operations and not extending it to other operations which might be of a somewhat similar nature (see § 780.2). In Bowie v. Gonzalez, 117 F. 2d 11, the Court held that the processing of sugar cane is excluded from section 13(a)(10) because the section exempts only "certain processes which are specifically mentioned and among which the processing of sugar cane into sugar is not found. It cannot be important that sugar processing is similar to those operations included in section 13(a)(10) as section 7(c) is ample evidence of the fact that Congress had sugar processing in mind and knew how to include it when it so desired." So, too, in Maneja v. Waialua, 349 U.S. 254, the Supreme Court treated sugar milling as a "quasi-industrial processing," analogous to "ginning" (then included in the operations listed in section 13(a)(10)) and "canning", and viewed it as excluded from section 13(a)(10) since, unlike those two processing operations, it was not there specifically enumerated. Inclusion in section 7(c) of an operation not mentioned in section 13(a)(10) would thus, as the Court indicated, mark the "outer limit of Congressional concession to this type of processing."

§ 780.723 Illustrations of processing operations not included.

Among the employees excluded from the exemption by the principle stated in § 780.722 are those engaged in such operations as the cracking, grinding, crushing, or milling of grains, sugar crops, and other farm commodities, the extraction from farm commodities of oils, juices, syrups, etc. by the application of pressure, the manufacture from such commodities of flours, feeds, starches, sugars, etc., the processing of cottonseed, flaxseed, etc., the breaking and separating of eggs, the slaughtering and dressing of livestock or poultry and the picking of poultry, the bulking, stemming, and redrying of tobacco, the making of tobacco products (cigars, cigarettes, chewing and pipe tobaccos, etc.), the shelling of dried coffee seed, or nuts, the peeling or cutting of fruits or vegetables or the extracting of fruit and vegetable juices and oils (where not an integral part of canning the agricultural or horticultural commodity), the brining of cherries, the freezing of fruits, vegetables, eggs, etc., the roasting of coffee or nuts, the decortication of fibre crops, the manufacture of preserves from fruits, and other similar processing operations, not expressly mentioned in section 13(a)(10), which involve changing the form of the agricultural or horticultural commodity from the natural state in which it normally leaves the farm. These processing operations, like

the processing of sugar cane, are not a ground for exemption under section 13(a)(10) because they are not specifically mentioned. These are only illustrative and not exhaustive of operations to which the exemption does not apply. In addition to the cases cited in § 780.722, the following cases are illustrative of the judicial consideration that has been given to operations such as those described above: Stratton v. Farmers Produce Co., 134 F. 2d 825 (where the court contrasted section 7(c) and 13(a)(10), and excluded from section 13(a)(10) operations not there enumerated but expressly mentioned in section 7(c)); Mitchell v. Idle-Wild Farm, Inc., 13 W.H. Cases 315 (D. Conn.); Fleming v. Farmers Peanut Co., 128 F. 2d 404; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969 (S.D. Calif.); Mitchell v. Budd, 350 U.S. 473; McComb v. Puerto Rico Tobacco Marketing Coop. Assn, 80 F. Supp. 953, 181, F. 2d 697.

§ 780.724 Activities incidental to named operations.

An activity which is incidental to an enumerated operation is not by reason of that fact brought within the scope of the named operation. However, an activity which is incidental to a named operation may in itself be a named operation. When that is the case, it will be exempt if the other conditions of the exemption are met. Handling, for example, may be incidental in some manner to the performance of every operation listed. If it is to be exempt, however, it must be because it is the type of handling, namely, the handling of an agricultural commodity for market, which in itself is an exempt operation.

Named Operations Performable on the Specified Commodities for Market

§ 780.725 General statement on performance of named operations.

Separately considered in the following sections are the particular operations named in section 13(a)(10) of the Act which, if performed on agricultural or horticultural commodities for market, will exempt an employee engaged in them from the operation of the wage and hours provisions if he is an individual employed "within the area of production" (as defined by the Secretary of Labor). If an employee spends his entire workweek in such operations and satisfies the "area of production" requirement he is exempt regardless of whether he engages in a single one of such operations or in several. Apart from the making of dairy products, discussed in §§ 780.765 et seq., these are the only operations in which an employee may engage that can bring him within the terms of this exemption. No employee is exempted by virtue of this section in any workweek in which, while engaged in otherwise covered employment, he spends any portion of his time in operations other than those named, even though they are performed on agricultural or horticultural commodities for market. This is true irrespective of whether agricultural or horticultural commodities subjected to such operations remain agricultural or horticultural commodities after performance of the operations. The fact that an employee does not normally engage in any of the specific operations named in the statute will not, of course, preclude application of the exemption to him in any workweek in which he does actually and physically engage in such operations.

"Handling"

§ 780.726 Exempt "handling".

Neither the minimum-wage nor the maximum-hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is engaged in the "handling" of agricultural or horticultural commodities for market. It is clear from what has already been said that an employee is, for purposes of the exemption, so engaged only if he himself is actually and physically engaged in "handling" commodities, and then only if the commodities he handles are "agricultural or horticultural commodities" within the meaning of the Act and are being handled "for market." Although exemption of employees engaged in making dairy products is expressly provided for by another clause, employees of receiving stations who do not engage in such operations may be exempt if they are engaged in handling of milk or cream within the area of production and for market. It should be remembered that the performance of further operations on the commodities handled by an employee may defeat the exemption for "handling" if such operations are performed by his employer and if they change the form of the commodities so that, when he disposes of them, they are no longer "agricultural or horticultural commodities." In such event, the employee cannot be said to be engaged in handling them "for market." The fact that the "handling * * * of livestock" is an operation specifically mentioned in section 7(c) (providing a partial exemption from the overtime provisions of the Act) does not indicate that section 13(a)(10) is inapplicable to this operation. Livestock, until slaughtered, is an agricultural commodity and the specification of the term "handling" in this section as well as in section 7(c) indicates the intention of Congress to grant the total exemption to such operations where the "area of production" and "for market" requirements are satisfied. (Compare Maneja v. Waialua, 349 U.S. 254, with Stratton v. Farmers Produce Co., 134 F. 2d 825.)

§ 780.727 Activities included in "handling".

The term "handling," as applied to agricultural or horticultural commodities, connotes physical contact with the commodities themselves, but does not embrace "processing" operations (see § 780.729). The term has reference to those physical operations customarily performed in obtaining agricultural or horticultural commodities from producers' farms, transporting them to market or to an establishment where further operations are to be performed in preparation for market, receiving and unloading them at such an establishment, weighing or counting them or otherwise determining upon what basis the producer is to be paid, placing them within the establishment, moving them from one place to another therein, delivering them to warehouses or to conveyances for their transportation away from the establishment, and transporting them away from the establishment (Tobin v. Flour Mills of America, 185 F. 2d 596; Holt v. Barnesville Farmers Elevator Co., 145 F. 2d 250). "Handling" includes the loading of the commodities on trucks, wagons, etc. in the producers' fields or at concentration points. It also includes transportation of the agricultural commodities from farm to concentration points or to establishments where further operations are to be performed, between such establishments, and away from such establishments. Employees delivering farm products to market who, because they are not employed by a farmer, are not within the agricultural exemption provided by section 13(a)(6), may nevertheless be exempt under section 13(a)(10) if they are employed "within the area of production" and the commodities they transport are "agricultural or horticultural commodities." In establishments where the commodities are prepared for market, the assembling, sorting, binning, piling, or stacking of the commodities are typical "handling" operations. In the case of livestock temporarily held at pens pending sale or shipment, the penning, feeding, watering, and bedding down of the animals would be additional examples. Where the agricultural or horticultural commodities are packed (see §§ 780.730 et seq.) for market without changing their natural form, "handling" includes moving the bags, boxes, cases, barrels, bales, coops, and other loaded containers to wagons, trucks, railroad cars or other conveyances.

§ 780.728 Activities not included in "handling".

Activities that change the natural form of agricultural or horticultural commodities are not "handling" the commodities within the meaning of the Act. Also, activities that are not a part of the actual handling of the commodities are not "handling" merely because they are necessary to the handling operations. For example, the repair and upkeep of facilities used in handling agricultural or horticultural commodities, the icing of trucks and refrigerated cars used in transporting them (Gordon v. Paducah Ice Mfg. Co., 41 F. Supp. 980 (W.D. Ky.)), or contracting activities in connection with the acquisition of them do not constitute "handling" within the meaning of the exemption. Further, it is clear that the clerical work necessary to maintain accounts regarding the commodities handled or payrolls for the employees who handle them is not the "handling" of the commodities.

§ 780.729 Handling as a part of processing.

Although "handling", within the meaning of section 13(a)(10), does not include processing operations (see Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969 (S.D. Calif.)), in some cases handling may be an integral part of a processing operation, in which case the applicability of the exemption would depend upon whether or not that processing operation is a named operation. For example, moving fruits or vegetables from one operation to another in the course of canning is exempt not as "handling" as named in section 13(a)(10) but because it is considered an integral part of canning operations. In other situations handling may itself constitute a processing operation, as in the piling of tobacco in the course of bulking. Bulking, like slaughtering, results in a substantial change in the natural form of the commodity and since it is not a named processing operation, the exemption is not applicable. (See Mitchell v. Budd, 350 U.S. 473, Puerto Rico Tobacco Marketing Coop. Assn. v. McComb, 181 F. 2d 697 (C.A. 1) and Subpart D of this Part 780.)

"Packing"

§ 780.730 Exempt "packing".

Neither the minimum-wage nor the maximum-hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is engaged in the "packing" of agricultural or horticultural commodities for market. It is clear from what has previously been said that an employee is, for purposes of the exemption, engaged in the named operations only if he himself is actually and physically engaged in "packing" commodities, and then only if the commodities he is engaged in packing are "agricultural or horticultural commodities" within the meaning of the Act and are being packed "for market."

§ 780.731 Activities included and excluded.

The term "packing" refers generally to the physical operations involved in placing agricultural or horticultural commodities in containers, and then closing and fastening those containers. Examples of specific activities typically included as a part of this operation are placing such commodities as fresh fruits, vegetables, and eggs in boxes, cartons, crates or other suitable containers; bagging unshelled nuts; and sacking grains. Also included as an actual part of the packing operation itself are labeling the containers, pre-cooling in the packing plant by means of ice, water, or cold air, and placing layers of crushed ice in the containers with the commodities. Assembling box shook and crates and stapling knocked down cartons for current use in the packing house are also included as a part of packing whether done by employees of the packer or of an independent contractor. On the other hand, repacking, freezing the commodities as distinguished from precooling, and manufacturing the containers themselves, are not considered a part of packing. Also not included are such processing operations as meat packing, bulking tobacco, and such operations as cutting and trimming celery to heart size.

"Storing"

§ 780.732 Exempt "storing".

Neither the minimum-wage nor the maximum hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is engaged in the "storing" of agricultural or horticultural commodities for market. It is clear from what has already been said that an employee is, for purposes of the exemption, engaged in the named operations only if he himself is actually and physically engaged in "storing" of commodities, and then only if the commodities he is engaged in storing are "agricultural or horticultural commodities" within the meaning of the Act and are being stored "for market." So long as these requirements are met and the area of production requirement is satisfied, the mere fact that the commodities stored have been previously packed, handled, or otherwise prepared for market without effecting any change in their natural form will not render the exemption inapplicable to an employee engaged in the storing operations, even though the earlier operations were performed in another establishment. Storing of frozen fruits or vegetables is not within the exemption, since they are no longer agricultural or horticultural commodities within the meaning of the Act.

§ 780.733 Activities included and excluded.

The term "storing" refers to physical operations customarily performed in caring for agricultural or horticultural commodities. Among the specific activities considered a part of storing are placing the commodities in the storage facility; caring for them while there; and removing them from the storage facility to conveyances used for their subsequent shipment (Tobin v. Flour Mills of America, 185 F. 2d 596; Holt v. Barnesville Farmers Elevator Co., 145 F. 2d 250). "Storing" broadly includes any nonprocessing activities performed in taking care of agricultural or horticultural commodities such as guarding them and operating machinery controlling the temperature at which they must be stored. Watchmen may consequently be physically engaged in "storing" (Jenkins v. Durkin, 208 F. 2d). The repairing of the storage facilities is not, however, a part of storing (Colbeck v. Dairyland Creamery Co., 70 S.D. 283, 17 N.W. 2d 262); nor are activities which are actually a part of processing operations. Thus, the brining of cherries or cucumbers, which changes the chemical content of those commodities, and the cold-packing (packing with sugar and placing into cold storage) or freezing of fruit or vegetables are preserving or processing operations and not "storing". Nor does "storing" include the icing of refrigerator cars and trucks used in the transportation of perishable commodities (Gordan v. Paducah Ice Mfg. Co., 41 F. Supp. 980), and other operations which, although perhaps necessary to the storing of agricultural or horticultural commodities are not a part of caring for the commodities in a storage facility.

"Compressing"

§ 780.734 Exempt "compressing".

Neither the minimum-wage nor the maximum-hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is engaged in the "compressing" of agricultural or horticultural commodities for market. It is clear from what has already been said that an employee is, for purposes of the exemption, engaged in the named operations only if he himself is actually and physically engaged in "compressing" and then only if the commodities in the compressing of which he engages are "agricultural or horticultural commodities" within the meaning of section 13(a)(10) and are being compressed "for market." Furthermore, the significance of the term "agricultural or horticultural commodities" is in this case limited by the term descriptive of the operation. "Compressing" is a term generally applied to the cotton industry only, and the legislative history indicates the intention of Congress to give it such an application here. In practical effect, therefore, the exemption is limited to the compressing of cotton for market.

§ 780.735 Activities included and excluded.

The term "compressing", as used in section 13(a)(10), refers exclusively to the process of compressing bales of ginned cotton into standard or high-density bales and the recompressing of standard-density into high-density bales. For purposes of the exemption, "compressing" is considered to include not only the actual manipulation of the presses wherein the baled cotton lint is compressed but also the operations immediately related thereto and performed in connection therewith as integral parts of a single uninterrupted process. The term therefore includes receiving and weighing the baled cotton lint at the compressing establishment, moving the bales to the presses, placing the baled cotton lint in the presses, operating the presses, removing and tying steel bands around the bales, and moving the bales from the presses. It does not, however, refer to the process of pressing any commodities other than cotton, such as cottonseed, flaxseed, tung nuts, peanuts, fruits or vegetables, sugar cane or beets, or soybeans, all of which are frequently subjected to a form of pressing operation in extracting oil, juice, or syrup (Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969, 973 (extracting oil from cottonseed)).

"Pasteurizing"

§ 780.736 Exempt pasteurizing".

Neither the minimum-wage nor the maximum-hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor) who is engaged in the "pasteurizing" of agricultural or horticultural commodities for market. It is clear from what has already been said that an employee is, for purposes of the exemption, engaged in the named operations only if he himself

is actually and physically engaged in the "pasteurizing" of commodities, and then only if the commodities he is engaged in pasteurizing are "agricultural or horticultural commodities" within the meaning of the Act and are being pasteurized "for market." If the commodities being pasteurized are, as is commonly the case, raw milk or cream, the operation will result in a "dairy product" (see § 780.766) and the employee, if the area of production requirement is not, will be exempt because he is "making * * * dairy products" even if the operation is performed for further processing rather than "for market".

§ 780.737 Activities included in "pasteurizing".

As used in section 13(a)(10) "pasteurizing" refers to the process of inhibiting the growth of undesirable bacteria and organisms by the application of heat. The term usually refers to the performance of this operation on raw milk or cream. When so performed, the operation consists of heating the fluid milk or cream, holding it at a high temperature, and then cooling it. For purposes of the exemption, "pasteurizing" is considered to include also the placing of such milk or cream into bottles or other suitable containers.

"DRYING"

§ 780.738 Exempt "drying".

Neither the minimum-wage nor the maximum-hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is engaged in the "drying" of agricultural or horticultural commodities for market. It is clear from what has already been said that an employee is, for purposes of the exemption, engaged in the named operations only if he himself is actually and physically engaged in "drying" commodities and then only if the commodities in the drying of which he engages are "agricultural or horticultural commodities" within the meaning of the Act and are being dried "for market." The exemption does not extend to the drying of nonagricultural and nonhorticultural commodities such as uncultivated moss or lumber, or to the drying of commodities that have ceased to be agricultural or horticultural commodities by reason of a change effected in their natural state, such as fermented or stemmed tobacco or broken and separated eggs. It should be noted that the making of dairy products by means of drying operations may be exempt under another clause of this section without regard to the character of the commodity dried or whether it is dried for market.

§ 780.739 Activities included in "drying".

The term "drying" refers to operations performed on agricultural or horticultural commodities to remove or reduce their moisture content. It includes operations frequently described as "dehydrating." The drying itself may be performed by natural methods, such as heating in the sun, or by mechanical methods, such as ovens and furnaces. Typical commodities on which this operation may be performed are fruits, vegetables, eggs, hay, rice, sorghum, and tobacco.

§ 780.740 Drying where change in natural form of commodities is involved.

The drying operations included in the exemption may be performed on freshly harvested commodities and result in the first change in their raw or natural state. In such a case it would not matter whether the drying is of a kind customarily performed on the farm before the commodities are marketed by the farmer. In other situations the drying operations included in the exemption may be performed on commodities which have already been changed from their natural form by operations performed on the farm. In such a case the prior change in form would not render the exemption inapplicable so long as the commodities were produced by agricultural or horticultural techniques and are, when drying operations are commenced, still in a form in which they are customarily marketed by farmers or in which they normally come from the farm (see § 780.712). The degree to which drying operations included in the exemption will affect the form of the commodities on which they are performed will also vary. In some instances, drying operations within the exemption may consist of lowering the moisture content of the agricultural or horticultural commodity without substantially changing the form in which it normally comes from the farm, as when grain is dried to permit its safe storage. In other situations, the drying may consist of a process that changes the raw and natural form of the commodity to such an extent that the dried product is no longer an "agricultural or horticultural commodity" within the meaning of section 13(a)(10). Examples of such commodities are dried apricots, raisins, prunes, and dried eggs.

§ 780.741 Processing preliminary to actual drying.

If operations effecting a change in the natural form of an agricultural or horticultural commodity are performed before actual drying commences and are of such character that the commodity to be dried is no longer an "agricultural or horticultural commodity" within the meaning of the exemption, the application of the exemption may vary, depending on the facts. The exemption is inapplicable to any such operations prior to actual drying that are performed separately as an independent process and not as an integral part of a single continuous drying or dehydrating process. It is also inapplicable to any such prior operations that are not necessary steps in the drying process. In these situations the drying also is nonexempt because, when it commences, the commodities on which it is performed are not "agricultural or horticultural commodities". To illustrate, if tobacco is stemmed and then immediately dried, the stemming is not exempt because it is not a necessary step in the drying process but a separate and independent process not named in section 13(a)(10), and the drying is not exempt because it is not performed on "agricultural or horticultural commodities" within the meaning of that section. On the other hand, where preparatory processing operations on "agricultural or horticultural commodities" are necessary steps in the drying of such commodities and are performed as an integral part of a single continuous drying process, such necessary operations are included within the exemption. This would be true, for example, where preparatory peeling, cutting, pitting, and treating with chemicals are necessary steps in the drying of fresh fruit and are performed with the drying as integral parts of a single continuous process.

"PREPARING IN THEIR RAW OR NATURAL STATE"

§ 780.742 Exempt "preparing".

Neither the minimum-wage nor the maximum-hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is engaged in "preparing in their raw or natural state" agricultural or horticultural commodities for market. It is clear from what has previously been said that an employee is, for purposes of the exemption, engaged in the named operations only if he himself is actually and physically engaged in "preparing" commodities "in their raw or natural state" and then only if the commodities thus being prepared are "agricultural or horticultural commodities" within the meaning of the Act and are being thus prepared "for market." "First processing" operations, which are the operations initially changing the natural form of an agricultural or horticultural commodity are clearly not intended to be included in "preparing in their raw or natural state," since Congress expressly provided, in section 7(c) of the Act, a limited exemption from the overtime provisions only for such operations within the area of production. Also, the express provisions for exemption of employees engaged in certain processing operations such as canning or drying would be rendered meaningless and unnecessary if "preparing in their raw or natural state" were interpreted to include "processing." The legislative history discloses that the term "preparing in their raw or natural state" was used in contradistinction to the term "processing" to describe operations which leave the original form of the commodities unchanged. (81 Cong. Rec. 7876–7878; Maneja v. Waialua, 349 U.S. 254; Puerto Rico Tobacco Marketing Co-op Ass'n v. McComb, 181 F. 2d 697; Bowie v. Gonzalez, 117 F. 2d 11; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969 (S.D. Calif.). Cf. Fleming v. Farmers Peanut Co., 128 F. 2d 404).

§ 780.743 "Raw or natural state".

Preparing an agricultural or horticultural commodity "in" its "raw or natural state" requires that the commodity both be in such state when the operations are performed and not be changed from such state by the operations. It is therefore necessary to know what the "raw or natural state" of the particular commodity is, as well as the effect on such of the particular operations. A number of factors must be considered in their relationships to the specific situation (Puerto Rico Tobacco Marketing Co-op Ass'n v. McComb, 181 F. 2d 697). As a general rule, however, the words "raw or natural state", as applied to agricultural or horticultural commodities for purposes of the exemption, are considered to describe the condition of such commodities as they are customarily harvested and marketed by the farmer or as they normally come from the farm. When an operation changes this condition in significant respects, the commodity is no longer in its "raw or natural state". Puerto Rico Tobacco Marketing Co-op Ass'n v. McComb, 181 F. 2d 697; Bowie v. Gonzalez, 117 F. 2d 11; cf. Fleming v. Farmers Peanut Co. 128 F. 2d 404. "Raw or natural state," as the phrase is here used, is not synonymous with "fresh," as used in the language of section 7(c) providing an exemption from the overtime requirements for employers engaged in the first processing, etc. of perishable or seasonal "fresh" fruits or vegetables. Thus, the exemption under consideration here may apply to operations performed on unshelled nuts and on dry edible beans notwithstanding both these commodities are outside the category of "fresh" fruits or vegetables for purposes of section 7(c).

§ 780.744 General characteristics of included operations.

The term "preparing in their raw or natural state," as used in this exemption, refers to a wide variety of relatively simple, non-processing operations at the conclusion of which the product is still an agricultural or horticultural commodity. The legislative history indicates that these operations should be such simple ones as washing the raw commodity. (See colloquy among Senators Barkley, Schwellenbach, and Black, 81 Cong. Rec. 7876–7878.) While these operations may be performed either on or off the farm, the commodities must remain in their raw or natural state from the beginning to the end of the operation. Included under this term are those non-processing operations which make no substantial changes in either the physical structure or chemical content of the commodities, although they may affect their general outward appearance, as in the case of washing or waxing.

§ 780.745 Operations on particular commodities.

Application of the principles just discussed to the many varieties of operations performed on the different types of agricultural or horticultural commodities requires an ascertainment of the condition of the particular commodities as they normally come from the farm and of the effect, if any, on such condition which is produced by the particular operations in question. What operations do and what operations do not constitute "preparing in their raw or natural state" of particular commodities when these tests are applied is illustrated by the typical examples given in the following sections of operations commonly performed on the commodities there described.

§ 780.746 Fruits and vegetables.

Among the non-processing operations which are included in preparing fruits or vegetables in their raw or natural state are cleaning, trimming, washing, polishing, grading, sizing, sorting, hand-picking, coloring, cooling (including vacuum and hydro-cooling), and wrapping. Excluded processing operations are peeling, cutting, slicing, chopping, shredding, dicing, freezing, pressing, squeezing, stemming, and pickling.

§ 780.747 Grain, seeds, and field crops.

Cleaning, shucking corn, threshing grain and dry edible beans, sorting, grading, fumigating, disinfecting, and mixing are among the included non-processing operations (Holt v. Barnesville Farmers Elevator Co., 145 F. 2d 250; Remington v. Shaw, 52 F. Supp. 465). Shelling corn for feed, seed, or industrial use is also considered to be in this category. Such corn which is normally marketed by the farmer in its shelled form is to be distinguished from corn harvested as a perishable fresh vegetable to be prepared for human consumption as "corn on the cob" or as canned or frozen corn. Cracking, grinding, crushing, chopping, milling and such operations as hulling rice are processing operations which are not included. Manufacturing feeds from various grains or straw paper from wheat straw are also not included.

§ 780.748 Hemp, flax, and other fibre crops.

Decortication is a processing operation which is not included in preparing these crops in their raw or natural state.

§ 780.749 Nursery stock.

Cleaning, waxing, trimming and grading are some of the non-processing operations included in the preparing of nursery stock in its raw or natural state. The term "nursery stock" includes shrubs, vines, and flowers, and fruit, nut, shade, vegetable, and ornamental plants or trees (but not Christmas trees or forest tree seedlings). In this connection also see §§ 780.710 and 780.711.

§ 780.750 Nuts.

In preparing nuts in their raw or natural state, cleaning, grading, sizing, and sorting unshelled nuts are some of the non-processing operations included. Nuts in most instances are customarily marketed by farmers in the shell. In this respect they are unlike such commodities as dry edible beans which are usually removed from their covering by the farmer before marketing. The shelling of nuts, therefore, is considered a processing operation which alters the structure of the nut as an agricultural or horticultural commodity (cf. Fleming v. Farmers Peanut Co., 128 F. 2d 404), and like cracking, picking, or roasting, is not included in this exemption. Subsequent operations on the nut meats, such as roasting or manufacturing them into nut butter, are also processing and not included.

§ 780.751 Sugarcane and sugar beets.

Making raw sugar or syrup from these commodities is a processing operation which is not included in "preparing in their raw or natural state". See Maneja v. Waialua, 349 U.S. 254; Bowie v. Gonzalez, 117 F. 2d 11.

§ 780.752 Tobacco.

Stripping (pulling the leaves from the stalk), tying the leaves into hands, grading, and sorting are among the non-processing operations which are included in preparing in the raw or natural state, when performed on unstemmed and unfermented tobacco. However, fermenting or bulking ("a process which changes the natural state of the freshly cured tobacco as significantly as milling changes sugar cane"—see Mitchell v. Budd, 350 U.S. 473), stemming (removing the center rib from the leaves—see Puerto Rico Tobacco Marketing Co-op Ass'n v. McComb, 181 F. 2d 697), and other processing operations, such as making cigars, cigarettes, and plug, chewing, or pipe tobacco, are excluded.

§ 780.753 Poultry and livestock.

Since livestock and poultry cease to be agricultural commodities when they are slaughtered, neither the slaughtering nor any subsequent operation performed on the carcasses, meat, hides, or by-products in preparation for market can constitute the "preparing in their raw or natural state" of agricultural or horticultural commodities.

§ 780.754 Eggs.

Candling, sizing, grading, cooling, waxing, and oiling are included in the preparing of eggs in their raw or natural state. Breaking, separating, mixing, and freezing are excluded.

§ 780.755 Milk.

Cooling, testing, and standardizing (blending batches of raw milk of different butterfat content) are included in preparing milk in its raw or natural state. (Since these operations are not "making * * * dairy products", employees who do not perform them for market" can be exempt under section 13(a)(10) only where the operations are performed as an integral part of a process of making such products, as explained in § 780.770).

§ 780.756 Wool.

Preparing wool in its raw or natural state includes cleaning and grading.

§ 780.757 Fur.

In the case of fur which is an agricultural commodity (see § 780.710), the cleaning and grading of the raw fur is included in preparing in the raw or natural state.

"CANNING"

§ 780.758 Exempt "canning".

Neither the minimum-wage nor the maximum-hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is engaged in the "canning" of agricultural or horticultural commodities for market. It is clear from what has pre-

viously been said that an employee is, for purposes of the exemption, engaged in the named operations only if he himself is actually and physically engaged in "canning" and then only if the commodities in the canning of which he engages are "agricultural or horticultural commodities" within the meaning of the Act and are being canned "for market". Employees who can wild fruits or jellies or preserves made therefrom, for example, are not exempt as engaged in canning agricultural or horticultural commodities. The "canning" of "agricultural or horticultural commodities" includes all operations necessary for the transformation of such a commodity from its natural state into a canned product by a single continuous process, even though the natural state of the commodity is destroyed by such operations some time before it is actually sealed hermetically in the can. Recanning is not the canning of "agricultural or horticultural commodities" because the natural state of the commodities has been destroyed by the original canning operations. Canning of commodities for subsequent recanning is not canning "for market" (see § 780.713, §§ 780.715–780.717). It should be noted that the canning exemption provided by section 13(a)(10) applies only to employees "engaged in" canning, and thus differs from the exemption from overtime only for canning fresh fruits and vegetables which is provided in section 7(c) of the Act. As explained in subpart J of this Part 780, the latter exemption applies to employees in a place of employment where their employer is engaged in such canning, including employees whose work is a necessary incident to the canning as well as those engaged in the canning itself.

§ 780.759 Canning of mixtures containing products other than specified commodities.

The canning exemption in section 13(a)(10) is by its terms limited to the "canning" of "agricultural or horticultural commodities". For purposes of the exemption it is not enough that agricultural or horticultural commodities in the form in which they are harvested and marketed by the farmer constitute a part, or even a principal part, of what is canned. An employee cannot be said to be engaged in canning "agricultural or horticultural commodities" if a substantial part of the ingredients of the product being canned consists of commodities outside this category. In determining whether the amount of foreign ingredient is substantial, the nature and degree of change in the product resulting from the addition of the foreign ingredients may properly be taken into consideration. The canning of marmalade, tamales, chili or meat products, for example, is not an exempt operation since a substantial part of the ingredients used are not agricultural commodities within the meaning of the exemption. As an enforcement policy, sugar and syrup used as a packing medium in the ordinary canning of fresh fruits or vegetables is not considered to be a foreign ingredient. If the commodity being canned contains only an insubstantial amount of foreign ingredients, the canning is considered to be canning of agricultural or horticultural commodities and the exemption, if otherwise applicable to the canning operations, extends also in such a case to the handling and preparation of the foreign ingredients for use in the exempt operations.

§ 780.760 Operations included in "canning".

As used in section 13(a)(10) of the Act (as also in secs. 7(c), 13(a)(5), and 13(b)(4)), the term "canning" means hermetically sealing and sterlizing or pasteurizing and has reference to a process involving the performance of such operations. Other operations performed in connection therewith as integral parts of a single uninterrupted canning process are included, whether preparatory to, concurrent with, or subsequent to the hermetical sealing and sterlizing or pasteurizing of the canned product. There are also certain subsequent operations which are included even though performed after an interruption in the process (see H. Rep. No. 1453, 81st Cong. 1st sess., 95 Cong. Rec. 14,878, 14,932–14,933; Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891; Tobin v. Blue Channel Corp., 198 F. 2d 245; Mitchell v. Stinson, 217 F. 2d 214). Illustrations of the operations included and excluded are given in §§ 780.761–780.764. Employees engaged in operations which are not themselves an integral part of the actual process of canning the commodities are not engaged in "canning" within the meaning of the exemption even though their work may be necessary in some way to the cannery operations or may be covered because it is closely related and directly essential to such operations which constitute the production of goods for commerce (Mitchell v. Stinson, supra, and see § 780.764). The term "canning" does not include the placing of commodities or products in cans or other containers that are not hermetically sealed (see Johnson v. Johnson & Co., 47 F. Supp. 650), nor does it include hermetically sealing where no sterilizing or pasteurizing operations are performed. Such operations are "packing" or "processing" rather than "canning" (H. Rep. No. 1453, 81st Cong. 1st sess.).

§ 780.761 Necessary preparatory operations.

Among the operations performed as integral parts of a single uninterrupted canning process which are included in "canning" within the meaning of the exemption, are necessary preparatory operations performed on the products before they are placed in cans, bottles or other containers to be hermetically sealed and sterlized, as well as the actual placing of the commodities in such containers (Tobin v. Blue Channel Corp., 198 F. 2d 245; Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891). Examples of preparatory operations that are an actual part of "canning" where performed as essential and integrated steps in an uninterrupted canning process are such activities as weighing, cleaning, inspecting, peeling, cutting, squeezing, mixing, and cooling (see Mitchell v. Stinson, 217 F. 2d 214). The freezing by the canner of agricultural or horticultural commodities, to be stored for a protracted or indefinite period for future canning, is too remote from the actual canning to be an integral part of that operation. Of itself such freezing is not within the exemption because it is for canning rather than for market and is an operation, not named in section 13(a)(10), which changes the raw or natural state of the commodities as they normally come from the farm or are harvested or marketed by farmers. Because of such change, also, the subsequent canning of the frozen commodities would not constitute canning of "agricultural or horticultural commodities" within the meaning of the exemption (see §§ 780.713, 780.758).

§ 780.762 Operations subsequent to hermetical sealing and sterilizing.

"Canning," as used in section 13(a)(10), also includes operations performed after the hermetic sealing and sterilizing or pasteurizing, such as labeling the cans and placing them in cases or boxes for shipment, whether such subsequent operations are performed as part of an interrupted or uninterrupted canning process. Storing and shipping operations performed by the employees of the cannery in connection with its canned products, during weeks in which canning operations are going on, to make room for the canned products coming off the line or to make storage room are considered a part of canning for purposes of the exemption. The fact that such activities relate in part to products processed during previous weeks or seasons would not affect the application of the exemption, provided canning operations, such as hermetic sealing and sterilizing or labeling, are currently being carried on.

§ 780.763 Other activities performed as part of "canning".

It is plain that employees placing the commodities in the cans, operating the machinery that seals the cans or the equipment that sterilizes the canned product, or performing other operations on the canning line, as well as employees providing steam for cooking the commodities, are engaged in activities which are integral parts of canning (see Tobin v. Blue Channel Corp., 198 F. 2d 245; Mitchell v. Stinson, 217 F. 2d 214). In addition to these employees and those engaged in the necessary preparatory and subsequent operations previously described, there may be employees performing other activities as an integral part of a single uninterrupted canning process who will be considered engaged in "canning" within the meaning of the exemption. For example, can-loft workers, employees engaged in removing and carrying supplies from the stockroom for current use in canning operations, and employees whose duty it is to reform cans, when canning operations are going on, for current use and not for the purpose of producing a reserve supply to be used at some relatively remote time, are engaged in such activities. Similarly, employees whose function is to assure continuity of the canning process by the repairing, oiling, or greasing, during the active season, of canning machinery or equipment currently used in the actual canning operations are considered to be engaged in "canning". The making of repairs in the production room such as to the floor around the canning machinery or equipment would also be included in "canning" where the repairs are essential to the continued canning operations or to prevent interruptions in the canning operations. Cleaning the canning machinery and equipment during the canning period in order to prevent interruptions or breakdowns is also an integral part of "canning".

§ 780.764 Other activities not performed as part of "canning".

In addition to the employees previously mentioned who are not engaged in activities which are a part of the "canning" referred to in section 13(a)(10), office employees who make up and maintain employment, social security, payroll, and other records such as bills of lading, packing tickets, time cards, and books and ledgers; canteen workers, nurses, laboratory workers developing new products, watchmen and general maintenance employees are not considered as being engaged in canning within the meaning of the exemption. The receiving, unloading, and storing of supplies such as salt, condiments, cleaning supplies, containers, etc., in the plant or warehouse for subsequent use in the canning operations would not be "canning" within the meaning of the exemption. The delivery of these articles from stock to meet the daily needs of the canning operations would, however, be an integral part of the canning process, as noted in § 780.763.

"MAKING CHEESE OR BUTTER OR OTHER DAIRY PRODUCTS"

§ 780.765 Exempt "making" of "dairy products".

Neither the minimum-wage nor the maximum hours provisions of the Act apply with respect to an individual employed within the area of production (as defined by the Secretary of Labor), who is "engaged * * * in making cheese or butter or other dairy products." It will be noted that engagement by the individual employee in the operations thus described is sufficient in itself, under the statutory language, to bring him within the exemption if the area of production requirement is satisfied. These operations, unlike the others listed in section 13(a)(10), need not be performed "for market" or upon "agricultural or horticultural commodities" in order for the exemption to apply. The employee must, however, be actually and physically engaged in operations that properly may be characterized as "making" cheese or butter or other dairy products. As more fully explained in §§ 780.767–780.768, so long as such operations result in a dairy product, an employee engaged therein is engaged in "making" such product regardless of whether the product is to be sold as such or made into some other product and of whether the operations in question constitute first processing of milk or cream or a further processing of some dairy product previously made therefrom.

§ 780.766 Products which are considered "dairy products".

The following list includes some, but not all of the products considered to be "dairy products" (derived primarily from Agricultural Statistics—1960, U.S. Dept. of Agriculture, p. 405 (Dairy products: Quantities manufactured, United States, 1951–58)):

(a) *Milk.* Pasteurized fluid; skimmed, condensed, evaporated, or dried whole or skimmed milk; and concentrated skimmed milk.
(b) *Cream.* Sweet, sour, dried.
(c) *Butter.* Creamery, whey butter, renovated or process butter.
(d) *Cheese.* All ordinary varieties, including natural and processed.
(e) *Buttermilk.* Condensed, evaporated, dried.
(f) *Casein.* Dried or wet.
(g) *Malted milk powder.*
(h) *Milk sugar (crude).*
(i) *Ice cream.*
(j) *Sherbet (except water ices).*
(k) *Ice milk.*

§ 780.767 Making dairy products is not confined to first processing.

The term "dairy products" as here used is broad in scope and is not restricted to the products of first processing operations upon milk, whey, skimmed milk, or cream (as it is under the exemption from the overtime provisions provided by section 7(c) of the Act, discussed in Subpart J of this part). For purposes of section 13(a)(10) it is immaterial whether the processing begins with milk or with a milk product such as evaporated milk, buttermilk or cheese. The product being made must, however, be a dairy product. Thus, while separating milk into skimmed milk and cream is "making" a dairy product, the churning of the cream into butter and the drying of the skimmed milk may also come within the exemption.

§ 780.768 Making dairy products for conversion into other products.

The exemption is applicable to employees making dairy products, if the area of production requirement is satisfied, even though such products will not be marketed by the employer but will be converted into other products. This is true, for example, of employees making condensed milk for subsequent conversion into dried milk, and of employees producing frozen cream for later conversion into butter by the same employer.

§ 780.769 Operations performed on previously made dairy products.

Once a dairy product has been made, the performance at a subsequent time of other operations does not constitute "making" dairy products unless they are integral parts of the process or they actually convert the product into a dairy product of a different kind. Thus, storing, slicing and packaging cheese, and printing, wrapping and storing butter bought in bulk from cheese and butter makers are not within the exemption since when so performed they constitute neither the actual making of butter or cheese nor are they integral parts of making these products. Although the processing of wet into dry casein is "making" a dairy product, the further processing of casein is not. After whey is dried, screened and sacked, the subsequent regrinding, rescreening and resacking of dried whey that has become lumpy are operations performed merely to restore the dairy product to its original form after damage and do not constitute "making" dairy products. The process of "making" dried whey is completed when the product is once made, screened, and sacked and can be sold as dried whey.

§ 780.770 Operations which are an integral part of making dairy products.

"Making * * * dairy products" includes, in addition to the actual making of the products, all operations performed as an integral part of making them. Included are all the operations ordinarily performed at a plant making dairy products in preparing the products and placing them into containers, when performed as integral parts of the process of making the dairy products. Thus, such operations as receiving, weighing, cooling and testing the milk or cream are within the exemption if the area of production requirement is met. Also included in "making * * * dairy products" are such operations as handling the sugar used in making sweetened condensed milk, and handling the nondairy ingredients used in making ice cream. In cheese assembly plants, aging, cleaning, paraffining and weighing are part of making the dairy product. Such subsequent operations as slicing, wrapping and placing cheese into containers are also included when performed as an integral part of the cheese making process. The transfer of ingredients and supplies from stock to meet the daily needs of the processing operation would be considered an integral part of making the dairy product. So would the assembling of knocked-down boxes to be currently used in packing dairy products. The exemption is considered applicable, where the area of production requirement is met, to the repairing, oiling or greasing of machinery or equipment which is currently used in the actual processing operations where such work is essential to prevent interruptions in the processing operation. Similarly, cleaning the processing machinery or equipment in order to prevent interruptions or breakdowns and providing heat which is used for the exempt processing are considered integral parts of making dairy products and therefore exempt activities. Storing and shipping operations performed by the employees of the dairy in connection with its products during weeks in which the dairy products are being made, to make room for the products coming off the line or to make storage room, are also considered a part of making dairy products for purposes of the exemption.

§ 780.771 Employees not engaged in "making" the dairy products.

Employees such as bookkeepers and other office workers, canteen workers, nurses, general maintenance men and watchmen are not "making" dairy products within the meaning of the exemption (see Colbeck v. Dairyland Creamery Co., 70 S.D. 283, 17 N.W. 2d 262). Likewise, employees in milk and cream receiving stations where no actual processing takes place are not considered to be engaged in "making" dairy products. Where, however, receiving station employees and truck drivers are actually handling or preparing whole milk or cream "for market" (not for subsequent processing by the employer), they may, if employed within the area of production, qualify for exemption on that basis (see § 780.726). The exemption is inapplicable to employees manufacturing containers, laboratory workers developing new products, and employees receiving, unloading and storing supplies and containers for subsequent use in the operations, as well as employees assembling boxes for stock to be used at some relatively remote future time.

WORKWEEK APPLICATION OF EXEMPTION

§ 780.772 Employment in the particular workweek as test of exemption.

The period for determining whether the "area of production" requirement of section 13(a)(10) is met is prescribed in the regulations in Part 536 of this chapter. But insofar as the exemption depends for its application on the engagement by the employee in the named operations, it applies on a workweek basis. An employee may be exempt in one workweek and not in the next. This is in accordance with the general rule that the unit of time to be used in determining the application of the Act and its exemptions to an employee is the workweek (see Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; Mitchell v. Hunt, 263 F. 2d 913; McComb v. Puerto Rico Tobacco Co-op. Marketing Ass'n, 80 F. Supp. 953, affirmed 181 F. 2d 397). A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 780.773 Exempt workweeks.

Any employee engaged in operations named in section 13(a)(10) on agricultural or horticultural commodities for market or in making dairy products is exempt in any workweek when he engages exclusively in operations meeting the requirements of the section, if he is employed "within the area of production" as defined by the Secretary of Labor.

§ 780.774 Exempt and nonexempt employment.

Where an employee who is employed within the "area of production" performs during the same workweek both work which is exempt under this section 13(a)(10) and other work to which the Act applies, not exempt from the minimum wage or overtime pay requirements under this or any other section of the Act, he is not exempt that week (see McComb v. Puerto Rico Tobacco Co-op. Marketing Ass'n, 80 F. Supp. 953, affirmed 181 F. 2d 397; Mitchell v. Hunt, 263 F. 2d 913; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969; McComb v. del Valle, 80 F. Supp. 945; Walling v. Peacock Corp., 58 F. Supp. 880; Jordan v. Stark Bros. Nurseries, 45 F. Supp. 769; Waialua v. Maneja, 77 F. Supp. 480). This is an application of the general rule applicable to the agricultural and related exemptions in the Act, which are spelled out in such detail as to "preclude their enlargement by implication" (Addison v. Holly Hill, 322 U.S. 607), under which the performance of any nonexempt work during a workweek defeats an employee's exemption for that workweek.

§ 780.775 Work exempt under another section of the Act.

Where an employee's employment during part of his workweek would qualify for exemption under section 13(a)(10) if it continued throughout the workweek, and the remainder of his workweek is spent in employment which, if it continued throughout the workweek, would qualify for exemption under another section or sections of the Act, the exemptions may be combined (see Remington v. Shaw, 52 F. Supp. 465; and see Tobin v. Blue Channel Corp., 198 F. 2d 245, approved in Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891). The availability of a combination exemption depends on whether the employee meets all the requirements of each exemption which it is sought to combine, and the stricter of the requirements of each applies to the combination. The employee is qualified for an exemption in such a case only to the extent provided by whichever of the combined exemptions is more limited in scope. Thus, if part of an employee's work during the workweek is exempt from both minimum wage and overtime pay requirements under section 13(a)(10), and the rest is exempt only from the overtime pay requirements under section 7(c), the employee is exempt that week from the overtime requirements, but not from the minimum wage requirements.

§ 780.776 Segregation of exempt and nonexempt work.

Nothing in the Act requires an employer to segregate his employees or work in a situation where the employees' duties involve the performance without distinction of work both within and outside the terms of section 13(a)(10). On the other hand, if he seeks relief under section 13(a)(10) from the wage and hours requirements of the Act with respect to employees performing work within the terms of such section and other work as well, it is permissible for him to adopt a plan of segregation that will minimize the exclusion of such employees from exemption under the workweek unit rule. He may increase the number of his exempt employees by segregating the work between different groups of employees, employing one group exclusively in activities exempt under section 13(a)(10), or he may segregate the activities of each individual employee with respect to time of performance so as to bring him within the terms of section 13(a)(10) for as many complete workweeks as possible. Segregation of the activities of an employee within the workweek will not, of course, exempt the employer from compliance with the wage and hours requirements for any part of the workweek; the employer's duty to comply with such requirements for the entire workweek remains so long as any portion of the employee's covered work within such workweek is of a character other than that requisite to exemption of his employment from requirements of the Act. Moreover, no segregation of employees or work can be effective to bring within the exemption any employee who is not, under the Secretary's definition, employed "within the area of production." The burden of effecting segregation between exempt and nonexempt work as between particular workweeks is upon the employer.

Subpart I—Employment of Homeworkers in Making Wreaths; Exemption From Minimum Wage, Overtime Compensation and Child Labor Provisions

INTRODUCTORY

§ 780.800 Scope and significance of interpretative bulletin.

Subpart A of this Part 780 and this Subpart I together constitute the official interpretative bulletin of the Department of Labor with respect to the meaning and application of section 13(d) of the Fair Labor Standards Act of 1938, as amended. This section provides an exemption from the minimum wage, overtime pay and child labor provisions of the Act for certain homeworkers employed in making wreaths from evergreens and in harvesting evergreens and other forest products for use in making wreaths. As appears more fully in Subpart A of this part, interpretations in this bulletin with respect to provisions of the Act discussed are official interpretations upon which reliance may be placed and which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act. The general exemption provided in section 13(a)(6) of the Act for employees employed in agriculture is not discussed in this subpart. The meaning and application of the section 13(a)(6) exemption is fully considered in Subpart B of this Part 780.

§ 780.801 General explanatory statement.

Workers in rural areas sometimes engage, as a family unit, around the Christmas holidays, in gathering evergreens and making them into wreaths in their homes. Such workers, under well-settled interpretations by the Department of Labor and the courts, have been held to be employees of the firm which purchases the wreaths and furnishes the workers with wire used in making such wreaths. The exemption for making wreaths under section 13(d) was included in the Fair Labor Standards Amendments of 1961 to provide minimum wage, overtime pay, and child labor exemptions for this limited class of workers who produce the wreaths in their homes. This exemption, along with the section 7(b)(3) overtime exemption referred to in § 780.819, is available to workers who meet the prescribed requirements. This Subpart I explains the meaning and application of the section 13(d) exemption with respect to such workers.

REQUIREMENTS FOR EXEMPTION

§ 780.802 Statutory requirements.

Section 13(d) of the Act, as amended by the 1961 amendments to the Fair Labor Standards Act, exempts from the minimum wage provisions of section 6, the overtime requirements of section 7 and the child labor restrictions of section 12:

any homeworker engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths).

§ 780.803 What determines the application of the exemption.

The application of this exemption depends on the nature of the employee's work and not on the character of the employer's business. To determine whether an employee is exempt an examination should be made of the activities which that employee performs and the conditions under which he performs them. Some employees of the employer may be exempt and others may not.

§ 780.804 General requirements.

The general requirements of the exemption are that:

(a) the employee must be a homeworker;

(b) the employee must be engaged in making wreaths as a homeworker;

(c) the wreaths must be made principally of evergreens;

(d) any harvesting of the evergreens and other forest products by the homeworkers must be for use in making the wreaths by homeworkers.

§ 780.805 Homeworker.

The exemption applies to "any homeworker". A homeworker within the meaning of the Act is a person who works for an employer in or about a home, apartment, tenement, or room in a residential establishment.

§ 780.806 In or about a home.

Whether the work of an employee is being performed "in or about a home", so that he may be considered a homeworker, must be determined on the facts in the particular case. In general, however, the phrase "in or about a home" includes any home, apartment, or other dwelling place and surrounding premises, such as yards, garages, sheds or basements. A convent, orphanage or similar institution is considered a home.

§ 780.807 Exemption is inapplicable if wreath-making is not in or about a home.

The section 13(d) exemption does not apply when the wreaths are made in or about a place which is not considered a "home". Careful consideration is required in many cases to determine whether work is being performed in or about a home. Thus, the circumstances under which an employee may engage in work in what ostensibly is a "home" may require the conclusion, on an examination of all the facts, that the work is not being performed in or about a home within the intent of the term and for purposes of section 13(d) of the Act.

§ 780.808 Examples of places not considered homes.

The following are examples of work places which, on examination, have been considered not to be a "home":

(a) Living quarters allocated to and regularly used solely for production purposes, where workers work regular schedules and are under constant supervision by the employer, are not considered to be a home.

(b) While a convent, orphanage or similar institution is considered a home, an area in such place which is set aside for and used for sewing or other productive work under supervision is not a home.

(c) Where an employee performs work on wreaths in a home and also engages in work on the wreaths for the employer during that workweek in a factory, he is not exempt in that week, since some of his work is not performed in a home.

§ 780.809 Wreaths.

The only product which may be produced under the section 13(d) exemption by a homeworker is a wreath having no less than the specified evergreen content. The making of a product other than a wreath is nonexempt even though it is made principally of evergreens.

§ 780.810 Principally.

The exemption is intended to apply to the making of an evergreen wreath. Such a wreath is one made "principally" of evergreens. "Principally" means chiefly, in the main or mainly (Hartford Accident & Indemnity Co. v. Casualty Underwriters Insurance Co., 130 F. Supp. 56). A wreath is made "principally" of evergreens when it is comprised mostly of evergreens. For example, where a wreath is composed of evergreens and other kinds of material, the evergreens should comprise a greater part of the wreath than all the other materials together, including materials such as frames, stands and wires. The principal portion of a wreath may consist of any one or any combination of the evergreens listed in section 13(d), including "other evergreens." The making of wreaths in which natural evergreens are a secondary component is not exempt.

§ 780.811 Evergreens.

The material which must principally be used in making the wreaths is listed as "natural holly, pine, cedar, or other evergreens". Other plants or materials cannot be used to satisfy this requirement.

§ 780.812 Other evergreens.

The "other evergreens" of which the wreath may be principally made include any plant which retains its greenness through all the seasons of the year, such as laurel, ivy, yew, fir, and others. While plants other than evergreens may be used in making the wreaths, such plants, whether they are forest products or cultivated plants, cannot be considered as part of the required principal evergreen component of the wreath.

§ 780.813 Natural evergreens.

Only "natural" evergreens may comprise the principal part of the wreath. The word "natural" qualifies all of the evergreens listed in the section, including "other evergreens". The term "'natural" means that the evergreens at the time they are being used in making a wreath must be in the raw and natural state in which they have been harvested. Artificial evergreens (Herring Magic v. U.S., 258 F. 2d 197; Cal. Casualty Indemnity Exchange v. Industrial Accident Commission of Cal. 90 P. 2d 289) or evergreens which have been processed as by drying and spraying with tinsel or by other means are not included. It is immaterial whether the natural evergreen used in making a wreath has been cultivated or is a product of the woods or forest.

§ 780.814 Harvesting.

The homeworker is permitted to harvest evergreens and other forest products to be used in making the wreath. The word "harvesting" means the removal of evergreens and other forest products from their growing positions in the woods or forest, including transportation of the harvested products to the home of the homeworker and the performance of other duties necessary for such harvesting.

§ 780.815 Other forest products.

The homeworker may also harvest "other forest products" for use in making wreaths. The term "other forest products" means any plant of the forest and includes, of course, deciduous plants as well.

§ 780.816 Use of evergreens and forest products.

Harvesting of evergreens and other forest products is exempt only when these products will be "used in making such wreaths". The phrase "used in making such wreaths" places a definite limitation on the purpose for which evergreens may be harvested under section 13(d). Harvesting of these materials for a use other than making wreaths is nonexempt. Also, such harvesting is nonexempt when the evergreens are used for wreath-making by persons other than

the homeworkers (see Mitchell v. Hunt, 263 F. 2d 913). For example, harvesting of evergreens for sale or distribution to an employer who uses them in his factory to make wreaths is not exempt.

WORKWEEK APPLICATION OF EXEMPTION

§ 780.817 Workweek is used in applying the exemption.

The unit of time to be used in determining the application of minimum wage and overtime exemptions to an employee is the workweek (see Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697). A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 780.818 Exclusive engagement in exempt work.

An employee who engages exclusively in a workweek in work which is exempt under section 13(d) is exempt from the Act's minimum wage, overtime requirements and child labor restrictions for the entire week.

§ 780.819 Work exempt under another section of the Act.

Where an employee performs work during his workweek, some of which is exempt under section 13(d) and the remainder under another section or sections of the Act, the exemptions may be combined. The employee's combination exemption is controlled by the exemption which is more limited in scope. For example, if part of his work is exempt from both minimum wage and overtime compensation under section 13(d) and the rest is exempt only from the overtime pay requirements (as under section 7(c) for the first processing of an agricultural commodity within the area of production during seasonal operations), the employee is exempt that week from the overtime provisions, but not from the minimum wage requirements. (See last paragraph of § 780.820 of this subpart regarding the exemption from child labor requirements.) Attention is directed to the fact that a limited overtime exemption for employees employed in the decorative greens industry is provided under section 7(b)(3) of the Fair Labor Standards Act and Part 526 of this chapter. (See Subpart J of this Part 780.) This exemption is not limited to homeworkers.

§ 780.820 Exempt and nonexempt work.

(a) Where an employee in the same workweek performs work which is exempt from the minimum wage and overtime requirements of the Act and also engages in work to which these requirements apply but which is not exempt under this or any other section of the Act, he is not exempt from the minimum wage and overtime provisions of the Act in that week (see McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n., 80 F. Supp. 953, affirmed 181 F. 2d 697; Mitchell v. Hunt, 263 F. 2d 913; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969; McComb v. del Valle, 80 F. Supp. 945; Walling v. Peacock Corp., 58 F. Supp. 880).

(b) Where a minor performs activities which would be exempt from the child labor provisions under section 13(d) and in the same workweek also engages in any work which is covered by the child labor provisions, the employer is not relieved from the child labor requirements of the Act during that workweek with respect to such minor. (Section 4.122 of this title.) In such case, his employer will be obliged to comply with the requirements of section 12(c) which forbids the employment of "oppressive child labor" in commerce or in the production of goods for commerce and the producer, manufacturer or dealer will be required to comply with section 12(a) which restricts shipment or delivery of goods produced in or about an establishment in which oppressive child labor had been employed. (See Part 4, Subpart G of this title.)

2. The present Subpart E (§§ 780.50-.53) of Title 29, Code of Federal Regulations, is redesignated as Subpart J and the title of the redesignated Subpart J reads as follows:

Subpart J—Employment Exempt from Overtime in Operations on Agricultural Commodities and in Seasonal Industries Under Sections 7(c) and 7(b)(3); Outside Buyers of Certain Commodities Under Section 13(b)(5)

a. Sections 780.50, 780.51, 780.52, and 780.53 of the present Subpart E of Title 29, Code of Federal Regulations, are redesignated as §§ 780.950, 780.951, 780.952, and 780.953, respectively.

b. Paragraph (a) of § 780.950 of Title 29, Code of Federal Regulations, as redesignated by Amendment 2, is amended J reads as follows:

§ 780.950 Meaning of term "canning".

(a) As used in section 7(c) of the Fair Labor Standards Act (as in sections 13(a)(5), 13(a)(10), and 13(b)(4)), the term "canning" means hermetically sealing and sterilizing or pasteurizing and has reference to a process involving the performance of such operations. Other operations performed in connection therewith as integral parts of a single uninterrupted canning process are included, such as necessary preparatory operations performed on the products before they are placed in bottles, cans, or other containers to be hermetically sealed, as well as the actual placing of the commodities in such containers. Also included are subsequent operations such as the labeling of the cans or other containers and the placing of the sealed containers in cases or boxes whether such subsequent operations are performed as a part of an uninterrupted or interrupted process. The term "canning" does not include the placing of commodities or products in cans or other containers that are not hermetically sealed, nor hermetically sealing where no sterilization or pasteurization is performed, as such operations are "processing" as distinguished from "canning".

(Secs. 1-19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201-219)

Signed at Washington, D.C., this 30th day of October 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-10466; Filed, Nov. 2, 1961; 8:45 a.m.]

UNIVERSITY OF MICHIGAN
NOV 7 1961
MAIN READING ROOM

Pages 10421-10466

FEDERAL REGISTER

VOLUME 26 NUMBER 214

Washington, Saturday, November 4, 1961

Contents

Agricultural Marketing Service
RULES AND REGULATIONS:
Handling limitations:
Lemons grown in California and Arizona 10425
Navel oranges grown in Arizona and designated part of California 10423
Shipments limitations:
Fruit grown in Florida:
Grapefruit 10424
Oranges 10423
Tangerines 10424
Tangelos 10425
Onions grown in certain designated counties in Idaho and Malheur County, Oregon 10426
Walnuts; imports 10426

Agricultural Stabilization and Conservation Service
RULES AND REGULATIONS:
Milk in New Orleans marketing area; order suspending certain provisions; correction 10425

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Alien Property Office
NOTICES:
Chemnyco, Inc.; dissolution order 10453

Army Department
See Engineers Corps.

Atomic Energy Commission
NOTICES:
Consolidated Edison Company of New York, Inc.; notice of hearing on provisional operating license for nuclear facility 10455
Curators of University of Missouri; proposed issuance of construction permit 10453
Ohio State University; notice of issuance of facility license amendment 10454

Civil Aeronautics Board
NOTICES
American Airlines, Inc., and Eastern Air Lines, Inc.; joint fares between Miami and San Francisco; order of investigation and suspension 10455
International Air Transport Association; agreement adopted relating to specific commodity rates 10456

Civil Service Commission
RULES AND REGULATIONS:
Exceptions from the competitive service:
Agriculture Department 10447
Justice Department 10447
Formal education requirements for appointment to certain scientific, technical, and professional positions; teachers, principals, and school superintendents 10447

Commerce Department
See also Maritime Administration.
NOTICES:
Starz, Ralph F.; statement of changes in financial interests 10453

Defense Department
See Engineers Corps.

Emergency Planning Office
NOTICES:
American Radiator & Standard Sanitary Corp.; deletion from membership in Integration Committee on the M14 Rifle, 7.62mm 10461

Engineers Corps
RULES AND REGULATIONS:
Bridge regulations; Oklawaha and Dead Rivers, and Haines Creek, Fla 10445

Federal Aviation Agency
NOTICES:
Television antenna structures; no hazard to air navigation (2 documents) 10456, 10457
PROPOSED RULE MAKING:
Alterations:
Control area extensions and transition area 10451
Federal airway, associated control areas, continental control area, and restricted area 10451
RULES AND REGULATIONS:
Control area extension; alteration 10429
Control zone; designation 10429
Federal airways:
Alteration 10427
Designation and alteration 10428
Federal airways and associated control areas:
Alteration 10428
Designation 10428
Standard instrument approach procedures; miscellaneous amendments (2 documents) 10430, 10436

Federal Communications Commission
NOTICES:
Hearings, etc.:
Bi-States Co. (KHOL-TV) and Topeka Broadcasting Association, Inc. (WIBW-TV) 10458
Gem State Candy Co 10457
Mia Enterprises, Inc. (KWBE) 10458
Oklahoma Broadcasting Co. and Sapulpa Broadcasters 10459
Scott, George L 10458
Wolverine Broadcasting Co. et al 10459
RULES AND REGULATIONS:
Clear channel broadcasting in standard broadcast band; applications for frequencies adjacent to Class I-A channels 10447

(Continued on next page)

CONTENTS

Federal Maritime Commission
NOTICES:
City of Oakland, Calif., and Encinal Terminals; agreement filed for approval ... 10460

Federal Trade Commission
RULES AND REGULATIONS:
Fur products name guide; foxes, raccoons, and opossums ... 10446
Prohibited trade practices:
James Lees and Sons Co ... 10445
Leous, Thomas M., Jr., et al ... 10445

Food and Drug Administration
PROPOSED RULE MAKING:
Food additives; notice of withdrawal of petition ... 10452

Health, Education, and Welfare Department
See Food and Drug Administration.

Interior Department
See Land Management Bureau.

Internal Revenue Service
PROPOSED RULE MAKING:
Income tax; taxable years beginning after Dec. 31, 1953 (2 documents) ... 10449, 10450

Interstate Commerce Commission
NOTICES:
Fourth section applications for relief ... 10463
Motor carrier transfer proceedings ... 10463
Rutland Railroad Corp.; diversion or rerouting of traffic ... 10464

Justice Department
See Alien Property Office.

Land Management Bureau
RULES AND REGULATIONS:
Texas; public land order; transferring jurisdiction over oil and gas deposits in certain lands at Perrin Air Force Base owned by U.S ... 10427

Maritime Administration
NOTICES:
United States Lines Co.; application for approval of changes in itineraries of certain cruises ... 10453

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
Delaware Variable Investment Plan ... 10461
Midwestern Instruments, Inc ... 10461

Small Business Administration
NOTICES:
Assistant to Chief, Financial Assistance Division; delegation relating to financial assistance ... 10463
Branch Counsel, Charlotte, N.C.; delegation relating to legal functions ... 10463
Branch Manager, Salt Lake City Branch Office; delegation relating to financial assistance, procurement and technical assistance, and administrative functions ... 10462
Chief, Financial Assistance Division; delegation relating to financial assistance functions ... 10462

Tariff Commission
NOTICES:
Stainless-steel table flatware; reports to the President ... 10464

Treasury Department
See Internal Revenue Service.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 (2 documents) ... 10447
24 ... 10447

7 CFR
914 ... 10423
933 (4 documents) ... 10423-10425
942 ... 10425
953 ... 10425
1017 ... 10426
1071 ... 10426

14 CFR
600 (4 documents) ... 10427, 10428
601 (4 documents) ... 10428, 10429
609 (2 documents) ... 10430, 10436
PROPOSED RULES:
600 ... 10451
601 (2 documents) ... 10451
608 ... 10451

16 CFR
13 (2 documents) ... 10445
301 ... 10446

21 CFR
PROPOSED RULES:
121 ... 10452

26 CFR
PROPOSED RULES:
1 (2 documents) ... 10449, 10450

33 CFR
203 ... 10445

43 CFR
PUBLIC LAND ORDERS:
2530 ... 10427

47 CFR
1 ... 10447

1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Milk Order No. 42]

PART 942—MILK IN NEW ORLEANS MARKETING AREA

Order Suspending Certain Provisions

Correction

In F.R. Doc. 61–9627, appearing at page 9507 of the issue for Saturday, October 7, 1961, the following corrections are made:

1. In the second paragraph, the words following the colon should read as follows: "'for not more than 10 days' in paragraph (2) and paragraph (3) in its entirety which reads as follows:".

2. The third paragraph should begin with the designation "(3)" instead of the designation "(c)".

[Navel Orange Reg. 213]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.513 Navel Orange Regulation 213.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 2, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 5, 1961, and ending at 12:01 a.m., P.s.t., November 12, 1961, are hereby fixed as follows:

(i) District 1: 7,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 3, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10663; Filed, Nov. 3, 1961; 11:20 a.m.]

[Orange Reg. 392]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1071 Orange Regulation 392.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the

handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., November 6, 1961, and ending at 12:01 a.m., e.s.t., November 20, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2⅝ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 1/16 inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 2, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10620; Filed, Nov. 3, 1961; 8:50 a.m.]

[Grapefruit Reg. 345]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1072 Grapefruit Regulation 345.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., November 6, 1961, and ending at 12:01 a.m., e.s.t., November 20, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3 9/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 2, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10619; Filed, Nov. 3, 1961; 8:50 a.m.]

[Tangerine Reg. 225]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

Limitation of Shipments

§ 933.1073 Tangerine Regulation 225.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., November 6, 1961, and ending at 12:01 a.m., e.s.t., November 20, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 2, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10622; Filed, Nov. 3, 1961; 8:50 a.m.]

[Tangelo Reg. 30]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1074 Tangelo Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., November 6, 1961, and ending at 12:01 a.m., e.s.t., November 20, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 2, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10621; Filed, Nov. 3, 1961; 8:50 a.m.]

[Lemon Reg. 924]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1031 Lemon Regulation 924.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., November 6, 1961, and ending at 12:01 a.m., e.s.t., November 20, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 2, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10621; Filed, Nov. 3, 1961; 8:50 a.m.]

[Lemon Reg. 924]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1031 Lemon Regulation 924.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provi-

sions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 31, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 5, 1961, and ending at 12:01 a.m., P.s.t., November 12, 1961, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 102,300 cartons;

(iii) District 3: 79,050 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 1, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10618; Filed, Nov. 3, 1961; 8:50 a.m.]

[1017.306, Amdt. 1]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017) regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of onions, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which can not be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order, as amended. Section 1017.306 (26 F.R. 6195) is amended by deleting therefrom the introductory paragraph and paragraphs (a) and (b) and substituting in lieu thereof a new introductory paragraph and new paragraphs (a) and (b) as follows:

§ 1017.306 Limitation of shipments.

During the period from November 13, 1961, through June 30, 1962, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) or (c) of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* All varieties—U.S. No. 2 grade.

(2) *Size.* Yellow varieties—2 inches minimum diameter.

(b) *Special purpose shipments.* The minimum grade and size requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;

(2) Livestock feed; and

(3) Charity.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 1, 1961, to become effective November 13, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10565; Filed, Nov. 3, 1961; 8:47 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1071—WALNUTS

Regulation Governing Imports

Notice was published in the FEDERAL REGISTER on September 26, 1961 (26 F.R. 9050–9051), that there was under consideration proposed grade, size, quality, maturity, and other requirements that will govern the importation into the United States of walnuts (Juglans regia), pursuant to the requirements of section 8e (7 U.S.C. 608e), of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and as amended by the Agricultural Act of 1961 (Public Law 87–128), approved August 18, 1961, hereinafter referred to as the "act".

Marketing Order No. 84, as amended (7 CFR Part 984), effective pursuant to the act, contains terms and conditions regulating the grade, size, quality, and maturity of walnuts grown in California, Oregon, and Washington. The purpose of the regulation is to make applicable to imports of walnuts the same grade, size, quality, and maturity standards that are required by the marketing order to be applied to walnuts grown in California, Oregon, and Washington, and to prescribe appropriate rules and regulations applicable to imports of walnuts.

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department prior to promulgation of the regulation. Within the prescribed time three communications were received. After consideration of all relevant material presented including the three communications received, the following regulation governing the importation of walnuts is hereby promulgated.

§ 1071.1 Regulation governing imports of walnuts.

(a) *Definitions.* (1) "Walnuts" means all walnuts commonly known as English or Persian walnuts (Juglans regia).

(2) "Inshell walnuts" means walnuts, the kernels or edible portions of which are contained in the shell.

(3) "Shelled walnuts" are the kernels of walnuts after the shells are removed.

(4) "Fruit and Vegetable Division" means the Fruit and Vegetable Division of the Agricultural Marketing Service, United States Department of Agriculture.

(5) "Fresh Fruit and Vegetable Inspector" means any Federal or Federal-State inspector of the Fresh Products Standardization and Inspection Branch of the Fruit and Vegetable Division.

(6) "Importation" means release from custody of United States Bureau of Customs.

(b) *Grade and size regulations.* The importation of walnuts (Juglans regia) into the United States is prohibited unless such walnuts have been inspected and certified as meeting one of the following requirements:

(1) *Inshell walnuts.* All inshell walnuts shall be of a quality equal to or better than the requirements for U.S. No. 3 and "baby" size as prescribed in the United States Standards for Walnuts (Juglans regia) in the Shell (§§ 51.2945 to 51.2966 of this title).

(2) *Shelled walnuts.* All shelled walnuts shall be of a quality equal to or better than the requirements for U.S. Commercial Grade as prescribed in the United States Standards for Shelled Walnuts (Juglans regia) (§§ 51.2275 to 51.2294 excluding 51.2278(b), 51.2284 and 51.2285 of this title) effective January 25, 1959, except that the minimum size shall be pieces not more than five percent of which will pass through a round opening 9/64 inch in diameter and no other size requirements shall apply.

(c) *Inspection and certification.* (1) All inspections and certifications required by paragraph (b) of this section shall be made by Fresh Fruit and Vegetable inspectors in accordance with the regulations governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of inspection and certification shall be borne by the applicant for such inspection and certification.

(2) Each inspection certificate shall set forth among other things the following:

(i) The date and place of inspection;

(ii) The name of the applicant;

(iii) The name of the importer;

(iv) The quantity and identifying marks of the container; and

(v) The statement, if applicable, "Meets U.S. import requirements under section 8e of the A.M.A. Act of 1937".

(3) Whenever walnuts are offered for inspection, the applicant shall furnish any labor and pay any costs incurred in moving and opening containers as may be necessary for proper sampling and inspection.

(d) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude reconditioning walnuts, in order that such walnuts may be made eligible to meet the grade and size regulations prescribed in paragraph (b) of this section, prior to importation.

(e) *Minimum quantity.* Notwithstanding any other provision of this part, any lot of walnuts for importation which does not exceed, in net weight, 60 pounds of shelled walnuts or 115 pounds of inshell walnuts shall be exempt from the requirements of this part.

(f) *Other important requirements.* The provisions of this part do not supersede any restrictions or prohibitions on walnuts under the Federal Plant Quarantine Act of 1912, or any other applicable laws or regulations, or the need to comply with applicable food and sanitary regulations of city, county, State, or Federal Agencies including the Federal Food, Drug, and Cosmetic Act.

(g) *Compliance.* Any person violating any provisions of this regulation is subject to a forfeiture in the amount prescribed in section 8a(5) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608a(5)), or upon conviction, a penalty in the amount prescribed in section 8c(14) of said act, or to both such forfeiture and penalty. False representations in any matter within the jurisdiction of any agency of the United States, knowing it to be false, is a violation of 18 U.S.C. 1001 which provides for a fine or imprisonment or both.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1961, to become effective December 4, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 61–10566; Filed, Nov. 3, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2530]

[70387]

TEXAS

Transferring Jurisdiction Over Oil and Gas Deposits in Certain Lands at Perrin Air Force Base Owned by the United States

Whereas the hereinafter described lands, title to which has been acquired by the United States, comprising a portion of Perrin Air Force Base, Texas, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force:

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits owned by the United States in the following described lands is hereby transferred from the Department of the Air Force to the Department of the Interior:

A strip of land 100 feet in width, comprising the railroad spur right-of-way located in sections 13, 17, 28, and the J. A. Potts and J. G. Thompson Surveys, as delineated on map titled "Perrin Air Force Base, Military Reservation, No. PE 31.21/1," dated March 1, 1955, filed in the Bureau of Land Management under Misc. 70387, and containing approximately 40 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force for military purposes.

4. Prior to any advertisement for bids, the Department of the Air Force shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

5. Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Air Force is to be obtained to assure that there is no interference with the primary use of Perrin Air Force Base.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 30, 1961.

[F.R. Doc. 61–10555; Filed, Nov. 3, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–94]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6104) stating that the Federal Aviation Agency proposed to alter intermediate altitude VOR Federal airway No. 1508.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following action is taken:

1. In the text of § 600.1508 (26 F.R. 1079) "Rock River, Wyo., VOR; Sidney, Nebr., VOR;" is deleted and "Rock River, Wyo., VOR; INT of the Rock River VOR 105° and the Sidney, Nebr., VOR 294° radials, Sidney VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 30, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F. R. Doc. 61–10547; Filed, Nov. 3, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-94]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation and Alteration

On July 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6453) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1762 between Eugene, Oreg., and Seattle, Wash., and intermediate altitude VOR Federal airway No. 1764 between North Bend, Oreg., and Newberg, Oreg., and to alter the width of intermediate altitude VOR Federal airway No. 1557 between Eugene, Oreg., and Seattle, Wash.

No adverse comments were received regarding the proposed amendments.

The Federal Aviation Agency in restudying the proposal has determined that a reduction should be made in the width of Victor 1762 north of the Newberg, Oreg., VOR to provide separation from Victor 1557. Such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following are added:

§ 600.1762 VOR Federal airway No. 1762 (Eugene, Oreg., to Seattle, Wash.).

From the Eugene, Oreg., VOR; 10-mile wide airway via the INT of the Eugene VOR 346° and the Newberg, Oreg., VOR 204° radials; Newburg VOR; to the INT of the Newberg VOR 355° and the Portland, Oreg., VOR 261° radials; thence to the INT of the Newberg VOR 355° and the Olympia, Wash., VOR 195° radials; thence 10-mile wide airway via the Olympia VOR; INT of the Olympia VOR 019° and the Seattle, Wash., VOR 247° radials; to the Seattle VOR. The portion of this airway within R-6711 shall be used only after obtaining prior approval from the appropriate authority.

§ 600.1764 VOR Federal airway No. 1764 (North Bend, Oreg., to Newberg, Oreg.).

From the North Bend, Oreg., VOR to the INT of the Newberg, Oreg., 204° and the Eugene, Oreg., VOR 346° radials; thence 10-mile wide airway to the Newberg VOR.

§ 600.1557 [Amendment]

2. In the text § 600.1557 (26 F.R. 1079) "INT of the Portland, Oreg., VOR 196° and the Newberg, Oreg., VOR 166° radials; thence 10-mile wide airway to the Portland, Oreg., VOR; thence via the INT of the Portland VOR 353° and the Seattle, Wash., VOR 197° radials; INT of the Seattle VOR 197° and the Hoquiam, Wash., VOR 095° radials; thence 10-mile wide airway to the Seattle, Wash., VOR;" is deleted and "thence 10-mile wide airway via the Portland, Oreg., VOR; to the INT of the Portland VOR 353° and the Seattle, Wash., VOR 197° radials; thence 12-mile wide airway to the INT of the Seattle VOR 197° and the Hoquiam, Wash., VOR 095° radials; thence 10-mile wide airway to the Seattle VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 30, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10546; Filed, Nov. 3, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-44]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3541) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 530 from Texico, N. Mex., to Childress, Tex., and to designate the control areas associated with V-530 to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR en route altitude when established, to the base of the continental control area. On August 1, 1961, an Alteration of Proposal was published in the FEDERAL REGISTER (26 F.R. 6861) stating that the control area associated with Victor 530 from Texico to Childress would extend upward from 700 feet above the surface to the base of the continental control area.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding the following sections:

§ 600.6530 VOR Federal airway No. 530 (Texico, N. Mex., to Childress, Tex.).

From the Texico, N. Mex., VOR to the Childress, Tex., VOR.

§ 601.6530 VOR Federal airway No. 530 control areas (Texico, N. Mex., to Childress, Tex.).

All of VOR Federal airway No. 530.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 30, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10545; Filed, Nov. 3, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-147]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

The purpose of these amendments to §§ 600.6037, 600.6133, 600.6143, 600.6296, 601.6133, 601.6143, and 601.6296 is to change the name of the Charlotte, N.C., VOR to Fort Mill, S.C., VOR in the descriptions of VOR Federal airways Nos. 37, 133, 143 and 296 and in the captions of the control areas associated with Victor 133, 143, and 296 in order to correctly reflect the name of this facility.

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 600.6037 (14 CFR 600.6037, 26 F.R. 1032) is amended to read:

§ 600.6037 VOR Federal airway No. 37 (Savannah, Ga., to Hagersville, Ontario, Canada).

That airspace over United States territory from the Savannah, Ga., VORTAC via the INT of the Savannah VORTAC 346° and the Allendale, S.C., VOR 174° radials; Allendale VOR, including a W alternate via the INT of the Savannah VOR 282° and the Allendale VOR 194° radials; Columbia, S.C., VOR; Fort Mill, S.C., VOR, including a W alternate via the INT of the Columbia VOR 329° and the Fort Mill VOR 209° radials; Pulaski, Va., VOR, including a W alternate from the Fort Mill VOR to the Pulaski VOR via the Hickory, N.C., VOR; Elkins, W. Va., VORTAC; Morgantown, W. Va., VORTAC; Pittsburgh, Pa., VORTAC; Ellwood City, Pa., VORTAC; Erie, Pa., VORTAC; to the INT of the Erie VORTAC 005° and the London, Ontario, Canada, VOR 093° radials.

2. Section 600.6133 (14 CFR 600.6133) is amended to read:

§ 600.6133 VOR Federal airway No. 133 (Fort Mill, S.C., to Traverse City, Mich.).

From the Fort Mill, S.C., VOR via the Hickory, N.C., VOR, Charleston, W. Va., VORTAC; Zanesville, Ohio, VOR; Tiverton, Ohio, VOR; Mansfield, Ohio, VORTAC; Sandusky, Ohio, VORTAC; INT of the Waterville, Ohio, VORTAC 058° and the Salem Mich., VORTAC 140° radials; Salem VORTAC; Flint, Mich., VORTAC; Saginaw, Mich., VOR; to the Traverse City, Mich., VOR excluding the portion which coincides with R-5502.

3. Section 600.6143 (14 CFR 600.6143) is amended to read:

§ 600.6143 VOR Federal airway No. 143 (Fort Mill, S.C., to Washington, D.C.).

From the Fort Mill, S.C., VOR via the Greensboro, N.C., VOR, including a W alternate via the INT of the Fort Mill VOR 005° and the Greensboro VOR 238° radials; Lynchburg, Va., VORTAC; to the Montebello, Va., VOR. From the Front Royal, Va., VOR to the INT of the Martinsburg, W. Va., VORTAC direct radial to the Washington, D.C., VOR and the Herndon, Va., VORTAC direct radial to the Harrisburg, Pa. VORTAC.

4. Section 600.6296 (14 CFR 600.6296) is amended to read:

§ 600.6296 VOR Federal airway No. 296 (Asheville, N.C., to Fort Mill, S.C.).

From the Asheville, N.C., VORTAC to the Fort Mill, S.C., VOR.

5. Section 601.6133 (14 CFR 601.6133) is amended to read:

§ 601.6133 VOR Federal airway No. 133 control areas (Fort Mill, S.C., to Traverse City, Mich.).

All of VOR Federal airway No. 133.

6. Section 601.6143 (14 CFR 601.6143) is amended to read:

§ 601.6143 VOR Federal airway No. 143 control areas (Fort Mill, S.C., to Washington, D.C.).

All of VOR Federal airway No. 143, including a W alternate, but excluding the airspace between the main airway and the W alternate.

7. Section 601.6296 (14 CFR 601.6296) is amended to read:

§ 601.6296 VOR Federal airway No. 296 control areas (Asheville, N.C., to Fort Mill, S.C.).

All of VOR Federal airway No. 296.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 30, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10549; Filed, Nov. 3, 1961; 8:46 a.m.]

[Airspace Docket No. 61-FW-98]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this Amendment to § 601.1053 of the Regulations of the Administrator is to alter the description of the Houston, Tex., control area extension.

The Houston control area extension is presently designated as the airspace bounded by a line beginning at latitude 30°22'00" N., longitude 94°03'00" W.; thence clockwise along the arc of a 25-mile radius circle centered on the Beaumont, Tex., radio range to latitude 29°38'35" N., longitude 94°00'00" W.; to latitude 29°37'30" N., longitude 94°00'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°23'20" N., longitude 96°17'30" W.; thence clockwise along the arc of a 25-mile radius circle centered on the Palacios, Tex., radio range to latitude 28°55'00" N., longitude 96°38'45" W.; to latitude 29°58'30" N., longitude 95°58'30" W.; thence clockwise along the arc of a 50-mile radius circle centered on the Houston, Tex., radio beacon to latitude 30°20'25" N., longitude 95°17'00" W.; to the point of beginning.

Damage from hurricane Carla and deterioration from age have rendered the Palacios and Beaumont low frequency radio ranges beyond economical repair. These facilities are no longer required for air traffic service and have been programed for early decommissioning. Since the Houston control area extension is described in part by reference to these facilities, action is taken herein to redescribe the Houston control area extension to eliminate such references. This action will not alter the extent of controlled airspace associated with the Houston control area extension.

Since this amendment is minor in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1053 (26 F.R. 5390) is amended to read:

§ 601.1053 Control area extension (Houston, Texas).

That airspace bounded by a line beginning at latitude 30°22'00" N., longitude 94°03'00" W., thence clockwise along the arc of a 25-mile radius circle centered on latitude 30°00'34" N., longitude 94°02'18" W. to latitude 29°38'35" N., longitude 94°00'00" W., thence south to latitude 29°37'30" N., longitude 94°00'00" W., thence southwesterly 3 nautical miles from and parallel to the shoreline to latitude 28°23'20" N., longitude 96°17'30" W., thence clockwise along the arc of a 25-mile radius circle centered on latitude 28°44'45" N., longitude 96°17'00" W. to latitude 28°55'00" N., longitude 96°38'45" W., thence northeasterly to latitude 29°58'30" N., longitude 95°58'30" W., thence clockwise along the arc of a 50-mile radius circle centered on latitude 29°37'05", longitude 95°15'00" to latitude 30°20'25" N., longitude 95°17'00" W. thence east to the point of beginning.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 30, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10548; Filed, Nov. 3, 1961; 8:46 a.m.]

[Airspace Docket No. 61-LA-28]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On July 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6818) stating that the Federal Aviation Agency proposed to designate a control zone at Troutdale, Oreg.

No adverse comments were received regarding this proposal.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.2494 Troutdale, Oreg., control zone.

Within a 3-mile radius of the Troutdale Airport, Troutdale, Oreg. (latitude 45°33'00" N., longitude 122°23'50" W.) excluding the portion which coincides with the Portland International Airport, Restricted Area/Military Climb Corridor (R-5703). This control zone shall be effective from 0600 to 2200 P.s.t., daily.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 30, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10550; Filed, Nov. 3, 1961; 8:46 a.m.]

[Reg. Docket No. 923; Amdt. 242]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BLI VOR	BG LFR	Direct	1500	T-dn	300–1	300–1	200–½
Custer Int* (Final)	BG LFR	Direct	900	C-dn	700–1	700–1	700–1½
White Rock Int	BG LFR	Direct	1500	S-dn-12°*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 295° Outbnd, 115° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 114°—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi, turn right, climb to 1500′ on NW crs BG LFR within 10 mi.
*Custer Int: Int NW crs BG LFR and BLI VOR R-205.
**Straight-in minimums authorized only if aircraft ADF is operational and is utilized from BG LFR to Rnwy 12.

City, Bellingham; State, Wash.; Airport Name, Bellingham Municipal; Elev., 158′; Fac. Class., SBRAZ; Ident., BG; Procedure No. 1, Amdt. 9; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 8; Dated, 27 Oct. 56

Port Chester FM	LA-LFR (Final)	Direct	*1500	T-dn‡	300–1	300–1	200–½
				C-dn‡	700–1	700–2	700–2
				S-dn-224°*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs, 043° Outbnd, 223° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′** (1000′** authorized after New Rochelle MHW).
Crs and distance, facility to airport, 223°—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing LaGuardia LFR, climb to 1500′ on SW crs LaGuardia LFR to Flatbush FM. Hold at Flatbush FM right turns, one-minute, 043° Inbnd.
CAUTION: Standard clearance not provided over obstructions in final approach area and in missed approach area. Bridge towers 383′ msl 2.5 mi NE; tank 422′ msl 2 mi North.
NOTE: LaGuardia LFR must be monitored aurally if ADF approach is made on this procedure.
*If New Rochelle MHW not received, straight-in minimums not authorized.
**Descent to landing minimums authorized only after passing LaGuardia LFR.
‡Takeoff minimums for Rnwy 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.
‡AIR CARRIER NOTE: Sliding scale not authorized for landings on Rnwy 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20′; Fac. Class., SABRAZ; Ident., LA; Procedure No. 1, Amdt. 8; Eff. Date, 11 Nov. 61; Sup Amdt. No. 7; Dated, 23 Apr. 60

SZI MHW	SJ LFR	Direct	2000	T-dn	300–1	300–1	200–½
EVE LFR	SJ LFR	Direct	2000	C-dn	800–2	800–2	800–1
Burton Int	SJ LFR	Direct	2000	A-dn	800–2	800–2	800–2
TM LFR	SJ LFR	Direct	2000				
SE LOM	SJ LFR (Final)	Direct	1200				
BF LOM	SJ LFR	Direct	2000				
Vashon Int	SJ LFR	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn E side of S crs, 176° Outbnd, 356° Inbnd, 2000′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 290°—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 2000′ direct to BF LOM or, when directed by ATC, turn left, climb to 2000′ on 224° crs from SJ LFR to Vashon Int or climb to 2000′ on NW crs SJ LFR within 10 mi.
CAUTION: 606′ tank 3 miles W and 578′ tower 3½ miles NW of Boeing Field.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17; Fac. Class., SABRAZ; Ident., SJ; Procedure No. 1, Amdt. 16; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 15; Dated, 13 Aug. 60

LFR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Vashon Int	SJ-LFR	Direct	2000	T-dn	300–1	300–1	200–½
Robert FM	SJ-LFR	Direct	4000	C-dn	500–1	500–1	500–1½
EVE LFR	SJ-LFR	Direct	2000	A-dn	800–2	800–2	800–2
SZI RBn	SJ-LFR (Final)	Direct	1200				
TM-LFR	SJ-LFR	Direct	2000				
SE LOM	SJ-LFR	Direct	2000				
BF LOM	SJ-LFR (Final)	Direct	1500				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn, W side NW crs, 297° Outbnd, 117° Inbnd, 2000′ within 10 miles.
Minimum altitude over SZI RBn on final approach crs, 1500′; over SJ-LFR, 1200′.
Crs and distance, facility to airport, 194°–3.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb to 2000′ on S crs SJ-LRF to SE LOM or, when directed by ATC, turn right, climb to 2000′ on 224° crs from SJ-LFR to Vashon Int.
CAUTION: Terrain and trees to 591′ msl located immediately North and Northeast of airport.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., SABRAZ; Ident., SJ; Procedure No. 1, Amdt. 16; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 15; Dated, 13 Aug. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 051°—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, make a right climbing turn returning to LWM MHW facility at 1800′. Hold LWM MHW, right turns, one-minute pattern 051° inbnd.
NOTES: Runway 18–36 not authorized at night (no lights). Runway 18–36 not authorized for aircraft with stall speed more than 65 K. Facility operated by City.
*Alternate minimums of 800–2 authorized for those who have previous arrangement for weather service at the airport.

City, Lawrence; State, Mass.; Airport Name, Municipal; Elev., 165′; Fac. Class., MHW; Ident., LWM; Procedure No. 1, Amdt. 4; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 3; Dated, 8 July 61

Surry Int*	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Norfolk VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Franklin VOR	LOM	Direct	1500	S-dn-6	400–1	400–1	400–1
Recons Castle MHW	LOM	Direct	1500	A-dn	800–2	800–2	800–2
Hopewell VOR	LOM	Direct	1500				
Cape Charles VOR‡	LOM	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 244° Outbnd, 064° Inbnd, 1100′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 064°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LOM, climb to 1500′ on crs 064°, then proceed to LOM.
*Surry Int: Int ORF-VOR R-303 and FKN-VOR R-033.
‡ATC approval required before using Cape Charles transition.

City, Newport News; State, Va.; Airport Name, Patrick Henry; Elev., 41′; Fac. Class., LOM; Ident., PH; Procedure No. 1, Amdt. 9; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 8; Dated, 17 Dec. 60

Flatbush Int	LOM	Direct	1500	T-dn*	200–1	300–1	200–½
				C-dn**	700–1	700–2	700–2
				S-dn-4**	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 224° Outbnd, 044° Inbnd, 1500′ S of Flatbush Int but within 10 mi of LOM.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 044°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, climb to 2500′ on crs 043° or NE brs LaGuardia LFR to New Rochelle RBn. Hold New Rochelle RBn right turns, one-minute, 043° inbnd.
NOTE: LaGuardia LFR must be monitored during ADF approach.
CAUTION: (1) Standard clearance not provided over obstructions in missed approach area. (2) Unlighted obstructions in approach zone (Runway 4) protruding 40′ above lights at beginning of approach lightlane decreasing to 10′ above lights at 1100′ from approach end of runway. (3) Tower 415′ msl 3.8 mi SW; tower 360′ msl 3.5 mi SW; bldg 360′ msl 6.7 mi SW.
*Takeoff minimums for Rnwy 4 and 31 will not be less than 200–1 during such periods when tower advisories indicate presence of surface ships in channel.
**AIR CARRIER NOTE: Sliding scale not authorized for landing on Rnwys 13/31 and 22.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 20′; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 15; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 14 (ADF portion Comb. ILS-ADF); Dated, 27 May 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
RST-VOR	RST LOM	Direct	2500	T-dn	300–1	300–1	200–½
ODI-VOR	Bell Int*	Direct	2600	C-dn	400–1	500–1	500–1½
Bell Int*	RST LOM (Final)	Direct	2500	S-dn-31	400–1	400–1	400–1
Byron Int**	RST LOM	Direct	2500	A-dn	800–2	800–2	800–2

Procedure turn North side crs, 127° Outbnd, 307° Inbnd, 2500′ within 10 miles.
Crs and distance, facility to airport, 307°—4.27 miles.
Minimum altitude over facility on final approach crs, 2500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.27 miles, climb to 2800′ on 307° crs from LOM within 20 mi or, when directed by ATC, make left climbing turn to 3000′, proceed direct to the RST-VOR.
*Bell Int: Int RST-VOR R-076 and 307° brng to LOM.
**Byron Int: Int RST-VOR R-351 and 127° brng to LOM.

City, Rochester; State, Minn.; Airport Name, Rochester Municipal; Elev., 1310′; Fac. Class, LOM; Ident., RS; Procedure No. 1, Amdt. 3; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 2; Dated, 23 Sept. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1¼
				C-n	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 102°—9.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 miles, climb to 3100 on R–101 within 20 miles.
CAUTION: Towers—2032′ msl 2.6 mi WNW; 2115′ msl 5.2 mi NW; 2007′ msl 6.8 mi NW; 2685′ msl 8.2 mi SSE; 2778′ msl 7.9 mi SSW.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., BVOR; Ident., ABI; Procedure No. VOR 1, Amdt. Orig.; Eff. Date, 11 Nov. 61

Albany LFR	ABY-VOR	Direct	1600	T-dn	300–1	300–1	*200–1
				C-dn	500–1	500–1	500–1¼
				S-dn-16	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar transition altitude, 000° through 360°, 1600′ within 25 miles. All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000′ vertical separation; or 3 to 5 miles and 500′ vertical separation from the following towers: 719′ MSL 22 miles WNW, 1362′ MSL 20 miles SSE.
Procedure turn W side crs, 333° Outbnd, 153° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 153°—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi, climb to 1600′ on R–172 within 20 mi of ABY-VOR.
*200–½ authorized for takeoff Runway 3–21 only.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196′; Fac. Class., BVOR; Ident., ABY; Procedure No. 1, Amdt. 9; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 8; Dated, 15 Aug. 59

Taft Int	HSV VOR	Direct	2500	T-dn	300–1	300–1	200–½
HSV VOR	Factory Int (Final)#	Direct	1400	C-dn	800–1½	900–1½	900–2
				S-dn	*700–1	*700–1	*700–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′; over Factory Int#, 1400′*.
Crs and distance, facility to airport, 158°—6.5 miles; Factory Int# to airport, 158°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles of HSV VOR, climb to 3000′ on R–158 within 20 miles.
#Factory Int: HSV-VOR R–158, HUA-VOR R–030, or 256° brng to HUA RBn.
*If #Factory Int not received, descent below 1400′ NA and straight-in landing minima are 800′.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., BVOR; Ident., HSV; Procedure No. 1, Amdt. 6; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 5; Dated, 10 Sept. 60

Nashville LFR	BNA-VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1¼
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 131° Outbnd, 311° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 315°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 3000′ on R–335 within 20 miles.
CAUTION: High tension line 138′ above field elevation between the VOR station and the airport.
AIR CARRIER NOTE: Takeoff with less than 200–½ NA on Rnwy 15.

City, Nashville; State, Tenn.; Airport Name, Berry Field; Elev., 605′; Fac. Class., BVORTAC; Ident., BNA Procedure No. 1, Amdt. 8; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 7; Dated, 7 Oct. 61

PROCEDURE CANCELLED, EFFECTIVE 11 NOVEMBER 1961. ALL ACTIVITIES MOVED TO NEW VICTORIA COUNTY AIRPORT.

City, Victoria; State, Tex.; Airport Name, Victoria County; Elev., 121′; Fac. Class., BVOR; Ident., AOE; Procedure No. 1, Amdt. 1; Eff. Date, 8 Oct. 60; Sup. Amdt. No. Orig.; Dated, 6 June 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-23	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, breakoff point to approach end of Runway 23, 226°—0.25 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3400′ on JST-VOR R–230 within 10 miles. Make a left turn, return to VOR, hold Northeast inbnd crs 230° one-minute, right turns.

City, Johnstown; State, Pa.; Airport Name, Cambria County; Elev., 2284′; Fac. Class., BVOR-DME; Ident., JST; Procedure No. TerVOR-23, Amdt. Orig.; Eff. Date, 11 Nov. 61

				T-dn	300–1	300–1	300–1
				C-dn	800–1	800–1	800–1½
				S-dn-20R	900–1	800–1	800–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn North side of crs, 015° Outbnd, 195° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 20R, 205°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 3000′ on R–111 PSC-VOR within 10 miles.
CAUTION: Prohibited area 6 miles NW of airport.

City, Pasco; State, Wash.; Airport Name, Pasco; Elev., 401′; Fac. Class., L–BVOR, Ident., PSC; Procedure No. TerVOR-20R, Amdt. 1; Eff. Date, 11 Nov. 61; Sup. Amdt. No. Orig.; Dated, 29 Apr. 61

				T-dn	300–1	300–1	300–1
				C-dn	800–1	800–1	800–1½
				S-dn-29R	800–1	800–1	800–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn East side of crs, 111° Outbnd, 291° Inbnd, 2100′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 29R, 295°—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 3000′ on R–015 within 10 miles.
CAUTION: Prohibited area 6 miles NW of airport.

City, Pasco; State, Wash.; Airport Name, Pasco; Elev., 401′; Fac. Class., L–BVOR; Ident., PSC; Procedure No. TerVOR-29R, Amdt. 1; Eff. Date, 11 Nov. 61; Sup. Amdt. No. Orig.; Dated, 3 June 61

Rush VHF Int	ROC-VOR	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn°-1	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn East side of crs. 177° Outbnd, 357° Inbnd, 2000′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, break-off point to approach end of Rnwy 1, 007°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R–357 within 10 miles or, when directed by ATC, make a left climbing turn, return to Rush Int at 2000′.
AIR CARRIER NOTE: Takeoff on Rnwy 12 and landing on Rnwy 30 NA.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-1, Amdt. 3; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 2; Dated, 2 Sept. 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 11 NOVEMBER 1961.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., BVOR-DME; Ident., ABI; Procedure No. VOR/DME-Arpt. Amdt. 3; Eff. Date, 2 July 60; Sup. Amdt. No. 2; Dated, 2 Apr. 60

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Perryville FM/Int (R-258/29 mi. DME fix)	R-256/13 mi DME fix	Direct	3000	T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn, 4000', teardrop, 245° Outbnd, turn right at R-245/15 mi fix, start descent to 3000', intercept 076° Inbnd. Not authorized beyond 20 miles.
Minimum altitude over R-256/13 mi fix, 3000'; over R-256/9.3 mi fix, 2000'.
Crs and distance, R-256/9.3 mi fix to airport, 076°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums before reaching 7.0 mi fix, climb to 4000' on R-076 within 10 miles of VOR.
CAUTION: Hills and tower 2987' 6 mi SSW of airport.
NOTE: When authorized by ATC, DME may be used within 15 miles at 4000' 160° clockwise through 340° and at 3000' 250° clockwise through 270°, to position aircraft for a straight-in approach with elimination of procedure turn.

City, Phoenix; State, Ariz.; Airport Name, Sky Harbor Municipal; Elev., 1122'; Fac. Class. BVORTAC; Ident., PHX; Procedure No. 2, Amdt. Orig.; Eff. Date, 11 Nov. 61

				T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				S-dn-26L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn, teardrop, 058° Outbnd, turn right, intercept 256° Inbnd, 4000' within 10 miles.
Minimum altitude over VOR on final approach crs, 2500'; over R-256/3.0 mi. fix, 1900'.
Crs and distance, VOR to airport, 256°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 mi, climb to 4000' on R-258 within 20 mi or, when directed by ATC, climb to 3000' on R-258, make a right climbing turn and return to VOR at 4000'.
NOTE: When authorized by ATC, DME may be used within 8 miles at 4000' to position aircraft for a straight-in approach with the elimination of the procedure turn.
CAUTION: Hills and tower 2987' 6 mi SSW of airport. 3312' terrain 15 mi ENE of airport.

City, Phoenix; State, Ariz.; Airport Name, Sky Harbor Municipal; Elev., 1122'; Fac. Class., BVORTAC; Ident., PHX; Procedure No. VOR/DME-26L, Amdt. Orig.; Eff. Date, 11 Nov. 61

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OXR-VOR	ILS W crs	057°—18	5000	T-dn#	300-1	300-1	300-1
Saugus Int	LOM	Direct	5100	C-d*	900-1½	900-1½	900-1½
Malibu Int	LOM	Direct	5000	C-n*	900-2	900-2	900-1
Pt. Dume Int	LOM	Direct	5000	S-dn-7	300-¾	300-¾	300-¾
Newhall LFR	LOM	Direct	5000	A-dn	900-2	900-2	900-1
Fillmore VOR	Woodland Int%	Direct	5000				
Int LAX-VOR R-277 and Lake Hughes VOR R-109.	Woodland Int%	Direct	5000				
Twin Lakes Int	Woodland Int%	Direct	5000				
Woodland Int%	LOM (Final)	Direct	2800				

Radar transitions and vectoring using Burbank Radar authorized in accordance with approved Radar patterns.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 4000' within 10 miles of LOM. Beyond 10 mi NA.
Minimum altitude at glide slope intercept inbnd, 2800'.
Altitude of G.S. and distance to appr end of Rnwy at OM, 2738'—6.0 mi; at MM, 1355'—1.7 mi; at LIM, 924'—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished immediate right turn, climbing to 4000' on W crs BUR ILS within 10 mi West of LOM or, when directed by ATC, climb to 3000' on SE crs BUR LFR, turn right, return to LFR climbing to 5000', or climb to 5000' on SE crs BUR LFR within 15 mi.
CAUTION: High terrain NE and E of airport.
AIR CARRIER NOTES: Sliding scale prohibited below ¾ mi for takeoff on Rnwys 7, 15, 33, and for straight-in landing minima. Sliding scale NA for circling minima.
NOTES: All components of ILS system must be utilized. Nonstandard installation. Localizer antenna at approach end of runway.
#200-½ authorized for takeoff on Rnwy 25 only.
*Maneuvering NE and E of airport NA.
%Woodland Int: Int BUR ILS W crs and Fillmore VOR R-111.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Terminal; Elev., 775'; Fac. Class., ILS; Ident., I-BUR; Procedure No. ILS-7, Amdt. 13; Eff. Date, 11 Nov. 61 or upon com. of BUR LOM; Sup. Amdt. No. 12; Dated, 27 Aug. 60

PROCEDURE CANCELLED, EFFECTIVE 11 NOVEMBER 1961.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 696'; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-19, Amdt. 4; Eff. Date, 10 Oct. 59; Sup. Amdt. No. 3; Dated, 12 Sept. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Cape Charles VOR#	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Norfolk VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Franklin VOR	LOM	Direct	1500	S-dn-6*	200-½	200-½	200-½
Hopewell VOR	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Surry Int**	LOM	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn West side of SW crs, 244° Outbnd, 064° Inbnd, 1100' within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 1100'.
Altitude of glide slope and distance to approach end of Rny at OM, 965'—2.7 mi; at MM, 272'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500' to the Williamsburg Int. Hold SE one-minute right turns.
*600-1 required with glide slope inoperative.
**Surry Int: Int ORF-VOR R-303 and FKN-VOR R-033.
#ATO approval required before using Cape Charles transition.

City, Newport News; State, Va.; Airport Name, Patrick Henry; Elev., 41'; Fac. Class., ILS; Ident., I-PHF; Procedure No. ILS-6, Amdt. 10; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 9; Dated, 1 July 61

La Guardia LFR	LOM	Direct	2500	T-dn#	300-1	300-1	200-½
Glen Cove RBn	LOM	Direct	2500	C-dn#	700-1	700-2	700-2
Flatbush FM	LOM (Final)	Direct	1500	S-dn-4#*	400-¾	400-¾	400-¾
				A-dn	600-2	600-2	600-2

Radar vectors may be substituted for the above transitions.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 1500' S of Flatbush FM but within 10 mi of LOM.
Minimum altitude at G.S. int inbnd ILS 1500, minimum altitude over LOM inbnd final 1200 ADF.
Altitude of G.S. and distance to appr end of rny at OM 1310—3.9, at MM 295°—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on NE crs LA-LFR to New Rochelle RBn. Hold at New Rochelle RBn right turns, one-minute, 043° inbnd.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. (2) Unlighted obstructions in approach zone (Rnwy 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway. (3) Tower 415' msl 3.8 mi SW, tower 390' msl 3.5 mi SW, Bldg 968' msl 6.7 mi SW.
*500-1 required with any component of the ILS inoperative.
#Takeoff minimums for Runway 4 and 31 will not be less than 200-1 during period when tower advisories indicate presence of surface ships in channel.
#AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., ILS; Ident., I-LGA; Procedure No. ILS-4, Amdt. 15; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 14; Dated, 27 May 61 (ILS portion Comb. ILS-ADF)

Harbor View Int	Holland Int (Final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 2600' within 10 miles of Holland Int.
No glide slope or markers. Descend to landing minimums after passing Holland Int. Minimum altitude over Holland Int, 2000'.
Brng and distance, Holland Int to Rnwy 25, 249°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5. mi after passing Holland Int., climb straight ahead to 2000' on 249° crs to Toledo LOM.
CAUTION: Building 865' 1¾ mi S of middle marker.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684'; Fac. Class., ILS; Ident., I-TOL; Procedure No. ILS-25, Amdt. 4; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 3; Dated, 17 Jan. 59

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
345°	215°	20 mi	2000				
215°	345°	20 mi	2500	T-dn#	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-30L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar control will provide 1000' vertical clearance within a 3-mile radius of 500' vertical clearance within a 3-to 5-mile (inclusive) radius of radio towers 1680' msl 23 miles WNW, 2049' msl 9 mi NW and 1054' msl 14 mi N.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' on NW crs ILS (305°) within 20 miles or, when directed by ATC, (1) turn right, climb to 2000', proceed direct to VOR or (2) turn right, climb to 2000', proceed direct to AUS RBn.
#All aircraft are restricted to 300-1 minima for takeoff on Runways 3-21, 16L-34R, and 12L-30R.

City, Austin; State, Tex.; Airport Name, Mueller Municipal; Elev., 631'; Fac. Class. and Ident., Austin Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 Nov. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
				T–dn‡	300–1	300–1	200–½
				C–dn‡	700–1	700–2	700–2
				S–dn–4‡*	400–¾	400–¾	400–¾
				A–dn	600–2	600–2	600–1

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500' on NE crs LaGuardia LFR to New Rochelle RBn. Hold New Rochelle RBn, right turns, one-minute, 043° Inbnd.

CAUTION: (1) Circling minimums do not provide standard clearance over obstructions. (2) Unlighted obstructions in approach zone (Rnwy 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway.

‡Takeoff minimums for Runway 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.

*500–1 required with approach lights inoperative.

‡AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class. and Ident., LaGuardia Radar; Procedure No. 1, Amdt. 8; Eff. Date, 11 Nov. 61; Sup. Amdt. No. 7; Dated, 11 Jan. 58

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on October 9, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–9840; Filed, Nov. 3, 1961; 8:45 a.m.]

[Reg. Docket No. 932; Amdt. 243]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 18 NOV. 61.							

City, Beaumont; State, Tex.; Airport Name, Jefferson County Municipal; Elev., 16'; Fac. Class., SBMRLZ; Ident., BT; Procedure No. 1, Amdt. 8; Eff. Date, 27 May 61; Sup. Amdt. No. 7; Dated, 14 Dec. 57

Grand Island VOR	Direct	3100	T–dn	300–1	300–1	200–½
			C–dn	400–1	500–1	500–1½
			A–dn	800–2	800–2	800–2

Procedure turn W side N crs, 345° Outbnd, 165° Inbnd, 3100' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 165°—1.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, climb to 3700' on South crs within 20 miles.

City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1,846'; Fac. Class., SBMRLZ; Ident., GI; Procedure No. 1, Amdt. 10; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 9; Dated, 29 Oct. 55

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Flatbush FM	LOM (Final)	043—6.3	*1200	T–dn‡	300–1	300–1	200–½
				C–dn‡	700–1	700–2	700–2
				S–dn–4‡	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn S side SW crs, 223° Outbnd, 043° Inbnd, 1500' S of Flatbush FM but within 10 miles of LOM.
Minimum altitude over facility on final approach crs, *1200 (over LGA OM).
Crs and distance, facility to airport, 043°—3.9 (from LGA OM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles of LGA OM, climb to 2500' on NE crs LA LFR to New Rochelle RBn. Hold New Rochelle RBn, right turns, one minute, 043° inbnd.
CAUTION: Standard obstruction clearance not provided over obstructions in final approach area and in missed approach area. Tower 415' msl 3.8 mi SW, tower 390' msl 3.5 mi SW, building 968' msl 6.7 mi SW.
LaGuardia LFR must be monitored aurally if ADF approach is made on this procedure.
NOTE: *Descent to landing minimums authorized after passing LGA OM.
‡Takeoff minimums for Rnwy 4 & 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.
‡AIR CARRIER NOTE: Sliding scale not authorized for landings on Rnwys 13, 31 and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., SABRAZ; Ident., LA; Procedure No. 2, Amdt. 7; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 6; Dated, 27 Feb. 60

PROCEDURE CANCELLED, EFFECTIVE 18 NOV. 1961, OR UPON DECOMMISSIONING OF THE LFR.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4,411'; Fac. Class., SBRAZ; Ident., RNO; Procedure No. 1, Amdt. 7; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 6; Dated, 8 Aug. 59

Shuttle: To 6000' on West crs of Unalakleet LFR.				T–dn	300–1	300–1	200–½
				C–dn	500–2	500–2	500–2
				S–dn	NA	NA	NA
				A–dn	1000–2	1000–2	1000–2

Procedure turn S side W crs, 270° Outbnd, 090° Inbnd, 1100' within 10 mi.
After crossing range on initial, proceed outbnd on West crs not below 2800' for two minutes before starting descent to procedure turn altitude.
Minimum altitude on final approach crs, 500'. Descent to 500' immediately after completion of procedure turn.
Crs and distance, facility to airport, 270°—1.1 mi.
If visual contact not established upon descent to 500', turn right, climb to 2800' on W crs (270°) Unalakleet LFR within 20 miles. VFR flight required from missed approach point to airport.
CAUTION 1. Terrain rising to 800' 1.5 miles North of airport. Terrain rising to 396' 1.1 miles NE of UNK–LFR. 2. No. maneuvering authorized North through East of airport. 3. After completion of procedure turn, all maneuvering on final approach will be made S of crs.

City, Unalakleet; State, Alaska; Airport Name, Unalakleet; Elev., 21'; Fac. Class., SBRAZ; Ident., UNK; Procedure No. 1, Amdt. 8; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 7; Dated, 14 Apr. 56

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Atlantic City VOR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
Vineland Int	LOM	Direct	1500	C–dn	600–1	600–1	600–1½
				S–dn–13	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 128°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing LOM, make a right climbing turn and proceed direct to the LOM at 1500'. Hold West one-minute right turns, inbound crs 128°.
CAUTION: Radar tower 226' MSL 0.7 mi SW approach end of Runway 4.
Other change: Deletes transition from AY–LFR.

City, Atlantic City; State, N.J.; Airport Name, Nat'l. Aviation Facilities Experimental Center; Elev., 76'; Fac. Class., LOM; Ident., AC; Procedure No. 1, Amdt. 2; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 1; Dated, 13 May 61

BPT VOR	LOM	Direct	1400	T–dn	300–1	300–1	200–½
Mitchell Int	LOM (Final)	Direct	1000	C–dn	400–1	500–1	500–1½
				S–dn–11	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side NW crs, 293° Outbnd, 113° Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM on final approach crs, 1000'.
Crs and distance, LOM to airport, 113°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi after passing LOM, climb to 1400' on crs of 113° within 20 miles.
Major changes: Deletes transition from BT–LFR. Deletes alternate missed approach procedure.

City, Beaumont; State, Tex.; Airport Name, Jefferson County; Elev., 16'; Fac. Class., LOM; Ident., BP; Procedure No. 1, Amdt. 4; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 3; Dated, 27 May 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CRP VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
CP RBn	LOM	Direct	1400	C-dn	*400-1	*500-1	*500-1½
Robstown Int	LOM	Direct via R-040	1800	S-dn-13	*400-1	*400-1	*400-1
Sinton Int	San Pat Int%	ALI-VOR	1400	A-dn	800-2	800-2	800-2
San Pat Int%	LOM (Final)	Direct	1400				

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 127°—4.8 mi; Tank Fix# to airport, 127°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 4.8 miles, turn left, climb to 1500′ direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 mi.
Other change: Deletes Radar terminal area data.
*If Tank Fix# not received, ceiling minimum is 600′.
#Tank Fix: Brng 127° from LOM & CRP-VOR R-210.
%San Pat Int: Int ALI-VOR R-040 & 127° brng to the LOM, or CRP ILS NW crs.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 6; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 5; Dated, 13 May 61

Woodstown VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-9	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn South side W crs, 265° Outbnd, 085° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 085°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 5.9 miles after passing LOM, climb to 1800′ on West Chester VOR R-104 to Echelon Int.
CAUTION: Water tower 180′ MSL 2.0 mi West of approach end of Runway 9, 360′ tower .8 mi East 1.4 mi North of OM.
Other change: Deletes transition from Boothwyn FM.

City, Philadelphia; State, Pa.; Airport Name, International; Elev., 14′; Fac. Class., LON; Ident., PH; Procedure No. 1, Amdt. 16; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 12; Dated, 16 Sept. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 1200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 056°—4.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, climb to 1400′ on R-067 within 20 mi. or, when directed by ATC, climb to 1400′ on R-050 within 20 mi.
Major change: Deletes transition from BT-LFR.

City, Beaumont; State, Tex.; Airport Name, Jefferson County Municipal; Elev., 16′; Fac. Class., BVOR; Ident., BPT; Procedure No. 1, Amdt. 5; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 4; Dated, 27 May 61

CP RBn	CRP VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 1400′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 191°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles, turn left, climb to 1500′ on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1900′ on R-227 CRP-VOR within 20 miles.
Other changes: Deletes radar terminal area data.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., BVORTAC; Ident., CRP; Procedure No. 1, Amdt. 4; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 3; Dated, 25 Feb. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	1000-2	1000-2	1000-2
				T-n°	2000-2	2000-2	2000-2
				C-d	1300-2	1300-2	1300-2
				C-n	2000-2	2000-2	2000-2
				A-dn	2500-2	2500-2	2500-2

Procedure turn S side of final approach crs, 067° Outbnd, 247° Inbnd. 4500′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach course 3300′.
Course and distance, facility to airport, 247°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 3000′ on 247° radial. Make a climbing right turn within 10 miles and return to LEB VOR at 5000′. Hold on R-067, right turns, one minute, 247° Inbnd.
NOTE: Sliding scale NA. No reduction in takeoff or landing visibility minimums authorized for local conditions.
CAUTION: High terrain in vicinity of airport and all directions from airport.
AIR CARRIER NOTE: Night takeoffs and landings on Runway 7 NA.
°Runway 25 authorized for takeoff only.

City, Lebanon; State, N.H.; Airport Name, Lebanon-Regional; Elev., 580′; Fac. Class., BVOR; Ident., LEB; Procedure No. 1, Amdt. 5; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 4; Dated, 21 Oct. 61

Int Little Rock R 134 and PBF R-359	PBF-VOR (Final)	Direct	800	T-dn	300-1	300-1	200-½
Pine Bluff Rbn	PBF-VOR	Direct	1700	C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 350° Outbnd, 170° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 170°—3.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, make immediate right turn, returning to the PBF VOR at 1500′.

City, Pine Bluff; State, Ark.; Airport Name, Grider Field; Elev., 205′; Fac. Class., BVOR; Ident., PBF; Procedure No. 1, Amdt. 4; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 3; Dated, 9 Jan. 60

Cashmere Int	EAT VOR	Direct	7000	T-dn	1000-1	1000-1	1000-1
				C-dn	1900-1	1900-1	1900-1½
				A-dn	2000-2	2000-2	2000-2

Procedure turn N side of crs, 102° Outbnd, 282° Inbnd, 4500′ within 10 mi.
Minimum altitude over facility on final approach crs, 3100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 4500′ on R-102 within 15 mi.
CAUTION: High terrain in all quadrants.

City, Wenatchee; State, Wash.; Airport Name, Pangborn Field; Elev., 1245′; Fac. Class., L-BVOR; Ident., EAT; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Nov. 61

				T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	600-1½
				C-n	500-2	500-2	600-2
				S-d-33	500-1	500-1	500-1
				S-n-33	500-2	500-2	500-2
				A-dn	NA	NA	NA

Procedure turn East side of crs, 046° Outbnd, 226° Inbnd, 1500′ msl within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 234°—6.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles, climb to 1000′ straight ahead, make a right turn and return to Sea Isle VOR at 1500′.
NOTE: Instrument clearance and void time obtained by telephone with Millville Radio or Atlantic City Approach Control. Close flight plan by telephone with Millville Radio or Atlantic City Approach Control.

City, Wildwood; State, N.J.; Airport Name, Cape May County; Elev., 22′; Fac. Class., M—VORW; Ident., SIE; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Nov. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Meadow Int*	ACY-VOR (Final)	Direct	#500	T-dn	300-1	300-1	200-½
5 mile DME Fix or 5 mile radar Fix	ACY-VOR (Final)	Direct	#500	C-dn#	400-1	500-1	500-1½
				S-dn-4#	400-1	400-1*	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn East side of crs, 229° Outbnd, 049° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′#.
Breakoff point to approach end of Runway, 037°—0.45 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left and climb to 1500′ on CYN-VOR R-213 to Nesco Int. Hold North, 1 minute right turns, inbnd crs, 213°.
CAUTION: Radar tower 226′ msl 0.7 mi SW approach end of Runway 4.
Other change: Deletes transition from Pleasantville Int.
*Meadow Int: Int Atlantic City VOR R-229 & Millville VOR R-129.
#Maintain 600′ until after passing Meadow Int* or 5 mile Fix. If Meadow Int* or 5 mile Fix not received, ceiling minimum of 500′ is applicable for landing.

City, Atlantic City; State, N.J.; Airport Name, Nat'l Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., VORTAC; Ident., ACY; Procedure No. TerVOR-4 Amdt. 2; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 1; Dated, 24 Dec. 60

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Great Bay Int*	ACY-VOR (Final)	Direct	#500	T-dn	300–1	300–1	300–1½
5 mile DME Fix or 5 mile Radar Fix	ACY-VOR (Final)	Direct	#500	C-dn#	400–1	500–1	500–1½
				S-dn-31#	400–1	400–1	400–1
				A-dn	500–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 121° Outbnd, 301° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′.
Breakoff point to approach end of Runway, 307°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right and climb to 1500′ on CYN-VOR R-213 to Nesco Int. Hold North, 1 minute right turns, inbnd crs 213°.
CAUTION: Radar tower 226′ msl 0.7 mi SW approach end of Runway 4.
Other change: Deletes transition from Oceanville Int.
*Great Bay Int: Int Atlantic City VOR R-121 & Barnegat VOR R-218.
#Maintain 900′ until after passing Great Bay Int or 5 mile Fix. If Great Bay Int* or 5 mile Fix not received, ceiling minimum of 800′ is applicable for landing.

City, Atlantic City; State, N.J.; Airport Name, Nat'l Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., VORTAC; Ident., ACY; Procedure No. Ter VOR-21, Amdt. 2; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 1; Dated, 24 Dec. 60

Greentown Int	OKK-VOR	Direct	2400	T-dn	300–1	300–1	300–1½
OKK-RBn	OKK-VOR	Direct	2400	C-d	500–1	500–1	500–1½
MZZ-VOR	OKK-VOR	Direct	2400	C-n	500–1½	500–1½	600–1½
Fairmont Int	OKK-VOR	Direct	2400	S-d-22	500–1	500–1	500–1
				S-n-22	500–1½	500–1½	600–1½
				A-dn**	NA	NA	NA
				Following minimums apply if Final Approach Fix* is identified:			
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–1½
				S-d-22	400–1	400–1	400–1
				S-n-22	400–1½	400–1½	400–1½

Procedure turn East side of final approach crs, 039° Outbnd, 219° Inbnd, 2400′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1300′; after final approach fix*, 1200′.
Crs and distance, final approach fix* to airport, 219°—1.7 mi; breakoff point to Rnwy 22, 225°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OKK-VOR, make immediate left turn climbing to 2400′ on heading of 130° and return to VOR.
NOTE: Nonstandard Procedure Turn: Bunker Hill AFB west. All aircraft except scheduled air carriers obtain Bunker Hill AFB weather prior to IFR approach.
*Final Approach Fix: OKK-VOR R-039 and MZZ-VOR R-283 or OKK-VOR R-039 and 354° brng from OKK "H" facility. Dual operating Omni receivers required or operating Omni and ADF.
**800–2 authorized for Air Carrier with approved weather reporting service.

City, Kokomo; State, Ind.; Airport Name, Kokomo Municipal; Elev., 827′; Fac. Class., BVOR; Ident., OKK; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 18 Nov. 61

Oakwood Int	MWC VOR	Direct	2700	T-dn	300–1	300–1	300–1½
Cardinal Int	MWC VOR	Direct	2700	C-d	800–1	800–1	800–1½
MKE VOR	MWC VOR	Direct	2600	C-n	800–2	800–2	800–2
MK LOM	MWC VOR	Direct	2700	S-dn-15	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2
				Following minimums apply after passing Germantown Int*			
				C-d	500–1	500–1	500–1½
				C-n	500–2	500–2	500–2
				S-dn-15	500–1	500–1	500–1

Radar transitions to MWC VOR authorized according to approved patterns.
Radar vectoring to final approach course inbound approved according to approved patterns.
Procedure turn W side of crs, 336° Outbnd, 156° Inbnd, 2800′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make right climbing turn to 2600′ and proceed direct to MKE VOR or, when directed by ATC, (1) Make right climbing turn to 2900′, hold NW on the MWC VOR R-336. Aircraft on missed approach may be radar controlled after radar identification.
*Germantown Int: Int MCW-VOR R-326 & MKE-VOR R-062.

City, Milwaukee; State, Wis.; Airport Name, Timmerman; Elev., 745′; Fac. Class., BVOR; Ident., MWC; Procedure No. TVOR-15, Amdt. 1; Eff. Date, 18 Nov. 61; Sup. Amdt. No. Orig.; Dated, 2 Sept. 61

Sargo Int	Loma Int* (Final)	Direct	1400	T-dn#	300–1	300–1	300–1½
Mission Bay VOR	Loma Int*	Direct	1700	C-dn	800–2	800–2	800–2
Lemon Grove Int	SAN-VOR	Direct	2600	S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side crs, 272° Outbnd, 092° Inbnd, 1500′ within 10 miles of Loma Int.*
Minimum altitude over Loma Int,* 1400′.
Crs and distance, Loma Int* to airport, 092°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at SAN-VOR, make immediate left climbing turn to 2000′ on SAN-VOR R-323 to Mt Dad Int or, when directed by ATC, make right climbing turn to 2000′ on SAN-VOR R-135 within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi East of airport. 281′ trees and terrain 1.2 mi before Runway threshold.
*Loma Int: Int SAN-VOR R-272 & MKB-VOR R-228.
#500–1 required for takeoff on Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., L-VOR; Ident., SAN; Procedure No. TerVOR-9, Amdt. 8; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 7; Dated, 30 Sept. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Cajon Int*	Sweetwater Int**	Direct	3600	T-dn#	300–1	300–1	200–1½
Sweetwater Int**	Encanto Int*** (final)	Direct	1500	C-dn	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar radar authorized in accordance with approved radar patterns.
Procedure turn NA. Final approach crs inbnd, 271°.
Minimum altitude over Encanto Int. on final approach crs, 1500′.
Crs and distance, facility to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Int, turn right, climb to 2500′ on SAN-VOR R-323 to Mt. Dad Int or, when directed by ATC, climb to 1500′ on SAN-VOR R-272 to Sargo Int.
CAUTION: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ MSL 0.5 mi East of airport.
*Cajon Int: Int MNB R-076 and JLI R-203.
**Sweetwater Int: Int San R-091 and 331° brng to NKX Rbn.
***Encanto Int: Int San R-091 and 352° brng to NKX Rbn.
#500–1 required for take-off Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., VOR; Ident., SAN; Procedure No. Ter VOR (R-091), Amdt. 1; Eff Date, 18 Nov. 61; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Vineland Int	LOM	Direct	1500	T-dn	300–1	300–1	200–1½
Atlantic City VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-13	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 308° Outbnd, 128° Inbnd, 1500′ within 10 mi.
Minimum altitude at Glide Slope Intercept Inbnd, 1300′.
Altitude of Glide Slope and distance to approach end of Runway at OM, 1300′—4.3 mi; at MM, 270′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and climb to 1500′ on CYN-VOR R-213 to Nesco Int. Hold North, 1-minute right turns, inbound crs 213°.
CAUTION: Radar tower 226′ MSL 0.7 mi SW approach end Runway 4.
Other Change: Deletes transition from AY-LFR.

City, Atlantic City; State, N.J.; Airport Name, Nat'l Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., ILS; Ident., I-ACY; Procedure No. ILS-13, Amdt. 3; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 2; Dated, 24 Dec. 60

Beaumont VOR	LOM	Direct	1400	T-dn	300–1	300–1	200–1½
Marsh Int	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
Mitchell Int	LOW (Final)	Direct	1400	S-dn-11	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn S side NW crs 293° Outbnd, 113° Inbnd, 1400′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude at glide slope int inbnd, 1400′.
Alt. of G.S. and dist. to approach end of Rwy at OM 1400′—4.8 mi; at MM 215′—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ to SE crs ILS within 20 mi or, when directed by ATC, turn left, climb to 1400′ on R-067 BPT-VOR.
Major changes: Deletes transition from Beaumont LFR. Deletes second alternate missed approach procedure.

City, Beaumont; State, Tex.; Airport Name, Jefferson County Municipal; Elev., 16′; Fac. Class., ILS; Ident., I-BPT; Procedure No. ILS-11, Amdt. 3; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 2; Dated 13 Aug. 60

CRP-VOR	LOM	Direct	1400	T-dn	300–1	300–1	200–1½
CP RBn	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
Robstown Int	LOM	Direct	1800	S-dn-13	200–½	200–½	200–½
Sinton Int	LOM	Direct via R-040	1400	A-dn	600–2	600–2	600–2
Sinton Int	San Pat Int*	ALI-VOR	1400				
San Pat Int*	LOM (Final)	Direct	1400				

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude at Glide Slope Intersection Inbnd, 1400′.
Altitude of Glide Slope and distance to approach end of Rnwy at LOM, 1400′—4.8 mi; at LMM, 244′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1500′ direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 mi.
Other change: Deletes radar terminal area data.
*San Pat Int: Int ALI-VOR R-040 & CRP ILS NW crs.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS-13, Amdt. 4; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 3; Dated 13, May 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine, more than 65 knots
Holland Int	LOM	Direct	2000	T-dn**‡	300–1	300–1	200–½
EVV-VOR	LOM	Direct	2000	C-d	600–1	600–1	600–1½
Princeton Int	LOM	Direct	2000	C-n	600–2	600–2	600–1
Mt. Vernon Int	LOM	Direct	2000	S-dn-21*	400–1	400–1	400–1
Augusta Int	LOM (Final)	Via EVV R-046 & NE crs. ILS	2000	A-dn‡	600–2	600–2	600–2
New Haven Int	LOM	Direct	2000				

Procedure turn N side NE crs, 035° Outbnd, 215° Inbnd, 2000′ within 10 miles.
Minimum altitude at G.S. in inbnd, 1900′.
Altitude of G.S. and distance to approach end of rny at OM 1704—3.9, at MM 631—0.5.
**300–1 on rny 9–27.
*500–1 required with glide slope inoperative. Inoperative ILS components provisions regarding approach lights not applicable.
‡All installed components of ILS must be operating; otherwise, alternate minimums of 800–2 apply.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn, climb to 2000′ on 180 crs from LMM (or airport) to R–080, proceed to EVV–VOR on R–080. If further instructions not received, hold SW of VOR at 2000′. When directed by ATC: (1) Make climbing right turn, climb to 2000′ on 300° crs from LMM (or airport) until intercepting R–355, then proceed N on R–355 for 2 minutes. If no further instructions given, return to VOR on R–355 at 2000′ and hold.
AIR CARRIER NOTE: Sliding scale authorized only on rny 3–21 and 18–36.
CAUTION: Radio Tower 993′ MSL 3.6 miles SW of airport.

City, Evansville; State, Ind.; Airport Name, Dress Memorial; Elev., 389′; Fac. Class., ILS; Ident., I–EVV; Procedure No. ILS–21, Amdt. 8; Eff Date, 18 Nov. 61; Sup Amdt. No. 7; Dated, 3 Dec. 60

Woodstown VOR	LOM	Direct	1800	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-9**	%200–½	%200–½	%200–½
				A-dn	600–2	600–2	600–1

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn S side W crs, 265° Outbnd, 085° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude at Glide Slope intercept Inbnd, 1800′.
Altitude of Glide Slope and distance to approach end of Runway at OM, 1800′—5.9 mi; at MM, 215′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if lauding not accomplished climb to 1800′ on West Chester VOR R–104 to Echeton Int.
CAUTION: Water tower 180′ MSL 2.0 miles West of approach end of Runway 9.
Other change: Deletes transition from Boothwyn FM.
%500–1 required with glide slope inoperative.
*Runway Visual Range 2000′‡ also authorized for takeoff on Runway 9 in lieu of 200–½ when 200–½ is authorized; providing associated high intensity runway lights are operational.
**Runway Visual Range (RVR) 2000′‡ also authorized for landing on Runway 9, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 214′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
‡2600′ RVR applies when 200′ runway light spacing in use.

City, Philadelphia; State, Pa.; Airport Name, International; Elev., 14′; Fac. Class., ILS; Ident., I–PHL; Procedure No. ILS–9, Amdt. 16; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 15; Dated, 16 Sept. 61

Sargo Int	LOM (Final)	Direct	1000	T-dn*	300–1	300–1	200–½
Lemon Grove Int	LOM	Direct	2500	C-dn	800–2	800–2	800–1
LaJolla FM/Mt. Dad Int	LOM	Direct	1500	S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–1

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi.
Minimum altitude over LOM on final approach crs, 1000′.
Crs and distance, LOM to airport, 091°—2.7 mi.
No Glide Slope. Descent to landing minimums authorized after passing LOM.
CAUTION: 281′ trees and terrain between LOM and LMM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left climbing turn to 2500′ on SAN–VOR R–323 or 330° crs from LMM to Mt Dad Int or, when directed by ATC, make a right climbing turn to 2000′ on SAN–VOR R–135 within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi East of airport.
*500–1 required for Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I–SAN; Procedure No. ILS–9, Amdt. 2; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 1; Dated, 12 Aug. 61

Cajon Int*	Sweetwater Int**	Direct	3600	T-dn‡	300–1	300–1	200–½
Sweetwater Int**	Encanto Int*** (final)	Direct	1500	C-dn	800–2	800–2	800–1
				A-dn	800–2	800–2	800–1

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn N.A. Final approach crs, Inbound 271°.
Minimum altitude over Encanto Int. on final approach crs, 1500′.
Crs and distance, Encanto Int. to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Intersection turn right, climb to 2500′ on SAN VOR R–323 to Mt. Dad Int., or when directed by ATC, climb to 1500′ on SAN VOR R–272 to Sargo Int.
CAUTION: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ MSL 0.5 mi East of airport.
*Cajon Int: Int MNB R–076 and JLI R–203.
**Sweetwater Int: East crs. SAN ILS and 331° brng to NKX Rbn.
***Encanto Int: Int East crs. SAN ILS and 352° brng to NKX Rbn.
‡500–1 required for take-off Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I–SAN; Procedure No. ILS–27, Amdt. 1; Eff. Date, 18 Nov. 61; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine, more than 65 knots
SI-LFR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
SPI-VOR	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Int R–239 SPI–VOR and/or SW crs SI–LFR and R–212 VLA–VOR.	LOM	Direct	2000	S-dn–4	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
Int R–101 SPI–VOR and 250°–070° Brg SPI LOM.	LOM	Direct	2600				
Int R–302 SPI VOR and 125°–305° Brg SPI LOM.	LOM	Direct	2000				

Procedure turn S side of crs, 218 Outbnd, 038 Inbnd, 2000 within 10 miles.
Minimum altitude at Glide Slope intercept Inbnd, 2000′.
Altitude of G.S. and distance to appr end of rny at OM 2077—5.1, at MM 797—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ and proceed to SPI–VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I–SPI; Procedure No. ILS–4, Amdt. 7; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 6; Dated, 24 Sept. 60

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
090°	030°	20 mi	1500				
		10 mi	1600				
All sectors				T-dn*	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2
				Precision approach			
				S-dn–13	200–½	200–½	200–½
				S-dn–4, 31	300–¾	300–¾	300–¾
				A-dn–13, 4, 31	600–2	600–2	600–2

Radar terminal area transition altitudes—all bearings from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 4 and 13: Make a left climbing turn to 1500′ on OYN VOR R–213 to Nesco Int, hold North one-minute right turns, inbnd crs 213°. Runway 31: Make right climbing turn to 1500′ on OYN VOR R–213 to Nesco Int, hold North one-minute right turns, inbnd crs 213°.
CAUTION: Radar tower 226′ msl 0.7 mi SW Runway 4.
*Runways 13, 4, 31.

City, Atlantic City; State, N.J.; Airport Name, Nat'l Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., Atlantic City; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Nov. 61

090°	200°	within 30 mi	5000	Precision approach			
270°	360°	within 30 mi	4000	T-dn% **	300–1	300–1	200–½
				S-dn–27R*	200–¼	200–½	200–½
				S-dn–27L	400–1	400–1	400–1
				A-dn	600–2	600–2	600–2
				Surveillance approaches			
				T-dn%	300–1	300–1	200–½
				C-dn‡	500–1	600–1	600–1¼
				A-dn	800–2	800–2	800–2

Radar Transitions and vectoring utilizing Oakland Radar authorized in accordance with approved Radar patterns in sector altitutes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ (right turn Rwy 9R/L) in a one-minute right turn holding pattern on R–300 OAK VOR (120° Inbnd, 300° Outbnd, all turns W side of crs.).
NOTE: MEA for approved routes may be substituted for above altitudes. After identification, aircraft may be vectored and descended in accordance with radar approach patterns.
‡300–1 required Runway 33.
‡Runways 27L–R, 9L–R, 33.
*Runway visual range 2600′ also authorized for landing on Runway 27R; provided that all components of the PAR, hi-intensity runway lights, approach lights, condenser-discharge flashers, middle compass locator, outer marker, Hayward HW and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 205′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 27R in lieu of 200–½, when 200–½ authorized; provided high intensity runway lights are operational.

City, Oakland; State, Calif.; Airport Name, Metropolitan-Oakland International; Elev., 5′; Fac. Class., Oakland; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 3; Dated, 7 Oct. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than [illegible] seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
00	360	40	8000											T-dn[illegible]	300–1	300–1	[illegible]
														C-dn	800–2	800–2	[illegible]
														S-dn–9	700–2	700–2	[illegible]
														A-dn	1000–2	1000–2	[illegible]

Radar transitions and vectoring utilizing Miramar Radar authorized in accordance with approved Radar patterns and sector altitudes.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 2500' on SAN–VOR R-333 to Dad Int or, when directed by ATC, right climbing turn and climb to 2000' on SAN–VOR R-137 within 8 miles.

[illegible]600–1 required for takeoff on all runways except 27.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15'; Fac. Class., Miramar; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 18 Nov. 61; Supp. Amdt. No. Orig.; Dated, 11 Mar. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than [illegible] seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition	Ceiling and visibility minimums		
	Condition	2-engine or less	
		65 knots or less	More than 65 knots
Minimum altitude—5000' within 30 miles or minimum enroute altitude for approved routes to San Francisco area. After identification, aircraft may be vectored and descended in accordance with Radar approach patterns.			
	Surveillance approach		
	T–dn%	300–1	300–1
	S–dn 19L–R	500–1	500–1
	S–dn 28L–R	400–1	400–1
	C–dn[illegible]	500–1	600–1
	A–dn	800–2	800–2
	Precision Approach		
	T–dn%**	300–1	300–1
	S–dn–28R*	200–½	200–½
	S–dn–28L	300–½	300–½
	A–dn	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
(1) Runways 28L and R: Climb to 3000' on SFO–VOR R-287 within 20 miles.
(2) Runways 19L and R: Turn left and home on SFO LOM climbing to 2000'.
CAUTION: Circling minimums do not provide standard clearance west and southwest of airport.
%300–1 required for takeoff on Runways 19L–R.
*Runway visual range 2600' also authorized for landing on Runway 28R; provided that all components of the PAR, hi-intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 211' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600' also authorized for takeoff on Runway 28R in lieu of 200–½, when 200–½ authorized; providing hi-intensity runway lights are operational.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11'; Fac. Class., San Francisco; Ident., Radar; Procedure No. 1, Amdt. 6; Eff. Date, 18 Nov. 61; Supp. Amdt. No. 5; Dated, 11 Mar. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on October 16, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61–10038; Nov. 3, 1961; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Oklawaha and Dead Rivers, and Haines Creek, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.434 is hereby revised to include bridges across Oklawaha River and Haines Creek and an additional bridge across Dead River, Florida, effective 30 days after publication in the FEDERAL REGISTER except that the present regulations for the Seaboard Air Line Railway Company bridge over Dead River near Tavares will continue in effect, as follows:

§ 203.434 Oklawaha River, Haines Creek and Dead River, Fla.; Bridges over Oklawaha River on State Road S–316 at Eureka, State Road 40 at Delks Bluff (Colbys Landing), State Road 464 at Moss Bluff, and State Road 42 at Starkes Ferry, and over Haines Creek on State Road 44 near Lisbon.

(a) The owner of or agency controlling these bridges will not be required to keep a draw tender at the bridges between the hours of 7:00 p.m. and 7:00 a.m. Operators of vessels unable to pass under the bridges in closed position shall give the authorized representative of the owner of the bridges by telephone at least 3 hours' advance notice for passages between 7:00 p.m. and 7:00 a.m. Regular draw tender service will be maintained between 7:00 a.m. and 7:00 p.m.

(b) Bridges over Dead River: (1) *Bridge on State Road 500 near Tavares.* The owner of or agency controlling the bridge will not be required to keep a draw tender at the bridge and operators of vessels unable to pass under the bridge in closed position shall give the authorized representative of the owner of the bridge by telephone at least 3 hours' advance notice of the time at which such opening will be required. The bridge will be opened at any time upon receipt of the required notice.

(2) *Seaboard Air Line Railway Company bridge near Tavares.* The owner of or agency controlling the bridge will not be required to open the drawspan between 10:00 p.m. and 6:00 a.m. the following day.

(c) The owners of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such manner that they can easily be read at any time, copies of the regulations together with a notice stating exactly how the representatives specified in paragraphs (a) and (b) of this section may be reached for opening the bridges.

[Regs. October 16, 1961, 285/91–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–10541; Filed, Nov. 3, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

[Docket 7640 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

James Lees and Sons Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.725 *Cumulative quantity discounts and schedules;* § 13.755 *Pooling orders of chain stores and buying groups.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, James Lees and Sons Company, Bridgeport, Pa., Docket 7640, Sept. 8, 1961]

Consent order requiring a substantial factor in the carpet industry—with headquarters in Bridgeport, Pa., and several manufacturing plants in other States—to cease discriminating in price between purchasers of its rugs and carpets by (1) use of such devices as an annual cumulative quantity discount system with graduated discounts ranging from one to 5 percent of annual net purchases and under which, while purchasers of up to $5,001 received no volume discounts, those purchasing over $90,001 received 5 percent and thus had a significant price advantage over their smaller competitors; and (2) allowing chain customers to combine the purchase volume of their various stores so as to qualify for the higher discount allowed on the larger aggregate total, so that in many instances an individual nonchain customer which purchased in considerably greater volume than a chain unit competitor received no discount or a lower one than the individual chain store.

The order to cease and desist is as follows:

It is ordered, That respondent James Lees and Sons Company, a Delaware corporation, its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the sale of rugs and carpets in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, by cumulative volume discount or otherwise, in the price of rugs and carpets of like grade and quality, by selling to any purchaser at net prices lower than the net price charged any other purchaser competing in fact with such favored purchaser in the resale and distribution of such rugs and carpets.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account discounts, rebates, allowances, deductions, or other terms and conditions of sale by which net prices are effected.

It is further ordered, That the allegation of a substantial lessening of competition or tendency to create a monopoly in the line of commerce in which the respondent is engaged be dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–10553; Filed, Nov. 3, 1961; 8:47 a.m.]

[Docket 8404 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Thomas M. Leous, Jr., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* § 13.1745–70 *Place:* § 13.1745–70(c) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Thomas M. Leous, Jr., et al. trading as Leous Furriers, Buffalo, N.Y., Docket 8404, Sept. 9, 1961]

In the Matter of Thomas M. Leous, Jr. and Alfred T. Leous, Individually and as Copartners Trading as Leous Furriers

Consent order requiring Buffalo, N.Y., furriers to cease violating the Fur Products Labeling Act by labeling fur

products falsely with respect to the animal producing the fur; by failing to show on labels and invoices and in advertising the true animal name of the fur used in the fur product and to disclose when the fur was dyed; by failing to show on invoices and in advertising the country of origin of imported furs, stating falsely that furs were domestic, and using the term "blended" improperly; by failing to disclose in advertising when fur products contained artificially colored fur or were composed of flanks; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist is as follows:

It is ordered, That Thomas M. Leous, Jr., and Alfred T. Leous, individually and as copartners trading as Leous Furriers or under any other trade name and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

C. Failing to set forth on labels affixed to fur products all the information required to be disclosed by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

D. Failing to set forth on labels affixed to fur products the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by representing directly or by implication on invoices that fur products were domestic when such is not the fact.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Setting forth the term "blended" as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

E. Failing to set forth on invoices the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed by the rules and regulations.

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

3. The name of the country of origin of any imported furs contained in fur products.

4. That the fur product is composed in whole or in substantial part of flanks when such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compliied with the order to cease and desist.

Issued: September 8, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-10554; Filed, Nov. 3, 1961; 8:47 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File No. 204]

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

Foxes, Raccoons, and Opossums

On August 10, 1961, a notice of proposed amendments was published in the FEDERAL REGISTER. The notice stated that the Commission would, on August 31, 1961, at its offices in the City of Washington, District of Columbia, give consideration to amendments of the Fur Products Name Guide (§ 301.0) of Part 301, rules and regulations under the Fur Products Labeling Act. The notice provided that interested parties might participate by submitting in writing to the Commission on or before such date their views, arguments or other data, and by presenting their views, arguments or other data orally at such time, and further provided that written rebuttal could be submitted for a period of fifteen days after close of the public hearing. A draft of the proposed amendments was made a part of the notice.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments or other data in writing or orally on August 31, 1961, and opportunity was afforded for the submission of written rebuttal for a period of fifteen days after such date. All views, arguments and data presented have been made a part of the record.

After due consideration of the proposed amendments, suggested revisions, deletions and additions thereto, together with all views, arguments and other data submitted, the following amendments to § 301.0 of Part 301, rules and regulations under the Fur Products Labeling Act (65 Stat. 179; 15 U.S.C. 69) are hereby promulgated. Such amendments are to become effective upon publication in the FEDERAL REGISTER.

The amendments to § 301.0 are as follows:

1. An amendment of § 301.0 (Fur Products Name Guide) under the authority of section 7 of the Fur Products Labeling Act by adding the single designation "fox" so as to include under the single name "fox" only the genus and species of the red fox including all color phases thereof, thus making the name "fox" proper identification for fur products derived from the order Carnivora, family Canidae, genus and species Vulpes fulva, Vulpes vulpes, and Vulpes macrotis and, as such, available for use in the alternative to the names "Fox, Black", "Fox, Cross", Fox, Platinum", "Fur, Red", and "Fox Silver". Section 301.0 following addition of this amendment immediately after the name "Fitch" in the Fur Products Name Guide, shall hereafter read:

Name	Order	Family	Genus—species
• •	• •	• •	• •
Fox	Carnivora.	Canidae.	Vulpes fulva, Vulpes vulpes, and Vulpes macrotis.
• •	• •	• •	• •

2. An amendment of § 301.0 (Fur Products Name Guide) under the authority of section 7 of the Fur Products Labeling Act by adding the designation "Opossum, South American" so as to include and afford proper identification for fur products derived from the order Marsupialia, family Didelphiidae, genus and species Lutreolina crassicaudata. Section 301.0, following addition of this amendment immediately after "Opossum, Ringtail" in the Fur Products Name Guide, shall hereafter read as follows:

Name	Order	Family	Genus—species
• •	• •	• •	• •
Opossum, South American.	Marsupialia.	Didelphiidae.	Lutreolina crassicaudata.
• •	• •	• •	• •

3. An amendment of § 301.0 (Fur Products Name Guide) under the authority of section 7 of the Fur Products Labeling Act by adding the designation "Raccoon, Asiatic" so as to include and afford proper identification for fur products derived from the order Carnivora, family, Canidae, Genus and species Nyctereutes procyonoidos. Section 301.0, following addition of this amendment immediately after the name "Raccoon" in the Fur Products Name Guide, shall hereafter read as follows:

Name	Order	Family	Genus—species
• •	• •	• •	• •
Raccoon, Asiatic.	Carnivora.	Canidae...	Nyctereutes procyonoidos.
• •	• •	• •	• •

(Secs. 7, 8, 65 Stat. 179; 15 U.S.C. 69e, 69f)

Issued: November 3, 1961.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-10571; Filed, Nov. 3, 1961; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (g) of § 6.308 is revoked and subparagraph (9) is added to paragraph (g) as set out below.

§ 6.308 Department of Justice.

• • • • • •

(g) *Tax Division.* • • •

(9) One Assistant for Civil Trials.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10579; Filed, Nov. 3, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (i)(4) of § 6.311 is amended as set out below.

§ 6.311 Department of Agriculture.

• • • • • •

(i) *Agricultural Stabilization and Conservation Service.* • • •

(4) One Assistant Deputy Administrator, Price and Production.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10580; Filed, Nov. 3, 1961; 8:49 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Teachers, Principals, and School Superintendents

Paragraph (a) of § 24.147 is amended as set out below.

§ 24.147 Teacher (Elementary), (Appropriate Subject Field), (Vocational), and (Guidance); Department Head (Appropriate Subject Field), (Vocational), and (Guidance); Principal-Teacher (Elementary) and (Appropriate Subject Field); Principal; Reservation Principal; School Superintendent; Director of Schools; Director of Education, all grades in classification series GS-1710 in Indian Schools and all other Federally operated elementary and secondary schools (minimum education requirements do not apply to Substitute Teachers).

(a) *Educational requirements; all grades—(1) For all positions.* Applicants must have successfully completed all academic requirements for graduation with a bachelor's degree from an accredited college or university. This study must have included, or have been supplemented by, a minimum of 18 semester-hour credits in Education.

(2) *For certain positions.* Some positions require completion of additional and specific study in Education and/or particular subject-matter courses as follows:

For Teacher, Department Head, Principal-Teacher, Principal, and Reservation-Principal in Elementary Education: 6 semester-hour credits in Education courses.

The applicant's total study must have included at least 12 semester-hour credits in elementary education.

For Teacher, Department Head, and Principal-Teacher, in Secondary Schools in Appropriate Subject Field(s), e.g., History, Physics, English, Mathematics: 24 semester-hour credits in an appropriate subject field, or 15 semester-hour credits in each of two appropriate subject fields.

For Teacher (Guidance), and Department Head (Guidance): 6 semester-hour credits in Education.

The applicant's total study must have included 12 semester-hour credits in a combination of Psychology and Guidance subjects (with a minimum of 3 semester hours in each) directly related to education, such as child psychology, education psychology, educational tests and measurements, and educational, vocational, or child guidance. Studies in these subjects, up to a maximum of 12 semester hours, will be considered as studies in Education.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10583; Filed, Nov. 3, 1961; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 6741; FCC 61-1293]

PART 1—PRACTICE AND PROCEDURE

Clear Channel Broadcasting in the Standard Broadcast Band; Supplement to Report and Order

1. The Commission, on September 14, 1961, released its Report and Order in the above-captioned Docket concluding the clear channel proceeding. Many inquiries have been received from applicants for new stations on frequencies adjacent (i.e., within 30 kc) to one of the 12 Class I–A clear channels presently held in status quo. The Commission, on its own motion, has reconsidered the portion of the Report and Order (paragraphs 63–65) dealing with the "freeze" on such applications.[1]

2. We have determined that the overall objectives of the clear channel decision and the public interest considerations therein involved can be better served by certain modifications with regard to the treatment of applications for frequencies within 30 kc of one of the 12 unduplicated Class I–A clear channels. In recognition of the equities and public benefits involved in processing applications for new stations on, or change of frequency to, one of those frequencies, and in an effort to simplify for all concerned the processing of such applications as will not hinder our future freedom of action with regard to the unduplicated clear channels, the Commission is amending its Rules to accomplish the following: As to the 12 clear channels on which decision has been deferred—beginning October 30, 1961, applications will not be accepted for new stations on, for change of frequency to, or to increase power or operate during nighttime hours not previously authorized on a frequency within 30 kc of one of these 12 Class I–A frequencies. Applications for such facilities filed prior to October 30, 1961 will be studied in the light of their likely impact upon the possible future use of the unduplicated clear channels. From such study, it is contemplated that more precise engineering criteria might evolve which can then be applied in acting upon those applications now pending and announced as standards to govern the acceptance of future applications on these adjacent frequencies. This moratorium on applications does not apply where the facilities requested are in Hawaii, Alaska, Puerto Rico or the Virgin Islands. Applications for other types of changes in facilities on these adjacent frequencies will be processed and acted upon in normal course.

3. The Commission adheres to its announced purpose of preserving freedom

[1] The Commission has not yet had an opportunity to consider the numerous petitions for reconsideration filed in this Docket but will do so at a later date.

of action to determine the future use of the 12 Class I–A unduplicated clear channels. At the same time, the action taken herein looks to the development of standards and procedures designed to minimize the impact of this decision upon the near-term use of the adjacent channels.

4. Accordingly, we are amending § 1.351 (b) and (c) to incorporate the changes discussed above.

5. Authority for adoption of the rule changes herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended. Section 4(a) of the Administrative Procedure Act exempts from the requirement of publication of general notice of proposed rule making "rules of agency organization, procedure, or practice". Because the rule changes herein are procedural, notice and public procedure thereon are unnecessary. Similarly, the effective date provision of section 4(c) of that Act applies only to substantive rules. (See also §§ 1.211(a) and 1.219 (b) of our rules.) The other rules changes occasioned by the clear channel decision are to be effective October 30, 1961, and making the changes herein effective that same date will avoid confusion and the possibility of an interim period governed by different procedural rules. We find, therefore, that the public interest will be served by making the rules changes herein effective October 30, 1961.

6. In view of the foregoing: *It is ordered*, This 27th day of October 1961, That the introductory paragraph of § 1.351 and § 1.351(b) and (c) of the Commission's rules are further amended as set forth below, effective October 30, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 1.351, the introductory text and paragraph (b) are amended to read as set forth below and paragraph (c) is deleted:

§ 1.351 Applications for frequencies adjacent to Class I–A channels.

Notwithstanding the provisions of any other rules of the Commission, all applications (regardless of when they were or may be filed) for frequencies located within 30 kc of a Class I–A channel listed in § 3.25(a) of this chapter will be subject to the provisions of this section. The provisions of paragraph (a) of this section apply to the frequencies listed therein, which are within 30 kc of a class I–A channel on which an unlimited time Class II assignment is specifically provided for in § 3.22 or § 3.25 (a) of this chapter. The provisions of paragraph (b) of this section apply to the frequencies listed in paragraph (b) of this section, which are within 30 kc of the remaining Class I–A channels. Where a frequency is listed both in paragraphs (a) and (b) of this section, applications for facilities on such frequency are subject to the provisions and restrictions contained in both of said paragraphs.

* * * * *

(b) (1) Until September 1, 1964, or such earlier date as may be announced, the provisions of this paragraph will apply to all applications for the following frequencies: 610, 620, 630, 680, 690, 710, 730, 790, 800, 810, 850, 860, 900, 1010, 1050, 1060, 1070, 1130, 1140, 1150, 1170, 1190, and 1220 kc.

(2) Applications will not be accepted on or after October 30, 1961, for new stations on, change of existing stations to, or for increase in power or operation during nighttime hours not previously authorized on, one of the designated frequencies.

(3) Applications of the type described in subparagraph (2) of this paragraph filed before October 30, 1961, will be studied in the light of the effect that grant thereof might have upon possible future uses of the Class I–A channel or channels located within 30 kc of the frequency involved (e.g., authorization of power greater than 50 kw for Class I–A stations, or additional unlimited time co-channel assignments). Processing rules will be adopted upon conclusion of such study.

(4) Applications for other changes in facilities on the designated frequencies will be processed and acted upon in normal course.

(5) Action will not be withheld under this paragraph on applications for facilities in Alaska, Hawaii, Puerto Rico, or the Virgin Islands.

[F.R. Doc. 61–10584; Filed, Nov. 3, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Proposed Regulations Relating to Deduction for Medical, Dental, etc., Expenses

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 213 of the Internal Revenue Code of 1954, relating to deductions for medical, dental, etc. expenses, to section 3 of the Act of May 14, 1960 (Public Law 86–470, 74 Stat. 133), and in order to clarify the tax treatment under section 213 of certain capital expenditures which are related to medical care, such regulations are amended as follows:

PARAGRAPH 1. Section 1.213 is amended by revising subsection (a) of section 213 and by revising the historical note at the end thereof. These revised provisions read as follows:

§ 1.213 Statutory provisions; medical, dental, etc., expenses.

SEC. 213. *Medical, dental, etc., expenses*—(a) *Allowances of deduction.* There shall be allowed as a deduction the following amounts of the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in section 152):

(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

(A) The amount of such expenses for the care of any dependent who—

(i) Is the mother or father of the taxpayer or of his spouse, and

(ii) Has attained the age of 65 before the close of the taxable year, and

(B) The amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any dependent described in subparagraph (A)) exceed 3 percent of the adjusted gross income.

(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(A) The amount of such expenses for the care of the taxpayer and his spouse,

(B) The amount of such expenses for the care of any dependent described in paragraph (1)(A), and

(C) The amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (1)(A)) exceed 3 percent of the adjusted gross income.

* * * * *

[Sec. 213 as amended by secs. 16 and 17, Technical Amendments Act 1958 (72 Stat. 1613); sec. 3, Act of May 14, 1960 (Public Law 86–470, 74 Stat. 133)]

PAR. 2. Section 1.213–1 is amended by revising subparagraph (4) of paragraph (a), revising subparagraph (2) of paragraph (b), and revising subdivision (iii) of subparagraph (1) of paragraph (e). As amended, these provisions read as follows:

§ 1.213–1 Medical, dental, etc., expenses.

(a) *Allowance of deduction.* * * *

(4) (i) Where either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year, the 3-percent limitation on the deduction for medical expenses does not apply with respect to expenses for medical care of the taxpayer or his spouse. Moreover, for taxable years beginning after December 31, 1959, the 3-percent limitation on the deduction for medical expenses does not apply to amounts paid for the medical care of a dependent (as defined in section 152) who is the mother or father of the taxpayer or of his spouse and who has attained the age of 65 before the close of the taxpayer's taxable year. Whether or not the 3-percent limitation applies, all amounts paid by the taxpayer for medicine and drugs are subject to the 1-percent limitation provided by section 213(b) and paragraph (b) of this section, and the total medical expenses deductible under section 213 are subject to the limitations described in section 213(c) and paragraph (c) of this section and, where applicable, to the limitations described in section 213(g) and § 1.213–2.

(ii) The age of a taxpayer shall be determined as of the last day of his taxable year. In the event of the taxpayer's death, his taxable year shall end as of the date of his death. The age of a taxpayer's spouse shall be determined as of the last day of the taxpayer's taxable year, except that, if the spouse dies within such taxable year, her age shall be determined as of the date of her death. Likewise, the age of the taxpayer's dependent who is the mother or father of the taxpayer or of his spouse shall be determined as of the last day of the taxpayer's taxable year but not later than the date of death of such dependent.

(iii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

* * * * *

Example (3). D and his wife, E, made a joint income tax return for the calendar year 1960, and reported adjusted gross income of $30,000. On December 13, 1960, D attained the age of 65. During the year 1960, D's father, F, who was 87 years of age, received over half of his support from, and was a dependent (as defined in section 152) of, D. However, D could not claim an exemption under section 151 for F because F had gross income from rents in 1960 of $800. D paid the following medical expenses in 1960, none of which were compensated for by insurance or otherwise: Hospital and doctor bills for D and E, $3,500; hospital and doctor bills for F, $2,850; medicine and drugs for D and E, $225, and for F, $225. Since none of the medical expenses are subject to the 3-percent limitation, the amount of medical expenses to be taken into account (before computing the maximum deduction) is $6,500, computed as follows:

Hospital and doctor bills—for D and E		$3,500
Hospital and doctor bills—for F		2,850
Medicine and drugs—for D and E	$225	
Medicine and drugs—for F	225	
Total medicine and drugs	450	
Less: 1 percent of adjusted gross income ($30,000)	300	
Allowable expenses for medicine and drugs		150
Total medical expenses taken into account		$6,500

Since an exemption cannot be claimed for F on the 1960 return of D and E, their deduction for medical expenses (assuming that section 213(g) does not apply) is limited to $5,000 for that year ($2,500 multiplied by the two exemptions allowed for D and E under section 151(b)). See paragraph (c) of this section.

Example (4). Assume the same facts in Example (3), except that D furnished the entire support of his father's twin sister, G, who had no gross income during 1960 and for whom D was entitled to a dependency exemption. In addition, D paid $2,200 to doctors and hospitals during 1960 for the medical care of G. No part of the $2,200 was for medicine and drugs, and no amount was compensated for by insurance or otherwise. For purposes of the maximum limitation under section 213(c), the maximum deduction for medical expenses on the 1960 return of D and E is limited to $7,500 ($2,500 multiplied by 3, the number of exemptions allowed under section 151, exclusive of the exemptions for old age or blindness). The

medical expenses to be taken into account by D and E for 1960 and the maximum deductions allowable for such expenses are $7,800 and $7,500, respectively, computed as follows:

Medical expenses per example (3)		$6,500
Add: Expenses paid for G	$2,200	
Less: 3 percent of adjusted gross income ($30,000)	900	
		1,300
Total medical expenses taken into account		7,800
Maximum deduction for 1960 ($2,500 multiplied by 3 exemptions)		7,500
Medical expenses not deductible		300

(b) *Limitation with respect to medicine and drugs.* * * *

(2) The 1-percent limitation is applicable to all amounts paid by a taxpayer during the taxable year for medicine and drugs. Moreover, this limitation applies regardless of the fact that the amounts paid are for medicine and drugs for the taxpayer, his spouse, or dependent parent (the mother or father of the taxpayer or of his spouse) who has attained the age of 65 before the close of the taxable year. In a case where either a taxpayer or his spouse has attained the age of 65 and the taxpayer pays an amount in excess of 1 percent of adjusted gross income for medicine and drugs for himself, his spouse, and his dependents, it is necessary to apportion the 1 percent of adjusted gross income (the portion which is not taken into account as expenses paid for medical care) between the taxpayer and his spouse on the one hand and his dependents on the other. The part of the 1 percent allocable to the taxpayer and his spouse is an amount which bears the same ratio to 1 percent of his adjusted gross income which the amount paid for medicine and drugs for the taxpayer and his spouse bears to the total amount paid for medicine and drugs for the taxpayer, his spouse, and his dependents. The balance of the 1 percent shall be allocated to his dependents. The amount paid for medicine and drugs in excess of the allocated part of the 1 percent shall be taken into account as payments for medical care for the taxpayer and his spouse on the one hand and his dependents on the other, respectively. A similar apportionment must be made in the case of a dependent parent (65 years of age or over) of the taxpayer or his spouse. The application of this subparagraph may be illustrated by the following example:

* * * * *

(e) *Definitions*—(1) *General.* * * *

(iii) Capital expenditures are generally not deductible for Federal income tax purposes. See section 263 and the regulations thereunder. However, an expenditure which otherwise qualifies as a medical expense under section 213 shall not be disqualified merely because it is a capital expenditure. For purposes of section 213 and this paragraph, a capital expenditure made by the taxpayer may qualify as a medical expense, if it has as its primary purpose the medical care (as defined in subdivisions (i) and (ii) of this subparagraph) of the taxpayer, his spouse, or his dependent. Thus, a capital expenditure which is related only to the sick person and is not related to permanent improvement or betterment of property, if it otherwise qualifies as an expenditure for medical care, shall be deductible; for example, an expenditure for eye glasses, a seeing eye dog, artificial teeth and limbs, a wheel chair, crutches, an inclinator or an air conditioner which is detachable from the property and purchased only for the use of a sick person, etc. Moreover, a capital expenditure for permanent improvement or betterment of property which would not ordinarily be for the purpose of medical care (within the meaning of this paragraph) may, nevertheless, qualify as a medical expense, if the particular expenditure is related directly to medical care, and if by reason of the expenditure the value of related property is not increased. Such a situation could arise, for example, where a taxpayer is advised by a physician to install an elevator in his residence so that the taxpayer's wife who is afflicted with heart disease will not be required to climb stairs. The cost of installing the elevator would qualify as a medical expense, provided such installation does not increase the value of the residence.

[F.R. Doc. 61-10561; Filed, Nov. 3, 1961; 8:47 a.m.]

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to section 453(d) of the Internal Revenue Code of 1954 to section 27 of the Technical Amendments Act of 1958 (72 Stat. 1624), such regulations are amended as follows:

PARAGRAPH 1. Section 1.453 is amended by adding a new paragraph (5) to section 453(d), and by adding a historical note. These added provisions read as follows:

§ 1.453 Statutory provisions; installment method.

SEC. 453. *Installment method.* * * *

(d) *Gain or loss on disposition of installment obligations.* * * *

(5) *Life insurance companies.* In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in section 801(a)) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this subtitle providing for the nonrecognition of gain shall apply with respect to any gain resulting under paragraph (1). If a corporation which is a life insurance company for the taxable year was (for the preceding taxable year) a corporation which was not a life insurance company, such corporation shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. A partnership of which a life insurance company becomes a partner shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.

[Sec. 453 as amended by sec. 27, Technical Amendments Act 1958 (72 Stat. 1624)]

PAR. 2. Section 1.453–9 is amended by adding at the end thereof the following new paragraph:

§ 1.453–9 Gain or loss on disposition of installment obligations.

* * * * *

(g) *Disposition of installment obligations to life insurance companies.* (1) Notwithstanding the provisions of section 453(d)(4) and paragraph (c) of this section or any provision of subtitle A relating to the nonrecognition of gain, the entire amount of any gain realized on the disposition of an installment obligation by any person, other than a life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3), to a life insurance company or to a partnership of which a life insurance company is a partner shall be recognized and treated in accordance with section 453(d)(1) and paragraphs (a) and (b) of this section. If a corporation which is a life insurance company for the taxable year was a corporation which was not a life insurance company for the preceding taxable year, such corporation shall be treated, for purposes of section 453(d)(1) and this paragraph, as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. The gain, if any, realized by reason of the installment obligations being so transferred shall be recognized and treated in accordance with section 453(d)(1) and paragraphs (a) and (b) of this section. Similarly, a partnership of which a life insurance company becomes a partner shall be treated, for purposes of section 453(d)(1) and this paragraph, as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such life insurance company becomes a partner. The gain, if any, realized by reason of the installment obligations being so transferred shall be recognized and treated in accordance with section 543(d)(1) and paragraphs (a) and (b) of this section.

(2) The provisions of section 453(d)(5) and subparagraph (1) of this paragraph shall not apply to losses sustained in connection with the disposition of installment obligations to a life insurance company.

(3) For the effective date of the provisions of section 453(d)(5) and this paragraph, see paragraph (f) of § 1.453–10.

(4) Application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). A, an individual, in a transaction to which section 351 applies, transfers in 1961 certain assets, including installment obligations, to a new corporation, X, which qualifies as a life insurance company (as defined in section 801(a)) for the year 1961. A makes his return on the calendar year basis. Section 453(d)(5) provides that the nonrecognition provisions of section 351 will not apply to the installment obligations transferred by A to X Corporation. Therefore, the entire amount of any gain realized by A on the transfer of the installment obligations shall be recognized in 1961, with the amount of any such gain computed in accordance with the provisions of section 453(d)(1) and paragraph (b) of this section.

Example (2). The M Corporation did not qualify as a life insurance company (as defined in section 801(a)) for the taxable year 1958. On December 31, 1958, it held $60,000 of installment obligations. The M Corporation qualified as a life insurance company for the taxable year 1959. Accordingly, the M Corporation is treated as having transferred to a life insurance company, on December 31, 1958, the $60,000 of installment obligations it held on such date. The gain, if any, realized by M by reason of such installment obligations being so transferred shall be recognized in the taxable year 1958, with the amount of any such gain computed in accordance with the provisions of section 453(d)(1) and paragraph (b) of this section.

Example (3). During its taxable year 1958, none of the partners of the N partnership qualified as a life insurance company (as defined in section 801(a)). The N partnership held $30,000 of installment obligations on December 31, 1958. On July 30, 1959, the O Corporation, a life insurance company (as defined in section 801(a)), became a partner in the partnership. The N partnership held $50,000 of installment obligations on July 30, 1959. Pursuant to section 453(d)(5), the N partnership is treated as having transferred to a life insurance company, on December 31, 1958, the $50,000 of installment obligations it held on July 30, 1959. The gain, if any, realized by the N partnership by reason of such installment obligations being so transferred shall be recognized in the taxable year 1958, with the amount of any such gain computed in accordance with the provisions of section 453(d)(1) and paragraph (b) of this section.

Example (4). In 1960, the P Corporation, in a reorganization qualifying under section 368(a), transferred certain assets (including installment obligations) to the R Corporation, a life insurance company as defined in section 801(a). P realized a loss upon the transfer of the installment obligations, which was not recognized under section 361. Pursuant to subparagraph (2) of paragraph (c) of this section, no loss with respect to the transfer of these obligations will be recognized to P under section 453(d)(1).

PAR. 3. Section 1.453–10 is amended by adding at the end thereof the following new paragraph:

§ 1.453–10 Effective date.

* * * * *

(f) The provisions of section 453(d)(5) and paragraph (g) of § 1.453–9 shall apply to taxable years ending after December 31, 1957, but only as to transfers or other dispositions of installment obligations occurring after such date.

[F.R. Doc. 61-10562; Filed, Nov. 3, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 60–NY–83]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Supplemental Proposed Alterations of Federal Airway and Associated Control Areas, of Continental Control Area, and of Restricted Area

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60–NY–83 on March 21, 1961 (26 F.R. 2375), it was stated that the Federal Aviation Agency proposed to extend low altitude VOR Federal airway No. 435 from Attica, Ohio, to Carleton, Mich. It was also stated that the portion of this airway which would coincide with R–5502 Lacarne, Ohio, Restricted Area would be used only after obtaining prior approval from the appropriate authority. In addition, it was proposed to designate the control areas associated with this segment of Victor 435 to extend upward from at least 1,200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitude when established.

Subsequent to publication of the notice, it has been determined that the application of Amendment 60–21 to Part 60 of the Civil Air Regulations to the control areas associated with the proposed segment of Victor 435 should be deferred until such time as all control areas in the vicinity of Attica and Carleton can be altered by applying Amendment 60–21. Accordingly, action is hereby taken to alter the original notice by proposing that the control areas associated with the proposed segment of Victor 435 from Attica to Carleton extend upward from 700 feet above the surface to the base of the continental control area.

The original notice is further altered by proposing to include the portion of the Lacarne, Ohio, Restricted Area R–5502 above 14,500 feet MSL within the continental control area and to designate the Federal Aviation Agency, Cleveland ARTC Center as the controlling agency of R–5502. This would promote more efficient and expeditious movement of air traffic by permitting the unrestricted use of Victor 435 and the airspace above 14,500 feet MSL within Restricted Area R–5502 when the restricted area is not being used for its designated purpose.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to November 30, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60–NY–83 is extended to November 30, 1961. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-10551; Filed, Nov. 3, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–164]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.1029, 601.1361, 601.1363, and 601.10002 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implemen-

tation of these procedures in the San Antonio Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Corpus Christi, Texas, control area extension (§ 601.1029) would be altered to add the airspace southeast and south of Corpus Christi beyond the present limits of the Corpus Christi control area extension bounded on the northwest by low altitude VOR Federal airway No. 20, on the east by longitude 97°-14'00'' W., on the southeast by the north boundary of the Corpus Christi Restricted Area (R–6301) and on the west by the Alice, Tex., control area extension (§ 601.1322). This would provide protection for aircraft in a holding pattern at the Corpus Christi radio range.

2. The Cotulla, Tex., control area extension (§ 601.1361) would be redesignated within 13 miles southwest and 8 miles northeast of the 140° and 320° True bearings from the Cotulla radio beacon extending from low altitude VOR Federal airway No. 17 to 20 miles northwest of the radio beacon, including the airspace north of the Cotulla VOR bounded on the west by low altitude VOR Federal airway No. 77, on the north by the San Antonio, Tex., control area extension (§ 601.1180), and on the east by low altitude VOR Federal airway No. 17. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Cotulla VOR and radio beacon.

3. The Lufkin, Texas, control area extension (§ 601.1363) would be redesignated as that airspace within a 25-mile radius of Lufkin VOR including the airspace south of Lufkin, bounded on the west by low altitude VOR Federal airway No. 13 east alternate, on the south by low altitude VOR Federal airway No. 222 north alternate, and on the east by low altitude VOR Federal airway No. 289. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Lufkin VOR and radio beacon.

4. The McAllen, Tex., transition area (§ 601.10002) would be redesignated to extend upward from 1,200 feet above the surface bounded on the north by latitude 26°30'00'' N., on the east by longitude 98°00'00'' W., on the west by 98°-30'00'' W., and on the south by the United States/Mexican border. This additional controlled airspace north of the present transition area would provide protection for aircraft in holding patterns at the Edinburg Intersection (intersection of the Harlingen, Texas, VOR 275° and the McAllen VOR 019° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in certain instances, and the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10552; Filed, Nov. 3, 1961; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition was filed by the Los Angeles Smoking and Curing Company, 778 Kohler Street, Los Angeles 21, California, proposing the issuance of a regulation to provide for the safe use of sodium nitrite in or on smoked, cured salmon and shad at a level of 200 parts per million (0.02 percent). Notice of filing of this petition was published in the FEDERAL REGISTER of March 31, 1961 (26 F.R. 2725).

In accordance with § 121.52 of the food additive regulations (21 CFR 121.52), the petitioner has withdrawn that portion of the petition requesting a regulation for shad. A regulation providing for the use of sodium nitrite on smoked, cured salmon was published in the FEDERAL REGISTER of September 23, 1961 (26 F.R. 8973).

The withdrawal of the part of the petition concerning shad is without prejudice to a future filing.

Dated: October 31, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61–10564; Filed, Nov. 3, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order No. 128]

CHEMNYCO, INC.

Whereas, by virtue of the issuance of Vesting Order No. 275, dated October 30, 1942 (7 F.R. 9364), and other actions taken under the Trading with the Enemy Act, as amended, the Attorney General of the United States (hereinafter referred to as "Attorney General"), successor to the Alien Property Custodian, is the owner of all the issued and outstanding capital stock of Chemnyco, Inc. (hereinafter sometimes referred to as the "Company"), a New York corporation;

Whereas, a Certificate of Dissolution of the Company was issued by the Secretary of State of the State of New York on June 25, 1954, certifying to the dissolution of the Company, and said Certificate was duly published in accordance with the statutes of the State of New York; and

Whereas, the Company has been substantially liquidated;

Now, therefore, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the known assets of the Company as of October 16, 1961 consist of:

(a) Cash in the amount of $9,630.63, and

(b) $60,000 face value United States Treasury 3⅞% coupon Bonds due May 15, 1968 with coupons due November 15, 1961 and subsequent coupons attached;

2. Finding that the Company has no known liabilities other than possible liability for taxes, if any, accrued or to be accrued prior to the final liquidation of its assets, and except such claim as the Attorney General may have for moneys advanced or services rendered to or on behalf of the Company; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed;

Hereby orders, That the officers and directors of the Company (and their successors, or any of them) wind up the affairs of Chemnyco, Inc. and distribute the assets of the Company coming into their possession, as follows:

I. They shall first pay all current expenses and necessary charges, if any, in effecting the dissolution of the Company and the winding up of its affairs; and

II. They shall then pay all known Federal, State, and local taxes and fees, if any, owed by or accrued against the Company;

III. They shall then pay, transfer, assign, convey and deliver to the Attorney General all remaining assets or property of the Company of whatever kind or nature (including any after discovered assets or property, and all claims or causes of action of whatsoever kind or nature) as a liquidating distribution of assets to the sole stockholder; and

Further orders, That nothing herein set forth shall be construed as prejudicing the rights under the Trading with the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any assets or property received by the Attorney General hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided further*, That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the officers and directors of the Company pursuant to this Order and directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5(b)(2) of the Trading with the Enemy Act, as amended (50 U.S.C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D.C., on October 27, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 61–10556; Filed, Nov. 3, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED STATES LINES CO.

Notice of Application for Approval of Changes in Itineraries of Certain Cruises

Notice is hereby given that United States Lines Company has requested that the itineraries of the March 8, 1962 and March 17, 1962 cruises of the "SS America," as published in the FEDERAL REGISTER issue of July 14, 1961 (26 F.R. 6314), be modified by adding St. Thomas, Virgin Islands as a port of call on each cruise.

Any person, firm or corporation having any interest, within the meaning of Public Law 87–45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on November 17, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: October 31, 1961.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Acting Secretary.

[F.R. Doc. 61–10573; Filed, Nov. 3, 1961; 8:48 a.m.]

Office of the Secretary

RALPH F. STARZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

NOTE: Wish to correct typographical error appearing on statement of April 18, 1961; should read Wm. H. Rorer, Inc., not Wm. H. Roper, Inc.

This statement is made as of October 18, 1961.

R. F. STARZ.

OCTOBER 24, 1961.

[F.R. Doc. 61–10574; Filed, Nov. 3, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to The Curators of The University of Missouri, a construction permit substantially in the form annexed authorizing construction at Columbia, Missouri of a 10,000 kilowatts (thermal) flux trap

type nuclear reactor. Petitions for leave to intervene and requests for formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and amendment thereto and (2) a hazards analysis prepared by the Hazards Evaluation Staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Assistant Director for Facilities Licensing, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 15, 1961, and amendments thereto dated July 28, 1961 and September 29, 1961 (hereinafter collectively referred to as "the application") The Curators of the University of Missouri (hereinafter referred to as "The University of Missouri") requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities" Title 10, Chapter I, CFR, authorizing construction and operation on the University of Missouri campus at Columbia, Mo., of a 10,000 kilowatt (thermal) heterogeneous light water cooled and moderated pressurized tank research reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The University of Missouri is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The University of Missouri with its contractors, is technically qualified to design, construct and operate the reactor.

E. The University of Missouri has submitted sufficient information to provide reasonable assurance that a reactor of the general type can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to The University of Missouri will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Missouri to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is December 1, 1963. The latest date for completion of the reactor is June 30, 1964. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the campus of The University of Missouri at Columbia, Mo., specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless The University of Missouri has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis of operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3A" above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The University of Missouri pursuant to section 104c of the Act, which license shall expire ten (10) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-10539; Filed, Nov. 3, 1961; 8:45 a.m.]

[Docket No. 50-150]

OHIO STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. R-75. The license authorizes The Ohio State University to operate its pool-type nuclear reactor located on its campus in Columbus, Ohio. The amendment authorizes the licensee, as requested in its application for license amendment dated August 7, 1961, to alter the design of the glory-hole element, to possess and add a fuel element to the core and to possess and use a reactor fission plate containing 4,388 grams of uranium-235. The amendment also adds a condition to the license which provides that the reactor shall not be loaded with a K_{eff} of greater than 0.015 above cold, clean critical.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commisson will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment submitted by The Ohio State University and (b) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-75; Amdt. 2]

License No. R-75, which authorizes The Ohio State University to operate its pool-type nuclear reactor located on the University's campus in Columbus, Ohio, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-75, as amended, The Ohio State University is authorized, as requested in its application for license amendment dated August 7, 1961, to alter the design of the glory-hole element, to add a fuel element to the core, and to use a reactor fission plate containing 4,388 grams of uranium-235. These activities shall be conducted in accordance with the procedures and subject to the limitations in License No. R-75, as amended, and in The Ohio State University's application for license amendment dated August 7, 1961.

2. A new condition reading as follows is added: "The reactor shall not be loaded with an excess K_{eff} or greater than 0.015 above said clean critical."

3. Paragraph 3B is amended to read as follows:

3B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor 80 grams of plutonium contained in plutonium-beryllium neutron sources, up to 4.4 kilograms of uranium-235 contained in a reactor fission plate, and up to 3.6 kilograms of uranium-235 contained in reactor fuel.

This amendment is effective as of the date of issuance.

Date of issuance: October 31, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10540; Filed, Nov. 3, 1961; 8:45 a.m.]

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Hearing on Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m., e.s.t., on December 7, 1961, in the auditorium of the Atomic Energy Commission Headquarters in Germantown, Md., to consider the issuance of a provisional facility operating license for a period not to exceed 18 months to the above named applicant under section 104b of the Atomic Energy Act of 1954, as amended. The facility is a light-water -moderated and -cooled pressurized nuclear reactor located at the applicant's site at Indian Point in the Village of Buchanan, N.Y. The application and the record of prior proceedings in this matter are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the additional information required to complete the application hereunder and referred to in Paragraph 3c of CPPR No. 1, as amended, has been submitted.

2. Whether the construction of the facility has proceeded according to the design specified in the application; whether there is reasonable assurance that there are adequate procedures and methods so that the facility can be operated so as not to endanger the health and safety of the public; and whether in other respects there is reasonable assurance that the facility will be completed in accordance with the Act and with applicable rules, regulations and orders of the Commission.

3. Whether Consolidated Edison is financially qualified to carry out any proposed use of special nuclear material in connection with the operation of the facility.

4. Whether Consolidated Edison is technically qualified to operate the facility.

5. Whether the applicant has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140 "Financial Protection Requirements and Indemnity Agreements";

6. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety days from the date of issuance of a license; and

7. Whether issuance of a license to operate the facility under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the AEC's Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Md., or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than thirty days after publication of this notice in the FEDERAL REGISTER or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide.

Answers to this notice pursuant to section 2.736 of the Commission's Rules of Practice shall be filed on or before November 20, 1961, by the applicant.

Papers required to be filed with the Commission in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Md., or at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the Commission and where service of papers is required on other parties shall file five copies of each.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 61-10625; Filed, Nov. 3, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13145; Order No. E-17660]

AMERICAN AIRLINES, INC., AND EASTERN AIR LINES, INC.

Proposed Joint Fares Between Miami and San Francisco; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of October 1961.

By tariff revision marked to become effective November 2, 1961, American Airlines, Inc. (American) and Eastern Air Lines, Inc. (Eastern) propose a joint coach fare of $152.45, one-way, to apply in jet service between Miami and San Francisco operated via Chicago. These carriers presently publish joint first-class fares for application over the same routing. In each case, the fares are equivalent to those applicable to direct service via southern transcontinental routings.

Upon consideration of the matters of record, the Board finds that the proposed joint coach fare as applied on a routing via Chicago may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial and should be investigated. The routing via Chicago entails a mileage circuity of 17.8 percent, or stated otherwise, a dilution in the carriers' revenues approximating 13 percent. In view of these circumstances, the Board has further concluded to suspend the operation of the tariff revision relating to the proposed jet coach fare and defer its use pending investigation. Further, since substantially comparable questions are raised by the now published joint first-class fares, we are herein ordering the inclusion of these fares within the scope of the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered:

1. That an investigation be instituted to determine whether joint first class fares and provisions between Miami and San Francisco via routings "EA CHI AA90" on 22nd Revised Page 408 (including subsequent revisions and reissues thereof) and joint coach fares and provisions between Miami and San Francisco via routing "EA-CHI-AA90" on 38th Revised Page 438 of Agent C. C. Squire's C.A.B. No. 44 are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. That pending investigation, hearing and decision by the Board, joint coach fares and provisions between Miami and San Francisco via routing "EA-CHI-AA90" on 38th Revised Page 438 of Agent C. C. Squire's C.A.B. No. 44 are suspended and their use deferred to and including January 30, 1962 unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order shall be filed with the tariffs and shall be served upon American Airlines, Inc. and Eastern Air Lines, Inc. which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10581; Filed, Nov. 3, 1961; 8:49 a.m.]

[Docket No. 11879; Order No. E-17661]

TRAFFIC CONFERENCE 1 OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of November 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590-Commodity Rates Board. The agreement, which has been assigned the above-designated C.A.B. Agreement number, amends a number of specific commodity rates, cancels certain rates, and names additional rates.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which is incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

C.A.B. 14827:	*IATA memorandum*
R-61	TC1/Rates 1285.
R-62	TC1/Rates 1286.
R-63	TC1/Rates 1287.
R-64	TC1/Rates 1290.
R-65	TC1/Rates 1293.

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-61 through R-65, is approved, provided that such approval shall not constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10582; Filed, Nov. 3, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-33]

PROPOSED ALTERATION OF TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Television Station KTBS-TV, Shreveport, La., proposes to increase by 446 feet the overall height of an existing television antenna structure near Shreveport, La., at latitude 32°41'-08'' north, longitude 93°56'00'' west, presently at an overall height of 1,403 feet above mean sea level (1,153 feet above ground). The new overall height of the structure would be 1,849 feet above mean sea level (1,599 feet above ground).

This proposal was originally considered by the Airspace Panel of the Air Coordinating Committee at its meeting number 619, held August 24 and 29, 1960. The Panel recommended disapproval for the following reasons:

1. The procedure turn altitude for the standard ILS and ADF instrument approach procedures to the Greater Shreveport Airport runway 13 would be increased from 2,400 feet MSL to 2,800 feet MSL. This increase of 400 feet in procedure turn altitude would under certain ceiling conditions, prolong the duration aircraft must remain in IFR weather conditions while executing ILS or ADF approaches, and consequently, would result in delay to succeeding aircraft. In addition, this factor would increase the occasions when it would be necessary to execute an instrument approach.

2. The missed approach altitude for the standard ILS instrument approach to runway 31 of the above airport would be increased from 2,400 feet MSL to 2,800 feet MSL.

3. The transition altitudes from the Shreveport VOR and the Caddo Lake Intersection to the Greater Shreveport Airport Outer Compass Locator would be increased from 2,400 feet MSL to 2,800 feet MSL. The transition altitudes from the Shreveport VOR to the Lucien Intersection, Forbing Intersection, and Shreveport LFR would be increased from 1,700 feet MSL to 2,100 feet MSL. These increases in transition altitudes would further reduce the opportunity for pilots to become contact and discontinue the instrument approach or to arrive in VFR flight conditions.

4. The Instrument Flight Rules minimum en route altitude would be increased from 1,700 feet MSL to 2,200 feet MSL along VOR Federal airway 18/13W between the Caddo Lake Intersection and the Shreveport VOR; from 2,400 feet MSL to 2,800 feet MSL along Victor 13 between the Bethany Intersection and the Shreveport VOR; and from 2,400 feet MSL to 2,800 feet MSL along Victor 18S/114N between Karnack Intersection and the Shreveport VOR. Of primary concern was the prospective loss of the cardinal altitude of 2,000 feet MSL along Victor 18/13W between the Caddo Lake Intersection and the Shreveport VOR. This airway segment would then be the only portion of Victor 18 with an IFR minimum en route altitude above 2,000 feet MSL between the Dallas, Tex., VOR and the Meridian, Mississippi, VOR. Further, the proposed structure at 1,849 feet MSL would be the only structure preventing a minimum en route altitude of 2,000 feet MSL from Dallas to various points in the eastern United States.

5. The minimum obstruction clearance altitude would be increased from 2,400 feet MSL to 2,800 feet MSL along Victor 13W between the Shreveport VOR and the 083° radial of the Gregg County VOR.

Subsequent to the recommendation of the Airspace Panel, the Federal Aviation Agency conducted a new aeronautical study of the KTBS-TV proposal in which factors were established which alter the basis upon which the Airspace Panel recommendation was made and the effect the proposed increase in structure height would have on aeronautical operations in the Shreveport area.

A comprehensive site survey was conducted in coordination with the U.S. Coast and Geodetic Survey as to the exact location of the KTBS-TV antenna structure with respect to established flight paths of aircraft operating in the Shreveport terminal area. It was ascertained that the tower is located 4.1 miles from the Shreveport ILS localizer course and would not require an increase in the existing procedure turn altitude for the standard ILS and ADF instrument approach procedures to runway 13, the existing missed approach altitude for the standard ILS instrument approach procedure to runway 31 or the existing transition altitude from the Caddo Lake Intersection to the Shreveport outer compass locator. Further, the existing transition altitudes from the Shreveport VOR to the Lucien Intersection, the Forbing Intersection and the Shreveport LFR would not be affected.

The proposed structure would require an increase in the Instrument Flight Rules minimum en route altitude from 2,000 feet to 2,200 feet along Victor 18/13W between the Caddo Lake Intersection and the Shreveport VOR. However, subsequent to consideration of this proposal by the Airspace Panel, the Federal Aviation Agency has planned changes in the flow of Instrument Flight Rules traffic which will, when implemented, result in an increase in IFR minimum en route altitudes to the extent that it will not be possible to retain the 2,000 foot level in the area west of Shreveport VOR. Therefore, the increase in the IFR minimum en route altitude which would be caused by the proposed antenna structure would not affect aeronautical operations any differently than will the changes planned by this Agency.

The proposed structure would require an increase in the IFR minimum en route altitudes from 2,400 feet MSL to 2,800 feet MSL along Victor 18S/114N between Karnack Intersection and the Shreveport VOR and along Victor 13 between the Bethany Intersection and the Shreveport VOR. However, these changes in minimum en route altitudes would have no substantial adverse effect on aeronautical operations as the primarily important cardinal altitude of 3,000 feet MSL would be retained. In addition, aircraft proceeding northeast along these routes to the Greater Shreveport Airport could be radar vectored at altitudes lower than 2,800 feet MSL to the ILS localizer course and outer compass locator.

The proposed structure would require an increase from 2,400 feet MSL to 2,800 feet MSL in the transition altitude from the Shreveport VOR to the Shreveport ILS outer compass locator. However, this factor would have no adverse effect upon aeronautical operations since an altitude of 2,800 feet MSL to the outer compass locator would permit a normal rate of descent by aircraft executing a standard instrument approach to runway 13.

The proposed structure would require an increase in the minimum obstruction clearance altitude from 2,400 feet MSL to 2,800 feet MSL along Victor 13W between the Shreveport VOR and the 083° radial of the Gregg County VOR. This factor would have no adverse effect upon aeronautical operations or procedures.

The proposed structure would require an increase in the minimum radar vectoring altitude from 2,400 feet MSL to 2,800 feet MSL within a radius of 3 miles of the structure and from 1,900 feet MSL to 2,300 feet MSL within a circular area, centered on the structure, having an inner radius of 3 miles and an outer radius of 5 miles. However, this factor would result in no substantial adverse effect upon aeronautical operations since aircraft being radar vectored from over the Shreveport VOR to the ILS localizer course for an instrument approach to runway 13 would pass the proposed structure at a sufficient distance to permit a normal rate of descent during the execution of the approach procedure.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

This proposal was considered at the Washington Informal Airspace Meetings held on April 6 and May 4, 1961. At the Meeting of May 4, the Aircraft Owners and Pilots Association made a general objection to the proposal on the basis that the Association considers any tower in excess of 1,000 feet above ground to be a hazard unacceptable to general aviation. The Air Transport Association of America withheld a statement of position in favor of the Association's previous position of objection made during the Air Coordinating Committee consideration of this proposal; however, subsequent to the Washington Meeting of May 4, 1961, the ATA withdrew all objections on the basis of a review of the revised effects of the proposal upon aeronautical operations. No other aeronautical objections were made at the Washington Informal Airspace Meetings. The National Business Aircraft Association stated it would not object to the proposal provided the Federal Aviation Agency determined the proposed construction would not reduce airway acceptance rates or adversely affect the flow of VOR equipped air traffic in the area.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR § 626.33; 26 F.R. 5292), it is concluded that the proposed increase in structure height to the mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on October 30, 1961.

OSCAR W. HOLMES,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 61-10543; Filed, Nov. 3, 1961; 8:46 a.m.]

[OE Docket No. 61-SW-85]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Florida Antennavision, Inc., Panama City, Fla., proposes to construct a television receiving antenna structure near Lynn Haven, Florida, at latitude 30°13'50'' north, longitude 85°38'47'' west. The overall height of the structure would be 322 feet above mean sea level (303 feet above ground).

Objections were made in response to the circularization and at the FAA Atlanta Informal Airspace Meeting Number 11 by the Sowell Aviation Company; Panama City, Florida, Airport Authority; Airport Manager, Fannin Field, Panama City, Florida; Florida Development Commission; the Air Transport Association and the Aircraft Owners and Pilots Association based on the conclusion of the objectors that the structure would be too close to the Fannin Field Airport, a hazard to aerial navigation around the airport, and would interfere with a planned VOR facility in this area.

At the FAA Washington Informal Airspace Meeting held on June 1, 1961, objections were made by the Florida Development Commission based on the future installation of a VOR facility and the opposition expressed by aviation interests in Panama City. The AOPA and the National Aviation Trades Association objected because the proposed structure violates this Agency's TSO-N18 criteria. The ATA, which objected at the Regional Meeting, offered no objection at the Washington Meeting. No other objections were made at this meeting. Since the exact location of a VOR facility planned for the vicinity of Fannin Field Airport has not been determined, the effect of the proposed structure on the procedures which would be associated with a VOR facility in this area cannot be ascertained at this time. However, the current restricted instrument approach procedures to Fannin Field, utilizing a privately owned radio beacon, serve the northwest and southeast runways. The proposed structure would not affect the instrument approach obstruction clearance area for these runways. Therefore, should a VOR facility be established which would provide instrument approach procedures for the northwest and southeast runways, such procedures would not be affected by the proposed structure and the airport would retain VOR instrument approach procedure capabilities on these runways.

The proposed structure would be located approximately 2.5 miles northeast of the Fannin Field Airport, Panama City, Florida. However, the Agency study disclosed that the proposed structure would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures, or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on October 25, 1961.

OSCAR W. HOLMES,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 61-10544; Filed, Nov. 3, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14346]

GEM STATE CANDY CO.

Order To Show Cause

In the matter of Art Leonardson & Owen Cleverly, dba: Gem State Candy

Company, Idaho Falls, Idaho, Docket No. 14346; order to show cause why there should not be revoked the license for Radio Stations 13W2005, 13W2006, and 13W2007 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens Radio Station 13W2006;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on June 28, 1961, alleging that on June 17, 1961, Citizens Radio Station 13W2006 was operated with a frequency deviation in excess of that specified in § 19.33 of the Commission's rules.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 14, 1961, and sent by Certified Mail—Return Receipt Requested (125287), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Robert Latt, on August 18, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 26th day of October 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the licenses for the captioned radio stations should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: October 31, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10585; Filed, Nov. 3, 1961; 8:49 a.m.]

[Docket No. 14355]

GEORGE L. SCOTT

Order To Show Cause

In the matter of George L. Scott, 814 Amelia Drive, Fernandina Beach, Florida, Docket No. 14355; order to show cause why there should not be revoked the license for Radio Station WK-6448 aboard the vessel "Miss Satellite".

The Commission, by the Chief, Safety and Special Radio Services Bureau under delegated authority having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on July 13, 1961, alleging that on June 20, 1961, the subject station was not in compliance with § 8.21 of the Commission's rules in that the transmitter installed aboard the vessel was not authorized to be operated under the license issued by the Commission.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 14, 1961, and sent by Certified Mail—Return Receipt Requested (No. 1-21388), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. George L. Scott, on August 15, 1961, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 30th day of October 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10586; Filed, Nov. 3, 1961; 8:49 a.m.]

[Docket Nos. 13822, 13823; FCC 61M-1720]

BI-STATES CO. (KHOL-TV) AND TOPEKA BROADCASTING ASSOCIATION, INC. (WIBW-TV)

Order Continuing Hearing Conference

In re applications of Bi-States Company (KHOL-TV), Kearney, Nebraska, Docket No. 13822, File No. BPCT-2718; Topeka Broadcasting Association, Inc. (WIBW-TV), Topeka, Kansas, Docket No. 13823, File No. BPCT-2743; for construction permits for new transmitter sites.

Upon joint oral motion of counsel for the parties in the above-entitled matter: *It is ordered*, This 31st day of October 1961, that the prehearing conference presently scheduled for November 1, 1961 at 9:30 a.m., be, and the same is hereby continued to December 1, 1961 at 9:30 a.m.

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10586; Filed, Nov. 3, 1961; 8:49 a.m.]

[Docket No. 14350; FCC 61-1283]

MIA ENTERPRISES, INC. (KWBE)

Order Designating Application for Hearing on Stated Issues

In re application of MIA Enterprises, Inc. (KWBE), Beatrice, Nebraska, Docket No. 14350, File No. BP-13878; has 1450 kc, 250 w, U. Requests 1490 kc, 1 kw, 5 kw-LS, DA-2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 25th day of October 1961;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except for matters involved in the issues set forth below, the applicant is in all respects qualified to construct and operate its proposal; and

It further appearing, that, the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject proposal would cause interference to Station KNDY, Marysville, Kansas two channels removed. The licensee of Station KNDY has objected to a grant of the subject application.

2. Federal Aviation Agency study has indicated that the proposed antenna system would constitute a hazard to air navigation.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KWBE and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of MIA Enterprises would cause objectionable interference to Station KNDY or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by MIA Enterprises would constitute a menace to air navigation.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Wyman N. Schnepp and Willa M. Schnepp as Tenants-in-Common, licensees of Station KNDY, and the Federal Aviation Agency are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing within the time and in the manner prescribed in said rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10587; Filed, Nov. 3, 1961; 8:49 a.m.]

[Docket Nos. 13798, 13801; FCC 61M-1719]

OKLAHOMA BROADCASTING CO. AND SAPULPA BROADCASTERS

Order Continuing Hearing

R. B. Bell and Bernice Bell, d/b as Oklahoma Broadcasting Company, Sapulpa, Oklahoma, Docket No. 13798, File No. BP-12403; William E. Minshall and Melwyn E. Klar, d/b as Sapulpa Broadcasters, Sapulpa, Oklahoma, Docket No. 13801, File No. BP-12876; for construction permits.

Upon oral motion of counsel for the parties in the above-entitled matter: *It is ordered*, This 31st day of October 1961, that the hearing presently scheduled for November 3, 1961 at 9:30 a.m., be, and the same is, hereby continued to November 29, 1961 at 9:30 a.m.

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10588; Filed, Nov. 3, 1961; 8:49 a.m.]

[Docket Nos. 14351-14353; FCC 61-1284]

WOLVERINE BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John C. Lane, Elizabeth B. Barrett, and Edward Fitzgerald d/b as Wolverine Broadcasting Company, Wyoming, Michigan, requests 1530 kc, 500 w, DA-Day, Docket No. 14351, File No. BP-13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Michigan, requests 1520 kc, 1 kw, 250 w (CH), Day, Docket No. 14352, File No. BP-14039; Wayne Stebbins tr/as Grand Valley Broadcasting Company, Saranac, Michigan, requests 1520 kc, 250 w, Day, Docket No. 14353, File No. BP-14487; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except for matters involved in the issues set forth below, each of the applicants is in all respects qualified to construct and operate its proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal for Wyoming, Michigan involves slight mutual interference with the proposal for Muskegon Heights, Michigan and would involve mutual interference with the proposal for Saranac, Michigan (the interference caused to Saranac is in excess of 10 percent).

2. The Saranac and Muskegon Heights proposals involve extensive mutual interference.

3. The Muskegon Heights proposal would cause objectionable interference to the proposed operation of Lake Zurich Broadcasting Company, File No. BP-13825, at Lake Zurich, Illinois. The subject Muskegon Heights applicant was not timely filed for concurrent consideration with the Lake Zurich proposal. Accordingly, the Lake Zurich applicant will be made a party respondent in this proceeding.

4. The subject application for Saranac, Michigan would involve mutual interference with the proposals of Television Corporation of Michigan, Inc., File No. BP-13783, and Community Service Broadcasters, Inc., File No. BP-13846, for new standard broadcast stations at Jackson, Michigan and Ypsilanti, Michigan, respectively. The Saranac application was not timely filed for concurrent consideration with the latter two proposals, which are in hearing status. Therefore, the Jackson and Ypsilanti applicants will be made parties respondent in this proceeding.

5. The subject proposal for Wyoming, Michigan would involve a small amount of mutual interference with the proposed operation of Barsland, Inc., File No. BP-13651, for a new station to be located at Holly, Michigan. Neither proposal would violate § 3.28(d)(3) of the Commission's rules (apart from interference caused by mutually destructive proposals). For this reason, the subject Wyoming proposal—though timely filed for concurrent consideration with the Holly, Michigan, proposal—will not be consolidated therewith. Any grant of either application will be made subject to acceptance of such interference as may result from a grant of the other.

6. It has not been determined whether the Muskegon Heights proposal would constitute a menace to air navigation.

7. Cash, contributed labor, and materials immediately available to the Saranac applicant, Wayne Stebbins, total only $10,618. Cash necessary for downpayment on equipment, downpayment on building, miscellaneous costs, and operating capital for a period of three months appears to total $13,651. Additionally, the "loan agreements" submitted by Mr. Stebbins—on the part of Messrs. Friedl, Bowen, Hardy, and Smith—are (a) so indefinite in their wording as to be of doubtful effect and (b) expire, by their own terms, on October 14, 1961. It will be necessary to determine the applicant's financial qualifications in hearing.

8. Upon the basis of information thus far submitted, John C. Lane and Edward F. Fitzgerald, two of the three partners to Wolverine Broadcasting Company, do not appear to have adequate cash or liquid assets to fulfill their commitments to the partnership. The most recent balance sheet of John C. Lane fails to segregate cash and accounts receivable, fails to provide a basis for valuation of the securities listed, and does not segregate liabilities to show current amounts payable. Fitzgerald's balance sheet shows cash of $1,000 and liabilities totalling $12,300, the latter not segregated to show amounts currently pay-

able. A proposed loan from Elizabeth B. Barrett to Fitzgerald would enable him to meet only one-half of his partnership commitment.

9. Parties to Muskegon Heights Broadcasting Company own substantially all of three existing standard broadcast stations in Michigan: WFUR, Grand Rapids, Michigan; WKPR, Kalamazoo, Michigan; and WDOW, Dowagiac, Michigan. These stations are located approximately 35 miles, 65 miles, and 65 miles from the site of the subject Muskegon Heights proposal. Accordingly, a substantial question exists as to whether a grant of the subject Muskegon Heights application would be in contravention of § 3.35(b) of the Commission's rules, regarding concentration of control. It appears appropriate to consider the size, extent, and location of areas served by the existing station and to be served by this proposal; the number of persons served; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will reply on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the particular needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the concentration of control involved will or will not be in contravention of § 3.35(b) of the Commission rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the following subject proposals would cause objectionable interference to the proposed operations indicated, or with any existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Subject proposal	*Proposed operations with which subjects not timely filed*
BP-14039.....	BP-13825, Lake Zurich, Ill.
BP-14487.....	BP-13783, Jackson, Mich. BP-13846, Ypsilanti, Mich.

4. To determine whether the interference received by each instant proposal from any other the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether a grant of the instant proposal of Muskegon Heights Broadcasting Company would be in contravention of § 3.35(b) of the Commission rules.

6. To determine whether Wayne Stebbins and Wolverine Broadcasting Company are financially qualified to construct and operate their proposed stations.

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Muskegon Heights would constitute a menace to air navigation.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, Lake Zurich Broadcasting Company, Television Corporation of Michigan, Inc., and Community Service Broadcasters, Inc., applicants respectively, for new stations at Lake Zurich, Illinois, Jackson, Michigan, and Ypsilanti, Michigan, are made parties to the proceeding with regard to their proposed operations.

It is further ordered, That, in the event of a grant of the applications of Wolverine Broadcasting Company, the construction permit shall contain a condition that permittee shall accept such interference as may result from a grant of the application of Barsland, Inc., File No. BP-13651, for a new standard broadcast station at Holly, Michigan, or from a grant of one of the mutually exclusive applications for a new standard broadcast station at Lapeer, Michigan: Chief Pontiac Broadcasting Co., BP-13873; Lapeer Broadcasting Company, BP-14304; and Bill Lamb Productions, BP-14616.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10590; Filed, Nov. 3, 1961; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND, CALIFORNIA AND ENCINAL TERMINALS

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8335-2, between the city of Oakland, California and Encinal Terminals modifies the basic agreement of the parties which covers the lease to Encinal of certain terminal property in the port of Oakland on terms and conditions set forth therein. The purpose of the modification is to amend paragraph 1a of the lease to enlarge the area upon which the dry bulk cargo facility is to be located by adding a small parcel of contiguous area in order to accommodate a rail car unloader and provide for an underground corridor between the unloader and the storage bins.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

NOVEMBER 1, 1961.

[F.R. Doc. 61-10522; Filed, Nov. 3, 1961; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

INTEGRATION COMMITTEE ON THE M14 RIFLE, 7.62MM

Deletion From Membership

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the following deletion from the list of companies which have accepted the request to participate in the voluntary plan, entitled "Plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Integration Committee on the M14 Rifle, 7.62mm." The request and complete list of acceptances were published in 26 F.R. 9327, October 3, 1961.

DELETION

American Radiator & Standard Sanitary Corp., Controls Division, Rochester, N.Y.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, Aug. 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 10773, July 1, 1958, 23 F.R. 5061; Executive Order 10782, September 6, 1958, 23 F.R. 6971)

Dated: October 27, 1961.

FRANK B. ELLIS,
Director,
Office of Emergency Planning.

[F.R. Doc. 61-10542; Filed, Nov. 3, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1447]

DELAWARE VARIABLE INVESTMENT PLAN

Notice of Filing of Application

OCTOBER 30, 1961.

Notice is hereby given that Delaware Management Company, Inc., Wilmington, Del. ("Applicant") sponsor-depositor of Delaware Variable Investment Plan ("Variable"), a registered unit investment trust, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the transaction hereinafter described.

Variable registered under the Act on June 20, 1961 and proposes to offer to the public Single Payment Plans and Systematic Investment Plans which will accumulate the shares of Delaware Fund, Inc. ("Delaware"). As a means of providing Variable with the $100,000 of net worth required by section 14(a) of the Act, the application states that W. Linton Nelson ("Transferor") who is an officer and a director of the Applicant, proposes to transfer to Variable shares of Delaware approximately equal to this amount. According to the application, such shares of Delaware will constitute the underlying investment of the Plans offered by Variable and will provide the medium in which proceeds from the sale to the public of Plans will be invested. The Transferor will receive in exchange a Fully Paid Plan equal in amount to the value of the shares transferred with no deduction for sales commission.

Section 17(a) of the Act, with certain exceptions, prohibits the sale of any security to a registered investment company by the promoter (Applicant) or by an affiliated person of the Applicant. Since the Transferor is an affiliated person of the Applicant, the proposed transaction would be prohibited under section 17(a) of the Act unless the Commission grants an exemption pursuant to section 17(b) of the Act.

Under section 17(b) of the Act the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transaction are reasonable and fair and will not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 13, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-10575; Filed, Nov. 3, 1961; 8:49 a.m.]

[File No. 812-1429]

MIDWESTERN INSTRUMENTS, INC.

Notice of Filing of Application

OCTOBER 30, 1961.

Notice is hereby given that Midwestern Instruments, Inc., Tulsa, Okla., ("Applicant"), an affiliated person of American Research and Development Corporation ("Research"), a registered closed-end, non-diversified investment company, has filed an application and amendments thereto pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed extension by Research of the maturity date of a Promissory Note ("Note") of Applicant.

Applicant, a Delaware corporation, is engaged in the manufacture, use and sale of precision electronic and electromechanical instruments. The application states that Applicant's $125,000 loan indebtedness to Research, together with accrued interest at the rate of 5 percent per annum thereon, became payable on November 1, 1960 and remains unpaid at the present time. It further states that Research, subject to obtaining an order of exemption by the Commission, proposes to extend the maturity date of the Note evidencing the indebtedness so that the principal amount and accrued interest will be repaid in installments over a twelve month period. As a condition to such an extension Applicant has paid the balance of the interest due on the principal amount of the Note for the period ending September 30, 1961 and has made payments of 1/12th of the principal amount of the Note on August 31, 1961, and September 28, 1961, respectively. In addition, Applicant will pay on the 30th day of each month thereafter, 1/12th of the original principal amount of the Note and the interest then owing on the unpaid balance to the date of payment of such installment.

According to the application, Research holds 91,642 shares or approximately nine percent of the issued capital stock of Applicant. It is noted in the application that in October 1958 the Commission issued an order exempting from the provisions of section 17(a) of the Act the prepayment and extension of promissory notes of Applicant by Research in connection with a refinancing by Applicant (Investment Company Release No. 2784).

Section 2(a)(3) of the Act defines an "affiliated person" of another person as, among other things, any person five percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person. Section 17(a) of the Act, in general, prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is hereby given that any interested person may, not later than November 17, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may re-

quest that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10576; Filed, Nov. 3, 1961; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–XI–1 (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE,
Administrator.
By ----------
(Name)
Chief, Financial Assistance Division.

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

8. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performing of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All authority previously delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. September 18, 1961.

HAROLD R. SMETHILLS,
Regional Director,
Denver Regional Office.

[F.R. Doc. 61–10557; Filed, Nov. 3, 1961; 8:47 a.m.]

[Delegation of Authority No. 30–XI–10 (Revision 1)]

BRANCH MANAGER, SALT LAKE CITY BRANCH OFFICE

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Branch Manager, Salt Lake City Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.

b. Participation loans not exceeding $100,000 with bank participation of at least 25 percent, and provided further that such participation shall represent not less than 50 percent new money.

2. To approve or decline Limited Loan participations wherein this Agency's exposure is not in excess of $15,000.

3. To approve or decline disaster loans not in excess of $50,000. Declination of disaster loan is extended only to an original application and not to reconsideration of such application.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE,
Administrator.
By ----------
(Name)
Manager,
Salt Lake City, Utah, Branch Office.

5. To modify or amend Washington approved authorizations for business or disaster loans by the issuance of Certificates of Modification and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans provided, however, after disbursement, such authority shall not be exercised in excess of the authority granted in Paragraph 6 immediately following.

6. To take all necessary actions to effect the servicing, administration, and the collection of all current direct loans of $20,000 or less, participating loans of $100,000 or less, and disaster loans of $50,000 or less.

B. *Procurement and technical assistance.* 1. To develop with government procurement and sales agencies, required local procedures for implementing established interagency policy agreements, including but not limited to such steps as determining joint set-asides and representation at procurement and property disposal centers.

C. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

3. To (a) make emergency purchases chargeable to the Administrative expense fund not in excess of $15 in any one object class in any one instance but not more than $25 in any one month for total purchases in all object classes; (b) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $15 in any one instance.

4. To obtain motor vehicle services from the General Services Administration and to rent garage space for the storage of such vehicles, within the limitations of funds as budgeted by the Regional Office for use of the Branch Office for this purpose.

5. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials.

II. The specific authorities delegated in I.A. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated to the Branch Manager is hereby rescinded without prejudice to actions taken under all such Delegations of Authority prior to the date hereof.

Dated: October 11, 1961.

HAROLD R. SMETHILLS,
Regional Director,
Denver Regional Office.

[F.R. Doc. 61–10558; Filed, Nov. 3, 1961; 8:47 a.m.]

[Delegation of Authority No. 30–XIII–19]

ASSISTANT TO THE CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30–XIII–1 (Revision 2), there is hereby redelegated to the Assistant to the Chief, Financial Assistance Division, Seattle Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE,
Administrator.
By ----------
(Name)
Assistant to the Chief,
Financial Assistance Division.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To take all necessary action in connection with the servicing, administration and collection of partially or fully disbursed loans.

II. The authority delegated herein may not be redelegated.

Effective date. September 11, 1961.

E. D. PETERSON,
Chief, Financial Assistance Division,
Denver Regional Office.

[F.R. Doc. 61–10559; Filed, Nov. 3, 1961; 8:47 a.m.]

[Delegation of Authority No. 30–IV–35]

BRANCH COUNSEL, CHARLOTTE, NORTH CAROLINA

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30–IV–7, Revision 2, as amended, (25 F.R. 8241, 26 F.R. 4129), there is hereby redelegated to the Branch Counsel, Charlotte, North Carolina Branch Office, the authority to disburse approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date. October 16, 1961.

ROBERT B. HORNING,
Branch Manager,
Charlotte Branch Office.

[F.R. Doc. 61–10560; Filed, Nov. 3, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 1, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37431: *Bituminous coal to points in South Carolina.* Filed by O. W. South, Jr., Agent (No. A4137), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application, from mines in Alabama (Bass and Stevenson), southeastern Kentucky, eastern and southern Tennessee, southwest Virginia and West Virginia, to specified points in South Carolina.

Grounds for relief: Natural gas competition and origin rate relationship.

Tariffs: Supplement 49 to Southern Freight Association tariff I.C.C. S–62 and other schedules named in the application.

FSA No. 37432: *Flour returned from eastern points.* Filed by Traffic Executive Association - Eastern Railroads, Agent (E.R. No. 2591), for interested rail carriers. Rates on flour, in airslide cars, in carloads, from points in Maryland, Massachusetts, New York, and Pennsylvania, and other points described in the application, to points in official territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 187 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4403 (Hinsch series).

FSA No. 37433: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 35), for itself and interested carriers. Rates on various commodities on less-than-truckload class rates loaded in trailers and transported over joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., from points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, to points in California, Oregon, and Washington.

Grounds for relief: Rail freight forwarder competition.

Tariff: Sea-Land Service, Inc., tariff I.C.C. 7.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–10568; Filed, Nov. 3, 1961; 8:48 a.m.]

[Notice No. 562]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 1, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64311. By order of October 30, 1961, The Transfer Board approved the transfer to Everett West and Duane West, a partnership, doing business as West Truck Service, Farragut, Iowa, of Certificate No. MC 83125 issued March 12, 1952, to M. E. Bopp, Sidney, Iowa, authorizing the transportation of agricultural implements, flour, feed, lumber, and shingles, over irregular routes, from Omaha, Nebr., to Farragut, Iowa, and points within 12 miles of Farragut.

No. MC–FC 64355. By order of October 25, 1961, The Transfer Board approved the transfer to Cornie DeJong, Sanborn, Iowa, of the operating rights in Permit No. MC 119066, issued January 20, 1960, to Clarence DeKam, Rock Valley, Iowa authorizing the transportation, over irregular routes, of animal and poultry feed, from Sheldon, Iowa, to points in 12 specified counties in Iowa, 10 specified counties in Minnesota, and 7 specified counties in South Dakota.

No. MC–FC 64370. By order of October 25, 1961, The Transfer Board approved the transfer to Todd Transfer Company, Inc., Secretary, Md., of a portion of the operating rights in Certificate No. MC 44913, issued by the Commission June 11, 1954, to E. Roscoe Willey, Cambridge, Md., authorizing the transportation, over irregular routes, of canned goods, from Newark, Del., and points in Dorchester, Caroline, and Talbot Counties, Md., to points in New York north of New York Highway 7. Vernon E. Robbins, 115 High Street, Cambridge, Md., applicants representative.

No. MC–FC 64513. By order of October 25, 1961, The Transfer Board approved the transfer to Vincent M. Corso, doing business as County Express, Wood-Ridge, N.J., of Certificate No. MC 40997 issued February 24, 1955, to Vincent M. Corso and Herbert Parlato, a partner-

ship, doing business as County Express, Wood-Ridge, N.J., authorizing the transportation of ready-to-wear garments and cloth and materials used in the manufacture of such garments, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Union, and Middlesex Counties, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

No. MC-FC 64548. By order of October 30, 1961, The Transfer Board approved the transfer to H. Prang Trucking Co., Inc., Hopelawn (Perth Amboy), N.J., of Certificate No. MC 113100 issued January 8, 1952, to Harold Prang, doing business as H. Prang Trucking, Hopelawn (Perth Amboy), N.J., authorizing the transportation of: Homing pigeons, in crates, and personal effect of attendants and supplies and equipment used in the care of such pigeons, over irregular routes, from Bergenfield, Elizabeth, Irvington, Jersey City, Linden, Lyndhurst, Newark, North Bergen, Passaic, Paterson, and Perth Amboy, N.J., and points in Richmond County, N.Y., to Wilmington, Del., Aberdeen, Md., Washington, D.C., Charlottesville, Va., and Salisbury, N.C., and empty crates in which homing pigeons have been shipped from the above-specified destination points to the above-named origin points; and Permits in Nos. MC 2428, MC 2428 Sub 1, MC 2428 Sub 5, MC 2428 Sub 11, MC 2428 Sub 12, and MC 2428 Sub 14, issued December 12, 1949, December 12, 1949, June 13, 1951, June 4, 1952, August 19, 1957, and September 8, 1961, respectively, to Harold Prang, doing business as H. Prang Trucking, Hopelawn (Perth Amboy), N.J., authorizing the transportation of: Silver and lead bars, tin, scrap metal, copper powder, cuprous oxide, copper arts, tellurium, solder, selenium, precious metals and materials, supplies and equipment used in the manufacture of the above commodities between Carteret, N.J., and New York, N.Y.; between Carteret, N.J., and Tottenville, N.Y.; between Carteret, N.J., and Philadelphia, Pa.; copper bars, ingots, cakes, rods, moulds, sheets, and billets and materials, supplies, and equipment used in the manufacture thereof, between Carteret, N.J., and New York, N.Y.; silver and precious metals, between Irvington, N.J., and New York, N.Y.; silver bullion, from Carteret, N.J., to Rochester, N.Y.; silver scrap and damaged or defective shipments of silver bullion, from Rochester, N.Y., to Carteret, N.J.; silver bullion from Carteret, N.J., to Providence, R.I.; silver bullion, from Carteret, N.J., to Attleboro, Mass.; and silver alloy bars and coins, from the site of the U.S. Mint Depository, West Point, N.Y., to Carteret, N.J., subject to certain conditions. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC-FC 64552. By order of October 25, 1961, The Transfer Board approved the transfer to Coyman Brothers, Inc., Hackensack, N.J., of Certificates in Nos. MC 114520 and MC 114520 Sub 1, issued June 24, 1954 and June 24, 1954, respectively, to Willard Sutton, doing business as Speed's Trucking & Rigging, Union, N.J., authorizing the transportation of: Machinery, from Newark and Elizabeth, N.J., to Philadelphia, Pa., points on Long Island, N.Y., and those in New York, N.Y. Commercial Zone; and boilers, boiler tubes, and machinery, from North Bergen, N.J., to points in Connecticut, Massachusetts, and Rhode Island, within 200 miles of North Bergen, N.Y. Bowes & Millner, 1060 Broad Street, Newark 2, N.J., attorney for transferee.

No. MC-FC 64553. By order of October 25, 1961, The Transfer Board approved the transfer to Rufus W. Parker, doing business as Parker Refrigerated Service, Tacoma, Wash., of Certificate No. MC 62160 Sub 4, issued January 7, 1960, to Mountain Road Auto Freight Co., Inc., Tacoma, Wash., authorizing the transportation of: Bananas, from Seattle, Wash., to Yakima and Walla Walla, Wash. James T. Johnson, 609 Norton Building, Seattle, Wash., attorney for applicants.

No. MC-FC 64585. By order of October 25, 1961, The Transfer Board approved the transfer to Church Trucking Company, Inc., North Wilkesboro, N.C., of Certificate No. MC 123089, issued January 17, 1961, to R. D. Church, doing business as Church Trucking Company, North Wilkesboro, N.C., authorizing the transportation of hardware, plumbing supplies, and building materials, from points in the New York, N.Y., Commercial Zone, Baltimore and Sparrows Point, Md., Cincinnati, Dover, and Cleveland, Ohio, Uniontown, Johnstown, Elwood City, Philadelphia, Ambler, and Monaca, Pa., Barbe, Newark, Camden, Metuchen, and Millington, N.J., Edgemore, Del., Atlanta, Ga., Anniston, Ala., and Alcoa, Tenn., to points in Wilkes County, N.C.; lumber, except plywood and veneers and wooden products (except plywood, veneers, and new furniture) from points in Caldwell and Wilkes Counties, N.C., to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, New York, and Kentucky. Boyce A. Whitmire, Hendersonville, N.C., attorney for applicants.

No. MC-FC 64593. By order of October 26, 1961, The Transfer Board approved the transfer to Budig Trucking Co., a corporation, Cincinnati, Ohio of Certificate No. MC 1221 issued November 19, 1954, to Clifford L. Fohl, doing business as Fohl's Express, Brookville, Ind., authorizing the transportation over regular routes of general commodities, excluding household goods and commodities in bulk, serving all intermediate and off-route points in the Cincinnati, Ohio Commercial Zone, in connection with authorized and proposed regular-route operations to and from Cincinnati; and, general commodities, including liquor, excluding household goods and commodities in bulk, between Brookville, Ind., and Cincinnati, Ohio, serving the intermediate points of Cedar Grove, New Trenton, and West Harrison, Ind. Jack B. Josselson, 700 Atlas Bank Building, Cincinnati 2, Ohio, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10569; Filed, Nov. 3, 1961; 8:48 a.m.]

[Rev. S.O. 562, Amdt. 2 to Taylor's I.C.C. Order 136]

RUTLAND RAILROAD CORP.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

It is ordered, That, Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m., November 30, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 31, 1961, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 27, 1961.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61-10570; Filed, Nov. 3, 1961; 8:48 a.m.]

TARIFF COMMISSION

STAINLESS-STEEL TABLE FLATWARE

Reports to the President

NOVEMBER 1, 1961.

The U.S. Tariff Commission today submitted to the President its first periodic report on the developments in the trade in stainless-steel table flatware since the "escape clause" action, on November 1, 1959, which resulted in the imposition of a tariff quota on imports of stainless-steel table flatware not over 10.2 inches in length and valued under $3.00 per dozen pieces. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic stainless-steel table flatware had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in stainless-steel table flatware do not warrant a formal inquiry into the question of whether the existing restrictions on the imports of stainless-steel table flatware could be relaxed without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-10567; Filed, Nov. 3, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

	Page
PROCLAMATIONS:	
3438	10203
EXECUTIVE ORDERS:	
9026	10356
10971	10335

5 CFR

6	10204, 10207, 10447
24	10447

6 CFR

70	10267
305	10267
390	10267

7 CFR

711	10204
717	10208
729	10209
730	10336
847	10214
855	10268
864	10270
873	10272
914	10423
922	10214
933	10337, 10423–10425
942	10425
943	10214
953	10425
973	10215
994	10216
1017	10426
1031	10338
1071	10426
PROPOSED RULES:	
900—1072	10286
906	10298
908	10307
918	10307
939	10296
943	10236
947	10360
986	10298

8 CFR

PROPOSED RULES:	
252	10358
253	10358

9 CFR

74	10223
83	10338
PROPOSED RULES:	
131	10358

12 CFR

262	10340

12 CFR—Continued

	Page
PROPOSED RULES:	
563	10239

14 CFR

507	10223, 10224, 10273, 10274, 10340, 10341
600	10225, 10427, 10428
601	10225, 10341, 10342, 10428, 10429
608	10342
609	10430, 10436
PROPOSED RULES:	
60	10307
227	10238
302	10307
507	10362
600	10451
601	10363, 10451
608	10451

16 CFR

13	10363, 10445
301	10446

18 CFR

2	10342

20 CFR

404	10226

21 CFR

120	10228
121	10228, 10343
146	10228
PROPOSED RULES:	
17	10362
121	10362, 10452

24 CFR

202a	10229
203	10229
207	10229
213	10229
220	10230
221	10230
232	10230
603	10231
608	10231
611	10231
702	10231
803	10231
903	10231

25 CFR

141	10232

26 CFR

1	10275
PROPOSED RULES:	
1	10283, 10449, 10450

28 CFR

21	10232

29 CFR

601	10275
780	10377
793	10275

32 CFR

737	10353
739	10353

33 CFR

3	10343
67	10343
203	10445
204	10278

35 CFR

4	10353
CANAL ZONE ORDERS:	
58	10353

38 CFR

13	10232
21	10278

41 CFR

5–1	10354
50–202	10354

42 CFR

73	10355

43 CFR

PROPOSED RULES:	
257	10285
PUBLIC LAND ORDERS:	
1071	10356
2526	10279
2527	10356
2528	10356
2529	10356
2530	10427

47 CFR

1	10279, 10280, 10447
3	10280
15	10281
18	10281
PROPOSED RULES:	
3	10239
12	10240

49 CFR

PROPOSED RULES:	
176	10240

50 CFR

32	10233, 10234, 10282
33	10234, 10235

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Pages 10467–10499

FEDERAL REGISTER

VOLUME 26 NUMBER 215

Washington, Tuesday, November 7, 1961

UNIVERSITY OF MICHIGAN NOV 8 1961 MAIN READING ROOM

Contents

THE PRESIDENT

Executive Orders

Agricultural Trade Development and Assistance Act, of 1954, as amended; administration 10469
Foreign assistance and related functions; administration 10469

EXECUTIVE AGENCIES

Agency for International Development

NOTICES:
Officials of International Cooperation Administration and Development Loan Fund; authority delegation 10491

Agricultural Marketing Service

RULES AND REGULATIONS:
Federal Seed Act; miscellaneous amendments; correction 10471

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain marketing areas:
Central Arkansas; hearing on proposed amendments to tentative marketing agreement and order 10485
Puget Sound, Washington; recommended decision and opportunity to file written exceptions on proposed amendments to tentative agreement and order 10486
Wheat, durum; farm acreage allotments for 1960 and subsequent crops; California 10484
RULES AND REGULATIONS:
Milk in Mississippi Gulf Coast marketing area; order suspending certain provisions 10472
Tobacco; cigar-filler, cigar binder, and cigar-filler and binder; marketing quotas, 1962–63 10471

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
University of Michigan; issuance of facility license amendment 10492
University of Oklahoma; proposed issuance of utilization facility license amendment 10493
PROPOSED RULE MAKING:
Manufacture or import of lock illuminators in automobile locks 10487
RULES AND REGULATIONS:
Licensing of byproduct material; exemption of tritium-activated illuminators installed in automobile locks 10472

Commerce Department

NOTICES:
Carter, Glenn E.; statement of changes in financial interests 10492

Customs Bureau

RULES AND REGULATIONS:
Appraisement; Portland gray cement from Portugal 10476

Federal Aviation Agency

PROPOSED RULE MAKING:
Control area extensions, alteration; and designation of transition areas 10488
Control zone; withdrawal of proposed modification 10489
RULES AND REGULATIONS:
Airworthiness directive; Douglas DC–6, DC–6A, and DC–6B aircraft 10474
Federal airway, associated control areas and control area extension; alteration 10475
Maintenance, repair, and alteration of airframes, powerplants, propellers, and appliances; mechanical work performed on U.S. registered aircraft by certain Canadian mechanics; special civil air regulation 10473

Federal Power Commission

NOTICES:
Hearings, etc.:
Columbia Gulf Transmission Co 10493
East Tennessee Natural Gas Co 10493
El Paso Natural Gas Co 10494
Hartman, E. C., et al 10495
Home Gas Co 10496
Lone Star Gas Co 10496
Ohio Oil Co. et al 10496
Prophetstown Natural Gas Co 10497

Federal Reserve System

NOTICES:
First Colorado Bankshares, Inc.; order approving application under Bank Holding Company Act 10497

Federal Trade Commission

RULES AND REGULATIONS:
Luxury Industries, Inc., et al.; prohibited trade practices 10476

Food and Drug Administration

PROPOSED RULE MAKING:
Pesticide chemicals in or on raw agricultural commodities; inorganic bromides; proposed to establish tolerance resulting from fumigation with methyl bromide 10487
RULES AND REGULATIONS:
Food additive permitted in food for human consumption; hydrogen cyanide 10476

Health, Education, and Welfare Department

See Food and Drug Administration; Public Health Service; Social Security Administration.

Interior Department

See Land Management Bureau.

Internal Revenue Service

PROPOSED RULE MAKING:
Exportation of liquors 10484
Income tax; taxable years beginning after Dec. 31, 1953 10483
RULES AND REGULATIONS:
Income tax; taxable years beginning after Dec. 31, 1953 10477

(*Continued on next page*)

Land Management Bureau

RULES AND REGULATIONS:
Appeals and contests; initiation and proceedings 10479
Public land orders:
California:
Opening of lands 10480
Withdrawal of lands for resource management and watershed studies, Elder Creek Basin 10480
Oklahoma; revocation of executive order 10480

Public Health Service

NOTICES:
Licensed biological products; supplementary list 10492

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Holiday Mines, Inc 10497
Lifetime Pools Equipment Corp. 10498

Social Security Administration

RULES AND REGULATIONS:
Assistance for U.S. citizens returned from foreign countries 10481

State Department

NOTICES:
Administrator, Agency for International Development; authority delegation 10491

Treasury Department

See also Customs Bureau; Internal Revenue Service.
NOTICES:
Ammonium sulfate from Belgium; determination of no sales at less than fair value 10491

Veterans Administration

RULES AND REGULATIONS:
Education of Korean conflict veterans; reports by institutions 10478
War orphans' educational assistance; miscellaneous amendments 10478

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
6681 (revoked by PLO 2531) 10480
10893 (superseded in part by EO 10973) 10469
10900 (amended by EO 10972) 10469
10915 (superseded in part by EO 10973) 10469
10955 (superseded by EO 10973) 10469
10972 10469
10973 10469

7 CFR

201 10471
723 10471
1014 10472
PROPOSED RULES:
728 10484
908 10485
925 10486

10 CFR

30 10472
PROPOSED RULES:
30 10487

14 CFR

16 10473
507 10474
600 10475
601 10475
PROPOSED RULES:
601 (2 documents) 10488, 10489

16 CFR

13 10476

19 CFR

14 10476

21 CFR

121 10476
PROPOSED RULES:
120 10487

26 CFR

1 10477
PROPOSED RULES:
1 10483
252 10484

38 CFR

21 (2 documents) 10478

43 CFR

221 10479
PUBLIC LAND ORDERS:
2531 10480
2532 10480
2533 10480

45 CFR

212 10481

Public Papers of the Presidents

✦

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

✦

Volumes for the following years are now available:

Truman:
1945 ..... $5.50
Eisenhower:
1953 ..... $6.75
1954 ..... 7.25
1955 ..... 6.75
1956 ..... 7.25
1957 ..... 6.75
1958 ..... 8.25
1959 ..... 7.00
1960–61 ..... 7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10972

ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(e)), and as President of the United States, it is ordered that Executive Order No. 10900 of January 5, 1961, as amended, be, and it is hereby, further amended as follows:

(1) By deleting from paragraph (4) of section 4(d) the comma and the text "except to the extent that section 104(e) pertains to the loans referred to in subsection (d)(5) of this section".

(2) By deleting paragraph (5) from section 4(d).

This order shall become effective at the end of November 3, 1961.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 3, 1961.

[F.R. Doc. 61-10711; Filed, Nov. 6, 1961; 11:49 a.m.]

Executive Order 10973

ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I. DEPARTMENT OF STATE

SECTION 101. *Delegation of functions.* Exclusive of the functions otherwise delegated, or reserved to the President, by the provisions of this order, and subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the Secretary) all functions conferred upon the President by (1) the Act (as defined in Part VI hereof), (2) the act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes (74 Stat. 869; 22 U.S.C. 1942 *et seq.*), (3) the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U.S.C. 1611 *et seq.*), (4) the unrepealed provisions of the Mutual Security Act of 1954 (68 Stat. 832; 22 U.S.C. 1750 *et seq.*), and (5) those provisions of acts appropriating funds under the authority of the Act which relate to the Act.

SEC. 102. *Agency for International Development.* (a) The Secretary shall establish an agency in the Department of State to be known as the Agency for International Development (hereafter in this Part referred to as the Agency).

(b) The Agency shall be headed by an Administrator who shall be the officer provided for in section 624(a)(1) of the Act. Nothing in this order shall be construed as affecting the tenure of the said Administrator now in office.

(c) The officers provided for in sections 624(a)(2) and 624(a)(3) of the Act shall serve in the Agency.

SEC. 103. *Continuation of prior agencies.* The corporate Development Loan Fund, the International Cooperation Administration, and the Office of the Inspector General and Comptroller shall continue in existence until the end of November 3, 1961. The personnel, offices, entities, property, records, and funds of such agencies and office may be utilized by the Secretary prior to the abolition of such agencies and office.

SEC. 104. *Special missions and staffs abroad.* The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (60 Stat. 999; 22 U.S.C. 801 *et seq.*), all under section 631 of the Act, shall be subject to the approval of the Secretary.

SEC. 105. *Munitions control.* In carrying out the functions conferred upon the President by section 414 of the Mutual Security Act of 1954, the Secretary shall consult with appropriate agencies. Designations, including changes in designations, by the Secretary of articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, under that section shall have the concurrence of the Secretary of Defense.

SEC. 106. *Office of Small Business.* The Office of Small Business provided for in section 602(b) of the Act shall be in the Department of State.

PART II. DEPARTMENT OF DEFENSE

SEC. 201. *Delegation of functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II of the Act not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(h), 627, 628, 631(a), 634(b), 635(b), and 635(d) of the Act.

(c) The function conferred upon the President by section 644(i) of the Act.

(d) The functions conferred upon the President by the fourth and fifth provisos of section 108 of the Mutual Security Appropriation Act, 1956 (69 Stat. 438).

SEC. 202. *Reports and information.* In carrying out the functions under section 634(b) of the Act delegated to him by the provisions of section 201(b) of this order, the Secretary of Defense shall consult with the Secretary of State.

SEC. 203. *Exclusions from delegation to Secretary of Defense.* The following-described functions conferred upon the President by the Act are excluded from the functions delegated by the provisions of section 201(a) of this order:

(a) Those under section 506(a) (introductory clause) of the Act.

(b) Those under sections 506(b)(1), (2), and (3) of the Act to the extent that they pertain to countries which agree to the conditions set forth therein.

(c) So much of those under section 511(b) of the Act as consists of determining that internal security requirements may be the basis for programs of military assistance in the form of defense services and reporting any such determination.

(d) That of making the determination provided for in section 507(a) of the Act.

(e) Those of negotiating, concluding, and terminating international agreements.

PART III. OTHER AGENCIES

SEC. 301. *Department of the Treasury.* There is hereby delegated to the Secretary of the Treasury the function conferred upon the President by the second sentence of section 612 of the Act.

SEC. 302. *Department of Commerce.* There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in less-developed friendly countries and areas.

SEC. 303. *Civil Service Commission.* There is hereby delegated to the Chairman of the Civil Service Commission the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act.

SEC. 304. *United States Information Agency.* The United States Information Agency shall perform all public-information functions abroad with respect to the foreign-assistance, aid, and development programs of the United States Government.

SEC. 305. *Development Loan Committee.* There is hereby established a Development Loan Committee in accordance with section 204 of the Act. The Committee shall consist of the Administrator of the Agency for International Development, who shall be chairman, the Chairman of the Board of Directors of the Export-Import Bank

of Washington, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, and the officer of the Agency for International Development dealing with development financing.

PART IV. RESERVED FUNCTIONS

SEC. 401. *Reservation of functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 504(b), 613(a), 614(a), 620(a), 620(d), 621(a), 622(b), 622(c), 633(a), 633(b), and 634(a) of the Act.

(b) The functions conferred upon the President by the Act and section 408(b) of the Mutual Security Act of 1954 with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to section 624(c) of the Act and the function so conferred by section 204 of the Act of assigning officers to the Development Loan Committee.

(c) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 202(b), 205, 303, 506(b)(4), 510(a), 604(a), 610, 614(c), 624(e)(7), 632(b), 634(c), and 643(d) of the Act.

(d) The following-described functions conferred upon the President:

(1) Those under section 503 with respect to findings.

(2) Those under sections 506(b)(1), (2), and (3) in respect of countries which do not agree to the conditions set forth therein.

(3) Those under section 511(b), except the functions of determining that internal security requirements may be the basis for programs of military assistance in the form of defense services and reporting any such determination.

(4) That under section 614(b) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(e) Those with respect to determinations under sections 103(b) first proviso), 104 and 203 of the Mutual Defense Assistance Control Act of 1951.

(f) That under section 523(d) of the Mutual Security Act of 1954.

(g) Those under section 107 of the Foreign Assistance and Related Agencies Appropriation Act, 1962 (75 Stat. 717), and those with respect to determination and certification under sections 109 and 602, respectively, of that act.

PART V. FUNDS

SEC. 501. *Allocation of funds.* Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Secretary of State all funds made available for carrying out the Act except those made available for carrying out Part II of the Act.

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act.

SEC. 502. *Reallocation of funds.* The Secretary of State and the Secretary of Defense may allocate or transfer as appropriate any funds received under subsections (a) and (b), respectively, of section 501 of this order, to any agency, or part thereof, for obligation or expenditure thereby consistent with applicable law.

PART VI. GENERAL PROVISIONS

SEC. 601. *Definitions.* (a) As used in this order, the words "the Act" mean the Foreign Assistance Act of 1961 exclusive of Part IV thereof.

(b) As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 602. *Incidental transfers.* (a) Effective at the end of November 3, 1961, all offices, entities, property, and records of the corporate Development Loan Fund, not otherwise disposed of by the Act, are hereby transferred to the Department of State.

(b) So much of the records of the the Export-Import Bank of Washington as the Director of the Bureau of the Budget shall determine to be necessary for the purposes of section 621(e) of the Act shall be transferred to the Department of State.

SEC. 603. *Personnel.* (a) In carrying out the functions conferred upon the President by the provisions of section 625(d)(1) of the Act, and by this order delegated to the Secretary of State, the Secretary shall authorize such of the agencies which administer programs under the Act as he may deem appropriate to perform any of the functions under section 625(d)(1) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 or section 625(d) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

SEC. 604. *References to orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954, (3) any other act which relates to the subject of this order, or (4) any provisions of any thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in any prior Executive order to the Mutual Security Act of 1954 or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any appropriation Act, and references in any other Executive order to provisions of any appropriation Act related to the subject of this order, shall be deemed to include references to any hereafter-enacted provisions of law which are the same or substantially the same as such appropriation Act provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

SEC. 605. *Superseded orders.* The following are hereby superseded:

(a) Executive Order No. 10893 of November 8, 1960 (25 F.R. 10731), except Part II thereof and except for the purposes of using funds pursuant to section 643(c) of the Act.

(b) Section 2 of Executive Order No. 10915 of January 24, 1961 (26 F.R. 781).

(c) Executive Order No. 10955 of July 31, 1961 (26 F.R. 6967).

SEC. 606. *Saving provisions.* Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 607. *Effective date.* The provisions of this order shall become effective as of September 30, 1961.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 3, 1961.

[F.R. Doc. 61-10712; Filed, Nov. 6, 1961; 11:49 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Amendment of Joint Regulations of Secretary of Treasury and Secretary of Agriculture

Correction

In F.R. Doc. 61-10343, appearing at page 10150 of the issue for Tuesday, October 31, 1961, the words immediately preceding the first semicolon in § 201.-228a should read "regarding the kind or kind and variety" instead of "regarding the kind and variety".

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Binder (Types 51 and 52) Tobacco and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco, Marketing Quota Regulations, 1962–63 Marketing Year

(1) *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6414, 6641, 7122) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the provisions of Public Law 87-200, to include in a new section 723.1329 provisions for the leasing and transfer of cigar-binder (types 51 and 52) and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco acreage allotments. Prior to preparing this amendment, public notice was given (26 F.R. 9236) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in § 723.1329 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and Public Law 87-200. Since farmers are now making 1962 crop plans and such plans may be affected by the provisions governing the lease and transfer of tobacco allotment acreage, it is hereby found that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act is impractical and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

(2) *The amendment.* A new § 723.1329 is added to read as follows:

§ 723.1329 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding the provisions of §§ 723.1311 through 723.1328, but subject to the limitations provided in this § 723.-1329, the owner and operator (acting together if different persons) of any farm for which an old farm 1962 tobacco acreage allotment for cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is established under §§ 723.1311 through 723.-1328 may lease and transfer all or any part of such allotment to the owner or operator of a farm in the same county with a 1962 allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree upon. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year, but may be renewed for the 1963 crop year, if the parties so agree. Provisions governing renewals for 1963 will be made in the allotment regulations issued for the 1963–64 marketing year.

(c) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1, 1962.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.1322 in the case of old farms and, in the case of new farms, § 723.1325, for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (d) of this section), shall be considered for the purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(f) Not more than 5 acres of allotment acreage (prior to any adjustment under paragraph (d) of this section for normal yields) may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A 1962 new farm allotment shall not be leased or transferred.

(h) 1962 tobacco allotment acreage shall not be leased and transferred to or from any farm which for 1962 is under a conservation reserve contract covering the entire farm. If only part of a farm is under a conservation reserve contract for 1962, tobacco allotment acreage shall not be leased and transferred from such farm in excess of the permitted acreage for the farm and 1962 tobacco allotment acreage shall not be leased and transferred to such a farm in excess of the permitted acreage less the 1962 tobacco acreage allotment for the farm without regard to a lease and transfer.

(i) The 1962 tobacco allotment acreage in a pool (see § 723.1320(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 723.1320(c), shall not be eligible for lease and transfer.

(j) Any allotment acreage leased shall not be subleased.

(k) A revised notice showing the allotment acreage after lease and transfer, shall be issued by the county committee to each of the operators of all farms from which or to which 1962 tobacco allotment acreage is leased under this section.

(l) If a violation is pending which may result in an allotment reduction for a farm for 1962, the county committee shall delay approval of any lease and transfer of allotment from or to the

farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for 1962 before the final date for reducing allotments for violations (§ 723.1319), the lease may be approved by the county committee. In any case, if, after a lease and transfer of a 1962 tobacco acreage allotment has been approved by the county committee it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until 1963.

(m) Except with respect to the erroneous allotment notice provisions in § 723.1327, and the provisions for review in § 723.1328, the term "tobacco acreage allotment" as used in §§ 723.1311 through 723.1328 shall mean the allotment without regard to the provisions of this section.

(n) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to such farm.

(o) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing application for review (see § 723.1328) as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(p) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this § 723.1329 shall be the 1962 allotment for such farm only for the purposes of determining (1) 1962 excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm (see § 723.1319). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(q) An agreement for leasing 1962 tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than May 1, 1962. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date, the acreage allotments resulting from the lease and transfer shall remain in effect.

(r) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in 1962 is the allotment after lease and transfer has been made. For 1963, that part of the acreage allotment leased shall revert back to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate for 1962 the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

(Secs. 316, 375, 75 Stat. 469, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 2, 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10637; Filed, Nov. 6, 1961; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 114]

PART 1014—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi Gulf Coast marketing area, it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act during the months of November and December of 1961 and January of 1962:

(1) "from which during the month 50 percent or more of receipts from dairy farmers producing Grade A milk is moved to a plant(s) described in paragraph (a) of this section" in paragraph (b) of § 1014.10;

(2) "days production of" in paragraph (b) of § 1014.15; and

(3) "on not more than one-third of the number of days' production of such producer as received at a pool plant during the month" in paragraph (b) of § 1014.15.

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue the suspension of the aforesaid provisions which has been in effect from September 19, 1961, through October 31, 1961. In requesting the suspension action the Mississippi Milk Producers' Association has indicated that due to the increased production in the milkshed of the market, in conjunction with the transition from can to farm tank methods of assembling producer milk for the market, the association is experiencing increasing difficulties in meeting the present shipping requirements for its supply plant. The association also stated that it is being called upon to move large quantities of milk to nonpool manufacturing plants for Class II uses. Unless the suspension of the aforesaid provisions is continued producers long associated with the market may lose producer status due to the inability of the cooperative to meet the shipping requirement for its supply plant, or due to excessive diversions resulting from the refusal of operators of distributing plants to accept milk in excess of their immediate requirements.

A hearing was held at Gulfport, Miss., on October 26, 1961, during which proposals to amend provisions relating to the diversion of producer milk and pooling standards for plants were considered. However, there has not been sufficient time to evaluate the evidence of record in order to determine whether the provisions relating to the above matter should be amended.

Therefore, good cause exists for making this order effective November 1, 1961.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period November 1961 through January 1962.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. November 1, 1961.

Signed at Washington, D.C. on November 2, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10636; Filed, Nov. 6, 1961; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BY-PRODUCT MATERIAL

Exemption of Tritium-Activated Illuminators Installed in Automobile Locks

On April 26, 1961, the Commission issued by publication in the FEDERAL REGISTER a "Notice of Receipt of Petition for Exemption." This notice described a petition which requested the Commission to exempt from licensing and other regulatory controls the distribution, possession, and use of automobile lock illuminators, each containing up to 15 millicuries of tritium. The lock illuminator is intended to facilitate the insertion of a key into the automobile lock at night or under poor lighting conditions.

The comments received by the Commission in response to the published notice have been considered by the Commission and are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The tritium in the lock illuminator would be incorporated in a luminous compound in a non-water soluble and stable form. The luminous compound would be completely sealed in plastic and would not be available for dispersion into the environment without destroying the plastic ring in which it is to be incorporated. If the 15 millicuries of tritium is released by accident or fire, it is highly unlikely that an individual would breathe into his lungs sufficient tritium to result in a radiation dose of more than a small fraction of 0.5 rem which is the annual limit recommended by the Federal Radiation Council for individuals in the general population.

There is no detectable radiation level external to the lock illuminator. Thus an individual lock illuminator containing 15 millicuries would not present a radiation hazard providing it is manufactured according to specifications established in a specific license issued to the manufacturer or importer. Manufacturers would be required to conduct prototype tests on each type of lock illuminator and establish that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling.

The ultimate fate of the lock illuminators is likely to be the same as that of scrap automobiles. Scrap automobiles are collected by thousands of scrap dealers. Useful parts are salvaged for further use and the remainder of the automobile is normally burned in an open scrap yard or field to destroy the combustibles and the scrap metal remaining is returned to the steel industry for reclaiming. The number of automobiles burned and conditions under which they are burned vary widely. However, because of the nuisance of the smoke and fumes generated, the burning usually takes place in reasonably isolated locations.

Intense heat produced in such burning operations would result in large volume dilution of the tritium water vapor and it is highly unlikely that measurable quantities of tritium could be detected in the vicinity of the burning operation. A theoretical analysis of the air concentrations of tritium in the immediate vicinity of a site where automobiles might be burned for purposes of reclaiming scrap metal indicates there is no radiation hazard involved in such operations, even when very conservative assumptions are used. For example, assuming that 50 automobiles each containing three 15 millicurie tritium lock illuminators are burned at the same time in an open field and the plume rises only 20 feet the maximum dose that an individual would be likely to receive is about 2.5 millirem if the individual were standing at a distance of about 70 feet from the automobiles downwind in direct line of the plume during an entire burning operation. If the individual is located more, or less, than 70 feet from the automobiles the dose would be less than 2.5 millirem. This may be compared with an annual whole body dose of 500 mrem which is the limit recommended by the Federal Radiation Council for individuals in the general population.

It does not appear that the distribution of tritium-activated illuminators in automobile locks would significantly increase the background radiation exposure to individuals in the population. An analysis of the possible increase in background exposure from triutium-activated luminous products distributed in the environment was included in the "Notice of Receipt of Petition for Exemption," published in the FEDERAL REGISTER on April 26, 1961.

The exemption of tritium-activated illuminators in automobile locks is not intended as establishing a precedent for the exemption of other luminous sources containing tritium and incorporated in devices distributed to the public. Each request that may be submitted for exemption of items used directly by consumers or the general public will be evaluated on a case by case basis. In cooperation with the Federal Radiation Council the Commission is undertaking a study of the public health implications of the use by the general public of numerous products containing radioactive materials.

The following amendment is designed to relieve from A.E.C. licensing and regulatory controls persons who receive lock illuminators installed in automobile locks containing tritium in accordance with the standards established by the Commission in a specific license issued to the manufacturer or importer. The Commission will continue to exercise regulatory control, through its specific licensing procedures, over the manufacture and import of tritium-activated illuminators and the installation of tritium-activated illuminators into automobile locks. A specific license will not be required, however, in order to install automobile locks into automobiles or remove such locks from automobiles.

A specific license for the manufacture or import of the devices as exempt items will not be issued unless the applicant furnishes sufficient information to assure that the product will meet the specifications established by the Commission. Concurrently with publication of this notice, the Commission is publishing a notice of proposed rule making which would establish criteria for the issuance of specific licenses to install lock illuminators into automobile locks or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to the exemption established by this amendment. Pending adoption of that proposed amendment as an effective amendment, the Commission will apply the criteria therein in its review of applications for specific licenses to manufacture or import lock illuminators installed in automobile locks for distribution pursuant to the exemption.

Pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, the following amendment to Part 30, Title 10, Code of Federal Regulations, "Licensing of By-product Material," is published as a document subject to codification, to be effective 15 days after publication in the FEDERAL REGISTER.

A new § 30.12 is added to read as follows:

§ 30.12 Lock illuminators installed in automobile locks.

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Part 20 of this chapter and this part to the extent that he receives, possesses, uses, transfers, exports, owns or acquires lock illuminators each containing not more than 15 millicuries of tritium installed in an automobile lock. The manufacture, installation into automobile locks, or importation for sale or distribution of lock illuminators whether or not installed in automobile locks, is not included in this exemption, but may be authorized by a specific license under the provisions of this part.

Dated at Germantown, Md., this 26th day of October 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61-10593; Filed, Nov. 6, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 955; Reg. No. SR-377B]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

Special Civil Air Regulation; Mechanical Work Performed on United States Registered Aircraft by Certain Canadian Mechanics; Special Civil Air Regulation

Special Civil Air Regulation No. SR-377A, effective from November 1, 1956, to November 1, 1961, extended the provisions of Special Civil Air Regulation No. SR-377, which provided an implementation of a reciprocal arrangement between Canada and the United States. The purpose of this Special Civil Air Regulation is to extend the basic provisions of SR-377A for an additional 1-year period.

Section 610(a) of the Federal Aviation Act of 1958 provides, in pertinent part, that, "It shall be unlawful * * * for any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity * * *." The term "airman" as defined in section 101(7) of the Act includes "* * * (except to the extent the Administrator may otherwise provide with respect to such individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances * * *."

Under the provisions of this latter section, the Administrator is authorized, in effect, to exempt certain persons employed outside the United States from the requirements of holding a United States airman certificate.

The current provisions of SR–377A, permit maintenance, repair, and alteration operations on aircraft of United States registry to be performed in Canada by or under the direct supervision of a mechanic holding a certificate of competence and appropriate ratings issued by the Canadian Government, subject to the condition that such operations performed are listed and certified by him in a manner and on a form prescribed by the Administrator, and subject to the further condition that all such operations are performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

The circumstances which led to the adoption of Special Civil Air Regulations Nos. SR–377 and SR–377A continue to exist. Work operations conducted under the reciprocal arrangement for approximately ten years have proven satisfactory and have been accomplished without adversely affecting safety. Furthermore, Canadian standards in relation to maintenance, alterations, and repair operations are of a high caliber and compare favorably with those in force in the United States.

However, the Agency finds in examining the current provisions of SR–377A, and in light of past experience, that certain changes should be incorporated therein to assure a more uniform interpretation and administration of the reciprocal arrangement. In this respect, the Agency is presently preparing, in the form of a draft release, a notice of proposed rule making which would provide, among other things, for work operations performed on United States registered aircraft by Canadian approved maintenance organizations. It is anticipated that the draft release will be circulated for industry comment in the very near future.

Since the authority presently contained in SR–377A will terminate on November 1, 1961, sufficient time is not available in which to complete and circularize a draft release containing the proposed amendments to the regulation, nor to permit a reasonable period of time for reviewing industry comments prior to considering final adoption of the proposed amendments. Therefore, the Agency considers it desirable and necessary, in order to prevent interruption of the reciprocal arrangement, to extend the provisions of SR–377A pending final adoption of the contemplated amendments.

While the basic provisions of the regulation being adopted herein are the same as those contained in SR–377A, certain editorial changes are necessary for conformance with the provisions of the Federal Aviation Act of 1958.

Since the provisions contained herein extend the provisions of a previous regulation and impose no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective November 1, 1961:

1. An individual holding a valid mechanic certificate of competence and appropriate ratings issued by the Canadian Government shall not be deemed an airman within the meaning of section 101(7) of the Federal Aviation Act of 1958, with respect to inspection, maintenance, overhaul, or repair operations conducted in Canada in connection with aircraft of United States registry, and such individual, notwithstanding any contrary provisions of the Civil Air Regulations, may perform such operations in connection with United States aircraft in Canada: *Provided*, That, in the case of repair, alteration, and maintenance, each operation performed is listed and certified to by him in a manner and on a form prescribed by the Administrator: *And provided further*, That all such repairs, alterations, and maintenance operations shall be performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

2. An aircraft, aircraft engine, or propeller on which any major repair or major alteration has been performed as authorized herein shall not be flown in air commerce until examined, inspected, and approved by a Canadian Department of Transport Inspector of Aircraft. Such approval shall be indicated in a manner and on a form prescribed by the Administrator.

This regulation supersedes Special Civil Air Regulation No. SR–377A, and shall terminate November 1, 1962, unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 101(7), 313(a), 601, 605, 610, 72 Stat. 737, 752, 775, 778, 780; 49 U.S.C. 1301, 1354, 1421, 1425, 1430)

Issued in Washington, D.C., on November 1, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–10598; Filed, Nov. 6, 1961; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 734; Amdt. 363]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–6, DC–6A, and DC–6B Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and rework of the center wing front spar lower outboard cap on Douglas DC–6 Series aircraft was published in 26 F.R. 4069.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received recommended that the AD be withdrawn. This recommendation was not accepted since the mandatory inspection and rework are considered necessary to insure the integrity of the main structural members affected. The recommendation for a repetitive inspection in lieu of the modification also was not accepted. Reinspection would not accomplish the purpose of the directive, that is, to relieve the preload which has been determined to be the cause of cracks. The suggestion that the permanent rework be deferred for 2,500 hours after inspection is not acceptable in the interest of safety. The purpose of the inspection is to determine which type of rework is to be performed. The increase in the time for the initial inspection accomplishes the intent of the request. Also, provision is made for ferry flight in accordance with CAR 1.76 if cracks are found.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Model DC–6, DC–6A, and DC–6B aircraft Serial No. 42864 up to and including Serial No. 44429.
Compliance required as indicated.

Several instances have been reported of spanwise cracks found in the center wing front spar lower outboard cap. The cracks were approximately 3 inches in length and were located on the aft side of the spar cap body just outboard of the landing gear fitting (Station 163 approximately). Instances have also been reported where cracks have progressed forward into adjacent bolt holes. As a result of the foregoing, the following must be accomplished on the affected area of lower front spar caps having in excess of 15,000 hours' time in service unless the affected area has already been reworked, repaired or replaced as specified in paragraphs (b), (c), or (d).

(a) Within the next 3,000 hours' time in service, accomplish a dye penetrant inspection or equivalent for cracks in the aft tang of the outboard front spar lower cap for a spanwise distance of 5 inches from the inboard end (Station 163 approximately) and rework in accordance with (b), (c), or (d), as required.

(b) If no cracks are detected by the inspection prescribed in (a), the area must be reworked as necessary prior to further flight per Item 4(a) of Section I of Douglas Service Bulletin No. 802, reissued October 21, 1960.

(c) If, during the inspection prescribed in (a), cracks are detected which exceed 3 inches in length along the radius of the aft tang or extend forward beyond the end bolt holes, the spar cap must be replaced prior to further flight except ferry flight in accordance with the provisions of CAR 1.76. When installing a replacement spar cap, the rework specified in Item 4(a) of Section I of Douglas Service Bulletin No. 802 reissued October 21, 1960, or equivalent, must be incorporated.

(d) If, during the inspection prescribed in (a), cracks are detected which do not exceed the limits set forth in (c), replacement of the spar cap is optional. If replaced, the rework instructions specified in (c) must be incorporated. If not replaced, the spar cap must be repaired and inspected per Section II of Douglas Service Bulletin No. 802, reissued October 21, 1960, or equivalent, prior to further flight except ferry flight in accordance with the provisions of CAR 1.76.

(Douglas Service Bulletin No. 802, released October 21, 1960, covers the same subject.)

This amendment shall become effective December 7, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 31, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10597; Filed, Nov. 6, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–50]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway, Associated Control Areas and Control Area Extension

The purpose of these amendments to §§ 600.6139 and 601.1066 of the regulations of the Administrator is to widen Victor 139 between Sea Isle, N.J., and Hampton, N.Y., and to alter the New York, N.Y., control area extension.

Victor 139 is presently designated as a 10-mile wide airway between the Sea Isle VOR and the Hampton VOR. Victor 139 will be redesignated, in part, from the Sea Isle VOR; via the intersection of the Sea Isle VOR 049° and the Hampton VOR 223° True radials; to the Hampton VOR, including the additional airspace between lines diverging from the Sea Isle VOR to points of tangency to a circle with a 9-statute mile radius centered at the intersection of the Sea Isle VOR 049° and the Hampton VOR 223° True radials; within the circumference of the circle and between lines tangent to that circle converging to the Hampton VOR, but excluding the portion of this airway below 2,000 feet MSL which lies outside of the continental limits of the United States and the portion below 3,000 feet MSL between the 087° and 141° True radials of the Idlewild, N.Y., VORTAC. The control areas associated with Victor 139 are so designated that they would automatically conform to the altered airway.

The New York, N.Y., control area extension (§ 601.1066) is designated, in part, as excluding the portions which lie within the geographic limits of warning areas W–106 and W–107 at all times and altitudes. This control area extension is being redesignated, in part, to include the airspace within the lateral limits of warning area W–106 at and above 3,000 feet MSL which lies westward of the western boundary of Victor 139 as redesignated herein, and to include the airspace within the lateral limits of warning area W–107 at and above 2,000 feet MSL which lies westward of the western boundary of Victor 139.

Alteration of Victor 139 between the Sea Isle VOR and the Hampton VOR, where the 5° angle from the airway centerline exceeds the normal airway width, will be in accordance with Agency policy for airways utilizing navigational aids separated by 90 or more statute miles. This is to assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids, where minute errors, either in ground or airborne equipment, could result in more than 5 statute miles deviation from the airway centerline.

Alteration of the New York control area extension will permit improvement of air traffic procedures in the New York Metropolitan terminal areas by providing additional controlled airspace required for radar vector service in the vicinity of Idlewild and MacArthur Airports, and McGuire and Dover Air Force Bases.

Agency non-rule making action has been initiated to alter warning areas W–106 and W–107 to eliminate conflict with Victor 139 as altered herein and to provide for the designation of the additional controlled airspace designated herein. Ingress to and egress from warning areas east of Victor 139 will be provided for by the adjustments made herein for the floors of the New York control area extension and Victor 139.

The Bethany Beach, Del., Restricted Area R–2801 no longer conflicts with Victor 139 as a result of action contained in Airspace Docket No. 59–WA–373 (26 F.R. 4053) decreasing the size of R–2801. Therefore, reference to this restricted area will be deleted from the description of the airway.

The alteration herein to the New York control area extension is an interim measure designed to satisfy a present need for controlled airspace to protect IFR traffic operating south and southwest of the New York Metropolitan area terminals. Upon completion of a review of controlled airspace requirements throughout the entire New York Air Route Traffic Center area, separate airspace action will be initiated to redesignate the New York control area extension (§ 601.1066) as a transition area with appropriate controlled airspace floor assignments.

Since these actions involve the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The action contemplated does not create an additional burden on anyone, since the airspace involved has not been available from a practicable standpoint for other airspace users as uncontrolled airspace, being located over water surrounded by controlled airspace, and within warning areas used by the military. Accordingly, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken.

1. Section 600.6139 (26 F.R. 3523) is amended to read:

§ 600.6139 VOR Federal airway No. 139 (Cape Charles, Va., to Boston, Mass.).

From the Cape Charles, Va., VORTAC via the Snow Hill, Md., VOR; Sea Isle, N.J., VOR; INT of the Sea Isle VOR 049° and the Hampton, N.Y., VOR 223° radials; Hampton VOR including the airspace between lines diverging from the Sea Isle VOR to points of tangency to a circle with a 9-statute mile radius centered at the INT of the Sea Isle VOR 049° and the Hampton VOR 223° radials; within the circumference of the circle and between lines tangent to that circle converging to the Hampton VOR; INT of the Hampton VOR 059° and the Providence, R.I., VOR 212° radials; Providence VOR; INT of the Providence VOR 043° and the Boston, Mass., VOR 133° radials; to the Boston VOR. The portion of this airway below 2,000 feet MSL that lies outside the continental limits of the United States and the portion below 3,000 feet MSL between the 087° and the 141° radials of the Idlewild, N.Y.; VORTAC and the portion that lies within the Chincoteague Inlet, Va., Restricted Area R–6604 are excluded.

2. Section 601.1066 (14 CFR 601.1066, 26 F.R. 23) is amended to read:

§ 601.1066 Control area extension (New York, N.Y.).

The airspace within a 163–mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 190° radial to the VORTAC 220° radial, thence within a 125–mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 220° radial to the VORTAC 328° radial, thence within an 80–mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 328° radial to the VORTAC 190° radial. The portions of this control area which lie within R–5002, R–5003, R–5205 and R–5206 shall be used only after obtaining prior approval from the appropriate authority. The portions of this control area extension which lie within R–2801 and R–5001 are excluded during times of designation of these restricted areas. The portions of this control area which lie within the New York control area extension § 601.1147, the Millville control area extension § 601.1148 and the Dover control area extension § 601.1341 are excluded; the portions which lie within the geographic limits of warning areas W–105 and W–108 are excluded at all times and all altitudes; the portions which lie within warning areas W–106 and W–107 east of low altitude VOR Federal airway No. 139 are excluded at all times and all altitudes; the portion which lies within warning area W–106 west of the east boundary of Victor 139 is excluded below 3,000 feet MSL at all times; the portions bounded on the northeast by W–106 and on the southwest by W–107 lying seaward of a line between points at Latitude 40°07'20'' N., Longitude 73°15'00'' W. and latitude 40°00'00'' N., Longitude 73°36'30'' W., and the portions bounded on the northeast by W–107 and on the southwest by W–108 lying seaward of a line between latitude 39°09'00'' N., Longitude 74°-37'00'' W., and Latitude 38°45'00'' N., Longitude 74°31'00'' are excluded.

These amendments shall become effective 0001 e.s.t. December 14, 1961.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on November 3, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10640; Filed, Nov. 6, 1961; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7728 o.]

PART 13—PROHIBITED TRADE PRACTICES

Luxury Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 *Bait;* 13.155–33 *Demonstration reductions.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Luxury Industries, Inc., et al., Washington, D.C., Docket 7728, Sept. 12, 1961]

In the Matter of Luxury Industries, Inc., a Corporation, and Arthur Hankin, Individually and as an Officer of Said Corporation; and Arthur Hankin, Trading and Doing Business as Patilum Co. and Patalum Luxury Industries

Order requiring sellers of carports, patios, storm doors and windows in Washington, D.C., to cease advertising special prices which were not bona fide offers for sale but were made to obtain leads to prospective purchasers who were then pressured to buy higher priced products; and representing falsely that purchasers who allowed the products installed to be used for model home demonstrations would receive a price reduction, that their products were unconditionally guaranteed, and that carports or patios were "all aluminum" and included a supporting foundation wall and a completed floor.

The order to cease and desist is as follows:

It is ordered, That respondents, Luxury Industries, Inc., a corporation, and its officers and respondent Arthur Hankin, an individual trading as Luxury Industries, Inc., Luxury Industries, Patilum Co., and Patalum Luxury Industries and as officer of Luxury Industries, Inc., and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of carports, patios, storm doors and windows or other similar merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said merchandise is offered for sale when such offer is not a bonafide offer to sell the mechandise so offered;

2. The use of any sales plan or procedure involving the use of false, deceptive or misleading statements or representations in advertising which are designed to obtain leads or prospects for the sale of other or different merchandise;

3. Representing, directly or by implication, that their carports and patios are all aluminum construction when in fact the posts or other supports are made of materials other than aluminum;

4. Using pictorial representations in advertising to represent that respondents' patios or other products contain certain features or construction which are not in fact supplied by respondents for the price advertised;

5. Representing, directly or by implication, that any special price, allowance or discount is granted by respondents in return for the furnishing of any service or facility by the purchaser such as permitting the premises on which respondents' products have been installed to be used for model home demonstration purposes in selling to others.

6. Representing, directly or by implication, that respondents' products are guaranteed unconditionally or carry a lifetime guarantee when in fact such guarantee is a limited guarantee only and is not an unconditional or lifetime guarantee;

7. Representing, directly or by implication, that respondents' products are guaranteed without disclosing to the purchaser the limitations applicable to such guarantee.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Luxury Industries, Inc., and Arthur Hankin, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: September 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10608; Filed, Nov. 6, 1961; 8:47 a.m.]

[1] New.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55501]

PART 14—APPRAISEMENT

Antidumping—Portland Gray Cement From Portugal

OCTOBER 31, 1961.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority a determination was made, and on July 12, 1961, the United States Tariff Commission was advised that portland gray cement from Portugal is being, or is likely to be, sold in the United States at less than its fair value.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on October 20, 1961, it notified the Secretary of the Treasury, that an industry in the United States is being injured by reason of the importation of portland gray cement from Portugal at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to portland gray cement from Portugal.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect.

Merchandise	*Country*	*T.D.*
Portland gray cement---	Portugal---	55501

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10624; Filed, Nov. 6, 1961; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROGEN CYANIDE

A food additive petition was filed by the American Cyanamid Company, Post Office 383, Princeton, New Jersey, requesting the establishment of tolerances for residues of hydrogen cyanide in dried fruit, flour, cereals, confectionery, and meats, derived from fumigation of these foods. Subsequently, the petitioner withdrew his request for tolerances on the dried fruit, confectionery, hamburger meat, and minced beef. At the same time, the petitioner amended his request for tolerances for residues in cereal flours and cereals that are to be cooked before being eaten, requesting higher tolerances than had been originally requested.

The Commissioner of Food and Drugs, having evaluated the data submitted, together with other relevant material, including tolerances previously established for residues in certain raw agricultural commodities and scientific information demonstrating the rapid dissipation of these residues during and immediately after shipment of cereal flours, plus the loss of residues on heating of the foods, has concluded that the following regulation should issue with respect to the food additive hydrogen cyanide present as a residue in or on processed foods that have been fumigated with hydrogen cyanide. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That Part 121 be amended by adding to Subpart D the following new section:

§ 121.1072 Hydrogen cyanide.

The food additive hydrogen cyanide may be present as a residue in certain processed foods in accordance with the following prescribed conditions:

(a) The food additive is present as a result of its use as a fumigant.

(b) The residues of hydrogen cyanide shall not exceed the following levels:

(1) 125 parts per million in cereal flours.

(2) 90 parts per million in cereals that are cooked before being eaten.

(3) 50 parts per million in uncooked ham, bacon, and sausage.

(c) Where tolerances are established under both sections 408 and 409 of the act on the raw agricultural commodity and on the processed food, respectively, the total residues of hydrogen cyanide in or on the processed food shall not be greater than that designated in paragraph (b) of this section.

(d) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the United States Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 31, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-10617; Filed, Nov. 6, 1961; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6579]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

To simplify the manner of making the election to take additional first-year depreciation allowance, the Income Tax Regulations (26 CFR Part 1) under section 179 of the Internal Revenue Code of 1954 are hereby amended as hereinafter set forth. Except as otherwise specifically provided therein, such regulations as amended are effective for taxable years ending after June 30, 1958.

PARAGRAPH 1. Section 1.179–2 is amended by revising paragraph (c) thereof to read as follows:

§ 1.179–2 Dollar limitation.

* * * * *

(c) *Affiliated group.* Taxpayers which constitute an affiliated group, as defined in paragraph (e) of § 1.179–3, shall be treated as one taxpayer in applying the $10,000 limitation of this section. The allowance may be taken by any one such member or allocated among the several members in any manner, pursuant to allocation by the common parent corporation if a consolidated return is filed, or in accordance with an agreement entered into by the members of the group if separate returns are filed. The amount of the allowance allocated to any member, however, shall not exceed 20 percent of the cost of section 179 property actually purchased by the member in the taxable year. If a consolidated return is filed, the common parent corporation shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation allowance. (See § 1.179–4.) If separate returns are filed, each member of an affiliated group to which is allocated any part of the deduction under section 179 shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation allowance. (See § 1.179–4.) Such statement shall include the names of all the members of the affiliated group, the taxable year of the common parent corporation, and a description of the manner in which the deduction under section 179 has been divided among them. An allocation among the members of an affiliated group of the allowance under section 179 shall not, if a consolidated return is filed, be revoked after the due date of the return (including extensions of time) of the common parent corporation for a taxable year for which an election to take the allowance is made. If the members of an affiliated group do not file a consolidated return for a taxable year for which an election to take the allowance is made, the allocation as to all members of the group shall not be revoked after the due date of the return (including extensions of time) of the common parent corporation. For the purpose of the preceding sentence, the taxable years of the other members of the affiliated group ending with or within the taxable year of the common parent shall be considered as corresponding to the taxable year of the common parent. Thus, where a common parent's taxable year ends November 30, 1960, the allowance will apply with respect to section 179 property purchased in August 1959 by an affiliated corporation whose taxable year ends June 30, 1960 (taxable year ending within the taxable year of the parent).

PAR. 2. Section 1.179–4 is amended to read as follows:

§ 1.179–4 Time and manner of making election.

(a) *Election.* A separate election must be made for each taxable year in which an additional first-year depreciation allowance is claimed with respect to section 179 property. The election under section 179 and § 1.179–1 to claim an additional first-year depreciation allowance on section 179 property shall be made on the taxpayer's income tax return for the taxable year to which the election applies. For the election to be valid, the return must be filed not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The election shall be made by showing as a separate item on the taxpayer's income tax return the additional first-year depreciation claimed with respect to each piece of section 179 property selected. The additional first-year depreciation claimed with respect to section 179 property must not be included in the depreciation claimed under section 167 with respect to such property. The taxpayer shall maintain records which permit specific identification of section 179 property and reflect how and from whom such property was acquired. The election to claim an additional first-year depreciation allowance under this section with respect to any property is irrevocable and shall be binding on the taxpayer with respect to such property for the taxable year for which the election is made and for all subsequent taxable years, unless the Commissioner gives his consent to revoke the election. Similarly, the selection of section 179 property by the taxpayer to be subject to the additional first-year depreciation allowance must be adhered to in computing the taxpayer's taxable income for the taxable year for which the selection is made and for all subsequent taxable years, unless consent to change the selection of property is given by the Commissioner.

(b) *Revocation.* A request to revoke an election under section 179 and § 1.179–1 or to change the property selected for the additional first-year depreciation allowance shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington 25, D.C. The request shall include the name and address of the taxpayer and shall be signed by the taxpayer or his duly authorized repre-

sentative It must be filed no later than 6 months after the date prescribed by law (without regard to extensions of time) for filing the income tax return for the year in which the allowance under § 1.179–1 was claimed, shall be accompanied by a statement showing the year and property involved, and shall set forth in detail the reasons for the request to revoke the election or to change the selection of property. Ordinarily, the request for consent to revoke the election or to change the selection of property will not be granted if it appears from all the facts and circumstances that the only reason for the desired change is to obtain a tax advantage.

(c) *Effective date.* The provisions of this section apply to all taxable years ending after June 30, 1958. Elections made under the provisions of Treasury Decision 6335, approved November 13, 1958 (23 F.R. 8979), and elections, changes in selection of property, and revocations made under the regulations under section 179, as promulgated in Treasury Decision 6507, approved November 29, 1960 (25 F.R. 12340), continue in effect.

Because this Treasury decision merely simplifies certain election requirements, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: November 2, 1961

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–16030; Filed, Nov. 6, 1961; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Education of Korean Conflict Veterans Under 38 U.S.C. Ch. 33

REPORTS BY INSTITUTIONS

In § 21.2303(c), a new subparagraph (3) is added, former subparagraphs (3) and (5) are redesignated (4) and (6) respectively, and former subparagraph (4) is amended and redesignated (5), to read as follows:

§ 21.2303 Reports by institutions.

* * * * *

(c) *Administrative allowance for preparation of reports and certifications.*

* * * * *

(3) Where a veteran is enrolled or reenrolled, as defined by § 21.2005(o), on or after the 20th of the month, a separate monthly certification of training for the month of enrollment or reenrollment is not required. (See § 21.2051(c)(2)(ii)(a).) Under these circumstances an allowance for the month in which the enrollment or reenrollment occurred may be paid provided the enrollment or reenrollment certification is received promptly but in no event later than the 10th of the following month. No more than one allowance shall be paid for any one month per eligible veteran.

(4) Where a course is pursued exclusively by correspondence, the administrative allowance will be paid only for the month in which enrollment certifications (VA Form 22–1999) or required quarterly certifications of training (VA Form 22–1996d) are received in the Veterans Administration.

(i) All information about the veteran's training status, such as lessons completed and serviced, or interruptions or termination of training shall be reported on the quarterly certification of training for the quarterly period in which the action occurred. A report is not required for any quarter in which the school does not service any lessons completed by the veteran.

(ii) The allowance shall be paid to the school only for those months in which a required report or certification (see § 21.2051(c)) was submitted for an eligible veteran and received by the Veterans Administration. Thus, the fact that a required quarterly certification may reflect a veteran's progress for a period of more or less than one-quarter does not affect the amount of administrative allowance due for the month in which the certification is received by the Veterans Administration.

(iii) In no event shall more than one allowance ($1) be paid to the correspondence school for any one month, per eligible veteran. This is true regardless of the fact that more than one report or certification pertaining to the same veteran may be received by the Veterans Administration during a particular month.

(*a*) When the educational allowance may not be authorized or released to the veteran because the information on a report or certification is incomplete or incorrect, the school's administrative allowance will be suspended until receipt of supplementary information or a corrected report or certification is received in the Veterans Administration. For the purpose of payment of an administrative allowance, such supplementary information or corrected document will be considered to have been received in the same month as the original report or certification.

(5) Payment of the administrative allowance will be made to the institution by the regional office only upon presentation by the institution of properly prepared vouchers with the certificates of training, except that the Manager may authorize payment of the allowance when the voucher is received subsequent to receipt of the training certificates where the failure to submit the voucher and certificates simultaneously was due to (i) a clerical error, or (ii) a previous understanding between the Manager and the institution that isolated certificates need not be accompanied by voucher. Also an allowance will be paid upon receipt of properly prepared vouchers showing enrollment or reenrollment as provided in subparagraph (3) of this paragraph.

(6) No allowance shall be paid to such institution for the month or months during which such reports or certifications were not submitted as required by the Administrator.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective November 7, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–10631; Filed, Nov. 6, 1961; 8:50 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Ch. 35

MISCELLANEOUS AMENDMENTS

1. In § 21.3208, paragraph (b)(2)(vii) is amended to read as follows:

§ 21.3208 Disapproval of courses and discontinuance of educational assistance allowances under Public Law 634, 84th Congress.

* * * * *

(b) * * *

(2) * * *

(vii) The course of education in which an eligible person or persons is enrolled fails to meet any one of the standards or approval criteria included in section 1653 or 1654, Title 38, United States Code, a written notice having been given to the State approving agency as to the specific standards or criteria not being met, the failures have not been eliminated within 30 days after such notice.

2. Section 21.3210 is revised to read as follows:

§ 21.3210 Reports by institutions.

(a) *General.* Educational institutions shall, without delay, report to the Veterans Administration, on the forms and in the manner prescribed in this section, the enrollment, reenrollment, interruption, and termination of the education or training of each eligible person enrolled under chapter 35, Title 38, United States Code.

(1) Enrollments and reenrollments shall be certified on VA Form 22–5490. Interruption, termination and all other required information about the eligible person's training status shall be certified on VA Form 22–5496 or 22–6553. These are the only report or certification forms which the Veterans Administration requires from the school or eligible person enrolled under chapter 35.

(b) *Enrollment certification—VA Form 22–5449.* Schools are required to complete the appropriate sections of this form promptly upon the enrollment or reenrollment of an eligible person under chapter 35. In order to be eligible for benefits the person shall be enrolled in the specific program for which training was approved on Certificate for a Program of Education, VA Form 22–5493. An enrollment certification will be considered complete only when it contains the proper information to support an authorization of benefits for the eligible person.

(1) If the enrollment is in an undergraduate curriculum leading to a degree objective, the school will designate the specific curriculum or degree objective, such as, A.B., Liberal Arts, B.S. Engineering, B.S. Business Administration, etc.

(i) If the eligible person is enrolled in a junior college, the institution shall certify to the Veterans Administration the established curriculum in which he is enrolled, e.g., prelaw, preengineering, associate of arts, etc., irrespective of the fact that the Certificate for a Program of Education (VA Form 22–5493) indicates that the eligible person's program objective is a 4-year undergraduate course leading to a baccalaureate degree.

(ii) Where the school's practice permits a student to enroll originally in the "lower division" and to postpone selection of a major field until the completion of the lower division curriculum, the school may certify on the enrollment form "Lower Division—Baccalaureate Degree." After completion of the lower division curriculum, the school shall certify the exact degree objective on the form for the eligible person's next enrollment. This adjustment in the name of the eligible person's objective will not be considered a change of program.

(c) *Periodic certification of training, VA Form 22–5496 or 22–6553*— (1) *General.* A Certification of Training, VA Form 22–5496 or 22–6553, shall be submitted monthly for each eligible person enrolled in and pursuing a program of education. A certification of training will be considered complete only when it contains the required information to release payment to the eligible person. The school shall inform the Veterans Administration on the periodic certification of training of all matters which affect the payment of educational assistance allowance such as:

(i) Continued enrollment in and pursuit of the course;

(ii) Absences, if required;

(iii) Conduct and progress;

(iv) Interruption or termination of training;

(v) Changes in number of semester or clock-hours of attendance;

(vi) Any other changes or modifications in the eligible person's course as certified on VA Form 22–5499.

(2) *Signature required.* Each certification of training must be signed by the eligible person and the school. The date on which each person signs must be clearly shown. The only exception to this will be a report which includes a notice of interruption of training when the eligible person is not available for signature.

(3) *Interruption or termination of training.* Interruption or termination of training shall be reported on the required certification of training for the month in which it occurred.

(d) *Administrative allowance for preparation of required reports and certifications.* The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Administrator under chapter 35 of Title 38, United States Code, an allowance at the rate of $1 per month for each eligible person enrolled in and attending such institution under the provisions of this chapter to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications. Allowances shall be paid in the manner and at such time as may be prescribed by the Administrator. If any institution fails to submit reports or certifications to the Administrator as required by this chapter, no monthly allowance shall be paid to such institution for the month or months during which no reports or certifications are received in the Veterans Administration.

(1) Where an eligible person is enrolled or reenrolled as defined by § 21.3005(a)(16) on or after the 20th of the month, a separate monthly certification of training for the month of enrollment or reenrollment is not required. (See § 21.3051(f)(1).) Under these circumstances an allowance for the month in which the enrollment or reenrollment occurred may be paid provided the enrollment or reenrollment certification is received promptly but in no event later than the 10th of the following month. No more than one allowance shall be paid for any one month per eligible person.

(2) A report or certification on which payment may not be authorized because it is incomplete or incorrect will be held pending receipt of the supplementary information or corrected report or certification. For the purpose of payment of an administrative allowance such supplementary information or corrected document will be considered to be for the same month as the original report or certification.

(3) Payment of the administrative allowance will be made to the institution by the regional office only upon presentation by the institution of properly prepared vouchers with the certificates of training, except that the Manager may authorize payment of the allowance when the voucher is received subsequent to receipt of the training certificates where the failure to submit the voucher and certificates simultaneously was due to (i) a clerical error, or (ii) a previous understanding between the Manager and the institution that isolated certificates need not be accompanied by vouchers. Also an allowance will be paid upon receipt of properly prepared vouchers showing enrollment or reenrollment as provided in subparagraph (1) of this paragraph.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective November 7, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–10632; Filed, Nov. 6, 1961; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER P—PRACTICE

[Circular 2068]

PART 221—APPEALS AND CONTESTS

Initiation of Contests; Proceedings in Government Contests

On pages 6624 and 6625 of the FEDERAL REGISTER of July 25, 1961, there was published a notice and text of a proposed amendment of §§ 221.53 and 221.68 of Title 43, Code of Federal Regulations. The purpose of the amendment is to provide for the modification of procedural requirements in contests of entries, settlements or mining claims. The modifications will simplify the procedures while retaining the safeguards to insure service on the contestees.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted with the following change: The fourth word in the second sentence in § 221.53 is changed from "file" to "serve". This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

NOVEMBER 2, 1961.

§ 221.53 Initiation of contest.

Any person desiring to initiate a private contest must file a complaint in the land office which has jurisdiction over the land involved, or, if there is no such land office, in the Office of the Director, Bureau of Land Management, Washington 25, D.C. The contestant must serve a copy of the complaint on the contestee not later than 30 days after filing the complaint and must file proof of such service, as required by § 221.95, in the office where the complaint was filed within 30 days after service.

2. Paragraphs (f), (g), and (h), are added to § 221.68 as follows:

§ 221.68 Proceedings in Government contests.

* * * * *

(f) Where service is by publication, the affidavits required by § 221.60 need

not be filed. The contestant shall file with the Manager a statement of diligent search which shall state that the contestee could not be located after diligent search and inquiry, the last known address of the contestee and the detail of efforts and inquiries made to locate the party sought to be served. The diligent search shall be concluded not more than 15 days prior to filing of the statement.

(g) In lieu of the requirements of § 221.62(b) the contestant shall, as part of the diligent search before the publication or within 15 days after the first publication send a copy of the complaint by Certified Mail, return receipt requested, to the contestee at the last address of record. The return receipts shall be filed in the office in which the contest is pending.

(h) The affidavit required by § 221.63 (c) need not be filed.

[F.R. Doc. 61-10639; Filed, Nov. 6, 1961; 8:52 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2531]

[New Mexico 0175759 (Okla.)]

[1252316]

OKLAHOMA

Revoking Executive Order No. 6681 of April 17, 1934

By virtue of the authority vested in the President, by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 6681 of April 17, 1934, withdrawing the public lands in Tps. 1 S., Rs. 1 to 27 E., in Oklahoma for classification and pending legislation, aggregating about 4,858 acres of public lands, is hereby revoked. The following described public lands are released from withdrawal by this order:

CIMARRON MERIDIAN

T. 1 S., R. 1 E.,
Sec. 1, lots 1 and 2.
T. 1 S., R. 3 E.,
Sec. 1, lots 1 and 2;
Sec. 5, lots 1 and 2.
T. 1 S., R. 4 E.,
Sec. 1, lots 1, 2, and 3;
Sec. 2, lots 1 and 2;
Sec. 4, lot 2;
Sec. 5, lots 1, 2, and 3;
Sec. 6, lots 1 and 2.
T. 1 S., R. 5 E.,
Sec. 5, lots 2 and 3;
Sec. 6, lots 1 and 2.
T. 1 S., R. 6 E.,
Sec. 3, lot 2.
T. 1 S., R. 8 E.,
Sec. 6, lot 5.
T. 1 S., R. 11 E.,
Sec. 1, lot 5;
Sec. 6, lot 2.
T. 1 S., R. 14 E.,
Sec. 4, lot 3;
Sec. 5, lot 1.
T. 1 S., R. 16 E.,
Sec. 3, lots 2 and 3;
Sec. 4, lot 2.
T. 1 S., R. 23 E.,
Sec. 1, lots 2 and 3;
Sec. 4, lot 3;
Sec. 5, lot 1.
T. 1 S., R. 24 E.,
Sec. 1, lot 1;
Sec. 4, lots 2 and 3;
Sec. 5, lots 1 and 2.
T. 1 S., R. 25 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 3, lots 1, 2, and 3;
Sec. 4, lots 1 and 2;
Sec. 5, lots 1 and 2;
Sec. 6, lots 1 and 2.
T. 1 S., R. 26 E.,
Sec. 1, lots 1 and 2;
Sec. 4, lots 2 and 3.

The area described aggregates 600.93 acres, more or less.

2. The lands described above are located in Cimarron, Texas, and Beaver Counties in Oklahoma. They are level to hilly with soils varying from deep clay loams to shallow loams.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, to equitable claims if confirmed and allowed, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m. on April 30, 1962, the State of Oklahoma shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, P.O. Box 1251, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 31, 1961.

[F.R. Doc. 61-10609; Filed, Nov. 6, 1961; 8:47 a.m.]

[Public Land Order 2532]

[Sacramento 066474]

CALIFORNIA

Withdrawing Lands for Resource Management, and for Watershed Studies (Elder Creek Basin)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under the jurisdiction of the Bureau of Land Management, for management of their natural resources, including control of predators and the management of game animals, for preservation of scenic and recreational values, and for watershed studies:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 15 W.,
Sec. 6, lots 2, 3, 4, 5, 6, 7, SW¼NE¼, and E½SW¼;
Sec. 7, lots 1, 2, and E½NW¼.
T. 21 N., R. 16 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 2, lots 5, 6, and 7;
Sec. 12, NE¼.
T. 22 N., R. 15 W.,
Sec. 31, lots 1, 5, 6, 7, 8, 9, 10, SE¼NW¼, and NE¼SW¼.
T. 22 N., R. 16 W.,
Sec. 17, S½SW¼;
Sec. 18, S½SE¼;
Sec. 19, NW¼NE¼, and SE¼NE¼;
Sec. 20, NW¼SW¼;
Sec. 21, N½NE¼ and SE¼SE¼;
Sec. 22, lots 1, 2, 9, 10, and 11;
Sec. 26, lots 1, 2, 3, 4, and W½;
Sec. 27, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 28, NE¼NE¼;
Sec. 34, lots 1, 2, and N½SE¼;
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and NW¼.

The areas described aggregate approximately 3,695 acres.

For the purposes of furthering the objectives of this order, and to assist in the control of predators and the management of game animals, the Bureau of Land Management may cooperate with The Nature Conservancy, the United States Geological Survey, the National Park Service, and the State of California.

The jurisdiction and use granted by this order shall terminate 10 years from the date hereof, unless sooner terminated or extended by appropriate order of the Secretary of the Interior to be published in the FEDERAL REGISTER. Thereafter, the Secretary of the Interior by appropriate published order of revocation or modification, may provide for other use and disposition of the lands herein under the public land laws and other laws existing at the time of such order.

JAMES K. CARR,
Under Secretary of the Interior.

OCTOBER 31, 1961.

[F.R. Doc. 61-10610; Filed, Nov. 6, 1961; 8:47 a.m.]

[Public Land Order 2533]

[Sacramento 060244]

CALIFORNIA

Opening Lands Subject to Section 24 of the Federal Power Act

1. In DA-979-California, the Federal Power Commission determined that the value of the following described lands withdrawn in Power Site Classification No. 115 of September 21, 1925, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

HUMBOLDT MERIDIAN

T. 7 N., R. 5 E.,
Sec. 17, E½SW¼NE¼ and SW¼SE¼;
Sec. 20, NW¼NW¼SE¼, SW¼NE¼NW¼SE¼, S½SW¼SE¼, and W½NW¼NE¼;
Sec. 28, W½SW¼NW¼SW¼;
Sec. 29, E½NW¼NE¼, NW¼NW¼NE¼, SE¼NE¼, W½NE¼SE¼, and SE¼NE¼SE¼.

The areas described aggregate 217.50 acres. The lands form a part of the Six Rivers National Forest.

2. Until 10:00 a.m., on January 31, 1962, the State of California shall have a preferred right to apply under any statute or regulation applicable thereto for the reservation to it or to any of its

political subdivisions of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

3. Beginning at 10:00 a.m., on January 31, 1962, the lands shall be open to such other forms of disposition as may by law be made of national forest lands, subject to the terms and conditions of section 24 of the Federal Power Act, supra.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 31, 1961.

[F.R. Doc. 61-10611; Filed, Nov. 6, 1961; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Bureau of Public Assistance, Social Security Administration, Department of Health, Education, and Welfare

PART 212—ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

Chapter II of Title 45 of the Code of Federal Regulations, is amended by adding Part 212, effective through June 30, 1962, as follows:

Sec.
212.1 General definitions.
212.2 General.
212.3 Eligible person.
212.4 Reception; initial determination, provision of temporary assistance.
212.5 Periodic review; termination of temporary assistance.
212.6 Duty to report.
212.7 Repayment to the United States.
212.8 Federal payments.
212.9 Disclosure of information.

AUTHORITY: §§ 212.1 to 212.9 issued under section 302, 75 Stat. 142, section 1102, 49 Stat. 647, as amended; 42 U.S.C. 1313, 1302. Interprets or applies section 302, 75 Stat. 142, 42 U.S.C. 1313.

§ 212.1 General definitions.

When used in this part:

(a) "Act" means section 1113 of the Social Security Act, as amended;

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(c) The term "Department" means the Department of Health, Education, and Welfare;

(d) The term "Bureau" means the Bureau of Public Assistance of the Social Security Administration, Department of Health, Education, and Welfare;

(e) The term "Director" means the Director of the Bureau of Public Assistance;

(f) The term "eligible person" means an individual with respect to whom the conditions in § 212.3 are met;

(g) The term "State" includes the Commonwealth of Puerto Rico and the District of Columbia;

(h) The term "United States" when used in a geographical sense means the States, the District of Columbia, and the Commonwealth of Puerto Rico;

(i) The term "agency" means State or local public agency or organization or national or local private agency or organization with which the Bureau has entered into agreement for the provision of temporary assistance pursuant to the Act;

(j) The term "temporary assistance" means money payments, medical care, temporary billeting, transportation, and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services.

§ 212.2 General.

The Director shall develop plans and make arrangements for provision of temporary assistance within the United States to any eligible person, after consultation with appropriate offices of the Department of State, the Department of Justice, and the Department of Defense. Temporary assistance shall be provided, to the extent feasible, in accordance with such plans, as modified from time to time by the Director. The Director shall enter into agreements with agencies whose services and facilities are to be utilized for the purpose of providing temporary assistance pursuant to the Act, specifying the conditions governing the provision of such assistance and the manner of payment of the cost of providing therefor.

§ 212.3 Eligible person.

In order to establish that an individual is an eligible person, it must be found that:

(a) He is a citizen of the United States or a dependent of a citizen of the United States;

(b) A written statement has been transmitted to the Bureau by an authorized official of the Department of State containing information which identifies him as having returned, or been brought, from a foreign country to the United States because of the destitution of the citizen of the United States, or the illness of such citizen or any of his dependents, or because of war, threat of war, invasion, or similar crisis. Such statement shall, if possible, incorporate or have attached thereto, all available pertinent information concerning the individual. In case of war, threat of war, invasion, or similar crisis, a determination by the Department of State that such a condition is the general cause for the return of citizens of the United States and their dependents from a particular foreign country, and evidence that an individual has returned, or been brought, from such country to the United States shall be considered sufficient identification of the reason for his return to, or entry into, the United States; and

(c) He is without resources immediately accessible to meet his needs.

§ 212.4 Reception; initial determination, provision of temporary assistance.

(a) The Bureau, or the agency upon notification by the Bureau, will meet individuals, identified as provided in § 212.3(b), at the port of entry or debarkation.

(b) The Bureau or agency will make findings, setting forth the pertinent facts and conclusions, and an initial determination, according to standards established by the Bureau, as to whether an individual is an eligible person.

(c) The Bureau or agency will provide temporary assistance within the United States to an eligible person, according to standards of need established by the Bureau, upon arrival at the port of entry or debarkation, during transportation to his intermediate and ultimate destinations, and after arrival at such destinations.

§ 212.5 Periodic review and redetermination; termination of temporary assistance.

(a) The Bureau or agency will review the situation of each recipient of temporary assistance at frequent intervals to consider whether or not circumstances have changed that would require a different plan for him.

(b) Upon a finding by the Bureau or agency that a recipient of temporary assistance has sufficient resources available to meet his needs, temporary assistance shall be terminated.

§ 212.6 Duty to report.

The eligible person who receives temporary assistance, or the person who is caring for or otherwise acting on behalf of such eligible person, shall report promptly to the Bureau or agency any event or circumstance which would cause such assistance to be changed in amount or terminated.

§ 212.7 Repayment to the United States.

(a) An individual who has received temporary assistance shall be required to repay, in accordance with his ability, any or all of the cost of such assistance to the United States, except insofar as it is determined that:

(1) The cost is not readily allocable to such individual;

(2) The probable recovery would be uneconomical or otherwise impractical;

(3) He does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs; or

(4) Recovery would be against equity and good conscience.

(b) In determining an individual's resources, any claim which he has against any individual, trust or estate, partnership, corporation, or government shall be considered, and assignment to the United States of such claims shall be taken in appropriate cases.

(c) A determination that an individual is not required to repay the cost of temporary assistance shall be final and binding, unless such determination was procured by fraud or misrepresenta-

tion of the individual or some other person, or the individual voluntarily offers to repay.

(d) A determination that an individual is required to repay any or all of the cost of temporary assistance may be reconsidered at any time prior to repayment of the required amount. A further determination shall be made with respect to his liability to repay the balance of such amount on the basis of new evidence as to whether (1) he has, or is expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs, or (2) recovery would be against equity and good conscience.

§ 212.8 Federal payments.

The agreement made by the Director with an agency for carrying out the purposes of the Act shall provide for payment to such agency, either in advance or by way of reimbursement, of the cost of temporary assistance provided pursuant to the Act, and payment of the cost of other expenditures necessarily and reasonably related to providing the same. Such agreement shall include the method for determining such costs, as well as the methods and procedures for determining the amounts of advances or reimbursement and for remittance and adjustment thereof.

§ 212.9 Disclosure of information.

(a) No disclosures of any file, record, report, or other paper, or any information with respect to an individual obtained at any time by the Secretary or by any officer or employee of the Department in the course of discharging the duties of the Secretary under the Act shall be made except insofar:

(1) As the individual or his legal guardian, if any (or, if he is a minor, his parent or legal guardian), shall consent.

(2) As disclosure may be necessary to carry out any functions of the Secretary under the Act.

(3) As disclosure may be necessary to carry out any functions of any agency of the United States which are related to return of the individual from a foreign country, or his entry into, the United States.

(4) As expressly authorized by the Commissioner of Social Security.

(b) An agreement made with an agency for the provision of temporary assistance pursuant to the Act shall provide that no disclosure will be made of any information received by such agency in the course of discharging the duties under such agreement except as provided therein.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: October 27, 1961.

[SEAL] WILLIAM L. MITCHELL,
Commissioner of Social Security.

Approved: November 1, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-10627; Filed, Nov. 6, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 152(b) of the Internal Revenue Code of 1954, as amended by section 1 of the Act of September 23, 1959 (Public Law 86-376, 73 Stat. 699), and to make certain clarifying changes therein, such regulations are amended as follows:

PARAGRAPH 1. In § 1.152, section 152(b)(2) and the historical note are amended to read as follows:

§ 1.152 Statutory provisions; dependent defined.

SEC. 152. *Dependent defined.* • • •

(b) *Rules relating to general definition.* For purposes of this section—

• • • • • •

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual) shall be treated as a child of such individual by blood.

• • • • • •

[Sec. 152 as amended by sec. 2, Act of Aug. 9, 1955 (Public Law 333, 84th Cong., 69 Stat. 626); sec. 4, Technical Amendments Act 1958 (72 Stat. 1607); sec. 1, Act of Sept. 23, 1959 (Public Law 86-376, 73 Stat. 699)]

PAR. 2. Paragraph (b) of § 1.152-1 is amended to read as follows:

§ 1.152-1 General definition of a dependent.

• • • • • •

(b) Section 152(a)(9) applies to any individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 153, of the taxpayer) who lives with the taxpayer and is a member of the taxpayer's household during the entire taxable year of the taxpayer. An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law. It is not necessary under section 152(a)(9) that the dependent be related to the taxpayer. For example, foster children may qualify as dependents. It is necessary, however, that the taxpayer both maintain and occupy the household. The taxpayer and dependent will be considered as occupying the household for such entire taxable year notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which the dependent is absent for less than six months in the taxable year of the taxpayer, shall be considered temporary absence due to special circumstances. The fact that the dependent dies during the year shall not deprive the taxpayer of the deduction if the dependent lived in the household for the entire part of the year preceding his death. Likewise, the period during the taxable year preceding the birth of an individual shall not prevent such individual from qualifying as a dependent under section 152(a)(9). Moreover, a child who actually becomes a member of the taxpayer's household during the taxable year shall not be prevented from being considered a member of such household for the entire taxable year, if the child is required to remain in a hospital for a period following its birth, and if such child would otherwise have been a member of the taxpayer's household during such period.

PAR. 3. Section 1.152-2 is amended by revising subdivisions (i), (ii), and (iii) of subparagraph (2) of paragraph (a) and by revising paragraph (c). These amended provisions read as follows:

§ 1.152-2 Rules relating to general definition of dependent.

(a) • • •

(2) (i) For any taxable year beginning after December 31, 1957, a taxpayer who is a citizen of the United States is permitted under section 152(b)(3)(B) to treat as a dependent his legally adopted child who lives with him, as a member of his household, for the entire taxable year and who, but for the citizenship or residence requirements of section 152(b)(3) and subparagraph (1) of this paragraph, would qualify as a dependent of the taxpayer for such taxable year.

(ii) Under section 152(b)(3)(B) and this subparagraph, it is necessary that the taxpayer both maintain and occupy the household. The taxpayer and his legally adopted child will be considered as occupying the household for the entire taxable year of the taxpayer notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which the legally adopted child is absent for less than six months in the taxable year of the taxpayer shall be considered temporary absence due to special circumstances. The fact that a legally adopted child dies during the year shall not deprive the taxpayer of the deduction if the child lived in the household for the entire part of the year preceding his death. The period during the taxable year preceding the birth of a child shall not prevent such child from qualifying as a dependent under this subparagraph. Moreover, a legally adopted child who actually becomes a member of the taxpayer's household during the taxable year shall not be prevented from being considered a member of such household for the entire taxable year, if the child is required to remain in a hospital for a period following its birth and if such child would otherwise have been a member of the taxpayer's household during such period.

(iii) For purposes of section 152(b)(3)(B) and this subparagraph, any child whose legal adoption by the taxpayer (a citizen of the United States) becomes final at any time before the end of the taxable year of the taxpayer shall not be disqualified as a dependent of such taxpayer by reason of his citizenship or residence, provided the child lived with the taxpayer and was a member of the taxpayer's household for the entire taxable year in which the legal adoption became final. For example, A, a citizen of the United States who makes his income tax returns on the basis of the calendar year, is employed in Brazil by an agency of the United States Government. In October 1958 he takes into his household C, a resident of Brazil who

is not a citizen of the United States, for the purpose of initiating adoption proceedings. C lives with A and is a member of his household for the remainder of 1958 and for the entire calendar year 1959. On July 1, 1959, the adoption proceedings were completed and C became the legally adopted child of A. If C otherwise qualifies as a dependent, he may be claimed as a dependent by A for 1959.

* * * * *

(c) (1) For purposes of determining the existence of any of the relationships specified in section 152 (a) or (b) (1), a legally adopted child of an individual shall be treated as a child of such individual by blood.

(2) For any taxable year beginning after December 31, 1958, a child who is a member of an individual's household also shall be treated as a child of such individual by blood if the child was placed with the individual by an authorized placement agency for legal adoption pursuant to a formal application filed by the individual with the agency. For purposes of this subparagraph an authorized placement agency is any agency which is authorized by a State, the District of Columbia, a possession of the United States, a foreign country, or a political subdivision of any of the foregoing to place children for adoption. A taxpayer who claims as a dependent a child placed with him for adoption shall attach to his income tax return a statement setting forth the name of the child for whom the dependency deduction is claimed, the name and address of the authorized placement agency, and the date the formal application was filed with the agency.

(3) The application of this paragraph may be illustrated by the following example:

Example. On March 1, 1959, D, a resident of the United States, made formal application to an authorized child placement agency for the placement of E, a resident of the United States, with him for legal adoption. On June 1, 1959, E was placed with D for legal adoption. During the year 1959 E received over one-half of his support from D. D may claim E as a dependent for 1959. Since E was a resident of the United States, his qualification as a dependent is in no way based on the provisions of section 152(b)(3)(B). Therefore, it is immaterial that E was not a member of D's household during the entire taxable year.

[F.R. Doc. 61-10614; Filed, Nov. 6, 1961; 8:48 a.m.]

[26 CFR Part 252]

EXPORTATION OF LIQUORS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Customs, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order (a) to conform these regulations to the provisions of section 309(a) of the Tariff Act of 1930 (19 U.S.C. 1309(a)), as amended by section 5(a)(1) of Public Law 86-606, relating to supplies on vessels and aircraft engaged in trade between Hawaii and any other part of the United States or Alaska and any other part of the United States, (b) to remove the requirement that bottles of wine exported with benefit of drawback be labeled "For Export", (c) to clarify the provisions relating to the marking of containers, and (d) to eliminate a discrepancy in the instructions for the preparation of Form 206, 26 CFR Part 252, "Exportation of Liquors", is amended as follows:

1. Section 252.21 is amended by inserting ", or between Hawaii and any other part of the United States or between Alaska and any other part of the United States" immediately after "possessions", wherever it appears in paragraphs (b), (c), (e), and (f).

2. The second sentence of paragraph (a) of § 252.122 is amended to read: "Where the exporter is the proprietor of the bonded wine cellar from which the wine is to be withdrawn he shall, at the time of withdrawal of the wine, prepare a notice of the withdrawal and shipment, on Form 206, in quadruplicate."

3. Section 252.123 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 240 of this chapter, the proprietor shall place additional marks, as herein specified, on each such container before removal from the bonded premises:".

4. Section 252.154 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the proprietor shall place additional marks, as herein specified, on each such container before removal from the bonded premises:".

5. Section 252.193 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the proprietor of the export storage shall place additional marks, as herein specified, on each such container before removal from export storage for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone:".

6. Section 252.213 is revoked.

7. Section 252.216 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on each package and case under the provisions of Parts 201, 231, or 240, of this chapter, each such container removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information, as specified below:".

8. Section 252.223 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands prescribed in Part 245 of this chapter, each keg, barrel, case, crate, or other package containing beer removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information as specified below:".

[F.R. Doc. 61-10629; Filed, Nov. 6, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Proposed Amendments to Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat; Increased Durum Wheat (Class II) Allotments, California

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, particularly section 334(i) of such act, as amended by Public Law 87-357, approved October 4, 1961, the Department has under consideration the issuance of amendments to the farm wheat acreage allotment regulations to be effective for the 1962 and 1963 crops of wheat. The effect of the amendments would be to extend through the crop year 1963 the present regulations governing the establishment of Durum Wheat (Class II) allotments for farms in the Tulelake Area in the counties of Siskiyou and Modoc, State of California, as contained in § 728.1011, paragraphs (b)(6)(viii), (i) and (j), and § 728.1026. It will also be necessary to add a new paragraph (h) to § 728.1026 to make it clear that any farm for which the wheat acreage allotment is increased pursuant to the amendments herein shall not be eligible to participate in the 1962 wheat stabilization program (7 CFR Part 776) and that any provision of law providing for a general reduction in farm acreage allotments or for an acreage diversion program for the 1963 crop of wheat shall not apply to farms for which acreage allotments are increased under the amendments herein unless such provisions of law is specifically made applicable to such farms.

It is proposed that the amendments be as follows:

1. Section 728.1011(f)(6)(viii) is amended to read as follows:

(viii) For 1960, 1961, 1962, and 1963, for any farm in the Tulelake area of California to which the provisions of Public Laws 86-385 and 87-357 are applicable, the sum of the acreage determined as indicated in subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph based on the allotment, plus the special Durum Wheat (Class II) allotment determined for the farm under the provisions of Public Laws 86-385 and 87-357 as provided in § 728.1026.

2. Section 728.1026(a) is amended by adding at the end thereof a new sentence as follows: "Special acreage allotments shall be established under this section for the crop years 1960, 1961, 1962, and 1963."

3. Section 728.1026(f) is amended by changing the second sentence thereof to read as follows: "The special allotments under this section shall be in addition to national, State, and county wheat acreage allotments for the 1960, 1961, 1962, and 1963 crop years, and the acreage of Durum Wheat (Class II) on such special allotments shall be considered in establishing future State, county, and farm acreage allotments.

4. Section 728.1026 is amended by adding at the end thereof a new paragraph (h) as follows:

(h) The producers on any farm for which the 1962 wheat acreage allotment is increased pursuant to this section shall not be eligible to participate in the 1962 wheat stabilization program (7 CFR Part 776) with respect to such farm; and any provision of law providing for a general reduction in farm acreage allotments or for an acreage diversion program for the 1963 crop of wheat shall not apply to farms for which acreage allotments are increased under this section unless such provision of law is specifically made applicable to such farms.

Prior to the issuance of the proposed amendments, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 2, 1961.

H. D. GODFREY,
Administrator Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10634; Filed, Nov. 6, 1961; 8:50 a.m.]

[7 CFR Part 908]

[Docket No. AO-243-A6]

MILK IN CENTRAL ARKANSAS MARKETING AREA

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice was issued on October 25, 1961, of a public hearing beginning on November 15, 1961, at Little Rock, Arkansas, on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that, in addition to the proposed amendments set forth in the original notice of hearing, evidence will be received with respect to the additional provisions specified in the proposals listed below or to appropriate modifications thereof.

The additional proposals contained in this supplemental notice have not received the approval of the Secretary of Agriculture.

Proposed by Central Arkansas Milk Producers Association:

Proposal No. 18. Amend § 908.50 and § 908.51(a) by deleting the present provisions and substituting therefor:

§ 908.50 Basic formula price.

The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

PRESENT OPERATOR AND LOCATION

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordsville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Co., Manitowoc, Wis.
White House Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6;

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture and multiply by 7.5.

(c) The price resulting from the following calculations:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars", f.o.b. Wisconsin assembly points, cars or truckloads) as reported by the U.S.D.A. during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

§ 908.51 Class prices.

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.74 for each month;

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by three cents: *Provided,* That the price shall not be adjusted until the month after the net utilization percentage for each of three successive months is outside the base utilization, pursuant to subparagraph (3) of this paragraph, in the same direction;

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk utilized by fluid milk plants and by cooperative associations which are handlers for the second and third preceding months into the pounds of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table.

Pricing month	Second and third preceding months	Base utilization range
January	October-November	107-113
February	November-December	108-114
March	December-January	105-111
April	January-February	105-111
May	February-March	106-112
June	March-April	108-114
July	April-May	109-115
August	May-June	111-117
September	June-July	111-117
October	July-August	109-115
November	August-September	110-116
December	September-October	109-115

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, P.O. Box 4225, Asher Avenue Station, Little Rock, Arkansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on October 31, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10635; Filed, Nov. 6, 1961; 8:51 a.m.]

[7 CFR Part 925]

[Docket No. AO-226-A7]

MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Puget Sound, Washington marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Federal Courthouse Building, Seattle, Washington, on September 11, 1961, pursuant to notice thereof which was issued August 18, 1961 (26 F.R. 7836).

The material issue on the record of the hearing relates to the status of state institutions in producing milk for use of their inmates.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The State of Washington, in producing milk for use of inmates of its institutions, should be exempt from the limitations imposed upon producer-handlers but should be considered a producer-handler with respect to movements of milk to or from regulated plants.

Under present provisions of the Puget Sound order the milk production resources and facilities, and the milk handling, processing or distributing facilities of each producer-handler are designated. The handling in the designated facilities of fluid milk products that are not from the designated production is limited to a daily average of 100 pounds of certain packaged products from pool plants, with provision for unlimited purchases in bulk or packaged form from such plants within a single span of 45 consecutive days in any 12-month period. Use of nondesignated facilities, or receipts in excess of these limits, results in cancellation of producer-handler status and pooling of production, and sales for the ensuing 12-month period.

The Department of Institutions of the State of Washington maintains dairy herds on farms operated in connection with three State institutions located in the marketing area. The milk produced is processed at a single plant located at one of these institutions and is used in feeding inmates of these three and ten other State institutions also located in the marketing area. All institutions under the supervision of the Department are mental hospitals, children's institutions and penal or corrective institutions. In carrying out these milk production and handling operations the Department of Institutions comes within the terms specified in the present order for producer-handlers and has been treated as a producer-handler.

The Department of Institutions differs from other producer-handlers in the market in that it produces for use in public institutions and makes no private sales except to avoid waste or spoilage. The State law under which operations are carried out precludes production for profit. The policy has been to produce only enough to meet the consumption needs of the inmates. With the exception of a short period in 1959 all milk produced on Department farms has been utilized by inmates of the various institutions. Due to fluctuations in production and inmate population, there is danger that the Department might become a fully regulated handler should it be necessary to purchase milk from pool sources to supply the needs of the inmates committed to its care.

Since the Department of Institutions operates no routes in competition with regulated handlers and is not permitted by law to do so, its operations cannot affect the volume of trade sales that represents the primary Class I market for producer milk. So long as this state agency makes no Class I trade sales there is no need to subject it to full regulation in the event that supplemental purchases are necessary in excess of the limits applicable to producer-handlers. The order should be amended to exempt the state agency from the limitations applicable to other producer-handlers; the agency should, however, continue to be classed as a producer-handler in order that milk it receives from regulated plants may continue to be classified as Class I milk and any milk it delivers to a regulated plant may be other source milk.

The cooperative associations in the market approved exemption of the Department of Institutions but requested that the Department continue to file monthly reports of receipts and utilization in order that statistics compiled and published by the market administrator will continue to reflect the total amount of exempt milk. This will not be necessary because statistics regarding its production and consumption are public information and therefore available for use by anyone.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Puget Sound, Washington marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Revise § 925.16 to read as follows:

§ 925.16 Producer-handler.

"Producer-handler" means a person who is both a dairy farmer and a handler, and who has been so designated by the market administrator upon his determination that all of the requirements of § 925.102 have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until cancelled pursuant to § 925.102(d). The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of §§ 925.102 (other than paragraph (g) thereof), 925.30 and 925.32 with respect to its operations in producing, processing and packaging milk for consumption in state institutions and with respect to movements of milk to or from a fluid milk plant or country plant.

Issued at Washington, D.C., on November 2, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10623; Filed, Nov. 6, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides; Notice of Proposal To Establish Tolerances Resulting From Fumigation With Methyl Bromide

The United States Department of Agriculture has requested that action be taken to permit the use of methyl bromide as a fumigant on cabbage in the quarantine program to prevent entry into the United States of the white cabbage moth, Pieris brassicae (L.) and the Egyptian cottonworm, Prodenia litura F. In this program, it is proposed to use methyl bromide as a fumigant on cabbage at ports of entry into the United States under supervision of representatives of the U.S. Department of Agriculture. That Department states that residues of inorganic bromide resulting from the treatment in the quarantine program do not exceed 50 parts per million. These residues on cabbage will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123) be amended by inserting immediately following the item containing the 50 parts per million tolerance limitation a new item reading as follows:

§ 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

* * * * * *

50 parts per million in or on cabbage from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing methyl bromide may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: October 31, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10616; Filed, Nov. 6, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LOCK ILLUMINATORS IN AUTOMOBILE LOCKS

Manufacture or Import

Concurrently with publication of this notice of proposed rule making the Commission is publishing notice of the issuance of an exemption from licensing requirements for lock illuminators each containing up to 15 millicuries of tritium installed in automobile locks and manufactured in accordance with a specific license. A detailed statement of considerations appears in that notice.

The following proposed rule would establish criteria for the issuance of specific licenses to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to the exemption of § 30.12 of 10 CFR Part 30.

Pending adoption of the proposed amendment as an effective amendment the Commission will apply the criteria in the proposed rule in its review of applications for specific licenses to manufacture or import lock illuminators installed in automobile locks for distribution pursuant to the exemption.

Notice is hereby given that adoption of the following amendment to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendment should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within sixty (60) days after publication of this notice in the FEDERAL REGISTER.

§ 30.24 [Amendment]

1. A new paragraph (m) is added to § 30.24 to read as follows:

(m) *Certain automobile lock illuminators.* (1) An applicant for a specific license to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to § 30.12 will be approved if:

(i) The applicant satisfies the general requirements specified in § 30.23;

(ii) The applicant submits sufficient information regarding the lock illuminators pertinent to evaluation of the potential radiation exposure, including:

(*a*) Chemical and physical form and maximum quantity of tritium in each lock illuminator;

(*b*) Details of construction and design of the lock illuminator;

(*c*) Details of the method of binding or containing the tritium;

(*d*) Details of the method of installing the lock illuminators into the automobile lock so that the lock illuminator is not readily removable from the automobile lock;

(*e*) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

(*f*) Quality control procedures to demonstrate that production lots of the lock illuminators will meet the specifications established by the Commission for such lock illuminators;

(*g*) Any additional information, including experimental studies and test, required by the Commission to facilitate a determination of the safety of the lock illuminator.

(iii) Each lock illuminator will contain no more than 15 millicuries of tritium;

(iv) The Commission determines that:

(*a*) The tritium is bound in the luminous compound in a non-water soluble and non-labile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(*b*) The tritium is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium;

(*c*) The method of installing the lock illuminator into the automobile lock is such that the lock illuminator will not become detached from the lock under the most severe conditions which are likely to be encountered in normal use and handling;

(*d*) The device consisting of the automobile lock with the installed lock illuminator has been subjected to the prototype tests and meets the requirements prescribed by subdivision (v) of this subparagraph;

(v) The prototype tests shall include the following, to be conducted on each of five prototype devices in the following order:

(*a*) The device shall be subjected to 100 hours of accelerated weathering in a suitable weatherometer which simulates the most severe conditions of normal use;

(*b*) The device shall be dropped upon a concrete or iron surface in a three-foot free gravitational fall, or shall be subjected to an equivalent treatment in a test device simulating such a fall. The drop test shall be repeated 100 times from random orientations;

(*c*) The device shall be attached to a vibratory fixture and vibrated at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than one hour;

(*d*) On completion of the foregoing tests, the device shall be completely immersed in water for 24 hours and shall show no visible evidence of water entry into the lock illuminator. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury absolute pressure. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles from within the lock illuminator, or water entering the lock illuminator, shall be considered leakage;

(*e*) After each of the foregoing tests, the device shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to any device which could affect the containment of the tritium in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured. Loss of tritium shall be measured both by sampling the liquids used in (*d*) of this subdivision and by wiping with filter paper the entire accessible area of the lock illuminator. The amount of tritium in the test fluid or on the filter paper shall be determined in an apparatus that has been calibrated to measure the tritium. If more than 0.1 percent of the original amount of tritium in the device is found in the immersing test water of test in (*d*) of this subdivision, or if more than 2,200 disintegrations per minute of tritium on the filter paper is measured, after any of the tests in (*a*)–(*d*) of this subdivision the device shall be rejected.

(2) Each person licensed under this paragraph shall maintain quality control in the manufacture of lock illuminators, or the installation of lock illuminators into automobile locks, and shall subject production lots to such quality control tests as may be required as a condition of the license issued under this paragraph, in accordance with the quality control procedures of § 30.74.

(3) Each person licensed under this paragraph shall file an annual report with the Director of Licensing and Regulation, which shall state the total quantity of tritium transferred to other persons under § 30.12, during the reporting period, in the form of lock illuminators contained in automobile locks. Such report shall identify by name and address all persons to whom a total of more than 5 curies of tritium were distributed under § 30.12 during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

2. A new § 30.74, Schedule D, is added to read as follows:

§ 30.74 Schedule D, quality control procedures for exempt and general licensed luminous devices.

(a) Each production lot of exempt or general licensed luminous devices licensed under paragraphs (i), (j) and (m) of § 30.24 shall be sampled in accordance with the following schedule and subjected to such quality control tests as may be required as a condition of the license issued under paragraphs (i), (j) and (m) of § 30.24. The entire lot shall be rejected if the tests result in rejects in excess of those specified as acceptable.

Lot size	Sample size	Acceptable number of rejects
Less than 15	(1)	0
15–65	15	0
66–110	15	0
111–180	25	0
181–300	35	0
301–500	50	1
501–800	75	2
801–1300	110	3
1301–3200	150	4
3201–8000	225	5
8001–22000	300	7

[1] All of lot.

(b) If ten (10) or more consecutive lots of devices have been tested according to the schedule in paragraph (a) of this section and found acceptable, the sampling plan designated below may be followed. If a lot tested in accordance with the schedule below results in a number of rejects which exceeds the acceptable number of rejects in the schedule in paragraph (a) of this section for the same lot size, the entire lot shall be rejected. If a lot tested in accordance with the schedule in this paragraph results in a number of rejects which is greater than the acceptable number of rejects in the schedule below, but less than the acceptable number of rejects in the schedule in paragraph (a) of this section, additional samples shall be taken so that the total number of samples is that specified in the schedule in paragraph (a) of this section and the additional samples shall be tested. If the number of rejects found in the testing of the additional samples, when added to the number of rejects found in the initial testing, exceeds the acceptable number of rejects in the schedule in paragraph (a) of this section, the entire lot shall be rejected.

Lot size	Sample size	Acceptable number of rejects
Less than 5	(1)	0
5–110	3	0
111–180	5	0
181–300	7	1
301–500	10	1
501–800	15	1
801–1300	22	2
1301–3200	30	2
3201–8000	45	3
8001–22000	60	4

[1] All of lot.

(c) Should it be necessary to change from the testing schedule specified in paragraph (b) of this section to the testing schedule specified in paragraph (a) of this section, subsequent lots shall be tested according to the testing schedule specified in paragraph (a) of this section and ten (10) consecutive lots found acceptable prior to testing according to the schedule in paragraph (b) of this section.

(d) All finished devices shall be free from flaking or chipping of luminous paint or other physical defects in manufacture readily observable by visual inspection.

Dated at Germantown, Md., this 26th day of October 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61-10594; Filed, Nov. 6, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-WA-161]

CONTROLLED AIRSPACE

Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601, §§ 601.1360, 601.1330, 601.1240 and 601.1323 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Fort Worth, Texas, Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Abilene, Texas, control area extension (§ 601.1360) would be altered to add the airspace west of Abilene within 8 miles north and 12 miles south of the Abilene VOR 266° True radial extending from the Abilene control area extension 35-mile radius area to the Big Springs, Texas, control area extension 35-mile radius area (§ 601.1137); and the airspace northwest of Abilene within 5 miles northeast and 8 miles southwest of the Abilene VOR 327° True radial extending from the Abilene control area extension 35-mile radius area to 69 miles northwest of the VOR. The portion of this control area extension which would coincide with the Webb AFB, Texas, Restricted Area (R–6308) would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Loraine Intersection (intersection of the Abilene VOR 266° and the San Angelo, Texas, VOR 348° True radials), and the Hamlin Intersection (intersection of the Big Springs VOR 058° and the Abilene VOR 327° True radials).

2. The Dierks, Ark., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Texarkana, Texas, VORTAC 355° True radial extending from 10 miles north to 22 miles south of the Dierks Intersection (intersection of the Page, Okla., VOR 144° and the Texarkana VORTAC 355° True radials). This would provide protection for aircraft in holding patterns at the Dierks Intersection.

3. The Pike, Ark., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southeast and 8 miles northwest of the Texarkana, Ark., VORTAC 033° True radial extending from 10 miles northeast to 22 miles southwest of the Pike Intersection (intersection of the El Dorado, Ark., VOR 317° and the Texarkana 033° True radials). This would provide protection for aircraft in holding patterns at the Pike Intersection.

4. The Sherman, Texas, control area extension (§ 601.1330) would be altered to add the airspace northeast of Sulphur Springs, Texas, bounded on the north by low altitude VOR Federal airway No. 278 and the presently designated Sherman control area extension, on the southeast by low altitude VOR Federal airway No. 16 north alternate and on the west by the presently designated Sherman control area extension. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Sulphur Springs VOR.

5. The Tyler, Texas, control area extension (§ 601.1240) would be redesignated within a 25-mile radius of the Tyler radio beacon, including the area north of Tyler bounded on the north by low altitude VOR Federal airway No. 16, on the southeast and east by low altitude VOR Federal airway No. 289, on the south by a line 13 miles south of and parallel to the centerline of low altitude VOR Federal airway No. 94 and on the west by the Dallas, Texas, control area extension (§ 601.1323); and within 10 miles northeast and 7 miles southwest of the Tyler ILS localizer southeast course extending from the Tyler control area extension 25-mile radius area to 34 miles southeast of the localizer. This would provide additional airspace for the protection of aircraft in holding patterns at the Kemp Intersection (intersection of the Gregg County, Texas, VOR 273° and Dallas VORTAC 139° True radials), and the Whitehouse Intersection (intersection of the Gregg County VOR 248° True radial and the Tyler ILS localizer southeast course).

6. The Dallas, Texas, control area extension (§ 601.1323) would be altered to add the airspace east of Dallas extending from 44 miles north to 76 miles north of the Leona, Texas, VOR, bounded on the east by a line 12 miles east of and parallel to the Leona VOR 353° True radial, and on the west by the present Dallas control area extension. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Trinidad Intersection (intersection of the Leona VOR 353° and the Waco, Texas, VOR 067° True radials).

7. The Marthaville, La., transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles northeast and 12 miles southwest of the Alexandria, La., VOR 300° True radial extending from 10 miles northwest to 22 miles southeast of the Marthaville Intersection (intersection of the Shreveport, La., VORTAC 164° and the Alexandria, VOR 300° True radials). This would provide protection for aircraft in holding patterns at the Marthaville Intersection.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in certain instances, and the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 1, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-10595; Filed, Nov. 6, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-60]

CONTROLLED AIRSPACE

Withdrawal of Proposal To Modify Control Zone

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 60–NY–60 on December 24, 1960 (25 F.R. 13727), followed by a supplemental notice of proposed rule making published in the FEDERAL REGISTER on March 3, 1961 (26 F.R. 1861), it was stated that the Federal Aviation Agency proposed to modify the Boston, Mass., control zone.

Subsequent to publication of the notice, a review of the requirements for controlled airspace in the Boston area has indicated that, upon implementation of the provisions of Amendment 60–21 to Part 60 of the Civil Air Regulations numerous changes will be required in the dimensions of the control zone proposed in the notice. The need for these changes will be considered in an Amend-

ment 60–21 implementation study to be made on an area basis in which requirements for controlled airspace in the Boston area will be correlated with requirements in adjacent areas. Accordingly, the notice is being withdrawn, and a new proposal will be issued upon completion of the study.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 60–NY–60 is withdrawn.

Section 307(a) of the Federal Aviation Agency Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 1, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10596; Filed, Nov. 6, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 198]

ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Delegation of Authority

The Acting Secretary of State has delegated certain authorities to the Administrator of the Agency for International Development by the terms of the following letter:

The Honorable FOWLER HAMILTON,
Administrator, Agency for International Development, Washington 25, D.C.

DEAR MR. HAMILTON:

I hereby establish within the Department of State an agency to be known as the Agency for International Development.

I hereby delegate to you as Administrator of AID, all the functions conferred upon me by the President's letter to the Secretary of State providing for the establishment of the Agency for International Development other than the functions conferred upon the President by Sections 601(b)(2), 601(b)(3), and 620(b) of the Foreign Assistance Act of 1961, as amended, and I reallocate to you the funds allocated to the Secretary of State by the above-referenced President's letter.

You are also delegated the authority conferred upon the Secretary of State by the determination of the President pursuant to Section 604(a) of the Foreign Assistance Act of 1961, as amended.

This redelegation of authority shall terminate upon issuance of an Executive Order and a Department of State Delegation of Authority providing generally for the carrying out of the functions conferred upon the President by the Foreign Assistance Act of 1961.

Sincerely yours,

CHESTER BOWLES,
Acting Secretary of State.

SEPTEMBER 30, 1961.

Dated: November 2, 1961.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

[F.R. Doc. 61–10671; Filed, Nov. 6, 1961; 9:02 a.m.]

AGENCY FOR INTERNATIONAL DEVELOPMENT

[Delegation of Authority 1]

OFFICIALS OF THE INTERNATIONAL COOPERATION ADMINISTRATION AND THE DEVELOPMENT LOAN FUND

Delegation of Authority

The Secretary of State has delegated to me, as Administrator of AID, the functions conferred upon him by the President's letter to the Secretary of State of September 30, 1961, other than the functions conferred by sections 601(b)(2), 601(b)(3), and 620(b) of the Foreign Assistance Act of 1961. These functions are comparable to functions under the Mutual Security Act of 1954 now exercised by the Development Loan Fund and the Secretary of State, including functions which have been delegated to the Under Secretary of State for Economic Affairs and to the Director of the International Cooperation Administration.

To assist me in carrying out such functions I have been authorized to utilize the services of all personnel in ICA and DLF and to utilize the offices, entities, records, property and funds of the Development Loan Fund as well as those of the International Cooperation Administration.

In accordance with the above I hereby authorize incumbents of positions in ICA and DLF to exercise authority under the Foreign Assistance Act of 1961, on behalf of the Agency for International Development, comparable to the authority under the Mutual Security Act of 1954 now exercised by them with respect to activities of the International Cooperation Administration and the Development Loan Fund, subject to such limitations, restrictions and requirements as may relate to the exercise of such authority under the Foreign Assistance Act of 1961.

All actions taken with respect to funds made available under the Foreign Assistance Act of 1961 during the interim period prior to the abolishment of the ICA and DLF, including apportionment, allocations, commitment, obligation of funds, contracts, appointments, procurement transactions, exercise of waivers under statutes and regulations, determinations required by law, issuance of letters of commitment and Letters of Credit, may be taken in the name of the ICA or DLF as appropriate, and shall be deemed to have been taken by the Agency for International Development. Actions with respect to funds made available under the Mutual Security Act of 1954, or other acts repealed by the Foreign Assistance Act of 1961, and under the Agricultural Trade Development and Assistance Act of 1954, shall be taken under my general direction and shall be deemed to be taken by ICA and DLF as appropriate.

All existing delegations of authority (published or otherwise), regulations, policy directives, internal manual orders, instructions, and the like of the ICA and DLF shall be applicable to the exercise of authority taken upon behalf of the Agency for International Development, to the extent consistent with law, and shall also continue in effect within the Agency for International Development, except as they may be later modified or superseded.

In accordance with section 621(b) of the Foreign Assistance Act of 1961, ICA and DLF continue in existence for a period not to exceed 60 days following enactment of the Foreign Assistance Act, unless sooner abolished by the President. Therefore until these agencies are abolished all employees continue as employees of ICA and DLF in their current positions and titles, and functions of offices remain unchanged, unless otherwise specified.

Dated: September 30, 1961.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 61–10689; Filed, Nov. 6, 1961; 9:03 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–C]

AMMONIUM SULFATE FROM BELGIUM

Determination of No Sales at Less Than Fair Value

OCTOBER 30, 1961.

A complaint was received that ammonium sulfate from Belgium was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that ammonium sulfate from Belgium is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Synthetic ammonium sulfate produced in Belgium for exportation to Puerto Rico is not sold for home consumption. Coke oven ammonium sulfate sold for home consumption is inadequate in quantity to furnish a basis for a fair value comparison. After due consideration, it was concluded that ammonium nitrate and calcium cyanamide, which are sold for home consumption in quantities adequate for a fair value determination, are not similar, within the meaning of the Antidumping Act, to the synthetic ammonium sulfate is sold for exportation to Puerto Rico. As identical synthetic ammonium sulfate is sold for exportation to third countries by Belgian producers, third country price was used as a basis for the determination of fair value.

It was determined that a comparison between purchase price and the weighted-average adjusted third country price was appropriate for the purpose of the fair value comparison.

Purchase price was computed on the basis of the c.i.f., free out, price in bulk to Puerto Rico. From this price were deducted ocean freight, insurance, inland freight, and loading and handling.

Weighted-average adjusted third country price was computed on the basis of the prices at which sales were made to various third countries on or about the date of the purchase order against which were made the several shipments imported into Puerto Rico during the period under consideration. From such prices were deducted ocean freight, insurance, inland freight, packing, and

loading as applicable. Adjustment was also made for the difference in commission, financing, and sundry expense between the amounts applicable to shipments to Puerto Rico and the amounts applicable to shipments to the third countries involved. A weighted average was determined on the basis of the quantities shipped to each country.

Purchase price was found to be lower than the weighted-average adjusted third country price by approximately 1 percent.

The seller, upon being advised of this margin, agreed to make an immediate adjustment of his price as to all future shipments to the extent necessary to eliminate the margin.

In view of the foregoing, and under the circumstances prevailing in this case, the amount involved in the shipments which were at a price to which the margin applied was deemed to be not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10615; Filed, Nov. 6, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GLENN E. CARTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of October 20, 1961.

GLENN E. CARTER.

OCTOBER 25, 1961.

[F.R. Doc. 61-10626; Filed, Nov. 6, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Supplementary Lists

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from July 16, 1961 to October 15, 1961, inclusive. These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1961, published on July 1, 1961 in 26 F.R. 5961, as amended by the lists of license actions taken from April 16, 1961 through July 15, 1961, published on August 12, 1961 in 26 F.R. 7365.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Hollister-Stier Laboratories, Spokane, Wash., Chicago, Ill., Yeadon, Pa., Los Angeles, Calif., Atlanta, Ga.	91	8-16-61
Pfizer, Ltd., Sandwich, Kent, England	338	8-17-61
Harrison County Blood Bank, Clarksburg, W. Va.	339	8-30-61
Jackson Blood Bank and Medical Laboratory, Jackson, Tenn.	170	9-11-61
Orangeburg Regional Blood Bank, Orangeburg, S.C.	340	10-10-61

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Packed Red Blood Cells (Human)	Essex County Blood Bank, Inc.	221	8-10-61
Anti-B Blood Grouping Serum	University of Cincinnati Blood Transfusion Service	235	8-10-61
Anti-Rh Typing Serum, Anti-Rh$_o$ (Anti-D)	do		
Poliovirus Vaccine, Live, Oral Type 1	Pfizer, Ltd.	338	8-17-61
Anti-Human Chorionic Gonadotropic Serum	Ortho Pharmaceutical Corp.	156	8-24-61
Reagent Red Blood Cells (Human)	Knickerbocker Biologicals, Inc.	164	9-20-61
Citrated Whole Blood (Human)	Harrison County Blood Bank	339	9-30-61
Heparinized Whole Blood (Human)	The American National Red Cross	190	9-22-61
Tuberculin, Tine Test	Lederle Laboratories Division, American Cyanamid Co.	17	9-29-61
Fibrinogen (Human)	Hyland Laboratories	140	9-28-61
Anti-Rh Typing Serum, Anti-rh$'$ (Anti-C)	Community Blood Bank and Serum Service.	295	9-29-61
Anti-Fy^a Serum (Anti-Duffy)	do		10-2-61
Poliovirus Vaccine, Live, Oral Type 2	Pfizer, Ltd.	338	10-6-61
Tuberculin, Old	Division of Laboratories, Michigan Department of Health.	99	10-10-61
Citrated Whole Blood (Human)	Orangeburg Regional Hospital Blood Bank.	340	10-10-61

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Hollister-Stier Laboratories, Chicago, Ill., Philadelphia, Pa., Spokane, Wash., Los Angeles, Calif., Atlanta, Ga.	91	8-16-61
Jackson Medical Laboratory and Blood Bank, Jackson, Tenn.	170	9-11-61

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Antimumps Serum	Hyland Laboratories	140	7-28-61
Antipertussis Serum	do		

Approved: October 31, 1961.

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved: November 1, 1961.

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 61-10628; Filed, Nov. 6, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 7, set forth below, to Facility License No. R-28. The license authorizes The Regents of the University of Michigan to operate the Ford Nuclear Reactor located in Ann Arbor, Michigan.

The amendment adds a condition to the license requiring that an interlock be installed on the linear level recorder. The interlock, which is to be operative during operation of the reactor, will take the reactor off automatic control should the indicated power level drop below 95 percent of the control point setting.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any increase in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee

or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-28; Amdt. 7]

License No. R-28, which authorizes University of Michigan to operate its pool-type nuclear reactor located on the university's campus in Ann Arbor, Mich., is hereby amended by adding the following additional condition thereto:

University of Michigan shall install on the linear level recorder, and keep operative during operation of the reactor, an interlock which will take the reactor off automatic control should the indicated power level drop below 95 percent of the control point setting.

This amendment is effective as of the date of issuance.

Date of issuance: October 31, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10592; Filed, Nov. 6, 1961; 8:45 a.m.]

[Docket No. 50-112]

UNIVERSITY OF OKLAHOMA

Notice of Proposed Issuance of Utilization Facility License Amendment

Please take notice that unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission by the applicant or a petition to intervene is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue an amendment, substantially as set forth below, to Facility License No. R-53. The license authorizes University of Oklahoma to operate its nuclear reactor Model AGN-211, Serial No. 102, located on its campus in Norman, Okla. The amendment would authorize the licensee to repair the fuel elements for the reactor by removing the blistered plastic cladding and repainting the elements with Copon epoxy paint as described in the licensee's application for license amendment dated October 6, 1961. The amendment would also provide additional conditions regarding possible fission product leakage which will further safeguard operation of the reactor.

The Commission has found that University of Oklahoma is technically qualified to engage in the proposed activities and that their conduct in accordance with the terms and conditions of the license, amended as proposed, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED AMENDMENT TO UTILIZATION FACILITY LICENSE

License No. R-53, as amended, which authorizes University of Oklahoma to operate its reactor Model AGN-211, Serial No. 102, located on its campus in Norman, Okla., is hereby amended in the following respects:

1. In addition to the activities previously authorized by License No. R-53, as amended, University of Oklahoma is authorized to repair the reactor fuel elements and reload them into the reactor. The activities shall be conducted in accordance with the procedures and subject to the limitations in License No. R-53, as amended, the application for license amendment dated October 6, 1961 and "Health Physics Procedures" described in Aerojet-General Nucleonics' report to the Commission dated November 5, 1957, Docket No. 50-88, Appendix A, "AGN-211 Core Fabrication, Examination, and Storage Procedures."

2. The following conditions are added:

A. Instrumentation capable of prompt detection of any fission product leakage to the pool water and to the air above the pool shall be functioning at all times when the reactor is operating.

B. In the event any fission products are detected in the pool water or in the air above the pool the reactor shall not thereafter be operated at a power level higher than one-half of the lowest power level at which it was being operated when fission products were detected without prior written authorization from the Commission.

C. A written report shall be submitted to the Commission on each occasion on which fission products are detected in the pool or in the air above the pool.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10633; Filed, Nov. 6, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18121]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application To Amend

NOVEMBER 1, 1961.

Take notice that on August 22, 1961, Columbia Gulf Transmission Co. (Applicant), P.O. Box 683, Houston 1, Texas, filed an application, as supplemented on August 25, 1961, to amend the Commission's order issued June 5, 1959, in Docket No. G-18121, so as to permit Applicant to acquire and operate an experimental compressor station addition near Hampshire, Tenn., as a permanent addition to its transmission system, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

In the June 5, 1959, order the Commission authorized Applicant to construct and operate, with an option to purchase from the manufacturer, an additional 4,000 horsepower compressor engine at its existing Compressor Station No. 4 near Hampshire, Tenn., for the purpose of testing the economics and feasibility of using remote-controlled, unattended, 2-cycle gas engines driving centrifugal compressors in future installations on its system. The application shows that the subject unit operated 5,397 hours as of July 31, 1961, and has proved the experiment a success. Applicant states that it desires to acquire and operate the unit and to utilize it as a permanent installation for standby operations only.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10599; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP61-199]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 27, 1961.

Take notice that on January 24, 1961, East Tennessee Natural Gas Co. (Applicant), P.O. Box 10245, Knoxville 19, Tenn., filed an application, as supplemented on July 7, 1961, and August 18, 1961, in Docket No. CP61-199, pursuant to

section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of facilities in order to render additional natural gas service to an existing customer, Volunteer Natural Gas Co. (Volunteer), at a proposed new delivery point near Johnson City, Tenn., and the initiation of natural gas service to The Unicoi County Utility District (Utility District) for resale and distribution by the latter in the communities of Erwin and Unicoi, and environs, Unicoi County, Tenn., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

In order to effect the proposed natural gas service, Applicant proposes to construct and operate approximately 14.5 miles of 6-inch lateral transmission pipeline extending from its existing Johnson City-Elizabethton 8-inch lateral to a point near Unicoi, together with appurtenant measuring and regulating facilities.

The application shows that the new delivery point for the proposed sale to Volunteer will be located on the proposed 6-inch lateral on the southwestern side of Johnson City approximately 5.8 miles from the connection between said lateral and the existing 8-inch lateral. Applicant states that it presently sells and delivers gas to Volunteer for resale and distribution in Johnson City through delivery points located on the northeast and northwest sides of the city. Volunteer has advised Applicant that it has been unable to serve prospective customers in the western part of Johnson City because of the limited capacity of its main distribution lines to transport gas to that area from Applicant's present delivery points; as a result of the new delivery point, Volunteer will be able to serve these customers.

Volunteer will construct the additional facilities to receive and transport the additional gas from the new delivery point at an estimated cost of $38,404, which cost will be financed from cash on hand.

The sale of gas will be made pursuant to a gas sales contract, dated December 1, 1960, between Applicant and Volunteer.

In order to render service to Erwin and Unicoi, and environs, Utility District will construct and operate approximately 60 miles of distribution lines ranging from 6 inches to 1 inch in diameter. The cost of the facilities proposed is estimated at $1,100,000, which cost will be financed by Utility District through the issuance of First Mortgage Natural Gas System Revenue Bonds. Utility District also proposes to issue $55,000 of 5½-percent second mortgage bonds for promotion of gas service and conversion of customers.

Utility District has received the necessary franchise authorizations for service in the proposed areas within Unicoi County.

The application shows the following natural gas requirements for the proposed service:

	Mcf at 14.73 psia	
	Peak day	Aggregate annual
30 main line taps	50–500 per tap	440,000
25 measuring and regulating stations	50–5,000 per station	7,654,000
3 lateral or branch lines	50–5,000 per line	1,350,000
Total		9,450,000

The total cost of Applicant's proposed facilities is estimated to be $381,010, which cost will be financed from the sale of temporary cash investments presently on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 4, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 21, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10600; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP62–64]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that on September 14, 1961, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–64 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of small scale routine "budget-type" facilities during the calendar year 1962, the operation thereof, and the sale of natural gas by the use thereof to Applicant's existing authorized resale customers for resale for general distribution and for resale on a limited-term project basis for well drilling operations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of:

A. Facilities required for natural gas service to existing authorized customers for resale for general distribution:

1. Not more than 30 main line taps, together with the necessary standard appurtenances for the operation thereof, through which Applicant proposes to sell and deliver from 50 to 500 Mcf of natural gas per day installation, to existing authorized resale customers of Applicant in Colorado, Utah, Wyoming, Idaho, Oregon, Washington, Texas, New Mexico, and Arizona, at an estimated cost of $400 for each installation and an aggregate cost not to exceed $12,000;

2. Not more than 25 main line measuring and regulating and/or check metering stations, together with main line tap facilities and the necessary standard appurtenances for the operation thereof, through which Applicant proposes to sell and deliver from 50 to 5,000 Mcf of natural gas per day per installation to existing authorized resale customers of Applicant, at various locations along the transmission pipeline system of Applicant as above, or adjacent to the transmission pipeline system of Pacific Gas Transmission Co. (Pacific),[1] at an estimated cost of $2,000 to $7,000 for each installation and an aggregate cost not to exceed $175,000;

3. Not more than 3 lateral or branch pipelines of not less than 2½ inches nor more than 6⅝ inches outside diameter, together with related main line taps, measuring and regulating and/or check metering stations, and the necessary standard appurtenances for the operation thereof, through which Applicant proposes to sell and deliver from 50 to 5,000 Mcf of natural gas per day per line to existing authorized resale customers of Applicant, to be installed at various locations along and extending from either the transmission pipelines of Applicant or the pipeline system of Pacific, at an estimated cost not to exceed $350,000 for each installation and an aggregate cost not to exceed $1,050,000.

B. Facilities required for natural gas service to existing authorized customers for resale for well drilling operations:

1. Not more than 15 main line or field system taps, together with the standard appurtenances necessary for the operation thereof, at an estimated cost of $400 for each installation and an aggregate cost not to exceed $6,000;

2. Portable measuring and regulating facilities, together with the standard appurtenances necessary for the operation thereof, to be installed at up to a total of 15 main line or field system tap locations, at an estimated cost of $1,200 for each installation and an aggregate cost not to exceed $18,000.

[1] Pacific, under authority issued in Docket No. G–17350, will transport for the account of Applicant natural gas to be purchased by Applicant from Westcoast Transmission Co. at Kingsgate, British Columbia. Deliveries of gas so transported will be made by Pacific to Applicant at delivery points specified by Applicant along Pacific's pipeline in Idaho, Washington, and Oregon.

Estimated volumes of natural gas to be delivered for resale for general distribution during the third year after the initiation of the service proposed in the application are as follows:

Customer	Year	Peak day	Annual		
			Firm	Interruptible	Total
		Requirements in Mcf at 14.9 psia			
Volunteer Natural Gas Co.	1962	121	14,000	57,200	71,200
Unicoi Utility District	1962	1,343	119,921	59,273	179,194
Total		1,464	133,921	116,473	250,394
Volunteer Natural Gas Co.	1963	145	17,000	57,200	74,200
Unicoi Utility District	1963	1,761	157,431	88,597	246,028
Total		1,906	174,431	145,797	320,228
Volunteer Natural Gas Co.	1964	163	19,000	253,200	272,200
Unicoi Utility District	1964	1,982	177,027	151,371	328,398
Total		2,145	196,027	404,571	600,598

The gas requirements for well drilling operations are for limited terms and are estimated to range in volume from 200 Mcf to 3,000 Mcf per day per well, and the normal duration of drilling operations for each such well is anticipated to range from 30 to 90 days, with an annual volume to be delivered in all such sales not to exceed 300,000 Mcf. The measuring and regulating facilities will be of a portable nature and thus may be utilized at successive locations following their removal from a prior drilling gas tap location.

The estimated maximum cost of all facilities for which authorization is sought is $1,261,000. Applicant states that no additional financing will be necessary for the proposed facilities.

No increase in main line capacity is proposed.

Rates for the proposed service will be charged pursuant to Applicant's applicable FPC Gas Tariff.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 30, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10601; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CI61–115 etc.]

E. C. HARTMAN ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 1, 1961.

E. C. Hartman, Docket No. CI61–115; H. & H. Supply Company,[1] Docket No. CI61–277; W. L. Heeter, Docket No. CI61–305; J. F. Deem, Docket No. CI61–432; South Fork Gas Company, Docket No. CI61–441; R. M. Laurence, Inc. et al., Docket No. CI61–1205; Murphy Corporation, Docket No. CI61–1368; Skelly Oil Company, Docket Nos. CI61–1510, CI61–1511; Bevly Oil and Developing Corporation, Docket No. CI61–1749; John Nisbett, Docket No. CI62–85; Dearborn Oil & Gas Corporation, Docket No. CI62–196; Copeland Gas Company, Docket No. CI62–229; The Atlantic Refining Company, Docket No. CI62–248; Shell Oil Company, Docket No. CI62–315.

Take notice that each of the above applicants seeks permission and approval pursuant to section 7(b) of the Natural Gas Act to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the respective applications herein which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket No.; Field and Location; Purchaser, and Docket No. in Which Sale Was Authorized

CI61–115; Pennsboro Field, Clay District, Ritchie County, W. Va.; Hope Natural Gas Co.; G–5608

CI61–277; Colon No. 1 Well, E/2 of SW/4 of section 28, T. 17 N, R. 14 E., Lincoln County, Okla.; Cities Service Gas Co.; G–8560

CI61–305; Kester Vannoy No. 1 Well, Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; G–8823

CI61–432; Elvina Flanagan Lease, Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; G–18284

CI61–441; B. B. Tibbs Lease, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G–18488

CI61–1205; Montgomery No. 1 Well, SE/4 of NE/4 of SE/4 of section 29, T. 2 S., R. 3 W., Fox Field, Carter County, Okla.; Lone Star Gas Co.; G–4850

CI61–1368; Indian Lake Field, Madison and Franklin Parishes, La.; United Fuel Gas Co.; G–8746

CI61–1510; D. M. Kerr Lease, NW/4 of section 35, T. 8 N., R. 54 W., Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; G–9937

CI61–1511; Floyd Schinkel Lease, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; G–19141

CI61–1749; Odem Field, San Patricio County, Tex.; Tennessee Gas Transmission Co.; G–4530

CI62–85; J. C. Pitts Lease, Southwest Jefferson Field, Marion County, Tex.; Arkansas Louisiana Gas Co.; G–7296

CI62–196; Wick Field, Meade District, Tyler County, W. Va.; Hope Natural Gas Co.; G–12368

CI62–229; Gideon District, Cabell County, W. Va.; Cumberland Gas Corp.;[2] G–8262

CI62–248; Koontz and North Koontz Fields, Victoria County, Tex.; United Gas Pipe Line Co.; G–10354

CI62–315; Jennings Field, Acadia Parish, La.; United Gas Pipe Line Co.; G–13598

These matters should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 7, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or

[1] Purchaser from Clark C. Nye of the facilities used in the sale proposed for abandonment.

[2] Formerly Southeastern Gas Corp., formerly West Virginia Gas Corp.

before November 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10602; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP62-51]

HOME GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 1, 1961.

Take notice that on August 24, 1961, Home Gas Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application in Docket No. CP62-51, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon about 159.8 miles of its parallel 6-inch transmission lines, A-1, A-2, A-3, and A-4, extending from Westover Header in the town of Maine, Broome County, New York, to the Village of Hancock, Delaware County, New York, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the 4 parallel 6-inch lines are part of a system of old lines which were acquired from New York Transit Company in 1929 and which extended from the vicinity of Olean, New York, in the west to Port Jervis on the Delaware River in the east. Applicant states that, since completion of its newer 12-inch line, A-5, paralleling the above lines between Port Jervis and the connecting lines to the Dundee storage project, Applicant has abandoned the section of Lines A-1, A-2, A-3, and A-4 between Hancock and Port Jervis and sold a section of Lines A-3 and A-4 west of the Westover connection to Columbia Gas of New York, Inc. The section of the parallel lines herein proposed to be abandoned was retained by Applicant for emergency and peak day demands. However, Applicant now states that its recent experience over several winters has shown that there is no further need for this section of lines.

Applicant proposes to sell a 6.7-mile section of the subject facilities to Columbia Gas of New York, Inc.; the latter intends to use the facilities in its Binghamton, New York, distribution system. The 6.7 miles of lines will be sold in place for the estimated amount of $6,100, the original cost less depreciation as of the date of transfer. Applicant proposes to lift and salvage the remainder of the subject lines.

Total salvage value, including the $6,100, is estimated at $242,100, credit to fixed capital is $606,200 and total cost of retiring is estimated at $190,200.

Applicant states that no abandonment of service will result from the proposed abandonment.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 7, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10603; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP62-72]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that on September 21, 1961, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP62-72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of lateral pipelines and related facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time from producers thereof during the calendar year 1962, at a total estimated cost not to exceed $1,000,000, with no single project to exceed a cost of $250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities with funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority, contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10604; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. RI60-92 etc.]

OHIO OIL CO. ET AL.

Order Approving Recess of Hearing

OCTOBER 31, 1961.

The Ohio Oil Company, Docket Nos. RI60-92, G-12037, G-13465, G-13521, G-16688, G-16672, G-17275, G-17900, G-19763; The Ohio Oil Company (Operator), et al., Docket No. G-20185.

On October 11, 1961, at the conclusion of cross-examination of Interveners' direct case in the above-entitled proceedings, counsel for Respondent requested permission to serve its rebuttal case on January 2, 1962. The Presiding Examiner granted Respondent's request and further postponed the hearing in these proceedings until January 22, 1962, subject to approval by the Commission. On October 13, 1961, the Presiding Examiner certified the record to the Commission for its consideration.

In support of its request, Respondent stated on the record that an extended period of time is necessary for preparation of its rebuttal case in these proceedings because of Respondent's obligations during November and December, 1961, in other proceedings.

The Commission finds: Good cause exists for granting the request of Respondent to serve its rebuttal case on January 2, 1962, and for postponing the hearing in these proceedings until January 22, 1962.

The Commission orders: Respondent shall serve its rebuttal case in these proceedings on January 2, 1962, and the hearing in these proceedings shall reconvene on January 22, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10605; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP61-344]

PROPHETSTOWN NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that Prophetstown Natural Gas Company (Gas Company), an Illinois corporation with principal place of business in Prophetstown, Illinois, filed in Docket No. CP61-344 on June 30, 1961, as supplemented September 25, 1961, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its transportation facilities with the facilities Gas Company proposes to construct and to sell and deliver to Gas Company the estimated third-year maximum daily volume of gas, amounting to 1,300 Mcf, required by Gas Company to meet the estimated requirements of customers proposed to be served with natural gas in Prophetstown, Illinois, and environs, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application states that Gas Company is a wholly owned and newly organized subsidiary of the Thermogas Company, an Iowa corporation which has its principal place of business at 4509 East 14th Street, Des Moines, Iowa, and which distributes and sells propane gas in about 48 communities in Iowa and Illinois. Gas Company proposes to distribute natural gas in Prophetstown, a community with a population of about 2,000 persons, located in Whiteside County, Illinois. Gas Company states that Prophetstown is situated about 9½ miles north of Natural's main transmission line and that it proposes to construct and operate a 4-inch lateral transmission line extending southwardly from Prophetstown to an interconnection with Natural's main line. Gas Company expects to distribute gas to several residential and commercial customers located along the route of this proposed interconnecting line in addition to serving its primary market at Prophetstown.

Gas Company estimates that it will attach approximately 538 customers by the third year of service and that the peak daily requirements of these customers will be 1,300 Mcf and their annual requirements will be 142,500 Mcf, of which volume Gas Company hopes to sell 36,800 Mcf to its sole industrial customer, the Prophetstown Manufacturing Division of the Buffalo-Eclipse Corporation.

The total amount Gas Company expects to expend for construction of the transmission line and distribution facilities by the third year of operation is estimated at $331,400. Of this amount, it is anticipated that approximately $135,000 will be used for constructing the lateral transmission line from Prophetstown to Natural's main line. Gas Company proposes to finance the cost of construction by the sale of 2,000 shares of common stock to its parent, Thermogas Company, at $100 per share. Gas Company proposes to acquire additional funds above the $200,000 to be obtained from the sale of stock, as needed, by selling ten-year notes at six percent interest to Thermogas Company.

The supplement to Gas Company's application submitted a copy of an order issued September 6, 1961, by the Illinois Commerce Commission in case No. 47989 granting Gas Company a certificate of public convenience and necessity "* * * for the construction, operation and maintenance of a gas transmission and distribution system in and near the city of Prophetstown * * * and the transaction of a gas public utility business in connection therewith".

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 14, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters involved in and the issues presented by Gas Company's application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure [18 CFR 1.8 or 1.10] on or before November 30, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10606; Filed, Nov. 6, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST COLORADO BANKSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Colorado Bankshares, Inc. for prior approval of action to become a bank holding company under section 3(a)(1) of the Bank Holding Company Act of 1956.

There having come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application by First Colorado Bankshares, Inc., a Colorado corporation with its principal office in Englewood, Colorado, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 50 percent or more of the outstanding voting shares of The First National Bank of Englewood, Englewood, Colorado; University Hills Bank, Denver, Colorado; and Lakeside National Bank, Lakeside Center, Colorado; a notice of receipt of application having been published in the FEDERAL REGISTER on June 29, 1961 (26 F.R. 5851), which notice provided for the filing of comments and views regarding the proposed acquisition; and the time provided by the notice for filing comments and views having expired and no comments or views having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by First Colorado Bankshares, Inc., of 50 percent or more of the outstanding voting shares of The First National Bank of Englewood, University Hills Bank, and Lakeside National Bank is hereby approved, provided that such acquisitions are completed within three months from the date hereof.

Dated at Washington, D.C., this 27th day of October 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-10607; Filed, Nov. 6, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2568]

HOLIDAY MINES, INC.

Order Permanently Suspending Regulation A Exemption

NOVEMBER 1, 1961.

Holiday Mines, Inc., a Washington corporation, having filed with the Commission on December 31, 1958, a notification and offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A thereunder with respect to a proposed offering of its common stock, $1 par value;

The Commission, by order dated June 30, 1960, having temporarily suspended the aforesaid exemption, pursuant to Rule 261 of Regulation A, and having, at the issuer's request, ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption;

A hearing having been held, and the Commission having considered the record and recommended decision of the hearing examiner, which recommended that the Commission afford the issuer ninety days in which to file an amendment to its notification, and having issued an order on July 19, 1961, affording the issuer an opportunity to amend its filing and providing for vacation of the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Kansas City.

temporary suspension order if such amended filing appeared to contain no material deficiencies, and for permanent suspension of the exemption if the revised filing were not submitted within the time permitted or if such filing were materially deficient; and

Holiday Mines, Inc., having advised the staff on September 11, 1961, that it would be unable to comply with the Commission's order permitting an opportunity to amend its filing,

It is hereby ordered, That the order permitting opportunity to amend the filing is canceled.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by Holiday Mines, Inc., becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10612; Filed, Nov. 6, 1961; 8:48 a.m.]

[File No. 24W-2266]

LIFETIME POOLS EQUIPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 31, 1961.

I. Lifetime Pools Equipment Corporation, a New York corporation, with its principal offices located at Renovo, Pennsylvania, filed with the Commission on June 1, 1959, a notification and offering circular relating to a proposed public offering of 150,000 shares of its 10 cents par value common stock at $2. per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to amend its notification and offering circular to disclose the fact that First Washington Corporation was acting as underwriter for the offer and sale of the issuer's securities;

2. The issuer failed to furnish the exhibits required by Item 11 of Form 1-A, namely, the underwriting agreement and the consent and certification of the underwriter, First Washington Corporation;

3. The issuer's report of sales on Form 2-A was misleading, particularly with respect to the statement that its securities were offered by the issuer as its own underwriter.

B. The Regulation A exemption was unavailable to the issuer in that First Washington Corporation participated as an underwriter in the public offering despite the fact that under Rule 252 (e)(2) of Regulation A it was clearly ineligible because it was an underwriter in the Regulation A notification filed by Acme Tool and Engineering Corporation (Polytronic Research, Inc.) whose exemption under the Regulation was suspended on June 4, 1959.

C. The offering circular contains untrue statements of material fact and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that the offering was being distributed to the public through an underwriter; and

2. The failure to disclose that First Washington Corporation was acting as an underwriter for the Regulation A offering, although it was ineligible to so act under Rule 252(e)(2) of Regulation A.

D. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of Lifetime Pools Equipment Corporation be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10613; Filed, Nov. 6, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page
PROCLAMATIONS:
3438 — 10203
EXECUTIVE ORDERS:
6681 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469

5 CFR
6 — 10204, 10267, 10447
24 — 10447

6 CFR
70 — 10267
300 — 10267
390 — 10267

7 CFR
301 — 10471
711 — 10204
717 — 10208
723 — 10471
729 — 10209
730 — 10336
847 — 10214
855 — 10268
864 — 10270
873 — 10272
914 — 10423
922 — 10214
933 — 10337, 10423–10425
942 — 10425
943 — 10214
953 — 10425
973 — 10215
994 — 10216
1014 — 10472
1017 — 10426
1031 — 10338
1071 — 10426
PROPOSED RULES:
728 — 10484
900—1072 — 10286
906 — 10298
908 — 10307, 10485
918 — 10307
925 — 10486
939 — 10296
943 — 10236
947 — 10360
986 — 10298

8 CFR
PROPOSED RULES:
252 — 10358
253 — 10358

9 CFR
74 — 10223
83 — 10338
PROPOSED RULES:
131 — 10358

10 CFR — Page
30 — 10472
PROPOSED RULES:
30 — 10487

12 CFR
262 — 10340
PROPOSED RULES:
563 — 10239

14 CFR
18 — 10473
507 — 10223, 10224, 10273, 10274, 10340, 10341, 10474
600 — 10225, 10427, 10428, 10475
601 — 10225, 10341, 10342, 10428, 10429, 10475
608 — 10342
609 — 10430, 10436
PROPOSED RULES:
60 — 10307
227 — 10238
302 — 10307
507 — 10362
600 — 10451
601 — 10363, 10451, 10488, 10489
608 — 10451

16 CFR
13 — 10363, 10445, 10476
301 — 10446

18 CFR
2 — 10342

19 CFR
14 — 10476

20 CFR
404 — 10226

21 CFR
120 — 10228
121 — 10226, 10343, 10476
146 — 10228
PROPOSED RULES:
17 — 10362
120 — 10487
121 — 10362, 10452

24 CFR
202a — 10229
203 — 10229
207 — 10229
213 — 10229
220 — 10230
221 — 10230
232 — 10230
603 — 10231
608 — 10231
611 — 10231
702 — 10231
803 — 10231
903 — 10231

25 CFR
141 — 10232

26 CFR
1 — 10275, 10477

26 CFR—Continued — Page
PROPOSED RULES:
1 — 10283, 10449, 10450, 10483
252 — 10484

28 CFR
21 — 10232

29 CFR
601 — 10275
780 — 10377
793 — 10275

32 CFR
737 — 10353
739 — 10353

33 CFR
3 — 10343
67 — 10343
203 — 10445
204 — 10278

35 CFR
4 — 10353
CANAL ZONE ORDERS:
58 — 10353

38 CFR
13 — 10232
21 — 10278, 10478

41 CFR
5-1 — 10354
50-202 — 10354

42 CFR
73 — 10355

43 CFR
221 — 10479
PROPOSED RULES:
257 — 10285
PUBLIC LAND ORDERS:
1071 — 10356
2526 — 10279
2527 — 10356
2528 — 10356
2529 — 10356
2530 — 10427
2531 — 10480
2532 — 10480
2533 — 10480

45 CFR
212 — 10481

47 CFR
1 — 10279, 10280, 10447
3 — 10280
15 — 10281
18 — 10281
PROPOSED RULES:
3 — 10239
12 — 10240

49 CFR
PROPOSED RULES:
176 — 10240

50 CFR
32 — 10233, 10234, 10282
33 — 10234, 10235

Pages 10501–10539

FEDERAL REGISTER

VOLUME 26 NUMBER 216

Washington, Wednesday, November 8, 1961

OF MICHIGAN
NOV 10 1961
MAIN READING ROOM

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Handling of Central California grapes for crushing; establishment of handler charges 10516
Turkey hatching eggs and turkeys; supplemental notice of hearing regarding proposed marketing agreements and orders 10516

Agricultural Stabilization and Conservation Service

NOTICES:
Missouri; notice of establishment of areas of venue for marketing quota review committee panels 10522
RULES AND REGULATIONS:
Lease and transfer of tobacco acreage allotments:
Cigar-filler tobacco marketing quotas, 1962–63 marketing year 10503
Maryland tobacco marketing quotas, 1962–63 marketing year 10504
Milk in Platte Valley, Nebraska, marketing year; deletion of part 10507
Sugarcane; Puerto Rico; proportionate shares for farms, 1961–62 crop 10505

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Army Department

RULES AND REGULATIONS:
Employment and compensation in Canal Zone; miscellaneous amendments 10503
Manufacture of decorations 10509

Atomic Energy Commission

NOTICES:
University of Maryland; notice of issuance of facility license amendment 10521

Civil Aeronautics Board

NOTICES:
Mohawk Airlines, Inc.; application for approval of contract; order granting tentative approval 10523

Customs Bureau

NOTICES:
Certain footwear; proposed tariff classification 10521
RULES AND REGULATIONS:
Documentation of vessels; enrollments and licenses for coasting trade and fisheries 10508
Vessels in foreign and domestic trades; deposit of register upon entry 10508

Defense Department

See Army Department.

Emergency Planning Office

NOTICES:
Texas; notice of major disaster 10534

Employees' Compensation Bureau

RULES AND REGULATIONS:
Compensation for disability and death of non-citizens outside the United States; criteria for payment of compensation 10509

Federal Aviation Agency

PROPOSED RULE MAKING:
Alteration of Federal airway and designation of restricted area 10520
Control zone; alteration 10520
RULES AND REGULATIONS:
Alterations:
Control zone 10507
Federal airway and associated control area 10507

Federal Communications Commission

NOTICES:
Levitt, Neil N.; order designating application for hearing on stated issues 10523

Federal Maritime Commission

PROPOSED RULE MAKING:
User charges; establishment; extension of time for submitting data, views, or arguments 10520

Federal Power Commission

NOTICES:
California; notice of land withdrawal 10524
Hearings, etc.:
Pan American Petroleum Corp. et al 10525
Simmons Gas Co. et al 10526
Trunkline Gas Co. and Mississippi River Transmission Corp 10524

Federal Trade Commission

RULES AND REGULATIONS:
Baker Merchandising Corp. et al.; prohibited trade practices 10508

Indian Affairs Bureau

PROPOSED RULE MAKING:
Colorado River Indian Irrigation Project, Arizona; operation and maintenance charges 10516

Interior Department

See Indian Affairs Bureau; Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Motor carrier:
Alternate route deviation notices 10527
Applications and certain other proceedings 10527
Transfer proceedings 10533

Labor Department

See Employees' Compensation Bureau; Public Contracts Division; Wage and Hour Division.

(*Continued on next page*)

Land Management Bureau
NOTICES:
South Dakota; notice of proposed withdrawal and reservation of lands ---- 10521

Post Office Department
RULES AND REGULATIONS:
Air transportation; First Class Mail (FCM) by air ---- 10510

Public Contracts Division
PROPOSED RULE MAKING:
Office, computing, and accounting machines industry; tentative decision determining prevailing minimum wages ---- 10517

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
Aberdeen Fund ---- 10534
American Metal Climax, Inc., et al ---- 10535
Baldwin-Montrose Chemical Co., Inc ---- 10535
Courts & Co. et al ---- 10535

Small Business Administration
NOTICES:
Director, Office of Organization and Management; delegation relating to organization and management ---- 10536
Director, Office of Personnel; delegation relating to personnel functions ---- 10536

Treasury Department
See Customs Bureau.

Wage and Hour Division
NOTICES:
Certificates authorizing employment of learners at special minimum rates ---- 10534

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
201 ---- 10503
202 ---- 10503

7 CFR
723 ---- 10503
727 ---- 10504
857 ---- 10505
1013 ---- 10507
PROPOSED RULES:
900—1072 ---- 10516
1026 ---- 10516

14 CFR
600 ---- 10507
601 (2 documents) ---- 10507
PROPOSED RULES:
600 ---- 10520
601 ---- 10520
608 ---- 10520

16 CFR
13 ---- 10508

19 CFR
3 ---- 10508
4 ---- 10508

20 CFR
25 ---- 10509

25 CFR
PROPOSED RULES:
221 ---- 10518

32 CFR
507 ---- 10509

39 CFR
96 ---- 10510

41 CFR
PROPOSED RULES:
50–202 ---- 10517

46 CFR
PROPOSED RULES:
502 ---- 10520

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

PART 202—FILLING POSITIONS

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of § 201.100(b) is deleted and § 202.10 is amended by adding the following paragraph (f):

§ 202.10 Certifications for appointment.

* * * * *

(f) When necessary to achieve the objectives set forth in section 14 of Public Law 85-550 and Part 206 of this title, certification for appointment under an apprentice program may, at the request of the appointing officer, be restricted on the basis of citizenship.

ELVIS J. STAHR, JR.,
Secretary of the Army.

[F.R. Doc. 61-10643; Filed, Nov. 7, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENT

(1) *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6411, 6622, 7693) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the provisions of Public Law 87-200, to include in a new section 723.988 provisions for the leasing and transfer of cigar-filler (type 41) tobacco acreage allotments. Prior to preparing this amendment, public notice was given (26 F.R. 9235) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to the regulations in § 723.988 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and Public Law 87-200. Since farmers are now making 1962 crop plans and such plans may be affected by the provisions governing the lease and transfer of tobacco allotment acreage, it is hereby found and determined that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

(2) *The amendment.* A new § 723.988 is added to read as follows:

§ 723.988 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding the provisions of §§ 723.971 through 723.987, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm 1962 tobacco acreage allotment for cigar-filler (type 41) tobacco is established under §§ 723.971 through 723.987 may lease and transfer all or any part of such allotment to the owner or operator of a farm in the same county with a 1962 allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree upon. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year, but may be renewed for the 1963 crop year, if the parties so agree. Provisions governing renewals for 1963 will be made in allotment regulations issued for the 1963–64 marketing year.

(c) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1, 1962.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.982 in the case of old farms and, in the case of new farms, § 723.985, for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (d) of this section) shall be considered for the purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(f) Not more than five acres of allotment acreage (prior to any adjustment under paragraph (d) of this section for normal yields) may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A 1962 new farm allotment shall not be leased or transferred.

(h) 1962 tobacco allotment acreage shall not be leased and transferred to or from any farm which for 1962 is under a conservation reserve contract covering the entire farm. If only a part of a farm is under a conservation reserve contract for 1962, tobacco allotment acreage shall not be leased and transferred from such farm in excess of the permitted acreage for the farm and 1962 tobacco allotment acreage shall not be leased and transferred to such a farm in excess of the permitted acreage less the 1962 tobacco acreage allotment for the farm without regard to a lease and transfer.

(i) The 1962 tobacco allotment acreage in a pool (see § 723.980(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 723.980(b), shall not be eligible for lease and transfer.

(j) Any allotment acreage leased shall not be subleased.

(k) A revised notice showing the allotment acreage after lease and transfer, shall be issued by the county committee to each of the operators of all farms from

which or to which 1962 tobacco allotment acreage is leased under this section.

(l) If a 1962 allotment reduction under the proviso in § 723.978(b) is pending, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the case is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for 1962 on or before May 1, 1962, the lease may be approved by the county committee. In any case, if, after a lease and transfer of a 1962 tobacco acreage allotment has been approved by the county committee, it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced under the proviso in § 723.978(b), the allotment reduction shall be delayed until 1963.

(m) Except with respect to the erroneous allotment notice provisions in § 723.986, and the provisions for review in § 723.987, the term "tobacco acreage allotment" as used in §§ 723.971 through 723.987 shall mean the allotment without regard to the application of the provisions of this section.

(n) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to such farm.

(o) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing an application for review (see § 723.987), as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(p) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the 1962 allotment for such farm only for the purposes of determining (1) 1962 excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carry-over penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm. Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(q) An agreement for leasing 1962 tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than May 1, 1962. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date, the acreage allotments resulting from the lease and transfer shall remain in effect.

(r) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in 1962 shall be the allotment after lease and transfer has been made. For 1963, that part of the acreage allotment leased shall revert back to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate for 1962 the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

(Secs. 316, 375, 75 Stat. 469, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 2, 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10682; Filed, Nov. 7, 1961; 8:51 a.m.]

[Amdt. 1]

PART 727—MARYLAND TOBACCO

Subpart—Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENT

(1) *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6424, 6641) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the provisions of Public Law 87–200, to include in a new § 727.1328 provisions for the leasing and transfer of Maryland tobacco acreage allotments. Prior to preparing this amendment, public notice was given (26 F.R. 9238, 9678) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to the regulations in § 727.1328 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and Public Law 87–200. Since farmers are now making 1962 crop plans and such plans may be affected by the provisions governing the lease and transfer of tobacco allotment acreage, it is hereby found and determined that compliance with the 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of the document with the Director, Office of the Federal Register.

(2) *The amendment.* A new § 727.1328 is added to read as follows:

§ 727.1328 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding the provisions of §§ 727.1311 through 727.1327, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm 1962 tobacco acreage allotment for Maryland tobacco is established under §§ 727.1311 through 727.1327 may lease and transfer all or any part of such allotment to the owner or operator of a farm in the same county with a 1962 allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree upon. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year, but may be renewed for the 1963 crop year, if the parties so agree. Provisions governing renewals for 1963 will be made in allotment regulations issued for the 1963–64 marketing year.

(c) A 1962 Maryland tobacco acreage allotment shall not be eligible for lease and transfer from a farm pursuant to this section unless at least 75 percent of the Maryland tobacco acreage allotment for such farm for each of the years 1960 and 1961 was actually planted (planted in the field).

(d) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1, 1962.

(e) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 727.1322 in the case of old farms and, in the case of new farms, § 727.1325, for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transfered does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(f) The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (e) of this section) shall be considered for the purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(g) Not more than five acres of allotment acreage (prior to any adjustment under paragraph (e) of this section for normal yields) may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(h) A 1962 new farm allotment shall not be leased or transferred.

(i) 1962 tobacco allotment acreage shall not be leased and transferred to or from any farm which for 1962 is under a conservation reserve contract covering the entire farm. If only part of a farm is under a conservation reserve contract for 1962, tobacco allotment acreage shall not be leased and transferred from such farm in excess of the permitted acreage for the farm and 1962 tobacco allotment acreage shall not be leased and transferred to such a farm in excess of the permitted acreage less the 1962 tobacco acreage allotment for the farm without regard to a lease and transfer.

(j) The 1962 tobacco allotment acreage in a pool (see § 727.1320(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 727.1320(b), shall not be eligible for lease and transfer.

(k) Any allotment acreage leased shall not be subleased.

(l) A revised notice showing the allotment acreage after lease and transfer, shall be issued by the county committee to each of the operators of all farms from which or to which 1962 tobacco allotment acreage is leased under this section.

(m) If a violation is pending which may result in an allotment reduction for a farm for 1962, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for 1962 before the final date for reducing allotments for violation (see § 727.1319), the lease may be approved by the county committee. In any case, if, after a lease and transfer of a 1962 tobacco acreage allotment has been approved by the county committee it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction shall be delayed until 1963.

(n) Except with respect to the erroneous allotment notice provisions in § 727.1326, and the provisions for review in § 727.1327, the term "tobacco acreage allotment" as used in §§ 727.1311 through 727.1327 shall mean the allotment without regard to the application of the provisions of this section.

(o) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to such farm.

(p) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing an application for review (see § 727.1327) as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(q) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the 1962 allotment for such farm only for the purposes of determining (1) 1962 excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carry-over penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for a farm (see § 727.1319). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(r) An agreement for leasing 1962 tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than May 1, 1962. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date, the acreage allotments resulting from the lease and transfer shall remain in effect.

(s) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in 1962 shall be the allotment after lease and transfer has been made. For 1963, that part of the acreage allotment leased shall revert back to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate for 1962 the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

(Secs. 316, 375, 75 Stat. 469, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 2, 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10681; Filed, Nov. 7, 1961; 8:51 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 857.14]

PART 857—SUGARCANE; PUERTO RICO

Proportionate Shares for Farms; 1961–62 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 857.14 Proportionate shares for sugarcane farms in Puerto Rico for the 1961–62 crop.

(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1961–62 crop shall be the amount of sugar, raw value, commercially recoverable from the sugarcane grown thereon and marketed (or processed by the producer) during the 1961–62 crop season for the extraction of sugar or liquid sugar.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* Notwithstanding the establishment of a proportionate share for each farm under paragraph (a) of this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) The number of share tenants or sharecroppers engaged in the production of sugarcane of the 1961–62 crop on the farm of such producer shall not be reduced below the number so engaged with respect to the previous crop unless such reduction is approved by the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office (referred to in this section as "Director" and "Area Office," respectively). The Director shall approve such reduction when the reduction was the result of voluntary action of the share tenant or sharecropper, or was caused by reasons beyond the control of the producer.

(2) Such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

(3) Such producer has met all other requirements of the act, and the determinations issued pursuant thereto, with respect to child labor, wage rates, and in the case of a processor-producer, prices paid for sugarcane.

(c) *Filing application for payments.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1961–62 crop season shall be made on Form SU–150 by the producer of the sugarcane, or his legal representative or heirs, who must sign the form and file it at the Area Office in San Juan, Puerto Rico, or with a representative of such office no later than June 30, 1964. The form shall be made available for

signing at the Area Office, a district ASCS office, the producer's farm, or such other place as designated by the Area Office and the producer shall be notified by such office of the place and the time the forms are available for signing.

(d) *Determination of eligibility and basis for payment; and appeals for review thereof.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the Director. Determinations by the Director shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder, and on the basis of the facts in the individual case. Within 15 days after the notice of such a determination is mailed to or otherwise made available to a producer, he may request the Director in writing to reconsider such determination. After giving the producer an opportunity to appear before him, and within 5 days after all facts in the case have been considered, the Director shall notify the producer of his decision in writing. If the producer is dissatisfied with the decision of the Director, he may, within 15 days after the notice of the decision is forwarded to or otherwise made available to him, request the Secretary of Agriculture, Washington 25, D.C., to review the decision of the Director. The decision of the Secretary shall be final. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

(e) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the Director in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the Secretary in reviewing, upon appeal, any such determination by the Director, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of this title, as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the Area Office designated by the Director to be qualified to perform such a duty may obtain such information. If the operator or his representative of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis for any such payment, or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

(f) *Transfer of sugarcane production records.* To provide an opportunity for records to be made and preserved in the Area Office of the transfer of sugarcane production records from one parcel of land to another for possible use in establishing restrictive proportionate shares under future programs, the following procedures are made available: The sugarcane production record for any parcel of land which is to be utilized for purposes other than the production of sugarcane for sugar shall, upon written application by the owner to the Agricultural Stabilization and Conservation Caribbean Area Committee (referred to in this section as "Committee"), be transferred to any other parcel or parcels of land owned by such applicant in Puerto Rico if such Committee finds that the transfer of the production record will encourage a wise use of land resources, foster greater diversification of agricultural production and promote the conservation of soil and water resources in Puerto Rico, and the Committee determines that such transfer of production record is in the public interest and will facilitate the sale or rental of the land for other productive purposes. The production record of any land removed from sugarcane production because of transfer by sale, lease or donation to any Federal, Commonwealth, or any other agency or entity having the right of eminent domain, shall, upon application to the Committee within five years from the date of such transfer and upon approval by the Committee, be added to the production record, if any, for other land owned, or purchased by the owner of the land so transferred.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed) except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302(b) of the act.

To comply with the foregoing requirements of the act, the proportionate share for any farm may be filled only by sugar produced from sugarcane grown on that farm. Sugarcane grown on one farm may not be marketed for the production of sugar within the proportionate share for another farm.

Section 302(a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) for sugar or liquid sugar, not in excess of the farm proportionate share.

Section 302(b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, disease, insects or other similar abnormal and uncontrollable conditions. Section 302(b) also provides that for purposes of establishing proportionate shares and in order to encourage wise use of land resources, foster greater diversification of agricultural production, and promote the conservation of soil and water resources in Puerto Rico, the Secretary, on application by any owner of a farm in Puerto Rico, is authorized whenever he determines it to be in the public interest and to facilitate the sale or rental of land for other productive purposes, to transfer the sugarcane production record for any parcel or parcels of land in Puerto Rico owned by the applicant to any other parcel or parcels of land owned by such applicant in Puerto Rico.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms are established for each crop for use in fixing the amounts of sugar for payment on individual farms. Restrictive proportionate shares are required in an area only when the indicated sugar supply is more than sufficient to fill the quota and provide a normal carryover inventory. Production from the 1961–62 crop is expected to be less than the quantity needed to enable the area to fill its mainland and local quotas and provide a normal carryover inventory. Accordingly, there appears to be no basis for restrictive proportionate shares for the 1961–62 crop.

Determination. This determination provides that the proportionate share for each farm in Puerto Rico for the 1961–62 crop shall be the quantity of sugar commercially recoverable from the sugarcane grown thereon and marketed (or processed) for the extraction of sugar during the 1961–62 crop year. This will permit the marketing for the production of sugar of all sugarcane produced on each farm.

The other provisions of the determination are continued unchanged from those effective for the 1960–61 crop, except that the date by which applications for Sugar Act payments must be filed has been extended one year.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Sup. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on November 3, 1961.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 61–10666; Filed, Nov. 7, 1961; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 1013—MILK IN PLATTE VALLEY, NEBRASKA, MARKETING AREA

Deletion

Notice is hereby given that effective November 1, 1961, the order, as amended, regulating the handling of milk in the Platte Valley, Nebraska, marketing area was merged with and superseded by the order, as amended, regulating the handling of milk in the Nebraska-Western Iowa marketing area (26 F.R. 10160; F.R. Doc. 61–10322), and therefore since that date the Platte Valley, Nebraska, order has not been effective as a separate order. Accordingly, the order, as amended, regulating the handling of milk in the Platte Valley, Nebraska, marketing area should be deleted from the Code of Federal Regulations.

Dated: November 2, 1961, Washington, D.C.

H. C. FEDDERSEN,
Acting Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–10665; Filed, Nov. 7, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–KC–9]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Area

On April 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3572) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 479 southward from the Wind Lake, Wis., Intersection to Northbrook, Ill., and to designate the control areas associated with this segment of Victor 479 to extend upward from at least 1,200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitude when established.

On August 1, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6860) amending the original notice. The supplemental notice proposed that the control areas associated with this segment of Victor 479 extend upward from 700 feet above the surface to the base of the continental control area until such time as all control areas associated with the other airways in the vicinity of Milwaukee, Wis., and Chicago, Ill., can be altered by applying Amendment 60–21 to Part 60 of the Civil Air Regulations.

The Air Transport Association of America concurred with the proposals contained in the notice and supplemental notice. The Department of the Air Force offered no objection to the proposal contained in the notice. The Department of the Navy objected to the proposal contained in the notice because, in their opinion, extension of the airway would impose restrictions to all high and low altitude instrument approaches into NAS Glenview, Ill., would cause undue delays to air traffic arriving and departing NAS Glenview, and cause congestion in the area northwest of NAS Glenview. No other comments were received on the proposals.

The existing route structure between Chicago and Milwaukee was developed to serve air traffic from Chicago/Midway Airport. This traffic is now operating from Chicago/O'Hare International Airport and the existing route structure is no longer adequate to handle the traffic. Preferential routings between Chicago and Milwaukee, without reliance on radar, are via Victor 7 east alternate for northbound traffic and Victor 9 and 429 for southbound traffic. When radar is employed, Victor 7 east alternate is used for northbound traffic and Victor 7 for southbound traffic. However, even with the employment of radar, the present routing is circuitous. The designation of Victor 479 would provide a more direct route between Chicago and Milwaukee and could be used at times when the area is not being used for instrument approaches to NAS Glenview. When instrument approaches are in progress, the Chicago/Milwaukee traffic could proceed by the routings now in effect without penalty to the operations at the Naval Air Station.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and supplemental notice, the following actions are taken:

1. Section 600.6479 (14 CFR 600.6479) is amended to read:

§ 600.6479 VOR Federal airway No. 479 (Northbrook, Ill., to Milwaukee, Wis.).

From the Northbrook, Ill., VORTAC via the INT of the Northbrook VORTAC 348° and the Milwaukee, Wis., VORTAC 161° radials; to the Milwaukee VORTAC.

2. Section 601.6479 (14 CFR 601.6479) is amended to read:

§ 601.6479 VOR Federal airway No. 479 control areas (Northbrook, Ill., to Milwaukee, Wis.).

All of VOR Federal airway No. 479.

These amendments shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 2, 1961.

CHARLES W. CARMODY,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–10645; Filed, Nov. 7, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–176]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2326 of the regulations of the Administrator is to alter the Martha's Vineyard, Mass., control zone by changing its hours of designation.

Northeast Airlines, the weather reporting agency at this location, has advised the hours of weather reporting have been changed to 0800 to 1700 Eastern Standard Time, daily. These hours are expected to remain in effect through June 22, after which the presently designated summer season hours of 0630 to 2300 Eastern Standard Time, daily, June 23 through September 4, annually, will again be in effect.

Therefore, the time of designation of the Martha's Vineyard control zone during the period from September 5 through June 22, annually, is being changed from 0630 to 2130 Eastern Standard Time, daily, to 0800 to 1700 Eastern Standard Time, daily.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.2326 (26 F.R. 6810), "This control zone is to be effective during the hours 0630 to 2300 Eastern Standard Time, daily, June 23 through September 4, and 0630 to 2130 Eastern Standard Time, daily, September 5 through June 22, annually." is deleted and "This control zone is to be effective during the hours 0800 to 1700 Eastern Standard Time, daily, September 5 through June 22, and 0630 to 2300 Eastern Standard

Time, daily, June 23 through September 4, annually." is substituted therefor.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 2, 1961.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-10644; Filed, Nov. 7, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8355 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Baker Merchandising Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Baker Merchandising Corporation et al., New York, N.Y., Docket 8355, Sept. 12, 1961]

In the Matter of Baker Merchandising Corporation, a Corporation, and Samuel B. Baker, Robert C. Baker, and Lawrence Rawlings, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose names of animals producing the fur contained in fur products or that some products contained artificially colored fur, and failed to use the term "Dyed Broadtail-processed Lamb" as required and which represented prices of fur products as having been reduced from so-called regular prices which were in fact fictitious; and by failing to keep adequate records as a basis for pricing claims.

The order to cease and desist is as follows:

It is ordered, That Baker Merchandising Corporation, a corporation, and its officers and Samuel B. Baker, Robert C. Baker and Lawrence Rawlings individually and as officers of said corporation and respondents' representatives, agents and employees directly or through any corporate or other device in connection with the introduction into commerce or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist directly or indirectly in the sale or offering for sale of fur products and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

B. Fails to set forth the terms "Dyed Broadtail Processed Lamb" in the manner required.

C. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

D. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

2. Making price claims and representations of the types referred to in paragraph C and D above unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10652; Filed, Nov. 7, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55505]

PART 3—DOCUMENTATION OF VESSELS

Enrollments and Licenses for Coasting Trade and Fisheries

The Act of August 30, 1961 (Public Law 87-177, 87th Congress; 75 Stat. 410; T.D. 55488), provides in part that, for the purposes of the laws of the United States relating to documentation, a vessel enrolled and licensed, or licensed, as a vessel of the United States to engage in the fishery shall not be deemed to be used in employment for which not licensed solely because such vessel occasionally takes on board on the high seas and transports without a monetary consideration to a port of the United States the catch of another fishing vessel of the United States. In order to give effect to that enactment, the following amendment is made in the Customs Regulations:

Section 3.11(b) is amended to read as follows:

(b) A vessel engaged exclusively in the cod fishery shall be licensed for that fishery. A vessel engaged in whaling shall be licensed for the whale fishery. A vessel engaged in taking fish of any other description shall be licensed for the mackerel fishery. A vessel licensed for the fisheries shall not be deemed to be used in employment for which not licensed solely because it occasionally takes on board on the high seas and transports without a monetary consideration to a port of the United States the catch of another fishing vessel of the United States. A vessel which engages in both the coasting trade and fishing (other than whaling) may be licensed for the "coasting trade and mackerel fishery." A vessel engaged in taking out fishing parties is not a fishing vessel and shall be licensed for the coasting trade unless it intends to proceed to a foreign port, in which case a certificate of registry is required. (See § 3.10. See § 3.40 for vessels on the Great Lakes.)

The parenthetical matter appearing at the end of paragraph (d) is amended to read as follows:

(R.S. 4311, as amended, 4321, as amended, sec. 7, 24 Stat. 81, as amended, 75 Stat. 418; 46 U.S.C. 251, 263, 319, 404)

(R.S. 161, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 22, 46 U.S.C. 2)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 30, 1961.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10675; Filed, Nov. 7, 1961; 8:50 a.m.]

[T.D. 55504]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Deposit of Register Upon Entry

To give effect to a Bureau ruling reflecting administrative practice and relieving certain small party fishing vessels from the requirement of depositing their registers upon making entry, the second sentence of § 4.9(b) of the Customs Regulations is amended to read as follows: "The master shall deposit his register or frontier enrollment with the collector before or at the time of entry, except that the register may be returned upon request to the master in the case of a vessel of less than 100 gross tons engaged in taking out fishing parties."

(Sec. 434, 46 Stat. 711, as amended; 19 U.S.C. 1434)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 1, 1961.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10674; Filed, Nov. 7, 1961; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

Criteria for Payment of Compensation

The Department of Labor Appropriation Act, 1962 (75 Stat. 589, 594), in providing an appropriation for compensation benefits payable in accordance with section 42 of the Act of September 7, 1916, as amended (39 Stat. 750, as amended; 5 U.S.C. 793), provided further that for the compensation benefits payable from the appropriation, the authority under section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended; 5 U.S.C. 783), to make rules and regulations shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits without regard to the date of the injury or death for which claim is made. A comparable provision was contained in the Department of Labor Appropriation Act, 1960 (72 Stat. 339, 342) and in the Department of Labor Appropriation Act, 1961 (74 Stat. 755, 759). A regulation implementing the special provision in the Department of Labor Appropriation Act, 1960, was published in the FEDERAL REGISTER on September 23, 1959 (24 F.R. 7638), by adding § 25.5 to Title 20, Code of Federal Regulations. An extension of that regulation indicating that it applied to compensation benefits payable from the Department of Labor Appropriation Act, 1961, was published in the FEDERAL REGISTER on October 29, 1960 (25 F.R. 10429). A further extension of that regulation is timely, indicating that it applies to compensation benefits payable from the appropriation made under the Department of Labor Appropriation Act, 1962.

Therefore, pursuant to section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended, 5 U.S.C. 783), the Department of Labor Appropriation Act, 1962 (75 Stat. 589, 594), Reorganization Plan No. 19 of 1950 (15 F.R. 3178, 64 Stat. 1271), and General Order No. 46 of the Secretary of Labor (15 F.R. 3290), 20 CFR 25.5 is hereby revised to read as follows:

§ 25.5 **Applicable criteria.**

(a) The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of the injury or death for which claim is made:

(1) Appropriate certification by the Federal employing establishment, or;

(2) An Armed Services casualty or medical record, or;

(3) Verification of the employment and casualty by military personnel, or;

(4) Recommendation of an Armed Services "Claim Service" based on investigations conducted by it.

(b) This section shall apply only in the adjudication of claims for benefits payable from the appropriation provided in the Department of Labor Appropriation Act, 1962.

(75 Stat. 759)

This revision shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of October, 1961.

WILLIAM MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F.R. Doc. 61-10655; Filed, Nov. 7, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 507—MANUFACTURE OF DECORATIONS

Revision

Part 507 is revised to read as follows:

Sec.
507.1 Purpose.
507.2 Statutory authority.
507.3 Authority to manufacture and sell.
507.4 Articles authorized for manufacture and sale.
507.5 Articles not authorized for manufacture and sale.
507.6 Violations and penalties.
507.7 Government contracts and agreements.
507.8 Possession and wearing.
507.9 Reproductions.

AUTHORITY: §§ 507.1 to 507.9 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 701 and 704, 62 Stat. 731, 732; 18 U.S.C. 701, 704.

SOURCE: AR 672-8, October 10, 1961.

§ 507.1 **Purpose.**

The regulations of this part prescribe the Department of the Army policy governing the manufacture, sale, reproduction, possession, and wearing of military decorations, medals, badges, and insignia.

§ 507.2 **Statutory authority.**

(a) The wear, manufacture, and sale of military decorations, medals, badges, their components, and appurtenances, or colorable imitations of them, are governed by title 18, United States Code, section 704.

(b) The manufacture, sale, possession, and reproduction of badges, identification cards, insignia, or other designs, prescribed by the head of a United States department or agency, or colorable imitations of them, are governed by title 18, United States Code, section 701.

§ 507.3 **Authority to manufacture and sell.**

(a) Certificates of authority to manufacture articles listed in § 507.4 will be granted by The Institute of Heraldry, U.S. Army, as class II activity under the jurisdiction of The Quartermaster General.

(1) All articles must be manufactured in accordance with specifications prescribed or authorized by the Department of the Army.

(2) The certificate of authority is valid only for the individual, firm, or corporation indicated and at the address stated thereon. Any change in name or address will result in cancellation of certificate. Manufacturers will be required to make application for new certificates, in order to continue manufacturing.

(3) Application for initial grant and renewal of certificates is the responsibility of the manufacturers. Applications for renewal are required to be filed with The Institute of Heraldry, U.S. Army, at least 60 days prior to expiration date of existing certificate.

(b) No certificate of authority is required to sell articles listed in § 507.4.

§ 507.4 **Articles authorized for manufacture and sale.**

(a) The articles listed below are authorized for manufacture and sale:

(1) All authorized insignia.

(2) Appurtenances and devices for decorations, medals, and ribbons such as oak-leaf clusters, service stars, arrowheads, V-devices and clasps, both regulation and miniature sizes.

(3) Badges and bars, both miniature (where authorized) and regulation sizes.

(4) Department of the Army General Staff Identification.

(5) Distinguished unit badges, fourrageres, and the orange lanyard.

(6) Lapel buttons.

(7) Miniature replicas of decorations and service medals, including miniature ribbons.

(8) Replicas of decorations and service medals for grave markers only. (These are to be at least twice the size prescribed for decorations and service medals.)

(9) Ribbons pertaining to decorations and service medals.

(10) Rosettes.

(b) Variations from the prescribed specifications, forms, and sizes of articles listed in this section are not permitted without prior approval in writing of The Institute of Heraldry, U.S. Army.

§ 507.5 **Articles not authorized for manufacture and sale.**

(a) Manufacture and/or sale of regulation size decorations and service medals is prohibited.

(b) The incorporation of designs or likenesses of decorations, service medals, badges, and service ribbons in articles manufactured for public sale is prohibited.

(c) Designs or likenesses of insignia may be incorporated in articles manufactured for public sale only when permission has been granted in writing by The Institute of Heraldry, U.S. Army. In the case of the Honorable Service Lapel Button, a general exception is made to permit the incorporation of that design in articles manufactured for public sale provided that such articles are not suitable for wear as lapel buttons or pins.

§ 507.6 Violations and penalties.

A certificate of authority to manufacture will be revoked by The Institute of Heraldry, U.S. Army, upon intentional violation by the holder thereof of any of the provisions of this part, or as a result of not complying with the agreement he signed in order to receive a certificate. Issuance of a certificate of authority to manufacture will be refused upon proof of a violation of the regulations of this part by the applicant. Such violations are subject also to the penalties prescribed in the acts of Congress (§ 507.2). A repetition or continuation of violations after official notice thereof will be deemed prima facie evidence of intentional violation.

§ 507.7 Government contracts and agreements.

The provisions of this part do not affect contracts for manufacture and sale to the United States Government.

§ 507.8 Possession and wearing.

(a) The wearing of any decoration, service medal, badge, service ribbon, lapel button, or insignia prescribed or authorized by the Department of the Army by any other person not properly authorized to wear such device or their use to misrepresent the identification or status of the person by whom worn is prohibited. Any person who offends against this provision is subject to punishment as prescribed in statutes referred to in § 507.2.

(b) Mere possession by a person of any of the articles prescribed in § 507.2 (except identification cards) is authorized provided such possession is not used to defraud or misrepresent the identification or status of the individual concerned.

(c) Articles specified in § 507.2 or any distinctive parts (including suspension ribbons and service ribbons) or colorable imitations thereof will not be used by any organization, society, or other group of persons without prior approval in writing of the Secretary of the Army.

§ 507.9 Reproductions.

(a) The photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, service medal, badge, service ribbon, lapel button, insignia, or other device or the colorable imitation thereof of a design prescribed by the Secretary of the Army for use by members of the Army is authorized provided such reproduction does not bring discredit upon the military service, and further, is not used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons.

(b) For use for advertising purposes of any engraving, photograph, print, or impression of the likeness of any Department of the Army decoration, service medal, badge, service ribbon, lapel button, insignia, or other device (except the honorable service lapel button) is prohibited without prior approval in writing of the Secretary of the Army except when used to illustrate a particular article which is offered for sale.

(c) The reproduction in any manner of the likeness of any identification card prescribed by the Department of the Army is prohibited without prior approval in writing of the Secretary of the Army.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-10673; Filed, Nov. 7, 1961; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

Subpart E—First Class Mail (FCM) by Air

The regulations of the Post Office Department in Part 96 as published in 26 F.R. 2299–2310, and amended by 26 F.R. 4693, and 26 F.R. 9943–9945, are further amended by adding a new Subpart E—First Class Mail (FCM) By Air to include regulations concerning the airlift program of the Department. Order No. E–17255, adopted by the Civil Aeronautics Board on July 31, 1961, established, effective September 16, 1961, a uniform final rate for trunkline, cargo, and local service air carriers. Under the terms of the Board order, the forms and procedures described in this new Subpart E of Part 96 are subject to changes for the purpose of achieving greater simplicity where mutually agreeable to the Department and the air carriers. As so added, Subpart E reads as follows:

Sec.
96.45 Definition.
96.46 Authority, rates, and service.
96.47 Responsibility for FCM program.
96.48 Forms and procedures for dispatching and receiving FCM.
96.49 Reporting and processing FCM irregularities.
96.50 Supply of forms.

AUTHORITY: §§ 96.45 through 96.50 issued under R.S. 161, as amended; secs. 405, 406, 72 Stat. 760, 763; 5 U.S.C. 22, 39 U.S.C. 501, 6301–6304, 49 U.S.C. 1375, 1376.

§ 96.45 Definition.

The term "First-Class Mail By Air (FCM)" is used to describe first-class mail, other than airmail and air parcel post, which is authorized for transportation by aircraft between designated points on a space-available nonpriority basis. The mail to be included is:

(a) All mail paid at first class rate, and busines reply mail.

(b) All official U.S. Government mail endorsed "First Class."

(c) All other sealed official U.S. Government letter size mail except volume shipments on which it is known, or can be determined, the mailer does not expect air service.

At exchange offices, ordinary military official mail and ordinary APO and FPO (i.e., personal) mail may properly be included in airlift dispatches over all authorized segments.

§ 96.46 Authority, rates, and service.

(a) *Civil Aeronautics Board.* Order No. E–17255, adopted by the Civil Aeronautics Board on July 31, 1961, established rates for the transportation of FCM on a voluntary, space-available basis effective September 16, 1961. The rates are based on a multi-element rate formula, including line-haul and terminal charges at rates 50 percent of those prescribed for air transportation of airmail within the continental United States. A higher line-haul charge of 10 cents per mail ton-mile (vs. 15.085 cents per mail ton-mile on the basis of ½ of the airmail line-haul charge) is prescribed for transportation between points in Alaska and the nearest point in the 48 contiguous States. A composite FCM rate table is published by the Director, Air Transportation.

(b) *Post Office Department*—(1) *Authorizations.* Authorizations for dispatch of FCM are made by the Bureau of Transportation, Washington 25, D.C. All present authorizations are continued unchanged but no expansion of the FCM program, either with respect to the mail to be flown or the airlift segments involved, is to be made unless authorized by the Bureau of Transportation.

(2) *Interline transfers*—(i) *Trunkline and cargo air carriers.* (a) FCM will not be tendered by any postal unit if an intermediate transfer to another air carrier would be required to provide transportation to the intended destination except where such interline transfers have been mutually agreed to by the carriers involved and the Department.

(b) Where single carrier service between any authorized points is believed inadequate, and an interline transfer of value is available, the distribution and traffic manager in the dispatching region will request the Director, Air Transportation, to consider the possibility of arranging with the carriers involved for establishment of such a mutually agreeable interline transfer.

(c) Full particulars will be furnished to all concerned by the Director of Air Transportation whenever interline transfers are agreed upon.

(d) Through interchange flights, operated by two or more carriers, shall not be considered as interline transfers.

(e) See § 96.47(a)(4)(ii) for instructions concerning transfers to another air carrier which may be directed when mail has been irregularly handled.

(ii) *Local service air carriers.* No interline transfers in ordinary circumstances are authorized between local service air carriers or between trunkline and local service air carriers. See § 96.47(a)(4)(ii) (b) and (c) concerning permissible interline transfers between any domestic air carriers when service has been interrupted.

(c) *Division of FCM*—(1) *When to make.* When two or more authorized carriers operate between the same pair of points, and the criteria shown in subparagraph (2) of this paragraph exists, the FCM shall be divided on an equitable basis by the dispatching unit with due consideration to the availability of space and the needs of the postal service.

(2) *Criteria for division*—(i) *Volume.* (a) The total volume of FCM for each separate destination point, arriving at the airport of dispatch via each vehicle service (VS) or mail messenger (MM) truck, will be considered in the division.

(b) No division will be warranted unless 200 or more pounds are available for dispatch. However, the local postal unit will endeavor to assign the shipments alternately to the available carriers having space to prevent one carrier consistently receiving "less than division" lots.

(ii) *Air carrier schedules.* (a) Carriers eligible to participate in a division of FCM arriving at an airport by each VS or MM are those which have "any" scheduled service to the destination city within a 4-hour period thereafter, regardless of arrival time.

(b) Generally at major points, this 4-hour period will commence no later than "60 minutes" after arrival at the airport of the VS or MM trip. At smaller stations, the time period may commence immediately upon arrival of the surface connection at the airport. The D&TM of the region having jurisdiction of the dispatching postal unit will establish the appropriate time period which will apply at that point and notify all concerned.

(c) Whenever FCM is available for dispatch, and "no" flights are scheduled to a destination during the next 4-hour period, the usual division of FCM will not apply. In these circumstances, the FCM will be divided among those carriers having service scheduled to depart within 90 minutes following the period of no service, except that the instructions in (f) of this subdivision will apply.

(d) The regular "Origin and Destination Schedules" will be used to determine the availability of scheduled service. In the event an air carrier desires to have other schedules included (e.g., trips involving an intra-line transfer, or multiple stops), this information must be submitted to the D&TM having jurisdiction, with copies to the competitive carriers. Schedules of this type will be included with those in the O/D schedules by the D&TM in determining the proper allocations of FCM. Although it will not be necessary for these schedules to be published in the "Origin and Destination Schedules", they may, if desired, be included by preceding the listing with an ampersand "&".

(e) An air carrier can participate in a division of FCM on only those days when there is scheduled service by that carrier within the specified 4-hour period.

(f) When one air carrier has service arriving in time for connection to a letter carrier delivery trip not provided by competing carriers, the division shall be accomplished by dispatch of the city pouches to that carrier. Usually, the dispatch of city pouches by one carrier and the dispatch of AMF or Dis pouches by another carrier, or carriers, will accomplish an equitable division. When the routing of city mail by one carrier, or to one airport in multiple airport situations, is advantageous to the postal service, "no" division will be made of the city mail even though this results in an unequal tender to one carrier.

(g) An air carrier participating in a division of FCM having knowledge that he will be unable to transport such mail within the specified 4-hour period is required to notify the local postal unit before the division is made. Observance of this requirement will permit equitable division between carriers without loss of space availability.

(h) Adjustments in each separate division will be made when there are air carrier schedule changes involving establishment, revision, or elimination of particular flights which warrant such action.

(iii) *Multiple airport cities*—(a) *At origin point.* The division will be determined separately at each airport involved.

(b) *At destination point.* (1) FCM for a destination point which is a multiple airport city will be considered as a single total and those carriers with "any" service scheduled during the specified 4-hour period from the origin point to any one of the destination airports shall participate in the division. In the event the receiving region desires routing to a particular airport, as described in (b)(2) of this subdivision, an equal division will be made only to the extent possible while still providing service to the airport specified.

(2) All FCM cannot be handled interchangeably at different airports to equal advantage. The D&TM of the receiving region will determine what arrangements may be necessary to assure receipt at the most advantageous airport. (Example: the dispatch of pouches of New Jersey FCM labeled to "Newark, N.J. Dis" may not be desired to Idlewild or La Guardia airports when following service is available to the Newark airport.)

(iv) *Stockpiling FCM.* Postal units will make local arrangements with air carriers for stockpiling FCM when it is mutually advantageous and agreeable. Air carriers shall not be required to accept FCM for protection and storage pending shipment, but may elect to do so if tendered by the Postal Service.

(d) *Registered FCM*—(1) *Units authorized to dispatch airlift registers.* The designated postal units at each airlift point will be the only units authorized to make-up and dispatch registered airlift mail. Mobile units and satellite offices due to dispatch airlift mail through this point will dispatch registers to the designated postal unit for consolidation and dispatch.

(2) *Make-up and dispatch by authorized airlift dispatch units.* (i) All registered mail for dispatch in the airlift will be made up in rotary locked pouches or jackets. Direct pouches warranted by volume will be made. Pouches or jackets will be made up by the designated dispatching unit at the authorized airlift point, labeled to the authorized distribution unit at the airlift destination. The dispatching unit will reinclose the rotary locked pouch or packet in an iron locked or snap seal pouch labeled to the airlift destination. Each outer pouch will contain a manifold bill covering only the jackets or pouches enclosed.

(ii) First class registered articles for delivery within the 48 contiguous states, which because of their size or content cannot be enclosed in a pouch, will not be dispatched via "airlift." They will be given the most expeditious surface dispatch. Articles of this nature handled between the 48 contiguous states, and the offshore points, Alaska, Hawaii, and Puerto Rico, will be handled in the airlift.

§ 96.47 Responsibility for FCM program.

(a) *Air carriers*—(1) *Transportation on space-available basis.* Air carriers will transport FCM on a voluntary, space-available basis to the destination shown on the dispatch record and pouch label. The Civil Aeronautics Board order prescribes that no air carrier shall transport FCM if such transportation impedes the carriage of priority airmail, passengers, passenger baggage, air parcel post, air express, or regular air freight, except that FCM which has been loaded in the aircraft need not be removed to permit carriage of regular air freight received thereafter or received at an intermediate point. The movement of FCM by air shall have priority over the movement of deferred air freight.

(2) *Notification to postal units.* The local unit must be promptly informed of any delay or inability to transport mail which has been tendered in order that consideration may be given to utilization of any alternate routings which may be available to move the mail. An air carrier which has carried FCM beyond, or off-loaded short of, the billed destination must also promptly notify the postal unit at the point where FCM is on hand and receive instructions as to the best disposition to be made of the mail.

(3) *Dispatch within four hours—trunkline and cargo air carriers.* In the event any or all of the FCM has not been dispatched by a trunkline or cargo air carrier within 4 hours after receipt at the initial point (or 4 hours after anticipated dispatch in the event of early receipt for preloading on a flight where available space is anticipated), the carrier shall notify the postal unit. On instructions from the postal unit, the FCM shall be (i) returned by the carrier to the custody of the Postal Service at the place where the initial delivery was made, (ii) delivered at the holding carrier's facilities at the airport of dispatch to another designated carrier which has space available and which will pick up the mail within a reasonable time, or

(iii) held for an additional period if acceptable to the carrier.

(4) *Requirements for transfer of FCM.* (i) Local service carriers must make any necessary intraline transfers to other trips of the same carrier in order to provide transportation to the destination listed on the original dispatch record. Interline transfers of FCM to another air carrier are not authorized in ordinary circumstances; See subdivision (ii) (*b*) and (c) of this subparagraph concerning permissible interline transfers when service has been interrupted.

(ii) Trunkline and cargo air carriers will not be required to transfer FCM to other carriers except:

(*a*) When mutually agreeable transfers have been agreed upon. See § 96.46 (b) (2) (i) (*b*);

(*b*) When FCM is inadvertently transported to a destination other than that to which due and the carrier does not have service within 2 hours on which space is available to the intended destination and another carrier can provide the needed space with earlier arrival at destination;

(*c*) When a carrier must unload FCM at an intermediate point and has no service or space within 4 hours and another carrier can provide the needed space with earlier arrival at destination.

(5) *Delivery requirements.* Priority in delivery, equivalent to airmail, to the destination postal unit cannot be required. Delivery of FCM shall be made as soon as practicable and without unwarranted delay.

(6) *Protection of mail.* FCM must be protected from the weather and possible depredation and accorded the same care and safeguards as is given regular airmail. The provisions of § 96.1(b) (1) must be observed.

(7) *Applicability of pertinent sections of this part.* The provisions of §§ 96.1 (b) (1) and (c), 96.3(a) (1) (except with respect to time), and §§ 96.23 and 96.24 (except with the reference to airmail forms), apply to the handling of FCM by air carriers.

(b) *Postal units.* Airport mail facilities and air stop point post offices are responsible for:

(1) Excluding from FCM dispatches any nonmailable articles coming to their attention which are not acceptable for transportation by air. See Parts 14 and 15 of this chapter for responsibility of mailers and accepting clerks.

(2) Utilizing such equipment and locking devices as may be designated from time to time for FCM dispatches.

(3) Preparing regular surface labels to identify FCM dispatchers, underscoring the destination postal unit with a red line and showing proper air stop point coding to the destination airport. See § 96.48(a).

(4) Assuring that mail messenger or vehicle service, as necessary, is provided for delivery and receipt of FCM.

(5) Reporting irregularities in service to the distribution and traffic manager on Form 2759, "Report or Irregular Handling of Airmail," appropriately checked to indicate "FCM", for necessary action.

(6) Attempting to have FCM which is off-loaded short of, or carried beyond, the intended destination continued onward by air by means of transfer on Form 2715–B to an air carrier having available service. See § 96.48(e) (4).

(7) Redispatching by air to the intended destination any FCM which is irregularly off-loaded and turned in to the postal unit; provided, that onward air dispatch is superior to available surface transportation. Form 2715-X procedure will be used at those points where dispatches to any point are made in that manner. Otherwise, Form 2713 will be prepared with source from which mail was received appropriately noted thereon.

(c) *Distribution and traffic manager.* The Distribution and traffic manager is responsible for:

(1) Notifying postal unit concerning authorized dispatches, air carriers involved, and dates or other particulars of service.

(2) Issuing appropriate instructions concerning the labeling of pouches, mail due dispatch, time of advantageous tie-outs, and other local arrangements or requirements.

(3) Assuring that no improper diversions of mail are made to FCM dispatches which has been authorized.

(4) Evaluating promptly any FCM irregularities reported by dispatching or receiving postal united on Forms 2759.

(5) Reporting to Director, Air Transportation, any failure by air carriers to promptly correct unsatisfactory conditions so that remedial action may be taken.

§ 96.48 Forms and procedures for dispatching and receiving FCM.

(a) *Labeling and marking*—(1) *FCM pouches.* The dispatching postal employee shall label FCM pouches with regular surface labels and underscore destination with a red line to identify as FCM dispatches. When dispatch is to a postal unit that is not an air stop point, enter on the label the official code letters for the final air stop off-loading point. Bracket code letters. Show contents of pouch on descriptive line of label, e.g. "Illinois." Enter the weight on the label in the same manner as for airmail except that the weight need not be shown on the individual labels where bulk weighing has been authorized.

(2) *First-class outsides.* When it is not possible to enclose a first-class piece in a pouch or sack, use crayon or indelible pencil to enter weight and "FCM" endorsement in large figures near address. When the outside is billed to an airport not located at city shown in address, also prominently show the airport destination code in brackets.

(b) *Form 2713–X, receipt from air carrier*—(1) *Use.* Form 2713–X is used for FCM dispatches over trunkline and cargo air carriers.

(2) *Who prepares.* The form is prepared by the designated clerk at the airport mail facility or the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and one copy for each dispatch of FCM and maintain a separate series for each carrier destination:

(*a*) *Bill No.* —. Number consecutively, beginning with No. 1, each Form 2713–X prepared during the 24-hour period. (Where desirable, a 24-hour period extending from other than 0001 to 2400 may be established by appropriately notifying all concerned.)

(*b*) *Air carrier.* Show name of air carrier due to receive the FCM dispatch.

(*c*) *Dispatch From.* Enter airstop-alpha code.

(*d*) *Destination.* Enter alpha code of airstop point to which routed. For interchange trips, show code for destination where transportation by first carrier terminates followed by ultimate destination in brackets.

(*e*) *Date.* Enter date delivered to air carrier.

(*f*) *Pouches and pieces.* Enter total number of pouches and outsides and total weight.

(ii) *Air stop post offices.* Prepare Form 2713–X in manner described in subdivision (i) of this subparagraph with the following additional requirements:

(*a*) Prepare original and "two" copies.

(*b*) Give original and first copy to mail messenger or vehicle service driver with related FCM for delivery to carrier at airport.

(3) *Delivery to air carrier representative.* The forms, in duplicate, will be delivered with the related FCM to air carrier representative who will:

(i) Verify that total number of pieces agree with total shown on form.

(ii) Enter time FCM received, sign both copies and enter initials of airline.

(iii) Return signed duplicate copy to postal representative (AMF clerk, mail messenger or vehicle service driver) for return to postal unit.

(4) *Retention by postal unit.* AMF or PO clerk designated will file receipted copies of Form 2713–X by carrier, date and bill number order for later use in verification of Form 2715–X, "Carrier Record of FCM Dispatched by Air." Post offices should discard the second copy of Form 2713–X which was held pending return of signed duplicate copy by MM or VS driver.

(c) *Form 2715–X carrier record of FCM dispatched by air.* (1) Air carriers receiving FCM on Forms 2713–X, "Carrier Record of FCM Dispatched by Air", to provide a record for each 24-hour period of FCM dispatched to the various destinations.

(2) *Who prepares.* The form is prepared by the air carrier representatives as follows:

(i) Prepare original and one copy for each destination. Where dispatches are regularly made to a destination, but for any reason "no" dispatch is made on a particular date, prepare Form 2715-X and mark "Nil".

(ii) Complete headings.

(iii) Post under heading "Received From AMF":

(*a*) Pieces and weight of mail carried forward from previous day.

(*b*) In bill order number, promptly on receipt of related mail described on each Form 2713–X.

(*c*) Pieces and weight of mail received by transfer from other carriers on Forms 2715–B.

(*d*) At the close of the 24-hour period, add pieces and weight and enter on "Total" line.

(iv) Post under heading "Transported by Carrier":

(*a*) Pieces, weight and trip number on which FCM boarded. For FCM dispatched to interchange trips, show under "Remarks" the ultimate destination in brackets.

(*b*) At the close of the 24-hour period, add pieces and weight of mail boarded and enter total.

(*c*) Total pieces and weight of mail from Forms 2715–B covering mail transferred to another carrier. Also, total pieces and weight from Forms 2753, "Receipt to Airline", for mail returned to the postal unit.

(*d*) Inventory any mail stockpiled and enter total pieces and weight of mail on hand.

(*e*) Total pieces and weight. Verify that the total balances with the total under "Received from AMF" column.

(v) Sign and present Form 2715–X (original and one copy) to postal unit for verification.

(vi) The portion of Form 2715–X under "Carrier's Statement of Service Performed" should not be completed.

(3) *Postal unit verification.* (i) The air carrier preparing Form 2715–X will arrange to submit the form daily following the close of the 24-hour period to the postal unit from which FCM is received for verification.

(ii) The designated postal clerk will verify that:

(*a*) The figures for pieces and weight brought forward from previous day are correct by checking Form 2715–X for previous day.

(*b*) Duplicate copies of Form 2713–X agree with related entries under heading "Received From AMF".

(*c*) The balancing totals are correct and agree.

(*d*) No mail was held for more than a 4-hour period without approval of the postal unit.

(*e*) All discrepancies are reconciled with carrier representative and that any correction to the original and copy of Form 2715–X are made in the identical manner.

(4) *Disposition of copies.* (i) After the verification has been completed, the postal clerk will sign both the original and copy and return the original Form 2715–X to the air carrier representative for transmittal to the general offices of the company to support the carrier's claim for compensation for service performed.

(ii) Postal units will forward duplicate copies of Forms 2715–X weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d) (3).) Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(d) *Form 2713, dispatch record of first-class mail by air*—(1) *Use.* Form 2713 is used for FCM dispatches over local service air carriers; and on the West Coast, over trunkline air carriers between points where no 24-hour dispatch is made on Forms 2715–X.

(2) *Who prepares.* The form is prepared in triplicate by the designated clerk at the airport mail facility or by the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and two copies of Form 2713 for each trip to which FCM is dispatched as follows:

(*a*) Complete origin code block and first line across top of form. In the "Mail Ready" space, enter the time at which the FCM and forms are ready for delivery to the air carrier. (The departure time must be entered subsequently on AMF files copy on basis of information received from air carrier.)

(*b*) Head columns on form, from left to right in station order served by trip, with three-letter alpha code for destination to which FCM is dispatched.

(c) Provide separate column for listing FCM for dispatch to destination not served by trip of dispatch, and requiring "intraline" transfer to another trip of the same carrier (interline transfers by local service air carriers are NOT authorized), adjacent to column in which local FCM for the transfer point is recorded. Show (*1*) the actual or ultimate on-line destination of FCM, and (2) code of transfer point and trip being connected.

(*d*) Bulk list total pieces and total pounds of FCM due off at each stop point under appropriate destination column, cross add pieces and pounds, enter "Grand Total" in block at bottom of form and sign in space provided.

(ii) *Air stop post offices.* Preparation of Form 2713 is identical with procedures shown for airport mail facilities under subdivision (i) of this subparagraph.

(3) *Delivery to air carrier representative*—(i) *Airport mail facilities.* Designated AMF clerk will deliver all three copies of Form 2713, with carbon interleaved, with the related FCM to air carrier representative who will:

(*a*) Verify that total number of pieces agree with total shown on form.

(*b*) Have AMF clerk appropriately correct all copies of form when a discrepancy is discovered between actual FCM count and number of pieces shown on Form 2713.

(c) Sign all copies of form, showing initials of carrier, and hand duplicate copy to AMF clerk.

(ii) *Air stop post offices.* Dispatching clerk will give all three copies of Form 2713, with carbon interleaved, to the mail messenger or vehicle service driver with the related FCM for transportation to the airport. Require check to be made of total pieces of FCM against total listed on Form 2713. MM or VS driver, in turn, will deliver all copies of form with related FCM to air carrier representative at airport who will:

(*a*) Verify that total number of pieces agree with total shown on form.

(*b*) Correct all copies of Form 2713, in presence of MM or VS driver, when a discrepancy is discovered between actual FCM count and the number of pieces shown on Form 2713.

(*c*) Sign all copies of form, showing initials of carrier, and hand duplicate copy to MM or VS driver for return to the post office.

(4) *Voiding of Form 2713.* When none of the FCM tendered is transported, mark all copies of related Form 2713 "Void" and return to the dispatching postal unit with the FCM. The postal representative accepting the returned FCM must verify that all copies of the Form 2713 have been returned and properly voided. The original and second copy may then be destroyed.

(5) *Disposition of copies.* AMF or PO clerk designated will file duplicate copies of all Forms 2713, including those voided, by carrier in trip and date order. Forward all copies weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d) (3)). Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(e) *Form 2715–B, record of FCM transferred or irregularly off-loaded*—(1) *Use.* Form 2715–B serves as a report of irregular transfers of FCM between trunkline and/or cargo air carriers at point of origin as well as at intermediate points short of destination. The form also serves as an irregularity report to be submitted by a local service air carrier where service is not provided to the destination shown on the dispatch record and pouch label. It is an accounting document for service not performed. It is also to be used in connection with dispatches over interchange trips, where authorized, to provide a settlement document for the subsequent carrier(s).

(2) *Who prepares.* The delivering air carrier prepares the form, in quadruplicate, except for dispatches over authorized interchange trips the dispatching postal unit will prepare Form 2715–B.

(3) *At origin point of FCM.* Form 2715–B is used by a carrier to record the transfer of FCM which it is unable to transport within four hours after receipt from the postal unit at the initial or origin point. (See § 96.47(a) (3).) The following procedures will be observed:

(i) The delivering air carrier will present all four copies of the form, with carbon interleaved, to the receiving carrier with the related FCM and obtain the signature of the representative of the receiving carrier. After signature has been secured, the delivering carrier will hand the original form to the receiving carrier, forward the first and second copies to the local AMF or post office and retain the third copy. The delivering carrier will enter the number of pieces and pounds shown on Form 2715–B in the space provided on the right hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c) (2) (iv) of this section. Related Forms

2715–B and 2715–X should be sent together to the accounting office of the carrier.

(ii) The receiving air carrier will enter pieces and pounds shown on Form 2715–B in the space provided on the left hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c)(2)(iii) of this section. Related Forms 2715–B and 2715–X should be sent together to the accounting office of the carrier.

(iii) The designated AMF or post office clerk will verify that proper entries have been made on Forms 2715–X by the carriers involved, staple the first copy of Form 2715–B to the PO copy of the receiving carrier's related Form 2715–X and staple the second copy to the PO copy of the delivering carrier's related Form 2715–X for transmittal to the appropriate paying regional controller. See paragraph (c)(4) of this section.

(4) *At intermediate transfer points.* (i) When FCM is off-loaded at a point short of billed destination, the postal unit at that point must be contacted for instructions as to disposition. On the basis of available schedules and space, and the needs of the postal service, the air carrier will be directed to:

(*a*) Hold for subsequent trip of same carrier. No Form 2715–B is required in such cases.

(*b*) Transfer FCM to another carrier who has available space to destination on an advantageous schedule. See § 96.47(a)(4)(ii).

(c) Deliver FCM to local postal unit for onward air or surface transportation to destination. When FCM is returned to the custody of the postal service at an intermediate point, onward air transportation can be accorded only when the intermediate point has existing authority to dispatch FCM by air to the intended destination.

(ii) When FCM is being transferred to another carrier or delivered to the local postal unit, the delivering carrier will present all four copies of Form 2715–B, with carbon interleaved, to air carrier or postal unit, respectively, with the related FCM and obtain signature to acknowledge receipt. The delivering carrier will then hand the original to the receiving carrier or the postal unit, forward the first and second copies to the local postal unit, and retain the third copy. Air carriers involved in such transfers must refer their respective copies to their accounting offices for necessary billing adjustments.

(iii) The postal unit will distribute copies as follows:

(*a*) Original, when received with related FCM, to paying regional controller for the delivering carrier along with first copy.

(*b*) First copy to paying regional controller for the delivering carrier.

(c) Second copy, "when transfer of FCM is made to another carrier", to paying regional controller for the receiving carrier.

(*d*) Second copy, "when FCM is deliver to postal unit", to distribution and traffic manager with Form 2759 irregularity report which is to be prepared and submitted as notification of the interrupted service.

(5) *For interchange trips.* (i) Interchange trips are those which provide through service on the same aircraft operated by two or more carriers between the origin and final destination of the trip. When FCM is dispatched over authorized interchange trips, the "dispatching postal unit" will prepare Form 2715–B in "triplicate" to provide a settlement document for the second carrier.

(ii) The following information must be shown on each set of Forms 2715–B:

(*a*) "Transfer Point" block: Alpha code of point where operation by first carrier terminates.

(*b*) "From (Route & Trip)" block: Designation of carrier accepting mail from postal unit.

(*c*) "To (Route & Trip)" block: Designation of carrier to whom FCM is due to be delivered.

(*d*) "To" column: Alpha code of next connection point.

(*e*) Under "Explanation:" Endorse prominently: "Interchange—First Class Mail by Air".

(iii) If a third carrier is involved, a separate Form 2715–B must be prepared to cover the second transfer.

(iv) Forms 2715–B, used for interchange trips, will be clearly marked "Interchange Trip" since no terminal charge is due to be paid at the interchange point.

(v) The preparing postal unit will distribute copies as follows:

(*a*) Original to local regional controller for transmittal to accounting office of second carrier.

(*b*) First copy to local regional controller for transmittal to paying regional controller for second carrier.

(c) Second copy to be retained in postal unit file.

Similarly, send original and first copy of Form 2715–B to cover a second transfer to the local regional controller for transmittal to carrier accounting and paying regional controller for third carrier. Retain second copy in postal unit files.

(6) *For reporting air carrier FCM irregularities.* The lower portion of Form 2715–B must be appropriately completed by the preparing carrier to explain the circumstances which required the irregular transfer or off-loading. See subparagraph (4)(ii) and (iii) of this paragraph for particulars as to completion of the balance of the form and distribution of copies.

(f) *Form 2753, Receipt To Airline*—(1) *Use.* Form 2753 is a receipt to air carriers for both airmail and FCM delivered to postal units other than airport mail facilities. The total pieces of airmail and FCM must be listed "separately" in the spaces provided on the form.

(2) *Who prepares.* See § 96.23 for full particulars as to preparation and handling of Forms 2753.

(g) *Form 2753–A, Mail Delievery Receipt*—(1) *Use.* Form 2753–A is a receipt to air carriers for both airmail and FCM delivered to airport mail facilities. When conditions warrant, distribution and traffic managers may authorize air stop post offices to use Form 2753–A instead of Form 2753. The total pieces of airmail and FCM must be listed separately in the spaces provided on the form.

(2) *Who prepares.* See § 96.24 for full particulars as to preparation and handling of Form 2753–A.

§ 96.49 Reporting and processing FCM irregularities.

(a) *Form 2759, Report Of Irregular Handling Of Airmail*—(1) *Use.* Form 2759 is used by postal employes to report air carrier irregularities in the handling of FCM. Since this form is also used to report airmail irregularities, check box "1st Class by Air" to assure proper evaluation of the report.

(2) *Who prepares.* Postal clerk who first handles FCM which obviously has been mishandled by an air carrier is required to prepare Form 2759 report. The precarbonized form in quadruplicate contains printed instructions showing distribution of original and first copy to the local distribution and traffic manager, second copy to representative of airline involved, third copy for retention in files of the postal unit.

(3) *FCM irregularities requiring close attention.* (i) Refusals: Removals of FCM are not subject to the preparation of briefs and the imposition of fines under the space available provisions of Order E–17255. However, remedial action may be required. Submit report on Form 2759 with full particulars to enable the distribute and traffic manager to take such corrective action as may be necessary in situations where repetitive occurrences involving refusals and removals impair the service accorded FCM. See § 96.48(e)(4)(iii)(*d*) concerning situations involving Form 2715–B transfers requiring report on Form 2759.

(ii) Delayed delivery of FCM will be reported when more than one hour from time of arrival of trip elapses before delivery to AMF, MM, or VS driver. At non-AMF points, the post office clerk receiving the delayed FCM from the MM or VS driver is responsible for preparing Form 2759 under such circumstances.

(iii) Damage to FCM and equipment is a finable irregularity since air carriers are responsible for according FCM the same care and safeguards as is given regular airmail. See § 96.47(a)(6). Furnish full particulars as to pieces damaged, and extent, and pieces actually wet because of exposure to the elements.

(b) *Instances where fines can be levied*—(1) *Authorization for finding.* The Civil Aeronautics Board order establishing a rate for transportation of first class mail by air prescribes that "no air carrier shall be subject to penalties (fines) with respect to the carriage of such mail except to cover serious cases of failure to protect mail from damage and depreciation or repetitive instances of neglect resulting in substantial delay. Inability to accommodate such mail on a specific flight or flights shall not be construed as neglect."

(2) *Processing of finable FCM cases.* Reports of (i) damage to mail or equipment, including repetitive instances occurring at the same air-port, (ii) failure to protect FCM from depredation, and (iii) instances of neglect resulting in substantial delay, are to be forwarded to the Director, Air Transportation, for appropriate disposition.

§ 96.50 Supply of forms.

(a) *Provided by the Department.* The following forms are available at Regional supply centers: 2713, 2713–X, 2715–X, 2753, 2753–A, 2759. Air carriers will obtain necessary requirements of Forms 2715–X and 2753 by quarterly letter requests to the distribution and traffic manager located nearest to the carrier's headquarters office. The D&TM will indicate approval of the requisition by endorsing the letter and forwarding to the appropriate supply center. Shipment of the forms will be made directly to the air carrier.

(b) *Provided by the air carriers.* Form 2715–B, in the format prescribed by the Post Office Department, is provided by the air carriers.

NOTE: The corresponding Postal Manual part is 594.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–10667; Filed, Nov. 7, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F.R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 221.6 *Charges*, of Title 25, CFR, Chapter I, Sub-chapter T, Part 221, dealing with operation and maintenance assessments against the irrigable lands of the Colorado River Indian Irrigation Project, Arizona, by increasing the basic water charges from $8.50 per acre to $9.00 per acre per annum. Notice is hereby also given of the intention to modify § 221.7 *Excess water charges*, of Title 25, CFR, Chapter I, Subchapter T, Part 221, by increasing the rate from $1.75 to $2.00 per acre-foot per annum. The revised sections will read as follows:

§ 221.6 Charges.

Pursuant to the provisions of the acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385–387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $9.00 per irrigable acre, whether water is used or not. Payment of this charge will entitle the water user to but not in excess of, eight acre-feet of water per acre per annum on certain sandy areas as described in a schedule on file at the Colorado River Indian Agency, and available for inspection by interested parties, and to five acre-feet of water per annum per irrigable acre on all other lands. With the approval of the Superintendent, additional water, reasonably sufficient to carry away alkali salts, may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding and leaching. The foregoing charges and allotments of water shall become effective for the calendar year 1962 and continue in effect thereafter, until further notice.

§ 221.7 Excess water charges.

Additional water, if and when available, in excess of basic allowances, may be delivered upon written request to the Superintendent by landowners or users at the rate of $2.00 per acre-foot, or fraction thereof.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to F. M. Haverland, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

HARRY L. STEVENS,
Acting Area Director.

[F.R. Doc. 61–10653; Filed, Nov. 7, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Dockets Nos. AO 336 and AO 337]

TURKEY HATCHING EGGS AND TURKEYS

Supplemental Notice of Hearing With Respect to Proposed Marketing Agreements and Orders

Notice is hereby given that in addition to the dates and places of public hearing specified in the hearing notice issued on October 30, 1961 and published in the FEDERAL REGISTER on November 2, 1961 (26 F.R. 10286) a session of such hearing will also be held at Hearing Room No. 1, State Office Building, Albany, N.Y., on December 12, 1961, beginning at 9:00 a.m.

Notice is further given that the place of hearing for the session scheduled for Des Moines, Iowa, from November 24–27, 1961, has been changed from the Senate Chamber to the House Chamber, State Capitol, Des Moines, Iowa.

Dated: November 3, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–10680; Filed, Nov. 7, 1961; 8:50 a.m.]

[7 CFR Part 1026]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Establishment of Handler Charges

Notice is hereby given that the Secretary has under consideration a proposal submitted by the Grape Crush Administrative Committee, hereinafter referred to as the "committee," to establish a schedule of charges which handlers may deduct from any monies owed by them to producers (or their successors in interest) as compensation for costs incurred by the handlers in connection with setaside under Marketing Agreement No. 133 and Order No. 126 (26 F.R. 7797), hereinafter referred to collectively as the "order," regulating the handling of Central California grapes for crushing. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The initial free and surplus percentages established for the crop year ending June 30, 1962, are free percentage—66 percent and surplus percentage—34 percent (§ 1026.203; 26 F.R. 9068, 9309), and the schedule of charges have been proposed by the committee to compensate handlers for the expenses of receiving, processing, storing, and certain other costs relating to the setaside resulting from application of the surplus percentage for the crop year ending June 30, 1962 (August 26, 1961–June 30, 1962). Such "other costs" include costs for sugar testing, maintenance and care, insurance, county taxes, loading out for ultimate disposition, and the processing of dessert wine to a condition which is acceptable for inter-winery sales. The compensation of handlers for these expenses is authorized by § 1026.57.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received 14 days after publication of this notice in the FEDERAL REGISTER.

The proposal submitted by the committee did not include a recommendation for compensatory charges pertaining to raisin residual material received by handlers under § 1026.50. However, a subparagraph for the establishment of such charges has been reserved as set forth below, and written data, views, and arguments pertaining to compensation applicable to raisin residual material may be submitted simultaneously with submission of data, views, and arguments pertaining to the committee's proposal referred to above.

The specific proposal now under consideration is set forth below.

§ 1026.401 Establishment of charges to compensate handlers for receiving, processing, storing and certain other costs relating to setaside of the 1961–62 crop year.

(a) *Costs.* Each handler who incurs a setaside obligation during the period beginning on August 26, 1961, and ending on June 30, 1962; and sets aside proof gallons of products, or the concentrate equivalent thereof, in accordance with volume regulation in effect under §§ 1026.54 and 1026.203, shall be compensated as provided in paragraph (b) of this section, for the cost items pertaining to such setaside that are set forth below.

(1) Costs of receiving, processing, and storing; and

(2) The costs incurred by such handler for

(i) Sugar testing,

(ii) Maintenance and care,

(iii) Insurance, computed at the rate of $20.00 per ton for an equivalent quantity of grapes, at 21 degrees Balling, or the maximum value allowed by carriers for insurance purposes, whichever is less,

(iv) County taxes,

(v) Loading out for delivery to the Grape Crush Administrative Committee, or its designee, for ultimate disposition, and

(vi) The processing of dessert wine to a condition which is acceptable for inter-winery sales.

(b) *Establishment of charges*—(1) *Grapes for crushing, other than raisin residual material.* Each handler may deduct from money owed any producer (or his successor in interest) the amount of $12.00 per ton for each ton of that quantity of grapes for crushing obtained by applying the surplus percentage for the crop year established by § 1026.203, adjusted to any subsequent reduction of such percentage, to the total receipts of grapes for crushing from such person during the period beginning on August 26, 1961, and ending on June 30, 1962, at premises within the State of California controlled or operated by such handler. The sum of $12.00 shall include compensation for all cost items specified in paragraph (a) of this section. Of such amount, $8.50 per ton shall constitute the charge for costs incurred during the period August 26, 1961–June 30, 1962; and $3.50 per ton shall constitute the charge for the cost of storage and for such of the costs specified in paragraph (a)(2) of this section as may be applicable, incurred during the crop year beginning on July 1, 1962. For the purposes of this subparagraph only, "total receipts of grapes for crushing" shall not include (i) sweepings or other residual material from raisin processing, and (ii) those varieties of grapes for crushing exempted by § 1026.202 from volume regulation for the said period.

(2) *Grapes for crushing; raisin residual material.* [Reserved]

Dated: November 2, 1961.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–10664; Filed, Nov. 7, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

OFFICE, COMPUTING, AND ACCOUNTING MACHINES INDUSTRY

Tentative Decision Determining Prevailing Minimum Wages

A complete record of proceedings under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the office, computing, and accounting machines industry has been certified by the hearing examiner. The whole record has been considered, and it is now appropriate, under section 8 of the Administrative Procedure Act (5 U.S.C. 1007), to make a tentative decision, which shall include a ruling on the proposed findings and conclusions submitted by the parties, a statement of my findings and conclusions, as well as the reasons and basis therefor, and any appropriate wage determination.

Definition. The notice of hearing proposes to define the office, computing, and accounting machines industry to include the manufacture of machines primarily designed for office or business use, including, but not limited to the following: Accounting machines, adding machines, addressing machines (manual and automatic), billing machines, bookkeeping machines, calculating machines, cash registers, change making machines, check handling machines, collating machines, currency and coin handling machines, dating machines (automatic), dictating and transcribing machines, duplicating machines (except photocopy, blueprint and printing), electronic computing and associated information processing equipment, envelope handling machines (automatic), folding machines, inserting machines, key punch machines, label pasting machines, mailing machines, payroll machines, perforating and cancelling machines (except hand punches), postal permit mailing machines, post office cancelling machines, punched card tabulating machines, shorthand machines, sorting machines, stamp affixing machines, stencil machines, time recorders, time stamping machines (except hand stamping), typewriters, and varitypers.

This definition does not include other devices of simple construction and normally hand-operated, such as pencil sharpeners, paper punches, staplers, gummed tape moisteners, seal presses, erasing machines, autographic registers, and rubber stamps.

It was proposed at the hearing to revise the definition to read as follows: The manufacturer of computing machines and machines of a type designed for office or business use (including parts specially designed for such machines), such as the following: Accounting machines, adding machines, addressing machines (manual and automatic), billing machines, bookkeeping machines, calculating machines, cash registers, change making machines; check handling machines, collating machines, currency and coin handling machines, dating machines (automatic), dictating and transcribing machines, duplicating machines (except photocopy, blueprint and printing), electronic computing and associated information processing equipment (except airborne), envelope handling machines automatic), folding machines, inserting machines, key punch machines, label pasting machines, mailing machines, payroll machines, perforating and cancelling machines (except hand punches), postal permit mailing machines, post office cancelling machines, punched card tabulating machines, shorthand machines, sorting machines, stamp affixing machines, stencil machines, tabulating machines, time recorders, time stamping machines (except hand stamping), typewriters, and varitypers.

This definition does not include (1) devices of simple construction and normally hand-operated, such as pencil sharpeners, paper punches, staplers, gummed tape moisteners, seal presses, erasing machines, autographic registers, and rubber stamps; (2) electron tubes; (3) solid-state semiconductors; and (4) functional electronic component parts such as resistors, capacitors, relays, connectors, and complex components, packaged components, modules, and other similar component combinations manufactured as a single unit.

The most notable change in the definition is the express inclusion of "parts" (other than those expressly excluded) within the industry. The Wage and Hour economist, who proposed the amendment, testified that the definition in the notice of hearing was considered to follow the present determination for this industry which includes all "parts" that were not of a standard shelf nature or electronic component "parts" covered by other industries. It should be noted here that the appropriateness of the definition in the notice of hearing was one of the issues set forth in the notice of hearing.

In addition to reflecting expressly the inclusion of "parts", the revised definition made certain other clarifications. It substituted the words "the manufacture of computing machines and machines of a type designed for office or business use" for the words "machines primarily designed for office or business use." Although the change in this wording of the definition broadens its language, there appears to be no expansion in the meaning of the initial definition as it was generally understood. That meaning is discussed elsewhere in this decision.

The change was accompanied by no complementing alteration in the words of description. They remained the same, except for the minor modification described below. The words "electronic computing and associated information processing equipment" were delimited by the parenthetical phrase "except airborne." According to the testimony of the Wage and Hour economist, there was general agreement of the interested parties at the prehearing conference that all types of ground computing equipment, whether analog or digital, were within the scope of the definition. However, airborne electronic computing equipment was beyond the scope of this industry.

The Office Equipment Manufacturers Institute (hereinafter referred to as the Institute) argues that the change of the definition, principally the inclusion of "parts," renders the notice of hearing inadequate, contending that many "parts" manufacturers would not have constructive notice through publication in the FEDERAL REGISTER. The record does not sustain this argument. There is substantial evidence indicating that the definition was understood by those in the industry to include "parts." The identical definition was used by the Bureau of Labor Statistics (BLS) in

making a wage survey, the results of which are found in Government Exhibit 6. The testimony indicates that five establishments replying to BLS questionnaires reported that more than 50 percent of their production consisted of making "parts", such as typewriter parts and sub-assemblies for accounting machines, cash registers, and various office machines. Counsel for the Institute would have me view this reporting as freakish. I do not regard it so. It is more reasonable to infer that among the 95 reporting plants there are many which manufacture "parts" but whose major production may be concerned with assembled machines, which are a combination of parts. Also, the Standard Industrial Classification (SIC) Manual and the 1954 Census of Manufactures support this inference. The defined industry surveyed by the Bureau of Labor Statistics is composed of 80 percent of the products in three-digit Standard Industrial Classification 357 (office and store machines and devices), 85 to 90 percent of those in 3571 (computing machines and cash registers), and all of those in 3572 (typewriters). Standard Industrial Classification 3572 expressly includes "parts" of typewriters, and Product Code 3671081, an extension of Standard Industrial Classification 3571, includes parts and attachments for computing and accounting machines including cash registers.

Upon the basis of this evidence, I regard the notice as adequate.

Locality. The evidence in the record dealing with the geographic scope of the determination consists almost entirely of that found in Government Exhibit 4, showing competition for Government contracts in this industry during fiscal year 1959. The exhibit demonstrates that firms in every part of the country where plants are located frequently bid for, and are awarded, contracts calling for delivery throughout the United States. There is no evidence suggesting that the area of competition for such contracts may be defined more narrowly than all of that area in which plants of the industry are located.

The American Federation of Labor-Congress of Industrial Organizations (AFL–CIO) and its principal affiliates in this industry (hereinafter called the unions) propose that a single determination be made for the entire industry. The Institute, however, would go further. It would consider in this determination those parts of Western Europe and North America where plants are located which manufacture the products of the industry and which bid on Government contracts. In other words, the Institute urges that foreign competition be considered within the area of competition of this industry.

I am of the opinion that the hearing examiner properly excluded evidence offered by the Institute dealing with foreign competition. The Department's administrative regulations promulgated pursuant to section 6 of the Walsh-Healey Public Contracts Act and published in 41 CFR 50–201.603(b) exempt foreign contracts from the representations and stipulations required by the Act. I consider myself bound by the exemption in this proceeding. Cf. Arcardi v. Shaughnessy, 347 U.S. 260, and Service v. Dulles, 354 U.S. 363. Moreover, even if this regulation were not in effect, it is my opinion that the Walsh-Healey Public Contracts Act would not be applicable to Government contracts performed in Western Europe or Canada worked upon by employees whose welfare is the primary concern of other Governments. The absence of a clear expression by the Congress of an intent to protect them requires this conclusion. Cf. Foley Bros. v. Filardo, 336 U.S. 281. Under these circumstances, the consideration of wages paid by Western European or Canadian firms in making this minimum wage determination for those areas where the welfare of employees is the primary concern of this Government is regarded as beyond any authority vested in me under the Act. Further, if there were such consideration in this instance without any corresponding obligation upon the part of Western European or Canadian firms to pay the prevailing minimum wage within the proposed area of competition, it would serve only to depress the wages of American employees within the industry without raising the standards of foreign employees working on Government contracts. This clearly was not within the intendment of the statute. I conclude that the area of competition, and therefore the locality in which the products of this industry are manufactured or furnished, is limited to the United States.

Beginners or probationary workers. Both the unions and the Institute concur in the view that it is not the predominant practice in the industry to pay a separate minimum wage to beginners or probationary workers. There is substantial evidence in the record sustaining their views. Accordingly, a tolerance for beginners or probationary workers is not provided in this decision.

Prevailing minimum wages. The Institute asserts that the prevailing minimum wage should not exceed $1.275, even if the wage data are limited to the United States. On the other hand, the unions urge the determination of a prevailing minimum of $1.81, including an eight-cent post-BLS survey increase.

The proposed finding of the Institute rests upon several arguments. The Institute alleges that the so-called interquartile technique furnishes a more appropriate means for determining the prevailing minimum wage than the median technique used in recent minimum wage determinations. The use of the interquartile technique has been suggested previously, but I have declined to apply it. Cf. Tentative decision for the Metal Business Furniture and Storage Equipment Industry (25 F.R. 12363). Under the interquartile technique, the median is still the point of departure, because it represents the central tendency of a particular frequency distribution. Stated baldly, the technique measures the dispersion from the central tendency to the lower and upper quartiles, and ultimately sets the prevailing minimum wage at the lower quartile. I regard the median as more representative of a frequency distribution than the lower quartile, and, therefore, as more fully satisfying the statutory requirements.

The Institute also asserts that, in making this determination, reliance should be placed upon the tables in the Bureau of Labor Statistics (BLS) survey showing the lowest established rates, rather than the tables showing the lowest rates actually paid. In this connection, the Institute directs attention to the fact that, of the 95 plants reporting, 61 plants (or 64.2 percent of all plants) reported the presence of lowest established job rates and that these 61 plants employed 54,962 covered workers (or 91.8 percent of the 60,113 covered workers in the industry).

Whenever the making of a prevailing minimum wage determination has necessitated an answer to the question of whether a determination should be grounded upon lowest established rates or the lowest rates actually paid, reliance has been placed consistently upon the lowest rates actually paid. See: Photographic and Blueprinting Equipment and Supplies Industry—final decision (April 6, 1956, 21 F.R. 2243); Tires and Related Products Industry—tentative decision (October 28, 1959, 24 F.R. 8741); Electron Tubes and Related Products Industry—tentative decision (Aug. 16, 1960, 25 F.R. 7801); Metal Business Furniture and Storage Equipment Industry—tentative decision (Dec. 2, 1960, 25 F.R. 12363); Electronic Component Parts Industry—tentative decision (May 13, 1961, 26 F.R. 4173); and Manifold Business Forms Industry—tentative decision (June 30, 1961, 26 F.R. 5898).

In this proceeding it is also concluded that reliance is more properly based upon the lowest rates actually paid for the reasons set forth in those decisions.

The unions propose that the minimum wage be found from the lowest rates actually paid, but in addition propose the use of the table showing such rates which excludes the wages paid to beginners (Government Exhibit 6, Table 5). I do not adopt this proposal because I find it more appropriate to use a table which includes beginners in making a determination which has application to them.

The unions also propose that a median approach be used, but they propose that only data for plants weighted by their covered worker employment be considered, to the exclusion of data for plants without such weighting. The terms of the statute do not compel this result. See the tentative decision for Drugs and Medicines Industry (23 F.R. 2836). I regard both the median of the plants weighted by their covered worker employment and that of plants without such weighting as having significance in this proceeding.

Using Government Exhibit 6, Table 7, the median level of the minimum wages paid by the plants involved was $1.45 as of the survey date. The comparable median level for the plants weighted by their employment was $1.60 at the same time. A simple average of the two medians results in a minimum wage of $1.525. However, an examination of the table reveals that the minimum wage of $1.525 has no other significance because there were no plants paying minimum wages above $1.51 and under $1.54. In considering dispersions from the average, however, the minimum wage of $1.50 appears to have particular significance. There is a substantial cluster of plants at the wage (6 plants), more than at any other minimum wage in the range from $1.45 through $1.60. Moreover, the plants at the $1.50 point have more covered worker employment than appears at any other point in the critical range between the medians, except $1.60, which is at one extremity. Furthermore, 46.4 percent of the establishments with 71.7 percent of the total covered employment paid a minimum wage of $1.50 or higher. Therefore, I find $1.50 to be the prevailing minimum wage as of the survey date.

In connection with the question of post-survey increases of minimum wages, there was admitted in evidence Government Exhibit 7 showing average straight-time hourly earnings covered by Standard Industrial Classifications (SIC) 357 (office and store machines and devices), SIC 3571 (computing machines and cash registers), and SIC 3572 (typewriters) from May 1959 to January 1960. There was supplementary testimony of the average straight-time hourly earnings covered by these classifications in February 1960. These were $2.47 in SIC 357, $2.64 in SIC 3571, and $2.15 in SIC 3572, as compared with May 1959 rates of $2.38 in SIC 357, $2.57 in SIC 3571, and $2.04 in SIC 3572. These data were taken from the Employment and Earnings Series of the Bureau of Labor Statistics after the application of an adjustment factor designed to eliminate the influence of premium overtime pay from gross average hourly earnings. The Institute directs attention to the fact that there are some products within these groupings, such as airborne electronic computer equipment, which are beyond the scope of the industry. Nevertheless, the data for these Standard Industrial Classifications appear relevant in light of testimony earlier mentioned to the effect that the products in this industry encompass about 80 percent of SIC 357, about 85 to 90 percent of SIC 3571, and all of SIC 3572.

The record presents three shades of opinion regarding the inferences that may be drawn from the fact that the average hourly earnings data show generally increases from the survey date to February 1960. The economist testifying on behalf of the Institute gave an opinion that the data showing increased average hourly earnings were of no value in indicating a trend in minimum wage levels in the period involved. He reasoned the increased average hourly earnings may have resulted from fuller use of working hours, substantial shifts in the distribution of the work force so that more workers were in the upper rate ranges or in the higher labor grades, or that incentive earnings had gone up. On the other hand, the economist testifying on behalf of the unions was of the opinion that the penny increase in average straight-time hourly earnings was indicative of an identical penny increase in minimum wages during the same period. In support of this opinion he observed that the period in question was one of increased employment for the industry as a whole, as Government Exhibit 8 shows, and concluded that this means that there was an increase in the number of workers at the bottom, which in turn means that there would be a depression of the average hourly earnings increase. Hence, it would be likely that the increase in the lowest rates paid would equal or exceed the increase in average straight-time earnings. Also, in his opinion it was likely that there had been further increases in average straight-time hourly earnings beyond the period covered by the exhibit. A third opinion was given by a Wage and Hour economist, who testified that where there is an increase in the average straight-time earnings it is reasonable to expect an increase in minimum wages as well. He further testified, however, that if an increase in average straight-time hourly earnings were only two or three cents, it would not be reasonable to assume that there was a comparable increase in minimum wages. The increase in average straight-time hourly earnings would have to be of more "substantial magnitude" if an increase in minimum wages were to be expected.

In addition, there was testimony by the same Wage and Hour economist indicating that Government Exhibit 6 is comparable to an earlier BLS survey in this industry covering a payroll period in November 1950. The median plant shown in the 1950 survey paid a minimum wage of 90 cents. The same economist indicated that he had ascertained the average straight-time hourly earnings for SIC group 357 in November 1950 which were $1.61. In May 1959, the median plant shown on Table 7 of Government Exhibit 6 paid a minimum wage of $1.45, while the average straight-time hourly earnings in May 1959 were $2.38. Thus, in the November 1950–May 1959 period, the minimum wages paid by the median plant increased by 55 cents or by 61.1 percent, and average straight-time hourly earnings increased by 77 cents or by 47.8 percent.

From this evidence, I find that minimum wages in this industry have increased since the BLS survey period of May 1959. The alternative to this finding that no such increases have occurred does not appear reasonable upon the basis of the record as a whole.

As to the precise extent of the increase, the possibilities of inference voiced in the tentative decisions, for the Electronic Component Parts Industry (26 F.R. 4173) and the Manifold Business Forms Industry (26 F.R. 5898) on the issue of the extent of post-survey increases appear to exist here. These are, first, that the percentage relationship between the increases in minimum wages and straight-time hourly earnings has remained constant, and second, that the penny relationship between such increases has continued.

In this proceeding, the inference that the percentage relationship between the increases in minimum wages and straight-time hourly earnings has continued appears well grounded. The evidence indicates that both penny and percentage increases were paid in the post-survey period. The testimony of two industry witnesses shows this. Also, the comparison of minimum wage data and straight-time hourly earnings discussed above indicates that both types of increases occur in the industry. Consequently, the inference as to percentage increases appears more reliable than that relating to penny increases since the penny increases overstate the increase that has occurred at the minimum wage level.

The increase in straight-time hourly earnings in the broad SIC Group 357 from May 1959 through February 1960 was from $2.38 to $2.47. This was an increase of 3.8 percent. Accordingly, I find that the corresponding increase in minimum wages was by the same percentage and that this increase totalled five cents.

Accordingly, upon the findings and conclusions stated above and pursuant to section 4 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, 41 U.S.C. 38), I propose to amend 41 CFR Part 50–202 as recently revised (26 F.R. 9042) by adding a new section thereto reading as follows:

§ 50–202.26 Office, computing, and accounting machines industry.

(a) *Definition.* (1) The office, computing and accounting machines industry is defined as that industry which manufactures or furnishes computing machines and machines of a type designed for office or business use (including parts specially designed for such machines), such as the following: Accounting machines, adding machines, addressing machines (manual and automatic), billing machines, bookkeeping machines, calculating machines, cash registers, change making machines, check handling machines, collating machines, currency and coin handling machines, dating machines (automatic), dictating and transcribing machines, duplicating machines (except photocopy, blueprint and printing), electronic computing and associated information processing equipment (except airborne), envelope handling machines (automatic), folding machines, inserting machines, key punch machines, label pasting machines, mailing machines, payroll machines, perforating and cancelling machines (except hand punches), postal permit mailing machines, post office cancelling machines, punched card tabulating machines, shorthand machines, sorting machines, stamp affixing machines, stencil machines, tabulating machines, time recorders, time stamping machines (except hand stamping), typewriters, and varitypers.

(2) This definition does not include (i) devices of simple construction and normally hand-operated, such as pencil sharpeners, paper punches, staplers, gummed tape moisteners, seal presses, erasing machines, autographic registers, and rubber stamps; (ii) electron tubes; (iii) solid-state semiconductors; and (iv) functional electronic component parts such as resistors, capacitors, relays, connectors, and complex components, packaged components, modules, and other similar component combinations manufactured as a single unit.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of

the office, computing, and accounting machines industry shall be $1.55 an hour.

Within twenty-one days following the publication of this document in the FEDERAL REGISTER, interested parties may submit exceptions, together with supporting reasons, to the tentative decision set out herein. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room 4414, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 2d day of November 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61-10678; Filed, Nov. 7, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600, 608]

[Airspace Docket No. 60-LA-90]

FEDERAL AIRWAYS AND SPECIAL USE AIRSPACE

Proposed Alteration of Federal Airway and Designation of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1668 and 608.70 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Army for the designation of a restricted area near Guernsey, Wyo., as follows:

Boundaries. Beginning at latitude 42°-30'00" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°-45'00" W.; to latitude 42°18'00" N., longitude 104°45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°-24'00" N., longitude 104°54'30" W.; to the point of beginning.

Designated altitudes. Surface to 23,500 feet MSL.

Time of designation. 0700 to 2200 MST, May 15 through September 5.

Controlling agency. Federal Aviation Agency, Denver ARTC Center.

Using agency. Adjutant General, State of Wyoming.

The proposed restricted area is located north of Guernsey, Wyo., and would provide special use airspace for the hazardous artillery firing conducted by Army National Guard units during their annual summer training periods. As noted above, the Federal Aviation Agency is considering the designation of the Denver ARTC Center as controlling agency. Joint civil military use of this area would permit more safe, economical, and efficient utilization of airspace.

Concurrently with this action it is proposed to alter intermediate altitude VOR Federal airway No. 1668 by reducing its width from 16 miles to 14 miles. This reduction in airway width would provide required lateral separation with the proposed Guernsey, Wyo., restricted area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10647; Filed, Nov. 7, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-112]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2413 of the regulations of the Administrator, the substance of which is stated below.

The Hoquiam, Wash., control zone is designated within a 3-mile radius of the Bowerman Airport excluding the portion above 14,500 feet MSL.

The Federal Aviation Agency is considering the alteration of this control zone by increasing its size to a 5-mile radius of the Bowerman Airport (latitude 46°58'16" N., longitude 123°56'08" W.) and including an extension 2 miles either side of the 059° True radial of the Hoquiam VOR extending from the 5-mile radius zone to the VOR. Also, the statement "excluding the portion above 14,500 feet MSL" would be omitted from the description because the restricted area which required the exclusion has been revoked. The expanded control zone including the extension to the VOR would provide protection for aircraft executing the VOR instrument approach procedure at the Bowerman Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10646; Filed, Nov. 7, 1961; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 3]

ESTABLISHMENT OF USER CHARGES

Extension of Time for Submission of Comments on Proposed Rule

In F.R. Doc. 61-9708 appearing in the FEDERAL REGISTER issue of October 11, 1961 (26 F.R. 9602) notice of proposed rule making was issued under 46 CFR Part 502 relative to the establishment of user charges or fees.

Pursuant to action of the Federal Maritime Commission taken on November 2, 1961, notice is hereby given that the time for submitting data, views, or arguments regarding said proposed rules is extended to the close of business on November 24, 1961.

Dated: November 3, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-10677; Filed, Nov. 7, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[455.44]

CERTAIN FOOTWEAR

Proposed Tariff Classification

NOVEMBER 3, 1961.

In a letter of April 7, 1961, to the collector of customs, New York, New York, the Bureau ruled that footwear having uppers of the kind described in paragraph 1530(e), Tariff Act of 1930, as modified and amended, and soles such as those commonly found on tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, when the soles, although not in chief value of india rubber, have the same appearance and general characteristics, such as the resiliency, flexibility, and skid-resistancy of the soles referred to, is classifiable as:

Footwear having uppers composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing with soles wholly or in chief value of substitutes for rubber, under paragraph 1530(e), supra, dutiable at the reduced rate of 20 percent ad valorem (full rate 35 percent ad valorem) based on the American selling price when the elements of section 402a(g) are present, except as provided for hereafter.

It was stated in the ruling:

In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158. This view is taken irrespective of the material (other than india rubber, leather or wood) of which the sole is wholly or in chief value, unless it is established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber. The statement of principles outlined in the second paragraph of T.D. 54885(9) is modified accordingly.

(See FEDERAL REGISTER of April 12, 1961, Volume 26, No. 69, page 3117, and T.D. 55364(2) and T.D. 55364(7).)

Claims are made that certain soles having the appearance and general characteristics referred to above are not in chief value of substitutes for rubber within the meaning of paragraph 1530(e), as modified and amended. The basis of the claims is that the material of which the sole is in chief value, polyvinyl chloride or styrene, for example, "was used in its own right and for its own characteristics and not in place of india (natural) rubber". It has been urged that notwithstanding the fact that soles of polyvinyl chloride or styrene may be used wholly or partly "in its own right and for its own characteristics" soles made of such or similar materials when attached to footwear such as tennis shoes, basketball shoes, "Ked-type" shoes and so-called sneakers are used as substitutes for rubber within the meaning of paragraph 1530(e), as modified and amended. Accordingly, consideration is being given to the deletion of the qualification represented by the words "unless it shall be established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber" as surplusage so that the rule as restated would read:

In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158. This view is taken irrespective of the material (other than india rubber, leather or wood) of which the sole is wholly or in chief value.

The amendment in contemplation will be effective as to footwear entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of the decision in the weekly Treasury Decisions.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of such merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-10710; Filed, Nov. 7, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 046878(SD)]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 30, 1961.

The United States Department of Agriculture has filed an application, Serial Number Montana 046878(SD) for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for research in forest, range, and watershed management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Mont.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Black Hills Experimental Forest

T. 2 N., R. 4 E.,
Sec. 3: All;
Sec. 4: All;
Sec. 9: E½;
Sec. 10: All.
T. 3 N., R 4 E.,
Sec. 33: All;
Sec. 34: W½, SE¼, S½NE¼ less H.E.S.

Area within experimental forest 3,438.15 acres, more or less.

R. R. RIGTRUP,
Manager, Land Office.

[F.R. Doc. 61-10654; Filed, Nov. 7, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-166]

UNIVERSITY OF MARYLAND

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. R-70, set forth below. The license authorizes The University of Maryland to possess and operate the pool-type nuclear reactor located on the University's campus in College Park, Maryland. The amendment, which restates the entire license as amended, (1) authorizes the operation of the reactor in accordance with the licensee's application for amendment dated September 26, 1961 and (2) adds a condition to the license specifying that the licensee shall submit as promptly as practicable, but no later than 60 days after the completion of the new core configuration, a written report to the Commission describing the new measured values of the operating conditions or characteristics of the reactor and evaluating any significant variation of a measured value from its corresponding predicted value.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed is-

suance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those already considered acceptable in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated September 26, 1961 by The University of Maryland and (2) a hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–70, Amdt. 2]

License No. R–70 is revised in its entirety to read as follows:

1. This license applies to the light water-moderated and -cooled, pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by The University of Maryland and located on the University's campus in College Park, Maryland, and described in the University's application for license dated April 8, 1960, and amendments thereto dated May 27, 1960, July 8, 1960, January 31, 1961, and September 26, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR–53 issued to The University of Maryland.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with the application and Construction Permit No. CPRR–53 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The University of Maryland is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The University of Maryland is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Maryland is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The University of Maryland:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in College Park, Maryland, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 4.5 kilograms of uranium 235 contained in enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The University of Maryland shall not operate the reactor at power levels in excess of 10 kilowatts (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, The University of Maryland shall keep the following records:

a. Reactor operating records, including power levels.

b. Records of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Maryland as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. The University of Maryland shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

D. The University of Maryland shall comply with the procedures and precautions described in its submittal dated January 31, 1961 and the following additional limitation:

1. The University of Maryland shall maintain core nuclear instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the reactor is shutdown.

E. The University of Maryland shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety, varies significantly from its predicted value.

F. As promptly as practicable, but no later than 60 days after the completion of the new core configuration described in its application for amendment dated September 26, 1961, The University of Maryland shall submit a written report to the Commission describing the new measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

a. Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

b. Total control rod worth;

c. Minimum shutdown margin both at room and operating temperature;

d. Maximum worth of the single control rod of highest reactivity value; and

e. Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

Included in the above report shall be a summary of the fuel loading steps that were required to effect the proposed core modification, and an accompanying diagram showing the resultant new core configuration.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR–53, to The University of Maryland for use in connection with operation of the reactor, 4.5 kilograms of uranium 235 contained in enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources.

6. The license shall expire on June 29, 1980, unless sooner terminated.

Date of issuance: October 31, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–10641; Filed, Nov. 7, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 1]

ESTABLISHMENT OF AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEE PANELS

Missouri

Pursuant to section 3(a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) which requires that the field organization be published in the FEDERAL REGISTER and § 711.12 of the Marketing Quota Review Regulations (25 F.R. 6505) which provides for establishment of areas of venue for marketing quota review committee panels, notice is hereby given that the areas of venue established for the following States (26 F.R. 689) have been revised and established by the ASC State committees as follows:

MISSOURI

Counties of:
Area VI—Add: Perry.
Area V—Remove: Perry.

(Sec. 3, 60 Stat. 238; 5 U.S.C. 1002. Interpret or apply sec. 363, 52 Stat. 63, as amended; 7 U.S.C. 1363)

Done at Washington, D.C., this 2d day of November 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–10679; Filed, Nov. 7, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12924; Order No. E–17663]

MOHAWK AIRLINES, INC.

Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of November 1961.

By application filed August 16, 1961, Mohawk Airlines, Inc. requests the Board to approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), its acquisition of all the assets of Aeronautical Upholsterers, Inc.[1]

Aeronautical Upholsterers is engaged in the business of designing, installing, and upholstering the interiors of aircraft. Mohawk wishes to purchase, for the sum of $9,990.00, all the assets of Aeronautical Upholsterers and to employ Mr. Charles J. DeBever, the president of Aeronautical Upholsterers, as Director of Interior Decor. Mohawk desires to expand its contract maintenance operations and believes that the employment of Mr. DeBever and the purchase of the assets of Aeronautical Upholsterers will facilitate this expansion. Aeronautical Upholsterers is a family corporation whose business has been wholly generated and supervised by Mr. DeBever and so it will no longer be an operating concern due to Mr. DeBever's employment by Mohawk.

No objections to the application have been filed.

The Board, upon consideration of the application, concludes that the transaction involves the acquisition by Mohawk, an air carrier, of the properties of Aeronautical Upholsterers, a person engaged in a phase of aeronautics, and is therefore subject to the provisions of section 408 of the Act. However, the Board has further concluded tentatively that this transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. In view of the foregoing, the Board finds that approval of the arrangement would not be inconsistent with the public interest.

In view of the foregoing, the Board tentatively finds that the transaction involved herein should be approved and intends to approve it without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision. *Therefore, it is ordered:*

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action herein.[2]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–10676; Filed, Nov. 7, 1961; 8:50 a.m.]

[1] The Board has decided to waive application of the doctrine expressed in the Sherman Interlocking Relationship Case, 15 CAB 876 (1952), to the extent applicable, and consider the application on its merits.

[2] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14354; FCC 61–1285]

NEIL N. LEVITT

Order Designating Application for Hearing on Stated Issues

In re application of Neil N. Levitt, Roswell, New Mexico, Docket No. 14354, File No. BP–13811; Requests: 960kc, 1kw, Day, for construction permit. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that the applicant is in all respects qualified except as to the matters involved in the issues set forth below; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject proposal appears to cause interference within the normally protected service contours of Stations KSEL, Lubbock, Texas, and KGKL, San Angelo, Texas.

2. It has not been determined whether interference received by the subject proposal from KSEL and KGKL will cause population loss in excess of 10 percent.

3. The applicant indicates that the construction and initial operation of the proposed station will be financed with $15,000 "existing capital", $6,000 "new capital", and $10,000 manufacturer's deferred credit. However, Mr. Levitt's balance sheet of January 4, 1960 reflects cash, stocks, and bonds totalling only $3,100 and no agreement on the part of an equipment manufacturer to extend deferred credit has been submitted.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the subject proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations KSEL, Lubbock, Texas and KGKL, San Angelo, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal, in contravention of § 3.28(d) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the subject applicant is financially qualified to construct and operate his proposed station.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That McAlister Broadcasting Corp., and Angelo Broadcasting-Telecasting, Inc., licensees of Stations KSEL and KGKL, respectively, are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (c) of the rules.

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10638; Filed, Nov. 7, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2079]

PLACER COUNTY WATER AGENCY

California; Notice of Additional Land Withdrawal

NOVEMBER 2, 1961.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission gave notice March 5, 1953 to the Director, Bureau of Land Management of the reservation of approximately 14,762.66 acres of lands of the United States for Project No. 2079, pursuant to an application for preliminary permit filed March 21, 1951 by the County of Placer, California, as supplemented by revised maps filed June 23, 1952.

On August 6, 1958, Placer County Water Agency, Auburn, California, successor agency for water matters for said county, filed an amended application for preliminary permit as supported by revised projects maps, Exhibits "H" and "I" sheets 1, 2 and 3, embracing the following additional lands of the United States:

MOUNT DIABLO MERIDIAN CALIFORNIA

T. 13 N., R. 10 E.,
Sec. 1: part of Lot 8.
T. 13 N., R. 11 E.,
Sec. 2: Lot 4, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16;
Sec. 4: Lot 1, the unpatented portions of Lots 2 and 3, Lots 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 5: Lots 6, 8, N½SE¼;
Sec. 6: Lots 3, 4, 5, 6, E½SW¼, S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 7: Lot 1, N½NE¼, NE¼NW¼;
Sec. 10: Lots 1, 2, 3, 4;
Sec. 11: N½N½;
T. 14 N., R. 11 E.,
Sec. 27: S½S½;
Sec. 33: NE¼NE¼, S½N½, SW¼, N½SE¼, the unpatented portion of SW¼SE¼, SE¼SE¼;
Sec. 34: All;
Sec. 35: NW¼.
T. 13 N., R. 12 E.,
Sec. 6: Lots 6, 7, SE¼SW¼, SW¼SE¼;
Sec. 8: S½NE¼;
Sec. 10: SW¼NW¼, S½;
Sec. 12: Lots 1, 2, 3, 4, 5, 6, that portion of Mineral Lot 38 within the project boundary, N½NE¼, SW¼NW¼;
Sec. 14: NW¼NE¼, N½NW¼.
T. 13 N., R. 13 E.,
Sec. 4: Lots 1, 2, 3, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 5: Lots 5, 6, 7, 8, 9, SE¼NE¼, NW¼SW¼, E½SE¼, that portion of mineral Lot 38 within the project boundary;
Sec. 6: S½SE¼;
Sec. 7: Lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼.
T. 14 N., R. 13 E.,
Sec. 34: S½N½, SW¼SW¼;
Sec. 36: N½N½.
T. 15 N., R. 13 E.,
Sec. 23: Lots 1, 4, 5, 12;
Sec. 24: Lots 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18;
Sec. 25: Lots 2, 3, 4, 5, 7, 8, 9, E½NW¼, NE¼SW¼, SW¼SW¼;
Sec. 36: Lot 14.
T. 14 N., R. 14 E.,
Sec. 2: N½SW¼, NW¼SE¼;
Sec. 4: W½SW¼, SE¼SW¼;
Sec. 10: NW¼NW¼, E½SE¼;
Sec. 12: SW¼NW¼;
Sec. 16: E½NW¼, SE¼SW¼;
Sec. 22: NW¼NW¼;
Sec. 30: Lot 16;
Sec. 32: S½NW¼, SW¼.
T. 15 N., R. 14 E.,
Sec. 21: S½;
Sec. 28: SE¼NE¼, NW¼NW¼, NE¼SE¼, S½SE¼;
Sec. 29: N½NE¼, NW¼;
Sec. 30: Lot 3, N½SE¼;
Sec. 32: SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 33: W½NE¼, NW¼.

On July 3, 1961 the afore-mentioned successor agency filed a further amended application for preliminary permit as supported by revised project maps, Exhibit "H" and "I" sheets 1, 2, and 3 embracing the following additional lands of the United States:

MOUNT DIABLO MERIDIAN CALIFORNIA

T. 13 N., R. 10 E.,
Sec. 1: balance of Lot 8, Lots 9, 10, 14, S½NW¼;
Sec. 2: Lots 8, 9, 15, SE¼SE¼;
Sec. 11: Lot 1, N½SE¼NE¼, SW¼NE¼, SE¼.
T. 13 N., R. 11 E.,
Sec. 5: SE¼SW¼NW¼, S½SE¼NW¼;
Sec. 6: Lots 2, 7, 8;
Sec. 11: SW¼NE¼, S½NW¼, E½SW¼, W½SE¼, SE¼SE¼.
T. 14 N., R. 11 E.,
Sec. 31: W½SW¼, SE¼;
Sec. 32: Lot 1, N½NE¼SW¼, SW¼NE¼SW¼, W½SW¼, N½SE¼.
T. 13 N., R. 12 E.,
Sec. 4: Lot 4;
Sec. 6: Lots 2, 5, SE¼NW¼.
T. 14 N., R. 12 E.,
Sec. 26: S½SE¼;
Sec. 34: S½NE¼, SE¼NW¼, N½S½;
Sec. 36: SW¼NE¼, NW¼, NE¼SW¼, N½SE¼.
T. 13 N., R. 13 E.,
Sec. 6: Lots 3, 4.
T. 14 N., R. 13 E.,
Sec. 24: NE¼, S½NW¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 26: NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 28: SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 32: NE¼, S½NW¼.
T. 14 N., R. 14 E.,
Sec. 16: W½SW¼;
Sec. 20: NE¼NE¼, NW¼NW¼.
T. 15 N., R. 14 E.,
Sec. 31: SE¼SE¼.

Therefore, pursuant to section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the additional lands hereinbefore described, insofar as title thereto remains in the United States, are included in power project No. 2079 and are from the respective dates of filing of applications, reserved from entry, location, or other disposition under the laws of the United States until otherwise directed by this Commission or by Congress.

The additional area reserved pursuant to the filing of these applications is approximately 13,253.56 acres of which 7,893.01 acres have been previously withdrawn for power purposes either in Power Site Classifications Nos. 168, 178, 296, 425, Power Site Reserve No. 693 or in earlier Projects Nos. 334, 816, 818, 866 and 1202.

Of the total additional area reserved, approximately 12,905.22 acres are within the exterior boundaries of the Eldorado or Tahoe National Forests. Approximately 3,326.24 acres of the overall area are also reserved under 1st Form Reclamation Withdrawal in connection with the American River Division of the Central Valley Project.

Copies of project maps, Exhibit "H" and "I" sheets 1, 2, and 3 filed August 6, 1958; Exhibits "H" and "I" sheets 1, 2 and 3 filed July 3, 1961 (FPC Nos. 2079-6 to 13 inclusive) have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service, Bureau of Reclamation and Chief of Engineers, Department of the Army.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10648; Filed, Nov. 7, 1961; 8:46 a.m.]

[Docket Nos. CP62-46, CP62-48]

TRUNKLINE GAS CO. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Applications and Date of Hearing

NOVEMBER 1, 1961.

Take notice that on August 18, 1961, and August 21, 1961, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis 24, Missouri, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston 1, Texas, filed, respectively, applications, pursuant to section 7(c) of the Natural Gas Act, for certificates of public convenience and necessity authorizing: (1) Mississippi in Docket No. CP62-48 to construct and operate 1.9 miles of 4-inch pipeline and a meter and regulator station to enable it to sell and deliver up to 1,000 Mcf per day to the St. Charles Gas Corp. (St. Charles); and, (2) Trunkline in Docket No. CP62-46 to increase its presently authorized sales to Mississippi by 1,000 Mcf of natural gas per day to enable the latter to effect the proposed sale to St. Charles.

The proposals of Mississippi and Trunkline are more fully set forth in their respective applications on file with the Commission and open to public inspection.

Mississippi's proposed lateral will extend from the western terminus of its existing 18-inch pipeline in north St. Louis County, Missouri, to a point of connection with an existing pipeline owned and operated by St. Charles. Mississippi states that the gas it proposes to sell to St. Charles will be resold and distributed in St. Charles, Missouri, and environs, and that said gas is required to meet the urgent and increasing demands for natural gas in that area.

Mississippi estimates the cost of its proposed project to be $63,000 which cost will be financed from cash on hand.

The application in Docket No. CP62-48 shows that St. Charles and Mississippi have entered into a precedent agreement, dated May 26, 1961, providing for the 1,000 Mcf of natural gas per day herein proposed.

Mississippi and Trunkline have entered into an agreement, dated June 7, 1961, providing for an increase of 1,000 Mcf of gas in Mississippi's daily contract quantity from Trunkline. The proposed sale by Trunkline to Mississippi will be made pursuant to Trunkline's FPC Gas Rate Schedule No. P-1.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 7, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 61-10649; Filed, Nov. 7, 1961; 8:46 a.m.]

[Docket Nos. RI62-150—RI62-157]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 1, 1961.

Pan American Petroleum Corporation (Operator, et al., Docket No. RI62-150; Pan American Petroleum Corporation, Docket No. RI62-151; Sinclair Oil & Gas Company, Docket No. RI62-152; Socony Mobil Oil Company, Inc., Docket No. RI62-153; Keating Drilling Company (Operator), et al., Docket No. RI62-154; Texaco, Inc. (Operator), Docket No. RI62-155; Texaco, Inc. (Operator), et al., Docket No. RI62-156; Texaco Inc., Docket No. RI62-157.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-150...	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	32	14	Texas Eastern Transmission Corp. (NE. Lisbon Field, Claiborne Parish, La.).[5]	$274	10-2-61	[1] 11-2-61	4-2-62	[3] 16.211	16.4161	RI61-168
		150	15	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.).[5]	4,008	10-2-61	11-2-61	4-2-62	[3] 16.211	16.4161	RI61-207
RI62-151...	Pan American Petroleum Corp.	39	17	Hassie Hunt Trust (NE. Lisbon Field, Claiborne Parish, La.).[5]	248	10-2-61	[1] 11-2-61	4-2-62	[3] 16.211	16.4161	RI61-167
		149	16	....do[4]	18	10-2-61	[1] 11-2-61	4-2-62	[3] 16.211	16.4161	RI61-167
		172	6	Texas Eastern Transmission Corp. (Bethany-Longstreet Field, DeSoto Parish, La.).[5]	247	10-2-61	[1] 11-2-61	4-2-62	[3] 16.211	16.4161	RI61-167
RI62-152...	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	192	4	H. L. Hunt, et al. (North Lansing Field, Harrison County, Tex.).[6]	1,259	10-3-61	[2] 11-3-61	4-3-62	[4] 14.5	14.7	RI61-530
RI62-153...	Socony Mobil Oil Co. Inc., 150 East 42d Street, New York 17, N.Y.	37	10	Trunkline Gas Co. (Bearhead Creek Field, Beauregard Parish, La.).[7]	31,173	10-9-61	[1] 11-9-61	4-9-62	[3] 11.4417	20.9	----------
RI62-154...	Keating Drilling Co. (Operator, et al, c/o John L. Arrington, Jr., Attorney, 510 Oklahoma Natural Building, Tulsa 19, Okla.	1	1	Panhandle Eastern Pipe Line Co. (Light-Greenough Field, Beaver County, Okla.).	291 291	10-2-61	[1] 11-8-61	4-8-62	[4] 12.2828	13.1761	----------
RI62-155...	Texaco Inc. (Operator), P.O. Box 2332, Houston, Tex.	2	10	United Fuel Gas Co. (various flds., Terrebonne, St. Charles, Lafourche, and Jefferson Parishes, La.).[7]	96,469	10-2-61	[2] 11-2-61	4-2-62	[3] 19.9	20.3	RI61-148
RI62-156...	Texaco Inc. (Operator), et al.	3	15	United Fuel Gas Co. (Valentine Field, Lafourche Parish, La.).[7]	32,379	10-2-61	[2] 11-2-61	4-2-62	[3] 19.9	20.3	RI61-149
RI62-157...	Texaco Inc.	4	9	United Fuel Gas Co. (East Mud Lake Field, Cameron Parish, La.).[7]	46,134	10-2-61	[2] 11-2-61	4-2-62	[3] 19.9	20.3	RI61-150
		5	9	United Fuel Gas Co. (Horseshoe Bayou-Bayou Sale Field, St. Mary Parish, La.).[7]	2,272	10-2-61	[2] 11-2-61	4-2-62	[3] 19.9	20.3	RI61-150
		200	3	United Fuel Gas Co. (Midland Field, Acadia Parish, La.).[7]	1,313	10-2-61	[2] 11-2-61	4-2-62	[3] 19.9	20.3	RI61-150

[1] The stated effective date is that requested by Respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 15.025 psia.
[4] The pressure base is 14.65 psia.
[5] Northern Louisiana.
[6] Texas Railroad District No. 6.
[7] Southern Louisiana.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 18, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10650; Filed, Nov. 7, 1961; 8:46 a.m.]

[Docket Nos. RI62-158—RI62-165]

SIMMONS GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Allowing Rates To Become Effective [1]

NOVEMBER 1, 1961.

Simmons Gas Company, Docket No. RI62-158; Wirt County Oil and Gas Company, Docket No. RI62-159; H. B. Scott, Docket No. RI62-160; Stump Gas Company, Docket No. RI62-161; O. L. Warren, Docket No. RI62-162; Phil D. Phillips, et al., Docket No. RI62-163; Four Way Oil & Gas Company, Docket No. RI62-164; Carroll Gas Company, Docket No. RI62-165.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [2] Rate in effect	Cents per Mcf [2] Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-158	Simmons Gas Co., c/o Hays and Co., Agent, Spencer, W. Va.	1	4	Cabot Corp. (Tee District, Calhoun County, W. Va.).	$98	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
RI62-159	Wirt County Oil and Gas Co. (address same as above).[3]	2	3	Cabot Corp. (Burning Springs District, Wirt County, W. Va.).	51	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
RI62-160	H. B. Scott (address same as above).	8	3	Cabot Corp. (DeKalb District, Gilmer County, W. Va.).	31	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
RI62-161	Stump Gas Co. (address same as above).[3]	1	4	Cabot Corp. (Center District, Gilmer County, W. Va.).	73	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
RI62-162	O. L. Warren (address same as above).[3]	1	3	....do....	239	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
RI62-163	Phil D. Phillips, et al. (address same as above).[3]	2	3	....do....	921	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
		1	4	Cabot Corp. (Washington District, Calhoun County, W. Va.).	93	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
RI62-164	Four Way Oil & Gas Co. (address same as above).[3]	1	4	....do....	99	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	
RI62-165	Carroll Gas Co. (address same as above).[3]	1	4	Cabot Corp. (Sheridan District, Calhoun County, W. Va.).	247	10-2-61	11-2-61	[4] 11-3-61	12.0	13.824	

[1] c/o Hays and Company, Agent, Spencer, W. Va.
[2] The stated effective date is the first day after expiration of the required thirty days' notice.
[3] The pressure base is 15.325 psia.
[4] Suspended for one day. Revenue-sharing increase based on purchaser's rate to Hope Natural Gas Co., which was previously suspended and is now in effect subject to refund in Docket No. RI61-308.

The proposed increases are based upon revenue-sharing provisions in the contracts of sale with Cabot Corporation; Cabot's sales are currently in effect subject to refund in Docket No. RI61-308.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practices and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order respondents shall execute and file under the above-designated docket numbers with the Secretary of the Commission their agreement and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by certificates showing service of copies thereof upon all purchasers under the rate schedules involved. Unless respondents are advised to the contrary within 15 days after the filing of such agreement and undertakings, the agreement and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired,, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 18, 1961.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10651; Filed, Nov. 7, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 184]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 3, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 6894 (Deviation No. 1), MELVIN TRUCKING COMPANY, 1818 South Washington Street, Peoria, Ill., filed October 25, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Peoria, Ill., over U.S. Highway 24 to junction U.S. Highway 66, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Peoria, Ill., over Illinois Highway 116 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Chicago, Ill.; from Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, thence over unnumbered highway via Staunton, Ill., to junction Illinois Highway 4, thence over Illinois Highway 4 to junction U.S. Highway 66, thence over U.S. Highway 66 to Junction City U.S. Highway 66, and thence over City U.S. Highway 66 to St. Louis, Mo., and return over the same routes.

No. MC 11220 (Deviation No. 5), GORDONS TRANSPORTS, INC., 185 W. McLemore Avenue, Memphis 2, Tenn., filed October 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 67 to Texarkana, Ark.-Tex., thence over U.S. Highway 71 to Shreveport, La., thence over U.S. Highway 80 to Dallas, Texas, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Little Rock, over U.S. Highway 65 to Conway, Ark., thence over U.S. Highway 64 to Russellville, Ark., thence over Arkansas Highway 7 to Dardenelle, Ark., thence over Arkansas Highway 22 to Fort Smith, Ark., thence over Arkansas Highway 45 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 70, thence over U.S. Highway 70 to Durant, Okla., thence over U.S. Highway 75 to Dallas, and return over the same route.

No. MC 51255 (Deviation No. 5), HAECKL'S EXPRESS, INCORPORATED, P.O. Box 2025, Terre Haute, Ind., filed October 23, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Lincoln and Omaha, Nebr., over Interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to junction unnumbered highway at a point approximately two and one-half miles southeast of Emerson, Ill., thence over unnumbered highway via Emerson to junction U.S. Highway 30 at a point approximately three miles southwest of Emerson, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to junction Iowa Highway 212, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 75 to Council Bluffs, Iowa, thence over city streets to Omaha, thence over Nebraska Highway 38 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to Milliard, Nebr., thence over Nebraska Highway 31 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lincoln, and return over the same route.

No. MC 111231 (Deviation No. 11), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed October 25, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Onarga, Ill., over U.S. Highway 45 to Effingham, Ill., thence over Illinois Highway 37 to Cairo, Ill., and thence over U.S. Highway 62 to Malden, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66, thence over By-Pass U.S. Highway 66 via Hamel, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 via Livingston, Ill., to junction unnumbered highway near Mt. Olive, Ill., thence over unnumbered highway via Mt. Olive to junction U.S. Highway 66, thence over U.S. Highway 66 via Litchfield, Springfield, and Lincoln, Ill., to junction unnumbered highway near Atlanta, Ill.; from St. Louis as specified above to junction U.S. Highway 66 and Illinois Highway 48, thence over Illinois Highway 48 via Decatur, Ill., to junction U.S. Highway 54, thence over U.S. Highway 54 to Onarga; from St. Louis over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 69), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Kans., filed October 27, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Webb City, Mo., over relocated U.S. Highway 66 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Missouri Highway 43 (south of Joplin, Mo.), and return over the same route, for operating convenience, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Webb City, over Missouri Highway 171 (formerly U.S. Highway 66) to junction Missouri Highway 43 (formerly U.S. Highway 66), thence over Missouri Highway 43 to Joplin; from Joplin over Missouri Highway 43 to junction U.S. Highway 166 (formerly Missouri Dual Highway), thence over U.S. Highway 166 to the Missouri-Oklahoma State Line and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-10668; Filed, Nov. 7, 1961; 8:49 a.m.]

[Notice 405]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 3, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and

certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 22195 (Sub-No. 84), filed August 10, 1961. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from the site of the Oil-Chem Corporation plant near Lignite, N. Dak. and points within 25 miles thereof to points in Montana, South Dakota, Minnesota, and points in North Dakota on the International Boundary line between the United States and Canada, and (2) from the site of the Hunt Oil Co. plant near McGregor, N. Dak., and points within 25 miles thereof to points in Montana, South Dakota, Minnesota, and points in North Dakota on the International Boundary line between the United States and Canada.

HEARING: November 27, 1961, at the Yellowstone County Court House, Billings, Mont., before Examiner Armin G. Clement.

No. MC 51012 (Sub-No. 16), filed October 23, 1961. Applicant: JIMMIE THOMAS BRYANT, doing business as J. T. BRYANT, 822 East Washington Street, Suffolk, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper tea bag wrappers and paper boxes* when moving in mixed truckloads with *peanuts and peanut products*, from Suffolk, Va. to Chicago, Ill.

HEARING: December 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 55852 (Sub-No. 5), filed October 23, 1961. Applicant: SEWELL'S MOTOR EXPRESS, INCORPORATED, 218 East 24th Street, Norfolk, Va. Applicant's attorney: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Lumber* (except plywood and veneer), (a) from Norfolk, Va., and points within thirty-five (35) miles thereof, to (1) points in North Carolina; (2) points in Pennsylvania west of U.S. Highway 11; (3) points in New Jersey west of a line fifteen (15) miles west of U.S. Highway 1, (4) points in New York (except New York, N.Y.), and (5) points in Connecticut, Rhode Island and Massachusetts and (b) from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., and Virginia to Norfolk, Va., and points within thirty-five (35) miles thereof, on flat bed equipment only. (II) *Malt beverages*, (a) from Newark, N.J., Philadelphia, Pa., and Baltimore, Md., to points in Accomack and Northampton Counties, Va., and (b) from Cranston, R.I., to Norfolk, and Newport News and points in Accomack and Northampton Counties, Va., (III) *empty malt beverage containers*, (a) from points in Accomack and Northampton Counties, Va., to Newark, N.J., Philadelphia, Pa. and Baltimore, Md., (b) from Norfolk and Newport News and points in Accomack and Northampton Counties, Va., to Cranston, R.I., and (4) *Wood sawdust and shavings;* from Norfolk, Va. and points within thirty-five (35) miles thereof, to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, North Carolina and the District of Columbia.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 87720 (Sub-No. 6), filed October 11, 1961. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron castings and products*, on vehicles with special crane or boom devices, from Flemington, N.J., to points in New York, New Jersey, Connecticut, Pennsylvania, Delaware, and Maryland, and (2) *Wooden patterns*, from the above-described destination territory to Flemington, N.J.

NOTE: Applicant states the proposed service is to be performed under contract or continuing contracts with Foran Foundry and Manufacturing Co. of Flemington, N.J.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 94265 (Sub-No. 79), filed October 6, 1961. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper tea bag wrappers and paper boxes, peanuts, and peanut products*, from Suffolk, Va., to Chicago, Ill. and (2) *cream-filled sandwiches, peanuts and peanut products*, from Suffolk, Va. to St. Louis, Mo.

NOTE: Applicant states the commodities shown in (1) and (2) above, will move in mixed truck loads.

HEARING: December 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 103993 (Sub-No. 132) (AMENDMENT), filed August 14, 1961, published FEDERAL REGISTER, issue October 25, 1961, amended November 2, 1961, republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Washington (except from Veradale, Wash.), to points in the United States, including Alaska, but (excluding Hawaii), and (2) *Campers and camp coaches*, designed for installation on pickup trucks, in truckaway service, from points in Washington, to points in the United States, including Alaska, but (excluding Hawaii).

NOTE: The purpose of this republication is to include No. 2 above.

HEARING: Remains as assigned November 30, 1961, at the Federal Office Building, Seattle, Wash., before Examiner Armin G. Clement.

No. MC 105461 (Sub-No. 35), filed October 24, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum furniture, wooden furniture, wooden toys*, and *wooden gates, ironing tables and clothes dryers*, from Wellsville, N.Y., to New York, N.Y., and points on Long Island, N.Y., Pennsylvania (except points in Chester, Delaware, Montgomery, Philadelphia, and Bucks Counties), Delaware (except points in New Castle County), New Jersey (except points on and south of U.S. Highway 30 and points within 45 miles of Kennett Square, Pa.), and Maryland (except points located within the Washington, D.C., Commercial Zone, as defined by the Commission, and Baltimore, Md., and points within 8 miles thereof), (2) *Aluminum furniture*, from Whitesville, N.Y., to New York, N.Y., and points on Long Island, N.Y., Pennsylvania (except points in Chester, Delaware, Montgomery, Philadelphia, and Bucks Counties), Delaware (except points in New Castle County), New Jersey (except points on and south of U.S. Highway 30 and points within 45 miles of Kennett Square, Pa.) and Maryland (except points located within Washington, D.C., Commercial Zone, as defined by the Commission, and Baltimore, Md., and points within 8 miles thereof).

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 105461 (Sub-No. 36), filed October 24, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and advertising materials*, in mixed shipments with glass bottles, total weight of containers and advertising materials not to exceed ten percent (10%) of total weight of shipment, (1) between Elmira, N.Y., on the one hand, and, on the other, points in Pennsylvania and New Jersey, and (2) between Elmira, N.Y., on the one hand, and, on the other, points in Delaware.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 105461 (Sub-No. 37), filed October 26, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop*, in rolls, *metal stove shovels*, and *building materials made of sheet metals*, from the site of the plant of Penn Supply and Metal Corporation at Philadelphia, Pa., to points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

HEARING: January 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 105813 (Sub-No. 47), filed October 27, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 NW 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from Austin, Converse and Red Key, Ind., to points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. (2) *Equipment, materials and supplies* used in the manufacture, sale and distribution of canned goods from points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia to Austin, Converse, and Red Key, Ind.

HEARING INFORMATION: By Order dated October 27, 1961, the subject application was assigned for hearing November 1, 1961, at the U.S. Court Rooms, Knoxville, Tenn., before examiner James A. McKiel, along with the application of Newman and Pemberton Corporation, No. MC 117416 (Sub-No. 5), which seeks identical authority. That application was published in the FEDERAL REGISTER, issue of September 27, 1961. The purpose of this late publication of the same issues in the instant application is to advise that any person or persons who might have been prejudiced by lack of sufficient notice prior to hearing, may, within 30 days from the date of this publication, file a petition for further hearing in the instant proceeding to wit: No. MC 105813 (Sub-No. 47).

No. MC 106965 (Sub-No. 179), filed October 25, 1961. Applicant: M. I. O'BOYLE & SON, INC. doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Suffolk, Va., to points in Maryland, and North Carolina, those in Sussex County, Del., and the District of Columbia.

NOTE: Applicant states that it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia corporation, which is a carrier of petroleum products, in bulk, in tank vehicles from Friendship, N.C., to southern Virginia.

HEARING: December 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107107 (Sub-No. 178) (SECOND AMENDMENT), filed August 25, 1961, published in FEDERAL REGISTER, issue October 11, 1961, amended October 20, 1961, and further amended October 27, 1961, republished as further amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65 Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy;* (2) *confectionery;* (3) *candy and confectionery coatings;* (4) *chocolate;* (5) *candy and confectionery materials;* (6) *syrups;* (7) *cocoa;* and (8) *advertising, promotional and display materials* and *premiums*, from Hershey, Pa., and points in Lancaster County, Pa., to points in Florida.

NOTE: The purpose of this republication is to broaden the scope of the application as to the commodities proposed to be transported.

HEARING: Remains as assigned December 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner William R. Tyers.

No. MC 107403 (Sub-No. 364), filed October 16, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Michigan, and Ohio.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 107871 (Sub-No. 9), filed October 30, 1961. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Cantor, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Albany, Schenectady, and Rensselaer Counties, N.Y., to points in Vermont and New Hampshire, and *damaged, refused and rejected shipments* of the above commodities, on return.

HEARING: November 13, 1961, at the Federal Building, Albany, N.Y., before Examiner Abraham J. Essrick.

No. MC 109677 (Sub-No. 25), filed October 24, 1961. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Corinth, N.Y., to East Bridgewater and Wilmington, Mass.

HEARING: December 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O 'D Moran.

No. MC 109749 (Sub-No. 19) filed September 18, 1961. Applicant: GAIL W. DAHL AND FRED HEGAN, doing business as DAHL TRUCK LINE, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorneys: Nelson, Harding & Acklie, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing-house products*, as described by the Commission in Appendix I, Sections A, B, C, and D, 61 M.C.C. 209; (1) between Sioux City, Iowa and points in Nebraska on and west of U.S. Highway 83; and (2) between North Platte, Nebr., and Sioux City, Iowa.

NOTE: Applicant states that Partner Fred E. Hagen holds certain contract authority under MC 115915, and subs thereto, but such authority does not duplicate in any way that now held or sought by the applicant partnership. Applicant further advises that all service is to be performed under continuing contracts with Armour & Company, Sioux City, Iowa.

HEARING: December 1, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 185, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 110525 (Sub-No. 470), filed October 18, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewiez, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Jersey City, N.J., to points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., including New York City, N.Y., and Fairfield and New Haven Counties, Conn., and *rejected shipments*, on return.

NOTE: Applicant states it is directly or indirectly affiliated with or controlled by, "as described in Samuel F. Niness—Control:

Chemical Tank Lines, Inc.—Purchase (portion)—LEAMAN TRANSPORTATION COMPANY, INC. AND LEAMAN TRANSPORTATION CORPORATION, DOCKET NO. MC-F-3880, decided October 7, 1948, as amended on December 1, 1948 and December 23, 1948." Applicant has contract authority under MC117507 and Subs thereunder; therefore, dual operations may be involved.

HEARING: December 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 110698 (Sub No. 165), filed October 2, 1961. Applicant: RYDER TANK LINE, INC. (York Division), 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall, P.O. Box 26035, Houston 32, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (not restricted to those described in the Maxwell case), in bulk, in tank vehicles, from points in Nueces County, Tex., to points in California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, Wisconsin, and Wyoming.

HEARING: December 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 112497 (Sub-No. 178) (CLARIFICATION-CORRECTION), filed August 4, 1961, published FEDERAL REGISTER, issue of October 25, 1961, and republished this issue. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl Chloride, vinyl acetate and methanol*, in bulk, in tank vehicles, from Geismar, La., and points within five (5) miles thereof (except from the plant site of Wyandotte Chemical Corporation, Geismar, La.), to Demopolis, Ala., Illiopolis, Ill., and Fayetteville, N.C., and (2) *synthetic resins and formaldehyde*, in bulk, in tank vehicles, from Geismar, La., and points within five (5) miles thereof (except from the plant site of Wyandotte Chemical Corporation, Geismar, La.), to points in Arkansas, Mississippi, and Texas.

NOTE: The purpose of this republication is to show the origin point in (2) above inadvertently omitted from previous publication.

HEARING: Remains as assigned, December 6, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 113514 (Sub-No. 80), filed October 2, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (not restricted to the Maxwell case), in bulk, in tank vehicles, from points in Nueces County, Tex., to points in Washington, Oregon, California, Wyoming, Colorado, North Dakota, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, and Virginia.

HEARING: December 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. 114019 (Sub-No. 66), filed October 24, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., to St. Louis, Mo., and points in Pennsylvania, New Jersey, New York, Ohio, West Virginia, Michigan, Wisconsin, Kentucky, Iowa, Illinois, and Indiana; and (2) from New York, N.Y., to St. Louis, Mo., and points in New Jersey, West Virginia, Michigan, Wisconsin, Kentucky, and Iowa.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed pursuant to authority granted by the Commission.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 114019 (Sub-No. 67), filed October 24, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude rubber and liquid latex* (except in bulk, in tank vehicles), between points in Arkansas, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio (except, Akron), Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed pursuant to authority granted by the Commission.

HEARING: January 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 114045 (Sub-No. 76), filed October 16, 1961. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, (a) from Reading, West Reading, and Lititz, Pa., to points in Texas, Oklahoma, Mississippi, Louisiana, Alabama, and Kentucky; and (b) from Hershey, Pa., to points in Oklahoma, Alabama, Kentucky, Arkansas, and Memphis, Tenn.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114045 (Sub-No. 78), filed October 20, 1961. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Westchester, Pa., to points in Arizona, Illinois, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, Virginia, West Virginia, Maryland, New Jersey, New York, Kentucky, Tennessee, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Oklahoma, Texas, Utah, Colorado, Nebraska, North Dakota, South Dakota, New Mexico, and California.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 116763 (Sub-No. 19), filed October 12, 1961. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Applicant's attorneys: Benjamin J. Brooks, 4700 Connecticut Avenue NW., Washington 8, D.C., and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods;* from points in Daviess and Hancock Counties, Ky., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin; and (2) *Empty cans, can lids, ends, and labels;* from points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to points in Daviess and Hancock Counties, Ky.

HEARING: December 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 116901 (Sub No. 1), filed May 22, 1961. Applicant: HARDIN-HOUSTON, INC., P.O. Box 102, Hobbs, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P.O. Box 1035, Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, including *crude oil* of all types, and specifically including *drip gas* and *drip gasoline*, in bulk, in tank vehicles, between points in Chaves, Eddy, Lea, and Roosevelt Counties, N. Mex., and points in Andrews, Bailey, Borden, Cochran, Crane, Culberson, Dawson, Ector, Gaines, Garza, Hockley, Howard, Lamb, Loving, Lynn, Martin, Midland, Mitchell, Reeves, Scurry, Terry, Winkler, and Yoakum Counties, Tex.

HEARING: November 29, 1961, at the city hall, Hobbs, N. Mex., before Joint Board No. 33.

No. MC 117574 (Sub-No. 58), filed October 13, 1961. Applicant: DAILY EXPRESS, INC., Box 311, Route 2, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Zanesville, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, and West Virginia.

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 118101 (Sub No. 3), filed April 24, 1961. Applicant: RAY GILBERT, JR., Route 3, P.O. Box 390, 3111 North 32d Street, Muskogee, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Lincoln, Hastings, Omaha, Scottsbluff, McCook, and Holdrege, Nebr.; Poplar Bluff and Joplin, Mo.; Austin, Mankato, Rochester, and Winona, Minn.; Casper, Wyo.; Fort Dodge, Esterville, Waterloo, and Des Moines, Iowa; Salina and Topeka, Kans.; and Rapid City, S. Dak.; and *exempt commodities*, on return.

HEARING: December 4, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Bernard J. Hasson, Jr.

No. MC 123435 (Sub-No. 2), filed September 25, 1961. Applicant: PACIFIC MOLASSES TRANSPORT COMPANY, doing business as P/M TRANSPORT COMPANY, a corporation, 215 Market Street, San Francisco, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, in bulk, in specially designed hopper tanks, *contaminated and rejected shipments* of the specified commodity, between Pixley, Madera, Blythe, El Centro, and Brawley, Calif., and points within ten (10) miles of each, on the one hand, and, on the other, Los Angeles Harbor, Long Beach Harbor, and San Diego Harbor, Calif.

HEARING: December 8, 1961, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123787 (Sub-No. 1) (AMENDMENT), filed August 9, 1961, published in FEDERAL REGISTER, issue of October 25, 1961, amended October 31, 1961, republished, as amended, this issue. Applicant: HAGGARTY TRANSPORT LTD., Wooler, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* and *soda ash*, in bags and in bulk; from Ogdensburg, Alexandria Bay, Clayton, and Rooseveltown, N.Y., to Ports of Entry on the International Boundary between the United States and Canada located on the St. Lawrence River, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: The amendment adds the words "and in bulk" to the commodity description.

HEARING: Remains as assigned, December 6, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Laurence E. Masoner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2043 (Sub-No. 10), filed October 30, 1961. Applicant: ACE VAN LINES, INC., P.O. Box 785, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products* and *articles* distributed by meat packing houses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from South Bend, Ind., to points in Lake County, Ind., and *rejected and refused shipments* of the above described commodities, on returns.

No. MC 3009 (Sub-No. 43), filed October 30, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Santa Rosa, Miss., and U.S. Highway 90 at junction with Mississippi Highway 43 and at junction with Mississippi Highway 604; from Santa Rosa over Mississippi Highway 43 to Junction U.S. Highway 90 (also from junction Mississippi Highways 43 and 604, over Mississippi Highway 604 to junction U.S. Highway 90), and return over the same routes, serving all intermediate points, and the off-route point of Gainesville, Miss.

No. MC 22167 (Sub-No. 15), filed September 11, 1961. Applicant: CONSOLIDATED COPPERSTATE LINES, 1220 West Washington Boulevard, Montebello, Calif. Applicant's attorney: Thomas F. Tobin, 34 West Monroe, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Phoenix, Ariz., to Flagstaff, Ariz.; from Phoenix over Interstate Highway 17, to Flagstaff, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 64808 (Sub-No. 4), filed October 31, 1961. Applicant: W. S. THOMAS TRANSFER, INC., 404 Auburn Street, Fairmont, W. Va. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Star City, W. Va., to points in Ohio, Maryland, and those in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence over U.S. Highway 6 to Kane, Pa., thence over unnumbered highway (formerly portion U.S. Highway 219), through East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

NOTE: Applicant states the "purpose of this application is to eliminate the Fairmont gateway in connection with shipments of glass bottles from Star City to the destination area set forth in the application."

No. MC 66562 (Sub-No. 1852), filed October 27, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Manchester, Iowa and junction Iowa Highway 13 and U.S. Highway 151, from Manchester south over Iowa Highway 13 to junction U.S. Highway 151, and return over the same route, serving the intermediate points of Ryan, Coggon, and Central City, Iowa. RESTRICTIONS: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of Railway Express Agency, Incorporated. Shipments transported shall be limited to those moving on through bills of lading or express receipts of Railway Express Agency, Incorporated.

No. MC 66562 (Sub-No. 1853), filed October 27, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service; (1) Between Charlottesville, Va. and Newport News, Va., from Charlottesville over U.S. Highway 250 to Richmond, Va., thence over U.S. Highway 60 to junction Virginia Highway 168, thence over Virginia Highway 168 to Newport News, and return over the same route, serving the intermediate and off-route points of Keswick, Richmond, Providence Forge, Williamsburg, and Lee Hall, Va.; and (2) Between junction U.S. Highway 250 with Virginia Highway 22, and Richmond, Va., from junction U.S. Highway 250 and Virginia Highway 22, over Virginia Highway 22 to junction Virginia Highway 231, thence over Virginia Highway 231 to Gordonsville, Va., thence over U.S. Highway 33 to Richmond, and return over the same route, serving the intermediate and off-route points of

Keswick, Gordonsville, Louisa, and Mineral, Va. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 76177 (Sub-No. 283), filed October 25, 1961. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1824 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Explosives, nitro-carbo-nitrate and blasting supplies*, from Wolf Lake, Ill., to points in Michigan.

NOTE: Applicant states "W. D. Sellers, Jr., and Baggett Transportation Company control Alabama Highway Express under Docket No. MC-F-7010. Also application pending under Docket No. MC-F-7589 W. D. Sellers, Jr., and Baggett Transportation Company—Control—Baggett Bulk Transport, Inc." Applicant has contract authority under MC 89778 and Subs thereunder, therefore, dual operations may be involved.

No. MC 89684 (Sub-No. 36), filed October 26, 1961. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepacked sandwiches and snack items*, from Salt Lake City, Utah, to points in that part of Idaho located south of Idaho County, Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 104896 (Sub-No. 6) (CORRECTION), filed October 10, 1961, published in FEDERAL REGISTER, issue of October 25, 1961, republished, as corrected this issue. Applicant: WOMELDORF, INC., P.O. Box 232, Lewistown, Pa. Applicant's attorney: Raymond A. Thistle, Jr., Suite 601, 226 South Sixteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer spreaders, insecticides, pesticides* and *herbicides* (except in bulk, in tank vehicles), (1) from Carteret, N.J. and Baltimore, Md., to points in Erie, Orleans, Monroe, and Genesee Counties, N.Y., and (2) from Carteret, N.J. to points in Allegany County, N.Y.

NOTE: The purpose of this republication is to include "in tank vehicles" in the exception as stated above.

No. MC 110525 (Sub-No. 471), filed October 30, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrochromium*, in dump vehicles, from Ports of Entry on the International Boundary Line between the United States and Canada, located on the Niagara River, to Bridgeville, Pa.

NOTE: Applicant holds contract authority in MC 117507.

No. MC 110698 (Sub-No. 189), filed October 30, 1961. Applicant: RYDER TANK LINES, INC., 9020 La Porte Expressaway, Houston 17, Tex. Applicant's attorney: Dale Woodall, Box 26035, Houston 32, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish and vegetable oil* (modified or blended) when moving in mixed loads with *liquid chemicals*, in bulk, in tank vehicles from Valley Park, Mo., to Houston, Tex.

No. MC 116063 (Sub-No. 19), filed October 26, 1961. Applicant: C & R TRANSPORT COMPANY, INC., P.O. Box 7316, Fort Worth 11, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizers*, in containers, from Etter, Tex., to points in New Mexico.

MOTOR CARRIERS OF PASSENGERS

No. MC 109598 (Sub-No. 22), filed October 19, 1961. Applicant: CAROLINA SCENIC STAGES, a corporation, 217 North Converse Street, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, express and mail* in the same vehicle with passengers; (1) Between Campobello, S.C. and Columbia, S.C., from Campobello over South Carolina Highway 11 to Junction Interstate Highway 26, thence over Interstate Highway 26 to Columbia, and return over the same route, serving all intermediate points; and (2) Between Junction Interstate Highway 26 and South Carolina Highway 219 and Newberry, S.C., from Junction Interstate Highway 26 and South Carolina Highway 219, over South Carolina Highway 219 to Newberry, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is under common control with Coastal Stages Corp., MC 110595 and Gray Line of Charleston, MC 77780.

No. MC 116582 (Sub-No. 2), filed October 30, 1961. Applicant: WONDER TOURS OF NIAGARA, INC., 1514 Walnut Avenue, Niagara Falls, N.Y. Applicant's attorney: Philip S. Gellman, First Federal Savings and Loan Building, 880 Military Road, Niagara Falls, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eleven passengers in any one vehicle, but not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six (6) miles thereof, and extending to ports of entry on the International Boundary line between the United States and Canada at Niagara Falls and Lewiston, N.Y.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 45657 (Sub-No. 27) (CLARIFICATION), filed April 3, 1961, published FEDERAL REGISTER, issue of April 19, 1961, republished as amended issue September 20, 1961, and further amended October 10, 1961, and republished as amended October 25, 1961, clarified by letter dated October 27, 1961, and republished as clarified this issue. Applicant: PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. By letter dated October 27, 1961, applicant's attorney advises that in addition to the authority noticed in the previous publications of the subject application, authority is also sought as follows: "It is proposed to serve the following intermediate and/or off-route points: To serve all intermediate points on the above-described routes, except those on U.S. Highway 78 between Memphis, Tenn., and New Albany, Miss.; to serve all off-route points between said routes and an area bounded by Mississippi Highway 15 on the west, U.S. Highway 82 on the south, the Alabama State line on the east, and the Tennessee Line on the north, and also, those off-route points on the perimeter of said area."

HEARING: Remains as assigned November 27, 1961, at the Hotel Claridge, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Bruce W. Card.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7462. (J. M. BLYTHE—PURCHASE—SEABOARD FOOD EXPRESS, INC.), published in the March 9, 1960, issue of the FEDERAL REGISTER on pages 2034 and 2035. Petition filed October 26, 1961, by vendee requesting, among other things, a renewal of the lease, previously approved November 24, 1960, for one year expiring November 25, 1961.

No. MC-F-7886. (ALTERMAN TRANSPORT LINES, INC.—PURCHASE (PORTION)—McDOWALL TRANSPORT, INC.), published in the June 14, 1961, issue of the FEDERAL REGISTER on page 5348. Amendment filed October 27, 1961, to show the following operating rights sought to be transferred: *Canned fruits and canned fruit juices in containers*, as a *common carrier* over irregular routes, from points in Florida, to points in Ohio, Indiana, the lower peninsula of Michigan, Chicago, Ill., and points in Illinois within 50 miles of Chicago, Louisville, Ky., and points in Kentucky within 25 miles of Louisville, Charleston and Huntington, W. Va., and points in West Virginia within 25 miles of Charleston and Huntington, serving South Carolina, Alabama, Georgia, North Carolina, Virginia, and Tennessee for operating convenience only.

No. MC-F-7987. Authority sought for control by N. M. DAVIS CORPORATION LIMITED, 1014 Sheppard Avenue East (Postal address—Box 23, Postal Station K, Toronto 12, Ontario), Willowdale, Ontario, of ROADWAY TRANSPORT LIMITED, 2515 Gerrard Street East, Toronto 13, Canada, and for acquisition by N. M. DAVIS, Box 23, Postal Station K, Toronto 12, Ontario, of control of ROADWAY TRANSPORT LIMITED through the acquisition of N. M. DAVIS CORPORATION LIMITED. Applicants' attorney: Walter N. Bieneman, Matheson, Dixon & Bieneman, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be controlled: *Automobiles, trucks, buses, trailers, bodies, cabs*, and *chassis* by truckaway and driveaway methods, in initial and secondary movements as a *common carrier* over irregular routes between points in Wayne County, Mich., on the one hand, and, on the other, the boundary of the United States and Canada at Detroit, Mich., *farm tractors*, from Highland Park, Mich., to the boundary of the United States and Canada at Detroit, Mich., and *automobiles, trucks, buses, trailers*, and *chassis*, in secondary movements in truckaway and driveaway service, and *bodies* and *cabs*, between Port Huron, Mich., and the international boundary line between the United States and Canada at Port of Entry, at Port Huron, Mich. N. M. DAVIS CORPORATION LIMITED holds no authority from this Commission. However, it is affiliated with INTER-CITY TRUCK LINES LIMITED, 1500 Dundas Highway East, P.O. Box 911, Islington, Ontario, Canada, which is authorized to operate as a *common carrier* in Michigan and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7988. Authority sought for purchase by CAPITOL MOTOR TRANSPORTATION CO., INC., 296 Main Street, Everett, Mass., of the operating rights of BENJAMIN MOTOR EXPRESS, INC. (ARTHUR T. WASSERMAN, TRUSTEE), 32 Vine Street, Everett, Mass., and for acquisition by DAVID BORENSTEIN and EVELYN BORENSTEIN, both of 296 Main Street, Everett, Mass., of control of such rights through the purchase. Applicants' representatives: Bert Collins, practitioner, 140 Cedar Street, New York 6, N.Y., and A. T. Wasserman, Trustee in Bankruptcy for BENJAMIN MOTOR EXPRESS, INC., One Court Street, Boston, Mass. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and New York, N.Y., serving certain intermediate and off-route points, over an alternate route for operating convenience only; *candies and jellies*, over irregular routes, from Boston, Mass., and points in Massachusetts within 35 miles of Boston, to Trenton, Vineland, Maple Shade, Camden, New Brunswick, and Bridgeton, N.J., and Philadelphia, Pa., *linoleum*, from New York, N.Y., to Worcester, Springfield, and Lowell, Mass., *cocoanuts*, from New York, N.Y., and Jersey City and Newark, N.J., to Brockton, Mass., *paint*, from New York, N.Y., to Providence and Pawtucket, R.I., and Springfield, Worcester, Taunton, Fall River, New Bedford, and Brockton, Mass., *candy*, from New York, N.Y., to Worcester, Springfield, and Fall River, Mass., and Providence, R.I., *syrup*, from New York, N.Y., to Providence and Pawtucket, R.I., and New Bedford, Mass., *canned goods*, from New York, N.Y., and Newark, N.J., to Fall River, Mass., *frozen blueberries*, from Everett, Mass., to New York, N.Y., *cocoa beans*, from points in the New York, N.Y., Commrecial Zone, as defined by the Commission, to Mansfield, Mass., *green coffee beans*, from points in the New York, N.Y., Commercial Zone, as defined by the Commission to Walpole and Boston, Mass., and *bananas*, from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Cranston, R.I., and Boston, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New Hampshire, Maine, Ohio, Indiana, Illinois, Wisconsin, and Michigan. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-7989. Authority sought for merger into ILLINI-SWALLOW LINES, INC. (FORMERLY ILLINI COACH COMPANY), 118–120 South Walnut Street, Champaign, Ill., of the operating rights and property of SWALLOW COACH LINES, INC. (ILLINOIS), 118–120 South Walnut Street, Champaign, Ill., SWALLOW COACH LINES, INC. (INDIANA), 118–120 South Walnut Street, Champaign, Ill., and AMERICAN STAGES, INC., 118–120 South Walnut Street, Champaign, Ill., and for acquisition by OLEN G. PARKHILL, JOHN W. PARKHILL, EARL R. PARKHILL, WILLIAM T. PARKHILL, and A. NEILSON JACKSON, all of Champaign, Ill., of control of such rights and property through the transaction. Applicants' attorney: Harry J. Harman, 1110–1112 Fidelity Building, Indianapolis 4, Ind. Operating rights sought to be merged: (SWALLOW COACH LINES, INC. (ILLINOIS)) *Passengers* and their baggage, and *express, mail* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Champaign, Ill., and Indianapolis, Ind., between Danville, Ill., and Lafayette, Ind., and between Danville, Ill., and Terre Haute, Ind., serving all intermediate points. (SWALLOW COACH LINES, INC. (INDIANA)) *Passengers* and their baggage, and *express, mail*, and *newspapers*, in the same vehicle with passengers, over *regular routes* between Attica, Ind., and Clinton, Ind., serving all intermediate points, and between Greencastle, Ind., and West Lafayette, Ind., serving all intermediate points. (AMERICAN STAGES, INC.) *Passengers* and their baggage, and express and newspapers, in the same vehicle with passengers, over regular routes, between Indianapolis, Ind., and Crawfordsville, Ind., serving all intermediate points; *passengers* and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from certain points in Indiana to points in Ohio, Michigan, Illinois, and Kentucky. ILLINI-SWALLOW LINES, INC., is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10669; Filed, Nov. 7, 1961; 8:49 a.m.]

[Notice 563]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64491. By order of October 31, 1961, the Transfer Board approved the transfer to Wilmer Ristow, doing business as Ristow Trucking, Wales, Wisconsin of Permit No. MC 114600, issued July 30, 1958, to Julius F. Kanz, doing business as Merton Transportation Co., Milwaukee, Wis., authorizing the transportation of: Rock wool insulation products, from Merton, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio. John T. Porter, 708 First National Bank Building, Madison 3, Wis., attorney for applicants.

No. MC-FC 64546. By order of October 30, 1961, the Transfer Board approved the transfer of William Hawthorne and Mary H. Gaskill, a partnership, doing business as Hawthorne & Co., Philadelphia, Pa., of Certificate No. MC 2053, issued October 18, 1961, to Charles Chrin and Nicholas Chrin, a partnership, doing business as Chrin Bros., Easton, Pa., authorizing the transportation of: Loose bulk commodities, in dump trucks, between points in New

Jersey and Pennsylvania within 25 miles of Easton, Pa., including Easton; household goods, between Easton, Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Virginia and the District of Columbia; between Easton Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, Ohio, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., representative for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-10670; Filed, Nov. 7, 1961; 8:49 a.m.]

OFFICE OF EMERGENCY PLANNING

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated September 16, 1961, reading in part as follows:

I hereby determine the damage in Galveston, Aransas, Matagorda, and Nueces Counties of the State of Texas adversely affected by Hurricane Carla to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

The President has amended his declaration of September 16, 1961, in his letter to me dated September 22, 1961, reading in part as follows:

I hereby amend my declaration of a major disaster in the State of Texas on September 16, 1961, to include the counties of: Brazoria, Calhoun, Chambers, Jackson, Jefferson, Lavaca, San Patricio, and Refugio.

The President has further amended his declaration of September 16, 1961, in his letter to me dated October 23, 1961, reading in part as follows:

I hereby further amend my declaration of a major disaster in the State of Texas on September 16, 1961, to include the county of Victoria and the following subdivisions of Harris County:

Channelview Independent School District, Channelview, Tex.;

Harris County Fresh Water Supply District Number 8, Baytown, Tex.; and

Harris County Water Control and Improvement District Number 55, Seabrook, Tex.

Dated: October 30, 1961.

FRANK B. ELLIS,
Director,

[F.R. Doc. 61-10642; Filed, Nov. 7, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1440]

ABERDEEN FUND

Notice of Filing of Application

OCTOBER 31, 1961.

Notice is hereby given that Aberdeen Fund ("Aberdeen"), Jersey City, N.J., a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Richardson Specialty Company, Inc. ("Richardson") on the basis set forth below.

Shares of Aberdeen, a New Jersey common law trust, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of August 31, 1961, the net assets of Aberdeen amounted to $22,126,344.

Richardson, a New York corporation, is a personal holding company which engages in the business of investing and reinvesting its funds. Richardson is excepted from the definition of investment company under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between David L. Babson Management Corporation ("Depositor"), the Depositor of Aberdeen, and Richardson, substantially all of the cash and securities of Richardson, with a total value of $625,033 as of August 31, 1961, will be transferred to Aberdeen in exchange for shares of stock of Aberdeen. The shares acquired by Richardson are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Aberdeen to be delivered to Richardson will be determined by dividing the net asset value per share of Aberdeen in effect at the closing time into the value of the Richardson assets to be exchanged, subject to an adjustment under certain conditions to the Richardson assets as described below.

Since the exchange will be tax free for Richardson and its shareholders, Aberdeen's cost basis for tax purposes on the assets acquired from Richardson will be the same as for Richardson, rather than the price actually paid by Aberdeen for the assets. Aberdeen intends to retain for investment the securities acquired from Richardson on which there was an unrealized gain of $72,895 as of August 31, 1961, or 12 percent of the total assets acquired from Richardson. As of the same date, Aberdeen's unrealized appreciation was approximately $8,850,500, or approximately 40 percent of its total net assets.

In order to compensate the present shareholders of Aberdeen for possible adverse tax consequences in the event of future sale of the assets acquired from Richardson, it has been agreed that the value of Richardson's assets will be reduced by 12½ percent of the amount by which the unrealized appreciation on the assets acquired from Richardson is greater proportionately than the unrealized appreciation on Aberdeen's assets. This excess appreciation is to be computed as of the closing time by applying the percentage of unrealized appreciation on Aberdeen's assets to the value of the assets acquired from Richardson and subtracting the resulting amount from the unrealized appreciation on Richardson's assets. If the transaction had been consummated on August 31, 1961, no adjustment would have been made to the Richardson assets because the percentage of unrealized appreciation on Aberdeen's assets was greater than on Richardson's.

The application recites that the terms of the entire transaction were arrived at through arms-length bargaining between the Depositor and Richardson, and that no affiliation exists between the parties.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Aberdeen are to be issued to Richardson at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 17, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-10657; Filed, Nov. 7, 1961; 8:48 a.m.]

[File Nos. 7-2190—7-2201]

AMERICAN METAL CLIMAX, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1961.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

American Metal Climax, Inc., File 7-2190.
Ampex Corporation, File 7-2191.
Caterpillar Tractor Company, File 7-2192.
Colgate-Palmolive Company, File 7-2193.
Continental Oil Company (Del.), File 7-2194.
Johns-Manville Corporation, File 7-2195.
Lockheed Aircraft Corporation, File 7-2196.
P. Lorillard Company, File 7-2197.
Procter & Gamble Company, File 7-2198.
Standard Kollsman Industries, Inc., File 7-2199.
Texas Gulf Sulphur Company, File 7-2200.
Upjohn Company, File 7-2201.

Upon receipt of a request, on or before November 17, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-10658; Filed, Nov. 7, 1961; 8:48 a.m.]

[File No. 7-2189]

BALDWIN-MONTROSE CHEMICAL CO., INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1961.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the convertible preferred and common stock of the following company, which securities are listed and registered on one or more other national securities exchanges:

Baldwin-Montrose Chemical Co., Inc., File 7-2189

Upon receipt of a request, on or before November 17, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-10659; Filed, Nov. 7, 1961; 8:48 a.m.]

[File No. 24A-1450]

COURTS AND CO. ET AL.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 2, 1961.

In the matter of Courts & Co. and Clement A. Evans & Company, Inc. (Offerors) and Aerosonic Corp. (Issuer); File No. 24A-1450.

I. Aerosonic Corp. (Issuer) filed with the Commission on January 13, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 62,300 shares of 10 cents par value common stock of Aerosonic Corp. to be offered on behalf of Courts & Co. and Clement A. Evans & Company, Inc. and four other selling stockholders, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A. The stock was to be sold to the public at $2.20 a share for an aggregate amount of $137,060.00.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the report filed on Form 2-A did not correctly disclose the date on which the distribution was completed or the actual total amount of funds received from the public, as required by Rule 260.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the offering price per share and the aggregate offering price to the public.

2. The failure to disclose adequately and accurately the aggregate underwriting discounts or commissions.

3. The failure to disclose the names and addresses and the amount of participation of each underwriter.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-10660; Filed, Nov. 7, 1961; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 3 (Rev. 4)]

DIRECTOR, OFFICE OF PERSONNEL

Delegation Relating to Personnel Functions

I. Pursuant to the authority delegated to the Assistant Administrator (Management) by the Administrator by Delegation No. 1 (Revision 1), dated August 29, 1961, there is hereby redelegated to the Director, Office of Personnel, the authority:

A. *Specific.* 1. To give final approval on personnel actions, including but not limited to, appointments, promotions, reassignments, transfers and separations, and to administer Oaths of Office.

2. To establish and classify all positions subject to the Classification Act of 1949, as amended, in grades GS–1—GS–15, and to establish salary rates for employees not subject to the Act.

3. To approve advanced sick leave and leave without pay in excess of 30 days for employees of SBA.

4. To approve (a) annual and sick leave, (b) leave without pay and (c) overtime work for the employees of the Office of Personnel.

5. To give security clearance to applicants and employees of SBA where the security investigation discloses (a) no derogatory information and (b) derogatory information which would warrant processing the case under provisions of Section 1000.067 of SBA–300, Personnel Manual.

6. To authorize or approve his personal travel and the travel of employees of the Office of Personnel, except travel where actual subsistence expenses are requested.

7. To take all necessary actions on the following only when the Assistant Administrator (Management) is in leave or travel status:

a. Give security clearance to applicants and employees of SBA when the security investigation discloses derogatory information, but the Security Officer and the Deputy Security Officer are in agreement that derogatory information is insufficient to warrant suspension or termination in the case of an employee, or denial of clearance in the case of an applicant.

b. Authorize all expenditures for registration fees for all Washington employees except the Deputy Administrators, Assistant Administrators, and Special Assistants to the Administrator.

c. Authorize all expenditures for registration fees for in excess of $25.00 for each registration for all field office employees.

d. Approve out-service training.

e. Approve all in-service training for Washington employees.

f. Approve in-service training of $50.00 for field office employees.

II. The specific authorities delegated in I.A.3, I.A.4(c), I.A.6, and I.A.7 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Personnel.

IV. All previous authority delegated to the Director, Office of Personnel, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 1, 1961.

D. J. CARR,
Assistant Administrator (Management).

[F.R. Doc. 61–10662; Filed, Nov. 7, 1961; 8:48 a.m.]

[Delegation of Authority 2 (Rev. 6)]

DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation Relating to Organization and Management

I. Pursuant to the authority delegated to the Assistant Administrator (Management) by the Administrator by Delegation No. 1 (Revision 1), dated August 29, 1961, there is hereby redelegated to the Director, Office of Organization and Management, the authority:

A. *Administrative.* 1. To contract for supplies, materials and equipment, printing, transportation, communications space and special services.

2. To effect the disposition of official records of SBA.

3. To approve (a) annual and sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under this supervision.

4. To give final approval of SBA forms.

5. To authorize or approve his personal travel and the travel of employees of the Office of Organization and Management, except travel where actual subsistence expenses are requested.

6. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, and 2096) from the Administrator of the General Services Administration to the Small Business Administration.

7. To effectuate an adequate property utilization and accountability program on an agency-wide basis.

8. To give final approval on non-policy changes in all SBA Manuals, if such action is necessary during any period when the Assistant Administrator (Management) is in leave or travel status.

II. The authorities delegated in I.A.5 and I.A.8 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Organization and Management.

IV. All previous authority delegated to the Director, Office of Organization and Management, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 1, 1961.

D. J. CARR,
Assistant Administrator (Management).

[F.R. Doc. 61–10661; Filed, Nov. 7, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellcraft Manufacturing Co., Mount Olivet Road, Hartwell, Ga.; effective 10–31–61 to 10–30–62 (juniors', boys', and men's sport shirts (woven fabrics)).

Blue Bell, Inc., Tupelo, Miss.; effective 11–8–61 to 11–7–62 (men's western and work shirts, boys' boxer longs).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Tenn.; effective 10–25–61 to 10–24–62 (men's and boys' sport shirts)

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective 11–1–61 to 10–31–62 (men's woven pajamas).

Cluett, Peabody and Co., Inc., Eagle Building, Franklin Street, Samokin, Pa.; effective 11–4–61 to 11–3–62 (men's sport shirts).

Columbia Togs, Inc., Columbia, Tenn.; effective 10–30–61 to 10–29–62 (boys' and girls' robes, dusters, snowsuits, and jackets).

Edison Textiles, Inc., Edison, Ga.; effective 10–26–61 to 10–25–62 (cotton sunsuits, playwear, nightwear, and cotton panties).

The Enro Shirt Co., Inc., 4300 Leghorn Drive, Louisville, Ky.; effective 11–10–61 to 11–9–62 (men's dress and sport shirts).

Frackville Pajamas, Inc., Ninth and Scull Streets, Lebanon, Pa.; effective 10–31–61 to 10–30–62 (men's and boys' pajamas).

Georgia Converters, Inc., Bremen, Ga.; effective 11–1–61 to 10–31–62 (men's and boys' dress slacks).

Jackson Apparel Manufacturing Co., Jackson, Tenn.; effective 10–26–61 to 10–25–62 (ladies' inexpensive wash dresses).

Key Work Clothes of Missouri, Nevada, Mo.; effective 11–1–61 to 10–31–62 (men's work shirts and pants).

Luverne Slacks Co., Inc., Luverne, Ala.; effective 10–19–61 to 10–18–62 (men's slacks).

McPenn Corp., Washington and Walnut Streets, Nanticoke, Pa.; effective 10–25–61 to 10–24–62 (men's and boys' sport shirts).

Charles Meyers and Co., First and Harrison, Belleville, Ill.; effective 11–1–61 to 10–31–62 (men's trousers).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan, Tenn.; effective 11–4–61 to 11–3–62 (men's shirts).

Salant and Salant, Inc., First Street, Lexington, Tenn.; effective 11–9–61 to 11–8–62 (boys' sport shirts).

Salant and Salant, Inc., Pine Street, Lexington, Tenn.; effective 11–6–61 to 11–5–62 (men's and boys' cotton slacks).

Salant and Salant, Inc., Obion, Tenn.; effective 11–9–61 to 11–8–62 (boys' sport shirts).

Salant and Salant, Inc., Washington Street, Paris, Tenn.; effective 11–9–61 to 11–8–62 (men's and boys' sport shirts).

Salant and Salant, Inc., Tennessee Avenue, Parsons, Tenn.; effective 11–8–61 to 11–7–62 (men's and boys' cotton work pants).

Salant and Salant, Inc., Troy, Tenn.; effective 11–7–61 to 11–6–62 (boys' cotton sport shirts).

Seminole Manufacturing Co., Columbus, Miss.; effective 10–30–61 to 10–29–62 (men's and boys' dress trousers).

Seminole Manufacturing Co., Aberdeen, Miss.; effective 10–30–61 to 10–29–62 (men's and boys' trousers).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa.; effective 10–28–61 to 10–27–62 (women's and misses' dresses).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 11–1–61 to 10–31–62 (men's dress shirts).

Levi Strauss and Co., 1808 Cherry Street, Knoxville, Tenn.; effective 11–9–61 to 11–8–62 (men's, ladies', and children's dungarees; men's and children's casual slacks).

Weldon Manufacturing Co., Walnut, Miss.; effective 11–9–61 to 11–8–62 (men's sportswear).

Walker Garment Co., Seaford, Del.; effective 10–28–61 to 10–27–62 (men's shirts and pajamas).

Weldon Manufacturing Co. of Pennsylvania, 1307 Park Avenue, Williamsport, Pa.; effective 10–29–61 to 10–28–62 (men's, boys', women's and girls' pajamas).

Whiteville Manufacturing Co., Wilmington Road, Whiteville, N.C.; effective 11–2–61 to 11–1–62 (children's pants, jackets, and shirts, boys' pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Cumberland Blouse Co., 210 South Centre Street, Cumberland, Md.; effective 10–26–61 to 10–25–62; 10 learners (women's blouses).

Elloree Garment Corp., Elloree, S.C.; effective 11–7–61 to 11–6–62; 10 learners (women's sleepwear).

Frackville Pajamas, Inc., Schaefferstown, Pa.; effective 10–31–61 to 10–30–62; five learners (men's and boys' pajamas).

Nadine Fashions, 42 River Street, Carbondale, Pa.; effective 10–26–61 to 10–25–62; eight learners (ladies', misses', and juniors' dresses).

Old Forge Dress Co., Inc., 101 South Main Street, Old Forge, Pa.; effective 10–31–61 to 10–30–62; 10 learners (ladies' dresses).

Ringer-Staples Co., Staples, Minn.; effective 10–25–61 to 10–24–62; 10 learners (men's and boys' jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hygrade Manufacturing Corp., Waynesboro, Tenn.; effective 10–26–61 to 4–25–62; 50 learners (children's and misses' rainwear).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 10–24–61 to 4–23–62; 15 learners (men's sport shirts).

Ringer Park Rapids Co., Park Rapids, Minn.; effective 10–30–61 to 4–29–62; 40 learners (men's and boys' winter jackets, parkas and car coats).

Winfield Manufacturing Co., Winfield, Ala.; effective 10–26–61 to 4–25–62; 150 learners (men's and boys' dungarees).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Carbondale, Ill.; effective 10–30–61 to 10–29–62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, jersey, and leather gloves).

Warren Industries, 9 Broad Street, Glens Falls, N.Y.; effective 10–26–61 to 10–25–62; 10 learners for normal labor turnover purposes (ladies' dress gloves made of nylon).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

B and K Hosiery Hill, 150—41st Street SW., Hickory, N.C.; effective 10–24–61 to 10–23–62; five learners for normal labor turnover purposes (men's and children's seamless hosiery).

Chipman LaCrosse Hosiery Mills Co., East Flat Rock, N.C.; effective 10–25–61 to 10–24–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's seamless hosiery).

Hansen Hosiery Mills, Inc., 176 South Coldbrook Avenue, Chambersburg, Pa.; effective 10–31–61 to 10–30–62; five learners for normal labor turnover purposes (ladies' full-fashioned hosiery).

Huffman Finishing Co., Granite Falls, N.C.; effective 10–31–61 to 10–30–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knit Products Corp., Belmont, N.C.; effective 10–26–61 to 10–25–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned).

Lorimer Hosiery Mills, Inc., 417 Albright Avenue, Graham, N.C.; effective 10–23–61 to 10–22–62; five learners for normal labor turnover purposes (men's and boys' hosiery).

Lynne Hosiery Mills, Inc., 851 North South Street, Mount Airy, N.C.; effective 10–25–61 to 10–24–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's anklets).

Outlook Manufacturing Co., Belmont, N.C.; effective 10–24–61 to 10–23–62; five learners for normal labor turnover purposes (ladies' seamless nylon hosiery).

Pittsburg Knitting Mills, Inc., 212 East First Street, South Pittsburg, Tenn.; effective 10–26–61 to 10–25–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' knitted anklets).

Walridge Hosiery Mill, Inc., Marvell, Ark.; effective 10–30–61 to 4–29–62; 16 learners for plant expansion purposes (seamless).

Wayne Knitting Mills, Humboldt, Tenn.; effective 10–24–62 to 10–23–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; effective 11–2–61 to 11–1–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective 11–1–61 to 10–31–62; 5 percent of the total number of factory production workers employed in the manufacture of men's woven underwear for normal labor turnover purposes (men's woven underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn.; effective 10–26–61 to 4–25–62; 30 learners for plant expansion purposes (ladies' undergarments).

Excelsior Underwear, Inc., Saluda, S.C.; effective 10–25–61 to 4–24–62; 20 learners for plant expansion purposes (men's woven shorts).

Louis Gallet, Inc., 120 Delaware Ave., Uniontown, Pa.; effective 10–26–61 to 10–25–62; five learners for normal labor turnover purposes (ladies' and men's full-fashioned sweaters).

Haleyville Textile Mills, Inc., Haleyville, Ala.; effective 10–31–61 to 10–30–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10–26–61 to 4–25–62; 10 learners for plant expansion purposes (men's and boys' swim trunks).

Lawrence Corp., Moulton, Ala.; effective 10–25–61 to 4–24–62; 50 learners for plant expansion purposes (women's nightgowns, peignoirs, slips, petticoats and underpants).

Taylor Manufacturing Co., Division of Union Underwear Co., Inc., Greensburg Rd., Campbellville, Ky.; effective 10–31–61 to 10–30–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 31st day of October 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61–10656; Filed, Nov. 7, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page

PROCLAMATIONS:
3438 ... 10203

EXECUTIVE ORDERS:
6681 ... 10480
9026 ... 10356
10893 ... 10469
10900 ... 10469
10915 ... 10469
10955 ... 10469
10971 ... 10335
10972 ... 10469
10973 ... 10469

5 CFR

6 ... 10204, 10267, 10447
24 ... 10447
201 ... 10503
202 ... 10503

6 CFR

70 ... 10267
305 ... 10267
390 ... 10267

7 CFR

201 ... 10471
711 ... 10204
717 ... 10208
723 ... 10471, 10503
727 ... 10504
729 ... 10209
730 ... 10336
847 ... 10214
855 ... 10268
857 ... 10505
864 ... 10270
873 ... 10272
914 ... 10423
922 ... 10214
933 ... 10337, 10423–10425
942 ... 10425
943 ... 10214
953 ... 10425
973 ... 10215
994 ... 10216
1013 ... 10507
1014 ... 10472
1017 ... 10426
1031 ... 10338
1071 ... 10426

PROPOSED RULES:
728 ... 10484
900—1072 ... 10236, 10516
906 ... 10298
908 ... 10307, 10485
918 ... 10307

7 CFR—Continued

Page

PROPOSED RULES—Continued
925 ... 10486
939 ... 10296
943 ... 10236
947 ... 10360
986 ... 10298
1026 ... 10516

8 CFR

PROPOSED RULES:
252 ... 10358
253 ... 10358

9 CFR

74 ... 10223
83 ... 10338

PROPOSED RULES:
131 ... 10358

10 CFR

30 ... 10472

PROPOSED RULES:
30 ... 10487

12 CFR

262 ... 10340

PROPOSED RULES:
563 ... 10239

14 CFR

18 ... 10473
507 ... 10223, 10224, 10273, 10274, 10340, 10341, 10474
600 ... 10225, 10427, 10428, 10475, 10507
601 ... 10225, 10341, 10342, 10428, 10429, 10475, 10507
608 ... 10342
609 ... 10430, 10436

PROPOSED RULES:
60 ... 10307
227 ... 10238
302 ... 10307
507 ... 10362
600 ... 10451, 10520
601 ... 10363, 10451, 10488, 10489, 10520
608 ... 10451, 10520

16 CFR

13 ... 10363, 10445, 10476, 10508
301 ... 10446

18 CFR

2 ... 10342

19 CFR

3 ... 10508
4 ... 10508
14 ... 10476

20 CFR

Page

25 ... 10509
404 ... 10226

21 CFR

120 ... 10228
121 ... 10228, 10343, 10476
146 ... 10228

PROPOSED RULES:
17 ... 10362
120 ... 10487
121 ... 10362, 10452

24 CFR

202a ... 10229
203 ... 10229
207 ... 10229
213 ... 10229
220 ... 10230
221 ... 10230
232 ... 10230
603 ... 10231
608 ... 10231
611 ... 10231
702 ... 10231
803 ... 10231
903 ... 10231

25 CFR

141 ... 10232

PROPOSED RULES:
221 ... 10516

26 CFR

1 ... 10275, 10477

PROPOSED RULES:
1 ... 10283, 10449, 10450, 10483
252 ... 10484

28 CFR

21 ... 10232

29 CFR

601 ... 10275
780 ... 10377
793 ... 10275

32 CFR

507 ... 10509
737 ... 10353
739 ... 10353

33 CFR

3 ... 10343
67 ... 10343
203 ... 10445
204 ... 10278

35 CFR

Page

4 ... 10353

CANAL ZONE ORDERS:
58 ... 10353

38 CFR

13 ... 10232
21 ... 10278, 10478

39 CFR

96 ... 10510

41 CFR

5–1 ... 10354
50–202 ... 10354

PROPOSED RULES:
50–202 ... 10517

42 CFR

73 ... 10355

43 CFR

221 ... 10479

PROPOSED RULES:
257 ... 10285

PUBLIC LAND ORDERS:
1071 ... 10356
2526 ... 10279
2527 ... 10356
2528 ... 10356
2529 ... 10356
2530 ... 10427
2531 ... 10480
2532 ... 10480
2533 ... 10480

45 CFR

212 ... 10481

46 CFR

PROPOSED RULES:
502 ... 10520

47 CFR

1 ... 10279, 10280, 10447
3 ... 10280
15 ... 10281
18 ... 10281

PROPOSED RULES:
3 ... 10239
12 ... 10240

49 CFR

PROPOSED RULES:
176 ... 10240

50 CFR

32 ... 10233, 10234, 10282
33 ... 10234, 10235

Now Available

CFR SUPPLEMENTS

(As of January 1, 1961)

The following book is now available:

General Index $1.00

Previously announced:

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) $3.75; Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) $6.25; Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Pages 10541–10582

FEDERAL REGISTER

VOLUME 26 NUMBER 217

Washington, Thursday, November 9, 1961

OF MICHIGAN

NOV 10 1961

MAIN READING ROOM

Contents

THE PRESIDENT

Memorandum

Funds available under Foreign Assistance Act of 1961; memorandum of Oct. 18, 1961, to the Secretary of State 10543

EXECUTIVE AGENCIES

Agricultural Research Service

PROPOSED RULE MAKING:
White-fringed beetle quarantine; proposed extension, Arkansas, Kentucky, and Virginia; correction 10571

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Allotment of sugar quota; domestic beet sugar area, 1961 10547

Agriculture Department

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Army Department

RULES AND REGULATIONS:
Procurement; miscellaneous amendments 10553

Attorney General's Office

NOTICES:
Compensation of Federal prisoners for injuries; responsibility for performance of certain functions 10574

Census Bureau

NOTICES:
Annual survey of manufacturing area; notice of consideration 10579

Civil Aeronautics Board

NOTICES:
Specific commodity rates; agreement of joint conference of International Air Transport Association 10580
Trans-Texas Airways, Inc.; "use it or lose it" investigation; hearing 10580

Civil Service Commission

RULES AND REGULATIONS:
Exception from competitive service; Commerce Department 10544
Federal employees' pay; general compensation rules, and step increases 10544

Commerce Department

See Census Bureau.

Commodity Credit Corporation

NOTICES:
Lending agency agreement, cotton; increase in interest rate 10575
Sales of certain commodities; November list 10576

RULES AND REGULATIONS:
Pools of price support loans; increase in interest rates:
Cotton; participation of commercial banks 10546
Grains and related commodities; participation of financial institutions 10546

Defense Department

See Army Department.

Federal Aviation Agency

PROPOSED RULE MAKING:
Airworthiness directive; Boeing 707 and 720 Series aircraft 10571
Mechanic examinations; time limit for completion 10571

RULES AND REGULATIONS:
Federal airway; alteration 10546
Federal airways and associated control areas; alteration 10547

Federal Communications Commission

NOTICES:
Hearings, etc.:
Dean, Elbert H., et al 10580
REA Radio and Electronic Laboratory 10580

PROPOSED RULE MAKING:
Public safety radio services; reallocation of band and provision for channeling 10573
Table of assignments, television broadcast stations:
Erie and Sharon, Pa 10572
Palm Springs, Calif 10572

RULES AND REGULATIONS:
Public safety radio services; coordination of certain "split channel" frequencies 10569

Federal Trade Commission

RULES AND REGULATIONS:
L. W. Foster Sportswear Co., Inc., et al 10548

Food and Drug Administration

RULES AND REGULATIONS:
Bread: enriched, milk, raisin, and whole wheat; standards of identity 10550
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions:
Extension of effective date of Public Law 86–139 10551
Tolerances for residues (2 documents) 10550, 10551

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

NOTICES:
Acting Assistant Commissioner for Program Planning and Development; designation 10580

(Continued on next page)

Interior Department

See Land Management Bureau; Reclamation Bureau.

Interstate Commerce Commission

PROPOSED RULE MAKING:
Shippers; compressed gases; definition and preparation; hearing on reconsideration of proposal 10572

Justice Department

See Attorney General's Office.

Land Management Bureau

NOTICES:
Alaska; filing of plat of survey 10575
California; small tract classifications; revocations, and orders providing for opening of public lands (3 documents) 10574

RULES AND REGULATIONS:
Public land orders:
California; establishment of certain national cooperative land and wildlife management areas; correction 10568
Montana:
Certain air navigation site withdrawals; vacation 10568
Certain reservoir site reserves; revocation 10569

Reclamation Bureau

NOTICES:
Sale of land:
Columbia Basin Project, Washington; full-time farm units (2 documents) 10575
Rupert, Idaho; reclamation addition, with certain improvements 10575

Securities and Exchange Commission

RULES AND REGULATIONS:
Investment Advisers Act of 1940 10548

Treasury Department

NOTICES:
Pennsylvania Millers Mutual Insurance Co.; surety company acceptable on Federal bonds 10574

Veterans Administration

RULES AND REGULATIONS:
Adjudication:
Increased dependency and indemnity compensation in certain wartime cases 10552
Pension, compensation, and dependency and indemnity compensation 10551

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, Oct. 18, 1961 10543

5 CFR

6 10544
25 10544

6 CFR

421 10546
427 10546

7 CFR

813 10547

PROPOSED RULES:
301 10571

14 CFR

600 (2 documents) 10546, 10547
601 10547

PROPOSED RULES:
24 10571
507 10571

16 CFR

13 10548

17 CFR

275 10548

21 CFR

17 10550
120 (3 documents) 10550, 10551

32 CFR

590 10553
591 10553
592 10553
595 10553
596 10553
597 10553
598 10553
599 10553
600 10553
601 10553
602 10553
605 10553
606 10553

38 CFR

3 (2 documents) 10551, 10552

43 CFR

PUBLIC LAND ORDERS:
2460 (correction) 10568
2534 10568
2535 10569

47 CFR

10 10549

PROPOSED RULES:
3 (2 documents) 10572
10 10573

49 CFR

PROPOSED RULES:
73 10572

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Memorandum of October 18, 1961

[DETERMINATION UNDER SECTION 604(a) OF THE FOREIGN ASSISTANCE ACT OF 1961]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, October 18, 1961.

Section 604(a) of the Foregin Assistance Act requires that:

Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

This section requires that procurement outside the United States using funds available under the Foreign Assistance Act of 1961 may be undertaken only if I determine that, on balance, there is no net detriment to the United States. I am in clear and fundamental agreement with this principle, and trade and foreign policy objectives which I have repeatedly endorsed, including my message on the balance of payments of February 6, 1961, already substantially provide this assurance.

As I indicated in that message, "our foreign economic assistance programs are now being administered in such a way as to place primary emphasis on the procurement of American goods . . . This restriction will be maintained until reasonable over-all equilibrium has been achieved." Under this policy, which is continued in force by my determination below, the preponderant bulk of foreign assistance procurement will be made in the United States. The necessity for this is clear; such procurement will contribute generally towards resolving our balance of payments difficulties, and also helps stimulate industries in labor surplus areas.

On the other hand, cogent trade and foreign policy objectives and assistance program goals require limited amounts of procurement outside the United States. Some commodities needed in our assistance programs are not produced in the United States, or are not available in the quantities required at the time needed. Procurement from less developed countries, as provided below, advances their economic development, thereby contributing to the objectives of the assistance program and shortening their dependency on foreign assistance. Procurement of military materiel outside the United States is necessary, in some instances, to carry out projects important to our national security.

Therefore, I hereby direct that funds made available under the Foreign Assistance Act of 1961 for non-military programs not be used for procurement from the following countries: Australia, Austria, Belgium, Canada, Denmark, France, Germany, Hong Kong, Italy, Japan, Luxembourg, Monaco, Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland, and United Kingdom. Upon certification by the Secretary of State, however, that exclusion of procurement in these countries would seriously impede attainment of U.S. foreign policy objectives and the objectives of the foreign assistance program, the Secretary of State may authorize specific exceptions which involve procurement in the excluded countries.

I also hereby direct that funds made available under the Foreign Assistance Act of 1961 for military assistance programs not be used for procurement outside the United States except to procure items required for military assistance which are not produced in the United States, to make local purchases for administrative purposes, and to use local currency available for military assistance purposes. Upon certification by the Secretary of Defense, however, that exclusion of procurement outside the United States would seriously impede attainment of military assistance program objectives, the Secretary of Defense may authorize exceptions to these limitations.

In the event that changed domestic or foreign conditions warrant, the Secretary of State in the case of non-military assistance, and the Secretary of Defense in the case of military assistance, shall consult with the Secretary of the Treasury, and other appropriate agencies, and recommend modification as may be appropriate in policies for procurement using funds made available under the Foreign Assistance Act of 1961. In the event that procurement outside the United States under the above conditions seriously threatens to affect adversely the industrial mobilization base or the economy of an area of labor surplus, the Secretary of State in the case of non-military assistance and the Secretary of Defense in the case of military assistance, shall consult with the Secretary of Commerce and other appropriate agencies and recommend such action as may be appropriate.

For the reasons and under the conditions stated above, and pursuant to the requirements of Section 604(a) of the Foreign Assistance Act of 1961 (PL 87-195), I hereby determine that the use of funds made available under the Act for procurement from sources outside the United States will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic and other advantages of less costly procurement outside the United States. Procurement outside the United States shall be from Free World sources, in any case. The effective date of this determination shall be September 30, 1961.

This determination shall be printed in the FEDERAL REGISTER.

JOHN F. KENNEDY

[F.R. Doc. 61-10765; Filed, Nov. 7, 1961; 4:55 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective January 1, 1962, subparagraphs (6), (7), and (12) of paragraph (h) of § 6.112 are revoked and subparagraphs (13) and (14) are added as set out below.

§ 6.112 Department of Commerce.

* * * * * * *

(h) *Maritime Administration.* * * *

(13) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; Academy Training Representatives; the Regimental Officer; the Drill and Activities Officer; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(14) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; and Librarian.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10704; Filed, Nov. 8, 1961; 8:48 a.m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Subpart A—General Compensation Rules

Subpart B—Step Increases

REDESIGNATION AND REVISION

Subpart B "General Compensation Rules" is redesignated as Subpart A and the present Subpart A is revised and redesignated as Subpart B, as follows:

Subpart B—Step Increases

Sec.
25.150 Scope.
25.151 Definitions.

SCHEDULE STEP INCREASES

25.152 Schedule waiting period.
25.153 Creditable service—schedule waiting period.
25.154 Noncreditable service—schedule waiting period.
25.155 Equivalent increase.
25.156 Performance rating—schedule step increase.
25.157 Effective date—schedule step increase.
25.158 Corrective action—schedule step increase.

LONGEVITY STEP INCREASES

25.170 Longevity step increase.
25.171 Performance rating—longevity step increase.
25.172 Longevity waiting period.
25.173 Creditable service—longevity waiting period.
25.174 Effective date—longevity step increase.
25.175 Corrective action—longevity step increase.
25.176 Service for aggregate period.

AUTHORITY: §§ 25.150 to 25.176 issued under sec. 1101, 63 Stat. 971; 5 U.S.C. 1072. Interpret or apply secs. 701-705, 63 Stat. 967-969; secs. 102, 103, 68 Stat. 1105; 5 U.S.C. 1121, 1123, 1124, 1125.

§ 25.150 Scope.

(a) *Applicability.* The step increase provisions apply to full-time, regular part-time, when-actually-employed, and intermittent employees, who occupy permanent positions under the Act, and who are compensated on a per annum basis.

(b) *Entitlement.* Any employee covered by paragraph (a) of this section shall have his entitlement to step increases determined in accordance with Title VII of the Act and the regulations in this subpart.

§ 25.151 Definitions.

As used in this subpart, the term:

(a) "Act" or "Classification Act" is the Classification Act of 1949, as amended.

(b) "Current performance rating" is the current official performance rating of an employee under a performance rating plan which has been approved by the Civil Service Commission.

(c) "Longevity rate" is any one of three rates authorized above the maximum schedule rate for the grade of the Classification Act position.

(d) "Maximum scheduled rate" is the top scheduled rate for the grade of the Classification Act position.

(e) "Permanent position" is one filled on a permanent basis, that is, by an appointment not designated as temporary by law and not having a definite time limitation.

(f) "Scheduled rate" is one of the rates established by law for a Classification Act grade, exclusive of any rate established for longevity pay purposes.

(g) "Step increase" is an increase in an employee's rate of basic compensation upon meeting the requirements prescribed in Title VII of the Act, and the Commission's regulations. This increase may be either a schedule step increase or a longevity step increase, depending upon the employee's eligibility therefor.

(h) "Waiting period" is the minimum time requirement of creditable service to become eligible for consideration for a step increase. The waiting period is not interrupted by nonworkdays intervening between an employee's last regularly scheduled workday in one position and his first regularly scheduled workday in a new position.

SCHEDULE STEP INCREASES

§ 25.152 Schedule waiting period.

(a) For full-time and regular part-time employees, the waiting period for a schedule step increase (hereinafter called "schedule waiting period") is the 52 or 78 calendar weeks of creditable service as prescribed in the Act and the regulations in this subpart. For intermittent employees, the waiting period is 2,080 hours of creditable service over a period of not less than 52 calendar weeks, or 3,120 hours of creditable service over a period of not less than 78 calendar weeks. For purposes of this section, a calendar week is any period of seven consecutive calendar days.

(b) A waiting period begins under each of the following: (1) Upon a new appointment in the Federal service; (2) after a break in service or a nonpay status in excess of 52 weeks; or (3) an increase or a total of increases in base pay within a schedule waiting period equal to a full step for the employee's grade, even though such increase may have been under a different pay system.

§ 25.153 Creditable service—schedule waiting period.

(a) Continuous civilian employment in any branch (executive, legislative, or judicial) of the Federal Government, or in the municipal government of the District of Columbia, is creditable service in the computation of a waiting period for the purpose of determining entitlement to a schedule step increase. Service credit is given during such employment for periods of annual, sick, and other leave with pay; advanced annual and sick leave; prior service under a temporary appointment; and prior service paid for at a per diem or hourly rate.

(b) A nonpay status of not to exceed two workweeks in the aggregate in any one waiting period of 52 or 78 calendar weeks is creditable as service toward a schedule waiting period.

(c) Full service credit shall be allowed toward a schedule waiting period for leaves of absence granted to an employee because of an injury for which compensation is payable under the Federal Employees' Compensation Act of September 7, 1916, as amended.

(d) Service with the armed forces during a period of war or national emergency is creditable toward a schedule waiting period when an employee leaves his civilian position to enter the military service and (1) he is reemployed in a position under the Act not later than 52 continuous calendar weeks after separation from active military duty; or (2) he is restored to his civilian position after separation from active military duty or hospitalization continuing thereafter as provided by law.

(e) Service is creditable toward a schedule waiting period from the date of an employee's separation from Federal civilian employment with reemployment rights granted by law, Executive order, or regulation to the date of his return to duty in the Federal service through the exercise of those rights.

(f) Service in essential non-Government civilian employment in the public interest during a period of war or national emergency shall be credited toward a schedule waiting period if it interrupts otherwise creditable service.

§ 25.154 Noncreditable service—schedule waiting period.

Credit may not be given toward a schedule waiting period for:

(a) Service at overtime rates;

(b) Service prior to a single nonpay period or a break in service whenever such period exceeds 52 calendar weeks, and no part of a nonpay period of more than 52 calendar weeks under paragraph (b) of § 25.153.

(c) Any period of separation from a civilian position, except as provided in paragraphs (d) (2) and (f) of § 25.153.

(d) The period of time between the date an employee leaves a Federal civilian position to enter the armed forces and the date of his reemployment in a position subject to the Act when such reemployment is not within 52 continuous calendar weeks from the date of his discharge from the armed forces, except in instances of restoration as provided by law.

§ 25.155 Equivalent increase.

An "equivalent increase" is an increase in basic compensation equal to or greater than the amount of the step increment of the grade in which the employee is serving or has served during the waiting period under consideration. When an employee receives more than one increase in basic compensation within his current schedule waiting period, no one of which is an equivalent increase, first and subsequent increases shall be added until a total is reached which is equal to or greater than the amount of the step increment of the grade in which the employee is serving at the time this total is reached. The employee shall then be deemed to have received an equivalent increase.

§ 25.156 Performance rating—schedule step increase.

The requirement of a performance rating shall be waived for periods of absence which are counted as creditable service toward a schedule waiting period under paragraphs (c), (d), (e), and (f) of § 25.153.

§ 25.157 Effective date—schedule step increase.

(a) A schedule step increase shall be made effective at the beginning of the next pay period following completion of the required waiting period and compliance with the other conditions of eligibility.

(b) When the effective date of a schedule step increase occurs simultaneously with the effective date of a personnel action, the actions shall be processed in the order which gives the employee the maximum benefit.

§ 25.158 Corrective action—schedule step increase.

(a) When a schedule step increase is delayed beyond its proper effective date, solely through administrative error, delay, or oversight, the schedule step increase shall be made effective as of the date it was properly due.

(b) An improper personnel action later corrected in accordance with mandatory statutory or regulatory requirements shall not serve to extend the waiting period for a schedule step increase. In such cases, the schedule waiting period shall begin as of the date it would have begun had the improper action not occurred.

LONGEVITY STEP INCREASES

§ 25.170 Longevity step increase.

An increase in compensation to one of the longevity rates of the employee's grade, even though the increase is not an equivalent increase under § 25.155, is a longevity step increase.

§ 25.171 Performance rating—longevity step increase.

The requirement of a performance rating shall be waived for periods of absense which are counted as creditable service toward a longevity waiting period under paragraphs (c), (d), and (e) of § 25.173.

§ 25.172 Longevity waiting period.

(a) A waiting period for a longevity step increase is three years of continuous service in positions subject to the Classification Act at:

(1) The maximum scheduled rate of the employee's current grade; or

(2) A longevity rate of the employee's current grade; or

(3) A rate in excess of the maximum scheduled rate of the employee's current grade when such rate is authorized by a specific provision of law; or

(4) A rate specified in subparagraph (1), (2), or (3) of this paragraph in a grade higher than the employee's current grade.

(b) A new longevity waiting period begins when an employee has a break in service in excess of four workweeks, when he is promoted to a higher grade or when he receives an increase in his rate of basic compensation other than a general increase in Classification Act rates, provided by law.

§ 25.173 Creditable service—longevity waiting period.

(a) Except as provided in section 704 of the Act, service immediately prior to the first pay period beginning after October 28, 1949, shall be counted toward one, two, or three longevity waiting periods, as the case may be.

(b) A nonpay status of not to exceed six workweeks in the aggregate is creditable as service toward a longevity waiting period.

(c) Service with the armed forces intervening between periods of creditable civilian service shall be included in computing the longevity waiting period.

(d) Full service credit shall be allowed toward the longevity waiting period for leaves of absence granted to an employee because of an injury for which compensation is payable under the Federal Employee's Compensation Act of September 7, 1916, as amended.

(e) Service is creditable toward a longevity waiting period beginning with the date of an employee's separation from Federal civilian employment with reemployment rights granted by law, Executive order, or regulation, to the date of his return to duty in the Federal service through the exercise of those rights.

§ 25.174 Effective date—longevity step increase.

(a) A longevity step increase shall be made effective at the beginning of the next pay period following completion of the required waiting period and compliance with other conditions of eligibility.

(b) When the effective date of a longevity step increase occurs simultaneously with the effective date of a personnel action, the actions shall be processed in the order which gives the employee the maximum benefit.

§ 25.175 Corrective action—longevity step increase.

(a) When a longevity step increase is delayed beyond its proper effective date, solely through administrative error, delay, or oversight, the longevity step increase shall be made effective as of the date it was properly due.

(b) An improper personnel action later corrected in accordance with mandatory statutory or regulatory requirements shall not serve to extend the waiting period for a longevity step increase. In such cases, the longevity waiting period shall begin as of the date it would have begun had the improper action not occurred.

§ 25.176 Service for aggregate period.

(a) For the purposes of this subpart, the "aggregate period' is the ten years of service required by section 703(b) (6) of the Act.

(b) In computing service under the Act to be counted toward the aggregate period, service in grades under the Crafts, Protective and Custodial Schedule (CPC), Subprofessional and Professional Schedules (SP and P), and the Clerical, Administrative, and Fiscal Schedule (CAF), shall be held to be equivalent to service in the corresponding General Schedule (GS) grades shown in the following "Table of Equivalents":

TABLE OF EQUIVALENTS

CPC–1	equivalent to GS–1	equivalent to	SP–1
CPC–2			SP–2
CPC–3			CAF–1
CPC–4	equivalent to GS–2	equivalent to CAF–2,	SP–3
CPC–5	equivalent to GS–3	equivalent to CAF–3,	SP–4
CPC–6	equivalent to GS–4	equivalent to CAF–4,	SP–5
CPC–7	equivalent to GS–5	equivalent to CAF–5,	SP–6, P–1
CPC–8	equivalent to GS–6	equivalent to CAF–6,	SP–7
CPC–9	equivalent to GS–7	equivalent to CAF–7,	SP–8, P–2
CPC–10	equivalent to GS–8	equivalent to CAF–8	
		GS–9 equivalent to CAF–9,	P–3
		GS–10 equivalent to CAF–10	
		GS–11 equivalent to CAF–11,	P–4
		GS–12 equivalent to CAF–12,	P–5
		GS–13 equivalent to CAF–13,	P–6
		GS–14 equivalent to CAF–14,	P–7
		GS–15 equivalent to CAF–15,	P–8

(c) In computing service not under the Act to be counted toward the aggregate period, service shall be deemed to be equivalent to the highest Classification Act grade in the Table of Equivalents in paragraph (b) of this section which would have included within its step range the basic rate of pay for such service at the time such service was rendered.

(d) In computing service for the aggregate period, all periods of separation from the service shall be excluded and any unpaid absence in excess of 26 workweeks in any calendar year shall not be counted.

(e) When an employee's position is regraded upward, service in the lower grade of the position shall be included in computing the aggregate period for the higher grade of the position. As used in this section, "regraded" is a change in the grade of a position without a significant change in duties or responsibilities.

(f) Service with the armed forces intervening between periods of creditable civilian service shall be included in computing the aggregate period.

(g) Full service credit shall be allowed toward the aggregate period for leaves of absence granted to an employee because of an injury for which compensation is payable under the Federal Employees' Compensation Act of September 7, 1916, as amended.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–10672; Filed, Nov. 8, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 9]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 23 F.R. 3913, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities are hereby further amended to increase from 2½ to 3 percent per annum, the rate of interest on certificates evidencing participation in financing 1961 and subsequent crop price support loans.

Section 421.3803(a) is amended to read as follows:

§ 421.3803 Rate of interest and basis of computation of interest earned.

(a) *1961 and subsequent crop programs.* Certificates evidencing participation in financing 1961 and subsequent crop price support program loans shall earn interest at the rate of 2½ percent per annum through and including the date next preceding the date of publication of this notice in the FEDERAL REGISTER, and 3 percent thereafter.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Effective on date of publication.

Signed at Washington, D.C., on November 3, 1961.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

NOVEMBER 3, 1961.

[F.R. Doc. 61–10725; Filed, Nov. 8, 1961; 8:51 a.m.]

[Amdt. 1]

PART 427—COTTON

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 6192 containing the terms and conditions under which commercial banks may participate in pools of CCC price support loans on cotton are hereby amended to increase from 2½ to 3 percent per annum, the rate of interest on certificates evidencing participation in financing 1961 and subsequent crop cotton price support loans.

Section 427.1238 is amended to read as follows:

§ 427.1238 Rate of interest and basis of computation of interest earned.

Certificates shall earn interest at the rate of 2½ percent per annum through and including the date next preceding the date of publication of this notice in the FEDERAL REGISTER, and 3 percent thereafter. This interest rate of three percent may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided*, That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365-day basis from and including the date shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is purchased by CCC, or the date the certificate is to be presented to CCC for purchase in accordance with notice given the holder of record pursuant to § 427.1237, whichever date first occurs. If the amount of accrued interest on a certificate presented for purchase is $3.00 or less, CCC shall not be obligated to pay any interest on the certificate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Effective on date of publication.

Signed at Washington, D.C., on November 3, 1961.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

NOVEMBER 3, 1961.

[F.R. Doc. 61–10726; Filed, Nov. 8, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–88]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On June 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5834) stating that the Federal Aviation Agency proposed to extend intermediate altitude VOR Federal airway No. 1627 as a 16-mile wide airway from Farmington, N. Mex., VOR via the Winslow, Ariz., VOR; to the intersection of the Phoenix, Ariz., VOR 029° and the Prescott, Ariz., VOR 134° True radials; thence as a 10-mile wide airway via the Phoenix, VOR; to the intersection of the Phoenix VOR 204° and the Gila Bend, Ariz., VOR 096° True radials.

The Department of the Air Force submitted the only objection to this proposal. They objected to the proposed extension of Victor 1627 between the Winslow VOR and the Phoenix VOR. The basis for their objection was that Victor 1627 would pass through a proposed training area for Williams Air Force Base, Chandler, Ariz. In view of the objection by the Department of the Air Force, the Federal Aviation Agency is withholding action on the portion of the proposed segment of Victor 1627 from the Winslow VOR to the intersection of the Phoenix VOR 204° and the Gila Bend VOR 096° True radials until the airspace requirements for Williams AFB are resolved.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 600.1627 (26 F.R. 1079) is amended to read:

§ 600.1627 VOR Federal airway No. 1627 (Winslow, Ariz., to Laramie, Wyo.).

From the Winslow, Ariz., VOR via the Farmington, N. Mex., VOR; Gunnison, Colo., VOR; Kremmling, Colo., VOR; to the Laramie, Wyo., VOR.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 3, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10693; Filed, Nov. 8, 1961; 8:46 a.m.]

[Airspace Docket No. 60–NY–148]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On May 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4019) stating that the Federal Aviation Agency proposed to designate a segment of low altitude VOR Federal airway No. 31 between Golden Hill, Md., INT and Nottingham, Md., and to extend VOR Federal airway No. 222 from Gordonsville, Va., to Nottingham; to designate the control areas associated with these airway segments to extend upward from at least 1,200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitudes, when established, to the base of the continental control area; and to designate the Benedict, Md., INT as a reporting point.

On August 15, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7552) amending the original notice in that the control areas associated with these segments of Victor 31 and Victor 222 would extend upward from 700 feet above the surface to the base of the continental control area until such time as all the control areas associated with other airways in the vicinity of Gordonsville and Nottingham can be altered by applying Amendment 60–21 to Part 60 of the Civil Air Regulations.

The Air Transport Association of America concurred with the proposal as stated in the notice. The Department of the Navy, the Department of the Air Force, and the Air Line Pilots Association offered no objection to the proposal. No other comments were received on either the notice or supplemental notice.

As stated in the notice, the Federal Aviation Agency proposed to exclude the portion of Victor 31 which would coincide with the Chesapeake, Md., Restricted Area (R–4004), to designate the Benedict, Md., Intersection as a reporting point and to designate Victor 222 via the 175° True radial of the Nottingham VOR. Subsequent to publication of the notice, Restricted Area R–4004 has been revoked and revised traffic control procedures have obviated the requirement for the Benedict reporting point. In addition, it has been determined that the 174° in lieu of the 175° True radial of the Nottingham VOR would provide an alignment of Victor 222 more compatible with a planned airway between Nottingham and Harcum, Va. Accordingly, reference to R–4004 and the Benedict reporting point is deleted from the action taken herein and the 174° True radial of the Nottingham VOR is used to describe Victor 222.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and supplemental notice, the following actions are taken:

1. Section 600.6031 (14 CFR 600.6031, 26 F.R. 2457) is amended to read:

§ 600.6031 VOR Federal airway No. 31 (Golden Hill, Md., to Nottingham, Md., and Baltimore, Md., to Rochester, N.Y.).

From the INT of the Patuxent River, Md., VORTAC 036° and the Nottingham, Md., VOR 128° radials; to the Nottingham VOR. From the Baltimore, Md., VORTAC, via the Harrisburg, Pa., VORTAC; Selingsgrove, Pa., VORTAC; Williamsport, Pa., VORTAC; Elmira, N.Y., VOR, including a W alternate from the Selingsgrove VORTAC to the Elmira VOR via the INT of the Selingsgrove VORTAC 342° and the Elmira VOR 187° radials; INT of the Elmira VOR 357° and the Rochester, N.Y., VOR 126° radials; to the Rochester VOR, excluding the airspace within R–4006 and R–4007.

2. Section 601.6031 (14 CFR 601.6031, 26 F.R. 2457) is amended to read:

§ 601.6031 VOR Federal airway No. 31 control areas (Golden Hill, Md., to Nottingham, Md., and Baltimore, Md., to Rochester, N.Y.).

All of VOR Federal airway No. 31, including a W alternate.

§ 600.6222 [Amendment]

3. In § 600.6222 (14 CFR 600.6222) the following changes are made:

(a) In the caption "(El Paso, Tex., to Evergreen, Ala., to Norcross, Ga., to Gordonsville, Va.)." is deleted and "(El Paso, Tex., to Evergreen, Ala., and Norcross, Ga., to Nottingham, Md.)." is substituted therefor.

(b) In the text, "Gordonsville, Va., VOR" is deleted and "Gordonsville, Va., VORTAC; INT of the Gordonsville VORTAC 058° and the Brooke, Va., VORTAC 252° radials; Brooke VORTAC; INT of the Brooke VORTAC 072° and the Nottingham, Md., VOR 174° radials; to the Nottingham VOR. The portion of this airway within R–6611 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

§ 601.6222 [Amendment]

4. In § 601.6222 (14 CFR 601.6222) the following change is made: In the caption "(El Paso, Tex., to Evergreen, Ala., and Norcross, Ga., to Gordonsville, Va.)." is deleted and "(El Paso, Tex., to Evergreen, Ala., and Norcross, Ga., to Nottingham, Md.)." is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 3, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10694; Filed, Nov. 8, 1961; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813, Amdt. 1]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area, 1961

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of amending Sugar Regulation 813 (26 F.R. 9382) which established allotments of the 1961 sugar quota for the Domestic Beet Sugar Area totaling 2,609,170 short tons, raw value.

This amendment is necessary to allot such quota in accordance with findings heretofore made by the Secretary in the course of this proceeding (26 F.R. 9382)

which provide for the revision of the order without further notice or hearing for the purpose among other things of adjusting allotments to reflect the substitution of revised estimates for final data for estimates used in the method of allotment. Allotments set forth herein have been established in accordance with such findings, and this amendment reflects the substitution of final data for estimated data on 1960-crop processings, 1960 marketings and January 1, 1961 effective inventories.

Effective date. Allotments established in this order are different from the allotments initially established in S.R. 813. To afford adequate opportunities to plan and to accomplish marketings of the revised quantities of sugar in an orderly manner in the relatively short time remaining in 1961, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act: *It is hereby ordered,* That paragraph (a) of § 813.1 be amended to read as follows:

§ 813.1 Allotment of the 1961 sugar quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1961 sugar quota for the Domestic Beet Sugar Area of 2,609,170 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	328,239	6,135,309
American Crystal Sugar Co	338,735	6,331,495
Buckeye Sugars, Inc	14,154	264,561
Great Western Sugar Co., The	703,743	13,154,075
Holly Sugar Corp	392,268	7,332,112
Layton Sugar Co	13,137	245,551
Menominee Sugar Co	12,819	239,608
Michigan Sugar Co	87,107	1,628,168
Monitor Sugar Division, Robt. Gage Coal Co	42,128	787,439
National Sugar Manufacturing Co., The	14,352	268,262
Northern Ohio Sugar Co	42,277	790,224
Spreckels Sugar Co	283,858	5,305,757
Union Sugar Division, Cons. Foods Corp	102,204	1,910,355
Utah-Idaho Sugar Co	234,149	4,376,617
Total	2,609,170	48,769,533

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 3d day of November 1961.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10724; Filed, Nov. 8, 1961; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8390 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

L. W. Foster Sportswear Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, L. W. Foster Sportswear Co., Inc., et al., Philadelphia, Pa., Docket 8390, Sept. 13, 1961]

In the Matter of L. W. Foster Sportswear Co., Inc., a Corporation, and Louis W. Foster and Howard S. Foster, Individually and as Officers of Said Corporation

Consent order requiring Philadelphia manufacturers to cease violating the Wool Products Labeling Act by such practices as labeling men's jackets as "Shell 50% Wool, 40% Rep. Wool, 10% Nylon", when the jackets contained substantially less wool than so indicated; failing to set forth the ratio between the respective percentages of fibers in the face and back of pile fabrics; describing a portion of the fiber content on labels as "orlon" instead of using the common generic name; failing to label specimens or samples of wool products with required information; and failing in other respects to comply with requirements.

The order to cease and desist is as follows:

It is ordered, That respondents L. W. Foster Sportswear Co., Inc., a corporation, and its officers, and Louis W. Foster and Howard S. Foster, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction or the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of jackets or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939;

3. Using abbreviated words or terms descriptive of fiber content on stamps, tags, labels or other means of identification attached to said wool products;

4. Failing to set forth on tags, labels or other means of identification attached to pile fabrics or products made thereof the ratio between the respective percentages of fibers in the face and in the back of said fabric;

5. Failing to set forth the common generic name of fibers in the required information on labels, tags, or other means of identification attached to wool products;

6. Failing to label or mark samples of wool products used to promote or effect sales of such wool products in commerce with the information required under the Wool Products Labeling Act and the rules and regulations thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-10695; Filed, Nov. 8, 1961; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 40 IA-121]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Advertisements by Investment Advisers

On August 8, 1961, in Investment Advisers Act Release No. 119 and in the FEDERAL REGISTER of August 15, 1961 (26 F.R. 7552), the Commission published its revised proposal to adopt § 275.206(4)-1 defining certain advertisements by investment advisers to be fraudulent, deceptive or manipulative within the meaning of section 206(4) of the Investment Advisers Act of 1940. The Commission has carefully considered the comments and suggestions made on the original and revised proposals and has adopted the rule in the form stated below, effective January 1, 1962.

Background. In September 1960 section 206 of the Act was amended to make the antifraud provisions of section 206 applicable to all investment advisers, whether registered or not, and to add a new subsection (4). This new subsection prohibits any investment adviser from engaging in any act, practice or course of business which is fraudulent, deceptive or manipulative and gives the Commission the power, by rules and regulations, to define and to prescribe means reasonably designed to prevent such acts and practices.

When considering the provisions of the rule (§ 275.206(4)-1) it should be borne in mind that investment advisers are professionals and should adhere to a stricter standard of conduct than that applicable to merchants, securities are "intricate merchandise", and clients or prospective clients of investment advisers are frequently unskilled and unsophisticated in investment matters.

Subparagraph (1) of paragraph (a) of the rule prohibits advertisements containing testimonials of any kind concerning the investment adviser or any advice, analysis, report or other service rendered by the investment adviser. The Commission finds that such advertisements are misleading; by their very nature they emphasize the comments and activities favorable to the investment adviser and ignore those which are unfavorable. This is true even when the testimonials are unsolicited and are printed in full.

Subparagraph (2) of paragraph (a) prohibits an investment adviser from using an advertisement which refers, directly or indirectly, to specific recommendations which the investment adviser has made in the past, except that it does not prohibit an advertisement which sets out, or offers to furnish a list of *all* recommendations made by the investment adviser within the immediately preceding period of not less than one year if the advertisement, and the list if it is furnished separately, contain specified information with respect to relevant prices and the nature of the recommendation, and a specified cautionary legend in print or type as large as the largest print or type used in the body or text. The Commission believes that material of this nature, which may refer only to recommendations which were or would have been profitable and ignore those which were or would have been unprofitable, is inherently misleading and deceptive, and consequently the rule prohibits this type of advertising unless all recommendations for a minimum specified period are included.

Subparagraph (3) prohibits an advertisement which represents, directly or indirectly, that any graph, chart, formula, or other device being offered can in and of itself be used to make investment determinations. It also prohibits any advertisements which represent, directly or indirectly, that any graph, chart, formula or other device being offered can or will assist any person in making his own investment decisions unless it also prominently discloses the limitations and difficulties encountered in the use of the particular graph, chart, formula or device being offered.

Subparagraph (4) prohibits an advertisement from representing that any report, analysis or other service will be obtained free or without charge unless it is in fact entirely free and subject to no conditions or obligations.

Subparagraph (5) contains a more general provision which makes it unlawful for an investment adviser to use any advertisement if it contains any untrue statement of material fact or is otherwise false or misleading.

The rule defines the term "advertisement" to include notices, circulars, letters or other written communications addressed to more than one person, and notices or other announcements in any publication, or by radio or television, if they offer (1) any analysis, report or publication concerning securities, or (2) any graph, chart, formula or other device to be used in making any investment determination, or (3) any other investment advisory service with regard to securities.

The Commission believes that this rule, foreclosing the use of advertisements which have a tendency to mislead or deceive clients or prospective clients, is necessary to implement the statutory mandate contained in section 206(4) of the Act, as amended.

The Commission has not made this rule effective until January 1, 1962 so that investment advisers who have made arrangements for the publication of specific advertisements in the immediate future may avoid unnecessary complications. However, investment advisers should carefully scrutinize all advertisements to be used after January 1, 1962 and should instruct their various agents, including particularly their advertising agencies, to note carefully the provisions of the rule so that advertisements used after the effective date of the rule will be in compliance with it.

Statutory basis. The Commission, acting pursuant to the provisions of the Investment Advisers Act of 1940, as amended, and particularly sections 206(4) and 211(a) thereof, and deeming such action necessary and appropriate to the exercise of its functions and powers under the Act and necessary to prevent fraudulent, deceptive and manipulative acts and practices by investment advisers, hereby adopts § 275.206(4)-1 (Rule 206(4)-1) as stated below, effective January 1, 1962.

§ 275.206(4)-1 Advertisements by investment advisers.

(a) It shall constitute a fraudulent, deceptive, or manipulative act, practice or course of business within the meaning of section 206(4) of the Act, for any investment adviser, directly or indirectly, to publish, circulate or distribute any advertisement:

(1) Which refers, directly or indirectly, to any testimonial of any kind concerning the investment adviser or concerning any advice, analysis, report or other service rendered by such investment adviser; or

(2) Which refers, directly or indirectly, to past specific recommendations of such investment adviser which were or would have been profitable to any person: *Provided, however,* That this shall not prohibit an advertisement which sets out or offers to furnish a list of all recommendations made by such investment adviser within the immediately preceding period of not less than one year if such advertisement, and such list if it is furnished separately: (i) state the name of each such security recommended, the date and nature of each such recommendation (e.g., whether to buy, sell or hold), the market price at that time, the price at which the recommendation was to be acted upon, and the market price of each such security as of the most recent practicable date, and (ii) contain the following cautionary legend on the first page thereof in print or type as large as the largest print or type used in the body or text thereof: "it should not be assumed that recommendations made in the future will be profitable or will equal the performance of the securities in this list"; or

(3) Which represents, directly or indirectly, that any graph, chart, formula of other device being offered can in and of itself be used to determine which securities to buy or sell, or when to buy or sell them; or which represents, directly or indirectly, that any graph, chart, formula or other device being offered will assist any person in making his own decisions as to which securities to buy or sell, or when to buy or sell them, without prominently disclosing in such advertisement the limitations thereof and the difficulties with respect to its use; or

(4) Which contains any statement to the effect that any report, analysis, or other service will be furnished free or without charge, unless such report, analysis or other service actually is or will be furnished entirely free and without any condition or obligation, directly or indirectly; or

(5) Which contains any untrue statement of a material fact, or which is otherwise false or misleading.

(b) For the purposes of this section the term "advertisement" shall include any notice, circular, letter or other written communication addressed to more than one person, or any notice or other announcement in any publication or by radio or television, which offers (1) any analysis, report, or publication concerning securities, or which is to be used in making any determination as to when to buy or sell any security, or which security to buy or sell, or (2) any graph, chart, formula or other device to be used in making any determination as to when to buy or sell any security, or which security to buy or sell, or (3) any other investment advisory service with regard to securities.

(Sec. 206, 54 Stat. 852, as amended, 15 U.S.C. 80b-6; sec. 211, 54 Stat. 855, as amended, 15 U.S.C. 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 1, 1961.

[F.R. Doc. 61-10703; Filed, Nov. 8, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread, Enriched Bread, Milk Bread, Raisin Bread, Whole Wheat Bread; Amendment of Standards

In the matter of amending the definitions and standards of identity for bread, enriched bread, milk bread, raisin bread, and whole wheat bread (21 CFR 17.1, 17.2, 17.3, 17.4, and 17.5):

A notice of proposed rule making inviting all interested persons to submit views and comments was published in the FEDERAL REGISTER of June 10, 1961 (26 F.R. 5234), setting forth two proposals for amending paragraph (a) (1) of the definition and standard of identity for bread (21 CFR 17.1). One of the proposals was made by Central Soya Company, 1825 North Laramie Avenue, Chicago, Illinois. Its purpose was to provide the same status for hydroxylated lecithin in the bread standards which has heretofore been provided for lecithin. The other proposal was made by the Commissioner of Food and Drugs for the purpose of deleting the parenthetical exception from the designation "mono- and diglycerides of fat-forming fatty acids (except lauric acid)" as that designation appears in paragraph (a) (1) of the bread standard. The cross-reference to the standard of identity for bread in the standards for enriched bread, milk bread, raisin bread, and whole wheat bread have the effect of making the modifications of the phraseology in § 17.1(a)(1) applicable to these other kinds of bread.

Upon consideration of the views and comments submitted and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed. Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625); *It is ordered*, That § 17.1(a)(1) be amended to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(1) Shortening, in which or in conjunction with which may be used lecithin, hydroxylated lecithin complying with the provisions of § 121.1027 of this chapter, mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, or a combination of two or more of these. The total weight of mono- and diglycerides used, including diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, does not exceed 20 percent by weight of the combination of such a preparation and the shortening, and the total amount of monoglyceride in such mixture does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride is used, the amount of such preparation does not exceed 10 percent by weight of the combination of such preparation and shortening. For the purposes of this section, the optional ingredients lecithin and hydroxylated lecithin may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U.S.C. 341, 371)

Dated: November 2, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10706; Filed, Nov. 8, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, requesting the establishment of a tolerance for residues of 1-naphthyl *N*-methylcarbamate in or on poultry at 5 parts per million. Data in the petition show that when the pesticide is used as proposed no residues will result in eggs. There is no basis for fixing a tolerance for the pesticide chemical in eggs at a level higher than zero.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

The introduction to § 120.3(e)(5) has been amended to change the class designation "organic phosphates" to read "cholinesterase-inhibiting compounds" (21 CFR 120.3(e)(5)). A corresponding change in § 120.3(a) is being made in this order.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health; and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commission of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3, 120.169) are amended as indicated below:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (a) is amended to read as follows:

(a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, many pesticide chemicals within each of the following groups have related pharmacological effects: Chlorinated organic compounds, arsenic-containing chemicals, metallic dithiocarbamates, cholinesterase-inhibiting compounds.)

2. Section 120.169 is amended by changing the item "5 parts per million in or on corn" so as to include a tolerance for residues of this pesticide chemical in or on poultry and by adding thereto a tolerance of zero in eggs. After amendment, the affected items in this section read as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

• • • • •

Five parts per million in or on corn (kernels and kernels plus cob, determined after removing husks present when marketed), cottonseed, cowpeas, peanuts, meat and fat of poultry, rice, soybeans.

• • • • •

Zero in eggs.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d), 68 Stat. 512; 21 U.S.C. 346a(d))

Dated: November 3, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10707; Filed, Nov. 8, 1961; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, requesting the establishment of tolerances for residues of 1-naphthyl *N*-methylcarbamate in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, kohlrabi, melons, pumpkins, and winter squash at 10 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.169 tolerances for residues of this pesticide chemical in or on the aforementioned raw agricultural commodities. As amended the item containing the 10 parts per million tolerance limitation is changed to read as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

• • • • •

Ten parts per million in or on apples, apricots, bananas, beans, blueberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, cherries, citrus fruits, cranberries, cucumbers, eggplants, grapes, kohlrabi, lettuce, melons, nectarines, okra, peaches, pears, peppers, plums (fresh prunes), pumpkins, sorghum grain, strawberries, summer squash, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 3, 1961.

JOHN L. HARVEY,
Deputy, Commissioner of Food and Drugs.

[F.R. Doc. 61-10709; Filed, Nov. 8, 1961; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Further Extensions of Effective Date of Public Law 86-139 as it Affects Section 408 of Federal Food, Drug, and Cosmetic Act

Under the provisions of Public Law 86-139 (73 Stat. 388, as amended 75 Stat. 42; 7 U.S.C. 135 et seq.), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner has further extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list previously published in § 120.37 (21 CFR 120.37) is amended by adding thereto the following new item:

§ 120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

• • • • •

Product	Specified uses or restrictions	Effective date of statute extended to—
• • •	• • •	• • •
α-Naphthalene acetic acid or its ammonium salt.	On olives to reduce fruit set.	Jan. 1, 1963

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as amended, as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Pub. Law 85-19, 75 Stat. 42; 7 U.S.C. 135)

Dated: November 3, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10708; Filed, Nov. 8, 1961; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

IMPLEMENTATION OF PROVISIONS OF "VETERANS' PENSION ACT OF 1959"

In § 3.1553, paragraph (h) is amended to read as follows:

§ 3.1553 Implementation of the provisions of the "Veterans' Pension Act of 1959".

• • • • •

(h) *Savings provisions; general.* (1) Any person receiving or entitled to receive pension on June 30, 1960, may receive these benefits for such periods thereafter for which he qualifies under Title 38, United States Code, in effect on that date. This protective clause is to be interpreted so as to preclude denial, reduction or discontinuance of payments because of Public Law 86-211 to any veteran, widow or child receiving or entitled to receive benefits on June 30, 1960, by virtue of laws and Veterans Administration regulations then in effect. Such protection is afforded despite the fact that receipt of pension on June 30, 1960, resulted from mistake of fact or law on the part of the Veterans Administration. However, such protection will not be afforded if receipt of pension on June 30, 1960, resulted from a deliberate act of commission or omission of the claimant.

(i) *Change in income or dependency status promptly reported.* (a) Where the receipt of additional income, change in rate of income, or a change in dependency status before July 1, 1960, was promptly reported thereby causing pension to be discontinued prior to June 30, 1960, there is no protection to pension under laws in effect on June 30, 1960. Protection does not exist in such cases because the claimant was not receiving pension on June 30, 1960.

(b) Where the receipt of additional income, change in rate of income, or a change in dependency status, whether before, on, or after June 30, 1960, was promptly reported thereby causing pension to be discontinued after June 30, 1960, there is protection to pension under laws in effect on June 30, 1960. Protection is afforded in such cases because the claimant was receiving pension on June 30, 1960.

(ii) *Change in income or dependency status not promptly reported.* Under § 3.253(d) all claimants are required to promptly report changes in income or dependency status. Failure to promptly report requires discontinuance or reduction of pension retroactive to the first of the year. The determination of whether or not a change was promptly reported is one of fact, and in the application of § 3.253(d) a showing that claimant was "without fault" will not serve to prevent creation of the overpayment. Alleviating circumstances are, however, properly for consideration by the Committee on Waivers in determining whether claimant was "without fault" in connection with the resultant overpayment.

(a) Where the receipt of additional income, change in rate of income, or a change in dependency status prior to July 1, 1960, was not reported promptly resulting in receipt of pension on June 30, 1960, and thereby causing pension to be discontinued retroactively to a date prior to June 30, 1960, there is no protection to pension under laws in effect June 30, 1960. However, it is not improper in determining lack of protection to consider whether claimant was "without fault" since the basic rule that protection will be afforded if claimant was receiving pension June 30, 1960, can be negated only where there was a deliberate act of omission or commission on his part. In these cases the determination of fault will be based on the same criteria used under 38 U.S.C. 3102. It follows that if the Committee on Waivers has determined the question of fault in connection with waiver, this determination will also be followed in determining protection. Otherwise the determination will be made by adjudication personnel when affirmative evidence is received to rebut the prima facie showing inherent in the failure to promptly report a change in income or dependency status.

(b) Where the receipt of additional income, change in rate of income, or a change in dependency status after June 30, 1960, was not reported promptly thereby causing pension to be discontinued retroactively to a date prior to June 30, 1960, there is protection to pension under laws in effect on June 30, 1960, because the claimant was receiving pension on June 30, 1960. The retroactive discontinuance of pension in such cases affects only the monetary payment and does not preclude protection.

(2) Protection is accorded in those cases in which a veteran in receipt of pension on June 30, 1960, is found to be not permanently and totally disabled after that date, but who is subsequently again rated as permanently and totally disabled. The protective provision is for application only in those cases in which no election under Public Law 86–211 is made. However, a claimant whose pension was discontinued for any reason prior to July 1, 1960, and who was not entitled on June 30, 1960, but who becomes entitled after that date may be awarded pension only under the provisions of Public Law 86–211. Claimants who elect benefits under Public Law 86–211 and are paid under it are subject to all of its provisions.

(3) Waivers of all or part of certain benefits by some claimants had been accepted for pension purposes prior to the calendar year 1960. The annual income questionnaire instructions released in January 1961, required reporting of the claimant's total income, including any such amounts which had been waived but excepting those specifically exempted by law. The date such instructions were received will constitute the beginning of a prompt notice period. Therefore, in such cases the following rules will apply:

(i) If notice of the waived income was received before negotiation of the February 1961 check, it will be considered prompt notice under § 3.253(d). Discontinuance of pension will be effective date of last payment and there is protection to pension under laws in effect on June 30, 1960, since the claimant was receiving pension on that date.

(ii) If notice of the waived income is not received before negotiation of the February 1961 check, it will not be considered prompt notice under § 3.253(d). The amount of pension paid from January 1, 1961, to which the payee was not entitled will be considered an overpayment, subject to the waiver provisions. However, there is protection to pension under laws in effect on June 30, 1960, in these cases since the claimant was receiving pension on that date. (Instruction 1–A, Public Law 86–211)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective November 9, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–10715; Filed, Nov. 8, 1961; 8:50 a.m.]

PART 3—ADJUDICATION

Increased Dependency and Indemnity Compensation in Certain Wartime Cases

In Part 3, a new § 3.1568 is added to read as follows:

§ 3.1568 Increased dependency and indemnity compensation in certain wartime cases.

(a) *Effect of the act.* The effect of Public Law 87–268 is to authorize payment of increased dependency and indemnity compensation to certain wartime beneficiaries. Only cases in which a widow and five or more children are entitled to dependency and indemnity compensation and cases in which one child of a Spanish-American War veteran or of a veteran of prior wars is entitled to benefits will be affected by this law. The monthly rate of dependency and indemnity compensation payable to a claimant will be not less than the rate of death pension the claimant would be entitled to if the veteran's death had occurred under circumstances which would permit payment of death pension. However, the benefit payable in applicable cases will be dependency and indemnity compensation and not death pension. The law applies to any case in which the claimant is receiving or is entitled to receive dependency and indemnity compensation irrespective of whether the veteran's death occurred before, on, or after December 31, 1956.

(b) *Claims*—(1) *Previously adjudicated cases.* A claim (formal or informal) for increased benefits under this law (38 U.S.C. 412(b)) will be required when the claimant is in receipt of dependency and indemnity compensation.

(2) *Original claims.* An original application (VA Form 21–534) will be accepted as including a claim under this law and a specific or separate claim is not required. Claims pending on October 1, 1961, will be considered original claims and no further application will be required.

(c) *Apportioned cases*—(1) *Claims.* Where a widow's award of dependency and indemnity compensation is apportioned for one or more children who are not in her custody a claim for increase filed by the fiduciary of a child will be considered a claim under this law on behalf of the widow and the other children. If such a claim is filed necessary request for evidence of the widow's annual income and net worth will be addressed to the widow and not to the fiduciary of the child.

(2) *Awards.* Should an increased rate be payable under this law in an apportionment case the award will be apportioned under § 3.461, pertaining to dependency and indemnity compensation and not under § 3.460, which relates to death pension.

(d) *Effective dates.* The date of enactment of this act was September 21, 1961. The law is effective from October 1, 1961. No increase in monthly rates of dependency and indemnity compensation based solely on its provisions may be made effective prior to October 1, 1961.

(1) In the case of any person receiving dependency and indemnity compensation on October 1, 1961, increased benefits provided by this law shall be payable from October 1, 1961, if claim is filed within 1 year from that date and evidence of entitlement is of record or received within 1 year from the date of request.

(2) Any claim pending on October 1, 1961, will be considered an original claim and no further application will be required. The effective date of dependency and indemnity compensation under this law will be October 1, 1961, if evidence of entitlement is of record or received within 1 year from date of request.

(3) As to all other claims, formal or informal, the effective date of dependency and indemnity compensation under this law will be determined under applicable laws and regulations relating to original claims and claims for increase but not earlier than October 1, 1961.

(Instruction 1, 38 U.S.C. 412, Public Law 87–368)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective November 9, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–10716; Filed, Nov. 8, 1961; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 595—FOREIGN PURCHASES

PART 596—CONTRACT CLAUSES

PART 597—TERMINATION OF CONTRACTS

PART 598—PATENTS, COPYRIGHTS AND TECHNICAL DATA

PART 599—BONDS AND INSURANCE

PART 600—FEDERAL, STATE AND LOCAL TAXES

PART 601—LABOR

PART 602—GOVERNMENT PROPERTY

PART 605—PROCUREMENT FORMS

PART 606—SUPPLEMENTAL PROVISIONS

Miscellaneous Amendments

1. Revise paragraph (b), § 590.102; revise the last sentence of § 590.109–3; revise § 590.109–50; add new § 590.300; revise § 590.301; and add new § 590.302–5, to read as follows:

§ 590.102 Applicability of procedure.

* * * * *

(b) *Oversea commands, attachés, and foreign missions.* Procurement outside the United States, its possessions and Puerto Rico, and construction work outside the United States, including procurement effected under the jurisdiction of major oversea commanders, military attachés, and foreign missions, will be made in accordance with Subchapter A, Chapter I of this title and this subchapter.

§ 590.109–3 Deviations affecting more than one contract or contractor.

* * * Such deviations from Subchapter A, Chapter I of this title or Department of Defense Directives will be authorized only after approval of the Assistant Secretary of Defense (Installations and Logistics).

§ 590.109–50 Submission of requests for deviations.

Requests for authority to deviate from the provisions of Subchapter A, Chapter I of this title, Department of Defense Directives, or this subchapter shall be submitted (in original and five copies) to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C. Attn: Chief, Contracts Division. Such requests shall be supported by complete statements of the circumstances justifying the need for the deviation, including sufficient background or historical information to support the requested deviations.

§ 590.300 Methods of procurement.

(a) Department of the Army policies with respect to procurement by formal advertising or by negotiation are set forth in §§ 1.300 and 2.102 of this title, this section, and § 591.102 of this chapter, respectively. In the placement of contracts during a period of national emergency, it is essential that contracts be awarded among as many sources of supply as possible in order to broaden the industrial production base of the procurement program. All procuring activities and agencies will give particular attention to the following factors in effecting procurement:

(1) Placement of contracts with a view to economies in the use of transportation facilities;

(2) Greatest possible integration of current procurement contracts with the industrial mobilization program and the accepted schedules of production;

(3) Utilization of manpower in areas of substantial labor surplus and distressed industries;

(4) Utilization of existing open industrial capacity to the maximum. Expansion of facilities should not be authorized when open capacity can be found. Whenever time permits, and in order to broaden the production base, additional contractors should be utilized in lieu of multishift or overtime operation;

(5) Equitable distribution of procurement contracts among the maximum number of competent suppliers;

(6) Utilization in negotiation of competition and multiple awards, whenever possible;

(7) Aggressive encouragement or requirement of subcontracting by prime contractors;

(8) Provision of maximum incentive to the producer for the reduction of his costs;

(9) Fullest possible use of small business concerns; and

(10) Reservation of special skills and abilities for the more difficult production tasks.

(b) Procurements effected under the authority of the act of 28 August 1958, authorizing extraordinary contractual actions to facilitate the National Defense (P.L. 85–804; 72 Stat. 972; 50 U.S.C. 1431–1435) and Executive Order 10789, will be governed by the policies and procedures set forth in Part 17 of this title.

§ 590.301 Interdepartmental and coordinated procurement.

See § 1.301 of this title.

§ 590.302–5 Planned emergency producer.

(a) Defense Mobilization Order DMO VII–7, as amended, contains the following statement of policy with respect to current procurement in maintaining the mobilization base:

a. Procurement agencies shall integrate current procurement with their industrial mobilization plans to the greatest possible extent with the objective of supporting the mobilization base within authorities and funds available.

b. Data assembled on essential mobilization suppliers by the industrial mobilization planning of these agencies shall be used in planning current procurement. The policy of using contractors and facilities essential to the mobilization base is considered to be in the best interest of the Government. Suppliers that are deemed to be part of the mobilization base normally will be invited to participate in appropriate current procurement.

(b) DOD Directive 3005.3 requires that a review be made of proposed procurement of items contained in the Preferential Planning List and that responsibility for such review be maintained at the level of the Procurement Secretaries or their authorized designees. Each head of a technical service is appointed an authorized designee of the Assistant Secretary of the Army (Installations and Logistics) for the purpose of reviewing those items on the Preferential Planning List for which his technical service has been assigned procurement responsibility. Heads of technical services may designate senior officers of their headquarters staff responsible for procurement or chiefs of purchasing offices to perform the review required by DOD Directive 3005.3. The authority of the chief of a purchasing office to make the required review shall be consistent with his authority to approve awards of contracts as prescribed by § 606.204 of this chapter. The review in furtherance of the policy quoted in paragraph (a) of this section and to integrate current procurement with military mobilization plans, will take into consideration the following factors:

(1) Maintaining multiple sources of supply;

(2) Geographic dispersal;

(3) Avoidance of undue concentration of contracts in a few leading suppliers;

(4) Multiple awards;

(5) Preservation of essential skilled labor forces;

(6) Utilization of existing open industrial capacity;

(7) Preservation of essential management organization and "know-how";

(8) Maximum subcontracting; and

(9) Any other factors relevant to maintaining a sound mobilization base, including the utilization of small business concerns to the maximum extent practicable.

(c) In carrying out negotiations under this program, the authority contained in 10 U.S.C. 2304(a)(16) shall be used. In this connection comparative price experience shall be used to negotiate the best possible price for the Government.

2. Revoke §§ 590.306 to 590.306–54, as follows:

§ 590.306 Transportation costs. [Revoked]

§ 590.306–1 General. [Revoked]

§ 590.306–2 Place of delivery. [Revoked]

§ 590.306–3 Quantity analysis. [Revoked]

§ 590.306–4 Commodity description. [Revoked]

§ 590.306–5 Delivery terms. [Revoked]

§ 590.306–6 Consignment and marking instructions. [Revoked]

§ 590.306–7 Scheduling of deliveries to permit consolidation of shipments. [Revoked]

§ 590.306–8 Transit arrangements. [Revoked]

§ 590.306–9 Rates. [Revoked]

§ 590.306–10 Volume shipments. [Revoked]

§ 590.306–11 Unusually large or heavy shipments. [Revoked]

§ 590.306–12 Mode of transportation. [Revoked]

§ 590.306–50 General responsibilities. [Revoked]

§ 590.306–51 Sources of transportation assistance. [Revoked]

§ 590.306–52 Transportation considerations in the procurement cycle. [Revoked]

§ 590.306–53 Mail shipments (f.o.b. origin). [Revoked]

§ 590.306–54 Freight and express shipments on commercial bills of lading to domestic destination (f.o.b. origin). [Revoked]

3. Add new §§ 590.308 and 590.310; revoke § 590.311; revise § 590.313; and revoke § 590.350, as follows:

§ 590.308 Record of contract actions.

This section establishes a system for the organization of the contract file data, listed in § 1.308 of this title, which will facilitate locating any particular document with the least practicable delay and specifically incorporates into the contract file certain additional data not listed in § 1.308 of this title.

(a) *Preaward section.* The preaward section of the contract file (Section A) will consist of the items listed in § 1.308 (b) (1) through (14) and (16) of this title.

(b) *Contract administration file*—(1) *Section B—Contract Section.* (i) Contract (signed number) including any letter contract;

(ii) Contract modifications in numerical sequence, a single numerical series will be used for change orders and supplemental agreements;

(iii) Bonds, except Bid Bond;

(iv) Insurance policies or certificates of insurance which apply to operations under several contracts, shall be filed with one contract and a cross reference placed in all other applicable contract files;

(v) Copy of Individual Procurement Action Report (DD Form 350);

(vi) Information regarding royalties;

(vii) Contractor's Statement of Contingent Fees;

(viii) Neutrality Act certification of registration;

(ix) Priority data and Controlled Materials Plan data;

(x) Price adjustment data, including contractor's proposals, price analyst recommendations, audit reports and negotiation reports;

(xi) Waiver; and

(xii) Any other documents and correspondence not covered by above items which properly belong in this section.

(2) *Section C—Property Section.* (Separate files sections may be maintained for Government-furnished property and for contract items.)

(i) End item delivery date, i.e., Material Inspection and Receiving Report—or other shipping documents with recap and storage data as appropriate (item 303.3, § 30.2 of this title and § 602.1711–1 (b) (4) of this chapter).

(ii) Subsidiary inspection documents such as Lot No. reports, technical data, report of sublot inspection, etc.;

(iii) Inspection requisitions and correspondence from other purchasing offices relating to inspection;

(iv) Other inspection correspondence;

(v) Statement as to quality of contractor's product;

(vi) Bills of lading;

(vii) Report of Survey (incident to shipment) and other instruments affecting relief of responsibility for Government property except "Written Advices," i.e., special reports from the contractor on which the property administrator determines a "Written Advice" is not required or other instances where, under the provisions of item 402, § 30.2 of this title, a contractor is relieved of responsibility for property other than consumption. (§ 602.1715 of this chapter);

(viii) Copy of contracting officer's written determination and findings concerning loss, damage, shortage or destruction of contract items or of Government property used, including excess consumption. Items 402.1 and 402.2(a), § 30.2 of this title and § 602.1715 of this chapter);

(ix) Disposal data—at contract completion. (Subpart E, Part 8, of this title);

(x) Property correspondence in chronological order or sufficiently indexed for ready reference;

(xi) Where the Government maintains the official property control records under the deviation authority contained in item 301(a), § 30.2 of this title or item 207.1, § 30.3 of this title, the property file will contain those records set forth in § 30.2 or 30.3 of this title necessary for effective property control. (§ 602.1711 of this chapter);

(xii) Contractor's written receipt for Government-furnished property. (Item 303.1(c), § 30.2 of this title);

(xiii) Data, where appropriate, in connection with contractor acquired facilities. (§ 602.1711–1(b)(3) of this chapter); and

(xiv) All other records required to be maintained by §§ 30.2 and 30.3 of this title.

(3) *Section D—Fiscal Section.* (i) Invoices and vouchers;

(ii) Other documents relating to payments; and

(iii) Documents and correspondence relating to financial assistance to contractor.

(4) *Section E—Termination Section.*
(i) Notice of termination;
(ii) Contractor's settlement proposal;
(iii) Auditor's report;
(iv) Price analyst's report;
(v) Inventory schedule;
(vi) Storage or layaway agreement;
(vii) All termination correspondence;
(viii) Negotiator's report;
(ix) Property disposal; and
(x) If termination for default, (a) copy of contracting officer's findings, (b) summary of initial action taken to buy against, and all subsequent actions on appeals taken, if any.

(5) *Section F—Renegotiation data.*
(i) Efficiency of contractor;
(ii) Reasonableness of costs and profits;
(iii) Capital employed;
(iv) Extent of risk assumed;
(v) Contribution to the National Security; and
(vi) Character of business.

(c) *Review of contract files.* The contracting officer is responsible for making a complete review of the contract files prior to retirement or disposal. The purpose of the review shall be to insure that all contractual actions have been completed prior to retirement or disposal of the contract files pursuant to applicable paragraphs of AR 345–280 (Administrative Army Regulations). In addition, the review shall insure that such file is documented in accordance with this section and AR 345–280.

§ 590.310 Liquidated damages.

Where a contractor's application for remission of liquidated damages is to be processed to the Comptroller General, pursuant to § 1.310(d) of this title, appropriate action will be taken in accordance with the procedures prescribed in § 591.451 of this chapter, except that:

(a) In the event that all alternative remedial actions available to the contractor under the contract have not been exhausted, e.g. unresolved claims for extensions of delivery schedules, the administrative report and the contracting officer's statement required by § 591.451 (a) of this chapter will identify the alternatives and state the actions being taken.

(b) In the event that all alternative remedial actions available to the contractor under the contract have been exhausted, the administrative report and the contracting officer's statement will include information as to the reasonableness of the rate of assessment of liquidated damages, in relation to the total contract price, and a summary of the actions taken to mitigate the assessment of the damages.

(c) The proposed letter to the Comptroller General prepared by the technical service for the signature of the Assistant Secretary of the Army (Installations and Logistics), as prescribed in § 591.451(b)(1) of this chapter, will include a brief summary of the information required by paragraph (a) or (b) of this section, as the case may be, together with a recommendation as to whether the contractor's application should be granted or denied.

§ 590.311 Records of contract actions. [Revoked]

§ 590.313 Procurement of parts.

The policies and procedures governing the procurement of repair parts are set forth in AR 700–70 (Administrative Army Regulations).

§ 590.350 Procurement of spare parts. [Revoked]

4. Add new § 590.403–50 and revise §§ 590.600–50, 590.601–1, 590.603–50(d), 590.604(b), and 590.604–3, as follows:

§ 590.403–50 Legal review.

Legal advice and assistance of a staff judge advocate or other legal counsel will be obtained in the preparation of clauses other than standard clauses which are to be contained in invitations for bids and request for proposals. In each solicitation for bids and proposals which will result in a contract exceeding $25,000, each invitation for bids and requests for proposals shall be reviewed for legal sufficiency by a staff judge advocate or other legal counsel prior to issuance by the contracting officer. In addition, each solicitation for bids and proposals, which will result in a contract over $10,000 but not over $25,000 also shall be subject to legal review to the maximum extent possible, consistent with the availability of legal services. Contracting officers must insure that the contracts they place are legally, technically and administratively sufficient. Legal advice and assistance will be obtained from the command judge advocate or other legal counsel as to the legal aspects of all contracts. Heads of procuring activities will insure that such advice and assistance are available to their procurement personnel at their headquarters when unavailable at field levels.

§ 590.600–50 Authority.

An assistant Judge Advocate General has been designated as the authorized representative of the Assistant Secretary of the Army (Installations and Logistics) for purpose of administering the provisions of Subpart F, Part 1 of this title and this subpart, and to coordinate actions thereunder with The Inspector General, Department of Justice, and other agencies, when appropriate.

§ 590.601–1 General.

The Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) will publish a list together with periodic changes thereto. The list will be marked with the protective term "For Official Use Only". Procurement personnel will comply with the prohibitions contained in this list, together with the additions, modifications, and releases reflected thereon.

§ 590.603–50 Total restrictions.

* * * * *

(d) Administration of current contracts is as follows:

(1) In the event there are any current contracts with a firm or individual recommended for debarment, administration of such contracts will be the responsibility of the Head of the Procuring Activity. Administration of contracts with a firm or individual recommended for debarment may continue unless otherwise directed by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(2) Upon debarment of a firm or individual, administration of current contracts with such debarred firms or individuals may be continued unless otherwise directed by the Office of the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(3) Where current contracts are being administered at the time a report is submitted under § 590.604(b), or at the time of debarment, payments under such contracts may be continued at the discretion of the Head of the Procuring Activity involved, unless otherwise directed by the Office of the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

§ 590.604 Causes and conditions under which departments may debar contractors.

* * * * *

(b) *Reporting procedure.* Reports recommending debarment will be submitted in triplicate to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), with an information copy to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division. Such reports will contain a complete certified statement of the facts concerning the contractor's dereliction, including affidavits, depositions, records of action, if applicable, and any other relevant data. Names and addresses of all persons having knowledge of the circumstances will be included. Such reports will include the names and addresses of all known affiliates of reported contractors, together with the nature of such affiliation. Recommendations of the reporting agency and intermediate echelons will be furnished with any request for debarment. The head of a procuring activity will be responsible for the adequacy and propriety of all reports initiated under his command.

§ 590.604–3 Notice of debarment.

Upon the debarment of a contractor by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), that office shall furnish advice of such action to the contractor, and to the General Services Administration, in accordance with § 1.604–3(b) of this title. Notice of any removal from such debarment shall be furnished by that office to the General Services Administration.

5. Revise §§ 590.605, 590.650 (a) and (b), and 590.1005–5(a) (1), (3), and (4), as follows:

§ 590.605 Suspension of bidders.

(a) *Reports.* The prompt reporting of all matters relating to fraud or criminal conduct in connection with procurement activities is of extreme importance. All persons concerned with Department of the Army procurement will be alert for and report the possibility or evidence of fraud or criminal conduct at all times. Notification to the Federal Bureau of Investigation, pursuant to paragraph 3, AR 22–160, does not in any way remove the requirement for prompt reporting in accordance with the procedure established in this section.

(b) *Reporting procedure.* All reports submitted under this section will be classified "For Official Use Only" unless the information contained therein warrants a higher classification. All reports and exhibits, and all supplements thereto, including letters of transmittal and interim correspondence, will be expeditiously transmitted, through channels, in sextuplicate, to the Head of the Procuring Activity, who will make the following distribution: 3 copies to the Office of the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), 1 copy to the Office of the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Division, and 1 copy to the Office of The Inspector General, Department of the Army. In cases where all the information is not readily available to the reporting agency, preliminary reports will be so forwarded and will be followed as soon as practicable by complete documented reports as herein indicated. All reports should contain a full statement of the pertinent facts indicating alleged criminal conduct, fraudulent activity, or suspicion thereof, and will be supported by appropriate exhibits, including copies of any contracts involved and any assignments of claims thereunder. Names and addresses of all known affiliates of reported contractors, together with the nature of such affiliation, will be included. All such reports initiated by disposal, inspection, audit, engineering, and other advisory or technical personnel will be addressed to the contracting officer concerned and will be adequately documented by initiating personnel. The contracting officer will take whatever action he deems necessary and appropriate, consistent with the protection of the best interest of the Government. Such reports, accompanied by the comments and recommendations of the contracting officer, will be forwarded through channels for the addition of the comments and recommendations of each successive office. The reporting agency and all intermediate echelons will include their recommendations as to suspension in such reports.

(c) *Suspensions.* The determination to suspend a suspected firm or individual shall be the responsibility of the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Adocate General). Formal suspension directives will be issued by that office. In addition, a determination will be made whether to refer the matter to the Department of Justice.

(d) *Procurement*—(1) *Current contracts.* It will be the responsibility of the head of a procuring activity reporting a suspicion of fraud or criminal conduct, and administering a current contract, to determine whether it will be in the best interests of the Government, (i) to continue contract administration in

any of its phases (such as acceptance of deliveries, inspection, issuance of certain instructions), but not including payment except as authorized in subparagraph (2) of this paragraph; or (ii) to exercise any contract right (such as termination for default or convenience, rejection, or recovery due to latent defects). In making such determination, full consideration will be given to the nature of and the circumstances surrounding the suspicion or evidence of fraud or criminal conduct being reported. The basis for each determination will be included in the report required under paragraph (b) of this section. Where doubt exists as to the effect of continuation of any phase of administration on the investigation and possible prosecution or civil action against the suspected contractor, it will be appropriate to refer the matter, together with the recommendations of the Head of the Procuring Activity, to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) for determinations.

(2) *Payments.* When a report under paragraph (b) of this section is made by the Head of a Procuring Activity, and such report does not recommend suspension of the contractor, payments under current contracts may continue at the discretion of the Head of the Procuring Activity unless otherwise directed by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). Where such report recommends suspension, payments will be withheld. No payments of any type will be made to any suspended contractor either under procurement or termination unless the suspension is modified or removed by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). Upon receipt of a notice of suspension, disbursing officers will promptly forward all administratively approved vouchers in favor of the suspended contractor to the Office, Chief of Finance, ATTN: Advisory Services Division. Purchasing Offices, holding or in receipt of properly certified invoices covering amounts due the suspended contractor, will prepare and process (administratively approve) the necessary vouchers and will forward the certified vouchers to the aforesaid office, through their assigned disbursing officers, inviting attention to the fact that the contractor concerned is suspended. This procedure will be followed whenever any additional or new amounts become due during the period of suspension. In cases where, in the opinion of the contracting officer, the circumstances surrounding either the procurement or the suspicion of fraud or criminal conduct are of such a nature as to permit or require complete or partial release of withheld funds due the suspended contractor, a recommendation for such release, including a full statement of the particulars supporting such recommendation, will be made by the contracting officer, through channels, in accordance with paragraph (b) of this section, for determination by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(3) *Terminations.* Negotiation toward settlement of terminated contracts will cease with the suspension of a contractor. Negotiations must likewise cease with respect to terminated subcontracts either awarded or held by the suspended contractor. All authorizations granted to such a contractor under Part 8 of this title and Part 597 of this chapter, will be revoked immediately without explanation. Where, in the opinion of the contracting officer, negotiation toward settlement of a terminated contract would be in the best interest of the Government, a report recommending such action will be made, through channels, in accordance with paragraph (b) of this section, for determination by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(4) *New awards.* Contracts shall not be awarded to, nor shall bids or proposals be solicited from, firms or individuals which have been placed in suspension, unless approval for each individual procurement has been obtained. Bids submitted by suspended contractors will not be rejected by contracting officers solely because of the suspension, but will be received, recorded, and retained in accordance with established procedures. In cases where a suspended contractor is the low bidder or offeror (or, in the case of surplus and salvage sales, the high bidder), information relating to (i) the low (or high) bid or offer and the next lowest (or highest) bid or offer; (ii) expirations or options and whether such options may be extended, (iii) the desirability or necessity of acceptance of the suspended contractor's bid or offer, will be reported, together with recommended action, in the same manner as set forth in paragraph (b) of this section, for determination as to placement of any awards with the suspended contractor.

(e) *Release from suspension.* After a firm or individual has been placed in suspension, such suspension will not be lifted until so directed by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). Firms and individuals released from suspension and not debarred will be replaced on appropriate bidder's lists.

(f) *Departmental inquiries.* Inquires by procuring activities concerning the status of reported cases will be transmitted, in triplicate, through channels, to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). Procuring activities will not communicate with the local offices of the Department of Justice, the United States Attorney, or the Federal Bureau of Investigation in such connection.

§ 590.650 Inquiries from debarred, ineligible, or suspended firms and individuals.

(a) *Suspended firms or individuals.* Reports submitted in accordance with § 590.605 and all actions accomplished relating thereto are "For Official Use Only." In the event a suspended contractor or his representative makes inquiry as to the reason or cause of any of the prohibitions indicated in § 590.605(d), or for any other reason, no information relating to the suspension or the fact that the contractor has been suspended will be given to the inquirer. Instead, the contractor will be informed that consideration is being given his contractual relationship by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), and that all inquiries regarding such matters should be addressed in writing direct to that office.

(b) *Debarred firms and individuals.* All inquiries relating to debarred bidders, including those from a debarred bidder, will be forwarded to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

§ 590.1005–5 Authority and delegation.

(a) • • •

(1) The Assistant Secretary of the Army (Installations and Logistics).

• • • • •

(3) The Director and Assistant Director of Procurement, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army.

(4) Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army.

6. Add new Subpart M to Part 590, as follows:

Subpart M—Transportation

Sec

590.1302 Place of delivery.
590.1302–1 Shipments within the United States.
590.1302–2 Shipments from the United States for oversea delivery.
590.1302–3 Shipments originating outside the United States.
590.1308 Transit arrangements.
590.1312 Mode of transportation.
590.1313 Transportation rates and related costs.
590.1313–2 Sources of transportation rates and related costs.
590.1350 Sources of transportation assistance.

AUTHORITY: §§ 590.1302 to 590.1350 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 590.1302 Place of delivery.

§ 590.1302–1 Shipments within the United States.

From the destination data provided in the procurement directive, the contracting officer with the advice and assistance of the transportation officer should determine whether the procurement should be solicited on an f.o.b. origin or f.o.b. destination basis or both. Where it is necessary for contracting officers to control method or mode of transportation, the procurement generally will be made on the basis of f.o.b. origin (§ 590.1312).

§ 590.1302–2 Shipments from the United States for oversea delivery.

(a) When items to be procured are for destinations outside the United States, ocean and port handling costs (inland transportation costs included) will be included in the invitation for bids or request for proposals, and the specific

ports or points of exit that are to be used as a basis for the evaluation of the transportation cost to destinations will be named for consideration by bidders or offerors in their submission of bids and proposals. Ports or points of exit specified for evaluation purposes will be determined by appropriate coordination between the contracting officer and the Department of the Army transportation contacts listed in § 590.1350.

(b) When a destination outside the United States is known and more than one United States port or point of exit is appropriate for use in the evaluation, the differences in transportation costs (ocean, port handling, and inland transportation costs) will be considered, so that the award will reflect the most advantageous basis of cost of the supplies landed at the oversea port. Information pertaining to ocean transportation costs, port handling costs, and inland transportation costs can be obtained from the Department of the Army transportation contacts listed in § 590.1350.

§ 590.1302–3 Shipments originating outside the United States.

When more than one United States port of entry may be appropriate for shipments of items originating from outside the United States destined for delivery within the United States, the selection of the place of delivery shall be based upon consideration of differences in transportation costs (ocean, port handling, and inland transportation costs) which will reflect the lowest cost in accordance with § 1.1313 of this title and § 590.1313.

§ 590.1308 Transit arrangements.

When it is considered that application of transit privileges will be advantageous to the Government, the procedures in chapter 210, AR 55–355 (Administrative Army Regulations) will be followed.

§ 590.1312 Mode of transportation.

(a) *General.* Contracts and purchase orders normally shall not specify a particular method or mode of transportation or a particular carrier for delivery of contract items. When special types of transportation equipment or limited facilities for delivery and receipt of material at destination permit the use of only one mode of transportation, such special delivery requirements may, after referral to appropriate military traffic management offices, be (1) the basis for establishing the requirement for controlling the method or mode of transportation by specifying f.o.b. origin, or (2) included in f.o.b. destination purchase documents.

(b) *Parcel post.* Parcel post in many instances will provide a reliable, economical, and expeditious means of movement of supplies. Use of this service permits direct movement from the source of supply to the user, without the intermediate documentation that is required when supplies are transported through depots, air or water terminals. However, in using this service the provisions of Parts 124 and 125, Postal Manual, Post Office Department, must be strictly adhered to in regard to nonmailable matter and matter mailable under special rules. When items to be procured fall within the category of mailable material, reference will be made to AR 55–173 (Administrative Regulations) and to the Postal Manual, Post Office Department, to assure compliance with policy, procedure, and attendant postal limitations, both domestic and international.

(c) *Mail service.* When contractors use their own labels for making shipments to APO's or post offices serving military consignees outside CONUS, parcels will be stamped or printed "Army Official Mail—Contents for Official Use—Exempt from Customs Requirements" in one-fourth-inch block letters immediately above the label to permit identification and expedite handling within the postal system. Use of this marking does not obviate the requirements for payment of postage by the contractor or vendor when so required by the terms of the purchase document, or when the contractor is to be reimbursed for the cost of postage.

(d) *Mailing indicia.* (1) When parcels are entered into the postal service under "Postage and Fees Paid" indicia, the contracting officer normally will provide the contractor with official mailing labels printed "Postage and Fees Paid, Department of the Army," and preaddressed to the consignee. Labels furnished to contractors must, in every case, bear the typed, printed or hand stamped return address of an activity of the Department of the Army below the printed words "Department of the Army" and over the printed words "Official Business." Name and address of a private person or firm may not be shown.

(2) When contractors are not furnished official mailing labels, they must use their own labels and postage. When reimbursement for postage is to be made, the contractors must agree to show the postage charge as a separate item on the invoice for the supplies shipped. Except when the charge is less than $25 under the principle established by paragraph 3–11, AR 37–107 (Administrative Army Regulations), the postage charge must be supported by a statement of mailing, prepared by the contractor and signed by a postal employee, for each individual shipment (Part 141, Postal Manual, Post Office Department).

(e) *Freight and express shipments on commercial bills of lading to domestic destinations where contract provides f.o.b. origin.* Freight or express shipments may be made on commercial bills of lading to domestic destinations, including United States military air terminals and water terminals, where the contract provides for f.o.b. origin shipment as authorized and under the conditions prescribed below:

(1) *Authority for shipment.* Where the contract provides for delivery f.o.b. origin with shipment to be made on a Government bill of lading, the contracting officer or his designated representative may authorize the supplier, when justified or economical, to make the following shipments under prepaid commercial bill of lading, subject to reimbursement:

(i) Unclassified shipments not exceeding 150 pounds by any form of commercial air transportation. In view of the weight and size restrictions imposed by air carriers, a package weighing more than 100 pounds or measuring more than 44 x 24 x 20 inches should not be tendered to a commercial air carrier until it is known that the package will be accepted by the carrier;

(ii) Unclassified shipments not exceeding 250 pounds by railway express or bus express. In view of the weight and size restriction imposed by bus express carriers, a package weighing more than 100 pounds or measuring more than 45 x 24 x 24 inches should not be tendered to the bus express carrier until it is known that the package will be accepted by the carrier; and

(iii) Unclassified shipments not exceeding 1,000 pounds by other common carriers.

(2) *Contract provisions.* When shipment is made under prepaid commercial bill of lading, as stated in subparagraph (1) of this paragraph, no contract amendment is required. The supplies will move for the account of and at the risk of the Government, and will become Government property when loaded on the carrier's equipment, unless otherwise provided in the contract. Loss or damage claims will be processed in accordance with section IX, AR 735–11 (Administrative Army Regulations). The contractor prepays the transportation charges as an accommodation to the Government. When the contractor will not agree to ship at his expense, subject to reimbursement, a Government bill of lading will be prepared.

(3) *Invoice requirement.* When the contractor is authorized to ship under prepaid commercial bill of lading in lieu of a Government bill of lading, the contractor must agree to show the transportation charges as a separate item on the invoice for each individual shipment of supplies, unless otherwise permitted by the contract. The applicable inspection and receiving report (DD Form 250, DD Form 1155, SF 44, or contractor's packing list) must include a notation that prepaid freight, express, or commercial air, as applicable, was authorized. The amount shown on the contractor's invoice for the transportation costs must be supported with either the original or a copy of the carrier's receipt, except when the amount of the transportation charge is less than $25. Receipts, when required, shall be in the form of a carrier's bill which shall be:

(i) Marked "Prepaid"; or

(ii) Stamped "Paid"; or

(iii) Signed by the carrier's agent in the space for acknowledgment of payment; or

(iv) Bear a notation by the contractor of the check number and date paid.

§ 590.1313 Transportation rates and related costs.

§ 590.1313–2 Sources of transportation rates and related costs.

(a) Ocean rates and port handling costs will be determined in accordance with Transportation Corps publication (TCFMD–SP) subject: Transportation

Costs Factors for Use in the Procurement Cycle and Routing of Export Traffic, dated September 15, 1958, as amended.

(b) Rates between points outside the United States will be obtained from the Office of the Chief of Transportation.

§ 590.1350 Sources of transportation assistance.

Transportation advice and assistance will be obtained from the transportation officer of the local or supporting military activity, the Regional Director, Military Traffic Management Agency (MTMA), for domestic shipments, and from the Army Transportation Officer or Chief of Transportation as appropriate for other shipments. Requests for such advice or assistance addressed to the Chief of Transportation will be submitted through channels.

7. Revise §§ 591.204(c) and 591.250(a) to read as follows:

§ 591.204 Office of permanent record.

* * * * *

(c) *Record of contract actions.* The policy and procedure for the organization and maintenance of contract files are set forth in § 1.308 of this title and § 590.308 of this chapter.

§ 591.250 Distribution of invitations for bids and requests for proposals.

* * * * *

(a) *Industrial assistance and procurement information office.* One copy of every unclassified request for proposals issued in the United States, which is subject to being published in the Department of Commerce publication "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards" (§ 1.1003 of this title, § 590.1003–9 of this chapter and § 591.450); one copy of every unclassified invitation for bids issued in the United States, and one copy of every amendment to each such request for proposals or invitation for bids, shall be sent directly on the date issued, to the Industrial Assistance and Procurement Information Office, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington 25, D.C. Leters of transmittal are not necessary.

8. Revoke §§ 592.106 to 592.106–3, as follows:

§ 592.106 Dissemination of procurement information. [Revoked]

§ 592.106–1 Synopsis of proposed procurements. [Revoked]

§ 592.106–2 Synopsis of contract awards. [Revoked]

§ 592.106–3 Award information to unsuccessful offerors. [Revoked]

9. Revise §§ 592.108, 592.151, 592.152, 592.154, 592.156, and 592.157, as follows:

§ 592.108 Negotiation of intial production contracts for technical or specialized military supplies.

(See § 3.108 of this title and § 590.355 of this chapter.)

§ 592.151 F.o.b. purchasing policy.

The policy with respect to purchasing f.o.b. origin or destination is set forth in Subpart M, Part 1 of this title and Subpart M, Part 590 of this chapter.

§ 592.152 Qualified products.

Qualified Products Lists may be used in procurement by negotiation in accordance with the policy and procedures set forth in Subpart J, Part 1 of this title and Subpart J, Part 590 of this chapter.

§ 592.154 Submission of information on equal or identical proposals.

The provisions of § 591.407–6 of this chapter, relating to procurement by formal advertising, are similarly applicable to procurement by negotiation.

§ 592.156 Disclosure of mistakes after award.

It is the policy of the Department of the Army to conduct negotiations with a view toward complete and final understanding between the contracting parties prior to the execution of a formal contract. The consideration to be given a mistake alleged by a contractor after completion of negotiations and award of the contract will depend on whether the evidence establishes that the claim of mistake is bona fide. Except where the matter is resolved under Part 17 of this title, mistakes alleged by contractors after award will be processed in the same manner as prescribed in § 591.406–4 of this chapter for advertised procurements.

§ 592.157 Protests involving negotiated procurements.

Protests or objections to actions taken or to be taken by a contracting officer in connection with a negotiated procurement shall be handled in accordance with the requirements and procedure set forth in § 591.407–9 of this chapter, except that:

(a) Copies of proposals and requests for proposals, if any, and an abstract of proposals shall be submitted to higher authority in lieu of the requirement for copies of bids, the invitation for bids and abstract of bids under § 591.407–9(c) of this chapter.

(b) The documented case required by § 591.407–9(c) of this chapter shall include a copy of the contract, or reference to the number and date thereof.

10. Revise §§ 592.216–2(c)(2)(ii), 592.306(d), and 592.605–51(i), as follows:

§ 592.216–2 Application.

* * * * *

(c) *Industrial mobilization projects.*

* * *

(2) * * *

(ii) requests for approval of projects which have program approval and which require project approval by the Assistant Secretary of the Army (Installations and Logistics) or the Deputy Chief of Staff for Logistics.

§ 592.306 Procedure with respect to determinations and findings.

* * * * *

(d) The primary test in determining the quantity and dollar amount covered by a determination and findings is the actual demonstrated requirement that exists at the time the determination and findings is submitted to the Assistant Secretary of the Army (Installations and Logistics) for signature. The recitation of the estimated amount of a proposed procurement in a determination and findings, issued under § 592.305(a), is not in itself to be regarded as a monetary limitation upon the authority of the contracting officer to negotiate the contract. However, such determination and findings may not be relied upon by a contracting officer as authority to negotiate a contract which includes work or services outside the scope of such determinations and findings.

§ 592.605–51 Preparation.

* * * * *

(i) The signature of the seller must be obtained in the block headed "Sellers Name" or in lieu thereof the seller's invoice attached to the original Standard Form 44 (Copy No. 1).

11. Revise Subpart G of Part 592 to read as follows:

Subpart G—Negotiated Overhead Rates

Sec.

592.700 Scope of subpart.
592.701 Definitions.
592.702 Purpose.
592.703 Applicability.
592.704 Contract clauses.
592.705 Procedure.
592.706 Coordination.
592.707 Cost-sharing rates.

AUTHORITY: §§ 592.700 to 592.707 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 592.700 Scope of subpart.

This subpart sets forth the policies and implementing procedures for the use of contract clauses entitled Negotiated Overhead Rates (§ 3.704 of this title) and for the negotiation of overhead rates for use in cost-reimbursement type contracts.

§ 592.701 Definitions.

See § 3.701 of this title.

§ 592.702 Purpose.

See § 3.702 of this title.

§ 592.703 Applicability.

(a) The appropriate Negotiated Overhead Rate clause (§ 3.704 of this title) is authorized for use in all cost-reimbursement type contracts (except facilities contracts) with the contractors listed in § 592.706 (b) and (c).

(b) Negotiated Overhead Rates clauses (§ 3.704 of this title) are authorized for use in cost-reimbursement type contracts (except facilities contracts) with any contractor not listed in § 592.706 (b) and (c), when:

(1) Such use will accomplish any or all of the purposes stated in § 3.702 of this title, or will otherwise be advantageous to the Government;

(2) The initial use of the Overhead Rate clause has been coordinated with other Department of the Army procuring activities having a contractual interest with the particular contractor. Where

procuring activities of the Department of the Navy or the Department of the Air Force have a contractual interest with the particular contractor, coordination with these activities will be effected through the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics; and

(3) Clearance by the Head of Procuring Activity has been obtained.

(c) To assure uniformity in the manner of overhead settlement with each contractor to whom paragraph (a) or (b) of this section are applicable:

(1) Notification of the clearance by the Head of Procuring Activity will be furnished immediately upon issuance to the Deputy Chief of Staff for Logistics, Attn: Chief, Contracts Division, for appropriate amendment of § 592.706;

(2) In implementing these instructions, contracting officers will include suitable safeguards to insure that no other provision is used in any subsequent cost-reimbursement type contract (except facilities contracts) with the contractor while the authorization in paragraph (b)(2) of this section is in force or while the contractor is listed in § 592.706 (b) or (c).

(d) Prior to discontinuing use of the Negotiated Overhead Rate clauses with any contractor, clearance will be obtained from the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics. The request for clearance will:

(1) Set forth all the circumstances bearing on the proposed discontinuance,

(2) Include the recommendation of the Head of Procuring Activity, and

(3) Be coordinated in advance with any other interested procuring activity and the cognizant audit service.

§ 592.704 Contract clauses.

See § 3.704 of this title.

§ 592.705 Procedure.

(a) Where the Department of the Army is the sponsor of coordinated negotiations pursuant to § 3.706 of this title or where the negotiations affect more than one procuring activity of the Department of the Army, negotiation cognizance will be assigned to the procuring activity having the preponderance of contract interest (§ 592.706). The conduct of negotiations may be assigned by the Head of the designated Procuring Activity to a field command or purchasing office, except where such reassignment is restricted by § 592.706 or by specific instructions from Headquarters, Department of the Army.

(b) Upon notification by the Department of the Navy or the Department of the Air Force that coordinated overhead rate negotiations have been scheduled with a contractor, Headquarters, Department of the Army, will designate a procuring activity to represent the Department of the Army in the negotiations.

(c) The procuring activity assigned negotiation cognizance under paragraph (a) or (b) of this section will furnish a principal representative of the Department of the Army for the purpose of (1) conducting negotiations where the Department of the Army is the sponsor, or (2) representing the Department of the Army in negotiations sponsored by the Department of the Navy or the Department of the Air Force if the extent of Department of the Army interest warrants participation. Extreme care must be exercised in the selection of the principal representative since his skill, tact, perseverance, experience, knowledge of procurement regulations, and familiarity with business practices will materially affect the result of the negotiations.

(d) The designated principal Department of the Army representative is authorized to act for and on behalf of all Department of the Army procuring activities affected by the negotiation. Procuring activities which do not have negotiation cognizance may designate personnel to attend the negotiation conference as observers, technical advisors, or for training purposes.

(e) The designated principal Department of the Army representative will:

(1) Solicit the comments and recommendations of other procuring activities as to the proposals made by the contractor and the related advisory audit report;

(2) Obtain the advisory comment and analyses of legal, pricing, audit and technical personnel as to the rate or rates of overhead, application of cost principles, treatment of particular items of cost, and other pertinent issues;

(3) Develop the Department of the Army position in coordination with other interested Department of the Army procuring activities, with consideration given to the limitations, special provisions, and cost sharing arrangements of the affected contracts. Any case in which agreement as to the Department of the Army position cannot be reached will be referred to the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army;

(4) Represent the Department of the Army in negotiations sponsored by the Department of the Navy or Department of the Air Force, or conduct the negotiations on behalf of the Government if the Department of the Army is the sponsor;

(5) At least 21 days prior to the negotiation conference, notify all interested procuring activities, the Department of the Navy and Department of the Air Force, and the cognizant military audit agency of the date established for the negotiation conference; and

(6) Prepare and distribute the negotiation report in accordance with paragraph (h) of this section where the Department of the Army is the sponsor.

(f) The procuring activity having negotiation cognizance will provide legal, pricing, and technical assistance to the designated principal representative in the preparation for and conduct of negotiation conference and any preliminary meetings.

(g) The negotiation report will provide the following minimum information:

(1) Name, position, and organization of conferees representing the contractor and the Government;

(2) The purpose of the negotiation and period covered;

(3) Summary of the contractor's proposal, the pertinent advisory audit report comments and recommendations of legal, pricing, and technical advisors;

(4) The various rates of overhead resulting from the negotiation, with a discussion of the treatment given to cost factors requiring specific attention;

(5) A list of the contracts affected by the negotation, showing identification number, total dollar value, and uninvoiced dollar amount, or a statement that such information is provided in the advisory audit report;

(6) Any special treatment agreed upon for contracts containing limitations, special provisions, or cost sharing arrangements, and

(7) Specific comment as to the amounts allowed for costs of the contractor's independent research and development programs and the effect of such allowance and total amounts of overhead and general and administrative expense.

(h) The negotiation report will be signed by the designated principal representative and approved by an official responsible for procurement in the procuring activity having negotiation cognizance. Copies of negotiation reports will be distributed as follows:

(1) For contractors listed in §592.706 (b):

Office of the Deputy Chief of Staff for Logistics (Attn: Chief, Contracts Division)	50
Office of Naval Material (M–37)	60
Headquarters, Air Materiel Command (MCPFA)	60

(2) For contractors listed in § 592.706 (c):

Each purchasing office concerned	3
Cognizant Audit Agency	3
Office of the Deputy Chief of Staff for Logistics Attn: Chief, Contracts Division	30

(3) Where the advisory audit report indicates that purchasing offices of Government agencies outside the Department of Defense have a contractual interest, one copy of the negotiation report will be forwarded to the purchasing office concerned.

§ 592.706 Coordination.

(a) *Representative.* The designation of a principal representative of the Department of the Army is required when an overhead rate is to be negotiated by a Department of the Army procuring activity or jointly by or in behalf of the Department of the Army, Navy, or Air Force procuring activities with the same contractor. Contractors with whom the Negotiated Overhead Rate clause is authorized for use are listed below. Revisions to the lists will be made upon a showing that a significant shift of a long term nature has affected the preponderance of contract interests, and after agreement has been reached between the Military Departments or the Department of the Army procuring activities, as the case may be.

(b) *List of contractors under interdepartmental negotiation coordination.*

Contractors and address	Negotiating agency
Air Reduction Co., New York, N.Y.	Air Force.
Alfred University, Alfred, N.Y.	Air Force.
All American Engineering Co., Wilmington, Del.	Navy.
Alpha Corporation, Dallas, Tex.	Navy.
American Foundation for Biological Research, Chicago, Ill.	Navy–ONR.
American Geographical Society, New York, N.Y.	Air Force.
American Institute for Research, Inc., Pittsburgh, Pa.	Navy.
American Machine & Foundry, Brooklyn, N.Y.	Navy.
Anderson-Greenwood and Co., Bellaire, Tex.	Air Force.
Anderson Nichols Co., Boston, Mass.	Army (Signal Corps).
Andrew Alford, Boston, Mass.	Navy.
Antioch College, Yellow Springs, Ohio	Air Force.
Applied Research Inc., Port Washington, N.Y.	Army (Ordnance Corps).
Arctic Institute of North America, Washington, D.C.	Navy–ONR.
Arizona State University, Tempe, Ariz.	Army (Ordnance Corps).
Associated Engineers, Agawam, Mass.	Army (Ordnance Corps).
Austin Company, New York, N.Y.	Navy.
Auburn University, Auburn, Ala.	Army (Ordnance Corps).
Baird Atomic, Inc., Cambridge, Mass.	Air Force.
Baker Chemical Co., J. T., Phillipsburg, N.J.	Army (Chemical Corps).
Barnes Engineering, Stamford, Conn.	Army (Ordnance Corps).
Barnes and Reinecke, Chicago, Ill.	Army (Corps of Engineers).
Bartel Research Foundation (Franklin Inst.) Philadelphia, Pa.	Navy.
Bausch & Lomb Optical Co., Rochester, N.Y.	Navy.
Baylor University (College of Medicine), Houston, Tex.	Air Force.
Bendix Aviation Corp.:	
(Central Office Expense), Detroit, Mich.	Navy.
(System Division), Ann Arbor, Mich.	Navy.
(Pacific Division), North Hollywood, Calif.	Navy.
(Bendix Radio), Towson, Md.	Navy.
(Friez Instrument Division), Baltimore, Md.	Navy.
(Eclipse-Pioneer Division), Teterboro, N.J.	Navy.
(York Division), York, Pa.	Navy.
Bergen Research Engineering Corp., Teterboro, N.J.	Army (Transportation Corps).
Bloomquist, Albert E. & Associates, Ringoes, N.J.	Army (Quartermaster Corps).
Boston College, Chestnut Hill, Mass.	Air Force.
Boston University, Boston, Mass.	Air Force.
Brandeis University, Waltham, Mass.	Air Force.
Brown University, Providence, R.I.	Navy.
Brooklyn College, Brooklyn, N.Y.	Army (Chemical Corps).
Bryn Mawr College, Bryn Mawr, Pa.	Air Force.
California Institute of Technology, Pasadena, Calif.	Navy.
Carnegie Institute of Technology, Pittsburgh, Pa.	Navy.
Case Institute of Technology, Cleveland, Ohio	Navy.
Catalyst Research Corp., Baltimore, Md.	Army (Ordnance Corps).
Catholic University of America, Washington, D.C.	Navy.
Children's Cancer Research Foundation, Boston, Mass.	Army (Medical Corps).
Children's Hospital of Philadelphia, Philadelphia, Pa.	Army (Medical Corps).
Children's Medical Center, Boston, Mass.	Army (Medical Corps).
Chrysler Corp. (G&A only):	
(Defense Operations Division)	Army (Ordnance Corps).
(Defense Engineering Division)	Army (Ordnance Corps).
Clark University, Worcester, Mass.	Army (Quartermaster Corps).
Climax Molybdenum, Detroit, Mich.	Navy.
Colby College, Waterville, Maine	Army (Medical Corps).
Collins Radio Co., Cedar Rapids, Iowa, and Dallas, Tex.	Navy.
Colorado State University (formerly Colorado A&M College), Fort Collins, Colo.	Navy.
Colorado School of Mines Research Foundation, Inc., Golden, Colo.	Navy–ONR.
Columbia University, New York, N.Y.	Navy–ONR.
Columbia University (Teachers College), New York, N.Y.	Air Force.
Consultants, Inc., Washington, D.C.	Army (Quartermaster Corps).
Container Laboratories, Inc., Washington, D.C.	Army (Chemical Corps).
Continental Aviation & Engineering Corp., Detroit, Mich.	Army (Ordnance Corps).
Continental Electronics Mfg. Co., Dallas, Tex.	Air Force.
Continental Motors Corp. (Lyndon Division), Detroit, Mich.	Army (Corps of Engineers).
Controls for Radiation, Inc., Cambridge, Mass.	Army (Chemical Corps).
Cornell University, Ithaca, N.Y.	Navy.
Curtiss-Wright Corp., Caldwell, N.J. (Propeller Division)	Air Force.
Dartmouth College, Hanover, N.H.	Air Force.
DeBell and Richardson, Inc., Hazardville, Conn.	Army (Quartermaster Corps).
Designers for Industry, Inc., Cleveland, Ohio	Navy.
Drexel Institute of Technology, Philadelphia, Pa.	Navy–ONR.
Duke University, Durham, N.C.	Army (Ordnance Corps).
Dumont (Allen B.) Labs., Inc., Clifton, N.J.	Navy.
Dunlap & Associates, Inc., Stamford, Conn.	Navy.
Eastman Kodak, Rochester, N.Y.	Navy.
Eastman Dental Dispensary, Rochester, N.Y.	Army (Medical Corps).
Edgerton, Germeshausen & Grier, Inc., Boston, Mass.	Army (Signal Corps).
Educational Testing Service, Princeton, N.J.	Navy–ONR.
Electric Storage Battery Co., Raleigh, N.C. (Missile Battery Division).	Army (Ordnance Corps).
Emerson Electric Co., St. Louis, Mo.	Air Force.
Emory University, Atlanta, Ga.	Army (Medical Corps).
Esso Research & Engineering Corp., Elizabeth, N.J.	Navy.
Eureka Williams Corp., Bloomington, Ill.	Army (Ordnance Corps).
Fairchild Engine & Airplane Corp., Hagerstown, Md.	Army (Signal Corps).
Farrand Optical Co., Inc., New York, N.Y.	Air Force.
Firestone Tire & Rubber Co., Akron, Ohio (Home Office General and Administrative Expense only).	Army (Ordnance Corps).
Flexonics Corp., Maywood, Ill.	Army (Ordnance Corps).
Flinchbaugh Products, York, Pa.	Army (Ordnance Corps).
Florida State University, Tallahassee, Fla.	Air Force.
Food Machinery & Chemical Corp.:	
(Special Projects Laboratory), Buffalo, N.Y.	Navy.
(Chemical and Plastics Division), Baltimore, Md.	Army (Chemical Corps).
Fordham University, New York, N.Y.	Air Force.
Ford Motor Company (Aeronutronic Division), Newport Beach, Calif.	Army (Ordnance Corps).
Fram Corp., Providence, R.I.	Army (Transportation Corps).
Franklin Institute of State of Pennsylvania, Philadelphia, Pa.	Navy.
Frederick Research Corp., Bethesda, Md.	Army (Ordnance Corps).
Fruehauf Trailer Co., Detroit, Mich.	Army (Ordnance Corps).
General Dynamics Corp. (Convair Division), San Diego, Calif. (General Office and Adm. Exp. Rate).	Air Force.
General Electric Co., Schenectady, N.Y.	Navy.
General Electric Laboratories, Inc., Cambridge, Mass.	Army (Signal Corps).
General Mills, Inc., Mechanical Division, Minneapolis, Minn.	Navy.
General Motors Corp.:	
(Home Office)	Air Force.
(Aeroproducts-Allison Div.), Vandalia, Ohio (Transmission Operations—Plants 3 and 4) (Aircraft Operations—Plants 2, 5, 8, and 10)	Air Force.
(Allison Division), Indianapolis, Ind.	Air Force.
General Precision Lab., Inc., Pleasantville, N.Y.	Air Force.
General Time Corp., Westclox Division, La Salle, Ill.	Army (Ordnance Corps).
George Washington University, Washington, D.C.	Army.
Georgetown University, Washington, D.C.	Army (Transportation Corps).
Georgia Institute of Technology, Atlanta, Ga.	Navy.
Gibbs and Cox, Inc., New York, N.Y.	Navy.
Hamilton Watch Co., Lancaster, Pa.	Army (Ordnance Corps).
Hahnemann Medical College, Philadelphia, Pa.	Army (Medical Corps).
HRB—Singer, Inc., State College, Pa.	Army (Signal Corps).

Contractors and address	Negotiating agency
Harris Research Laboratory, Inc., Washington, D.C.	Army (Chemical Corps).
Harvard University, Cambridge, Mass.	Navy.
Harvey Aluminum, Torrence, Calif.	Army (Ordnance Corps).
Hazeltine Electronics Corp., New York, N.Y.	Navy.
Hazeltine Research Corp., Little Neck, Long Island, N.Y.	Air Force.
Hercules Powder Co., Wilmington, Del.	Navy.
High Altitude Observatory of the University of Colorado, Boulder, Colo.	Navy.
Hughes Aircraft Co., Culver City, Calif.	Air Force.
Hughes Tool Co., Culver City, Calif. (Aircraft Division)	Air Force.
Illinois Institute of Technology, Chicago, Ill.	Navy.
Indiana University, Bloomington, Ind.	Navy.
International Harvester Co., Chicago, Ill.	Army (Ordnance Corps).
International Latex Corp., Dover, Del.	Navy.
International Telephone & Telegraph Corp., New York, N.Y.:	
(Corporate G&A only)	Air Force.
(IT&T Labs) Nutley, N.J. (All Divisions)	Air Force.
(IT&T Federal Division), Fort Wayne, Ind. (Formerly Farnsworth).	Air Force.
(IT&T Federal Division), Clifton, N.J.	Air Force.
(Kellogg Division), Chicago, Ill.	Air Force.
Iowa State University of Science and Technology, Ames, Iowa.	Navy.
Jefferson Medical College, Philadelphia, Pa.	Army Medical Corps).
John Carroll University, Cleveland, Ohio	Navy–ONR.
Johns Hopkins University, Baltimore, Md.	Navy.
Kansas State University of Agriculture and Applied Science, Manhattan, Kans.	Army (Medical Corps).
Kellogg Co., M. W., Jersey City, N.J.	Navy.
Kermit Rolland Associates, Princeton, N.J.	Army (Ordnance Corps).
Kollsman Instrument Corp., Elmhurst, Long Island, N.Y.	Navy.
Lankenau Hospital, Philadelphia, Pa.	Army (Medical Corps).
Lehigh University, Bethlehem, Pa.	Navy.
Leland Stanford, Jr., University, Stanford, Calif.	Navy.
Lionel Corp., Irvington, N.J.	Army (Ordnance Corps).
Little, Arthur D., Inc., Boston, Mass.	Army (Ordnance Corps).
Lockheed Aircraft Corp.:	
(Corporate Office Expense)	Air Force.
(California Div), Burbank, Calif.	Air Force.
(Georgia Div), Marietta, Ga.	Air Force.
(Missiles Systems Div), Van Nuys and Sunnyvale, Calif.	Air Force.
Lockheed Aircraft International, Inc., Los Angeles, Calif.	Air Force.
Lockheed Aircraft Service, Inc., Ontario, Calif.	Navy–ONR.
Louisiana State University & A&M College, Baton Rouge, La.	Air Force.
Lovelace Foundation, Albuquerque, N. Mex.	Air Force.
Lowell Technological Institute, Lowell, Mass.	Army (Medical Corps).
Massachusetts College of Pharmacy, Boston, Mass.	Navy.
Massachusetts Eye & Ear Infirmary, Boston, Mass.	Army (Medical Corps).
Massachusetts General Hospital, Boston, Mass.	Navy.
Massachusetts Institute of Technology, Cambridge, Mass.	Army (Ordnance Corps).
Mast Development Co., Davenport, Iowa	Army (Ordnance Corps).
Mathewson Tool Co., Orange, Conn.	Army (Medical Corps).
Medical College of Virginia, Richmond, Va.	Air Force.
Mellon Institute of Industrial Research, Pittsburgh, Pa.	Air Force.
Melpar, Inc., Falls Church, Va.	Navy–ONR.
McKiernan & Terry Corp., Dover and Harrison, N.J.	Army (Medical Corps).
Michael Reese Hospital, Chicago, Ill.	Army (Ordnance Corps).
Michigan State University, Ann Arbor, Mich.	Air Force.
Midwest Research Institute, Kansas City, Mo.	Navy.
Mine Safety Appliance Co., Pittsburgh, Pa.	Air Force.
Minneapolis-Honeywell Co., Minneapolis, Minn.:	
(Aeronautical Division)	Air Force.
(Ordnance Division)	Navy–ONR.
Mount Holyoke College, South Hadley, Mass.	Army (Medical Corps).
Mount Sinai Hospital, New York, N.Y.	Army (Signal Corps).
National Co., Malden, Mass.	Army (Medical Corps).
Nassau Hospital, Mineola, N.Y.	Army (Ordnance Corps).
National Research Corp., Cambridge, Mass.	Navy–ONR.
New England Institute for Medical Research, Ridgefield, Conn.	Navy–ONR.
New Mexico State University, Las Cruces, N. Mex.	Navy–ONR.
New Mexico Institute of Mining and Technology, Socorro, N. Mex.	Navy.
New York University, New York	Navy–SHIPS.
Norberg Manufacturing Co., Milwaukee, Wis.	Air Force.
North American Aviation, Inc.:	
(Missile Division) Downey, Calif.	Air Force.
(Los Angeles Division), Los Angeles, Calif.	Air Force.
(Columbus Division), Columbus, Ohio	Air Force.
(Autonetics Division), Downey, Calif.	Air Force.
(Rocketdyne Division), Canoga Park, Calif.; Neosho, Mo.; McGregor, Tex.	Army (Ordnance Corps).
North Carolina State College of Agriculture and Engineering, Raleigh, N.C.	Air Force.
Northeastern University, Boston, Mass.	Navy.
Northwestern University, Evanston, Ill.	Air Force.
Ohio State University Research Foundation, Columbus, Ohio.	Air Force.
Ohio University, Athens, Ohio	Air Force.
Oklahoma State University, Stillwater, Okla.	Army (Ordnance Corps).
Olin Mathieson Chemical Corp.:	
(Explosives Division), East Alton, Ill.	Army (Ordnance Corps).
(Winchester-Western Division), New Haven, Conn.	Army (Ordnance Corps).
(Energy Division—Formerly Aviation Division), New Haven, Conn.	Navy.
(Corporate Office Expense)	Air Force.
Oregon State College, Corvalis, Oreg.	Navy.
Page Communications Engineers, Inc., Washington, D.C.	Navy.
Pennsalt Chemicals Corp., Philadelphia, Pa.	Navy.
Pennsylvania State University, University Park, Pa.	Army (Ordnance Corps).
Philco Corp., Philadelphia, Pa.:	
(Techrep Division)	Navy.
(Government and Industrial Division)	Navy.
(Lansdale Tube Division), Lansdale, Pa.	Army (Medical).
Phillips Petroleum Co., Bartlesville, Okla.	Air Force.
Polaroid Corp., Cambridge, Mass.	Army (Signal Corps).
Polarad Electronics Corp., Long Island, N.Y.	Navy.
Polytechnic Institute of Brooklyn, Brooklyn, N.Y.	Navy.
P. R. D. Electronics, Inc., Brooklyn, N.Y.	Army (Ordnance Corps).
Precision Products Co., Division of KDI Corp., Norwood, Ohio.	Navy.
Princeton University, Princeton, N.J.	Army (Ordnance Corps).
Professional Design Co., Agawam, Mass.	Navy.
Protein Foundation, Boston, Mass.	Navy.
Purdue University, Lafayette, Ind.	Navy.
Radio Corp. of America:	
(Defense Electronic Products), Camden, N.J.	Navy.
(Industrial Electronic Product), Camden, N.J.	Navy.
(Laboratories Division), Princeton, N.J.	Navy.
(Electron Tube Division), Harrison, N.J. and Lancaster, Pa.	Navy.
(Semi Conductor and Material Division), Amerville, N.J.	Navy.
RCA Service Co., Camden, N.J.	Army (Signal Corps).
Radio Receptor Co., Inc., Brooklyn, N.Y.	Army (Ordnance Corps).
Raymond Engineering Laboratories, Inc., Middletown, Conn.	Army.
Raytheon Co., Waltham, Mass.	Navy.
Reflectone Corp., Stamford, Conn.	

Contractors and address	Negotiating agency
Remington Arms Co., Inc., Bridgeport, Conn. (General and Administrative expense only.)	Army (Ordnance Corps).
Rensselear Polytechnic Institute, Troy, N.Y	Air Force.
Republic Aviation Corp.:	
(Aircraft Division), Farmingdale, Long Island, N.Y	Air Force.
(Guided Missile Division), Farmingdale, Long Island, N.Y.	Air Force.
Research Institute of Temple University, Philadelphia, Pa	Navy.
Rice, W. M. Institute, Houston, Tex	Navy–ONR.
Rixon Electronics, Inc., Silver Spring, Md	Army (Ordnance Corps).
Roth Laboratories for Physical Research, Hartford, Conn	Army (Ordnance Corps).
Rutgers University, New Brunswick, N.J	Navy.
Sanford & Co., Roy S. Oxford, Conn	Army (Ordnance Corps).
Seattle University, Seattle, Wash	Air Force.
Shell Development Co., Emoryville, Calif	Navy.
Solar Aircraft Corp., San Diego, Calif	Navy.
~~Southern Research Institute, Birmingham, Ala~~	~~Army (Ordnance Corps).~~
Southwest Research Inst., San Antonio, Tex	Air Force.
Space Technology Laboratories, Inc., Los Angeles, Calif	Air Force.
Sperry Rand Corp.:	
(Sperry Electronic Tube Division), Gainesville, Fla	Air Force.
(Sperry Gyroscope), Great Neck, Long Island, N.Y	Air Force.
(Sperry Microwave), Clearwater, Fla	Air Force.
(Sperry Piedmont Co.), Charlottesville, Va	Air Force.
(Sperry Utah Engineering Lab)	Air Force.
(Sperry Phoenix Co., Division), Phoenix, Ariz	Air Force.
Standard Research Institute, Menlo Park, Calif	Air Force.
State College of Arizona, Flagstaff, Ariz	Air Force.
State University of Iowa, Iowa City, Iowa	Navy.
Stewart-Warner Corp., Chicago, Ill	Navy.
Stelma Inc., Stamford, Conn	Army (Signal Corps).
Stevens Institute of Technology, Hoboken, N.J	Navy.
Studebaker-Packard Co., CTL Division, Cincinnati, Ohio	Army (Ordnance Corps).
St. Elizabeths Hospital, Brighton, Mass	Army (Medical Corps).
St. Louis University, St. Louis, Mo	Army (Ordnance Corps).
Sylvania Electric Products, Inc., New York, N.Y	Navy.
Syracuse University, Syracuse, N.Y	Air Force.
Technical Services Corp., Philadelphia, Pa	Army (Corps of Engineers).
Temple University, Philadelphia, Pa	Army (Ordnance Corps).
Texas A&M Research Foundation, College Station, Tex	Navy.
Texas Instruments, Inc., Dallas, Tex	Navy.
Texas Technological College, Lubbock, Tex	Air Force.
Textile Research Institute, Princeton, N.J	Navy.
Thomas Industries, Inc., Fort Atkinson, Wis	Army (Ordnance Corps).
Thompson Ramo-Woolridge, Los Angeles, Calif. (Ramo-Woolridge Division).	Air Force.
Townsend Engineered Products, Santa Ana, Calif	Air Force.
Tufts College, Medford, Mass	Navy.
Tulane University, New Orleans, La	Navy.
Turbo Machine Co., Lansdale, Pa	Army (Ordnance Corps).
United Aircraft Corp.:	
(Hamilton Standard Division), Windsor Locks, Conn	Navy.
(Pratt and Whitney Division), East Hartford, Conn	Navy.
(Research Labs and Weather System), East Hartford, Conn.	Navy.
United Shoe Machinery Corp., Boston, Mass	Army (Ordnance Corps).
United States Testing Co., Hoboken, N.J	Army (Chemical Corps).
Utah State University of Agriculture and Applied Sciences, Logan, Utah.	Air Force.
University of:	
Alabama, Birmingham, Ala	Army (Ordnance Corps).
Alabama Medical Center, Birmingham, Ala	Army (Medical Corps).
Alaska College, Alaska	Air Force.
Alaska Arctic Research Laboratory, College, Alaska	Navy.
Alaska (Geophysics Inst.), College, Alaska	Air Force.
Akron, Akron, Ohio	Air Force.
Arizona, Tucson, Ariz	Army (Signal Corps).
Arkansas, Fayetteville, Ark	Navy.
Buffalo, Buffalo, N.Y	Navy–ONR.
California, Berkeley, Calif	Navy.
Chicago, Chicago, Ill	Navy.
Cincinnati, Cincinnati, Ohio	Navy.
Colorado, Boulder, Colo	Navy.
Colorado, Medical Center, Denver, Colo	Navy.
Colorado, High Altitude Medical Center, Boulder, Colo	Navy.
Connecticut, Storrs, Conn	Army (Ordnance Corps).
Dayton, Dayton, Ohio	Air Force.
Delaware, Newark, Del	Navy.
Denver, Denver, Colo	Air Force.
~~Detroit, Detroit, Mich~~	~~Army (Ordnance Corps).~~
Florida, Gainesville, Fla	Navy.
Georgia, Athens, Ga	Army (Ordnance Corps).
Hawaii, Honolulu, Hawaii	Air Force.
Illinois, Champaign-Urbana, Ill	Navy.
Kansas, Lawrence, Kans	Army (Ordnance Corps).
Kentucky & Kentucky Research Foundation, Inc., Lexington, Ky.	Air Force.
Maryland, Baltimore, Md	Navy.
Maryland, College Park, Md	Navy.
Miami, Coral Gables, Fla	Navy.
Michigan, Ann Arbor, Mich	Army (Signal Corps).
Minnesota, Minneapolis, Minn	Air Force.
Mississippi, Medical Center, Jackson, Miss	Army (Medical Corps).
Missouri, Columbia, Mo	Navy.
New Hampshire, Durham, N.H	Air Force.
New Mexico, Albuquerque, N. Mex	Air Force.
North Carolina, Chapel Hill, N.C	Navy.
Notre Dame, Notre Dame, Ind	Air Force.
Oklahoma Research Institute, Norman, Okla	Navy.
Oregon, Eugene, Oreg	Navy.
Oregon, Dental School, Portland, Oreg	Army (Medical Corps).
Oregon, Medical School, Portland, Oreg	Navy.
Pennsylvania, Philadelphia, Pa	Navy.
Pittsburgh, Pittsburgh, Pa	Navy.
Puerto Rico, College of Agriculture & Mechanical Arts, Mayaguez, P.R.	Air Force.
Rhode Island, Kingston, R.I	Navy.
Rochester, Rochester, N.Y	Navy.
South Carolina, Columbia, S.C	Air Force.
Southern California, Los Angeles, Calif	Navy.
Tennessee, Knoxville, Tenn	Navy.
Tennessee, Memphis, Tenn. (Medical School)	Navy.
Texas, Austin, Tex	Air Force.
Texas Medical Branch, Galveston, Tex	Air Force.
Utah, Salt Lake City, Utah	Army (Chemical Corps).
Vermont State and Agricultural College, Burlington, Vt.	Navy.
Virginia, Charlottesville, Va	Navy.
Washington, Seattle, Wash	Navy.
Wichita, Wichita, Kans	Air Force.
Wisconsin, Madison, Wis	Navy.
Vanderbilt, University, Nashville, Tenn	Army (Medical Corps).
Versitron, Inc., Washington, D.C	Army (Ordnance Corps).
Villanova University, Villanova, Pa	Navy.
Virginia Institute of Scientific Research, Richmond, Va	Army (Signal Corps).
Virginia Military Institute, Lexington, Va	Army (Ordnance Corps).
Virginia Polytechnic Institute, Blacksburg, Va	Army (Ordnance Corps).
Wake Forest College (Bowman Gray School of Medicine), Winston-Salem, N.C.	Army (Medical Corps).
Washington University, St. Louis, Mo	Navy.
Washington State University, Pullman, Wash	Army (Medical Corps).
Wayne State University, Detroit, Mich	Air Force.
Wentworth Institute, Boston, Mass	Air Force.
West Virginia University, Morgantown, W. Va	Navy.
Western Gear Corp., Lynwood, Calif	Navy.
Western Electric Co., New York, N.Y [1]	Army (Ordnance Corps).
Western Reserve University, Cleveland, Ohio	Air Force.
Westinghouse Electric Corp., Pittsburgh, Pa	Navy.
Wisconsin Alumni Research Foundation, Madison, Wis	Army (Medical Corps).
Worcester Foundation for Experimental Biology, Shrewsbury, Mass.	Army (Medical Corps).
Yale University, New Haven, Conn	Navy.
Zenith Radio Corp., Chicago, Ill	Army (Ordnance Corps).

[1] Conduct of negotiations will not be assigned to a field procurement office.

(c) *List of contractors under coordination within the Department of the Army.*

Contractor and address	Negotiation agency
Albion Malleable Iron Co., Albion, Mich	Ordnance Corps.
Aluminum Co. of America, Pittsburgh, Pa	Chemical Corps.
American Meat Institute, Chicago, Ill	Quartermaster Corps.
Arctic Research, Inc., Clare, Mich	Quartermaster Corps.
Archer Rubber Co., Milford, Mass	Quartermaster Corps.
Baker, Perkins Co., Cincinnati, Ohio	Quartermaster Corps.
Beckman & Whitley, Inc., San Carlos, Calif	Quartermaster Corps.
Benson-Lehner Corp., Los Angeles, Calif	Corps of Engineers.
Booz-Allen Applied Research, Inc., Glenview, Ill	Chemical Corps.
Bowen Engineering, Inc., North Branch, N.J	Chemical Corps.
Beese Industries, Inc	Quartermaster Corps.
Briggs Filtration Co., Washington, D.C	Quartermaster Corps.
Bryn Mawr Hospital, Bryn Mawr, Pa	Medical Corps.
Clark Equipment Co., Battle Creek, Mich	Quartermaster Corps.
Clarkson College of Technology, Potsdam, N.Y	Chemical Corps.
Cincinnati Designing, Inc., Cincinnati, Ohio	Ordnance Corps.
College of Medical Evangelists, Loma Linda, Calif	Chemical Corps.
College of Physicians and Surgeons, San Francisco, Calif	Medical Corps.
Continental Can Co., New York, N.Y	Quartermaster Corps.
Continental Copper and Steel Industries, New York, N.Y	Chemical Corps.
Controls Co. of America, Milwaukee, Wis	Quartermaster Corps.
Convertawings, Inc., Amityville, Long Island, N.Y	Transportation Corps.
Doak Aircraft Co., Inc., Torrance, Calif	Transportation Corps.
Englehard Industries, NA Wilson Division, Union, N.J	Quartermaster Corps.
Florida State Board of Health, Jacksonville, Fla	Medical Corps.
Flow Corp., Arlington, Mass	Quartermaster Corps.
L. W. Foster Sportswear Co., Inc., Philadelphia, Pa	Quartermaster Corps.
General Analysis Corp., Los Angeles, Calif	Signal Corps.
General Communications, Boston, Mass	Signal Corps.
General Tire and Rubber Co., Wabash, Ind	Quartermaster Corps.
W. R. Grace & Co., Clarksville, Md	Chemical Corps.
Gulton Industries, Inc., Metuchen, N.J	Chemical Corps.
Hodgman Rubber Co., Framingham, Mass	Quartermaster Corps.
Hogan Laboratories, New York, N.Y	Corps of Engineers.
Hunter Manufacturing Co., Solon, Ohio	Quartermaster Corps.
Ingraham Co., Bristol, Conn	Ordnance Corps.
Isotopes, Inc., Westwood, N.J	Defense Atomic Support Agency.
Kellet Aircraft Corp., Willow Grove, Pa	Transportation Corps.
Kansas City University, Kansas City, Mo	Medical Corps.
Joseph Kaye & Co., Cambridge, Mass	Quartermaster Corps.
Kuss Industries, Inc., Philadelphia, Pa	Quartermaster Corps.
Le Tourneau, L. G., Inc., Longview, Tex	Transportation Corps.
Letourneau-Westinghouse, Peoria, Ill	Corps of Engineers.
Litter, D. H., Inc., New York, N.Y	Chemical Corps.
M & T Co., Philadelphia, Pa	Chemical Corps.
Magnesuim Products of Milwaukee, Wis	Transportation Corps.
Marquette University, Milwaukee, Wis	Medical Corps.
Metropolitan Denver Research Foundation, Denver, Colo	Medical Corps.
McGraw-Hill Book Co., Inc., New York, N.Y	Ordnance Corps.
Michigan Chemical Corp., St. Louis, Mich	Medical Corps.
Michigan College of Mining & Technology, Houghton, Mich	Corps of Engineers.
Monsanto Chemical Co., Boston, Mass	Chemical Corps.
MTD Research & Development, Timonium, Md	Chemical Corps.
Nassau Hospital, Mineola, N.Y	Medical Corps.
NRC Equipment Corp., Newton, Mass	Quartermaster Corps.
Oliver Corp., York, Pa	Quartermaster Corps.
Operations Research, Inc., Silver Spring, Md	Chemical Corps.
Ordnance Engineering Associates, Chicago, Ill	Ordnance Corps.
Perkin-Elmer Corp., Norwalk, Conn	Chemical Corps.
Piedmont Hospital, Atlanta, Ga	Medical Corps.
Pitman Manufacturing Co., Grandview, Mo	Corps of Engineers.
Radiation Research, Westbury, Long Island, N.Y	Signal Corps.
Reigel Paper Co., New York, N.Y	Chemical Corps.
Robert Brigham Hospital, Boston, Mass	Medical Corps.
Royer and Roger, New York, N.Y	Chemical Corps.
Sanderson and Porter, New York, N.Y	Corps of Engineers.
Schwarz Bioresearch, Inc., Mount Vernon, N.Y	Medical Corps.
Sciaky Brothers, Inc., Chicago, Ill	Chemical Corps.
Seton Hall College of Dentistry and Medicine, Jersey City, N.J	Medical Corps.
South River Metal Products Co., South River, N.J	Transportation Corps.
Space Corp., Dallas, Tex	Chemical Corps.
Sportcaster Co., Seattle, Wash	Quartermaster Corps.
Springfield College, Springfield, Mass	Medical Corps.
St. Vincent's Charity Hospital, Cleveland, Ohio	Medical Corps.
Sun Electric Co., Chicago, Ill	Transportation Corps.
Swift Ohio Corp., Kenton, Ohio	Corps of Engineers.
Underwood Corp., New York, N.Y	Quartermaster Corps.
Union Thermoelectric Corp., Evanston, Ill	Signal Corps.
University of Louisville, Louisville, Ky	Medical Corps.
University of Montreal, Montreal, Canada	Medical Corps.
Texas Women's University, Denton, Tex	Medical Corps.
Van Brode Milling Co., Inc., Hoboken, N.J	Quartermaster Corps.
B. E. Wallace Products Corp., Exton, Pa	Quartermaster Corps.
Ward Industries Corp., Prosperity Co. Division, Syracuse, N.Y	Quartermaster Corps.
Warner, Lewis Co., Tulsa, Okla	Quartermaster Corps.
Waste King Corp., Los Angeles, Calif	Transportation Corps.
Wistar Institute of Anatomy and Biology, Philadelphia, Pa	Chemical Corps.
Woodward Research Corp., Herndon, Va	Chemical Corps.
World Life Research Institute, Colton, Calif	Chemical Corps.
Yale and Towne, Philadelphia, Pa	Quartermaster Corps.
York Shipley, Inc., York, Pa	Quartermaster Corps.

§ 592.707 Cost-sharing rates.

See § 3.707 of this title.

12. Add new §§ 592.850, 592.850–1, 592.850–2, 592.850–3, 592.850–4, 592.850–5 and 592.850–6, as follows:

§ 592.850 Uniform negotiations for reimbursement of independent research and development costs.

(a) *General.* Sections 592.850 to 592.850–6 set forth policies and procedures for establishing the extent to which reasonable and allocable costs of contractors' independent research and development programs (§ 15.205–35 of this title) will be allowed under contracts to which Subpart B or Subpart F, Part 15 of this title, is applicable.

(b) *Policy.* The recognition and acceptance of the costs of contractors independent research and development programs by contracting officers of the Department of the Army are governed by the following policies:

(1) Any costs will be treated uniformly among all Army contractors, subject to any specific limitations necessary to express the intent of the parties in a particular contract;

(2) The agreements of the procuring activity having negotiation cognizance of a contractor will be binding upon all Department of the Army contracting officers in administering contracts with such contractor for the period covered, subject to any pertinent special contract provisions, and

(3) The advisory services of the cognizant audit agency will be used to establish negotiation cognizance when necessary, and to establish the acceptability of contractors' accounting procedures and costs.

(c) *Purpose.* The policies and procedures in this section and §§ 592.850–1 through 592.850–6 are published to:

(1) Effect uniformity in establishing the extent of allowability of costs of contractors' independent research and development programs;

(2) Effect economy in administrative effort; and

(3) To promote timely establishement of reasonable and allocable amounts for independent research and independent development cost, thereby expediting settlement of contractors' cost reimbursement invoices and the redetermination of contract prices.

(d) *Applicability.* The policies and procedures in this section and §§ 592.–850–1 through 592.850–6 apply to all proposals, claims, invoices, and related cost breakdown or cost analysis submitted for consideration in connection with any contract, or modification thereof, to which Subpart B or Subpart F, Part 15 of this title is applicable, and in which the contractors seek recognition of, or reimbursement for, all or part of the costs of their independent research and development programs. The extent of allowability of such costs will be established by the contracting officer within the conditions and criteria of § 15.205–35 of this title and §592.850–2, subject to the provisions of § 592.850–1 relating to negotiation cognizance. Negotiations, supported when necessary by scientific and technical review and evaluation, will be conducted whenever (1) advance understandings (§ 15.107 of this title) are to be used or (2) the reasonableness of the forecast or experienced costs of independent research and development programs cannot be established by other methods.

(e) *Procedure.* Whenever negotiation of independent research and development program costs is required pursuant to paragraph (d) of this section, the procedure set forth below will be followed:

(1) Negotiation cognizance will be established in accordance with § 592.850–1.

(2) Information pertaining to the independent research and development programs (§ 592.850–2) will be obtained from the contractor by the procuring activity having negotiation cognizance.

(3) Technical and scientific review and evaluation will be accomplished from the information submitted by the contractor, if necessary (§ 592.850–3).

(4) An advisory report in accordance with § 592.850–4 will be requested from the cognizant audit agency.

(5) Negotiations will be conducted by the procuring activity having negotiation cognizance and a summary of the negotiation will be prepared and distributed in accordance with § 592.850–5.

(6) The results of negotiation will be recognized in all affected contracts pursuant to § 592.850–6.

§ 592.850–1 Negotiation cognizance.

Negotiation cognizance will be established in accordance with the following procedures:

(a) Where a contractor is doing business with more than one Military Department, the Military Departments have agreed to designate a single department as the cognizant negotiating activity.

Contractor	Negotiating agency
*Aerojet-General	Navy.
Aircraft Armaments, Inc	Army (Ordnance).
*Arma Division, American Bosch Arma Corp	Air Force.
*American Machine and Foundry	Navy.
*AVCO Manufacturing Corp	Air Force.
*Bell Aerosystems Co	Air Force.
*Bendix Corporation (all divisions)	Navy.
*Boeing Airplane Co	Air Force.
Bulova Research & Development Laboratories, Inc	Army (Ordnance).
Catalyst Research Co	Army (Ordnance).
*Chance-Vought	Navy.
*Collins Radio Co	Navy.
*Curtiss-Wright Corp	Navy.
Electronics Division	Air Force.
Propellor Division	Air Force.
*Douglas Aircraft Co. (all divisions)	Air Force.
*Eastman Kodak Co., Apparatus and Optical Division	Navy.
*Emerson Electric Mfg. Company	Air Force.
*Ford Motor Company (Aeronutronic Division)	Army (Ordnance).
*General Dynamics Corp.:	
Convair Division	Air Force.
Stromberg-Carlson Division	Air Force.
*General Electric Co.:	
Aircraft Accessories Turban Dept	Air Force.
Defense Systems Dept	Air Force.
Heavy and Light Military Depts	Air Force.
Missile and Space Division	Air Force.
Ordnance Division	Air Force.
*General Mills, Inc., Mechanical Division	Navy.
*General Motors Corp.:	
AC Sparkplug Division (ACSP)	Air Force.
Allison Division	Air Force.
*General Precision Equipment Co. (all affiliates and subsidies)	Air Force.
*Goodyear Aircraft Co	Air Force.
HRB-Singer, Inc	Army (Signal Corps).
*Hercules Powder Co	Navy.
*Hughes Aircraft Co	Air Force.
*IBM Corp., Federal Division (MARP)	Air Force.
*IT&T Corp	Air Force.
*Kollsman Instrument Corp	Navy.
*Lockheed Aircraft Corp. (all divisions)	Air Force.
*Magnavox Co	Navy.
*Marquardt Corp	Air Force.
*Martin, Co., The	Navy.
*McDonnell Aircraft Corp	Navy.
Melpar, Inc	Air Force.
*Minneapolis-Honeywell Regulator Co.:	
Aero Division	Air Force.
Ordnance Division	Air Force.
Motorola, Inc	Army (Signal Corps).
*North American Aviation, Inc	Air Force.
National Co	Army (Signal Corps).
*Northrop Corp	Air Force.
*Olin Mathieson Chemical Corp	Army (Ordnance).

*Indicates contractors whose programs will have technical and scientific evaluation by Armed Services Research Specialists Committee.

(b) Where a contractor is under the Department of the Army cognizance as the result of the procedure in paragraph (a) of this section, the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics will designate a procuring activity to conduct the negotiations on behalf of the Department of the Army.

(c) Where a contractor is doing business only with the Department of the Army negotiation cognizance will be exercised by the procuring activity having the preponderant contract dollar interest. This assumption of action will be coordinated with the other procuring activities concerned, and notification thereof will be forwarded immediately to Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics.

(d) Designations of negotiation cognizance reflecting agreements reached in accordance with paragraph (a) of this section are listed below:

Contractor and address	Negotiating agency
*Page Communications	Air Force.
*Philco Corp	Navy.
*RCA (Radio Corp. of America) (all divisions)	Navy.
*Raytheon Co	Army (Ordnance).
*Republic Aviation Corp	Air Force.
*Solar Aircraft	Navy.
*Space Technology Laboratories, Inc	Air Force.
*Sperry Rand Corp.:	
Sperry Electronic Tube Division	Air Force.
Sperry Gyroscope Division	Air Force.
Remington Rand-Univac Division	Air Force.
*Sundstrant Corp	Air Force.
*Sylvania Electric Products, Inc	Navy.
*Thiokol Corp	Air Force.
*Thompson-Ramo-Wooldridge, Inc.	
Ramo Wooldridge Division	Air Force.
TAPOO Division	Air Force.
*United Aircraft Corp.:	
Hamilton Standard Division	Navy.
Research Division	Navy.
Sikorsky Division	Navy.
*Western Electric Co	Army (Ordnance).
*Westinghouse Electric Co	Navy.

*Indicates contractors whose programs will have technical and scientific evaluation by Armed Services Research Specialists Committee.

§ 592.850–2 Prenegotiation review and evaluation.

(a) Where negotiation is required (§ 592.850(d)) the Department of the Army procuring activity which has negotiation cognizance (§ 592.850–1(b) and (c)) will inform the contractor of the provisions of § 15.205–35 of this title and will request the contractor to submit his proposal of the amounts to be considered allowable, supported by information sufficient to permit the evaluation and negotiation of the proposal. The following are guidelines as to such supporting information considered pertinent to the claimed or forecast costs of independent research and development programs consistent with § 15.205–35(h) of this title:

(1) A summary of the cost elements and amounts (experienced or forecast, as appropriate) which comprise the total independent research program expense and the total independent development program expense, separately, for the contractor's fiscal year for which allowance is sought;

(2) An analysis of net sales for at least three immediately preceding years, showing the sales attributable to Department of Defense contracts and to other customers, and the amounts allocated to each sales category for cost of independent research and development programs separately for each year;

(3) A statement of the extent and scope of the contractor's research and development activity for at least the three previous years, and a comparison with the programs for the year under negotiation, including a summary of any significant changes in science and technology affecting these programs;

(4) A list of contracts currently in force with agencies of the Department of Defense, showing agency contract number, total dollar value, uninvoiced dollar value, type of contract, and indicating the cost sharing provisions, if any;

(5) A statement of the broad plan of each program as distinguished from individual projects, indicating its scope, relationship to the income producing activities of the contractor, the methods by which the programs are managed, and the accounting procedures employed for equitably distributing the total costs, and

(6) A list of product lines to which the costs of independent development projects are to be distributed and the extent of contract interest by Department of Defense agencies.

(b) In any case where the reasonableness of the proposed or claimed costs of independent research and development programs cannot be established by review, analysis, and discussion of financial and historical information, the contractor will be requested to submit a brochure prepared in accordance with the following format and guidelines, which will set forth the scope and costs of such programs. It is the purpose of this brochure to permit determining the allowability of costs of the individual program phases under the various stipulations of § 15.205–35 of this title, and appraising the reasonableness of these costs in accordance with § 15.205–35(h) of this title.

(1) *Format.* The brochure is to be divided into two sections. One section shall describe the contractor's independent research program, as defined in § 15.205–35(a) of this title for which allowance is requested under the terms of § 15.205–35(d) of this title. The other section shall describe the contractor's independent development program for which allowance is requested under the terms of § 15.205–35(e) of this title. In each instance, the brochure will report individually on each project, i.e. the smallest administratively recognizable unit of task assignment in the reporting laboratory. Each project description will include the following minimum information:

(i) Title of the project;

(ii) Budgeted or actual annual expenditure;

(iii) The length of time the project has been running, and total expenditures to date;

(iv) Estimated date of completion of project;

(v) Estimated effort in terms of professional man/years (Research) of hours of engineering effort (Development) and the professional grade or classification of personnel to be utilized;

(vi) Summary of past technical achievements under this and related projects in the same field, and

(vii) A concise statement of the project objective and a narrative description of the technical approach.

(2) *Guidelines.* The technical portions of the individual project descriptions shall be stated in appropriate and concise scientific language customarily used in reporting the subject in scientific journals. The projects are to be described and should not include obvious justifications of the work required by internal management. Reports or reprints resulting from past activity under the reported projects may accompany the submission. In the case of independent development projects, the contractor shall indicate the product lines for which he has contracts with the Government and under which the indirect costs of the project are to be allowed. In addition to the written descriptions of each project, the procuring activity having negotiation cognizance may wish to elicit further information about these projects in direct discussions. Accordingly, in addition to the brochures, the contractors will furnish the name, title, and address of two or three officials with overall responsibility and supervision of the corporations independent research or development programs, and with knowledge of other individuals with specialized engineering and financial background information about these projects.

(c) Heads of Procuring Activities having negotiation cognizance will establish the number of copies of proposals, supporting information, and brochures to be submitted by contractors. At least one copy will be obtained for and distributed to the chief of other interested procuring activities, and in any case where the technical and scientific review will be performed by the Armed Services Research Specialists Committee, 15 additional copies will be obtained and forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief Contracts Division, for appropriate distribution. The public reporting requirement required by this section has been approved by the Bureau of the Budget and approval number 49–R–377 has been assigned, effective through June 30, 1963.

§ 592.850–3 Technical and scientific review and evaluation.

(a) A technical and scientific review and evaluation will be accomplished in accordance with paragraph (b) or (c) of this section, as appropriate, on the program information submitted by contractors when in the opinion of the procurement official responsible for the conduct of negotiation the reasonableness and allocability of the estimated or claimed costs cannot be clearly and convincingly established by other methods. This review and evaluation will (1) establish that the projects comprising each program are properly classified as either research or as development; (2) as to re-

search, provide recommendations concerning scientific factors considered to affect the basis or extent to which the contractor's program is appropriate for support; and (3) as to development, provide recommendation as to the portion of the independent development program which is appropriate for support within the contractor's product lines. Where a contractor's normal course of business does not involve production work, the recommendation shall relate to the procurement or work falling within the contractor's field of effort on Government research and development contracts.

(b) Where a contractor is doing business with more than one military department and negotiation cognizance has been established in accordance with § 592.850–1, the military department which has negotiation cognizance will be responsible for the technical and scientific review and evaluation. As agreed upon by the military departments, the program information of certain representative contractors, identified in § 592.850–1(d), will be reviewed and evaluated by the Armed Services Research Specialists Committee. Referrals for that purpose and recommendations for additions to the selected list will be forwarded to the Armed Services Research Specialists Committee through the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Washington 25, D.C.

(c) Where a contractor is doing business only with the Department of the Army, the procuring activity having negotiation cognizance is responsible for establishing procedures for the performance of any necessary reviews and evaluations by qualified scientific and technical personnel. Such procedures, and subsequent revisions thereof, will be submitted to the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, for approval prior to publication. Technical and scientific reviews and evaluations will be made by procuring activities in accordance with the separate guidance issued by the Chief of Research and Development, Headquarters, Department of the Army, which established uniform criteria and methods for evaluation.

(d) The results of the technical and scientific reviews and evaluations will be provided by written advice to a requesting agency in the minimum number of copies necessary. Four copies will be furnished to the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army.

§ 592.850–4 Use of audit services.

(a) Advisory reports of the cognizant audit agency will be obtained for use in establishing negotiation cognizance, where necessary.

(b) Information obtained from contractors pursuant to § 592.850–2 will be referred to the cognizant audit agency for advisory report as to (1) reliability of contractor's estimating and costing procedures, (2) methods used in identifying, segregating, and allocating costs of independent research and of development programs; (3) acceptability of costs within the criteria of § 15.205–35 of this title, and (4) other observations intended to provide the procuring activity having negotiation cognizance with complete factual guidance in the area of costs.

§ 592.850–5 Conduct of negotiations.

(a) The negotiation of independent research and development costs will be conducted pursuant to the pertinent policies and procedures in Subpart H, Part 3 of this title and this subpart. The Department of the Army procuring activity having negotiation cognizance, as sponsor, will insure that such negotiations are fully coordinated and that timely notification of the time and place for the negotiation conference is furnished to other interested procuring activities.

(b) It is the responsibility of each Head of Procuring Activity to advise the procuring activity having negotiation cognizance as to any limitations, special provisions, or cost-sharing arrangements, contained in any contract which will be effected by the negotiations and which is being administered by that procuring activity. In addition, representatives of procuring activities designated to participate in a negotiation conference, will be prepared for such participation by a thorough knowledge of the contract provisions, the information submitted by the contractor, and of any scientific and technical review and evaluation or audit report thereon.

(c) Upon completion of negotiations, the procuring activity having negotiation cognizance will prepare a negotiation summary which will include: (1) The purpose of the negotiation; (2) names and position title of both the Government and the contractor's representatives; (3) a summary of the contractor's proposal and submitted information, the scientific and technical review and evaluation, if any, pertinent audit comments and the advisory comments of technical, pricing, and legal personnel of the procuring activity having negotiation cognizance; (4) a list of affected contracts, showing contract numbers, total dollar value and uninvoiced dollar amount by contract, and type of contract (unless such list is provided in the advisory audit report); (5) any special treatment agreed upon for contracts containing limitations, special provisions or cost sharing arrangements; (6) special details of the negotiated cost allowance, including ceiling value, if any, and the effect on rates for overhead, and general and administrative expense with an estimate of the total resulting cost to the Department of the Army. The negotiation summaries will be signed by the principal negotiator and approved by an official responsible for procurement in the procuring activity having negotiation cognizance. Copies of the negotiation summary will be distributed for action and information, as appropriate, to the following in the quantities indicated:

(i) Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, 50 copies;

(ii) Headquarters, Air Force Logistics Command (MCPFA), 177 copies;

(iii) Office of Naval Material (37), 60 copies, and

(iv) Armed Services Research Specialists Committee, 5 copies.

§ 592.850–6 Recognition in contracts.

Agreements reached as a result of negotiations determine the extent and manner of allowance of contractor's costs of independent research and development programs. Such agreements will be fully expressed in contracts affected thereby, either by special provisions in the basic contract or by supplemental action, as appropriate, and will clearly define any limitations, ceilings, or cost-sharing arrangements.

13. Revise §§ 595.504(a) and 596.105–5 and revoke §§ 596.203–50 and 597.300, as follows:

§ 595.504 Mutual Canadian-American interests.

(a) *General.* In implementing the Department of Defense policy of seeking the best possible coordination of the materiel programs of Canada and the United States, the Assistant Secretary of the Army (Installations and Logistics) has made determinations concerning listed supplies and instructions with respect to bids and proposals offering Canadian end products, as set forth in Subpart A of this part and in this subpart.

§ 596.105–5 Liquidated damages.

See § 1.310 of this title and § 590.310 of this chapter.

§ 596.203–50 Allowable cost; incentive fee and payment. [Revoked]

§ 597.300 Scope of subpart. [Revoked]

14. Revise § 598.105–51(a)(2) and in § 598.105–64(e), revise article 12 and the ending portion of the contract form, as follows:

§ 598.105–51 Authority.

(a) *Acquisition of releases of past infringement and licenses.*

* * * * *

(2) The Director and Assistant Director of Procurement, Office of the Deputy Chief of Staff for Logistics.

§ 598.105–64 Contract clauses and forms.

* * * * *

(e) *Suggested contract forms.*

* * * * *

ARTICLE 12. *Approval of contract.*[4]
This contract shall be subject to approval for the Secretary of the Army by or in behalf of the Assistant Judge Advocate General for Civil law, Department of the Army, and shall not be binding until so approved.

In witness whereof, the parties hereto have executed this contract as the day and year first above written.

THE UNITED STATES OF AMERICA

By ----------
(Signature and title of designee)

By ----------
(Signature and title of contractor)

[CORPORATE SEAL]

Two witnesses:

(Address)

(Address)

Pursuant to Army Procurement Procedure 9-105.61, the foregoing contract is hereby approved.[4]

Assistant Judge Advocate General for Civil Law, Department of the Army.

Dated: ----------

[4] To be used only where required by APP 9-105.61.

15. Sections 598.1501 through 598.1509 are redesignated as §§ 598.1500 through 598.1508, as follows:

§ 598.1500 Scope of subpart. [Redesignation]

§ 598.1501 General policy. [Redesignation]

§ 598.1502 Action by representation. [Redesignation]

§ 598.1503 Reporting of proposed licenses and assignments. [Redesignation]

§ 598.1504 Correspondence with invention owner or his representative. [Redesignation]

§ 598.1505 Clearance to consider and procure licenses and assignments. [Redesignation]

§ 598.1506 Final report by designee where no license or assignment is procured. [Redesignation]

§ 598.1507 Procedure applicable to procurement of invention and patent rights. [Redesignation]

§ 598.1508 Gratuitous grants. [Redesignation]

16. Revise § 599.501–4(c)(1), revise the first sentence of paragraph (a) in § 600.051, and revise §§ 601.102–4 and 601.450, as follows:

§ 599.501–4 Aircraft public and passenger liability insurance.

* * * * *

(c) *Aircraft products liability insurance.* * * *

(1) Unless approved by the Assistant Secretary of the Army (Installations and Logistics), no provision shall be included in any contract for the manufacture, repair, or modification of aircraft which provides for reimbursement to, or indemnification of, a contractor on account of liability to third persons for loss or damage to property, death, or bodily injury where the liability arises out of a "products hazard" (as that term is defined in the usual type of aircraft products liability insurance policy). Requests for the approval of the Assistant Secretary of the Army (Installations and Logistics), including full justification, shall be forwarded, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division.

§ 600.051 Procurement outside the United States.

(a) The policies and procedures set forth in Part 11 of this title and this part, are applicable to procurements effected outside the United States to the extent that the cost of the supplies or services procured includes Federal, State, or local taxes, including taxes of possessions. * * *

§ 601.102–4 Approvals.

The following individuals have been appointed designees by the Assistant Secretary of the Army (Installations and Logistics) for the purpose of making determinations and approving use of overtime premiums and shift-premiums by contractors at Government expense:

(a) The Deputy Chief of Staff for Logistics; the Director of Procurement, the Assistant Director of Procurement, and the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics;

(b) Each Chief of Technical Service, his deputy, and the principal assistant in his headquarters office responsible for procurement;

(c) The Commanding General and his deputy of: the U.S. Army Alaska; the U.S. Army, Europe (Rear)/Communications Zone; the U.S. Army, Japan; and the U.S. Army, Hawaii;

(d) The Commanding General and his deputy of the U.S. Army Ordnance Missile Command; and

(e) The Chief of Research and Development; the Director of Army Research; and the Chief of Research Support Division, Office of the Director of Army Research.

§ 601.450 List of debarred, ineligible, and suspended bidders.

The list of persons and firms found by the Comptroller General to have violated the requirements of the statutes relating to labor standards is incorporated by the Office of the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) in the consolidated list issued in accordance with § 590.601–1 of this chapter. The list is for the use and guidance of all interested agencies of the Department of the Army. Contracting officers shall comply with the prohibitions contained in the list of such persons and firms published by the Comptroller General, prior to incorporation of such information in the Department of the Army consolidated list.

17. Revise the introductory portion of § 602.406–50, and revise §§ 602.406–51(d), 605.203, and 605.505–50, as follows:

§ 602.406–50 Cost-type contracts.

Prior to the execution of cost-type contracts, all items of facilites whether set forth separately in the schedules or included in plant rearrangement, rehabilitation and incidental construction contemplated in the contract and related schedules shall be carefully reviewed to indentify any capital improvements therein which constitue nonseverable industrial facilities. One of the following actions shall be taken with respect to each nonseverable facility, and the contract involved shall be submitted through the Office of the Deputy Chief of Staff for Logistics to the Assistant Secretary of the Army (Installations and Logistics) for approval.

§ 602.406–51 Negotiated fixed-price contracts.

* * * * *

(d) If satisfactory negotiations cannot be concluded under paragraph (a) or (b) of this section, and if paragraph (c) of this section is not applicable, a separate contract for facilites at cost, or such other contractual arrangements as are feasible and appropriate in the circumstances, will be negotiated and submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., ATTN: Chief Contracts Division for appropriate action and approval by the Assistant Secretary of the Army (Installations and Logistics), when required.

§ 605.203 Request for proposals, amendment to request for proposals, proposal and acceptance (DD Forms 746, 746s, 746–1, and 746–2).

§ 605.505–50 Procedure.

When the Department of the Army considers it in the interest of the Government to execute an agreement recognizing a successor in interest to the contractor or a change in the contractor's name, the following procedure shall be followed:

(a) Contractors should be advised that they are responsible for preparing and submitting three executed copies of such agreements together with one copy each of the documents required by § 16.505–2(c) or § 16.505–3(b) of this title, whichever is appropriate, to the Head of the procuring activity having the preponderant interest from the standpoint of contract dollar value. The dollar value of the contracts will be based on the total contract price and not on the residual dollar value of the work to be accomplished.

(b) The novation forms in § 16.505 of this title will be followed as closely as possible and the blank spaces will be filled in as follows: (1) in the space provided for dating the agreement, enter the date upon which the transfer of assets or change of name, whichever is applicable, became effective pursuant to the applicable state law, and (2) insert the word "Army" after the words "Department of the" wherever they appear.

(c) Contractors should be advised that, at least thirty days prior to the completion of legal action resulting in any novation or change of contractor's name, all contracting officers administering the contracts involved should be

notified of the proposed novation or change of name.

(d) Such agreements shall be executed for the Department of the Army by the head of a procuring activity or his duly authorized representative. An agreement so executed shall be binding upon all affected activities of the Department of the Army. The head of a procuring activity may designate a contracting officer to execute the agreement if all of the contracts involved are solely the responsibility of that contracting officer. If the contracts involved affect more than one contracting officer, the agreement shall be executed by the head of the procuring activity or his duly authorized representative, who shall be a member of his headquarters staff.

(e) The head of a procuring activity, or his duly authorized representative, upon receiving a proposed novation or change of name agreement, will, prior to execution, review and take such action as appropriate to assure compliance with the provisions of Subchapter A, Chapter I of this title and this subchapter. Should an agreement be submitted which includes substantive deviations from the provisions of Subchapter A, Chapter I of this title or proposes guarantees considered insufficient, the contractor will be requested to make such revisions in the agreement considered necessary. In the event that accord on such revisions cannot be reached, the agreement, with recommendations, will be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division. Further, the head of the procuring activity receiving the agreement for execution will, if deemed necessary, coordinate directly with the heads of other procuring activities affected by the agreement.

(f) After the execution of a novation or change of name agreement, copies of the agreement or an administrative notice shall be distributed as outlined in paragraph (g) of this section. Maximum use will be made of an administrative notice in lieu of a copy of the agreement to inform those activities which must have knowledge of such an agreement but have no requirement for the full agreement. Such notice shall reflect the effective date of the agreement; a brief statement of the change effected; the name, title, and office of the individual executing the agreement, and a designation of the guarantor or guarantors of performance under the agreement, as appropriate.

(g) The following distribution will be made by the official executing the agreement:

(1) *Novation or change of name agreements.* (i) The original signed number of the agreement will be sent to the United States General Accounting Office, Attn: Audit Branch, Indianapolis 49, Ind.

(ii) The duplicate signed number will be sent to the office of the Head of the Procuring Activity executing the agreement. Attached to this duplicate signed number will be the supporting documents required by § 16.505–2(c) or § 16.505–3(b) of this title, whichever is appropriate.

(iii) The triplicate signed number will be furnished to the contractor.

(iv) Authenticated copies will be furnished to each of the following: (*a*) The U.S. Army Audit Agency, (*b*) each contracting officer of the executing procuring activity who is administering a contract affected by the agreement, and (*c*) to heads of other procuring activities, one copy for each contracting officer administering a contract which is affected by the agreement.

(2) *Administrative notice.* (i) Cognizant disbursing offices.

(ii) Contract file.

(iii) Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division.

(iv) Other affected offices or agencies of a procuring activity: Such distribution will be on a minimum basis consistent with internal management requirements.

(h) Distribution by the heads of other procuring activities receiving authenticated copies of the executed agreement pursuant to paragraph (g) (1) (iv) of this section will be as outlined below:

(1) Novation Agreement—one authenticated copy to each contracting officer administering contracts affected by the agreement.

(2) Administrative notice:

(i) Cognizant disbursing offices.

(ii) Contract file.

(iii) Other affected offices and agencies within a procuring activity. Such distribution will be on a minimum basis consistent with internal management requirements. Distribution made by the office of the official executing one of the subject agreements as outlined in paragraph (g) of this section will not be duplicated by the contracting officer.

18. Revise § 605.601 and in the list of activities contained in § 606.203–4(a) (3) (iii) add the Military Construction Supply Agency, as follows:

§ 605.601 Military Interdepartmental Purchase Request (DD Form 448, 448c).

(See Part 5 of this title and Part 594 of this subchapter).

§ 606.203–4 System of numbering.

* * * * *

(a) *Contracts.* * * *

(3) * * *

(iii) The following letter symbols have been approved for the activities indicated below:

Activity	
* * * * *	
Corps of Engineers	ENG
Military Construction Supply Agency	ENG (MCS)

19. In paragraph 8 of F.R. Document No. 61–9330, appearing at 26 F.R. 9212, the change applying to paragraph (b) (1) (ii) of § 592.405–3 is corrected to apply to paragraph (b) (2) (ii).

[C 33, APP, Aug. 23, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–10690; Filed, Nov. 8, 1961; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2460]

[Sacramento 052890]

CALIFORNIA

Establishing Certain National Cooperative Land and Wildlife Management Areas

Correction

In F.R. Doc. 61–7876 appearing at page 7701 of the issue for Thursday, August 17, 1961, the land description for "Mount Diablo Meridian [Sacramento 052890]" is corrected by inserting between secs. 27 and 29 of "T. 36 N., R. 5 E.," the following: "sec. 28, SW¼ SW¼;".

[Public Land Order 2534]

[Montana 027019]

MONTANA

Vacating Air Navigation Site Withdrawals 94 and 110

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental orders of September 12, 1934, and July 6, 1937, establishing Air Navigation Site Withdrawals Nos. 94 and 110 respectively on the following described lands, are hereby revoked:

ORDER OF SEPTEMBER 12, 1934

MONTANA PRINCIPAL MERIDIAN

T. 9 N., R. 48 E.,
Sec. 24, SW¼NW¼.

ORDER OF JULY 6, 1937

T. 12 N., R. 3 W.,
Sec. 23, SE¼SW¼;
Sec. 26, SW¼NW¼NE¼, SW¼NE¼, and NE¼NW¼.

The areas described aggregate 170 acres.

2. Portions of the lands contain improvements erected by the Federal Aviation Agency and which are being operated and maintained by that agency as beacons, cabins and power lines. Any sale, location, selection, or use or disposal of the lands shall be subject to the right of the United States, its officers, agents or employees, to maintain, operate, improve, or remove such improvements and to enter upon the lands at any time or times for such purposes, and the United States shall retain all right, title, and interest in and to such improvements until they have been removed or abandoned in place.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, the provisions of any existing withdrawals, and the provisions of paragraph 2 of this order, provided that until 10:00 a.m. on May 3, 1962, the State of Montana shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands will be open to mining location at 10:00 a.m. on May 3, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 1, 1961.

[F.R. Doc. 61–10700; Filed, Nov. 8, 1961; 8:47 a.m.]

[Public Land Order 2535]

[Montana 037733]

MONTANA

Reservoir Site Restoration No. 26; Revoking Certain Reservoir Site Reserves

By virtue of the authority contained in the act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662), as amended, it is ordered as follows:

1. The departmental orders of March 13, 1890; October 12, 1892; July 19, 1889, and February 27, 1891, which withdrew lands in Montana for reservoir site purposes under the provisions of the act of October 2, 1888, supra, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN

Departmental orders of March 13, 1890, and October 12, 1892:

RESERVOIR SITE RESERVE NO. 12

T. 9 N., R. 11 E.,
Sec. 29, NE¼SE¼ and S½SE¼.

RESERVOIR SITE RESERVE NO. 13

T. 9 N., R. 12 E.,
Sec. 32, SE¼NE¼ and NE¼SE¼;
Sec. 33, SW¼NW¼ and NW¼SW¼.

RESERVOIR SITE RESERVE NO. 5

T. 21 N., R. 6 W.,
Sec. 19, lots 1, 2, 3, 4, E½SW¼, and SW¼SE¼;
Sec. 30, lots 1, 2, and E½NW¼.

RESERVOIR SITE RESERVE NO. 7

T. 21 N., R. 7 W.,
Sec. 16, S½SW¼;
Sec. 20, E½NE¼ and NE¼SE¼;
Sec. 21, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 28, N½NE¼ and NE¼NW¼.

RESERVOIR SITE RESERVE NO. 8

T. 21 N., R. 7 W.,
Sec. 8, S½NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 17, N½NE¼.

RESERVOIR SITE RESERVE NO. 4

T. 21 N., R. 10 W.,
Sec. 8, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 16, NW¼NW¼;
Sec. 17, E½; SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 19, SE¼SE¼;
Sec. 20, W½NE¼, W½, and NW¼SE¼.

RESERVOIR SITE RESERVE NO. 3

T. 22 N., R. 10 W.,
Sec. 8, SE¼SE¼;
Sec. 9, S½SW¼;
Sec. 16, W½NE¼, NW¼, and S½;
Sec. 17, NE¼, N½SE¼, and SE¼SE¼;
Sec. 21, E½ and E½NW¼;
Sec. 22, W½NW¼ and SW¼;
Sec. 27, NW¼NE¼ and N½NW¼;
Sec. 28, NE¼NE¼.

Departmental orders of July 19, 1889, and February 27, 1891:

RESERVOIR SITE RESERVE NO. 10

T. 22 N., R. 3 E.,
Sec. 2, W½ and SW¼SE¼;
Secs. 3, 4, and 5;
Sec. 6, E½E½;
Sec. 7, NE¼NE¼;
Sec. 8, N½N½, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 9, 10, and 11;
Sec. 13, S½N½ and S½;
Secs. 14 and 15;
Sec. 16, E½, NW¼, and E½SW¼;
Sec. 17, N½;
Sec. 18, NE¼ and E½NW¼;
Sec. 21, NE¼NE¼;
Sec. 22, N½N½ and SE¼NE¼;
Secs. 23, 24, and 25;
Sec. 26, NE¼, N½NW¼, and NE¼SE¼.
T. 22 N., R. 4 E.,
Sec. 18, lots 2, 3, 4, and SE¼SW¼;
Sec. 19, lots 1, 2, 3, 4, SW¼NE¼, E½W½, and W½SE¼;
Sec. 30, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 31, N½.
T. 23 N., R. 3 E.,
Sec. 34, SE¼;
Sec. 35, W½SW¼ and SE¼SW¼.

The areas described, including the public and nonpublic lands, total in the aggregate approximately 18,657 acres.

2. The lands are for the most part patented, or included in withdrawals for national forest, reclamation, or bird refuge purposes.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, the national forest lands being opened to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on May 4, 1962, the State of Montana shall have a preferred right of application to select the public lands in accordance with the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 2, 1961.

[F.R. Doc. 61–10701; Filed, Nov. 8, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

[Docket No. 14111; FCC 61–1298]

Coordination of Certain Split Channel Frequencies

In the matter of amendment of §§ 10.255, 10.305, 10.355, and 10.405 of Part 10 of the Commission's rules to permit certain "split channel" frequencies to be coordinated by Frequency Advisory Committees pursuant to § 10.8 of the Commission's rules; Docket No. 14111; RM–233 (in part), RM–239, RM–250.

1. The Commission adopted a notice of proposed rulemaking, May 11, 1961, in the above-entitled matter which was duly published in the FEDERAL REGISTER (26 F.R. 4292, May 17, 1961) and requested comments in favor of or in opposition to the proposals contained therein. The date for filing such comments has elapsed, and all those which were timely filed have been considered by the Commission in reaching the determinations set forth below.

2. Under present rules an applicant in the Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services requesting a frequency which is 20 or 30 kc from a primary frequency must submit a notarized statement showing that consent for its proposed operations has been obtained from all licensees authorized to operate within 75 miles of the proposed station location and within 30 kc of the applicant's requested frequency. Alternatively, an applicant may submit a satisfactory engineering showing that all licensees within the above prescribed areas have been notified of the applicant's intention to operate and that no harmful interference will be caused to these licensees by such operation. In effect, this requires an engineering survey and report. Applicants in these services requesting a frequency which is 15 kc from a primary frequency must meet even more stringent requirements: their proposed station must be more than 40 miles from other stations authorized to operate on frequencies 30 kc or less removed, and they must show that the frequencies 15 kc removed from the requested frequency are assigned in the area or cannot be used by the applicant. Additionally, they must satisfy the requirements, supra, which applicants for the 20 kc or 30 kc frequency must meet. Finally, grants for such frequencies are issued on a one-year developmental basis only.

3. The reason for placing this burden on these applicants was to afford protection to licensees authorized prior to August 1, 1958, until this latter group converted their systems to meet the Commission's narrow-band technical standards which will go into effect November 1, 1963. In essence, then, while the "split channels" were made available on August 1, 1958, applicants for these fre-

quencies were required to coordinate their proposed operations with existing users on an individual basis. In many cases these existing users refuse to give the required consent to the applicant because of the fear of potential interference. Since the cost of undertaking an adequate engineering study is too great for many governmental entities, the net result has been that some of them have been stymied in their efforts to establish new radio systems.

4. The petitions which led to the initiation of rule-making proceedings in this matter all maintained that existing licensees, no longer needed the high degree of protection from interference afforded by these present rules. It was pointed out that experience acquired since 1958 indicated that in a majority of cases existing users could operate efficiently even if a new licensee were authorized to operate 30 kc or even 15 kc away in the same area. Hence, the petitions request that the Commission's rules be amended to make these "split channels" more readily available by permitting applicants for such frequencies to satisfy the frequency coordination requirements by submitting a recommendation from the appropriate frequency advisory committee. The proposed change would be applicable to those frequencies in the Police, Fire, Forestry-Conservation, and Highway Maintenance Radio Services which are located within a "block" of frequencies available to the service in which the applicant is seeking an authorization.

5. The comments were strongly in favor of the proposed amendments. Organizations such as American Association of State Highway Officials (AASHO), Forestry, Conservation Communications Association (FCCA), American Municipal Association (AMA), and International Muncicipal Signal Association (IMSA) and International Association of Fire Chiefs (IAFC) all supported the proposal. In addition, favorable comments were also received from many governmental entities such as the Florida Board of Forestry; City of Indianapolis, Indiana; City of San Diego California; City of Los Angeles, California; and the State of Michigan Highway Department.

6. The City of Burbank, California, and the Associated Public Communications Officers, Inc. (APCO) favored the proposal of permitting applicants for "split channels" to satisfy frequency coordination requirements by the submission of an appropriate letter of recommendation from a frequency advisory committee. However, both expressed concern about the possibility of a misconcepion being created if the Commission further amended its rules, as proposed, by eliminating the developmental limitation which is now attached to the 15 kc "split channels", and thus the frequency tables would show a large increase in the number of frequencies available on a regular basis to the Police and other affected Public Safety Radio Services. These comments point out that this increase would be somewhat illusory since in some areas of the country it is impossible for two systems to operate within 15 kc of each other without experiencing disruptive interference. Hence, it is contended that the number of usable frequencies would be far less than the total number of frequencies listed as being available for assignment. The Commission recognizes the validity of this argument and is aware that utilization of the 15 kc split channels under the present state of the art will be somewhat limited, and, in a few areas will be minimal. However, some of these frequencies can be used successfully in various regions, and in those instances there appears to be no good reason why applicants should be hampered by the limitations of a developmental authorization. The Commission can reassure those who raised this query that should there be future allocation proceedings involving the Public Safety Radio Services full consideration will be given to the amount of usage which is being attained or can be attained on all available frequencies.

7. The Commission is of the opinion that the amendments proposed in the notice of proposed rule making should be adopted. It should be emphasized that with respect to the frequency coordination aspect of this proceeding the applicants concerned will have a choice as to how to satisfy § 10.8 of the rules. While they may endeavor to secure a letter of recommendation from the frequency advisory committee, they may also elect to conduct an engineering survey and submit a report with their application which may then be accepted by the Commission. Also, it should be pointed out that § 10.8 requires that in certain cases a frequency advisory committee letter must indicate that coordination has been effected with other services; this requirement is being retained.

Therefore, it is ordered, Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 10 of the Commission's rules be amended, effective December 11, 1961, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 1, 1961.

Released: November 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 10 of the Commission's rules is amended as follows:

1. Section 10.255 is amended as follows:

A. The frequency table in paragraph (g) is amended by deleting limitation indicators 20 and 23 in column 3 wherever they occur.

B. Paragraph (h) is amended by deleting the texts of subparagraphs (20) and (23) and inserting the word "[Reserved]" in lieu thereof.

2. Section 10.305 is amended as follows:

A. The frequency table in paragraph (f) is amended by deleting limitation indicators 11 and 12 in column 3 wherever they occur.

B. Paragraph (h) is amended by deleting the texts of subparagraphs (11) and (12) and inserting the word "[Reserved]" in lieu thereof.

3. Section 10.355 is amended as follows:

A. The frequency table in paragraph (d) is amended by deleting limitation indicators 21 and 22 in column 3 wherever they occur.

B. Paragraph (e) is amended by deleting the texts of subparagraphs (21) and (22) and inserting the word "[Reserved]" in lieu thereof.

4. Section 10.405 is amended as follows:

A. The frequency table in paragraph (e) is amended by deleting limitation indicators 14 and 15 wherever they occur.

B. Paragraph (f) is amended by deleting the texts of subparagraphs (14) and (15) and inserting the word "[Reserved]" in lieu thereof.

[F.R. Doc. 61-10685; Filed, Nov. 8, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

WHITE-FRINGED BEETLE QUARANTINE

Proposed Extension to Arkansas, Kentucky, and Virginia; Notice of Public Hearing

Correction

In F.R. Doc. 61-9952, appearing at page 9781 of the issue for Wednesday, October 18, 1961, the time cited for the public hearing in the third paragraph should read "at 10 a.m., c.s.t." instead of "at 10 a.m., e.s.t.".

FEDERAL AVIATION AGENCY

[14 CFR Part 24]

[Reg. Docket No. 960; Draft Release No. 61-24]

TIME LIMIT FOR COMPLETION OF MECHANIC EXAMINATIONS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 24 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 8, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Part 24 does not presently provide any specific period of time in which all parts of the prescribed mechanic examinations must be sucessfully completed by an applicant before he may obtain a mechanic certificate with airframe or powerplant ratings. Consequently, many applicants have taken one or more parts of the examinations and waited several years before completing the remainder. Frequently, such applicants have never completed all of the prescribed examinations. In order to determine that the knowledge and skill of an applicant is current, it is necessary to establish a reasonable period of time within which he must sucessfully complete all parts of the prescribed examinations. Accordingly, the rule proposed herein would require all parts of the prescribed written, oral, and practical examinations to be completed successfully by the applicant within a period of 24 consecutive calendar months before he may obtain a mechanic certificate and appropriate ratings.

To avoid placing an undue burden on any person, provision is made in this proposal to give an applicant credit for any part of the prescribed examinations successfully completed by him prior to the effective date of this amendment. This credit would be good for 24 consecutive calendar months after the effective date of the amendment.

In consideration of the foregoing, it is proposed to amend Part 24 of the Civil Air Regulations (14 CFR Part 24) as follows:

1. By amending § 24.1 by adding in proper alphabetical order a new definition to read as follows:

§ 24.1 Definitions.

* * * * *

Calendar month. Calendar month means that period of time extending from the first day of any month delineated by the calendar through the last day thereof.

NOTE: For example, a period of 24 consecutive calendar months beginning in July would end on July 31 two years later.

2. By amending § 24.18 to read as follows:

§ 24.18 Examinations.

(a) Examinations shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate.

(b) Except as provided in paragraph (c) of this section, no applicant may obtain a mechanic certificate and rating unless all prescribed examinations have been completed successfully within a period of 24 consecutive calendar months.

(c) An applicant who, prior to (the effective date of this amendment), has completed successfully any part of the prescribed examinations for a mechanic certificate and rating may receive credit for such part for 24 consecutive calendar months after the effective date of this amendment.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on November 1, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-10691; Filed, Nov. 8, 1961; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 962]

BOEING AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of the secondary seals of the fuel dump chutes on Boeing 707 and 720 Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before December 11, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to Model 707 and 720 Series airplanes which have not previously been modified in accordance with Boeing Service Bulletin No. 1359, dated June 30, 1961, (Service Bulletin No. 1359 contains a list of such airplanes), and to Model 707 airplanes on which retractable dump chutes have been installed per Boeing Service Bulletin No. 1200.

Compliance required as indicated.

In order to prevent leakage through the secondary seal of the fuel dump chute when fuel is allowed to enter the manifold for any reason, the following modification shall be accomplished within the next 1,000 hours' time in service after the effective date of this directive:

Remove the secondary fuel seal assembly, Boeing P/N 66-2538, and rebuild, using new parts from Boeing kit, P/N 65-9566-1. Upon completion of the rebuilding, change the part number of secondary seal assembly to 69-16258-1. Use new "O" ring seal P/N MS29513-238 when installing secondary seal assembly, P/N 69-16258-1.

(Boeing Service Bulletin No. 1359, dated June 30, 1961, covers this modification.)

Issued in Washington, D.C., on November 3, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-10692; Filed, Nov. 8, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 73]

[Docket No. 3666; Order No. 49]

SHIPPERS

Compressed Gases; Definition and Preparation; Hearing on Reconsideration of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 30th day of October A.D. 1961.

It appearing, that by an order dated July 6, 1961 (26 F.R. 6483), the Commission, by Safety and Service Board No. 2, disapproved amendments to the Commission's regulations governing the transportation of explosives and other dangerous articles, proposed in Notice No. 49 in Docket No. 3666 (26 F.R. 4458) permitting the use of certain portable and cargo tanks, having a minimum design pressure of 250 psig, for anhydrous ammonia;

It further appearing, that consideration having been given to petitions for reconsideration filed by the National Tank Truck Carriers, Inc., and Phillips Petroleum Company, and replies thereto;

And it further appearing, that the issues involved cannot be adequately resolved without affording all interested parties an opportunity to present evidence in support of their respective positions:

It is ordered, That the said petitions of the National Tank Truck Carriers, Inc., and Phillips Petroleum Company insofar as they seek oral hearing be, and they are hereby granted;

And it is further ordered, That the above-entitled proceeding be, and it is hereby, referred to Examiners Henry J. Vinskey and Robert R. Boyd for hearing on December 11, 1961, at 9:30 o'clock a.m. United States Standard Time at the Office of the Interstate Commerce Commission, Washington, D.C., and for an appropriate order thereon, accompanied by the reasons therefor, unless waived by the parties.

Notice of the above hearing shall be given to persons of interest and to the general public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy with the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10714; Filed, Nov. 8, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14273]

TELEVISION BROADCAST STATIONS; PALM SPRINGS, CALIF.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

The Commission has before it for consideration a petition filed by Norman H. Rogers, permittee of television Station KCHU, Channel 18, San Bernardino, California, requesting a seven-day extension of time up to and including November 6, 1961, in which to file reply comments in the above-captioned proceeding. Petitioner states that he has not had sufficient time in which to study and evaluate the comments which were filed in this proceeding by H & B Communications Corporation, and that the additional time requested will provide him with an opportunity to study the feasibility of the H & B proposal.

It appears that good cause has been shown for the request for extension of time and that the public interest would be served by granting the requested extension.

In view of the foregoing: *It is ordered,* This 31st day of October 1961, that the request of Norman H. Rogers for extension of time is granted and that the time for filing reply comments in this proceeding is extended from October 30, 1961, to and including November 6, 1961.

This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Released: November 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10686; Filed, Nov. 8, 1961; 8:45 a.m.]

[47 CFR Part 3]

[Docket No. 14364 (RM-261); FCC 61-1312]

TELEVISION BROADCAST STATIONS; ERIE AND SHARON, PA.

Proposed Table of Assignments

1. Notice is hereby given of proposed rule making concerning changes in the UHF television channel assignments, as discussed below.

2. By petition filed on May 31, 1961, Alfred E. Anscombe, holder of a construction permit on Channel 66 (WEPA-TV) in Erie, Pennsylvania, requested the Commission to institute rule making to effectuate the substitution of Channel 24 for Channel 66 by changing the assignment to Sharon, Pa., as follows:

City	Channel No.	
	Present	Proposed
Erie, Pa.	12, 35+, *41-, 66+	12, 24+, 35+, *41-, 66+
Sharon, Pa.	39+	39+

The proposal would also have required a shift from Channel 24+ to 69- in St. Thomas, Ontario, Canada. The Canadian Authorities did not concur in the proposed change. However, we proposed a different plan, to delete Channel 66+ from Erie and add 24+, and to delete Channel 39+ from Sharon, Pennsylvania and 28 from Flint, Michigan. This proposal would require a shift from Channel 24+ to 34+ in St. Thomas, Ontario, and from Channel 27- to 28 in Stratford, Ontario. The Canadians have concurred in this proposed change.

3. Petitioner further requests that he be ordered to show cause why his outstanding authorization for the construction of Station WEPA-TV should not be modified to specify Channel 24+ in lieu of Channel 66+.

4. In addition to the construction permit held by the petitioner on Channel 66, there are two stations in operation in Erie on Channels 12 and 35. There is no application on file for the remaining Channel *41 nor is there an application for Channel 39 at Sharon, Pa., or 28 at Flint, Mich.

5. In support of his request, petitioner urges that the proposal would not affect any existing station or authorization, that it is consistent with the Commission's rules and actions on other similar requests, that the industry accepts the allegations that the low band UHF has advantages over the high band, and that the proposed changes would permit him to compete on a more equitable basis with the other two stations in the market. The petitioner finally submits that, in the event the proposal is adopted, he will proceed promptly to bring the third service to Erie.

6. The Commission is of the view that a rule making proceeding should be instituted so that all interested parties may submit their views and relevant data on the proposal. We do not believe that it is necessary or desirable to combine this proposal with the proposal in Docket No. 14242 to add Channel 54+ to Erie, since Channel 24+ may be assigned to Erie without prejudice to the Channel 54+ proposal.[1] Unless an active interest is manifested, we find it desirable in the public interest to defer action on making available a substitute UHF channel for Sharon or Flint until decisions are reached in Docket 14229 concerning the future methods of assigning stations on UHF channels.

7. Accordingly, it is proposed to amend the Table of Assignments, Television Broadcast Stations, in § 3.606 of the rules insofar as the communities named are concerned, by making the following changes:

City	Channel No.	
	Delete	Add
Erie, Pa.	66+	24+
Sharon, Pa.	39+	
Flint, Mich.	28	

8. If it is determined by the Commission that the rule amendments proposed herein will serve the public interest, the Commission will take such further action as may be appropriate with respect to outstanding authorizations. We accordingly defer action upon petitioner's request for issuance of an order to show cause.

9. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before December 4, 1961 and reply comments on or before December 15, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: November 1, 1961.

Released: November 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10687; Filed, Nov. 8, 1961; 8:45 a.m.]

[1] By petition, filed October 31, 1961, Gibraltar Enterprises, Inc., licensee of Station WICU-TV at Erie (Channel 12), requests that rule making on the subject proposal be deferred pending the termination of the Erie deintermixture proceeding in Docket No. 14242. Its request is denied. We believe that rule making is warranted in the public interest on this proposal for bringing a needed additional television service to Erie since it does not conflict with the deintermixture proposal in Docket 14242 and appears to have sufficient merit to warrant further consideration in a rule making proceeding.

[47 CFR Part 10]

[Docket No. 14356; FCC 61-1299]

PUBLIC SAFETY RADIO SERVICES

Proposed Reallocation of Band and Provision for Channeling

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On October 12, 1960, the Commission adopted a Report and Order in Docket No. 13616 (25 F.R. 9947) (FCC 60-1228), which, inter alia, amended Part 2 of the rules so as to return the 46.51-46.60 Mc band to the Public Safety Radio Services and to provide for 20 kc channeling therein. This band had been withdrawn from Public Safety (specifically the Forestry-Conservation Radio Service) in 1957 and reallocated to the Aeronautical Fixed and International Fixed Public Radio Services for use in international communications employing the technique of forward propagation by ionospheric scatter (FPIS). Subsequently, however, a re-evaluation indicated that a non-government FPIS allocation was not needed so the band was returned to Public Safety.

3. In the above-mentioned proceeding, the Commission stated that suballocation of this band within the Public Safety Radio Services would be accomplished by subsequent rule making inasmuch as further study of the various Public Safety service requirements would first be necessary. The Commission also stated that the petition of the Forestry-Conservation Communications Association (FCCA) for reallocation of this band to the Forestry-Conservation Radio Service would be considered in connection with this further study.

4. More recently, in Dockets No. 13273 and 13754, the Commission allocated 11 frequencies in the 150.8-152 Mc band to the Forestry-Conservation Radio Service rather than to the Local Government Radio Service, as had been proposed. This was done as a result of representations by the FCCA that Forestry-Conservation needed more channels at this order of frequency which, when used in mountainous terrain, provides "excellent coverage of fairly large areas without skip interference to other areas." The comments from Forestry-Conservation users indicated that their needs in the 150 Mc band were on the increase and correspondingly their low band usage is diminishing. Other considerations which led the Commission to allocate these 11 frequencies to the Forestry-Conservation Radio Service were that to do so resulted in a block allocation to one service and, furthermore, the FCCA's comment implied that the Forestry-Conservation Radio Service would relinquish its operations in the 450-470 Mc band. This would tend to provide more interference free channels in the UHF range for Local Government operations covering smaller areas. The net result of the foregoing action was the allocation of 11 split channels to the Forestry-Conservation Radio Service and 10 channels to the Local Government Radio Service in lieu of 21 as had been proposed.

5. It is obvious that the Local Government Radio Service has by far the most serious need of the Part 10 users for additional frequencies. In many areas of the country, there are no frequencies available for potential Local Government applicants. While this shortage is due mainly to the inability of such applicants to secure the frequency coordination required, part of the problem has resulted from a lack of frequencies. In view of the foregoing, it now appears appropriate to reallocate the band 46.51 to 46.60 Mc from Forestry-Conservation to Local Government and to provide for 20 kc channeling therein. It is proposed that existing users of the frequencies 46.54 and 46.58 Mc would be permitted to continue operations on these frequencies but that new Forestry-Conservation systems would not be authorized in this band. The specific frequencies which would be made available for base and mobile stations in the Local Government Radio Service are 46.52, 46.54, 46.56, and 46.58 Mc.

6. The proposed amendments are issued under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to the aplicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 3, 1962, and reply comments on or before January 15, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions set forth in § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 1, 1961.

Released: November 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10688; Filed, Nov. 8, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 12]

PENNSYLVANIA MILLERS MUTUAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

NOVEMBER 3, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $962,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Pennsylvania; Pennsylvania Millers Mutual Insurance Co., Wilkes-Barre, Pa.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61–10717; Filed, Nov. 8, 1961; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 253–61]

DELEGATING RESPONSIBILITY FOR PERFORMANCE OF CERTAIN FUNCTIONS RELATING TO COMPENSATION OF FEDERAL PRISONERS FOR INJURIES

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 122), and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend section 17(e) of Order No. 175–59, dated January 19, 1959, to read as follows:

(e) *Compensation to Federal prisoners.* The Board of Directors of Federal Prison Industries, or such officer of the corporation as the Board may designate, may exercise the authority vested in the Attorney General by section 4126 of title 18 of the United States Code, as amended, to prescribe rules and regulations governing the payment of compensation to inmates of Federal penal and correctional institutions employed in any industry, or performing outstanding services in institutional operations, and to inmates or their dependents for injuries suffered in any industry or in any work activity in connection with the maintenance or operation of the institution where confined.

This order shall be effective as of September 26, 1961.

Dated: November 2, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61–10702; Filed, Nov. 8, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[California No. 632]

CALIFORNIA; SMALL TRACT CLASSIFICATION

Revocation and Order Providing for Opening of Public Lands

OCTOBER 30, 1961.

1. Effective immediately, the following described lands listed under Paragraph 1 of Federal Register Document 61–5440, appearing on page 5276 of the issue for June 13, 1961 are hereby revoked from the classification order.

MOUNT DIABLO MERIDIAN

T. 31 N., R. 5 W.,
Sec. 8: W½W½NE¼, E½NW¼.
Containing approximately 120 acres.

2. The lands are located about 2 miles southwest of the city limits of Redding, California. The terrain forms part of a southeast trending valley located between gently rolling hills on the east and Sugar Loaf Mountain on the west. Vegetation consists of scrub oak and manzanita. Access is provided by a county road passing through the section.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on December 5, 1961 to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

R. G. SPORLEDER,
Office-in-Charge, Northern Field Group, Sacramento, Calif.

[F.R. Doc. 61–10697; Filed, Nov. 8, 1961; 8:47 a.m.]

[California No. 572]

CALIFORNIA; SMALL TRACT CLASSIFICATION

Revocation and Order Providing for Opening of Public Lands

OCTOBER 30, 1961.

1. Effective immediately, the following described lands listed under Paragraph 1 of Federal Register Document 59–7558, appearing on page 7338 of the issue for September 11, 1959, are hereby revoked from the classification order.

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Sec. 4: Lots 4, 8, 12, 13, SW¼SW¼.
Containing 115.65 acres.

2. The lands described above are located on the Foresthill Divide about 2½ miles southwest of Placerville, California, at an elevation of 2,600 to 2,900 feet above sea level. The terrain is rolling with a vegetative cover of merchantable timber consisting of Ponderosa Pine, Douglas Fir, and Incense Cedar. A surfaced county road bisects the section.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on December 5, 1961 to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

R. G. SPORLEDER,
Officer-in-Charge, Northern Field Group, Sacramento, Calif.

[F.R. Doc. 61–10696; Filed, Nov. 8, 1961; 8:47 a.m.]

[California No. 606]

CALIFORNIA; SMALL TRACT CLASSIFICATION

Revocation and Order Providing for Opening of Public Lands

OCTOBER 30, 1961.

1. Effective immediately, the following described lands listed under Paragraph 1 of Federal Register Document 60–11868, appearing on pages 13640–13641 of the issue for December 23, 1960, are hereby revoked from the classification order.

MOUNT DIABLO MERIDIAN

T. 31 N., R. 5W.,
Sec. 9: W½NE¼, W½NW¼SE¼, N½SW¼SE¼, SW¼SW¼.
Containing approximately 160 acres.

2. The subject land is a flat lying parcel located about 1½ miles southwest of the city limits of Redding, California. Vegetation consists of manzanita and oak. A paved county road passes through the section.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on December 5, 1961 to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

R. G. SPORLEDER,
Officer-in-Charge, Northern Field Group, Sacramento 14, Calif.

[F.R. Doc. 61–10698; Filed, Nov. 8, 1961; 8:47 a.m.]

ALASKA

Notice of Filing of Plat of Survey

NOVEMBER 2, 1961.

1. Plat of the extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m., December 1, 1961.

SEWARD MERIDIAN

T. 16 S., R. 46 W.,
Sec. 31: Lots 1–7, E½W½, W½NE¼, NW¼SE¼, S½SE¼;
Sec. 32: Lots 1–10, S½SW¼, SE¼NE¼, N½SE¼;
Sec. 33: Lots 1–10, SW¼NW¼, NW¼SW¼, SE¼NE¼;
Sec. 34: Lots 1–6, NW¼, S½NE¼, NW¼NE¼, NE¼SE¼;
Sec. 35: Lots 1–4, NE¼, S½NW¼, NE¼NW¼, N½S½, SE¼SE¼;
Sec. 36: Lot 1, N½, SW¼, N½SE¼, SE¼SE¼.
Total, 3,102.91 acres.

T. 17 S., R. 46 W.,
Sec. 1: All;
Sec. 2: Lots 1, 2, S½, NE¼;
Sec. 3: Lots 1, 2, NW¼, SE¼, S½NE¼, NW¼NE¼, N½SW¼, SE¼SW¼;
Sec. 4: Lots 1–5, N½NE¼;
Sec. 5: Lots 1–3;
Sec. 10: Lots 1–3, NE¼NE¼;
Sec. 11: Lots 1–6, NE¼, N½NW¼;
Sec. 12: Lots 1–4, N½.
Total, 3,028.54 acres.

T. 17 S., R. 47 W.,
Sec. 4: Lot 1;
Sec. 2: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, N½NW¼, W½NE¼, SE¼NW¼;
Sec. 3: Lots 1–15, N½N½, NE¼SW¼;
Sec. 4: Lots 1–8, E½W½, N½NE¼, SW¼NE¼, W½SE¼;
Sec. 9: Lots 1–3;
Sec. 10: Lots 1–5.
Total, 1,390.16 acres.
Grand total, 7,521.61 acres.

2. The Naknek River lies north of and adjacent to portions of these townships.

The land is nearly level, most of which lies on a gentle southerly slope.

The soil is generally sandy loam, which is covered with tundra throughout, under which will be found permafrost.

There are several small lakes, some of which are meandered in the survey.

The timber is thinly scattered birch, dense undergrowth covers small areas, being principally alder and willow. Marsh areas are covered with moss, cranberries and blueberries.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

4. All inquiries relating to the lands should be directed to the Manager, Anchorage Land Office, Bureau of Land Management, 6th and Cordova, Anchorage, Alaska.

WARNER T. MAY,
Manager.

[F.R. Doc. 61–10699; Filed, Nov. 8, 1961; 8:47 a.m.]

Bureau of Reclamation

[Public Announcement 25, Amdt. 3]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated October 18, 1956, published in the FEDERAL REGISTER at 21 F.R. 8822, and subsequently amended, is further amended by deleting Farm Unit 120, Irrigation Block 14, from the list of farm units offered in Section 1.

FLOYD E. DOMINY,
Commissioner of Reclamation.

OCTOBER 31, 1961.

[F.R. Doc. 61–10721; Filed, Nov. 8, 1961; 8:51 a.m.]

[Public Announcement 26, Amdt. 4]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated October 18, 1956, published in the FEDERAL REGISTER at 21 F.R. 8826, and subsequently amended, is further amended as follows:

By deleting from the list of farm units offered in Section 1.a. the farm units listed below:

Irrigation block:	*Farm unit*
18	187
18	206

FLOYD E. DOMINY,
Commissioner of Reclamation.

OCTOBER 31, 1961.

[F.R. Doc. 61–10722; Filed, Nov. 8, 1961; 8:51 a.m.]

RECLAMATION ADDITION TO CITY OF RUPERT, IDAHO

Notice of Sale of Government-Owned Block 67

In accordance with the provisions of the Act of August 17, 1961 (75 Stat. 389), the United States Bureau of Reclamation will offer for sale at Public Auction at 2:00 p.m., November 21, 1961, from the steps of the Minidoka Irrigation District Office, 319 F Street, Rupert, Idaho, the following described property subject to the terms and conditions as set forth herein: All of Block 67, Reclamation Addition to the City of Rupert, together with the office building now occupied by the Minidoka Irrigation District. Subject to an easement for such public utilities as are presently located within the block.

All other buildings and equipment located on this property are excepted from this sale and are reserved to the Minidoka Irrigation District for removal within 120 days from the date of this sale.

The Minidoka Irrigation District shall have the right to occupy the office building and to remove all office equipment, records, and other personal property located therein within 180 days from the date of this sale.

The alley in Block 67 has been vacated by action of the Rupert City Council.

The property will be sold to the highest bidder at not less than the appraised value. The appraised value is $63,000.00. The successful bidder shall deposit, with the United States, the sum of $6,300.00 and execute a Contract of Sale immediately following the sale. The balance of the bid price shall be due and payable within 90 days from the date of the sale.

If the property is not sold at the above time and place, it will be available for sale thereafter at the appraised price.

Further details concerning the sale may be obtained at the office of the Bureau of Reclamation, 1359 Hansen Ave., Burley, Idaho.

W. DARLINGTON DENIT,
Acting Commissioner.

NOVEMBER 3, 1961.

[F.R. Doc. 61–10723; Filed, Nov. 8, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LENDING AGENCY AGREEMENT; COTTON

Increase in Interest Rate

Commodity Credit Corporation, by FEDERAL REGISTER notice published in 26 F.R. 3652 announced that the per annum rate of interest included in the compensation provided in the Lending Agency Agreement—Cotton (CCC Cotton Form D) in effect for 1960 and subsequent Cotton Loan Programs would be 4 percent through and including July 31, 1960, 3¼ percent from August 1, 1960 to and including May 27, 1961, and 2½ percent thereafter.

Pursuant to section IV, paragraph 4, of the Lending Agency Agreement—Cotton (CCC Form D), CCC hereby announces that such per annum rate of interest for the 1961 and subsequent Cotton Loan Programs is increased to 3 percent effective on the date of publication of this notice in the FEDERAL REGISTER, and that the rates of interest, specified in paragraphs 1b and 3 of such section IV, in effect for the 1961 and subsequent Cotton Loan Programs, shall be 2½ percent through and including the date next preceeding the date of

publication of this notice in the FEDERAL REGISTER, and 3 percent thereafter.

Effective on date of publication.

Signed at Washington, D.C. on November 3, 1961.

R. P. BEACH,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-10727; Filed, Nov. 8, 1961; 8:51 a.m.]

SALES OF CERTAIN COMMODITIES

November 1961 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during November 1961 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, rice (rough), corn, oats, barley, rye, grain sorghums, gum turpentine, and tung oil.

As announced October 27 (press release USDA 3536-61), corn and grain sorghums will continue to be made available in redemption of certificates and rights represented by pooled certificates at market prices but not at levels below generally prevailing prices received by farmers in the fall of 1960 for the 1960 crop. All CCC domestic dispositions of corn and grain sorghums for unrestricted use will be in redemption of certificates and rights. The term "certificate pool sale—1961 Feed Grain Program" used in contracts of CCC shall be deemed to refer to a transaction under the 1961 Feed Grain Program involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC.

Rye is again available for sale under the feed grain export payment-in-kind program, and barley is offered by the Portland ASCS Commodity Office on a restricted basis in redemption of certificates and rights represented by pooled certificates. As announced October 13 (press release USDA 3563-61), moderate quantities of farmers stock peanuts are being offered for domestic crushing to meet immediate domestic requirements for peanut oil.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (Pearl rough), wheat, corn, rye, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for November 1961 are 3½ percent for periods up to 6 months, 4 percent for periods from over 6 and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right, (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of, (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale	Examples of minimum prices (exrail or barge)				
		Unit	Received by—	Terminal	Class and grade	Price
			Truck / Rail or barge			
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-5 (revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Catalogs for upland cotton and extra long staple cotton showing quantities, grades, staple lengths, and location of cotton may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.					
Catalogs	Domestic, unrestricted use: Market price but not less than 105 percent of the 1961 support price (adjusted for milling) plus reasonable carrying charges under Peanut Announcement 3.					
Peanuts, shelled (as available)	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1959), as amended.					
Peanuts, shelled and unshelled (farmers stock) (as available).	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement PA-241 and supplements thereto.					
Gum turpentine (bulk in tanks)	Available Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.					
Tung oil (as available)	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of tung oil Announcement DL-OP-11. Available Dallas ASCS Commodity Office.					
Wheat, bulk	Domestic, unrestricted use: Market price basis in store, but not less than the 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.					
Wheat (Commercial area):		Bushel	Cents 21	Chicago	No. 1 RWW	$2.26
				Minneapolis	No. 1 DNS	2.33
				Kansas City	No. 1 HW	2.26
				Portland	No. 1 SW	2.16
	Export: (1) Under Announcement GR-345 (revised June 30, 1960), as amended for resumption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only as prices determined daily. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.					
	Domestic, unrestricted use: Sales on basis in store, but not less than 105 percent of the Storable Area 1961 support price for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.					
		Unit	Received by—	Terminal	Class and grade	Price
			Truck / Rail or barge			
Rye, bulk		Bushel	Cents 9 / Cents 6	Minneapolis	No. 2 or better (or No. 3 on TW only).	$1.37

See footnotes at end of table.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 63.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico; 60 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Under competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Under competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29 as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Under competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of Upland Cotton for Unrestricted Use). Under this Announcement, upland cotton acquired in the event at less than the grams will be sold at the highest prices offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, or (b) 105 percent of the current support price for such cotton plus reasonable carrying charges, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements ON-EX-14 (acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (sale of Upland Cotton (for Credit Sales)). Cotton to be sold at the highest prices offered but in no event at less than the higher of (a) the market price for such cotton, as determined by CCC, or (b) 105 percent of the current support price for such cotton plus reasonable carrying charges, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.

Commodity	Sales price or method of sale	Unit	Examples of minimum price (exrail or barge)			
			Received by			
			Truck	Rail or barge	Terminal	Class and grade	Price
Barley, bulk	Domestic: Storable: A. General Sales Market price basis in store,[1] but not less than loan level of the applicable 1961 support price, for the class, grade, and quality of the grain plus the amount below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.	Bushel	Cents 8	Cents 6	Minneapolis	No. 2 or better	$1.27
	Available: At bin sites through ASCS County Offices. In certain States in which emergency areas have been designated bin sites storable feed barley is available from bin sites only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry. At other locations through the Evanston, Dallas, Kansas City, and Minneapolis ASCS Commodity Offices. B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain that will be made available for redemption. CCC also reserves the right to restrict the availability of barley for such redemption, at any location whenever such action is deemed necessary. Available: Portland ASCS Commodity Office. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.						
Grain sorghums, bulk	Domestic: Storable and nonstorable: Until further notice all CCC domestic dispositions of grain sorghums for unrestricted use will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of grain sorghums at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Office. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.						

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent.
[3] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the site.
[4] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production.
[5] On bin site sales delivery basis shall be f.o.b. buyers conveyance at the bin site.
[6] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight from Woodford County, Illinois.
[7] Includes paid in freight from Woodford County, Illinois.
[8] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[9] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored outside the area of production.

Commodity	Sales price or method of sale	Unit	Examples of minimum prices (exrail or barge)				
			In store at—		Terminal	Class and grade	Price
			Point of production	Other point			
Rye, bulk (continued)	Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC, through the ASCS Commodity Offices indicated above. Export: Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.						
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1961 support price plus 22 cents per hundredweight, basis in store. Export: At mailed or brown under Announcement GR-369 (revision 1, Feb. 1, 1961), as amended, for Export Rice Payment-in-Kind Program, and under GR-212 (revision 1, May 1, 1961), for approved credit sales. Callo under GR-212 only for application to approved barter contracts under (1) P.L. 480.						
	Price, quantities, and varieties of rough rice available from Dallas and Portland ASCS Commodity Offices.						
Corn, bulk	Domestic, storable and nonstorable: Until further notice all CCC domestic dispositions of corn for unrestricted use will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program at market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Office. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed (revision 1, May 1, 1961) for application to arrangements for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.						
Oats, bulk	Domestic: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain plus the amount shown below applicable to the storage point involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.						
Oats		Bushel	Cents 7	Cents 9	Chicago	No. 3	[3] $0.84½
	Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated bin sites storable oats will be available (including other than those in which grain for feeding their livestock and poultry). At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.						

[1] Grain Offices.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

Cincinnati: Cincinnati ASCS Commodity Office, 222 East Central Parkway, Cincinnati 2, Ohio. Telephone: Dunbar 1-2200.

Dallas: Dallas ASCS Commodity Office,[1] 500 South Ervay Street, Dallas 1, Tex. Telephone: Riverside 8-5611.

Evanston: Evanston ASCS Commodity Office,[1] 2201 Howard Street, Evansville, Ill. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.)

Kansas City: Kansas City ASCS Commodity Office,[1] 560 Westport Road (P.O. Box 205), Kansas City 41, Mo. Telephone: Valentine 1-7104.

Minneapolis: Minneapolis ASCS Commodity Office,[1] 6400 France Avenue, South Minneapolis 10, Minn. Telephone: Walnut 1-7311.

New Orleans: New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, La. Telephone: 529-2411.

Portland: Portland ASCS Commodity Office,[1] 1218 Southwest Washington Street, Portland 5, Oreg. Telephone: Capitol 4-3361.

Cotton Products and Export Operations Office, New York City: 80 Lafayette Street, New York 13, N.Y. Telephone: Rector 2-8000.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York 13, N.Y. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 4, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427.)

Signed at Washington, D.C. on November 3, 1961.

EMERY E. JACOBS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-10705; Filed, Nov. 8, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct the annual surveys covering 1961 listed below, under the authority of Title 13, United States Code, section 181 approved August 31, 1954. These surveys are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-Governmental or other Governmental sources.

The establishments covered by these surveys directly employ about 17 million persons. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the lumber production and stocks survey which will be conducted on a sample basis. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

Major Group 20—Food and kindred products: Salad dressings, prepared animal feeds.
Major Group 22—Textile mill products: Stocks of wool (as of Jan. 1, 1962). Cotton and synthetic woven goods finished, broad woven fabrics, blends and mixtures; knit cloth, woolen and worsted machinery activity, yarn production.
Major Group 23—Apparel and other finished products made from fabrics and similar materials: Gloves and mittens, apparel, brassieres, corsets, and allied garments; sheets, pillowcases, and towels.
Major Group 24—Lumber and wood products, except furniture: Hardwood plywood, softwood plywood, softwood veneer, red cedar shingles, lumber.
Major Group 25—Furniture: Office furniture.
Major Group 26—Paper and allied products: Paper and board—detailed grade.
Major Group 28—Chemicals and allied products: Sulfuric acid, industrial gases, inorganic chemicals.
Major Group 30—Rubber and miscellaneous plastic products: Plastic products.
Major Group 32—Stone, clay, and glass: Pressed and blown glassware.
Major Group 33—Primary metal industries: Steel mill products.
Major Group 34—Fabricated metal products, except ordnance, machinery, and transportation equipment: Aluminum foil, converted; steel power boilers, heating and cooking equipment.
Major Group 35—Machinery, except electrical: Internal combustion engines, tractors, farm machines and equipment, vending machines, refrigeration equipment, office, computing and accounting machines; pumps and compressors.
Major Group 36—Electric machinery, equipment, and supplies: Radios, television, and phonographs, motors and generators, wiring devices and supplies, electronic systems, equipment and components.
Major Group 38—Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks: Instruments.

The following list of surveys represents annual counterparts of monthly, quarterly, and semiannual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semiannual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on manmade fiber, silk, woolen and worsted fabrics, on finishing plants and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

Major Group 20—Food and kindred products: Flour milling products, confectionery products.
Major Group 22—Textile mill products: Manmade fiber, silk, woolen and worsted fabrics; finishing plant report—broad woven fabrics; piece goods inventories and orders; broad woven goods (cotton, wool, silk, and synthetic); consumption of wool and other fibers, and production of tops and noils.
Major Group 25—Furniture and fixtures: Mattresses and bedsprings.
Major Group 26—Paper and allied products: Pulp, paper, and board; consumers of wood pulp; converted flexible packaging products.
Major Group 28—Chemicals and allied products: Superphosphates; paint, varnish, and lacquer.
Major Group 29—Petroleum refining and related industries: Asphalt and tar roofing and siding products.
Major Group 31—Leather and leather products: Shoes and slippers.
Major Group 32—Stone, clay, and glass: Glass containers, refractories, clay construction products.
Major Group 33—Primary metal industries: Nonferrous castings; steel forgings; iron and steel foundries, blast furnaces and steel ingot producers.
Major Group 34—Fabricated metal products, except ordnance, machinery and transportation equipment: Plumbing fixtures; steel shipping barrels, drums, and pails; closures for containers; metal cans.
Major Group 35—Machinery, except electrical: Construction machinery; farm pumps; fans, blowers, and unit heaters.
Major Group 36—Electrical machinery, equipment, and supplies: Electric lamps, fluorescent lamp ballasts.
Major Group 37—Transportation equipment: Complete aircraft and aircraft engines; backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts; aircraft propellers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries.

A survey of Research and Development Costs will also be conducted as an annual counterpart to the more detailed survey collected and compiled by the Bureau of the Census for the National Science Foundation. The data to be obtained by the Census under its mandatory authority will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company. As for all counterpart

type surveys there will be no duplication since firms that furnish the equivalent data as part of the more detailed voluntary survey conducted for the National Science Foundation will not be asked to file the separate Census questionnaire.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census within 30 days after the date of publication and will receive consideration.

Dated: November 2, 1961.

[SEAL] RICHARD M. SCAMMON, *Director.*

[F.R. Doc. 61-10720; Filed, Nov. 8, 1961; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879, Agreement C.A.B. 15907; Order E-17668]

JOINT CONFERENCE; INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of November 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement, which has been assigned the above-designated C.A.B. Agreement number, amends and/or cancels certain specific commodity rates applicable to Item 2196 from Shannon, Dublin, and points in the United Kingdom to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which is incorporated in Resolution JT12(Mail 248)590k, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 15907 is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-10718; Filed, Nov. 8, 1961; 8:50 a.m.]

[Docket No. 12538]

TRANS-TEXAS AIRWAYS, INC.; "USE IT OR LOSE IT" INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on December 5, 1961, at 10:00 a.m., c.s.t., in the Orleans Room, Roosevelt Hotel, 123 Baronne Street, New Orleans, Louisiana, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served October 10, 1961, Board Orders E-16897 and E-17269 adopted June 5, 1961, and August 3, 1961, respectively, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board located in the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., November 6, 1961.

[SEAL] WILLIAM F. CUSICK, *Hearing Examiner.*

[F.R. Doc. 61-10719; Filed, Nov. 8, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14181, 14182; FCC 61M-1721]

ELBERT H. DEAN ET AL.

Order Continuing Hearing Conference

In re applications of Elbert H. Dean & B. L. Golden, Lemoore, California, Docket No. 14181, File No. BP-12811; Glomor Music Broadcasters, Inc. (KHOT), Madera, California, Docket No. 14182, File No. BP-14294; for construction permits.

The Hearing Examiner having under consideration a "Motion to Continue Pre-Hearing Conference" filed by Glomor Music Broadcasters, Inc. on November 1, 1961, requesting that the prehearing conference in this proceeding presently scheduled for November 2, 1961 at 9:30 a.m., be continued to December 13, 1961 at 9:30 a.m.;

It appearing that good cause has been shown and that all the interested parties have agreed to the requested continuance;

It is ordered, This 1st day of November 1961, that the "Motion to Continue Pre-Hearing Conference" filed on November 1, 1961 by Glomor Music Broadcasters, Inc., be, and the same is, hereby granted, and that the prehearing conference in this proceeding presently scheduled for November 2, 1961 at 9:30 a.m., be, and the same is, hereby continued to December 13, 1961 at 9:30 a.m.

Released: November 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-10683; Filed, Nov. 8, 1961; 8:45 a.m.]

[Docket No. 14202; FCC 61M-1723]

REA RADIO AND ELECTRONIC LABORATORY

Order Continuing Hearing

In re application of Peter Corrado, Concetta Corrado and Anthony Corrado, d/b as Rea Radio and Electronic Laboratory, East Palatka, Florida, Docket No. 14202, File No. BR-3869; for renewal of license of Station WREA, East Palatka, Florida.

To afford the Commission additional time to act on certain pleadings pending before it: *It is ordered,* This 2d day of November 1961, that the hearing is further continued from November 9 to November 30, 1961.

Released: November 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-10684; Filed, Nov. 8, 1961; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING ASSISTANT COMMISSIONER FOR PROGRAM PLANNING AND DEVELOPMENT

Robert C. Colwell is hereby designated to serve as Acting Assistant Commissioner for Program Planning and Development, Urban Renewal Administration, during the absence of the Assistant Commissioner, with all the powers, functions, and duties delegated or assigned to the Assistant Commissioner.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation published at 25 F.R. 9874, Oct. 14, 1960)

Effective as of the 9th day of November 1961.

[SEAL] WILLIAM L. SLAYTON, *Urban Renewal Commissioner.*

[F.R. Doc. 61-10713; Filed, Nov. 8, 1961; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page
PROCLAMATIONS:
3438 — 10203
EXECUTIVE ORDERS:
6681 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, Oct. 18, 1961 — 10543

5 CFR
6 — 10204, 10267, 10447, 10544
24 — 10447
25 — 10544
201 — 10503
202 — 10503

6 CFR
70 — 10267
305 — 10267
390 — 10267
421 — 10546
427 — 10546

7 CFR
201 — 10471
711 — 10204
717 — 10208
723 — 10471, 10503
727 — 10504
729 — 10209
730 — 10336
813 — 10547
847 — 10214
855 — 10268
857 — 10505
864 — 10270
873 — 10272
914 — 10423
923 — 10214
933 — 10337, 10423-10425
942 — 10425
943 — 10214
953 — 10425
973 — 10215
994 — 10216
1013 — 10507
1014 — 10472
1017 — 10426
1031 — 10338
1071 — 10426
PROPOSED RULES:
301 — 10571
728 — 10484
900—1072 — 10286, 10516
906 — 10298
908 — 10307, 10485
918 — 10307
925 — 10486
939 — 10296
943 — 10236
947 — 10360
986 — 10298
1026 — 10516

8 CFR — Page
PROPOSED RULES:
252 — 10358
253 — 10358

9 CFR
74 — 10223
83 — 10338
PROPOSED RULES:
131 — 10358

10 CFR
30 — 10472
PROPOSED RULES:
30 — 10487

12 CFR
262 — 10340
PROPOSED RULES:
563 — 10239

14 CFR
18 — 10473
507 — 10223, 10224, 10273, 10274, 10340, 10341, 10474
600 — 10225, 10427, 10428, 10475, 10507, 10546, 10547
601 — 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547
608 — 10342
609 — 10430, 10436
PROPOSED RULES:
24 — 10571
60 — 10307
227 — 10238
302 — 10307
507 — 10362, 10571
600 — 10451, 10520
601 — 10363, 10451, 10488, 10489, 10520
608 — 10451, 10520

16 CFR
13 — 10363, 10445, 10476, 10508, 10548
301 — 10446

17 CFR
275 — 10548

18 CFR
2 — 10342

19 CFR
3 — 10508
4 — 10508
14 — 10476

20 CFR
25 — 10509
404 — 10226

21 CFR
17 — 10550
120 — 10228, 10550, 10551
121 — 10228, 10343, 10476
146 — 10228
PROPOSED RULES:
17 — 10362
120 — 10487
121 — 10362, 10452

24 CFR
202a — 10229
203 — 10229
207 — 10229
213 — 10229
220 — 10230

24 CFR—Continued — Page
221 — 10230
232 — 10230
603 — 10231
608 — 10231
611 — 10231
702 — 10231
803 — 10231
903 — 10231

25 CFR
141 — 10232
PROPOSED RULES:
221 — 10516

26 CFR
1 — 10275, 10477
PROPOSED RULES:
1 — 10283, 10449, 10450, 10483
252 — 10484

28 CFR
21 — 10232

29 CFR
601 — 10275
780 — 10377
793 — 10275

32 CFR
507 — 10509
590 — 10553
591 — 10553
592 — 10553
595 — 10553
596 — 10553
597 — 10553
598 — 10553
599 — 10553
600 — 10553
601 — 10553
602 — 10553
605 — 10553
606 — 10553
737 — 10353
739 — 10353

33 CFR
3 — 10343
67 — 10343
203 — 10445
204 — 10278

35 CFR
4 — 10353
CANAL ZONE ORDERS:
58 — 10353

38 CFR
3 — 10551, 10552
13 — 10232
21 — 10278, 10478

39 CFR
96 — 10510

41 CFR
5-1 — 10354
50-202 — 10354
PROPOSED RULES:
50-202 — 10517

42 CFR	Page
73	10355
43 CFR	
221	10479
PROPOSED RULES:	
257	10285
PUBLIC LAND ORDERS:	
1071	10356
2460	10568
2526	10279
2527	10356
2528	10356
2529	10356
2530	10427
2531	10480
2532	10480
2533	10480
2534	10568
2535	10569
45 CFR	
212	10481
46 CFR	
PROPOSED RULES:	
502	10520
47 CFR	
1	10279, 10280, 10447
3	10280
10	10569
15	10281
18	10281
PROPOSED RULES:	
3	10239, 10572
10	10573
12	10240
49 CFR	
PROPOSED RULES:	
73	10572
176	10240
50 CFR	
32	10233, 10234, 10282
33	10234, 10235

Pages 10583–10626

FEDERAL REGISTER

VOLUME 26 NUMBER 218

Washington, Friday, November 10, 1961

OF MICHIGAN
NOV 15 1961
MAIN
READING ROOM

Contents

THE PRESIDENT

Executive Order

President's Commission on Campaign Costs; establishment ---- 10585

EXECUTIVE AGENCIES

Agricultural Marketing Service

NOTICES:
Peoria Union Stock Yards Co., Inc.; notice of petition for modification of rate order ---- 10613

RULES AND REGULATIONS:
Handling limitations:
Lemons grown in California and Arizona ---- 10586
Navel oranges grown in Arizona and designated part of California ---- 10586
Limes:
Grown in Florida; quality and size regulations ---- 10587
Prohibition of imports ---- 10587

Agricultural Research Service

NOTICES:
Identification of carcasses of certain humanely slaughtered livestock; supplemental list of humane slaughterers ---- 10613

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain designated marketing areas:
New York-New Jersey ---- 10597
Ohio Valley ---- 10597
Wheat; marketing quota regulations for 1961 and subsequent crop years ---- 10596

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Civil Aeronautics Board

NOTICES:
Reopened Transpacific route case (international phase); notice of hearing ---- 10613

Commerce Department

See also Maritime Administration.

NOTICES:
Statements of changes in financial interests:
Couch, Robert de S ---- 10622
Lawrence, George E ---- 10622

Commodity Credit Corporation

RULES AND REGULATIONS:
Cotton, 1961–62 export program; payment-in-kind; redemption of cotton export payment certificates ---- 10586

Defense Department

See Navy Department.

Federal Aviation Agency

PROPOSED RULE MAKING:
Alteration of control area extension; alteration and designation of transition areas ---- 10602
Alteration of control area extensions and designation of transition areas (2 documents) ---- 10603, 10605
Federal airways, associated control areas, and control area extension; withdrawal of proposal to alter ---- 10602
Control area extension; alteration of redesignation ---- 10602

RULES AND REGULATIONS:
Federal airways, associated control areas and reporting points; alteration ---- 10588
Jet route and jet advisory area; designation ---- 10590
Reporting points; designation, modification and revocation ---- 10589

Federal Communications Commission

NOTICES:
Hearings, etc.:
Barren County Broadcasting Co. and Barrick, John M ---- 10614
Columbia Basin Microwave Co ---- 10617
Higson-Frank Radio Enterprises and S B B Corp ---- 10614
KOFE, Inc. (KOFE) ---- 10615
Mia Enterprises, Inc (KWBE) ---- 10615
M & M Telecasters et al ---- 10615
Little Joe Enterprises (WJOE) and Sarasota - Charlotte Broadcasting Corp ---- 10616
Neighborly Broadcasting Co., Inc. (WLOV–FM) ---- 10618
Pressley, Vernon E., and Folkways Broadcasting Co., Inc. (WTCW) ---- 10617
Quincy Valley Broadcasters ---- 10617
Rounsaville of Miami Beach, Inc. (WFUN) ---- 10617
Strafford Broadcasting Corp. (WWNH) ---- 10618
Windber Community Broadcasting System and Ridge Radio Corp ---- 10618
Wolverine Broadcasting Co. et al ---- 10618

PROPOSED RULE MAKING:
Fostering expanded use of UHF television channels; and deintermixture of certain cities east of the Mississippi River ---- 10606

RULES AND REGULATIONS:
Industrial, scientific, and medical equipment; procedure for type approval; medical diathermy equipment ---- 10591
Stations in maritime services; change of terminology to denote kilocycles per second and megacycles per second ---- 10591

Federal Power Commission

NOTICES:
Hearings, etc.:
Arkansas Louisiana Gas Co ---- 10619
Lone Star Gas Co ---- 10619
Manufacturers Light and Heat Co ---- 10620
Tennessee Gas Transmission Co. 10620
Texas Gas Corp ---- 10620

Food and Drug Administration

PROPOSED RULE MAKING:
Drugs and devices; prescription drugs; change in labeling requirements ---- 10601

RULES AND REGULATIONS:
Food additives; nystatin permitted in animal feed and animal-feed supplements ---- 10590

(Continued on next page)

General Services Administration
RULES AND REGULATIONS:
Special and directed sources of supply; excess personal property 10590

Health, Education, and Welfare Department
See Food and Drug Administration.

Interior Department
See Land Management Bureau; National Park Service.

Internal Revenue Service
PROPOSED RULE MAKING:
Manufacturers and retailers excise taxes; motor vehicles and parts or accessories therefor 10593

Interstate Commerce Commission
NOTICES:
Louisiana intrastate coach fares 10621
Middle Atlantic Conference; agreement 10621
Motor carrier transfer proceedings 10622

Land Management Bureau
NOTICES:
Outer Continental Shelf off California; phosphate lease offer 10612

Maritime Administration
PROPOSED RULE MAKING:
Miscellaneous amendments to chapter; extension of time for filing comments 10601

National Park Service
PROPOSED RULE MAKING:
Vicksburg National Military Park, Mississippi; use of radiomicrowaves (Radar) 10600

Navy Department
RULES AND REGULATIONS:
Visitors on vessels under construction or conversion 10591

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
Apex Minerals Corp 10622
Investors Diversified Services, Inc 10623
Seaboard Associates, Inc 10623
Unified Funds, Inc 10624
PROPOSED RULE MAKING:
Investment advisers; custody or possession of funds or securities of clients 10607

Small Business Administration
NOTICES:
Assistant to Chief, Financial Assistance Division; delegation relating to financial assistance; correction 10624

State Department
NOTICES:
Establishment of Agency for International Development; delegation of authority 10608

Treasury Department
See also Internal Revenue Service.
NOTICES:
Commandant, U.S. Coast Guard; delegation of functions 10609
Offering of notes and bonds:
3¼ percent Treasury Notes of Series E–1963 10609
3¾ percent Treasury Bonds of 1966 10610
3⅞ percent Treasury Bonds of 1974 10611

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR
EXECUTIVE ORDERS:
10974 10585

6 CFR
482 10586

7 CFR
914 10586
953 10586
1001 10587
1069 10587
PROPOSED RULES:
728 10596
927 10597
1024 10597

14 CFR
600 10588
601 (2 documents) 10588, 10589
602 10590
PROPOSED RULES:
600 (2 documents) 10602
601 (5 documents) 10602, 10603, 10605

17 CFR
PROPOSED RULES:
275 10607

21 CFR
121 10590
PROPOSED RULES:
1 10601

26 CFR
PROPOSED RULES:
48 10593

32 CFR
765 10591

36 CFR
PROPOSED RULES:
7 10600

41 CFR
1–5 10590

46 CFR
PROPOSED RULES:
201 10601
206 10601
221 10601
298 10601
299 10601

47 CFR
7 10591
8 10591
14 10591
18 10591
PROPOSED RULES:
3 10608

FEDERAL REGISTER

Telephone WOrth 3–3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10974

ESTABLISHING THE PRESIDENT'S COMMISSION ON CAMPAIGN COSTS

By virtue of the authority vested in me as President of the United States it is ordered as follows:

SECTION 1. There is hereby established the President's Commission on Campaign Costs, hereinafter referred to as the Commission. The Commission shall be composed of not more than twelve members, each of whom shall be appointed by the President from among persons outside the Government. One of the members of the Commission shall be designated by the President as Chairman thereof.

SEC. 2. It shall be the function of the Commission to prepare and present to the President recommendations with respect to improved ways of financing expenditures required of nominees for the offices of President and Vice President. As may be appropriate, the Commission shall examine and inquire into, and assemble information with respect to, the costs of campaigning in Presidential elections and such other matters or considerations as may be relevant to the development of the Commission's recommendations to the President.

SEC. 3. All who may be in a position to do so are requested to furnish the Commission information pertinent to its work and to otherwise facilitate the Commission's work.

SEC. 4. Each member of the Commission shall receive compensation of $75 for each day such member is engaged upon the work of the Commission. The Commission is authorized to appoint such personnel as may be necessary to assist the Commission in connection with the performance of its functions without regard to the civil service and classification laws but no individual shall receive compensation at a rate in excess of $15,000 per annum. The Commission is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); the compensation for such services shall not exceed the rate of $75 per diem in the case of an individual.

SEC. 5. The compensation of the members and employees of the Commission, lawful allowances therefor, and any other necessary expenses arising in connection with the work of the Commission shall be paid from the appropriation appearing under the heading "Special Projects" in title I of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, 75 Stat. 269. Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

SEC. 6. The General Services Administration is hereby designated as the agency which shall provide administrative services for the Commission on a reimbursable basis.

SEC. 7. The Commission in its discretion may transmit to the President such preliminary or interim report or reports as it may deem appropriate. It shall transmit its principal report to the President not later than April 30, 1962, and such additional supporting materials thereafter as it deems appropriate. The Commission shall terminate not later than 120 days after the date of its transmittal of its principal report to the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 8, 1961.

[F.R. Doc. 61–10852; Filed, Nov. 9, 1961; 11:03 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-13, Amdt. 1]

PART 482—COTTON

Subpart—1961–62 Cotton Export Program—Payment-in-Kind

REDEMPTION OF COTTON EXPORT PAYMENT CERTIFICATES

In order to provide for presentation of Cotton Export Payment Certificates to the New Orleans ASCS Commodity Office through banking channels for cash redemption, paragraph (c) of § 482.411 of the 1961–62 Cotton Export Program—Payment-in-Kind regulations (Announcement CN-EX-13) dated April 20, 1961 (26 F.R. 3516), is hereby amended to read as follows:

§ 432.411 Cotton export payment certificates.

* * * * *

(c) *Redemption.* The certificate will be redeemable by CCC at face value (1) in payment for upland cotton purchased for unrestricted use under CCC sales announcements providing for acceptance of such certificate, (2) in repayment of 1961-crop upland cotton loans which are outstanding under the CCC cotton loan program, or (3) for cash, if it has not been used to obtain cotton under (1) or (2) of this subparagraph and if it is presented to the New Orleans office for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate. CCC will offer to execute agreements with commercial banks under which such banks may present certificates to the New Orleans office through Federal Reserve banks or branch banks for cash redemption, and certificate holders may arrange with the commercial banks which execute such agreements with CCC to have their certificates presented for cash redemption through banking channels.

(Secs. 4, 5, 62 Stat. 1070, as amended; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 6, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-10745; Filed, Nov. 9, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Navel Orange Reg. 214]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.514 Navel Orange Regulation 214.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 8, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 12, 1961, and ending at 12:01 a.m., P.s.t., November 19, 1961, are hereby fixed as follows:

(i) District 1: 145,871 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 40,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1961.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10855; Filed, Nov. 9, 1961; 11:17 a.m.]

[Lemon Reg. 925]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1032 Lemon Regulation 925.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 7, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 12, 1961, and ending at 12:01 a.m., P.s.t., November 19, 1961, are hereby fixed as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 116,250 cartons;
(iii) District 3: 79,050 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1961.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10854; Filed, Nov. 9, 1961; 11:17 a.m.]

[Lime Reg. 13; Lime Reg. 12 Terminated]

PART 1001—LIMES GROWN IN FLORIDA

Quality and Size Regulation

§ 1001.313 Lime Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the said act, that it is necessary to continue regulation of the handling of limes, as hereinafter provided, in order to avoid a disruption of the orderly marketing of the remainder of the current lime crop, and such regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this section relieves restrictions on the handling of limes grown in Florida.

(b) *Order.* (1) Lime Regulation 12 (26 F.R. 6805) is hereby terminated at 12:01 a.m., e.s.t., November 10, 1961.

(2) During the period beginning at 12:01 a.m., e.s.t., November 10, 1961, and ending at 12:01 a.m., e.s.t., April 1, 1962, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1961.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10857; Filed, Nov. 9, 1961; 12:05 p.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Lime Reg. 6, Amdt. 2]

PART 1069—LIMES

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 1069.6 (Lime Regulation 6; 26 F.R. 4327, 6808) are hereby amended to read as follows:

(a) On and after the effective time hereof, the importation into the United States of any lot of limes which in the aggregate exceeds 250 pounds, net weight, is prohibited unless:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least the U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least the U.S. Combination, Mixed Color, grade with not less than 75 percent, by count, of the limes in each container thereof grading not less than U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; and

(4) Each such importation is made in conformance with the General Regulation (7 CFR Part 1060) applicable to the importation of listed commodities and the requirements of this regulation: *Provided,* That the provisions of § 1060.4 (e) of the General Regulations shall not apply.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this

amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation necessary; (b) such regulation imposes the same restrictions on imports of limes as the grade, size, and quality restrictions being made applicable to the shipment of limes grown in Florida under Lime Regulation 13 (§ 1001.313) which becomes effective November 10, 1961; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of Persian limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 9, 1961, to become effective at 12:01 a.m., e.s.t., November 10, 1961.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10858; Filed, Nov. 9, 1961; 12:05 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–52]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways, Associated Control Areas and Reporting Points

On October 7, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 9615) stating that the Federal Aviation Agency proposed to alter the airway structure in the Washington, D.C., terminal area and to redescribe the Springfield, Va., intermediate altitude VOR reporting point.

No adverse comments were received regarding the proposed amendments. However, the Air Transport Association of America made the following comment which concerns the designation of VOR Federal Airway No. 140:

> We notice that the portion of the airway which would coincide with the Quantico, Va., Restricted Area, R–6608, is excluded. We assume that aircraft flying the 079° radial of Casanova on departure to the southwest from Washington will be provided radar surveillance services and vectors as may be necessary so as not to encroach on the restricted area.

In answer to this comment, the Federal Aviation Agency normally provides radar surveillance services and vectors to aircraft departing the Washington terminal area consistent with the safe and efficient movement of air traffic. The Federal airway system is designated to provide an adequate buffer between the airway centerline and designated restricted areas. It is the responsibility of the pilot of an aircraft operating on an IFR flight plan to confine his flight path within the confines of the appropriate airway and to remain clear of designated special use airspace.

The present description of low altitude VOR Federal airway No. 140 excludes the portions of this airway within the limits of the Washington, D.C., Prohibited Area (P–56) and the Fort Dix, N.J., Restricted Area (R–25). Section 600.3, "Extent of Federal airways," provides for the exclusion of all prohibited areas from Federal airways, and, as presently aligned, Victor 140 no longer conflicts with R–25. Accordingly, action is taken herein to delete reference to P–56 and R–25 from the description of Victor 140. The Federal Aviation Agency proposes to decommission the Riverdale, Md., RBN after the Washington VOR is commissioned at Washington National Airport. Thus, an intersection of VOR radials will be substituted for the RBN in the description of Victor 3. Victor 3 will be further altered by the substitution of the Brooke VORTAC 011° for the 012° radial to form a more accurate intersection at Springfield, Va.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the Notice, the following actions are taken.

1. Section 600.6223 (14 CFR 600.6223, 26 F.R. 1754, 2344) is amended to read:

§ 600.6223 VOR Federal airway No. 223 (Herndon, Va., to Harrisburg, Pa.).

From the Herndon, Va., VORTAC to the Harrisburg, Pa., VORTAC.

2. Section 601.6223 (14 CFR 601.6223) is amended to read:

§ 601.6223 VOR Federal airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).

All of VOR Federal airway No. 223.

3. Section 600.6265 (14 CFR 600.6265) is amended to read:

§ 600.6265 VOR Federal airway No. 265 (Westminster, Md., to Dunkirk, N.Y.).

From the Westminster, Md., VOR via the INT of the Westminster VOR 345° and the Harrisburg, Pa., VORTAC 196° radials; Harrisburg VORTAC; Philipsburg, Pa., VORTAC; Bradford, Pa., VOR; Jamestown, N.Y., VOR; to the Dunkirk, N.Y., VOR.

§ 601.6265 [Amendment]

4. Section 601.6265 (14 CFR 601.6265) is amended as follows: In the caption "Linden, Va.," is deleted and "Westminster, Md.," is substituted therefor.

§ 600.6003 [Amendment]

5. Section 600.6003 (14 CFR 600.6003) is amended as follows:

a. In the caption "McLean, Va.," is deleted and "Springfield, Va.," is substituted therefor.

b. In the text "Brooke, Va., VOR; to the INT of the Brooke VOR 012° True and the Herndon, Va., VOR 118° True radials. From the Riverdale, Md., RBN via the Westminster, Md., VOR;" is deleted and "Brooke, Va., VORTAC; to the INT of the Brooke VORTAC 011° and the Herndon, Va., VORTAC 144° radials. From the INT of the Baltimore, Md.; VORTAC 224° and the Westminster, Md., VOR 179° radials via the Westminster VOR;" is substituted therefor.

§ 601.6003 [Amendment]

6. Section 601.6003 (14 CFR 601.6003) is amended as follows: In the caption "McLean, Va.," is deleted and "Springfield, Va.," is substituted therefor.

7. Section 600.6143 (14 CFR 600.6143, 26 F.R. 10428) is amended to read:

§ 600.6143 VOR Federal airway No. 143 (Fort Mill, S.C., to Montebello, Va.).

From the Fort Mill, S.C., VOR via the Greensboro, N.C., VOR, including a west alternate via the INT of the Fort Mill VOR 005° and the Greensboro VOR 238° radials; Lynchburg, Va., VORTAC; to the Montebello, Va., VOR.

§ 601.6143 [Amendment]

8. Section 601.6143 (14 CFR 601.6143, 26 F.R. 10428) is amended as follows: In the caption "Washington, D.C.," is deleted and "Montebello, Va.," is substituted therefor.

§ 600.6004 [Amendment]

9. Section 600.6004 (14 CFR 600.6004, 26 F.R. 2220, 3275) is amended as follows:

a. In the caption "McLean, Va." is deleted and "Doncaster, Va." is substituted therefor.

b. In the text "Herndon, Va., VOR; to the INT of the Herndon VOR 118° True and the Brooke, Va., VOR 012° True radials," is deleted and "Herndon, Va., VORTAC to the INT of the Herndon VORTAC 144° and the Washington, D.C., VOR 189° radials," is substituted therefor.

§ 601.6004 [Amendment]

10. Section 601.6004 (14 CFR 601.6004, 26 F.R. 3275) is amended as follows: In the caption "McLean, Va." is deleted and "Doncaster, Va." is substituted therefor.

§ 600.1520 [Amendment]

11. Section 600.1520 (26 F.R. 1079) is amended as follows: In the text "to the Herndon, Va., VOR." is deleted and "Herndon, Va., VOR; to the INT of the Herndon VOR 144° and the Linden, Va., VOR 095° radials." is substituted therefor.

§ 600.6008 [Amendment]

12. Section 600.6008 (14 CFR 600.6008, 26 F.R. 8170) is amended as follows: In the text "Martinsburg, W. Va., omnirange station; to the Washington, D.C., terminal omnirange station." is deleted and "Martinsburg, W. Va., VORTAC; INT of the Martinsburg VORTAC 119° and the Washington, D.C., VOR 321° radials; to the Washington VOR, including an S alternate from the Martinsburg VORTAC to the Washington VOR via the INT of the Martinsburg VORTAC 168° and the Linden, Va., VOR 095° radials; and the INT of the Linden VOR 095° and the Washington VOR 245° radials." is substituted therefor.

§ 600.6157 [Amendment]

13. Section 600.6157 (14 CFR 600.6157, 26 F.R. 573, 1754, 2344, 3462, 6810) is amended as follows: In the text "INT of the Brooke VORTAC 045° True and the Washington VOR 190° radials;" is deleted and "INT of the Brooke VORTAC 045° and the Washington VOR 189° radials;" is substituted therefor.

§ 600.6092 [Amendment]

14. Section 600.6092 (14 CFR 600.6092, 26 F.R. 1754, 2344) is amended as follows: In the text "INT of the Front Royal VOR 112° and the Washington VOR 249° radials; to the Washington, D.C., TVOR." is deleted and "INT of the Front Royal VOR 112° and the Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefor.

§ 600.6144 [Amendment]

15. Section 600.6144 (14 CFR 600.6144, 26 F.R. 1754, 2344) is amended as follows: In the text "INT of the Linden VOR 095° True and the Washington, D.C., VOR 249° True radials; to the Washington VOR." is deleted and "INT of the Linden VOR 095° and the Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefor.

§ 600.6174 [Amendment]

16. Section 600.6174 (14 CFR 600.6174, 26 F.R. 1754, 2344) is amended as follows: In the text "INT of the Linden VOR 095° and the Washington, D.C., VOR 249° True radials; to the Washington VOR." is deleted and "INT of the Linden VOR 095° and Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefore.

§ 600.1526 [Amendment]

17. Section 600.1526 (26 F.R. 1079, 1754, 2344) is amended as follows: In the text "INT of the Linden VOR 095° and the Washington, D.C., VOR 249° radials; to the Washington VOR." is deleted and "INT of the Linden VOR 095° and the Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefor.

§ 600.6140 [Amendment]

18. Section 600.6140 (14 CFR 600.6140, 26 F.R. 1754, 2219, 2344, 2640) is amended as follows: In the text "Casanova, Va., VOR; the point of INT of the Front Royal VOR 112° and the Washington VOR 249° radials; Washington, D.C., TVOR; Baltimore, Md., VOR; Millville, N.J., VOR; Coyle, N.J., VOR; to the Idlewild, N.Y., VORTAC. The portions of this airway which lie within the geographical limits of, and between the designated altitudes of, the Washington Prohibited Area (P–56) and the Fort Dix Restricted Area (R–25) are excluded during these areas' times of designation." is deleted and "Casanova, Va., VORTAC; INT of the Casanova VORTAC 079° and the Washington, D.C., VOR 175° radials; Washington VOR; Baltimore, Md., VORTAC; Millville, N.J., VOR; Coyle, N.J., VORTAC; to the Idlewild, N.Y., VOR, excluding the airspace within R–6608." is substituted therefor.

§ 600.6155 [Amendment]

19. Section 600.6155 (14 CFR 600.6155) is amended as follows: In the text "to the Casanova, Va., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, Camp Pickett Restricted Area (R–44) is excluded during this restricted area's time of designation." is deleted and "Casanova, Va., VORTAC; INT of the Casanova VORTAC 066° and the Washington, D.C., VOR 321° radials; to the Washington VOR, excluding the airspace within R–6602." is substituted therefor.

§ 601.6155 [Amendment]

20. In the caption of § 601.6155 (14 CFR 601.6155) "Raleigh, Ga." is deleted and "Washington, D.C." is substituted therefor.

§ 601.7003 [Amendment]

21. Section 601.7003 (26 F.R. 1079) is amended as follows: In the text "Springfield, Va., INT: INT of the Herndon, Va., VOR 145° and the Linden, Va., VOR 095° radials." is deleted and "Springfield, Va., INT: INT of the Herndon, Va., VOR 144° and the Linden, Va., VOR 095° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10818; Filed, Nov. 9, 1961; 8:53 a.m.]

[Airspace Docket No. 61–WA–202]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation, Modification and Revocation of Reporting Points

The purpose of these amendments to §§ 601.7001 and 601.7003 of the regulations of the Administrator is to revoke designated reporting points that the Federal Aviation Agency has determined are no longer required for air traffic management purposes; designate new reporting points and modify the location of existing designated reporting points. Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic management and assist the controller in the performance of his duties. However, because of the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus the actions taken herein reflect this changing need on the part of air traffic control.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure requirements of the Administrative Procedures Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 601.7001 (14 CFR 601.7001, 26 F.R. 643, 3852) the following changes are made:

a. In the text delete:

County INT: The INT of the Chadron, Ohio, VORTAC 280° True and the Cleveland, Ohio, VORTAC 069° True radials.

Point Dume Intersection: The intersection of the Fillmore, Calif., omnirange 163° True and the Long Beach, Calif., omnirange 287° True radials.

Reedsville INT: The INT of the Tower City, Pa., VOR direct radial to the Tyrone, Pa., VOR with the Harrisburg, Pa., VOR direct radial to the Philipsburg, Pa., VOR.

Riverhead, N.Y., omnirange station.

Tannersville, Pa., VORTAC.

West Point INT: The INT of Poughkeepsie, N.Y., VOR 220° True and the Wilton, Conn., VOR 295° True radials.

Pacoima Intersection: The intersection of the Fillmore, Calif., omnirange 111° True and the Los Angeles, Calif., omnirange 355° True radials.

b. In the text add:

Dunkirk, N.Y., VOR.

Tyrone, Pa., VORTAC.

Carrolltown, Pa., VOR.

Mentor INT: INT of the Cleveland, Ohio, VORTAC 069° and the Akron, Ohio, VORTAC 337° True radials.

c. In the text the Leesburg and Spring Glen intersections are amended to read:

Leesburg INT: INT of the Waterloo, N.J., VOR 023° and the Sea Isle, N.J., VOR 324° True radials.

Spring Glen INT: INT of the Wilton, Conn., VOR 295° and the Huguenot, N.Y., VORTAC 006° True radials.

2. In § 601.7003 (26 F.R. 1079) the Elmira, N.Y. and Stony Fork, Pa., intersections are amended to read:

Elmira, N.Y., INT: INT of the Wellsville, N.Y., VOR 089° and the Syracuse, N.Y., VOR 211° radials.

Stony Fork, Pa., INT: INT of the Bradford, Pa., VOR 095° and the Philipsburg, Pa., VOR 031° radials.

These amendments shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10786; Filed, Nov. 9, 1961; 8:51 a.m.]

[Airspace Docket No. 61-WA-167]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Route and Jet Advisory Area

On September 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8600) stating that the Federal Aviation Agency proposed to designate Jet Route No. 14 and an associated en route radar jet advisory area from Amarillo, Texas, to Atlanta, Ga.

The Department of the Army interposed no objection provided that necessary safety procedures are adopted which will insure that aircraft utilizing this route do not penetrate Restricted Areas R-2402 and R-2102 when being utilized by the Using Agency. It is incumbent upon pilots to fly J-14 along the direct courses between the navigational aids or fixes defining this route. Minute errors either in ground or airborne equipment may result in some deviation from these courses. However, the segments of J-14 which are in proximity to R-2402 and R-2102 are aligned so that they will bypass these restricted areas at a distance which will compensate for the acceptable systems error factor. No other comments were received within the allotted time.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the Notice, the following actions are taken:

1. In § 602.100 Jet routes (26 F.R. 7079) the following is added:

Jet Route No. 14 (Amarillo, Tex., to Atlanta, Ga.).
From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.

2. In § 602.200 En route jet advisory areas (26 F.R. 7079) the following is added:

Jet Route No. 14 jet advisory area. Radar—Amarillo, Tex., to Atlanta, Ga.

These amendments shall become effective 0001 e.s.t. December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10787; Filed, Nov. 9, 1961; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

NYSTATIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, Georges Road, New Brunswick, New Jersey, and other relevant material, has concluded that the following amendment to § 121.220 of the food additive regulations should issue with respect to nystatin, when used for the prevention or treatment of crop mycosis and mycotic diarrhea in turkeys. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.220 (21 CFR 121.220 (26 F.R. 6239)) is amended in the following respects:

1. Paragraph (a)(1) is amended by inserting the words "turkeys and" after the words "diarrhea in". As amended, subparagraph (1) reads as follows:

§ 121.220 Nystatin.

* * * * * * *

(a) * * *

(1) For the prevention or treatment of crop mycosis and mycotic diarrhea in turkeys and chickens, including laying hens, as follows:

2. Paragraph (c)(4)(ii) is amended by inserting the word "turkeys" after the words "diarrhea in". As amended, subdivision (ii) reads as follows:

(c) * * *

(4) * * *

(ii) A statement that the medicated feed is to be used solely for the prevention or treatment of crop mycosis and mycotic diarrhea in turkeys, chickens, and laying hens, whichever is appropriate.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 6, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10751; Filed, Nov. 9, 1961; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Use of Excess Personal Property as a Source of Supply

Part 1-5 is amended as set forth below:

1. The table of contents is amended to include new Subpart 1-5.3 as follows:

Subpart 1-5.3—Excess Personal Property

Sec.
1-5.300 Scope of subpart.
1-5.301 Definition of excess personal property.
1-5.302 Policy.
1-5.303 Implementation of policy.
1-5.304 Assistance by General Services Administration in filling requirements from excess.

AUTHORITY: §§ 1-5.300 to 1-5.304 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. New Subpart 1-5.3 is added to read as follows:

Subpart 1-5.3—Excess Personal Property

§ 1-5.300 Scope of subpart.

This subpart sets forth policies and related material regarding the use of excess personal property as a source of supply. This subpart does not include, modify, or supersede instructions concerning the reassignment of personal property within executive agencies and the transfer of excess, or other instructions concerning the utilization of Government-owned personal property, which are contained in Chapter III, Title 1, Personal Property Management, Regulations of the General Services Administration.

§ 1-5.301 Definition of excess personal property.

"Excess personal property" means any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

§ 1-5.302 Policy.

To the fullest extent practicable, agencies shall use excess personal property as the first source of supply in

fulfilling their requirements and requirements of their cost-type contractors.

§ 1-5.303 Implementation of policy.

(a) In giving effect to the policy stated in § 1-5.302, agencies should provide that:

(1) Personnel authorized to approve actions for procurement or other acquisition of personal property will make positive efforts to obtain excess before such actions are undertaken.

(2) Personnel mentioned in (1) of this § 1-5.303(a) will receive available information concerning excess personal property from appropriate General Services Administration regional offices.

(b) Prior to procurement or other acquisition of property, careful and receptive consideration shall be given to utilization of known usable excess personal property of a similar type, including the possibility of substitution of adaptation of excess items not identical with requested items, whether the excess items are unused, rehabilitated, or in used condition, and regardless of whether the intended acquisition would be from General Services Administration stores stock or from other sources of supply.

§ 1-5.304 Assistance by General Services Administration in filling requirements from excess.

(a) Information regarding the availability of excess personal property may be obtained through the following:

(1) Personal contact with the General Services Administration or the holding installation.

(2) Review of excess personal property catalogs and bulletins circularized by the General Services Administration.

(3) Submission of personal property requirements to the regional offices of the General Services Administration. (GSA Form 1539, Request for Excess Personal Property, is available for this purpose.)

(4) Examination and inspection of reports and samples of excess personal property assembled for this purpose in General Services Administration regional offices.

(b) The General Services Administration will assist agencies in meeting their requirements for property of the types excepted from reporting as excess by subsection 302.02, Chapter III, Title 1, Personal Property Management, Regulations of the General Services Administration. Federal agencies requiring such property should contact the appropriate General Services Administration regional office. General Services Administration area utilization officers, stationed at key military excess generating points throughout the United States, are screening and offering for Government use non-reported excess personal property as it becomes available for transfer.

Effective date. These regulations are effective immediately.

Dated: November 7, 1961.

BERNARD L. BOUTIN,
Acting Administrator of General Services.

[F.R. Doc. 61-10810; Filed, Nov. 9, 1961; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER G—MISCELLANEOUS RULES

PART 765—RULES APPLICABLE TO THE PUBLIC

Visitors on Vessels Under Construction or Conversion

1. Section 765.4 is revised to read as follows:

§ 765.4 Visitors on vessels under construction or conversion.

(a) No visitor shall be allowed to go on board vessels of the Navy under construction or conversion except on the authority of the Chief, Bureau of Ships, or his authorized field representative at the site of construction or conversion; and no such permission shall be given to anyone not known to be an American citizen of good standing and repute.

(b) Visitors representing foreign governments, or known to be other than American citizens shall not be permitted to visit such vessels except by authority of the Chief of Naval Operations (Office of Naval Intelligence); and they shall in all cases be accompanied by an authorized naval representative. The official accompanying such visitor shall report to the Chief of Naval Operations (Chief of Naval Intelligence) in writing whenever the visitor expresses an undue interest in information that he is not authorized to receive, or expresses feelings inimical to the best interests of the United States.

(R.S. 161, sec. 5031, 70A Stat. 278, as amended, 5 U.S.C. 22, 10 U.S.C. 5031)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

NOVEMBER 6, 1961.

[F.R. Doc. 61-10752; Filed, Nov. 9, 1961; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Change of Terminology To Denote Kilocycles Per Second and Megacycles Per Second

The Commission having under consideration the desirability of using the terms kc/s and Mc/s, in lieu of kc and Mc, to denote kilocycles per second and megacycles per second, respectively, in Parts 7, 8, and 14 of its rules and regulations;

It appearing, that this method of expressing frequencies and bands is in consonance with the Geneva Radio Regulations (1959) and international practice and has already been incorporated in the Commission's rules, Part 2, Frequency Allocations and Radio Treaty Matters, General Rules and Regulations; and

It further appearing that the amendment adopted herein is editorial in nature, thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section (4)(c) of the Administrative Procedure Act is not required; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 3d day of November 1961, that effective November 13, 1961, Parts 7, 8, and 14 of the Commission's rules are amended as follows: The terms "kc" and "Mc" are changed to read "kc/s" and "Mc/s", respectively, wherever they appear, in Parts 7, 8, and 14.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10781; Filed, Nov. 9, 1961; 8:52 a.m.]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Procedure for Type Approval; Medical Diathermy Equipment

The Commission, having under consideration the desirability of making certain editorial changes in Part 18 of its rules and regulations; and

It appearing that the amendment adopted herein involves the internal organization of the Commission and that it is editorial in nature, and hence that section 4 of the Administrative Procedure Act is inapplicable; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegation of Authority and Other Information.

It is ordered, This 3d day of November 1961, that, effective November 13, 1961, the note at the end of § 18.14 is amended to read as follows:

§ 18.14 Procedure for type approval.

* * * * *

NOTE: Medical diathermy equipment operated on 915 Mc/s, 2450 Mc/s, 5800 Mc/s or 21,125 Mc/s will be eligible for type approval upon a determination by the Chief

Engineer of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.7.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10780; Filed, Nov. 9, 1961; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

MANUFACTURERS EXCISE TAX ON MOTOR VEHICLES AND PARTS OR ACCESSORIES THEREFOR

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

The following regulations are prescribed under sections 4061, 4062, and 4063 of the Internal Revenue Code of 1954, as amended, relating to taxes on motor vehicles and parts or accessories therefor. Except where otherwise specifically provided, these regulations are applicable to sales of motor vehicles and parts or accessories therefor on or after January 1, 1959. Regulations under § 48.4061(a)-2, relating to bonding of importers, were published in Treasury Decision 6499, approved October 24, 1960, 25 F.R. 10347.

Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

AUTOMOTIVE AND RELATED ITEMS

MOTOR VEHICLES

Sec.
48.4061(a) Statutory provisions; imposition of tax; automobiles.
48.4061(a)-1 Imposition of tax.
48.4061(a)-2 Bonding of importers.
48.4061(a)-3 Definitions.
48.4061(a)-4 Parts or accessories sold on or in connection with chassis, bodies, etc.
48.4061(a)-5 Sale of automobile bodies and chassis.
48.4061(b) Statutory provisions; imposition of tax; parts and accessories.
48.4061(b)-1 Imposition of tax.
48.4061(b)-2 Definition of parts or accessories.
48.4061(b)-3 Rebuilt, reconditioned, or repaired parts or accessories.
48.4062(a) Statutory provisions; definitions; certain articles considered as parts.
48.4062(a)-1 Specific parts or accessories.
48.4062(b) Statutory provisions; definitions; sale price of rebuilt parts.
48.4062(b)-1 Rebuilt parts or accessories sold on an exchange basis.
48.4063 Statutory provisions; exemptions.
48.4063-1 Tax-free sales of bodies to chassis manufacturers.
48.4063-2 Other tax-free sales.

Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

AUTOMOTIVE AND RELATED ITEMS

MOTOR VEHICLES

§ 48.4061(a) Statutory provisions; imposition of tax; automobiles.

SEC. 4061. *Imposition of tax*—(a) *Automobiles.* There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

(1) Articles taxable at 10 percent, except that on and after October 1, 1972, the rate shall be 5 percent—

Automobile truck chassis.
Automobile truck bodies.
Automobile bus chassis.
Automobile bus bodies.
Truck and bus trailer and semitrailer chassis.
Truck and bus trailer and semitrailer bodies.
Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

(2) Articles taxable at 10 percent except that on and after July 1, 1962, the rate shall be 7 percent—

Automobile chassis and bodies other than those taxable under paragraph (1).
Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

A sale of an automobile, trailer, or semitrailer shall, for the purpose of this paragraph, be considered to be a sale of the chassis and of the body.

[Sec. 4061(a) as amended and in effect Jan. 1, 1959, and as amended by sec. 3(a)(1), Tax Rate Extension Act 1959 (73 Stat. 157); sec. 202(a)(1), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 204, Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 3(a)(1), Tax Rate Extension Act 1961 (75 Stat. 193)]

§ 48.4061(a)-1 Imposition of tax.

(a) *In general.* Section 4061(a) imposes a tax on the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof):

(1) Automobile truck and bus chassis and bodies;

(2) Truck and bus trailer and semitrailer chassis and bodies;

(3) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer;

(4) Other automobile chassis and bodies; and

(5) Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

(b) *Rates and computation of tax.* (1) Tax is imposed on the sale of the articles enumerated in section 4061(a) and paragraph (a) of this section at the rate applicable on the date on which the article is sold, as specified below:

(i) Automobile truck and bus chassis and bodies, truck and bus trailers and semitrailers, and tractors sold—

	Percent
(*a*) During the period January 1, 1959, to September 30, 1972, inclusive	10
(*b*) On or after October 1, 1972	5

(ii) Other automobile chassis and bodies sold—

	Percent
(*a*) During the period January 1, 1959, to June 30, 1962, inclusive	10
(*b*) On or after July 1, 1962	7

(2) The tax is computed by applying to the price for which the article is sold the rate in effect at the time of the sale. For definition of the term "price" and for application of the tax to leases of articles, see sections 4216 and 4217, respectively, and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4061(a) is payable by the manufacturer, producer, or importer making the sale.

(d) *Nonhighway vehicles.* A chassis or body specified in section 4061(a) (see paragraph (a) of this section) which is not designed for highway use is not subject to the tax imposed by such section. The following are examples of vehicles which are not designed for highway use, and, therefore, not taxable: Road graders, bulldozers, power shovels, earth movers, farm tractors, motor-driven vehicles designed and adapted for use in pulling or drawing vehicles around the premises of factories and railway stations, and small trucks for handling baggage and trunks at railway stations.

(e) *Trailers.* (1) A trailer or semitrailer chassis or body primarily designed for highway use in combination with a taxable truck, bus, or tractor is subject

to the tax imposed by section 4061(a)(1). Trailers and semitrailers which are suitable for use in combination with passenger automobiles, but which are not house trailers, are subject to the tax imposed by section 4061(a)(2). A trailer designed for use in combination with a passenger automobile which is to be used for purposes other than living or sleeping, commonly referred to as a "utility trailer", is an example of a trailer taxable under section 4061(a)(2). The tax attaches even though the trailer or semitrailer may have equipment to perform functions other than in connection with the transportation of property or persons. However, no tax under section 4061(a) attaches to that part of the selling price of the complete unit which is reasonably attributable to such equipment provided that such part of the selling price is billed separately on the invoice to the customer or can be otherwise established by adequate records.

(2) Examples of trailers and semitrailers subject to the tax imposed by section 4061(a)(1) are:

(i) General purpose pole trailers, combination pole and cable reel trailers, transformer trailers, machinery trailers, tilt-top implement trailers, reel dollies, pole dollies, and highway logging dollies.

(ii) Low-bed trailers or semitrailers designed for transporting heavy equipment over the highways.

(3) A farm wagon primarily designed for use on farms, although it may be used on the highway, illustrates a type of vehicle which is not a trailer within the meaning of section 4061(a).

§ 48.4061(a)–2 Bonding of importers.

NOTE: For regulations under this section 48.4061(a)–2 (26 CFR 48.4061(a)–2), see Treasury Decision 6499, approved October 24, 1960 (25 F.R. 10347).

§ 48.4061(a)–3 Definitions.

For purposes of the tax imposed by section 4061, unless otherwise expressly indicated:

(a) *Automobile truck.* The term "automobile truck" includes automobile buses, and truck and bus trailers and semitrailers.

(b) *Other automobile.* The term "other automobile" means all automobiles other than automobile trucks, and includes trailers and semitrailers suitable for use in connection with passenger automobiles, but does not include house trailers.

(c) *Tractor.* The term "tractor" means any tractor chiefly used for highway transportation in combination with a trailer or semitrailer.

§ 48.4061(a)–4 Parts or accessories sold on or in connection with chassis, bodies, etc.

(a) *In general.* The tax attaches in respect of parts or accessories for articles specified in section 4061(a) sold on or in connection therewith or with the sale thereof at the rate applicable to the sale of the basis article. The tax attaches in such case whether or not the parts or accessories are billed separately. For the tax applicable to parts or accessories which are not sold on or in connection with the sale of a taxable chassis, body, or tractor, see § 48.4061(b)–1.

(b) *Essential equipment.* If taxable chassis, bodies, or tractors are sold by the manufacturer, producer, or importer without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date. For example, if a manufacturer sells to any person a chassis and the bumpers for such chassis, or sells a taxable tractor and the fifth wheel and attachments, the tax applies to such parts or accessories at the same rate as on the chassis or tractor regardless of the method of billing or the time at which the shipments were made.

§ 48.4061(a)–5 Sale of automobile bodies and chassis.

(a) *Sale of complete vehicle.* An automobile truck or other automobile for purposes of the tax consists of two parts, namely, a body and a chassis. The tax applies to the sale by the manufacturer of each. Thus, if the purchaser of a taxpaid chassis attaches to it a body manufactured by him and sells the completed vehicle, he is liable for tax based on the sale price of the body only. However, the tax attaches to the selling price of the unit unless adequate records are available to show the portion of the total selling price attributable to the body.

(b) *Bodies and chassis which are subject to different tax rates.* If different rates of tax apply to the body and the chassis and the completed vehicle is sold as a unit, the tax is computed at the appropriate rate on the portion of the selling price applicable to each. Thus, if the manufacturer of a truck body installs it on a passenger automobile chassis manufactured by him, the sale of the body and chassis (if the sale is made at a time when the applicable rates are different) must be recorded and billed separately and the tax is based on the separate sale price of the body and chassis at the rate applicable to each. The respective selling prices of the body and chassis must include all parts and accessories made a part thereof, or attached thereto, or sold in connection therewith. When doubt exists as to whether a part or accessory should be included in the sale price of the body or of the chassis, the rate of tax will be determined according to whether it is customary to sell such part or accessory with bodies or with chassis when bodies or chassis are sold separately.

§ 48.4061(b) Statutory provisions; imposition of tax; parts and accessories.

SEC. 4061. *Imposition of tax.* • • •

(b) *Parts and accessories.* There is hereby imposed upon parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in subsection (a) sold by the manufacturer, producer, or importer a tax equivalent to 8 percent of the price for which so sold, except that on and after July 1, 1962, the rate shall be 5 percent.

[Sec. 4061(b) as amended and in effect Jan. 1, 1959, and as amended by sec. 3(a)(1), Tax Rate Extension Act 1959 (73 Stat. 157); sec. 202(a)(1), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 3(a)(1), Tax Rate Extension Act 1961 (75 Stat. 103)]

§ 48.4061(b)–1 Imposition of tax.

(a) *In general.* Section 4061(b) imposes a tax on the sale by the manufacturer, producer, or importer of parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in section 4061(a) (see paragraph (a) of § 48.4061(a)–1).

(b) *Rates of tax.* Tax is imposed on the sale of parts or accessories for any of the articles enumerated in section 4061(a) at the rates specified below:

	Percent
(1) Parts or accessories sold during the period January 1, 1959, to June 30, 1962, inclusive	8
(2) Parts or accessories sold on or after July 1, 1962	5

The tax is computed by applying to the price for which the part or accessory is sold the rate in effect at the time of the sale. For definition of the term "price" see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4061(b) is payable by the manufacturer, producer, or importer making the sale.

§ 48.4061(b)–2 Definition of parts or accessories.

(a) *In general.* The term "parts or accessories" includes (1) any article the primary use of which is to improve, repair, replace, or serve as a component part of an automobile truck or bus chassis or body, or other automobile chassis or body, or taxable tractor, (2) any article designed to be attached to or used in connection with such chassis, body, or tractor to add to its utility or ornamentation, and (3) any article the primary use of which is in connection with such chassis, body, or tractor, whether or not essential to its operation or use. The term "parts or accessories" includes all articles which have reached such a stage of manufacture as to be commonly known as parts or accessories whether or not fitting operations are required in connection with their installation. An article shall not be deemed to be a taxable part or accessory even though it is designed to be attached to the vehicle or to be primarily used in connection therewith if the article is in effect the load being transported and the primary function of the article is to serve a purpose unrelated to the vehicle as such. For example, a construction derrick attached to a truck is not a taxable part or accessory inasmuch as the derrick is the load of the truck and its use is in connection with construction work at a construction site rather than in connection with the transportation or loading or unloading function of the truck. On the other hand, an article such as a towing cradle or loading or unloading equipment designed to be attached to or to be primarily used in connection with a truck is a taxable part or accessory inasmuch as the article contributes to the load-carrying function of the truck. The term "parts or accessories" does not include tires, inner tubes, or automobile radio or television receiving sets, since these articles are expressly exempted by section 4061(b) from the tax. However, the term "parts or accessories" includes tire valves designed for use on tires or tubes for articles taxable under section 4061(a).

(b) *Articles of a general use.* The term "parts" or accessories" does not include articles which are not used primarily in the manufacture, repair, etc., of automobile trucks, other automobiles, or tractors, but have a general use in the manufacture, repair, etc., of various articles. For example, commodities such as ball and roller bearings, bolts, nuts, washers, screws, nails, tacks, rivets, pins, studs, cotters, pipe fittings such as plugs, tees, ells, and elbows, drain cocks, grease cups, oilers, and similar articles are not of themselves parts or accessories unless so constructed as to be used primarily in the manufacture, repair, etc., of automobile trucks, other automobiles, or tractors. On the other hand, parts for automobile parts or accessories are in themselves taxable unless they are articles of a type not specifically designed for use primarily in the automobile field. For example, the tax applies to the sale of gears, flexible shafts, and flexible housings designed as replacement parts for automotive speedometers; as well as replacement parts for automobile engines, transmissions, differentials, steering mechanisms, timers, windshield-wiper motors, and other automobile parts or accessories.

(c) *Materials of a general use.* The term "parts or accessories" also does not include material such as glass, cloth, leather, matting, linoleum, and other materials sold in rolls or by the foot, such as brake lining, tape, binding, wire, cable, metal and rubber tubing, packing, conduit, and similar material. However, when any such material is cut or otherwise transformed by any person into an automobile part or accessory (whether in connection with an immediate installation or otherwise and regardless of who installs the part or accessory), tax attaches at the time such part or accessory is sold by such person.

(d) *Examples of articles taxable as parts or accessories.* Examples of articles which are taxable as parts or accessories are: Automobile air conditioners; baby seats for automobiles; automobile beds; automobile hammocks; automobile clutches; bottle warmers and heating pads designed to operate from an automobile cigarette lighter; automobile radio antennae; automobile license plate frames; automobile clocks; automobile mirrors and mirror brackets; purses for carrying parking meter coins or cases for carrying registration cards when designed for attachment to an automobile; safes primarily designed for use in taxable motor vehicles; electric bulbs primarily designed and adapted for use on automobiles; automobile floor mats; jacks of the mechanical or hydraulic bumper, screw, ratchet, scissors, or other type primarily designed to be carried as accessories in automobiles as distinguished from jacks designed especially for use in garages and repair shops; dollies of the type commonly known as converter dollies which are used as connectors to convert semitrailers to full trailers; tool kits recommended for use with automobiles; automobile seat covers of any construction whether they are ready-made or custom fitted; fitted truck top covers; glass cut to size for installation in automobiles; and automobile bearings, such as automobile crankshaft or connecting rod bearings.

(e) *Effective date.* This section shall be effective with respect to sales made on or after the first day of the first month which begins more than 30 days after the date of publication of this section in the FEDERAL REGISTER. For the definition of parts or accessories applicable to sales thereof prior to such first day, see § 40.4061(b)–2 of this chapter (Manufacturers and Retailers Excise Tax Regulations).

(f) *Cross references.* For provisions relating to the tax imposed upon:

(1) Tires and inner tubes, see section 4071 and the regulations thereunder contained in Subpart H of this part;

(2) Automobile radio and television receiving sets, see section 4141 and the regulations thereunder contained in Subpart J of this part; and

(3) Fare registers and fare boxes for use on buses and automobiles, see section 4191 and the regulations thereunder contained in Subpart L of this part.

§ 48.4061(b)–3 Rebuilt, reconditioned, or repaired parts or accessories.

(a) *Rebuilt parts or accessories.* Rebuilding of automobile parts or accessories, as distinguished from reconditioning or repairing, constitutes manufacturing, and the rebuilder of such parts or accessories is liable for the tax imposed by section 4061(b) with respect to his sales of such rebuilt parts or accessories. Major operations, such as reboring or other machining, rewinding, etc., of any type, performed on a used automobile part or accessory to put the article into usable condition constitute rebuilding. The person owning the part or accessory being rebuilt is the manufacturer of the article and is liable for the tax on his sale of the rebuilt part or accessory. The tax attaches whether the machining or other operation is performed by the rebuilder himself or by some other person in his behalf. For example, the tax attaches with respect to sales of (1) rebuilt batteries, (2) rebabbitted or machined connecting rods, (3) reassembled clutches after operations such as the resurfacing of clutch plates, (4) rewound armatures, (5) reassembled generators or starter motors containing armatures rewound or commutators turned down on a lathe by or for the person reassembling the generator or starter motor, (6) reground or remetalized crankshafts, and (7) engines in which blocks are machined (such as cylinders rebored or new sleeves inserted with or without cylinders being rebored) or new blocks installed. For provisions relating to the sale price of rebuilt parts or accessories, see § 48.4062(b)–1.

(b) *Reconditioned parts or accessories.* The mere disassembling, cleaning, and reassembling (with any necessary replacements of worn parts) of automobile parts or accessories, such as fuel pumps, water pumps, carburetors, distributors, shock absorbers, windshield-wiper motors, brake shoes, clutch disks, voltage regulators, and other parts or accessories, are regarded as reconditioning operations rather than the manufacturing or production of rebuilt parts or accessories. The sale of a reconditioned part or accessory is not subject to tax if previous to the reconditioning there had been a prior sale of such part or accessory in the United States. Any new taxable parts or accessories produced, or purchased tax free for use in further manufacture, and used as replacements in reconditioning such units are subject to tax when used by the reconditioner.

(c) *Repaired parts or accessories.* The tax does not apply to the amount paid for the repair of automobile parts or accessories for the owner thereof. Repairing consists of the restoration, whether by rebuilding or reconditioning, of an owner's part or accessory to usable condition for his own use rather than for sale. The person who performs the repairing must retain in his possession evidence or documents from which the nontaxable nature of the operation can be ascertained. Any person engaged in rebuilding parts or accessories for purposes of sale incurs liability for tax with respect to his own use of any part or accessory rebuilt by him for sale.

(d) *Effective date.* This section shall be effective with respect to sales made on or after the first day of the first month which begins more than 30 days after the date of publication of this section in the FEDERAL REGISTER. For regulations applicable to sales prior to such first day of rebuilt, reconditioned, or repaired parts or accessories, see § 40.4061(b)–3 of this chapter (Manufacturers and Retailers Excise Tax Regulations).

§ 48.4062(a) Statutory provisions; definitions; certain articles considered as parts.

SEC. 4062. *Definitions*—(a) *Certain articles considered as parts.* For the purposes of section 4061, spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 4061(a), shall be considered parts or accessories for such articles whether or not primarily adapted for such use.

[Sec. 4062(a) as in effect Jan. 1, 1959]

§ 48.4062(a)–1 Specific parts or accessories.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, automobile trucks, other automobiles, tractors, or other vehicles enumerated in section 4061(a), are considered parts of, or accessories for, such articles whether or not primarily designed or adapted for such use.

§ 48.4062(b) Statutory provisions; definitions; sale price of rebuilt parts.

SEC. 4062. *Definitions.* * * *

(b) *Sale price of rebuilt parts.* In determining the sale price of a rebuilt automobile part or accessory there shall be excluded from the price, in accordance with regulations prescribed by the Secretary or his delegate, the value of a like part or accessory accepted in exchange.

[Sec. 4062(b) as in effect Jan. 1, 1959]

§ 48.4062(b)–1 Rebuilt parts or accessories sold on an exchange basis.

The sale price of a rebuilt part or accessory on which the tax is to be computed shall not include the value of a like part or accessory accepted in exchange. The total amount charged in excess of the amount allowed for a like article accepted in an exchange will be the basis for tax. For example, if a rebuilt automobile engine is sold for $100, plus another automobile engine, the tax on the rebuilt engine will be computed on the basis of $100.

§ 48.4063 Statutory provisions; exemptions.

SEC. 4063. *Exemptions*—(a) *Specific articles exempt from tax on automobiles.* The tax imposed under section 4061(a) (2) shall not apply in the case of house trailers or tractors.

(b) *Sales to manufacturers.* Under regulations prescribed by the Secretary or his delegate, the tax under section 4061 shall not apply in the case of sales of bodies by the manufacturer, producer, or importer to a manufacturer or producer of automobile trucks or other automobiles to be sold by such vendee. For the purposes of section 4061, such vendee shall be considered the manufacturer or producer of such bodies.

[Sec. 4063 as in effect Jan. 1, 1959]

§ 48.4063–1 Tax-free sales of bodies to chassis manufacturers.

The tax imposed by section 4061 shall not apply to bodies sold by the manufacturer thereof to a manufacturer (but not an importer) of automobile trucks or other automobiles to be sold by the purchaser. Thus, a manufacturer of automobile truck bodies or other automobile bodies is permitted to sell such bodies tax free to manufacturers of automobile truck chassis or other automobile chassis. However, there is no similar provision with respect to the sale of an automobile truck chassis or other automobile chassis to manufacturers of automobile truck bodies or other automobile bodies. In order to effect a tax-free sale of a body as provided in this paragraph, both the seller and purchaser must comply with the registration and other requirements of section 4222 and the regulations thereunder contained in Subpart N of this part. A chassis manufacturer who purchases a body tax free as provided in this paragraph shall, for purposes of application of the tax imposed by section 4061(a), be considered the manufacturer of such body.

§ 48.4063–2 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4061, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules pertaining to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

[F.R. Doc. 61–10758; Filed, Nov. 9, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Proposed Amendments to the Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

The Department of Agriculture has under consideration the formulation and issuance of amendments to the Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years which are required by the provisions of sections 122 and 124 of the Agricultural Act of 1961 (75 Stat. 294, approved August 8, 1961).

The exact wording of the proposed amendments is set out below. The wording of these amendments would incorporate into the regulations the provisions of the legislation. With respect to proposed amendment number 4, the statute states that acreage diverted from the production of wheat under subsection (a) (as well as under subsection (c)) of section 124 of the Agricultural Act of 1961 shall not be considered underplanting of the wheat acreage allotment for the purpose of releasing wheat of a crop prior to 1962 which was stored to avoid or postpone marketing penalty. The acreage diverted in 1962 under subsection (a) of section 124 of said act could not be considered underplanting for this purpose in any event, since the 1962 effective farm acreage allotment for marketing quota purposes represents the allotment remaining after the mandatory ten per centum reduction in 1962 allotments required by the Agricultural Act of 1961 had been made and acreage represented by the ten per centum reduction is the only acreage which may be diverted under subsection (a) of section 124 of the Act. Proposed amendment number 5 would provide, in conformity with the statute, that in determining underproduction of the 1962 wheat crop for the purpose of releasing wheat of a prior crop stored to avoid or postpone marketing penalty the normal yield times the acreage diverted from the production of wheat under subsection (a) (as well as subsection (c)) of section 124 of the Agricultural Act of 1961 shall be considered actual production of 1962 crop wheat. As indicated above, the acreage diverted under said subsection (a) is acreage in excess of the effective 1962 farm acreage allotment for marketing quota purposes; however, the producer will receive payment for diverting such acreage and the statute provides that if such a diversion payment is received the normal production of such diverted acreage will be regarded as actual production in determining underproduction credit.

It is proposed that the amendments be as follows:

1. Section 728.1149 would be amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding any other provision of this section, the farm marketing excess of wheat of the 1962 crop shall be twice the normal production of the wheat acreage in excess of the 1962 farm acreage allotment, but if the producer establishes to the satisfaction of the Secretary the actual production of wheat of the 1962 crop on the farm, the farm marketing excess shall be such actual production less the actual production of the 1962 farm wheat acreage allotment, but not in excess of the difference between such actual production on the farm and the normal production of the 1962 farm wheat acreage allotment."

2. Section 728.1162 would be amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding the first sentence of this section, the rate of penalty for the 1962 crop of wheat shall be 65 percent of the parity price of wheat as of May 1, 1962."

3. Section 728.1180(a) would be amended to read as follows:

(a) *Conditions of exemption.* A farm marketing quota for wheat for any crop shall not be applicable to any farm on which the wheat acreage for such crop is not in excess of 15 acres, or with respect to the 1961 and prior crops of wheat the normal production of the wheat acreage is less than 200 bushels. Notwithstanding the first sentence of this subsection, a farm marketing quota on the 1962 crop of wheat shall be applicable to any farm on which the acreage of wheat for 1962 exceeds the smaller of (1) 13.5 acres, or (2) the highest number of acres actually planted to wheat on the farm for harvest in any of the calendar years 1959, 1960 or 1961.

4. Section 728.1169(h) would be amended by changing the sixth sentence thereof to read as follows: "For the purpose of this paragraph the acreage, if any, diverted from the production of wheat under an unexpired conservation reserve contract or an unexpired great plains conservation program contract or under the 1962 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will not be considered underplanted wheat acreage."

5. Section 728.1169(i) would be amended by changing the last sentence thereof to read as follows: "For the purpose of this paragraph, any acreage considered to be diverted from the production of wheat under a conservation reserve contract or a great plains contract under Paragraph (h) of this section or to have been diverted from the production of wheat under the 1962 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will be deemed to have produced the normal production of wheat when determining the actual production for the farm."

Prior to the issuance of the proposed amendments any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 6, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–10746; Filed, Nov. 9, 1961; 8:47 a.m.]

[7 CFR Part 927]

[Docket No. AO–71–A–42]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the market administrator's office, 205 East 42d Street, New York 17, New York, beginning at 10:00 a.m., e.s.t., on November 16, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Metropolitan Cooperative Milk Producers Bargaining Agency, Dairymen's League Cooperative, Eastern Milk Producers Cooperative Association and Mutual Federation of Independent Cooperatives Inc.

Proposal No. 1. Amend § 927.40(a) so that the computation of prices established for Class I–A milk for the month of December 1961 and subsequent months will not reflect the reduction in the volume of milk utilized for fluid use during October and November 1961, resulting from a strike of dairy plant employees and drivers.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42nd Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on November 7, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–10785; Filed, Nov. 9, 1961; 8:53 a.m.]

[7 CFR Part 1024]

[Docket Nos. AO–123–A24, AO–308–A2]

MILK IN OHIO VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreemnts and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Ohio Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 4th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Louisville, Kentucky, on September 18–27, 1961, pursuant to notice thereof which was issued August 30, 1961 (26 F.R. 8105). Proposals considered at this hearing pertained to (1) the consolidation under a single order of two marketing areas where the handling of milk is presently regulated by the Louisville-Lexington (Order No. 46) and the Ohio Valley (Order No. 124) Federal milk orders and (2) the amendment of the two separate orders irrespective of whether the proposed consolidation is or is not adopted.

This recommended decision relates only to the material issue of whether or not Order No. 124 should be amended to provide that a cooperative association may be the handler for bulk tank milk of its producer members for which it assumes responsibility for the handling from the farm to a pool plant, such amendment to include appropriate conforming changes throughout the order. Other material issues on the record are reserved for a further decision on this record.

Findings and conclusions. The following findings and conclusions are based on evidence presented at the hearing and the record thereof:

The definition of a handler should be modified to include a cooperative association with respect to milk of its producer members which is picked up in bulk at the farm by tank trucks owned by, operated by, or under contract to such association and delivered in such trucks (or in trucks into which the milk is reloaded) to pool plants. Other provisions of the order should be modified to conform to the proposed handler definition.

Kyana Milk Producers, Inc., a producer cooperative association in the Ohio Valley market, requested that Order No. 124 be amended to allow a cooperative association to be the handler on bulk tank milk of its producer members for which it assumes responsibility for the handling from the time the milk is loaded at the farm into a tank truck until it is delivered to a pool plant. For pricing purposes, such milk would be considered as having been received by the association at the location of the plant to which it was delivered. This association, whose membership includes most of the producers on this market, asked that the Department take the earliest possible action on this issue separately from other issues on the record because of the marketing problems encountered by the association in supplying handlers and in disposing of milk in excess of Class I market requirements.

A similar proposal was made by a group of eight proprietary handlers regulated under Order No. 124. The proposal differed, however, in that it would not provide an option but would require a cooperative association controlling the movement of bulk tank milk of its producer members in the manner previously specified to be the handler for such milk. Also, under the handlers' proposal such milk would be considered for purposes of quantity and butterfat measurements as received by a cooperative association at the producer's farm.

Kyana Milk Producers presently assumes the responsibility for supplying the Class I needs of the handlers in the Ohio Valley market and for disposing of the market's excess milk supplies not needed by these handlers. Such disposals are made to nonpool plants inasmuch as the association has no manufacturing facilities.

In performing these functions, Kyana Milk Producers arranges for and directs the movement of milk from its members' farms to the distributing plants or surplus disposal outlets. The majority of producers on this market have installed farm tanks from which the milk, com-

monly referred to as bulk tank milk, is picked up by pumping it into tank trucks. The association has contracts with all of the haulers moving such milk and owns the tanks on the trucks. A sample of each member's milk shipment is delivered to one of the association's three laboratories located in Dale and Evansville, Indiana, and Owensboro, Kentucky, for butterfat testing purposes. Records of the members are maintained either at Evansville or Louisville. Kyana Milk Producers has direct knowledge and complete records of quantities of milk and of butterfat tests for each member. Purchasing handlers, on the other hand, have only indirect knowledge of such data and pay the association for the milk on the basis of information of milk weights and tests supplied by the association.

To meet the requirements of handlers in the market, it is often necessary for the association to split a tank truck load of milk between several handlers or to change from day to day the plant to which a member's milk is delivered. A need for reloading milk from farm pick-up tank trucks to trucks of larger capacity may occur. These situations make it difficult or impossible for purchasing handlers to obtain adequate information for maintaining producer records on such milk except indirectly through the cooperative association. The handling of reserve milk by the association, which involves intermittent diversion of a producer's milk to nonpool plants, also complicates the record keeping for pool plant operators. The establishment of producer butterfat tests for a partial month's deliveries also constitute a special problem when a producer delivers to more than one handler during the month.

Because of these circumstances, a cooperative association should be provided the option of being the handler for bulk tank milk of its producer members. This change in the handler definition and other changes in order provisions recommended herein will meet the problems described by producers and handlers with respect to the handling and accounting for such milk.

A cooperative association desiring to be the handler for bulk tank milk of its members should notify the market administrator and the handler to whom the delivery is made that it intends to act in such a capacity. Such notification should be given prior to the time of delivery.

A delivery of milk to a pool plant by a cooperative association in this capacity as a handler should be considered as an interhandler transfer of milk and accounted for as to quantity and classification in the same manner as other interhandler transfers. The provision covering classification of interhandler transfers in effect allows the transferor and transferee handler to agree that the milk is entirely Class I. The provision should preclude, however, any overclassification in Class I of milk so transferred by a cooperative association. In the absence of any agreement between the cooperative association and the transferee handler as to the classification of such milk, classification should be pro rata to the remaining milk in each class after the assignment of other source milk, transfers from other pool plants, and beginning inventory. So that appropriate location differentials to handlers and producers may apply, milk so delivered by a cooperative association should be considered as received from producers by such association at the location of the pool plant to which it was delivered.

A cooperative association acting as the handler for bulk tank milk would be a pooling handler and should make payments to, or receive payments from, the producer-settlement fund, as the case requires, with respect to such milk. Reports of receipts from each producer, disposition, classification, payroll reports, and any other necessary reports should be required of the cooperative association as a handler in this capacity.

Since it is the general practice to commingle the milk of several bulk tank producers in a tank truck, the identity of an individual producer's milk is lost at the moment such milk is pumped from the farm bulk tank into the tank truck. Inasmuch as each producer's milk must be accounted for on an individual basis, the quantity of milk as measured at the farm must necessarily be the quantity for which the first handler receiving the milk must account for to the pool.

Proposals were made by producers and handlers to change the shrinkage provisions of the order to conform with the proposed handler definition applicable to a cooperative association acting as a receiving handler for bulk tank milk.

The provisions of the order relating to shrinkage now provide an allowance of 2 percent, which is divided in the case of interplant transfers on the basis of 0.5 percent to a plant first receiving the milk and 1.5 percent to the transferee plant. These percentages refer to the quantities of receipts, except other source milk, which may be classified as Class II milk. The excess shrinkage over such percentages in Class I milk. The order recognizes diversion of a producer's milk by a pool plant operator to another pool plant, and in such case the 2 percent shrinkage allowance applies at the plant where the milk is physically received. No shrinkage allowance applies to milk diverted to nonpool plants.

Kyana Milk Producers proposed that shrinkage allowance on bulk tank milk for which a cooperative association elects to be the handler be divided between the association and the handler to whom the milk is delivered. The cooperative association would be allowed up to 0.5 percent shrinkage and the operator of the pool plant would be allowed up to 1.5 percent shrinkage on the milk delivered to his plant. Under this arrangement, the cooperative association would account for the milk on the basis of farm measurements and individual producer butterfat tests. Kyana Milk Producers proposed, also, that should a pool plant operator elect to purchase bulk tank milk from a cooperative association on the basis of quantity measurement determined at the farm, the entire 2 percent shrinkage allowance would accrue to the plant operator.

A proprietary handler supported the shrinkage proposals of Kyana Milk Producers. The group of handlers who proposed that a cooperative association be the handler on bulk tank milk asked that the shrinkage allowed for the plant receiving the milk from the cooperative association be computed on the weights and butterfat test as determined at the plant.

It is concluded that the shrinkage allowance on bulk tank milk for which a cooperative association elects to be the handler should be divided in the manner proposed between the cooperative association and the plant to which the milk is delivered. Such a division of shrinkage is in accord with the normal expectation of greater shrinkage in processing milk than occurs in handling milk prior to processing and generally conforms with the present provisions of the order regarding shrinkage. The proposed optional arrangement under which the 2 percent shrinkage allowance would apply to a handler if he elects to purchase such bulk tank milk from a cooperative association on the basis of the quantity as determined at the producer's farm and the butterfat tests of the individual producers is adopted. The handler should notify the market administrator on or before the date he submits his monthly report, applicable to such milk, of his intent to purchase milk in this manner. If the handler did not so elect, the 1.5 percent rate of shrinkage allowance would apply to the quantity of milk received from the cooperative.

In conformance with the preceding conclusions as to the method of computing shrinkage allowances, the proration of total shrinkage to the several types of milk receipts should be modified so that shrinkage will be prorated to the total pounds of other source milk on the one hand, and on the other hand to the total pounds of milk to which shrinkage allowances apply.

The order should provide that a handler receiving bulk tank milk from a cooperative association acting as the handler for such milk should pay the association an amount not less than the value of the milk computed at the applicable class prices for the location of his plant where the milk is physically received. Such payments should be made by the 14th day of the month following the month in which such milk is received.

Section 1024.86 of the order now establishes for each handler the pro rata share of the expense of administration of the order by applying a specified rate of payment on the quantities of milk received by each handler. The rate of payment presently applies to all receipts of producer milk. The definition of producer milk, however, is modified by new language adopted herein to include bulk tank milk received from a producer by a cooperative association acting as the handler for such milk. In order to maintain pro rata sharing of the expense of administration by handlers operating pool plants, the operation of which entails the bulk of the market administrator's verification and auditing program, the provision should specify that such handlers continue to pay the administrative expense on all milk received which moves directly from producers' farms to the pool plant, whether the milk is or is not received from a cooperative association acting in the capacity of a handler.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Ohio Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1024.10 [Amendment]

1. In § 1024.10 insert after the word "farmers" wherever it appears the following parenthetical phrase: "(including such milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c))".

§ 1024.12 [Amendment]

2. In § 1024.12 delete the period at the end of paragraph (b) and add the following language: "or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)."

§ 1024.13 [Amendment]

3. In § 1024.13 redesignate paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and insert a new paragraph (b) to read as follows:

(b) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

§ 1024.14 [Amendment]

4. In § 1024.14(a) delete subparagraph (2) and substitute the following:

(2) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and

5. Delete § 1024.17 and substitute the following:

§ 1024.17 Handler.

"Handler" means:

(a) Any person who operates a fluid milk plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1024.13; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 1024.30 [Amendment]

6. In § 1024.30(a)(1) delete subdivision (ii) and substitute the following:

(ii) Fluid milk products received from other pool plants and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

§ 1024.31 [Amendment]

7. In § 1024.31(b)(1) delete the language preceding subdivision (i), and delete subdivision (i) and substitute the following: "On or before the 20th day after the end of the month his producer or dairy farmer payroll for such month which shall show for each producer or dairy farmer, as the case may be (and for each pool plant and for each fluid milk plant subject to § 1024.75(b) in the case of those handlers operating such plants): (i) The total pounds of milk received, including for the months of April through July the total pounds of base and excess milk for each producer;".

§ 1024.41 [Amendment]

8. In § 1024.41(b) delete subparagraph (5) and substitute the following:

(5) in shrinkage, excluding shrinkage of other source milk, not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), except that if the handler of such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1024.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants; less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) unless the exception provided in subdivision (ii) of this subparagraph applies; and

§ 1024.42 [Amendment]

9. In § 1024.42 delete paragraphs (a) and (b) and substitute the following:

(a) Compute the total shrinkage for each handler, or for each pool plant in the case of those handlers operating pool plants, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1024.41(a)(1) and as Class II milk pursuant to § 1024.41(b)(1), (2), (3), and (4) (subject to the provisions of §§ 1024.43 through 1024.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1024.30, and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraphs (a) of this section, to (1) of the total of the pounds of milk received from producers (excluding milk diverted by the handler), received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and received from other pool plants as transfers in the form of fluid milk products in bulk in excess of transfers of such products in bulk to other plants, and (2) the total pounds of other source milk received in bulk in the form of fluid milk products.

§ 1024.44 [Amendment]

(10) In § 1024.44 delete the introductory text preceding paragraph (a) and delete paragraph (a) and substitute the following:

Skim milk or butterfat disposed of by a handler from a pool plant or by a cooperative association in its capacity as

a handler pursuant to § 1024.17(c) shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of the same handler or of another handler unless utilization in Class II is claimed by the handler or handlers, as the case may be, in their reports submitted pursuant to § 1024.30 or such milk is classified pursuant to paragraph (b) of this section: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making the assignments pursuant to § 1024.46(a) (1) through (4) and the corresponding steps of § 1024.46(b) and any additional amounts of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That for transfers or diversions between pool plants, if the transferor or diverting plant has other source milk during the month, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and the utilization by the transferee plant in Class II;

11. In § 1024.44 redesignate paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and insert a new paragraph (b) to read as follows:

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1024.46(a)(7) and the corresponding step of § 1024.46(b);

§ 1024.45 [Amendment]

12. In § 1024.45 delete the language preceding the proviso and substitute the following: "For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1024.30 by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler:".

§ 1024.46 [Amendment]

13. In § 1024.46(a) delete subparagraph (1) and substitute the following:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1024.41(b)(5) (i) through (iv);

14. In § 1024.46(a) delete the word "and" in subparagraph (7), redesignate subparagraph (8) as subparagraph (9) and insert a new subparagraph (8) to read as follows:

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) according to its classification determined pursuant to § 1024.44 (a) or (b); and

§ 1024.53 [Amendment]

15. In § 1024.53 delete the language preceding the mileage schedule and substitute the following: "For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) at a pool plant located 80 miles or more from the County Courthouse in Evansville, Indiana, or Owensboro, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1024.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:".

§ 1024.60 [Amendment]

16. In § 1024.60 insert after the word "plant(s)" which appears in the language preceding the proviso the words "and by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

§ 1024.61 [Amendment]

17. In § 1024.61(b) insert after the word "plant" the words "or is received by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

§ 1024.70 [Amendment]

18. In § 1024.70 delete paragraph (b) and substitute the following:

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1024.46(a)(9) and the corresponding step in § 1024.46(b) by the applicable class price(s);

§ 1024.71 [Amendment]

19. In § 1024.71 delete paragraph (a) and substitute the following:

(a) Combine into one total the values computed pursuant to § 1024.70 for all handlers operating pool plants and for all cooperative associations in their capacity as handlers pursuant to § 1024.17 (b) or (c) who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.82 for the preceding month;

§ 1024.74 [Amendment]

20. In § 1024.74(a) delete the colon at the end of the introductory text preceding subparagraph (1) and add the following language: "and each cooperative association which is a handler pursuant to § 1024.17 (b) or (c):".

§ 1024.75 [Amendment]

21. In § 1024.75(b)(1) change the reference listed in the second proviso as "§ 1042.44 (c) or (d)" to read "§ 1024.44 (d) or (e)".

§ 1024.80 [Amendment]

22. In § 1024.80 add a new paragraph (g) to read as follows:

(g) In the case of milk received by a handler from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), such handler shall pay on or before the 14th day after the end of each month to such cooperative association for milk so received during the month an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler at which such milk was physically received.

§ 1024.82 [Amendment]

23. In § 1024.82 delete the words "at his pool plant(s)".

§ 1024.83 [Amendment]

24. In § 1024.83 delete the words "at his pool plant(s)".

§ 1024.85 [Amendment]

25. In § 1024.85(b) insert after the word "received" the words "from producers or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)".

26. Delete § 1024.86 and substitute the following:

§ 1024.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1024.17(c), shall pay to the market administrator on or before the 12th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in his receipts during the month of (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and (c) other source milk allocated to Class I milk pursuant to § 1024.46(a)(3) and the corresponding step of § 1024.46(b). A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments in accordance with § 1024.75.

Signed at Washington, D.C., on November 6, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10747; Filed, Nov. 9, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

VICKSBURG NATIONAL MILITARY PARK, MISSISSIPPI

Use of Radiomicrowaves (Radar)

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend Title 36 CFR Part 7 as set forth below. The purpose of this amendment is to permit the use of radiomicrowaves (radar) or other electrical timing devices in checking the speed of motor vehicles at Vicksburg National Military Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Vicksburg National Military Park, Box 349, Vicksburg, Mississippi, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

R. K. RUNDELL,
Superintendent,
Vicksburg National Military Park.

Section 7.51 is amended by designating the present text as paragraph (a)(1) and by adding a new subparagraph (2) to read as follows:

§ 7.51 Vicksburg National Military Park.

(a) *Speed.* (1) • • •

(2) Speed electronically checked. The speed of any motor vehicle may be checked on any park road within Vicksburg National Military Park by the use of radiomicrowaves or other electrical device. Signs which read "Speed Checked by Radar" or "Speed Radar Enforced" shall be posted at each entrance to the park from all public access roads and streets.

[F.R. Doc. 61-10733; Filed, Nov. 9, 1961; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

DRUGS AND DEVICES

Prescription Drugs; Proposed Change in Labeling Requirements

The full disclosure requirements of § 1.106(b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations providing for proper labeling of drugs in accordance with section 502(f) of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.106; 26 F.R. 295), as set forth below:

It is proposed to amend § 1.106 *Drugs and devices; directions for use* in the following respects:

1. By adding to paragraph (b) the following new subparagraph (6):

(b) *Exemption for prescription drugs.*

• • • • • •

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use of the drug.

(ii) Be in easily readable style of type of not less than 8-point size.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not be visible from the other; *Provided, however*, That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as was used in the original publication in such journal; *and provided further*, That the requirement of subdivision (ii) of this subparagraph may be waived by the Commissioner of Food and Drugs if he finds that compliance would be impracticable in any specific instance and that alternative printing will be sufficiently readable by practitioners for whom the printed material is intended.

2. By adding to paragraph (c) the following new subparagraph (7):

(c) *Exemption for veterinary drugs.*

• • • • • •

(7) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use of the drug.

(ii) Be in easily readable style of type of not less than 8-point size.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not be visible from the other; *Provided, however*, That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as was used in the original publication in such journal; *and provided further*, That the requirement of subdivision (ii) of this subparagraph may be waived by the Commissioner of Food and Drugs if he finds that compliance would be impracticable in any specific instance and that alternative printing will be sufficiently readable by practitioners for whom the printed material is intended.

3. By adding to paragraph (d) the following new subparagraph (6):

(d) *Exception for prescription devices.*

• • • • • •

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use of the drug.

(ii) Be in easily readable style of type of not less than 8-point size.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not be visible from the other; *Provided, however*, That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as was used in the original publication in such journal; *And provided further*, That the requirement of subdivision (ii) of this subparagraph may be waived by the Commissioner of Food and Drugs if he finds that compliance would be impracticable in any specific instance and that alternative printing will be sufficiently readable by practitioners for whom the printed material is intended.

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

Dated: November 6, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10743; Filed, Nov. 9, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 201, 206, 221, 298, 299]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notice of Proposed Rule Making; Extension of Time for Filing Comments

In F.R. Doc. 61-9709 appearing in the FEDERAL REGISTER issue of October 11,

1961 (26 F.R. 9600) notice of proposed rule making was issued under 46 CFR Parts 201, 206, 221, 298, 299 relative to the establishment of user charges or fees.

Pursuant to action of the Maritime Administrator and the Maritime Subsidy Board taken on November 7, 1961, notice is hereby given that the time for submitting data, views or arguments regarding said proposed rules is extended to the close of business on November 24, 1961.

By order of the Maritime Administrator and the Maritime Subsidy Board.

Dated: November 7, 1961.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-10763; Filed, Nov. 9, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-111]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Withdrawal of Proposal To Alter Federal Airways and Associated Control Areas and To Alter Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-FW-111 on January 27, 1961 (26 F.R. 848), it was stated that the Federal Aviation Agency proposed to designate a south alternate, and associated control areas, to VOR Federal airway No. 178 between Paducah, Ky., and Central City, Ky.; extend VOR Federal airway No. 179, and associated control areas, southeastward from Paducah to Graham, Tenn.; and alter the Hopkinsville, Ky., control area extension.

Subsequent to publication of the notice, a review of the requirements for controlled airspace in the Hopkinsville area has indicated that, upon implementation of the provisions of Amendment 60-21 to Part 60 of the Civil Air Regulations, numerous changes will be required in the dimensions of the controlled airspace proposed in the Notice. The need for these changes will be considered in an Amendment 60-21 implementation study to be made on an area basis in which requirements for controlled airspace in the Hopkinsville area will be correlated with requirements in adjacent areas. In addition, the airway structure actions proposed in the Notice will require further review based on the study of the controlled airspace requirements in the Hopkinsville area. Accordingly, the Notice is being withdrawn, and a new proposal will be issued upon completion of the study.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 60-FW-111 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 6, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10755; Filed, Nov. 9, 1961; 8:49 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-99]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Proposed Redesignation of Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-LA-99 on July 22, 1961 (26 F.R. 6602), it was stated the Federal Aviation Agency proposed, in addition to other actions, to redesignate the Idaho Falls, Idaho, control area extension (§ 601.1198) as the area within 5 miles either side of the Idaho Falls VOR 030° True radial extending from the VOR to low altitude VOR Federal airway No. 298 and the area west of Idaho Falls bounded on the east and southeast by low altitude VOR Federal airway No. 21 and on the west by low altitude VOR Federal airway No. 257. It was further stated that this altered control area extension would provide protection for aircraft arriving, departing and executing holding procedures at Idaho Falls.

Subsequent to the publication of the Notice, the controlled airspace requirements were reviewed attendant to the provisions of new aircraft holding pattern procedures to become effective January 1, 1962. It has been determined that additional controlled airspace, beyond that proposed in the notice, will be required to encompass the increased dimensions of the holding pattern areas. Accordingly, action is hereby taken to alter the portion of the original Notice concerning the control area extension by proposing a control area extension bounded on the north by low altitude VOR Federal airway No. 298, on the east by a line 9 miles southeast of and parallel to the Idaho Falls VOR 030° and 210° True radials, on the south by latitude 43°14'00" N., and on the west by low altitude VOR Federal airway No. 257. This would provide additional controlled airspace for the protection of aircraft, under the new holding pattern concept, at the Idaho Falls VOR and at the Rigby Intersection (intersection of the Idaho Falls VOR 030° and the Dubois, Idaho, VOR 155° True radials).

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to November 30, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-LA-99 is extended to November 30, 1961. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 6, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10754; Filed, Nov. 9, 1961; 8:49 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-LA-87]

CONTROLLED AIRSPACE

Alteration of Control Area Extension; Alteration and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1038 and 601.10004 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional airspace requirements for the implementation of these procedures in the Great Falls Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Missoula, Mont., transition area (§ 601.10004) would be redesignated to extend upward from 1,200 feet above the surface within 10 miles southwest and 7 miles northeast of the Missoula VOR 298° and 118° True radials extending from 9 miles southeast to 20 miles northwest of the VOR, including the airspace northwest of Missoula within a 35-mile area radius of the Missoula VOR bounded on the southwest by VOR Federal airway No. 2 and on the northeast by VOR Federal airway No. 231; and south of Missoula within 5 miles either side of the Missoula VOR 180° True radial extending from VOR Federal airway No. 2 to 12 miles south of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Missoula VOR.

2. The Whitehall, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Whitehall VOR 096° and 276° True radials extending from 9 miles west to 20 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Whitehall VOR.

3. The Bozeman, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Bozeman VOR 278° and 098° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Bozeman VOR.

4. The Cut Bank, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Cut Bank VOR 151° and 331° True radials extending from 9 miles northwest to 20 miles southeast of the VOR. This would provide protection for aircraft in holding patterns at the Cut Bank VOR.

5. The Great Falls, Mont., control area extension (§ 601.1038) would be altered by adding the airspace within 12 miles northwest and 8 miles southeast of the Great Falls VOR 074° True radial extending from the present Great Falls control area extension boundary to 61 miles northeast of the VOR; within 12 miles south and 8 miles north of the Great Falls VOR 271° True radial extending from the Great Falls control area extension 45-mile radius area to 56 miles west of the VOR; including the airspace southwest of Great Falls bounded on the northeast by the present Great Falls control area extension 45-mile radius area, on the east by a line 6 miles west of and parallel to the Great Falls VOR 180° True radial, on the south by low altitude VOR Federal airway No. 2, on the west by a line 8 miles northwest of and parallel to the Great Falls VOR 222° True radial. This would provide additional airspace for the protection of aircraft in holding patterns at the Shonkin Intersection (intersection of the Great Falls VOR 074° and the Lewistown, Mont., VOR 308° True radials), the Simms Intersection (intersection of the Great Falls VOR 271° and the Helena, Mont., VOR 352° True radials), the Wolf Creek Intersection (intersection of the Great Falls VOR 222° and the Helena VOR 352° True radials), and at the Helena VOR.

6. The Butte, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Butte VOR 002° and 182° True radials extending from 9 miles south to 20 miles north of the VOR. This would provide protection for aircraft in holding patterns at the Butte VOR.

7. The Lewistown, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Lewistown VOR 289° and 109° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Lewistown VOR.

Because of the time limitation imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of a control area extension is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extension to a transition area with an appropriate controlled airspace floor assignment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within twenty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 6, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10753; Filed, Nov. 9, 1961; 8:49 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-178

CONTROLLED AIRSPACE

Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1137, 601.1171, 601.1195, 601.1206, 601.1209, 601.1239, 601.1367, 601.1463, and 601.10009 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the El Paso, Tex., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Big Spring, Tex., control area extension (§ 601.1137) would be altered to add the airspace north of Big Spring within 12 miles west and 12 miles east of the Webb AFB, TACAN 014° True radial extending from the Big Spring control area extension 35-mile radius area to 26 miles north. The portion of this control area extension which would coincide with Webb AFB Restricted Area (R-6308) would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Webb AFB TACAN DME fix, 50 miles north of the TACAN.

2. The El Paso, Tex., control area extension (§ 601.1171) would be altered to add the airspace northeast and east of El Paso beyond the present limits of the El Paso control area extension bounded on the east by longitude 105°17'00" W., on the south by low altitude VOR Federal airway No. 16, on the northwest by the western boundary of low altitude VOR Federal airway No. 280, on the north by latitude 32°11'00" N. This would provide additional controlled airspace for the protection of aircraft holding northeast and east of the El Paso VORTAC on low altitude VOR Federal airway Nos. 280, 16, and 94.

3. The San Angelo, Tex., control area extension (§ 601.1195) would be altered to add the airspace southeast of San Angelo within 11 miles southwest and 7 miles northeast of the San Angelo VOR 112° True radial extending from the San Angelo control area extension 35-mile radius area to 12 miles southeast. This would provide protection for aircraft holding at the Eden Intersection (intersection of the San Angelo VOR 112° and the Junction, Texas VOR 342° True radials).

4. The Midland, Tex., control area extension (§ 601.1206) would be altered to add the airspace north of Midland bounded on the east by the Big Spring, Tex., control area extension (§ 601.1137), on the south by the Midland control area extension 25-mile radius area, on the west by longitude 102°13'30" W., and on the north by a line extending from latitude 33°06'00" N., longitude 102°13'30" to latitude 33°06'00" N., longitude 101°-55'50" W. The portion of this control area extension that would coincide with the Reese AFB, Tex., Restricted Area (R–6305), and the Webb AFB, Tex., Restricted Area (R–6307) would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Mustang Intersection (intersection of the Midland VOR 007° and the Big Spring VOR 260° True radials), the Pat Intersection (intersection of the Midland VOR 007° and the Big Spring VOR 286° True radials) and the Welch Intersection (intersection of the Lubbock, Tex., VORTAC 188° and the Hobbs, N. Mex., VOR 077° True radials).

5. The Columbus, N. Mex., control area extension (§ 601.1209) would be redesignated as that airspace bounded on the south by low altitude VOR Federal airways No. 16 north alternate east of Columbus and No. 16 west of Columbus, on the west by longitude 108°00'00" W., on the north by latitude 32°36'00" N., and on the east by longitude 106°43'00"W. and the El Paso, Tex., control area extension (§ 601.1171). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Deming, N. Mex., VOR, the Crater Intersection (intersection of the Columbus VOR 058° and the Deming VOR 112° True radials), the Fairacres Intersection (intersection of the Deming VOR 088° and the Truth or Consequences, N. Mex., VOR 162° True radials) and the Columbus VOR.

6. The Lubbock, Tex., control area extension (§ 601.1239) would be redesignated as the airspace within a 25-mile radius of the Lubbock radio range in the southwest, northwest and northeast quadrants of the radio range and within a 40-mile radius of the radio range in the southeast quadrant of the radio range; including the airspace within 12 miles north and 8 miles south of the Lubbock VOR 277° True radial extending from the Lubbock control area extension 25-mile radius area to 23 miles west; within 12 miles northwest and 8 miles southeast of the Lubbock VOR 261° True radial extending from the Lubbock control area extension 25-mile radius area to 27 miles southwest, and within 12 miles east and 12 miles west of the Lubbock VOR 008° True radial extending from the Lubbock control area extension 25-mile radius area to 26 miles north. The portions of this control area extension which would coincide with the Reese AFB, Tex., Restricted Areas (R–6304, R–6305) and the Webb AFB Restricted Area (R–6308) would be used only after prior approval from the appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Pep Intersection (intersection of the Lubbock VOR 277° and the Hobbs, N. Mex., VOR 028° True radials), the Whiteface Intersection (intersection of the Lubbock VOR 261° and the Hobbs VOR 028° True radials), the Hale Intersection (intersection of the Lubbock VOR 008° and the Texico, Tex., VOR 122° True radials), and the Plainview Intersection (intersection of the Lubbock VOR 008° and the Texico, VOR 104° True radials).

7. The Wink, Tex., control area extension (§ 601.1367) would be redesignated as that airspace bounded on the south by a line extending from latitude 31°-27'00" N., longitude 103°02'00" W., to latitude 31°27'00" N., longitude 103°-30'00" W., on the southwest by a line extending from latitude 31°27'00" N., longitude 103°30'00" W., to latitude 31°-41'30" N., longitude 103°30'00" W., thence clockwise along the arc of a 20-mile radius circle centered on the Wink VOR to the Midland, Tex., control area extension (§ 601.1206); thence west and southwest via the boundary of the Midland control area extension to the point of beginning. This would provide additional controlled airspace south, west and north of Wink to provide protection for aircraft in holding patterns at the Wink VOR and at the Pyote Intersection (intersection of the Wink VOR 166° and the Midland VOR 243° True radials). Portions of the present Wink control area extension not included in the description of the proposed control area extension have been omitted to minimize dual designation of controlled airspace. These portions are contained within the Midland control area extension (§ 601.-1206).

8. The Hudspeth, Tex., control area extension (§ 601.1463) would be altered to add the airspace southeast of Hudspeth within a 20-mile radius of the Hudspeth VOR bounded on the northeast by low altitude VOR Federal airway No. 198 and on the west by the present Hudspeth control area extension. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Hudspeth VOR.

9. The Carlsbad, N. Mex., transition area (§601.10009) would be altered to add the airspace northeast of Carlsbad extending upward from 1,200 feet above the surface within a 20-mile radius of the Carlsbad VOR bounded on the southwest by low altitude VOR Federal airway No. 83 and on the southeast by low altitude VOR Federal airway No. 94, and to lower the floor of controlled airspace to 1,200 feet above the surface within a 10-mile radius of the Carlsbad VOR in the portion of the transition area presently designated west of Carlsbad. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Carlsbad VOR.

10. The Culberson, Tex., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 7 miles south of the Culberson VOR 089° and 269° True radials extending from 20 miles west to 9 miles east of the VOR, and within 10 miles southwest and 7 miles northeast of the Culberson VOR 117° and 297° True radials extending from 30 miles southeast to 9 miles northwest of the VOR. This transition area would provide protection for aircraft in holding patterns at the Culberson VOR.

11. The Pinon, N. Mex., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles either side of the Pinon VOR 035° and 219° True radials extending from 20 miles northeast to 20 miles southwest of the VOR, excluding the portion that would coincide with the MacGregor, N. Mex., Restricted Area (R-5103). This would provide protection for aircraft in holding patterns at the Pinon VOR.

12. The Hobbs, N. Mex., transition area would be designated to extend upward from 1200 feet above the surface within the area bounded on the northeast and east by a line extending from latitude 32°56'45" N., longitude 102°46'15" W., to latitude 32°44'45" N., longitude 102°46'15" W., thence southeast to latitude 32°18'15" N., longitude 102°-18'50" W.; bounded on the southeast by low altitude VOR Federal airway No. 16, on the southwest by a line extending from latitude 32°07'00" N., longitude 102°48'40" W., to latitude 32°32'00" N., longitude 103°12'00" W., thence clockwise along the arc of a 15-mile radius circle centered on the Hobbs VOR to latitude 32°57'45" N., longitude 103°-08'20" W., thence to the point of beginning. The portion of this control area extension that would coincide with the Webb AFB, Tex., Restricted Area (R–6307) would be used only after prior approval from appropriate authority. This transition area would provide protection for aircraft in holding patterns at the Hobbs VOR, the Andrews Intersection (intersection of the Hobbs VOR 132° and the Wink, Texas, VOR 030° True radials), the Pipe Line Intersection (intersection of the Midland VOR 312° and the Wink VOR 066° True radials), the Goldsmith Intersection (intersection of the Midland VOR 283° and the Wink VOR 066° True radials).

13. The Matador, Tex., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northwest and 8 miles southeast of the Lubbock, Tex., VOR 063° True radial extending from 10 miles southwest to 22 miles northeast of the Matador Intersection (intersection of the Lubbock VOR 063° and the Guthrie, Tex., VOR 293° True radials). This transition area would provide protection for aircraft in holding patterns at the Matador Intersection.

14. The Fort Stockton, Tex., transition area would be designated to extend upward from 1,200 feet above surface within 10 miles either side of the Fort Stockton VORTAC 097° and 274° True radials extending from 20 miles east to 20 miles west of the VORTAC. The portion of this transition area that would coincide with the Webb AFB, Tex., Restricted Area (R–6306) would be used only after obtaining prior approval from appropriate authority. This transition area would provide protection for aircraft in holding patterns east and west of the Fort Stockton VORTAC.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 6, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10756; Filed, Nov. 9, 1961; 8:49 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-190]

CONTROLLED AIRSPACE

Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1055, 601.1224 and 601.1270 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in New York, N.Y., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Elmira, N.Y., control area extension (§ 601.1055) would be altered to add the airspace southeast of Elmira bounded on the northwest by the Elmira control area extension 15-mile radius area, on the east by a line 8 miles east of and parallel to the Elmira VOR 166° True radial, on the south by low altitude VOR Federal airway No. 116, and on the west by low altitude VOR Federal airway No. 31. This would provide additional airspace for the protection of aircraft in holding patterns at the Grover Intersection (intersection of the Williamsport, Pa., VORTAC 346° and the Stonyfork, Pa., VORTAC 098° True radials).

2. The Williamsport, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Williamsport VORTAC 127° and 307° True radials extending from 9 miles southeast to 20 miles northwest of the VORTAC; within 10 miles south and 7 miles north of the Hughesville, Pa., radio beacon 271° and 091° True bearings extending from 9 miles west to 20 miles east of the Hughesville radio beacon; within 10 miles north and 7 miles south of the Milton, Pa., VORTAC 094° and 274° True radials extending from 20 miles east to 9 miles west of the VORTAC; and within 12 miles south and 8 miles north of the Williamsport VORTAC 281° True radial extending from 9 miles west to 41 miles west of the VORTAC. This would provide protection for aircraft in holding patterns at the Williamsport VORTAC, Milton VOR, Hughesville radio beacon and the Trout Run Intersection (intersection of the Williamport VORTAC 281° and the Selinsgrove, Pa., VORTAC 342° True radials).

3. The Philipsburg, Pa., control area extension (§ 601.1224) would be altered to add the airspace east of Philipsburg bounded on the northwest by low altitude VOR Federal airway No. 58, on the northeast by low altitude VOR Federal airway No. 170 and on the south by low altitude VOR Federal airway No. 30; and the airspace southeast of Philipsburg bounded on the north by low altitude VOR Federal airway No. 30, on the southeast by low altitude VOR Federal airway No. 106 and on the southwest by low altitude VOR Federal airway No. 33. This would provide additional airspace for the protection of aircraft in holding patterns at the Reedsville Intersection (intersection of the Harrisburg VORTAC 312° and the Tower City, Pa., VOR 279° True radials), and Coburn Intersection (intersection of the Philipsburg VORTAC 098° and the Williamsport VORTAC 227° True radials).

4. The Harrisburg, Pa., control area extension (§ 601.1270) would be altered to add the airspace northwest of Harrisburg bounded on the northwest by low altitude VOR Federal airway No. 106, on the northeast by low altitude VOR Federal airway No. 33, on the south by low altitude VOR Federal airway No. 12 and on the west by low altitude VOR Federal airway No. 501; the airspace north of Harrisburg bounded on the north by low altitude VOR Federal airway No. 276, on the east by low altitude VOR Federal airway No. 31, on the southeast by the Harrisburg control area extension 15-mile radius area, and on the southwest by low altitude VOR Federal airway No. 33; and the airspace southeast of Harrisburg bounded on the north by low altitude VOR Federal airway No. 474, on the southeast by low altitude VOR Federal airway No. 251, and on the southwest by low altitude VOR Federal airway No. 31. This would provide additional airspace for the protection of aircraft in holding patterns at the Germantown Intersection (intersection of the Harrisburg VORTAC 273° and the Philipsburg, Pa., VORTAC 153° True radials), Mount Union Intersection (intersection of the Harrisburg VORTAC 273° and the Philipsburg VORTAC 174° True radials), Greenpark Intersection (intersection of the Harrisburg VORTAC 312° and the Selinsgrove, Pa., VORTAC 222° True radials), Reedsville Intersection, Liverpool Intersection (intersection of the Tower City VOR 279° and the Selinsgrove VORTAC 191° True radials), and the Bigmont Intersection (intersection of the Harrisburg VORTAC 165° and the Lancaster, Pa., VOR 262° True radials).

5. The Salisbury, Md., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Salisbury VOR 027° and 207° True radials extending from 9 miles southwest to 20 miles northeast of the VOR, excluding the portion which coincides with the Patuxent, Md., Restricted Area, R–4006. This would provide protection for aircraft in holding patterns at the Salisbury VOR.

6. The Lancaster, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the West Chester, Pa., VORTAC 288° True radial extending from 9 miles northwest to 41 miles northwest of the VORTAC. This would provide protection for aircraft in holding patterns at the Gap Intersection (intersection of the West Chester VORTAC 288° and the Pottstown, Pa., VOR 237° True radials).

7. The Shenandoah, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles south and 8 miles north of the Selinsgrove, Pa., VORTAC 083° True radial extending from 10 miles east to 43 miles east of the VORTAC, excluding the portion which would coincide with the proposed Williamsport transition area. This would provide protection for aircraft in holding patterns at the Shenandoach Intersection (intersection of the Selinsgrove VORTAC 083° and the Tower City, Pa., VOR 040° True radials).

8. The Stonyfork, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 11 miles southeast and 7 miles northwest of the Stonyfork VORTAC 029° and 209° True radials extending from 4 miles northeast to 26 miles southwest of the VORTAC and within 10 miles south and 7 miles north of the Stonyfork VORTAC 278° and 098° True radials extending from 9 miles west to 20 miles east of the VORTAC excluding the portion which would coincide with the proposed Williamsport, Pa., transition area. This would provide protection for aircraft in holding patterns at the Stonyfork VORTAC and the Blackwell Intersection (intersection of the Slate Run, Pa., VOR 101° and the Stonyfork VORTAC 209° True radials).

9. The Montrose, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southwest and 8 miles northeast of the Wilkes-Barre, Pa., VOR 325° True radial extending from 13 miles northwest to 46 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Montrose Intersection (intersection of the Wilkes-Barre VOR 325° and the DeLancey, N.Y., VOR 234° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within twenty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on November 6, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–10757; Filed, Nov. 9, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14229; FCC 61–1314]

FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS; AND DEINTERMIXTURE OF CERTAIN CITIES EAST OF THE MISSISSIPPI RIVER

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; and in the matters of deintermixture of Madison, Wis.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghampton, N.Y.; Champaign, Ill.; Columbia, S.C.; and Montgomery, Ala., Docket Nos. 14239; 14240; 14241; 14242; 14243; 14244; 14245; 14246.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of November 1961:

1. The Commission has before it for disposition several requests from parties for an extension of time to file comments in all or some of the above-designated rule making proceedings.[1] We also have before us a "Petition to Defer Proceedings", filed on October 24, 1961, by The Association of Maximum Service Telecasters, Inc. (MST), in all of the above-docketed proceedings.

[1] Request filed; parties, and dockets:
Oct. 25, 1961; Greater Rockford Television, Inc., Rockford, Ill. (WREX–TV); 14229 14240.
Oct. 30, 1961; Midwest Television, Inc., Champaign, Ill. (WCIA); 14229, 14244.
Oct. 31, 1961; Purdue University, Lafayette, Ind.; 14229.
Oct. 31, 1961; The Broadcasting Company of the South, Columbia, S.C. (WIS–TV) and Montgomery, Ala. (WSFA–TV); 14229, 14245, 14246.
Oct. 31, 1961; Association of Maximum Service Telecasters, Inc.; 14229, 14239–14246 (inclusive).

2. Comments are now due in each of these proceedings on December 4, 1961. Reply comments are due on January 8, 1962. The original deadline for comments was October 2, 1961, and for reply comments, November 2, 1961. The 60-day extension to December 4, 1961, was provided in response to the requests of a number of parties (including subject petitioners) for at least a 6-months extension of time from October 2, 1961, for filing comments in these proceedings. We were of the view at that time that an additional 60-days for filing comments in these proceedings was ample and that, in the circumstances, more time for comments was not warranted.

3. All of the subject petitioners now request a 4-month minimum extension of time from December 4, 1961, to April 4, 1962, for filing comments except Greater Rockford Television, Inc., which asks for an extension to March 4, 1962.

4. MST also requests in its petition to defer these proceedings that we postpone all rule making and further consideration of the proposals therein until at least six months after the date on which the last of the following shall have occurred: (a) the Congress shall have completed consideration of and action on proposed legislation authorizing the Commission to prescribe the frequencies that television receivers shipped in interstate commerce must be able to receive; (b) the Congress shall have completed its planned hearings, investigations and consideration of legislation with respect to shifting VHF television stations to UHF channels; and (c) the Commission shall have made available to parties interested in these proceedings all of the information requested in the "Petition for Additional Required Information" filed October 24, 1961. It further requests that the Commission should in no event consider taking affirmative action to effectuate its proposals until six months after the study of UHF television in New York City.

5. The Commission has carefully considered the reasons upon which the petitioners ground their requests for more time for comments and for postponement of these rule making proceedings. Balancing the requirements of the parties and the desirability of meaningfully concluding these proceedings, we have decided to grant a two-month extension from December 4, 1961, to February 5, 1962, for filing comments in Docket No. 14229, and to extend the time for filing reply comments in the proceeding from January 8, 1962, to March 9, 1962. We are persuaded that this further extension is warranted in Docket No. 14229 but not in the individual market deintermixture proceedings in Docket Nos. 14239–14246 because of the greater complexity and scope of the overall allocations policy and technical questions to be resolved in that docket. We also have come to the conclusion that it is desirable to lessen the burden upon parties planning to submit comments and data both in Docket No. 14229 and in the individual market deintermixture proceedings by setting a later deadline for comments in the over-all UHF allocations proceeding.

[2] Order Extending Time for Filing Comments and Reply Comments (FCC 61–1067) adopted September 1, 1961, and released September 5, 1961.

6. At the same time, we are hereby denying the MST request to defer the proceedings for what is, in effect, an indeterminate period. It may be noted, however, that the next session of Congress and our New York UHF experiment are likely to be substantially underway before the settlement of the complex questions involved in these proceedings is accomplished.

7. *Accordingly, it is ordered*, That the time for filing comments in Docket No. 14229 is extended from December 4, 1961, to February 5, 1962, the time for filing reply comments in the said docket is extended from January 8, to March 9, 1962, and that the subject petitions, in all other respects, are denied.

Released: November 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10782; Filed, Nov. 9, 1961; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release 40 IA—122]

RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Custody or Possession of Funds or Securities of Clients

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule under the Investment Advisers Act of 1940 to require investment advisers who have custody or possession of funds or securities of clients to segregate the securities and hold them in safekeeping and to set up a separate trust account in a bank for funds belonging to each client. The proposed rule would be adopted under the Investment Advisers Act of 1940, and particularly sections 206(4) and 211(a) thereof.

Section 206(4) of the Act prohibits any investment adviser from engaging in any act, practice or course of business which is fraudulent, deceptive or manipulative, and gives the Commission the power, by rules and regulations, to define and prescribe means reasonably designed to prevent such acts, practices, and courses of business. The proposed rule is designed to implement these provisions by requiring an investment adviser who has custody or possession of funds or securities of any client to maintain them in such a way that they will be insulated from and not be jeopardized by any unlawful activities or financial reverses, including insolvency, of the investment adviser. The proposed rule would make it a fraudulent, deceptive or manipulative act, practice or course of business within the meaning of section 206(4) of the Act for any investment adviser who has custody or possession of any funds or securities in which any client has a beneficial interest to do any act or to take any action with respect to any such funds or securities unless (1) all such securities of each such client are segregated, marked to indicate the name and address of the client, and held in safekeeping in a place free from risk of destruction or other loss; (2) all such funds of each such client are deposited in a separate bank account as trustee for the particular client; and (3) the investment adviser sends each such client a monthly statement of the funds and securities in his possession, indicating their location and the manner in which they are being held.

Since certain members of national securities exchanges and registered broker-dealers must maintain specified standards of financial responsibility under the Commission's § 240.15c3–1 or applicable rules of the exchanges of which they are members, the proposed rule would exempt from these requirements registered broker-dealers subject to § 240.15c3–1 and members of exchanges whose members are exempt from § 240.15c3–1 by paragraph (b)(2) thereof.

The text of the proposed rule would be substantially as follows:

§ 275.206(4)–2 Custody or Possession of Funds or Securities of Clients.

(a) It shall constitute a fraudulent, deceptive or manipulative act, practice or course of business within the meaning of section 206(4) of the Act, for any investment adviser who has custody or possession of any funds or securities of any client to maintain them in safekeeping in a separate trust account in a bank for funds belonging to each client, unless:

(1) All such securities of each such client are segregated, marked to indicate the name and address of the client who has the beneficial interest therein, and held in safekeeping in some place reasonably free from risk of destruction or other loss; and

(2) All such funds of each such client are deposited in a bank in a separate bank account for each such client, the account to be in the name of the investment adviser as trustee for the particular client; and

(3) Such investment adviser sends to each such client, at least once each month, an itemized statement of the funds and securities of such client in the custody or possession of such investment adviser, indicating their location and the manner in which they are being held.

(b) This rule shall not apply to an investment adviser also registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 if (1) such broker-dealer is subject to and in compliance with Rule 15c3–1 (§ 240.15c–3–1) under the Securities Exchange Act of 1934, or (2) such broker-dealer is a member of an exchange whose members are exempt from Rule 15c3–1 (§ 240.15c–3–1) under the provisions of paragraph (b)(2) thereof, and such broker-dealer is in compliance with all rules and settled practices of such exchange imposing requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

(Sec. 206(4), 54 Stat. 852, as amended, 15 U.S.C. 80b–6; sec. 211(a), 54 Stat. 855, as amended, 15 U.S.C. 80b–11)

All interested persons are invited to submit their views and comments on the proposed rule on or before December 8, 1961. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 3, 1961

[F.R. Doc. 61–10738; Filed, Nov. 9, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 199]

[Delegation of Authority No. 104]

FOREIGN ASSISTANCE ACT OF 1961 AND CERTAIN RELATED ACTS

Delegation of Authority

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424) (hereinafter referred to as the Act), the Executive Order of November 3, 1961, entitled "Administration of Foreign Assistance and Related Functions" (hereinafter referred to as the Executive Order), Executive Order No. 10900, and section 4 of the Act of May 26, 1949 (63 Stat. 111), it is ordered as follows:

SECTION 1. *Establishment of the Agency for International Development.* (a) There is established in the Department of State an agency to be known as the Agency for International Development (hereinafter referred to as the Agency) which shall be headed by an Administrator (hereinafter referred to as the Administrator), as provided in section 102(b) of the Executive Order.

(b) Effective on the date of abolition of the corporate Development Loan Fund and the International Cooperation Administration, the offices, entities, functions, property, records, and funds of the International Cooperation Administration, not otherwise disposed of by the Act, and the offices, entities, functions, property, and records of the corporate Development Loan Fund and the records of the Export-Import Bank of Washington transferred to the Department of State by or pursuant to section 602 (a) and (b) of the Executive Order shall be placed in the Agency. The personnel, offices, entities, property, records, and funds of the corporate Development Loan Fund and the International Cooperation Administration may be utilized by the Administrator prior to the abolition of the corporate Development Loan Fund and the International Cooperation Administration. The Office of Small Business shall be in the Agency.

(c) The officers provided for in sections 624(a) (2) and (3) of the Act shall exercise such functions as the Administrator deems appropriate. Personnel of the International Cooperation Administration and the corporate Development Loan Fund may be detailed to the Agency upon its establishment. On the date of abolition of the International Cooperation Administration and the corporate Development Loan Fund, such of the personnel of those agencies as the Administrator shall deem necessary shall be transferred to the Agency.

(d) The Administrator is hereby designated effective on the date of the abolition of the corporate Development Loan Fund as the officer to whom shall be transferred and (1) who shall accept the assets, assume the obligations and liabilities of, and exercise the rights established or acquired for the benefit of, or with respect to, the corporate Development Loan Fund, and (2) who shall accept the assets, obligations, liabilities of, and rights established or acquired for the benefit of, or with respect to, the Export-Import Bank of Washington which are referred to in section 621(e) of the Act.

(e) The Administrator is hereby designated effective on the date of the abolition of the corporate Development Loan Fund as the person to be sued in the event of default in the fulfillment of the obligations of the corporate Development Loan Fund, and in the event of default in the fulfillment of those obligations of the Export-Import Bank of Washington referred to in section 621(e) of the Act.

SEC. 2. *Functions of the Administrator.* (a) Exclusive of the functions otherwise delegated or reserved to the Secretary of State herein there are hereby delegated to the Administrator:

(1) The functions conferred upon the Secretary of State by section 101 of the Executive Order.

(2) The functions conferred upon the Secretary of State by section 622(c) of the Act, to be exercised in consultation with the Under Secretary of State, the Under Secretary of State for Economic Affairs, and the Deputy Under Secretary of State for Political Affairs, as appropriate.

(3) The functions of negotiating, concluding, and terminating international agreements under the Act and the Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes, subject to the concurrences required by Department Circular No. 175.

(4) Those functions referred to in section 605(a) of the Executive Order with respect to the use of funds pursuant to section 643(c) of the Act which were conferred upon the Secretary of State and the corporate Development Loan Fund.

(5) The functions conferred upon the Secretary or Department of State by Executive Order No. 10900, exclusive of those so conferred by sections 3, 4(d) (8) (to the extent it relates to sections 104 (h), (o), and (p) of the Agricultural Trade Development and Assistance Act of 1954), 4(d) (10), (11), (12), and (14) of that order.

(6) The function conferred upon the Secretary of State by section 2 of the Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes.

(7) The functions conferred upon the Secretary of State under any provision of law, other than the Act and the Foreign Service Act of 1946, pertaining specifically, or generally applicable, to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees, including the authority to prescribe or issue regulations, orders, and instructions in pursuance of such provisions of law.

(8) The functions conferred upon the Secretary of State by the determination of the President, pursuant to section 604 (a) of the Act, dated October 18, 1961.

(b) The authority of the Foreign Service Act of 1946 to appoint, employ, and assign personnel, which the Administrator is authorized to exercise pursuant to section 625(d)(2) of the Act, and the provisions of the Foreign Service Act which shall apply to personnel so appointed or assigned shall consist of:

(1) The authority available to the Secretary of State under the Foreign Service Act of 1946 (including section 571 of that Act) relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees.

(2) The authority available to the Secretary of State under sections 1021 through 1071 of the Foreign Service Act of 1946.

(3) The authority available to the Board of Foreign Service under the Foreign Service Act of 1946.

(4) The authority to prescribe or issue in pursuance of the Foreign Service Act of 1946 and the Act, such regulations, orders, and instructions, as may be incidental to, or necessary for, or desirable in connection with, the carrying out of the provisions of section 625(d) (2) of the Act or the provisions of this Delegation of Authority.

(5) The prohibitions contained in sections 1001 through 1005 of the Foreign Service Act of 1946.

(c) The Administrator shall be the officer with whom the Secretary of Defense shall consult pursuant to section 202 of the Executive Order.

(d) The concurrence of the Secretary of State shall be required with respect to the exercise by the Administrator of so much of the functions herein delegated pursuant to section 625(d)(1) of the Act as consists of authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 for persons employed or assigned by agencies of the United States Government, other than the Agency.

SEC. 3. *Allocation of funds.* (a) There are hereby allocated to the Administrator the funds allocated to the Secretary of State by subsection (a) of section 501 of the Executive Order.

(b) The Administrator may allocate or transfer as appropriate any of the funds allocated to him to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

SEC. 4. *Successorship.* The Agency and the Administrator shall be deemed to be the successor of the International Cooperation Administration and the Director thereof, respectively, with respect to all functions delegated or redelegated to the International Cooperation Administration or the Director thereof.

SEC. 5. *Authorization to Department of Defense.* The Secretary of Defense is authorized to perform any functions authorized by section 625(d)(1) of the Act to the extent that they relate to other functions under the Act administered by the Secretary of Defense: *Provided,* That the authorization pursuant to section 625(d)(1) of the Act of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 shall be subject to the concurrence of the Secretary of State.

SEC. 6. *Functions reserved to the Secretary of State or otherwise provided for.* (a) There are hereby reserved to the Secretary of State: (1) The function conferred upon the President by section 511(b) of the Act insofar as such function has been delegated to the Secretary of State by section 101 of the Executive Order.

(2) The functions conferred upon the President by sections 301(c) and 620(b) of the Act and the first sentence of section 143 of the Mutual Security Act of 1954.

(3) So much of the functions conferred upon the President by section 624(b) of the Act as consists of fixing the rate of compensation of the Administrator.

(4) The function conferred upon the President by section 624(e)(1) of the Act of appointing the Deputy and Assistant Inspector Generals, Foreign Assistance.

(5) The function conferred upon the Secretary of State by the second sentence of section 624(e)(6) of the Act and section 514 of the Mutual Security Act of 1954.

(6) The function conferred upon the President by section 625(a) of the Act with respect to personnel in the Department of State, other than in the Agency.

(7) The functions conferred upon the President by section 108 of the Foreign Assistance and Related Agencies Appropriation Act, 1962.

(b) The following functions are hereby delegated to officers of the Department of State as indicated:

(1) To the Assistant Secretary of State for Economic Affairs:

(A) Those functions conferred upon the President by the Mutual Defense Assistance Control Act of 1951.

(B) Those functions conferred upon the Secretary of State as Administrator by the Mutual Defense Assistance Control Act of 1951.

(C) Those functions conferred upon the President by sections 601(b)(2) and 601(b)(3) of the Act.

(2) To the Administrator, Bureau of Security and Consular Affairs:

(A) Those functions conferred upon the President by section 405(a) of the Mutual Security Act of 1954.

(B) Those functions conferred upon the President by section 414 of the Mutual Security Act of 1954.

(c) The Administrator, Bureau of Security and Consular Affairs, shall carry out the activities authorized by sections 405(c), 405(d), and 451(c) of the Mutual Security Act of 1954, except so much of the activities under section 451(c) of that Act as relates to programs administered by the Department of Health, Education, and Welfare on behalf of Cuban refugees.

(d) The Administrator and the Secretary of Defense are authorized to make the designations and standards provided for in section 625(g) of the Act with regard to their respective functions under the Act.

(e) The Administrator and any other officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority and authorize any of his subordinates to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions.

(f) The Administrator and any other officer to whom functions are delegated by this Delegation of Authority may promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any of his functions.

SEC. 7. *General provisions.* (a) Any reference in this Delegation of Authority to any Act, order, determination, or Delegation of Authority shall be deemed to be a reference to such Act, order, determination, or Delegation of Authority as amended from time to time. Any reference in this Delegation of Authority to provisions of any appropriation Act shall be deemed to include a reference to any hereafter enacted provisions of law which are the same or substantially the same as such appropriation Act provisions.

(b) This Delegation of Authority supersedes Delegation of Authority No. 85–10 of February 2, 1961, Redelegation of Authority No. 85–10A of February 2, 1961, and Delegation of Authority No. 103–1 of September 13, 1961: *Provided,* That all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Delegation of Authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) Notwithstanding any provision of this Delegation of Authority, the Secretary of State may at any time exercise any function delegated to any officer of the Department of State, including the Agency, by this Delegation of Authority.

(d) This Delegation of Authority shall be deemed to have become effective on September 30, 1961.

Dated: November 3, 1961.

[SEAL] CHESTER BOWLES,
Acting Secretary of State.

[F.R. Doc. 61–10742; Filed, Nov. 9, 1961; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 167–46]

[CGFR 61–43]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, those functions of the Secretary of the Treasury under Public Law 87–167, the Oil Pollution Act, 1961 (75 Stat. 402–407) which are related to the Coast Guard.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the prescribing of rules and regulations.

Dated: November 6, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–10759; Filed, Nov. 9, 1961; 8:50 a.m.]

[1961 Dept. Circular No. 1069]

3¼ PERCENT TREASURY NOTES OF SERIES E–1963

Offering of Notes

NOVEMBER 6, 1961.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 3¼ percent Treasury Notes of Series E–1963, in exchange for 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, in amounts of $1,000 or multiples thereof. The amount of the offering under this circular will be limited to the amount of maturing bonds tendered in exchange and accepted. The books will be open only on November 6 through November 9, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing bonds are offered the privilege of exchanging them for 3¾ percent Treasury Bonds of 1966 (additional issue), or 3⅞ percent Treasury Bonds of 1974 (additional issue), which offerings are set forth in Department Circulars Nos. 1070

and 1071, respectively, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated November 15, 1961, and will bear interest from that date at the rate of 3¼ percent per annum, payable on a semiannual basis on February 15 and August 15, 1962, and on February 15, 1963. They will mature February 15, 1963, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before November 15, 1961, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, which will be accepted at par, and should accompany the subscription. Coupons dated November 15, 1961, should be detached from the maturing bonds in coupon form by holders and cashed when due. In the case of registered bonds, final interest due on November 15, 1961, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1961 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series E–1963"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series E–1963 in the name of ----------"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series E–1963 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–10760; Filed, Nov. 9, 1961; 8:50 a.m.]

[1961 Department Circular No. 1070]

3¾ PERCENT TREASURY BONDS OF 1966

Offering of Bonds

NOVEMBER 6, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.75 percent of their face value, from the people of the United States for bonds of the United States, designated 3¾ percent Treasury Bonds of 1966, in exchange for 2½ percent Treasury Bonds of 1961, maturing November 15, 1961. The cash payment due subscribers on account of the issue price of the new bonds will be paid as provided in section IV hereof. The amount of the offering under this circular will be limited to the amount of maturing bonds tendered in exchange and accepted. The books will be open only on November 6 through November 9, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing bonds are offered the privilege of exchanging them for 3¼ percent Treasury Notes of Series E–1963, or 3⅞ percent Treasury Bonds of 1974 (additional issue), which offerings are set forth in Department Circulars Nos. 1069 and 1071, respectively, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3¾ percent Treasury Bonds of 1966 issued pursuant to Department Circular No. 1054, dated October 31, 1960, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from November 15, 1961. Subject to the provision for the accrual of interest from November 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1054:

> 1. The bonds will be dated November 15, 1960, and will bear interest from that date at the rate of 3¾ percent per annum, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1966, and will not be subject to call for redemption prior to maturity.
>
> 2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
>
> 3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.
>
> 4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.
>
> 5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before November 15, 1961, or on later allotment, and may be made only in a like face amount of 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, which should accompany the subscription. Coupons dated November 15, 1961, should be detached from the maturing bonds in coupon form by holders and cashed when due. In the case of registered bonds, final interest due on November 15, 1961, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. A cash payment of $2.50 per $1,000 on account of the issue price of the new bonds will be made to subscribers. The payments will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1961 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Bonds of 1966"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Bonds of 1966 in the name of ----------"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Bonds of 1966 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–10761; Filed, Nov. 9, 1961; 8:50 a.m.]

[1961 Department Circular No. 1071]

3⅞ PERCENT TREASURY BONDS OF 1974

Offering of Bonds

NOVEMBER 6, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.00 percent of their face value, from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1974, in exchange for 2½ percent Treasury Bonds of 1961, maturing November 15, 1961. The cash payment due subscribers on account of the issue price of the new bonds will be paid as provided in section IV hereof. The amount of the offering under this circular will be limited to the amount of maturing bonds tendered in exchange and accepted. The books will be open only on November 6 through November 9, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing bonds are offered the privilege of exchanging them for 3¼ percent Treasury Notes of Series E–1963, or 3¾ percent Treasury Bonds of 1966 (additional issue), which offerings are set forth in Department Circulars Nos. 1069 and 1070, respectively, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3⅞ percent Treasury Bonds of 1974 issued pursuant to Department Circular No. 1000, dated November 20, 1957, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from November 15, 1961. Subject to the provision for the accrual of interest from November 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1000:

> 1. The bonds will be dated December 2, 1957, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semi-annual basis on May 15 and November 15, 1958, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1974, and will not be subject to call for redemption prior to maturity.
>
> 2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
>
> 3. The bonds will be acceptable to secure deposits of public moneys.
>
> 4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.
>
> 5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to day of payment,[1] *Provided*:
>
> (a) That the bonds were actually owned by the decedent at the time of his death; and
>
> (b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.
>
> Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at ---------- for credit on Federal estate taxes due from estate of ----------." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date,[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by a formal receipt from the District Director of Internal Revenue.
>
> 6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from April 16 to May 15 and from October 16 to November 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before November 15, 1961, or on later allotment, and may be made only in a like face amount of 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, which should accompany the subscription. Coupons dated November 15, 1961, should be detached from the maturing bonds in coupon form by holders and cashed when due. In the case of registered bonds, final interest due on November 15, 1961, will be paid by check drawn in accordance with the assignments on the bonds surrendered or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. A cash payment of $10.00 per $1,000 on account of the issue price of the new bonds will be made to subscribers. The payments will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1961 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1974"; if the new bonds are desired registered in another name the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1974 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1974 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-10762; Filed, Nov. 9, 1961; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF CALIFORNIA

Phosphate Lease Offer

NOVEMBER 6, 1961.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Outer Continental Shelf Office, Bureau of Land Management, Department of the Interior, Post Office Box 14, Los Angeles 54, California, will be received on or before 10:00 a.m., P.s.t., on December 15, 1961, for leases for phosphate of sixteen tracts of the Outer Continental Shelf, adjacent to the State of California. Bids will be opened in Hearing Room No. 1, Main Street Floor, U.S. Post Office and Court House, 312 North Spring Street, Los Angeles, California. Bids may be delivered in person to Hearing Room No. 1, Main Street Floor, U.S. Post Office and Court House, 312 North Spring Street, Los Angeles, California, between 8:30 a.m., P.s.t., and 10:00 a.m., P.s.t., December 15, 1961. Bids received after 10:00 a.m., P.s.t., December 15, 1961 will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $3 per acre or fraction thereof will be considered. Overriding royalty, payments out of production, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for phosphate lease, California, (insert number of tract), not to be opened until 10:00 a.m., P.s.t., December 15, 1961." Bids may not be modified or withdrawn unless the modifications or withdrawals are received prior to the time fixed for filing of the bids. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management and file a showing of citizenship as required by 43 CFR 201.22. The successful bidder for each tract will be required to pay the remainder of the bid and the first year's annual rental of 50 cents per acre and furnish an acceptable surety bond in the sum of $10,000 prior to issuance of each phosphate lease. In lieu of a $10,000 bond for each lease, the successful bidder may furnish a full area bond in the sum of $100,000 as provided in 43 CFR 201.51. The deposits of other bidders will be returned. The right is reserved to reject any or all bids. Bidders are warned against violation of section 1860, Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

The leases will be issued for a term of 10 years and so long thereafter as phosphate is being produced from the leased area or other operations for the production of phosphate as approved by the Secretary are being conducted. The leases will provide for an annual rental of 50 cents per acre for the first and second years of the leases and $1 per acre for each year thereafter; a minimum royalty commencing after production of $2 per acre for each year in lieu of rental; and a royalty of 5 percent (but not less than 30 cents a short ton) of the gross value of the output of the lease deposits at the point of shipment to market. The leases will also provide for the suspension of operations during war or national emergency, or in the interest of national security. Copies of the lease agreement may be obtained from the Manager, Land Office, Bureau of Land Management, Bartlett Building, 215 West 7th Street, Los Angeles, California, or from the Regional Oil and Gas Supervisor, Geological Survey, Room 1012, Bartlett Building, 215 West 7th Street, Los Angeles, California.

The tracts offered for bid are as follows:

OUTER CONTINENTAL SHELF LEASING MAP
ZONE 6—SAN DIEGO AREA (SPECIAL)
(California Offshore Operations)

Tract No.	Description (blocks)	Acreage
1	Block 13 N., 32 W., SW¼	1,440
2	Block 13 N., 33 W., S½	2,880
3	Block 13 N., 34 W., S½	2,880
4	Block 13 N., 35 W., S½ and NW¼	4,320
5	Block 12 N., 32 W., All	5,760
6	Block 12 N., 33 W., All	5,760
7	Block 12 N., 34 W., All	5,760
8	Block 12 N., 35 W., All	5,760
9	Block 11 N., 32 W., All	5,760
10	Block 11 N., 33 W., All	5,760
11	Block 11 N., 34 W., All	5,760
12	Block 11 N., 35 W., All	5,760
13	Block 10 N., 32 W., All	5,760
14	Block 10 N., 33 W., All	5,760
15	Block 10 N., 34 W., All	5,760
16	Block 10 N., 35 W., All	5,760

Bidders are requested to submit their bids in the following form:

Manager,
Outer Continental Shelf Office,
Bureau of Land Management,
Department of the Interior,
Post Office Box 14,
Los Angeles 54, Calif.

Phosphate Lease Bid

The following bid is submitted for a phosphate lease on land of the Outer Continental Shelf specified below:

Tract No. _____ *Total amount bid* _____

Amount per acre _____ *Amount submitted with bid* _____

_____
(Signature)

_____
(Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 61-10741; Filed, Nov. 9, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 7723 etc.]

REOPENED TRANSPACIFIC ROUTE CASE (INTERNATIONAL PHASE)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 20, 1961, at 10:00 a.m., e.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served September 12, 1961, Board orders E-17230, adopted April 26, 1961, and E-17516, adopted September 29, 1961, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 6, 1961.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 61-10764; Filed, Nov. 9, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO., INC.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 23, 1959 (18 A.D. 1406), authorizing the respondent, The Peoria Union Stock Yards Company, Inc., Peoria, Illinois, to assess the current temporary schedule of rates and charges to and including December 31, 1961, unless modified or extended by further order before the latter date.

On October 30, 1961, a petition was filed on behalf of the respondent requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including December 31, 1963.

SECTION I—YARDAGE

Item 1. Yardage charges will be assessed on all livestock (or deadstock) sold through these yards or resold by regular selling agencies at the following rate in cents per head:

	Present	Proposed
Cattle	90	105
Calves (300 lbs. and under)	45	53
Hogs	30	35
Sheep and goats	25	29

Item 2. Charges will be collected on all livestock resold on the market (except as specified in Items 1 and 3 of this section) at the following rate in cents per head:

	Present	Proposed
Cattle	45	53
Calves	23	27
Hogs	15	18
Sheep	13	15

* * * * * *

Item 4. Charges will be collected on all livestock consigned direct to packers for immediate slaughter and without change of ownership, at the following rate in cents per head:

	Present	Proposed
Cattle	50	53
Calves	25	27
Hogs	16	18
Sheep	13	15

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 7th day of November 1961.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10744; Filed, Nov. 9, 1961; 8:47 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (26 F.R. 10242) for October and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Great Falls Meat Co.	301	(*)					
Webb Packing Co.	316	(*)					
Midland Empire Packing Co., Inc.	330	(*)	(*)				
The Lundy Packing Co.	413					(*)	
Armour and Co.	477	(*)					
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Black Hills Packing Co.	554	(*)				(*)	
Frosty Morn Meats, Inc.	576	(*)	(*)			(*)	
Swift and Co.	608	(*)					
Eastern Oregon Meat Co., Inc.	611	(*)	(*)	(*)		(*)	
H. H. Keim Co.	630	(*)	(*)	(*)		(*)	
Pierce Packing Co., Inc.	691	(*)				(*)	
Carter Packing Co.	698	(*)	(*)				
Dale Packing Co., Inc.	777	(*)					
Wells and Davies Packing Co.	860	(*)	(*)			(*)	
T. L. Lay Packing Co.	967	(*)				(*)	

Done at Washington, D.C., this 6th day of November 1961.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-10784; Filed, Nov. 9, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14280, 14281; FCC 61M-1741]

BARREN COUNTY BROADCASTING CO. AND JOHN M. BARRICK

Order Continuing Hearing Conference

In re applications of Lewis M. Owines, John A. Hartnett and Carl R. Thomale d/b as Barren County Broadcasting Company, Glasgow, Kentucky, Docket No. 14280, File No. BP-13996, Requests: 1440 kc, 1 kw, D, III; John M. Barrick, Glasgow, Kentucky, Docket No. 14281, File No. BP-14641, Requests: 1440 kc, 1 kw, D, III; for construction permits.

Upon oral request of counsel for John M. Barrick, and with the consent of the other parties herein: *It is ordered*, This 6th day of November, nunc pro tunc, that the prehearing conference heretofore scheduled for November 6, 1961, at 9:00 a.m., in Washington, D.C., is postponed to November 14, 1961, at 10:00 a.m., pending action upon a joint request of the parties looking toward dismissal of the application of Barren County Broadcasting Company.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10766; Filed, Nov. 9, 1961; 8:50 a.m.]

[Docket Nos. 14357, 14358; FCC 61-1307]

HIGSON-FRANK RADIO ENTERPRISES AND SBB CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James D. Higson and Peter Frank d/b as Higson-Frank Radio Enterprises, Houston, Texas, Docket No. 14357, File No. BP-13809, Requests: 1520 kc, 500 w, 250 w(CH), Day; SBB Corporation, Houston, Texas, Docket No. 14358, File No. BP-14632, Requests: 1520 kc, 1 kw, DA, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of November 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except for matters involved in the issues set forth below, each of the subject applicants possesses the basic requisite qualifications to construct and operate its subject proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject co-channel proposals for Houston are mutually exclusive. Both applicants propose daytime operation, but SBB Corporation has requested a power of 1 kilowatt, employing a directional antenna, while Higson-Frank Radio Enterprises proposes 500 watt omnidirectional operation with power reduced to 250 watts during critical hours. For this reason, areas and population to receive service from the proposals will not be entirely identical.

2. The proposed operation of Higson-Frank Radio Enterprises involves varying amounts of mutual interference with four additional pending applications—those of General Communications, Inc., File No. BMP-9060 (KXKW); and the mutually destructive applications of Radio Orange, File No. BP-13739, KWEN Broadcasting Company, File No. BP-13627, and Vidor Broadcasting Company, File No. BP-14619. However, since the subject Higson-Frank proposal receives interference resulting in a total population loss of less than ten percent, and since none of the proposals noted above will receive population losses in excess of ten percent, the subject Higson-Frank proposal will not be consolidated with the others for hearing. Any grant of the Higson-Frank proposal will be conditioned upon acceptance of interference resulting from a subsequent grant of the other proposals noted above.

3. Similarly, the proposal of SBB Corporation would involve mutual interference with the pending applications of Radio Orange, BP-13627, and Vidor Broadcasting Company, File No. BP-14619, and would receive interference from the pending application of General Communications, Inc., File No. BMP-9060. For reasons identical to those set forth in the preceding paragraph, the SBB Corporation application will not be consolidated with the others and, if granted, will be appropriately conditioned.

4. The SBB Corporation proposal appears to cause slight interference to the existing operation of Station KGBC, Galveston, Texas, two channels removed. Additionally, measurement data made from the proposed site in pertinent directions is needed to establish whether there will be overlap of the 2 mv/m and 25 mv/m contours between KGBC and the proposed Houston station.

5. It does not appear that the SBB Corporation proposed operation will provide a signal of 25 mv/m or greater over the business area of Houston, nor does it appear that a minimum signal of 5 mv/m will be provided to all residential sections of the city. Accordingly, a question exists as to compliance with the requirements of § 3.188(b)(1)(2) of the Commission rules.

6. The proposed program schedule submitted with the Higson-Frank Radio Enterprises application appears to be substantially identical to the schedule submitted with an earlier Higson-Frank application for Fresno, California. A question is raised, therefore, as to whether the applicant has undertaken to ascertain the particular programming needs of the Houston area. Even apart from questions involving the schedule's origination, substantial discrepancies exist between the programming there shown and the programming percentages submitted in Section IV of the application form. It will be necessary to examine these questions in hearing prior to any comparative consideration of programming as between the two subject applicants for Houston.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of SBB Corporation would cause objectionable interference to Station KGBC, Galveston, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine the efforts made by Higson-Frank Radio Enterprises to ascertain the programming needs and interests of the area to be served and the manner in which Higson-Frank Radio Enterprises proposes to meet such needs and interests.

4. To determine whether the instant proposal of SBB Corporation would provide coverage of the city sought to be served, as required by § 3.188(b) (1) and (2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said sections.

5. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of SBB Corporation and the existing operation of Station KGBC, Galveston, Texas, in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. Background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Galveston Broadcasting Company, licensee of Station KGBC, Galveston, Texas, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application of Higson-Frank Radio Enterprises, the construction permit shall contain the following conditions:

1. Permittee shall be responsible for the installation and adjustment of suitable filter circuits or any other equipment that may be necessary to prevent excessive re-radiation and/or cross modulation due to proximity of the antenna system with other structures.

2. Permittee shall submit sufficient field intensity measurement date before program tests are authorized to prove that the radiation efficiency of the antenna system meets the minimum efficiency requirements of the Commission's records.

3. Permittee shall accept any interference that may result due to a subsequent grant of the General Communications Inc., File No. BMP-9060 (KXKW) and from any one of the applications of Radio Orange, File No. BP-13739, KWEN Broadcasting Company, File No. BP-13627 or the Vidor Broadcasting Co., File No. BP-14619.

It is further ordered, That in the event of a grant of the application of SBB Corporation, the construction permit shall contain the following condition: Permittee shall accept any interference that may result due to a subsequent grant of either the KWEN Broadcasting Company, File No. BP-13627, or the Vidor Broadcasting Company, File No. BP-14619, and from General Communications Incorporated, File No. BMP-9060.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10767; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket No. 14314; FCC 61M-1732]

KOFE, INC. (KOFE)

Order Continuing Hearing Conference

In re application of KOFE, Inc. (KOFE), Pullman, Washington, Docket No. 14314, File No. BML-1929; for modification of license.

Upon the Hearing Examiner's own motion: *It is ordered*, This 3d day of November 1961, that the prehearing conference now scheduled for November 22, 1961, be, and the same is hereby rescheduled for November 29, 1961, 9:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10768; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket No. 14350; FCC 61M-1733]

MIA ENTERPRISES, INC. (KWBE)

Order Scheduling Hearing

In re application of Mia Enterprises, Inc. (KWBE), Beatrice, Nebraska, Docket No. 14350, File No. BP-13878; for construction permit.

It is ordered, This 3d day of November 1961, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1962, in Washington, D.C.; and: *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, December 14, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10769; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket Nos. 14360—14363; FCC 61-1311]

M & M TELECASTERS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of L. E. Manseau and Daniel E. Molina d/b as M & M Telecasters, Santa Maria, California, Docket No. 14360, File No. BPCT-2891; Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli d/b as Central Coast Television, Santa Maria, California, Docket No. 14361, File No. BPCT-2903; Thomas B. Friedman, tr/as Elson Electronics Company, Santa Maria, California, Docket No. 14362, File No. BPCT-2904; Santa Maria Telecasting Corporation, Santa Maria, California, Docket No. 14363, File No. BPCT-2919; for construction permits for new Television Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of November 1961;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12, assigned to Santa Maria, California; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by all the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of M & M Telecasters:

1. Cash in the approximate amount of $112,500 will be required for down payment on the equipment, for buildings, miscellaneous items and for initial working capital. The partnership agreement provides that the two partners will contribute capital equally which in this case amounts to $56,225 each. Mr. Molina's balance sheet lists assets consisting of cash and stocks in the total amount of $107,568.83. However, net current and liquid assets of cash and stocks listed on major exchanges amounts to only $44,-334 which when reduced by Mr. Molina's $25,500 commitment for 20 percent of Station KFIF in Tucson leaves only $19,-334 available for the instant proposal. Consequently, the Commission cannot make the finding that M & M Telecasters is financially qualified.

2. The specified height above mean sea level of the proposed site as shown in Exhibit I is less than the height derived from the "ORCUTT, CALIF. USGS" quadrangle. Therefore, other submitted elevations based upon the height above mean sea level of the proposed site are considered erroneous.

3. The antenna gain in decibels specified in Section V–C do not correspond to that filed with the Commission by the manufacturer.

4. The proposed antenna system and site has been initially determined by the FAA to be a menace to air navigation.

5. Section V–C of the application specifies the main studio location as Santa Maria, while the engineering statement indicates the main studio location will be located at the transmitter site 8.5 miles southeast of Santa Maria.

(b) The proposal of Elson Electronics Company:

1. Cash requirements for down payment on equipment, construction, and for initial working capital, amount to approximately $181,500. Additionally, Mr. Friedman has commitments of $44,233 in connection with an application (BP–13946) for a permit to construct a standard broadcast radio station in Seven Hills, Ohio and an option to purchase stock in and to make a loan to one of the shareholders in Station KOBY, Tucson, Arizona. It is proposed to finance the construction and operation of the proposed station from existing capital of $150,000 and a loan of $75,000 from Mr. and Mrs. Mills. However, Mr. Friedman's balance sheet does not show sufficient liquid assets to meet his commitments, and the balance sheet of Mr. and Mrs. Mills does not indicate an ability to lend Mr. Friedman $75,000 as proposed.

2. As plotted on the most recent copies of Engineers quadrangle (Tepusquet Peak, California 1942, Scale 1/62500), the geographic coordinates specified for the antenna site do not agree with the site descriptions and site photo.

3. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

(c) The proposal of Santa Maria Telecasting Corporation:

1. It appears that cash in the approximate amount of $298,000 will be required for construction and initial operation of the proposed station. This is to be financed by the sale of stock in the amount of $300,000. The subscribers to stock, with the exception of Mr. Brooks and Mr. Rea, have not shown in the material submitted with the application current and liquid assets sufficient in amount to meet their commitments.

2. The geographic coordinates, specified for the antenna site do not agree with the description and photos of the proposed site.

3. The specified height above mean sea level of the proposed site as shown in Exhibit V–C2 is less than the height derived from the "Solvang, California" quadrangle. Accordingly, other submitted elevations based upon the specified height above mean sea level of the proposed site are considered erroneous.

4. In view of the above, the proposed effective radiated power for the correct antenna height above average terrain would exceed that permitted by § 3.614 (b)(2) of the rules.

5. The profile graph submitted for the radial through the principal city does not extend through the city as required by § 3.684(d) of the rules.

6. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

It further appearing, that Central Coast Television has, in accordance with the provisions of § 3.613(b) of the rules, requested a waiver of § 3.613(a) of the rules to permit it to locate its main studio one half mile north of the city limits of Santa Maria; that the Central Coast Television has shown good cause for a grant of the requested waiver; and that, therefore, no issue with respect to main studio is proposed; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Central Coast Television is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that M & M Telecasters, Elson Electronics Company and Santa Maria Telecasting Corporation are legally qualified to construct, own and operate the proposed television qualified except with respect to the issues specified below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether M & M Telecasters, Elson Electronics Company and Santa Maria Telecasting Corporation are financially qualified to construct, own and operate the proposed television broadcast stations.

(2) To determine the correct antenna site elevation above mean sea level, antenna height above average terrain, overall antenna height above mean sea level and height of radiation center above mean sea level of the proposals of M & M Telecasters and Santa Maria Telecasting Corporation.

(3) To determine the precise geographic coordinates for the antenna sites proposed by Elson Electronics Company and Santa Maria Telecasting Corporation.

(4) To determine whether the antenna systems and sites proposed by M & M Telecasters, Elson Electronics and Santa Maria Telecasting Corporation would constitute menaces to air navigation.

(5) To determine the specific rating in decibels of the antenna proposed by M & M Telecasters.

(6) To determine the maximum allowable effective radiated power for the precise antenna height above average terrain at the site proposed by Santa Maria Telecasting Corporation.

(7) To determine whether the profile graph submitted by Santa Maria Telecasting Corporation for the radial through the principal city complies with the provisions of § 3.684(d) of the rules.

(8) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

(9) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence in the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (c) of the rules.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10770; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket Nos. 14275, 14276; FCC 61M–1736]

LITTLE JOE ENTERPRISES (WJOE) AND SARASOTA-CHARLOTTE BROADCASTING CORP.

Order Continuing Hearing

In re applications of Robert D. Sidwell, tr/as Little Joe Enterprises (WJOE), Ward Ridge, Florida, Docket No. 14275, File No. BP–14059; Sarasota-Charlotte Broadcasting Corporation, Englewood, Florida, Docket No. 14276, File No. BP–14211; for construction permits.

Pursuant to the agreements reached at the prehearing conference held on November 3, 1961, the evidentiary hearing in the above-entitled proceeding now scheduled for December 4, 1961 is continued to January 9, 1962.

It is so ordered, This the 3d day of November 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10771; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket Nos. 14007, 14008; FCC 61M–1737]

VERNON E. PRESSLEY AND FOLKWAYS BROADCASTING CO., INC. (WTCW)

Order Continuing Hearing

In re applications of Vernon E. Pressley, Canton, North Carolina, Docket No. 14007, File No. BP–12872; Folkways Broadcasting Company, Inc. (WTCW), Whitesburg, Kentucky, Docket No. 14008, File No. BP–13526; for construction permits.

The Hearing Examiner having before him a Petition for Continuance of Hearing in the above-entitled proceeding filed by Vernon E. Pressley on November 2, 1961, in which it is requested that hearing with regard to issue 10 be continued from November 13, 1961, to November 24, 1961; and

It appearing that Folkways Broadcasting Company, Inc. has indicated that they do not intend to participate further in the proceeding and that the Broadcast Bureau, the only other party to the proceeding, has no objection to the requested continuance;

It is ordered, This 3d day of November 1961, that the above-described petition for continuance is granted; and the hearing now scheduled for November 13, 1961, is continued to November 24, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10772; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket Nos. 14318, 14319; FCC 61M–1746]

COLUMBIA BASIN MICROWAVE CO.

Order Scheduling Hearing

In re applications of Columbia Basin Microwave Company, Docket No. 14318, File No. 1464–C1–R–61, for renewal of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington; Docket No. 14319, File No. 4082–C1–AL–61 for consent to assignment of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 24, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 11:00 a.m., Friday, December 15, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10773; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket No. 14279; FCC 61M–1727]

QUINCY VALLEY BROADCASTERS

Order Continuing Hearing Conference

In re application of Donald R. Nelson, L. D. Adcox, Gene R. Johnsick and Richard C. Singleton, d/b as Quincy Valley Broadcasters, Quincy, Washington, Docket No. 14279, File No. BR–3607; for renewal of license of Station KPOR.

The Hearing Examiner having under consideration a motion filed November 1, 1961, requesting that the prehearing conference now scheduled to begin on Monday, November 6, 1961, be continued to a date not earlier than December 8 or December 11, 1961; and

It appearing that the reason for the requested continuance is the inability of Donald R. Nelson, one of the principals, and of his counsel to come to Washington on November 6, 1961, without being subjected to great expense and inconvenience; and

It further appearing that there are no objections to immediate favorable action on the motion and good cause for granting the motion having been shown;

It is ordered, This the 2d day of November 1961, that the request for continuance is granted and the prehearing conference is continued from Monday, November 6, 1961, to Monday, December 11, 1961, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: November 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10774; Filed, Nov. 9, 1961; 8:51 a.m.]

[Docket No. 14359; FCC 61–1309]

ROUNSAVILLE OF MIAMI BEACH, INC. (WFUN)

Order Designating Application for Hearing on Stated Issues

In re application of Rounsaville of Miami Beach, Inc. (WFUN), South Miami, Florida, Docket No. 14359, File No. BML–1941; has: 790kc, 5kw, DA–2, U, South Miami; req: 790kc, 5kw, DA–2, U, Miami; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 1st day of November, 1961;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. This applicant requests modification of license to change the designation of station location from South Miami, Florida, to Miami, Florida, and to locate the main studio at MacArthur Terminal on MacArthur Causeway, Miami Beach, Florida. In view of the requested studio location, the applicant requests waiver of § 3.30(a) of the rules which provides that the studio be located at the place where the station is located or alternatively at the transmitter site.

2. Station WFUN was originally licensed to serve Miami Beach. On September 10, 1958 authority was granted to change frequency, increase power, hours of operation and for change of designation to South Miami. The population loss was excessive due to interference received at night, but the proposal met one of the exceptions to § 3.28(c) (now § 3.28(d)) since the authorization brought the first nighttime station to South Miami. Had the application been for operation to serve Miami, the proposal would have been in contravention of this rule. This current proposal of WFUN to be designated a Miami station is similarly in contravention of this rule. The applicant alleges that § 3.28(d) is not applicable to the instant proposal since no change in operation is proposed; but in the event that it is, a waiver of this rule is requested.

3. Station WFUN is the only station either AM or FM licensed for South Miami, Florida, although there is outstanding a construction permit for an AM station to serve Miami-South Miami. Since the only station licensed for South Miami will be removed if this application were granted, a question obtains as to whether this would be in the public interest.

4. Renewal of license of Stations WYLD, New Orleans, Louisiana and WLOU, Louisville, Kentucky, which have common ownership with Station WFUN, have been deferred. Thus, if favorable action is taken on the instant application, the instrument of authorization will be made conditional subject to whatever action the Commission may deem appropriate with regard to renewal of license of the aforesaid stations.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the instant proposal is in compliance with § 3.30(a) of the Commission rules with respect to location of the main studio, and, if not, whether circumstances exist which would warrant a waiver of said section.

2. To determine whether interference received from authorized operations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine the nature of the programming of other standard broadcast stations providing primary service to South Miami and the extent to which

such programming is designed to meet the local civic, social, and public needs of the population residing in South Miami.

4. To determine the needs of South Miami for the standard broadcast service now provided by WFUN and the needs of Miami for the service of WFUN operating as proposed.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-described application would serve the public interest, convenience and necessity.

It is further ordered, That in the event of a grant of the instant application the instrument of authorization shall contain a condition that it is granted without prejudice to whatever action the Commission may deem appropriate with regard to renewal of license of Stations WYLD, New Orleans, Louisiana and WLOU, Louisville, Kentucky.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10775; Filed, Nov. 9, 1961; 8:52 a.m.]

[Docket No. 14074; FCC 61M-1731]

STRAFFORD BROADCASTING CORP. (WWNH)

Order Continuing Hearing

In re application of Strafford Broadcasting Corporation (WWNH) Rochester, New Hampshire, Docket No. 14074, File No. BP-13053; for construction permit.

Upon oral request of counsel for the Broadcast Bureau and with the consent of the other party, it is ordered, this 3d day of November 1961, that the hearing in the above-entitled matter presently scheduled for November 9, 1961, be, and the same is, hereby continued to November 15, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10776; Filed, Nov. 9, 1961; 8:52 a.m.]

[Docket Nos. 13736, 14282; FCC 61M-1736]

WINDBER COMMUNITY BROADCASTING SYSTEM AND RIDGE RADIO CORP.

Order After Prehearing Conference

In re applications of Dr. E. Z. Eperjessy, Louis Popp and William H. Myers d/b as Windber Community Broadcasting System, Windber, Pennsylvania, Docket No. 13736, File No. BP-13475; Ridge Radio Corporation, Windber, Pennsylvania, Docket No. 14282, File No. BP-13682; for construction permits.

The Hearing Examiner having under consideration proceedings during prehearing conference held in the above-entitled matter on November 3, 1961;

It is ordered, This 3d day of November 1961, that the hearing is hereby scheduled to commence at 10 a.m., January 10, 1962, at the Commission's offices, Washington, D.C.;

It is ordered further, That so much of the direct cases as are to be in written form will be exchanged among counsel, with a copy of each exhibit provided the hearing examiner, by December 27, 1961, and that rebuttal exhibits, if any, are to be similarly exchanged by January 8, 1962;

It is ordered further, That the procedural ground rules for the future conduct of the hearing agreed upon, or directed, during the course of the prehearing conference are hereby approved and adopted and are incorporated by reference to the transcript of said prehearing conference with the same force and effect as if set forth verbatim herein.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10777; Filed, Nov. 9, 1961; 8:52 a.m.]

[Docket Nos. 14351-14353; FCC 61M-1734]

WOLVERINE BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of John C. Lane, Elizabeth B. Barrett & Edward Fitzgerald, d/b as Wolverine Broadcasting Company, Wyoming, Michigan, Docket No. 14351, File No. BP-13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch, d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Michigan, Docket No. 14352, File No. BP-14039; Wayne Stebbins, tr/as Grand Valley Broadcasting Company, Saranac, Michigan, Docket No. 14353, File No. BP-14487; for construction permits.

It is ordered, This 3d day of November 1961, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, December 12, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10778; Filed, Nov. 9, 1961; 8:52 a.m.]

[Docket No. 14365; FCC 61-1315]

NEIGHBORLY BROADCASTING CO., INC.

Order To Show Cause

In the matter of revocation of license of The Neighborly Broadcasting Co., Inc., for FM Broadcast Station WLOV, Cranston, Rhode Island; Docket No. 14365.

The Commission having under consideration (1) the outstanding license issued to The Neighborly Broadcasting Co., Inc., authorizing it to operate FM Broadcasting Station WLOV in the public interest, convenience and necessity on Channel 260 at Cranston, Rhode Island; (2) the Commission's issuances of Official Notices of Violation to Station WLOV; (3) the licensee's actions and responses to the said Notices of Violation; and (4) other information available to the Commission; and

It appearing, that on November 30, 1960, an Official Notice of Violation (FCC Form 793) was issued which specified twelve instances of WLOV's non-compliance with Commission rules and regulations; and

It further appearing, that the licensee's answer, dated January 8, 1961, to the Official Notice of Violation represented to the Commission that certain corrective action had been taken and would be taken to insure compliance with the Commission's rules; and

It further appearing, that a subsequent reinspection of Station WLOV on March 23, 1961, revealed many violations which were the same as or similar to those cited following the prior inspection; and

It further appearing, that on April 3, 1961, another Official Notice of Violation was issued specifying the repetitive violations as follows:

Item 1 (§ 3.265(c))—No First Class radiotelephone operator employed on a full-time basis.

Item 2 (§ 3.267(b))—Station operating at reduced power approximately 68 percent that of full power since inspection on November 22, 1960, without any notification to Engineer-in-Charge, Boston, Massachusetts.

Item 3 (§ 3.258(b)(2))—No notification to Engineer-in-Charge, Boston, Massachusetts, that plate ammeter was defective. Many logs show no plate current readings.

Item 4 (§ 3.281(b)(5)(i)—No records kept during experimental period while station was being operated.

(b) (Section 3.281(b)(4)(ii))—No entries in operating log when plate ammeter defective.

(c) (Section 3.281)—No logs from February 12 to 24, 1961.

Item 5 (§ 3.283)—Program logs not being signed both on and off duty by operators.

Item 6 (§ 3.254(b))—Proof of Performance Measurements not available.

Item 7 (§ 3.931)—CONELRAD receiver defective—found to be turned off during inspection; and

It further appearing, that with respect to the cited violations of § 3.265(c) of the rules following each inspection the licensee willfully provided information which contained misrepresentations in that a full-time first-class operator was not in fact employed when so listed as employed by licensee; and

It further appearing, that the licensee has been inconsistent in his oral and written responses with respect to making the necessary equipment performance measurements (§ 3.254(b)), installing and properly maintaining the necessary CONELRAD equipment (§ 3.931) and maintaining program and operating logs (§ 3.281); and that such inconsistencies amount to misrepresentations or demonstrate a lack of candor; and

It further appearing, that in April and May, 1961, Station WLOV either operated with reduced power or was silent for more than ten days without observing the requirements of § 3.267(b) and § 3.261(b) of the Commission's rules, although licensee was fully aware of such requirements; and

It further appearing, that by its actions the licensee of Station WLOV has willfully and repeatedly violated or failed to observe the requirements of §§ 3.254 (b), 3.258(b)(2), 3.261(b), 3.265(c), 3.267(b), 3.268, 3.281 (a) and (b), 3.283 and 3.931 of the Commission's rules; and

It further appearing, that the licensee may not be financially qualified as evidenced by the general condition of the station and its equipment, the staffing of the station, the lack of telephone service, the failure to pay employees, and the termination of the lease for its transmitter site;

It is ordered, This 1st day of November 1961, pursuant to the provisions of sections 312(a)(1), 312(a)(2), 312(a)(3), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, that The Neighborly Broadcasting Co., Inc. is directed to show cause why an order revoking its license for FM Broadcasting Station WLOV, Cranston, Rhode Island, should not be issued, and to appear and give evidence with respect thereto at a hearing[1] to be held at Providence, Rhode Island, at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to The Neighborly Broadcasting Co., Inc.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10779; Filed, Nov. 9, 1961; 8:52 a.m.]

[1] Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney file with the Commission, within thirty days of the receipt of the Order to Show Cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the Order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Providence, Rhode Island, he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.78 (c), (d) and (e) of the Commission's rules as amended December 12, 1960.

FEDERAL POWER COMMISSION

[Docket No. CP62-73]

ARKANSAS LOUISIANA GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 3, 1961.

Take notice that on September 21, 1961, Arkansas Louisiana Gas Company (Applicant), Slattery Building, Shreveport, Louisiana, filed in Docket No. CP62-73 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of routine budget-type natural gas transmission facilities from time to time during the calendar year 1962 to enable Applicant to connect new industrial consumers purchasing gas directly from its interstate transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed hereunder include lateral lines, taps, measuring and regulating, and other necessary delivery equipment at a total estimated cost not to exceed $750,000, with no individual project to exceed a cost of $200,000.

The estimated total annual volume of natural gas involved under this application is approximately 10,000,000 Mcf which will be delivered to direct industrial customers for use in ovens, kilns, internal-combustion engines, boilers, vats, dryers, and other direct-fired equipment for agricultural, oil and gas processing, manufacturing, mining and ore processing, forestry, and national defense purposes.

No increase in main line capacity is proposed hereunder, and the total maximum volume of gas involved should not adversely affect Applicant's gas supply or its service to existing customers.

Applicant states that the authority requested herein does not authorize the construction or operation of facilities to deliver interstate gas into the pipeline operated by Arkansas Industrial Pipeline Corporation which extends from a point near Perla, Arkansas, to a point near Helena, Arkansas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitiones to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10728; Filed, Nov. 9, 1961; 8:45 a.m.]

[Docket No. CP62-72]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that on September 21, 1961, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP62-72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of lateral pipelines and related facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time from producers thereof during the calendar year 1962, at a total estimated cost not to exceed $1,000,000, with no single project to exceed a cost of $250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural

gas in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities with funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10729; Filed, Nov. 9, 1961; 8:45 a.m.]

[Docket No. CP62-50]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

NOVEMBER 3, 1961.

Take notice that on August 21, 1961, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application in Docket No. CP62-50, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain facilities attached to its interstate gas transmission system located in Pennsylvania and West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon the following facilities:

(1) The 85 horsepower Dexter Compressor Station in Porter Township, Clarion County, Pennsylvania, used to compress gas from the New Bethlehem field. Applicant states that its 320 horsepower compressor station at Rimersburg can now take care of all of the gas volumes that can be taken from the New Bethlehem and nearby Rimersburg producing areas. Applicant will retire and sell the subject facilities for scrap.

(2) A 1,000 horsepower compressor unit at Hundred Compressor Station, Church District, Wetzel County, West Virginia. Applicant states that production from the Hundred Production Field has declined so that all the remaining gas can be pumped by Applicant's nearby Earnshaw Compressor Station. The compressor unit and related piping will be sold for scrap.

(3) The 2,280 horsepower Sedalia Compressor Station in McClellan District, Doddridge County, West Virginia; 14.97 miles of 10-inch line (Line 1221) in West Union, Grant and McClellan Districts, Doddridge County, West Virginia, and 2.2 miles of 16-inch line (Line 1) in Greene District, Wetzel County, West Virginia. Applicant states that expiration of its service agreement with Hope Natural Gas Company makes retirement of the Sedalia Station possible, and, further, that with the existing capacity of the nearby Hughes River and Porters Falls Stations, Applicant can handle local production in the area formerly assigned to the Sedalia Station. The application shows that as a result of the proposed abandonment of the Sedalia Station, it will be possible to abandon Line 1221 and a short section of Line 1. Applicant states that a few direct retail customers served by Lines 1221 and 1 will be provided for by other arrangements. The Sedalia Station equipment will be sold for scrap with the exception of certain cylinders to be kept for replacement parts for the Hughes River and Porters Falls Stations; the salvageable pipe will be sold in place to an independent purchaser for removal.

(4) Two sections of 6-inch Line No. 136 being 36.38 miles of line from lower Oxford Township, Chester County, Pennsylvania, to Shrewsbury Township, York County, Pennsylvania, and 35.97 miles of line from Londonderry Township, Bedford County, Pennsylvania, to Henry Clay Township, Fayette County, Pennsylvania. Applicant states that the completion of its new 20-inch line from Waynesburg to York, Pennsylvania, makes it possible to abandon the above sections of Line 136. No abandonment of service will result from this proposed abandonment.

Retirement and salvage costs of the subject facilities are estimated to be:

Total credit to fixed capital	$769,428
Salvage value of equipment	93,650
Cost of retiring	19,000

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10730; Filed, Nov. 9, 1961; 8:45 a.m.]

[Docket No. G-16842]

TENNESSEE GAS TRANSMISSION CO.

Notice of Postponement of Hearing

NOVEMBER 2, 1961.

Upon consideration of the motion filed on October 20, 1961, by Counsel for Tennessee Gas Transmission Company which, among other things, requests a continuance of the hearing now scheduled for November 14, 1961, in the above-entitled matter.

The hearing now scheduled for November 14, 1961 in the above-entitled proceeding is hereby continued to a date to be hereafter fixed by further notice or order.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10731; Filed, Nov. 9, 1961; 8:45 a.m.]

[Docket No. RI62-166]

TEXAS GAS CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Rate To Become Effective Subject to Refund

NOVEMBER 3, 1961.

On October 4, 1961, Texas Gas Corporation (Operator) (Texas Gas), 3472 Bolsover Road, Houston 5, Texas, tendered for filing a proposed change in rate for the jurisdictional sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern), from various fields in Jefferson, Chambers and Orange Counties, Texas (Railroad Commission District No. 3). The filing, designated Supplement No. 15 to Texas Gas' FPC Gas Rate Schedule No. 1, provides for an increase of 0.21 cents per Mcf, from 14.1875 cents to 14.3975 cents per Mcf, at 14.65 psia, an annual increase of $13,992. The increase reflects the incidence of the Texas Dedicated Reserve Gas Tax, HB 20, Chapter 24, Article VI, Acts First Special Called Session, 57th Legislature of Texas, passed on August 16, 1961. The contract provides for the reimbursement by the purchaser of seven-eighths of such tax. Texas Gas requests a waiver of notice to make the increase effective September 1, 1961, the effective date of the tax. Unless suspended, the proposed increased rate would have become effective on November 4, 1961.

Where gas reserves are dedicated under gas purchase contracts, the new tax is payable by the first purchaser of such gas at the rate of 1.0 cent per Mcf less the amount of the Texas production tax per Mcf.

The proposed 14.3975 cents per Mcf rate exceeds the applicable rate level as set forth in the Commission's Statement of General Policy No. 61-1. The present rate is in effect subject to refund in Docket No. RI61-236. In view of our experience with this type of legislation, we must recognize the possibility that the validity of the tax might be challenged. In order to protect all parties in the event the tax should be declared unconstitutional or otherwise held invalid by final judicial decision, the proposed increased rate should be suspended. However, in order to prevent undue hardship the suspension period may be shortened to one day.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 15 to Texas Gas' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act [18 CFR, Ch. I], a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 15 to Texas Gas' FPC Gas Rate Schedule No. 1.

(B) Pending hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until November 5, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Texas Gas shall execute and file under Docket No. RI62-166 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Texas Gas is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 18, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10732; Filed, Nov. 9, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33891]

LOUISIANA INTRASTATE COACH FARES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 31st day of October A.D. 1961.

It appearing that on May 9, 1961, certain western carriers jointly filed a tariff with the Interstate Commerce Commission increasing their one-way and round-trip coach fares five (5%) percent, with certain exceptions, for interstate passenger transportation, and the tariff went into effect without suspension and without hearing, effective July 1, 1961;

It further appearing that the Illinois Central Railroad Company, Texas and New Orleans Railroad Company, The Texas and Pacific Railway Company and Missouri Pacific Railroad Company, parties to the above-mentioned tariff, made application to the Louisiana Public Service Commission for authority to make corresponding increases on coach traffic moving intrastate within Louisiana. A hearing was held by the Louisiana Commission and the application was denied by its order No. 8488, dated July 28, 1961 (Docket No. 8620);

It further appearing that petitioners have filed a petition dated September 22, 1961, with this Commission in which it is averred that by reason of the increase in interstate fares, the intrastate fares now in effect cause undue, unreasonable, and unjust discrimination against, and impose an undue burden on interstate commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing that said petition brings in issue passenger fares made or imposed by the authority of the State of Louisiana:

It is ordered, That in response to the said petition an investigation be, and it is hereby, instituted, and that a hearing be held for the purpose of giving respondents hereinafter designated and any other persons interested an opportunity to present evidence to determine whether the petitioners' present passenger coach fares made or imposed by the State of Louisiana, cause, or will cause, any undue or unreasonable advantage, preference or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what fares, if any, or what maximum or minimum, or maximum and minimum, fares shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That the Illinois Central Railroad Company, Texas and New Orleans Railroad Company, The Texas and Pacific Railway Company and Missouri Pacific Railway Company, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon said respondents, and that the State of Louisiana be notified of this proceeding by sending copies of this order and of the said petition by certified mail to the Governor of the said State and to the Louisiana Public Service Commission at Baton Rouge, La.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Office of the Federal Register, Washington, D.C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-10750; Filed, Nov. 9, 1961; 8:48 a.m.]

[Section 5a Application No. 23]

MIDDLE ATLANTIC CONFERENCE; AGREEMENT

NOVEMBER 7, 1961.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed November 1, 1961 by: T. B. Alfriend and John F. Rose, 2111 E Street NW., Washington 4, D.C.

Amendments involved: Change the agreement so as to (1) provide for the election of four rather than three directors from each state as defined in the bylaws and that their term of office shall be four years instead of three years, (2) eliminate the office of vice president from each state, and (3) reduce the time within which a membership may be canceled for nonpayment of dues from five and one-half months to four months.

The application may be inspected at the office of the Commission in Washington D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10749; Filed, Nov. 9, 1961; 8:48 a.m.]

[Notice 564]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 7, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64400. By order of November 2, 1961, the Transfer Board approved the transfer to Elins Brunswick Vans, Inc., New Brunswick, N.J., of the operating rights in Certificate No. MC 24508, issued March 20, 1942, to Liberty Moving and Storage Co., A Corporation, Union City, N.J., authorizing the transportation, over irregular routes, of household goods, between points in Essex, Hudson, Passaic, Union, Bergen, and Middlesex Counties, N.J., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Massachusetts, Maryland, Delaware, South Carolina, North Carolina, Florida, Georgia, Virginia, and the District of Columbia. Morris Honig, 150 Broadway, New York 38, N.Y., Attorney for applicants.

No. MC-FC 64463. By order of November 2, 1961, the Transfer Board approved the transfer to Thruway Motor Transport, Inc., Prairie Creek, Ind., of the operating rights in Certificate No. MC 106635, issued November 20, 1946, to Nick Ring, doing business as Nick Ring Truck Service, Mt. Carmel, Ill., authorizing the transportation, over irregular routes, of machinery, equipment, materials, and supplies used in the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, their products and by-products, except the stringing of picking up of pipe in the construction, dismantling, servicing or repair of pipe lines, between points in Illinois, Indiana, and Kentucky. W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind., Representative for applicants.

No. MC-FC 64493. By order of November 2, 1961, the Transfer Board approved the transfer to Roy E. Putze Transportation, Inc., 3401 Ninth Street Road, Richmond, Va., of the operating rights in Certificate No. MC 14790, issued July 6, 1949, to Roy E. Putze, doing business as Roy E. Putze Transportation, R.F.D. No. 1, Box 129, Richmond, Va., authorizing the transportation, over irregular routes, of corrugated paper boxes, building materials, and glass, from Richmond, Va., to points in North Carolina and South Carolina.

No. MC-FC 64534. By order of November 2, 1961, the Transfer Board approved the transfer to Daniel's Express & Transfer, Inc., St. Louis, Mo., of Certificate No. MC 80434, issued June 19, 1942, to Fred L. Schumacher, doing business as Daniel's Express & Transfer, St. Louis, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 656. Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo., Attorney for applicants.

No. MC-FC 64605. By order of November 2, 1961, the Transfer Board approved the transfer to Ventre Trucking Company, Inc., Newark, N.J., of Certificate No. MC 22005, issued May 24, 1961, to George Ventre, Cecelia Ventre, Administratrix, doing business as Ventre Trucking Co., Newark, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and north of New Jersey Highway 33, except those in Sussex, Warren, Morris, Hunterdon and Mercer Counties; and gypsum products, from Linden, N.J., to New Haven, Conn., and points in Suffolk and Nassau Counties, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., Representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10748; Filed, Nov. 9, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT de S. COUCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Clifton Precision.
B. Additions: None.

This statement is made as of October 20, 1961.

R. DE S. COUCH.

OCTOBER 30, 1961.

[F.R. Doc. 61-10739; Filed, Nov. 9, 1961; 8:46 a.m.]

GEORGE E. LAWRENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: Hewlett Packard Co., Loeb & Northrup Co., Keystone International Fund, Mohawk Electronic Corp.

This statement is made as of October 30, 1961.

GEORGE E. LAWRENCE.

OCTOBER 30, 1961.

[F.R. Doc. 61-10740; Filed, Nov. 9, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

NOVEMBER 6, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation; File No. 1-3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 7, 1961 to November 16, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10734; Filed, Nov. 9, 1961; 8:45 a.m.]

[File No. 812-1448]

INVESTORS DIVERSIFIED SERVICES, INC.

Notice of Filing of Application for Exemption of Proposed Stock Split of Non-Voting Common Stock

NOVEMBER 2, 1961.

Notice is hereby given that Investors Diversified Services, Inc., Minneapolis, Minn. ("IDS"), a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 18(j)(1), or alternatively section 6(c), of the Act for an order exempting from the provisions of section 18(j)(1) of the Act, the issuance of 8,791,810 shares of nonvoting common stock, Class A, with a par value of 10 cents per share, in exchange for 879,810 shares of nonvoting common stock, Class A, with a par value of $1 per share, in connection with a contemplated 10 for 1 split of all the existing capital stock of IDS. In addition to its outstanding nonvoting common stock, Class A, IDS also has 574,540 shares of $1 par value voting common stock presently outstanding which it proposes to exchange for 5,745,400 shares of 10 cent par value voting common stock.

Section 18(j)(1) of the Act prohibits, among other things, any registered face-amount certificate company from issuing, except in accordance with such rules, regulations or orders as the Commission may prescribe in the public interest or as necessary or appropriate for the protection of investors, any equity security other than a common stock having at least equal voting rights with any outstanding security of such company and having a par value and being without preference as to dividends or distributions. Section 6(c) of the Act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that, although the matter is not clear, the provisions of section 18(j)(1) may be applicable to the proposed split of the nonvoting common stock, Class A, to the extent that such split invovles an issuance of nonvoting shares. No Commission action is requested with respect to the contemplated split of the voting stock which the application states is not subject to any restriction of the Act.

As of August 18, 1961, IDS had 6,525 shareholders of record, of which 1,545 held common stock (voting) and 4,980 held common stock, Class A (nonvoting). Applicant acts as investment manager and principal underwriter for five open-end management companies and its wholly owned face-amount certificate company, having discontinued the issuance of its own face-amount certificates in 1940. As of August 31, 1961, outstanding IDS certificates represented an aggregate liability of $83,452,000. In 1954, IDS shares were split on a basis of 5 for 1 after the Commission had exempted such split from section 18(j)(1) of the Act. The application states that it is intended that, if the Commission grants an order pursuant to this application, the matter of the proposed stock split will then be submitted to the voting shareholders of IDS at a special meeting for the purpose of considering appropriate resolutions to authorize the proposed split.

In support of its application, IDS states that the proposed stock split will not change the relative rights and privileges of its shareholders and of the holders of its face-amount certificates, but will result in significant benefits to its shareholders and the company. IDS believes that the comparatively high price at which its shares are currently selling and have been selling, coupled with a limited number of stockholders, have resulted in undue price fluctuation and in lack of marketability. IDS states that it believes that the contemplated stock split will create a broader, more stable and readier market for its stock with consequent benefits to the holders of its stock, and that the larger number of shareholders which will result from the stock split should have a beneficial effect on its business.

The application also states that IDS is currently formulating a plan of recapitalization of its capital stock which will have the effect of making all of its shares which will be outstanding after adoption of the plan fully voting stock. At the present time, a Special Committee of IDS' Board of Directors is studying the various factors involved and will soon present a proposed plan for Board consideration. Thereafter, the Board intends to formulate, approve, and recommend a plan of recapitalization and to submit the plan to the Commission for an advisory report pursuant to section 25(b) of the Act, prior to submission of the plan to the company's shareholders for approval. Should the Commission approve the instant application for exemption of the stock split from section 18(j)(1), IDS will submit its plan of recapitalization to the Commission within forty-five days of such approval. After the Commission's report has been issued, the Board intends promptly to submit and recommend the proposed plan (with any amendments that may be necessary) to the shareholders for their consideration.

Notice is further given that any interested person may, not later than November 22, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10735; Filed, Nov. 9, 1961; 8:46 a.m.]

[File No. 812-1445]

SEABOARD ASSOCIATES, INC.

Notice of Filing of Application for Order Permitting Closed-End Investment Company To Purchase Stock Issued by It

NOVEMBER 2, 1961.

Notice is hereby given that Seaboard Associates, Inc. ("Seaboard"), a registered closed-end, nondiversified investment company has filed an application under section 23(c)(3) of the Investment Company Act of 1940 (the "Act") for an order exempting from the provisions of section 23c(1) and (2) the proposed acquisition by Seaboard of 12,360 shares of its stock, at $17 per share, from Marie B. Cochran.

The request of Seaboard is based upon the following representations and information contained in its application.

Section 23(c) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tenders, except under such circumstances as the Commission may permit by order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased. Since the proposed purchase by Seaboard from Marie B. Cochran of 12,360 shares of Seaboard stock does not involve purchase on a securities exchange or pursuant to tenders, such purchase is prohibited unless the Commission issues its order permitting it.

Mrs. Cochran holds with power to vote more than 5 percent of the outstanding voting securities of the applicant and is, therefore, an affiliated person of the ap-

plicant as defined in section 2(a)(3) of the Act.

The Board of Directors of Seaboard, on June 29, 1961, unanimously adopted a resolution authorizing the President to accept an offer to purchase 12,360 shares of Seaboard stock at a price not to exceed $17 a share, subject to the approval of the Commission. The offer was accepted, subject to the required approval, on July 7, 1961.

The applicant states that the terms of the proposed transaction are fair since smaller shareholders who desire to sell their shares may obtain more than $17 per share in the over-the-counter market and all the large stockholders (those holding more than 2,000 shares) have full knowledge of the proposal and none of them wishes to sell his shares on the same terms.

The application also states that the transaction was negotiated at complete arms-length and that the company desires its consummation solely because it considers it a good purchase at this price. As of September 30, 1961, the net asset value per share of Seaboard stock was $23.99. It is stated that Mrs. Cochran desires to sell the securities at less than book value in order to invest the proceeds in listed securities providing a greater degree of diversification and liquidity.

Notice is further given that any interested person may not later than December 4, 1961, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued on request or upon the Commission's own motion.

It is ordered, That Seaboard Associates, Inc. shall give notice of the filing of this application to all holders of its stock (insofar as the identity of such stockholders is known or available to it) by mailing a copy of this Notice to each of said stockholders at his last known address not later than November 13, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10736; Filed, Nov. 9, 1961; 8:46 a.m.]

[File No. 812–1441]

UNIFIED FUNDS, INC.

Notice of Filing of Application for Order Approving Deposit Agreements of Face-Amount Certificate Company

NOVEMBER 3, 1961.

Notice is hereby given that Unified Funds, Inc. ("Unified") of Indianapolis, Indiana, a registered face-amount certificate investment company, has filed an application seeking the approval of a deposit agreement pursuant to section 28(c) of the Investment Company Act of 1940 ("Act").

Under date of September 20, 1961, Unified entered into deposit agreements with the Merchants National Bank and Trust Company of Indianapolis, Indiana ("Bank") wherein Unified undertakes to deposit and maintain with said Bank qualified investments as reserves required by section 28 of the Act in respect of face-amount certificates proposed to be issued and sold by Unified, upon the terms and conditions specified in said agreement.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by section 26(a)(1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of section 28(b) of the Act.

Notice is further given that any interested person may, not later than November 16, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulation promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10737; Filed, Nov. 9, 1961; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–XIII–19]

ASSISTANT TO THE CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

Correction

In F.R. Doc. 61–10559, appearing at page 10463 of the issue for Saturday, November 4, 1961, the title under the signature at the end of the document should read as follows: *"Chief, Financial Assistance Division, Seattle Regional Office".*

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

	Page
PROCLAMATIONS:	
3438	10203
EXECUTIVE ORDERS:	
6681	10480
9026	10356
10893	10469
10900	10469
10915	10469
10955	10469
10971	10335
10972	10469
10973	10469
10974	10585
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum, Oct. 18, 1961	10543

5 CFR

6	10204, 10267, 10447, 10544
24	10447
25	10544
201	10503
202	10503

6 CFR

70	10267
305	10267
390	10267
421	10546
427	10546
482	10586

7 CFR

201	10471
711	10204
717	10208
723	10471, 10503
727	10504
729	10209
730	10336
813	10547
847	10214
855	10268
857	10505
864	10270
873	10272
914	10423, 10586
922	10214
933	10337, 10423–10425
942	10425
943	10214
953	10425, 10586
973	10215
994	10216
1001	10587
1013	10507
1014	10472
1017	10426
1031	10338
1069	10587
1071	10426
PROPOSED RULES:	
301	10571
728	10484, 10596
900—1072	10286, 10516
906	10298
908	10307, 10485
918	10307
925	10486
927	10597
939	10296
943	10236

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
947	10360
986	10298
1024	10597
1026	10516

8 CFR

PROPOSED RULES:	
252	10358
253	10358

9 CFR

74	10223
83	10338
PROPOSED RULES:	
131	10358

10 CFR

30	10472
PROPOSED RULES:	
30	10487

12 CFR

262	10340
PROPOSED RULES:	
563	10239

14 CFR

18	10473
507	10223, 10224, 10273, 10274, 10340, 10341, 10474
600	10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588
601	10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589
602	10590
608	10342
609	10430, 10436
PROPOSED RULES:	
24	10571
60	10307
227	10238
302	10307
507	10362, 10571
600	10451, 10520, 10602
601	10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605
608	10451, 10520

16 CFR

13	10363, 10445, 10476, 10508, 10548
301	10446

17 CFR

275	10548
PROPOSED RULES:	
275	10607

18 CFR

2	10342

19 CFR

3	10508
4	10508
14	10476

20 CFR

25	10509
404	10226

21 CFR

17	10550
120	10228, 10550, 10551
121	10228, 10343, 10476, 10590
146	10228

21 CFR—Continued

	Page
PROPOSED RULES:	
1	10601
17	10362
120	10487
121	10362, 10452

24 CFR

202a	10229
203	10229
207	10229
213	10229
220	10230
221	10230
232	10230
603	10231
608	10231
611	10231
702	10231
803	10231
903	10231

25 CFR

141	10232
PROPOSED RULES:	
221	10516

26 CFR

1	10275, 10477
PROPOSED RULES:	
1	10283, 10449, 10450, 10483
48	10593
252	10484

28 CFR

21	10232

29 CFR

601	10275
780	10377
793	10275

32 CFR

507	10509
590	10553
591	10553
592	10553
595	10553
596	10553
597	10553
598	10553
599	10553
600	10553
601	10553
602	10553
605	10553
606	10553
737	10353
739	10353
765	10591

33 CFR

3	10343
67	10343
203	10445
204	10278

35 CFR

4	10353
CANAL ZONE ORDERS:	
58	10353

36 CFR

PROPOSED RULES:	
7	10600

38 CFR

	Page
3	10551, 10552
13	10232
21	10278, 10478

39 CFR

	Page
96	10510

41 CFR

	Page
1–5	10590
5–1	10354
50–202	10354
PROPOSED RULES:	
50–202	10517

42 CFR

	Page
73	10355

43 CFR

	Page
221	10479
PROPOSED RULES:	
257	10285
PUBLIC LAND ORDERS:	
1071	10356
2460	10568
2526	10279
2527	10356
2528	10356
2529	10356
2530	10427
2531	10480
2532	10480
2533	10480
2534	10568
2535	10569

45 CFR

	Page
212	10481

46 CFR

	Page
PROPOSED RULES:	
201	10601
206	10601
221	10601
298	10601
299	10601
502	10520

47 CFR

	Page
1	10279, 10280, 10447
3	10280
7	10591
8	10591
10	10569
14	10591
15	10281
18	10281, 10591
PROPOSED RULES:	
3	10239, 10572, 10606
10	10573
12	10240

49 CFR

	Page
PROPOSED RULES:	
73	10572
176	10240

50 CFR

	Page
32	10233, 10234, 10282
33	10234, 10235

Announcing first

5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

OF MICHIGAN

NOV 22 1961

MAIN READING ROOM

Pages 10627–10652

FEDERAL REGISTER

VOLUME 26 NUMBER 219

Washington, Tuesday, November 14, 1961

Contents

THE PRESIDENT

Executive Order

Pan American Airways, Inc., and certain of its employees; creating an emergency board to investigate a dispute 10629

EXECUTIVE AGENCIES

Agricultural Marketing Service

RULES AND REGULATIONS:
Onions; import restrictions 10632

Agricultural Stabilization and Conservation Service

NOTICES:
Sugarcane; hearing on fair prices in Puerto Rico and fair wages and prices in Virgin Islands, and designation of presiding officers 10644

RULES AND REGULATIONS:
Milk in New York-New Jersey marketing area; order amending order; correction 10632

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Federal Crop Insurance Corporation.

Atomic Energy Commission

NOTICES:
Area Manager, Los Alamos Area Office; authority delegation regarding leasing of Government-owned land and buildings for commercial and other purposes 10644

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Aerovias Internacional Balboa, S.A. 10645
Service of TWA at Reading and Williamsport 10645
Trans-Texas Airways mail rate 10645

PROPOSED RULE MAKING:
Economic proceedings; petitions for reconsideration of interlocutory orders 10641

Federal Aviation Agency

NOTICES:
Airports Service; establishment 10644

RULES AND REGULATIONS:
Airworthiness directives:
Lockheed 49 and 1049 Series aircraft 10634
Sensenich Model M74DM propeller 10634
Control area extension, high altitude navigational aid, and terminal jet advisory area; alteration; correction 10635
Federal airways; alterations (2 documents) 10634, 10635
Reporting points; designation, revocation, and alteration 10635
Restricted area; modification of designation 10636
Restricted area and control area extensions; alteration 10636

Federal Communications Commission

NOTICES:
Canadian broadcast stations; list of changes, proposed changes, and corrections in assignments 10647
Hearings, etc.:
Antennavision Service Co., Inc. (2 documents) 10645
Arizona Micro-Wave System Co. 10645
Black Hills Video Corp 10646
Collier Electric Co 10646
Dakota Microwave Co 10646
Geracche & Co., Inc 10646
Mesa Microwave, Inc. (2 documents) 10646
New York Penn Microwave Corp 10647
Superior Communications Co., Inc 10647
Western TV Relay, Inc 10647

Federal Crop Insurance Corporation

RULES AND REGULATIONS:
Peach crop insurance; 1962 and succeeding crop years 10630

Federal Power Commission

NOTICES:
Texaco, Inc., et al.; hearing, etc 10647

Federal Trade Commission

RULES AND REGULATIONS:
Commerce Contracting Co. et al.; prohibited trade practice 10637

Fish and Wildlife Service

PROPOSED RULE MAKING:
Pribilof Islands; landing and use of liquor 10640

RULES AND REGULATIONS:
Hunting; migratory game birds; California 10638

Food and Drug Administration

PROPOSED RULE MAKING:
Pesticide chemicals in or on raw agricultural commodities; proposed tolerance exemption for certain inert ingredients 10640

Health, Education, and Welfare Department

See Food and Drug Administration.

Indian Affairs Bureau

PROPOSED RULE MAKING:
Vocational training program for adult Indians; proposed financial assistance for trainees 10640

RULES AND REGULATIONS:
Federal schools for Indians; handling of student funds 10637

Interior Department

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

(*Continued on next page*)

Labor Department
See Labor Standards Bureau.

Labor Standards Bureau
NOTICES:
Sun Shipbuilding & Dry Dock Co.; granting of variation 10643

Land Management Bureau
NOTICES:
Alaska; transfer of jurisdiction of interest 10643
RULES AND REGULATIONS:
Nevada; public land order revoking executive order and previous land order 10638

National Park Service
RULES AND REGULATIONS:
Hot Springs National Park, Arkansas; commercial passenger-carrying vehicle fees 10638

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
I.B.T., Inc. 10649
Iowa Interests Corp 10650

Small Business Administration
RULES AND REGULATIONS:
Size standards:
Custodial and janitorial service contracts 10633
Definitions of small business for:
Government procurement 10633
SBA business loans 10634

Treasury Department
NOTICES:
Deputy Commissioners, Divisions Marine Administration and Technical Services; establishment of offices 10643
Massachusetts Bonding and Insurance Co.; termination of authority to qualify as surety on Federal bonds 10643

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR
EXECUTIVE ORDERS:
6541 (revoked by PLO 2536) 10638
10975 10629

7 CFR
401 10630
403 10630
927 10632
1070 10632

13 CFR
121 (3 documents) 10633, 10634

14 CFR
507 (2 documents) 10634
600 (2 documents) 10634, 10635
601 (3 documents) 10635, 10636
602 10635
608 (2 documents) 10636
PROPOSED RULES:
302 10641

16 CFR
13 10637

21 CFR
PROPOSED RULES:
120 10640

25 CFR
31 10637
PROPOSED RULES:
34 10640

36 CFR
6 10638

43 CFR
PUBLIC LAND ORDERS:
73 (revoked by PLO 2536) 10638
2536 10638

50 CFR
32 10638
PROPOSED RULES:
215 10640

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10975

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN PAN AMERICAN WORLD AIRWAYS, INC. AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between Pan American World Airways, Inc. a carrier, and certain of its employees represented by the Air Line Pilots Association, International, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by Pan American World Airways, Inc. or by its employees, in the condition out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 10, 1961.

[F.R. Doc. 61-10883; Filed, Nov. 13, 1961; 10:00 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1962 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the regulations set forth in this part are hereby issued to be in force and effect with respect to peach crop insurance contracts for the 1962 and succeeding crop years until amended or superseded. These regulations replace for the 1962 and succeeding crop years with respect to crop insurance on peaches §§ 401.1 through 401.11 and § 401.26 of Part 401—Federal Crop Insurance, Subpart—Regulations for the 1961 and Succeeding Crop Years.

Secs.
403.1 Availability of peach crop insurance.
403.2 Premium rates and amounts of insurance.
403.3 Application for insurance.
403.4 Public notice of indemnities paid.
403.5 Creditors.
403.6 The application and the policy.

AUTHORITY: § 403.1 to § 403.6 issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended, 7 U.S.C. 1506, 1516.

§ 403.1 Availability of peach crop insurance.

Peach crop insurance shall be offered for the 1962 and succeeding crop years under the provision of § 403.1 through § 403.6 in counties within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for peach crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 403.2 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the county office. Such premium rates and amounts of insurance may be changed from year to year.

§ 403.3 Application for insurance.

Application for insurance may be submitted as provided in § 403.6 at the county office for the Corporation. The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive and also, for the same reason, to reject any individual application notwithstanding the closing date for acceptance of applications. Such closing date shall be February 1 preceding the first crop year for which insurance is to be in effect.

§ 403.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 403.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 403.6.

§ 403.6 The application and the policy.

The provisions of the Application and Policy for Peach Crop Insurance for the 1962 and succeeding crop years are as follows:

Application and Policy Form FCI–812—Peach

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

APPLICATION AND POLICY FOR PEACH CROP INSURANCE

(For 196__ and Succeeding Crop Years)

(State and County Code and Contract Number)

(Name and Address of Insured)

(County)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in peach crops (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per acre are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the county office before the date insurance attaches for the crop year for which the change is to become effective. Unless the contract of insurance is canceled or terminated pursuant to the terms hereof, the amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per acre shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per acre for a crop year shall be the amount prescribed by the Corporation.

(Dollar Amount of Insurance Elected)
$------ per acre

2. *Causes of loss insured against.* The insurance provided is against unavoidable damage or loss resulting from frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail, subject, however, to any exceptions, exclusions or limitations with respect to such causes of loss as are set forth on the county actuarial table.

3. *Insured crop.* Only peaches grown on insurable acreage in any crop year as shown on the county actuarial table (a) in which the insured had an interest on the date insurance attaches, (b) which are grown on acreage on which the trees have reached the fourth growing season, and (c) which are grown on acreage having a minimum potential production on the date insurance attaches of 100 bushels per acre are insured.

4. *Responsibility of insured to report acreage and interest.* The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of peaches which is uninsurable under the provisions of the preceding section. This report may be revised for any crop year before insurance attaches if the acreage and interest therein has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the actual acreage and the insured's interest therein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, endorsements and supplements thereto, if any, and the county actuarial tables for each crop year on file in the Corporation's office for the county shall constitute the contract for peach insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on February 1 or upon acceptance of the application for such crop year whichever is later and as to any insured acreage ceases upon consent to abandon, upon harvest, or September 1, whichever occurs first.

7. *Annual premium.* (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage by the applicable premium rate per hundred dollars and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The insured's annual premium for an insured crop shall be reduced 5 percent if he has had three consecutive years of insurance on such crop immediately preceding the current crop year (eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on such crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided,* That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

(c) If, for any crop year, the premium is less than $50.00 it shall be increased to $50.00.

8. This application, when executed by a person as an individual shall not cover his interest in a crop produced by a partnership or other entity.

9. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

---------- ----------, 19__
(Signature of applicant) (Date)

(Witness to signature)

10. Recommended for acceptance by:

(Corporation Representative)

11. Accepted for the corporation by:

---------- ----------, 19__
(State Director) (Date)

(County office address)

12. *Life of contract.* This contract is noncancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by December 31 immediately preceding the crop year for which the cancellation is to become effective. The contract shall, however, terminate for nonpayment of premium if such premium is not paid by January 31, following the crop year in which the premium was earned.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any insurance unit (hereinafter called "unit") hereunder that the insured report each damage to the insured crop from a cause of loss insured against to the county office immediately after such damage becomes apparent giving the date, cause, and estimated extent of such damage. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) Notice of the time of intended harvesting shall be given to the county office at least seven days before the beginning of harvest if a loss is to be claimed, and a final adjustment has not been made by that time. *Provided, however,* If damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of peaches on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the applicable percent of damage determined in accordance with subsection (c) of this section and (3) multiplying the result by the insured interest.

(c) Reported damages from insured causes shall be indemnified on the basis of appraisals made by the Corporation and the percent of any damage shall be the ratio of the number of bushels of peaches damaged by an insured cause as determined by the Corporation to the number of bushels which would have been produced as determined by the Corporation (hereinafter called the "potential") had no insured or uninsured damage occurred. Any indemnity payable on a unit in any crop year shall be based upon and limited to the following:

First Period. Loss from an insured cause occurring during the period February 1 to April 15 inclusive—Damage in excess of 50 percent of the potential for this period.

The potential herein shall be based upon the age, size, condition, and other productive capabilities of the trees.

Second Period. Loss from an insured cause occurring during the period April 16 to May 15 inclusive—Damage in excess of 20 percent of the potential for this period: *Provided, however,* That any damage reported and appraised in the First Period of 20 percent or more shall satisfy this deductible.

The potential herein shall be based upon the undamaged peaches on the trees at the time damage occurred; but, shall not exceed the potential, if any, which was or could have been established as provided in the First Period.

The aggregate of indemnities payable for any unit through this period shall not exceed 80 percent of the amount of insurance.

Third Period. Loss from an insured cause occurring after May 15—Damage in excess of 10 percent of the potential for this period: *Provided, however,* That any damage reported and appraised in one of the previous periods of 10 percent or more shall satisfy this deductible.

The potential herein shall be based upon the undamaged peaches on the trees at the time damage occurred but prior to the normal droppage shall not exceed the potential, if any, last established or which was or could have been established as provided in the First Period.

The aggregate indemnities payable for any unit through this period shall not exceed 90 percent of the amount of insurance.

If damage occurs in more than one period and the damage applicable to each period is indeterminable, it shall be distributed equally to each period involved and adjusted on the basis of establishing potentials as though the damages thus distributed had been determined in the usual manner and the indemnity payable shall be based upon the amount of insurance provided for the respective periods involved.

(d) Consent to abandon any acreage may be given if upon notice and inspection the Corporation determines that the crop is damaged to the extent that it would be impractical for the insured to further care for such crop. If for any unit consent to abandon is given, the crop may be considered by the Corporation to be totally destroyed. The Corporation shall not be liable on any insured acreage abandoned by the insured without the written consent of the Corporation.

(e) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the manner and extent of damage or loss. The Corporation reserves the right to delay final appraisal of the extent of any damage and the settlement of any claim until after the period of normal droppage or until the extent of damage can reasonably be determined. If a normal crop as determined by the Corporation on the basis of the age, size, condition and other productive capabilities of the trees remains on the trees after any damage or damages there shall be no indemnity payable.

15. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

16. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Notice thereof shall be mailed to the insured or made available at the county office by the December 15 immediately preceding the beginning of the crop year for which such amendment is to become effective. Acceptance of the changes will be conclusive in the absence of any notice from the insured to cancel the contract as provided in paragraph 12, above.

17. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

18. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage as determined by the Corporation.

19. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact or committed any fraudulent act against the Corporation and such voidance shall be effective as of the beginning of the crop year which relates to the insured crop with respect to which any such act or omission occurred.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Cause of loss not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good farming practices, or to any cause other than a cause insured against.

22. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim therefor is approved by the Corporation but in no event shall the Corporation be liable for interest or damages in connection with such claim.

(b) If the insured dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of death or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

23. *Meaning of terms.* For purposes of insurance on peaches the terms:

(a) "County actuarial table" means the forms and related material which are approved by the Corporation which are on file for public inspection in the county office and which show the applicable amounts of insurance, premium rates, and related information with respect to peach crop insurance for each crop year in the county.

(b) "County office" means the Corporation's office for the county shown in this application and policy or such office as may be designated by the Corporation from time to time.

(c) "County" means the area shown on the county actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which insurance attaches.

(e) "Harvest" means any severance of peaches from the trees by picking or picking the marketable peaches from the ground.

(f) "Insurance unit" means all insurable acreage of peaches in the county (1) in which the insured has 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, or (2) in which two or more persons have 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. The Corporation may by agreement in writing with the insured before insurance attaches in any crop year combine units for the purpose of providing premium benefits resulting from the acreage of the varieties of peaches on the unit.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on November 3, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 8, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10805; Filed, Nov. 13, 1961; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Milk Order 27]

PART 927—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order; Correction

In the order amending the New York-New Jersey milk order issued October 26, 1961, and published in the FEDERAL REGISTER on October 31, 1961 (26 F.R. 10155) insert the following immediately preceding the signature clause in the first column of page 10160: "Effective date: December 1, 1961".

Signed at Washington, D.C., on November 7, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10839; Filed, Nov. 13, 1961; 8:50 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1070—ONIONS

Import Restrictions

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of onions into the United States, to be made effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674; P.L. 87-128), was published in the FEDERAL REGISTER September 16, 1961 (26 F.R. 8674). The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than 20 days after publication. Subsequent to publication of this notice a number of statements and views were filed establishing good cause for extending the filing period. Accordingly, an amended notice was published in the October 10, 1961; FEDERAL REGISTER (26 F.R. 9555), extending the filing period to October 21, 1961, and the proposed effective date was changed. Within the period specified, a number of statements were filed indicating a need for modification of the proposal. Also, a number of statements were filed supporting the published proposal. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it is hereby found that the restrictions on the importation of onions into the United States, as hereinafter provided, comply with the grade, size, and quality requirements applicable to onions produced in the United States, and effective under Marketing Order No. 117 (7 CFR Part 1017) regulating the handling of onions grown in designated counties of Idaho and eastern Oregon.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond December 4, 1961 (5 U.S.C. 1001-1011) in that (1) the requirements established by this import regulation are issued pursuant to Section 8e of the said Agricultural Marketing Agreement Act, as amended, which makes such regulation mandatory; (2) all known onion importers were notified of the proposed regulation, many of whom filed views on it; (3) notice that this action was being considered was published in the FEDERAL REGISTER on September 16, 1961 (26 F.R. 8674), and such notice is hereby determined to be reasonable.

§ 1070.1 Onion Regulation No. 1.

(a) *Import restrictions.* During the period from December 4, 1961, to June 30, 1962, both dates inclusive, no person shall import dry onions of any variety, unless the onions are inspected and meet the requirements of the U.S. No. 2 grade, or better, and for yellow varieties, 2 inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of paragraph (a) of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is the inspection service for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of onions is required on all imports of onions. Each lot shall be made available and accessible for inspection. Inspection and certification will be available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, P.O. Box 111, 222 McClendon Bldg., 305 E. Jackson St., Harlingen, Tex. (Tel.: Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 305 American Ave., P.O. Box 1646, Nogales, Ariz. (Tel.: Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 784 S. Central Ave., Los Angeles 21, Calif. (Tel.: Madison 2-8756).	3 days.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Tel.: Rector 2-8000, Ext. 807).	1 day.
New Orleans..	Pascal J. Lamarca, T-5027 Federal Office Bldg., 701 Loyola Ave., New Orleans 12, La. (Tel.: 529-2411, Ext. 6741).	Do.
All other points.	E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Tel.: Dudley 8-5870).	3 days.

(2) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant:

Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* (1) For the purpose of this part, "onions" means all varieties of Allium cepa marketed dry, except dehydrated onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830 to 51.2850, inclusive, of this title; 26 F.R. 2817). Application of tolerances, as set forth in § 51.2838 of this title of the United States Standards for Onions, shall apply.

(2) "Importation" means release from custody of the United States Bureau of Customs.

Dated: November 8, 1961, to become effective December 4, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10838; Filed, Nov. 13, 1961; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 2; Amdt. 8]

PART 121—SMALL BUSINESS SIZE STANDARDS

Custodial and Janitorial Service Contracts

On January 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 488) a notice of a hearing to be held for the custodial and janitorial service industry to determine the appropriate small business size standards to be applied to that industry. On February 23, 1961, such hearing was held and testimony received.

On June 10, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5236) a notice that the Administrator of the Small Business Administration proposed to amend the definition of small business for the custodial and janitorial service industry for the purpose of Government procurements and SBA business loans based on the aforementioned hearing. The proposed amendment would have changed the definition so that a small business in this industry would be defined as a concern which has average annual receipts of $500,000 or less for its preceding three fiscal years.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto, to the Office of Small Business Size Standards, within 30 days after the date of publication of the notice in the FEDERAL REGISTER. The comments indicated generally that the proposed size standard of average annual receipts of $500,000 or less for the preceding three fiscal years was too low and, therefore, would deny many small businesses within this industry the opportunity to receive assistance from the Small Business Administration. However, there was a clear indication that a higher figure of average annual receipts would be more equitable and it was suggested that the size standard for the purpose of Government procurement for the custodial and janitorial service industry be the same as the size standard for that industry for the purpose of receiving financial assistance from this Agency.

After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendment and consideration of a study of Government procurements for the services of this industry, the amendment, as proposed in 26 F.R. 5236, is not adopted. In lieu thereof, the amendment set forth below for the size standard for the custodial and janitorial service industry is hereby adopted.

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592), is hereby further amended by adding new subparagraph (8) to § 121.3-8(a) as follows:

§ 121.3-8 Definition of small business for Government procurement.

(a) *Small business definitions.* * * *

(8) *Custodial and janitorial service contracts.* For the purpose of bidding on contracts for custodial and janitorial services, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $1,000,000.

Effective date. This amendment shall become effective 60 days after publication in the FEDERAL REGISTER.

JOHN E. HORNE,
Administrator.

OCTOBER 18, 1961.

[F.R. Doc. 61-10807; Filed, Nov. 13, 1961; 8:47 a.m.]

[Revision 2; Amdt. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

A review of the Small Business Certificates issued by this Agency to concerns bidding on contracts for rubber footwear, tires and inner tubes, small arms and small arms ammunition, has revealed that certificates for such products have been issued to every applicant which, together with its affiliates, employed 1,000 or less persons. In order to expedite the procurement program and eliminate the need for such concerns to apply directly to the Small Business Administration for a size determination, the following amendments are adopted. After the effective date set forth below, any concern may self-certify that it is a small business for rubber footwear, tires and inner tubes, small arms, or small arms ammunition contracts if it is independently owned and operated, not dominant in its field of operation, and together with its affiliates, employs 1,000 or less persons.

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592), is hereby further amended by:

1. Adding new subparagraphs (9), (10), (11), and (12) to § 121.3-8(a) as follows:

§ 121.3–8 Definition of small business for Government procurement.

(a) *Small business definitions.* • • •

(9) *Rubber footwear contracts.* For the purpose of bidding on contracts for rubber footwear, any concern is small if its number of employees does not exceed 1,000 persons.

(10) *Tire and inner tube contracts.* For the purpose of bidding on contracts for tires and inner tubes any concern is small if its number of employees does not exceed 1,000 persons.

(11) *Small arms contracts.* For the purpose of bidding on contracts for small arms any concern is small if its number of employees does not exceed 1,000 persons.

(12) *Small arms ammunition contracts.* For the purpose of bidding on contracts for small arms ammunition any concern is small if its number of employees does not exceed 1,000 persons.

2. Deleting from Schedule A of this part, under the heading, "Miscellaneous Manufactures," the figure 500 employees which appears after SIC 3989—Arms, small, and substituting in lieu thereof the employment figure of 1,000.

Effective date. This amendment shall become effective 60 days after publication in the FEDERAL REGISTER.

JOHN E. HORNE,
Administrator.

OCTOBER 20, 1961.

[F.R. Doc. 61–10806; Filed, Nov. 13, 1961; 8:47 a.m.]

[Revision 2; Amdt. 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for SBA Business Loans

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592), is hereby further amended by adding new subparagraph (5) to § 121.3–10(f) as follows:

§ 121.3–10 Definition of small business for SBA business loans.

• • • • •

(f) *Service trades.* • • •

(5) The trailer courts or parks industry is small if its annual receipts are $100,000 or less: *Provided,* That not less than 50 percent of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of 30 days.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

JOHN E. HORNE,
Administrator.

OCTOBER 20, 1961.

[F.R. Doc. 61–10808; Filed, Nov. 13, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 963; Amdt. 366]

PART 507—AIRWORTHINESS DIRECTIVES

Sensenich Model M74DM Propeller

Amendment 166, 25 F.R. 4737, requires inspection of Sensenich Model M74DM propellers installed on Lycoming 0–320–B engines except propellers with an "A" prefix to the serial number. Subsequent to the issuance of this directive, new propellers have been manufactured which have the letter "K" preceding the serial number. The AD is not applicable to these propellers, however, since they are not specifically exempt they are being removed for inspection unnecessarily. Accordingly, Amendment 166 is being revised to except propellers with an "A" or "K" prefix to the serial number.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 166 (25 F.R. 4737), Sensenich Model M74DM Propellers, is amended by:

1. Changing the applicability statement to read: "Applies to M74DM propellers installed on Lycoming 0–320–B Series engines except propellers with an "A" or "K" prefix to the serial number."

2. Changing the parenthetical reference at the end to read: "(Sensenich Service Bulletin No. R–8–1 covers the same subject.)"

This amendment shall become effective November 14, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 6, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10790; Filed, Nov. 13, 1961; 8:45 a.m.]

[Reg. Docket No. 900; Amdt. 367]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 49 and 1049 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring repetitive inspections for cracks in the horizontal stabilizer rear spar-to-fuselage attachment on Lockheed 49 and 1049 Series aircraft, was published in 26 F.R. 9177.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model 049, 149, 649, 749, and 1049 Series aircraft having 25,000 or more hours' time in service. Compliance required as indicated.

As a result of reports of numerous cases of cracking in the horizontal stabilizer rear spar-to-fuselage attachment, the following inspections must be accomplished within the next 400 hours' time in service after effective date of this AD, unless already accomplished within the last 4,300 hours' time in service and at intervals of 4,700 hours' time in service.

Inspect the rear spar web (P/N 271489-1) for cracks in the 0.38 inch radius adjacent to the stabilizer-to-fuselage fitting on both the left and right sides of the airplane. If cracks are found, they must be repaired prior to further flight in accordance with Lockheed Service Letter FS/250615, or FAA approved equivalent.

The above inspection may be discontinued upon incorporation of the repair or reinforcement provisions of the Lockheed Service Letter, or FAA approved equivalent.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective December 14, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 6, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10791; Filed, Nov. 13, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–101]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6103) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal Airway No. 1760 from Kremmling, Colo., to Denver, Colo.

No adverse comments were received regarding the proposed amendment. However, the Federal Aviation Agency, in restudying the proposal, has determined that airway continuity can better be preserved by extending existing intermediate altitude VOR Federal airway No. 1531 in lieu of using an additional number in the designation of the new airway segment. Extending Victor 1531 from the Denver, Colo., VOR to the intersection of the Kremmling, Colo., VOR 081° and the Denver VOR 292° True radials will not alter the airspace configuration, as contained in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In § 600.1531 (26 F.R. 1079, 4194) the following changes are made:

a. In the caption "Denver, Colo." is deleted and "Ward, Colo." is substituted therefor.

b. In the text "to the Denver, Colo., VOR." is deleted and "via the Denver, Colo., VOR; to the INT of the Denver VOR 292° and the Kremmling, Colo., VOR 081° radials." is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 7, 1961.

D.D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10795; Filed, Nov. 13, 1961; 8:46 a.m.]

[Airspace Docket No. 61–LA–32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.1609 of the regulations of the Administration is to alter the segment of VOR Federal airway No. 1609 between Red Bluff, Calif., and Lakeview, Oreg.

This segment of Victor 1609 is designated via the intersection of the Red Bluff VOR 031° and the Lakeview VOR 202° True radials. Adequate navigational guidance between these facilities is lacking on a 27-mile segment of the airway. However, continuous reception is available on the Red Bluff VOR 031° and the Lakeview VOR 206° True radials. Therefore action is taken herein to alter this segment of Victor 1609 via these usable radials.

Since the change effected by this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.1609 (26 F.R. 1079, 9130) "INT of the Red Bluff VOR 031° and the Lakeview, Oreg., VOR 202° radials; Lakeview VOR;" is deleted and "INT of the Red Bluff VOR 031° and the Lakeview, Oreg., VOR 206° radials; Lakeview VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10792; Filed, Nov. 13, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–171]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation, Revocation and Alteration of Reporting Points

The purpose of these amendments to §§ 601.5001 and 601.7001 of the regulations of the Administrator is to:

1. Designate the following intersection as a compulsory reporting point in § 601.5001: Bayview Intersection (Hawaiian Islands).

2. Designate the following as low altitude VOR reporting points: Dunkirk, N.Y., VOR; New Bern, N.C., VOR; Scipio, N.Y., Intersection; and Granite, Vt., Intersection.

3. Revoke the following intersections as low altitude VOR reporting points: Seward, Alaska; Dalton, Ohio; Fairfield, Ohio, and Pulaski, N.Y.

4. Change the name of the White Hills, Ariz., intersection to Tipton, Ariz.

5. Alter the Turlock, Calif., intersection.

Flight progress reports over designated locations automatically initiated by pilots facilitate air traffic service and assist the controller in the performance of his duties. However, because of the continuous modernization of the airway structure, the need for reporting points at particular locations is constantly being reviewed. The actions taken herein reflect this changing need on the part of the air traffic service.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.5001 (14 CFR 601.5001) add:

Bayview Intersection (Hawaiian Islands): INT of the E course of the Hilo, Hawaii, RR and a line bearing 022° from the Pahoa, Hawaii, RBN.

2. In the text of § 601.7001 (14 CFR 601.7001) add:

Dunkirk, N.Y., VOR.
New Bern, N.C., VOR.
Scipio INT: INT of the Syracuse, N.Y., VORTAC 211° and the Georgetown, N.Y., VOR 272° radials.
Tipton INT: INT of the Needles, Calif., VORTAC 004° and the Las Vegas, Nev., VORTAC 121° radials.
Turlock INT: INT of the Merced, Calif., VORTAC 010° and the Fresno, Calif., VORTAC 322° radials.
Granite INT: INT of the Burlington, Vt., VOR 136° and the Montpelier, Vt., VOR 228° radials.

3. In the text of § 601.7001 (14 CFR 601.7001, 26 F.R. 4488) the following are revoked:

Seward INT: The INT of the Anchorage, Alaska, VOR 163° radial and the Kenai, Alaska, VOR direct radial to the Middleton Island, Alaska, VOR.
Dalton INT: The INT of the Navarre, Ohio, VORTAC 278° True and the Cleveland, Ohio, VORTAC 153° True radials.
Fairfield INT: The INT of the Attica, Ohio, VOR 069° True and the Mansfield, Ohio, VORTAC 349° True radials.
Pulaski INT: The INT of the Syracuse, N.Y., VORTAC 007° True and the Utica, N.Y., VOR 308° True radials.
White Hills Intersection: The intersection of the Needles, Calif., omnirange 004° True and the Las Vegas, Nev., omnirange 121° True radials.
Turlock INT: The INT of the Fresno, Calif., VOR 322° True and the Los Banos, Calif., VOR 025° True radials.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 7, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10796; Filed, Nov. 13, 1961; 8:46 a.m.]

[Airspace Docket No. 61–NY–62]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Control Area Extensions, High Altitude Navigational Aid and Terminal Jet Advisory Area; Correction

On October 20, 1961, there were published in the FEDERAL REGISTER (26 F.R. 9849) amendments to §§ 601.1141, 601.1142, 602.9, and 602.300 of the regulations of the Administrator in which "Squantum, Mass., radio beacon" was substituted for "Squantum radio range" wherever reference is made to the radio range in these sections. In redescribing portions of the airspace effected by this substitution, the 064° bearing from the Squantum radio beacon was used in place of the northeast course of the Squantum radio range. However, this

bearing is incorrect. To maintain the present alignment of the Boston, Mass., control area extensions (§§ 601.1141 and 601.1142), and the Boston jet advisory area—Radar (§ 602.300), the correct bearing should be 065° from the Squantum radio beacon.

Therefore, action is taken herein to substitute "065°" for "064°" wherever it appears in these sections.

Since this action is minor in nature, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately Airspace Docket No. 61–NY–62 is hereby altered as follows:

In the text of §§ 601.1141, 601.1142 and 602.300, "064°" is deleted wherever it appears and "065°" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10793; Filed, Nov. 13, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–143]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Control Area Extensions

On August 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7708) stating that the Federal Aviation Agency proposed to alter the Kahuku Point, Oahu, Hawaii, Restricted Area R–3106 by adding an extension to the southeast, increasing the designated altitudes, and designating a controlling agency; and to alter the Kaneohe, Hawaii, and the Oahu, Hawaii, control area extensions to include the airspace within R–3106 as controlled airspace.

Pacific Flight Service, Inc., objected to the proposal pointing out that the proposed enlargement of R–3106 would interfere with their charter flights and aircraft rentals. They advised that a good many of the charter flights and rental aircraft are used by tourists to fly around the island of Oahu and stated that the use of this space by jet fighter type aircraft endangers these flights.

It is incumbent upon the Navy to contain the hazardous activities within the lateral and vertical dimensions of the designated restricted area. It is true that, on occasion, some inconvenience to the general aviation public may result from this enlargement. However, the enlargement was planned to avoid the shoreline, insofar as practicable, to permit general aviation aircraft to bypass this area by maintaining reference to the shoreline. This, plus other well-defined landmarks such as transmission lines, highways, etc., will assist the pilot in avoiding inadvertent penetration of the restricted area. In this instance, increased safety to all users of the surrounding airspace dictates designation of the enlarged restricted area.

No other adverse comments were received regarding the proposed amendments.

In the description of the Kaneohe, Hawaii, control area extension (§ 601.1380) reference is made to the Kahuku, Oahu, Restricted Area (R–324), renumbered R–3105 (26 F.R. 878). R–3105 was subsequently revoked March 16, 1961, in Airspace Docket No. 61–HO–2 (26 F.R. 2223). Therefore, action is being taken herein to delete this reference. In addition, the Notice of Proposed Rule Making stated that consideration was being given to the designation of the Honolulu ARTC Center as controlling agency for R–3106. Joint use of this area will be predominately for the convenience of VFR traffic. Designation of the Honolulu Flight Service Station as controlling agency will facilitate the exchange of information between the FAA controlling agency and general aviation aircraft on VFR flights. Therefore, such action is being taken herein.

In an amendment (Airspace Docket No. 59–HO–5) published in the FEDERAL REGISTER, February 17, 1960 (25 F.R. 1399), effective April 7, 1960, the Kauna Point, Hawaii, Restricted Area R–3108 was designated and the West Molokai Restricted Area (formerly R–325) was revoked with the understanding that the Molokai Area activity would be transferred to R–3108. The activity transfer has been delayed due to Kauna Point construction problems and non-completion of staging facilities at the Hilo Airport, Hawaii. The Molokai activity (now conducted within R–3106) is programmed for transfer to R–3108 when this construction is completed. Therefore, upon transfer of these activities to R–3108, the Federal Aviation Agency will evaluate both R–3106 and R–3108 to determine if sufficient justification exists to continue both restricted areas.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.31 *Hawaii*, R–3106 Kahuku Point, Oahu, Hawaii (26 F.R. 7194) is amended to read:

R–3106 Kahuku Point, Oahu, Hawaii:

Boundaries. Beginning at latitude 21°43'–40'' N., longitude 157°55'05'' W.; to latitude 21°39'30'' N., longitude 157°51'40'' W.; thence three nautical miles from and parallel to the shoreline; to latitude 21°35'00'' N., longitude 157°48'25'' W.; to latitude 21°35'–00'' N., longitude 157°51'30'' W.; to latitude 21°36'30'' N., longitude 157°53'45'' W.; to latitude 21°41'30'' N., longitude 157°56'20'' W.; clockwise along the arc of a circle with a 1.5 nautical mile radius centered at latitude 21°43'00'' N., longitude 157°56'30'' W.; to the point of beginning.

Designated altitudes. The area northwest of a line between latitude 21°39'06'' N., longitude 157°55'05'' W., and latitude 21°40'19'' N., longitude 157°52'20'' W., surface to 15,000 feet MSL; the area southeast of this line, surface to 6,000 feet MSL.

Time of designation. 0800 to 1600 Hawaiian Standard Time, Monday through Friday.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commander, Fleet Air Hawaii, NAS Barbers' Point, Hawaii.

2. In the text of § 601.1380 (14 CFR 601.1380) "thence to the point of beginning, the portions of this control area extension which lie within the geographical limits of, and between the designated altitudes of, the Kahuku Point, Oahu, Restricted Area (R–323), the Kahuku, Oahu, Restricted Area (R–324) and the Kaena Point, Oahu, Warning Area (W–318) are excluded during the restricted area's and warning area's times of designation." is deleted and "thence to the point of beginning, excluding the portion within Warning Area W–318. The portion of this control area extension within R–3106 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

3. In the text of § 601.1423 (14 CFR 601.1423, 26 F.R. 8171) "R–3102 and R–3109" is deleted and "R–3102, R–3106 and R–3109" is substituted therefor.

These amendments shall become effective on January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 6, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10794; Filed, Nov. 13, 1961; 8:46 a.m.]

[Airspace Docket No. 61–FW–73]

PART 608—SPECIAL USE AIRSPACE

Modification of Restricted Area Designation

On November 3, 1961, there were published in the FEDERAL REGISTER (26 F.R. 10342) amendments to §§ 608.29 and 601.7101 of the regulations of the Administrator. These amendments designated the Venice, Fla., Restricted Area R–2920 and altered the description of the continental control area to include this new restricted area.

Upon publication of the FEDERAL REGISTER on November 3, 1961, an error was noted in a geographical coordinate included in the description of R–2920. Therefore, action is taken herein to correct this error.

Since this amendment corrects an error and imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61–FW–73 (26 F.R. 10342) is hereby modified as follows:

In the description of the Venice, Fla., Restricted Area R–2920, "excluding the portion E of a line extending from latitude 27°05'50'' N., longitude 82°24'10'' W., to latitude 27°02'00'' N., longitude 82°24'15'' W." is deleted and "excluding the portion E of a line extending from latitude 27°05'50'' N., longitude 82°24'–10'' W., to latitude 27°02'00'' N., longitude 82°23'15'' W." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10819; Filed, Nov. 13, 1961; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER E—EDUCATION

PART 31—FEDERAL SCHOOLS FOR INDIANS

Handling of Student Funds

On page 6305 of the FEDERAL REGISTER of July 14, 1961, there was published a notice of intention to amend Part 31 of Title 25, Code of Federal Regulations. The amendment specifies procedures for the handling of student funds in schools operated by the Bureau of Indian Affairs.

Interested persons were given an opportunity to submit their written comments, suggestions, or objections with respect to the proposed amendment to the Commissioner, Bureau of Indian Affairs, within thirty days from date of publication of the proposed amendment. No communications were received within the prescribed period. The proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

NOVEMBER 6, 1961.

Section 31.7 is added to read as follows:

§ 31.7 Handling of student funds in Federal school facilities.

The Secretary or his authorized representative may authorize officials and employees of the Bureau of Indian Affairs to accept and to disburse deposits of funds of students and student activity associations in schools operated by the Bureau in accordance with the purposes of such deposits. The following steps shall be taken to safeguard these funds:

(a) A written plan of operation shall be developed by the membership of each student activity group. The plan of operation subject to the approval of authorized officials shall outline procedures and provide for a system of accounting for the student funds commensurate with the age and grade level of the students yet adequate for financial control purposes and shall stipulate the maximum operating capital of the activity.

(b) Appropriate safekeeping facilities shall be provided for all student personal and group funds and for the accounting or bookkeeping records.

(c) Employees handling student funds in cumulative amounts in excess of $100 shall be covered by a comprehensive fidelity bond the penal sum of which shall be appropriately related to fund amounts handled.

(d) Student funds accumulated in excess of the amount authorized for operating purposes by the plan of operation shall be deposited in Federally insured depositories.

(e) Periodic administrative inspections and financial audit of student fund operations shall be conducted by authorized Bureau personnel.

[F.R. Doc. 61–10799; Filed, Nov. 13, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8125 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Commerce Contracting Co. et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* [*Misrepresenting oneself and goods*]—*Goods:* § 13.1663 *Individual's special selection or situation;* § 13.1747 *Special or limited offers.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1985 *Individual's special selection or situation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Commerce Contracting Company (Baltimore, Md.) et al., Docket 8125, Sept. 14, 1961]

In the Matter of Commerce Contracting Company, a Corporation; Columbia Contracting Company, a Corporation; Bernard Caplan and Stanley Bergstein, Individually and as Officers of Said Corporations; Phillip Brourman, Individually and as an Officer of Commerce Contracting Company, and Tevis Margolis, Individually and as an Officer of Columbia Contracting Company

Consent order requiring affiliated concerns in Baltimore and Washington, D.C., to cease using deception in the sale of aluminum siding and storm windows and doors, including false statements by their salesmen that they represented the Kaiser Aluminum Co. and the Reynolds Aluminum Co., and that the prospective customer's home had been selected as a "model home" and that, as a result, the purchaser would receive $50 for each additional customer secured after viewing the installation.

The order to cease and desist is as follows:

It is ordered, That respondents Commerce Contracting Company, a corporation, Columbia Contracting Company, a corporation, and their officers, and Bernard Caplan and Stanley Bergstein, individually and as officers of said corporations, Phillip Brourman, as an officer of respondent Commerce Contracting Company and Tevis Margolis, individually and as officer of Columbia Contracting Company, and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of aluminum siding, storm windows and doors, and other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

1. That they are representatives or agents of, or connected in any manner with, the Kaiser Aluminum Company, the Reynolds Aluminum Company; or are representatives of or connected with any other firm or corporation unless such is the fact;

2. That prospective purchasers' homes have been selected as "model homes" or that the owners thereof will receive any amount of money or other thing of value predicated upon similar work being done on other homes in the community.

It is further ordered, That the allegations of the complaint be, and the same are hereby, dismissed as to the respondent Phillip Brourman individually.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered that respondents Commerce Contracting Company, a corporation, Columbia Contracting Company, a corporation, and their officers, and Bernard Caplan and Stanley Bergstein, individually and as officers of said corporations; Phillip Brourman, as an officer of respondent Commerce Contracting Company and Tevis Margolis, individually and as an officer of Columbia Contracting Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–10804; Filed, Nov. 13, 1961; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—VEHICLE, GUIDE, ADMISSION, AND MISCELLANEOUS FEES

Hot Springs National Park, Arkansas; Commercial Passenger-Carrying Vehicle Fees

On page 8419 of the FEDERAL REGISTER of September 7, 1961, there was published a notice and text of a proposed amendment to § 6.3 of Title 36, Code of Federal Regulations. The purpose of the amendment is to regulate commercial passenger-carrying vehicle sightseeing operations in the park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections concerning the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

NOVEMBER 6, 1961.

Paragraph (1) is added to § 6.3 to read as follows:

§ 6.3 Commercial passenger-carrying vehicles.

* * * * *

(1) *Hot Springs National Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire over park roads for sightseeing purposes. The fees for such permits shall be as follows:

(2) Fleet operator; equipment that includes any combination of commercial passenger-carrying vehicles, including taxicabs. Calendar-year permit—$25.00.

(2) Bus operator; equipment limited to a single bus-type vehicle with passenger-carrying seat capacity in excess of 8 persons. Calendar-year permit—$20.00.

(3) Taxicab operator; equipment limited to a single vehicle with a capacity of not over 8 passenger-carrying seats. Calendar-year permit—$12.00.

(4) The fees for permits issued for commercial passenger-carrying vehicle operations starting on or after July 1 of each calendar year will be one-half of the respective rates mentioned in subparagraphs (1), (2), and (3) of this paragraph.

[F.R. Doc. 61-10803; Filed, Nov. 13, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2536]

[1520405]

NEVADA

Revoking Executive Order No. 6541 of December 28, 1933 and Public Land Order No. 73 of December 29, 1942

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 6541 of December 28, 1933, and Public Land Order No. 73 of December 29, 1942, which withdrew the following-described lands for flood and erosion control purposes, are hereby revoked:

MOUNT DIABLO MERIDIAN

Executive Order No. 6541

T. 13 S., R. 66 E.,
Sec. 32.
T. 14 S., R. 66 E.,
Sec. 4;
Sec. 5, E½;
Sec. 9;
Sec. 10;
Sec. 14, W½;
Sec. 15;
Sec. 16, N½;
Sec. 22, E½;
Sec. 23;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 27, S½SE¼;
Sec. 34, NE¼ and W½SE¼;
Sec. 35, N½ and NE¼SE¼.

Public Land Order No. 73

T. 14 S., R. 66 E.,
Sec. 16, NE¼SE¼;
Sec. 22, NE¼NW¼ and SE¼SW¼.

The areas described aggregate approximately 6,560 acres.

2. The lands are situated in eastern Clark County, Nevada, approximately five miles north of Glendale.

3. The public lands released from withdrawal by this order are hereby restored to operation of the public land laws, including location for nonmetalliferous minerals under the United States mining laws, beginning at 10:00 a.m. on December 12, 1961, subject to valid existing rights, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location of metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management,, Reno, Nevada.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 6, 1961.

[F.R. Doc. 61-10802; Filed, Nov. 13, 1961; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

California

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuges have been harvested and that the period of susceptibility of such crops to wildfowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulations are issued and are effective on date stated herein. The limitation of time makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,180 acres or 29 percent of the total area of the refuge, is delineated on a map available at the Sacramento National Wildlife Refuge headquarters, Willows, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese (except Ross's geese).

(b) Open season: All species—One-half hour before sunrise to sunset October 28, 1961, through November 20, 1961. Also from noon to sunset December 9, 1961, and from one-half hour before sunrise to sunset December 10, 1961, through January 7, 1962.

(c) Bag limits: Ducks 5, geese 6, coots 25. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser, but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds. The daily bag limit of geese may not include more than 3 of the dark species.

(d) Methods of hunting:

(1) Weapons: Shotguns not larger than 10 gauge and incapable of holding more than 3 shells may be used, and longbows with arrow may be used.

(2) Dogs: Not to exceed two (2) dogs per hunter may be used for retrieving migratory game birds.

(3) Boats: Boats without motors are permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation but will not become sole property of constructing individual.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station, or advance reservations, obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(3) The provisions of this special regulation are effective to January 8, 1962.

MERCED NATIONAL WILDLIFE REGUGE

Public hunting of migratory game birds on the Merced National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres or 45 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Merced, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese (except Ross's geese).

(b) Open season: All species—One-half hour before sunrise to sunset October 28, 1961, through November 20, 1961. Also from noon to sunset December 9, 1961, and from one-half hour before sunrise to sunset December 10, 1961, through January 7, 1962.

(c) Bag limits: Ducks 5, geese 6, coots 25. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser, but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds. The daily bag limit of geese may not include more than 3 of the dark species.

(d) Methods of hunting:

(1) Weapons: Shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells, may be used.

(2) Dogs: Not to exceed two (2) dogs per hunter may be used for retrieving migratory game birds.

(3) Boats: Boats without motors are permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation and will not become sole property of constructing individual.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station, or advance reservations obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(3) The provisions of this special regulation are effective to January 8, 1962.

SALTON SEA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Salton Sea National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,120 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Calpatria, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese (except Ross's geese).

(b) Open season: All species—One-half hour before sunrise to sunset October 28, 1961, through November 20, 1961. Also from noon to sunset December 9, 1961, and from one-half hour before sunrise to sunset December 10, 1961, through January 7, 1962.

(c) Bag limits: Ducks 5, geese 6, coots 25. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser, but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds. The daily bag limit of geese may not include more than 3 of the dark species, of which only 1 may be a Canada goose or sub-species.

(d) Methods of hunting:

(1) Weapons: Shotguns only not larger than 10 gauge and incapable of holding more than 3 shells may be used.

(2) Dogs: Not to exceed 2 dogs per hunter may be used for retrieving migratory game birds.

(3) Blinds: Temporary blinds may be constructed from natural vegetation and will not become sole property of constructing individual.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 8, 1962.

SUTTER NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Sutter National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,194 acres or 46 percent of the total area of the refuge, is delineated on a map available at the Sacramento National Wildlife Refuge headquarters, Willows, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese (except Ross's geese).

(b) Open season: All species—One-half hour before sunrise to sunset October 28, 1961, through November 20, 1961. Also from noon to sunset December 9, 1961, and from one-half hour before sunrise to sunset December 10, 1961, through January 7, 1962.

(c) Bag limits: Ducks 5, geese 6, coots 25. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser, but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds. The daily bag limit of geese may not include more than 3 of the dark species.

(d) Methods of hunting:

(1) Weapons: Shotguns only not larger than 10 gauge and incapable of holding more than 3 shells may be used.

(2) Dogs: Not to exceed 2 dogs per hunter may be used for retrieving migratory game birds.

(3) Boats: Boats without motors are permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation but will not become sole property of constructing individual.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station, or advance reservations, obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(3) The provisions of this special regulation are effective to January 8, 1962.

DANIEL H. JANZEN,
Director.

OCTOBER 27, 1961.

[F.R. Doc. 61-10900; Filed, Nov. 13, 1961; 11:35 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 34]

ADMINISTRATION OF PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Proposed Financial Assistance for Trainees

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 3, 1956 (70 Stat. 986; 25 U.S.C. 309), it is proposed to amend 25 CFR, Part 34 as set forth below. The purpose of this amendment is to broaden the areas of financial assistance under Adult Vocational Training Services.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 34.8 is amended to read as follows:

§ 34.8 Financial assistance for trainees.

Individuals or family units where the head of the family is entering training under this part may be granted financial assistance to provide for transportation to the place of training, and subsistence during the course of training. For purposes of this part, subsistence may be construed to provide for all or any part of the following items: medical examinations; subsistence en route; subsistence during the course of training until the first full pay check from employment has been received; personal appearance; housewares; furniture; health care; payment for required books; supplies and tools for training; and payment of tuition and related cost and other required expenses, in accordance with the schedule and amounts as established by the Secretary or his authorized representative.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 6, 1961.

[F.R. Doc. 61-10798; Filed, Nov. 13, 1961; 8:46 a.m.]

Fish and Wildlife Service

[50 CFR Part 215]

ADMINISTRATION OF PRIBILOF ISLANDS

Landing and Use of Liquor

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 8 of the Act of February 26, 1944 (58 Stat. 102; 16 U.S.C. 631h), it is proposed to amend 50 CFR Part 215 by deleting all of Subpart B thereof prohibiting the landing and use of liquor.

The Governing Board of the duly constituted Aleut Community of St. Paul Island, Alaska, adopted a resolution on September 8, 1960, requesting rescission of existing regulations which prohibit the landing and use of liquor on the Pribilof Islands, Alaska. In line with the policy of extending equal privileges to the citizens of the Pribilof Islands as enjoyed by other citizens and following study of regulatory practices elsewhere in Alaska and in other areas of the United States, it is proposed to grant the request of the Governing Board.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

NOVEMBER 6, 1961.

[F.R. Doc. 61-10800; Filed, Nov. 13, 1961; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposal To Exempt From Requirement of Tolerance

Pesticide formulations contain pesticidally active ingredients and also inert ingredients. Examples of such inert ingredients are materials used as diluents, carriers, solvents, surfactants, stabilizers, sequestering agents, buffers, safeners, thickeners, and miscellaneous components.

Under section 201(q) of the Federal Food, Drug, and Cosmetic Act, the term "pesticide chemical" means any substance which alone, in chemical combination, or in formulation with one or more other substances, is an "economic poison" within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135) and which is used in the production, storage, or transportation of raw agricultural commodities. The U.S. Department of Agriculture has concluded that all ingredients in an economic poison that is used in the production, storage, or transportation of raw agricultural commodities are "pesticide chemicals." On this basis, residues of these inert ingredients of pesticide formulations on raw agricultural commodities are subject to the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act.

Sufficient information is available on the identity, use, and safety of certain of these to conclude that their use in pesticide formulations applied to raw agricultural commodities in conformity with good agricultural practice will result in no hazard to health.

The U.S. Department of Agriculture has advised that all the ingredients for which exemption is proposed in this notice are useful in pesticide formulations.

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), 68 Stat. 514; 21 U.S.C. 348(c)) and in accordance with authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend § 120.6 by adding certain inert ingredients used in pesticide formulations to the pesticide chemicals exempted from the requirement of a tolerance. New paragraphs (c) and (d) are proposed as follows:

§ 120.6 Exemptions from the requirement of a tolerance.

* * * * *

(c) Residues of the following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest:

Inert ingredients	Limits	Uses
Acetic acid		Miscellaneous component.
Acetone		Solvent, cosolvent.
Ammonium bicarbonate		Surfactant, suspending agent, dispersing agent.
Ammonium hydroxide		Solvent, cosolvent, miscellaneous component.
Ammonium stearate		Surfactant.
Amyl acetate		Solvent, cosolvent, miscellaneous component.
Animal glue		Surfactant, miscellaneous component.
Apple pomace		Solid diluent, carrier.
Attapulgite-type clay		Solid diluent, carrier, thickener.
Benzoic acid		Miscellaneous component.
Calcareous shale		Solid diluent, carrier.
Calcite		Do.
Calcium silicate		Do.
Calcium stearate		Do.
Casein		Surfactant, emulsifier, wetting agent.
Citric acid		Sequestrant.
Cocoa shells		Solid diluent, carrier.
Coconut oil		Surfactant, emulsifier, wetting agent
Coffee grounds		Solid diluent, carrier.
Corn cobs		Do.
Cornstarch		Do.
Cottonseed oil		Safener.
Dextrin		Surfactant, suspending agent, dispersing agent.
Dextrose		Solid diluent, carrier.
Diatomite (diatomaceous earth)		Do.
Disodium phosphate		Anti-caking agent, conditioning agent.
Dolomite		Solid diluent, carrier.
Ethyl acetate		Solvent, cosolvent.
Ethylenediaminetetraacetic acid	3% of pesticide formulation	Sequestrant.
Ethylenediaminetetraacetic acid, tetrasodium salt.	5% of pesticide formulation	Do.
Glycerol		Solvent, cosolvent.
Granite		Solid diluent, carrier.
Gum arabic (acacia)		Surfactant, suspending agent, dispersing agent.
Gypsum		Solid diluent, carrier.
Hydrochloric acid		Miscellaneous component.
Kaolinite-type clay		Solid diluent, carrier.
Magnesium carbonate		Anti-caking agent, conditioning agent.
Magnesium chloride		Safener.
Magnesium lime		Solid diluent, carrier.
Magnesium silicate		Do.
Magnesium sulfate		Solid diluent, carrier, safener.
Mica		Solid diluent, carrier.
Molasses		Miscellaneous component.
Montmorillonite-type clay		Solid diluent, carrier.
Orange pomace		Do.
Peanut shells		Do.
Pyrophyllite		Do.
Rice bran		Do.
Soap		Surfactant, emulsifier, wetting agent.
Sodium acetate		Buffer.
Sodium acid pyrophosphate		Surfactant, suspending agent, dispersing agent, buffer.
Sodium hexametaphosphate		Surfactant, emulsifier, wetting agent, suspending agent, dispersing agent, buffer.
Sodium propionate		Miscellaneous component.
Sodium silicate		Surfactant, emulsifier, wetting agent, stabilizer, inhibitor.
Sodium sulfate		Solid diluent, carrier.
Sodium tripolyphosphate		Buffer, surfactant, suspending agent, dispersing agent, anti-caking agent, conditioning agent.
Sorbitol		Anti-dusting agent.
Soybean flour		Surfactant.
Sucrose		Solid diluent, carrier, safener.
Talc		Solid diluent, carrier.
Tetrasodium pyrophosphate		Anti-caking agent, conditioning agent.
Tricalcium phosphate		Surfactant, suspending agent, dispersing agent, anti-caking agent, conditioning agent.
Trisodium phosphate		Surfactant, emulsifier, wetting agent.
Urea		Stabilizer, inhibitor.
Vermiculite		Solid diluent, carrier.
Walnut shells		Do.
Wheat bran		Do.
Zeolite		Do.

(d) The following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops only:

Inert ingredients	Limits	Uses
Benzene		Solvent, cosolvent.
n-Butyl alcohol		Do.
Cyclohexane		Do.
Cyclohexanone		Do.
Dioxane		Do.
Ethylene dichloride (1,2-dichloroethane).		Do.
Formaldehyde	Not more than 1% of pesticide formulation.	Miscellaneous component.
Hexane (including isomeric hexanes)		Solvent, cosolvent.
Isopropanol		Solvent, cosolvent, stabilizer, inhibitor.
Methanol		Solvent, cosolvent.
Methyl chloride		Miscellaneous component.
Methyl ethyl ketone		Solvent, cosolvent.
Methyl isobutyl ketone		Do.
Methylene chloride (dichloromethane).		Solvent, cosolvent.
Toluene		Do.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed in this document may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: November 7, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10812; Filed, Nov. 13, 1961; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Procedural Reg.; Docket No. 13165]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Petitions for Reconsideration of Interlocutory Orders

NOVEMBER 8, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of § 302.37 of the rules of practice in economic proceedings which would expressly prohibit the filing of petitions for reconsideration of interlocutory orders of the Board, except such orders as define the scope and issues of a proceeding.

The principal features of the proposed amendment are explained in the explanatory statement below and the proposed amendment is set forth below. This rule-making action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before December 13, 1961 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. As presently written, § 302.37 authorizes the filing of petitions for reconsideration only with respect to final orders of the Board. However, it has long been the Board's practice to entertain petitions for reconsideration of its interlocutory orders as a matter of course.

The Board believes that this practice is not conducive to the proper dispatch of its business and that parties to its economic proceedings should not be allowed, as a matter of right, to petition for reconsideration of all interlocutory Board actions. This belief is predicated upon experience showing that petitions for reconsideration of interlocutory

orders are, for the most part, repetitive challenges concerning collateral matters. The Board proposes, therefore, to amend § 302.37 by expressly limiting the interlocutory actions which may be made the subject of a petition for reconsideration.

Pursuant to amended § 302.37, petitions for reconsideration would be fileable with respect to final orders of the Board and only such interlocutory orders as define the scope and issues of a proceeding, unless the order or a rule of the Board specifically provides otherwise. Interlocutory orders defining the scope and issues of a proceeding determine its future conduct; unless these matters are properly and promptly resolved, substantial delays in ultimately disposing of the case could result. Accordingly, the proposed amendment further provides that neither the filing nor the granting of a petition for reconsideration of such an interlocutory order shall operate as a stay thereof unless specifically so ordered by the Board.

It is proposed to delete the heading and first two sentences of paragraph (a) of § 302.37 of Part 302 of the Procedural Regulations (14 CFR Part 302) and insert in lieu thereof the following heading and text:

§ 302.37 Petitions for reconsideration.

(a) *Board orders subject to reconsideration; time for filing.* Unless the order or a rule of the Board specifically provides otherwise, any party to a proceeding may file a petition for reconsideration, rehearing or reargument only of (1) a final order issued by the Board or (2) an interlocutory order defining the scope and isues of a proceeding. Unless the time is shortened or enlarged by the Board, such a petition shall be filed, in the case of a final order, within twenty (20) days after service thereof, and, in the case of an interlocutory order, within ten (10) days after service. However, neither the filing nor the granting of such a petition shall operate as a stay of such final or interlocutory order unless specifically so ordered by the Board.

[F.R. Doc. 61-10824; Filed, Nov. 13, 1961; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 13]

MASSACHUSETTS BONDING AND INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

NOVEMBER 6, 1961.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Massachusetts Bonding and Insurance Company, Boston, Massachusetts, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States has been terminated effective at the close of business June 30, 1961.

Pursuant to Agreement of Merger, effective at close of business June 30, 1961, the Massachusetts Bonding and Insurance Company, Boston, Massachusetts, was merged into The Hanover Insurance Company, New York, N.Y., the surviving company, and The Hanover Insurance Company acquired all of the assets and assumed all the liabilities of the Massachusetts Bonding and Insurance Company.

The Hanover Insurance Company, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. The Treasury has obtained from The Hanover Insurance Company a separate indemnifying agreement dated October 24, 1961, whereby The Hanover Insurance Company has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking or other form of obligation entered into or assumed by Massachusetts Bonding and Insurance Company on or before June 30, 1961, or in its name at any time thereafter, in which the United States has or may have an interest, direct or indirect. Copies of this agreement and the Agreement of Merger approved by the Insurance Department of the State of New York on June 29, 1961, are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

No action need be taken by bond approving officers, by reason of the merger with respect to any bond or other obligations in favor of the United States or in which the United States has an interest, direct or indirect, issued on or before June 30, 1961, by Massachusetts Bonding and Insurance Company pursuant to the certificate of authority issued to the company by the Secretary of the Treasury.

As a result of this merger, an underwriting limitation of $3,886,000.00 has been established for The Hanover Insurance Company, New York, N.Y., by the Treasury Department, effective July 1, 1961, under the company's certificate of authority to act as an acceptable surety on Federal bonds and will continue in force until otherwise advised.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-10816; Filed, Nov. 13, 1961; 8:48 a.m.]

[T.D. 55508; Treasury Dept. Order 165-13]

OFFICES OF DEPUTY COMMISSIONER, BUREAU OF CUSTOMS

Establishment

NOVEMBER 3, 1961.

By virtue of the authority vested in me as Secretary of the Treasury, there are hereby established in the Bureau of Customs new offices designated as Deputy Commissioner of Customs, as follows:

Deputy Commissioner, Division of Marine Administration.

Deputy Commissioner, Division of Technical Services.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-10817; Filed, Nov. 13, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Transfer of Jurisdiction of Interest

NOVEMBER 6, 1961.

By virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U.S.C. 486e), and pursuant to sections 1.9(t)(5) and 2.9(t)(5) of Delegation Order Number 684 of August 28, 1961, it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

Starting at corner No. 1 of the proposed reservoir site at approximately latitude 60°-32'10", longitude 145°45'23", which bears North 78°38' W., 3,566.07 feet from corner No. 1 M.C. U.S. Survey 1765; thence North 42°17', East 170.37 feet to point of beginning; thence North 17°53' West 188.69 feet; thence North 15°20' West 99.0 feet; thence North 20°17' West 95.0 feet; thence North 13°35' West 247.0 feet; thence North 8°54' West 164.0 feet more or less to the intersection with the southerly boundary of the right-of-way of the Three Mile Bay Road, the point of ending.

In any subsequent conveyance which may be made of the lands to a public body under authority of the Act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States:

(1) All mineral deposits in the lands conveyed together with the right to mine and remove the same under applicable laws and regulations as the Secretary may prescribe;

(2) A provision for the reversion to the United States, during a period of no longer than twenty-five years from the date of such instrument, of title to the conveyed land upon a finding by the Secretary that the land has not been used by the grantee or its successor for the purpose for which it was conveyed for a period of five years or such lesser period as the Secretary may specify in the conveyance;

(3) A right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 305); and

(4) Such other reservations, covenants, terms and conditions as the Secretary may prescribe in the conveyance.

WARNER T. MAY,
Manager,
Anchorage Land Office.

[F.R. Doc. 61-10801; Filed, Nov. 13, 1961; 8:46 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR 6]

SUN SHIPBUILDING & DRY DOCK CO.

Order Granting Variation

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941(d)) and the provisions of 29 CFR 8.5 and 11.6, a variation from particular provisions of 29 CFR Part 8 is hereby granted to Sun Shipbuilding and Dry Dock Company, P.O. Box 540, Chester, Pennsylvania.

Provisions of 29 CFR Part 8 varied. The provisions of 29 CFR 8.33(a) requiring all accessible surfaces, seams and points to be welded, cut or heated, first be stripped of all toxic or flammable hardened preservative coatings except platings such as galvanizing, for a distance of four (4) inches from the area of heat application, are varied by this order insofar as they apply to oxy-acetylene cutting.

Conditions of variation. 1. Airline respirators are worn by all employees engaged in oxy-acetylene cutting operations on surfaces coated with toxic hardened preservative coatings (e.g. paint and other hardened protective coatings) in lieu of stripping the coating for a distance of four (4) inches

from the area of heat application, as required in § 8.33(a). In addition, the flammability of these hardened coatings shall be tested prior to starting the cutting operations.

2. The requirements of paragraphs (b), (c), (d), (e), and (f) and the remaining applications of paragraph (a) of § 8.33 are met.

3. Adequate medical supervision of all employees exposed to metallic fumes is exercised to ensure prevention of metallic fume poisoning.

Period of variation. The variation shall be effective until terminated. See 29 CFR 11.11.

Signed at Washington, D.C., this 3d day of November 1961.

ARTHUR W. MOTLEY,
Director,
Bureau of Labor Standards.

[F.R. Doc. 61-10813; Filed, Nov. 13, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[Agency Order 23]

AIRPORTS SERVICE

Establishment

1. *Purpose.* This Order establishes the Airports Service and abolishes the Airports Division of the Aviation Facilities Service.

2. *Establishment of service.* The Airports Service is established.

3. *Abolishment of division.* The Airports Division of the Aviation Facilities Service is hereby abolished.

4. *Staff.* The Airports Service shall be headed by a Director who shall report to the Administrator through the Deputy Administrator. All funds, positions, personnel, records, projects, and activities of the Airports Division are hereby transferred from the Aviation Facilities Service to the Airports Service. All delegations relating to the airports program formerly vested in the Director, Aviation Facilities Service, are hereby vested in the Director, Airports Service. Any redelegation of such authority heretofore made and in effect as of the date of this Order is hereby affirmed as constructively constituting a redelegation of the Director, Airports Service and shall remain in effect until revoked by him. Any redelegations hereafter made shall be in writing and a copy shall be filed in the Office of Management Services.

5. *Effective date.* This Order is effective November 6, 1961. It amends sections 2, 3d, 3g, and 6.1 of Agency Order 12; section 2 of Agency Order 18; and Agency Bulletins 60-5 and 60-18. Other orders or instructions, or parts thereof inconsistent with any provision of this Order, are hereby amended or superseded accordingly.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-10789; Filed, Nov. 13, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE

Notice of Hearing on Fair Prices in Puerto Rico and Fair Wages and Prices in the Virgin Islands, and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Service Office, Segarra Building, on November 15, 1961, at 9:30 a.m.

At Christiansted, St. Croix, Virgin Islands, in the Government House, on November 17, 1961, at 9:30 a.m.

It has been found necessary, in view of other committments, to fix dates for the hearings in the near future so that both representatives of a large producer organization and representatives of the Department could be present. In view of this an emergency exists and it is determined that reasonable periods of notice for these hearings shall be the periods of time between publication of this notice in the FEDERAL REGISTER and the dates specified for the hearings.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the said Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1962 on farms with respect to which applications for payment under the said Act are made, and (2) pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1961-62 crop of Puerto Rican sugarcane and the 1962 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent subjects is desired, it is requested that witnesses present their views and recommendations at the hearing on the following proposal with respect to fair prices for sugarcane in Puerto Rico:

The f.o.b. mill price of raw sugar produced by any processor who markets any of such sugar locally or who refines or processes any of such sugar shall be determined by deducting selling and delivery expenses computed as follows:

(1) If the processor sells locally or refines or further processes more than 50 percent of the total quantity of raw sugar produced by the mill the selling and delivery expenses to be applied to all raw sugar produced by such mill shall be the average of the admissible selling and delivery expenses approved by the Area office for all raw sugar produced in Puerto Rico which was delivered to mainland refiners; or,

(2) If the processor sells locally or refines or further processes 50 percent or less of the total quantity of raw sugar produced by the mill, the selling and delivery expenses to be applied to all raw sugar produced by such mill shall be the average of the admissible selling and delivery expenses approved by the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

G. Laguardia, Charles F. Denny, and William N. Garrott are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on November 8, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10811; Filed, Nov. 13, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

AREA MANAGER, LOS ALAMOS AREA OFFICE

Delegation of Authority With Respect To Leasing Government-Owned Land and Buildings in Community of Los Alamos, N. Mex., for Commercial and Other Purposes

1. I hereby delegate to the Area Manager, Los Alamos Area Office the following authority:

a. To lease Government-owned land or land and buildings in the Community of Los Alamos, New Mexico for commercial and other purposes (except housing and manufacturing provided that the term "commercial" shall include incidental manufacturing primarily serving the community);

b. To evaluate and to determine the acceptability of bids and proposals, to establish rents for land and building uses, to determine annual additional charges for certain municipal-type services, to enter into leases and modifications thereof and to execute any documents in connection therewith, without limitation as to amount, and to approve such documents entered into by community management contractors, in the name of the United States represented by the Atomic Energy Commission, to administer such leases and other documents, and to make determinations or take other actions as necessary or incidental to the leasing of land or land and buildings and the execution or administration of such documents;

c. To authorize community management contractors, as agents for the United States represented by the Atomic Energy Commission, to exercise the authority described above or any part thereof, subject in the case of leases and modifications thereof to approval by the Manager on behalf of the United States and the Atomic Energy Commission, and subject to such other approvals as are provided for in the executed documents or as are, in the discretion of the manager, deemed appropriate.

2. The full authority stated above, or any part thereof, within the discretion of the Manager, may be redelegated in writing, without power of further redelegation, to such assistants as may be necessary.

3. This delegation supersedes all prior delegations of authority concerning the leasing of land or land and buildings for the purposes stated above. Action heretofore taken pursuant to any prior delegation of authority is hereby ratified.

4. Issued this 6th day of November 1961.

A. R. LUEDECKE,
General Manager,
U.S. Atomic Energy Commission.

[F.R. Doc. 61-10788; Filed, Nov. 13, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13150]

AEROVIAS INTERNACIONAL BALBOA, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on November 21, 1961, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., November 8, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-10821; Filed, Nov. 13, 1961; 8:48 a.m.]

[Docket No. 13100]

SERVICE OF TWA AT READING AND WILLIAMSPORT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on November 29, 1961 at 10 a.m., Room 1027, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., November 7, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-10822; Filed, Nov. 13, 1961; 8:48 a.m.]

[Docket No. 11949]

TRANS-TEXAS AIRWAYS MAIL RATE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on November 28, 1961 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Cusick.

Dated at Washington, D.C., November 7, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-10823; Filed, Nov. 13, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14336-14340; FCC 61M-1752]

ANTENNAVISION SERVICE CO., INC.

Order Scheduling Hearing

In re applications of Antennavision Service Company, Inc., Docket No. 14336, File No. 657-C1-R-61, for renewal of the license for Station KPH82, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona; Docket No. 14337, File No. 658-C1-R-61, for renewal of the license for Station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona; Docket No. 14338, File No. 2326-C1-R-61, for renewal of the license for Station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14339, File No. 2525-C1-ML-61, for a modification of license to cover a construction permit for additional facilities for Station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14340, File No. 3699-C1-P-61, for a construction permit to increase power and change antenna at existing licensed station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 12, 1962, in Washington, D.C.; and, *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, December 14, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10825; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket No. 14348; FCC 61M-1755]

ANTENNAVISION SERVICE CO., INC.

Order Scheduling Hearing

In re applications of Antennavision Service Company, Inc., Docket No. 14348, File Nos. 4083/4084/4085/4086-C1-P-61; for construction permits to establish stations in the Point-to-Point Microwave Radio Service located respectively at Toro Peak, El Centro, 14 miles ESE of Holtville, and 8 miles SE of Ogilby, California.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 12, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, December 14, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10826; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket No. 14316; FCC 61M-1744]

ARIZONA MICRO-WAVE SYSTEM CO.

Order Scheduling Hearing

In re application of Arizona Micro-Wave System Company, Mule Mountain, Arizona, Docket No. 14316, File No. 1592-C1-R-61, for renewal of the license for Station KOU84, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1962, in Washington, D.C.; and, *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, December 12, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10827; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket Nos. 14321–14329, FCC 61M–1748]

BLACK HILLS VIDEO CORP.

Order Scheduling Hearing

In re applications of Black Hills Video Corporation, Docket No. 14321, File No. 223–C1–R–61, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14322, File No. 361–C1–ML–61, for a modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14323, File No. 338–C1–R–61, for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas; Docket No. 14324, File No. 752–C1–R–61, for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado; Docket No. 14325, File No. 753–C1–R–61, for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska; Docket No. 14326, File No. 754–C1–R–61, for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska; Docket No. 14327, File No. 755–C1–R–61, for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming; Docket No. 14328, File No. 756–C1–R–61, for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota; Docket No. 14329, File No. 2697–C1–R–61, for renewal of the license for Station KKX74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Muleshoe, Texas.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 23, 1962, in Washington, D.C.; and: *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 2:00 p.m., Wednesday, December 13, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10828; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket Nos. 14341–14344; FCC 61M–1753]

COLLIER ELECTRIC CO.

Order Scheduling Hearing

In re applications of Collier Electric Company, Docket No. 14341, File No. 848–C1–R–61, for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado; Docket No. 14342, File No. 849–C1–R–61, for renewal of the license for Station KAQ80, a facility in the Public Point-to-Point Microwave Radio Service at Sterling, Colorado; Docket No. 14343, File No. 2670–C1–R–61, for renewal of the license for Station KAQ81 a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska; Docket No. 14344, File No. 2710–C1–R–61, for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 19, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 11:00 a.m., Wednesday, December 13, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10829; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket No. 14315; FCC 61M–1743]

DAKOTA MICROWAVE CO.

Order Scheduling Hearing

In re application of Dakota Microwave Company, Turkey Ridge, South Dakota, Docket No. 14315, File No. 1046–C1–R61; for renewal of the license for Station KAQ71, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 11:00 a.m., Tuesday, December 12, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10830; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket No. 14320; FCC 61M–1747]

GERACCHE & CO., INC.

Order Scheduling Hearing

In re application of Geracche & Company, Incorporated, Connecticut Hill, New York, Docket No. 14320, File No. 1676–C1–R–61; For renewal of the license for Station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 18, 1962, in Washington, D.C.; and: *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Friday, December 8, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10831; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket Nos. 14334, 14335; FCC 61M–1751]

MESA MICROWAVE, INC.

Order Scheduling Hearing

In re applications of Mesa Microwave, Inc., Docket No. 14334, File No. 2843–C1–R–61, for renewal of the license for Station KLH35, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Silverton, Texas; Docket No. 14335, File No. 2844–C1–R–61, for renewal of the license for Station KLH36, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Memphis, Texas.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 17, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 2:00 p.m., Thursday, December 14, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10832; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket No. 14347; FCC 61M–1754]

MESA MICROWAVE, INC.

Order Scheduling Hearing

In re applications of Mesa Microwave, Inc., Docket No. 14347, File Nos. 3661–C1–P–61, 3665–C1–P–61; for construction permits to establish stations in the Point-to-Point Microwave Radio Service at Pledger and Rhodes Ranch, Texas.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 17, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 2:00 p.m., Thursday, December 14, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10833; Filed, Nov. 13, 1961; 8:49 a.m.]

[Docket No. 14330; FCC 61M–1749]

NEW YORK PENN MICROWAVE CORP.

Order Scheduling Hearing

In re application of New York Penn Microwave Corporation, Canisteo, New York, Docket No. 14330, File No. 2590–C1–R–61; for renewal of the license for Station KEG41, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 11, 1962, in Washington, D.C.; and: *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, December 13, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10834; Filed, Nov. 13, 1961; 8:50 a.m.]

[Docket Nos. 14331–14333; FCC 61M–1750]

SUPERIOR COMMUNCATIONS CO., INC.

Order Scheduling Hearing

In re applications of Superior Communications Co., Inc., Docket No. 14331, File No. 1710–C1–R–61, for renewal of the license for Station KAQ73, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Virginia, Minnesota; Docket No. 14332, File No. 1711–C1–R–61, for renewal of the license for Station KAQ74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Kabetogama, Minnesota; Docket No. 14333, File No. 1712–C1–R–61, for renewal of the license for Station KAQ75, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Gheen, Minnesota.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 10, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 1:30 p.m., Tuesday, December 12, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10835; Filed, Nov. 13, 1961; 8:50 a.m.]

[Docket No. 14317; FCC 61M–1745]

WESTERN TV RELAY, INC.

Order Scheduling Hearing

In re application of Western TV Relay, Inc., Weatherford, Oklahoma, Docket No. 14317, File No. 2985–C1–R–61; for renewal of the license for Station KLF85, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 22, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 1:30 p.m., Friday, December 15, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10836; Filed, Nov. 13, 1961; 8:50 a.m.]

[Canadian List 164]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

OCTOBER 30, 1961.

Notification under the provisions of part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		540 kilocycles				
CBT	Grand Falls, Newfoundland (48°57′02″ N., 55°37′38″ W).	*10 kw*	ND	U	II	EIO 10–15–62.
		920 kilocycles				
CJCJ	Woodstock, New Brunswick.	*1 kw*	DA–1	U	III	Now in operation.
		1000 kilocycles				
CKBW	Bridgewater, Nova Scotia	*10 kw*	DA–N	U	II	EIO 10–15–62.
		1400 kilocycles				
CKSW	Swift Current, Saskatchewan.	*1 kw D/0.25 kw N.*	ND	U	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10837; Filed, Nov. 13, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–15546, etc.[1]]

TEXACO, INC., ET AL.[1]

Notice of Proceedings and Fixing Time for Intervention [2]

NOVEMBER 6, 1961.

Respondents in the above-entitled proceedings have heretofore filed proposed increased rates reflecting only reimbursement for the gas gathering tax of one cent per Mcf imposed upon said respondents by the State of Louisiana pursuant to Act No. 8 of 1958, as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes, 47 La. Rev. Stat. 1950, § 678. Respondents' proposed increased rates were suspended and thereafter were permitted to go into effect subject to refund.

By order issued February 21, 1961, in the above-entitled proceedings, the Commission required respondents to refund all tax reimbursement amounts collected subject to refund in these proceedings after the Section 678 tax was declared unconstitutional. However, on May 29, 1961, the Commission modified its order of February 21, 1961, as to all of the above-entitled proceedings by limiting respondents' obligation to refund to those amounts actually refunded by the State of Louisiana to the respective respondents. Subsequently, on August 30, 1961, the Commission reopened all of the above-entitled proceedings.

In denying motions for reconsideration by some respondents of the order issued August 30, 1961, the Commission in its order issued October 21, 1961, in Texaco Inc., et al., Docket Nos. G–15546, et al., stated that these proceedings were reopened because of lack of notice to interested parties of the Commission's actions herein. The Commission also stated:

To the end that all interested parties shall receive adequate notice, we shall have published in the FEDERAL REGISTER a notice stating that any interested party may file a petition to intervene in any of the proceedings reopened by the said order of August 30, 1961.

Take notice that notices of intervention or petitions to intervene may be filed in any of the above-entitled proceedings with Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure on or before November 30, 1961.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	*Respondent*
G–15546	Texaco Inc.
G–15547	Texaco Inc. (Operator) et al.
G–15548	Texaco Inc.
G–15549	Union Producing Co.
G–15550	Union Producing Co. (Operator) et al.

[1] As noted in Appendix A hereof under columns entitled "Docket Nos." and "Respondents."

[2] This notice does not provide for consolidation of the proceedings involved herein, nor should it be so construed.

Docket No.	Respondent
G–15551	Shell Oil Co.
G–15552	Shell Oil Co. (Operator).
G–15553	Shell Oil Co. (Operator) et al.
G–15554	The Superior Oil Co. (Operator) et al.
G–15555	The Superior Oil Co.
G–15556	Cities Service Reserves, Inc.
G–15557	Southwest Natural Production Co.
G–15558	Southwest Natural Production Co. (Operator) et al.
G–15559	Hawkins and Kelly.
G–15560	H. L. Hawkins et al.
G–15561	Amerada Petroleum Corp.
G–15562	Amerada Petroleum Corp. (Operator) et al.
G–15563	Cities Service Production Co.
G–15564	Cities Service Oil Co.
G–15565	Robert Mosbacher (Operator) et al.
G–15566	Skelly Oil Co. (Operator) et al.
G–15568	Mrs. Cordelia K. Crow et al.
G–15569	Murphy Corp.
G–15570	Annie Norton et al.
G–15571	Continental Oil Co.
G–15572	Hunt Oil Co.
G–15573	David Crow, Trustee et al.
G–15574	David Crow.
G–15575	David Crow, Trustee.
G–15576	Crow Drilling & Producing Co.
G–15577	Kilroy Properties, Inc. et al.
G–15578	Crow Center Petroleum Corp. et al
G–15579	L. E. Smith et al.
G–15580	H. L. Hunt
G–15581	Hassie Hunt Trust.
G–15582	The Pure Oil Co.
G–15583	Lyons & Logan (Operator), Agent for C. H. Lyons, Sr. et al.
G–15584	E. J. Hudson et al.
G–15585	Grey-Wolf Drilling Co.
G–15586	Tidewater Oil Co.
G–15587	Continental Oil Co.
G–15588	Secure Trusts.
G–15589	Sohio Petroleum Co. (Operator) et al.
G–15590	Petrol Production Co.
G–15591	Bel Oil Corp.
G–15592	Bel Oil Corporation (Operator) et al.
G–15593	Sunray Mid-Continent Oil Co.
G–15594	Sunray Mid-Continent Oil Co.
G–15595	Sam Sklar (Operator) et al.
G–15596	Phillips Petroleum Co.
G–15597	Phillips Petroleum Co. (Operator) et al.
G–15598	Forest Oil Corp.
G–15599	Forest Oil Corp. (Operator) et al.
G–15600	H. L. Hawkins and H. L. Hawkins, Jr.
G–15601	L. L. Robinson.
G–15602	Crown Central Petroleum Corp.
G–15603	Murphy Corp.
G–15604	Murphy Corp. (Operator) et al.
G–15605	Murphy Corp. et al.
G–15606	Ohio Oil Co. (Operator) et al.
G–15607	Ohio Oil Co.
G–15608	Austral Oil Co., Inc. (Operator) et al.
G–15609	Oil Participations, Inc.
G–15610	Oil Participations, Inc. et al.
G–15611	Shell Oil Co.
G–15612	Shell Oil Co. (Operator) et al.
G–15613	The British American Oil Producing Co.
G–15614	Rimrock Tidelands, Inc.
G–15615	States Oil Co., Inc.
G–15616	States Oil Co. (Operator) et al.
G–15617	Drilling & Exploration Co., Inc. (Operator) et al.
G–15618	John W. Mecom d/b/a Mecom Petroleums.
G–15619	John W. Mecom (Operator) et al.
G–15620	Cyprus Oil Co. (Operator) et al.
G–15621	Tidewater Oil Co. (Operator) et al.
G–15622	Estate of Lydia Bunker Hunt.
G–15623	Lamar Hunt Trust Estate.
G–15624	William Herbert Hunt Trust Estate.
G–15625	William Herbert Hunt Trust Estate d/b/a Park Pipe Line.
G–15626	Nelson Bunker Hunt Trust Estate.
G–15627	Estate of William G. Helis.
G–15628	H. L. Hawkins and H. L. Hawkins, Jr.
G–15629	Placid Oil Co.
G–15630	J. R. Frankel et al.
G–15631	Williams Pressure Service.
G–15632	Sun Oil Co. (Operator) et al.
G–15633	Sun Oil Co.
G–15634	James Muslow et al.
G–15635	Gilbert S. Johnson.
G–15636	W. H. Hunt.
G–15637	Haroldson L. Hunt, Jr., Trust Estate.
G–15638	Mrs. Tom J. Moffitt et al.
G–15639	H. W. Perritt.
G–15640	Frank J. Hall (Operator) et al.
G–15641	Pan American Petroleum Corp.
G–15642	Gulf Oil Corp.
G–15643	States Oil Co. et al.
G–15644	Crow Drilling & Producing Co. et al.
G–15645	Maracaibo Oil Exploration Corp. (Operator) et al.
G–15646	Cities Service Reserves, Inc.
G–15647	Cities Service Reserves, Inc. (Operator) et al.
G–15648	The Superior Oil Co.
G–15650	Pan American Petroleum Corp. (Operator) et al.
G–15651	Amerada Petroleum Corp.
G–15652	Amerada Petroleum Corp. (Operator) et al.
G–15653	Cities Service Production Co. (Operator) et al.
G–15655	Placid Oil Co. et al.
G–15656	H. L. Hunt et al.
G–15657	Hunt Oil Co. (Operator) et al.
G–15658	Lamar Hunt.
G–15659	Claude M. Langton, Trustee.
G–15660	J. R. Goff, Trustee.
G–15661	Union Producing Co.
G–15662	Sinclair Oil & Gas Co.
G–15663	Southwest Gas Producing Co., Inc. et al.
G–15664	Southwest Gas Producing Co., Inc.
G–15665	G. H. Vaughn Production Co. (Operator) et al.
G–15666	Spartan Drilling Co. Inc., Agent (Operator) et al.
G–15667	Kerr-McGee Oil Industries, Inc.
G–15668	Kerr-McGee Oil Industries, Inc. (Operator) et al.
G–15669	George Parker et al.
G–15670	Leonard W. Phillips et al.
G–15671	J. R. Butler.
G–15672	Sam Sklar.
G–15673	Sam Sklar, Trustee (Operator) et al.
G–15674	Delta Caribbean Oil Corp.
G–15675	Norman V. Kinsey, Jr.
G–15676	M. B. Chastain et al.
G–15677	General American Oil Co. of Texas.
G–15678	The Atlantic Refining Co.
G–15679	The Atlantic Refining Co. (Operator) et al.
G–15680	Texaco Seaboard, Inc.
G–15681	Wheless Drilling Co. (Operator) et al.
G–15682	General American Oil Co. of Texas (Operator) et al.
G–15683	Humble Oil & Refining Co.
G–15684	Sam Sklar, Trustee.
G–15685	Willard E. Walker.
G–15686	Cuban American Oil Co. (Operator) et al.
G–15687	Humble Oil & Refining Co.
G–15718	Humble Oil & Refining Co.
G–15719	The Atlantic Refining Co.
G–15720	Tidewater Oil Co.
G–15721	Phillips Petroleum Co.
G–15722	Sunray-Midcontinent Oil Co.
G–15723	Socony Mobile Oil Co., Inc.
G–15724	Norton F. Wilson.
G–15725	J. I. Roberts.
G–15726	Harry W. Bass.
G–15727	The Hunter Co., Inc.
G–15728	J. R. Butler & Co. et al.
G–15729	Texas Gulf Producing Co.
G–15730	Continental Oil Co.
G–15731	Robert Mossbacker.
G–15732	M. H. Marr.
G–15733	Hurley Oil & Gas Co. et al.
G–15734	McCalman Drilling Co., Inc. et al.
G–15735	Lee Kinnebrew et al.
G–15737	Monsanto Chemical Co.
G–15738	Henry I. Schober et al.
G–15739	Texaco Seaboard, Inc.
G–15740	D. B. McConnell et al.
G–15741	Rebstock & Reeves Drilling Co.
G–15742	Norman V. Kinsey, Jr. et al.
G–15743	Sun Oil Co.
G–15744	C. H. Lyons, Sr., et al.
G–15745	Union Producing Co.
G–15746	William G. Helis Estate et al.
G–15747	Peterson Petroleum Corp.
G–15748	Trice Production Co.
G–15749	William C. and Theodosia M. Nolan, d/b/a Munoco Co.
G–15750	Sidney G. Myers, Jr. et al.
G–15751	Gulf Oil Corp.
G–15752	Phillips Petroleum Co. (Operator) et al.
G–15753	Maracaibo Oil Exploration Corp. (Operator) et al.
G–15755	Socony Mobile Oil Co., Inc. (Operator) et al.
G–15757	The Hunter Co., Inc. (Operator)
G–15758	General American Oil Co. of Texas (Operator) et al.
G–15759	W. C. Feazel (Operator) et al.
G–15760	Texas Gulf Producing Co. (Operator) et al.
G–15761	Benedum-Trees Oil Co. (Operator) et al.
G–15762	Vanson Production Corp. (Operator) et al.
G–15763	Continental Oil Co. (Operator) et al.
G–15764	Hurley Oil & Gas Co. (Operator) et al.
G–15766	Forrest Oil Corp. (Operator) et al. et al.
G–15767	M. F. McCain (Operator) et al.
G–15768	Sun Oil Co. (Operator) et al.
G–15769	Lyons and Logan (Operator) et al.
G–15770	Trice Production Co. (Operator) et al.
G–15771	Gulf Oil Corp. (Operator) et al.
G–15780	Pan American Petroleum Corp. (Operator) et al.
G–15781	Amerada Petroleum Corp.
G–15782	L. L. Robinson.
G–15783	Lamar Hunt Trust Estate.
G–15784	William Herbert Hunt Trust Estate.
G–15785	Nelson Bunker Hunt Trust Estate.
G–15786	Secure Trusts.
G–15803	Humble Oil & Refining Co.
G–15830	Gulf Oil Corp. (Operator) et al.
G–15831	Gulf Oil Corp.
G–15832	Delta Drilling Co.
G–15833	Union Texas Natural Gas Corp.
G–15834	R. H. Goodrich.
G–15835	Sohio Petroleum Co.
G–15836	The California Co. (Operator) et al.
G–15837	The California Co.
G–15838	Hiawatha Oil & Gas Co.
G–15839	Texas Gulf Producing Co.
G–15840	Plymouth Oil Co.
G–15841	Midwest Oil Corp.
G–15842	Midwest Oil Corp. (Operator) et al.
G–15843	Warren Petroleum Corp.
G–15844	Monsanto Chemical Co.
G–15845	Bert Fields et al.
G–15846	Union Oil Co. of California.
G–15847	Union Oil Co. of California et al.
G–15848	Jefferson Lake Sulphur Co.
G–15849	Morris Rauch et al.
G–15850	Jefferson Lake Sulphur Co. (Operator) et al.
G–15851	Monsanto Chemical Co. (Operator) et al.
G–15852	J. P. Owen (Operator) et al.
G–15853	Sellwood and Myers.
G–15854	Charles B. Wrightsman.
G–15855	Hope Producing Co. (Operator) et al.

Docket No.	Respondent
G–15856	McIntyre Oil Co.
G–15857	Crescent Oil & Gas Corp.
G–15858	Republic Natural Gas Co.
G–15859	Newmont Oil Co.
G–15860	Lyons and Logan et al.
G–15861	Texas Gas Exploration Corp.
G–15862	Paul M. Raigorodsky.
G–15863	Plymouth Oil Co. (Operator) et al.
G–15864	M. Anisman, Trustee.
G–15865	J. R. Butler.
G–15866	J. M. Flaitz and R. B. Mitchell (Operator) et al:
G–15867	Sinclair Oil & Gas Co.
G–15868	The Pure Oil Co.
G–15869	M. H. Marr.
G–15870	Tidewater Oil Co.
G–15871	Bert Fields (Operator) et al.
G–15872	Ted Weiner et al.
G–15873	Trice Production Co.
G–15874	T. L. James & Company Inc. et al.
G–15875	J. I. Roberts.
G–15876	Marshall R. Young et al.
G–15925	Kerr-McGee Oil Industries, Inc.
G–15926	General American Oil Co. of Texas.
G–15927	M. H. Marr.
G–15928	Oil Participations Inc.
G–15929	Petroleum Leaseholds, Inc. et al.
G–15930	Jack W. Grigsby.
G–15931	Crescent Production Co., Inc. et al.
G–15932	Crescent Production Co., Inc.
G–15933	General Crude Oil Co.
G–15934	A. J. Hodges Industries, Inc. (Operator) et al.
G–15935	M. L. Mayfield et al.
G–15936	C. H. Lyons, Sr. et al.
G–15937	J. I. Roberts.
G–15938	P. R. Rutherford.
G–15939	Francis W. Scott.
G–15940	Sinclair Oil & Gas Co.
G–15941	Harway Producers, Inc.
G–15942	John Franks (Operator) et al.
G–15943	Humble Oil & Refining Co.
G–15944	C. H. Lyons, Sr. (Operator) et al.
G–15945	Monsanto Chemical Co. (Operator) et al.
G–15947	Union Texas Natural Gas Corp.
G–15948	D. B. McConnell (Operator) et al.
G–15949	United Carbon Co.
G–15950	F. A. Callery, Inc. (Agent) et al.
G–15951	J. F. Pritchard.
G–15952	Wilber J. Holleman.
G–15953	W. E. Walker and J. R. Meeker.
G–15954	C. A. Hilburn et al.
G–15955	Hurley Oil & Gas Co. et al.
G–15956	F. A. Callery, Inc. et al.
G–15957	F. A. Callery, Inc. (Operator) et al.
G–15958	Sohio Petroleum Co.
G–15959	J. I. Roberts.
G–15960	Pioneer Oil & Gas Co.. Inc. et al.
G–15961	N. L. Adams, Sr. et al.
G–15962	Bateman Drilling Co. (Operator) et al.
G–15963	M. L. Mayfield.
G–15966	J. C. Trahan, Drilling Contractor, Inc.
G–15967	J. C. Trahan, Drilling Contractor, Inc. (Operator) et al.
G–15968	J. C. Trahan (Operator) et al.
G–15969	The Atlantic Refining Co.
G–15970	The British-American Oil Producing Co.
G–15971	Herman Brown.
G–15972	Columbian Carbon Co.
G–15973	James M. Cunningham (Operator) et al.
G–15974	Vernon Elledge and W. E. Hall, Jr.
G–15975	Slick Oil Corp.
G–15976	Delta Drilling Co.
G–16023	Union Texas Natural Gas Corp.
G–16024	Oil Participations Inc.
G–16025	Jones-O'Brien, Inc. et al.
G–16032	Jesse M. Brooks et al.
G–16033	The Atlantic Refining Co.
G–16034	The Atlantic Refining Co. (Operator) et al.
G–16035	Mid-Land Petrochemical Co.
G–16036	The Lincoln-Converse Co.
G–16037	R. S. Barnwell, Jr. (Operator).
G–16038	J. C. Trahan (Operator) et al.
G–16039	The F O Corp.
G–16040	M. Ascher et al.
G–16041	Sunray Mid-Continent Oil Co. (Operator) et al.
G–16042	Petroleum Leaseholds Inc. (Operator) et al.
G–16043	Vincent & Welch Inc. (Operator) et al.
G–16044	Vincent & Welch Inc. et al.
G–16045	J. S. Rushing.
G–16046	M. P. O'Meara et al.
G–16047	Rycade Oil Corp.
G–16048	Austin E. Stewart et al.
G–16049	Carter-Jones Drilling Co.
G–16050	A. J. Hodges Industries Inc.
G–16051	T. L. James & Co. Inc.
G–16052	Hudson Gas & Oil Corp., et al.
G–16053	Sunray Mid-Continent Oil Co.
G–16055	Harway Producers Inc.
G–16057	Eulalie M. Nobles et al.
G–16058	Cuban American Oil Co.
G–16059	Joseph M. Jones (Operator) et al.
G–16060	Sohio Petroleum Co.
G–16061	W. H. Cocke.
G–16062	Crescent Oil & Gas Corp.
G–16063	H. S. Cole, Jr. et al.
G–16064	J. Ray McDermott & Co., Inc.
G–16065	Pan American Petroleum Corp.
G–16066	Pan American Petroleum Corp.
G–16067	Pan American Petroleum Corp. (Operator) et al.
G–16068	F. A. Callery, Inc. et al.
G–16069	F. A. Callery, Inc. (Agent) et al.
G–16070	F. A. Callery, Inc. et al.
G–16071	Mar-Tex Oil & Gas Co., et al.
G–16072	Howell & Howell (Operator) et al.
G–16074	Union Oil Co. of California (Operator).
G–16075	United Carbon Co.
G–16076	The Atlantic Refining Co.
G–16077	Cheyenne Oil Corp. of Delaware (Operator) et al.
G–16079	C. H. Lyons, Sr. et al.
G–16115	Warren Petroleum Corp.
G–16116	Harold L. Woods et al.
G–16121	Southwest Natural Production Co.
G–16129	Marshall R. Young (Operator) et al.
G–16181	Norman V. Kinsey Jr. et al.
G–16182	Amerada Petroleum Corp.
G–16184	J. I. Roberts.
G–16185	J. I. Roberts.
G–16186	J. I. Roberts.
G–16239	H. L. Hawkins & H. L. Hawkins, Jr.
G–16241	Mound Co. et al.
G–16242	Nicklos Oil & Gas Co. et al.
G–16243	Midwest Oil Corp.
G–16244	H. T. Shalett and David Crow.
G–16245	Walter Duncan.
G–16246	Walter Duncan (Operator) et al.
G–16248	J. R. Frankel et al.
G–16250	Southwest Gas Producing Co. Inc. et al.
G–16252	The Ohio Oil Co. (Operator) et al.
G–16318	Nelson Bunker Hunt Trust Estate.
G–16319	William Herbert Hunt Trust Estate.
G–16320	Lamar Hunt Trust Estate.
G–16321	General American Oil Co. of Texas (Operator) et al.
G–16322	General American Oil Co. of Texas.
G–16323	Murphy Corp. (Operator) et al.
G–16324	Harway Producers, Inc.
G–16325	Crescent Production Co., Inc.
G–16326	Haroldson L. Hunt, Jr., Trust Estate.
G–16327	Hunt Oil Co.
G–16328	Murphy Corp., et al.
G–16329	Southwest Natural Production Co.
G–16334	Gulf Oil Corp.
G–16335	The Superior Oil Co.
G–16336	Union Producing Co.
G–16338	Monsanto Chemical Co.
G–16340	James A. Hunter.
G–16341	Placid Oil Co. (Operator) et al.
G–16342	Sunnyland Contracting Co., Inc.
G–16343	George C. McGhee (Operator) et al.
G–16407	Southwest Natural Production Co.
G–16409	Crescent Production Co., Inc., et al.
G–16411	Crescent Production Co., Inc., et al.
G–16412	The Atlantic Refining Co.
G–16427	Wheless Drilling Co., (Operator) et al.
G–16470	Max Pray (Operator) et al.
G–16473	Virginia Abney Whelan.
G–16474	Mrs. H. Louise Herrington.
G–16475	R. R. Frankel.
G–16488	United Carbon Co.
G–16489	Sunray Mid-Continent Oil Co.
G–16491	Republic Natural Gas Co.
G–16590	Gas Gathering Corp.
G–16591	Socony Mobil Oil Co., Inc. (Operator) et al.
G–16604	Lamar Hunt Trust Estate.
G–16605	William Herbert Hunt Trust Estate.
G–16605	William Herbert Hunt Trust Estate.
G–16607	Lamar Hunt.
G–16608	Rayville Natural Gas Co., Inc., (Operator) et al.
G–16609	Midwest Oil Corp.
G–16681	Nelson Bunker Hunt Trust Estate.
G–16694	M. Ascher et al.
G–16724	Sinclair Oil & Gas Co.
G–16728	Walter Duncan (Operator) et al.
G–16798	M. H. Marr.
G–16805	The Pure Oil Co.
G–16886	H. L. Hawkins and H. L. Hawkins, Jr.
G–16892	Simon Herold et al.
G–16893	Humble Oil & Refining Co. (Operator) et al.
G–16897	Republic Natural Gas Co.
G–16898	Gulf Oil Corp., (Operator) et al.
G–17773	Crescent Drilling Co., Inc.

[F.R. Doc. 61–10783; Filed, Nov. 13, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 813–22]

I.B.T., INC.

Notice of Filing of Application for Exemption of Closed-End Investment Company

NOVEMBER 6, 1961

Notice is hereby given that I.B.T., Inc., Winston-Salem, N.C., a corporation organized under the laws of the State of North Carolina, has filed an application pursuant to section 6(d) of the Investment Company Act of 1940 ("Act") and Rule 6d–1 thereunder, for an order of the Commission exempting it from the provisions of the Act. I.B.T., Inc. has agreed that it will accept and be subject to any specified provisions of the Act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

I.B.T., Inc. is a closed-end, non-diversified management company as defined in the Act and was organized on July 13, 1961. Its authorized capital consists of 100,000 shares of $1 par value common stock. Applicant has issued no shares and has no securities outstanding. It proposes to offer 20,000 shares of capital stock solely to residents of the State of North Carolina at an offering price of $4 per share, or an aggregate of $80,000, less an underwriting discount of 10 percent to net applicant $72,000.

Applicant proposes to confine its investments principally to primary and secondary offerings of common stocks or similar vehicles of equity capital and in special equity situations with emphasis being placed on long-term capital appreciation. Investments will not generally be made in bonds or preferred stocks unless they are convertible into common equities.

Section 6(d) of the Act provides, in substance, that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the Act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6(e) of the Act provides that if, in connection with any order exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exceptions be granted Applicant from the following provisions of the Act and the respective rules and regulations promulgated under each of such provisions and that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the Act and rules thereunder as though Applicant were a registered investment company:

Section 7; section 8(b), except the requirements to file the information required by Items 3, 4 and 5 of Form N–8B–1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20(a); section 23(c); section 24(d) insofar as such section makes inapplicable the provisions of section 3(a)(11) of the Securities Act of 1933 to any securities of a registered investment company; section 30(a); section 30(b), except that applicant shall, pursuant to section 30(b)(2), file with the Commission copies of all reports sent to stockholders pursuant to section 30(d), of which the annual report to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30(e); section 30(f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32(a); provided, that the Applicant shall continue to comply with the provisions of sections 6(d)(1) and 6(d)(2) of the Act and shall at all times maintain its classification as a closed-end company as defined in section 5(a)(2) of the Act.

Notice is further given that any interested person may not later than November 20, 1961, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10814; Filed, Nov. 13, 1961; 8:48 a.m.]

[File No. 812–1402]

IOWA INTERESTS CORP.

Notice of Filing of Application

NOVEMBER 7, 1961.

Notice is hereby given that Iowa Interests Corporation, of Des Moines, Iowa, a corporation organized and existing under the laws of the State of Delaware, and a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act its proposed consolidation and merger with International Bank. All interested persons are referred to the application on file with the Commission for a complete statement thereof.

Iowa Interests is a holding company whose only significant assets consist of 10,000 shares (100 percent) of the common stock of Hawkeye Interests Corporation, 10,000 shares (100 percent) of the common stock of United Interests Corporation, and $1,400,000 principal amount of 5 percent convertible debentures of International Bank. In turn, Hawkeye Interests owns 16,000 shares (36.4 percent) of the common stock of Hawkeye-Security Insurance Company, and United Interests owns 40,000 shares (5 percent) of the common stock of United Services Life Insurance Company, such holdings constituting the only significant assets of Hawkeye Interests and United Interests, respectively.

International Bank is a corporation organized and existing under the laws of the State of Arizona, with its principal office and place of business in Washington, D.C. It has filed an application, which is currently the subject of proceedings before the Commission, for an order pursuant to section 3(b)(2) of the Act declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly, or through majority-owned subsidiaries, or through controlled companies conducting similar types of business (File No. 812–1372). Pending the determination of such latter application, the Commission issued an order pursuant to sections 6(c) and 6(e) of the Act which, among other things, made certain provisions of the Act, including section 17 thereof, applicable as though International Bank were a registered investment company (Investment Company Act Release No. 3297, July 24, 1961).

International Bank owns 26,000 shares of the common stock of Iowa Interests and $1,120,000 principal amount of 5 percent debentures of Iowa Interests, such ownership representing 50 percent of each class of the latter corporation's issued and outstanding securities. Certain affiliated persons of International Bank own additional beneficial interests in Iowa Interests.

It is proposed that Iowa Interests and International Bank be consolidated and merged, with International Bank as the surviving corporation. International Bank will cancel its holdings of Iowa Interests common stock and debentures. In return, International Bank will receive 100 percent of the stock of Hawkeye Interests, 100 percent of the stock of United Interests, and $1,400,000 principal amount of International Bank 5 percent covertible debentures, which debentures will be cancelled. International Bank will then issue 647,225 shares of original issue common stock to the security-holders of Iowa Interests other than International Bank in exchange for and in cancellation of their holdings in Iowa Interests, with 16.5712 shares of International Bank stock to be given for each share of Iowa Interests stock, and with 16.36 shares of International Bank stock to be given for each $100 principal amount of Iowa Interests debentures, all computed to the nearest even share.

It is stated that the respective boards of directors of the two corporations determined the valuation of the securities involved and their ratio of exchange in the following manner:

(1) As to the Hawkeye Interests stock, by an appraisal of Hawkeye-Security stock as of December 31, 1959 made by Alfred M. Best Company, Inc., which appraisal indicated an equity or net asset value of $125.40 per share of Hawkeye-Security;

(2) As to the United Interests stock, by the market value of United Services stock during November, 1960: $54.6125 per share (at which time, prior to a 33⅓ percent stock dividend paid on May 26, 1961, United Interests owned 90,000 shares of United Services stock);

(3) As to the International Bank 5 percent convertible debentures, by the market value of International Bank common stock receivable upon conversion thereof;

(4) As to the International Bank common stock, by the market value of such stock during November, 1960: $6.1125 per share;

(5) For purposes of (2), (3) and (4) supra, "market value" was determined by striking a mean between bid and asked quotations in the over-the-counter market during November, 1960.

It is represented that the basis for purposes of Federal income taxation of Hawkeye Interests stock owned by Iowa Interests is $493,027.79, and that that of United Interests stock owned by Iowa Interests is $123,000. In the opinion of counsel to Iowa Interests, the consolidation would not result in the recognition of capital gain or loss to Iowa Interests, International Bank, or the stockholders of either corporation. The surviving corporation, International Bank, would use as its basis for the stock of Hawkeye Interests and United Interests the same basis that such stock had in the hands of Iowa Interests.

It is further represented that informal negotiations between the officers of Iowa Interests and International Bank in December, 1960 resulted in tentative agreement as to the terms of the consolidation agreement to be submitted to the respective boards of directors. The board of directors of Iowa Interests entered into the consolidation agreement on March 1, 1961, and the shareholders of Iowa Interests unanimously consented thereto on May 23, 1961. It is similarly represented that the board of directors of International Bank on December 13, 1960 authorized the submission of the instant application, and on April 6, 1961 authorized the execution of the consolidation agreement, which agreement (dated April 18, 1961) was duly adopted by vote of International Bank shareholders on May 23, 1961.

Certain information is submitted as to valuations per share of the common stock of International Bank and United Services (the mean of bid and asked quotations in the over-the-counter market), and as to appraised valuation per share of the common stock of Hawkeye-Security, as follows:

Date	Int'l Bank	United Services	Hawkeye-Security
Oct. 31, 1960	$6.625	$56.50	[1] $135.55
Nov. 1–30, 1960	6.1125	54.6125	[2]
Dec. 31, 1960	5	60.50	[1] 141.78
Apr. 8, 1961	5.625	113	[2]
June 30, 1961	5.50	97	[3] 213.92
Aug. 31, 1961	7.625	128	[2]

[1] Denotes appraisal by William L. Cobb, president of Iowa Interests, made in accordance with formula used by Alfred M. Best Co., Inc.
[2] Not available.
[3] Denotes appraisal by Alfred M. Best Co., Inc.

It appears that the ratio of exchange provided for an approximate equivalence in value of the securities to be acquired by International Bank and those to be issued by it as a result of the proposed transaction, based upon the valuations stated to have been employed in the negotiations, if no effect be given to the assumption by International Bank of a potential Federal capital gains tax liability on the unrealized appreciation inherent in the securities to be acquired by it. It further appears that subsequent market developments, in accordance with the valuation information submitted, have resulted in a significant disparity in value, International Bank benefiting under the ratio of exchange to the extent of such disparity.

Section 17(a) of the Act, as here pertinent, prohibits certain transactions between a registered investment company and affiliated persons thereof. The affiliations of the several parties to the proposed consolidation are such as to cause it to be prohibited thereby. Under section 17(b) of the Act, the Commission shall grant an application for exemption of a proposed transaction from the provisions of section 17(a) if it finds that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned; and that it is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 24, 1961 at 12:00 noon, submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered that the Secretary of the Commission shall give notice of the filing of this application by mailing copies of this notice by registered mail to Iowa Interests Corporation and to International Bank, and that Iowa Interests Corporation shall cause a copy of this notice to be mailed on or before November 11, 1961 to each of its security holders (insofar as the identity of such security holders is known or available to it) at his last known address.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10815; Filed, Nov. 13, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page
PROCLAMATIONS:
3438 — 10203
EXECUTIVE ORDERS:
6541 — 10638
6681 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469
10974 — 10585
10975 — 10629
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, Oct. 18, 1961 — 10543

5 CFR
6 — 10204, 10267, 10447, 10544
24 — 10447
25 — 10544

5 CFR—Continued — Page
201 — 10503
202 — 10503

6 CFR
70 — 10267
305 — 10267
390 — 10267
421 — 10546
427 — 10546
482 — 10586

7 CFR
201 — 10471
401 — 10630
403 — 10630
711 — 10204
717 — 10208
723 — 10471, 10503
727 — 10504
729 — 10209
730 — 10336
813 — 10547
847 — 10214
855 — 10268
857 — 10505

7 CFR—Continued — Page
864 — 10270
873 — 10272
914 — 10423, 10586
922 — 10214
927 — 10632
933 — 10337, 10423–10425
942 — 10425
943 — 10214
953 — 10425, 10586
973 — 10215
994 — 10216
1001 — 10587
1013 — 10507
1014 — 10472
1017 — 10426
1031 — 10338
1069 — 10587
1070 — 10632
1071 — 10426
PROPOSED RULES:
301 — 10571
728 — 10484, 10596
900—1072 — 10286, 10516
906 — 10298

7 CFR—Continued Page

PROPOSED RULES—Continued
905 10307, 10485
918 10307
925 10486
927 10597
939 10296
943 10236
947 10360
986 10298
1024 10597
1026 10516

8 CFR

PROPOSED RULES:
252 10358
253 10358

9 CFR

74 10223
83 10338

PROPOSED RULES:
131 10358

10 CFR

30 10472

PROPOSED RULES:
30 10487

12 CFR

262 10340

PROPOSED RULES:
563 10239

13 CFR

121 10633, 10634

14 CFR

18 10473
507 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
600 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635
601 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636
602 10590, 10635
608 10342, 10636
609 10430, 10436

PROPOSED RULES:
24 10571
60 10307
227 10238
302 10307, 10641
507 10362, 10571
600 10451, 10520, 10602
601 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605
608 10451, 10520

16 CFR

13 10363, 10445, 10476, 10508, 10548, 10637
301 10446

17 CFR

275 10548

PROPOSED RULES:
275 10607

18 CFR

2 10342

19 CFR

3 10508
4 10508
14 10476

20 CFR

25 10509
404 10226

21 CFR Page

17 10550
120 10228, 10550, 10551
121 10228, 10343, 10476, 10590
146 10228

PROPOSED RULES:
1 10601
17 10362
120 10487, 10640
121 10362, 10452

24 CFR

202a 10229
203 10229
207 10229
213 10229
220 10230
221 10230
232 10230
603 10231
608 10231
611 10231
702 10231
803 10231
903 10231

25 CFR

31 10637
141 10232

PROPOSED RULES:
34 10640
221 10516

26 CFR

1 10275, 10477

PROPOSED RULES:
1 10283, 10449, 10450, 10483
48 10593
252 10484

28 CFR

21 10232

29 CFR

601 10275
780 10377
793 10275

32 CFR

507 10509
590 10553
591 10553
592 10553
595 10553
596 10553
597 10553
598 10553
599 10553
600 10553
601 10553
602 10553
605 10553
606 10553
737 10353
739 10353
765 10591

33 CFR

3 10343
67 10343
203 10445
204 10278

35 CFR

4 10353

CANAL ZONE ORDERS:
58 10353

36 CFR Page

6 10638

PROPOSED RULES:
7 10600

38 CFR

3 10551, 10552
13 10232
21 10278, 10478

39 CFR

96 10510

41 CFR

1–5 10509
5–1 10354
50–202 10354

PROPOSED RULES:
50–202 10517

42 CFR

73 10355

43 CFR

221 10479

PROPOSED RULES:
257 10285

PUBLIC LAND ORDERS:
73 10632
1071 10356
2460 10356
2526 10279
2527 10356
2528 10356
2529 10356
2530 10427
2531 10480
2532 10480
2533 10480
2534 10568
2535 10589
2536 10638

45 CFR

212 10481

46 CFR

PROPOSED RULES:
201 10601
206 10601
221 10601
298 10601
299 10601
502 10520

47 CFR

1 10279, 10280, 10447
3 10280
7 10591
8 10591
10 10569
14 10591
15 10281
18 10281, 10591

PROPOSED RULES:
3 10239, 10572, 10606
10 10573
12 10240

49 CFR

PROPOSED RULES:
73 10572
176 10240

50 CFR

32 10233, 10234, 10282, 10638
33 10234, 10235

PROPOSED RULES:
215 10640

NOV 17 1961
MAIN READING ROOM

Pages 10653–10720

FEDERAL REGISTER

VOLUME 26 NUMBER 220

Washington, Wednesday, November 15, 1961

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Dates; importation 10689
Filberts grown in Oregon and Washington; expenses and assessment rate, 1961–62 fiscal year 10688
Walnuts grown in California, Oregon, and Washington; expenses and rates of assessment, 1961–62 marketing year 10688

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Domestic beet sugar area; 1962 sugar quota; proposed allotment 10691
Milk in Rio Grande Valley marketing area; notice of hearing on proposed marketing agreement and order 10691

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Civil Aeronautics Board

NOTICES:
Tooico-Northeast control case; order on request for relief 10705

Commodity Credit Corporation

RULES AND REGULATIONS:
Almonds; 1961 surplus price support program 10686

Federal Aviation Agency

PROPOSED RULE MAKING:
Operation of moored balloons, kites, unmanned free balloons, rockets and missiles; notice of public hearing 10701
Proposed recodification of Agency regulations 10698

Federal Communications Commission

NOTICES:
Hearings, etc.:
Ceracche & Co., Inc. 10706
Community Service Broadcasters, Inc., et al 10706
Higson-Frank Radio Enterprises and S B B Corp 10707
M & M Telecasters et al 10707
Kent-Ravenna Broadcasting Co. et al 10707
Rounsaville of Miami Beach, Inc. (WFUN) 10707
YBOR City Broadcasting Co. and Johnson Broadcasting Corp 10707

PROPOSED RULE MAKING:
Frequency allocations and radio treaty matters; Geneva (1959) radio regulations 10701

RULES AND REGULATIONS:
Frequency allocations and radio treaty matters; Geneva (1959) radio regulations 10655

Federal Power Commission

NOTICES:
Hearings, etc.:
Iowa Southern Utilities Co. 10707
Shamrock Oil and Gas Corp. 10708
Texas Gas Transmission Corp. 10708
Village of Louisville, Ill. 10709

Federal Reserve System

NOTICES:
Marine Corp.; notice of application for approval of acquisition of shares of bank 10709

Federal Trade Commission

RULES AND REGULATIONS:
Larry Levine, Inc., and Levine, Lawrence; prohibited trade practices 10690

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; notice of filing of petition 10698

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Fourth section application for relief 10717
Motor carrier:
Alternate route deviation notices 10711
Applications and certain other proceedings 10712
Transfer proceedings 10717

Land Management Bureau

NOTICES:
Utah; notice of filing of protraction diagrams 10705

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Multnomah Canadian Fund, Ltd. 10710
Ohio Franklin Fund, Inc. 10710
Savings Bank Investment Fund 10711

Small Business Administration

NOTICES:
Branch Counsel, Baltimore, Maryland; delegation relating to legal functions 10719
Chief, Financial Assistance Division; delegation relating to financial assistance and administrative functions 10718
Deputy Regional Director, Dallas, Texas; delegation relating to financial assistance, investment, procurement and technical assistance, and administrative functions 10717

(Continued on next page)

Small Business Administration—Continued

NOTICES—Continued
Manager, Disaster Field Office, Cameron, Louisiana; rescission of delegation of authority 10719
Manager, Disaster Field Office, Lafayette, Louisiana; rescission of delegation of authority 10719
Manager, Disaster Field Office, Texas City, Texas; delegation relating to financial assistance and administrative functions 10719
PROPOSED RULE MAKING:
Small business investment companies; miscellaneous amendments 10702

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

6 CFR
423 10686

7 CFR
984 10688
997 10688
1073 10689
PROPOSED RULES:
813 10691
1138 10691

13 CFR
PROPOSED RULES:
107 10702

14 CFR
PROPOSED RULES:
1—190 10698
48 10701
401—635 10698

16 CFR
13 10690

21 CFR
PROPOSED RULES:
121 10698

47 CFR
2 10655
PROPOSED RULES:
2 10701

1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13928 etc.; FCC 61-1235]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Second Memorandum Opinion and Order

In the matter of amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations to align that Part with the Geneva (1959) Radio Regulations to the extent practicable, Docket No. 13928; allocation of frequencies, amendment of Part 2 of the Commission's rules and regulations, Docket No. 12404; petition filed by Lorac Service Corporation, Tulsa, Oklahoma, May 1, 1959, RM-116; petition filed by Hastings-Raydist, Inc., Hampton, Virginia, September 22, 1959, RM-139.

1. On January 25, 1961, the Commission adopted a notice of proposed rule making to align, insofar as practicable, Subparts A and B of Part 2 of the Commission's rules and regulations with the Geneva (1959) Radio Regulations, contingent upon ratification by the President. Upon receipt of the advice and consent of the Senate, the regulations were so ratified on October 4, 1961. This notice appeared in the FEDERAL REGISTER of February 22, 1961 (26 F.R. 1499). The dates for filing comments and reply comments with respect to this matter were listed in the notice as February 28, 1961, and March 10, 1961, respectively, but were extended by Commission order on its own motion and appeared in the above-mentioned FEDERAL REGISTER as March 14, 1961, and March 24, 1961, respectively. An order denying further additional time for filing comments was released by the Commission on March 8, 1961. A memorandum opinion and order, which scheduled an oral hearing with respect to the proposed ultimate disposition of airborne doppler radars in the 8750–8850 Mc/s band, was adopted by the Commission on June 21, 1961, and published in the FEDERAL REGISTER on June 29, 1961 (26 F.R. 5838).

2. Timely comments with respect to this notice of proposed rule making were received from Aeronautical Radio, Inc. (ARINC); Aerospace Flight Test Radio Coordinating Council (AFTRCC); Air Transport Association (ATA); Aircraft Owners and Pilots Association (AOPA); American Waterways Operators, Inc.; Associated Universities, Inc. (AUI); Association of American Railroads (AAR); Bendix Aviation Corporation; Central Railroad Company of New Jersey; Chicago Rock Island and Pacific Railroad Company; Collins Radio Company; GPL Division-General Precision, Inc. (GPL); General Railway Signal Company; Hastings-Raydist, Inc.; National Academy of Sciences; and New York Central Railroad Company (NYC).

3. The comments of ARINC, ATA, Collins Radio Company, GPL, and Bendix Aviation Corporation protested the proposed continuation of the temporary status of the 8750–8850 Mc/s band allocation to airborne doppler radars, embodied in footnote US120 (proposed US53) to the Part 2 Table of Frequency Allocations. The Commission is issuing concurrently herewith a further notice of proposed rule making in this docket eliciting public comment on a modified proposal with respect to this subject.

4. The comments of General Railway Signal Company, AAR, NYC, Central Railroad Company of New Jersey, and Chicago, Rock Island and Pacific Railroad Company objected to the proposal in this Docket and in Dockets Nos. 11959 and 13824 which specified May 1, 1961 as the terminal date for stations in the Railroad Radio Service operating on 161.61 Mc/s. An Eighth and Final Memorandum Report and Order in Docket 11959, adopted by the Commission on May 17, 1961 and published in the FEDERAL REGISTER May 25, 1961 (26 F.R. 4519), and a Report and Order in Docket 13824, also adopted by the Commission on May 17, 1961 and published in the FEDERAL REGISTER May 25, 1961 (26 F.R. 4523), amended Parts 2 and 16, respectively, to permit the continued authorization of those Railroad Radio Service stations authorized as of April 1, 1958, to operate on 161.61 Mc/s on the condition that harmful interference will not be caused to the operation of any station in the maritime mobile service. With respect to this matter, the subject Second Memorandum Opinion and Order merely reflects the amendment already incorporated into Part 2.

5. The AFTRCC comments noted that footnote US78 to the proposed Part 2 Table of Frequency Allocations does not appear to provide for the use of flight test telemetry (in the band 1435–1535 Mc/s) to secure data from a satellite in space which is not intended to return to earth. The proposals herein were not intended to make adequate provision for space communications and footnote US78 does not contemplate the use of flight test telemetry for obtaining data from objects launched into space beyond the influence of the earth. In this connection, the Commission adopted a Second Notice of Inquiry in Docket 13522 on May 17, 1961, published in the FEDERAL REGISTER June 3, 1961 (26 F.R. 4951), to which was attached a draft of the preliminary views of the U.S.A. with respect to frequency allocations for space communications. The draft outlines a plan for the eventual provision of many frequency bands, on a world-wide basis, for space communications, including telemetry and augmentation of the space research bands contained in the Geneva (1959) Radio Regulations.

6. The remaining comments received in reseponse to the initial notice of proposed rulemaking were general in nature within the scope of each respondent's interest and stated no objection to implementation of the proposals herein.

7. Hastings-Raydist, Inc. filed a petition (RM-139) with the Commission on September 22, 1959 to amend Parts 2, 11, and 20 of the Commission's rules to permit the use of frequencies in the 1605–1800 kc/s and 3300–3310 kc/s band for radiolocation operations. Lorac Service Corporation filed a petition (RM-116) with the Commission on May 1, 1959 to amend Parts 2 and 11 of the Commission's rules of permit use of the 1605–1715 kc/s band by radiopositioning stations. The rulemaking herein has the effect of granting the Lorac petition and granting the Hastings-Raydist petition in part, insofar as Part 2 is concerned, in that the Table of Frequency Allocations is hereby amended to include the Radiolocation Service in the band 1605–1800 kc/s. (Footnote NG21 to the present Part 2 Table of Frequency Allocations permits restricted use of the 1750–1800 kc/s band by certain stations in the Radiolocation Service.) The remaining portions of the Hastings-Raydist petition not acted upon in this proceeding will be considered by the Commission in subsequent actions. Incidentally, the rulemaking herein also makes the bands 70–90 kc/s and 110–130 kc/s available to the Radiolocation Service within the framework of the Table of Frequency Allocations.

8. Part 2 amendments in Appendix I below include many editorial changes and corrections to the Appendix to the notice of proposed rule making in this Docket. The more significant of these changes includes the moving of many footnote designators to more appropriate columns in the Table of Frequency Allocations and use of the terms kc/s, Mc/s, and Gc/s in lieu of kc, Mc, and Gc to denote kilocycles per second, megacycles per second, and gigacycles per second, respectively, in Subparts A and B of Part 2. This method of expressing frequencies and bands is in consonance with the Geneva (1959) Radio Regulations and international practice. Most US and NG footnote numbers are hereby changed from those used in the present Part 2 Table of Frequency Allocations in order to fill in gaps and provide a consecutive numbering system. Appendix II below is a cross reference list of old and new US and NG footnote numbers used in Subpart B of Part 2.

9. Appendix I below includes all amendments to Subparts A and B of Part 2 which have been adopted by the Commission in other rule-making proceedings since the notice of proposed rule making in this Docket was issued.

10. Inasmuch as all outstanding proposals in Docket No. 12404 were incorporated into Docket 13928, the proceedings in Docket 12404 are hereby terminated.

11. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered and, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

12. *It is ordered*, That Subparts A and B of Part 2 of the Commission's Rules and Regulations, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, are amended, effective December 1, 1961, as set forth in the attached Appendix I.

13. *It is further ordered*, That the petition of Lorac Service Corporation (RM-116) is granted and the petition of Hastings-Raydist, Inc. is granted in part, as described in paragraph 7 of this document.

14. *It is further ordered*, That the proceedings in Docket No. 12404 are terminated.

Adopted: October 18, 1961.

Released: October 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX I

Subparts A and B of Part 2 of the Commission's rules and regulations and the table of contents thereto are revised to read as follows:

Subpart A—Definitions

Sec.
2.1 Definitions.

Subpart B—Allocation, Assignment and Use of Radio Frequencies

2.100 International regulations in force.
2.101 Nomenclature of frequencies.
2.102 Assignment of frequencies.
2.103 Government use of non-Government frequencies.
2.104 Application of the table of frequency allocations.
2.105 Format of the table of frequency allocations.
2.106 Table of frequency allocations.

AUTHORITY: §§ 2.1 to 2.106 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

Subpart A—Definitions

§ 2.1 Definitions.

The following definitions are issued:

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications with private aircraft stations.

Aeronautical fixed service. A fixed service intended for the transmission of information relating to air navigation, preparation for and safety of flight.

Aeronautical fixed station. A station in the aeronautical fixed service.

Aeronautical mobile service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft may also participate.

Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.

Aeronautical search and rescue mobile station. A mobile station used for communication with aircraft engaged in search and rescue operations.

Aeronautical station. A land station in the aeronautical mobile service. In certain instances an aeronautical station may be placed on board a ship.

Aeronautical telemetering land station. A telemetering land station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical telemetering mobile station. A telemetering mobile station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical utility land station. A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

Aeronautical utility mobile station. A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

Aircarrier aircraft station. An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

Aircraft station. A mobile station in the aeronautical mobile service on board an aircraft.

Airdrome control station. An aeronautical station providing communication between an airdrome control tower and aircraft.

Amateur service. A service of self-training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur station. A station in the amateur service.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

Aviation services. Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Baseband. In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

Broadcasting service. A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmissions.

Broadcasting station. A station in the broadcasting service.

Carrier. In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which, when combined with the side bands in a suitable detector, produces the modulating wave.

Carrier frequency. The frequency of the carrier.

Citizens radio service. A radiocommunication service of fixed, land, and mobile stations intended for personal or business radiocommunications, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited.

Civil Air Patrol land station. A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol mobile station. A mobile station used exclusively for communications of the Civil Air Patrol.

Coast station. A land station in the maritime mobile service.

Common carrier fixed station. A fixed station open to public correspondence.

Disaster communications service. A service of fixed, land, and mobile stations licensed or authorized to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunications originating and terminating solely at points all of which lie within: (a) the State of Alaska, or (b) the State of Hawaii, or (c) the contiguous 48 states and the District of Columbia, or (d) a single possession of the United States. Generally, in cases where service is afforded on frequencies above 72 Mc/s, radiocommunications between the contiguous 48 States (including the District of Columbia) and Canada or Mexico, or radiocommunications between the State of Alaska and Canada, are deemed to be in the domestic fixed public service.

Domestic fixed public station. A fixed station in the domestic fixed public service.

Domestic public radiocommunication services. The land mobile and domestic fixed public services the stations of which are open to public correspondence.

Duplex operation. Operating method in which transmission is possible simultaneously in both directions.

Earth-space service. A radiocommunication service between earth stations and space stations.

Earth station. A station in the earth-space service located either on the earth's surface or on an object which is limited to flight between points on the earth's surface.

Experimental station. A station utilizing radio waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

Facsimile. A system of telecommunication for the transmission of fixed images, with or without half-tones, with a view to their reproduction in a permanent form.

Facsimile broadcasting station. A broadcasting station utilizing facsimile primarily.

Fixed public control service. A fixed service carried on for the purpose of transmitting intelligence between transmitting or receiving stations in the public radiocommunication services and the message centers or control points associated therewith.

Fixed service. A service of radiocommunication between specified fixed points.

Fixed station. A station in the fixed service.

Flight test station. An aeronautical station used for the transmission of essential communications in connection with the testing of aircraft or major components of aircraft: *Provided, however*, flight test stations, when operating on the frequency 3281 kc/s, are designated as land stations, only with respect to operation on the frequency 3281 kc/s.

Flying school station. An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

FM broadcast STL station. A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

FM broadcasting station. A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing F9 emissions.

FM inter-city relay station. A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

Gc/s (gigacycle per second). A gigacycle per second (Gc/s) means one thousand megacycles.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

Industrial radio services. Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently, the radio transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

Industrial, scientific and medical equipment (ISM equipment). Devices which use radio waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

Instrument landing system. A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing.

Instrument landing system glide path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent.

Instrument landing system localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway.

International broadcasting station. A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kc/s and 26100 kc/s, whose transmissions are intended to be received directly by the general public in foreign countries.

International control station. A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

International fixed public radio service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 states (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 states (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be in the international fixed public radiocommunication service; provided, however, that communications solely between Alaska, or any one of the contiguous 48 states (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 Mc/s.

International fixed public station. A fixed station in the international fixed public radio service.

Interzone station. A fixed station in the public safety (police) radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

Ionospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the ionization of the ionosphere.

Kc/s (kilocycle per second). A kilocycle per second (kc/s) means one thousand cycles per second.

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile station. A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land station. A station in the mobile service not intended to be used while in motion.

Land transportation radio service. Any private service of radiocommunication essential to the conduct of certain land transportation activities and operated for the use of persons engaged in those activities, the transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

Localizer station. A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway centerline.

Loran station. A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

Marine radiobeacon station. A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

Maritime mobile service. A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate.

Maritime radionavigation service. A radionavigation service intended for the benefit of ships.

Marker beacon. A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft.

Mc/s (megacycle per second). A megacycle per second (Mc/s) means one thousand kilocycles.

Meteorological aids service. A radiocommunication service used for meteorological, including hydrological, observations and exploration.

Mobile, except television pickup, station. Any mobile station other than a television pickup station.

Mobile service. A service of radio communication between mobile and land stations, or between mobile stations.

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points.

Modulation. The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

Omni-directional range station. A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing

(omni-bearing) of that station from an aircraft.

Operational fixed station. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation service.

Port operations. Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and safety of ships and, in emergency, to the safety of persons.

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

Private aircraft station. An aircraft station on board an aircraft not operated as an air carrier.

Public correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Public safety radio service. Any service of radiocommunication essential either to the discharge of non-Federal governmental functions or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, mobile, or radiolocation stations.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station. A radionavigation land station which employs a racon.

Radar. A radiodetermination system based on comparison of reference signals with radio signals reflected or retransmitted, from the position to be determined.

Radio. A general term applied to the use of radio waves.

Radio altimeter. A radionavigation equipment, on board an aircraft, which makes use of the reflection of radio waves from the ground to determine the height of the aircraft above the ground.

Radio astronomy. Astronomy based on the reception of radio waves of cosmic origin.

Radio astronomy service. A service involving the use of radio astronomy.

Radiobeacon station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to the radiobeacon station.

Radiocommunication. Telecommunication by means of radio waves.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

Radiodetermination service. A service involving the use of radiodetermination.

Radiodetermination station. A station in the radiodetermination service.

Radio direction-finding. Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

Radio direction-finding station. A radiodetermination station using radio direction-finding.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radiolocation land station. A station in the radiolocation service not intended to be used while in motion.

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

Radiolocation service. A radiodetermination service involving the use of radiolocation.

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radionavigation land station. A station in the radionavigation service not intended to be used while in motion.

Radionavigation mobile station. A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radionavigation service. A radiodetermination service involving the use of radionavigation.

Radio range station. A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, and which transmits meteorological data.

Radiosonde station. A station in the meteorological aids service employing a radiosonde.

Radio waves (or Hertzian waves). Electromagnetic waves of frequencies lower than 3,000 Gc/s [3,000,000 Mc/s], propagated in space without artificial guide.

Remote pickup broadcast base station. A base station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Remote pickup broadcast mobile station. A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Safety service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

Ship station. A mobile station in the maritime mobile service located on board a vessel, other than a survival craft, which is not permanently moored.

Simplex operation. Operating method in which transmission is made possible alternately in each direction, for example, by means of manual control.

Space service. A radiocommunication service between space stations.

Space station. A station in the earth-space service or the space service located on an object which is beyond, or intended to go beyond, the major portion of the earth's atmosphere and which is not intended for flight between points on the earth's surface.

Standard broadcasting station. A broadcasting station operated on a frequency in the band 535–1605 kilocycles.

Standard frequency service. A radiocommunication service for scientific, technical and other purposes, providing the transmission of specified frequencies of stated high precision, intended for general reception.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

Telecommunication. Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

Telegraphy. A system of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such form. The foregoing definition appears in the International Telecommunication Convention, but, for the purposes of the Commission's Rules, telegraphy shall mean, unless otherwise specified, "A system of telecommunication for the transmission of written matter by the use of a signal code."

Telemetering. The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument.

Telemetering fixed station. A fixed station, the emissions of which are used for telemetering.

Telemetering land station. A land station, the emissions of which are used for telemetering.

Telemetering mobile station. A mobile station, the emissions of which are used for telemetering.

Telephony. A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

Television. A system of telecommunication for transmission of transient images of fixed or moving objects.

Television broadcasting station. A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

Television inter-city relay station. A fixed station used for intercity transmission of television program material and related communications for use by television broadcast stations.

Television pickup station. A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

Television STL station (studio-transmitter link). A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

Tropospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the physical properties of the troposphere.

Zone station. A fixed station in the public safety (police) radio service using radiotelegraph (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

Subpart B—Allocation, Assignment and Use of Radio Frequencies

§ 2.100 International regulations in force.

The Geneva (1959) Radio Regulations became effective May 1, 1961, have been incorporated into Subparts A and B of this Part to the extent practicable, and are applicable nationally, effective December 1, 1961, unless otherwise indicated.

§ 2.101 Nomenclature of frequencies.

Band No.	Frequency subdivision	Frequency range
4	VLF (very low frequency)	Below 30 kc/s.
5	LF (low frequency)	30 to 300 kc/s.
6	MF (medium frequency)	300 to 3000 kc/s.
7	HF (high frequency)	3 to 30 Mc/s.
8	VHF (very high frequency).	30 to 300 Mc/s.
9	UHF (ultra high frequency).	300 to 3000 Mc/s.
10	SHF (super high frequency).	3 to 30 Gc/s.
11	EHF (extremely high frequency).	30 to 300 Gc/s.

§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc/s and 40,000 Mc/s, and the actual use of such frequencies for radio communication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in § 2.106.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rule-making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided*, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of these services shared with another service.

(4) Experimental stations engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies may be authorized the use of any band or bands of frequencies.

(5) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency.

(6) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service.

(7) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

(c) The use of frequencies in the bands above 25 Mc/s allocated exclusively to Government stations and the use of frequencies below 25 Mc/s which may not be in accordance with § 2.106 may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(d) Aircraft stations may communicate with stations of the maritime mobile service. They shall then conform to those provisions of the Radio Regulations which relate to the maritime mobile service. For this purpose aircraft stations should use the frequencies allocated to the maritime mobile service. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 Mc/s shall not be used by aircraft stations in any specific area without the prior agreement of all administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region 1 should not use frequencies in the bands above 30 Mc/s allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.

(e) Non-Government services operating on frequencies in the band 25–50 Mc/s must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(f) The stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to the service to which the frequency bands immediately adjoining are allocated.

(g) In the bands above 25 Mc/s which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such stations are authorized in the service shown in Column 11 of the Table of Frequency Allocations in the band in question;

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

§ 2.103 Government use of non-Government frequencies.

(a) Government stations may be authorized to use non-Government frequencies in the bands above 25 Mc/s if the Commission finds that such use is necessary for coordination of Government and non-Government activities: *Provided, however*, That:

(1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the Office of Emergency Planning (the more important of which are contained in subparagraphs (2), (3), and (4) of this paragraph), a complete list of which is available for public examination at each of the Commission's Field Engineering and Monitoring Bureau Field Offices;

(2) Such operations shall be in accordance with Commission rules governing the service to which the frequencies involved are allocated;

(3) Such operations shall not cause harmful interference to non-Government stations and, should harmful interference result, that the interfering Government operation shall immediately terminate; and

(4) Government operation has been certified as necessary by the non-Government licensees involved and this certification has been furnished, in writing, to the Government agency with which communication is required.

§ 2.104 Application of the Table of Frequency Allocations.

(a) In the Table of Frequency Allocations below 25 Mc/s, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical fixed.
(2) Fixed (in U.S. possessions and Alaska).
(3) International fixed public.

(b) In the Table of Frequency Allocations between 5,000 and 25,000 kc/s, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical mobile.
(2) Maritime mobile.

§ 2.105 Format of the Table of Frequency Allocations.

(a) Columns 1, 2, 3, and 4 of the Table of Frequency Allocations indicate the allocation applicable on a world-wide basis or in Region 2 in accordance with the Geneva Radio Regulations.

(b) In Column 6 (above 25 Mc/s) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

(c) Column 10 lists certain frequencies which have national or international significance and are used for specific standardized purposes. These frequencies may be made available for assignment to stations which conform to the nature of service or station listed in Column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in Column 10 is limited to those stations which, by definition, are included in the services and classes of stations (Column 8 or 9) to which the frequency band (Column 7) is allocated.

(d) In Column 11 "SERVICES" are in large block print and "Stations" in small print.

(e) Where, in Columns 2, 4, and 8, a band is indicated as allocated to more than one service, such services are listed in the following order:

(1) Services, the names of which are printed in all capital letters (example: FIXED); these services are called "primary" services;

(2) Services, the names of which are italicized and are printed with the first letter capitalized and all others small type (example: *Radionavigation*); these services are called "permitted" services;

(3) Services, the names of which are printed as in (2) above, but not italicized (example: Mobile); these are called "secondary" services, which are on a non-interference basis to the primary and permitted services.

NOTE 1. Geneva Radio Regulation No. 138: Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary service, as compared with the permitted service, shall have prior choice of frequencies.

NOTE 2. Geneva Radio Regulation No. 139: Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(f) The following symbols are used to designate footnotes in the Table of Frequency Allocations.

(1) Any footnote, consisting only of digits, e.g., (170), denotes a paragraph in the Geneva (1959) Radio Regulations. Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3, or 4.

(2) Any footnote consisting of the letters US followed by one or more digits, e.g., US1, denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies.

(3) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, is a stipulation applicable to non-Government stations.

§ 2.106 Table of Frequency Allocations.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
Below 10 (157)a	(Not allocated.)			Below 10	(Not allocated.)	Below 10	(Not allocated.)			
10–14	RADIONAVIGATION. Radiolocation.					10–14	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.
14–19.95 (159)	FIXED. MARITIME MOBILE. (158)					14–19.95	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
19.95–20.05 (159)	STANDARD FREQUENCY. (160)					19.95–20.05	STANDARD FREQUENCY.	Standard frequency.	20	Standard frequency.
20.05–70 (159) (161)	FIXED. MARITIME MOBILE. (158)					20.05–70	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
70–90		70–90 (164)	FIXED. MARITIME MOBILE. (158) MARITIME RADIONAVIGATION. (162) Radiolocation.			70–90	FIXED. Radiolocation.	Fixed. Radiolocation land. Radiolocation mobile.		INTERNATIONAL FIXED PUBLIC. RADIOLOCATION.
90–110		90–110 (166) (167)	RADIONAVIGATION. FIXED. Maritime mobile. (158)			90–110 (166) (167)	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
110–130		110–130 (164) (167) (168)	FIXED. MARITIME MOBILE. MARITIME RADIONAVIGATION. (162) Radiolocation.			110–130 (167)	FIXED. MARITIME MOBILE. Radiolocation.	Coast. Fixed. Radiolocation land. Radiolocation mobile. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. RADIOLOCATION.
130–160		130–160 (167)	FIXED. MARITIME MOBILE. (171)			130–160 (167)	FIXED. MARITIME MOBILE. (171)	Coast. Fixed. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
160–200		160–200	FIXED. (179)			160–200	FIXED.	Fixed.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
200–285		200–285	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile.			200–285	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
285–315	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.					285–325 (US16)	MARITIME RADIONAVIGATION. (US18)	Radionavigation land.		MARITIME RADIONAVIGATION.
315–325		315–325	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.							
325–405	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile. (181)					325–405	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
405–415 (182)		405–415	MARITIME RADIONAVIGATION (radio direction-finding). *Aeronautical radionavigation.* Aeronautical mobile.			405–415 (US18)	MARITIME RADIONAVIGATION (radio direction-finding). Aeronautical radionavigation. Aeronautical mobile. (US19)	Aeronautical. Aircraft. Radionavigation land. Radionavigation mobile.	410	Radio direction-finding.
415–490	MARITIME MOBILE (185) (186)					415–490	MARITIME MOBILE	Coast. Ship.		MARITIME MOBILE (telegraphy).
490–510 (187)	MOBILE (distress and calling).					490–510	MOBILE.	Coast. Mobile.	500	Distress and calling.
510–525		510–525	MOBILE. *Aeronautical radionavigation.* (188)			510–535 (US14)				
525–535		525–535	MOBILE. *Broadcasting.* (191) *Aeronautical radionavigation.* (188)							
535–1605	BROADCASTING.					535–1605 (US15) (NG16)	BROADCASTING.			Standard broadcasting.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
1605-1800		1605-1800	FIXED. MOBILE. AERONAUTICAL RADIONAVIGATION. Radiolocation.			1605-1715	AERONAUTICAL RADIONAVIGATION. (US79) FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION. (NG18)	Base. Mobile. Fixed. Land mobile. Radionavigation land.		AERONAUTICAL FIXED. AERONAUTICAL RADIONAVIGATION. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION.
										Remote pickup broadcast base. Remote pickup broadcast mobile. Radionavigation land. Do.
									1638 1708	
						1715-1750	FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base Mobile. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION. Remote pickup broadcast base. Remote pickup broadcast mobile.
						1750-1800 (NG14)	FIXED. MOBILE. RADIOLOCATION.	Fixed. Land. Mobile.		DISASTER. RADIOLOCATION.
1800-2000		1800-2000 (198)	AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIONAVIGATION.			1800-2000 (198)	RADIONAVIGATION. Amateur. (NG15)	Amateur. Loran.		AMATEUR. Loran.
2000-2065		2000-2065	FIXED. MOBILE.			2000-2035	MARITIME MOBILE. (NG19)	Coast. Ship.		MARITIME MOBILE.
						2035-2065	MARITIME MOBILE.	Coast.		Coast (telegraphy).
2065-2107		2065-2107	MARITIME MOBILE. (200)			2065-2107	MARITIME MOBILE.	Ship.		Ship (telegraphy).
2107-2170		2107-2170	FIXED. MOBILE.			2107-2170	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2170-2194	MOBILE (distress and calling). (201)					2170-2194 (201)	MOBILE.	Aircraft. Coast. Ship. Survival craft.	2182	AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony). (NG22) Distress and calling frequency.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
2194-2300		2194-2300	FIXED. MOBILE.			2194-2495	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2300-2495		2300-2495	FIXED. MOBILE. BROADCASTING. (202)							
2495-2505		2495-2505 (203) (204)	STANDARD FREQUENCY.			2495-2505	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	2500	RADIO ASTRONOMY. Standard frequency.
2505-2625		2505-2625	FIXED. MOBILE.			2505-2850 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC.
2625-2850		2625-2850	FIXED. MOBILE.						2638 2738 2804 2808 2812	Intership (telephony). (NG44) Do. PUBLIC SAFETY. Zone and interzone police. Do. Do.
2850-3025	AERONAUTICAL MOBILE. (R)					2850-3025	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3025-3155	AERONAUTICAL MOBILE. (OR)					3025-3155	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3155-3200	FIXED. MOBILE except aeronautical mobile. (R)					3155-3200	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska and Puerto Rico). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3200-3230	FIXED. MOBILE except aeronautical mobile. (R) BROADCASTING. (202)					3200-3230 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3230-3400	FIXED. MOBILE except aeronautical mobile. BROADCASTING. (202)					3230-3240	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
						3240-3400	FIXED. LAND MOBILE. MARITIME MOBILE. MOBILE.	Base. Coast. Fixed. Land. Land mobile. Mobile. Ship.		AVIATION (flight test and aeronautical fixed only). FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
5450–5480		5450–5480	AERONAUTICAL MOBILE. (R)			5450–5680	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5480–5680	AERONAUTICAL MOBILE. (R)									
5680–5730	AERONAUTICAL MOBILE. (OR)					5680–5730	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5730–5950	FIXED.					5730–5950	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
5950–6200	BROADCASTING.					5950–6200	BROADCASTING.	International broadcasting.		International broadcasting.
6200–6525 (211)	MARITIME MOBILE.					6200–6211	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						6211–6240	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special). (NG25)
						6240–6265.5	MARITIME MOBILE.	Ship.		Ship (telegraphy). (NG25)
						6265.5–6280.5	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						6280.5–6357	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						6357–6525	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile). (NG27)
6525–6685	AERONAUTICAL MOBILE. (R)					6525–6685	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6685–6765	AERONAUTICAL MOBILE. (OR)					6685–6765	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6765–7000	FIXED.					6765–7000	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
7000–7100	AMATEUR.					7000–7300	AMATEUR.	Amateur.		AMATEUR.
7100–7300		7100–7300	AMATEUR.							
7300–8195	FIXED.					7300–8195	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
8195–8815	MARITIME MOBILE. (213)					8195–8265	MARITIME MOBILE.	Ship.		Ship (telephony). (NG29)
						8265–8273	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						8273–8280	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						8280–8320	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special.
						8320–8354	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						8354–8374	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						8374–8476	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						8476–8745	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						8745–8815	MARITIME MOBILE.	Coast.		Coast (telephony).

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
3400–3500	AERONAUTICAL MOBILE. (R)					3400–3500	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3500–4000		3500–4000	AMATEUR. FIXED. MOBILE except aeronautical mobile. (R)			3500–4000	AMATEUR.	Amateur.		AMATEUR.
4000–4063	FIXED.					4000–4063	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4063–4438	MARITIME MOBILE. (208) (209)					4063–4133	MARITIME MOBILE.	Ship.		Ship (telephony). (NG29)
						4133–4140	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						4140–4160	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						4160–4177	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						4177–4187	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						4187–4238	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						4238–4368	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						4368–4438	MARITIME MOBILE.	Coast.		Coast (telephony). (NG29)
4438–4650		4438–4650	FIXED. MOBILE except aeronautical mobile. (R)			4438–4650	FIXED. MOBILE.	Base. Fixed. Mobile.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC.
4650–4700	AERONAUTICAL MOBILE. (R)					4650–4700	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4700–4750	AERONAUTICAL MOBILE. (OR)					4700–4750	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4750–4850		4750–4850	FIXED. BROADCASTING. (202)			4750–4850	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4850–4995	FIXED. LAND MOBILE. BROADCASTING. (202)					4850–4995	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4995–5005	STANDARD FREQUENCY. (204) (210)					4995–5005	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	5000	RADIO ASTRONOMY. Standard frequency.
5005–5060	FIXED. BROADCASTING. (202)					5005–5450	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
5060–5250	FIXED.									
5250–5450		5250–5450	FIXED. LAND MOBILE.							

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
8815–8965	AERONAUTICAL MOBILE. (R)					8815–8965	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
8965–9040	AERONAUTICAL MOBILE. (OR)					8965–9040	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
9040–9500	FIXED.					9040–9500	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
9500–9775	BROADCASTING.					9500–9775	BROADCASTING.	International broadcasting.		International broadcasting.
9775–9995	FIXED.					9775–9995	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
9995–10005	STANDARD FREQUENCY. (204) (214) (215)					9995–10003	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	10000	RADIO ASTRONOMY. Standard frequency.
						10003–10005	STANDARD FREQUENCY. Earth-Space. (US76) Radio astronomy. (US74) Space. (US76)	Earth. Radio astronomy. Space. Standard frequency.		EARTH-SPACE. RADIO ASTRONOMY. SPACE. Standard frequency.
10005–10100	AERONAUTICAL MOBILE. (R)					10005–10100	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
10100–11175	FIXED.					10100–11175	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11175–11275	AERONAUTICAL MOBILE. (OR)					11175–11275	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11275–11400	AERONAUTICAL MOBILE. (R)					11275–11400	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11400–11700	FIXED. (216)					11400–11700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11700–11975	BROADCASTING.					11700–11975	BROADCASTING.	International broadcasting.		International broadcasting.
11975–12330	FIXED.					11975–12330	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
12330–13200	MARITIME MOBILE. (213)					12330–12400	MARITIME MOBILE.	Ship.		Ship (telephony).
						12400–12407	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony.
						12407–12421	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						12421–12471	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						12471–12531	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						12531–12561	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						12561–12714	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						12714–13120	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						13120–13200	MARITIME MOBILE.	Coast.		Coast (telephony).

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
13200–13260	AERONAUTICAL MOBILE. (OR)					13200–13260	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
13260–13360	AERONAUTICAL MOBILE. (R)					13260–13360	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
13360–14000 (217)	FIXED.					13360–14000	FIXED.	Fixed.	13560	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. Industrial, scientific and medical equipment.
14000–14350	AMATEUR. (218)					14000–14350	AMATEUR.	Amateur.		AMATEUR.
14350–14990	FIXED.					14350–14990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
14990–15010	STANDARD FREQUENCY. (204) (219)					14990–15010	STANDARD FREQUENCY. Radio astronomy. (US74).	Radio astronomy. Standard frequency.	15000	RADIO ASTRONOMY. Standard frequency.
15010–15100	AERONAUTICAL MOBILE. (OR)					15010–15100	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
15100–15450	BROADCASTING					15100–15450	BROADCASTING.	International broadcasting.		International broadcasting.
15450–16460	FIXED.					15450–16460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
16460–17360	MARITIME MOBILE. (213)					16460–16530	MARITIME MOBILE.	Ship.		Ship (telephony).
						16530–16537	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						16537–16562	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						16562–16622	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						16622–16708	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						16708–16748	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						16748–16952	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						16952–17290	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						17290–17360	MARITIME MOBILE.	Coast.		Coast (telephony).
17360–17700	FIXED.					17360–17700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
17700–17900	BROADCASTING.					17700–17900	BROADCASTING.	International broadcasting.		International broadcasting.
17900–17970	AERONAUTICAL MOBILE. (R)					17900–17970	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
17970–18030	AERONAUTICAL MOBILE. (OR)					17970–18030	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
18030–19990	FIXED.					18030–19990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
19990-20010	STANDARD FREQUENCY. (204) (220) (221)					19990-20010	STANDARD FREQUENCY. Earth-space. (US76) Radio astronomy. (US74) Space. (US76)	Earth. Radio astronomy. Space. Standard frequency.	20000	Standard frequency.
20010-21000	FIXED.					20010-21000	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
~~21000-21450~~	~~AMATEUR.~~					~~21000-21450~~	~~AMATEUR.~~	~~Amateur.~~		~~AMATEUR.~~
21450-21750	BROADCASTING.					21450-21750	BROADCASTING.	International broadcasting.		International broadcasting.
21750-21850	FIXED.					21750-21850	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
21850-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)					21850-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
22000-22720	MARITIME MOBILE.					22000-22070	MARITIME MOBILE.	Ship.		Ship (telephony).
						22070-22078	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						22078-22100	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						22100-22148	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						22148-22220	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						22220-22270	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						22270-22400	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						22400-22650	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						22650-22720	MARITIME MOBILE.	Coast.		Coast (telephony).
22720-23200	FIXED.					22720-23200	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
23200-23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)					23200-23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
23350-24990 (322)	FIXED. LAND MOBILE.					23350-24990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
24.99-25.01	STANDARD FREQUENCY. (204) (223)			24.99-25.01	G, NG. (US68)	24.99-25.01	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	25	RADIO ASTRONOMY. Standard frequency.
25.01-25.07	FIXED. MOBILE except aeronautical mobile.			25.01-25.33	NG.	25.01-25.33	LAND MOBILE.	Base. Land mobile.	25.02-25.32 (NG32)	INDUSTRIAL.
25.07-25.11	MARITIME MOBILE. (224)									
25.11-25.6	FIXED. MOBILE except aeronautical mobile.			25.33-25.6	G.					
25.6-26.1	BROADCASTING.			25.6-26.1	G, NG.	25.6-26.1 (US25)	BROADCASTING.	International broadcasting		International broadcasting.
26.1-27.5 (225) (226)	FIXED. MOBILE except aeronautical mobile.			26.1-26.48	NG.	26.1-26.48	LAND MOBILE.	Base. Land mobile.	26.11-26.47 (NG32)	Remote pickup broadcast base; remote pickup broadcast mobile.
				26.48-26.95 (US10)	G.				26.62	Civil air patrol land; civil air patrol mobile.
				26.95-27.54	NG.	26.95-26.96	FIXED.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
						26.96-27.23 (225)	CITIZENS. (US1)	Fixed. Land. Mobile.	27.12	Industrial, scientific and medical equipment.
						27.23-27.28 (225)	FIXED. MOBILE.	Fixed. Land. Mobile.		
						27.28-27.54	LAND MOBILE.	Base. Land mobile.	27.29-27.53 (NG32)	INDUSTRIAL.
27.5-28		27.5-28	METEOROLOGICAL AIDS. FIXED. MOBILE.	27.54-28	G.					
28-29.7	AMATEUR.			28-29.7	AMATEUR. (US1)	28-29.7	AMATEUR.	Amateur.		AMATEUR.
29.7-41 (234) (235)	FIXED. (228) (229) (230) (231) (232) MOBILE.			29.7-29.89	NG.	29.7-29.8	LAND MOBILE.	Base. Land mobile.	29.71-29.79 (NG32)	INDUSTRIAL.
						29.8-29.89	FIXED. (232)	Fixed.	29.81-29.88 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				29.89-29.91 (232)	G.					
				29.91-30	NG.	29.91-30	FIXED. (232)	Fixed.	29.92-29.99 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				30-30.56	G.					
				30.56-32	NG.	30.56-32	LAND MOBILE.	Base. Land mobile.	30.58 30.62	INDUSTRIAL. Do.
									30.66-30.82 (NG33)	INDUSTRIAL. LAND TRANSPORTATION.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations (OF SERVICES)
1	2	3	4	5	6	7	8	9	10	11
									30.86–31.14 (NG33)	LAND TRANSPORTATION. PUBLIC SAFETY.
									31.18–31.98 (NG33)	PUBLIC SAFETY.
				32–33 (231)	G.					
				33–34	NG.	33–34	LAND MOBILE.	Base. Land mobile.	33.02 33.06 33.10	PUBLIC SAFETY. Do. Do.
									33.14–33.38 (NG33)	INDUSTRIAL.
									33.42–33.98 (NG33)	PUBLIC SAFETY.
				34–35 (231)	G.					
				35–36	NG.	35–36	LAND MOBILE.	Base. Land mobile.	35.02–35.18 (NG32)	INDUSTRIAL.
									35.22–35.66 (NG33)	DOMESTIC PUBLIC.
									35.7–35.98 (NG32)	INDUSTRIAL.
				36–37 (231)	G.					
				37–38	NG.	37–38	LAND MOBILE.	Base. Land mobile.	37.02–37.42 (NG33)	PUBLIC SAFETY.
									37.46–37.86 (NG33)	INDUSTRIAL.
									37.90 37.94 37.98	PUBLIC SAFETY. Do. Do.
				38–39	G.					
				39–40	NG.	39–40	LAND MOBILE.	Base. Land mobile.	39.02–39.98 (NG33)	PUBLIC SAFETY.
				40–40.66	G.					
(236)				40.66–40.7 (236)	G, NG. (US21) (US75)	40.66–40.7	RADIO ASTRONOMY. (US74)	Radio astronomy.	40.68	RADIO ASTRONOMY. Industrial, scientific and medical equipment.
				40.7–42	G.					
41–50		41–50	FIXED. (228) (230) (237) MOBILE.	42–46.6	NG.	42–42.95	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						42.95–43.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						43.2–43.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations (OF SERVICES)
1	2	3	4	5	6	7	8	9	10	11
						43.68–44.61	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						44.61–46.6	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				46.6–47	G.					
				47–49.6	NG.	47–47.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						47.43–47.69	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL.
						47.69–49.6	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				49.6–50	G.					
50–54		50–54	AMATEUR.	50–54	AMATEUR. (US1)	50–54	AMATEUR.	Amateur.		AMATEUR.
54–68		54–68	FIXED. (228) (237) MOBILE. BROADCASTING.	54–72 (US24)	NG.	54–72	BROADCASTING.	Television broadcasting.	55.25 Video 59.75 Sound 61.25 Video 65.75 Sound 67.25 Video 71.75 Sound	Channel 2. Channel 3. Channel 4.
68–74.6		68–74.6	FIXED. MOBILE. BROADCASTING.	72–73 (US20)	NG.	72–73	FIXED. (NG1) (NG3)	Operational fixed.	72.02–72.08 (NG33)	Operational fixed.
		(253)		73–74.6	G, NG. (US21)	73–74.6	RADIO ASTRONOMY. (US74)	Radio astronomy.		RADIO ASTRONOMY.
74.6–75.4		74.6–75.4 (259)	AERONAUTICAL RADIONAVIGATION.	74.6–75.4	G, NG.	74.6–75.4	AERONAUTICAL RADIONAVIGATION.	Aeronautical radionavigation.	75	Marker beacon
75.4–88		75.4–88	FIXED. MOBILE. BROADCASTING.	75.4–76 (US20)	NG.	75.4–76	FIXED. (NG1) (NG3)	Operational fixed.	75.42–75.08 (NG33)	Operational fixed.
				76–88 (US23)	NG.	76–88 (NG21)	BROADCASTING.	Television broadcasting.	77.25 Video 81.75 Sound 83.25 Video 87.75 Sound	Channel 5. Channel 6.
88–100		88–100	BROADCASTING.	88–108 (US23)	NG.	88–108 (NG21)	BROADCASTING.	FM broadcasting. (NG2).	88.1–107.9 (NG36)	FM Channel 201–FM Channel 300.
100–108		100–108	BROADCASTING.							
108–117.975	AERONAUTICAL RADIONAVIGATION.			108–117.975	G, NG.	108–117.975	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.	108.1 108.2 108.3 108.4 108.5 108.6 108.7 108.8 108.9 109.0 109.1 109.2 109.3 109.4 109.5 109.6 109.7 109.8 109.9 110.0 110.1 110.2	Localizer. Omni-directional range. Localizer. Omni-directional range. Localizer. Omni-directional range. Localizer. Omni-directional range. Localizer. Omni-directional range. Localizer. Omni-directional range. Localizer. Omni-directional range. Localizer. Omni-directional range. Localizer. Omni-directional range.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
									110.3	Localizer.
									110.4	Omni-directional range.
									110.5	Localizer.
									110.6	Omni-directional range.
									110.7	Localizer.
									110.8	Omni-directional range.
									110.9	Localizer.
									111.0	Omni-directional range.
									111.1	Localizer.
									111.2	Omni-directional range.
									111.3	Localizer.
									111.4	Omni-directional range.
									111.5	Localizer.
									111.6	Omni-directional range.
									111.7	Localizer.
									111.8	Omni-directional range.
									111.9	Localizer.
									112.0–117.9 (NG35)	Omni-directional range.
117.975–132	AERONAUTICAL MOBILE. (R) (273)			117.975–121.975 (273) (US26) (US27) (US28)	G, NG.	117.975–121.975	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	118–121.4 (NG34)	Airdrome control.
									121.5	AERONAUTICAL MOBILE.
									121.6	Aeronautical search and rescue mobile; aeronautical utility land; aeronautical utility mobile.
									121.65–121.95 (NG34)	Aeronautical utility land; aeronautical utility mobile.
				121.975–123.075 (US29) (US30) (US31)	NG.	121.975–123.075	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	122.0–123.05 (NG34)	Private aircraft.
				123.075–128.825 (US26) (US32) (US33)	G, NG.	123.075–128.825	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	123.1	Flight test; flying school.
									123.15	Flight test.
									123.2	Do.
									123.25	Do.
									123.3	Flight test; flying school.
									123.35	Flight test.
									123.4	Do.
									123.45	Do.
									123.5	Flight test; flying school.
									123.55	Flight test.
									123.6–128.8 (NG34)	AERONAUTICAL MOBILE.
				128.825–132 (US2)	NG.	128.825–132	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	128.85–132 (NG34)	AERONAUTICAL MOBILE.
132–136		132–136	FIXED. MOBILE. (276)	132–135 (US2) (US4)	G, NG. (US3)	132–135	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	132.05–134.95 (NG34)	AERONAUTICAL MOBILE.
				135–136 (US4)	G.					
136–137	SPACE. (280) EARTH-SPACE. (280) (281) FIXED. MOBILE.			136–137 (US44)	G, NG. (US60) (US76)	136–137	EARTH-SPACE. SPACE.	Earth. Space.		EARTH-SPACE. SPACE.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
137–144		137–144	FIXED. MOBILE. *Radiolocation.*	137–144 (US10)	G.				143.91	Civil air patrol land; civil air patrol mobile.
144–146	AMATEUR.			144–148	AMATEUR. (US1)	144–148	AMATEUR.	Amateur.		AMATEUR.
146–148		146–148	AMATEUR.						148.14	Civil air patrol land; civil air patrol mobile.
148–174		148–174	FIXED. MOBILE.	148–150.8 (US10)	G.	150.8–150.98	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
				150.8–162	NG.	150.98–151.49	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						151.49–152	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						152–152.24	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						152.24–152.48	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG38)
						152.48–152.84	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						152.84–153.7325	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG4)
						153.7325–154.46	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. (NG26)
						154.46–154.6275	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						154.6275–156.25	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
(287)						156.25–157.45 (US9) (US77)	MARITIME MOBILE. (NG5)	Coast. Ship.	156.3	MARITIME MOBILE.
									156.35	MARITIME MOBILE. (NG24)
									156.4	MARITIME MOBILE.
									156.45	MARITIME MOBILE. (NG24)
									156.5	MARITIME MOBILE.
									156.55	MARITIME MOBILE. (NG24)
									156.6	MARITIME MOBILE.
									156.65	Do.
									156.7	Do.
									156.8	MARITIME MOBILE (calling & safety).
									156.9	MARITIME MOBILE.
									156.95	Do.
									157.0	Do.
									157.05	GOVERNMENT.
									157.1	Do.
									157.15	Do.
									157.2–157.4 (NG34)	MARITIME MOBILE.
						157.45–157.74	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG5) (NG38)

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
						157.74–158.1	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.1–158.46	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						158.46–158.7	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.7–159.48	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						159.48–161.575	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG6) (NG26) (NG28)
						161.575–161.625 (US77)	MARITIME MOBILE.	Coast.	161.6	MARITIME MOBILE. (NG6) (NG17) (NG26)
						161.625–161.775	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile. (NG6) (NG26)
						161.775–162.0	MARITIME MOBILE. (NG5)	Coast.	161.8 161.85 161.9 161.95 162.0	Coast. (NG26) (NG37) Do. Coast. Do. Do.
					(US12)					
				162–174	G. (US8) (US11) (US12) (US13)				166.25 170.15	PUBLIC SAFETY; Remote pickup. Do.
									170.425 170.475 170.575 171.425 171.475 171.575 172.225 172.275 172.375	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do.
					(US9)	173.2–173.4	FIXED. LAND MOBILE.	Base. Fixed. Land mobile.		INDUSTRIAL.
174–216		174–216 (294)	FIXED. MOBILE. BROADCASTING.	174–216	NG.	174–216	BROADCASTING.	Television broadcasting.	175.25 Video 179.75 Sound 181.25 Video 185.75 Sound 187.25 Video 191.75 Sound 193.25 Video 197.75 Sound 199.25 Video 203.75 Sound 205.25 Video 209.75 Sound 211.25 Video 215.75 Sound	Channel 7. Channel 8. Channel 9. Channel 10. Channel 11. Channel 12. Channel 13.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
216–220		216–220	FIXED. MOBILE. RADIOLOCATION.	216–220	G. (US85)				217.425 217.475 217.525 217.550 217.575 217.625 217.675 219.325 219.375 219.425 219.450 219.475 219.525 219.575	Telemetering land; telemetering mobile. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
220–225		220–225	AMATEUR. RADIOLOCATION.	220–225	G, NG. (US34)	220–225	Amateur. (NG13)	Amateur.		AMATEUR.
225–235		225–235	FIXED. MOBILE.	225–328.6 (309) (310) (US17)	G.					
235–328.6 (309) (310)	FIXED. MOBILE.								243	Survival craft and equipment.
328.6–335.4 (310)	AERONAUTICAL RADIONAVIGATION. (311)			328.6–335.4 (310)	G, NG.	328.6–335.4	AERONAUTICAL RADIONAVIGATION. (311)	Radionavigation land.		Glide path.
335.4–400	FIXED. MOBILE.			335.4–400	G.					
400–401	METEOROLOGICAL AIDS. SPACE. (280) EARTH-SPACE. (280)			400–401	G, NG.	400–401 (US64) (US76)	METEOROLOGICAL AIDS. (US70) SPACE. EARTH-SPACE.	Radiosonde. Space. Earth.		Radiosonde. SPACE. EARTH-SPACE.
401–406 (317)	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			401–404	G, NG.	401–404	METEOROLOGICAL AIDS. (US70)	Radiosonde.		Radiosonde.
				404–406	G, NG.	404–406	METEOROLOGICAL AIDS. (US70) Radio astronomy. (US74)	Radio astronomy. Radiosonde.		RADIO ASTRONOMY. Radiosonde.
406–420 (317)	FIXED. MOBILE except aeronautical mobile.			406–420	G. (US13)					
420–450		420–450 (318)	RADIOLOCATION. Amateur.	420–450 (US6) (US35)	G, NG.	420–450	Amateur. (US7)	Amateur.		AMATEUR.
450–470 (318)	FIXED. MOBILE.			450–470 (US6)	NG.	450–451	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						451–452	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						452–453	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						453–454	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						454–455	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
						455–456	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations (OF SERVICES)
1	2	3	4	5	6	7	8	9	10	11
						456–457	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						457–458	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						458–459	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						459–460	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
						460–462.525	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						462.525–463.225	FIXED. MOBILE.	Fixed. Land. Mobile.		CITIZENS.
						463.225–464.725	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. CITIZENS.
						464.725–466.475	FIXED. MOBILE.	Fixed. Land. Mobile.		CITIZENS.
						466.475–470	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. CITIZENS. (NG30)
470–890		470–890	BROADCASTING.	470–890	NG.	470–890 (NG30) (NG43)	BROADCASTING.	Television broadcasting.		
890–942		890–942 (340)	FIXED. RADIOLOCATION.	890–942 (340)	G. (US36)				915	Industrial, scientific, and medical equipment.
942–960		942–960	FIXED.	942–960	NG.	942–952 (NG8) (NG9)	FIXED. (NG40)	AM broadcast. STL FM broadcast. STL Television STL (audio only). International aeronautical fixed (Alaska, Hawaii, and U.S. possessions only). International fixed public (Alaska, Hawaii, and U.S. possessions only).		
						952–960 (NG10)	FIXED.	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed.		
960–1215	AERONAUTICAL RADIONAVIGATION. (341)			960–1215	G, NG.	960–1215	AERONAUTICAL RADIONAVIGATION. (341)			
1215–1300	RADIOLOCATION. Amateur.			1215–1300	G, NG. (US37)	1215–1300	Amateur.	Amateur.		AMATEUR.
1300–1350	AERONAUTICAL RADIONAVIGATION. (346) Radiolocation.			1300–1350	G, NG. (US38)	1300–1350	AERONAUTICAL RADIONAVIGATION. (346)			
1350–1400		1350–1400	RADIOLOCATION.	1350–1400	G.					
1400–1427	RADIO ASTRONOMY.			1400–1427	G, NG.	1400–1427	RADIO ASTRONOMY. (US74)			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations (OF SERVICES)
1	2	3	4	5	6	7	8	9	10	11
1427–1429	SPACE. (280) EARTH-SPACE. (280) FIXED. MOBILE except aeronautical mobile.			1427–1429	G, NG. (US60) (US64) (US73) (US76)	1427–1429	SPACE. EARTH-SPACE.			
1429–1435		1429–1435	FIXED. MOBILE.	1429–1435	G.					
1435–1535		1435–1535	MOBILE. Fixed.	1435–1535	G, NG. (US78)	1435–1535	MOBILE.	Aeronautical telemetering.		AVIATION.
1535–1660	AERONAUTICAL RADIONAVIGATION. (341)			1535–1660	G, NG. (US39)	1535–1660	AERONAUTICAL RADIONAVIGATION. (341)			
1660–1700	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile.			1660–1670	G.					
				1670–1700	G, NG.	1670–1700	METEOROLOGICAL AIDS.	Radiosonde.		Radiosonde.
1700–1710		1700–1710	FIXED. MOBILE. Space. (280) Earth-Space. (280)	1700–1710	G, NG. (US60) (US63) (US76)	1700–1710	SPACE. EARTH-SPACE.			
1710–2290		1710–2290	FIXED. MOBILE.	1710–1850	G.					
				1850–2200	NG.	1850–1990 (NG8)	FIXED.	International control. Operational fixed.		
						1990–2110 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
						2110–2200 (NG8) (NG23)	FIXED.	Domestic fixed public. International control. Operational fixed.		
				2200–2290	G.					
2290–2300		2290–2300	FIXED. MOBILE. Space. (280). Earth-Space. (280).	2290–2300	G, NG. (US60) (US63) (US76)	2290–2300	SPACE. EARTH-SPACE.			
2300–2450 (357)		2300–2450	RADIOLOCATION. Amateur. Fixed. Mobile.	2300–2450	G, NG. (US40)	2300–2450 (357)	Amateur.	Amateur.	2450	Industrial, scientific and medical equipment.
2450–2550 (357)		2450–2550	FIXED. MOBILE. RADIOLOCATION.	2450–2500	NG. (US41)	2450–2500 (357)	FIXED. MOBILE. Radiolocation.			
				2500–2690	NG.	2500–2690 (NG8)	FIXED.	International control. Operational fixed.		
2550–2700 (365)	FIXED. MOBILE.			2690–2700	G, NG. (US22)	2690–2700	RADIO ASTRONOMY. (US74)			
2700–2900 (366)	AERONAUTICAL RADIONAVIGATION. (346). Radiolocation.			2700–2900	G. (346) (366) (US42) (US43)					
2900–3100	RADIONAVIGATION. (367). Radiolocation.			2900–3100	G, NG.	2900–3100	MARITIME RADIONAVIGATION. Radiolocation. (US44)			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
3100–3300 (369)	RADIOLOCATION.			3100–3300	G. (369) (US45) (US46)					
3300–3500		3300–3500	RADIOLOCATION. Amateur.	3300–3500	G, NG. (US61)	3300–3500	Amateur.	Amateur.		AMATEUR.
3500–3700		3500–3700	FIXED. MOBILE. RADIOLOCATION.	3500–3700	G.					
3700–4200		3700–4200	FIXED. MOBILE.	3700–4200	NG.	3700–4200	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
4200–4400	AERONAUTICAL RADIONAVIGATION. (341)			4200–4400	G, NG. (US47)	4200–4400	AERONAUTICAL RADIONAVIGATION. (341)	Altimeter.		
4400–5000 (365)	FIXED. MOBILE.			4400–4990	G.					
				4990–5000	G, NG. (US68)	4990–5000	RADIO ASTRONOMY. (US74)	Radio astronomy.		
5000–5250	AERONAUTICAL RADIONAVIGATION. (341)			5000–5250	G, NG.	5000–5250	AERONAUTICAL RADIONAVIGATION. (341)			
5250–5255	RADIOLOCATION. Space. (280) Earth-Space. (280)			5250–5350	G.					
5255–5350	RADIOLOCATION.									
5350–5460	AERONAUTICAL RADIONAVIGATION. (385) Radiolocation.			5350–5460	G, NG.	5350–5460	AERONAUTICAL RADIONAVIGATION. (385) RADIOLOCATION. (US48)			
5460–5470	RADIONAVIGATION. (385) Radiolocation.			5460–5470	G, NG.	5460–5470	RADIONAVIGATION. (385) (US65) Radiolocation. (US49)			
5470–5650 (387)	MARITIME RADIONAVIGATION. Radiolocation.			5470–5600	G, NG.	5470–5600	MARITIME RADIONAVIGATION. (US65) Radiolocation. (US50)			
				5600–5650	G, NG.	5600–5650	MARITIME RADIONAVIGATION. (US65) METEOROLOGICAL AIDS. (387) Radiolocation. (US51)			
5650–5850 (391)	RADIOLOCATION. Amateur.			5650–5925 (391)	G, NG. (US52)	5650–5925	Amateur.	Amateur.	5800	Industrial, scientific and medical equipment.
5850–5925 (391)		5850–5925	RADIOLOCATION. Amateur.							
5925–8400	FIXED. MOBILE.			5925–7125	NG.	5925–6425	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
						6425–6575	MOBILE.	Land. (NG7) MOBILE (except television pickup).		
						6575–6875 (NG38)	FIXED.	International control. Operational fixed.		

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
						6875–7125 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
				7125–8400	G.					
8400–8500	FIXED. MOBILE. Space. (280) Earth-Space. (280)			8400–8500	G, NG. (US62) (US63) (US76)	8400–8500	SPACE. EARTH-SPACE. FIXED. MOBILE.			
8500–8750	RADIOLOCATION.			8500–9000	G. (US53)				8800	Airborne doppler radar.
8750–8850	RADIOLOCATION. AERONAUTICAL RADIONAVIGATION. (396)									
8850–9000	RADIOLOCATION.									
9000–9200	AERONATUICAL RADIONAVIGATION. (346) Radiolocation.			9000–9200	G, NG.	9000–9200	AERONAUTICAL RADIONAVIGATION. (346) (US54) Radiolocation. (US55)			
9200–9300	RADIOLOCATION.			9200–9300	G. (US45)					
9300–9500 (399)	RADIONAVIGATION. Radiolocation.			9300–9500	G, NG.	9300–9500	RADIONAVIGATION. (US66) (US71) Meteorological aids. (US67) Radiolocation. (US56)			
9500–9800	RADIOLOCATION.			9500–10000	G. (US57)					
9800–10000	RADIOLOCATION. Fixed.									
10000–10500	RADIOLOCATION. Amateur.			10000–10500	G, NG. (US58)	10000–10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.
10500–10550		10500–10550	RADIOLOCATION. (404)	10500–10550	G, NG. (US59)	10500–10550	RADIOLOCATION.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
10550–10700 (405)	FIXED. MOBILE. Radiolocation.			10550–10680	NG.	10550–10680	FIXED. MOBILE.			
				10680–10700	G, NG.	10680–10700	RADIO ASTRONOMY. (US74)			
10700–11700	FIXED. MOBILE.			10700–11700	NG.	10700–11700	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
11700–12700	FIXED. MOBILE except aeronautical mobile. BROADCASTING.			11700–13250	NG.	11700–12200	MOBILE.	Land. (NG7) Mobile (except television pickup).		
						12200–12700 (NG8)	FIXED.	International control. Operational fixed.		
12700–13250	FIXED. MOBILE.					12700–13200 (NG11)	FIXED. MOBILE.	Television pickup. Television. STL		
						13200–13250	FIXED. MOBILE.			
13250–13400	AERONAUTICAL RADIONAVIGATION. (406)			13250–13400	G, NG.	13250–13400	AERONAUTICAL RADIONAVIGATION. (406)			Airborne doppler radar.
13400–14000	RADIOLOCATION.			13400–14000	G.					
14000–14400	RADIONAVIGATION.			14000–14400	G, NG.	14000–14400	RADIONAVIGATION.			

Federal Communications Commission

Worldwide		Region 2		United States	
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation
1	2	3	4	5	6
14400-15150	FIXED. MOBILE.			14400-15150	G.
15150-15250	SPACE. (280) EARTH-SPACE. (280) Fixed. Mobile.			15150-15250	G, NG. (US60) (US63) (US76)
15250-15400 (405)	FIXED. MOBILE.			15250-15350	G.
				15350-15400	G, NG. (US68)
15400-15700	AERONAUTICAL RADIONAVIGATION. (341)			15400-15700	G, NG.
15700-17700	RADIOLOCATION.			15700-17700	G.
17700-21000 (405)	FIXED. MOBILE.			17700-19300	NG.
				19300-19400	G, NG.
				19400-19700	NG.
				19700-21000	G.
21000-22000	AMATEUR.			21000-22000	AMATEUR.
22000-23000 (410)	FIXED. MOBILE.			22000-23000	G. (410)
23000-24250	RADIOLOCATION.			23000-24250	G.
24250-25250	RADIONAVIGATION. (411)			24250-25220	G, NG. (US72)
				25220-27525	G.
25250-31500 (405)	FIXED. MOBILE.			27525-31300	NG.
				31300-31500	G, NG.
31500-31800	SPACE. (280) EARTH-SPACE. (280) Fixed. Mobile.			31500-31800	G, NG. (US60) (US63) (US76)
31800-33400	RADIONAVIGATION.			31800-33400	G, NG.
33400-36000	RADIOLOCATION.			33400-38600	G.
36000-40000	FIXED. MOBILE.			38600-40000	NG.
Above 40000	Not allocated.			Above 40000	G, NG.

Band (Mc/s)	Nature of SERVICES (of stations)	Frequency (Mc/s)	Class of station	Service	Band (Mc/s)	Allocation
7	8	10	9	11		
15150-15250				SPACE. EARTH-SPACE.		
15350-15400				RADIO ASTRONOMY. (US74)		
15400-15700				AERONAUTICAL RADIONAVIGATION. (341)		
17700-19300				FIXED. MOBILE.		
19300-19400				RADIO ASTRONOMY. (US74)		
19400-19700				FIXED. MOBILE.		
21000-22000	AMATEUR.		Amateur.	AMATEUR.		
	Industrial, scientific and medical equipment.	22125				
24250-25250				RADIONAVIGATION. (411)		
27525-31300				FIXED. MOBILE.		
31300-31500				RADIO ASTRONOMY. (US74)		
31500-31800				SPACE. EARTH-SPACE.		
31800-33400				RADIONAVIGATION. (US60)		
38600-40000				FIXED. MOBILE.		
			Amateur. Experimental.			

FOOTNOTES

GENEVA FOOTNOTES

(157) Administrations authorizing the use of frequencies below 10 kc/s for special national purposes shall ensure that no harmful interference is caused thereby to the services to which the bands above 10 kc/s are allocated (see also Article 14, No. 699).

(158) Limited to coast telegraph stations (A1 and F1 only).

(159) The stations of services to which the bands between 14 and 70 kc/s are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the frequencies 25 kc/s and 50 kc/s will be used for this purpose under the same conditions.

(160) The standard frequency is 20 kc/s.

(161) In the U.S.S.R., frequencies in the band 60–80 kc/s may be used for industrial, scientific and medical purposes subject to the condition that interference is not caused to stations of services to which this band is allocated.

(162) Limited to continuous wave systems.

(164) The establishment and operation of maritime radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. However, the fixed, maritime mobile and radiolocation services shall not cause harmful interference to maritime radionavigation stations established under such agreements.

(166) The development and operation of long distance radionavigation systems are authorized in this band, which will become exclusively allocated, wholly or in part, to the radionavigation service for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions shall nevertheless be confined within the band 90–110 kc/s and shall not cause harmful interference outside the band to stations operating in accordance with the Regulations. In Regions 1 and 3, during the period prior to the international adoption of any long distance radionavigation system, the operation of specific radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. Once established under such agreements radionavigation stations shall be protected from harmful interference.

(167) Only classes A1 or F1, A4 or F4 emissions are authorized in the band 90–160 kc/s for stations of the fixed and maritime mobile services.

(168) Aeronautical stations may use frequencies in the bands 110–112 kc/s, 115–126 kc/s and 129–130 kc/s on a permitted basis for high-speed communications to aircraft.

(171) The frequency 143 kc/s is the calling frequency for stations in the maritime mobile service using the band 90–160 kc/s. The conditions for its use are prescribed in Article 32.

(179) In northern areas which are subject to auroral disturbances the aeronautical fixed service is the primary service.

(181) Norwegian fixed stations situated in northern areas subject to auroral disturbances are allowed to continue operation on two frequencies in the band 385–395 kc/s for transmissions chiefly composed of weather messages.

(185) In the European Maritime Area, subject to the conditions specified in the Final Acts of the European Maritime Conference (Copenhagen 1948), and any subsequent revision of that agreement, the administrations concerned may keep in the bands 415–485 kc/s and 515–525 kc/s such of the following broadcasting stations as will not cause harmful interference to the maritime mobile service: Hamar, Innsbruck, Oestersund, Oulu.

(186) Limited to radiotelegraphy.

(187) The frequency 500 kc/s is the international distress and calling frequency for radiotelegraphy. The conditions for its use are prescribed in Article 32.

(188) In operating stations of the aeronautical radionavigation service, the administrations concerned shall take all the technical steps necessary to avoid harmful interference to the maritime mobile service.

(191) The carrier power of broadcasting stations in this band shall not exceed 250 watts.

(198) In Region 2 the Loran system has priority. Other services to which the band is allocated may use any frequency in this band provided that they do not cause harmful interference to the Loran system.

In Region 3 the Loran system in any particular area operates either on 1850 or 1950 kc/s, the bands occupied being 1825–1875 kc/s and 1925–1975 kc/s respectively. Other services to which the band 1800–2000 kc/s is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 or 1950 kc/s.

(200) In Region 2, limited to ship stations using radiotelegraphy.

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of this frequency are prescribed in Article 35.

(202) For the conditions of use of this band by the broadcasting service see Nos. 135, 136, and 423 to 428.

(203) Standard frequency is 2500 kc/s.

(204) The standard frequency guardbands at 2.5 Mc/s, 5 Mc/s, 10 Mc/s, 15 Mc/s, 20 Mc/s, and 25 Mc/s may be used by the radio astronomy service. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(208) In the U.S.S.R., in the bands 4063–4133 kc/s and 4408–4438 kc/s, fixed stations of limited power may operate provided that, in order to minimize the possibility of causing harmful interference to the maritime mobile service, they are situated at least 600 km from the coast. A limited power station is one whose power and antenna characteristics are so adjusted that the field strength established at any point in any direction does not exceed that obtainable with a nondirective antenna and a peak envelope power of 1 kw.

(209) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 4063 and 4438 kc/s may be used exceptionally by fixed stations communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts; however, in Regions 2 and 3, between 4238 and 4368 kc/s, a mean power not exceeding 500 watts may be used by such fixed stations.

(210) The standard frequency is 5000 kc/s.

(211) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 6200 and 6525 kc/s may be used exceptionally by fixed stations, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts. At the time of notification of these frequencies, the attention of the International Frequency Registration Board will be drawn to the above conditions.

(213) Between 8615 and 8815 kc/s, 12,925 and 13,200 kc/s, and between 17,160 and 17,360 kc/s, the U.S.S.R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the fixed service in the U.S.S.R. The International Frequency Registration Board will be consulted regarding this subject.

(214) The standard frequency is 10,000 kc/s.

(215) The band 10,003–10,005 kc/s is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(216) In the U.S.S.R., the band 11,400–11,450 kc/s is also allocated to the aeronautical mobile (OR) service.

(217) The frequency 13,560 kc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(218) In the U.S.S.R., the band 14,250–14,350 kc/s is also allocated to the fixed service.

(219) The standard frequency is 15,000 kc/s.

(220) The standard frequency is 20,000 kc/s.

(221) The band 19,990–20,010 kc/s is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(222) Intership radiotelegraphy may be used in the maritime mobile service between the frequencies 23,350 and 24,000 kc/s.

(223) The standard frequency is 25,000 kc/s.

(224) Limited to ship stations employing A1 or F1 emissions.

(225) The frequency 27,120 kc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(226) In Region 2, Australia and New Zealand, the amateur service may operate between the frequencies 26,960 and 27,230 kc/s.

(228) Stations designed to use ionospheric scatter may operate only subject to agreements between administrations concerned and those whose services, operating in accordance with the Table, may be affected.

(229) Systems designed to use ionospheric scatter or other fixed service systems designed to operate over distances exceeding 800 km shall confine their emissions to the following bands:

Region 1	Region 2	Region 3
32.6–33	32.6–33	32.6–33
36.2–36.6	34.6–35	34.6–35
39 –39.4	36.4–36.8	36.4–36.8

and shall have priority in Region 2 in the bands shown above for such use in that Region.

(230) In the case of the bands referred to in No. 229, which are limited to a particular Region the provisions of No. 117 shall apply and administrations shall avoid beaming such transmissions towards another Region unless specifically coordinated otherwise.

(231) Ionospheric scatter stations, existing on 1 January 1960, and not causing harmful interference to the other services to which

the band is allocated, may continue to operate on frequencies now assigned until reaccommodated.

(232) Conventional (F2) long distance fixed service use of the band 29.7–30 Mc/s is not excluded in Region 2 provided that such use is coordinated between the administrations concerned.

(234) As regards the use of the frequencies 38 Mc/s and 40.68 Mc/s by the radio astronomy service, see Recommendation No. 31.

(235) The band 39.986–40.002 Mc/s is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(236) The frequency 40.68 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(237) Systems designed to use ionospheric scatter which may cause harmful interference to the broadcasting service are prohibited.

(253) In Region 2, the band 73–74.6 Mc/s may be used by the radio astronomy service. Administrations assigning frequencies to stations of services to which this band is allocated should take all practicable measures to avoid harmful interference to radio astronomy observations.

(259) The frequency 75 Mc/s is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guard-band to stations of other services which, because of their power or geographical position, might cause harmful interference to marker beacons.

(273) The frequency 121.5 Mc/s is the aeronautical emergency frequency in this band; mobile stations of the maritime mobile service may communicate on this frequency for safety purposes with stations of the aeronautical mobile service.

(276) In Region 2 in the band 132–135 Mc/s, the aeronautical mobile (R) service shall operate on a primary basis subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(280) For research purposes.

(281) In the band 136–137 Mc/s, the aeronautical mobile (OR) service will be the primary service for as long as it continues to operate in this band. On discontinuation of this service, the space and earth-space services will be the primary services. In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., this band is allocated on a primary basis to the aeronautical mobile service.

(287) The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band of 75 kc/s on each side of the frequency 156.8 Mc/s is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands, 156.025–157.425 Mc/s, 160.625–160.975 Mc/s and 161.475–162.025 Mc/s, each administration shall give priority to the maritime mobile service only such frequencies as are assigned to stations of the maritime mobile service by that administration.

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

(294) The band 183.6 Mc/s ±0.5 Mc/s is also allocated to the space and earth-space services for research purposes subject to causing no harmful interference.

(309) The frequency 243 Mc/s is the frequency in this band for use by survival craft stations and equipment used for survival purposes.

(310) Radio astronomy observations on the Deuterium line (322–329 Mc/s) are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(311) Limited to Instrument Landing Systems (glide path).

(317) The band 404–410 Mc/s in Regions 2 and 3, and the band 406–410 Mc/s in Region 1 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(318) Radio altimeters may also be used, temporarily, in the band 420–460 Mc/s until they are able to operate in a band allocated to the aeronautical radionavigation service or until they are no longer required.

(340) In Region 2, the frequency 915 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(341) The bands 960–1215 Mc/s, 1535–1660 Mc/s, 4200–4400 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(346) The use of the bands 1300–1350 Mc/s, 2700–2900 Mc/s and 9000–9200 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

(357) The frequency 2450 Mc/s is designated for industrial, scientific and medical purposes except in Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovkia, and the U.S.S.R., where the frequency 2375 Mc/s is used. Emissions must be confined within ±50 Mc/s of the frequencies designated. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(365) The bands 2690–2700 Mc/s and 4990–5000 Mc/s are also allocated to the radio astronomy service. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(366) In the band 2700–2900 Mc/s ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the aeronautical radionavigation service.

(367) The use of the band 2900–3100 Mc/s by the aeronautical radionavigation service is limited to ground-based radars.

(369) In the band 3100–3300 Mc/s, existing racons and shipborne radars in merchant ships may operate within the band 3100–3266 Mc/s.

(385) The use of the band 5350–5470 Mc by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(387) Between 5600 and 5650 Mc/s, ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the maritime radionavigation service.

(391) The frequency 5800 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(396) The use of the band 8750–8850 Mc/s by the aeronautical radionavigation service is limited to airborne Doppler navigation aids on a centre frequency of 8800 Mc/s.

(399) The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne weather radars, and ground-based radars. In this band ground-based radars used for meteorological purposes have priority over other radiolocation devices.

(404) Limited to continuous wave systems.

(405) The bands 10.68–10.7 Gc/s, 15.35–15.4 Gc/s, 19.3—19.4 Gc/s and 31.3–31.5 Gc/s are also allocated to the radio astronomy service. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(406) Limited to Doppler navigation aids.

(410) The frequency 22.125 Gc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(411) In the band 24.25–25.25 Gc/s, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

NG FOOTNOTES

NG1 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the Table of Frequency Allocations, on the condition that harmful interference will not be caused to the reception of television stations on Channels 4 or 5. In any area in the continental United States (excluding Alaska), the aviation service and marine service may each be authorized to use four of the frequencies in the bands 72–73 and 75.4–76 Mc/s listed in column 10 for operational fixed stations in these services.

NG2 Facsimile broadcasting stations may be authorized in the band 88–108 Mc/s.

NG3 Fixed stations in the domestic fixed public service and control stations in the domestic public radio services may be authorized to use any of the frequencies in the band 72–73 and 75.4–76 Mc/s indicated in column 10 on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 153.84–153.35 Mc/s may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the industrial radio services.

NG5 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27–157.47 Mc/s or on the frequencies 161.85, 161.91 or 161.97 Mc/s may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51–161.79 Mc/s in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05–161.37 Mc/s. No new public radio service system will be authorized to operate on these frequencies.

NG7 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG8 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG9 FM inter-city relay stations may be authorized to use the band 942–952 Mc/s on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG10 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG11 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG12 Frequencies in the bands 454.40–455 Mc/s and 459.40–460 Mc/s may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radiotelephone service.

NG13 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ W., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc/s is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday, inclusive, of each week. However, the entire frequency band 220–225 Mc/s shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG14 Stations in the radiolocation service shall not cause harmful interference to stations in the disaster communications service between sunset and sunrise or at any time during an actual or imminent disaster. Conversely, stations in the disaster communications service shall not cause harmful interference to stations in the radiolocation service between sunrise and sunset except during an actual or imminent disaster.

NG15 (a) The amateur service may use in any area, whichever bands, 1800–1825 or 1975–2000 kc/s, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

(3) Only types A1 and A3 emissions shall be employed;

(4) Amateur operation shall be limited to:

Area	Bands (kc/s)	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these including the District of Columbia	1800–1825	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington)	1975–2000	500	200
State of Washington	1975–2000	200	50
Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas, (West of 99° W. or North of 32° N.)	1800–1825	200	50
	1975–2000	500	200
State of Hawaii	None	No operation	
Texas (East of 99° W. and South of 32° N.) Louisiana, Mississippi, Alabama, Alaska, Georgia, Florida, Puerto Rico, Virgin Islands, Guam, and other Possessions of the U.S. not listed in this table			

(b) This footnote shall be considered as temporary in the sense that it shall remain subject to cancellation or to revisions, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

NG16 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG17 Stations in the Land Transportation Radio Services authorized as of May 15, 1958 to operate on the frequency 161.61 Mc/s may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorized station in the maritime mobile service. No new Land Transportation Radio Service system will be authorized to operate on 161.61 Mc/s.

NG18 In the band 1605–1715 kc/s, stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG20 Fixed stations in the public safety radio service may be authorized the use of frequencies in this band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG21 In Hawaii, the frequency bands 76–88 Mc/s and 98–108 Mc/s are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only. Spacing between assignable frequencies is not specified.

NG22 The frequency 2182 kc/s may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG23 Frequencies in the band 2110–2200 Mc/s may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitude in the State of Florida and in U.S. Possessions in the Caribbean area.

NG24 On condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.35, 156.45 and 156.55 Mc/s: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall be protected from harmful interference from the land mobile service.

NG25 The frequency 6240 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG26 In Puerto Rico and the Virgin Islands only, the bands 154.04 Mc/s to 154.46 Mc/s and 161.40 Mc/s to 161.85 Mc/s are allocated exclusively to (a) aeronautical fixed service, (b) domestic fixed public service, and (c) international fixed public service. Spacings between assignments in these services are unspecified.

NG27 The frequency 6455 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG28 The frequency band 160.86–161.40 Mc/s is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only, on a shared basis with the land transportation radio service.

NG29 The frequencies 4067, 4372.4 and 8205.5 kc/s may be authorized for use by either ship or coast radiotelephone stations operating in the Mississippi River system.

NG30 Stations in the international fixed public radiocommunication service in Florida, south of 25°30′ north latitude, may be

authorized to use frequencies in the band 716–890 Mc/s on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG31 The spacing between frequency assignments in this band shall be 10 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG32 The spacing between frequency assignments in this band shall be 20 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG33 The spacing between frequency assignments in this band shall be 40 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG34 The spacing between frequency assignments in this band shall be 50 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG35 The spacing between frequency assignments in this band shall be 100 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG36 The spacing between frequency assignments in this band shall be 200 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG37 The frequencies 161.8 and 161.85 Mc/s are not available for assignment to the maritime mobile service in Puerto Rico or the Virgin Islands.

NG38 The frequencies 152.3, 152.36, 152.42, 157.56, 157.62, and 157.68 Mc/s may be assigned exclusively to stations in the industrial radio service outside standard metropolitan areas of 50,000 or more population.

NG39 Citizens radio service operations may be authorized only in the 466.475–467.475 Mc/s portion of this band.

NG40 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890–942 Mc/s may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942–952 Mc/s provided the bandwidth of emission does not exceed 1100 kc/s and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 942–952 Mc/s is likely to result in the elimination of the interference occurring in the band 890–942 Mc/s, and will not cause interference to existing operations in the band 942–952 Mc/s.

NG41 Frequencies in the bands 3700–4200 Mc/s, 5925–6425 Mc/s, and 10,700–11,700 Mc/s may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

NG43 Fixed stations in the domestic public radio services in Alaska, south of 56° North Latitude and east of 134° West Longitude, may be authorized to use frequencies in the band 800–830 Mc/s, on the condition that harmful interference will not be caused to the broadcasting service of any country.

NG 44 Under exceptional circumstances, the frequencies 2638 and 2738 kc/s may be authorized to coast stations.

U.S. FOOTNOTES

US1 Pulsed emissions prohibited.

US2 The frequency 132.0 Mc/s may be authorized to non-Government stations only.

US3 The Government fixed, mobile and radiolocation services are permitted in the band 132.0–135.0 Mc/s on condition that harmful interference is not caused to the aeronautical mobile (R) service.

US4 The frequency 135.0 Mc/s may be authorized for Government aeronautical mobile communications, other than air traffic control communications, when requirements cannot be satisfied within the band 132–135 Mc/s, on condition that harmful interference is not caused to other services operating in accordance with the Table of Frequency Allocations.

US5 Until January 1, 1963, the frequencies 217.425 through 217.675 Mc/s and 219.325 through 219.575 Mc/s, inclusive, may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

US6 Radio altimeters will not be permitted to use the band 420–460 Mc/s after February 15, 1963.

US7 The power to be employed by amateur stations in this band will not exceed 50 watts DC plate power input to the final stage of the transmitter.

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 Mc/s east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225, and 172.375 Mc/s west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire-fighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 Mc/s east of the Mississippi River and the frequency 171.475 Mc/s west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US9 In order to provide for intercommunication for safety purposes between Government and non-Government stations in the maritime mobile service, the frequencies 157.05, 157.1 and 157.15 Mc/s are allocated exclusively in all areas, to Government stations in the fixed and mobile services, and the frequencies 173.225, 173.25, 173.275, 173.3, 173.325, 173.35 and 173.375 Mc/s are allocated exclusively in all areas, to non-Government stations in the fixed and land mobile services.

US10 The use of the frequencies 26.62 Mc/s (in Hawaii), 143.91 Mc/s (in the continental United States excluding Alaska), and 148.14 Mc/s (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

US11 The use of the frequencies 166.250 and 170.15 Mc/s may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance not to exceed 60 kc/s) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 Mc/s. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US12 The use of the frequency 162.0 Mc/s may be authorized to non-Government coast stations only.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

Mc/s	Mc/s	Mc/s	Mc/s
169.425	170.325	171.825	406.125
169.475	170.375	171.875	406.175
169.525	171.025	171.925	412.625
169.575	171.075	171.975	412.675
170.225	171.125	406.025	412.725
170.275	171.175	406.075	412.775

US14 This frequency band is not available to non-Government stations, except that, in Regions 1 and 3 only, the frequency 512 kc/s may be authorized for use by non-Government ship telegraph stations as a working frequency and, when 500 kc/s is being used for distress purposes, as a supplementary calling frequency.

US15 The use of the frequency 540 kc/s is subject to the conditions that no harmful interference is caused to the services operating on 500 kc/s, and in the band 510–535 kc/s.

US16 Airdrome control stations may continue to be authorized to use frequencies in the band 290–325 kc/s on the condition that harmful interference will not be caused to stations of services operating in accordance with the Table of Frequency Allocations.

US17 For the radiolocation activities of the petroleum industry only, radiolocation land stations and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of the frequencies 230 Mc/s, 250 Mc/s and 310 Mc/s at locations within 150 miles of the respective shorelines of California, Alaska, and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

US18 Navigation aids in U.S. and possessions between 200 and 415 kc/s are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in this band subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US19 In the band 405–415 kc/s, stations in the aeronautical mobile service shall not cause harmful interference to stations in the radionavigation service.

US20 In Alaska, Government stations in the fixed service may be authorized to use frequencies in the band 72–73 and 75.4–76 Mc/s on the condition that harmful interference will not be caused to the reception of TV channel 4.

US21 Existing Government operations and non-Government stations authorized in this band as of December 1, 1961, may continue and shall not be required to afford protection to the radio astronomy service.

US22 Existing stations holding a valid authorization to operate in this band as of December 1, 1961, may continue to so operate and shall not be required to afford protection to the radio astronomy service in this band.

US23 In Alaska, the frequency bands 76–88 Mc/s and 88–100 Mc/s are allocated to Government radio services and the non-Government fixed service.

US24 Government fixed stations in the Midway Islands use frequencies in the band

54.0–54.4 Mc/s; U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc/s at any island in the Pacific Ocean west of the Island of Oahu, non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc/s at any island in the Pacific Ocean west of the Island of Oahu. This note does not apply to Alaska.

US25 The use of frequencies in the band 25.85–26.1 Mc/s may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975–121.425 and 123.575–126.825 Mc/s are for air traffic control communications.

US27 The frequency 121.6 Mc/s is for search and rescue communications. Aeronautical utility land and mobile stations may use this frequency on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

US28 The band 121.65–121.975 Mc/s is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.975–123.075 Mc/s by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.975–123.075 Mc/s is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. The frequencies 122.8 and 123.0 Mc/s may also be used by aeronautical advisory stations.

US32 The band 123.075–123.575 Mc/s is for (s) non-Government operations in accordance with the Commission's Rules and (b) for FAA communications incident to flight test activities pertinent to aircraft certification.

US33 The band 123.075–123.575 Mc/s is for use by flight test and flying school stations.

US34 The only non-Government service permitted in the band 220–225 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US35 Except as provided by footnote (US6), the only non-Government service permitted in the band 420–450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US36 Each non-Government station in the fixed service, authorized to operate in the band 890–942 Mc/s and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiolocation service during such term. Renewals of such authorizations, however, shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 Mc/s (2) accept any harmful interference that may be experienced from the radiolocation service and (3) shall not cause harmful interference to the radiolocation service.

US37 The only non-Government service permitted in the band 1215–1300 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US38 The non-Government use of the band 1300–1350 Mc/s is limited to the aeronautical radionavigation service.

US39 Radio altimeters are permitted in the band 1600–1660 Mc/s until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US40 The only non-Government service permitted in the band 2300–2450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US41 The Government radiolocation service is permitted in the band 2450–2500 Mc/s on the condition that harmful interference is not caused to non-Government services.

US42 Temporarily, and until certain operations of the radiolocation service in the band 2700–2900 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation and meteorological aids services may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US43 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700–2900 Mc/s, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US44 The non-Government radiolocation service may be authorized in the band 2900–3100 Mc/s on the condition that no harmful interference is caused to Government services.

US45 Each non-Government radiolocation land or radiolocation mobile station authorized to operate in the band 3100–3246 Mc/s, 3266–3300 Mc/s, or 9200–9300 Mc/s and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to Government services.

US46 Each non-Government radionavigation station authorized to operate a shipborne radar in the band 3100–3246 Mc/s, and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station must accept any harmful interference that might be experienced from Government services in that band.

US47 The band 4200–4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US48 The non-Government radiolocation service may be authorized in the band 5350–5460 Mc/s on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460–5470 Mc/s on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470–5600 Mc/s on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the band 5600–5650 Mc/s, the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US52 The only non-Government service permitted in the band 5650–5925 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US53 In the band 8750–8850 Mc/s, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service, and meanwhile must accept any harmful interference that may be experienced from the radiolocation service.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000–9200 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US55 The non-Government radiolocation service may be authorized in the band 9000–9200 Mc/s on the condition that harmful interference is not caused to the aeronautical radionavigation service or the Government radiolocation service.

US56 The non-Government radiolocation service may be authorized in the band 9300–9500 Mc/s on the condition that harmful interference is not caused to the Government radiolocation service.

US57 In the band 9750–9850 Mc/s, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service, and meanwhile must accept any harmful interference that may be experienced from the radiolocation service.

US58 In the band 10,000–10,500 Mc/s, pulsed emissions are prohibited. The amateur service and non-Government radiolocation services, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

US59 The band 10,500–10,550 Mc/s is restricted to systems using type AO emission with a power not to exceed 40 watts into the antenna.

US60 The use of this band by non-Government services is limited to the space and earth-space services.

US61 The use of this band by non-Government services is limited to the amateur service.

US62 The use of this band by Government services is limited to the space and earth-space services.

US63 The use of this band in the space and earth-space services is primarily for communications other than telemetering and tracking.

US64 The use of this band in the space and earth-space services is primarily for telemetering and tracking.

US65 The use of the band 5460–5650 Mc/s by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

US67 The use of the band 9300–9500 Mc/s by the meteorological aids service is limited to ground-based radars. Radiolocation installations will be coordinated with the meteorological aids service and, insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US68 The non-Government use of this band is limited to the radio astronomy service.

US69 In the band 31,800–33,400 Mc/s, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400–406 Mc/s does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300–9320 Mc/s, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US72 In the band 24,250–25,250 Mc/s, Government radiolocation devices (ASDE) are permitted between 24,250–24,470 Mc/s on a shared basis.

US73 Where protection of space or earth-space operations is necessary at specific ground receiving stations from fixed and mobile service operations in the band 1427–1429 Mc/s, coordination will be effected with agencies concerned to accomplish such local protection.

US74 The radio astronomy service shall be protected from harmful interference from services operating in other bands only to the extent that these services are protected from each other.

US75 Except as provided by footnote US21, the non-Government use of this band is limited to the radio astronomy service.

US76 The allocation to the space and earth-space services is for research purposes only.

US77 The frequencies 156.6 and 156.7 Mc/s for use on a simplex basis and the frequency pair 157.0/161.6 Mc/s for ship and coast stations, respectively, for use on a duplex basis, may also be authorized to Government stations in the maritime mobile service for port operations only.

US78 In the band 1435–1535 Mc/s, the frequencies between 1435 and 1485 Mc/s will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1535 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Specifically included as permissible usage for aeronautical telemetering stations in the band 1435–1535 Mc/s is telemetry associated with launching and reentry into the earth's atmosphere, as well as any incidental orbiting prior to reentry, of manned or unmanned objects undergoing flight tests.

US79 The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc/s and 1708 kc/s only.

APPENDIX II

Cross reference list of old and new NG and US footnote numbers used in the Part 2 Table of Frequency Allocations.

NG FOOTNOTES

New	Old	New	Old	New	Old
1	3	16	24	31	44
2	4	17	53	32	45
3	5	18	---	33	46
4	6	19	26	34	47
5	7	20	27	35	49
6	11	21	28	36	50
7	12	22	29	37	56
8	13	23	30	38	57
9	14	24	31	39	58
10	15	25	34	40	101
11	16	26	35	41	---
12	19	27	38	42	---
13	20	28	40	43	43
14	---	29	41	44	---
15	23	30	42		

US FOOTNOTES

New	Old	New	Old	New	Old
1	1	28	96	55	---
2	5	29	97	56	---
3	6	30	98	57	126
4	7	31	99	58	127
5	8	32	100	59	---
6	11	33	101	60	---
7	18	34	103	61	---
8	19	35	104	62	---
9	20	36	104A	63	---
10	21	37	105	64	---
11	22	38	---	65	---
12	24	39	---	66	---
13	25	40	109	67	---
14	26	41	110	68	---
15	27	42	---	69	---
16	28	43	---	70	---
17	30	44	---	71	---
18	31	45	113B	72	---
19	---	46	113C	73	---
20	---	47	---	74	---
21	---	48	---	75	---
22	---	49	---	76	---
23	33	50	---	77	224
24	34	51	---	78	revised 107
25	---	52	119	79	NG25
26	94	53	120		
27	95	54	---		

NOTE: NG and US footnotes effective in Part 2 prior to December 1, 1961, the numbers for which are not included under the caption "Old" in Appendix II, have been deleted or revised to the extent that they cannot be associated directly with "New" numbers.

[F.R. Doc. 61–10341; Filed, Nov. 14, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 423—ALMONDS

Subpart—1961 Surplus Almond Price Support Program

This bulletin (hereinafter called subpart) contains regulations applicable to 1961 crop Surplus Almond Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as CCC and ASCS respectively).

GENERAL

Sec.
423.1 Administration.
423.2 Availability.
423.3 Method of price support.
423.4 Support prices.
423.5 Loan agreement.

AUTHORITY: §§ 423.1 to 423.5 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 302, 303, 401, 63 Stat. 1053, 1054; 15 U.S.C. 714c, 7 U.S.C. 1421, 1447, 1448, 1449.

GENERAL

§ 423.1 Administration.

The program will be administered by the Oils and Peanut Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. In the field, the program will be carried out by the California Agricultural Stabilization and Conservation State committee (hereinafter called the State Committee) and the Portland ASCS Commodity Office (hereinafter called the commodity office). The State Committee and the commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 423.2 Availability.

(a) *Area.* The program will be available in the State of California.

(b) *Time.* Loans will be made through January 31, 1962 and will mature on September 1, 1962 or such earlier date as may be specified by CCC: *Provided however,* That CCC may extend the maturity date beyond September 1, 1962.

§ 423.3 Method of price support.

The price of 1961 crop "surplus" almonds grown in the State of California will be supported by means of nonrecourse loans to almond handlers made pursuant to loan agreements which will require the handler to distribute promptly in cash the entire amount of the loan to the growers who have retained a beneficial interest in the surplus almonds.

§ 423.4 Support prices.

The support price for 1961 crop surplus almonds shall be 20 cents per pound edible kernel weight.

§ 423.5 Loan agreement.

The loan agreement set forth in this section provides the terms and conditions pursuant to which the loan will be made.

ALMOND HANDLER LOAN AGREEMENT

This agreement made and entered into by the Commodity Credit Corporation, Washington, D.C., a corporate agency of the United States (hereinafter referred to as "CCC") and _____ (hereinafter referred to as the "handler"), with its principal place of business located at _____.

WITNESSETH

Whereas, CCC has authorized nonrecourse loans on eligible almonds to handlers for the benefit of growers, and

Whereas, the handler represents that he has or will have eligible almonds and desires to obtain a loan on behalf of growers who have retained the beneficial interest in the almonds.

Now therefore, in consideration of these premises, the parties hereto agree as follows:

1. *Loan.* CCC agrees to make a loan to the handler on eligible almonds, secured as set forth in paragraph 3 hereof. Such loan shall consist of amounts, advanced upon request of the handler, computed on the basis of 20 cents per pound, edible kernel weight, on a quantity not to exceed the handler's surplus obligation which the Control Board certifies has accrued under the marketing order. Requests for loan advances must be made on or before January 31, 1962.

2. *Interest rate.* Amounts advanced under the loan shall bear interest at the rate of 3½ percent per annum from respective dates of disbursement by CCC of the advances, except that where there has been a fraudulent representation in obtaining a loan advance interest shall accrue thereon at the rate of 6 percent per annum from the date of disbursement of such loan advance.

3. *Security.* Prior to any loan advance the handler, at his option shall (1) furnish as security for the loan, warehouse receipts covering a quantity of eligible almonds equal to the kernel weight upon which the loan advance is to be made or (2) furnish, as security for the repayment of the loan or its satisfaction by delivery of eligible almonds, a bond or letter of credit, in form approved by CCC, for 103.5 percent of each loan advance request. The handler may substitute for a bond or letter of credit previously furnished to CCC, warehouse receipts covering a quantity of eligible shelled almonds, in cold storage, equal to the unpaid balance of the loan computed at the rate of 20 cents per pound edible kernel weight.

A. If warehouse receipts are furnished as security for the loan such receipts must be in a form acceptable to CCC and must (1) specify whether the almonds are in shell or shelled, and (2) effect a valid pledge of almonds to CCC free and clear of all liens and be accompanied by or contain the warehouseman's waiver of his lien for storage through September 1, 1962. The handler will pay or provide for the storage of the almonds without cost to CCC for the period of the loan and will on or before May 31, 1962, tender to CCC, in substitution of the originally tendered collateral, warehouse receipts for shelled almonds in cold storage to the extent of the quantity of edible kernels which remain unredeemed.

B. If bonds are used as security for the loan, such bonds shall assure performance by the handler of his obligation under this agreement of (1) repaying the loan plus interest on or before maturity or (2) upon maturity and nonpayment of the loan, delivering to the Almond Control Board, on behalf of CCC and in satisfaction of his surplus obligation, a quantity of eligible shelled almonds, free and clear of all liens and charges, not less than that quantity which, at 20 cents per pound, would equal the unpaid principal of the loan. If a letter of credit is used, its terms shall permit CCC to draw against it for any sum CCC determines due as a result of a handler's failure to repay the loan or properly deliver almonds representing the unpaid portion of the loan.

C. As additional security for the loan, the handler agrees to assign to CCC any amounts the Handler is entitled to receive with respect to the quantity of almonds which are delivered or should have been delivered to the Board pursuant to paragraph 8 of this agreement for credit against the handler's surplus obligation to the extent of the quantity representing the unpaid portion of the loan. No other assignments will be permitted without the prior written approval of CCC and any such assignment shall be in such form as may be approved or prescribed by CCC.

4. *Payments to growers.* The handlers shall distribute promptly in cash the full amount of the loan advances to the eligible growers on the basis of their interest in the eligible almonds on which the loan is obtained.

5. *Maturity date.* The loan shall mature on September 1, 1962 unless called by CCC on an earlier date or unless the maturity date is extended by CCC. In the event of any increase in the 1961 salable percentage, the amount of the loan representing that quantity of almonds thereby released from surplus and returned to the salable percentage shall become immediately due and payable. In the event the handler exports almonds pursuant to Board requirements for surplus disposition, that portion of the loan represented by such almonds, if not previously repaid by the handler, shall become due and payable on or before 30 days after such exportation. CCC may mature the loan by calling for payment thereof upon 15 days' notice to the handler, or, in the event CCC determines that the handler has breached any of his obligations under this agreement, promptly upon notice to the handler.

6. *Insurance.* If warehouse receipts are pledged as security for the loan, the handler shall insure, or require that the warehouseman insure, the almonds represented by the warehouse receipt for not less than the full loan value against loss by fire, lightning, windstorm, cyclone, tornado, and other hazards normally insured against by the handler. The handler shall not be responsible for repayment of the loan advances made with respect to surplus almonds pledged to CCC which are damaged or destroyed by external physical causes for which insurance coverage is not required.

7. *Repayment of loan.* On or before maturity, the handler agrees to repay the loan with accrued interest. The handler may repay all or part of the loan at any time prior to maturity by remitting all or part of the loan principal plus the related accrued interest as determined by CCC. CCC will notify the Control Board of the release from the handler's assignment of the quantity of almonds equivalent to loan repayments and will release loan collateral or will authorize a reduction of the letter of credit as the case may be to the extent of the loan repayment.

8. *Rights at maturity.* If the loan is not repaid in full on or before maturity—

(a) The handler shall, if he has not delivered warehouse receipts for shelled almonds to CCC pursuant to paragraph 3, deliver promptly upon maturity of the loan to the Control Board, for disposition pursuant to the marketing order and subject to the assignment of proceeds, a quantity of eligible shelled almonds which at 20 cents per pound, edible kernel weight basis, will equal the unpaid principal of the loan.

(b) CCC shall, if it holds warehouse receipts as loan collateral, (1) deliver warehouse receipts, representing surplus almonds under the order, to the Control Board for disposal of the almonds under the provisions of the marketing order and subject to the assignment of proceeds or (ii) sell almonds covered by such warehouse receipts, which do not represent surplus almonds under the order, at public or private sale, and upon such sale CCC may become the purchaser of the almonds.

(c) CCC shall, if a letter of credit or bond was given and the handler has not delivered sufficient almonds to the Control Board to satisfy the delivery requirements of subparagraph (a) of this paragraph 8, draw on the letter of credit or require payment under the bond for an amount equal to the unpaid principal balance plus related accrued interest.

(d) CCC shall have no obligation to pay the handler any amount, received from sale of almonds made directly by it or under the assignment of proceeds, which exceeds the loan indebtedness plus accrued interest on the quantity of eligible almonds with respect to which such proceeds are received.

(e) Notwithstanding the provisions of paragraph 7 hereof, the handler shall not be personally liable for any amount by which the loan indebtedness, at the rate of 20 cents per kernel pound net weight plus accrued interest, on the quantity of eligible almonds delivered to the Board under subparagraph (a) of this paragraph 8 or delivered to CCC exceeds the proceeds received with respect thereto by CCC under the handler's assignment or under any sale made by CCC: *Provided,* That if there has been a fraudulent representation in obtaining a loan advance the handler shall be personally liable for the amount of the loan plus accrued interest thereon at the rate of 6 percent per annum.

9. *Records and reports.* Each handler shall keep records which will accurately show the details of his receipts of almonds and the distribution of the loan advance to eligible growers. Such records shall be retained by the handler for 3 years after the end of the crop year for which they apply. The handler's premises shall be accessible to authorized representatives of CCC for examination and audit of the aforesaid records and for inspection and observation of almonds. CCC may examine and audit the accounts and records of the handler and may require the handler to make all of his records available at the main office at any time audit is made.

10. *Definitions.* As used in this agreement and in instructions and documents in connection therewith, the words and phrases defined in this paragraph shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Marketing order* means the Almond Marketing Order, Order No. 9, 7 CFR Part 909.

(b) *Eligible almonds* means 1961 crop almonds, either in shell or shelled of "eligible weight" as determined in accordance with 7 CFR § 909.453(b), which have been certified by the Control Board as being within the handler's surplus obligation under the order after making allowance for creditable exports and surplus credits under 7 CFR § 909.467(c), and which represent surplus almonds in which the growers have retained the beneficial interest.

(c) *Beneficial interest* means the right in the grower to receive any net proceeds derived from disposition of almonds notwithstanding the fact legal title or power to pledge the almonds may have been passed by the grower to the handler.

(d) *Handler* means any person handling almonds, as defined in the Marketing Order during the 1961–62 crop year except that such terms shall not include a grower who sells only almonds of his own production at retail at a roadside stand operated by him.

(e) *Edible kernel* means a kernel, piece, or particle of almond kernel which is free from serious damage as defined in the effective United States Standards for Shelled Almonds.

(f) *Grower* is synonymous with "producer" and means any person engaging, in a proprietary capacity, in the production of almonds.

(g) *Control Board* is synonymous with "Board" and means the Almond Control Board established pursuant to the marketing order.

11. *Termination of agreement.* Notwithstanding any other provisions hereunder CCC may at any time by written notice to the handler revoke or limit the handler's right to obtain a loan on almonds under this agreement. Nothwithstanding termination of the agreement, or revocation, or limitation of the handler's right to obtain a loan on almonds under this agreement, the provisions under this agreement shall continue in full force and effect with respect to any loan made to the handler prior to such termination, revocation, or limitation.

12. *Officials not to benefit.* No Member of or Delegate to the Congress of the United States shall be admitted to any share or part of this agreement or to any benefit to arise herefrom; but this provision shall not be construed to extend to benefits arising from this agreement if accruing to a corporation, nor shall this provision be construed to prevent any such Member or Delegate from obtaining any benefit hereunder in his capacity as a farmer.

13. *Contingent fees.* The handler warrants that he has not employed any person to solicit or secure this agreement upon any stipulation for such commission, percentage, brokerage, or contingent fees and that no such consideration or payment has been or will be made. Breach of this warranty shall give CCC the right to annul the agreement or in its discretion to charge to the account

of the handler the amount of such commission, percentage, brokerage, or contingent fees.

Signatures:

Handler ----------
By ----------
Title ----------
Signed at ---------- this ------ day of ---------- 196--.

COMMODITY CREDIT CORPORATION
By ----------
(Contracting officer)
Signed at ---------- this ------ day of ---------- 196--.

Effective date. Date of signature.

Signed at Washington, D.C., on November 9, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-10881; Filed, Nov. 14, 1961; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of the Walnut Control Board and Rates of Assessment for 1961–62 Marketing Year

Notice was published in the FEDERAL REGISTER on October 21, 1961 (26 F.R. 9911), that there was under consideration a proposal regarding expenses of the Walnut Control Board and rates of assessment for walnuts during the 1961–62 marketing year which began August 1, 1961. The proposal was based on the recommendation of the Walnut Control Board and other available information in accordance with applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments pertaining thereto with the Department for consideration prior to approval of the expenses and rates of assessment. The prescribed time has expired and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Walnut Control Board in the amount of $100,300 are reasonable and likely to be incurred by the Board during the 1961–62 marketing year. Rates of assessment of 0.10 cent per pound of merchantable unshelled walnuts, and 0.20 cent per pound of merchantable shelled walnuts should assure the availability of sufficient funds to meet the estimated total expenses of the Board for said marketing year.

Therefore, the expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1961, are authorized and established as follows:

§ 984.313 Expenses of the Walnut Control Board and rates of assessment for the 1961–62 marketing year.

(a) *Expenses.* The expenses of the Walnut Control Board for the marketing year beginning August 1, 1961, are authorized in the total amount of $100,300, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of the amended marketing agreement and this part, determine to be appropriate.

(b) *Rates of assessment.* In accordance with § 984.66 the rates of assessment for said marketing year are fixed at 0.10 cent per pound of merchantable unshelled walnuts handled or certified for handling, and 0.20 cent per pound of merchantable shelled walnuts handled or declared for handling, and each handler shall pay to the Walnut Control Board on demand, assessments on all assessable walnuts at such rates.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the current marketing year began on August 1, 1961, and the rates of assessment herein fixed will automatically apply to all assessable walnuts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1961.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10879; Filed, Nov. 14, 1961; 8:50 a.m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Assessment Rate for 1961–62 Fiscal Year

Notice was published in the FEDERAL REGISTER on October 21, 1961 (26 F.R. 9911), that there was under consideration a proposal regarding expenses of the Filbert Control Board and an assessment rate for the 1961–62 fiscal year which began August 1, 1961. The proposal was based on the recommendation of the Filbert Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997), regulating the handling of filberts grown in Oregon and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments pertaining thereto with the Department for consideration prior to approval of the expenses and the assessment rate. The prescribed time has expired and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Filbert Control Board in the amount of $24,465 are reasonable and likely to be incurred by the Board during the 1961–62 fiscal year. An assessment rate of 0.16 cent per pound of filberts is necessary to provide funds to meet authorized Board expenses and such rate shall represent each handler's pro rata share of such expenses.

Therefore, the expenses of the Filbert Control Board and the assessment rate for the fiscal year beginning August 1, 1961, are as follows:

§ 997.306 Expenses of the Filbert Control Board and assessment rate for the 1961–62 fiscal year.

(a) *Expenses.* The expenses of the Filbert Control Board for the fiscal year beginning August 1, 1961, are authorized in the total amount of $24,465, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of the amended marketing agreement and this part, determine to be appropriate.

(b) *Assessment rate.* In accordance with § 997.61, the assessment rate for said fiscal year is fixed at 0.16 cent per pound of assessable filberts, and each handler shall pay to the Board on demand, assessments on all assessable filberts at such rate.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that an assessment rate fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1961, and the assessment rate herein fixed will automatically apply to all assessable filberts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1961.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10878; Filed, Nov. 14, 1961; 8:50 a.m.]

PART 1073—DATES

Regulation Governing Importation

Notice was published in the FEDERAL REGISTER (26 F.R. 8397, 8455) that, pursuant to requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and as amended by the Agricultural Act of 1961 (Pub. Law 87–128), approved August 8, 1961, hereinafter referred to as the "act", that the Department had under consideration the proposed grade, size, quality, maturity, and other requirements that will govern the importation into the United States of dates other than dates for processing and dates prepared and preserved. The notice afforded interested persons opportunity to submit written data, views, or arguments pertaining to the proposal.

Marketing Order No. 103, as amended (7 CFR Part 1003), effective pursuant to the act, contains terms and conditions regulating the grade, size, quality, and maturity of Deglet Noor, Zahidi, and Khadrawy dates produced or packed in a designated area of California and sold or otherwise handled as dates, whether whole or pitted.

After consideration of all relevant matters presented, including data, views, and arguments submitted pursuant to the notice and other available information: *It is ordered,* That the importation of dates into the United States shall be subject to, and in accordance with, the requirements of this part.

The provisions of this part are as follows:

§ 1073.1 Regulation governing the importation of dates.

(a) *Definitions.* (1) "Dates in retail package" means whole or pitted dates other than dates prepared or preserved, wrapped or packaged for sale at retail.

(2) "Dates for packaging" means whole or pitted dates in bulk containers which are to be repacked, in whole or part, in the United States as dates in retail packages.

(3) "Bulk container" means any container of dates which, together with the dates therein, weighs more than 10 pounds.

(4) "Dates for processing" means any dates intended for use in a bakery, confectionery, or other product and includes dates coated with a substance materially altering their color.

(5) "Dates prepared or preserved" means dates processed into a confection or other product, dates coated with a substance materially altering their color, or dates prepared for incorporation into a product by chopping, slicing, or other processing which materially alters their form.

(6) "Person" means any individual, partnership, corporation, association, or other business unit.

(7) "Registered Repacker" means any person who is designated as such by the United States Department of Agriculture, in accordance with paragraph (h) of this section, to receive the dates for packaging.

(8) "Fruit and Vegetable Division" means the Fruit and Vegetable Division of the Agricultural Marketing Service, United States Department of Agriculture.

(9) "USDA inspector" means an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division.

(10) "Importation" means release from custody of United States Bureau of Customs.

(b) *Grade requirements.* (1) Except as provided in paragraphs (d) and (e)(2) of this section, dates for packaging and dates in retail packages, other than dates prepared and preserved, shall not be imported into the United States unless they meet the following grade requirements which requirements are determined to be comparable to those imposed upon domestic dates handled pursuant to Order Number 103, as amended (7 CFR Part 1003): The whole or pitted dates shall be of one variety, possess a fairly good color, be fairly uniform in size, be fairly free from defects, possess a fairly good character and score not less than 70 points when scored in accordance with the scoring system applicable to U.S. Grade C dates, *Provided,* That, in determining such grade the dates shall not be scored as damaged because of the longitudinal slit caused in removing the pit or the mashing resulting therefrom unless the flesh is seriously torn or mangled, and the dates shall be wholesome and unadulterated.

(2) Compliance with the grade requirements shall be determined on the basis of an inspection and certification by a USDA inspector.

(c) *Inspection and Certification requirements*—(1) *Inspection.* All inspections of dates shall be made by USDA inspectors in accordance with the regulations governing the inspection of processed fruits and vegetables, processed products thereof, and certain other processed food products (7 CFR Part 52). Applications for inspection at the port of entry shall be made at least 10 days in advance and be accompanied either by an onboard bill of lading with the lots to be inspected designated thereon or by a list of such lots and their identifying marks. Applications for inspection at a Registered Repacker's premises shall be made at least 3 days in advance if on a lot basis or 30 days in advance if on an in-plant inspection basis. The cost of each such inspection and related certification shall be borne by the applicant therefor.

(2) *Certification.* Each inspection certificate issued by a USDA inspector shall set forth, among other things, the following:

(i) The date and place of inspection.

(ii) The name of the applicant.

(iii) If applicant is a Registered Repacker, the name of the importer.

(iv) The variety and quantity and the identifying marks of the lot inspected.

(v) The statement, if applicable: "Meets U.S. import requirements under Section 8e of the A.M.A. Act of 1937".

(d) *Minimum quantity.* Notwithstanding any other provision of this part, any lot of dates for importation which, in the aggregate, does not exceed 70 pounds is exempt from the provisions of this part.

(e) *Entry.* No person shall import any dates into the United States unless he first files with the Collector of Customs at the port at which the customs entry is filed, as a condition of each such entry, either an inspection certificate issued by a USDA inspector which includes the statement in paragraph (c)(2)(v) of this section or an executed "Dates—Section 8e Entry Declaration" substantially as follows:

Dates—Section 8e Entry Declaration

I hereby certify to the U.S. Department of Agriculture and the Bureau of Customs that the dates covered by this certification are not accompanied by inspection certificates issued by USDA inspectors but are being entered as indicated:

1. Date of entry: ----------
2. Place of entry: ----------
3. Quantity of dates in each lot:
   (a) Entered as dates for packaging ---------- lbs.
   (b) Entered as dates for processing ---------- lbs.
   (c) Entered as dates prepared or preserved ---------- lbs.

I agree to obtain from each person to whom any of the dates covered by 3(a) or 3(b) are delivered, an executed "Dates for Packaging or Processing—Section 8e Certification of Repacker, Processor, or Reseller" and to file the same with the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the fifth day of the month following the month in which the dates were delivered.

Dated: ----------
Name of firm ----------
Address ----------
Signature ----------
Title ----------

(1) *Dates in retail packages.* No person shall import any lot of dates in retail packages unless such dates are covered by an inspection certificate, issued by a USDA inspector, containing the statement in paragraph (c)(2)(v) of this section.

(2) *Dates for packaging.* (i) No person shall import any lot of dates for packaging unless such dates are covered by either (*a*) an inspection certificate, issued by a USDA inspector, containing the statement in paragraph (c)(2)(v) of this section or, if such dates are to be imported and delivered by the importer to a Registered Repacker, (*b*) an executed "Dates—Section 8e Entry Declaration". Whenever dates are so imported and delivered to a Registered Repacker, the importer shall obtain from him, upon delivery of such dates, an executed "Dates for Packaging or Processing—Section 8e Certification of Repacker, Processor, or Reseller" substantially as follows:

Dates for Packaging or Processing—Section 8e Certification of Repacker, Processor, or Reseller

I hereby certify to the U.S. Department of Agriculture that I have accepted delivery of the dates covered by this certification; that I will use or sell them only in accordance with the Regulation Governing Importation of Dates (7 CFR Part 1073); and that I am: (check applicable) ------ Registered Repacker, ------ processor (user of dates for processing), or ------ reseller (dealer in dates for processing).

1. Date of purchase ----------
2. Place of purchase ----------
3. Name and address of importer or seller ---
   ----

4. Quantity of dates in each import lot:
(a) As dates for packaging ---------- lbs.
(b) As dates for processing ---------- lbs.
Dated: ----------
Name of firm ----------
Address ----------
Signature ----------
Title ----------

The importer shall file such certification with the Fruit and Vegetable Division.

(ii) The inspection and certification required under paragraph (b) of this section shall be obtained by such Registered Repacker.

(iii) Dates for packaging which fail to meet the grade requirements specified in paragraph (b) of this section shall not be disposed of as dates in retail packages or as dates for packaging.

(3) *Dates for processing.* Any lot of dates for processing may be imported into the United States exempt from the grade, inspection, and certification requirements of this part upon the importer filing at the time of entry an executed "Dates—Section 8e Entry Declaration". No importer or other person may import, sell, or use any dates for processing other than for use as set forth in paragraph (a)(4) of this section. Each importer of dates for processing shall obtain from each purchaser, no later than the time of delivery to such purchaser of dates for processing, and file with the Fruit and Vegetable Division, an executed "Dates for Packaging or Processing—Section 8e Certification of Repacker, Processor, or Reseller" as provided in this part.

(4) *Dates prepared or preserved.* Dates prepared or preserved may be imported into the United States exempt from grading, inspection, and certification requirements of this part upon the filing by the importer at time of entry an executed "Dates—Section 8e Entry Declaration".

(f) *Filing and retention of certificates.* The certification "Dates for Packaging or Processing—Section 8e Certification of Repacker, Processor, or Reseller" required to be filed pursuant to paragraph (e) (2) or (3) of this section shall be executed in not less than 3 copies, of which one shall be filed with the Fruit and Vegetable Division not later than the fifth day of the month immediately following the month of delivery of the dates covered thereby, one shall be retained by the importer for not less than two years after the date of delivery, and one similarly shall be retained by the person accepting delivery.

(g) *Other restrictions.* The provisions of this part do not supersede any restrictions or prohibitions on the importation of dates under the Plant Quarantine Act of 1912 or any other applicable laws or regulations, or the need to comply with applicable food and sanitary regulations of city, county, State, or Federal agencies.

(h) *Registered repacker.* Any person with facilities for receiving dates for packaging and wrapping or packaging them as dates in retail packages, who desires to be designated by the United States Department of Agriculture as a Registered Repacker, and who certifies in writing that he will comply with the provisions of this part, including having such dates inspected and certified by a USDA inspector as to whether such dates meet the grade requirements specified in paragraph (b) may file an application therefore, with the Fruit and Vegetable Division, substantially as follows:

Application to be Designated as Registered Repacker

In accordance with § 1073.1(h) of the Regulation Governing Importation of Dates (7 CFR Part 1073; 26 F.R. 10689), issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), I hereby apply to be designated by the U.S. Department of Agriculture as a Registered Repacker. I hereby certify that I have facilities for receiving imported dates for packaging and for wrapping or packaging such dates in retail packages, that I will comply with said regulation, that I will have such dates for packaging inspected and certified by USDA inspectors as to whether such dates meet the requirements specified in paragraph (b) of the regulation, and that I will not dispose of any such dates in retail packages unless the inspection certificates covering such dates contain the statement in (c)(2)(v) of the regulation.

Dated: ----------
Name of repacker ----------
Address ----------
Signature ----------

The designation of any such person as a Registered Repacker shall continue so long as the person complies with the terms and conditions of his application.

(i) *Compliance.* Any person who violates any provision of this regulation shall be subject to a forfeiture in the amount prescribed in section 8a(5) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), or, upon conviction, a penalty in the amount prescribed in section 8c(14) of said act, or to both such forfeiture and penalty. False representations in any matter within the jurisdiction of any agency of the United States, knowing it to be false, is a violation of 18 U.S.C. 1001 which provides for a fine or imprisonment or both.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 8, 1961, to become effective January 3, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10877; Filed, Nov. 14, 1961; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8389 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Larry Levine, Inc. and Lawrence Levine

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Larry Levine, Inc., et al., New York, N.Y., Docket 8389, Sept. 6, 1961]

In the Matter of Larry Levine, Inc., a Corporation, and Lawrence Levine, Individually and as an Officer of Said Corporation

Consent order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by failing to label ladies' and junior misses' wool coats as required; by setting forth required information on labels in abbreviated form; and by failing to set forth separately on labels the character and amount of constituent fibers contained in interlinings.

The order to cease and desist is as follows:

It is ordered, That respondent Larry Levine, Inc., a corporation, and its officers, and Lawrence Levine, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction or the introduction, into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and in the Wool Products Labeling Act of 1939, of coats or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

2. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act of 1939 in abbreviated form.

3. Failing to separately set forth on the required stamp, tag, label, or other means of identification, the character and amount of the constituent fibers contained in the interlinings of said wool products.

By "Amended Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents Larry Levine, Inc., a corporation, and Lawrence Levine individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10844; Filed, Nov. 14, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

1962 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the quantities of sugar that may be established as the sugar quota for the Domestic Beet Sugar Area for the period January 1, 1962, through June 30, 1962, or for the calendar year 1962 or a part thereof, is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will convene at 10:00 a.m., e.s.t., November 28, 1961, in Room 239–E Administration Building, U.S. Department of Agriculture, Washington, D.C. After the submission of appropriate testimony and evidence, as prescribed hereafter in this notice, such hearing will be adjourned and reconvened at 10:00 a.m., e.s.t., February 8, 1962, at the same location.

The finding relating to the need for allotments is in the nature of a preliminary finding based on the best information now available. Under the proposed determination of sugar requirements for the continental United States for 1962 and proposed quotas for the six-month period ending June 30, 1962 (26 F.R. 9051), a quantity of 1,032,931 short tons, raw value, of sugar has been proposed as the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962. However, the quota that will be established for the Domestic Beet Sugar Area for the calendar year 1962 or a part thereof is still unknown. The ability of the beet sugar processors to market sugar exceeds the quantities of such sugar which may be marketed within probable quotas for the Domestic Beet Sugar Area for the period January 1, 1962, through June 30, 1962, and that may be established for the calendar year or a part thereof. Under such circumstances provision should be made for the allotment of such quotas to avoid disorderly marketing and to provide all beet sugar processors an equitable opportunity to market sugar.

At the hearing it will be appropriate to present evidence on the basis of which the Secretary may affirm, modify, or revoke such preliminary findings and, in accordance therewith, make or withhold allotment of the quota for the period January 1, 1962, through June 30, 1962, or of the quota for the calendar year 1962 or a part thereof.

The purpose of the hearing convening on November 28, 1961, will be to receive evidence that will enable the Secretary to establish fair, efficient and equitable allotments of a portion of the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, which will enable persons who process sugar and liquid sugar from sugar beets to market such sugar and liquid sugar in an orderly manner during the period January 1, 1962, to the date the Secretary prescribes a method for allotting the entire quota for the six-month period ending June 30, 1962, on the basis of the record of the hearing after it is reconvened.

To avoid disorderly marketing by any allottee who might market early in 1962 a quantity of sugar larger than its allotment of the entire quota, it is necessary to make allotments effective on January 1, 1962. Part of the evidence necessary to provide an adequate basis for establishing allotments of the quota for the six-month period ending June 30, 1962, or for the calendar year 1962 or a part thereof, cannot be adduced on November 28, the date on which the hearing is called. Therefore, the testimony on November 28 will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the Act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1962, until an order establishing the method for allotting the entire quota for the six-month period ending June 30, 1962, is made effective. Testimony on November 28 also may be received in regard to the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for molasses or sugar beets to be sold to and processed for the account of one allottee by another.

The hearing to be reconvened on February 8, 1962, will be for the purpose of receiving evidence that will enable the Secretary to establish fair, efficient and equitable allotments of the entire quota for the six-month period ending June 30, 1962, or for the calendar year 1962, or a part thereof. In addition, the subjects and issues of the reconvened hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another.

Notice is also given hereby that it will be appropriate at the reconvened hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota for the Domestic Beet Sugar Area for the period January 1, 1962, through June 30, 1962, or for the calendar year 1962 or a part thereof for the purposes of (1) allotting any increase or decrease in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of any area quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 8th day of November 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10856; Filed, Nov. 14, 1961; 8:47 a.m.]

[7 CFR Part 1138]

[Docket No. AO–335]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Federal Building, Room 608, 517 Gold, SW., Albuquerque, New Mexico, beginning at 10:00 a.m., local time, on December 11, 1961, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Rio Grande Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairy Farmers' Association:

Proposal No. 1.

DEFINITIONS

§ 1138.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1138.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1138.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this order.

§ 1138.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1138.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1138.6 Rio Grande marketing area.

"Rio Grande Marketing Area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Bernalillo, Chavez, Colfax, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Valencia, all in the State of New Mexico; El Paso in the State of Texas; and Archuleta, La Plata, Montezuma, and San Juan in the State of Colorado.

§ 1138.7 Producer.

"Producer" means any person other than a producer-handler who produces milk in compliance with fluid milk product requirements of a duly constituted health authority having jurisdiction within the marketing area and whose milk is:

(a) Received at a pool plant in an amount representing 16 or more days' production during the month; or

(b) Diverted to a nonpool plant for the account of a handler in an amount not to exceed 15 days' production. Milk so diverted shall be deemed to have been received by the diverting handler at the plant to which it was diverted.

§ 1138.8 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no milk from other dairy farmers or from any source other than a pool plant: *Provided*, That any person who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person; and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of the same person.

§ 1138.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area;

(b) A cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) A cooperative association with respect to the milk of its member producers received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempted in § 1138.60 or § 1138.61.

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which 15 percent or more of the total Class I sales are made on routes in the marketing area: *Provided*, That the total quantity of Class I milk disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to a distributing pool plant: *Provided*, That any supply plant which has qualified as a pool plant for each of the months of September through February in any year shall be a pool plant for each of the months of March through August unless written request for nonpool status is furnished in advance to the market administrator.

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 1138.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 1138.7.

§ 1138.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except: (1) Receipts from other pool plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk); and concentrated (fresh or frozen) milk, flavored milk or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 1138.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

§ 1138.16 Butter price.

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month.

§ 1138.17 Nonfat dry milk price.

"Nonfat dry milk price" means the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

MARKET ADMINISTRATOR

§ 1138.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 1138.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1138.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lessor period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1138.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1138.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1138.30 to 1138.32 or (2) payments pursuant to §§ 1138.80 to 1138.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1138.51(a) and 1138.53(a), respectively;

(2) On or before the 5th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 1138.51(b) and 1138.53(b), respectively;

(3) On or before the 12th day of each month, the uniform prices for producer milk computed pursuant to § 1138.71, the location differential computed pursuant to § 1138.81, and the butterfat differential computed pursuant to § 1138.82, all for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1138.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler or handler making payments pursuant to § 1138.62(a) shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 1138.31 Payroll reports.

On or before the 20th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1138.62(a) shall submit to the market administrator his payroll for receipts during the preceding month which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association.

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deduction or charges involved in such payments.

§ 1138.32 Other reports.

Each producer-handler and each handler making payments pursuant to § 1138.62(a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1138.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilites as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 1138.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(a) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1138.40 Skim milk and butterfat to be classified.

All skim milk and butterfat at pool plants which is required to be reported pursuant to § 1138.30 shall be classified by the market administrator, pursuant to the provisions of §§ 1138.41 to 1138.46.

§ 1138.41 Classes of utilization.

Subject to the conditions set forth in §§ 1138.42 to 1138.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2) and (3) of this section, or (2) not specifically accounted for as Class II utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In inventory of fluid milk products on hand at the end of the month;

(3) In shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and and butterfat, respectively, transferred in bulk from pool plants to other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; and

(4) In shrinkage allocated to receipts of other source milk.

§ 1138.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat (1) in the quantity of milk from producers and in bulk tanks from pool plants of other handlers, and (2) in other source milk.

§ 1138.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1138.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1138.46, and any additional amount of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 200 miles from the El Paso, Texas, Albuquerque, New Mexico, or Santa Fe, New Mexico, county courthouse, whichever is closer, by shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages; and

(e) (1) As Class I milk, if transferred or diverted in the form of a fluid milk product, in bulk, to a nonpool plant located not more than 200 miles from the El Paso, Albuquerque, New Mexico, or Santa Fe, New Mexico, county courthouse, whichever is closer by shortest highway distance as determined by the market administrator, unless the following conditions are met.

(i) The transferring handler claims Class II utilization in his report submitted pursuant to § 1138.30;

(ii) The operator of the nonpool plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(iii) The skim milk and butterfat so transferred or diverted is allocated to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk;

(2) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

§ 1138.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1138.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 1138.41(b)(3);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classifications as determined pursuant to § 1138.44(a).

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1138.50 Basic formula price.

The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) The average of the basic of field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

PRESENT OPERATOR AND LOCATION

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
White House Milk Co., Manitowoc, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.

(b) The price obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 3 cents from the butter price and multiply the remainder by 4.8; and

(2) From the nonfat dry milk price deduct 5.5 cents, and multiply by 8.16.

§ 1138.51 Class prices.

Subject to the provisions of §§ 1138.52, 1138.53 and 1138.54, the class per hundredweight for the month shall be as follows:

(a) *Class I milk.* The Class I price f.o.b. pool plants located within an arc having a radius of twenty (20) airline miles from the courthouse in El Paso, Texas, shall be the basic formula price for the preceding month, plus $2.60 during the months of July through February, and plus $2.30 during all other months. The Class I price f.o.b. pool plants located within an arc having a radius of twenty (20) airline miles from the courthouse in Albuquerque or Santa Fe, New Mexico, shall be the basic formula price for the preceding month plus $2.50 during the months of July through February, and plus $2.20 during all other months.

(b) *Class II milk.* The Class II price shall be the basic formula price.

§ 1138.52 Location differentials to handlers.

For milk received from producers at a pool plant located more than twenty (20) miles airline distance, as determined by the market administrator, from the courthouse in El Paso, Texas, and more than twenty (20) miles airline distance, as determined by the market administrator, from the courthouse in Albuquerque or Santa Fe, New Mexico, and which is classified as Class I milk, the price computed pursuant to § 1138.51(a) shall be reduced by 1.5 cents for each ten (10) miles or fraction thereof that such distance exceeds twenty (20) miles from the courthouse in El Paso, Texas; *Provided*, That a similar adjustment shall be computed by using a corresponding rate applied to the Class I milk price f.o.b., Albuquerque or Santa Fe, New Mexico, such adjustment to be used in lieu of the adjustment computed from El Paso, Texas, if the resulting cost of milk to such plant is as great or greater than if computed from El Paso, Texas: *And provided further*, That for the purpose of calculating such differential, transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I utilization at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit is applicable.

§ 1138.53 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices pursuant to § 1138.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate rounded in each class to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 1.20 and divide the result by 10, and

(b) *Class II milk.* Multiply the butter price by 1.20 and divide the result by 10.

§ 1138.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1138.60 Producer-handler.

Sections 1138.40 to 1138.46, 1138.50 to 1138.54, 1138.70 to 1138.72, and 1138.80 to 1138.88 shall not apply to a producer-handler.

§ 1138.61 Exempt plants.

The provisions of this part shall not apply to any distributing pool plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless:

(a) More Class I milk is disposed of from such plant on routes in the Rio Grande marketing area than in the marketing area regulated pursuant to such other order, or

(b) Such plant was qualified as a supply plant under the other order, except that the operator of such plant shall make such reports of receipts and utilization of milk as the market administrator may require and allow verification of such reports by the market administrator.

§ 1138.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 1138.80 to 1138.88, each handler, other than a producer-handler or one exempt pursuant to § 1138.61, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 1138.30 to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 1138.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1138.70 if such handler had operated a pool plant the gross payments for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1138.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed those made in the Rio Grande marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

DETERMINATION OF UNIFORM PRICE

§ 1138.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1138.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 1138.46(a)(7) and, the corresponding step of § 1138.46(b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b) for the current month, whichever is less; and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 1138.46(a)(2) and the corresponding step of § 1138.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and the Class II price: *Provided*, That such calculations shall not apply if the total receipts of producer milk at pool plants during the month are less than 110 percent of the total Class I utilization of such plants.

§ 1138.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 1138.70 for the producer milk of all handlers who submitted reports prescribed in § 1138.30 and who are not in default of payments pursuant to § 1138.80 for the preceding month;

(b) Subtract, if the average butterfat content of producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential pursuant to § 1138.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials

computed from El Paso, Texas, pursuant to § 1138.81;

(d) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials computed from Albuquerque or Santa Fe, New Mexico, pursuant to § 1138.81;

(e) Add an amount computed by multiplying by 10 cents the volume of producer milk received at pool plants located within twenty (20) airline miles of Albuquerque or Santa Fe, New Mexico;

(f) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section;

(h) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight of producer milk of 4.0 percent butterfat content delivered to plants within the El Paso twenty (20) mile zone;

(i) Subtract 10 cents from the El Paso twenty (20) mile zone price as determined pursuant to (h) of this section. The resulting figure shall be the uniform price per hundredweight of producer milk of 4.0 percent butterfat content delivered to plants within the Albuquerque or Santa Fe twenty (20) mile zone.

§ 1138.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform prices computed pursuant to § 1138.71 and the producer location and butterfat differentials computed pursuant to §§ 1138.81 and 1138.82; and

(c) The amounts to be paid by such handler pursuant to §§ 1138.84 through 1138.88 and the amount due such handler pursuant to § 1138.85.

PAYMENTS

§ 1138.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the applicable uniform price per hundredweight pursuant to § 1138.71, subject to the butterfat differential computed pursuant to § 1138.82 and location adjustment computed pursuant to § 1138.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1138.87 and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1138.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1138.81 Location differential to producers.

For producer milk received at pool plants located more than twenty (20) airline miles, as determined by the market administrator from the courthouse in El Paso, Texas, Albuquerque, New Mexico, or Santa Fe, New Mexico, there shall be deducted an adjustment for each plant for all milk at rates comparable to those established pursuant to § 1138.52.

§ 1138.82 Butterfat differential to producers.

The applicable uniform price to be paid producers pursuant to § 1138.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of milk is above or below 4.0 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1138.53 weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.62 and 1138.84 and out of which he shall make all payments pursuant to § 1138.85: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

§ 1138.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1138.70 is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 1138.71.

§ 1138.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1138.70 is less than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 1138.71. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1138.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports,

books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1138.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk pursuant to § 1138.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deduction and the quantity of milk on which the deduction was computed from each producer.

§ 1138.88 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, including such handler's own farm production, (b) other source milk received at a pool plant and classified as Class I milk, and (c) the quantities of milk at the plants of handlers operating nonpool plants as specified in § 1138.62 (a) (2) or (b) (2).

§ 1138.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) the months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1138.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1138.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1138.92 Continuing obligations.

If upon suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any performed notwithstanding such suspension or termination.

§ 1138.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

(b) If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1138.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1138.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Beatrice Foods Company:

Proposal No. 2. We propose that the distribution of the proceeds of the value of producer milk for each handler be distributed to such handler's producers on an individual handler pool basis.

Proposal No. 3. The production and sale of skim milk and butterfat contained in certified cow's milk and certified goat's milk in any form should be exempt from the provisions of this regulation with respect to classification, pricing, allocation, pooling, administrative or marketing service charges.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on November 9, 1961.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10880; Filed, Nov. 14, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that an amendment to a petition (FAP 165) has been filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, proposing the issuance of a regulation amending § 121.1072 *Hydrogen cyanide*, to establish a tolerance of 200 parts per million (0.02 percent) for residues of hydrogen cyanide in cocoa, resulting from fumigation with the pesticide.

Dated: November 8, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-10853; Filed, Nov. 14, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Ch. I, III]

AGENCY REGULATIONS

Proposed Recodification

The Federal Aviation Agency has previously announced the initiation of a project to recodify the Civil Air Regulations and related regulatory materials.

This notice is published to inform all interested parties of the format and content proposed to be followed and adopted, if satisfactory. The format and content have been prepared in the form outlined below.

This notice proposes no substantive changes in the regulations and is not a notice of proposed rule making subject to the Administrative Procedure Act. It is published to give interested parties the opportunity to submit written comments, criticisms and suggestions for improvement. Comments should be submitted by February 1, 1962, in duplicate, to the Director of Rules Codification, Federal Aviation Agency, Room B-714, 1711 New York Avenue NW., Washington 25, D.C.

As a foreword to the outline that follows, certain background material should be considered in any comments that may be submitted. The purpose of the recodification program is simply to combine and streamline the present Civil Air Regulations and related regulatory materials and arrange them in a simplified, accessible form. The program will not result in any new regulatory requirements. Nor will it change any of the regulatory requirements in the present system, with the exception that some obviously obsolete rules possibly can be eliminated.

Most of the current rules and regulatory materials have been inherited from predecessor organizations and were promulgated by them over a period of more than twenty years. As a result, the present regulatory system, which embraces the Civil Air Regulations, Civil Aeronautics Manuals, Regulations of the Administrator, etc., does not reflect the consolidation of rule-making authority effected by the Federal Aviation Act of 1958. It is the purpose of the program to restate these rules and regulatory requirements, wherever they are found, in simple straightforward language, eliminating or clarifying, as required, ambiguous, contradictory, obscure, repetitive, obsolete or unnecessary provisions. The preparation of a common set of definitions is basic to the recodified structure.

Another of the inevitable results of a regulatory system that has been promulgated piecemeal by a number of agencies independent of each other over a long period of years is the extreme bulk and volume of the materials that must be consulted by users. In the field of aviation regulations, the bulk and volume has been complicated by the fact that the materials are found under a variety of titles which are not cross-indexed to each other. Apart from sheer duplication in terms of volume, the inherent confusion for the user is regrettable.

The recodification program is designed also to cure these difficulties. The agency expects that the approximately 6,000 pages of current printed regulatory materials will be reduced appreciably. The degree to which maximum reduction of these materials can be realized will depend in large measure on the acceptability and utility of the recodified structure. Thus, to a large extent the aviation community will, in its comments, have it partially in its power to determine how far this sheer bulk of regulatory materials now in use can be reduced.

The goal which the Agency has set is to effect a reduction, hopefully, of somewhat slightly in excess of 50 percent of the present number of pages. This goal will be kept constantly in mind as the project progresses. Every effort will be made to attain it within the limits permitted by the comments and recommendations received.

The recodified system will serve to assure consistency in style, format and approach in any substantive revision of the actual requirements of the regulations that may be undertaken after the recodification is completed. The program is based largely on recognition that the laws governing aviation, like aviation itself, cannot perpetually remain static. No regulatory authority can or should keep piling new rules on top of the old. To do so aggravates problems of interpretation that, because of the complexity of the present system, are serious enough today. The Federal Aviation Agency firmly believes that a new simplified format is needed to enable the rules clearly to say what they intend so that the people who must use them can readily and easily understand what they are required legally to do or not to do. Thus, the greater clarity and utility of the recodified structure of rules should prompt its ready and willing acceptance by the aviation community.

EXISTING REGULATORY MATERIALS

A further understanding of the benefits to be secured as a result of recodification can be obtained from the following list of existing regulatory materials. These are the materials which will be consolidated and superseded by the recodified body of rules. They include the following:

(1) Civil Air Regulations originally issued by the Civil Aeronautics Board and transferred to the Federal Aviation Agency by section 1501(a) of the Federal Aviation Act of 1958. They are currently issued under the authority of titles III and VI of that Act and are codified in Chapter I of Title 14 of the Code of Federal Regulations.

(2) Special Civil Air Regulations established as a "melting pot" for regulations which, because of reasons of short duration, limited applicability or otherwise, did not fit into the existing regulatory framework.

(3) Civil Aeronautics Manuals originally issued by the Civil Aeronautics Administration, they supplement the Civil Air Regulations. They consist primarily of policy declarations, interpretations, special exemptions and deviations (many of which are regulatory in nature), and rules originally prescribed under authority delegated by the Civil Aeronautics Board.

(4) Regulations of the Administrator inherited by the Federal Aviation Agency from the Civil Aeronautics Administration under section 1501(a) of the Federal Aviation Act of 1958. They are currently issued primarily under the authority of titles III and VI of that Act and are codified in Chapter III of Title 14 of the Code of Federal Regulations.

(5) Operations Specifications originally issued as a part of an air carrier operating certificate as special conditions to the granting and continued effectiveness of the certificate. Certain operations specifications have been standardized and are applied generally to a class of air carriers.

(6) Aircraft Flight Manuals prepared by individual manufacturers to explain the technical operation of particular products. They are regulatory in nature when adopted by the Administrator as standards under § 43.10 of the regulations.

(7) Air Carrier Operating Manuals, Training Manuals, and Maintenance Manuals required to be prepared by air carriers. When adopted by the Administrator as a mandatory standard, they have a regulatory effect.

In addition to the above, some material of a regulatory nature is contained in the Flight Information Manual and the Airman's Guide, describing procedures relating to lighting systems, operating practices, search and rescue, etc.

METHOD AND PURPOSE OF OUTLINED SYSTEM

The recodification project has been approached by adopting a straight subject matter arrangement. This arrangement will take the place of the present one which is based on the distribution of functions and interests within the FAA or the aviation industry. The reasons underlying the selection of the straight subject matter arrangement include the following:

(1) It produces a more convenient and logically arranged body of regulations.

(2) It produces a more stable arrangement, since subject-matter groupings change less often and more slowly than organizational groupings.

(3) It increases the chance that similar problems will be treated similarly.

(4) It avoids the disadvantages that go with the need to repeat each relevant provision from Part to Part.

(5) It avoids increasing the aggregate length of the regulations.

(6) It avoids complicating the substantive and mechanical process of amending common provisions.

The rearrangement is based on subject-matter categories that are now in use or already familiar. Each is as mutually exhaustive and as readily severable as it can be made at this time.

The outline contemplates that all regulations will be placed in Chapter I of Title 14 of the Code of Federal Regulations. This will eliminate the corridor, consisting of Civil Aeronautics Board regulations, now separating the Civil Air Regulations and the Regulations of the Administrator. It must be emphasized that the assignment of particular part numbers in the outline is purely for illustration and is subject to whatever change is necessary for the final product.

Listed under each proposed new part in the outline are the present parts or pieces of parts that are allocated to the new part. However, the order in which material is listed under each new part, is not intended to describe the order in which material will ultimately appear in that part. The material must necessarily be rearranged, consolidated, rewritten, or eliminated as necessary. Regulatory materials not now appearing in a numbered Part will be included in the pertinent new Part.

With minor exceptions, the regulations included in the outline are those that were in effect January 1, 1961. Materials promulgated after that date will be incorporated as each Part is actually written. It must be emphasized that there can be no guarantee of absolute conformity with the outline during the course of the project. Experience on other codification projects has shown that only the actual writing of the code can definitely ascertain the ultimate disposition of each fragment. Great care will be taken, however, to follow the outline, as amended in the light of comments received, so far as possible. In addition, rewritten regulations will be published under notices of proposed rule making in the FEDERAL REGISTER and all interested persons will be invited to submit comments and recommendations on the form and manner of their inclusion in the recodified structure.

The outline includes all subjects now covered by FAA's general and permanent regulations. Except for Part 33, no attempt has been made to delete, at this stage, specific obsolete provisions. Additional regulatory materials (CAM materials, standardized operations specifications, etc.) will be fitted into the framework of the outline under the appropriate heading.

Issued in Washington, D.C., on November 8, 1961.

N. E. HALABY,
Administrator.

OUTLINE AND ANALYSIS

PROPOSED RECODIFICATION OF FAA REGULATIONS IN CODE OF FEDERAL REGULATIONS

TITLE 14—AERONAUTICS AND SPACE

CHAPTER I—FEDERAL AVIATION AGENCY

SUBCHAPTER A—DEFINITIONS

Part 1—Definitions and abbreviations.

SUBCHAPTER B—PROCEDURAL RULES

Part 11—General rule-making procedures (Parts 405; 409).

Part 13—General certification procedures (Part 406).

Part 15—Enforcement (Part 408).

SUBCHAPTER C—AIRCRAFT

Part 21—Aircraft certification procedures.

(a) Type certification:

(1) General provisions (§§ 1.0–1.28, and SR 425B (less sections 4(f), 6, 8, 10, 12, 13, 14, and 15)).

(2) Normal, utility, and acrobatic category airplanes (§§ 3.10–3.16, 3.19, 3.62–3.65).

(3) Transport category airplanes (§§ 4b.10–4b.16, 4b.19, 4b.100 (d)–(g); SR 422 (less sections 4T.110–.123, .743; 40T.-80–.84); SR 422A (less sections 4T.110–.123, .743; 40T.80–.84; and 43.11); SR 422B (less sections 4T.110–.123, .743; 40T.80–.84; and 43.11)).

(4) Gliders (Part 5 (less §§ 5.17 and 5.18)).

(5) Normal rotorcraft (§§ 6.10–6.16, 6.19, 6.100 (d)–(g)).

(6) Transport rotorcraft (§§ 7.10–7.16, 7.19–7.20, 7.100 (d)–(g)).

NOTES: (1) Numbers in parentheses refer to sections of present parts. (2) The order in which material is listed, and the titles used to describe the breakdown under each part, are not intended to describe the ultimate order or disposition, within the part, of that material.

(7) Restricted category (§§ 8.0–8.10).

(8) Limited category (Part 9 (less § 9.3)).

(9) Import aircraft (Part 10 (less §§ 10.20 and 10.30)).

(10) Aircraft engines (§§ 13.10–13.16 (a) and (b), 13.19, and 13.21).

(11) Propellers (§§ 14.10–14.16 (a) and (b), 14.19, and 14.21).

(b) Production certification:

(1) General provisions (§§ 1.30–1.46; 3.17; 4b.17; 5.17; 6.17; and 7.17).

(2) Aircraft engines (§ 13.17).

(3) Propellers (§ 14.17).

(c) Airworthiness certification:

(1) General provisions (§§ 1.60–1.65, 1.67, 1.69–1.77; 3.17; 4b.17; 5.17; 6.17; 7.17; 10.20; SR 425B (§§ 4(f), 8, 10, and 12)),

(2) Restricted category (§§ 8.20–8.21).

(3) Limited category (§ 9.3).

(d) Delegation options (Part 410).

(e) Production approval (§§ 1.55; 3.18; 4b.18; 5.18; 6.18; 7.18; 13.18; and 14.18).

Part 23—Airworthiness standards: normal, utility, and acrobatic category airplanes (Part 3 (less §§ 3.10–3.19, 3.62–3.65, and 3.791–3.792)).

Part 25—Airworthiness standards: transport category airplanes (Part 4b (less §§ 4b.10–4b.19, 4b.100 (d)–(g), and 4b.750–.751); SR 422 (§§ 4T.110–.123, .743); SR 422A (§§ 4T.110–.123); SR 422B (§§ 4T.110–.123, .743)).

Part 27—Airworthiness standards; normal rotorcraft (Part 6 (less §§ 6.10–6.19, 6.100 (d)–(g), and 6.750–6.751)).

Part 29—Airworthiness standards: transport rotorcraft (Part 7 (less §§ 7.10–7.20, 7.100 (d)–(g), 7.750–7.751)).

Part 33—Airworthiness standards: aircraft engines (Part 13 (less §§ 13.10–13.16 (a) and (b), and 13.17–13.21)).

Part 35—Airworthiness standards: propellers (Part 14 (less §§ 14.10–14.16 (a) and (b), and 14.17–14.21)).

Part 37—Technical Standard Orders for materials, parts, and appliances (Part 514).

Part 39—Airworthiness directives (Part 507).

Part 41—Airworthiness operating and equipment standards.

(1) General provisions (§ 43.30).

(2) Scheduled interstate air carriers (§§ 40.110–40.232).

(3) Scheduled air carriers operating outside U.S. (§§ 41.20–41.25).

(4) Supplemental air carriers (§§ 42.-12–42.29).

(5) Foreign air carriers (§ 44.4).

(6) Scheduled air carrier helicopters (§§ 46.110–46.231).

(7) Emergency exits for airplanes carrying passengers for hire (SR 389B).

(8) Airborne weather radar equiment for airplanes carrying passengers (SR 436A).

(9) Carriage of persons other than crew members or passengers in cargo aircraft (SR 432).

Part 43—Maintenance and alteration (Part 18; SR 377A).

Part 45—Identification and registration marking.

(1) Identification marking (§§ 1.50; 3.791; 4b.750; 6.750; 7.750; 10.30; 13.20; and 14.20).

(2) Registration marketing (§§ 1.100–1.110; 3.792; 4b.751, 6.751; and 7.751).

(3) Provisional certification marking (SR 425B (section 6)).

Part 47—Aircraft registration.

(1) Owners (Part 501).

(2) Dealers (Part 502).

Part 49—Recording of aircraft title and security documents.

(1) Ownership (Part 503).

(2) Encumbrances (Parts 504–505).

SUBCHAPTER D—AIRMEN

Part 61—Certification: pilots and instructors.

(1) General (Part 20; SR 428; SR 434).

(2) Airline transport pilots (Part 21).

(3) Lighter-than-air pilots (Part 22).

(4) Operating limitations (§§ 43.40–43.45, 43.52–43.63, 43.64 (b)–(d), 43.65, and 43.68).

Part 63—Certification: flight crew members other than pilots.

(1) General.

(2) Flight navigators (Part 34).

(3) Flight engineers (Part 35).

Part 65—Certification: airmen other than flight crew members.
(1) General.
(2) Control tower operators (Part 26).
(3) Aircraft dispatchers (Part 27).
(4) Mechanics and repairmen (Part 24; §§ 40.241(b); 46.241(b); and 52.22 (c)).
(5) Parachute riggers (Part 25).
Part 67—Medical certification and standards (Part 29).

SUBCHAPTER E—AIRSPACE

Part 71—Designation of Federal airways (Part 600).
Part 73—Designation of control areas (Part 601).
Part 75—Special use airspace (Part 608).
Part 77—Establishment of jet routes (Part 602).
Part 79—Notice of construction or alteration affecting navigable airspace (Part 626).

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

Part 91—General operating provisions (§§ 1.66, 1.68; Part 8 (less §§ 8.0–8.21); Part 43 (less §§ 43.30, 43.40–43.45, 43.52–43.63, 43.64 (b)–(d), 43.65, 43.68); Part 190; SR 422A (§ 43T.11); SR 422B (§ 43T.11); SR 425B (sections 13, 14, and 15).
Part 93—Air traffic rules (Parts 60; 603; SR 424C; SR 444; and SR 445).
Part 95—Special airport traffic patterns and rules (Part 619; SR 438; SR 442).
Part 97—Minimum en route IFR altitudes (Part 610).
Part 99—Standard instrument approach procedures (Part 609).
Part 101—Security control of air traffic (Part 620).
Part 103—Use of domestic non-Federal navigation facilities (Part 407).
Part 105—Moored balloons and large kites (Part 48).
Part 107—Transportation of dangerous articles (Part 49; SR 443).
Part 109—High density air traffic zones and airports (Part 618).

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS

Part 121—Certification of air carriers and commercial operators.
(1) Scheduled interstate air carriers (§§ 40.1, 40.10–40.53).
(2) Scheduled air carriers operating outside U.S. (§§ 41.0–41.14).
(3) Supplemental air carriers (§§ 42.0–42.11).
(4) Commercial operators of large aircraft (Part 45 (less §§ 45.1 and 45.4)).
(5) Scheduled air carrier helicopters (§§ 46.1, 46.10–46.52).
(6) Air taxis and commercial operators of small aircraft (SR 395A; SR 402; and SR 429).
(7) Scheduled cargo operations outside U.S. (SR 368B).
Part 123—Operations of scheduled interstate air carriers.
(1) Scheduled air carriers (§§ 40.2, 40.60–40.94, 40.240–40.241(a), 40.242–40.512; and SR 405).
(2) Scheduled air carrier helicopters (§§ 46.2, 46.60–46.71, 46.240–46.241(a), and 46.242–46.511).
(3) Occupancy of forward observer seat during en route inspection (SR 440).
(4) Turbine-powered transport category airplanes of current design (SR 422 (§§ 40T.80–.84); SR 422A (§§ 40T.80–.84); SR 422B (§§ 40T.80–.84)).
Part 125—Operations of scheduled air carriers outside U.S.
(1) Scheduled air carriers (§§ 41.26–41.137; SR 386E; SR 427B).
(2) Scheduled cargo operations outside U.S. (SR 368B).
(3) Occupancy of forward observer seat during en route inspection (SR 440).
(4) Turbine-powered transport category airplanes of current design (SR 422 (§§ 40T.80–.84); SR 422A (§§ 40T.80–.84); SR 422B (§§ 40T.80–.84)).
Part 127—Operations of supplemental air carriers and commercial operators.
(1) Supplemental air carriers and commercial operators (§§ 42.30–42.97; 45.1, 45.4; and SR 410).
(2) Occupancy of forward observer seat during en route inspection (SR 440).
(3) Turbine-powered transport category airplanes of current design (SR 422 (§§ 40T.80–.84); SR 422A (§§ 40T.80–.84); SR 422B (§§ 40T.80–.84)).
(4) Air taxis and commercial operators of small aircraft (SR 395A; SR 399C; SR 402; and SR 429).
Part 129—Operations of foreign air carriers (Part 44 (less § 44.4)).

SUBCHAPTER H—SCHOOLS AND OTHER CERTIFICATED AGENCIES

Part 141—Pilot schools (Part 50).
Part 143—Ground instructors (Part 51).
Part 145—Repair stations (Part 52).
Part 147—Mechanic schools (Part 53).
Part 149—Parachute lofts (Part 54).

SUBCHAPTER I—AIRPORTS

Part 151—Federal aid (Part 550).
Part 153—Acquisition of U.S. land for public airports (Part 555).
Part 155—Release of airport property from surplus property disposal restrictions (Part 565).
Part 157—Notice of construction or alteration affecting airports (Part 625).
Part 159—Airport technical standard orders (Part 551).
Part 161—Washington National Airport (Part 570).
Part 163—Cold Bay, Alaska, Airport (Part 574).
Part 165—Canton Island and Wake Island, airports (Parts 575; 576; and 577).

SUBCHAPTER J—ADMINISTRATIVE REGULATIONS

Part 171—Seal (Part 401).
Part 173—Aviation safety representatives (Part 418).
Part 175—Testimony by employees and production of records in legal proceedings (Part 415).
Part 177—Fees for copying (Part 414).
Part 179—Aeronautical fixed communications (Part 612).
Part 181—Inter-American aviation training grants (Part 450).

DISTRIBUTION TABLE

TITLE 14—CODE OF FEDERAL REGULATIONS

CHAPTER I—FEDERAL AVIATION AGENCY

This table shows the disposition of all provisions of Parts 1–635 of the FAA regulations that are affected by this codification.

Present Part No.	New Part No.
1.0–1.46	21
1.50	45
1.55–1.65	21
1.66	91
1.67	21
1.68	91
1.69–1.77	21
1.100–1.110	45
3.10–3.19	21
3.62–3.65	21
3.791–3.792	45
3 (less 3.10–3.19, 3.62–3.65, and 3.791–3.792)	23
4a	Appendix
4b.10–4b.19	21
4b.100 (d)–(g)	21
4b.750–4b.751	45
4b (less 4b.10–4b.19, 4b.100 (d)–(g), and 4b.750–4b.751)	25
5	21
6.10–6.19	21
6.100 (d)–(g)	21
6.750–6.751	45
6 (less 6.10–6.19, 6.100 (d)–(g), and 6.750–6.751)	27
7.10–7.20	21
7.100 (d)–(g)	21
7.750–7.751	45
7 (less 7.10–7.20, 7.100 (d)–(g), and 7.750–7.751)	29
8.0–8.21	21
8 (less 8.10–8.21)	91
9	21
10.30	45
10 (less 10.30)	21
13.10–13.16 (a) and (b), 13.17–13.19	21
13.20	45
13.21	21
13 (less 13.10–13.16 (a) and (b), 13.17–13.21)	33
14.10–14.16 (a) and (b), 14.17–14.19	21
14.20	45
14.21	21
14 (less 14.10–14.16 (a) and (b), 14.17–14.21)	35
16	Previously revoked
18	43
20	61
21	61
22	61
24	63
25	65
26	65
27	65
29	67
33	Obsolete
34	63
35	63
40.1	121
40.2	123
40.10–40.53	121
40.60–40.94	123
40.110–40.232	41
40.240–40.241(a)	123
40.241(b)	65
40.242–40.512	123
41.0–41.14	121
41.20–41.25	41
41.26–41.137	125
42.0–42.11	121
42.12–42.29	41
42.30–42.97	127
43.30	41
43.40–43.45	61
43.52–43.63	61
43.64 (b)–(d)—43.65	61
43.68	61
43 (less 43.30, 43.40–43.45, 43.52–43.63, 43.64 (b)–(d)—43.65, 43.68)	91

Present Part No.	New Part No.
44.4	41
44 (less 44.4)	129
45.1	127
45.4	127
45 (less 45.1 and 45.4)	121
46.1	121
46.2	123
46.10–46.52	121
46.60–46.71	123
46.110–46.231	41
46.240–46.241(a)	123
46.241(b)	65
46.242–46.511	123
49	105
48	107
50	141
51	143
52.22(c)	65
52	145
53	147
54	149
60	93
190	91
401	171
406	11
408	13
407	103
409	15
410	11
414	21
415	177
418	175
420	173
501	181
502	47
503	47
504	49
505	49
506	49
507	Previously revoked
514	39
550	37
551	151
555	159
560	153
565	Expired Mar. 31, 1954
570	155
574	161
575	163
576	165
577	165
580	165
600	Obsolete
601	71
602	73
603	77
606	93
608	75
609	99
610	97
612	179
617	Previously revoked
618	109
619	95
620	101
625	157
626	79
635	Previously revoked

SPECIAL REGULATIONS

Present No.	New Part No.
368B	121, 125
377A	43
386E	125
389B	41
395A	121, 127
399C	127
402	121, 127
405	123
410	127
422 (less 4T.110–.123, 4T.743, and 40T.80–.84)	21
422 (4T.110–.123, .743)	25
422 (40T.80–.84)	123, 125, 127
422A (less 4T.110–.123, 4T.743, 40T.80–.84, and 43.11)	21
422A (4T.110–.123, .743)	25
422A (40T.80–.84)	123, 125, 127
422A (43.11)	91

SPECIAL REGULATIONS—continued

Present No.	New Part No.
422B (less 4T.110–.123, 4T.743, 40T.80–.84, and 43.11)	21
422B (4T.110–.123, .743)	25
422B (40T.80–.84)	123, 125, 127
422B (43.11)	91
424C	93
425A	Expired
425B (less sections 6, 13, 14, and 15)	21
425B (section 6)	45
425B (sections 13, 14, 15)	91
427B	95
428	61
429	121, 127
430	Generally
431	Generally
432	41
433	Generally
434	61
436A	41
438	95
440	123, 125, 127
442	95
443	107
444	93
445	93

NOT TO BE CODIFIED

Present No.	Tentative disposition
330	Exemption.
364, 364A	Revoke.
392B	Leave as is.
397	Exemption.
403A	Exemption.
406C	Leave as is.
407	Leave as is.
411A	Leave as is.
412B	Probably dead—revoke.
415	Leave as is.
419	Leave as is.
420	Leave as is.
421	Is being revoked.
423	Leave as is.
426	Leave as is or make exemption.
435	Revoke.
437	Leave as is.
441	Exemption.

[F.R. Doc. 61–10868; Filed, Mar. 14, 1961; 8:48 a.m.]

[14 CFR Part 48]

[Reg. Docket No. 665; Draft Release No. 61–4]

OPERATION OF MOORED BALLOONS, KITES, UNMANNED FREE BALLOONS, ROCKETS AND MISSILES

Notice of Public Hearing

Draft Release No. 61–4, published as a notice of proposed rule making in the FEDERAL REGISTER on February 25, 1961 (26 F.R. 1666), gave notice that the Federal Aviation Agency proposed to amend Part 48 to include, among other things, regulations to govern the operation of unmanned free balloons.

As a result of the review of the written comments received in response to that portion of the draft release which addressed the operation of unmanned free balloons, it has been concluded that it is desirable for the Agency to obtain the oral views and comments of interested persons in regard to these proposed regulations.

Notice is hereby given that an informal hearing in accordance with section 4(b) of the Administrative Procedure Act will be held before a representative of the Administrator, at 10:00 a.m., e.s.t., on December 7, 1961, at 1711 New York Avenue NW., Washington, D.C., for the purpose of receiving such views and comments. Although Draft Release No. 61–4 also contained proposed regulations regarding operation of moored balloons, kites, and rockets and missiles, these proposals will not be discussed at this hearing.

All parties who wish to present their views and comments at the hearing should send advance written notice of such intention, in duplicate, to the Docket Section, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. Such notice should include the name and number of persons expected to attend, the organization, if any, represented and an estimate of the amount of time required for the presentation of views and comments.

All comments presented at the hearing will be considered before action is taken on the proposed rule and the proposal may be changed in the light of comment received.

Issued in Washington, D.C., on November 13, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–10925; Filed, Nov. 14, 1961; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 13928; FCC 61–1233]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

Further Notice of Proposed Rule Making

In the matter of amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations to align that Part with the Geneva (1959) Radio Regulations to the extent practicable, Docket No. 13928.

1. On January 25, 1961, the Commission adopted a notice of proposed rule making in this proceeding with the stated intention of making no amendment effective prior to ratification of the new international Radio Regulations (Geneva, 1959). Among the many proposals set forth therein was the retention of the status quo with respect to airborne doppler navigation aids centered on 8800 Mc/s. Under the terms of such an arrangement, the allocation status afforded these devices in the national Table of Frequency Allocations would be less advantageous to doppler aids than that contemplated under the Geneva Radio Regulations. Specifically, the Commission proposed to retain the existing allocation of the band 8500–9000 Mc/s for Government radiolocation devices with the following quoted footnote US120 [proposed to be renumbered US53]:

In the band 8750–8850 Mc/s, Government and non-Government airborne doppler radars

in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service, and meanwhile must accept any harmful interference that may be experienced from the radiolocation service.

2. Under the terms of the Geneva Radio Regulations, the bands 8500–8750 Mc/s and 8850–9000 Mc/s are allocated exclusively to the radiolocation service and the band 8750–8850 Mc/s is allocated equally to the radiolocation and aeronautical radionavigation services with a footnote limiting the latter to doppler navigation aids.

3. Comments directed to this disparity were filed by Air Transport Association of America (ATA), Aeronautical Radio, Inc. (ARINC), Collins Radio Company, Bendix Radio, and General Precision, Inc. (GPL). All requested that the provision for doppler aids at 8800 Mc/s be changed to parallel the Geneva treatment of the subject.

4. The Commission's action of April 16, 1958, wherein the present status of 8800 Mc/s doppler aids was established, was predicated in large measure upon national defense representations made by the Department of Defense and concurred in by the then Office of Defense Mobilization [later changed to the Office of Civil and Defense Mobilization (OCDM)]. Therefore, on April 3, 1961, the Commission directed a letter to the OCDM requesting that agency to review the matter to determine if conditions warranted or permitted a change in national policy. A copy of that letter and the OCDM reply thereto, dated June 12, 1961 were incorporated in these proceedings for the information of those concerned. In the opinion of the Department of Defense and the OCDM, as stated in that correspondence, existing world conditions were not such as to warrant or permit a change in the domestic allocation status of the frequency band 8500–9000 Mc/s.

5. Preparatory to Senate advice and consent to ratification of the Geneva (1959) Radio Regulations, initial hearings were held before the Senate Committee on Foreign Relation on May 2, 1961. Upon learning of the continued disparity between the Commission proposal and the desires of ATA and ARINC with respect to doppler aids at 8800 Mc/s, the Committee suspended further hearing and requested the parties concerned to attempt to reach a mutually acceptable understanding. Several months of negotiations ensued between representatives of the Department of Defense (DOD), the Commission, ATA, and ARINC.

6. These negotiations culminated in an exchange of correspondence on September 21, 1961 wherein it was agreed the Commission would institute rulemaking to modify the wording of the controversial footnote as set forth later herein. This correspondence has been incorporated in these proceedings for information purposes.

7. Upon being advised that the controversy had been resolved, the Senate Committee on Foreign Relations reported out favorably on the Radio Regulations on September 22. Senate consent to ratification was subsequently approved on September 25, 1961 by a vote of 66 to 0.

8. Accordingly, the Commission, while continuing to advocate the development of civil doppler navigational aids in the exclusive band 13250–13400 Mc/s, proposes herewith to amend the text of footnote US53 to the Table of Frequency Allocations contained in Part 2 of the Rules to read as follows:

US53 In view of the fact that the band 13250–13400 Mc/s is allocated exclusively to doppler navigation aids, government and nongovernment airborne doppler radars in the aeronautical radionavigation service are permitted in the band 8750–8850 Mc/s only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10000 Mc/s.

9. The proposed amendment to the Commission's rules is issued pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

10. All interested persons are invited to file, on or before December 1, 1961, comments supporting or opposing the proposal set out in this notice or submitting any modifications or counterproposals the parties may wish to submit. Comments in reply thereto may be submitted on or before December 11, 1961. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

11. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: October 18, 1961.

Released: October 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10340; Filed, Nov. 14, 1961; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, §§ 107.11, 107.104, 107.301, 107.402, 107.403, 107.704, 107.707, and 107.708 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. Public Law 87–341 amended the Small Business Investment Act of 1958 in several important respects. The amendments now under consideration make several technical changes as a result of the Small Business Investment Act Amendments of 1961 and, in addition, in keeping with the Congressional intent, make substantive changes designed to diversify financial aid to the small business community and to encourage the maximum use of private capital.

As proposed, the amendment to § 107.301 is designed to encourage the maximum use of private capital in the formation and growth of Licensees and sets forth the circumstances and conditions under which SEA may purchase subordinated debentures of a Licensee to be used as part of its paid-in capital and paid-in surplus; the amendment to § 107.402, designed to encourage the maximum use of private capital, would establish criteria to be used in determining the unavailability of private funds as operating loans to a Licensee; the amendment to § 107.704 would limit the use by Licensees of investment advisors; and the amendments to § 107.708, designed to diversify financial aid to small business concerns, would limit the amount of funds any one Licensee could invest in any single small business concern, and would limit the number of Licensees that may provide, through participation or otherwise, funds to any single small business concern.

It is proposed to amend the Small Business Investment Company Regulations as follows:

1. Deleting the period at the end of § 107.11(a) and substituting a comma in lieu thereof and by adding "and the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961." As amended, § 107.11(a) reads as follows:

§ 107.11 Scope of part.

(a) The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960, and the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961.

2. Deleting the words "financial institutions" as they appear in § 107.104(g) and substituting in lieu thereof "investors or lenders, incorporated or unincorporated". As amended, § 107.104(g) reads as follows:

§ 107.104 Charter requirements.

* * * * *

(g) To undertake its operations in cooperation with banks or other investors or lenders, incorporated or unincorporated, as contemplated under section 308(a) of the Act;

3. By striking the word "Initial" from the heading of § 107.301; as amended, the heading reads as follows:

§ 107.301 Capital and surplus of Licensee.

4. By deleting in their entirety §§ 107.301 (a), (b), (c), and (d) and inserting in lieu thereof new §§ 107.301 (a), (b), (c), (d), (e), (f), (g), and (h) which read as follows:

(a) SBA, in considering whether to issue a License to a Proposed Operator, will, in addition to other criteria set forth in these regulations and the material submitted with SBA Forms 414 and 415, give preference to those proposals which contemplate the minimum use of Government funds.

(b) Each Licensee authorized to operate under the Act must have a paid-in capital and paid-in surplus equal to at least $300,000 as required under § 107.202(c). The management of a Proposed Operator or Licensee shall encourage the maximum investment therein of private funds.

(c) In order to facilitate the formation of small business investment companies, SBA may, to the extent that the necessary funds are not available to the Proposed Operator from private sources on reasonable terms, upon request contained in the License Application, purchase or agree to purchase debentures of such Proposed Operator in an amount equal to such deficiency but not in excess of $150,000.

(d) In order to facilitate the growth of small business investment companies, SBA may, to the extent that additional paid-in capital and paid-in surplus are not available to the Licensee from private sources on reasonable terms, upon request filed pursuant to § 107.709, purchase or agree to purchase debentures of a Licensee in an amount not to exceed the lesser of $400,000 or the amount of paid-in capital and paid-in surplus of such Licensee, excluding therefrom any debentures previously purchased.

(e) The funds applied for pursuant to paragraphs (c) and (d) of this section shall be deemed to be available to a Proposed Operator or Licensee from private sources on reasonable terms, unless it is satisfactorily demonstrated that:

(1) The funds requested do not appear to be obtainable without undue hardship through utilization of the resources of the officers, directors (actual or proposed) or those persons who own, or propose to own, directly or indirectly, five percent or more of the voting stock of the Proposed Operator or Licensee.

(2) The funds requested do not appear to be obtainable on reasonable terms through the public offering or private placing of securities of the Proposed Operator or Licensee.

(f) Any request for funds pursuant to section 302(a) of the Act shall be accompanied by a signed personal balance sheet for each of those persons enumerated under paragraph (e)(1) of this section as of some day within thirty days:

(1) of the date of the Proposal (SBA Form 414) for funds requested pursuant to paragraph (c) of this section, or

(2) of the date of the application for funds requested pursuant to paragraph (d) of this section.

(g) Any request for funds under paragraph (d) of this section must be submitted to SBA by a License within one year from the issuance of its License or October 3, 1961, whichever is later.

(h) Any debentures (which may be prepaid by a Licensee without penalty) so purchased by SBA under the provisions of section 302(a) of the Act shall be subordinate to any other debenture bonds, promissory notes, or other obligations which may be issued by a Licensee as determined by SBA, and while treated and accounted for as a debt transaction, shall be deemed a part of the paid-in capital and paid-in surplus of such Licensee for the statutory purposes of sections 302(a), 303(b), and 306 of the Act.

5. By relettering paragraphs (e), (f), and (g) of § 107.301 (i), (j), and (k), respectively.

6. By striking the words "to provide funds to satisfy the initial minimum capital and surplus requirements of a Licensee, under and in accordance with the provisions of section 302(a) of the Act," and by striking the words "initial minimum" as they appear in § 107.301 (j). As amended, § 107.301(j) reads as follows:

(j) The agreement of SBA to purchase any such subordinated debentures of a Licensee shall constitute the equivalent of cash in an amount equal to the amount of such SBA commitment, which amount shall thereupon be deemed to be paid in as a part of the capital and surplus of such Licensee for the statutory purposes of sections 302(a), 303(b), and 306 of the Act. A commitment charge at the rate of one-twelfth of one percent of the principal amount of the commitment outstanding for each thirty-day period shall be paid to SBA by such Licensee beginning with the first day after the first thirty days following such commitment. Disbursement of such commitment shall be requested by the Licensee at any time prior to the end of one year but such commitment shall be reduced to the extent private equity funds are acquired for such purpose prior to any disbursement by SBA on account of such commitment.

7. By striking the words "gross income" as they appear in § 107.301(k) and substituting in lieu thereof "net sales". As amended, § 107.301(k) reads as follows:

(k) The proceeds derived from the sale of any such subordinated debentures of a Licensee under section 302(a) of the Act shall be used to provide Equity Capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their net sales from the sale of alcoholic beverages, and, accordingly, within thirty days after the disbursement of any funds to Licensee under authority of section 302(a) of the Act, and thereafter during period in which any such subordinated debentures remain unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such subordinated debentures were disbursed), equal in face value to no less than the unpaid principal of such subordinated debentures.

8. By inserting the phrase "on reasonable terms," following the words "from private sources" in § 107.402(a) and by deleting the period at the end of § 107.402(a) and inserting a comma in lieu thereof and by adding thereafter "or $4,000,000, whichever is less." As amended, § 107.402(a) reads as follows:

§ 107.402 SBA operating loans to Licensees under section 303 of the Act.

(a) To the extent that a Licensee is unable to borrow or otherwise secure operating funds from private sources, on reasonable terms, SBA may lend or agree to lend to such Licensee funds for such purpose up to a total amount outstanding at any one time not in excess of fifty percent of the paid-in capital and paid-in surplus of such Licensee, including as a part of such capital and surplus any outstanding balance due SBA under subordinated debentures purchased by SBA under the provisions of section 302(a) of the Act, or $4,000,000, whichever is less.

9. By deleting in its entirety § 107.402(b) and substituting in lieu thereof a new § 107.402(b) which reads as follows:

(b) The funds applied for shall be deemed to be available from private sources on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required funds has been obtained from:

(i) The Licensee's bank of account, or

(ii) If the amount of the loan applied for is in excess of the legal lending limit of the Licensee's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for, or

(iii) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount, and terms requested, and the reasons for not granting the desired credit.

(2) The funds required do not appear to be obtainable on reasonable terms through the public offering or private placing of securities of the Licensee.

10. By striking the words "gross income" as they appear in § 107.403(b) and substituting in lieu thereof "net sales". As amended, § 107.403(b) reads as follows:

§ 107.403 Purpose and loan requirements.

* * * * *

(b) The proceeds of any loan obtained by Licensee under the provisions of section 303(b) of the Act shall be used to provide Equity Capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their net sales from the sale of alcoholic beverages, and, accordingly, within thirty days after the disbursement of any loan funds to Licensee under authority of section 303 (b) of the Act, and thereafter during the period in which any such loan, or any part thereof, remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

11. By deleting the phrase "and such written contract shall specifically:" as it appears at the end of the opening paragraph of § 107.704(d) and by inserting a semicolon after the word "services" and thereafter the following: *"Provided, however,* That no Licensee may contract for such services with any person or other entity which renders the same or similar services to any other Licensee. The contract shall specifically:" As amended, the opening paragraph of § 107.704(d) reads as follows:

§ 107.704 Activities of Licensee.

* * * * *

(d) Every Licensee which obtains investment advisory services or management services on a continuing basis, performed for, or supplied to such Licensee by any person or other entity other than the directors, officers or employees in their capacities as such shall contract in writing for such services: *Provided, however,* That no Licensee may contract for such services with any person or other entity which renders the same or similar services to any other Licensee. The contract shall specifically:

12. By striking the words "financial institutions" as they appear in § 107.707 and substituting in lieu thereof "investors or lenders, incorporated, or unincorporated,". As amended, § 107.707 reads as follows:

§ 107.707 Services to banks or other financial institutions.

A Licensee may render services for and receive compensation from banks or other investors or lenders, incorporated or unincorporated, only in connection with the financing of, or the providing of consulting and advisory services to, a small business concern by the Licensee in participation or cooperation with such bank or other investors or lenders.

13. By deleting § 107.708 in its entirety and substituting a new § 107.708 which reads as follows:

§ 107.708 Aggregate limitation on investments and loans.

(a) Without the prior written approval of SBA, the aggregate amount of funds loaned to, or invested in Equity Securities of, any single small business concern, or for which commitments may be made, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of any Licensee (including in such Licensee's capital and surplus the outstanding amount of any SBA loans under section 302(a) of the Act) or $500,000, whichever is the lesser. Such $500,000 limitation shall apply only with respect to loans made to and Equity Securities acquired from a small business concern by a Licensee on or after October 3, 1961, but shall not apply with respect to any loans made, or Equity Securities acquired, pursuant to a commitment issued before such date. Furthermore, the $500,000 limitation shall not apply so long as fifty percent (amount invested, disbursed or committed) of the Equity Securities acquired and loans made by a Licensee after October 3, 1961, meet such $500,000 limitation.

(b) Subject to the provisions of paragraph (a) of this section, and without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern.

Dated: November 9, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-10882; Filed, Nov. 14, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

Notice of Filing of Utah Protraction Diagrams

NOVEMBER 7, 1961.

Notice is hereby given that the following protraction diagrams have been placed in the open files of this office and are available to the public for information only; and not until officially filed as indicated herein will they become the basic record for description of land and authorized use. These diagrams will be officially filed on December 15, 1961, in the Utah Land Office, Darling Building, Salt Lake City, Utah. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) these protraction diagrams will become the basic record for the description of oil and gas lease offers, and other authorized use, filed at or subsequent to 10:00 a.m. on December 15, 1961.

UTAH PROTRACTION DIAGRAMS NOS. 14 TO 23, INCLUSIVE

SALT LAKE MERIDIAN

Unsurveyed sections in—

Nos. 14, 14 A, B, and C

Ts. 9 S., Rs. 6, 7, and 8 W.,
Ts. 10 S., Rs. 6 and 8 W.,
Ts. 11 S., Rs. 4 and 8 W.,
Ts. 12 S., Rs. 5, 6, and 7 W.,
Ts. 13 S., Rs. 3, 4, and 5 W.

Nos. 15 and 15A

Ts. 7 S., Rs. 5 and 6 E.
Ts. 10 S., Rs. 2½ and 3 E.,
Ts. 11 S., Rs. 1, 1½, and 2 E.,
Ts. 12 and 13 S., Rs. 1 and 2 E.,
T. 14 S., R. 2 E.

Nos. 16 and 16A

Ts. 10 and 11 S., R. 18 E.,
Ts. 12 and 13 S., Rs. 16, 17, and 18 E.,
Ts. 14 S., Rs. 14, 16, 17, and 18 E.,
Ts. 15 S., Rs. 16 and 17 E.

Nos. 17 and 17A

Ts. 15½, 16, 17, 18, 19, and 20 S., Rs. 15, 16, and 17 W.,
T. 18 S., Rs. 18 and 20 W.,
T. 19 S., R. 18 W.

No. 18

Ts. 15½, 16, 17, 18, 19, and 20 S., Rs. 13 and 14 W.,
Ts. 16 and 17 S., R. 12 W.,
Ts. 20 S., Rs. 11 and 12 W.

Nos. 19, 19 A, B, and C

T. 15 S., R. 2 W.,
T. 16 S., Rs. 3 and 4 W.,
T. 18 S., R. 4 W.,
Ts. 19 and 20 S., R. 2 W.,
T. 21 S., Rs. 2, 2½, and 3 W.,
T. 21 S., R. 2 E.

No. 20

Ts. 18, 19, 20, and 20½ S., R. 13 E.,
T. 20 S., R. 10 E.,
Ts. 21 S., Rs. 9, 10, 11, 12, 13, and 14 E.

Nos. 21 and 21A

Ts. 16 S., Rs. 13, 16, 17, and 18 E.,
Ts. 17 and 20 S., Rs. 15, 16, and 17 E.,
Ts. 18 S., Rs. 14 and 15 E.,
Ts. 19 S., Rs. 14, 15, 16, and 17 E.

Nos. 22, 22 A and B

Ts. 17 and 18 S., Rs. 18, 22, and 23 E.,
T. 19 S., Rs. 18 and 19 E.,
T. 20 S., Rs. 18 and 20 E.,
T. 21 S, R. 21 E.

Nos. 23, 23 A, B, and C

T. 20 S., R. 10 W.,
Ts. 21, 22, 23, and 24 S., Rs. 10, 11, and 12 W.,
T. 24 S., R. 8 W.,
Ts. 25 S., Rs. 11 and 12 W.,
T. 28 S., R. 16 W.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Utah Land Office, Bureau of Land Management, Darling Building, Salt Lake City, Utah.

F. S. KIRK,
Operations Manager,
Utah Land Office.

[F.R. Doc. 61-10845; Filed, Nov. 14, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11620; Order No. E-17675]

TOOLCO-NORTHEAST CONTROL CASE

Order on Request for Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of November 1961.

On November 1, 1961, Northeast Airlines, Inc. (Northeast) and Hughes Tool Co. (Toolco) filed a letter dated October 30, 1961, requesting the Board to "take appropriate action so as to permit Northeast to negotiate and obtain from Toolco funds urgently and immediately required by Northeast." The letter recites that Toolco has been discussing with Atlas Corporation (Atlas) the acquisition from Atlas of its controlling interest in Northeast,[1] and states the parties' understanding that such acquisition will require Board proceedings under section 408 of the Federal Aviation Act (Act), and that Board decision thereon will require a substantial period of time. It notes that Northeast has asked Toolco for emergency funds so that the carrier can maintain operations pending the filing of an application for, and approval of, the proposed acquisition of control.

The parties state that they cannot determine the full amount of emergency funds which may be required by Northeast or the specific terms upon which such funds may be provided.[2] They report that Toolco, on October 19, 1961, guaranteed to a supplier payment by Northeast for fuel and oil purchased subsequent to October 20. This guarantee is subject to cancellation by Toolco upon four-days' notice. In a letter dated October 31, 1961 and filed November 2, 1961, Toolco reported that, pursuant to this guarantee, it paid the supplier approximately $40,000 for fuel deliveries to Northeast for the period October 20–27.

The applicants point out that, in Order E-12925, dated August 29, 1958, the Board directed, among other things, that Howard R. Hughes, controlling stockholder of Toolco, "cease and desist from acquiring control, in any manner whatsoever" of any air carrier unless prior Board approval therefor is obtained. Their letter does not discuss the extent to which this provision may preclude advance of funds by Toolco to Northeast without prior Board approval. It merely notes the existence of the cease and desist provision and asks for such Board action as may be deemed appropriate.[3]

In support of their request, the applicants allege that Northeast is today providing needed service but that the benefits of its efforts may be lost unless Northeast is successful in establishing a financing program, including provision for immediate funds to sustain it into the peak traffic period of 1961–62 on its Florida routes.

Answers have been filed by Eastern Air Lines, Inc. (Eastern) and National Airlines, Inc. (National). In brief, they allege that Toolco is now in control of Northeast and that Toolco may not legally be exempted from the provisions of section 408, nor should the Board waive the Sherman Doctrine. They assert that Hughes' conduct of airline management in the past has been contrary to the public interest and that his attempts to gain control of another air carrier should therefore be prevented. The objecting carriers request that the Board institute an investigation into the acquisition of control of Northeast by Toolco, which allegedly has already taken place, and that the Board deny the relief requested by the applicants.

---

[1] Atlas owns approximately 56 percent of Northeast's common stock and about $16.5 million worth of the carrier's subordinated promissory notes.

[2] An application filed in Docket C-29, which was later withdrawn, contained an exhibit which was made public by Toolco. In it, Toolco proposed to loan Northeast $5 million before the end of the year. To our knowledge, this proposal was never implemented, and we cite it merely to give some indication of the possible extent of the financial commitment which may be involved.

[3] Specifically, the letter asks that the Board "permit Toolco to provide Northeast with funds * * * without subjecting Toolco or Northeast to any penalties or other action prejudicial to their respective rights or interests and without prejudice, by reason of the so-called Sherman Doctrine or otherwise, to any determination by the Board in connection with an application for the acquisition of a controlling interest in Northeast by Toolco from Atlas."

A review of the pleadings and the attendant circumstances strongly suggests that Toolco already has the power to exercise substantial influence over the affairs of Northeast and thus controls the carrier today; that the financial arrangements of the type contemplated would probably result in the further consolidation of control of Northeast by Toolco, apart from any formal agreement transferring to Toolco Atlas' interest in the air carrier; and that effectuation of such arrangements without prior Board approval, therefore, probably violates both the cited provision of Order E–12925 and section 408 of the Act.[4]

It is our established administrative practice, under normal circumstances in situations of this type, to defer processing of a formal application for Board approval of control under section 408 of the Act until appropriate steps have been taken to restore to the extent feasible the status quo ante.[5] Recognizing this policy, the parties have sought to obtain from us a waiver thereof in order to assure that the Board will consider on the merits the application for Board approval, under section 408, of an agreement whereby Toolco would become the controlling shareholder in Northeast. This we are constrained to do. There can be no question of the extraordinary nature of the circumstances here present insofar as they affect the applicability of this administrative policy. The Board has, on other occasions of no greater need, granted relief from the strictures of this policy which requires no statutory finding of public interest.

In addition, the request for relief may be construed as seeking a more affirmative approval of the transfer of funds to Northeast. To the extent that this is sought, it should be clear that we are without power or inclination to do so. As heretofore pointed out, the known circumstances strongly suggest that Toolco is in the process of acquiring or consolidating its control over Northeast. Thus, a request for approval, albeit interim in nature, of transfers of funds to Northeast is clearly a request for approval of a transaction subject to section 408 of the Act. Section 408, in these circumstances, necessitates a hearing before the Board can legally act. Moreover, since the applicants are not air carriers, the Board could not utilize its section 416 exemption powers. To the extent that the applicants seek a waiver from the prohibitions of the cease and desist order, we will also deny relief. Apart from the fact that the order was designed to effectuate our power under section 408 and should, therefore, be treated in pari materia with it, it is plain that we would be unable to make necessary public interest findings sufficient to offset those which led to issuance of the order.

Although the parties allege that the public interest would be served by insuring continued operations by Northeast, their letter is silent as to the basic statutory test—whether the control of Northeast by Toolco would serve the public interest. Toolco has for many years been the controlling shareholder of TWA. Although Toolco has made a major financial contribution to TWA's development, the merit of its management of the carrier has been publicly challenged. Less than a year ago we had occasion to comment on some of the factors which were causes of concern in this regard. See Order E–16195, dated December 29, 1960. In that order, we allowed to go into effect a new TWA financing program, one condition of which was that Toolco would place its TWA stock in a voting trust for which Toolco has the right to designate but one of three voting trustees—an arrangement insisted upon by the carrier's lenders. We also stated therein that we would anticipate the obtaining of the approval of the Board before Toolco could resume control over TWA.

Subsequent to this action, the new management of TWA filed a suit against Hughes, Toolco, and an associate of Hughes. The complaint alleges various acts on the part of the Toolco management in derogation of their managerial responsibilities, and antitrust violations of the Sherman and Clayton Acts. Atlas is named as a coconspirator. We must take notice of these allegations even though they have not been proven or established. It is reasonable to anticipate that efforts will be made to thoroughly explore them at the hearing.

One other matter remains to be discussed. In order to keep the Board and affected parties fully informed of developments in this matter, we will require that Northeast and Toolco file with the Board's Docket Section continuing reports of all transactions between them and that Toolco report any obligations, financial or otherwise, which it incurs on behalf of Northeast or Atlas. We will also require that the agreement for the acquisition by Toolco of Atlas' interest in Northeast be reduced to writing, and filed with the Docket Section within 15 days of the date of this order.

Accordingly, it is ordered:

1. That Toolco and Northeast shall file with the Board, within ten days of the date of service hereof, a complete report of all agreements, understandings, and transactions between them, and of all obligations incurred by Hughes or Toolco on behalf of Northeast or Atlas, which have not heretofore been reported. This report shall include a detailed description of each such occurrence, together with the amount of each such transaction;

2. That Northeast and Toolco shall continue to file such reports, as required by Order E–15532;

3. That any agreement for the acquisition by Toolco of the interest of Atlas in Northeast shall be reduced to writing and filed with the Board within 15 days of the date of service of this order;

4. That upon the filing of an application for approval of such agreement, the matter shall proceed to an expedited hearing;[6]

5. That, to the extent not granted herein, the relief sought by Northeast, Toolco, Eastern and National be and it hereby is denied; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–10869; Filed, Nov. 14, 1961; 8:49 a.m.]

[4] Toolco owns voting trust certificates representing approximately 78 percent of the voting stock of Trans World Airlines, Inc. (TWA). It also owns almost $81 million worth of TWA debentures and warrants to purchase more than two million additional shares of TWA stock. The company also engages in other aeronautical activities such as the purchase, lease and sale of aircraft. Toolco has contended that, because of the voting trust, it has no control over TWA. We need not determine the accuracy of this claim, for we conclude that Toolco's interests constitute it a person engaged in a phase of aeronautics, within the meaning of section 408. Thus, its acquisition of control of an air carrier would be unlawful if carried out prior to Board approval.

[5] Sherman, Control and Interlocking Relationships, 15 C.A.B. 876 (1952).

[6] Order E–15532, which established Docket 11620, included an investigation of whether TWA had acquired control of Northeast. In view of developments subsequent to that order, we are hereby dismissing the investigation as to TWA.

[7] Members Gurney and Gillilland dissented.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14320; FCC 61M–1747 (Corrected)]

CERACCHE & CO., INC.

Order Scheduling Hearing

In re application of Ceracche & Company, Incorporated, Connecticut Hill, New York, Docket No. 14320, File No. 1676–C1–R–61; for renewal of the license for Station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

It is ordered, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 18, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, December 15, 1961.

Released: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10870; Filed, Nov. 14, 1961; 8:49 a.m.]

[Docket No. 14085 etc.; FCC 61M–1762]

COMMUNITY SERVICE BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP–13846; et al., Group I–14286, 14287, 14296, 14302; Group II–14085, 14288, 14289, 14290, 14291, 14292, 14293, 14294, 14295, 14297, 14299, 14300, 14303, 14304, 14306; Group III—14298, 14301, 14305; for construction permits.

The Hearing Examiner has under consideration the above-entitled proceeding and agreements reached by the parties at the conference held herein on November 7, 1961;

It is ordered, This 7th day of November 1961, that hearings are scheduled herein as follows:

Group I—February 27, 1962, at 10:00 a.m.
Group II—March 5, 1962, at 10:00 a.m.
Group III—February 6, 1962, at 10:00 a.m.

Released: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10871; Filed, Nov. 14, 1961; 8:49 a.m.]

[Docket Nos. 14357, 14358; FCC 61M–1765]

HIGSON-FRANK RADIO ENTERPRISES AND SBB CORP.

Order Scheduling Hearing

In re applications of James D. Higson and Peter Frank d/b as Higson-Frank Radio Enterprises, Houston, Texas, Docket No. 14357, File No. BP–13809; SBB Corporation, Houston, Texas, Docket No. 14358, File No. BP–14632; for construction permits.

It is ordered, This 8th day of November 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 17, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, December 14, 1961.

Released: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10872; Filed, Nov. 14, 1961; 8:49 a.m.]

[Docket Nos. 14360–14363; FCC 61M–1767]

M & M TELECASTERS ET AL.

Order Scheduling Hearing

In re applications of L. E. Manseau and Daniel E. Molina d/b as M & M Telecasters, Santa Maria, California, Docket No. 14360, File No. BPCT–2891; Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli d/b as Central Coast Television, Santa Maria, California, Docket No. 14361, File No. BPCT–2903; Thomas B. Friedman, tr/as Elson Electronics Company, Santa Maria, California, Docket No. 14362, File No. BPCT–2904; Santa Maria Telecasting Corporation, Santa Maria, California, Docket No. 14363, File No. BPCT–2919; for construction permits for new Television Broadcast Stations.

It is ordered, This 8th day of November 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 15, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, December 14, 1961.

Released: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10873; Filed, Nov. 14, 1961; 8:49 a.m.]

[Docket No. 14076 etc; FCC 61M–1761]

KENT-RAVENNA BROADCASTING CO.

Order Scheduling Hearing

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, Docket No. 14076, File No. BP–13749; et al., Docket Nos. 14079, 14080, 14081, 14082, 14083, 14084, 14087, 14088; for construction permits.

The Hearing Examiner has under consideration the above-entitled proceeding and agreements reached by the parties at the conference held herein on November 7, 1961;

It is ordered, This 7th day of November 1961, that hearings are scheduled herein as follows:

Group I—March 20, 1962, at 10:00 a.m.
Group III—March 26, 1962, at 10:00 a.m.

Released: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10874; Filed, Nov. 14, 1961; 8:49 a.m.]

[Docket No. 14359; FCC 61M–1766]

ROUNSAVILLE OF MIAMI BEACH, INC. (WFUN)

Order Scheduling Hearing

In re application of Rounsaville of Miami Beach, Inc. (WFUN), South Miami, Florida, Docket No. 14359, File No. BML–1941; for modification of license.

It is ordered, This 8th day of November 1961, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 15, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, December 12, 1961.

Released: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10875; Filed, Nov. 14, 1961; 8:49 a.m.]

[Docket Nos. 14152, 14153; FCC 61M–1764]

YBOR CITY BROADCASTING CO. AND JOHNSON BROADCASTING CORP.

Order Continuing Hearing

In re applications of Ybor City Broadcasting Company, Ybor City, Florida, Docket No. 14152, File No. BP–13663; Johnson Broadcasting Corporation, Indian Rocks Beach, Florida, Docket No. 14153, File No. BP–13859; for construction permits.

The Hearing Examiner having under consideration oral requests of counsel for the Commission's Broadcast Bureau for continuance of the hearing herein;

It appearing that counsel for all other parties have consented to immediate consideration and grant of the request;

It is ordered, This 8th day of November 1961, that the above request is granted; and the hearing now scheduled for November 8, 1961, is continued without date, pending action upon joint request for approval of agreement and dismissal of application, filed by applicants on November 2, 1961.

Released: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10876; Filed, Nov. 14, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61–269]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

NOVEMBER 7, 1961.

Take notice that Iowa Southern Utilities Company (Applicant) a Delaware corporation with its principal place of business in the City of Centerville, Iowa, filed an application on April 13, 1961, for an order pursuant to section 7(a) of the Natural Gas Act, directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to install a gas measuring station and related facilities to provide city gate delivery of natural gas to Applicant for delivery in Danville, Iowa, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in Danville, Iowa. The third year estimated cost will be $69,355. Applicant indicates that it will be unnecessary to construct lateral facilities to connect with Michigan Wisconsin.

Applicant proposes to finance the cost of construction of these facilities as part of its construction budget which will be financed by interim bank loans and internally generated funds. The permanent type of financing has not yet been determined.

Applicant estimates the requirements of Danville, Iowa, as follows:

Year of operation	Volumes in Mcf	
	Peak day	Annual
1	133	15,132
2	215	23,841
3	252	28,471

Applicant indicates that the proposed gas supply would be provided by the present maximum daily quantity and annual contract quantity available from Michigan Wisconsin.

Applicant states that it has already received a franchise for service in Danville, Iowa.

Protests or petitions to intervene may be filed with the Federal Power Commission in accordance with the rules of practice and procedure 18 (CFR 1.8 or 1.10) on or before December 11, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10840; Filed, Nov. 14, 1961; 8:45 a.m.]

[Docket Nos. G-9146, G-9498]

SHAMROCK OIL AND GAS CORP.

Order Granting Recess of Hearing In Excess of Thirty Days

NOVEMBER 7, 1961.

The Presiding Examiner's referral of a request from the parties herein for a recess in excess of 30 days was submitted October 24, 1961, pursuant to § 1.11(e) of the Commission's rules of practice and procedure.

This is a section 4 producer rate case involving proposed rates of 9 cents and 10 cents per Mcf, which went into effect in 1955 and 1956, subject to refund. The case was originally tried in July 1956, and the presiding examiner thereafter issued an initial decision holding the evidence inadequate to satisfy the burden of proof under Section 4 of the Act. The Commission reversed the examiner's decision by order issued August 6, 1959. Subsequently, the Court of Appeals reversed the Commission and granted discretionary authority to reopen the proceedings.

By order issued May 15, 1961, the Commission reopened the proceedings for the purpose of affording all parties an opportunity to submit evidence on the question whether the proposed rates were just and reasonable. Thereafter, at a hearing session on August 8, 1961, Shamrock presented a substantial volume of testimony and exhibits, including a full rate base cost-of-service for a test year ending November 30, 1960. On this basis it claimed a total jurisdictional unit cost of gas sales amounting to 17.17 cents per Mcf. The Shamrock cost-of-service presentation departed in numerous respects from the cost-of-service methods adopted by the Commission in its Phillips decision (Op. No. 338).

The hearing session held on October 23, 1961, was scheduled for the purpose of full cross-examination of the Shamrock case, to be conducted by the Staff and by intervener Minneapolis Gas Company. At the opening of this session, Staff indicated that it was making its own study of Shamrock's cost data, and that this study could not be completed until the middle of December; that on the basis of such study it intended to later present cost-of-service evidence of its own for two purposes: (1) To determine just and reasonable rates prospectively for the future, and (2) to determine just and reasonable rates for each of the years 1956–59, as a basis for determining possible refunds which might be due for each of those years.

A long period has elapsed since this case was originally tried in 1956. The rates involved are relatively low. Consequently, the presiding examiner questioned and explored the necessity for a full cost-of-service trial. In the course of this discussion the Staff indicated that on the basis of a preliminary rough check which it has already made of Shamrock cost data, it was conceivable that it might ultimately find a cost-of-service for Shamrock, using the Commission's Phillips methods, which might be at the same level or higher than the revenues collected by the company subject to refund at its proposed 9- and 10-cent levels during the period 1956 to date. Under such circumstances, all parties agreed that no purpose would be served by conducting a lengthy cross-examination of the Shamrock case at this time—since this might turn out ultimately to be a purely academic exercise. The parties agreed that it would be wiser to defer further trial of this case until the Staff had completed its cost-of-service study, based upon Phillips methods; that the Staff would then promptly distribute this material, and the parties thereafter would explore informally the possibility of disposing of the entire case by settlement.

In order to carry out this objective, and by agreement of all parties, the hearing was recessed to January 22, 1962, subject to the following conditions:

(1) The Staff's prepared testimony and exhibits are to be distributed by December 20, 1961.

(2) In the event intervenor Minneapolis Gas Company desires to offer evidence, such evidence will be distributed by January 5, 1962.

(3) If the case is not then disposed of by settlement, the January 22, 1962, hearing session will be devoted to full cross-examination of all evidence presented by Shamrock, the Staff, and intervenor, Minneapolis Gas Company.

The Commission finds: Good cause has been shown herein for the extension of the recess beyond a period of thirty days.

The Commission orders: The recess ordered to begin herein on October 23, 1961, is hereby extended and the hearing ordered to reconvene in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., at 10:00 a.m., e.s.t., on January 22, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10841; Filed, Nov. 14, 1961; 8:45 a.m.]

[Docket No. RP61-15]

TEXAS GAS TRANSMISSION CORP.

Order Permitting Filing of Revised Tariff Sheets Decreasing Rates and Making Substitute Decreased Rates Effective Subject to Refund and Ordering Refunds

NOVEMBER 7, 1961.

On October 2, 1961, Texas Gas Transmission Corporation (Texas Gas) tendered for filing 52 revised tariff sheets[1] proposing decreased rates and charges for its jurisdictional sales of natural gas, including four sheets[2] pertaining to Texas Gas sales of natural gas for resale for industrial use only. The decrease amounts to $1,227,191 or 1.0 percent annually, based upon sales for the calendar year 1960, as adjusted.

Texas Gas' present rates were made effective subject to refund by order issued May 22, 1961, in the above proceeding, except Rate Schedule TS (First Original Sheet No. 79–K) which became effective subject to refund on March 1, 1961, by order issued February 28, 1961, in Docket No. RP61–15. The total proposed increase was in the amount of $4,742,199 annually.

The proposed decreases are based primarily on a reduction in the cost of purchased gas resulting from reductions in volumes purchased from suppliers and from the filing of reduced rates and refunds by various suppliers.

Texas Gas has asked that the 30-day notice requirement provided for in the Commission's Regulations under the Natural Gas Act be waived to permit the rates to take effect as of May 6, 1961, the effective date of the present rates, except the aforementioned Rate Schedule TS. Texas Gas states that upon acceptance of the filings, refunds will be made to its customers, together with interest at 7 percent per annum to the date of payment.

The changed rates and charges provided for in the revised tariff sheets tendered by Texas Gas on October 2, 1961, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The proceeding instituted for the purpose of determining the lawfulness of the proposed changed rates and charges has not been concluded, nor a decision rendered therein.

Texas Gas also requests that the Commission waive the necessity of monthly data filings as required under § 154.63 (b)(2) of the regulations under the Natural Gas Act and accept in lieu thereof the annual data concerning sales, revenue, and rate reduction, based on adjusted sales volumes for the year 1960, which said data were submitted concurrently with the tendered revised tariff sheets.

The Commission finds: Good cause exists for permitting the substitution of the revised tariff sheets as filed by Texas Gas on October 2, 1961, subject to the proceedings herein, to allow the sheets to become effective retroactive as of May 6, 1961, and to waive the 30-day notice and monthly data filing requirements of the Regulations under the Natural Gas Act.

The Commission orders:

(A) The 30-day notice requirement provided in the Commission's Regulations under the Natural Gas Act is hereby waived with respect to the aforementioned revised tariff sheets filed by Texas Gas on October 2, 1961, and the rates contained in First Revised Sheet No. 79–K; Fourth Revised Sheet No. 68–I; Fifth Revised Sheet Nos. 68–BB, 68–G, 68–H, 68–K, 68–L and 70–A; Sixth Revised Sheet Nos. 13, 15 and 68–C; Seventh Revised Sheet Nos. 7, 9, 19, 21, 25, 27 and 71; Eighth Revised Sheet Nos. 68–A, 68–B, 68–E and 68–F; Ninth Revised Sheet Nos. 79–I and 79–J; Tenth Revised Sheet Nos. 5, 11, 23, 29, 33, 41, 53, 55, 59, 61, 63, 67, 69, 70, 73, and 74; Eleventh Revised Sheet Nos. 17, 31, 35, 37, 43, 57, and 65; and Twelfth Revised Sheet No. 39 to Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1 are hereby allowed to become effective subject to refund as of May 6, 1961, and the rates contained in Ninth Revised Sheet Nos. 45, 47 and 51, and Tenth Revised Sheet No. 49 to Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1 are hereby allowed to become effective retroactively as of May 6, 1961.

(B) The tariff sheets listed in Paragraph (A) above are made subject to the proceeding in Docket No. RP61–15.

(C) Texas Gas shall refund to its purchasers, the difference between the revenues collected under the tariff sheets made effective on May 6, 1961, pursuant to our order of May 22, 1961 and the tariff sheets to be made effective on May 6, 1961 pursuant to Paragraph (A) hereof, except First Revised Sheet No. 79–K. Texas Gas shall pay interest at the rate of 7 percent per annum on such refunds from the date of collection of the revenues under the rates superseded herein to the date of payment of such refunds.

(D) Texas Gas shall similarly refund with interest at 7 percent per annum the difference in revenues collected under Original Sheet No. 79–K and First Revised Sheet No. 79–K (Rate Schedule TS) from May 6, 1961 to date of payment of refund.

(E) Texas Gas shall submit, within 30 days, statements under oath showing details of the calculations resulting in the refunding of all monies collected subject to refund as provided in paragraphs (C) and (D) together with copies of releases from all purchasers acknowledging receipt of all amounts due.

(F) The filings required by paragraph (E) shall be considered as satisfactory upon notification of the Secretary that such filings have been accepted.

(G) The request of Texas Gas that the requirement of § 154.63(b)(2) of the regulations under the Natural Gas Act be waived is hereby granted and Texas Gas may submit annual data covering sales, revenue, and rate reduction, based on adjusted sales volume for year 1960.

(H) The issuance of this order shall constitute full notice of the filing and publication of the tariff sheets in question insofar as their effective date is concerned.

(I) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act, nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, or practice affecting such service or rate; nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(J) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending, or hereafter instituted by or against Texas Gas.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10842; Filed, Nov. 14, 1961; 8:45 a.m.]

[1] First Revised Sheet No. 79–K; Fourth Revised Sheet No. 68–I; Fifth Revised Sheet Nos. 68–BB, 68–G, 68–H, 68–K, 68–L and 70–A; Sixth Revised Sheet Nos. 13, 15 and 68–C; Seventh Revised Sheet Nos. 7, 9, 19, 21, 25, 27 and 71; Eighth Revised Sheet Nos. 68–A, 68–B, 68–E and 68–F; Ninth Revised Sheet Nos. 45, 47, 51, 79–I and 79–J; Tenth Revised Sheet Nos. 5, 11, 23, 29, 33, 41, 49, 53, 55, 59, 61, 63, 67, 69, 70, 73 and 74; Eleventh Revised Sheet Nos. 17, 31, 35, 37, 43, 57 and 65; and Twelfth Revised Sheet No. 39 to FPC Gas Tariff, Second Revised Volume No. 1.

[2] Ninth Revised Sheet Nos. 45, 47, and 51, and Tenth Revised Sheet No. 49.

[Docket No. CP61-346]

VILLAGE OF LOUISVILLE, ILLINOIS

Notice of Application

NOVEMBER 6, 1961.

Take notice that the Village of Louisville, Illinois (Applicant), Clay County, Illinois, filed an application on June 30, 1961, for an order pursuant to section 7(a) of the Natural Gas Act directing Trunkline Gas Company (Trunkline) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant its natural gas requirements as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distributing system and a lateral gas line extending from the village border to an interconnection with the Trunkline main transmission line approximately 1½ miles distant.

Applicant estimates the cost of constructing its facilities will not exceed $250,000. Applicant proposes to finance this cost by the issuance of Municipal Natural Gas Revenue Bonds in the amount of $250,000, payable solely through the revenues of its natural gas system.

Applicant estimates the requirements of the Village of Louisville as follows:

Year of operation	Volumes in Mcf	
	Peak day	Annual
1	404	45,000
2	453	50,200
3	506	55,700

On October 10, 1961, Trunkline filed a response to the application indicating that it did not object to the granting of the application for the third year peak day volume set forth therein.

Protests or petitions to intervene may be filed with the Federal Power Commission in accordance with the rules of practice and procedure 18 (CFR 1.8 or 1.10) on or before November 30, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10843; Filed, Nov. 14, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The Marine Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by applicant of 80 percent or more of the voting shares of Security State Bank, Madison, Wisconsin.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 8th day of November 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-10864; Filed, Nov. 14, 1961; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-792]

MULTNOMAH CANADIAN FUND, LTD.

Notice of Filing of Application for Order Declaring That Company Has Ceased to be Investment Company

NOVEMBER 7, 1961.

Notice is hereby given that Multnomah Canadian Fund, Ltd. ("Applicant"), Vancouver, British Columbia, Dominion of Canada, a Canadian corporation and an open-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

The applicant states that its outstanding securities are beneficially owned by not more than 100 persons and it is not making and does not presently propose to make a public offering of its securities. In addition, on August 17, 1961, at a meeting of the stockholders in Vancouver, British Columbia, the stockholders of the Applicant voted to liquidate and dissolve the corporation, to terminate the terms of office of the Directors, and for the appointment of a Liquidator for the purpose of winding up the affairs of the corporation and effecting its dissolution. The assets of the company will be held by its Custodian and by the liquidator solely for purposes of distribution in liquidation.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than November 22, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10865; Filed, Nov. 14, 1961; 8:48 a.m.]

[File No. 812-1449]

OHIO FRANKLIN FUND, INC.

Notice of Filing of Application for an Order Exempting Proposed Transactions From Certain Provisions

NOVEMBER 7, 1961.

Notice is hereby given that Ohio Franklin Fund, Inc. (Columbus, Ohio), an Ohio corporation and a management open-end investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to sections 6(c) and 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed transactions hereinafter described.

Applicant, a newly formed company, has filed a registration statement under the Securities Act of 1933, under which it has offered to interested persons referred to as "Depositors" an opportunity to participate in a simultaneous tax-free exchange of securities owned by them having a market value of not less than $10,000 for shares of Applicant. During the period prior to the exchange, deposits will be held by the Ohio National Bank of Columbus, hereinafter referred to as the Escrow Agent, for the individual accounts of the Depositors. Solicitations terminated on November 1, 1961. If securities having a market value of at least $5,000,000 are deposited and accepted, then within fifteen days after the conclusion of the offering period, the Fund will send a special report to all Depositors which will list all securities then on deposit, together with their current fair market values at that time and their estimated Federal tax basis to the Fund. Any depositor will have the right to withdraw his deposited securities in whole or in part (subject to $10,000 minimum deposit requirement) at any time prior to the mailing of the report referred to above and also during the two weeks after such mailing. The Fund will have the right to reject, in whole or in part, securities offered for deposit or on deposit with the Escrow Agent at any time prior to and for a period up to ten days after the end of the period during which the depositor may withdraw. Upon the expiration of the above-described periods for withdrawal, and provided that the market value of the remaining deposited securities aggregates at least $5,000,000, the exchange of shares of the Applicant for the deposited securities will be consumated within ten days thereafter or such date as the Applicant may determine without further action by the Depositors.

All Depositors are required to represent in writing that at the time of the receipt of the shares of Applicant, they will be acquiring such shares without any intention of distributing them in a public offering. The deposited securities will be valued at current market value as of the close of business on the last business day prior to the exchange, and shares of the Applicant will be issued to each Depositor on the basis of a per share valuation of $20 for Applicant's shares, after deducting from the value of the deposited securities a sales charge varying from 4 to 1.5 percent depending on the value thereof.

Since it appears the exchange will be tax-free to the Depositors, Applicant will have the same tax basis as the Depositors had for the securities acquired from them. Applicant has undertaken not to make subsequent public offerings of its stock for cash.

Section 17(a) of the Act, with certain exceptions not here relevant, prohibits the sale of securities or other property to a registered investment company by promoters or affiliated persons of such company, or by affiliated persons of such promoters or affiliated persons. Section 2(a)(3) of the Act, among other things, states that an affiliated person of another person means any officer or director of such other person.

Applicant intends to accept for inclusion in its portfolio, subject to the granting by the Commission of the order requested, certain securities deposited by two of its directors and the wife of one of its directors. The names of such Depositors and the amounts, issuers, Federal tax basis and market values of their deposited securities are as follows:

Name of director	Number of shares deposited	Issuer	Federal tax basis [1]	Estimated [2] market value
Preston Davis	287 shares common stock	Stauffer Chemical Co., Inc.	$5,152.75	$14,360.00
Robert G. Landers	371 shares common stock	Interchemical Corp.	3,680.32	14,932.75
Ruth Landers wife of Robert G. Landers.	695 shares common stock	do	6,866.60	27,973.75

[1] As furnished by depositor.
[2] As of the close of business October 17, 1961.

The proposed transactions described above involving the two directors and the wife of one of the two directors of Applicant who have deposited securities would be prohibited by said section 17(a) unless the Commission issues an order exempting such transactions from the provisions thereof. Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in the registration statement and reports filed under the Act, and with the general purposes of the Act.

In support of its application, Applicant states that:

1. Neither of said directors is an "underwriter" with respect to the securities he desires to deposit nor in a "control" relationship with respect to the issuer thereof, as these terms are defined in the Securities Act of 1933, as amended, and the rules and regulations thereunder. Likewise the wife of Robert G. Landers is stated to be neither an "underwriter" nor in a "control" relationship.

2. The total current market value of securities proposed to be deposited by the above-mentioned persons amounted to $57,256.00 * * * or approximately 1 percent of the $5,295,700 securities deposited as of its close of business on October 17, 1961. * * *

Notice is further given that any interested person may, not later than November 22, 1961, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10866; Filed, Nov. 14, 1961; 8:48 a.m.]

[File No. 812-398]

SAVINGS BANK INVESTMENT FUND

Notice of Application for Supplementary Order

NOVEMBER 7, 1961.

Notice is hereby given that Savings Bank Investment Fund (Boston, Mass.) (hereinafter referred to as "SBIF"), a corporation duly organized pursuant to a special act of the Massachusetts legislature, effective August 8, 1945, has filed an application pursuant to sections 6(c), 18(i) and 22(e) of the Investment Company Act of 1940 ("Act") requesting an order supplementing the Commission's exemptive order of December 17, 1946 (Investment Company Act Release No. 988) declaring that the proposed amendment of the SBIF Charter has no effect upon the validity of the exemptions granted by the December 17, 1946 exemptive order.

SBIF is an investment fund created by the State of Massachusetts, the securities of which may be sold only to savings banks of Massachusetts, the investment policies of which are prescribed by statute, and which is subject to control of the Commissioner of Banks of the Commonwealth of Massachusetts.

Savings Banks Employees Retirement Association (hereinafter referred to as "SBERA") is an incorporated association duly organized on February 3, 1944 pursuant to a special act of the Massachusetts legislature, which act has been subsequently amended from time to time.

The purpose of SBERA is to provide a medium through which funds may be collected, invested, accumulated and paid out for pensions or annuities to eligible employees of participating banks who retire on account of age or disability. Savings banks organized under the laws of the Commonwealth of Massachusetts and certain other named Massachusetts savings banks organizations (called "participating banks") are eligible for membership in SBERA and persons regularly employed by participating banks are also eligible for membership (called "member employees"). As of October 31, 1960, 177 Massachusetts savings banks and related organizations and 2828 employees were members of SBERA. Both participating banks and member employees make periodic contributions to SBERA as prescribed by its by-laws and the funds are invested, and pensions are paid therefrom to retired employees or are paid as death or disability benefits. SBERA is managed by a board of sixteen Trustees, two elected by votes of the participating banks located in each of eight geographical areas and an executive committee of five Trustees and the Secretary. The enabling statute provides that the by-laws of SBERA shall prescribe the manner in which the association may be conducted and its funds invested and paid out, that the by-laws shall be approved by the Commissioner of Banks of the Commonwealth of Massachusetts, and that SBERA shall make annual reports to the Commissioner of Banks.

On December 5, 1956, the by-laws of SBERA were amended to provide that not over 10 percent of the funds of SBERA shall be invested in shares of SBIF.

It is proposed that the Charter of SBIF be changed by act of the Massachusetts legislature to include SBERA within the definition of a "savings bank" to permit SBERA to subscribe to the securities of SBIF.

Since the December 17, 1946, order contemplated that securities of SBIF would be held only by savings banks established under the laws of the Commonwealth of Massachusetts, applicant seeks the instant supplementary order so that the acquisition of SBIF's securities by SBERA which is not such a savings bank, may be permitted.

Notice is hereby given that any interested person may, not later than November 27, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10867; Filed, Nov. 14, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 185]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 9, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 239 (Deviation No. 1), ECKLAR-MOORE EXPRESS, INC., Forbes Road, Extended, Lexington, Ky., filed October 30, 1961. Attorney Harry McChesney, Jr., P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From junction Interstate Highway 64 and U.S. Highway 60, east of Middletown (Jefferson Co.) Ky., to junction Frankfort Interchange, thence over U.S. Highway 127, approximately 1 mile north to junction U.S. Highway 60 west of Frankfort, Ky., and (B) from junction Interstate Highway 64 and U.S. Highway 60, west of Winchester, Ky., to junction U.S. Highway 60 east of Mount Sterling, Ky., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville, Ky., over U.S. Highway 60 to Frankfort, thence over U.S. Highway 60 to Versailles, Ky.; from Frankfort over U.S. Highway 421 to Lexington, Ky.; from Frankfort over U.S. Highway 460 to Georgetown, Ky., thence over U.S. Highway 460 to Paris, Ky., thence over U.S.

Highway 227 to Winchester; and from Winchester over U.S. Highway 60 to Mount Sterling, Ky., thence over U.S. Highway 60 to Owingsville, Ky., and return over the same routes.

No. MC 239 (Deviation No. 2), ECKLAR-MOORE EXPRESS, INC., Forbes Road, Extended, Lexington, Ky., filed October 30, 1961. Attorney Harry McChesney, Jr., P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Covington, Ky., over Interstate Highway 75 to junction Kentucky Highway 22 southwest of Dry Ridge, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Covington over U.S. Highway 25 to Dry Ridge, thence over Kentucky Highway 22 to Owenton, Ky., thence over U.S. Highway 127 (old Kentucky Highway 35) to Frankfort, Ky., and return over the same route.

No. MC 29988 (Deviation No. 10), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., filed November 1, 1961. Attorneys Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Sterling, Colo. (also from Denver over U.S. Highway 6 to Sterling), thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, and thence over Alternate U.S. Highway 30 to Chicago; from Denver over U.S. Highway 40 to Limon, Colo., thence over U.S. Highway 24 to Halford, Kans., thence over U.S. Highway 83 to Oakley, Kans., thence over U.S. Highway 40 to Topeka, Kans., thence over U.S. Highway 24 to Kansas City, Mo. (also from Topeka over U.S. Highway 40 to Kansas City), and thence over U.S. Highway 40 to St., Louis, Mo., and return over the same routes.

No. MC 32474 (Deviation No. 3), KEESHIN TRANSPORT SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio, filed October 30, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Ypsilanti and Detroit, Mich., over Interstate Highway 94, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ypsilanti, over U.S. Highway 112 to junction Michigan Highway 17, thence over Michigan Highway 17 to Detroit, and return over the same route.

No. MC 60066 (Deviation No. 1), BEE LINE MOTOR FREIGHT, 1302 Izard Street, Omaha 2, Nebr., filed October 31, 1961. Attorney Samuel V. Cooper, 837 Omaha National Bank Building, Omaha 2, Nebr. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Lincoln and Omaha, Nebr., over Interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Bridgeport, Nebr., over U.S. Highway 26 to Ogallala, Nebr., thence over U.S. Highway 30 to Grand Island, Nebr., thence over U.S. Highway 281 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, and thence over U.S. Highway 6 to Omaha, and return over the same route.

No. MC 95265 (Deviation No. 1), ROBERTSON TRANSPORTATION CO., INC., Box 3158, 1000 Robertson Place, Madison 4, Wis., filed November 3, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 12 and Interstate Highways 90 and 94, north of Wisconsin Dells, Wis., over Interstate Highways 90 and 94 to junction U.S. Highway 51 north of Madison, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Madison over U.S. Highway 12 to the junction of Interstate Highways 90 and 94 north of Wisconsin Dells, Wis., and return over the same route.

No. MC 111231 (Deviation No. 12), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed October 30, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Perryville, Mo., over Missouri Highway 51 to junction Missouri Highway 91, thence over Missouri Highway 91 to Advance, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State Line, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-10860; Filed, Nov. 14, 1961; 8:47 a.m.]

[Notice 406]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 9, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 28573 (Sub-No. 17) (SECOND CLARIFICATION), filed July 24, 1961, published issue of October 4, 1961, amended October 10, 1961, clarified November 8, 1961, and republished as clarified this issue. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: R. W. Cronon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over numbered and unnumbered highways, transporting: *General commodities*, between all Great Northern Railway Company stations in North Dakota and all Intercontinental Ballistic Missile launching sites in North Dakota, as off-route points in connection with applicant's presently-authorized regular-route operations, limited to service which is auxiliary to, or supplemental of, its rail service.

NOTE: Applicant states tacking is proposed with authority contained in lead Docket MC 28573 and Subs 3, 5A, and 11. The purpose of this republication is to set forth that operations will be conducted over specified highways (to be identified at the hearing) as well as certain unnumbered highways.

HEARING: Remains as assigned December 18, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Joint Board No. 300, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 101075 (Sub-No. 71), filed October 2, 1961. Applicant: TRANSPORT, INC., P.O. Box 396, 1215 Center Avenue, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Jamestown, Mandan, and Minot, N. Dak., and points within 15 miles of each, to Ports of Entry on the International Boundary Line between North Dakota and Canada, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states its president, R. O. Pitzenbarger is also president and principal stockholder of Interstate Transport, Inc.

HEARING: January 22, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 274.

No. MC 105813 (Sub-No. 50), filed November 1, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, advertising, promotional and display materials*, and *premiums*, from Hershey, Pa., to points in Florida.

HEARING: December 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner William R. Tyers.

No. MC 105813 (Sub-No. 51), filed November 1, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Tennessee (except Memphis), Kentucky, Georgia, Florida, North Carolina, South Carolina, Alabama, and Louisiana.

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 108449 (Sub-No. 134), filed October 23, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in that portion of North Dakota located in an area bounded by a line beginning at the intersection of the North Dakota-Montana and Canada boundary lines and extending southerly along the North Dakota-Montana State line to the Missouri River, thence easterly along the Missouri River to U.S. Highway 83, thence northerly along U.S. Highway 83 to the International Boundary line between the United States and Canada, thence westerly along the International Boundary line between the United States and Canada to point of beginning to points in North Dakota, South Dakota, and Montana, and *returned and rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states it is in temporary control through management of Moore Motor Freight Lines, Inc., MC 17481 and Subs by authority of I.C.C. in Docket MC-F-7553 210a(b) temporary control through management.

HEARING: January 24, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 124.

No. MC 108449 (Sub-No. 135), filed October 24, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Grand Forks, N. Dak., and points within ten (10) miles thereof, to points in Meade and Pennington Counties, S. Dak., and *returned and rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states it is in temporary control through management of Moore Motor Freight Lines, Inc., MC 17481 and Subs by authority of I.C.C. in Docket MC-F 7553 210a(b) temporary control through management.

HEARING: January 17, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 143.

No. MC 110698 (Sub-No. 190), filed November 1, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, (1) from Baton Rouge, La., and points within twenty-five (25) miles thereof, to points in Alabama, Arkansas, Colorado, Georgia, Indiana, Kansas, Michigan, Missouri, New Mexico, Ohio, South Carolina, and Texas, Arizona, California, Florida, Illinois, Iowa, Kentucky, Mississippi, Nebraska, North Carolina, Oklahoma, Tennessee, and Wisconsin and (2) from Alabama, California, Georgia, Indiana, Michigan, Missouri, Oklahoma, Tennessee, Arkansas, Florida, Illinois, Kentucky, Mississippi, Ohio, South Carolina, Texas, to Baton Rouge, La., and points within twenty-five (25) miles thereof.

NOTE: Applicant states "The capital stock of Ryder Tank Line, Inc., is owned by the Ryder System of Miami, Fla., which also controls Ryder Truck Line and other motor carriers subject to part II of the Interstate Commerce Act. See also MC-F-7196 Ryder Tank Line, Inc. Purchase York Interstate Trucking."

HEARING: December 7, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 112750 (Sub-No. 71), filed September 28, 1961. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Eye glasses, including frames, lenses, and other parts thereof; audit media, punch cards, and other business papers, documents and records* (excluding plant removals); and *exposed and processed film, microfilm and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibitions); between Minneapolis and Duluth, Minn., and points in Wisconsin lying in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, and La Crosse Counties, Wis.

HEARING: January 18, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 114042 (Sub-No. 1), filed August 14, 1961. Applicant: ROBERT A. ANDERSON AND HENRY W. KIVI, a partnership, doing business as ANDERSON & KIVI TRUCKING CO., 9415 Clyde Avenue, Duluth, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, manhole concrete joist*, and *concrete products*; from the site of the Elk River Concrete Products Plant at Duluth, Minn., to points in Douglas, Bayfield, Washburn, Sawyer, and Ashland Counties, Wis.

NOTE: Applicant presently holds common carrier authority under MC 112395, therefore dual operations may be involved.

HEARING: January 19, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 114211 (Sub-No. 32), filed November 6, 1961. Applicant: WARREN TRANSPORT, INC., 224 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *agricultural implements*, and *parts thereof*, when moving incidental to and in the same vehicle with said commodities, from Moline and East Moline, Ill., to points in Baraga, Goegbic, Houghton, Iron, Keweenaw, and Ontonagon Counties, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 114457 (Sub-No. 5), filed September 25, 1961. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: (1) *Dairy products* and *materials, equipment* and *supplies* used in the production and distribution of dairy products, from Emma and Concordia, Mo., to St. Paul, Minn., and (2) *materials, equipment,* and *supplies* used in the production and distribution of dairy products, and *damaged, rejected,* and *returned shipments* of dairy products, from St. Paul, Minn., to Emma and Concordia, Mo.

HEARING: January 16, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., Joint Board No. 201.

No. MC 114835 (Sub-No. 8), filed July 13, 1961. Applicant: SOO LINE RAILROAD COMPANY, a corporation, 800 Soo Line Building, Minneapolis 40, Minn. Applicant's attorney: C. Harold Peterson, Soo Line Railroad, Law Department, 1427 Soo Line Building, P.O. Box 530, Minneapolis 40, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in substituted motor for rail service which is auxiliary to or supplemental of applicant's rail service, between Chicago, Ill., and Fond du Lac, Wis., from Chicago over Illinois Highway 19 to junction with U.S. Highway 45, thence over U.S. Highway 45 to its junction with Illinois Highway 21, thence over Illinois Highway 21 to Grays Lake, Ill., thence over combined Illinois Highways 21 and 83 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 83 to its junction with County Trunk Highway X (near Genesee, Wis.), thence over County Trunk Highway X to its junction with Wisconsin Highway 59, thence over Wisconsin Highway 59 to Waukesha, Wis., thence over Wisconsin Highway 164 to its junction with Wisconsin Highway 74, thence over Wisconsin Highway 74 to its junction with County Trunk Highway J, thence over County Trunk Highway J to its junction with Wisconsin Highway 175, thence over Wisconsin Highway 175 to Fond du Lac, and return over the same route, serving the intermediate points of Schiller Park, Des Plaines, Wheeling, Prairie View, Mundelein, Grays Lake, Lake Villa, and Antioch, Ill., and Burlington, Mukwonago, Waukesha, Sussex, Theresa, Lomira, and Byron, Wis., and the off-route points of Leithton, Ill., and Trevor, Silverlake, Honey Creek, Slinger, and Allenton, Wis.; (2) between junction U.S. Highway 45 and Illinois Highway 21 and Union Grove, Wis., over U.S. Highway 45, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (3) Illinois Highways 132 and 173 between their respective junctions with U.S. Highway 45 and combined Illinois Highway 21 and 83, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (4) Wisconsin County Trunk Highway C and Wisconsin Highway 50 between their respective junctions with U.S. Highway 45 and Wisconsin Highway 83, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (5) between Union Grove, Wis., and Elkhorn, Wis., over Wisconsin Highway 11, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (6) between Elkhorn, Wis., and Mukwonago, Wis., over Wisconsin Highway 15, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (7) between junction Wisconsin Highways 59 and 83 near Genesee, Wis., and junction County Trunk Highway X and Wisconsin Highway 59, over Wisconsin Highway 59, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (8) Wisconsin Highway 59 between its junction with Wisconsin Highway 83 and County Trunk Highway X, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (9) U.S. Highway 18 between Waukesha, Wis., and its junction with U.S. Highway 45, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (10) between junction U.S. Highways 45 and 18 and junction U.S. Highways 45 and 41, over U.S. Highway 45, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (11) between the southerly junction of U.S. Highways 45 and 41 and junction U.S. Highway 45 and Wisconsin Highway 175 near Fond du Lac, Wis., over U.S. Highway 41, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; and (12) Wisconsin Highways 74, 60, 33, 28, and 49 between the junctions of those highways with U.S. Highway 41 and Wisconsin Highway 175, serving no intermediate points, as alternate routes for operating convenience only and serving no point not a station on its line of railroad.

HEARING: January 10, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 114835 (Sub-No. 10), filed October 16, 1961. Applicant: SOO LINE RAILROAD COMPANY, a corporation, 800 Soo Line Building, Minneapolis 40, Minn. Applicant's attorney: C. Harold Peterson, Soo Line Railroad, Law Department, 1427 Soo Line Building, P.O. Box 530, Minneapolis 40, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in substituted motor-for-rail service which is auxiliary to or supplemental of applicant's rail service: (1) Between Shawano, Wis., and Gladstone, Mich., from Shawano over Wisconsin Highway 47 to Junction County Trunk Highway A, thence over County Trunk Highway A to Junction County Trunk Highway G, thence over County Trunk Highway G to junction with Wisconsin Highway 47 southeast of Neopit, Wis., thence over Wisconsin Highway 47 to junction with Wisconsin Highway 55 near Keshena, Wis., thence over Wisconsin Highway 55 to Argonne, Wis., thence over U.S. Highway 8 from its junction with Wisconsin Highway 55 near Crandon, Wis. to Junction U.S. Highway 2 at Norway, Mich., thence over U.S. Highways 2 and 41 to Gladstone, and return over the same route, serving the intermediate and off-route points of Gresham, Neopit, White Lake, Lily, Crandon, Argonne, Laona Junction, Armstrong Creek, Goodman and Pembine, Wis., and Hermansville and North Escanaba, Mich.; (2) between Shawano, Wis. and Laona, Wis., from Shawano over Wisconsin Highway 47 to Antigo, Wis., thence over Wisconsin Highway 52 to junction with Wisconsin Highway 32, thence over Wisconsin Highway 32 to Laona, and return over the same route, as an alternate route, serving no points not a station on its line of railroad; (3) between Junction Wisconsin Highway 64 and Wisconsin Highway 52 near Antigo, Wis. and Junction Wisconsin Highway 64 and Wisconsin Highway 55 near Langlade, Wis., from Junction Wisconsin Highway 64 and Wisconsin Highway 52, over Wisconsin Highway 64 to Junction Wisconsin Highway 55, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; (4) between Junction County Trunk Highway M and Wisconsin Highway 55 at Markton, Wis. and Junction County Trunk Highway M and Wisconsin Highway 64 near Langlade, Wis., from Junction County Trunk Highway M and Wisconsin Highway 55, over County Trunk Highway M to Junction Wisconsin Highway 64, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; (5) between Junction County Trunk Highway G and Wisconsin Highway 55 at Argonne, Wis. and Junction County Trunk Highway G and Wisconsin Highway 8 near Laona Junction, Wis., from Junction County Trunk Highway G and Wisconsin Highway 55, over County Trunk Highway G to Junction Wisconsin Highway 8, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; and (6) between Pembine, Wis. and Powers, Mich., from Pembine over U.S. Highway 141 to Junction County Trunk Highway Z, thence over County Trunk Highway Z to the Wisconsin-Michigan State line, thence over Menominee County (Michigan) Highway 577 to Junction U.S. Highway 41, thence over U.S. Highway 41 to Powers, and return over the same route, as an alternate route, serving no point not a station on its line of railroad.

NOTE: In connection with (1) through (6) above, applicant states it shall not serve any point not a station on its line of railroad.

HEARING: January 9, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 123845, filed July 31, 1961. Applicant: FRANK D. PENNEY AND JOSEPH L. PENNEY, doing business as TWIN PORTS AUTO PARTS COMPANY, 216 Winter Street, Superior, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* by use of wrecker equipment only, and *replacement of truck tractors for wrecks and disabled truck tractors*, in secondary movements by the truck-away method between Superior, Wis., on the one hand, and, on the other, points in the Upper Peninsula of Michigan and points in that part of Minnesota on, and north, of a line commencing at the Minnesota-South Dakota State line at 7 miles west of Lake Benton, Minn., and extending east along Minnesota Highway 14 to the Minnesota-Wisconsin border at Winona, Minn.

HEARING: January 19, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 282.

No. MC 123961, filed October 3, 1961. Applicant: DONALD F. VAN HANDEL, doing business as VAN HANDEL TRUCKING COMPANY, 3403 West Spencer Street, Appleton, Wis. Applicant's attorney: Hugh F. Nelson, 111 South Memorial Drive, Appleton, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Chicago, Ill., to Appleton, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: January 11, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 119427 (Sub-No. 1), filed July 31, 1961. Applicant: PAUL GILBERT, Kiester, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Commercial fertilizer*, dry, in bags, and (2) *agricultural chemicals;* from Mason City, Iowa to Kiester, Minn., from Mason City west to U.S. Highway 65, thence north over U.S. Highway 65 to its junction with U.S. Highway 18, thence west over U.S. Highway 18 to its junction with U.S. Highway 69, thence north over U.S. Highway 69 to its junction with unnumbered county road, thence northwest over unnumbered county road to the Iowa-Minnesota State line, thence north over Minnesota Highway 22 to Kiester, serving no intermediate points.

NOTE: Applicant indicates the proposed operation will be seasonal, between January 1st and June 1st; and August 15 to October 15.

HEARING: December 15, 1961, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 146.

MOTOR CARRIERS OF PASSENGERS

No. MC 123950, filed September 25, 1961. Applicant: NEAL O'LEARY, doing business as EXECUTIVE TRANSPORT, 1423 East Milwaukee Street, Janesville, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Janesville, Wis., and O'Hare International Airport (Cook County, Ill.); from Janesville south on County Trunk G to Beloit, Wis., east on Wisconsin Highway 15 to Interstate Highway 90, south on Interstate Highway 90, exiting at O'Hare International Airport, and return over the same route, serving no intermediate points.

HEARING: January 11, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 123983, filed October 12, 1961. Applicant: WARREN LASHLEY, doing business as LASHLEY TRANSIT LINES, South Gate Street, New Martinsville, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* in the same vehicle with passengers, between Sistersville, W. Va., and Omal, Ohio (near Hannibal); from Sistersville over West Virginia Highway 2 to New Martinsville, W. Va., thence across the New Martinsville Bridge over Ohio Highway 7 to Omal, and return over the same route, serving all intermediate points between Sistersville and New Martinsville, W. Va., including New Martinsville.

HEARING: December 12, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 61.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 117), filed November 2, 1961. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14287, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propylene*, in bulk, in tank vehicles, from Freeport, Tex., to Plaquemine, La.

NOTE: Applicant states "Younger Bros.-J. M. English Truck Lines, Inc., is an affiliated motor carrier engaged in transporting oil field commodities under the Mercer case commodity description as authorized in Docket No. MC 106509 and subs."

No. MC 42261 (Sub-No. 59), filed November 1, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refining catalyst* (dry), in bulk, in hopper-type vehicles, from Paulsboro, N.J., to East St. Louis, Ill., and *returned or rejected shipments of the above material* on return.

No. MC 107403 (Sub-No. 366), filed November 2, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes & Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper-type vehicles, from Niagara Falls, N.Y., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and West Virginia. Applicant states that it is authorized to control Reader Brothers, Inc. (MC-F-6886), and to temporarily lease the operating properties of Homer Hemick, doing business as Harlow Transportation Co. (MC-F-7839), and Edwin E. Clarke, doing business as Clarke Bulk Transfer (MC-F-7909).

No. MC 112520 (Sub-No. 69), filed November 2, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in bulk, in tank vehicles, from Midland, Mich., to Jacksonville, Fla.

No. MC 112750 (Sub-No. 76), filed November 1, 1961. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside 61, N.Y. Applicant's attorney: John Kevin Murphy (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used punch cards and business papers and records*, used or useful in the preparation of such punch cards and other business papers and records involving information obtained from the punch cards or pertaining to the use thereof (excluding plant removals and supplies), under continuing contracts with The Service Bureau Corp. between Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island.

No. MC 113777 (Sub-No. 1), filed November 2, 1961. Applicant: JAMES MESSINA doing business as MESSINA HAULAGE, 3351 Woodward Avenue, Wantagh, Long Island, N. Y. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank type vehicles, ex rail cars at origin, from Brooklyn, N.Y., to points in Nassau and Suffolk Counties, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 116886 (Sub-No. 12), filed October 31, 1961. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products* as defined by the Commission in *Description in Motor Carrier Certificate* 61 M.C.C. 209, 766, in vehicles equipped with temperature controlled devices, in pool-car and pool-truck distribution service, from Charlotte and Fayetteville, N.C., to points in North Carolina; or and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 1, and thence along U.S. Highway 1 to the North Carolina-South Carolina State line.

MOTOR CARRIERS OF PASSENGERS

No. MC 56914 (Sub-No. 4), filed November 1, 1961. Applicant: ARIZONA BUS LINES, INC., 8220 East Sixth Street, Tucson, Ariz. Applicant's attorney: John A. McGuinn, 1120 Con-

necticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express shipments weighing 100 pounds more or less, and newspapers*, in the same vehicle with passengers, between Gila Bend, Ariz., and Lukeville, Ariz.; from Gila Bend over Arizona Highway 85 to Ajo, Ariz., thence over Arizona Highway 85 to Lukeville and return over the same route serving all intermediate points.

No. MC 102189 (Sub-No. 5), filed October 30, 1961. Applicant: SARNIA TRANSIT COMPANY LIMITED, a corporation, 708 Eddings Street, Sarnia, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip special and charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located in Michigan, and extending to points in Ohio, Pennsylvania, New York, Indiana, and Illinois.

NOTE: Applicant states that the proposed operation will be restricted to round trip international charter operations on traffic originating and terminating in Canada.

NOTICE OF FILING OF PETITION

No. MC 19227 (Sub Nos. 44 and 54) (PETITION FOR CLARIFICATION OR CORRECTION OF CERTIFICATES), dated October 12, 1961. Petitioner: LEONARD BROS. TRANSFER & STORAGE CO., INC., Miami, Fla. Petitioner's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. By petition dated October 12, 1961, petitioner seeks clarification or correction of its Certificates MC 19227 (Subs 44 and 54), (1) The commodity description in petitioner's Sub 44 certificate reads as follows: "Uncrated airplane parts, supplies, machinery, and equipment, used in the maintenance, servicing, repair, and operation of airplanes, the transportation of which because of their size or weight, require special equipment or special handling or rigging, over irregular routes." (2) The commodity description in petitioner's Sub 54 certificate reads as follows: "Airplane parts, and supplies, materials, parts and components used in the construction of aircraft, and supplies, machinery and equipment used in the maintenance, servicing, repair and operation of aircraft except those which because of their size or weight require the use of special equipment and handling, or riggins." Petitioner seeks modification of the above-described commodity description so as to authorize the transportation of missile parts and supplies, materials, parts and components used in the construction of missiles and supplies, machinery and equipment used in the maintenance, servicing, repair and operation of missiles. Any person or persons desiring to participate in this proceeding may file a reply to this petition, or other appropriate pleading within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7462. (J. M. BLYTHE—PURCHASE—SEABOARD FOOD EXPRESS, INC.), published in the March 9, 1960, issue of the FEDERAL REGISTER on pages 2034 and 2035. Application filed November 8, 1961, for temporary authority under section 210a(b).

No. MC–F–7990. Authority sought for purchase by NATIONAL TRANSPORTATION COMPANY, 251 State Street Extension, Bridgeport, Conn., of a portion of the operating rights of HARTFORD TRANSPORTATION CO., INCORPORATED, 251 State Street Extension, Bridgeport, Conn., and for acquisition by DAVID C. GOLD, RAYMOND PULVER, and THEODORE KRAMER, all of Bridgeport, Conn., of control of such rights through the purchase. Applicants' attorneys: Joseloff, Murrett & Throwe, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between New York, N.Y., Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, certain points in New Jersey, and between Newark, N.J., on the one hand, and, on the other, points in Middlesex County, N.J.; *household goods*, as defined by the Commission, and *general commodities*, except those of unusual value, and except dangerous explosives, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Middlesex, Somerset, and Union Counties, N.J., on the one hand, and, on the other, certain points in New York, Connecticut, and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7991. Authority sought for purchase by EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh, Pa., of a portion of the operating rights of HARTFORD TRANSPORTATION CO., INCORPORATED, 2434 Berlin Turnpike, Newington, Conn., and for acquisition by THOMAS EAZOR, 15 26th Street., Pittsburgh, Pa., of control of such rights through the purchase. Applicants' attorneys: Zelby and Burstein, 160 Broadway, New York, N.Y., and Joseloff, Murrett & Throwe, 410 Asylum Street., Hartford 3, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and Hartford, Conn., between junction U.S. Highway 20 and Massachusetts Highway 9 east of Worcester, Mass., and junction Massachusetts Highway 12 and U.S. Highway 20 south of Worcester, between Berlin, Conn., and New York, N.Y., between Boston, Mass., and junction U.S. Highway 6 and Connecticut Highway 91, between East Hartford, Conn., and junction U.S. Highway 6 and alternate U.S. Highway 6, between Portland, Conn., and Waterbury, Conn., between Portland, Conn., and Putnam, Conn., between Portland, Conn., and Jewett City and New London, Conn., and between the junction of U.S. Highway 5 and U.S. Highway 5A south of Berlin, Conn., and Hartford, Conn., serving certain intermediate and off-route points; alternate route for operating convenience only between Newington, Conn., and junction Massachusetts Highway 15 and U.S. Highway 20; *scrap materials, wire rope, paper and paper products, fertilizer, burlap bags*, and *such merchandise as is dealt in by wholesale and retail chain grocery and food business houses*, between Berlin, Conn., and Greenfield, Mass., serving certain intermediate and off-route points; *household goods* as defined by the Commission, over irregular routes, between Springfield, Mass., and points in Massachusetts within 25 miles of Springfield, on the one hand, and, on the other, points in New York; *fertilizer, scrap materials, wire rope, bananas, paper, paper products, pottery, apples, apple products, chemicals, machinery, fertilizer materials, canned goods, groceries, fruit, vegetables*, and *materials, machinery, machine parts*, and *supplies*, used in the manufacture of paper and paper products, from, to or between points and areas, varying with the commodity transported, in New Jersey, Connecticut, Massachusetts, New York, and Rhode Island. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7992. Authority sought for purchase by TEXAS-OKLAHOMA EXPRESS, INC., 1017 South Akard Street, Dallas, Tex., of the operating rights of HRNCIAR TRANSPORTS CO., a corporation, doing business as HRNCIAR TRANSPORTS (R. E. MOON, TRUSTEE in Bankruptcy), 411 NW. 22d Street, Oklahoma City, Okla., and for acquisition by LEONARD B. BROWN, P. L. CASE AND GEORGE C. JOHNSTON, all of 1017 South Akard Street, Dallas, Tex., of control of such rights through the purchase. Applicants' attorneys: Reagan Sayers, Century Life Building, Fort Worth 2, Tex., and Robert L. Cox, Hales Building, Oklahoma City, Okla. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier*, over a regular route between Shamrock, Tex., and Oklahoma City, Okla., serving intermediate and off-route points within 15 miles of Shamrock, Tex. Vendee is authorized to operate as a *common carrier* in Oklahoma, Texas, Missouri, and Kansas. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–10861; Filed, Nov. 14, 1961; 8:47 a.m.]

[Notice 565]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 9, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64394. By order of November 6, 1961, the Transfer Board approved the transfer to Best Way Frozen Express, Inc., Kansas City, Mo., of Certificate No. MC 117799, issued September 22, 1961, to Joe Robinson, Springdale, Ark., authorizing the transportation of frozen fruits, frozen berries, and frozen vegetables, over irregular routes, from points in California, to points in Iowa, points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, Kansas City and St. Louis, Mo., Topeka and Wichita, Kans., Oklahoma City, Okla., Birmingham, Ala., Louisville, Ky., Phoenix, Ariz., Chicago and Rockford, Ill., and Indianapolis, Ind. James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo., attorney for applicants.

No. MC–FC 64541. By order of November 6, 1961, the Transfer Board approved the transfer to Winecoff Motor Lines, Inc., Concord, N.C., of Certificate No. MC 111658, issued November 3, 1959, to Bamb, Incorporated, Bristol, Tenn., authorizing the transportation, over irregular routes, of ice cream, milk, cream, and milk products (except butter and cheese), in other than hermetically sealed containers, between points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee (except Fayetteville), Virginia, West Virginia, and the District of Columbia; between points in Indiana and Ohio, on the one hand, and, on the other, points in territory specified immediately above; from points in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, Ohio, North Carolina, South Carolina, Tennessee (except Fayetteville), Virginia, West Virginia, and the District of Columbia, to Fayetteville, Tenn.; empty containers used in the prior movement and equipment used in the production of the commodities specified above, between points in Alabama, Flordia, Georgia, Indiana, Kentucky, Maryland, Ohio, North Carolina, South Carolina, Tennessee (except Fayetteville), Virginia, West Virginia, and the District of Columbia; mining cars, from Bristol, Tenn.-Va., to points in Kentucky, Tennessee, Virginia, and West Virginia within 150 miles of Bristol; wrecked mining cars, from points in Kentucky, Tennessee, Virginia, and West Virginia within 150 miles of Bristol, Tenn.-Va., to Bristol; and lubricating oil and grease, in containers, from Bayonne, N.J., and St. Marys, W. Va., to Bristol, Tenn.-Va. Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C., attorney for applicants.

No. MC–FC 64500. By order of November 6, 1961, the Transfer Board approved the transfer to Harold A. Henry, doing business as Hank's Transfer, Des Moines, Iowa, of Permit No. MC 117576, issued March 26, 1959, to Myrtle I. Gurwell, doing business as Gurwell Transfer, Des Moines, Iowa, authorizing the transportation of: New furniture in shipper-owned trailers, from Des Moines, Iowa, to points in Nebraska; and damaged new furniture in shipper-owned trailers, or returned empty shipper-owned trailers, from points in Nebraska, to Des Moines, Iowa. Robert H. Rydell, 1020 Savings and Loan Building, Des Moines, Iowa, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–10862; Filed, Nov. 14, 1961; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 9, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37434: *Glazing compounds from Baltimore, Md., to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B–8100), for interested rail carriers. Rates on frit (glazing compound), in carloads, from Baltimore, Md., to McGregor, Palestine, San Antonio, and Tyler, Tex.

Grounds for relief: Motor-water-motor competition.

Tariff: Supplement 55 to Southwestern Freight Bureau tariff I.C.C. 4400.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–10863; Filed, Nov. 14, 1961; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–X–19, Rev. 1]

DEPUTY REGIONAL DIRECTOR, DALLAS, TEXAS

Delegation Relating to Financial Assistance, Investment, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418; 26 F.R. 177, 1456), there is hereby redelegated to the Deputy Regional Director, Dallas Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct and participation business and disaster loans.

2. To approve or decline Limited Loan Participation loans.

3. To disburse approved loans.

4. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Deputy Regional Director.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property

of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* 1. To: (a) Determine joint setasides for Government procurements and sales; (b) to determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave except advanced annual and sick leave and (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel within the Region and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Service Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

E. *Eligibility.* 1. To determine, for the purpose of the programs for which they are responsible, the concerns which are small businesses within the meaning of this agency's Small Business Size Standards Regulation, provided, however, that no determinations shall be made which involve protests of the size status of apparently successful bidders; requests for Small Business Certificates; requests for reconsideration of size determinations made in the Washington office, and appeals.

2. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

II. All authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Regional Director.

IV. All previous authority delegated by the Regional Director to the Deputy Regional Director, is hereby rescinded without prejudice to actions taken under all such delegation of authority prior to the date hereof.

Effective date: October 13, 1961.

C. W. FERGUSON,
Regional Director, Region X,
Small Business Administration.

[F.R. Doc. 61–10846; Filed, Nov. 14, 1961; 8:46 a.m.]

[Delegation of Authority 30–X–1 (Rev. 3)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30–X–19, Revision 1, dated October 13, 1961, there is hereby redelegated to the Chief, Financial Assistance Division, Dallas Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve direct and participation business loans, and to approve or decline disaster loans.

2. To approve or decline Limited Loan Participation loans.

3. To disburse approved loans.

4. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name). *Administrator.*
By ----------
(Name)
Chief, Financial Assistance Division.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. All authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Deputy Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to

actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 23, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61–10847; Filed, Nov. 14, 1961; 8:46 a.m.]

[Delegation of Authority No. 30–X–25]

MANAGER, DISASTER FIELD OFFICE, LAFAYETTE, LOUISIANA

Rescission of Delegation of Authority

Notice is hereby given that this delegation is rescinded in its entirety.

(Disaster Field Office closed effective October 20, 1961.)

Effective date: October 20, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61–10848; Filed Nov. 14, 1961; 8:46 a.m.]

[Delegation of Authority No. 30–X–26]

MANAGER, DISASTER FIELD OFFICE, CAMERON, LOUISIANA

Rescission of Delegation of Authority

Notice is hereby given that this delegation is rescinded in its entirety.

(Disaster Field Office closed effective October 27, 1961.)

Effective date: October 27, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61–10849; Filed, Nov. 14, 1961; 8:46 a.m.]

[Delegation of Authority No. 30–X–34]

MANAGER, DISASTER FIELD OFFICE, TEXAS CITY, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30–X–19 (Revision 1), dated October 13, 1961, there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Texas City, Texas, the authority:

A. *Financial assistance.* 1. To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

2. To disburse approved loans.

3. To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

4. To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* 1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

3. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: October 25, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61–10850; Filed, Nov. 14, 1961; 8:46 a.m.]

[Delegation of Authority No. 30–IV–34]

BRANCH COUNSEL, BALTIMORE, MARYLAND

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30–IV–5, Revision 4, as amended (25 F.R. 6548 and 8588; 26 F.R. 4129), there is hereby redelegated to the Branch Counsel, Baltimore Branch Office, the authority to disburse approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: October 16, 1961.

MEREDITH R. HOFFMASTER,
Branch Manager,
Baltimore Branch Office.

[F.R. Doc. 61–10851; Filed, Nov. 14, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page

PROCLAMATIONS:
3438 — 10203

EXECUTIVE ORDERS:
6541 — 10638
6681 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469
10974 — 10585
10975 — 10629

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, Oct. 18, 1961 — 10543

5 CFR
6 — 10204, 10267, 10447, 10544
24 — 10447
25 — 10544
201 — 10503
202 — 10503

6 CFR — Page
70 — 10267
305 — 10267
390 — 10267
421 — 10546
423 — 10686
427 — 10546
482 — 10586

7 CFR
201 — 10471
401 — 10630
403 — 10630
711 — 10204
717 — 10208
723 — 10471, 10503
727 — 10504
729 — 10209
730 — 10336
813 — 10547
847 — 10214
855 — 10268
857 — 10505
864 — 10270
873 — 10272
914 — 10423, 10586
922 — 10214

7 CFR—Continued — Page
927 — 10632
933 — 10337, 10423–10425
942 — 10425
943 — 10214
953 — 10425, 10586
973 — 10215
984 — 10688
994 — 10216
997 — 10688
1001 — 10587
1013 — 10507
1014 — 10472
1017 — 10426
1031 — 10338
1069 — 10587
1070 — 10632
1071 — 10426
1073 — 10689

PROPOSED RULES:
301 — 10571
728 — 10484, 10596
813 — 10691
900—1072 — 10286, 10516
906 — 10298
908 — 10307, 10485
918 — 10307

7 CFR—Continued (Page)

PROPOSED RULES—Continued
925 10486
927 10597
939 10296
943 10236
947 10360
986 10298
1024 10597
1026 10516
1138 10691

8 CFR

PROPOSED RULES:
252 10358
253 10358

9 CFR

74 10223
83 10338

PROPOSED RULES:
131 10358

10 CFR

30 10472

PROPOSED RULES:
30 10487

12 CFR

262 10340

PROPOSED RULES:
563 10239

13 CFR

121 10633, 10634

PROPOSED RULES:
107 10702

14 CFR

18 10473
507 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
600 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635
601 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636
602 10590, 10635
608 10342, 10636
609 10430, 10436

PROPOSED RULES:
1—190 10698
24 10571
48 10701
60 10307
227 10238
302 10307, 10641
401–635 10698
507 10362, 10571
600 10451, 10520, 10602
601 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605
608 10451, 10520

16 CFR

13 10363, 10445, 10476, 10508, 10548, 10637, 10690
301 10446

17 CFR

275 10548

PROPOSED RULES:
275 10607

18 CFR

2 10342

19 CFR

3 10508
4 10508
14 10476

20 CFR (Page)

25 10509
404 10226

21 CFR

17 10550
120 10228, 10550, 10551
121 10228, 10343, 10476, 10590
146 10228

PROPOSED RULES:
1 10601
17 10362
120 10487, 10640
121 10362, 10452, 10698

24 CFR

202a 10229
203 10229
207 10229
213 10229
220 10230
221 10230
232 10230
603 10231
608 10231
611 10231
702 10231
803 10231
903 10231

25 CFR

31 10637
141 10232

PROPOSED RULES:
34 10640
221 10516

26 CFR

1 10275, 10477

PROPOSED RULES:
1 10283, 10449, 10450, 10483
48 10593
252 10484

28 CFR

21 10232

29 CFR

601 10275
780 10377
793 10275

32 CFR

507 10509
590 10553
591 10553
592 10553
595 10553
596 10553
597 10553
598 10553
599 10553
600 10553
601 10553
602 10553
605 10553
606 10553
737 10353
739 10353
765 10591

33 CFR

3 10343
67 10343
203 10445
204 10278

35 CFR

4 10353

CANAL ZONE ORDERS:
58 10353

36 CFR (Page)

6 10638

PROPOSED RULES:
7 10600

38 CFR

3 10551, 10552
13 10232
21 10278, 10478

39 CFR

96 10510

41 CFR

1–5 10590
5–1 10354
50–202 10354

PROPOSED RULES:
50–202 10517

42 CFR

73 10355

43 CFR

221 10479

PROPOSED RULES:
257 10285

PUBLIC LAND ORDERS:
73 10638
1071 10356
2460 10568
2526 10279
2527 10356
2528 10356
2529 10356
2530 10427
2531 10480
2532 10480
2533 10480
2534 10568
2535 10569
2536 10638

45 CFR

212 10481

46 CFR

PROPOSED RULES:
201 10601
206 10601
221 10601
298 10601
299 10601
502 10520

47 CFR

1 10279, 10280, 10447
2 10655
3 10280
7 10591
8 10591
10 10569
14 10591
15 10281
18 10281, 10591

PROPOSED RULES:
2 10701
3 10239, 10572, 10606
10 10573
12 10240

49 CFR

PROPOSED RULES:
73 10572
176 10240

50 CFR

32 10233, 10234, 10282, 10638
33 10234, 10235

PROPOSED RULES:
215 10640

V 17 1961
MAIN READING ROOM
THE NATIONAL ARCHIVES

Pages 10721–10746

FEDERAL REGISTER

VOLUME 26 NUMBER 221

Washington, Thursday, November 16, 1961

Contents

Agency for International Development
NOTICES:
Delegation of authority 10734
Deputy Administrator; authority delegation 10734

Agricultural Stabilization and Conservation Service
PROPOSED RULE MAKING:
Reconstitution of farms, farm allotments, history, and soil bank base acreage; transfer of pooled allotments 10731

Agriculture Department
See Agricultural Stabilization and Conservation Service.

Alien Property Office
NOTICES:
Intention to return vested property:
Marton, George Nicolas, et al 10734
Sottero, Carlotta Yvonne, and Ermenegildo Guardo 10735

Army Department
RULES AND REGULATIONS:
Military reservations; use of army real estate claims founded upon contract; correction 10728
Veterinary inspection; deletion of rules 10728

Atomic Energy Commission
NOTICES:
Philadelphia Electric Co.; hearing on application for construction permit 10736
University of Michigan; issuance of facility license amendment 10736

Commerce Department
NOTICES:
Changes in financial interests:
Doyle, Leonard J 10735
Flanagan, George W 10735
Postweiler, Norval W 10735
Wilson, George L 10736

Customs Bureau
PROPOSED RULE MAKING:
Redocumentation of vessels sold or transferred abroad to U.S. citizen 10731

Defense Department
See Army Department.

Federal Aviation Agency
PROPOSED RULE MAKING:
Controlled airspace and restricted areas; alteration of proposal; supplemental notice 10733
RULES AND REGULATIONS:
Control zone; alteration 10723
Federal airways and associated control areas; alteration 10723
Jet route; alteration 10724
Minimum en route IFR altitudes; miscellaneous amendments 10724
Restricted area, revocation; and alteration of control area extension 10724

Federal Communications Commission
NOTICES:
Hearings, etc.:
Follmer, Walter L 10737
Neighborly Broadcasting Co., Inc 10737
Newman, William Wright 10737
RULES AND REGULATIONS:
Radio broadcast services; stereophonic broadcasts 10729

Federal Maritime Commission
NOTICES:
Atlantic-Gulf/Puerto Rico trade; investigation of rates and practices; supplemental order 10738
Hawaiian rates; second general increase, 1961; investigation and hearing 10738
Pacific Westbound Conference et al.; agreements filed for approval 10739

Federal Power Commission
NOTICES:
Hearings, etc.:
J. M. Huber Corp. et al 10740
Sinclair Oil & Gas Co. and Cabot Corp 10741
Sohoma Natural Gas Co., Inc., and First Transportation Gas Corp., Inc 10741
Tennessee Gas Transmission Co. and Manufacturers Light and Heat Co 10742
Texas Gulf Producing Co 10743
Union Water-Power Co 10743

Federal Radiation Council
NOTICES:
Radiation protection standards for uranium mining; requests for comments 10740

Federal Trade Commission
RULES AND REGULATIONS:
Prohibited trade practices:
Crawford Industries, Inc., et al 10727
Murray Lubell, Inc., et al 10727

Fish and Wildlife Service
RULES AND REGULATIONS:
Hunting; open areas for migratory game birds and upland game in New Mexico and North Dakota 10730

Food and Drug Administration
PROPOSED RULE MAKING:
Food additive; filing of petition 10732
Pesticide chemicals in or on raw agricultural commodities; filing of petition for establishment of tolerances 10732
RULES AND REGULATIONS:
Certification of penicillin drugs 10728

Health, Education, and Welfare Department
See Food and Drug Administration.

Interior Department
See Fish and Wildlife Service; Land Management Bureau.

(*Continued on next page*)

CONTENTS

Justice Department
See Alien Property Office.

Labor Department
See Wage and Hour Division.

Land Management Bureau
NOTICES:
Alaska; order providing for opening of public lands ... 10735
California; proposed withdrawal and reservation of lands ... 10735
RULES AND REGULATIONS:
Rights-of-way; miscellaneous amendments ... 10728
Public land orders; California: Air navigation site withdrawal; revocation ... 10729
Certain Executive orders which withdrew lands for lighthouse purposes, and for classification; Shelter Cover Lighthouse Reserve, Point Delgada; revocation in whole or in part ... 10729

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
Black Bear Industries, Inc ... 10743
Shares in American Industry, Inc ... 10743

Small Business Administration
RULES AND REGULATIONS:
Standards of conduct; employees engaged in outside employment ... 10723

State Department
See also Agency for International Development.
RULES AND REGULATIONS:
Fees and charges, Foreign Service ... 10728

Treasury Department
See Customs Bureau.

Wage and Hour Division
NOTICES:
Certificates authorizing employment of learners at special minimum rates ... 10744

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR
PROCLAMATIONS:
Feb. 25, 1893 (see F.R. Doc. 61-10902) ... 10735
EXECUTIVE ORDERS:
Jan. 26, 1867 (revoked in part by PLO 2538) ... 10729
Apr. 30, 1872 (revoked in part by PLO 2538) ... 10729
5237 (revoked in part by PLO 2538) ... 10729

7 CFR
PROPOSED RULES:
719 ... 10731

13 CFR
105 ... 10723

14 CFR
600 ... 10723
601 (3 documents) ... 10723, 10724
602 ... 10724
608 ... 10724
610 ... 10724
PROPOSED RULES:
601 ... 10733
608 ... 10733

16 CFR
13 (2 documents) ... 10727

19 CFR
PROPOSED RULES:
3 ... 10731

21 CFR
146a ... 10728
PROPOSED RULES:
120 ... 10732
121 ... 10732

22 CFR
22 ... 10728

32 CFR
552 ... 10728
608 ... 10728

43 CFR
244 ... 10728
PUBLIC LAND ORDERS:
2524 (see F.R. Doc. 61-10919) ... 10735
2537 ... 10729
2538 ... 10729

47 CFR
3 ... 10729

50 CFR
32 ... 10730

Public Papers of the Presidents

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

Volumes for the following years are now available:

Truman:
1945 ... $5.50
Eisenhower:
1953 ... $6.75
1954 ... 7.25
1955 ... 6.75
1956 ... 7.25
1957 ... 6.75
1958 ... 8.25
1959 ... 7.00
1960–61 ... 7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

PART 105—STANDARDS OF CONDUCT

Employees Engaged in Outside Employment

In Part 105, § 105.4–6 (26 F.R. 8447) is amended by deleting the words "Director of Personnel" in said section and substituting therefor the words "Assistant Administrator (Management) or his designee". As amended, § 105.4–6 reads as follows:

§ 105.4–6 Employees engaged in outside employment.

Except upon prior written approval of the Assistant Administrator (Management) or his designee, no employee shall engage in any outside employment, business or vocation.

Effective date: October 30, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61–10911; Filed, Nov. 15, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–KC–3]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On May 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3780) stating that the Federal Aviation Agency (FAA) proposed to alter low altitude VOR Federal airway Nos. 193, 51 and 172 and intermediate altitude VOR Federal airway No. 1663 in the vicinity of Chicago, Ill. In addition, it was stated that the control areas associated with the proposed segment of Victor 193 and the altered segments of Victor 51 and Victor 172 would extend upward from at least 1,200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitude when established.

On July 29, 1961, a supplemental notice was published in the FEDERAL REGISTER (26 F.R. 6816) which altered the original proposal. The supplemental notice proposed that the control areas associated with the proposed segment of Victor 193 and the altered segments of Victors 51 and 172 extend upward from 700 feet above the surface to the base of the continental control area until such time as Amendment 60–21 to Part 60 of the Civil Air Regulations could be applied to the control areas associated with the other airways in the Chicago, Pullman and South Bend areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and the supplemental notice, the following actions are taken:

§ 600.6051 [Amendment]

1. In the text of § 600.6051 (14 CFR 600.6051, 26 F.R. 8248) "Chicago, Ill., (O'Hare) VORTAC 078° True radials" is deleted and "Chicago, Ill., (O'Hare) VORTAC 077° radials" is substituted therefor.

§ 600.1663 [Amendment]

2. In the text of § 600.1663 (26 F.R. 1079) "INT of the South Bend VOR 314°" is deleted and "INT of the South Bend VOR 310°" is substituted therefor.

§ 600.6172 [Amendment]

3. In the text of § 600.6172 (14 CFR 600.6172) "INT of the Chicago (O'Hare) VOR 078° and the South Bend VOR 314° radials;" is deleted and "INT of the Chicago (O'Hare) VORTAC 077° and the South Bend VORTAC 310° radials;" is substituted therefor.

§ 600.6193 [Amendment]

4. In § 600.6193 (14 CFR 600.6193) the following changes are made:

(a) In the caption "Keeler, Mich.," is deleted and "Pullman, Mich.," is substituted therefor.

(b) In the text "From the Keeler, Mich., VOR via the Pullman, Mich., VOR.;" is deleted and "From the INT of the Pullman, Mich., VORTAC 243° and the South Bend, Ind., VORTAC 310° radials via the Pullman, VORTAC;" is substituted therefor.

5. In § 601.6193 (14 CFR 601.6193) the caption is amended to read:

§ 601.6193 VOR Federal airway No. 193 control areas (Pullman, Mich., to Sault Ste. Marie, Mich.).

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10887; Filed, Nov. 15, 1961; 8:45 a.m.]

[Airspace Docket No. 61–NY–76]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2022 of the regulations of the Administrator is to eliminate a reference to the Riverdale, Md., radio beacon.

The Washington, D.C., control zone is presently designated in part with reference to the Riverdale, Md., radio beacon. The Federal Aviation Agency intends to decommission the Riverdale, Md., radio beacon after the permanent Washington, D.C., VOR is commissioned on or before November 16, 1961. To permit prompt decommissioning of the Riverdale, Md., radio beacon, it is necessary to eliminate reference thereto in § 601.2022.

Since the change effected by this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In § 601.2022 (14 CFR 601.2022) the following change is made:

In the text "to the Riverdale, Md., nondirectional radio beacon." is deleted and "to a point 11.3 miles NE of the Washington RR." is substituted therefor.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–10890; Filed, Nov. 15, 1961; 8:45 a.m.]

[Airspace Docket No. 61-KC-44]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Revocation of Restricted Area and Alteration of Control Area Extension

The purpose of these amendments to § 601.1422 and § 608.43 of the regulations of the Administrator is to revoke the Duluth Municipal Airport Minn., Restricted Area/Military Climb Corridor R-4302 and delete this area from the description of the Duluth control area extension.

The Department of the Air Force has advised the Federal Aviation Agency that Restricted Area R-4302 is no longer used for the purpose designated and has recommended its revocation. Therefore this designation of special use airspace is unjustified and revocation thereof is in the public interest. Such action is taken herein. Concurrently with this action, it is necessary to delete all reference to R-4302, formerly R-548, in the description of the Duluth, Minn., control area extension.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary, and they may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.43 Minnesota (26 F.R. 7197), R-4302 Duluth Municipal Airport, Minn., Restricted Area/Military Climb Corridor is revoked.

2. In the text of § 601.1422 (14 CFR 601.1422) "The portion of this control area extension which lies within the Duluth, Minn., Municipal Airport Restricted Area/Military Climb Corridor (R-548) shall be used only after obtaining prior approval from the controlling agency." is deleted.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10888; Filed, Nov. 15, 1961; 8:45 a.m.]

[Airspace Docket No. 61-FW-79]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

On August 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7972) stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 35 from Jackson, Miss., to Memphis, Tenn.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.100 *Jet routes* (26 F.R. 7079), Jet Route No. 35 is amended to read:

Jet Route No. 35 (New Orleans, La., to Naperville, Ill.):

From New Orleans, La., via Jackson, Miss.; Greenwood, Miss.; Memphis, Tenn.; St. Louis, Mo.; to Naperville, Ill.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-10889; Filed, Nov. 15, 1961; 8:45 a.m.]

[Reg. Docket No. 965; Amdt. 81]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5602), Part 610 is hereby amended as follows:

Section 610.12 *Green Federal airway 2* is amended to read:

From Detroit, Mich., LFR; to Windsor, Canada, LFR; MEA *2,300. *For that airspace over U.S. territory.

From Clear Creek, Canada, LF/RBN; to Dunkirk, N.Y., LF/RBN; MEA *2,000. *For that airspace over U.S. territory.

Section 610.104 *Amber Federal airway 4* is amended to read in part:

From Chanute, Kans., LFR; to Baldwin City INT, Kans.; MEA 2,700.

Section 610.613 *Blue Federal airway 13* is deleted.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Spokane, Wash., VOR via S alter.; to Fairfield INT, Wash., via S alter.; MEA 6,000.

From Fairfield INT, Wash., via S alter.; to *Tekoa INT, Wash., via S alter.; MEA 9,000. *14,000—MRA.

From Tekoa INT, Wash., via S alter.; to Mullan Pass, Idaho, VOR via S alter.; MEA *14,000. *9,000—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From *Fairhope INT, Ga.; to **Harris Neck INT, Ga.; MEA 1,500. *2,500—MRA. **3,800—MRA.

From Jacksonville, Fla., VOR via E alter.; to *Clinch INT, Fla., via E alter.; MEA **2,000. *3,000—MRA. **1,200—MOCA.

From Clinch INT, Fla., via E alter.; to Sea Island INT, Ga., via E alter.; MEA *2,000. *1,200—MOCA.

From Sea Island INT, Ga., via E alter.; to *Sapelo INT, Ga., via E alter.; MEA 1,500. *4,000—MRA.

From Sapelo INT, Ga., via E alter.; to *Catherine INT, Ga., via E alter.; MEA 1,500. *3,500—MRA.

From Marion INT, Fla., via E alter.; to Atlantic INT, Fla., via E alter.; MEA *2,000. *1,000—MOCA.

From Atlantic INT, Fla., via E alter.; to Shiloh INT, Fla., via E alter.; MEA *2,000. *1,100—MOCA.

From Shiloh INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA *2,000. *1,300—MOCA.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Nashville, Tenn., VOR; to *Cottontown INT, Tenn.; MEA 2,000. *4,000—MRA. *2,300—MCA Cottontown INT, northbound.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Pioneer INT, Ohio; to Wauseon INT, Ohio; MEA *3,300. *2,300—MOCA.

From Wauseon INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Skipperville INT, Ala.; to Montgomery, Ala., VOR; MEA 1,800. *3,000—MRA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Childress, Tex., VOR; to Hobart, Okla., VOR; MEA 3,600.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Sealy INT, Tex., via W alter.; to College Station, Tex., VOR via W alter.; MEA *2,100. *1,800—MOCA.

From Fairbanks INT, Tex.; to *Magnolia INT, Tex.; MEA 2,000. *3,000—MRA.

From Magnolia INT, Tex.; to College Station, Tex., VOR; MEA 2,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Lee INT, Tex., via N alter.; to Wink, Tex., VOR via N alter.; MEA **7,000. *10,000—MCA Lee INT, westbound. **6,000—MOCA.

From Goldsmith INT, Tex.; to Pipe Line INT, Tex.; MEA *5,000. *4,300—MOCA.

From Emmett INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,500—MOCA.

From *Waterloo INT, Ark., via S alter.; to Pine Bluff, Ark., VOR via S alter.; MEA **4,000. *4,000—MRA. **1,600—MOCA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Austin, Tex., VOR via E alter.; to Tracy INT, Tex., via E alter.; MEA *2,700. *2,100—MOCA.

From Tracy INT, Tex., via E alter.; to *Hutto INT, Tex., via E alter.; MEA **2,700. *3,100—MRA. **1,800—MOCA.

From Hutto INT, Tex., via E alter.; to Barclay INT, Tex., via E alter.; MEA *2,700. *1,800—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From *Harrington Ranch INT, N. Mex.; to **Morgan INT., N. Mex.; MEA ***11,500. *9,500—MRA. **10,000—MRA. ***7,000—MOCA.

From Morgan INT, N. Mex.; to Fairacres INT., N. Mex.; MEA *10,000. *7,000—MOCA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Lake Charles, La., VOR; to *Arthur INT, La.; MEA 1,500. *3,800—MRA.

From Arthur INT, La.; to *Midland INT, La.; MEA 1,500. *3,800—MRA.

From Midland INT, La.; to Lafayette, La., VOR; MEA 1,500.

From *Grand Lake INT, La., via S alter.; to Lafayette, La., VOR via S alter.; MEA 1,500. *2,200—MRA.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From Helena, Mont., VOR via W alter.; to Choteau INT, Mont., via W alter.; MEA 9,500.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Salinas, Calif., VOR; to *Santa Cruz INT, Calif.; MEA 5,000. *8,500—MRA.

From Santa Cruz INT, Calif.; to Woodside, Calif., VOR; MEA 5,000.

Section 610.6031 *VOR Federal airway 31* is amended to read in part:

From Bellona INT, N.Y.; to Fishers INT, N.Y.; MEA 3,000.

From Fishers INT, N.Y.; to Rochester, N.Y., VOR; northeastbound, MEA 2,100; southwestbound MEA 3,000.

Section 610.6034 *VOR Federal airway 34* is amended to read in part:

From Ithaca, N.Y., VOR; to Hancock, N.Y., VOR; MEA 4,000.

From Hancock, N.Y., VOR; to Bullville INT, N.Y.; MEA 4,400.

From Bullville INT, N.Y.; to Wilton, Conn., VOR; MEA 3,000.

From Rochester, N.Y., VOR; to Fishers INT, N.Y., northwestbound, MEA 2,100; southwestbound, MEA 3,000.

From Fishers INT, N.Y.; to Bellonia INT, N.Y.; MEA 3,000.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Washington INT, Ark.; to Malvern INT, Ark.; MEA *3,500. *1,700—MOCA.

From Little Rock, Ark., VOR via N alter.; to *Tank INT, Ark., via N alter.; MEA 1,500. *1,600—MCA Tank INT, northeastbound.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Culberson, Tex., VOR; to *Pyote INT, Tex.; MEA **7,000. *6,000—MRA. **6,300—MOCA.

From Pyote INT, Tex.; to Penwell INT, Tex.; MEA *6,000. *4,400—MOCA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Andrews INT, Tex.; to Pipe Line INT, Tex.; MEA 4,500.

From Pipe Line INT, Tex.; to Midland, Tex., VOR; MEA 5,000.

From Goldsmith INT, Tex., via S alter.; to Midland, Tex., VOR via S alter.; MEA 5,000.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Lake Charles, La., VOR; to *Arthur INT, La.; MEA 1,500. *3,800—MRA.

From Arthur INT, La.; to *Midland INT, La.; MEA 1,500. *3,800—MRA.

From Midland INT, La.; to Lafayette, La., VOR; MEA 1,500.

From Rutledge INT, Ala.; to Banks INT, Ala.; MEA *2,500. *1,900—MOCA.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From College INT, Ark., via N alter.; to Little Rock, Ark., VOR via N alter.; MEA 3,300.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Big Spring, Tex., VOR via N alter.; to *Rowena INT, Tex., via N alter.; MEA **7,000. *7,000—MRA. **4,000—MOCA.

From Llano, Tex., VOR; to Kingsland INT, Tex.; MEA *3,000. *2,500—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From San Angelo, Tex., VOR; to *Rowena INT, Tex.; MEA 3,400. *7,000—MRA.

Section 610.6079 *VOR Federal airway 79* is amended to read in part:

From Fort Stockton, Tex., VOR; to *Pyote INT, Tex.; MEA 4,000. *6,000—MRA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Midland, Tex., VOR; to Mustang INT, Tex.; MEA 4,400.

From Mustang INT, Tex.; to Pat INT, Tex.; MEA 4,000.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Waterhole INT, Tex.; to *McConnell INT, Tex.; MEA **10,500. *10,500—MRA. **9,200—MOCA.

Section 610.6095 *VOR Federal airway 95* is amended to delete:

From *Trout Creek INT, Colo.; to **Lake George INT, Colo.; MEA ***15,500. *14,800—MCA Trout Creek INT, southwestbound. **12,400—MCA Lake George INT, southwestbound. ***14,000—MOCA.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From Guthrie, Tex., VOR; to *Santa Rosa INT, Tex.; MEA 3,000. *4,000—MRA.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Childress, Tex., VOR via S alter.; to *Santa Rosa INT, Tex., via S alter.; MEA **4,000. *4,000—MRA. **3,600—MOCA.

Section 610.6137 *VOR Federal airway 137* is amended to delete:

From Avenal, Calif., VOR; to Los Banos, Calif., VOR; MEA 7,000.

From *Los Banos, Calif., VOR; to **Rancho INT, Calif.; MEA 6,000. *5,500—MCA Los Banos VOR, southbound. **8,500—MRA.

From Rancho INT, Calif.; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6149 *VOR Federal airway 149* is amended to read in part:

From Georgetown, N.Y., VOR; to Sherrill INT, N.Y., VOR; MEA 4,000.

From Sherrill INT, N.Y., to Utica, N.Y., VOR; MEA 3,000.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Tuskegee, Ala., VOR; to Columbus, Ga., VOR; MEA *2,000. *1,900—MOCA.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From San Antonio, Tex., VOR; to Bergheim INT, Tex.; MEA *2,700. *2,600—MOCA.

From Bergheim INT, Tex.; to Spring Branch INT, Tex.; MEA 2,800.

From Spring Branch INT, Tex.; to *Johnson City INT, Tex.; MEA **3,000. *3,000—MRA. **2,800—MOCA.

From Johnson City INT, Tex.; to *Willow City Int, Tex.; MEA 3,000. *4,000—MRA.

From Willow City INT, Tex.; to Kingsland INT, Tex.; MEA *4,000. *3,000—MOCA.

From Kingsland INT, Tex.; to Lometa, Tex., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6178 *VOR Federal airway 178* is amended to read in part:

From Farmington, Mo., VOR via S. alter.; to Paducah, Ky., VOR via S alter.; MEA 2,400.

Section 610.6181 *VOR Federal airway 181* is amended by adding:

From Grand Forks, N. Dak., VOR; to U.S.-Canadian Border; MEA *4,000. *2,200—MOCA.

Section 610.6211 *VOR Federal airway 211* is amended to read in part:

From Fort Stockton, Tex., VOR; to Ozona INT, Tex.; MEA *7,000. *4,300—MOCA.

From Ozona INT, Tex.; to Rocksprings, Tex., VOR; MEA *8,000. *3,400—MOCA.

Section 610.6220 *VOR Federal airway 220* is amended to read in part:

From *Longmont INT, Colo.; to **Platte INT, Colo.; westbound, MEA 13,000; eastbound, MEA 10,500. *13,000—MRA. **9,000—MRA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From *Crosby INT, Tex., via N alter.; to Daisetta INT, Tex., via N alter.; MEA **1,800. *1,900—MRA. **1,600—MOCA.

From Fort Stockton, Tex., VOR; to Ozona INT, Tex.; MEA *7,000. *4,300—MOCA.

From Ozona INT, Tex.; to Junction, Tex., VOR; MEA *7,000. *3,900—MOCA.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Int. 262 M rad Pueblo VOR and 351 M rad Alamosa VOR; to *Pueblo, Colo., VOR, eastbound only; MEA **12,000. *10,000—MCA Pueblo VOR, westbound. **Westbound not authorized.

Section 610.6257 *VOR Federal airway 257* is amended to delete:

From Bryce Canyon, Utah, VOR via W alter.; to *Milford, Utah, VORTAC via W alter.; MEA 12,500. *11,000—MCA Milford VORTAC southeastbound.

From Milford, Utah, VORTAC via W alter.; to Delta, Utah, VOR via W alter.; MEA 9,000.

Section 610.6264 *VOR Federal airway 264* is amended by adding:

From *Prescott, Ariz., VOR; to Cornville INT, Ariz.; MEA 10,000. *8,500—MCA Prescott VOR, eastbound. *9,000—MCA Prescott VOR, westbound.

From Cornville INT, Ariz.; to St. Johns, Ariz., VOR; MEA *12,000. *10,000—MOCA.

From St. Johns, Ariz., VOR; to *Socorro, N. Mex., VOR; MEA **12,000. *10,000—MCA Socorro VOR, westbound. **11,000—MOCA.

Section 610.6273 *VOR Federal airway 273* is amended to read:

From Huguenot, N.Y., VOR; to Hancock, N.Y., VOR; MEA 4,000.

From Hancock, N.Y., VOR; to Georgetown, N.Y., VOR; MEA 4,000.
From Georgetown, N.Y., VOR; to Syracuse, N.Y., VOR; MEA 3,500.

Section 610.6284 *VOR Federal airway 284* is amended to read in part:

From Fort Stockton, Tex., VOR; to Ozona INT, Tex.; MEA *7,000. *4,300—MOCA.
From Ozona INT, Tex.; to San Angelo, Tex., VOR; MEA *6,000. *3,800—MOCA.

Section 610.6300 *VOR Federal airway 300* is amended to read in part:

From U.S.-Canadian Border; to Millinocket, Maine, VOR; MEA 2,100.

Section 610.6444 *VOR Civil airway 444* is amended to read in part:

From Spokane, Wash., VOR; to Fairfield INT, Wash.; MEA 6,000.
From Fairfield INT, Wash.; to *Tekoa INT, Wash.; MEA 9,000. *14,000—MRA.
From Tekoa INT, Wash.; to Mullan Pass, Idaho, VOR; MEA 9,000.

Section 610.6448 *VOR Federal airway 448* is amended to read in part:

From *Pine City INT, Wash.; to **Tekoa INT, Wash.; MEA ***14,000. *6,500—MRA. *14,000—MCA Pine City INT, eastbound. **14,000—MRA. ***6,000—MOCA.
From Tekoa INT, Wash.; to Mullan Pass, Idaho, VOR; MEA *14,000. *9,000—MOCA.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Rutledge INT, Ala.; to Banks INT, Ala.; MEA *2,500. *1,900—MOCA.

Section 610.6471 *VOR Federal airway 471* is amended by adding:

From Houlton, Maine, VOR; to U.S.-Canadian Border; MEA 2,000.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From Houston, Tex., VOR via W alter.; to *Magnolia INT, Tex., via W alter.; MEA 2,000. *3,000—MRA.
From Magnolia INT, Tex., via W alter.; to Dobbin INT, Tex., via W alter.; MEA *3,000. *2,000—MOCA.
From Dobbin INT, Tex., via W alter.; to Leona, Tex., VOR via W alter.; MEA 2,100.

Section 610.6479 *VOR Federal airway 479* is amended to read:

From Northbrook, Ill., VOR; to *Wind Lake INT, Wis.; MEA **2,500. *3,000—MRA. **2,000—MOCA.
From Wind Lake INT, Wis.; to Big Bend INT, Wis.; MEA *2,700. *2,200—MOCA.
From Big Bend INT, Wis., to Milwaukee, Wis., VOR; MEA *2,800. *2,200—MOCA.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Emmett INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,500—MOCA.

Section 610.6853 *VOR Federal airway 853* is amended to read:

From Prescott INT, Minn.; to Nodine, Minn., VOR; MEA 2,800.
From Nodine, Minn., VOR; to Lone Rock, Wis., VOR; MEA 2,900.
From Lone Rock, Wis., VOR; to New Glarus INT, Wis.; MEA 3,100.
From New Glarus INT, Wis.; to Janesville, Wis., VOR; MEA 2,200.
From Janesville, Wis., VOR; to Marengo INT, Ill.; MEA 2,000.
From Marengo INT, Ill.; to *Elgin INT, Ill.; MEA 2,200. *2,500—MRA.
From Elgin INT, Ill.; to Naperville, Ill., VOR; MEA 2,200.
From Naperville, Ill., VOR; to Peotone, Ill., VOR; MEA 2,300.
From Peotone, Ill., VOR; to Demotte INT, Ill.; MEA 2,000.
From Demotte INT, Ill.; to Claypool INT, Ind.; MEA *4,000. *2,200—MOCA.
From Claypool INT, Ind.; to Fort Wayne, Ind., VOR; MEA 2,200.
From Fort Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,200.
From Findlay, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,400.
From Appleton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 2,500.
From Zanesville, Ohio, VOR; to Morgantown, W. Va., VOR; MEA 4,000.
From Morgantown, W. Va., VOR; to Kessel, W. Va., VOR; MEA 5,000.
From Kessel, W. Va., VOR; to Front Royal, Va., VOR; 4,900.
From Front Royal, Va., VOR; to Herndon, Va., VOR; MEA 4,000.

Section 610.6855 *VOR Federal airway 855* is added to read:

From Washington, D.C., VOR; to Dawsonville INT, Va.; MEA 2,000.
From Dawsonville INT, Va.; to Martinsburg, W. Va., VOR; MEA 3,000.
From Martinsburg, W. Va., VOR; to Flint Stone INT, Pa.; MEA 4,000.
From Flint Stone INT, Pa.; to Indian Head, Pa., VOR; MEA 4,500.
From Indian Head, Pa., VOR; to *Scottdale INT, Pa.; MEA 4,500. *4,000—MCA Scottdale INT, eastbound.
From Scottdale INT, Pa.; to Pittsburgh, Pa., VOR; MEA 3,000.
From Pittsburgh, Pa., VOR; to Kilgore INT, Ohio; MEA 3,000.
From Kilgore INT, Ohio; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to Findlay, Ohio, VOR; MEA 2,200.
From Findlay, Ohio, VOR; to Antwerp INT, Ohio; MEA 2,000.
From Antwerp INT, Ohio; to Garrett INT, Ind.; MEA *3,500. *2,000—MOCA.
From Garrett INT, Ind.; to Wolflake, Ind., VOR; MEA 2,200.
From Wolflake, Ind. VOR; to Knox, Ind., VOR; MEA 2,200.
From Knox, Ind., VOR; to *Boone Grove INT, Ind.; MEA 2,200. *2,800—MRA.
From Boone Grove INT, Ind.; to Chicago Heights, Ill. VOR; MEA 2,200.
From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.
From City INT, Ill.; to Naperville, Ill., VOR; MEA 2,300.
From Naperville, Ill., VOR; to Malta INT, Ill.; MEA 2,200.
From Malta INT, Ill.; to *Rockford, Ill., VOR; MEA 2,100. *2,500—MCA Rockford VOR, northwestbound.
From Rockford, Ill., VOR; to Rewey, Wis., VOR; MEA 2,500.
From Rewey, Wis., VOR; to Waukon, Iowa, VOR; MEA 2,400.
From Waukon, Iowa, VOR; to Granger INT, Minn.; MEA 2,500.
From Granger INT, Minn.; to Rochester, Minn.; VOR; MEA 3,000.
From Rochester, Minn., VOR; to Farmington, Minn., VOR; MEA 2,500.

Section 610.6875 *VOR Federal airway 875* is amended to read in part:

From Meridian, Miss., VOR; to Hattiesburg, Miss., VOR; MEA 1,800.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Grapevine INT, Ark.; to Emmett INT, Ark.; MEA *3,200. *1,500—MOCA.

Section 610.1504 *VOR Federal airway 1504* is amended to read in part:

From Ephrata, Wash., VOR; to Mullan Pass, Idaho, VOR; MEA 14,500; MAA 24,000.

Section 610.1516 *VOR Federal airway 1516* is amended to read in part:

From Stockton, Calif., VOR; to Coaldale, Nev., VOR; MEA 15,100; MAA 24,000.
From Hanksville, Utah, VOR; to La Sal, Utah, VOR; MEA 14,500; MAA 24,000.
From La Sal, Utah, VOR; to Gunnison, Colo., VOR; MEA 14,500; MAA 24,000.
From Gunnison, Colo., VOR; to Pueblo, Colo., VOR; MEA 16,000; MAA 24,000.

Section 610.1522 *VOR Federal airway 1522* is amended to read in part:

From Grand Junction, Colo., VOR; to Kremmling, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1536 *VOR Federal airway 1536* is amended to read in part:

From St. Johns, Ariz., VOR; to Socorro, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Socorro, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1543 *VOR Federal airway 1543* is amended to read in part:

From Santa Fe, N. Mex., VOR; to *Kilo INT, N. Mex.; MEA 15,500; MAA 24,000. *20,000—MRA.

Section 610.1555 *VOR Federal airway 1555* is amended to read in part:

From Mullan Pass, Idaho, VOR; to U.S.-Canadian Border; MEA 17,000; MAA 24,000.

Section 610.1625 *VOR Federal airway 1625* is amended to read in part:

From Farmington, N. Mex., VOR; to Grand Junction, Colo., VOR; MEA 16,000; MAA 24,000.

Section 610.1629 *VOR Federal airway 1629* is amended to read in part:

From Farmington, N. Mex., VOR; to Grand Junction, Colo., VOR; MEA 16,000; MAA 24,000.

Section 610.1642 *VOR Federal airway 1642* is amended by adding:

From Delta, Utah, VOR; to Grand Junction, Colo., VOR; MEA 18,000; MAA 24,000.

Section 610.1645 *VOR Federal airway 1645* is amended by adding:

From Socorro, N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1702 *VOR Federal airway 1702* is amended by adding:

From U.S.-Canadian Border; to Whitefish, Mich., VOR; MEA 14,500; MAA 24,000.
From Whitefish, Mich., VOR; to Sault Ste. Marie, Mich., VOR; MEA 14,500; MAA 24,000.
From Sault Ste. Marie, Mich., VOR; to U.S.-Canadian Border; MEA 14,500; MAA 24,000.

Section 610.1728 *VOR Federal airway 1728* is amended to read in part:

From San Luis Obispo, Calif., VOR; to Fellows, Calif., VOR; MEA 14,500; MAA 24,000.
From Fellows, Calif., VOR; to Gorman, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1761 *VOR Federal airway 1761* is added to read:

From Gila Bend, Ariz., VOR; to INT 323 M rad Gila Bend VOR and 258 M rad Phoenix VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective December 14, 1961.

Issued in Washington, D.C., on November 8, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-10820; Filed, Nov. 15, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8423 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Crawford Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.71 *Financing;* § 13.155 *Prices:* § 13.155–10 *Bait;* § 13.155–33 *Demonstration reductions;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Crawford Industries, Inc., Hyattsville, Md., and Irving Zimmerman, Pikesville, Md., Docket 8423, Oct. 10, 1961, and Sept. 6, 1961, respectively]

In the Matter of Crawford Industries, Inc., a Corporation, and Joseph Silver, Alias James Crawford, and Irving Zimmerman, Individually and as Officers of Said corporation

Consent order dated September 6, 1961, requiring an individual in Pikesville, Md., to cease selling home repairs through bait advertising, false savings claims, and other misrepresentations, as in the order below specified.

On October 10, 1961, the same order was issued in default against the corporate respondent in Hyattsville, Md., for failure to answer the complaint or appear at the hearing.

Following is the identical order to cease and desist, applying to the individual and corporate respondents:

It is ordered, That respondent Irving Zimmerman, individually and as an officer of Crawford Industries, Inc., a corporation; and respondent Crawford Industries, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with offering for sale or sale of any services or materials, or both, in connection with the repair, remodeling, construction or renovating of homes or other buildings, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent offers to sell any services or materials when such offer is not a bona fide offer to sell such services or materials.

2. A building permit is not required to make additions or improvements to buildings, unless such is the fact.

3. The homes or other buildings of respondent's purchasers will be used for demonstration purposes, or that such purchasers will be paid a commission for work done by respondent on other homes or buildings, as a result of such demonstrations.

4. Purchasers realize savings in dealing with respondent from prices charged by others, or that any financing is available to purchasers other than the usual sources of credit available to the general public.

5. Any work done pursuant to respondent's contract with purchasers is done by respondent.

6. Respondent manufactures any of the materials sold by it.

It is further ordered, That complaint be dismissed, without prejudice, as to Joseph Silver, alias James Crawford.

By separate "Decision of the Commission", etc., in regard to each respondent, reports of compliance were required as follows:

It is ordered, That Irving Zimmerman, individually and as an officer of Crawford Industries, Inc., a corporation; and respondent, Crawford Industries, Inc., shall, within sixty (60) days after service upon them of these orders, file with the Commission reports, in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: September 6, 1961, and October 10, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10898; Filed, Nov. 15, 1961; 8:46 a.m.]

[Docket 8380 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Murray Lubell, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* § 13.1623–30 *Fur Products Labeling Act;* § 13.1680 *Manufacture or preparation.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Murray Lubell, Inc., et al., New York, N.Y., Docket 8380, Sept. 14, 1961]

In the Matter of Murray Lubell, Inc., a Corporation, and Murray Lubell and Harry Weiner, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by invoicing fur products falsely to show that the fur contained therein was natural when in fact, it was artificially colored, using the term "blended" to describe pointing, bleaching, dyeing or tip-dyeing, and failing to comform in other respects to invoicing requirements, and by furnishing false guaranties that their products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist is as follows:

It is ordered, That Murray Lubell, Inc., a corporation, and its officers, and Murray Lubell and Harry Weiner, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that furs or fur products are natural when such is not the fact.

B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

C. Using the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

2. Furnishing a false guarantee that any fur or fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10899; Filed, Nov. 15, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Penicillin-Streptomycin (or Dihydrostreptomycin) in Oil or Ointment

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146a.89 *Penicillin-streptomycin in oil* * * * paragraph (a) of the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.89) is amended by adding thereto a new subparagraph (3), reading as follows:

(3) If it is intended solely for veterinary use in the eyes and ears of animals and is conspicuously so labeled, it may contain chlorhexidine dihydrochloride-(bis (*p*-chlorophenyl-diguanido) hexane dihydrochloride).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are not restrictive in nature and since the antibiotic drug affected, containing chlorhexidine dihydrochloride, has been shown to be safe and efficacious for use.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 8, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10924; Filed, Nov. 15, 1961; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.474]

PART 22—FEES AND CHARGES, FOREIGN SERVICE

Change in Effective Date

The effective date of amendments to § 22.1 *Tariff of fees, Foreign Service of the United States of America*, (a) of Title 22 of the Code of Federal Regulations, as set forth in the first sentence of the last paragraph of the order published in the FEDERAL REGISTER on October 31, 1961 (26 F.R. 10171) is hereby amended to read "December 1, 1961" instead of "November 1, 1961."

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

For the Secretary of State.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

NOVEMBER 8, 1961.

[F.R. Doc. 61-10921; Filed, Nov. 15, 1961; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

Use of Department of Army Real Estate Claims Founded Upon Contract; Correction

In F.R. Document 61-9869, appearing at 26 F.R. 9747, October 17, 1961, so much as reads "52.18a" is corrected to read "552.16a", and so much as reads "552.18" is corrected to read "552.16".

J. C. LAMBERT,
Major General, U. S. Army, The Adjutant General.

[F.R. Doc. 61-10885; Filed, Nov. 15, 1961; 8:45 a.m.]

SUBCHAPTER G—PROCUREMENT

PART 608—VETERINARY INSPECTION

Discontinuance of Part

Part 608 is deleted from this subchapter.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 61-10886; Filed, Nov. 15, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER S—RIGHTS-OF-WAY

[Circular 2069]

PART 244—MISCELLANEOUS RIGHTS-OF-WAY

Miscellaneous Amendments

On page 5718 of the FEDERAL REGISTER of June 27, 1961, there was published a notice of proposed rule making of proposed amendments to the regulations applicable to rights-of-way. The proposed amendments would revoke Subpart M and revise the fee schedule for the use and occupancy of public lands for rights-of-way.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. After careful consideration of the comments received, the proposed amendments are hereby adopted as changed and as set forth below.

1. The penultimate sentence of § 244.21 (a) is amended by adding the following: ": *Provided*, That the total rental received and retained by the Government for that permit, right-of-way, or easement shall not be less than $25."

2. Paragraph (b) of § 244.21 is amended to read as follows: Delete the words "$5 per acre or fraction thereof per year" and add the words "$25 per five-year period for any permit, right-of-way, or easement issued." This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

NOVEMBER 7, 1961.

1. The heading to Part 244 is revised as shown above, and a cross-reference is added as set forth below, Subpart M is revoked, and § 244.21 is revised.

2. The cross reference is added to read as follows:

CROSS-REFERENCES: For easements for public works, see Part 9 of this title. For rights-of-way, Alaska, see Part 74 of this chapter. For logging roads rights-of-way, reverted Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, see Part 115 of this chapter. For rights-of-way for railroad and station grounds, see Part 243 of this chapter. For rights-of-way over Indian lands, see Indians, 25 CFR, Part 256.

3. Section 244.21 is revised to read as follows:

§ 244.21 Payment required; exceptions; default; revision of charges.

(a) Except as provided in paragraphs (b) and (c) of this section, the charge for use and occupancy of lands under the regulations of this part will be the fair market value of the permit, right-of-way, or easement, as determined by appraisal by the authorized officer. Periodic payments or a lump-sum payment, both payable in advance, will be required at the discretion of such officer: (1) When periodic payments are required, the applicant will be required to make the first payment before the permit, right-of-way, or easement will be issued; (2) upon the voluntary relinquishment of such an instrument before the expiration of its term, any payment made for any unexpired portion of the term will be returned to the payer upon a proper application for repayment to the extent that the amount paid covers a full permit, right-of-way, or easement year or years after the formal relinquishment: *Provided*, That the total rental received and retained by the Government for that permit, right-of-way, or easement, shall not be less than $25. The amount to be so returned will be the difference between the total payments made and the value of the expired portion of the term calculated on the same basis as the original payments.

(b) Except as provided in paragraph (c) of this section, the charge for use and occupancy of lands under the regulations of this part shall not be less than $25 per five-year period for any permit, right-of-way, or easement issued.

(c) No charge will be made for the use and occupancy of lands under the regulations of this part:

(1) Where the use and occupancy are exclusively for irrigation projects, municipally operated projects, or nonprofit or Rural Electrification Administration projects, or where the use is by a Federal governmental agency.

(2) Where the permit, right-of-way, or easement is granted under the regulations in Subparts B, C, G, and H of this part.

(d) If a charge required by this section is not paid when due, and such default shall continue for 30 days after notice, action may be taken to cancel the permit, right-of-way or easement. After default has occurred, no structures, buildings, or other equipment may be removed from the servient lands except upon written permission first obtained from the authorized officer.

(e) At any time not less than five years after either the grant of the permit, right-of-way, or easement or the last revision of charges thereunder, the authorized officer, after reasonable notice and opportunity for hearing, may review such charges and impose such new charges as may be reasonable and proper commencing with the ensuing charge year.

(f) The provisions of this section shall not have the effect of changing, modifying, or amending the rental rates or charges imposed for existing water power projects under rights-of-way previously approved by this Department.

(31 Stat. 790, 36 Stat. 1253, 28 Stat. 635, sec. 4, 33 Stat. 628, sec. 28, 49 Stat. 678; 43 U.S.C. 959, 961, 956, 16 U.S.C. 524, 30 U.S.C. 185)

[F.R. Doc. 61-10903; Filed, Nov. 15, 1961; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2537]

[Los Angeles 0165049]

CALIFORNIA

Revoking Air Navigation Site Withdrawal No. 119

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of April 23, 1938, which withdrew the following described public lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 14 N., R. 8 E.,
Sec. 1, W½NE¼ and NW¼;
Sec. 2, lots 1 and 2 of NE¼.
T. 15 N., R. 8 E.,
Sec. 22, S½SE¼;
Sec. 26, NW¼ and SE¼;
Sec. 35, SE¼.

The areas described aggregate 959.80 acres.

2. The lands are located in a remote sector of San Bernardino County some four to seven miles north of Baker, California. Topography is level to slightly undulating. Soils vary from hard, heavy, silty clay to loosely compacted sand. Vegetative cover consists of salt bush and annual grasses.

3. Effective at 10:00 a.m., on December 14, 1961, the lands are hereby restored to the operation of the public land laws, including the mining and mineral leasing laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

4. The State of California has waived its preference rights under section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 8, 1961.

[F.R. Doc. 61-10904; Filed, Nov. 15, 1961; 8:47 a.m.]

[Public Land Order 2538]

[Sacramento 058962]

CALIFORNIA

Revoking in Whole or in Part Certain Executive Orders Which Withdrew Lands for Lighthouse Purposes, and for Classification (Shelter Cove Lighthouse Reserve, Point Delgada)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive orders of January 26, 1867, and April 30, 1872, which withdrew lands for lighthouse purposes, and Executive Order No. 5237 of December 10, 1929, which withdrew lands for classification, are hereby revoked so far as they affect the following described lands:

HUMBOLDT MERIDIAN

T. 5 S., R. 1 E.,
Sec. 16, lots 4 and 5.

Containing 54.74 acres.

2. The lands are part of a State school section, title to which, it is presumed, will pass to the State pursuant to the provisions of the act of March 3, 1853 (10 Stat. 244).

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 9, 1961.

[F.R. Doc. 61-10905; Filed, Nov. 15, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

[FCC 61-1337]

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

Stereophonic Broadcasting

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November 1961;

The Commission having under consideration the amendment of its rules governing Noncommercial Educational FM broadcast stations to permit the transmission of stereophonic programs on a multiplex basis in the same manner as currently available to commercial FM broadcast stations; and

It appearing that on April 19, 1961, the Commission adopted a Report and Order in Docket No. 13506 (FCC 61-524; 26 F.R. 3529) amending its rules to allow commercial FM broadcast stations to engage in stereophonic broadcasting subject to certain technical and notification requirements; and

It further appearing that in recognition of comments filed in that proceeding by WGBH Educational Foundation, the Commission indicated its intention to initiate separate rule making in the near future "to ascertain whether a requirement for stereophonic broadcasting can be established by educational FM interests"; and

It further appearing that since the adoption of said Report and Order the Commission has received numerous letters and inquiries from educational FM licensees urging that prompt provision be made for educational FM multiplex stereocasting; and

It further appearing that no opposition has been expressed to extending stereophonic operating privileges to Noncommercial Educational FM broadcast stations, nor does there appear to be any reasonable basis upon which such opposition could develop; and

It further appearing that general notice of proposed rule making pursuant to section 4(a) of the Administrative Procedure Act would serve no useful purpose, would delay the implementation of educational FM stereophonic broadcasting for some time, and would therefore be contrary to the public interest; and

It further appearing that authority for the amendment herein adopted is contained in sections 303(b), 303(c), 303(e), 303(g), 303(j), and 303(r) of the Communications Act of 1934, as amended:

It is ordered, That, effective December 18, 1961, the Commission's rules be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U.S.C. 303)

Released: November 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

New § 3.596 is added to read as follows:

§ 3.596 Stereophonic broadcasting.

Noncommercial educational FM broadcast stations may, without further authority, transmit stereophonic programs in accordance with the technical standards governing commercial FM broadcast stereophonic operation as set forth in § 3.322: *Provided, however,* That the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified within 10 days from the installation of type-accepted stereophonic transmission equipment or any change therein: *And provided further,* That the Commission and the Engineer in Charge shall be notified within 10 days from the commencement of stereophonic operation, scheduled hours of such operation or any change therein.

[F.R. Doc. 61-10935; Filed, Nov. 15, 1961; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Open Areas for Migratory Game Birds and Upland Game; New Mexico and North Dakota

On page 9651 of the FEDERAL REGISTER of October 12, 1961, there was published a notice of proposed amendments to §§ 32.11 and 32.21 of Title 50, Code of Federal Regulations. The purpose of these amendments is to provide public hunting on wildlife refuge areas of the National Wildlife Refuge System as legislatively permitted.

Interested persons were given 15 days in which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received. The proposed amendments are hereby adopted without change.

These amendments, because of the proximity of legal hunting seasons in the various states, are effective immediately upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664, 718d; 43 U.S.C. 315a)

JAMES K. CARR,
Acting Secretary of the Interior.

NOVEMBER 7, 1961.

1. Section 32.11 is amended by the addition of the following area as one where the hunting of migratory game birds is authorized.

§ 32.11 List of open areas; migratory game birds.

* * * * *

NEW MEXICO

Burford Lake National Wildlife Refuge.

2. Section 32.21 is amended by the addition of the following area as one where the hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

NORTH DAKOTA

Tewaukon National Wildlife Refuge.

[F.R. Doc. 61-10901; Filed, Nov. 15, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 3]

REDOCUMENTATION OF A VESSEL SOLD OR TRANSFERRED IN WHOLE OR PART TO A CITIZEN OF THE UNITED STATES WHILE OUTSIDE A CUSTOMS COLLECTION DISTRICT

Notice of Proposed Rule Making

Notice is hereby given subject to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, under the authority cited below, it is proposed to amend §§ 3.3 and 3.35 of the Customs Regulations relating to the redocumentation of vessels. The proposed amendments are designed to give effect to and to carry out the provisions of Public Law 87-157, approved August 17, 1961 (75 Stat. 392).

The proposed amendments in tentative form are as follows:

§ 3.3 [Amendment]

Section 3.3(g) is amended to read as follows:

(g) No provisional certificate shall be issued to any vessel abroad which at the time of its transfer to a citizen of the United States was documented as a vessel of the United States. Such a vessel may be redocumented at a port in the United States upon compliance with the requirements outlined in § 3.35 or if not so redocumented while abroad, it shall nevertheless be entitled to all the privileges and benefits of a vessel of the United States up to and for the purpose of its first arrival thereafter within a customs collection district or in a port of documentation outside any such customs collection district.

(Sec. 1, 38 Stat. 1193, as amended, R.S. 4166, as amended; 46 U.S.C. 12, 35)

Section 3.35 is amended to read as follows:

§ 3.35 Sale abroad.

(a) A documented vessel which, while outside the limits of a customs collection district of the United States and not in any port designated as a port of documentation outside any such district, is sold or transferred in whole or part to a citizen of the United States, may be documented anew as a vessel of the United States at the port designated as the vessel's home port by the new owner or owners in accordance with the requirements of § 3.17 upon the surrender of the outstanding document to the collector and compliance with all applicable requirements for redocumentation contained in the regulations in this part. Any document so issued shall be a permanent document. The collector shall deliver the new document to the vessel owner or his agent, or forward it directly to the vessel abroad in accordance with the request of the applicant.

(b) A documented vessel which has been sold or transferred in whole or in part to a citizen while abroad and which is not redocumented under paragraph (a) of this section shall nevertheless be entitled on her first arrival thereafter to all the privileges of a vessel of the United States.

(R.S. 4166, as amended; 46 U.S.C. 35)

Prior to the issuance of the proposed amendents, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: November 8, 1961.

James Pomeroy Hendrick,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10930; Filed, Nov. 15, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 719]

RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Proposed Transfer of Pooled Allotments

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) that it is proposed to amend the regulations governing the Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages pursuant to the authority contained in section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), and section 124 of the Soil Bank Act (7 U.S.C. 1812). The purpose of the proposed amendment is to revise § 719.12(d)(2) of the regulations to provide that a displaced owner requesting transfer of pooled allotment must present conclusive evidence of bona fide ownership of the farm for the purpose of reestablishing his farming operations and to state certain elements which would be conclusive evidence of bona fide ownership of a farm for the purpose of reestablishing the farming operations of the displaced owner.

Section 719.12(d)(2) (26 F.R. 7259) would be amended to read as follows:

§ 719.12 Pooling of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having right of eminent domain.

* * * * *

(d) *Where agency will not continue production of allotment crops.* * * *

(2) *Transfer of allotment from the pool.* (i) Application by displaced owner: The displaced owner shall file written application for transfer of allotment from the pool by August 29, 1961, or within three years after such owner is displaced, whichever is later, with the county committee of the county in which the farm which is to receive allotment from the pool is located. The application shall contain a certification by the displaced owner that he has made no side agreement with any person for the purpose of obtaining an allotment from the allotment pool for a person other than himself. The displaced owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements; as for example, the deed of trust or mortgage, warranty deed, note, sales agreement, and lease.

(ii) Action by county committee: The county committee shall consider each application and determine whether the transfer of allotment from the pool shall be approved. Before an application is acted upon by the county committee, the displaced owner shall personally appear before the county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the county committee and answer all pertinent questions bearing on the proposed transfer: *Provided, however,* That if the State committee determines from facts presented to it on behalf of the displaced owner that such personal appearance would unduly inconvenience the displaced owner on account of illness or other good cause and such personal appearance would serve no useful purpose, the State committee shall notify the county committee that the displaced owner need not make such personal appearance. Any action by the county committee shall be subject to the approvals required under subdivision (iv) of this subparagraph.

(iii) Elements of bona fide ownership: The county committee shall approve the transfer of allotment only where the documents and other evidence presented by the displaced owner show conclusively that the displaced owner has made a normal acquisition of the land to which the allotment will be transferred for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions: (*a*) Appropriate legal documents establishing title to the land; (*b*) if the displaced owner was the operator (person in charge of the supervision and conduct of the farming operations

on the entire farm) of the farm at the date of displacement, such displaced owner shall personally operate and be the operator of the farm to which allotment is requested to be transferred for the first year that allotment is transferred; (c) if the displaced owner was not the operator of the farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing rent payment, such displaced owner shall not be required to personally operate and be the operator of the farm to which allotment is requested to be transferred but at least 75 percent of the allotment for the farm to which allotment is transferred shall be planted on the farm for the first year; (d) the contractual arrangements between the displaced owner and the seller of the farm shall not contain a requirement that the farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the farm for the first year the allotment is transferred even though such contractual arrangements are silent as to any lease; (e) if the displaced owner was not the operator of the farm at the date of displacement but he was a producer on the farm at the date of displacement by virtue of receiving a share of the crops produced on the farm, such displaced owner shall not be required to be the operator of the farm to which allotment is requested to be transferred but he shall be a producer on the farm the first year that allotment is transferred; and (f) contractual arrangements under which the farm was purchased or leased are customary in the community where the farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(iv) State committee approval: The action of the county committee under this subparagraph in approving or disapproving an application shall be effective only upon approval of the State committee or its representative. In case the transfer of allotment is from a pool in one State to a farm in another State, the concurrence of the State committee or its representative from the State where the allotment is pooled shall also be required. In this connection, such State committee may require the displaced owner to present evidence and personally appear in support of the application. In the event such concurrence is refused after review of all the available data, the action of the county committee together with all related data shall be submitted to the deputy administrator for final determination.

(v) Amount of allotment available for transfer: Upon completion of all necessary approvals under this subparagraph, the county committee shall issue an appropriate allotment notice under the applicable commodity regulations. The allotment to be transferred for a commodity shall be no greater than an amount required to establish an allotment comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor, and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided, however,* That the acreage transferred from the pool shall not exceed the allotment most recently established for the farm acquired from the displaced owner and placed in the pool. When all or a part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the displaced owner, all or the proportionate part of the past acreage history for the farm from which the owner was displaced shall be transferred to and considered for purposes of future allotments to have been planted on the farm for which an allotment is established or increased under this section. If only a part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the displaced owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(vi) Cancellation of transfers of allotment: If an allotment is transferred hereunder and it is later determined by the county committee or the State committee for the State and county to which the pooled allotment was transferred, or the deputy administrator, that the transfer was obtained by misrepresentation by or on behalf of the displaced owner, or the conditions applicable under subdivision (iii) of this subparagraph are not met, the allotment for the farm shall be reduced by the amount of the transfer for each year the transfer purportedly was in effect and if the time for withdrawal from the pool has not expired, the amount of the reduction shall be returned to the pool. Any cancellation of transfer of allotment by the county committee shall be subject to approval by the State committee or its representative. The county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(vii) Notwithstanding the provisions prescribed in this subparagraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the county committee pursuant to subparagraph (1) of this paragraph, the application for transfer will be processed in the usual manner but action to effect the actual transfer of the allotment which is temporarily released shall be delayed until such time as the pooled allotment which was released for the current year is established for the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another, the receiving State office shall obtain information from the State office in the State in which the allotment is pooled as to whether any part of the allotment for which the transfer is requested has been released to the county committee for the current year.

(Sec. 375, 52 Stat. 66, as amended, 378, 72 Stat. 988, 124, 70 Stat. 198; 7 U.S.C. 1375, 1378, 1812)

Prior to issuing the foregoing amendment to the regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 10 days following the publication of this notice in the FEDERAL REGISTER. The date of postmark will be considered as the date of any submission.

Signed at Washington, D.C., on November 9, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10917; Filed, Nov. 15, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Chemagro Corporation, Kansas City 20, Missouri, proposing the establishment of a tolerance of 10 parts per million for residues of 2,4-dichloro-6-o-chloroanilino-*s*-triazine in or on blackberries, cantaloups, cucumbers, dewberries, honeydew melons, loganberries, muskmelons, pumpkins, raspberries, squash, and watermelons.

The analytical method proposed in the petition for determining residues of 2,4-dichloro-6-o-chloroanilino-*s*-triazine is that published in the Journal of Agricultural and Food Chemistry, Volume 7, page 558 (1959).

Dated: November 7, 1961.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-10918; Filed, Nov. 15, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 606) has been filed by Pabst Brewing Company, 917 West Juneau Street, Milwaukee, Wisconsin, proposing the issuance of a regulation to provide for the safe use of bacitracin in feed for quail chicks at the rate of 5 to 20 grams of bacitracin per ton of feed to promote growth.

Dated: November 9, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-10923; Filed, Nov. 15, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 601, 608]

[Airspace Docket No. 60-KC-24]

CONTROLLED AIRSPACE AND RESTRICTED AREAS

Alteration of Proposal; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on January 28, 1961 (26 F.R. 919), and a supplemental notice of proposed rule making published September 28, 1961 (26 F.R. 9137), it was stated that the Federal Aviation Agency proposed to revoke the Salina control area extension, designate a controlling agency for Restricted Areas R-3601 and R-3602, designate a transition area at Salina, and alter the Salina control zone.

Subsequent to the publication of these notices, the Federal Aviation Agency has determined that to further implement Amendment 60-21, Part 60, Air Traffic Rules, in the Salina area, the control areas associated with VOR Federal airways No. 4, 4 south alternate, 108 and 73 should be established at 1,200 feet above the surface within the proposed Salina 25-mile radius transition area so as to coincide with the floor of this portion of the proposed transition area. This would not effect the present air traffic control procedures on these airways.

In order to provide interested persons time to evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to November 27, 1961.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 13, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-10922; Filed, Nov. 15, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 2]

DEPUTY ADMINISTRATOR

Delegation of Authority

By virtue of the authority delegated to me by the Secretary of State in letter dated September 30, 1961, with respect to the exercise of functions pursuant to the Foreign Assistance Act of 1961, I hereby delegate to Mr. Frank Coffin, Deputy Administrator of AID, all the functions delegated to the Deputy Director for Operations by the Director of the International Cooperation Administration in existing delegations of authority (published or otherwise), regulations, policy directives, internal manual orders, instructions, and the like, of the ICA which were made applicable within the Agency for Interational Development by me in my delegation of authority to employees of ICA and DLF on September 30, 1961.

Nothing herein shall be construed to derogate from the authority of the Administrator, in his discretion, at any time to exercise any of the functions herein delegated or to amend or supplement this Delegation of Authority, or to derogate from other delegations or assignments heretofore or hereafter made.

This delegation of authority shall be effective immediately, and shall continue in full force and effect until such time as it is rescinded by me.

FOWLER HAMILTON,
Administrator.

OCTOBER 27, 1961.

[F.R. Doc. 61-10913; Filed, Nov. 15, 1961; 8:48 a.m.]

[Delegation of Authority 3]

DELEGATION OF AUTHORITY

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State entitled Delegation of Functions under the Foreign Assistance Act of 1961, and related functions, and to the extent consistent with law, it is hereby directed as follows:

(1) All delegations of authority, regulations, policy directives, manual orders, instructions, memoranda, or other similar documents (published or otherwise) of ICA and DLF in effect at the time of this order, shall, to the extent consistent with law, continue in effect except as they may be later modified or superseded.

(2) All officers and employees of the Agency for International Development shall continue to exercise functions delegated or otherwise vested in such officers or employees by existing delegations of authority, regulations, policy directives, manual orders, instructions, memoranda, or other similar documents (published or otherwise).

(3) Whenever existing delegations of authority, regulations, policy directives, manual orders, instructions, memoranda, or other similar documents (published or otherwise) refer to the Director, ICA or the Managing Director, DLF, or their delegates or designees, they shall be deemed to refer to the Administrator, AID, or his delegates or designees and the same, together with all rights or obligations pursuant thereto, or actions taken under authority thereof, are hereby ratified, confirmed, and preserved, until modified or superseded.

(4) I hereby delegate to Mr. Frank Coffin, Deputy Administrator of AID the following authorities, with authority to redelegate as appropriate:

(a) Authority to sign agreements on all loans authorized by me and on all guaranties which I authorize to be issued under sections 221(b)(2) and 224 of the Foreign Assistance Act of 1961, following such review by the Development Loan Committee as may be provided for, and to sign such other related agreements, amendments, and actions as he may deem necessary or desirable with respect to such loans or guaranties, consistent with my authorization of the transaction.

(b) Authority to sign all loan agreements and guaranty agreements authorized by the Board of Directors of the corporate Development Loan Fund, as such authorizations may be amended by me, and to sign such other related agreements, amendments and actions as he may deem necessary or desirable with respect to such DLF authorization of the transaction as it may be amended by me.

(c) Authority to sign guaranty agreements on all guaranties authorized under the provisions of section 221(b)(1) of the Foreign Assistance Act of 1961 or section 413(b)(4) of the Mutual Security Act of 1954, as amended, and to sign such other related agreements, amendments and actions as he may deem necessary or desirable with respect to such guaranties.

(5) I hereby delegate to Mr. Frank Coffin, Deputy Administrator of AID, all the functions delegated to the Deputy Director for Operations by the Director of the International Cooperation Administration in existing delegations of authority, regulations, policy directives, manual orders, instructions, memoranda, or other similar documents (published or otherwise) of the ICA which were made applicable within the Agency for International Development by me in my delegation of authority to employees of ICA and DLF on September 30, 1961.

(6) Nothing herein shall be construed to derogate from the authority of the Administrator, in his discretion, at any time to exercise any of the functions herein delegated or to amend or supplement this Delegation of Authority, or to derogate from other delegations or assignments heretofore or hereafter made.

This delegation of authority shall be effective immediately, and shall continue in full force and effect until such time as it is rescinded by me.

FOWLER HAMILTON,
Administrator.

NOVEMBER 4, 1961.

[F.R. Doc. 61-10912; Filed, Nov. 15, 1961; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GEORGE NICOLAS MARTON ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

George Nicolas Marton, 33 Champs Elysees, Paris, France. $480.91 in the Treasury of the United States. All right, title, interest, and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power, and every right of whatsoever nature, including but not limited to monies and amounts, by way of royalties, share of profits or other emoluments, and causes of action accrued or to accrue relating to the work entitled "You Never Know," to the extent owned by George Marton Verlag immediately prior to the vesting thereof by Vesting Order No. 2543.

Paul Frank, 1517 North Orange Grove Avenue, Hollywood 46, Calif. $179.06 in the Treasury of the United States. A one-third (⅓) interest in 35 percent of all future royalties accruing from the exploitation of the work entitled "You Never Know."

Karl Farkas, Neustiftgasse 67, Vienna 7, Austria. $383.70 in the Treasury of the United States. A 25 percent interest in all future royalties accruing from the exploitation of the work entitled "You Never Know."

Claim No. 43913. Vesting Order No. 2543.

Executed at Washington, D.C., on November 9, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 61-10906; Filed, Nov. 15, 1961; 8:47 a.m.]

CARLOTTA YVONNE SOTTERO AND ERMENEGILDO GUARDO

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Carlotta Yvonne Sottero, nee Guarda Verdun-sur-Garonne, France. $56.86 in the Treasury of the United States.

Ermenegildo Guardo, Montjoi, France. $18.96 in the Treasury of the United States.

Claim No. 44051. Vesting Order No. 1421.

Executed at Washington, D.C., on November 9, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 61-10907; Filed, Nov. 15, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 6, 1961.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0170428, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

These lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for a public recreation area and for water storage in connection with the Feather River Project, California, which uses are incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Bartlett Building, 215 West 7th Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 4 W.,
Sec. 31, S½S½NE¼, SE¼, E½E½SW¼;
Sec. 32, SE¼NE¼, S½S½NW¼, NE¼SE¼, S½SE¼, SW¼;
Sec. 33, SW¼NW¼, S½NE¼SE¼, NW¼SE¼, S½SE¼, SW¼;
Sec. 34, W½SW¼SW¼.
T. 2 N., R. 4 W.,
Sec. 3, lot 4;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7 and N½ lots 8, 11 and 12;
Sec. 5, lots 1, 8, 9, and N½NW¼SE¼ and S½SW¼SE¼;
Sec. 6, lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 12 and S½ lot 5;
Sec. 8, NE¼, NE¼NW¼, S½NW¼, N½NE¼SE¼;
Sec. 9, W½SW¼NE¼, S½NW¼NW¼, S½NW¼SE¼, N½N½SW¼.
T. 2 N., R. 5 W.,
Sec. 1, lots 9, 10, 11, 12, S½ lot 8, and SW¼;
Sec. 2, lot 9, E½ lot 10, NE¼SE¼, E½NW¼SE¼;
Sec. 12, N½N½NE¼, N½NE¼NW¼.

The lands total 2,761.72 acres, more or less, of which 912.34 acres have primary recreation potential, and when the reservoir is full, approximately 1,870 acres will be inundated. The lands are located within the San Bernardino National Forest in the southwestern portion of San Bernardino County, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 61-10902; Filed, Nov. 15, 1961; 8:47 a.m.]

[Fairbanks 027233]

ALASKA

Order Providing for Opening of Public Lands

NOVEMBER 7, 1961.

By virtue of the authority vested in me by Bureau of Land Management Order No. 684, dated August 28, 1961 (26 F.R. 6125), and according to the terms of Paragraph 2 of Public Land Order No. 2524, dated October 23, 1961, it is ordered as follows:

(1) Effective immediately, the lands described in Paragraph 1 of said Public Land Order No. 2524, are opened to application, selection, entry, and appropriation under the public land laws.

(2) The lands so opened are now occupied in their entirety by Mr. Nick Demientieff, an Alaska native, and his family, under authority of Special Land Use Permit Fairbanks 08570, issued by the Manager of the Fairbanks Land Office, Bureau of Land Management. By the provisions of regulations contained in 43 CFR 67.11, which state that lands occupied in good faith by Alaska natives are not subject to entry or appropriation by others, Mr. Demientieff and his family will be protected in their use and occupancy of these lands, and the public is hereby advised that no application, selection, location, or entry adverse to the interests of the Demientieffs will be permitted until such time as Mr. Demientieff and/or his heirs shall abandon their use and occupancy of the lands.

RICHARD L. QUINTUS,
Operations Supervisor.

[F.R. Doc. 61-10919; Filed, Nov. 15, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LEONARD J. DOYLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Associates Investment, Bethlehem Steel, Ohio Turnpike.

B. Additions: General Motors, Standard Oil of N.J., Republic Steel, Pacific N.W. Bell Telephone.

This statement is made as of October 30, 1961.

LEONARD J. DOYLE.

OCTOBER 30, 1961.

[F.R. Doc. 61-10926; Filed, Nov. 15, 1961; 8:51 a.m.]

GEORGE W. FLANAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.

B. Additions: Boeing, Milwaukee Road, Interchemical Corp.

This statement is made as of November 6, 1961.

GEORGE W. FLANAGAN.

NOVEMBER 6, 1961.

[F.R. Doc. 61-10927; Filed, Nov. 15, 1961; 8:51 a.m.]

NORVAL W. POSTWEILER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.

B. Additions: No change.

This statement is made as of October 20, 1961.

NORVAL W. POSTWEILER.

OCTOBER 27, 1961.

[F.R. Doc. 61-10928; Filed, Nov. 15, 1961; 8:51 a.m.]

GEORGE L. WILSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 20, 1961.

GEORGE L. WILSON.

OCTOBER 30, 1961.

[F.R. Doc. 61-10929; Filed, Nov. 15, 1961; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8, set forth below, to Facility License No. R-28. The license authorizes The Regents of the University of Michigan to operate the Ford Nuclear Reactor located in Ann Arbor, Michigan.

The amendment provides an authorization to possess at any time up to five fission type neutron detectors, which may contain up to a maximum total of 10 grams of uranium-235, for use in instrumentation in connection with operation of the reactor. Previously the license had authorized possession and use of sixty milligrams of contained uranium-235 in a single neutron measuring instrument.

The Commission has found that use of the additional instrumentation will not increase any hazards associated with operation of the reactor and that operation of the reactor in accordance with the license as amended will not present an undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commisson will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's request, dated October 11, 1961, for amendment of the license may be inspected at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

Dated at Germantown, Md., this 7th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-28; Amdt. 8]

Paragraph 2b(2) of License No. R-28, issued to the Regents of the University of Michigan, is hereby amended to read as follows:

(2) Up to five fission type neutron detectors which may contain up to a maximum total of 10 grams of uranium-235.

This amendment is effective as of the date of issuance.

Date of issuance: November 7, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10884; Filed, Nov. 15, 1961; 8:45 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m., e.s.t., on December 18, 1961, in the Auditorium of the Atomic Energy Commission Headquarters at Germantown, Maryland, to consider the issuance of a construction permit to the Philadelphia Electric Company (hereinafter referred to as the "applicant"), 1000 Chestnut Street, Philadelphia 5, Pennsylvania, under sections 104b and 185 of the Atomic Energy Act of 1954, as amended, for the construction of a 40,000 kilowatt (electrical) advanced high-temperature gas-cooled demonstration power reactor. The reactor will be located at the applicant's site at Peach Bottom, York County, Pennsylvania, which is situated approximately 63 miles southwest of Philadelphia, Pennsylvania and 38 miles northeast of Baltimore, Maryland.

The issues to be considered at the hearing will be the following:

1. Whether the applicant has submitted sufficient information to provide reasonable assurance that a utilization facility of the general type proposed in the application can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that the technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant is technically qualified to design and construct the proposed facility.

4. Whether pursuant to § 50.40(b) of the AEC's regulations the applicant is financially qualified to design and construct the facility; and

5. Whether the construction of the reactor will be inimical to the common defense and security or to the health and safety of the public.

The report of the AEC's Advisory Committee on Reactor Safeguards dated November 1, 1961, and the safeguards analysis prepared by the AEC staff in this matter will be available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of each report may be obtained by request to the Director of Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C. The application submitted by the applicant in this matter is also available for public inspection at the AEC's Public Document Room.

Answer to this notice of hearing shall be filed by the applicant in the manner prescribed by § 2.736 of the Commission's "Rules of Practice", 10 CFR Part 2, on or before December 4, 1961.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty days after publication of this notice in the FEDERAL REGISTER, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

The hearing will be conducted by a Presiding Officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 8th day of November 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 61-10931; Filed, Nov. 15, 1961; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14366; FCC 61-1334]

WALTER L. FOLLMER

Order Scheduling Application for Oral Argument

In re application of Walter L. Follmer, Hamilton, Ohio, Docket No. 14366, File No. BMPH-6616; for additional time to construct Radio Station WFOL.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November 1961;

The Commission having under consideration the above-captioned application requesting additional time to construct a new FM broadcast station at Hamilton, Ohio; and

It appearing that on June 15, 1960, the Commission granted a permit to Walter L. Follmer authorizing the construction of a new Class B FM broadcast station at Hamilton, Ohio, specifying a completion date of February 15, 1961; and

It further appearing, that, on February 15, 1961, the instant application was filed for additional time to construct, citing the permittee's desire to await the grant of his co-pending application for authorization to construct a new standard broadcast station at Hamilton, Ohio (File No. BP-11323), which application had previously been designated for hearing; and that the permittee indicated that construction had been delayed because of an intention to combine the proposed AM and FM facilities; and

It further appearing, that, on March 6, 1961, the permittee was notified by letter of the Commission's inability to find that said permittee has been diligent in proceeding with construction of the authorized facilities, or that the uncertainty surrounding the hearing involving the standard broadcast application could be considered as a justifiable basis for an extention of time to construct; and

It further appearing that permittee's reply thereto states that the financial prospects for an FM operation at Hamilton are such that he is unwilling to proceed with the construction of the above-captioned FM station until the co-pending standard broadcast application is granted; and

It further appearing that because of the nature of the issues involved, there is no reasonable prospect that hearing proceedings on the standard broadcast application can be concluded in the near future; and

It further appearing that owing to the absence of substantial questions of fact, an evidentiary hearing on the instant application would serve no useful purpose; and

It further appearing that the reasons offered by the permittee for not proceeding with construction entitle him at most to oral argument on the question of whether failure to complete was due to causes beyond his control or other matters sufficient under section 319(b) of the Communications Act of 1934, as amended, and § 1.323(a) of the Commission's rules to warrant grant of the instant application.

It is ordered, That the above-captioned application is designated for oral argument before the Commission En Banc in Washington, D.C., at a time to be specified in a subsequent Order on the following issue: To determine whether the reasons advanced by the permittee in support of the instant application for additional time to construct constitute a showing that failure to complete construction was due to causes not under permittee's control or other matters sufficient under section 319(b) of the Communications Act of 1934, as amended, and § 1.323(a) of the Commission's rules to warrant an extension; and

It is further ordered, That to avail himself of the opportunity to be heard, the permittee, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the oral argument and present evidence on the issues specified, and shall have until 10 days prior to oral argument to file briefs or memoranda of law.

Released: November 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10932; Filed, Nov. 15, 1961; 8:52 a.m.]

[Docket No. 14365; FCC 61M-1777]

NEIGHBORLY BROADCASTING CO., INC.

Order Scheduling Hearing

In the matter of revocation of license of The Neighborly Broadcasting Co., Inc., for FM Broadcast Station WLOV, Cranston, Rhode Island, Docket No. 14365.

It is ordered, This 9th day of November 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 13, 1962, at a place and time to be subsequently announced, in Providence, Rhode Island.

Released: November 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10933; Filed, Nov. 15, 1961; 8:52 a.m.]

[Docket No. 14373]

WILLIAM WRIGHT NEWMAN

Order To Show Cause

In the matter of William Wright Newman, Augusta, Georgia, Docket No. 14373; order to show cause why there should not be revoked the license for Radio Station 6W7143 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the subject Citizens radio station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation thereof was served upon the licensee as follows: Commission letter dated June 14, 1961, advising the licensee of the illegality of his purported transfer of station license without Commission consent to one Warren Woodward, Augusta, Georgia; and

It further appearing that the licensee received the Commission's above-mentioned letter but did not make reply thereto, whereupon the Commission, by letter dated August 10, 1961, and sent by Certified Mail-Return Receipt Requested (No. 97185), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that, on August 19, 1961, the licensee responded to the Commission's above-mentioned letter of August 10, 1961, but that such response was not satisfactory; and

It further appearing that the Commission by letter dated September 19, 1961, and sent by Certified Mail—Return Receipt Requested (No. 97474) again brought this matter to the attention of the licensee, requested that such licensee respond to the Commission's letter within ten days of its receipt and requested further particulars in regard to the above-mentioned violation of section 310(b) of the Communications Act; and

It further appearing that receipt of the Commission's letter of September 19, 1961, was acknowledged by the signature of the licensee on October 10, 1961, to a Post Office Department return receipt; and

It further appearing that although more than ten days have elapsed since the licensee's receipt of the Commission's letter of September 19, 1961, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 13th day of November 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned Citizens radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That, the Secretary send a copy of the Order by Certified Mail—Return Receipt Requested to the said licensee at Division 656, class 22—Bravo, U.S. Naval Training Center, San Diego 33, California.

Released: November 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10934; Filed, Nov. 15, 1961; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954]

INVESTIGATION OF RATES AND PRACTICES IN ATLANTIC-GULF/PUERTO RICO TRADE

Notice of Supplemental Order

On November 2, 1961, the Federal Maritime Commission entered the following Ninth Supplemental Order to the original Order in this proceeding dated July 17, 1961:

It appearing that there is currently pending an investigation into and a hearing concerning certain reduced rates and practices from Atlantic and Gulf coast ports of the United States to ports in the Commonwealth of Puerto Rico which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing that A. H. Bull Steamship Company, Inc. (Bull), has been named a respondent in this proceeding; and

It further appearing that, on October 4, 1961, Bull filed with the Federal Maritime Commission (Commission) a new tariff page setting forth a new rule which provides for increased rates and charges and a change in regulations and practices affecting such rates and charges, the said rule to become effective November 6, 1961, and being designated as follows:

A. H. Bull Steamship Co., Outward Freight Tariff No. 1, FMB–F No. 1, 2d revised page No. 20, item 2;

and

It further appearing that a protest was filed on October 30, 1961, by Alcoa Steamship Company, Inc. (Alcoa), requesting suspension and investigation of the said rate; and

It further appearing, that upon consideration of the said schedule and protest thereto, there is reason to believe that the said schedule would, if permitted to become effective, result in a rate, charge, rule, classification, regulation, tariff, or practice which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new schedule and the rates, charges, classifications, rules, regulations, tariffs, and practices contained therein should be made the subject of a public investigation and hearing to determine whether it is just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said schedule should be suspended pending such investigation; and

Now therefore, it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the rates, charges, classifications, rules, regulations, tariffs, and practices contained in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said schedule be, and it is hereby, suspended and that the use of the said schedule, be, and it is hereby, deferred to and including March 5, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedule, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Bull a consecutively numbered supplement to the aforesaid suspended schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended schedule is described, and shall state that the aforesaid schedule is suspended and that the rates, fares, charges, classifications, rules, regulations, and practices therein stated may not be used until March 6, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedule, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Office of Regulations of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon the protestant, Bull, and all others heretofore named respondents hereto; (III) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: November 13, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-10914; Filed, Nov. 15, 1961; 8:49 a.m.]

[Docket No. 960]

HAWAIIAN RATES; SECOND GENERAL INCREASE (1961)

Notice of Investigation and of Hearing

On November 6, 1961, the Federal Maritime Commission entered the following Order:

It appearing that there have been filed with the Federal Maritime Commission various tariff schedules naming increases in freight rates from, to, and between Pacific coast ports and ports in Hawaii, also from Hawaiian ports to Atlantic and Gulf ports, to become effective November 9, 1961, designated as follows:

Matson Navigation Co. Freight Tariff No. 7–F, F.M.C.–F No. 122;
Supplement No. 1 to Matson Navigation Co. Freight Tariff No. 1–0, F.M.C.–F No. 121;
Supplement No. 1 and Rule No. 11 of Supplement numbers 2 and 4 to Freight Tariff No. 10–D, F.M.B.–F No. 120;
Supplement No. 4 to Matson Navigation Co. Freight Tariff No. 3–0, F.M.B.–F No. 119;
Supplement No. 3 to Matson Navigation Co. Freight Tariff No. 2–Q, F.M.B.–F No. 118;
Supplement No. 2 to Matson Navigation Co. Freight Tariff No. 8–E, F.M.B.–F No. 113;
Supplement No. 2 to Matson Navigation Co. Freight Tariff No. 9–D, F.M.B.–F No. 111;
Supplement No. 3 and fifth revised page 36 to Matson Navigation Co. Freight Tariff No. 15, F.M.B.–F No. 110;
Supplement No. 3 to Matson Navigation Co. Freight Tariff No. 14, F.M.B.–F No. 109;

It further appearing that protests have been received petitioning the Commission to suspend said increases;

It further appearing that upon consideration of the said schedules and protests made thereto, there is reason to believe that the said schedules, if permitted to become effective, would result in rates, charges, classifications, regulations, tariffs, or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended;

It further appearing that the Commission is of the opinion that the new rates, charges, classifications, regulations, tariffs, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the effective date of the said schedules should be suspended, pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That said schedules be, and they are hereby, suspended and that the use of the said schedules be, and it is hereby, deferred to and including March 8, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension;

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules and of all other freight schedules of the carriers named herein from, to, and between Pacific coast ports of the United States and ports in the Hawaiian Islands and from Hawaiian Island ports to Atlantic and Gulf coast ports of the United States under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended;

It is further ordered, That (I) there shall be filed immediately with the Commission by the Matson Navigation Company consecutively numbered supplements to the aforesaid suspended schedules which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended schedules are described, and shall state that the aforesaid schedules are suspended and that the rates, charges, classifications, regulations, tariffs, and practices therein stated may not be used until the 9th day of March 1962, unless otherwise authorized by the Commission; and (II) the rates, charges, classifications, regulations, tariffs, and practices hereby deferred may not be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension, and neither the matter hereby suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That copies of this shall be filed with the said tariff schedules in the Office of Regulations of the Federal Maritime Commission;

It is further ordered, That (I) the investigation herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; (II) Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., the Oceanic Steamship Company, and the United States Lines Company, be, and they are hereby, made respondents in this proceeding; (III) a copy of this order shall be forthwith served upon the said respondents and protestants herein; (IV) respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: November 13, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-10915; Filed, Nov. 15, 1961; 8:49 a.m.]

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 57–78, between the member lines of the Pacific Westbound Conference and Transocean Transport Corporation (Magsaysay Lines), covers the admission of that carrier to associate membership in said conference. As an associate member Transocean Transport Corporation (Magsaysay Lines) will be obligated to observe all the rates, rules and regulations and decisions of the conference, will have no vote in conference affairs except as may be specifically agreed upon, will be permitted to participate in conference contracts with shippers, will not share in the expenses of the conference except as may be specifically agreed upon between the parties, and will be exempt from posting the usual surety bond.

Agreement Numbered 8086–1, between Alcoa Steamship Company, Inc., American Export Lines, Inc., American President Lines, Ltd. and sixteen other U.S. flag common carriers by water, modifies the basic agreement of the Atlantic & Gulf American-Flag Berth Operators Agreement (Numbered 8086), which covers an arrangement for the collaboration of the parties with respect to rates and related matter in connection with the transportation of cargo for MSTS and related shipper services in the foreign trades to and from U.S. Atlantic and Gulf of Mexico ports, and to and from ports in territories and possessions of the United States, also between foreign ports. The purpose of the modification is to provide that any U.S. flag common carrier by water, whose service in the trade covered by said agreement is limited to the trade between U.S. Atlantic and Gulf Coast ports and the State of Hawaii or the Commonwealth of Puerto Rico areas, may become an associate party, with voting rights limited to such trade.

Agreement Numbered 8713, between Lykes Bros. Steamship Co., Inc. and China Navigation Co., Ltd., covers a through billing arrangement for the transportation of asbestos in bags in the trade from ports in Western Australia to U.S. Gulf ports, with transhipment at Singapore.

Agreement Numbered 8739, between Farrell Lines, Inc. and Zanzibar Government Steamers, covers a through billing arrangement in the trade between U.S. Atlantic ports and ports in Tanganyika, Kenya, Zanzibar and Pemba, with transhipment at British East African ports.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 13, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-10916; Filed, Nov. 15, 1961; 8:49 a.m.]

FEDERAL RADIATION COUNCIL

QUESTIONS CONCERNING RADIATION PROTECTION STANDARDS FOR URANIUM MINING

Request for Comments

NOVEMBER 1, 1961.

The Federal Radiation Council is presently considering the problem of providing radiation protection guidance in activities designed to control the occupational exposure of uranium mine workers to airborne radioactivity in the mines. By this communication, the Council is inviting public comment on the basic issues involved in this problem. To insure effective consideration, comments should be transmitted by January 1, 1962.

The Federal Radiation Council was established in 1959 by Executive Order and later by statute to "• • • advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards • • •." The nature of the Council's task in advising the President with respect to radiation protection guidance has been described in the following language: "Fundamentally, setting basic radiation protection standards involves passing judgment on the extent of the possible health hazard society is willing to accept in order to realize the known benefits of radiation. It involves inevitably a balancing between total health protection, which might require foregoing any activities increasing exposure to radiation, and the vigorous promotion of the use of radiation and atomic energy in order to achieve optimum benefits."

The Council's consideration is focused on a concentration of radon daughters in air, commonly referred to as the "working level." The working level is discussed in U.S. Public Health Service Publication 494 and may be defined as any concentration of radon daughter products, RaA, RaB, and RaC, collectively, having the same potential alpha energy release in complete decay through RaC' as 300 micromicrocuries per liter of these three materials in equilibrium. This level was agreed upon at a conference attended by representatives of the Public Health Service and Atomic Energy Commission, a number of mining states, and the uranium industry held in Salt Lake City in 1955. It has been used by several of the uranium mining states and has recently been published as an American Standard by the American Standards Association.

The Federal Radiation Council is currently studying the numerical guide noted above in light of the following questions:

1. Does exposure of uranium mine workers at the level of this guide represent an undue biological risk considered in light of the various benefits deriving from uranium mining?

2. Would conformance with this guide have unduly adverse effects on the uranium mining industry in light of the reason for controlling exposure to radiation?

The Federal Radiation Council would welcome comments which interested persons or organizations might care to make. Comments should be addressed to: Chairman, Federal Radiation Council, Executive Office Building, Washington 25, D.C., and should be received by January 1, 1962.

Dated: November 1, 1961.

ABRAHAM RIBICOFF,
Chairman.

[F.R. Doc. 61-10897; Filed, Nov. 15, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-167 etc.]

J. M. HUBER CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Accepting for Filing Correction To Previously Suspended Filings [1]

NOVEMBER 8, 1961.

J. M. Huber Corporation (Operator), et al., Docket No. RI62-167; Humble Oil & Refining Company, Docket No. RI62-168; Graridge Corporation (Operator), et al., Docket No. RI62-169; Tidewater Oil Company, Docket No. RI62-170; George W. Graham, Inc. (Operator), et al., Docket No. RI62-171; The Sharples Oil Corporation, et al., Docket No. G-14624; The Sharples Oil Corporation (Operator), et al., Docket No. G-14253.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-167	J. M. Huber Corp. (Operator) et al. 2401 East Second Avenue, Denver 6, Colo.	9	10	Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla. and Seward County, Kans.	$24,310	10- 9-61	[1] 11- 9-61	4- 9-62	[3] 12.2828	13.1761	
RI62-168	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	196	3	Panhandle Eastern Pipe Line Co., South Greenough Field, Beaver County, Okla.	356	10- 9-61	[3] 11- 9-61	4- 9-62	[3] 12.2828	13.1761	
RI62-169	Graridge Corp. (Operator) et al., P.O. Box 752, Breckenridge, Tex.	5	2	Texas Gas Transmission Corp., Mallard Bay Field, Cameron Parish, La.	1,919	10-12-61	[1] 1- 1-62	6- 1-62	[4] 18.75	19.75	
RI62-170	Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex.	46	5	Arkansas Louisiana Gas Co., Chickasha Field, Grady County, Okla.	5,501	10-16-61	[1] 11-16-61	4-16-62	[3] 11.0	15.0	
RI62-171	George W. Graham, Inc. (Operator) et al., 400 Wichita National Bank Building, Wichita Falls, Tex.	1	11	Texas Eastern Transmission Corp., East Bishop Field, Nueces County, Tex.	1,599	10-16-61	[2] 11-16-61	4-16-62	[3] 15.0	15.2	RI61-157
G-14624	The Sharples Oil Corp. et al., 1700 Broadway, Denver 2, Colo.	3	1 to 4	El Paso Natural Gas Co., Spraberry Field, Midland and Upton Counties, Tex.	1	10-16-61	[2] 11-16-61	(5)	[3] 17.1632	17.2295	(5)
G-14253	The Sharples Oil Corp. (Operator) et al., 1700 Broadway, Denver 2, Colo.	6	1 to 3	El Paso Natural Gas Co., Pegasus Field, Midland County, Tex.	399	10-16-61	[2] 11-16-61	(5)	[3] 17.1632	17.2295	(5)

[1] The stated effective date is that requested by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.
[5] Sharples increases suspended in Docket Nos. G-14624 and G-14253 have never been made effective.
[6] The respective filings are accepted for filing subject to the suspension proceedings in G-14624 and G-14253.

Sharples' filings represent corrections to the tax reimbursements applicable to two renegotiated rate increases suspended in Docket Nos. G-14253 and G-14624 until July 29, 1960, and August 10, 1960, respectively, but not made effective. The corrections increase the amount of tax reimbursement, and are requested to be made effective as of January 1, 1960, the date provided by contract for the negotiated increases.

The proposed increased rates set forth above exceed applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The filings of the Sharples Oil Corporation, et al., and the Sharples Oil Corporation (Operator), et al., should be accepted for filing subject to the suspension proceedings in Docket Nos. G-14624 and G-14253, respectively.[2]

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The above-described filings of the Sharples Oil Corporation, et al., and the Sharples Oil Corporation (Operator), et al., are hereby accepted for filing subject to the suspension proceedings in Docket Nos. G-14624 and G-14253, respectively.[2]

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 26, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10891; Filed, Nov. 15, 1961; 8:45 a.m.]

[2] The effective date of Sharples' filings shall be November 16, 1961, and thereafter until such time as they are made effective in the manner prescribed by the Natural Gas Act.

[Docket Nos. G-18844, RI60-27]

SINCLAIR OIL & GAS CO. AND CABOT CORP.

Order Making Successors in Interest Co-Respondents, Accepting Successor's Agreement and Undertaking and Redesignating Proceedings; Correction

NOVEMBER 7, 1961.

Sinclair Oil & Gas Company and Cabot Corporation (Formerly Cabot Carbon Company (Operator)), Docket Nos. G-18844 and RI60-27.

In the order making successors in interest co-respondents, accepting successor's agreement and undertaking and redesignating proceedings, issued October 4, 1961 and published in the FEDERAL REGISTER October 10, 1961 (F.R. Doc. 61-9658; 26 F.R. 9559): Line 17; change August 7, 1961 to "August 1, 1961".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10892; Filed, Nov. 15, 1961; 8:45 a.m.]

[Docket Nos. CI61-162; CI61-985]

SOHOMA NATURAL GAS COMPANY, INC., AND FIRST TRANSPORTATION GAS CORPORATION, INC.

Findings and Order Issuing Certificate of Public Convenience and Necessity, Accepting Related Gas Rate Schedule, Severing Proceeding and Setting Hearing

NOVEMBER 8, 1961.

Sohoma Natural Gas Company, Inc. (Sohoma) has filed in Docket No. CI61-162 an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing the sale of natural gas to Cities Service Gas Company (Cities Service) from the Skinner Sand in the E/2 of the SW/4 of Section 30, T24N, R1W, Noble County, Oklahoma, pursuant to a gas sales contract dated July 14, 1960, between Sohoma, as seller, and Cities Service, as buyer, which contract has been designated as Sohoma Natural Gas Company, Inc. FPC Gas Rate Schedule No. 1.

Also, First Transportation Gas Corporation, Inc. (First Transportation) has filed in Docket No. CI61-985 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Transwestern Pipeline Company (Transwestern) from certain leaseholds in Lipscomb and Ochiltree Counties, Texas, and Beaver, Harper, Ellis and Woodward Counties, Oklahoma, pursuant to a gas sales contract dated December 29, 1960, between First Transportation, as seller, and Transwestern, as buyer, which contract has been designated as First Transportation Gas Corporation, Inc. FPC Gas Rate Schedule No. 1.

Temporary authorization to render the proposed service in Docket No. CI61-985 was granted to First Transportation on February 2, 1961, conditioned upon limitation of the initial price to 17.0 cents per Mcf at 14.65 psia, and upon the elimination of an upward Btu price adjustment clause from the provisions of the gas sales contract. Under date of February 7, 1961, First Transportation accepted said temporary authorization and the conditions imposed therein, but the supplemental agreement incorporating said conditions into the basic contract (designated Supplement No. 1 to FPC Gas Rate Schedule No. 1) contained a provision for the nullification thereof if the Commission should at any time in the future recognize such "upward Btu price adjustment clauses." On June 16, 1961, First Transportation filed an amendatory agreement (designated Supplement No. 2 to FPC Gas Rate Schedule No. 1) which sought to assure a price for the gas to be sold under the subject Docket No. CI61-985 which would be the maximum price established in the pending proceeding known as Docket Nos. G-14871, et al., Transwestern Pipeline Company, or the maximum price which might be established in an area rate proceeding. The Commission informed First Transportation under date of July 20, 1961, that such indefinite pricing provisions are inoperative and of no effect at law. On October 25, 1961, First Transportation filed an amendment to its acceptance of the temporary authorization granted on February 2, 1961, in which it agreed to accept a permanent certificate of public convenience and necessity conditioned at a price of 17.0 cents per Mcf with no reservations.

On October 23, 1961, Pacific Lighting Gas Supply Company, Southern California Gas Company and Southern Counties Gas Company of California filed a joint petition to intervene in Docket No. CI61-985. On October 30, 1961, The People of the State of California and the Public Utilities Commission of the State of California filed their notice of intervention in said Docket No. CI61-985. Both the petition and the notice were filed subsequent to the final date for the filing thereof as published in the official notice of the hearing in this consolidated proceeding.

Pursuant to said notice, a public hearing was convened in Washington, D.C., on October 31, 1961, at which time and place staff counsel moved orally that a recess be taken to November 2, 1961, at 9:30 a.m., to afford time to prepare appropriate recommendations for Commission consideration.

On November 2, 1961, pursuant to the recess granted by the Presiding Examiner, the hearing in the matter of Docket No. CI61-162 was held and concluded. Staff counsel moved orally that the intermediate decision procedure be omitted and that the Commission render a decision in that docket pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure. The matter of the application in Docket No. CI61-985

and the pending petition to intervene and notice of intervention therein were reserved for further action by the Commission.

The Commission finds:

(1) Applicant, Sohoma Natural Gas Company, Inc., an independent producer of natural gas, will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption upon commencement of the service for which authorization is granted in Docket No. CI61–162 hereinafter, and said Applicant will therefore be a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sale of natural gas by Sohoma hereinbefore described, as more fully described in the application in Docket No. CI61–162, will be made in interstate commerce subject to the jurisdiction of the Commission and such sale by Sohoma, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sale of natural gas by Sohoma proposed in Docket No. CI61–162, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(4) Sohoma is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) Sohoma's FPC Gas Rate Schedule No. 1 should be accepted to become effective upon the date of initial delivery of natural gas pursuant to this authorization.

(6) The matter of the application of First Transportation Gas Corporation, Inc. in Docket No. CI61–985 should be severed from the proceeding in Docket No. CI61–162 and set for hearing on a date to be hereafter fixed.

(7) A request during the public hearing by staff counsel for omission of the intermediate decision procedure in Docket No. CI61–162 was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued, upon the terms and conditions of this order, authorizing the sale by Sohoma Natural Gas Company, Inc., of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as hereinbefore described and as more fully described in the application in Docket No. CI61–162.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Sohoma Natural Gas Company, Inc. continues the acts or operations hereby authorized in accordance with the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as waiver of the requirements of section 4 of the Natural Gas Act or section 154 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the Applicant herein. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract here involved.

(D) Sohoma's FPC Gas Rate Schedule No. 1 is hereby accepted for filing to be effective upon the date of initial delivery of natural gas pursuant to this authorization. Sohoma shall notify the Commission of the date of commencement of deliveries thereunder.

(E) This acceptance for filing shall not be construed as constituting approval of any rate or provisions contained in the rate filing; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Sohoma.

(F) The certificate issued in paragraph (A) above shall be deemed to have been accepted by Sohoma unless it is rejected in writing by an authorized official thereof within thirty days of the date of issuance of this order.

(G) The matter of the application of First Transportation Gas Corporation, Inc. in Docket No. CI61–985 is hereby severed from the proceeding in Docket No. CI61–162 and is hereby set for further hearing on a date to be hereafter fixed.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10893; Filed, Nov. 15, 1961; 8:45 a.m.]

[Docket Nos. CP62–14, CP61–155]

TENNESSEE GAS TRANSMISSION CO. AND MANUFACTURERS LIGHT AND HEAT CO.

Notice of Applications and Date of Hearing

NOVEMBER 8, 1961.

Take notice that on July 19, 1961, Tennessee Gas Transmission Company (Tennessee), a Delaware corporation, having its principal place of business in the Tennessee Building, Houston, Texas, filed an application (Docket No. CP62–14) pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Tennessee to transfer the deliveries of 35,000 Mcf (at 14.73 psia) of natural gas per day, which is part of the volume of gas which Tennessee is presently delivering to United Fuel Gas Company (United) in Tennessee's Eastern Rate Zone, to The Manufacturers Light and Heat Company (Manufacturers) for the account of United in Tennessee's Northern Rate Zone, all as more fully set forth in Tennessee's application. The proposed transfer of deliveries will be for the six months period commencing on November 1, 1961, and ending on April 30, 1962, and for each six months period thereafter that commences on November 1st and ends on April 30th for a term of years coextensive with the term of the Gas Sales Contract between Tennessee and United dated May 4, 1959.

Tennessee alleges that its proposed transfer service will obviate the necessity for Manufacturers to construct additional pipeline facilities to enable it to receive increased peak day deliveries from United. Tennessee also states that it has the ability to render this transfer service with existing pipeline facilities and that the proposed service will generate additional revenues to the benefit of all of its customers.

Tennessee and United have entered into a letter agreement dated July 13, 1961, covering the proposed transfer service.

Take further notice that on November 25, 1960, The Manufacturers Light and Heat Company, a subsidiary of The Columbia Gas System, Inc., filed an application (Docket No. CP61–155) and on February 20, 1961, April 10, 1961, and July 21, 1961, supplements thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Manufacturers to construct and operate certain compressor units and a natural gas pipeline, all as more fully set forth in Manufacturers' application.

Manufacturers proposes to construct and operate 4,000 additional horsepower in compressor units at its existing Adaline Compressor Station in Marshall County, West Virginia and approximately 10.47 miles of 24-inch pipeline in several sections replacing corresponding sections of 16-inch pipeline in Manufacturer's Line 65 in the western part of Allegheny County and adjoining portions of Washington and Beaver Counties, Pennsylvania. The estimated cost of these proposed facilities will be $2,387,000, which will be financed by The Columbia Gas System, Inc. Salvage value of the facilities to be replaced is estimated at $16,500, with credit to fixed capital of $145,000 and cost of retiring estimated at $5,000.

Manufacturers alleges that the proposed facilities are necessary in order to increase the capacity of its main trunk transmission system to make it possible to serve 1961–1962 peak day additional requirements of its customers. Manufacturers says its most recent estimates indicate that its 1961–1962 winter additional gas requirements total 79,900 Mcf per day or 47,500 Mcf per day more than initially estimated in its original application. It was originally proposed that the additional volumes of natural gas (32,200 Mcf per day) were to come from Manufacturers Victory Storage Field. It now proposes to meet its additional 1961–1962 winter requirements as follows:

	Mcf
Additional volume from United (Tennessee's Northern Zone)	35,000
Additional volume from Victory Storage Field	45,000
Total	80,000

Manufacturers states that it will increase its contract demand with United from 185,000 to 220,000 Mcf per day to provide it with the additional 35,000 Mcf per day. Manufacturers alleges that the existing interconnecting facilities between United Fuel and Manufacturers are adequate to transport the higher volume of 220,000 Mcf per day during the summer period, but to provide such adequacy during peak winter periods would require substantial transmission construction.

Said applications are on file with the Commission and open for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 18, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 6, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10894; Filed, Nov. 15, 1961; 8:45 a.m.]

[Docket No. RI62–90[1]]

TEXAS GULF PRODUCING CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

NOVEMBER 1, 1961.

In the order providing for hearings on and suspension of proposed changes in rates, issued October 12, 1961 and published in the FEDERAL REGISTER on October 19, 1961 (F.R. Doc. 61–9963; 26 F.R. 9838): In the chart, under the column headed "Date suspended until" change the third date to read "3/25/62" instead of "3/25/61".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10895; Filed, Nov. 15, 1961; 8:46 a.m.]

[1] Order issued in Docket Nos. RI62–88, et al., Edwin L. Cox (Operator), et al.

[Project No. 2302]

UNION WATER-POWER CO.

Notice of Application for License

NOVEMBER 9, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Union Water-Power Company, 11 Lisbon Street, Lewiston, Maine, for license for constructed Project No. 2302, known as the Lewiston Falls Project, located on the Androscoggin River in Lewiston-Auburn, Androscoggin County, Maine.

The project consists of: A dam comprised of four stone-masonry sections equipped with four feet of flashboards, a concrete section equipped with 16-inch flashboards, and a wasteway section built as part of one main section; a canal system comprised of an upper and lower canal connected by cross canals; a reservoir extending upstream about 2½ miles with a surface area of about 200 acres at elevation 168.17 feet (USGS datum); a 40-horsepower turbine used to develop mechanical power; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 20, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10896; Filed, Nov. 15, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

NOVEMBER 9, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order is to be effective for a period of ten (10) days, November 10, 1961, to November 19, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–10909; Filed, Nov. 15, 1961; 8:48 a.m.]

[File No. 812–1452]

SHARES IN AMERICAN INDUSTRY, INC.

Notice of Filing of Application for Order for Exemption To Permit Purchase of Securities During an Underwriting

NOVEMBER 7, 1961.

Notice is hereby given that Shares in American Industry, Inc. ("Applicant"), Washington, D.C., has filed an application pursuant to section 10(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 10(f) of the Act, the proposed purchase by the Applicant of 5000 shares of Class A common stock of District Wholesale Drug Corporation, ("District Wholesale"), which is a portion of a 100,000 share offering of $4.00 no par value capital stock expected to be offered to the public as soon as the registration statement Form S–1 filed September 19, 1961 of District Wholesale shall be made effective pursuant to section 8(a) of the Securities Act of 1933.

Auchincloss, Parker, & Redpath is the principal underwriter of the issue on a firm commitment basis. A partner of such firm is Mack Sullivan, Jr., who is also a director of the Applicant.

Apparently the exemption provided by Rule 10f-3 of the Act is unavailable since the sales commission applicable to the public offering of the District Wholesale Class A common shares will be in excess of 7 percent. The price to be paid will be equal to the public offering price in effect on the first full day of the offering.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

Since one of the Applicant's directors is an affiliated person of the manager of the underwriting syndicate offering the stock, the purchase thereof by Applicant is subject to the provisions of section 10(f) of the Act.

The Applicant in support of its application asserts that the proposed investment in District Wholesale would be a suitable and attractive one for the Fund, that the purchase will be made through non-affiliated members of the underwriting group, and that the amount proposed to be purchased will not exceed 3 percent of the total offering by District Wholesale of 6 percent Convertible Subordinated debentures and Class A common stock, and that the amount paid will not exceed 3 percent of the total assets of the Fund.

Notice is further given that any interested person may, not later than November 22, 1961, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10910; Filed, Nov. 15, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Banning Shirt Corp., 260 South San Gorgonia Avenue, Banning, Calif.; effective 11–3–61 to 11–2–62 (men's sport and dress shirts).

Baumel Dress Co., Corner, Willow and Grant Streets, Olyphant, Pa.; effective 11–3–61 to 11–2–62 (ladies' and children's dresses).

Blue Ridge Manufacturers, Inc., Second and Poplar Streets, Murray, Ky.; effective 11–6–61 to 1–20–62 (men's and boys' work trousers) (replacement certificate).

The Chaffee Manufacturing Co., Inc., Chaffee, Mo.; effective 11–3–61 to 11–2–62 (men's trousers).

Cleardon Manufacturing Co., Curwensville, Pa.; effective 11–1–61 to 10–31–62 (men's and boys' sport shirts).

Cleardon Manufacturing Co., Pine Street, Coalport, Pa.; effective 11–1–61 to 10–31–62 (men's and boys' sport shirts).

Cleardon Manufacturing Co., Inc., 11th and Pine Street, Phillipsburg, Pa.; effective 11–2–61 to 11–1–62 (men's and boys' sport shirts).

Dixie Manufacturing Co., Plant No. 1, 820 South Main Street, Columbia, Tenn.; effective 11–1–61 to 10–31–62 (ladies' and girls' sportswear).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 11–6–61 to 11–5–62 (men's and boys' shirts).

Glenridge Trouser Crop., Tipton, Mo.; effective 11–1–61 to 10–31–62 (men's sport and dress slacks).

H and H Manufacturing Co., Statham, Ga.; effective 11–1–61 to 10–31–62 (men's dress slacks).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; effective 11–5–61 to 11–4–62 (men's dress and sport shirts and pajamas).

Manchester Pants Co., Manchester, Md.; effective 11–7–61 to 11–6–62. Learners may not be employed at special minimum wage rates in the production of suit pants (men's and boys' trousers).

Silver Manufacturing Co., 1405 East Columbus Drive, Indiana Harbor, Ind.; effective 11–6–61 to 11–5–62 (men's slacks, jeans, and walkies).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Curtis Manufacturing Co., Ocoee, Fla.; effective 11–1–61 to 10–31–62; 10 learners (men's trousers).

Jebbon Manufacturing Corp., Weston, Pa.; effective 11–1–61 to 10–31–62; 10 learners (dresses).

Joess Blouse Co., 1214 South Main Avenue, Scranton, Pa.; effective 11–3–61 to 11–2–62; five learners (ladies' blouses).

Universal Coat Co., 105 Maplewood Avenue, Gloucester, Mass.; effective 11–1–61 to 10–31–62; 10 learners. Learners may not be employed at special minimum wage rates in the production of leather jackets (men's and boys' jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; effective 11–2–61 to 5–1–62; 20 learners (women's brassieres).

Martin Manufacturing Co., Inc., Ramer, Tenn.; effective 11–1–61 to 4–30–62; 20 learners (men's U.S. armed forces woven shirts and jackets).

Pennsylvania Brassieres Corp., 406 Thomas Street, Meyersdale, Pa.; effective 11–3–61 to 5–2–62; 20 learners (women's brassieres).

Phillips-Van Heusen Corp., Des Arc, Ark.; effective 11–1–61 to 4–30–62; 50 learners (men's dress shirts).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N.C.; effective 11–6–61 to 5–5–62; 100 learners (men's and boys' single pants, work shirts, and dungarees).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Metropolis, Ill.; effective 11–6–61 to 5–5–62; 45 learners for plant expansion purposes (work gloves, leather and leather combination).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Adams-Millis Corp., 400 English Street, High Point, N.C.; effective 11–3–61 to 11–2–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Charles H. Bacon Co., Inc., Loudon, Tenn.; effective 11–2–61 to 5–1–62; 15 learners for plant expansion purposes (full-fashioned seamless).

Mary Grey Hosiery Mills, Bristol, Va.; effective 11–2–61 to 11–1–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned seamless).

Villa Rica Hosiery Mills, Villa Rica, Ga.; effective 11–3–61 to 11–2–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dri-Set, Inc., Graysville, Tenn.; effective 11–1–61 to 4–30–62; 20 learners for plant expansion purposes (children's knitted sleeping wear).

Manchester Knitted Fashions, Manchester, N.H.; effective 11–3–61 to 11–2–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted outerwear).

Mode O'Day Corp., 840 12th Street NW., Mason City, Iowa; effective 11–6–61 to 5–5–62; 15 learners for plant expansion purposes (ladies' lingerie).

Nani Sportswear, Ltd., 1270 Ala Moana, Honolulu, Hawaii; effective 11–3–61 to 11–2–62; five learners for normal labor turnover purposes. Learners may not be employed in the production of separate skirts (men's and women's sportswear).

R–S Underwear Co., Coopersburg, Pa.; effective 11–2–61 to 11–1–62; three learners for normal labor turnover purposes (men's and boys' briefs, shorts, and athletic shirts).

Van Raalte Co., Inc., High Rock Avenue, Saratoga Springs, N.Y.; effective 10–31–61 to 10–30–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Woods Bag and Canvas Co., Ltd., 16 Lake Street, Ogdensburg, N.Y.; effective 11–6–61 to 5–5–62; two learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of $1.00 an hour down-filled sleeping bags).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Americana Manufacturing Co., Inc., Guayama, P.R.; effective 10–16–61 to 4–15–62; 150 learners for plant expansion purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (girdles).

Corozal Knitting Mills, Inc., Corozal, P.R.; effective 10–2–61 to 10–1–62; 33 learners for normal labor turnover purposes in the occupations of knitting, finger closing and machine stitching each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 67 cents an hour for the remaining 240 hours (knitted gloves and mittens).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 10–23–61 to 4–22–62; 15 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Surtex Glove Corp., Coamo, P.R.; effective 10–16–61 to 2–19–62; 16 learners for plant expansion purposes in the occupations of machine stitching and laying off each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 8th day of November 1961.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 61–10908; Filed, Nov. 15, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page

PROCLAMATIONS:
Feb. 25, 1893 — 10735
3438 — 10203

EXECUTIVE ORDERS:
Jan. 26, 1867 — 10729
Apr. 30, 1872 — 10729
5237 — 10729
6541 — 10638
6681 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469
10974 — 10585
10975 — 10629

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, Oct. 18, 1961 — 10543

5 CFR
6 — 10204, 10267, 10447, 10544
24 — 10447
25 — 10544
201 — 10503
202 — 10503

6 CFR
70 — 10267
305 — 10267
390 — 10267
421 — 10546
423 — 10686
427 — 10546
482 — 10586

7 CFR
201 — 10471
401 — 10630
403 — 10630
711 — 10204
717 — 10208
723 — 10471, 10503
727 — 10504
729 — 10209
730 — 10336
813 — 10547
847 — 10214
855 — 10268
857 — 10505
864 — 10270
873 — 10272
914 — 10423, 10586
922 — 10214
927 — 10632
933 — 10337, 10423–10425
942 — 10425
943 — 10214
953 — 10425, 10586
973 — 10215
984 — 10688
994 — 10216
997 — 10688
1001 — 10587
1013 — 10507
1014 — 10472
1017 — 10426
1031 — 10338
1069 — 10587
1070 — 10632
1071 — 10426
1073 — 10689

PROPOSED RULES:
301 — 10571
719 — 10731
728 — 10484, 10596
813 — 10691
900—1072 — 10286, 10516
906 — 10298
908 — 10307, 10485
918 — 10307
925 — 10486
927 — 10597

PROPOSED RULES—Continued
939 — 10296
943 — 10236
947 — 10360
986 — 10298
1024 — 10597
1026 — 10516
1138 — 10691

8 CFR
PROPOSED RULES:
252 — 10358
253 — 10358

9 CFR
74 — 10223
83 — 10338
PROPOSED RULES:
131 — 10358

10 CFR
30 — 10472
PROPOSED RULES:
30 — 10487

12 CFR
262 — 10340
PROPOSED RULES:
563 — 10239

13 CFR
105 — 10723
121 — 10633, 10634
PROPOSED RULES:
107 — 10702

14 CFR
18 — 10473
507 — 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
600 — 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723

14 CFR—Continued Page

601 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724
602 10590, 10635, 10724
608 10342, 10636, 10724
609 10430, 10436
610 10724

PROPOSED RULES:
1—190 10698
24 10571
48 10701
60 10307
227 10238
302 10307, 10641
401–635 10698
507 10362, 10571
600 10451, 10520, 10602
601 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733
608 10451, 10520, 10733

16 CFR
13 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727
301 10446

17 CFR
275 10548

PROPOSED RULES:
275 10607

18 CFR
2 10342

19 CFR
3 10508
4 10508
14 10476

PROPOSED RULES:
3 10731

20 CFR
25 10509
404 10228

21 CFR
17 10550
120 10228, 10550, 10551
121 10228, 10343, 10476, 10590
146 10228
146a 10728

PROPOSED RULES:
1 10601
17 10362
120 10487, 10640, 10732
121 10362, 10452, 10638, 10732

22 CFR
22 10728

24 CFR
202a 10229
203 10229
207 10229
213 10229
220 10230
221 10230
232 10230
603 10231
608 10231

24 CFR—Continued Page
611 10231
702 10231
803 10231
903 10231

25 CFR
31 10637
141 10232

PROPOSED RULES:
34 10640
221 10516

26 CFR
1 10275, 10477

PROPOSED RULES:
1 10283, 10449, 10450, 10483
48 10593
252 10484

28 CFR
21 10232

29 CFR
601 10275
780 10377
793 10275

32 CFR
507 10509
552 10728
590 10553
591 10553
592 10553
595 10553
596 10553
597 10553
598 10553
599 10553
600 10553
601 10553
602 10553
605 10553
606 10553
608 10728
737 10353
739 10353
765 10591

33 CFR
3 10343
67 10343
203 10445
204 10278

35 CFR
4 10353

CANAL ZONE ORDERS:
58 10353

36 CFR
6 10638

PROPOSED RULES:
7 10600

38 CFR
3 10551, 10552
13 10232
21 10278, 10478

39 CFR
96 10510

41 CFR Page
1–5 10500
5–1 10354
50–202 10354

PROPOSED RULES:
50–202 10517

42 CFR
73 10355

43 CFR
221 10470
244 10723

PROPOSED RULES:
257 10285

PUBLIC LAND ORDERS:
73 10638
1071 10356
2460 10568
2524 10735
2526 10279
2527 10356
2528 10356
2529 10356
2530 10427
2531 10480
2532 10480
2533 10480
2534 10568
2535 10569
2536 10638
2537 10720
2538 10720

45 CFR
212 10481

46 CFR
PROPOSED RULES:
201 10601
206 10601
221 10601
298 10601
299 10601
502 10520

47 CFR
1 10279, 10280, 10447
2 10655
3 10280, 10729
7 10591
8 10591
10 10569
14 10591
15 10281
18 10281, 10591

PROPOSED RULES:
2 10701
3 10239, 10572, 10606
10 10573
12 10240

49 CFR
PROPOSED RULES:
73 10572
176 10240

50 CFR
32 10233, 10234, 10282, 10638, 10730
33 10234, 10235

PROPOSED RULES:
215 10640

OF MICHIGAN
NOV 22 1961
MAIN READING ROOM

Pages 10747–10783

FEDERAL REGISTER

VOLUME 26 NUMBER 222

Washington, Friday, November 17, 1961

Contents

THE PRESIDENT

Memorandum
Chiefs of American Diplomatic Missions; responsibilities 10749

EXECUTIVE AGENCIES

Agricultural Marketing Service
PROPOSED RULE MAKING:
Handling of Central California grapes for crushing; establishment of administrative rules and regulations 10772
Lettuce grown in Lower Rio Grande Valley in South Texas; expenses and rate of assessment 10773
Onions grown in South Texas; notice of hearing regarding amendments to marketing agreement and order 10772
Turkey hatching eggs and turkeys; second supplemental notice of hearing regarding proposed marketing agreements and orders 10772
RULES AND REGULATIONS:
Raisins produced from grapes grown in California; expenses of Raisin Administrative Committee for 1961–62 crop year and rate of assessment for such crop year 10770

Agricultural Stabilization and Conservation Service
RULES AND REGULATIONS:
Feed grains; 1961 program; miscellaneous amendments 10769

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Atomic Energy Commission
NOTICES:
Nuclear Engineering Co., Inc.; notice of receipt of application for amendment of byproduct, source and special nuclear material license 10781
RULES AND REGULATIONS:
Rules of practice; notice to local officials 10770

Civil Aeronautics Board
NOTICES:
Accident occurring in Richmond, Virginia; investigation; hearing 10781
PROPOSED RULE MAKING:
Air carriers and foreign air carriers; names 10774

Civil Service Commission
RULES AND REGULATIONS:
Absence for military duty 10750
Separations, suspensions, and demotions; appeals of preference eligibles under veterans' preference 10750

Commodity Credit Corporation
RULES AND REGULATIONS:
Oilseeds; 1961 crop tung nut price support program; applicable forms 10769

Federal Aviation Agency
PROPOSED RULE MAKING:
Alteration of control area extensions and designation of transition areas (2 documents) 10778, 10779
Federal airways; alteration 10777
Supplemental type certification; delegation option procedures 10776
RULES AND REGULATIONS:
Air traffic; regulation of aircraft speed 10752
Federal airway; alteration 10753
Standard instrument approach procedures; miscellaneous amendments (2 documents) 10754, 10762

Federal Trade Commission
RULES AND REGULATIONS:
Doehla Greeting Cards, Inc.; prohibited trade practices 10771

Food and Drug Administration
PROPOSED RULE MAKING:
Food additives; notice of filing of petition 10774

Health, Education, and Welfare Department
See Food and Drug Administration.

Interstate Commerce Commission
NOTICES:
Fourth section applications for relief 10781
Motor carrier transfer proceedings 10781
RULES AND REGULATIONS:
Carriers by motor vehicle; New York, N.Y., commercial zone; correction 10771

Labor Department
See Public Contracts Division.

Post Office Department
RULES AND REGULATIONS:
Directory of international mail; Argentina consular invoices abolished 10771

Public Contracts Division
PROPOSED RULE MAKING:
Electric lamp industry; hearing to determine prevailing minimum wages 10773

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, May 27 1961 10749

5 CFR

9 10750
22 10750
35 10750

6 CFR

443 10769

7 CFR

775 10769
989 10770
PROPOSED RULES:
900—1073 10772
1026 10772
1033 10772
1034 10773

10 CFR

2 10770

14 CFR

60 10752
600 10753
609 (2 documents) 10754, 10762
PROPOSED RULES:
202 10774
203 10774
213 10774
215 10774
291 10774
292 10774
296 10774
297 10774
298 10774
411 10776
600 10777
601 (2 documents) 10778, 10779

16 CFR

13 10771

21 CFR

PROPOSED RULES:
121 10774

39 CFR

168 10771

41 CFR

PROPOSED RULES:
50–202 10773

49 CFR

170 10771

Announcing first
5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Memorandum of May 27, 1961

RESPONSIBILITIES OF CHIEFS OF AMERICAN DIPLOMATIC MISSIONS

Memorandum for the heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, May 27, 1961.

There is attached a copy of a letter which I have sent to each American Ambassador abroad. The fourth and fifth paragraphs on page three were omitted from the letter sent to countries where we do not have military forces.

On page three of this letter I state:

I have informed all heads of departments and agencies of the Government of the responsibilities of the chiefs of American Diplomatic Missions for our combined operations abroad, and I have asked them to instruct their representatives in the field accordingly.

I shall appreciate your instructing representatives you may have in the field in accordance with the attached letter.

JOHN F. KENNEDY

MAY 29, 1961.

DEAR MR. AMBASSADOR:

Please accept my best wishes for the successful accomplishment of your mission. As the personal representative of the President of the United States in you are part of a memorable tradition which began with Benjamin Franklin and Thomas Jefferson, and which has included many of our most distinguished citizens.

We are living in a critical moment in history. Powerful destructive forces are challenging the universal values which, for centuries, have inspired men of good will in all parts of the world.

If we are to make progress toward a prosperous community of nations in a world of peace, the United States must exercise the most affirmative and responsible leadership. Beyond our shores, this leadership, in large measure, must be provided by our ambassadors and their staffs.

I have asked you to represent our Government in because I am confident that you have the ability, dedication, and experience. The purpose of this letter is to define guidelines which I hope may be helpful to you.

The practice of modern diplomacy requires a close understanding not only of governments but also of people, their cultures and institutions. Therefore, I hope that you will plan your work so that you may have the time to travel extensively outside the nation's capital. Only in this way can you develop the close, personal associations that go beyond official diplomatic circles and maintain a sympathetic and accurate understanding of all segments of the country.

Moreover, the improved understanding which is so essential to a more peaceful and rational world is a two-way street. It is our task not only to understand what motivates others, but to give them a better understanding of what motivates us.

Many persons in who have never visited the United States, receive their principal impressions of our nation through their contact with Americans who come to their country either as private citizens or as government employees.

Therefore, the manner in which you and your staff personally conduct yourselves is of the utmost importance. This applies to the way in which you carry out your official duties and to the attitudes you and they bring to day-to-day contacts and associations.

It is an essential part of your task to create a climate of dignified, dedicated understanding, cooperation, and service in and around the Embassy.

In regard to your personal authority and responsibility, I shall count on you to oversee and coordinate all the activities of the United States Government in

You are in charge of the entire United States Diplomatic Mission, and I shall expect you to supervise all of its operations. The Mission includes not only the personnel of the Department of State and the Foreign Service, but also the representatives of all other United States agencies which have programs or activities in I shall give you full support and backing in carrying out your assignment.

Needless to say, the representatives of other agencies are expected to communicate directly with their offices here in Washington, and in the event of a decision by you in which they do not concur, they may ask to have the decision reviewed by a higher authority in Washington.

However, it is their responsibility to keep you fully informed of their views and activities and to abide by your decisions unless in some particular instance you and they are notified to the contrary.

If in your judgment individual members of the Mission are not functioning effectively, you should take whatever action you feel may be required, reporting the circumstances, of course, to the Department of State.

In case the departure from of any individual member of the Mission is indicated in your judgment, I shall expect you to make the decision and see that it is carried into effect. Such instances I am confident will be rare.

Now one word about your relations to the military. As you know, the United States Diplomatic Mission includes Service Attaches, Military Assistance Advisory Groups and other Military components attached to the Mission. It does not, however, include United States military forces operating in the field where such forces are under the command of a United States area military commander. The line of authority to these forces runs from me, to the Secretary of Defense, to the Joint Chiefs of Staff in Washington and to the area commander in the field.

Although this means that the chief of the American Diplomatic Mission is not in the line of military command, nevertheless, as Chief of Mission, you should work closely with the appropriate area military commander to assure the full exchange of information. If it is your opinion that activities by the United States military forces may adversely affect our over-all relations with the people or government of you should promptly discuss the matter with the military commander and, if necessary, request a decision by higher authority.

I have informed all heads of departments and agencies of the Government of the responsibilities of the chiefs of American Diplomatic Missions for our combined operations abroad, and I have asked them to instruct their representatives in the field accordingly.

As you know, your own lines of communication as Chief of Mission run through the Department of State.

Let me close with an expression of confidence in you personally and the earnest hope that your efforts may help strengthen our relations with both the Government and the people of I am sure that you will make a major contribution to the cause of world peace and understanding.

Good luck and my warmest regards,

Sincerely,

(Signed) JOHN F. KENNEDY

[F.R. Doc. 61–11012; Filed, Nov. 16, 1961; 10:04 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Miscellaneous Amendments

1. Section 9.202(a)(3) is amended as set out below.

§ 9.202 Procedure for taking adverse action.

(a) *Effecting the action.* • • •

(3) *Notice of decision.* The employee shall be furnished at the earliest practicable date with written notification of the agency's decision on the proposed adverse action. The notification of final decision shall be delivered to the employee at or before the time the action will be made effective. When the decision is made to take adverse action, the notification shall inform the employee of:

(i) The adverse action to be taken and the reasons therefor;

(ii) The effective date of the action; and

(iii) The employee's right of appeal to the appropriate office of the Commission and the time limit within which his appeal must be submitted to the Commission, as provided in Subpart C of this part.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

2. Section 22.205 is amended as set out below.

§ 22.205 Notification of adverse decision of an administrative officer.

The administrative officer shall render his decision, and it shall be in writing, dated, and submitted to the employee promptly after such decision has been made. The notification of final decision shall be delivered to the employee at or before the time the action will be made effective. The employee shall be advised, in the same notification, of the reasons for the action taken and of his right to appeal to the appropriate office of the Commission, as provided in Subpart C of this part.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10948; Filed, Nov. 16, 1961; 8:47 a.m.]

PART 35—ABSENCE FOR MILITARY DUTY

Part 35 is revised and amended to read as follows:

Subpart A—General Provisions

Sec.
35.101 Scope.
35.102 Definitions.
35.103 Notification of rights and obligations.
35.104 Maintenance of records.

Subpart B—Agency Actions Arising Out of Military Duty Performed by Employees

35.201 Coverage.
35.202 Agency action at time employee enters on military duty.
35.203 Agency action while employee is absent.
35.204 Restoration to duty.

Subpart C—Appeals to the Commission

35.301 Initial appeals to the Commission.
35.302 Where initial appeals are filed.
35.303 Finality of initial appeal decision.
35.304 Further appeals to the Commission.
35.305 Finality of decision by Board of Appeals and Review.
35.306 General provisions governing appeals.
35.307 The Commissioners.

Subpart D—Military Duty Performed by Indefinite Employees

35.401 Coverage.
35.402 Rights of indefinite employees performing military duty.

AUTHORITY: §§ 35.101 to 35.307, issued under sec. 9, 62 Stat. 614, as amended; 50 U.S.C. App. 459; §§ 35.401 and 35.402 issued under R.S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

Subpart A—General Provisions

§ 35.101 Scope.

This part sets forth rights and obligations of employees and agencies in connection with military duty subject to the provisions of section 9 of the Universal Military Training and Service Act, as amended.

§ 35.102 Definitions.

For purposes of this part: (a) "Act" means the Universal Military Training and Service Act (62 Stat. 604), as amended.

(b) "Agency" means (1) any department, independent establishment, agency, or corporation in the executive branch of the Federal Government; and (2) the government of the District of Columbia.

(c) "Leave of absence" means military leave, annual leave, leave without pay, or any combination of these.

(d) "Military duty" means any period of (1) active duty for training or for service in the armed forces of the United States, (2) inactive duty training in the armed forces of the United States, and (3) active duty in the Public Health Service that is covered by section 9(g)(2) of the Act. For purposes of this definition, full-time training or other full-time duty performed by a member of the National Guard under 32 U.S.C. 316, 504, or 505 is considered active duty for training, and inactive duty training performed by a member of the National Guard under 32 U.S.C. 502 or 37 U.S.C. 301 is considered inactive duty training.

§ 35.103 Notification of rights and obligations.

When an employee is separated, furloughed, or given leave of absence for military duty in accordance with the Act and the regulations in this part, his agency shall notify him of all rights and obligations relating to his Government employment that are affected by such duty.

§ 35.104 Maintenance of records.

Each agency shall identify for the record the position that an employee leaves to enter on military duty. It shall also maintain such records as are necessary to assure that the benefits granted by the Act and the regulations in this part are preserved to each employee who enters on military duty.

Subpart B—Agency Actions Arising Out of Military Duty Performed by Employees

§ 35.201 Coverage.

This subpart applies to any employee of an agency who enters on military duty while serving under either:

(a) A career or career-conditional appointment in a position in the competitive service; or

(b) An appointment without time limitation in a position outside the competitive service.

§ 35.202 Agency action at time employee enters on military duty.

Each employee who enters on active duty with restoration rights under section 9(b) or section 9(g)(1), (2), or (3) of the Act shall be either separated or furloughed, at the option of his agency, when he enters on military duty, except that an agency may elect to place a member of a Reserve component of the Armed Forces or a member of the National Guard on leave of absence, instead.

§ 35.203 Agency action while employee is absent.

(a) *Promotions.* Each agency shall consider every employee absent on military duty for all promotions for which he would be considered were he not absent. Any promotion based on such consideration shall be effected on the date it would have been made if the employee were not absent.

(b) *Upward regradings.* When the position of an employee absent on military duty is regraded upward during his absence, his agency shall place him in the regraded position.

(c) *Demotions.* An employee absent on military duty shall not be demoted during his absence.

(d) *Abolishment of position.* If the position of an employee absent on military duty is abolished, the agency concerned shall reassign the employee to another position of like seniority, status, and pay.

(e) *Transfer of function to another agency.* If the function with which an employee absent on military duty was associated at the time he left for military duty is transferred to another agency, and if the employee would have been transferred with the function under the regulations in Part 20 of this chapter if he were not absent, the gaining agency shall retain the employee in his position or assign him to a position of like seniority, status, and pay. It shall also assume the obligation to restore the employee in accordance with the Act and the regulations in this part. If the employee would not have been transferred with the function, the losing agency shall assign the employee to another position of like seniority, status, and pay.

(f) *Abolishment of agency.* If an agency is abolished and its functions are not transferred to any other agency, it shall furnish the Commission a list of all its employees absent on military duty. For each such employee, the list shall state the employee's name, date of birth, position, grade, and salary, and the name of the organizational unit in which his position was located. The agency shall note in each employee's Official Personnel Folder that notification was made under this paragraph.

§ 35.204 Restoration to duty.

(a) *Coverage.* This section applies to employees entitled to restoration under section 9(b) or section 9(g)(1), (2), or (3) of the Act.

(b) *Time limit for restoration.* An employee shall be restored as soon as possible after his application for restoration, filed in accordance with the Act, is received in the agency. In any event, he shall be restored within thirty days after his application is received.

(c) *Position to which restored.* An employee shall be restored to employment in the following order, unless the position is occupied by an employee in a higher retention subgroup under Part 20 of this chapter:

(1) To the position to which promoted while he was on military duty, or, if that position if not available, to a position of like seniority, status, and pay;

(2) To the position he left to enter military duty, or, if that position is not available, to a position of like seniority, status, and pay;

(3) To the next best available position for which he is qualified. For purposes of this paragraph, the next best available position is one that most nearly approximates in seniority, status, and pay the position to which an employee is entitled under either subparagraphs (1) or (2) of this paragraph.

(d) *Physical disqualification.* A returning employee who becomes disqualified because of disability sustained during military duty for a position to which he has restoration rights is entitled to be restored to any other position in the agency for which he is qualified that will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(e) *Conflicting rights.* If two or more employees are entitled to be restored to the same position, the employee who left his position first shall have the prior right of restoration. Each other employee shall be restored in accordance with the provisions of paragraphs (c) and (d) of this section.

(f) *Notice of right to appeal.* When an agency refuses to restore, or determines that it is not feasible to restore, an employee under the provisions of the Act and the regulations in this part, it shall notify him in writing of the reasons for its decision, of his right to appeal to the Commission, and of the time limit applicable to the filing of an appeal. The agency shall forward a copy of the notice to the Commission.

Subpart C—Appeals to the Commission

§ 35.301 Initial appeals to the Commission.

(a) *Executive branch and District of Columbia employees.* (1) An employee who left an agency with right to restoration under section 9(b) or section 9(g)(1), (2), or (3) of the Act may appeal to the Commission in furtherance of this right, as follows:

(i) *Failure of restoration.* If the agency concerned fails to restore an employee within thirty days after receipt of his application for restoration, filed in accordance with the Act, he may appeal to the Commission not later than ten days after such thirty-day period has expired.

(ii) *Not feasible to restore.* If the agency concerned decides that it is not feasible to restore an employee, he may appeal this decision to the Commission not later than ten days after receipt of notice from the agency.

(iii) *Refusal of restoration.* If the agency concerned refuses to restore an employee, he may appeal to the Commission not later than ten days after receipt of notice from the agency.

(iv) *Improper restoration.* If an employee considers that he has been improperly restored, he may appeal to the Commission not later than ten days after his restoration.

(v) *Former agency abolished.* If the agency in which an employee was employed when he left for military duty is abolished and its functions are not transferred to any other agency, the employee may appeal to the Commission not later than ten days after expiration of the period specified in the Act for applying for restoration.

(2) An employee who left a position in an agency with right to return to his position under secton 9(g)(4) or section 9(g)(5) of the Act may appeal to the Commission in furtherance of his right to return to work in accordance with the provisions of section 9(g)(4) or section 9(g)(5) of the Act and the regulations in this part.

(b) *Legislative employees.* An employee of the legislative branch who is entitled to appeal to the Commission under section 9(e)(2) of the Act may appeal not later than ten days after expiration of the period specified in the Act for applying for restoration.

§ 35.302 Where initial appeals are filed.

Initial appeals under this subpart are to be filed with the Chief, Veterans Service Staff, or with the director of a regional office of the Commission, as prescribed by the Commission in the Federal Personnel Manual.

§ 35.303 Finality of initial appeal decision.

Unless further appeal is filed in accordance with this subpart, an appeal decision rendered by the Chief, Veterans Service Staff, or a regional directors is final.

§ 35.304 Further appeals to the Commission.

An appeal decision rendered by the Chief, Veterans Service Staff, or a regional director may be appealed to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C., within seven calendar days following receipt of the decision on the initial appeal. Such further appeal shall be in writing and shall contain the reasons for disagreeing with the initial decision.

§ 35.305 Finality of decision by Board of Appeals and Review.

A decision by the Board of Appeals and Review is final. There is no further right of appeal.

§ 35.306 General provisions governing appeals.

(a) *Delayed appeals.* In the discretion of the Commission, an appeal may be accepted after the time limits specified in §§ 35.301 and 35.304 when the appellant shows that he was not notified of these limits, and was not otherwise aware of them, or that circumstances beyond his control prevented him from filing an appeal within the prescribed limits.

(b) *Ascertainment of facts.* Each appellant shall submit in writing all facts that he considers pertinent to his appeal. The Commission may also conduct such appropriate investigations as it deems necessary.

(c) *Notification of appeal decisions.* The Commission will submit its decisions on appeals in writing to each appellant and to each agency concerned.

(d) *Cancellation of appeals.* The Commission will cancel an appeal, and the appellant and the agency concerned will be so notified, upon receipt of the appellant's written request for cancellation or upon failure of the appellant to furnish information requested by the Commission.

(e) *Death of appellant.* A proper appeal filed prior to the death of an appellant will be processed to completion and adjudicated. As necessary, the Commission may direct corrective action and amendment of agency records to the date of death.

§ 35.307 The Commissioners.

The Commissioners, may, in their discretion, reopen and reconsider any appeal decision made under this subpart.

Subpart D—Military Duty Performed by Indefinite Employees

§ 35.401 Coverage.

This subpart applies to military duty performed by any employee (hereinafter called an indefinite employee) serving in a position in the competitive service under an indefinite appointment that is not limited to one year or less.

§ 35.402 Rights of indefinite employees performing military duty.

Subject to the following exceptions, indefinite employees shall be entitled to rights equivalent to those provided for employees covered by section 9 (b) and (g) of the Act, and the provisions of subparts A, B, and C of this part shall apply also to indefinite employees:

(a) The provisions of §§ 35.203(f) and 35.301(a)(1)(v) shall not apply to indefinite employees;

(b) The right of restoration of an indefinite employee shall be restricted to the geographical area in which the installation he left to enter military duty is located;

(c) The prohibitions in section 9(c)(1) and section 9(g)(3) of the Act against discharging employees without cause within one year or six months, respectively, after restoration shall not apply to indefinite employees; restoration of an indefinite employee shall not cause his employment to extend beyond the date it would otherwise be terminated;

(d) An indefinite employee who cannot be restored in his former agency shall not have the right to restoration in another agency that nontemporary employees have under section 9(e)(1) of the Act; and

(e) An indefinite employee shall not have the entitlement to compensation for loss of salary or wages that nontemporary employees have under section 9(e)(1) of the Act.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10920; Filed, Nov. 16, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 728; Amdt. No. 60-25]

PART 60—AIR TRAFFIC RULES

Regulation of Aircraft Speed

Draft Release No. 61-9, published in the FEDERAL REGISTER on May 9, 1961 (26 F.R. 4001), gave notice that the Federal Aviation Agency had under consideration a proposal to amend Part 60 of the Civil Air Regulations to prohibit the flight of arriving aircraft at airspeeds in excess of 250 knots indicated airspeed (IAS) while in the airspace below 14,500 feet mean sea level (m.s.l.) within 50 miles of the destination airport. Reasons for the proposal were set forth in Draft Release No. 61-9. In recognition of the significance of a regulatory program to govern aircraft speed, Draft Release No. 61-9A provided additional time for interested persons to study the proposal and develop their comments.

Written comment received in response to Draft Release No. 61-9 revealed both strong endorsement and strong opposition. The Aircraft Owners and Pilots Association, long on record as advocating a speed limit more stringent than the one under consideration, and the General Aviation Council supported the proposed rule, as did most of the comments from general aviation interests. The Air Line Pilots Association agreed with the general principles proposed, but tempered its endorsement with the recommendations that the area of applicability be reduced and that the ceiling of the applicable airspace be established at 10,000 feet m.s.l. Aerospace Industries Association endorsed the proposal but recommended clarification of the term "arriving aircraft." The National Business Aircraft Association also endorsed the proposal, taking the position that its advantages outweigh its disadvantages. The Air Transport Association voiced strong opposition to the proposed rule, emphasizing the economic burden that it feels would be imposed by its adoption and contending also that adoption of the rule would not necessarily increase safety. The Air Line Dispatchers Association commented that publication of the proposed rule appears to be an admission that the air traffic control system cannot cope with the control problems of the jet age.

Due to the significance of the proposal and to obtain as much additional information as possible relative to the subject, it was determined that interested persons should be provided an opportunity to elaborate orally upon their views at an informal conference in an effort to determine an approach which would meet the needs of flight safety while reducing the hardship and inconvenience insofar as possible. Accordingly, an informal conference was held on August 24, 1961, attended by representatives of most of those organizations previously commenting in writing to the Agency.

Very little additional or new argument, either pro or con, was introduced at the conference. Most of the discussion was, in substance, a reiteration of written comment previously considered. One contention was to the effect that to require aircraft to operate at speeds of 250 knots or less would frequently work to the disadvantage of the air traffic control system. While there is some validity in this point and there are undoubtedly occasions when the maintenance of a higher speed would work to the advantage of both pilot and controller, such occasions are considered to be the exception rather than the rule. To permit deviation at the discretion of the controller would shift an undesirable degree of the operational control of the aircraft from the pilot to the air traffic controller.

Some commentators stated that the proposal gave excessive latitude to military operations by permitting flight at speeds above 250 knots IAS under certain conditions. While the requirement for certain aircraft to be operated at higher speeds was not disputed, concern was expressed relative to the language of the rule, specifically with respect to the term "military normal operating procedures." This term was extracted from the flight operating manuals used by the military to describe maneuvers and operational characteristics of a particular type of aircraft and to specify standard operating practices. It is considered to be an adequate term to describe the speeds specified therein, as well as speeds prescribed for military high altitude instrument approaches and for such operations as overhead approaches and formation flights. In view of the unique operating characteristics and the operational requirements of military tactical aircraft and certain other high performance aircraft, it is considered necessary to provide for certain of those operations since such action is in the public interest by reason of the requirement for an adequate national defense.

Some comments contended that the proposal should limit the speed of departing and en route aircraft. The Agency did not at that time have, nor has it now, a solution to the problem of applicability and degree of restriction which should be applied to these two phases of flight. However, efforts will be continued in the belief that a solution can be found which will serve this purpose without imposing an unreasonable hardship upon users. A speed regulation which would apply to these two phases of flight may well be the subject of a later proposal.

It was suggested that the speed limitation be confined to high activity airports instead of the "across the board" policy as proposed. While it is true that such a limitation is more apparent when applied to areas of dense air traffic, the maneuvering of arriving aircraft in the airspace in the vicinity of an airport makes a speed limit a natural requirement since all aircraft landing at a particular airport are converging into the same general airspace. It is during this phase of flight that the pilot must also be prepared, with little or no notice, to enter a holding pattern, to turn his aircraft to a new course or, in some other way, to adjust flight operations. Obviously, reduced speed affords the pilot more time to scan, react, and avoid a potentially hazardous situation. It is the relationship of one aircraft to another, regardless of location or time of day, which creates a potentially hazardous situation. Therefore, the Agency is convinced that regulating the speed of all arriving aircraft is a sound approach to the problem.

It was contended that a new regulation would be unnecessary if § 60.18 were updated to revise the applicable airspeeds and if the size of High Density Air Traffic Zones were increased. The Agency has taken action (Amendment 60-24) to eliminate such zones and to apply communications and speed requirements to a greater number of airports. Since Amendment 60-24 is applicable solely to flight operations conducted in the immediate vicinity of certain airports, it has been concluded that additional speed limitations are required to cope with potential hazards outside these areas.

It was contended that the air traffic control system should be improved to provide unrestrictive service to high speed aircraft. The Agency does not question the validity of this recommendation from the point of view of its proponents. The capacities and limitations of the present day traffic control system are a matter of common knowledge to all users. Existing control procedures have been devised in continuing consultation with the aviation community in the light of these capacities and limitations. Theoretical optimum would, of course, permit unrestricted speeds by all aircraft but the means of achieving this idealized state are not at hand. In the meantime, in order to emphasize safety standards and facilitate their application within the capabilities of the air traffic control service, it is necessary to impose certain restrictions on the flow of air traffic.

It was recommended that the proposal be amended so that speed reduction would be accomplished "* * * within a specified distance not less than 20 nautical miles nor more than 60 nautical miles from the airport of destination and that the points at which aircraft must reach the speed limit be depicted on aeronautical charts. * * *" The rule adopted herein specifies that aircraft must be operated at or below 250 knots when within 30 nautical miles of the destination airport but permits the pilot to begin reduction of speed at the point he considers to be best suited to current flight conditions. As a practical matter, some pilots may begin a speed reduction when within 60 nautical miles of the destination; others, however, depending on the equipment being flown, may elect to reduce speed at a greater or lesser distance. The rule is considered to be less restrictive than the recommendation and, therefore, preferable. The feasibility of depicting the area or the point where the speed regulation would apply or begin on aeronautical charts was also considered in the development of the proposal. Analysis of many possibilities indicated that to chart such areas or points would create additional "clutter" to the charts. The close proximity of airports indicated that it would be impractical to depict the specific points for any given airport. Such action is, therefore, considered inadvisable.

Considerable apprehension was expressed that adoption of speed regulations would impose a severe economic burden upon the air lines and it was stated that adoption of the proposed rule might result in an added annual operating cost to air carrier companies as high as $15,000,000. The Agency appreciates the seriousness of such a consequence; however, it must weigh all safety factors and consider the public interest as the matter of primary concern in making its decisions. It is unfortunate that the intrinsic assets of safety cannot be utilized to balance a monetary deficit. Although the Agency does not wish to penalize the nation's air transportation system, it has no alternative but to select that course which it considers necessary in the interest of safety. This responsibility and authority are exercised only after careful and deliberate judgment.

In this regard, sufficiently persuassive arguments have been presented to convince the Agency that the area in which the speed limitation is applicable should be reduced to the absolute minimum consistent with the requirements of safety. Accordingly, the area of applicability has been reduced to include that airspace below 10,000 feet m.s.l. within 30 nautical miles of the destination airport. While there are various ways whereby this reduction might be accomplished, each has inherent limitations. For example, it was suggested that the altitude of applicability should be established "above terrain" rather than in reference to "mean sea level." This treatment would result in a variable "ceiling" that would follow the contour of the earth's surface. Such a limitation would present obvious compliance difficulties in mountainous areas. While it is equally true that some of the benefits of this rule will be lost in the vicinity of airports located in mountainous areas, due to a "mean sea level" application, it appears that this loss can be countenanced without compromising the rule to an unacceptable degree. Further reduction of the economic impact may be realized from a study currently being conducted to consider the feasibility of permitting the transition of turbojet aircraft from the terminal fixes to final approach courses at altitudes in excess of 10,000 feet m.s.l. Should such procedures prove feasible, a significant reduction in the economic impact of this rule will be realized.

Concern was expressed that the proposal did not clearly indicate the time or place at which a pilot would be required to comply with the speed limitation. The phrase "arriving aircraft" has always, in an aeronautical sense, been used to connote an arrival operation as opposed to any other phase of flight. The exact time at which an aircraft becomes an "arrival aircraft" is entirely dependent upon the intentions of the pilot. The word "arriving" as used in the rule is intended to apply to a pilot operating an aircraft inbound to an airport for the purpose of conducting an actual or simulated approach regardless of whether a landing is effected.

In consideration of the foregoing, Part 60 of the Civil Air Regulations is hereby amended by adding a new section to read as follows:

§ 60.27 Aircraft speed.

A person shall not operate an arriving aircraft at an indicated airspeed in excess of 250 knots (288 m.p.h.) during flight below 10,000 feet mean sea level within 30 nautical miles of an airport where a landing is intended or where a simulated approach will be conducted unless the operating limitations or military normal operating procedures require a greater airspeed, in which case the aircraft shall not be flown in excess of such speed.

This amendment shall become effective on December 19, 1961.

(Sec. 307 of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 13, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-10938; Filed, Nov. 16, 1961; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On July 15, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 6367) stating that the Federal Aviation Agency proposed to extend intermediate altitude VOR Federal airway No. 1744.

No adverse comments were received regarding the proposed amendment.

The notice proposed in part that Victor 1744 be extended eastward from the Cherokee, Wyo., VOR via the intersection of the Cherokee VOR 120° and the Laramie, Wyo., VOR 277° True radials; the Laramie VOR; to the Denver, Colo., VOR. The Federal Aviation Agency has reevaluated this portion of the proposal and has determined that the segment between the Cherokee VOR and the Laramie VOR should be designated direct from Cherokee to Laramie. This would provide a more direct route for intermediate altitude air traffic operating between these points.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for reasons stated hercin and in the notice, § 600.1744 (26 F.R. 1079) is amended as follows:

§ 600.1744 VOR Federal airway No. 1744 (Portland, Oreg., to Denver, Colo.).

From the Portland, Oreg., VOR; 10-mile-wide airway to the Newberg, Oreg., VOR; thence via the John Day, Oreg., VOR; Boise, Idaho, VOR; Pocatello, Idaho, VOR; Big Piney, Wyo., VOR; Cherokee, Wyo., VOR; Laramie, Wyo., VOR; to the Denver, Colo., VOR.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 14, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-10953, Filed, Nov. 16, 1961; 8:48 a.m.]

[Reg. Docket No. 940; Amdt. 244]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bismarck VOR	BK-LFR	Direct	3400	T–dn	300–1	300–1	*200–½
				C–d	500–1	500–1	500–1½
				C–n	500–1½	500–1½	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side E crs, 071° Outbnd, 251° Inbnd, 3400′ within 10 mi.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 257°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles, climb to 3800′ on W crs BK-LFR within 20 miles.
CAUTION: Radio towers: 1756′ 0.5 miles S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, and 2413′ 9.2 mi NE.
*300–1 required on runways 2, 20, 35 and 17.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., SBRAZ; Ident., BK; Procedure No. 1, Amdt. 7; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 6; Dated, 28 May 55

PROCEDURE CANCELLED, EFFECTIVE 25 NOVEMBER 1961, OR UPON DECOMMISSIONING OF FACILITY.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22′; Fac. Class., SBRAZ; Ident., BO; Procedure No. 1, Amdt. 10; Eff. Date, 24 June 61; Sup. Amdt. No. 9; Dated, 2 May 59

PROCEDURE CANCELLED, EFFECTIVE 25 NOVEMBER 1961, OR UPON DECOMMISSIONING OF FACILITY.

City, Columbus; State, N. Mex.; Airport Name, Intermediate Field; Elev., 4024′; Fac. Class., SBMRAZ; Ident., CZ; Procedure No. 1, Amdt. 5; Eff. Date, 27 Apr. 57; Sup. Amdt. No. 4; Dated, 19 Jan. 54

PROCEDURE CANCELLED, EFFECTIVE 25 NOVEMBER 1961, OR UPON DECOMMISSIONING OF FACILITY.

City, Portland; State, Maine; Airport Name, Portland; Elev., 66′; Fac. Class., BMRLZ; Ident., PWM; Procedure No. 1, Amdt. 5; Eff. Date, 22 Apr. 61; Sup. Amdt. No. 4; Dated, 28 June 58

RAP-VOR	RP-LFR	Direct	4500	T–dn	300–1	300–1	200–½
				C–dn	700–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 076° Outbnd, 256° Inbnd, 4400′ within 10 miles. Nonstandard to avoid Air Force jet traffic.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, *102°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn, climb to 4800′ on S crs within 20 miles.
CAUTION: Rising terrain to 3447′ MSL 3 miles N of airport.
NOTE: Aircraft larger than 2-engine or less, 65 K or less restricted to NW–SE runway.
*Airport located between point of completion of procedure turn and RP–LFR.

City, Rapid City; State, S. Dak.; Airport Name, Rapid City; Elev., 3181′; Fac. Class., SABRAZ; Ident., RP; Procedure No. 1, Amdt. 9; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 8; Dated, 23 June 56

RP–LFR	Int°	Direct	4400	T–dn	300–1	300–1	200–½
RAP VOR	Int°	Direct	4400	C–dn#	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side E crs, 076° Outbnd, 256° Inbnd, 4400′ within 10 miles of Int°.
Crs and distance, Int° to airport, 244°—3.3 mi.
Minimum altitude over Int° on final approach crs, 4400′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles of Int°, make climbing left turn, climb to 4800′ on S crs LFR within 20 miles.
CAUTION: Rising terrain to 3447′ MSL 3 miles N of airport.
NOTE: Procedure authorized only to those aircraft equipped to receive Int°. Aircraft larger than 2-engine or less, 65 K or less restricted to NW–SE runway.
°Int E crs RP–LFR and R–002 RAP–VOR.
#If Int° nor received, minimums of 700′ apply.

City, Rapid City; State, S. Dak.; Airport Name, Rapid City; Elev., 3181′; Fac. Class., SABRAZ; Ident., RP; Procedure No. 2, Amdt. 1; Eff. Date, 25 Nov. 61; Sup. Amdt. No. Orig.; Dated, 3 Nov. 56

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bismarck LFR	LOM	Direct	3300	T–dn	300–1	300–1	*200–½
Bismarck VOR	LOM	Direct	3300	C–d	400–1	500–1	500–1½
Int W crs BK-LFR and 126° brng to LOM	LOM	Direct	3300	C–n	400–1½	500–1½	500–1½
Int R-117 BIS-VOR and 252° brng to LOM	LOM	Direct	3300	S–dn–30	400–1	#400–1	#400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 mi.
Minimum altitude over LOM inbnd final, 2500′.
Crs and distance, facility to airport, 306°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 3800′ on W crs BK-LFR or to 4000′ on R-261 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1756′ 0.5 miles S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, and 2413′ 9.2 mi NE.
*300–1 required on Runways 2, 20, 35, and 17.
#300–1½ required if approach lights inoperative.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 9; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 8 (ADF portion Comb. ADF–ILS); Dated, 28 Jan. 56

BRO-VOR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
BO-Rbn	LOM	Direct	1600	C–dn	500–1	500–1	500–1½
				S–dn–17	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn West side of crs, 353° Outbnd, 173° Inbnd, 1600′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 173°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, turn left, climb to 1600′ on BRO-VOR R-062 within 20 miles or, when directed by ATC, climb to 1200′ on brng 173° from LOM within 4.5 mi.
CAUTION: 156′ water tank 0.5 mi West of airport.
Other change: Deletes transition from Los Fresnos FM.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22′; Fac. Class., LOM; Ident., BR; Procedure No. 1, Amdt. 15; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 14 (ADF portion Comb. ILS–ADF); Dated, 24 June 61

Pittsburgh Surveillance Radar	Within 40 miles of Greater Pittsburgh Airport.		3000	T–dn	300–1	300–1	
Pittsburgh Surveillance Radar Fix, 5 mi from BTP RBN.	BTP RBN (Final)	005—5	2400	C–dn	600–1	600–1	
Elwood City VOR	BTP RBN	Direct	3000	C–n	600–1½	600–1½	
				A–dn	NA	NA	

NOTE: Radar transition may be conducted by Pittsburgh surveillance radar to position aircraft on final approach inbound within 10 miles of Butler RBn with elimination of procedure turn.
Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport 005°—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Butler, RBn make left climbing turn to 3000′ and proceed direct to BTP RBn. Hold north, 1 min., left turns on the 185° Inbnd.
CAUTION: Unlighted tower 1491′ 1 mile ESE of runway 25.

City, Butler; State, Pa.; Airport Name, Butler-Graham; Elev., 1248′; Fac. Class., MHW; Ident., BTP; Procedure No. 1, Amdt. 5; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 4; Dated, 11 Feb. 61

TM-LFR	GRF RBn	Direct	2000	T–dn	300–1	300–1	200–½
OLM-VOR	GFR RBn	Direct	2000	C–dn	600–1	600–1	600–1½
Burton Int	GRF RBn	Direct	2000	S–dn–14*	500–1	500–1	500–1
Bayside Int	GRF RBn	Direct	2000	A–dn	800–2	800–2	800–2
Rosedale Int	GRF RBn	Direct	2000				
Vashon Int	GRF RBn	Direct	2000				

Radar transitions and vectoring utilizing McChord RAPCON Radar or Gray AAF Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over GRF–RBn on final approach crs, 1500′; over MM, 850′.
Crs and distance, GRF RBn to airport, 144°—3.9 mi; MM to airport, 144°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GRF RBn, turn left, climb to 2000′ direct to GRF RBn or, when directed by ATC, turn right, climb to 3000′ on crs 270° to R–020 OLM–VOR, thence direct to OLM–VOR.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
CAUTION: Restricted area 6.8 mi North of airport. 524′ MSL tower located 0.9 mi from approach end of Runway 14, 550′ MSL trees 0.8 mi from approach end of Runway 14, 385′ MSL tower 0.1 mi East of Runway 14/32.
*If MM not received, straight-in minima NA.

City, Fort Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301′; Fac. Class., MH; Ident., GRF; Procedure No. 1, Amdt. 3; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 2; Dated, 28 Oct. 61

Midland VOR	LOM	Direct	4500	T–dn	300–1	300–1	#200–½
				C–dn	400–1	500–1	500–1½
				S–dn–4	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn South side of crs, 223° Outbnd, 043° Inbnd, 4500′ within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 043°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 4400′ on crs of 043° within 20 miles.
Other change: Deletes transition from Midland LFR.
#300–1 required on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev.——; Fac. Class., LOM; Ident., MA; Procedure No. 1, Amdt. 11; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 10; Dated, 25 Feb. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Pine Bluff VOR	PBF-RBn	Direct	1700	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 1700′ within 10 miles, Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 1700′ returning to the PBF RBn or, when directed by ATC, climb to 1700′ proceeding to the PBF VOR.

City, Pine Bluff; State, Ark.; Airport Name, Grider Field; Elev., 205′; Fac. Class., BMII; Ident., PBF; Procedure No. 1 Amdt. 4; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 3 Dated, 9 Jan. 60

SJT VOR	LOM	Direct	3500	T-dn	300-1	300-1	200-½
Sterling Int	LOM	Direct	3500	C-dn	400-1	500-1	500-1½
Eden Int	LOM	Direct	3500	S-dn-3	400-1	400-1	400-1
Christoval Int	LOM	Direct	3500	A-dn	800-2	800-2	800-2
Christoval Int	Nicker Int#	Direct	4000				
Nicker Int#	LOM	Direct	3500				

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 3400′.
Crs and distance, facility to airport, 032°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 mi, turn right, climb to 3500′ on the SJT VOR R-083 within 20 mi, or climb to 3400′ on the SJT LOM brng 032° within 15 miles.
CAUTION: 2480′ msl tower 4.2 mi NW of airport.
#Nicker Int: Int 032° brng to SJ LOM and R-300 Junction, Tex VOR.

City, San Angelo; State, Tex.; Airport Name, Mathis Field; Elev., 1915′; Fac. Class., LOM; Ident., SJ; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 Nov. 61 or upon Comm of the LOM

EVE-LFR	SZI-RBn	Direct	2000	T-dn	300-1	300-1	200-½
Hobert FM	SZI-RBn	Direct	4000	C-dn	800-2	800-2	800-2
Black Diamond Int	SZI-BRn	Direct	3000	A-dn	800-2	800-2	800-2
SJ-LFR	SZI-RBn	Direct	2000				*1
SEA-VOR	SZI-RBn	Direct	2000				
Burton Int	SZI-RBn	Direct	2000				
Vashon Int	SZI-RBn	Direct	2000				
Port Gamble Int	SZI-RBn	Direct	2000				
Lofall Int	SZI-RBn	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 114° Outbnd, 294° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over SJ-LFR/Z on final approach crs, 1400′.
Crs and distance, SJ-LFR/Z to airport, 294°—2.1 mi. SZI-RBn on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SJ-LFR/Z, climb to 2000′ on crs 291° within 10 mi of SZI-RBn.
CAUTION: 606′ MSL tank 3 miles W, 678′ MSL tower 3-½ miles NW, and 556′ MSL tank 2.3 miles E of airport.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Fld); Elev., 17′; Fac. Class., MIIW; Ident., SZI; Procedure No. 2, Amdt. 2; Eff. Date, 25 Nov. 61; Sup. Amdt. Formerly numbered Proc. 1, Amdt. 1; Dated, 4 Nov. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bismarck LFR	BIS-VOR	Direct	3400	T-dn C-d C-n A-dn	300-1 400-1 400-1½ 800-2	300-1 500-1 500-1½ 800-2	*200-½ 500-1½ 500-1½ 800-2

Procedure turn N side of crs, 090°, Outbnd, 270° Inbnd, 3400′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 270°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, climb to 4000′ on R-262 BIS-VOR within 20 mi.
CAUTION: Radio towers: 1756′ 0.5 miles S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, and 2413′ 9.2 mi NE.
*300-1 required on Runways 2, 20, 35 and 17.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., BVOR; Ident., BIS; Procedure No. 1, Amdt. 3; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 2 Dated, 7 Jan. 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Brownsville RBn	BRO-VOR	Direct	1600	T-dn	300-1	300-1	200-½
Brownsville LOM	BRO-VOR	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 1600′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 242—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, climb to 1600′ on R-282 within 20 miles or, when directed by ATC, turn right, climb to 1600′ on R-330 within 10 mi.
CAUTION: 156′ water tank 0.5 mi W of airport.
Other changes: Deletes transition from Los Fresnos FM.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22′; Fac Class., BVORTAC; Ident., BRO; Procedure No. 1, Amdt. 5; Eff. Date 25 Nov. 61; Sup. Amdt. No. 4; Dated, 24 June 61

				T-dn	300-1	300-1	
				C-dn	500-1	500-1	
				S-dn-24	500-1	500-1	
				A-dn	800-2	800-2	

Procedure turn E side of crs, 045° Outbnd, 225° Inbnd, 3000′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over HKY VOR on final approach crs, 2500′. Minimum altitude over Taylorsville FM on final approach crs, 2100′*.
Crs and distance, VOR to airport, 225°—10.4 mi; Taylorsville FM to airport, 225°—5.5 mi*.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.4 miles after passing VOR, turn left, climb to 3000′, returning to HKY-VOR via R-225.
*If Taylorsville FM not received, descent below 2100′ not authorized, and minima become 900′.

City, Hickory; State, N.C.; Airport Name, Municipal; Elev., 1167′; Fac. Class., BVOR; Ident., HKY; Procedure No. 1, Amdt. 3; Eff Date, 25 Nov. 61; Sup. Amdt. No. 2 Dated, 14 June 58

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 298°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, make a climbing right turn to 2000′ return to Massena VOR. Hold on R-118 Massena VOR, right turns one-minute, 298° inbnd.
CAUTION: 568′ Tower located approximately 2 mi SW of the airport.
Other change: Deletes transition from Malone Int. Deletes straight-in minimums.

City, Massena; State, N.Y.; Airport Name, Richards Field; Elev., 215′; Fac. Class., BVOR; Ident., MSS; Procedure No. 1, Amdt. 5; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 4; Dated, 22 Dec. 56

Midland LFR	MAF-VOR	Direct	4200	T-dn	300-1	300-1	*200-½
Midland LOM	MAF-VOR	Direct	4200	C-dn	400-1	500-1	500-1½
				S-dn-16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 4100′ within 10 miles. Beyond 10 mi NA. Nonstandard due to ATC requirements. All turns to be made on East side of crs.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 180°—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, climb to 4000 on R-150 within 20 miles.
*300-1 required on Runway 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., BVOR; Ident., MAF; Procedure No. 1, Amdt. 8; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 7; Dated, 1 July 61

Nashville LFR	BNA-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 131° Outbnd, 311° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 318°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 3000′ on R-335 within 20 miles.
CAUTION: High tension line 138′ above field elevation between the VOR station and the airport.
Change: Deletes Air Carrier Note.

City, Nashville; State, Tenn.; Airport Name, Berry Field; Elev., 605′; Fac. Class., BVORTAC; Ident., BNA; Procedure No. 1, Amdt. 9; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 8; Dated, 11 Nov. 61

RP LFR	RAP-VOR	Direct	4500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions to final approach authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from VOR. Refer to radar procedures for Rapid City if sector altitude information is desired.
Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 322°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles make left, climbing turn to 4500′ and return to RAP-VOR, thence proceed Outbnd on R-142 and hold at 4500′ within 10 miles of RAP-VOR.
CAUTION: Rising terrain to 3447′ msl 3 miles North of airport. Aircraft larger than two-engine or less than 65 knots restricted to NW-SE runway.

City, Rapid City; State, S. Dak.; Airport Name, Rapid City Municipal; Elev., 3181′; Fac. Class., BVORTAC; Ident., RAP; Procedure No. 1, Amdt. 5; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 4; Dated, 29 Oct. 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Pyramid Int	RNO VOR	Direct	9000	T–dn	2000–2	2000–2	2000–2
Wadsworth Int	RNO VOR	Direct	9500	C–dn	2500–2	2500–2	2500–2
RO "H"	RNO VOR	Direct	9000	A–dn	2500–3	2500–3	2500–3
Verdi Int	RNO VOR	Direct	9000				
Bingo Int	RNO VOR	Direct	9000				
Truckee Int	RNO VOR	Direct	10,000				
Steamboat Int	RNO VOR	Direct	9000				
Mustang Int (Final)	RNO VOR	Direct	7900				

Procedure turn S side crs, 049° Outbnd, 229° Inbnd, 9000′ within 10 mi. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 7900′.
Crs and distance, facility to airport, 229°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi, turn right, climb to 9000′ on R-049 within 10 mi.
CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class., BVOR; Ident., RNO; Procedure No. 1, Amdt. 8; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 7; Dated, 8 Aug. 59

Losoya Int	Bellaire Int	Direct	2000	T–dn	300–1	300–1	*200–½
Bellaire Int#	Olmos Int (Final)	Direct	**1400	C–dn	500–1	500–1½	*500–1½
				C–dn	500–1½	500–2	*500–2
				S–dn–35	500–1	500–1	*NA
				A–dn	800–2	800–2	*800–2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150°—0–25 mi 2000′.
150° to 230°—0–10 mi 2200′, 10–25 mi 2700′.
230° to 045°—0–15 mi 2300′, 15–25 mi 3000′.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1199′ MSL 10 mi SE, and 1107′ MSL 3.5 mi SE of airport.
Procedure turn NA.
No glide slope.
Minimum altitude over Olmos Int on final approach crs, 1400′.
Crs and distance, Olmos Int to Airport, 354°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi of Olmos Int, proceed direct to SAT-VOR, climb to 2500′ on R-353 within 20 miles of VOR or, when directed by ATC, climb to 2500′ on brng 355° from SAT RBn within 20 miles.
#Maintain 2000′ until north of LVR R-270.
*Runway 17–35 restricted to two-engine aircraft and smaller.
**Descent below 1400′ MSL, and ceiling less than 600′ not authorized unless position over Olmos Int is identified on final approach.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., BVORTAC; Ident., SAT; Procedure No. 2, Amdt. Orig.; Eff. Date, 25 Nov. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 25 NOVEMBER 1961.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., VORTAC; Ident., ORD; Procedure No. TerVOR-18, Amdt. Orig.; Eff Date, 19 Sept. 59

PROCEDURE CANCELLED, EFFECTIVE 25 NOVEMBER 1961.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., H-BVORTAC; Ident., OAK; Procedure No. TerVOR (R-12), Amdt. Orig.; Eff. Date, 7 Nov. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Bismarck LFR	LOM	Direct	3300	T–dn	300–1	300–1	*200–½
Bismarck VOR	LOM	Direct	3300	C–d	400–1	500–1	500–1½
Int W crs BK-LFR and SE crs ILS	LOM	Direct	3300	C–n	400–1½	500–1½	500–1½
Int R-117 BIS-VOR and 252° brng to LOM	LOM	Direct	3300	S–dn–30	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side of SE crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 mi.
Minimum altitude at G.S. int inbnd, 2800′.
Altitude of G.S. and distance to approach end of rny at OM 2770–3.7, at MM 1868—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3800′ on W crs BK-LFR or to 4000′ on R-261 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1750′ 0.5 mi S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, and 2413′ 9.2 mi NE.
*200-1 required on runways 2, 20, 35, and 17.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., ILS; Ident., I-BIS; Procedure No. ILS-30, Amdt. 9; Eff. Date, 25 Nov. 61; Sup. Amdt No. 8 (ILS portion Comb. ILS-ADF); Dated, 28 Jan. 56

BRO-VOR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
BO Rbn	LOM	Direct via BRO	1600	C–dn	500–1	500–1	500–1½
Int BRO-VOR R-330 and HRL-VOR R-110	BRO ILS N crs (Final)	R-330	1600	S–dn–17	*200–½	*200–½	*200–½
				A–dn	600–2	600–2	600–2

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 1600′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 1200′.
Altitude of G.S. and distance to appr end of rny at OM 1150—3.8; at MM 240—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1300′ on BRO-VOR R-062 within 20 miles or, when directed by ATC, climb to 1200′ on S crs ILS within 4.5 miles.
CAUTION: 156′ water tank 0.5 miles W of airport.
*400–¾ required when Glide Slope not utilized.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22′; Fac. Class., ILS; Ident., I-BRO; Procedure No. ILS-17, Amdt. 15; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 14 (ILS portion Comb. ILS-ADF); Dated, 24 June 61

ORD VOR	LOM	Direct	2200	T–dn	300–1	300–1	200–½
API VOR	LOM	Direct	2300	C–dn	500–1	500–1	500–1½
OBK VOR	LOM	Direct	2200	S–dn–27°	300–¾	300–¾	300–¾
Lakewood Int	LOM	Direct	2500	A–dn	800–2	800–2	800–2
Acorn Int	LOM	Direct	2500				
Palmer Int**	LOM	Direct	2200				
Whitefish Int	E crs ILS (Final)	R-052 API VOR	2200				
Temple Int§	E crs ILS (Final)	R-054 API VOR	2200				
Tide Int	Shark Int#	R-120 OBK VOR	2200				
Shark Int#	Point Int (Final)%	E crs ILS	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn North side East crs, 088° Outbnd, 268° Inbnd, 2200′.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of Runway at LOM, 2130′—4.5 mi; at MM, 860′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on ORD–VOR R-250, then make right climbing turn to 2500′ and proceed to Elgin Int via ORD–VOR R-271 or, when directed by ATC, make immediate right turn climb to 2500′ and proceed direct to Northbrook VOR.
NOTES: (1) When authorized by ATC, DME from ORD VOR may be used to establish position inbound at 2500′ on E crs ILS via 10-mile arc from ORD VOR for straight-in approach with elimination of procedure turn. (2) No approach lights.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 22L, when weather is below 2000–3, will intercept ORD VOR R-302 and climb to 2000′ before proceeding westbound.
*400-1 required with glide slope inoperative.
**Palmer Int: Int API VOR R-059 and GOT VOR R-340.
§Temple Int: Int ORD VOR R-076 and CGT VOR R-356.
#Shark Int: Int R-120 OBK E crs ORD ILS-27.
%Point Int: Int R-127 OBK-VOR, E crs ORD ILS-27, and CGT-VOR R-356.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS-27, Amdt. Orig.; Eff. Date, 25 Nov. 61

Spur Int	Vincent Int	Direct	10,000	T–dn*	300–1	300–1	200–½
Vincent Int	Black Forest Int#	Direct	9000	C–dn	600–1	600–1	600–1½
Black Forest Int#	Fannin Int (Final)%	Direct	7500	A–dn	800–2	800–2	800–2
COS VOR	Black Forest Int#	Direct	9000				
COS LOM	Black Forest Int#	Direct	9000				

Radar transitions and vectoring utilizing Colorado Springs Radar authorized in accordance with approved radar patterns and sector altitudes.
Procedure turn East side of crs, 346° outbnd, 166° inbnd, 9000′ within 10 mi of Black Forest Int. Nonstandard due to terrain.
No glide slope.
Minimum altitude over Black Forest Int# on final approach crs, 9000′; over Fannin Int% on final approach crs, 7500′.
Crs and distance, Fannin Int% to airport, 166°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing Fannin Int%, climb to 7300′ on S crs ILS to LOM or, when directed by ATC, make a left (East) climbing turn to 8000′ on crs 074° from LMM within 15 miles or, left climbing turn to 8000′ on COS VOR R-152 within 20 miles.
NOTES: Narrow localizer crs—4 degrees wide. This procedure authorized only for aircraft equipped with ILS and VOR receivers. This procedure not premised on use of glide slope.
CAUTION: Sharply rising terrain west of airport; 7190′ tower 8 mi North of airport; 7923′ tower 14 mi North of airport.
*400-1 required for takeoff on Runways 30 and 35 except when monitored by departure radar.
#Black Forest Int: Int N crs ILS and COS R-270.
%Fannin Int: Int N crs ILS and COS-VOR R-206.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., ILS; Ident., I-COS; Procedure No. ILS-17, Amdt. 1; Eff. Date, 25 Nov. 61; Sup. Amdt. No. Orig.; Dated, 18 June 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Black Forest Int**	LOM	Direct	8200	T–dn#	300–1	300–1	200–½
Midway Int%	LOM	Direct	7300	C–dn	600–1	600–1	600–1½
Hanover Int	LOM	Direct	7300	S–dn–35*	200–½	200–½	200–½
COS–VOR	LOM	Direct	8200	A–dn	600–2	600–2	600–2
Fountain FM	LOM (Final)	Direct	7300				

Procedure turn E side S crs, 166° Outbnd, 346° Inbnd, 7300′ within 10 mi%.
Minimum altitude at G.S. int inbnd, 7200′.
Altitude of G.S. and distance to approach end of rny at OM, 7240—3.8; at MM 6325—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn to 8000′ on crs 074° from LMM within 15 miles or, when directed by ATC, make right climbing turn and climb to 8000′ on COS–VOR R–152 within 20 mi of VOR.
NOTES: Radar vectoring authorized in accordance with approved radar patterns. Narrow Localizer crs—4°.
CAUTION: 7190′ tower 8 miles North of airport; 7923′ tower 14 miles North of airport; sharply rising terrain West of airport.
#400–1 required for takeoff on Runways 30 and 35, except when monitored by departure radar.
*Provisions for inoperative ILS components not applicable. 400–1 required with glide slope inoperative.
%Restricted area 3 miles West.
**Black Forest Int: Int N crs ILS and COS–VOR R–270.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., ILS; Ident., I–COS; Procedure No. ILS–35, Amdt. 12; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 11; Dated, 12 Aug. 61

				T–dn	300–1	300–1	200–½
				C–dn#	400–1	500–1	500–1½
				S–dn–8R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns and sector altitudes.
Procedure turn not authorized.
Radar vectoring to final approach required. If radar contact not established or radar inoperative, execution of this procedure not authorized. Loss of communications instructions will be issued prior to execution of this procedure.
Final approach crs, 076° Inbnd.
No glide slope, no outer marker, no middle marker or approach lights.
Minimum altitude interception of West course ILS 7000′. Final approach crs must be intercepted at least 3 miles west of 5-mile radar fix (R–227 DEN VOR/13.3 mi DME).
Minimum altitude over 5-mile radar fix on final approach 6900′.
Crs and distance, 5 mi. radar fix to Runwy. 8R, 076°—5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 7000′ direct to LOM or, when directed by ATC, climb and intercept R–200 DEN–VOR, proceed to DEN–VOR at 6600′. Aircraft executing missed approach may be radar controlled after being reidentified.
NOTE: Narrow localizer course—4 degrees wide.
CAUTION: Sharply rising terrain 15 miles West of Stapleton Airfield.
#500–1 required for circling south of airport due to 5521′ tower 1.5 mi. south of airport.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident., I–DEN; Procedure No. ILS–8R, Amdt. 1; Eff. Date, 25 Nov. 61; Sup. Amdt. No. Orig.; Dated, 2 Sept. 61

Greenville LFR	LOM	Direct	2300	T–dn	300–1	300–1	200–½
Tigerville Int**	LOM	Direct	3200	C–dn	500–1	500–1	500–1½
Princeton Int	LOM	Direct	2200	S–dn–36*	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Radar terminal area transition altitudes: 064–270° within 20 miles, 2500′; 270–025° within 15 miles, 3200′; 025–064° within 20 miles, 5000′. All bearings and distances are from radar site on Greenville, S.C., airport with sector azimuths progressing clockwise.
Procedure turn W side S crs, 182° Outbnd, 002° Inbnd, 2200′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2200′.
Altitude of G.S. and distance to approach end of rny at OM 2188—3.6, at MM 1213—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000′ on N crs GRL–LFR and hold south of Tigerville Int**, one-minute, right turns.
CAUTION: Maximum angle glide slope, heavily obstructed missed approach area.
*No approach lights, 400–¾ required when glide slope not utilized.
**Tigerville Int: Int AVL–VOR R–19 and SPA–VOR R–270.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047′; Fac. Class., ILS; Ident., I–GRL; Procedure No. ILS–36, Amdt. 8; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 7; Dated, 5 Aug. 61

Midland VOR	LOM	Direct	4500	T–dn	300–1	300–1	*200–½
Watson Int#	LOM	Direct	4500	C–dn	400–1	500–1	500–1½
				S–dn–4**	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn S side SW crs, 223° Outbnd, 043° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 4100′.
Altitude of glide slope and distance to approach end of rny at OM—4010–4.1; at MM—3070–0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 miles of LMM, climb to 4400′ on NE crs ILS within 20 miles or, when directed by ATC, (1) turn right, climb to 4000′ on R–150 within 20 miles or (2) climb to 4000′ on SE crs MF LFR within 20 miles.
Other changes: Deletes transitions from Midland LFR to OM and to LMM. Deletes transition from Midland VOR to LMM.
AIR CARRIER NOTE: *300–1 required Runways 16L and 34R.
**400–¾ required when glide slope not utilized.
#Watson Int: Int SW crs MAF–ILS and R–096 Wink VOR.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I–MAF; Procedure No. ILS–4, Amdt. 10; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 10; Dated, 27 Aug. 60

Midland VOR	Radio Int#	Direct	4100	T–dn*	300–1	300–1	200–½
Int NE crs ILS and R–249 BGS–VOR	Tank Farm Int	Direct	5000	C–dn	400–1	500–1	500–1½
Tank Farm Int##	Radio Int (Final)	Direct	3900	S–dn–22	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of NE crs of ILS, 043° Outbnd, 223° Inbnd, 4400′ within 10 mi. Beyond 10 mi NA.
No glide slope. Altitude over Radio Int, 3900′; crs and distance, Radio Int to Airport, 223°—3.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, climb to 4400′ on SW crs ILS within 20 mi, or when directed by ATC, climb to 4000′ on R–150 MAF or climb to 4000′ on SE crs of MF–LFR within 20 mi.
*300–1 required Runways 16L and 34R.
#Radio Int: Int NE crs ILS and R–117 MAF.
##Tank Farm Int: Int NE crs ILS and R–073 MAF VOR.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I–MAF; Procedure No. ILS–22, Amdt. 5; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 4; Dated, 21 Mar. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mustang Int	Sparks RBn	Direct	9000	T–dn#	800–1½	800–1½	800–1½
Pyramid Int	Sparks RBn	Direct	9000	C–dn	1000–2	1000–2	1000–2
Verdi Int	Sparks RBn	Direct	10,000	S–dn–16*	1000–2	1000–2	1000–2
Wadsworth Int	Sparks RBn	Direct	10,000	A–dn	1500–3	1500–3	1500–3
Steamboat Int	Sparks RBn	Direct	9000				
RNO VOR	Sparks RBn	Direct	9000				
RO "H"	Sparks RBn	Direct	10,000				
Truckee Int	Sparks RBn						

Procedure turn West side crs, 342° Outbnd, 162° Inbnd, 9000′ within 10 mi Sparks RBn. NA beyond 10 mi. Minimum altitude over facilities and intersection, and distance to approach end Rny 16 on final approach: Sparks RBn, 8000′—11.1 mi; Int N crs ILS and RNO VOR R–306, 7150′—8.4 mi; OM, 6300′—5.8 mi; MM/H, 5400′—2.3 mi.
If visual contact not established at the MM/H, climb to 6000′ on S crs ILS within 5 mi MM/H, then right climbing turn and return to MM/H. Shuttle climb to 9000′ on N crs ILS between MM/H and Sparks RBn (all shuttle turns East side N crs ILS) or, when directed by ATC, climb on S crs ILS to cross Steamboat Int at 8000′ or above, continue climb to 9000′ within 15 mi of MM/H, turn left and return to VOR at 9000′.
CAUTION: All provisions of this procedure must be strictly adhered to. Precipitous terrain all quadrants. Do not proceed beyond the MM/H on final approach unless landing is assured.
AIR CARRIER NOTE: Sliding scale not authorized.
#Authorized for Runways 16, 34 and 25. All other runways require 1000–2.
*No approach lights or glide slope. All other components of ILS are required for this procedure, except that the Int of the N crs ILS and RNO–VOR R–312 may be substituted for the Sparks RBn for aircraft equipped to receive ILS and VOR simultaneously.

City, Reno; State, Nev; Airport Name, Municipal; Elev., 4411′; Fac. Class., ILS; Ident., I–RNO; Procedure No. ILS–16, Amdt. 3; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 2; Dated, 17 Sept. 60

SJT VOR	LOM	Direct	3500	T–dn	300–1	300–1	200–½
Sterling Int	LOM	Direct	3500	C–dn	400–1	500–1	500–1½
Eden Int	LOM	Direct	3500	S–dn–3	200–½	200–½	200–½
Christoval Int	Nicker Int#	Direct	4000	A–dn	600–2	600–2	600–2
Christoval Int	LOM	Direct	3500				
Nicker Int#	LOM						

Procedure turn S side of Crs, 212° Outbnd, 032° Inbnd, 3500′ within 10 mi.
Crs. and distance, facility to airport, 032°—5.8 mi.
Minimum altitude at glide slope Interception Inbd., 3500′.
Altitude of G.S. and distance to approach end of Runway at OM, 3464′—5.8 mi.; at MM, 2113′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 3500′ on the SJT VOR R–083 within 20 miles, or climb to 3400′ on R–013 within 20 miles.
NOTE: 400–¾ minimums required when glide slope is not available.
CAUTION: 2480′ MSL tower 4.2 mi. NW of Airport.
#Nicker Int: Intersection of the SJT ILS SW Crs and the R–300 Junction, Texas VOR.

City, San Angelo; State, Tex.; Airport Name, Mathis Field; Elev., 1915′; Fac. Class., ILS; Ident., I–SJT; Procedure No. ILS–3, Amdt. Orig.; Eff. Date, 25 Nov. 61 or on com of LOM

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			
From—	To—			Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
225°	180°	Within 30 mi	9000				
Radar transitions and vectoring utilizing Colorado Springs radar authorized in accordance with approved radar patterns and sector altitudes.				T–dn*	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–35	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
				Surveillance approach			
				T–dn*	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–21, 30, 35	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 17 and 21: Make a left climbing turn to 8000′ on crs 074° from LMM within 15 mi or, when directed by ATC, make left climbing turn and climb to 8000′ on COS–VOR R–152 within 20 mi of COS–VOR.
Runways 30 and 35: Make a right climbing turn to 8000′ on crs 074° from LMM within 15 mi or, when directed by ATC, make right climbing turn and climb to 8000′ on COS–VOR R–152 within 20 mi of COS–VOR.
CAUTION: 7190′ tower 8 miles North of airport; 7923′ tower 14 miles North of airport; sharply rising terrain West of airport.
*400–1 required for takeoff on Runways 30 and 35 except when monitored by departure radar.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., Colorado Springs; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 3; Dated, 26 Nov. 60

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
				T-dn-14	300-1	300-1	200-½
				C-dn-All	600-1	600-1	600-1
				S-dn-14/32	300-¾	300-¾	300-¾
				A-dn-All	600-2	600-2	600-2
				Surveillance approach			
				T-dn-14	300-1	300-1	200-½
				C-dn-All	600-1	600-1	600-1
				A-dn-All	800-2	800-2	800-2

No terminal area maneuvering altitudes. Radar transitions and vectoring utilizing McChord RAPCON Radar or Gray AAF Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 14: turn left, climb to 2000' direct to GRF Rbn.
Runway 32: Climb to 2000' direct to GRF RBn.
Alternate missed approach: All Runways: Climb to 3000' on crs 270° to intercept R-020 OLM-VOR, thence to OLM-VOR.
CAUTION: Restricted area 6.8 mi North of airport.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Fort Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301'; Fac. Class., Gray AAF; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 2; Dated, 17 June 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on October 25, 1961.

G. S. MOORE,
Acting Director, Flight Standards Bureau.

[F.R. Doc. 61-10335; Filed, Nov. 16, 1961; 8:45 a.m.]

[Reg. Docket No. 951; Amdt. 245]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 2 DECEMBER 1961, OR ON CONVERSION TO RBN.							

City, Corpus Christi; State, Tex.; Airport Name, International; Elev. 44'; Fac. Class, SBMRLZ; Ident., CP; Procedure No. 1, Amdt. 2; Eff. Date, 27 May 61; Sup. Amdt. No. 1; Dated, 19 Nov. 60

Shuttle: To 6000' on West crs of Unalakleet LFR				T-dn	300-1	300-1	200-½
				C-dn	500-2	500-2	500-1
				S-dn	NA	NA	NA
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side W crs, 270° Outbnd, 090° Inbnd, 1100' within 20 mi.
After crossing range on initial, proceed outbnd on West crs not below 2800' for two minutes before starting descent to procedure turn altitude.
Minimum altitude on final approach crs, 500'. Descend to 500' immediately after completion of procedure turn.
Crs and distance, facility to airport, 270°—1.1 mi.
If visual contact not established upon descent to 500', turn right, climb to 2800' on W crs (270°) Unalakleet LFR within 20 miles. VFR flight required from missed approach point to airport.
CAUTION: 1. Terrain rising to 800' 1.5 miles North of airport. Terrain rising to 396' 1.1 miles NE of UNK-LFR. 2. No maneuvering authorized North through East of airport. 3. After completion or procedure turn, all maneuvering on final approach will be made S of crs.

City, Unalakleet; State, Alaska; Airport Name, Unalakleet; Elev., 21'; Fac. Class., SBRAZ; Ident., UNK; Procedure No. 1, Amdt. 9; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 8; Dated, 18 Nov. 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BVL VOR	DPG RBn	Direct	7500	T-dn	600-1	600-1	600-1½
Vernon Int	DPG RBn	Direct	11,100	C-dn	600-1	600-1	600-1½
DTA VOR	DPG RBn	Direct	10,500	S-dn	NA	NA	NA
DT LFR	DPG RBn	Direct	10,500	A-dn	NA	NA	NA

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 6700' within 10 mi.
Minimum altitude over facility on final approach crs, 4900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.0 mile, turn right, climb to 8000' on crs 147° Outbnd within 15 miles, reverse crs to the West and return on crs 327° Inbnd to the DPG RBn at 9000'. Hold South 147° Outbnd, 327° Inbnd, all turns to the left.
CAUTION: 5533' terrain 4 miles SE of airport. 7068' terrain 16 miles SW of airport.
NOTE: Prior permission required.

City, Dugway; State, Utah; Airport Name, Michael AAF; Elev., 4349'; Fac. Class., MH; Ident., DPG; Procedure No. 1, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig. Dated, 12 Aug. 61

				T-dn	300-1	300-1	200-1
				C-dn	900-2	900-2	900-2
				S-dn-31	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Instrument approach to be conducted in accordance with USAF AL-1729-ADF-2.
CAUTION: 1116' hill located 1.8 miles NE of facility.

City, Fairbanks; State, Alaska; Airport Name, Eilson AFB; Elev., 548'; Fac. Class., HW; Ident., EA; Procedure No. 2, Amdt. 1; Eff. Date, 2 Dec. 61, or on cancellation of RBn frequency 287; Sup. Amdt. No. Orig.; Dated, 8 Apr. 61

Mescal Int	FHU RBn	Direct	10,000	T-dn	300-1	300-1	
DUG VOR	FHU RBn	Direct	9000	C-dn	600-1	600-1	
				S-dn	600-1	600-1	
				A-dn	800-2	800-2	

*Shuttle Inbound 270°, Outbound 090°, right turns, 2 minutes, minimum altitude, 7000'.
*Procedure turn North side of crs, 090° Outbound, 270° Inbnd, 7000' within 10 miles.
Facility on airport.
Minimum altitude over facility, 5300'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 9000 on a track of 090° within 20 miles.
NOTE: Prior permission required. Entire procedure is within restricted area R-2303.
CAUTION: High terrain south of airport.
*All maneuvering will be made North of 270° Inbound course.

City, Fort Huachuca; State, Ariz.; Airport Name, Libby AAF; Elev., 4665'; Fac. Class., HW; Ident., FHU; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE 2 DECEMBER 1961. FACILITY RELOCATED.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10'; Fac. Class., MHW; Ident., GON; Procedure No. 1, Amdt. 1; Eff. Date, 6 May 61; Sup. Amdt. No. Orig.; Dated, 4 Mar. 61

Denmark Int	MCR RBn	Direct	1900	T-dn	300-1	300-1	200-½
Anderson Int	MCR RBn (Final)	Direct	1900	C-dn	400-1	500-1	500-1½
				S-dn-2	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 197° Outbnd, 017° Inbnd, 1900' within 10 miles.
Minimum altitude over MCR RBn on final approach crs, 1900'; over MKL RBn, 900'.
Crs and distance, MCR RBn to airport, 017°—6.0 mi; MKL RBn to airport, 017°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, turn left, climb to 1900', returning to MCR RBn.
CAUTION: 1088' msl tower 4.5 mi NE of airport.

City, Jackson; State, Tenn.; Airport Name, McKellar Field; Elev., 424'; Fac. Class., MHW; Ident., MCR; Procedure No. 1, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 17 June 61

GGG-VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Int UIM-VOR R-140 and GGG-VOR R-282.	LOM	Direct	1700	C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
Int UIM-VOR R-140 and GGG-VOR R-265.	LOM	Direct	1700	A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 306° Outbnd, 126° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 126°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles of LOM, climb to 1900', turn left and intercept R-115 GGG-VOR within 20 miles.
CAUTION: 644' msl tower 5 miles NW of airport.

City, Longview; State, Tex.; Airport Name, Gregg County Municipal; Elev., 365'; Fac. Class., LOM; Ident., GG; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Dec. 61, or on com. of facility

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
OKM VOR	MKO RBn	Direct	3000	T-dn	300–1	300–1	200–½
Maizie Int	MKO RBn	Direct	3000	C-dn	600–1	600–1½	600–1½
				S-dn-31	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Teardrop procedure turn South side of crs, 120° Outbnd, 300° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Procedure turn nonstandard due to military requirements.
Minimum altitude over facility on final approach crs, 1200′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, return to the MKO RBn climbing to 2500′, contact ATC for further clearance.
NOTES: Do not descend below 1900′ msl until well established on brng 300° to the MKO RBn. Procedure authorized for USAF and air carriers having approval of their arrangements for use of facility, monitoring, and weather service.
Other change: Deletes transition from TVL–VOR.

City, Muskogee; State, Okla.; Airport Name, Davis Field; Elev. 610′; Fac. Class., MII; Ident., MKO; Procedure No. 1, Amdt. 1; Eff. Date, 2 Dec. 61; Sup Amdt. No. Orig.; Dated, 10 Oct. 59

				T-d	500–1	500–1	
				C-d	1000–1½	1000–1½	
				A-dn	NA	NA	

Procedure turn W side of crs, 049° Outbnd, 229° Inbnd, 3500′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 229°—3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi, make a left (E) climbing turn. Return to Newport MHW. Climb to 3500′ on crs 049° Outbnd, 229° Inbnd within 10 mi of facility, all turns w.
IFR Climbout Procedure: Climb most direct route to MHW. Continue to climb to 3500′ on Outbnd crs 049° Inbnd crs 229° within 10 mi. of facility.
NOTES: Minimum facility departure altitude 3500′. Facility must be monitored aurally during this procedure. Facility operated by State.
AIR CARRIER NOTE: Sliding scale and local visibility provisions for landing or take-off minimums not applicable below one mi visibility. Night operations not authorized.
Other Change: Transition from Barton Int. deleted. Straight-in minimums deleted.

City, Newport; State, Vt.; Airport Name, Municipal; Elev., 930′; Fac. Class., MHW; Ident., EFK; Procedure No. 1, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 15 June 55

EVE–LFR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Hobart FM	LOM	Direct	4000	C-dn	800–2	800–2	800–2
SJ–LFR	LOM	Direct	2000	A-dn	800–2	800–2	800–2
SEA–VOR	LOM	Direct	3000				
Black Diamond Int	LOM	Direct	2000				
Vashon Int	LOM	Direct	2000				
Burton Int	LOM	Direct	2000				
Lofall Int	LOM	Direct	2000				
Port Gamble Int	LOM	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach course, 1500′; over MM 1300′.
Crs and distance, facility to airport, 128°—6.4; MM to airport, 128°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing LOM, climb to 2000′ on crs 119° to SJ LFR or, when directed by ATC, turn right, climb to 2000′ direct to BF LOM.
CAUTION: 1011′ MSL tower 1.2 mi N of final approach crs. 578 MSL tower 0.7 mi S of final approach crs. Terrain, trees and water tank to 591′ MSL 1.8 mi. SW through W of airport, and E through SE of airport within 2.3 mi. to 556′ MSL.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17′; Fac. Class., LOM; Indent., BF; Procedure No. 1, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

Berlin Rbn	Whitefield Rbn	Direct	6700	T-d	1500–2	1500–2	1500–2
				C-d	2700–2	2700–2	2700–2
				A-d	NA	NA	NA

Procedure turn N side of course, 265° Outbnd, 085° Inbnd, 3800′ within 10 mi.
Minimum altitude over facility of final approach course, 3800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile make an immediate left climbing turn, climb to 6700′ in holding pattern 265° Outbnd, 085° Inbnd within 10 mi. of Whitefield MHW. Make all turns on North side of course.
NOTE: Climb out procedure—climb west of facility, shuttle on crs of 265° Outbnd, 085° Inbnd from facility within 10 miles, all turns to north of crs. Proceed on crs Whitefield to Berlin after reaching 6700′. Facility must be monitored aurally during this procedure.

City, Whitefield; State, N.H.; Airport Name, Whitefield Municipal; Elev., 1048′; Fac. Class., MHW; Ident., IIE; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Dec. 61

				T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-33	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn East side of crs, 152° Outbnd, 332° Inbnd, 2300′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 332°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LOM, make an immediate climbing left turn to 2400′ on crs 152° from LOM within 10 miles.
CAUTION: 1640′ radio tower 2.2 mi NNW of airport.
Departure procedures—
Departure Runway 33: Execute left climbing turn as soon as practicable after takeoff to 300° magnetic heading climbing to 2000′ before proceeding northwest bound.
Departure Runway 29: Climb to 2000′ on a magnetic heading of 270° before proceeding northwest bound.
Departure Runway 2: Climb to 2000′ on a magnetic heading of 020° before making a left turn.

City, Worcester; State, Mass.; Airport Name, Municipal; Elev., 1009′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 6; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 5 (ADF portion; Comb. ILS-ADF) Dated, 15 Jan. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
When an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side crs, 299° Outbnd, 119° inbnd, 1400′ within 10 miles. Beyond 10 mi not authorized.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 119°—3.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, climb to 1200′ on R–119 within 20 miles.
Major change: Deletes transition from Palacios LFR.

City, Palacios; State, Tex.; Airport Name, Municipal; Elev., 13′; Fac. Class., BVOR; Ident., PSX; Procedure No. 1, Amdt. 4; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 3; Dated, 18 June 60

				T-d	300–1	300–1	
				C-d	800–2	800–2	

Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 2500′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 164°—9.2.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles, make a left climbing turn, climb to 2500′ returning to Princeton VOR and hold within 10 miles on R–344 Princeton VOR.
NOTE: No weather reporting service available. Night operations not authorized.
Changes: Transition from Topsfield Int deleted. Straight-in minimums deleted.
*Descent to authorized landing minimums within 4 miles of facility.

City, Princeton; State, Maine; Airport Name, Municipal; Elev., 250′; Fac. Class., VORW; Ident., PNN; Procedure No. 1, Amdt. 3; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 2; Dated, 12 Nov. 59

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-5	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 049°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2000′ on MBS VOR R–058 within 20 mi.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BVOR; Ident., MBS; Procedure No. VOR–5, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-9	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 094°—0.64 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2000′ on MBS–VOR R–080 within 20 miles.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BVOR; Ident., MBS; Procedure No. VOR–9, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-23	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 038° Outbnd, 218° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 229°—0.29 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2000′ on MBS VOR R–218 within 20 mi.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BVOR; Ident., MBS; Procedure No. VOR–23, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 21 Dec. 57

DAY–VOR	RSD–VOR	Direct	2700	T-dn	300–1	300–1	
TPC RBn	RSD–VOR	Direct	2700	C-dn	700–1	700–1	
				A-dn	NA	NA	

Procedure turn North side of crs, 063° Outbnd, 243° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 243°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, make climbing left turn to 2700′ and return to RSD–VOR. Hold North side of R–063 RSD–VOR 243° Inbnd one-minute right turns.
CAUTION: No weather service available.

City, Sidney; State, Ohio; Airport Name, Willman; Elev., 1020′; Fac. Class., BVORTAC; Ident., RSD; Procedure No. 1, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 25 Feb. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AZO–VOR	BTL–VOR	Direct	2400	T–dn	300–1	300–1	300–1
LFD–VOR	BTL–VOR	Direct	2400	C–dn	1000–1	1000–1	1000–1½
LeRoy Int	BTL–VOR	Direct	2400	S–dn–13	1000–1	1000–1	1000–1
AZO–VOR	Wintergreen Int*	Direct	2400	A–dn	1000–2	1000–2	1000–2
Wintergreen Int*	Augusta Int** (Final)	Direct	1900	The following minimums apply for aircraft equipped with dual VOR and Augusta Int identified:			
				C–dn	600–1	600–1	600–1½
				S–dn–13	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Procedure turn North side of crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 mi. NA beyond 10 mi.
Minimum altitude over Augusta Int* on final approach crs, 1900′.
Crs and distance, Augusta Int* to BTL–VOR, 138°—4.4 mi.
Crs and distance, breakoff point to Rnwy 13, 127°—0.58 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb on R–138 to 2200′, then reverse course, proceed to BTL VOR.
Other change: Deletes transition from BQ–LFR.
*Wintergreen Int: Int AZO–VOR R–030 and BTL–VOR R–318.
**Augusta Int: Int AZO–VOR R–055 and BTL–VOR R–318.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class., BVORTAC; Ident., BTL; Procedure No. TerVOR–13, Amdt. 5; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 4; Dated, 31 Dec. 61

				T–d	300–1	300–1	
				T–n*	600–2	600–2	
				C–d	700–1½	700–1½	
				C–n*	1000–2	1000–2	
				S–d–5	700–1	700–1	
				S–n–5*	700–2	700–2	
				A–dn	2000–2	2000–2	

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2400′ within 10 mi. Beyond 10 mi NA.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make an immediate right turn, climb to 2000′, returning to the HOT VOR.
CAUTION: Hills 1470′ MSL 1.3 mi N of airport. Maneuvering not autborized in N quadrant designated by extension of runway centerlines.
NOTE: No reduction in take-off or landing minimums authorized.
*Night operations require rotating beacon, and all runway and obstruction lights to be operating.

City, Hot Springs; State, Ark.; Airport Name, Memorial Field; Elev., 535′; Fac. Class., L–VOR; Ident., HOT; Procedure No. TerVOR–5, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

BTL VOR	AZO VOR	Direct	2400	T–dn	300–1	300–1	300–1
●RR LOM	AZO VOR	Direct	2900	C–dn	500–1	500–1	500–1½
PMM VOR	AZO VOR	Direct	2400	S–dn–23	400–1	400–1	400–1
ELX VOR	AZO VOR	Direct	2400	A–dn	800–2	800–2	800–2
Leroy Int	AZO VOR	Direct	2500				
SBN VOR	AZO VOR	Direct	2500				
BTL VOR	Gull Int*	Direct	2400				
Gull Int*	Comstock Int** (Final)	Direct	1700				
AZO VOR	Comstock Int**	Direct	2400				

Procedure turn West side of crs, 040° Outbnd, 220° Inbnd, 2400′ within 10 miles.
Minimum altitude over Comstock Int**, 1700′.
Crs and distance, Comstock Int** to airport, 220°—4.0 mi.
Crs and distance, breakoff point to Rnwy 23, 220°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing AZO VOR, climb to 2200′ on R–220 AZO VOR within 20 miles.
NOTES: This procedure not authorized unless aircraft is equipped with functioning dual omni receivers. All approaches controlled by Battle Creek CS/T.
Other Change: Deletes transitions from BTL LFR and Kalamazoo Int.
*Int R–286 BTL VOR and R–040 AZO VOR.
**Int R–265 BTL VOR and R–040 AZO VOR.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR–23, Amdt. 2; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 1; Dated, 8 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE 2 DECEMBER 1961.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68′; Fac. Class., VOR; Ident., MVY; Procedure No. Ter VOR–33, Amdt. 3; Eff. Date, 3 June 61; Sup. Amdt. No. 2; Dated, 18 Feb. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GGG–VOR	LOM	Direct	1900	T–dn	300–1	300–1	200–½
Int UIM–VOR R–140 and GGG–VOR R–282	LOM	Direct	1900	C–dn	400–1	500–1	500–1½
				S–dn–13	*300–¾	*300–¾	*300–¾
Int UIM–VOR R–140 and GGG–VOR R–265	LOM	Direct	1900	A–dn	600–2	600–2	600–2

Procedure turn S side of NW crs, 306° Outbnd, 126° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope Interception Inbnd, 1900′.
Altitude of G.S. and distance to approach end of Runway at OM, 1856′—5.5 mi; at MM, 286′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1900′ on SE crs of GGG–ILS within 20 miles.
NOTE: No approach lights.
CAUTION: 644′ MSL Tower 5 mi. NW of airport.
*400–¾ required when glide slope not utilized.

City, Longview; State, Tex.; Airport Name, Gregg County Municipal; Elev., 365′; Fac. Class., ILS; Ident., I–GGG; Procedure No. ILS–13, Amdt. Orig.; Eff. Date, 2 Dec. 61

EVE–LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
SJ–LFR	LOM	Direct	2000	C–dn	800–2	800–2	800–2
Hobart FM	LOM	Direct	4000	S–dn–13*	500–1	500–1	500–1
SEA–VOR	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Black Diamond Int	LOM	Direct	3000				
Burton Int	LOM	Direct	2000				
Vashon Int	LOM	Direct	2000				
Lolall Int	LOM	Direct	2000				
Port Gamble Int	LOM	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs 308° Outbnd, 128° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude at G.S. Int Inbnd 2000′.
Altitude of G.S. and distance to approach end of rnwy at OM, 2070′—6.4; at MM 500′—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 mi after passing MM or 6.4 after passing LOM, climb to 2000′ on crs 119° to SJ LFR or, when directed by ATC, turn right, climb to 2000′ direct to BF LOM.
NOTE: Narrow localizer course—4°.
CAUTION: 579′ MSL tower 0.7 mi. S of final approach crs. Terrain, trees, and water tanks to 591′ MSL 1.8 mi. SW through W of airport, and E through SE of airport within 2.3 mi. to 556′ MSL. Localizer usable only 45° on either side of front course. No back course.
*700′ required when glide slope not used.
*Air Carrier: Sliding scale not authorized below ¾ mi.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17′; Fac. Class., ILS; Ident., I–BFI; Procedure No. ILS–13, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

Sioux Falls LFR	Renner Int*	Direct	2700	T–dn	300–1	300–1	200–½
Sioux Falls VOR	Renner Int*	Direct	2700	C–dn	500–1	500–1	500–1½
Int R–061 FSD–VOR and NE crs ILS	Renner Int* (Final)	Direct	2200	S–dn–21	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn North side NE crs, 026° Outbnd, 206° Inbnd, 2700′ within 10 miles.
No glide slope. Minimum altitude over Renner Int*, 2200′. No outer marker. No middle marker.
Crs and distance, Renner Int* to airport, 206°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi of Renner Int*, climb to 2700′ on SW crs ILS, proceed to LOM.
NOTE: Procedure authorized only for those aircraft equipped to receive VOR and ILS simultaneously.
*Int FSD–VOR R–080 and NE crs ILS.
#300–1 required for take-off runway 15.

City, Sioux Falls; State, S. Dak.; Airport Name, Foss Field; Elev., 1426′; Fac. Class., ILS; Ident., I–FSD; Procedure No. ILS–21, Amdt. 3; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 2; Dated, 1 Nov. 58

PIE–VOR	LOM	Direct	1300	T–dn	300–1	300–1	200–½
TPA–LFR	LOM	Direct	1500	C–dn	400–1	500–1	500–1½
Radar Terminal Area Transition Altitudes	Radar Site	Within 25 miles	#1500	S–dn–17	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Procedure turn West side of crs, 350° Outbnd, 170° Inbnd, 1300′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 1300′.
Altitude of glide slope and distance to approach end of Runway at OM, 1200′—4.3 mi; at MM, 186′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1500′ on PIE–VOR R–270 within 20 miles or, when directed by ATC, turn right and climb to 1500′ on crs of 270°, intercept and proceed out 220° brng from PI LOM within 20 miles.
NOTES: 500–1 required when glide slope not utilized. No approach lights.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 861′ msl 19.5 miles ESE and 1135′ msl 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10′; Fac. Class., ILS; Ident., I–PIE; Procedure No. ILS–17, Amdt. Orig.; Eff. Date, 2 Dec. 61, or on com. of facility

				T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				S–dn–33	200–½	200–½	200–½
				A–dn	800–2	800–2	800–2

Procedure turn E side SE crs, 152° Outbnd, 332° Inbnd, 2300′ within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope interception inbnd, 2300′.
Altitude of G.S. and distance to approach end of rny at OM 2290—4.6, at MM 1210—0.6.
If visual contact not established at middle marker, make an immediate climbing left turn to 2400′ on SE crs of ILS within 10 mi of LOM.
CAUTION: 1640′ radio tower 2.2 mi NNW of airport. Do not proceed beyond middle marker unless landing is assured.
NOTE: Provisions of inoperative ILS components authorized except 400–1 required when middle marker inoperative.
Departure procedures—
Departure Runway 33: Execute left climbing turn as soon as practicable after takeoff to 300° magnetic heading climbing to 2000′ before proceeding northwest bound.
Departure Runway 29: Climb to 2000′ on a magnetic heading of 270° before proceeding northwest bound.
Departure Runway 2: Climb to 2000′ on a magnetic heading of 020° before making a left turn.

City, Worcester; State, Mass.; Airport Name, Municipal; Elev., 1009′; Fac. Class., ILS; Ident., I–ORH; Procedure No. ILS–33, Amdt. 6; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 5 (ILS portion Comb. ILS–ADF); Dated, 15 Jan. 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From	To	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 25 mi	‡1800		Precision approach		
				C–dn–4R	*500–1	600–1	600–1½
				S–dn–4R	200–½	200–½	200–½
				A–dn 4R	600–2	600–2	600–2
					Surveillance approach		
				T–dn ¶¶	300–1	300–1	200–1
				S or C–dn**	700–1	700–1	700–1½
				C–dn*** ##	600–1	600–1	600–1½
				S–dn*** ##	600–1	600–1	600–1
				C–dn###	*500–1	600–1	600–1½
				S–dn###	500–1	500–1	500–1
				A–dn–All	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1300′ on the N crs of the Boston LFR within 8 mi. Alternate missed approach when requested by ATC: Climb to 1500′ on E crs of the Boston LFR within 10 mi.

CAUTION: PAR point of touchdown approx 3500′ in from appr end of rnwy to allow clearance for ship channel.

‡Except 2300′ when more than 6 mi. from airport between NW and SW crs Boston LFR.

##CAUTION: Standard clearance not provided over 370′ stack SW of airport.

###Runways 27 and 33.

*600–1 required when circling W of airport.

**Runways 4R and 15.

***Runway 22L.

¶¶Except where radar vectoring is used, and weather is 1000–3 or below, departures from Rnwy 27 make left or right turn as soon as practicable, and departures from Rnwys 22 and 33 climb straight ahead to at least 1000′ prior to proceeding toward 1349′ WBZ–TV tower.

¢Ceiling of 200′ and runway visual range 2600′ also authorized for landing on Runway 4R: *Provided*, That all components of the PAR and all related airborne equipment are operating satisfactorily.

¢¢Runway Visual Range 2600′ also authorized for takeoff on Rnwy 4R in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19′; Fac. Class., Logan; Ident., Radar; Procedure No. 1, Amdt. 13; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 12; Dated, 10 June 61

All sectors		Within 15 mi	2500		Surveillance approach		
				T–dn	300–1	300–1	300–1
				C–dn–04, 15, 17, 35.	600–1	600–1	600–1½
				S–dn–04, 15, 17, 35.	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
					Precision approach		
				T–dn	300–1	300–1	300–1
				C–dn–04, 15, 17, 35.	600–1	600–1	600–1½
				S–dn–17, 15, 35	200–½	200–½	200–½
				S–dn–04	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 17: Climb on 172° crs. from FTK NDB to 2500′. Tu n right (west) and return to FTK NDB. Hold south, 1 min. left turns. Contact SDF Approach Control.
Runway 35: Climb to 2500′ on a crs of 352° to FTK NDB. Hold south, 1 min. left turns. Contact SDF Approach Control.
Runway 04: Make immediate left climbing turn to 2500′. Proceed direct to the FTK NDB. Hold south 1 min. left turns. Contact SDF Approach Control.
Runway 15: Make immediate right climbing turn to 2500′. Proceed direct to FTK NDB. Hold south 1 min. left turns. Contact SDF Approach Control.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class., Fort Knox; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 14 Oct. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on October 27, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–10501; Filed, Nov. 16, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 CCC Tung Price Support Bulletin, Amdt. 1]

PART 443—OILSEEDS

Subpart—1961 Crop Tung Nut Price Support Program

APPLICABLE FORMS

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1961 Crop Tung Nut Price Support Program (26 F.R. 8963) are amended by changing the first paragraph of § 443.209(f) to read as follows.

§ 443.209 Applicable forms.

* * * * *

(f) *Designation of agent by a producer or group of producers.* A single eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute a form substantially equivalent to CCC Tung Nut Form 1 for purchase agreement or to CCC Tung Nut Form 1–A for loans. A copy of each designation of agent signed by the producer(s) must be delivered to the county office before any purchase agreement or loan documents filed by the agent on behalf of such producer(s) are approved. A separate certification of eligibility must be executed for or on behalf of each producer.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective as of date of signature.

Signed at Washington, D.C., on November 14, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61–10960; Filed, Nov. 16, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[Amdt. 3]

PART 775—FEED GRAINS

Subpart—1961 Feed Grain Program Regulations

The regulations issued by the United States Department of Agriculture, published in the FEDERAL REGISTER of June 15, 1961 (26 F.R. 5356), and containing the specific requirements for the 1961 Feed Grain Program are amended as follows:

§ 775.5 [Amendment]

1. Subparagraph (3) of § 775.5(c) is amended by adding at the end thereof the following new sentence: "Notwithstanding the foregoing, payment may be made to a minor after December 31, 1961, upon a determination by the county committee that the minor has met the requirements of the program."

2. Section 775.30 is amended to read as follows:

§ 775.30 Marketing of certificates.

All certificates presented to the county office for marketing by CCC shall be pooled by CCC and will lose their identity as individual certificates. The amount of the certificate pool will be the value of the certificates presented for marketing, which will be equal to the amount of cash advances to producers. CCC shall market the rights represented by pooled certificates at such times and in such manner as it determines will best effectuate the purposes of the program. Such rights shall be marketed for immediate use by the purchaser to obtain delivery of grain from CCC. The term "certificate pool sale—1961 Feed Grain Program" used in contracts of CCC shall be deemed to refer to a transaction involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC. Commodity Credit Corporation reserves the right to determine the time and place of delivery and the kind, class, grade, quality, and quantity of grain delivered in redemption of such rights. Grain delivered by CCC shall be valued at the market price at point of delivery, as determined by CCC.

3. Section 775.32 is amended to read as follows:

§ 775.32 Redemption in grain by payees.

Certificates held by a payee will be redeemed, at the option of CCC, in grain in warehouses, CCC bin sites or at other points designated by CCC in the county in which the certificate was issued or in the nearest county in which grain is made available for redemption. Certificates may also be redeemed by a payee in grain delivered to him under such price support loans as may be designated by CCC. Grain delivered by CCC in redemption of certificates shall be valued at market price as determined by CCC at point of delivery.

4. Section 775.33 is amended to read as follows:

§ 775.33 Where to apply.

Payees who wish to obtain redemption of certificates in grain to be delivered by them under a price support loan must apply to the county office which approved the loan. Payees who wish to obtain redemption of certificates in other CCC-owned grain must apply to the county office which issued the certificates. If CCC-owned grain is not available in such county, the county office will direct the payee to the nearest county office having grain available for redemption.

§§ 775.34, 775.35 [Amendment]

5. Paragraphs (a) and (c) of § 775.34 and paragraph (a) of § 775.35 are amended by changing the initial letters of the first words to small letters and by adding the following words at the beginning of such subparagraphs: "Subject to the provisions of this subpart,".

6. Paragraph (b) of § 775.35 is amended to read as follows:

(b) Subject to the provisions of this subpart, CCC will acquire title to a portion of the grain a payee has under loan and will deliver the receipt representing such grain in redemption of certificates if a payee wishes to redeem certificates in such grain. Commodity Credit Corporation will only honor such requests by payees as to the entire quantity of grain represented by a warehouse receipt. If the value of certificates held by the payee is insufficient to acquire all the grain represented by a warehouse receipt, CCC will honor the payee's request as to the portion of the grain represented by a warehouse receipt for which he has certificates, provided that at the time of redemption he repays in cash the balance of the amount due on the loan in connection with such receipt as computed under the loan documents and price support bulletin. Commodity Credit Corporation shall credit the loans with the settlement value of the quantity and quality of the grain acquired by it and with any amount paid on the loan, in accordance with the settlement provisions of the loan documents and price support bulletins.

7. Paragraph (c) of § 775.35 is amended to read as follows:

(c) In the case of grain delivered to a payee which had been under a warehouse storage loan, the payee shall be responsible to the warehouseman for payment of all warehouse charges on the grain. Commodity Credit Corporation will refund to the payee any storage charges which had been deducted by it from the loan proceeds on such grain and will pay to the payee the receiving and load out charges applicable to the grain in an amount not to exceed the rate specified in the Uniform Grain Storage Agreement.

8. A new section designated § 775.37a is hereby added to read as follows:

§ 775.37a Delivery to payees in non-storage areas.

(a) Commodity Credit Corporation may move grain into areas where no CCC-owned grain in warehouses or bin sites is available. Such grain will be consigned to the county committee and shall be sold "as is" on a delivery basis as determined by CCC. On such sales, the sales price shall be computed on the basis of a determination of grade and quality made prior to delivery, and such price shall not be subject to adjustment for the grade and quality of the grain actually delivered.

(b) Title and risk of loss on such sales shall pass to the payee upon delivery of the grain. The payee shall be responsible for risk of loss during such time as he may have possession of the grain prior to delivery.

(c) Grain shall be weighed at destination, if scales approved by CCC are available, unless the payee is willing to settle on CCC determined weights. If such approved scales are not available, settlement weights shall be as determined by CCC.

(d) Commodity Credit Corporation shall bear any charges it determines necessary for delivery of grain.

9. A new section designated § 775.43 is hereby added to read as follows:

§ 775.43 Provision for handling exceptional cases.

Where a producer, in reasonable reliance upon instruction or commitment of any representative of a county or State committee, in good faith, substantially performs under the Feed Grain Program, the Deputy Administrator, State and County Operations, ASCS, may, review the requirements of any provision of the regulations in this subpart and if, in his judgment, relief from the requirements of such provision is justified under all the circumstances of the case to permit a proper disposition thereof, allow payment for such substantial performance in an amount not to exceed the amount which would have been due for the required performance, provided such action is not prohibited by statute.

(Sec. 16(c), 49 Stat. 1151, as amended by 75 Stat. 6; secs. 4 and 5, 62 Stat. 1070–1072, as amended; sec. 3, 75 Stat. 7; 16 U.S.C. 590p; 15 U.S.C. 714 b and c)

Issued at Washington, D.C., this 13th day of November 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61–10958; Filed, Nov. 16, 1961; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Expenses of Raisin Administrative Committee for the 1961–62 Crop Year and Rate of Assessment for Such Crop Year

Notice was published in the October 28, 1961, issue of the FEDERAL REGISTER (26 F.R. 10135) regarding a proposal to approve expenses of the Raisin Administrative Committee for the 1961–62 crop year and fix the rate of assessment for that year, pursuant to the provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The said amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). Interested persons were afforded opportunity to submit written data, views or arguments with respect to the proposal. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, and other available information, it is hereby found and determined that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning September 1, 1961, shall be as follows:

§ 989.312 Expenses of the Raisin Administrative Committee and rate of assessment for the 1961–62 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $107,100 are reasonable and likely to be incurred by the Raisin Administrative Committee for the maintenance and functioning of the committee and the Raisin Advisory Board during the crop year beginning September 1, 1961.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning September 1, 1961, which each handler shall pay pursuant to § 989.80 is fixed at 70 cents per ton for free tonnage raisins acquired by him during the crop year and for reserve tonnage raisins sold to him by the committee pursuant to § 989.67 during the crop year.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and order require that a rate of assessment fixed for a particular crop year shall be applicable to all free tonnage raisins acquired by him during the crop year and all reserve tonnage raisins sold to him by the committee during the crop year; and (2) the current crop year began on September 1, 1961, and the rate of assessment herein fixed will automatically apply to all such raisins beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 14, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10947; Filed, Nov. 16, 1961; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Notice to Local Officials

On June 7, 1961, the Atomic Energy Commission published in 26 F.R. 5077 for public comment certain proposed amendments to 10 CFR Part 2 to provide for (1) formal notice to local officials of the filing of applications for certain facility and waste disposal licenses and amendments to such licenses; and (2) notices of hearings to be given by the Commission to the Governor, or other appropriate official of the State and the chief executive in the locality in which the facility is to be located or the activity to be conducted. Comments filed by interested persons have been given consideration. Certain modifications have been made for purposes of clarification.

Pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, the following rules are published as a document subject to codification to be effective thirty days after publication in the FEDERAL REGISTER.

1. Section 2.101 is amended by redesignating the present text of that section as paragraph (b), revising the heading of that section, and adding a new paragraph (a) to read as follows:

§ 2.101 Notice of application, administrative examination of applications, informal conferences.

(a) A copy of an application or amendment to an application for a facility construction permit or license or an authorization subject to Part 115, or for a license to receive waste material from other persons for the purpose of packaging, storage or disposal, shall be served by the applicant on (1) the chief executive of the municipality in which the facility is to be located or the activity is to be conducted, or (2) if the facility is not to be located or the activity conducted within a municipality, then on the chief executive of the county. The AEC will send a copy of each such application or amendment to the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted.

§ 2.735 [Amendment]

2. Paragraph (a) of § 2.735 is amended to read as follows:

(a) Whenever a hearing is granted, AEC will give timely notice of the hearing to all parties and to other persons, if any, entitled by law to notice. Notice of hearing on an application or amendment to an application for a facility construction permit or license or an authorization subject to Part 115, or for a license to receive waste material from other persons for the purpose of packaging, storage or disposal, will be given (1) to the Governor or other appropriate official of the State and the chief executive of the municipality in which the facility is to be located or the activity is to be conducted, or (2), if the facility is not to be located or the activity conducted within a municipality, then to the chief executive of the county. Every notice of hearing will state the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing is to be held; the matters of fact and law asserted or to be considered, which will be identified as the "Specification of Issues"; and a request for an answer. The time and place for hearing will be fixed with due regard for the convenience and necessity of the parties or their representatives.

Dated at Germantown, Md., this 9th day of November 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61–10937; Filed, Nov. 16, 1961; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Argentina Consular Invoices Abolished

In § 168.5 *Individual country regulations*, as published in 26 F.R. 8728–8805, the country "Argentina", under Parcel Post, is amended by revising the item *Observations* by striking out the fifth and sixth paragraphs which precede the last paragraph therein, and inserting in lieu thereof the following as a result of legalized consular documents no longer being required for parcels sent to that country:

Observations. • • •

All parcels other than gifts valued under $5 must be accompanied by commercial invoices certified by a recognized Chamber of Commerce.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–10949; Filed, Nov. 16, 1961; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7821 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Doehla Greeting Cards, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Furnishing services or facilities for processing, handling, etc., under 2(e): § 13.843 *Promotional enterprises.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13)

[Cease and desist order, Doehla Greeting Cards, Inc., Nashua, N.H., Docket 7821, Sept. 15, 1961]

Consent order requiring a greeting card manufacturer, with plant in Nashua, N.H., and warehouse facilities in Philadelphia, Atlanta, and Palo Alto, also jobbing gift items and jewelry, with annual sales exceeding $8,000,000, to cease discriminating in price in violation of section 2(e) of the Clayton Act by furnishing a national program of joint advertising to eight of its franchise distributors—leasing to them names of participating agents, and referring inquiries to the member in whose allotted territory the inquirer was located—without offering comparable services to its other distributors upon proportionally equal terms.

The order to cease and desist, including provision requiring report of compliance therewith, is as follows:

It is ordered, That respondent Doehla Greeting Cards, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of greeting cards, miscellaneous gift items and jewelry, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Contracting to furnish or furnishing, or contributing to the furnishing of, any services or facilities, connected with the handling, sale, or offering for sale of any of said products, to any purchaser of such products, bought for resale, unless such services or facilities are accorded on proportionally equal terms to all purchasers competing with such favored purchasers in the sale of respondent's products.

2. Furnishing any advertising plan or program under the name of "Harry Doehla and Associates" or any other name, to any purchaser, or group of purchasers, unless such plan or program is accorded on proportionally equal terms to all purchasers competing with such favored purchasers in the sale of respondent's products.

3. Participating with any purchaser, or group of purchasers, in any advertising plan or program, unless such participation is accorded on proportionally equal terms to all purchasers competing with such favored purchasers in the sale of respondent's products.

4. Leasing, selling, furnishing, or otherwise making available to any purchaser the name or address of any present or former agent or representative, or prospective agent or representative, of respondent, unless such leasing, selling, furnishing or otherwise making available is accorded on proportionally equal terms to all purchasers competing with such favored purchasers in the sale of respondent's products.

5. Furnishing catalogs to any purchaser, describing the various products sold and distributed by respondent, unless such assistance is accorded on proportionally equal terms to all purchasers competing with such favored purchasers in the sale of respondent's products.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–10943; Filed, Nov. 16, 1961; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–37; No. MC–C–2]

PART 170—COMMERCIAL ZONES

New York, N.Y., Commercial Zone; Correction

JULY 13, 1961.

Corrected order of April 28, 1961.[1] The outstanding order in the above-entitled proceedings not yet having become effective, and an appropriate petition for reconsideration and oral argument of such order, by The Port of New York Authority, et al., having been filed on June 30, 1961, such order pursuant to section 17(8) of the Interstate Commerce Act, is stayed pending disposition of the matter.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–10952; Filed, Nov. 16, 1961; 8:47 a.m.]

[1] Portion corrected May 10, 1961.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Dockets Nos. AO 336 and AO 337]

TURKEY HATCHING EGGS AND TURKEYS

Second Supplemental Notice of Hearing With Respect to Proposed Marketing Agreements and Orders

Notice is hereby given that the place of hearing for the hearing session scheduled for Albany, New York, on December 12, 1961, has been changed from Hearing Room No. 1, State Office Building, Albany, New York, to Seminar Room, Education Building Annex, Hawk Street, Albany, New York.

Dated: November 14, 1961.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 61-10957; Filed, Nov. 16, 1961; 8:48 a.m.]

[7 CFR Part 1026]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Establishment of Administrative Rules and Regulations

Notice is hereby given that the Secretary has under consideration certain proposed provisions of the Subpart—Administrative Rules and Regulations to be made effective under the provisions of Marketing Agreement No. 132 and Order No. 126 (26 F.R. 7797), regulating the handling of Central California grapes for crushing. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed provisions were recommended by the Grape Crush Administrative Committee established under the marketing agreement and order and would implement the provisions of § 1026.54 Setaside of the order by establishing (1) a conversion factor for converting grapes for crushing, other than raisin residual material, to proof gallons of products for purposes of determining handlers' setaside obligations, (2) an allowance to handlers to recognize normal shrinkage or loss on setaside while held in storage, and (3) conversion factors for use in determining the proof gallon equivalents of dessert wines held as setaside.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 14 days after publication of this notice in the FEDERAL REGISTER.

The proposal submitted by the committee did not include a recommendation for conversion factors for (1) converting grapes for crushing, other than raisin residual material, to concentrate equivalent, and (2) raisin residual material and concentrate to proof gallon equivalents. However, appropriate spaces and subparagraphs have been reserved as set forth below, and written data, views, and arguments pertaining to such conversion factors may be submitted simultaneously with submission of data, views, and arguments pertaining to the committee's proposal referred to above.

The specific proposals now under consideration are set forth below:

Subpart—Administrative Rules and Regulations

§ 1026.105 Brix.

"Brix" is the percent by weight of the soluble solids in solution expressed in terms of sucrose equivalent. For the purposes of the order and this subpart, the terms "Brix" and "Balling" shall have the same meaning.

§ 1026.154 Setaside.

(a) *Factors for converting grapes for crushing to proof gallon or concentrate equivalents*—(1) *Grapes for crushing, other than raisin residual material.* For the purpose of determining handlers' setaside obligations and for such other purposes as the committee may deem to be appropriate, the conversion factor for converting grapes for crushing, other than raisin residual material, received by handlers to (i) proof gallons of products shall be 2.0 proof gallons per ton per degree Balling, and (ii) concentrate, at 68 degrees Brix, shall be [Reserved] gallons per ton per degree Balling.

(2) *Grapes for crushing—Raisin residual material.* [Reserved.]

(b) *Allowance for normal shrinkage or loss.* Each handler's setaside obligation shall be adjusted to allow for normal shrinkage or loss of setaside items held for the account of the committee. Such adjustment shall be at the rate of 4 percent per year of the handler's setaside obligation, on a proof gallon basis, and the period for the computation of such allowance shall begin January 1 of the crop year in which such obligation was incurred.

(c) *Conversion of setaside products to proof gallon equivalents*—(1) *Dessert wine.* The conversion factors to be used in determining the proof gallon equivalents of various dessert wines shall be those in the "Table of Proof Gallon Equivalents Per Gallon," prepared by Professor B. L. Marsh, Division of Food Technology, University of California, and commonly referred to in the industry as the "Marsh Tables".

(2) *High proof.* The conversion factor to be used in determining the proof gallon equivalent per gallon of high proof shall be obtained by dividing the proof number by 100.

(3) *Concentrate.* [Reserved.]

Dated: November 14, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10946; Filed, Nov. 16, 1961; 8:47 a.m.]

[7 CFR Part 1033]

[AO-322-A1]

ONIONS GROWN IN SOUTH TEXAS

Notice of Hearing With Respect to Amendments to Marketing Agreement No. 143 and Order No. 133

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Echo Motor Hotel, Edinburg, Texas, at 9:30 a.m., local time, November 28, 1961, with respect to proposed amendments to Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 1033), hereinafter referred to as the "marketing agreement" and "order" respectively, regulating the handling of onions grown in designated counties in South Texas (the counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron, in the State of Texas). The proposed amendments have not received approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The South Texas Onion Committee, the administrative agency for the marketing agreement and order, has proposed the following amendments to the marketing agreement and order and has requested a hearing thereon:

1. Amend § 1033.7 *Handle* to read as follows:

§ 1033.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place

onions in the current of the commerce within the production area or between the production area and any point outside thereof. These terms shall not include the transportation, sale, or delivery of onions to a person in the production area who is a registered handler.

2. Amend § 1033.12 *Pack* to read as follows:

§ 1033.12 Pack.

"Pack" means a quantity of onions specified by grade, size, weight, or count, or by type or condition of container, or any combination of these, recommended by the committee and approved by the Secretary.

3. Amend § 1033.31 *Alternate members* to read as follows:

§ 1033.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member of the committee may designate any other alternate member from the same group (handler or grower) to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

4. Amend § 1033.52 *Issuance of regulations* by providing authority in paragraph (b)(2) to regulate differently for "different markets"; by adding a new paragraph (c) to provide authority for "holidays"; and by renumbering current paragraph (c) as (d), so that this section will read as follows:

§ 1033.52 Issuance of regulations.

(a) The Secretary shall limit the handling of onions by regulations specified in this section whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities, or packs, or any combination thereof, of any or all varieties of onions during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of onions differently for different varieties, for different markets, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of onions.

(c) Establish holidays by prohibiting the packaging of onions during a specified period or periods. No regulation issued pursuant hereto shall be effective for more than 72 hours, and not less than 72 hours shall elapse between the termination of any such holiday and the beginning of the next such period.

(d) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the act.

5. Amend other sections essential to consideration of the above and necessary to conform the marketing agreement and order to the proposed amendments.

Copies of this notice may be obtained from the Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2217 N. 10th, McAllen, Texas, or from the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington 25, D.C., or may be there inspected.

Dated: November 14, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10956; Filed, Nov. 16, 1961; 8:48 a.m.]

[7 CFR Part 1034]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 134 (7 CFR Part 1034; 25 F.R. 12227).

The marketing order regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

§ 1034.202 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144, and Order No. 134, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal period November 1, 1961, through October 31, 1962, will amount to $30,000.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 144 and Order No. 134 shall be two cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034; 25 F.R. 12227).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 14, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10945; Filed, Nov. 16, 1961; 8:46 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

ELECTRIC LAMP INDUSTRY

Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the electric lamp industry under section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35) will be held before a hearing examiner on Wednesday, January 3, 1962, beginning at 10 o'clock a.m., in Room 2325 of the United States Department of Labor Building on Constitution Avenue and Fourteenth Street NW., Washington, D.C.

The electric lamp industry is tentatively defined as the manufacture or furnishing of electric bulbs, tubes, and related light sources, including but not limited to such products as incandescent filament lamps, sealed beam headlights composed of a filament in a glass shell, vapor and fluorescent lamps, electroluminescent lamps, strobotrons, photoflash and photoflood lamps, ultra-violet and infra-red lamps, and the following electric lamp components: Lead-in wires, support wires, filaments, welds, hooks, and bases.

Excluded is the manufacture of electron tubes, X-ray tubes, sealed beam headlights composed of an electric lamp enclosed in a shell of glass or of glass

and metal, carbon arc lamps (except electrotherapeutic ultra-violet and infra-red), custom-made luminous tube signs, fixtures, and raw materials such as chemicals, gases, glass blanks, glass tubing, glass rod, and dumet, molybdenum, and tungsten wire.

For the purpose of this definition, an electric lamp is defined as any hermetically sealed device the primary purpose of which is to convert electric energy into radiation within the visible spectrum and/or into ultra-violet radiation of wave lengths of not less than 500 angstrom units and/or infra-red radiation not longer than 100,000 angstrom units.

Interested persons may appear at the time and place specified herein and submit evidence as to the following subjects and issues: (1) Any amendments which should be made to the tentative definition of the industry; (2) whether the geographic area of competition for contracts subject to the Walsh-Healey Act within this industry extends to all of the area in which the industry has its establishments, so as to require an industry-wide wage determination or whether it is limited to smaller geographic areas (including the boundaries of such areas) so as to permit separate wage determinations for each such locality; (3) what are the prevailing minimum wages in the industry for each geographic area for which determinations should be made; and (4) whether there is good cause to delay the effective date of the final determination more than seven days after it is published in the FEDERAL REGISTER.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest June 15, 1961, have also been gathered. This information will be submitted for consideration at the hearing and will be made available to interested persons on request before the hearing and as soon as it has been duplicated.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and the sworn or affirmed statement of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and state: (1) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such establishment, (3) the minimum wage paid to covered workers (presently and, if possible, on June 15, 1961), and the number of covered workers at each such establishment receiving such wages, and (4) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act (41 CFR Part 50-203, including the amendment of September 22, 1961, 26 F.R. 8945).

Signed at Washington, D.C., this 14th day of November 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-10955; Filed, Nov. 16, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 583) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of zoalene in combination with not less than 1 gram of procaine penicillin and not less than 3 grams of zinc bacitracin; for growth promotion, provided that the total antibiotic used does not exceed 50 grams per ton of finished feed.

Dated: November 13, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-10944; Filed, Nov. 16, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 202, 203, 213, 215, 291, 292, 296, 297, 298]

[Docket No. 13181]

NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Notice of Proposed Rule Making

NOVEMBER 13, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 215 of the Economic Regulations.

The principal features of the proposed regulation are explained in the Explanatory Statement below, and the new part is set forth below. This regulation is proposed under authority of sections 101(3), 204(a), 401, 402, 411, and 416 of the Federal Aviation Act (72 Stat. 737, 743, 754, 757, 769, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1381, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before December 18, 1961 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof by the Board.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Applications for certificates of public convenience and necessity, exemptions to perform air transportation services, letters of registration, operating authorizations, permits, or other operating rights, or for permission to change a business or corporate name, sometimes contain a proposed name which is so similar to the name or names of other air carriers or foreign air carriers as to cause the likelihood of public confusion between the applicant and the other carriers. Since no formalized procedure has been provided in the past, procedural uncertainty and consequent delay in the processing of applications other than those set for hearing have resulted. The regulation proposed herein sets forth a procedure intended to obviate this difficulty.

The proposal establishes a uniform policy to apply to names and business names of all carriers, and a uniform procedure to be followed in passing on names in applications for operating authority (other than applications for certificates of public convenience and necessity and foreign air carrier permits), for permission to use a business name, or for change of a carrier's name. The business name provisions presently found in the regulations (Interstate and Overseas Air Transportation by Certificated Route Air Carriers (§ 202.8); Foreign Air Transportation by U.S. Flag Certificated Route Air Carriers (§ 203.9); Large Irregular Air Carriers (§ 291.28); Alaskan Air Carriers (§ 292.9); Air Freight Forwarders (§ 296.50); International Air Freight Forwarders (§ 297.42); and Air Taxi Operators (§ 298.23)) would be replaced by references to new Part 215.

Foreign Air Carrier Permits now incorporate by reference provisions of Part 203, including that relating to business names and a proposed Part 213 now being considered in the Investigation of the Terms, Conditions and Limitations of Foreign Air Carrier Permits, Docket 12063, contains a "business name" section (proposed § 213.9). If this proposed regulation is adopted the Board will amend proposed Part 213 by replacing § 213.9 with a reference to new Part 215.

The new regulation would provide that upon processing an application for operating authority (other than applications for certificates of public convenience and necessity and for foreign air carrier permits) or an application for permission to use or change a business or corporate name, the names of all direct and indirect air carriers will be examined for similarity with the applicant's name. If it appears that a possibility of public confusion exists, a letter will be sent to the carriers whose names appear to be confusingly similar. The letter will identify the applicant and state its proposed name, area of operation, location of agencies and terminals, type of operations, and other pertinent matter. A copy of this letter will also be sent to the applicant.

The notified carriers will have 15 days to submit an answer to the Board in writing wherein they may submit factual information and their views as to whether public confusion will result because of similarity of names. The regulation sets forth pertinent criteria on which the carrier should focus in making such an answer. Such answers shall also be served upon the applicant, who in turn will have 15 days from the date of receipt of said answers, to submit a reply to the Board.

If, upon consideration of the information submitted, it is determined that said name will not result in public confusion, the application will be acted upon in accordance with its other merits. If it is determined that said name may result in public confusion, the applicant and the interested parties will be notified of that determination and the applicant will be given the option, to be exercised within 15 days, to (1) change the proposed name, (2) withdraw the application, or (3) request that the issue of similarity of names be assigned for hearing or considered as an issue if there is to be a hearing on the merits of the application. If the applicant asks for a hearing, he shall outline the evidence to be presented on this issue and shall show the need for a hearing on such matter. The Board may thereupon deny permission to use the proposed name without hearing or assign the matter for hearing or consider it as an issue if there is to be a hearing on the merits of the application. If the application is amended and returned to the Board with a new name, it will be treated as a new application for name purposes and the basic procedure provided will be repeated. The proposed rule adds, however, that if the name originally applied for is one in which the applicant has a prior business interest, said applicant may be permitted by the Board to advertise his affiliation with his other business, even though his operating authority has not been issued under that original name because of the public confusion problem.

The proposed regulation is not made applicable to applications for certificates of public convenience and necessity and foreign air carrier permits because, if an issue regarding the name of the applicant arises, it can be tried and determined in the course of the formal proceeding.

Ticket agents are not within the scope of this proposed regulation. However, adoption by a ticket agent of a name confusingly similar to that of an air carrier or foreign air carrier authorized by the Board to use such name may be investigated and adjudicated as a violation of section 411 of the Act.

This regulation would not exhaust the Board's regulatory powers over carriers' confusingly similar names. The Board has power under section 411 of the Act to deal with the use of such a name where such use may constitute an unfair or deceptive practice or an unfair method of competition. It should be noted, moreover, that the purpose of the proposed regulation is to establish a procedure for avoiding public confusion resulting from confusingly similar names, as distinguished from protecting an existing carrier's property interest in an established name.

Proposed rule. 1. It is proposed to strike the present "Business Name" provisions of Parts 202, 203, 291, 292, 296, 297 and 298, which are contained respectively in §§ 202.8, 203.9, 291.28, 292.9, 296.50, 297.42, 298.23, and § 213.9 of proposed new Part 213, Docket 12063; and to insert in lieu thereof a reference to new Part 215.

2. It is further proposed to adopt a new Part 215 of the Economic Regulations, "Names of Air Carriers and Foreign Air Carriers", to read as follows:

§ 215.1 Applicability.

This part applies to all direct and indirect air carriers and foreign air carriers.

§ 215.2 Use of name.

In holding out to the public and in performing air transportation services, such carrier shall use only the name in which its operating authorization is issued or a name, the use of which has heretofore been authorized by the Board, or has been authorized under the provisions of this part. Minor variations in the use of this name including abbreviations, contractions, initial letters, or other variations of such name which are readily identifiable therewith are permitted. Slogans and service marks shall not be considered names for the purposes of this part, and their use is not restricted hereby.

§ 215.3 Change of name or use of trade name.

The recipient of a certificate of public convenience and necessity, an exemption to perform air transportation services, a letter of registration, an operating authorization, a permit, or other operating rights, may do business in such other and different name or names as the Board may permit upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be conditioned upon the abandonment of the use of the currently authorized name in air transportation service by the party concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

§ 215.4 Similarity of names.

(a) *Initiation of proceeding.* When processing applications for an exemption to perform air transportation services, a letter of registration, an operating authorization, or any other operating rights except certificates of public convenience and necessity or foreign air carrier permits, or for permission to change a business or corporate name or use a trade name, names of all direct and indirect air carriers will be examined for similarity with the applicant's name. If it is determined that a possibility of public confusion exists, a letter will be sent to the carriers whose names appear to be confusingly similar. The letter will identify the applicant and state its proposed name, area of operation, location of agencies and terminals, type of business, and other pertinent matters. A copy of this letter will also be sent to the applicant.

(b) *Further pleadings.* The notified carriers will have 15 days to submit an answer to the Board in writing wherein they submit factual information and their views as to whether public confusion will result because of similarity of names. Pertinent matters on which the carriers should focus include, among others: (1) The similarity of the names; (2) expected geographical overlap and relationship between the applicant and the carrier; (3) the types of operations which are to be engaged in by the applicant and the carrier; (4) the extent to which any or all of the words in the carrier's name, or any combination of such words, has been identified by the public, with the carrier. In this connection, the carrier should point out (i) length of time carrier has been operating; (ii) other carriers using the same words or combinations of them in their name; and (iii) relevant Court or Board decisions concerning confusingly similar names. Such answers shall also be served upon the applicant, who within 15 days, from the date of service of said answers, may submit a reply to the Board and serve it upon the persons who have filed answers. Such answers and replies shall be filed with the Board in accordance with the filing requirements of § 302.3 of this chapter.

(c) *Determination.* If upon consideration of the information submitted, it is determined that said name will not result in public confusion, the application will be examined and acted upon according to its other merits. If it is determined that said name may result in public confusion, the applicant and the interested parties will be notified of that determination and the applicant may, within 15 days, (1) amend the application by changing the proposed name, or (2) withdraw the application, or (3) request that the issue of similarity of names be assigned for hearing or considered as an issue if there is to be a hearing on the merits of the application. If the applicant asks for a hearing, he shall outline the evidence to be presented on this issue and shall show the need for hearing thereon. The Board may thereupon deny said application without hearing or assign it for hearing or consider it as an issue if there is to be a hearing on the merits of the application. If the application is amended and returned to the Board with a new name, it will be treated as a new application for name purposes and the

basic procedure provided will be repeated. If the name originally applied for is one in which the applicant has a prior business interest, said applicant may be permitted by the Board to advertise his affiliation with his other business, even though his operating authority has not been issued under that original name because of the public confusion problem. For example:

(1) If the applicant is in business as a surface forwarder under a name which might cause confusion, and he wishes to organize a new corporation for his air freight forwarder business, he may be permitted to represent to the public that the new firm is an "affiliate of ----------, a surface freight forwarder." The new corporate name shall always be displayed more prominently than that of the business with which the carrier is affiliated, and, as illustrated, the nature of the business of that organization with which the new corporation is affiliated shall always be displayed as prominently as its name.

(2) If the applicant intends to undertake the contemplated activities under an existing corporate name which would cause confusion, he may be required to hold out his air transportation activities under a trade name. However, it may be necessary to include a requirement that the corporate name as well as the trade name appear on all air waybills, contracts entered into by the company, as well as on all insurance policies in a form which will obviate any possible confusion, such as:

------ Forwarding Co.
d/b/a
Ajax Air Freight

In such instances, the trade name selected shall at all times be displayed more prominently than the corporate name, and the corporate name shall not be used in any way for advertising purposes, unless the fact that there is no affiliation with another air carrier is prominently spelled out.

[F.R. Doc. 61-10962; Filed, Nov. 16, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 411]

[Reg. Docket No. 967]

DELEGATION OPTION PROCEDURES FOR SUPPLEMENTAL TYPE CERTIFICATION

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that the Federal Aviation Agency has under consideration a proposed new Part 411, "Delegation Option Procedures for Supplemental Type Certification", of the regulations of the Administrator.

Section 1.25 of the Civil Air Regulations provides for the issuance of supplemental type certificates when a person, other than the holder of the type certificate for a product, alters the product by introducing a major change in a previously approved type design, and the change is not so extensive as to require application for a new type certificate. As a result of recent discussions with the aviation industry, it appears that there is a need for an additional method by which aircraft may be altered or modified and returned to service. The FAA believes that this can be accomplished expeditiously and safely by delegating directly to qualified certificated repair stations and air carriers the authority to issue supplemental type certificates for aircraft which they modify or alter. Such repair stations and air carriers would be known as Designated Modification Stations (DMS), and authorized to issue supplemental type certificates in accordance with the delegation option procedures presented in this proposal. A repair station would be authorized to operate as a DMS under the proposed delegation option procedures only with respect to products for which it is rated. Similarly, an air carrier would be limited to those products which it is authorized to maintain and operate under its air carrier operating certificate or specifications.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before December 19, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

This part is proposed under the authority of sections 313(a), 314, 603, 604, and 607 of the Federal Aviation Act of 1958 (72 Stat. 752, 754, 776, 778, 779; 49 U.S.C. 1354(a), 1355, 1423, 1424, 1427).

In consideration of the foregoing, it is proposed to establish a new Part 411 of the regulations of the Administrator to read as follows:

PART 411—DELEGATION OPTION PROCEDURES FOR SUPPLEMENTAL TYPE CERTIFICATION

Subpart A—General

Sec.
411.1 Basis and purpose.

Subpart B—Application and Issuance of Designated Modification Station and Delegation Option Authorizations

411.10 Application.
411.11 Eligibility requirements.
411.12 Authorization.
411.13 Duration.
411.14 Transfer.
411.15 Inspections.
411.16 Change in facilities or personnel.

Subpart C—Delegation Option Procedures

411.31 Limitations.
411.32 Issuance of Supplemental Type Certificates.
411.33 Review.
411.34 Reference to approved technical data.

Subpart A—General

§ 411.1 Basis and purpose.

(a) Section 603 of the Federal Aviation Act of 1958 (72 Stat. 776; 49 U.S.C. 1423) empowers the Administrator to make inspections and tests necessary to the issuance of, among other things, type certificates and to issue such certificates. Section 314 of the Federal Aviation Act of 1958 (72 Stat. 754; 49 U.S.C. 1355) also empowers the Administrator to delegate to private persons any work, business, or function respecting the examination, inspection, and testing necessary to the issuance of type certificates, including supplemental type certificates. Such persons may also issue the certificates in accordance with standards established by the Administrator.

(b) This part prescribes the procedures under which an air carrier or repair station may obtain a delegation of authority from the Administrator to act as a Designated Modification Station for the alteration or modification of products and to issue supplemental type certificates as provided in Civil Air Regulations, Part 1.

Subpart B—Application and Issuance of Designated Modification Station and Delegation Option Authorizations

§ 411.10 Application.

Application for a delegation of authority to use the delegation option procedures as a Designated Modification Station shall be submitted to the FAA Regional Office for the region in which the applicant is located and shall contain the following information:

(a) The repair station certificate number held by the applicant and the current ratings endorsed thereon, or in the case of an air carrier, its air carrier operating certificate number and the products which it is authorized to maintain and operate under the terms of its approved maintenance manual;

(b) The names of the individuals who will be authorized to issue Supplemental Type Certificates on behalf of the applicant; and

(c) A description of the facilities and staff which the applicant will utilize in meeting the requirements of § 411.11(b).

§ 411.11 Eligibility requirements.

An applicant for a Designated Modification Station and delegation option authorization shall meet the following requirements:

(a) Hold a currently effective Repair Station Certificate issued by the Administrator under the provisions of Part 52, or an Air Carrier Operating Certificate (including an Air Taxi Operator Certificate) issued by the Administrator under the provisions of Part 40, 41, 42, or 47 of this title, and possess adequate overhaul facilities and personnel appropriate to the aircraft which it is authorized to operate.

(b) Employ or have available the services of an adequate staff of competent engineering, flight test, and inspection personnel to determine compliance with the Supplemental Type Certification requirements of the Civil Air Regulations. At least one member of the staff shall be an individual who has had not less than eight years of aeronautical engineering experience. During one of these years he must have been actively engaged in the processing of engineering work for FAA approval of the products covered in the ratings of the repair station at which he is employed, or, if employed by an air carrier, in such air carrier's operating certificate or specifications. In addition, he shall have such technical knowledge as may be necessary to determine that the altered product meets the applicable airworthiness requirements and is in a condition for safe operation. His record of previous engineering approvals shall be satisfactory.

§ 411.12 Authorization.

Upon filing an application containing the information specified in § 411.10, and a finding by the Administrator that the applicant meets the eligibility requirements, the applicant may obtain an authorization to operate as a Designated Modification Station (DMS) and issue Supplemental Type Certificates under the delegation option procedures prescribed in this part.

NOTE: The authorization issued to an applicant reads as follows:

FEDERAL AVIATION AGENCY
(Regional Address)

Authorization To Operate as a Designated Modification Station

In consideration of an application dated ----------, ----------
(Name of repair station or air carrier)
is hereby authorized to operate as a Designated Modification Station and to issue Supplemental Type Certificates for modified type certificated products, in accordance with the delegation option provisions of Part 411 of the Regulations of the Administrator, Federal Aviation Agency.

Certificate of Authority No. -------.

(Date)

By ----------
Chief,
Engineering and Manufacturing Branch.

§ 411.13 Duration.

Unless otherwise terminated by the Administrator, an authorization to operate as a Designated Modification Station and use the delegation option authorization for Supplemental Type Certification shall remain in effect for one year from the date of issuance. Thereafter, it may be renewed for additional periods of one year.

§ 411.14 Transfer.

An authorization to operate as a DMS and use the delegation option procedure is not transferable.

§ 411.15 Inspection.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations of the facilities, products and records of the holder of, or the applicant for, a Designated Modification Station and delegation option authorization.

§ 411.16 Change in facilities or personnel.

The Administrator shall be notified immediately by the holder of a DMS and delegation option authorization of any change in its facilities or personnel which would make him unable to meet the eligibility requirements specified in § 411.11 for the issuance of such authorization.

Subpart C—Delegation Option Procedures

§ 411.31 Limitations.

The delegation option procedures shall be used for the issuance of an STC only by a Designated Modification Station and shall be limited to those products included in the ratings of the repair station, or in the case of an air carrier the products which it is authorized to maintain and operate under the terms of its approved maintenance manual.

§ 411.32 Issuance of supplemental type certificates.

(a) Prior to the issuance of a Supplemental Type Certificate for a product under the delegation option procedures the DMS shall determine the airworthiness requirements of the Civil Air Regulations, and any FAA policies, procedures, and practices applicable to the altered product.

(b) Upon a finding that all applicable requirements are met, and the product is in a condition for safe operation, the DMS may issue the STC. No STC shall be issued for a product involving the equivalent safety provisions of the Civil Air Regulations unless prior approval thereof has been obtained in writing from the Chief, Engineering and Manufacturing Branch for the Region in which the DMS is located. Two copies of the STC (Form FAA 2417) together with one copy of the design data therefor as approved by the DMS and referred to therein shall be submitted to the Chief, Engineering and Manufacturing Branch, upon issuance of the STC.

§ 411.33 Review.

Whenever upon review by the Administrator it appears that the product for which an STC was issued does not comply with the applicable airworthiness requirements, or an unsafe condition exists with respect to a design feature of such product, the holder of the STC shall be notified and the DMS shall, upon request of the Administrator, accomplish such corrective action as may be necessary.

NOTE: When service experience indicates that corrective action by the user of the product is required for safety, the FAA will take the action necessary for the issuance of an airworthiness directive in accordance with the provisions of § 1.24 of Civil Air Regulations, Part 1.

§ 411.34 Reference to approved technical data.

Lists of STCs which the holders thereof agree to make available to others will be published by the Administrator. Technical data submitted to the FAA by an applicant for, or holder of, a type certificate will not be released to a DMS by the Federal Aviation Agency unless the DMS obtains and submits to the FAA written permission of the owner of such data.

Issued in Washington, D.C., on November 13, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-10940; Filed, Nov. 16, 1961; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-131]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 600.1607, 600.1609 and 600.1648 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1607 extends in part from Big Sur, Calif., VOR as a 12-mile-wide airway via the intersection of the Big Sur VOR 330° and the Point Reyes, Calif., VOR 153° True radials to Point Reyes VOR. Intermediate altitude VOR Federal airway No. 1609 extends in part from the Paso Robles, Calif., VOR as a 10-mile-wide airway via the intersection of the Paso Robles VOR 314° and the Salinas, Calif., VOR 150° True radials; Salinas VOR; Oakland, Calif., VOR to the Point Reyes VOR. Intermediate altitude VOR Federal airway No. 1648 extends in part from the intersection of the Big Sur VOR 330° and the Salinas VOR 281° True radials as a 10-mile-wide airway to the Salinas VOR.

The FAA has under consideration the following airspace proposals:

1. Alter the segment of Victor 1607 from Big Sur VOR to the Point Reyes VOR by realigning it from the Big Sur VOR as a 10-mile-wide airway via the intersection of the Big Sur VOR 325° and the Point Reyes VOR 161° True radials to the Point Reyes VOR. This realignment would cause this segment of Victor 1607 to overlie low altitude VOR Federal airway No. 27 to provide transition capabilities for aircraft operating over this primary southbound coastal route from the San Francisco, Calif., terminal area. The route width reduction would provide lateral separation with the altered segment of intermediate altitude VOR Federal airway No. 1609 proposed herein.

2. Alter the segment of Victor 1609 from Paso Robles VOR to the Point Reyes VOR by realigning it from the Paso Robles VOR as a 10-mile-wide airway via the intersection of the Paso Robles VOR 317° and the Salinas VOR 147° True radials; Salinas VOR; intersection of the Salinas VOR 310° and the San Francisco VOR 160° True radials; San Francisco VOR; intersection of the San Francisco VOR 304° and the Point Reyes VOR 161° True radials; to the Point Reyes VOR. This realignment would cause this segment of Victor 1607

to overlie low altitude VOR Federal airway No. 25 to provide transition capabilities for aircraft operating over this primary northbound coastal route into the San Francisco terminal area. The route width reduction would provide lateral separation with the altered segment of Victor 1607 proposed herein.

3. Alter the segment of Victor 1648 from its beginning to the Salinas VOR by redesignating it from the intersection of the Big Sur VOR 325° and the Salinas VOR 281° True radials as a 10-mile-wide airway to the Salinas VOR. This would align the starting point of this airway to coincide with the centerline of Victor 1607 as proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on November 13, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10941; Filed, Nov. 16, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–206]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1114, 601.1307, 601.1308, 601.1467, and 601.1473 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operations. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures at the locations in Alaska indicated below, the FAA is considering the following airspace actions:

1. The Aniak, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of lines bearing 050° and 230° True from the Aniak radio range extending from 9 miles northeast to 20 miles southwest of the radio range. This would provide protection for aircraft in holding patterns at the Aniak radio range.

2. The Farewell, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles south and 8 miles north of lines bearing 110° and 290° True from the Farewell radio range extending from 13 miles west to 13 miles east of the radio range. This would provide protection for aircraft in holding patterns at the Farewell radio range.

3. The Five Finger, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles west and 7 miles east of lines bearing 170° and 350° True from the Five Finger radio beacon extending from 13 miles north to 12 miles south of the radio beacon. This would provide protection for aircraft in holding patterns at the Five Finger radio beacon.

4. The Galena, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within a 32-mile radius of the Galena radio range. This would provide protection for aircraft in holding patterns at the Galena radio range and at the Galena TACAN.

5. The Gulkana, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles west and 8 miles east of lines bearing 171° and 351° True from the Gulkana radio range extending from 13 miles north to 13 miles south of the radio range. This would provide protection for aircraft in holding patterns at the Gulkana radio range.

6. The Iliamna, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 6 miles west and 8 miles east of lines bearing 016° and 196° True from the Iliamna radio range extending from 7 miles north to 13 miles south of the radio range. This would provide protection for aircraft in holding patterns at the Iliamna radio range.

7. The Kukaklek, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 9 miles southeast and 6 miles northwest of lines bearing 056° and 236° True from the Kukaklek Intersection (intersection of the northeast course of the King Salmon, Alaska, and the south course of the Iliamna radio ranges) extending from 8 miles northeast to 19 miles southwest of the intersection. This would provide protection for aircraft in holding patterns at the Kukaklek Intersection.

8. The McGrath, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 13 miles southwest and 7 miles northeast of lines bearing 115° and 295° True from the McGrath radio range extending from 13 miles northwest to 20 miles southeast of the radio range. This would provide protection for aircraft in holding patterns at the McGrath radio range.

9. The Northway, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 16 miles northeast and 25 miles southwest of lines bearing 307° and 127° True from the Northway radio range extending from 22 miles southeast to 42 miles northwest of the radio range. This would provide protection for aircraft in holding patterns at the Northway radio range.

10. The Bettles, Alaska, control area extension (§ 601.1114) would be redesignated within 16 miles east and 25 miles west of lines bearing 337° and 157° True from the Bettles radio range extending from 25 miles north to 42 miles south of the radio range. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Bettles radio range.

11. The Minchumina, Alaska, control area extension (§ 601.1307) would be redesignated within 6 miles southwest and 8 miles northeast of a line bearing 332° True from the Minchumina radio range extending from the radio range to 7 miles northwest, including the airspace southeast of low altitude Red Federal airway No. 39 within a 25-mile radius of the Minchumina radio range. This would provide protection for aircraft in holding patterns at the Minchumina radio range.

12. The Gustavus, Alaska, control area extension (§ 601.1308) would be redesignated within 22 miles southwest and 19 miles northeast of lines bearing 145° and 325° True from the Gustavus radio range extending from 16 miles northwest to 48 miles southeast of the radio range. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Gustavus radio range and at the Sisters Island, Alaska radio beacon.

13. The Bethel, Alaska, control area extension (§ 601.1467) would be redesignated within a 30-mile radius of the Bethel VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Bethel radio range and at the Bethel VOR.

14. The Kenai, Alaska, control area extension (§ 601.1473) would be redesignated within a 42-mile radius of the Kenai VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Kenai radio range, at the Kenai VOR, at the Inlet Intersection (intersection of the Kenai VOR 345° and the Anchorage, Alaska, VOR 237° True radials) and at the Skilak Intersection (intersection of the Anchorage VOR 198° and the Homer Alaska, VOR 027° True radials).

15. The Portage, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 15 miles southwest and 23 miles northeast of lines bearing 122° and 302° True from the Portage radio beacon extending from 20 miles northwest to 40 miles southeast of the radio beacon. This would provide protection for aircraft in holding patterns at the Portage radio beacon.

16. The Rocky Point, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of a line bearing 255° True from the Kodiak, Alaska, radio range extending from 18 miles east to 8 miles west of the Rocky Point Intersection (intersection of lines bearing 255° True from the Kodiak and 132° True from the King Salmon, Alaska, radio ranges).

17. The Skwentna, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 15 miles south and 23 miles north of lines bearing 100° and 280° True from the Skwentna radio range extending from 40 miles west to 13 miles east of the radio range. This would provide protection for aircraft in holding patterns at the Skwentna radio range.

18. The Summit, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 25 miles west and 16 miles east of lines bearing 187° and 007° True from the Summit radio range extending from 22 miles south to 42 miles north of the radio range. This would provide protection for aircraft in holding patterns at the Summit radio range.

19. The Talkeetna, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 23 miles west and 15 miles east of lines bearing 022° and 202° True from the Talkeetna radio beacon extending from 40 miles north to 15 miles south of the radio beacon. This would provide protection for aircraft in holding patterns at the Talkeetna radio beacon.

20. The Tanana, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 6 miles northeast and 10 miles southwest of lines bearing 314° and 134° True from the Tanana radio range extending from 7 miles northwest to 13 miles southeast of the radio range. This would provide protection for aircraft in holding patterns at the Tanana radio range.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 13, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10942; Filed, Nov. 16, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–163]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1025, 601.1128, 601.1335, and 601.1407 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designated for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the New Orleans, La., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The New Orleans, La., control area extension (§ 601.1025) would be altered to add the airspace northeast of New Orleans beyond the present limits of the New Orleans control area extension within 10 miles north and 12 miles south of the New Orleans VORTAC 070° True radial extending from the VORTAC to the Biloxi, Miss., control area extension 25-mile radius area, excluding the portion of the control area extension which would coincide with the Pearl River, Miss., Restricted Area (R–4403). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Slidell Intersection (intersection of the Picayune, Miss., VOR 179° and the New Orleans VORTAC 070° True radials) and the Morris Intersection (intersection of the Picayune VOR 121° and the Gulfport, Miss., VOR 247° True radials).

2. The Alexandria, La., control area extension (§ 601.1128) would be altered to add the airspace east of Alexandria beyond the present limits of the Alexandria control area extension within 12 miles northeast and 8 miles southwest of the Alexandria VOR 105° True radial extending from the Alexandria control area extension 40-mile radius area to 55 miles southeast of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Marks Intersection (intersection of the Alexandria VOR 105° and the Lafayette, La., VOR 002° True radials).

3. The Lafayette, La., control area extension (§ 601.1335) would be redesignated as that airspace bounded on the northeast by low altitude VOR Federal airway No. 114, on the south by low altitude VOR Federal airway No. 20, on the southwest by low altitude VOR Federal airway No. 20 north alternate, and on the northwest by low altitude VOR Federal airway No. 222. This would provide protection for aircraft in holding patterns at the Goony Intersection (intersection of the Lake Charles, La., VOR 058° and the Alexandria, La., VOR 158° True radials), the Morganza Intersec-

tion (intersection of the Baton Rouge, La., VOR° and the Lafayette VOR 027° True radials), and the Bar Intersection (intersection of the Lafayette VOR 012° and the Baton Rouge VOR 272° True radials). Portions of the Lafayette control area extension not included in the description of the proposed control area extension have been admitted to minimize dual designation of controlled airspace. These portions are contained within the New Iberia, La., control area extension (§ 601.1211).

4. The Crestview, Fla., control area extension (§ 601.1407) would be redesignated within 12 miles west and 8 miles east of the Crestview VOR 004° and 184° True radials extending from 20 miles north to 8 miles south of the VOR; including the airspace within 10 miles north and 7 miles south of the Crestview VOR 091° True radial extending from the VOR to 35 miles east, excluding the portion which would coincide with Valparaiso, Fla., Restricted Areas (R–2914 and R–2915). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Baker Intersection (intersection of the Crestview VOR 238° and the Evergreen VOR 146° True radials), and the Corky Intersection (intersection of the Crestview VOR 091° and the Evergreen VOR 129° True radials), and the Crestview VOR.

5. The Woodville, La., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northwest and 8 miles southeast of the McComb, Miss., VOR radial extending from 22 miles north to 10 miles south of the relocated Andalusia Intersection (intersection of the Crestview 013° and the Evergreen, Ala., VOR 114° True radials). This transition area would provide protection for aircraft in holding patterns at the Andalusia Intersection.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 14, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10954; Filed, Nov. 16, 1961; 8:48 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 27–10]

NUCLEAR ENGINEERING COMPANY, INC.

Notice of Receipt of Application for Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that an application for amendment to License No. 4–3766–1 has been filed by Nuclear Engineering Company, Inc., 65 Ray Street, Pleasanton, California, and 400 Delancy Street, Newark 5, New Jersey.

The application proposes the receipt, processing, storage and burial of radioactive material at a site in the Amargosa Desert, approximately 11 miles south of Beatty, Nevada.

The application requests an increase in the maximum amounts of radioactive material which the licensee may possess at any one time to provide for the activities to be conducted at the new site in Nevada.

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Nuclear Engineering Company, Inc., currently possesses an AEC license which permits disposal of packaged radioactive waste material in the Atlantic and Pacific Oceans and by transfer to the AEC designated sites at the National Reactor Testing Station, Idaho Falls, Idaho, and Oak Ridge National Laboratory, Oak Ridge, Tennessee, for land burial. A copy of this license is on file in the Public Document Room.

Dated at Germantown, Md., November 13, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 61–10936; Filed, Nov. 16, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–365]

ACCIDENT OCCURRING IN RICHMOND, VIRGINIA

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 2737A, which occurred on November 8, 1961, at Richmond, Virginia.

Notice is hereby given that an Accident Investigation Hearing on the above-styled matter will be held commencing 9:00 a.m. (local time), on November 21–22, 1961, in the John Marshall Hotel, Richmond, Virginia.

Dated this 14th day of November 1961.

[SEAL] REID C. TAIT,
Hearing Officer, Bureau of Safety.

[F.R. Doc. 61–10961; Filed, Nov. 16, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 14, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37435: *Nitrate of potash from Carlsbad and Loving, N. Mex.* Filed by The Atchison, Topeka and Santa Fe Railway Company (No. 89–A), for itself and interested rail carriers. Rates on nitrate of potash, in carloads, from Carlsbad, and Loving, N. Mex., to points in Illinois, Iowa, Minnesota, and Wisconsin, also St. Louis, Mo.

Grounds for relief: Carrier competition.

Tariff: Supplement 63 to Atchison, Topeka, and Santa Fe Railway tariff I.C.C. 14836.

FSA No. 37436: *Soda ash to Jacksonville and South Jacksonville, Fla.* Filed by Southwestern Freight Bureau, Agent (No. B–8106), for interested rail carriers. Rates on soda ash, in carloads, from Lake Charles and West Lake Charles, La., Corpus Christi and Freeport, Tex., to Jacksonville and South Jacksonville, Fla.

Grounds for relief: Market competition.

Tariffs: Supplements 834 and 558 to Southwestern Freight Bureau tariffs I.C.C. 4139 and 4087, respectively.

FSA No. 37437: *Substituted service—N.Y., N.H. & H. for Transamerican Freight Lines, Inc.* Filed by The New York, New Haven and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk, Harry W. Dorigan, Trustees) (No. 226), Transamerican Freight Lines, Inc., jointly for themselves, and intertested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Harlem River, N.Y., on the one hand, and New Haven, Conn., Boston and Springfield, Mass., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–10950; Filed, Nov. 16, 1961; 8:47 a.m.]

[Notice 566]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 14, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64454. By order of November 13, 1961, the Transfer Board approved the transfer to Daughdrill Truck Line, Inc., Poplarville, Miss., of that portion of Certificate No. MC 13308, issued January 19, 1954, to Poplarville Truck Line, Inc., Poplarville, Miss., authorizing the transportation of: Household goods, emigrant movables, and general commodities, except commodities in bulk, and other specified commodities, between Poplarville, Miss., on the one hand, and, on the other, points in Louisiana within 200 miles of Poplarville. William H. Stewart, American Legion Building, Poplarville, Miss., attorney for applicants.

No. MC–FC 64557. By order of November 9, 1961, the Transfer Board approved the transfer to Niesen Truck Line, A Corporation, Britton, S. Dak., of Certificate in No. MC 115112, issued April 26, 1955, to Guy Niesen, Jr., doing business as Niesen Truck Line, Britton, S. Dak., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Aberdeen, S. Dak., and Britton, S. Dak., serving the intermediate points of Amherst and Claremont. L. R. Gustafson, Britton, S. Dak., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–10951; Filed, Nov. 16, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page

PROCLAMATIONS:
Feb. 25, 1893 10735
3438 10203

EXECUTIVE ORDERS:
Jan. 26, 1867 10729
Apr. 30, 1872 10729
5237 10729
6541 10638
6681 10480
9026 10356
10893 10469
10900 10469
10915 10469
10955 10469
10971 10335
10972 10469
10973 10469
10974 10585
10975 10629

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, May 27, 1961 10749
Memorandum, Oct. 18, 1961 10543

5 CFR

6 10204, 10267, 10447, 10544
9 10750
22 10750
24 10447
25 10544
35 10750
201 10503
202 10503

6 CFR

70 10267
305 10267
390 10267
421 10546
423 10686
427 10546
443 10769
482 10586

7 CFR

201 10471
401 10630
403 10630
711 10204
717 10208
723 10471, 10503
727 10504
729 10209
730 10336
775 10769
813 10547
847 10214
855 10268
857 10505
864 10270
873 10272
914 10423, 10586
922 10214
927 10632
933 10337, 10423, 10425
942 10425
943 10214
953 10425, 10586
973 10215
984 10688
989 10770
994 10216

997 10688
1001 10587
1013 10507
1014 10472
1017 10426
1031 10338
1069 10587
1070 10632
1071 10426
1073 10689

PROPOSED RULES:
301 10571
719 10731
728 10484, 10596
813 10691
900—1073 10286, 10516, 10772
906 10298
908 10307, 10485
918 10307
925 10486
927 10597
939 10296
943 10236
947 10360
986 10298
1024 10597
1026 10516, 10772
1033 10772
1034 10773
1138 10691

8 CFR

PROPOSED RULES:
252 10358
253 10358

9 CFR

74 10223
83 10338

PROPOSED RULES:
131 10358

10 CFR

2 10770
30 10472

PROPOSED RULES:
30 10487

12 CFR

262 10340

PROPOSED RULES:
563 10239

13 CFR

105 10723
121 10633, 10634

PROPOSED RULES:
107 10702

14 CFR

18 10473
60 10752
507 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
600 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753
601 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724
602 10590, 10635, 10724
608 10342, 10636, 10724
609 10430, 10436, 10754, 10762
610 10724

1—190 10698
24 10571
48 10701
60 10307
202 10774
203 10774
213 10774
215 10774
227 10238
291 10774
292 10774
296 10774
297 10774
298 10774
302 10307, 10641
401–635 10698
411 10776
507 10362, 10571
600 10451, 10520, 10602, 10777
601 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779
608 10451, 10520, 10733

16 CFR

13 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771
301 10446

17 CFR

275 10548

PROPOSED RULES:
275 10607

18 CFR

2 10342

19 CFR

3 10508
4 10508
14 10476

PROPOSED RULES:
3 10731

20 CFR

25 10509
404 10226

21 CFR

17 10550
120 10228, 10550, 10551
121 10228, 10343, 10476, 10590
146 10228
146a 10728

PROPOSED RULES:
1 10601
17 10362
120 10487, 10640, 10732
121 10362, 10452, 10698, 10732, 10774

22 CFR

22 10728

24 CFR

202a 10229
203 10229
207 10229
213 10229
220 10230
221 10230
232 10230
603 10231
608 10231

24 CFR—Continued

Page

611 10231
702 10231
803 10231
903 10231

25 CFR

31 10637
141 10232

PROPOSED RULES:
34 10640
221 10516

26 CFR

1 10275, 10477

PROPOSED RULES:
1 10283, 10449, 10450, 10483
48 10593
252 10484

28 CFR

21 10232

29 CFR

601 10275
780 10377
793 10275

32 CFR

507 10509
552 10728
590 10553
591 10553
592 10553
595 10553
596 10553
597 10553
598 10553
599 10553
600 10553
601 10553
602 10553
605 10553
606 10553
608 10728
737 10353
739 10353
765 10591

33 CFR

Page

3 10343
67 10343
203 10445
204 10278

35 CFR

4 10353

CANAL ZONE ORDERS:
58 10353

36 CFR

6 10638

PROPOSED RULES:
7 10600

38 CFR

3 10551, 10552
13 10232
21 10278, 10478

39 CFR

96 10510
168 10771

41 CFR

1–5 10590
5–1 10354
50–202 10354

PROPOSED RULES:
50–202 10517, 10773

42 CFR

73 10355

43 CFR

221 10479
244 10728

PROPOSED RULES:
257 10285

PUBLIC LAND ORDERS:
73 10638
1071 10356
2460 10568
2524 10735
2526 10279
2527 10356
2528 10356
2529 10356
2530 10427

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued
2531 10480
2532 10480
2533 10480
2534 10568
2535 10569
2536 10638
2537 10729
2538 10729

45 CFR

212 10481

46 CFR

PROPOSED RULES:
201 10601
206 10601
221 10601
298 10601
299 10601
502 10520

47 CFR

1 10279, 10280, 10447
2 10655
3 10280, 10729
7 10591
8 10591
10 10569
14 10591
15 10281
18 10281, 10591

PROPOSED RULES:
2 10701
3 10239, 10572, 10606
10 10573
12 10240

49 CFR

170 10771

PROPOSED RULES:
73 10572
176 10240

50 CFR

32 10233, 10234, 10282, 10638, 10730
33 10234, 10235

PROPOSED RULES:
215 10640

Pages 10785–10821

FEDERAL REGISTER

VOLUME 26 NUMBER 223

Washington, Saturday, November 18, 1961

OF MICHIGAN
NOV 22 1961
MAIN READING ROOM

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Irish potatoes in Modoc and Siskiyou counties in California and in all counties in Oregon except Malheur county; expenses and assessment rate---- 10809

RULES AND REGULATIONS:
Fruit grown in California and Arizona; handling limitations:
Lemons---- 10792
Navel oranges---- 10789
Lettuce grown in Lower Rio Grande Valley in South Texas; shipments limitation---- 10793
Oranges, grapefruit, tangerines, and tangelos grown in Florida; shipments limitations (4 documents)---- 10790, 10791
Potatoes grown in Colorado; safeguards and exemptions---- 10792

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain marketing areas:
Ozarks; suspension of certain provisions of order---- 10810
St. Louis, Mo.; hearing on proposed amendment to tentative agreement and order---- 10810

RULES AND REGULATIONS:
Feed grain program, 1962---- 10787

Agriculture Department

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

NOTICES:
South Carolina; designation of area for production emergency loans---- 10814

Army Department

See also Engineers Corps.

RULES AND REGULATIONS:
Relations with agencies of public contact---- 10797

Atomic Energy Commission

NOTICES:
University of Utah; issuance of construction permit---- 10814

Civil Aeronautics Board

NOTICES:
British West Indian Airways, Ltd.; prehearing conference---- 10817

Coast Guard

NOTICES:
Equipment, installations, or materials; approvals---- 10812

Commerce Department

NOTICES:
Mayer, Frederick M.; changes in financial interests---- 10814

Defense Department

See Army Department.

Engineers Corps

RULES AND REGULATIONS:
Anchorage and bridge regulations, Sabine Pass Channel and Intracoastal Waterway, Texas---- 10805

Federal Aviation Agency

PROPOSED RULE MAKING:
Jet route; alteration---- 10809

Federal Communications Commission

NOTICES:
Standard broadcast applications ready and available for broadcasting---- 10816

Hearings, etc.:
American Telephone and Telegraph Co---- 10814
Levitt, Neil N---- 10814
Veterans Broadcasting Co., Inc., et al---- 10814

RULES AND REGULATIONS:
Experimental radio services other than broadcast; miscellaneous amendments---- 10806

Federal Power Commission

NOTICES:
Hearings, etc.:
Continental Oil Co. et al---- 10817
Eastern Shore Natural Gas Co---- 10817
Indiana Natural Gas Corp---- 10817
Southwestern Power Administration, Department of the Interior---- 10818

RULES AND REGULATIONS:
Annual payments to licensees and permittees for headwater benefits; settlement agreements---- 10794

Food and Drug Administration

PROPOSED RULE MAKING:
Anthelmintics containing piperazine preparations; filing of petition for exemption from certain prescription-dispensing requirements---- 10811
Sulfur dioxide and sodium metabisulfite used in fumigation of stored grains; proposed amendment of exemption from tolerance requirements---- 10810

Health, Education, and Welfare Department

See Food and Drug Administration.

Indian Affairs Bureau

PROPOSED RULE MAKING:
Flathead Indian Irrigation Project, Montana; operation and maintenance charges---- 10808

Interior Department

See also Indian Affairs Bureau; Land Management Bureau.

NOTICES:
Fort Belknap Indian Reservation, Montana; ordinance legalizing introduction, sale or possession of intoxicants---- 10813

(Continued on next page)

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief 10818
Motor carrier transfer proceedings 10818
Pittsburgh & West Virginia Railway Co.; rerouting and diversion of traffic 10819

Labor Department

RULES AND REGULATIONS:
Safety and health regulations for longshoring; miscellaneous amendments 10795

Land Management Bureau

PROPOSED RULE MAKING:
Mineral permits and leases; and leases for native asphalt, solid and semisolid bitumen and bituminous rock 10808

RULES AND REGULATIONS:
Public land orders:
Colorado; opening of lands 10806
Oregon; partial revocation of executive order which withdrew lands for lighthouse purposes 10806
Washington; withdrawal of lands in aid of legislation; revocation of executive order; Cape Johnson Lighthouse Reservation 10806

Post Office Department

NOTICES:
Judicial Officer; authority delegation 10813

RULES AND REGULATIONS:
International mail directory 10805

Small Business Administration

NOTICES:
California; declaration of disaster area 10819

State Department

NOTICES:
Archaeological and related research; availability of funds 10812

Treasury Department

See Coast Guard.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
Jan. 26, 1867 (revoked in part by PLO 2541) 10806
Mar. 7, 1900 (revoked in part by PLO 2539) 10806

7 CFR

775 10787
914 10789
933 (4 documents) 10790, 10791
953 10792
958 10792
1034 10793

PROPOSED RULES:
903 10810
921 10810
959 10809

14 CFR

PROPOSED RULES:
602 10809

18 CFR

13 10794

21 CFR

PROPOSED RULES:
120 10810
130 10811

25 CFR

PROPOSED RULES:
194 10808
221 10808

29 CFR

9 10795

32 CFR

504 10797

33 CFR

202 10805
203 10805

39 CFR

111 10805
168 10805

43 CFR

PUBLIC LAND ORDERS:
2539 10806
2540 10806
2541 10806

PROPOSED RULES:
191 10808
203 10808

47 CFR

5 10806

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Feed Grain Program, Supp. 2]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Sec.
775.161 Purpose.
775.162 Form of payment.
775.163 Description of certificates.
775.164 Setoffs and assignments.
775.165 Cash advance to payee.
775.166 Marketing of certificates.
775.167 Redemption in grain by payees.
775.168 Where to apply.
775.169 Grain under farm storage price support loan.
775.170 Grain under warehouse storage price support loan.
775.171 Deliveries of grain in warehouses to payee.
775.172 Deliveries to payee of grain from CCC bin sites.
775.173 Delivery to payees in non-storage areas.
775.174 Redemptions by subsequent holders.
775.175 Issuance of balance certificates.
775.176 Inadvertent over-deliveries.
775.177 ASCS commodity offices.

AUTHORITY: §§ 775.161 to 775.177 issued under sec. 133, 75 Stat. 303; sec. 16(d), 49 Stat. 1151, as amended; secs. 4 and 5, 62 Stat. 1070 and 1072, as amended; 16 U.S.C. 590(p); 15 U.S.C. 714 (b) and (c).

§ 775.161 Purpose.

Sections 775.161 to 775.177 supplement the 1962 Feed Grain Program Regulations which provide terms and conditions for a Special Agricultural Conservation Program for 1962 under which conservation payments are made to producers who divert acreage from the production of corn and grain sorghums and barley, respectively, to an approved conservation use and comply with the conditions of the program. This supplement provides for payment under the program to be made by the delivery or constructive delivery of negotiable certificates, and for the making of cash advances to producers who wish Commodity Credit Corporation's assistance in the marketing of certificates earned by them. It also contains the methods by which CCC shall redeem certificates in feed grain and market certificates for which its assistance in marketing has been requested.

§ 775.162 Form of payment.

A producer entitled to payment under the 1962 Feed Grain Program (hereinafter called "payee") shall receive payment in the form of a negotiable Feed Grain Certificate, Form CSS-479 (hereinafter called "certificate"), issued by the county office, except that if a payee requests CCC's assistance in the marketing of his certificate at the time of applying for payment, the county office shall make a cash advance to such payee as provided herein and credit a certificate pool with the value of the certificate earned by him. Payments shall be in the amount for which the payee has been approved under the 1962 Feed Grain Program.

§ 775.163 Description of certificates.

(a) *Terms.* Any certificates issued shall be subject to the provisions embodied in it and the applicable provisions of this subpart.

(b) *Face value.* The face value of the certificate(s) is the amount(s) for which the payee is approved for payment. A certificate will be accepted at face value if within 30 days after the date of issuance shown thereon, it is tendered to CCC for redemption in grain or for marketing. If after such 30 day period, the certificate is tendered to CCC for redemption in grain or for marketing, the value at which the certificate will be accepted will be the face value reduced by one twenty-fifth of one percent for each day beginning on the 31st day after issuance to but not including the date of redemption, or if it is tendered for marketing, the date it is tendered to CCC. Such reduction in value shall cover storage and carrying charges.

(c) *Date of issuance.* The date of issuance shown on the certificate shall be the date the certificate is issued. Substitute certificates issued to replace original certificates never received by the payee shall bear a current date of issuance. Substitute certificates issued to replace other original certificates shall bear the same date of issuance as the certificate being replaced.

(d) *Signature and countersignature.* To be valid, the certificates must be signed and countersigned by an authorized representative of the county office.

§ 775.164 Setoffs and assignments.

(a) *Producer indebtedness.* Setoffs against amounts due the producer under this program shall be made as provided in the Secretary's Setoff Regulations, Part 13 of this title (23 F.R. 3757) and any amendments thereto. Constructive delivery of certificates earned by the payee and representing the amount setoff shall be made by crediting the certificate pool with their value. CCC shall make a cash advance payment of the indebtedness set off against the payment earned by the payee. Such cash advance shall be made by issuance of CCC sight draft(s) payable to the creditor agency(s) to which the producer is indebted.

(b) *Right to contest.* A set off shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness against which the set off is made either by administrative appeal or by legal action.

(c) *Assignments.* Payments earned under this program cannot be assigned, except that certificates received by a payee may be negotiated to a subsequent holder.

§ 775.165 Cash advance to payee.

A cash advance shall be made by the county office to any payee who requests CCC's assistance in marketing of the certificate earned by him under the program. Only the payee will have this option. If such request is made at the time the payee applies for payment, CCC shall make constructive delivery of the certificate to the payee by crediting a certificate pool with the value of the certificate earned by him. A payee who does not request CCC's assistance in marketing his certificate at such time may subsequently request CCC's assistance in marketing his certificate by delivering it to the county office. Such certificate shall also be credited to the certificate pool. A cash advance to a payee shall be made in the form of a CCC sight draft for the face value of the certificate earned by him less any applicable reduction in value for storage and carrying charges. A payee cannot utilize such sight drafts or the proceeds thereof to acquire feed grain from CCC under this program except as provided in § 775.166.

§ 775.166 Marketing of certificates.

All certificates for which payees have requested CCC's assistance in marketing shall be pooled by CCC and shall lose their identity as individual certificates. The amount of the certificate pool shall be the total of the value of certificates of which CCC has made constructive delivery to the payees and the value of the certificates presented to the county office by the payees for marketing by CCC. Such amount shall be equal to the amount of cash advances to the payees. CCC shall market the rights represented by pooled certificates at such times and in such manner as it determines will best effectuate the purposes of the program. Such rights shall be marketed for immediate use by the purchaser to obtain delivery of grain from CCC. CCC reserves the right to determine the time and place of delivery and the kind, class, grade, quality, and quantity of grain delivered in redemption of such rights. Such grain delivered by CCC shall by valued at the market price at point of delivery as determined by CCC. The term "Certificate Pool Sale—1962 Feed Grain Program" used in contracts of CCC shall be deemed to refer to a transaction involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC.

§ 775.167 Redemption in grain by payees.

Certificates may be redeemed in corn, grain sorghums, oats, or barley at the

option of CCC (herein called "grain"). CCC reserves the right to determine the kind, class, grade, or quality of grain for which certificates may be redeemed or to restrict the availability of any grain in any area at any time whenever such action is deemed necessary, either to effectuate the purposes of the program or in the interest of CCC inventory management. Certificates held by a payee will be redeemed, at the option of CCC, in grain in warehouses, in CCC bin sites or at other points designated by CCC in the county in which the certificate was issued or in the nearest county in which grain is made available for redemption. Certificates may also be redeemed by a payee in grain delivered by him under such price support loans as may be designated by CCC. Grain delivered by CCC in redemption of certificates shall be valued at market price at point of delivery as determined by CCC. Such grain shall not be eligible for tender to CCC under the price support program.

§ 775.168 Where to apply.

Payees who wish to obtain redemption of certificates in grain to be delivered by them under a price support loan must apply to the county office which approved the loan. Payees who wish to obtain redemption of certificates in other CCC-owned grain must apply to the county office which issued the certificates. If CCC-owned grain is not available in such county, the county office will direct the payee to the nearest county office having grain available for redemption.

§ 775.169 Grain under farm storage price support loan.

(a) Subject to the provisions of this subpart, in case of grain which a payee has under a farm storage price support loan, including any reseal or extended reseal loan, upon the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) permit delivery to CCC on the farm where stored of the payee's grain mortgaged to CCC in settlement of such loan, and (3) permit the payee to obtain redemption of certificates issued to him under the program by delivery to him of such grain on the farm where stored. An inspection of the grain will be made by a representative of the county committee prior to acceleration of the maturity date of the loan. If it is determined that all the grain under loan is still in storage, notwithstanding the provisions of the applicable price support bulletin, settlement of the loan will be made on the basis of the quantity and quality set forth in the loan documents. If on inspection of the grain a shortage is discovered, the commodity will be ordered delivered by CCC to a point where weights can be obtained and settlement with the producer shall be made on the basis of such weights in the manner provided in the loan documents and price support bulletin. Certificates cannot be used to satisfy amounts due under loan.

(b) In computing storage payments due under a reseal loan, the prorata payments to which the producer is entitled shall be based on the storage period ending on the date the commodity is delivered to CCC in satisfaction of the loan.

(c) Subject to the provisions of this subpart, delivery of a portion of the grain under loan will be permitted if a payee wishes to deliver to CCC a portion of the grain under loan and acquire such grain with certificates. In such event, CCC will credit the note with the settlement value of the quantity and quality delivered in accordance with the settlement provisions of the loan documents. The quantity so obtained must be removed from the storage structure and segregated from the grain which remains as collateral for the outstanding balance of the loan. The provisions as to inspection and adjustment for storage charges in paragraphs (a) and (b) of this section shall apply to any grain so delivered. If on inspection a shortage is discovered, the maturity date of the entire loan shall be accelerated.

§ 775.170 Grain under warehouse storage price support loan.

(a) Subject to the provisions of this subpart, in the case of grain which a payee has under a warehouse storage loan, at the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) acquire title to such grain in satisfaction of the loan, and (3) permit the payee to obtain redemption of certificates issued to him by delivery to him of the warehouse receipts representing such grain. Settlement of such warehouse storage loan will be made as provided in the applicable loan documents and price support bulletin.

(b) Subject to the provisions of this subpart, CCC will acquire title to a portion of the grain a payee has under loan and will deliver the receipt representing such grain in redemption of certificates if a payee wishes to redeem certificates in such grain. CCC will only honor such requests by payees as to the entire quantity of grain represented by a warehouse receipt. If the value of certificates held by the payee is insufficient to acquire all the grain represented by a warehouse receipt, CCC will honor the payee's request as to the portion of the grain represented by a warehouse receipt for which he has certificates, provided that at the time of redemption he repays in cash the balance of the amount due on the loan in connection with such receipt as computed under the loan documents and price support bulletin. CCC shall credit the loan with the settlement value of the quantity and quality of the grain acquired by it and with any amount paid on the loan, in accordance with the settlement provisions of the loan documents and price support bulletins.

(c) The provisions of this section apply only to warehouse storage loans on grain with no transit privileges. Title and risk of loss shall pass to the payee on delivery to him of the warehouse receipts. Any difference in grade, quality, and quantity of grain delivered by the warehouseman to the payee from that described on the warehouse receipts shall be settled between the payee and the warehouseman.

(d) In the case of grain delivered to a payee which had been under a warehouse storage loan, the payee shall be responsible to the warehouseman for payment of all warehouse charges on the grain. CCC will refund to the payee any storage charges which had been deducted by it from the loan proceeds on the quantity of grain delivered in redemption of certificates and will pay to the payee the receiving and load out charge applicable to such grain in an amount not to exceed the rate specified in the Uniform Grain Storage Agreement.

§ 775.171 Deliveries of grain in warehouses to payee.

(a) *Use of delivery orders.* Warehouse stored grain shall be delivered to payees "in store." If delivery is to be made of warehouse-stored grain other than deliveries under § 755.170, the county office shall issue a Delivery Order to the payee setting forth the net quantity, class, grade, and quality of the commodity to be delivered to the payee, and the warehouse in which the grain is to be delivered. The payee may obtain the grain by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the payee to whom issued.

(b) *Delivery provisions.* Title and risk of loss to the grain specified in the Delivery Order shall pass to the payee on the date of issuance of the Delivery Order by the county office. CCC shall be responsible for all warehouse charges accruing through the date of issuance of the Delivery Order. CCC shall also pay the warehouseman the load out charge applicable to the grain in an amount not to exceed the amount specified in Uniform Grain Storage Agreement. The producer shall be responsible for all other warehouse charges accruing after the date of issuance of the Delivery Order.

(c) *Grade, quality, and quantity differences.* Any difference in the value of the class grade, quality, and net quantity of the grain delivered by the warehouseman to the payee from that shown in the Delivery Order shall be settled between the payee and the warehouseman.

(d) *Transit billing.* Grain transferred to payees will be grain with no transit privileges.

§ 775.172 Deliveries to payee of grain from CCC bin sites.

(a) Redemption of certificates in bin site stored grain shall be on the basis of delivery f.o.b. the payee's conveyance at the bin site.

(b) Title and risk of loss on such redemptions shall pass to the payee when the grain is placed in his conveyance at the bin site, unless the payee removes the grain from the bins, in which event risk of loss shall pass to the owner at the time he takes possession of the grain.

(c) On such redemptions, CCC shall be responsible for bin emptying charges and the cost of weighing. Delivery weights on such redemptions shall be obtained at a usual weighpoint for the bin site determined by the county office. Trucking costs to such weighpoint shall be for the account of the payee.

(d) Applicable bin emptying, and weighing services on such redemptions shall be performed under the usual county office agreements, at the prevailing rates in the county, or by ASCS personnel, at the option of CCC.

(e) Bin-site grain shall be delivered "as is" unless the payee requests that the delivery be made on a grade and quality basis. The value of grain on deliveries "as is" shall be based on the market price for No. 2 grain, as determined by CCC, with no adjustment for the grade and quality actually delivered. CCC does not warrant the grade and quality basis, the value shall be subject to adjustment for the grade and quality delivered. The quantity delivered on all bin site redemptions shall be adjusted for dockage content in the case of grains to which dockage applies under the Official Grain Standards of the United States.

§ 775.173 Delivery to payees in nonstorage areas.

(a) CCC may move grain into areas where no CCC-owned grain in warehouses or bin sites is available. Such grain will be consigned to the county committee and shall be sold "as is" on a delivery basis determined by CCC. On such sales, the sales price shall be computed on the basis of a determination of grade and quality made prior to delivery, and such price shall not be subject to adjustment for the grade and quality of the grain actually delivered.

(b) Title and risk of loss on such sales shall pass to the payee upon delivery of the grain. The payee shall be responsible for risk of loss during such time as he may have possession of the grain prior to delivery.

(c) Grain shall be weighed at destination, if scales approved by CCC are available, unless the payee is willing to settle on CCC determined weights. If such approved scales are not available, settlement weights shall be as determined by CCC.

(d) CCC shall bear any charges it determines necessary for delivery of grain.

§ 775.174 Redemptions by subsequent holders.

Subsequent holders who wish to obtain redemption of a certificate shall apply to the ASCS commodity office serving the area in which the desired grain is located. The ASCS commodity office shall determine the time and place of delivery and the kind, class, grade, and quality of grain delivered in redemption of a certificate held by a subsequent holder. To the maximum extent practicable, the ASCS commodity office will make available to a warehouseman grain stored in his facility in redemption of certificates obtained by the warehouseman through sales of his own grain to payees. Any applicable transit billing shall be transferred with grain delivered to a subsequent holder and its value as determined by CCC, shall be included in computing the value of the grain.

§ 775.175 Issuance of balance certificates.

If the full amount of the face value of a certificate is not redeemed in grain by the payee or a subsequent holder, a balance certificate shall be issued to the certificate holder for the unused amount less any deductions for the charges provided in § 775.163. If the amount is $3.00 or less no balance certificate will be issued unless requested. The date of the balance certificate shall be a date determined by adding to the date of issuance of the original certificate the number of days for which discounts were charged. Balance certificates may be tendered to CCC for redemption in grains in the same manner as the original certificates. Balance certificates issued to the payee shown on the original certificate may be surrendered by the payee to CCC for marketing.

§ 775.176 Inadvertent over-deliveries.

In the event of the inadvertent over-delivery by CCC under the program of a quantity of grain which is not in excess of a carload or a truckload lot, as applicable, payment may be made in cash for such excess quantity at the applicable market price, as determined by CCC.

§ 775.177 ASCS commodity offices.

The address and telephone numbers of the ASCS Commodity Offices responsible for the redemption of certificates owned by subsequent holders are as follows:

(a) Dallas ASCS Commodity Office, 500 South Ervay Street, Dallas 1, Tex., Telephone: Riverside 8–5611.

(b) Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., Telephone: University 9–0600.

(c) Kansas City ASCS Commodity Office, 560 Westport Road, Kansas City 41, Mo., Telephone: Valentine 1–7104.

(d) Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis 10, Minn., Telephone: Walnut 7–7311.

(e) Portland ASCS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oreg. Telephone: Capitol 6–3361.

Issued at Washington, D.C., this 13th day of November 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61–11003; Filed, Nov. 17, 1961; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 215]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.515 Navel Orange Regulation 215.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 16, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 19, 1961, and ending at 12:01 a.m., P.s.t., November 26, 1961, are hereby fixed as follows:

(i) District 1: 300,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 75,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same

meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11053; Filed, Nov. 17, 1961; 11:01 a.m.]

[Orange Reg. 393]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1075 Orange Regulation 393.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., December 4, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅝ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¼₆ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10994; Filed, Nov. 17, 1961; 8:48 a.m.]

[Grapefruit Reg. 346]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1076 Grapefruit Regulation 346.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. All grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m. e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., December 4, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3¹⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10993; Filed, Nov. 17, 1961; 8:48 a.m.]

[Tangerine Reg. 226]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1077 Tangerine Regulation 226.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., November 27, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10996; Filed, Nov. 17, 1961; 8:49 a.m.]

[Tangelo Reg. 31]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1078 Tangelo Regulation 31.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order

shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., December 4, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10995; Filed, Nov. 17, 1961; 8:48 a.m.]

[Lemon Reg. 926]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1033 Lemon Regulation 926.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 14, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 19, 1961, and ending at 12:01 a.m., P.s.t., November 26, 1961, are hereby fixed as follows:

(i) District 1: 29,700 cartons;

(ii) District 2: 120,900 cartons;

(iii) District 3: 74,400 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 16, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11034; Filed, Nov. 17, 1961; 8:50 a.m.]

PART 958—POTATOES GROWN IN COLORADO

Subpart—Rules and Regulations

SAFEGUARD AND EXEMPTIONS

Notice of rule making with respect to proposed rules and regulations to be made effective under Marketing Agreement No. 97 and Order No. 58 as amended (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER of October 25, 1961 (26 F.R. 9999). This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested parties an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, the following administrative rules and regulations are hereby approved.

Sections 958.130 through 958.132 revise and supersede §§ 958.101 through 958.103 (7 §§ 958.101–958.103; 19 F.R. 9374; December 31, 1954) Exemptions.

SAFEGUARDS

Sec.
958.120 General.
958.121 Qualification.
958.122 Application.
958.123 Approval.
958.124 Reports.
958.125 Disqualification.

EXEMPTIONS

958.130 Application for exemption certificates.
958.131 Federal-State inspection reports.
958.132 Issuance of exemption certificates.

AUTHORITY: §§ 958.120 to 958.125 and §§ 958.130 to 958.132, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

SAFEGUARDS

§ 958.120 General.

Whenever shipments of potatoes for special purposes under § 958.23 are relieved in whole or in part from grade and size regulations issued under § 958.22 the committee shall require information and evidence as to the manner, methods, and timing of such shipments as safeguards against the entry of any such potatoes into trade channels other than those for which intended. Such information and evidence shall include the requirements set forth below with respect to Certificates of Privilege.

§ 958.121 Qualification.

Before handling potatoes for special purposes which do not meet regulations issued under § 958.22 a handler must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle potatoes; (b) agree to comply with reporting and other requirements set forth in §§ 958.121 to 958.125, inclusive, with respect to such shipments; and (c) receive approval of the committee to so handle potatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Privilege, and other information available to the committee.

§ 958.122 Application.

(a) Application for Certificate of Privilege shall be made in person, by telephone, or on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and variety of the potatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the potatoes are to be used; a certification to the United States Department of Agriculture and to the committee as to

the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee for the purposes stated in § 958.120.

§ 958.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period, and specified qualities and quantities of potatoes to be sold or transported to the designated consignee for the purposes declared.

§ 958.124 Reports.

Each handler of potatoes shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 958.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

EXEMPTIONS

§ 958.130 Application for exemption certificates.

Any producer applying for exemption from any grade and size regulation issued under § 958.22 shall make application to the respective area committee for the area in which the applicant's potatoes were grown or are stored, on forms to be furnished by the area committee. The application shall include:

(a) The name and address of the applicant;

(b) The location, or locations, of the potatoes with respect to which exemption is requested;

(c) The total estimated quantity of potatoes (excluding culls) produced by the applicant during the current season, stated in hundredweights, by varieties, grades, and sizes;

(d) The estimated percentage of the applicant's potato crop (excluding culls) which cannot be shipped because of grade and size regulations then in effect and the acts beyond his control or reasonable expectation adversely affecting his potatoes;

(e) The quantity of potatoes of each variety (excluding culls) which has already been sold or otherwise shipped during the current season;

(f) The signature of the applicant and certification that the statements given in the application are true and correct; and

(g) Such additional information as the area committee may find necessary in making a determination regarding the granting of an exemption certificate.

§ 958.131 Federal-State inspection reports.

Each application for exemption shall be accompanied by a written report of a Federal-State Inspector, which shall contain the following:

(a) A statement by the inspector that he personally inspected the potatoes with respect to which exemption is requested, and that he took a representative sample of such potatoes;

(b) A statement of the percentage of the potatoes (excluding culls) which fail to meet the requirements of the grade and size regulations then in effect;

(c) A statement of the defects or damage causing the potatoes to fail to meet grade and size requirements then in effect.

In the event that more than one variety of potatoes is being regulated the above percentage shall be determined separately for each variety of the applicant's potatoes. The cost of Federal-State inspection and report shall be borne by the applicant for exemption.

§ 958.132 Issuance of exemption certificates.

(a) The respective area committee receiving an application for exemption shall give prompt consideration thereto and determine on the basis of the statements and facts therein contained and the factors set forth in § 958.30 whether the application may be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to §§ 958.28 through 958.32. If the applicant's request for exemption is denied, he shall be so notified in writing.

(b) Each certificate of exemption issued as provided in this subpart, shall contain the name and address of the applicant, the location of his farm or ranch, the location, or locations, of all potatoes remaining to be shipped, the total quantity of potatoes which may be shipped under the certificate of exemption, and such other information as the area committee may deem desirable.

(c) The committee may furnish each applicant receiving a certificate of exemption with appropriate subcertificates of exemption to identify each lot of exempted potatoes and a subcertificate shall be transferable with the lot of potatoes to which it applies. Each applicant receiving a certificate of exemption shall report each shipment of potatoes made under such certificate to the respective area committee issuing the certificate. The report shall state the name and address of the person to whom the potatoes were sold, the quantity sold, the date of transfer, and such other information as the committee may request.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) it is necessary to place these rules and regulations in effect at the earliest possible date in order to facilitate operations under the marketing agreement and order, and (2) notice hereof has been given by publication in the FEDERAL REGISTER of October 25, 1961 (26 F.R. 9999).

Effective date. Dated November 15, 1961, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10998; Filed, Nov. 17, 1961; 8:49 a.m.]

PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to proposed Limitation of Shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER, September 26, 1961 (26 F.R. 9050). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This notice afforded interested parties an opportunity to file data, views, or arguments pertaining thereto within ten days after publication.

The Valley Packing Company, Salinas, California, filed views on the proposed rule. Although they support the pack and container proposals they object to the 80 percent U.S. No. 1 grade limitation on Texas shipments because they claim it would cause undue hardship on South Texas lettuce producers. This view, which is not shared by members of the South Texas Lettuce Committee, lacks adequate, substantial support and foundation. On the basis of information submitted by the committee, and other available information, it is found that the proposals as published will tend to effectuate the purposes of the act.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective

date of section 1034.304 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (i) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of carrots in the manner set forth below on and after the effective date of this section, (ii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iii) reasonable time is permitted under the circumstances for such preparation, and (iv) notice has been given of the limitation of shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of September 26, 1961 (26 F.R. 9050).

§ 1034.304 Limitation of shipments.

During the period December 4, 1961, through March 31, 1962, no person shall package lettuce on any Sunday or handle any lot of lettuce grown in the production area unless the lettuce meets the grade requirements of paragraph (a), of this section, one of the sizing and pack requirements of paragraph (b) of this section, and the container requirements of paragraph (c) of this section, or unless the lettuce is handled in accordance with the provisions of paragraphs (d), (e), and (f) of this section.

(a) *Grade.* Eighty percent U.S. No. 1, or better grade, with not more than 10 percent serious damage including not more than five percent decay in any lot. Individual containers shall have not less than 60 percent U.S. No. 1 quality, with not more than 23 percent serious damage, including not more than three heads affected by decay.

(b) *Sizing and pack.* Lettuce shall be handled only if it meets one of the following sizing and pack requirements:

(1) 18 heads per container;

(2) 24 heads per container; or

(3) 30 heads per container.

(c) *Container.* Lettuce shall be handled only if packed in one of the following containers:

(1) A carton with inside dimensions of 10 inches x 14½ inches x 21⁹⁄₁₆ inches (designated as carrier container No. 7303).

(2) A carton with inside dimensions of 9¾ inches × 14 inches × 21 inches (designated as carrier container No. 7306).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size and pack requirements, but it must meet container requirements. This exception shall not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Paragraphs (a), (b) and (c) of this section, and the inspection and assessment requirements of this part, are not applicable to lettuce handled for any of the following special purposes:

(1) Relief or charity;

(2) Experimental purposes;

(3) Export to Mexico.

(f) *Safeguards.* (1) Each handler of lettuce which does not meet the requirements of paragraphs (a), (b), and (c) of this section, and which is handled pursuant to paragraph (e) of this section for relief or charity or experimental purposes shall, prior to handling, apply for and obtain from the committee a Certificate of Privilege requiring the handler to furnish reports and documents disclosing to the committee's satisfaction that the lettuce was handled as set forth in the certificate.

(2) The handling of lettuce which does not meet the requirements of paragraphs (a), (b), and (c) of this section for export to Mexico pursuant to paragraph (e) of this section is prohibited unless it is loaded in a vehicle bearing Mexican registration (license) and each person who sells or otherwise handles it maintains the following records on each transaction:

(i) Name and address of the purchaser;

(ii) Quantity involved in each sale;

(iii) Date of sale; and

(iv) Identification by make, model and license number of the purchaser's or trucker's vehicle.

(g) *Inspection.* (1) No handler shall handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of lettuce by motor vehicle for which an inspection certificate is required unless it is accompanied by a copy of the inspection certificate applicable thereto, or by a copy of an inspection clearance on forms furnished by the committee, identifying truck lots to which valid inspection certificates are applicable. A copy of the inspection certificate, or committee clearance form, applicable to each truck lot shall be available to and surrendered upon request to authorities designated by the committee.

(3) For administration of this part inspection certificates, or forms required by the committee as evidence of inspection, are valid for only 72 hours following completion of inspection as shown on the certificate or committee form.

(h) *Definitions.* The terms "U.S. No. 1" and "serious damage" have the same meaning as set forth in the U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title). All other terms used in this section have the same meaning as when used in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 15, 1961, to become effective December 4, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10997; Filed, Nov. 17, 1961; 8:49 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 237; Docket No. R–202]

PART 13—SETTLEMENTS INVOLVING HEADWATER BENEFITS

NOVEMBER 14, 1961.

The Commission has under consideration in this proceeding the promulgation of regulations enabling non-Federal power developers to enter into contracts in which each would agree to annual payments for headwater benefits subject to Commission approval in lieu of a formal determination under section 10(f) of the Federal Power Act. The regulations prescribed hereinafter will constitute a new Part 13 to Subchapter B—Regulations Under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations.

Presently, headwater benefit payments to licensees or permittees are determined by the Commission under section 10(f) of the Federal Power Act; and in such proceedings that subsection requires the affected parties to reimburse the United States for the cost to the Commission of making headwater benefit determinations. In order to spare the parties the expense involved in making such section 10(f) determinations in appropriate cases, it has been proposed to allow the parties to agree among themselves subject to subsequent Commission approval as to the amount of the annual headwater benefit payments.

Subsequent to the general public notice of rule making in this proceeding on July 15, 1961 (26 F.R. 6368), comments and suggestions were filed by the following classes of respondents:

Electric utilities	5
"Municipalities"	4
Federal departments	1
Power associations	1
Law firms	1
Total	12

Some respondents urged that notice and opportunity for comment on proposed settlement agreements be accorded to interested parties and federal agencies. It is the intention of the Commission to give such notice. Some respondents suggested that the proposed rule be modified to expressly provide for payment in kind or in cash. However, we do not believe this is necessary since the rule as noticed is broad enough to permit such settlements in appropriate cases. On the whole, the respondents with one exception favored the adoption of the rule as noticed or with one or more modifications.

The Commission finds:

(1) In view of the foregoing, and upon consideration of all relevant matters presented, it is appropriate for the purposes of the Federal Power Act that the proposed regulated regulations as set forth in the notice of proposed rule making (26 F.R. 6368) be adopted and promulgated as a new Part 13 to Subchapter B—Regulations Under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations, effective December 31, 1961, all in the manner as hereinafter provided.

(2) Good cause exists for the adoption of the regulations as set forth herein to be effective as of December 31, 1961.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly section 309 thereof (16 U.S.C. 825h), and the Administrative Procedure Act, particularly section 5(b) (5 U.S.C. 1004(b)), orders:

(A) Effective December 31, 1961, Subchapter B—Regulations Under the Federal Power Act, of Chapter I, of Title 18 of the Code of Federal Regulations is amended by adding a new Part 13, as follows:

§ 13.1 Settlements involving headwater benefits.

Henceforth, licensees and permittees with headwater improvements providing power benefits to downstream non-Federal power developers may file contracts entered into with such parties so benefited agreeing to the amount of annual payments for headwater benefits. The aforesaid contracts will be accepted for filing subject to subsequent review and approval by the Commission. When possible, such contracts should be filed prior to the incurring of expense by the Commission for headwater benefit investigation with respect to a particular project pursuant to section 10(f) of the Federal Power Act.

(49 Stat. 858, 60 Stat. 239; 16 U.S.C. 825h, 5 U.S.C. 1004(b))

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10972; Filed, Nov. 17, 1961; 8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 9—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Miscellaneous Amendments

A notice was published in the FEDERAL REGISTER on June 3, 1961 (26 F.R. 4947), setting forth the terms of proposed amendments to the Safety and Health Regulations for Longshoring published in 29 CFR Part 9. Interested persons were given an opportunity to submit orally and in writing data, views, and arguments relating to the proposed amendments.

Full consideration has been given to all the relevant matter submitted and other pertinent information consisting principally of the comments of field personnel, and the proposed amendments are hereby adopted subject to a number of changes. Most of the changes are minor and editorial in nature. However, some substantive changes are made in subparagraphs (1) and (2) of § 9.73(c), § 9.73(d)(2), paragraphs (a), (b), and (c) of § 9.85, and § 9.93(a)(2). These changes are self-explanatory.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act as amended by section 1 of the Act of August 23, 1958 (72 Stat. 835, 33 U.S.C. 941), 29 CFR Part 9 is hereby amended as hereinafter indicated. These amendments shall become effective 30 days after their publication in the FEDERAL REGISTER, except paragraphs (b), (c), and (d) of § 9.73, which shall become effective 180 days after such publication.

1. New paragraphs (m) and (n) are added to § 9.3 which read as follows:

§ 9.3 Definitions.

* * * * *

(m) For the purpose of § 9.12 the term "ship's cargo handling gear" includes that gear which is a permanent part of the vessel's equipment and which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores or handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(n) For purposes of the regulations in this part the terms "beam" or "strongback" mean a portable transverse or longitudinal beam which is placed across a hatchway and acts as a bearer to support the hatch covers.

2. Section 9.41 is amended by amending paragraphs (a) and subparagraphs (1) and (2) of paragraph (b), by adding a subparagraph (3) to paragraph (b), and by amending paragraph (c). As amended, § 9.41 reads as follows:

§ 9.41 Coaming clearances.

(a) *Weather deck.* If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling beams and hatch covers are not protected by at least a 24 inch height of the coaming, a taut handline shall be provided along the side of the deckload for their protection. The requirements of § 9.35(a) are not intended to apply in this situation.

(b) *Intermediate deck.* (1) Before intermediate deck hatch covers and beams are removed or replaced by employees, there shall be a 3-foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship beams, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in circumstances where adherence to a 3-foot working space would create undue hardship.

(2) The 3-foot clearance required by subparagraph (1) of this paragraph is not required on the covered portion of a partially opened hatch, nor is it required when lower decks have been filled to beam height with cargo of such a nature as to provide a safe surface upon which employees may work.

(3) For purposes of subparagraph (1) of this paragraph, banana or other fitted gratings which are in good condition shall be considered a part of the decking when properly placed within the 3-foot area.

(c) Trunk hatches and other permanent or semi-permanent structures and spare parts. When bulkheads, lockers, reefer compartments or large spare parts are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling beams and hatch covers.

3. Paragraph (b) of § 9.42 is amended to read as follows:

§ 9.42 Beam and pontoon bridles.

* * * * *

(b) Bridles for lifting hatch beams shall be equipped with toggles, shackles, or hooks or other devices of such design that they cannot become accidently dislodged from the beams with which they are used. Hooks other than those herein described may be used only when they are hooked into the standing part of the bridle. Toggles, when used, shall be at least one inch longer than twice the longest diameter of the holes into which they are placed.

4. Paragraphs (a) and (b) of § 9.43 are amended to read as follows:

§ 9.43 Handling beams and covers.

* * * * *

(a)(1) When hatch covers or pontoons are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet from the hatch coaming and, when on the working side of the deck, not higher than the coaming, unless they are spread one high between coaming and rail with no space between them and with not less than a 24 inch height of hatch coaming maintained.

(2) When, in the case of pontoons, the requirements of subparagraph (1) of this paragraph cannot be met due to the narrowness of the available deck area, pontoons may be stowed more than one high against the coaming, provided that not less than a 24-inch height of hatch coaming is maintained on the working side of the vessel. If pontoons must be stowed closer than 3 feet to and higher than the coaming on the idle side, they shall be secured against movement.

(b) Beams shall be laid on their sides, or stood on edge close together and lashed: *Provided, however,* That this paragraph shall not apply in cases where beams are of such design that (1) the width of the flange is 50 percent or more of the height of the web and (2) that when a beam is stood upright the flange rests flat on the deck.

5. Paragraph (b) of § 9.51 is amended to read as follows:

§ 9.51 General requirements.

* * * * *

(b) Cargo handling gear or tent gantlines, any part of which is visibly unsafe, shall not be used until such part is made safe.

6. Section 9.52 is amended by amending subparagraph (2) of paragraph (b), subparagraph (3) of paragraph (c), and subparagraph (1) of paragraph (d) to read as follows:

§ 9.52 Specific requirements.

* * * * *

(b) *Stoppers.* * * *

(2) When used, chain stoppers shall be shackled or otherwise secured in such a manner that their links are not bent by being passed around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(c) *Falls.* * * *

(3) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

* * * * *

(d) *Heel blocks.* (1) If, because of the position of the winch controls, the winch driver is in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and secured by such means as will develop at least eighty (80) percent of the strength of the rope, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail.

7. Section 9.53 is amended by amending the heading of the section and subparagraph (3) of paragraph (a) and by adding a new subparagraph (3) to paragraph (c) to read as follows:

§ 9.53 Cargo winches.

(a) *General.* * * *

(3) Double gear winches or other winches equipped with a clutch shall not be used unless a positive means of locking the gear shift is provided.

* * * * *

(c) *Electrical winches.* * * *

(3) When winches are left unattended, control levers shall be placed in the neutral position and, whenever possible, the power shall be shut off or control levers locked at the winch or the operating controls.

8. Section 9.61 is amended by amending paragraphs (a) and (b) and by adding a new paragraph (d) to read as follows:

§ 9.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(b) All special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in the following manner before initially being put into use:

(1) Gear intended to handle lifts up to and including 20 short tons (40,000 lbs.) shall be tested to 25 percent in excess of its safe working load.

(2) Gear intended to handle lifts over 20 short tons (40,000 lbs.) but not exceeding 50 short tons (100,000 lbs.) shall be tested to 5 short tons (10,000 lbs.) in excess of its safe working load.

(3) Gear intended to handle lifts over 50 short tons (100,000 lbs.) shall be tested to 10 percent in excess of its safe working load.

(4) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the Bureau of Labor Standards.

* * * * *

(d) The weight shall be plainly marked on any article of stevedoring gear hoisted by ship's gear and weighing in excess of 2,000 lbs.

9. Paragraph (a) of § 9.64 is amended to read as follows:

§ 9.64 Chains and chain slings.

(a) Tables G–7 and G–8 shall be used to determine the maximum safe working loads of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products. Proof coil steel chain, also known as common or hardware chain, or other chain not recommended for slinging or hoisting by the manufacturer, shall not be used for hoisting purposes.

10. Paragraph (a) of § 9.67 is amended to read as follows:

§ 9.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings of reusable pallets shall be belts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent strength.

11. Paragraph (g) of § 9.69 is amended to read as follows:

§ 9.69 Powered conveyors.

* * * * *

(g) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap between connections.

12. Section 9.73 is amended to read as follows:

§ 9.73 Mechanically-powered vehicles used aboard vessels.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except as otherwise provided.

(b) Overhead guards for fork lift trucks:

(1) Fork lift trucks shall be equipped with operator's overhead guards of such design and construction as to protect the operator from boxes, cartons, packages, bagged material or other similar individual items of cargo which may fall from the load being handled or from stowage.

(2) The guard shall be of such construction that it does not interfere with good visibility, but openings in the top of the guard must not exceed six inches in one of the two dimensions, width or length. Larger openings may be permitted provided no opening is larger than the smallest unit of cargo that is likely to fall on the guard.

(3) The guard shall be large enough to extend over the operator in all normal circumstances of truck operation, including forward tilt.

(4) In fork lift trucks equipped with a single tilt cylinder, provision shall be made so that failure of this cylinder or associated parts will not cause the overhead guard to injure the operator.

(5) The overhead guard may be removed only at times when the construction of the truck is such that the presence of such a guard would prevent the truck from entering working spaces, and if the operator cannot be injured by low overhead obstructions.

(c) Guards for bulk cargo-moving vehicles:

(1) Every crawler type, rider operated, bulk cargo-moving vehicle shall be equipped with an operator's guard of such design and construction as to protect the operator, when seated, against injury from contact with a projecting overhead.

(2) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(3) Guards shall not be required when the vehicle is used in situations in which the possibility of the seated operator coming in contact with projecting overheads does not exist.

(d) End platform guards:

(1) Every truck operated from an end platform or pedal position shall be equipped with an operator's platform guard of such design that it permits rapid and unobstructed egress.

(2) Guards shall be so designed as to be able to withstand, without excessive deflection, a load equal to the weight of the loaded machine.

(e) Forks, fork extensions or other attachments shall be suitably secured to prevent unintentional disengagement.

(f) Weights and loads:

(1) The vehicle weight, with and without removable counterweights, shall be clearly posted on all mechanically-powered vehicles which are lifted aboard vessels.

(2) The rated capacity of every fork lift truck, with and without removable counterweights, shall be posted on the vehicle in such a manner as to be readily visible to the operator.

(3) Loads in excess of the rated capacity shall not be lifted or carried by lift trucks.

(4) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(g) Steering knobs, when furnished, shall be of a mushroom type unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(h) No load on a fork lift truck or industrial crane truck shall be suspended or swung over any employee.

(i) When mechanically-powered vehicles are used, adequate provisions shall be made to ensure that the working surfaces can support the vehicle and load, and that hatch covers, truck plates, or other temporary surfaces cannot be dislodged by movement of the vehicle.

(j) When mechanically-powered vehicles are left unattended, the controls shall be neutralized, power shut off, brakes set, and the forks, blade, or scoop shall be placed in the lowered position.

13. Section 9.74 is redesignated § 9.75.

14. A new § 9.74 is added which reads as follows:

§ 9.74 Mobile crawler or truck cranes temporarily placed aboard vessels for longshoring operations.

(a) Mobile crawler or truck cranes used by the employer shall meet the following requirements:

(1) The crane weight shall be posted on all cranes which are hoisted aboard vessels.

(2) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

15. A new § 9.85 is added which reads as follows:

§ 9.85 Containerized cargo.

(a) The gross maximum allowable weight shall be permanently marked on every van and reusable cargo container. The gross maximum allowable weight shall be considered the weight of the van or container at the time of hoisting by the vessel's gear, except when the actual gross weight is plainly marked or otherwise indicated on the van or container or when the van or container is empty.

(b) The provisions of paragraph (a) of this section are not intended to require vans or containers to be weighed to ascertain the actual gross weight when other means of obtaining this information is available.

(c) Actual gross weight markings or indications shall be identified on the van or container by date, voyage number, or other suitable means. Those referring to prior shipments shall be removed or obliterated to avoid confusion.

(d) For the purpose of this section, the terms "van" or "container" mean only completely enclosed reusable units intended to carry more than one smaller unit, or which may be used to carry bulk commodities. They do not mean cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads, or any other of the usual forms of packaging.

16. Section 9.91 is amended by amending paragraph (b) and adding a new paragraph (g) to read as follows:

§ 9.91 Housekeeping.

* * * * *

(b) Gear or equipment, when not in use, shall be removed from the immediate work areas, or shall be so placed as not to present a hazard.

* * * * *

(g) Dunnage, hatch beams, tarpaulins or gear not in use shall be stowed no closer than 3 feet to the port and starboard sides of the weather deck hatch coaming, except that a reasonable tolerance shall be permitted where strict adherence is rendered impracticable due to the circumstances.

17. Subparagraph (2) of paragraph (b) of § 9.92 is amended to read as follows:

§ 9.92 Illumination.

* * * * *

(b) Portable lights shall meet the following requirements:

* * * * *

(2) Portable lights shall be equipped with heavy duty electric cords and may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections. All connections and insulation shall be maintained in safe condition.

18. Paragraph (a) of § 9.93 is amended to read as follows:

§ 9.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

(1) When internal combustion engines exhaust into the hold or intermediate deck, the employer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (.01%). When neither natural ventilation nor the vessel's ventilating system is adequate to keep the carbon monoxide concentration below this allowable limit, the employer shall use blowers sufficient in size and number and so arranged as to accomplish this before work is resumed.

(2) A record of the date, time, location and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Bureau of Labor Standards.

(3) The intakes of portable blowers and any exposed belt drives shall be adequately guarded by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When the vessel is the source of the current the ground shall be made to the structure of the vessel.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

19. Paragraph (a) of § 9.105 is amended to read as follows:

§ 9.105 Head protection.

(a) When employees are handling cargoes of loose scrap metal, bulk ores which contain ore in a chunky form, or bulk commodities of a similar nature, they shall be protected by protective hats meeting the specifications contained in the American Standard Safety Code for Head, Eye, and Respiratory Protection, Z–2.1.

(Sec. 41, 44 Stat. 1444, as amended by sec. 1, 72 Stat. 835; 33 U.S.C.)

Signed at Washington, D.C., this 9th day of November 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–10978; Filed, Nov. 17, 1961; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 504—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Revision

Part 504 is revised to read as follows:

GENERAL

Sec.
504.1 Purpose.
504.2 Definitions.
504.3 Principles.
504.4 Objectives.

POLICIES GOVERNING PUBLIC INFORMATION ACTIVITIES

504.5 Official release of information.
504.6 Release of information by individuals.
504.7 Levels of release.
504.8 Procedures.
504.9 Relationships with public information agencies or media.
504.10 Travel of news media representatives to and from oversea areas at Government expense.
504.11 Accreditation.

AUTHORITY AND RESPONSIBILITIES

504.12 General.
504.13 Specific responsibilities.

POLICIES REGARDING SPECIFIC SUBJECTS AND TYPES OF INFORMATION

504.14 Army theme in comercial advertising.
504.15 Army cooperation in commercial motion picture, radio, and television, and legitimate stage productions.

Sec.
504.16 Participation of military personnel in commercially sponsored radio-television broadcasts not of a public service nature.
504.17 Release of information on nonbattle losses (accidents) occurring within continental United States.
504.18 Release of information on casualties and nonbattle losses in oversea areas.
504.19 Release of information of accidents involving chemical, biological, or radiological (CBR) material in continental United States.
504.20 Release of information concerning chemical and biological weapons and defense.
504.21 Release of information concerning activation, training, and movement of units.
504.22 Release of information concerning inactivation of installations, facilities, or activities or substantial personnel or contract reductions.
504.23 Release of information concerning acquisition of foreign facilities and installations.
504.24 Control of photography or sketches made by civilians outside military installations within United States and its Territories.
504.25 Release of aerial photographs.
504.26 Release of unclassified official still and motion picture material.
504.27 Release of unclassified official pictorial information material to foreign nationals.
504.28 Photographing women in the Army.
504.29 Photography at courts-martial.
504.30 Release of information regarding travel by very important persons (VIPs).
504.31 Use of Department of the Army personal letters or communications.
504.32 Public information activities concerning disaster relief.
504.33 Unofficial questionnaires, surveys, and other opinion research projects.

AUTHORITY: §§ 504.1 to 504.33 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.
SOURCE: AR 360–5, Aug. 29, 1961.

GENERAL

§ 504.1 Purpose.

The regulations of this part set forth principles and objectives of public information activities; policies governing review, clearance, and release of public information and relations with public information agencies; and the authority and responsibility for planning and conduct of public information activities.

§ 504.2 Definitions.

"Safeguarded information" is used in this part in the sense defined in § 518.1. (c) (4) of this subchapter and includes classified defense information and official information requiring protection in the public interest.

§ 504.3 Principles.

(a) The American public has a right to maximum information concerning the Army and its activities. Public access will be limited only by restrictions imposed to safeguard information in the national interest.

(b) Information officially released to the public, and thus intended to convey a factual presentation of some aspect of the Army, must be in conformance with the regulations of this part in the interest of insuring that the public can properly judge the manner in which the Army discharges its responsibilities for national security.

(c) The impetus for release of information should come from the Army as part of a comprehensive effort to achieve information objectives in § 504.4.

§ 504.4 Objectives.

To keep the public fully informed concerning the Army and thereby:

(a) Gain public understanding and support of the Army's role in a sound national military program.

(b) Inspire public confidence in the Army's ability to accomplish its mission now and in the future.

(c) Develop public esteem and respect for the Army and Army personnel.

POLICIES GOVERNING PUBLIC INFORMATION ACTIVITIES

§ 504.5 Official release of information.

Under Department of Defense policy, information originating in the Department of Defense or any of its agencies for official release to the public through news media or speeches before external groups will be submitted to the Department of Defense for review and clearance prior to release. The purpose of the review and clearance policies in this part is not to curtail the flow of information, but rather to insure that information made public is accurate and fully in accordance with the policies of the United States Government. Information proposed for official release will be reviewed for:

(a) Security of safeguarded information.

(b) Accuracy, propriety, and consistency with policy as an official pronouncement.

(c) Removal of deleted matter before proposed information is made available to information media or the public.

§ 504.6 Release of information by individuals.

(a) Persons subject to the regulations of this part who speak or write on any subject for outside publication, not in connection with their official duties, will insure that such activity will not conflict with their assigned duties in any way. Except as provided in § 504.9, such activity will not be conducted during normal working hours or accomplished with the use of Department of Defense facilities or personnel. Official status will not be used as a means of gaining access to material that is not available to news media representatives or commercial free lance writers.

(b) Persons subject to the regulations of this part may accept payment for private literary efforts, to include both writings and speeches. Such persons, however, will not:

(1) Speak or write on a regularly scheduled basis for commercial publications or interests without prior written approval of the Chief of Information, Headquarters, Department of the Army.

(2) Receive pay (including honorariums) for speeches or other informational material which their duties require them to provide.

(c) Persons subject to the regulations of this part writing or speaking as private individuals concerning military matters will submit such material for review and clearance as to security of safeguarded information even though no official connotation is implied or inferred. Any individual who uses a title or other identification with the Defense Establishment will include in all material a published announcement to the effect that "the views of the author do not purport to reflect the position of the Department of the Army, etc."

NOTE: Although not subject to the regulations of this part, retired officers may voluntarily submit manuscripts for advisory security review to the Chief of Information, Headquarters, Department of the Army. Such manuscripts should also contain a disclaimer as to official connotation.

(d) Official position requires members of the Army, military or civilian, to exercise good judgment in making any public pronouncements since the distinction between official and personal opinion may not always be clear.

§ 504.7 Levels of release.

(a) It is impracticable for all information proposed for official release to be submitted to the Department of Defense for review and clearance. Therefore, commanders of all echelons are authorized to conduct review and grant clearance for release of information concerning matters wholly within the scope of the mission and responsibilities of their respective commands and which is to be released through local media, unless the clearance for official release of the specific subject matter is reserved to higher authority. Section 504.13 further defines responsibilities for clearance and coordination.

(b) Clearance by the Department of Defense through the Chief of Information, Headquarters, Department of the Army is required for all information concerning:

(1) Interservice activities of national significance and missions or military policies and programs of another service.

(2) The foreign or national military policy of the United States Government.

(3) Atomic energy; nuclear components of weapons systems; chemical, biological, or radiological weapons; new developments in guided or ballistic missiles or new developments in general unless such information has previously been cleared for release by Department of the Army through the Department of Defense. Unofficial prior publication does not constitute authority for official release.

§ 504.8 Procedures.

(a) *Manuscripts.* Persons subject to this part will not make any commitment to furnish manuscripts containing official information to national publications or media other than service journals and official Army publications unless prior approval is obtained through the Chief of Information. Requests from service journals for articles may be accepted without such prior approval and such material may be prepared as an official duty utilizing military facilities and clerical help. For the purposes of this part the term "service journal" includes newspapers and magazines which represent a particular branch, or a group of branches, of the Army. This does not include service related civilian publications (e.g., Army Times, Army-Navy-Air Force Journal, Army-Navy-Air Force Register). Manuscripts requiring clearance at Headquarters, Department of the Army level will be submitted to the Chief of Information at least 15 days in advance of proposed release.

(b) *Releases to public information media, responses to media inquiries, interviews and press conferences*—(1) *At Headquarters, Department of the Army.* (i) The Chief of Information is responsible for answering requests for information from media representatives and for preparing releases to media based on information furnished by other Department of the Army agencies. He is responsible for coordination with other agencies and release of the information through the Department of Defense to media. Agencies having a technical liaison officer are authorized to furnish information of a routine nature to media representatives in response to requests. Other agencies will refer media inquiries to the Chief of Information.

(ii) Normally, interviews and press conferences will be arranged by the Chief of Information and, where appropriate, attended by his representatives or by the technical liaison officer concerned. In interviews with news media representatives, no safeguarded information will be disclosed. Proposed policies, not yet adopted by the Department of the Army, will not be discussed with news media representatives below secretariat level unless approved by the Chief of Staff for discussion or release.

(2) *In the field.* Commanders below Headquarters, Department of the Army are authorized to release to media items of local or regional nature concerning matters within the scope of their mission and responsibilities.

(c) *Speeches.* Speeches (having an official connotation and for use before external groups) prepared by personnel at Headquarters, Department of the Army will be submitted in five copies to the Chief of Public Information, Headquarters, Department of the Army, at least 8 working days in advance of proposed delivery. The Chief of Public Information will effect necessary coordination and clearance with Department of Defense. At other echelons, the guidance in § 504.7 and elsewhere in this part applies.

(d) *Reference to the Chief of Information.* In case of doubt as to policies regarding release of information, inquiry should be made to the command information offices concerned or of the Chief of Information, Headquarters, Department of the Army.

(e) *Direct communication.* When necessary to expedite handling of public information matters, the Chief of Information, Department of the Army, is authorized direct communication with the heads of Department of the Army agencies and with commanders of major commands, subordinate commands, and installations. Headquarters which must be bypassed will be informed as soon as possible regarding the action.

§ 504.9 Relationships with public information agencies or media.

(a) Army installations or commands may not contact, or respond to contacts by, national news media (such as magazines, wire services, feature syndicates, newsreels, radio or television networks) for the purpose of initiating or participating in public information projects of national scope unless specific authority to do so has been obtained through the Chief of Information, Department of the Army. Contact with national media representatives on matters of local interest are proper and approval of higher headquarters is not required, provided that information released is within the authority of the commander concerned. However, the Chief of Information will be informed of such contacts. Contact with local information media (such as press, radio, and TV) is at the initiative and discretion of the commanders concerned, restricted only as to information release authority.

(b) Subject to the provisions of AR 380–130, AR 380–131 (Army regulations pertaining to industrial security) and the Industrial Security Manual for Safeguarding Classified Information, installation commanders or contractors concerned may, at their discretion, cooperate with media representatives, including those of national media or of advertisers, who request permission to visit an installation under Army jurisdiction or facilities of Department of Defense contractors to obtain information for public release, provided that:

(1) Requests originate with a responsible editor or executive of the media concerned, or, if initiated by a representative, inquiry is made to insure that the applicant is in fact a representative or is a bona fide free lance journalist as established by reputation or a firm commitment from a publisher.

(2) Safeguarded information is not discussed, shown, or made available to news media representatives, and provision is made to insure that information to be released is reviewed and cleared by proper authority as prescribed in this part.

§ 504.10 Travel of news media representatives to and from oversea areas at Government expense.

(a) The general policy of the Department of Defense is that news media representatives will not be furnished military transportation between the continental United States and oversea areas if adequate commercial air transportation is available on the route to be traveled.

(b) Exception may be made where travel is of official concern to the Department of the Army, such as:

(1) The military travel itself is a vital part of the story or stories as in air evacation, maneuvers, or troop movements. In such cases the transportation furnished will be limited to that essential to such coverage. Requests will be evaluated as to importance and audience to be reached.

(2) The story is of an emergency nature and the coverage will be impaired to the detriment of the Army if military transportation is not provided.

(3) Proposed coverage is of unusual importance to the Department of the Army. The determination will be made by the Chief of Information and approved by the Department of Defense.

(c) Orders covering approved transportation will be issued by the commander funding the travel. Two copies of the orders will be furnished the Chief of Information.

(d) Correspondents furnished military transportation will pay for meals, hotel accommodations, and any other personal expenses incidental to the travel and must be accredited to the Department of Defense in accordance with § 504.11.

§ 504.11 Accreditation.

(a) Department of Defense accreditation provides identification credentials to information media representatives assigned to report on military affairs.

(b) Identification as a Department of Defense accredited correspondent does not authorize access to safeguarded information.

(c) Applications for accreditation should be submitted to the Chief of Information, Department of the Army, ATTN: Public Information Division, approximately 6 weeks prior to date required and must include:

(1) A completed personal history statement form and an employer's certification form (current forms may be obtained from the Chief of Information).

(2) A letter from the Information Officer concerned indicating the reason for the request at that time, i.e., for immediate or future use; story to be covered; whether full- or part-time employee; and period of accreditation as representative of the employee, if applicable.

AUTHORITY AND RESPONSIBILITIES

§ 504.12 General.

(a) *Command responsibility.* Conduct of public information programs and activities is a command responsibility. Discharge of this responsibility includes planning, directing, and coordinating public information programs and insuring compliance with regulations and Department of the Army policies.

(b) *Staff responsibility.* The Commander is assisted by the information officer on his staff or the staff officer acting in that capacity where an information officer is not provided by TOE or TD. The information officer must be informed of existing and projected plans and policies of the command and he in turn must keep the commander and the rest of the staff informed and developments or impending developments in the public domain which are of significance to the command.

(c) *Individual responsibility.* (1) All individuals subject to this part must be alert at all times to the danger of inadvertently including classified information in material proposed for public release. This is especially true when an individual has had access to classified

information closely related to the subject about which he is writing for release. When there is doubt concerning classification, the material should be properly safeguarded pending a final security review and clearance. Individual and supervisory responsibilities, as delineated in Part 505 of this subchapter, must be continuously emphasized.

(2) Every individual subject to this part is personally responsible that information he releases officially to news media has received prior clearance through the apropriate headquarters.

§ 504.13 Specific responsibilities.

(a) *Chief of Public Information, Office of the Secretary of the Army.* The Chief of Public Information, Office of the Secretary of the Army, is directly responsible to the Secretary of the Army and is responsive to the requirements of the Chief of Staff in public information matters. Specifically, he is responsible for:

(1) Advising the Secretary of the Army, the Chief of Staff, and agencies of the Department of Defense on Army public information.

(2) Assisting in the development and accomplishment of Department of Defense information objectives through advice to the Assistant Secretary of Defense (Public Affairs) on Army matters.

(3) Formulating public information policies of the Department of the Army and coordinating and supervising the world-wide implementation thereof in conjunction with and through the Office of the Chief of Staff.

(4) Supervising the Army's public information security review program in the field.

(5) Conducting a continuing review of the implementation of Executive Order 10501 (18 F.R. 7049), within the Department of the Army, to insure that no information concerning the Army is withheld which the people of the United States have a right to know.

(b) *Chief of Information.* (The Chief of Information serves in a dual capacity as Chief of Public Information.) The Chief of Information is directly responsible to the Chief of Staff in public information matters. His responsibilities include:

(1) Participating with Department of the Army planning agencies in the formulation of major plans and policies to insure due consideration of information implications.

(2) Planning and directing worldwide public information policies and programs of the Department of the Army.

(3) Coordination of material proposed for public release with departmental and field interests and transmission to Department of Defense for security review.

(c) *Headquarters, Department of the Army Staff agencies.* (1) Heads of all Department of the Army staff agencies are responsible for establishing policies governing public release of information regarding their missions and functions and preparing information material regarding these missions and functions for dissemination to the public. Such material will be directed through the Chief of Information, except that those staff agencies having a technical liaison officer may furnish information of a routine nature.

(2) The agency having primary interest will insure that coordination is effected with other interested agencies; any security questions are referred to the Assistant Chief of Staff for Intelligence; and that the information is, in fact, unclassified and releasable to the public.

(3) The heads of staff agencies who exercise command of class II installations and activities will require that public information programs and proposed releases pertaining to the national mission of the staff agency be submitted to the staff agency head prior to submission to the Chief of Information.

(4) Staff agency heads exercising command over class II installations and activities will insure coordination of the public information function of such installations and activities with the ZI army commander or Commanding General, Military District of Washington, as appropriate, in cases where material is of more than local interest or otherwise warrants the attention of the Army commander.

(5) Staff agency heads will establish procedures to insure that policies governing levels of release are applied in class II installations and activities under their jurisdiction.

(d) *Commanding General, United States Continental Army Command.* In accordance with his assigned mission and responsibilities, the Commanding General, United States Continental Army Command is responsible for:

(1) Public information planning in connection with Army and joint exercises and maneuvers under his jurisdiction.

(2) Preparation of initial releases on field exercises and maneuvers under his jurisdiction for release through Chief of Information.

(3) The review, as provided in this part, of all material proposed for release on a national scale pertaining to his mission and responsibilities, unless the material in question concerns subjects reserved to the releasing authority of the Department of the Army or the Department of Defense.

(4) Coordination and supervision of public information instruction at those Army schools under his jurisdiction.

(5) General direction of public information activities of subordinate ZI army commanders and Commanding General, Military District of Washington, U.S. Army, as directly affect his assigned mission and responsibilities.

(e) *ZI army commanders and the Commanding General, Military District of Washington, U.S. Army.* ZI army commanders and the Commanding General, Military District of Washington, U.S. Army, are responsible for the execution of a sound public information program concerning their commands. Each commander is, in addition, responsible for:

(1) Coordination of public information matters, throughout their respective commands to include matters at class II installations and activities in all cases where there is a possibility that the information impact of an action will be felt in the Army area concerned or will affect the mission or responsibilities of the Commanding General, United States Continental Army Commands, and in metropolitan areas as indicated in paragraph (f) of this section.

(2) Review, as provided in this part, of material proposed for public release by an individual or element of his command.

(f) *Commanders of class II installations and activities.* Commanders of class II installations and activities conduct public information programs in accordance with this part and procedures established by heads of Department of the Army staff agencies having jurisdiction over them. They are responsible for coordination of information matters with the ZI army commanders or the Commanding General, Military District of Washington, as appropriate, in all cases where there is a possibility that the public information impact of an action will be felt in the Army area concerned.

(g) *Commanding General, United States Army Air Defense Command.* The public information responsibilities of the Commanding General, United States Army Air Defense Command, are the same as those assigned to the heads of Department of the Army Staff agencies (paragraph (c) of this section). For public information purposes, field units of the United States Army Air Defense Command are considered in the same category as class II installations.

(h) *Oversea commands.* Oversea commanders are responsible for the conduct of public information activities within their commands. They will be guided by the announced policies of the Department of the Army and commanders of unified commands if they are components thereof.

(i) *Information officer.* Military or civilian information officers will be appointed on the staff of each installation and on the staffs of all commanders down to and including the regiment, combat command, battle group, or unit of equivalent size. Where not provided by tables of organization and equipment or tables of distribution, information officers are designated to exercise staff responsibility for the information program in addition to other duties. Direct access to the commander at all times is essential to the information officer for him to perform properly his duties. Information officers normally perform the function of review as prescribed in this part.

(1) Material submitted by an individual for review, and proposed for release through sale or contribution to media with circulation or coverage confined to the vicinity of an Army Installation, may be reviewed and cleared by the installation information officer concerned, provided that public interest in the material is also confined primarily to such vicinity. Similarly, the information officer of a ZI army is competent to clear material of interest and coverage that is primarily regional to the Army area to which he is assigned.

(2) Material concerning subject matter of national or potential national interest, or proposed for release on a national scale, will be referred to the Chief of Information, Department of the Army.

POLICIES REGARDING SPECIFIC SUBJECTS AND TYPES OF INFORMATION

§ 504.14 Army theme in commercial advertising.

(a) The Army theme may be used in commercial advertisements provided the advertisement does not disclose safeguarded information, bring discredit on the military service, or express or imply Army indorsement of or preference for the commercial products advertised. The advertiser will be informed in writing of this disclaimer in each case in which a commitment is made.

(b) Persons subject to this part may not indorse commercial products or involve the Army uniform, or their title or grade, or express or imply other official Army connection therewith.

(c) In cooperating with an advertiser, the Department of the Army does not assume responsibility for the accuracy of the advertiser's claims or for his compliance with laws protecting the rights of privacy of military personnel whose photographs, names, or statements appear in the advertisement.

§ 504.15 Army cooperation in commercial motion picture, radio, and television, and legitimate stage productions.

In the interest of economy of time and money, the use of military personnel and facilities will be included as a part of, or in conjunction with, normal activities to the maximum practicable degree. The provisions of § 504.14 apply.

(a) *Motion pictures.* (1) Commercial motion picture film scripts are certified for Army cooperation after approval by the Department of the Army and the Department of Defense. Cooperation will be at no cost to the Government; arrangements will be made for reimbursement to the Department of the Army of any cost incurred. This cooperation may include furnishing technical advisors, access to locations, equipment, weapons, and troops.

(2) Official cooperation will be considered when it is believed the finished film will benefit the Department of the Army, and is in the best interest of national defense and the public good; will adhere to the Army policies regarding operations, morale, and discipline and complies with standards of dignity and propriety; will portray accurately and authentically military operations, historical incidents, persons or places, and depict a true interpretation of military life; and/or has educational or public relations value from an Army viewpoint.

(3) Army cooperation in motion pictures produced by a foreign firm in an oversea command normally will be authorized in the manner outlined in subparagraph (1) of this paragraph. Oversea Army commanders may, however, authorize Army cooperation in such motion pictures when production schedules make proper and accurate portrayal of the Army dependent upon immediate cooperation.

(4) Commanders learning of motion picture projects concerning Army subjects that are being produced without the knowledge of the Department of the Army will notify the Chief of Information, Department of the Army.

(5) Army support of motion picture premieres, and other showings in the civilian domain for which admission is charged, will be confined to motion pictures which have had Army cooperation or which Department of Defense considers suitable for support. The support rendered will be limited to locally available recruiting displays in theater lobbies, personal appearances of military or civilian Army dignitaries, and normal recruiting advertising and publicity. The commitment of Army musicians, choral groups, or other entertainers, drill teams, other troop units, special exhibits, sidewalk or street presentations, searchlights or other outside publicity support is not normally authorized.

(b) *Radio and television.* (1) Radio and television scripts and productions are certified for Army cooperation in the same manner as are motion pictures when proposed for, or subject to, release on a national scale or when the subject matter thereof concerns information reserved to the review authority of the Department of the Army or the Department of Defense.

(2) A major commander may authorize Army cooperation in a radio or television production which is regional to his command in public interest and coverage. An installation commander has similar authority in the case of productions that are limited in public interest to his own local area. Scripts for such productions may be reviewed and cleared for release by public information officers in accordance with the authority contained in § 504.13(i).

(c) *Legitimate stage productions.* (1) Department of the Army cooperation may be extended to legitimate stage productions, not classed as "little theater," in the manner as indicated in certifying cooperation for motion pictures and television.

(2) "Little theater" productions normally are restricted to local audiences, and therefore commanders of installations in the vicinity of such activities may authorize cooperation. Such cooperation normally will consist of technical advice and informational assistance and should be based on considerations in paragraph (a)(2) of this section. However, if necessary to insure accuracy of presentation, commanders may provide necessary items of equipment, etc.

§ 504.16 Participation of military personnel in commercially sponsored radio-television broadcast not of a public service nature.

(a) *Definitions*—(1) *Local program.* A local program is defined as one broadcast or rebroadcast only by the station over which it originates, or rebroadcast at a later time by another station within the same general broadcast area as the original station.

(2) *Regional program.* A regional program is one broadcast over the facilities of two or more interconnected stations in the same geographical area, but not in the same broadcast area. Filmed, taped, kinescoped, or transcribed programs which are broadcast over one station at a time, but which are later broadcast from one or more other stations in the same geographical area but not in the same broadcast area are considered regional programs.

(3) *National program.* A national program is one broadcast over the facilities of two or more interconnected stations not in the same geographical or broadcast areas. Any filmed, taped, kinescoped, or transcribed program originating simultaneously or successively from stations not in the same geographical or broadcast areas is considered a national program.

(b) *Policy.* The participation of military personnel in commercially sponsored or sustaining radio or television programs may be permitted when deemed by appropriate authority to be in the best interests of the Department of the Army, when it is in keeping with the dignity and prestige of the Army, and it does not interfere with the customary employment and regular engagement of civilian performers (see also § 552.18 of this chapter). The following guidance is established:

(1) Authority to permit participation is delegated as follows:

(i) Authority to permit participation by members of the Army in local commercially sponsored or sustaining radio or television programs is delegated to the commander of the installation to which the individual is assigned.

(ii) Authority to permit participation in regional commercially sponsored or sustaining radio or television programs is delegated to ZI army commanders and the Commanding General, Military District of Washington, U.S. Army.

(iii) Authority to permit participation in national programs is reserved to the Secretary of the Army with the concurrence of the Secretary of Defense. Requests for authority to participate in national programs will be forwarded to the Chief of Information, Department of the Army, who will obtain the necessary clearance. Tentative commitment by individuals to participate in such programs will not be made until such participation is approved.

(2) Appearances may be approved by officials indicated in this section when:

(i) For entertainment purposes the:

(*a*) Program concerned is devoted entirely to the observance of a national holiday or is dedicated to the Armed Forces or to the Army, or

(*b*) Program is local and originates entirely from a military installation, or

(*c*) Military participation sought is unique in character, has no commercial counterpart, and contributes to the interest of the Department of the Army, or

(*d*) Secretary of Defense deems it to be in the national interest.

(ii) For information purposes the person appearing is newsworthy in his own right, or when appearing as an official representative of the Department of the Army or his command for the sole purpose of informing the viewing or listening audience of the operation or functioning of the Department of the Army or of his command.

(3) As an exception to the foregoing provisions of this paragraph, military personnel may take part in audience participation programs when securing

prior approval through an information officer is not feasible. In such cases the individual must assume the responsibility to so conduct himself as to reflect credit upon himself and the military profession.

(4) In all of the cases in this paragraph, the provisions of § 504.14 apply.

§ 504.17 Release of information on nonbattle losses (accidents) occurring within continental United States.

The Department of the Army policy is to reduce to the minimum overall delay between the time of an accident and the release of information to the press.

(a) In case of accidents within the confines of installations of the Armed Forces, public release of names and addresses of killed or injured military personnel may be withheld until such times as the next of kin can reasonably be expected to have received the official notification of the accident. In order to allay the anxiety of relatives of other personnel of the installation, however, every effort will be made to release such names and addresses at the same time that the news of the accident itself is released, or as soon thereafter as possible. In cases where the identification of victims of an accident involving more than one person introduces a delay in notifying some of the next of kin concerned, the names and addresses of individuals killed or injured will be released separately as notification is accomplished.

(b) In case of accidents outside the confines of installations of the Armed Forces.

(1) If military personnel are involved in accidents of civilian or military automobiles, trains, commercial or private aircraft, or in any other types of accidents with the exception of subparagraph (3) of this paragraph, the names and addresses of the military personnel should be released immediately upon positive identification, or, in the case of commercial transportation, upon release of names of other passengers by the carrier.

(2) If military aircraft crash in or near the borders of cities or towns, or cause civilian deaths or injuries or appreciable damage to property, the names and addresses of the military personnel should be released immediately upon positive identification. If positive identification will be delayed because of condition of victims or aircraft, and, if in the judgment of the information officer concerned, release of the flight manifest (identified as such) is indicated, such release is authorized.

(3) If military aircraft crash in localities remote from populated areas, cause no civilian deaths or injuries, and no appreciable property damage, names and addresses of military personnel may be withheld until such time as the next of kin can reasonably be expected to have received notification of the accident.

(4) For the purpose of this part, an aircraft chartered by the Department of the Army for the exclusive use of the military, or by individual members of the Army for their exclusive use, will be considered to be military aircraft and the releasing of information relative to casualties will be governed accordingly.

(c) When circumstances permit, one-story coverage of accidents is desirable. Normally, information released will be substantially as follows:

(1) Statement that the accident has occurred.

(2) Location of the accident and the time.

(3) Names and addresses of the deceased or injured persons.

(4) In answer to questions on the cause of the accident, the customary reply will be that an investigation will be conducted to determine the exact cause. Information which is not safeguarded may be made available to media.

(d) In all accidents, prompt action will be taken to safeguard items of Government property or projects which are classified. This responsibility should be discharged with due consideration for reporters and photographers in the performance of their duties.

(e) Information regarding line of duty or misconduct status of individuals will not be released to the public except with the express approval of The Adjutant General. See Part 518 of this subchapter.

§ 504.18 Release of information on casualties and nonbattle losses in oversea areas.

The policy of the Department of the Army is to release information to news media on casualties (except missing in action, paragraph (a)(3)(iii) of this section) and nonbattle losses as soon as possible after the next of kin have been officially notified. Information will be released as follows:

(a) *Casualties.* (See § 511.1 of this subchapter.)

(1) Immediately, if notification has been made by the oversea commander to the next of kin residing within the oversea command.

(2) In all other cases, not less than 48 hours after dispatch of notification telegram by The Adjutant General.

(3) Casualties will be identified according to type, except missing in action, in news releases and the term "casualty" itself will be avoided in order to correct a popular tendency to construe "casualties" as "killed". News releases will identify casualties as:

(i) Deaths.

(*a*) Killed in action.

(*b*) Died of wounds received in action.

(ii) Wounded in action (with a subparagraph indicating percentage of wounded returned to duty on medical records).

(iii) Missing in action—notification will be made to the next of kin or other interested persons, and disclose only the fact that the service member is missing.

(4) In all cases pertaining to casualties, notification of the next of kin takes precedence over the release of such information to the public.

(5) The Adjutant General will furnish information concerning casualties to the Chief of Information for the news media.

(b) *Nonbattle losses.* (1) Immediately, if notification has been made by the oversea commander to the next of kin residing within the oversea command.

(2) In all other cases (except subparagraph (3) of this paragraph) not less than 24 hours after casualty reports (LOYAL (seriously ill), PUNCH (missing), and CROWN (death)) have been transmitted and receipt of acknowledgment obtained from the action addressee, unless definite information is available that notification of the next of kin has been accomplished.

(3) In those cases where local civil authorities have released the names of deceased personnel, theater commanders or commanders of military assistance advisory groups, military missions, or other Army organizations not under theater commands, may authorize release or confirmation. Such action will be taken only when necessary to preserve good press relations, and must be simultaneously reported to the Chief of Information, Department of the Army.

§ 504.19 Release of information of accidents involving chemical, biological or radiological (CBR) material in continental United States.

NOTE: This paragraph does not apply to nuclear weapons components. Accidents involving nuclear weapons are covered in separate letter directives.

An accident during shipment involving chemical, biological or radiological (CBR) material, information of which would normally not be released because of classification or the possibility of causing undue public concern, may require release of safeguarded information in the interest of health and safety. In the event of such accident, the following will govern:

(a) Responsibility for making on-the-spot news releases and notification of proper authorities rests with Chemical Corps technical personnel accompanying the shipment. If such persons are casualties and cannot perform necessary actions, the consignee, military shipping agency, or Chemical officer of the nearest installation, whoever first receives notice of the accident, will make necessary releases and notifications.

(b) News releases will contain only such information determined by responsible persons indicated in paragraph (a) of this section to be essential to health and safety.

(c) Persons making news releases will notify, by the most expeditious means possible, the Technical Liaison Office, Office of the Chief Chemical Officer, Department of the Army (area code 202, OXford 7-1313) of the content and circumstances of the release and then will notify the Information Officer of the nearest Army installation.

(d) If accidental release of toxic agents in a populous area makes immediate warning and evacuation necessary, persons indicated in this section are authorized to request assistance of newspapers, local radio and TV stations, police, etc.

§ 504.20 Release of information concerning chemical and biological weapons and defense.

National interest requires that the public be informed of the nature of the chemical and biological threat to civilian population and military forces in the event of aggression and of the effects of such weapons and methods of defense currently available or under development. Cooperation with non-military agencies in dissemination of unclassified information is an important responsibility, particularly with regard to the U.S. Public Health Service, U.S. Department of Agriculture, the American Red Cross, the Office of Civil and Defense Mobilization, and the scientific community. Programs designed to fulfill requirements for public information will be subject to the review and clearance in accordance with § 504.7(b)(3).

§ 504.21 Release of information concerning activation, training, and movement of units.

(a) Initial release of information concerning activation and movement of units is made through the Department of Defense. Thereafter, information not restricted by paragraph (c) of this section may be released locally by responsible commanders.

(b) Release of information concerning training of units, and which is not safeguarded nor restricted by paragraph (c) of this section, may be released by the responsible commander, except in the case of major joint exercises. In the latter case, initial release will be made by Department of Defense and thereafter may be made by the joint commander.

(c) The following information is not releasable concerning any phase of activation, redesignation, reorganization, training, or movements of units (either within the United States or to oversea destinations):

(1) Exact personnel strength and composition of units.

(2) Status, amount, or quality of equipment.

(3) Combat efficiency.

§ 504.22 Release of information concerning inactivation of installations, facilities, or activities or substantial personnel or contract reductions.

(a) Accurate and timely information, consistent with security, will be released initially at Department of the Army level through the Department of Defense when the decision has been made by the Department of the Army to:

(1) Close, reduce population of or otherwise change the status of an installation or facility which may be of interest to Congress or the public.

(2) Reduce Government, or contract employment at an installation, facility, or activity by 50 or more civilian personnel.

(3) Substantially reduce contract operations.

(b) After coordination with Department of Defense and prior to public release of the information, the Chief of Legislative Liaison, Office of the Secretary of the Army, will notify appropriate members of Congress. Such notification will include the time that Department of Defense intends to release the information to the public. Subsequent public release will be through public information channels.

(c) The above criteria are not intended to be inflexible or without exception. The principal consideration at which they are pointed is the economic effect in the community concerned which may be aggravated through inaccurate or incomplete information.

§ 504.23 Release of information concerning acquisition of foreign facilities and installations.

Information concerning acquisition of foreign facilities and installations is within the category of § 504.7(b)(2), and required review and clearance accordingly.

§ 504.24 Control of photography or sketches made by civilians outside military installations within United States and its Territories.

(a) Outside military installations within the United States and its territories, military authorities will not prohibit or prevent the taking of photographs or making of other forms of graphic representation of military personnel, equipment, or material if no classified defense information or material is exposed to view.

(b) If classified material is exposed, such material will be covered or removed and consent granted to the taking of photographs or the making of other forms of graphical representation by those desiring to do so. If classified defense information or material is present and cannot be removed or covered, those desiring to take photographs or make other graphical representations will be advised that to do so without permission of appropriate military authority could be a violation of law (act of June 25, 1948, 62 Stat. 737, 18 U.S.C. 795, 797). Difficulties in this connection usually arise during transport when normal precautions are upset by accidents or other transportation mishaps.

(c) If, after notification as in paragraph (b) of this section, those desiring to take such photographs or make graphical representation insist, the military authority concerned will:

(1) Request that the photographic negative or plate or other product be surrendered.

(2) Advise those concerned that willfully failing to surrender same could be a felony under the provisions of title 18, section 793(e), United States Code (62 Stat. 736, as amended), punishable by a fine of not more than $10,000 or 10 years imprisonment, or both.

(3) In the event of failure to deliver the negative, plate, or product, those concerned will be requested to remain at the scene until the arrival of local peace officers or Federal Bureau of Investigation (FBI) representative. The officer or noncommissioned officer in charge will immediately solicit the aid of local peace officers in detaining the violator and promptly report the facts to his commanding officer who will, by the fastest available means notify the nearest field office of the Federal Bureau of Investigation for investigation as a possible violation of the statute reference in subparagraph (2) of this paragraph. When it is impracticable to request FBI assistance through the commanding officer, the military authority present at the scene may report the violation direct to the FBI field office, and subsequently notify his commanding officer of the action taken.

(4) In the event the person concerned refuses to surrender the negative, plate, or product relating to the national defense and/or refuses to remain until the arrival of local peace officers or the FBI representative, the person may be physically restrained until either the local peace officers or the FBI representative arrive on the scene. Care must be exercised to insure that only the amount of physical force absolutely essential to restrain the violator is used.

(5) A complete summary of events will be forwarded by the commander concerned, through channels, to the Assistant Chief of Staff for Intelligence, Department of the Army, Washington 25, D.C.

(d) It is emphasized that personnel concerned must determine as quickly as possible in each case whether classified equipment or material is exposed. Speed in making these determinations and in covering or removing any classified equipment or material found to be exposed will effect the greatest possible safeguarding of defense information while, at the same time, meeting the needs of public information media.

§ 504.25 Release of aerial photographs.

(a) Even though unclassified, official aerial photographs of military installations and other possible target areas will not be publicly released as authorized by appropriate Department of the Army or Department of Defense authority. Requests for exceptions of this policy will be referred to the Chief of Information, Department of the Army. In addition to this restriction on the release of such official aerial photographs, commanders will, when called upon for such advice by media, recommend against the taking or publishing by news media of aerial photographs of military installations and other possible target areas, stressing that compliance with this recommendation is voluntary but desirable in the interests of national security.

(b) The photographing of vital (classified) military installations without the permission of the commander of the installation concerned is punishable by law. The reproduction, publication, or sale of an aerial photograph of such installation is also an offense punishable by law unless such photograph indicates it had been reviewed and cleared for release by the authority competent to accomplish the security review thereof (see title 18, United States Code, sections 795, 796, and 797, as implemented by Executive Order No. 10104, Feb. 1, 1950) (see 15 F.R. 597). Where recourse to legal authority becomes necessary in connection with such requests, guidance should be obtained from the staff judge advocate or other legal officer of the command or installation concerned.

§ 504.26 Release of unclassified official still and motion picture material.

Release of unclassified official still and motion picture material, except original negatives or color transparencies, is gov-

erned by the same policies as other information material as established in §§ 504.5–504.11, and the provisions of AR 108–5 (Army regulations pertaining to still and motion picture photography). Original negatives or original color transparencies may not be released.

§ 504.27 Release of unclassified official pictorial information material to foreign nationals.

This paragraph is an exception to AR 380–19 (Administrative regulations pertaining to international interchange of patent rights and technical information). It does not apply to release of information to government representatives through intelligence channels. The procedures and policies regarding release of information to United States media applies to release of official pictorial material to foreign nationals except that:

(a) Requests received directly from organizations or individuals residing in foreign countries other than Canada will be forwarded to the Chief of Information, Department of the Army for approval, coordination with appropriate agencies, and release through the Department of Defense. The latter will forward the material requested through the United States Information Agency.

(b) Requests received from individuals or organizations in the United States who represent news media or other interests in foreign countries other than Canada will be handled as in paragraph (a) of this section except release will be made by Department of Defense after coordination with United States Information Agency.

(c) Requests from representatives of media or other interests located in Canada or directly from such agencies residing in Canada will be handled as those from the United States.

(d) Information officers of commands located in foreign countries may release pictorial material directly to bona fide local news media or representatives of other foreign media present in, or accredited to, the command in accordance with policies in this part and those of the oversea commander. Requests not within this category will be referred to the nearest United States Information Service representative.

(e) The provisions of this section apply to requests received from countries with which the United States maintains friendly relations.

§ 504.28 Photographing women in the Army.

Women in the Army will not be photographed in poses which reflect lack of feminine dignity and decorum, and will not be included in pictures posed with hand-fired weapons or showing artillery or missiles except as follows:

(a) Women in the Army may be pictured with hand-fired weapons if wearing appropriate civilian clothing, if there is no military implication, and if the picture and caption indicate that the women are participating in a sport or hobby.

(b) Women in the Army may be included in pictures showing artillery or missiles if the picture and caption clearly indicate that the women are not assigned to any duties directly connected with the firing units.

§ 504.29 Photography at courts-martial.

(a) In the interest of both the Army and the prisoner, Department of the Army policy discourages the photographing of prisoners except for official purposes. Disregard of this policy could subject the Army to criticism on grounds of defamation, embarrassment, mental anguish, and similar charges.

(b) In cases of national public interest in matters of a nonclassified nature, certain photography in connection with a trial by court-martial is permitted.

(c) On receipt of requests from news media for permission to take photographs during the period of a trial by courts-martial, commanders will be guided by the following:

(1) Photography of the interior of the court-room may be permitted when personnel involved in the proceedings are not present.

(2) During the trial, photography of the accused may be permitted at such times as he is out-of-doors in public view. At their option, members of the court or the accused, may be photographed in the room or rooms assigned to the press. Any photography of the accused will be accomplished only under appropriate circumstances, never in a courtroom, cell, cellblock, prison yard, or like area. A military prisoner will not be photographed when other prisoners are present nor be forced to pose for photographs, except for official purposes. Any photography permitted will not impede or interfere with the progress of the trial.

§ 504.30 Release of information regarding travel by very important persons (VIPs).

(a) A very important person (VIP) is defined as an individual (civilian official, ranking member of an armed service, foreign government head, etc.) whose position is of such importance that his travels are of special interest to the public information media representatives.

(b) The movement of VIPs will not be classified, except where required in the interest of national security, or where it is deemed that adverse foreign reaction will result if information regarding the movement is released. Classification is authorized only when directed by the Secretary of the Army, the Secretaries of other military departments concerned, the Secretary of State, the Secretary of Defense, or higher authority.

(c) Itineraries of VIPs will be released in advance to commanders of installations and activities concerned, and normal media relations will be observed. Where the VIP does not desire media coverage, every effort will be made to comply with his wishes.

§ 504.31 Use of Department of the Army personal letters or communications.

Personal letters and similar communications, previously unpublished, are the literary property of their author. The author does not publish his work or give up his rights by sending the letter to the addressee. The addressee is not entitled to publish the letter unless the author, or a person legally entitled to do so, has given permission. Therefore, in every case where it is proposed to release correspondence of a personal nature to the public, written consent will be obtained in advance of the release. In the event the writer is deceased, the written consent of the personal representative will be obtained. In those cases where written consent cannot be obtained or where current ownership is doubtful, requests for exception will be submitted to the Department of the Army for determination.

§ 504.32 Public information activities concerning disaster relief.

(a) To insure adequate press and pictorial coverage of efforts of United States Army agencies in providing assistance to governments of other countries or to United States civil authorities in the event of such disasters as fires, floods, typhoons, hurricanes, earthquakes, avalanches, and other natural catastrophes, information regarding efforts by United States Army commands and agencies to alleviate suffering, prevent spread of disease, and bring relief to local populations should be made available promptly to news and pictorial media.

(b) Activities in oversea disasters should be coordinated with representatives of the Department of State in the area and with other United States Government departments and agencies which participate in the relief program. So far as practicable, commanders will give all possible assistance to local information media representatives and accredited correspondents in obtaining full coverage.

(c) Release of oversea disaster relief spot news is the responsibility of the oversea commander concerned and will be made to local media, world press agencies, including the United States Information Service at the scene.

(d) The degree of emphasis on the part played by the Army in relief operations should be dictated by good judgment, and the sensibilities of the local population.

(e) Responsibilities for information activities in connection with domestic disaster relief operations under Part 502 of this subchapter are as prescribed therein.

§ 504.33 Unofficial questionnaries, surveys, and other opinion research projects.

(a) *General.* (1) Surveys, polls, and other opinion research projects directed to individuals or to organizations, installations, facilities, and activities of the U.S. Army by civilian organizations and individuals, when they pertain to military matters or matters which are specifically directed to their military status will not be conducted unless authorized by Department of the Army.

(2) Cooperation of individuals and organizations of the Army with the United States citizens and United States organizations conducting other bona fide research projects, opinion surveys, and the like is authorized in the interest of good public relations.

(3) Response to or cooperation with opinion research agencies or individual correspondents, however, is subject to the following considerations and limitations:

(i) *Security.* Communication between persons not previously known to each other may result in the unauthorized disclosure of classified defense information. Personal correspondence may be used both for propaganda purposes and for the collection of information later interpreted into intelligence of value to enemies or potential enemies of the United States.

(ii) *Propriety.* Individual service members enjoy the same rights of privacy and protection from invasion thereof and the same privilege to participate or refrain from participation in opinion surveys and polls as do other citizens. Their status as representatives of the U.S. Army, however, demands caution and unusual discretion to insure that information supplied in response to surveys is not subject to erroneous interpretation as official opinion and does not constitute a basis for possible action adverse to the best interests of the individual and the U.S. Army.

(b) *Responses by individuals.* (1) No individual may represent or in any way indicate that he is expressing an organizational or Army preference; moreover, he will not release any safeguarded information. It is proper, however, for an individual to express a personal preference for a particular commercial product (i.e., automobile, cigarette, soap product, periodical, television, or radio program, etc.).

(2) An individual who receives a request for information from a person outside the Department of Defense which pertains to military matter or matters specifically directed to his military status or if the inquiry is worded unclearly or the recipient is uncertain about the propriety of a reply, will refer the request to his unit commander. The commander may approve or disapprove reply to the request in accordance with this part. In doubtful cases, the commander will refer the request through channels to the Chief of Information, Headquarters, Department of the Army.

(c) *Responses by organizations or units*—(1) *Commercial surveys.* (i) No organization or unit will make a response which creates the impression that it is indorsing or has a preference for any commercial product.

(ii) Moreover, it is not proper for an organization or unit to conduct polls or otherwise use governmental facilities and personnel for the purpose of compiling materials for use of commercial enterprises; for example, to conduct polls to determine which brand cigarette members smoke, or which auto they prefer, etc.

(2) *Educational surveys.* Generally a response which relates to educational or research projects of a non-profit nature may be answered. For example:

(i) Hobbies of the personnel.

(ii) Types of publications read (as distinguished from a particular magazine).

(iii) Types of television programs watched. However, no response should be made in any case if gathering the information is burdensome upon the unit or interferes with the performance of official duties. Unit personnel rosters or lists of individuals should not be released without the approval of the Headquarters, Department of the Army.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–10965; Filed, Nov. 17, 1961; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

Sabine Pass Channel and Intracoastal Waterway, Texas

1. Pursuant to the provisions of Section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.196 is hereby prescribed establishing and governing the use and navigation of an anchorage area in Sabine Pass Channel, Texas, effective on publication in the FEDERAL REGISTER since navigation now uses the realigned channel, as follows:

§ 202.196 Sabine Pass Channel, Sabine Pass, Tex.

(a) *The anchorage area.* The navigable waters of the old reach of Sabine Pass Channel lying along the southwesterly side of the realigned Sabine Pass Channel at Sabine Pass and extending northwesterly and southeasterly, respectively, to lines parallel to, and 500 feet from, the westerly bottom edge of the realigned channel.

(b) *The regulations.* (1) The anchorage area is for the temporary use of vessels of all types but especially for naval and merchant vessels awaiting favorable tides to navigate the realigned reach of Sabine Pass Channel.

(2) Vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized to do so by the Captain of the Port.

(3) Vessels shall not anchor so as to obstruct the free use of the anchorage area and shall at all times leave a clear passage for vessels navigating through the anchorage area.

(4) Vessels shall not unreasonably obstruct the approaches to landings, slips, wharves or other facilities in the harbor area.

(5) Anchors shall not be placed outside the limits of the anchorage area and no portion of the hull or rigging of any anchored vessel shall be allowed to extend outside of the limits of the anchorage area.

(6) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in subparagraph (4) of this paragraph.

(7) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place, are prohibited.

(8) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vesel anchored or moored within or outside of the anchorage area including any vessel which is moored or anchored so as to obstruct navigation or interfere with range lights or other aids to navigation.

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), §§ 203.541 and 203.542 governing the operation of the bridge of the Texas Highway Department in the new Galveston Causeway near Galveston, Texas, is hereby revoked effective on publication in the FEDERAL REGISTER, the bridge drawspan being maintained in the open position to navigation pending removal and replacement by a fixed span, as follows:

§ 203.541 Intracoastal Waterway, Tex.; bridge of the Texas Highway Department in new Galveston Causeway in vicinity of Galveston, Texas. [Revoked]

§ 203.542 Intracoastal Waterway, Galveston Tex.; Bridge of the Texas Highway Department in new Galveston Causeway. [Revoked]

[Regs., Nov. 2, 1961, 285/91–ENGCW–ON] (Sec. 7, 38 Stat. 1053, sec. 5, 28 Stat. 362; 33 U.S.C. 471, 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–10966; Filed, Nov. 17, 1961; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 111.2, as published in 26 F.R. 8694–8695, subparagraph (3) of paragraph (e) is amended to show that 100 international reply coupons may now be redeemed at one time. As so amended, subparagraph (3) reads as follows:

§ 111.2 Postage.

* * * * * * *

(e) *Reply coupons.* * * *

(3) Properly postmarked international reply coupons issued in other countries are exchangeable at United States post offices for postage stamps at the rate of 11 cents each, except that Canadian and Mexican international reply coupons are exchanged at the rate of 4 cents each in postage. Patrons may not redeem more than 100 coupons at one time.

NOTE: The corresponding Postal Manual section is 221.253.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

§ 168.5 [Amendment]

II. In § 168.5 *Individual country regulations*, as published in 26 F.R. 8725–8805, the country "Upper Volta (Republic of)", under Parcel Post, is amended by striking out the item "Air parcel post—No service.", and inserting in lieu thereof the following:

Air parcel rates: Four ounces or less, $1.75; each additional 4 ounces or fraction, 55 cents.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-10984; Filed, Nov. 17, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2539]

[Washington 03339]

WASHINGTON

Withdrawing Lands in Aid of Legislation; Revoking Executive Order of March 7, 1900 (Cape Johnson Lighthouse Reservation)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from settlement, location, sale, or entry, in aid of legislation to add the lands to the Olympic National Park:

WILLAMETTE MERIDIAN

T. 28 N., R. 15 W.,
Sec. 6, lot 1.
Containing 3.25 acres.

2. The Executive order of March 7, 1900, so far as it withdrew the lands as the Cape Johnson Lighthouse Reservation, is hereby revoked.

3. The withdrawal granted by this order shall terminate 10 years from the date hereof, unless sooner terminated or extended by appropriate order of the Secretary of the Interior to be published in the FEDERAL REGISTER. Thereafter, the Secretary of the Interior by appropriate published order of revocation or modification, may provide for other use and disposition of the lands herein under the public land laws and other laws existing at the time of such order.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10985; Filed, Nov. 17, 1961; 8:48 a.m.]

[Public Land Order 2540]

COLORADO

Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 92; Power Site Classification No. 110)

1. In DA-411, DA-417, DA-424, and DA-429, Colorado, the Federal Power Commission determined that the value of the following-described lands withdrawn for power purposes would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

[Colorado 023764]

SIXTH PRINCIPAL MERIDIAN

DA-411

T. 3 S., R. 72 W.,
Sec. 32, S½SE¼;
Sec. 34, SW¼SW¼ and E½SW¼.
T. 4 S., R. 72 W.,
Sec. 3, lot 1.

[Colorado 030343]

DA-417

T. 8 S., R. 79 W.,
Sec. 16, lots 3 to 9, incl., and SE¼SE¼;
Sec. 21, lots 1 to 5, incl., 8, 9, 14, NE¼NE¼, and unpatented French Gulch Placer Claim No. 2207;
Sec. 28, lots 1, 2, and 4;
Sec. 31, lots 1 and 2;
Sec. 32, lots 3 and 4.
T. 9 S., R. 79 W. (Unsurveyed),
Secs. 5, 6 and 7, every smallest legal subdivision any portion of which lies within ¼ mile of the Arkansas River.

[Colorado 043567]

NEW MEXICO PRINCIPAL MERIDIAN

DA-424 and DA-429

T. 44 N., R. 11 W.,
Sec. 34, lots 21 and 23.

The areas described total in the aggregate approximately 1,900 acres. The lands are in part patented, and some are withdrawn for the San Isabeli National Forest.

2. Subject to the provisions of section 24 of the Federal Power Act of 1920, as amended, the lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, the national forest lands being opened to such forms of disposition as may by law be made of national forest lands, provided that until 10:00 a.m., on May 15, 1962, the State of Colorado shall have a preferred right of application to select the non-forest lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period, the State may also apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for rights-of-way or for materials sites, in accordance with the provisions of section 24 of the Federal Power Act, supra.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10974; Filed, Nov. 17, 1961; 8:46 a.m.]

[Public Land Order 2541]

[Oregon 011452]

OREGON

Partly Revoking the Executive Order of January 26, 1867, Which Withdrew Lands for Lighthouse Purposes

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of January 26, 1867, which withdrew lands at certain points on the Pacific Coast, not exceeding 20 acres at each point, for lighthouse purposes, is hereby revoked so far as it affects the following described site:

WILLAMETTE MERIDIAN

No. 21, a point about 13½ miles south of Rogue River near "Mark's Arch".

The lands are patented.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10975; Filed, Nov. 17, 1961; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 5 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5) (d) (1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 14th day of November 1961, that, effective November 20, 1961, Part 5 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 5.3(b) is amended to read as follows:

§ 5.3 Definition of terms.

* * * * * *

(b) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

2. Section 5.155(b) (2), (3), and (4) is amended to change "Mc" to "Mc/s", as follows:

§ 5.155 Operator requirements.

* * * * * *

(b) * * *

(2) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies above 25 Mc/s.

(3) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies below 25 Mc/s when such mobile station is under the operational control of a land station of the same licensee.

(4) No person is required to be in attendance at a station when transmitting on frequencies above 50 Mc/s for telemetering purposes or when serving as a relay station for the purpose of retransmitting by self-actuating means signals from another station or stations.

3. Section 5.253(c) is amended to delete the parenthetical reference, as follows:

§ 5.253 Frequencies available for assignment to stations operating in the Experimental Service (Developmental).

* * * * * *

(c) Frequencies which have been allocated in Part 2 of this chapter to a non-government service for which rules have not been promulgated may be assigned to the class of stations indicated in column 9 of the table of allocations for the purpose indicated in column 8 of that table.

4. Section 5.406(a) is amended to read as follows:

§ 5.406 Frequencies.

(a) Frequencies in the following bands are available for assignment in authorizations issued under this subpart:

27.23–27.28 Mc/s.
460–461 Mc/s.
462.525–467.475 Mc/s.
2450–2500 Mc/s.

[F.R. Doc. 61-11008; Filed, Nov. 17, 1961; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 194, 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the acts of April 4, 1910 (36 Stat. 270); August 1, 1914 (38 Stat. 583); May 18, 1916 (39 Stat. 140); March 7, 1928 (45 Stat. 210); and August 7, 1946 (60 Stat. 867), it is proposed to amend 25 CFR Parts 194 and 221 as set forth below. The purposes of the amendments are to provide for bringing lands that cannot be served by the gravity system, designated as pump lands, into the Flathead Indian Irrigation Project for service purposes and to establish assessment rates for assessing such pump lands.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

A new section is added to Part 194 to read as follows:

§ 194.23 Pump lands.

When requested in writing to do so, by the holder of legal title to the land, the Secretary of the Interior, or his authorized representative, may designate such land lying above the gravity flow delivery point which may be susceptible of irrigation through pumping operations as a part of the project. Lands thus designated shall be subject to the payment of the pro rata per acre share of the construction, operation and maintenance costs the same as all other project lands in the same general area receiving gravity flow water. In the Mission Valley Division of the project such designated land shall be obligated to pay an additional per acre foot assessment for water delivered to the "pump land" equal to the pumping cost from Flathead Lake or Flathead River and the cost of delivering such water to the land. In the Camas Division of the project such designated land shall be obligated to pay a per acre foot assessment for water delivered to the designated "pump land," equal to the pumping costs from the Little Bitterroot Lake and the costs of delivering such water to the land. All other costs incidental to the pumping and distribution of the delivered water from the project farm unit delivery point to the "pump land" shall also be borne by the landowner. Such landowner is obligated to comply with the regulations now or hereafter adopted for the Flathead Indian Irrigation Project. At the time of filing his petition the landowner will be required in writing to request the inclusion of such "pump land" in an existing irrigation district or a district subsequently formed pursuant to the laws of the State of Montana. No land in Indian ownership shall be included in the irrigation district as long as the title to the land remains in Indian ownership.

Paragraph (c), reading as follows, is added to § 221.17;

§ 221.17 Charges, Mission Valley and Camas Divisions.

* * * * *

(c) The annual pumping charge for water pumped from Flathead Lake or Flathead River for use on land designated as "pump land" in the Mission Valley Division of the project under 25 CFR 194.23 shall be $2.00 per acre foot or fraction thereof until otherwise ordered. The annual charge for pumping water from the Little Bitterroot Lake for land designated as "pump land" in the Camas Division shall be $1.00 per acre foot or fraction thereof until otherwise ordered. After the pumped land has become a part of an Irrigation District the charges assessed against such pump land during the calendar year shall be included in the notice furnished to the irrigation district for the following irrigation season.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10973; Filed, Nov. 17, 1961; 8:46 a.m.]

Bureau of Land Management

[43 CFR Parts 191, 203]

GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES; LEASES FOR NATIVE ASPHALT, SOLID AND SEMISOLID BITUMEN AND BITUMINOUS ROCK

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181, et seq.) as amended by the Act of September 2, 1960 (74 Stat. 781; 30 U.S.C. sec. 181, et seq.) and section 2470 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR Part 191 and to add a new part 43 CFR Part 203. The purpose of the amendment and the new part is to implement the provisions of section 7 of the Mineral Leasing Act Revision of 1960, enacted September 2, 1960, Public Law 86-705 (74 Stat. 781, 790; 30 U.S.C. secs. 181, 182, 241).

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 191.1 is amended to read as follows:

§ 191.1 Purpose of the leasing acts.

The act of February 25, 1920 (41 Stat. 437; 30 U.S.C., 181 et seq.), as amended and supplemented, including the amendatory act of August 8, 1946 (60 Stat. 950; 30 U.S.C., sec. 181 et seq.) and the act of September 2, 1960 (74 Stat. 781; 30 U.S.C., sec. 181 et seq.), the act of February 7, 1927 (44 Stat. 1057; 30 U.S.C., 281-287) and the act of April 17, 1926 (44 Stat. 301; 30 U.S.C., 271-276) as amended, hereinafter called "the act", provide for the leasing of oil and gas, coal, potassium, sodium, phosphate, and oil shale, native asphalt, solid and semisolid bitumen, and bituminous rock including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, and lands containing such deposits owned by the United States in the public domain and deposits of sulphur and the public lands containing such deposits in the States of Louisiana and New Mexico, except as stated in § 191.2.

2. A new Part 203 is added to Title 43 Code of Federal Regulations to read as follows:

PART 203—NATIVE ASPHALT, SOLID AND SEMISOLID BITUMEN AND BITUMINOUS ROCK LEASES

GENERAL

Sec.
203.1 Statutory authority.
203.2 Application for lease.
203.3 Rentals, royalties and minimum royalties.
203.4 Term of lease.
203.5 Multiple use of lands.
203.6 Form of lease.
203.7 Lease bond.

GENERAL

§ 203.1 Statutory authority.

The Act of February 25, 1920 (41 Stat. 437; 30 U.S.C., sec. 181), as amended by the act of September 2, 1960 (74 Stat. 781; 30 U.S.C. secs. 181, 241) provides for the leasing of native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried).

§ 203.2 Application for lease.

(a) An applicant must give his name and address and citizenship qualifications in the manner prescribed in § 191.3 of this chapter. The applicant must also give the reasons why he believes the mineral sought to be leased can be developed in the land in paying quantities and furnish such facts as are available to him respecting the known occurrence of the mineral in the land, the character of such occurrence and its probable worth as evidencing the existence of a workable deposit of such mineral.

(b) Lands included in an application for a lease must be described in the same manner as specified in § 192.42a of this chapter. No more than 7,680 acres may be acquired or held under lease by any person, association or corporation in any one State irrespective of the number of leases.

(c) Each application must be filed in the proper land office as set forth in § 192.42 of this chapter and must be accompanied by a filing fee of $10 which will not be returnable.

(d) All leases will be issued through competitive bidding only in the same manner as that provided for in §§ 192.51 to 192.53 of this chapter.

§ 203.3 Rentals, royalties and minimum royalties.

The minimum royalty and royalty rates will be fixed and determined prior to the offering of the lands for lease and the issuance of the lease to the successful bidder. Such rates will be set out in the notice of publication inviting bids and will be determined on an individual case basis. The annual rental will be 50 cents per acre or fraction thereof payable annually in advance.

§ 203.4 Term of lease.

All leases shall be for a term of 10 years and so long thereafter as the lessee complies with the terms and conditions of the lease.

§ 203.5 Multiple use of lands.

In accordance with, and in furtherance of the principle of the multiple use of the public lands, a lease for the mineral deposits enumerated in this Part may be issued, notwithstanding the existence of any lease covering the same lands issued under any other provision of the act.

§ 203.6 Form of lease.

The form of lease will be substantially the same as that set forth in 47 L.D. 426-429. The right is reserved to insert in the lease such other terms and conditions as may be deemed necessary for the protection of the surface of the land, its resources and any other lessees of the lands.

§ 203.7 Lease bond.

Prior to the issuance of the lease and as a condition therefor, the successful bidder must furnish a corporate surety bond in an amount to be set forth in the invitation to bid. The right is reserved to require an increase of the amount of the bond before or after the issuance of the lease when deemed proper by the authorized officer.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10976; Filed, Nov. 17, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-201]

JET ROUTES

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 35 extends in part from the St. Louis, Mo., VORTAC to the Naperville, Ill., VOR. The Federal Aviation Agency has under consideration the alteration and extension of this jet route by realigning and extending it from the St. Louis VORTAC via the Springfield, Ill., VOR; the intersection of the Springfield VOR 036° and the Joliet, Ill., VORTAC 204° True radials; the Joliet VORTAC; to the Northbrook, Ill., VORTAC. This realignment of J-35 would overlie intermediate altitude VOR Federal airway No. 1527 from St. Louis to Joliet and would simplify transitions between the low and intermediate altitude structures and the jet route structure.

The designation of J-35 from the Joliet VORTAC to the Northbrook VORTAC would also permit elimination of the Naperville VOR from the jet route structure and would facilitate better frequency assignment to other VOR facilities.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 14, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-10967; Filed, Nov. 17, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the Expenses and Rate of Assessment, hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon, except Malheur County. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 959.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, and this part, both as amended, to enable such committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period beginning July 1, 1961, and ending June 30, 1962, will amount to $20,650.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 114, and this part, both as amended, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10999; Filed, Nov. 17, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 903]

[Docket No. AO–10–A–26]

MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Notice of Hearing on Proposed Amendment to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Forest Park Hotel, 4910 West Pine Boulevard, St. Louis, Missouri, beginning at 10:00 a.m., local time, on November 28, 1961, with respect to proposed amendment to the tentative marketing agreement and to the order, regulating the handling of milk in the St. Louis, Missouri marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the Producers Creamery Company and Sanitary Milk Producers:

Proposal No. 1. Amend § 903.10(b) by deleting "50 percent" wherever it appears and substituting in lieu thereof "20 percent".

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis 39, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C. on November 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–11002; Filed, Nov. 17, 1961; 8:49 a.m.]

[7 CFR Part 921]

HANDLING OF MILK IN OZARKS MARKETING AREA

Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension, for the month of December 1961, of certain provisions of the order regulating the handling of milk in the Ozarks marketing area is being considered.

The provision proposed to be suspended is: In § 921.11(b) the figure "40" for the month of December.

All persons desiring to submit data, views, and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked not later than three days after publication of this notice in the FEDERAL REGISTER, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Signed at Washington, D.C., on November 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–11001; Filed, Nov. 17, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

SULFUR DIOXIDE AND SODIUM METABISULFITE USED IN FUMIGATION OF STORED GRAINS

Notice of Proposal to Amend Exemption From Requirement of Tolerances

On July 22, 1960, a proposal was published in the FEDERAL REGISTER (25 F.R. 6987) with reference to exempting sulfur dioxide and sodium metabisulfite from the requirement of a tolerance when used in the treatment of barley, buckwheat, corn, oats, popcorn, rice, rye, sorghum (milo), and wheat. This exemption was proposed to provide formal clearance for residues from the use of sulfur dioxide in low concentrations as a marker to protect operators or as a fire retardant when used along with other liquid grain fumigants such as carbon bisulfide, carbon tetrachloride, and ethylene dichloride in the fumigation of these grains. A second purpose of the proposed regulation was to cover residues from the use of sodium metabisulfite as a fungicide during storage of high-moisture corn grain and grain sorghum (milo).

Sulfur dioxide and sodium metabisulfite have been generally recognized as safe for preservation of foods except for meats and other foods that are sources of vitamin B_1. Evidence presented by a proponent of sodium metabisulfite use on corn grain and grain sorghum indicated that vitamin B_1 in corn was not affected by treatment with sodium metabisulfite.

On September 8, 1960, no objections having been filed, an order was published (25 F.R. 8636) establishing the exemptions proposed on July 22. The order provided that any person who would be adversely affected by the order might at any time prior to the thirtieth day after publication file objections and request a public hearing. Within the time limit specified, the Millers' National Federation filed objections to the order on the basis that treatment with sodium metabisulfite would have a deleterious effect on the quality of high-gluten grains such as wheat and rye and render the flour milled from these treated grains unsuitable for baking. The Federation asked that the regulation be modified to exclude sodium metabisulfite treatment of grains other than corn and milo. Later communication from the Federation shows that they do not question the suitability nor oppose the use of sulfur dioxide as an ingredient of liquid grain-fumigant formulations at concentrations not exceeding 5 percent.

The American Corn Millers Federation has recently reported studies which showed more than 50 percent destruction of vitamin B_1 in high-moisture corn treated with sodium metabisulfite. They also reported heating and development of off-odors and off-flavors in the treated corn.

On the basis of evidence of the effects on high-gluten grains from treatment with sodium metabisulfite and on the basis of evidence of destruction of vitamin B_1 in high-moisture corn treated with this chemical, it appears that such treatment of wheat, rye, corn, and other grains would not be without hazard to the health of consumers. Accordingly, it is proposed:

1. That the exemption with respect to the use of sodium metabisulfite on stored grains be revoked; and

2. That the exemption with respect to the use of sulfur dioxide on grains be limited by amending § 120.180 (21 CFR 120.180) to read as follows:

§ 120.180 Exemption from the requirement of a tolerance for residues of sulfur dioxide from use in fumigants for stored grains.

Residues from the use of sulfur dioxide in liquid grain-fumigant formulations for marker or fire-retardant purposes at levels not exceeding 5 percent by weight of such formulations are exempted from the requirement of a tolerance in or on barley, buckwheat, corn, oats, popcorn, rice, rye, grain sorghum (milo), wheat.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing sulfur dioxide or sodium metabisulfite may request, within 30 days from the date of publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: November 13, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–10981; Filed, Nov. 17, 1961; 8:47 a.m.]

[21 CFR Part 130]

ANTHELMINTICS CONTAINING PIPERAZINE PREPARATIONS

Notice of Filing of Petition To Exempt From Prescription-Dispensing Requirements of the Federal Food, Drug, and Cosmetic Act

The Commissioner of Food and Drugs has under consideration a new-drug application filed by The Hope Company, Clayton, Missouri, for an anthelmintic preparation containing piperazine. The company has petitioned that the drug not be limited to prescription sale. Some piperazine-containing drugs are now limited to prescription sale by effective new-drug applications.

Under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following proposal, based upon the petition filed by The Hope Company, is published:

It is proposed to amend § 130.102(a) by adding thereto the following new subparagraph (27):

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) * * *

(27) Piperazine preparations meeting all the following conditions:

(i) The piperazine is in the form of the citrate, gluconate, hexahydrate, phosphate, or tartrate salt and is prepared in syrup, tablet, or other dosage form suitable for oral use in self-medication.

(ii) The piperazine salt meets its professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is effective for it.

(iv) The preparation contains an amount of piperazine salt equivalent to not more than 0.5 gram of piperazine hexahydrate per dosage unit; or if it is in liquid form, an amount of piperazine salt equivalent to not more than 0.1 gram of piperazine hexahydrate per milliliter.

(v) The preparation is labeled with adequate directions for use in the treatment of pinworms and roundworms in adults and children over 2 years of age and weighing over 30 pounds.

(vi) The dosages recommended or suggested in the directions for use are as follows:

(*a*) *For the treatment of pinworms:* In children weighing 30 to 60 pounds an amount of piperazine salt, to be administered once daily for 7 consecutive days, equivalent to 1.0 gram piperazine hexahydrate per dose; in adults and children weighing over 60 pounds, an amount of piperazine salt, to be administered once daily for 7 consecutive days, equivalent to 2.0 grams of piperazine hexahydrate per dose.

(*b*) *For the treatment of roundworms:* In children weighing 30 to 50 pounds, an amount of piperazine salt, to be administered once daily for 2 consecutive days, equivalent to 2.0 grams of piperazine hexahydrate per dose; in children weighing 50 to 100 pounds, an amount of piperazine salt, to be administered once daily for 2 consecutive days, equivalent to 3.0 grams of piperazine hexahydrate per dose; in adults and children weighing over 100 pounds, an amount of piperazine salt, to be administered once daily for 2 consecutive days, equivalent to 3.5 grams of piperazine hexahydrate per dose.

(vii) The label bears a conspicuous warning to keep out of the reach of children, and the labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Use if nausea, vomiting, dizziness, blurring of vision, abdominal pain, or diarrhea develops.

(*c*) Use in presence of kidney disorders.

(*d*) Administration to children under 2 years of age or in children weighing less than 30 pounds, except as directed by a physician.

The Commissioner hereby offers an opportunity to all interested persons to submit views and comments in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 13, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–10982; Filed, Nov. 17, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 201]

ARCHEOLOGICAL AND RELATED RESEARCH

Availability of Funds

Notice is hereby given that Public Law 87–332, Supplemental Appropriations Act of 1962, appropriates 4 million dollars for the purchase of Egyptian pounds for the purposes authorized by section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704). Of this, the equivalent of 1.5 million dollars is available for grants to American institutions undertaking archeological and related research in those areas of the United Arab Republic and the Republic of the Sudan which are threatened with inundation by the backwaters of the Aswan High Dam. The grants will be made in local currencies (Egyptian or Sudanese pounds) accruing to the United States under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704). Application for grants may be made to: Secretariat, U.S. National Commission for UNESCO, Department of State, Washington 25, D.C.

Dated: November 8, 1961.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

[F.R. Doc. 61–11011; Filed, Nov. 17, 1961; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61–48]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vesels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from October 3, 1961, through October 6, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the date granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Approval No. 160.035/178/4, 16.0 x 5.5' x 2.38' steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement drawing No. 16–1, dated January 13, 1947, and revised September 10, 1961 (if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant), manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective October 6, 1961. (It reinstates and supersedes Approval No. 160.035/178/3, terminated May 15, 1961, and published in the FEDERAL REGISTER August 16, 1961.)

Approval No. 160.035/331/1, 24.0' x 8.0' x 3.25' steel, hand-propelled T-bar keel lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–2440–H dated November 1954 and revised August 18, 1961, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 4, 1961. (It reinstates and supersedes Approval No. 160.035/331/0 terminated April 1, 1960, and published in the FEDERAL REGISTER March 16, 1960.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/375/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective October 4, 1961. (It supersedes Approval No. 160.047/375/0 dated January 13, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/376/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective October 4, 1961. (It supersedes Approval No. 160.047/376/0 dated January 13, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/377/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective October 4, 1961. (It supersedes Approval No. 160.047/377/0 dated January 13, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/457/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective October 5, 1961. (It supersedes Approval No. 160.047/457/0 dated September 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/458/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective October 5, 1961. (It supersedes Approval No. 160.047/458/0 dated September 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/459/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective October 5, 1961. (It supersedes Approval No. 160.047/459/0 dated September 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/499/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Bowman Products Company, 850 East 72d Street, Cleveland 3, Ohio, effective October 3, 1961. (It supersedes Approval No. 160.047/499/0 dated January 27, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/500/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Bowman Products Company, 850 East 72d Street, Cleveland 3, Ohio, effective October 3, 1961. (It supersedes Approval No. 160.047/500/0 dated January 27, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/501/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Bowman Products Company, 850 East 72d Street, Cleveland 3, Ohio, effective October 3, 1961. (It supersedes Approval No. 160.047/501/0 dated January 27, 1961, to show change of name and address of manufacturer.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/147/0, Type II, Model M–399, adult unicellular plastic foam buoyant vest, The Peoples Co. dwg. 10761–P (sheets 1 to 4), dated March 3, 1961, and Bill of Material PECO dated July 13, 1961, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va., for St. Croix Corporation, Park Falls, Wisconsin, effective October 3, 1961.

Approval No. 160.052/148/0, Type II, Model M–398, child, medium, unicellular plastic foam buoyant vest, The Peoples Co. dwg. 10761–P (sheets 1 to 4), dated March 3, 1961, and Bill of Material PECO dated July 13, 1961, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va., for St. Croix Corporation, Park Falls, Wisconsin, effective October 3, 1961.

Approval No. 160.052/149/0, Type II, Model M–397, child, small unicellular plastic foam buoyant vest, The Peoples Co. dwg. 10761–P (sheets 1 to 4), dated March 3, 1961, and Bill of Material PECO dated July 13, 1961, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va., for St. Croix Corporation, Park Falls, Wisconsin, effective October 3, 1961.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/199/0, Casco Model No. 2–¾, 2¾-lb. dry-chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400183 dated August 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corp., Bridgeport 2, Connecticut, effective October 4, 1961.

Dated: November 13, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 61–10992; Filed, Nov. 17, 1961; 8:48 a.m.]

POST OFFICE DEPARTMENT

JUDICIAL OFFICER

Delegation of Authority

The following are excerpts from Headquarters Circular 61–45, dated November 13, 1961, which revised and brought up to date the authority of the Judicial Officer:

DELEGATION OF AUTHORITY

A. *Duties of the Judicial Officer.* 1. Pursuant to the authority of section 309 of Title 39, United States Code, and Public Law 86–676, approved July 14, 1960 (74 Stat. 554) the Judicial Officer shall have:

a. Authority to execute in his own name, the final decision and order in proceedings authorized by sections 4001, 4003, 4004, 4005, 4006, 4007, 4057, 4351, and 4352 of Title 39, United States Code, and the Rules of Practice and Procedures of the Post Office Department.

b. Authority to modify, suspend or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority and duties conferred upon the Postmaster General by the sections of Title 39, United States Code, set forth in paragraph 1a above.

c. Authority to preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in Rules of Practice. When the Judicial Officer presides at the reception of evidence he may issue a tentative decision.

d. Authority to revise or amend the Post Office Department Rules of Practice governing proceedings conducted under the Administrative Procedure Act (5 U.S. Code 1001–1011).

e. Authority to delegate authority to and name an Acting Judicial Officer in his absence.

f. Such other authority as the Postmaster General shall delegate to him.

2. Decisions and orders of the Judicial Officer made under the authority of this Circular shall be the final departmental decision and order except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

B. *Hearing Examiners.* Exercises jurisdiction over the Hearing Examiners for administrative purposes only, but does not direct or participate in the initial decisions of Hearing Examiners in any proceeding.

Paragraphs I through IV of Headquarters Circular 87, as published in 23 F.R. 2817, are hereby superseded.

(R. S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86–676))

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–10983; Filed, Nov. 17, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FORT BELKNAP INDIAN RESERVATION, MONTANA

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress, 1st session), I certify that the following ordinance relating to the application of Federal Indian liquor laws on the Fort Belknap Indian Reservation, located in the State of Montana was duly adopted by the Fort Belknap Community Council which has jurisdiction over the Area of Indian country included in the Ordinance:

Whereas, Fort Belknap Ordinance No. 65 relating to the application of the Federal Indian liquor laws on the Fort Belknap Reservation permitted the introduction and possession of intoxicating beverages on the reservation but did not permit the sale of the same, and

Whereas, it is considered to be the best interest of the Fort Belknap Indian Community to modify Ordinance No. 65 to permit the sale of packaged beer on the reservation under prescribed conditions.

Now, therefore, be it duly resolved and ordained, that the sale of packaged beer shall be lawful within the Indian country under the jurisdiction of the Fort Belknap Indian Community: *Provided*, That such sale is in accordance with the laws of the State of Montana; that such sale is pursuant to licenses issued by the Fort Belknap Community Council in a number not exceeding one for each of the three districts (Milk River, Hays and Lodge Pole); that the licensee pay an annual license fee of $25.00 to the Fort

Belknap Indian Community, and that such licenses be issued only for grocery stores owned and operated by Fort Belknap Tribal members, and

Be it further resolved and ordained, that Fort Belknap Ordinance No. 65 shall be amended in accordance herewith upon certification of this ordinance by the Secretary of the Interior and its publication in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10977; Filed, Nov. 17, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of South Carolina production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Aiken.	Richland.
Cherokee.	Saluda.
Edgefield.	Spartanburg.
Lexington.	York.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of November, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-10980; Filed, Nov. 17, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-72]

UNIVERSITY OF UTAH

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 27, 1961, 26 F.R. 10103, the Atomic Energy Commission has issued Construction Permit No. CPRR-67 authorizing University of Utah to relocate its reactor Model AGN-201, Serial No. 107 in the Merrill Engineering Building on the University's campus in Salt Lake City, Utah.

Dated at Germantown, Md., this 14th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10964; Filed, Nov. 17, 1961; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FREDERICK M. MAYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 3, 1961.

FREDERICK M. MAYER.

November 3, 1961.

[F.R. Doc. 61-10990; Filed, Nov. 17, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 61M-1780]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13780; regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN).

It is ordered, This 13th day of November 1961, that a prehearing conference in this proceeding will be held on January 18, 1962, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: November 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11004; Filed, Nov. 17, 1961; 8:50 a.m.]

[Docket No. 14354; FCC 61M-1735]

NEIL N. LEVITT

Order Scheduling Hearing

In re application of Neil N. Levitt, Roswell, New Mexico, Docket No. 14354, File No. BP-13811; for construction permit.

It is ordered, This 3d day of November 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, December 12, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11005; Filed, Nov. 17, 1961; 8:50 a.m.]

[Docket Nos. 14367-14372; FCC 61-1336]

VETERANS BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Veterans Broadcasting Company, Inc., Syracuse, New York, Docket No. 14367, File No. BPCT-2912; Syracuse Television, Inc., Syracuse, New York, Docket No. 14368, File No. BPCT-2924; W.R.G. Baker Radio and Television Corporation, Syracuse, New York, Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, New York, Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, New York, Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, New York, Docket No. 14372, File No. BPCT-2933; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November 1961.

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 assigned to Syracuse, New York; and

It appearing that the above-captioned applications are mutually exclusive in that operation by all the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing, that there are also pending applications by Ivy Broadcasting Company, Inc. (BPCT-2949), Six Nations Television Corp. (BPCT-2957), Salt City Broadcasting Corp. (BPCT-2958) and George P. Hollingbery (BPCT-2968), which also request construction permits for new television broadcast stations to operate on Channel 9 in Syracuse, New York; that these applications are mutually exclusive with the above-captioned applications; that inasmuch as these applications have not been on file for thirty days since public notice of acceptance for filing, the applications will not be designated for hearing at this time but will be consolidated after such time as the thirty day period will have run; and that all other applications which were filed before 5:00 p.m., November 7, 1961 and are entitled to comparative consideration with the above-captioned applications, will also be consolidated in the instant hearing in a subsequent order; and

It further appearing, that Syracuse Television, Inc., and Syracuse Civic Television Association, Inc., each propose main studios outside the city limits of Syracuse, New York; that each has requested a waiver of § 3.613(a) of the Commission's rules for authority so to locate their main studios; and that the Commission finds that the applicants have shown that good cause exists for grant of the requested waivers; and that, therefore, no issue with respect to the main studios is proposed; and

It further appearing, that WAGE, Inc. proposes facilities which appear to contravene the provisions of the Working Arrangement for Allocation of VHF Television Broadcast Stations Under the Canadian-U.S.A. Television Agreement of 1952; that, therefore, it is necessary to refer this proposal to the Canadian Government for its comments; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of Veterans Broadcasting Company, Inc. (BPCT-2912)

1. It appears that cash in the approximate amount of $1,232,900 will be required for construction and initial operation of the proposed station and for liquidation of net current liabilities. Veterans Broadcasting Company, Inc., proposes to finance its proposal by means of existing capital of $85,000, a bank loan of $900,000 and profits from existing operations of $100,000. However, current liabilities exceed current assets by approximately $136,476 and it appears that the applicant has additional commitments in the approximate amount of $484,000 in connection with the acquisition of WROC-TV. Therefore, a question arises as to whether profits will be available as a source of funds for the subject proposal. Consequently, it can not be determined that Veterans Broadcasting Company, Inc., is financially qualified to construct and operate the proposed television broadcast station.

2. The applicant is the licensee of Station WROC-TV, Channel 5, Rochester, New York. In the event of a grant of the subject application the proposed Grade B contour would overlap the WROC-TV Grade A contour by approximately 20 miles and the WROC-TV Grade B contour by approximately 38 miles. Under such circumstances, it appears appropriate to consider the size, extent, and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the particular needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.636(a)(1) of the Commission's rules.

(b) The proposal of W.R.G. Baker Radio and Television Corp. (BPCT-2930)

1. The maximum antenna gain utilized by the applicant in computing the maximum effective radiated power does not agree with the manufacturer's data included with the application.

2. The efficiency for the type and length of transmission line given in the application does not agree with the information on file with the Commission by the manufacturer.

3. Because of (1) and (2) above, operation of the transmitter at the operating power specified would result in a maximum effective radiated power in excess of that permitted by § 3.614(b) of the Commission's rules.

4. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

(c) The proposal of Onondaga Broadcasting, Inc. (BPCT-2931)

1. The vertical dimension specified for the proposed antenna does not correspond with the manufacturer's information filed with the Commission. Accordingly, it is necessary to determine the correct vertical dimension of the proposed antenna, the antenna height above average terrain and the height of the supporting tower above ground level.

2. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

(d) The proposal of Syracuse Civic Television Association, Inc. (BPCT-2933)

1. Based on information contained in the application, cash in the approximate amount of $657,500 will be required for downpayment on equipment, construction, miscellaneous costs, and for initial working capital. The costs are to be financed by stock subscriptions from 73 stockholders in the amount of $821,000. It appears that only twelve (12) of the subscribers to 50 or more shares have shown current and liquid assets in excess of liabilities sufficient to meet their commitments in the amount of $383,000. It cannot, therefore, be determined that the applicant is financially qualified.

2. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that Veterans Broadcasting Company, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except with respect to issues "1" and "2" specified below; that Syracuse Television Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that W. R. G. Baker Radio and Television Corporation is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to issues "3" and "5" below; that Onondaga Broadcasting, Inc., is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to issues "4" and "5" below; that WAGE, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Syracuse Civic Television Association, Inc., is legally qualified to construct, own and operate the proposed television broadcast station and is technically and otherwise qualified except with respect to issues "1" and "5" below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine whether Veterans Broadcasting Company, Inc., and Syracuse Civic Television Association, Inc., are financially qualified to construct, own and operate the proposed television broadcast stations.

(2) To determine in view of Veterans Broadcasting Company's, Inc., ownership of Station WROC-TV in Rochester, whether a grant of the application would contravene the provisions of § 3.636(a)(1) of the Commission's rules.

(3) To determine the maximum antenna gain and the length and efficiency of the transmission line specified by W. R. G. Baker Radio and Television Corp., and whether the proposed operation would comply with the requirements of § 3.614(b) of the Commission's rules.

(4) To determine the correct vertical dimension of the antenna proposed by Onondaga Broadcasting, Inc., the antenna height above terrain, and the height of the supporting tower above ground.

(5) To determine whether the antenna systems and sites proposed by Syracuse Civic Television Association, Inc., W. R. G. Baker Radio and Television Corp. and Onondaga Broadcasting, Inc., would constitute menaces to air navigation.

(6) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the

significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

(7) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence in the issues specified in this order.

It is further ordered, That the provisions of section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.632(b) of the Commission's rules with respect to the notice of hearing shall be suspended until such time as the Commission issues a subsequent order consolidating all parties and specifying all issues.

Released: November 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11006; Filed, Nov. 17, 1961; 8:50 a.m.]

[List 27; FCC 61-1333]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 14, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on December 20, 1961, the standard broadcast applications listed in the Appendix below will be considered as ready and available for processing, and that pursuant to §§ 1.106(b)(1) and 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the list below or with any other application on file by the close of business on December 19, 1961 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 19, 1961 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(f) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

Applications From the Top of the Processing Line

BP-6315 New, Greenwich, Conn.
Greenwich Broadcasting Corp.
Req: 1490 kc, 250 w, U.

BP-10295 KAFY, Bakersfield, Calif.
Tullis and Hearne.
Has: 550 kc, 1 kw, DA-1, U.
Req: 550 kc, 1 kw, DA-N, U.

BP-12056 KWJJ, Portland, Oreg.
Rodney F. Johnson.
Has: 1080 kc, 10 kw, DA-2, U.
Req: 1080 kc, 10 kw, 50 kw-LS, DA-2, U.

BP-12314 New, Garden City, Mich.
Livonia Broadcasting Co.
Req: 1090 kc, 250 w, DA-1, U.

BP-12563 New, Mayaguez, P.R.
WPRA, Inc.
Req: 990 kc, 1 kw, U.

BP-14018 New, Edina, Minn.
Edina Corp.
Req: 1080 kc, 10 kw, DA-1, U.

BP-14225 WGEM, Quincy, Ill.
Quincy Broadcasting Co.
Has: 1440 kc, 1 kw, DA-2, U.
Req: 1440 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14250 New, Tucson, Ariz.
Maryvale Broadcasting Co.
Req: 1090 kc, 500 w, DA-1, U.

BP-14381 WHHM, Memphis, Tenn.
Thomas W. Shipp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14382 KTW, Seattle, Wash.
The First Presbyterian Church of Seattle.
Has Lic: 1250 kc, 1 kw, Day, S-KWSC.
Has CP: 1250 kc, 1 kw, 5 kw-LS, U, S-KWSC.
Req: 1250 kc, 5 kw, U, S-KWSC.

BP-14388 KSPT, Sandpoint, Idaho.
Bauer Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14389 New, Maple Shade, N.J.
Charles Shapiro.
Req: 1510 kc, 500 w, DA, Day.

BP-14393 WEXL, Royal Oak, Mich.
Sparks Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, DA-D, U.

BP-14394 KYVA, Gallup, N. Mex.
Radio Station KYVA.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14396 WLEW, Bad Axe, Mich.
Thumb Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, DA-D, U.

BP-14399 KGRO, Gresham, Oreg.
Gresham Broadcasting Co.
Has: 1230 kc, 100 w, 250 w-LS, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14400 WVEC, Hampton, Va.
Peninsula Radio Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14402 New, Waynesboro, Va.
Jesse J. Goodman.
Req: 1600 kc, 5 kw, Day.

BP-14403 New, Myrtle Beach, S.C.
Grand Strand Broadcasting Co.
Req: 950 kc, 500 w, DA, Day.

BP-14404 New, Buena Vista, Va.
Jesse J. Goodman.
Req: 1590 kc, 1 kw, Day.

BP-14406 New, La Mesa, Calif.
Helix Broadcasting Co.
Req: 1520 kc, 500 w, 1 kw-LS, DA-2, U.

BP-14407 WTCM, Traverse City, Mich.
Midwestern Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14408 New, Belpre, Ohio.
Tri-City Broadcasting Co.
Req: 910 kc, 1 kw, Day.

BP-14409 WEZY, Cocoa, Fla.
WEZY, Inc.
Has: 1350 kc, 1 kw, 500 w-LS, DA-N, U.
Req: 1350 kc, 1 kw, DA-N, U.

BP-14410 New, Austell, Ga.
Five Cities Broadcasting Co., Inc.
Req: 1520 kc, 1 kw, 500 w (CH), Day.

BP-14412 KOVC, Valley City, N. Dak.
KOVC, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14417 New, Fayetteville, N.C.
Fran-Mack Broadcasting Co., Inc.
Req: 1450 kc, 250 w, U.

BP-14418 New Pittsburg, Tex.
Center Broadcasting Co., Inc.
Req: 1510 kc, 1 kw, 500 w (CH), Day.

BP-14419 New, Columbus, Nebr.
The City and Farm Broadcasting Inc.
Req: 1510 kc, 500 w, Day.

BP-14421 New, Paragould, Ark.
Greene County Broadcasting Co.
Req: 1440 kc, 500 w, Day.

BP-14423 KRUS, Ruston, La.
Ruston Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 500 w-LS, U.

BP-14425 New: Milton-Freewater, Oreg.
Myron J. Kilburg.
Req: 1370 kc, 500 w, Day.

BP-14427 New, Camden, Ark.
Camden Community Broadcasters.
Req: 1420 kc, 1 kw, Day.

BP-14434 New, Tullahoma, Tenn.
Queen City Radio Station.
Req: 1540 kc, 500 w, Day.

BP-14435 WMBH, Joplin, Mo.
Radio Joplin, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14442 New, San Antonio, Tex.
D & E Broadcasting Co.
Req: 1540 kc, 1 kw, Day.

BP-14443 WFPG, Atlantic City, N.J.
Eastern Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14451 KIJV, Huron, S. Dak.
James Valley Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14453 New, Hinton, W. Va.
David B. Jordan.
Req: 1380 kc, 1 kw, Day.

BP-14458 New, Lewiston Orchards, Idaho.
Robert O. Edwards.
Req: 1480 kc, 1 kw, Day.

BP-14459 WTHE, Spartanburg, S.C.
Spartanburg Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14460 New, Clarkston, Wash.
Clarkston Broadcasters.
Req: 1480 kc, 1 kw, Day.

BP-14461 New, Spring Valley, N.Y.
Rockland Radio Corp.
Req: 1300 kc, 500 w, DA, Day.

BP-14462 New, Spring Valley, N.Y.
Rockland Broadcasters, Inc.
Req: 1300 kc, 1 kw, DA, Day.

BP-14463 WJEF, Grand Rapids, Mich.
Amalgamated Properties, Inc.
Has: 1230 kc, 250 w, 500 w-LS, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14469 WJLK, Asbury Park, N.J.
Asbury Park Press, Inc.
Has: 1310 kc, 250 w, U.
Req: 1310 kc, 250 w, 1 kw-LS, DA-D, U.

BP-14470 WATN, Watertown, N.Y.
Watertown Broadcasting Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-14472 New, Spring Valley, N.Y.
R-C Broadcasting Co.
Req: 1300 kc, 1 kw, DA, Day.

BP-14475 New, Buffalo, Minn.
Wright County Broadcasting Co.
Req: 1360 kc, 500 w, Day.

BP-14476 WHPB, Belton, S.C.
Community Broadcasting Co., Inc.
Has: 1390 kc, 500 w, Day.
Req: 1390 kc, 1 kw, Day.

Application Deleted From Public Notice of March 24, 1961

(FCC 61-386) (26 F.R. 2654)

BP-13495 WVLN, Olney, Ill.
Illinois Broadcasting Co.
Has: 740 kc, 250 w, Day.
Req: 740 kc, 5 kw, DA, Day.

(In pending file re inconsistency with United States-Canadian Bilateral Agreement re Daytime Skywave on Class I channels.)

Application Deleted From Public Notice of July 28, 1961

(FCC 61-973) (26 F.R. 6950)

BP-14156 New, Lincoln, Nebr.
Modern Air Communicative Electronics, Inc.
Req: 1530 kc, 1 kw, 500 w (CH), Day.
(Assigned new file number: BP-15075.)

[F.R. Doc. 61-11007; Filed, Nov. 17, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13161]

BRITISH WEST INDIAN AIRWAYS LIMITED

Notice of Prehearing Conference

In the matter of the application of British West Indian Airways Limited for amendment of its foreign air carrier permit by adding a new segment 4, reading: "Between the terminal point Antigua, W.I. and the terminal point, New York, N.Y."

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on November 28, 1961, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., November 15, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-10991; Filed, Nov. 17, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11024 etc.]

CONTINENTAL OIL CO. ET AL.

Notice Fixing Oral Argument

NOVEMBER 13, 1961.

Continental Oil Company, Docket No. G-11024; The Atlantic Refining Company, Docket No. G-11034; Cities Service Production Company, Docket Nos. G-11046, G-15330; Tidewater Oil Company, Docket No. G-11049.

The examiner's decision pursuant to the further proceeding on remand was issued August 14, 1961, and exceptions thereto were filed by various parties;

Take notice that oral argument will be heard by the Commission in this matter at 10:00 a.m., November 30, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Parties desiring to present oral argument should notify the Secretary on or before November 22, 1961, of their intention to do so and the amount of time which they desire to be allotted to them for that purpose.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10968; Filed, Nov. 17, 1961; 8:45 a.m.]

[Docket No. CP62-32]

EASTERN SHORE NATURAL GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 13, 1961.

Take notice that on August 11, 1961, Eastern Shore Natural Gas Company, 120 East Main Street, Salisbury, Maryland, filed an application in Docket No. CP62-32, as supplemented on September 7, 1961, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to deliver firm, interruptible, and excess natural gas to the City of Dover, Delaware, for use in Dover's new municipally owned power plant, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to deliver 100 Mcf of firm gas per day to Dover. Dover will use the firm gas for pilot and main flame stabilization.

Applicant will tap its present 6-inch gas transmission pipeline within the corporate limits of Dover, construct a 130-foot extension of 4-inch pipeline and install metering facilities at a total estimated cost of $16,855. The cost of construction will be financed from funds on hand.

The application shows Dover's total estimated maximum day and annual requirements to be 800 Mcf and 146,000 Mcf, respectively.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 14, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10969; Filed, Nov. 17, 1961; 8:45 a.m.]

[Docket No. CP61-45]

INDIANA NATURAL GAS CORP.

Notice of Application and Date of Hearing

NOVEMBER 9, 1961.

Indiana Natural Gas Corporation, an Indiana corporation (Applicant) having its principal place of business at 715 Indiana Building, Indianapolis, Indiana, filed on August 17, 1960, an application, and on December 5, 1960, a supplement thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct and to sell and deliver to Applicant natural gas for resale to the public in the towns of Bloomfield and Worthington, Indiana, and their environs, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to build distribution systems in both the towns of Bloom-

field and Worthington, Indiana and 22,400 feet of 4-inch transmission line to transport natural gas from points of connection on Texas Gas' line to the distribution systems.

Applicant estimates its natural gas requirements for the two towns as follows:

Year:	Peak day	Annual
1	1,884	244,582
2	2,067	268,012
3	1,979	280,144

Applicant estimates the cost of construction during the first year will be $334,818 and will amount to $415,896 in the fifth year of operation. Applicant proposes to finance the construction by the sale of 6½ percent first mortgage bonds in the amount of $250,000 and 30,000 shares of no par common stock, the aggregate proceeds to be $400,000.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10970; Filed, Nov. 17, 1961; 8:45 a.m.]

[Docket No. E-6975]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

NOVEMBER 13, 1961.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission, for confirmation and approval, pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887), rates and charges for hydro peaking power service and seasonal peaking power service, all as set forth in the following proposed Rate Schedule P-2:

SCHEDULE OF WHOLESALE RATES FOR HYDRO PEAKING POWER SERVICE AND SEASONAL PEAKING POWER SERVICE

Effective. During the period from the date of approval by the Federal Power Commission to July 1, 1967, in accordance with the order issued by the Federal Power Commission on ----------

Available. In the area served by the Southwestern Power Administration (SPA).

Applicable. To wholesale power customers who, by contract, purchase hydro peaking power service and/or seasonal peaking power service.

Rates.

Demand charge. $14.40 per year per kilowatt of hydro and/or seasonal peaking power payalbe at the rate of $1.20 per month per kilowatt of peaking and/or seasonal power.

Energy charge. $0.002 per kilowatt-hour.

Character of service. Hydro and/or seasonal peaking power service will be delivered as three-phase alternating current, at approximately sixty cycles per second, at such point or points of delivery and at such voltages as are specified by contract.

Conditions of service. Delivery of hydro and/or seasonal peaking power service will be from, and at the voltage of, the 138 kv or the 161 kv transmission systems owned by or available to SPA, or at lower or intermediate voltages from substations directly connected to such transmission systems.

Adjustment in demand charge for reduction in service. In the event of one or more reductions in hydro and/or seasonal peaking power capacity scheduled during any month, each of which continues for two hours or more, due to the inability of SPA to supply such service by reason of an "Uncontrollable Force" as defined by contract, or by reason of the necessary installation, maintenance, repair, and replacement of equipment, the Demand Charge for such month shall be reduced for each such reduction in service by an amount equal to the product of the monthly Demand Charge times the number of kilowatts of reduction in hydro and/or seasonal peaking power times the number of hours of each such reduction, divided by 100: *Provided*, That the amount of such reduction in Demand Charge for any particular reduction shall not be greater than an amount equal to the monthly Demand Charge times the number of kilowatts of such reduction in hydro and/or seasonal peaking power; *Provided further*, That the total amount of any such reductions in Demand Charge for any month shall not be greater than an amount equal to the total Demand Charge for such month.

The Secretary reports that peaking power under the proposed schedule will be available to any customer who wishes to contract for this class of power from the 138-161 kv main grid transmission system owned by, or made available through contract to, SWPA. The Secretary requests that the Commission confirm and approve for a period from the date of such approval by the Commission until July 1, 1967, the rates and conditions of service contained in the proposed Rate Schedule P-2.

A prior request for Commission approval of rates and charges to certain Cooperatives as set forth in a Notice issued herein on January 16, 1961, has been withdrawn by the Secretary.

The proposed Rate Schedule P-2 is on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed Rate Schedule P-2 should submit the same in writing on or before December 4, 1961, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10971; Filed, Nov. 17, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37438: *Substituted service—Erie-Lackawanna for Bekins Van Lines, Co.* Filed by Household Goods Carriers' Bureau, Agent (No. 51), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., and Jersey City, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Household Goods Carriers' Bureau tariff MF-I.C.C. 96.

FSA No. 37439: *Iron or steel plate or sheet from Portsmouth, Ohio, to Greenville, Miss.* Filed by O. W. South, Jr., Agent (No. A4140), for interested rail carriers. Rates on plate or sheet, iron or steel, noibn, galvanized, painted or plain, corrugated, or not corrugated, and strip steel, noibn, in carloads, from Portsmouth, Ohio, to Greenville, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 20 to Southern Freight Association tariff I.C.C. S-163.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10986; Filed, Nov. 17, 1961; 8:48 a.m.]

[Notice 567]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 15, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64055. By order of November 9, 1961, the Transfer Board aproved the transfer to Pioneer Pacific Trucking, a corporation, Corona, Calif., of a portion Certificate No. MC 4723, and all of Certificate No. MC 4723 Sub 1, issued June 27, 1950, and June 21, 1950, respectively to Wm. F. McVeigh, doing business as Pioneer Transfer and Pacific Motor Express, Corona, Calif., authorizing the transportation of: Citrus fruits and manufactured products thereof, from Corona, Calif., to Long Beach Harbor and Los Angeles Harbor, Calif., and points within 40 miles of Corona; citrate of lime, citric acid, box shook, fertilizer, citrus packing house supplies, and aluminum chloride, from Los Angeles Harbor, Calif., to Corona, Calif., and lumber, lime, plaster, wallboard, sulphur, chalk, sulphuric acid and muriatic acid, from Los Angeles, Calif., to Corona, Calif., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Los Angeles, Calif., and Pauba Ranch, Calif., and other specified points in California. R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10987; Filed, Nov. 17, 1961; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 137]

PITTSBURGH & WEST VIRGINIA RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, The Pittsburgh & West Virginia Railway Company is unable to transport traffic routed over its line, because of land slide at Donora, Pennsylvania.

It is ordered, That:

(a) Rerouting traffic: The Pittsburgh & West Virginia Railway Company, and its connections, being unable to transport traffic in accordance with shippers' routing because of land slide at Donora, Pennsylvania, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers' or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., November 9, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., November 30, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 9, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61-10988; Filed, Nov. 17, 1961; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 357]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Los Angeles County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from a fire and accompanying conditions occurring on or about November 6, 1961.

Office—
Small Business Administration Regional Office, Ohrbach Building, Room 1101, 312 West Fifth Street, Los Angeles 13, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1962.

Dated: November 8, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-10979; Filed, Nov. 17, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page

PROCLAMATIONS:
Feb. 25, 1893 ... 10735
3438 ... 10203

EXECUTIVE ORDERS:
Jan. 26, 1867 ... 10729, 10806
Apr. 30, 1872 ... 10729
Mar. 7, 1900 ... 10806
5237 ... 10729
6541 ... 10638
6681 ... 10480
9026 ... 10356
10893 ... 10469
10900 ... 10469
10915 ... 10469
10955 ... 10469
10971 ... 10335
10972 ... 10469
10973 ... 10469
10974 ... 10585
10975 ... 10629

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, May 27, 1961 ... 10749
Memorandum, Oct. 18, 1961 ... 10543

5 CFR

6 ... 10204, 10267, 10447, 10544
9 ... 10750
22 ... 10750
24 ... 10447
25 ... 10544
35 ... 10750
201 ... 10503
202 ... 10503

6 CFR

70 ... 10267
305 ... 10267
390 ... 10267
421 ... 10546
423 ... 10686
427 ... 10546
443 ... 10769
482 ... 10586

7 CFR

201 ... 10471
401 ... 10630
403 ... 10630
711 ... 10204
717 ... 10208
723 ... 10471, 10503
727 ... 10504
729 ... 10209
730 ... 10336
775 ... 10769, 10787
813 ... 10547
847 ... 10214
855 ... 10268
857 ... 10505
864 ... 10270
873 ... 10272
914 ... 10423, 10586, 10789
922 ... 10214
927 ... 10632
933 ... 10337, 10423–10425, 10790, 10791
942 ... 10425
943 ... 10214
953 ... 10425, 10586, 10792
958 ... 10792
973 ... 10215
984 ... 10688
989 ... 10770
994 ... 10216
997 ... 10688
1001 ... 10587
1013 ... 10507
1014 ... 10472
1017 ... 10426
1031 ... 10338
1034 ... 10793
1069 ... 10587
1070 ... 10632
1071 ... 10426
1073 ... 10689

PROPOSED RULES:
301 ... 10571
719 ... 10731
728 ... 10484, 10596
813 ... 10691
900—1073 ... 10286, 10516, 10772
903 ... 10810
906 ... 10298
908 ... 10307, 10485
918 ... 10307
921 ... 10810
925 ... 10486
927 ... 10597
939 ... 10296
943 ... 10236
947 ... 10360
959 ... 10809
986 ... 10298
1024 ... 10597
1026 ... 10516, 10772
1033 ... 10772
1034 ... 10773
1138 ... 10691

8 CFR

PROPOSED RULES:
252 ... 10358
253 ... 10358

9 CFR

74 ... 10223
83 ... 10338

PROPOSED RULES:
131 ... 10358

10 CFR

2 ... 10770
30 ... 10472

PROPOSED RULES:
30 ... 10487

12 CFR

262 ... 10340

PROPOSED RULES:
563 ... 10239

13 CFR

105 ... 10723
121 ... 10633, 10634

PROPOSED RULES:
107 ... 10702

14 CFR

18 ... 10473
60 ... 10752
507 ... 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
600 ... 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753
601 ... 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724
602 ... 10590, 10635, 10724
608 ... 10342, 10636, 10724
609 ... 10430, 10436, 10754, 10762
610 ... 10724

PROPOSED RULES:
1—190 ... 10690
24 ... 10571
48 ... 10701
60 ... 10307
202 ... 10774
203 ... 10774
213 ... 10774
215 ... 10774
227 ... 10238
291 ... 10774
292 ... 10774
296 ... 10774
297 ... 10774
298 ... 10774
302 ... 10307, 10641
401–635 ... 10698
411 ... 10776
507 ... 10362, 10571
600 ... 10451, 10520, 10602, 10777
601 ... 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779
602 ... 10809
608 ... 10451, 10520, 10733

16 CFR

13 ... 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771
301 ... 10446

17 CFR

275 ... 10548

PROPOSED RULES:
275 ... 10607

18 CFR

2 ... 10342
13 ... 10794

19 CFR

3 ... 10508
4 ... 10508
14 ... 10476

PROPOSED RULES:
3 ... 10731

20 CFR

25 ... 10509
404 ... 10226

21 CFR

17 ... 10550
120 ... 10228, 10550, 10551
121 ... 10228, 10343, 10476, 10590
146 ... 10228
146a ... 10728

PROPOSED RULES:
1 ... 10601
17 ... 10362
120 ... 10487, 10640, 10732, 10810
121 ... 10362, 10452, 10698, 10732, 10774
130 ... 10811

22 CFR

22 ... 10728

24 CFR

Page
... 10229
202a ... 10229
203 ... 10229
207 ... 10229
213 ... 10230
220 ... 10230
221 ... 10230
232 ... 10231
603 ... 10231
608 ... 10231
611 ... 10231
702 ... 10231
803 ... 10231
903 ... 10231

25 CFR

31 ... 10637
141 ... 10232

PROPOSED RULES:
34 ... 10640
194 ... 10808
221 ... 10516, 10808

26 CFR

1 ... 10275, 10477

PROPOSED RULES:
1 ... 10283, 10449, 10450, 10483
48 ... 10593
252 ... 10484

28 CFR

21 ... 10232

29 CFR

9 ... 10795
601 ... 10275
780 ... 10377
793 ... 10275

32 CFR

504 ... 10797
507 ... 10509
552 ... 10728
590 ... 10553
591 ... 10553
592 ... 10553
595 ... 10553
596 ... 10553
597 ... 10553
598 ... 10553
599 ... 10553
600 ... 10553
601 ... 10553
602 ... 10553
605 ... 10553
606 ... 10553
608 ... 10728
737 ... 10353
739 ... 10353
765 ... 10591

33 CFR

3 ... 10343
67 ... 10343
202 ... 10805
203 ... 10445, 10805
204 ... 10278

35 CFR

4 ... 10353

CANAL ZONE ORDERS:
58 ... 10353

36 CFR

6 ... 10638

PROPOSED RULES:
7 ... 10600

38 CFR

Page
3 ... 10551, 10552
13 ... 10232
21 ... 10278, 10478

39 CFR

96 ... 10510
111 ... 10805
168 ... 10771, 10805

41 CFR

1–5 ... 10590
5–1 ... 10354
50–202 ... 10354

PROPOSED RULES:
50–202 ... 10517, 10773

42 CFR

73 ... 10355

43 CFR

221 ... 10479
244 ... 10728

PROPOSED RULES:
191 ... 10808
203 ... 10808
257 ... 10285

PUBLIC LAND ORDERS:
73 ... 10638
1071 ... 10356
2460 ... 10568
2524 ... 10735
2526 ... 10279
2527 ... 10356
2528 ... 10358
2529 ... 10356
2530 ... 10427
2531 ... 10480
2532 ... 10480
2533 ... 10480
2534 ... 10568
2535 ... 10569
2536 ... 10638
2537 ... 10729
2538 ... 10729
2539 ... 10806
2540 ... 10806
2541 ... 10806

45 CFR

212 ... 10481

46 CFR

PROPOSED RULES:
201 ... 10601
206 ... 10601
221 ... 10601
298 ... 10601
299 ... 10601
502 ... 10520

47 CFR

1 ... 10279, 10280, 10447
2 ... 10655
3 ... 10280, 10729
5 ... 10806
7 ... 10591
8 ... 10591
10 ... 10569
14 ... 10591
15 ... 10281
18 ... 10281, 10591

PROPOSED RULES:
2 ... 10701
3 ... 10239, 10572, 10606
10 ... 10573
12 ... 10240

49 CFR

Page
170 ... 10771

PROPOSED RULES:
73 ... 10572
176 ... 10240

50 CFR

32 ... 10233, 10234, 10282, 10638, 10730
33 ... 10234, 10235

PROPOSED RULES:
215 ... 10640

Now Available

CFR SUPPLEMENTS

(As of January 1, 1961)

The following book is now available:

General Index $1.00

Previously announced:

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) $3.75; Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) $6.25; Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Pages 10823–10896

FEDERAL REGISTER

VOLUME 26 NUMBER 224

Washington, Tuesday, November 21, 1961

UNIVERSITY OF MICHIGAN
NOV 22 1961
MAIN READING ROOM

Contents

THE PRESIDENT

Executive Order

Laborers and mechanics employed by National Aeronautics and Space Administration; suspension of eight-hour law 10825

EXECUTIVE AGENCIES

Agricultural Marketing Service

RULES AND REGULATIONS:
Lemons grown in California and Arizona; handling limitation .. 10872

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in Suburban St. Louis marketing area; decision on proposed amendments to tentative marketing agreement and to order 10879

RULES AND REGULATIONS:
Milk in New York-New Jersey milk marketing area; notice of zones for minor civil divisions .. 10859

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Atomic Energy Commission

NOTICES:
University of Kansas; notice of issuance of facility license amendment 10885

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Continental Air Lines, Inc. (2 documents) 10885, 10886
Trans World Airlines, Inc 10887

Commodity Credit Corporation

RULES AND REGULATIONS:
Tobacco loan program; Virginia fire-cured tobacco, type 21, advance schedule, 1961 crop 10873

Defense Department

See Navy Department.

Federal Aviation Agency

PROPOSED RULE MAKING:
Alteration of control area extensions and designation of transition area 10883
Federal airways, controlled airspace, reporting points, positive control route segments and positive control areas; consolidation of Parts 600 and 601 10881

RULES AND REGULATIONS:
Designation of transition areas, alteration of Federal airways, control area extension and control zones, and revocation, alteration and designation of restricted areas 10876
Federal airway and associated control areas; designation 10875
Federal airways; alterations (4 documents) 10874, 10875

Federal Power Commission

NOTICES:
Hearings, etc.:
Area rate proceeding et al 10887
El Paso Natural Gas Co. et al ... 10888
Katz Oil Co. et al 10889
Leland D. Heckert lease et al ... 10889
Puget Sound Power & Light Co. et al 10891
Standard Oil Company of Texas et al 10891

Federal Reserve System

NOTICES:
Montana Shares, Inc.; order approving application 10892

Federal Trade Commission

RULES AND REGULATIONS:
Kastner, Harold Henry and H. H. Kastner & Co.; prohibited trade practices 10878

Fish and Wildlife Service

RULES AND REGULATIONS:
Moosehorn National Wildlife Refuge, Maine; sport fishing 10878

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; notice of withdrawal of petition 10881

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See Fish and Wildlife Service; Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief 10893

RULES AND REGULATIONS:
Railroad accidents; monthly reports 10846

Land Management Bureau

NOTICES:
Field Administrative Services Officer and Field Property Management Officer; redelegations of authority (2 documents) 10885

Navy Department

RULES AND REGULATIONS:
Navy claims:
General 10826
Foreign 10842
Personnel 10836

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
J. K. Lasser Convertible Fund, Inc 10892
Nylonet Corp 10893

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PROCLAMATIONS:
2914 (see EO 10976) 10825
EXECUTIVE ORDERS:
10976 10825

6 CFR

464 10873

7 CFR

927 10859
953 10872
PROPOSED RULES:
947 10879

14 CFR

600 (6 documents) 10874–10876
601 (2 documents) 10875, 10876
608 10876
PROPOSED RULES:
600 10881
601 (2 documents) 10881, 10883

16 CFR

13 10878

21 CFR

PROPOSED RULES:
121 10881

32 CFR

750 10826
751 10836
753 10842

49 CFR

125 10846

50 CFR

33 10878

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10976

SUSPENSION OF THE EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (40 U.S.C. 321), the service or employment of all laborers and mechanics employed by the Government of the United States upon any public work of the United States is limited to eight hours in any one calendar day, except in case of extraordinary emergency; and

WHEREAS by Proclamation No. 2914 of December 16, 1950, the President proclaimed the existence of a national emergency and that emergency still exists; and

WHEREAS the attainment and maintenance by this Nation of a clearly leading role in aeronautical and space achievement has become a vital national objective; and

WHEREAS in order to achieve this objective it is essential to conduct the Nation's aeronautical and space program with a major national commitment of manpower, material, and facilities, and to pursue this program with all possible speed and efficiency; and

WHEREAS the development and administration of our national aeronautical and space program are the primary responsibility of the National Aeronautics and Space Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby find and declare that as to public work being performed by the National Aeronautics and Space Administration an extraordinary emergency exists within the meaning of section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and that the service or employment of laborers and mechanics employed by the National Aeronautics and Space Administration on any public work need not be limited to eight hours in any one calendar day, *Provided* that overtime compensation at no less than time and one-half shall be paid in accordance with applicable law to all laborers and mechanics so employed.

This order shall remain in force and effect during the period of the national emergency declared by the said Proclamation No. 2914 unless sooner terminated by Executive order of the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 15, 1961.

[F.R. Doc. 61-11124; Filed, Nov. 20, 1961; 11:42 a.m.]

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

REVISION OF CERTAIN PARTS

Parts 750, 751, and 753 are revised to read as follows:

PART 750—NAVY GENERAL CLAIMS

Subpart A—Federal Tort Claims

ADMINISTRATIVE CLAIMS

Sec.
750.1 Definitions.
750.2 Statutory authority.
750.3 Scope of provisions governing administrative settlement of Federal tort claims under Title 28, United States Code.
750.4 Effect on prior legislation.
750.5 Claims in excess of $2,500.
750.6 Attorney's fees.
750.7 Statute of limitations.

SUIT AGAINST THE UNITED STATES

750.8 Statutory authority for action.
750.9 Scope of civil action provisions of 28 U.S.C. 1346(b).
750.10 Extent of Government liability.
750.11 Compromise settlements.
750.12 Effect of judgment.
750.13 Attorney's fees.
750.14 Action on claims previously presented administratively.
750.15 Statute of limitations.
750.16 Appeal.

Subpart B—Other Administrative Claims

MILITARY CLAIMS ACT (10 U.S.C. 2733)

750.17 Definitions.
750.18 Statutory authority.
750.19 Scope of 10 U.S.C. 2733.
750.20 Claims in excess of $1,000.
750.21 Claims "otherwise incident to noncombat activities" of the Department of the Navy.
750.22 Bailed personal property.
750.23 Use and occupancy of real property.
750.24 Damage, loss, or destruction of mail.
750.25 Claims arising in foreign countries.
750.26 Statute of limitations.

10 U.S.C. 7625

750.27 Statutory authority.
750.28 Scope of 10 U.S.C. 7625.

Subpart C—General Provisions: Investigation and Procedure

750.29 Measure of damages.
750.30 Who constitutes a proper claimant.
750.31 The submission of a claim.
750.32 The contents of a claim.
750.33 Investigation; general.
750.34 Investigation; when required.
750.35 Investigation; responsibility for.
750.36 The investigating officer.
750.37 Duties of the investigating officer.
750.38 Contents of the investigative report.
750.39 Action by the commanding officer or officer in charge.
750.40 Action by the district or staff legal officer.
750.41 Approval of claims.
750.42 Notice and appeal.
750.43 Settlement agreement.
750.44 Payment of claims.
750.45 Claims in favor of the United States.
750.46 Disclosure of information.
750.47 Authority for issuance of instructions by the Judge Advocate General.
750.48 Single service assignment of responsibility for processing of claims.

Subpart A—Federal Tort Claims

AUTHORITY: §§ 750.1 to 750.16 issued under R.S. 161, secs. 2671–2680, 62 Stat. 982–984, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 28 U.S.C. 2671–2680, 10 U.S.C. 5031.

ADMINISTRATIVE CLAIMS

§ 750.1 Definitions.

The term "employee of the Government", as used in §§ 750.1 to 750.16, includes members of the naval forces of the United States, officers or employees of the Navy, and persons acting on behalf of the Navy in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation. The words "Navy" and "naval" as used herein, include the Marine Corps except where the context indicates otherwise.

§ 750.2 Statutory authority.

Pursuant to, and subject to the limitations of, part 2 of the Federal Tort Claims Act as amended (28 U.S.C. 2671–2680), the Secretary of the Navy, or his designee for the purpose, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine and settle any claim for money damages of $2,500 or less against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant, in accordance with the law of the place where the act or omission occurred.

§ 750.3 Scope of provisions governing administrative settlement of Federal tort claims under Title 28, United States Code.

(a) *Authority of the Secretary of the Navy or designee.* Subject to the exceptions set forth in paragraphs (b) and (c) of this section, the provisions governing administrative settlement of Federal tort claims under title 28, United States Code and §§ 750.1 to 750.7 provide the exclusive authorization and procedure whereby the Secretary of the Navy or his designee may consider, ascertain, adjust, determine and settle claims for money damages of $2,500 or less against the United States for injury or loss of property or personal injury or death determined to have been caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(b) *Claims outside the scope of authorization.* The provisions of the Federal Tort Claims Act and §§ 750.1 to 750.7 do not apply to:

(1) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid; or based upon the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty on the part of the Navy or an employee of the Government, whether or not the discretion involved may be abused.

(2) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(3) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(4) Any claim for which a remedy is provided by the act of March 9, 1920 as amended (46 U.S.C. 741–752) or the act of March 3, 1925 as amended (46 U.S.C. 781–790) relating to claims or suits in admiralty against the United States.

(5) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading With the Enemy Act as amended (50 U.S.C. App. 1–39).

(6) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(7) Any claim arising from the activities of the Panama Canal Company.

(8) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(9) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(10) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(11) Any claim arising in a foreign country.

(12) Any claim arising from the activities of the Tennessee Valley Authority.

(c) *Additional claims outside administrative settlement authority.* Although not expressly excepted from the application of the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, the following types of claims shall not be considered administratively under the provisions of §§ 750.1 to 750.7:

(1) Any claim for the personal injury or death of a member of the naval forces of the United States incurred in line of duty.

(2) Any claim for the personal injury or death of a civilian employee of the Navy to whom the Federal Employees' Compensation Act as amended (5 U.S.C. 751–793) is applicable.

(3) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, which claim is cognizable under 10 U.S.C. 2732 and the applicable Navy Personnel Claims regulations (Part 751 of this chapter).

§ 750.4 Effect on prior legislation.

(a) *Repeal of prior settlement authority for actions within scope of office of Government employee.* With respect to claims cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28 of the United States Code, section 424 of the Federal Tort Claims Act (the only section of the original law not repealed by Public Law 773, 80th Cong.) repeals all provisions of law authorizing the Navy to consider, ascertain, adjust, or determine claims on account of damage to or loss of property or on account of personal injury or death, with respect to which causation by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is a jurisdictional fact.

(b) *No repeal of other settlement authority.* Section 424 of the Federal Tort Claims Act further provided that nothing contained therein should be deemed to repeal any provision of law authorizing the Navy to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property, or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under the administrative claims provisions of part 2 of the Federal Tort Claims Act, now revised and embodied in Title 28, United States Code.

§ 750.5 Claims in excess of $2,500.

The Navy does not have legal authorization under the Federal Tort Claims Act to pay claims in excess of $2,500 even though they are otherwise cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code. The claimant's remedy in such cases is by civil action in the United States district court for the district where the claimant resides or wherein the act or omission complained of occurred, as set forth in the civil action provisions of 28 U.S.C. 1346(b), and §§ 750.8 to 750.16.

§ 750.6 Attorneys' fees.

(a) *Maximum.* The Secretary of the Navy or his designee making an award pursuant to the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code and §§ 750.1 to 750.7 may, as a part of the award, determine and allow reasonable attorneys' fees which, if the amount awarded is $500 or more, are not to exceed 10 per centum of the sum approved. Attorneys' fees so determined are to be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award. The limitation of 10 per centum does not apply when the award is less than $500.

(b) *Written request required.* The authority to fix attorneys' fees as set forth in paragraph (a) of this section may be exercised only upon the written request of both the claimant and his attorney.

§ 750.7 Statute of limitations.

Every claim against the United States for $2,500 or less, to be cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1 to 750.7 must be presented in writing to the Navy within two years after the claim accrued or be forever barred.

SUIT AGAINST THE UNITED STATES

§ 750.8 Statutory authority for action.

(a) *Jurisdiction of district courts.* Pursuant to, and subject to the limitations of, part 3 of the Federal Tort Claims Act as amended (28 U.S.C. 1254, 1255, 1346, 1402, 2402, 2411, 2412, 2674), the United States district court for the district where the plaintiff resides or wherein the act or omission complained of occurred, including the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, sitting without a jury, has exclusive jurisdiction of civil actions on claims against the United States, for money damages, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred.

(b) *Interest on final judgments.* On all final judgments rendered against the United States in actions instituted under 28 U.S.C. 1346(b), interest is to be computed at the rate of 4 per centum per annum from the date of judgment up to, but not exceeding, 30 days after the date of approval of any appropriation act providing for payment of the judgment.

(c) *Costs.* Costs are to be allowed in all courts to the successful claimant but such costs are not to include attorneys' fees.

§ 750.9 Scope of civil action provision of 28 U.S.C. 1346(b).

(a) *Exclusive character of remedies.* The remedies provided by 28 U.S.C. 1346(b) with respect to civil action against the United States are the exclusive remedies whereby action may be brought upon claims against the United States, for money damages, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred.

(b) *Excepted claims.* The types of claims listed in § 750.3(b) (1)–(12) are expressly excepted from the application of 28 U.S.C. 1346(b).

§ 750.10 Extent of Government liability.

(a) *Liability of private individual under like circumstances.* Subject to the provisions of Title 28, United States Code, the United States is liable in respect of claims cognizable thereunder, in the same manner, and to the same extent, as a private individual under like circumstances, but is not liable for interest prior to judgment, or for punitive damages. If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred, provides, or has been construed to provide, for damages only punitive in nature, the United States is liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons, respectively, for whose benefit the action was brought, in lieu thereof.

(b) *Interest on final judgments.* On all final judgments rendered against the United States in actions instituted under 28 U.S.C. 1346(b), interest is to be computed at the rate of 4 per centum per annum from the date of judgment up to, but not exceeding, 30 days after the date of approval of any appropriation act providing for payment of the judgment.

(c) *Costs.* Costs are to be allowed in all courts to the successful claimant but such costs are not to include attorneys' fees.

§ 750.11 Compromise settlements.

The Attorney General, with the approval of the court, is authorized to arbitrate, compromise, or settle any claim cognizable under the civil action provisions of 28 U.S.C. 1346(b), after the commencement of an action thereon. Any such award, compromise, or settlement made by the Attorney General is required to be paid by the Navy out of appropriations made therefor.

§ 750.12 Effect of judgment.

The judgment in an action brought under Title 28 U.S.C. 1346(b) constitutes a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim.

§ 750.13 Attorneys' fees.

The court rendering a judgment for the plaintiff, or the Attorney General making an arbitration, compromise, or settlement, pursuant to 28 U.S.C. 1346(b) or 2677, respectively, may as a part of the judgment or settlement, determine and allow reasonable attorneys' fees, which, if the recovery is $500 or more, are not to exceed 20 per centum of the amount recovered, to be paid to the attorney representing the claimant out of, but not in addition to, the amount of the judgment or settlement recovered.

§ 750.14 Action on claims previously presented administratively.

(a) *No civil action while administrative settlement is pending.* No action can be instituted upon a claim against the United States which has been presented to the Navy pursuant to the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1 to 750.7 unless the Navy has made final disposition of the claim. The claimant may, however, upon 15 days' written notice, withdraw the claim from consideration by the Navy and commence action thereon. No action on a claim so withdrawn from consideration by the Navy may be instituted for any sum in excess of the claim presented to the Navy, except where the increased amount is based on newly discovered evidence not reasonably discoverable at the time of presenting the claim to the Navy, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(b) *Administrative disposition excluded as evidence of liability.* The disposition of any claim made by the Attorney General or the Secretary of the Navy or his designee is not competent evidence of liability or amount of damages.

§ 750.15 Statute of limitations.

An action against the United States pursuant to 28 U.S.C. 1346(b), must be begun within two years after the claim accrued, or be forever barred. If a claim not exceeding $2,500 has been presented in writing to the Navy within that period of time, suit thereon shall not be barred until the expiration of a period of six months after either the date of withdrawal of such claim from the Navy or the date of mailing notice by the Navy of final disposition of the claim.

§ 750.16 Appeal.

(a) *Courts of appeals.* The United States courts of appeals have jurisdiction of appeals from final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands in actions brought under 28 U.S.C. 1346(b).

(b) *Court of Claims.* The United States Court of Claims has jurisdiction to review by appeal final judgments in the district courts in civil actions based on tort claims brought under 28 U.S.C. 1346(b), if the notice of appeal filed in the district court has affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims. Appeals to the Court of Claims in such cases shall be taken within 3 months after the entry of the final judgment of the district court.

(c) *Supreme Court.* Cases in the courts of appeals may be reviewed by the Supreme Court of the United States by writ of certiorari, by appeal, or by certification of questions of law, as provided in 28 U.S.C. 1254. Cases in the Court of Claims may be reviewed by the Supreme Court by writ of certiorari or by certification of questions of law as provided in 28 U.S.C. 1255.

Subpart B—Other Administrative Claims

AUTHORITY: §§ 750.17 to 750.28 issued under R.S. 161, secs. 2733, 5031, 7625, 70A Stat. 153, 278, 473, as amended; 5 U.S.C. 22, 10 U.S.C. 2733, 5031, 7625.

MILITARY CLAIMS ACT (10 U.S.C. 2733)

§ 750.17 Definitions.

As used in §§ 750.17 to 750.26:

(a) *Claim.* The word "claim" refers to any demand for payment submitted by any individual, partnership, association, corporation, or political entity, including countries, states, territories, and political subdivisions thereof, but excluding the Federal Government of the United States and its instrumentalities.

(b) *Military personnel or civilian employees of the Navy.* The words "military personnel or civilian employees of the Navy" include all military personnel of the Navy, prisoners of war and interned enemy aliens engaged by the Navy in labor for pay, and volunteer workers and others serving as employees of the Navy whether with or without compensation.

(c) *Navy.* The words "Navy" or "naval" include the Marine Corps unless the context indicates a contrary intention.

(d) *Military.* The word "military" includes "naval."

§ 750.18 Statutory authority.

10 U.S.C. 2733, commonly known as the Military Claims Act, authorizes the Secretary of the Navy to pay certain types of claims when they are substantiated in such manner as he by regulations may prescribe. The claim must be for damage to or loss or destruction of property, real or personal, or for personal injury or death caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy, including claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise. The authority to pay a claim may be delegated, subject to appeal to the Secretary of the Navy and under such regulations as he may prescribe, to such other officer or officers as he may designate for such purposes when the amount to be paid is $1,000 or less, but may be delegated only to the Judge Advocate General when the amount exceeds $1,000 and does not exceed $5,000. When such a claim is in excess of $5,000, the Secretary of the Navy may make a partial payment of $5,000 and refer the balance to Congress for its consideration.

§ 750.19 Scope of 10 U.S.C. 2733.

(a) *Applicability.* Subject to the exceptions set forth in paragraph (b) of this section, claims not in excess of $5,000 for damage to or loss or destruction of real or personal property or for personal injury or death, caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy, including claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damage to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise, are payable by the Secretary of the Navy or his designees under 10 U.S.C. 2733 and §§ 750.17 to 750.26.

(b) *Nonapplicability.* The provisions of 10 U.S.C. 2733 and §§ 750.17 to 750.26 do not apply to:

(1) Any claim for damage, loss, destruction, injury, or death which was proximately caused, in whole or in part, by any negligence or wrongful act on the part of the claimant, his agent or his employee.

(2) Any claim for damage, loss, destruction, injury, or death resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat.

(3) Any claim for reimbursement for medical or hospital services furnished at the expense of the United States or, in the case of burial, for such portion of the expense thereof as may be otherwise paid by the United States.

(4) Any claim for personal injury or death of military personnel or civilian employees of the Navy if such injury or death occurs incident to their service.

(5) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, which claim is cognizable under 10 U.S.C. 2732 and the applicable Navy Personnel Claims regulations (Part 751 of this chapter).

(6) Any claim, the cause of which has been determined to be the negligent or wrongful act or omission of an employee of the Government (as defined in § 750.1) while acting within the scope of his office or employment, and which is in all other respects within the cognizance of the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1 to 750.7.

(7) Any claim arising in a foreign country or possession thereof which is cognizable under the provisions of the Foreign Claims Act (10 U.S.C. 2734) and regulations issued pursuant thereto.

(8) Any claim cognizable under 10 U.S.C. 7622. (This law relates to admiralty claims and to claims for damages caused by naval vessels.)

(9) Any claim for damage to or loss or destruction of property founded in contract, express or implied, with the exception of claims arising from the bailment of personal property to the Government and from the use and occupancy of real property as set forth in §§ 750.22 and 750.23.

(10) Any claim for the rent of real or personal property.

(11) Any claim involving the infringement of patents.

§ 750.20 Claims in excess of $1,000.

(a) *Not exceeding $5,000.* Claims in excess of $1,000 but not in excess of $5,000 are payable only by the Secretary of the Navy, and, under authority delegated by the Secretary of the Navy, by the Judge Advocate General.

(b) *Exceeding $5,000.* Claims in excess of $5,000, if otherwise within the scope of the Military Claims Act (10 U.S.C. 2733), may be paid partially in the amount of $5,000 by the Secretary of the Navy who may then report the excess to Congress for its consideration. Such claims, if found to be meritorious, will ordinarily be reported to Congress in a deficiency appropriation bill, obviating the claimant's initiation of private relief legislation.

§ 750.21 Claims "otherwise incident to noncombat activities" of the Department of the Navy.

Claims for damage to or loss or destruction of property, real or personal, or for personal injury or death, although not shown to have been caused by any particular act or omission of military personnel or civilian employees of the Navy while acting within the scope of their employment, are payable under the provisions of the Military Claims Act (10 U.S.C. 2733) if otherwise incident to noncombat activities of the Navy. Claims within this category are those arising out of authorized activities which are peculiarly military activities having little parallel in civilian pursuits, and out of situations in which the Government has historically assumed a broad liability, such as claims for damage or injury arising from, and which are the natural or probable results or incidents of: Maneuvers and special exercises; practice firing of heavy guns; practice bombing; naval exhibitions; operation of missiles, aircraft and antiaircraft equipment; use of barrage balloons; use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions; explosions of ammunition; movement of combat vehicles or other vehicles designed especially for military use; and the use and occupancy of real estate.

§ 750.22 Bailed personal property.

(a) *Loaned or rented to the Government.* Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, expressed or implied, are payable under the provisions of the Military Claims Act (10 U.S.C. 2733) even though legally enforceable against the Government as contract claims, unless by express agreement the bailor has assumed the risk of damage, loss or destruction. Subject to the exceptions set forth in § 750.19(b), the cause of loss is immaterial.

(b) *Claims of prisoners of war.* Claims of prisoners of war and of interned enemy aliens for damage to or destruction of personal property in the custody of the Government are payable only when the proximate cause of the damage, loss, or destruction is shown to be the tortious act or omission of military personnel or civilian employees of the Navy. The authority to pay claims of this nature is also subject to the exceptions set forth in § 750.19(b).

(c) *Processing as contract claims.* Claims in the category covered by this section may, if deemed in the best interests of the Government, be processed as contract claims through the General Accounting Office.

§ 750.23 Use and occupancy of real property.

(a) *Under lease or otherwise.* Subject to the exceptions set forth in § 750.19(b), claims for damage to real property incident to the use and occupancy thereof by the Government, whether under a lease, express or implied, or otherwise, are payable under the provisions of the Military Claims Act even though legally enforceable against the Government as contract claims.

(b) *Processing as contract claims.* Claims in the category covered by this section may, if deemed in the best interests of the Government, be processed as contract claims through the General Accounting Office.

§ 750.24 Damage, loss, or destruction of mail.

(a) *Registered or insured mail.* Claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities are payable under the Military Claims Act. This provision of the act is in the nature of an exception to the general requirement that the damage, loss, or destruction of personal property, in order to be compensable thereunder, be caused by military personnel or civilian employees of the Navy while acting within the scope of their employment or be otherwise incident to noncombat activities of the Navy. In effect, this provision makes it possible for the Navy to relieve the Post Office Department of its obligation as an insurer with respect to registered and insured mail relinquished into the possession of the Navy for transportation or delivery to the addressee. For this reason, any award to a claimant for the damage to or loss or destruction of registered or insured mail while in the possession of the military authorities, where the damage, loss, or destruction results from a criminal act, shall be limited in amount to the indemnity to which the claimant would be entitled from the Post Office Department in accordance with the registry or insurance fee paid, and shall be in all other respects subject to the conditions of and limitations upon indemnity set forth in the Postal Manual, United States Post Office Department, as applicable to the payment of indemnity by the Post Office Department where the damage, loss, or destruction occurs while the mail matter is in the possession of that department.

(b) *Mail of any class.* Claims for damage to or loss or destruction of mail matter of any class, whether or not such mail is insured or registered, are payable, upon proper substantiation, if shown to have been caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or if otherwise incident to noncombat activities of the Navy, or if within the provisions of § 750.22 with respect to bailed personal property. However, failure to insure or register mail containing money or articles of substantial value may constitute negligence on the part of the claimant which will preclude recovery. In claims for damage, loss, or destruction of mail matter not resulting from criminal acts, the amount of the award is not limited to the amount of coverage provided by the insurance or registry fee paid to the Post Office Department, but is governed by the general provisions of § 750.29 with respect to measure of damages. If claimed, additional damages may be recovered in mail cases in the amount of postage and any registration or insurance or other special fees prepaid, except that no such postage or fees shall be paid if actual delivery of the mail matter is made to the correct addressee.

(c) *Exceptions.* In addition to the exceptions set forth in § 750.19(b), the provisions of the Military Claims Act do not apply to:

(1) Any claim for damage, loss, or destruction of mail matter occuring prior to delivery by the Post Office Department to authorized military personnel or civilian employees of the Navy (e.g., designated Navy mail clerks and assistant Navy mail clerks, mail orderlies, and postal officers).

(2) Any claim for damage, loss, or destruction of mail matter occuring due to the fault of or while in the hands of bonded personnel.

(3) Any claim for damage, loss, or destruction of mail matter arising after resumption of possession by the Post Office Department (e.g., for the purpose of forwarding to the addressee at a different address) and prior to redelivery to authorized military personnel or civilian employees of the Navy charged with transportation or distribution to the addressee.

§ 750.25 Claims arising in foreign countries.

(a) *Preemptive application of Foreign Claims Act.* There are no geographical limitations upon the scope of application of the Military Claims Act and §§ 750.17 to 750.26. The Foreign Claims Act (10 U.S.C. 2734) and regulations issued pursuant thereto, however, have preemptive application to claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by military forces or individual members thereof, whether military personnel or civilian employees, or otherwise incident to noncombat activities of such forces, in a foreign country, to public property located therein, or to the privately owned property or to the persons of inhabitants of a foreign country. Any claim which arises in a foreign country, therefore, and which is within the scope of the Foreign Claims Act, is precluded from consideration under the Military Claims Act. Any claim which

arises in a foreign country and is for any reason not cognizable under the Foreign Claims Act and the regulations issued thereunder, however, may be considered and paid under the Military Claims Act and §§ 750.17 to 750.26 provided it is in all respects within the scope thereof.

(b) *Enemy alien.* In addition to the exceptions set forth in § 750.19(b), the provisions of the Military Claims Act do not apply to any claim arising in a foreign country, of an inhabitant of a foreign country who is a national of a country at war with the United States or of any ally of such an enemy country, unless it be determined that the claimant is friendly to the United States.

(c) *Relation to other statutory provisions.* Claims arising in foreign countries may, in proper cases, be cognizable under 10 U.S.C. 7625 and §§ 750.27 and 750.28. They are expressly excluded, however, from consideration under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, and from the application of the civil action provisions of 28 U.S.C. 1346(b).

§ 750.26 Statute of limitations.

No claim may be settled under the Military Claims Act unless it is presented in writing within two years after it accrues. However, if such accident or incident occurs in time of war or armed conflict, or if war or armed conflict intervenes within two years after its occurrence, any claim may, on good cause shown, be presented within two years after the war or armed conflict is terminated. For the purposes of the Military Claims Act, the dates of the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by determination of the President.

10 U.S.C. 7625

§ 750.27 Statutory authority.

Pursuant to and subject to the limitations of 10 U.S.C. 7625, the Secretary of the Navy is authorized to consider, ascertain, adjust, determine, and pay the amounts due in all claims for damages (other than such as are occasioned by vessels of the Navy) to and loss of privately owned property, where the amount of the claim does not exceed $500, for which damage or loss members of the naval service are found to be responsible.

§ 750.28 Scope of 10 U.S.C. 7625.

(a) *Rule.* Subject to the exceptions and limitations set forth in paragraphs (b) and (c) of this section, 10 U.S.C. 7625 provides authority whereby the Secretary of the Navy may, in certain restricted circumstances, consider, ascertain, adjust, determine, and pay claims not in excess of $500 for damage to and loss of privately owned property, for which damage or loss a member of the naval service is found to be responsible.

(b) *Exclusions.* The provisions of 10 U.S.C. 7625 and §§ 750.27 and 750.28 do not apply to:

(1) Any claim in excess of $500.

(2) Any claim for personal injury or death.

(3) Any claim for property damage or loss occasioned by vessels of the Navy.

(4) Any claim for property damage or loss for which civilian employees of the naval service are found to be responsible.

(5) Any claim for property damage or loss caused through the negligence of members of the naval service while acting within the scope of their employment (4 Comp. Gen. 876 (1925), 10 Comp. Gen. 229 (1930), 11 Comp. Gen. 502 (1932)).

(6) Any claim or part thereof, the amount of which is legally recoverable by the claimant under an indemnifying law or indemnity contract.

(7) Any subrogated claim.

(c) *Acts involving use of Navy property.* Favorable consideration under 10 U.S.C. 7625 of claims arising from acts or omissions of members of the naval service, acting outside the scope of their employment, will ordinarily be restricted to claims arising from acts or omissions involving the use of Navy property.

Subpart C—General Provisions: Investigation and Procedure

AUTHORITY: §§ 750.29 to 750.48 issued under R.S. 161, secs. 2671–2680, 62 Stat. 982–984, secs. 2733, 5031, 7625, 70A Stat. 153, 278, 473, as amended; 5 U.S.C. 22, 28 U.S.C. 2671–2680, 10 U.S.C. 2733, 5031, 7625.

§ 750.29 Measure of damages.

(a) *Damage to property.* In claims for damage to or loss or destruction of property cognizable under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil action provisions of 28 U.S.C. 1346(b), the measure of damages is determined by the law of the place where the act or omission occurred. In cases cognizable under the Military Claims Act (10 U.S.C. 2733) and 10 U.S.C. 7625, however, the measure of damages shall be as follows:

(1) If the property has been or can be economically repaired, the measure of damages shall be the actual or estimated net cost of the repairs necessary to restore the property to substantially the condition which existed immediately prior to the incident. Damages so determined shall not, however, exceed the value of the property immediately prior to the incident less the value thereof immediately after the incident. To determine the actual or estimated net cost of repairs, the value of any salvaged parts or materials and the amount of any net appreciation in value effected through the repair shall be deducted from the actual or estimated gross cost of repairs, and the amount of any net depreciation in the value of the property shall be added to such gross cost of repairs, provided such adjustments are sufficiently substantial in amount to warrant consideration. All estimates of the cost of repairs shall be based upon the lower or lowest of two or more competitive bids, or upon statements or estimates by one or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(2) If the property cannot be economically repaired, the measure of damages shall be the value of the property immediately prior to the incident less the value thereof immediately after the incident. All estimates of value shall be made, if possible, by one or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(3) Loss of use of damaged property which is economically repairable may, if claimed, be included as an additional element of damage to the extent of the reasonable expense actually incurred for appropriate substitute property, but only for such period as is reasonably necessary for repairs, and provided that idle substitute propoerty of the claimant was not employed. When substitute property is not obtainable, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but is not obtained and used by the claimant, loss of use is normally not payable.

(b) *Personal injury or death cases under the Federal Tort Claims Act.* In claims for personal injury or death cognizable under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil action provisions of 28 U.S.C. 1346(b), the measure of damages is determined by the law of the place where the act or omission occurred.

(c) *Personal injury or death cases under the Military Claims Act.* In claims for personal injury or death cognizable under the Military Claims Act, the measure of damage may include reasonable medical, hospital, and burial expenses, loss of earnings and services, diminution of earning capacity, pain and suffering, permanent injury and death. In computing damages in cases of personal injury or death, local standards will be taken into consideration as a guide. In case of death, only one claim arises; the amount approved therefor will, to the extent found practicable or feasible, be apportioned among the beneficiaries and in the proportions, prescribed by law or custom of the place in which the accident or incident resulting in death occurs.

(d) *Limitations.* In claims cognizable under the Military Claims Act (10 U.S.C. 2733) or 10 U.S.C. 7625, payment shall not be made for the following elements of damage: Interest, cost of preparation of claims, attorneys' fees; or inconvenience and similar items.

(e) *Joint tort feasor.* If a claimant under the Military Claims Act (10 U.S.C. 2733) or 10 U.S.C. 7625 has elected to proceed against a third party as a joint tort-feasor, any amount paid by such third party for damage which might otherwise be properly included in the claim against the Government shall be deducted from any award made by the Government to the claimant.

§ 750.30 Who constitutes a proper claimant.

(a) *Damage-to-property cases.* A claim for damage to or loss or destruction of property shall be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner", as used herein, includes a bailee, lessee, mortgagor, and conditional vendee, but does not include a mortgagee, conditional vendor, or other person having title for purposes of security only. If the claim is filed by an agent or legal representative of the owner of the property, it shall show the title or capacity of the person signing and shall be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

(b) *Personal injury or death cases.* A claim on account of personal injury shall be presented by the person injured or his duly authorized agent, or, in the case of death, by the legal representative of the person deceased.

(c) *Subrogation.* Settlement of claims involving subrogation by reason of insurance or operations of law when the combined claims of both insured and insurer do not exceed $2,500 in the case of the Federal Tort Claims Act, or $5,000 in the case of the Military Claims Act, may be made separately with the subrogor or the subrogee for their respective interests when separate claims are submitted, or jointly with both when one claim has been filed in the names of both and signed by both, but only with the subrogee when the subrogor has received full compensation from him in cases of damage, loss, destruction, injury or death. Appropriate documentary evidence should be furnished by the subrogee in support of a subrogated claim.

(d) *Limitation on transfers and assignments.* All transfers and assignments made of any claim upon the United States or of any part or share thereof or interest therein, whether absolute or conditional and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, are absolutely null and void unless they are made after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. (R.S. 3477, as amended, 31 U.S.C. 203.) This statutory provision does not apply to the assignment of a claim by operation of law, as in the case of a receiver or trustee in bankruptcy appointed for an individual, firm, or corporation, or the case of an administrator or executor of the estate of a person deceased, or an insurer subrogated to the rights of the insured.

§ 750.31 The submission of a claim.

(a) *Standard Form No. 95.* A claim shall be submitted by presenting in triplicate a written statement setting forth the amount of the claim and, as far as possible, the detailed facts and circumstances surrounding the incident from which the claim arose. The Claim for Damage or Injury, Standard Form No. 95, shall be used whenever practicable. The claim and all other papers requiring signature by the claimant shall be signed by the claimant personally or by his duly authorized agent. The signature of the claimant or his agent shall be identical throughout. When more claims than one arise from a single incident, each such claim shall be filed separately and individually.

(b) *To whom submitted.* The claim shall be submitted by the claimant to the commanding officer of the naval activity involved, if known; otherwise, it shall be submitted to the commanding officer of any naval activity, preferably the one within which or nearest to which the incident occurred, or to the Judge Advocate General of the Navy, Washington 25, D.C.

§ 750.32 The contents of a claim.

(a) *Information to be submitted.* The claimant shall include the following information in his claim:

(1) The full name and complete address of the claimant.

(2) The amount claimed for property damage, loss, or destruction, and the amount claimed on account of personal injury or death.

(3) The date, time, and place of occurrence of the incident giving rise to the claim.

(4) The persons, vehicles, and other property involved.

(5) The identity of the Government department, agency, or activity involved.

(6) A detailed description of the occurrence of the incident and the facts and circumstances attending it.

(7) The nature and extent of the resulting damage, loss, destruction, or injury.

(8) The names and addresses of any witnesses to the occurrence of the incident.

(9) An agreement by the claimant to accept the amount claimed in full satisfaction and final settlement of the claim stated.

(b) *Amount of the claim.* The amount of the claim shall be substantiated by competent evidence, as follows:

(1) In support of claims for damage to real or personal property which has been or can be economically repaired, the claimant shall submit, in triplicate, an itemized, signed statement or estimate of the cost of repairs. If the property is not economically reparable, or if it is lost or destroyed, the value thereof, both before and after the incident, shall be stated. If damage to realty is not economically reparable, the value, both before and after the incident, of the land damaged, or of the improvement or fixture if it can be readily and fairly valued apart from the land, shall be stated. In support of claims for damage to crops, the statement shall indicate the number of acres or other unit of measure of the crops damaged, the normal yield per unit, the gross income which would have been realized from such normal yield, and an estimate of the further costs of cultivation, harvesting, and marketing. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop shall also be stated. All such statements or estimates shall, if possible, be made by competent, disinterested witnesses, preferably reputable dealers or officials familiar with the type of property damaged or lost. If payment for repairs has been made, itemized receipts evidencing payment shall be included. All itemized statements or receipted bills shall be certified by the creditor to be just and correct. A claimant for damage to or loss or destruction of registered or insured mail shall, in addition, submit the registration or insurance receipt showing the amount of the fees and postage paid, or in the event the receipt is not available, a signed statement by the issuing post office containing the essential information from the official records.

(2) In support of claims for personal injury or death, the claimant shall submit, in triplicate, a written report by the attending physician showing the nature and extent of the injury and the treatment, the period of hospitalization or incapacitation, the degree of permanent disability, if any, and the prognosis. Itemized statements or receipted bills, certified by the creditor to be just and correct, shall be included to cover medical, hospital, or burial expenses actually incurred.

(c) *Brief.* The claimant may, if he desires, file with his claim a brief setting forth the law and arguments in support of his position.

§ 750.33 Investigation; general.

Every service-connected incident which may result in claims against or in favor of the Government shall be promptly and thoroughly investigated by trained personnel. The investigation shall be closely supervised to insure the preparation of an investigative report providing a sufficient basis for the prompt and just disposition of resulting claims against and in favor of the Government, and for all other official action required by the circumstances of the case. The procedures set forth in §§ 750.34 to 750.45 shall be followed with respect to the appointment of investigating officers, the conduct of the investigation, the preparation of the investigative report, and the processing of claims cognizable under this part.

§ 750.34 Investigation; when required.

(a) *Categories.* Investigation of service-connected incidents shall be made in any of the following circumstances:

(1) When private property is damaged, lost, or destroyed.

(2) When Government property is damaged, lost, or destroyed under circumstances which indicate the existence of a claim in favor of the Government.

(3) When injury or death results to any civilian other than an employee of the Government acting in the performance of his duty and covered by the Federal Employees' Compensation Act.

(4) When a claim is filed within the provisions of this part, though irrespective of amount.

(5) When specifically directed by competent authority.

(b) *Investigation without delay.* Incidents falling within any of the categories listed in paragraph (a) of this section shall be investigated and reported upon without delay, even though no claim has been filed, and even though

there may be no existing law or regulation under which any claim arising therefrom might be paid.

(c) *Steps upon commencement of civil action.* Upon receipt by the Judge Advocate General of notice from the Department of Justice, or from any other source, that an action involving the Navy has been instituted against the United States under the civil action provisions of 28 U.S.C. 1346(b), a request shall be made upon the Commandant of the appropriate naval district for an investigative report of the incident giving rise to the action, if a complete report of the incident has not already been received. This request shall be forwarded immediately to the appropriate naval activity for prompt compliance in order that the preparation of the Government's defense may not be delayed. The commencement, under the civil action provisions of 28 U.S.C. 1346(b), of any action against the United States, involving the Navy, which comes to the attention of any officer in connection with his official duties, shall be reported immediately to the Commandant of the cognizant naval district, to the attention of the District Legal Officer, who shall initiate any necessary administrative action and shall give further prompt notification to the Judge Advocate General. The commencement of any legal action against any employee of the Navy as a result of an act or omission committed within the scope of his employment, which comes to the attention of any officer in connection with his official duties, whether or not the United States has been made a party to such legal action, shall be reported in the same manner.

(d) *Additional requirements under other regulations.* This part in no way modifies the requirements of U.S. Navy Regulations; the Manual for Courts-Martial, United States, 1951; and other provisions of the Manual of the Judge Advocate General and the making of an investigation and report hereunder does not constitute or excuse compliance with any provision of U.S. Navy Regulations; the Manual for Courts-Martial, United States, 1951; and other provisions of the Manual of the Judge Advocate General.

§ 750.35 Investigation; responsibility for.

(a) *Immediate responsibility.* Immediate responsibility for the investigation of an incident in accordance with this part lies with the commanding officer or officer in charge of the local naval activity which is most directly concerned, normally the commanding officer or officer in charge of the personnel involved or of the activity in which the incident occurred. Where two or more activities are involved, the senior of the commanding officers or officers in charge concerned shall decide who of them shall have immediate responsibility for the investigation.

(b) *Assistance.* When an accident or incident occurs at a place where the naval service does not have an installation or a unit conveniently located for conducting an investigation, the commanding officer or officer in charge having immediate responsibility for making such investigation may request assistance from the commanding officer or officer in charge of any other organization of the Department of Defense. Such assistance may take the form of a complete investigation of the accident or incident, or it may cover only part of the investigation. Likewise, in the event that under similar circumstances the commanding officer or officer in charge of any other organization of the Department of Defense requests such assistance from the commanding officer or officer in charge of any naval installation or unit, the latter will comply with the request. If a complete investigation is requested, the report will be made in accordance with the regulations of the requested service. These investigations will normally be conducted without reimbursement for per diem, mileage or other expenses incurred by the investigating installation or unit.

(c) *Report of Motor Vehicle Accident, Standard Form No. 91.* The driver of any Government motor vehicle involved in an accident of any sort shall be responsible for making an immediate report on the Operator's Report of Motor Vehicle Accident, Standard Form No. 91. This driver's report shall be made even though the driver of the other vehicle or any other person involved states that no claim will be filed, or even though the only vehicles involved are Government-owned. An accident shall be reported by the driver regardless of who was injured, or what property was damaged, or to what extent, or where the accident occurred, or who was responsible. The driver's report shall be referred to the investigating officer, who shall be responsible for examining it for completeness and accuracy, and who shall file it for future reference or for attachment to any subsequent investigative report of the accident.

§ 750.36 The investigating officer.

Every investigation required by this part shall be conducted by an investigating officer. The commanding officer or officer in charge of each naval activity shall designate a qualified individual under his command, preferably one with legal training and experienced in the conduct of investigations, as the investigating officer for the activity. Whenever necessary, in the discretion of the commanding officer or officer in charge, additional or assistant investigating officers may be appointed, each with all and the same powers as the investigating officer, except that all assistant investigating officers shall be under the general supervision of the investigating officer. To insure prompt investigation of every incident while witnesses are available and before damage has been repaired, the duties of an officer in his capacity as an investigating officer shall ordinarily have priority over any other assignments he may have.

§ 750.37 Duties of the investigating officer.

It shall be the duty of the investigating officer, in making an investigation pursuant to this part:

(a) To consider all information and evidence obtained as a result of any previous investigation or inquiry into any aspect of the incident.

(b) To conduct further investigation of the matter in a fair and impartial manner, covering all phases of the incident and giving consideration to its bearing on possible claims against or in favor of the Government and on other interests of the service, to the end that a comprehensive, accurate, and unbiased factual report of the incident may be made available to higher authority for such action as is required by the circumstances of the case.

(c) To secure and consider signed statements from all competent witnesses on facts pertinent to the incident. Witnesses should be interviewed by the investigating officer at the earliest opportunity and he should obtain from them full statements. Statements from principal witnesses should be reduced to writing and their signatures obtained thereon if at all possible. The interests of the United States may be seriously prejudiced if the investigating officer fails to obtain such statements before witnesses lose their clear recollection or can be confused by questioning by persons with adverse interests.

(d) To inspect the property damage and to interview injured persons or their representatives personally, and if such personal inspection and interview is not conducted, to state the reason therefor.

(e) To ascertain the nature, extent, and amount of damage and to obtain all pertinent repair bills, or estimates, medical, hospital, and associated bills as are necessary to the proper adjudication of a claim against or in favor of the Government which may arise from the incident. For proper method of computing the amount of damages, see § 750.20. Claims for loss of earnings and diminution of earning capacity arising under the Federal Tort Claims Act or the Military Claims Act require submission by the claimant of a statement by his employer executed before a notary public, or where the claimant is in business for himself a certified copy of company records, showing claimant's age, occupation, wage or salary, and time lost from work as a result of the incident. Where such statements or records are not available, a sworn statement by the claimant will be obtained. Claims for loss of earnings, diminution of earning capacity, medical and hospital expenses, anticipated medical expense, pain and suffering, physical disfigurement, and temporary or permanent injury arising under the Federal Tort Claims Act or the Military Claims Act require submission by the claimant of a written statement by the attending physician setting forth the nature and extent of the injury and treatment, the duration and extent of the disability involved, the prognosis, and period of hospitalization or incapacity.

(f) In all cases in which a suit against the United States is likely or is pending, and in all other cases in which it appears pertinent to determine liability, to obtain from the proper maintenance office the latest report of material inspection of the Navy aircraft or motor vehicle that was conducted prior to the accident.

(g) To secure from qualified persons of the activity concerned, or of another

appropriate activity, statements concerning the extent of damage or injury and the reasonableness of the damages claimed. The investigating officer, if the injured person does not object, should have a physical examination made of the injured person at a military installation, as may be adequate considering available personnel and facilities of the installation, when such examination is considered necessary in connection with a claim incident to such injuries, provided that no expense for services or supplies from other Federal agencies or civilian agencies is incurred with such examination. A copy of the report of such examination obtained from the medical installation will be included in the report of investigation or, if made subsequent to the forwarding of the latter report, will be forwarded to the same command as the report of investigation.

(h) To reduce to writing and incorporate into a unified investigative report, prepared in triplicate, all pertinent testimony, exhibits, and any other evidence taken or considered. (See, however, the exception contained in § 750.38(b).)

(i) To furnish the proper claim forms to any person who inquires concerning the procedure for making claim against the Government as a result of a service-connected incident, and to advise such person where the claim should be filed and what substantiating evidence should accompany the claim.

(j) To submit the complete investigative report to his commanding officer or officer in charge as promptly as the circumstances permit; and in the case of an incident involving any personal injury or property damage estimated to be in excess of $1,000, to submit immediately a preliminary report, containing such information as is at that time available, to his commanding officer for forwarding to reach the Judge Advocate General within twenty days of the occurrence of the incident under investigation. In a case where not all of the required information is immediately available, as in an accident resulting in personal injuries requiring extended periods of hospitalization or medical care, the investigative report shall be submitted promptly, containing all information available at the time of submission and shall be completed by means of a supplementary report or reports submitted as soon as the previously omitted information becomes available.

§ 750.38 Contents of the investigative report.

A written report of investigation will be made in each case, using standard forms whenever appropriate forms are available.

(a) *Pertinent data.* Except in cases falling within the provisions of paragraph (b) of this section, the report shall be complete in every significant detail and will include particularly such of the following information as is pertinent:

(1) Date, time, and exact place the accident or incident occurred, specifying the highway, street, road, or intersection, including the streets between which or the number of the block where the accident or incident occurred, or the number of miles and the direction from the nearest town.

(2) A concise but complete statement of the circumstances of the accident or incident. Reference should be made to pertinent physical facts observed and to any material statements, admissions, or declarations against interest by any person involved.

(3) A statement whether a claim has been or, if known, will be filed and, if so, the name and address of the claimant.

(4) A statement whether the claimant is the sole owner of the damaged property and, if not, the name and address of the owner, or part owners, and the basis of the claimant's alleged right to file the claim.

(5) Names, service numbers, grades, organizations and addresses of military personnel and civilian employees involved as participants or witnesses.

(6) Names and addresses of witnesses.

(7) A statement whether military personnel and civilian employees were acting within the scope of their employment and the basis for such determination.

(8) Accurate description of Government property involved, and nature and amount of damage, if any. If Government property was not damaged, that fact should be stated.

(9) Accurate description of all privately owned property involved, nature and amount of damage, if any, and the names and addresses of the owners thereof.

(10) Names, addresses, and ages of all civilians or military personnel injured or killed. Information as to the nature and extent of injuries, degree of permanent disability, prognosis, period of hospitalization, name and address of attending physician and hospital, and amount of medical, hospital, and burial expenses actually incurred, occupation, and wage or salary of civilians injured or killed. Names, addresses, ages, relationship, and extent of dependency of survivors of any such person killed or fatally injured should be stated.

(11) If straying animals are involved, a statement whether the jurisdiction has "open range law" and, if so, reference to such statute.

(12) A statement whether any person involved violated any State or Federal statute, local ordinance, or installation regulations and, if so, in what respect. The statute, ordinance, or regulation should be set out in full.

(13) A statement whether a police investigation was made. A copy of the police report of investigation will be included if available.

(14) A statement whether any arrests were made or charges preferred, and the result of any trial in civil or military courts.

(15) The comments and recommendations of the investigating officer as to the existence of liability and as to the amount of the damage, loss or destruction, or the amount payable on account of personal injury or death.

(16) As many exhibits or enclosures as are pertinent, and as may appear necessary or useful in the circumstances of each case, shall be obtained during the course of the investigation and shall be attached to the investigative report, forming a part thereof. The enclosures shall be numbered consecutively and shall be listed numerically in the investigative report in accordance with standard Navy correspondence procedure.

(b) *Limited investigation and report.* In lieu of the formal investigation contemplated by § 750.37 and the detailed report described in paragraph (a) above, a more limited investigation and report may be made when the following circumstances exist:

(1) A claim has been presented for an amount of $100.00 or less.

(2) The claim is cognizable under the Federal Tort Claims Act (§§ 750.1 to 750.7) or the Military Claims Act (§§ 750.16 to 750.26).

(3) The amount payable on the claim has been agreed upon.

This limited report will take the form of a certification and should provide substantially as follows:

CERTIFICATE

---------- 196--

I certify that I have investigated the accident (incident), that the facts fully substantiate the claim, and that I have taken the following action:

I further find that the amount claimed represents the claimant's loss and recommend payment under the provisions of sections 2001–2007 JAG Manual (sections 2017–2026 JAG Manual) [§§ 750.1 to 750.7 (§§ 750.17 to 750.26)].

Encl X Standard form 91.*
------ Police report.
------ Paid bill or estimate.
------ Other.

Investigating officer

Commanding officer

Approved for payment.

Authorized adjudicating officer

*Must be included in all cases involving motor vehicle accidents.

In the space provided for noting the action taken by the investigating officer, he should describe very briefly the limited investigation upon which his recommendation is based, for example, information (estimates, etc.) received by telephone from ----------; interviewed Government driver (other driver, witnesses, etc.); inspected damaged property; violation of local law; etc.

§ 750.39 Action by the commanding officer or officer in charge.

The investigative report will be reviewed and, if necessary, returned to the investigating officer for the correction of any omissions noted. If there is a legal officer available, the commanding officer or officer in charge should ordinarily use his services in reviewing and, if desirable, endorsing the report. If the report is in order, it shall be forwarded by endorsement, with any pertinent comments and recommendations. In cases in which the certificate report authorized in §750.38(b) is used, the commanding officer or officer in charge may indicate

his approval of the certificate report by signing this report in the space provided thereon. One copy of the report shall be retained in the file of the local activity and shall be made available to safety officers for use in accident prevention and to superior commands upon request. The original and one copy of the report, together with all three copies of any claim filed, shall be forwarded by means of the aforementioned endorsement, without regard to chain of command, to the Commandant of the naval district in which the incident occurs, attention District Legal Officer. If the incident arises in Guam, the report and claims shall be forwarded to Commander Naval Forces Marianas, attention Staff Legal Officer. In other cases where the incidents occur outside the geographical limits of any naval district, the commanding officer or officer in charge shall promptly forward such reports to the Judge Advocate General.

§ 750.40 Action by the district or staff legal officer.

(a) *Return or endorsement.* The district or staff legal officer may, in his discretion, return the investigative report for such additional investigation and information as may be considered necessary. When satisfied with the report, he shall endorse the investigative report with his recommendations as to whether any claim or claims should be paid, and in what amount, stating the legal basis for his recommendations.

(b) *Adjudicating authority of commandant or district or staff legal officer.* The commandant of the naval district (or, with respect to cases arising in Guam, Commander Naval Forces Marianas) or the district of staff legal officer shall approve or disapprove the claims within his adjudicating authority (see § 750.41) as the law and the facts may warrant. In exceptional and unusual cases, even though the claim or claims may appear to fall within the adjudicating authority of the commandant or commander, or his staff legal officer, the entire record, together with pertinent comments and recommendations, may be referred to the Judge Advocate General for appropriate action.

(c) *Cases outside adjudicating authority of commandant.* In all cases not coming within the adjudicating authority of the commandant or commander or his staff legal officer, one copy of the investigative report shall be retained for the files and the original of the report, together with all related papers and all three copies of any claims filed shall be forwarded, with pertinent comments and recommendations, to the Judge Advocate General.

§ 750.41 Approval of claims.

(a) *Federal tort claims.* Claims cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1 to 750.7 shall be approved or disapproved, in whole or in part, by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(5) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) The Director, Office of the Judge Advocate General, West Coast.

(7) Such other officers as may be designated by the Secretary of the Navy.

(8) The Commandant or the District Legal Officer of the Naval District within which the claims arose or, if the claims arose in Guam, Commander Naval Forces Marianas or his staff legal officer or, if the claims arose in the Potomac River Naval Command, the Commandant or the District Legal Officer of that Command, if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. Two copies of the approval and one copy of the voucher shall be forwarded to the Office of the Judge Advocate General without a letter of transmittal.

(9) The Legal Officer, U.S. Naval Base, Newport, Rhode Island, and the Legal Officer, U.S. Naval Submarine Base, New London, Groton, Connecticut, for claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes), if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. Two copies of the approval and one copy of the voucher shall be forwarded to the Office of the Judge Advocate General without a letter of transmittal.

(b) *Military Claims Act cases.* Claims cognizable under the Military Claims Act and §§ 750.17 to 750.26 shall be approved or disapproved, in whole or in part by any of the following, all of whom are designated to administer those provisions of law for the Navy provided that the Judge Advocate General is designated to approve or disapprove a claim in an amount of not more than $5,000 and the others are designated to approve or disapprove a claim in an amount of not more than $1,000:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(5) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) The Director, Office of the Judge Advocate General, West Coast.

(7) Such other officers as may be designated by the Secretary of the Navy.

(8) The Commandant or the District Legal Officer of the Naval District within which the claims arose or, if the claims arose in Guam, Commander Naval Forces Marianas or his staff legal officer or, if the claims arose in the Potomac River Naval Command, the Commandant or the District Legal Officer of the Command, if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

(9) The Officer in Charge, U.S. Sending State Office for Italy.

(10) The Legal Officer, U.S. Naval Base, Newport, Rhode Island, and the Legal Officer, U.S. Naval Submarine Base, New London, Groton, Connecticut, for claims accruing to operators of fishing vessels for damage to nets, booms, lines and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes), if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

(11) Foreign Claims Commissions to the extent authorized by Department of Defense Notice of 22 August 1958 (23 F.R. 6839). See § 753.31 of this chapter.

(c) *Cases under 10 U.S.C. 7625.* Claims cognizable under 10 U.S.C. 7625 and §§ 750.27 and 750.28 shall be approved or disapproved by the Secretary of the Navy.

(d) *Finality.* Subject to the provisions of 28 U.S.C. 1346(b) and §§ 750.8 to 750.16 respecting civil action against the United States, and subject to the provisions of § 750.42, with regard to appeal, any award or determination of the Secretary of the Navy, or his designees, under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, is final and conclusive upon all officers of the Government, except when procured by means of fraud. Notwithstanding any other provision of law to the contrary, any settlement made by the Secretary of the Navy under the authority of the Military Claims Act (10 U.S.C. 2733) and §§ 750.17 to 750.26, or, subject to the provisions of § 750.42 with regard to appeal to the Secretary of the Navy, by his designees for the purpose, is final and conclusive for all purposes.

§ 750.42 Notice and appeal.

(a) *Claimant to be notified.* The claimant shall in every case be notified by the approving or disapproving authority, in writing, of the action taken on his claim.

(b) *Appeal.* When a claim has been disapproved, either in whole or in part, the claimant may, within thirty days after receipt of the aforementioned notification, appeal to the Secretary of the Navy (Judge Advocate General), stating the grounds relied upon for such appeal. Such appeals may be decided, either by the Secretary of the Navy or the Judge Advocate General, except that in cases originally processed and disapproved by the Judge Advocate General, the appeal shall be decided by the Secretary of the Navy. When an appeal from a decision under the Military Claims Act (10 U.S.C. 2733) has been considered and denied either in whole or in part by the Judge Advocate General, a further appeal may be made to the Secretary of the Navy.

§ 750.43 Settlement agreement.

(a) *Difference between fully and partially approved claims.* In cases in which the claim is approved in the full amount claimed, no settlement agreement, other than the agreement incorporated in the claim for damage or injury, Standard Form #95, is necessary. In cases in which the claim is being approved for a lesser amount than that claimed, no payment will be made until the claimant has indicated in writing his willingness to accept such amount in full satisfaction and final settlement of the claim.

(b) *Release.* The acceptance by the claimant of any award or settlement made by the Secretary of the Navy, or his designees for the purpose, in pursuance of the authority granted by statute and this part, or of any award, compromise, or settlement made by the Attorney General, is final and conclusive upon the claimant and constitutes a complete release by the claimant of any claim against the United States by reason of the same subject matter. The acceptance by the claimant of any award, compromise, or settlement made under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil action provisions of 28 U.S.C. 1346(b), and §§ 750.1 to 750.16 also constitutes a complete release by the claimant of any claim against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 750.44 Payment of claims.

Claims approved by the Secretary of the Navy, the Judge Advocate General, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International and Administrative Law), the Director, Litigation and Claims Division, Office of the Judge Advocate General, or the Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General as provided in § 750.41 shall be forwarded to the U.S. Navy Regional Accounts Office, Washington 25, D.C., for payment from appropriations designated for that purpose. Claims approved by the Officer in Charge, U.S. Sending State Office for Italy, the Legal Officer, U.S. Naval Base, Newport, Rhode Island, the Legal Officer, U.S. Naval Submarine Base, New London, Groton, Connecticut, or a Commandant or Commander or District or Staff Legal Officer as provided in § 750.41 shall be forwarded to such disbursing officer as may be designated by the Bureau of Supplies and Accounts for payment from appropriations designated for that purpose.

§ 750.45 Claims in favor of the United States.

(a) *Recommendation and designation.* Demands for the payment of all claims in favor of the United States shall be made only by the Judge Advocate General of the Navy or by such other officers as may be specifically designated by the Judge Advocate General for that purpose. Ordinarily, in cases where the Commandant of a Naval District determines that a valid claim exists in favor of the United States, the record together with his recommendations shall be forwarded to the Judge Advocate General for appropriate action.

(b) *Private accomplishment of repairs.* Where a private party who has caused damage to Government property, or the insurer of such private party, agrees to have the Government property repaired to the satisfaction of the proper Government official concerned, and to pay therefor directly to the person making the repairs, and where such a procedure would be to the interest of the Government, the commanding officer of the activity concerned is authorized to permit such private accomplishment of the necessary repairs. The commanding officer is further authorized to assure the private party who caused the damage that a full release of the claim of the United States arising from such damage will be executed by the Judge Advocate General of the Navy or his designee upon completion of the repairs to the entire satisfaction of the proper Government official, and upon payment by the private party of the entire cost of such repairs.

(c) *Certification and release after private repairs.* The procedure authorized in paragraph (b) of this section may be followed without prior approval by the Judge Advocate General and without awaiting the submission of the investigative report required by this part. The investigative report submitted in accordance with the requirements of this part, however, shall contain a statement of the cost of the repairs and a certification by the proper Government official to the effect that all damages have been satisfactorily repaired and that full payment therefor has been made. A release will then be executed by the Judge Advocate General or his designee and will be forwarded promptly to the appropriate District Legal Officer, or, upon request, to the private party paying for the repairs, or to the insurer of such private party.

(d) *Payment for repairs.* In the event repairs to the Government property have been made or are to be made at Government expense and the private party who caused the damage or the insurer of such private party, tenders full payment for such repairs, such payment should be made in the form of a check, draft or money order, payable to the order of the Treasurer of the United States, and forwarded to the Judge Advocate General. A release will then be executed by the Judge Advocate General or his designee and will be forwarded promptly to the appropriate district legal officer, or, upon request, to the private party paying for the repairs, or the insurer of such private party.

EXCEPTION: Where repairs have been paid for out of Industrial Funds, such payment may be deposited locally to such Funds (Navy Comptroller Manual, paragraph 043114). A notation that the claim is based on a payment from a Navy Industrial Fund should be included whenever applicable on all claims forwarded to the Office of the Judge Advocate General for collection.

§ 750.46 Disclosure of information.

No military personnel or civilian employees of the Navy shall release copies of official papers or any other information which can be used as the basis of a claim against the United States, unless such release be properly authorized by competent authority and be made in the discharge of official duties. In particular, the contents of the investigative report shall not be disclosed to the claimant or his attorney or agent, nor shall the claimant be advised as to the recommendations made with regard to his claim. In cases where the claim and investigative report have been forwarded to the Judge Advocate General of the Navy for consideration, claimants who make inquiry as to the status of their claim should be advised that such information may be obtained from the Judge Advocate General.

§ 750.47 Authority for issuance of instructions by the Judge Advocate General.

The Judge Advocate General of the Navy is hereby authorized to issue such instructions, not in conflict with this part, as may be necessary to give full force and effect thereto.

§ 750.48 Single service assignment of responsibility for processing of claims.

(a) The Secretary of Defense (Department of Defense Notice 26 F.R. 2004) has assigned responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under:

(1) The Foreign Claims Act (10 U.S.C. 2734),

(2) The Military Claims Act (10 U.S.C. 2733), and

(3) The Act of August 31, 1954 (68 Stat. 1006, 31 U.S.C 224i–2 to 224i–5), which arise in the following countries to the military departments indicated below in this section:

I. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, and as the Receiving State Office in the United States under the Act of August 31, 1954, supra, and the North Atlantic Treaty Organization Status of Forces Agreement (4 UST 1792, TIAS 2846).

II. Department of the Navy: Iceland, Italy and Portugal.

III. Department of the Air Force: Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

(b) *Sixth Fleet cases under $100.* Notwithstanding the provisions of paragraph (a) of this section, the Department of the Navy has been authorized by the Secretary of Defense to settle nonscope of duty claims under $100 arising in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

PART 751—NAVY PERSONNEL CLAIMS

Sec.

751.1 Definitions.
751.2 Scope.
751.3 Claims payable.
751.4 Claims not payable.
751.5 Type and quantity of property.
751.6 Computation of award.
751.7 Statute of limitations.
751.8 Demand on carrier and insurer.
751.9 Concurrent claims on the carrier and insurer and the Government.
751.10 Form of demand on carrier.
751.11 Nonconcurrent claims against the carrier and insurer and the Government.
751.12 Transfer of rights against the carrier or insurer.
751.13 Recoveries from carrier and/or insurer.
751.14 Claims within provisions of other regulations.
751.15 Claimants.
751.16 Form of claim.
751.17 Evidence in support of claim.
751.18 Filing of claim.
751.19 Appointment of Claims Investigating Officers.
751.20 Investigation of claim.
751.21 Action of Claims Investigating Officer in transportation losses.
751.22 Preparation of Claims Investigating Officer's report.
751.23 Action by commanding officer.
751.24 Navy service personnel adjudicating authority.
751.25 Marine Corps service personnel adjudicating authority.
751.26 Civilian personnel adjudicating authority.
751.27 Separation from service.
751.28 Meritorious claims not otherwise provided for.
751.29 Appeals.
751.30 Authorization for issuance of instructions.

AUTHORITY: §§ 751.1 to 751.30 issued under R.S. 161, secs. 2732, 5031, 70A Stat. 152, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 2732, 5031.

§ 751.1 Definitions.

The following definitions apply for purposes of this part:

(a) *Claim.* "Claim" means any claim filed under oath by the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps, including their reserve components, and by civilian employees of the Naval Establishment, for damage, loss, destruction, capture or abandonment of their personal property incident to their service.

(b) *Service personnel.* "Service personnel" means the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps, respectively.

(c) *Civilian personnel.* "Civilian personnel" means, in addition to other employees of the Naval Establishment, those paid on a contract basis.

(d) *Navy.* The words "Navy" and "naval" as used herein include, "Marine Corps" except where the context indicates to the contrary.

(e) *Damage or loss.* "Damage or loss" includes destruction, capture, or abandonment.

§ 751.2 Scope.

Under this part claims are settled and paid for damage to or loss of personal property of service personnel and civilian personnel of the Navy and Marine Corps. The loss must be incident to service, and possession of the property must be reasonable, useful, or proper under the circumstances. The maximum amount allowable on a claim is $6,500.

§ 751.3 Claims payable.

Claims are payable when the damage to or loss of the claimant's personal property occurs incident to his service under any of the following circumstances:

(a) *Property losses in quarters or other authorized places.* Claims are payable where property is damaged or lost by fire, flood, hurricane, or other serious occurrence, or by theft while located at:

(1) Quarters, wherever situated, which were assigned to claimant or otherwise provided in kind by the Government, including permanent or temporary housing units which are owned and maintained by the Government on or in connection with a military or naval installation, or

(2) Quarters outside the United States occupied by claimant which were not assigned to him or otherwise provided in kind by the Government, unless the claimant is a civilian employee who is a local inhabitant.

(3) Any warehouse, office, hospital, baggage dump, or other place (except quarters, but see subparagraphs (1) and (2) of this paragraph), designated by superior authority for the reception of the property.

(b) *Transportation losses.* Claims are payable where property, including baggage checked or in personal custody, and including household effects, is damaged or lost incident to transportation by a carrier, an agent or agency of the Government, or private conveyance:

(1) When shipped under orders; or

(2) In connection with travel under orders irrespective of the purpose of such travel; or

(3) In connection with travel in performance of military duty with or without troops.

(c) *Marine or aircraft disaster.* Claims are payable where property is damaged or lost in consequence of perils of the sea and hazards connected with the operation of aircraft.

(d) *Enemy action.* Claims are payable where property is lost, abandoned, damaged or destroyed by:

(1) Enemy action or threat of such action;

(2) Combat, or movement in the field which is part of a combat mission;

(3) Guerilla, organized brigandage or other belligerent activities, whether or not the United States is involved; or

(4) Unjust confiscation by a foreign power or its nationals.

(e) *Property subjected to extraordinary risks.* Claims are payable when property is damaged or lost as a direct result of extraordinary risks to which it has been subjected by the performance of official noncombat duties by the claimant, including but not limited to:

(1) Performance of duty in connection with civil disturbance, public disorder, or public disaster;

(2) Efforts to save Government property or human life where the situation was such that the claimant could have saved his own property had he not so acted; or by

(3) Abandonment or destruction of property by reason of military emergency or by order of superior authority.

(f) *Property used for benefit of Government.* Claims are payable where property is damaged or lost while being used, or held for use, for the benefit of the Government at the direction or request of superior authority or by reason of military necessity.

(g) *Negligence of the Government.* Claims are payable where property is damaged or lost incident to the service of the claimant and the proximate cause of such damage or loss was the negligent act or omission of agents or employees of the Government acting within the scope of their employment.

(h) *Money deposited for safekeeping, transmittal, or other authorized disposition.* Claims for loss of personal funds which were accepted by other military personnel acting with the authority of the commanding officer for safekeeping, deposit, transmittal, or other authorized disposition, are payable where the funds were neither applied as directed by the owner nor returned to him (article 1922, U.S. Navy Regulations, deals with deposits for safekeeping).

(i) *Motor vehicles.* Claims are allowable for damage to or loss of automobiles and other motor vehicles in oversea shipments provided by the Government. "Shipments provided by the Government" means via Government vessels, charter of commercial vessels or by Government bills of lading on commercial vessels, and includes storage, on-loading and off-loading incident thereto.

§ 751.4 Claims not payable.

Claims may not be allowed for:

(a) *Money or currency.* Money or currency except when deposited with authorized personnel as contemplated by § 751.3(h) or when lost incident to a marine or aircraft disaster, or when lost by fire, flood, hurricane, or theft from quarters. In instances of theft from quarters, it must be conclusively shown that the money or currency was in a locked container and that the quarters themselves were locked. Reimbursement for loss of money or currency will be limited to an amount which the adjudicating authority determines to have been reasonable for the claimant to have had in his possession at the time of the incident.

(b) *Unserviceable property.* Wornout or unserviceable property.

(c) *Easily pilferable articles.* Articles such as jewels and jewelry, including costume jewelry, and other small articles of substantial value usually worn or carried, and easily pilferable, such as cameras and accessories, watches, rings, binoculars and necklaces when shipped with household goods by ordinary means or as unaccompanied baggage (shipment includes storage). Such articles are allowable when their loss is incident to shipment by expedited mode as defined in Joint Travel Regulations. This prohibition does not apply to baggage in the personal custody of the claimant or properly checked, provided reasonable protection or security measures have been taken. (See § 751.6(d).)

(d) *Articles acquired for other persons.* Articles intended directly or indirectly for persons other than the claimant or members of his immediate household. This prohibition includes articles acquired at the request of others, and articles to be disposed as gifts or for sale.

(e) *Articles of extraordinary value.* Expensive articles of gold, silver, other precious metals, paintings, antiques other than bulky furnishings, relics, authentic oriental or similar expensive rugs, and other articles of extraordinary value are not payable when shipped with household effects by ordinary means, or as unaccompanied baggage. Such articles are payable when their loss is incident to shipment by expedited mode in accordance with current Joint Travel Regulations. This prohibition does not apply to baggage checked or in the personal custody of the claimant or his agent provided reasonable protection or security measures have been taken.

(f) *Articles being worn.* Property, including articles, being worn, except under the circumstances of § 751.3 (c), (d) and (e).

(g) *Intangible property.* Intangible property such as bank books, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(h) *Government property.* Property owned by the United States, except such property for which the claimant is responsible to any agency of the Government other than the Department of the Navy.

(i) *Motor vehicles.* Claims for motor vehicles, except as cognizable under § 751.3(i), will ordinarily not be paid. Meritorious claims for damage to or loss of motor vehicles may be recommended to the Secretary of the Navy (Judge Advocate General) for payment in exceptional cases.

(j) *Enemy property.* Property of civilian employees who are nationals of a country at war with the United States, or of any ally of such enemy country, except as it is determined that the claimant is friendly to the United States; property of prisoners of war or interned enemy aliens; and property of civilian employees who have collaborated with an enemy, or with an ally of an enemy of the United States.

(k) *Losses of subrogees.* Losses of insurers and other subrogees.

(l) *Losses recoverable from insurers and carriers.* Losses, or any portion thereof, which have been recovered or are recoverable from an insurer or carrier.

(m) *Losses in unassigned quarters in the United States.* Claims otherwise cognizable under § 751.3(a) are not payable for property damaged or lost at quarters occupied by the claimant within the United States which are not assigned to him, or otherwise provided in kind, by the Government.

(n) *Contractual coverage.* Losses, or any portion thereof, which have been recovered or are recoverable pursuant to contract.

(o) *Negligence of claimant.* Claims for damage to or loss of personal property caused in whole or in part by any negligence or wrongful act on the part of the claimant, or his agent or employee.

(p) *Business property.* Property normally used for business or profit.

(q) *Fees for obtaining estimates of repair.* Claims are not normally payable for fees paid to obtain estimates of repair in conjunction with submitting a claim under this part. Where, however, in the opinion of the approving authority the claimant could not obtain an estimate without paying a fee, such a claim may be allowed in an amount reasonable in relation to the value and/or the cost of repairs of the article involved, providing the evidence furnished clearly indicates the amount of the estimate fee paid will not be deducted from the cost of repairs if the work is accomplished by the estimator.

(r) *Theft from possession of claimant.* In all cases where a claim is made for articles lost by theft from the possession of the claimant, the claim is not payable unless positive evidence clearly establishes:

(1) That the claimant exercised due care in the protection of his property; and

(2) The existence of a larceny, burglary or housebreaking.

(s) *Trailers.* Loss or damage to trailers, including house trailers and integral parts thereof. Household effects contained in trailers may be considered under § 751.3(a)(1) when the trailer is located in an assigned area on a Government installation, or under § 751.3(b).

(t) *Violation of directives.* Property acquired, possessed, or transported in violation of law or regualtions of competent authority. This does not apply to limitations imposed on weight of shipments of household effects.

§ 751.5 Type and quantity of property.

(a) *Type and quantity.* Claims are payable under the provisions of this part only for such types and quantities of tangible personal property, the possession of which shall be determined by the adjudicating authority to be reasonable, useful, or proper under the attendant circumstances at the time of the loss or damage. Among such items of personal property is property required by law or regulations of the Navy to be possessed or used by its military personnel or civilian employees incident to their service.

(b) *Ownership or custody.* Claims which are otherwise within the provisions of this part will not be disapproved for the sole reason that the property was not in the possession of the claimant at the time of the damage, loss, or destruction, or for the sole reason that the claimant was not the legal owner of the property for which the claim was made. Example, borrowed property may be the subject of a claim if its possession was reasonable, useful, or necessary to the claimant.

§ 751.6 Computation of award.

(a) *Cost of property as basis.* The amount awarded on any item of property will not exceed the adjusted cost of the item based either on the price paid in cash or property or if not acquired by purchase or exchange, the value at the time of acquisition. The amount normally payable on property damaged beyond economical repair is found by determining its depreciated value immediately before it was damaged or lost, less any salvage value. If the cost of repairs is less than the depreciated value of the property, then it is economically repairable, and the cost of repairs is the amount payable.

(b) *Depreciation.* Depreciation in value of an item is determined by considering the type of article involved, its cost, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim. Schedules of depreciation are issued by the Chief of Naval Personnel and Commandant of the Marine Corps to their adjudicators as guides for determining the estimated life of various classes of items.

(c) *Appreciation.* There will be no allowance for appreciation in the value of the property except that the cost of the item will be adjusted to reflect changes in the purchasing power of the dollar before depreciation is computed. Appreciation will not be allowed solely because the loss occurs or the claimant now resides in an area remote from the place of purchase of the original article.

(d) *Expensive articles.* Allowance for expensive items, including heirlooms, or for items purchased at unreasonably high prices, will be based on the fair and reasonable purchase price of substitute articles of a similar nature, appropriate for the claimant under the particular circumstance of his service.

(e) *Acquisition.* Allowance for articles acquired by barter will not exceed the adjusted cost of the articles tendered in barter. No reimbursement will be made for articles acquired in black market or other prohibited activities.

(f) *Maximum allowances.* The Chief of Naval Personnel and the Commandant of the Marine Corps are authorized to promulgate to their adjudicators from time to time guides for determining the maximum amount allowable for specific articles, and for establishing maximum quantities which will be allowed. In applying these guides the claimant's standard of living will be considered, as well as his income and social obligations, the size of his family, and his need to have more than the average quantities.

§ 751.7 Statute of limitations.

No claim may be paid under the provisions of this part unless presented in writing within 2 years after such claim accrues: *Provided*, That if the claim accrues in time of war, or in time of armed conflict in which armed forces of the United States are engaged, or if war or such armed conflict intervenes within 2 years after date of accrual, it may, if good cause for delay is shown, be presented within 2 years after such good

cause ceases to exist, but not later than 2 years after peace is established or armed conflict terminates.

§ 751.8 Demand on carrier and insurer.

(a) *Carrier.* Whenever property is damaged, lost, or destroyed while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the carrier according to the terms of its bill of lading or contract before submitting a claim against the Government under this part. This demand should be made against the last commercial carrier known or believed to have handled the goods, unless the carrier who was in possession of the property when the damage or loss occurred is known. In this event, the demand should be made against the responsible carrier. If more than one bill of lading or contract was issued, a separate demand should be made against the last carrier on each such document. The demand must be made within nine months of the date delivery was made, or within nine months of the date that delivery should have ordinarily been made. If it is apparent that the damage or loss is attributable to packing, storage, or unpacking while in the custody of the Government, no demand need be made against the carrier. Where overseas transportation has been arranged or bill of lading issued by the Military Sea Transportation Service, a claim will not be made by the owner against the carrier. When appropriate, the case will be referred to the Military Sea Transportation Service by the adjudicating authority for recovery from the carrier unless it is evident that the damage or loss occurred other than while in the custody of this carrier. Pursuant to the provisions of § 751.9, the claimant may present his claim to the Government immediately after he has made his demand on the carrier.

(b) *Insurer.* Whenever property which is damaged, lost, or destroyed incident to the claimant's service, is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made within the time limit provided in the policy, and prior to the filing of the concurrent claim against the Government as provided for in § 751.9.

(c) *Failure to make demand on carrier or insurer.* Failure to make a demand on a carrier or insurer or to make all reasonable efforts to collect the amount recoverable from the carrier or insurer may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable from the carrier or insurer, had the claim been timely made or diligently prosecuted. However, no deduction will be made where the circumstances of the claimant's service preclude seasonable filing of such a claim or diligent prosecution, or the evidence indicates a demand was impracticable or would have been unavailing.

§ 751.9 Concurrent claims on the carrier and insurer and the Government.

(a) *Concurrent claim on carrier and insurer.* To expedite the settlement of household effects claims, the claim presented to the Government under this part may be submitted concurrently with the demand made against the carrier and/or insurer. The Claims Investigating Officer will assist the claimant in the preparation of the claim against the carrier and/or insurer, and will thereafter assume the responsibility of monitoring the claims against the carrier and insurer to final settlement. The claimant will direct the carrier or insurer in his demand to address all correspondence regarding the claim, to himself, in care of the Commanding Officer of the organization at which he filed his claim, "Attention: Claims Investigating Officer". Further, all reimbursements to the claimant in settlement of his claim by the carrier or insurer should be made payable to the claimant and addressed to him, in care of the Commanding Officer, "Attention: Claims Investigating Officer".

(b) *Claims against the Government.* Following the submission of the claim against the carrier or insurer, or both, the claimant may immediately submit his claim against the Government in accordance with the provision of § 751.18.

§ 751.10 Form of demand on carrier.

It is suggested that demands on carriers (see § 751.8) be made by letter in substantially the following form:

DEMAND ON CARRIER

_____ (Date)

_____
(Name of carrier)

_____
(Address)

Gentlemen: Claim is presented by the undersigned for _____ (Loss or damage) in connection with a shipment from _____ (Consignor) _____ (City, town, or station), to _____ (Consignee) _____ (City, town, or station), under _____ No. _____ dated _____, issued by _____, covering shipment of _____ described as follows:

(Household goods, footlocker, flight bag, etc.)

Description of container (or of article if uncrated)	*Approximate weight (pounds)*	*Nature and extent of damage*	*Amount claimed*

Total amount of claim _____

Detailed description of property lost or damaged, including identifying marks on containers:

_____

Remarks:

_____

Please mail all correspondence in regard to this claim to the undersigned in care of:
Commanding Officer
(Name of station or activity at which claim filed)
Address
Attention: Claims Investigating Officer

Yours very truly,

_____
(Signature of claimant)

---

§ 751.11 Nonconcurrent claims against the carrier and insurer and the Government.

In the event a claim against a carrier or insurer is made by the claimant independent of the procedure specified for concurrent claims in § 751.9, the claimant is not required to wait until either final approval or denial of his claim is made by the carrier or insurer before submitting his claim against the Government. He may immediately file a claim with his Commanding Officer in accordance with the provisions of § 751.18. Upon submitting his claim, he will certify in his claim that he has or has not gained any recovery from a carrier and/or insurer, and enclose all correspondence pertinent thereto. If final action has not been taken by the carrier or insurer on his claim, he will immediately notify them to address all correspondence in regard to his claim, to him, in care of the Commanding Officer of the organization at which his claim with the Government was filed, "Attention: Claims Investigating Officer". Thereafter, the entire matter will be treated by the claimant and Claims Investigating Officer as if it had commenced as concurrent claims under the provisions of § 751.9. The claimant will be required to advise the Claims Investigating Officer of any action taken by the carrier or insurer on his claim, and upon request, to furnish the Claims Investigating Officer with all correspondence, documents, and other evidence pertinent to the matter.

§ 751.12 Transfer of right against the carrier or insurer.

The claimant will assign to the United States to the extent of any payment on his claim accepted by him, all his right, title and interest in any claim he may have against any carrier, insurer, or other party arising out of the incident on which the claim against the United States is based. He will also, upon request, furnish such evidence as may be required to enable the United States to enforce the claim.

§ 751.13 Recoveries from carrier and/or insurer.

After payment of his claim by the United States the claimant will, upon receipt of any payment from a carrier and/or insurer reimburse the United States as follows:

(a) *Damage not exceeding $6,500.* If the damage or loss, adjudicated in accordance with § 751.6 is $6,500 or less, the proceeds will be paid to the United States to the extent of the payment received from the United States less any amounts paid by the carrier or insurer over and above that paid by the Government for any item.

(b) *Damage exceeding $6,500.* If the damage or loss, adjudicated in accordance with § 751.6 exceeds $6,500, the United States will be reimbursed only in the amount by which $6,500 exceeds the adjudicated damage or loss less the payments from the carrier or insurer, and less any amounts paid by the carrier or insurer over and above that paid by the Government for any item.

§ 751.14 Claims within provisions of other regulations.

The provisions of this part are preemptive of other claims regulations of this chapter. However, claims which are not allowable under this part may possibly be allowable under the General Claims Regulations (Part 750 of this chapter) and may be considered thereunder by the appropriate adjudicating authority.

§ 751.15 Claimants.

A claim may be presented only by a military member or civilian employee of the Navy, or in his name by his spouse as his authorized agent or by any other authorized agent or legal representative. In the event the claim is filed by an agent or legal representative, this person must demonstrate his or her capacity to act in the claimant's behalf by submitting a power of attorney or other documentary evidence. If the military or civilian person is deceased, the claim may be presented by his survivor, regardless of whether the claim arose before, concurrently with, or after the decedent's death. Survivors' claims will be presented in the following order of precedence:

(1) Spouse;
(2) Child or children;
(3) Father or mother, or both;
(4) Brothers or sisters, or both.

§ 751.16 Form of claim.

The claim will be submitted by presenting a detailed statement in triplicate, signed by or on behalf of the claimant, on form NAVEXOS 2662A. However, if these claims forms are not available through normal distribution channels, any writing will be accepted and considered as a claim, if it asserts a demand for a sum certain and substantially describes the facts necessary to support a claim congnizable under this part. Attention is directed to the provisions of § 751.17, outlining the specific evidence required for particular classes of claims. Careful compliance with these requirements by the claimant in the preparation of his claim will substantially expedite adjudication by avoiding delays arising from the need of the adjudicating authority to obtain additional evidence from him.

§ 751.17 Evidence in support of claim.

(a) *General.* The claim should be supported by the evidence required on the claim form and, in addition, the following evidence when applicable—

(1) Corroborating statement from a person who has personal knowledge of the facts concerning the claim;

(2) Statement of property recovered or replaced in kind;

(3) Itemized bill of repair for damaged property which has been repaired;

(4) At least one written estimate of the cost of repairs from a competent bidder or person if the property is repairable but has not been repaired. "Competent bidder or person" means one who has experience in the line of needed repairs, and is in a position to know the cost of repairs of such items in the current market. Exception to the above is permissible when in the opinion of the Claims Investigating Officer the probable estimate fee will be out of proportion to the cost of repair. In this situation the Claims Investigating Officer with the concurrence of the claimant will recommend an amount for payment. The name, address and experience of each such "competent" person must be given. The adjudicating authority may reject any estimate or statement of the cost of repairs that does not meet the above standards. The claimant shall satisfy the Claims Investigating Officer that items claimed as beyond economical repair are in fact in that condition; and

(5) Certified statement concerning any insurance coverage and reimbursement obtained from the insurer. The statement should describe the type of insurance and coverage and give the name of the insurer. If the claimant has insurance, but has not submitted a claim, the failure to do so should be explained.

(b) *Claims less than $100.* Where damaged property has not been repaired, the requirement of a written estimate may be dispensed with for items for which the amount claimed is less than $50, if the total claim does not exceed $100. In lieu of a written estimate, the Claims Investigating Officer will personally inspect the damaged property and set a reasonable amount to be claimed for repairs on such items. In the event the claimant and the Claims Investigating Officer cannot agree on a reasonable value, or it is not possible for the Claims Investigating Officer to personally inspect the property, the written estimates required by paragraph (a) (4) of this section will be obtained. In cases where the investigating officer does recommend an amount to be paid without further evidence in the form of written estimates, he will briefly describe the facts upon which his recommendation is based in his report.

(c) *Specific classes of claims.* Claims of the following types should also be accompanied by the specific and detailed evidence listed in this paragraph:

(1) Property losses in quarters or other authorized places. A statement indicating:

(i) Geographical location;

(ii) Whether quarters were assigned or provided in kind by the Government;

(iii) Whether regularly occupied by the claimant;

(iv) Name of authority, if any, who designated the place of storage of the property, if other than quarters;

(v) Measures taken to protect the property; and

(vi) If claimant is a civilian employee, a statement from competent authority establishing that when the claim arose the claimant was a civilian employee of the Navy, and was, or was not, a local inhabitant.

(2) Theft. A statement indicating:

(i) Geographical area of the loss;

(ii) Facts and circumstances surrounding the loss, including evidences of larceny, burglary or housebreaking, such as breaking and entering, capture of the thief, recovery of part of the stolen goods, etc.; and

(iii) Evidence that the claimant exercised due care in protecting his property prior to the loss. Attention will be given to the degree of care normally exercised in the locale of the loss due to any unusual risks involved.

(3) Transportation losses.

(i) Copy of orders authorizing the travel, transportation or shipment, or certificate explaining the absence of orders, and stating their substance;

(ii) All bills of lading, and inventories of property shipped;

(iii) Copy of demand on carrier or insurer, or both, where required, and replies (see §§ 751.9 and 751.11);

(iv) In case of missing baggage, statement indicating action taken to locate missing property, with related correspondence; and

(v) Statement indicating in cases where property was turned over to a quartermaster, transportation officer, supply officer, or contract packer:

Name (or designation) and address of quartermaster, transportation officer, supply officer, or contract packer,
Date property was turned over,
Condition when property was turned over,
When and where property was packed, and by whom,
Date of shipment and reshipment,
Copies of all manifests, bills of lading and contracts,
Date and place of delivery to claimant,
Date property was unpacked,

Statements of disinterested witnesses as to condition of property when received and delivered, or as to handling or storage.

Whether the negligence of any Government employee acting within the scope of his employment caused the damage or loss, and

Whether the last common carrier or local civilian carrier was given a clear receipt.

(4) Marine or aircraft disaster. Copy of orders or other evidence to establish claimant's right to be, or to have his property, on board.

(5) Enemy action, public disaster, public service or abandonment.

(i) Copy of orders or other evidence establishing claimant's required presence in the area involved;

(ii) A detailed statement of facts and circumstances showing applicable causes enumerated in § 751.3 (d) and (e).

(6) Property used for benefit of Government.

(i) A statement from proper authority that the property claimed for was required to be supplied by the claimant in the performance of his official duty or occupation at the request or direction of superior authority, or by reason of military necessity; and

(ii) Evidence that, if the property being used for the benefit of the Government was lost while not in use, the loss occurred in an authorized storage area.

(7) Money deposited for safekeeping, transmittal, or other authorized disposition.

(i) Name, grade, service number, and address of the person or persons who received the money, and any others involved;

(ii) The name, and designation of the authority who authorized such person or persons to accept personal funds, and the disposition requested (article 1922, U.S. Navy Regulations, deals with deposits for safekeeping); and

(iii) Receipts and written sworn statements explaining the failure to account for the funds or return them to the claimant.

§ 751.18 Filing of claim.

All claims coming within the cognizance of this part should, if practicable, be submitted by the claimant or his authorized agent to the Commanding Officer of the naval or Marine Corps activity nearest to the point where investigation of the facts and circumstances can most conveniently be made. As an alternative, the claim may be submitted to the Commanding Officer of the organization to which the claimant belongs or is attached. If submission under the foregoing provisions is impracticable, the claim may be submitted direct to the Chief of Naval Personnel, the Commandant of the Marine Corps, or the Judge Advocate General of the Navy, Washington 25, D.C. Acceptance of a claim for filing will not be refused even though the claim appears not to be within the scope of this part.

§ 751.19 Appointment of Claims Investigating Officers.

Each Commanding Officer will appoint one or more Claims Investigating Officers to investigate, process, and make recommendations on all claims presented to him under this part. Commanding Officers of major or separate commands and Commanding Officers processing an appreciable number of claims will appoint one or more Claims Investigating Officers on a continuing basis. This is particularly pertinent to activities receiving many shipments of household effects.

§ 751.20 Investigation of claims.

Upon receipt of a claim under the provisions of this part, the Commanding Officer will refer the claim, with all the available information relating thereto, to the Claims Investigating Officer appointed by him, for investigation and report. The investigating officer will consider all information and evidence submitted with the claim and conduct such investigation as seems necessary and appropriate, securing and considering testimony of all competent witnesses on pertinent facts. He will give special attention to the credibility of statements by the claimant and corroborating witnesses. Direct correspondence by investigating officers with and between theaters of operations is authorized for the purpose of tracing the location or disposition of missing baggage or effects.

§ 751.21 Action of Claims Investigating Officer in transportation losses.

(a) *Assistance to claimants in the filing of concurrent claims against carriers and insurers.* The Claims Investigating Officer will assist claimants in the preparation of claims to be submitted to carriers and insurers for damage, loss, or destruction of household and personal effects occurring while being shipped pursuant to authorized travel orders.

(b) *Action in regard to concurrent claims against carriers and insurers.* The Claims Investigating Officer will advise the claimant when the claim is filed with the carrier and/or insurer, that he will monitor these claims to final settlement on the claimant's behalf and, in the event of favorable action by the carrier or insurer, advise him and make all necessary adjustments to the concurrent claim filed with the Government. The claimant will be advised to notify the Claims Investigating Officer promptly of any subsequent action by the carrier or the insurer, including settlement, partial settlement, or denial of liability. He will also, upon request, provide the Claims Investigating Officer with all documents, papers and other evidence needed to press his claim.

(c) *Approval or denial of concurrent claim by carrier or insurer.* (1) *Denial of claim by carrier or insurer.* The Commanding Officer will report all carrier or insurer denials to the Navy Regional Accounts Office, Washington, D.C., or the Disbursing Officer, Marine Corps Disbursing Office, Eastern Pay Area, Washington, D.C., as appropriate, by speedletter as shown in subparagraph (3) of this paragraph using the optional speedletter paragraph 5.

(2) *Approval of claim by carrier or insurer.* The action to be taken by the Commanding Officer upon the approval of a claim by a carrier or insurer will depend on the prevailing situation as follows:

(i) If the claim filed with the Government is still at the command level the claimant will be advised to accept the award. The Commanding Officer will make appropriate deduction for the recovery obtained by the claimant from the carrier or insurer before forwarding the claim to the appropriate adjudicating authority.

(ii) If the claim filed with the Government has been forwarded to the appropriate adjudicating authority, and the claimant has not received settlement from the Government, the claimant will be advised to accept the award. The Commanding Officer will notify the Navy or Marine Corps Disbursing Officer, as appropriate, of this fact by speedletter shown in subparagraph (3) of this paragraph using the optional speedletter paragraph 5.

(iii) If the claimant has received settlement from the Government he will be advised to pay the proceeds received from the carrier or insurer to the United States by endorsing the check to the Officer in Charge, Navy Regional Accounts Office, Washington 25, D.C. or Disbursing Officer, Marine Corps Disbursing Office, Eastern Pay Area, Washington 25, D.C., as appropriate and turning it over to the Commanding Officer or his representative. The remittance may be made by personal check or money order if the amount to be refunded as determined according to § 751.13 is less than the amount received from the carrier or insurer. The Commanding Officer will forward the endorsed check to the Navy or Marine Corps Disbursing Officer, as appropriate, by speedletter shown in subparagraph (3) of this paragraph using the optional speedletter paragraph 5.

(3) *Form of notification to activity paying claim.* Notification to the appropriate Disbursing Officer of a payment or denial to the claimant by a carrier or insurer should contain the following:

AIR MAIL SPEEDLETTER

From: Commanding Officer
To: Officer in Charge
Navy Regional Accounts Office
Washington 25, D.C.,
or Disbursing Officer
Marine Corps Disbursing Office
Eastern Pay Area
Washington 25, D.C.
Re Claim for Reimbursement Household Goods:

1. (Full name of claimant)
2. (Grade)
3. (Service number)
4. (Date claim forwarded to adjudicating authority)
5. Claimant has retained (amount paid) settlement from carrier/insurer. Request deduction from Government settlement or checkage as appropriate.

or

5. Attached carrier/insurer settlement check endorsed for redeposit to appropriate claims allotment.

or

5. Claim with carrier/insurer denied; considered (justified/unjustified*). *Requires additional action specified in paragraph (e) of this section.

(d) *Nonconcurrent claims.* If an independent claim has been filed against a carrier or insurer, the claimant will be asked at the time the claim is filed with the Government to certify on the suggested form below whether or not he has obtained any recovery from a carrier or insurer on his claims.

CERTIFICATE OF DEMAND ON CARRIER OR INSURER

_____
(Date)

I, the undersigned, hereby certify that on _____ I made written demand on _____ for _____ in accordance with the terms and conditions of the bill of lading under which my household effects were shipped, or my contract of insurance. I certify that I have (have not) been reimbursed by the above carrier (insurer) in the amount of _____ in settlement of my claim. If I have not been reimbursed by the carrier (insurer), I agree to notify the Claims Investigating Officer of any subsequent action, settlement, or denial made to me. A copy of my demand letter, together with a copy or original of all shipping documents and insurance policies, and all pertinent correspondence thereto are attached to this certificate. I have advised the carrier (insurer) to address all future correspondence in regard to this claim to me, in care of the Commanding Officer. I further agree that, if recovery is received from the carrier or insurer after my claim has been paid by the Government, I will pay the proceeds to the United States, or will submit to checkage of my pay account in an equivalent amount; such payment or checkage may not exceed the amount received by me from the United States.

(Date) (Insurer or carrier) (Amount) (Amount)

_____
(Signature of claimant)

If any recovery has been obtained from the carrier or insurer, appropriate comment indicating amount recovered will be made by the Claims Investigating Officer on the claim being forwarded to the adjudicating authority. If action by the carrier or insurer is still pending, the claimant will advise carrier or insurer to address all correspondence to him, in care of the Commanding Officer of the organization at which the claim was filed, "Attention: Claims Investigating Officer," and the matter will be treated thereafter as if it had commenced as a Concurrent Claim. The claimant will be further advised to notify the Claims Investigating Officer promptly of any subsequent settlement or denial of liability by the carrier or insurer. Forwarding of the claim by the command to the appropriate adjudicating authority will not be delayed pending the action of a carrier or insurer unless it is apparent that final action by the carrier or insurer will be immediately forthcoming.

(e) *Unjustified denial by the carrier or insurer.* If the claim has been denied by the carrier or the insurer, and, in the opinion of the Claims Investigating Officer and the Commanding Officer, the carrier is responsible for the damage, or the insurer is liable under its contract of insurance, then the entire matter, together with an expression of opinion, should be forwarded to the Bureau of Supplies and Accounts or in the case of the Marine Corps to the Supply or Transportation Officer, for appropriate action.

§ 751.22 Preparation of Claims Investigating Officer's report.

(a) *General.* The Claims Investigating Officer will prepare a written report of investigation including his recommendation. Sufficient copies will be prepared so that the original and two copies may be forwarded to the appropriate adjudicating authority and one copy retained at the Command. Only one complete set of supporting papers as exhibits is required to be forwarded to the adjudicating authority.

(b) *Form of claims investigating officer's report.* The Claims Investigating Officer's Report will be submitted on form NAVEXOS 2662B, except when such form is not available through normal distribution channels, in which case the report should set forth substantially the information indicated by the form.

(c) *Claims arising out of the same incident.* A separate report will be prepared on each claim. However, where several separate claims arise out of the same incident, the Claims Investigating Officer may avoid duplication of effort by completing his detailed report of investigation with all necessary exhibits and documents which are common to the group in one claim, and incorporating by reference this report and supporting exhibits in the other claims arising out of the same incident. A brief summary of facts relating to the common incident should be included in these latter claims, as well as mention of the claim in which the detailed report and exhibits may be found.

§ 751.23 Action by commanding officer.

(a) *Examination and approval of report.* The commanding officer or legal officer or, unless restricted by the commanding officer or his superior in command, the chief of staff, chief staff officer or executive officer will review the file and determine whether the findings of the investigating officer are complete, whether the facts and evidence are clearly stated, and whether the recommendation of the investigating officer is supported by adequate evidence. In proper cases he may refer such report back to the investigating officer for further investigation and the inclusion of additional data. The commanding officer, chief of staff, chief staff officer, executive officer, or legal officer will then by first endorsement to the investigating officer's report, indicate his title and approve the report without qualification or with stated exceptions. In no event will any opinion be expressed to the claimant as to whether his claim will be approved. The endorsement shall express an opinion as to whether the possession by claimant of the property was reasonable, useful or proper under the attendant circumstances.

(b) *Statement concerning replacement in kind.* There will be included in the first endorsement to the investigating officer's report, or attached to each copy of such report, either a statement that no replacement in kind was made or, as the case may be, a list of the items so replaced and the price of each. This statement may be omitted on claims of naval personnel if the provisions of § 751.24 as to replacement in kind are utilized to the extent that replacement in kind is made as to all items claimed, in which event the report, with the claim and supporting papers, will not be forwarded to higher authority than the officer authorizing replacement in kind. Marine Corps in kind claims procedures appear in Marine Corps Order P10120.28, Individual Clothing Regulations.

(c) *Forwarding of claim to adjudicating authority.* The investigating officer's report in triplicate (except when replacement in kind of all items claimed is made as permitted under § 751.24 or § 751.25) will be forwarded with the original and two copies of the claim and one copy of each supporting document or paper, directly to the cognizant adjudicating authority.

§ 751.24 Navy service personnel adjudicating authority.

(a) *Claims.* The Chief of Naval Personnel; Deputy Chief of Naval Personnel; Director, Policy Division, Bureau of Naval Personnel; Director, Assistant Director, Assistant for Planning, and Technical Assistant, Enlisted Services and Records Division, Bureau of Naval Personnel; and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, adjust, and determine claims of Navy service personnel for reimbursement in cash filed under this part.

(b) *Reimbursement in kind.* Officers of or above the grade of lieutenant commander who are (1) commanding officers, or (2) in higher echelons of command, including the officers specified in paragraph (a) of this section, or (3) senior officers present, and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of Navy enlisted personnel for reimbursement in kind filed under this part.

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U.S. Navy Regional Accounts Office, Washington 25, D.C., from such appropriation as may be designated, or by reimbursement in kind by supply officers of the Navy, as provided in instructions issued by the Chief of Naval Personnel.

§ 751.25 Marine Corps service personnel adjudicating authority.

(a) *Claims.* The Commandant of the Marine Corps, the Director of Personnel of the Marine Corps and the Head, Personal Affairs Branch, Personnel Department, Headquarters, U.S. Marine Corps, are hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under this part by Marine Corps service personnel.

(b) *Reimbursement in kind.* Officers of or above the grade of major who are (1) commanding officers, or (2) in higher echelons of command, including the officers specified in paragraph (a) of this section, or (3) officers below the grade of major, when such officers are in com-

mand of separate companies, batteries, squadrons, detachments, posts and stations, or (4) senior officers present and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of Marine Corps enlisted personnel for reimbursement in kind filed under this part.

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the Quartermaster General of the Marine Corps, from such appropriation as may be designated, or by reimbursement in kind as provided in instructions issued by the Commandant of the Marine Corps.

§ 751.26 Civilian personnel adjudicating authority.

(a) *Claims.* The Judge Advocate General of the Navy; the Deputy Judge Advocate General; the Assistant Judge Advocate General (International and Administrative Law); the Director, Litigation and Claims Division, Office of the Judge Advocate General; and the Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General, are hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under this part by civilian personnel of the Navy and Marine Corps.

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U.S. Navy Regional Accounts Office, Washington 25, D.C., from such appropriation as may be designated for this purpose, or by reimbursement in kind, as provided in instructions issued by the Judge Advocate General of the Navy.

§ 751.27 Separation from service.

Separation from the service or the Naval Establishment shall not bar service personnel or civilian employees, respectively, from filing claims, or bar the authority of the designated officers to consider, ascertain, adjust, determine, and pay claims otherwise falling within the provisions of this part which accrued prior to such separation.

§ 751.28 Meritorious claims not otherwise provided for.

Meritorious claims within the scope of the Military Personnel Claims Act (10 U.S.C. 2732), which are not otherwise provided for or prohibited in this part, may be forwarded via official channels to the Secretary of the Navy (Judge Advocate General) for consideration and may in exceptional cases be approved by the Secretary of the Navy or the Judge Advocate General for payment.

§ 751.29 Appeals.

Any claimant may appeal to the Secretary of the Navy for a review of the adjustment or determination of his claim. Such appeals shall be made in writing and shall be submitted through official channels to the Secretary of the Navy (Judge Advocate General) within six months from the date the claimant receives notice of the adjudication of his claim.

§ 751.30 Authorization for issuance of instructions.

The Chief of Naval Personnel, the Commandant of the Marine Corps, and the Judge Advocate General of the Navy, respectively, are authorized to issue such instructions not in conflict herewith as may be deemed necessary from time to time to give full force and effect to the purpose of this part.

PART 753—NAVY FOREIGN CLAIMS

Subpart A—Scope of the Foreign Claims Act

Sec.
753.1 General.
753.2 Purpose.
753.3 Territorial application.
753.4 Acts not within scope of employment.
753.5 Criminal acts.
753.6 Elements of damage in case of personal injury and death.
753.7 Bailed or leased property.
753.8 Use and occupancy of real property.
753.9 Other noncombat activities.

Subpart B—Limitations of Application

753.10 Persons excluded as claimants.
753.11 Claims excluded.
753.12 Negligence or wrongful act on the part of claimant.
753.13 Combat activities.
753.14 Claims of subrogee.
753.15 Statute of limitations.
753.16 Nature of claim.
753.17 Claims for damage occasioned by naval vessels.

Subpart C—Foreign Claims Commissions

753.18 Creation.
753.19 Membership of commissions.

Subpart D—Procedure

753.20 No formal procedure prescribed.
753.21 Report of proceedings.
753.22 Notification to claimant of award.
753.23 Payments.

Subpart E—Conditions of Payment

753.24 Conditions to be fulfilled.

Subpart F—Nature of Releases

753.25 Release when award is made.

Subpart G—Claims Disallowed by Foreign Claims Commissions

753.26 Forwarded to the Judge Advocate General.

Subpart H—Claims Not Within Jurisdiction of Foreign Claims Commissions

753.27 Meritorious claims in excess of $15,000.
753.28 Claims outside the jurisdiction of the Commission.
753.29 Claims arising in specified foreign countries.

Subpart I—Cross-Servicing and Miscellaneous Special Authority

753.30 Claims generated by other than Department of the Navy personnel.

AUTHORITY: §§ 753.1 to 753.30 issued under R.S. 161, secs. 1–4, 68 Stat. 1006–1007, secs. 2734, 5031, 70A Stat. 154, 278, as amended; 5 U.S.C. 22, 31 U.S.C. 2241–2—2241–5, 10 U.S.C. 2734, 5031.

Subpart A—Scope of the Foreign Claims Act

§ 753.1 General.

Claims for damage to or loss of real or personal property of a foreign country, political subdivision or inhabitant of a foreign country, and for personal injury or death of the inhabitant of a foreign country, occurring outside the United States, its Territories, Commonwealths or possessions and caused by its military forces or individual members (whether military personnel or civilian employees) thereof or otherwise incident to noncombat activities of such forces are within the scope of the Foreign Claims Act (10 U.S.C. 2734). The word "claims" as used in the regulations in this part refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, and states, territories, and other political subdivisions of such countries, other than such demands for payment as arise under ordinary obligations incurred by the Department of the Navy in the procurement of services or supplies. The words "Navy" and "naval", as used herein, include the Marine Corps except where the context indicates otherwise.

§ 753.2 Purpose.

The purpose of the Foreign Claims Act (10 U.S.C. 2734) is the "promoting" and "maintaining" of "friendly relations" in foreign countries by the prompt "settlement" of "meritorious" claims. The regulations in this part are to be so administered as to effectuate the expressed purpose of Congress.

§ 753.3 Territorial application.

The provisions of the regulations in this part are applicable to claims arising outside the United States, or its Territories, Commonwealths or possessions. The fact that a claim arises at a place, within a foreign country, under the temporary or permanent jurisdiction of the United States does not preclude the allowance thereunder of a claim which would otherwise be within the Foreign Claims Act.

§ 753.4 Acts not within scope of employment.

As far as military personnel are concerned, the doctrine of scope of employment has no application. Claims, otherwise within the Foreign Claims Act, may be allowed regardless of whether the service member or employee of the United States who caused the damage, injury, or death was acting within the scope of his employment: *Provided*, That no claim may be allowed if the damage, injury, or death is caused by a civilian employee of the United States, who, if a citizen of the foreign country, is acting outside the scope of his employment. In determining whether conduct, although not expressly authorized, is nevertheless within the scope of employment, consideration may be given to all of the attendant facts and circumstances, including, the time, place, and purpose of the activity; whether the activity was for the furtherance of the general interest of the Government; whether the activity is usual for personnel of the grade and classification involved or reasonably to be expected of such personnel; and whether the instrumentality from which the damage or injury resulted was owned or furnished by the Government. A slight deviation as to time or place will ordinarily not constitute a departure from scope of employment; such a deviation, to have legal effect, must be a material deviation.

§ 753.5 Criminal acts.

That the act giving rise to the claim may constitute a crime does not bar relief. Claims, otherwise within the Foreign Claims Act, may be allowed regardless of whether the act of the officer or employee of the United States which caused the damage, injury, or death was a crime or other wrongful act, or negligence or mere mistake of judgment.

§ 753.6 Elements of damage in case of personal injury and death.

Actual and reasonable medical and hospital expenses, reasonable compensation for pain and suffering and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. Claims of dependents for loss of prospective support are allowable only if such claims are recognized by the law of the country where the injury occurred. In computing damages in cases of personal injury or death, local standards will be taken into consideration as a controlling factor. In case of death, only one claim arises; the amount approved therefor will, to the extent found practicable or feasible, be apportioned among the beneficiaries, and in the proportions prescribed by law or custom of the place in which the accident or incident resulting in the death occurs.

§ 753.7 Bailed or leased property.

Claims for damage to or loss or destruction of personal property, otherwise within the Foreign Claims Act, may be settled thereunder, notwithstanding the fact that the property was loaned, rented, or otherwise bailed to the Government under an agreement, express or implied. Claims for rent of personal property are not payable under the regulations of this part.

§ 753.8 Use and occupancy of real property.

Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, are payable under the provisions of this part even though legally enforceable against the Government as contract claims; payment may, however, be precluded by the provisions of § 753.13. Claims payable under this section may, if deemed preferable as in the best interests of the Government, be processed as contract claims. Claims for rent of real property are not payable under this part.

§ 753.9 Other noncombat activities.

Claims for damage to or loss or destruction of property, or for personal injury or death, though not caused by acts or omissions of military personnel or civilian employees of the Navy, are payable under the provisions of this section if otherwise incident to the noncombat activities of the Navy. In general the claims within the above category are those arising out of authorized activities which are peculiarly military activities having little parallel in civilian pursuits and out of situations which historically have been considered as furnishing a proper basis for the payment of claims. Included are claims where no particular act or omission on the part of military personnel or civilian employees is present or if present and though occurring within the scope of their employment is at least less obvious or less personal but where, because of the peculiar nature of the activity or of the resulting damage or injury, the burden of the loss should be borne rather by the Government than by the particular individual on whom the loss initially fell. Included also are claims arising out of activities such as those involving the use of explosives, whether or not involving negligent acts or omissions, of which damage or injury is a natural consequence. For example, included are claims for damage or injury arising out of, and which are natural or probable results of incidents of, maneuvers and special field exercises, practice firing of heavy guns, practice bombing, operation of aircraft and antiaircraft equipment, use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions, movement of combat vehicles or other vehicles, designed especially for military use and occupancy of real estate.

Subpart B—Limitations of Application

§ 753.10 Persons excluded as claimants.

The following classes of claimants are among those excluded:

(a) *Inhabitants of the United States.* Members and civilian employees of the Armed Forces of the United States and their dependents who are inhabitants of the United States and who are in a foreign country primarily because of their sponsors' or their own military orders.

(b) *Enemy Aliens.* Nationals of a country at war with the United States, or any ally of such an enemy country, except as the Foreign Claims Commission considering the claim, or the local military commander, shall determine that the claimant is friendly to the United States.

§ 753.11 Claims excluded.

The following classes of claims are excluded: Claims purely contractual in character; private contractual and domestic obligations of individual military personnel or civilian employees; claims based solely on compassionate grounds; bastardy claims; claims for patent infringement.

§ 753.12 Negligence or wrongful act on the part of claimant.

No claim will be allowed where the damage, injury, or death is proximately caused in whole or in part by negligence or wrongful act on the part of the claimant, his agent, or employee. This limitation is applicable to situations where under the law of the country where the injury arises contributory negligence bars the claim. If however, under the law or custom of the country in which the claim arises, such contributory negligence or wrongful act is not recognized generally as a bar to recovery in tort claims, or is held to be a factor diminishing the extent of the claimant's recovery, then in that case such local law or custom will be applied so far as practicable, in determining the effect of such negligence or wrongful act.

§ 753.13 Combat activities.

Claims for damage to or loss or destructon of property or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, are not payable under the Foreign Claims Act.

§ 753.14 Claims of subrogees.

Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage to or loss or destruction of property or personal injury or death covered by insurance. No inquiry will be made into, or determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount allowed will be made to the insured as the real claimant. Claims by insurers in their own right are not within the provisions of the Foreign Claims Act, and will not be considered; insurers presenting claims shall be so advised and informed that subrogation claims are not recognized under the act. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, or other documentary evidence satisfactory to the Foreign Claims Commission.

§ 753.15 Statute of limitations.

A claim may be allowed under this part only if it is presented within two years after it accrued.

§ 753.16 Nature of claim.

Any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resulting. The claim should be signed by or on behalf of the claimant and should, if practicable, be under oath. In cases in which the claim is made in behalf of the true claimant, satisfactory evidence of authority to act for the claimant must be furnished.

§ 753.17 Claims for damage occasioned by naval vessels.

Unless specifically authorized by the Judge Advocate General in each case, the Foreign Claims Commission shall not assume jurisdiction or proceed to hear any claim for damage occasioned by a naval vessel. This provision applies to claims for damage caused to land structures as well as claims of an admiralty nature. The occurrence of any such damage, if brought to the attention of a claims commission, shall be reported

immediately to the Judge Advocate General, attention of the Admiralty Division.

Subpart C—Foreign Claims Commissions

§ 753.18 Creation.

(a) *Appointing power and composition.* All commanding officers are hereby granted authority to appoint Foreign Claims Commissions. For the purposes of the Foreign Claims Act and this part, the Officer in Charge, U.S. Sending State Office for Italy, Chiefs of Naval Missions (including chiefs of the naval section of military missions), Chiefs, Military Assistance Advisory Groups (including Chiefs, Naval Section, MAAGS), Senior Naval Advisor to Argentina and naval attaches are to be considered commanding officers. Commissions may be appointed to consider each claim as presented, or to constitute a standing claims commission to consider all claims presented to it. The commanding officer to whom a claim is presented has the duty of referring the claim to a commission, and of appointing a commission himself where necessary or expeditious. Each Foreign Claims Commission will be composed of one or more officers.

(b) *Composition of commission and review in relation to amount of claims.* Claims may be considered by a commission of not more than one member when the amount claimed is not in excess of $1,000; claims may be considered by a commission consisting of three members when the amount claimed exceeds $1,000. The findings of a claims commission are final and not subject to review where the amount awarded is not in excess of $2,500. Where the amount which the commission recommends be paid exceeds $2,500 but does not exceed $15,000, the findings and opinion of the claims commission are subject to the review of the commanding officer; claims as to which the amount the commission recommends be paid exceeds $2,500 but does not exceed $15,000 may be paid only when the commanding officer has approved the action of the commission in allowing such claim. Claims as to which the amount the commission recommends be paid exceeds $5,000 but does not exceed $15,000 may be paid only when the Judge Advocate General or, with respect to claims which arose in Italy, the Officer in Charge, U.S. Sending State Office for Italy, has approved the action of the commission in allowing such claims. As to claims exceeding $15,000, see §§ 753.24(b) and 753.27.

(c) *Appointment of commissions by JAG.* In addition to those listed in paragraph (a) of this section, the Judge Advocate General is hereby designated to appoint Foreign Claims Commissions. The appointment and conduct of these commissions shall be in accordance with the regulations of this part wherever applicable, except that the findings of the claims commissions appointed by the Judge Advocate General shall be final and not subject to review in cases where the amount awarded is $2,500 or less; and that in cases where the amount awarded is greater than $2,500, the findings shall be subject to the review of the Judge Advocate General.

§ 753.19 Membership of commissions.

The commission shall consist of one or three, as appropriate, commissioned officers of either the Navy or Marine Corps, whose grades shall be commensurate with the claim being investigated.

Subpart D—Procedure

§ 753.20 No formal procedure prescribed.

No formal procedure for the conduct of an investigation of a claim is prescribed. However, the instructions of the Manual of the Judge Advocate General governing the procedure of courts of inquiry and boards of investigation should be followed in principle as a guide. A transcript of the testimony of witnesses is not required and only the substance of statements of witnesses need be recorded. However, it is desirable that signed statements of material witnesses be made a part of the record. The formal rules of evidence need not be adhered to and any evidence, regardless of its form, which the commission deems material may be received and evaluated.

§ 753.21 Report of proceedings.

(a) *Contents.* The commission shall at the conclusion of its hearings make findings of fact regarding each claim and of the amount, in the indigenous currency of the country in which the incident occurred or of which claimant was or is an inhabitant, found by it to be just compensation to the claimant and make a brief written report of its proceedings. The report should set forth as a minimum:

(1) The date or dates of the hearing or hearings.

(2) The date of the final determination.

(3) The amount claimed stated in the indigenous currency and, solely for administrative control purposes, the conversion into United States currency at the existing official rate of exchange on the date of initial consideration of the claim.

(4) The amount awarded stated in the indigenous currency and, solely for administrative control and memorandum accounting purposes, the conversion into United States currency at the existing official rate of exchange on the date of final determination.

(5) A brief statement of facts, including the date of accident or injury, the date the claim was filed, and the nature of the damage or injury (i.e., whether to person or property).

(6) Findings as to the necessary jurisdictional facts.

(b) *Attachments.* A copy of the precept creating the commission together with a copy of claimant's release (in case of allowance) or notification to claimant (in case of disallowance) should be attached to the report.

(c) *Submission to convening authority.* The original report, together with three copies, will be submitted to the convening authority. When the findings of fact of such commission are received by the convening authority they shall in each case be final and conclusive. This procedure applies to claims where the amount to be paid does not exceed $2,500. Where the amount which the commission recommends be paid exceeds $2,500 but does not exceed $5,000, the findings of the commission are transmitted to the convening authority for his consideration and approval; upon receiving such approval, the findings shall in such cases be final and conclusive. For claims which the commission considers meritorious in an amount exceeding $15,000, see §§ 753.24(b) and 753.27.

§ 753.22 Notification to claimant of award.

Upon completion of the report of the commission and approval by the convening authority when required, the claimant will be notified of the award and, if the claimant executes a release for the amount of the award, this release together with the original and one copy of the report of the commission shall be transmitted to the nearest disbursing officer for payment. At the same time one copy of the report shall be forwarded to the Secretary of the Navy (Office of the Judge Advocate General) for filing.

§ 753.23 Payments.

Claims authorized to be paid under this part will be forwarded after approval to the nearest Navy or Marine Corps disbursing officer for preparation and payment of the public voucher.

Subpart E—Conditions of Payment

§ 753.24 Conditions to be fulfilled.

Prior to payment of any claim within the Foreign Claims Act, each of the following conditions must be fulfilled:

(a) *Determination of amount.* The amount due on account of the damage, loss, destruction, injury, or death must be determined.

(b) *Limitation on amount.* The award must not exceed $15,000, but recommendation for awards in excess of that amount may be reported to Congress for consideration.

(c) *Presentation within period of limitation.* The claim must be presented within two years.

(d) *Subrogees not recognized.* Claims by subrogees will not be recognized, except as a part of the insured's claim.

(e) *Effect of contributory negligence.* Contributory negligence or wrongful act, which is in whole or in part the proximate cause of the injury, bars a claim unless such contributory negligence is not a bar to recovery or is only a diminution of the extent of recovery in tort claims under the local law or custom.

(f) *Damage resulting from enemy or combat action excluded.* The damage, injury, or death must not have resulted from any action by the enemy or directly or indirectly from any act of American or Allied armed forces engaged in combat.

(g) *Place and nature of damage.* The damage, loss, personal injury or death must occur outside the United States, its Territories, Commonwealths or Possessions and be—

(1) damage to, or loss of, real property of a foreign country or of a political subdivision or inhabitant of a foreign country, including damage or loss incident to use and occupancy, or

(2) damage to, or loss of, personal property of a foreign country or of a political subdivision or inhabitant of a foreign country, including property bailed to the United States, or

(3) personal injury to, or death of, an inhabitant of a foreign country.

(h) *Determination when claimant is enemy alien.* If the claimant is a national of a country at war with the United States, or of any ally of such enemy country, there must be a determination by the Foreign Claims Commission or by the local commander that the claimant is friendly to the United States.

(i) *Approval.* The claim must be approved by a Foreign Claims Commission and, if in excess of $2,500, by such higher authority as prescribed by § 753.18(b).

(j) *Release.* The claimant must accept, in full satisfaction and in final settlement, the amount approved, and give a release therefor.

Subpart F—Nature of Releases

§ 753.25 Release when award is made.

(a) *In every case.* A release should be obtained from the claimant in every case in which an award is made by a commission and accepted by the claimant.

(b) *Contents.* The release executed by the claimant should release the United States and also release the tort-feasor or the persons who have done the damage occasioned if their identity is known. If the identity of such persons is unknown and they cannot be described by name, in such an instance, the release should recite that the claimant also releases the person or persons who occasioned the injury, the names and identity of said person or persons being unknown to the claimant.

(c) *Purpose.* The release executed should preclude any possible future assertion of the claim for which the United States has made compensation.

Subpart G—Claims Disallowed by Foreign Claims Commissions

§ 753.26 Forwarded to the Judge Advocate General.

Claims within the final jurisdiction of the commission but disallowed as not meritorious or for any other reason will be forwarded direct to the Judge Advocate General within 30 days. In all such cases the original and two copies of the report, claim, and supporting papers (including a copy of the notification of disallowance to the claimant) will be so forwarded; the remaining copy will be retained by the commission for its files.

Subpart H—Claims Not Within Jurisdiction of Foreign Claims Commissions

§ 753.27 Meritorious claims in excess of $15,000.

Claims within the Foreign Claims Act, except that the total amount due on account of damage, injury, and death exceeds $15,000 and the claimant will not accept $15,000 in full satifaction and in final settlement of his claim, will be forwarded direct to the Judge Advocate General for legal review and appropriate administrative action. All claims of this nature shall be considered by a commission consisting of three members, and the record of such proceedings shall include signed statements of material witnesses or transcripts of their oral testimony. The Foreign Claims Commission will forward with any such claims its findings, and any recommendation as to the action to be taken (including its findings as to the total damage, injury, and death sustained) together with, if practicable, a statement from the owner of the property or the person injured, or the legal representative of the person killed, signifying his willingness to accept the amount so found in full satisfaction and in final settlement of his claim. In all such cases, the original and two copies of the report, claim and supporting papers will be so forwarded; the remaining copy will be retained by the commission for its files.

§ 753.28 Claims outside the jurisdiction of the Commission.

Claims arising from incidents on the high seas are ordinarily not within the jurisdiction of a Foreign Claims Commission; see § 753.17. In cases in which a commission considers that the claimant (or decedent in the case of a death claim) is not an inhabitant of a foreign country (or is not the government or a political subdivision of a foreign country) reports shall be forwarded in triplicate to the Judge Advocate General as in cases under § 753.27.

§ 753.29 Claims arising in specified foreign countries.

(a) *Under NATO status of forces and similar agreements.* The United States has ratified the NATO Status of Forces Agreement (4 U.S.T. 1792, TIAS 2846) and has entered into, and contemplates entering into, other similar agreements with foreign countries. Article VIII of the NATO Status of Forces Agreement and certain provisions of other agreements are inconsistent with the continued unrestricted use of the Foreign Claims Act and its implementing regulations in certain countries. It is, therefore, directed that the directives of the cognizant area commander be consulted and that claims not be referred to foreign claims commissions until it has been determined that such action is not inconsistent with the provisions of the aforementioned agreements and their implementing directives. Department of Defense notice published on September 5, 1958 (23 F.R. 6839) directs that, where a single service has been or may be assigned responsibility for claims in a particular country or area, all reimbursements, settlements or payments that may be made in such country or area under the Foreign Claims Act (10 U.S.C. 2734) and the Military Claims Act (10 U.S.C. 2733) shall be made normally by that service. In countries in which the NATO Status of Forces Agreement or a similar agreement is in force, accidents which may give rise to a tort claim against the United States arising from acts or omissions of naval personnel, or members of the civilian component of the naval service, including claims for death or personal injury, resulting from the navigation or operation of a ship, or from the loading, carriage or discharge of its cargo, will be investigated and reports will be made in accordance with the instructions promulgated by the cognizant naval commander.

(b) The Secretary of Defense (Department of Defense Notice, 26 F.R. 2004) has assigned responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under:

(1) The Foreign Claims Act (10 U.S.C. 2734)

(2) The Military Claims Act (10 U.S.C. 2733) and

(3) The Act of August 31, 1954 (68 Stat. 1006, 31 U.S.C. 224i-2—224i-5), which arise in the following countries to the military departments indicated in this paragraph below:

I. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, and as the Receiving State Office in the United States under the Act of August 31, 1954, supra, and the NATO Status of Forces Agreement.

II. Department of the Navy: Iceland, Italy, and Portugal.

III. Department of the Air Force: Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey and the United Kingdom.

Notwithstanding the foregoing provisions of this paragraph, the Department of the Navy has been authorized by the Secretary of Defense to settle nonscope of duty claims under $100 arising in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

Subpart I—Cross-Servicing and Miscellaneous Special Authority

§ 753.30 Claims generated by other than Department of the Navy personnel.

(a) *Cross-servicing.* A Department of Defense notice published on September 5, 1958 (23 F.R. 6839) provides that any claims, whether Army, Air Force, Navy, or Marine Corps, which may be settled under the provisions of the Foreign Claims Act or of the Military Claims Act, may be settled by any commission or commissions appointed under the regulations of any of the above-listed services, without regard to the service of the military tort-feasor. See § 753.29 in regard to areas in which cross-servicing is mandatory. The naval regulations implementing the Military Claims Act are contained in Part 750 of this chapter and will be followed, as far as applicable, in the settlement of claims under that Act by foreign claims commissions.

(b) *Civilian employees in the immediate Office of the Secretary of Defense.* A Department of Defense notice published on July 30, 1960 (25 F.R. 7220) provides that all Foreign Claims Commissions are designated to settle and pay claims for damage caused by a civilian employee of the Department of Defense other than an employee of a military department.

By direction of the Secretary of the Navy.

Dated: November 16, 1961.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 61-11043; Filed, Nov. 20, 1961; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 125—RAILROAD ACCIDENTS: REPORTS AND CLASSIFICATION

Monthly Reports of Railroad Accidents

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of November 1961.

The matter of rules governing monthly reports of railroad accidents being under consideration, and

It appearing that representatives of the Commission have been participating in conferences with representatives designated by the Association of American Railroads, the American Short Line Railroad Association, and the Railway Labor Executives' Association for the purpose of revising the Rules Governing Monthly Reports of Railroad Accidents in conformance with the Accident Reports Act as amended by Public Law 86-762, 74 Stat. 903, approved September 13, 1960, and in conformance with certain recommendations of interested parties; and

It further appearing that full agreement on the revised rules as set forth herein has been reached by the representatives mentioned above;

And it further appearing that rulemaking procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, are unnecessary and impracticable:

It is ordered, That common carriers subject to the Accident Reports Act (45 U.S.C. 38-43) shall make to the Commission monthly reports of accidents in the form and manner set forth in Appendix A below, and made a part hereof;

It is further ordered, That 49 CFR § 125.9 to § 125.12, and § 125.14 to § 125.60, both inclusive, be deleted in their entirety, and that § 125.9 to § 125.12, inclusive, § 125.14 to § 125.42, inclusive, and § 125.47 to § 125.56, inclusive, as set forth in Appendix A below, be substituted therefor;

It is further ordered, That the Commission's order of August 13, 1938, relating to electric railways, entitled "In the Matter of Monthly Reports of Railway Accidents," be, and it is hereby, vacated and set aside, effective January 1, 1962, and that all carriers by electric railway subject to the Accident Reports Act, approved May 6, 1910, as amended, shall render their monthly accident reports to this Commission in the same manner and on the same Report Forms as other carriers subject to the Act mentioned above;

It is further ordered, That the Commission's order of December 8, 1960, entitled "Rules Governing the Monthly Reports of Railroad Accidents," be, and it is hereby, vacated and set aside, effective January 1, 1962, except insofar as it applies to reports of accidents occurring before January 1, 1962;

It is further ordered, That a copy of this order shall be served on the common carriers subject to the provisions of the Accident Reports Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register;

And it is further ordered, That this order shall be effective January 1, 1962, and shall apply to all accidents occurring on and after January 1, 1962.

(Sec. 12, 24 Stat. 383, as amended, 49 U.S.C. 12; secs. 1-7, as amended, 36 Stat. 350, as amended, 45 U.S.C. 38-43, as amended. Interpret or apply sec. 20, as amended, 24 Stat. 386, as amended, 49 U.S.C. 20)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

ACCIDENT REPORTS ACT

GENERAL INSTRUCTIONS

Sec.
125.9 Public examination of reports only after approval.
125.10 Purpose.
125.11 Definition of the phrase "Arising from the operation of a railroad".
125.12 Definition of "Accident".
125.14 Accidents to be reported.
125.15 Accidents or occurrences not to be reported.
125.16 Doubtful cases.
125.17 Joint operations.

CLASSIFICATION OF RAILROAD ACCIDENTS

125.21 Primary groups and their definitions.
125.22 Group I—Train accidents.
125.23 Group II—Train-service accidents.
125.24 Group III—Nontrain accidents.

FORM AND ARRANGEMENT OF REPORTS

125.25 Forms used and duplicate reports.
125.26 Form V (Verification).
125.27 Form T (Train, train-service, and nontrain accidents).
125.28 Supplement to Form T.
125.30 Subsequent fatalities.
125.31 Classification symbols.
125.32 Arrangement and numbering of sheets.

PARTICULARS TO BE REPORTED

125.40 General.
125.41 Yard.
125.42 Trains, locomotives and cars.
125.47 Casualties.
125.48 Damage.

CLASSIFICATION OF PERSONS

125.50 Classification of persons.

CODES FOR ACCIDENT REPORTING

125.55 Information.
125.56 Code causes.

AUTHORITY: §§ 125.9 to 125.56 issued under sec. 12, 24 Stat. 383, as amended, 49 U.S.C. 12; secs. 1-7, as amended, 36 Stat. 350, as amended, 45 U.S.C. 38-43, as amended. Interpret or apply sec. 20, as amended, 24 Stat. 386, as amended, 49 U.S.C. 20.

ACCIDENT REPORTS ACT

An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate or foreign commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report, under oath, of all collisions, derailments, or other accidents resulting in death or injury to any person or damage to equipment or roadbed, arising from the operation of such railroad, which report shall state the nature and causes thereof and the circumstances connected therewith: *Provided,* That hereafter all said carriers shall be relieved from the duty of reporting accidents in their annual financial and operating reports made to the Commission.

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than one hundred dollars for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

SEC. 3. That the Interstate Commerce Commission shall have authority to investigate all collisions, derailments, or other accidents resulting in serious injury to person or to the property of a railroad occurring on the line of any common carrier engaged in interstate or foreign commerce by railroad. The commission, or any impartial investigator thereunto authorized by said commission shall have authority to investigate such collisions, derailments, or other accidents aforesaid, and all the attending facts, conditions, and circumstances, and for that purpose may subpoena witnesses, administer oaths, take testimony, and require the production of books, papers, orders, memoranda, exhibits, and other evidence, and shall be provided by said carriers with all reasonable facilities: *Provided,* That when such accident is investigated by a commission of the State in which it occurred, the Interstate Commerce Commission shall, if convenient, make any investigation it may have previously determined upon, at the same time as, and in connection with, the state commission investigation. Said commission shall, when it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper.

SEC. 4. That neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

SEC. 5. The Interstate Commerce Commission is authorized to prescribe such rules and regulations and such forms for making the reports hereinbefore provided as are necessary to implement and effectuate the purposes of this Act.

SEC. 6. That the Act entitled "An Act of requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission," approved March third, nineteen hundred and one, is hereby repealed.

SEC. 7. (a) That the term "interstate commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

(b) The phrase "arising from the operation of such railroad", as used in this Act, shall include all activities of the railroad which are related to the performance of its transportation business.

SEC. 8. That this Act shall take effect sixty days after its passage.

Public, No. 165, approved May 6, 1910, as amended by Public Law 86-762, approved September 13, 1960.

GENERAL INSTRUCTIONS

§ 125.9 Public examination of reports only after approval.

Accident reports made by railroads in compliance with these rules shall be for the information of the Commission and shall be open to public inspection only upon prior approval of an application by this Commission. Applications for public inspection will be granted if the Commission is satisfied that such inspection will not result in a violation of section 4 of the Accident Reports Act and is for the purpose of obtaining information to be presented before Federal and other governmental bodies, or which will contribute to the promotion of safety in railroad operations.

§ 125.10 Purpose.

The purpose of reporting to this Commission accidents and injuries to persons arising from the operation of a railroad is to carry out the intent of Congress as expressed in the Accident Reports Act, as amended, namely, the disclosure of hazards arising in the provision of common carrier transportation by railroad.

§ 125.11 Definition of the phrase "Arising from the operation of such railroad".

Section 7 of the Accident Reports Act, as amended, defines the phrase "arising from the operation of such railroad", as used in the Act, to "include all activities of the railroad which are related to the performance of its transportation business." The scope of this definition includes all the usual activities of a railroad. Insofar as employees on duty are concerned, it includes all such employees as are reported to this Commission under the "Rules Governing the Classification of Railroad Employees and Reports of their Service and Compensation" (49 CFR, Part 127).

§ 125.12 Definition of "Accident".

An accident is a collision, derailment, or other accidental event resulting in death or injury to any person or damage to equipment or roadbed. As used herein, "accident" and "injury" are not synonymous terms. For purpose of example and not limitation, an accident which results in death or injury to a person presupposes an occurrence, such as coming in contact with a locomotive, car, machine, device, apparatus, tool, on-track or off-track vehicle, material, or object, a slip, trip, fall, or blow, or any unforeseen mishap.

§ 125.14 Accidents to be reported.

An accident which results in one or more of the following, must be reported:

(a) Death of a person: A death resulting from an accident within 24 hours immediately following the accident is reportable as a fatality; if death occurs after the expiration of the 24-hour period, the casualty is reportable as an injury and also as a subsequent fatality;

(b) Injury to an employee on duty sufficient to incapacitate him from performing fully and acceptably and without extra assistance all the duties customarily included in the assignment of the employee at the time of the injury for more than 24 hours in the aggregate during the 10 days (240 hours) immediately following the accident. Under this subsection incapacitation includes Sundays, holidays, and lay-off days, and begins whenever the pain or inconvenience resulting from the accident becomes so serious that it would prevent the injured person from performing all of his duties, whether or not there is necessity or opportunity for him to do so at the time. Incapacitation ends whenever the injured person has recovered sufficiently to be able to resume performance of all his duties whether or not there is necessity or opportunity for him to do so at the time;

(c) Injury to any person other than an employee on duty if the injury is sufficient to incapacitate the injured person from following his customary vocation or mode of life for more than 24 hours in the aggregate during the 10 days (240 hours) immediately following the accident; and

(d) Collisions, derailments or other train accidents with more than $750 damage to equipment, track, or roadbed, excluding cost of clearing wreck. The term "other train accident" does not include equipment failures resulting from ordinary wear and tear.

§ 125.15 Accidents or occurrences not to be reported.

(a) Accidents at highway or street crossings, or on parts of highways within railroad rights-of-way, not involving the presence or operations of trains, locomotives, cars, track cars, or similar equipment and not involving employees then engaged in the operation of a railroad;

(b) Accidents in or about living quarters not arising from the operation of a railroad;

(c) Disability resulting solely from illness, disease or a preexisting abnormal physical condition (only to the person afflicted);

(d) Suicides as determined by a coroner or other public authority, or attempted suicides;

(e) The consequences of horseplay, insofar as the participants are concerned; and

(f) Disability to an employee on duty from an assault wholly unconnected to the performance of his duties.

§ 125.16 Doubtful cases.

(a) The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of an accident after examining all evidence available. The Commission, however, cannot delegate authority to decide matters of judgment when facts are in dispute. In all such instances the decision shall be that of the Commission.

(b) Even though there may be no witness to an accident, if there is evidence indicating that an accident may have occurred, a report of that accident must be made. In contrast, if there is no evidence of an accident due to the operation of a railroad, the accident should not be reported.

(c) All accidents reported as "claimed but not admitted by the carrier" are given special examination by the Commission, sometimes with and sometimes without further inquiry. Accidents accepted as reportable, are tabulated and included in the various statistical statements issued by the Commission. The denial of any knowledge or refusal to admit responsibility by the carrier does not operate to exclude such accidents from monthly and annual figures. Facts stated by a carrier that tend to refute the claim of an injured person are given consideration, and when such facts seem sufficient to support the carrier's position, the case is not allocated to the reporting carrier.

§ 125.17 Joint operations.

(a) "Joint operations" is a term intended to cover operations conducted on terminal or other tracks used jointly or in common by two or more reporting carriers, or where the equipment of one carrier moves as its own train over the track of another carrier.

(b) Locomotives, with or without crews, if loaned or leased by one carrier to another, are not thereby made subject to the rules relative to "joint operations."

(c) Trains or locomotives of a nonreporting carrier which may become involved in reportable accidents on the line of a reporting carrier do not fall under the rules pertaining to "joint operations"; such accidents, however, must be included in the report of the reporting carrier.

(d) If a reportable accident occurs on a private siding or track of like character, it must be reported by the carrier having possession of the locomotive concerned or employing the persons involved, but not as a joint-operation accident.

(e) The question of responsibility among carriers for accidents classifiable under the rules applicable to joint operations is not to be considered in relation to the making of reports concerning them, but all carriers involved must make reports as respectively required.

(f) Train accidents resulting in death or injury and damage to equipment, track, or roadbed, in excess of $750, or collisions, derailments, or other accidents, with damage to equipment, track, or roadbed in excess of $750, occurring on tracks used by two or more reporting carriers must be severally reported by the carrier or carriers whose equipment or employees are involved and the carrier whose superintendent is in immediate charge of the track on which the accident occurs. Each carrier concerned in such an accident must report the death or injury, if any, and the damage

to its equipment and other items of expense (estimating, if unknown) as provided in the report form and state the death or injury, if any, and the amount of damage sustained by the other carriers involved, the names of which must be respectively indicated before casualties and the items of damage. If a reportable train accident, though occurring on jointly used track, involves only the equipment and employees of the carrier whose superintendent is in immediate charge of such track, the accident must be reported only by the carrier concerned.

(g) Train-service accidents occurring on terminal or other tracks used jointly or in common by two or more reporting carriers involving employees on duty should be reported by the carrier or carriers involved in the accident. Casualties to other persons should be reported by the carrier whose equipment is involved.

(h) Death or injury to railroad employees on an adjacent track of another railroad must be reported by both railroads, whether or not a joint operation is involved.

(i) In all cases involving joint operation, whether one or more trains are involved, each carrier will be allocated casualties to all persons on its own train. Casualties to employees not on train, whether on or off duty, will be allocated to the employing railroad. Casualties to all other classes of persons not on trains will be allocated to the carrier whose equipment is involved. Any person found dead on or adjacent to the premises or right of way of a carrier should be reported by that carrier if the evidence indicates that such person's death resulted from the operation of its railway.

(j) Nontrain casualties will be allocated to the carrier whose rolling stock (motor cars, etc., not equipped with A.A.R. couplers) is involved.

Classification of Railroad Accidents

§ 125.21 Primary groups and their definitions.

(a) Sections 125.21 to 125.24, relating to classification of railroad accidents, are intended solely as a guide to reporting and do not limit in any way those accidents to be reported, as set forth in § 125.14.

(b) Reportable railroad accidents are divided into three groups:

Group I—Train accidents
Group II—Train-service accidents
Group III—Nontrain accidents

(c) *Group I.* Train accidents are those arising from the operation or movement of trains, locomotives, or cars which result in:

(1) A reportable death or injury and more than $750 damage to equipment, track or roadbed; [1] or

(2) A collision, derailment or other train accident, with more than $750 damage to equipment, track or roadbed.[1]

(d) *Group II.* Train-service accidents are those arising from the operation or movement of trains, locomotives, or cars which result in a reportable death or injury but not more than $750 damage to equipment, track, or roadbed.[1]

(e) *Group III.* Nontrain accidents are those which do not result from the operation or movement of trains, locomotives, or cars.

§ 125.22 Group I—Train accidents.

Train accidents should be classified as:

(1) Collision (Class C), which is an impact of a train, locomotive, or car with some other train, locomotive, or car while both are on rails. Accidents, however, in which cars are not in suitable condition to withstand common train usage, that when coupled in trains, may be damaged through ordinary train movements, should be classified as other train accidents, and not as collisions. Accidents caused by trains, etc., striking bumping posts, or track motor cars and like roadway machines not equipped with A.A.R. couplers, except when operating under train rules and subject to the protection afforded to trains, are not classified as collisions.

Reports of collisions, in addition to furnishing the information required by sections of these rules having general application, should describe briefly the method of operation in use for the track involved, stating whether a signal system was in use, and, if in use, whether it was manual, controlled manual, automatic block, interlocking, C.T.C., cab signal, automatic train control, automatic train stop, or train order.

In the case of a collision, the number of main tracks in use in the locality of the accident should be stated.

Collisions are to be subclassed as follows:

(a) *Rear-end collisions.* A rear-end collision is a collision in which the trains or locomotives involved are bound in the same direction on the same track.[2]

(b) *Head-on collisions.* A head-on collision is a collision in which the trains or locomotives involved are bound in opposite direction on the same track.[2]

(c) *Broken-train collisions.* A broken-train collision is a collision in which a moving train breaks into parts and a violent impact of two or more of the uncoupled parts of the same train occurs, or one or more of the parts collide with another train, locomotive, or car. Collisions in which the equipment involved is employed in a switching movement are not to be included in this class.

(d) *Side or raking collisions.* This class does not include collisions of trains with cars classifiable under (f) or collisions of equipment employed in switching movements classifiable under (g). An accident caused by parts of equipment on one track coming in contact with equipment on a parallel track should not be classified as a collision, but as a miscellaneous train accident, unless a derailment occurs.

(e) *Crossing collisions at railroad crossings.* The term "crossing collisions at railroad crossings" is used herein to mean collisions occurring at crossings or junctions involving trains, locomotives, or cars operated on the intersecting tracks.[2] This class does not include accidents due to striking automobiles or other highway vehicles.

(f) *Collisions of trains with cars not in trains.* This class does not include collisions of train with cars, subject by train rules to the protection afforded to trains, which should be classified as (a), (b), (c), (d), or (e), in accordance with the circumstances of the particular cases.

(g) *Switching collisions.* This term "switching collisions" is used herein to mean collisions occurring to equipment being switched, as in making or breaking up trains, shifting or setting out cars, etc., including accidents to locomotives involved in such service. A collision should not receive this classification when two or more locomotives, trains, or cuts of cars are involved unless both or all such units of equipment are employed in switching movements at the time of accident, but it should be classified as (a), (b), (c), (d), (e), (f), or (h), in accordance with the circumstances of the particular case.

(h) *Collisions not elsewhere classifiable.* This class includes collisions between light locomotives moving to or from servicing facilities; also collisions between a locomotive and cars of a train or cut of cars occurring in recoupling the locomotive after it has been cut off for servicing, but does not include collisions between locomotives and cars while engaged in switching movements as described in paragraph (g).

(2) Derailment (Class D): In reporting derailments the information required by provisions of these rules having general application must be furnished, and this must be indicated in particular, by initials and number, or name, the equipment causing the derailment. The term "derailment" does not include derailment of track-motor cars and like roadway machines not equipped with A.A.R. couplers.

Derailments are to be subclassed as follows:

(a) Derailments due to defects in or failures of brake apparatus, hose, etc.

(b) Derailments due to defects in or failures of couplers.

(c) Derailments due to other defects in or failures of locomotives or cars.

(d) Derailments due to defects in track, bridges, switches, and signals, or other defects in roadway.

(e) Derailments due to obstructions on track.

(f) Derailments due to accidents at public highway crossings.

(g) Derailments due to negligence, mistake, or misconduct of trainmen or other employees.

(h) Derailments due to mistake or misconduct of persons other than employees.

(i) Derailments due to two or more causes.

(j) Derailments due to causes not classifiable under any preceding heading.

(3) Other train accidents (Class O), to include all train accidents other than collisions and derailments, as defined in § 125.21.

§ 125.23 Group II—Train-service accidents.

(a) Train-service accidents (Class S) are those arising from the operation or movement of trains, locomotives, or cars which result in a reportable death or injury but not more than $750 damage to equipment, track or roadbed, exclusive cost of clearing wreck.

(b) Train-service accidents are to be subclassed as follows:

(a) Accidents to employees while engaged in coupling or uncoupling locomotives or cars.

(b) Accidents to employees while engaged in coupling or uncoupling air hose (or turning angle cocks in connection therewith), steam hose, and safety chains.

(c) Accidents to employees while operating locomotives.

(d) Accidents to employees while operating hand brakes.

(e) Accidents to employees while operating switches.

(f) Accidents to persons on moving cars or locomotives resulting from coming in contact with any structure or fixture above or at side of track.

(g) Accidents to persons while getting on or off cars or locomotives.

(h) Accidents at highway grade crossings.

(i) Struck or run over by cars or locomotives not classifiable above.

(j) Miscellaneous train-service accidents not elsewhere classifiable.

§ 125.24 Group III—Nontrain accidents.

(a) Nontrain accidents (Class N). This group covers accidents that do not occur directly in connection with the operation or movement of trains, locomotives, or cars. Examples of this class would be accidents occurring in connection with the construction, repair or painting of buildings, tracks, or other structures or equipment, accidents in offices, stations, and shops and accidents to employees on duty while traveling off railroad property, reportable accidents resulting from the movement of locomotives or cars on shop tracks, the movement of locomotives at servicing facilities by inside hostlers, and accidents involving track-motor cars and other roadway equipment. Accidents in which injuries are received by trackmen, bridge and building men, and other classes of employees or other persons and which are caused by trains, locomotives, or cars striking hand cars, tools, or other objects, should be appropriately reported as train accidents or train-service accidents. Accidents from the operation of vessels and buses arising from the operation of a railroad are also considered nontrain accidents, and resulting casualties are reportable.

(b) Nontrain accidents are to be subclassed as follows:

(a) Construction, servicing, maintenance and dismantling of locomotives.

(b) Construction, servicing, maintenance and dismantling of cars and floating equipment.

(c) Miscellaneous vehicles.

(d) Construction, repair, maintenance or dismantling of facilities for equipment and vehicles.

(e) Bridges, tunnels, culverts, etc.; stations, warehouses, roadway building and grain elevators; maintenance of way, bridge and building, signal shop facilities, etc.; other miscellaneous structures.

(f) Cuts, fills, retaining walls, cribbing, fences and signs.

(g) Ties, switch timbers, tie plates and fasteners; rail; other materials.

(h) Crossing signals; telephone, telegraph, and radio communications.

(i) Operation, servicing and maintenance of track motor cars and other roadway machines.

(j) Operation, servicing, maintenance or dismantling of power plants and substations, transmission and distribution systems.

(k) Miscellaneous causes, all classes of persons.

Form and Arrangement of Reports

§ 125.25 Forms used and duplicate reports.

(a) Sections 125.25 to 125.32 on form and arrangement are intended solely as a guide to reporting, and do not limit in any way those accidents to be reported, as set forth in § 125.14.

(b) Monthly reports of railroad accidents must be made on forms provided by the Interstate Commerce Commission or on forms identical therewith in arrangement, size, and in color and weight of paper, and every reporting carrier is required to retain in its file a duplicate of each report rendered to the Commission. For the reporting railroads' files, this duplicate must also show the name or names of the casualty or casualties reported and the precise location at which the accident occurred. The forms provided, which are of three kinds, are designated as Forms V, T, and Supplement to T.

(c) The first sheet of each report must show in the appropriate place the name of the company for which it is filed; the following sheets may designate the name of the company by a commonly used short version or initials. Each sheet of each report must show the month and year to which the report relates, and all other particulars called for by the form. Each sheet of each report following Form V must bear the autograph signature of a responsible officer or employee.

§ 125.26 Form V (Verification).

A report must be made on this form each month, even though no reportable (train, train-service, or nontrain) accident occurred during the month covered. Such report must include an oath or verification, made by the proper officer of the reporting carrier, as provided for attestation on Form V, which must show the total number of train, train-service, and nontrain accidents that occurred during the month for which the report is made, and the number of sheets, inclusive of Form V. If no reportable accident occurred during the month, that fact must be stated on this form. Section A must contain a recapitulation of all casualties, by class of person, in train, train-service, and nontrain accidents. Section B must contain a recapitulation of highway grade casualties by class of person. Subsequent fatalities are to be reported in Section C. Form V must also show the total number of locomotive and motor-train miles run during the month, computed in accordance with Train-Mile, Locomotive-Mile and Car-Mile accounts in the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission.

§ 125.27 Form T (Train, train-service, and nontrain accidents).

(a) A separate Form T sheet must be used for each reportable train accident, train-service accident, or nontrain accident and must show the required particulars concerning the accident.

(b) Information called for in each of the items shown on Form T must be supplied except where the answers would not be significant, in which case the space provided for the answer may be left blank or blanked out.

§ 125.28 Supplement to Form T.

A supplement to each Form T sheet also must be used for each reportable:

(a) Derailment due to a highway grade crossing.

(b) Other train accident due to a highway grade crossing.

(c) Train-service accident due to a highway grade crossing.

(d) Nontrain accident due to a highway grade crossing.

§ 125.30 Subsequent fatalities.

If, as the result of an injury, a person dies more than 24 hours after the occurrence of the accident the casualty must be reported as an injury and, in addition, a memorandum of the death must be given on Form V in accordance with the requirements of that form. This report is to be made in connection with the report for the month in which the accident occurred, if practicable, otherwise it must separately accompany the first monthly report filed after the death has come to the knowledge of the carrier.

§ 125.31 Classification symbols.

Symbols indicating the class of train, train-service, or nontrain accidents and the class of persons involved should be entered in the appropriate spaces on Form T as follows:

(a) *Class of accident.* Sheets carrying reports of collisions are to be marked "C"; those relating to derailments, "D"; those relating to other train accidents, "O"; those relating to train-service accidents, "S", and those relating to nontrain accidents, "N". To each of the primary class symbols of train, train-service and nontrain accidents should be added the proper small letter to indicate the subclass covering the accident.

(b) *Class of person.* The designation of the class of person should include the applicable capital letter preceding the name of the class. The number of the "Reporting Division" with such other descriptive detail as may be appropriate should be added in the case of employees.

§ 125.32 Arrangement and numbering of sheets.

(a) All the forms in a monthly report should be arranged with V sheet first, followed by T sheets. Supplements to T sheets should follow the T sheets to which each refers. All Forms T should be further grouped in accordance with the character of the accidents and arranged in the order C, D, O, S, and N. These groups should be subgrouped by subclasses for example C(a), C(b); D(a), D(b); S(a), S(b); N(a), N(b), etc., throughout the series. All sheets are to be numbered consecutively beginning with number 1 for Form V. When properly arranged and numbered, all sheets including Form V should be securely fastened.

(b) In no case should the report for any month include a Form T sheet completed for an accident that did not occur during the month covered by the report. Should it be discovered by a carrier that the report of a particular accident on a Form T has, through mistake or otherwise, been improperly omitted from its regular monthly accident report, the sheet covering such accident must be separately transmitted to the Bureau of Transport Economics and Statistics, with a suitable letter of explanation.

[1] Excludes cost of clearing wreck.

[2] The timetable or schedule direction, when applicable, should govern the classification of collisions if at the time of the accident either of the trains or locomotives is at rest or if its incidental movement temporarily differs from the schedule direction.

[3] Crossing collisions must be reported by each carrier affected. Items of damage and casualties to persons must be reported in the same manner as described in connection with "joint operation" accidents, § 125.17.

PARTICULARS TO BE REPORTED

§ 125.40 General.

The code causes shown in § 125.56 are for the use of the Commission only. They have been designed, so far as that is practicable, to indicate the primary causes of the accidents reported. The Reporting Officer should supply sufficient information to enable the Interstate Commerce Commission to supply the code number and also to classify all other data called for as they pertain to each of the accidents reported.

§ 125.41 Yard.

A system of tracks within defined limits provided for the making up or breaking up of trains, for the storing of cars, and for other purposes over which movements not authorized by timetable, or by train order, may be made, subject to prescribed signals and rules or under special instructions.

§ 125.42 Trains, locomotives, and cars.

(a) For the purpose of reporting railroad accidents, a train is defined as a unit of equipment, or a combination of units of equipment (exclusive of light locomotives), in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive. (Train or train-service accidents may result from the movement of cars without the use of a locomotive.) Track motor cars and like roadway machines not equipped with A.A.R. couplers are not regarded as "cars" within the meaning here used.

(b) In reporting accidents involving trains, locomotives, or cars, sufficient particulars should be given to show definitely to which of the four classes of service described below the equipment was assigned. Definite information is required in this respect and descriptive terms of local application, such as "milk", "transfer", "mine", etc., should not be used to designate classes of trains. In connection with this matter, a light locomotive involved in an accident should be classified as belonging to that class of service to which its assignment at the time of the accident was related.

(c) Transportation service-freight includes trains run between terminals or stations containing loaded or empty freight-train cars and trains consisting of a locomotive and caboose running light in connection with such service. Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.[4]

(d) Transportation service-passenger includes trains run between terminals or stations containing loaded or empty passenger-train cars. Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.[4]

(e) Work service includes nonrevenue trains run in the administration and upkeep service of the railroad, such as official trains, inspection trains, pay trains, special trains running with company fire apparatus to save the railroad's property from destruction, and trains run for the purpose of transporting the railroad's employees to and from work when no transportation charge is made; wrecking trains; construction and upkeep trains run in connection with maintenance and improvement work, the cost of operating such trains being chargeable to the appropriate capital or maintenance accounts for rail-line operations; and material and supply trains run in connection with operation.

(f) Work service trains do not include solid fuel trains and other freight trains laden with company material and running from station to station under the same operating conditions as ordinary revenue freight trains.

(g) Yard service includes the handling of equipment being switched or used in switching other equipment, as, for example, in making up or breaking up trains, serving industrial tracks, storing, weighing, or classifying cars, and other like operations. Operations incidental to a road run when performed by a road train crew are not included.

(h) When significant, state the number of cars in the train, where and when locomotives, cars, and brakes were last inspected; and under what orders the train was moving and what were its rights of track at the particular time and place of the accident.

§ 125.47 Casualties.

In reporting casualties to persons, personal injuries should be sufficiently described to indicate:

(a) The part of body injured and the specific nature and extent of the injury received which should be reported in sufficient detail to enable the Interstate Commerce Commission to classify the injury. Indefinite terms such as "mashed", "crushed", "injured", "hurt", etc., should not be used. In case of loss of any part, the extent should be indicated, as, for example, tip of index finger of right hand, two middle fingers to second joint of left hand, left arm to elbow, loss of right eye, etc.

(b) The actual number of days of disability if ascertained at the time the report is made, but if the disability has not terminated by that time or is not ascertainable, an estimate of the number should be shown in the appropriate column on Form T, or the absence of an estimate fully explained. When the injury is of a permanent nature, that fact may be stated in lieu of the number of days' disability.

(c) The degree to which the person is maimed, if at all.

§ 125.48 Damage.

(a) Item (24) on Form T, which calls for the dollar amount of damage occasioned by an accident should be completed only in the case of train accidents. No entry is necessary for train-service or nontrain accidents.

(b) Amounts of damage should not only include damage to equipment (including damage to foreign cars), track, or roadbed of the reporting railroad but should include comparable expenses of all reporting railroads. Other expenses of reporting railroads occasioned by the accident (such as overhead, cost of clearing wrecks, loss and damage, etc.), all expenses of nonreporting railroads, and contingent expenses because of personal injuries are not to be included. If the amount of damage is not known at the time the report is filed, it should be estimated as accurately as practicable and the fact that it is estimated should be stated.

CLASSIFICATION OF PERSONS

§ 125.50 Classification of persons.

(a) For the purpose of permitting an appropriate classification, sufficient particulars of each person involved in a train, train-service, or nontrain accident should be given on Form T. The aggregate of all persons of each class involved in all railway accidents should be given on Form V.

(b) The classes "employees (A) and (B)" apply to any person having such classification or relationship to a reporting railroad. As used herein, it is intended to include every person in the service of the reporting carrier who is subject to its continuing authority to supervise and direct the manner of rendering his service.

(c) When a casualty is known or believed to be an employee of another reporting railroad that fact should be stated and appropriate class symbols indicating the customary occupation of the employee, with the name of the railroad by which he is employed, should be entered.

(d) Employees on duty, class (A): Employees on duty are those persons who are engaged in the operation of a railroad as defined in § 125.11 above. Ordinarily the fact that the employee is or is not under pay will determine whether he is or is not "on duty". There may, however, be exceptions such as employees "trading time" or doing work which they are expected to do but actually perform before pay starts or after pay stops. Such persons must be considered as "employees on duty".

(e) Employees not on duty, class (B): Employees not on duty are those persons who are on railroad property, before and after duty, for purposes connected with their employment or with other railroad permission. An employee is "not on duty" until: he actually begins duty in the operation of a railroad as defined in § 125.11 above; while he has been relieved from the performance of any and all service for a definite time; when he has willfully left the vicinity of his post of duty contrary to accepted or tolerated practice; or when he has completed his duty.

(f) Employees (including members of train and engine crews deadheading between terminals) on trains for the purpose of travel and riding in that part of the train assigned to the use of passengers should be included in class (C) as passengers. Employees trespassing should be included in class (E) as trespassers.

(g) List of employee reporting divisions: The following list of 128 Reporting Divisions into which all the distinctive classes of railroad positions are grouped is derived from the "Rules Governing the Classification of Railroad Employees and Reports of Their Service and Compensation" prescribed by the Interstate Commerce Commission (49 CFR 127.1–127.7). The returns on all accident report forms should, with respect to the classification of employees, be made in conformity with these Reporting Divisions. For each employee reported on Form T as killed or injured there should be given the correct number of the Reporting Division to which the employee is properly assignable, and also the pay-roll or distinctive class title of his occupational position. The letter (A) or (B) should be used to indicate respectively whether he was on or off duty at the time of accident. Abbreviations or contractions may be used in the indication of position titles if their meaning is sufficiently clear. For example, to indicate a casualty sustained by a road freight brakeman (through freight) on duty, the proper designation of class of person on Form T should be A-117, Road freight brakemen and flagmen (through freight), while that of a casualty incurred in a train-service accident by a train attendant on duty would be a A-101, Train attendants.

LIST OF REPORTING DIVISIONS FOR EMPLOYEES

I—EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS

Division No.	Reporting division
1	Executives, general officers, and assistants.
2	Division officers, assistants, and staff assistants.

II—PROFESSIONAL, CLERICAL, AND GENERAL

3	Professional and subprofessional assistance.
4	Supervisory or chief clerks (major departments).
5	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers.
6	Clerks and clerical specialists (A).
7	Clerks (B) and (C).
8	Mechanical device operators (office).
9	Stenographers and secretaries (A).
10	Stenographers and typists (B).
11	Storekeepers, sales agents, and buyers.
12	Ticket agents and assistant ticket agents.
13	Traveling auditors or accountants.
14	Telephone switchboard operators and office assistants.
15	Messengers and office boys.
16	Elevator operators and other office attendants.
17	Lieutenants and sergeants of police.
18	Patrolmen and watchmen.
19	Traffic and various other agents, inspectors, and investigators.
20	Claim agents or investigators.
21	Freight claim agents or investigators.
22	Chief claim agents or investigators.
23	Miscellaneous trade workers (other than plumbers).
24	Motor vehicle and motor car operators.
25	Teamsters and stablemen.
26	Janitors and cleaners.

III—MAINTENANCE OF WAY AND STRUCTURES

Division No.	Reporting division
27	Roadmasters, general foreman, and assistants.
28	Maintenance of way and scale inspectors.
29	Bridge and building gang foremen (skilled labor).
30	Bridge and building carpenters.
31	Bridge and building ironworkers.
32	Bridge and building painters.
33	Masons, bricklayers, plasterers, and plumbers.
34	Maintenance of way and structures helpers and apprentices.
35	Portable steam equipment operators.
36	Portable steam equipment operator helpers.
37	Pumping equipment operators.
38	Gang foremen (extra gang and work-train laborers).
39	Gang foremen (bridge and building, signal and telegraph laborers).
40	Gang or section foremen.
41	Extra gang men.
42	Section men.
43	Maintenance of way laborers (other than track and roadway) and gardeners and farmers.
44	General and assistant general foremen and inspectors (signal, telegraph, and electrical transmission).
45	Gang foremen (signal and telegraph skilled trades labor).
46	Signalmen and signal maintainers.
47	Linemen and groundmen.
48	Assistant signalmen and assistant signal maintainers.
49	Signalman and signal maintainer helpers.

IV—MAINTENANCE OF EQUIPMENT AND STORES

50	General, assistant general, and department foremen.
51	General and assistant general foreman (stores).
52	Equipment, shop, electrical, material and supplies inspectors.
53	Gang foremen and gang leaders (skilled labor).
54	Blacksmiths.
55	Boilermakers.
56	Carmen (A and B).
57	Carmen (C and D).
58	Electrical workers (A).
59	Electrical workers (B).
60	Electrical workers (C).
61	Machinists.
62	Molders.
63	Sheet-metal workers.
64	Skilled trades helpers (M. of E. and stores).
65	Helper apprentices (M. of E. and stores).
66	Regular apprentices (M. of E. and stores).
67	Coach cleaners.
68	Gang foremen (shops, engine houses, and power plants).
69	Gang foremen (stores and ice, reclamation, and timber-treating plants).
70	Classified laborers (shops, engine houses, and power plants).
71	General laborers (shops, engine houses, and power plants).
72	General laborers (stores and ice, reclamation, and timber-treating plants).
73	Stationary engineers (steam).
74	Stationary firemen, oilers, coal passers, and water tenders.

V—TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)

75	Chief train dispatchers.
76	Train dispatchers.
77	Train directors.
78	Station agents (supervisory, major stations, nontelegraphers).
79	Station agents (smaller stations, nontelegraphers).
80	Station agents (telegraphers and telephoners).
81	Chief telegraphers and telephoners or wire chiefs.
82	Clerk-telegraphers and clerk-telephoners.
83	Telegraphers, telephoners, and towermen.
84	Stationmasters and assistants.
85	Supervising baggage agents.
86	Baggage agents and assistants.
87	Baggage, parcel room, and station attendants.
88	General foremen (freight stations, warehouses, grain elevators, and docks).
89	Assistant general foremen (freight stations, warehouses, grain elevators, and docks).
90	Gang foremen (freight station, warehouse, grain elevator, and dock labor).
91	Callers, loaders, sealers, scalers, and perishable-freight inspectors.
92	Truckers (stations, warehouses, and platforms).
93	Laborers (coal and ore docks and grain elevators).
94	Common laborers (stations, warehouses, platforms, and grain elevators).
95	Stewards, restaurant and lodging-house managers, and dining-car supervisors.
96	Chefs and cooks (restaurants or dining cars).
97	Waiters, camp cooks, kitchen helpers, etc.
98	Officers, workers, and attendants on barges, launches, ferry boats, towing vessels, steamers, and shore workers.
99	Transportation and dining-service inspectors.
100	Parlor and sleeping car conductors.
101	Train attendants.
102	Bridge operators and helpers.
103	Crossing and bridge flagmen and gatemen.
104	Foremen (laundry) and laundry workers.

VI—TRANSPORTATION

(a)	Yardmasters, switchtenders, and hostlers:
105	Yardmasters.
106	Assistant yardmasters.
107	Switch tenders.
108	Outside hostlers.
109	Inside hostlers.
110	Outside hostler helpers.
(b)	Train and engine:
111	Road passenger conductors.
112	Assistant road passenger conductors and ticket collectors.
113	Road freight conductors (through freight).
114	Road freight conductors (local and way freight).
115	Road passenger baggagemen.
116	Road passenger brakemen and flagmen.
117	Road freight brakemen and flagmen (through freight).
118	Road freight brakemen and flagmen (local and way freight).
119	Yard conductors and yard foremen.
120	Yard brakemen and yard helpers.
121	Road passenger engineers and motormen.
122	Road freight engineers and motormen (through freight).
123	Road freight engineers and motormen (local and way freight).
124	Yard engineers and motormen.
125	Road passenger firemen and helpers.
126	Road freight firemen and helpers (through freight).
127	Road freight firemen and helpers (local and way freight).
128	Yard firemen and helpers.

[4] Box or refrigerator cars equipped for passenger-train service are counted as passenger-train cars.

(h) Passengers on trains, class (C): Passengers on trains are persons who are on, or boarding, or alighting from, railroad cars for the purpose of travel.

(i) Nontrespassers, class (D): Nontrespassers are persons who are lawfully on that part of railroad property which is used in railroad operation, as defined in § 125.11 above (other than those herein defined as employees, passengers, or trespassers), and persons adjacent to railroad premises when injured as the result of the operation of a railroad. This class also includes other persons on vessels or buses, whose use arises from the operation of a railroad.

(j) Trespassers, class (E): Trespassers are persons who are on that part of railroad property which is used in railroad operation, as defined in § 125.11 above, whose presence is prohibited, forbidden, or unlawful.

(k) Whenever persons are classed as "trespassers" the report should state the circumstances that warrant such a classification and, if possible, the regular occupation of such persons killed or injured.

(l) A person should not be classed as a trespasser on a highway grade crossing unless the crossing is protected by gates, or other similar barriers, which were closed when the person went on the crossing, or unless the person attempted to pass over or under trains or cars at the crossing.

CODES FOR ACCIDENT REPORTING

§ 125.55 Information.

This section contains information to be used in completing Forms V and T.

TRAINS OR CARS

1. Freight.
2. Passenger.
3. Work.
4. Yard.
5. Locomotive, handled by hostler.
6. Standing cars.
7. Runaway cars.
8. Industrial.
9. Unknown.

KIND OF EQUIPMENT

1. Locomotive.
2. Freight-train car (or work equipment).
3. Passenger-train car (including rail motor car).

KIND OF TRACK

1. Main line track.
2. Branch line track.
3. Way switching, yard switching, or other track.

HIGHWAY CROSSING PROTECTION

0. Gates, automatic.
1. Gates, manual.
2. Watchman.
3. Employee other than watchman.
4. Audible and visual signal.
5. Audible signal.
6. Visual signal.
7. Fixed signs.

CLASS OF PERSON

Employees on duty (A).
Employees not on duty (B).
Passengers (C).
Nontrespassers (D).
Trespassers (E).

TRESPASSERS—EMPLOYEES

Trespassers, employees (F):

1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

TRESPASSERS—OTHER THAN EMPLOYEES

Trespassers, under 14 years of age (G):

1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

Trespassers, 14 to 21 years of age (H):

1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

Trespassers, adult hoboes or tramps (I):

1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

Trespassers, adults except hoboes or tramps (J).

1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

NATURE OF INJURY

Bruise.	Fracture.
Sprain or strain.	Amputation.
Cut or laceration.	Not classifiable above, such as concussion, nervous, shock, internal injuries, etc.
Electrical shock or burn.	
Other burn.	
Dislocation.	

Each of the above classes should be subdivided to show the part of the body injured and other information as follows:

One eye, causing blindness therein.	Other body injury (external).
Both eyes, causing total blindness.	Internal body injury.
Other injury to eyes.	Private parts.
Scalp.	Shoulder.
Nose.	Upper arm.
Ears.	Elbow.
Mouth or teeth.	Lower arm.
Skull.	Wrist.
Face or head (other part).	Hand.
	Finger or thumb.
Collar bone.	Hip.
Ribs.	Upper leg.
Spine.	Knee.
Back (other part).	Lower leg.
Chest (other part).	Ankle.
Abdomen (not internal injury).	Foot.
	Toes.
	Heel.

§ 125.56 Code causes.

The following list of accident cause codes is for information only. All coding will be done by the Commission, based on information furnished on Forms T.

TRAIN ACCIDENTS

1. NEGLIGENCE OF EMPLOYEES

Train Orders

1001 Error in transmission or copying except radio.
1002 Error in transmission or copying radio.
1003 Misunderstanding by train or engine crew.
1004 Other improper handling by dispatcher.
1005 Other improper handling by operator.
1006 Other improper handling by train or engine crew (including failure to pick up, read or obey).
1007 Meeting point overrunning.
1008 Other negligence in connection with train orders.

Cab Signals

1101 Failure to operate train in accordance with cab signal indication.

Automatic Train Control

1201 Failure to operate train in accordance with automatic train control.

Fixed Signals

1301 Clear signal displayed for occupied block.
1302 Clear approach signal displayed with home signal at stop.
1303 Train order signal, improperly displayed.
1304 Failure to restore signals other than train order signals to normal.
1305 Signal changed in face of approaching train.
1306 Other improper display of signals.
1307 Stop signal, or board, disregard of.
1308 Restricting signal, disregard of.
1309 Train-order signal, disregard of.
1310 Switch signal or indicator, disregard of.
1311 Signal light out, disregard of.
1312 Failure to keep proper lookout for signals necessitating emergency application of brakes.
1388 Other improper observance or disregard of signals.

Hand Signals

1401 Failure to give hand signal.
1402 Failure to pass hand signal, including failure to be in position to pass.
1403 Failure to regard hand signal, including failure to watch for.
1404 Failure to stop when hand signal could not be seen.
1405 Wrong hand signal given.
1406 Misunderstanding of hand signals given by member of own train or yard crew.
1407 Acceptance of hand signal given by member of another train or yard crew.
1488 Other negligence in connection with hand signals.

Train Flagging

1501 Failure to flag.
1502 Failure to go back or ahead a sufficient distance.
1503 Torpedoes, failure to use or place properly.
1504 Fusees, failure to use or place properly.
1505 Other improper flagging, including failure to carry flagman's equipment.
1506 Failure to regard flag, including failure to watch for.
1507 Torpedoes, failure to regard.
1508 Fusees, failure to regard.
1588 Other negligence in connection with train flagging.

Air Brakes

1601 Insufficient air pressure, failure of engineman to regard.
1602 Improperly releasing air brakes.
1603 Emergency or severe application from locomotive, unjustifiable.
1604 Improper handling of independent air brake.
1605 Other improper handling by engineman.
1606 Failure to test or test properly.
1607 Application from train, unjustifiable.
1608 Pressure retaining valves, failure to set sufficient number.
1609 Failure to have sufficient air brakes in service.
1610 Air not fully coupled.
1611 Other improper handling of air brakes by train or yard crew.

1688 Other negligence in connection with air brakes.

Hand Brakes

1701 Failure to control by hand brake.
1702 Failure to secure by hand brake including failure to set hand brakes on sufficient number of cars.
1703 Failure to test properly.
1704 Premature release of hand brake.
1788 Other negligence in connection with hand brakes.

Switches

1801 Wrong switch thrown.
1802 Switch, improperly set.
1803 Switch, thrown under train.
1804 Switch, failure to latch or secure lever.
1805 Switch, failure to see that points fitted up.
1806 Reverse movement before train had cleared spring switch.
1807 Equipment fouling switch.
1808 Switch, running through.
1809 Derail, running off.
1888 Other negligence in connection with switches.

Other Forms of Negligence

1901 Excessive speed or failure to control in yard limits.
1902 Excessive speed in other than yard limits.
1903 Headlight extinguished or improperly used.
1904 Superior train, failure to clear.
1905 Meeting point, or passing point, failure to clear switch or other tracks.
1907 Failure to whistle or otherwise warn.
1908 Failure to sufficiently reduce speed where view was obstructed by weather conditions.
1909 Failure to sufficiently reduce speed where view was obstructed by other than weather conditions.
1910 Failure of engineman to keep proper lookout, not otherwise classified.
1911 Moving locomotives, trains, or cars without orders or signals.
1912 Locomotives, trains or cars improperly secured, unexpected movement of.
1913 Locomotives boiler, low water or other negligence.
1915 Other improper handling of locomotives, rail motor cars or trains by authorized employee.
1916 Running of locomotive or rail motor car by unauthorized employee.
1917 Absence of man on or at leading car being pushed.
1918 Improper use of radio communication except train orders.
1919 Cutting off cars at excessive speed.
1920 Cutting off cars without rider to control.
1921 Cutting off cars, placarded explosives, poison gas, or flammable poison gas while in motion.
1922 Other improper handling of placarded cars, including placarded containers or trailers on cars.
1923 Failure or inability of rider to get on cars to control.
1924 Failure to sufficiently slow down cars in retarder.
1925 Stop or excessively slow down cars in retarder.
1926 Failure to place skate or derail ahead of car.
1927 Failure of maintenance or other employees to put out flag or other protection.
1928 Failure of maintenance or other employees to protect when obstructing track.
1929 Disregard of flag or other protection placed by maintenance or other employees.
1930 Failure to remove skate or derail.
1931 Failure to return skate to skate-placing mechanism.
1932 Attempted or actual coupling at excessive speed.
1933 Coupling not properly made.
1934 Improper shifting of cars on or off floats or vessels.
1935 Other improper handling in switching.
1936 Improper movement of locomotives by hostlers.
1937 Turntable or transfer table, failure to align, latch or secure.
1938 Joint failure to protect and disregard of restricting signal.
1939 Joint failure to protect and excessive speed.
1940 Failure by supervisors (Terminal, Trainmaster, Yardmaster, etc.) to convey correct information.
1941 Improper routing of high or wide car or load.
1942 Failure of conductor or foreman to supervise properly.
1988 Other negligence of employees.

2. DEFECTS IN OR FAILURES OF EQUIPMENT

Steam Locomotives

2001 Boiler explosions.
2002 Boilers or appurtenances, other failures of or defects in.
2003 Rods, main and side, crank pins and collars.
2004 Other machinery.
2088 Other defects in steam locomotives (including tenders).

Locomotives Other Than Steam Including Propulsion Equipment of Rail Motor Cars

2101 Crankcase and air box explosions.
2102 Internal combustion engines and turbines, other failures of, or defects in.
2103 Generators and motor-generator sets.
2104 Traction motor armature bearing failure.
2105 Traction motors, other failures of or defects in.
2106 Current collection systems.
2107 Electrical control and conversion equipment (including batteries).
2108 Hydraulic, mechanical or other non-electrical power transmission to axles.
2110 Fires from short circuits or grounds in wiring.
2111 Fires from fuel or lubricating oil.
2112 Other fires, not otherwise classified.
2113 Fumes from internal combustion engine or appurtenances.
2188 Other defects on locomotives other than steam.

Trucks

2201 Truck side frame, bent or broken.
2202 Equalizer, bent or broken.
2203 Pedestal tie bar, loose or defective.
2204 Journal box, non-integral type.
2205 Journal bearing assembly, defects, including fires.
2206 Transom, bent or broken.
2207 Truck bolster, bent or broken.
2208 Truck bolster anchor, loose or defective.
2209 Snubbing device in truck bolster guides, locked, broken or otherwise defective.
2210 Center plate.
2211 Center pin, broken or missing.
2212 Side bearing, improper clearance.
2213 Side bearing, broken, defective or missing.
2214 Spring plank, bent or broken.
2215 Swing hanger broken.
2216 Swing hanger pin, broken or missing.
2217 Spring or snubber, missing or defective.
2218 Spring seat or support bar, missing or defective.
2219 Truck safety hanger, loose or defective.
2220 Truck, insufficient weight on any wheel.
2221 Truck, stiff, improper lateral or improper swivelling.
2288 Other truck defects.

Wheels and Axles

2301 Cast-iron wheel, flange broken.
2302 Cast-iron wheel, tread or rim defective.
2303 Cast-iron wheel, broken, overheating.
2304 Cast-iron wheel, broken, other causes.
2305 Cast-steel wheel, flange broken.
2306 Cast-steel wheel, tread or rim defective.
2307 Cast-steel wheel, broken, overheating.
2308 Cast-steel wheel, broken, other causes.
2309 Wrought-steel wheel, flange broken.
2310 Wrought-steel wheel, tread or rim defective.
2311 Wrought-steel wheel, broken, overheating.
2312 Wrought-steel wheel, broken, other causes.
2313 Wheel, other or unknown composition, broken.
2314 Wheel, flange worn.
2315 Wheel, loose or out of gage.
2316 Wheel, tire loose or broken.
2317 Axle, broken between journals.
2318 Journal broken, cold.
2319 Journal broken, overheating.
2387 Other defects in wheels.
2388 Other defects in axles.

Air Brakes and Appurtenances

2401 Air compressor.
2402 Air reservoir, or fittings, safety valve or check valve.
2403 Air brake control valve.
2404 Brake pipe, or fittings, broken or defective.
2405 Air brake hose, broken or burst.
2406 Air brake parts, falling off.
2407 Air brake, sticking.
2408 Air brake, defective, due to snow and ice.
2409 Air brake failure, excessive piston travel.
2410 Triple valves, lazy, dirty, or otherwise defective.
2488 Other air brake defects.

Hand Brakes, Brake Rigging, and Appurtenances

2501 Brake beam, broken, disconnected, displaced, etc.
2502 Brake chains or bolts, breaking or giving way.
2503 Brake chains, kinking, twisting, overlapping, or too long.
2504 Brake hanger, broken or disconnected.
2505 Brake rod, broken, defective, or disconnected.
2506 Brake shaft, broken or defective.
2507 Brake shoe, worn, broken, or missing.
2508 Brake wheel, loose or defective.
2509 Pawl or rachet, failure or defect.
2510 Brake rigging coming down, other failure or defect.
2511 No brake on car.
2512 Insufficient braking power, not otherwise provided for.
2588 Other defects in hand brakes, brake rigging and appurtenances.

Couplers, Draft Gear, and Related Parts

2601 Coupler, broken, not pulled out.
2602 Coupler, improper height.
2603 Jackniffing of couplers.
2604 Couplers passing in attempting to make coupling.
2605 Knuckle, broken or defective.
2606 Knuckle lock or locklift assembly.
2607 Uncoupling devise.
2608 Friction buffer or diaphragm.

Coupler or draft gear pulled out or down, due to failure of:

2609 Coupler.
2610 Coupler rivets or swivel pin.
2611 Coupler yoke.

2612 Coupler key.
2613 Coupler key retainer.
2614 Striking casting or coupler carrier.
2615 Sills or draft lugs.
2616 Draft gear carrier.
2617 Cushion underframe parts.
2618 Other parts causing coupler or draft gear to drop.
2686 Other defects in couplers.
2687 Other defects in draft gear.
2688 Other defects in cushion underframe.

Car Structure

2701 Sills, bent or broken.
2702 Body bolster.
2703 Other underframe parts.
2704 Sides, spreading or buckling beyond equipment clearance line.
2705 Drop end, falling off.
2706 Floor, material falling from or through.
2707 Side door, falling off.
2708 Drop door, open or defective.
2709 Hatch, dome or manhole cover.
2710 Stake pocket or load retainer.
2788 Other defects in car structure.

Other Parts of Equipment

2801 Air dump cars, dumping mechanism.
2802 Crane boom on car or tiedowns for.
2803 Snow plow, flanger, ditcher or spreader defects.
2804 Steam heat connections, dragging or falling off.
2805 Car water tanks.
2806 Axle-driven generator.
2807 Internal combustion power plant for car electrical auxiliaries or refrigeration.
2887 Other defects in car electrical or mechanical equipment for lighting, heating, cooling, radio, etc. (not propulsion).
2888 Other equipment defects.

3. DEFECTS IN OR IMPROPER MAINTENANCE OF WAY AND STRUCTURES

Bridges, Trestles, Culverts, and Tunnels

3001 Structural defect or failure.
3004 Improper or insufficient maintenance.
3088 Other defects in or failures.

Ties and Tie Plates

3102 Ties, decayed, worn or splintered.
3103 Ties, broken, soft or poor quality of timber or other defects.
3104 Ties, insufficient number or size.
3105 Tie plates, broken or otherwise defective.
3106 Steel, concrete or other nonwood tie defective.

Rails and Joints

3201 Broken rail end, with bolted joints.
3202 Broken rail end, with welded joints.
3203 Flow of metal.
3204 Crushed head.
3205 Split head.
3206 Split web.
3207 Broken base.
3208 Other forms of rail failures not due to wear.
3209 Rails, spreading because improperly spiked or braced.
3210 Rails, spreading because joints loosely or improperly bolted.
3211 Rails, spreading, other causes.
3212 Rails, giving way because of worn condition.
3213 Rail joints, angle bars or bolts broken or otherwise defective.
3214 Rail joints, failure at, due to insulation.
3215 Rail joints, improperly maintained.
3216 Compromise joints, defect, or improper maintenance.
3288 Other defects in or failures of rail joints.

Frogs and Switches

3301 Frogs, broken or missing bolts.
3302 Frogs, guard rail or fastenings defective or missing.
3303 Frogs, guard rail improperly placed or secured.
3304 Frogs, springs or spring bolts loose or defective.
3305 Frogs, wing rails broken.
3306 Frogs, point broken or worn.
3307 Other defects in frogs.
3308 Switch-detector bar or connecting rods broken or defective.
3309 Switch, lost motion or out of adjustment.
3310 Switch lug, broken.
3311 Switch point, bent or sprung.
3312 Switch point, broken.
3313 Switch point, worn.
3314 Switch stand or head block, loose, broken, or defective.
3315 Switch rod broken or disconnected.
3316 Switch heater, broken or otherwise defective.
3317 Switch rod bent or sprung.
3318 Switch indicator, missing or defective.
3319 Spring switch, defective.
3320 Keeper or latch, broken, defective, or missing.
3321 Electric or interlocking parts or appurtenances, failure or defect.
3322 Switch spiked, working loose.
3388 Other defects in or improper maintenance of switches.

Interlocking and Block Signal System

3401 Signal displaying false indication.
3402 Improper location of signal.
3403 Sand, rust or other deposits on rails.
3488 Other defects in, or improper maintenance of, signal system.

Other Way and Structure Items

3501 Guard rail improperly placed or secured.
3502 Improper superelevation of track.
3503 Improper alignment of track.
3504 Improper surface of track.
3505 Improper gage of track.
3506 Improper curvature for traffic conditions and equipment used.
3507 Dirty ballast or other poor drainage.
3508 Soft track not otherwise provided for.
3509 Insufficient side clearance.
3510 Insufficient overhead clearance.
3511 Insufficient clearance between adjacent tracks.
3512 Car retarder, worn, out of adjustment or otherwise defective.
3513 Skates and skate-placing mechanism worn, out of adjustment or otherwise defective.
3514 Mules, car dumping equipment and car shakeout devices worn, out of adjustment or otherwise defective.
3515 Float bridges.
3516 Fueling facilities.
3517 Sanding facilities.
3518 Water columns and other water supply facilities for servicing equipment.
3519 Turntables and transfer tables.
3520 Catenary, third rail or other wayside current distribution apparatus.
3588 Other defects in way and structures.

4. MISCELLANEOUS CAUSES

Improper Loading

4001 Load too high for proper clearance.
4002 Load too wide for proper clearance.
4003 Load too heavy or other unbalanced loading.
4004 Car overloaded.

Load shifted, due to improper or defective:

4005 Steel banding.
4006 Steel banding retainer.
4007 Cable, chain, rope or other tie-down device.
4008 Stakes, blocking, bracing or other fastenings.
4009 Load on two or more cars, failure to adjust for curves, failure to properly block coupler or failure to make uncoupling mechanism inoperative.
4088 Other improper loading of cars.

Negligence of Nonemployees

4101 Failure to control movement of locomotive or car.
4102 Failure to secure locomotive or car.
4103 Improper use of hand-operated switch or derail.
4104 Swinging car door left open.
4105 Car drop doors left open.
4106 Tractors, lift trucks, cranes and other portable machines not in clear.
4107 Chutes, ramps, conveyors, pipes and and other loading or unloading devices not in clear.
4108 Dirt or other obstructions on track.
4188 Other negligence of nonemployees.

Malicious or Careless Acts of Nonemployees

4201 Switch stand run into by vehicle.
4202 Switch or derail padlock, tampered with.
4203 Other tampering with switch or derail.
4204 Obstruction placed on track.
4205 Track or structure tampered with.
4206 Signal system tampered with.
4207 Brakes or chocks tampered with.
4208 Incendiarism.
4288 Other malicious acts or misbehavior of nonemployees.

Obstructions, Forces of Nature, etc.

4301 Landslides or boulders on, or foul of track.
4302 Snow or ice on track.
4303 Animals on track.
4304 Obstacles in switch, derail or frog.
4305 Roadway machine or track motor car obstructing track.
4306 Accidents caused by other train accidents.
4307 Track or structures damaged or washed out by floods.
4308 Bridge or trestle, timber construction, damaged by accidental fire.
4309 Timber tunnel lining damaged by accidental fire.
4310 Car damaged by accidental fire.
4386 Other accidental fires.
4387 Other track obstructions.
4388 Other forces of nature.

Rail-Highway Grade Crossing Accidents

Struck by locomotive or car:

4401 Passenger automobile.
4402 Bus.
4403 Truck.
4404 Other vehicle.

Ran into side of locomotive or car:

4411 Passenger automobile.
4412 Bus.
4413 Truck.
4414 Other vehicle.
4421 Accident caused by sudden train brake application to avoid highway crossing accident.
4422 Highway vehicle struck by locomotive or car at private crossing.
4423 Highway vehicle ran into side of locomotive or car at private crossing.
4487 Other private crossing accidents.
4488 Other highway grade crossing accidents.

Combination of Two or More Causes

Wheel flange worn and:

4501 Switch point worn.
4502 Switch and adjoining frog too close together.
4503 Improper surface of track.
4504 Tight gage of track.
4505 Improper loading of car.

Truck stiff, close side bearing clearance or improper swivelling and:

4506 Switch point worn.
4507 Improper surface of track.
4508 Tight gage of track.
4509 Improper loading of car.
4510 Wheel flange worn.

Excessive side bearing clearance and:

4511 Improper surface of track.
4512 Improper superelevation of track on curve.
4513 Improper loading of car.

Slack action and:

4514 Improper surface of track.
4515 Tight gage of track.
4516 Improper loading of car.
4517 Heavy impact and weakened condition of car.
4518 High locomotive tractive effort and light cars on sharp curve.
4588 Other combinations of two or more causes.

Other Ascertained Causes

4601 Rocking or swaying of car.
4602 Rail slippery.
4603 Car blown out of siding by wind.
4604 Unable to control locomotive or cars on grade.
4605 Use of helper locomotive, not otherwise provided for.
4606 Emergency or severe application of air brakes.
4607 Slack action, not otherwise classified.
4608 Handling bad order equipment, including use of chains, bars, etc., in place of standard coupler.
4609 Cars parted, not otherwise classified.
4610 Vision obscured because of location of hand brake.
4611 Vision obscured by smoke, steam, fog, smog, ice, snow, rain, etc.

Use of, or operation of:

4612 Crane car.
4613 Snow plow, flanger, ditcher, or spreader.
4614 Air dump car.
4615 Fueling, watering or sanding facilities.
4616 Mules, car dumpers or shakeout devices.
4617 Turntables or transfer tables.
4618 Float bridges.
4619 Car retarder.
4620 Skates or skate-placing mechanism.
4687 Accident investigated—other ascertained cause.
4688 Accident not investigated.

TRAIN-SERVICE ACCIDENTS

5. SPECIFIED GROUPS OF CAUSES

Coupling or Uncoupling Locomotives or Cars, or Manipulating Air or Steam Connections

(a) Coupling and uncoupling locomotives or cars:

5001 Adjusting coupler, unexpected movement of cars due to slack.
5002 Adjusting coupler, unexpected movement of cars due to mistake or misunderstanding in giving or observing hand signals.
5003 Adjusting coupler, unexpected movement of cars due to other causes.
5004 Adjusting coupler, when moving cars were nearing each other.
5005 Adjusting coupler on moving cars, lost footing.
5006 Adjusting coupler with foot, cars moving.
5007 Adjusting coupler with foot, cars not moving.
5008 Adjusting coupler, part of coupler fell striking person.
5009 Uncoupling without using lever.
5010 Uncoupling lever, manipulation of.
5011 Uncoupling, lost footing, or fell from car.
5012 Uncoupling, unexpected movement of cars or locomotives.
5013 Coupling or uncoupling with chains or other emergency appliances.
5014 Coupling or uncoupling damaged or bad order cars, not otherwise provided for.
5015 Foot caught in frog, switch, guard rail, crossing plank, etc.
5016 Coming in contact with objects or material, etc., or striking parts of body against cars or locomotives while coupling or uncoupling, not otherwise provided for.
5017 Hand, arm, foot, or any part of body caught between projecting load and car, not otherwise provided for.
5018 Stumbling, slipping, or falling, not otherwise provided for.
5019 Struck by freight or other objects falling from cars or locomotives.
5020 Stepping in holes or depressions.
5048 Miscellaneous.

(b) Coupling and uncoupling air hose (or turning angle cocks), steam hose, and safety chains:

5051 Air or steam hose, angle cocks or safety chains, cars moved while manipulating.
5052 Air or steam hose, angle cocks or safety chains, going between moving cars to manipulate.
5053 Air hose, uncoupling, struck by hose because of sudden release of air.
5054 Steam hose, burned by hot water or steam from.
5055 Stumbling, slipping, or falling, not otherwise provided for.
5056 Parts defective, or hard to manipulate.
5057 Struck by freight or other objects falling from cars or locomotives, while manipulating.
5088 Miscellaneous.

(c) Operating locomotives and rail motor cars:

5101 Fueling, watering or sanding.
5102 Using hand tools.
5103 Burn from hot oil, steam, or hot water.
5104 Operating steam generating boiler and appurtenances.
5105 Electrical flash, shock or burn.
5106 Fumes from internal combustion engine or appurtenances.
5107 Coming in contact with objects on the locomotive, defective equipment.
5108 Coming in contact with objects on the locomotive, other causes.
5109 Struck by tools or other objects falling.
5110 Stumbling, slipping, or falling on ground.
5111 Stumbling, slipping, or falling, due to oil leaks.
5112 Stumbling, slipping, or falling, other defective equipment.
5113 Stumbling, slipping, or falling, other causes.
5114 Running of locomotive or rail motor car by unauthorized person.
5115 Checking, oiling locomotive, etc.
5116 Unexpected movement of locomotive not otherwise classified.
5117 Doors, injured by.
5188 Other accidents while operating locomotives other than steam including rail motor cars, other causes.

(d) Operating hand brakes:

5201 Brake chains or bolts, breaking or giving way.
5202 Brake chains kinking, twisting, overlapping, or too long.
5203 Brake shaft, broken or defective.
5204 Brake wheel, loose or defective.
5205 Pawl or ratchet, defect in or failure of.
5206 Defective hand brakes not included above.
5207 Pawl slipping or accidentally knocked out of ratchet, no defects.
5208 Brake club slipping in wheel.
5209 Brake club, struck by, because wheel flew around.
5210 Brake club, breaking.
5211 Sudden stopping, starting, lurch, or jerk of train or car.
5212 Slipping or falling because of ice or snow on cars or locomotives.
5213 Losing hold, slipping, or falling, not otherwise classified.
5214 Using or holding hand brakes against air.
5215 Caught between running boards.
5216 Load shifting.
5217 Finger, hand, or other part of body caught between parts of equipment, or lading, not otherwise provided for.
5218 Operating ratchet-handle brake, no defect.
5219 Vision obscured because of location of hand brake.
5288 Other accidents while operating hand brakes.

(e) Operating switches:

5301 Switch lever flying up.
5302 Switch lever or ball falling on or catching hand, foot, or other part of body.
5303 Slipping or falling on ice or snow on tracks or elsewhere.
5304 Tripping, slipping, or falling, not otherwise classified.
5305 Caught between locomotive or car and switch lever or stand.
5306 Struck by locomotives or cars.
5307 Foot, hand, or other part of body caught in or by mechanism of switch.
5388 Other accidents while operating switches.

(f) Persons on locomotives or cars coming in contact with structures, etc.:

5401 Bridges, overhead.
5402 Bridges, side.
5403 Buildings or gates, not otherwise provided for.
5404 Coal chutes, aprons, docks, elevators, etc.
5405 Enginehouse or roundhouse walls, doors, or doorways.
5406 Fences, cattle guards, etc.
5407 Mail cranes (normal or in position for mail delivery).
5408 Overhang at station or other buildings.
5409 Platforms.
5410 Poles (telegraph, telephone, electric light, signal, etc.).
5411 Scale housings.
5412 Signal arms or other parts or appurtenances of signal apparatus.
5413 Snowsheds, roofs.
5414 Snowsheds, walls.
5415 Stock chutes or pens.
5416 Switch stands, lamps, targets, signals, etc.
5417 Tunnels, overhead walls.
5418 Tunnels, side walls.
5419 Warning guards or ticklers.
5420 Water and fuel-oil standpipes and spouts.
5421 Wires or pipes, overhead.
5422 Other temporary obstructions.
5488 Other fixed structures.

(g) Getting on or off cars or locomotives:

5501 Handhold or grab iron, losing hold or missing.
5502 Handhold or grab iron, defective.
5503 Step, stirrup, or footboard, missing footing or slipping on.
5504 Step, stirrup, or footboard, defective.
5505 Ladder, missing foothold, or slipping on or losing hold of rung.
5506 Ladder, defective.
5507 Striking hands, arms, feet, legs, head, or body against cars or locomotives.
5508 Stepping or tripping on coal, boards, stone, rubbish, or other loose or refuse material, or in holes.

5509 Stepping or tripping on ties, rails, ballast, etc. (part of track).
5510 Slipping on ice or snow on ground.
5511 Slipping on ice or snow on locomotives or freight cars.
5512 Slipping or falling on or from coach steps, foot catching.
5513 Slipping or falling on or from coach steps, ice or snow on step.
5514 Slipping or falling on or from coach steps, defective step.
5515 Slipping or falling on or from coach steps, train starting or stopping.
5516 Slipping or falling on or from coach steps, not otherwise classified.
5517 Slipping or falling while boarding or alighting beyond station platform.
5518 Slipping or falling on station platform, ice or snow on platform.
5519 Slipping or falling on station platform, defective platform.
5520 Stepping or falling between car and high platform.
5521 Stepping or falling between car steps and low platform.
5522 Slipping or falling on station platform, not otherwise classified.
5523 Falling, slipping, tripping, or ankle turned or sprained, not otherwise classified.
5524 Missing footing on porter's footstool.
5525 Falling from or through bridge or trestle.
5526 Getting on front end of approaching locomotive.
5527 Getting on or off at excessive speed.
5528 Coming in contact with trucks (baggage, express, mail, etc.).
5529 Coming in contact with or tripping over baggage, express matter, etc.
5530 Coming in contact with nails, splinters, part of lading, etc., on cars, not otherwise provided for.
5531 Struck by loose material, tools, etc., falling on or from locomotives or cars.
5532 Hand or other part of body striking or being struck by loose or swinging car doors, or projections from locomotives or cars.
5533 Trapdoors on coach, injured by.
5534 Otherwise injured by car doors.
5535 Clothing catching.
5536 Sudden stopping, starting, lurch, or jerk of locomotive or car.
5537 Attempting to carry material or tools while getting on or off locomotives or cars.
5538 Jumping from equipment in anticipation of an accident.
5539 Jumping from equipment, while mentally deranged, or to escape from custody, etc.
5540 Jumping from equipment, other causes.
5541 Striking or being struck by cars or locomotives on adjacent tracks
5542 Coming in contact with fixed structures
5543 Coming in contact with temporary or movable structures, material, etc., not otherwise provided for.
5588 Getting on or off, not otherwise provided for.

(h) Accidents at public rail-highway crossings:

5601 Pedestrian struck by locomotive or car.
5602 Passenger automobile struck by locomotive or car.
5603 Bus struck by locomotive or car.
5604 Truck struck by locomotive or car.
5605 Motorcycle struck by locomotive or car.
5606 Other vehicle, machine or animal struck by locomotive or car.
5607 Pedestrian ran into, or drawn into locomotive or car.
5608 Passenger automobile ran into side of locomotive or car.
5609 Bus ran into side of locomotive or car.
5610 Truck ran into side of locomotive or car.
5611 Motorcycle ran into side of locomotive or car.
5612 Other vehicle, machine or animal ran into side of locomotive or car.
5613 Vehicle ran into roadway structure to avoid locomotive or car.
5614 Accident caused by sudden train brake application to avoid highway crossing accident.
5615 Pedestrian passing over, through or under cars on crossing.
5688 Highway crossing accidents due to other causes.

(i) Struck by or ran into locomotives or cars at places other than public rail-highway crossings:

5701 Standing, walking, or running on or along track.
5702 Crossing track at private crossing.
5703 Crossing track not at crossing.
5704 While on public thoroughfare (track in street).
5705 On bridges or trestles.
5706 Sitting or lying on track or near track not in clear.
5707 While working on or along track, negligence
5708 While working on or along track, improper instructions.
5709 While working on or along track, improper protection.
5710 While working on or along track, defective protective devices.
5711 While working on or along track, other causes.
5788 Other accidents to persons by locomotives or cars at places other than public rail-highway crossings.

MISCELLANEOUS CAUSES

(j) Freight, baggage, express or mail:

5801 Handling freight.
5802 Broken or leaking package, container or car of explosives or other dangerous articles.
5803 Lading shifted.
5804 Improper routing of car with high or wide load.
5805 Handling baggage, express or mail.
5806 Locomotive or car striking baggage, express, freight or mail, or striking baggage trucks or similar objects.
5807 Baggage or similar articles falling from luggage rack in passenger car.
5808 Baggage or similar articles in passenger car aisle or vestibule, tripping over.
5809 Other accidents while handling freight, baggage, express or mail.

(j) Windows, doors, etc.:

5810 Closing or opening hopper doors on cars.
5811 Closing or opening sliding box-car doors.
5812 Unexpected closing of doors, no defects.
5813 Closing or opening sliding baggage-car doors.
5814 Unexpected closing of doors, defective keeper or other defects.
5815 Coach trapdoors being operated by trainmen.
5816 Coach trapdoors being operated by passengers.
5817 Defective coach trapdoors, accidentally opening or closing.
5818 Adjusting windows.
5819 Windows otherwise falling and striking persons.
5820 Interior doors, etc.
5821 End gate of car falling or otherwise involved.

(j) Servicing or maintenance accidents involving train operation:

5822 Fueling, watering or sanding locomotive or rail motor cars.
5823 Lubrication of locomotive or cars.
5824 Icing of refrigerator cars.
5825 Servicing of car mechanical refrigeration equipment.
5826 Installing, removing, or servicing car heaters other than in passenger cars.
5827 Cleaning or washing of locomotive or cars.
5828 Icing or watering of passenger cars.
5829 Servicing of passenger car heating, lighting, or air-conditioning equipment.
5830 Locomotive or car coming against locomotive or car being repaired under flag or signal protection.
5831 Locomotive or car coming against locomotive or car being repaired without flag or signal protection.
5832 Locomotive or car being repaired on the road or in yard, not otherwise provided for.
5833 Rerailing locomotives or cars or handling rerailing devices.
5834 While working around wrecks, not otherwise provided for.
5835 Failure of maintenance or other employees to put out flag or otherwise to protect when obstructing track.
5836 Disregard of flag or other protection placed by maintenance or other employees.
5837 Train striking or being struck by motor car, other causes.
5838 Track motor car, jumping from, in anticipation of being struck by locomotive or car.
5839 Removing obstacles from track.
5840 Other servicing or maintenance accidents.

(j) Stumbling, slipping, falling, caught, etc., not elsewhere classified:

WHILE ON CAR OR LOCOMOTIVE

5841 On snow or ice.
5842 On passenger car buffer foot plate.
5843 Passenger car diaphragm.
5844 In passenger cars, not elsewhere classified.
5845 Stepping or jumping between locomotives or cars in the same train.
5846 Falling from, not otherwise classified.
5847 Stumbling, slipping or falling on, not otherwise classified.

(j) Not on cars or locomotive:

5848 On snow or ice.
5849 Falling off or through bridges, trestles or retaining walls, equipped with handrails.
5850 Falling off or through bridges, trestles or retaining walls, not equipped with handrails.
5851 On stairways, ramps, station platforms, etc.
5852 Falling into transfer table, turntable, inspection or other pits.
5853 Stepping or tripping into holes or depressions.
5854 On switch or signal parts in place.
5855 On rails, ties, or other parts of track in place.
5856 Piled material (including snow and ice).
5857 On nails, splinters or other sharp materials or sharp trash.
5858 On coal, boards or other loose material or loose trash.
5859 Between locomotive or car and fixed structure.
5860 Between locomotive or car and other than fixed structures.
5861 Between locomotives and/or cars on adjacent tracks.
5888 Other causes.

(j) Flying or falling objects, burns and similar causes:

5901 Sparks, cinders or other flying objects in eye.
5902 Stones, or other objects "picked up" by train.

8903 Other injuries by flying objects.
8904 Coal, coke or other material or lading falling from tenders or cars.
8905 Electrical flash, shock or burn from locomotive or car.
8906 Electrical flash, shock or burn from third rail.
8907 Electrical flash, shock or burn from catenary construction.
8908 Electrical flash, shock or burn from other sources.
8909 Fire or explosion of fuses or torpedoes.
8910 Fire or explosion caused by explosives or other dangerous articles.
8911 Other fire or explosion on locomotive.
8912 Other fire or explosion on freight-train car (or work equipment).
8913 Other fire or explosion on passenger-train car or rail motor car.
8914 Other fire or explosion along right-of-way.
8915 Burned by hot, or corrosive substances.
8916 Other burns, not elsewhere classified.
8917 Overcome by fumes or gases, not elsewhere classified.
8918 Other flying or falling objects, burns and similar causes.

(j) Other causes:

8919 Crossing over, under or between locomotives or cars.
8920 Locomotive or car coming against car placed for loading or unloading.
8921 Sudden starting, stopping, lurch or jerk of locomotive or car, not elsewhere classified.
8922 Due to slack action.
8923 Bleeding cars.
8924 Poling or roping cars.
8925 Car sides spreading or buckling.
8926 Blocking or chocking cars.
8927 Projections of material, tools, or equipment on locomotives or cars on adjacent track.
8928 Emergency or severe application of air brakes, burst or parted air hose.
8929 Emergency or severe application of air brakes, other defective equipment.
8930 Emergency or severe application of air brakes, negligence of engineman.
8931 Emergency or severe application of air brakes, negligence of train crew.
8932 Other emergency or severe application of air brakes.
8933 Other accidents in braking or securing equipment.
8934 Other miscellaneous causes.

NONTRAIN ACCIDENTS

7. EQUIPMENT

(a) Locomotives—Construction, servicing, maintenance, and dismantling of locomotive:

7001 Use of portable tools.
7002 Use of scaffolds, ladders, etc.
7003 Use of cranes, hoists, turntables, etc.
7004 Use of shop machinery.
7005 Use of lift trucks and other portable material-handling equipment.
7006 Use of paint spraying or paint removing equipment.
7007 Foreign object in eye.
7008 Flying objects.
7009 Falling objects.
7010 Electrical flash, shock or burn.
7011 Fire or explosion.
7012 Hot or corrosive substances.
7013 Fumes or gases.
7014 Stumbling, slipping or falling.
7015 Moving locomotive for repairs.
7016 Unexpected movement of locomotive.
7088 Other causes.

(b) Construction, servicing, maintenance, and dismantling of cars:

7101 Use of portable tools.
7102 Use of scaffolds, ladders, etc.
7103 Use of cranes, hoists, transfer tables, etc.
7104 Use of shop machinery.
7105 Use of lift trucks and other portable material-handling equipment.
7106 Use of paint spraying or paint removing equipment.
7107 Foreign object in eye.
7108 Flying objects.
7109 Falling objects.
7110 Electrical flash, shock or burn.
7111 Fire or explosion.
7112 Hot or corrosive substances.
7113 Fumes or gases.
7114 Stumbling, slipping or falling.
7115 Moving locomotive for repairs.
7116 Unexpected movement of locomotive.
7188 Other causes.

(b) Construction, maintenance, servicing, and dismantling of floating equipment:

7201 Use of portable tools.
7202 Use of scaffolds, ladders, etc.
7203 Use of cranes, hoists, transfer tables, etc.
7204 Use of shop machinery.
7205 Use of lift trucks and other portable material-handling equipment.
7206 Use of paint spraying or paint removing equipment.
7207 Foreign object in eye.
7208 Flying objects.
7209 Falling objects.
7210 Electrical flash, shock or burn.
7211 Fire or explosion.
7212 Hot or corrosive substances.
7213 Fumes or gases.
7214 Stumbling, slipping or falling.
7215 Moving other equipment for repairs.
7216 Unexpected movement of other equipment.
7288 Other causes.

Miscellaneous Vehicles

(c) A. Operation on public highway of:

7301 Passenger automobiles.
7302 Buses.
7303 Trucks.
7304 Other highway vehicles and machines.

B. Operation on other than public highways of:

7401 Passenger automobiles.
7402 Buses.
7403 Trucks.
7404 Other highway vehicles and machines.

C. Servicing and maintenance of:

7501 Passenger automobiles.
7502 Buses.
7503 Trucks.
7504 Other highway vehicles.
7505 Trailers or containers.
7588 Accidents involving other equipment, not elsewhere classified.

(d) Construction, repair, maintenance, or dismantling of facilities for equipment and vehicles:

7601 Use of portable tools.
7602 Use of scaffolds, ladders, etc.
7603 Use of cranes, hoists, transfer tables, etc.
7604 Use of shop machinery.
7605 Use of lift trucks and other portable material-handling equipment.
7606 Use of paint spraying or paint removing equipment.
7607 Foreign object in eye.
7608 Flying objects.
7609 Falling objects.
7610 Electrical flash, shock or burn.
7611 Fire or explosion.
7612 Hot or corrosive substances.
7613 Fumes or gases.
7614 Stumbling, slipping or falling.
7615 Moving other equipment for repairs.
7616 Unexpected movement of other equipment.
7688 Other causes.

Construction, Maintenance or Dismantling of Way and Structures

(e) Bridges, tunnels, culverts, etc.:

8001 Use of hand tools.
8002 Use of portable power tools.
8003 Use of scaffolds, ladders, etc.
8004 Use of paint spraying or paint removing equipment.
8005 Use of cranes, derricks, piledrivers, etc.
8006 Loading or unloading material on cars or trucks.
8007 Moving cars.
8008 Use of machinery and other equipment.
8009 Foreign objects in eye.
8010 Flying objects.
8011 Falling objects.
8012 Electrical flash, shock or burn.
8013 Fire or explosion.
8014 Fumes or gases.
8015 Stumbling, slipping or falling.
8088 Other causes.

(e) Stations, warehouses, roadway buildings, and grain elevators:

8101 Use of hand tools.
8102 Use of portable power tools.
8103 Use of scaffolds, ladders, etc.
8104 Use of paint spraying or paint removing equipment.
8105 Use of cranes, derricks, piledrivers, etc.
8106 Loading or unloading material on cars or trucks.
8107 Moving cars.
8108 Use of machinery and other equipment.
8109 Foreign objects in eye.
8110 Flying objects.
8111 Falling objects.
8112 Electrical flash, shock or burn.
8113 Fire or explosion.
8114 Fumes or gases.
8115 Stumbling, slipping or falling.
8188 Other causes.

(e) Maintenance of way, bridge and building, and signal shop facilities, etc.:

8201 Use of hand tools.
8202 Use of portable power tools.
8203 Use of scaffolds, ladders, etc.
8204 Use of paint spraying or paint removing equipment.
8205 Use of cranes, derricks, piledrivers, etc.
8206 Loading or unloading material on cars or trucks.
8207 Moving cars.
8208 Use of machinery and other equipment.
8209 Foreign objects in eye.
8210 Flying objects.
8211 Falling objects.
8212 Electrical flash, shock or burn.
8213 Fire or explosion.
8214 Fumes or gases.
8215 Stumbling, slipping or falling.
8288 Other causes.

(e) Wharves, docks, or floatbridges, etc:

8301 Use of hand tools.
8302 Use of portable power tools.
8303 Use of scaffolds, ladders, etc.
8304 Use of paint spraying or paint removing equipment.
8305 Use of cranes, derricks, piledrivers, etc.
8306 Loading or unloading material on cars, trucks or vessels.
8307 Moving cars.
8308 Use of machinery and other equipment.
8309 Foreign objects in eye.
8310 Flying objects.
8311 Falling objects.
8312 Electrical flash, shock or burn.
8313 Fire or explosion.
8314 Fumes or gases.
8315 Stumbling, slipping or falling.
8388 Other causes.

(e) Other miscellaneous structures:

8401 Use of hand tools.
8402 Use of portable power tools.
8403 Use of scaffolds, ladders, etc.
8404 Use of paint spraying or paint removing equipment.
8405 Use of cranes, derricks, piledrivers, etc.
8406 Loading or unloading material on cars or trucks.
8407 Moving cars.
8408 Use of machinery and other equipment.
8409 Foreign objects in eye.
8410 Flying objects.
8411 Falling objects.
8412 Electrical flash, shock or burn.
8413 Fire or explosion.
8414 Fumes or gases.
8415 Stumbling, slipping or falling.
8488 Other causes.

(f) Cuts, fills, retaining walls, cribbing, fences, and signs:

8501 Use of hand tools.
8502 Use of portable power tools.
8503 Use of scaffolds, ladders, etc.
8504 Use of paint spraying or paint removing equipment.
8505 Use of cranes, derricks, piledrivers, etc.
8506 Loading or unloading material on cars or trucks.
8507 Moving cars.
8508 Use of machinery and other equipment.
8509 Foreign objects in eye.
8510 Flying objects.
8511 Falling objects.
8512 Electrical flash, shock or burn.
8513 Fire or explosion.
8514 Fumes or gases.
8515 Stumbling, slipping or falling.
8588 Other causes.

Track

(g) A. Ties, switch timbers, tie plates, and fastenings:

8601 Inserting or removing by use of hand tools.
8602 Inserting or removing by use of power tools.
8603 Loading or unloading.
8604 Moving cars in tie work.
8605 Machining or other processing at shop.
8606 Foreign object in eye.
8607 Flying objects.
8608 Falling objects.
8609 Electrical flash, shock or burn.
8610 Fire or explosion.
8611 Fumes or gases.
8612 Stumbling, slipping or falling.
8688 Other causes.

B. Rail:

8701 Handling by use of power tools.
8702 Handling by use of hand tools.
8703 Welding, building-up, cutting, hardening or grinding rail at site.
8704 Welding, building-up, cutting, hardening or grinding rail at shop.
8705 Loading or unloading.
8706 Moving cars in rail work.
8707 Foreign object in eye.
8708 Flying objects.
8709 Falling objects.
8710 Electrical flash, shock or burn.
8711 Fire or explosion.
8712 Fumes or gases.
8713 Stumbling, slipping or falling.
8788 Other causes.

C. Other material:

8801 Handling by use of portable tools.
8802 Handling by use of cranes or derricks.
8803 Welding, building-up, cutting, hardening or grinding.
8804 Loading or unloading material or other equipment.
8805 Moving cars or other equipment.
8806 Foreign object in eye.
8807 Flying objects.
8808 Falling objects.
8809 Electrical flash, shock or burn.
8810 Fire or explosion.
8811 Fumes or gases.
8812 Stumbling, slipping or falling.
8888 Other causes.

Signal and Communication System

(h) Block, interlocking and highway crossing signals:

8901 Use of hand tools.
8902 Use of portable power tools.
8903 Use of scaffolds, ladders, etc.
8904 Use of paint spraying or paint removing equipment.
8905 Use of cranes, derricks, piledrivers, etc.
8906 Loading or unloading material on cars or trucks.
8907 Moving cars.
8908 Use of machinery and other equipment.
8909 Foreign objects in eye.
8910 Flying objects.
8911 Falling objects.
8912 Electrical flash, shock or burn.
8913 Fire or explosion.
8914 Fumes or gases.
8915 Stumbling, slipping or falling.
8988 Other causes.

(h) Telephone, telegraph and radio communications:

9001 Use of hand tools.
9002 Use of portable power tools.
9003 Use of scaffolds, ladders, etc.
9004 Use of paint spraying or paint removing equipment.
9005 Use of cranes, derricks, piledrivers, etc.
9006 Loading or unloading material on cars or trucks.
9007 Moving cars.
9008 Use of machinery and other equipment.
9009 Foreign objects in eye.
9010 Flying objects.
9011 Falling objects.
9012 Electrical flash, shock or burn.
9013 Fire or explosion.
9014 Fumes or gases.
9015 Stumbling, slipping or falling.
9088 Other causes.

(i) Operation, servicing, and maintenance of track motor cars and other roadway machines:

9101 Track motor cars striking each other.
9102 Track motor cars striking other roadway machines.
9103 Track motor cars leaving the track while in motion.
9104 Track motor cars, jumping from, in anticipation of nontrain accident.
9105 Highway grade accidents involving track motor cars or other roadway machines.
9106 Other nontrain accidents involving operation of track motor cars.
9107 Other nontrain accidents involving operation of other roadway machines, not elsewhere classified.
9108 Foreign objects in eye.
9109 Flying objects.
9110 Falling objects.
9111 Electrical flash, shock or burn.
9112 Fire or explosion.
9113 Fumes or gases.
9114 Stumbling, slipping or falling.
9188 Other causes.

(j) Operation, servicing, maintenance, or dismantling of power plants, and substations:

9201 Use of hand tools.
9202 Use of portable power tools.
9203 Use of scaffolds, ladders, etc.
9204 Use of paint spraying or paint removing equipment.
9205 Use of cranes, derricks, piledrivers, etc.
9206 Loading or unloading material on cars or trucks.
9207 Moving cars.
9208 Use of machinery and other equipment.
9209 Foreign objects in eye.
9210 Flying objects.
9211 Falling objects.
9212 Electrical flash, shock or burn.
9213 Fire or explosion.
9214 Fumes or gases.
9215 Stumbling, slipping or falling.
9288 Other causes.

(j) Operation, servicing, maintenance, or dismantling of transmissions and distribution systems:

9301 Use of hand tools.
9302 Use of portable power tools.
9303 Use of scaffolds, ladders, etc.
9304 Use of paint spraying or paint removing equipment.
9305 Use of cranes, derricks, piledrivers, etc.
9306 Loading or unloading material on cars or trucks.
9307 Moving cars.
9308 Use of machinery and other equipment.
9309 Foreign objects in eye.
9310 Flying objects.
9311 Falling objects.
9312 Electrical flash, shock or burn.
9313 Fire or explosion.
9314 Fumes or gases.
9315 Stumbling, slipping or falling.
9388 Other causes.

(k) 9. Miscellaneous causes; all classes of persons:

9401 Operating freight stations, and the freight portion of combination stations.
9402 Handling freight other than explosives or other dangerous articles by hand.
9403 Handling freight other than explosive or other dangerous articles by power.
9404 Handling explosives, other dangerous articles and empty containers.
9405 Operating passenger stations, and the passenger portion of combination stations.
9406 Handling baggage, express and mail by hand.
9407 Handling baggage, express and mail by power.
9408 Other accidents within stations, not elsewhere classified.
9409 Other accidents outside stations, not elsewhere classified.
9410 Other accidents within general office buildings.
9411 Operating storehouse buildings and equipment and storage yards.
9412 Operating car dumpers, gantry cranes, mules, skip hoists, shakeout devices, etc.
9413 Accidents to yard office employees and others within yard offices.
9414 Accidents to yard office employees and others outside yard offices.
9415 Accidents to crossing and bridge flagmen and gatemen.
9416 Accidents to patrolmen and watchmen.
9417 Accidents to commissary and laundry employees.
9418 Accidents due to use of escalators, stairways, etc.
9419 Foreign objects in eye.
9420 Flying objects.
9421 Falling objects.
9422 Electrical flash, shock or burn.
9423 Fire or explosion.
9424 Hot or corrosive substances.
9425 Fumes or gases.
9426 Other stumbling, slipping or falling.
9427 Accident investigated—other ascertained cause.

[F.R. Doc. 61-10989; Filed, Nov. 20, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

Notice of Zones for Minor Civil Divisions

Notice is hereby given of zones for minor civil divisions which have been determined and are hereby announced pursuant to § 927.42(b) of the order amending the order regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927; 26 F.R. 10155; F.R. Doc. 61-10321), effective December 1, 1961.

Notice of zones proposed to be determined and publicly announced pursuant to said order together with opportunities for interested parties to submit written data, views, and arguments with respect thereto was issued on September 25, 1961 (26 F.R. 9415; F.R. Doc. 61-9511). All data, views, and arguments submitted have been carefully considered in the determination of the zones hereinafter set forth.

The aforesaid order amending the order requires that zones for minor civil divisions determined and announced pursuant to § 927.42(b) thereof be used in connection with payments which handlers are required to make for milk received on and after December 1, 1961. Accordingly, the zones hereinafter set forth should be effective with respect to said payments (rather than 30 days or more after publication) in order to effectuate the provisions of the aforesaid order.

Amend § 927.501 to read as follows:

§ 927.501 Zones for minor civil divisions.

Zones for minor civil divisions determined pursuant to § 927.42(b) are as follows: (Where not otherwise specified, incorporated villages are in the same zone as the township in which they are located.)

MINOR CIVIL DIVISIONS IN THE STATE OF NEW JERSEY

ATLANTIC COUNTY

	Freight zone (miles)
Absecon city	101–110
Atlantic City	101–110
Brigantine city	101–110
Buena borough	81–90
Buena Vista township	81–90
Corbin City	101–110
Egg Harbor City	81–90
Egg Harbor township	101–110
Estell Manor city	101–110
Folsom borough	81–90
Galloway township	81–90
Hamilton township	81–90
Hammontown town	76–80
Linwood city	101–110
Longport borough	111–120
Margate City	101–110
Mullica township	76–80
Northfield city	101–110
Pleasantville city	101–110
Port Republic city	81–90
Somers Point city	101–110
Ventnor City	101–110
Weymouth township	91–100

BERGEN COUNTY

Allendale borough	11–20
Mahwah township	11–20
Montvale borough	11–20
Oakland borough	11–20
Ramsey borough	11–20
Saddle River borough	11–20
Upper Saddle River borough	11–20
Waldwick borough	11–20
All other minor civil divisions	1–10

BURLINGTON COUNTY

Bass River township	71–75
Beverly city	51–60
Bordentown city	41–50
Bordentown township	41–50
Burlington city	51–60
Burlington township	51–60
Chesterfield township	41–50
Cinnaminson township	61–70
Delanco township	51–60
Delran township	61–70
Eastampton township	51–60
Edgewater Park township	51–60
Evesham township	61–70
Fieldsboro borough	41–50
Florence township	41–50
Hainesport township	51–60
Levittown township	51–60
Lumberton township	51–60
Mansfield township	41–50
Maple Shade township	61–70
Medford township	61–70
Medford Lakes borough	61–70
Moorestown township	61–70
Mount Holly township	51–60
Mount Laurel township	61–70
New Hanover township	51–60
North Hanover township	41–50
Palmyra borough	61–70
Pemberton borough	51–60
Pemberton township	51–60
Riverside township	61–70
Riverton borough	61–70
Shamong township	61–70
Southampton township	51–60
Springfield township	51–60
Tabernacle township	61–70
Washington township	71–75
Westampton township	51–60
Woodland township	61–70
Wrightstown borough	51–60

CAMDEN COUNTY

Audubon borough	61–70
Audubon Park borough	61–70
Barrington borough	61–70
Bellmawr borough	71–75
Berlin borough	76–80
Berlin township	76–80
Brooklawn borough	71–75
Camden city	61–70
Chesilhurst borough	76–80
Clementon borough	76–80
Collingswood borough	61–70
Delaware township	61–70
Gibbsboro borough	71–75
Gloucester City	61–70
Gloucester township	71–75
Haddon township	61–70
Haddonfield borough	61–70
Haddon Heights borough	61–70
Hi-Nella borough	71–75
Laurel Springs borough	71–75
Lawnside borough	61–70
Lindenwold borough	71–75
Magnolia borough	71–75
Merchantville borough	61–70
Mount Ephraim borough	61–70
Oaklyn borough	61–70
Pennsauken township	61–70
Pine Hill borough	76–80
Pine Valley borough	76–80
Runnemede borough	71–75
Somerdale borough	71–75
Stratford borough	71–75
Tavistock borough	61–70
Voorhees township	71–75
Waterford township	76–80
Winslow township	76–80
Wood-Lynne borough	61–70

CAPE MAY COUNTY

Avalon borough	126–130
Cape May city	141–150
Cape May Point borough	141–150
Dennis township	111–120
Lower township	131–140
Middle township	121–125
North Wildwood city	131–140
Ocean City	111–120
Sea Isle City	126–130
Stone Harbor borough	131–140
Upper township	111–120
West Cape May borough	141–150
West Wildwood borough	131–140
Wildwood city	131–140
Wildwood Crest borough	131–140
Woodbine borough	111–120

CUMBERLAND COUNTY

Bridgeton city	111–120
Commercial township	111–120
Deerfield township	101–110
Downe township	111–120
Fairfield township	111–120
Greenwich township	111–120
Hopewell township	91–100
Lawrence township	111–120
Maurice River township	101–110
Millville city	101–110
Shiloh borough	101–110
Stow Creek township	101–110
Upper Deerfield township	91–100
Vineland city	91–100

ESSEX COUNTY

All minor civil divisions	1–10

GLOUCESTER COUNTY

Clayton borough	81–90
Deptford township	71–75
East Greenwich township	76–80
Elk township	81–90
Franklin township	81–90
Glassboro borough	81–90
Greenwich township	76–80
Harrison township	81–90
Logan township	81–90
Mantua township	76–80
Monroe township	81–90
National Park borough	71–75
Newfield borough	91–100
Paulsboro borough	76–80
Pitman borough	81–90
South Harrison township	81–90
Swedesboro borough	81–90
Washington township	76–80
Wenonah borough	76–80
West Deptford township	71–75
Westville borough	71–75
Woodbury city	71–75
Woodbury Heights borough	71–75
Woolwich township	81–90

HUDSON COUNTY

All minor civil divisions	1–10

HUNTERDON COUNTY

Alexandria township	41–50
Bethlehem township	41–50
Bloomsbury borough	41–50

MINOR CIVIL DIVISIONS IN THE STATE OF NEW JERSEY—Continued

HUNTERDON COUNTY—continued

	Freight zone (miles)
Califon borough	31-40
Clinton town	31-40
Clinton township	31-40
Delaware township	41-50
East Amwell township	31-40
Flemington borough	31-40
Franklin township	31-40
Frenchtown borough	41-50
Glen Gardner borough	41-50
Hampton borough	41-50
High Bridge borough	31-40
Holland township	41-50
Kingwood township	41-50
Lambertville city	41-50
Lebanon borough	31-40
Lebanon township	31-40
Milford borough	41-50
Raritan township	31-40
Readington township	26-30
Stockton borough	41-50
Tewksbury township	26-30
Union township	31-40
West Amwell township	41-50

MERCER COUNTY

East Windsor township	31-40
Ewing township	41-50
Hamilton township	31-40
Highstown borough	31-40
Hopewell borough	31-40
Hopewell township	31-40
Lawrence township	31-40
Pennington borough	31-40
Princeton borough	26-30
Princeton township	26-30
Trenton city	41-50
Washington township	31-40
West Windsor township	31-40

MIDDLESEX COUNTY

Carteret borough	1-10
Cranbury township	26-30
Dunellen borough	11-20
East Brunswick township	11-20
Edison township	1-10
Helmetta borough	21-25
Highland Park borough	11-20
Jamesburg borough	21-25
Madison township	11-20
Metuchen borough	1-10
Middlesex borough	11-20
Milltown borough	11-20
Monroe township	21-25
New Brunswick city	11-20
North Brunswick township	11-20
Perth Amboy city	1-10
Piscataway township	11-20
Plainsboro township	26-30
Sayreville borough	11-20
South Amboy city	11-20
South Brunswick township	21-25
South Plainfield borough	1-10
South River borough	11-20
Spotswood borough	21-25
Woodbridge township	1-10

MONMOUTH COUNTY

Allenhurst borough	31-40
Allentown borough	31-40
Asbury Park city	31-40
Atlantic township	26-30
Atlantic Highlands borough	26-30
Avon-by-the-Sea borough	41-50
Belmar borough	41-50
Bradley Beach borough	41-50
Brielle borough	41-50
Deal borough	31-40
Eatontown borough	31-40
Englishtown borough	21-25
Fair Haven borough	31-40
Farmingdale borough	31-40
Freehold borough	26-30
Freehold township	26-30
Highlands borough	31-40
Holmdel township	21-25

MINOR CIVIL DIVISIONS IN THE STATE OF NEW JERSEY—Continued

MONMOUTH COUNTY—continued

	Freight zone (miles)
Howell township	31-40
Interlaken borough	31-40
Keansburg borough	21-25
Keyport borough	11-20
Little Silver borough	31-40
Loch Arbour village	31-40
Long Branch city	31-40
Manalapan township	21-25
Manasquan borough	41-50
Marlboro township	21-25
Matawan borough	11-20
Matawan township	11-20
Middletown township	21-25
Millstone township	31-40
Monmouth Beach borough	31-40
Neptune township	31-40
Neptune City borough	31-40
New Shrewsbury borough	31-40
Ocean township	31-40
Oceanport borough	31-40
Raritan township	21-25
Red Bank borough	26-30
Roosevelt borough	31-40
Rumson borough	31-40
Sea Bright borough	31-40
Sea Girt borough	41-50
Shrewsbury borough	31-40
Shrewsbury township	31-40
South Belmar borough	41-50
Spring Lake borough	41-50
Spring Lake Heights borough	41-50
Union Beach borough	21-25
Upper Freehold township	31-40
Wall township	31-40
West Long Branch borough	31-40

MORRIS COUNTY

Boonton town	11-20
Boonton township	11-20
Butler borough	11-20
Chatham borough	1-10
Chatham township	1-10
Chester borough	21-25
Chester township	21-25
Denville township	11-20
Dover town	11-20
East Hanover township	1-10
Florham Park borough	1-10
Hanover township	11-20
Harding township	11-20
Jefferson township	21-25
Kinnelon borough	11-20
Lincoln Park borough	1-10
Madison borough	1-10
Mendham borough	11-20
Mendham township	11-20
Mine Hill township	11-20
Montville township	1-10
Morris township	11-20
Morris Plains borough	11-20
Morristown town	11-20
Mountain Lakes borough	11-20
Mount Arlington borough	21-25
Mount Olive township	26-30
Netcong borough	26-30
Parsippany-Troy Hills township	1-10
Passaic township	11-20
Pequannock township	11-20
Randolph township	11-20
Riverdale borough	11-20
Rockaway borough	11-20
Rockaway township	11-20
Roxbury township	21-25
Victory Gardens borough	11-20
Washington township	26-30
Wharton borough	11-20

OCEAN COUNTY

Barnegat Light borough	81-90
Bay Head borough	41-50
Beach Haven borough	81-90
Beachwood borough	51-60
Berkeley township	51-60
Brick township	41-50
Dover township	41-50

MINOR CIVIL DIVISIONS IN THE STATE OF NEW JERSEY—Continued

OCEAN COUNTY—continued

	Freight zone (miles)
Eagleswood township	71-75
Harvey Cedars borough	81-90
Island Beach borough	51-60
Island Heights borough	51-60
Jackson township	31-40
Lacey township	51-60
Lakehurst borough	41-50
Lakewood township	41-50
Lavallette borough	41-50
Little Egg Harbor township	71-75
Long Beach township	81-90
Manchester township	41-50
Mantoloking borough	41-50
Ocean township	61-70
Ocean Gate borough	51-60
Pine Beach borough	51-60
Plumstead township	41-50
Point Pleasant borough	41-50
Point Pleasant Beach borough	41-50
Seaside Heights borough	51-60
Seaside Park borough	51-60
Ship Bottom borough	81-90
South Toms River borough	51-60
Stafford township	71-75
Surf City borough	81-90
Tuckerton borough	76-80
Union township	61-70

PASSAIC COUNTY

Bloomingdale borough	11-20
Pompton Lakes borough	11-20
Ringwood borough	11-20
Wanaque borough	11-20
West Milford township	11-20
All other minor civil divisions	1-10

SALEM COUNTY

Alloway township	91-100
Elmer borough	91-100
Elsinboro township	91-100
Lower Alloways Creek township	91-100
Lower Penns Neck township	91-100
Mannington township	91-100
Oldmans township	81-90
Penns Grove borough	91-100
Pilesgrove township	81-90
Pittsgrove township	91-100
Quinton township	91-100
Salem city	91-100
Upper Penns Neck township	91-100
Upper Pittsgrove township	81-90
Woodstown borough	81-90

SOMERSET COUNTY

Bedminster township	21-25
Bernards township	11-20
Bernardsville borough	11-20
Bound Brook borough	11-20
Branchburg township	26-30
Bridgewater township	11-20
Far Hills borough	21-25
Franklin township	11-20
Green Brook township	11-20
Hillsborough township	21-25
Manville borough	21-25
Millstone borough	21-25
Montgomery township	26-30
North Plainfield borough	11-20
Peapack-Gladstone borough	21-25
Raritan borough	21-25
Rocky Hill borough	26-30
Somerville borough	21-25
South Bound Brook borough	11-20
Warren township	11-20
Watchung borough	11-20

SUSSEX COUNTY

Andover borough	31-40
Andover township	31-40
Branchville borough	31-40
Byram township	26-30
Frankford township	31-40
Franklin borough	26-30
Fredon township	31-40
Green township	31-40

MINOR CIVIL DIVISIONS IN THE STATE OF NEW JERSEY—Continued

SUSSEX COUNTY—continued

	Freight zone (miles)
Hamburg borough	26-30
Hampton township	31-40
Hardyston township	26-30
Hopatcong borough	26-30
Lafayette township	31-40
Montague township	41-50
Newton town	31-40
Ogdensburg borough	26-30
Sandyston township	41-50
Sparta township	26-30
Stanhope borough	26-30
Stillwater township	41-50
Sussex borough	31-40
Vernon township	26-30
Walpack township	41-50
Wantage township	31-40

UNION COUNTY

All minor civil divisions	1-10

WARREN COUNTY

Allamuchy township	31-40
Alpha borough	41-50
Belvidere town	41-50
Blairstown township	41-50
Franklin township	41-50
Frelinghuysen township	31-40
Greenwich township	41-50
Hackettstown town	31-40
Hardwick township	41-50
Harmony township	41-50
Hope township	41-50
Independence township	31-40
Knowlton township	51-60
Liberty township	41-50
Lopatcong township	51-60
Mansfield township	31-40
Oxford township	41-50
Pahaquarry township	41-50
Phillipsburg town	51-60
Pohatcong township	41-50
Washington borough	41-50
Washington township	41-50
White township	41-50

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK

ALBANY COUNTY

Albany city	131-140
Berne town	131-140
Bethlehem town	121-125
Coeymans town	111-120
Cohoes city	131-140
Colonie town	131-140
Green Island town	131-140
Guilderland town	131-140
Knox town	141-150
New Scotland town	131-140
Rensselaerville town	121-125
Watervliet city	131-140
Westerlo town	121-125

ALLEGANY COUNTY

Alfred town	271-275
Allen town	281-290
Alma town	281-290
Almond town	271-275
Amity town	281-290
Andover town	271-275
Angelica town	281-290
Belfast town	291-300
Birdsall town	276-280
Bolivar town	291-300
Burns town	271-275
Caneadea town	291-300
Centerville town	301-310
Clarksville town	291-300
Cuba town	291-300
Friendship town	291-300
Genesee town	291-300
Granger town	281-290
Grove town	281-290
Hume town	291-300
Independence town	261-270

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

ALLEGANY COUNTY—continued

	Freight zone (miles)
New Hudson town	291-300
Rushford town	301-310
Scio town	281-290
Ward town	276-280
Wellsville town	276-280
West Almond town	276-280
Willing town	276-280
Wirt town	291-300

BROOME COUNTY

Barker town	171-175
Binghamton city	151-160
Binghamton town	141-150
Chenango town	151-160
Colesville town	141-150
Conklin town	141-150
Dickinson town	151-160
Fenton town	151-160
Kirkwood town	141-150
Lisle town	171-175
Maine town	161-170
Nanticoke town	171-175
Sanford town	131-140
Triangle town	171-175
Union town	151-160
Vestal town	151-160
Windsor town	131-140

CATTARAUGUS COUNTY

Allegany town	311-320
Ashford town	331-340
Carrollton town	311-320
Cold Spring town	331-340
Conewango town	341-350
Dayton town	341-350
East Otto town	331-340
Elko town	331-340
Ellicottville town	326-330
Farmersville town	301-310
Franklinville town	311-320
Freedom town	311-320
Great Valley town	321-325
Hinsdale town	301-310
Humphrey town	311-320
Ischua town	301-310
Leon town	341-350
Little Valley town	326-330
Lyndon town	301-310
Machias town	311-320
Mansfield town	331-340
Napoli town	331-340
New Albion town	331-340
Olean city	311-320
Olean town	311-320
Otto town	331-340
Perrysburg town	341-350
Persia town	341-350
Portville town	301-310
Randolph town	341-350
Red House town	326-330
Salamanca city	326-330
Salamanca town	326-330
South Valley town	341-350
Yorkshire town	311-320
Allegany Indian Reservation:	
East of Salamanca city	311-320
West of Salamanca city	326-330
Cattaraugus Indian Reservation	341-350

CAYUGA COUNTY

Auburn city	231-240
Aurelius town	231-240
Brutus town	231-240
Cato town	231-240
Conquest town	241-250
Fleming town	221-225
Genoa town	211-220
Ira town	241-250
Ledyard town	221-225
Locke town	201-210
Mentz town	231-240
Montezuma town	231-240
Moravia town	211-220
Niles town	211-220
Owasco town	211-220

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

CAYUGA COUNTY—continued

	Freight zone (miles)
Scipio town	211-210
Sempronius town	201-210
Sennett town	221-225
Springport town	226-230
Sterling town	241-250
Summerhill town	201-210
Throop town	231-240
Venice town	211-220
Victory town	241-250

CHAUTAUQUA COUNTY

Arkwright town	351-360
Busti town	361-370
Carroll town	351-360
Charlotte town	351-360
Chautauqua town	371-375
Cherry Creek town	351-360
Clymer town	376-380
Dunkirk city	361-370
Dunkirk town	361-370
Ellery town	361-370
Ellicott town	351-360
Ellington town	341-350
French Creek town	381-390
Gerry town	351-360
Hanover town	351-360
Harmony town	361-370
Jamestown city	351-360
Kiantone town	351-360
Mina town	381-390
North Harmony town	361-370
Poland town	341-350
Pomfret town	361-370
Portland town	371-375
Ripley town	381-390
Sheridan town	361-370
Sherman town	376-380
Stockton town	361-370
Villenova town	351-360
Westfield town	381-390
Cattaraugus Indian Reservation	341-350

CHEMUNG COUNTY

Ashland town	201-210
Baldwin town	191-200
Big Flats town	211-220
Catlin town	211-220
Chemung town	191-200
Elmira city	201-210
Elmira town	201-210
Erin town	191-200
Horseheads town	201-210
Southport town	211-220
Van Etten town	191-200
Veteran town	201-210

CHENANGO COUNTY

Afton town	141-150
Bainbridge town	141-150
Columbus town	171-175
Coventry town	151-160
German town	176-180
Greene town	161-170
Guilford town	151-160
Lincklaen town	181-190
McDonough town	171-175
New Berlin town	171-175
North Norwich town	171-175
Norwich city	161-170
Norwich town	161-170
Otselic town	181-190
Oxford town	151-160
Pharsalia town	176-180
Pitcher town	176-180
Plymouth town	171-175
Preston town	161-170
Sherburne town	176-180
Smithville town	161-170
Smyrna town	176-180

CLINTON COUNTY

Altona town	301-310
Ausable town	281-290
Beekmantown town	301-310
Black Brook town	281-290

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

CLINTON COUNTY—continued

	Freight zone (miles)
Champlain town	311–320
Chazy town	301–310
Clinton town	326–330
Dannemora town	301–310
Ellenburg town	311–320
Mooers town	311–320
Peru town	281–290
Plattsburgh city	291–300
Plattsburgh town	291–300
Saranac town	291–300
Schuyler Falls town	291–300

COLUMBIA COUNTY

Ancram town	91–100
Austerlitz town	101–110
Canaan town	111–120
Chatham town	111–120
Claverack town	91–100
Clermont town	81–90
Copake town	91–100
Gallatin town	81–90
Germantown town	81–90
Ghent town	101–110
Greenport town	91–100
Hillsdale town	101–110
Hudson city	91–100
Kinderhook town	101–110
Livingston town	81–90
New Lebanon town	111–120
Stockport town	101–110
Stuyvesant town	101–110
Taghkanic town	91–100

CORTLAND COUNTY

Cincinnatus town	181–190
Cortland city	181–190
Cortlandville town	181–190
Cuyler town	191–200
Freetown town	181–190
Harford town	181–190
Homer town	191–200
Lapeer town	176–180
Marathon town	176–180
Preble town	201–210
Scott town	201–210
Solon town	181–190
Taylor town	181–190
Truxton town	191–200
Virgil town	181–190
Willet town	176–180

DELAWARE COUNTY

Andes town	111–120
Bovina town	131–140
Colchester town	101–110
Davenport town	141–150
Delhi town	131–140
Deposit town	126–130
Franklin town	141–150
Hamden town	131–140
Hancock town	101–110
Harpursfield town	141–150
Kortright town	141–150
Masonville town	141–150
Meredith town	141–150
Middletown town	111–120
Roxbury town	126–130
Sidney town	141–150
Stamford town	131–140
Tompkins town	121–125
Walton town	131–140

DUTCHESS COUNTY

Amenia town	71–75
Beacon city	41–50
Beekman town	51–60
Clinton town	71–75
Dover town	51–60
East Fishkill town	41–50
Fishkill town	41–50
Hyde Park town	61–70
La Grange town	51–60
Milan town	81–90
Northeast town	81–90

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

DUTCHESS COUNTY—continued

Pawling town	51–60
Pine Plains town	81–90
Pleasant Valley town	61–70
Poughkeepsie city	51–60
Poughkeepsie town	51–60
Red Hook town	76–80
Rhinebeck town	71–75
Stanford town	71–75
Union Vale town	61–70
Wappinger town	41–50
Washington town	61–70

ERIE COUNTY

Alden town	321–325
Amherst town	331–340
Aurora town	331–340
Boston town	341–350
Brant town	341–350
Buffalo city	331–340
Cheektowaga town	331–340
Clarence town	326–330
Colden town	331–340
Collins town	341–350
Concord town	331–340
Eden town	341–350
Elma town	331–340
Evans town	351–360
Grand Island town	341–350
Hamburg town	341–350
Holland town	326–330
Lackawanna city	341–350
Lancaster town	326–330
Marilla town	326–330
Newstead town	321–325
North Collins town	341–350
Orchard Park town	341–350
Sardinia town	326–330
Tonawanda city	341–350
Tonawanda town	341–350
Wales town	326–330
West Seneca town	331–340
Cattaraugus Indian Reservation	341–350
Tonawanda Indian Reservation	311–320

ESSEX COUNTY

Chesterfield town	271–275
Crown Point town	231–240
Elizabethtown town	241–250
Essex town	251–260
Jay town	271–275
Keene town	251–260
Lewis town	251–260
Minerva town	221–225
Moriah town	231–240
Newcomb town	241–250
North Elba town	271–275
North Hudson town	231–240
St. Armand town	281–290
Schroon town	221–225
Ticonderoga town	221–225
Westport town	241–250
Willsboro town	261–270
Wilmington town	271–275

FRANKLIN COUNTY

Altamont town	271–275
Bangor town	331–340
Bellmont town	311–320
Bombay town	341–350
Brandon town	331–340
Brighton town	291–300
Burke town	331–340
Chateaugay town	331–340
Constable town	331–340
Dickinson town	326–330
Duane town	311–320
Fort Covington town	341–350
Franklin town	281–290
Harrietstown town	281–290
Malone town	326–330
Moira town	331–340
Santa Clara town	291–300
Waverly town	311–320
Westville town	331–340
St. Regis Indian Reservation	351–360

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

FULTON COUNTY

Bleecker town	181–190
Broadalbin town	161–170
Caroga town	181–190
Ephratah town	176–180
Gloversville city	171–175
Johnstown city	171–175
Johnstown town	171–175
Mayfield town	171–175
Northampton town	176–180
Oppenheim town	181–190
Perth town	161–170
Stratford town	181–190

GENESEE COUNTY

Alabama town	311–320
Alexander town	311–320
Batavia city	311–320
Batavia town	311–320
Bergen town	301–310
Bethany town	301–310
Byron town	301–310
Darien town	311–320
Elba town	311–320
Le Roy town	291–300
Oakfield town	311–320
Pavilion town	291–300
Pembroke town	311–320
Stafford town	301–310
Tonawanda Indian Reservation	311–320

GREENE COUNTY

Ashland town	111–120
Athens town	101–110
Cairo town	101–110
Catskill town	91–100
Coxsackie town	101–110
Durham town	111–120
Greenville town	111–120
Halcott town	121–125
Hunter town	91–100
Jewett town	101–110
Lexington town	111–120
New Baltimore town	111–120
Prattsville town	121–125
Windham town	111–120

HAMILTON COUNTY

Arietta town	191–200
Benson town	181–190
Hope town	181–190
Indian Lake town	221–225
Inlet town	261–270
Lake Pleasant town	201–210
Long Lake town	251–260
Morehouse town	221–225
Wells town	191–200

HERKIMER COUNTY

Columbia town	181–190
Danube town	181–190
Fairfield town	191–200
Frankfort town	191–200
German Flatts town	191–200
Herkimer town	191–200
Litchfield town	191–200
Little Falls city	191–200
Little Falls town	191–200
Manheim town	181–190
Newport town	201–210
Norway town	201–210
Ohio town	201–210
Russia town	201–210
Salisbury town	191–200
Schuyler town	191–200
Stark town	181–190
Warren town	181–190
Webb town	241–250
Winfield town	181–190

JEFFERSON COUNTY

Adams town	276–280
Alexandria town	301–310
Antwerp town	281–290
Brownville town	291–300
Cape Vincent town	301–310

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

JEFFERSON COUNTY—continued

	Freight zone (miles)
Champion town	276–280
Clayton town	291–300
Ellisburg town	261–270
Henderson town	276–280
Hounsfield town	281–290
Le Ray town	281–290
Lorraine town	261–270
Lyme town	291–300
Orleans town	291–300
Pamelia town	281–290
Philadelphia town	281–290
Rodman town	276–280
Rutland town	281–290
Theresa town	291–300
Watertown city	281–290
Watertown town	281–290
Wilna town	276–280
Worth town	261–270

LEWIS COUNTY

Croghan town	271–275
Denmark town	271–275
Diana town	281–290
Greig town	251–260
Harrisburg town	261–270
High Market town	241–250
Lewis town	231–240
Leyden town	241–250
Lowville town	261–270
Lyonsdale town	241–250
Martinsburg town	251–260
Montague town	261–270
New Bremen town	261–270
Osceola town	241–250
Pinckney town	276–280
Turin town	251–260
Watson town	261–270
West Turin town	241–250

LIVINGSTON COUNTY

Avon town	281–290
Caledonia town	281–290
Conesus town	276–280
Geneseo town	281–290
Groveland town	281–290
Leicester town	291–300
Lima town	276–280
Livonia town	276–280
Mount Morris town	281–290
North Dansville town	271–275
Nunda town	281–290
Ossian town	276–280
Portage town	291–300
Sparta town	271–275
Springwater town	261–270
West Sparta town	276–280
York town	281–290

MADISON COUNTY

Brookfield town	181–190
Cazenovia town	201–210
De Ruyter town	191–200
Eaton town	191–200
Fenner town	201–210
Georgetown town	181–190
Hamilton town	181–190
Lebanon town	181–190
Lenox town	211–220
Lincoln town	201–210
Madison town	191–200
Nelson town	191–200
Oneida city	211–220
Smithfield town	201–210
Stockbridge town	201–210
Sullivan town	211–220

MONROE COUNTY

Brighton town	281–290
Chili town	281–290
Clarkson town	301–310
Gates town	281–290
Greece town	291–300
Hamlin town	311–320
Henrietta town	281–290
Irondequoit town	281–290

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

MONROE COUNTY—continued

Mendon town	271–275
Ogden town	291–300
Parma town	291–300
Penfield town	271–275
Perinton town	271–275
Pittsford town	276–280
Riga town	291–300
Rochester city	281–290
Rush town	281–290
Sweden town	301–310
Webster town	281–290
Wheatland town	291–300

MONTGOMERY COUNTY

Amsterdam city	151–160
Amsterdam town	151–160
Canajoharie town	171–175
Charleston town	151–160
Florida town	151–160
Glen town	161–170
Minden town	176–180
Mohawk town	171–175
Palatine town	171–175
Root town	161–170
St. Johnsville town	176–180

NIAGARA COUNTY

Cambria town	341–350
Hartland town	331–340
Lewiston town	341–350
Lockport city	331–340
Lockport town	331–340
Newfane town	341–350
Niagara town	341–350
Niagara Falls city	351–360
North Tonawanda city	341–350
Pendleton town	331–340
Porter town	351–360
Royalton town	321–325
Somerset town	331–340
Wheatfield town	341–350
Wilson town	341–350
Tonawanda Indian Reservation	311–320
Tuscarora Indian Reservation	341–350

ONEIDA COUNTY

Annsville town	226–230
Augusta town	201–210
Ava town	231–240
Boonville town	231–240
Bridgewater town	191–200
Camden town	231–240
Deerfield town	201–210
Florence town	231–240
Floyd town	211–220
Forestport town	231–240
Kirkland town	201–210
Lee town	226–230
Marcy town	211–220
Marshall town	201–210
New Hartford town	201–210
Paris town	191–200
Remsen town	221–225
Rome city	221–225
Sangerfield town	191–200
Steuben town	221–225
Trenton town	211–220
Utica city	201–210
Vernon town	211–220
Verona town	226–230
Vienna town	231–240
Western town	226–230
Westmoreland town	211–220
Whitestown town	211–220

ONONDAGA COUNTY

Camillus town	226–230
Cicero town	226–230
Clay town	231–240
De Witt town	221–225
Elbridge town	226–230
Fabius town	201–210
Geddes town	226–230
Lafayette town	211–220
Lysander town	231–240

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

ONONDAGA COUNTY—continued

Manlius town	211–220
Marcellus town	211–220
Onondaga town	221–225
Otisco town	211–220
Pompey town	201–210
Salina town	226–230
Skaneateles town	211–220
Spafford town	201–210
Syracuse city	226–230
Tully town	201–210
Van Buren town	231–240
Onondaga Indian Reservation	211–220

ONTARIO COUNTY

Bristol town	261–270
Canadice town	261–270
Canandaigua city	251–260
Canandaigua town	251–260
East Bloomfield town	261–270
Farmington town	261–270
Geneva city	241–250
Geneva town	241–250
Gorham town	251–260
Hopewell town	251–260
Manchester town	251–260
Naples town	251–260
Phelps town	241–250
Richmond town	261–270
Seneca town	241–250
South Bristol town	261–270
Victor town	261–270
West Bloomfield town	271–275

ORANGE COUNTY

Blooming Grove town	31–40
Chester town	31–40
Cornwall town	41–50
Crawford town	61–70
Deerpark town	51–60
Goshen town	41–50
Greenville town	51–60
Hamptonburgh town	41–50
Highlands town	31–40
Middletown city	51–60
Minisink town	41–50
Monroe town	31–40
Montgomery town	51–60
Mount Pope town	51–60
Newburgh city	41–50
Newburgh town	41–50
New Windsor town	41–50
Port Jervis city	51–60
Tuxedo town	21–25
Wallkill town	51–60
Warwick town	26–30
Wawayanda town	41–50
Woodbury town	31–40

ORLEANS COUNTY

Albion, town	311–320
Barre town	311–320
Carlton town	311–320
Clarendon town	301–310
Gaines town	311–320
Kendall town	311–320
Murray town	301–310
Ridgeway town	321–325
Shelby town	321–325
Yates town	326–330

OSWEGO COUNTY

Albion town	251–260
Amboy town	241–250
Boylston town	261–270
Constantia town	241–250
Fulton city	241–250
Granby town	241–250
Hannibal town	241–250
Hastings town	241–250
Mexico town	251–260
Minnetto town	251–260
New Haven town	251–260
Orwell town	251–260
Oswego city	251–260
Oswego town	251–260

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

OSWEGO COUNTY—continued

	Freight zone (miles)
Palermo town	241–250
Parish town	251–260
Redfield town	241–250
Richland town	251–260
Sandy Creek town	261–270
Schroeppel town	241–250
Scriba town	251–260
Volney town	241–250
West Monroe town	241–250
Williamstown town	241–250

OTSEGO COUNTY

Burlington town	171–175
Butternuts town	161–170
Cherry Valley town	161–170
Decatur town	151–160
Edmeston town	176–180
Exeter town	171–175
Hartwick town	161–170
Laurens town	151–160
Maryland town	151–160
Middlefield town	161–170
Milford town	151–160
Morris town	161–170
New Lisbon town	161–170
Oneonta city	151–160
Oneonta town	151–160
Otego town	151–160
Otsego town	176–180
Pittsfield town	161–170
Plainfield town	181–190
Richfield town	181–190
Roseboom town	151–160
Springfield town	171–175
Unadilla town	151–160
Westford town	161–170
Worcester town	151–160

PUTNAM COUNTY

Carmel town	31–40
Kent town	31–40
Patterson town	41–50
Philipstown town	31–40
Putnam Valley town	31–40
Southeast town	31–40

RENSSELAER COUNTY

Berlin town	141–150
Brunswick town	131–140
East Greenbush town	126–130
Grafton town	131–140
Hoosick town	151–160
Nassau town	121–125
North Greenbush town	131–140
Petersburg town	141–150
Pittstown town	141–150
Poestenkill town	131–140
Rensselaer city	126–130
Sand Lake town	126–130
Schaghticoke town	141–150
Schodack town	111–120
Stephentown town	131–140
Troy city	131–140

ROCKLAND COUNTY

Clarkstown town	11–20
Haverstraw town	21–25
Orangetown town	1–10
Ramapo town	11–20
Stony Point town	21–25

ST. LAWRENCE COUNTY

Brasher town	341–350
Canton town	321–325
Clare town	311–320
Clifton town	301–310
Colton town	301–310
DeKalb town	311–320
De Peyster town	311–320
Edwards town	301–310
Fine town	301–310
Fowler town	291–300
Gouverneur town	291–300
Hammond town	301–310
Hermon town	301–310

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

ST. LAWRENCE COUNTY—continued

	Freight zone (miles)
Hopkinton town	326–330
Lawrence town	331–340
Lisbon town	326–330
Louisville town	341–350
Macomb town	301–310
Madrid town	331–340
Massena town	351–360
Morristown town	311–320
Norfolk town	341–350
Ogdensburg city	331–340
Oswegatchie town	321–325
Parishville town	311–320
Piercefield town	291–300
Pierrepont town	321–325
Pitcairn town	291–300
Potsdam town	331–340
Rossie town	291–300
Russell town	311–320
Stockholm town	331–340
Waddingtown town	341–350

SARATOGA COUNTY

Ballston town	151–160
Charlton town	151–160
Clifton Park town	141–150
Corinth town	176–180
Day town	181–190
Edinburg town	176–180
Galway town	161–170
Greenfield town	161–170
Hadley town	181–190
Halfmoon town	141–150
Malta town	151–160
Mechanicville city	141–150
Milton town	161–170
Moreau town	171–175
Northumberland town	161–170
Providence town	161–170
Saratoga town	151–160
Saratoga Springs city	161–170
Stillwater town	141–150
Waterford town	131–140
Wilton town	161–170

SCHENECTADY COUNTY

Duanesburg town	141–150
Glenville town	141–150
Niskayuna town	141–150
Princetown town	141–150
Rotterdam town	141–150
Schenectady city	141–150
Blenheim town	131–140
Broome town	131–140
Carlisle town	151–160
Cobleskill town	141–150
Conesville town	126–130
Esperance town	151–160
Fulton town	131–140
Gilboa town	131–140
Jefferson town	141–150
Middleburg town	131–140
Richmondville town	141–150
Schoharie town	141–150
Seward town	151–160
Sharon town	151–160
Summit town	141–150
Wright town	141–150

SCHUYLER COUNTY—continued

Catharine town	201–210
Cayuta town	201–210
Dix town	211–220
Hector town	201–210
Montour town	211–220
Orange town	221–225
Reading town	221–225
Tyrone town	231–240

SENECA COUNTY

Covert town	211–220
Fayette town	231–240
Junius town	241–250
Lodi town	211–220
Ovid town	211–220
Romulus town	221–225

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

SENECA COUNTY—continued

	Freight zone (miles)
Seneca Falls town	231–240
Tyre town	241–250
Varick town	226–230
Waterloo town	231–240

STEUBEN COUNTY

Addison town	231–240
Avoca town	251–260
Bath town	231–240
Bradford town	231–240
Cameron town	241–250
Campbell town	231–240
Canisteo town	251–260
Caton town	221–225
Cohocton town	251–260
Corning city	226–230
Corning town	221–225
Dansville town	261–270
Erwin town	226–230
Fremont town	261–270
Greenwood town	261–270
Hartsville town	261–270
Hornby town	226–230
Hornell city	261–270
Hornellsville town	261–270
Howard town	251–260
Jasper town	251–260
Lindley town	226–230
Prattsburg town	241–250
Pulteney town	241–250
Rathbone town	241–250
Thurston town	231–240
Troupsburg town	251–260
Tuscarora town	231–240
Urbana town	231–240
Wayland town	261–270
Wayne town	231–240
West Union town	261–270
Wheeler town	241–250
Woodhull town	241–250

SULLIVAN COUNTY

Bethel town	81–90
Callicoon town	91–100
Cochecton town	81–90
Delaware town	91–100
Fallsburgh town	76–80
Forestburg town	61–70
Fremont town	101–110
Highland town	71–75
Liberty town	81–90
Lumberland town	61–70
Mamakating town	61–70
Neversink town	91–100
Rockland town	91–100
Thompson town	71–75
Tusten town	76–80

TIOGA COUNTY

Barton town	181–190
Berkshire town	176–180
Candor town	176–180
Newark Valley town	161–170
Nichols town	171–175
Owego town	161–170
Richford town	181–190
Spencer town	181–190
Tioga town	171–175

TOMPKINS COUNTY

Caroline town	181–190
Danby town	181–190
Dryden town	191–200
Enfield town	201–210
Groton town	201–210
Ithaca city	191–200
Ithaca town	191–200
Lansing town	201–210
Newfield town	191–200
Ulysses town	201–210

ULSTER COUNTY

Denning town	91–100
Esopus town	61–70
Gardiner town	61–70

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

ULSTER COUNTY—continued

	Freight zone (miles)
Hardenburgh town	111–120
Hurley town	81–90
Kingston city	76–80
Kingston town	81–90
Lloyd town	61–70
Marbletown town	76–80
Marlborough town	51–60
New Platz town	61–70
Olive town	81–90
Plattekill town	51–60
Rochester town	76–80
Rosendale town	76–80
Saugerties town	81–90
Shandaken town	91–100
Shawangunk town	51–60
Ulster town	81–90
Wawarsing town	76–80
Woodstock town	81–90

WARREN COUNTY

Bolton town	191–200
Caldwell town	181–190
Chester town	201–210
Glens Falls city	176–180
Hague town	201–210
Horicon town	201–210
Johnsburg town	201–210
Luzerne town	181–190
Queensbury town	176–180
Stony Creek town	191–200
Thurman town	191–200
Warrensburg town	191–200

WASHINGTON COUNTY

Argyle town	171–175
Cambridge town	151–160
Dresden town	201–210
Easton town	151–160
Fort Ann town	181–190
Fort Edward town	171–175
Granville town	191–200
Greenwich town	161–170
Hampton town	191–200
Hartford town	181–190
Hebron town	181–190
Jackson town	171–175
Kingsbury town	176–180
Putnam town	211–220
Salem town	176–180
White Creek town	161–170
Whitehall town	191–200

WAYNE COUNTY

Arcadia town	251–260
Butler town	241–250
Galen town	241–250
Huron town	251–260
Lyons town	251–260
Macedon town	261–270
Marion town	261–270
Ontario town	281–290
Palmyra town	251–260
Rose town	251–260
Savannah town	241–250
Sodus town	261–270
Walworth town	271–275
Williamson town	276–280
Wolcott town	251–260

WESTCHESTER COUNTY

Bedford town	21–25
Cortlandt town	11–20
Eastchester town	1–10
Greenburgh town	1–10
Harrison town	1–10
Lewisboro town	26–30
Mamaroneck town	1–10
Mount Pleasant town	11–20
Mount Vernon city	1–10
New Castle town	11–20
New Rochelle city	1–10
North Castle town	11–20
North Salem town	31–40
Ossining town	11–20
Peekskill city	11–20
Pelham town	1–10

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

WESTCHESTER COUNTY—continued

	Freight zone (miles)
Pound Ridge town	26–30
Rye city	1–10
Rye town	1–10
Scarsdale town	1–10
Somers town	21–25
White Plains city	1–10
Yonkers city	1–10
Yorktown town	11–20

WYOMING COUNTY

Arcade town	311–320
Attica town	311–320
Bennington town	311–320
Castile town	291–300
Covington town	291–300
Eagle town	301–310
Gainesville town	301–310
Genesee Falls town	291–300
Java town	311–320
Middlebury town	301–310
Orangeville town	311–320
Perry town	291–300
Pike town	291–300
Sheldon town	311–320
Warsaw town	301–310
Weathersfield town	301–310

YATES COUNTY

Barrington town	231–240
Benton town	241–250
Italy town	251–260
Jerusalem town	241–250
Middlesex town	251–260
Milo town	231–240
Potter town	251–260
Starkey town	231–240
Torrey town	241–250

MINOR CIVIL DIVISIONS IN THE STATE OF CONNECTICUT

FAIRFIELD COUNTY

Bethel town	41–50
Bridgeport town	41–50
Brookfield town	51–60
Danbury town	41–50
Darien town	21–25
Easton town	41–50
Fairfield town	31–40
Greenwich town	11–20
Monroe town	51–60
New Canaan town	26–30
New Fairfield town	51–60
Newtown town	51–60
Norwalk town	26–30
Redding town	41–50
Ridgefield town	31–40
Shelton town	41–50
Sherman town	51–60
Stamford town	11–20
Stratford town	41–50
Trumbull town	41–50
Weston town	31–40
Westport town	31–40
Wilton town	31–40

LITCHFIELD COUNTY

Barkhamsted town	91–100
Bethlehem town	76–80
Bridgewater town	51–60
Canaan town	91–100
Colebrook town	91–100
Cornwall town	76–80
Goshen town	81–90
Harwinton town	81–90
Kent town	61–70
Litchfield town	76–80
Morris town	76–80
New Hartford town	91–100
New Milford town	51–60
Norfolk town	91–100
North Canaan town	91–100
Plymouth town	81–90
Roxbury town	61–70
Salisbury town	81–90
Sharon town	76–80
Thomaston town	81–90

MINOR CIVIL DIVISIONS IN THE STATE OF CONNECTICUT—Continued

LITCHFIELD COUNTY—continued

	Freight zone (miles)
Torrington town	81–90
Warren town	71–75
Washington town	61–70
Watertown town	76–80
Winchester town	81–90
Woodbury town	61–70

NEW HAVEN COUNTY

Southbury town	51–60

COUNTIES IN THE STATE OF DELAWARE

Kent	131–140
New Castle	91–100
Sussex	161–170

COUNTIES IN THE STATE OF MARYLAND

Baltimore	151–160
Caroline	161–170
Carroll	181–190
Cecil	111–120
Frederick	191–200
Harford	131–140
Kent	131–140
Queen Annes	141–150
Talbot	181–190
Washington	201–210

MINOR CIVIL DIVISIONS IN THE STATE OF MASSACHUSETTS

BERKSHIRE COUNTY

Adams town	141–150
Alford town	111–120
Becket town	121–125
Cheshire town	131–140
Clarksburg town	151–160
Dalton town	131–140
Egremont town	101–110
Florida town	151–160
Great Barrington town	101–110
Hancock town	126–130
Hinsdale town	131–140
Lanesborough town	131–140
Lee town	111–120
Lenox town	121–125
Monterey town	111–120
Mount Washington town	101–110
New Ashford town	141–150
New Marlborough town	101–110
North Adams city	141–150
Otis town	121–125
Peru town	131–140
Pittsfield city	126–130
Richmond town	121–125
Sandisfield town	101–110
Savoy town	141–150
Sheffield town	91–100
Stockbridge town	111–120
Tyringham town	121–125
Washington town	121–125
West Stockbridge town	111–120
Williamstown town	141–150
Windsor town	131–140

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA

ADAMS COUNTY

Abbottstown borough	171–175
Arendtsville borough	181–190
Bendersville borough	176–180
Berwick township	171–175
Biglerville borough	176–180
Butler township	176–180
Conewago township	171–175
Cumberland township	181–190
East Berlin borough	161–170
Fairfield borough	181–190
Franklin township	181–190
Freedom township	181–190
Germany township	181–190
Gettysburg borough	181–190
Hamilton township	161–170
Hamiltonban township	181–190
Highland township	181–190
Huntington township	171–175

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

ADAMS COUNTY—continued

	Freight zone (miles)
Latimore township	171–175
Liberty township	181–190
Littlestown borough	181–190
McSherrystown borough	171–175
Menallen township	176–180
Mount Joy township	181–190
Mount Pleasant township	176–180
New Oxford borough	171–175
Oxford township	171–175
Reading township	161–170
Straban township	171–175
Tyrone township	171–175
Union township	176–180
York Springs borough	171–175

BEDFORD COUNTY

Bedford borough	241–250
Bedford township	241–250
Bloomfield township	241–250
Broad Top township	226–230
Coaldale borough	226–230
East Providence township	226–230
Everett borough	231–240
Hopewell borough	231–240
Hopewell township	231–240
Kimmell township	251–260
King township	241–250
Liberty township	231–240
Saxton borough	231–240
Snake Spring Valley township	241–250
South Woodbury township	241–250
Union township	251–260
West Providence township	231–240
Woodbury borough	241–250
Woodbury township	241–250

BERKS COUNTY

Adamstown borough	111–120
Albany township	81–90
Alsace township	101–110
Amity township	91–100
Bally borough	81–90
Bechtelsville borough	91–100
Bern township	101–110
Bernville borough	101–110
Bethel township	111–120
Birdsboro borough	101–110
Boyertown borough	91–100
Brecknock township	101–110
Caernarvon township	101–110
Centerport borough	101–110
Centre township	101–110
Colebrookdale township	91–100
Cumru township	101–110
District township	81–90
Douglass township	91–100
Earl township	91–100
Exeter township	101–110
Fleetwood borough	91–100
Greenwich township	81–90
Hamburg borough	101–110
Heidelberg township	111–120
Hereford township	81–90
Jefferson township	111–120
Kenhorst borough	101–110
Kutztown borough	81–90
Laureldale borough	101–110
Leesport borough	101–110
Lenhartsville borough	81–90
Longswamp township	81–90
Lower Alsace township	101–110
Lower Heidelberg township	101–110
Lyons borough	91–100
Maidencreek township	91–100
Marion township	111–120
Maxatawny township	81–90
Mohnton borough	101–110
Mount Penn borough	101–110
Muhlenberg township	101–110
North Heidelberg township	111–120
Oley township	91–100
Ontelaunee township	101–110
Penn township	101–110
Perry township	91–100
Pike township	91–100
Reading city	101–110
Richmond township	91–100
Robeson township	101–110
Robesonia borough	111–120
Rockland township	91–100
Ruscombmanor township	91–100
St. Lawrence borough	101–110
Shillington borough	101–110
Shoemakersville borough	101–110
Sinking Spring borough	101–110
South Heidelberg township	111–120
Spring township	101–110
Strausstown borough	111–120
Temple borough	101–110
Tilden township	101–110
Topton borough	81–90
Tulpehocken township	111–120
Union township	101–110
Upper Bern township	101–110
Upper Tulpehocken township	111–120
Washington township	81–90
Wernersville borough	101–110
West Lawn borough	101–110
West Reading borough	101–110
Windsor township	91–100
Womelsdorf borough	111–120
Wyomissing borough	101–110
Wyomissing Hills borough	101–110

BLAIR COUNTY

Allegheny township	251–260
Altoona city	251–260
Antis township	241–250
Bellwood borough	241–250
Blair township	251–260
Catharine township	241–250
Duncansville borough	251–260
Frankstown township	241–250
Freedom township	251–260
Greenfield township	251–260
Hollidaysburg borough	251–260
Huston township	241–250
Juniata township	261–270
Logan township	251–260
Martinsburg borough	241–250
Newry borough	251–260
North Woodbury township	241–250
Roaring Spring borough	241–250
Snyder township	241–250
Taylor township	241–250
Tyrone borough	241–250
Tyrone township	241–250
Williamsburg borough	241–250
Woodbury township	241–250

BRADFORD COUNTY

Alba borough	181–190
Albany township	161–170
Armenia township	191–200
Asylum township	161–170
Athens borough	181–190
Athens township	181–190
Barclay township	176–180
Burlington borough	176–180
Burlington township	176–180
Canton borough	181–190
Canton township	181–190
Columbia township	191–200
Franklin township	171–175
Granville township	181–190
Herrick township	151–160
Le Raysville borough	151–160
Leroy township	181–190
Litchfield township	171–175
Monroe borough	161–170
Monroe township	161–170
New Albany borough	161–170
North Towanda township	161–170
Orwell township	161–170
Overton township	161–170
Pike township	151–160
Ridgebury township	181–190
Rome borough	161–170
Rome township	161–170
Sayre borough	181–190
Sheshequin township	171–175
Smithfield township	176–180
South Creek township	191–200
South Waverly borough	181–190
Springfield township	181–190
Standing Stone township	161–170
Stevens township	151–160
Sylvania borough	191–200
Terry township	151–160
Towanda borough	161–170
Towanda township	161–170
Troy borough	181–190
Troy township	181–190
Tuscarora township	141–150
Ulster township	176–180
Warren township	161–170
Wells township	201–210
West Burlington township	181–190
Wilmot township	151–160
Windham township	161–170
Wyalusing borough	151–160
Wyalusing township	151–160
Wysox township	161–170

BUCKS COUNTY

Bedminster township	61–70
Bensalem township	51–60
Bridgeton township	51–60
Bristol borough	51–60
Bristol township	51–60
Buckingham township	51–60
Chalfont borough	61–70
Doylestown borough	51–60
Doylestown township	51–60
Dublin borough	61–70
Durham township	51–60
East Rockhill township	61–70
Falls township	41–50
Haycock township	61–70
Hilltown township	61–70
Hulmeville borough	51–60
Ivyland borough	61–70
Langhorne borough	51–60
Langhorne Manor borough	51–60
Lower Makefield township	41–50
Lower Southampton township	51–60
Middletown township	51–60
Milford township	76–80
Morrisville borough	41–50
New Britain borough	61–70
New Britain township	61–70
New Hope borough	41–50
Newtown borough	51–60
Newtown township	51–60
Nockamixon township	51–60
Northampton township	51–60
Penndel borough	51–60
Perkasie borough	61–70
Plumstead township	51–60
Quakertown borough	76–80
Richland township	71–75
Richlandtown borough	71–75
Riegelsville borough	51–60
Sellersville borough	71–75
Silverdale borough	61–70
Solebury township	51–60
Springfield township	61–70
Telford borough	71–75
Tinicum township	51–60
Trumbauersville borough	76–80
Tullytown borough	41–50
Upper Makefield township	51–60
Upper Southampton township	51–60
Warminster township	61–70
Warrington township	61–70
Warwick township	51–60
West Rockhill township	71–75
Wrightstown township	51–60
Yardley borough	41–50

CARBON COUNTY

Banks township	111–120
Beaver Meadows borough	111–120
Bowmanstown borough	91–100
East Penn township	91–100

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

CARBON COUNTY—continued

	Freight zone (miles)
East Side borough	91–100
Franklin township	91–100
Jim Thorpe borough	101–110
Kidder township	91–100
Lansford borough	101–110
Lausanne township	111–120
Lehigh township	101–110
Lehighton borough	91–100
Lower Towamensing township	81–90
Mahoning township	91–100
Mauch Chunk township	101–110
Packer township	101–110
Palmerton borough	81–90
Parryville borough	91–100
Penn Forest township	91–100
Summit Hill borough	101–110
Towamensing township	81–90
Weatherly borough	101–110
Weissport borough	91–100

CENTRE COUNTY

Bellefonte borough	211–220
Benner township	211–220
Boggs township	221–225
Burnside township	241–250
Centre Hall borough	201–210
College township	211–220
Curtin township	226–230
Ferguson township	221–225
Gregg township	201–210
Haines township	181–190
Halfmoon township	231–240
Harris township	211–220
Howard borough	211–220
Howard township	211–220
Huston township	231–240
Liberty township	211–220
Marion township	211–220
Miles township	181–190
Milesburg borough	221–225
Millheim borough	191–200
Patton township	226–230
Penn township	191–200
Philipsburg borough	241–250
Port Matilda borough	231–240
Potter township	201–210
Rush township	241–250
Snow Shoe borough	231–240
Snow Shoe township	231–240
South Philipsburg borough	241–250
Spring township	211–220
State College borough	211–220
Taylor township	241–250
Union township	226–230
Unionville borough	226–230
Walker township	201–210
Worth township	231–240

CHESTER COUNTY

Atglen borough	111–120
Avondale borough	111–120
Birmingham township	91–100
Caln township	91–100
Charlestown township	91–100
Coatesville city	101–110
Downingtown borough	91–100
East Bradford township	91–100
East Brandywine township	101–110
East Caln township	91–100
East Coventry township	91–100
East Fallowfield township	101–110
East Goshen township	91–100
East Marlborough township	101–110
East Nantmeal township	91–100
East Nottingham township	111–120
East Pikeland township	81–90
Easttown township	81–90
East Vincent township	91–100
East Whiteland township	91–100
Elk township	111–120
Elverson borough	101–110
Franklin township	111–120
Highland township	111–120
Honey Brook borough	101–110
Honeybrook township	101–110

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

CHESTER COUNTY—continued

	Freight zone (miles)
Kennett township	101–110
Kennett Square borough	101–110
London Britain township	111–120
Londonberry township	111–120
London Grove township	111–120
Lower Oxford township	111–120
Malvern borough	81–90
Modena borough	101–110
New Garden township	101–110
Newlin township	101–110
New London township	111–120
North Coventry township	91–100
Oxford borough	111–120
Parkesburg borough	111–120
Penn township	111–120
Pennsbury township	101–110
Phoenixville borough	81–90
Pocopson township	101–110
Sadsbury township	111–120
Schuylkill township	81–90
South Coatesville borough	101–110
South Coventry township	91–100
Spring City borough	81–90
Thornbury township	91–100
Tredyffrin township	81–90
Upper Oxford township	111–120
Upper Uwchlan township	91–100
Uwchlan township	91–100
Valley township	101–110
Wallace township	91–100
Warwick township	91–100
West Bradford township	91–100
West Brandywine township	101–110
West Caln township	101–110
West Chester borough	91–100
West Fallowfield township	111–120
West Goshen township	91–100
West Grove borough	111–120
West Marlborough township	101–110
West Nantmeal township	101–110
West Nottingham township	121–125
West Pikeland township	91–100
West Sadsbury township	111–120
Westtown township	91–100
West Vincent township	91–100
West Whiteland township	91–100
Willistown township	81–90

CLINTON COUNTY

Allison township	211–220
Avis borough	201–210
Bald Eagle township	211–220
Beech Creek borough	211–220
Beech Creek township	211–220
Castanea township	211–220
Chapman township	221–225
Colebrook township	211–220
Crawford township	191–200
Dunnstable township	201–210
East Keating township	241–250
Flemington borough	211–220
Gallagher township	201–210
Greene township	181–190
Grugan township	211–220
Lamar township	191–200
Leidy township	231–240
Lock Haven city	211–220
Logan township	191–200
Loganton borough	181–190
Mill Hall borough	211–220
Noyes township	226–230
Pine Creek township	201–210
Porter township	201–210
Renovo borough	226–230
South Renovo borough	226–230
Wayne township	191–200
West Keating township	241–250
Woodward township	201–210

COLUMBIA COUNTY

Ashland borough	131–140
Beaver township	131–140
Benton borough	141–150
Benton township	141–150
Berwick borough	131–140

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

COLUMBIA COUNTY—continued

	Freight zone (miles)
Bloomsburg town	141–150
Briar Creek borough	131–140
Briar Creek township	131–140
Catawissa borough	131–140
Catawissa township	131–140
Centralia borough	131–140
Cleveland township	131–140
Conyngham township	131–140
Fishingcreek township	131–140
Franklin township	141–150
Greenwood township	141–150
Hemlock township	141–150
Jackson township	151–160
Locust township	131–140
Madison township	141–150
Main township	131–140
Mifflin township	131–140
Millville borough	141–150
Montour township	141–150
Mount Pleasant township	141–150
North Centre township	131–140
Orange township	131–140
Orangeville borough	131–140
Pine township	151–160
Roaringcreek township	131–140
Scott township	131–140
South Centre township	131–140
Stillwater borough	131–140
Sugarloaf township	141–150

CRAWFORD COUNTY

Athens township	381–390
Bloomfield township	381–390
Centerville borough	381–390
Rockdale township	391–400
Rome township	376–380
Sparta township	376–380
Spartansburg borough	376–380
Steuben township	381–390
Townville borough	381–390

CUMBERLAND COUNTY

Camp Hill borough	151–160
Carlisle borough	161–170
Cooke township	176–180
Dickinson township	171–175
East Pennsboro township	151–160
Hampden township	151–160
Hopewell township	181–190
Lemoyne borough	151–160
Lower Allen township	151–160
Lower Frankford township	171–175
Lower Mifflin township	181–190
Mechanicsburg borough	161–170
Middlesex township	161–170
Monroe township	161–170
Mount Holly Springs borough	161–170
Newburg borough	181–190
New Cumberland borough	151–160
Newville borough	181–190
North Middleton township	161–170
North Newton township	181–190
Penn township	176–180
Shippensburg borough	161–190
Shippensburg township	181–190
Shiremanstown borough	151–160
Silver Spring township	161–170
Southampton township	181–190
South Middleton township	161–170
South Newton township	181–190
Upper Allen township	161–170
Upper Frankford township	176–180
Upper Mifflin township	181–190
West Fairview borough	151–160
West Pennsboro township	171–175
Wormleysburg borough	151–160

DAUPHIN COUNTY

Berrysburg borough	151–160
Conewago township	141–150
Dauphin borough	141–150
Derry township	141–150
East Hanover township	131–140
Elizabethville borough	141–150
Gratz borough	141–150

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

DAUPHIN COUNTY—continued

	Freight zone (miles)
Halifax borough	161–170
Halifax township	161–170
Harrisburg city	151–160
Highspire borough	151–160
Hummelstown borough	141–150
Jackson township	141–150
Jefferson township	141–150
Londonderry township	151–160
Lower Paxton township	141–150
Lower Swatara township	151–160
Lykens borough	141–150
Lykens township	141–150
Middle Paxton township	141–150
Middletown borough	151–160
Mifflin township	151–160
Millersburg borough	151–160
Paxtang borough	151–160
Penbrook borough	141–150
Reed township	161–170
Royalton borough	151–160
Rush township	131–140
South Hanover township	141–150
Steelton borough	151–160
Susquehanna township	141–150
Swatara township	151–160
Uniontown borough	151–160
Upper Paxton township	151–160
Washington township	141–150
Wayne township	151–160
West Hanover township	141–150
Wiconisco township	141–150
Williams township	141–150
Williamstown borough	141–150

DELAWARE COUNTY

Newtown township	81–90
Radnor township	81–90

ERIE COUNTY

Amity township	381–390
Concord township	381–390
Corry city	381–390
Edinboro borough	401–410
Elgin borough	381–390
Greenfield township	391–400
Le Boeuf township	391–400
Mill Village borough	391–400
North East borough	391–400
North East township	391–400
Union township	381–390
Union City borough	381–390
Venago township	381–390
Washington township	401–410
Waterford borough	391–400
Waterford township	391–400
Wattsburg borough	381–390
Wayne township	381–390

FRANKLIN COUNTY

Antrim township	201–210
Chambersburg borough	191–200
Fannett township	191–200
Greencastle borough	201–210
Greene township	191–200
Guilford township	191–200
Hamilton township	201–210
Letterkenny township	191–200
Lurgan township	191–200
Mercersburg borough	211–220
Metal township	201–210
Mont Alto borough	191–200
Montgomery township	211–220
Orrstown borough	191–200
Peters township	211–220
Quincy township	191–200
St. Thomas township	201–210
Shippensburg borough	181–190
Southampton township	191–200
Warren township	221–225
Washington township	191–200
Waynesboro borough	191–200

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

FULTON COUNTY

Ayr township	221–225
Belfast township	226–230
Bethel township	231–240
Brush Creek township	226–230
Dublin township	211–220
Licking Creek township	211–220
McConnellsburg borough	221–225
Taylor township	211–220
Thompson township	231–240
Todd township	211–220
Union township	231–240
Wells township	221–225

HUNTINGDON COUNTY

Alexandria borough	231–240
Barree township	221–225
Birmingham borough	231–240
Brady township	226–230
Broad Top City borough	231–240
Carbon township	231–240
Cass township	226–230
Cassville borough	226–230
Clay township	221–225
Coalmont borough	231–240
Cromwell township	211–220
Dublin township	201–210
Dudley borough	231–240
Franklin township	231–240
Henderson township	226–230
Hopewell township	231–240
Huntingdon borough	231–240
Jackson township	211–220
Juniata township	231–240
Lincoln township	231–240
Logan township	231–240
Mapleton borough	226–230
Marklesburg borough	231–240
Mill Creek borough	226–230
Miller township	221–225
Morris township	231–240
Mount Union borough	226–230
Oneida township	226–230
Orbisonia borough	211–220
Penn township	231–240
Petersburg borough	231–240
Porter township	231–240
Rockhill borough	211–220
Saltillo borough	221–225
Shade Gap borough	201–210
Shirley township	221–225
Shirleysburg borough	221–225
Smithfield township	231–240
Springfield township	211–220
Spruce Creek township	231–240
Tell township	201–210
Three Springs borough	221–225
Tod township	226–230
Union township	226–230
Walker township	231–240
Warriorsmark township	231–240
West township	226–230
Wood township	221–225

JUNIATA COUNTY

Beale township	191–200
Delaware township	181–190
Fayette township	181–190
Fermanagh township	191–200
Greenwood township	181–190
Lack township	191–200
Mifflin borough	191–200
Mifflintown borough	191–200
Milford township	191–200
Monroe township	181–190
Port Royal borough	191–200
Spruce Hill township	191–200
Susquehanna township	176–180
Thompsontown borough	181–190
Turbett township	191–200
Tuscarora township	191–200
Walker township	191–200

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

LACKAWANNA COUNTY

Abington township	111–120
Archbald borough	101–110
Benton township	111–120
Blakely borough	101–110
Carbondale city	101–110
Carbondale township	101–110
Clarks Green borough	111–120
Clarks Summit borough	111–120
Clifton township	101–110
Covington township	101–110
Dalton borough	121–125
Dickson City borough	101–110
Dunmore borough	101–110
Elmhurst township	101–110
Fell township	101–110
Glenburn township	121–125
Greenfield township	101–110
Jefferson township	91–100
Jermyn borough	101–110
La Plume township	121–125
Lehigh township	91–100
Madison township	91–100
Mayfield borough	101–110
Moosic borough	111–120
Moscow borough	101–110
Newton township	111–120
North Abington township	111–120
Old Forge borough	111–120
Olyphant borough	101–110
Ransom township	111–120
Roaring Brook township	101–110
Scott township	111–120
Scranton city	101–110
South Abington township	111–120
Spring Brook township	101–110
Taylor borough	111–120
Throop borough	101–110
Vandling borough	101–110
West Abington township	126–130
Winton borough	101–110

LANCASTER COUNTY

Adamstown borough	111–120
Akron borough	121–125
Bart township	121–125
Brecknock township	111–120
Caernarvon township	111–120
Christiana borough	111–120
Clay township	121–125
Colerain township	121–125
Columbia borough	141–150
Conestoga township	131–140
Conoy township	151–160
Denver borough	111–120
Drumore township	131–140
Earl township	121–125
East Cocalico township	111–120
East Donegal township	141–150
East Drumore township	126–130
East Earl township	111–120
East Hempfield township	131–140
East Lampeter township	126–130
East Petersburg borough	131–140
Eden township	121–125
Elizabeth township	126–130
Elizabethtown borough	141–150
Ephrata borough	121–125
Ephrata township	121–125
Fulton township	131–140
Lancaster city	131–140
Lancaster township	131–140
Leacock township	121–125
Lititz borough	126–130
Little Britain township	126–130
Manheim borough	131–140
Manheim township	131–140
Manor township	131–140
Marietta borough	141–150
Martic township	131–140
Millersville borough	131–140
Mount Joy borough	141–150
Mount Joy township	141–150
Mountville borough	131–140

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

LANCASTER COUNTY—continued

New Holland borough	121–125
Paradise township	121–125
Penn township	131–140
Pequea township	131–140
Providence township	126–130
Quarryville borough	121–125
Rapho township	131–140
Sadsbury township	111–120
Salisbury township	111–120
Strasburg borough	126–130
Strasburg township	126–130
Terre Hill borough	111–120
Upper Leacock township	121–125
Warwick township	126–130
Washington borough	141–150
West Cocalico township	111–120
West Donegal township	141–150
West Earl township	121–125
West Hempfield township	131–140
West Lampeter township	131–140

LEBANON COUNTY

Annville township	131–140
Bethel township	121–125
Cleona borough	131–140
Cold Spring township	131–140
Cornwall borough	131–140
East Hanover township	131–140
Heidelberg township	121–125
Jackson township	121–125
Jonestown borough	126–130
Lebanon city	126–130
Millcreek township	111–120
Mount Gretna borough	131–140
Myerstown borough	121–125
North Annville township	131–140
North Cornwall township	131–140
North Lebanon township	126–130
North Londonderry township	131–140
Palmyra borough	131–140
Richland borough	126–130
South Annville township	131–140
South Lebanon township	126–130
South Londonderry township	131–140
Swatara township	126–130
Union township	126–130
West Cornwall township	131–140
West Lebanon township	131–140

LEHIGH COUNTY

Alburtis borough	76–80
Allentown city	71–75
Bethlehem city	61–70
Catasauqua borough	71–75
Coopersburg borough	71–75
Coplay borough	76–80
Emmaus borough	76–80
Fountain Hill borough	71–75
Hanover township	61–70
Heidelberg township	81–90
Lower Macungie township	76–80
Lower Milford township	71–75
Lowhill township	81–90
Lynn township	81–90
Macungie borough	76–80
North Whitehall township	76–80
Salisbury township	76–80
Slatington borough	81–90
South Whitehall township	76–80
Upper Macungie township	81–90
Upper Milford township	71–75
Upper Saucon township	71–75
Washington township	81–90
Weisenberg township	81–90
Whitehall township	71–75

LUZERNE COUNTY

Ashley borough	111–120
Avoca borough	111–120
Bear Creek township	101–110
Black Creek township	121–125
Buck township	91–100
Butler township	111–120
Conyngham borough	111–120
Conyngham township	121–125

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

LUZERNE COUNTY—continued

Courtdale borough	111–120
Dallas borough	121–125
Dallas township	121–125
Denhison township	101–110
Dorrance township	111–120
Dupont borough	111–120
Duryea borough	111–120
Edwardsville borough	111–120
Exeter borough	126–130
Exeter township	126–130
Fairmount township	131–140
Fairview township	111–120
Forty Fort borough	111–120
Foster township	101–110
Franklin township	126–130
Freeland borough	101–110
Hanover township	111–120
Hazle township	111–120
Hazelton city	111–120
Hollenback township	111–120
Hughestown borough	111–120
Hunlock township	126–130
Huntington township	131–140
Jackson township	121–125
Jeddo borough	101–110
Jenkins township	101–110
Kingston borough	111–120
Kingston township	111–120
Laflin borough	111–120
Lake township	126–130
Larksville borough	121–125
Laurel Run borough	111–120
Lehman township	126–130
Luzerne borough	111–120
Nanticoke city	126–130
Nescopeck borough	121–125
Nescopeck township	121–125
New Columbus borough	131–140
Newport township	121–125
Nuangola borough	111–120
Pittstown city	111–120
Pittstown township	111–120
Plains township	111–120
Plymouth borough	121–125
Plymouth township	121–125
Pringle borough	111–120
Rice township	111–120
Ross township	131–140
Salem township	131–140
Shickshinny borough	131–140
Slocum township	111–120
Sugarloaf township	111–120
Sugar Notch borough	111–120
Swoyersville borough	111–120
Union township	131–140
Warrior Run borough	111–120
West Hazleton borough	111–120
West Pittston borough	111–120
West Wyoming borough	111–120
White Haven borough	101–110
Wilkes-Barre city	111–120
Wilkes-Barre township	111–120
Wright township	101–110
Wyoming borough	111–120
Yatesville borough	111–120

LYCOMING COUNTY

Anthony township	201–210
Armstrong township	181–190
Bastress township	191–200
Brady township	171–175
Brown township	226–230
Cascade township	181–190
Clinton township	176–180
Cogan House township	201–210
Cummings township	201–210
Duboistown borough	181–190
Eldred township	181–190
Fairfield township	176–180
Franklin township	151–160
Gamble township	181–190
Hepburn township	191–200
Hughesville borough	161–170
Jackson township	201–210
Jersey Shore borough	201–210
Jordan township	151–160

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

LYCOMING COUNTY—continued

Lewis township	191–200
Limestone township	191–200
Loyalsock township	181–190
Lycoming township	191–200
McHenry township	211–220
McIntyre township	191–200
McNett township	181–190
Mifflin township	201–210
Mill Creek township	171–175
Montgomery borough	176–180
Montoursville borough	176–180
Moreland township	161–170
Muncy borough	161–170
Muncy township	171–175
Muncy Creek township	161–170
Nippenose township	191–200
Old Lycoming township	191–200
Penn township	161–170
Platt township	191–200
Picture Rocks borough	161–170
Pine township	211–220
Plunketts Creek township	176–180
Porter township	201–210
Salladasburg borough	201–210
Shrewsbury township	161–170
South Williamsport borough	181–190
Susquehanna township	191–200
Upper Fairfield township	176–180
Washington township	176–180
Watson township	201–210
Williamsport city	181–190
Wolf township	161–170
Woodward township	191–200

MC KEAN COUNTY

Annin township	291–300
Bradford city	311–320
Bradford township	311–320
Ceres township	291–300
Corydon township	326–330
Eldred borough	301–310
Eldred township	301–310
Foster township	311–320
Hamilton township	326–330
Hamlin township	311–320
Kane borough	326–330
Keating township	301–310
Lafayette township	311–320
Lewis Run borough	311–320
Liberty township	291–300
Mount Jewett borough	311–320
Norwich township	291–300
Otto township	301–310
Port Allegany borough	291–300
Sergeant township	301–310
Smethport borough	301–310
Wetmore township	326–330

MIFFLIN COUNTY

Armagh township	191–200
Bratton township	211–220
Brown township	201–210
Burnham borough	201–210
Decatur township	191–200
Derry township	201–210
Granville township	201–210
Kistler borough	221–225
Lewistown borough	201–210
McVeytown borough	211–220
Menno township	211–220
Newton Hamilton borough	221–225
Oliver township	211–220
Union township	201–210
Wayne township	221–225

MONROE COUNTY

Barrett township	76–80
Chestnuthill township	81–90
Coolbaugh township	81–90
Delaware Water Gap borough	61–70
East Stroudsburg borough	61–70
Eldred township	81–90
Hamilton township	71–75
Jackson township	76–80
Middle Smithfield township	71–75

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

MONROE COUNTY—continued

	Freight zone (miles)
Mount Pocono borough	61–90
Paradise township	71–75
Pocono township	76–80
Polk township	81–90
Price township	71–75
Ross township	71–75
Smithfield township	61–70
Stroud township	61–70
Stroudsburg borough	61–70
Tobyhanna township	81–90
Tunkhannock township	81–90

MONTGOMERY COUNTY

Abington township	61–70
Ambler borough	71–75
Bridgeport borough	76–80
Bryn Athyn borough	61–70
Cheltenham township	76–80
Collegeville borough	81–90
Conshohocken borough	76–80
Douglass township	81–90
East Greenville borough	81–90
East Norriton township	71–75
Franconia township	71–75
Greenlane borough	76–80
Hatboro borough	61–70
Hatfield borough	61–70
Hatfield township	61–70
Horsham township	61–70
Jenkintown borough	61–70
Lansdale borough	61–70
Limerick township	81–90
Lower Frederick township	81–90
Lower Gwynedd township	61–70
Lower Merion township	81–90
Lower Moreland township	61–70
Lower Pottsgrove township	81–90
Lower Providence township	76–80
Lower Salford township	71–75
Marlborough township	71–75
Montgomery township	61–70
Narberth borough	81–90
New Hanover township	81–90
Norristown borough	76–80
North Wales borough	61–70
Pennsburg borough	81–90
Perkiomen township	81–90
Plymouth township	76–80
Pottstown borough	91–100
Red Hill borough	81–90
Rockledge borough	61–70
Royersford borough	81–90
Salford township	71–75
Schwenksville borough	81–90
Skippack township	76–80
Souderton borough	71–75
Springfield township	76–80
Telford borough	71–75
Towamencin township	61–70
Trappe borough	81–90
Upper Dublin township	61–70
Upper Frederick township	81–90
Upper Gwynedd township	61–70
Upper Hanover township	81–90
Upper Merion township	76–80
Upper Moreland township	61–70
Upper Pottsgrove township	91–100
Upper Providence township	81–90
Upper Salford township	76–80
West Conshohocken borough	76–80
West Norriton township	76–80
West Pottsgrove township	91–100
Whitemarsh township	71–75
Whitpain township	71–75
Worcester township	71–75

MONTOUR COUNTY

Anthony township	151–160
Cooper township	141–150
Danville borough	141–150
Derry township	151–160
Liberty township	151–160
Limestone township	151–160
Mahoning township	141–150
Mayberry township	141–150

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

MONTOUR COUNTY—continued

	Freight zone (miles)
Valley township	151–160
Washingtonville borough	151–160
West Hemlock township	141–150

NORTHAMPTON COUNTY

Allen township	76–80
Bangor borough	51–60
Bath borough	61–70
Bethlehem city	61–70
Bethlehem township	61–70
Bushkill township	61–70
Chapman borough	71–75
East Allen township	61–70
East Bangor borough	51–60
Easton city	51–60
Forks township	61–70
Freemansburg borough	61–70
Glendon borough	61–70
Hanover township	71–75
Hellertown borough	61–70
Lehigh township	81–90
Lower Mount Bethel township	51–60
Lower Nazareth township	61–70
Lower Saucon township	61–70
Moore township	71–75
Nazareth borough	61–70
Northampton borough	76–80
North Catasauqua borough	71–75
Palmer township	61–70
Pen Argyl borough	61–70
Plainfield township	61–70
Portland borough	51–60
Roseto borough	51–60
Stockertown borough	61–70
Tatamy borough	61–70
Upper Mount Bethel township	51–60
Upper Nazareth township	61–70
Walnutport borough	81–90
Washington township	51–60
West Easton borough	61–70
Williams township	61–70
Wilson borough	61–70
Wind Gap borough	61–70

NORTHUMBERLAND COUNTY

Coal township	141–150
Delaware township	161–170
East Cameron township	131–140
East Chillisquaque township	151–160
Herndon borough	151–160
Jackson township	151–160
Jordan township	151–160
Kulpmont borough	131–140
Lewis township	161–170
Little Mahanoy township	151–160
Lower Augusta township	151–160
Lower Mahanoy township	151–160
McEwensville borough	161–170
Marion Heights borough	131–140
Milton borough	161–170
Mount Carmel borough	131–140
Mount Carmel township	131–140
Northumberland borough	151–160
Point township	151–160
Ralpho township	141–150
Riverside borough	141–150
Rockefeller township	151–160
Rush township	141–150
Shamokin city	141–150
Shamokin township	141–150
Snydertown borough	141–150
Sunbury city	151–160
Turbotville borough	161–170
Turbut township	161–170
Upper Augusta township	151–160
Upper Mahanoy township	141–150
Washington township	151–160
Watsontown borough	161–170
West Cameron township	141–150
West Chillisquaque township	161–170
Zerbe township	141–150

PERRY COUNTY

Blain borough	181–190
Bloomfield borough	176–180

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

PERRY COUNTY—continued

	Freight zone (miles)
Buffalo township	171–175
Carroll township	161–170
Centre township	171–175
Duncannon borough	161–170
Greenwood township	181–190
Howe township	176–180
Jackson township	181–190
Juniata township	176–180
Landisburg borough	176–180
Liverpool borough	176–180
Liverpool township	176–180
Marysville borough	151–160
Miller township	171–175
Millerstown borough	181–190
New Buffalo borough	171–175
Newport borough	176–180
Northeast Madison township	181–190
Oliver township	176–180
Penn township	161–170
Rye township	161–170
Saville township	181–190
Southwest Madison township	181–190
Spring township	171–175
Toboyne township	191–200
Tuscarora township	181–190
Tyrone township	176–180
Watts township	171–175
Wheatfield township	171–175

PIKE COUNTY

Blooming Grove township	61–70
Delaware township	61–70
Dingman township	51–60
Greene township	71–75
Lackawaxen township	61–70
Lehman township	61–70
Matamoras borough	51–60
Milford borough	51–60
Milford township	51–60
Palmyra township	76–80
Porter township	61–70
Shohola township	61–70
Westfall township	51–60

POTTER COUNTY

Abbott township	241–250
Allegany township	261–270
Austin borough	281–290
Bingham township	251–260
Clara township	281–290
Coudersport borough	271–275
Eulalia township	271–275
Galeton borough	241–250
Genesee township	261–270
Harrison township	251–260
Hebron township	271–275
Hector township	241–250
Homer township	276–280
Keating township	281–290
Lewisville borough	251–260
Oswayo borough	271–275
Oswayo township	271–275
Pike township	241–250
Pleasant Valley township	281–290
Portage township	276–280
Roulette township	281–290
Sharon township	281–290
Shinglehouse borough	281–290
Stewardson township	231–240
Summit township	261–270
Sweden township	261–270
Sylvania township	276–280
Ulysses township	251–260
West Branch township	241–250
Wharton township	251–260

SCHUYLKILL COUNTY

Ashland borough	126–130
Auburn borough	101–110
Barry township	131–140
Blythe township	111–120
Branch township	121–125
Butler township	126–130
Cass township	126–130
Coaldale borough	101–110

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

SCHUYLKILL COUNTY—continued

	Freight zone (miles)
Cressona borough	111–120
Deer Lake borough	101–110
Delano township	111–120
East Brunswick township	101–110
East Norwegian township	111–120
East Union township	121–125
Eldred township	131–140
Foster township	126–130
Frackville borough	121–125
Frailey township	131–140
Gilberton borough	121–125
Girardville borough	126–130
Gordon borough	126–130
Hegins township	131–140
Hubley township	141–150
Kline township	111–120
Landingville borough	101–110
McAdoo borough	111–120
Mahanoy township	111–120
Mahanoy City borough	111–120
Mechanicsville borough	111–120
Middleport borough	111–120
Minersville borough	126–130
Mount Carbon borough	111–120
New Castle township	121–125
New Philadelphia borough	111–120
New Ringgold borough	101–110
North Manheim township	111–120
North Union township	126–130
Norwegian township	111–120
Orwigsburg borough	101–110
Palo Alto borough	111–120
Pine Grove borough	121–125
Pine Grove township	121–125
Port Carbon borough	111–120
Port Clinton borough	101–110
Porter township	131–140
Pottsville city	111–120
Rahn township	101–110
Reilly township	126–130
Ringtown borough	126–130
Rush township	111–120
Ryan township	111–120
St. Clair borough	111–120
Schuylkill township	111–120
Schuylkill Haven borough	111–120
Shenandoah borough	121–125
South Manheim township	101–110
Tamaqua borough	101–110
Tower City borough	131–140
Tremont borough	126–130
Tremont township	126–130
Union township	126–130
Upper Mahantango township	141–150
Walker township	101–110
Washington township	111–120
Wayne township	111–120
West Brunswick township	101–110
West Mahanoy township	121–125
West Penn township	101–110

SNYDER COUNTY

Adams township	181–190
Beaver township	181–190
Beavertown borough	181–190
Centre township	171–175
Chapman township	171–175
Franklin township	171–175
Freeburg borough	161–170
Jackson township	161–170
Middleburg borough	171–175
Middlecreek township	161–170
Monroe township	161–170
Penn township	161–170
Perry township	171–175
Selinsgrove borough	161–170
Shamokin Dam borough	161–170
Spring township	181–190
Union township	161–170
Washington township	161–170
West Beaver township	181–190
West Perry township	176–180

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

SULLIVAN COUNTY

	Freight zone (miles)
Cherry township	151–160
Colley township	141–150
Davidson township	141–150
Dushore borough	151–160
Eagles Mere borough	161–170
Elkland township	176–180
Forks township	161–170
Forksville borough	161–170
Fox township	181–190
Hillsgrove township	176–180
Laporte borough	151–160
Laporte township	151–160
Shrewsbury township	161–170

SUSQUEHANNA COUNTY

Apolacon township	151–160
Ararat township	111–120
Auburn township	131–140
Bridgewater township	131–140
Brooklyn township	131–140
Choconut township	151–160
Clifford township	101–110
Dimock township	131–140
Forest City borough	101–110
Forest Lake township	141–150
Franklin township	131–140
Friendsville borough	151–160
Gibson township	111–120
Great Bend borough	131–140
Great Bend township	131–140
Hallstead borough	131–140
Harford township	121–125
Harmony township	121–125
Herrick township	111–120
Hop Bottom borough	126–130
Jackson township	121–125
Jessup township	141–150
Lanesboro borough	121–125
Lathrop township	126–130
Lenox township	111–120
Liberty township	141–150
Little Meadows borough	151–160
Middletown township	151–160
Montrose borough	131–140
New Milford borough	126–130
New Milford township	126–130
Oakland borough	126–130
Oakland township	126–130
Rush township	141–150
Silver Lake township	141–150
Springville township	131–140
Susquehanna Depot borough	126–130
Thompson borough	111–120
Thompson township	111–120
Uniondale borough	111–120

TIOGA COUNTY

Bloss township	201–210
Blossburg borough	201–210
Brookfield township	241–250
Charleston township	211–220
Chatham township	226–230
Clymer township	231–240
Covington township	201–210
Deerfield township	231–240
Delmar township	221–225
Duncan township	211–220
Elk township	231–240
Elkland borough	231–240
Elkland township	231–240
Farmington township	221–225
Gaines township	231–240
Hamilton township	201–210
Jackson township	201–210
Knoxville borough	231–240
Lawrence township	211–220
Lawrenceville borough	211–220
Liberty borough	201–210
Liberty township	201–210
Mansfield borough	201–210
Middlebury township	211–220
Morris township	211–220
Nelson township	226–230

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

TIOGA COUNTY—continued

	Freight zone (miles)
Osceola township	231–240
Putnam township	201–210
Richmond township	201–210
Roseville borough	201–210
Rutland township	201–210
Shippen township	226–230
Sullivan township	191–200
Tioga borough	211–220
Tioga township	211–220
Union township	191–200
Ward township	191–200
Wellsboro borough	226–230
Westfield borough	241–250
Westfield township	241–250

UNION COUNTY

Buffalo township	161–170
East Buffalo township	161–170
Gregg township	171–175
Hartleton borough	181–190
Hartley township	181–190
Kelly township	161–170
Lewis township	176–180
Lewisburg borough	161–170
Limestone township	171–175
Mifflinburg borough	171–175
New Berlin borough	171–175
Union township	161–170
West Buffalo township	171–175
White Deer township	161–170

WARREN COUNTY

Bear Lake borough	361–370
Brokenstraw township	351–360
Cherry Grove township	341–350
Clarendon borough	341–350
Columbus township	371–375
Conewango township	351–360
Corydon township	331–340
Deerfield township	361–370
Eldred township	371–375
Elk township	341–350
Farmington township	351–360
Freehold township	361–370
Glade township	351–360
Kinzua township	331–340
Limestone township	361–370
Mead township	341–350
Pine Grove township	351–360
Pittsfield township	361–370
Pleasant township	351–360
Sheffield township	331–340
Southwest township	371–375
Spring Creek township	371–375
Sugar Grove borough	361–370
Sugar Grove township	361–370
Tidioute borough	361–370
Triumph township	361–370
Warren borough	351–360
Watson township	351–360
Youngsville borough	351–360
Cornplanter Indian Reservation	341–350

WAYNE COUNTY

Berlin township	81–90
Bethany borough	91–100
Buckingham township	111–120
Canaan township	91–100
Cherry Ridge township	81–90
Clinton township	91–100
Damascus township	81–90
Dreher township	91–100
Dyberry township	91–100
Hawley borough	81–90
Honesdale borough	81–90
Lake township	81–90
Lebanon township	91–100
Lehigh township	91–100
Manchester township	101–110
Mount Pleasant township	101–110
Oregon township	91–100
Palmyra township	81–90
Paupack township	81–90

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

WAYNE COUNTY—continued

	Freight zone (miles)
Preston township	111–120
Prompton borough	91–100
Salem township	91–100
Scott township	111–120
South Canaan township	91–100
Starrucca borough	111–120
Sterling township	91–100
Texas township	81–90
Waymart borough	91–100

WYOMING COUNTY

Braintrim township	141–150
Clinton township	126–130
Eaton township	126–130
Exeter township	126–130
Factoryville borough	126–130
Falls township	121–125
Forkston township	131–140
Laceyville borough	141–150
Lemon township	126–130
Mehoopany township	141–150
Meshoppen borough	141–150
Meshoppen township	141–150
Monroe township	126–130
Nicholson borough	121–125
Nicholson township	121–125
North Branch township	141–150
Northmoreland township	126–130
Noxen township	131–140
Overfield township	126–130
Tunkhannock borough	126–130
Tunkhannock township	126–130
Washington township	131–140
Windham township	141–150

YORK COUNTY

Carroll township	161–170
Chanceford township	141–150
Codorus township	161–170
Conewago township	151–160
Cross Roads borough	151–160
Dallastown borough	151–160
Delta borough	141–150
Dillsburg borough	161–170
Dover borough	161–170
Dover township	161–170
East Hopewell township	151–160
East Manchester township	151–160
East Prospect borough	141–150
Fairview township	151–160
Fawn township	141–150
Fawn Grove borough	141–150
Felton borough	151–160
Franklin township	161–170
Franklintown borough	161–170
Glen Rock borough	161–170
Goldsboro borough	151–160
Hallam borough	141–150
Hanover borough	171–175
Heidelberg township	161–170
Hellam township	141–150
Hopewell township	151–160
Jackson township	161–170
Jacobus borough	151–160
Jefferson borough	161–170
Lewisberry borough	151–160
Loganville borough	151–160
Lower Chanceford township	141–150
Lower Windsor township	141–150
Manchester borough	151–160
Manchester township	151–160
Manheim township	161–170
Monaghan township	161–170
Mount Wolf borough	151–160
New Freedom borough	161–170
New Salem borough	151–160
Newberry township	151–160
North Codorus township	151–160
North Hopewell township	151–160
North York borough	151–160
Paradise township	161–170
Peach Bottom township	141–150
Penn township	171–175
Railroad borough	161–170
Red Lion borough	151–160
Seven Valleys borough	151–160

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

YORK COUNTY—continued

	Freight zone (miles)
Shrewsbury borough	161–170
Shrewsbury township	161–170
Springettsbury township	151–160
Springfield township	151–160
Spring Garden township	151–160
Spring Grove borough	161–170
Stewartstown borough	151–160
Warrington township	161–170
Washington township	161–170
Wellsville borough	161–170
West Manchester township	151–160
West Manheim township	171–175
West York borough	151–160
Windsor borough	151–160
Windsor township	151–160
Winterstown borough	151–160
Wrightsville borough	141–150
Yoe borough	151–160
York city	151–160
York township	151–160
Yorkana borough	141–150
York Haven borough	151–160

MINOR CIVIL DIVISIONS IN THE STATE OF VERMONT

ADDISON COUNTY

Addison town	231–240
Bridport town	231–240
Bristol town	241–250
Cornwall town	231–240
Ferrisburg town	251–260
Goshen town	241–250
Granville town	251–260
Hancock town	251–260
Leicester town	231–240
Lincoln town	251–260
Middlebury town	231–240
Monkton town	251–260
New Haven town	241–250
Orwell town	211–220
Panton town	241–250
Ripton town	241–250
Salisbury town	231–240
Shoreham town	226–230
Starksboro town	261–270
Vergennes city	251–260
Waltham town	241–250
Weybridge town	241–250
Whiting town	226–230

BENNINGTON COUNTY

Arlington town	176–180
Bennington town	161–170
Dorset town	191–200
Landgrove town	201–210
Manchester town	181–190
Peru town	191–200
Pownal town	151–160
Readsboro town	161–170
Rupert town	181–190
Sandgate town	176–180
Searsburg town	176–180
Shaftsbury town	161–170
Stamford town	151–160
Sunderland town	181–190
Winhall town	191–200
Woodford town	161–170
Unorganized territory (formerly Glastenbury town)	176–180

CHITTENDEN COUNTY

Bolton town	281–290
Buells gore	261–270
Burlington city	271–275
Charlotte town	251–260
Colchester town	276–280
Essex town	276–280
Hinesburg town	261–270
Huntington town	261–270
Jericho town	281–290
Milton town	281–290
Richmond town	271–275
St. George town	271–275
Shelburne town	261–270

MINOR CIVIL DIVISIONS IN THE STATE OF VERMONT—Continued

CHITTENDEN COUNTY—continued

	Freight zone (miles)
South Burlington town	261–270
Underhill town	281–290
Westford town	261–270
Williston town	271–275
Winooski city	276–280

RUTLAND COUNTY

Benson town	211–220
Brandon town	231–240
Castleton town	211–220
Chittenden town	231–240
Clarendon town	211–220
Danby town	201–210
Fair Haven town	201–210
Hubbardton town	211–220
Ira town	211–220
Mendon town	226–230
Middletown Springs town	201–210
Mount Holly town	211–220
Mount Tabor town	201–210
Pawlet town	191–200
Pittsfield town	231–240
Pittsford town	226–230
Poultney town	201–210
Proctor town	221–225
Rutland city	221–225
Rutland town	221–225
Sherburne town	226–230
Shrewsbury town	211–220
Sudbury town	221–225
Tinmouth town	201–210
Wallingford town	201–210
Wells town	201–210
West Haven town	201–210
West Rutland town	211–220

COUNTY IN THE STATE OF VIRGINIA

	Freight zone (miles)
Clarke	251–260

MINOR CIVIL DIVISIONS IN THE STATE OF WEST VIRGINIA

BERKELEY COUNTY

Arden district	241–250
Falling Waters district	231–240
Gerrardstown district	251–260
Hedgesville district	241–250
Martinsburg district	241–250
Mill Creek district	251–260
Opequon district	241–250

JEFFERSON COUNTY

Charles Town district	241–250
Harpers Ferry district	241–250
Kabletown district	251–260
Middleway district	241–250
Sheperdstown district	241–250

Issued at New York, N.Y., this 6th day of November 1961.

C. J. BLANFORD,
Market Administrator.

[F.R. Doc. 61–11000; Filed, Nov. 20, 1961; 8:45 a.m.]

[Lemon Reg. 925, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 953.1032 (Lemon Regulation 925, 26 F.R. 10586) are hereby amended to read as follows:

(i) District 1: 32,550 cartons;
(ii) District 2: 139,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 16, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11040; Filed, Nov. 20, 1961; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below are schedules of advance rates, by grades, for the 1961 crop of types 21, 22, 23, 31, 35, 36, and 37 tobacco, under the tobacco loan program published July 6, 1960 (25 F.R. 6323).

Sec.
464.1331 1961 Crop—Virginia Fire-cured Tobacco, Type 21.
464.1332 1961 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23.
464.1333 1961 Crop—Burely Tobacco, Type 31.
464.1334 1961 Crop—Dark Air-cured Tobacco, Types 35 and 36.
464.1335 1961 Crop—Virginia Sun-cured Tobacco, Type 37.

AUTHORITY: §§ 464.1331 to 464.1335 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813.

§ 464.1331 1961 Crop—Virginia Fire-cured Tobacco, Type 21, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	60.12	60.12		
A2F	55.12	56.12		
A1D	60.12	60.12		
A2D	55.12	56.12		
B1F	58.12	58.12		
B2F	55.12	55.12	51.12	
B3F	45.12	46.12	43.12	39.12
B4F	38.12	40.12	39.12	37.12
B5F	35.12	36.12	35.12	33.12
B1D	58.12	58.12		
B2D	54.12	54.12	50.12	
B3D	45.12	46.12	43.12	39.12
B4D	38.12	40.12	39.12	37.12
B5D	35.12	36.12	35.12	33.12
B3M	38.12	39.12	38.12	37.12
B4M	37.12	38.12	37.12	35.12
B5M	33.12	34.12	33.12	29.12
B3G	38.12	39.12	38.12	37.12
B4G	37.12	38.12	37.12	35.12
B5G	33.12	34.12	33.12	29.12
C1L	62.12	62.12		
C2L	57.12	57.12	53.12	
C3L	50.12	50.12	46.12	
C4L	40.12	41.12	40.12	
C5L	35.12	36.12	35.12	
C1F	62.12	62.12		
C2F	57.12	57.12	53.12	
C3F	50.12	50.12	46.12	
C4F	40.12	41.12	40.12	
C5F	35.12	36.12	35.12	
C2D	35.12	36.12	35.12	
C3D	31.12	32.12	31.12	
C4D	30.12	31.12	30.12	
C5D	26.12	27.12	26.12	
C3M	34.12	36.12	35.12	
C4M	32.12	33.12	32.12	
C5M	29.12	31.12	29.12	
C3G	32.12	33.12	32.12	
C4G	29.12	30.12	29.12	
C5G	25.12	26.12	25.12	

Grade		Grade		Grade	
X1L	40.12	X1D	41.12	X5M 45	25.12
X2L	37.12	X2D	38.12	X3G	33.12
X3L	34.12	X3D	36.12	X3G 45	31.12
X4L	33.12	X4D	33.12	X4G	30.12
X5L	28.12	X5D	28.12	X4G 45	28.12
X1F	41.12	X3M	33.12	X5G	25.12
X2F	38.12	X3M 45	31.12	X5G 45	23.12
X3F	36.12	X4M	31.12	N1L	20.12
X4F	33.12	X4M 45	29.12	N1D	20.12
X5F	28.12	X5M	27.12	N1G	20.12

§ 464.1332 1961 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	64	64		
A2F	60	60		
A3F	48	50		
A1D	64	64		
A2D	60	60		
A3D	48	50		
B1F	52	54	50	
B2F	49	51	48	
B3F	44	46	44	38
B4F	41	43	41	34
B5F	34	36	34	28
B3VF	42	44	41	33
B4VF	38	40	38	30
B5VF	32	34	32	24
B1D	52	54	50	
B2D	49	51	48	
B3D	47	49	47	40
B4D	42	44	42	35
B5D	33	35	32	26
B3M	43	45	42	36
B4M	38	40	37	29
B5M	29	31	27	21
B3G	43	45	43	34
B4G	38	40	37	28
B5G	28	30	26	20
C1L	53	54	51	
C2L	49	50	48	
C3L	47	48	45	39
C4L	43	44	42	36
C5L	38	39	38	31
C1F	53	54	51	
C2F	49	50	48	
C3F	45	47	45	39

[1] See footnote at end of tables.

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
C4F	42	44	42	36
C5F	38	39	38	31
C3VF	41	43	40	34
C4VF	37	39	37	30
C5VF	34	36	34	24
C1D	47	48	45	
C2D	43	45	42	
C3D	39	41	39	34
C4D	33	35	32	28
C5D	28	30	28	24
C3M	41	43	40	36
C4M	35	36	34	30
C5M	32	34	30	24
C3G	38	39	35	31
C4G	33	35	30	27
C5G	24	26	23	21

Grade		Grade		Grade	
X1L	46	X5F	32	X3M	35
X2L	43	X3VF	36	X4M	28
X3L	41	X4VF	31	X5M	22
X4L	37	X5VF	24	X3G	30
X5L	31	X1D	42	X4G	22
X1F	45	X2D	40	X5G	18
X2F	43	X3D	35	N1L	20
X3F	41	X4D	29	N1D	18
X4F	36	X5D	22	N1G	17

§ 464.1333 1961 Crop—Burley Tobacco, Type 31, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
B1F	68.12	M4F	51.12	C3V	66.12
B2F	66.12	M5F	48.12	C4V	63.12
B3F	64.12	M3R	45.12	C5V	57.12
B4F	62.12	M4R	40.12	C3K	60.12
B5F	58.12	M5R	35.12	C4K	58.12
B3VF	60.12	T3F	57.12	C5K	52.12
B4VF	56.12	T4F	53.12	C3R	63.12
B5VF	49.12	T5F	48.12	C4R	61.12
B3K	56.12	T4VF	46.12	C5R	56.12
B4K	51.12	T5VF	42.12	C3M	59.12
B5K	41.12	T3FR	53.12	C4M	56.12
B1FR	62.12	T4FR	48.12	C5M	52.12
B2FR	60.12	T5FR	43.12	C4G	47.12
B3FR	57.12	T3R	44.12	C5G	41.12
B4FR	54.12	T4R	41.12	X1L	72.12
B5FR	50.12	T5R	36.12	X2L	71.12
B1R	56.12	T4VR	36.12	X3L	70.12
B2R	54.12	T5VR	31.12	X4L	67.12
B3R	51.12	T4D	35.12	X5L	63.12
B4R	47.12	T5D	32.12	X1F	71.12
B5R	44.12	T4K	32.12	X2F	70.12
B3VR	44.12	T5K	29.12	X3F	69.12
B4VR	42.12	T4GF	38.12	X4F	66.12
B5VR	38.12	T5GF	33.12	X5F	62.12
B4D	39.12	T4GR	32.12	X3R	62.12
B5D	34.12	T5GR	29.12	X4R	58.12
B3M	56.12	C1L	72.12	X5R	51.12
B4M	51.12	C2L	71.12	X4M	55.12
B5M	41.12	C3L	70.12	X5M	45.12
B3GF	47.12	C4L	69.12	X4G	46.12
B4GF	44.12	C5L	67.12	X5G	39.12
B5GF	39.12	C1F	71.12	N1L	50.12
B3GR	37.12	C2F	70.12	N1F	42.12
B4GR	34.12	C3F	69.12	N1R	29.12
B5GR	31.12	C4F	68.12	N1G	26.12
M3F	56.12	C5F	66.12		

§ 464.1334 1961 Crop—Dark Air-cured Tobacco, Types 35 and 36, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	52	52	
A2F	48	48	45
A3F	43	44	42
A1R	52	52	
A2R	48	48	45
A3R	43	44	42
B1F	48	49	47
B2F	45	46	44
B3F	43	44	42
B4F	41	42	40
B5F	37	38	36

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
B3FV	41	42	40
B4FV	40	41	39
B5FV	37	38	36
B1R	48	49	47
B2R	45	46	44
B3R	42	43	41
B4R	40	41	39
B5R	37	38	36
B1D	48	49	47
B2D	45	46	44
B3D	42	43	41
B4D	41	42	40
B5D	36	37	35
B3M	41	42	40
B4M	38	39	37
B5M	33	34	32
B3G	40	41	39
B4G	38	39	37
B5G	32	33	31
C1L	45	46	44
C2L	44	45	43
C3L	43	44	42
C4L	40	41	39
C5L	33	34	32
C1F	45	46	44
C2F	44	45	43
C3F	43	44	42
C4F	40	41	39
C5F	33	34	32
C3FV	40	41	39
C4FV	38	39	37
C5FV	31	32	30
C1R	43	44	42
C2R	42	43	41
C3R	40	41	39
C4R	37	38	36
C5R	30	31	29
C3M	40	41	39
C4M	35	36	34
C5M	28	29	27
C4G	36	37	35
C5G	27	28	26

Grade		Grade		Grade	
T3F	38	X1L	42	X2R	37
T4F	34	X2L	40	X3R	31
T5F	26	X3L	38	X4R	28
T3R	38	X4L	34	X3D	37
T4R	34	X5L	32	X4D	31
T5R	26	X1F	42	X5D	24
T3D	38	X2F	40	X3M	34
T4D	34	X3F	38	X4M	29
T5D	26	X4F	35	X5M	25
T3M	37	X5F	31	X3G	34
T4M	32	X3FV	35	X4G	25
T5M	25	X4FV	32	X5G	22
T3G	37	X5FV	27	N1L	24
T4G	32	X1R	42	N2R	23
T5G	25	X2R	39	N3G	21

§ 464.1335 1961 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44	Grade	Length 45	Length 44
A1F	59.12	------	B3G	42.12	41.12
A2F	56.12	53.12	B4G	41.12	40.12
A3F	53.12	50.12	B5G	37.12	36.12
A1R	59.12	------	C1L	57.12	52.12
A2R	57.12	54.12	C2L	51.12	47.12
A3R	54.12	51.12	C3L	48.12	45.12
B1F	56.12	53.12	C4L	41.12	40.12
B2F	55.12	52.12	C5L	36.12	35.12
B3F	49.12	46.12	C1F	57.12	52.12
B4F	43.12	42.12	C2F	51.12	47.12
B5F	39.12	38.12	C3F	48.12	44.12
B1R	57.12	54.12	C4F	41.12	40.12
B2R	56.12	53.12	C5F	36.12	35.12
B3R	49.12	46.12	C1R	55.12	50.12
B4R	44.12	43.12	C2R	49.12	45.12
B5R	39.12	38.12	C3R	43.12	41.12
B1D	56.12	53.12	C4R	38.12	37.12
B2D	55.12	52.12	C5R	34.12	33.12
B3D	48.12	46.12	C3M	38.12	37.12
B4D	42.12	41.12	C4M	36.12	35.12
B5D	38.12	37.12	C5M	34.12	33.12
B3M	42.12	41.12	C4G	34.12	33.12
B4M	41.12	40.12	C5G	29.12	28.12
B5M	37.12	36.12			

[Dollars per hundred pounds, farm sales weight]

Grade		Grade		Grade	
T3F	42.12	T5G	31.12	X4R	35.12
T4F	40.12	X1L	42.12	X5R	28.12
T5F	34.12	X2L	39.12	X3D	35.12
T3R	42.12	X3L	36.12	X4D	33.12
T4R	40.12	X4L	35.12	X5D	26.12
T5R	34.12	X5L	29.12	X3M	33.12
T3D	40.12	X1F	43.12	X4M	32.12
T4D	38.12	X2F	40.12	X5M	27.12
T5D	32.12	X3F	37.12	X3G	34.12
T3M	39.12	X4F	35.12	X4G	31.12
T4M	37.12	X5F	28.12	X5G	26.12
T5M	31.12	X1R	43.12	N1L	20.12
T3G	39.12	X2R	40.12	N1R	20.12
T4G	37.12	X3R	36.12	N1G	20.12

[1] The Cooperative Associations through which price support is made available for Virginia fire-cured, type 21, Burley, type 31, and Virginia sun-cured, type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "DAM" (damaged), "No-G" (no grade), N2, N2L, N2R, N2G, N–K, botched, nested, off-type, or decayed will not be accepted. Tobacco of types 22, 23, 35, and 36 graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of types 21, 31, and 37 graded "W" (doubtful keeping order) will not be accepted. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 35 and 36 grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 21, 22, and 23 grades of 47 length and types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate of 10 percent below the advance rate otherwise applicable for 46 length of each grade.

Effective date: Date of signature.

Signed at Washington, D.C., on November 14, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61–10959; Filed, Nov. 20, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–75]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to Part 600, §§ 600.1530 and 600.1679 is to redesignate the segment of intermediate altitude VOR Federal airway No. 1530 from Gordonsville, Va., to Herndon, Va., as a part of intermediate altitude VOR Federal airway No. 1679.

The above action is being taken to eliminate misunderstanding created by the existence of multiple transition points between Victor 1530 and intermediate altitude VOR Federal airway No. 1540. As presently designated, Victor 1530 forms junctions with Victor 1540 at Montebello, Va., and at the intersection of the Gordonsville, Va., VOR 020° and the Herndon, Va., VOR 220° radials. In the absence of specific flight plan information, it becomes necessary to solicit additional information to determine the exact point of transition between these two airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. This action, in effect, will result in the reidentification of a segment of an existing airway, and does not involve designation of any additional airspace.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In § 600.1530 (26 F.R. 1079) the following changes are made:

a. In the caption "Washington, D.C." is deleted and "Gordonsville, Va." is substituted therefor.

b. In the text "Gordonsville, Va., VOR; thence via the INT of the Gordonsville VOR 020° and the Herndon, Va., VOR 220° radials; to the Herndon VOR." is deleted and "Gordonsville, Va., VOR." is substituted therefor.

2. In § 600.1679 (26 F.R. 1079) the following changes are made:

a. In the caption "Washington, D.C." is deleted and "Gordonsville, Va.," is substituted therefor.

b. In the text "From the Herndon, Va., VOR via the Harrisburg, Pa., VOR;" is deleted and "From the Gordonsville, Va., VOR via the INT of the Gordonsville VOR 020° and the Herndon, Va., VOR 220° radials; Herndon VOR; Harrisburg, Pa., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 14, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11014; Filed, Nov. 20, 1961; 8:45 a.m.]

[Airspace Docket No. 61–NY–48]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 9, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7149) stating that the Federal Aviation Agency proposed to alter intermediate altitude VOR Federal airway No. 1698 by realigning the segment between Binghamton, N.Y., VOR and the Wilton, Conn., VOR via the Huguenot, N.Y., VOR.

No adverse comments were received regarding the proposed alteration.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed alteration having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.1698 (26 F.R. 1079) "to the Wilton, Conn., VOR." is deleted and "Huguenot, N.Y., VOR; to the Wilton, Conn., VOR." is substituted therefor.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 14, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11015; Filed, Nov. 20, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–89]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On June 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5835) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1757 from the Hector, Calif., VOR; as a 10-mile wide airway via the intersection of the Hector VOR 049° and the Las Vegas, Nev., VOR 210° True radials; to the Las Vegas VOR.

No adverse comments were received regarding the proposed amendment.

Subsequent to publication of the notice, it has been determined that the incorporation of the proposal with a revision to intermediate altitude VOR Federal airway No. 1547 between the Los Angeles, Calif., VOR and the Morman Mesa, Nev., VOR would simplify the air route structure and facilitate flight planning in the Los Angeles terminal area. Therefore, action is taken herein to designate Victor 1547 from the Los Angeles VOR, via the route presently followed by Victor 1524, to the Hector, Calif., VOR; thence to the Las Vegas, Nev., VOR via the route proposed in the notice; thence to the Morman Mesa, Nev., VOR via the route presently followed by Victor 1522. Due to the duplication of routes, as outlined above, the only airspace added to the airway structure as a result of this change will be that outlined in the notice. The route presently followed by Victor 1547 from the Los Angeles VOR to the Morman Mesa, VOR will continue to be served by Victor 1549.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated herein and in the notice, the following action is taken: In the text of § 600.1547 (26 F.R. 1079) "From the Los Angeles, Calif., VOR 12 mile wide airway via the INT of the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR; INT of the Dagget VOR 072° and the Goffs, Calif., VOR 268° radials; to the Goffs VOR; thence via the Mormon Mesa, Nev., VOR; Milford, Utah, VOR;" is deleted and "From the Los Angeles, Calif., VOR; 10 mile wide airway via the Ontario, Calif., VOR; Hector, Calif., VOR; INT of the Hector VOR 049° and the Las Vegas, Nev., VOR 210° radials; Las Vegas VOR; to the Mormon Mesa, Nev., VOR; thence via the Milford, Utah, VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 14, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11017; Filed, Nov. 20, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–185]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.1505, 600.1510, 600.1734, and 600.1736 of the regulations of the Administrator is to redesignate intermediate altitude VOR Federal airways as follows:

Victor 1510 from the Ogden, Utah, VOR via the Fort Bridger, Wyo., VOR to the Rock Springs, Wyo., VOR; Victor 1734 from the Salt Lake City, VOR to the Fort Bridger VOR; Victor 1736 from the Provo, Utah, VOR to the Fort Bridger VOR; and Victor 1505 from the Raleigh-Durham, N.C., VOR via the intersection of the Cofield, N.C., VOR 298° and the Richmond, Va., VOR 213° True radials to the Richmond VOR.

The inclusion of the Fort Bridger VOR in the descriptions of Victor airways 1510, 1734, and 1736 will permit the designation of lower IFR minimum en route altitudes for segments of these airways near Fort Bridger. The change to Victor 1505 will eliminate the Lawrenceville, Va., VOR from its description, thereby providing better navigational guidance along this airway. Aircraft utilizing the Lawrenceville VOR while operating along Victor 1505 have received co-channel frequency interference from the Solberg, N.J., VOR.

Since these changes are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 600.1505 [Amendment]

1. In the text of § 600.1505 (26 F.R. 1079) "Raleigh-Durham VOR; Lawrenceville, Va., VOR; thence 10 mile wide airway to the Richmond, Va., VOR;" is deleted and "Raleigh-Durham VOR; to the INT of the Richmoud, Va., VOR 213° and the Cofield, N.C., VOR 298° radials; thence 10 mile wide airway to the Richmond VOR;" is substituted therefor.

§ 600.1510 [Amendment]

2. In the text of § 600.1510 (26 F.R. 1079, 4052, 8628) "thence to the INT of the Ogden VOR 082° and the Rock Springs, Wyo., VOR 259° radials; Rock Springs VOR;" is deleted and "thence via the Fort Bridger, Wyo., VOR; Rock Springs, Wyo., VOR;" is substituted therefor.

3. Section 600.1734 (26 F.R. 1079) is amended to read:

§ 600.1734 VOR Federal airway No. 1734 (Salt Lake City, Utah, to Fort Bridger, Wyo.).

From the Salt Lake City, Utah, VOR to the Fort Bridger, Wyo., VOR.

4. Section 600.1736 (26 F.R. 1079) is amended to read:

§ 600.1736 VOR Federal airway No. 1736 (Provo, Utah, to Fort Bridger, Wyo.).

From the Provo, Utah, VOR to the Fort Bridger, Wyo., VOR.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 14, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11018; Filed, Nov. 20, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–46]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3541) stating

that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 507 from the Lovelock, Nev., VORTAC via the Sod House, Nev., VOR; the Rome, Oreg., VOR; to the Boise, Idaho, VORTAC, and to designate the control areas associated with Victor 507 to extend upward from 1200 feet above the surface, or if appropriate, 500 feet below the minimum IFR en route altitude when established, to the base of the continental control area. On July 29, 1961, an Alteration of Proposal was published in the FEDERAL REGISTER (26 F.R. 6817) stating that the control areas associated with Victor 507 from Lovelock to Boise would extend upward from 700 feet above the surface to the base of the continental control area.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR 600, 601) are amended by adding the following sections:

§ 600.6507 VOR Federal airway No. 507 (Lovelock, Nev., to Boise, Idaho).

From the Lovelock, Nev., VORTAC via the Sod House, Nev., VOR; Rome, Oreg., VOR; to the Boise, Idaho, VORTAC.

§ 601.6507 VOR Federal airway No. 507 control areas (Lovelock, Nev., to Boise, Idaho).

All of VOR Federal airway No. 507.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 14, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11016; Filed, Nov. 20, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-277]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation of Transition Areas, Alteration of Federal Airways, Control Area Extension and Control Zones, and Revocation, Alteration and Designation of Restricted Areas

On February 4, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1097) stating that the Federal Aviation Agency was considering amendments to Part 601 and §§ 600.6045, 600.6229, 601.1265, 601.2081, 601.2324, and 608.41 of the regulations of the Administrator. These amendments would result in the following actions: alteration of the Cherry Point, N.C., Restricted Area R-123 by reducing both its lateral and vertical dimensions; redesignation of the Cherry Point Restricted Area R-125 east of its present location and reduction of its vertical limits, such restricted area to terminate December 31, 1961; designation of a new restricted area at Camp Lejeune, N.C. (R-15); designation of the Cherry Point control area extension and the Cherry Point control zone; editorial changes in the description of low altitude VOR Federal airways No. 45 and 229, the Edenton, N.C., control area extension, New Bern, N.C., and Jacksonville, N.C., control zones in order to up-date information regarding restricted area changes as proposed therein. Subsequent to the publication of the notice, R-123 and R-125 have been renumbered as R-5306 and R-5307, respectively.

In response to the notice, comments were submitted by the Air Transport Association of America (ATA), the Aircraft Owners and Pilots Association (AOPA), the Department of the Air Force, the Department of the Navy, the Department of Defense, and the United States Marine Corps. The ATA and the AOPA concurred in the proposal; however, the AOPA recommended that Civil Air Regulation Amendment 60-21 criteria be applied to the proposed Cherry Point control area extension. The Air Force interposed no objections.

The Department of Defense, the Department of the Navy, and the Marine Corps objected to the proposal as being critically detrimental to the national defense effort and derogating aviation safety. The Marine Corps submitted an alternate proposal which would meet the requirements of the Marine Corps at Cherry Point, yet alleviate many of the undesirable features presented by the present configuration. This proposal would retain R-5307 in its present lateral dimensions but would raise the floor to flight level 350. R-5306 would be increased in size over that contained in the notice and would negate the necessity for the designation of R-15 as proposed. However, R-5306, as proposed by the Marines, represents a reduction of approximately 50 percent in the size of R-5306 as now designated. This reduction would eliminate the Morehead City, N.C., area and a large area of the North Carolina Outer Banks from restricted airspace.

In an attempt to resolve the differences in the notice and the comments submitted by the Marine Corps, meetings were held in Washington, D.C., with personnel from the Federal Aviation Agency and the Marine Corps. As a result, agreement was reached to materially reduce the area of R-5306 and R-5307, but not to the extent as proposed in the notice. The Marine Corps agreed to the vertical designations as stated in the notice, and to subdivide R-5306 into three areas designated as R-5306A, R-5306B, and R-5306C.

The notice stated that the Cherry Point, N.C., control area extension would be designated within a 60-mile radius of the Cherry Point VOR excluding restricted areas, the area west of VOR Federal airway No. 1 and the area outside of the United States. At the time of issuance of the notice, there was no regulatory procedure whereby transition areas could be established. Civil Air Regulations Amendment 60-21 was effective February 21, 1961, and provides for the establishment of transition areas in lieu of control area extensions. It has been determined that the establishment of two transition areas adjacent to R-5306A and R-5306C of lesser dimensions than the control area extension proposed in the notice will satisfy the need for controlled airspace in the Cherry Point area. Such action is taken herein. No action is taken to designate a control zone in the vicinity of Cherry Point as proposed in the notice, since R-5306A as established herein will include all the airspace which was proposed for designation as a control zone.

Although the notice stated that it is contrary to the policy of the Federal Aviation Agency and to the public interest to designate large segments of restricted airspace to protect terminal area flight operations and routine flight training missions from interference and air traffic delays caused by the transit of the navigable airspace by other users, no action is taken at this time to revoke all the airspace set aside for this purpose. The actions contained herein are an interim step arrived at through a series of conferences with Marine Corps personnel held in Washington, D.C. The Federal Aviation Agency deems it advisable to release a substantial amount of airspace for public use immediately. Accordingly, the airspace set aside for the purposes stated above will be the subject of future review and possible action.

After a review of objection and recommendations submitted, the Federal Aviation Agency is proceeding with the following actions:

1. Revoke R-5306 as presently designated and redesignate three restricted areas with lesser combined dimensions than the present R-5306 as follows:

a. Designate R-5306A with an area of approximately 1,820 square miles from the surface to flight level 350 on a continuous basis, to be used for strafing, bombing, and missile firing. R-5306A will include the area surrounding Cherry Point MCAS.

b. Designate R-5306B with an area of approximately 125 square miles from the surface to flight level 290 on a continuous basis, to be used for Hawk and artillery firing. R-5306B will include the area to the southwest of R-5306A.

c. Designate R-5306C with an area of approximately 27 square miles from the surface to 20,000 feet MSL on a continuous basis, to be used for artillery firing at Camp Lejeune. R-5306C will include the area to the northwest of R-5306B and will be designated in lieu of R-15 as proposed in the notice.

2. Reduce R-5307 to an area of approximately 2,255 square miles. Designated altitudes will be changed from 6,000 feet MSL to flight level 550, to flight level 350 to flight level 550. Time of designation will remain from sunset to sunrise. This will be a joint use area with the Washington ARTCC as controlling agency, and R-5307 will be added to Subpart H, § 601.7101 to provide for joint use and establishment of continental control area. This restricted area will be used for night all-weather interceptor training.

3. Establish a transition area to the north, east and scuth of R-5306A, and another to the southwest of R-5306B.

4. Alter the description of low altitude VOR Federal airways No. 229 and 45 by deleting the exclusions as stated in the texts.

5. Redescribe the Edenton, N.C., control area extension (§ 601.1265) as proposed in the notice.

6. Alter the New Bern, N.C., control zone (§ 601.2324) by amending the exclusions as stated in the text.

7. Alter the Jacksonville, N.C., control zone (§ 601.2081) by amending the exclusions as stated in the text.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all matter presented.

The substance of the proposed amendments has been published; therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated herein and in the Notice, the following actions are taken:

§ 608.53 [Amendment]

1. In § 608.53 (26 F.R. 7199) the following changes are made:

a. R-5306 Cherry Point, N.C., is revoked.

b. R-5306A Cherry Point, N.C., is added to read:

R-5306A Cherry Point, N.C.

Boundaries. Beginning at latitude 35°23'15" N., longitude 76°34'40" W.; to latitude 35°18'15" N., longitude 76°16'40" W.; to latitude 35°04'30" N., longitude 76°04'30" W.; to latitude 34°46'45" N., longitude 76°24'45" W.; to latitude 34°45'10" N., longitude 76°40'30" W.; to latitude 34°41'50" N., longitude 76°56'20" W.; to latitude 34°37'30" N., longitude 76°56'20" W.; thence southwest along the boundary of Warning Area W-122 to latitude 34°34'30" N., longitude 77°09'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 35°03'00" N., longitude 76°57'00" W.; thence to point of beginning.

Designated altitudes. Surface to flight level 350.

Time of designation. Continuous.

Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N.C.

c. R-5306B Cherry Point, N.C., is added to read:

R-5306B Cherry Point, N.C.

Boundaries. Beginning at latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°34'30" N., longitude 77°09'00" W.; thence southwest along the boundary of Warning Area W-122 to latitude 34°30'20" N., longitude 77°15'50" W.; to latitude 34°33'00" N., longitude 77°19'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°39'10" N., longitude 77°20'50" W.; thence to point of beginning.

Designated altitudes. Surface to flight level 290.

Time of designation. Continuous.

Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N.C.

d. R-5306C Cherry Point, N.C., is added to read:

R-5306C Cherry Point, N.C.

Boundaries. Beginning at latitude 34°42'00" N., longitude 77°24'50" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°20'08" W.; to latitude 34°37'25" N., longitude 77°29'00" W.; to latitude 34°40'20" N., longitude 77°28'10" W.; thence to point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N.C.

e. R-5307 Cherry Point, N.C., is amended to read:

R-5307 Cherry Point, N.C.

Boundaries. Beginning at latitude 35°23'15" N., longitude 76°34'40" W.; to latitude 35°03'00" N., longitude 76°57'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°39'10" N., longitude 77°20'50" W.; to latitude 34°42'00" N., longitude 77°24'50" W.; to latitude 34°40'20" N., longitude 77°28'10" W.; to latitude 34°37'25" N., longitude 77°29'00" W.; to latitude 34°41'45" N., longitude 77°40'00" W.; to latitude 35°20'30" N., longitude 77°28'45" W.; to latitude 35°44'25" N., longitude 77°12'00" W.; thence to point of beginning.

Designated altitudes. Flight level 350 to flight level 550.

Time of designation. Sunset to sunrise.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N.C.

2. In Part 601 (14 CFR 601) the following sections are added to read:

§ 601.10411 Cherry Point, N.C., transition area.

All that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: Latitude 35°45'30" N., longitude 76°39'00" W.; thence clockwise along the arc of a 60-mile circle centered at latitude 34°54'30" N., longitude 76°53'00" W.; to latitude 35°05'50" N., longitude 75°51'05" W.; thence three nautical miles from and parallel to the shoreline to latitude 34°37'30" N., longitude 76°56'20" W.; to latitude 34°41'50" N., longitude 76°56'20" W.; to latitude 34°45'10" N., longitude 76°40'30" W.; to latitude 34°46'45" N., longitude 76°24'45" W.; to latitude 35°04'30" N., longitude 76°04'30" W.; to latitude 35°18'15" N., longitude 76°16'40" W.; to latitude 35°23'15" N.; longitude 76°34'40" W.; to latitude 35°26'00" N., longitude 76°52'00" W.; thence to point of beginning.

§ 601.10412 Camp Lejeune, N.C., transition area.

All that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: latitude 34°30'20" N., longitude 77°15'50" W.; thence three nautical miles from and parallel to the shoreline to latitude 34°25'18" N., longitude 77°26'30" W.; to latitude 34°30'35" N., longitude 77°32'18" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°33'00" N., longitude 77°19'00" W.; thence to point of beginning.

§ 600.6045 [Amendment]

3. Section 600.6045 (14 CFR 600.6045; 26 F.R. 2220) is amended to delete the following sentence: "The airspace above 5,500 feet above mean sea level of that portion of this airway which lies beneath, and conflicts with the Cherry Point Restricted Area (R-125) is excluded daily from sunset to sunrise.".

§ 600.6229 [Amendment]

4. Section 600.6229 (14 CFR 600.6229) is amended to delete the following sentence: "The portion of this airway above 5,500 feet above mean sea level within 60 miles of a point at latitude 34°54'30" north, longitude 76°53'00" west, is excluded daily from sunset to sunrise.".

§ 601.1265 [Amendment]

5. Section 601.1265 (14 CFR 601.1265) is amended by deleting "Cherry Point restricted area (R-123)," and substituting therefor "arc of a 60-mile radius circle centered at latitude 34°54'30" N., longitude 76°53'00" W.,".

§ 601.2081 [Amendment]

6. Section 601.2081 (14 CFR 601.2081) is amended by deleting "excluding the airspace above 5,500 feet mean sea level daily from sunset to sunrise" and substituting therefor "excluding the portion within Restricted Area R-5306C".

§ 601.2324 [Amendment]

7. Section 601.2324 (14 CFR 601.2324) is amended by deleting the following sentence: "The portion of the control zone which lies within the geographic limits of, and between the designated altitudes of, the Cherry Point Restricted Area (R-125) is excluded during the Restricted Area's time of designation.".

§ 601.7101 [Amendment]

8. Section 601.7101 (26 F.R. 1399) is amended by adding the following: "R-5307 Cherry Point, N.C.".

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11033; Filed, Nov. 20, 1961; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8130 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

H. H. Kastner & Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Harold Henry Kastner doing business as H. H. Kastner & Co., Sanford, Fla., Docket 8130, Sept. 15, 1961]

In the Matter of Harold Henry Kastner, an Individual Doing Business as H. H. Kastner & Co.

Consent order requiring a commission merchant and broker in Sanford, Fla., to cease violating section 2(c) of the Clayton Act by receiving and accepting commissions from citrus fruit packers on his own purchases for resale, usually at the rate of 10 cents per 1⅗ bushel box or equivalent, or a lower price reflecting brokerage.

The order to cease and desist, including provision requiring report of compliance therewith, is as follows:

It is ordered, That respondent Harold Henry Kastner, individually and doing business as H. H. Kastner & Co., and respondent's agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11027; Filed, Nov. 20, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing on the Moosehorn National Wildlife Refuge, Maine, is permitted only on the waters designated by signs as open to fishing. These open waters, comprising 500 acres or 2 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters and from the Bureau of Sport Fisheries and Wildlife, Boston, Massachusetts. Sport fishing shall be subject to the following conditions:

(a) Species permitted to be taken: Brook trout, black bass, pickerel, white perch.

(b) Open season and creel limits: In accordance with the following table.

Species permitted to be taken	Open season	Daily creel limits	Open waters
Brook trout	Open water fishing from Apr. 1, 1962 (in all waters naturally free of ice and all portions of waters naturally free of ice) through Aug. 15, 1962.	10 fish or 7½ lbs. per day with a minimum legal length of 6 inches.	Moosehorn Stream, Cranberry Brook, Maker Brook, East Magurrewock Stream, West Magurrewock Stream, Conic Brook, Barn Meadow Brook, Crane Mill Stream, Crane Meadow Brook, Cranberry Lake Stream, Ledge Pond, James Pond.
Do	Open water fishing from Apr. 1, 1962 (in all waters naturally free of ice and all portions of waters naturally free of ice) through Sept. 30, 1962.	do	
Do	Ice fishing from Feb. 1 through Mar. 31, 1962.	do	Hobart Lake.
Black bass	June 1 through June 20, 1962.	3 fish per day on single-hooked artificial lures only.	Conic Lake, Little (Bearce) Lake, Hobart Lake.
Do	June 21 through Sept. 30, 1962.	10 fish or 7½ lbs. per day	Do.
Pickerel and white perch.	Open water fishing from June 1, through Sept. 30, 1962.	No limit	Do.
Do	Ice fishing from time ice forms through Mar. 31, 1962.	do	Cranberry Lake, Conic Lake, Little Lake, Hobart Lake, Hobart Bog.
Yellow perch, hornpout, chubs, smelt, and other rough fish.	At any time within open seasons in applicable open waters.	do	All applicable open waters.

(c) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) The use of boats without motors for fishing is permitted only in the waters of Little (Bearce) Lake, Conic Lake, Hobart Lake, and Vose Pond.

(d) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is required to enter the public fishing area. This permit may be obtained at refuge headquarters Monday through Friday between 7:30 a.m., and 4:00 p.m.

(3) The provisions of this special regulation are effective December 10, 1961 through September 30, 1962.

JOHN S. GATTSDRATH, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

NOVEMBER 13, 1961.

[F.R. Doc. 61-11028; Filed, Nov. 20, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 947]

[Docket No. AO-313-A-2]

MILK IN SUBURBAN ST. LOUIS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Litchfield, Illinois, on October 4, 1961, pursuant to notice thereof issued on August 31, 1961 (26 F.R. 8399).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on October 30, 1961 (26 F.R. 10360 F.R. Doc. 61-10515) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Revision of requirements for pool plant status of distributing plants;

2. The Class I price after November 30, 1961; and

3. Revision of both the rate and the method of applying the payment on unpriced milk including that distributed on routes from nonpool distributing plants.

No testimony was presented with respect to the three proposals relating to Issue No. 3. The proponents stated that since a hearing on this and other issues is expected to be held in the near future they would reserve their testimony on these points until that time. Hence, no action is taken on Issue No. 3.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The requirements for pool plant status of a distributing plant should be revised.

Cooperative associations proposed that the present requirement that a distributing plant dispose of not less than 20 percent of such plant's total Class I sales on routes in the marketing area be lowered to 10 percent. They stated the proposed change is necessary to insure the continued regulation of a plant which is located outside the marketing area at Mattoon, Illinois. This plant, one of the largest subject to the regulation, has been a pool plant since the inception of the order. Its Class I disposition outside the marketing area has been expanding much more rapidly than within the marketing area. As a consequence, its percentage of Class I distribution within the marketing area has fallen from approximately 40 percent to less than 25 percent since the order became effective.

A continuation of this trend would result in this plant's in-area distribution falling below the required minimum and a consequent loss of its pool plant status. Since this situation is being brought about, not by any decline in the volume of milk disposed of in the marketing area but by an increase in its disposition outside the area, it becomes necessary to consider whether the actual volume of milk disposed of in the area as well as the percentage should not be considered as a criterion for pooling.

Under the present provisions of the order a plant with a large volume of Class I business could acquire a large percentage of the total Class I distribution in the marketing area without becoming subject to full regulation. Reducing the pool plant requirements from 20 percent to 10 percent would still permit such a plant to distribute a substantial volume of milk in the area without becoming subject to full regulation and might bring under regulation several additional small plants whose in-area distribution is insignificant and has little or no effect upon the marketing of milk in the area.

Any plant which distributes 20 percent of its total Class I milk in the marketing area has demonstrated a significant association with the market and should continue to be fully regulated. In addition to these plants, however, any plant which distributes within the area a volume of Class I milk equal to one percent or more of the total Class I milk in the market is an important competitive factor and should be subject to full regulation, even though this volume represents less than 20 percent or even 10 percent of its total Class I business.

The total Class I disposition by all pool plants subject to regulation under the order plus the in-area sales of nonpool plants averages approximately 700,000 pounds per day. The order, therefore, should provide for full regulation of any plant whose distribution of Class I milk in the marketing area amounts to an average of 7,000 pounds or more per day. Use of the fixed figure rather than of 1 percent of the total Class I sales will afford plants an opportunity to know beforehand whether they will be subject to regulation and will permit them to adjust their business accordingly. It will also eliminate the shifting in and out of the pool of plants whose distribution in the area might be fairly constant but might be more or less than 1 percent as total Class I milk in the pool varied.

Since the Mattoon plant is one of the largest regulated plants there is no question but that its Class I distribution in the area is well in excess of 7,000 pounds per day. It will, therefore, continue to be regulated even though its in-area distribution should fall below 20 percent of its total Class I business.

With respect to the several plants which are partially regulated at the present time, only two might be affected by the proposed 7,000 pounds per day figure. Both have in-area distribution at the present time in an amount between 10 and 15 percent of their total Class I distribution. Since the volume of their Class I distribution, either within the area or in total, is not available their status under the proposed amendment cannot be determined from the record.

In addition, the present language should be revised to more clearly reflect the intent of the provision. Since it is impossible to identify individual lots of milk in a plant the phrase, "a volume equal to not less than 50 percent of the total receipts of approved milk etc." should be used instead of the phrase, "not less than 50 percent of total receipts etc." Likewise the qualification of a plant should depend on its Class I distribution rather than on its Class I sales within the marketing area.

2. The present level of the Class I price should be continued.

The present Class I price provision is effective only through November 30, 1961. Cooperatives proposed that the present pricing scheme providing that the Class I base zone price per hundredweight be 10 cents less than the St. Louis Order No. 3 Class I price at the zero to 30-mile zone be continued and that the northern zone price, as now, be 5 cents less than the base zone price.

It was further proposed by a handler who is subject to regulation under Order No. 3 regulating the handling of milk in the St. Louis marketing area that a new base zone composed of St. Clair and Madison Counties be established and the Class I price at plants located therein be the same as the Class I price for the St. Louis Order No. 3 plants located in the 0- to 30-mile zone. The remainder of the present base zone, under this proposal, would be renamed the southern zone and the Class I prices in this and the northern zone would be, as now 10 and 15 cents, respectively, less than the 0- to 30-mile zone Class I price for Order No. 3 regulating the handling of milk in the St. Louis, Missouri, marketing area.

The Suburban St. Louis order became effective in part on May 1, 1960 and in its entirety on June 1, 1960. The Class I price was made effective only through November 1961, to provide opportunity for a review of marketing conditions and a reevaluation of such price in the light of actual experience. Figures compiled during the first 12 months show that approximately 79 percent of all producer milk was classified as Class I. During this 12-month period, May 1960 through April 1961, total receipts of producer milk were 27 percent greater than the

gross Class I utilization of fully regulated handlers. During the 4-month period May through August, the only period for which market information is available for both 1960 and 1961, the average percent of producer milk classified as Class I decreased from 69 to 65 percent. In the same period total receipts of producer milk exceeded gross Class I utilization by 43 percent in 1960 and 54 percent in 1961. The relationship of producer receipts to Class I utilization in this market follows a similar trend found in the St. Louis, Missouri, market and in other midwest marketing areas. Receipts from producers in this area follow the regional trend of increasing at a slightly higher rate than Class I utilization. Analysis of the market information available during the first sixteen months under this order indicates that the present method of determining the Class I price has encouraged an adequate, but not excessive, supply of milk for the market's Class I needs and has maintained such price in alignment with prices in surrounding areas.

Proponents of the proposal to establish a Class I price at plants located in St. Clair and Madison Counties 10 cents higher than the present level failed to reveal substantial changes in marketing conditions which would warrant a revision at this time. Handlers located in these two counties continue to procure milk in the same area and to distribute approximately the same percentages of Class I milk in the various counties as they did at the time of the promulgation hearing. Differences in the health department requirements and in the degree of enforcement are still substantially the same as 2 years ago.

There is no showing that proponent or other St. Louis handlers have suffered any competitive disadvantage because the Class I price under the Suburban St. Louis order in these counties is 10 cents per hundredweight less than the St. Louis order price. Therefore, the proposal to change the present Class I pricing plan is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Suburban St. Louis Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Suburban St. Louis Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Suburban St. Louis marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 16, 1961.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Suburban St. Louis Marketing Area

§ 947.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Suburban St. Louis marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same maner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is *therefore ordered,* That on and after the effective date hereof, the handling of milk in the Suburban St. Louis marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 947.13(a) and substitute:

(a) A distributing plant from which a volume equal to not less than 50 percent of the total receipts of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 947.9(c) is distributed during the month as Class I on routes, and from which an average of not less than 7,000 pounds per day or not less than 20 percent of the plant's total Class I milk, whichever is less, is distributed on routes in the marketing area.

2. Delete § 947.51(a) and substitute:

(a) *Class I price.* The price per hundredweight of Class I milk at plants located in the base zone shall be 10 cents less, and at plants located in the northern zone shall be 15 cents less than the St. Louis Federal Order (Part 903 of this chapter) Class I price effective at a pool plant located in the 0- to 30-mile zone.

[F.R. Doc. 61-11041; Filed, Nov. 20, 1961; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the food additive regulations (21 CFR 121.52), Parke, Davis and Company, Joseph Capau Avenue at the River, Detroit 32, Michigan, has withdrawn its petition proposing the issuance of a regulation to provide for the safe use of 4-amino-2-methyl-1-naphthol hydrochloride in dietary supplements for human consumption. The notice of filing of this petition appeared in the FEDERAL REGISTER of May 9, 1961 (26 F.R. 4000).

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 14, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11036; Filed, Nov. 20, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-63]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Title 14 of the Code of Federal Regulations, the substance of which is stated below.

The adoption by the FAA of Amendment 60-21 to Part 60 of the Civil Air Regulations which redefines the vertical extent of controlled airspace (26 F.R. 570), and the implementation of a three-level route structure within the United States (Airspace Docket No. 60-WA-53, 26 F.R. 1079), has accentuated the requirement for modernization of the portions of the Code of Federal Regulations pertaining to the designation of Federal airways and controlled airspace (Parts 600 and 601).

To effect this modernization, the FAA is considering the consolidation of the present Parts 600 and 601 of the Regulations of the Administrator into a new Part 600. It is proposed to (1) provide that the control areas associated with Federal airways coincide with the extent of the airways and be automatically included in the designation of the airways; (2) provide a basis for the designation of control areas to be associated with jet route segments and intermediate altitude airway segments outside the continental control area; and (3) clarify the vertical extent of the controlled airspace between the main and alternate VOR Federal airways when the control area floor provisions of CAR Amendment 60-21 are applied.

Low altitude Federal airways are presently designated in Part 600 to extend upward from the base of the navigable airspace. The control areas associated with these airways are designated in individual sections of Part 601 to extend upward from an altitude of 700 feet above the surface until designated from 1,200 feet above the surface or from at least 500 feet below the MEA. The actions proposed herein would combine the designation of an airway and its associated control area in Part 600 and result in the floor of the airway coinciding with that of its associated control area. To simplify Part 600 and the depiction of its provisions on aeronautical charts, it is further proposed that, unless otherwise specified, the portions of low altitude Federal airways which lie within a transition area would have a floor coincident with that of the transition area.

Controlled airspace associated with intermediate altitude VOR Federal airways and jet routes is presently provided by the continental control area. However, this provision limits effective employment of these route structures outside the continental control area since such routes must make use of controlled airspace associated with coincident low altitude airways. It is proposed herein to provide for the designation of control areas corresponding to the lateral and vertical extent of intermediate altitude VOR Federal airways extending beyond the continental control area and, unless otherwise specified, within 16 miles either side of jet routes extending upward from Flight Level 240 beyond the continental control area. This action would provide protection for the rapidly expanding air carrier activity outside the continental control area. However, specific designations will not be proposed in this notice, but will be the subject of subsequent rule making action.

As presently defined, control areas include all of the airspace between straight lines connecting the center of the points or intersections specified in designating main and associated alternate VOR Federal airways, unless otherwise specified. Thus, at present, the control areas associated with main and alternate VOR airway segments, including the intervening areas, have a common floor of 700 feet above the surface. When the CAR Amendment 60-21 option of designating the floor of control area at a mean sea level altitude at least 500 feet below the minimum IFR en route altitude (MEA) is exercised, a variance in the floor of control area may result between the main airway, its alternates and the intervening area. Since the MEA assigned to the main airway may vary from that assigned to its alternate, ambiguity and complex charting problems would result with regard to the control area floor of the area between the main and alternate airway segments. Therefore, the FAA proposes in this consolidation to provide that, unless otherwise specified, the vertical extent of such control area between the main and alternate airway would correspond with the vertical extent of the main airway.

In regard to the designation of transition areas in consonance with the intent and provisions of Amendment 60-21, it would not be feasible at the present time to convert, in their entirety, some of the larger control area extensions to transition areas, though this will be accomplished eventually. The task of revising all instrument flight procedures and minimum en route altitudes necessitated by raising the floor of controlled airspace will be time consuming. Therefore, it is proposed that, for the present, some control area extensions would remain as defined, with the provision that the portions of such control area extensions within a transition area would have a floor coincident with that of the transition area.

In this consolidation of parts, other editorial revisions of a minor nature would be effected, including appropriate changes in the references to Part 601 made in other sections of the Civil Air Regulations and the regulations of the Administrator. Complete listing of all airways, controlled airspace, reporting points, positive control route segments and positive control areas is not included in this proposal in the interest of brevity. It should be noted that the listing and use herein of "control area extension" represent a temporary use of a term which will be gradually superseded by the term "transition area" as provided by Amendment 60-21.

If this action is taken, Part 601 of the Regulations of the Administrator would be revoked, and Part 600 would be revised as follows:

Subpart A—Introduction

§ 600.1 **Basis and purpose.**

The basis of this part is found in §§ 307 and 1110 of the Federal Aviation Act of 1958, as amended. The purpose of this part is to designate Federal airways, control areas, the continental con-

trol area, transition areas, control zones, reporting points, positive control route segments and positive control areas.

§ 600.2 Explanation of terms.

"AG" means above ground.

"Bearings" and "radials" are True and from the point of origin.

"CONSOLAN" means low frequency long range navigational aid.

"Continental Control Area" consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) The State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Subpart E of this part.

"Controlled airspace" means the airspace of defined dimensions designated in this part as continental control area, control area, control zone or transition area within which air traffic control is exercised.

"Control area" means the controlled airspace designated in Subparts B, C, D, and F of this part, excluding that area designated as continental control area.

"Control zone" means the controlled airspace designated in Subpart G of this part extending upward from the surface. A control zone may include one or more airports and is normally a circular area of 5 statute miles in radius with extensions where necessary to include instrument approach and departure paths.

"E" means east.

"Federal airway" means the airspace designated by the Administrator of the Federal Aviation Agency in Subparts B, C and D of this part based on direct courses between navigational aids and intersections, as specified, for the navigation of aircraft. Federal airways are classified as follows:

(1) Low altitude colored Federal airways:

(i) Green Federal airways.

(ii) Amber Federal airways.

(iii) Red Federal airways.

(iv) Blue Federal airways.

(2) Low altitude VOR Federal airways.

(3) Intermediate altitude VOR Federal airways.

"FL" means Flight Level, a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury expressed in digits representing hundreds of feet. For example, FL 250 is equivalent to an altimeter indication of 25,000 feet and FL 265 to 26,500 feet.

"FM" means fan marker.

"ILS" means instrument landing system.

"INT" means intersection.

"Lat." means latitude.

"L/MF" means low or medium frequency navigational aid.

"LMM" means instrument landing system middle marker compass locator.

"LOM" means instrument landing system outer marker compass locator.

"Long." means longitude.

"MEA" means the minimum en route instrument flight rules altitude applicable to a particular route or route segment from radio fix to radio fix as specified in Part 610 of this title.

"Mile" means statute mile unless otherwise specified.

"MM" means instrument landing system middle marker.

"MSL" means mean sea level.

"N" means north.

"NE" means northeast.

"NW" means northwest.

"nmi" means nautical mile.

"OM" means instrument landing system outer marker.

"Positive Control Area" means the airspace designated in Subpart I of this part within which air traffic is controlled in accordance with the applicable provisions of Special Civil Air Regulation No. SR 424–C.

"Positive Control Route Segment" means the airspace designated in Subpart I of this part within which air traffic is controlled in accordance with the applicable provisions of Special Civil Air Regulations 424–C.

"RBN" means radio beacon.

"Reporting Point" means a geographic location, designated in Subpart J of this part, in relation to which the position of an aircraft shall be reported in accordance with the requirements of Part 60 of this title.

"RR" means low frequency or medium frequency radio range station.

"S" means south.

"SE" means southeast.

"SW" means southwest.

"TACAN" means a military tactical air navigational aid.

"Transition area" means the controlled airspace designated in Subpart H of this part extending upward from 1,200 feet or higher above the surface when designated to complement control zones; from 700 feet above the surface when designated in conjunction with an airport with no control zone but for which an instrument approach procedure has been established; or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures and segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

"United States" means the several States, the District of Columbia and the several territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

"W" means west.

§ 600.3 Extent of Federal airways.

(a) Unless otherwise specified in Subparts B and C of this part, each low altitude Federal airway shall include the airspace extending upward from 700 feet above the surface until designated from 1,200 feet or higher above the surface, within 5 miles of the centerline, and the points and intersections specified for each such airway. The portions of such airways that lie within a transition area shall have a floor coincident with that of the transition area. Unless otherwise specified in Subpart D of this part, each Intermediate Altitude airway shall include the airspace at 14,500 feet MSL extending upward to, but not including, Flight Level 240 within 8 miles of the centerline, and the points and intersections specified for each such airway: *Provided*, That low altitude airways shall not include the airspace within the continental control area: *Provided further*, That a Federal airway shall not include any of the airspace of a prohibited area as defined in Part 60 of this title.

(b) The centerline of each Federal airway shall be a line extending in the manner prescribed in this part through the points or intersections specified for such airway.

(c) Except where otherwise provided in Subpart C of this part, one or more alternate VOR Federal airways shall be established between specified points along and shall be a part of, each VOR Federal airway. The centerline of an alternate VOR Federal airway shall depart from and return to the main VOR Federal airway via the intersection of radials having an angle of 15 degrees (unless otherwise specified) separation from the main VOR Federal airway.

§ 600.4 Extent of control areas.

Control areas shall include all of the airspace designated as low altitude Federal airways and all of the airspace of the portions of Intermediate Altitude airways which extend beyond the continental control area. Unless otherwise designated, control areas shall also include all of the airspace between the main and associated alternate VOR Federal airway, with the vertical extent of this area corresponding to the vertical extent of the main airway. The control areas associated with low altitude Federal airways lying within a transition area shall have a floor coincident with that of the transition area. In addition, unless otherwise designated, control areas shall include that airspace which extends beyond the continental control area, within 16 miles either side of jet routes designated in Part 602 of this title, and within a 16-mile radius of the points and intersections specified in describing such jet routes.

Subpart B—Low Altitude Colored Federal Airways and Control Areas

§ 600.10 Designation of low altitude colored Federal airways and control areas.

The portions of airspace described in this subpart are designated Low Altitude Colored Federal airways and control areas.

§ 600.11 Low altitude green Federal airways.

§ 600.12 Low altitude amber Federal airways.

§ 600.13 Low altitude red Federal airways.

§ 600.14 Low altitude blue Federal airways.

Subpart C—Low Altitude VOR Federal Airways and Control Areas

§ 600.20 Designation of low altitude VOR Federal airways and control areas.

The portions of airspace described in this Subpart are designated as Low Altitude VOR Federal airways and control areas. (Unless otherwise specified, the place names appearing in the description of the VOR airways indicate the VOR or VORTAC facilities identified by such names.)

§ 600.21 Domestic low altitude VOR Federal airways.

§ 600.22 Alaskan low altitude VOR Federal airways.

§ 600.23 Hawaiian low altitude VOR Federal airways.

§ 600.24 Puerto Rican low altitude VOR Federal airways.

Subpart D—Intermediate Altitude VOR Federal Airways

§ 600.100 Designation of intermediate altitude VOR Federal airways.

The portions of airspace described in this Subpart are designated as Intermediate Altitude VOR Federal airways. (Unless otherwise specified, the place names appearing in the description of the VOR airways indicate the VOR or VORTAC facilities identified by such names.)

§ 600.101 Intermediate altitude VOR Federal airways.

Subpart E—Continental Control Area

§ 600.201 Designation of continental control area.

The continental control area consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (a) The State of Alaska, (b) the airspace less than 1,500 feet above terrain, and (c) prohibited and restricted areas except all restricted area/military climb corridors and those restricted areas listed below: (listing to appear in Final Rule)

Subpart F—Extension of Control Areas

§ 600.301 Control area extensions.

Unless otherwise specified, each control area extension shall extend upward from 700 feet above the surface, except that the portions of a control area extension within a transition area would have a floor coincident with that of the transition area.

§ 600.302 Additional control areas.

Unless otherwise specified, the portions of airspace outside the continental control area within 16 miles either side of the jet route segments described below are designated as control areas.

Subpart G—Control Zones

§ 600.401 Designation of control zones.

The portions of airspace described in this Subpart are designated as control zones.

§ 600.403 Three-mile radius zones.

§ 600.405 Five-mile radius zones.

§ 600.406 Additional control zones.

Subpart H—Transition Areas

§ 600.501 Designation of transition areas.

The portions of airspace described in this Subpart are designated as controlled airspace associated with control zones, uncontrolled airports with prescribed instrument approach procedures, and Federal airways.

§ 600.502

Subpart I—Positive Control Route Segments and Positive Control Areas

§ 600.601 Designation of positive control route segments.

The portions of Federal airways described in this Subpart between 17,000 feet and 22,000 feet MSL inclusive, wherein the positive control of aircraft is exercised, are designated as positive control route segments. The portions of positive control route segments which underlie positive control areas with a base of FL 240 (§ 600.602) are designated to include the altitudes from 17,000 to, but not including, FL 240.

§ 600.602 Designation of positive control areas.

Those areas with vertical and lateral dimensions described below wherein the positive control of aircraft is exercised are designated as positive control areas.

Subpart J—Reporting Points

§ 600.701 Designation of reporting points.

The locations described below are designated as reporting points.

§ 600.702 Low altitude colored Federal airway reporting points.

§ 600.703 Low altitude VOR reporting points.

§ 600.704 Other reporting points.

§ 600.705 Intermediate altitude VOR reporting points.

Unless specified below, all of the VOR, VORTAC, and TACAN navigation facilities named in the description of Intermediate Altitude airways are designated as VOR reporting points. Additional Intermediate Altitude Reporting Points.

§ 600.706 High altitude VOR reporting points.

Unless specified below, all of the VOR, VORTAC, and TACAN navigation facilities named in the description of Jet Routes in Part 602 of this chapter are designated as high altitude VOR reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 14, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11019; Filed, Nov. 20, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–NY–87]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1158, 601.1225, and 601.1056 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Cleveland, Ohio, Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Cleveland, Ohio, control area extension (§ 601.1158) would be altered to add the airspace west of Sandusky, Ohio, within 8 miles north and 12 miles south of the Cleveland VORTAC 275° True radial extending from the Cleveland control area extension 50-mile radius area to 53 miles west of the VORTAC; the airspace northwest of Sandusky bounded on the north by the United States/Canadian border, on the east by the Cleveland control area extension 50-mile radius area, on the south

by a line 8 miles north of and parallel to the Cleveland VORTAC 275° True radial, and on the west by longitude 83°-02'00" W., excluding the portion which coincides with the La Carne, Ohio, Restricted Area, R–5502; and the airspace southwest of Navarre, Ohio, bounded on the north by the Cleveland control area extension 50-mile radius area, on the southeast by low altitude VOR Federal airway No. 43, and on the northwest by low altitude VOR Federal airway No. 443 east alternate. This would provide additional airspace for the protection of aircraft in holding patterns at the Bay Intersection (intersection of the Cleveland VORTAC 275° and the Sandusky VORTAC 342° True radials), Middle Intersection (intersection of the Waterville, Ohio, VORTAC 076° and the Sandusky VORTAC 342° True radials), and the Wilmot Intersection (intersection of the Navarre VORTAC 242° and the Newcomerstown, Ohio, VOR 342° True radials).

2. The Erie, Pa., control area extension (§ 601.1225) would be altered to add the airspace north and east of Erie bounded on the north by the United States/Canadian border, on the northeast by the arc of a 50-mile radius circle centered at the Greater Buffalo International Airport (latitude 42°56'25" N., longitude 78°43'50" W.), Buffalo, N.Y., on the east by longitude 78°57'00" W., on the south by low altitude VOR Federal airways Nos. 72 and 184, and on the west by the Erie control area extension 15-mile radius area and low altitude VOR Federal airway No. 37. This would provide additional airspace for the protection of aircraft in holding patterns at the Warren Intersection (intersection of the Bradford, Pa., VOR 281° and the Fitzgerald VOR 357° True radials), Wattsburg Intersection (intersection of the Erie VORTAC 079° and the Tidioute, Pa., VOR 319° True radials), Harborcreek Intersection (intersection of the Erie VORTAC 043° and the Tidioute VOR 319° True radials), and the Dunkirk, N.Y., VOR.

3. The Buffalo, N.Y., control area extension (§ 601.1056) would be redesignated as that airspace within the continental limits of the United States within a 50-mile radius of the Greater Buffalo International Airport (latitude 42°56'25" N., longitude 78°43'50" W.); and within 12 miles northeast and 8 miles southwest of the Buffalo VORTAC 124° True radial extending from the Buffalo control area extension 50-mile radius area to 73 miles southeast of the VORTAC. The portion of this control area extension which would coincide with the Oswego, N.Y., Restricted Area, R–5203 would be excluded during the time of designation of the restricted area. This would provide additional airspace for the protection of aircraft in holding patterns at the Burns Intersection (intersection of the Buffalo VORTAC 124° and the Wellsville, N.Y., VOR 015° True radials).

4. The Slate Run, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Stonyfork, Pa., VORTAC 276° True radial extending from 8 miles west to 40 miles west of the VORTAC. This would provide protection for aircraft in holding patterns at the intersection of the Stonyfork VORTAC 276° and the Wellsville, N.Y., VOR 178° True radials.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 16, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11035; Filed, Nov. 20, 1961; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Field Administrative Office Order 2, Denver, Colorado]

FIELD ADMINISTRATIVE SERVICE OFFICER AND FIELD PROPERTY MANAGEMENT OFFICER

Redelegation of Authority for Transfer and Disposal of Real and Related Personal Property

Pursuant to the authority contained in section 3 of Order No. 680 of the Director of the Bureau of Land Management, the following persons are redelegated the authority to assign, transfer, and dispose of real property and related personal property in accordance with sections 1 and 2 of said order:

Field Administrative Services Officer.
Field Property Management Officer.

The above delegation is effective November 1, 1961, and may not be redelegated.

J. E. BECKERLEY,
Field Administrative Officer.

OCTOBER 25, 1961.

[F.R. Doc. 61–11029; Filed, Nov. 20, 1961; 8:48 a.m.]

[Field Administrative Office Order 3, Denver, Colorado]

FIELD ADMINISTRATIVE SERVICE OFFICER AND FIELD PROPERTY MANAGEMENT OFFICER

Redelegation of Authority To Dispose of and To Transfer Personal Property

Pursuant to the authority contained in section 2 of Order No. 681 of the Director of the Bureau of Land Management, the Field Administrative Services Officer and the Field Property Management Officer are authorized to transfer and dispose of personal property excess to the needs of the Department of the Interior; this includes the authority to donate and to execute transfers and deliveries of donable property in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder by the General Services Administration in accordance with section 1 of said Order.

The above delegation is effective November 1, 1961, and may not be redelegated.

J. E. BECKERLEY,
Field Administrative Officer.

OCTOBER 25, 1961.

[F.R. Doc. 61–11030; Filed, Nov. 20, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–148]

UNIVERSITY OF KANSAS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Facility License No. R–78, set forth below. The license authorizes The University of Kansas to possess and operate a pool-type nuclear reactor located on the University's campus in Lawrence, Kansas. The amendment in effect temporarily waives the requirement of License No. R–78 that there be two persons on The University of Kansas faculty who are licensed under 10 CFR Part 55 to operate The University of Kansas reactor. This temporary relief will permit the University, which presently has no individual on its faculty so licensed, to utilize the services of a nonfaculty, licensed operator, Dr. Marvin Wyman, in the conduct of a training program under which it is anticipated that the required number of faculty members will qualify for operators licenses on or before June 30, 1962.

The Commission finds that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security, since the background and experience of Dr. Wyman and the limited nature of reactor operations during the training program preclude the necessity for a provision that there be two licensed operators during the conduct of the training program.

The Commission further finds that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended will not present any substantial change in the hazards to the health and safety of the public from those already considered acceptable in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 15th day of November 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Assistant Director, Facilities Licensing, Division of Licensing and Regulation.

[License No. R–78; Amdt. 1]

1. License No. R–28 issued to the University of Kansas is hereby amended to authorize operation of the reactor by and under the supervision of Dr. Marvin Wyman and under the direction of the Nuclear Reactor Committee in connection with the conduct of a training program for faculty members of the University of Kansas.

2. This amendment is effective immediately and shall expire on June 30, 1962, or at such time as the University of Kansas has on its faculty two persons licensed under 10 CFR Part 55 to operate the reactor, whichever first occurs.

Dated at Germantown, Md., this 3d day of November 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Assistant Director, Facilities Licensing, Division of Licensing and Regulation.

[F.R. Doc. 61–11013; Filed, Nov. 20, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 13114, 13144; Order No. E–17733]

CONTINENTAL AIR LINES, INC.

Amending Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of November 1961.

In the matter of reduced freight rates between Chicago and Los Angeles proposed by Continental Air Lines, Inc., Docket Nos. 13114, 13144.

The Board, by Order E–17656, instituted an investigation of and suspended reduced rates on certain commodities from Chicago to Los Angeles filed by Agent B. H. Smith in C.A.B. No. 12 on behalf of Continental Air Lines, Inc.

Agent Smith has filed subsequent revised pages to his C.A.B. No. 12 which would have the effect of permitting the proposed reduced rates to become effective before the suspension period has expired.

Accordingly, it is ordered, That:

Ordering Paragraphs 1. and 2. of Order E–17656 and Appendix A thereto are amended to read as follows:

1. An investigation is instituted to determine whether the rates and pro-

visions described in Appendix A below, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A below are suspended and their use deferred to and including January 29, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. Copies of this order shall be filed with the tariff and shall be served upon Continental Air Lines, Inc. and The Flying Tiger Line, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

On 27th, 28th, 29th, 30th and 31st Revised Pages 131, of Agent B. H. Smith's Official Air Freight Specific Commodity Tariff No. 5–B, C.A.B. No. 12, the rates from Chicago, Ill., to Los Angeles, Calif., via routing "CO," only insofar as they apply on the following commodities in Commodity Group No. 33:

Advertising matter, store or window, excluding ink, pencils, pens, pen refills, and parts of pencils or pens.
Clothing and footwear, not on hangers or racks, and excluding hats or millinery.
Decorative greens, excluding cut flowers.
Nursery stock, namely, trees, shrubs, or vines, grown in the field, excluding growing plants in pots or tubs and rooted cuttings.
Photographic or projection instruments.
Textile articles, viz.:

Awnings.	Napkins.
Bags.	Netting.
Bandaging.	Padding.
Batting.	Sails.
Bed clothes.	Sailcloth.
Belting.	Table coverings.
Curtains.	Tapestries.
Draperies.	Tents.
Floor coverings.	Toweling.
Furniture coverings.	Upholstery cloth.
Hammocks.	Wall coverings.

[F.R. Doc. 61–11037; Filed, Nov. 20, 1961; 8:49 a.m.]

[Docket 13193; Order No. E–17735]

CONTINENTAL AIR LINES, INC.

Reduced Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of November 1961.

By tariff revisions marked to become effective November 17, 1961, Continental Air Lines, Inc. (Continental) proposes to reduce sharply specific commodity rates between Chicago and Denver and between Denver and Los Angeles. This is to be accomplished by canceling its current specific commodity groups and introducing in these markets one or more of Groups 31, 32, and 33, covering a number of diverse commodities, and Group 270, covering eastbound movements of cut flowers. The rates proposed would effect reductions ranging from approximately 35 to 55 percent below currently applicable rates.

Continental proposes to introduce all three Groups 31, 32, and 33 from Los Angeles to Denver, Groups 32 and 33 from Chicago to Denver, and Group 33 alone from Denver to Chicago and to Los Angeles. The weight breaks to be maintained are 100, 1,000, 2,000, 3,000 and 5,000 pounds between Chicago and Denver, and 100, 1,000, and 5,000 pounds between Denver and Los Angeles. Group 270 is to apply from Los Angeles to Denver, and from Denver to Chicago. The rates for all four groups are identical at the same weight breaks in the same market and in both directions. They are equivalent to the lowest rates currently in effect for Group 565 by United Air Lines, Inc. (United) and for Class 5 by The Flying Tiger Line, Inc. (Tiger). However, the proposed rates apply to certain commodities not in these groups and for which the rates currently charged by other carriers are significantly higher. No complaints have been filed.

Upon consideration of the matters of record the Board finds that the rates for Groups 31, 32, and 33 proposed by Continental to apply to the commodities listed in the appendix below may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. While we are permitting Continental to put into effect rates proposed on commodities at the same levels as those currently in effect by other carriers, Continental would extend their application so as to include other commodities to which a higher level of rates is currently being applied, and has furnished no basis upon which to justify such further reductions. In view of the dilution of carrier revenues which might ensue from the application of the proposed rates to those commodities set forth in the appendix below and the absence of support for these additional reductions, the Board has further concluded to suspend these portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A below, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A below are suspended and their use deferred to and including February 14, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon Continental Airlines, Inc. which is made a party to the proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

Agent B. H. Smith's Official Air Freight Specific Commodity Tariff No. 5–B, C.A.B. No. 12:

On 67th and 68th Revised Pages 90, the rates from Los Angeles, Calif., to Denver, Colo., via routing "CO", only insofar as they apply on those commodities in Commodity Groups Nos. 31, 32, and 33 specified below;

On 29th, 30th, and 31st Revised Pages 131, the rates from Chicago, Ill., to Denver, Colo., via routing "CO", only insofar as they apply on those commodities in Commodity Groups Nos. 32 and 33 specified below;

On 15th and 16th Revised Pages 115, the rates from Denver, Colo., to Chicago, Ill., and Los Angeles, Calif., via routing "CO", only insofar as they apply on those commodities in Commodity Group No. 33 specified below;

Commodity Group No. 31

Athletic goods.
Cards, greeting.
Furniture on skids, in cartons, crates or boxes.
Handbags or purses.
Leather goods, viz.:

Animal collars.	Leashes and muzzles.
Bags.	Luggage, empty.
Belts and belting.	Pads.
Bookbinding and bookbinding covers.	Picture frames.
Bookcovers and holders.	Saddles.
Boxes.	Straps and strapping.
Buffing sticks.	Tag holders.
Cases.	Tool and weapon holsters.
Flange packings.	Wallets and billfolds.
Gaskets.	Washers.
Handles.	Welting.
Harnesses.	Whips.
Lacing.	

Patterns, metal, paper or wood.

Commodity Group No. 32

Machines or machine parts, excluding aircraft, automobiles or parts thereof.
Toys.

Commodity Group No. 33

Advertising matter, store or window, excluding ink, pencils, pens, pen refills, and parts of pencils or pens.
Clothing and footwear, not on hangers or racks, and excluding hats or millinery.
Decorative greens, excluding cut flowers.
Nursery stock, namely, trees, shrubs, or vines, grown in the field, excluding growing plants in pots or tubs and rooted cuttings.
Photographic or projection instruments.
Textile articles, viz.:

Awnings.	Napkins.
Bags.	Netting.
Bandaging.	Padding.
Batting.	Sails.
Bed clothes.	Sailcloth.
Belting.	Table coverings.
Curtains.	Tapestries.
Draperies.	Tents.
Floor coverings.	Toweling.
Furniture coverings.	Upholstery cloth.
Hammocks.	Wall coverings.

[F.R. Doc. 61–11038; Filed, Nov. 20, 1961; 8:49 a.m.]

[Docket No. 13194 etc.; Order No. E–17736]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1961.

In the matter of revised freight rate structure proposed by Trans World Airlines, Inc., Docket Nos. 13194, 13123, 13151.

By tariff revisions marked to become effective November 17, 1961, Trans World Airlines, Inc. (TWA) proposes substantial revisions in its freight rate structure by filing rates along the lines recently filed by other carriers. It proposes a system of general commodity rates, typically meeting such rates recently put into effect by American Airlines, Inc. (American) at competitive points (described in our Order E–17615, dated October 20, 1961), and generally applying the same formula at other points. TWA also filed rates on flowers and other perishables typically at the same levels as those in effect for American and United Air Lines, Inc. (United) at all weight breaks. In addition, it is proposed to publish specific commodity rates equivalent, at the 100 pound weight break, to rates recently made effective by other carriers (described in Board Orders E–17581, 17615, and 17656, issued in October 1961).

At weight breaks above 100 pounds, TWA's tariffs would generally meet competitive rates eastbound from important West Coast points, but result in significant reductions on westbound shipments, thus substantially widening volume spreads. There is one exception, from Chicago to Los Angeles, where TWA's proposals meet Continental's rates at every weight break. TWA's proposed Group 567, which covers westbound shipments, has generally the same group of commodities as in Group 565 in effect for American and United, and in Class 5 of The Flying Tiger Line Inc. (Tiger). Group 567 rates are below those for Group 565 at the higher weight breaks, ranging from about 3 percent at the 1,000 pound weight break to 7 percent at 5,000 pounds. In addition, the 10,000 pound rate for Group 567 is approximately 10 percent below the lowest rate for Group 565 (as well as for Tiger's Class 5) at 5,000 pounds.

The rates in TWA's proposed Group 570, which apply westbound to a small group of commodities, are equivalent to Tiger's Class 4 rates at the 100 pound weight break. The volume spreads are equivalent to those in effect for American's general commodity rates (and for rates on flowers and other perishables published by American and United) at the 5,000 and 10,000 pound weight breaks, but are somewhat higher at other weight breaks. The rates are typically around 25 percent above Group 567 rates at all weight breaks.

American and Tiger have filed complaints requesting investigation and suspension. In summary, the complaints allege that the rate reductions proposed cannot be justified on the basis of costs, that they are lower than necessary to meet competition, and that they will increase the financial losses recently suffered by TWA, as well as the trunklines as a group. Tiger claims, in addition, that TWA confines its reductions to route segments competitive with Tiger, and that the proposed reductions are unjust, unreasonable and discriminatory and constitute unfair competition.

Upon consideration of the matters of record the Board finds that the rates proposed by TWA for Group 567 on weight breaks above 100 pounds may be unjust or unreasonable or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. TWA proposes to undercut rates charged by other carriers at higher weight breaks on a broad group of commodities but has furnished no basis upon which to justify such reductions. The proposed rates are on a low level for westbound movements, running as low as 10 cents per ton-mile. In fact, for a number of commodities in Group 567, the resulting westbound rates are below those proposed by TWA for eastbound application. This is contrary to the normal relationship in which eastbound rates are significantly lower for many commodities because of the imbalance in the direction of cargo traffic.

In view of the dilution of carrier revenues which might ensue from the application of Group 567 rates at weight breaks above 100 pounds, and the absence of support for these reductions, the Board has further concluded to suspend these portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A below, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions in Appendix A below are suspended and their use deferred to and including February 14, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The complaints are dismissed except to the extent granted herein.

4. The complaints in Dockets 13123 and 13151, to the extent granted, are consolidated herein.

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariffs and shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

The specific commodity rates subject to minimum weights of 1,000, 2,000, 3,000, 5,000, and 10,000 pounds applying on Commodity Group No. 567 via routing "TW" from and to the points specified below, as set forth on the following named revised pages of Agent B. H. Smith's Official Air Freight Specific Commodity Tariff No. 5–B, C.A.B. No. 12:

Revised Pages, From, and To

21st and 22d Revised Pages 132; Chicago, Ill.; San Francisco, Calif.
28th and 29th Revised Pages 139; Boston, Mass.; Los Angeles, Calif.
19th and 20th Revised Pages 140; Boston, Mass.; San Francisco, Calif.
32d and 33d Revised Pages 153; New York, N.Y.; Los Angeles, Calif.
10th and 11th Revised Pages 154–A; New York, N.Y.; San Francisco, Calif.
16th Revised Page 159; Cleveland, Ohio; Los Angeles, Calif.
13th Revised Page 160; Cleveland, Ohio; San Francisco, Calif.
24th and 25th Revised Pages 173; Philadelphia, Pa.; Los Angeles, Calif.
24th and 25th Revised Pages 173; Philadelphia, Pa.; San Francisco, Calif.

[F.R. Doc. 61–11039; Filed, Nov. 20, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR 61–2, etc.]

AREA RATE PROCEEDING ET AL.

Order Upon Presiding Examiner's Report Prescribing Procedure and Denying Motion

NOVEMBER 9, 1961.

Area Rate Proceeding, Docket No. AR61–2; Alladdin Exploration Company, Inc., et al., Docket Nos. CI61–1564, etc.; Amerada Petroleum Corporation et al., Docket Nos. RI60–18 etc.

These proceedings were instituted by our order of May 10, 1961, to determine the initial rates which the public convenience and necessity requires and the just and reasonable rates for sales, subject to our jurisdiction, of natural gas produced in the Southern Louisiana area. Our order provided for a two-phase hearing, and prescribed that evidence concerning initial rates be adduced in the first phase of the hearing. We also provided for a prehearing conference, to be confined to the first phase, calling upon the examiner to submit, following the conference, a report and recommendations. This report, which the examiner filed on August 23, 1961, is before us for consideration.

After several sessions of the prehearing conference, certain of the intervenors[1] filed a joint motion to remove uncertainty and to expedite the proceedings. They specifically requested that evidence on the initial phase of the proceedings be limited to certain field price evidence and that a hearing be set promptly. Answers in opposition to the motion were filed by

[1] Long Island Lighting Company, Philadelphia Electric Company, and the United Gas Improvement Company.

a number of producers.[2] In general, they objected to the limitation of the evidence in the first phase of the proceedings.

The examiner's report sets forth the conflicting views of the parties with respect to evidence and procedures appropriate for determining a level for initial prices. The examiner reported several problems inherent in now attempting to use the area approach for purposes of separately establishing initial rates. He requested rulings on the intervenors' joint motion and other matters stemming directly from our prescription of a two-phase proceeding.

Subsequent to issuance of the examiner's report, we promulgated a fourth amendment to Statement of General Policy No. 61–1. We thereby decreased the price level for initial sales in Southern Louisiana from 21.5 cents per Mcf (at 15.025 psia) not including State taxes, to 21.25 cents per Mcf (at 15.025 psia) including State taxes. For initial sales of offshore gas extracted from the Federal domain, we concluded that the price level should be 19.5 cents per Mcf (at 15.025 psia). In this fourth amendment, we stated that our review of the examiner's report in the present proceeding indicated that it was not feasible to make an interim decision herein at an early date redetermining the appropriate initial rate for Southern Louisiana.

In light of the action described above, we shall deny the joint motion of the Long Island Lighting Company, et al. for an abridged hearing, and we shall eliminate the first phase of this proceeding leading to the issuance of an interim order as contemplated by our order of May 10, 1961. Henceforth, there will be a single hearing to determine both the initial producer area rate or rates required by the public convenience and necessity and the just and reasonable area rate or rates.

We wish to reemphasize our intention that this proceeding move forward with vigor and dispatch. To achieve that purpose we shall take advantage of experience to date in Docket No. AR61–1 and, therefore, set an informal prehearing conference of the parties and our staff to be held on November 28, 1961, in order that the parties may assist us in the development of simplified procedures. Thereafter we shall require submission by producers of economic and cost data along the line established by appendices A and B (as revised) to our order of August 2, 1961, in Docket No. AR61–1. We shall require the same 1960 detail test year as in AR61–1. The parties are thus on notice to begin the collection of such data and to continue the preparation of their affirmative cases for the hearing, the date of which we shall prescribe by subsequent order.

We welcome the consolidation of evidentiary showings which has taken place in Docket No. AR61–1 and expect similar efforts to be made in these proceedings.

At the prehearing conference, which should resemble that held on September 7, 1961, in Docket No. AR61–1, the parties should be prepared to discuss (1) the most efficient manner of preparing and compiling the economic and cost data, (2) the possibility of a single hearing at which each group of parties would present its entire case ("economic" and "cost") in one package, and (3) any other suggestions for simplifying and expediting the proceedings.

As in the Permian Basin proceeding, we shall waive § 1.17(b) of the Commission's rules of practice and procedure with respect to service of copies of documents, and provide that each party who desires to be served with copies of filings made by other parties to these proceedings shall so notify the Secretary.

The Commission finds:

(1) For the reasons hereinbefore set forth, the joint motion of Long Island Lighting Company, et al., intervenors, should be denied and a further prehearing conference should be held as hereafter ordered.

(2) It is appropriate and in the public interest that the Commission waive the provisions of § 1.17(b) of the Commission's rules of practice and procedure with respect to service of documents in these proceedings to the extent hereafter ordered.

The Commission orders:

(A) The joint motion of Long Island Lighting Company, et al., intervenors, is hereby denied.

(B) A hearing shall be held at a date subsequently to be prescribed, to determine both the initial rate or rates which the public convenience and necessity require and the just and reasonable rate or rates for sales, subject to our jurisdiction, of natural gas produced in the Southern Louisiana area.

(C) A prehearing conference shall be held at 10:00 a.m., e.s.t., on November 28, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., in which all parties may participate and at which consideration shall be given among other things (1) to simplifying the presentation of evidence and the procedures herein, and (2) to the exact manner of collecting operating and cost data, and introducing such data in evidence.

(D) All parties to these proceedings desiring to receive copies of filings made herein by other parties shall, on or before November 28, 1961, so notify the Secretary of the Commission by filing an original and three copies of a notice naming one specific representative to be served on their behalf, with a certificate of service showing that a copy thereof has been properly served on all parties to these proceedings. On and after November 28, 1961, the service required by §1.17(b) of the Commission's rules of practice and procedure need be made only on the person named in the notices required by this paragraph and on staff counsel.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61–11020; Filed, Nov. 20, 1961; 8:46 a.m.]

[Docket Nos. RI62–56, RI62–57]

EL PASO NATURAL GAS CO. ET AL.

Order Granting Motions, Accepting Rate Filings and Terminating Proceedings

NOVEMBER 14, 1961.

El Paso Natural Gas Company and Pan American Petroleum Corporation, Docket No. RI62–56; El Paso Natural Gas Company and Pan American Petroleum Corporation (Operator), et al., Docket No. RI62–57.

On June 1, 1961, Pan American Petroleum Corporation and Pan American Petroleum Corporation (Operator), et al. (both hereinafter referred to as Pan American), filed two Notices of Change in rate schedules under which it sells gas, subject to the jurisdiction of the Commission, to El Paso Natural Gas Company (El Paso). The Notices of Change, which provided for increases in price from 6.5 cents to 9.0 cents per Mcf, were accepted for filing, were designated as Supplement Nos. 11 and 14 to Pan American's FPC Gas Rate Schedules Nos. 115 and 168, respectively, and were permitted to become effective as of July 2, 1961. By letters dated June 28, 1961, the Commission informed Pan American of the foregoing action.

On July 10, 1961, El Paso filed a protest to the acceptances for filing of the aforementioned Notices of Change alleging that the favored-nation provisions in the contracts comprising Pan American's FPC Gas Rate Schedules Nos. 115 and 168 have not been activated and as a result the rate filings are unilateral in character[1] and that the Reef Field principle[2] is not applicable. In support thereof, El Paso states that there is no similarity between the contracts under which Pan American seeks the rate increases here in issue and the contracts containing the renegotiated rates and provisions which Pan American cites as a basis for activation of the favored-nation provisions. By order issued September 21, 1961, the Commission set these matters for hearing to resolve the aforestated issues.

Subsequent to said order, Pan American and El Paso have renegotiated the contractual provisions which were the bases of the controversy in these proceedings and on October 13, 1961, Pan American tendered the supplementary agreements as supplements to the aforementioned rate schedules. Said tenders leave unchanged the presently effective 9 cents per Mcf rate level. Concurrently on October 13, 1961, El Paso filed a petition to withdraw the protest and a motion to terminate these proceedings and stated therein that upon acceptance of the rate filings El Paso no longer would have any "grievance to assert." Pan American, on the same day, filed a joinder in El Paso's petition.

In the judgment of the Commission, settlement of these proceedings and acceptance of the tendered agreements for filing as supplement to the aforementioned rate schedules is desirable and appropriate to carry out the provisions of the Natural Gas Act. However, it should be made clear that said acceptances for filing shall not be construed as approval of the periodic price increases of 1¢ per Mcf, in each four-year period as set out in the supplementary agreements.

The Commission finds: Good cause exists for accepting Pan American's rate tenders of October 13, 1961, for granting the motions to terminate filed herein by El Paso and Pan American and for terminating these proceedings.

The Commission orders:

(A) The aforementioned supplementary agreements tendered by Pan American on October 13, 1961 are hereby accepted for filing, are designated as Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 115 and Supplement No. 15 to Pan American's FPC Gas Rate Schedule No. 168, and are declared effective as of November 13, 1961.

(B) The aforementioned motions filed on October 13, 1961 in these proceedings by Pan American and El Paso are hereby granted and the proceedings in Docket Nos. RI62–56 and RI62–57 are terminated as of November 13, 1961.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61–11021; Filed, Nov. 20, 1961; 8:46 a.m.]

[Docket No. CI60–464, etc.]

KATZ OIL CO. ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 14, 1961.

Katz Oil Company, et al., Docket No. CI60–464;[1] S. E. Wilson Lease, Docket No. CI61–184; McCall Drilling Company, Inc., Docket No. CI61–223; Delbert Goff, et al., Docket No. CI61–281; Sunray Mid-Continent Oil Company, Docket No. CI61–308; Scott Duffield, et al., Docket No. CI61–381; Sunray Mid-Continent Oil Company, Docket No. CI61–408; Phillips Petroleum Company, Docket No. CI61–412; Ernest Hayhurst, et al., Docket No. CI61–435; McCall Drilling Company, Inc., Docket No. CI61–473; McCall Drilling Company, Inc., Docket No. CI61–474; Bob Miner, d.b.a. Spartan Well Service, Docket No. CI61–998; D. C. Mullenix, Attorney-in-Fact, Docket No. CI61–1695; Moyers Oil & Gas Company, Docket No. CI61–1821; Texas Gulf Producing Company, Docket No. CI62–68; Wolf Pen Oil & Gas Company, Docket No. CI62–178; Spartan Gas Company, Docket No. CI62–310.

Take notice that each of the above applicants seeks permission and approval pursuant to section 7(b) of the Natural Gas Act to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the respective applications herein which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket Nos., Location, Purchaser, and Docket No. in Which Sale Was Authorized

CI60–464; Johns Field Area, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; application for 7(c) authorization presently pending in Docket No. CI60–464.
CI61–184; McKim Creek Field, Lafayette District, Pleasants County, W. Va.; Hope Natural Gas Co.; G–5651.
CI61–223; Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; G–7990.
CI61–281; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; G–12469.
CI61–308; North McFaddin Field, Victoria County, Tex.; United Gas Pipe Line Co.; G–6055.
CI61–381; Duffield Farms Field, Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; G–5532.
CI61–408; Driscoll Field, Bienville Parish, La.; Arkansas Louisiana Gas Co.; G–6049.
CI61–412; Bayou-Piquant Field, Terrebonne Parish, La.; United Gas Pipe Line Co.; G–12818.
CI61–435; E. D. Wade Lease, DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; G–8216.
CI61–473; T. J. Moore Farm, Carter District, Gilmer County, W. Va.; Hope Natural Gas Co.; G–7974.
CI61–474; Canzada Stump Farm, Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; G–7988.
CI61–998; W. L. Rea Well No. 4, Old Refugio Field, Refugio County, Tex.; United Gas Pipe Line Co.; G–3944.
CI61–1695; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; G–5507.
CI61–1821; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; G–14123.
CI62–68; Texas Gulf-Mobil No. 4, Bayne Well, S. E. Fulton Field, Beauregard Parish, La.; Trunkline Gas Co.; G–14610.
CI62–178; Harrisville Field, Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; G–5417.
CI62–310; Hattie Clark Well No. 1, Poca District, Kanawha County, W. Va.; United Fuel Gas Co.; G–7543.

In each case the volume of gas available for delivery under the respective contracts has declined to the point where it is no longer economically feasible to continue the operation.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 8, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH G. GUTRIDE, *Secretary.*

[F.R. Doc. 61–11022; Filed, Nov. 20, 1961; 8:47 a.m.]

[Docket Nos. G–18856, etc.]

LELAND D. HECKERT LEASE ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 14, 1961.

Leland D. Heckert Lease, Docket No. G–18856; Val R. Reese & Associates, Inc., Docket No. CI60–216; The Ohio Oil Company, Operator, Docket No. CI60–719; Panhandle Development Company, Inc., Operator, Docket No. CI61–56; Aspen Drilling Company and Warren Shear, Docket No. CI61–204; Arizona Explorations, Inc., Docket No. CI61–211; Champlin Oil & Refining Co., Docket No. CI61–215; E. P. Campbell, Docket No. CI61–219; Careline Hunt Sands and Loyd B. Sands, Docket No. CI61–225; Jerome A. Cararas, Docket No. CI61–229; Edwin L. Cox, Operator et al., Docket No. CI61–230; Robert F. Roberts and Allen L. Roberts, Docket No. CI61–231; Hershal C. Ferguson, Docket No. CI61–232; Coline Oil Corporation, Docket No. CI61–233; Prior Oil & Gas Company, Docket No. CI61–756; Prior Oil & Gas Company, Docket No. CI61–757; A. T. Carr Drilling Co., Docket No. CI61–901; Lendol Rogers et al., d.b.a., Siers Gas Company, Docket No. CI61–906; Petroleum, Inc., Docket No. CI61–907; Thomas E. Allen and C. O. Travis, Docket No. CI61–910; Thomas E. Allen, Docket No. CI61–911; Lone Star Producing Co., Docket No. CI61–918; Callery Properties, Inc., et al., Docket No. CI61–921; Cleary Petroleum, Inc., Docket No. CI61–926; Inco 3, Inc., Docket No. CI61–927; Charles L. Jenkins, Docket No. CI61–933; Braden Drilling, Inc., Docket No. CI61–938; Ralph D. Phillips, d.b.a., DeVaughn Oil & Gas Company, Operator, Docket No. CI61–943; J. F. Hamilton and Elizabeth Hamilton, Docket No. CI61–946; Sam Trant, et al., Docket No. CI61–947; Skelly Oil Co., Docket No. CI61–950; D. W. Eakle, A–20, Well No. 1, Docket No. CI61–1004; Harway Producers, Inc., Docket No. CI61–1017; Alfred D. McKelvy, Docket No. CI61–1018; Geraldine F. Hayhurst, d.b.a., G. & H. Drilling Company, Docket No. CI61–1022; P. G. Lake,

[2] Placid Oil Company; Continental Oil Company and Newmont Oil Company; Amerada Petroleum Corporation; Shell Oil Company, Pan American Petroleum Corporation; Superior Oil Company; Sun Oil Company; Hunt Oil Company et al; Gulf Oil Corporation; and Humble Oil and Refining Company.

[1] United Gas Pipe Line Company v. Mobile Gas Service Corporation, et al., 350 U.S. 332.
[2] 19 F.P.C., 351.

[1] Originally consolidated for hearing under Docket No. G–18078, et al., but severed therefrom for separate disposition by Order Granting Motion for Severance issued May 11, 1961.

Inc., Operator et al., Docket No. CI61–1033; George R. Brown, Operator et al., Docket No. CI61–1038; Union Producing Company et al., Docket No. CI61–1039; Union Producing Company et al., Docket No. CI61–1040; Union Producing Company et al., Docket No. CI61–1041; Kay Kimbell Oil Properties, Operator et al., Docket No. CI61–1049; Humble Oil & Refining Company, Operator, Docket No. CI61–1050; Southwest Production Company, Docket No. CI61–1053; The Vickers Petroleum Co., Inc., Operator et al., Docket No. CI61–1092; Producing Properties, Inc., Operator et al., Docket No. CI61–1093; Superior Oil and Gas, Inc., Docket No. CI61–1096; Humble Oil & Refining Company, Docket No. CI61–1097; Sun Oil Company, Docket No. CI61–1101; Springfield Oil & Gas Co., Docket No. CI61–1112; M. B. Allman Oil & Gas Co., Docket No. CI61–1114; Texas National Petroleum Co., Operator, Docket No. CI61–1118; Church Gas Company, Docket No. CI61–1121; Cities Service Petroleum Company, Docket No. CI61–1123; Henry Cohen, Docket No. CI61–1130; Cities Service Company, Docket No. CI61–1131; Thomas J. Blaho, Jr., et al., Docket No. CI61–1132; George Parker and Charles L. McCune, Docket No. CI61–1134; Champlin Oil & Refining Company, Docket No. CI61–1141; The B & A Pipe Line Company, Docket No. CI61–1167; United Producing Company, Inc., Docket No. CI61–1182; Saturn Oil & Gas Company, Inc., Docket No. CI61–1187; Phillips Petroleum Company, Docket No. CI61–1237; Folwell Associates, Docket No. CI61–1260; Mitchell Oil and Gas Company, Docket No. CI61–1276; William I. Forbes, Jr., et al., Docket No. CI61–1277; Eastern Interior Oil Company, et al., Docket No. CI61–1290; The Pure Oil Company, Docket No. CI61–1291; Trans Allegheny Gas Co., Inc., Docket No. CI61–1293; Kingwood Oil Company, Docket No. CI61–1297; Chesapeake Land and Development Company, Docket No. CI61–1304; Waymon L. Davis et al., Docket No. CI61–1315; J. A. Mull, Jr., Operator et al., Docket No. CI61–1322; McKown Oil & Gas Company et al., Docket No. CI61–1323; Beacon Oil and Refining Company et al., Docket No. CI61–1333; Benton No. 1; Docket No. CI61–1337; Sinclair Oil & Gas Company, Docket No. CI61–1393; American Petrofina Company of Texas, Docket No. CI61–1418; Colorado Oil and Gas Corporation, Docket No. CI61–1437; Union Pacific Railroad Company, Docket No. CI61–1442; Sam Y. Dorfman, Jr. et al., Docket No. CI61–1445; Hays and Company, Agent for Ferrell L. Prior, Docket No. CI61–1471; Cities Service Petroleum Company, Docket No. CI61–1490; Kincaid Oil and Gas Company, Frederick No. 1, Docket No. CI61–1504; Dorothea Webber Well No. 1, Docket No. CI61–1508; Kenneth Powell et al., Docket No. CI61–1513; Harris & Spurgeon Gas Company, Docket No. CI61–1516; Fred W. Stalnaker et al., Docket No. CI61–1518; George B. Mertz, Docket No. CI61–1588; Thomas J. Blaho, Jr., Agent et al., Docket No. CI61–1622; A. G. Hill, Docket No. CI61–1627; Robert L. Wolff, Docket No. CI61–1631; J. W. Merrick, Operator et al., Docket No. CI61–1634; F. C. Stone Oil & Gas, Docket No. CI61–1636; Jack London, Jr., Docket No. CI61–1718.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully represented in the respective applications, amendments and supplements thereto which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos., Field and Location, Purchaser, and Price per Mcf

G–18856; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–216 (as Supp); Acreage in Rio Arriba County (San Juan Basin), N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI60–719; Southeast Will. Field, Stafford County, Kans.; Panhandle Eastern Pipeline Co.; 15.0 cents at 14.65 psia.

CI61–56 (as Supp); Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

CI61–204; Otero Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–211 (as Supp); Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI61–215; Pioneer Unit, Alkali Creek Area, Sweetwater County, Wyo.; Mountain Fuel Supply Co.; 12.0 cents at 15.025 psia.

CI61–219; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.

CI61–225; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI61–229; Sugar Creek Field, Claiborne and Lincoln Parishes, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61–230; Acreage in Texas County Okla.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI61–231; Sugar Creek, Claiborne and Lincoln Parishes, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61–232; Calhoun Field, Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.025 psia.

CI61–233 (as Supp); John Creek, Hutchinson County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61–756; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–757; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–901; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325.

CI61–906; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–907; Acreage in Seward County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; 16.0 cents at 14.65 psia.

CI61–910; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–911; Southwest District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–918; Normanna Area, Bee County, Tex.; United Gas Pipe Line Co.; 17.595 cents at 14.65 psia.

CI61–921; Trull Field, Matagorda County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

CI61–926; Acreage in Beaver County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.

CI61–927; Centerville District Tyler County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–933; Acreage in Kay County, Okla.; Arkansas-Louisiana Gas Co.; 10.0 cents at 15.0 psia.

CI61–938; Acreage in Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI61–943; Loam Field, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.

CI61–946; Panoma (Council Grove), Stevens County, Kans.; Panhandle Eastern Pipe Line Co.; 14.0 cents at 14.65 psia.

CI61–947; Willow Springs Field Gregg County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61–950; Hitchland Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61–1004; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1017; Calhoun Field, Ouachita Parish, La.; Arkansas-Louisiana Gas Co.; 18.75 cents at 15.025 psia.

CI61–1018; Hugoton, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI61–1022; Clay District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1033; Mount Selman, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61–1038; Sublime Field, Colorado County, Tex.; Tennessee Gas Transmission Co.; 13.5 cents at 14.65 psia.

CI61–1039; Tecula Field, Cherokee County, Tex.; United Gas Pipe Line Co., 9.6216 cents at 14.65 psia.

CI61–1040; Mount Selman Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61–1041; North Jacksonville & Barkley Fields, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61–1049; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–1050 (as Supp.); Southeast Camrick Area, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.8 cents at 14.65 psia.

CI61–1053; San Juan, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–1092; Greenwood, Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI61–1093; Acreage in Lea County, N. Mex.; El Paso Natural Gas Co.; 5.47 cents at 14.65 psia (6.5 cents at 14.65 psia).

CI61–1096; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1097; Haynesville, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 13.0 cents at 15.025 psia.

CI61–1101; Donna Field, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI61–1112; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1114; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1118; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–1121; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 Cents at 15.325 psia.

CI61–1123; Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.

CI61–1130 (as Supp.); Freeman's Creek and Hacker's Creek Districts, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1131; Santa Rosa Field, Kenedy County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.73 psia.

CI61–1132; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1134; East Camrick Field, Beaver County, Okla.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61–1141; Christian Science Church Unit, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI61–1167; Henderson Field, Rusk County, Tex.; United Gas Pipe Line Co.; 10.064 cents at 14.65 psia.

CI61–1182 (as Supp); Tremont and Calhoun Fields, Lincoln Parish and Acreage in Jackson Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61–1187; Peters Field, Seward County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI61–1237; Kathryn Acreage, Sherman and Hansford Counties, Tex.; Michigan-Wisconsin Pipe Line Co.; 12,5061 cents at 14.65 psia.

CI61–1260; West Union Corp., Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1276; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1277; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1290; Lawford Field, Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1291; Azalea Strawn Field, Midland County, W. Va.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.

CI61–1293; Skin Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1297; Mocane Area, Beaver County, Okla.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61–1304 (as Supp); Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1315 (as Supp); Waskom Field, Panola County, Tex.; United Gas Pipeline Co.; 9.6216 cents at 14.65 psia.

CI61–1322; Palmer West Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–1323; Spencer District, Roane County, W. Va.; South Pen Oil Co.; 15.0 cents at 15.325 psia.

CI61–1333; Henderson Field, Rusk County, Tex.; The B. & A. Pipe Line Co.; 7,2964 cents at 14.65 psia.

CI61–1337; McClellan District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1393; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 15.5 cents at 14.65 psia.

CI61–1418; Donna Field, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI61–1437; Patrick Draw Area, Sweetwater County, Wyo.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

CI61–1442; Patrick Draw Area, Sweetwater County, Wyo.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

CI61–1445; Gallup Field, Rio Arriba and San Juan Counties, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI61–1471; Smithfield District, Roane County W. Va.; South Penn Oil Co., 15.0 cents at 15.325 psia.

CI61–1490; Acreage in Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI61–1504; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1508; Greenbrier District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1513; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1516; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1518; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1588; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1622; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1627; Collins Settlement District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1631; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1634; Tomball Field, Harris County, Tex.; Tennessee Gas Transmission Co.; 14.5 cents at 14.65 psia.

CI61–1636; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1718; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 12, 1961, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20 (b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11023; Filed, Nov. 20, 1961; 8:47 a.m.]

[Project Nos. 943, 2114]

PUGET SOUND POWER & LIGHT CO. ET AL.

Order Approving Presiding Examiner's Continuance of Hearing for More Than 30 Days

NOVEMBER 14, 1961.

Puget Sound Power & Light Company and Public Utility District No. 1 of Chelan County, Washington, Project No. 943; Public Utility District No. 2 of Grant County, Washington, Project No. 2114.

The Presiding Examiner in the above-entitled matter has referred to the Commission his action of October 30, 1961, continuing the the hearing from that date to December 11, 1961, upon a showing that the chief technical advisor to counsel for Public Utility District No. 2 of Grant County, and witness had suffered a heart attack. The Presiding Examiner also provided that in the event this witness could not appear because of his health, that upon notice by counsel for Public Utility District No. 2 of Grant County to all parties on or before December 4, 1961, the hearing would be continued to January 22, 1962, with a substitute witness, whose testimony is to be served not later than two weeks before the recessed hearing date.

The Commission orders: Continuance of the hearing until December 11, 1961, or in the event of substitute of witness, until January 22, 1962, in Washington, D.C., at 10:00 a.m., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., as fixed by the Presiding Examiner is approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11024; Filed, Nov. 20, 1961; 8:47 a.m.]

[Docket Nos. RI62–172—RI62–175]

STANDARD OIL CO. OF TEXAS

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 14, 1961.

Standard Oil Company of Texas, Docket No. RI62–172; Union Oil Company of California, Docket No. RI62–173; William Gruenerwald (Operator) et al.,

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No. RI62–174; Sunray Mid-Continent Oil Company, Docket No. RI62–175.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [3]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate [3]	
RI62–172...	Standard Oil Co., of Texas, P.O. Box 1249, Houston 1, Tex.	2	13	Texas Eastern Transmission Corp. (Gist and Adams Ranch Fields, Jasper and Newton Counties, Tex.) (R.R. District No. 3).	$1,817	10–16–61	11–16–61	4–16–62	15.0	15.2	RI61–161
		27	5	Texas Eastern Transmission Corp. (Chevron Field, Kleberg County, Tex.) (R.R. District No. 4).	21,015	10–16–61	11–16–61	4–16–62	15.0	15.2	RI61–161
RI62–173...	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	18	1	Northern Natural Gas Co. (Elmwood Area, Beaver County, Okla.).	1,020	10–16–61	1– 1–62	6– 1–62	15.0	16.0	----------
RI62–174...	William Gruenerwald (Operator), et al., 35 East Wacker Drive, Chicago 1, Ill.	1	1	Cities Service Gas Co. (Barber County, Kans.).	2,281	10–18–61	11–18–61	4–18–62	12.0	13.0	----------
		2	1	Cities Service Gas Co. (Harper County, Kans.).	679	10–19–61	11–19–61	4–19–62	12.0	13.0	----------
		4	1	Cities Service Gas Co. (Barber County, Kans.).	1,842	10–19–61	11–19–61	4–19–62	12.0	13.0	----------
RI62–175...	Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla.	153	3	Northern Natural Gas Co. (Hansford County, Tex.) (R.R. District No. 10).	542	10–23–61	1– 1–62	6– 1–62	[4] 16.5	[4] 17.5	----------

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] The pressure base for all rates is 14.65 psia.
[3] Periodic increases by contract.
[4] Includes 1.0 cent per Mcf for liquid hydrocarbon rights charged by seller.

The proposed increased rates exceed the applicable area price levels, as set forth in the Commission's Statement of General Policy No. 61–1, and the amendments thereto.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 2, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11025; Filed, Nov. 20, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MONTANA SHARES, INC.

Order Approving Application

In the matter of the application of Montana Shares, Incorporated, for prior approval of the acquisition of bank shares under section 3(a)(2) of the Bank Holding Company Act of 1956.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by Montana Shares, Incorporated, Great Falls, Montana, a registered bank holding company, for the Board's prior approval of Applicant's acquisition of an additional 4 percent of the voting shares of the First State Bank of Chinook, Chinook, Montana; notice of receipt of the application was published in the FEDERAL REGISTER on August 19, 1961 (26 F.R. 7788), which notice provided for the filing of comments and views regarding the proposed acquisition; and the time provided by the notice for filing comments and views having expired and no comments or views having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is granted, and the acquisition by Montana Shares, Incorporated, of 30 shares of the outstanding voting shares of the First State Bank of Chinook is hereby approved, provided (1) that the acquisition shall not be consummated within seven calendar days following the date of this Order and (2) that such acquisition shall be consummated within three months from the date of this Order.

Dated at Washington, D.C., this 15th day of November 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61–11026; Filed, Nov. 20, 1961; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis.

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–967]

J. K. LASSER CONVERTIBLE FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 13, 1961.

Notice is hereby given that J. K. Lasser Convertible Fund, Inc. ("Applicant"), Larchmont, N.Y., a Delaware corporation and a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant represents that the only stock that it now has issued and outstanding is held by only two stockholders, Sam Shulsky and Chartcraft, Inc., the two originators of the Fund. All other stock was turned in and the investors received their full payment for the shares they held. The corporate investor, Chartcraft, Inc., has only two stockholders.

It is further represented that the only and last remaining activity of the Applicant is to liquidate and dissolve and that steps are presently being taken to accomplish this.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given, that any interested person may, not later than November 27, 1961, at 5:30 p.m., e.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–11031; Filed, Nov. 20, 1961; 8:48 a.m.]

[File No. 24A–1230]

NYLONET CORP.

Notice and Order for Hearing

NOVEMBER 15, 1961.

I. Nylonet Corporation (issuer), a Miami, Florida, corporation, filed a notification on Form 1–A and an offering circular on November 24, 1958, relating to a public offering of 600,000 shares of its 10 cent par value common stock at 50 cents per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, under Regulation A. The size of the offering was reduced by amendment to 426,390 shares and the offering commenced on February 8, 1959.

II. The Commission, on October 3, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on December 11, 1961, at the Miami Branch Office of the Commission, 440 Plaza Building, 245 Southeast First Street, Miami 32, Florida, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with in that the report of sales on Form 2–A filed by the issuer is false and misleading, particularly with respect to the statements concerning the use of the net proceeds from the public offering.

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly in that:

1. The issuer failed to disclose adequately and accurately the proposed use of the net proceeds from the public offering;

2. The issuer failed to disclose accurately the security holdings of one of its officers and directors;

3. The financial statements are false and misleading because:

(a) The issuer overstated its net sales by approximately $177,897.00 in its statement of operations for the year ended December 31, 1958;

(b) The issuer included false and fictitious accounts in its Accounts Receivable as shown in its balance sheet dated December 31, 1958, which resulted in an overstatement of this item in the amount of approximately $177,897.00.

(c) The issuer failed to disclose its operating loss of approximately $164,000.00 for the year 1958; and

(d) The issuer failed to disclose a capital deficiency of approximately $113,000.00.

C. Whether the offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered,* That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Nylonet Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before December 8, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–11032; Filed, Nov. 20, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37440: *Sugar from western points to Peoria and Quincy, Ill.* Filed by Western Trunk Line Committee, Agent (No. A–2214), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, from points in transcontinental and western trunk-line territories, also Montana, to Peoria and Quincy, Ill.

Grounds for relief: Market competition.

Tariffs: Supplement 81 to Western Trunk Line Committee tariff I.C.C. A–4099, and other schedules named in the application.

FSA No. 37441: *Petroleum mercaptans from southwestern and midcontinent points.* Filed by Southwestern Freight Bureau, Agent (No. 8101), for interested rail carriers. Rates on petroleum mercaptans, in carloads and tank-car loads, from producing points in southwestern and midcontinent territories, to points in southwestern, western trunk-line, southern, and official (including Illinois) territories.

Grounds for relief: Rate relationship.

Tariff: Supplement 34 to Southwestern Freight Bureau tariff I.C.C. 4410.

FSA No. 37442: *Crude petroleum from southwestern and midcontinent territories.* Filed by Southwestern Freight Bureau, Agent (No. B–8102), for interested rail carriers. Rates on crude petroleum, as described in the application, in tankcar loads, from producing points in southwestern territory, also

Illinois, Kansas, Missouri, and Memphis, Tenn., to points in southwestern territory, also Illinois and Missouri.

Grounds for relif: Rate relationship.

Tariffs: Supplements 34, 195, 49, 52, and 1 to Southwestern Freight Bureau tariffs I.C.C. 4410, 4102, 4113, 4097, and 4448, respectively.

FSA No. 37443: *Liquified petroleum gas and natural gasoline from Hennessey, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B–8103), for interested rail carriers. Rates on liquefied petroleum gas and natural gasoline, in tank-car loads, from Hennessey, Okla., to points in official (including Illinois), southern, southwestern, western trunk-line territories, also points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

Grounds for relief: Market relationship.

Tariffs: Supplements 34, 195, 129, 244, 288, 24, 1, and 170 to Southwestern Freight Bureau tariffs I.C.C. 4410, 4102, 4334, 4279, 4150, 4395, 4448, and 4066, respectively.

FSA No. 37444: *Petroleum residual fuel oil to Minnesota and Wisconsin.* Filed by Southwestern Freight Bureau, Agent (No. B–8104), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from producing points in Arkansas, Kansas, Lousiana, New Mexico, Oklahoma, and Texas, to points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 244 to Southwestern Freight Bureau tariff I.C.C. 4279.

FSA No. 37445: *Liquefied petroleum gas from Albuquerque and Bernalillo, N. Mex.* Filed by Southwestern Freight Bureau, Agent (No. B–8105), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Albuquerque and Bernalillo, N. Mex., to points in western trunk-line and Illinois territories.

Grounds for relief: Market competition.

Tariff: Supplement 244 to Southwestern Freight Bureau tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–10809, Filed, Nov. 20, 1961; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

	Page
PROCLAMATIONS:	
Feb. 25, 1893	10735
2914	10825
3438	10203
EXECUTIVE ORDERS:	
Jan. 26, 1867	10729, 10806
Apr. 30, 1872	10729
Mar. 7, 1900	10806
5237	10729
6541	10638
6681	10480
9026	10356
10893	10469
10900	10469
10915	10469
10955	10469
10971	10335
10972	10469
10973	10469
10974	10585
10975	10629
10976	10825
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum, May 27, 1961	10749
Memorandum, Oct. 18, 1961	10543

5 CFR

6	10204, 10267, 10447, 10544
9	10750
22	10750
24	10447
25	10544
35	10750
201	10503
202	10503

6 CFR

70	10267
305	10267
390	10267
421	10546
423	10686
427	10546
443	10769
464	10873
482	10586

7 CFR

201	10471
401	10630
403	10630
711	10204
717	10208
723	10471, 10503
727	10504
729	10209
730	10336
775	10769, 10787
813	10547
847	10214
855	10268
857	10505
864	10270
873	10272
914	10423, 10586, 10789
922	10214
927	10632, 10859
933	10337, 10423–10425, 10790, 10791
942	10425
943	10214
953	10425, 10586, 10792, 10872
958	10792

7 CFR—Continued

973	10215
984	10688
989	10770
994	10216
997	10688
1001	10587
1013	10507
1014	10472
1017	10426
1031	10338
1034	10793
1069	10587
1070	10632
1071	10426
1073	10689
PROPOSED RULES:	
301	10571
719	10731
728	10484, 10596
813	10691
900—1073	10286, 10516, 10772
903	10810
906	10298
908	10307, 10485
918	10307
921	10810
925	10486
927	10597
939	10296
943	10236
947	10360, 10879
959	10809
986	10298
1024	10597
1026	10516, 10772
1033	10772
1034	10773
1138	10691

8 CFR

PROPOSED RULES:	
252	10358
253	10358

9 CFR

74	10223
83	10338
PROPOSED RULES:	
131	10358

10 CFR

2	10770
30	10472
PROPOSED RULES:	
30	10487

12 CFR

262	10340
PROPOSED RULES:	
563	10239

13 CFR

105	10723
121	10633, 10634
PROPOSED RULES:	
107	10702

14 CFR

18	10473
60	10752
507	10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
600	10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753, 10874–10876

14 CFR—Continued

601	10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724, 10875, 10876
602	10590, 10635, 10724
608	10342, 10636, 10724, 10876
609	10430, 10436, 10754, 10762
610	10724
PROPOSED RULES:	
1—190	10698
24	10571
48	10701
60	10307
202	10774
203	10774
213	10774
215	10774
227	10238
291	10774
292	10774
296	10774
297	10774
298	10774
302	10307, 10641
401–635	10698
411	10776
507	10362, 10571
600	10451, 10520, 10602, 10777, 10881
601	10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883
602	10809
608	10451, 10520, 10733

16 CFR

13	10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771, 10878
301	10446

17 CFR

275	10548
PROPOSED RULES:	
275	10607

18 CFR

2	10342
13	10794

19 CFR

3	10508
4	10508
14	10476
PROPOSED RULES:	
3	10731

20 CFR

25	10509
404	10226

21 CFR

17	10550
120	10228, 10550, 10551
121	10228, 10343, 10476, 10590
146	10228
146a	10728
PROPOSED RULES:	
1	10601
17	10362
120	10487, 10640, 10732, 10810
121	10362, 10452, 10698, 10732, 10774, 10881
130	10811

22 CFR — Page
22 — 10728

24 CFR
202a — 10229
203 — 10229
207 — 10229
213 — 10229
220 — 10230
221 — 10230
232 — 10230
603 — 10231
608 — 10231
611 — 10231
702 — 10231
803 — 10231
903 — 10231

25 CFR
31 — 10637
141 — 10232
PROPOSED RULES:
34 — 10640
194 — 10808
221 — 10516, 10808

26 CFR
1 — 10275, 10477
PROPOSED RULES:
1 — 10283, 10449, 10450, 10483
48 — 10593
252 — 10484

28 CFR
21 — 10232

29 CFR
9 — 10795
601 — 10275
780 — 10377
793 — 10275

32 CFR
504 — 10797
507 — 10509
552 — 10728
590 — 10553
591 — 10553
592 — 10553
595 — 10553
596 — 10553
597 — 10553
598 — 10553
599 — 10553
600 — 10553
601 — 10553
602 — 10553
605 — 10553
606 — 10553
608 — 10728
737 — 10353
739 — 10353
750 — 10826
751 — 10836
753 — 10842
765 — 10591

33 CFR
3 — 10343
67 — 10343
202 — 10805
203 — 10445, 10805
204 — 10278

35 CFR
4 — 10353
CANAL ZONE ORDERS:
58 — 10353

36 CFR — Page
6 — 10638
PROPOSED RULES:
7 — 10600

38 CFR
3 — 10551, 10552
13 — 10232
21 — 10278, 10478

39 CFR
96 — 10510
111 — 10805
168 — 10771, 10805

41 CFR
1–5 — 10590
5–1 — 10354
50–202 — 10354
PROPOSED RULES:
50–202 — 10517, 10773

42 CFR
73 — 10355

43 CFR
221 — 10479
244 — 10728
PROPOSED RULES:
191 — 10808
203 — 10808
257 — 10285
PUBLIC LAND ORDERS:
73 — 10638
1071 — 10356
2460 — 10568
2524 — 10735
2526 — 10279
2527 — 10356
2528 — 10356
2529 — 10356
2530 — 10427
2531 — 10480
2532 — 10480
2533 — 10480
2534 — 10568
2535 — 10569
2536 — 10638
2537 — 10729
2538 — 10729
2539 — 10806
2540 — 10806
2541 — 10806

45 CFR
212 — 10481

46 CFR
PROPOSED RULES:
201 — 10601
206 — 10601
221 — 10601
298 — 10601
299 — 10601
502 — 10520

47 CFR
1 — 10279, 10280, 10447
2 — 10655
3 — 10280, 10729
5 — 10806
7 — 10591
8 — 10591
10 — 10569
14 — 10591
15 — 10281
18 — 10281, 10591
PROPOSED RULES:
2 — 10701

47 CFR—Continued — Page
PROPOSED RULES—Continued
3 — 10239, 10572, 10606
10 — 10573
12 — 10240

49 CFR
125 — 10646
170 — 10771
PROPOSED RULES:
73 — 10572
176 — 10240

50 CFR
32 — 10233, 10234, 10282, 10638, 10730
33 — 10234, 10235, 10878
PROPOSED RULES:
215 — 10640

Checklist

CFR SUPPLEMENTS
(As of January 1, 1961)

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) $3.75; Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) $6.25; Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75); General Index ($1.00).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

OF MICHIGAN
DEC 1 1961
MAIN READING ROOM

Pages 10897–10957

FEDERAL REGISTER

VOLUME 26 NUMBER 225

Washington, Wednesday, November 22, 1961

Contents

THE PRESIDENT

Proclamation
Saguaro National Monument, Arizona; enlargement — 10899

EXECUTIVE AGENCIES

Agricultural Marketing Service
PROPOSED RULE MAKING:
Grapes for crushing, Central California; extensions of time for receipt of written data, views, or arguments — 10933
Navel oranges in Arizona and California; proposed conversion factors — 10933

Agricultural Stabilization and Conservation Service
PROPOSED RULE MAKING:
Flue-cured tobacco; referendum — 10933
RULES AND REGULATIONS:
Flue-cured tobacco; proclamation of national marketing quota for each of three years beginning July 1, 1962; announcement and apportionment of quota for 1962–63 year — 10927

Agriculture Department
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.
NOTICES:
Alabama; designation and extension of areas of emergency loans — 10943

Army Department
RULES AND REGULATIONS:
Army Reserve; enlistments — 10931

Atomic Energy Commission
NOTICES:
Saxton Nuclear Experimental Corp.; issuance of provisional operating license — 10944
PROPOSED RULE MAKING:
Financial protection requirements and indemnity agreements — 10933
RULES AND REGULATIONS:
Licensing of source material — 10929

Civil Aeronautics Board
NOTICES:
Pan American World Airways, Inc.; prehearing conference — 10944

Civil Service Commission
RULES AND REGULATIONS:
Exceptions from competitive service — 10900

Commerce Department
NOTICES:
Sands, George A.; changes in financial interests — 10944

Defense Department
See also Army Department.
RULES AND REGULATIONS:
Ocean transport service; miscellaneous amendments — 10931

Federal Aviation Agency
NOTICES:
Proposed water storage structure; determination of hazard to air navigation — 10944
PROPOSED RULE MAKING:
Control area extensions, alteration; and designation of transition areas; correction — 10935
Federal airway; alteration — 10934

Federal Communications Commission
NOTICES:
Burbank, Eugene R.; show cause order — 10945
Chief Hearing Examiner; authority delegation — 10946
Hearings, etc.:
Eastern Broadcasting System, Inc., et al — 10945
Putnam Broadcasting Corp. and Port Chester Broadcasting Co — 10945
Radio Americana, Inc — 10946
PROPOSED RULE MAKING:
Deintermixture of certain cities; extension of time for filing comments on proposed rule making proceedings — 10940
Television broadcast services; tables of assignments:
East Lansing, Mich — 10939
Kentucky — 10938
Oneonta, Rochester, and Gloversville, N.Y — 10939
San Francisco, Calif., and Reno, Nev — 10935
Option time and station's right to reject network programs — 10939
Telemetering devices and wireless microphones — 10940
RULES AND REGULATIONS:
Aviation services:
Additional frequencies for Civil Air Patrol stations — 10926
Transmission of radio signals from aircraft to activate lights — 10926
Certain ship stations in maritime service; modification of licenses — 10925
Industrial, scientific, and medical equipment; procedure for type approval; correction — 10927
Public coast stations and ship stations in maritime service; use of 2638 kc — 10918
Radio broadcast services; table of assignments, television broadcast stations; Eugene, Oreg — 10917
Survival craft stations and frequencies, and other particulars for coast and ship stations; implementation of certain requirements of Geneva Radio Regulations — 10918

Federal Maritime Commission
PROPOSED RULE MAKING:
Licensing of independent ocean freight forwarders — 10941

(Continued on next page)

Federal Power Commission

NOTICES:
Jemez River Basin, New Mexico; lands withdrawn for water-power purposes ... 10947
Washington; lands withdrawn in power site reserve ... 10947
Hearings, etc.:
Arkansas Louisiana Gas Co. et al ... 10946
Yuba County Water Agency ... 10947

Federal Reserve System

NOTICES:
United California Bank; order denying application for approval of merger ... 10948

Federal Trade Commission

RULES AND REGULATIONS:
Towers Marts, Inc., et al.; prohibited trade practices ... 10929

Foreign Assets Control

NOTICES:
Menthol, natural and synthetic; available certificates by government of Federal Republic of Germany ... 10943

Immigration and Naturalization Service

RULES AND REGULATIONS:
Powers and duties of service officers ... 10928

Indian Affairs Bureau

RULES AND REGULATIONS:
Action on wills of Osage Indians; appeals ... 10930

Interior Department

See Indian Affairs Bureau; Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Alexandria, Barcroft and Washington Transit Co.; petition for declaratory order ... 10955
Fourth section applications for relief ... 10955
Motor carrier:
Alternate route deviation notices ... 10948
Applications and certain other proceedings ... 10948
Transfer proceedings ... 10954

Justice Department

See Immigration and Naturalization Service.

Land Management Bureau

NOTICES:
Arizona; proposed withdrawal and reservation of lands ... 10943

Securities and Exchange Commission

NOTICES:
Apex Minerals Corp.; order summarily suspending hearing ... 10955
RULES AND REGULATIONS:
Delayed or suspended offerings ... 10930

Treasury Department

See Foreign Assets Control.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PROCLAMATIONS:
2032 (see Proc. 3439) ... 10899
3439 ... 10899

5 CFR

6 ... 10900

7 CFR

725 ... 10927
PROPOSED RULES:
725 ... 10933
914 ... 10933
1026 ... 10933

8 CFR

103 ... 10928
212 ... 10928
223 ... 10928
264 ... 10928
282 ... 10928
299 ... 10928
332a ... 10928
499 ... 10928

10 CFR

40 ... 10929
PROPOSED RULES:
140 ... 10933

14 CFR

PROPOSED RULES:
600 ... 10934
601 ... 10935

16 CFR

13 ... 10929

17 CFR

230 ... 10930

25 CFR

17 ... 10930

32 CFR

200 ... 10931
561 ... 10931

46 CFR

PROPOSED RULES:
510 ... 10941

47 CFR

3 ... 10917
7 (2 documents) ... 10918
8 (3 documents) ... 10918, 10925
9 (2 documents) ... 10926
14 ... 10918
18 ... 10927
PROPOSED RULES:
3 (6 documents) ... 10935, 10938–10940
15 ... 10940

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3439

ENLARGING THE SAGUARO NATIONAL MONUMENT, ARIZONA

By the President of the United States of America

A Proclamation

WHEREAS an area in Arizona possessing outstanding scientific interest because of its exceptional growth of various species of cacti has been established as the Saguaro National Monument by Proclamation No. 2032 of March 1, 1933; and

WHEREAS it appears that it would be in the public interest to add to the Saguaro National Monument certain lands lying within what is known as the Tucson Mountain Park which contain a remarkable display of relatively undisturbed lower Sonoran desert vegetation, including a saguaro stand which equals or surpasses saguaro stands elsewhere in the Nation; and

WHEREAS the addition of these lands to the monument appears essential for their effective preservation and interpretation and for the implementation of the purposes of the Saguaro National Monument; and

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, established pursuant to the act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 463), impressed by the remarkable diversity of desert vegetation of this area and its significant wildlife qualities, has recommended its preservation by adding it to the Saguaro National Monument:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim as follows:

Subject to valid existing rights, the lands now owned by the United States within the exterior boundaries of the following-described tracts of land are hereby added to and reserved as a part of the Saguaro National Monument; and lands owned by the State of Arizona within such boundaries shall become and be reserved as a part of that monument upon acquisition of title thereto by the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 S., R. 11 E.,
Sections 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35 and 36
T. 13 S., R. 12 E.,
Sections 6, 7, 8, 17, 18, 19, 20, 29, 30 and 31;

comprising 15,360 acres, more or less.

The boundaries of the Saguaro National Monument are modified accordingly.

The lands reserved as a part of the Saguaro National Monument by or pursuant to this proclamation shall be administered pursuant to the act of August 25, 1916, 39 Stat. 535 (16 U.S.C. 1–3), and acts supplementary thereto and amendatory thereof and shall be subject to all the laws and regulations applicable to that monument.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature or object of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of November in the year of our Lord nineteen hundred [SEAL] and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:
DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-11127; Filed, Nov. 20, 1961; 12:57 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Revision of Part

Part 6 is revised to read as set forth below:

Sec.
6.1 Method of filling excepted positions and status of incumbents.

SCHEDULE A

6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
6.101 Entire executive civil service.
6.102 Department of State.
6.103 Treasury Department.
6.104 Department of Defense.
6.105 Department of the Army.
6.106 Department of the Navy.
6.107 Department of the Air Force.
6.108 Department of Justice.
6.109 Post Office Department.
6.110 Department of the Interior.
6.111 Department of Agriculture.
6.112 Department of Commerce.
6.113 Department of Labor.
6.114 Department of Health, Education, and Welfare.
6.116 National Security Council.
6.117 Interstate Commerce Commission.
6.119 Board of Governors, Federal Reserve System.
6.122 Veterans' Administration.
6.124 United States Information Agency.
6.125 Federal Power Commission.
6.126 Securities and Exchange Commission.
6.129 Federal Deposit Insurance Corporation.
6.131 National Capital Housing Authority.
6.132 United States Soldiers' Home.
6.133 General Services Administration.
6.134 Federal Communications Commission.
6.135 United States Tariff Commission.
6.138 National Labor Relations Board.
6.140 Export-Import Bank of Washington.
6.141 Farm Credit Administration.
6.142 Housing and Home Finance Agency.
6.144 Selective Service System.
6.145 Civil Service Commission.
6.146 Federal Mediation and Conciliation Service.
6.147 National Aeronautics and Space Administration.
6.148 Panama Canal Company, New York.
6.149 International Cooperation Administration.
6.155 President's Committee on Government Employment Policy.
6.157 Federal Home Loan Bank Board.
6.160 Commission on Civil Rights.
6.163 Office of Civil and Defense Mobilization.
6.164 Federal Aviation Agency.
6.166 Franklin Delano Roosevelt Memorial Commission.
6.168 Peace Corps.
6.169 James Madison Memorial Commission.
6.170 National Aeronautics and Space Council.

SCHEDULE B

Sec.
6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
6.202 Department of State.
6.203 Treasury Department.
6.204 Department of Defense.
6.206 Department of the Navy.
6.207 Department of the Air Force.
6.208 Department of Justice.
6.210 Department of the Interior.
6.224 United States Information Agency.
6.225 Federal Power Commission.
6.242 Housing and Home Finance Agency.
6.244 Selective Service System.
6.249 International Cooperation Administration.
6.256 District of Columbia Government.
6.268 Peace Corps.

SCHEDULE C

6.300 Positions of a confidential or policy-determining character.
6.302 Department of State.
6.303 Treasury Department.
6.304 Department of Defense.
6.305 Department of the Army.
6.306 Department of the Navy.
6.307 Department of the Air Force.
6.308 Department of Justice.
6.309 Post Office Department.
6.310 Department of the Interior.
6.311 Department of Agriculture.
6.312 Department of Commerce.
6.313 Department of Labor.
6.314 Department of Health, Education, and Welfare.
6.315 Executive Office of the President.
6.317 Interstate Commerce Commission.
6.318 General Accounting Office.
6.320 The Tax Court of the United States.
6.322 Veterans' Administration.
6.324 United States Information Agency.
6.325 Federal Power Commission.
6.326 Securities and Exchange Commission.
6.327 National Mediation Board.
6.328 Small Business Administration.
6.329 Federal Deposit Insurance Corporation.
6.330 Federal Trade Commission.
6.333 General Services Administration.
6.334 Federal Communications Commission.
6.335 United States Tariff Commission.
6.337 Civil Aeronautics Board.
6.338 National Labor Relations Board.
6.340 Export-Import Bank of Washington.
6.341 Farm Credit Administration.
6.342 Housing and Home Finance Agency.
6.343 Indian Claims Commission.
6.346 Federal Mediation and Conciliation Service.
6.347 National Aeronautics and Space Administration.
6.349 International Cooperation Administration.
6.350 Foreign Claims Settlement Commission of the United States.
6.353 Subversive Activities Control Board.
6.354 Saint Lawrence Seaway Development Corporation.
6.357 Federal Home Loan Bank Board.
6.359 The Renegotiation Board.
6.360 Commission on Civil Rights.
6.362 Development Loan Fund.
6.363 Office of Civil and Defense Mobilization.
6.364 Federal Aviation Agency.
6.367 National Capital Transportation Agency.
6.368 Peace Corps.

AUTHORITY: §§ 1 to 6.368 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 6.1 Method of filling excepted positions and status of incumbents.

(a) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

(b) To the extent permitted by law and the regulations in this chapter, appointments, position changes, and removals in the excepted service shall be made in accordance with any regulations or pratices that the head of the agency concerned finds necessary.

(c) Persons appointed to excepted positions shall not acquire a competitive status by reason of such appointments.

NOTE: See also Part 21 of this chapter, issued pursuant to the Veterans' Preference Act of 1944, as amended, which is applicable to appointments to excepted positions; Part 22 of this chapter which is applicable in cases of discharges, suspensions for more than thirty days, furloughs without pay for thirty days or less, or reduction in rank or compensation of employees entitled to veteran preference; Part 9 of this chapter which is applicable to removals from positions listed in Schedule B of persons who have competitive status; § 2.502(j) of this chapter under which the Commission may authorize promotions in excepted positions in order to avoid undue hardship or inequity in individual cases of meritorious nature without regard to the restrictions of section 1310 of the Supplemental Appropriation Act, 1953 (Public Law No. 253, 82d Congress), as amended; Part 10 of this chapter which is applicable to employment with reemployment rights; and Part 20 of this chapter which is applicable to reduction in force.

SCHEDULE A

§ 6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

The positions enumerated in §§ 6.101 to 6.199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

§ 6.101 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk-trainee positions: Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. A person may have his appointment extended not to exceed an additional period of three months pending admission to the bar provided he has actually passed the bar examination by the end of the nine-month period. No person shall be given more than one appointment under this paragraph.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the Metropolitan Area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) [Reserved.]

(i) [Reserved.]

(j) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(k) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., positions excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(l) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(m) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(n) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(o) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (k) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(p) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(q) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(r) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(s) Temporary or intermittent positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a compensation during a period of a year that aggregates for positions at GS–4 and below more than 40 percent of the annual salary for the first step of GS–3, and for positions at GS–5, 6, or 7 more than 33⅓ percent of the annual salary for the first step of the grade at which the position is classified. The grade level at which the person enters on duty determines the pay limitation applicable to him throughout his service year. These limitations on compensation include any premium pay such as for overtime, night, Sunday, or holiday work. They do not, however, include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority.

§ 6.102 Department of State.

(a) *Office of the Secretary.* (1) Six Physical Science Administration Officers at GS–14 and above in the Office of the Science Adviser.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Policy Reports Staff, Executive Secretariat.

(4) Four Assistants to the Director of the Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Office of the Special Assistant, Intelligence.* (1) Not to exceed 50 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States, Alaska and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or six months within any one calendar year.

(e) [Reserved.]

(f) [Reserved.]

(g) [Reserved.]

(h) *Office of Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) [Reserved.]

(5) One Special Assistant to the Chief, News Division.

(6) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(i) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

(j) *U.S. Disarmament Administration.* (1) Until April 30, 1963, the Director and one Deputy Director, Projects and Studies Office, and one assistant to the Director, Projects and Studies Office.

(2) Until April 30, 1963, not to exceed 3 Project Officers at GS–14 and above and 5 Physical Science Administration Officers at GS–13 and above.

(3) Until April 30, 1963, the Director and one Deputy Director, Political Office.

§ 6.103 Treasury Department.

(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(4) Positions of day ("pick-up") laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pick-up" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at the GS–9 grade level and below of customs enforcement officer, customs inspector, customs marine clerk/officer, customs sampler, customs warehouse officer, deputy collector, interpreter, janitor, and laborer that are of a continuing nature, and the duties of which are intermittent or part-time and require the services of an employee for not more than 700 hours of employment during his service year. A person appointed under this authority may not be employed in the Bureau of Customs under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(c) *Coast Guard.* (1) Lamplighters.

(2) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian and one Cadet Hostess at the Coast Guard Academy, New London, Connecticut.

(d)–(e) [Reserved.]

(f) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(g) *Internal Revenue Service.*

(1) Fifty positions of investigator for special assignments.

§ 6.104 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with responsibilities for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in the Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(c) *Interdepartmental activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission appointment through competitive examination is impracticable.

§ 6.105 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) [Reserved.]

(3) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(4) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(6) Positions assigned exclusively to Army Communications Intelligence Activities.

(7) Trainee student medical technologist (intern) positions at the Rodriquez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed one year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) [Reserved.]

(f) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(g) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructor positions, and professional positions in the language divisions whose duties require developing and evaluating instructional material or supervising the language instructors.

(2) Typists of foreign language material whose duties require them to make corrections in grammar and spelling of the material typed.

(i) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(j) [Reserved.]

(k) *Chemical Corps.* (1) Scientific and professional research associate positions at the Army Biological Warfare Laboratories, Fort Detrick, Maryland, when filled on a temporary or intermittent basis by persons having a doctoral degree in the biophysical or biological sciences or related fields of study, for research activities of mutual interest to the appointee and the Laboratories. Total employment under this provision may not exceed 5 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.106 Department of the Navy.

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) [Reserved.]

(4) [Reserved.]

(5) Two positions of teachers in the indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(b) *United States Naval Academy.* (1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the assistant to the superintendent for academic matters at the United States Naval Academy and social counselors.

(c) *United States Naval Home.* (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, California; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Maryland; and U.S. Naval Weapons Laboratory, Dahlgren, Virginia.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed ten positions at the U.S. Naval Research Laboratory, six positions at the U.S. Navy Electronics Laboratory, ten positions at the U.S. Naval Ordnance Laboratory and ten positions at the U.S. Naval Weapons Laboratory at any one time. Employment under this provision will not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, California.* (1) Scientific and professional research positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 6 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided,* That such employment may with the approval of the Commission, be extended for not to exceed one additional year.

§ 6.107 Department of the Air Force.

(a) *Office of the Secretary.* (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *General.* (1) [Reserved.]

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(c) *Lookout Mountain Laboratory, Los Angeles, California.* (1) All positions.

(d) *United States Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *Air Research and Development Command.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Command. Total employment under this provision may not exceed 20 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.108 Department of Justice.

(a) *General.* (1) Field deputy United States marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of baliff in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

(3) Until June 30, 1962, positions of Port Receptionists and Supervisory Port Receptionists.

§ 6.109 Post Office Department.

(a) *General.* (1) Clerks in fourth class post offices.

(2) Substitute rural carriers.

(3) Special delivery messengers in second, third, and fourth class post offices.

(4) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than $2,870 per annum.

(5) One Administrative Assistant to each Regional Office Manager (15 positions).

(6) One Administrative Assistant to the Assistant to the Regional Operations Manager (Dallas Office).

(7) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(8) Clerks employed on a part-time basis in third-class post offices in Alaska.

(9) Fourth-class postmaster positions in Alaska.

(10) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

§ 6.110 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year, except that temporary and seasonal forest and range fire employees in the Bureau of Land Management in Alaska may be empolyed for fire prevention or suppression for not to exceed 180 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) [Reserved.]

(2) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(3) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Four Area Managers.

(e) *Office of Territories.* (1) Until December 31, 1962, all positions in Alaska and in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(2) The Clerk of the High Court of American Samoa.

(3) One position of part-time Secretary, one position of Administrative Educational Aid, and one position of Instructional Aid to the U.S. Resident Administrator for Canton Island.

(4) The Government Comptroller for the Virgin Islands.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to grade GS–4 or below, and not to exceed 200 such positions as salaries equivalent to grade GS–6 or GS–5 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment at salaries equivalent to GS–6 or GS–5 is restricted to persons who have had at least two seasons of experience in the National Park Service as a park ranger at a salary equivalent to GS–4. Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal; and no person shall be employed by the National Park Service under this subparagraph or under a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case; provided that such employment may, with prior approval of the Commission, be extended for not to exceed an additional fifty days in any single year.

(h) *Federal Petroleum Board.* (1) Chairman of the Board.

(2) Two Members of the Board.

§ 6.111 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service. After May 1, 1958, this authority is not applicable to poultry inspection positions, and after June 1, 1958, it is not applicable to tobacco inspection positions, in the Agricultural Marketing Service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed one year.

(4) Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 6.101 (k) and (o) at places other than at central office and regional and branch office cities of the Commission when (*a*) there is no local board of U.S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) State Performance Assistants of the Agricultural Stabilization and Conservation Service.

(vii) Collectors of the Farmers Home Administration.

(6) [Reserved.]

(7) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 875, Eighty-first Congress, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(c) [Reserved.]

(d) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of laborers, boat operators, mechanics, equipment operators, and carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(e) *Agricultural Stabilization and Conservation Service.* (1) Five Area Directors at a salary equivalent to GS–15.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(5) Milk Market Administrators.

(6) All positions on the staffs of Milk Market Administrators.

(f) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency and special livestock loans pursuant to Public Law 38, 81st Congress, as amended, and Public Law 727, 83d Congress, as amended. Appointment under this provision shall not exceed one year unless extended with the prior approval of the Commission for additional periods of not to exceed one year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(g) [Reserved.]

(h) *Agricultural Marketing Service.* (1)–(2) [Reserved:]

(3) Positions of cotton classers GS–9 and below, clerks GS–2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 160 working days a year in the case of cotton classers and laborers and 130 working days a year in the case of clerks; except that GS–5 cotton classers may be employed as trainees during their first appointment only for an initial period of six months for training purposes without regard to the above time limitation.

(4) [Reserved.]

(5) Positions of poultry inspector (veterinarian at GS–11 and below, and nonveterinarian at appropriate grades below GS–11) when the employment is on a temporary, intermittent, or seasonal basis, and does not exceed 160 working days a year.

(6) Until June 30, 1962, not to exceed six program assistants GS–7 and below in each of the States of Florida and Texas, employed on a temporary, intermittent or seasonal basis, to collect and summarize information on short-time supplies of tomatoes and celery.

(i) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States, or other non-Federal cooperating organizations, providing the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than one year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Not to exceed 25 professional research associate positions at GS–11 and above in laboratories doing basic research in the Agricultural Research Service to be filled on a temporary basis by scientists with a doctoral degree who possess specialized knowledges or abilities applicable to the basic research programs involved. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(j) *Foreign Agricultural Service.* (1) Agricultural attaché positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(2) Positions of Technical Leader at grade GS–12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

§ 6.112 Department of Commerce.

(a) *General.* (1) [Reserved.]

(2) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(3) Employment of individuals, firms or corporations for not to exceed one year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(4) Positions established in connection with activities of the International Geophysical Year, 1957–58, whose duties are performed primarily in field stations beyond the continental limits of the United States. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing. Appointments under this authority shall not exceed two years, provided that with the prior approval of the Commission they may be extended for not to exceed an additional one-year period.

(5) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed one year: *Provided*, That such appointments may be extended for additional periods of not to exceed one year each; but that after December 31, 1960, this subparagraph shall not be authority for employment in full-time positions for longer than one year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 new appointments each fiscal year, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. Such extensions shall not be included against the quota of 20 new appointments as stated above.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed two years, and may, with prior approval of the Commission, be extended for an additional period of two years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Program Planning Office.

(4) One Private Secretary to the Chief, Program Planning Office.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) [Reserved.]

(7) [Reserved.]

(8) All positions on Government owned vessels or those bareboat chartered to the Government and operated by or for the Maritime Administration.

(9) Chief, Office of Ship Construction and Repair.

(10) One Special Assistant to the Administrator (Tanker Adviser).

(11) Two Special Assistants to the Deputy Administrator.

(12) [Reserved.]

(13) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; Academy Training Representatives; the Regimental Officer; the Drill and Activities Officer; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(14) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; and Librarian.

(i) *Federal Maritime Board.* (1) Secretary to the Federal Maritime Board.

(j) *Office of the Assistant Secretary for International Affairs.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of Foreign Commerce or in other units under the jurisdiction of the Assistant Secretary for International Affairs. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

(2) Not to exceed 25 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(k) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) [Reserved.]

(3) Cook positions on Swan Island.

§ 6.113 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* (1) One Minority Groups Consultant.

(c) *President's Committee on Equal Employment Opportunity.* (1) All positions on the staff of the President's Committee on Equal Employment Opportunity established by Executive Order 10925 of March 6, 1961.

(d) *Bureau of Labor Statistics.* (1) Not to exceed 40 positions of Statistical Investigators, GS–3 and GS–4, employed on a temporary or intermittent basis for field-survey work. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Labor Statistics for more than 180 working days in any single year under this authority or under a combination of this and any other authorities for excepted appointment that may be appropriate.

(e) *Bureau of Labor-Management Reports.* (1) The Chief of the Division of National Investigations and the 11 top supervisory-investigator positions in the Division of National Investigations.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving twelve weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(4) Three positions of Medical Officers (Radiology Resident), provided that employment under this authority shall not exceed one year in any individual case.

(5) Not to exceed 15 Psychodrama Interns who possess B.A. or M.S. degrees for appointment not to exceed one year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed two years' employment in the case of any one individual.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating state, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental internes, externes, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field; and provided further that appropriate exclusions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 100 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(2) [Reserved.]

(3) Twenty-five positions at grade GS–12 and above the incumbents of which will engage in the development of policy, standards, regulations, procedures, and definitions in connection with the National Defense Education Act of 1958 and will consult with and advise on the administration and implementation of this Act with the Office of Education, the various States and territories, institutions of higher education, and other organizations and persons concerned with carrying out the provisions of this Act. Appointments under this provision shall be limited to persons having a particular competency in the areas concerned. Employment under this provision shall not exceed two years in any individual case and shall not extend beyond June 30, 1962.

(4) Ten positions at grade GS–13 and above the incumbents of which will engage in research and consultative services in highly specialized areas within the field of education which present current educational problems of national concern, e.g., the relationship of ROTC training to higher education, the status of a particular area of cooperative educational research, the assessment of the educational system of a particular foreign country, and other equally vital and important problem areas. Appointments made under this authority shall be limited to persons having a particular competency in the area concerned, and shall be restricted to positions concerned with current problem areas that are not a part of the continuing broad educational programs administered by the United States Office of Education. Employment under this provision shall not exceed two years for any individual appointee.

(d) *Social Security Administration.* (1) [Reserved.]

(2) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(3) Not to exceed 100 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That employment under this authority shall be temporary and no employment shall be made under it after March 31, 1962.

(e) *General.* (1) Until December 31, 1962, 50 positions in medical and related occupations for employment under the Cuban refugee program. Employment under this authority shall not exceed two years.

(f) *President's Council on Youth Fitness.*

(1) Three Staff Assistants, President's Council on Youth Fitness.

§ 6.116 National Security Council.

(a) All positions on the staff of the Council.

§ 6.117 Interstate Commerce Commission.

(a) One Congressional Liaison Officer.

§ 6.119 Board of Governors, Federal Reserve System.

(a) All positions.

§ 6.122 Veterans Administration.

(a) *General.* (1) Positions in Veterans Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if in the opinion of the Veterans Administration the duties can be satisfactorily performed by such members.

(2) Positions at Veterans' Administration hospitals when filled by paraplegic patients during treatment or convalescence.

(3) One Assistant to the Administrator (Racial Relations).

(b) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 6.124 United States Information Agency.

(a) [Reserved.]

(b) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(c) One Chief of Religious Information.

§ 6.125 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 6.126 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchanges.

(b) Ten positions of Regional Administrator.

§ 6.129 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, Puerto Rico, office.

§ 6.131 National Capital Housing Authority.

(a) Executive Director.

§ 6.132 United States Soldiers' Home.

(a) All positions.

§ 6.133 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) [Reserved.]

§ 6.134 Federal Communications Commission.

(a) [Reserved.]

(b) One Associate Chief Engineer.

(c) [Reserved.]

(d) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 6.135 United States Tariff Commission.

(a) The Secretary of the Commission.

§ 6.138 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 6.140 Export-Import Bank of Washington.

(a) The Secretary.

(b) Chiefs of the following divisions: Economics, Engineering, Examining, and Private Capital Participation.

(c) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 6.141 Farm Credit Administration.

(a) [Reserved.]

(b) Federal Land Bank Association receivers and conservators.

(c) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 6.142 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) Until July 31, 1965, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(2) Director, Compliance Division.

(3) Seven Regional Administrators.

(4) Director, Community Disposition Program.

(b) [Reserved.]

(c) *Federal Housing Administration.* (1) [Reserved.]

(2) Six Zone Operations Commissioners.

§ 6.144 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1963, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 6.145 Civil Service Commission.

(a) Positions of Members of the International Organizations Employees Loyalty Board.

§ 6.146 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 6.147 National Aeronautics and Space Administration.

(a) Fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) A research and development group consisting of not to exceed 35 aliens having special qualifications in fields closely related to manned space flight, where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

§ 6.148 Panama Canal Company, New York.

(a) All positions on vessels operated by the Panama Canal Company.

(b) Checkers employed on w.a.e. basis.

(c) One Receiving Clerk, one Delivery Clerk, and one Baggage Master-Storekeeper employed on dock (N.Y.).

(d) One General Agent, Panama Canal Line, at Port-au-Prince, Haiti.

§ 6.149 International Cooperation Administration.

(a) Assistant Deputy Director for Planning.

(b) Assistant Deputy Director for Program.

(c) Assistant Deputy Director for Private Enterprise.
(d) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.
(e) Two Assistant Deputy Directors for Operations.
(f) Director, Office of Industrial Resources.
(g) Director, Office of Small Business.
(h) Director, Office of Labor Affairs.
(i) Director, Office of Public Health.

§ 6.155 President's Committee on Government Employment Policy.

(a) Executive Director.

§ 6.157 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.
(b) One Director, Division of Examinations.
(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 6.160 Commission on Civil Rights.

(a) Ten positions at grade GS–11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 85–315. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond November 9, 1963.

§ 6.163 Office of Civil and Defense Mobilization.

(a) Eight Assistant Regional Directors for Women's Activities.
(b) One Legislative Labor Manpower Specialist, Manpower Office, Resources and Production Area.
(c) The Director and Deputy Director, Labor Participation Office, Office of National Organizations and Civic Affairs.

§ 6.164 Federal Aviation Agency.

(a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.
(b) Medical Officer positions on Canton and Wake Islands.
(c) Laborer positions on Swan Island.

§ 6.166 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

§ 6.168 Peace Corps.

(a) One Special Representative when employed on an intermittent basis.
(b) Twenty-five positions, filled by temporary appointment of one year or less, on the staff of the Peace Corps training camp in Puerto Rico.

§ 6.169 James Madison Memorial Commission.

(a) One Executive Secretary.

§ 6.170 National Aeronautics and Space Council.

(a) All positions.

SCHEDULE B

§ 6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 6.201 to 6.299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

§ 6.202 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.
(b) Positions assigned exclusively to Department of State Cryptographic Security Activities.
(c) Director and Deputy Director, Foreign Buildings Operation.

§ 6.203 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.
(b) Cryptographer, United States Coast Guard.
(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

§ 6.204 Department of Defense.

(a) *Office of the Secretary.* (1) Professional Members of Policy Planning Staff in positions at grades GS–16 and above, Office of Deputy Assistant Secretary (Planning and NSO), Office of the Assistant Secretary of Defense (International Security Affairs).
(2) Positions at grades GS–16, 17, and 18, Office of the Deputy Assistant Secretary (Programming) in the Office of the Assistant Secretary of Defense (Comptroller).

§ 6.206 Department of the Navy.

(a) Positions assigned exclusively to Navy Communications Intelligence Activities.

§ 6.207 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.
(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 6.208 Department of Justice.

(a) [Reserved.]
(b) Deputy United States Marshals, Supervisory Deputy United States Marshals, and Chief Deputy United States Marshals.

§ 6.210 Department of the Interior.

(a) Any competitive position at an Indian School when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 6.224 United States Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least four years for service in executive and administrative positions, or for at least two years for professional positions, in grade GS–9 and above.

§ 6.225 Federal Power Commission.

(a) A Chief Engineer.

§ 6.242 Housing and Home Finance Agency.

(a) *Federal Housing Administration.* (1) Ten Zone Intergroup Relations Advisors.

§ 6.244 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the armed forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 6.249 International Cooperation Administration.

(a) Not to exceed thirty positions at GS–9 and above when filled by persons who have served overseas with the International Cooperation Administration for not less than two years.

§ 6.256 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 6.268 Peace Corps.

(a) Not to exceed 10 positions in grades GS–9 through GS–15 when filled by persons who have served overseas for at least two years in the foreign service of the Peace Corps or in the foreign service of the Department of State or of other constituent agencies of the Department.

SCHEDULE C

§ 6.300 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 6.301 to 6.399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 6.302 Department of State.

(a) *Office of the Secretary.* (1) Five Special Assistants.
(2) One Special Assistant to the Secretary for Atomic Energy and Outer Space.
(3) One Deputy Special Assistant to the Secretary for Atomic Energy and Outer Space.
(4) [Reserved.]
(5) Two Confidential Assistants and four Private Secretaries to the Secretary.
(6) [Reserved.]
(7) Four Special Assistants to the Under Secretary.
(8) Special Assistant (Fisheries) to the Under Secretary.
(9) Two Confidential Assistants and one Private Secretary to the Under Secretary.
(10) [Reserved.]
(11) Two Staff Assistants.
(12) Secretary of the International Joint Commission—United States and Canada.
(13) [Reserved.]
(14) [Reserved.]
(15) The Chief of Protocol, Office of the Under Secretary.
(16) [Reserved.]
(17) Special Assistant to the Secretary.
(18) One Private Secretary to the Special Assistant to the President.
(19)–(24) [Reserved.]
(25) One Staff Assistant and one Private Secretary to the Chief of Protocol.
(26) One Personal Assistant, Office of the Ambassador at Large.
(27) One Personal Assistant to the Director, Food for Peace Program, Office of the Under Secretary for Economic Affairs.
(28) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.
(29) Deputy Director—Food for Peace.
(b) *Bureau of Security and Consular Affairs.* (1) Deputy Administrator.
(2) [Reserved.]
(3) Administrator.
(4) [Reserved.]
(5) Director, Office of Security.
(6) Deputy Administrator for Refugee Relief.
(7) One Private Secretary to the Administrator.
(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).
(2) Deputy Assistant Secretary.
(3) Congressional Liason Officer (Senate).
(4) One confidential assistant to the Assistant Secretary.
(5) [Reserved.]
(6) One Executive Assistant.
(7) Three Legislative Management Officers.
(8) One Administrative Assistant.
(9) One Deputy Assistant Secretary (Mutual Security Affairs).
(d) *Office of the Assistant Secretary for Public Affairs.*
(1) [Reserved.]
(2) One Deputy Assistant Secretary.
(3) One private secretary to the Assistant Secretary.
(4) [Reserved.]
(5) One special assistant to the Assistant Secretary.
(6) [Reserved.]
(7) Director of the Office of News.
(8) One Review Officer.
(9) [Reserved.]
(10) One Deputy Assistant Secretary for Mutual Security Information.
(11) One Special Assistant for Women's Activities.
(e) *Bureau of Economic Affairs.* (1) Two Deputy Assistant Secretaries for Economic Affairs.
(2) One private secretary to the Assistant Secretary.
(3) [Reserved.]
(4) [Reserved.]
(f) *Bureau of Intelligence and Research.* (1) One private secretary.
(2) Director of Intelligence and Research.
(3) Deputy Director of Intelligence and Research.
(4) [Reserved.]
(5) [Reserved.]
(6) Two staff assistants.
(g) [Reserved.]
(h) *Bureau of Near Eastern and South Asian Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3)–(6) [Reserved.]
(7) One Deputy Assistant Secretary for Near Eastern and South Asian Economic Affairs.
(i) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.
(2) One private secretary to the Assistant Secretary.
(3) [Reserved.]
(4) One Special Assistant to the Assistant Secretary.
(5) One Special Assistant to the Assistant Secretary (Public Affairs).
(j) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) [Reserved.]
(4) Deputy Assistant Secretary (German and NATO Affairs).
(k) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) [Reserved.]
(4) One Deputy Assistant Secretary for Far Eastern Economic Affairs.
(5) One Regional Planning Advisor.
(l) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) [Reserved.]
(4) Special Assistant to the Assistant Secretary.
(5) One Special Assistant to the Assistant Secretary (Public Affairs).
(6) One Deputy Assistant Secretary for Inter-American Economic Affairs.
(7) One Deputy Assistant Secretary (Educational and Cultural Affairs).
(m) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.
(2) One private secretary to the Legal Adviser.
(3) One Special Assistant to the Legal Adviser.
(n) *Executive Secretariat.* (1) Director.
(2) Deputy Director.
(o) *Policy Planning Council.* (1) [Reserved.]
(2) The Deputy Counselor and Vice Chairman.
(3) [Reserved.]
(4) Executive Secretary.
(5) [Reserved.]
(6) Ten Members.
(7) One Private Secretary to the Counselor and Chairman.
(8) [Reserved.]
(9) One Alternate Department Representative on the National Security Council Planning Board.
(10) One Staff Assistant.
(p) *Office of the Assistant Secretary for Administration.* (1) [Reserved.]
(2) Deputy Assistant Secretary for Personnel.
(3) [Reserved.]
(4) One Confidential Assistant to the Assistant Secretary.
(5) One Private Secretary to the Assistant Secretary for Administration.
(q) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.
(2) Chief, Special Liaison Staff.
(3) One Assistant Chief, Special Liaison Staff.
(4) [Reserved.]
(5) Three Special Liaison Assistants, Special Liaison Staff.
(r) *Office of the Deputy Under Secretary for Political Affairs.* (1) [Reserved.]
(2) One Special Assistant to the Deputy Under Secretary.
(3) One Confidential Assistant to the Deputy Under Secretary.
(4) One Deputy Assistant Secretary for Political-Military Affairs.
(5) One Special Assistant to the Secretary and Coordinator of International Labor Affairs.
(s) [Reserved.]
(t) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Deputy Assistant Secretary for African Economic Affairs.
(4) One Special Assistant to the Assistant Secretary.
(u) *Bureau of Educational and Cultural Affairs.* (1) Special Assistant to the Secretary for International Cultural Relations.
(2) One Private Secretary to the Special Assistant to the Secretary for International Cultural Relations.
(3) [Reserved.]
(4) Special Assistant for Foundation and Private Organization Contact.
(v) *United States Disarmament Administration.* (1) One Personal Assistant to the Adviser to the President on Disarmament.

(2) One Private Secretary to the Deputy Director.
(3) One Private Secretary to the Adviser to the President on Disarmament.
(4) One Private Secretary to the Deputy to the Adviser to the President on Disarmament.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* (1) Four Assistants to the Secretary.
(2) One Confidential Assistant to the Secretary.
(3) One Confidential Assistant to the Under Secretary.
(4)–(5) [Reserved.]
(6) The Director, Office of Tax Legislative Counsel.
(7)–(8) [Reserved.]
(9) The Director, Office of Law Enforcement Coordination.
(10) One Assistant to the Secretary for Congressional Relations.
(11) One Deputy Assistant to the Secretary for Congressional Relations.
(12) One Assistant to the Secretary (National Security Council).
(13) One Deputy Assistant Secretary for International Affairs.
(14) The Director, Office of Security.
(15) One Public Affairs Specialist.
(16) The Director, Office of Tax Analysis.
(17) One Assistant to the Secretary (Financial Analysis).
(18) One Deputy Assistant to the Secretary (Debt Analysis).
(b) *Office of the Treasurer of the United States.* (1) One confidential administrative assistant to the Treasurer of the United States.
(2) One confidential assistant to the Treasurer of the United States.
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(2) One Deputy Commissioner of Customs.
(d) *United States Savings Bonds Division.* (1) National Director.
(e) *Bureau of the Mint.* (1) One Special Assistant to the Director of the Mint.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* (1) One special assistant and two private secretaries to the Secretary of Defense.
(2) Two Confidential Assistants (Private Secretaries) to the Deputy Secretary of Defense and one Confidential Assistant (Private Secretary) to each of the following: the Director of Defense Research and Engineering; the Assistant Secretary of Defense, Manpower, Personnel and Reserve; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Defense Liaison Officer to the White House; the Assistant Secretary of Defense, Public Affairs; the Assistant Secretary of Defense, Properties and Installations; the Assistant Secretary of Defense, Health and Medical; the Assistant Secretary of Defense, Supply and Logistics; the General Counsel; the U.S. Military Representative, NATO Standing Group; and the Assistant to the Secretary of Defense, Atomic Energy.
(3)–(6) [Reserved.]
(7) Three Chauffeurs for the Secretary of Defense.
(8) [Reserved.]
(9) One Deputy Assistant Secretary, Office of the Assistant Secretary of Defense for Public Affairs.
(10) [Reserved.]
(11) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).
(12) [Reserved.]
(13) The Defense Advisor to USRO in Paris, France.
(14) Two private secretaries to the Defense Advisor to USRO in Paris, France.
(15) One Director, Office of Personnel Security Policy.
(16) One Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense for International Security Affairs.
(17) [Reserved.]
(18) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(19)–(20) [Reserved.]
(21) One Special Assistant to the Assistant Secretary of Defense for International Security Affairs.
(22) [Reserved.]
(23) One Assistant to the Secretary of Defense (Legislative Affairs).
(24) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).
(25)–(26) [Reserved.]
(27) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).
(28) [Reserved.]
(29) One Personal Secretary to the Deputy Secretary of Defense.
(30) One Private Secretary to the Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(31) One Private Secretary to the Principal Special Assistant to the Secretary of Defense.
(32) One Deputy Assistant Secretary (Arms Control), Office of the Assistant Secretary of Defense for International Security Affairs.
(33) The Director, Office for Organization and Management Planning, Office of the General Counsel.
(34) One Deputy Assistant Secretary of Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).
(35) One Deputy Assistant Secretary (Regional Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(36) One Special Assistant (Economics Adjustment Advisor) to the Assistant Secretary of Defense (Installations and Logistics).
(37) One Confidential Assistant to the Special Assistant to the Secretary of Defense.
(38) One Private Secretary to the Assistant Secretary of Defense, Office of the Director of Defense Research and Engineering.
(39) One Private Secretary to the Assistant Secretary of Defense (Civil Defense).
(40) One Special and Confidential Assistant to the Assistant Secretary of Defense (Civil Defense).
(b) *Office of Special Operations.* (1) The Director.
(2) Two Private Secretaries to the Director.
(c) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.
(d) *Interdepartmental Programs.* (1) Two personal secretaries and confidential assistants to the Military Representative of the President.

§ 6.305 Department of the Army.

(a) *Office of the Secretary.* (1) One private secretary or confidential assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.
(2) One Deputy to the Assistant Secretary of the Army (Financial Management) and one Deputy to the Assistant Secretary of the Army (Installations and Logistics)—Installations.
(3) The General Counsel.
(4)–(5) [Reserved.]
(6) One Publications Writer.
(7)–(8) [Reserved.]
(9) Three Special Assistants to the Assistant Secretary of the Army (Installations and Logistics).
(10)–(11) [Reserved.]
(12) One Deputy for International Affairs to the Under Secretary of the Army.
(13) One Special Assistant for Reserve Forces and ROTC Matters to the Under Secretary of the Army.
(14) One Deputy for Manpower to the Under Secretary of the Army.
(15) One Confidential Assistant to the Deputy for International Affairs to the Under Secretary of the Army.
(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.
(2) One administrative assistant and one private secretary to the Military Aide to the President.

§ 6.306 Department of the Navy.

(a) *Office of the Secretary.* (1) Three civilian aides or executive assistants to the Secretary.
(2) Two private or confidential secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.
(3) One chauffeur for the Secretary of the Navy.
(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.
(5) One Private Secretary to the Naval Aide to the President.
(6) Two civilian aides or executive assistants to the Under Secretary.
(7) Three civilian aides or executive assistants to the Assistant Secretary (Installations and Logistics).
(8) Two civilian aides or executive assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).

§ 6.307 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three special assistants to the Secretary, and one special assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.
(2) Five private secretaries. (For employment of private secretaries to officials in the Office of the Secretary who are appointed by the President or are appointed under subparagraph (1) of this paragraph.)
(3) The General Counsel.

§ 6.308 Department of Justice.

(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.
(2) The Pardon Attorney.
(3) Three Private Secretaries to the Attorney General.
(4) One chauffeur for the Attorney General.
(5) Two Special Assistants for Public Relations.
(6) One confidential assistant to the Attorney General.
(7) Two Secretaries for the Attorney General.
(8) Two Receptionists for the Attorney General.
(9) Three confidential assistants to the Attorney General.
(b) *Office of the Deputy Attorney General.* (1) [Reserved.]
(2) Two confidential assistants (private secretaries) to the Deputy Attorney General.
(3) Head of Executive Office for United States Attorneys.
(4) Assistant Deputy Attorney General for Legal Administration.
(5) Assistant Deputy Attorney General for Litigation.
(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.
(2) One position of Trial Attorney (General)—Second Assistant.
(3) One confidential assistant (private secretary) to the Solicitor General.
(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) Chief, General Litigation Section.
(4) Chief, Trial Section.
(5) Chief, Special Litigation Section.
(6) [Reserved.]
(7) Chief, Judgments and Judgment Enforcement Section.
(8) Chief, Special Trial Section.
(9) Chief, Appellate Section.
(10) Chief, Field Office (6 positions).
(11) One confidential assistant (private secretary) to the Assistant Attorney General.
(12) Chief, Economic Section.
(13) Chief, Congressional Reports Section.
(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to Assistant Attorney General.
(3) Third Assistant to Assistant Attorney General.
(4) Chief, Admiralty and Shipping Section.
(5) Chief, Court of Claims Section.
(6) Chief, Fraud Section.
(7) Chief, General Litigation Section.
(8) Chief, Government Claims Section.
(9) [Reserved.]
(10) Chief, Patent Section.
(11) Chief, Appellate Section.
(12) Chief, Torts Section.
(13) Chief, Veterans Affairs Section.
(14) Chief, Admiralty and Shipping Section, New York.
(15) One confidential assistant (private secretary) to the Assistant Attorney General.
(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to Assistant Attorney General.
(3) Chief, Administrative Regulations Section.
(4) [Reserved.]
(5) Chief, General Crimes Section.
(6) Chief, Trial Section.
(7) Chief, Appeals and Research Section.
(8) One confidential assistant (private secretary) to the Assistant Attorney General.
(9) Chief, Organized Crime and Racketeering Section.
(10) Chief, Fraud Section.
(11) One position of Trial Attorney (General)—Staff Assistant.
(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.
(2) [Reserved.]
(3) Chief, Appellate Section.
(4) Chief, Criminal Section.
(5) Chief, Compromise Section.
(6) One confidential assistant (private secretary) to the Assistant Attorney General.
(7) Second Assistant to Assistant Attorney General.
(8) Chief, Claims Section.
(9) One Assistant for Civil Trials.
(h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Lands Acquisition Section.
(3) [Reserved.]
(4) Chief, Appellate Section.
(5) Chief, Legislation and General Section.
(6) One confidential assistant (private secretary) to the Assistant Attorney General.
(7) Second Assistant to Assistant Attorney General.
(8) Chief, Indian Claims Section.
(i) *Office of Alien Property.* (1) One Deputy Director.
(2)–(3) [Reserved.]
(4) Chief, Claims Section.
(5) Chief, Litigation Section.
(6) [Reserved.]
(7) One confidential assistant (private secretary) to the Assistant Attorney General.
(j) *Immigration and Naturalization Service.* (1) General Counsel.
(2) One confidential assistant (private secretary) to the Commissioner.
(3)–(7) [Reserved.]
(8) Executive Assistant to the Commissioner.
(9) Two Associate Commissioners, one for Operations, and one for Management.
(10) Four Deputy Associate Commissioners, one for each of the following: Domestic Control; Travel Control; Security; and Administrative Services.
(k) *Board of Immigration Appeals.* (1) Executive Assistant.
(2) The Chairman.
(3) Four Members of the Board.
(l) *Office of Legal Counsel.* (1) One confidential assistant (private secretary) to the Assistant Attorney General.
(2) The First Assistant to the Assistant Attorney General.
(m) *Bureau of Prisons.* (1) The Director.
(2) The Deputy Director.
(3) Three Assistant Directors.
(4) Technical and Legislative Adviser.
(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.
(2) The Deputy Commissioner of Industries.
(3) Associate Commissioner.
(o) *Office of United States Attorney.* (1) Secretary and Confidential Assistant to the United States Attorney (11 positions).
(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.
(2) One Executive Assistant to the Assistant Attorney General.
(3) One Confidential Assistant to the Assistant Attorney General.
(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(5) Chief, Appeals and Research Section.
(6) Chief, Civil Section.
(7) Chief, Foreign Agents Registration Section.
(8) Chief, Criminal Section.
(q) *Civil Rights Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) One confidential assistant (private secretary) to the Assistant Attorney General.

§ 6.309 Post Office Department.

(a) *Office of the Postmaster General.* (1) One special and confidential assistant to the Assistant Postmaster General (Bureau of Transportation).
(2) One Executive Assistant to the Postmaster General.
(3) Six Special Assistants to the Postmaster General.
(4) One Receptionist.
(5) [Reserved.]
(6) Three Assistants to the Executive Assistant to the Postmaster General.
(7) Two Confidential Assistants to the Postmaster General.
(8) Two secretaries to the Executive Assistant to the Postmaster General.
(9) One Secretarial Assistant to the Postmaster General.
(10) One Confidential Administrative Assistant to the Postmaster General.
(11) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.
(12) One Administrative Assistant to the Executive Assistant to the Postmaster General.

(13) One Deputy Special Assistant to the Postmaster General (Information).
(14) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).
(15) One Private Secretary to the Special Assistant to the Postmaster General (Information).
(b) *Bureau of Facilities.* (1) [Reserved.]
(2) One confidential assistant to the Assistant Postmaster General.
(3) One private secretary to the Assistant Postmaster General.
(4) One Deputy Assistant Postmaster General.
(5) One Private Secretary to the Deputy Assistant Postmaster General.
(6) One Special Assistant to the Assistant Postmaster General.
(c) *Bureau of Transportation.* (1) Information specialist.
(2)–(6) [Reserved.]
(7) One Private Secretary to the Assistant Postmaster General.
(8) One Deputy Assistant Postmaster General.
(9) One Special Assistant to the Assistant Postmaster General.
(d) *Bureau of Personnel.* (1) [Reserved.]
(2) One Private Secretary to the Assistant Postmaster General.
(e) *Office of the General Counsel.* (1) [Reserved.]
(2) Two Private Secretaries to the General Counsel.
(3) One Deputy General Counsel.
(4) One Private Secretary to the Deputy General Counsel.
(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) Three Special Assistants to the Assistant Postmaster General.
(3) [Reserved.]
(4) One Private Secretary to the Assistant Postmaster General.
(5) Three Deputy Assistant Postmasters General.
(6) One Private Secretary to each of two Deputy Assistant Postmasters General.
(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Special Representative to the Assistant Postmaster General.
(3) One Private Secretary to the Assistant Postmaster General.
(h) *Office of the Deputy Postmaster General.* (1) [Reserved.]
(2) One Assistant to the Deputy Postmaster General.
(3) Two Confidential Administrative Assistants to the Deputy Postmaster General.
(4) One Private Secretary to the Deputy Postmaster General.
(5)–(6) [Reserved.]
(7) One Private Secretary to the Assistant to the Deputy Postmaster General.

§ 6.310 Department of the Interior.

(a) *Office of the Secretary.* (1) Assistant to the Secretary.
(2) One confidential assistant and one private secretary to the Secretary.
(3) Four special assistants to the Secretary.
(4) Six Confidential Assistants (Field Representatives).
(5) Chauffeur for the Secretary.
(6) Special assistant to the Under Secretary.
(7) Confidential assistant (administrative assistant) to the Under Secretary.
(8) One Special Assistant and one Confidential Assistant (Administrative Assistant) to each of the Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.
(9) Director, Technical Review Staff.
(10) Assistant Director, Technical Review Staff.
(11) [Reserved.]
(12) Planning Reports Review Coordinator, Technical Review Staff.
(13) One Confidential Assistant (Administrative Assistant) to the Director, Technical Review Staff.
(14) One Private Secretary to the Under Secretary.
(15) One Assistant to the Secretary (Public Relations).
(16) [Reserved.]
(17) Director, Office of Oil and Gas.
(18) One Secretarial Attendant to the Secretary.
(19) Director, Office of Minerals Mobilization.
(20) Director, Office of Minerals Exploration.
(21) Director, Office of Saline Water.
(22) Administrator, Oil Import Administration.
(23) Assistant to the Secretary (Congressional Liaison).
(b) *Office of the Solicitor.* (1) One confidential assistant to the Solicitor.
(2) Two Special Assistants to the Solicitor.
(3) One Deputy Solicitor.
(4) Five Associate Solicitors.
(5) One Assistant to the Secretary and Legislative Counsel.
(c) *United States Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.
(d) *Bureau of Mines.* (1) One private secretary to the Director.
(2) One Assistant Director (Programming).
(3) One Assistant Director (Health and Safety).
(4) One Deputy Director.
(5) One Assistant Director (Helium Activities).
(e) *Geological Survey.* (1) One Private Secretary to the Director.
(f) *Bureau of Reclamation.* (1) One private secretary to the Commissioner.
(2) Three Assistant Commissioners.
(g) *Southeastern Power Administration.* (1) Administrator.
(2) One private secretary to the Administrator.
(h) *National Park Service.* (1) Director.
(2) One private secretary to the Director.
(3) One Assistant Director.
(4) One Associate Director.
(i) *Bonneville Power Administration.* (1) Administrator.
(2) One private secretary to the Administrator.
(3) One Special Assistant to the Administrator.
(4) Two Assistants to the Administrator.
(j) *Bureau of Indian Affairs.* (1) [Reserved.]
(2) Three Assistants to the Commissioner.
(3) One Private Secretary to the Commissioner.
(k) *Southwestern Power Administration.* (1) Administrator.
(2) Assistant Administrator.
(3) One Confidential Secretary, Office of the Administrator.
(l) *Office of Territories.* (1) One Director.
(2) One Confidential Assistant to the Director.
(3) Chief, Division of Insular Affairs.
(4) One Governor, American Samoa.
(5) One Secretary of American Samoa.
(6) One Chief Justice of American Samoa.
(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.
(8) One Private Secretary to the Governor of Virgin Islands.
(9) One Administrative Assistant to the Governor of Virgin Islands.
(10) One Assistant Director.
(11)–(17) [Reserved.]
(18) Director, Alaska Public Works.
(19) Chief Engineer, Alaska Public Works.
(20) [Reserved.]
(21) One Confidential Assistant to the Governor of American Samoa.
(22) One Secretary to the Government Secretary of American Samoa.
(23) One Private Secretary to the Governor of Guam.
(24) One Secretary to the Government Secretary of Guam.
(25) Chief Justice of the Trust Territory.
(26) One Secretary to the High Commissioner of The Trust Territory.
(27) One Secretary to the Deputy High Commissioner of The Trust Territory.

§ 6.311 Department of Agriculture.

(a) *Office of the Secretary.* (1) One administrative assistant to the Secretary.
(2) One assistant to the Secretary (States Relations).
(3) One assistant to the Secretary (Agricultural Programs).
(4) One executive assistant to the Secretary.
(5) Five Confidential Assistants to the Secretary.
(6) One private secretary to the Secretary.
(7) Two chauffeurs for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(11) One Staff Assistant—Program Appraisal.
(12) One Special Assistant to the Secretary.
(13) One Private Secretary and Administrative Assistant to the Assistant to the Secretary (Agricultural Programs).
(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.
(2) One Deputy Administrator.
(3) Two Assistant Administrators.
(4) Three Assistants to the Administrator.
(c) *Office of the Under Secretary.* (1) One confidential assistant to the Under Secretary.
(2) One private secretary to the Under Secretary.
(d) *Office of the General Counsel.* (1) One Deputy General Counsel.
(2) Three Assistant General Counsels.
(3) One Private Secretary to the General Counsel.
(4) One Assistant to the General Counsel.
(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.
(2) One Assistant to the Administrator.
(3) The Administrator.
(4) The Deputy Administrator.
(5) One Private Secretary to the Administrator.
(6) General Sales Manager.
(7) Deputy General Sales Manager.
(f) *Farmers Home Administration.* (1) One Deputy Administrator.
(2) Two Assistant Administrators.
(3) One Assistant to the Administrator.
(4) Two Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) One Assistant Administrator (Insured Loan Funds).
(g) [Reserved.]
(h) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) One Assistant Manager.
(3) Members of the Board of Directors.
(4) One Private Secretary to the Manager.
(i) *Agricultural Stabilization and Conservation Service.* (1) Administrator.
(2) One Associate Administrator.
(3) Four Deputy Administrators.
(4) One Assistant Deputy Administrator, Price and Production.
(5) Four Confidential Assistants to the Administrator.
(6) One private secretary to the Administrator.
(7) Director, Livestock and Dairy Division.
(8) Director, Grain Division.
(9) Director, Transportation Services Division.
(10) Director, Cotton Division.
(11) Director, Oils and Peanut Division.
(12) Director, Sugar Division.
(13) Director, Tobacco Division.
(14) Director, Price Division.
(15) Director, Food and Materials Division.
(16) Director, Soil Bank Division.
(17) One Assistant Deputy Administrator, Conservation.
(j) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice President.
(3) The Secretary.
(4) One Confidential Assistant to the President.
(k) *Federal Extension Service.* (1) The Administrator.
(2) One Deputy Administrator.
(3) One Private Secretary to the Administrator.
(l) *Soil Conservation Service.* (1) Administrator.
(2) One Deputy Administrator.
(3) One Confidential Assistant to the Administrator.
(4) One Private Secretary to the Administrator.
(m) *Office of the Director, Agricultural Credit Services.* (1) The Director, Agricultural Credit Services.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.
(n) *Agricultural Marketing Service.* (1) The Administrator.
(2) One Private Secretary to the Administrator.
(3) One Confidential Assistant to the Administrator.
(o) *Agricultural Economics.* (1) The Director.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* (1) [Reserved.]
(2) Nine Confidential Assistants to the Secretary.
(3) Three Private Secretaries to the Secretary.
(4) One Confidential Assistant and two Private Secretaries to the Under Secretary.
(5) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.
(6) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Domestic Affairs.
(7) [Reserved.]
(8) One Confidential Assistant and one Private Secretary to the General Counsel.
(9) One Private Secretary to the Deputy Under Secretary for Transportation.
(10) Administrator, Defense Air Transport Administration.
(11) One Private Secretary to the Administrator, Defense Air Transport Administration.
(12) Deputy General Counsel.
(13) One Private Secretary to the Deputy General Counsel.
(14) One Special Assistant to the Secretary.
(15) One Chauffeur for the Secretary.
(16) [Reserved.]
(17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.
(18) One private secretary to the Deputy Assistant Secretary for Domestic Affairs.
(19)–(22) [Reserved.]
(23) One Confidential Assistant to the Administrator, Defense Air Transport Administration.
(24) One Confidential Assistant to the Assistant Secretary for Administration.
(25)–(27) [Reserved.]
(28) Two Legislative Liaison Officers, Office of the General Counsel.
(29)–(31) [Reserved.]
(32) Director, Office of Field Services.
(33) [Reserved.]
(34) One Deputy Under Secretary for Transportation (Operations).
(35) One Deputy Under Secretary for Transportation (Policy).
(36) One Special Assistant to the Director, Office of Field Services.
(37) One Private Secretary to the Director, Office of Field Services.
(b) *Inland Waterways Corporation.* (1) Chairman of the Advisory Board.
(c) [Reserved.]
(d) *Business and Defense Services Administration.* (1)–(3) [Reserved.]
(4) Administrator.
(5) Two Confidential Assistants to the Administrator.
(6) [Reserved.]
(7) Deputy Administrator.
(8) [Reserved.]
(9) One Confidential Assistant to the Deputy Administrator.
(10)–(15) [Reserved.]
(16) One Assistant Administrator for Industrial Development.
(17) One Assistant Administrator for Industry Activities.
(e) *Bureau of Census.* (1) One private secretary to the Director.
(f) *Weather Bureau.* (1) One private secretary to the Chief.
(g) *National Bureau of Standards.* (1) One private secretary to the Director.
(h) *Bureau of Public Roads.* (1) [Reserved.]
(2) Solicitor.
(3) Four Special Assistants to the Federal Highway Administrator.
(4) One private secretary to the Federal Highway Administrator.
(5) One private secretary to the Solicitor.
(6) The Deputy Federal Highway Administrator.
(i) *Patent Office.* (1) Private secretary to the Commissioner, and to each of the Assistant Commissioners.
(j) *Coast and Geodetic Survey.* (1) One private secretary to the Director.
(k) *Federal Maritime Board.* (1) Two Confidential Assistants to the Chairman.
(2) One Confidential Assistant to each Member of the Board (other than the Chairman).
(l) *Maritime Administration.* (1) General Counsel.
(2) One Director, Office of National Shipping Authority and Government Aid.
(3) One Private Secretary to the Administrator.
(4) One Private Secretary to the General Counsel.
(5) One Private Secretary to the Director, Office of National Shipping Authority and Government Aid.
(m) [Reserved.]
(n) *Area Redevelopment Administration.* (1) One Deputy Administrator.
(2) One Assistant Administrator (Area Operations).
(3) Five Special Assistants to the Administrator.

(4) One Private Secretary to the Administrator.
(5) One Private Secretary to the Deputy Administrator.
(6) One Private Secretary to the Assistant Administrator (Area Operations).
(o) *United States Travel Service.* (1) One Confidential Assistant to the Director.
(2) The Deputy Director.
(3) One Private Secretary to the Deputy Director.
(p) *Office of the Assistant Secretary for International Affairs.* (1) One Private Secretary and two confidential assistants to the Assistant Secretary.
(2) One Deputy Assistant Secretary for International Affairs.
(3) One Private Secretary to the Deputy Assistant Secretary for International Affairs.
(4) One Deputy Assistant Secretary for Trade Policy.
(5) One Deputy Assistant Secretary for Program Development.
(6) One Private Secretary to the Deputy Assistant Secretary for Trade Policy.
(7) One Private Secretary to the Deputy Assistant Secretary for Program Development.
(8) The Director, Bureau of International Business Operations.
(9) The Director, Bureau of International Programs.
(10) One Private Secretary to the Director, Bureau of International Business Operations.
(11) One Private Secretary to the Director, Bureau of International Programs.

§ 6.313 Department of Labor.

(a) *Office of the Secretary.* (1) Four special assistants, three confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.
(2) One chauffeur for the Secretary of Labor.
(3) One special assistant and one private secretary to the Under Secretary of Labor.
(4) One private secretary to each Assistant Secretary of Labor who is appointed by the President.
(5) [Reserved.]
(6) Private Secretary to the Secretary.
(7) Two Confidential Assistants to the Under Secretary of Labor.
(8) One Confidential Assistant to the Assistant Secretary.
(9) One Executive Assistant to the Secretary.
(10) One Special Assistant to the Secretary.
(11) One Assistant to each Assistant Secretary of Labor appointed by the President.
(12) One Special Assistant to the Assistant Secretary for Labor-Management Relations.
(13) One Private Secretary to the Executive Assistant to the Secretary.
(b) *Office of the Solicitor.* (1) [Reserved.]
(2) One private secretary to the Solicitor.
(c) [Reserved.]
(d) *Bureau of Employment Security.* (1) Director.
(2) [Reserved.]
(3) One private secretary to the Director.
(e) *Bureau of Labor Statistics.* (1) One private secretary to the Commissioner.
(f) *Bureau of Apprenticeship and Training.* (1) Director.
(2) [Reserved.]
(3) One private secretary to the Director.
(g) *Women's Bureau.* (1) [Reserved.]
(2) One private secretary to the Director.
(3) Two Special Assistants to the Director.
(h) *Bureau of Labor Standards.* (1) Director.
(2) [Reserved.]
(3) One private secretary to the Director.
(4) One Confidential Assistant to the Director.
(i) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.
(2) One Confidential Assistant to the Administrator.
(j) *Office of International Labor Affairs.* (1) Executive Director.
(k) [Reserved.]
(l) *Bureau of Veterans Reemployment Rights.* (1) Director.
(m) *Bureau of Employees' Compensation.* (1) Director.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) Director of Security.
(2) Two Confidential Assistants to the Secretary.
(3) [Reserved.]
(4) Publications Writer.
(5) [Reserved.]
(6) Two Assistants to the Secretary.
(7) One Executive Secretary.
(8) Two confidential secretaries to the Under Secretary.
(9) [Reserved.]
(10) One Assistant to the Secretary.
(11) One Congressional Liaison Officer.
(12) One Assistant to the Congressional Liaison Officer.
(13) One Confidential Assistant to the Under Secretary.
(14) One Assistant to the Secretary (for Program Analysis).
(15) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (10) of this paragraph.
(16) One Staff Assistant to the Secretary.
(17) One Confidential Secretary to one of the Special Assistants to the Secretary authorized under subparagraph (6) of this paragraph.
(18) Director, Special Staff on Aging.
(b) *Office of Vocational Rehabilitation.* (1) Director, Vocational Rehabilitation.
(c) *Social Security Administration.* (1)–(3) [Reserved.]
(4) One Deputy Commissioner of Social Security.
(5) One Technical Adviser to the Commissioner of Social Security.
(d) *Office of Education.* (1) [Reserved.]
(2) One Confidential Assistant to the Commissioner of Education.
(3) One Special Assistant to the Commissioner of Education.
(e) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.
(2) One Special Assistant on Federal-State Problems.
(3) One Special Assistant.
(4) One Deputy Assistant Secretary for Federal-State Relations.
(5) One Confidential Secretary to the Deputy Assistant Secretary for Federal-State Relations.
(f) *Office of the General Counsel.* (1) [Reserved.]
(2) One Associate General Counsel.
(g) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.
(2) One Deputy Assistant Secretary for Legislation.
(3) One Program Coordination Officer.
(4) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

§ 6.315 Executive Office of the President.

(a) *Bureau of the Budget.* (1) [Reserved.]
(2) Three assistant directors.
(3) Two Private Secretaries to the Director.
(4) One Private Secretary to the Deputy Director.
(5) One private secretary to each of the three assistant directors.
(b) *Council of Economic Advisers.* (1) Two Private Secretaries to the Chairman and one to each of the other two members.

§ 6.317 Interstate Commerce Commission.

(a) One private secretary to each Commissioner.
(b) Managing Director.

§ 6.318 General Accounting Office.

(a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.
(b) One Private Secretary to the Comptroller General.

§ 6.320 The Tax Court of the United States.

(a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 6.322 Veterans Administration.

(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.
(2)–(3) [Reserved.]
(4) Three Confidential Assistants to the Special Assistant to the Administrator.
(5) The Deputy Administrator.
(6) The General Counsel.
(7) [Reserved.]
(8) The Associate Deputy Administrator.

(9) Chairman, Administrator's Advisory Council.
(10) One Assistant Deputy Administrator.
(11) [Reserved.]
(12) One Confidential Assistant to the Associate Deputy Administrator.
(b) *Department of Medicine and Surgery.* (1) [Reserved.]
(c) *Department of Insurance.* (1) The Chief Insurance Director.
(d) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

§ 6.324 United States Information Agency.

(a) One Secretarial Assistant to the Deputy Director.
(b) One Special Assistant to the Director.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e)–(f) [Reserved.]
(g) One Special Assistant to the Deputy Director.

§ 6.325 Federal Power Commission.

(a) One private secretary and one confidential assistant to each Commissioner.
(b) One assistant to the Chairman.
(c) General Counsel.
(d) Executive Director.
(e) Two Private Secretaries to the Executive Director.
(f) One Technical Assistant to each Commissioner.

§ 6.326 Securities and Exchange Commission.

(a) One General Counsel.
(b) One Chief Accountant.
(c) [Reserved.]
(d) One Associate General Counsel.
(e) One Confidential Assistant to each Member of the Commission (5 positions).
(f) The Executive Director.
(g) One private secretary to the Executive Director.
(h) One Associate Executive Director.

§ 6.327 National Mediation Board.

(a) One private secretary to each member of the National Railroad Adjustment Board.
(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).

§ 6.328 Small Business Administration.

(a) Three Deputy Administrators.
(b) One Special Assistant to each Deputy Administrator.
(c) Two Special and Confidential Assistants to the Administrator.
(d) One General Counsel.
(e) [Reserved.]
(f) Director, Office of Procurement and Technical Assistance.
(g) Director, Office of Economic Adviser.
(h) One Assistant Administrator (Information Services).
(i) One Special Assistant to the Administrator.
(j) One Private Secretary to the Administrator.
(k) One Confidential Assistant (Private Secretary) to each Deputy Administrator.
(l) Deputy Director, Office of Economic Adviser.
(m) Deputy Director, Office of Procurement and Technical Assistance.
(n) [Reserved.]
(o) One Program Coordinator (Department of Defense).
(p) [Reserved.]
(q) The Deputy Administrator for the Small Business Investment Division.
(r) The Director of the Small Business Investment Division.
(s) One Administrative Assistant to the Deputy Administrator for the Small Business Investment Division.
(t) Director and Deputy Director, Office of Management and Research Assistance.
(u) Director, Office of Loan Processing.
(v) Director, Office of Loan Administration.
(w) One Special Assistant to the Administrator (ARA).

§ 6.329 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.
(b) Confidential Assistant to the Board of Directors.

§ 6.330 Federal Trade Commission.

(a) [Reserved.]
(b) General Counsel.
(c)–(e) [Reserved.]
(f) Director, Bureau of Economics.
(g) One Secretary of the Federal Trade Commission.
(h) Executive Director.
(i) One Confidential Assistant and Chief Legal Adviser to the Chairman.
(j) Director Bureau of Restraint of Trade.
(k) Director, Bureau of Deceptive Practices.
(l) Director, Bureau of Field Operations.
(m) Director, Bureau of Textiles and Furs.
(n) Director, Bureau of Trade Practice Conferences and Industry Guides.

§ 6.333 General Services Administration.

(a) *Office of the Administrator.* (1) Five Members of the Board of Review.
(2) The Deputy Administrator.
(3) [Reserved.]
(4) One Special Assistant to the Administrator.
(5) One Confidential Assistant to the Administrator.
(6) [Reserved.]
(7) One Assistant Administrator for Congressional and Public Affairs.
(8)–(10) [Reserved.]
(11) Two Confidential Assistants to the Assistant Administrator for Congressional and Public Affairs.
(12) Two Assistants to the Assistant Administrator for Congressional and Public Affairs.
(13) One Deputy Assistant Administrator for Congressional and Public Affairs.
(14) One Special Assistant to the Deputy Administrator.
(b) *Public Buildings Service.* (1) The Commissioner.
(c) *Federal Supply Service.* (1) The Commissioner.
(d) *National Archives and Records Service.* (1) The Archivist of the United States.
(e) *Defense Materials Service.* (1) The Commissioner.
(f) *Transportation and Communications Service.* (1) The Commissioner.
(g) *Utilization and Disposal Service.* (1) The Commissioner.

§ 6.334 Federal Communications Commission.

(a) One General Counsel.
(b) One Chief Engineer.
(c)–(d) [Reserved.]
(e) One Secretary to the Commission.

§ 6.335 United States Tariff Commission.

(a) One Private Secretary to each Commissioner.

§ 6.337 Civil Aeronautics Board.

(a) [Reserved.]
(b) [Reserved.]
(c) One special assistant to the Chairman of the Board.
(d) General Counsel of the Board.
(e) Director, Bureau of Economic Regulations.
(f)–(i) [Reserved.]
(j) One Special Assistant for Congressional Relations.
(k) One Secretary to the Special Assistant for Congressional Relations.
(l) [Reserved.]
(m) Director, Bureau of Safety.
(n) One Administrative Assistant to each Member of the Board.
(o) One Secretary to each Member of the Board.
(p) The Executive Director of the Board.

§ 6.338 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.
(b) One Solicitor.
(c) One Chief Legal Assistant to each Board Member.
(d) One Confidential Assistant to each Board Member.
(e) One Associate General Counsel, Division of Operations.
(f) One Associate General Counsel, Division of Law.
(g) Two Special Assistants to the General Counsel.
(h) One Confidential Assistant to the General Counsel.
(i) One Special Assistant to the Associate General Counsel, Division of Operations.

§ 6.340 Export-Import Bank of Washington.

(a) One Executive Vice President.
(b) One Senior Vice President.
(c) One Confidential Assistant to the President.
(d) One Private Secretary to the President.
(e) One Private Secretary to the First Vice President.
(f) The General Counsel.

(g) One Private Secretary to each of the three members of the Board of Directors.
(h) One Special Assistant to the Board of Directors.
(i) The Treasurer.

§ 6.341 Farm Credit Administration.

(a) Three Directors of Credit Services.
(b) One General Counsel.
(c) [Reserved.]
(d) One Deputy Governor.
(e) Four Deputy Directors of Credit Services.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) [Reserved.]
(2) One Deputy Administrator.
(3) One Assistant Administrator (Program policy).
(4) General Counsel.
(5) One Assistant Administrator (International Housing).
(6) [Reserved.]
(7) Community Facilities Commissioner.
(8) Deputy Urban Renewal Commissioner.
(9) [Reserved.]
(10) [Reserved.]
(11) One Assistant Administrator for Public Affairs.
(12) Two Special Assistants to the Administrator.
(13) [Reserved.]
(14) One Special Assistant (Administrator's Office).
(15) [Reserved.]
(16) One Assistant Commissioner for Program Planning and Development Urban Renewal Administration.
(17) One Confidential Assistant to the Commissioner, Urban Renewal Administration.
(18) One Secretary to the Community Facilities Commissioner.
(19) One Secretary to the General Counsel.
(20) One Secretary to the Assistant Administrator for Congressional Liaison.
(21) Assistant Commissioner for Technical Standards, Urban Renewal Administration.
(22) One Secretary to the Assistant Administrator (Program Policy).
(23)–(24) [Reserved.]
(25) Assistant Administrator (Housing for the Elderly).
(26) One Private Secretary to the Assistant Administrator (Program for Community Improvement).
(27) Deputy Assistant Administrator (Housing for the Elderly).
(28) One Executive Assistant to the Administrator.
(29) One Assistant Administrator for Congressional Liaison.
(30) One Special Assistant to the Commissioner, Community Facilities Administration.
(31) One Assistant to the Assistant Administrator for Congressional Liaison.
(32) One Assistant Administrator (Program for Community Improvement).
(33) One Executive Assistant to the Commissioner, Urban Renewal Administration.
(34) One Assistant Commissioner for Field Operations, Urban Renewal Administration.
(35) Assistant Administrator (Urban Transportation).
(b) *Federal Housing Administration.* (1) Two Deputy Commissioners.
(2) One General Counsel.
(3) One Assistant Commissioner for Field Operations.
(4) One Assistant Commissioner, Technical Standards.
(5) One Assistant to the Commissioner.
(6) One Assistant to the Commissioner (Intergroup Relations Service).
(7) One Special Assistant to the Commissioner.
(8) One Assistant Commissioner for Programs.
(9) One Assistant Commissioner for Audit and Examination.
(10) Director, Program Division.
(11) One Confidential Assistant to the Assistant Commissioner for Programs.
(12) One Administrative Assistant to the Assistant to the Commissioner.
(13)–(15) [Reserved.]
(16) One Congressional Liaison Officer.
(17) One Special Assistant for Home Mortgages.
(18) One Special Assistant for Rental Housing.
(19) One Special Assistant for Urban Renewal.
(20) One Special Assistant for Elderly Housing.
(21) Special Assistant for Nursing Homes.
(22) One Confidential Administrative Assistant to the Deputy Commissioner for Operations.
(23) One Assistant Commissioner for Multifamily Housing Operations.
(24) One Assistant Commissioner (Executive Officer).
(25) One Special Projects Officer to the Assistant Commissioner (Executive Officer).
(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).
(2) One Special Assistant to the Commissioner (Racial Relations).
(3) General Counsel.
(4) [Reserved.]
(5) [Reserved.]
(6) One Deputy Commissioner.
(7) [Reserved.]
(8) One Confidential Assistant to the Commissioner.
(9) Assistant Commissioner for Development.
(10) Assistant Commissioner for Management.
(11) One Assistant Commissioner for Program Planning.
(d) *Federal National Mortgage Association.* (1) The President.
(2) The Vice President.
(3) The Secretary-Treasurer.

§ 6.343 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

§ 6.346 Federal Mediation and Conciliation Service.

(a) One General Counsel.

§ 6.347 National Aeronautics and Space Administration.

(a) [Reserved.]
(b) One Secretary to the Administrator.
(c) One Secretary to the Deputy Administrator.

§ 6.349 International Cooperation Administration.

(a) *Office of the Director.* (1) Two Assistants to the Director.
(2) One Confidential Assistant (Private Secretary) to the Director.
(3) One Private Secretary to the Director.
(4) [Reserved.]
(5) One Chauffeur for the Director.
(6) One Private Secretary to the Deputy Director of the International Cooperation Administration.
(7) One Executive Assistant to the Director.
(b) *Office of the Deputy Director for Management.* (1) The Deputy Director for Management.
(2) One Private Secretary to the Deputy Director for Management.
(c) *Office of the Deputy Director for Operations.* (1) Deputy Director for Operations.
(2) One Private Secretary to the Deputy Director for Operations.
(d) *Office of the Deputy Director for Program and Planning.* (1) Deputy Director for Program and Planning.
(2) One Private Secretary to the Deputy Director for Program and Planning.
(e) [Reserved.]
(f) *Office of the Deputy Director for Congressional Relations.* (1) Assistant to the Deputy Director for Congressional Relations.
(2) Deputy Director for Congressional Relations.
(3) One Private Secretary to the Deputy Director for Congressional Relations.
(4) One Assistant Deputy Director for Congressional Relations.
(g) [Reserved.]
(h) [Reserved.]
(i) *Executive Secretariat.* (1) Executive Secretary.
(j) *Office of the Deputy Director for Private Enterprise.* (1) Deputy Director for Private Enterprise.
(2) One Private Secretary to the Deputy Director for Private Enterprise.
(k) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

§ 6.350 Foreign Claims Settlement Commission of the United States.

(a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 6.353 Subversive Activities Control Board.

(a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.354 Saint Lawrence Seaway Development Corporation.

(a) One Private Secretary to the Administrator.
(b) One Special Assistant to the Administrator.
(c) One Administrative Assistant to the Deputy Administrator.

§ 6.357 Federal Home Loan Bank Board.

(a) One Assistant to the Board.
(b) One Director, Federal Home Loan Bank Operations.
(c) One General Counsel.
(d) One Director, Division of Supervision.
(e) Two secretaries to the Chairman of the Board.
(f) Two Secretaries to Board Members.
(g) One General Manager, Federal Savings and Loan Insurance Corporation.
(h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.
(i) One Secretary to the Assistant to the Board.

§ 6.359 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
(b) One Secretary to the Chairman.
(c) One Secretary to each of the four Board Members.

§ 6.360 Commission on Civil Rights.

(a) [Reserved.]
(b) [Reserved.]
(c) [Reserved.]
(d) One Special Assistant to the Staff Director.
(e) One Assistant Staff Director for State Advisory Committees.

§ 6.362 Development Loan Fund.

(a) One Private Secretary to the Managing Director.
(b) The Deputy Managing Director.
(c) One Deputy Managing Director for Private Enterprise.
(d) One Special Assistant to the Managing Director.
(e) One Staff (Confidential) Assistant to the Managing Director.

§ 6.363 Office of Civil and Defense Mobilization.

(a) One Confidential Administrative Assistant to each of the following: Assistant Director for Training, Education, and Public Affairs; Assistant Director for Plans and Operations; and Assistant Director for Resources and Production.
(b) Two Confidential Administrative Assistants to the Deputy Director.
(c) Deputy Assistant Director for Manpower.
(d) Director of Security and Inspection.
(e) One Assistant to the Director.
(f) Director of Administration.
(g) Director of Special Liaison.
(h) Director of Program and Policy.
(i) Director of Research.
(j) The Deputy Assistant Director of the Office of Plans and Operations and the Deputy Assistant Director of each of the following offices under the office of Plans and Operations: Federal, State, and Local Plans; Emergency Community Services; Continuity of Government; Chemical, Biological, and Radiological Defense; Communications and Warning; Shelter and Vulnerability Reduction.
(k) The Deputy Assistant Director of the Office of Resources and Production and the Deputy Assistant Director of each of the following offices under the Office of Resources and Production: Economic Stabilization; Transportation; Fuel and Energy; Production and Materials; Telecommunications; and Food and Water.
(l) The Deputy Assistant Director of the Office of Training, Education, and Public Affairs and the Deputy Assistant Director of each of the following offices under the Office of Training, Education, and Public Affairs: Public Affairs; Training and Education; National Organizations and Civic Affairs; Women's Activities.
(m) Two Administrative Assistants to the Director.
(n) One Courier, Office of the Director.
(o) One Receptionist, Office of the Director.
(p) One Special Assistant to the Deputy Director.
(q) One Special Assistant to the Deputy Assistant Director of Training and Education.

§ 6.364 Federal Aviation Agency.

(a) One Congressional Liaison Officer.
(b) Two Assistants to the Congressional Liaison Officer.
(c) One Private Secretary to the Deputy Administrator.
(d) The Chief, Office of Public Affairs.
(e) [Reserved.]
(f) One Executive Advisor to the Administrator.

§ 6.367 National Capital Transportation Agency.

(a) One Confidential Assistant to the Administrator.
(b) One Confidential Assistant to the Deputy Administrator.
(c) Two Special Assistants to the Administrator.

§ 6.368 Peace Corps.

(a) One Assistant to the Director.
(b) One Confidential Assistant (Secretary) to the Director.
(c) One Special Assistant to the Director.
(d) One Confidential Secretary (Stenography) to the Director.
(e) The General Counsel.
(f) The Associate Director, Office of Program Development and Operations.
(g) The Associate Director, Office of Peace Corps Volunteers.
(h) One Deputy Associate Director, Office of Peace Corps Volunteers.
(i) The Associate Director, Office of Public Affairs.
(j) One Deputy Associate Director, Office of Public Affairs.
(k) The Associate Director, Office of Planning and Evaluation.
(l) One Special Assistant to the Director and Chief, UN Affairs.
(m) The Chief, Division of University Relations.
(n) The Chief, Division of Public Information.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11071; Filed, Nov. 21, 1961; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14266 (RM-270); FCC 61-1371]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments; Television Broadcast Stations in Eugene, Oreg.

1. The Commission has before it for consideration its notice of proposed rule making released September 11, 1961 proposing that Channel 20, now assigned to Eugene, Oregon, be reserved for noncommercial educational use in that community.

2. Channels 9, 13, 20, and 26 are now assigned to Eugene which has a population of 50,977 according to the 1960 U.S. Census. Commercial stations KEZI–TV and KVAL–TV have been authorized to use Channels 9 and 13, respectively. No applications have been filed for Channels 20 and 26.

3. Petitioner, the Board of Directors of School District 4, Lane County, Oregon (the Eugene Public Schools), in its petition for rule making, states that there is no channel reserved for educational use in Eugene, Oregon. Since 1958, School District 4 has been offering a series of televised programs over KVAL–TV in Eugene and since 1960 has been offering an additional series over KOAC–TV, an educational television station located at Corvallis, Oregon, which community is located about 35 miles north from Eugene.

4. In March, 1961, a Technical Facilities Committee was appointed to make a study of the cost of a new educational television station and to make recommendations to the Board of Directors of School District 4. The Board has now authorized the preparation of an application for an educational television station if a channel is reserved in Eugene for such use.

5. The only comment filed pursuant to the notice of proposed rule making was that of Liberty Television, Inc. which operates commercial Station KEZI–TV on Channel 9 at Eugene. It supports the proposal stating that although it has always stood ready to make time available to the educators in Eugene and will continue to do so, it agrees that the public interest would be served by reserving Channel 20 for educational use in Eugene. No other interest has been expressed in the channel and no party opposed the proposal. For the reasons stated the Commission finds that adoption of the proposal is in the public interest.

6. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective December 26, 1961, the Table of Assignments contained in Section 3.606 of the Commission's rules and regulations is amended, with respect to the community named, to read as follows:

City	*Channel No.*
Eugene, Oreg	9+, 13, *20+, 26

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 15, 1961.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11085; Filed, Nov. 21, 1961; 8:51 a.m.]

[Docket No. 14252; FCC 61-1347]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Public Coast Stations and Ship Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of November 1961;

The Commission having under consideration the above-captioned matter;

It appearing that no comments concerning the notice of proposed rule making have been filed within the time provided for such filing; and

It further appearing that no reason appears why the amendments should not be adopted as proposed and that the public interest would be served thereby:

It is ordered, That pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended, Parts 7 and 8 of the Commission's rules are amended as set forth below, effective December 26, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

1. Section 7.306(d) is amended to read as follows:

§ 7.306 Availability of frequencies below 30 Mc.

* * * * *

(d) The frequency 2638 kc is available for assignment as a working frequency for class II public coast stations for the transmission of safety and operational communications under the following conditions:

(1) No other frequency in the band 1600–5000 kc is available for assignment to public coast stations at the proposed location;

(2) The proposed station is to be located within the continental United States (excluding Alaska) not less than 100 miles from the seacoast, the shores of navigable bays and sounds adjacent to the open sea, the shores of the Great Lakes, the Saint Lawrence River, the Illinois and Ohio Rivers, and the Mississippi River south of Hastings, Minnesota;

(3) The use of the frequency shall be confined exclusively to safety and operational communications;

(4) Except for safety communications, use of the frequency shall be limited to day only: *Provided*, That operational communications may be continued beyond such time to the extent necessary for compliance with the provisions of § 7.186(b); and

(5) An affirmative showing is submitted with the original application and each renewal application evidencing the need for the desired safety and operational communications and establishing the fact that such communications cannot be provided by the use of frequencies above 156 Mc.

B. Part 8 is amended as follows:

1. Section 8.354(b) is amended to read as follows:

§ 8.354 Frequencies below 5000 kc for public correspondence.

* * * * *

(b) The frequency 2638 kc is authorized to public ship stations as a working frequency to communicate with public coast stations authorized to operate on 2638 kc for the transmission of safety and operational communications.

(1) Except for safety communications, communications with such public coast stations shall be limited to day only: *Provided*, That operational communications may be continued beyond such time to the extent necessary for compliance with the provisions of § 8.183.

(2) Except in event of distress, use of the frequency 2638 kc by stations on board aircraft for communication with coast stations is not authorized.

§ 8.804 [Deletion]

2. Section 8.804 is deleted in its entirety.

[F.R. Doc. 61-11084; Filed, Nov. 21, 1961; 8:51 a.m.]

[Docket No. 13952; FCC 61-1323]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Survival Craft Stations and Frequencies and Other Particulars for Coast and Ship Stations

1. On February 10, 1961, the Commission released a notice of proposed rule making in the above captioned matter. The notice of rule making was published in the FEDERAL REGISTER on February 28, 1961 (26 F.R. 38). The time for filing comments and reply comments was specified as March 13 and March 23, 1961, respectively. These dates were subsequently changed by Orders released on February 24, March 9, and March 20, 1961. The final dates for filing comments and reply comments of May 20 and May 30, 1961, respectively, for portions of the docket concerning Mississippi River area frequencies and Alaska frequencies, and April 3 and April 13, 1961, respectively, for the other portions of the Docket, have expired.

2. The notice of proposed rule making concerning the subject Docket stated that no proposed amendment would be made effective except as permitted by and under the terms of the President's ratification of the Geneva Radio Regulations (1959) (GRR), with the advice and consent of the Senate. The GRR have been ratified by the United States without reservation and the rules can now be made effective.

3. Comments in the proceeding were filed by the American Merchant Marine Institute, Inc. (AMMI), American Waterways Operators, Inc. (AWO), Lorain County Radio Corporation (Lorain), Mackay Radio and Telegraph Company, Inc. (Mackay), Pacific American Steamship Association (PASA), and RCA Communications, Inc. (RCAC).

4. The AWO in no way opposed the proposed rule making.

5. Both Mackay and RCAC commented about listings of frequencies and areas in proposed § 7.206. The comments have been incorporated in the attached rules. In addition, Mackay specifically supported ship radiotelegraph assignments as contained in § 8.801 (a), (b), (c), and (d) of the proposal.

6. The AMMI and PASA commented about the statement in the notice of proposed rule making that frequencies between 4 and 27.5 Mc assignable under the GRR for wide-band telegraphy, facsimile and special transmission systems (wide band) would be reserved exclusively for United States Government stations. The AMMI expressed the belief that this report and order should clearly indicate that a permanent reservation of this radio frequency space for United States Government stations is not involved. PASA was strongly opposed to exclusive reservation of the wide-band frequencies to United States Government stations, and stated that the use of wide-band frequencies by nongovernment stations is not far off. It proposed that not more than half of the available wide-band frequencies be reserved for Government stations.

7. While it has been stated that the requirement for the use of wide-band frequencies by nongovernment stations is not far off, it appears that all present requirements can be satisfied through the use of frequencies available herein to ship stations. This is not to be construed, however, to preclude future rule making, when such requirements develop, looking toward the use of the wide-band frequencies by nongovernment ship stations. Therefore, at this time, the rules in regard to the availability of wide-band frequencies are adopted as proposed.

8. Lorain, while in support of the proposed rule making, was concerned with the problem of making frequency changes by the proposed date May 1, 1961. As a practical matter this problem no longer exists since the coast and ship stations have already shifted to the new frequencies pursuant to a general temporary authorization issued by the Commission. Accordingly, the rules, as adopted, do not provide a period for changing frequencies except in the case of the Mississippi River area and Alaska, in which case the originally proposed changeover period of approximately 6 months has been allowed.

9. Concurrent with the adoption of this report and order, the Commission has issued an order modifying certain ship station licenses so that they will reflect the new Geneva frequencies. Under the terms of such order, the affected licensees are authorized to use the new frequencies until issuance of a modified or renewal license in response to an application filed in the normal course of the licensee's activities.

10. Editorial changes have been made in the attached rules.

11. In connection with revision of license form 501, §§ 8.322(b), 8.323(d) and 8.324(e) were amended after the issuance of the proposed rules in this docket and contain texts different from those proposed. This fact was taken into account in the rules herein finalized, and the sections specified in the preceding sentence are further amended, at this time, to read as they were originally set forth in the proposed rule making.

12. In view of the foregoing, the Commission believes that the public interest will be served by adopting the attached amendments.

13. *It is ordered*, This 8th day of November 1961, that pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 7, 8, and 14 of the Commission's rules are amended as set forth below, effective December 22, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

1. Section 7.134(b) is amended to read:

§ 7.134 Authorized transmitter power.

* * * * *

(b) For coast stations using telegraphy on frequencies below 27,500 kc, the maximum authorized transmitter power shall be:

Frequency-band	*Maximum authorized transmitter-power (with or without modulation) (kilowatts)*
14 kc to 150 kc	80
150 kc to 515 kc	40
2035 kc to 2065 kc	6.6
4000 kc to 7000 kc	10
8000 kc to 9000 kc	20
12,000 kc to 27,500 kc	30

2. Paragraphs (a) and (b) of § 7.206 are amended to read as follows:

§ 7.206 Assignable frequencies.

(a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency for use by coast stations employing telegraphy and located in Puerto Rico, the State of Hawaii or within the indicated general portion of the seacoast area of the continental United States, excluding Alaska, subject to and in accordance with the provisions of paragraph (b)(4) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided*, That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations: *Provided further*, That frequencies below 150 kc are assignable to Class I coast stations only; frequencies above 5000 kc are assignable primarily to Class I coast stations, and secondarily to Class II coast stations serving inland waters of the United States (including the Great Lakes) subject to showing of need therefor and on condition that interference shall not be caused to any Class I coast station:

North Atlantic: 112.85, 124.05, 130.35, 132.10, 134.55, 137.00, 143.00,[1] 146.80, 147.50, 418, 436, 442, 460, 472, 476, 482, 500,[2] 2036, 2040.5, 2046.5, 2051, 2054, 2060, 4268, 4331, 4343, 4346, 4367, 6376, 6414.5, 6418, 6502, 6505.5, 6512.5, 6519.5, 8502, 8514, 8586, 8610, 8630, 8658, 8686, 12745.5, 12925.5, 12948, 12961.5, 12997.5, 13020, 13024.5, 13033.5, 13060.5, 16988.8, 16973.6, 16997.6, 17021.6, 17093.6, 17242.4, 17271.2, 22407, 22485, 22503, 22521, 22599, 22617.

Central Atlantic: 428, 500,[2] 2063, 4346, 6484.5, 8502, 12885.0.

South Atlantic: 137.70, 143.00,[1] 434, 464, 472, 488, 500,[2] 2039, 2043.5, 2051, 2057, 4250, 4292, 6390, 6407.5, 6411, 8486, 8526, 8686, 8722, 12952.5, 12970.5, 13011, 13078.5, 17093.6, 17160.8, 17170.4, 17199.2, 17256.8, 22431, 22503, 22569.

North Pacific: 482, 488, 500,[2] 2058.5, 2063, 4349, 6411, 8582, 8658, 12907.5, 12916.5, 17007.2, 22539.

Central Pacific: 126.15, 143.00,[1] 147.85, 426, 436, 460, 476, 500,[2] 2037.5, 2045, 2061.5, 4247, 4274, 4358, 6365.5, 6477.5, 6488, 6516, 8558, 8618, 8642, 8714, 12808.5, 12844.5, 13002, 13033.5, 13114.5, 17016.8, 17026.0, 17088.8, 17184.8, 22425, 22479, 22515, 22557.

South Pacific: 418, 464, 482, 500,[2] 2049.5, 2055.5, 4283, 4367, 6463.5, 6523, 8590, 8606, 8642, 12912, 12993, 13033.5, 13110, 17064.8, 17088.8, 17218.4, 22413, 22467.

Gulf of Mexico: 143.00,[1] 416, 420, 434, 438, 478, 484, 500,[2] 2042, 2048, 2049.5, 2052.5, 2055.5, 2063, 4256, 4274, 4310, 4322, 6369, 6435.5, 6446, 6495, 8550, 8570, 8666, 8714, 8722, 8742, 12826.5, 12840, 13038, 13051.5, 13078.5, 13128.5, 17117.6, 17170.4, 17172.4, 17208.8, 17256.8, 22431, 22467, 22569.

Great Lakes: 482, 500,[2] 4316, 6474, 8534.

Hawaii: 484, 500,[2] 2052.5, 4295, 6407.5, 8542, 13029, 16978.4, 22509.

Puerto Rico: 143.00,[1] 486, 500,[2] 2052.5, 4244, 8726, 13119.

[1] Calling Frequency.
[2] Calling and Distress Frequency.

(b)(1) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within bands between 10 kc and 27,500 kc shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter as being allocated for use by coast stations using telegraphy may be assigned to such coast stations: *Provided, however*, That initial authorizations for such frequencies shall be limited to six months duration.

(2) In addition to the frequency assignment designated for telegraphy in the license of a coast station, such station when communicating by telegraphy with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel shall be designated by the government station, or the responsible government department or agency.

3. Section 7.304 is amended as set forth below:

a. The frequency table in paragraph (a) is amended to read:

§ 7.304 Assignable frequencies.

(a) * * *

2182—calling and distress.	4422.2
	4428.6
2450	4434.9
2466	6240—Mississippi River system only.
2482	
2490	6455—Mississippi River system only.
2506	
2514	8205.5[1]—Mississippi River system only.
2522	
2530	
2538	8210.8—Mississippi River system only.
2550	
2558	8754.4
2566	8767.2
2572	8773.6
2582	8799.2
2590	8811.9
2598	13161.5
2638	13175.5
2738	13182.5
2782	13196.5
2784	17307.5
4067[1]—Mississippi River system only.	17321.5
4072.4	17342.5
4372.4[1]—Mississippi River system only.	17356.5
	22681.5
4377.4	22695.5
4396.6	22716.5
4409.4	

[1] Not available after June 30, 1962.

b. Paragraphs (d) (3) and (5) are amended to read:

(d) • • •

(3) The frequencies 4067, 4072.4, 4372.4, and 4377.4 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of these frequencies is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

• • • • •

(5) The frequencies 8205.5 kc and 8210.8 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes) upon the express condition that transmission on these frequencies during the period 8:00 p.m. until 5:00 a.m., c.s.t., is prohibited.

4. Section 7.306 is amended as set forth below:

a. Paragraphs (a) (1) and (2) are amended to read:

§ 7.306 Availability of frequencies below 30 Mc.

(a) • • •

(1) Working frequencies below 5000 kc.

Coast station transmitting carrier frequency [1] (kc)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
2506	San Francisco, Calif.	2406
2530	Hawaii	2134
2590	New York, N.Y.	2198
4377.4	San Francisco, Calif.	4072.4
4396.6	New York, N.Y.	4091.6
4409.4	do	4104.4
4422.2	Hawaii	4117.2
4434.9 [2]	New York, N.Y.	4129.9

[1] These frequencies are those which may be specified in applications for coast station authorizations.
[2] Available for use annually during period Dec. 15 to Mar. 15.

(2) Working frequencies between 5000 kc and 27.5 Mc.

Coast station transmitting frequency [1] (kc)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
8754.4	San Francisco, Calif.	8204.4
8767.2	Hawaii	8217.2
8773.6	New York, N.Y.	8223.6
8811.9	do	8261.9
13161.5	do	12361.5
13175.5	Hawaii	12375.5
13182.5	San Francisco, Calif.	12382.5
13196.5	New York, N.Y.	12396.5
17307.5	Hawaii	16477.5
17321.5	New York, N.Y.	16491.5
17342.5	San Francisco, Calif.	16512.5
17356.5	New York, N.Y.	16526.5
22681.5	do	22031.5
22695.5	San Francisco, Calif.	22045.5
22716.5	New York, N.Y.	22066.5

[1] These frequencies are those which may be specified in applications for coast station authorizations.

b. The tables in paragraph (b) and (c) are amended to read, in part, as follows:

(b) • • •

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter [1]
•	•	• •	•	• •
New York, N.Y.	2482	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	2522	None	2126	None.
	2558	do	2166	Do.
	2590	do	2198	Do.
	4396.6	do	4091.6	Do.
	4409.4	do	4104.4	Do.
	4434.9	Available for use annually during period Dec. 15 to March 15.	4129.9	Available for use annually during period Dec. 15 to March 15.
•	•	• •	•	• •
Miami, Fla.	2490	Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.	2031.5	None.
	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc is assigned for transmission; and, also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	4428.6	None	4123.6	None.
•	•	• •	•	• •
Great Lakes	2514	Subject to applicable provisions of § 7.304(d).	2118	None.
	2550	do	2158	Do.
	2582	do	2206	Not available to United States ship stations for transmission.
	4422.2	None	4117.2	None.
	4434.9	do	4129.9	Do.
	8799.2	do	8249.2	Do.
•	•	• •	•	• •
San Francisco-Eureka, Calif.	2450	Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.	2003	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc to a coast station located in the vicinity of either of these ports.
	2506	None	2406	None.
	2538	7 a.m. to 7 p.m., P.s.t. only	2142	7 a.m. to 7 p.m., P.s.t. only.
	4377.4	None	4072.4	None.
•	•	• •	•	• •
Kahuku, Hawaii	2530	None	2134	None.
	4422.2	do	4117.2	Do.

[1] These frequencies are those which may be designated in applications for coast station authorizations.
[2] With respect to each specific date set forth, the associated limitations or condition imposed shall terminate or begin as applicable, at 3 a.m. eastern standard time.
[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service for ship-shore communication in respect to the particular coast station areas designated, on a specific beginning date to be designated in future rule-making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

4. In § 8.133, paragraph (c) (1) is amended to read:

§ 8.133 Authorized emission-bandwidths.

• • • • • • • • •

(c) (1) The authorized emission-bandwidths for the classes of emissions authorized in § 8.132 shall be as follows:

Class of emission	Emission designator	Emission-bandwidth authorized for transmission of intelligence
A0	None	None.
A1	0.06	240 cycles per second.
A2	2.66	2,724 cycles per second.
A2a	1.33	1,362 cycles per second.
A2b	2.66	2,724 cycles per second.
A3	6	8,000 cycles per second.
A3a	3	4,000 cycles per second.
A3b	6	8,000 cycles per second.
F0	None	None.
F1:		
For 30 to 50 Mc	Variable [1]	40,000 cycles per second.
For 156.25 to 157.45 Mc	do [1]	Do.
F2:		
For 30 to 50 Mc	36 F2	Do.
For 156.25 to 157.45 Mc	36 F2	Do.
F3:		
For 30 to 50 Mc	36 F3	Do.
For 156.25 to 157.45 Mc	36 F3	Do.
F0	Variable [2]	Variable.[2]
Wideband telegraphy, facsimile and special transmission systems:		
For 2070 to 2080 kc	do	Variable but not to exceed 5,000 cycles per second.

[1] In the case of class F1 emission, the emission designator and the authorized emission-bandwidth will vary according to the frequency deviation, the number of words per minute, and other factors involved.
[2] In the case of class F0 emission, the emission designator and the authorized emission-bandwidth will vary according to the specific values of the controlling technical factors. Reference may be made to individual station authorizations which specify therein the respective emission designator and the respective authorized emission-bandwidth. Note also the provisions of § 8.131(e) concerning authorized frequency tolerance for radar transmitters.

5. In § 8.322, paragraph (b) is amended to read as follows:

§ 8.322 Frequencies for use in distress.

• • • • • • • • •

(b) The frequency 8364 kc is for use by survival craft stations equipped to transmit within the band 4000 to 27500 kc and desiring to establish with stations of the maritime and aeronautical mobile services communications relating to search and rescue operations.

6. In § 8.323, paragraph (d) is amended to read as follows:

§ 8.323 Frequencies for calling.

• • • • • • • • •

(d) Calling frequencies in the band 2 to 27.5 Mc for ship and aircraft stations are listed in Table 1b of § 8.801. Ship stations are authorized to use the calling frequencies corresponding to the symbols designated on the station license. The frequencies for working in each band designated by the letter "A" or "B" (see § 8.801(h)) suffixed to the frequency column symbol are the primary frequencies to be used for working. The alternate

(c) • • •

Coast stations located in the vicinity of—	Carrier Frequency (kc)	Specific limitations imposed upon availability for use
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2762	None.
	[1] 4067	Subject to the applicable provisions of § 7.304.
	[2] 4372.4	Do.
	[2] 8375.5	Do.
	4377.4	Do.
	6240	Do.
	6455	Do.
	8210.8	Do.
•	•	• •

[1] These frequencies are those which may be designated in applications for coast station authorizations.
[2] Not available after June 30, 1962.

B. Part 8 is amended as follows:

1. In § 8.3, paragraphs (b) and (d) are amended and a new paragraph (j) is added to read as follows:

§ 8.3 Maritime mobile service.

• • • • • • • • •

(b) *Maritime mobile service.* A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate. (Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

• • • • • • • • •

(d) *Ship station.* A mobile station in the maritime mobile service located on board a vessel, other than a survival craft, which is not permanently moored.

• • • • • • • • •

(j) *Survival craft station.* A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

2. In § 8.131, paragraph (b) (3) through (6) is amended to read as follows:

§ 8.131 Authorized frequency tolerance.

• • • • • • • • •

(b) • • •

(3) Survival craft stations on 500 kc	0.5
(4) From 1600 to 2070 kc and 2080 to 3500 kc	.02
(5) From 2070 to 2080 kc	.005
(6) Stations when using frequencies within the band 4 to 27.5 Mc:	
For ship stations using class A1 emission and survival craft stations	.02
For ship stations using other than A1 emission	.005

3. § 8.132, paragraph (a) (1) is amended to read:

§ 8.132 Authorized classes of emission.

(a) • • •

(1) Ship stations using telegraphy:
100 to 160 kc—A1, and for brief testing A0.
160 to 515 kc—A1, A2,[1] A2a,[1] A2b,[1] and for brief testing A0, except for survival craft stations which, in addition, may use class A2 emission.
2065 to 2070 kc and 2080 to 25,000 kc—A1, and for brief testing A0, except for survival craft stations which, in addition, may use class A2 emission.
2070 to 2080 kc—Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.

frequency in each band may be used only when harmful interference to the ship's transmissions on the primary frequency is experienced or a coast station directs the ship station to use the alternate frequency. Frequencies in the band 2065 to 2107 kc are not available for assignment to aircraft.

• • • • • •

(h) The frequencies 2072.5 and 2077.5 kc are authorized for wide-band telegraphy, facsimile, and special transmission systems when designated in the ship station license.

8. Section 8.351 is amended by revising the frequency table in paragraph (a), by amending subparagraphs (8) and (11) of paragraph (d), and by deleting paragraph (e), as follows:

§ 8.351 Assignable frequencies.

(a) • • •

2063	2382	4104.4	8249.2
2009	2390	4117.2	8261.9
2031.5	2406	4123.6	12361.5
2118	2430	4129.9	12375.5
2126	2458	[2] 4372.4	12382.5
2134	2572	4377.4	12396.5
2142	2638	[1] 6240	16477.5
2158	2738	[1] 6455	16491.5
2166	2782	8204.4	16512.5
2182	2784	[2] 8205.5	16526.5
2198	2830	[1] 8210.8	22031.5
2206	[2] 4067	8217.2	22045.5
2214	4072.4	8223.6	22066.5
2366	4091.6		

[1] Mississippi River System only.
[2] Mississippi River System only. Not available after June 30, 1962.

• • • • • •

(d) • • •

(8) Use of the frequencies 4067, 4372.4, 4072.4 and 4377.4 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

• • • • • •

(11) The frequencies 8205.5 and 8210.8 kc are authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes) upon the express condition that transmission on these frequencies during the period from 8:00 p.m. until 5:00 a.m., c.s.t., is prohibited.

9. In § 8.354, the tables in paragraph (a) (1) and (2) are amended to read, in part, as follows:

§ 8.354 Frequencies below 5000 kc for public correspondence.

(a) • • •

(1) • • •

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1] Frequency (kc)	Specific limitations imposed upon availability for use [2]	Associated coast station carrier frequency Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306(b) of this chapter [3]
•	•	• •	•	• •
New York, N.Y.	2126	None	2522	None.
	2166	do	2558	Do.
	2198	do	2590	Do.
	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2482	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.
	4091.6	None	4396.6	None.
	4104.4	do	4409.4	Do.
	4129.9	Available for use annually during period Dec. 15 to Mar. 15.	4434.9	Available for use annually during period Dec. 15 to Mar. 15.
•	•	• •	•	• •
Miami, Fla.	2031.5	None	2490	Available on condition that harmful interference shall not be caused to the police radio service in southern California.
	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	4123.6	None	4428.6	None.
•	•	• •	•	• •
Great Lakes	2118	None	2514	Subject to the applicable provisions of § 7.304(d) of this chapter.
	2158	do	2550	Do.
	4117.2	do	4422.2	None.
	4129.9	do	4434.9	Do.
•	•	• •	•	• •
San Francisco-Eureka, Calif.	2003	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc to a coast station located in the vicinity of those ports.	2450	Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.
	2406	None	2506	None.
	2142	7 a.m. to 7 p.m., P.s.t., only	2538	7 a.m. to 7 p.m., P.s.t., only.
	4072.4	None	4377.4	None.
•	•	• •	•	• •
Kahuku, Hawaii	2134	None	2530	None.
	4117.2	do	4422.2	Do.
•	•	• •	•	• •

[1] These frequencies are those which may be designated in applications for ship station authorizations.
[2] With respect to each specific date set forth, the associated limitation or condition imposed shall terminate or begin as applicable, at 3:00 a.m. eastern standard time.
[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service for ship-shore communication in respect to the particular coast station areas designated, on a specific beginning date to be designated in future rule-making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio service is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

(2) • • •

For communication with coast stations located in the vicinity of—	Carrier frequency (kc) [1]	Specific limitations imposed upon availability for use.
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782	None.
	4072.4	Subject to applicable provisions of § 8.351(d).
	4377.4	Do.
	[2] 4067	Do.
	[2] 4372.4	Do.

• • • • • • •

[1] These frequencies are those which may be designated in applications for ship station authorizations.
[2] Not available after June 30, 1962.

10. Section 8.355 is amended by changing the tables in paragraph (a) (1), (2), and (3) to read as follows:

§ 8.355 Frequencies from 5000 kc to 30 Mc for public correspondence.

(a) • • •

(1) • • •

Ship station transmitting carrier frequency [1] (kc)	For communication with coast stations located in the vicinity of—	Ship station receiving carrier frequency (kc)
8204.4	San Francisco, Calif.	8754.4
8217.2	Hawaii	8767.2
8223.6	New York, N.Y.	8773.6
8261.9	do	8811.9
12361.5	do	13161.5
12375.5	Hawaii	13175.5
12382.5	San Francisco, Calif.	13182.5
12396.5	New York, N.Y.	13196.5
16477.5	Hawaii	17307.5
16491.5	New York, N.Y.	17321.5
16512.5	San Francisco, Calif.	17342.5
16526.5	New York, N.Y.	17356.5
22031.5	do	22681.5
22045.5	San Francisco, Calif.	22695.5
22066.5	New York, N.Y.	22716.5

[1] These frequencies are those which may be designated in applications for ship station authorizations.

(2) • • •

Ship station transmitting carrier frequency	Ship station receiving carrier frequency
8249.2 kc	8799.2 kc

(3) • • •

6240 kc 6455 kc 8205.5 kc [1] 8210.8 kc

[1] Not available after June 30, 1962.

11. A new § 8.801 is added to read as follows:

§ 8.801 Tables of ship radiotelegraph frequencies from 2 Mc to 27.5 Mc.

(a) *Table 1a.* High traffic ship radiotelegraph working frequencies.

(b) *Table 1b.* Ship radiotelegraph calling frequencies.

(c) *Table 1c.* Low traffic ship radiotelegraph working frequencies.

(d) *Table 2.* Ship radiotelegraph frequency assignment plan.

(e) *Procedures and tables.* The following procedures and tables may be used in applying for license for the frequencies listed in Tables 1a, 1b, and 1c insofar as these frequencies are consistent with the provisions of this chapter. Frequencies, assigned in accordance with this section to a station on a particular vessel, may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee. Frequencies appearing in the tables may only be used in the manner and to the extent permitted elsewhere in this part.

(f) *Radiotelegraph, 2 Mc to 27.5 Mc.* The applicant must consult Table 2 to determine the frequency column symbols which are available for assignment. The frequencies designated by the symbols shown in Table 2 may be determined from Tables 1a, 1b, and 1c which list all of the frequencies in each series.

(g) *Calling frequencies.* Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16 and 22 Mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol.

(h) *Low traffic ship working frequencies.* Application may be made for one low traffic working frequency symbol from the "L" series for each low traffic ship, which will include one frequency from the 2 Mc and two frequencies from the 4, 6, 8, 12, and 22 Mc bands. A primary frequency to be used for working in each frequency band having two frequencies available must be indicated by suffixing the frequency symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "L" series is allocated for a particular licensee, the frequency symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies, otherwise either "A" or "B" may be applied for.

(i) *High traffic ship working frequencies.* High traffic ship working frequencies are normally available only to passenger ships but may be assigned to whaling factory vessels, tankers above 40,000 gross tons, and cargo ships above 12,500 gross tons in lieu of low traffic frequencies if a satisfactory showing is submitted indicating that the vessel concerned handles a large volume of traffic. Application may be made for the number of passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. Frequency column symbols shall be taken from the "H" series, with a minimum of two symbols. If more than two symbols of the "H" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

TABLE 1a—HIGH TRAFFIC SHIP RADIOTELEGRAPH WORKING FREQUENCIES (kc)

H1: 2080.5, 4161, 6241.5, 8322, 12474, 12478.5, 12483, 16626, 16632, 16638, 16644, 22151, 22157.

H2: 2081.25, 4162.5, 6243.75, 8325, 12474, 12478.5, 12487.5, 16626, 16632, 16638, 16650, 22151, 22163.

H3: 2082, 4164, 6246, 8328, 12474, 12478.5, 12492, 16626, 16632, 16638, 16656, 22151, 22169.

H4: 2082.75, 4165.5, 6248.25, 8331, 12474, 12478.5, 12496.5, 16626, 16632, 16638, 16662, 22151, 22175.

H5: 2083.5, 4167, 6250.5, 8334, 12474, 12478.5, 12501, 16626, 16632, 16638, 16668, 22151, 22181.

H6: 2084.25, 4168.5, 6252.75, 8337, 12474, 12478.5, 12505.5, 16626, 16632, 16638, 16674, 22151, 22187.

H7: 2085, 4170, 6255, 8340, 12474, 12478.5, 12510, 16626, 16632, 16638, 16680, 22151, 22193.

H8: 2085.75, 4171.5, 6257.25, 8343, 12474, 12478.5, 12514.5, 16626, 16632, 16638, 16686, 22151, 22199.

H9: 2086.5, 4173, 6259.5, 8346, 12474, 12478.5, 12519, 16626, 16632, 16638, 16692, 22151, 22205.

H10: 2087.25, 4174.5, 6261.75, 8349, 12474, 12478.5, 12523.5, 16626, 16632, 16638, 16698, 22151, 22211.

H11: 2088, 4176, 6264, 8352, 12474, 12478.5, 12528, 16626, 16632, 16638, 16704, 22151, 22217.

TABLE 1b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES (kc)

C1: 2089, 4178, 6267, 8356, 12534, 16712, 22225.

C2: 2089.5, 4179, 6268.5, 8358, 12537, 16716, 22230.

C3: 2090, 4180, 6270, 8360, 12540, 16720, 22235.

C4: 2090.5, 4181, 6271.5, 8362, 12543, 16724, 22240.

C5: 2091, 4182,[1] 6273,[1] 8364,[1] 12546,[1] 16728,[1] 22245.[1]

C6: 2091.5, 4183, 6274.5, 8366, 12549, 16732, 22250.

C7: 2092, 4184, 6276, 8368, 12552, 16736, 22255.

C8: 2092.5, 4185, 6277.5, 8370, 12555, 16740, 22260.

C9: 2093, 4186, 6279, 8372, 12558, 16744, 22265.

[1] These frequencies are available only to survival craft stations and to aircraft stations for communication with stations of the maritime mobile service. Equipment provided for use in survival craft stations shall be capable of transmitting on 8364 kc with A2 emission if the equipment provides for use of frequencies between 4,000 kc and 27,500 kc.

TABLE 1c—LOW TRAFFIC SHIP WORKING FREQUENCIES[1] (kc)—Continued

L25	2100	4200 4224.5	6300 6338.75	8400 8449	12600 12673.5	16800 16898	22302.5 22365
L26	2100.25	4200.5 4225	6300.75 6337.5	8401 8450	12601.5 12675	16802 16900	22302.5 22365
L27	2100.5	4201 4225.5	6301.5 6338.25	8402 8451	12603 12676.5	16804 16902	22305 22367.5
L28	2100.75	4201.5 4226	6302.25 6339	8403 8452	12604.5 12678	16806 16904	22305 22367.5
L29	2101	4202 4226.5	6303 6339.75	8404 8453	12606 12678.5	16808 16906	22307.5 22370
L30	2101.25	4202.5 4227	6303.75 6340.5	8405 8454	12607.5 12681	16810 16908	22307.5 22370
L31	2101.5	4203 4227.5	6304.5 6341.25	8406 8455	12609 12682.5	16812 16910	22310 22372.5
L32	2101.75	4203.5 4228	6305.25 6342	8407 8456	12610.5 12684	16814 16912	22310 22372.5
L33	2102	4204 4228.5	6306 6342.75	8408 8457	12612 12685.5	16816 16914	22312.5 22375
L34	2102.25	4204.5 4229	6306.75 6343.5	8409 8458	12613.5 12687	16818 16916	22312.5 22375
L35	2102.5	4205 4229.5	6307.5 6344.25	8410 8459	12615 12688.5	16820 16918	22315 22377.5
L36	2102.75	4205.5 4230	6308.25 6345	8411 8460	12616.5 12690	16822 16920	22315 22377.5
L37	2103	4206 4230.5	6309 6345.75	8412 8461	12618 12691.5	16824 16922	22317.5 22380
L38	2103.25	4206.5 4231	6309.75 6346.5	8413 8462	12619.5 12693	16826 16924	22317.5 22380
L39	2103.5	4207 4231.5	6310.5 6347.25	8414 8463	12621 12694.5	16828 16926	22320 22382.5
L40	2103.75	4207.5 4232	6311.25 6348	8415 8464	12622.5 12696	16830 16928	22320 22382.5
L41	2104	4208 4232.5	6312 6348.75	8416 8465	12624 12697.5	16832 16930	22322.5 22385
L42	2104.25	4208.5 4233	6312.75 6349.5	8417 8466	12625.5 12699	16834 16932	22322.5 22385
L43	2104.5	4209 4233.5	6313.5 6350.25	8418 8467	12627 12700.5	16836 16934	22325 22387.5
L44	2104.75	4209.5 4234	6314.25 6351	8419 8468	12628.5 12702	16838 16936	22325 22387.5
L45	2105	4210 4234.5	6315 6351.75	8420 8469	12630 12703.5	16840 16938	22327.5 22390
L46	2105.25	4210.5 4235	6315.75 6352.5	8421 8470	12631.5 12705	16842 16940	22327.5 22390
L47	2105.5	4211 4235.5	6316.5 6353.25	8422 8471	12633 12706.5	16844 16942	22330 22392.5
L48	2105.75	4211.5 4236	6317.25 6354	8423 8472	12634.5 12708	16846 16944	22330 22392.5
L49	2106	4212 4236.5	6318 6354.75	8424 8473	12636 12709.5	16846 16946	22332.5 22395

TABLE 1c—LOW TRAFFIC SHIP WORKING FREQUENCIES[1] (kc)

L1	2094	4188 4212.5	6282 6318.75	8376 8425	12564 12637.5	16752 16850	22272.5 22335
L2	2094.25	4188.5 4213	6282.75 6319.5	8377 8426	12565.5 12639	16754 16852	22272.5 22335
L3	2094.5	4189 4213.5	6283.5 6320.25	8378 8427	12567 12640.5	16756 16854	22275 22337.5
L4	2094.75	4189.5 4214	6284.25 6321	8379 8428	12568.5 12642	16758 16856	22275 22337.5
L5	2095	4190 4214.5	6285 6321.75	8380 8429	12570 12643.5	16760 16858	22277.5 22340
L6	2095.25	4190.5 4215	6285.75 6322.5	8381 8430	12571.5 12645	16762 16860	22277.5 22340
L7	2095.5	4191 4215.5	6286.5 6323.25	8382 8431	12573 12646.5	16764 16862	22280 22342.5
L8	2095.75	4191.5 4216	6287.25 6324	8383 8432	12574.5 12648	16766 16864	22280 22342.5
L9	2096	4192 4216.5	6288 6324.75	8384 8433	12576 12649.5	16768 16866	22282.5 22345
L10	2096.25	4192.5 4217	6288.75 6325.5	8385 8434	12577.5 12651	16770 16868	22282.5 22345
L11	2096.5	4193 4217.5	6289.5 6326.25	8386 8435	12579 12652.5	16772 16870	22285 22347.5
L12	2096.75	4193.5 4218	6290.25 6327	8387 8436	12580.5 12654	16774 16872	22285 22347.5
L13	2097	4194 4218.5	6291 6327.75	8388 8437	12582 12655.5	16776 16874	22287.5 22350
L14	2097.25	4194.5 4219	6291.75 6328.5	8389 8438	12583.5 12657	16778 16876	22287.5 22350
L15	2097.5	4195 4219.5	6292.5 6329.25	8390 8439	12585 12658.5	16780 16878	22290 22352.5
L16	2097.75	4195.5 4220	6293.25 6330	8391 8440	12586.5 12660	16782 16880	22290 22352.5
L17	2098	4196 4220.5	6294 6330.75	8392 8441	12588 12661.5	16784 16882	22292.5 22355
L18	2098.25	4196.5 4221	6294.75 6331.5	8393 8442	12589.5 12663	16786 16884	22292.5 22355
L19	2098.5	4197 4221.5	6295.5 6332.25	8394 8443	12591 12664.5	16788 16886	22295 22357.5
L20	2098.75	4197.5 4222	6296.25 6333	8395 8444	12592.5 12666	16790 16888	22295 22357.5
L21	2099	4198 4222.5	6297 6333.75	8396 8445	12594 12667.5	16792 16890	22297.5 22360
L22	2099.25	4198.5 4223	6297.75 6334.5	8397 8446	12595.5 12669	16794 16892	22297.5 22360
L23	2099.5	4199 4223.5	6298.5 6335.25	8398 8447	12597 12670.5	16796 16894	22300 22362.5
L24	2099.75	4199.5 4224	6299.25 6336	8399 8448	12598.5 12672	16798 16896	22300 22362.5

[1] The frequency symbols are suffixed by the letters "A" or "B" to indicate the primary working frequency in each band. [See §§ 8.324(e) and 8.801(b).]

TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY PLAN

[For columns of frequencies designated by these symbols, see Tables 1a, 1b, and 1c]

	Calling frequency column symbols	High traffic ship working frequency column symbols	Low traffic ship working frequency column symbols
RCA Communications, Inc.	C3, C5,[1] C7, C9	H1, H3, H5, H7, H9	L1, L3, L5, L7, L9, L11, L13, L15, L17, L19, L21, L23, L25, L27, L29, L31, L33, L35, L37, L39, L41, L43, L45, L47.
Mackay Radio & Telegraph Co., Inc.	C2, C4, C5,[1] C6	H4, H6, H8, H10	L2, L6, L8, L10, L14, L18, L20, L24, L28, L32, L34, L36, L40, L42, L48, L49.
Tropical Radio Telegraph Co.	C1, C5,[1] C8	H2, H11	L4.
Matson Navigation Co.	do	do	L12.
Globe Wireless Co.	do	H4, H6, H8, H10	L16.
Other applicants[2]			
A–C	do	H2, H11	L22.
D–L	do	do	L26.
M	do	do	L30.
N–R	do	do	L38.
S	do	do	L44.
T–Z	do	do	L46.

[1] See footnote 1 in Table 1b, "Ship Radiotelegraph Calling Frequencies".

[2] Applicants other than the companies listed must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C1, C5 or C8, H2 and H11 for a high traffic ship, or C1, C5 or C8 and L22 for a low traffic ship. For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group, C1, C5 or C8, H2 and H11 or L30: Marine Communications, Inc.; A. B. Miller and Co.; C. D. Munsey; E. F. Murphy; Alfred Abrams, et al.

§ 8.802 [Deletion]

12. Section 8.802 is deleted.

C. Part 14 is amended as follows:

1. In § 14.259(a)(3), subdivision (i) and the introductory text of subdivision (ii) are amended to read:

§ 14.259 Frequencies for ship-shore and ship-to-ship communication by telegraphy to telephony in all zones.

(a) • • •

(3) (i) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6:00 a.m. to 9:00 p.m. local standard time only—4390.2, 4386.2;[1]

(ii) Additionally the frequencies 5390.2 and 4386.2[1] kc may be used on a secondard basis for communication by telephony, during the hours from 6:00 a.m. to 9:00 p.m. local standard time only—

2. In § 14.264, paragraphs (a) and (k) and the note following paragraph (r) are amended to read:

§ 14.264 Frequencies assigned for use in particular zones.

(a) (1) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations and ship stations employing telegraphy and/or telephony in accordance with Subpart E of this part: *Provided,* That telephony only shall be employed on the frequencies 4409.4, 4434.9, 4406.9[1] and 4434.5[1] kc. With respect to the operation of coast stations, these frequencies are authorized for use (below 3400 kc on a shared basis with Alaska-public fixed stations) by coast stations located only in the zone or zones designated herein opposite the respective frequency; and for use in accordance with paragraph (1) of this section, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column.

(2) Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section, including paragraph (1) of this section in reference to each frequency:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646			1646		1646.
	1652			1652	
		1708	1708		
1712(b)				1712(b)	
2066(d)					
	2118(m)		2118(m)		
2422		2422			
	2430(c)(n)		2430	2430	
		2450(f)	2450(f)		2450(f).
		2482(n)(g)	2482(g)		2482(g).
				2506(h)	2506(h).
2512	2512	2512	2512		
	2538(e)	2538(e)			
2566			2566	2566	
2616(d)(i)					
3261(j)			3261(j)	3261(j)	
4409.4(k)	4409.4(k)	4409.4(k)			
4406.9(k)[1]	4406.9(k)[1]	4406.9(k)[1]			
			4434.9(k)	4434.9(k)	4434.9(k).
			4434.5(k)[1]	4434.5(k)[1]	4434.5(k).[1]

[1] Not available after June 30, 1962.

• • • • • • • •

[1] Not available after June 30, 1962.

(k) (1) The frequencies 4409.4, 4434.9, 4406.9[1] and 4434.5[1] kc are authorized for telephony exclusively; for use during the hours from 6:00 a.m. to 9:00 p.m. local standard time only. Such use of the frequencies 4434.9 and 4434.5 kc is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area to which this frequency is assigned as a carrier frequency for transmission.

(2) Additionally, public coast stations may communicate, on a secondary basis, during the hours from 6:00 a.m. to 9:00 p.m. local standard time only, on 4409.4, 4434.9, 4406.9[1] or 4434.5[1] kc for the exchange of public correspondence with other public coast stations within not less than 50 miles; under conditions which make it necessary to use either of these frequencies for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; and on condition that priority shall be given at all times to ship-shore communication.

• • • • • •

[F.R. Doc. 61–11009; Filed, Nov. 21, 1961; 8:45 a.m.]

[FCC 61–1324]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Modification of Licenses of Certain Ship Stations

In the matter of modification of licenses of passenger ship stations presently authorized to use radiotelegraph frequencies between 2 Mc and 27.5 Mc; modification of licenses of ship stations presently authorized to use radiotelephone frequencies between 4 Mc and 27.5 Mc for communications with coast stations located at: Dixon, California; Kahuku, Hawaii; Lawrenceville and Ocean Gate, New Jersey; Ojus, Florida; and on the Great Lakes.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November 1961;

The Commission having under consideration the modification of the abovementioned licenses of ship station licensees presently authorized to use radiotelegraph and radiotelephone frequencies in accordance with the Commission's rules and the Atlantic City (1947) Table of Frequency Allocations, so as to include in all such licenses authority to operate on the frequencies which are allotted in the Geneva Radio Regulations (1959);

It appearing, that as an outgrowth of rule-making proceedings in Docket 13952, the lists of frequencies in Part 8 of the Commission's rules, assignable to passenger ship stations employing telegraphy between 2 Mc and 27.5 Mc and to ship stations employing telephony between 4 Mc and 27.5 Mc for communication with coast stations listed in the caption of this Order, were recently amended to conform the frequencies in

[1] Not available after June 30, 1962.

those bands with the Geneva Radio Regulations (1959); and

It further appearing, that the GRR allocation plan has been in use on an international basis since on or about May 1, 1961, that the immediate and uninterrupted use of the newly allocated public correspondence frequencies by United States ships and coast stations is necessary to avoid operational and interference problems, that adherence to normal procedures for written applications for modification of outstanding licenses or other formal modification procedures would result in an interruption to usage of such frequencies by the licensee affected and would be to the public detriment, and, therefore, an emergency exists:

It is ordered, Pursuant to section 308 (a) (3) of the Communications Act of 1934, as amended, that effective March 22, 1962, the licenses of passenger ship stations using radiotelegraph between 2 Mc and 27.5 Mc and ship stations using radiotelephony between 4 Mc and 27.5 Mc for communications with coast stations located at Dixon, California; Kahuku, Hawaii; Lawrenceville and Ocean Gate, New Jersey; Ojus, Florida (on the frequency 4123.6 kc only); and coast stations located on the Great Lakes, are modified to authorize the frequencies made available under Part 8 as a result of the Report and Order in Docket No. 13952;

It is further ordered, That the authorizations herein ordered are hereby authorized in accordance with the applicable provisions of Part 8 of the Commission's rules;

It is further ordered, That the foregoing general authorization shall be for a period which will extend from March 22, 1962, until termination of the present license authority, of ship stations affected, by the issuance of a modified or renewal license in response to an application therefor; and

It is further ordered, That all rule provisions in Part 8 of the Commission's rules which are inconsistent with the actions herein ordered are hereby waived for the period specified in the foregoing ordering clause.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 308, 48 Stat. 1083, 47 U.S.C. 308)

Released: November 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11010; Filed, Nov. 21, 1961; 8:45 a.m.]

[Docket No. 14027; FCC 61-1349]

PART 9—AVIATION SERVICES

Transmission of Radio Signals From Aircraft to Activate Lights

1. Notice of proposed rule making in the above-entitled matter was released by the Commission on April 7, 1961. This notice, which made provision for the filing of comments by May 15, 1961, was duly published in the FEDERAL REGISTER on April 12, 1961 (26 F.R. 3114).

2. Comments in this proceeding were filed by Aerospace Flight Test Radio Coordinating Council (AFTRCC), AiRadio Corporation, Aircraft Owners and Pilots Association (AOPA), Alaska Aviation Radio, Inc. (AARI).

3. Alaska Aviation Radio, Inc., favors the proposed rule but requests that its scope be expanded to include unattended radiobeacons in Alaska. This request is outside the scope of the present rulemaking which parallels recommendations contained in the Radio Technical Commission for Aeronautics (RTCA), SC-56 Report, "Activation of Airport Lights by Radio Transmissions from Aircraft," and, therefore, is not included in the present rules.

4. AiRadio Corporation supported the proposal but foresees problems in the use of 122.8 Mc for the purpose of activating airport lights. As an alternative to eliminate the possibility of unintentional activation of the lights at more than one airport and to eliminate congestion on 122.8 Mc, the assignment of discrete frequencies in the band 121.50–121.75 Mc/s was suggested. In addition, AiRadio also indicated that if activation of airport lights was to be on a noninterference basis that it doubted that any installation could be practically completed to adhere to this standard.

5. The Commission precludes interference to existing communications on the frequency 122.8 Mc by specifying that use of this frequency for the control of airport lights would be on the condition that no harmful interference is caused to authorized voice communications. Further, where there is a possibility of interference on 122.8 Mc, the rules, as adopted herein, provide for the use of the utility frequencies for this same purpose. With regard to the possibility that an aircraft operator calling for lights at one airport might turn on the lights at many or other airports which he did not intend to use, it is anticipated that receiving installations for activation of airport lights will be established to operate on a separate code for each installation. Adherence to this practice should minimize the possibility of multiple activations. In this connection, the rule making and the Commission's responsibility goes to the transmissions and not the receiving installations. Assignment of discrete frequencies, as proposed by AiRadio Corporation, does not appear to be feasible for the reasons that: (1) This would amount to the assignment of receiving frequencies and (2) the utility frequencies are available for use by aircraft stations assigned either private aircraft or aircarrier aircraft frequencies and assignment of discrete frequencies would appear to be a restriction not ordinarily imposed nor warranted.

6. The comments of AFTRCC and AOPA gave unqualified support to the proposed rule making.

In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 303 (b), (c), (g), and (r) of the Communications Act of 1934, as amended, that, effective December 28, 1961, Part 9 of the Commission's rules is amended as set forth below, and

It is further ordered, That the proceedings in Docket No. 14027 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 15, 1961.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

1. Paragraph (g) of § 9.312 is amended to read as follows:

§ 9.312 Frequencies available.

* * * * *

(g) 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, 121.90, and 121.95 megacycles: Airport utility frequencies. The frequency 121.60 Mc may be used by aircraft radio stations for airport utility communications on the condition that no harmful interference is caused to search and rescue operations in the locale involved. In addition to their use for airport utility communications, these frequencies may be used for the control of airport lights by the transmission of brief keyed RF signals from aircraft on the condition that no harmful interference is caused to authorized voice communications.

2. Paragraph (e) of § 9.331 is amended to read as follows:

§ 9.331 Frequencies available.

* * * * *

(e) 122.8 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations and between private aircraft stations while in flight. Permissible communications are defined in § 9.1004. In addition, brief keyed RF signals may be transmitted for the control of airport lights from private aircraft on the condition that no harmful interference is caused to authorized voice communications.

[F.R. Doc. 61-11083; Filed, Nov. 21, 1961; 8:51 a.m.]

[Docket No. 14186; FCC 61-1316]

PART 9—AVIATION SERVICES

Additional Frequencies for Civil Air Patrol Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of November 1961;

The Commission having under consideration the amendment of § 9.912, Part 9—Aviation Services, to make available the frequency 4602.5 and 4630 kc/s for assignment to land and mobile stations of the Civil Air Patrol in certain states of the United States; and

It appearing that a need exists for these additional frequencies; and

It further appearing that notice of proposed rule making in the above-entitled matter was released on July 7, 1961; and

It further appearing that the notice which made provision for filing comments by August 15, 1961 was duly published in the FEDERAL REGISTER on July 12, 1961 (26 F.R. 6248); and

It further appearing that no comments were received in this proceeding; and

It further appearing that the authority for the issuance of this order is contained in section 303 (c), (d), (f), (h), and (r) of the Communications Act of 1934, as amended:

It is ordered, That Part 9 of the Commission's rules be amended effective December 28, 1961, as set forth below; and

It is further ordered, That the proceedings in Docket No. 14186 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 9.912 is amended to read as follows:

§ 9.912 Frequencies available.

The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this section.

(a) 2374 kc, A1, A2, A3 emission, 400 watts maximum power.

(b) 4467.5 kc, A1, A2, A3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the District of Columbia and the following States:

Alabama.	New Jersey.
Connecticut.	New York.
Delaware.	North Carolina.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Maine.	South Carolina.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Mississippi.	Virginia.
New Hampshire.	West Virginia.

(c) 4507.5 kc, A1, A2, A3 emission, 400 watts maximum power. This frequency is available for assignment to stations in all areas of the continental United States except Alaska and those listed in paragraph (b) of this section.

(d) 4585 kc, A1, A2, A3 emission, 400 watts maximum power.

(e) 4602.5 kc, A1, F1, A3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the following States:

Colorado.	Montana.
Idaho.	Ohio.
Illinois.	Utah.
Indiana.	Wisconsin.
Kentucky.	Wyoming.
Michigan.	

(f) 4630 kc, A1, F1, A3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the following States:

Arizona.	New Mexico.
Arkansas.	Oklahoma.
Louisiana.	Texas.

(g) 26620 kc, A1, A2, A3 emission, 250 watts maximum power. Assignment of this frequency is limited to stations in the State of Hawaii.

(h) 143.91 Mc, A1, A2, A3 emission, 10 watts maximum power. Assignment of this frequency is limited to stations in the continental United States (excluding Alaska).

(i) 148.14 Mc, A2, A3 emission, 50 watts maximum power.

[F.R. Doc. 61-11082; Filed, Nov. 21, 1961; 8:51 a.m.]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL EQUIPMENT

Procedure for Type Approval; Correction

In the matter of amendment of § 18.14 of the Commission's rules and regulations to effect an editorial change therein.

The Commission's Order of November 3, 1961, in the above entitled matter is corrected to change the frequency 21,125 Mc/s appearing in the note at the end of § 18.14 to read 22,125 Mc/s.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11086; Filed, Nov. 21, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Subpart—Proclamation of a National Marketing Quota for Flue-Cured Tobacco for Each of the Three Marketing Years Beginning July 1, 1962; and Announcement and Apportionment of the National Marketing Quota for Flue-Cured Tobacco for the 1962–63 Marketing Year

§ 725.1301 Basis and purpose.

(a) Sections 725.1301 and 725.1302 are issued (1) to proclaim a national marketing quota for flue-cured tobacco for each of the three marketing years beginning July 1, 1962; (2) to establish the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1961; (3) to announce the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1962; and (4) to apportion such national marketing quota among the several States. The findings and determinations by the Secretary contained in § 725.1302 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others as provided in a notice (26 F.R. 9651) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of flue-cured tobacco producers within 30 days after proclamation of the quota to determine whether such producers favor marketing quotas and since farmers need to know the 1962 allotments for their farms before voting in the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation included herein, and the announcement and apportionment of the national marketing quota for flue-cured tobacco for the 1962–63 marketing year contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 725.1302 Proclamation of a national marketing quota for flue-cured tobacco for the three marketing years beginning July 1, 1962, and findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1962.

(a) *Proclamation.* Since the 1961–62 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on flue-cured tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning July 1, 1962 is hereby proclaimed pursuant to section 312(a) (2) of the Act.

(b) *Reserve supply level.*[1] The reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1961 is 3,089.0 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 795.0 million pounds and a normal year's exports of 458.0 million pounds.

(c) *Total supply.* The total supply of flue-cured tobacco for the marketing year beginning July 1, 1961, is 3,343.3 million pounds, consisting of carryover of 2,090.1 million pounds and estimated 1961 production of 1,253.2 million pounds.

(d) *Carryover.* The estimated carryover of flue-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1962, is 2,074.3 million pounds, calculated by substracting the estimated disappearance for the marketing year beginning July 1, 1961, of 1,269.0 million pounds from the total supply of such tobacco.

(e) *National marketing quota.* The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1962, a supply of

[1] Rounded to the nearest tenth of a million pounds.

flue-cured tobacco equal to the reserve supply level of such tobacco is 1,014.7 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 1,014.7 million pounds would result in undue restrictions of marketings during the 1962–63 marketing year and such amount is hereby increased by 15 percent. Therefore, the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1962, is 1,166.9 million pounds.

(f) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment
Alabama	509.53
Florida	15,198.56
Georgia	72,585.21
North Carolina	471,416.34
South Carolina	82,966.04
Virginia	71,680.16
Reserve[1]	1,790.82

[1] Acreage reserved for establishing allotments for new farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, 46, 47, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 20, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–11129; Filed, Nov. 21, 1961; 8:53 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Miscellaneous Amendments to Chapter

Chapter I of Title 8 is amended in the following respects:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

The fifth item of paragraph (c) of § 103.7 is amended so that when taken with the introductory material it will read as follows:

§ 103.7 Records and fees.

* * * * *

(c) *Additional fees.* In addition to the fees enumerated in sections 281 and 344 of the Act, the following fees and charges are prescribed.

* * * * *

For filing application for alien registration receipt card in lieu of one lost, mutilated or destroyed, or in changed name---------$5.00

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Paragraph (b) of § 212.7 is amended to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(b) *Section 212(f).* An alien who is excludable and seeks a waiver under section 212(f) of the Act, as amended September 26, 1961, shall file an application on Form I–601 at the consular office considering the application for a visa.

Part 223 is amended to read as follows:

PART 223—REENTRY PERMITS

Sec.
223.1 Application.
223.2 Extensions.
223.3 Expired permits.

AUTHORITY: §§ 223.1 to 223.3 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 223, 66 Stat. 194; 8 U.S.C. 1203.

§ 223.1 Application.

An application for a reentry permit under the provisions of section 223 of the Act shall be submitted on Form I–131. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 223.2 Extensions.

An application for extension of a reentry permit shall be submitted to the office having jurisdiction over the applicant's place of residence in the United States or to the immigration officer stationed abroad having jurisdiction over the place where the applicant is temporarily sojourning prior to the expiration of the period of validity of the reentry permit. The application shall be in writing and shall state the applicant's name and address in the United States; when, where, and the manner in which he departed from the United States; the port of landing and the date of his arrival abroad; the countries visited by him in the order visited; his reasons for requesting an extension and the period for which the extension is desired, and the address to which the permit is to be returned. If the extension application is granted, the permit will be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the permit returned to him if the remaining period of its validity permits its use for return to the United States. No appeal shall lie from a decision denying an application for extension of a reentry permit.

§ 223.3 Expired permits.

Upon the expiration of the period of validity of a reentry permit, the permit shall be surrendered by the holder to the issuing office. If any such expired permit has not been surrendered to the Service, no subsequent reentry permit shall be issued to the same alien unless he shall first surrender the expired permit, or satisfactorily account for his failure so to do.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

Paragraph (c) of § 264.1 is amended to read as follows:

§ 264.1 Registration and fingerprinting.

* * * * *

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Except for nonimmigrant crewmen who shall apply on Form I-174, and nonimmigrant agricultural workers, including aliens embraced within the provisions of § 214.2(k) of this chapter, who shall apply on Form I–102, such application shall be made on Form I–90. Any alien lawfully admitted for permanent residence whose name has been legally changed after registration may also apply on Form I-90. Evidence of registration surrendered by a lawful permanent resident alien on other than Form I–151 will be replaced with Form I–151 without fee or application. No appeal shall lie from the decision of the district director denying the application.

PART 282—FORMS FOR SALE TO PUBLIC

The heading to Part 282 is amended to read as set out above and Part 282 is amended to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by Subchapter B of this chapter: G–28, I–20, I–21, I–94, I–95, I–129B, I–130, I–131, I–418.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 282, 66 Stat. 231; 8 U.S.C. 1352)

PART 299—IMMIGRATION FORMS

The list of forms in § 299.1 *Prescribed forms* is amended by deleting "Form I–132 Permit to Reenter the United States."

PART 332a—OFFICIAL FORMS

The list of forms in § 332a.2 *Official forms prescribed for use of clerks of naturalization courts* is amended by deleting "Form N–50 Receipt for Duplicate Petitions."

PART 499—NATIONALITY FORMS

The list of forms in § 499.1 *Prescribed forms* is amended by deleting "Form N–50 Receipt for Duplicate Petitions."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: November 16, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61–11054; Filed, Nov. 21, 1961; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

Miscellaneous Amendments

On pages 7143 and 7144 of the FEDERAL REGISTER of August 9, 1961, there was published a notice of proposed rule making to amend 10 CFR Part 40, "Licensing of Source Material", to: (1) Redesignate § 40.13(c)(5)(i) as § 40.13(c)(5) and amend it to extend the present exemption from licensing requirements for uranium aircraft counterweights installed in aircraft to include their storage, installation, removal, and incidental handling; (2) add a new § 40.13(c)(6), which would exempt from licensing requirements certain shipping containers made of or incorporating uranium as a shielding material, and (3) add a new § 40.23(c), which would generally license the export of uranium in the form of aircraft counterweights installed in aircraft.

Interested persons were given 30 days in which to submit written comments in connection with the proposed amendments. No objections to the proposed amendments have been received by the Commission.

In the interest of clarification the Commission considers that the less restrictive term "shipping container" should be used rather than "shipping cask" in the proposed § 40.13(c)(6), which establishes the exemption for shipping containers made of or incorporating uranium.

Inasmuch as these amendments grant relief from licensing requirements, the Commission has found that good cause exists why they should be made effective on publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administration Procedure Act of 1946, the proposed amendments of 10 CFR Part 40 are hereby adopted, subject to the change below, as a document subject to codification effective on publication in the FEDERAL REGISTER.

Subparagraph (6) of § 40.13(c) is amended by changing the words "shipping cask" to read "shipping container".

Dated at Germantown, Md., this 9th day of November 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

a. Add the following new § 40.23(c):

(c) A general license designated AEC–GRO–SMC is hereby issued authorizing the export from the United States to any foreign country or destination, except countries or destinations listed in § 40.90, of uranium in the form of counterweights installed in aircraft, provided that such counterweights have been manufactured under a specific license issued by the Commission and have been impressed with a statement, clearly legible after plating, which states, "CAUTION-RADIOACTIVE MATERIAL-URANIUM."

b. Redesignate § 40.13(c)(5)(i) as § 40.13(c)(5) and amend it to read:

(5) Uranium contained in counterweights installed in aircraft and stored or handled in connection with installation or removal of such counterweights in or from aircraft; provided that such counterweights are manufactured in accordance with a specific license issued by the Commission and that each such counterweight has been impressed with a statement, clearly legible after plating, which states, "CAUTION—RADIOACTIVE MATERIAL—URANIUM," and that there is no removal or penetration of the plating on such counterweights.

c. Add the following new § 40.13(c)(6) to read:

(6) Uranium used as shielding constituting part of any shipping container which is conspicuously and legibly impressed with the legend "CAUTION—RADIOACTIVE SHIELDING—URANIUM" and which meets the specifications for containers for radioactive materials prescribed by § 78.250, Specification 55, Part 78 of the regulations of the Interstate Commerce Commission (49 CFR 78.250).

d. Redesignate § 40.13(c)(5)(ii) as § 40.13(c)(7) and revise it to read as follows:

(7) The exemptions in this paragraph (c) do not authorize the manufacture of any of the products described.

[F.R. Doc. 61–10963; Filed, Nov. 21, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8338 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Towers Marts, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Towers Marts, Inc., et al., Rockville, Conn., Docket 8338, Sept. 15, 1961]

In the Matter of Towers Marts, Inc., a Corporation, and Samuel J. Rosenstein, David Segal, Jack L. Graber, and David Portnoy, Individually and as Officers of Said Corporation

Consent order requiring a corporation with office in Danville, Conn., operating five wholly owned subsidiary retail stores which sold wearing apparel, hardware, and sports equipment, and licensing other concerns to operate departments in its stores to sell their own merchandise, to cease the practice of using fictitious comparative prices in newspaper advertisements, such as "Rotary Mower $58.76 Compare at $98." and "Fielders' Glove Compare at $10 * * * 4.33", where the amounts set out under "compare at" were substantially in excess of usual retail prices in the area and afforded purchasers no savings, as implied.

The order to cease and desist is as follows:

It is ordered, That Towers Marts, Inc., a corporation, its officers and Samuel J. Rosenstein, David Segal, Jack L. Graber and David Portnoy, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate device, in connection with the advertising, offering for sale or sale of general merchandise or any product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) Through the use of the term "compare at" or any other term of the same import, or representing in any other manner, that any amount is the usual and customary price of merchandise in respondents' trade area when it is in excess of the price at which merchandise is usually and customarily sold at retail in the trade area where the representation is made;

(b) That purchasers of the advertised merchandise are afforded savings of the difference between the "compare at" prices or prices in the trade area or areas where the representations are made and the advertised prices of the respondents, unless the price at which the merchandise is advertised and offered for sale by the respondents constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail in the trade area or areas where the representation is made;

2. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise or the amount by which the price of said merchandise has been reduced from the price at which it is usually and customarily sold at retail in the trade area or areas where the representation is made.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11069; Filed, Nov. 21, 1961; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Delayed or Suspended Offerings

The Securities and Exchange Commission has adopted a rule under the Securities Act of 1933 which requires that if a bona fide effort is not made to proceed with the offering and sale of registered securities to the public within three business days after the registration statement becomes effective, or if the offering or sale is suspended within 15 days after the effective date, telegraphic or air mail notice of the delay or suspension must be filed with the Commission. A similar rule has been added to Regulation A with respect to offerings under that regulation.

It has come to the attention of the Commission that certain offerings have been held off the market after the effective date of the registration statement, or after the date on which the offering could have commenced under Regulation A, for the purpose of avoidin the usual market surveillance or of increasing the demand for, or the price of, the securities to be offered. The securities are then subsequently offered at an increase in price over the price stated in the prospectus or offering circular.

If at the time a registration statement becomes effective, or at the time an offering under Regulation A may be commenced, it is intended that the offering will not be commenced immediately or will be suspended, the prospectus or offering circular should disclose such intention and the reasons therefor. The new rules are intended to apply to situations where an offering is delayed or suspended and information with respect to such delay or suspension and the reasons therefor are not contained in the prospectus or offering circular.

I. A new § 230.263 (Rule 263) is added to §§ 230.251 to 230.262 (Regulation A under the Securities Act of 1933), with reference to offerings under that regulation, to read as follows:

§ 230.263 Notice of delayed or suspended offering and sale.

If within three business days after the issuer has received notice that the Commission has no further comments with respect to the notification a bona fide effort is not made to proceed with the offering and sale of the securities proposed to be offered under this regulation, or if the offering or sale of such securities is suspended by the issuer or any underwriter within 15 days after the issuer has received such notice, a notice of the delay or suspension, stating the reasons therefor, shall be filed by the issuer or underwriter with the Regional Office of the Commission with which the notification was filed, unless such information is set forth in the offering circular. Such notice shall be sent promptly by telegraph or air mail and if sent by telegraph shall be confirmed in writing within a reasonable time by the filing of a signed copy of the notice.

II. A new § 230.462 (Rule 462), with reference to registered securities, is added to the rules under the Securities Act of 1933 to read as follows:

§ 230.462 Notice of delayed or suspended offering and sale of securities.

If within three business days after the effective date of the registration statement a bona fide effort is not made to proceed with the offering and sale of the registered securities to the public in accordance with the plan of distribution described in the registration statement, or if the offering or sale of such securities is suspended by the issuer or a principal underwriter within 15 days after the effective date, a notice to that effect, stating the reasons for the delay or suspension shall be filed with the Commission by the issuer or principal underwriter, unless such information is set forth in the prospectus. Such notice shall be sent promptly by telegraph or air mail and if sent by telegraph shall be confirmed in writing within reasonable time by the filing of a signed copy of the notice.

(Secs. 3(b), 6, 7, 10, and 19(a), 48 Stat. 75 et seq., as amended, 15 U.S.C. 77c, 77f, 77g, 77j, and 77s)

The Commission finds that it is necessary and appropriate in the public interest and for the protection of investors that the above rules be adopted without delay and that notice and procedure pursuant to the Administrative Procedure Act are, under the circumstances, unnecessary. Accordingly, the above rules, which are adopted pursuant to the Securities Act of 1933, particularly sections 3(b), 6, 7, 10 and 19(a) thereof, shall be effective with respect to registration statements which become effective on or after November 27, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 14, 1961.

[F.R. Doc. 61-11052; Filed, Nov. 21, 1961; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER C—PROBATE

PART 17—ACTION ON WILLS OF OSAGE INDIANS

Appeals

On page 8641 of the FEDERAL REGISTER of September 15, 1961, there was published a notice of intention to amend Part 17, Title 25, of the Code of Federal Regulations, concerning actions on wills of Osage Indians.

The approval or disapproval of wills of deceased Osage Indians by the Superintendent, following notice and hearing, has substantially the same type of technical legal connotations as does that of the action of the Examiners of Inheritance in Indian probates under Part 15 of this chapter. Appeals from the decisions of the Examiners are taken under 25 CFR 15.19 direct to the Secretary. It is the purpose of this amendment to provide for a direct appeal to the Secretary in Osage will cases.

Interested persons were given thirty days within which to submit written comments, suggestions, or objections concerning the proposed amendment. No objections or comments were received, and the regulation is hereby adopted as set forth below and will become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

KENNETH HOLUM, *Acting Secretary of the Interior.*

NOVEMBER 15, 1961.

Section 17.14 is amended to read as follows:

§ 17.14 Appeals.

(a) Notwithstanding the provisions in Part 2 of this chapter concerning appeals generally from administrative actions, any appeal from the action of the superintendent of approving or disapproving a will shall be taken to the Secretary. Upon the superintendent's final action of approval or disapproval of a will, he shall immediately notify by mail all attorneys appearing in the case, together with interested parties who are not represented by attorneys, of his decision and of their right to file an appeal.

(b) Any party desiring to appeal from the action of the superintendent shall, within 15 days after the date of the mailing of notice of the decision file with the superintendent a notice in writing of his intention to appeal to the Secretary, and shall, within 30 days after the mailing date of such notice by the superintendent, perfect his appeal to the Secretary by service of the appeal upon the superintendent, who will transmit the entire record to the Secretary. If no notice of intention to appeal is given within 15 days, the superintendent's decision will be final.

(c) Upon the filing of notice with the superintendent of intention to appeal or the perfecting of an appeal by service upon the superintendent, at the same time similar notice and service shall be effected by the party taking an appeal upon opposing counsel or litigants, and a statement included in the appeal that this has been done. A party taking an appeal may, within the same 30-day period allowed for perfecting an appeal, file a brief or other written statement of his contentions, showing also service of that brief upon opposing counsel or litigants. Opposing counsel or litigants shall have 30 days from the date of the service of appellant's brief upon them in which to file an answer brief, copies of which also shall be served upon the appellant or opposing counsel and litigants. Except by special permission, no other briefs will be allowed on appeal.

[F.R. Doc. 61-11049; Filed, Nov. 21, 1961; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER F—TRANSPORTATION

PART 200—OCEAN TRANSPORTATION SERVICE

Miscellaneous Amendments

1. The citation of authority for Part 200 is revised to read as follows:

AUTHORITY: §§ 200.1 to 200.5 issued under R.S. 161, sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 22, 171a. Interpret or apply sec. 2202, 70A Stat. 120; 10 U.S.C. 2202.

2. Section 200.1(d) is revised to read as follows:

§ 200.1 Authority and responsibility.

* * * * *

(d) As a part of the Operating Forces of the Navy, the Military Sea Transportation Service is responsible, through the Commander Military Sea Transportation, to the Chief of Naval Operations. As a procuring activity, the Military Sea Transportation Service is responsible, through its Commander, to the Assistant Secretary of the Navy (Installations and Logistics).

(R.S. 161, sec. 202, 61 Stat. 500, sec. 2202, 70A Stat. 120, as amended; 5 U.S.C. 22, 171a, 10 U.S.C. 2202)

MAURICE W. ROCHE, *Administrative Secretary, Office of the Secretary of Defense.*

NOVEMBER 15, 1961.

[F.R. Doc. 61-11044; Filed, Nov. 21, 1961; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 561—ARMY RESERVE

Enlistments

Sections 561.29 through 561.36 are revised to read as follows:

Sec.
561.29 Periods of enlistment.
561.30 Qualifications for USAR enlistment.
561.31 Age requirements.
561.32 Citizenship.
561.33 Residence.
561.34 Dependents.
561.35 Members of Reserve components of other armed forces.
561.36 Ineligibility.

AUTHORITY: §§ 561.29 to 561.36 issued under sec. 280, 70A Stat. 14; 10 U.S.C. 280.

SOURCE: AR 140-111, Oct. 24, 1961.

§ 561.29 Periods of enlistment.

Enlistments as reserves of the Army for service in the Army Reserve will be for periods as prescribed in this section.

(a) *Three-year period.* Enlistment for 3 years is authorized for:

(1) Women except for applicants for the WAC College Junior Program who have not reached their 21st birthday.

(2) Men, provided:

(i) Applicant is not subject to induction into active military service.

(ii) Applicant has a remaining service obligation of 3 years or less.

(iii) Applicant has prior service as provided in paragraph (e) of this section.

(b) *Six-year period—2 year active duty program.* Applicable to male applicants. Individuals ordered to report for induction into the Armed Forces may not be enlisted under this paragraph.

(c) *Six-year period—6 months' active duty for training program.* Applicable to male applicants without prior military service.

(d) *Eight-year period.* Until 1 August 1963 male applicants may be enlisted for 8 years as follows:

(1) *For 6 months' ACDUTRA.* High school students may not be enlisted more than 1 year prior to expected date of graduation.

(2) *For 3 months' ACDUTRA.* When selected as eligible for enlistment as critically skilled personnel by Selective Service authorities.

(e) *Period to cover remaining obligation.* Members of a Reserve component of another armed force, granted conditional release to enlist in the Army Reserve, will be enlisted for the number of whole years to cover the remainder of his existing service obligation. In no case will this enlistment be for less than 3 years. The applicant's original service obligation carries over to this enlistment.

§ 561.30 Qualifications for USAR enlistment.

Eligibility requirements and procedures for enlistment and reenlistment are the same as those prescribed in Part 571 of this subchapter for the Regular Army except as outlined in §§ 561.31–561.36.

§ 561.31 Age requirements.

(a) *Personnel—(1) Initial enlistee:*

	Age (years)
For 6 years with 2 years' AD	17 to 26.
For 6 years with a 6 months' ACDUTRA	18½ to 26.
For 8 years with 6 months ACDUTRA	17 to 18½.
For 8 years with 3 months' ACDUTRA (critical skill)	18½ to 26.
For 3 years with 6 months' ACDUTRA (for male enlistees)	26 to 35.

(2) *Prior service enlistee.*

	Age (years)
Applicants with honorable service in any of the armed forces	17 to 35.
Applicants last honorably discharged from any component of the Army or as Reserve officers of the Army except as provided in paragraph (b) of this section	17 to 55.
Applicants with needed skills. Exceptions to prior service limitations may be made when authorized by the area commander. This authority may not be delegated below corps commander	17 to 45.

(b) *Exception to maximum age.* As an exception to age requirements above a prior service applicant 55 years of age may be enlisted only for his own vacancy, on the day following discharge if he will be able to complete 20 years qualifying service for retirement purposes prior to attaining age 60. Officers removed from an active status by reason of having attained maximum age or service are not eligible for enlistment under this authority.

(c) *Army Reserve Band.* Applicants for service in the Army Reserve Band must meet requirements for members of the Regular Army Band.

(d) *Needed skills.* Applicants with needed skills will be reenlisted without special authorization if reenlistment is accomplished within 90 days after discharge from prior enlistment.

§ 561.32 Citizenship.

Applicants must be citizens of the United States, or have filed legal declaration of intention to become citizens of the United States or a possession thereof, or must have had prior service in the Armed Forces of the United States.

§ 561.33 Residence.

Each applicant must be a resident of and furnish a permanent home address within the United States. Enlistments will be restricted to those applicants living and working within reasonable distances from the unit for which enlisted in order to satisfactorily participate in scheduled unit training.

§ 561.34 Dependents.

(a) Except as authorized for especially skilled applicants and other than those reenlisting on the day following honorable discharge, male applicants with dependents are authorized to enlist, if otherwise eligible, subject to the conditions prescribed below:

Number of dependents	Grade authorized	Minimum requirements
Not more than 1.	E-1	A percentile score of 50 or higher on Armed Forces Qualification Test for nonprior servicemen, except the selective service registrant under 26, classified 1A, may be enlisted if he attains a percentile score of 31 or higher on Armed Forces Qualification Test.
Not more than 3.	E-1 through E-3.	Prior servicemen—a percentile score of 50 or higher on Armed Forces Qualification Test.
Not more than 3.	E-4	Prior servicemen entitled to enlist or reenlist in grade E-4 percentile score of 31 or higher.
4 or more	E-4 or higher	May enlist or reenlist only if entitled to enlist in grade E-4 or higher.

(b) Area commanders may grant waivers in exceptionally meritorious cases of persons with 6 or more years of honorable service when applicant does not meet all the above requirements. This authority may not be delegated below corps commanders.

(c) Prior servicewomen with dependents reenlisting after 180 days from honorable discharge may enlist in grades E–2 or E–3.

§ 561.35 Members of Reserve components of other armed forces.

Members of Reserve components of other armed forces, having a service obligation, including those enrolled in or applying for enrollment in Advanced Course, Senior Division, ROTC, may be enlisted provided:

(a) They meet current criteria for prior service applicants.

(b) Applications are submitted through, and approved by, officials of the losing armed force authorized to accept resignations or otherwise effect separations; or

(c) They submit a certificate, signed by an official indicated in paragraph (b) of this section, that the applicant will be released from his current status if enlisted as a Reserve of the Army.

§ 561.36 Ineligibility.

(a) *Classes ineligible to enlist or reenlist unless waiver is granted.* Those individuals described in § 571.2(e) of this subchapter as ineligible unless waiver is granted may not be enlisted or reenlisted as Reserves of the Army unless waiver is granted.

(b) *Classes ineligible for enlistment or reenlistment—no waivers granted.* (1) Those described in § 571.2(f) of this subchapter as ineligible.

(2) Critical air transport personnel having been denied Ready Reserve assignment by the Air Force.

(3) Persons with military status except as shown in § 561.35.

(4) Officers removed from an active status by reason of having attained maximum age or service.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–11042; Filed, Nov. 21, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Conversion Factors

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (7 CFR 914.100 et seq.; Subpart—Rules and Regulations) of the Navel Orange Administrative Committee, currently in effect pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments for consideration in connection with the said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

The said amendment would revise the provisions of § 914.139 *Conversion factors* (24 F.R. 1685) as follows:

§ 914.139 Conversion factors.

Unless otherwise specified in the particular report form, information with respect to volume of oranges required to be submitted under this part shall be reported in terms of cartons. For shipments of oranges, other than in cartons, the volume of such oranges shall be converted to cartons on the basis of 40 pounds net weight per carton: *Provided*, That the following conversion factors may be used:

(a) One standard 2-compartment California wood box, loose packed, equals 1.6 cartons.
(b) Twenty 2-lb. bags equal 1 carton.
(c) Thirteen 3-lb. bags equal 1 carton.
(d) Ten 4-lb. bags equal 1 carton.
(e) Eight 5-lb. bags equal 1 carton.
(f) Seven 6-lb. bags equal 1 carton.
(g) Six 7-lb. bags equal 1 carton.
(h) Five 8-lb. bags equal 1 carton.

Dated: November 17, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11091; Filed Nov. 21, 1961; 8:52 a.m.]

[7 CFR Part 1026]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Extensions of Time for Receipt of Written Data, Views, or Arguments

Notice is hereby given that the time for receipt of written data, views, or arguments with respect to (1) the proposed establishment of handler charges, notice of which was published in the FEDERAL REGISTER November 8, 1961 (26 F.R. 10516), and (2) the proposed Subpart—Administrative Rules and Regulations including conversion factors and a shrinkage allowance, notice of which was published in the FEDERAL REGISTER November 17, 1961 (26 F.R. 10772), pursuant to Marketing Agreement No. 133 and Order No. 126 (26 F.R. 7797), is hereby extended to 5 p.m., e.s.t., December 15, 1961.

Request for a reasonable extension of the receipt dates has been made so as to afford interested parties additional time to consider the proposals.

Dated: November 20, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11136; Filed, Nov. 21, 1961; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Referendum

Notice is hereby given that on December 12, 1961, a referendum will be held of farmers engaged in the production in 1961 of flue-cured tobacco pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, 1281 et seq. Notice that consideration would be given to establishing a date for holding the referendum was given in 26 F.R. 9651. The purpose of the referendum is to determine whether the farmers voting favor national marketing quotas for each of the 1962–63, 1963–64, and 1964–65 marketing years for such kind of tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (23 F.R. 3432, 7285).

In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum, it is essential that this be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 16, 1961.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–11126; Filed, Nov. 21, 1961; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Notice of Proposed Rule Making

On April 22, 1961, the Commission published in the FEDERAL REGISTER the form of indemnity agreements which it would execute with licensees furnishing insurance policies as proof of financial protection and the form of indemnity agreement which it would enter into with licensees furnishing proof of financial protection in the form of licensee's resources. In the statement of considerations, the Commission stated that it had recommended to Congress that the indemnity provisions (Section 170) of the Atomic Energy Act of 1954, as amended, be amended to eliminate coverage of liability for damage to so-called "on-site" property, and that, if such legislation were enacted, corresponding changes would be made in the forms of indemnity agreements. Public Law 87–206, effective September 6, 1961, contains a provision amending the definition of "public liability" in section 11u of the Atomic Energy Act of 1954, as amended. Therefore, it is necessary to make corresponding changes in the forms of indemnity agreements to be entered into with licensees furnishing proof of financial protection. Opportunity is also taken at this time to correct two typographical or editorial errors.

Principal features of the changes in the form of indemnity agreements contained in § 140.76 *Appendix "B"*, are as follows:

1. Amendment of paragraph 6 of Article I (definition of "public liability") to delete indemnity coverage for on-site property used in connection with the licensee's possession, use, or transfer of the radioactive material.

2. Amendment of paragraph 2 of Article II by deleting the "(a)" after the 2 and by deleting the (b) paragraph in its entirety. Paragraph 2(b) required the licensee to indemnify and hold harmless

all persons indemnified from public liability for damage to on-site property. Since there is no longer any public liability for on-site property, this requirement is deleted.

3. Amendment of lines 1 and 2 of paragraph 3 of Article II by deletion of the phrase "under paragraph 2(b) of this Article, and". The deletion of paragraph 2(b) requires that this reference also be deleted.

4. Amendment of lines 9 through 11 of the second paragraph of paragraph 6(c) of Article II by the deletion of the phrase "aggregate of the obligations of the licensee under paragraph 2(b) of this Article II, and". The deletion of 2(b) also requires that this reference to paragraph 2(b) be deleted.

5. Amendment of the fifth line of paragraph 4(a) of Article III by deletion of the comma after the word "property". The insertion of this comma was inadvertent.

The principal features of the changes in the form of indemnity agreements contained in § 140.77, *Appendix C*, are as follows:

6. Amendment of paragraph 6, Article I (definition of "public liability") to delete indemnity coverage for on-site property used in connection with the licensee's possession, use, or transfer of the radioactive material.

7. Amendment of paragraph 4(a) of Article III by adding between the comma and the word "incident" in the fifth line of the following parenthetical phrase: "(other than such property described in the provisio to paragraph 2 of this article)". This amendment conforms this paragraph with the corresponding paragraphs in the other form indemnity agreements. The omission was inadvertent.

Pending adoption of the following proposed amendments, the Commission is forwarding to licensees required to furnish financial protection the applicable form indemnity agreement published in the FEDERAL REGISTER on April 22, 1961, as amended by a publication in the FEDERAL REGISTER on August 19, 1961. By letter accompanying such indemnity agreement, however, the Commission is informing the licensee of the amendment of the definition of "public liability" by Public Law 87–206 and that an appropriate amendment to the indemnity agreement will be sent to the licensee to be effective September 6, 1961, the effective date of Public Law 87–206.

Notice is hereby given that the Commission is considering adoption of the following amendments. All interested parties who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Amend § 140.76, *Appendix B*, Article I, paragraph 6, to read as follows:

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b), if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle and containers used in such transportation and the radioactive material.

2. Amend § 140.76 *Appendix B*, Article II, paragraph 2, by deleting the letter "(a)" after the Number "2" and deleting "2(b)" in its entirety so that paragraph 2 reads:

2. In the event of any payment by the insurer or insurers under a policy or policies specified in Item 5 of the Attachment hereto which reduces the aggregate limit of such policy or policies below the amount of financial protection, the licensee will promptly apply to his insurers for reinstatement of the amount specified in Item 2a of the Attachment (without reference to paragraph b of Item 2) and will make all reasonable efforts to obtain such reinstatement. In the event that the licensee has not obtained reinstatement of such amount within ninety days after the date of such reduction, and in the absence of good cause shown to the contrary, the Commission may issue an order requiring the licensee to furnish financial protection for such amount in another form.

3. Amend § 140.76 *Appendix B*, Article II, paragraph 3, to read as follows:

3. Any obligations of the licensee under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability, together with any public liability satisfied by the insurers under the policy or policies designated in the Attachment hereto, shall not in the aggregate exceed the amount of financial protection with respect to any nuclear incident, including the reasonable costs of investigating and settling claims and defending suits for damage.

4. Amend § 140.76 *Appendix B*, Article II, second paragraph of paragraph 6(c) to read as follows:

As used in this paragraph 6, Article II, and subparagraph 4(b), Article III, "other applicable agreements" means each other agreement entered into by the Commission pursuant to subsection 170c of the Act in which agreement the nuclear incident is defined as a "common occurrence". As used in this paragraph 6, Article II, "the obligations of the licensee" means the obligations of the licensee under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability, together with any public liability satisfied by the insurers under the policy or policies designated in the Attachment, and the reasonable costs of investigating and settling claims and defending suits for damage.

5. Amend § 140.76, *Appendix B*, Article III, paragraph 4(a), to read as follows:

4(a) The obligations of the Commission under this Article shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this article), and such reasonable costs described in paragraph 3 of this article as in the agregate exceed the amount of financial protection.

6. Amend § 140.77 *Appendix C*, Article I, paragraph 6, to read as follows:

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b), if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle and containers uesd in such transportation and the radioactive material.

7. Amend § 140.77 *Appendix C*, Article III, paragraph 4(a), to read as follows:

4(a) The obligations of the Commission under this article shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this article), and such reasonable costs described in paragraph 3 of this article as in the agregate exceed the amount of financial protection.

Dated at Germantown, Md., this 15th day of November 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61–11064; Filed, Nov. 21, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61–FW–95]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6035 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 35 west alternate is designated, in part, from the Asheville, N.C., VOR via the Asheville VOR 329° and the Tri-City, Tenn., VOR 204° True radials; to the Tri-City VOR. The Federal Aviation Agency has under consideration the realignment of this segment of Victor 35 west alternate from the Asheville VOR via the intersection of the Asheville VOR 300° and the Tri-City VOR 203° True radials; to the Tri-City VOR.

The proposed realignment of Victor 35 west alternate would provide a more direct route between the new Asheville Airport and Tri-City for aircraft utilizing the Asheville ILS in lieu of the VOR for instrument approach procedures at the Asheville Airport. The control areas associated with this airway are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on November 15, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11047; Filed, Nov. 21, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–163]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Correction

In F.R. Doc. 61–10954, appearing at page 10779 of the issue for Friday, November 17, 1961, correction is made to change the language in the paragraph designated "5.", and to add paragraphs designated "6." to "9." as set forth below:

5. The Woodville, La., transition area would be designated to extend upward from 1200 feet above the surface within 12 miles northwest and 8 miles southeast of the McComb, Miss., VOR 251° True radial extending from 48 miles to 80 miles southwest of the McComb VOR. This transition area would provide protection for aircraft in a holding pattern at the Woodville Intersection (intersection of the McComb VOR 251° and the Baton Rouge, La., VOR 357° True radials).

6. The Yarbo, Ala., transition area would be designated to extend upward from 1200 feet above the surface within a 25-mile radius of the Yarbo Intersection (intersection of the Evergreen, Ala., VOR 268° and the Mobile, Ala., VOR 005° True radials). This transition area would provide protection for aircraft in holding patterns at Yarbo Intersection.

7. The Hattiesburg, Miss., transition area would be designated to extend upward from 1200 feet above the surface within a 20-mile radius of the Hattiesburg VOR, excluding the portion which would coincide with the Camp Shelby, Miss., Restricted Area (R–4401). This transition area would provide protection for aircraft in holding patterns at the Hattiesburg VOR.

8. The Evergreen, Ala., transition area would be designated to extend upward from 1200 feet above the surface within a 20-mile radius of the Evergreen VOR. This transition area would provide protection for aircraft in holding patterns at the Evergreen VOR.

9. The Andalusia, Ala., transition area would be designated to extend upward from 1200 feet above the surface within 12 miles west and 8 miles east of the Crestview, Fla., VOR 013° True radial extending from 22 miles north to 10 miles south of the relocated Andalusia Intersection (intersection of the Crestview 013° and the Evergreen, Ala., VOR 114° True radials). This transition area would provide protection for aircraft in holding patterns at the Andalusia Intersection.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12946; FCC 61–1372]

TELEVISION BROADCAST STATIONS; SAN FRANCISCO AND SACRAMENTO, CALIF., AND RENO, NEV.

Proposed Table of Assignments

1. This rule making proceeding was instituted to consider conflicting proposals for new VHF television assignments at San Francisco and Sacramento, California, and at Reno, Nevada.[1] On April 20, 1960, we disposed of the Reno proposals, since it was possible to do so without prejudice to any decision we might reach on the proposal for a new VHF assignment in northern California.[2] We were not ready at that time to act on the conflicting California proposals and deferred their disposition. We have now completed our evaluation of them in light of the comments received.

RESUME OF PROPOSALS FOR DISPOSITION [3]

2. *Sacramento proposal.* The proposal of Irving J. Schwarz, William Stephen George and John Matranga, d/b as Capitol Radio Enterprises, former permittee of Station KGMS–TV on UHF Channel 46 at Sacramento (never built), to assign Channel 12 to Sacramento by substituting Channel 11 for Channel 12 at Chico, California (KHSL–TV), as follows:

City	Channel No.	
	Present	Proposed
Sacramento, Calif.	3, *6, 10, 40–, 46+ 12–	3, *6, 10, 12–, 40– 11–
Chico, Calif.		

3. *San Francisco proposal.* Proposal of S. H. Patterson, permittee of Station KSAN–TV on UHF Channel 32 at San Francisco (on the air from March of 1954 to June of 1958) to assign VHF Channel 11 to San Francisco by substituting Channel 12 for Channel 11 at San Jose, California (KNTV), as follows: [4]

City	Channel No.	
	Present	Proposed
San Francisco-Oakland, Calif.	2+, 4–, 5+, 7–, *9+, 20–, 26–, 32+, 38, 44–	2+, 4–, 5+, 7–, *9+, 11+, 20–, 26–, 32+, 38, 44–
San Jose, Calif.	11+, 48, *54, 60	12+, 48, *54, 60

4. *Alternative San Francisco proposal.* In reply comments, Patterson submitted an alternative proposal for adding a VHF channel at San Francisco which, unlike its above Channel 11 proposal, was not contingent upon the deletion

[1] Notice of proposed rule making (FCC 59–724), adopted July 15, 1959, and released July 17, 1959, in Docket No. 12946.

[2] Report and Order (FCC 60–419), adopted April 20, 1960, and released April 22, 1960, in Docket No. 12946. Action was taken therein to assign Channels 2 and 5 to Reno, with Channel 5 reserved for noncommercial educational use.

[3] William H. Hagerty of San Mateo, California, submitted a channel reassignment proposal for northern California, including making Sacramento all-UHF, and suggestions for new allocation policies which we believe should properly be considered in connection with our long-range allocation studies for improvement of the allocation structure and policies and not in a rule making proceeding such as this which is limited in scope and purpose.

[4] When rule making was instituted on this proposal, it would also have required the deletion of Channel 12 from Fresno, California (KFRE–TV), which we were then considering in Docket No. 11759. Otherwise, minimum co-channel separation requirements would have precluded the assignment of Channel 12 to San Jose. Channel 12 was deleted from Fresno by our action of July 17, 1960, in the Fresno proceeding. In March of this year we reassigned Channel 12 to Santa Maria, California, in the Bakersfield rule making proceeding (Docket No. 13608). Santa Maria is only about 168 miles from the site of Station KNTV, which is about 15 miles south of San Jose. Channel 12 could not therefore be used at San Jose at KNTV's present site unless Channel 12 were employed at a site about 22 miles south of Santa Maria.

of Channel 12 from Fresno. This proposal would assign Channel 12 to San Francisco by substituting Channel 11 for Channel 12 at Chico (KHSL–TV). We provided time for parties to comment on this proposal also.[4]

5. *Santa Rosa, California, proposal.* Proposal of Television Diablo, Inc., licensee of Station KOVR, Channel 13, Stockton, California,[5] to assign Channel 12 to Santa Rosa by changing Channel 12 at Chico (KHSL–TV) to Channel 11, as follows:

City	Channel No.	
	Present	Proposed
Santa Rosa, Calif.	50	12–, 50
Chico, Calif.	12–	11–

6. *Alternative Santa Rosa proposal.* Westinghouse Broadcasting Company, Inc. (Cal.), licensee of Station KPIX, Channel 5, San Francisco, proposes that Channel 12 be assigned to Santa Rosa by changing Channel 12 at Chico (KHSL–TV) to Channel 8 and by changing Channel 8 at Reno (KOLO–TV) to Channel 12 or other available VHF assignment.

Position Taken by Parties on Proposals

7. *Sacramento proposal.* The proposal to assign Channel 12 to Sacramento was supported by Capitol Radio Enterprises, its proponent, and by Capitol Television Company and Capitol Television, Inc. (former and present permittee, respectively, of Station KVUE, Channel 40, Sacramento) in their comments. Westinghouse Broadcasting Company also favored the proposal in its original comments; in subseqent comments it proposed that Channel 12 be assigned to Santa Rosa. A number of letters endorsing the proposal were also received from public officials, organizations and individuals in the Sacramento area.

8. Opposition to the proposal was expressed in comments filed by Golden Empire Broadcasting Company KHSL–TV, Channel 12, Chico), Television Diablo, Inc. (KOVR, Channel 13, Stockton), Great Western Broadcasting Corporation (KXTV, Channel 10, Sacramento), KCRA, Inc. (KCRA–TV, Channel 3, Sacramento), and by S. H. Patterson.

9. *San Francisco proposals.* S. H. Patterson and Great Western Broadcasting Corporation supported the alternative proposals for the assignment of either Channels 11 or 12 to San Francisco. Sherrill C. Corwin urged the adoption of the Channel 12 proposal.

10. The proposal to assign Channel 11 to San Francisco was opposed by Standard Radio and Television Company, (KNTV, Channel 12, San Jose). The alternative proposal to assign Channel 12 directly to San Francisco was opposed by Golden Empire Broadcasting. Capitol Radio, Capital Television and Westinghouse opposed both alternative proposals.

11. *Santa Rosa proposals.* Television Diablo and Westinghouse urged the adoption of their respective counterproposals for assignment of Channel 12 to Santa Rosa. Patterson opposed both proposals.

Existing Television Service in Cities and Areas Involved

12. *Sacramento.* Four VHF stations serve the Sacramento area. Three are commercial stations with network affiliations (KCRA–TV on Channel 3 and KXTV on Channel 10 at Sacramento, and KOVR on Channel 13 at Stockton). The fourth station (KVIE on Channel 6 at Sacramento) provides a noncommercial educational service to the area. The UHF assignments—Channels 40 and 46—are not now in use. Capitol Television Company, Inc., operated Station KVUE on Channel 40 from October 23, 1959, to March 19, 1960. Station KCCC–TV was also on the air on Channel 40 from September of 1953 to May of 1957. The Channel 46 assignment has never been activated, although Capitol Radio Enterprises at one time—from March of 1956 to July 1958—held a construction permit for a station on the channel. A UHF station (KTVU), operated on Channel 36 at Stockton from December 15, 1953 through April 1955.

13. Some parties contend that Sacramento cannot be considered to have three VHF commercial services since Station KOVR operates on a channel which is assigned to Stockton. We cannot agree. Station KOVR operates from a transmitter site approximately equidistant to both Stockton and Sacramento. It provides a principal city signal to both cities, maintains studios in both cities, and serves as the ABC television outlet in the Sacramento-Stockton area. The Commission, national advertisers, the networks, and nationwide rating and coverage survey organizations treat the two cities as a combined television market. The 1960 Television Coverage Study of the American Research Bureau, Inc., indicates that the homes in Sacramento County able to receive Station KOVR and the Sacramento stations are comparable in number and that the three stations are competitive in terms of program popularity. Last year we authorized Station KOVR to identify itself as a Stockton-Sacramento station. It is a reasonable conclusion, we believe, that for all practical purposes, Sacramento does in fact enjoy three comparable and competitive commercial services at this time, albeit one service is provided by a station operating on a channel assigned to Stockton. Moreover, last July we authorized the Stockton and Sacramento commercial stations to move to a common tower site, approximately 22 miles south of Sacramento and 20 miles north of Stockton near Walnut Grove, California. They are now in the process of moving. When this triple move is accomplished, all three stations will be in an equal and better position for covering and serving the Sacramento-Stockton television market.

14. *San Francisco.* Five VHF stations serve the San Francisco area. Three of these stations (KRON–TV on Channel 4, KPIX on Channel 5 and KGO–TV on Channel 7 at San Francisco) are affiliated with national television networks and provide a choice of network programming to the area. A fourth commercial station (KTVU on Channel 2 at Oakland) furnishes an independent local service to the area. A fifth station (KQED on Channel 9) provides the area with an educational service. Additional VHF service is received in the southern portion of the San Francisco market from Station KNTV (Channel 11) at San Jose. There are no UHF stations operating in the area at this time. S. H. Patterson operated Station KSAN–TV on Channel 32 from March 9, 1954, to June 21, 1958. The other four UHF assignments to San Francisco-Oakland have never been activated, although Sherrill C. Corwin's construction permit for a UHF station on Channel 20, granted in 1957, is still outstanding.

15. There is some argument in the record on whether Station KTVU at Oakland, which operates from a site on San Bruno Mountain, as does Station KRON–TV at San Francisco, and provides a principal city signal to both San Francisco and Oakland, constitutes a fourth local commercial VHF service for San Francisco. In our judgment, it does. On the other hand, the claim that Station KNTV at San Jose provides San Francisco with a fifth comparable and competitive commercial television service is not convincing. The station's transmitter is located about 15 miles south of San Jose and 55 miles south of San Francisco. Because of the orientation of the station's directional antenna, its Grade A contour falls south of San Francisco and Oakland. The 1960 ARB Study indicates that the television homes in San Francisco and Alameda counties, where San Francisco and Oakland are situated, rely mainly upon the four local stations in these cities for commercial television service and that those which receive or regularly view the San Jose station are negligible.

16. *Santa Rosa.* This city, the county seat of Sonoma County, is about 50 miles north of San Francisco and 60 miles west of Sacramento. It has no local television station. Its only UFH assignment—Channel 50—has never been utilized. The area is, however, within the Grade B contours of the four commercial San Francisco-Oakland stations and receives service from them. Television Diablo asserted that the service received is undoubtedly less than that which might be expected from the predicted contours of these stations because of terrain. It would appear, however, from ARB and other coverage studies that the San Francisco commercial stations have substantial coverage and circulation in Sonoma County. The ARB 1960 study indicates that, of an estimated 48,400 homes in Sonoma County, 40,600 homes (84 percent of all homes) had television receivers. (The ARB revised January 1, 1961, estimate of television households in Sonoma County indicates that the percentage is more nearly about 87 percent of all homes). The 1960 ARB Study indicates that an estimated 94 percent to 99 percent of these television homes could receive three San Francisco commercial stations, and an estimated 82 percent could receive the other station. The estimate of television homes viewing two of the San Francisco stations at least once a week ranged from 94 percent to 96 percent of all television households, and, for the other two stations, from 75 percent to 85 percent of all television households. An estimated 19 percent of the television homes in Sonoma County could also receive the Sacramento Channel 3 station. When the three Sacramento-Stockton commercial stations begin operating from their authorized Walnut Grove site, their predicted Grade B contours will for the first time extend to and beyond Santa Rosa. This can be expected to improve conditions for their reception in the Santa Rosa area.

Exposition of the Sacramento and San Francisco Proposals

17. We next consider the possibilities offered by the proposals before us for Sacramento and San Francisco.

18. The proposals are mutually exclusive because of co-channel minimum mileage separation requirements. The assignment of Channel 12 to either San Francisco or Sacramento would also require Station KHSL–TV at Chico to change its operating frequency from Channel 12 to Channel 11 since Chico is less than 190 miles from both cities. Its licensee, Golden Empire Broadcasting Company, opposes both proposals and advises that it will not consent to the modification of its license to effectuate either proposal. The alternative plan of assigning Channel 11 to San Francisco by shifting Station KNTV at San Jose from Channel 11 to Channel 12 is opposed by the licensee, Standard Radio and Television Company.

19. *Sacramento.* By substituting Channel 11 for Channel 12 at Chico (KHSL–TV), it would be possible to assign Channel 12 to Sacramento and meet minimum co-channel and adjacent channel mileage separation requirements. However, with Station KOVR on adjacent Channel 13, operating from its authorized new transmitter site near Walnut Grove, about 22 miles south of Sacramento, a Channel 12 operation would have to locate its transmitter site at least 38 miles to the north of Sacramento to meet the minimum 60-mile separation required from Station KOVR.

20. Under these circumstances there would be mutual interference between the two stations in the Sacramento area and little if any service provided by the Channel 12 station in the Stockton area. There is substantial disagreement among the parties and their engineers on the severity of the predicted adjacent channel interference. Nevertheless, it is beyond dispute that such interference would limit the service areas of both stations. Both adjacent channel stations, we believe, would, as a result, be handicapped in competing with the other two Sacramento commercial stations. With all of the other local commercial stations operating from their common site south of Sacramento, a Channel 12 facility located over 38 miles north of Sacramento would, because of distance and adjacent channel interference, be in a more unfavorable position for providing a competitive and comparable television service in the Sacramento-Stockton market.

21. It is true, as Capitol Radio points out, that our rules do not contemplate that adjacent channel interference will be considered in assigning television channels when minimum transmitter spacing requirements are met. This has application, however, to the assignment of channels to serve different cities. The minimum required spacings are considered satisfactory protection from interference to the service areas of adjacent channel stations serving different cities. It has never been our policy, however, to assign adjacent channels to serve the same city. The mutual interference caused to adjacent channel stations attempting to serve the same city from transmitter sites in close proximity and in different directions would make it impossible for either adjacent channel to be effectively and efficiently used.

22. *San Francisco.* Channel 12 could be assigned to San Francisco and meet all separation requirements by substituting Channel 11 for Channel 12 at Chico. In order to meet the required 60-mile adjacent channel spacing to Station KNTV on Channel 11 at San Jose, it would be necessary to use Channel 12 at a transmitter site about 5 miles north of the city. (Channel 12 could not be located at the sites of the existing stations on Mt. Sutro, in the heart of San Francisco, or on Mt. Bruno, a few miles south of Mt. Sutro.) Furthermore, in order to obtain sufficient antenna height to serve San Francisco a Channel 12 transmitter site would probably have to be located 17–20 miles north of the city. Patterson's assumed site is on a mountain peak about 17 miles north of San Francisco in Marin County, and he urges that other suitable sites are available in this general area.

23. Parties opposing the proposal contend that shadowing would prevent satisfactory service from a location north of the city. It is also asserted that adjacent channel interference from the San Jose station would not permit efficient use of Channel 12 at any such sites nor enable a Channel 12 station to provide a comparable and competitive fifth VHF commercial service in the San Francisco-Oakland market. There is not sufficient evidence in the record to make a definitive judgment on these allegations. We are not convinced, however, by Patterson's showing that a Channel 12 station in any areas where it could be located would not be under some handicap because of location, shadowing problems and adjacent channel interference from Station KNTV at San Jose in effectively serving and competing in the San Francisco-Oakland market, particularly the highly populated southern portion of it.

24. A Channel 11 assignment at San Francisco would involve the same restrictions on location and other handicaps with Station KNTV at San Jose shifting to Channel 12, as proposed. In addition, with Station KNTV operating on Channel 12, a co-channel Santa Maria station would be restricted to an antenna site some 22 miles south of Santa Maria unless Station KNTV moved to a more northerly site.

25. *Conclusion.* The record bears out, we believe, that both the San Francisco and Sacramento television markets are of a size and importance that can support additional local outlets[7] and that the varied television needs of both areas are not fully satisfied by the multiple VHF services available. Unfortunately, the same is true, to a greater or lesser extent, at this time in most of the major markets of the country where, as in the San Francisco and Sacramento markets, all VHF assignments are in use and further expansion of television outlets and services on the more plentiful UHF frequencies available has been deterred because of the well-known problems of UHF operation in established VHF areas. We are hopeful that by interim and long-range measures we will be successful in eliminating the obstacles to a fuller and more effective use of the broadcast frequencies available for satisfying the television needs of large and small markets throughout the country. With four local commercial services and an educational service available in the San Francisco area and three local commercial services and an educational service available to the Sacramento area, we are not persuaded, however, that the need of either area for additional service at this time is one of extreme urgency.

26. In our recent decision in Docket No. 13340 on our interim policy on VHF television channel assignments, we elaborated on the interim channel assignment program which the country-wide tele-

---

[4] Order (FCC 59–1112), released November 3, 1959. Parties were given to November 8, 1959 to file comments on this alternative proposal. Requests for late acceptance of accompanying comments were received on November 13, 1959, from Sherrill C. Corwin (holder of a CP for Station KEZE–TV, on Channel 20, San Francisco) and on November 16, 1959, from S. H. Patterson. Capitol Radio Enterprises opposed the grant of the Patterson request. We have decided to grant these requests. Reasonable explanations have been furnished by the parties for not meeting the deadline set for comments. In light of the brief time provided for commenting on this alternative proposal, the time that this proceeding has been pending, and the absence of any new matters which we consider of decisional significance in the proferred late comments, we believe it fair and not prejudicial to other parties to accept and consider them.

[5] On August 8, 1960, the license of Television Diablo for Station KOVR was modified to change the name of the corporation to Metropolitan Broadcasting Corporation of California.

[7] U.S. Census Reports, 1960, indicate that San Francisco-Oakland is the No. 6 ranking metropolitan statistical area with a population of 2,783,359. The city population of San Francisco was 740,312; that of Oakland, 367,548. Sacramento, the capital of the State of California, had a city population of 191,667, and the Sacramento metropolitan statistical area was 52d in rank with a population of 502,778 (same population as that of Sacramento County). Stockton had a population of 86,321, and San Joaquin County, in which it is situated, a population of 249,989.

vision situation, in our judgment, now requires us to pursue.[8]

27. We believe it in accord with this policy and the public interest to use the few available VHF frequencies to bring, insofar as possible, needed television service to major VHF markets lacking three local services and to other smaller VHF areas needing local outlets and service when it would not impinge significantly upon existing UHF service. With the 12 VHF channels virtually saturated, augmenting VHF assignments at either San Francisco or Sacramento would eliminate one of the few possibilities remaining for a ready solution to the need for local television outlets and service in VHF areas in northern California which are more under-served that the Sacramento and San Francisco areas. We are therefore not persuaded that it is desirable in the public interest at this time to utilize the extremely scarce resources of VHF spectrum space for either a fourth VHF commercial service in the Sacramento-Stockton area or a fifth VHF commercial service at San Francisco. For this reason, and also because of the obstacles to making effective use of Channel 12 at Sacramento or in the San Francisco area which we have discussed, as well as the changes which would be required in assignments and operating frequencies of stations in other cities, we are opposed to the adoption of the alternative proposals before us for assignment of an additional VHF Channel to San Francisco or Sacramento.

SANTA ROSA PROPOSALS

28. In order to assign Channel 12 to Santa Rosa, as Television Diablo and Westinghouse propose, Station KHSL–TV (Channel 12) at Chico would have to shift to another frequency. (Station KHSL–TV is only about 118 miles from Santa Rosa.) Television Diablo's proposal would replace Channel 12 at Chico with Channel 11. The Westinghouse proposal would substitute Channel 8 instead of Channel 11 at Chico. In addition, it would require the existing Reno Channel 8 station (Station KOLO–TV) to shift to another frequency. The advantage claimed by Westinghouse in putting Channel 8 instead of Channel 11 in Chico is that Station KHSL–TV would not then be operating on the same channel as the Channel 11 San Jose station (KNTV) or on a channel adjacent to Channel 10 at Sacramento (KXTV), thereby providing greater potential service areas for all of these stations.

29. Santa Rosa is in a growing area of northern California[9] and without local television service. Notwithstanding, we cannot conclude from the record that either proposal for assigning Channel 12 to Santa Rosa merits adoption. The proponents of the proposals, licensees of existing stations at Stockton and San Francisco who oppose the assignment of Channel 12 to their respective areas, did not indicate that they themselves were interested in establishing a local station at Santa Rosa. Nor does the record reveal that others may be interested in doing so. In light of the signals received in the Santa Rosa area from the San Francisco stations, we believe it is questionable whether the channel could be effectively used there. These factors, as well as the changes in frequency required for existing stations, compel us to the conclusion that adoption of neither counterproposal is warranted at this time.

ACTION

30. In view of the foregoing: *It is ordered*, That all the conflicting proposals and requests for the assignment of Channel 12 to Sacramento, to the San Francisco area (either directly or to San Jose), or to Santa Rosa are denied; and,

31. *It is further ordered*, That this proceeding is terminated.

Adopted: November 15, 1961.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11080; Filed, Nov. 21, 1961; 8:50 a.m.]

[8] Report and Order (FCC 61–994), adopted July 27, and released August 3, 1961, in Docket No. 13340.

[9] The U.S. Census for 1960 indicates that Santa Rosa had a population of 31,027 in 1960, which constitutes a 73.3 percent increase over its population in 1950 (17,902 people). Sonoma County, of which it is the county seat, grew from 103,405 persons in 1950 to 147,375 persons in 1960 (a 42.5 percent increase).

[47 CFR Part 3]

[Docket No. 14396 (RM–274) FCC 61–1368]

TELEVISION BROADCAST STATIONS; KENTUCKY

Proposed Table of Assignments

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition for rule making filed July 24, 1961 by The Commonwealth of Kentucky requesting an amendment of § 3.606(b) of the Commission's rules and regulations so as to assign and reserve for non-commercial use 9 UHF television channels as follows:

City	Channel No.	
	Present	Proposed
Ashland, Ky.	59–	*59–
Bowling Green	13, 17+	13, *17+
Hazard	19–	*19–
Madisonville	26–	*26
Maysville	24+	82
Morehead		*24+
Murray	33–	*33–
Pikeville	14–	*14–
Somerset	29–	*29–
Covington		*54–
Cincinnati, Ohio	5–, 9, 12, *48–, 54–, 74–	5–, 9, 12, *48–, 74–

3. In support of its request The Commonwealth of Kentucky submits that the Kentucky General Assembly delegated to the Kentucky Legislative Research Commission the responsibility of studying the possible use of educational television in the school system of the state; that the factual study of this group concludes that the educational system of Kentucky needs significant improvement; and that the January 1962 regular session of the Assembly will be asked to approve an enabling act for a state-wide educational television network and to appropriate funds for its contruction and operation. It urges that its proposal is an integrated and carefully thought out plan for such a state-wide network and requests the Commission to act upon it as soon as possible. It further states that a knowledge of the number and location of channels reserved for education is necessary before the General Assembly can be expected to take constructive action on the request for legislation.

4. In Docket No. 14229 the Commission is considering measures which would enhance the opportunities for successful use of the UHF television channels. Included in the proposals made in that proceeding is one which would eliminate the present television Table of Assignments for UHF and substitute a system in which applicants would apply for the lowest available UHF channel without antecedent rule making. It is at the same time proposed to establish a "pool" of UHF channels reserved for existing VHF stations and for educational purposes. Thus, the entire matter of UHF assignments is under study in that proceeding.

5. Until the matter of overall allocation policy can be decided, we believe it would be inappropriate to reserve large blocks of channels such as requested by the Petitioner, particularly since immediate construction is not contemplated. We are, however, mindful of the need for additional channels for educational television in Kentucky and believe that a sufficient showing has been made to institute rule making concurrently with that in Docket 14229. This will allow consideration of the request for reservation of UHF channels in the 9 communities named in light of the decisions made in the overall UHF proceeding.

6. Authority for adoption of the proposed amendments is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before February 5, 1962, and reply comments on or before March 9, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: November 15, 1961.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11087; Filed, Nov. 21, 1961; 8:51 a.m.]

[47 CFR Part 3]

[Docket No. 14397 (RM–283) FCC 61–1369]

TELEVISION BROADCAST STATIONS; ONEONTA, ROCHESTER, AND GLOVERSVILLE, N.Y.

Proposed Table of Assignments

1. The Commission has before it for consideration, a petition filed September 15, 1961 by William J. Calsam asking that Channel 15 be substituted for Channel 62 at Oneonta, New York, by amending Section 3.606 of our rules as follows:

City	Channel No.	
	Present	Proposed
Oneonta, N.Y.	62–	15–
Rochester, N.Y.[1]	8, 10+, 13–, 15–, *21, 27+, 29–	8, 10+, 13–, *21, 27+, 62–, 62+
Gloversville, N.Y.		

[1] Petitioner states that Channels 5, 10, 15, *21, and 27 are assigned to Rochester, however, by Commission orders released August 31, 1961 in Dockets 13858 and 13859 Channel 5 was changed to Channel 8 in Rochester and Channel 13 was assigned to that city. This tabulation for Rochester reflects these changes.

2. Petitioner states that he intends to apply for authority to construct and operate a new television broadcast station at Oneonta, New York, which city is now without local television service; that Channel 15 can be substituted for Channel 62 in that community; that he believes he can operate a UHF television broadcast station successfully in the Oneonta market; and that he is of the opinion that a lower UHF channel than now assigned will substantially enhance the potential of that market.

3. The Commission is of the view that a rule making proceeding should be instituted in this matter in order that interested parties may submit their views on this proposal. Unless an active interest is manifested we find it desirable in the public interest to defer action on making available substitute UHF channels for Rochester and Gloversville, New York, until decisions are reached in Docket 14229 concerning the future methods of assigning stations on UHF channels.

4. Accordingly, it is proposed to amend the Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Oneonta, N.Y.	62–	15–
Rochester, N.Y.	8, 10+, 13–, 15–, *21, 27+	8, 10+, 13–, *21, 27+
Gloversville, N.Y.	29–	

5. It should be noted that Oneonta is located less than 250 miles from the Canada-USA border and assignments to that community fall within the purview of the Canada-USA television agreement. Appropriate steps thereunder will be undertaken by the Commission.

6. Authority for adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before December 22, 1961, and reply comments on or before January 5, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: November 15, 1961.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11088; Filed, Nov. 21, 1961; 8:52 a.m.]

[47 CFR Part 3]

[Docket No. 12859; FCC 61–1378]

OPTION TIME AND STATION'S RIGHT TO REJECT NETWORK PROGRAMS

Proposed Modification

At a session of the Federal Communications Commission held at its offices in Washington on the 15th day of November 1961;

It appearing, that the Commission is unable, because of the pressing urgency of other business, to accommodate on November 17, 1961, the Oral Argument now scheduled in this proceeding for that date.

Accordingly, it is ordered, That Oral Argument is continued until December 4, 1961, and that such Oral Argument will commence in Washington, D.C. at 9:30 a.m.

Released: November 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11079; Filed, Nov. 21, 1961; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 14398 (RM–276) FCC 61–1370]

TELEVISION BROADCAST STATIONS; EAST LANSING, MICH.

Proposed Table of Assignments

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration a petition filed August 10, 1961 by the Superintendent of Public Instruction for the State of Michigan asking that § 3.606 of the Table of Television Assignments be amended to assign and reserve for educational use television channel 18 in East Lansing, Michigan. The city has a population of 30,198 according to the 1960 U.S. Census. It is located immediately east from the city of Lansing, the state capital, which has a population of 107,807. Channel 60 is assigned to East Lansing, but no application has been made for this channel. Michigan State University is licensed to operate Station WMSB on Channel 10 at Onondaga, Michigan, with its main studio located on the university campus at East Lansing. It operates as a non-commercial educational station and shares the channel with commercial station WILX–TV in Onondaga which has its main studio in Jackson, Michigan. Both stations use the same transmitter.

3. The petitioner asserts that studies and plans have been under way for several years looking to the use of various television channels which have been reserved for education in Michigan. It is claimed that material gathered from many schools, colleges and universities in Michigan supports the need for an educational television reservation near the capital of Michigan, that since East Lansing is an educational center immediately adjacent to the capital the reservation of Channel 18 for educational use will be desirable and will fit in with the developments for statewide distribution systems, and that schools and colleges in East Lansing have indicated their desire for educational television usage and their willingness to assume leadership in the utilization of this channel.

4. While commercial Channel 60 is assigned to East Lansing and would be available for educational use, the petetioner prefers to have Channel 18 assigned to that community for educational use because under the present state of the art equipment for the higher UHF channels, it is claimed, does not provide as extensive and dependable a service as equipment for the lower UHF channels.

5. The petitioner states that should the request be granted it is expected that Michigan State University in East Lansing will, with the support of the public schools and the schools and colleges in that community and the Office of the Superintendent of Public Instruction file an application to build an educational television station on Channel 18. Michigan State University is now licensed to operate Station WMSB on Channel 10 and does carry educational programs for direct classroom use. It is limited in this respect, it is asserted, by the requirement that it meet other programming needs and by its channel sharing arrangement with commercial station WILX–TV. The UHF station would be available full time for direct instructional programs in schools, and for the production of such programs for statewide use.

6. As a precedent for granting its request, the petitioner refers to the Metropolitan Pittsburgh Educational Television Association which is licensed to operate educational television Stations WQED and WQEX on Channels 13 and 16, respectively, at Pittsburgh, Pennsylvania, with the UHF station being devoted mainly to classroom use. Michigan State University expects to follow the same pattern of dual operation should the petition be allowed and its projected application for Channel 18 granted. It would continue the present

Channel 10 operation and would, in cooperation with the schools in central Michigan, supplement its present service with additional instruction on Channel 18.

7. The Commission is of the view that a rule making proceeding should be instituted in this matter in order that interested parties may submit their views on this proposal. Accordingly it is proposed to amend the Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
East Lansing, Mich...	60+	60+, *18-

8. It should be noted that East Lansing is located less than 250 miles from the Canada-USA border and assignments to that community fall within the purview of the Canada-USA television agreement. Appropriate steps thereunder will be undertaken by the Commission.

9. Authority for adoption of the amendment proposed herein is contained in section 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before December 22, 1961, and reply comments on or before January 5, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

11. In accordance with the provision of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: November 15, 1961.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11089; Filed, Nov. 21, 1961; 8:52 a.m.]

[47 CFR Part 3]

[Docket Nos. 14239-14246; FCC 61-1374]

DEINTERMIXTURE OF CERTAIN CITIES

Extension of Time for Filing Comments on Proposed Rule Making Proceedings

In the matter of Deintermixture of Madison, Wis.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; and Montgomery, Ala.; Docket Nos. 14239, 14240, 14241, 14242, 14243, 14244, 14245, 14246.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on November 15, 1961;

The Commission has before it petitions for additional time to file comments in these rules making proceedings. We are persuaded by the pleas that more time will serve the public interest and are hereby extending the filing dates for an additional 60 days.

The prompt dispatch of public business is a matter of pressing concern. The grant herein of a further postponement, putting off to February 5, 1962 the date for filing comments in proceedings announced as early as last July 28, underlines our view that the total period of time that will have been allowed must be considered to meet every reasonable test of generous process.

Accordingly, it is ordered, That the petitions are granted to the extent indicated, and the time for filing comments and replies in these proceedings is extended to February 5, 1962 and March 9, 1962, respectively.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11081; Filed, Nov. 21, 1961; 8:51 a.m.]

[47 CFR Part 15]

[Docket No. 14376; FCC 61-1344]

TELEMETERING DEVICES AND WIRELESS MICROPHONES

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in Part 15 of the Rules of the Federal Communications Commission to make the frequency band 88–108 Mc/s available for use by low power telemetering devices and wireless microphones.

2. Although telemetering devices and wireless microphones have not been the subject of interference complaints, the Commission is aware that these devices are being operated throughout the entire 30–100 Mc/s band. Manufacturer's literature, articles in periodicals, letters of inquiry to the Commission, etc., have indicated the wide interest in such use. In addition, the Commission has noted that the medical profession is making more and more use of telemetering devices in the 88–108 Mc/s band because of the availability of receivers and the advantages of radio over wire transmission of physiological data.

3. Furthermore, the unrestricted operation of these devices over the range of frequencies 30–100 Mc/s poses an interference threat to licensed radio services concerned with the protection of life and property. In order to clear up these illegal operations, the proposed rules would make available the frequency band 88–108 Mc/s. The proposed rules also specify field strength limits which make remote the possibility of harmful interference to other radio users, and require type approval, based on measurements in our own laboratory as a control mechanism.

4. Operators of telemetering devices and wireless microphones will be expected to confine their activities to these proposed frequencies. The Commission solicits the cooperation of manufacturers in marketing a product which will comply with such rules as may be adopted. Failure to do so may subject the purchaser or user to prosecution by the Federal government.

5. This proposal to amend the Commission's rules is issued under the authority of sections 4(i), 301 and 303(r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before January 15, 1962, written data, views, or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments on briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: November 15, 1961.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Amend Part 15 as follows:

1. A note is added at the end of § 15.7 as follows:

§ 15.7 General requirements for restricted radiation devices.

* * * * *

NOTE: Radio receivers, community antenna television systems and low power communication devices are regulated elsewhere in Part 15 and are not regulated by this section.

2. Section 15.201(c) is added to read as follows:

§ 15.201 Frequencies of operation.

* * * * *

(c) Telemetering devices and wireless microphones may be operated in the band 88–108 Mc/s in accordance with the provisions of § 15.212.

3. Sections 15.212–15.216 are added to read as follows:

§ 15.212 Operation in the band 88–108 Mc/s.

(a) Operation in the band 88–108 Mc/s is limited to low power communication devices employed as telemetering devices or as wireless microphones. These bands shall not be used for two-way communication.

(b) Users of these devices shall take adequate precautions to insure that harmful interference is not caused to the reception of any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the telemetering device or wireless microphone shall be promptly suspended and shall not be resumed until the interference has been eliminated. Users of these devices must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

(c) The frequency stability of a wireless microphone shall be ±.01 percent.

(d) Emissions from the device shall be confined within a band 200 kc/s wide centered on the operating frequency. Such 200 kc/s band shall lie wholly within the frequency range 88–108 Mc/s.

(e) The field strength of emissions radiated within the specified 200 kc/s band shall not exceed 50 uv/m at a distance of 50 feet or more from the device.

(f) The field strength of emissions radiated on any frequency outside the specified 200 kc/s band shall be suppressed 30 db or more below the mean output power of the device.

(g) No such device shall be operated unless it has been type approved pursuant to § 15.213.

(h) No antenna other than that furnished by the manufacturer and which has been type approved shall be used with any such device.

§ 15.213 Type approval.

(a) A manufacturer of a telemetering device or wireless microphone who desires to obtain type approval for his equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Subpart F of Part 2 of this chapter as modified by this section. The request shall state that at least 10 units are proposed to be manufactured and shall contain a report of measurements showing that the equipment is capable of complying with the requirements of § 15.212.

(b) To receive type approval, telemetering devices and wireless microphones must meet the following requirements:

(1) The device must comply with the technical limitations of § 15.212.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the technical limitations of § 15.212 for at least 5 years under normal operation and with average maintenance.

(3) The device must be so constructed that the adjustment of any control accessible to the user shall not cause radiation of electromagnetic energy in excess of that specified in § 15.212 (d) and (e).

§ 15.214 Identification of type approved devices.

The Commission will assign a type approval number to each telemetering device or wireless microphone which is type approved. The type approval number and the following statement shall be permanently inscribed upon or attached to each production unit as follows:

FCC Type Approval No. ------
Approved for use only with antenna furnished by manufacturer

§ 15.215 Changes in type approved equipment.

No changes whatsoever may be made in telemetering devices or wireless microphones for which a certificate of type approval has been issued except on specific prior approval by the Commission.

§ 15.216 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

[F.R. Doc. 61-11090; Filed, Nov. 21, 1961; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 961]

LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003) and sections 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766); section 204, of the Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114), that the Federal Maritime Commission is considering the promulgation of the regulation set forth hereinafter affecting the licensing of independent ocean freight forwarders.

Interested parties may participate in this proposed rule making by submitting written statements, data, views, or arguments pertaining thereto, in triplicate, to the Secretary, Federal Maritime Commission, Washington 25, D.C. All relevant matter and communications must be submitted, for consideration by the Commission, by close of business on December 5, 1961.

Dated: November 9, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

A new part and subpart are hereby added to Chapter IV of this title reading as follows:

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

Sec.
510.1 Scope.
510.2 Definitions.
510.3 Licenses, when required.
510.4 Licenses, when not required.
510.5 Requirements for licensing.
510.6 Publication of applications.
510.7 Investigation of applicants.
510.8 Issuance or denial of licenses.
510.9 Revocation or suspension of licenses.

AUTHORITY: §§ 510.1 to 510.9 issued under secs. 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766); section 204 of the Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114).

Subpart A—General

§ 510.1 Scope.

This subpart sets forth regulations providing for the licensing as independent ocean freight forwarders of persons, including individuals, corporations, partnerships, and associations, desiring to carry on the business of forwarding, the procedure for applying for licenses, the qualifications required of the applicants, and the grounds for revocation or suspension of licenses.

§ 510.2 Definitions.

(a) An "independent ocean freight forwarder" is a person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or purchaser of shipments to foreign countries, nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.

(b) The term "carrying on the business of forwarding" means the dispatching of shipments by any person on behalf of others, by oceangoing common carriers in commerce from the United States, its Territories, or possessions to foreign countries, or between the United States and its Territories or possessions, or between such Territories and possessions, and handling the formalities incident to such shipments.

(c) The term "freight forwarding service" means a service rendered by an independent ocean freight forwarder on behalf of other persons in the process of dispatching or facilitating an export shipment as authorized by such persons. Such service includes, but is not limited to, the following: Examining instructions and documents received from shippers; ordering cargo to port; preparing export declarations; booking cargo space; preparing and processing

delivery orders and dock receipts; preparing instructions to truckmen or lightermen, and arranging for, or the furnishing of truck and lighters; preparing and processing ocean bills of lading; preparing consular documents in the language of the country to which the goods are shipped and arranging for their certification; arranging for or furnishing warehouse storage when necessary; arranging for insurance when so instructed; clearing shipments in accordance with United States Government regulations; preparing advice notices of shipments and sending copies thereof to banks, shippers, or consignees as required; sending completed documents to shippers, banks, or consignees as directed; advancing necessary funds in connection with the foregoing; providing supervision in the coordination of services rendered to shipments from origin to vessel; rendering special services on unusual shipments or when difficulties in transit arise; and giving expert advice to exporters as regards letters of credit, licensees, inspections.

(d) The term "person" includes individuals, corporations, partnerships, associations, and other legal entities existing under or authorized by the laws of the United States, or any State, Territory, District or possession thereof, or the Commonwealth of Puerto Rico, or of any foreign country.

§ 510.3 Licenses, when required.

(a) No person shall engage in carrying on the business of forwarding as defined herein unless such person holds a license issued by the Federal Maritime Commission to engage in such business. A license to carry on the business of forwarding may be granted by the Commission upon application submitted in accordance with the regulations in this part.

(b) In order to comply with section 44(b), of the Shipping Act, 1916, as amended (P.L. 87–254, approved September 19, 1961), a freight forwarder who on September 19, 1961, held a valid certificate of registration, issued pursuant to 46 CFR Part 244 (General Order 72 (15 F.R. 3153)) must file an application on Form FMC–18,[1] prescribed herein, on or before midnight January 17, 1962, in order to continue in the business of forwarding pending action of the Commission on such application.

(c) Application for a license as an independent ocean freight forwarder shall be made on Form FMC–18 (Application For A License As An Independent Ocean Freight Forwarder), copies of which may be obtained from the Secretary, Federal Maritime Commission, Washington 25, D.C.

§ 510.4 Licenses, when not required.

(a) Any person whose primary business is the sale of merchandise may dispatch such merchandise without a license.

(b) An employee of a licensed independent ocean freight forwarder is not required to be licensed in order to act solely for his employer; but each licensed independent ocean freight forwarder will be held strictly responsible for the acts or omissions of his employees.

[1] Form filed as part of original document.

§ 510.5 Requirements for licensing.

(a) A forwarder's license shall be issued to any qualified applicant therefor if it is found that the applicant is, or will be, (1) an independent ocean freight forwarder as defined herein, (2) fit, willing, and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules, and regulations of the Commission issued thereunder, (3) and that the proposed forwarding business is, or will be, consistent with the national maritime policies declared in the Merchant Marine Act, 1936; (4) otherwise such application shall be denied.

(b) A person desiring to engage in carrying on the business of forwarding shall submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., an application in duplicate, executed on Form FMC–18, hereby prescribed for this purpose. Such application shall be accompanied by an application fee of $100 by money order, certified or cashier's check, made payable to the Federal Maritime Commission. The application fee is not refundable.

(c) Each applicant for a license and each independent ocean freight forwarder to whom a license has been issued, shall submit to the Commission each change of business address, and any other changes in the facts called for in Form FMC–18, within 30 days after such changes occur, and any other additional information required by the Commission.

(d) The applications received will be assigned application numbers and each applicant will be informed as to the number assigned to his application.

(e) In the case of applicants who may continue in the business of forwarding under section 44(b), Shipping Act, 1916, as amended, each such applicant shall, pending issuance of his license, conduct his ocean freight forwarding operations under the registration number previously assigned him under the provisions of 46 CFR Part 244 (General Order 72) and the application number. After a license number has been assigned, such operations shall be conducted under that number only. Such license number shall be set forth on the licensee's letterhead, invoices and shipping documents.

(f) Prior to the issuance of a license to an independent ocean freight forwarder such forwarder shall file with the Commission, a bond in such form and amount as the Commission may require. The said bond shall be kept in effect as long as the license remains effective.

§ 510.6 Publication of applications.

After application has been filed, the Commission shall cause to be published in the FEDERAL REGISTER a notice of the filing of each application, stating the name and address of the applicant and if the applicant is a corporation, association, or partnership, the names of the officers or members thereof. Parts 1 and 2 of the application shall be public information and available for inspection at the office of the Commission in Washington, D.C.

§ 510.7 Investigation of applicants.

All applicants shall be investigated and such investigation shall seek information relevant to the applicant's qualifications for a license, including (a) the correctness of the statements made in the application, (b) the business integrity and financial responsibility of the applicant, (c) the character and experience of the applicant, officers or members of the corporation or partnership as the case may be, and (d) such further evidence of the fitness, willingness, and ability of the applicant properly to carry on the business of forwarding as the Commission may require.

§ 510.8 Issuance or denial of licenses.

(a) After evaluation of the results of the investigation, the Commission will issue a license to an applicant found to be qualified within the provisions of applicable statutes and the requirements, rules, and regulations of the Commission thereunder, otherwise such application shall be denied. Prior to the denial of a license the Commission shall advise the applicant of its intention to do so and state the reasons therefor. If the applicant within 20 days after the receipt of such advice requests a hearing on his application, such hearing shall be granted by the Commission pursuant to its rules of practice and procedure.

(b) The Commission will issue licenses only in the name of the person applying therefor. Where such person is a partnership, association, corporation or similar legal entity, the license will be issued in the legal name thereof. Licenses will not be issued to partnerships unless all partners execute the application.

(c) Only one license shall be issued to any person, regardless of the number of names under which such person may be doing business. Where two or more persons are owned or controlled by substantially the same interests, they shall be treated as one entity for the purpose of licensing and only one license shall be issued.

(d) Licenses shall not be transferrable without the prior approval of the Commission.

§ 510.9 Revocation or suspension of licenses.

A license may be revoked or suspended after notice and hearing for any of the following reasons:

(a) Violation of any provision of the Shipping Act, 1916, as amended, or of any other statute related to carrying on the business of forwarding.

(b) Failure to respond to any lawful inquiries, or to comply with any lawful rules, regulations, or orders of the Commission.

(c) Making any wilfully false statement to the Commission in connection with an application for a license or its continuance in effect.

(d) Change of circumstances whereby the licensee no longer qualifies as an independent ocean freight forwarder.

(e) Such conduct as the Commission shall find renders the licensee unfit or unable to carry on the business of forwarding.

[F.R. Doc. 61–11061; Filed, Nov. 21, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

MENTHOL, NATURAL AND SYNTHETIC

Available Certificates by the Government of the Federal Republic of Germany; Amendment

The notice published on June 20, 1961, 26 F.R. 5473 announcing the availability of certificates of origin issued under procedures agreed upon between the Government of the Federal Republic of Germany and the Foreign Assets Control with respect to the importation from Germany of menthol, natural and synthetic, is hereby amended by the substitution of the words "the appropriate Chamber of Industry and Commerce having jurisdiction" for the words "the Chamber of Industry and Commerce of South Hanover" in the ninth and tenth lines of such notice.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 61–11060; Filed, Nov. 21, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 017239]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed application, serial number Arizona 017239 for the withdrawal of the lands described below, from public entry under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), subject to existing rights. The applicant desires the lands for the proposed Buttes Dam and Reservoir, for borrow pit areas, river channelization above the reservoir, and for railroad relocation. The primary purpose will be to supply supplemental water via a supply canal for irrigation demands of the San Carlos Project, to provide sediment storage, and to give flood protection to the Gila River Valley.

The grazing of the public lands will continue to be administered by the Bureau of Land Management until the lands are actually required for project purposes.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, United States Department of the Interior, P.O. Box 148, Phoenix 1, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER BASE AND MERIDIAN

T. 4 S., R. 10 E.,
Sec. 10: SE¼SE¼;
Sec. 13: NW¼NW¼, S½N½, S½;
Sec. 14: S½NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 15: NW¼, NW¼SW¼, S½SE¼.
T. 4 S., R. 11 E.,
Sec. 1: SE¼, S½SW¼;
Sec. 4: S½;
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 7: Lots 1, 3, 4, 7, SE¼SW¼, S½SE¼;
Sec. 8: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼, SW¼SE¼ (All);
Sec. 9: Lots 1, 2, 3, 4, 5, 6, 7, N½, N½SE¼ (All);
Sec. 10: All;
Sec. 11: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, NE¼NE¼, W½NE¼, NW¼ (All)
Sec. 12: Lots 1, 3, 4, 5, 6, 7, 8, N½NW¼, S½SW¼, SE¼SE¼;
Sec. 13: N½, N½S½, SW¼SW¼, S½SE¼;
Sec. 14: Lot 1, E½, E½W½, SW¼NW¼, SW¼ (All);
Sec. 15: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½ (All);
Sec. 17: All;
Sec. 22: NE¼SE¼.
T. 3 S., R. 12 E.,
Sec. 33: S½;
Sec. 34: All;
Sec. 35: All.
T. 4 S., R. 12 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 3: S½;
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 6: Lots 1, 2, 3, 4, 5, 6, S½NE¼;
Sec. 7: Lots 3, 4, SE¼;
Sec. 8: All;
Sec. 9: All;
Sec. 10: All;
Sec. 11: N½;
Sec. 12: N½;
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½;
Sec. 19: Lots 1, 2, 3, 4, E½;
Sec. 20: All;
Sec. 21: W½;
Sec. 28: All;
Sec. 29: All;
Sec. 30: Lots 1, 2, 3, 4, E½;
Sec. 31: Lots 1, 2, NE¼;
Sec. 33: All.
T. 5 S., R. 12 E.,
Sec. 4: Lots 1, 2, 3, 4, S½N½;
Sec. 5: Lots 1, 2, 3, 4, S½N½.
T. 3 S., R. 13 E.,
Sec. 31: Lots 3, 4, E½SW¼.
T. 4 S., R. 13 E.,
Sec. 1: Lots 4, 5, W½SW¼;
Sec. 2: Lots 1, 2;
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 4: Lots 1, 2, 3, 4, S½N½, NE¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All);
Sec. 7: Lots 1 & 2, E½NW¼, NE¼;
Sec. 8: N½;
Sec. 9: Lots 1, 2, 3, 4, N½N½, S½NW¼, N½S½, S½SE¼;
Sec. 12: Lots 1 & 4, and part of Lots 2, 3, 5, 6, 7, 8, and S½NW¼ less patented mining claims; NW¼NW¼.
T. 4 S., R. 14 E.,
Sec. 7: Lot 6;
Sec. 8: E½SW¼, SW¼SW¼;
Sec. 18: Lots 1, 2, 3, 4, 9, 10, 11;
Sec. 19: W½NE¼;
Sec. 20: SW¼NW¼, SW¼SW¼.
T. 5 S., R. 15 E.,
Sec. 7: SE¼SW¼;
Sec. 18: Lot 4;
Sec. 24: Lots 1 and 4, W½SE¼.
T. 5 S., R. 16 E.,
Sec. 5: Lots 1, 2, 3, 4, 5, 6, S½NE¼, N½SE¼, SW¼SE¼;
Sec. 6: Lot 1, and unsurveyed portion of SE¼SE¼;
Sec. 7: Lot 1, Part Lot 2, E½NE¼, N½SE¼, and unsurveyed portion of N½NW¼ and NW¼NE¼;
Sec. 8: NW¼NW¼.

The area described above aggregates approximately 26,164.28 acres.

Dated: November 9, 1961.

FRED J. WEILER,
State Director.

[F.R. Doc. 61–11050; Filed, Nov. 21, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 (a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Alabama a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Blount.	Etowah.
Calhoun.	Randolph.
Cherokee.	St. Clair.
Cleburne.	Shelby.
DeKalb.	Talladega.

It has also been determined that the natural disaster for which Marengo and Wilcox Counties, Alabama, were designated (26 F.R. 1936) has resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in any of the counties listed herein after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done, at Washington, D.C., this 15th day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11092; Filed, Nov. 21, 1961; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE A. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 8, 1961.

GEORGE A. SANDS.

NOVEMBER 8, 1961.

[F.R. Doc. 61-11062; Filed, Nov. 21, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Provisional Operating License

Please take notice that pursuant to the Intermediate Decision of the Hearing Examiner dated October 11, 1961, the Director of the Division of Licensing and Regulation has issued Provisional Operating License No. DPR-4 to Saxton Nuclear Experimental Corporation for its pressurized water nuclear reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania.

The license authorizes operation of the reactor at steady state power levels not in excess of 20 megawatts thermal but specifies that operation shall not begin until the Director, Division of Licensing and Regulation, has found that construction of the facility has been completed in conformity with the Final Safeguards Report. The license further authorizes the loading of the first core and the operation of the facility with the reactor head off at a power level not exceeding 200 kilowatts thermal prior to the completion of certain specified systems.

The license will expire on December 31, 1962 (unless extended for good cause shown) or upon the earlier issuance of a superseding operating license pursuant to further order of the Commission.

Copies of the Intermediate Decision and the license are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 15th day of November 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 61-11063; Filed, Nov. 21, 1961; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13055]

PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Prehearing Conference

In the matter of reduced fares between Seattle and Fairbanks proposed by Pan American World Airways, Inc.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on December 1, 1961 at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Date at Washington, D.C., November 16, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-11070; Filed, Nov. 21, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-EA-26]

PROPOSED WATER STORAGE STRUCTURE

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Joint Board of Water Commissioners, Town of Abington and Town of Rockland, Massachusetts, proposes to construct a water storage structure in Rockland, Massachusetts, at latitude 42°07'43" north, longitude 70°55'44" west. The overall height of the structure would be 298.5 feet above mean sea level (153.5 feet above ground).

Objections were made in response to the circularization and at the Federal Aviation Agency New York Informal Airspace Meeting by the Department of the Navy with respect to the effect of the proposed structure on operations at the South Weymouth NAS. They are summarized as follows:

1. The proposed structure will necessitate raising the current GCA weather minimums from ceiling 200 feet and visibility ½ mile, to at least, ceiling 400 feet and visibility 1 mile.

2. The GCA glide path would have to be increased from 3 degrees to 3.8 degrees. Anything over 3 degrees is undesirable. This increase would preclude precision radar approaches to Runway 35. Runway 35 is the best runway on which to conduct IFR operations because it is 7000 feet long. IFR approaches to Runway 17 are not desirable due to their effect on IFR operations into and out of Boston.

3. The point of touchdown for GCA approaches would have to be moved approximately an additional 1000 feet inboard and this would reduce the usable length of the runway to 5000 feet. This is not satisfactory for jet aircraft operations.

4. The proposed structure would require an increase in the TACAN weather minimums to ceiling 500 feet, visibility 1 mile. This would preclude approximately 1000 landings a year.

5. The proposed structure would violate the Navy Bureau of Weapons criteria by penetrating 60 feet into the 50:1 slope of the Instrument Approach Surface.

6. The proposed structure would penetrate the Instrument Approach Surface, contained in TSO-N18, by 44 feet.

The Department of the Navy reported that South Weymouth NAS:

(a) Is a Navy all-Weather Air Station and represents a sizeable investment;

(b) Is the primary naval air station for the Boston Area;

(c) Is the base for considerable reserve flying activity on week-ends;

The proposed structure would be located 3800 feet southeast of the approach end of the South Weymouth NAS Runway 35 and 400 feet east of the runway centerline extended. It would require an increase in the minimum approach altitude from 561 feet MSL (400 feet minimum ceiling) to 661 feet MSL (500 feet minimum ceiling) for Instrument Approach Procedure AL-400-TACAN. It would also require an increase from 3.0 degrees to 3.8 degrees in the glide angle for aircraft making precision radar instrument approaches. This glide angle would be excessive and unacceptable for jet aircraft, thus derogating the precision radar instrument approach procedure to Runway 35. There are approximately 90 aircraft based at South Weymouth NAS, of which approximately 30 are jet-powered. Precision radar instrument approaches are currently approved with a ceiling of 200 feet and visibility ½ mile. During 1960, there were 48,277 aircraft operations at this airport of which 4,507 were precision radar instrument approaches and a substantial number of these precision approaches were conducted when the ceiling and visibility were reported at the currently approved weather minimums.

The Agency study disclosed that aircraft of the types based at and using this airport would be required to pass in dangerous lateral and vertical proximity to the proposed structure or to take diversionary action to avoid it when being operated in normal take-off or landing configurations on Runway 17-35. The aircraft would pass near the proposed structure at low altitudes while climbing or descending when the pilot's attention is directed toward extremely critical phases of flight. Thus, the proposed structure would derogate the safety of aeronautical operations at this airport.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have a substantial adverse effect upon aeronautical operations at South Weymouth NAS, and it is hereby determined that this proposed structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on November 8, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-11045; Filed, Nov. 21, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14374]

EUGENE R. BURBANK

Order To Show Cause

In the matter of Eugene R. Burbank, Manhattan Beach, California, Docket No. 14374; order to show cause why there should not be revoked the license for Radio Station WP-5512 abroad the vessel "El Barca de Oro".

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on June 16, 1961, alleging that on May 27, 1961, the license for the radio station aboard the vessel "El Barca de Oro" was not posted, in violation of § 8.102(a) of the Commission's rules; and

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 17, 1961, and sent by Certified Mail—Return Receipt Requested (No. 074586), brought this matter to the attention of the licensee and requested that such licensee responded to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee, E. R. Burbank, on July 19, 1961, to a Post Office Department return receipt; and

It further appearing, that between July 19, 1961, and July 25, 1961, the licensee replied to the Commission's above-mentioned letter of July 17, 1961, stating that at the time of purchase of the radio aboard the Vessel "El Barca de Oro" "Benrad Inc., San Pedro * * * made application for a radio license for * * *" him and that another application for license had been filed "through Benrad Inc., San Pedro" subsequent to the Commission's warning; and

It further appearing, that, on July 25, 1961, the Commission's Marine Supervisor again brought this matter to the attention of the licensee and requested that he advise the San Pedro office when a duplicate license had been received; and

It further appearing, that, although the licensee received the Commission's letter of July 25, 1961, no reply thereto was made; and

It further appearing, that delivery of additional correspondence addressed to the licensee by the Commission on August 25, 1961, was refused; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 15th day of November 1961, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at 3201 Poinsietta, Manhattan Beach, California, and 410 North Varney, Burbank, California.

Released: November 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11074; Filed, Nov. 21, 1961; 8:50 a.m.]

[Docket No. 14166 etc.; FCC 61M-1792]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, a partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permits.

The Hearing Examiner having under consideration the petition for continuance of procedural dates filed in the above-entitled proceeding on November 8, 1961 by Eastern Broadcasting System, Inc.;

It appearing, that all parties consented to grant of said petition except Fairfield Broadcasting Company which applicant neither consented to nor opposed grant;

It further appearing, that good cause for grant of the requested continuance is shown in that the applicants herein[1] are engaged in the making of signal intensity measurements from test transmitter sites and because of some being in the same general area and involving the same frequency conflicts have arisen causing unanticipated delay in the preparation of the engineering evidence for the proceeding;

It is ordered, This 14th day of November 1961 that the said petition is granted and the date herein for exchange of exhibits to be offered in evidence in the presentation of the direct, affirmative cases is continued from November 20, 1961 to November 30, 1961; the further prehearing conference presently scheduled for November 24, 1961 is continued to December 1, 1961 commencing at 9:00 a.m.; and the date for commencement of hearing is continued from December 4, 1961 to December 18, 1961.

Released: November 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11075; Filed, Nov. 21, 1961; 8:50 a.m.]

[Docket Nos. 14211, 14212; FCC 61M-1795]

PUTNAM BROADCASTING CORP. AND PORT CHESTER BROADCASTING CO.

Order Continuing Hearing

In re applications of Putnam Broadcasting Corporation, Brewster, New York, Docket No. 14211, File No. BP-13562; Nicholas J. Zaccagnino, tr/as Port Chester Broadcasting Co., Port Chester, New York, Docket No. 14212, File No. BP-14572; for construction permits.

The Hearing Examiner having under consideration the petition for continuance of procedural dates filed herein on November 14, 1961 by Putnam Broadcasting Corporation;

It appearing, that efforts are being made informally by the parties pursuant to the agreement reached at the prehearing conference to resolve certain conflicts disclosed as a consequence of the exchange of preliminary drafts of the technical engineering exhibits on No-

[1] The authorization to Consolidated Engineers for the New Milford and Brookfield area does not specify application number. Authorizations have also been granted specifying applications BP-14138 (Ubiquitous Corporation) and BP-14142 (Fairfield Broadcasting Company).

vember 1, 1961, and such efforts have not presently been concluded; and

It further appearing, that a conflict has arisen in the schedule of counsel for petitioner, that all parties have consented to immediate consideration and grant of the said petition, and the circumstances presented constitute good cause for a grant of the continuance requested;

It is ordered, This 15th day of November 1961, that the said petition is granted and the date for exchange of exhibits to be offered in evidence in the presentation of the direct affirmative cases is continued from November 16, 1961, to November 24, 1961, and the hearing herein presently scheduled to commence on November 27, 1961, is continued to December 4, 1961, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: November 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11076; Filed, Nov. 21, 1961; 8:50 a.m.]

[Docket No. 13245; FCC 61M-1796]

RADIO AMERICANA, INC.

Order Continuing Hearing

In re application of Radio Americana Inc., Baltimore, Maryland, Docket No. 13245, File No. BP-12962; for construction permit.

The Hearing Examiner having under consideration a motion for modification of hearing schedule filed by the applicant, Radio Americana, Inc., on November 14, 1961, requesting that the hearing schedule in this proceeding be modified by continuing the commencement of the hearing in this proceeding from November 27 to December 13, 1961; and

It appearing, that counsel for the Broadcast Bureau has stated that he does not oppose a grant of the motion; and

It further appearing, that the schedule of dates for exchange of exhibits and notification of witnesses heretofore agreed upon was based upon the commencement of the hearing on November 27 and, thus, such schedule should be modified;

It is, therefore, ordered, This 16th day of November 1961, that the hearing in this proceeding is continued from November 27, 1961, to December 13, 1961, at 10 a.m., in Washington, D.C.; and that the schedule for exchange of further exhibits and notification as witnesses is modified to conform with the present agreement among counsel as to such dates.

Released: November 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11077; Filed, Nov. 21, 1961; 8:50 a.m.]

[FCC 61-1346]

CHIEF HEARING EXAMINER

Delegations of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of November 1961;

The Commission having under consideration section 0.224 of its Statement of Delegations of Authority, which delegates authority to the Chief Hearing Examiner, and § 1.362 of its rules of practice and procedure, which provides that, upon designation of a broadcast application for hearing, the applicant must give local notice of the hearing; and

It appearing, that occasions may arise where the public interest will be served by, or practicalities may require, publication at a time, a place, or in a manner which varies from the general requirements of § 1.362; and

It further appearing, that, to expedite the conduct of hearing proceedings, the Chief Hearing Examiner should be authorized to rule on petitions requesting permission to give local notice in a manner which varies from that specified in § 1.362; and

It further appearing, that the Chief Hearing Examiner should be authorized to dismiss applications with prejudice for failure to comply with the local notice requirements of § 1.362; and

It further appearing, that the amendments adopted herein pertain to Commission management and organization, and hence that section 4 of the Administrative Procedure Act is not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1), 303(r), and 311(a)(2) of the Communications Act of 1934, as amended;

It is ordered, Effective November 27, 1961, that the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 0.224(b) is amended by adding new subparagraphs (13) and (14) as follows:

SEC. 0.224 *Authority delegated.* * * *
(b) * * *

(13) Petitions for waiver of § 1.362 of the Commission's rules insofar as that section requires that local notice of hearing be given within a certain time, at a certain place, or in a certain manner.

(14) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.362 of the Commission's rules.

[F.R. Doc. 61-11078; Filed, Nov. 21, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-16125 etc.]

ARKANSAS LOUISIANA GAS COMPANY ET AL.[1]

Notice of Proceedings and Fixing Time for Intervention[2]

NOVEMBER 15, 1961.

Respondents in the above-entitled proceedings have heretofore filed proposed increased rates reflecting only reimbursement for the gas gathering tax of one cent per Mcf imposed upon said respondents by the State of Louisiana pursuant to Act. No. 8 of 1958, as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes, 47 La. Rev. Stat. 1950, section 678. Respondents' proposed increased rates were suspended and thereafter were permitted to go into effect subject to refund.

By order issued February 13, 1961, in the above-entitled proceedings, the Commission required respondents to refund all tax reimbursement amounts collected subject to refund in these proceedings after the section 678 tax was declared unconstitutional. However, on June 6, 1961, the Commission modified its order of February 13, 1961, as to all of the above-entitled proceedings by limiting respondents' obligation to refund to those amounts actually refunded by the State of Louisiana to the respective respondents. Subsequently, on August 30, 1961, the Commission reopened all of the above-entitled proceedings.

Take notice that notices of intervention or petitions to intervene may be filed in any of the above-entitled proceedings with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure on or before December 8, 1961.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Respondents:	Docket Nos.
Arkansas Louisiana Gas Co.	G-16125
Mississippi River Fuel Corp.	G-16699
	G-16697
	G-16698
Olin Gas Transmission Corp.	G-16695
Southern Natural Gas Co.	G-16692
Tennessee Gas Transmission Co.	G-15567
	G-13549
	G-15736
	G-15681
	G-16647
	G-16691
	G-16468
	G-16682
	G-16707
	G-16708
Tensas Gas Gathering Corp.	G-16126

[F.R. Doc. 61-11065; Filed, Nov. 21, 1961; 8:49 a.m.]

[1] As noted in the Appendix below under columns entitled "Docket Nos." and "Respondents."

[2] This notice does not provide for consolidation of the proceedings involved herein, nor should it be so construed.

[Project No. 2246]

YUBA COUNTY WATER AGENCY

Notice of Application for Amendment of Application for License

NOVEMBER 15, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Yuba County Water Agency (correspondence to Eugene L. Gray, Secretary, Yuba County Water Agency, P.O. Box 28, Marysville, California) for amendment of its application for license for proposed Project No. 2246, known as "Yuba River Development," to be located on Yuba River and its tributaries, North Yuba River, Middle Yuba River, and Oregon Creek, in Counties of Yuba, Nevada and Sierra, California, in the vicinity of Camptonville, Dobbins, Marysville, North San Juan, and Smartville, California, and affecting lands of the United States within Plumas and Tahoe National Forest, and utilizing the Englebright Dam of the California Debris Commission, an agency of the Corps of Engineers, and affecting land adjacent to such dam.

The amendment to application for license would replace the Irrigation Dam and Reservoir, originally to be located on the Yuba River approximately one mile downstream from Parks Bar Bridge on State Highway #20, with Timbuctoo Afterbay Dam consisting of an impervious core, rockfill dam across Yuba River, about 2.5 miles upstream from the Parks Bar Bridge, approximately 83 feet high above streambed and about 750 feet long, with independent spillway and ogee weir in left abutment; and a reservoir with gross storage capacity of 5,700 acre-feet and surface area of 200 acres at normal operating surface at elevation 305 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 18, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11066; Filed, Nov. 21, 1961; 8:49 a.m.]

[Docket No. DA-57-New Mexico]

JEMEZ RIVER BASIN, NEW MEXICO

Lands Withdrawn for Water-Power Purposes

NOVEMBER 15, 1961.

The Geological Survey, United States Department of the Interior, has transmitted to the Commission a report resulting from its study of the lands withdrawn for water-power purposes in the Jemez River Basin, New Mexico, in which it recommends the outright restoration of all of the withdrawn lands in the basin and has requested Commission concurrence in their outright restoration.

The hereinafter-described lands are withdrawn in Power Site Classification No. 363, dated July 24, 1944, or in Water Power Designation No. 1, dated August 7, 1916.

The lands described as being in Tps. 18 and 19 N., R. 3 E., lie within the boundaries of the Santa Fe National Forest and many of them have been further reserved, and are now being used, for administrative and recreational purposes.

Some of the lands in T. 13 N., R. 3 E., and Tps. 13 and 14 N., R. 4 E., are further reserved for the use of the Department for the Army in connection with the Jemez Canyon Dam and Reservoir Project.

It appears that the water flow of the Jemez River and tributaries is erratic, being mostly of a flash flood type, and that it is not adequate to satisfy present irrigation requirements of the area.

No plan is known that proposes use of the lands for power development, the water-power potential of the lands being negligible.

The Commission finds: Inasmuch as the following-described lands have negligible or no value for purposes of power development, it has no objection to the revocation by the Secretary of the Interior of the power withdrawals pertaining to said lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 N., R. 1 E.,
Sec. 2, lots 3, 4;
Sec. 4, lots 1, 2, 3;
Sec. 7, lots 1, 2, 3, 4, S½;
Sec. 9, E½, E½NW¼, SW¼;
Sec. 10, all;
Sec. 12, SW¼NE¼, SE¼NW¼, N½SE¼.
T. 14 N., R. 2 E.,
Sec. 1, lots 11, 12, 13, 14, 17;
Sec. 12, lot 1.
T. 15 N., R. 2 E.,
Sec. 8, lots 3, 4.
T. 13 N., R. 3 E.,
Sec 1, lots 1, 10.
T. 14 N., R. 3 E.,
Sec. 5, lot 5;
Sec. 6, lots 4, 5, 6, 7, 9;
Sec. 7, lot 3.
T. 15 N., R. 3 E.,
Sec. 31, lots 1, 2, 3, 4.
T. 17 N., R. 3 E.,
Sec 30, lots 1, 2, 3, 4;
Sec. 31, lots 6, 7.
T. 18 N., R. 3 E.,
Sec. 3, SW¼NW¼, SW¼SE¼, SW¼;
Sec. 4, lots 3, 4, 5, 6, S½N½, S½;
Sec. 5, lots 1, 2, 7, 8, 9 10, S½NE¼, SE¼;
Sec. 10, NW¼NE¼, N½NW¼.
T. 19 N., R. 3 E.,
Sec. 20, lots 7, 8, 9, 10, 11, SE¼SE¼;
Sec. 21, SW¼NW¼, SW¼;
Sec. 28, W½;
Sec. 29, lots 5, 6, 7, 8, E½E½;
Sec. 32, lots 5, 6, 7, 8, E½NE¼, SE¼;
Sec. 33 W½.
T. 13 N., R. 4 E.,
Sec. 4, lots 1 through 7, SW¼NE¼, E½NW¼, W½SE¼;
Sec. 5, all;
Sec. 6, lots 1, 2, E½, E½NW¼, NE¼SW¼;
Sec. 8, lots 3, 4, 5, N½, NW¼SE¼, NE¼SW¼;
Sec. 9 lots 5, 6, 7.
T. 14 N., R. 4 E.,
Sec. 30, S½;
Sec. 31, all.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11067; Filed, Nov. 21, 1961; 8:49 a.m.]

[Docket No. DA-179-Washington]

WASHINGTON

Lands Withdrawn

NOVEMBER 15, 1961.

The Bureau of Land Management, United States Department of the Interior, filed a request (Washington 03851), on behalf of the Department of Game, State of Washington, for Commission comments on a proposed conveyance to the State agency of the following-described lands:

WILLAMETTE MERIDIAN, WASHINGTON

T. 15 N., R. 19 E.,
Sec. 28, E½NW¼ and SW¼.

The State agency proposes to acquire the lands under the provisions of the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended, to improve fishing facilities.

The lands are withdrawn in Power Site Reserve No. 44, dated July 2, 1910, based on Temporary Power Site Withdrawal of September 3, 1909.

The lands lie on both sides of the Yakima River, the nearest tract being located about a quarter-mile upstream from the Bureau of Reclamation's Roza dam, constructed primarily for irrigation purposes. No plans are known to be under consideration at present for any expansion of the Roza dam and reservoir, nor are any plans known for the construction of any additional upstream reclamation projects.

A possible storage site is located about three miles above the lands in connection with which power might be developed through a conduit system affecting the lands. However, such a project would involve the costly relocation of U.S. Highway No. 97 lying on the side of Yakima River and main line tracks of the Northern Pacific Railway lying on the other side of the river.

There is no reason to believe that use of the lands by the Washington Department of Game will adversely affect their present development for irrigation and incidental power purposes. Inasmuch as the power potential of the lands appears to be fully utilized, and their value for additional power purposes is negligible revocation of the power withdrawal subject to the Bureau of Reclamation's rights and interests in the Roza project, as hereinafter provided, is appropriate and desirable.

The Commission finds: It has no objection to revocation by the Secretary of the Interior of Power Site Reserve No. 44 insofar as it affects the above-described lands, subject to the prior right of the United States and its successors

to occupy and use such portions thereof as are necessary in the operation and maintenance of the Bureau of Reclamation's Roza dam and reservoir, and subject to the further condition that the United States and its successors shall not be held liable for any damage to any structures or improvements constructed by the Washington Department of Game resulting from such operation and maintenance.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11068; Filed, Nov. 21, 1961; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

UNITED CALIFORNIA BANK

Order Denying Application for Approval of Merger

In the matter of the application of United California Bank for prior consent to merge with The First National Bank of La Verne.

There has been filed with the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application for the Board's prior consent to the merger of The First National Bank of La Verne, La Verne, California, into and with United California Bank, Los Angeles, California, under the charter and title of the latter. Upon consideration of all relevant materials in the light of the factors set forth in said section 18(c), including reports by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in a statement[1] of the Board of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 16th day of November 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61–11048; Filed, Nov. 21, 1961; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, 25, D.C., or to the Federal Reserve Bank of San Francisco.

INTERSTATE COMMERCE COMMISSION

[Notice 186]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 17, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

No. MC 107475 (Deviation No. 6), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati 3, Ohio, filed November 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 25 and Interstate Highway 75 at Covington, Ky., over Interstate Highway 75 to the junction of U.S. Highway 25 at Dry Ridge, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky., and return over the same route.

No 111231 (Deviation No. 13), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed November 8, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over U.S. Highway 65 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 54, thence over U.S. Highway 54 to Springfield, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66, thence over By-Pass U.S. Highway 66 via Hamel, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 via Livingston, Ill., to junction unnumbered highway near Mt. Olive, Ill., thence over unnumbered highway via Mt. Olive to junction U.S. Highway 66, thence over U.S. Highway 66 via Litchfield, Springfield, and Lincoln, Ill., to junction unnumbered highway near Atlanta, Ill., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 70) THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed November 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 40 and Interstate Highway 70 near Bennett, Colo., over Interstate Highway 70 to junction U.S. Highway 40 southwest of Watkins, Colo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to Albuquerque, N. Mex., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–11056; Filed, Nov. 21, 1961; 8:47 a.m.]

[Notice 407]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 17, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Sub-No. 43), filed October 13, 1961. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., 303 Stanton Avenue, P.O. Box 830, Akron, Ohio. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical appliances, equipment, machines, motors and assemblies, and component parts thereof, and equipment, materials and supplies used in the manufacture or development of electrical appliances, equipment, machines, motors and assemblies, or component parts* thereof, serving Alliance, Ohio, and points within 30 miles thereof, as an off-route point in connection with applicant's regular-route operations. RESTRICTION: Service at Alliance, Ohio, and points within 30 miles thereof is limited to the transportation of shipments either originating at or destined to Shenandoah, Va.

HEARING: November 28, 1961, at the Ohio Public Utility Commission, Hearing Room No. 3, 111 North High Street, Columbus, Ohio, before Joint Board No. 117.

No. MC 3379 (Sub-No. 44), filed November 9, 1961. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., P.O. Box 830, Akron, Ohio. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Electrical appliances, equipment, machines, motors* and *assemblies*, (2) *component parts thereof*, and (3) *equipment, materials*, and *supplies used in the manufacture and development of the commodities* in (1) and (2) above, serving Shenandoah, Va., as an off-route point in connection with applicant's regular-route operations.

HEARING: November 28, 1961, at the Ohio Public Utility Commission, Hearing Room No. 3 111 North High Street, Columbus, Ohio, before Joint Board No. 108.

No. MC 20783 (Sub-No. 56), filed November 13, 1961. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, with or without other ingredients, *dairy products, poultry and poultry products*, with or without other ingredients, *fish and fish products*, with or without other ingredients, *pies, dinners*, and *bakery products*, all requiring temperature control in transit, from Athens, Ala., to points Florida, Georgia, North Carolina, South Carolina, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Ohio, Nebraska, Tennessee, Wisconsin, Virginia, and Michigan.

HEARING: November 29, 1961, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Examiner Charles B. Heinemann.

No. MC 26739 (Sub-No. 30), filed November 1, 1961. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* from Marshall, Macon, Moberly and Carrollton, Mo., to points in Kansas, Iowa, Nebraska, and Illinois (except Chicago).

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo. before Examiner Garland E. Taylor.

No. MC 52746 (Sub-No. 62), filed November 8, 1961. Applicant: KNAUS TRUCK LINES, INC., 2415 Independence Avenue, Kansas City 24, Mo. Applicant's representative: E. R. Kershner, 715 South 25th Avenue, Bellwood, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling), serving Carfolliton, Marshall and Moberly, Mo., as off-route points in connection with applicant's present regular-route operations.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc.

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 59570 (Sub-No. 12), (AMENDMENT), filed July 24, 1961, published FEDERAL REGISTER, issue September 13, 1961, amended November 8, 1961, republished as amended this issue. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Applicant's attorney: Isadore H. Schwartz, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. By letter dated November 3, 1961, applicant amends the application as follows: "* * * (2) *building and construction materials and supplies*, from points on and south of New Jersey Highway No. 33, in Monmouth and Ocean Counties, N.J., to points in New Jersey, New York, Pennsylvania, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Virginia, and Washington, D.C., "* * * *amended, so as to eliminate and except therefrom, liquid commodities, in bulk, in tank vehicles;* and amended, further, *in lieu and instead of the before-quoted portion "(2)", published in the* FEDERAL REGISTER, *as follows:*

(a) *Concrete mix, mortar mix, asphalt mix, and plaster mix, in bags, or containers; cement, building cement compounds, sand and sand products, gravel, lime and limestone products, in bulk, and in bags or containers*, from points on and south of New Jersey Highway No. 33, in Monmouth and Ocean Counties, N.J., to points in New Jersey, New York, Pennsylvania, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Virginia, and Washington, D.C.;

(b) *Prestressed and precast concrete products*, from points on and south of New Jersey Highway No. 33, in Monmouth and Ocean Counties, N.J., to points in Delaware, New York, N.Y., points in Suffolk, Nassau, Ulster, Orange, Westchester, Rockland, Putnam, Dutchess, and Sullivan Counties, N.Y., points in Connecticut, west of the Connecticut River, and points in Maryland and Pennsylvania, defined as follows: on and north of U.S. Highway 50 to Junction State Highway 2, thence on and east of Highway 2 to Junction U.S. Highway 111, thence on and east of U.S. Highway 111 to U.S. Highway 11, thence on and east of U.S. Highway 11 to U.S. Highway 6, thence on and south of U.S. Highway 6 to U.S. Highway 106, thence on and south of U.S. Highway 106 to the Delaware River;

(c) *Steel Girders, beams, trusses, reinforcing rods, and building steel products*, from points on and south of New Jersey Highway No. 33, in Monmouth and Ocean Counties, N.J., to points in New Jersey, and points in Pennsylvania, east of the Susquehanna River."

CONTINUED HEARING: December 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 70662 (Sub-No. 92), filed November 1, 1961. Applicant: CANTLAY & TANZOLA, INC., 2550 East 28th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, between points in California on the one hand, and on the other, points in New Mexico, and *rejected and contaminated shipments of the same products* from the specified destination territory to the described origin area in California, on return. Applicant states that it is the sole owner of the stock of Western Truck Lines, Ltd. (MC–8948); in turn Western Truck Lines, Ltd. is the sole owner of Gillette Motor Transport, Inc. (MC–2309); and Gillette Motor Transport Inc., has been authorized to acquire the stock and control of Voss Truck Lines, Inc. (MC–F–7651 and MC–1422).

HEARING: December 6, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 94350 (Sub-No. 20), filed November 8, 1961. Applicant: TRANSIT HOMES, INC., P.O. Box 273, Anderson, S.C. Applicant's attorney: John S. Fessenden, Suite 718 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles (including portable buildings and pre-built homes)*, in initial movements, in truck-away service; from points in New York (except trailers from Buffalo, Cuba, and Latham, N.Y.), to points in the United States including Alaska, but excluding Hawaii, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *damaged or rejected shipments*, on return.

HEARING: December 12, 1961, at the Hotel Buffalo, Washington and Swann Streets, Buffalo N.Y., before Examiner Lawrence E. Masoner.

No. MC 103051 (Sub-No. 119), filed November 8, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and dump or hopper-type vehicles, from points in Richmond County, Ga. to points in Richmond County, Ga. and points in Alabama, Florida, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned

by R. L. Walker of Waycross, Ga. Mr. Baggett is President of both applicant and Gasoline Transport, Inc.

HEARING: November 29, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard A. White.

No. MC 104430 (Sub-No. 29), filed November 6, 1961. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 789, McComb, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Pascagoula, Miss. and points within ten (10) miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: November 28, 1961, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 105556 (Sub-No. 39), filed November 7, 1961. Applicant: HOUCK TRANSPORT COMPANY, CORPORATION, Box 595, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Casper, Wyo., and points within 25 miles thereof, to points in Montana and North Dakota, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: December 18, 1961, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 344.

No. MC 105813 (Sub-No. 51), (AMENDMENT), filed November 1, 1961, published FEDERAL REGISTER issued November 15, 1961, amended November 9, 1961, republished as amended this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Marshall, Macon, Carrollton, Milan, Moberly, and St. Louis, Mo., to points in Tennessee (except Memphis), Kentucky, Georgia, Florida, North Carolina, South Carolina, Alabama, and Louisiana.

NOTE: The purpose of this republication is to include St. Louis as a point of origin.

HEARING: Remains as assigned December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 107496 (Sub-No. 207), filed October 25, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients, fertilizer, fertilizer phosphatic solution*, and *fertilizer ammoniating solutions*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn. and points within ten (10) miles thereof, to points in Wisconsin, Iowa, South Dakota, North Dakota, Nebraska, Minnesota, the Upper Peninsula of Michigan and Illinois.

NOTE: Applicant states it is wholly owned by John Ruan. It controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois Corporation. Applicant holds contract authority in MC 119136 and Subs thereunder.

HEARING: December 14, 1961, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lacy W. Hinely.

No. MC 109421 (Sub-No. 18), filed November 9, 1961. Applicant: CARTER TRUCKING CO., INC., doing business as COASTAL REFRIGERATED SERVICE, P.O. Box 1689, Tampa, Fla. Applicant's attorney: William A. Roberts, Continental Building, Fourteenth at K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and (2) *citrus products*, not canned and not frozen, from points in Florida, to points in Connecticut, Rhode Island, and Massachusetts.

HEARING: December 7, 1916, at the U.S. Court Rooms, Tampa, Fla., before Examiner William R. Tyers.

No. MC 109637 (Sub-No. 188) (CORRECTION), filed September 18, 1961 published FEDERAL REGISTER issue October 25, 1961 and republished as corrected this issue. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Pascagoula, Miss., and 10 miles thereof on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and West Virginia.

NOTE: The purpose of this republication is to show that the above commodities will be transported in bulk, in tank vehicles.

HEARING: Remains as assigned November 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 112020 (Sub. No. 142), filed November 7, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., a Texas corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *vegetable oil products*, in bulk in tank vehicles, from points in Fresno County, Calif., to points in Colorado.

NOTE: Applicant states that it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, an Oklahoma corporation.

HEARING: December 19, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 115841 (Sub-No. 85), filed November 9, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products, poultry, poultry products, fish, fish products*, with or without other ingredients, *pies, dinners and bakery products*, all requiring temperature control in transit, from Athens, Ala., to points in the United States (except Alaska). *HEARING:* November 29, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Charles B. Heinemann.

No. MC 116077 (Sub-No. 113), filed November 3, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Bldg., Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, between Baton Rouge, La., and points within 10 miles thereof, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Colorado, Connecticut, Texas, Utah, and Wyoming.

HEARING: December 7, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 117119 (Sub-No. 35), filed November 6, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Moberly, Macon, Carrollton, and St. Joseph, Mo., to points in New Mexico, Arizona, Colorado, Oklahoma, California, Kansas, Nevada, Oregon, Washington, Idaho, Utah, Montana, North Dakota, South Dakota, Wyoming, and Nebraska and *empty containers or other such incidental facilities* used in transporting the above described commodities, on return.

HEARING: December 6, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Garland E. Taylor.

MOTOR CARRIERS OF PASSENGERS

No. MC 117806 (Sub-No. 4), filed October 5, 1961. Applicant: ANTIETAM TRANSIT COMPANY, INC., 437 East Baltimore Street, Hagerstown, Md. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate

as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, between Hagerstown, Md., and Greencastle, Pa., over U.S. Highway 11, serving all intermediate points.

HEARING: January 23, 1962, at the Federal Building, Hagerstown, Md., before Joint Board No. 74, or, if the Joint Board waives its right to participate before Examiner James C. Cheseldine.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub-No. 82), filed November 6, 1961. Applicant: DENVER-CHICAGO TRUCKING CO., INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), over an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, between junction U.S. Highway 410 and Washington Highway 8E, east of Prosser, Wash. and Pendleton, Oreg.; from junction U.S. Highway 410 and Washington Highway 8E east of Prosser, over Washington Highway 8E to junction Washington Highway 8, thence over Washington Highway 8, to Plymouth, Wash., thence across the Columbia River over Umatilla Toll Bridge to U.S. Highway 730, near Umatilla, Oreg., thence over U.S. Highway 730 to junction Oregon Highway 32, thence over Oregon Highway 32 to junction U.S. Highway 30 near Stanfield, Oreg., thence over U.S. Highway 30 to Pendleton, Oreg., and return over the same route, serving no intermediate points.

No. MC 30319 (Sub-No. 124), filed November 8, 1961. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P.O. Box 4084, Houston, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Junction U.S. Highway 90 and Access Road No. 359 and Amistad Dam Site (near Del Rio, Texas); from junction of U.S. Highway 90 and Access Road No. 359, to Amistad Dam site (near Del Rio, Tex.) over Access Road No. 359, for a distance of approximately six (6) miles, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is a wholly owned subsidiary of Southern Pacific Company.

No. MC 100542 (Sub-No. 8), filed November 13, 1961. Applicant: RANDALL R. SAIN, doing business as C. R. TRUCK LINE, 1006 Wall Street, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, in kegs, bottles and cans, from Golden, Colo., to El Paso, Tex., and *empty containers or other such incidental facilities* (not specified), used in transporting beer, on return, and (2) *Animal feed and feedstuffs*, from El Paso, Tex., to points in New Mexico and Colorado, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-named commodities, on return.

No. MC 104004 (Sub-No. 161), filed November 14, 1961. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Ave, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Monroe Bridge, Mass., as an off-route point in connection with applicant's regular route operations between Williamstown, Mass. and Boston, Mass., as authorized in MC 104004 Sub-No. 53.

No. MC 109028 (Sub-No. 5), filed November 8, 1961. Applicant: HILLSIDE TRANSIT CO., INC., 3150 North 117th Street, Milwaukee 22, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, (1) between points within the territory bounded by a line beginning at Stillwater, Minn., thence in a northeasterly direction to the Twin Ports of Duluth, Minn., and Superior, Wis., thence in an easterly direction to Ashland, Wis., with service to the points named, including Hayward, Wis., and (2) between points in the above-specified territory, on the one hand, and, on the other, Gary, Ind., Princeton, Ill., Davenport, Iowa, and Minneapolis and St. Paul, Minn.

NOTE: Applicant states that the proposed operations will be limited to service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Act) who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified.

No. MC 112750 (Sub-No. 78), filed November 6, 1961. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: John Kevin Murphy (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith* (except motion picture film used primarily for commercial theatre and television exhibition), (1) between points in Iowa, and (2) between Milwaukee, Wis., on the one hand, and, on the other, points in Iowa and Illinois.

NOTE: Applicant states the proposed service will be "under a continuing contract with The L. L. Cook Company".

No. MC 112750 (Sub-No. 80), filed November 6, 1961. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition) between (1) Pittsburgh, Pa., on the one hand, and, on the other, points in Marshall, Wetzel, Monongalia, Marion, Harrison, Tyler, Pleasants, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio; (2) between Cleveland, Ohio, on the one hand, and on the other, points in Brooke, Hancock, Ohio, on the one hand, and on the other, points in Brooke, Hancock, Ohio, and Marshall Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio; and (3) between Ashland, Ky., and Findlay, Ohio.

NOTE: Service under the above authority is to be performed under a continuing contract with Eastman Kodak Company.

No. MC 113908 (Sub-No. 86), filed November 8, 1961. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements*, in bulk, in tank vehicles, from Springfield, Mo., to Louisville, Ky., and Gainesville, Ga.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 251), filed November 13, 1961. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between El Paso, Tex., and Fabens, Tex.; from El Paso over Interstate Highway 10 to Fabens, and return over the same route, serving all intermediate points.

No. MC 45626 (Sub-No. 45), filed October 30, 1961. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common*

carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, in special operations, (1) between Vergennes, Vt., and Button Bay State Park, Vt., over unnumbered Vermont Highway (so-called Basin Harbor Road), serving all intermediate points; (2) between Vergennes, Vt., and junction Vermont Highway 17 and unnumbered highway just west of West Addison, Vt., over unnumbered Vermont Highway (so-called Panton Road), serving all intermediate points; and (3) between junction so-called Panton Road and unnumbered Vermont Highway to Button Bay State Park, Vt., over unnumbered Vermont Highway, serving all intermediate points.

NOTE: Applicant states the above is in connection with its presently existing routes and with the right of joinder.

NOTICE OF FILING OF PETITION

No. MC 45194 (petition for waiver of § 1.101(e) of the general rules of practice and for reopening, reconsideration and modification of a portion of the order of August 19, 1957, issuing Certificate of Public Convenience and Necessity No. MC–45194, and for reopening and reconsideration of the Grandfather Proceedings in Docket No. MC–35741, wherein said portion of said certificate was originally issued to petitioner's predecessor, in Docket No. MC–35741, issued September 18, 1942), dated October 17, 1961. Petitioner: LATTAVO BROTHERS, INC., Canton, Ohio. Petitioner's attorney: John D. Herbert, 44 East Broad Street, Columbus 15, Ohio. By petition dated October 17, 1961, petitioner requests reconsideration as set forth above, of the commodity description contained in its Certificate MC–45194 authorizing the transportation of: Iron and steel articles, contractors' and builders' supplies and equipment, between Neville Island and Coraopolis, Pa., on the one hand, and, on the other, points in West Virginia and that part of Ohio on and east of U.S. Highway 23, and that the proceeding be reopened so that the matter may be clarified and the Certificate in MC–45194 be amended to authorize transportation as follows: *Iron and steel articles, contractors' and builders' supplies, material, and equipment*, serving the territory described above. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition, or other appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7953. (correction) PITTSBURGH & NEW ENGLAND TRUCKING CO.—CONTROL—JACOB EISENBERGER, INC., published in the August 30, 1961, issue of the FEDERAL REGISTER on pages 8135 and 8136. RESTRICTION should read as follows: No service shall be performed in the transportation of cement, in bulk, in tank vehicles, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, on the one hand, and, on the other, points in the above-specified area.

No. MC–F–7993. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga., of the operating rights and certain property of HOWARD E. CLARKSON and EVERETT C. CLARKSON, a partnership, doing business as CLARKSON BROS., P.O. Box 357, Cowpens, S.C., and for acquisition by JIMMIE H. AYER, also of Marietta, Ga., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, Watkins & Daniell, 214 Grant Building, Atlanta, Ga. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from Norfolk, Suffolk, and Franklin, Va., to Como, N.C., and points in North Carolina within 50 miles of Como; *such commodities as require specialized handling or rigging* because of size or weight, including *heavy electrical machinery and equipment, road-building machinery and equipment, and materials and equipment* incidental to, or used in, the construction and maintenance of electric power lines, between points in North Carolina and South Carolina within 150 miles of Charlotte, N.C., including Charlotte; *fertilizer* and *fertilizer materials*, from Richmond, Norfolk and Suffolk, Va., and Murfreesboro, N.C.; to Como, N.C., and points in North Carolina within 150 miles of Como; *machinery*, and *livestock*, between points in North Carolina, South Carolina, and Virginia; textile machinery, between Greenwood, S.C., and points within five miles of Greenwood, on the one hand, and, on the other, points in Alabama. Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Texas, Illinois, West Virginia, Michigan, Delaware, Missouri, Virginia, Oklahoma, Nebraska, Iowa, Indiana, Kentucky, Ohio, Massachusetts, Kansas, New Jersey, New York, Pennsylvania, Wisconsin, Minnesota, Florida, Louisiana, Mississippi, Arkansas, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7995. Authority sought for purchase by HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., of a portion of the operating rights of MERCHANTS SERVICE TRUCKING, INC., Post Office Box 28, New London, Conn., and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorneys and representative respectively: James E. Wilson, 1111 E Street NW., Washington 4, D.C., S. Harrison Kahn, 1511 K Street NW., Washington 5, D.C., and Frank C. Philips, P.O. Box 612, Winston-Salem, N.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes (A) between Westerly, R.I., and New London, Conn., between New London, Conn., and Hartford, Conn., between New Haven, Conn., and New York, N.Y., between New Haven, Conn., and Danielson, Conn., between Providence, R.I., and New London, Conn., serving all intermediate and certain off-route points, and (B) between New London, Conn., and Boston, Mass., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between points on the regular routes described in (A) above, on the one hand, and, on the other, certain points in Connecticut. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Ohio, Indiana, Michigan, Illinois, Maryland, Pennsylvania, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7996. Authority sought for control by THE SAVIN EXPRESS COMPANY, 24 Hamilton Street, New London, Conn., of MERCHANTS SERVICE TRUCKING, INC., 131 Cedar Grove Avenue, New London, Conn., and for acquisition by MOSES A. SAVIN, 39 Glenwood Avenue, New London, Conn., RUTH GREENBERG, 154 Plant Street, New London, Conn., and HENRY SAVIN, 39 Glenwood Avenue, New London, Conn., of control of MERCHANTS SERVICE TRUCKING, INC., through the acquisition of THE SAVIN EXPRESS COMPANY. Applicants' attorneys: S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C., and Francis E. Barrett, Jr., Professional Building, East Milton 86, Mass. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes (A) between Westerly, R.I., and New London, Conn., between New London, Conn., and Hartford, Conn., between New Haven, Conn., and New York, N.Y., between New Haven, Conn., and Danielson, Conn., between Providence, R.I., and New London, Conn., (B) between New London, Conn., and Boston, Mass., serving all intermediate points and certain off-route points, and over several alternate routes for operating convenience only, serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between points on the regular routes described in (A) above, on the one hand, and, on the other, certain points in Connecticut; *woolen cloth*, from Central Village, Conn., to Pittsfield, Mass., *jams, jellies, preserves*, and *pie-fillings* from Natick, Mass., to Westerly, R.I., and Putnam, Danielson, Wauregon, Moodus, Plainfield, Jewett City, New London, Norwich, Willimantic, and Baltic, Conn., *wool*, from Providence, R.I., and Millbury, Mass., to Fitchville, Conn., and from Pittsfield, East Weymouth, Newton, Lawrence, and North Chelmsford, Mass., to Central Village, Conn., *shoddy*, from Pittsfield, Mass., to Central Village, Conn., and *wool and rayon* from Oxford, Mass., to Central Village, Conn. THE SAVIN EXPRESS COMPANY is authorized to operate as a *common carrier* in New Jersey, New York, Connecticut, Rhode Island, Massachusetts and New Hampshire. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–7994. Authority sought for control by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Texas, of AMERICAN BUSLINES, INC., 1805 Leavenworth Street, (P.O. Box 1337, Downtown Station), Omaha 2, Nebr., MIDWEST BUSLINES, INC., 1000 North Street, (P.O. Box 1188), Little Rock, Ark., DENVER-SALT LAKE-PACIFIC STAGES, INC., 313 Travel Center Building, 17th and Broadway, Denver, Colo., UNION BUS LINES, INC., 315 Continental Avenue, Dallas 7, Tex., and RANDOLPH FIELD BUS COMPANY, INC., 315 Continental Avenue, Dallas 7, Tex. Applicants' attorneys: Carl B. Callaway, Alfred Crager and Warren A. Goff, 315 Continental Avenue, Dallas 7, Tex. Operating rights sought to be controlled: (AMERICAN BUSLINES, INC.) *Passengers* and their baggage, in the same vehicle with passengers, as a *common carrier* over regular routes between New York, N.Y., and Harrisburg, Pa., between Pittsburgh, Pa., and Columbus, Ohio, between Valparaiso, Ind., and Gary, Ind., between Hammond, Ind., and Harvey, Ill., restricted against transporting over the above-described route passengers and their baggage other than those moving on through tickets to or from points outside of Illinois on said carrier's route or on another carrier's route; nor shall carrier transport passengers and their baggage solely between Hammond, Ind., and Harvey, Ill., or solely between Hammond and Harvey, on the one hand, and, on the other, points intermediate between Hammond and Harvey; between Los Angeles, Calif., and Tucson, Ariz., between Gila Bend, Ariz., and Phoenix, Ariz., and between Pittsburgh, Pa., and Los Angeles, Calif., serving all intermediate points, and the off-route points of Plainfield and Elizabeth, N.J.; express and newspapers may also be transported between New York, N.Y., and Harrisburg, Pa., and between Weatherford, Tex., and Abilene, Tex., over U.S. Highway 80, and to and from the intermediate and off-route points of Bourbon, Sullivan, Sullivan State Park, and Stanton, Mo.; *express* and *newspapers*, in the same vehicle with passengers, between Pittsburgh, Pa., and Los Angeles, Calif., between Los Angeles, Calif., and Tucson, Ariz., and between Gila Bend, and Phoenix, Ariz., serving all intermediate points; *passengers* and their baggage, and *express and newspapers* in the same vehicle with passengers, between specified interchanges on the Will Rogers Turnpike and the Turner Turnpike, and certain points in Oklahoma, serving no intermediate points; between Chicago, Ill., and Pittsburgh, Pa., serving all intermediate and certain off-route points; between junction Ohio Highways 8 and 303, and Edinburg, Ohio, between Philadelphia, Pa., and Pittsburgh, Pa., between Baltimore, Md., and Emmitsburg, Md., between Baltimore, Md., and Washington, D.C., between Salem, Mo., and Cabool, Mo., between Waynesville, Mo., and Houston, Mo., between Waynesville, Mo., and Vienna, Mo., between Licking, Mo., and Rolla, Mo., between Lebanon, Mo., and Licking, Mo., between Mountain Grove, Mo., and junction Missouri Highway 32 and Missouri County Highway A at Lynchburg, Mo., between Edgar Springs, Mo., and Newburg, Mo., serving all intermediate points, between New York, N.Y., and Philadelphia, Pa., serving all intermediate points except that no traffic shall be transported over such route which originates at Newark or Jersey City, N.J., or points intermediate thereto, and which is destined to New York, N.Y., and is destined to Newark or Jersey City, or points intermediate thereto, between New Brunswick, N.J., and Somerville, N.J., serving all intermediate points restricted against traffic moving to or from New York, N.Y., between Salem, Mo., and Cuba, Mo., between St. Clair, Mo., and St. Louis, Mo., and between Harrisburg, Pa., and Pittsburgh, Pa., serving certain intermediate and off-route points; between junction Ohio Highways 8 and 303 south of Boston Heights, Ohio, and Bedford, Ohio, between Lorain, Ohio and Lakewood, Ohio, and between Jersey City, N.J., and New York, N.Y., serving no intermediate points with the last named above route restricted against the transporting of passengers, their baggage, and express, moving solely between Newark, N.J., and New York, N.Y., or between intermediate points thereto, or between New York, N.Y., and Newark, N.J., on the one hand, and, on the other, points intermediate to Newark and New York; *passengers* and their baggage, and *express, mail*, and *newspapers* in the same vehicle with passengers, between Toledo, Ohio, and Detroit, Mich., serving all intermediate points, between Chicago, Ill., and Los Angeles, Calif., serving all intermediate points restricted against handling traffic between Omaha, Nebr., on the one hand, and, on the other, Griswold, Carson, and Treynor, Iowa, and certain off-route points restricted to the transportation of passengers and their baggage, and newspapers in the same vehicle with passengers; between junction relocated U.S. Highway 30 and unnumbered Wyoming Highway, and Hanna, Wyo., between North Scipio Junction, Utah, and South Scipio Junction, Utah; between Chicago, Ill., and Denver, Colo., serving all intermediate and certain off-route points; between Chicago, Ill., and La Grange, Ill., serving all intermediate points, between Aurora, Ill., and junction U.S. Highway 34 and Illinois Highway 31, serving the intermediate point of Oswego, Ill., between Rochelle, Ill., and Rockford, Ill., between Oregon, Ill., and Mount Morris, Ill., between East Dubuque, Ill., and Dubuque, Iowa, between Sheffield, Ill., and Davenport, Iowa, between Galesburg, Ill., and Peoria, Ill., serving all intermediate points and certain off-route points, with service at Galesburg restricted to the transportation of passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers originating at or received through interchange at Galesburg, Ill., or destined to either Keokuk, Iowa, or Quincy, Ill., and originating at or received through interchange at either Keokuk or Quincy and destined to Galesburg (hereinafter referred to as Restriction No. 1); between St. Louis, Mo., and Keokuk, Iowa (subject to Restriction No. 1); between Taylor, Mo., and Quincy, Ill. (subject to Restriction No. 1), between Keokuk, Iowa, and Quincy, Ill. (subject to Restriction No. 1), between Knoxville, Iowa, and Albia, Iowa, between Des Moines, Iowa, and Weldon, Iowa, between Indianola, Iowa, and Knoxville, Iowa, between Leon, Iowa, and Albany, Mo., between Winterset, Iowa, and junction U.S. Highways 169 and 34, between Afton, Iowa, and Clarinda, Iowa, between Balfour, Iowa, and Clarinda, Iowa, between Bridgewater, Iowa, and junction Iowa Highways 189 and 92, between Cumberland, Iowa, and junction Iowa Highways 176 and 92, between Tenville Junction, Iowa, and Kansas City, Mo., between Beverly, Mo., and Leavenworth, Kans., serving certain intermediate and off-route points, between Leon, Iowa, and junction U.S. Highway 69 and Iowa Highway 266, between Tingley, Iowa, and junction Iowa Highway 259 and U.S. Highway 169, between Stanton, Iowa, and junction Iowa Highway 120 and U.S. Highway 34 serving no intermediate points; between Sioux City, Iowa, and Omaha, Nebr., serving all intermediate points with service restricted from, to, or interchange traffic at, any point other than a station on the lines of the Chicago, Burlington & Quincy Railroad Company, except points on U.S. Highway 73E between Tekamah and Winnebago, including Tekamah within this exception only as to interchange traffic at that point moving from or to points intermediate to Tekamah and Winnebago (hereinafter referred to as Restriction No. 2); between Tekamah, Nebr., and Omaha, Nebr., between Kearney, Nebr., and junction Nebraska Highway 10 and unnumbered highway near Newark, Nebr., between Bayard Junction, Nebr., and Bridgeport, Nebr., between Wiggins, Colo., and Greeley, Colo., between Lafayette, Colo., and Billings, Mont., between junction Colorado Highway 185 and U.S. Highway 34 and junction Colorado Highway 185 and U.S. Highway 87 (with service at the junction of Colorado Highway 185 and U.S. Highway 34 for the purpose of joinder only), between Billings, Mont., and Sheridan, Wyo., between Ranchester, Wyo., and Greybull, Wyo., during the season extending from the 1st day of June to the 31st day of October, inclusive, between Sheridan, Wyo., and Moorcroft, Wyo., between Moorcroft, Wyo., and Newcastle, Wyo., between Cheyenne, Wyo., and Belle Fourche, S. Dak., between Mule Creek, Wyo., and junction Alter-

nate U.S. Highway 85 and U.S. Highway 85, between Torrington, Wyo., and Scottsbluff, Nebr., between Mule Creek, Wyo., and Hot Springs, S. Dak., between Hot Springs, S. Dak., and Deadwood, S. Dak., between Newcastle, Wyo., and Rapid City, S. Dak., between junction U.S. Highways 30 and 30N, and junction U.S. Highway 30N and U.S. Highway 189, between Daniel, Wyo., and Evanston, Wyo., between Uintah Junction, Utah, and Ogden, Utah, between Uintah, Utah, and junction Alternate U.S. Highway 89 and U.S. Highway 89, between Salt Lake City, Utah, and Ely, Nev., between Salt Lake City, Utah, and San Francisco, Calif., between San Bernardino, Calif., and Los Angeles, Calif., between Scottsbluff, Nebr., and Sterling, Colo., between Rock Springs, Wyo., and Jackson, Wyo., between Lodi, Calif., and Stockton, Calif., between Sacramento, Calif., and San Francisco, Calif., between Suisun City, Calif., and junction California Highways 12 and 24, between Isleton, Calif., and Lodi, Calif., between Thornton, Calif., and Stockton, Calif., between Sacramento, Calif., and Lodi, Calif., between Walnut Grove, Calif., and Thornton, Calif., between Baltimore, Md., and Washington, D.C., between Waterloo, Md., and junction Maryland Highway 175 and the Baltimore-Washington Expressway, between Laurel, Md., and junction Maryland Highway 002 and the Baltimore-Washington Expressway, between Laurel, Md., and junction Maryland Highway 197 and the Baltimore-Washington Expressway, between Berwyn, Md., and junction Glendale Road and Baltimore-Washington Expressway, between Fort Wayne, Ind., and Toledo, Ohio, between Junction Ohio Highway 2 and unnumbered highway south of Holland, Ohio, and Toledo, Ohio, between junction U.S. Highway 30 and Penn-Lincoln Parkway, and Pittsburgh, Pa., between Pittsburgh, Pa., and junction Penn-Lincoln Parkway and U.S. Highways 30 and 22, between Bedford, Iowa, and junction Missouri Highway 27 and U.S. Highway 71, and between Shenandoah, Iowa, and Red Oak, Iowa, serving certain intermediate and off-route points on the above-described routes; between Lincoln, Nebr., and junction Nebraska Highway 15 and U.S. Highway 34, between Minden, Nebr., and junction Nebraska, Highway 10 and unnumbered highway near Newark, Nebr., between junction Nebraska Highway 46 and U.S. Highway 6 four miles north of Oxford, Nebr., to junction U.S. Highway 6 and Nebraska Highway 3 two miles north of Edison, Nebr., between Denver, Colo., and Lafayette, Colo., from junction U.S. Highway 40 and relocated U.S. Highway 40 at Solano Avenue to junction U.S. Highway 40 and relocated U.S. Highway 40 at California Highway 29, from Colton, Calif., to Ontario, Calif., between Philadelphia, Pa., and New York, N.Y., between specified New Jersey points and the New Jersey Turnpike, with service limited on the last two above-named routes to the transportation of passengers, baggage, express, and newspapers on through buses operated by carrier between Harrisburg, Pa., or points west thereof, on the one hand, and, on the other New York, N.Y., also, that the authority granted herein shall not be severable by sale or otherwise from carrier's presently authorized route between Philadelphia and New York, and over several alternate routes for operating convenience only, serving no intermediate points; *passengers* and their baggage, between Keokuk, Iowa, and junction U.S. Highway 61 and Iowa Highway 92 (with service subject to Restriction No. 1 previously listed) and between Muscatine, Iowa, and Cedar Rapids, Iowa, serving all intermediate points, and the transportation of express, mail, and newspapers in the same vehicle with passengers is authorized between Keokuk, Mooar, Summitville, Mount Clara, and Fort Madison, Iowa. (MIDWEST BUS-LINES, INC.) *Passengers* and their baggage, and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between St. Louis, Mo., and Kansas City, Mo., between Kansas City, Mo., and Olathe, Kans., between St. Louis, Mo., and Freeport, Tex., between Fort Smith, Ark., and Paris, Ark., between Fort Smith, Ark., and Memphis, Tenn., between Lehi, Ark., and Helena, Ark., between Benton, Ark., and Arkadelphia, Ark., between Little Rock, Ark., and Camden, Ark., between Little Rock, Ark., and McGehee, Ark., between McGehee, Ark., and Monroe, La., between Camden, Ark., and El Dorado, Ark., between Monroe, La., and junction Louisiana Highway 15 and U.S. Highway 65, between Monroe, La., and Archibald, La., between Angleton, Tex., and Freeport, Tex., between Dardanelle, Ark., and Russellville, Ark., between Paris, Ark., and Dardanelle, Ark., between Dermott, Ark., and junction U.S. Highways 165 and 65, between junction Arkansas Highway 135 and Arkansas Highway 90 and Knobel, Ark., between La Crosse, Kans., and Scott City, Kans., between various specified points in Johnson County, Kans., between certain specified points in Nebraska, Texas and Arkansas, serving all intermediate points, between Falfurrias, Tex., and Kingsville, Tex., serving no intermediate points, between junction Louisiana Highway 15 and U.S. Highway 65, and Natchez, Miss., serving the intermediate points of Ferriday and Vidalia, La., between Kansas City, Mo., and Memphis, Tenn., serving all intermediate points, except those in Missouri between Kansas City and Warrensburg, and between Harrisonville and Clinton; *passengers* and their baggage, between Levy, Ark, and Camp Joseph T. Robinson, Ark., serving no intermediate points, *newspapers*, in the same vehicle with passengers, between Kansas City, Mo., and junction Kansas Highway 58 and Antioch Road, serving all intermediate points, and over an alternate route for operating convenience only; also holds property operations in Certificate No. MC-103043 covering the transportation of *baggage of passengers* who are transported by said carrier in other vehicles, *newspapers*, and *general commodities* moving in express service in separate vehicles from those in which passengers are transported, as a *common carrier* over regular routes between Little Rock and McGehee, Ark., and between Newport, Ark., and Newark, Ark., with the restriction that the transportation of newspapers and the transportation of general commodities in express service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, the service of the Missouri Pacific Railroad Company; said carrier shall not serve any point not a station on the Missouri Pacific Railroad, and no shipments of newspapers or general commodities, moving in express service, shall be transported by said carrier between the following points, or through, or to, or from, more than one of said points: Little Rock, Ark., and Ferriday, La.; *baggage*, *express*, *newspapers*, and *mail*, between New Orleans, La., and Venice, La., serving all intermediate points. (DENVER-SALT LAKE-PACIFIC STAGES, INC.) *Passengers* and baggage of passengers, *mail*, *newspapers*, and *express*, in the same vehicle with passengers, as a *common carrier* over regular routes between Denver, Colo., and Salt Lake City, Utah, between Rangely, Colo., and Artesia, Colo., serving all intermediate points, and over an alternate route for operating convenience only, serving no intermediate points; (UNION BUS LINES, INC.) *Passengers* and their baggage, and *express*, *newspapers*, and *mail*, in the same vehicle with passengers, as a *common carrier* over regular routes between specified points in Texas, serving all intermediate points; (RANDOLPH FIELD BUS COMPANY, INC.) *Passengers* and their baggage, as a *common carrier* over a regular route between San Antonio, Tex., and Randolph Field, Tex., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, New Mexico, Colorado, Texas, Oklahoma, Utah, Arizona, Nevada, Nebraska, Arkansas, Louisiana, Indiana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss has been filed simultaneously with the above application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11057; Filed, Nov. 21, 1961; 8:47 a.m.]

[Notice 568]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 17, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64332. By order of November 15, 1961, the Commission, Division 3, approved the transfer to Bay Ridge Vans, Inc., Brooklyn, N.Y., of Certificate Nos. MC 50619 and MC 50619 Sub 1, issued October 27, 1949 and June 5, 1947, respectively, to B. & B. General Storage Warehouse, Inc., Richmond Hill, N.Y., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, and the District of Columbia; and between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, and the District of Columbia. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney at law.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11058; Filed, Nov. 21, 1961; 8:47 a.m.]

[No. MC-C-3432]

ALEXANDRIA, BARCROFT AND WASHINGTON TRANSIT CO.

Notice of Filing of Petition

NOVEMBER 17, 1961.

Petition for Declaratory Order by Alexandria, Barcroft and Washington Transit Company, Alexandria, Va. Petitioner's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington 5, D.C. By petition dated September 16, 1961, petitioner states that the regular-route operations of Alexandria, Barcroft and Washington Transit Company, a motor common carrier of passengers; are conducted between the District of Columbia, on the one hand, and, on the other, points in Arlington and Fairfax Counties and the City of Alexandria, Va. Petitioner further states that the issue presented to the Commission in the subject petition is whether A.B. & W. Transit Company is required to comply with the rules and regulations of the Interstate Commerce Commission affecting transportation under the jurisdiction of the Washington Metropolitan Area Transit Commission. Petitioner requests the Commission issue a declaratory order removing any uncertainty in the jurisdiction of the Interstate Commerce Commission over the operations of A.B. & W. Transit Company with respect to the filing of reports and records, and issue such further order or orders as may be deemed necessary in the premises.

NOTE: Petitioner conducts operations pursuant to the authority in Certificate No. MC 1800 and Subs thereunder.

Any person or persons wishing to make representations with regard to the issues presented by petitioner as outlined above, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Secretary of the Commission on or before December 22, 1961.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11059; Filed, Nov. 21, 1961; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 17, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37446: *Substituted service—PRR, et al., for Harris Express, Inc.* Filed by Motor Carriers Traffic Association, Inc., Agent (No. 6), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Charlotte, N.C., on the one hand, and Kearny, N.J., and Philadelphia, Pa., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Motor Carriers Traffic Association, Inc., tariff MF-I.C.C. 617.

FSA No. 37447: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 422), for interested rail carriers. Rates on chemicals, etc., forms or molds, etc., in carloads and less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 19 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37448: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 423), for interested rail carriers. Rates on chemicals, etc., forms or molds, etc., in carloads and less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Ground for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 19 to Texas-Louisiana freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11055; Filed, Nov. 21, 1961; 8:47]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

NOVEMBER 16, 1961.

The common stock, $1 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 17, 1961, to November 26, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 61-11051; Filed, Nov. 21, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page

PROCLAMATIONS:
- Feb. 25, 1893 — 10735
- 2032 — 10899
- 2914 — 10825
- 3438 — 10203
- 3439 — 10899

EXECUTIVE ORDERS:
- Jan. 26, 1867 — 10729, 10806
- Apr. 30, 1872 — 10729
- Mar. 7, 1900 — 10806
- 5237 — 10729
- 6541 — 10638
- 6681 — 10480
- 9026 — 10356
- 10893 — 10469
- 10900 — 10469
- 10915 — 10469
- 10955 — 10469
- 10971 — 10335
- 10972 — 10469
- 10973 — 10469
- 10974 — 10585
- 10975 — 10629
- 10976 — 10825

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum, May 27, 1961 — 10749
- Memorandum, Oct. 18, 1961 — 10543

5 CFR

- 6 — 10204, 10267, 10447, 10544, 10900
- 9 — 10750
- 22 — 10750
- 24 — 10447
- 25 — 10544
- 35 — 10750
- 201 — 10503
- 202 — 10503

6 CFR

- 70 — 10267
- 305 — 10267
- 390 — 10267
- 421 — 10546
- 423 — 10686
- 427 — 10546
- 443 — 10769
- 464 — 10873
- 482 — 10586

7 CFR

- 201 — 10471
- 401 — 10630
- 403 — 10630
- 711 — 10204
- 717 — 10208
- 723 — 10471, 10503
- 725 — 10927
- 727 — 10504
- 729 — 10209
- 730 — 10336
- 775 — 10769, 10787
- 813 — 10547
- 847 — 10214
- 855 — 10268
- 857 — 10505
- 864 — 10270
- 873 — 10272
- 914 — 10423, 10586, 10789
- 922 — 10214
- 927 — 10632, 10859
- 933 — 10337, 10423–10425, 10790, 10791
- 942 — 10425
- 943 — 10214
- 953 — 10425, 10586, 10792, 10872
- 958 — 10792
- 973 — 10215
- 984 — 10688
- 989 — 10770
- 994 — 10216
- 997 — 10688
- 1001 — 10587
- 1013 — 10507
- 1014 — 10472
- 1017 — 10426
- 1031 — 10338
- 1034 — 10793
- 1069 — 10587
- 1070 — 10632
- 1071 — 10426
- 1073 — 10689

PROPOSED RULES:
- 301 — 10571
- 719 — 10731
- 725 — 10933
- 728 — 10484, 10596
- 813 — 10691
- 900—1073 — 10286, 10516, 10772
- 903 — 10810
- 906 — 10298
- 908 — 10307, 10485
- 914 — 10933
- 918 — 10307
- 921 — 10810
- 925 — 10486
- 927 — 10597
- 939 — 10296
- 943 — 10236
- 947 — 10360, 10879
- 959 — 10809
- 986 — 10298
- 1024 — 10597
- 1026 — 10516, 10772, 10933
- 1033 — 10772
- 1034 — 10773
- 1138 — 10691

8 CFR

- 103 — 10928
- 212 — 10928
- 223 — 10928
- 264 — 10928
- 282 — 10928
- 299 — 10928
- 332a — 10928
- 499 — 10928

PROPOSED RULES:
- 252 — 10358
- 253 — 10358

9 CFR

- 74 — 10223
- 83 — 10338

PROPOSED RULES:
- 131 — 10358

10 CFR

- 2 — 10770
- 30 — 10472
- 40 — 10929

PROPOSED RULES:
- 30 — 10487
- 140 — 10933

12 CFR

Page

- 262 — 10340

PROPOSED RULES:
- 563 — 10230

13 CFR

- 105 — 10723
- 121 — 10633, 10634

PROPOSED RULES:
- 107 — 10702

14 CFR

- 18 — 10472
- 60 — 10752
- 507 — 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
- 600 — 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753, 10874–10876
- 601 — 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724, 10875, 10876
- 602 — 10590, 10635, 10724
- 608 — 10342, 10636, 10724, 10876
- 609 — 10430, 10436, 10754, 10762
- 610 — 10724

PROPOSED RULES:
- 1—190 — 10698
- 24 — 10571
- 48 — 10701
- 60 — 10307
- 202 — 10774
- 203 — 10774
- 213 — 10774
- 215 — 10774
- 227 — 10238
- 291 — 10774
- 292 — 10774
- 296 — 10774
- 297 — 10774
- 298 — 10774
- 302 — 10307, 10661
- 401–635 — 10698
- 411 — 10778
- 507 — 10362, 10571
- 600 — 10451, 10520, 10602, 10777, 10881, 10934
- 601 — 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
- 602 — 10699
- 608 — 10451, 10520, 10733

16 CFR

- 13 — 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771, 10878, 10939
- 301 — 10446

17 CFR

- 230 — 10939
- 275 — 10549

PROPOSED RULES:
- 275 — 10697

18 CFR

- 2 — 10343
- 13 — 10794

19 CFR

- 3 — 10549
- 4 — 10549
- 14 — 10479

19 CFR—Continued

Page

PROPOSED RULES:
- 3 — 10731

20 CFR

- 25 — 10509
- 404 — 10226

21 CFR

- 17 — 10550
- 120 — 10228, 10550, 10551
- 121 — 10228, 10343, 10476, 10590
- 146 — 10228
- 146a — 10728

PROPOSED RULES:
- 1 — 10601
- 17 — 10362
- 120 — 10487, 10640, 10732, 10810
- 121 — 10362, 10452, 10698, 10732, 10774, 10881
- 130 — 10811

22 CFR

- 22 — 10728

24 CFR

- 202a — 10229
- 203 — 10229
- 207 — 10229
- 213 — 10229
- 220 — 10230
- 221 — 10230
- 232 — 10230
- 603 — 10231
- 608 — 10231
- 611 — 10231
- 702 — 10231
- 803 — 10231
- 903 — 10231

25 CFR

- 17 — 10930
- 31 — 10637
- 141 — 10232

PROPOSED RULES:
- 34 — 10640
- 194 — 10808
- 221 — 10516, 10808

26 CFR

- 1 — 10275, 10477

PROPOSED RULES:
- 1 — 10283, 10449, 10450, 10483
- 48 — 10593
- 252 — 10484

28 CFR

- 21 — 10232

29 CFR

- 9 — 10795
- 601 — 10275
- 780 — 10377
- 793 — 10275

32 CFR

- 200 — 10931
- 504 — 10797
- 507 — 10509
- 552 — 10728
- 561 — 10931
- 590 — 10553
- 591 — 10553
- 592 — 10553
- 595 — 10553
- 596 — 10553
- 597 — 10553
- 598 — 10553
- 599 — 10553
- 600 — 10553

32 CFR—Continued

Page

- 601 — 10553
- 602 — 10553
- 605 — 10553
- 606 — 10553
- 608 — 10728
- 737 — 10353
- 739 — 10353
- 750 — 10826
- 751 — 10836
- 753 — 10842
- 765 — 10591

33 CFR

- 3 — 10343
- 67 — 10343
- 202 — 10805
- 203 — 10445, 10805
- 204 — 10278

35 CFR

- 4 — 10353

CANAL ZONE ORDERS:
- 58 — 10353

36 CFR

- 6 — 10638

PROPOSED RULES:
- 7 — 10600

38 CFR

- 3 — 10551, 10552
- 13 — 10232
- 21 — 10278, 10478

39 CFR

- 96 — 10510
- 111 — 10805
- 168 — 10771, 10805

41 CFR

- 1–5 — 10590
- 5–1 — 10354
- 50–202 — 10354

PROPOSED RULES:
- 50–202 — 10517, 10773

42 CFR

- 73 — 10355

43 CFR

- 221 — 10479
- 244 — 10728

PROPOSED RULES:
- 191 — 10808
- 203 — 10808
- 257 — 10285

PUBLIC LAND ORDERS:
- 73 — 10638
- 1071 — 10356
- 2460 — 10568
- 2524 — 10735
- 2526 — 10279
- 2527 — 10356
- 2528 — 10356
- 2529 — 10356
- 2530 — 10427
- 2531 — 10480
- 2532 — 10480
- 2533 — 10480
- 2534 — 10568
- 2535 — 10569
- 2536 — 10638
- 2537 — 10729
- 2538 — 10729
- 2539 — 10806
- 2540 — 10806
- 2541 — 10806

45 CFR

- 212 — 10481

46 CFR

Page

PROPOSED RULES:
- 201 — 10601
- 206 — 10601
- 221 — 10601
- 298 — 10601
- 299 — 10601
- 502 — 10520
- 510 — 10941

47 CFR

- 1 — 10279, 10280, 10447
- 2 — 10655
- 3 — 10280, 10729, 10917
- 5 — 10806
- 7 — 10591, 10918
- 8 — 10591, 10918, 10925
- 9 — 10926
- 10 — 10569
- 14 — 10591, 10918
- 15 — 10281
- 18 — 10281, 10591, 10927

PROPOSED RULES:
- 2 — 10701
- 3 — 10239, 10572, 10606, 10935, 10938–10940
- 10 — 10573
- 12 — 10240
- 15 — 10940

49 CFR

- 125 — 10846
- 170 — 10771

PROPOSED RULES:
- 73 — 10572
- 176 — 10240

50 CFR

- 32 — 10233, 10234, 10282, 10638, 10730
- 33 — 10234, 10235, 10878

PROPOSED RULES:
- 215 — 10640

Public Papers of the Presidents

✦

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

✦

Volumes for the following years are now available:

Truman:
- 1945 — $5.50

Eisenhower:
- 1953 — $6.75
- 1954 — 7.25
- 1955 — 6.75
- 1956 — 7.25
- 1957 — 6.75
- 1958 — 8.25
- 1959 — 7.00
- 1960–61 — 7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

Part II begins on page 10995

DEC 1 1961
MAIN
READING ROOM

Pages 10959–11022

PART I

FEDERAL REGISTER

VOLUME 26 NUMBER 226

Washington, Thursday, November 23, 1961

Contents

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Mainland cane sugar area, 1961 crop; sugar commercially recoverable from sugarcane 10961

Agriculture Department

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Atomic Energy Commission

NOTICES:
Consumers Public Power District; Power Demonstration Reactor Project; order granting request for prehearing conference 10981

Civil Service Commission

RULES AND REGULATIONS:
Treasury Department; exceptions from competitive service 10962

Coast Guard

RULES AND REGULATIONS:
Shipboard cargo gear, power-operated industrial trucks and miscellaneous amendments respecting dangerous cargoes (*see* Part II of this issue).

Commodity Credit Corporation

NOTICES:
Sales of certain commodities; November 1961 monthly sales list 10981
RULES AND REGULATIONS:
Oilseeds:
Cottonseed purchase program, 1961; payment by cooperative gins 10961
Cottonseed oil purchase program, 1961; payments by cooperative oil mills 10961

Federal Aviation Agency

NOTICES:
Reconsideration of Warsaw Convention and The Hague Protocol; extension of time for public comment 10981
RULES AND REGULATIONS:
Airworthiness directives:
Boeing 707/720 Series and Douglas DC–8 Series aircraft 10963
Curtiss-Wright C–46 Series aircraft 10963
Douglas DC–8 Series aircraft (2 documents) 10963, 10964
Control zone; designation 10964
Federal airway; alteration 10964
Restricted areas; alterations (2 documents) 10965

Federal Communications Commission

NOTICES:
Standard broadcast applications ready and available for processing 10982
Hearings, etc.:
Baysden, W. E 10982
Humbert, William, Jr 10983
Kent-Ravenna Broadcasting Co. et al 10983
Mararian, Harold A 10986
Patchogue Broadcasting Co., Inc. (WAPC) 10986
Sands Broadcasting Corp. et al 10987
Sullivan Trail Coal Co 10987
Turchiaro, Al 10987

Federal Maritime Commission

NOTICES:
Agreements filed for approval:
M.A.N.Z. Line joint service and Alcoa Steamship Co., Inc 10988
Spedden, T. R., and Hanson, T. J 10988
Spedden, T. R., and H. S. Thielen, Inc 10989
Stockton Port District and Stockton Elevators, Inc 10988
Effective tariff schedules; notice of change in title page 10989

Federal Power Commission

NOTICES:
Oregon; lands withdrawn in Power Site Classification No. 378; determination for highway right-of-way 10989
Hearings, etc.:
Ohio Fuel Gas Co 10989
Western Colorado Power Co 10990

Federal Trade Commission

RULES AND REGULATIONS:
Prohibited trade practices:
Egelbert & Seidman, Inc., et al 10965
Stevens, W. B., et al 10966

Fish and Wildlife Service

RULES AND REGULATIONS:
Sport fishing:
Horicon National Wildlife Refuge, Wisconsin 10974
Loxahatchee National Wildlife Refuge, Florida 10973
National Wildlife Refuges, North Dakota 10973

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; notice of filing of petitions (5 documents) 10976

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

NOTICES:
Acting Assistant Commissioner for Technical Standards; designation 10990

Immigration and Naturalization Service

RULES AND REGULATIONS:
Visa petitions; petition for immigrant status as relative of United States citizen, lawful resident alien, or eligible orphan 10962

Indian Affairs Bureau

RULES AND REGULATIONS:
Leasing and permitting of Indian land 10966

(*Continued on next page*)

CONTENTS

Interior Department

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Mines Bureau.

International Development Agency

NOTICES:
Head of the Office of Development Financing; delegation of authority 10977

Interstate Commerce Commission

NOTICES:
Assignment of work, business and functions; miscellaneous amendments 10991
Fourth section applications for relief 10991
Motor carrier transfer proceedings 10992

Justice Department

See Immigration and Naturalization Service.

Labor Department

See Wage and Hour Division.

Land Management Bureau

NOTICES:
Nevada; small tract classifications (2 documents) 10979, 10980
Proposed withdrawals and reservation of lands:
Colorado 10977
Idaho (2 documents) 10977, 10978
New Mexico; termination 10978
Utah (2 documents) 10979
Wyoming 10980

Mines Bureau

RULES AND REGULATIONS:
Methane-monitoring systems; procedures for tests and certification 10969

Post Office Department

RULES AND REGULATIONS:
Directory of international mail; miscellaneous amendments 10972

Railroad Retirement Board

NOTICES:
Railroad unemployment insurance account; proclamation 10990

State Department

See International Development Agency.

Treasury Department

See also Coast Guard.

NOTICES:
Deputies; designation 10977

Wage and Hour Division

NOTICES:
Certificates authorizing employment of learners at special minimum rates 10990

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 10962

6 CFR
443 (2 documents) 10961

7 CFR
833 10961

8 CFR
205 10962

14 CFR
507 (4 documents) 10963, 10964
600 10964
601 10964
608 (2 documents) 10965

16 CFR
13 (2 documents) 10965, 10966

21 CFR
PROPOSED RULES:
121 (5 documents) 10976

25 CFR
131 10966

30 CFR
27 10969

39 CFR
168 10972

46 CFR
30 (*see* Part II of this issue).
31 (*see* Part II of this issue).
35 (*see* Part II of this issue).
71 (*see* Part II of this issue).
78 (*see* Part II of this issue).
91 (*see* Part II of this issue).
97 (*see* Part II of this issue).
146 (*see* Part II of this issue).

50 CFR
33 (3 documents) 10973, 10974

1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Cottonseed Bulletin 2, Amdt. 1]

PART 443—OILSEEDS

Subpart—1961 Cottonseed Purchase Program Regulations

PAYMENT BY COOPERATIVE GINS

In order to clarify the requirements as to payment by cooperative gins for cottonseed purchased from producers, § 443.1743(b)(1)(i) of the regulations issued by Commodity Credit Corporation (published in 26 F.R. 5861) and containing the instructions and requirements with respect to the 1961 Cottonseed Purchase Program is hereby amended, effective as to all purchases of 1961-crop cottonseed, to read as follows:

§ 443.1743 Purchase price.

* * * * *

(b) *Price to ginners.* (1) (i) Any purchases by CCC from participating ginners will be at the rate of $49 per net ton for basis grade (100) cottonseed, f.o.b. conveyance or carrier at the gin with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off-quality," as defined in the United States Official Standards for Grades of Cottonseed, will be purchased from participating ginners by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginners shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by federally-licensed cottonseed samplers or such other persons as are approved by CCC, and forwarded to and analyzed by federally-licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program less than $45 per gross ton basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1748) exceeded or was less than basis grade (100). If the ginner is a cooperative gin, and if the marketing agreements between the ginner and its members provide for advances, the ginner may advance a part of the minimum purchase price, determined in accordance with the preceding sentence, at the time each lot of cottonseed in purchased and pay the balance after completion of ginning of 1961-crop cottonseed, but not later than July 31, 1962. Such payments may not be made, in whole or in part, by issuance of revolving-fund certificates or by any other method of retention of amounts for capital purposes. Such average grade shall be determined on the basis of the latest ASCS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the ASCS grade report for any such area shall report the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the county office manager and the State executive officer that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make any further sales to CCC under the 1961 Cottonseed Price Support Program.

(Secs. 4, 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421, 1446d)

Signed at Washington, D.C., on November 20, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-11156; Filed, Nov. 22, 1961; 8:55 a.m.]

[1961 C.C.C. Cottonseed Bulletin 3, Amdt. 1]

PART 443—OILSEEDS

Subpart—1961 Cottonseed Oil Purchase Program Regulations

PAYMENTS BY COOPERATIVE OIL MILLS

In order to clarify the requirements as to payments by cooperative oil mills for cottonseed purchased from gins or producers, § 443.1764 of the 1961 Cottonseed Oil Purchase Program Regulations (1961 CCC Cottonseed Bulletin 3) dated August 8, 1961 (26 F.R. 7256), is hereby amended, effective as to all purchases of 1961 crop cottonseed, by adding a new paragraph (e) to read as follows:

§ 443.1764 Purchases of cottonseed by crusher.

* * * * *

(e) *Cooperative mills.* If the crusher is a cooperative oil mill, and if the marketing agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of this section at the time each lot of cottonseed is purchased and pay the balance after completion of crushing of 1961 crop cottonseed, but not later than December 31, 1962. Such payments may not be made, in whole or in part, by issuance of revolving-fund certificates or by any other method of retention of amounts for capital purposes.

(Secs. 4, 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421, 1446d)

Signed at Washington, D.C., on November 17, 1961.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-11122; Filed, Nov. 22, 1961; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 833.8]

PART 833—MAINLAND CANE SUGAR AREA

1961 Crop; Sugar Commercially Recoverable From Sugarcane

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 833.8 Sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" means:

(i) In Florida, 96.0 percent of gross weight, and

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1961 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar

Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, from an acreage not in excess of the proportionate share for the farm, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice: [1]	Rate of recoverable sugar (hundredweight) per ton of sugarcane
8.0	0.950
9.0	1.125
10.0	1.297
11.0	1.472
12.0	1.649
13.0	1.825
14.0	2.006
15.0	2.189
16.0	2.370
17.0	2.555
18.0	2.740

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice: [1]	Rate of recoverable sugar (hundredweight) per ton of sugarcane
8.0	0.942
9.0	1.141
10.0	1.326
11.0	1.504
12.0	1.678
13.0	1.851
14.0	2.026
15.0	2.198
16.0	2.373
17.0	2.548
18.0	2.723

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

STATEMENT OF BASES AND CONSIDERATIONS

Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane are required under section 302(a) of the act to establish the amounts of sugar upon which payments are to be made pursuant to the act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this determination, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. The calculation made use of data representing averages in each State for the crop years 1956, 1957, 1958, 1959 and 1960 of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or rentention factor which correlates purity of normal juice with sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor=(1.4—40/P) in which P is purity of normal juice. For the purposes of this determination, the computed purity at each of the various normal juice sucrose levels for the crop years 1956, 1957, 1958, 1959 and 1960 was used.

In calculating sugar, commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

$$CRS.,\ RV.= \frac{N.J.E.\times B.H.E.\times 2{,}000\times N.J.S.\times P.R.\times R.V.C.F.}{(\text{Pol}_{\%}\text{ of sugar})\times(\text{net sugarcane, }\%\text{ gross sugarcane})}$$

Except for appropriate changes in each of the two moving five-year averages, the aforestated calculation is the same as that used for preceding crops. The use of data for the most recent five crops results in increases in rates of recoverable sugar of about one percent for farms in Louisiana and in minor decreases for farms in Florida.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on November 20, 1961.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 61-11155; Filed, Nov. 22, 1961; 8:55 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (19), (20), and (21) are added to paragraph (a) of § 6.303 as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* * * *

(19) One Deputy Under Secretary for Monetary Affairs.

(20) One Special Assistant to the Secretary.

(21) One Special Assistant to the Assistant to the Secretary (Public Relations).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10859; Filed, Nov. 22, 1961; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN, LAWFUL RESIDENT ALIEN, OR ELIGIBLE ORPHAN

Part 205 is amended to read as follows:

Sec.
205.1 Relative.
205.2 Eligible orphan.

AUTHORITY: §§ 205.1 and 205.2 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 205, 66 Stat. 166, as amended, 180, as amended; 8 U.S.C. 1101, 1155.

§ 205.1 Relative.

A petition to accord nonquota immigrant status under section 101(a)(27)(A) of the Act, or quota immigrant status under section 203(a) (2) or (3) of the Act, or a preference under section 203(a)(4) of the Act shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by a fee of $10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter.

§ 205.2 Eligible orphan.

A petition in behalf of an eligible orphan defined in section 101(b)(1) of the Act shall be filed by the United States citizen spouse on Form I-600 and shall be accompanied by a fee of $10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: November 20, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-11154; Filed, Nov. 22, 1961; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 966; Amdt. 369]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series and Douglas DC-8 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on November 10, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Boeing 707/720 Series and Douglas DC-8 Series aircraft. A recent failure of the low compressor turbine shaft resulted in overspeeding and separation of the low compressor turbines.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Boeing 707/720 Series and Douglas DC-8 Series aircraft by individual telegrams dated November 10, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

BOEING AND DOUGLAS. Applies to all 707/720 Series and DC-8 Series aircraft equipped with Pratt and Whitney engines.

Compliance required as indicated.

A recent failure of the low compressor turbine shaft resulted in overspeeding and separation of the low compressor turbines. To prevent recurrence of this difficulty, the following action is required on any turbine engine that has been disassembled since last overhaul to the extent of exposing any bearing compartment:

At periods not to exceed 12 hours' time in service, the main oil screen shall be disassembled, inspected and cleaned in accordance with Pratt and Whitney Overhaul Manual. The inspection shall be repeated until the screen is free of contamination for two successive inspections. If contaminants indicative of engine part failure or contaminants in sufficient quantity to plug the oil screen are found during any inspection the engine shall not be operated until the cause of the difficulty has been determined and satisfactorily corrected.

(Pratt and Whitney telegram to all turbojet engine operators dated November 9, 1961, covers the same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated November 10, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 16, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-11096; Filed, Nov. 22, 1961; 8:46 a.m.]

[Reg. Docket No. 971; Amdt. 368]

PART 507—AIRWORTHINESS DIRECTIVES

Curtiss-Wright C-46 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Curtiss-Wright C-46 Series aircraft in complying with AD 52-17-2, 21 F.R. 9517, as amended by Amendment 339, 26 F.R. 8882. Accordingly, this amendment is being published to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Airworthiness Directive 52-17-2 (21 F.R. 9517) as amended by Amendment 339 (26 F.R. 8882), Curtiss-Wright C-46 Series aircraft, is further amended by adding the following to the introductory statement in paragraph 1:

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southwest Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 23, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on November 16, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-11097; Filed, Nov. 22, 1961; 8:46 a.m.]

[Reg. Docket No. 972; Amdt. 370]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

As a result of numerous incidents associated with hydraulic system failures or malfunctions on Douglas DC-8 Series aircraft, an airworthiness directive requiring certain modifications is considered necessary in the interest of safety.

At a meeting in Washington on November 1, 1961, representatives of all United States operators of DC-8 aircraft and the FAA discussed the proposed action and the airlines subsequently provided the FAA with written data which was used as the basis for establishing the compliance time of the airworthiness directive.

Since the provisions of the AD have been coordinated with all U.S. operators of such aircraft, and it must be adopted without delay, further compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making the amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-8 aircraft, Serial Nos. 45252-45289, 45291-45306, 45376-45393, 45408-45413, 45416-45419, 45421-45431, 45433-45437, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45616-45628, 45636.

Compliance required within 1,000 hours' time in service after the effective date of this AD, but in no event later than February 28, 1962.

As a result of numerous recent incidents associated with hydraulic system failures or malfunctions, the aircraft shall be modified to incorporate the following:

(a) A dual source of hydraulic power for the actuation of all wing spoilers during landing roll, in accordance with Douglas DC-8 Service Bulletin 29-39 or FAA approved equivalent.

(b) Increased brake accumulator capacity, in accordance with Douglas DC-8 Service Bulletin 29-41 or FAA approved equivalent.

(c) A dual source of hydraulic power for the rudder power system, in accordance with Douglas DC-8 Service Bulletin 27-117 or FAA approved equivalent.

(d) A source of power to actuate the nose wheel steering system when the airplane hydraulic system is being operated with the hydraulic system selector handle in the "main gear down lock and flaps" position, and additional hydraulic fluid reserve capacity and related changes in the fluid reservoir quantity indicating system, in accordance with Douglas DC-8 Service Bulletin 32-73 or FAA approved equivalent.

(e) A damper to reduce to an acceptable level the hydraulic system pressure fluctuations induced by the auxiliary hydraulic pump, in accordance with Douglas DC-8 Service Bulletin 29-35, reissue No. 1 dated November 8, 1961, or later FAA-approved version.

(f) Dampers to reduce to an acceptable level the surge pressure induced in the hydraulic system when the aileron and rudder power systems are activated, in accordance with Douglas DC-8 Service Bulletin 27-109, revision No. 1 to reissue No. 1 dated November 15, 1961, or later FAA-approved version.

(g) The FAA approval of the equivalent methods of compliance with the modifications required by paragraphs (a) through (d) shall be obtained through the Chief, Engineering and Manufacturing Branch, FAA Western Region.

This amendment shall become effective November 23, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 17, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11098; Filed, Nov. 22, 1961; 8:46 a.m.]

[Reg. Docket No. 973; Amdt. 371]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

As a result of instances of inadvertent application of forward thrust when reverse thrust was desired under emergency conditions on Douglas DC-8 Series aircraft, an airworthiness directive requiring a modification of the throttle interlock is considered necessary in the interest of safety.

At a meeting in Washington on November 1, 1961, representatives of all United States operators of DC-8 aircraft and the FAA discussed the proposed action and the airlines subsequently provided the FAA with written data which was used as the basis for establishing the compliance time of the airworthiness directive.

Since the provisions of the AD have been coordinated with all U.S. operators of such aircraft, and it must be adopted without delay, further compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making the amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-8 aircraft, Serial Nos. 45252-45289, 45291-45306, 45376-45393, 45408-45413, 45416-45419, 45421-45431, 45433-45437, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45616-45628, 45636.

Compliance required within 1,000 hours' time in service after the effective date of this AD, but in no event later than February 28, 1962.

To prevent inadvertent application of forward thrust when reverse thrust is desired under emergency conditions, the following modification shall be accomplished:

Incorporate a throttle-thrust brake interlock system which will;

(a) Prevent application of reverse thrust until the reverse buckets are in the reverse thrust position, and

(b) Return a throttle to the detent position should the corresponding buckets move from the reverse thrust position.

The modification shall be accomplished in accordance with technical data approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(Douglas DC-8 Service Bulletin Nos. 78-48, 78-50, 78-51 and 78-52 for DC-8 aircraft equipped with JT3C6, JT3D-1, JT4A and Rolls Royce RCO-12 engines, respectively, pertain to this same subject and describe particular FAA approved means of compliance with this AD.)

When the above modification is accomplished, compliance with the provisions of AD 61-21-2 is no longer required.

This amendment shall become effective November 23, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 17, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11099; Filed, Nov. 22, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-100]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6454) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1759.

No adverse comments were received regarding this proposal.

The notice proposed that Victor 1759 be designated from the Alamosa, Colo., VOR as a 16-mile wide airway to the intersection of the Alamosa VOR 005° and the Denver, Colo., VOR 207° True radials; intersection of the Denver VOR 207° and the Kiowa, Colo., VOR 246° True radials; thence as a 10-mile wide airway to the Denver VOR. The Federal Aviation Agency has re-evaluated this proposal and has determined that this airway segment, as proposed, should be designated by extending intermediate altitude VOR Federal airway No. 1717 from Denver to Alamosa. This will simplify the air route structure and facilitate flight planning by providing a single numbered route between Alamosa and Sidney, Nebr.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, § 600.1717 (26 F.R. 1079) is amended to read:

§ 600.1717 VOR Federal airway No. 1717 (Alamosa, Colo., to Sidney, Nebr.).

From the Alamosa, Colo., VOR via the INT of the Alamosa VOR 005° and the Denver, Colo., VOR 207° radials; INT of the Denver VOR 207° and the Kiowa, Colo., VOR 246° radials; thence 10-mile wide airway to the Denver VOR; thence to the Sidney, Nebr., VOR.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11095; Filed, Nov. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-225]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to designate the Killeen, Texas, (Gray AFB) control zone.

The Department of the Air Force has stated an urgent and immediate requirement of a classified nature for the designation of a control zone within a 5-mile radius of Gray Air Force Base (latitude 31°04'20" N., longitude 97°49'45" W.), and within 2 miles either side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles northwest and southeast of the airport. The designation of this control zone will provide protection for aircraft executing instrument approach and departure procedures at Gray AFB attendant to expanded national defense mission requirements. Accordingly, the action taken herein is justified as a matter of military urgency and necessity, and in the interest of national defense. A portion of this control zone will coincide with the Fort Hood, Texas, control zone (§ 601.2465). To avoid dual designation of controlled airspace, the Killeen control zone is being described to exclude the portion which will coincide with the Fort Hood control zone.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.2499 Killeen, Tex., control zone.

Within a 5-mile radius of Gray AFB (latitude 31°04'20" N., longitude 97°49'45" W.), and within 2 miles either side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles NW and SE of the air base, excluding the portion that coincides with the Fort Hood, Texas, control zone (§ 601.2465).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11132; Filed, Nov. 22, 1961; 8:51 a.m.]

[Airspace Docket No. 61-KC-48]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.36 of the regulations of the Administrator is to reduce the size of the Brookville, Kansas, Restricted Area R-3601.

The Department of the Air Force has advised the Federal Aviation Agency that there is no longer a requirement for the portion of R-3601 which lies east of longitude 97°47'00" W., and recommended that this portion be revoked. Therefore, the designation of this special use airspace is no longer justified and the revocation thereof will be in the public interest. Such action is taken herein.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.36 *Kansas* (26 F.R. 7194), the Brookville, Kans., Restricted Area is amended to read:

R-3601 Brookville, Kans.:

Boundaries. Beginning at latitude 38°45'-20" N., longitude 97°47'00" W.; to latitude 38°39'20" N., longitude 97°47'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°53'22" W.; to latitude 38°45'20" N., longitude 97°53'22" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset.

Using agency. Commander, 802d Air Division, Schilling AFB, Kans.

This amendement shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11093; Filed, Nov. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 59-KC-93]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On August 30, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8118) stating that the Federal Aviation Agency was considering an amendment to § 608.42 of the regulations of the Administrator which would reduce the size of the Lake Margrethe, Mich., Restricted Area R-4202 by approximately 75 percent, increase the designated altitudes to 8,200 feet MSL and decrease the time of designation to June 1 through August 31, annually, with specific dates to be published by NOTAM.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.42 *Michigan* (26 F.R. 7196), R-4202 is amended to read:

R-4202 Lake Margrethe, Mich.:

Boundaries. Beginning at latitude 44° 36'45" N, longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°-50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11094; Filed, Nov. 22, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8354 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Egelberg & Seidman, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f [Cease and desist order, Egelberg & Seidman, Inc., et al., New York, N.Y., Docket 8354, Sept. 15, 1961]

In the Matter of Egelberg & Seidman, Inc., a Corporation, and Morris Egelberg and Hyman Seidman, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling and invoicing artificially colored fur products as "natural" and failing to comply in other respects with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That Egelberg & Seidman, Inc., a corporation, and its officers, and Morris Egelberg and Hyman Seidman, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing, directly or by implication, on labels, that the fur in such products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing, directly or by implication, on invoices, that the fur in such products is natural, when such is not the fact.

B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11103; Filed, Nov. 22, 1961; 8:47 a.m.]

[Docket 8360 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

W. B. Stevens et al.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, W. B. Stevens et al. doing business as Eastern Marketing Service, Bartow, Fla., Docket 8360, Sept. 15, 1961]

In the Matter of W. B. Stevens, and H. Palmer Eastwood, Individually and as Copartners Doing Business as Eastern Marketing Service

Consent order requiring a broker-distributor of citrus fruit and produce in Bartow, Fla., to cease violating section 2(c) of the Clayton Act by accepting unlawful brokerage payments from packers or sellers on purchases for its own account for resale, such as a discount usually at the rate of 10 cents per 1⅗ bushel box, or equivalent, or a lower price reflecting brokerage.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents W. B. Stevens and H. Palmer Eastwood, individually and as copartners doing business as Eastern Marketing Service, and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11104; Filed, Nov. 22, 1961; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER L—LEASING AND PERMITTING

PART 131—LEASING AND PERMITTING

On page 7828 of the FEDERAL REGISTER of August 23, 1961, there was published a notice of intention to revise Part 131, Title 25, of the Code of Federal Regulations, concerning leasing and permitting of Indian land.

In the main this revision consists of the realignment of material to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes.

Interested persons were given thirty days within which to submit written comments, suggestions, or objections concerning the proposed revision. Objections and suggestions were received and were given careful consideration, and it has been determined that no substantive changes in the regulation should be made. The regulation is hereby adopted as set forth below and will become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

KENNETH HOLUM,
Acting Secretary of the Interior.

NOVEMBER 17, 1961.

Part 131, Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

Sec.

131.1 Definitions.
131.2 Grants of leases by Secretary.
131.3 Grants of leases by owners or their representatives.
131.4 Use of land of minors.
131.5 Special requirements and provisions.
131.6 Negotiation of leases.
131.7 Advertisement.
131.8 Duration of leases.
131.9 Ownership of improvements.
131.10 Unitization for leasing.
131.11 Conservation and land use requirement.
131.12 Subleases and assignments.
131.13 Payment of fees and drainage and irrigation charges.
131.14 Violation of lease.
131.15 Crow Reservation.
131.16 Fort Belknap Reservation.
131.17 Cabazon, Augustine, and Torres-Martinez Reservations, California.
131.18 Colorado River Reservation.
131.19 Grazing units excepted.

AUTHORITY: §§ 131.1 to 131.18 issued under R.S. 161; 5 U.S.C. 22, R.S. 463 and 465; 25 U.S.C. 2 and 9. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, 49 Stat. 115, 1135, sec. 55, 49 Stat. 781, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, secs. 1, 2, 60 Stat. 962, sec. 5, 64 Stat. 46, secs. 1, 2, 4, 5, 6, 64 Stat. 470, 69 Stat. 539, 540, 72 Stat. 968; 25 U.S.C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 69

§ 131.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.

(c) "Tribal land" means land or any interest therein held by the United States in trust for a tribe, band, community, group or pueblo of Indians, and land that is held by a tribe, band, community, group or pueblo of Indians subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes when it is not immediately needed for such purposes. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 476). This term also includes assignments of tribal land. Unless the terms of the assignment provide for the leasing of the land by the holder of the assignment, the tribe must join with the assignee in the grant of a lease.

(d) "Government land" means land other than tribal land, acquired or reserved by the United States for Indian Bureau administrative purposes which are not immediately needed for the purposes for which they were acquired or reserved and land transferred to or placed under the jurisdiction of the Bureau of Indian Affairs.

(e) "Permit" means a privilege revocable at will in the discretion of the Secretary and not assignable, to enter on and use a specified tract of land for a specified purpose. The terms "lease", "lessor", and "lessee", when used in this part include, when applicable, "permit", "permitter", and "permittee", respectively.

§ 131.2 Grants of leases by Secretary.

(a) The Secretary may grant leases on individually owned land on behalf of: (1) Persons who are non compos mentis; (2) orphaned minors; (3) the undetermined heirs of a decedent's estate; (4) the heirs or devisees to individually owned land who have not been able to agree upon a lease during the three-month period immediately following the date on which a lease may be entered into; provided, that the land is not in use by any of the heirs or devisees; and (5) Indians who have given the Secretary written authority to execute leases on their behalf.

(b) The Secretary may grant leases on the individually owned land of an adult Indian whose whereabouts is unknown, on such terms as are necessary to protect and preserve such property.

(c) The Secretary may grant permits on Government land.

§ 131.3 Grants of leases by owners or their representatives.

The following may grant leases: (1) Adults, other than those non compos mentis, (2) adults other than those non compos mentis, on behalf of their minor children, and on behalf of minor children to whom they stand in loco parentis when such children do not have a legal representative, (3) the guardian, conservator or other fiduciary, appointed by a state court or by a tribal court operating under an approved constitution or law and order code, of a minor or persons who are non compos mentis or are otherwise under legal disability, (4) tribes or tribal corporations acting through their appropriate officials.

§ 131.4 Use of land of minors.

The natural or legal guardian, or other person standing in loco parentis of minor children who have the care and custody of such children may use the individually owned land of such children during the period of minority without charge for the use of the land if such use will enable such person to engage in a business or other enterprise which will be beneficial to such minor children.

§ 131.5 Special requirements and provisions.

(a) All leases made pursuant to the regulations in this part shall be in the form approved by the Secretary and subject to his written approval.

(b) Except as otherwise provided in this part no lease shall be approved or granted at less than the present fair annual rental.

(1) An adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government at a nominal rental. Such adult Indian may lease land to members of his immediate family with or without rental consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers, sisters, lineal ancestors, or descendants.

(2) In the discretion of the Secretary, tribal land may be leased at a nominal rental for religious, educational, recreational, or other public purposes to religious organizations or to agencies of Federal, State, or local governments; for purposes of subsidization for the benefit of the tribe; and for homesite purposes to tribal members provided the land is not commercial or industrial in character.

(3) Leases may be granted or approved by the Secretary at less than the fair annual rental when in his judgment such action would be in the best interest of the landowners.

(c) Unless otherwise provided by the Secretary a satisfactory surety bond will be required in an amount that will reasonably assure performance of the contractual obligations under the lease. Such bond may be for the purpose of guaranteeing:

(1) Not less than one year's rental unless the lease contract provides that the annual rental shall be paid in advance.

(2) The estimated construction cost of any improvement to be placed on the land by the lessee.

(3) An amount estimated to be adequate to insure compliance with any additional contractual obligations.

(d) The lessee may be required to provide insurance in an amount adequate to protect any improvements on the leased premises; the lessee may also be required to furnish appropriate liability insurance, and such other insurance as may be necessary to protect the lessor's interest.

(e) No lease shall provide the lessee a preference right to future leases nor shall any lease contain provisions for renewal, except as otherwise provided in this part. No lease shall be entered into more than 12 months prior to the commencement of the term of the lease. Except with the approval of the Secretary no lease shall provide for payment of rent in advance of the beginning of the annual use period for which such rent is paid. The lease contract shall contain provisions as to the dates rents shall become due and payable.

(f) Leases granted or approved under this part shall contain provisions as to whether payment of rentals is to be made direct to the owner of the land or his representative or to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(g) All leases issued under this part shall contain the following provisions:

(1) While the leased premises are in trust or restricted status, all of the lessee's obligations under this lease, and the obligations of his sureties, are to the United States as well as to the owner of the land.

(2) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the lease; however, such termination shall not serve to abrogate the lease. The owners of the land and the lessee and his surety or sureties shall be notified of any such change in the status of the land.

(3) The lessee agrees that he will not use or cause to be used any part of the leased premises for any unlawful conduct or purpose.

(h) Leases granted or approved under this part on individually owned lands which provide for payment of rental direct to the owner or his representative shall contain the following provisions:

(1) In the event of the death of the owner during the term of this lease and while the leased premises are in trust or restricted status, all rentals remaining due or payable to the decedent or his representative under the provisions of the lease shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(2) While the leased premises are in trust or restricted status, the Secretary may in his discretion suspend the direct rental payment provisions of this lease in which event the rentals shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

§ 131.6 Negotiation of leases.

(a) Leases of individually owned land or tribal land may be negotiated by those owners or their representatives who may execute leases pursuant to § 131.3.

(b) Where the owners of a majority interest, or their representatives, who may grant leases under § 131.3, have negotiated a lease satisfactory to the Secretary he may join in the execution of the lease and thereby commit the interests of those persons in whose behalf he is authorized to grant leases under § 131.2 (a) (1), (2), (3), and (5).

(c) Where the Secretary may grant leases under § 131.2 he may negotiate leases when in his judgment the fair annual rental can thus be obtained.

§ 131.7 Advertisement.

Except as otherwise provided in this part, prior to granting a lease or permit as authorized under § 131.2 the Secretary shall advertise the land for lease. Advertisements will call for sealed bids and will not offer preference rights.

§ 131.8 Duration of leases.

Leases granted or approved under this part shall be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return to the owner consistent with prudent management and conservation practices, and except as otherwise provided in this part shall not exceed the number of years provided for in this section. Unless the consideration for the lease is based primarily on percentages of income produced by the land, the lease shall provide for periodic review, at not less than five-year intervals, of the equities involved. Such review shall give consideration to the economic conditions at the time, exclusive of improvement or development required by the contract or the contribution value of such improvements. Any adjustments of rental resulting from such review may be made by the Secretary where he has the authority to grant leases, otherwise the adjustment must be made with the written concurrence of the owners and the approval of the Secretary.

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Navajo and Palm Springs Reservations which may be made for a term of ninety-nine years.

(b) Farming and agricultural leases for the purpose of growing specialized crops shall not exceed 25 years.

(c) Farming leases not granted for the purpose of growing specialized crops shall not exceed five years for dry-farming land or ten years for irrigable land.

(d) Grazing leases which require substantial development or improvement of the land shall not exceed ten years.

(e) Leases granted by the Secretary pursuant to § 131.2(a)(3) shall be for a term of not to exceed two years except as otherwise provided in § 131.6(b).

§ 131.9 Ownership of improvements.

Improvements placed on the leased land shall become the property of the lessor unless specifically excepted therefrom under the terms of the lease. The lease shall specify the maximum time allowed for removal of any improvements so excepted.

§ 131.10 Unitization for leasing.

Where it appears advantageous to the owners and advantageous to the operation of the land a single lease contract may include more than one parcel of land in separate ownerships, tribal or individual, provided the statutory authorities and other applicable requirements of this part are observed.

§ 131.11 Conservation and land use requirement.

Farming and grazing operations conducted under leases granted or approved under this part shall be conducted in accordance with recognized principles of good practice and prudent management. Land use stipulations or conservation plans necessary to define such use shall be incorporated in and made a part of the lease.

§ 131.12 Subleases and assignments.

(a) Except as provided in paragraph (b) of this section, a sublease, assignment or amendment of any lease or permit issued under this part may be made only with the approval of the Secretary and the written consent of all parties to such lease or permit, including the surety or sureties.

(b) With the consent of the Secretary, the lease may contain a provision authorizing the lessee to sublease the premises, in whole or in part, without further approval. Subleases so made shall not serve to relieve the sublessor from any liability nor diminish any supervisory authority of the Secretary provided for under the approved lease.

§ 131.13 Payment of fees and drainage and irrigation charges.

(a) Except as provided in Part 221 of this chapter, any lease covering lands within an irrigation project or drainage district shall require the lessee to pay annually on or before the due date, during the term of the lease and in the amounts determined, all charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease. All payments of such charges and penalties shall be made to the official designated in the lease to receive such payments.

(b) Unless otherwise provided in this part or by the Secretary, fees based upon the annual rental payable under the lease shall be collected on each lease, sublease, assignment, transfer, renewal, extension, modification, or other instrument issued in connection with the leasing or permitting of restricted lands under the regulations in this part.

(1) Except where all or any part of the expenses of the work are paid from tribal funds, in which event an additional or alternate schedule of fees may be established subject to the approval of the Secretary, the fee to be paid shall be as follows:

Rental	*Percent*
On the first $500	3
On the next $4,500	2
On all rental above $5,000	1

In no event shall the fee be less than $2.00 nor exceed $250.

(2) In the case of percentage rental leases, the fee shall be calculated on the basis of the guaranteed minimum rental. Where rental consists of a stated annual cash rental in addition to a percentage rental, the estimated revenue anticipated from the percentage rental shall be mutually agreed upon solely for the purpose of fixing the fee. The fee to be collected in case of crop-share or other special consideration leases or permits shall be based on an estimate of the cash rental value of the acreage, or the estimated value of the lessor's share of the crops. No fees so collected shall be refunded.

§ 131.14 Violation of lease.

Upon a showing satisfactory to the Secretary that there has been a violation of the lease or the regulations in this part, the lessee shall be served with written notice setting forth in detail the nature of the alleged violation and allowing him ten days from the date of receipt of notice in which to show cause why the lease should not be cancelled. The surety or sureties shall be sent a copy of each such notice. If within the ten-day period, it is determined that the breach may be corrected and the lessee agrees to take the necessary corrective measures, he will be given an opportunity to carry out such measures and shall be given a reasonable time within which to take corrective action to cure the breach. If the lessee fails within such reasonable time to correct the breach or to furnish satisfactory reasons why the lease should not be cancelled, the lessee shall forthwith be notified in writing of the cancellation of the lease and demands shall be made for payment of all obligations and for possession of the premises. The notice of cancellation shall inform the lessee of his right to appeal pursuant to Part 2 of this chapter. Where breach of contract can be satisfied by the payment of damages, the Secretary may approve the damage settlement between the parties to the lease, or where the Secretary has granted the lease, he may accept the damage settlement.

§ 131.15 Crow Reservation.

(a) Notwithstanding § 131.8, no lease of an irrigable allotment on the Crow Reservation not included in the Big Horn unit of the Crow Indian Irrigation project shall be made for a period longer than five years, unless otherwise provided by law.

(b) Notwithstanding § 131.5(e), a lease respecting restricted land on this reservation may be executed for farming purposes under the Acts cited in § 131.15(c) 18 months prior to the expiration date of the lease in force.

(c) Notwithstanding § 131.6, the approval of the Secretary shall not be required for farming and grazing leases executed by Crow Indians classified as competent under the acts of June 4, 1920 (41 Stat. 751), May 19, 1926 (44 Stat. 566), May 26, 1926 (44 Stat. 658-59), March 3, 1927 (44 Stat. 1365), May 2, 1928 (45 Stat. 482), March 3, 1931 (46 Stat. 1495), June 25, 1946 (60 Stat. 308), March 15, 1948 (62 Stat. 80), and September 8, 1949 (63 Stat. 696), and which embrace all or part of their own allotments or the allotments of their minor children. Any adult Crow Indian classified as competent shall have the full responsibility for obtaining compliance with the terms of any lease made by him pursuant to this section. Copies of all such leases shall be promptly filed with the Crow Indian Agency and shall constitute constructive notice to all persons. Leases not filed with the agency shall not be recognized by the Secretary as against subsequent lessees, purchasers, or encumbrancers of the same land in good faith for value.

(d) Farming and grazing leases may be made pursuant to the Acts cited in § 131.15 (c) or may be be made under the authority of, and for the purposes stated in, the General Leasing Act of August 9, 1955 (69 Stat. 539), in conformity with other applicable sections of the regulations in this part.

(e) All leases governed by the regulations of this part, made by adult Crow Indians not classified as competent or made on inherited or devised trust lands owned by more than five competent devisees or heirs, shall be valid only with the approval of the Secretary. Such leases shall provide for the payment of all rentals and other income therefrom to the Secretary for the benefit of the Indian owners.

§ 131.16 Fort Belknap Reservation.

Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 131.17 Cabazon, Augustine, and Torres-Martinez Reservations, California.

(a) Upon a determination by the Secretary that the owner or owners are not making beneficial use thereof, restricted lands on the Cabazon, Augustine, and Torrez-Martinez Indian Reservations which are or may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, California, may be leased by the Secretary in accordance with the regulations in this part for the benefit of the owner or owners.

(b) All leases granted or approved on restricted lands of the Cabazon, Augustine, and Torres-Martinez Indian Reservations shall be filed for record in the office of the county recorder of the county in which the land is located, the cost thereof to be paid by the lessee. A copy of each such lease shall be filed by the lessee with the Coachella Valley County Water District or such other irrigation or water district within which the leased lands are located. All such leases shall include a provision that the lessee, in addition to the rentals provided for in the lease, shall pay all irrigation charges properly assessed against the land which became payable during the term of the lease. Act of August 25, 1950 (64 Stat. 470); Act of August 28, 1958 (72 Stat. 968).

§ 131.18 Colorado River Reservation.

(a) The Secretary may lease any unassigned lands located within Arizona on the Colorado River Reservation for such uses and terms as are authorized by the regulations in this part. Lands heretofore assigned on this reservation may be leased by the holders of the assignments in accordance with these regulations.

(b) Income received from leases of unassigned lands may be expended or advanced by the Secretary for the benefit of the Colorado River Indian Tribes and their members. Income received from leases of assigned lands may be expended or advanced for the benefit of the assignee.

§ 131.19 Grazing units excepted.

Tribal or individually owned lands within range units established pursuant to Part 151 of this chapter, general grazing regulations, shall not be leased and permits respecting such lands shall not be issued under this part.

[F.R. Doc. 61-11108; Filed, Nov. 22, 1961; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PERMISSIBILITY; FEES

[Bureau of Mines Schedule 32]

PART 27—METHANE-MONITORING SYSTEMS

Procedures for Tests and Certification

On pages 5800-03 of the FEDERAL REGISTER of June 29, 1961, there was published a notice and text of proposed regulations to be included as Part 27 of Subchapter D of Chapter I, Title 30, Code of Federal Regulations, prescribing procedures for testing and certifying methane-monitoring systems to be incorporated in permissible equipment that is used in gassy mines and tunnels. Interested persons were allowed 30 days after the date of publication to submit written comments, suggestions, or objections concerning the proposed regulations. Comments were received from several sources, all of which were considered carefully.

To permit unlimited discussion of the proposed regulations by those who submitted written comments, a meeting was held on September 21, 1961, at the Bureau of Mines facility, 4800 Forbes Avenue, Pittsburgh, Pa., at which each organization that submitted comments, suggestions, or objections was invited to attend. The suggestions presented at the meeting to modify the text of the proposed regulations and the written suggestions submitted prior thereto, which were considered valid and reasonable, have been included in the regulations as set forth below. The principal suggestions so considered and included in the regulations are:

(1) Defining more clearly the meaning of a mine area affected by a critical percentage of methane, previously referred to in the text as a section of a mine. Also permitting a choice of method for shutting off power to electric-powered machines operated through trailing cables by having a methane-monitoring detector(s) actuate the power shutoff device to deenergize all machines connected to a power center(s), or to equip each machine with an individual methane-monitoring detector and an individual power shutoff so that the individually equipped machines shall not be deenergized until each such machine enters the area affected by a critical percentage of methane. In either case, however, the power-shutoff shall function at the outby end of each trailing cable.

(2) Clarifying the requirement for independent operation of a methane-monitoring detector when power is off the machine which it controls.

(3) Simplifying the requirement for testing the adequacy of electrical insulation and clearances.

Also as a result of the suggestions, some editorial changes and rearrangements were made, including the addition of clarifying language.

The main changes in the text of the regulations are as follows:

1. Paragraph (c) of § 27.21 is revised.

2. A clarifying note has been added at the end of subparagraph (3) of paragraph (b) of § 27.22.

3. Subparagraph (4) of paragraph (b) of § 27.22 is revised.

4. Subparagraph (3) of paragraph (a) of § 27.23 is redesignated subparagraph (1) and is revised.

5. Subparagraph (1) of paragraph (a) of § 27.23 is redesignated subparagraph (3) and the fourth word in both subparagraph (2) and new subparagraph (3) of paragraph (a) of § 27.23 is changed from "equipment" to "machines."

6. The first sentence of § 27.36 is revised.

All other comments and suggestions were considered fully before adopting the regulations as set forth below. The regulations shall be effective on the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: November 17, 1961.

KENNETH HOLUM,
Acting Secretary of the Interior.

Part 27 of Title 30 reads as follows:

Subpart A—General Provisions

Sec.
27.1 Purpose.
27.2 Definitions.
27.3 Consultation.
27.4 Applications.
27.5 Letter of certification.
27.6 Certification of components.
27.7 Fees.
27.8 Date for conducting tests.
27.9 Conduct of investigations, tests, and demonstrations.
27.10 Extension of certification.
27.11 Withdrawal of certification.

Subpart B—Construction and Design Requirements

27.20 Quality of material, workmanship, and design.
27.21 Methane-monitoring system.
27.22 Methane-monitoring detector.
27.23 Power-shutoff component.

Subpart C—Test Requirements

27.30 Inspection.
27.31 Testing methods.
27.32 Tests to determine performance of the system.
27.33 Tests to determine explosion-proof construction.
27.34 Test for intrinsic safety.
27.35 Test to determine life of critical components and subassemblies.
27.36 Test for adequacy of electrical insulation and clearances.
27.37 Test to determine adequacy of safety devices for bulbs.
27.38 Test to determine resistance of lenses to impact.
27.39 Test to determine resistance to vibration.
27.40 Test to determine resistance to physical shock.
27.41 Test to determine resistance to dust.
27.42 Test to determine resistance to moisture.

AUTHORITY: §§ 27.1 to 27.42 issued under sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, and secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 27.1 Purpose.

The regulations in this part set forth the requirements for methane-monitoring systems to procure certification for their incorporation in permissible equipment that is used in gassy mines and tunnels; procedures for applying for such certification; and fees.

§ 27.2 Definitions.

As used in this part:

(a) "Bureau" means the United States Bureau of Mines.

(b) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles and that seeks certification or preliminary testing of a methane-monitoring system.

(c) "Methane-monitoring system" means a complete assembly of all the components of a system required for detecting the presence of methane in the atmosphere of a mine, tunnel, or other underground workings, and includes a power-shutoff device.

(d) "Methane-monitoring detector" means a component of a methane-monitoring system that is designed to function in a gassy mine, tunnel, or other underground workings, which will sample the atmosphere continuously to detect methane, give warning of its presence, and actuate a power-shutoff device before the atmosphere becomes a flammable mixture.

(e) "Power-shutoff device" means a component of a methane-monitoring system which will deenergize the elec-

tric-power supply for underground equipment, including the trailing cable where applicable, or the prime mover, when actuated by a methane-monitoring detector.

(f) "Flammable mixture" means a mixture of gas, such as methane, natural gas, or similar hydrocarbon gas, with normal air, that will propagate flame or explode violently when ignited.

(g) "Gassy mine or tunnel" means a mine, tunnel, or other underground workings, in which flammable gas, such as methane, has been ignited, or the atmosphere of which, in any open workings, contains 0.25 percent or more (by volume) of such gas.

(h) "Letter of certification" means a formal document issued by the Bureau stating that a methane-monitoring system or component or subassembly thereof: (1) Has met the requirements of this part, and (2) is certified for incorporating in permissible equipment that is used in gassy mines and tunnels.

(i) "Component" means a part of a methane-monitoring system that is essential to its operation as a certified assembly.

(j) "Explosion proof" means that a component or group of components (subassembly) is so constructed and protected by an enclosure and/or flame arrester(s) that, if a flammable mixture of gas is ignited within the enclosure, it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.[1]

(k) "Normal operation" means that each component as well as the entire assembly of the methane-monitoring system performs the functions for which it was designed.

(l) "Flame arrester" means a device so constructed that it will prevent propagation of flame or explosion from an enclosure to the surrounding atmosphere.

(m) "Intrinsically safe circuit," or part of a circuit, means that any arc or spark produced normally (such as in opening or closing a circuit), or accidentally (such as a short circuit or earth fault), is incapable of causing ignition of a flammable mixture.

(n) "Fail safe" means that if any component or subassembly of a methane-monitoring system fails the entire system and the equipment in which it is incorporated will be deenergized and will not create an explosion or fire hazard.

§ 27.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Branch of Electrical-Mechanical Testing, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed methane-monitoring systems to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

[1] Explosion-proof components or subassemblies shall be constructed in accordance with the requirements of Part 18 of this Subchapter (Schedule 2, revised, the current revision of which is Schedule 2F).

§ 27.4 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all drawings, specifications, descriptions, and related materials. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies that are submitted for investigation, and shall include wiring and block diagrams. All drawings shall be designated by title and number, and shall show the latest revision.

(c) For a complete investigation leading to certification, the applicant shall furnish all necessary components and material to the Bureau. The Bureau reserves the right to require more than one of each component or subassembly for the investigation. Spare parts and expendable components, subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. If special tools are necessary to assemble or disassemble any component or subassembly for inspection or test, the applicant shall furnish these with the system.

(d) The applicant shall submit his plan of how he proposes to inspect components at the place of manufacture or assembly before incorporation in permissible equipment. Ordinarily such inspection is recorded on a factory inspection form, and the applicant shall furnish to the Bureau a copy of such factory inspection form or equivalent with his application. The form shall direct attention to the points that must be checked to make certain that all components or subassemblies of the complete assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with the Bureau.

(e) The applicant shall furnish to the Bureau complete instructions for operating and servicing components. After completing the Bureau's investigation, if any revision of the instructions is required, a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 27.5 Letter of certification.

(a) Upon completion of investigation of a methane-monitoring system, or components or subassembly thereof, the Bureau will issue to the applicant either a letter of certification or a written notice of disapproval, as the case may require. If a letter of certification is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on the methane-monitoring system upon which a notice of disapproval has been issued.

(b) A letter of certification will be accompanied by an appropriate cautionary statement specifying the conditions to be observed for operating and maintaining the methane-monitoring system and to preserve its certified status.

§ 27.6 Certification of components.

Manufacturers of components may apply to the Bureau to issue a letter certifying to the suitability of such components. To qualify for certification, electrical components shall conform to the prescribed inspection and test requirements and the construction thereof shall be adequately covered by specifications officially recorded and filed with the Bureau. Certification letters may be cited to fabricators of equipment intended for use in a certified methane-monitoring system as evidence that further inspection and test of the components will not be required.

§ 27.7 Fees.

(a) Detailed inspection—each assembled component	$50.00
(b) Explosion testing—each explosion-proof enclosure	40.00
(c) Each series of tests to determine adequacy of design, materials, and/or construction	40.00
(d) Tests to determine safe operation and performance of a complete methane-monitoring system	80.00
(e) Tests to determine intrinsic safety	40.00
(f) Final examination and recording of drawings and specifications requisite to issuing a letter of certification	45.00
(g) Examining and recording drawings and specifications requisite to issuing an extension of certification, each 4 hours or fraction thereof	15.00
(h) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided upon request, addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing. Any surplus from a fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation or tests.

§ 27.8 Date for conducting tests.

The application, payment of necessary fees, and submission of required material will determine the order of precedence for testing when more than one application is pending and the applicant will be notified of the date on which tests will begin.

NOTE: If a complete assembly, component, or subassembly fails to meet any of the requirements, it may lose its order of precedence. However, if the cause of failure is corrected, testing will be resumed after completing such other test work as may be in progress.

§ 27.9 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a letter of certification, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, descriptions, or related materials. After the issuance of a letter of certification, the Bureau may conduct such public demonstrations and tests of the certified methane-monitoring system for gassy mines and tunnels as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling components or subassemblies for testing, preparing components or subassemblies for testing, and operating the system during the tests.

§ 27.10 Extension of certification.

If an applicant desires to change any feature of a certified system, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certification, requesting that the existing certification be extended to cover the proposed changes and shall be accompanied by drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified system or component or subassembly will be required. The Bureau will inform the applicant whether testing is required; the component, subassembly, and related material to be submitted for that purpose; and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of revised drawings and specifications to be added to those already on file with the Bureau.

§ 27.11 Withdrawal of certification.

The Bureau reserves the right to rescind for cause any certification granted under this part.

Subpart B—Construction and Design Requirements

§ 27.20 Quality of material, workmanship, and design.

(a) The Bureau will test only equipment that, in its opinion, is constructed of suitable materials, is of good quality workmanship, is based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components cannot be foreseen, the Bureau reserves the right to modify the construction and design requirements of components or subassemblies and tests to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(b) Unless otherwise noted, the requirements stated in this part shall apply to explosion-proof and intrinsically-safe circuits and enclosures.

(c) All components and subassemblies shall be designed and constructed in a manner that will not create an explosion or fire hazard

(d) All assemblies or enclosures—explosion-proof or intrinsically safe—shall be so designed that the temperatures of the external surfaces, during continuous operation, do not exceed 392° F. (200° C.) at any point.

(e) Glass lenses or globes shall be protected against damage by guards or location.

(f) If the Bureau determines that an explosion hazard can be created by breakage of a bulb with incandescent filament(s), the bulb mounting shall be so constructed that the bulb will be ejected when the bulb glass is broken.

Note: Other methods that provide equivalent protection against explosion hazards may be considered satisfactory.

§ 27.21 Methane-monitoring system.

(a) A methane-monitoring system shall be so designed that any machine, which is controlled by the system, cannot be operated unless the methane-monitoring system is functioning.

(b) A methane-monitoring system shall be rugged in construction so that its operation will not be affected by vibration or physical shock.

(c) Insulating materials that give off flammable or explosive gases when decomposed electrically shall not be used within enclosures where they might be subjected to destructive electrical action.

(d) An enclosure shall be equipped with a lock, seal, or acceptable equivalent when the Bureau deems such protection necessary for safety.

(e) A component or subassembly of a methane-monitoring system shall be constructed as a package unit or otherwise in a manner acceptable to the Bureau. Such components or subassemblies shall be replaceable or removable without creating an ignition hazard.

(f) A methane-monitoring system shall have a means incorporated into it to prevent energizing a cable(s) to a machine(s) controlled by the system for a period of at least 2 minutes after the methane detector has been turned on or caused a shut down.

(g) The complete system shall "fail safe" in a manner acceptable to the Bureau.

§ 27.22 Methane-monitoring detector.

(a) The methane-monitoring-detector component shall be suitably constructed for incorporation in permissible equipment that is operated in gassy mines and tunnels.

(b) The methane-monitoring detector shall be designed to include:

(1) A method of continuous sampling of the atmosphere in which it functions.

(2) An automatic warning device (audible or colored light signal), which shall function automatically when the methane content (by volume) is between 1.0 and 1.5 percent.

(3) A method for activating a power-shutoff component, which shall function automatically when the methane content (by volume) is between 2.0 and 2.5 percent.

NOTE: This means that the power-shutoff component also shall function automatically when the methane content exceeds 2.5 percent.

(4) Reserve capacity to operate independently for approximately 4 hours (not necessarily continuous) when power is not on the machine which it controls.

(5) Means for sampling at one or two points determined by the Bureau as necessary for the particular type of permissible equipment with which it is to be incorporated.

(6) A suitable filter on the sampling intake to prevent dust and moisture from entering and interfering with normal operation.

NOTE: This requirement for the detector may be waived if the design is such as to preclude the need of a filter.

(7) An arrangement for testing the methane-monitoring detector to determine whether it is functioning properly.

§ 27.23 Power-shutoff component.

The power-shutoff component shall be designed to include:

(a) An automatic means to deenergize the equipment at the energy source when activated by the methane-monitoring detector.

(1) For electric-powered machines operated with trailing cable(s) from a power center(s), the power-shutoff component shall be capable of shutting off all power at the outby end of the trailing cable to each machine that may be operated beyond the last open crosscut in an area affected by methane as defined in subparagraph (3) of paragraph (b) of § 27.22. When more than one machine is operated by electric power through trailing cables (not necessarily from a common power center) and also may be operated beyond the last open crosscut in an area affected by methane as defined in subparagraph (3) of paragraph (b) of § 27.22, an acceptable alternative to complete power shutoff, as stated above, shall be to equip each machine with a methane-monitoring detector and to provide individual power shutoff not closer to each machine than the outby end of its trailing cable. The signal for activating the power shutoff shall be conducted through the power conductors of the trailing cable or by other means acceptable to the Bureau.

(2) For battery-powered machines the power shall be cut off as close as possible to the battery terminals.

(3) For diesel-powered machines the prime mover shall be shut down and all electrical components shall be deenergized.

(b) An arrangement for testing the power-shutoff characteristic to determine whether the power-shutoff component is functioning properly.

Subpart C—Test Requirements

§ 27.30 Inspection.

A detailed inspection shall be made of the equipment and all components and functions related to safety in operation, which shall include:

(a) Examining materials, workmanship, and design to determine conformance with paragraph (a) of § 27.20.

(b) Checking components and subassemblies against the drawings and specifications to verify conformance with the requirements of this part.

§ 27.31 Testing methods.

A methane-monitoring system shall be tested to determine its functional performance, and its explosion-proof and other safety characteristics. Since all possible designs, arrangements, or combinations cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on equipment, or components or subassemblies thereof, not specifically covered herein, to determine the safety of such equipment with regard to explosion and fire hazards.

§ 27.32 Tests to determine performance of the system.

(a) Laboratory tests for reliability and durability.

Five hundred successful [2] consecutive tests for gas detection, alarm, and power shutoff in natural gas-air mixtures [3] shall be conducted to demonstrate acceptable performance as to reliability and durability of a methane-monitoring system.[4] The tests shall be conducted as follows:

(1) With the detecting component in a test gallery, natural gas shall be admitted at various rates and slight turbulence created for proper mixing with the air in the gallery. To comply with the requirements of this test, the detector shall activate an alarm at a predetermined percentage of gas and also activate the power shutoff at a second predetermined percentage of gas. (See § 27.22 and § 27.23.)[5]

(b) Field tests.

The Bureau reserves the right to conduct tests, similar to those stated in paragraph (a) of this section, in underground workings to verify reliability and durability of a methane-monitoring system.

§ 27.33 Tests to determine explosion-proof construction.

Components and subassemblies, which require explosion-proof construction, shall be tested in accordance with the procedures stated in Part 18 of this subchapter (Schedule 2, revised, the latest revision of which is Schedule 2F).

§ 27.34 Test for intrinsic safety.

Components or subassemblies that are designed for intrinsic safety shall be tested by introducing into the circuit thereof a circuit-interrupting device, which shall be placed in a gallery containing various flammable natural gas-air mixtures. To meet the requirements of this test, the component or subassembly shall not ignite the flammable mixture. For this test the circuit-interrupting device shall be operated not less than 100 times at 150 percent of the normal operating voltage of the particular circuit.

§ 27.35 Test to determine life of critical components and subassemblies.

Replaceable components shall be subjected to appropriate life tests.

§ 27.36 Test for adequacy of electrical insulation and clearances.

When the operating voltage of any component, subassembly, or complete assembly is 220 volts or more, such component, subassembly, or complete assembly shall be subjected to a potential test of 2.5 times the rated operating voltage for one minute. To meet the requirements, no flash-over shall occur during this test.

§ 27.37 Test to determine adequacy of safety devices for bulbs.

The glass envelope of bulbs shall be broken with the bulbs burning in flammable natural gas-air mixtures in a gallery to determine that the safety device will prevent ignition of the mixtures.

§ 27.38 Test to determine resistance of lenses to impact.

Lenses of glass, plastic, or similar material shall be subjected to the following impact test: A 1¼-inch steel ball weighing 0.25 pound shall be dropped so that it strikes the center of the test sample. The sample shall be mounted horizontally and concentrically on a brass or bronze tube having a wall thickness of 3/16-inch and a diameter ½-inch less than the sample diameter, with the edge supporting the sample rounded to a 3/32-inch radius. To meet the requirements of this test, four samples so tested shall not fracture when the ball is dropped from a height of 7 inches on samples having diameters not exceeding 2½ inches, and from a height of 8 inches on samples having diameters exceeding 2½ inches.

§ 27.39 Tests to determine resistance to vibration.

Components or subassemblies that are to be mounted on permissible equipment shall be subjected to two separate vibration tests, each of 1-hour duration. The first test shall be conducted at a frequency of 30 cycles per second with a total movement per cycle of 1/16 inch. The second test shall be conducted at a frequency of 15 cycles per second with a total movement per cycle of ⅛ inch. Components and subassemblies shall be secured to the vibrating equipment in their normal operating positions (with shock mounts, if so provided), and each component or subassembly shall function normally during and after each vibration test.

NOTE: The vibrating equipment is designed to impart a circular motion in a plane inclined 45° to the vertical or horizontal.

§ 27.40 Test to determine resistance to physical shock.

This test shall be conducted by mounting the component or subassembly on a shock-test platform in its normal operating position and subjecting the platform to fifty 20 foot-pound blows. The component or subassembly shall function normally after being subjected to the shock test.

§ 27.41 Test to determine resistance to dust.

Components or subassemblies, whose normal functioning might be affected by combustible dust such as coal dust, shall be tested in an atmosphere containing an average concentration (50 million, minus 40 micron particles per cubic foot) of such dust for a continuous period of 4 hours. The component or subassembly shall function normally after being subjected to this test.

§ 27.42 Test to determine resistance to moisture.

Components or subassemblies, whose normal functioning might be affected by moisture, shall be tested in atmospheres of high relative humidity (90 percent or more at 65°–75° F.) for a continuous period of 4 hours. The component or subassembly shall function normally after being subjected to this test.

[F.R. Doc. 61-11114; Filed, Nov. 22, 1961; 8:49 a.m.]

[2] Normal replacements and adjustments shall not constitute a failure.

[3] Investigation has shown that, for practical purposes, Pittsburgh natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

[4] It is recommended that the methane-monitoring detector be supplemented by a meter calibrated in percent methane.

[5] At the option of the Bureau, these tests will be conducted with dust or moisture added to the atmosphere within the gallery.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department in § 168.5 *Individual country regulations*, as published in the FEDERAL REGISTER of September 19, 1961, at pages 8725–8805, are amended to reflect new mailing regulations adopted by the following countries:

§ 168.5 Amendment.

I. In country "Cuba", under Parcel Post, delete the "note" which immediately follows the tabular information after the item *Air parcel rates.* Packages for Cuba weighing 8 ounces or less may now be accepted as parcel post.

II. In country "Denmark" make the following changes:

A. Under Postal Union Mail, the item *Prohibitions and import restrictions* is amended by deleting "Advertisements, etc., for the sale of articles on the 'snowball' system." As so amended, the item reads as follows:

Prohibitions and import restrictions. Danish and foreign stocks, bonds, and coupons may not be imported unless the addressee possesses a permit issued by the National Bank of Denmark.

Almanacs (except for single copies) which do not bear the University almanac stamp.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, amend the item *Prohibitions* by adding a new paragraph immediately after the first paragraph therein to read as follows:

Dried or powdered milk and food mixtures containing it.

III. In country "Ruanda-Urundi", under Postal Union Mail, the item *Letter packages containing dutiable merchandise* is amended to show that perishable biological materials are accepted in letter packages. As so amended, the item reads as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-11125; Filed, Nov. 22, 1961; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Loxahatchee National Wildlife Refuge, Florida

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 74,492 acres of 49.8 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, white bass, bream and pickerel and other minor species permitted by State regulations.

(b) Open season: January 1, 1962, through June 30, 1962. One hour before sunrise to one hour after sunset.

(c) Daily creel limits: Largemouth black bass—10; white bass—30; bream, perch, red finned pike—an aggregate of not more than 35; other minor species as permitted by State regulations.

(d) Methods of fishing:

(1) Attended rod and reel and/or pole and line permitted.

(2) Trot lines, limb lines, nets or other set tackle prohibited.

(3) Boats, including boats with motors, are permitted except that airthrust boats may be authorized only by special permit issued by the Refuge Manager, and speedboats and racing craft are prohibited except for official purposes. Inboard and outboard motor boats may not be used in areas designated by suitable posting by the Refuge Officer in charge as closed to motor boat operation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing or wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Persons must follow such routes of travel within the area as may be designated by posting by the Refuge Officer in charge.

(3) The Refuge Officer in charge may close any portion of the area open to fishing when a conflict develops between hunting and fishing uses.

(4) A Federal permit is not required to enter the public fishing area.

(5) The provisions of this special regulation are effective to July 1, 1962.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-11105; Filed, Nov. 22, 1961; 8:47 a.m.]

PART 33—SPORT FISHING

National Wildlife Refuges, North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres or 89 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,300 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961 through March 12, 1962; daylight hours only.

(c) Daily creel limits. Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,000 acres or 100 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the

office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961 through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8,000 acres or 70 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,400 acres or 85 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 6,000 acres or 39 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(2) The use of minnows or any other fish, or part thereof, for bait is prohibited in all waters which lie north of the Lake Darling Dam. Minnows may be used in areas which are south of the Dam.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 16, 1961.

[F.R. Doc. 61-11106; Filed, Nov. 22, 1961; 8:47 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 250 acres or 1.2 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permitted by State regulations.

(b) Open season: Northern pike—daylight hours from December 15, 1961 through February 15, 1962; bullheads—daylight hours from December 15, 1961 through March 15, 1962; all other species seasons as prescribed by State regulations, except that in no case shall the season extend beyond March 15, 1962.

(c) Daily creel limits: Northern pike—5; bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

1. No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

2. No snag hook, snag line or snag pole may be used to take fish.

3. One dip net per person may be used for the taking, catching or killing of rough fish, except suckers.

4. No person while operating a dip net for rough fish shall fish for fish in any other manner at that time.

5. All ice fishing tip-ups must be identified with the name of the owner.

6. It shall be unlawful for any person to cut, use or maintain a hole larger than 12 inches in diameter or square for the taking of fish in any manner through the ice, except for dip-netting.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to March 16, 1962.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 16, 1961.

[F.R. Doc. 61-11107; Filed, Nov. 22, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 611) has been filed by Catalin Corporation of America, Fords, New Jersey, proposing the issuance of a regulation to provide for the safe use of colloidal silicon dioxide as an anticaking agent at levels not to exceed 2 percent by weight in butylated hydroxytoluene for animal feed.

Dated: November 15, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11118; Filed, Nov. 22, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 369) has been filed by The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, proposing the issuance of a regulation to provide for the safe use of sodium lauryl sulfate as an emulsifier and/or surface-active agent employed in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: November 16, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11119; Filed, Nov. 22, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 589) has been filed by E. F. Drew and Company, Inc., 416 Division Street, Boonton, New Jersey proposing the issuance of a regulation to provide for the safe use as emulsifiers in food of esters of polyglycerols from diglycerol to decaglycerol, inclusive.

Dated: November 17, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11120; Filed, Nov. 22, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 615) has been filed by F. G. Okie, Inc., Ambler, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of ammonia, butyl alcohol, cetyl alcohol, cyclohexane, isopropyl alcohol, and polysorbate 80, as solvents and adjuvants in a coloring to be applied to confectionery.

Dated: November 17, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11134; Filed, Nov. 22, 1961; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 619) has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation amending § 121.210, to provide for the safe use of not less than 1 gram of procaine penicillin and not less than 3 grams of manganese bacitracin, in combination with amprolium, in medicated poultry feed for growth promotion, provided that the total antibiotic used does not exceed 50 grams per ton of finished feed.

Dated: November 17, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11135; Filed, Nov. 22, 1961; 8:52 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority A-1]

HEAD OF OFFICE OF DEVELOPMENT FINANCING

Delegation of Authority

Pursuant to the authority delegated to me in Delegation of Authority No. 3 from the Administrator, and to the extent consistent with law, I hereby delegate to the head of the Office of Development Financing the following authorities, with authority to redelegate as appropriate:

1. Authority to sign agreements on all loans authorized by the Administrator and on all guaranties which the Administrator authorizes to be issued under sections 221(b)(2) and 224 of the Foreign Assistance Act of 1961, following such review by the Development Loan Committee as may be provided for, and to sign such other related agreements, amendments, and actions as the head of the office may deem necessary or desirable with respect to such loans or guaranties, consistent with the Administrator's authorization of the transaction.

2. Authority to sign all loan agreements and guaranty agreements authorized by the Board of Directors of the corporate Development Loan Fund, as such authorizations may be amended by the Administrator, and to sign such other related agreements, amendments and actions as the head of the office may deem necessary or desirable with respect to such DLF authorization of the transaction as it may be amended by the Administrator.

3. Authority to sign guaranty agreements on all guaranties authorized under the provisions of section 221(b)(1) of the Foreign Assistance Act of 1961 or section 413(b)(4) of the Mutual Security Act of 1954, as amended, and to sign such other related agreements, amendments and actions as the head of the office may deem necessary or desirable with respect to such guaranties.

This delegation of authority is effective immediately.

FRANK M. COFFIN,
Deputy Administrator.

NOVEMBER 4, 1961.

[F.R. Doc. 61-11117; Filed, Nov. 22, 1961; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 191, Rev. 1]

DESIGNATION OF DEPUTIES

1. In addition to their other assignments, the following are designated to serve, at the pleasure of the Secretary, as the respective deputies of the principals indicated:

Principal	*Deputy*
Under Secretary for Monetary Affairs	Deputy Under Secretary for Monetary Affairs.
General Counsel	Senior Assistant General Counsel.
Assistant Secretary	Deputy to the Assistant Secretary.
Assistant Secretary (International Finance)	Deputy Assistant Secretary (International Finance).
Fiscal Assistant Secretary	Assistant to the Fiscal Assistant Secretary.
Administrative Assistant Secretary	Deputy Administrative Assistant Secretary.

2. Each deputy shall have authority to perform, during the absence of his principal, any function his principal is authorized to perform.

3. Treasury Department Order No. 191 is rescinded.

Dated: November 17, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-11133; Filed, Nov. 22, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 15, 1961.

The United States Forest Service of the Department of Agriculture has filed an application, serial No. Colorado 069933, for the withdrawal of the lands described below from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for use with the Sultan Mountain winter sports area in the San Juan National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 41 N., R. 6 W.,
Sec. 13, N½S½.

The area described aggregates 160 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 61-11109; Filed, Nov. 22, 1961; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 14, 1961.

The Department of Agriculture has filed an application, serial No. I-012632 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for a public recreation area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SALMON NATIONAL FOREST

Trail Creek Recreation Area

A tract of land within unsurveyed Secs. 11 and 12, T. 22 N., R. 18 E., more particularly described as:

Commencing at U.S. Land Marker No. 3428, located in the Trail Creek drainage tributary to Panther Creek in Lemhi County, Idaho; thence S. 56°41' E., 1042.4 feet to the point of beginning; thence N. 65°15' W., 1219.8 feet; thence N. 69°12' W., 841.8 feet; thence N. 77°02' W., 634.5 feet; thence S. 73°11' W., 829.5 feet; thence S. 83°48' W., 1931.6 feet; thence S. 78°42' W. 785.2 feet; thence S. 67°51' W., 917.4 feet; thence S. 62°16' W., 364.4 feet; thence S. 76°53' W., 434.4 feet; thence S. 22°19' E., 237.4 feet; thence N. 77°12' E., 367.0 feet; thence N. 61°59' E., 621.4 feet; thence N. 67°20' E., 664.2 feet; thence N. 86°40' E., 964.6 feet; thence N. 82°23' E., 1580.9 feet; thence N. 81°47' E., 1396.0 feet; thence S. 76°18' E., 907.9 feet; thence S. 58°45' E., 1165.2 feet; thence N. 30°51' E., 295.7 feet to the point of beginning.

Totaling 51.3 acres, more or less.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-11110; Filed, Nov. 22, 1961; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 14, 1961.

The Department of Agriculture has filed an application, serial No. Idaho 012636 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for public campground sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

CHALLIS NATIONAL FOREST

Holman Creek Campground

T. 11 N., R. 16 E.,
Sec. 25; N½ of Lot 7, N½ of Lot 8;
Sec. 26; Lot 7, E½ of Lot 8.
Totaling 83.20 acres.

Oster Creek Campground

T. 11 N., R. 16 E.,
Sec. 25; S½ of Lot 2, S½ of Lot 3, S½ of Lot 4.
Totaling 36.81 acres.

Norton Bar Campground

T. 11 N., R. 16 E.,
Sec. 26; Lots 1, 3, 6, S½ of Lot 5.
Totaling 80.38 acres.

Mill Creek Campground

T. 11 N., R. 16 E.,
Sec. 26; Lots 2, 4, 9, 10.
Totaling 90.58 acres.

State Creek Campground

T. 11 N., R. 16 E.,
Sec. 27; Lots 2, 4, 6, 7, 10.
Totaling 79.51 acres.

Deer Springs Campground

T. 11 N., R. 16 E.,
Sec. 27; Lots 3, 5.
Totaling 26.14 acres.

Burnt Creek Campground

T. 11 N., R. 16 E.,
Sec. 28; S½ of Lot 1;
Sec. 29; S½ of Lot 4.
Totaling 22.36 acres.

Beaver Creek Campground

T. 11 N., R. 16 E.,
Sec. 28; Lots 2, 4, 8, N½ of Lot 9.
Totaling 56.43 acres.

Cold Spring Campground

T. 11 N., R. 16 E.,
Sec. 29; Lots 7, 9, N½ of Lot 5, N½ of Lot 10.
Totaling 77.00 acres.

Snyder Springs Campground

T. 11 N., R. 16 E.,
Sec. 30; S½ of Lot 2, Lot 10.
Totaling 36.40 acres.

Burnt Log Campground

T. 11 N., R. 16 E.,
Sec. 30; Lots 6, 7, 9, 11.
Totaling 70.16 acres.

Marshall Creek Campground

Beginning at a point which is N. 61° W., 600 feet from an iron stake located at the lower end of the culvert where Marshall Creek crosses U.S. Highway 93; thence N. 08° E., 300 feet; thence S. 45° E., 500 feet; thence N. 72° E., 800 feet; S. 39° E., 1200 feet; thence S. 11° W., 420 feet being a point on the north bank of the Salmon River; thence in a northwesterly direction meander along the Salmon River to the point of beginning, and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 27; S½NE¼.
Totaling 25.64 acres, more or less.

Stove Pipe Springs Campground

Beginning at a point which is West .76 chs. from an iron stake located at the upper end of the culvert where Stove Pipe Springs crosses U.S. Highway 93; thence S. 62° W., 6.71 chs.; thence N. 24° W., 4.18 chs.; thence N. 67° E., 9.04 chs.; thence S. 20° W., 4.30 chs. to the point of beginning and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 21; SW¼SW¼.
Totaling 2.92 acres, more or less.

Robinson Bar Campground

Beginning at Corner No. 1 of H.E.S. No. 419 from whence U.S. Monument No. 5 bears N. 22°29' E., 7.50 chs.; thence following H.E.S. No. 419 N. 45°03' E., 18.12 chs.; thence S. 80° E., 30.21 chs.; thence S. 04°54' W., 16.94 chs.; thence N. 85° E., 5.50 chs.; thence N. 26° E., 23.50 chs. to a point on the south bank of the Salmon River; thence meander in a northwesterly direction along the south bank of the Salmon River; thence S. 66°37' E., 22 chs.; thence N. 05° E., 8.57 chs.; N. 38°49' W., 9.47 chs.; thence N. 49°42' E., 20.33 chs.; thence S. 31°21' E., 11.53 chs. to the point of beginning and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 26: SW¼;
Sec. 27: SE¼.
Totaling 156 acres, more or less.

Dutchman Flat Campground

Beginning at a point which bears N. 20° E., 1327 feet from the mouth of Elk Creek; thence S. 46° E., 450 feet; thence S. 68° E., 250 feet; thence S. 83° E., 420 feet; thence N. 09° W., 283 feet; N. 67° W., 1100 feet; thence S. 12° E., 250 feet to the point of beginning and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 20; NW¼SE¼.
Totaling 10 acres, more or less.

Elk Creek Campground

Beginning at a point which bears S. 68° E., 208 feet from an iron stake on the east bank of the Elk Creek at its mouth, on the south bank of the Salmon River; thence S. 60' W., 147 feet; thence S. 41° E., 379 feet; thence south 212 feet; thence N. 82° W., 140 feet; N. 37° W., 171 feet; thence N. 78° W., 282 feet; thence S. 50° W., 200 feet; thence west 1555 feet; thence N. 40° E., 870 feet to a point on the south bank of the Salmon River; thence in an easterly direction meander along the Salmon River to the point of beginning and wholly located within the following unsurveyed subdivision which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 20; S½NE¼.
Totaling 22 acres, more or less.

Five Points Campground

Beginning at a point which bears S. 25° W., 17 chs. from U.S. Location Monument No. 136; thence S. 70° W., 27 chs.; thence N. 17° W., 6 chs. being a point on the south bank of the Salmon River; thence meander in a northeasterly direction along the south bank of the Salmon River 28 chs.; thence S. 09° E., 4 chs. to the point of beginning and located wholly within the following unsurveyed subdivisions which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 25; SE¼.
Totaling 7.50 acres, more or less.

SALMON NATIONAL FOREST

Cunningham Bar Recreation Area

T. 23 N., R. 14 E.,
Sec. 1; SW¼NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼.
Totaling 40 acres.

The areas described aggregate 923.00 acres more or less.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-11111; Filed, Nov. 22, 1961; 8:48 a.m.]

[New Mexico 0161252]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1961.

Notice of an application, serial No. New Mexico 0161252 for withdrawal and reservation of lands was published as Federal Register Document 61-4994 on page 4765 of the issue for Tuesday, May 30, 1961. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on December 1, 1961, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 10 N., R. 5 E.,
Sec. 19, Lots 13 through 26, inclusive.

The area described above aggregates 423.53 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-11112; Filed, Nov. 22, 1961; 8:49 a.m.]

[Utah (I-36)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 14, 1961.

The National Park Service, U.S. Department of the Interior, has filed an application, serial No. Utah 073096, for the withdrawal of the lands described below from all forms of appropriation, including the general mining laws and the mineral leasing laws, subject to valid existing rights. The land is to be under the jurisdiction of that agency.

The applicant agency desires the withdrawal of these lands for the proposed expansion of the Hovenweep National Monument. The proposed developments on this land will consist of residences, campground, a utility area and an access road. Grazing will be permitted until the land is actually made a part of the monument.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 39 S., R. 26 E.,
Sec. 21: W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

The area described contains 280 acres.

DEWANE JENSON,
Acting State Director.

[F.R. Doc. 61-11113; Filed, Nov. 22, 1961; 8:49 a.m.]

[Utah (I-37)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1961.

The Bureau of Public Roads has filed an application, serial No. U-062518, for the withdrawal of the lands described below, from location and entry under the public land laws, including the general mining laws, but not the mineral leasing laws. Grazing administration will be continued by the Bureau of Land Management.

The applicant desires the withdrawal of the lands for future right-of-way purposes for locating an interstate highway, the location of which has not definitely been determined. Upon determination of the location of the highway, the excess lands will be restored.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands requested for withdrawal are as follows:

SALT LAKE MERIDAN, UTAH

T. 21 S., R. 13 E. (unsurveyed),
Sec. 34: S½;
Sec. 35: S½.
T. 22 S., R. 13 E. (unsurveyed),
Sec. 1: All;
Sec. 2: All;
Sec. 3: All;
Sec. 4: All;
Sec. 7: S½;
Sec. 8: All;
Sec. 9: All;
Sec. 17: N½;
Sec. 18: All.
T. 21 S., R. 14 E.,
Sec. 13: All;
Sec. 21: SE¼;
Sec. 22: All;
Sec. 23: All;
Sec. 24: All;
Sec. 27: All;
Sec. 28: E½,E½W½;
Sec. 31: All (unsurveyed);
Sec. 32: All;
Sec. 33: All.
T. 22 S., R. 14 E.,
Sec. 6: All.
T. 21 S., R. 15 E.,
Sec. 13: Lots 1, 2, SW¼NE¼, NW¼NW¼, S½NW¼, E½SW¼; SW¼SW¼, SE¼;
Sec. 14: S½N½, S½;
Sec. 15: S½NE¼; N½NW¼, S½;
Sec. 17: NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 18: All;
Sec. 19: Lot 1, NW¼NE¼;
Sec. 21: NE¼NE¼, S½NE¼, N½SE¼;
Sec. 22: N½NE¼, SE¼NE¼, NE¼NW¼, S½.
T. 21 S., R. 16 E.,
Sec. 14: All;
Sec. 15: All;
Sec. 17: All;
Sec. 18: All;
Sec. 22: Lots 1, 2, 3, 4, 5, 6, 9, NE¼, NE¼SE¼;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All.
T. 21 S., R. 17 E.,
Sec. 19: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: SW¼, S½SE¼, N½NE¼;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All.
T. 22 S., R. 17 E.,
Sec. 1: All.
T. 22 S., R. 18 E.,
Sec. 4: Lots 6, 7, NW¼SW¼;
Sec. 5: All;
Sec. 6: All;
Sec. 7: N½;
Sec. 8: N½;
Sec. 9: Lots 3, 4, S½NW¼.
T. 21 S., R. 19 E.,
Sec. 25: S½;
Sec. 26: S½.
T. 25 S., R. 6 W.,
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 29: NW¼;
Sec. 30: All.
T. 25 S., R. 7 W.,
Sec. 14: All;
Sec. 23: All;
Sec. 35: All.
T. 26 S., R. 7 W.,
Sec. 11: S½NE¼, NW¼NE¼, NW¼, S½;
Sec. 14: Lots 3, 4, 5, 6, 7, 8, NE¼SW¼;
Sec. 35: SE¼.
T. 28 S., R. 7 W.,
Sec. 4: Lot 3, NE¼, SE¼NW¼, S½;
Sec. 5: Lots 1, 2, SW¼NE¼, SE¼SE¼;
Sec. 8: NE¼NE¼, S½NE¼, SW¼, W½SE¼;
Sec. 17: All;
Sec. 20: N½;
Sec. 33: N½, SW¼.
T. 29 S., R. 7 W.,
Sec. 4: Lots 3, 4;
Sec. 33: NW¼SE¼.
T. 30 S., R. 7 W.,
Sec. 4: Lot 4;
Sec. 9: SE¼NE¼, S½NW¼, S½;
Sec. 15: W½;
Sec. 21: All;
Sec. 22: N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 26: All;
Sec. 27: All;
Sec. 34: All;
Sec. 35: All.
T. 31 S., R. 7 W.,
Sec. 1: Lots 3, 4, 5, 6, 11, 12, SW¼;
Sec. 10: All;
Sec. 11: All;
Sec. 15: All;
Sec. 20: NE¼, S½;
Sec. 21: All;
Sec. 29: All;
Sec. 30: All;
Sec. 31: Lots 1, 2, NE¼NW¼, N½NE¼, SE¼NE¼, E½SE¼.
T. 32 S., R. 7 W.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 41 S., R. 14 W.,
Sec. 13: S½SW¼;
Sec. 14: SE¼;
Sec. 23: N½NE¼, SE¼NE¼, S½S½;
Sec. 26: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, S½NE¼, SE¼NW¼, NE¼SW¼;
Sec. 27: SW¼NE¼, N½S½;
Sec. 33: All;
Sec. 34: E½NE¼, SE¼.
T. 42 S., R. 14 W.,
Sec. 4: Lots 1, 3, 4, 6, 7, 8, 9, 10, S½NW¼, N½SW¼;
Sec. 5: All;
Sec. 6: N½, SE¼, N½SW¼;
Sec. 7: Lots 2, 3, 4, NE¼, E½W½.
T. 42 S., R. 15 W.,
Sec. 12: N½, N½S½, SE¼SE¼.

The above area aggregates 48,918.64 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 61-11121; Filed, Nov. 22, 1961; 8:50 a.m.]

[Classification No. 205]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), and the State director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 300 acres in

Ormsby County, Nev., as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T 15 N., R. 20 E.,
Sec. 14, NE¼, E½N½W½SE¼, E½W½SE¼, E½SE¼.

Containing 300 acres of which 5 acres are covered by one application from a person entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. The one valid application, filed prior to November 16, 1961, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

NOVEMBER 16, 1961.

[F.R. Doc. 61-11137; Filed, Nov. 22, 1961; 8:52 a.m.]

[Classification No. 209]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order 684, dated August 28, 1961 (26 F.R. 8216) and the State director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 575 acres in Lyon County, Nev., as suitable for disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 21 E.,
Sec. 28, W½SW¼, W½W½E½SW¼;
Sec. 29, E½E½, SW¼NE¼, NW¼SE¼;
Sec. 32, NE¼;
Sec. 33, NW¼NW¼, W½W½NE¼NW¼, N½SW¼NW¼, W½NW¼SE¼NW¼.

Containing 575 acres of which approximately 445 acres are covered by 93 applications from persons entitled to preference under 43 CFR 275.5(a).

2. Classification of the above described lands by this order segregates them from all appropriation, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to November 17, 1961, will be granted as soon as possible, the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

NOVEMBER 17, 1961.

[F.R. Doc. 61-11138; Filed, Nov. 22, 1961; 8:52 a.m.]

[W-0150190]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. Wyoming 0150190, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for roadside zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyo.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIG HORN NATIONAL FOREST

United States Highway No. 16 Roadside Zone

A strip of land 200 feet on each side of the centerline of U.S. Highway No. 16 through the following legal subdivisions:

T. 50 N., R. 83 W.,
Sec. 5: S½SE¼;
Sec. 6: Lot 4;
Sec. 7: Lot 1, NE¼NW¼, N½NE¼;
Sec. 8: N½N½.
T. 48 N., R. 84 W.,
Sec. 2: SE¼NW¼, W½SW¼, NE¼SW¼, NW¼SE¼;
Sec. 3: NE¼SE¼, S½SE¼;
Sec. 6: Lot 7, SE¼SW¼, S½SE¼;
Sec. 7: Lot 1, NE¼NW¼, N½NE¼;
Sec. 8: S½NE¼, NW¼, N½SE¼;
Sec. 9: NE¼NE¼, S½N½, N½SW¼, NW¼SE¼;
Sec. 10: N½NE¼, NW¼.
T. 49 N., R. 84 W.,
Sec. 1: Lots 3, 4, S½NW¼, SW¼;
Sec. 2: Lots 1, 2, 3, 4, SE¼SE¼;
Sec. 3: Lots 1, 2, 3;
Sec. 11: NE¼NE¼, S½NE¼, SE¼;
Sec. 12: W½NW¼, SW¼SW¼;
Sec. 13: W½W½;
Sec. 14: E½E½;
Sec. 23: E½;
Sec. 25: SW¼NW¼, SW¼, W½SE¼;
Sec. 26: NE¼, NE¼SE¼;
Sec. 36: W½NE¼, N½NW¼, SW¼NW¼, NE¼SW¼, E½SE¼SW¼, E½W½SE¼SW¼, W½SE¼.
T. 50 N., R. 84 W.,
Sec. 1: Lot 7, SW¼SE¼;
Sec. 10: NE¼NE¼, SE¼SE¼;
Sec. 11: S½NE¼, NW¼NW¼, S½NW¼, N½S½, SW¼SW¼;
Sec. 12: Lot 1, W½NE¼, SE¼NW¼;
Sec. 14: W½W½;
Sec. 15: E½NE¼, NW¼NE¼, NE¼SW¼NE¼, W½SW¼NE¼, N½SE¼SW¼NE¼, S½NE¼NW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, E½SE¼;
Sec. 22: NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 27: N½NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½NW¼, SE¼;
Sec. 34: NE¼, NE¼SW¼, E½E½SE¼SW¼, SE¼;
Sec. 35: S½S½;
Sec. 36: SW¼SW¼.
T. 48 N., R. 85 W.,
Sec. 1: Lot 11, S½SW¼, SW¼SE¼;
Sec. 2: S½NW¼, N½SW¼, SE¼;
Sec. 3: SE¼NE¼, S½SW¼, SE¼;
Sec. 4: S½NW¼, SW¼, S½SE¼;
Sec. 5: Lot 8, S½N½;
Sec. 6: Lots 8, 9, 10, 11, 12, S½NE¼, SE¼NW¼;
Sec. 9: N½NE¼, NE¼NW¼;
Sec. 10: NW¼NE¼, N½NW¼;
Sec. 11: NE¼NE¼;
Sec. 12: Lot 1, NW¼NE¼, N½NW¼.
T. 48 N., R. 86 W.,
Sec. 1: Lots 5, 6, 7, 8, 9, 10, 11, 12, SE¼NE¼, SW¼NW¼;
Sec. 2: Lots 11, 12, S½NE¼, SE¼NW¼, SW¼;
Sec. 3: SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 4: Lots 6, 7, 8, 9, 10, 11, 12 S½NE¼, NE¼SE¼;
Sec. 6: Lots 11, 13, 14, 19, 20, 23;
Sec. 7: Lots 5, 7, 8, 10, 12;
Sec. 10: N½NE¼.
T. 49 N., R. 86 W.,
Sec. 28: N½SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼, SW¼SE¼;
Sec. 31: SE¼NE¼, NE¼SE¼, W½SE¼SE¼, SE¼SE¼SE¼;
Sec. 32: N½, W½SW¼;
Sec. 33: N½NW¼NE¼, SE¼NW¼NE¼, E½SW¼NE¼, E½W½SE¼, E½SE¼;
Sec. 34: SW¼SW¼.
T. 48 N., R. 87 W.,
Sec. 1: Lots 13, 17;
Sec. 12: Lots 4, 7;
Sec. 13: Lots 1, 4, 5, 7, SW¼NE¼, E½SW¼, W½SE¼;
Sec. 23: Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 24: Lot 2, NE¼NW¼, S½NW¼, N½SW¼;
Sec. 26: N½NE¼, NW¼, NW¼SW¼;
Sec. 27: SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼, SE¼SE¼;
Sec. 33: Lots 1, 2, 3, NE¼, SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 34: N½NW¼.

MEDICINE BOW NATIONAL FOREST

Wyoming State Highway No. 130 Roadside Zone

A strip of land 300 feet on each side of the center line of Wyoming State Highway No. 130 through the following legal subdivisions:

T. 16 N., R. 79 W.,
Sec. 15: SE¼NE¼, N½S½;
Sec. 16: N½S½;
Sec. 17: NE¼SE¼, S½SE¼;
Sec. 19: Lots 3, 4, NE¼, E½SW¼;
Sec. 20: NW¼NE¼, NE¼NW¼, S½NW¼.
T. 16 N., R. 80 W.,
Sec. 24: SE¼SE¼;
Sec. 25: NE¼NE¼, S½NE¼, NE¼SW¼, W½SW¼, NW¼SE¼;
Sec. 26: W½W½, SE¼SE¼;
Sec. 35: N½NE¼, NW¼.

Total area 2941.8 acres, more or less.

EDWARD W. STUEBING,
Acting Manager.

[F.R. Doc. 61-11139; Filed, Nov. 22, 1961; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-3]

CONSUMERS PUBLIC POWER DISTRICT, POWER DEMONSTRATION REACTOR PROJECT

Order Granting Request for Prehearing Conference

On November 17, 1961, the Staff filed a request, concurred in by North American Aviation, Inc., that a prehearing conference be convened in this proceeding on November 29, 1961, in order to agree upon procedural matters such as (a) the sequence and procedures for submittal of written testimony and exhibits, (b) the proposed findings and order, (c) discussion of a proposed motion to make the decision and order effective immediately, and (d) any other relevant and appropriate matters.

The Commission has set this proceeding for hearing on November 30, 1961.

The Presiding Officer finds: Adequate time does not remain to permit formal answer to this request for prehearing conference from the other participants in this hearing and also permit adequate public notice given of the convening of a prehearing conference.

The Presiding Officer orders:

(A) Subject to presentation of objections thereto and a determination of the merits of such objections, the request of the Staff is granted and a prehearing conference shall convene in this proceeding at 2:00 p.m. on November 29, 1961, in the conference room of the auditorium of the U.S. Atomic Energy Commission at Germantown, Maryland, for the purposes above stated as contained in the request of the Staff.

(B) Public notice of this order shall include publication in the FEDERAL REGISTER.

Issued November 20, 1961, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 61-11130; Filed, Nov. 22, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

November 1961 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for November 1961 is amended as set forth below:

The entire section relating to oats, bulk, is deleted and replaced with the following:

Oats, bulk	Domestic: Storable: A. General sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price [2] for the class, grade, and quality of the grain plus the amount shown below applicable to the storage point involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.				
	Unit	In store at—		Examples of minimum prices (exrail or or barge)		
		Point of production	Other point	Terminal	Class and grade	Price
	Bushel	*Cents* 7	*Cents* 9	Chicago	No. 3	[3]$0.84½

Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated bin sites storable oats will be available only under the Livestock Feed Program and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry. At other locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. Storable oats will not be available for sale by the Minneapolis ASCS Commodity Office.

B. Redemption of 1961 Feed Grain Program certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary.

Available: Portland ASCS Commodity Office.

Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.

[1] On bin site sales delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored at other than the point of production.
[3] Includes paid in freight from Woodford County, Illinois.

The section relating to "Available" under Barley, bulk, Domestic, B. Redemption of 1961 Feed Grain Program Certificates is deleted and replaced with the following:

As available: From bin sites through ASCS County Offices in the Minneapolis area and at other locations through the Minneapolis and Portland ASCS Commodity Offices.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on November 17, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-11123; Filed, Nov. 22, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

RECONSIDERATION OF WARSAW CONVENTION AND THE HAGUE PROTOCOL

Extension of Time for Public Comment

The date for the receipt of written comments regarding the consideration of the relationship of the United States to the Warsaw Convention and The Hague Protocol has been extended from November 15, 1961 to December 1; and the date for the presentation of oral statements has been extended from December 4 to December 18. Presentations will be made beginning at 9:30 a.m., in the Main Conference Room (1309A), New State Building 22d and C Streets NW., Washington, D.C.

Persons and organizations desiring to be heard on December 18 should notify, by December 1, 1961, Mr. W. C. Hannemann, Staff Officer, Interagency Group on International Aviation, c/o Federal Aviation Agency, 1711 New York Avenue, Washington 25, D.C.

There has been established a public docket which will contain all pertinent comments received on the relationship of the United States to the Warsaw Convention and The Hague Protocol thereto.

The comments result from an IGIA letter of inquiry, dated September 22, a Department of State press release, and a notice in the FEDERAL REGISTER, Volume 26, Number 198, dated October 13, 1961.

The docket is available in the Office of the General Counsel, Federal Aviation Agency, Miss R. Chesley Prioleau, GC-2, Room C-226, 1711 New York Avenue, Washington, D.C., telephone WOrth 7-3324.

W. C. HANNEMANN,
Staff Officer, Interagency Group on International Aviation.

[F.R. Doc. 61-11169; Filed, Nov. 22, 1961; 8:56 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 28; FCC 61-1366]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 20, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on December 27, 1961, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106 (b) (1) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 26, 1961 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by whichever date is earlier: (a) The close of business on December 26, 1961 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(f) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications from the top of the processing line

BP-14479 KGHS, International Falls, Minn.
International Falls Broadcasting Co., Inc.
Has: 1230 kc, 100 w, U.
Req: 1230 kc, 250 w, U.

BP-14480 New, Donalson, Ga.
Seminole Broadcasting Co.
Req: 1500 kc, 1 kw, Day.

BP-14482 WMOU, Berlin, N.H.
The Berlin Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14483 New, Calhoun, Ga.
Reliable Broadcasting Co.
Req: 1500 kc, 500 w, Day.

BP-14484 New, Apopka, Fla.
Adair Charities, Inc.
Req: 1520 kc, 5 kw, DA, Day.

BP-14485 KFLJ, Welsenburg, Colo.
Floyd Jeter.
Has: 1380 kc, 1 kw, Day.
Req: 1380 kc, 5 kw, Day.

BP-14489 New, Littleton, N.H.
The Berlin Broadcasting Co.
Req: 1400 kc, 250 w, U.

BP-14492 New, Brownsville, Tenn.
Haywood County Broadcasting Co.
Req: 1280 kc, 5 kw, DA, Day.

BP-14494 WCTC, New Brunswick, N.J.
Raritan Valley Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14495 KWOC, Poplar Bluff, Mo.
Poplar Bluff Broadcasting Co.
Has: 930 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 930 kc, 500 w, 5 kw-LS, DA-N, U.

BP-14496 KRNR, Roseburg, Oreg.
News-Review Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14497 KSLO, Opelousas, La.
KSLO Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14498 New, Blythe, Calif.
Riverside Broadcasting Co.
Req: 1380 kc, 500 w, Day.

BP-14499 WCRL, Oneonta, Ala.
Blount County Broadcasting Service, Inc.
Has: 1570 kc, 250 w, Day.
Req: 1570 kc, 1 kw, Day.

BP-14500 KLTF, Little Falls, Minn.
Little Falls Broadcasting Co.
Has: 960 kc, 500 w, Day.
Req: 960 kc, 5 kw, Day.

BP-14502 New, Crystal City, Tex.
Dr. Charles H. Haggard and Kenneth R. Rogers.
Req: 1320 kc, 500 w, Day.

BP-14506 WCMN, Arecibo, P.R.
Caribbean Broadcasting Corp.
Has: 1280 kc, 1 kw, U.
Req: 1280 kc, 1 kw, 5 kw-LS, U.

BP-14507 KNND, Cottage Grove, Oreg.
Radio Station KOMB.
Has: 1400 kc, 250 w, S.H.
Req: 1400 kc, 250 w, 1 kw-LS, S.H.

BP-14510 WDBQ, Dubuque, Iowa.
WDBQ Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14516 New, Grants, N. Mex.
Alfred Ray Fuchs.
Req: 560 kc, 500 w, Day.

BP-14519 New, Kemmerer, Wyo.
Lincoln Broadcasting Co.
Req: 950 kc, 1 kw, Day.

BP-14520 KVOE, Emporia, Kans.
Bluestem Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14521 New, Doniphan, Mo.
Jack G. Hunt.
Req: 1500 kc, 1 kw, Day.

BP-14522 New, Lindstrom, Minn.
Chicago County Broadcasting Co.
Req: 1380 kc, 500 w, Day.

BP-14523 New, Coos Bay, Oreg.
Ukiah Radio.
Req: 1290 kc, 5 kw, Day.

BP-14524 New, Sturgis, S. Dak.
Sturgis Radio, Inc.
Req: 1280 kc, 1 kw, Day.

BP-14526 WAMV, East St. Louis, Ill.
Stanlin, Inc.
Has: 1490 kc, 250 w, 500 w-LS, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14527 New, Travelers Rest, S.C.
Piedmont Broadcasting Co.
Req: 1580 kc, 500 w, Day.

BP-14530 New, Edwardsville, Ill.
Leader Broadcasting Co.
Req: 1350 kc, 500 w, DA, Day.

BP-14531 WRDO, Augusta, Maine.
WRDO, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14533 WFKY, Frankfort, Ky.
Frankfort Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14541 KYRO, Potosi, Mo.
Franklin County Broadcasting Co., Inc.
Has: 1280 kc, 500 w, Day.
Req: 1310 kc, 500 w, Day.

BP-14548 KLPW, Union, Mo.
Franklin County Broadcasting Co., Inc.
Has: 1220 kc, 1 kw, Day.
Req: 1280 kc, 1 kw, Day.

BP-14549 WCNF, Weldon, N.C.
Twin City Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14554 WDOW, Dowagiac, Mich.
Dowagiac Broadcasting Co., Inc.
Has: 1440 kc, 500 w, Day.
Req: 1440 kc, 1 kw, Day.

BMP-9275 WRSC, State College, Pa.
Suburban Broadcasting Corp.
Has: 1390 kc, 500 w, Day.
Req: 1390 kc, 1 kw, Day.

BP-14556 New, Huntingdon, Tenn.
Huntingdon Broadcasting Co.
Req: 1580 kc, 250 w, Day.

BP-14561 WBRB, Mount Clemens, Mich.
Wright & Maltz, Inc.
Has: 1430 kc, 500 w, DA, Day.
Req: 1430 kc, 500 w, DA-1, U.

BP-14562 WSDR, Sterling, Ill.
Blackhawk Broadcasting Co.
Has: 1240 kc, 100 w, U.
Req: 1240 kc, 100 w, 500 w-LS, U.

BP-14563 New, Jacksonville, Ark.
Lad Broadcasting Co.
Req: 1580 kc, 500 w, Day.

BP-14564 New, Oak Ridge, Tenn.
Oak Ridge Broadcasting Co.
Req: 1520 kc, 1 kw, Day.

BP-14565 KOLE, Port Arthur, Tex.
Radio Southwest, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14567 KOLO, Reno, Nev.
Western Broadcasting Co.
Has: 920 kc, 1 kw, DA-N, U.
Req: 920 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-14568 New, Boca Raton, Fla.
Boca Broadcasters.
Req: 740 kc, 1 kw, DA, Day.

BP-14571 New, Prattville, Ala.
Prattville Broadcasting Co.
Req: 1330 kc, 1 kw, DA, Day.

BP-14575 KYND, Tempe, Ariz.
KYND Radio Corp.
Has: 1580 kc, 10 kw, Day.
Req: 1580 kc, 50 kw, 10 kw (CH), Day.

BP-14576 WAPF, McComb, Miss.
The Southwestern Broadcasting Co. of Mississippi.
Has: 980 kc, 1 kw, Day.
Req: 980 kc, 5 kw, Day.

BP-14577 WRKM, Carthage, Tenn.
Carthage Broadcasting Co., Inc.
Has: 1350 kc, 500 w, Day.
Req: 1350 kc, 1 kw, Day.

BP-14578 WOGA, Chattanooga, Tenn.
Middle South Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14579 New, Mount Airy, N.C.
Woma Typa Broadcasting Co.
Req: 1240 kc, 250 w, U.

[F.R. Doc. 61-11153; Filed, Nov. 22, 1961; 8:55 a.m.]

[Docket No. 14393; FCC 61-1363]

W. E. BAYSDEN

Order Designating Application for Hearing on Stated Issues

In re application of W. E. Baysden Jacksonville, North Carolina, requests: 1290 kc, 1 kw, Day, Docket No. 14393, File No. BP-12300; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of November 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except for matters involved in the issues set forth below, the applicant is in all respects qualified to construct and operate its proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Applicant's responses to section II, paragraph 10(d) of the application and the Commission's letter of September 4, 1959, are such as to raise the question of misrepresentation and omission of material facts.

2. Information in the possession of the Commission and conceded to by Applicant by letter of September 18, 1959, and by amendment of September 6, 1960, concerning violations of certain laws of the State of North Carolina and possible violation of a Federal statute raises a question as to Applicant possessing the requisite character qualifications to be a licensee of a standard broadcast station.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applicant is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the subject application filed by W. E. Baysden contained misrepresentations and omissions of material facts.

2. To determine whether W. E. Baysden has the requisite character qualifications to be a licensee of a standard broadcast station.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed by such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11145; Filed, Nov. 22, 1961; 8:54 a.m.]

[Docket No. 14379]

WILLIAM HUMBERT, JR.

Licenses for Citizens Radio Stations

In the matter of William Humbert, Jr., Tampa, Florida, Docket No. 14379; order to show cause why there should not be revoked the licenses for Citizens radio stations 7W0464 and 7W2827.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens radio station 7W0464;

It appearing that, on July 15, 1959, the Commission issued to William Humbert, Jr., a license authorizing the operation of a Citizens radio station under the call sign 7W0464; and

It further appearing that, on July 5, 1960, the Commission issued to William E. Humbert a license authorizing the operation of a Citizens radio station under the call sign 7W2827; and

It further appearing that William Humbert, Jr., and William E. Humbert are names used by the same person and that William Humbert, Jr., alias William E. Humbert, is the licensee of Citizens Radio Stations 7W0464 and 7W2827; and

It further appearing that, at various times between August 30, 1959, and December 11, 1960, and particularly on August 30, 1959, September 14, 1959, January 27, 1960, February 7, 1960, May 16, 1960, and December 11, 1960, the licensee operated radio apparatus in the Citizens radio service with a frequency deviation in excess of the permissible limitations, in violation of § 19.33 of the Commission's rules; and

It further appearing that, at various times between June 16, 1960, and October 26, 1960, and particularly on June 16, 1960, and October 26, 1960, the licensee operated apparatus in the Citizens radio service without providing for the reception of the Conelrad Alert and Conelrad All Clear signals, in violation of § 19.102 of the Commission's rules; and

It further appearing that, at various times between December 11, 1960, and June 18, 1961, and particularly on December 11, 1960, and June 18, 1961, the licensee transmitted messages primarily dependent upon skywave reflection and beyond the direct groundwave coverage range of his station, in violation of § 19.61(g) of the Commission's rules; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated §§ 19.33, 19.102, and 19.61(g) of the Commission's rules:

It is ordered, This 17th day of November 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the licensee show cause why the licenses for Citizens Radio Stations 7W0464 and 7W2827 should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order to William Humbert, Jr., 10932 Lantana Avenue, Tampa, Florida.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11146; Filed, Nov. 22, 1961; 8:54 a.m.]

[Docket No. 14076 etc.; FCC 61-1350]

KENT-RAVENNA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, et al., Docket No. 14076, File No. BP-13749 et al.; for construction permits.

1. The Commission has before it for consideration a petition to enlarge, change, and clarify issues, filed May 15, 1961, by Carnegie Broadcasting Corporation; pleadings filed in response thereto; and a motion to strike, motion for leave to file reply, and reply, tendered June 23, 1961, by Carnegie.

2. This proceeding was designated for hearing by Commission order, 26 F.R. 3658, April 28, 1961. The instant pleadings principally involve four applications:

Petty Durwood Johnson, tr/as Radio Trumbull, Niles, Ohio. Requests: 1510 kc, 500 w, D.

Monroeville Broadcasting Company, Monroeville, Pennsylvania. Requests: 1510 kc, 250 w, D.

Carnegie Broadcasting Corporation, Pittsburgh, Pennsylvania. Requests: 1510 kc, 50 kw, DA, D.

Miners Broadcasting Service, Inc. (WMBA), Ambridge-Aliquippa, Pennsylvania. Has: 1460 kc, 500 w, DA, D (Ambridge, Pennsylvania). Requests: 1510 kc, 10 kw, DA, D (Ambridge, Aliquippa, Pennsylvania).

SECTION 307(b) CONSIDERATIONS

3. A number of the hearing issues in this proceeding look toward a determination of various matters relating to the ultimate determination under section 307 (b) of the act, quoted in paragraph 6, infra. These issues read substantially as follows: [1]

[1] By order, FCC 61M-829, May 11, 1961, an application for Green Tree, Pennsylvania, was dismissed and reference thereto in the issues has been deleted. By memorandum opinion and order, 26 F.R. 5378, June 15, 1961, an issue was added and existing issues 8-16 were renumbered 9-17 (the cited issues reflect this renumbering).

9. To determine, in light of their location and urban and industrial characteristics, and other relevant factors, whether Monroeville, Pennsylvania, is a separate community with respect to Pittsburgh, Pennsylvania, for the purposes of 47 U.S.C. 307(b);

10. To determine, in the light of 47 U.S.C. 307(b), which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio services;

11. To determine, if Monroeville is a separate community with respect to Pittsburgh, and if Monroeville is selected as having the greater need for a new facility, whether the proposal of Carnegie Broadcasting Corporation will provide service to Monroeville;

12. To determine, if (a) Monroeville and Pittsburgh are separate communities, and (b) Monroeville is deemed to have a greater need for the new facility, and (c) Carnegie Broadcasting Corporation will provide service to Monroeville, which of the proposals of Monroeville Broadcasting Company or Carnegie Broadcasting Corporation would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station;

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station; and

(c) The programming service proposed in each of the said applications;

13. To determine, if Monroeville is found not to be a separate community, whether the proposal therefor will provide service to Pittsburgh;

14. To determine, if (a) Monroeville is not a separate community, and (b) the proposal for Monroeville provides service to Pittsburgh, and (c) Pittsburgh is determined to have the greater need for the new facility, which of the proposals of Monroeville Broadcasting Company or Carnegie Broadcasting Corporation would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station;

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station; and

(c) The programming service proposed in each of the said applications.

4. Alleging that certain of the foregoing issues need revision and clarification, and that further issues should be added, Carnegie contends:

a. There should be a "separate community" issue and a "contingent standard comparative" issue with respect to Pittsburgh vis-a-vis Ambridge-Aliquippa;

b. The comparison contemplated by issue 12 would literally come into play even if Carnegie's 50 kw proposal were to be ultimately preferred under 307(b) (because of greater "efficiency"), and thus, it should be made clear that this comparison becomes necessary only if section 307(b) is not determinative;

c. Engineering (coverage) factors are relevant to the contingent standard comparative issues and this should be made clear;

d. The issues overlook the possibility that Pittsburgh and Monroeville may be separate, that Pittsburgh may have the greater need and that the Monroeville applicant may serve Pittsburgh, thus requiring comparison of Carnegie and Monroeville; and

e. In Issue 14, if Monroeville and Pittsburgh are not separate, there would be no choice to make, and therefore, clause (c) should be deleted.

5. Consideration of the matters at hand requires an analysis of 47 U.S.C. 307 (a) and (b) which state:

(a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

The heart of 47 U.S.C. 307(b) is the mandate "to provide a fair, efficient, and equitable distribution of radio service", and to do so "among the several States and communities". Read in the light of the requirement of 47 U.S.C. 307(a) that an application may be granted only if the "public convenience, interest, or necessity" would be served thereby, it is axiomatic that the requirements of 307(b) must be a constant consideration of the Commission and that the Commission must look to these directives in reviewing applications for broadcasting facilities. In making a choice between mutually exclusive applications, it is essential that all those relevant considerations which bear on "fair, efficient, and equitable distribution" must be weighed and balanced on the particular facts of each individual proceeding. We will here review some of those considerations and will discuss them as they relate to "fair and equitable" and "efficient" distribution.

6. The Commission has by rule [2] established, in the standard broadcast band, three broad classes of channels, designating one class for primarily local service and two classes for primarily wide area and regional service. Commission rules require each applicant to make a definitive showing of the entire area it proposes to serve, to specify some community and State as its station location, and requires certain engineering specifications to be met for such station location or "principal city". Implicit in these rules is the requirement that every station provide two types of service—a reception service for its entire proposed service area and a transmission service (i.e., outlet for local expression) for its proposed community of station location. It is recognized that some proposals may be so designed that the entire service area does not extend to any appreciable degree beyond the principal community itself; and that other proposals may contemplate an entire service area and population considerably greater than its station location. In each case, however, every proposal must look to providing both a transmission and reception service. In determining the relative needs of the proposed service areas for the respective proposed reception services where multiple applications are involved, principal reliance is had on the relative populations and extent of the areas proposed to be served and the number of reception services presently available to each of the proposed service areas and portions thereof.

7. The relative needs for a transmission service are weighed primarily in the light of the number of standard broadcast facilities in each of the communities and the populations of these communities. Whether a given concentration of population constitutes a community for purposes of 307(b) must, of course, be decided under the facts of each case and in accordance with the provisions of our Rules. It is not necessary for present purposes to list the various indicia of a "community"; that this question is present at some stage in every 307(b) determination is, however, clear. In this connection, see § 3.30 of our rules, and an order cited in 1 RR 53.156(a) (FCC 61-1157). In determining equitable distribution of broadcast facilities, the Commission will look to the relative needs of the respective proposed service areas for a reception service, and will also look to the relative needs of each of the principal communities for a new transmission service.

8. In determining which of the mutually exclusive proposals (whether for the same community or different communities) best meets the "efficient" distribution requirement of section 307(b), the types or classes of frequencies involved, the areas which would receive service, and the power and hours of operation proposed are relevant. Material to this consideration is whether a regional or local frequency is proposed for a regional or local use, as the case may be, or whether the power proposed for the frequency applied for is not suited to the use which is proposed. The importance of the transmission aspects may diminish where the proposal is designed to serve a wide area, and the importance of the reception aspects of the proposed service may be considerably secondary to its transmission aspects where the use of local channels is contemplated. In every case the amount of interference such proposals will cause and receive is relevant.

9. The application of these criteria has been complicated by the fact that in recent years there have been increasing numbers of applications for suburban area communities which conflicted with applications for those suburbs' principal cities. See, for example, Huntington Broadcasting Company, 6 RR 569 (1950); Manchester Broadcasting Co., 14 RR 219 (1958); Michigan Broadcasting Company, 20 RR 221 (1960). Recognizing the Commission's traditional view of attaching great importance to proposals that would provide a community with its first transmission service, central city applicants frequently have raised questions as to whether the suburb was in fact a community separate from the central city, and issues have been requested to permit the central city applicant to

[2] 47 CFR 3.21.

show that actually the suburb did not have that identity of interest which required a first transmission outlet, or that if it did, the proposal therefor was an inefficient use of frequency. As in the instant proceeding, such requested issues are complex and presuppose facts which are often in dispute. Since the problems underlying such requested issues are part of the overall 307(b) question, the Commission will in the future consider them as encompassed by the standard 307(b) issue. This will serve to relieve both the parties and the Commission of the necessity of attempting to predict the course of the proceeding by tailoring issues to facts not yet established, and will leave in the Hearing Examiner the responsibility of determining, on the basis of a showing made by any of the parties to the proceeding, what facets of the problem should be explored at the hearing. Should it be determined that the suburb is a separate community for 307(b) purposes, a choice between mutually exclusive proposals for the city and its suburb is to be made in the light of the criteria pertinent to a determination of which proposal would provide the more efficient and equitable distribution of broadcast facilities.

10. A second problem which has been presented with increasing frequency is the so-called reciprocal service consideration, e.g., where applicant A will by engineering standards provide primary service to applicant B's community. In some such instances, where B's community was favored under 307(b), applicant A has contended that it is entitled to comparative consideration with applicant B. To be entitled to comparative consideration, applicant A must not only provide primary service to B's community, but must also meet the same requirements imposed on applicant B by § 3.30 of our rules as to studio location and program origination. In the usual case, the latter requirements could not be met by applicant A, and should it desire comparative consideration with B it would in most instances be necessary for it to request an issue as to whether the requirements of § 3.30 should be waived. A request for such issue should be directed to the Commission. If, under such issue, it is determined that the requirements of that Section should be waived, and if applicant A provides primary service to community B, comparative consideration of the two applicants is in order.

11. We wish to emphasize that those equitable and efficient factors relevant to any particular proceeding can be determined only with regard to the particular facts of the case, and they must be weighed and balanced to reach an ultimate conclusion as to which applications would best serve the public interest, convenience, and necessity. In such cases as are designated for hearing it will be necessary for the Hearing Examiner to determine, under the designated 307(b) issue, the necessity for inquiry into any particular facet of this problem as it relates to the circumstances before him and to what extent any proffered evidence is desirable or necessary. When considering the multiple and complex questions involved with regard to mutually exclusive applicants, whether for the same or different communities, only in those situations in which, after the balancing of all those factors necessary in any particular case, neither proposal can be awarded a significant preference under section 307(b), will the Commission look to the standard comparative issue to make a choice between the proposals.[3]

12. With the foregoing discussion as a guide, we will now consider the specific questions raised by Carnegie. Its requested separate community issue, paragraph 4a, supra, is unnecessary, since it would only determine whether a denominated station community has such identity of interest as to require a transmission service and whether the proposal for that community constitutes an efficient use of frequencies. Henceforth, the Commission regards this matter as encompassed within the standard 307(b) issue, here Issue 10. In conformity with this view, Issue 9 will be deleted as unnecessary. Carnegie asserts, paragraph 4b, supra, that Issue 12 requires that it be compared with Monroeville under the standard comparative issue even if it is ultimately preferred on 307(b) grounds. Should it be determined that separate communities are not involved, and that the two "communities" are only one community in contemplation of Section 307(b), the efficient and equitable [4] requirements nonetheless continue to be applicable.[5] As we have noted, if an applicant obtains a significant ultimate preference on a 307(b) issue, a further comparison of the applicants is unnecessary. Should it appear that a significant preference cannot be awarded under section 307(b), a comparison of the applicants under the standard comparative issue would be necessary; if such an issue was not included as a contingent issue in the designation order, a request for the addition of such an issue should be addressed to the Commission. Since, under the circumstances presented in this case, 307(b) considerations might not in every instance be decisive, we will add a contingent standard comparative issue, applicable to all applicants of this proceeding that must resort thereto. This action also meets Carnegie's request, paragraph 4a, supra, for a new standard comparative issue. In view of the scope of the matters subject to consideration under the standard 307(b) issue, and in view of our inclusion of the contingent standard comparative issue as to all of the applicants, there is no need for Issues 11 through 16, and they will accordingly be deleted. Carnegie seeks assurance, paragraph 4(c), supra, that engineering (coverage) factors will be relevant to the standard comparative issue; it is clear, from an examination of the contingent standard comparative issue, that a choice between applicants is to be made not only under the standard comparative criteria but also in the light of the "foregoing" issues, which includes the 307(b) issue and, hence, coverage considerations. The question of "reciprocal service", paragraph 4d, supra, is already encompassed by the 307(b) issue, and a separate issue is not necessary. In view of the deletion of Issue 14, Carnegie's contention in paragraph 4e, supra, becomes moot.

[3] As in the past, a contingent comparative issue will be included among the issues specified in the designation order where, under the facts then available, it appears that 307(b) considerations may not be determinative. Should such an issue not be included in the designation order, the Commission will, upon request of any of the parties, consider the addition of a contingent comparative issue should it subsequently appear that 307(b) considerations may not be determinative.

[4] Because different service areas would usually be involved in the two proposals, the equitable considerations are applicable. Television Corporation of Michigan v. FCC, 21 RR 2107 (C.A.D.C., 1961).

[5] Should it be determined that the two communities are not separate, a question may arise as to whether either, or both, of the proposals continue to meet the requirements of the rules as to the service to be provided to the single, larger community.

FINANCIAL QUALIFICATIONS

13. Carnegie seeks financial issues with regard to both Radio Trumbull and Miners. The petition in this respect fails to comply with 47 CFR 1.12(a) (2); [6] these questions are not properly addressed to the Commission and will not be considered, as neither will Carnegie's motion to strike, motion for leave to file reply, and reply; and pursuant to 47 CFR 1.12(c) the parties will be required to file additional copies with the Chief Hearing Examiner for his action.

Accordingly, it is ordered, This 15th day of November 1961, that the petition to enlarge, change, and clarify issues, filed May 15, 1961, by Carnegie Broadcasting Corporation is granted to the extent indicated by the foregoing discussion and following ordering clauses, and is denied in all other respects;

It is further ordered, That Issues 9, 11, 12, 13, 14, 15, and 16 are deleted; Issue 10 is redesignated as Issue 9; Issue 17 is redesignated as Issue 12, and the following issues are added:

10. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon, and, if so,

[6] 47 CFR 1.12 states: "(a) A separate pleading should be filed: * * * (2) For each request which, under Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information, will be acted upon by different Bureaus or Offices * * *.

"(c) Where pleadings are filed containing requests which should be acted upon under said Part O by different Bureaus or Offices, the petitioner may, except in case of a request for stay, be requested to file additional copies of the original pleading within a specified period of time. In such case the action on the pleading will be held in abeyance during the period so specified. In case of failure to timely comply with said request, the original pleading will be returned without consideration. The time within which responsive pleadings to such pleadings should be filed will be computed from the date of timely compliance with said request."

whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

11. To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(c) The programming service proposed in each of the instant applications;

It is further ordered, That additional copies, expressly directed to the attention of the Chief Hearing Examiner, of the foregoing petition and related pleadings and Carnegie's motion to strike, motion for leave to file reply, and reply, tendered June 23, 1961, are to be filed within seven days of the release of this memorandum opinion and order.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11147; Filed, Nov. 22, 1961; 8:54 a.m.]

[Docket No. 14399]

HAROLD A. MARARIAN

License for Radio Station

In the matter of Harold A. Mararian, 19 Arch Street, Providence, Rhode Island, Docket No. 14399; order to show cause why there should not be revoked the license for Radio Station 1A2035 in the Citizens Radio Service .

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens Radio Station 1A2035;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on June 22, 1961, alleging that on June 11, 1961, Citizens radio station 1A2035 was observed operating in violation of § 19.61(g) of the Commission's rules (communications were addressed to specific persons of stations beyond the direct groundwave coverage of station 1A2035).

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 25, 1961, and sent by Certified Mail—Return Receipt Requested (33584), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that, receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Harold H. Mararian, on August 5, 1961, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 17th day of November 1961, pursuant to Section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11148; Filed, Nov. 22, 1961; 8:54 a.m.]

[Docket No. 14381; FCC 61-1361]

PATCHOGUE BROADCASTING CO., INC. (WAPC)

Memorandum Opinion and Order Designating Application for Oral Argument

In re application of Patchogue Broadcasting Company, Inc. (WAPC), Riverhead, New York, Docket No. 14381, File No. BP-11663, Requests: 1570 kc, 1 kw DA, Day; for construction permit.

1. The Commission has before it for consideration (a) a "Protest" filed on August 14, 1959, by Interstate Broadcasting Company, Inc., licensee of WQXR, New York, New York (hereinafter referred to as "Interstate" or WQXR) pursuant to section 309(c) of the Communications Act of 1934, as amended prior to September 13, 1960, directed against the Commission's action of July 15, 1959, granting without hearing the above-captioned application; (b) the "Opposition to Protest" filed on August 24, 1959 by Patchogue Broadcasting Company, Inc. (hereinafter referred to as "applicant" or "Patchogue"); (c) "Reply to Opposition to Protest" filed by Interstate on September 8, 1959; (d) the Commission's Memorandum Opinion and Order adopted September 9, 1959 (FCC 59-936),[1] dismissing said protest on the grounds that the protestant had not shown itself to be a "party in interest" and had not shown that the Commission's action of July 15, 1959, was improperly made or was otherwise not in the public interest; (e) the Commission's Order adopted September 23, 1959 (FCC 59-988) reaffirming the dismissal adopted September 9, 1959; (f) the decision in the case of Interstate Broadcasting Company, Inc. v. Federal Communications Commission,[2] No. 15,406, decided November 17, 1960 by the United States Court of Appeals for the District of Columbia Circuit reversing the Commission's action of September 9, 1959, dismissing the instant protest and remanding the case to the Commission; and (g) a "Petition for Action" dated October 20, 1961 by Patchogue requesting "action as is required under law".

2. Interstate alleged that WQXR would suffer interference to a part of its interference-free broadcast service "between its 500 microvolt per meter contour and its interference-free groundwave field strength contour", from the proposed adjacent channel signal of Patchogue. Interstate further alleged that its present programming would better serve the public interest, convenience and necessity, than the applicant's proposal because WQXR's programming is based on certain guiding principles, i.e., all programs are either cultural, educational, informative and interesting (or a combination of these features); its stress on classical music; its extended news coverage; and its sustaining public service programming.

3. The Court of Appeals in the case of Interstate Broadcasting Co., Inc., supra, stated that:

> We hold, therefore, that Interstate sufficiently pleaded aggrievement to show it was a party in interest within the meaning of Section 309(c) of the Communications Act of 1934, as amended. Consequently, the orders appealed from will be set aside, so the Commission may conduct a hearing on Patchogue's application, at which Interstate will be a party. We emphasize the fact that we intimate no opinion on the merits of the protest.

In view of the Court's decision quoted in part above, we believe that the protestant should be accorded an oral argument before the Commission to determine whether the facts alleged, assuming them to be true, constitute grounds for setting aside the instant grant, and, if so, to determine the scope of the evidentiary hearing which should then be necessary.

In view of the foregoing: *It is ordered,* That pursuant to section 309(c) of the Communications Act of 1934, as amended, prior to September 13, 1960, the above-entitled application is designated for oral argument at the offices of the Commission in Washington, D.C. on the following question: To determine whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the grant of the instant application, and if an evidentiary hearing is required, the scope thereof.

It is further ordered, That the protestant is hereby made a party to the proceeding and that:

(a) The oral argument shall commence at 10:00 a.m. on the 15th day of December 1961, and shall be held before the Commission en banc;

(b) That the parties intending to participate in said oral argument shall file their appearances not later than December 5, 1961;

(c) The parties have until the date of oral argument to file and exchange briefs and memoranda of law.

It is further ordered, That the Petition for Action filed by Patchogue Broadcasting Company, Inc. is hereby dismissed as moot.

Adopted: November 15, 1961.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11149; Filed, Nov. 22, 1961; 8:54 a.m.]

[1] 18 Pike and Fischer RR, 862a.
[2] 285 F. 2d, 20 Pike and Fischer RR, 2112.

[Docket No. 14015 etc.; FCC 61-1354]

SANDS BROADCASTING CORP. ET AL.

Memorandum Opinion and Order

In re applications of Sands Broadcasting Corporation, Indianapolis, Indiana, Docket No. 14015, File No. BP-12700, et al.; for construction permits.

1. The Commission has before it for consideration a petition to intervene or for alternative relief, filed August 7, 1961, by The Hearst Corporation (WISN); Petition for extension of time, filed August 21, 1961, by Independent Indianapolis Broadcasting Corporation; a Motion to strike, filed September 6, 1961, by Independent; pleadings properly filed in response to the foregoing; and an Order, FCC 61M-1413, August 30, 1961.

2. The instant proceeding involves the four mutually exclusive applications for new standard broadcasting station construction permits for 1150 kc, D DA-D, 1 kw, of (a) Sands Broadcasting Corporation, (b) WIFE Corporation, (c) Hoosier Broadcasting Corporation, and (d) Independent, Indianapolis, Indiana.

3. Petitioner requests leave to intervene or in the alternative requests the Commission to condition any grant made in this proceeding as follows: "To the extent that it permits operation with daytime facilities prior to local sunrise, Section 3.87 of the Commission's Rules is not applicable to this authorization, and such operation is prohibited." Apparently for the reason that the petition requests alternative relief, only one form of which may be acted upon by the Chief Hearing Examiner (i.e., intervention), the Acting Chief Hearing Examiner referred the pleadings to the Commission for determination.

4. Petitioner shows that 47 CFR 3.87 (a) permits standard broadcast stations, subject to certain limitations not here applicable, to transmit programs with their authorized daytime facilities between 4 a.m. and local sunrise, and that in the absence of a specific condition to the license, the only limitation that would be applicable to the proposed operations in the instant proceeding, is contained in 47 CFR 3.87(b) which requires those stations to cease such operation when notified by the Commission that they are causing undue interference to other stations.

5. WISN, supported by engineering affidavits, contends undue interference would be caused to its present operation during the months of September through March by the instant proposed operations. By independent examination, pursuant to the procedure set forth in Reese Broadcasting Corp., 20 RR 1136, December 29, 1960, the Commission has determined that undue interference to WISN's authorized operation would be caused by presunrise operation of any applicant herein.

6. It is therefore apparent that the requested condition should be added to any grant made herein, WBEN, Inc. *v.* Federal Communications Commission, 290 F.2d 743, 21 RR 2036, May 4, 1961, limited to those months during which petitioner is operating presunrise. Hoosier's opposition lacks merit, see our Memorandum Opinion and Order in Lynne-Yvette Broadcasting Company, Docket No. 14089, released today. Although Independent shows good cause for some delay in filing its motion to strike, it fails completely to show good cause for the exceptional delay which it requested, and thus its petition for extension of time will be denied and its motion to strike dismissed. We note in passing, however, that Independent completely misinterprets its cited cases; that because of the nature of the relief requested the petitioner's engineering affidavit is sufficient to bring the question before the Commission; and that the potential interference constitutes a modification of WISN's license without regard to the operation of other stations operating with daytime power.

Accordingly, it is ordered, This 15th day of November 1961, that the petition to intervene filed by The Hearst Corporation (WISN), is granted to the extent indicated by the following ordering clause and in all other respects is denied; that the petition for extension of time filed by Independent Indianapolis Broadcasting Corporation is denied; that the motion to strike filed by Independent is dismissed; and

It is further ordered, That the designation order in this proceeding, 26 F.R. 2996, April 7, 1961, is amended to add the following:.

It is further ordered, That in the event of a grant of any application the construction permit shall contain the following condition: To the extent it permits operation with daytime facilities prior to local sunrise, 47 CFR 3.87 is not applicable to this authorization, and such operation is prohibited during the months of September through March.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11150; Filed, Nov. 22, 1961; 8:54 a.m.]

[Docket No. 14277; FCC 61M-1802]

SULLIVAN TRAIL COAL CO.

License for Special Industrial Radio Station

In the matter of Sullivan Trail Coal Company, West Pittston, Pennsylvania, Docket No. 14277; order to show cause why there should not be revoked the license for special industrial radio station KGF 213.

It is ordered, This 17th day of November 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 3, 1962, in Washington, D.C.

Released: November 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11151; Filed, Nov. 22, 1961; 8:54 a.m.]

[Docket No. 14377]

AL TURCHIARO

License for Radio Station in Citizens Radio Service

In the matter of Al Turchiaro, 4433 De-Remier Avenue, Bronx, N.Y. Docket No. 14377; order to show cause why there should not be revoked the license for Radio station 2W2922 in the Citizens radio service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens radio station 2W2922;

It appearing that pursuant to § 1.76 of the Commission's rules, written notices of violation of the Commission's rules were served upon the licensee as follows:

(1) Official Notice of Violation mailed on June 29, 1961, alleging that on June 19, 1961, Citizens radio station 2W2922 was observed operating in violation of § 19.61 (a), (c), (f), and (g) of the Commission's rules in that the communications transmitted were not substantive messages relating to personal or business activities of the licensee; transmissions exceeded five minutes in duration; and points of communication were not within the direct groundwave coverage of the station; and

(2) Official Notice of Violation mailed July 13, 1961, alleging that on June 10, 1961, Citizens radio station 2W2922 was observed in violation of § 19.61 (a), (c) and (g) of the Commission's rules; and

(3) Official Notice of Violation mailed July 21, 1961, alleging that on July 14, 1961, Citizens radio station 2W2922 was observed in violation of § 19.33—operating with excessive frequency deviation; § 19.62—failure to identify the station by complete call sign at beginning and end of communications; and § 19.61 (a) and (g); and

(4) Official Notice of Violation, mailed August 10, 1961, alleging that on August 6, 1961, Citizens radio station 2W2922 was observed in violation of § 19.61 (a) and (g) of the Commission's rules.

It further appearing that the licensee received the above-described Official Notices but did not reply thereto, whereupon the Commission by letters dated July 31, 1961, August 17, 1961, August 22, 1961, and September 6, 1961, sent by Certified Mail—Return receipt requested (Certified Nos. 33589, 347477, 347480, and 366157), brought this matter to the attention of the licensee and requested that such licensee respond to the foregoing letters within fifteen days from the date of their receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letters might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that the Commission's letter of July 31, 1961, was returned unopened with a Post Office Department notation that it had been refused;

It further appearing that receipt of the Commission's letter of August 17, 1961, was acknowledged by the signature of the licensee's agent, Marie Mazzocchi, on August 19, 1961, to a Post Office Department return receipt card; that receipt of the Commission's letter of August 22, 1961, was acknowledged by the licensee's agent, Michael Turchiaro, on August 24, 1961, to a Post Office Department return receipt card, and receipt of the Commission's letter of September 6, 1961, was acknowledged by the signature of the licensee's agent, Michael Turchiaro, on September 8, 1961, to a Post Office Department return receipt card; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letters of August 17, August 22, and September 6, 1961, no response was made to any of them; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 16th day of November, 1961, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11152; Filed, Nov. 22, 1961; 8:55 a.m.]

FEDERAL MARITIME COMMISSION

M.A.N.Z. LINE JOINT SERVICE AND ALCOA STEAMSHIP CO., INC.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8744, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved Agreement 7814) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from ports in Australia, New Zealand, Cook Islands and adjacent South Sea Islands to the Virgin Islands, with transhipment at New York or Baltimore.

Agreement 8746, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved Agreement 7814) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from ports in Australia, New Zealand, Cook Islands and adjacent South Sea Islands to Puerto Rico, with transhipment at New York or Baltimore.

Agreement 8747, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved Agreement 7814) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from ports in Australia, New Zealand, Cook Islands and adjacent South Sea Islands to Puerto Rico, with transhipment at New Orleans or Mobile.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11140; Filed, Nov. 22, 1961; 8:52 a.m.]

T. R. SPEDDEN AND T. J. HANSON

Agreement Filed for Approval

Notice is hereby given that Agreement No. 8743 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are T. R. Spedden, New Orleans, La. and T. J. Hanson, Beaumont, Tex., freight forwarders who, pending issuance of licenses, are operating under the registration numbers during the 120-day period provided for in Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally.

The agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

This agreement enables each party to use the services of the other in connection with its shipments moving through New Orleans or Beaumont respectively.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington 25, D.C. and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11141; Filed, Nov. 22, 1961; 8:53 a.m.]

STOCKTON PORT DISTRICT AND STOCKTON ELEVATORS, INC.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8695, between the Stockton Port District and Stockton Elevators, Inc., provides that the Port District grant to Stockton Elevators a franchise to operate a shipside grain terminal elevator in the Port of Stockton for a three year period subject to renewal for one additional three year period.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11142; Filed, Nov. 22, 1961; 8:53 a.m.]

T. R. SPEDDEN AND H. S. THIELSEN, INC.

Agreement Filed for Approval

Notice is hereby given that Agreement No. 8748 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are T. R. Spedden, New Orleans, La., and H. S. Thielen, Inc., Lake Charles, La., freight forwarders who, pending issuance of licenses, are operating under their registration numbers during the 120-day period provided for in Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally.

The agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

This agreement enables each party to use the services of the other in connection with its shipments moving through New Orleans or Lake Charles, respectively.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11143; Filed, Nov. 22, 1961; 8:53 a.m.]

EFFECTIVE TARIFF SCHEDULES

Notice of Change in Title Page

In order to reflect the change in name of this agency created under Reorganization Plan No. 7 of 1961 (26 F.R. 7315, August 12, 1961), the Federal Maritime Commission on November 16, 1961, approved, and authorized publication of, the notice set forth below in the FEDERAL REGISTER.

On or before December 31, 1961, all persons engaged in the operation of vessels in the common carriage of persons or property in the domestic offshore trades required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall amend the title page of all currently effective tariffs by the publication of the following notice:

In reading (here show tariff), all reference to Federal Maritime Board (FMB) should be read as Federal Maritime Commission (FMC).

and subsequent supplements to, revised pages of, and/or reissues of such tariffs shall be filed in the present tariff series under a FMC number.

Dated: November 16, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-11144; Filed, Nov. 22, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-495-Oregon]

LANDS WITHDRAWN IN POWER SITE CLASSIFICATION NO. 378

Determination for Highway Right-of-Way

NOVEMBER 16, 1961.

An application (Oregon 010318) was filed by the Oregon State Highway Commission through the Bureau of Land Management, United States Department of the Interior, for a highway right-of-way under the Act of August 27, 1958 (72 Stat. 885, 916), requiring a determination under section 24 of the Federal Power Act with respect to the affected portion of the following-described lands:

WILLAMETTE MERIDIAN, OREGON
T. 2 N., R. 16 E.,
Sec. 18, lots 4 and 5.

The above-described lands, which are located on the south bank of the Columbia River, about 12 miles above The Dalles dam, are withdrawn in Power Site Classification No. 378, dated February 10, 1948, and are also reserved for the use of the Corps of Engineers in connection with The Dalles project.

Applicant proposes to use the lands for the relocation of a segment of the Big Eddy-Rufus section of the Columbia River Highway (U.S. No. 30), part of the Federal Aid System.

The application relocates the proposed right-of-way with respect to which the Commission issued a determination on May 3, 1961 (Docket No. DA-491-Oregon). The application previously considered (bearing the same serial register number) placed the road north of the tracks of the Union Pacific Railroad and partly within The Dalles flowage. The present application, based on a survey made under the direction of the Corps of Engineers, now locates the right-of-way south of the railroad tracks and further removed from possible interference with The Dalles project. Use of the lands as proposed will not affect adversely their power value.

The Commission determines: The value of the affected portion of the above-described lands not already legally occupied by virtue of rights acquired prior to withdrawal of the lands for power purposes will not be injured or destroyed for purposes of power development by location thereon of the proposed highway right-of-way, subject to the provisions of section 24 of the Federal Power Act.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11100; Filed, Nov. 22, 1961; 8:46 a.m.]

[Docket No. CP62-68]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 17, 1961.

Take notice that on September 18, 1961, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed an application in Docket No. CP62-68, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to render retail natural gas service in the incorporated Village of Cheshire, Gallia County, Ohio, and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to tap its Line F-258 and to construct and operate 75 feet of 2-inch pipeline at an estimated cost of $450. Applicant states that it will also construct and operate a distribution system within and adjacent to Cheshire at an estimated cost of $40,892.

The estimated requirements for the proposed service to Cheshire are:

	Year		
	First	Second	Third
Annual, Mcf	17,566	24,142	25,344
Peak day, Mcf	182	230	249

The cost of constructing the proposed facilities will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 21, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by

such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 11, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11101; Filed, Nov. 22, 1961; 8:47 a.m.]

[Project No. 400]

WESTERN COLORADO POWER CO.

Notice of Application for Amendment of License

NOVEMBER 17, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Western Colorado Power Company, P.O. Box 899, Salt Lake City 10, Utah, licensee for Project No. 400, for amendment of its license for the project located on Lake Fork and Howards Fork of the San Miguel River in San Miguel County, Colorado, and affecting lands of the United States within San Juan National Forest.

The amendment would exclude from the project a portion of the project improvement referred to as the aerial tramway at the Tacoma plant which has not been used since 1949 and is considered unsafe.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 8, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11102; Filed, Nov. 22, 1961; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING ASSISTANT COMMISSIONER FOR TECHNICAL STANDARDS

Designation

The officers appointed to the following listed positions in the Urban Renewal Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Assistant Commissioner for Technical Standards during the absence of the Assistant Commissioner for Technical Standards, with all the powers, functions, and duties delegated or assigned to the Assistant Commissioner, provided that no officer is authorized to serve as Acting Assistant Commissioner for Technical Standards unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Director, Project Planning and Engineering Branch.

2. Director, Real Estate Acquisition Branch.

This designation supersedes the designation of Acting Assistant Commissioner for Technical Standards and Services effective January 24, 1958 (23 F.R. 491).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 23d day of November 1961.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 61-11131; Filed, Nov. 22, 1961; 8:51 a.m.]

RAILROAD RETIREMENT BOARD

PROCLAMATION REGARDING RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, as amended, the Railroad Retirement Board has determined, and hereby proclaims, that as of the close of business on September 30, 1961, there was a deficit of $228,833,649.17 in the railroad unemployment insurance account. The underlying figures relating to the computation of this deficit follow:

Unexpended amount in the railroad unemployment insurance account	$19,156,108.12
Deduct:	
Amounts borrowed from the Railroad Retirement Account which have not been repaid	−216,004,000.00
Accrued interest on such borrowed amounts	−5,878,473.92
Repayable advances from the U.S. Department of the Treasury	−30,000,000.00
Deficit in railroad unemployment insurance account proper	−232,726,365.80
Add:	
Balance in railroad unemployment insurance administration fund	+3,892,716.63
Deficit in railroad unemployment insurance account	−$228,833,649.17

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 15th day of November, 1961.

HOWARD W. HABERMEYER,
Chairman.

[SEAL] HORACE W. HARPER,
Member.

THOMAS M. HEALY,
Member.

Railroad Retirement Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 61-11116; Filed, Nov. 22, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Carolina Dress Co., Allen Street, Woodruff, S.C.; effective 11–13–61 to 11–12–62 (women's and children's blouses).

Champ Trouser Co., Inc., Winfield, Ala.; effective 11–10–61 to 11–9–62 (men's dress slacks).

Ely and Walker, a division of Burlington Industries, Canton, Miss.; effective 11–20–61 to 11–19–62 (men's and boys' sport shirts).

Frisco Sportswear Co., Inc., Frisco City, Ala.; effective 11–13–61 to 11–12–62 (ladies' slacks).

The H. W. Gossard Co., 105 North Franklin Street, Bicknell, Ind.; effective 11–11–61 to 11–10–62 (women's foundation garments).

Henson Garment Co., 246 Oconee Street, Athens, Ga.; effective 11–7–61 to 11–6–62 (men's work pants, shirts and jackets).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11–9–61 to 11–8–62. Ten percent of the total number of factory workers engaged in the production of men's woven sleepwear (men's woven sleepwear).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11–10–61 to 11–9–62 (dresses).

Puritan Fashions Corp., Factory No. 45, Bonne Terre, Mo.; effective 11–9–61 to 11–8–62 (women's sportswear).

Vanderbilt Shirt Co., 29–31 Walnut Street, Asheville, N.C.; effective 11–12–61 to 11–11–62 (men's western and sport shirts).

Wentworth Manufacturing Co., Blanding Street, Lake City, S.C.; effective 11–9–61 to 11–8–62 (women's housedresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brunswick Dress Co., Brunswick, Maine; effective 11–8–61 to 11–7–62; 10 learners (women's dresses).

Hicks-Ponder Co., Yuma, Ariz.; effective 11–13–61 to 11–12–62; 10 learners (men's and boys' utility pants and casual slacks).

Town Dress Co., Lewiston, Maine; effective 11–9–61 to 11–8–62; 5 learners (women's dresses).

Victoria Sportswear, Inc., 204 First Avenue South, Seattle 4, Wash.; effective 11–10–61 to 11–9–62; 10 learners (men's jackets and sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Frisco Sportswear Co., Inc., Frisco City, Ala.; effective 11–13–61 to 5–12–62; 25 learners (ladies' slacks).

Glenridge Trouser Corp., Tipton, Mo.; effective 11–7–61 to 5–6–62; 20 learners (men's sport and dress slacks).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11–10–61 to 5–9–62; 20 learners (dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Huffman Finishing Co., Granite Falls, N.C.; effective 11–9–61 to 5–8–62; 15 learners for plant expansion purposes (seamless).

Powell Knitting Co., Spartanburg, S.C.; effective 11–8–61 to 11–7–62; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., Galax, Va.; effective 11–6–61 to 5–5–62; 125 learners for plant expansion purposes (men's and boys' knit shirts and pajamas).

Ilena Mills, Inc., Manufacturers Road, Chattanooga, Tenn.; effective 11–14–61 to 11–13–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, boys' and children's underwear).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; effective 11–8–61 to 5–7–62; 20 learners for plant expansion purposes (ladies' underwear).

Kain-Murphey Corp., Manufacturers Road, Chattanooga 5, Tenn.; effective 11–14–61 to 11–13–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11–9–61 to 11–8–62; 5 percent of the total number of factory production workers engaged in the production of men's woven underwear for normal labor turnover purposes (men's woven underwear).

Roanoke Mills, Inc., 505 Sixth Street, SW., Roanoke, Va.; effective 11–8–61 to 11–7–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (sportswear and underwear).

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tenn.; effective 11–14–61 to 11–13–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Wonder Maid, Inc., Jefferson and Front Streets, Washington, Mo.; effective 11–9–61 to 9–20–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's slips) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 258 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 14th day of November 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-11115; Filed, Nov. 22, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 20, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37449: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8109), for interested rail carriers. Rates on iron or steel reinforcing bars, in carloads, subject to aggregate minimum weight of 420,000 pounds per shipment, from Chicago, Joliet and Lemont, Ill., to Houston, Tex.

Grounds for relief: Water competition.

Tariff: Supplement 222 to Southwestern Freight Bureau tariff I.C.C. 4308.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37450: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8110), for interested rail carriers. Rates on iron or steel reinforcing bars, in carloads, subject to aggregate minimum weight of 420,000 pounds per shipment, from Chicago, Joliet and Lemont, Ill., to Houston, Tex.

Grounds for relief: Maintenance of depressed rates published to meet water competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 222 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11126; Filed, Nov. 22, 1961; 8:51 a.m.]

ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

Miscellaneous Amendments

NOVEMBER 20, 1961.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167 and 8434), effective November 23, 1961, in the following particulars:

Under the heading "Assignment of Duties to Divisions", revise Item 4.1 to read as follows:

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon except as otherwise provided in Item 7, as follows:

Under the heading "Assignment to Boards":

(1) Amend Item 7.6, *Finance Boards,* by relettering sub-items (d) and (e) as sub-items (e) and (f), respectively, and interpolate the following new sub-item (d):

(d) *Finance Review Board.* Determination of matters in proceedings under the provisions of law set forth in Item 4.4 hereof, in cases or types of cases specified from time to time by the Chairman of Division 3, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits,

(2) Amend Item 7.11, *Operating Rights Boards,* by relettering sub-items (c) and (d) as sub-items (d) and (e) respectively, and interpolate the following new sub-item (c):

(c) *Operating Rights Review Board.* Determination of matters in proceedings under the provisions of law set forth in Item 4.2 hereof, in cases or types of cases specified from time to time by the Chairman of Division 1, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Add the following new text:

7.12 *Rates and Practices Review Board.* Determination of matters in proceedings under the provisions of law

set forth in Item 4.3 hereof, in cases or types of cases specified from time to time by the Chairman of Division 2, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The board may certify to Division 2 any matter which, in the board's judgment, should be passed upon by that division, and Division 2 may recall any matter from the Rates and Practices Review Board.

Under the heading "Rehearings and Further Proceeding", amend Items 8.4, 8.5 and 8.6 to read as follows:

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, of the Motor Carrier Boards under paragraphs (a), (b), and (c), of Item 7.8, and of the Operating Rights Boards and Operating Rights Review Board under paragraphs (a), (b), and (c), of Item 7.11 shall be assigned or referred for disposition (except at otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. All other petitions seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

8.5 Division 2 is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Fourth Section Board under Item 7.2, the Board of Suspension under Item 7.3, the Special Permission Board under Item 7.9, the Released Rates Board under Item 7.10, or the Rates and Practices Review Board under Item 7.12, shall be assigned or referred for consideration and action. When so acting, it shall have all authority which the Board is authorized to exercise. Decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. If a petition seeking reconsideration or review of an order, action, or requirement of the Rates and Practices Review Board is not based on an allegation of error on the merits, in whole or in part, such petition, or supplementary authority in such proceeding, shall be determined by that Board.

8.6 Division 3 is hereby designated as an appellate division—

(a) To which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in while or in part, of any order, action, or requirement of The Transfer Board under Item 7.5(a), or the Finance Boards and the Finance Review Board under Items 7.6 (a), (b), (c), and (d), shall be assigned or referred for disposition, and the decisions or orders of the appellate division shall not be subject to review by the Commission. All other petitions, seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

(b) To which applications or petitions for reconsideration or review of any order, action, or requirement of the Safety and Service Boards under Item 7.7 (a) and (b) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not be subject to review by the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11174; Filed, Nov. 22, 1961; 8:56 a.m.]

[Notice 569]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64639. By order of November 21, 1961, the Transfer Board approved the transfer to Gateway Transportation Co., Inc., LaCrosse, Wis., of Certificates Nos. MC 80430, MC 80430 Sub 39, MC 80430 Sub 42, MC 80430 Sub 43, MC 80430 Sub 44, MC 80430 Sub 46, MC 80430 Sub 47, MC 80430 Sub 48, MC 80430 Sub 49, MC 80430 Sub 50, MC 80430 Sub 51, MC 80430 Sub 59, MC 80430 Sub 62, MC 80430 Sub 63, MC 80430 Sub 65, MC 80430 Sub 66, MC 80430 Sub 67, MC 80430 Sub 73, MC 80430 Sub 74, MC 80430 Sub 75, MC 80430 Sub 76, MC 80430 Sub 77, MC 80430 Sub 78, MC 80430 Sub 80, MC 80430 Sub 81, MC 80430 Sub 83, MC 80430 Sub 85, MC 80430 Sub 86, MC 80430 Sub 87, MC 80430 Sub 90, MC 80430 Sub 92, MC 80430 Sub 93, MC 80430 Sub 95, and MC 80430 Sub 96, issued September 15, 1949, May 9, 1955, July 15, 1949, July 25, 1949, September 12, 1949, January 13, 1950, January 25, 1951, July 3, 1951, May 28, 1951, September 20, 1951, March 12, 1952, May 26, 1955, November 10, 1953, June 28, 1954, March 3, 1955, June 14, 1954, July 27, 1954, December 13, 1956, October 13, 1955, December 7, 1955, March 7, 1956, August 6, 1956, February 27, 1956, September 24, 1957, February 4, 1960, April 4, 1957, May 7, 1957, September 24, 1957, July 21, 1958, September 10, 1958, September 12, 1960, June 26, 1959, April 4, 1960, and April 14, 1961, respectively, to Gateway Transportation Co., LaCrosse, Wis., authorizing the transportation of: General commodities, usually excluding household goods, and commodities in bulk, and certain specified commodities of a general commodity nature, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Drew L. Carraway, 618 Perpetual Building, Washington 4, D.C., Attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11175; Filed, Nov. 22, 1961; 8:56 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

	Page
PROCLAMATIONS:	
Feb. 25, 1893	10735
2032	10899
2914	10825
3438	10203
3439	10899
EXECUTIVE ORDERS:	
Jan. 26, 1867	10729, 10806
Apr. 30, 1872	10729
Mar. 7, 1900	10306
5237	10729
6541	10638
6681	10480
9028	10356
10893	10469
10900	10469
10915	10469
10955	10469
10971	10335
10972	10469
10973	10469
10974	10585
10975	10629
10976	10825
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum, May 27, 1961	10749
Memorandum, Oct. 18, 1961	10543

5 CFR

6	10204, 10267, 10447, 10544, 10900, 10962
9	10750
22	10750
24	10447
25	10544
35	10750
201	10503
202	10503

6 CFR

70	10267
305	10267
390	10267
421	10546
423	10686
427	10546
443	10769, 10961
464	10873
482	10586

7 CFR

201	10471
401	10630
403	10630
711	10204
717	10208
723	10471, 10503
725	10927
727	10504
729	10209
730	10336
775	10769, 10787
813	10547
833	10961
847	10214
855	10268
857	10505
864	10270
873	10272
914	10423, 10586, 10789
922	10214
927	10632, 10859

7 CFR—Continued

	Page
933	10337, 10423-10425, 10790, 10791
942	10425
943	10214
953	10425, 10586, 10792, 10872
958	10792
973	10215
984	10688
989	10770
994	10216
997	10688
1001	10587
1013	10507
1014	10472
1017	10426
1031	10338
1034	10793
1069	10587
1070	10632
1071	10426
1073	10689
PROPOSED RULES:	
301	10571
719	10731
725	10933
728	10484, 10596
813	10691
900—1073	10286, 10516, 10772
903	10810
906	10298
908	10307, 10485
914	10933
918	10307
921	10810
925	10486
927	10597
939	10296
943	10236
947	10360, 10879
959	10809
986	10296
1024	10597
1026	10516, 10772, 10933
1033	10772
1034	10773
1138	10691

8 CFR

103	10928
205	10962
212	10928
223	10928
264	10928
282	10928
299	10928
332a	10928
499	10928
PROPOSED RULES:	
252	10358
253	10358

9 CFR

74	10223
83	10338
PROPOSED RULES:	
131	10358

10 CFR

2	10770
30	10472
40	10929
PROPOSED RULES:	
30	10487
140	10933

12 CFR

	Page
262	10340
PROPOSED RULES:	
563	10239

13 CFR

105	10723
121	10633, 10634
PROPOSED RULES:	
107	10702

14 CFR

18	10473
60	10752
507	10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634, 10963, 10964
600	10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753, 10874-10876, 10964
601	10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724, 10875, 10876, 10964
602	10590, 10635, 10724
608	10342, 10636, 10724, 10876, 10965
609	10430, 10436, 10754, 10762
610	10724
PROPOSED RULES:	
1—190	10698
24	10571
48	10701
60	10307
202	10774
203	10774
213	10774
215	10774
227	10238
291	10774
292	10774
296	10774
297	10774
298	10774
302	10307, 10641
401-635	10698
411	10776
507	10362, 10571
600	10451, 10520, 10602, 10777, 10881, 10934
601	10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
602	10809
608	10451, 10520, 10733

16 CFR

13	10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771, 10878, 10929, 10965, 10966
301	10446

17 CFR

230	10930
275	10548
PROPOSED RULES:	
275	10607

18 CFR

2	10342
13	10794

19 CFR

3	10508
4	10508
14	10476
PROPOSED RULES:	
3	10731

20 CFR — Page
25 — 10509
404 — 10226

21 CFR
17 — 10550
120 — 10228, 10550, 10551
121 — 10228, 10343, 10476, 10590
146 — 10228
146a — 10728
PROPOSED RULES:
1 — 10601
17 — 10362
120 — 10487, 10640, 10732, 10810
121 — 10362, 10452, 10698, 10732, 10774, 10881, 10976
130 — 10811

22 CFR
22 — 10728

24 CFR
202a — 10229
203 — 10229
207 — 10229
213 — 10229
220 — 10230
221 — 10230
232 — 10230
603 — 10231
608 — 10231
611 — 10231
702 — 10231
803 — 10231
903 — 10231

25 CFR
17 — 10930
31 — 10637
131 — 10966
141 — 10232
PROPOSED RULES:
34 — 10640
194 — 10808
221 — 10516, 10808

26 CFR
1 — 10275, 10477
PROPOSED RULES:
1 — 10283, 10449, 10450, 10483
48 — 10593
252 — 10484

28 CFR
21 — 10232

29 CFR
9 — 10795
601 — 10275
780 — 10377
793 — 10275

30 CFR
27 — 10969

32 CFR
200 — 10931
504 — 10797
507 — 10509
552 — 10728
561 — 10931

32 CFR—Continued — Page
590 — 10553
591 — 10553
592 — 10553
595 — 10553
596 — 10553
597 — 10553
598 — 10553
599 — 10553
600 — 10553
601 — 10553
602 — 10553
605 — 10553
606 — 10553
608 — 10728
737 — 10353
739 — 10353
750 — 10826
751 — 10836
753 — 10842
765 — 10591

33 CFR
3 — 10343
67 — 10343
202 — 10805
203 — 10445, 10805
204 — 10278

35 CFR
4 — 10353
CANAL ZONE ORDERS:
58 — 10353

36 CFR
6 — 10638
PROPOSED RULES:
7 — 10600

38 CFR
3 — 10551, 10552
13 — 10232
21 — 10278, 10478

39 CFR
96 — 10510
111 — 10805
168 — 10771, 10805, 10972

41 CFR
1–5 — 10590
5–1 — 10354
50–202 — 10354
PROPOSED RULES:
50–202 — 10517, 10773

42 CFR
73 — 10355

43 CFR
221 — 10479
244 — 10728
PROPOSED RULES:
191 — 10808
203 — 10808
257 — 10285
PUBLIC LAND ORDERS:
73 — 10638
1071 — 10356
2460 — 10568
2524 — 10735
2526 — 10279

43 CFR—Continued — Page
PUBLIC LAND ORDERS—Continued
2527 — 10356
2528 — 10356
2529 — 10356
2530 — 10427
2531 — 10480
2532 — 10480
2533 — 10480
2534 — 10568
2535 — 10569
2536 — 10638
2537 — 10729
2538 — 10729
2539 — 10806
2540 — 10806
2541 — 10806

45 CFR
212 — 10481

46 CFR
30 — 10996
31 — 10997
35 — 11000
71 — 11003
78 — 11007
91 — 11010
97 — 11014
146 — 11016
PROPOSED RULES:
201 — 10601
206 — 10601
221 — 10601
298 — 10601
299 — 10601
502 — 10520
510 — 10941

47 CFR
1 — 10279, 10280, 10447
2 — 10655
3 — 10280, 10729, 10917
5 — 10966
7 — 10591, 10918
8 — 10591, 10918, 10925
9 — 10926
10 — 10569
14 — 10591, 10918
15 — 10281
18 — 10281, 10591, 10927
PROPOSED RULES:
2 — 10701
3 — 10233, 10572, 10606, 10935, 10938–10940
10 — 10573
12 — 10240
15 — 10949

49 CFR
125 — 10846
170 — 10771
PROPOSED RULES:
73 — 10572
176 — 10240

50 CFR
32 — 10233, 10234, 10282, 10638, 10730
33 — 10234, 10235, 10878, 10973, 10974
PROPOSED RULES:
215 — 10640

Pages 10995–11022

PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 226

Washington, Thursday, November 23, 1961

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 61–44]

SHIPBOARD CARGO GEAR, POWER-OPERATED INDUSTRIAL TRUCKS AND MISCELLANEOUS AMENDMENTS RESPECTING DANGEROUS CARGOES

The Merchant Marine Council held a public hearing on March 27, 1961, for the purpose of receiving comments, views and data with respect to proposals regarding shipboard cargo gear, power-operated industrial trucks, and the handling of certain dangerous cargoes. The notice of proposed rule making was published in the FEDERAL REGISTER on February 15, 1961 (26 F.R. 1278–1286). The Merchant Marine Council Public Hearing Agenda (CG–249), dated March 27, 1961, set forth the proposed regulations in detail and copies thereof were furnished to all who indicated an interest in the subjects set forth therein. In this Agenda, Item I dealt with "Shipboard Cargo Gear," while Item II dealt with "Power-Operated Industrial Trucks." A large number of comments were received. In response to many requests for additional time to submit additional comments, a second notice of proposed rule making was published in the FEDERAL REGISTER on May 2, 1961 (26 F.R. 3775–3778), granting the additional time requested as well as additional proposals or revisions being considered, which were based in part on comments already considered. All comments with respect to Items I and II submitted were considered, and the Coast Guard is most appreciative of these comments submitted and assistance in drafting revised regulations intended to promote safety on board commercial vessels.

This document is the ninth of a series regarding the regulations and actions considered at the March 27, 1961 Public Hearing and Annual Session of the Merchant Marine Council. This document contains the final actions taken with respect to the proposals in Items I and II. The seventh document in this series contained the miscellaneous amendments to the vessel inspection regulations and was published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9253–9304). In this document was a description of the actions taken to date with respect to the various items on the agenda. The eighth document dealt with smoke detecting systems on passenger vessels (Item VIII, portion), and was published in the FEDERAL REGISTER of September 23, 1961 (26 F.R. 8979). Item VI regarding "Bulk Grain Cargoes" (CG–249), (pp. 142–159), is still under consideration.

The proposals in Item I regarding "Shipboard Cargo Gear" as revised are approved. The proposals in Item II regarding "Power-Operated Industrial Trucks" as revised are approved. Most of the regulations were modified in some way and in many instances redesignated. The following table lists the revised regulations as adopted and the source of the proposal to assist those who commented on the proposals in determining changes adopted.

SOURCE OF REGULATIONS

Adopted regulation	*CG–249 (March 27, 1961)*
30.01–5(e)	30.01–5(e)* (II, p. 33).
31.01–1(b)(1)	31.01–1(b)(1) (I, p. 12).
31.10–5(a)(1)	31.10–5(a)(1)* (I, p. 21).
31.10–16	31.01–1(b), 31.10–16 (I, pp. 12, 14).
31.37–1	31.01–1(b), 31.10–16(a) (I pp. 12, 14).
31.37–3	31.10–16 (a)(2), (b)(1), (d)(2)** (I, p. 12).
31.37–5	31.01–1(b) (I, p. 14).
31.37–15	31.10–16(b)(1) (I, p. 14).
31.37–20	31.10–16(b)(2) (I, p. 14).
31.37–25	31.10–16(c) (I, p. 15).
31.37–30	31.10–16(d)** (I, p. 15).
31.37–35	31.10–16(e) (I, p. 16).
31.37–40	31.10–16(f)** (I, p. 17).
31.37–45	31.10–16 (g), (h)** (I, pp. 18, 19).
31.37–50	31.10–16(i) (I, p. 19).
31.37–55	31.10–16(j)* (I, p. 19).
31.37–60	31.10–16(k)* (I, p. 20).
31.37–65	31.10–16(m)* (I, p. 20).
31.37–70	31.10–16(n) (I, p. 20).
31.37–75	31.10–16(o) (I, p. 21).
31.37–80	31.10–16(p)(1) (I, p. 21).
31.37–85	31.10–16(p)(2) (I, p. 21).
35.30–40	35.30–40**.
35.70–1	35.70–1** (II, p. 34).
35.70–3	
35.70–5	35.70–1(c)**.
35.70–7	35.70–5** (II, p. 34).
35.70–10	35.70–10** (II, p. 35).

SOURCE OF REGULATIONS—Continued

Adopted regulation	*CG–249 (March 27, 1961)*
35.70–15	35.70–15** (II, p. 36).
35.70–20	35.70–20 (II, p. 36).
35.70–25	35.70–25** (II, p. 37).
35.70–30	35.70–30 (II, p. 38).
35.70–35	35.70–35 (II, p. 39).
71.25–25 (a)(5), (b), (c), (d), (e).	71.25–25(a) (5), (6)** (I, p. 22).
71.47–1	71.47–1 (I, p. 24).
71.47–3	71.47–1(b), 71.47–15(a)(2)** (I, pp. 24, 26).
71.47–5	71.47–1 (I, p. 24).
71.47–10	71.47–1(c)**.
71.47–15	71.47–5 (I, p. 24).
71.47–20	71.47–5 (I, p. 24).
71.47–25	71.47–10** (I, p. 25).
71.47–30	71.47–15** (I, p. 25).
71.47–35	71.47–20** (I, p. 26).
71.47–40	71.47–25** (I, p. 27).
71.47–45	71.47–30** (I, p. 28).
71.47–50	71.47–35** (I, p. 29).
71.47–55	71.47–40 (I, p. 29).
71.47–60	71.47–45** (I, p. 30).
71.47–65	71.47–50 (I, p. 30).
71.47–70	71.47–55** (I, p. 31).
71.47–75	71.47–60** (I, p. 31).
71.47–80	71.47–65(a) (I, p. 31).
71.47–85	71.47–65(b) (I, p. 31).
71.65–5(b)(13)	71.65–5(b)(13)* (I, p. 31).
78.80–1	78.70–1 (II, p. 45).
78.80–3	
78.80–5	78.70–1(c).
78.80–7	78.70–5** (II, p. 45).
78.80–10	78.70–10** (II, p. 45).
78.80–15	78.70–15** (II, p. 45).
78.80–20	78.70–20** (II, p. 45).
78.80–25	78.70–25* (II, p. 45).
78.80–30	78.70–30** (II, p. 45).
78.80–35	78.70–35** (II, p. 45).
91.25–25 (a)(3), (b), (c), (d), (e).	91.25–25(a) (3), (4)** (I, p. 2).
91.37–1	91.37–1** (I, p. 4).
91.37–3	91.37–1(b), 91.37–15(a)(2)** (I, p. 5).
91.37–5	91.37–1 (I, p. 4).
91.37–10	91.37–1(c)**.
91.37–15	91.37–5 (I, p. 4).
91.37–20	91.37–5 (I, p. 4).
91.37–25	91.37–10** (I, p. 5).
91.37–30	91.37–15** (I, p. 5).
91.37–35	91.37–20** (I, p. 6).
91.37–40	91.37–25** (I, p. 7).
91.37–45	91.37–30** (I, p. 8).
91.37–50	91.37–35** (I, p. 9).
91.37–55	91.37–40 (I, p. 9).
91.37–60	91.37–45** (I, p. 10).
91.37–65	91.37–50* (I, p. 10).
91.37–70	91.37–55** (I, p. 10).
91.37–75	91.37–60** (I, p. 10).
91.37–80	91.37–65(a) (I, p. 11).
91.37–85	91.37–65(b) (I, p. 11).
91.55–5(b)(13)	91.55–5(b)(13)* (I, p. 11).

SOURCE OF REGULATIONS—Continued

Adopted regulation	CG–249 (March 27, 1961)
97.70–1	97.70–1 (II, p. 40).
97.70–3	
97.70–5	97.70–1(c) (II, p. 40).
97.70–7	97.70–5** (II, p. 40).
97.70–10	97.70–10** (II, p. 41).
97.70–15	97.70–15** (II, p. 42).
97.70–20	97.70–20** (II, p. 43).
97.70–25	97.70–25* (II, p. 43).
97.70–30	97.70–30** (II, p. 44).
97.70–35	97.70–35** (II, p. 44).
146.04–5	
146.09–15	146.09–15** (II, p. 45).
146.20–3(q)	
146.20–11(y)	
146.20–35	146.20–35 (II, p. 51).
146.20–100	
146.20–200	
146.21–57	146.21–57 (II, p. 51).
146.21–100	
146.22–7	146.22–7 (II, p. 52).
146.22–25(b)(1)	
146.22–100	
146.23–13	146.23–13 (II, p. 52).
146.23–100	
146.24–15(h)	
146.24–20(l)	
146.24–27	146.24–27 (II, p. 52).
146.24–100	
146.25–5	
146.25–43	146.25–43 (II, p. 53).
146.25–55(b)(1)	
146.25–100	
146.25–200	
146.26–35	146.26–35 (II, p. 53).
146.27–35	146.27–35 (II, p. 53).

*Adopted proposed regulation without major change.

**Portions of the proposals were also included in the notice of proposed rule making published in the FEDERAL REGISTER dated May 2, 1961 (26 F.R. 3775–3778).

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02–18 and 146.02–19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Change Order Nos. 48, 49, 50 and 51 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Part 146, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council Public Hearing held on March 27, 1961.

The amendments to 46 CFR Part 146, which were not described in the FEDERAL REGISTER of February 15, 1961 (26 F.R. 1280), are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or relaxations of previous requirements, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

In connection with the revision of requirements for shipboard cargo gear, the acceptances of certificates and/or registers issued by the American Bureau of Shipping, National Cargo Bureau, Inc., The International Cargo Gear Bureau, Inc., and the Universal Cargo Gear Survey and Certification Bureau, Inc., are continued in effect, and the notices of acceptance shall be amended to show references to 46 CFR 31.10–16, 71.25–25, and 91.25–25. Such certificates and/or registers currently in effect as of the date of publication of this document in the FEDERAL REGISTER shall be accepted as prima facie evidence of the condition and suitability of such gear by the Coast Guard when performing inspections of vessels as further provided in 46 CFR Parts 31, 71, and 91. When these non-profit organizations or associations renew or reevaluate conditions with respect to shipboard cargo gear as evidenced by certificates and/or registers, the standards followed for such shipboard cargo gear shall be reflected in the certificates by also indicating compliance with the standards for shipboard cargo gear as set forth in the "Convention Concerning the Protection Against Accidents of Workers Employed in Loading or Unloading Ships" (revised) (International Labor Organization Convention No. 32).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–9, dated August 3, 1954 (19 F.R. 5915), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), and 167–38, dated October 26, 1959 (24 F.R. 8857), the following actions are ordered:

1. The vessel inspection regulations shall be amended in accordance with the changes in this document.

2. The regulations in this document shall become effective on and after the date of publication in the FEDERAL REGISTER and may be complied with in lieu of existing requirements, and compliance therewith shall be in accordance with the conditions in paragraph 3 for shipboard cargo gear and the conditions in paragraph 4 for power-operated industrial trucks and their use on board vessels.

3. There shall be full compliance with the shipboard cargo gear requirements in this document as follows:

a. For new vessels at the completion of the first Coast Guard inspection for certification on or after January 1, 1962.

b. For existing vessels at the completion of the Coast Guard inspection for certification at the first annual or biennial inspection for certification made on or after January 1, 1963 (all inspected and certificated U.S. flag passenger vessels will be in full compliance by December 31, 1963 and all U.S. flag tank vessels and dry cargo vessels will be in full compliance by December 31, 1964): *Provided*, That on an individual vessel basis the owner, master or agent may apply in writing for an extension of time to the Commandant who may authorize an extension upon such terms and conditions as he deems necessary.

4. There shall be full compliance attained with respect to requirements for power-operated industrial trucks and for vessels using such trucks as follows:

a. Where both the power-operated industrial truck and the vessel are in full compliance with the requirements in this document, no prior specific approval of the Commandant will be required; however, any variation from the requirements in the regulations will require a prior specific approval of the Commandant.

b. With respect to tank vessels, both the power-operated industrial trucks and the vessels on which used shall be in full compliance with the requirements in 46 CFR Part 35 prior to the use of such trucks on the vessels and any variation from these requirements requires the prior specific approval of the Commandant; however, vessels already carrying power-operated industrial trucks under Coast Guard permits are in substantial compliance with these requirements, but such trucks must be in full compliance with the safety features applicable thereto not later than July 1, 1963.

c. With respect to vessels carrying dangerous or hazardous articles described in 46 CFR Part 146 in this document, both the power-operated industrial trucks and the vessels on which used shall be in full compliance with the applicable requirements in 46 CFR Parts 78, 97 and 146 prior to the use of such trucks on board such vessels and any variation from these requirements requires the prior specific approval of the Commandant.

d. For dry cargo vessels not carrying dangerous or hazardous articles described in 46 CFR Part 146 in this document the applicable ventilation requirements in 46 CFR Part 97 shall be met and power-operated industrial trucks in safe operating condition may be used immediately on such vessels in those spaces not containing such dangerous or hazardous cargoes. The minimum safety features required for all power-operated industrial trucks must be installed on these trucks at the earliest opportunity and in all cases not later than July 1, 1963: *Provided*, That on an individual vessel basis the owner, master or agent may apply in writing for an extension of time to the Commandant who may authorize an extension upon such terms and conditions as he deems necessary.

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

1. Section 30.01–5(e) is amended by revising the first sentence only to read as follows:

§ 30.01–5 Application of regulations—TB/ALL.

* * * * * *

(e) This subchapter shall be applicable to all foreign flag vessels indicated in Column 3 of Table 30.01–5(d) while in the navigable waters over which the United States has jurisdiction or while undergoing repairs involving fire-producing operations in a port or place in the United States including its territories and possessions insofar as meeting the general intent of the special operating requirements set forth in § 35.01–1 and the safety and cargo handling requirements set forth in Subparts 35.30, 35.35 and 35.70 of this subchapter. * * *

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 31—INSPECTION AND CERTIFICATION

Subpart 31.01—General

1. Section 31.01–1(b) is amended by adding at the end thereof a new subparagraph (1) reading as follows:

§ 31.01–1 Inspections required—TB/ALL.

* * * * * *

(b) * * *

(1) See § 31.10–16 and Subpart 31.37 for the required inspection and certification of cargo gear.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 31.10—Inspections

2. Section 31.10–5(a) is amended by adding at the end thereof a new subparagraph (1) reading as follows:

§ 31.10–5 Inspection of new tank vessels—TB/ALL.

(a) *Plans.* * * *

(1) On and after January 1, 1962, the plans and specifications shall include the arrangement of the cargo gear. The principal details of the gear and the safe working load for each component part shall be shown. (See § 31.10–16 and Subpart 31.37 for applicable requirements.)

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

3. Subpart 31.10 is amended by inserting after § 31.10–15 a new § 31.10–16 reading as follows:

§ 31.10–16 Inspection and certification of cargo gear—TB/ALL.

(a) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear, issued by recognized nonprofit organizations or associations approved by the Commandant may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and,

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 31.37.

(c) Competent persons for the purposes of this section and Subpart 31.37 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 31.37 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 31.37. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and inspections in accordance with the provisions of Subpart 31.37.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 31.37—Inspection of Cargo Gear

4. Part 31 is amended by inserting after Subpart 31.35 a new Subpart 31.37 entitled "Inspection of Cargo Gear," consisting of §§ 31.37–1 to 31.37–85, inclusive, which reads as follows:

Sec.

31.37–1 When made—TB/ALL.
31.37–3 Definitions of terms and words used in this subpart—TB/ALL.
31.37–5 Tests and examinations of shipboard cargo gear—TB/ALL.
31.37–15 Cargo gear plans required when plans are not approved by a classification society—TB/ALL.
31.37–20 Cargo gear plans approved by a classification society—TB/ALL.
31.37–25 Factors of safety—TB/ALL.
31.37–30 Loose gear certificates and tests—TB/ALL.
31.37–35 Test and certification of wire rope—TB/ALL.
31.37–40 Proof test of cargo gear as a unit—TB/ALL.
31.37–45 Marking of booms and cranes—TB/ALL.
31.37–50 Use of wire rope and chains—TB/ALL.
31.37–55 Annealing—TB/ALL.
31.37–60 Additions to gear—TB/ALL.
31.37–65 Alterations, renewals, or repairs of cargo gear—TB/ALL.
31.37–70 Responsibility of ship's officer for inspection of cargo gear—TB/ALL.
31.37–75 Records regarding cargo gear—TB/ALL.
31.37–80 Advance notice that cargo gear testing is desired—TB/ALL.
31.37–85 Responsibility for conducting required tests and examinations—TB/ALL.

AUTHORITY: §§ 31.37–1 to 31.37–85 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 31.37–1 When made—TB/ALL.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial inspection of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 31.37–3 Definitions of terms and words used in this subpart—TB/ALL.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of dry cargo. This term does not include the gear used for handling cargo hoses or ship stores' only.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular provision in this subpart. After proof load tests, the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 31.37–5 Tests and examinations of shipboard cargo gear—TB/ALL.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, inspections shall be made by those competent persons described in § 31.10–16(c) (1) and (2), to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 31.37–15 Cargo gear plans required when plans are not approved by a classification society—TB/ALL.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear are required to be submitted in triplicate to the Officer in Charge, Marine Inspection, for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 31.37–20 Cargo gear plans approved by a classification society—TB/ALL.

(a) The plans required by § 31.37–15 (a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 31.37–25 Factors of safety—TB/ALL.

(a) In the design of the cargo gear, the safety factors in Table 31.37–25(a) taken in association with suitable design assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 31.37–25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less	5		
When the working load of the assembled gear is 13 tons or over	4		
Steel booms:			
When the working load of the assembled gear is 10 tons or less		3	
When the working load of the assembled gear is 13 tons or over		2½	
Wooden structural parts	8		
Chains	4½		
Wire rope:			
For working loads 10 tons or under			5
For working loads over 10 tons			4
Fiber rope:			
When intended for running rigging	7		
When intended for fixed gear and vangs	5		

[1] For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 31.37–25(a) where special materials or cargo gear of special design are to be used.

§ 31.37–30 Loose gear certificates and tests—TB/ALL.

(a) (1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear, shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear as long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 31.37–30(a)(3).

TABLE 31.37–30(a)(3)

Article of gear	Proof load
Chains, rings, hooks, links, shackles, swivels	Twice the safe working load.
Single sheave block	Four times the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons	One and a half times the safe working load.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(b) All chains, rings, hooks, links, shackles, swivels, blocks and any other loose gear, whether accessory to a machine or not, but which are used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified when listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The loose gear certificate shall show the distinguishing number or mark applied to the article of gear; a description of the article of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(d) After being tested, all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test, or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 31.37–35 Test and certification of wire rope—TB/ALL.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g., improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificate shall be prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 31.37–40 Proof test of cargo gear as a unit—TB/ALL.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 31.37–40(a).

TABLE 31.37–40(a)

Safe working load of assembled gear	Proof load
Not exceeding 20 tons	25 percent in excess.
Over 20 tons but not exceeding 50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle, including the winches, and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable, to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic brakes, or where electrohydraulic winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operation will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear at least once in each four years, shall be tested, with a proof load which shall exceed the safe working load as set forth in Table 31.37–40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped, and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a) through (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 31.10–16 will be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction, and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(i) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(2) Current for electric winches and cranes operation during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 31.37–45 Marking of booms and cranes—TB/ALL.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom, with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where booms are rated at varying capacities depending on the radii, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 31.37–50 Use of wire rope and chains—TB/ALL.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half of the wire cut from the tucking strand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of visible broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking, or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 31.37–55 Annealing—TB/ALL.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one half inch or less, at least once in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) Heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing shall be furnished for all gear so treated.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturer's instructions.

§ 31.37–60 Additions to gear—TB/ALL.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 31.37–65 Alterations, renewals, or repairs of cargo gear—TB/ALL.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with § 31.10–25.

(b) Tests and examinations of the repairs, renewals, or alterations will be in accordance with § 31.37–40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat treated and shall, before being again put into use, be tested and examined in accordance with the provisions of § 31.37–30.

§ 31.37–70 Responsibility of ship's officer for inspection of cargo gear—TB/ALL.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels, and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the dates shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 31.37–75 for entries required to be kept.)

§ 31.37–75 Records regarding cargo gear—TB/ALL.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 31.37–70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records shall show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the Office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 31.37–80 Advance notice that cargo gear testing is desired—TB/ALL.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspectors. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 31.37–85 Responsibility for conducting required tests and examinations—TB/ALL.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart, such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

PART 35—OPERATIONS

Subpart 35.30—General Safety Rules

1. Subpart 35.30 is amended by adding at the end thereof a new section reading as follows:

§ 35.30–40 Flammable liquid and gas fuels as ship's stores—TB/ALL.

(a) Flammable liquids and gases to be used as fuels for industrial trucks, lifeboats and other approved equipment shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,

(ii) Flammable gases—"Red Gas label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 35.70—Power-Operated Industrial Trucks

2. Part 35 is amended by adding at the end thereof a new Subpart 35.70, entitled "Power-Operated Industrial Trucks," and consisting of §§ 35.70–1 to 35.70–35, reading as follows:

Sec.
35.70–1 Application—TB/ALL.
35.70–3 Alternates—TB/ALL.
35.70–5 Definitions of terms used in subpart—TB/ALL.
35.70–7 Approved power-operated industrial trucks—TB/ALL.
35.70–10 Permissible areas of use—TB/ALL.
35.70–15 Types of cargo permitted to be handled by trucks—TB/ALL.
35.70–20 Special operating conditions—TB/ALL.
35.70–25 Refueling—TB/ALL.
35.70–30 Charging or replacing batteries—TB/ALL.
35.70–35 Stowage of trucks aboard a vessel—TB/ALL.

AUTHORITY: §§ 35.70–1 to 35.70–35 issued under R.S. 4405, as amended, 4417a, as amended, and 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4472, as amended, 4488, as amended, 4491, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 170, 481, 489, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 35.70–1 Application—TB/ALL.

(a) *Power-operated industrial trucks.* (1) Power-operated industrial trucks when carried on board vessels as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this Subpart during those periods of time when power-operated industrial trucks are on board as a part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: As set forth in § 30.01–5(e), the regulations in this subpart are also applicable to foreign flag tank vessels.

§ 35.70–3 Alternates—TB/ALL.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 35.70–5 Definitions of terms used in subpart—TB/ALL.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purposes of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 35.70–7 Approved power-operated industrial trucks—TB/ALL.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter, such approved trucks shall have a specific designation of a recognized testing laboratory except in case of trucks powered by compressed air. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D, and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D, and DS.

(b) Trucks powered by compressed air which is received through a flexible hose from a fixed source and having the air supply hose of the grounded type shall be considered of the approved type for purposes of this subpart.

(c) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(d) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable.

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand; or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 35.70–10 Permissible areas of use—TB/ALL.

(a) When the area on deck or in the hold in which power-operated industrial trucks are to be used has no bulk cargo vapors when tested but is an area in which such vapors could accumulate, these trucks may be used subject to the following conditions:

(1) Trucks used shall be suitable for type of cargo to be handled in accordance with § 35.70–15.

(2) Trucks used shall be suitable for areas in which vapors could accumulate in accordance with Table 35.70–10(a).

TABLE 35.70–10(a)

Type of truck	Grade of bulk cargo/vapors in vessel				
E				D	E
EE		B	C	D	E
EX	A	B	C	D	E
LP				D	E
LPS		B	C	D	E
G				D	E
GS		B	C	D	E
D				D	E
DS		B	C	D	E
Compressed air	A	B	C	D	E

(b) When a vessel is gas free, any approved truck can be used in any space except for restrictions as to types of cargo handled as specified in § 35.70–15.

§ 35.70–15 Types of cargo permitted to be handled by trucks—TB/ALL.

(a) Power-operated industrial trucks used for handling of packaged petroleum products shall be in accordance with Table 35.70–15(a).

TABLE 35.70–15(a)

Type of truck	Grade of packaged petroleum product				
E				D	E
EE		B	C	D	E
EX	A	B	C	D	E
LP				D	E
LPS		B	C	D	E
G				D	E
GS		B	C	D	E
D				D	E
DS		B	C	D	E
Compressed air	A	B	C	D	E

(b) Where dry cargo other than packaged petroleum products is to be handled by power-operated industrial trucks on board a tank vessel, types of trucks used shall be in accordance with § 97.70–10 of Subchapter I (Rules and Regulations for Cargo and Miscellaneous Vessels) of this Chapter, except that all trucks shall be approved.

(c) The use of power-operated industrial trucks may be further restricted due to bulk cargo and/or vapors as set forth in Table 35.70–10(a).

§ 35.70–20 Special operating conditions—TB/ALL.

(a) Permission shall be obtained from the senior deck officer on board before placing power-operated industrial trucks in operation on a tank vessel.

(b) The senior deck officer shall ascertain by portable carbon monoxide and explosive vapor meters, if necessary, that no hazardous gas concentrations exist before granting permission to operate power trucks.

(c) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(d) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(e) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(f) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(g) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(h) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(i) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(j) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(k) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(l) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 35.70–25 Refueling—TB/ALL.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of a vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shut-off valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to the portable extinguisher affixed to the truck in accordance with § 35.70–20(k).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 35.70–20 (d) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 35.70–30 Charging or replacing batteries—TB/ALL.

(a) Battery charging or battery replacement on electric powered trucks shall not be accomplished on board the vessel in locations where vapors from Grades "A," "B," "C," or "D" cargo could accumulate.

(b) Locations on board vessel for battery charging or replacement shall be designated by the master of the vessel.

(c) Battery charging on board vessel shall be accomplished in accordance with the following provisions:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(d) Suitable materials handling equipment shall be employed and adequate precautions taken to avoid damaging or short circuiting batteries, and to avoid spillage of electrolyte.

(e) All unmounted batteries shall be removed from the hold where trucks will be operated before such operation commences.

§ 35.70–35 Stowage of trucks aboard a vessel—TB/ALL.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

SUBCHAPTER H—PASSENGER VESSELS

PART 71—INSPECTION AND CERTIFICATION

Subpart 71.25—Annual Inspection

1. Section 71.25–25 is amended by revising paragraph (a)(5) and by adding new paragraphs (b), (c), (d), and (e), reading as follows:

§ 71.25–25 Hull equipment.

(a) * * *

(5) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear issued by non-profit organizations or associations approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and,

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 71.47.

(c) Competent persons for the purposes of this section and Subpart 71.47 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 71.47 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 71.47. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and examinations in accordance with the provisions of Subpart 71.47.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 71.47—Inspection of Cargo Gear

2. Part 71 is amended by inserting after Subpart 71.45 a new Subpart 71.47, entitled "Inspection of Cargo Gear," consisting of §§ 71.47–1 to 71.47–85, inclusive, which reads as follows:

Sec.
71.47–1 When made.
71.47–3 Definitions of terms and words used in this subpart.
71.47–5 Tests and examinations of shipboard cargo gear.
71.47–10 Cargo gear of special design and limited use.
71.47–15 Cargo gear plans required when plans are not approved by a classification society.
71.47–20 Cargo gear plans approved by a classification society.
71.47–25 Factors of safety.
71.47–30 Loose gear certificates and tests.
71.47–35 Test and certification of wire rope.
71.47–40 Proof test of cargo gear as a unit.
71.47–45 Marking of booms and cranes.
71.47–50 Use of wire rope and chains.
71.47–55 Annealing.
71.47–60 Additions to gear.
71.47–65 Alterations, renewals, or repairs of cargo gear.
71.47–70 Responsibility of ship's officer for inspection of cargo gear.
71.47–75 Records regarding cargo gear.
71.47–80 Advance notice that cargo gear testing is desired.
71.47–85 Responsibility for conducting required tests and examinations.

AUTHORITY: §§ 71.47–1 to 71.47–85 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 71.47–1 When made.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial test of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 71.47–3 Definitions of terms and words used in this subpart.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of a vessel. This term does not include material handling gear and rigging of special design vessels used solely in dredging, pile driving, drilling for mineral deposits, and construction work.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular regulation in this subpart. After proof load tests the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 71.47–5 Tests and examinations of shipboard cargo gear.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations, recognized by the Coast Guard, inspections shall be made by those competent persons described in § 71.25–25(c) (1) and (2), to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 71.47–10 Cargo gear of special design and limited use.

(a) The regulations in this subpart shall apply to cargo gear of special design and limited use (derrick barges rigged for heavy lifts, cargo booms on self unloaders, etc.) only to the extent that it is practicable to do so. These requirements may be modified by the Officer in Charge, Marine Inspection, where the inspection is performed, according to the design characteristics of such cargo gear.

(b) Nondestructive tests, such as radiography, ultrasonic, electronic or other methods, may be utilized to determine the condition of heavy lift gear after it has been unit tested, provided such methods are acceptable to the Officer in Charge, Marine Inspection, having cognizance of the tests. However, no deviations or modifications shall be permitted to lessen the requirements for cargo gear inspection as set forth in § 71.47–70 and the maintenance of the applicable cargo gear records as set forth in § 71.47–75.

§ 71.47–15 Cargo gear plans required when plans are not approved by a classification society.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear shall be submitted in triplicate to the Officer in Charge, Marine Inspection, having jurisdiction for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 71.47–20 Cargo gear plans approved by a classification society.

(a) The plans required by § 71.45–15 (a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 71.47–25 Factors of safety.

(a) In the design of the cargo gear, the safety factors in Table 71.47–25(a), taken in association with suitable design assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 91.47–25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less	[1] 5		
When the working load of the assembled gear is 13 tons or over	[1] 4		
Steel booms:			
When the working load of the assembled gear is 10 tons or less		[1] 3	
When the working load of the assembled gear is 13 tons or over		[1] 2½	
Wooden structural parts	8		
Chains	4½		
Wire rope:			
For working loads 10 tons [1] or under			5
For working loads over 10 tons [1]			4
Fiber rope:			
When intended for running rigging	7		
When intended for fixed gears and vangs	5		

[1] For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 71.47–25(a) where special materials or cargo gear of special design are to be used.

§ 71.47–30 Loose gear certificates and tests.

(a) (1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear, shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 71.47–30(a)(3).

TABLE 71.47–30(a)(3)

Article of gear	*Proof load*
Chains, rings, hooks, links, shackles, swivels	Twice the safe working load.
Single sheave block	Four times the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.[1]	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons	One and a half times the safe working load.
Roller chains (pitched chains) used with hand operated chain falls, and rings, hooks, shackles, or swivels permanently attached thereto.	Do.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(b) All chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified and shall be listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The loose gear certificate shall show the distinguishing number or mark applied to the article of gear; a description of the article of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes of this section.

(d) After being tested all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical, or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 71.47–35 Test and certification of wire rope.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g. improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 71.47–40 Proof test of cargo gear as a unit.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 71.47–40(a).

TABLE 71.47–40(a)

Safe working load of assembled gear	*Proof load*
Not exceeding 20 tons	25 percent in excess.
Over 20 tons but not exceeding 50 tons.	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle, including the winches, and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic brakes, or where electrohydraulic winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operations will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear, at least once in each four years, shall be tested with a proof load which shall exceed the safe working load as set forth in Table 71.47–40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section

at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load, shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a), (b), (c), and (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 71.25–25 will be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction, and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(i) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(j) Current for electric winch and crane operations during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 71.47–45 Marking of booms and cranes.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where booms are rated at varying capacities depending on the radii, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 71.47–50 Use of wire rope and chains.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half of the wire cut from the tucking strand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 71.47–55 Annealing.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one half inch or less, once at least in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) Heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing of all gear heat treated shall be furnished to the vessel.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturer's instructions.

§ 71.47–60 Additions to gear.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 71.47–65 Alterations, renewals, or repairs of cargo gear.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with the applicable provisions of § 71.55–1.

(b) Tests and examinations of the repairs, renewals, or alterations will be in accordance with the provisions of § 71.47–40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat treated and shall before being again put into use, be tested and examined in accordance with the provisions of § 71.47–30.

§ 71.47–70 Responsibility of ship's officer for inspection of cargo gear.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the dates shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 71.47–75 for entries required to be kept.)

§ 71.47–75 Records regarding cargo gear.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 71.47–70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records shall show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 71.47–80 Advance notice that cargo gear testing is desired.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspector. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 71.47–85 Responsibility for conducting required tests and examinations.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart, such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

Subpart 71.65—Plan Approval

3. Section 71.65–5(b) is amended by adding a new subparagraph (13) reading as follows:

§ 71.65–5 Plans and specifications required for new construction.

* * * * * *

(b) * * *

(13) *Arrangement of the cargo gear including a stress diagram. The principal details of the gear and the safe working load for each component part shall be shown.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, sec. 14, 24 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 481, 482, 483, 366, 395, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 78—OPERATIONS

Subpart 78.80—Power-Operated Industrial Trucks

1. Part 78 is amended by adding at the end thereof a new Subpart 78.80, entitled "Power-Operated Industrial Trucks," consisting of §§ 78.80–1 to 78.80–35, inclusive, reading as follows:

Sec.

78.80–1 Application.
78.80–3 Alternates.
78.80–5 Definitions of terms used in subpart.
78.80–7 Approved power-operated industrial trucks.
78.80–10 Use of power-operated industrial trucks in various locations.
78.80–15 Special operating conditions.
78.80–20 Refueling.
78.80–25 Charging or replacing batteries.
78.80–30 Stowage of power-operated industrial trucks aboard a vessel.
78.80–35 Stowage of fuel handling devices aboard a vessel.

AUTHORITY: §§ 78.80–1 to 78.80–35 issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4472, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152 and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 170, 481, 489, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 78.80–1 Application.

(a) *Power-operated industrial trucks.* (1) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks carried on board vessel as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(3) When power-operated industrial trucks are used in spaces not containing dangerous or hazardous articles, as set forth in § 78.80–10(f) of this subpart, the installation of the minimum safety features of § 78.80–7(c) shall be carried out at the earliest opportunity but in any case not later than July 1, 1963.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this subpart during those periods of time when power-operated industrial trucks are on board as part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: The regulations affecting the use of power-operated industrial trucks on foreign vessels are in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels), or in the case of foreign tank vessels in Subpart 35.70 of Subchapter D (Tank Vessels) of this chapter.

§ 78.80–3 Alternates.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 78.80–5 Definitions of terms used in subpart.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks, and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purpose of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 78.80–7 Approved power-operated industrial trucks.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter such approved trucks shall have a specific designation of a recognized testing labora-

tory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(b) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a G unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(c) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 78.80–10 Use of power-operated industrial trucks in various locations.

(a) *Spaces containing explosives.* (1) Except as otherwise provided in this paragraph, power-operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

NOTE: Class A, Class B and Class C explosives are defined in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(2) The Commandant may grant authority for the use of approved power-operated industrial trucks with a recognized testing laboratory designation of EX in spaces in which Class A, Class B or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(3) In a space in which packaged small arms ammunition without explosive bullets is stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, LPS, GS and DS may be used for handling cargo including the handling of such packaged small arms ammunition.

(b) *Spaces containing flammable liquids.* (1) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable liquids.

(c) *Spaces containing flammable solids or oxidizing materials.* (1) In a space in which packaged flammable solids or oxidizing materials are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(2) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80–7(c) may be used in the spaces.

(3) When oxidizing materials in bulk are stowed in the holds or compartment, any approved commercial type power-operated industrial truck may be used in the spaces.

(d) *Spaces containing hazardous articles of a fibrous nature.* (1) In a space in which packaged hazardous articles of a fibrous nature are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo including the handling of such packaged hazardous articles of a fibrous nature.

(2) When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80–7(c) may be used in the spaces.

(e) *Spaces containing other dangerous cargoes and hazardous articles.* (1) In a space in which dangerous cargoes or hazardous articles subject to the regulations in Part 146 of this chapter, except those provided for in paragraphs (a), (b), (c) and (d) of this section, any approved power-operated industrial truck may be used to handle cargo including the handling of such dangerous cargoes or hazardous articles.

(f) *Other spaces.* (1) Any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80–7(c) may be used in spaces and for handling cargo in spaces not otherwise restricted by regulation in this subpart.

§ 78.80–15 Special operating conditions.

(a) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(b) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(d) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(e) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(f) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(g) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(h) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(i) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(j) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(k) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 78.80–20 Refueling.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of a vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shut-off valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with § 78.80–15(j).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 78.80–15(c) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 78.80–25 Charging or replacing batteries.

(a) Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery and spillage of the electrolyte.

(b) Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(c) All unmounted batteries shall be suitably protected or removed from an area in the hold of the vessel before trucks are operated in that area.

§ 78.80–30 Stowage of power-operated industrial trucks aboard a vessel.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in

paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

§ 78.80–35 Stowage of fuel handling devices aboard a vessel.

(a) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,

(ii) Flammable gases—"Red Gas Label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 91—INSPECTION AND CERTIFICATION

Subpart 91.25—Inspection for Certification

1. Section 91.25–25 is amended by revising paragraph (a)(3) and by adding new paragraphs (b), (c), (d) and (e), reading as follows:

§ 91.25–25 Hull equipment.

(a) * * *

(3) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear, issued by recognized non-profit organizations or associations approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 91.37.

(c) Competent persons for the purposes of this section and Subpart 91.37 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 91.37 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 91.37. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and examinations in accordance with the provisions of Subpart 91.37.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 4, 49 Stat. 1935, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 481, 366, 395, 363, 367, 660a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 91.37—Inspection of Cargo Gear

2. Part 91 is amended by inserting after Subpart 91.35 a new Subpart 91.37, entitled "Inspection of Cargo Gear," consisting of §§ 91.37–1 to 91.37–85, inclusive, which reads as follows:

Sec.

91.37–1 When made.
91.37–3 Definitions of terms and words used in this subpart.
91.37–5 Tests and examinations of shipboard cargo gear.
91.37–10 Cargo gear of special design and limited use.
91.37–15 Cargo gear plans required when plans are not approved by a classification society.
91.37–20 Cargo gear plans approved by a classification society.
91.37–25 Factors of safety.
91.37–30 Loose gear certificates and tests.
91.37–35 Test and certification of wire rope.
91.37–40 Proof test of cargo gear as a unit.
91.37–45 Marking of booms and cranes.
91.37–50 Use of wire rope and chains.
91.37–55 Annealing.
91.37–60 Additions to gear.
91.37–65 Alterations, renewals, or repairs of cargo gear.
91.37–70 Responsibility of ship's officer for inspection of cargo gear.
91.37–75 Records regarding cargo gear.
91.37–80 Advance notice that cargo gear testing is desired.
91.37–85 Responsibility for conducting required tests and examinations.

AUTHORITY: §§ 91.37–1 to 91.37–85 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4462, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363; 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 91.37–1 When made.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial test of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 91.37–3 Definitions of terms and words used in this subpart.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of a vessel. This term does not include material handling gear and rigging of special design vessels used solely in dredging, pile driving, drilling for mineral deposits, and construction work.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular regulation in this subpart. After proof load tests the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 91.37–5 Tests and examinations of shipboard cargo gear.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, inspections shall be made by competent persons described in § 91.25–25 (c) (1) and (2) to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 91.37–10 Cargo gear of special design and limited use.

(a) The regulations in this subpart shall apply to cargo gear of special design and limited use (derrick barges rigged for heavy lifts, cargo booms on self unloaders, etc.) only to the extent that it is practicable to do so. These requirements may be modified by the Officer in Charge, Marine Inspection, where the inspection is performed according to the design characteristics of such cargo gear.

(b) Nondestructive tests, such as radiography, ultrasonic, electronic or other methods, may be utilized to determine the condition of heavy lift gear after it has been unit tested, provided such methods are acceptable to the Officer in Charge, Marine Inspection, having cognizance of the tests. However, no deviations or modifications shall be permitted to lessen the requirements for cargo gear inspection as set forth in § 91.37–70 and the maintenance of the applicable cargo gear records as set forth in § 91.37–75.

§ 91.37–15 Cargo gear plans required when plans are not approved by a classification society.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear shall be submitted in triplicate to the Officer in Charge, Marine Inspection, having jurisdiction for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 91.37–20 Cargo gear plans approved by a classification society.

(a) The plans required by § 91.37–15(a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 91.37–25 Factors of safety.

(a) In the design of the cargo gear, the safety factors in Table 91.37–25(a), taken in association with suitable design assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 91.37–25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less	[1] 5	----	----
When the working load of the assembled gear is 13 tons or over	[1] 4	----	----
Steel booms:			
When the working load of the assembled gear is 10 tons or less	----	3	----
When the working load of the assembled gear is 13 tons or over	----	[1] 2½	----
Wooden structural parts	8	----	----
Chains	4½	----	----
Wire rope:			
For working loads 10 tons or under	----	----	5
For working loads over 10 tons	----	----	4
Fiber rope:			
When intended for running rigging	7	----	----
When intended for fixed gear and vangs	5	----	----

[1] For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 91.37–25(a) where special materials or cargo gear of special design are to be used.

§ 91.37–30 Loose gear certificates and tests.

(a)(1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 91.37–30(a)(3).

TABLE 91.37–30(a)(3)

Articles of gear	*Proof load*
Chains, rings, hooks, links, shackles, swivels	Twice the safe working load.
Single sheave block	Four times the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons	One and a half times the safe working load.
Roller chains (pitched chains) used with hand operated chain falls, and rings, hooks, shackles, or swivels permanently attached thereto.	Do.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(b) All chains, rings, hooks, links, shackles, swivels, blocks and any other loose gear whether accessory to a machine or not, but which is used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified and shall be listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The certificate shall show the distinguishing number or mark applied to the articles of gear; a description of the articles of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes of this section.

(d) After being tested all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 91.37–35 Test and certification of wire rope.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g. improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificates shall be prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 91.37–40 Proof test of cargo gear as a unit.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 91.37–40(a).

TABLE 91.37–40(a)

Safe working load of assembled gear	*Proof load*
Not exceeding 20 tons	25 percent in excess.
Over 20 tons but not exceeding 50 tons.	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle including the winches and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operation will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear, at least once in each four years, shall be tested with a proof load which shall exceed the safe working load as set forth in Table 91.37–40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a), (b), (c) and (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 91.25–35 shall be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(1) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(2) Current for electric winches and crane operation during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 91.37–45 Marking of booms and cranes.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where the boom is rated at varying capacities depending on the radius, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 91.37–50 Use of wire rope and chains.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half the wire cut from the tucking stand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of visible broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking, or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 91.37–55 Annealing.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one-half inch or less, at least once in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) The heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing of all gear heat treated shall be furnished to the vessel.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturers' instructions.

§ 91.37–60 Additions to gear.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 91.37–65 Alterations, renewals, or repairs of cargo gear.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with the applicable provisions of § 91.45–1.

(b) Tests and examinations of the repairs, renewals, or alterations shall be in accordance with the provisions of § 91.37–40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat treated and shall before being again put into use, be tested and examined in accordance with the provisions of § 91.37–30.

§ 91.37–70 Responsibility of ship's officer for inspection of cargo gear.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the date shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 91.37–75 for entries required to be kept.)

§ 91.37–75 Records regarding cargo gear.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 91.37–70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 91.37–80 Advance notice that cargo gear testing is desired.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspector. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 91.37–85 Responsibility for conducting required tests and examinations.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

Subpart 91.55—Plan Approval

3. Section 91.55–5(b) is amended by adding a new subparagraph (13) reading as follows:

§ 91.55–5 Plans and specifications required for new construction.

* * * * * * *

(b) * * *

(13) *Arrangement of the cargo gear including a stress diagram. The principal details of the gear and the safe working load for each component part shall be shown.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4490, as amended, sec. 3, 29 Stat. 129, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 481, 482, 366, 395, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 97—OPERATIONS

Subpart 97.70—Power-Operated Industrial Trucks

Part 97 is amended by adding at the end thereof a new Subpart 97.70 entitled, "Power-Operated Industrial Trucks," consisting of §§ 97.70–1 to 97.70–35, inclusive, reading as follows:

Sec.

97.70–1 Application.
97.70–3 Alternates.
97.70–5 Definitions of terms used in subpart.
97.70–7 Approved power-operated industrial trucks.
97.70–10 Use of power-operated industrial trucks in various locations.
97.70–15 Special operating conditions.
97.70–20 Refueling.
97.70–25 Charging or replacing batteries.
97.70–30 Stowage of power-operated industrial trucks aboard a vessel.
97.70–35 Stowage of fuel handling devices aboard a vessel.

AUTHORITY: §§ 97.70–1 to 97.70–35 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4472, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 170, 481, 489, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 97.70–1 Application.

(a) *Power-operated industrial trucks.* (1) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks carried on board a vessel as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(3) When power-operated industrial trucks are used in spaces not containing dangerous or hazardous articles, as set forth in § 97.70–10(f), the installation of the minimum safety features of § 97.70–7(c) shall be carried out at the earliest opportunity but in any case not later than July 1, 1963.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this subpart during those periods of time when power-operated industrial trucks are on board as part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: The regulations affecting the use of power-operated industrial trucks on foreign vessels are in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels), or in the case of foreign tank vessels in Subpart 35.70 of Subchapter D (Tank Vessels) of this chapter.

§ 97.70–3 Alternates.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 97.70–5 Definitions of terms used in subpart.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks, and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purpose of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 97.70–7 Approved power-operated industrial trucks.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter such approved trucks shall have a specific designation of a recognized testing laboratory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood; Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(b) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(c) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the fork shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 97.70–10 Use of power-operated industrial trucks in various locations.

(a) *Spaces containing explosives.* (1) Except as otherwise provided in this paragraph, power-operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

NOTE: Class A, Class B and Class C explosives are defined in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(2) The Commandant may grant authority for the use of approved power-operated industrial trucks with a recognized testing laboratory designation of EX in spaces in which Class A, Class B or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(3) In a space in which packaged small arms ammunition without explosive bullets is stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, LPS, GS and DS may be used for handling cargo including the handling of such packaged small arms ammunition.

(b) *Spaces containing flammable liquids.* (1) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable liquids.

(c) *Spaces containing flammable solids or oxidizing materials.* (1) In a space in which packaged flammable solids or oxidizing materials are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(2) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 97.70–7(c) may be used in the spaces.

(3) When oxidizing materials in bulk are stowed in the holds or compartment, any approved commercial type power-operated industrial truck may be used in the spaces.

(d) *Spaces containing hazardous articles of a fibrous nature.* (1) In a space in which packaged hazardous articles of a fibrous nature are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo including the handling of such packaged hazardous articles of a fibrous nature.

(2) When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 97.70–7(c) may be used in the spaces.

(e) *Spaces containing other dangerous cargoes and hazardous articles.* (1) In a space in which dangerous cargoes or hazardous articles subject to the regulations in Part 146 of this chapter except those provided for in paragraphs (a), (b), (c) and (d) of this section, any approved power-operated industrial truck may be used to handle cargo including the handling of such dangerous cargoes or hazardous articles.

(f) *Other spaces.* (1) Any standard commercial type power operated industrial truck in safe operating condition and having the minimum safety features of § 97.70–7(c) may be used in spaces and for handling cargo in spaces not otherwise restricted by regulation in this subpart.

§ 97.70–15 Special operating conditions.

(a) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(b) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(d) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(e) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(f) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(g) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(h) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(i) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(j) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(k) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 97.70–20 Refueling.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of a vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable nonspilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable nonspilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shutoff valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with § 97.70–15(j).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 97.70–15(c) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 97.70–25 Charging or replacing batteries.

(a) Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.

(b) Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(c) All unmounted batteries shall be suitably protected or removed from an area in the hold of the vessel before trucks are operated in that area.

§ 97.70–30 Stowage of power-operated industrial trucks aboard a vessel.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

§ 97.70–35 Stowage of fuel handling devices aboard a vessel.

(a) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,

(ii) Flammable gases—"Red Gas Label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

1. Section 146.04–5 is amended by adding and changing certain items as follows:

§ 146.04–5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required [1]
Items added		
Engine starting fluid	Inf. G	Red gas.
Lacrimal liquid, n.o.s. (see: "Poisonous Liquids, n.o.s.")	Pois. B	Poison.
Monobromotrifluoromethane	Noninf. G	Green gas.
Nitrogen tetroxide—nitric oxide mixtures containing up to 33.2% weight nitric oxide (see: "Nitrogen dioxide, liquid").	Pois. A	Poison gas.
Propellant explosives (solid), Class B, and small arms primers (see: "Propellant explosives, Class B").		
Propylene imine, inhibited (see: "Ethylene imine inhibited")	Inf. L	Red.
Spray starting fluid (see: "Engine starting fluid").		
Items changed		
Nitrocellulose, colloided, granular, flake or block wet with alcohol or solvent (see: "Wet nitrocellulose colloided, granular or flake—20% alcohol or solvent; or block—25% alcohol").		
Oleum (see: "Sulfuric acid")	Cor. L	White.
Vinyl acetate	Inf. L	Red.
Wet nitrocellulose, colloided, granular or flake—20% alcohol or solvent; or block—25% alcohol.	Inf. L	Red.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Subpart—Cargo Handling and Stowage Devices, U.S. Coast Guard Container Specifications

2. Part 146 is amended by inserting after § 146.09–12 a new § 146.09–15 reading as follows:

§ 146.09–15 Power-operated industrial trucks.

(a) *Definition.* Power-operated industrial trucks are considered to be tractors, lift trucks and other specialized industrial trucks used for material handling on board a vessel. These trucks may be either vessel's equipment or stevedore's equipment.

(b) *Approved power-operated industrial trucks.* Where approved power-operated industrial trucks are required by the regulations in this part such approved trucks shall have a specific designation of a recognized testing laboratory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(c) *Description of designations.* Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(d) *Minimum safety features.* In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

(e) *Special operating conditions.* (1) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(2) When power-operated industrial trucks are in use on board vessels subject to the regulations in this part, they shall be in a safe operating condition.

(3) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(4) The parts and/or equipment of any power-operated truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(5) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(6) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(7) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(8) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(9) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(10) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(11) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

(f) *Refueling.* (1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shut-off valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(4) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(5) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(6) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with paragraph (e)(10) of this section.

(7) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(8) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of paragraph (e)(3) of this section when trucks are operating shall also apply when trucks are being refueled.

(9) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(10) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

(g) *Replacing batteries.* Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.

(h) *Charging of batteries.* Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that changing of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations prescribed in this subchapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(5) All unmounted batteries shall be suitably protected or removed from the area in the hold of the vessel before trucks are operated in that area.

(i) *Stowage of power-operated industrial trucks aboard a vessel.* (1) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(i) Gasoline powered trucks shall have all the fuel expended from the system.

(ii) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(2) Power-operated industrial trucks not meeting the conditions set forth in subparagraph (1) of this paragraph shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

(j) *Stowage of fuel handling devices aboard a vessel.* (1) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(i) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(ii) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(*a*) Flammable liquids—"Red Label", or,

(*b*) Flammable gases—"Red Label."

(iii) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(2) Diesel fuel shall be stowed in locations designated by the master.

Subpart—Detailed Regulations Governing Explosives

3. Section 146.20–3 is amended by changing paragraph (q) to read as follows:

§ 146.20–3 Prohibited or not permitted explosives.

* * * * *

(q) New explosives except samples for laboratory examination and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Naval Weapons, Department of the Navy; or Chief, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Interstate Commerce Commission.

4. Section 146.20–11 is amended by changing paragraph (y) to read as follows:

§ 146.20–11 Class C explosives.

* * * * *

(y) Smoke candles, smoke pots, smoke grenades, and smoke signals containing not more than 200 grams of pyrotechnic composition each exclusive of smoke compositions, without bursting charges, hand signal devices, very signal cartridges, and highway or railway fusees are devices designed to produce visible effects for signal purposes.

(1) Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion produce visible or brilliant displays or bright lights.

(2) Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

5. Section 146.20–35(e) is amended to read as follows:

§ 146.20–35 Handling explosives.

* * * * *

(e) Except as otherwise provided in this paragraph, power operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

(1) The Commandant may grant authority for the use of approved power operated industrial trucks with a recognized testing laboratory designation of "EX" (see § 146.09–15) in spaces in which Class A, Class B, or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(2) In a space in which packaged small arms ammunition without explosive bullets is stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of "EX," "EE," "LPS," "GS" and "DS" (see § 146.09–15) may be used for handling cargo including the handling of such packaged small arms ammunition.

6. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended as follows:

a. Amend "High explosives (*wet with not less than 10 pounds of water to each 90 pounds of dry material*)" as follows:

i. In column 4, change "Fiber drums, etc." to read:

Fiber drums (ICC–21A, 21B) WIC not over 225 lb. net dry wt.

7. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows:

a. Amend "Propellant explosives (solid), Class B" as follows:

i. In column 2, delete paragraph 4 and insert the following:

Not more than 1,000 small arms primers may be included in one outside shipping container with solid propellant explosives. The inside container shall meet ICC requirements and be so packed as to prevent movement in the outside container.

Each outside container must be plainly marked "Propellant Explosives (solid), Class B" or "Propellant Explosives (solid), Class B and Small-Arms Primers."

Subpart—Detailed Regulations Governing Inflammable Liquids

8. Part 146 is amended by inserting after § 146.21–55 a new § 146.21–57 reading as follows:

§ 146.21–57 Use of power-operated industrial trucks in spaces containing flammable liquids.

(a) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS (see § 146.09–15) may be used for handling cargo including the handling of such packaged flammable liquids.

9. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended as follows:

a. Amend "Acrolein (*inhibited*)" as follows:

i. In column 4, amend "Metal drums (ICC–5A, 5B) etc." to read:

Metal drums (ICC–5, 5A, 5B) not over 55 gal. cap.

b. Amend the following items as indicated:

1. Acetaldehyde
2. Acetone, etc.
3. Alcohol, n.o.s., etc.
4. Allyl bromide
5. Amyl nitrite
6. Anti-freeze compounds, liquid, etc.
7. Benzene (benzol), etc.
8. Box toe gum
9. Butyl acetate
10. Butyraldehyde
11. Cement, leather, etc.
12. Cigar and cigarette lighter fluid
13. Coal tar distillate, etc.
14. Collodion
15. Compounds, cleaning, liquid, etc.
16. Compounds, lacquer, paint or varnish, etc. removing, etc.
17. Compounds, tree or weed killing, liquid
18. Crotonaldehyde
19. Crude oil, petroleum
20. Cyclohexane, etc.
21. Diethylamine, etc.
22. Dimethylamine, aqueous solution, etc.
23. Drugs, chemicals, medicines or cosmetics, n.o.s.
24. Ether, etc.
25. Ethyl acetate
26. Ethylene dichloride
27. Ethyl formate
28. Ethyl methyl ketone, etc.
29. Ethyl nitrite (nitrous ether)
30. Gas drips, hydrocarbon
31. Heptane
32. Hexane
33. Inflammable liquids, n.o.s.
34. Ink
35. Insecticide, liquid (vermin exterminator)
36. Isooctane, etc.
37. Isopentane, etc.
38. Isopropyl acetate
39. Methyl acetate, etc.
40. Methyl formate
41. Methyl iso-propenyl ketone, inhibited
42. Methyl methacrylate, monomer
43. Motor fuel, n.o.s.
44. Neohexane
45. Oil, etc.
46. Paints, enamel, lacquer, stain, shellac, etc.
47. Pentane, etc.
48. Polishes, metal, stove, furniture and wood, liquid
49. Propylene oxide
50. Pyridine
51. Resin solution (*resin compound, liquid*)
52. Road asphalt or tar, liquid
53. Sodium methylate, alcohol mixture
54. Solvents, n.o.s.
55. Toluol (toluene)
56. Turpentine substitutes, etc.
57. Vinylidene chloride, inhibited
58. Xylol (*xylene*)

i. In columns 4, 5, 6 and 7, if permitted, add:

Portable tanks (ICC–51) not over 20,000 lb. gr. wt.

c. Amend "Ethylene imine, inhibited" as follows:

i. In column 1, insert:

Propylene imine, inhibited

ii. In column 2, insert:

Similar characteristics and hazards as given for Ethylene imine.

iii. In column 3, insert:

Red

iv. In column 4, under "Outside containers" insert:

Wooden boxes (ICC–15A, 15B, 15C) WIC
ICC–37B metal drum not over 5 gal. cap.
Metal barrels or drums (ICC–6A, 6B, 6C, 6J) WIC ICC–17E metal drum not over 30 gal. cap.

d. Amend "Vinyl acetate, inhibited" as follows:

i. In column 1, change "Vinyl acetate, inhibited" to read:

Vinyl acetate

e. Amend "Wet nitrocellulose, colloided, granular or flake, etc." as follows:

i. In column 1, insert:

Wet nitrocellulose, colloided, block forms (must contain at least 25 percent by weight of alcohol)

ii. In column 2, insert:

Characteristics and hazards similar to those above.

iii. In column 3, insert:

Red.

Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

10. Part 146 is amended by inserting after § 146.22–5 a new § 146.22–7 reading as follows:

§ 146.22–7 Use of power-operated industrial trucks in spaces containing flammable solids and oxidizing materials.

(a) In a space in which packaged flammable solids or oxidizing materials are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS (see § 146.09–15) may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(b) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having minimum safety features (see § 146.09–15) may be used in the space.

(c) When oxidizing materials in bulk are stowed in a hold or compartment, any approved commercial type power-operated industrial truck may be used in the space.

11. Amend section 146.22–25 by changing subparagraph (b) (1) to read as follows:

§ 146.22–25 Exemptions for inflammable solids and oxidizing materials.

* * * * *

(b) * * *

(1) Strong outside containers having not over 1 pint or 1 pound net weight of the material in any one outside package with inside containers securely packed and cushioned with incombustible cushioning material. Cushioning material is not required when the liquid is contained in strong, securely closed plastic containers not over 1 ounce capacity each, properly packaged to prevent breakage or leakage.

12. Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

a. Amend "Calcium hypochlorite compounds, dry, etc." as follows:

i. In columns 4, 5, 6 and 7 under "Outside containers," insert:

Fiber drums (ICC–21B) WIL not over 400 lb. net wt.

b. Amend "Cumene hydroperoxide, etc." as follows:

i. In column 4, change "Wooden boxes, etc." to read:

Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC not over 250 lb. gr. wt. Also authorized for Cumene hydroperoxide (strength not exceeding 96 percent in a non-volatile solvent).

Subpart—Detailed Regulations Governing Corrosive Liquids

13. Part 146 is amended by inserting after § 146.23–10 a new § 146.23–13 reading as follows:

§ 146.23–13 Use of power-operated industrial trucks in spaces containing corrosive liquids.

(a) Any approved power-operated industrial truck (see § 146.09–15) may be used in spaces in which corrosive liquids are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

14. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended as follows:

a. Amend the following items as indicated:

1. Acetyl chloride
2. Antimony pentochloride
3. Benzoyl chloride
4. Chromyl chloride
5. Pyro sulfuryl chloride
6. Sulfur chloride (mono and di)
7. Sulfuryl chloride
8. Thinoyl chloride
9. Tin tetrochloride (anhydrous)
10. Titanium tetrachloride

i. In column 4, under "Outside containers," change "Steel barrels or drums (ICC–5A) etc." to read:

Steel barrels or drums (ICC–5A, 5B) not over 110 gal. cap.

b. Amend "Chloracetyl chloride" as follows:

i. In column 4, add:

Tank cars complying with ICC regulations.

c. Amend "Chlorine trifluoride" as follows:

i. In column 4, add:

Tank cars complying with ICC regulations.

d. Amend "Hydrogen peroxide, etc." as follows:

i. In columns 4, 5, 6 and 7 under "Solution not over 52 percent strength by weight" add:

Fiberboard box (ICC–12B) WIC polyethylene bottles not over 16 oz. cap. each, not over 65 lb. gr. wt.

e. Amend "Sulfuric acid (oil of vitriol) etc." as follows:

i. In column 1, delete "Sulfuric acid fuming, etc." and insert:

Sulfuric acid, fuming: (nordhausen) Oleum

ii. In column 2, insert:

Sulfuric acid, fuming and oleum not permitted stowage "Under deck."

iii. In columns 4, 6 and 7, add:

Fiberboard boxes (ICC–12B) WIC of compatible plastic not over 1 gal. cap., not over 75 lb. gr. wt.

Subpart—Detailed Regulations Governing Compressed Gases

15. Section 146.24–15 is amended by adding a new paragraph (h) to read as follows:

§ 146.24–15 Containers.

* * * * *

(h) Engine starting fluid containing compressed gas or gases which are inflammable may be shipped in inside nonrefillable metal containers of capacity not exceeding 32 cubic inches. Containers must be packaged in spec. 12B fiberboard boxes equipped with top and bottom pads which will provide three complete thicknesses of fiberboard on tops and bottoms of boxes, or spec. 15A, 15B, or 15C wooden boxes. Pressure in the container must not exceed 140 pounds per square inch, absolute, at 130° F. However, if the pressure exceeds 140 pounds per square inch, absolute at 130° F., a spec. 2P container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the pressure of the content at 130° F. The liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside Containers Comply With Prescribed Specification" and be labeled with the "Red Gas" label.

16. Section 146.24–20 is amended by adding a new paragraph (i) to read as follows:

§ 146.24–20 Exemptions for compressed gases.

* * * * *

(i) Inside metal containers of a capacity not to exceed 35 cubic inches, charged with nonflammable, nonpoisonous liquefied compressed gas to be used in conjunction with audible fire alarm systems. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. The completely assembled containers must be capable of withstanding without bursting a pressure of 1,000 pounds per square inch. The liquid portion of the gas must not completely fill the container at 130° F.

17. Part 146 is amended by inserting after § 146.24–25 a new § 146.24–27 reading as follows:

§ 146.24–27 Use of power-operated industrial trucks in spaces containing compressed gases.

(a) Power-operated industrial trucks with designations EX, EE, GS, LPS and DS (see § 146.09–15) may be used in spaces in which flammable compressed gases are stowed including handling thereof.

(b) Any approved power-operated industrial truck (see § 146.09–15) may be used in spaces in which non-inflammable compressed gases are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

18. Section 146.24–100 *Table G—Classification: Compressed gases* is amended as follows:

a. Amend item "Butadiene, inhibited" as follows:

i. In column 4, delete "Tank cars (ICC–104A, 104A–W) and insert:

Portable tank (ICC–51) not over 20,000 lb. gr. wt.

b. After "Dimethyl ether," insert the following:

i. In column 1, insert:

Engine starting fluid

ii. In column 2, insert:

An inflammable fluid containing an inflammable compressed gas or gases as an expellant.
Used as a fuel for starting engines.
See also § 146.24–15(h)

iii. In column 3, insert:

Red gas

iv. In column 4, insert:

Stowage:
"On deck protected"
"On deck under cover"
Containers:
Cylinders complying with ICC regulations.
(With valve protection cap)
(With dished heads)
(Boxed)

v. In columns 5, 6 and 7, insert:

Not permitted.

c. After "Methyl mercaptan," insert the following:

i. In colume 1, insert:

Monobromotrifluoromethane

ii. In column 2, insert:

Noninflammable gas
Nonpoisonous but excessive quantities in an enclosed space may cause suffocation.

iii. In column 3, insert:

Green gas

iv. In column 4, insert:

Stowage:
"On deck protected"
"On deck under cover"
"Tween decks readily accessible"
"Under deck away from heat"
Containers:
Cylinders complying with ICC regulations.
(With valve protection cap)
(With dished heads)
(Boxed)
Tank cars complying with ICC regulations.

v. In column 5, insert:

Stowage:
"On deck protected"
"On deck under cover"
"Tween decks readily accessible"
Containers:
Cylinders complying with ICC regulations.
(With valve protection cap)
(With dished heads)
(Boxed)

vi. In column 6, insert:

Ferry stowage (AA)
Containers:
Cylinders complying with ICC regulations.
(With valve protection cap)
(With dished heads)
(Boxed)

vii. In column 7, insert:

Ferry stowage (BB)
Containers:
Cylinders complying with ICC regulations.
Tank cars complying with ICC regulations.

d. Amend "Vinyl fluoride, inhibited" as follows:

i. In column 4 under "Outside containers," add:

Tank cars complying with ICC regulations.

Subpart—Detailed Regulations Governing Poisonous Articles

19. Section 146.25–5 is amended by adding an entry to the list to read as follows:

§ 146.25–5 Extremely dangerous poisons, Class A, poison gas label.

* * * * *

Nitrogen tetroxide-nitric oxide mixture containing up to 33.2 percent weight of nitric oxide.

20. Part 146 is amended by inserting after § 146.25–40 a new § 146.25–43 reading as follows:

§ 146.25–43 Use of power-operated industrial trucks in spaces containing poisonous articles.

(a) Any approved power-operated industrial truck (see § 146.09–15) may be used in spaces in which poisonous articles are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

21. Section 146.25–55 is amended by changing subparagraph (b) (1) to read as follows:

§ 146.25–55 Exemptions for poisons, Class B.

* * * * *

(b) * * *

(1) In inside glass, earthenware, or composition bottles or jars, or metal containers, or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each, except carbolic acid (phenol) in glass containers must not exceed 1 pound capacity each; or chipboard, pasteboard, or fiber cartons, cans, boxes, or tightly closed strong plastic bags or bottles compatible with product of not over 1 pound capacity each, packed in outside wooden or fiberboard boxes, or wooden barrels or kegs. Net weight of contents of outside container not over 100 pounds.

22. Section 146.25–100 *Table H—Classification: Class A; extremely dangerous poisons* is amended as follows:

a. Amend "Hydrocyanic acid, etc." as follows:

i. In column 1, under "Outside containers," add the following:

Fiberboard box (ICC–12B) WIL, WIC ICC–2N metal cans not over 41 oz. net wt. Outside container must be metal strapped, not over 70 lb. gr. wt.

b. Amend the item "Nitrogen dioxide, liquid" as follows:

i. In column 1, add the following after nitrogen peroxide (tetroxide):

Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight of nitric oxide.

23. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

a. Amend "Carbolic acid (phenol) not liquid" as follows:

i. In columns 4, 5, 6 and 7, insert under "Fiberboard boxes":

(ICC–12A) WIC not over 20 lb. net wt.

b. Amend the following items as indicated:

Parathion mixtures, liquid (*containing not more than 50 percent parathion by weight*), etc.
Tetraethyl pyrophosphate mixtures, liquid (*containing not more than 50 percent tetraethyl pyrophosphate by weight*), etc.

i. In columns 4, 5, 6 and 7 under "Authorized only for mixtures that are not classified as flammable, etc," insert:

Steel drum (ICC–37B) STC, not over 5½ gal. cap.

c. Amend the following items as indicated:

Parathion mixtures, dry, etc.
Tetraethyl pyrophosphate mixtures, dry, etc.

i. In columns 4, 5, 6 and 7 change "Authorized for dry mixtures not exceeding 27 percent by weight, etc." to read:

Authorized for dry mixtures not exceeding 50 percent by weight of the liquid active ingredient:
Fiber drums (ICC–21A, 21B) not over 225 lb. net wt.

d. Amend the following items as indicated:

1. Aldrin mixtures dry, with more than 65% aldrin, etc.
2. Ammonium arsenate, solid
3. Arsenic acid, solid, etc.
4. Arsenic bromide, solid, etc.
5. Arsenic sulfide (powder) solid
6. Arsenical compounds or mixtures, n.o.s. solid
7. Bordeaux arsenites, solid, etc.
8. Cocculus, solid (*fishberry*) etc.
9. Dinitrobenzol, solid, etc.
10. *Drugs, chemicals, etc. n.o.s. solid
11. Ferric arsenate, solid, etc.
12. Insecticide, dry, etc.
13. Lead arsenate, solid, etc.
14. Mercuric compounds, solid, etc.
15. Nitrochlorbenzene, meta-para, solid, etc.
16. Nicotine salicylate, solid, etc.
17. Poisonous solids, n.o.s.
18. Potassium arsenate, solid, etc.
19. Thallium salts, solid, etc.
20. Zinc arsenate, solid, etc.

i. In columns 4, 5, 6 and 7, change "Fiberboard boxes (ICC–12B, 12C) WIC, etc." to read:

Fiberboard boxes (ICC–12A, 12B, 12C) WIC, not over 50 lb. net wt.

ii. In columns 4, 5, 6 and 7 under "Fiber drums" change "(ICC–21B) not over 200 lb. net wt." to read:

(ICC–21B) not over 225 lb. net wt.

e. Amend the following items as indicated:

Parathion, liquid
Tetraethyl pyrophosphate, liquid, etc.

i. In column 4 under "Outside containers: Steel barrels or drums," insert:

(ICC–37B) STC, not over 5½ gal. cap.

f. Amend "Poisonous liquids, n.o.s." as follows:

i. In column 1, add the following:

Mercurial liquid, n.o.s.

Subpart—Detailed Regulations Governing Combustible Liquids

24. Part 146 is amended by inserting after § 146.26–30 a new § 146.26–35 reading as follows:

§ 146.26–35 Use of power-operated industrial trucks in spaces containing combustible liquids.

(a) Any approved power-operated industrial truck (see § 146.09–15) may be used in spaces in which combustible liquids are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

Subpart—Detailed Regulations Governing Hazardous Articles

25. Part 146 is amended by inserting after § 146.27–25 a new § 146.27–35 reading as follows:

§ 146.27–35 Use of power-operated industrial trucks in spaces containing hazardous articles.

(a) *Articles of a fibrous nature.* In a space in which packaged hazardous articles of a fibrous nature are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS (see § 146.09–15) may be used for handling cargo including the handling of such packaged hazardous articles of a fibrous nature.

(b) *Articles of a fibrous nature in closed vans or portable containers.* When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having minimum safety features (see § 146.09–15) may be used in the spaces.

(c) *Articles other than those of a fibrous nature.* In a space in which hazardous articles other than of a fibrous nature are stowed, any approved power-operated industrial truck (see § 146.09–15) may be used to handle cargo, including the handling of such hazardous articles other than of a fibrous nature.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: November 17, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–11073; Filed, Nov. 22, 1961; 8:45 a.m.]

Part II begins on page 11103

Pages 11023–11168

OF MICHIGAN
DEC 1 1961
MAIN READING ROOM

PART I

FEDERAL REGISTER

VOLUME 26 NUMBER 227

Washington, Saturday, November 25, 1961

Contents

Agricultural Marketing Service
PROPOSED RULE MAKING:
Marketing agreements and orders; recommended decision and opportunity to file written exceptions:
Grapefruit in Indian River district, Florida 11062
Irish potatoes grown in Maine 11053
RULES AND REGULATIONS:
Filberts in the shell; U.S. standards for grades 11025
Handling limitations; fruit grown in California and Arizona:
Lemons 11037
Navel oranges 11034
Shipment limitations:
Grapefruit grown in Arizona and California 11037
Oranges, grapefruit, tangerines, and tangelos grown in Florida 11035

Agricultural Stabilization and Conservation Service
PROPOSED RULE MAKING:
Milk in certain marketing areas; decisions on proposed amendments to tentative agreements and orders:
Northeastern Ohio 11074
Ohio Valley 11079
RULES AND REGULATIONS:
Milk in certain marketing areas:
New Orleans; order suspending certain provisions 11035
North Texas; order amending order 11036
Oklahoma metropolitan area; order amending order 11026
Red River Valley; order amending order 11038

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Atomic Energy Commission
RULES AND REGULATIONS:
Standards for protection against radiation; concentration limits in radionuclide mixtures 11046

Census Bureau
NOTICES:
Distributors' stocks of canned foods; consideration for surveys 11097

Civil Aeronautics Board
NOTICES:
Members of National Air Taxi Conference, Inc.; show cause order 11089
RULES AND REGULATIONS:
Tariffs of foreign and domestic air carriers; types and seating configuration; postponement of effective date 11046

Civil Service Commission
RULES AND REGULATIONS:
Group life insurance; appeals 11046

Commerce Department
See also Census Bureau; Export Control Office; National Bureau of Standards.
NOTICES:
Steelman, Julien R.; changes in financial interests 11098

Commodity Credit Corporation
RULES AND REGULATIONS:
Bean loan and purchase agreement program, 1961 crop 11025

Defense Department
NOTICES:
Secretary of the Army; authority delegation regarding settlement of claims 11089

Export Control Office
NOTICES:
S. R. Tippett & Co., Ltd.; denial of export privileges for indefinite period 11097

Federal Aviation Agency
PROPOSED RULE MAKING:
Jet routes; alteration 11087
RULES AND REGULATIONS:
Airworthiness directive; Aeronca Model 15 series aircraft 11047
Restricted areas:
Alteration 11048
Designation and alteration 11047
Restricted area, control area extension, and continental control area 11048

Federal Communications Commission
NOTICES:
Hearings, etc.:
Fitzgerald, Francis M. 11091
Flower City Television Corp. and Genesee Valley Television Co., Inc. 11094

Federal Power Commission
NOTICES:
Hearings, etc.:
Constantine, S. T., et al 11095
Montana-Dakota Utilities Co. et al 11095

Food and Drug Administration
RULES AND REGULATIONS:
Food additives permitted in food for human consumption 11052

Health, Education, and Welfare Department
See Food and Drug Administration; Social Security Administration.

(Continued on next page)

Interior Department
See Land Management Bureau.

Interstate Commerce Commission
NOTICES:
Fourth section applications for relief 11098
Motor carrier transfer proceedings 11098
PROPOSED RULE MAKING:
Transportation of explosives and other dangerous articles; certain portable and cargo tanks 11088
RULES AND REGULATIONS:
Uniform system of accounts for railroad companies; (*see* Part II of this issue).

Land Management Bureau
RULES AND REGULATIONS:
California; public land order modifying reclamation withdrawal, Colorado River Storage Project 11052

National Bureau of Standards
RULES AND REGULATIONS:
Analytical and inorganic chemistry; pure substances 11048
Freezing point standards 11049

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
Black Bear Industries, Inc. 11096
Norse-Am. Financial Corp 11096

Social Security Administration
NOTICES:
Findings regarding foreign social insurance and pension systems:
Federation of Malaya 11089
Singapore 11089
PROPOSED RULE MAKING:
Federal old-age, survivors, and disability insurance; payments and reports by state 11083
RULES AND REGULATIONS:
Federal old-age, survivors and disability insurance; substantial gainful activity; evidentiary requirements for establishment of disability; criteria for evaluating work 11049

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
37 11046

6 CFR
421 11025

7 CFR
51 11025
906 11026
914 11034
933 11035
942 11035
943 11036
953 11037
955 11037
986 11038
PROPOSED RULES:
970 11053
975 11074
1024 11079
1028 11062

10 CFR
20 11046

14 CFR
221 11046
507 11047
600 11047
601 (2 documents) 11047, 11048
608 (3 documents) 11047, 11048
PROPOSED RULES:
602 11087

15 CFR
205 11048
230 11049

20 CFR
404 11049
PROPOSED RULES:
404 11083

21 CFR
121 11052

43 CFR
PUBLIC LAND ORDERS:
2435 (correction) 11052

49 CFR
10 (*See* Part II of this issue).
PROPOSED RULES:
73 11088

Announcing first
5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, [Supp. 1, Amdt. 1, Dry Edible Beans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Dry Edible Bean Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5733, and containing the specific requirements of the 1961-crop dry edible bean price support program are hereby amended as follows:

1. Section 421.278(f) (1) is amended to make Pinto beans containing not more than 15 percent moisture eligible for farm-storage loan when the total percentage of other defects is in excess of 8 percent, but not more than 15 percent. The amended subparagraph will read as follows:

§ 421.278 Eligible beans.

* * * * *

(f) (1) Beans placed under farm-storage loan must meet the requirements set forth in paragraph (e) of this section for warehouse-storage loans and purchase agreements, or must be beans which have not been commercially cleaned; which contain not in excess of 18 percent moisture (except in the case of Pinto beans which may not contain in excess of 15 percent moisture when the percent of other defects exceeds 8 percent); which after deduction of foreign material, contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans (except in the case of Pinto beans which may contain not in excess of 15 percent of other defects); which are not musty, moldy, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality; and which do not have any commercially objectionable odor. (Such beans are hereinafter referred to as "thresher run" beans.)

2. Section 421.285 (b) footnote one is amended to provide additional deductions from the loan rate for Pinto beans when the percent of other defects exceeds 8 percent. The footnote is amended to read as follows:

§ 421.285 Support rates.

* * * * *

(b) * * *

[1] Premium for U.S. CHP and U.S. Extra No. 1, 10 cents except that premium for U.S. CHP on pea beans is 25 cents. Discount for U.S. No. 2, 25 cents. Loan rate for thresher-run beans where the percent of defects, not including foreign material, is not more than 8 percent, shall be the loan rate for U.S. No. 1 less $2 except in Michigan and New York, where the loan rate shall be the loan rate for U.S. No. 1 less $3.00. Such rate for Pinto beans shall be further reduced 50 cents per cwt. where the percent of defects, other than foreign material, ranges 8.1 to 12 and $1.00 per cwt. where it ranges 12.1 to 15. Quantity on thresher-run beans is the net weight of sound whole beans.

(Sec. 4, 62 Stat, 1070 as amended, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U.S.C. 714c; 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 17, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-11197; Filed, Nov. 24, 1961; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Filberts in the Shell [1]

On August 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7778) regarding a proposed revision of United States Standards for Filberts in the Shell.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Filberts in the Shell are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Filberts in the Shell which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following addition:

Insert the word "Grade" as a center heading immediately above § 51.1995 U.S. No. 1.

It has been determined that good cause exists for not postponing the effective date of these standards beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) The 1961 packing season for filberts is at hand and it is in the interest of the public as well as the filbert industry that the revised standards become effective as soon as possible; and, (2) no special preparation on the part of the industry will be necessitated by the change in size requirements since the new size is already in use.

Accordingly, the United States Standards for Grades of Filberts in the Shell set forth herein shall become effective upon publication in the FEDERAL REGISTER, and shall thereupon supersede the United States Standards for Filberts in the Shell which have been in effect since September 10, 1948.

Dated: November 20, 1961.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

GRADE

Sec.
51.1995 U.S. No. 1.

UNCLASSIFIED

51.1996 Unclassified.

DEFINITIONS

51.1997 Similar type.
51.1998 Dry.
51.1999 Well formed.
51.2000 Clean and bright.
51.2001 Blank.
51.2002 Damage.
51.2003 Reasonably well developed.
51.2004 Badly misshapen.
51.2005 Rancidity.
51.2006 Moldy.
51.2007 Insect injury.

APPLICATION OF STANDARDS

51.2008 Application of standards.

AUTHORITY: §§ 51.1995 to 51.2008 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADE

§ 51.1995 U.S. No. 1.

"U.S. No. 1" consists of filberts in the shell which are of similar type and dry. The shells shall be well formed, clean and bright, free from blanks, broken or split shells, and free from damage caused by stains, adhering husk or other means. The kernels shall be reasonably well developed, not badly misshapen, free from rancidity, decay, mold, insect injury and free from damage caused by shriveling, discoloration or other means.

(a) The filberts shall meet one of the following size classifications as specified for round type and for long type varieties:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

SIZE REQUIREMENTS

	Maximum size	Minimum size
Size classifications	Will pass through a round opening of the following size.	Will not pass through a round opening of the following size.
Round type varieties:		
Jumbo	No maximum	56/64 inch.
Large	56/64 inch	49/64 inch.
Medium	49/64 inch	45/64 inch.
Small	45/64 inch	No minimum.
Long type varieties:		
Jumbo	No maximum	47/64 inch.
Large	49/64 inch	45/64 inch.
Medium	45/64 inch	35/64 inch.
Small	35/64 inch	No minimum.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are permitted as specified:

(1) *For mixed types.* 10 percent for filberts which are of a different type.

(2) *For defects.* 10 percent for filberts which are below the requirements of this grade: *Provided,* That not more than one-half of this amount or 5 percent shall consist of blanks, and not more than 5 percent shall consist of filberts with rancid, decayed, moldy or insect injured kernels, including not more than 3 percent for insect injury.

(3) *For off-size.* 12 percent for filberts which fail to meet the requirements for the size specified, but not more than five-sixths of this amount, or 10 percent shall consist of undersize filberts.

UNCLASSIFIED

§ 51.1996 Unclassified.

"Unclassified" consists of filberts which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

DEFINITIONS

§ 51.1997 Similar type.

"Similar type" means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

§ 51.1998 Dry.

"Dry" means that the shell is free from surface moisture, and that the shells and kernels combined do not contain more than 10 percent moisture.

§ 51.1999 Well formed.

"Well formed" means that the filbert shell is not materially misshapen.

§ 51.2000 Clean and bright.

"Clean and bright" means that the individual filbert and the lot as a whole are practically free from adhering dirt and other foreign material, and that the shells have characteristic color.

§ 51.2001 Blank.

"Blank" means a filbert containing no kernel or a kernel filling less than one-fourth the capacity of the shell.

§ 51.2002 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance, or the edible or shipping quality of the filberts. The following specific defects shall be considered as damage:

(a) Stains which are dark and materially affect the appearance of the individual shell.

(b) Adhering husk when covering more than 5 percent of the surface of the shell in the aggregate.

(c) Shriveling when the kernel is materially shrunken, wrinkled, leathery and tough.

(d) Discoloration when the appearance of the kernel is materially affected by black color.

§ 51.2003 Reasonably well developed.

"Reasonably well developed" means that the kernel fills one-half or more of the capacity of the shell.

§ 51.2004 Badly misshapen.

"Badly misshapen" means that the kernel is so malformed that the appearance is materially affected.

§ 51.2005 Rancidity.

"Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.

§ 51.2006 Moldy.

"Moldy" means that there is a visible growth of mold either on the outside or the inside of the kernel.

§ 51.2007 Insect injury.

"Insect injury" means that the insect, frass or web is present inside the nut or the kernel shows definite evidence of insect feeding.

APPLICATION OF STANDARDS

§ 51.2008 Application of standards.

(a) The grade of a lot of filberts shall be determined on the basis of a composite sample drawn from containers in various locations in the lot. However, any container or group of containers in which the filberts are obviously of a quality, type or size materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

(b) In grading the sample, each filbert shall be examined for defects of the shell before being cracked for kernel examination. The nut shall be classed as only one defective nut even though it may be defective externally and internally.

[F.R. Doc. 61-11173; Filed, Nov. 24, 1961; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 6]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Order Amending Order

Sec.

906.0 Findings and determinations.

DEFINITIONS

906.1 Act.
906.2 Secretary.
906.3 Department.
906.4 Person.
906.5 Cooperative association.
906.6 Oklahoma Metropolitan marketing area.
906.7 Distributing plant.
906.8 Supply plant.
906.9 Pool plant.
906.10 Nonpool plant.
906.11 Handler.
906.12 Producer.
906.13 Producer milk.
906.14 Other source milk.
906.15 Producer-handler.
906.16 Route.
906.17 Fluid milk products.
906.18 Accounting period.

MARKET ADMINISTRATOR

906.20 Designation.
906.21 Powers.
906.22 Duties.

REPORTS, RECORDS AND FACILITIES

906.30 Reports of receipts and utilization.
906.31 Reports of payments to producers.
906.32 Other reports.
906.33 Records and facilities.
906.34 Retention of records.

CLASSIFICATION

906.40 Skim milk and butterfat to be classified.
906.41 Classes of utilization.
906.42 Shrinkage.
906.43 Responsibility of handlers and reclassification of milk.
906.44 Transfers.
906.45 Computation of skim milk and butterfat in each class.
906.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

906.50 Basic formula price to be used in determining Class I prices.
906.51 Class prices.
906.52 Butterfat differentials to handlers.
906.53 Location adjustment credit to handlers.
906.54 Equivalent prices.
906.55 Rate of compensatory payment.

APPLICATION OF PROVISIONS

906.60 Producer-handlers.
906.61 Handlers subject to other orders.
906.62 Handlers operating nonpool plants.

DETERMINATION OF UNIFORM PRICES

906.70 Computation of value of milk.
906.71 Computation of aggregate value used to determine price(s).
906.72 Computation of uniform price.

PAYMENTS

906.80 Time and method of payment.
906.81 Location adjustment to producers.
906.82 Producer butterfat differential.
906.83 Producer-settlement fund.
906.84 Payments to the producer-settlement fund.
906.85 Payment out of the producer-settlement fund.
906.86 Adjustments of accounts.
906.87 Marketing services.
906.88 Expense of administration.
906.89 Termination of obligation.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

906.90 Effective time.
906.91 Suspension or termination.
906.92 Continuing obligations.
906.93 Liquidation.

MISCELLANEOUS PROVISIONS

906.100 Agents.
906.101 Separability of provisions.

AUTHORITY: §§ 906.0 to 906.101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 906.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to all milk pursuant to § 906.88.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued September 22, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued October 27, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 906.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 906.2 Secretary.

"Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 906.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 906.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 906.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 906.6 Oklahoma Metropolitan marketing area.

"Oklahoma Metropolitan, marketing area", hereinafter called the "Marketing Area", means all the territory within Tulsa County, the city of Sapulpa, and the township of Sapulpa in Creek County; that part of Black Dog Township in 20 North, Ranges 10, 11, and 12 East in Osage County; the cities of Muskogee, McAlester, Ponca City, and Tahlequah; Oklahoma County, except Deer Creek, Deep Fork, and Luther Townships; Moore, Taylor, Case, Liberty, Norman, and Noble Townships in Cleveland County; Bales, Davis, Dent, Brinton, Rock Creek, Forest, and Earlsboro townships in Pottawatomie County; the city and township of Guthrie in Logan County; the city and township of Stillwater and Union Township, including the city of Cushing in Payne County; and the city of Enid and Vance Air Force Base in Garfield County; all in the State of Oklahoma.

§ 906.7 Distributing plant.

"Distributing plant" means a plant:

(a) Which is approved by a duly constituted state or municipal health authority, or which is acceptable to an agency of the Federal Government for the disposition of milk at an installation in the marketing area;

(b) In which milk or skim milk is processed or packaged; and

(c) Which receives milk from dairy farmers who would be producers if this plant qualified as a pool plant, or Grade A milk in bulk from other pool plants, and from which an amount equal to 50 percent of such receipts is disposed of as Class I milk on routes, and an amount equal to at least 5 percent of such

receipts is disposed of as Class I milk on routes in the marketing area.

§ 906.8 Supply plant.

"Supply plant" means a plant which receives milk from approved dairy farmers who would be producers if this plant qualified as a pool plant and from which an amount equal to 50 percent of the receipts from such approved farmers is shipped to a distributing plant during the month in the form of fluid milk products: *Provided,* That any plant which qualifies as a pool plant during each of the months of September through December shall be a supply plant for the following months of January through August except that if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

§ 906.9 Pool plant.

"Pool plant" means:

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 906.61);

(b) A supply plant; and

(c) A plant at which milk is received directly from the farms of dairy farmers holding permits or authorizations issued by a health authority having jurisdiction in the marketing area and which is operated by a cooperative association having member producers whose milk is received at other pool plants.

§ 906.10 Nonpool plant.

"Nonpool plant" means any milk plant which is not a pool plant.

§ 906.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants: *Provided,* That in the case of recognized divisions of a corporation which are operated as separate business units, each such division shall be deemed to be a handler;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area;

(c) A cooperative association which owns or operates a plant described in § 906.9(c) with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by such cooperative association for the account of such cooperative association (such milk shall be considered to have been received by such cooperative association at a pool plant at the location of the plant to which it is delivered); or

(d) Any cooperative association with respect to the milk of producers which it causes to be diverted to nonpool plants for the account of such cooperative association.

§ 906.12 Producer.

"Producer" means any person, other than a producer-handler, who under a dairy farm permit, authorization, or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted state or municipal health authority, or by an agency of the Federal Government located in the marketing area, produces milk which is received at a pool plant directly from the farm of such person. This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler, and milk so diverted shall be deemed to have been received at the pool plant from which it is diverted for the purpose of determining location differentials pursuant to § 906.81. This definition shall not include any person with respect to milk produced by him which is received at a plant which is regulated by another order issued pursuant to the Act if the other order requires such person to be designated as a producer or any person with respect to milk produced by him which is deemed to have been received at a plant which is subject to full regulation by the order regulating the handling of milk in the Red River Valley marketing area (Part 963 of this chapter), if such person is designated as a producer under the Red River Valley order.

§ 906.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk, produced by a producer which is received by a handler either directly from producers or from other handlers as defined in § 906.11(c).

§ 906.14 Other source milk.

"Other source milk" means all skim milk and butterfat, other than that contained in producer milk or in receipts of fluid milk products from other pool plants, and products designated as Class II milk pursuant to § 906.41(b) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the accounting period, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 906.15 Producer-handler.

"Producer-handler" means any person who produces milk and operates a plant which meets the standards in § 906.7(a) from which Class I milk is disposed of on routes in the marketing area, but who receives no milk from producers or other dairy farmers.

§ 906.16 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery in bulk to a milk plant.

§ 906.17 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (except cream stored and frozen), cultured sour cream, and any mixture in fluid form of cream and milk or skim milk (except bulk ice cream mix).

§ 906.18 Accounting period.

"Accounting period" shall mean a calendar month unless the handler during any calendar month makes a request in writing to the market administrator requesting two accounting periods during the month. No accounting period shall be of less than 5 days duration and the request for 2 accounting periods must be made at least 48 hours prior to the end of the first accounting period in the month.

Market Administrator

§ 906.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 906.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 906.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 906.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 906.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 906.30 to 906.32, inclusive,

(2) Maintained adequate records and facilities pursuant to § 906.33, or

(3) Made payments pursuant to §§ 906.80 to 906.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purposes of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 906.51(a) and the Class I butterfat differential computed pursuant to § 906.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 906.51(b) and the Class II butterfat differential computed pursuant to § 906.52(b) both for the previous month.

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.72 or § 906.73, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

Reports, Records and Facilities

§ 906.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each accounting period in the month in detail on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through June, 1960, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) The quantities of skim milk and butterfat contained in opening and closing inventories;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 906.31 Reports of payments to producers.

On or before the 20th day of each month, each handler who operates a pool plant shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show: (a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of March through June 1960, such producer's deliveries of base and excess milk; (b) the amount of payment to each producer or cooperative association; and (c) the nature and amount of any deductions or charges involved in such payments.

§ 906.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe, and

(b) Each handler who causes milk to be diverted to a nonpool plant, shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 906.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necesary for the market administrator to verify or establish the correct data with respect to: (a) The receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; (c) payments to producers and cooperative association; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each accounting period.

§ 906.34 Retention of records.

All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necesasry in connection therewith.

Classification

§ 906.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received during each accounting period by a handler which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions contained in §§ 906.41 to 906.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 906.41 Classes of utilization.

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (2), (3), (4), and (8) of this section, and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In cream stored and frozen;

(3) Disposed of for livestock feed if records and reports satisfactory to the market administrator to verify such use are maintained and submitted as required;

(4) In skim milk dumped after prior notification to, and opportunity for verification by the market administrator;

(5) In actual shrinkage of producer milk in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers' farms, plus one and one-half percent of the total pounds of skim milk and butterfat in milk, skim milk and cream in bulk fluid form received at a pool plant from both producers and other pool plants and which were not disposed of in bulk to the pool plant of another handler;

(6) In shrinkage of bulk other source milk;

(7) In inventory as fluid milk products at the end of the accounting period; and

(8) The weight of skim milk in fortified fluid milk products which is not classified pursuant to paragraph (a) (1) (ii) of this section.

§ 906.42 Shrinkage.

The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and bulk other source milk.

§ 906.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original form or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous accounting period pursuant to § 906.41(b)(7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 906.46(a)(6).

§ 906.44 Transfers.

Skim milk or butterfat disposed of from a pool plant either by transfer or diversion shall be classified:

(a) As Class I milk if diverted or transferred in bulk in the form of milk, skim milk or cream, including milk caused to be delivered to such handler's pool plant(s) from producers' farms by a cooperative association in its capacity as a handler pursuant to § 906.11(c), to the pool plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 906.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk. In no case shall the amount of milk assigned to Class I in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk or cream;

(c) As Class I milk if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 300 miles from the City Hall in either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator;

(d) As Class I milk if transferred in bulk in the form of cream to a nonpool plant located more than 300 miles from the City Hall in either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was tagged or labeled to show that contents were only for manufacturing use, the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(e)(1) As Class I milk, if diverted or transferred in bulk in the form of milk, skim milk, or cream to a nonpool plant located not more than 300 miles by the shortest hard-surfaced highway distance from the City Hall in either Oklahoma City or Tulsa, Oklahoma, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such nonpool plant; and

(ii) Such nonpool plant received milk from dairy farmers who the market administrator determines constitute its regular sources of supply for Class I milk;

(2) If these conditions are met the market administrator shall classify such milk as reported by the handler subject to verification as follows: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitute its regular sources of supply for Class I milk;

(f) As Class II milk if diverted or transferred in bulk in the form of milk, skim milk, or cream to a nonpool plant located not more than 300 miles by the shortest hard-surfaced highway distance from the City Hall in either Oklahoma City or Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such nonpool plant transfers milk, skim milk, or cream to a pool plant, an equal amount of skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified pursuant to the provisions of paragraph (a) of this section; and

(2) If such nonpool plant transfers milk, skim milk, or cream to a second nonpool plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk to the extent of the amount so transferred to such second nonpool plant unless it is established that the milk, skim milk, or cream was transferred to the second nonpool plant without Grade A certification and with each container labeled or tagged to indicate that the contents were for manufacturing use only, and that the shipment was so invoiced.

§ 906.45 Computation of skim milk and butterfat in each class.

For each accounting period, the market administrator shall correct for mathematical and for other obvious errors, the accounting period report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk.

§ 906.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 906.45, the market administrator shall determine the classification of producer milk received by each handler in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk in shrinkage of producer-milk determined pursuant to § 906.41(b)(5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of nonfluid milk products, other than condensed skim milk or nonfat dry milk.

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of condensed skim milk or nonfat dry milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk:

(i) In series beginning with Class II milk, the pounds of skim milk in other source milk received in fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the Act; but which are not subtracted from Class I pursuant to (ii) of this subparagraph.

(ii) In Class I milk, the pounds of skim milk in sour cream (in case of fortified sour cream, the pounds of an equivalent volume of unfortified sour cream) received in packaged form if such sour cream is priced as Class II pursuant to Part 941 of this chapter and if no sour cream is processed and packaged in the plant during the accounting period.

(6) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in inventory at the beginning of the month in the form of fluid milk products;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products pursuant to § 906.44;

(8) Add to the pounds of skim milk remaining in Class II, the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk in each class, beginning with Class II milk. Any amount so subtracted shall be called overage;

(b) Butterfat shall be allocated in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add together the pounds of skim milk and butterfat in each class computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk allocated to each class.

Minimum Prices

§ 906.50 Basic formula price to be used in determining Class I price.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month, rounded to the nearest whole cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.5; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.2.

§ 906.51 Class prices.

Subject to the provisions of §§ 906.52 and 906.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $1.48 during the months of April, May and June and plus $1.88 during all other months: *Provided*, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage";

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October-November	128	136
February	November-December	117	125
March	December-January	110	118
April	January-February	110	118
May	February-March	119	127
June	March-April	130	138
July	April-May	142	150
August	May-June	160	168
September	June-July	152	160
October	July-August	149	157
November	August-September	140	148
December	September-October	132	140

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(ii) One-half cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

(b) *Class II milk.* The average price reported by the Department for the month for milk of 3.5 percent butterfat used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States: *Provided*, That during the months March through August of each year and for each month from the effective date of this order through February 1962, the price for milk, skim milk and cream used in the manufacture of American cheese, butter and nonfat dry milk shall be 10 cents less, subject to the following limitations:

(1) For the purpose of computing the Class II price credit, the volume of milk used in a pool plant for the manufacture of American cheese, butter, and nonfat dry milk shall be reduced by the volume of milk received from other handlers under this order or any other order, on which a similar price credit has been allowed.

(2) Milk used in the manufacture of American cheese, butter and nonfat dry milk within a nonpool plant which has received milk from a handler(s) regulated under this order or any other order which permits a similar price credit, shall be prorated among such handlers, for the purpose of determining the amount of price credit to be allowed such handlers.

§ 906.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 906.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 906.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the

applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 906.53 Location adjustment credit to handlers.

For that portion of milk which is (a) received directly from producers at a pool plant located 50 or more miles from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator, and (b) is classified as Class I milk, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler computed as follows:

Distance from the City Hall in Oklahoma City:	*Cents per hundredweight*
50 to 150 miles	10
150.1 to 165 miles	12
165.1 to 180 miles	14
180.1 to 195 miles	16
195.1 to 210 miles	18
210.1 to 225 miles	20
225.1 to 240 miles	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles: *Provided,* That for the purpose of calculating such adjustment, transfers to a pool plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant. Such assignment to transferor plants is to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 906.54 Equivalent prices.

If, for any reason, a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 906.55 Rate of compensatory payment.

The rate of compensatory payment per hundredweight applicable to other source milk assigned to Class I use at pool plants or disposed of as Class I milk on routes in the marketing area from nonpool plants shall be calculated by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and, except in the case of condensed skim milk and nonfat dry milk by the location adjustment pursuant to § 906.53 which would apply if the nonpool plant were a pool plant: *Provided,* That in any month in which total receipts of producer milk by all handlers are less than 110 percent of the Class I utilization of all handlers, the rate of compensatory payment shall be zero.

APPLICATION OF PROVISIONS

§ 906.60 Producer-handlers.

Sections 906.40 through 906.46, 906.50 through 906.53, 906.70 through 906.72 and 906.80 through 906.89, shall not apply to a producer-handler.

§ 906.61 Handlers subject to other orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 906.62 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act shall report as required pursuant to §§ 906.30 and 906.31 reporting receipts from dairy farmers in lieu of such information with respect to producers and shall allow verification of such reports, and on or before the 12th day of each month he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 906.55.

DETERMINATION OF UNIFORM PRICES

§ 906.70 Computation of value of milk.

The value of milk received during each month by each handler from producers shall be the total of the sums of money computed for each accounting period within the month by the market administrator as follows:

(a) *Handlers who receive milk from producers.* (1) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to §§ 906.52 and 906.53) and add together the resulting amounts;

(2) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.46(a)(9) and the corresponding step of § 906.46(b) by the applicable class price(s); and

(3) Add any charges computed as follows:

(i) For any skim milk or butterfat in inventory reclassified pursuant to § 906.43(b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(ii) For any other skim milk or butterfat reclassified pursuant to § 906.43(b) a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the month in which previously classified as Class II milk;

(iii) For any skim milk or butterfat subtracted from Class I pursuant to § 906.46(a) (2), (3) and (4) and the corresponding steps of § 906.46(b) multiply the pounds of milk so subtracted by the rate of compensatory payment as determined pursuant to § 906.55.

(b) *Handlers who operate pool plants but who receive no milk from producers.* (1) If any overage has been deducted pursuant to § 906.46(a)(9) or the corresponding step of § 906.46(b), multiply such amount by the applicable class price; and

(2) If any skim milk or butterfat has been subtracted from Class I pursuant to § 906.46(a) (2), (3) and (4) and the corresponding steps of § 906.46(b) multiply the pounds of milk so subtracted by the rate of compensatory payment as determined pursuant to § 906.55 and add such value to that computed pursuant to subparagraph (1) of this paragraph.

§ 906.71 Computation of aggregate value used to determine price(s).

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk.

§ 906.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for all milk of 3.5 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 906.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to § 906.72, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (d) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month;

(c) To a cooperative association with respect to milk for which the cooperative association is a handler on or before the 10th day of each month for milk which is caused to be delivered to such handler during the preceding month at not less than the value of such milk at the applicable class prices; and

(d)(1) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall,

(i) Pay to the cooperative association on or before the 13th and 27th days of each month in lieu of payments pursuant to paragraphs (a) and (b), respectively of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer,

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member producer,

(a) The total pounds of milk received during the preceding month,

(b) The total pounds of butterfat contained in such milk,

(c) The number of days on which milk was received,

(d) The amounts withheld by the handler in payment for supplies sold, and

(iii) Submit to the cooperative association on or before the 25th day of each month, written information which shows for each member producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer, who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 906.81 Location adjustment to producers.

In making payments to producers pursuant to § 906.80 each handler may deduct for each hundredweight of milk received from producers at a pool plant which is located 50 miles or more from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator the applicable amounts set forth below:

Distance from the City Hall in Oklahoma City:	*Cents per hundredweight*
50 to 150 miles	10
150.1 to 165 miles	12
165.1 to 180 miles	14
180.1 to 195 miles	16
195.1 to 210 miles	18
210.1 to 225 miles	20
225.1 to 240 miles	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles.

§ 906.82 Producer butterfat differential.

In making payments pursuant to § 906.80 there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 906.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 906.62, 906.84 and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86, inclusive.

§ 906.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month during which the milk was received, each handler including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 906.70 is greater than the amount required to be paid producers by such handler pursuant to § 906.80.

§ 906.85 Payment out of the producer-settlement fund.

On or before the 14th day after the end of the month during which the milk was received the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handler pursuant to § 906.80: *Provided,* That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 906.86 Adjustments of accounts.

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 906.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 906.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually per-

forming the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of the month pay such deduction to the cooperative association rendering such services, identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31.

§ 906.88 Expense of administration.

As his pro rata share of the expense of administration of this subpart each handler (a) who operates a pool plant(s) shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (1) other source milk which is classified as Class I milk, and (2) milk from producers including such handler's own production: *Provided*, That with respect to payments pursuant to (1) and (2) of this paragraph, for each handler using two accounting periods in a month, the rate of payment shall be twice the rate for monthly accounting periods, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting period, and (b) each handler who operates a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act shall make such payments only with respect to Class I milk disposed of on routes within the marketing area.

§ 906.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 906.90 Effective time.

The provisions of this part or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 906.91.

§ 906.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 906.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 906.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 906.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 906.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: December 1, 1961.

Signed at Washington, D.C., on November 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-11193; Filed, Nov. 24, 1961; 8:52 a.m.]

[Navel Orange Reg. 216]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.516 Navel Orange Regulation 216.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 22, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 26, 1961, and ending at 12:01 a.m., P.s.t., December 3, 1961, are hereby fixed as follows:

(i) District 1: 500,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 100,000 cartons;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 24, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-11270; Filed, Nov. 24, 1961; 11:29 a.m.]

[Tangerine Reg. 227]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1079 Tangerine Regulation 227.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 21, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., November 27, 1961, and ending at 12:01 a.m., e.s.t., December 4, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 22, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-11244; Filed, Nov. 24, 1961; 9:00 a.m.]

[Milk Order 42]

PART 942—MILK IN NEW ORLEANS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans marketing area (7 CFR Part 942), it is hereby found and determined that:

(a) The following provisions of the order appearing in § 942.14 do not tend to effectuate the declared policy of the Act during the month of December 1961: "for not more than 10 days" in paragraph (2) and paragraph (3) in its entirety which reads as follows:

"(3) Milk delivered for the account of a handler to a nonpool plant for more than ten days during September through December, shall not be considered as producer milk during the whole period of its delivery to a nonpool plant."

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are im-

practical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions in the marketing area and to maintain orderly marketing conditions in the marketing area.

(3) Revision of the diversion provisions to permit unlimited diversion during the month of December was considered at a hearing held in New Orleans, Louisiana, on November 2, 1961. Sufficient time does not remain to process the necessary order amendment on the basis of the evidence received for the record at the hearing. This action will implement the handling of heavy reserve supplies of producer milk which are attributed to unusually favorable weather conditions. This suspension action will continue to permit unlimited diversions of producer milk which has been established by previous suspension action for the period October 7 through November 30, 1961.

(4) This suspension action was requested by Gulf Milk Association, Inc., the major cooperative association representing producers on the market.

Therefore, good cause exists for making this order effective December 1, 1961.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of December 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 1, 1961.

Signed at Washington, D.C., on November 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11196; Filed, Nov. 24, 1961; 8:52 a.m.]

[Milk Order 43]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

Order Amending Order

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Secretary, United States Department of Agriculture was issued September 15, 1961, and the decision containing all amendment provisions of this order, was issued October 26, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended and as hereby further amended:

Delete § 943.51(a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth of a cent) plus $1.85 for the months of March through June and plus $2.25 for all other months, subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this Part and Parts 949, 952, 982, and 998 of this Chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage computed pursuant to subparagraph (1)(iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1)(i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2)(iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1)(ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided,* That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective Date: December 1, 1961.

Signed at Washington, D.C., on November 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11195; Filed, Nov. 24, 1961; 8:52 a.m.]

[Lemon Reg. 927]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1034 Lemon Regulation 927.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 21, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 26, 1961, and ending at 12:01 a.m., P.s.t., December 3, 1961, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 120,900 cartons;

(iii) District 3: 74,400 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 22, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11243; Filed, Nov. 24, 1961; 9:00 a.m.]

[Grapefruit Reg. 139]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 955.400 Grapefruit Regulation 139.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on November 15, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on November 20, 1961; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., November 26, 1961, and ending at 12:01 a.m., P.s.t., January 14, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless (*a*) such grapefruit are well colored, and otherwise grade at least U.S. No. 2: *Provided,* That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel, and (*b*) not less than 50 percent, by count, of such grapefruit in any lot, and not less than 40 percent, by count, of such grapefruit in any individual container in such lot are well formed; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3\frac{11}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determin-

ing the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 7/16 inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" "well formed" and "well colored" shall each have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 21, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11172; Filed, Nov. 24, 1961; 8:47 a.m.]

[Milk Order 86]

PART 986—MILK IN RED RIVER VALLEY MARKETING AREA

Order Amending Order

Sec.
986.0 Findings and determinations.

DEFINITIONS

986.1 Act.
986.2 Secretary.
986.3 Department of Agriculture.
986.4 Red River Valley marketing area.
986.5 Person.
986.6 Producer.
986.7 Distributing plant.
986.8 Supply plant.
986.9 Pool plant.
986.10 Nonpool plant.
986.11 Handler.
986.12 Cooperative association.
986.13 Producer-handler.
986.14 Producer milk.
986.15 Fluid milk product.
986.16 Other source milk.
986.17 Base milk.
986.18 Excess milk.

MARKET ADMINISTRATOR

986.25 Designation.
986.26 Powers.
986.27 Duties.

REPORTS, RECORDS AND FACILITIES

986.30 Reports of receipts and utilization.
986.31 Reports of payments to producers.
986.32 Other reports.
986.33 Records and facilities.
986.34 Retention of records.

CLASSIFICATION

986.40 Skim milk and butterfat to be classified.
986.41 Classes of utilization.
986.42 Shrinkage.
986.43 Responsibility of handlers and reclassification of milk.
986.44 Transfers.
986.45 Computation of skim milk and butterfat in each class.
986.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

986.50 Class prices.
986.51 Butterfat differentials to handlers.
986.52 Location adjustment credit to handlers.
986.53 Rate of compensatory payments.
986.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

986.60 Producer-handlers.
986.61 Handlers subject to other orders.
986.62 Handlers operating nonpool plants.
986.63 Diverted milk.

DETERMINATION OF BASE

986.65 Computation of daily average base for each producer.
986.66 Base rules.
986.67 Announcement of established bases.

DETERMINATION OF UNIFORM PRICES

986.70 Computation of value of producer milk for each handler.
986.71 Computation of the uniform price.
986.72 Computation of uniform prices for base and excess milk.
986.73 Butterfat differential to producers.
986.74 Location adjustment to producers.

PAYMENTS

986.80 Time and method of payment for producer milk.
986.81 Producer-settlement fund.
986.82 Payments to the producer-settlement fund.
986.83 Payments out of the producer-settlement fund.
986.84 Adjustment of accounts.
986.85 Marketing services.
986.86 Expense of administration.
986.87 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

986.90 Effective time.
986.91 Suspension or termination.
986.92 Continuing obligations.
986.93 Liquidation.

MISCELLANEOUS PROVISIONS

986.100 Agents.
986.101 Separability of provisions.

AUTHORITY: §§ 986.0 to 986.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 986.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Red River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, including a handler's own production, (b) other source milk classified as Class I milk; and Class I milk disposed of on routes in the marketing area from nonpool plants.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued September 22, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued October 27, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Red River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 986.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 986.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 986.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 986.4 Red River Valley marketing area.

"Red River Valley marketing area", hereinafter called "marketing area", means all territory within the following counties including all municipal corporations; Federal reservations, facilities, and installations; and state institutions located therein: Caddo, Carter, Comanche, Grady, Jackson, Kiowa, Stephens, and Tillman in Oklahoma, and Hardeman, Wichita, and Wilbarger in Texas.

§ 986.5 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 986.6 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 986.63:

(a) Produces milk on a dairy farm subject to regular inspection by a duly constituted state or municipal health authority, under a dairy farm rating or permit issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal Government for fluid consumption in its reservation, facility, or installation.

The term producer shall not include any person with respect to milk received by a handler who is partially exempt from the provisions of this part pursuant to § 986.61; nor shall it include a person whose milk is diverted to a pool plant by a cooperative association if such person retains his status as a producer as defined in another order issued pursuant to the act and his milk is classified and priced under such other order.

§ 986.7 Distributing plant.

"Distributing plant" means all the buildings, premises, and facilities of a plant: (a) which is subject to regular inspection by a duly constituted state or municipal health authority, or by an agency of the Federal Government located in the marketing area, (b) in which milk or skim milk is processed or packaged and (c) from which Class I milk is disposed of during the month on routes (including routes operated by venders or through plant stores) to wholesale or retail outlets located in the marketing area (except deliveries in bulk to other pool plants) in an amount greater than an average of 600 pounds per day.

§ 986.8 Supply plant.

"Supply plant" means all the buildings, premises, and facilities of a plant from which fluid milk products equal to not less than 50 percent of its receipts of milk from dairy farmers, who would be producers if this plant qualified as a pool plant, are shipped to a distributing plant during such month: *Provided*, That any plant which qualifies as a supply plant for each of the months of September through December shall, upon written application to the market administrator before January 31 of the following year, be designated as a supply plant for the months of January through August.

§ 986.9 Pool plant.

"Pool plant" means a distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 986.61) or a supply plant.

§ 986.10 Nonpool plant.

"Nonpool plant" means any milk processing or manufacturing plant other than a pool plant.

§ 986.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area; or

(c) A cooperative association with respect to the milk of producers diverted for the account of such association from a pool plant to a nonpool plant within the limits prescribed in § 986.63.

§ 986.12 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has and is exercising full authority in the sale of milk of its members.

§ 986.13 Producer-handler.

"Producer-handler" means any person who produces milk and who operates a plant from which there is distributed as Class I milk on routes in the marketing area only milk of such person's own production or milk which has been received from a pool plant.

§ 986.14 Producer milk.

"Producer milk" means all skim milk or butterfat contained in milk of a producer which is received at a pool plant or which is diverted within the limits prescribed in § 968.63.

§ 986.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture in fluid form of cream and milk or skim milk (except cultured sour cream, frozen storage cream, aerated cream products, ice cream and frozen dessert mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers).

§ 986.16 Other source milk.

"Other source milk" means all skim milk and butterfat, other than that contained in producer milk or in receipts of fluid milk products from other pool plants, including products designated as Class II milk pursuant to § 986.41(b) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for.

§ 986.17 Base milk.

"Base milk" means milk received at a pool plant(s) from a producer during any of the months of March through June which is not in excess of such producer's daily average base computed pursuant to § 986.65 multiplied by the number of days in such month.

§ 986.18 Excess milk.

"Excess milk" means milk received at a pool plant(s) from a producer during any of the months of March through June which is in excess of the base milk of such producer for such months, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 986.65.

MARKET ADMINISTRATOR

§ 986.25 Designation.

The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 986.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 986.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 986.86: (1) The cost of his bond and the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 986.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 986.30 and 986.31 or payments pursuant to §§ 986.80 to 986.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk and the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plants(s) of other handlers and to nonpool plants. For the purpose of these reports the milk so received from members of such association shall be prorated to each class in accordance with the same percentage as the total receipts of producer milk bear to such utilization of milk by such handler;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 12th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

(2) On or before the 5th day of each month, the Class II price, and the Class II butterfat differential, both for the preceding month; and

(3) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 986.71 or § 986.72, whichever is applicable, and the butterfat differential computed pursuant to § 986.73, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 986.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of March through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in (or used in the production of) other source milk (except Class II products disposed of in the same form in which received without further processing or packaging by the handler) and any disappearance of other source milk held in inventory;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area;

(f) The quantities of fluid milk products on hand at the beginning and end of the month; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 986.31 Reports of payments to producers.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month showing:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days' production represented by the milk received from such producer(s), including for the months of March through June each producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 986.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to another pool plant or to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which it is to be diverted.

§ 986.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 986.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 986.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 986.30 shall be classified by the market administrator pursuant to the provisions contained in § 986.41 to § 986.46, inclusive. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 986.41 Classes of utilization.

Subject to the conditions set forth in §§ 986.43 and 986.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (2), (4), and (7) of this section, and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of to commercial food manufacturing establishments which do not dispose of fluid milk products for fluid consumption;

(3) Contained in inventories of fluid milk products on hand at the end of the month;

(4) Skim milk disposed of for livestock feed, or dumped after prior notification to and opportunity for verification by the market administrator;

(5) In shrinkage not to exceed 2 percent of the skim milk and butterfat contained in producer milk, except that diverted pursuant to § 986.63; and

(6) In shrinkage of other source milk.

(7) The weight of skim milk in fortified fluid milk products which is not classified in subdivision (a)(1)(ii) of this section.

§ 986.42 Shrinkage.

The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of skim milk and butterfat in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and other source milk received in the form of a fluid milk product.

§ 986.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk, if later disposed of by such handler or another handler (whether in original or other form) as any fluid milk product, shall be reclassified as Class I milk. Any skim milk or butterfat classified as Class II milk in the previous month pursuant to § 986.41 (b)(3) shall be reclassified as Class I milk if it is subtracted from Class I during the current month pursuant to § 986.46(a)(6) or the corresponding step of § 986.46(b).

§ 986.44 Transfers.

Skim milk and butterfat if disposed of by a handler by transfer or diversion from a pool plant shall be classified as follows:

(a) If transferred or diverted to a pool plant of another handler (except a producer-handler) in the form of fluid milk products it shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 986.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after subtraction of other source milk pursuant to §986.46;

(b) As Class I milk, if transferred to the plant of a producer-handler in the form of fluid milk products;

(c) As Class I milk, if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determinated by the market administrator;

(d) As Class I milk, if transferred in the form of cream to a nonpool plant, located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was tagged or labeled to show that the contents were only for manufacturing use the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(e)(1) As Class I milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located not more than 350 miles by the shortest hard-surfaced highway distance from the City Hall in Wichita Falls, Texas, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless the handler claims classification of Class II milk pursuant to § 986.30 and all of the following conditions are met:

(i) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to audit such books and records for purposes of verification; and

(ii) Such nonpool plant received milk from dairy farmers who constitute a regular source of supply for Class I use as determined by the market administrator;

(2) If the above conditions are fulfilled, the market administrator shall classify such milk, subject to verification, in the following manner: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred to the highest use classification remaining after allowing first priority to that received at the nonpool plant directly from dairy farmers whom the market administrator determines constitute its regular source of Grade A milk for Class I use;

(f) As Class II milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant which is not a pool plant as defined in any other order issued pursuant to the Act and which is located not over 350 miles from the City Hall, Wichita Falls, Texas, and from which no fluid milk is disposed of on wholesale or retail routes, except:

(1) If milk, skim milk, or cream is transferred from such nonpool plant to a pool plant, an amount equal to the skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified in accordance with paragraph (a) of this section; and

(2) If milk, skim milk, or cream is transferred from such nonpool plant to a second nonpool plant from which fluid milk is distributed on wholesale or retail routes, the skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk in an amount equal to that transferred to such second nonpool plant, unless it is established that such milk or skim milk was transferred to the second nonpool plant without Grade A certification with each container labeled to show that the contents were for manufacturing use only, and that the shipment was invoiced accordingly.

(g) As Class II milk if transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant which is a pool plant as defined in another order issued pursuant to the Act and which is located not over 350 miles from the City Hall in Wichita Falls, Texas, and from which no fluid milk is distributed on wholesale or retail routes, except that if such transferee plant disposes of to other nonpool plants, which do distribute fluid milk products on wholesale or retail routes, more milk than the milk received at such transferee plant which is classified and priced under such other order, an amount equal to the difference shall be classified as Class I milk, except that if such transferee plant has received milk, skim milk or cream from other plants regulated under this or

other Federal orders, the amount of such transferred milk allocated to Class I shall be determined by prorating the amount of milk available for Class I allocation in accordance with the receipts from all such plants at the transferee plant.

§ 986.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical or other obvious errors the monthly report submitted by each handler pursuant to § 986.30, and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk. Skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 986.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 986.45, the market administrator shall determine the classification of milk received from producers for each handler in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of shrinkage of skim milk in producer milk determined pursuant to § 986.41(b)(5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of nonfluid milk products other than condensed skim milk or nonfat dry milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of condensed skim milk or nonfat dry milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(6) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in inventory at the beginning of the month in the form of fluid milk products;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products pursuant to § 986.44;

(8) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in the classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Butterfat shall be allocated in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk allocated to each class.

Minimum Prices

§ 986.50 Class prices.

Subject to the provisions of §§ 986.51 and 986.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the price for Class I milk established under Federal Order No. 6 regulating the handling of milk in the Oklahoma Metropolitan marketing area at Oklahoma City, plus 15 cents.

(b) *Class II milk.* The Class II price shall be the price for Class II milk established under Federal Order No. 6 regulating the handling of milk in the Oklahoma Metropolitan marketing area.

§ 986.51 Butterfat differentials to handlers.

If the average butterfat content of the producer milk of any handler allocated to any class pursuant to § 986.46 is more or less than 3.5 percent there shall be added to the respective class price, computed pursuant to § 986.50 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed by muliplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 986.52 Location adjustment credit to handlers.

For that milk which (a) is received from producers at a pool plant located outside the State of Texas and which is classified as Class I, the prices specified in § 986.50 shall be reduced 5 cents per hundredweight, plus an additional 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles distant from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator: *Provided*, That in calculating such adjustment, transfers to a pool plant at which a location adjustment credit is not applicable or at which it is less than the transferor plant, shall be assigned to Class I milk only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant. Such assignment to transferor plants should be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

§ 986.53 Rate of compensatory payments.

The rate of compensatory payment per hundredweight applicable to other source milk assigned to Class I use at pool plants, or disposed of as Class I milk on routes in the marketing area from nonpool plants, shall be calculated as follows:

(a) For the months of February through July, subtract the Class II milk price, adjusted by the Class II butterfat differential from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 986.52 which would apply if the nonpool plant were a pool plant; and

(b) For the months of August through January, subtract the uniform price, adjusted by the Class I butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 986.52 which would apply if the nonpool plant were a pool plant.

§ 986.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 986.60 Producer-handlers.

Sections 986.40 to 986.46, 986.50 to 986.54, 986.65 to 986.67, 986.70 to 986.74, and 986.80 to 986.86, shall not apply to a producer-handler.

§ 986.61 Handlers subject to other orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the Act and where milk is classified and priced under such other order, the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and utilization or disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator. Such determination shall be made on the basis of Class I sales during the month unless the other marketing area is entirely within the State of Texas and the other regulating the area provides that the determination be made on the basis of a different period, in which case the same period shall be used in this order.

§ 986.62 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall report as required pursuant to §§ 986.30 and 986.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports, and, on or before the 12th day of each month, he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 986.53.

§ 986.63 Diverted milk.

(a) Milk of a producer diverted by a handler, other than a cooperative association, from a pool plant to the pool plant of another handler for any day during the months of February through July and for not more than 10 days' production of a producer during any month for the period of August through January, shall be deemed to have been received by the diverting handler at the pool plant from which such milk was diverted, except that for the purpose of determining shrinkage pursuant to § 986.41(b)(5), such milk shall be considered as producer milk at the pool plant to which it was diverted. Milk so diverted for more than 10 days during any of the months of August through January, shall be considered as received at the plant to which it was diverted for the entire period of diversion.

(b) Milk diverted by a cooperative association, which does not operate a pool plant, for the account of such association from the pool plant of another handler to a nonpool plant, shall be deemed to have been received by such association at a pool plant at the same location as that from which the milk was diverted.

(c) Milk diverted from a pool plant by the handler operating such pool plant to a nonpool plant shall be considered to have been received at the plant from which diverted.

(d) Milk diverted by a handler, including a cooperative association, to a nonpool plant for more than 29 days' production of a producer during any month during the months of September through December, shall not be considered producer milk for the entire period of such diversion during the month.

Determination of Base

§ 986.65 Computation of daily average base for each producer.

Subject to the rules set forth in § 986.66, the daily average base of each producer for the months of March through June of each year shall be computed by the market administrator by dividing the total pounds of milk received by a handler(s) at a pool plant(s) from such producer during the months of September through December immediately preceding by the number of days' production delivered by such producer during the period, or by 90, whichever is more: *Provided*, (a) That any person who becomes a producer after the base-forming period and who has established a base under another order issued pursuant to the act shall be assigned a base equal to that which he would have received if he had been a producer during the base-forming period if his milk is received at a pool plant during an entire month, and (b) That for any person who becomes a producer after the 3d day of October of any year by virtue of the plant to which such person delivers his milk having become a pool plant, the market administrator shall compute a base equal to that which such producer would have established had the plant to which he ships his milk been a pool plant during the entire base-forming period.

§ 986.66 Base rules.

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Base may be transferred during the months of March through June only in the following manner:

(1) In the event of death, retirement or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy enterprise, such transfer to be effective the first of the month following notification of the market administrator in writing of the person to whom such base is to be transferred;

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to either of the joint holders, or it may be divided, but only if the joint holders are members of the same family, and only upon application to the market administrator prior to the month in which the division is to become effective: *Provided*, That such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or his heirs and is signed by each joint holder or his heirs.

(c) A producer who ceases to deliver milk to a pool plant for more than 45 consecutive days during the six months prior to March 1, shall forfeit his base for the following base-utilization period.

§ 986.67 Announcement of established bases.

On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer, of the daily average base established by the producer.

Determination of Uniform Prices

§ 986.70 Computation of value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 986.46 by the applicable class price (adjusted pursuant to §§ 986.51 and 986.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 986.46(a) (2), (3), and (4) and the corresponding step of § 986.46 (b) by the rate of compensatory payment as determined pursuant to § 986.53;

(c) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 986.46(a)(9) and the corresponding step of § 986.46(b) by the applicable class price(s); and

(d) Add any charges computed as follows: For any skim milk or butterfat in inventory reclassified pursuant to § 986.43(b), which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the preceding month;

§ 986.71 Computation of the uniform price.

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, at Wichita Falls, Texas, as follows:

(a) Combine into one total the values computed pursuant to § 986.70 for the producer milk of all handlers who submitted reports prescribed in § 986.30 and who have made the payments pursuant to §§ 986.80 and 986.82 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 986.73, and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the total value of all allowable location adjustments to producers pursuant to § 986.74;

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 986.72 Computation of uniform prices for base and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base and for excess milk, each of 3.5 percent butterfat content, at Wichita Falls, Texas, as follows:

(a) Compute the total value of excess milk for all handlers who submitted reports pursuant to § 986.30, and who have made the payments pursuant to §§ 986.80 and 986.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply any additional hundredweight of excess milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat received from producers;

(c) Subtract the total value of excess milk obtained in paragraph (a) of this section from the total value of milk computed pursuant to § 986.71 (a) to (d) and adjust by any amount involved in the adjustment of the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat received from producers.

§ 986.73 Butterfat differential to producers.

The applicable uniform price(s) to be paid each producer shall be increased or decreased for each one-tenth of one percent that the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 986.51, dividing by the total pounds of butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 986.74 Location adjustment to producers.

In making payments to producers pursuant to § 986.80, for the months of July through February, each handler may deduct, for each hundredweight of milk, and for the months of March through June for each hundredweight of base milk received from producers at a pool plant which is located outside the State of Texas, 5 cents per hundredweight plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 100 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator.

PAYMENTS

§ 986.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month, to each producer who did not discontinue shipping milk to such handler during the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month;

(2) On or before the 15th day of the following month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 986.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 986.83, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall:

(i) Pay to the cooperative association on or before the 27th and 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer;

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days of production included in such receipts, (*d*) for the months of March through June, the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold; and

(iii) Submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month.

The foregoing payment and submission of information shall be made with respect to the milk, of each producer who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

§ 986.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 986.82, 986.82, and 986.84, and out of which he shall make all payments to handlers pursuant to §§ 986.83 and 986.84: *Provided*, That any payments due to any handler may be offset by any payments due from such handler.

§ 986.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of producer milk as computed pursant to § 986.70 for such month is greater than the amount required to be paid by him for such milk pursuant to § 986.80.

§ 986.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 986.70, for such month is less than the amount required to be paid producers by such handler pursuant to § 986.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 986.84 Adjustments of accounts.

Whenever audit by the market administrator or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such errors occurred.

§ 986.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 986.80 shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 986.86 Expense of administration.

On or before the 15th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator, as his pro rata share of the expense of the administration of this part, 5 cents or such lesser amount as the Secretary may prescribe for each hundredweight of butterfat and skim milk contained in (a) producer milk, including such handler's own production; and (b) other source milk classified as Class I milk; and each handler who operates a nonpool plant, not subject to the classification and pricing provisions of another Federal order, shall make such payment only with respect to Class I milk disposed of within the marketing area on routes.

§ 986.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund of such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 986.90 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 986.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 986.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 986.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 986.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 986.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: December 1, 1961.

Signed at Washington, D.C., on November 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-11194; Filed, Nov. 24, 1961; 8:52 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 37—GROUP LIFE INSURANCE

Appeals

Section 37.12 is added as set out below.

§ 37.12 Appeals.

(a) An appeal may be taken to the Commission's Board of Appeals and Review from the final action or order of the Bureau of Retirement and Insurance denying insurance coverage, which denial affects the rights or interest of any person or of the United States under the Federal Employees' Group Life Insurance Act.

(b) The time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(Sec 11, 68 Stat. 742; 5 U.S.C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–11190; Filed, Nov. 24, 1961; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Concentration Limits in Radionuclide Mixtures

On pages 7142 and 7143 of the FEDERAL REGISTER of August 9, 1961 there was published a notice of proposed rule making to amend 10 CFR 20, "Standards for Protection Against Radiation", which would amend the Note to Appendix "B" of Part 20 to provide an additional standard for deriving a concentration limit for any mixture of radionuclides (1) where the identity of each radionuclide in the mixture is known but the concentration of each radionuclide in the mixture is not known, or (2) where the identity of each radionuclide in the mixture is not known but where it can be demonstrated by assay or by the process of elimination that radionuclides other than those presently specified in the Note are not present.

The amendment also specifies criteria for determining conditions under which radionuclides may be considered as not present in a mixture.

Interested persons were given 60 days in which to submit written comments in conection with the proposed amendments. No objections or suggested changes to the proposed amendment have been received by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the proposed amendments of 10 CFR Part 20 are adopted, without change, as a document subject to codification.

Effective date. These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated at Germantown, Maryland, this 15th day of November 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Part 20 is amended as follows:

1. Revise paragraph 3 of the Appendix "B" Note to read:

c. Element (atomic number) and isotope	Table I		Table II	
	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
If it is known that Sr 90, I 129, Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227, Ra 228, Th 230, Pa 231, Th 232, and Th-nat are not present		9×10^{-8}		3×10^{-4}
If it is known that Sr 90, I 129, Pb 210, Po 210, Ra 223, Ra 226, Ra 228, Pa 231, and Th-nat are not present		6×10^{-8}		2×10^{-4}
If it is known that Sr 90, Pb 210, Ra 226 and Ra 228 are not present		2×10^{-8}		6×10^{-5}
If it is known that Ra 226 and Ra 228 are not present		3×10^{-9}		1×10^{-5}
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present	3×10^{-8}		1×10^{-10}	
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	3×10^{-10}		1×10^{-11}	
If it is known that alpha-emitters and Ac 227 are not present	3×10^{-11}		1×10^{-12}	
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present	3×10^{-12}		1×10^{-13}	
If Pa 231, Pu 239, Pu 240, Pu 242 and Cf 249 are not present	2×10^{-13}		7×10^{-14}	

2. Add the following paragraph 5 to the Appendix "B" Note:

5. For purposes of this note, a radionuclide may be considered as not present in a mixture if (a) the ratio of the concentration of that radionuclide in the mixture (C_A) to the concentration limit for that radionuclide specified in Table II of Appendix "B" (MPC_A) does not exceed 1/10. (i.e. $\frac{C_A}{MPC_A} \leq \frac{1}{10}$) and (b) the sum of such ratios for all the radionuclides considered as not present in the mixture does not exceed ¼ i.e.

$$\frac{C_A}{MPC_A} + \frac{C_B}{MPC_B} + \ldots\ldots \leq \tfrac{1}{4}).$$

[F.R. Doc. 61–11157; Filed, Nov. 24, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–340]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

Tariffs To Contain Types and Seating Configuration of Aircraft; Postponement of Effective Date

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1961.

By Regulation ER–338, the Board has amended Part 221 of the Economic Regulations by adding thereto a new § 221.38(a)(6) which requires that each passenger tariff contain a description of the aircraft type and seating configuration used on the flights to which the tariff applies. This amendment, adopted by the Board on September 27, 1961 as Amendment No. 8 to Part 221, has an effective date of December 1, 1961.

A Petition for Postponement of the Effective Date of Regulation No. ER–338 has been submitted to the Board by several certificated air carriers and a foreign air carrier, Docket 11813. Said petition alleges that the December 1, 1961 deadline does not permit sufficient time for compiling, publishing, and filing the required data for the many existing varieties of aircraft and their individual seating configurations. The petition also states that there is presently under consideration the issuance of a single tariff which would consolidate the seating configuration for the various groups of air carriers, thereby eliminating the plethora of tariff filings by individual carriers. The petition requests a new effective date of February 1, 1962.

The Board finds merit in the above-described petition and believes that a postponement is warranted. Since no additional burden is imposed on any person, the postponement may be made effective without public procedure and on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby changes the effective date of Amendment No. 8 to Part 221 of its Economic Regulations (14 CFR Part 221), from December 1, 1961 to February 1, 1962.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–11219; Filed, Nov. 24, 1961; 8:54 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 974; Amdt. 372]

PART 507—AIRWORTHINESS DIRECTIVES

Aeronca Model 15 Series Aircraft

As a result of difficulties being encountered when installing new wing lift strut fittings on Aeronca 15 Series aircraft, in accordance with Amendment 320, 26 F.R. 7078, it is necessary to include provision for new fittings designed by the manufacturer and also an acceptable rework of bolt holes which are misalined.

Since this amendment may afford relief to some operators and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 320 (26 F.R. 7078), Aeronca Model 15 Series aircraft, is amended by adding paragraphs (c) and (d) as follows:

(c) When it is necessary to install new fittings, Aeronca P/N 5–463–2, Champion Aircraft Corporation P/N 1–9280, or FAA approved equivalent may be used. Existing AN4 bolts, if not damaged, may be reinstalled in holes that match. No elongation of old holes in struts is permissible.

(d) The following rework may be used if the holes in new fittings and old struts do not match to allow proper installation. AN5 bolts may be installed in all holes or in any combination.

(1) If holes do not match, line-drill the assembled strut and fitting (19/64") and ream to accept an AN5 bolt. (0.3125" minimum, 0.3135" maximum diameter.) In the event that portable equipment must be used, drill the hole 19/64" and accomplish the final sizing with a tapered hand reamer to assure alinement.

(2) Install AN5–22A bolts, each with two AN960–516 washers, and AN365–524 nuts in holes that require rework.

(Aeronca Service Helps and Hints No. 59 and Champion Aircraft Corporation Service Helps and Hints No. 59 cover the same subject.)

This amendment shall become effective November 28, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 20, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–11160; Filed, Nov. 24, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–120]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation and Alteration of Restricted Areas

On August 11, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7301) stating that the Federal Aviation Agency proposed to designate a restricted area southeast of Gainesville, Fla., to be identified as Rodman, Fla., Restricted Area R–2906; to realign the eastern boundary of R–2903A to generally conform to the west bank of the St. Johns River; and to lower the ceiling of the Putnam, Fla., Restricted Area R–2903C to 14,000 feet MSL.

Although not mentioned in the notice, the alteration of the east boundary of this restricted area will eliminate the slight overlap of the restricted area on VOR Federal airway No. 267. Therefore, the current requirement to obtain approval prior to using the portion of VOR Federal airway No. 267 which coincides with R–2903A is no longer necessary and will be revoked.

The Air Transport Association of America in commenting on the amendments contained in the Notice objected to the action taken in the rule published in Airspace Docket No. 60–WA–273 and extended their objections to include the amendments herein. However, as stated in the rule published in Airspace Docket No. 60–WA–273, the amendments contained herein are part of an interim solution of the Jacksonville complex based on agreements reached with the Department of Navy to provide some immediate relief for general aviation in this area. The actions contained herein do not prejudice further action to reduce the size and configuration of the Jacksonville restricted area complex.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments has been published; therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6267 (26 F.R. 7033) VOR Federal airway No. 267 (Miami, Fla., to Knoxville, Tenn.), is amended by deleting the following: "The portion of this airway that coincides with R–2903A shall be used only after obtaining prior approval from appropriate authority".

2. Section 601.7101 (26 F.R. 7033) is amended by deleting the following: R–2903C Putnam, Fla.

3. In § 608.29 (26 F.R. 7033) the following changes are made:

(a) Jacksonville East, Fla., Restricted Area R–2903A is amended to read:

R–2903A Jacksonville East, Fla:
Boundaries. Beginning at latitude 30°15'30" N., longitude 81°43'25" W., clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W., to latitude 30°11'25" N., longitude 81°41'00" W., to latitude 29°49'50" N., longitude 81°41'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°47'00" N., longitude 81°41'00" W., to latitude 29°45'15" N., longitude 81°43'40" W., to latitude 29°47'55" N., longitude 81°50'30" W., to latitude 29°50'45" N., longitude 81°49'15" W., to latitude 29°53'50" N., longitude 81°57'50" W., to latitude 30°00'15" N., longitude 81°52'05" W., to latitude 30°02'05" N., longitude 81°54'45" W., to latitude 29°56'20" N., longitude 82°00'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20" N., longitude 82°00'25" W., to latitude 29°56'00" N., longitude 82°02'00" W., to latitude 30°15'30" N., longitude 82°02'00" W., to the point of beginning.
Designated altitude. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

(b) Putnam, Fla., Restricted Area R–2903C is amended to read:

R–2903C Putnam, Fla.:
Boundaries. The area within a 3 nautical mile radius of latitude 29°47'00" N., longitude 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

4. In § 608.29 (26 F.R. 7192) Rodman, Fla., Restricted Area R–2906 is added to read:

R–2906 Rodman, Fla:
Boundaries. Within a 3-nautical mile radius of latitude 29°29'00" N., longitude 81°46'00" W., and within 1½ nautical miles either side of the 240° and 300° True bearings from the center extending from the 3-nautical mile radius to 10 nautical miles northwest and southwest of the center.
Designated altitudes. The 3-nautical mile radius, surface to 14,000 feet MSL; the extensions, surface to 6,000 feet MSL.
Time of designation. From sunrise to 2400 eastern standard time.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

These amendments shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 17, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11161; Filed, Nov. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-148]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Control Area Extension and Continental Control Area

On August 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7707), stating that the Federal Aviation Agency proposed to alter the Pinecastle, Fla., Restricted Area R-2910, the Jacksonville, Fla., control area extension and the continental control area.

The southeast portion of the amended Pinecastle, Fla., Restricted Area R-2910 lies within the Orlando, Fla., control area extension. Concurrently, action is taken herein to amend the Orlando control area extension to provide that the portion of this control area extension within R-2910 shall be used only after obtaining prior approval from appropriate authority. The enlarged portion of the Jacksonville control area extension which overlies the Rodman, Fla., Restricted Area R-2906 designated in Airspace Docket No. 61-WA-120 to become effective concurrently with this Docket, is amended to provide that the portion of this control area extension within R-2906 shall be used only after obtaining prior approval from appropriate authority.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments has been published; therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 608.29 [Amendment]

1. In § 608.29 *Florida* (26 F.R. 7193), the Pinecastle, Fla., Restricted Area is amended to read:

R-2910 Pinecastle, Fla.:
Boundaries. A circular area with a 5-nautical mile radius centered at latitude 29°06'-52" N. longitude 81°42'55" W. including the area within 2.5 nautical miles either side of the 137° and 317° bearings from the center of the circular area, extending from the 5-nautical mile radius to 10 nautical miles SE and NW of the center.
Designated altitudes. Within the 5-nautical mile circle, surface to flight level 370; within the SE and NW extensions, surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

2. Section 601.1005 (26 F.R. 7033) is amended to read:

§ 601.1005 Control area extension (Jacksonville, Fla.).

The airspace within 5 miles either side of the 064° radial of the Jacksonville, Fla., VORTAC extending from the VORTAC to 20 miles NE, and the airspace SW of Jacksonville bounded on the N by low altitude VOR Federal airway No. 22, on the E by low altitude VOR Federal airway No. 267, on the S by latitude 29°00'00" N., on the SW by low altitude VOR Federal airway No. 159, on the W by low altitude VOR Federal airway No. 157. The portions of this control area extension within R-2903A, R-2903B, R-2903C, R-2903D, R-2906, R-2907 and R-2910 shall be used only after obtaining prior approval from appropriate authority.

§ 601.1138 [Amendment]

3. In § 601.1138 (14 CFR 601.1138) the following is added: "The portion of this control area extension within R-2910 shall be used only after obtaining prior approval from appropriate authority."

§ 601.7101 [Amendment]

4. In § 601.7101 (26 F.R. 1399) the following is added: R-2910 Pinecastle, Fla.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 17, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11163; Filed, Nov. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-126]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On August 11, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7302) stating that the Federal Aviation Agency proposed to alter the designated altitude of the Jacksonville West, Fla., Restricted Area R-2903D by removing the base of 5,000 feet and substituting surface to flight level 600.

The Air Transport Association of America in commenting on the amendment contained in the Notice objected to the action taken in the rule published in Airspace Docket No. 60-WA-273 and extended their objections to include the amendment herein. However, as stated in the rule published in Airspace Docket No. 60-WA-273, the amendment contained herein is part of an interim solution of the Jacksonville complex based on agreements reached with the Department of Navy to provide some immediate relief for general aviation in this area. The action contained herein does not prejudice further action to reduce the size and configuration of the Jacksonville restricted area complex.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments has been published; therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

In § 608.29 (26 F.R. 7033), R-2903D, Jacksonville West, Fla., Restricted Area is amended to read:

R-2903D Jacksonville West, Fla.:
Boundaries. Beginning at latitude 30°15'-30" N., longitude 81°50'00" W.; to latitude 30°15'30" N., longitude 82°02'00" W.; to latitude 29°56'00" N., longitude 82°02'00" W.; counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'30" N., longitude 82°00'25" W., to latitude 29°53'30" N., longitude 82°04'00" W.; to latitude 30°00'00" N., longitude 82°19'30" W.; to latitude 30°03'00" N., longitude 82°20'00" W.; to latitude 30°22'00" N., longitude 82°20'00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous, to terminate December 31, 1962.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on November 17, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11162; Filed, Nov. 24, 1961; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 205—ANALYTICAL AND INORGANIC CHEMISTRY

Pure Substances

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

Part 205 is amended to read as follows:

PURE SUBSTANCES

Sec.
205.101 Benzoic acid thermometric standards.
205.102 Measurement of physical properties of primary reference fuels used for octane number of determination.

AUTHORITY: §§ 205.101 and 205.102 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

PURE SUBSTANCES

§ 205.101a Benzoic acid thermometric standards.

Item	Description	Fee
205.101a	A certified cell, a companion uncertified cell, and a case to hold the pair of cells	$220
205.101b	Replacement cells: 1. Certified cell	155
	2. Companion cell	40

§ 205.102 Measurement of physical properties of primary reference fuels used for octane number determination.

Item	Description	Fee
205.102a	Measurement of physical properties of primary reference fuels used for octane number determination	$445.00

A. V. ASTIN,
Director.

[F.R. Doc. 61-11187; Filed, Nov. 24, 1961; 8:50 a.m.]

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Descriptive List; Freezing Point Standards

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list*, paragraph (k) *Freezing-point standards* is amended by the revision of sample number 49d to read as follows:

Sample No.	Description	Approximate weight of sample in grams	Price per sample
49c	Lead, freezing point	600	$6.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 61-11188; Filed, Nov. 24, 1961; 8:51 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950 ——)

Substantial Gainful Activity; Evidentiary Requirements for Establishment of Disability; Criteria for Evaluating Work

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.1502 is amended by adding at the end thereof a paragraph (h) to read as follows:

§ 404.1502 Evaluating disability.

* * * * *

(h) Substantial gainful activity is work activity that is both substantial and gainful. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit (or intended for profit, whether or not a profit is realized) to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit. In order for work activity to be substantial, it is not necessary that it be performed on a full-time basis; work activity performed on a part-time basis may also be substantial. It is immaterial that the work activity of an individual may be less, or less responsible, or less gainful, than that in which he was engaged before the onset of his impairment.

2. Sections 404.1520 to 404.1539 are added following § 404.1519. These new sections are to read as follows:

§ 404.1520 Determinations of disability.

(a) *By State agencies.* In any State which has entered into an agreement with the Secretary providing therefor, determinations as to whether an individual is under a disability (as defined in § 404.1501), as to the date disability began, and as to the date disability ceases, shall be made by the State agency or agencies designated in such agreement on behalf of the Secretary with respect to all individuals in such State, or with respect to such class or classes of individuals in the State as may be designated in the agreement.

(b) *By the Bureau.* Determinations as to whether an individual is under a disability, as to the date disability began, and as to the date disability ceases, shall be made by the Bureau on behalf of the Secretary with respect to individuals in any State which has not entered into an agreement, any class or classes of individuals not designated in such an agreement or any individuals outside the United States.

(c) *Review by Bureau of State agency determinations.* The Bureau may review a determination made by a State agency that an individual is under a disability and, as a result of such review, may determine that such individual is not under a disability, or that the disability began on a date later than that determined by the State agency, or that the disability ceased on a date earlier than that determined by the State agency.

§ 404.1521 Initial determinations as to entitlement or termination of entitlement.

After any determination as to whether an individual is under a disability or has ceased to be under a disability, the Bureau will make an initial determination (see § 404.905) with respect to entitlement to a period of disability or to disability insurance benefits or child's insurance benefits for months after attainment of age 18.

§ 404.1522 Reconsideration, hearing and review.

Reconsideration, hearing and review of any initial determination referred to in § 404.1521 may be requested by a party who is dissatisfied with such determination, in accordance with the provisions of Subpart J of this part (see particularly § 404.909 et seq.). A final decision of the Secretary is subject to judicial review upon the filing of a civil action in a United States district court in accordance with section 205(g) of the Act (see § 404.954).

§ 404.1523 Evidence of disability.

An individual who has filed an application for the establishment of a period of disability, disability insurance benefits, or child's insurance benefits for months after attainment of age 18, shall submit medical evidence showing the nature and extent of such individual's impairment or impairments during the time he alleges he was under a disability. Except for cases involving the establishment of a period of disability based on statutory blindness (see § 404.1501(b)(2)), the applicant shall also submit evidence as to his education and training, work experience and daily activities both prior to and after the alleged date of onset of disability, efforts to engage in gainful employment or self-employment and any other pertinent evidence showing the effect of his impairment or impairments on his ability to engage in any substantial gainful activity during the time he alleges he was under a disability.

§ 404.1524 Medical evidence.

Medical evidence of an individual's mental or physical impairment shall include:

(a) A report signed by a duly licensed physician;

(b) A copy of, or abstract from, the medical records, if any, of a hospital, clinic, institution or sanatorium, or public or private agency, duly certified by the custodian of such record or by any employee of the Social Security Administration or the Veterans' Administration authorized to make certifications of any such evidence (see § 404.701), or any employee of a State agency authorized to make such certifications; or

(c) Other medical evidence of probative value. Medical reports, copies of medical records or other medical evidence submitted to substantiate an allegation that an individual is under a disability shall include pertinent clinical facts, medical history, results and interpretations of any laboratory and diagnostic tests, and treatment and response. Except where the claim is for the establishment of a period of disability based on statutory blindness (see § 404.1501(b)(2)), such evidence shall also describe the individual's capacity to perform significant functions such as the capacity to sit, stand, or move about, travel, handle objects, hear or speak, and, in cases of mental impairment, the ability to reason or to make occupational, personal or social adjustments. The clinical and laboratory findings shall be sufficiently comprehensive and detailed to permit the Secretary to make determinations as to the nature and limiting effects of the individual's physical or mental impairment or impairments for the period in question, his ability to engage in physical and mental activities, and the probable duration of such impairment.

§ 404.1525 Determinations of disability by nongovernmental organization or other governmental agency.

The decision of any nongovernmental organization or any other governmental agency that an individual is, or is not, permanently and totally disabled for purposes of any contract, schedule, regulation, or law shall not be determinative of the question of whether or not an individual is under a disability for purposes of title II of the Social Security Act (see § 404.1501 for definition of "disability").

§ 404.1526 Conclusion by physician regarding individual's disability.

The function of deciding whether or not an individual is under a disability is the responsibility of the Secretary. A statement by a physician that an individual is, or is not, "disabled," "permanently disabled," "totally disabled," "totally and permanently disabled," "unable to work," or a statement of similar import, being a conclusion upon the ultimate issue to be decided by the Secretary, shall not be determinative of the question of whether or not an individual is under a disability. The weight to be given such physician's statement depends on the extent to which it is supported by specific and complete clinical findings and is consistent with other evidence as to the severity and probable duration of the individual's impairment or impairments.

§ 404.1527 Consultative examinations.

Upon reasonable notice of the time and place thereof, any individual alleged to be under a disability shall present himself for and submit to physical or mental examinations or tests, at the expense of the Administration, by a physician or other professional or technical source designated by the Administration or the State agency authorized to make determinations as to disability. If such individual fails or refuses to present himself for any examination or test, such failure or refusal, unless the Secretary determines that there is good cause therefor, shall be a basis for determining that such individual is not under a disability. Religious or personal scruples against medical examination or test shall not excuse an individual from presenting himself for a medical examination or test.

§ 404.1528 Evidence of continuation of disability.

An individual for whom a period of disability has been established or who has been determined to be entitled to disability insurance benefits or to child's insurance benefits for months after attainment of age 18, upon reasonable notice, shall, if requested to do so, present himself for and submit to examinations or tests as provided in § 404.1527, and shall submit medical reports and other evidence necessary for the purposes of determining whether such individual continues to be under a disability.

§ 404.1529 Place and manner of submitting evidence.

Evidence in support of an application for the establishment of a period of disability, disability insurance benefits, or child's insurance benefits for months after attainment of age 18, shall be filed in the manner and at the place or places prescribed in Subpart H of this part, or, where appropriate, at the office of a State agency authorized under agreement with the Secretary to make determinations as to disability, or with an employee of such State agency authorized to accept such evidence at a place other than such office.

§ 404.1530 Failure to submit evidence.

An individual who fails to submit evidence of disability as required by this subpart shall not be considered to be under a disability. Religious or personal scruples against medical examinations, test, or treatment shall not excuse an individual from submitting evidence of disability.

§ 404.1531 Responsibility to give notice of event which may effect a change in disability status.

An individual for whom a period of disability has been established or who is entitled to disability insurance benefits or to child's insurance benefits for months after attainment of age 18, shall notify the Administration promptly if:

(a) His condition improves;

(b) He engages in any work activity or there is an increase in the amount of such activity or his earnings therefrom; or

(c) He has been in a hospital or similar institution and is discharged therefrom.

§ 404.1532 Evaluation of work activities.

(a) *In general.* If an individual performed work during any period in which he alleges that he was under a disability as defined in § 404.1501(a) and § 404.1501(b)(1), the work performed may demonstrate that such individual has ability to engage in substantial gainful activity. If the work performed establishes that the individual is able to engage in substantial gainful activity, he is not under a disability. Work which does not in itself constitute substantial gainful activity, may nevertheless indicate the existence of a residual capacity of such individual to engage in substantial gainful activity. Thus, an individual who utilizes work skills or abilities on a limited basis may not be under a disability if he is capable of increased utilization of such work skills or abilities.

(b) *Nature of the work.* The performance of duties involving skill, experience or responsibility, or contributing substantially to the operation of an enterprise is evidence tending to show that an individual has ability to engage in substantial gainful activity.

(c) *Adequacy of performance.* The adequacy of an individual's performance of assigned work is also evidence as to whether or not he has ability to engage in substantial gainful activity. The satisfactory performance of assignments may demonstrate ability to engage in substantial gainful activity, while an individual's failure, because of his impairment, to perform ordinary or simple tasks satisfactorily without supervision or assistance beyond that usually given other individuals performing similar work, may constitute evidence of an inability to engage in substantial gainful activity. "Made work," that is, work involving the performance of minimal or trifling duties which make little or no demand on the individual and are of little or no utility to his employer, or to the operation of a business, if self-employed, does not demonstrate ability to engage in substantial gainful activity.

(d) *Special employment conditions.* Work performed under special conditions of employment which take account of the employee's impairment (for example, work in a sheltered workshop or in a hospital by a patient) may, nonetheless, provide evidence of skills and abilities that demonstrate an ability to engage in a substantial gainful activity, whether or not such work in itself constitutes substantial gainful activity (see § 404.1534(b) and (c)).

(e) *Activities in carrying on a trade or business.* Supervisory, managerial, advisory or other significant personal services rendered by a self-employed individual generally demonstrate an ability to engage in substantial gainful activity.

§ 404.1533 Time spent in work.

If the time that an individual spends in work activities is comparable to the time customarily spent by individuals without impairment in similar work activities as a regular means of livelihood, his ability to work for such periods constitutes evidence tending to show an ability to engage in substantial gainful activity. Moreover, where an individual, because of his impairment, is unable to spend as much time in work activities as is customarily spent by individuals without impairment in similar work, but such individual is able to perform significant duties on a part-time basis, his ability to work on a part-time basis also tends to show an ability to engage in substantial gainful activity.

§ 404.1534 Evaluation of earnings from work.

(a) *General.* Where an individual who claims to be disabled engages in work activities, the amount of his earnings from such activities may be significant in determining whether such activities establish that the individual has the ability to engage in substantial gainful activity. Generally, activities which result in substantial earnings would establish ability to engage in substantial gainful activity; however, the fact that an individual's activities result in earnings which are not substantial does not establish the individual's ability to engage in substantial gainful activity. Where an individual is forced to discontinue his work activities after a short time because his impairment precludes continuing such activities, his earnings would not demonstrate ability to engage in substantial gainful activity. Also a mentally handicapped individual who performs simple tasks subject to close and continuous supervision would not have demonstrated ability to engage in substantial gainful activity solely on the basis of the rate of his remuneration for such activity. Earnings received by an employee which are not attributable to his work activity are not considered in determining his ability to engage in substantial gainful activity. Thus where an individual engages in work activity as an employee under special conditions (see § 404.1532(d)), only earnings attributable to the individual's productivity, as distinguished from a subsidy related to other factors (e.g., his financial needs), are considered in determining his ability to perform substantial gainful activity. The fact, however, that a sheltered workshop or comparable facility may operate at a deficit and receive some charitable contributions or governmental aid would not necessarily establish that a particular employee of the workshop is not earning the amounts paid to him.

(b) *Earnings at a monthly rate in excess of $100.* An individual's earnings from work activities averaging in excess of $100 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity in the absence of evidence to the contrary.

(c) *Earnings at a rate of $50 to $100 a month.* Where an individual's earnings from work activities average between $50 and $100 a month consideration of the amount of his earnings together with the other circumstances relating to his work activities (see § 404.1532 and § 404.1533), the medical evidence relating to his impairment or impairments (see §§ 404.1510–404.1519), and other factors (see § 404.1502) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for the blind) or comparable facility, whose activities are limited by his impairment so that his earnings are less than an average of $100 a month, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $50.* Earnings from work activities as an employee which average less than $50 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 404.1532) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

(e) *Factors considered where individual is self-employed.* The earnings or losses of a self-employed individual often reflect factors other than the individual's work activities in carrying on his trade or business. For example, a business may have a small income or may even operate at a loss even though the individual performs sufficient work to constitute substantial gainful activity. Thus, less weight is given to such small income or losses in determining a self-employed individual's ability to engage in substantial gainful activity, and greater weight is given to such factors as the extent of his activities and the supervisory, managerial, or advisory services rendered by him (see § 404.1532(e)).

§ 404.1535 Work prior to October 1960.

(a) *Work pursuant to approved rehabilitation program.* Regardless of the nature of the work or the amount of his earnings, an individual shall not be considered to be able to engage in substantial gainful activity solely by reason of work performed before October 1, 1960, pursuant to a program for his rehabilitation carried on under a State plan approved under the Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) for a period of 12 consecutive calendar months, beginning with the first month such work began, within any one period of time during which he was under a disability. After the eleventh month following the first month in which an individual performed work pursuant to a program for his rehabilitation carried on under a State plan (whether or not he worked continuously during such 12-month period) any such work shall be considered in determining if such individual is able to engage in substantial gainful activity (see § 404.1538 relating to effect of other evidence of recovery).

(b) *Work not pursuant to rehabilitation program.* Where an individual found to have been under a disability performed work in any month prior to October 1960, other than work pursuant to a rehabilitation program under a State plan in accordance with paragraph (a) of this section, such work generally will not be deemed to establish that the individual had regained ability to engage in substantial gainful activity, unless the work effort of such individual was sustained for a period of not less than 3 months after the month of return to work. If the work effort after such period demonstrates the individual's ability to engage in substantial gainful activity, the disability shall be determined to have ceased in the fourth calendar month following the month in which the work began.

§ 404.1536 Period of trial work (after September 1960).

(a) *General.* Any services rendered after September 1960 by an individual entitled to disability insurance benefits, or child's insurance benefits after attainment of age 18, during a period of trial work shall nevertheless be deemed not to have been rendered, for the purpose of determining whether such individual's disability ceased during such period of trial work. Services rendered within a period of trial work may be considered, however, in determining whether an individual's disability ceased at any time after the expiration of such period of trial work.

(b) *Duration.* A period of trial work for any individual shall begin with the month in which the individual becomes entitled to disability insurance benefits or to child's insurance benefits after attainment of age 18: *Provided*, That such period shall not begin earlier than October 1960, or before the month in which application is filed for such benefits, and shall end with the close of whichever of the following calendar months is the earlier:

(1) The ninth month (whether or not consecutive), beginning on or after the first day of such period, in which the individual renders any services, or

(2) The month in which the individual's disability (as defined in § 404.1501(a)) ceases, as determined without regard to work performed during the period of trial work.

(c) *Meaning of "services."* When used in this section "services" means any activity, even though not substantial gainful activity, which is performed by an individual in employment during a period of trial work for remuneration or gain, or which is determined to be of a type normally performed for remuneration or gain. Work performed without remuneration merely as a therapeutic measure or purely as a matter of training, or work usually performed in daily routine around the home or in self-care, is not considered "services."

§ 404.1537 Limitation on eligibility to period of trial work.

(a) *Number of periods of trial work.* An individual is not eligible for more than one period of trial work in any one period of entitlement to disability insurance benefits or child's insurance benefits after attainment of age 18.

(b) *Beneficiary who did not serve waiting period.* An individual determined to be under a disability who becomes entitled to disability insurance benefits after previously having been entitled to such benefits which terminated, or to a period of disability which ceased, within the 60-month period preceding the first month in which he is under such disability, and who therefore is not required to serve a waiting period (see section 223(c)(3) of the Act), shall not be eligible for a period of trial work with respect to such entitlement period.

§ 404.1538 Medical recovery of working individual.

An individual's disability may be found to have ceased at any time within a period of trial work (see § 404.1536), or while the individual is engaged in a type of work activity described above in § 404.1535, if it is determined on the basis of evidence (other than evidence that the individual performed services during such time) that the individual recovered from his physical or mental impairment to the extent that he is no longer prevented by his impairment or impairments from engaging in substantial gainful activity.

§ 404.1539 Cessation of disability.

Where it has been determined that an individual is under a disability as defined in § 404.1501, the "disability" shall be found to have ceased in whichever of the following months is earlier:

(a) The month in which the impairment, as established by the medical or other evidence, is no longer of such severity as to prevent him from engaging in any substantial gainful activity; or

(b) The month in which the individual has regained his ability to engage in substantial gainful activity as demonstrated by work activity after application of the provisions in §§ 404.1535–404.1537; or

(c) Where the individual is requested to furnish necessary medical or other evidence or to present himself for a necessary physical or mental examination by a date specified in the request and the individual fails to comply with such request, the month within which the date for compliance falls, unless the Secretary determines that there is good cause for such failure. Where an individual's entitlement to disability insurance benefits is terminated based on a finding that he has regained his ability to engage in substantial gainful activity, a period of disability established for him will continue if he has a visual impairment sufficiently severe to meet the definition of blindness in § 404.1501(b)(2).

3. *Effective date.* The above amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 205, 216, 221, 222, 223, 225, and 1102; 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 68 Stat. 1082, as amended, 70 Stat. 814, as amended, 70 Stat. 817, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 416, 421, 422, 423, 425, 1302; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18)

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

NOVEMBER 18, 1961.

Approved November 20, 1961.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-11183; Filed, Nov. 24, 1961; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBPART D—FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

Piperonyl Butoxide; Pyrethrins

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Fairfield Chemical Division, Food Machinery and Chemical Corporation, Post Office Box 1616, Baltimore 3, Maryland, and other relevant material, has concluded that the following regulations should issue with respect to residues of piperonyl butoxide and pyrethrins in or on milling fractions derived from cereal grains from use of these insecticides in cereal grain mills and storage areas. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart D (21 CFR Part 121) the following new sections:

§ 121.1074 Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects in cereal grain mills and in milled cereal grain products storage areas.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethins in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on milling fractions derived from cereal grains, when present as a result of its use in cereal grain mills and milled grain products storage areas.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the United States Department of Agriculture.

§ 121.1075 Pyrethrins.

The food additive pyrethins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for the control of insects in cereal grain mills and milled cereal grain products storage areas.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of 1.0 part per million is established for residues of pyrethins in or on milling fractions derived from cereal grains, when present as a result of its use in cereal grain mills and milled cereal grain products storage areas.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the United States Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If the hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Dated: November 20, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11179; Filed, Nov. 24, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2435]

[Los Angeles 0170404]

CALIFORNIA

Modifying Reclamation Withdrawal of October 16, 1931 (Colorado River Storage Project)

Correction

In F.R. Doc. 61-6801, appearing at page 6516 of the issue for Thursday, July 20, 1961, the land description should read with the coordinate "NE¼" instead of "SE¼".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

[A0-255-A1]

IRISH POTATOES GROWN IN MAINE

Notice of Recommended Decision and Opportunity to File Written Exceptions With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision with respect to proposed amendments to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in Maine, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) hereinafter called the "Act."

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and to the order were formulated, was held at Presque Isle, Maine, on August 4, 1961, pursuant to notice thereof which was published July 28, 1961, in the FEDERAL REGISTER (26 F.R. 6769). Such notice set forth the proposed amendments.

To facilitate reference to the specific documents mentioned in this proceeding, Marketing Agreement No. 122 and Order No. 70 are hereinafter referred to as the "present order," and the proposed amendments thereto are hereinafter referred to as the "proposed order."

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 970.7 *Handle or ship* to extend its applicability to shipments of potatoes between points outside the production area;

(2) The addition of a new definition of *Committee* § 970.11 which replaces the current definition § 970.11 *Marketing Committee* and § 970.12 *Administrative Committee;*

(3) The amendment of § 970.17 to redefine *Pack*, and the addition of new definitions § 970.19 *Container*, § 970.20 *Label*, and § 970.21 *Maturity;*

(4) The addition of a new § 970.25 *Establishment and membership* to provide for the establishment of the committee as defined in § 970.11;

(5) The amendment of § 970.31 *Nominations* to require that only one nominee be designated for each committee vacancy and to provide that eligible voters may ballot in a manner they choose in selecting these nominees;

(6) The amendment of § 970.39 *Duties* to reflect the change in committee organization as provided in §§ 970.11 and 970.25;

(7) The amendment of § 970.47 *Refunds* to authorize the establishment of an operating reserve;

(8) The amendment of §§ 970.50 *Marketing policy* and 970.51 *Recommendation for regulations* to provide for proposed changes in § 970.52;

(9) The amendment of § 970.52 *Issuance of regulations* to provide for the issuance of regulations by markets and the authority for labeling and container regulation and to specifically provide authority for maturity regulations;

(10) The amendment of § 970.53 *Modification, suspension, or termination* to provide for modified regulations under this section for potatoes moving to chippers;

(11) The amendment of § 970.65 *Inspection and certification* to require inspection under this section without regulation under §§ 970.52 or 970.53; to provide flexibility in determining the validity period for inspection certificates under this part; to require that evidence of inspection accompany truck shipments, and that containers may be marked to indicate compliance with inspection requirements;

(12) The amendment of § 970.80 *Reports* to more clearly define the types of reports which may be required under this section, to require reports only from those needed, and to establish a definite period for the retention of records under this section.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing in the record thereof, are as follows:

(1) The term "handle" as defined in the present order is synonymous with "ship" and means to sell or transport potatoes or cause the sale or transportation of potatoes within the production area or between the production area and any point outside thereof. When the present order was issued in 1954 this definition included the handler activities common at that time, and was found to be adequate for effective administration.

However, upon the basis of evidence introduced at the hearing on the proposed order it is found that (i) operating experiences indicate the definition should be broadened and clarified to include handling activities performed outside the production area, (ii) Maine potatoes which failed to meet regulations in effect at the time of shipment and which were shipped for special purposes have been diverted to tablestock markets, (iii) under the present definition out-of-production area handlers are not subject to the provisions of the present order, (iv) with the increased importance of processing this practice may be expected to become more common, and (v) unless such potatoes are subject to and meet the requirements of the order they can adversely affect prices received by Maine growers.

Therefore, it is concluded that it is necessary and desirable to expand the definition of "handle" to include handling performed outside the production area under the terms of appropriate rules and regulations which may be recommended by the committee and approved by the Secretary. It is further concluded that such potatoes are in the current of commerce between the production area and their final destination in receiving markets, so certain activities by out-of-production area handlers, which will be specified in the rules and regulations, should be subject to the requirements of the program.

This authority is further necessary in view of the proposed amendments with respect to potatoes for special purposes under the provisions of § 970.53 as hereinafter set forth. Section 970.53 of the proposed order would provide that potatoes for chipping do not necessarily have to be conditioned—i.e., stored under heat—to qualify for special consideration. Testimony at the hearing was to the effect that procedures should be established whereby unconditioned potatoes for chipping but which fail to meet current regulations may be shipped and then conditioned outside of the production area. Unless some authority is retained on such potatoes they could be diverted to tablestock outlets.

Since the present order was originally issued in 1954, potato marketing has changed considerably. New methods of processing and transportation and changes in buying and packing practices have been developed. The manufacture of potato chips, potato flakes, and canning or freezing are examples of either new products or outlets of increased importance. Buyers, brokers, and processors located outside the production area may legitimately buy potatoes for such purposes and then for various reasons they may re-sort such potatoes and sell some in fresh markets or occasionally they will simply divert some shipments directly to the fresh market. Unless such potatoes meet the requirements applicable to potatoes handled within the production area or between the production area and any point outside thereof, they can damage the reputation of the properly graded, sized, and packed Maine potatoes with adverse effects on growers' prices.

Under the present order the shipping point handler can act in good faith and

comply with all regulations, but can be in violation if the receiver diverts the potatoes. Under the proposed order persons handling Maine potatoes outside the production area would be subject to the conditions of the order if they handled such potatoes contrary to the appropriate rules and regulations recommended by the committee and issued by the Secretary governing such shipments. The receiver would have to agree to comply with regulations before potatoes could be shipped under special purpose conditions, and, in turn, will be fully informed and appraised of his responsibilities if he diverts and such potatoes so received.

Provisions of the present order are such that the burden of compliance with regulations rests with the handler within the production area. As mentioned above, the shipping point handler may be in violation for reasons beyond his control. Therefore persons performing handler functions outside the production area should, under rules and regulations issued pursuant to § 970.56, bear the responsibility of a handler under the proposed order. Extension of this authority will tend to promote more orderly marketing and effectuate the declared policy of the act.

(2) The definition of "committee" in the proposed order is to identify the administrative agency responsible for assisting in the administration of the program. "Committee" means the Maine Potato Marketing Committee as authorized by the act and which is necessary and incidental to the operation of the proposed order. The new definition replaces the definitions of § 970.10 *Marketing Committee* and § 970.11 *Administrative Committee* in the present order.

(3) "Pack" should be defined as set forth in the proposed order as a means for establishing a method of regulation and as the basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term "pack" is commonly used throughout the potato trade and refers to a combination of factors including the grade, size, maturity, and variety of the potatoes together with the size and type of container. For example, a common or usual pack for Maine is a "U.S. No. 1, 2½ minimum–3½ maximum, Katahdin variety, in 10-pound 'poly' bags."

The State of Maine Department of Agriculture has established standards for certain "packs" of potatoes specifying the grade, size, type of container, etc. In order to cooperate with this agency the committee should have authority to use these pack specifications and pack designations in recommending pack regulations.

The development of new potato packs is continuous. Consumer size packages continue to gain in popularity. A recently developed 50-pound box contains potatoes which are sized and hand packed. The definition should cover other developments in packing as they occur in the future. The committee should be able to recommend such pack regulations as will permit taking advantage of any practice or innovation which will tend to improve growers' returns. The particular packs which may be handled should be specified by recommendation of the committee, with approval of the Secretary, and thereby permit the tailoring of particular regulations to particular packs.

"Container" should be defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes may move to market outlets, since authority to regulate by type of container is included in the proposed order.

"Label" as defined in the proposed order means the same as it does in the common use of the trade, namely, to mark, brand, or otherwise designate on containers the grade or size or both of the potatoes contained therein.

Under the proposed order, authority is specifically included for regulating by "maturity." Maturity is considered in the United States Standards for Potatoes in terms of the development or condition of the outer skin of the potatoes. The term as defined in the proposed order conforms with the concept in the standards, and should be included to provide a basis for the authority to regulate by maturity.

(4) The present order provides for a marketing committee and for an administrative committee. The marketing committee consists of 20 members and 5 alternates. The administrative committee is selected from members and alternates of the marketing committee, and must have three or more members. Under the proposed order, only one committee, the Maine Potato Marketing Committee, will be established with the same membership as the marketing committee in the present order.

The proposed committee would assume all the functions of the administrative committee in the present order. No change is proposed in the selection, qualification and present distribution of membership by districts for the proposed committee over the current methods used for selecting the marketing committee. Members of the present marketing committee would continue as members of the initial committee under the proposed order. An administrative committee could become the initial subcommittee of the committee.

Testimony at the hearing shows that the dual committee arrangement has caused some misunderstanding within the industry. Also, there is a delay between the organization of the Maine Potato Marketing Committee and appointment of the Maine Potato Administrative Committee. The proposed arrangement of a single committee should result in more effective administration of the order.

(5) The proposed order would amend paragraph (c) of § 970.31 *Nominations*, so only one nominee must be submitted to the Secretary for each vacancy on the committee. Testimony shows that there is some confusion upon the part of nominees with respect to the current nomination procedure of submitting two names for each position. Nominees have been confused by the submission of their names for consideration for appointment and cannot understand why they are not appointed after being recommended to the Secretary. Also some qualified persons do not wish to have their names submitted only for consideration with actual appointment going to another, and for that reason do not allow their names to be submitted for nomination. Since the nominee who receives the highest number of votes has always been selected the present procedure serves no useful purpose and should be amended. Several persons are usually nominated for each position, so the procedure of submitting only one name for appointment would not necessarily limit the Secretary in his selection. Therefore, it is found that the provisions of § 970.31 should be amended accordingly.

(6) In the proposed order § 970.30 *Duties* must reflect changes required by the elimination of the administrative committee and marketing committee in the present order and assignment of their duties to the single committee established in the proposed order. All duties currently assigned the administrative committee would be assigned to the new committee but could be reassigned to a subcommittee. The listed duties have proven satisfactory in the present order and should be continued in the proposed order.

(7) Section 970.44 *Refunds* of the present order provides methods for disposing of any excess funds remaining after each fiscal period's expenses have been met. These methods include the crediting of each handler's account with his share of the refund, or by payment to him if demanded. Authority is also included in the present order to set aside some of the excess funds as a reserve for possible liquidation.

Good business practice requires provision for contingencies. The committee should be authorized to set aside some of the funds remaining at the end of each fiscal year after expenses for the period have been met, to be carried over into following periods in a general reserve to be used for operations and for possible liquidation of the affairs of the committee.

The reserve could be built up over a period of years provided it does not exceed approximately one year's operating expenses. This reserve could be used for several purposes. It could be used to allow the committee to function at the beginning of each season prior to the time assessment income is available; to cover any deficits during a fiscal period in which assessment income falls short of expenses; to pay expenses during any period when any or all of the provisions of the order are suspended or are inoperative; or for other expenses authorized under the proposed order.

A reserve fund would be needed in the event of termination, to pay the expenses of winding up committee affairs. Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

It is concluded, that the revision of § 970.44, authorizing operating reserve, as hereinafter set forth, should be incorporated in the proposed order.

(8) The proposed order contains additional authority in § 970.52 and § 970.53 for recommending regulations. The provisions relating to marketing policy, inspection, and recommendation for regulations, § 970.51, incorporate these changes. Testimony was given that a marketing policy statement has been prepared each season since 1954 under the provisions of § 970.50. In the event the proposed order is adopted, the Committee would need to consider any changes in the present regulating authority when making recommendations for regulations. Likewise, under § 970.51, the Committee should have authority to recommend any regulations authorized in §§ 970.52 and 970.53.

(9) The types and methods of limiting shipments are contained in §§ 970.52 and 970.53 of the proposed order. These should include all the types and methods in the present order together with certain additional types of regulations and the further defining of other types of regulations contained in the present order.

The record of hearing shows that in considering regulations for the 1960–61 season, the marketing committee gave consideration to the recommendation of a regulation which would allow the shipment of a pack of U.S. No. 1 potatoes, 2 to 2½ inches in diameter; however, it was found this pack, especially in a closed container, could not be distinguished from the regular Maine pack (U.S. No. 1, 2¼ to 4 inches in diameter) of the past few seasons. Authority contained in the proposed order requiring containers be labeled as to grade and size would not only serve to permit the pack of smaller sizes to stand on their own merit and avoid being substituted for the standard pack, but would have given additional recognition to the standard Maine pack. Although a large volume of Maine shipments are U.S. No. 1 grade, some shipments for special purposes or under exemption procedures are of a lesser grade and labels could be used to advantage in distinguishing between grades of certain packs.

The use of the State of Maine's Blue, White and Red trademark in place of grade and size should be recognized. State of Maine packs such as "Chefs Specials," which in themselves have grade and size requirements which are recognized by the trade should be authorized. When handlers are authorized to use such labels and trade names the committee should have authority to recognize such as meeting labeling requirements.

Authority to require labeling upon committee recommendations; of containers for Maine potatoes and to establish this as a standard trade practice would help to promote orderly marketing in that consumers would know what they are purchasing and the potatoes of each quality and size would sell for what they are worth. If lower grades and less acceptable sizes of potatoes are labeled for what they are, they would not be confused with the better quality and sizes which in turn would not adversely affect prices received by growers for the more acceptable grades and sizes.

Labeling authority in the proposed order is incidental to, not inconsistent with, and necessary to effectuate its grade, size, and quality regulations. Such authority is not inconsistent with the other provisions of the order. Authority in the proposed order should be flexible enough to permit the committee, with approval of the Secretary, after careful study, to issue such labeling regulations as would be beneficial to producers and handlers of production area potatoes. It is concluded that the labeling provision, as hereinafter set forth, should be authorized in the proposed order.

Provision is included in the proposed marketing order authorizing different regulations for different markets. It was testified that this provision is intended to distinguish only between markets within the production area and those outside. Markets within the production area, particularly for certain processing uses, are close to source of supply and could at times be allowed to take different grade and sizes of potatoes than those outside the production area, or could be relieved from grade and size regulations if it may be practical to do so in terms of administering the program and helping to promote orderly marketing. At the same time, it would be impractical to consider distinguishing between terminal markets outside the production area.

The present order authorized pack regulations. It is found that this authority should be continued under the proposed order based upon the testimony and evidence with respect to the new definition of *Pack* (§ 970.16 of the proposed order). It is further found that because various factors of a pack affect the price received therefor, it is necessary to authorize regulations covering each of the factors making up a pack. Each of the factors has an influence on price. Testimony introduced at the hearing showed that if one factor of a pack was contrary to the original contract or order, the shipment was usually subject to an adjustment which in turn was reflected in the price received by the grower. More emphasis is being placed upon proper grading and packing now than when the present order was originally considered in 1954. Unless each element of packs is regulated so as to promote orderly marketing, pack regulations under the proposed order would be ineffective in attaining the objectives of the act.

The proposed order provides for the committee to recommend, and the Secretary to fix, through rules and regulations, the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of potatoes. This is not a particularly disturbing problem at the present time, but if malpractices should develop, such as the use of off-size or deceptive containers, or with respect to the net weights of containers, it is necessary that authority should be available for the committee, with the approval of the Secretary, to correct any abuses which may develop and to prohibit the use of undesirable or deceptive containers.

Maturity is a quality factor and, as such, is included within the authority of the present order. Testimony was offered at the hearing that the authority to regulate specifically by maturity, in terms of skinning classifications should be provided in the proposed order for clarity and so that all parties concerned will know that such regulations will be in accordance with the aforementioned standards.

The present order authorized the Committee to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when potato prices reach the equivalent parity as will be in the public interest. Such authority should be contained under the proposed order.

(10) Authority is contained in § 970.53 of the present order for the marketing committee to recommend, and the Secretary to provide, for the modification, termination or suspension of regulations on shipments for manufacture or conversion into specified products. Testimony was offered at the hearing that potatoes for chipping be added to the outlets listed in § 970.53. Potatoes used for chipping require special cultural practices and early harvest which tend to increase the cost of growing a crop for chippers when compared to tablestock. Potatoes which will make satisfactory chips, although they may not meet tablestock grades and sizes, may be of greater value to chippers than potatoes which meet tablestock grades and sizes that fail to chip satisfactorily. Therefore, chippers' requirements for potatoes differ from those for the tablestock market, with chippers being less interested in the outside or external appearance of the potato, but look for internal factors or conditions which will make good chips. Shipments for chipping reduce the total supply of potatoes available for shipment from the production area to the domestic fresh market; and therefore, such shipments tend to increase the value of the crop. Therefore it is concluded that shipments of potatoes for chipping should be included in the outlets considered under § 970.53.

(11) Provisions are included in the present order for requiring inspection whenever the shipments are limited under the provisions of §§ 970.45, 970.52, and 970.53. In the proposed order the committee may recommend, and the Secretary may issue, regulations requiring inspection even when no regulations are in effect under the aforementioned sections. Testimony was given that some committee activities and functions are necessary even when regulations are not in effect. Inspection is necessary so assessments as provided in § 970.45 may be levied equitably upon all handlers. Inspection certificates would also provide a method whereby statistical information would be available to the committee to assist in preparation of, or review of, the marketing policy statement. The Maine Branding Law requires that all potatoes be labeled as to grade. Inspection under this section would permit the committee to cooperate with the State agency in the administration of this law.

Under the provisions of the present order, § 970.65 authorizes the committee to recommend, and the Secretary to issue, rules limiting the period for which inspection certificates may be valid. At the hearing, testimony was offered that this section in the proposed order should provide for the establishment of this period differently by types of carriers (truck vs. rail), types of inspection certificates (standard vs. lot), and for special outlets established under § 970.53. Such requirement is reasonable and necessary. The validity time in the past has been based upon the maximum period necessary on truck shipments. Experience has shown that this period may be too short for rail shipments. In the case of warehouse or lot inspections, a time could be fixed which would allow adequate opportunity for the handling of all inspected potatoes, thereby accommodating handlers and truckers. Or under this provision a longer period of validity could be established for inspection certificates issued in the case of chipping potatoes placed in storage for conditioning and then shipped out of storage at some later date. Conditioned potatoes are subject to shriveling and sprouting, due to conditioning, which makes inspection difficult at the time of shipment. Shipments of such potatoes could be handled under the provision of § 970.56 *Safeguards* under which a system of registering handlers of such shipments may be used to facilitate its provisions.

In the proposed order, the provisions of § 970.65 are amended to require handlers shipping potatoes by truck to provide the trucker with a copy of the applicable inspection certificate for such shipment, and for the trucker to surrender such certificate to those enforcement authorities designated by the committee. This provision is necessary to determine that requirements are being met. It was testified that most handlers are following this practice now, so this requirement is practical and should not impose any extra burden upon handlers.

The committee should be authorized to recommend, and the Secretary to require, that all lots of potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each container thereof by the handler thereof, under the direction or supervision of the Federal or Federal-State Inspection Service or the committee. Such identification requirements would result in more efficient and effective administration of the program because compliance problems would be minimized. It would supplement and assist in the administration of the order, particularly if labeling requirements authorized in § 970.52 were in effect. The proposed order should contain such authority.

Other provisions of § 970.65 in the present order would continue unchanged in the proposed order.

(12) Testimony at the hearing supported the proposal for amending § 970.80 *Reports* to provide that reports may be requested of individual handlers rather than all handlers in the production area. In the event reports are needed from only one handler or small group of handlers, no useful purpose would be served by requesting reports of all handlers in the production area. For example, if a particular section or district was affected by an unusual circumstance, no purpose would be served in requesting reports of the amount of this damage, to assist in preparation of a marketing policy, from all handlers; rather reports from only those handlers affected would be needed. Also, a time limit was established for which handlers must retain records for this part. A period of 2 years following each fiscal period is established as the length of time records should be retained. Paragraph (a) is included to notify handlers of the types of reports which might be requested under this section. Paragraph (b) is included so that handlers will know that information supplied under this section would receive appropriate protection. General provision for these two paragraphs was established in the 1954 hearing record on the present order. The changes contained in the proposed order specify in detail what may be required in the way of reports to make such requirements more readily available and known.

(13) Changes and modifications in drafting some provisions, including changes in reference numbers and cross-references between sections, are necessary to conform the present order with the proposed amendments. These changes are made and the proposed order conforms with them.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement and the order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby proposed to be amended, regulate the handling of potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said marketing agreement and the order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and the order, as both are hereby proposed to be amended, prescribed, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendments to the marketing agreement and order. The following proposed amendments to the marketing agreement and the order are recommended as the detailed means by which the aforesaid findings and conclusions may be carried out. For ready reference to all the provisions of the proposed order, an entire order, as amended, is set forth.

DEFINITIONS

§ 970.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 970.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 970.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 970.4 Production area.

"Production area" means all territory included within the boundaries of the State of Maine.

§ 970.5 Potatoes.

"Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 970.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

§ 970.7 Ship or handle.

"Ship" or "handle" means to sell or transport potatoes within the production area or between the production area and any point outside thereof, or between points outside the production area.

§ 970.8 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of potatoes into grades and sizes for market purposes.

§ 970.9 Grade and size.

"Grade" means any one of the officially established grades of potatoes and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1560 of this title) or amendments thereto, or modification thereof, or variations based thereon:

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§51.1575 to 51.1587 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

§ 970.10 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 970.11 Committee.

"Committee" means the Maine Potato Marketing Committee established pursuant to § 970.25.

§ 970.12 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 970.13 Varieties.

"Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 970.14 Seed potatoes.

"Seed potatoes" is synonymous with "seed" and means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

§ 970.15 Table stock potatoes.

"Table stock potatoes" is synonymous with "table stock" and means and includes all potatoes not included within the definition of "seed potatoes."

§ 970.16 Pack.

"Pack" means a quantity of potatoes specified by weight, grade, size, or numerical limits, or by type of container, or any combination of these, recommended by the committee and approved by the Secretary.

§ 970.17 Export.

"Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 970.18 District.

"District" means each one of the geographical divisions of the production area initially established pursuant to § 970.28 or as reestablished pursuant to § 970.29.

§ 970.19 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other unit used in packaging, transportation, or sale of potatoes.

§ 970.20 Label.

"Label" means to mark, brand, or otherwise designate on containers the grade or size, or both of potatoes therein.

§ 970.21 Maturity.

"Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title).

COMMITTEE

§ 970.25 Establishment and membership.

The Maine Potato Marketing Committee, consisting of 20 members, 15 of whom shall be producers and 5 shall be handlers, is hereby established.

§ 970.26 Selection.

Committee members shall be selected on the basis of districts as established in §§ 970.28 or 970.29. From each district, three producers shall be selected as committee members and one producer shall be selected as committee alternate. From each district one handler shall be selected as member and one handler shall be selected as alternate.

§ 970.27 Qualifications for committee membership.

Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected. Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the district for which selected, or officers or employees of a corporate handler, and such persons shall be residents of the district for which selected.

§ 970.28 Districts.

For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The towns of Hamlin and Cyr, township 17, Range 3, townships 16 and 17, Range 4, townships 14, 15, and 16, Range 5, all townships 14, Ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and all area north thereof in Aroostook County, in the State of Maine.

District No. 2. The towns of Fort Fairfield, Caribou, Washburn, Wade, Perham, Woodland, Limestone, Caswell, Connor, New Sweden, Westmanland and Stockholm in Aroostook County, in the State of Maine.

District No. 3. The town of Bridgewater, township D, Range 2, all townships 9, ranges 3, 4, and 5, the town of Oxbow, all townships 9, ranges 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and all area north thereof, not included in Districts 1 and 2, in the State of Maine.

District No. 4. The towns of Orient, Haynesville and Glenwood, township 2, Range 2, the towns of Silver Ridge and Benedicta, all townships 2, ranges 6, 7, 8, west of the east line of the State 9, 10, 11, 12, townships 2, 3, and 4, Range 13, townships 4 and 5, Range 14, all townships 5, ranges 15, 16, 17, 18, 19, and 20, and all area north thereof, not included in Districts 1, 2, and 3, in the State of Maine.

District No. 5. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, 3, and 4.

§ 970.29 Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the apportionment of members among districts, and the re-establishment of districts within the production area. In recommending any such changes the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in reapportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 970.30 Term of office.

(a) The terms of office shall begin as of July 1 and end as of June 30. The term of office of producer members shall be for three years. The term of office of the producer members of the initial committee shall be so determined by the Secretary that one-third shall be for term of one year, one-third for term of two years, and one-third for term of three years. The term of office of alternate producer members and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive years.

(b) Committee members and alternates shall serve during the term of office for which they have been selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 970.31 Nomination.

The Secretary may select the committee members and alternates from

nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to May 1 of each year a meeting or meetings of producers in each district and a meeting or meetings of handlers shall be held in the production area to nominate members and alternates for the committee.

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee and eligible voters may ballot to indicate the ranking of their choice for each nominee;

(d) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 of each year;

(e) Only producers may participate in designating nominees for producer members and alternates and only handlers may participate in designating nominees for handler members and alternates. Each person who is both a producer and a handler may vote either as a producer or as a handler and he may elect the group in which he votes. In the event a person is engaged in producing or in handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled from the group in the respective district in which he elects to vote.

§ 970.32 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 970.31, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 970.26 through 970.29, inclusive.

§ 970.33 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 970.34 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 970.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 970.26 through 970.29 inclusive.

§ 970.35 Alternate members.

In the event any member of the committee is unable to attend a meeting of the committee, the alternate, who was selected from the same district and from the same group as the absent member may act in the place and stead of the absent member. In the event of the death, removal, resignation, or disqualification of a member, a qualified alternate shall act for him until a successor of such member is selected and has qualified.

§ 970.36 Procedure.

(a) A majority of the members of the committee from each of at least four districts shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such committee will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing; *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 970.37 Expenses and compensation.

Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part. Committee members and alternates may receive compensation for official services rendered in connection with administration of this part and such compensation shall not be in excess of rates recommended by the committee and approved by the Secretary.

§ 970.38 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 970.39 Duties.

It shall be the duty of the committee:

(a) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable.

(b) To prepare a marketing policy;

(c) To recommend marketing regulations to the Secretary;

(d) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(e) To establish a subcommittee or subcommittees whose duties, assigned by the committee, may include, but shall not be limited to, any of the following duties of the committee;

(f) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies, and to cooperate, and exchange information, in connection with all proper activities and objectives of such committees under this part.

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To furnish to the Secretary such available information as he may request;

(i) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(j) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(k) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(l) To make available to producers and handlers committee voting records on recommended regulations and on other matters of policy;

(m) At the beginning of each fiscal period, and as may be requested by the Secretary, to prepare a budget of its expenses and a proposed rate or rates of assessment for such fiscal period, together with a report thereon;

(n) To cause the books of the committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(o) To investigate an applicant's claim for exemption under § 970.70.

EXPENSES AND ASSESSMENTS

§ 970.43 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes under regulation handled by the first handler thereof during a fiscal period and the total quantity of potatoes under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 970.44 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 970.45 Assessments.

(a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first ships potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the agencies' expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 970.46 Accounting.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of the committee during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 970.47 Refunds.

At the end of each fiscal period, if assessments collected are in excess of expenses incurred such excess shall be accounted for as follows:

(a) Except as provided in paragraphs (b) and (c) of this section, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him. Refunds need not be paid or credited to any handler with outstanding obligations due the committee until his account is settled.

(b) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal period's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 970.43.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATIONS

§ 970.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy statement. Such policy statement shall indicate the data on potato supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to potato supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ 970.51 Recommendations for regulations.

Upon complying with the requirements of § 970.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the Act.

§ 970.52 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, or packs, or any combination thereof, of any or all varieties of tablestock or of seed potatoes, or both, during any period; or

(2) Limit the handling of particular grades, sizes, or qualities, of potatoes differently, for different varieties, for tablestock or seed, for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Require that containers for potatoes handled hereunder shall be labeled to show the grade or size, or both, thereof;

(4) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or

(5) Limit the handling of potatoes when parity prices have been established, by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes.

§ 970.53 Handling for special purposes.

Upon the basis of recommendation and information submitted by the committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the Act;

(a) For grading or storage within the production area;

(b) For planting within the production area;

(c) For export;

(d) For distribution by the Federal Government;

(e) For manufacture or conversion into specified products;

(f) For charitable purposes;

(g) For livestock feed;

(h) For chipping; and

(i) For other purposes which may be specified.

§ 970.54 Minimum quantity regulation.

The committee, with the approval of the Secretary, may establish for any or all portions of the production area, mini-

mum quantities below which shipments will be free from regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.65, or any combination thereof.

§ 970.55 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 970.56 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 970.53 or § 970.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 970.53 and 970.54;

(2) Handlers shall obtain inspection provided by § 970.65, or pay the pro rata share of expenses provided by § 970.45, or both, in connection with potato shipments affected under the provisions of § 970.53: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes affected or to be affected under the provisions of §§ 970.53 and 970.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 970.53 and 970.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 970.65 Inspection and certification.

(a) During any period in which shipments of potatoes are regulated pursuant to §§ 970.45, 970.52, or 970.53, or any combination thereof, or during any period recommended by the committee and approved by the Secretary, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 970.53 or § 970.54, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(f) Upon recommendation of the committee, and approval of the Secretary, all potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the container by the handler under rules to be established by the committee.

EXEMPTION

§ 970.70 Policy.

(a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52 is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 970.71 Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 970.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 970.72 Applications and issuance.

The committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 970.52 in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 970.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 970.73 Investigation.

The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 970.74 Appeals.

If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The committe shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 970.75 Records.

The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 970.80 Reports.

(a) Upon the request of the committee with the approval of the Secretary, handlers shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received, and of potatoes disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

§ 970.81 Compliance.

Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 970.82 Right of the Secretary.

The members of the committee (including successors, and alternates), and any agent or employee appointed or employed by such committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committees shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 970.83 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 970.84 Termination or suspension.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 970.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee and of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 970.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 970.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 970.88 Agents.

The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 970.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 970.90 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ 970.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 970.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 970.93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 970.94 Additional parties.

After the effective date of this agreement, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is

[1] Applicable only to the proposed marketing agreement, as amended.

delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 970.95 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of recommended decision may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: November 20, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-11170; Filed, Nov. 24, 1961; 8:47 a.m.]

[7 CFR Part 1028]

[Docket No. AO-333]

HANDLING OF GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions with Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of grapefruit grown in the Indian River District in Florida, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Vero Beach, Florida, on August 30 and 31, 1961, pursuant to a notice thereof which was published August 12, 1961, in the FEDERAL REGISTER (26 F.R. 7347, 7778). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Indian River Citrus League, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction in this instance;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee for the local administration of the order;

(c) The incurring of expenses and the levying of assessments;

(d) The method for regulating shipments of grapefruit grown in the production area;

(e) The specification of exceptions from regulation of grapefruit handled in certain types of shipments or for certain specified purposes;

(f) The requirement for inspection and certification of grapefruit handled;

(g) The establishment of recordkeeping and reporting requirements for handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in sections 49 through 57 and published in the FEDERAL REGISTER (26 F.R. 7347) on August 12, 1961, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in sections 58 through 60, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The commercial production of citrus fruits in Florida is confined to that portion of the State which is south and east of the Suwannee River. Within this area, bordering the Atlantic Ocean, is the Indian River District—an area of predominately low, flat land of characteristic hammock soil. Grapefruit grown in the Indian River District has distinctive qualities, tending to be thinskinned, flat in shape, and generally less acid than other Florida grapefruit. It also tends to have more tender flesh and outside discoloration is more prevelant than is the case of other Florida grapefruit.

Indian River grapefruit commands a premium price over other grapefruit in fresh market channels. The average on-tree return to growers for seedless varieties of grapefruit sold in fresh market channels during the 1959-60 season was $1.82 per box for Indian River fruit as compared with $1.05 per box for other Florida grapefruit. This same premium is not realized when grapefruit is marketed in processing outlets. On-tree returns for both Indian River and other Florida grapefruit sold for processing during the 1959-60 season averaged $0.99 per box. Hence, the Indian River grapefruit industry has looked to the fresh market as its primary market and has sold more than two-thirds of its production in fresh fruit channels.

Production of grapefruit in the Indian River District constitutes less than 25 percent of the total production of grapefruit in Florida. However, approximately 35 percent of the fresh market shipments of all Florida grapefruit are from the Indian River District. About 45 percent of the interstate shipments of Indian River grapefruit are sold at the terminal market auctions and such sales constitute more than 80 percent of all sales of Florida grapefruit by means of these auctions.

The marketing season for Indian River grapefruit usually begins in late September or early October. Fresh fruit shipments are relatively light for the first 3 or 4 weeks. In November, weekly shipments build up to more than 100,000 boxes and continue to increase each week until the Christmas holiday when there is a short period of little market activity. Following this period, demand usually is good as markets replenish stocks and grapefruit reaches its peak of flavor. During the 14- or 15-week period beginning in mid-January and extending late into April the heaviest shipments occur. During this period, all of the crop is mature and is capable of being shipped. Producers are anxious to harvest their grapefruit in order to avoid deterioration in grade and loss of fruit from winds or other factors. Returns to producers for grapefruit sold for processing generally are lower than those received from sales in fresh fruit channels. Producers therefore exert strong pressures upon handlers to ship their fruit to fresh markets as soon as possible.

Late in January, handlers of Indian River grapefruit normally complete the marketing of the early and midseason orange crops available to them and the late maturing Valencia oranges have not reached the maturity or quality to begin the harvesting of the crop. As a consequence, handlers have picking crews which have been harvesting oranges but now cannot be kept busy unless they are assigned to harvesting grapefruit. Similarly, additional facilities which were being used to pack oranges are now available for the packing of grapefruit.

These factors, together with the recurring adverse winter weather in the northern markets which slows the movement of grapefruit into consumption, results in shipments of Indian River grapefruit in excess of the requirements of the then current market demand.

When supplies of Indian River grapefruit are offered for sale in quantities exceeding the requirements of the then current demand, the prices of such

[1] Applicable only to the proposed marketing agreement, as amended.

grapefruit tend to become more directly competitive with other grapefruit grown in Florida and other States. Because of the higher costs incident to the preparation of land for growing grapefruit in the Indian River District and to the required practices in the cultivation and control of insects in established groves, such price levels are substantially below that at which Indian River grapefruit can be profitably marketed.

The authority to limit shipments of Indian River grapefruit to fresh markets each week under a marketing order provides a means to adjust the quantity of fruit shipped to that required in such marketing channels. In addition, such regulations under a marketing order would make readily available information on the quantity of grapefruit to be shipped during a particular week and market receivers would be provided the basis for maintaining their commercial operations in the light of information concerning the rate at which supplies will be available to them. Such conditions would tend to provide more orderly marketing conditions for grapfruit than exist in the absence of some program providing restraint of the volume of grapefruit shipped. Individual handlers cannot successfully bring about such conditions by reducing shipments as other handlers can nullify such action by increasing their shipments.

It is concluded, therefore, that a marketing order is needed to establish orderly marketing conditions for Indian River grapefruit by providing a means of limiting the quantity of such grapefruit that can be shipped in fresh market channels.

(2) Indian River grapefruit is distributed widely within the United States and is exported to Canada and other foreign countries. For many years, the industry marketed nearly all its grapefruit through the terminal market auctions. Ten years ago, more than 85 percent of all interstate shipments of Indian River grapefruit were marketed in this manner. However as the volume of production increased, it became necessary to expand the market area. Handlers established sales departments within their organizations and more than half of all sales of Indian River grapefruit are now made by handlers' own sales personnel.

Markets within the State of Florida are important outlets for Indian River grapefruit. Over 7 percent of the fresh sales of such grapefruit during the 1959-60 season were to intrastate markets—nearly double that of a few years ago. However, it is known that a portion of the grapefruit so marketed by handlers is later transshipped to destinations outside the State. There are wholesalers and chainstore warehouses in Jacksonville and in west Florida which service retail outlets in Georgia and Alabama. Also, it is common practice for truckers to assemble mixed loads of produce, including Indian River grapefruit, in the Jacksonville and west Florida markets and to transport these loads to destinations in the Southeastern States.

Any handling of Indian River grapefruit in fresh market channels exerts a direct influence upon all other handling of such grapefruit in fresh form. It is the primary objective of all handlers of Indian River grapefruit to obtain the highest possible return for the grapefruit they have for sale. Markets within the State of Florida provide opportunities to dispose of fresh grapefruit the same as markets within any other State. Whenever the price of grapefruit in one market, whether within the State or outside thereof, is higher than that in other markets, supplies tend to be diverted to the market having the highest price.

Should the volume of interstate shipments of Indian River grapefruit be limited while shipments within the State are unrestricted, shipments of grapefruit to firms located in west Florida markets would undoubtedly be increased as the opportunity for these firms to widen their distribution of grapefruit in the Southeastern States would be enhanced. Such increased shipments would be made, ostensibly, for distribution within the State and would be commingled with the normal volume of grapefruit shipped to such area. Under the circumstances, it would be virtually impossible effectively to regulate the volume of interstate shipments without also regulating shipments to west Florida markets.

It is found, therefore, that all handling of Indian River grapefruit is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce. Hence, except as hereinafter provided, all handling of grapefruit grown in the Indian River District of Florida should be subject to the authority of the act and of the order.

(3) The term "grapefruit" or "fruit" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order should include all varieties of the fruit classified botanically as citrus grandis, Osbeck (commonly called grapefruit) grown in the Indian River District. Grapefruit are readily identifiable from other citrus fruits. The term should be limited to the grapefruit grown in the Indian River District inasmuch as the order is to apply only to such grapefruit.

A definition of the term "Indian River District" or "district" should be set forth in the order to delineate the production area in which the grapefruit to be regulated is grown. The boundary of such district should be established as set forth in the notice of hearing. This boundary corresponds with that established for the Indian River citrus fruit production area by the Florida statutes which provide that only citrus fruit grown in the prescribed area may be sold under the name or brand of Indian River Citrus Fruit, and is identical with that of Regulation Area II prescribed in Marketing Order No. 33 (7 CFR Part 933). Also, the Federal Trade Commission has defined the Indian River area in general terms and, in certain instances, issued orders that Florida citrus fruits grown outside such area may not be marketed under an Indian River designation.

The boundary line for the Indian River District, set forth in the notice of hearing, is a natural one geographically. To the east is the Atlantic Ocean and, to the other sides are areas of swamps, rivers, lakes, and canals. Several miles separate the citrus fruit groves of the Indian River District from those of other citrus producing areas in Florida.

Handlers within the Indian River District handle grapefruit grown in all parts of the district; and this grapefruit is commingled in the process of preparing the fruit for market. It is concluded that, for the purposes of the order, the Indian River District, as hereinafter defined, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" or "shipper" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of Indian River grapefruit that is regulated, the term should apply to all persons who place such grapefruit in commerce by performing any of the activities within the scope of the term "handle" as hereinafter described. In other words, any person who is responsible for the sale or transportation of Indian River grapefruit, or who in any other way directly or indirectly places such grapefruit in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of grapefruit owned by another person should not be considered as making such carrier a "handler" as, in such instances, the carrier is performing services for hire and is not responsible for the quantity or pack of the commodity. Of course, if the carrier is the owner of the grapefruit being transported, such carrier would be the handler the same as any other person who may primarily be engaged in another business—such as producer or retailer—but at times is also a handler of grapefruit.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place Indian River grapefruit in the channels of commerce between the "Regulation area," as hereinafter defined, and any point outside thereof in the United States, Canada, or Mexico. The handling of such grapefruit begins at the time the fruit is picked from the trees and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling (including consignment and delivery), or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of Indian River grapefruit to fruit which conforms to the applicable requirements of the order.

It is usual for grapefruit, after picking, to be sorted, graded, packed, or otherwise prepared for market. Such preparation for market generally is performed

at a packinghouse within the Indian River District. However, it is the practice of a few handlers, who have packinghouses located outside the Indian River District and within the regulation area, to transport limited quantities of Indian River grapefruit to such packinghouses where it is prepared for market. The grower, in such instances, properly relies on the person preparing the grapefruit for market to see that it meets all requirements for marketing. Moreover, such activities, if performed, are preliminary to placing the fruit in marketing channels. It would not be practical, and would unnecessarily complicate the administration of the order, to require persons engaged in the preparation of grapefruit for market to meet the requirements of regulations under the order at any time except after such preparation. Therefore, the movement of grapefruit from the grove where grown to the place within the regulation area where the fruit is to be prepared for market, and activity in connection with such preparation, should not be covered as handling subject to regulation.

While some grapefruit is handled for consumption within the regulation area, most of the transportation of grapefruit within such area is from groves to packinghouses and processing plants or from packinghouses to destinations outside the regulation area. The quantity of grapefruit handled for consumption within the regulation area is small, in relation to the total movement, and the difficulties of enforcing regulations for fruit so marketed would be great. Moreover, it is not necessary that such handling be regulated in order to accomplish the objectives of the program.

The term "handle" should relate to transactions involving only the markets in the United States, Canada, and Mexico. Such markets are considered by handlers of Indian River grapefruit to be one "domestic" market. Methods of shipment to these markets are the same and shipments may readily be diverted from one market destination to another after the grapefruit leaves the regulation area. This situation does not exist in connection with shipments to other—the "export"—markets where transportation is by boat lines and large quantities of grapefruit are usually included in each shipment.

The primary responsibility for determining whether a particular lot of grapefruit conforms to the order requirements should rest with the person who places such lot, or causes it to be placed, in the current of the regulated commerce. In most cases, such person will be the one who was responsible for packing or otherwise preparing the grapefruit for market. However, the fact that grapefruit may have been handled contrary to the order requirements should not excuse a subsequent handler of the fruit from complying with such requirements. Each person who handles grapefruit should be responsible for seeing that all order requirements are met at the time such person handles the fruit.

As all handling of Indian River grapefruit is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all such handling should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definitions of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the Indian River Grapefruit Committee—the agency which will administer the program locally—are to be maintained. It is desirable to establish the fiscal period as a 12-month period beginning on the first day of August of each year. Such a period would fix the end of one fiscal period and the beginning of the next at a time of inactivity in the marketing of Indian River grapefruit. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, since the order cannot be effective at the beginning of such period, the initial fiscal period should begin on the effective date of the order. Therefore, it is concluded that such term should be defined as hereinafter set forth.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "producer" should be synonymous with "grower" and should be defined to include any person who is engaged, within the Indian River District, in the production of grapefruit for market and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as eligibility to vote for, and to serve as a member or alternate member on the Indian River Grapefruit Committee. The term should, therefore, be defined as hereinafter set forth.

The term "standard packed box" should be defined, as hereinafter set forth, to provide a specific unit of measure for purposes of assessment, volume limitations, and handler allotments. Indian River grapefruit is packed in a number of different containers of varying sizes and capacities. The common unit of measure throughout the industry for statistical and other purposes is the standard 1⅗ bushel box. Hence, the establishment of assessments, restrictions, and allotments in terms of a container equivalent to 1⅗ bushels will have specific meaning to growers, handlers, and others within the industry.

The term "regulation area" should be defined so as to include therein all of the State of Florida that is south and east of the Suwannee River. As indicated heretofore, the movement of Indian River grapefruit for consumption within this area is relatively small while substantial quantities move within this area for processing. Also, a few handlers transport grapefruit from the Indian River District to packinghouses located at other points within this area for the purpose of preparing such grapefruit for market. It would complicate the administration of the order to apply regulations to fruit handled for consumption within the area; and it is not necessary to do so in order to accomplish the purposes of the order.

It is desirable to fix the boundaries of the regulation area so as to coincide with established check points employed by the State in connection with its regulations concerning citrus fruits. A large portion of the shipments of Florida citrus fruits, including Indian River grapefruit, are made by truck and there has been established so-called road guard stations to check truck shipments of citrus fruits and other commodities. These stations are located near the highway crossings of the Suwannee River and on the major roads near the Georgia border leading out of the State that do not cross that river. As all Indian River grapefruit marketed in fresh form is prepared for market within the regulation area, there is already available facilities for checking compliance with the regulations under the order. The exclusion of any portion of the State other than that west of the Suwannee River would increase the number of routes by which grapefruit could move by truck from the regulation area and would correspondingly increase the difficulties and expense of effecting compliance with the order provisions.

The term "central marketing organization" should be defined to identify those organizations which sell Indian River grapefruit for more than one handler. This term has significance in determining eligibility of persons to serve on the administrative committee as a grower or handler member.

(b) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Indian River Grapefruit Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 12 members, of whom 6 should represent growers and 6 should represent handlers. Alternate members should be provided to act in the place and stead of the members. Membership and representation on the committee should reflect the situation existing in the growing and marketing of Indian River grapefruit. Nearly all handlers of such grapefruit are also grapefruit growers or organizations of growers. Thus any committee composed of growers and handlers will be closely identified with producer interests. A committee having one-half of its members who are growers who are not handlers, employees of handlers, or of central marketing organizations will assure that the handler interests of its members will not predominate. The handler representation provided will tend to give balance to the committee by providing the handling experience and marketing information necessary to the development of economically sound regulation of grapefruit shipments. One-half of the grower members and one-half of the handler members, and their respective alternates, should be affiliated with cooperative fresh fruit marketing organizations and the remaining members and their respective alternates should not be so affiliated. Approximately one-half of the Indian River grapefruit crop is marketed by cooperative marketing organizations and such division of the committee membership gives recognition to the institutional structure of the industry.

The term of office of committee members and alternates under the proposed program should be for one year beginning August 1 and ending the last day of July. The establishment of a term of office of one year will provide an orderly procedure for changing the membership of the committee and give growers and handlers an opportunity to express their wishes as to those they desire to serve on the committee each marketing season. The term of office will begin sufficiently in advance of the time shipment of grapefruit commences each season to allow adequate time for the committee to organize and start operating. Since it is possible that the new committee members may not be appointed immediately upon expiration of the term of existing members, or that some may fail to qualify immediately, provision should be made for members to serve on the committee during the portion of the term of office for which they have been selected and have qualified, and until their successors are selected and have qualified.

The three consecutive term limitation on a member's service on the committee, as hereinafter provided, is desirable as it would encourage more frequent changes in committee membership and tend to insure that some member's position on the committee would not continue indefinitely.

Nominations for members and alternate members of the committee should be made by growers and handlers to assist the Secretary in his selection of the membership of the committee. The nomination of prospective members and alternate members at meetings of growers and handlers, as provided in the order, is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee. The Secretary should have the benefit of the industry's recommendations in respect to committee membership, and should select persons for the member and alternate member positions from such nominations or from other qualified persons.

Nomination meetings for the purpose of electing nominees for members of the committee, and their alternates, should be held not later than July 10 of each year. By having such nomination meetings not later than July 10 each year, nomination lists can be made available to the Secretary prior to the expiration of the terms of office of existing members.

As the order obviously cannot become effective until after the 1961–62 marketing year is underway, the initial nomination meetings should be held as soon as practicable after the effective date of the order.

Nomination meetings and the voting for nominees should be conducted in accordance with such uniform procedures as the Secretary may prescribe. Such meetings should be conducted by a chairman who should announce to all present the names of the persons nominated and the number of votes cast for each. Following the meeting, the chairman and secretary thereof should, within 10 days, transmit to the Secretary complete information concerning the conduct of the meeting and the nomination and election of nominees. This will assure that the meetings are conducted in a uniform and fair manner and that the Secretary and all persons attending the meeting will have complete understanding of the proceedings.

In order that there will be an administrative committee in existence at all times to administer the order at the industry level, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the provisions of the order. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall serve in the place of a member of the committee, in appropriate circumstances, in order to help insure full representation at meetings. If any committee member is sick, or otherwise unable to attend a meeting, the alternate member should attend and serve for the member at such meeting. Also, the alternate should take over the duties of the member for whom he is an alternate should the member die, be removed from office, or be disqualified, and should serve in this capacity until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that in the event neither member nor his alternate is able to attend a meeting, the committee may designate any other alternate member who is not acting as a member to serve in such member's place and stead. To the extent practicable, such designation should be made so as to maintain the composition of the committee as prescribed in the order.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, and that it may develop that there are other duties which the committee may need to perform.

At least 8 members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make any decisions; and each decision or action of the committee should require a minimum of 8 concurring votes. This provision will assure that the actions of the committee will be considered and approved by at least two-thirds of the committee.

It was emphasized at the hearing that the volume of shipments of Indian River grapefruit should not be limited unless such restriction was clearly needed. Such limitations, if imposed during each week throughout the marketing season, probably would be detrimental to the

long run interests of the Indian River grapefruit industry as other producers of grapefruit would tend to increase accordingly their marketings of grapefruit in fresh fruit channels. The proponents of the order proposed, therefore, that the committee be prohibited from considering or recommending such limitations for any week except a week during the January–April period of heavy shipments unless the full complement of committee members, or alternates acting for members, were in attendance at the meeting and concurred in need for regulation. Further, it was proposed that the same requirements be applicable to recommendations for regulation for any week during such period which follows three or more weeks of continuous regulation; and that regulations not be authorized for more than ten weeks of such period. Such proposals are believed to be reasonable in that regulation probably is clearly indicated under the circumstances whenever all members of the committee concur in such action, and the order should, as hereinafter set forth, so provide.

The order should provide for reimbursement of actual out-of-pocket reasonable expenses incurred by members and alternates in carrying out assigned duties under the order. It would not be reasonable to require members or alternates to bear such expenses incurred in the interest of all growers and handlers.

In order for an alternate adequately to serve in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of grower and handler attitudes toward a proposed regulation or other matter. In addition, as heretofore discussed, certain actions of the committee require 12 concurring votes. If a member should be absent from a meeting without any prior notification that he would not be present, the committee would be precluded from taking any such action at that meeting unless an alternate were available to serve in his place. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are so requested and attend such meetings as alternates.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its power and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order, and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each handler who first handles grapefruit during a fiscal period should pay assessments to the committee, at a rate fixed by the Secretary, on all grapefruit so handled. In this way, each handler's total payments of assessments during a fiscal period would be proportionate to the quantity of grapefruit handled by each such handler and assessments would be levied on the same grapefruit only once.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment to be applicable during a fiscal year should be fixed by the Secretary on the basis of the recommendation of the committee, or from other available information, so as to assure such assessments are consistent with the act. Such rate should be fixed on a fair and equitable unit basis and in an amount designed to secure sufficient funds to cover the expenses which may be incurred during the fiscal period.

The Secretary should have the authority to increase the assessment rate, at any time during the fiscal period or thereafter, when necessary to obtain sufficient funds to cover the expenses of the committee applicable to such period. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all grapefruit handled during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportionate to the total volume of grapefruit handled during that period. Likewise, should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period. The committee will incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods would tend to increase rather than decrease total expenses as complete liquidation of the committee's affairs would be necessary to eliminate the payment of any salaries, rent, or utilities. Thereafter, when operations were resumed, it would be necessary to hire and train new personnel and new quarters would have to be obtained and outfitted. Such costs probably would exceed the expenses of maintaining an office and a minimum staff during a period of suspension. Moreover, the committee should be in a position to resume its functions at any time conditions are such that a period of suspension of operations should be terminated. Since expenses will not cease when the order is suspended or inoperative for a period, authorization should be provided to require the payment of assessments during such periods.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each month and each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to the committee. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the committee the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for grapefruit, among other commodities, as will tend to establish parity prices therefor, and be in the public interest. The regulation of Indian River grapefruit shipments, as authorized in the order, provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of grapefruit shipments, prepare and adopt a marketing policy for the ensuing marketin gseason. A report on such policy should be submitted to the Secretary and made available to growers and handlers. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for grapefruit, since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of the marketing policy previously adopted. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend regulations limiting the total quantity of grapefruit which may be shipped during weekly periods whenever such regulation will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increasing growers' returns for grapefruit. In arriving at its recommendations for regulation, the committee should consider current information with respect to the factors affecting marketing conditions for grapefruit.

The demand for grapefruit varies depending upon the volume of available supplies, the quality of such supplies, the availability of competing commodities, and other factors. It is not possible to anticipate precisely the quantities of grapefruit that may be sold advantageously during a particular week. Consequently, when conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committees should have the authority to recommend an increase in the quantity of grapefruit which may be handled during the particular week or the suspension or termination of such regulations, whichever the situation warrants. The quantity of grapefruit, fixed by a regulation, to be shipped during a given week should not be decreased as handlers cannot be expected to reduce shipping schedules after being notified of the quantities of grapefruit that they may individually handle. Moreover, inequities could result if some handlers had already shipped their allotments prior to such a decrease.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to fix, or increase, the quantity of grapefruit that may be handled during a particular week to help growers to obtain favorable returns through establishment of more orderly marketing conditions for grapefruit. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing or amending such regulations as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The order should provide a method for apportioning equitably to handlers the total quantity of grapefruit that may be shipped under regulation during each week such regulations are in effect. The evidence of record shows that such equitable apportionment can be achieved by providing that each handler, who has applied for a portion of the quantity of grapefruit permitted to be shipped, be given an allotment to ship grapefruit based on such handler's past performance in the handling of grapefruit.

As indicated heretofore, shipments of Indian River grapefruit are relatively light during the first month of the marketing season and steadily increase until the Christmas holiday period. During this time, the volume of handlers' shipments may vary considerably in relation to the volume of grapefruit each has available to market because of variations in maturity of the grapefruit, trade outlets, and other factors. During the period beginning with the second week in January and ending with the third week in April, all grapefruit is mature and with the exception of a few handlers who are primarily "gift fruit" shippers and otherwise handle only an occasional lot of grapefruit, all handlers are shipping heavily. It is during this January–April period that the bulk of the Indian River grapefruit crop is marketed and when regulation of the volume of shipments is most likely to be needed. This period is, therefore, a representative one for establishing the prorate base upon which to allocate or prorate to handlers their equitable shares of the limited quantity of grapefruit that may be handled during a particular regulation period.

Production of grapefruit in the Indian River District may be materially affected, from time to time, by freezing temperatures, high winds, and other hazards. Reduction in the marketable portion of the crop from such causes may not affect all handlers equally. Therefore, the prorate base of handlers should be computed by using the average weekly shipments of each such handler during the three preceding seasons. This will tend to offset the inequities that might occur if only the shipments of one year were used.

From time to time, handlers may enter the business of handling Indian River grapefruit for the first time. Provision should be made in the order, therefore, so that such new handlers could participate in the handling of grapefruit during regulation periods. The determination of a proper and equitable prorate base for a new handler should take into consideration prior shipments of grapefruit, if any, during unregulated periods, the capacity of the handler's packinghouse facilities, quantity of grapefruit under contract and any other factor having a bearing on the handler's expected volume of shipments of grapefruit. It was testified that each season all persons who handle Florida citrus fruits are required by State laws to have a valid license and post a bond prior to handling such fruit. Such bond is in varying amounts directly related to the quantity of fruit which the handler states he will ship during the season. This is one factor which, taken with the others set forth in the order, would assist in establishing an appropriate prorate base for a new handler.

Even though a person may previously have handled grapefruit, if he did not handle grapefruit in the season preceding that in which the prorate bases of handlers are being computed, he should be considered a new handler. Any person in such position would undoubtedly have disposed of his former handling business and would be reentering the business of handling grapefruit. Under such circumstances, he should be treated the same as anyone who had not previously handled grapefruit.

The order should provide that each handler who desires to handle grapefruit during regulated periods should make application to the committee for a prorate base and allotments. Such application is necessary in order that the committee will have knowledge of the handlers for whom the prorate bases and allotments are to be computed. Each such application should be supported by such information and substantiated in such manner as the committee may require. In most instances, such information probably would include only a certification as to past shipments of grapefruit which can readily be checked against records of the Florida State Inspection Service. However, for some handlers located outside the district, it may be that such records will not disclose the Indian River grapefruit shipments of the handler but only the total shipments of all grapefruit. Also, a new handler usually would have no record of past grapefruit shipments. It is necessary, therefore, that the committee have authority to require such information as may be necessary in order to assure that the allotments computed for individual handlers are appropriate.

The committee should check the accuracy of the information submitted

with the application for a prorate base and allotments and correct any error, omission, or inaccuracy in such information; and the person submitting the information should be given an opportunity to discuss with the committee the factors considered in making the correction. Only in this manner can the determination of correct allotments to individual handlers be assured.

Whenever volume regulation is likely to be recommended by the committee, it should compute the prorate base of each person who has applied for a prorate base and allotments and should notify the Secretary and each person of his prorate base. Also, if volume regulation is recommended and the Secretary fixes the total quantity of grapefruit that may be handled during a particular week, the committee shall determine the individual handler's allotments. Each such allotment shall be determined by multiplying the total quantity fixed by the Secretary by the percentage which each handler's prorate base is of the aggregate of the prorate bases of all handlers. Thus a handler's allotment to ship grapefruit during a regulation week will be equal in relation to other handlers, subject to adjustment for new handlers, to the relationship between his average shipments of grapefruit during the preceding three marketing seasons in the January–April period to those of all other handlers. The committee should make these computations and provide reasonable notice to each such person of the allotment so computed for him as the committee, by reason of its intimate knowledge of the industry, is in the best position to perform this function.

The order should contain provisions permitting, to the extent practicable, flexibility in handler activities under the program regulations. Such flexibility can be provided by authorizing the overshipment and undershipment of allotments and allotment loans between individual handlers.

During any week that a handler has had an allotment computed for him by the committee, such handler should be permitted to handle, in addition to the total allotment available to him, a quantity of grapefruit equal to 10 percent of such total allotment, or 500 boxes, whichever is the greater. Such provision would permit a handler to conduct his business in an orderly fashion since he could fulfill orders or complete carlot quantities to the extent of the permitted overshipment even though his available allotment does not equal such orders. This limitation on the amount of overshipment allowed is necessary to assure that the quantity fixed by the Secretary for the particular week is not exceeded by more than a reasonable amount. Also, any such overshipment by a handler should be deducted from such handler's allotment for the next succeeding week so that shipments by a handler under regulation does not exceed his fair share.

Similarly, provision should be made to permit a handler who has handled a quantity of grapefruit less than the total allotment available to him for the particular week to handle during the following week an additional quantity of grapefruit equal to such undershipment provided such undershipment does not exceed 50 percent of the allotment available to such handler during the week of undershipment. This provision for, in effect, carrying forward allotment that has not been used is desirable and is needed because at times weather or other conditions do not permit a handler to ship all of his allotment. The limitation on the amount of undershipment privilege allowed is also desirable as it will tend to cause handlers to endeavor to use their allotments or lend them to others. The proponents testified that it was as important to assure that approximately the entire quantity fixed by the Secretary would be shipped as it was to guard against excessive overshipments as, otherwise, shipping opportunity may be lost. It was admitted that it was uncertain at this time what percentage of the total undershipments should be carried forward and that the correct quantity would have to be ascertained on the basis of experience. The order should, therefore, provide that this percentage could be changed by the committee with the approval of the Secretary.

Provision should be made for the lending and borrowing of allotment to enable handlers who have allotment in excess of that which they want to use and those who desire to ship more grapefruit than their allotment would permit to adjust their operations accordingly. The committee must, of course, have knowledge of all allotment loan transactions so that they can determine whether handlers' shipments of grapefruit are in compliance with the order provisions. Also, it can serve a useful function by assisting handlers in the making of allotment loans. Some handlers may at times have allotment in excess of the quantity they desire to use but do not have knowledge of anyone who desires to borrow allotment. At the same time, other handlers may want to borrow allotment but do not know of anyone with allotment available to loan. Also, if the unsupervised loaning and borrowing of allotment were permitted, loan agreements would undoubtedly be entered into under which the borrowing handler would be unable to repay the loan since the allotment he would receive the following week would be insufficient for such payment. Without committee assistance the loaning and borrowing of allotment probably would become very restricted. The order should, therefore, provide that all loan agreements shall be subject to the prior approval of the committee and each loan agreement shall provide for repayment during the following week. It is not necessary to provide for any later repayment of allotment loans since a subsequent loan can be entered into between the parties concerned if both agree. Loan transactions consummated by the committee should be confirmed by the committee in writing to the parties concerned so that there will be no question concerning the terms of the loan agreement.

(e) The order should provide for the exemption from its provisions of such handling of grapefruit which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Grapefruit which are handled by parcel post, for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into canned or frozen products or a beverage base have little influence on the level of prices for grapefruit sold for fresh consumption in the domestic markets. Hence, grapefruit handled for such purposes should be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of grapefruit, in such specified small quantities, or types of shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling as may be found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of grapefruit. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments, and the period during which such exemptions should be in effect.

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent grapefruit handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the grapefruit moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such grapefruit do not have to comply with other requirements of the order. These procedures might include such requirements as filing applications for authorization to move grapefruit in exempted channels and certification by the receiver that such grapefruit would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(f) Provision should be made in the order requiring all grapefruit handled, whenever regulations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation. The requirement of inspection and certification of all grapefruit subject to regulation is needed to provide evidence of compliance with the regulations in effect. Handlers are familiar with the Federal and Federal-State Inspection Services and with the procedures for inspection and certification of grapefruit in the production area. All grapefruit is required under State laws and by Federal Marketing Order No. 33 (7 CFR Part 933) to be inspected by such service. It was testified by a representative of the service that no additional cost would accrue by reason of the inspection requirement in the order as only the one inspection would be performed to meet the requirements of all such programs. The certification as to meeting the requirements of the regulations means that the inspector has obtained a statement from the handler that the particular lot of grapefruit inspected is covered by allotment. This is desirable as it will provide evidence that the handler was aware that allotment was needed in order to handle such grapefruit.

After the first handler of a lot of grapefruit has had such lot inspected and certified as meeting the applicable regulations, subsequent handlers would be permitted to handle such fruit without incurring the expense of another inspection. However, should it develop that the first handler has not complied with such inspection requirements, this should not excuse the later handler or handlers from complying with the inspection and certification requirements.

(g) The committee should have the authority to require that handlers keep such records and submit to the committee such reports and information as may be needed to perform such agency's functions under the order. It is anticipated that much of the information needed by the committee in order to carryout its functions can be obtained from copies of shipping manifests. However, prompt reports of over and undershipments of allotment will be necessary in order for the committee to advise the handlers of the allotment each has available for use during a particular week. Under a program of this nature, it would be practically impossible to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with the approval of the Secretary, reports and information, as needed and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

(h) Except as provided in the order, no handler should be permitted to handle grapefruit, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle grapefruit except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(i) The provisions of §§ 1028.67 through 1028.75, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 1028.80 through 1028.82, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 1028.67 *Right of the Secretary;* § 1028.68 *Effective time;* § 1028.69 *Termination;* § 1028.70 *Proceedings after termination;* § 1028.71 *Duration of immunities;* § 1028.72 *Agents;* § 1028.73 *Derogation;* § 1028.74 *Personal liability;* and § 1028.75 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 1028.80 *Counterparts;* § 1028.81 *Additional parties;* and § 1028.82 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. September 15, 1961, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of grapefruit grown in the Indian River District in Florida in same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of grapefruit grown in the Indian River District, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out.

Definitions

§ 1028.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1028.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1028.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1028.4 Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus grandis, Osbeck, grown in the Indian River District.

§ 1028.5 Producer or grower.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Indian River District and who has a proprietary interest in the grapefruit so produced.

§ 1028.6 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit for another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be handled.

§ 1028.7 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

§ 1028.8 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

[1] The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

§ 1028.9 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31 of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

§ 1028.10 Committee.

"Committee" means Indian River Grapefruit Committee.

§ 1028.11 Central marketing organization.

"Central marketing organization" means any organization which markets grapefruit for more than one handler pursuant to a written contract between such organization and each such handler.

§ 1028.12 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 1028.13 Indian River District or district.

"Indian River District" or "district" means that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County; thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 1028.20 Establishment and membership.

There is hereby established an Indian River Grapefruit Committee consisting of twelve members, each of whom shall have an alternate who shall be nominated and selected in the same manner, and who shall have the same qualifications, as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Six of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations.

§ 1028.21 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for one year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited.

§ 1028.22 Nomination of grower members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of a meeting or meetings of producers to be held not later than July 10th of each year, for the purpose of making nominations for grower members and alternate members of the committee: *Provided*, That the initial nomination meeting or meetings shall be held as soon as practicable following the effective date of this part.

(b) The Secretary shall prescribe uniform rules to govern such meeting or meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nomination made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 1028.23 Selection of grower members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 1028.22, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such members and their alternates shall not be so affiliated.

§ 1028.24 Nomination of handler members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of meetings of handlers to be held not later than July 10th of each year, for the purpose of making nominations for handler members and alternate members of the committee: *Provided*, That the initial nomination meetings shall be held as soon as practicable following the effective date of this part. Separate meetings shall be held for bona fide cooperative marketing organizations and for other handlers.

(b) The Secretary shall prescribe uniform rules to govern such meetings and the balloting thereat. In voting for nominees each handler shall be entitled to cast but one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period: *Provided*, That each such vote cast at the meetings to nominate the initial members and alternate members shall be weighted by the volume of fruit handled by such handler during the preceding fiscal period. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nominations made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 1028.25 Selection of handler members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 1028.24, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such members and their alternates shall not be so affiliated.

§ 1028.26 Failure to nominate.

In the event nominations for a member or an alternate member of the committee are not made pursuant to the provisions of § 1028.22 or § 1028.24 the Secretary may select such member or alternate member without regard to nominations.

§ 1028.27 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 1028.28 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired

term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this subpart as to nominations.

§ 1028.29 Powers of the Indian River Grapefruit Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as herein specifically provided, shall have power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 1028.30 Duties of the Indian River Grapefruit Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

§ 1028.31 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

§ 1028.32 Procedure of committee.

(a) Except as provided in paragraph (b) of this section, eight members of the committee shall constitute a quorum and any decision or action of the committee shall require at least eight concurring votes.

(b) For any decision or recommendation with respect to regulations to be effective during any calendar week except a week during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April, twelve members shall constitute a quorum and twelve concurring votes shall be required. The same quorum and voting requirements shall be necessary to make a recommendation for regulation for any week immediately following three or more continuous weeks of regulation. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(c) The votes of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(d) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate for any other member selected by a majority of the committee present, may serve in the place and stead of the absent member and his alternate: *Provided*, That, to the extent practical, the representation provided in §§ 1028.23 and 1028.25 shall be maintained.

(e) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 1028.33 Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 1028.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and necessary to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 1028.41.

§ 1028.41 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 1028.42 Handler's accounts.

If, at the end of a fiscal period, it shall be determined that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him.

REGULATION

§ 1028.45 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of grapefruit in the district, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of grapefruit during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The commitee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be

available for examination by growers and handlers.

§ 1028.46 Recommendations for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That such regulations shall not be recommended during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April after regulations during such period have limited the volume of grapefruit handled during 10 weeks.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for grapefruit; (2) supply of grapefruit on track at, and en route to, the principal markets; (3) supply, maturity, and condition of grapefruit in the production area; (4) market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 1028.47, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 1028.47 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 10 weeks of the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 1028.48 Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 1028.49.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, be the average weekly quantity of grapefruit shipped by him in all of the weeks in the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April during the immediately preceding three marketing seasons.

(e) If an applicant for a prorate base is a new handler, the committee shall compute a prorate base based upon his prior shipments of grapefruit, if any, packinghouse facilities, grapefruit under contract, trade outlets, and other factors which, in the judgment of the committee, are relevant and proper to be used in arriving at an equitable prorate base for such handler. Any person who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are established shall be considered a new handler.

§ 1028.49 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 1028.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

§ 1028.51 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 1028.47, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 1028.52 Allotment loans.

(a) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and obtain the committee's approval of the agreement. Each such agreement shall specify that such loan is to be repaid from the borrower's allotment the next succeeding week or, if such borrower's allotment for such week is insufficient to repay all of such loan, that he will repay the balance of such loan as soon thereafter as he has allotment available to him.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

§ 1028.53 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to § 1028.47, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS

§ 1028.60 Reports.

Upon request of the committee, made with approval of the Secretary, each handler shall maintain such records and furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 1028.65 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1028.47 through 1028.53 and the regulations issued thereunder, ship grapefruit for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; and (e) in such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 1028.66 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to § 1028.47 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

§ 1028.67 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1028.68 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1028.69.

§ 1028.69 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1028.70 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharge by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 1028.41, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 1028.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 1028.72 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1028.73 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1028.74 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 1028.75 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1028.80 Counterparts.

This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

§ 1028.81 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

§ 1028.82 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of grapefruit in the same manner as is provided for in this agreement. * * *

JAMES T. RALPH,
Assistant Secretary.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11171; Filed, Nov. 24, 1961; 8:47 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 975]

[Docket No. AO–179–A21]

MILK IN NORTHEASTERN OHIO MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on June 13–15, 1961, pursuant to notice thereof issued on May 16, 1961 (26 F.R. 4370).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary of Agriculture on September 22, 1961 (26 F.R. 9084; F.R. Doc. 61–9259) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expanding the marketing area;
2. Revising pool plant requirements;
3. The classification of certain milk products and the method of accounting for nonfat solids added to or contained in "fortified" and/or "dietary" milk products;
4. Allocating transfers of fluid milk products to nonpool plants;
5. The method of determining minimum prices; the use of a "Louisville plan" in distribution of returns to producers; and the pricing of producer milk f.o.b. the farm; and
6. Revising the rate of location adjustments to handlers and producers and the addition of Ashtabula as a basing point.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area should not be enlarged.

Expansion of the marketing area to include all of Tuscarawas County, Ohio, and the cities of Coshocton in Coshocton County and Wooster in Wayne County, Ohio, is not warranted on the basis of this record.

No evidence was offered in support of the proposal to include the city of Coshocton in Coshocton County. Therefore, no action is taken on this proposal.

Proponents failed to show the need to add the city of Wooster in Wayne County and the county of Tuscarawas to the marketing area. The evidence with respect to disorderly marketing was inconclusive. It was alleged that unregulated handlers bought milk from dairy farmers at the blend price paid by regulated handlers rather than on a classified basis. The evidence did not show, however, that unregulated handlers thereby purchase milk for Class I use at a lesser price than regulated handlers since it was shown that at least some unregulated plants utilized large amounts of milk purchased from dairy farmers for manufacturing purposes.

It is impossible from the evidence available to demonstrate that regulated handlers are placed at a competitive disadvantage in the proposed area because of the buying practices of unregulated handlers. The distribution of fluid milk products on routes by regulated handlers in the area proposed to be added has continued to expand for some time past. Although sales in the city of Wooster and Tuscarawas County by regulated handler are increasing, unregulated handlers continue to distribute more than half of the fluid milk products disposed of there.

Dairy farmers delivering to the plants of unregulated handlers are not members of any of the cooperative associations now qualified under the order. These dairy farmers did, however, voice their opposition, both individually and through the bargaining cooperative association which represents a number of them, to the expansion of the marketing area. No dairy farmer supplying milk to the unregulated plants appeared in support of the proposed expansion. It is concluded that the evidence is not persuasive of the existence of disorderly marketing conditions in the area proposed and the marketing area, therefore, should not be expanded on the basis of this record.

2. No change should be made in the requirements that a supply plant must meet to obtain pool status. The standards with respect to surplus disposal plants operated by cooperative associations whose member milk is delivered to distributing plants, however, should be modified.

The present order requires that to maintain pool status a supply plant must ship to distributing plants an amount equal to 30 percent or more of its receipts from dairy farmers during the current month or during any period of consecutive months ending with the current month. It was proposed that the provision be changed to require a shipment of at least 30 percent of such receipts during each month. The need for more stringent performance standards on the part of supply plants was not demonstrated. It is not clear from the evidence what supply plants, if any, would be affected or what effect such a change would have on the existing supply. Moreover, the present provision has not caused unstable marketing conditions. For these reasons there is no need to modify the present performance standards for supply plants.

It was proposed that a plant operated by a cooperative association be pooled if, during the immediately preceding six-month period, one-half of its member producers' milk had been delivered to the pool plants of other handlers instead of two-thirds as presently required. The order now provides that a plant operated by a cooperative association which handles excess supplies for the market under certain specified conditions shall remain as a pool plant even though it does not meet the requirements fixed for a supply plant. The primary function of a standby plant operated by a cooperative association is to balance the supply of milk at the distributing plants by supplying milk to these plants when it is needed for fluid use and by handling the milk produced in excess of the market's requirements during the flush production season and on weekends.

It is necessary to establish standards for such plants which will require their continuing to function as sources of supply for the market while insuring that the member producers of such association may maintain their status as producers under the order when their milk is received at a standby plant during periods of flush production.

Cooperative associations handle most of the market's reserve supply. It has been the general practice of the cooperative associations to direct to the distributing plants as much milk as was needed for the fluid uses of the market and to divert the remainder to surplus milk processing plants. Most of the milk produced for the market in excess of the fluid requirements is handled by cooperative associations.

The shift to bulk tanks has caused a considerable dislocation of producers in some portions of the marketing area. Many plants have discontinued the receipt of milk in cans. This has deprived many nearby producers of their normal outlet for milk. The burden of handling this milk which has lost its market has fallen on the cooperative associations who receive it in their plants and either deliver it to handlers in bulk or dispose of it in manufactured dairy products. During this period of readjustment and changing procurement practices, producers whose milk is delivered to the plants of cooperative associations should not lose their right to participate in the marketwide pool.

Under current marketing conditions, therefore, requirements of qualification of a standby plant operated by a cooperative association should be modified to require that during the preceding six-month period, one-half rather than two-thirds of the producer milk of the association, exclusive of that delivered to other supply plants but including amounts transferred to distributing plants, be received at the pool distributing plants of other handlers.

3. The classification provisions should be revised to specifically include "dietary milk products" in Class I and milk shake mixes in Class III. It should be provided further that fluid milk products which are fortified by the addition of nonfat solids shall be Class I to the extent of the actual volume of the finished product, while the skim milk equivalent of the added solids shall be classified as Class III. No change should be made in the definition of Class II products.

The several proposals to modify the Class II and Class III classifications or to combine them into a single classification are not justified on the record except for those changes which are specifically recommended herein. Exceptions were taken to the recommended decision for the failure to reclassify cottage cheese from Class II to Class III.

A thorough analysis of this problem is contained in the decision of the Assistant Secretary of Agriculture, dated April 21, 1955 (20 F.R. 2801). In that decision it was concluded that although pricing cottage cheese in the same category as other manufactured dairy products might improve the position of handlers in their competition with cottage cheese brokers, the combination of a lower price and the lack of location adjustments would seriously affect competitive relationships between regulated handlers in the manufacture and distribution of cottage cheese. Based on the findings and conclusions of that decision the present classification and pricing of milk used in cottage cheese were incorporated in Order No. 75.

The competitive relationship with respect to the manufacture and distribution of cottage cheese, particularly that existing between city plant and country plant manufacture, is today essentially the same as it was when the aforesaid decision was made. In the absence of a showing of any substantial change in marketing conditions affecting the movement of milk or skim milk for the production of cottage cheese, the present classification and pricing should be continued.

A handler stated that he is considering the distribution to the retail trade of a product to be known as "milk shake mix". This item will be produced by adding nonfat solids, malt, flavoring, and perhaps additional butterfat, to whole milk. Exceptions to the recommended decision pointed out that even though the health regulations are such that milk shake mix produced by a handler regulated under this order is required de facto to be manufactured from Grade A milk, companies manufacturing only ice cream, ice cream mix (including milk shake mix) and other frozen desserts are not required to make such products under the Grade A standards required for fluid milk products.

It was further pointed out that the formulas for such milk shake mixes are so similar to those for ice milk mixes and mixes for other soft frozen desserts that it would be impossible to distinguish between them on the basis of the ingredients contained therein. Neither does the size of the container nor the method of packaging afford sufficient basis for distinguishing these products, since soft frozen dessert mixes are regularly packaged in containers identical to those used for milk and milk drinks for delivery to establishments having small counter freezers.

After further consideration of the record evidence and the exceptions it is therefore concluded that milk shake mixes should be classified in Class III.

"Dietary milk products" should be designated specifically as a fluid milk product and classified as a Class I item. Hitherto, they have been classified as Class I because they were considered to fall within the designation of flavored milk drinks.

The order, however, should no longer continue to price as Class I all the water originally associated with the solids which are added to "fortified" fluid milk products including milk shake mixes and "dietary milk products". It was not demonstrated that under the current marketing conditions the water associated with the solids used in fortification displaces producer milk in Class I in this market. To maintain proper accounting for such items as "fortified" fluid milk products and "dietary milk products", the nonfat solids added to such items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of such fortified products and the actual weight of the product disposed of in fluid form should be classified as Class III. The skim milk equivalent of nonfat solids used in these products would likewise be considered a receipt of other source milk. Through the allocation procedure in the order any additional charge for the water which had been removed thus would be eliminated. In the case of reconstituted items produced by the addition of water to previously concentrated nonfat solids, the handler would continue to be charged for the actual volume of products disposed of, including the water which had been added.

Nonfat solids used in manufacturing cottage cheese should continue to be accounted for on their skim milk equivalent. It was stated that such solids were added in the making of cottage cheese for the purpose of increasing the palatability of the product and that, therefore, such solids should be treated the same as solids added to fortified fluid milk products. While it is true that nonfat solids may be added to the skim milk used to produce cottage cheese to improve the palatability and the texture, particularly if the skim is naturally low in solids content, yet the addition of such solids increases the yield of cottage cheese practically in direct proportion to the amount of solids which are added. It is a common practice among plants having a limited vat capacity to add a high percentage of solids to the skim used in the cottage cheese making for the purpose of increasing the amount of cottage cheese obtainable from each batch of skim milk. Under such circumstances it can only be concluded that the use of nonfat solids in the manufacture of cottage cheese more nearly resembles reconstitution than fortification and does displace producer milk. Therefore, nonfat solids used in the manufacture of cottage cheese should continue to be accounted for in terms of their skim milk equivalent.

4. Allocation of transfers of fluid milk products to nonpool plants should be revised.

The order now permits transfers to nonpool plants within 265 miles of the Public Square in Cleveland to be classified in any class claimed if there is an equivalent volume of milk used in such class in the nonpool plant. Under this provision it is possible for a nonpool plant to purchase producer milk from the Northeastern Ohio market and dispose of it all as Grade A fluid milk in Class I yet have that milk accounted for as Class III under the order, if the nonpool plant has utilized an equivalent amount of milk (manufacturing grade or otherwise) in the manufacture of Class III products. Such a situation could result in disorderly marketing.

Producers under the Northeastern Ohio order are entitled to the Class I price for their milk when it is disposed of for Class I utilization. At the same time producer milk disposed of to a nonpool plant, and which may be surplus to the market's needs, should not be given priority of classification in the nonpool plant over Grade A milk received in such plant from dairy farmers who are its regular and continuing source of supply. To give priority to producer milk in such circumstances would be unfair to the dairy farmers who have assumed the burden of supplying such nonpool plant with its Grade A requirements, and would also make it difficult to dispose of excess milk to nonpool plants which have Class I disposition.

The order should provide that in assigning classification in the nonpool plant priority for Class I disposition should be assigned to the Grade A milk of the "dairy farmers" who supply milk to such plant. If Class I disposition exceeds such Grade A receipts from dairy farmers, the remaining Class I sales should be assigned to the milk transferred from the Northeastern Ohio market. If milk is received at the nonpool plant from more than one pool plant or from other plants which are pool plants under other orders, any Class I disposition in excess of the nonpool plant's Grade A receipts from dairy farmers should be prorated among the receipts from all the plants which are pool plants under this or other Federal marketing orders.

5. The basic formula should be revised and the Class I price should be announced currently. No change should be made, however, in either the Class I differential or the method of distributing returns to producers.

The Class I price should be determined by using the basic formula price for the preceding month rather than the current month. This will permit the Class I price to be announced by the 6th day of the current month so that handlers and producers may know the price of Class I milk early in the month in which the milk is marketed. Such a modification will not change, on an annual basis, the price of Class I milk to either handlers or producers. The advance knowledge with respect to the Class I price should be conducive to better management on the part of handlers and producers and, thus, will lend itself to stability in marketing conditions. Accordingly, the following order provisions have been modified. The duties of the market administrator are now revised to require the announcement of the Class I price and the Class I butterfat differential, both for the current month, on or before the 6th day of each month. In determining the Class I price the existing differentials should be added to the basic formula price for the preceding month, and the standard utilization percentages used in determining the amount of the supply-demand adjustment will now be determined on the basis of the second and third preceding months rather than the two immediately preceding months.

The paying price of midwest condenseries is one of the two alternative methods now used in the order to determine the value of milk used for manufacturing. Seven plants located in Wisconsin and two plants located in Michigan currently make up the total number of condenseries now reporting. Originally prices were received from 18 plants but nine of them have now ceased operating, three of them since the order was last revised. The names of these plants should be stricken from the list.

It was suggested by handlers that, because of the small number of condenseries reporting, their prices might not be representative of the prices generally paid for milk by condenseries. They proposed that the condensery pay price be deleted from the order and that the average price paid for milk by manufacturing plants in Minnesota and Wisconsin be used in its stead. The Department has had under consideration for a considerable period of time the use of this price series which is determined from reports filed monthly with the Statistical Reporting Service, United States Department of Agriculture by a large number of manufacturing plants located in the States of Minnesota and Wisconsin.

The operators of these plants report the total pounds and the butterfat content of the manufacturing grade milk received from dairy farmers, and the total dollars paid to dairy farmers for such milk at their plants. The Department is now publishing a price that represents the weighted average value of the milk purchased from dairy farmers by these plants for manufacturing purposes. This price is available on a current month basis and is announced so that the market administrator may make the necessary determination of class prices on or before the 6th day of the month. This price is announced at the average test of the milk as delivered to the manufacturing plants.

Although the Department has been publishing information on prices for the States of Minnesota and Wisconsin separately for some time it only recently began publishing on an advanced time basis a price series of average prices paid for manufacturing milk for the two states combined. The data already available, however, demonstrate that the Minnesota-Wisconsin price series will be an excellent index of the value of milk for manufacturing purposes. Accordingly, it has been substituted herein for the midwest condensery price in the Class III pricing formula.

It should not be adopted at this time, however, as a basis for pricing Class I milk in the Northeastern Ohio market. Because of the desirability of maintaining a close relationship between Class I prices in neighboring markets, the substitution of the new price series for the midwestern condensery price should be deferred until consideration can be given to making it effective simultaneously in all the markets in a region.

The level of the Class I price and the present scheme of seasonal prices should be maintained. The proposals made by handlers would maintain the present Class I price level but would remove the seasonality in the Class I prices. Handlers pointed out that as a result of negotiated premiums they have been paying a Class I price that is relatively stable throughout the year. Therefore, they argue that the order should provide a constant differential of $1.65 per hundredweight for each month to be added to the basic formula price.

Handlers recognized the fact that the order must provide some seasonal incentive to producers so that they will be encouraged to level the seasonality in the production of their herds. Handlers would meet this situation by introducing into the order what is often referred to as the "Louisville plan". Under this proposal 25 cents per hundredweight would be deducted from the blend price for each of the months of April, May, and June and the monies so deducted would be added back during the months of September, October, and November. No analysis was presented of the amount by which such a proposal would affect producer prices in relation to existing prices, or of the effect that it would have in leveling out production in comparison with the present seasonal pricing plan or the eligible-ineligible milk plan which was recently terminated.

Producer groups were unanimously opposed to the adoption of the "Louisville plan" as a means of distributing returns to producers. Recognizing that some incentive must be provided to encourage producers to decrease the present seasonality of production of their herds producer groups advocated that the present seasonal pricing plan be retained. Although the "Louisville plan" is not recommended herein there remains the need for some plan to influence the seasonal production pattern of producers. Therefore, no change should be made at this time in the present scheme of seasonal Class I pricing or in the method of distributing returns to producers. Much of the effectiveness of the seasonal pricing has been offset by the schedule of premiums which handlers have been paying in recent months. Amendments to a milk order, however, cannot be predicated on the assumption that handlers will continue to pay the present schedule of premiums indefinitely.

Handlers and producers offered several proposals with respect to the level of and the method of determining the Class III price. The Class III price is now the basic formula price, which is the higher of either the butter-powder formula price or the midwest condensery price.

As previously noted the midwest condensery price is now based on the prices obtained from 10 plants located in Michigan and Wisconsin. A large percentage of the excess supplies of this market is disposed of in the form of powder and butter. There are occasions, such as the fall of 1960, when the supply and demand situation at the condenseries is such that their paying prices do not accurately reflect the price at which milk in excess of Class I and Class II needs in this market may be disposed of for manufacturing purposes. On such occasions the butter—powder formula price has more nearly reflected the price at which excess milk may be moved to manufacturing outlets when not required for Class I purposes.

So that the Class III price may accurately reflect the nationwide market for most manufactured dairy products the actual determination of the Class III price should be based on the average price paid dairy farmers as determined from the Minnesota-Wisconsin price series. Since the Minnesota-Wisconsin price as announced will be that paid for milk of the actual butterfat test received by the plants, it will be necessary to adjust the announced price to reflect the value of milk of 3.5 percent butterfat content. This will be done by using the Class III butterfat differential established in the order. However, until more experience has been gained in this new price series it should also be provided that in no event should the Class III price exceed the butter-powder formula price by more than 10 cents. Such a limitation would prevent the Class III price from being overly affected in the unlikely event that supply-demand conditions peculiar to a particular segment of the manufactured milk industry were to exert an undue influence on the Minnesota-Wisconsin price. Under the provisions as recommended herein the price for excess milk above the Class I and Class II needs in this market will be maintained at the maximum level consistent with facilitating the movement of this excess milk to manufacturing outlets. Further, the price as proposed herein will more appropriately align the Class III price in this market with the prices established for manufacturing uses in nearby Federal order markets.

It was proposed that a lower price be established for skim milk and butterfat used in the manufacture of butter and powder. Handlers and cooperative associations have opportunity to dispose of both skim milk and butterfat within reasonable distances for use in ice cream manufacture. During some months of the year such sales are a large portion of the total Class III use. Such uses generally are more remunerative than butter and powder. This, coupled with the provision that the Class III price shall not exceed the butter-powder price plus 10 cents, will prevent any handler from suffering undue losses on his Class III utilization. Therefore, providing a lower Class III price for milk used in butter and powder would remove the incentive for both proprietary and cooperative handlers to seek the higher valued outlets available and could result in lowering the returns to the producers without a corresponding benefit. The adjustment in the Class III prices recommended herein will enable handlers to dispose of excess milk in an orderly manner.

A dairy farmer proposed that producer milk should be priced f.o.b. the farm, rather than f.o.b. the pool plants as now provided. The supporters of this proposal, however, had given no consideration as to how this proposal might be effectuated. They presented no evidence as to how f.o.b. the farm pricing should be applied—as to how farms should be zoned or what differentials should be applied to farms at different locations. Therefore, on the limited amount of testimony introduced in this record the proposal is denied.

6. The rate of location adjustments to handlers and producers should be changed and Ashtabula, Ohio, should be added as a basing point for computing location adjustments.

The order presently provides location adjustments to handlers and producers on milk received at pool plants located both 40 miles or more from the Public Square in Cleveland and 27.5 miles or more from the nearer of the City Halls in Akron or Canton, Ohio. Ashtabula is located approximately 57 miles from the Public Square in Cleveland. At the present time, a plant at this location and the producers shipping to it would receive a location adjustment of 13 cents per hundredweight.

Ashtabula is approximately the same distance from Cleveland as is Canton and is a populous urban area. Eliminating the location differential at plants located there will ease the procurement problems of such plants and will enable them to compete for supplies with plants located in metropolitan Cleveland which draw milk from the same area. The procurement area for Ashtabula also overlaps the procurement area for the Youngstown-Warren market. Removing the location differential on milk shipped to Ashtabula will bring the farm price for such milk more nearly in line with that of Youngstown-Warren producers and will tend to prevent any shift of producers from Ashtabula to the Youngstown-Warren market.

Therefore the order should be revised to provide that there be no location differential on milk received at a pool plant or reload point within 27.5 miles of the City Hall in Ashtabula, Ohio.

The order presently provides for location adjustment on Class II utilization. Primarily, Class II represents the utilization of skim milk and butterfat for the production of cottage cheese. The Class II price is 30 cents above the Class III price. Since the location differentials applicable at some distant plants exceed 30 cents, it is possible, under certain circumstances, for skim milk and butterfat used to produce cottage cheese at pool plants located in Michigan and Indiana to be priced to the handler at less than the Class III price. No location adjustments apply to milk utilized in Class III. Under no circumstances should producers receive less for milk used to produce Class II items than for milk used to produce manufactured products. Accordingly, it is provided that the location differential on milk used as Class II shall be limited so that milk utilized in Class II shall not be priced less than the Class III price. Class II milk shall be considered to have been that which was received at the country plants or reload points most distant from the Public Square in Cleveland, Ohio.

The rates of location adjustment credit now provided in the order to handlers for Class I and Class II milk are:

Distance:	*Cents per hundredweight*
40.1–60 miles	13
60.1–74 miles	20

plus 2 cents per hundredweight for each 14 miles or fraction thereof in excess of 74 miles.

The rates presently established in the order were determined several years ago. Since then, many changes have occurred which affect the cost of handling and transporting milk long distances. Road conditions have improved and load limits on highways have been raised permitting the movement of large milk tankers. Thus, milk which is moved in much larger tankers over longer distances and on a regular basis under today's marketing conditions can be moved for less than when the present rates were established. For shorter distances there has been no material change in the cost of transporting milk.

The two cooperative associations proposing a change in the rate of location adjustments transport on a regular basis substantial quantities of milk from supply plants located in Indiana and Michigan to distributing plants located in the Cleveland Metropolitan area. These plants are located more than 200 miles from the Public Square in Cleveland. The cost per hundredweight of hauling milk on a regular scheduled daily basis from Goshen, Indiana, to Cleveland, Ohio, is 35 cents. The rate of location adjustment proposed herein for a plant located at Goshen, Indiana, would be 36 cents. The present rate for this location is 42 cents per hundredweight. A handler with a supply plant located nearly 120 miles from Cleveland testified that the cost of hauling milk to Cleveland is 24 cents per hundredweight. The proposed rate at this location is 25 cents per hundredweight as compared to the present location adjustment of 28 cents.

Location differentials to plants located more than 70 miles from the Public Square in Cleveland should reflect the efficiencies that have resulted from technological changes in the marketing of milk in recent years. The rate of location adjustment should reflect the most efficient means of bringing in a regular supply of producer milk to the pool distributing plants. It is concluded that the location adjustment that should apply both to handlers and producers for milk received at pool plants more than 70 miles from the Public Square in Cleveland should be 20 cents per hundredweight, plus one cent for each 10 miles or fraction thereof in excess of 70 miles. This rate for location differentials to both handlers and producers appropriately reflects the cost of moving milk into the distributing plants of handlers in the Northeastern Ohio marketing area under both efficient and economic conditions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings and reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Northeastern Ohio Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as

hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Northeastern Ohio marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area

§ 975.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Northeastern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

§ 975.8 [Amendment]

1. Delete § 975.8(d) and substitute:

(d) A plant located less than 40 miles from the Public Square in Cleveland, Ohio, or less than 27.5 miles from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, operated by a cooperative association, or associations, if one-half or more of the milk (exclusive of that received at pool plants described in paragraphs (b) and (c) of this section) delivered during the immediately preceding six-month period by producers who are members of such association(s) including amounts transferred from the plant of the cooperative association, was received at the pool plants of other handlers:

2. Delete § 975.12 and substitute:

§ 975.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed cans; and cream and mixtures of cream and milk or skim milk, but not including the following: frozen or sour cream, aerated cream products, eggnog, ice cream and frozen dessert mixes or milk shake mix.

3. Delete § 975.18 and substitute:

§ 975.18 Reload point.

"Reload point" means a location which is both more than 40 miles from the Public Square in Cleveland, Ohio, and more than 27.5 miles from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, at which facilities approved by the appropriate health authority in the marketing area for transfer of milk from one tank truck to another and for washing of tank trucks are maintained, and at which milk moved from the farm in a tank truck is commingled with other such milk before entering a milk plant. All reloading operations on the premises of a pool plant shall be considered to be a part of such pool plant's operation. Otherwise the operations at a reload point shall be considered to be a part of the operation of the pool plant to which the major portion of the milk moved from farms to the reload point normally moves, except for the application of location adjustments pursuant to §§ 975.55 and 975.81.

§ 975.2 [Amendment]

4. Delete § 975.22 (j) and (l) and substitute:

(j) On or before the dates specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II and Class III milk prices, and the Class II and Class III butterfat differentials all for the preceding month; and

(2) The 14th day of each month the uniform price computed pursuant to § 975.71 and the butterfat differential computed pursuant to § 975.82; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

5. Delete § 975.41 and substitute:

§ 975.41 Classes of utilization.

Subject to the conditions set forth in §§ 975.43 through 975.46, the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (c)(2), (3) and (8) of this section, except that fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content, and

(2) Not specifically accounted for as Class II or Class III;

(b) *Class II.* Class ... all be all skim milk and butterfat:

(1) Used to produce cottage cheese; and

(2) Disposed of as sour cream for consumption as such; and

(c) *Class III.* Class III shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product or a Class II product;

(2) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(4) In frozen cream;

(5) In inventory of fluid milk products or sour cream on hand at the end of the month;

(6) In shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat, respectively, in producer milk, plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants;

(7) In shrinkage of other source milk; and

(8) Contained in that portion of "fortified" fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) of this section.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 975.43 [Amendment]

6. Delete § 975.43(d)(3) and substitute:

(3) The Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers who constitute its source of supply. If the Class I utilization at the nonpool plant exceeds such receipts, allocate the skim milk and butterfat so transferred to Class I to the extent remaining, except that if receipts from plants which are pool plants under this and other Federal orders exceed the amount remaining, the amount of such transferred skim milk and butterfat allocated to Class I shall be determined by prorating the remaining Class I utilization in accordance with the receipts from all such plants at the nonpool transferee plant.

§ 975.50 [Amendment]

7. Delete § 975.50(a) and substitute:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

PRESENT OPERATOR AND LOCATION

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

and

§ 975.5 [Amendment]

8. Delete the opening paragraph of § 975.51(a) and substitute:

(a) Add to the basic formula price for the preceding month the following amount for the period indicated:

Delivery period:	*Amount*
April through July	$1.35
All others	1.80

and add or subtract a "supply-demand adjustment" computed as follows:

9. Delete § 975.51(a) (1) and (2) and substitute:

(1) Divide the total quantity of milk received from producers defined in § 975.10 and in § 995.12 of the order regulating the handling of milk in the North Central Ohio marketing area during the second and third months preceding by the gross quantity of milk utilized as Class I (adjusted for intermarket and interhandler transfers) at pool plants defined in § 975.8 and in § 995.9 of the order regulating the handling of milk in the North Central Ohio marketing area in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Months for which the price is being computed:	*Standard utilization percentage*
January	126
February	125
March	125
April	126
May	127
June	128
July	137
August	145
September	138
October	124
November	122
December	124

10. Delete § 975.53 and substitute:

§ 975.53 Class III milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III, shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the Department of Agriculture for the month adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 975.54(c) and rounded to the nearest full cent but in no event shall the Class III price exceed the price computed pursuant to § 975.50(b) plus 10 cents.

§ 975.55 [Amendment]

11. Delete the opening paragraph of § 975.55 and substitute:

For producer milk received at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, the respective class prices for Class I and Class II utilization pursuant to §§ 975.51 and 975.52 shall be reduced at the rate specified below for the location of such plant or reload point except that in no case shall the adjustment to Class II utilization exceed 30 cents per hundredweight. For purposes of this limitation with respect to Class II utilization, separate assignments in sequence shall be made pursuant to paragraphs (b) and (c) of this section with respect to Class I and Class II so that location adjustments associated with Class II shall be allocated to the most distant plants to which assignments are made.

12. Delete § 975.55(d) and substitute:

(d) The rates of location adjustment credit shall be as follows, based on the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

Distance:	*Cents per hundredweight*
40.1–60 miles	13
60.1–70 miles	20

plus one cent per hundredweight for each 10 miles or fraction thereof in excess of 70 miles.

13. Delete § 975.81 and substitute:

§ 975.81 Location adjustments to producers.

In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct with respect to all milk received from producers at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton, or the City Hall in Ashtabula, Ohio, by the shortest highway distance as determined by the market administrator, at the rates specified in § 975.55 based on mileage measured from the Public Square in Cleveland, Ohio.

[F.R. Doc. 61–11192; Filed, Nov. 24, 1961; 8:52 a.m.]

[7 CFR Part 1024]

[Docket Nos. AO–123–A24, AO–308–A2]

MILK IN OHIO VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Louisville, Kentucky, on September 18–27, 1961, pursuant to notice thereof issued on August 30, 1961 (26 F.R. 8105).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on November 6, 1961 (26 F.R. 10597; F.R. Doc. 61–10747) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

This decision relates only to the material issue of whether or not Order No. 124 should be amended to provide that a cooperative association may be the handler for bulk tank milk of its producer members for which it assumes responsibility for the handling from the farm to a pool plant, such amendment to include appropriate conforming changes throughout the order. Other material issues on the record are reserved for a further decision on this record.

Findings and conclusions. The following findings and conclusions are based on evidence presented at the hearing and the record thereof:

The definition of a handler should be modified to include a cooperative association with respect to milk of its producer members which is picked up in bulk at the farm by tank trucks owned by, operated by, or under contract to such association and delivered in such trucks (or in trucks into which the milk is reloaded) to pool plants. Other provisions of the order should be modified to

conform to the proposed handler definition.

Kyana Milk Producers, Inc., a producer cooperative association in the Ohio Valley market, requested that Order No. 124 be amended to allow a cooperative association to be the handler on bulk tank milk of its producer members for which it assumes responsibility for the handling from the time the milk is loaded at the farm into a tank truck until it is delivered to a pool plant. For pricing purposes, such milk would be considered as having been received by the association at the location of the plant to which it was delivered. This association, whose membership includes most of the producers on this market, asked that the Department take the earliest possible action on this issue separately from other issues on the record because of the marketing problems encountered by the association in supplying handlers and in disposing of milk in excess of Class I market requirements.

A similar proposal was made by a group of eight proprietary handlers regulated under Order No. 124. The proposal differed, however, in that it would not provide an option but would require a cooperative association controlling the movement of bulk tank milk of its producer members in the manner previously specified to be the handler for such milk. Also, under the handlers' proposal such milk would be considered for purposes of quantity and butterfat measurements as received by a cooperative association at the producer's farm.

Kyana Milk Producers presently assumes the responsibility for supplying the Class I needs of the handlers in the Ohio Valley market and for disposing of the market's excess milk supplies not needed by these handlers. Such disposals are made to nonpool plants inasmuch as the association has no manufacturing facilities.

In performing these functions, Kyana Milk Producers arranges for and directs the movement of milk from its members' farms to the distributing plants or surplus disposal outlets. The majority of producers on this market have installed farm tanks from which the milk, commonly referred to as bulk tank milk, is picked up by pumping it into tank trucks. The association has contracts with all of the haulers moving such milk and owns the tanks on the trucks. A sample of each member's milk shipment is delivered to one of the association's three laboratories located in Dale and Evansville, Indiana, and Owensboro, Kentucky, for butterfat testing purposes. Records of the members are maintained either at Evansville or Louisville. Kyana Milk Producers has direct knowledge and complete records of quantities of milk and of butterfat tests for each member. Purchasing handlers, on the other hand, have only indirect knowledge of such data and pay the association for the milk on the basis of information of milk weights and tests supplied by the association.

To meet the requirements of handlers in the market, it is often necessary for the association to split a tank truck load of milk between several handlers or to change from day to day the plant to which a member's milk is delivered. A need for reloading milk from farm pickup tank trucks to trucks of larger capacity may occur. These situations make it difficult or impossible for purchasing handlers to obtain adequate information for maintaining producer records on such milk except indirectly through the cooperative association. The handling of reserve milk by the association, which involves intermittent diversion of a producer's milk to nonpool plants, also complicates the record keeping for pool plant operators. The establishment of producer butterfat tests for a partial month's deliveries also constitute a special problem when a producer delivers to more than one handler during the month.

Because of these circumstances, a cooperative association should be provided the option of being the handler for bulk tank milk of its producer members. This change in the handler definition and other changes in order provisions recommended herein will meet the problems described by producers and handlers with respect to the handling and accounting for such milk.

A cooperative association desiring to be the handler for bulk tank milk of its members should notify the market administrator and the handler to whom the delivery is made that it intends to act in such a capacity. Such notification should be given prior to the time of delivery.

A delivery of milk to a pool plant by a cooperative association in this capacity as a handler should be considered as an interhandler transfer of milk and accounted for as to quantity and classification in the same manner as other interhandler transfers. The provision covering classification of interhandler transfers in effect allows the transferor and transferee handler to agree that the milk is entirely Class I. The provision should preclude, however, any overclassification in Class I of milk so transferred by a cooperative association. In the absence of any agreement between the cooperative association and the transferee handler as to the classification of such milk, classification should be pro rata to the remaining milk in each class after the assignment of other source milk, transfers from other pool plants, and beginning inventory. So that appropriate location differentials to handlers and producers may apply, milk so delivered by a cooperative association should be considered as received from producers by such association at the location of the pool plant to which it was delivered.

A cooperative association acting as the handler for bulk tank milk would be a pooling handler and should make payments to, or receive payments from, the producer-settlement fund, as the case requires, with respect to such milk. Reports of receipts from each producer, disposition, classification, payroll reports, and any other necessary reports should be required of the cooperative association as a handler in this capacity.

Since it is the general practice to commingle the milk of several bulk tank producers in a tank truck, the identity of an individual producer's milk is lost at the moment such milk is pumped from the farm bulk tank into the tank truck. Inasmuch as each producer's milk must be accounted for on an individual basis, the quantity of milk as measured at the farm must necessarily be the quantity for which the first handler receiving the milk must account for to the pool.

Proposals were made by producers and handlers to change the shrinkage provisions of the order to conform with the proposed handler definition applicable to a cooperative association acting as a receiving handler for bulk tank milk.

The provisions of the order relating to shrinkage now provide an allowance of 2 percent, which is divided in the case of interplant transfers on the basis of 0.5 percent to a plant first receiving the milk and 1.5 percent to the transferee plant. These percentages refer to the quantities of receipts, except other source milk, which may be classified as Class II milk. The excess shrinkage over such percentages is Class I milk. The order recognizes diversion of a producer's milk by a pool plant operator to another pool plant, and in such case the 2 percent shrinkage allowance applies at the plant where the milk is physically received. No shrinkage allowance applies to milk diverted to nonpool plants.

Kyana Milk Producers proposed that shrinkage allowance on bulk tank milk for which a cooperative association elects to be the handler be divided between the association and the handler to whom the milk is delivered. The cooperative association would be allowed up to 0.5 percent shrinkage and the operator of the pool plant would be allowed up to 1.5 percent shrinkage on the milk delivered to his plant. Under this arrangement, the cooperative association would account for the milk on the basis of farm measurements and individual producer butterfat tests. Kyana Milk Producers proposed, also, that should a pool plant operator elect to purchase bulk tank milk from a cooperative association on the basis of quantity measurements determined at the farm, the entire 2 percent shrinkage allowance would accrue to the plant operator.

A proprietary handler supported the shrinkage proposals of Kyana Milk Producers. The group of handlers who proposed that a cooperative association be the handler on bulk tank milk asked that the shrinkage allowed for the plant receiving the milk from the cooperative association be computed on the weight and butterfat test as determined at the plant.

It is concluded that the shrinkage allowance on bulk tank milk for which a cooperative association elects to be the handler should be divided in the manner proposed between the cooperative association and the plant to which the milk is delivered. Such a division of shrinkage is in accord with the normal expectation of greater shrinkage in processing milk than occurs in handling milk prior to processing and generally conforms with the present provisions of the order regarding shrinkage. The proposed optional arrangement under which the 2 percent shrinkage allowance would apply to a handler if he elects to purchase such bulk tank milk from a cooperative association on the basis of the quantity as determined at the producer's farm and the butterfat tests of the individual producers is adopted. The handler should notify the market administrator on or before the date he submits his monthly report, applicable to such milk, of his intent to purchase milk in this manner. If the handler did not so elect, the 1.5 percent rate of shrinkage allowance would apply to the quantity of milk received from the cooperative.

In conformance with the preceding conclusions as to the method of computing shrinkage allowances, the proration of total shrinkage to the several types of milk receipts should be modified so that shrinkage will be prorated to the total pounds of other source milk on the one hand, and on the other hand to the total pounds of milk to which shrinkage allowances apply.

The order should provide that a handler receiving bulk tank milk from a cooperative association acting as the handler for such milk should pay the association an amount not less than the value of the milk computed at the applicable class prices for the location of his plant where the milk is physically received. Such payments should be made by the 14th day of the month following the month in which such milk is received.

Section 1024.86 of the order now establishes for each handler the pro rata share of the expense of administration of the order by applying a specified rate of payment on the quantities of milk received by each handler. The rate of payment presently applies to all receipts of producer milk. The definition of producer milk, however, is modified by new language adopted herein to include bulk tank milk received from a producer by a cooperative association acting as the handler for such milk. In order to maintain pro rata sharing of the expense of administration by handlers operating pool plants, the operation of which entails the bulk of the market administrator's verification and auditing program, the provision should specify that such handlers continue to pay the administrative expense on all milk received which moves directly from producers' farms to the pool plant, whether the milk is or is not received from a cooperative association acting in the capacity of a handler.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Ohio Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Ohio Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Ohio Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Ohio Valley Marketing Area

§ 1024.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1024.17(c), as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Secretary may prescribe, with respect to (i) producer milk, (ii) milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), (iii) other source milk allocated to Class I at a pool plant, and (iv) milk at a fluid milk plant which is a nonpool plant in accordance with § 1024.75 (a) or (b).

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Ohio Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

§ 1024.10 [Amendment]

1. In § 1024.10 insert after the word "farmers" wherever it appears the following parenthetical phrase: "(including such milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c))".

§ 1024.12 [Amendment]

2. In § 1024.12 delete the period at the end of paragraph (b) and add the following language: "or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)."

§ 1024.13 [Amendment]

3. In § 1024.13 redesignate paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and insert a new paragraph (b) to read as follows:

(b) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

§ 1024.14 [Amendment]

4. In § 1024.14(a) delete subparagraph (2) and substitute the following:

(2) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and

5. Delete § 1024.17 and substitute the following:

§ 1024.17 Handler.

"Handler" means:

(a) Any person who operates a fluid milk plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1024.13; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 1024.30 [Amendment]

6. In § 1024.30(a)(1) delete subdivision (ii) and substitute the following:

(ii) Fluid milk products received from other pool plants and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

§ 1024.31 [Amendment]

7. In § 1024.31(b)(1) delete the language preceding subdivision (i) and delete subdivision (i) and substitute the following: "On or before the 20th day after the end of the month his producer or dairy farmer payroll for such month which shall show for each producer or dairy farmer, as the case may be (and for each pool plant and for each fluid milk plant subject to § 1024.75(b) in the case of those handlers operating such plants): (i) The total pounds of milk received, including for the months of April through July the total pounds of base and excess milk for each producer;".

§ 1024.41 [Amendment]

8. In § 1024.41(b) delete subparagraph (5) and substitute the following:

(5) In shrinkage, excluding shrinkage of other source milk, not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), except that if the handler of such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1024.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants; less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) unless the exception provided in subdivision (ii) of this subparagraph applies; and

§ 1024.42 [Amendment]

9. In § 1024.42 delete paragraphs (a) and (b) and substitute the following:

(a) Compute the total shrinkage for each handler, or for each pool plant in the case of those handlers operating pool plants, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1024.41(a)(1) and as Class II milk pursuant to § 1024.41(b)(1), (2), (3), and (4) (subject to the provisions of §§ 1024.43 through 1024.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1024.30, and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, to (1) the total of the pounds of milk received from producers (excluding milk diverted by the handler), received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and received from other pool plants as transfers in the form of fluid milk products in bulk in excess of transfers of such products in bulk to other plants, and (2) the total pounds of other source milk received in bulk in the form of fluid milk products.

§ 1024.44 [Amendment]

10. In § 1024.44 delete the introductory text preceding paragraph (a) and delete paragraph (a) and substitute the following:

Skim milk or butterfat disposed of by a handler from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of the same handler or of another handler unless utilization in Class II is claimed by the handler or handlers, as the case may be, in their reports submitted pursuant to § 1024.30 or such milk is classified pursuant to paragraph (b) of this section: *Provided,* That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making the assignments pursuant to § 1024.46(a)(1) through (4) and the corresponding steps of § 1024.46(b) and any additional amounts of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further,* That for transfers or diversions between pool plants, if the transferor or diverting plant has other source milk during the month, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants: *And provided also,* That in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and the utilization in the transferee plant in Class II;

11. In § 1024.44 redesignate paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and insert a new paragraph (b) to read as follows:

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1024.46(a)(7) and the corresponding step of § 1024.46(b);

§ 1024.45 [Amendment]

12. In § 1024.45 delete the language preceding the proviso and substitute the following: "For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1024.30 by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler:".

§ 1024.46 [Amendment]

13. In § 1024.46(a) delete subparagraph (1) and substitute the following:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1024.41(b)(5) (i) through (iv);

14. In § 1024.46(a) delete the word "and" in subparagraph (7), redesignate subparagraph (8) as subparagraph (9) and insert a new subparagraph (8) to read as follows:

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) according to its classification determined pursuant to § 1024.44 (a) or (b); and

§ 1024.53 [Amendment]

15. In § 1024.53 delete the language preceding the mileage schedule and substitute the following: "For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) at a pool plant located 80 miles or more from the County Courthouse in Evansville, Indiana, or Owensboro, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1024.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:".

§ 1024.60 [Amendment]

16. In § 1024.60 insert after the word "plant(s)" which appears in the language preceding the proviso the words "and by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

§ 1024.61 [Amendment]

17. In § 1024.61(b) insert after the word "plant" the words "or is received by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

§ 1024.70 [Amendment]

18. In § 1024.70 delete paragraph (b) and substitute the following:

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1024.46(a)(9) and the corresponding step in § 1024.46(b) by the applicable class price(s);

§ 1024.71 [Amendment]

19. In § 1024.71 delete paragraph (a) and substitute the following:

(a) Combine into one total the values computed pursuant to § 1024.70 for all handlers operating pool plants and for all cooperative associations in their capacity as handlers pursuant to § 1024.17 (b) or (c) who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.82 for the preceding month;

§ 1024.74 [Amendment]

20. In § 1024.74(a) delete the colon at the end of the introductory text preceding subparagraph (1) and add the following language: "and each cooperative association which is a handler pursuant to § 1024.17 (b) or (c):".

§ 1024.75 [Amendment]

21. In § 1024.75(b)(1) change the reference listed in the second proviso as "§ 1042.44 (c) or (d)" to read "§ 1024.44 (d) or (e)".

§ 1024.80 [Amendment]

22. In § 1024.80 add a new paragraph (g) to read as follows:

(g) In the case of milk received by a handler from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), such handler shall pay on or before the 14th day after the end of each month to such cooperative association for milk so received during the month an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler at which such milk was physically received.

§ 1024.82 [Amendment]

23. In § 1024.82 delete the words "at his pool plant(s)".

§ 1024.83 [Amendment]

24. In § 1024.83 delete the words "at his pool plant(s)".

§ 1024.85 [Amendment]

25. In § 1024.85(b) insert after the word "received" the words "from producers or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)".

26. Delete § 1024.86 and substitute the following:

§ 1024.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1024.17(c), shall pay to the market administrator on or before the 12th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in his receipts during the month of (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and (c) other source milk allocated to Class I milk pursuant to § 1024.46(a)(3) and the corresponding step of § 1024.46(b). A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments in accordance with § 1024.75.

[F.R. Doc. 61-11191; Filed, Nov. 24, 1961; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. 4, Amdt.]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Payments and Reports By States; Proposed Rule Making

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as an amendment to present Social Security Administration Regulations No. 4, as amended (20 CFR 404.1 et seq.). It is proposed to amend Regulations No. 4, § 404.1221, to reflect the increase in contribution rates in a State's old-age, survivors, and disability insurance coverage agreement with the Secretary of Health, Education, and Welfare provided for in the 1961 amendments to the Social Security Act. It is also proposed to amend Regulations No. 4, § 404.1222, § 404.1240, § 404.1250, § 404.1256, § 404.1262, and § 404.1266, and to add new § 404.1222a, § 404.1250a, and § 404.1250b, to implement the provisions of section 218(e) of the Social Security Act providing for a limit on the amount of contributions due under a State's old-age, survivors, and disability insurance coverage agreement with the Secretary of Health, Education, and Welfare in certain situations where an individual is employed by more than one political subdivision, or by the State and one or more political subdivisions, during a calendar year.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington 25, D.C., within a period of 30 days from the date of publication of this Notice in the FEDERAL REGISTER.

The proposed amendment is to be issued under the authority contained in sections 205(a), 218(e), 218(i), and 1102 of the Social Security Act, 53 Stat. 1368, as amended, 74 Stat. 930, 64 Stat. 517, as amended, 46 Stat. 647, as amended; and

section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18.

[SEAL] H. W. L. MITCHELL,
Commissioner of Social Security.

AUGUST 17, 1961.

Approved: November 20, 1961.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.1221 is amended to read as follows:

§ 404.1221 Rate and computation of contributions.

(a) *Contributions for calendar years prior to 1955.* The rates of taxes imposed on employees by section 1400 of the Internal Revenue Code of 1939 for the respective calendar years are as follows:

	Percent
For the calendar years 1951 to 1953, both inclusive	1½
For the calendar year 1954	2

The rates of taxes imposed on employers by section 1410 of the Internal Revenue Code of 1939 for the respective calendar years are as follows:

	Percent
For the calendar years 1951 to 1953, both inclusive	1½
For the calendar year 1954	2

(b) *Contributions for calendar years after 1954.* (1) The rates of taxes imposed on employees by section 3101 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

For the calendar years:	Percent
1955 and 1956	2
1957 and 1958	2¼
1959	2½
1960 and 1961	3
1962	3⅛
1963 to 1965, both inclusive	3⅝
1966 and 1967	4⅛
1968 and subsequent years	4⅝

(2) The rates of taxes imposed on employers by section 3111 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

For the calendar years:	Percent
1955 and 1956	2
1957 and 1958	2¼
1959	2½
1960 and 1961	3
1962	3⅛
1963 to 1965, both inclusive	3⅝
1966 and 1967	4⅛
1968 and subsequent years	4⅝

(c) *Method of computation of contributions.* The contributions are computed by applying to the wages actually or constructively paid to an employee the rate in effect at the time such wages are actually or constructively paid.

Example: During 1953, A is engaged in the performance of service in employment. In the following year, 1954, A receives $250 from his employer as remuneration for services which he performed in the preceding year. The applicable rate is the rate for the year 1954 (the year in which the wages are received), and not 1½ percent, the rate for the calendar year 1953 (the year in which the services were performed).

2. Section 404.1222 is amended to read as follows:

§ 404.1222 Liability of State for contributions.

(a) *In general.* The State is liable for contributions with respect to the wages paid to individuals performing services in employment as employees in any coverage group included in the agreement. With respect to service covered under the agreement and performed subsequent to the date of execution of the agreement, the liability of the State attaches at the time that the wages are either actually or constructively paid to individuals performing service in employment as employees in any coverage group included in the agreement, notwithstanding the fact that the wages are paid in media other than money (for example, wages paid in board or lodging; see § 404.1026(a)). If the agreement is effective retroactively with respect to service in employment performed by individuals as members of any coverage group, the liability of the State with respect to wages paid during such retroactive period attaches as of the date of execution of the agreement, or the modification of the agreement pursuant to which the coverage group is included thereunder, as the case may be.

(b) *Measure of State's liability.* The amount of the State's liability for contributions is equal to the sum of the taxes which would be imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939, if the services of the employees covered by the agreement constituted employment as defined in section 1426 of such code, and the sum of the taxes which would be imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954, if the services of the employees covered by the agreement constituted employment as defined in section 3121 of such code. (See § 404.1222a for the computation of contributions where the provisions of section 218(e)(2) of the Act are applicable.)

3. A new § 404.1222a is added following § 404.1222, to read as follows:

§ 404.1222a Limitation on State's liability for contributions for multiple employment.

(a) *In general.* Notwithstanding paragraph (b) of § 404.1222, where:

(1) An individual in any calendar year performs services in employment as an employee of a State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of the State in one or more coverage groups included in an agreement, or as an employee of more than one political subdivision in one or more coverage groups of each such political subdivision included in an agreement; and

(2) Such State provides all of the funds for the payment of that portion of the contributions payable with respect to the remuneration of such individual for services in employment in the coverage groups included under the agreement which is equivalent to the tax which would be imposed by section 3111 of the Internal Revenue Code of 1954 if the services of such individual constituted employment as defined in section 3121 of such code; and

(3) The State is not reimbursed by any political subdivision involved for the payment of such amounts, the agreement may provide (either in the original agreement or by a modification thereof) that the amount of the State's liability for contributions attributable to the remuneration of such individual for such services in employment included under the agreement shall be computed as though the individual had performed services in employment in the employ of one political subdivision, and, in accordance with such agreement, the State shall so compute the contributions attributable to the remuneration of such individual.

(b) *Identification of employees in multiple employment.* Any agreement or modification of an agreement which provides for the computation of contributions in the manner prescribed in paragraph (a) of this section shall identify therein the class or classes of employees with respect to whose wages such manner of computing contributions shall apply. For example, the State may provide that such computation shall apply with respect to the wages paid to all individuals for services performed in positions covered by a particular retirement system, or it may provide that such computation shall apply with respect to the wages paid to all individuals who are members of any two or more coverage groups designated therein. The State shall promptly notify the Department if the conditions in paragraph (a) of this section are no longer met with respect to any class or classes of the employees previously identified in the agreement or modification thereof. Such notification shall identify each class of employees and the date on which such conditions cease to be met.

(c) *Effective date.* The agreement or modification thereof shall also provide that such computation of contributions shall apply with respect to wages paid after an effective date specified therein. Such date may be the last day of any calendar year but in no event may the contributions be so computed with respect to wages paid before January 1, 1957, in the case of an agreement or modification which is mailed or delivered by other means to the Secretary before January 1, 1962, or with respect to wages paid before the first day of the year in which the agreement or modification is mailed or delivered by other means to the Secretary if on or after January 1, 1962.

4. Section 404.1240 is amended by the insertion of a new paragraph (d) in place of the present paragraph (d) and by a revision of present paragraph (d) and the redesignation of this paragraph as paragraph (e). Section 404.1240 (d) and (e) as revised will read as follows:

§ 404.1240 Identification numbers.

* * * * * * *

(d) *Unit numbers where contribution amounts are limited.* Where an agreement or modification of an agreement provides for the computation of contributions in the manner prescribed in § 404.1222a with respect to some but not all of the employees of any political subdivision of the State, special unit numbers will be assigned to the political subdivision, as required, for the purpose of identifying the employees of the political subdivision with respect to whose remuneration contributions are so computed. No special unit number will be assigned to a political subdivision in which the contributions based on the remuneration of all of the employees are computed in the manner prescribed in § 404.1222a.

(e) *Use.* The identification number (including coverage group numbers assigned to coverage groups and unit numbers assigned) shall be shown on the State's records, reports, returns, and claims to the extent required by §§ 404.1254, 404.1255(a), 404.1256, and 404.1263 and by the instructions relating to Forms OAR–S1, OAR–S2, OAR–S3, OAR–S4, and OAR–S11 to be used by States for reporting wages, adjustments, and contributions.

5. Section 404.1250 is amended to read as follows:

§ 404.1250 Wage reports and contribution returns in general.

(a) *Wage reports.* Every State which enters into an agreement shall make or cause to be made, with respect to individuals performing services in employment as employees in a coverage group included in an agreement, a wage report on Form OAR–S3 for each calendar quarter (whether or not wages are paid therein), beginning with the first calendar quarter with respect to which the agreement is effective, until it files a final report as required by the provisions of § 404.1252. Every State shall make such wage report on Form OAR–S3 with respect to employees of the State in each coverage group included in an agreement and shall obtain, with respect to employees in every other coverage group included in the agreement a complete and correct wage report on Form OAR–S3 for the employees in each such coverage group. The State shall prepare a recapitulation report, Form OAR–S2, identifying each political subdivision by the identification number assigned to each political subdivision and, where appropriate, identifying each political subdivision and each coverage group by the coverage group number and the payroll record unit number assigned to it, in accordance with instructions relating to Form OAR–S2, and shall file the original of the recapitulation report, along with the original of each wage report (Form OAR–S3), with the Department of Health, Education, and Welfare, Social Security Administration, Baltimore 35, Maryland.

(b) *Wage reports of remuneration for agricultural labor subject to $100 wage limitation.* If any State which enters into an agreement shall, in accordance with section 218(c)(5) of the Social Security Act, exclude from such agreement with respect to any coverage group services the remuneration for which would be excluded from wages under paragraph (2) of section 209(h) of the Act, the State shall include or cause to be included in the wage report on Form OAR–S3 and on any report of adjustments on Form OAR–S4 for such coverage group any remuneration paid in any calendar quarter for such services subject to the limitation on wages for such services in said section 209(h)(2) of the Act; and the State shall identify or cause to be identified on the wage report (Form OAR–S3) and on any report of adjustments (Form OAR–S4) the individuals in such coverage group performing such services, in accordance with instructions relating to Form OAR–S3 and Form OAR–S4.

(c) *Contribution returns.* The State shall also file with the Federal Reserve Bank, or any branch thereof, serving the district in which the State is located, a quarterly contribution return (Form OAR–S1), and shall accompany such return with payment of the amount of contributions due and payable. A Certificate of Deposit (Form OAR–S11) shall be filed in quadruplicate. It is not necessary that any of the copies of Form OAR–S11 be signed by the depositing officer of the State. Form OAR–S1 shall be securely stapled to the back of the triplicate copy of Form OAR–S11. Checks for such contributions shall be made payable to the Treasurer of the United States. A copy of the contribution return (Form OAR–S1) shall be attached to the recapitulation report (Form OAR–S2) filed by the State with the Department of Health, Education, and Welfare. For the purposes of reports and returns under the Act, the quarters shall each be 3 calendar months as follows: (1) January 1 to March 31, both dates inclusive; (2) from April 1 to June 30, both dates inclusive; (3) from July 1 to September 30, both dates inclusive; and (4) from October 1 to December 31, both dates inclusive.

(d) *Filing of wage reports and contribution returns with district directors of internal revenue.* (1) Where a State or any of its political subdivisions has in its employ individuals performing services for the State or a political subdivision of the State as members of a coverage group included under an agreement and such individuals also regularly perform services identical in nature in the employ of employers who are subject to the provisions of subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954 with respect to the wages paid by such employers for such services to such individuals, and where, with the approval of the Internal Revenue Service, the payment of the taxes and the filing of information returns required of employers under subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954 are made for all such employers by an agent appointed by them, such State may, with respect to such individuals, elect to permit the agent of such employers to file tax and information returns with, and to make payment thereon to, a district director of internal revenue in the manner and according to the conditions prescribed in regulations of the Internal Revenue Service relating to the employees' tax and the employers' tax under subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954.

(2) Where the Secretary has been furnished with written evidence to the effect that a State has made such an election and that the Commissioner of Internal Revenue has agreed to permit a district director of internal revenue to accept and receive such contribution and information returns and payment of contributions, the filing of such tax and information returns with, and the payment of such contributions to, the district directors shall be deemed to be compliance with the requirements imposed upon the State by paragraphs (a) and (c) of this section, except that nothing contained in this paragraph shall relieve any such State of its obligations and responsibilities under its agreement and the regulations in this subpart relative to its liability for the payments required under its agreement.

6. Sections 404.1250a and 404.1250b are added immediately after present § 404.1250 to read as follows:

§ 404.1250a Wage reports and contribution returns for employees performing services in more than one coverage group.

(a) *Employee of State in more than one coverage group.* Where an individual performs services in employment as an employee of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the State, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(b) *Employee of political subdivision in more than one coverage group.* Where an individual performs services in employment as an employee of a political subdivision of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the political subdivision, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(c) *Employee of State and of one or more political subdivisions.* Where an individual performs services in employment as an employee of the State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of a State in one or more coverage groups included in an agreement and the State agreement does not provide for the computa-

tion of contributions pursuant to section 218(e)(2), the aggregate wages paid to such employee by the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the State, shall be reported by the State in accordance with paragraph (a) of this section, and the aggregate wages paid to such employee by each political subdivision of the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each political subdivision in accordance with paragraph (b) of this section.

(d) *Employee of more than one political subdivision.* Where an individual performs services in employment as an employee of one political subdivision in one or more coverage groups included in an agreement and as an employee of one or more other political subdivisions in one or more coverage groups included in an agreement and the State agreement does not provide for the computation of contributions pursuant to section 218(e)(2), the aggregate wages paid to such employee by each such political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each such political subdivision in accordance with paragraph (b) of this section.

(e) *Employees performing services for more than one employer; section 218(e)(2) applicable*—(1) *Employee of State and one or more political subdivisions.* Where an agreement provides for the computation of contributions for any calendar year in accordance with section 218(e)(2) of the Act with respect to an individual who performs services in employment as an employee of the State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of such State in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by the State and the political subdivisions, not in excess of $4,200 paid in any such calendar year after 1956 and prior to 1959, and not in excess of $4,800 paid in any such calendar year after 1958, shall be reported. The wages shall be reported by the State and each such political subdivision in accordance with § 404.1255 for the calendar quarter in which paid until the maximum amount for each such calendar year has been reached. In determining when the maximum amount has been reached for any such calendar year, the State shall consider only the wages with respect to which it has been authorized by the agreement to compute the contributions in accordance with section 218(e)(2).

(2) *Employee of more than one political subdivision.* Where an agreement provides for the computation of contributions for any calendar year in accordance with section 218(e)(2) of the Act with respect to an individual who performs services in employment as an employee of one political subdivision of the State in one or more coverage groups included in an agreement and as an employee of one or more other political subdivisions of the State in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by such political subdivisions, not in excess of $4,200 paid in any such calendar year after 1956 and prior to 1959, and not in excess of $4,800 paid in any such calendar year after 1958, shall be reported by each such political subdivision in accordance with § 404.1255 for the calendar quarter in which paid until the maximum amount for each such calendar year has been reached. In determining when the maximum amount has been reached for any such calendar year, the State shall consider only the wages with respect to which it has been authorized by the agreement to compute the contributions in accordance with section 218(e)(2).

§ 404.1250b Filing of single wage report where individual is jointly employed by more than one employer.

Where the State and any of its political subdivisions or any two or more political subdivisions jointly employ any individuals to perform services in employment, the aggregate wages paid to such individuals by the State and any of its political subdivisions, or by any two or more political subdivisions, as the case may be, may, upon request by the State and with the approval of such request by the Secretary, be reported by an agent duly appointed to file such reports if:

(a) There is included in the agreement each of the coverage groups of employees of the State and its political subdivisions, or of two or more political subdivisions, as the case may be, of which such individuals are members;

(b) There is uniformity with respect to such coverage groups in the effective dates of coverage and both in the services covered and the services excluded from coverage;

(c) There is filed by such agent one wage report for each calendar quarter on Form OAR–S3, which includes the aggregate of the wages paid to such individuals as employees of the State and as employees of any of its political subdivisions, or as employees of any two or more political subdivisions, as the case may be. In computing the aggregate wages to be reported, there shall be included in the wage report the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by the State and the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State, or, if the individual is not employed by the State, the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State by which such individual is employed. (For provisions relating to the furnishing of wage statements to employees, see § 404.1230.)

(d) There is included on the wage report (Form OAR–S3) the name and identification number of the State and of each political subdivision of the State, by which the individual is employed, or, if the individual is not employed by the State, the name and identification number of each such political subdivision, and the name and address and the identification number of the agent by which the wage reports are filed.

7. Section 404.1256(a) is revised to read as follows:

§ 404.1256 Records.

(a) *Records of States.* Every State which enters into an agreement shall keep or cause to be kept accurate records of all remuneration (whether in cash or in a medium other than cash) paid to employees performing services in employment in a coverage group included in an agreement after the effective date of such agreement, for services covered by such agreement. Such records may be maintained by such State, or, with respect to employees of any political subdivision thereof, by such political subdivision. No particular form is prescribed for keeping the records required by this paragraph. Each State shall use or cause to be used such forms and systems of accounting as will enable the Secretary to ascertain whether the contributions for which the State is liable are correctly computed and paid. Where contributions attributable to the remuneration of an employee are computed by a State in accordance with § 404.1222a, the State shall use or cause to be used procedures of record keeping or systems of accounting from which the State can ascertain currently accurate information as to the amount of wages subject to such computation received by such employee from all political subdivisions by which he is employed in any calendar year. Such records shall show with respect to each employee:

(1) The name, address, and account number of the employee (see § 404.1243 relating to account numbers) and such additional information with respect to the employee as is required by § 404.1243(a) when the employee does not show his account number card as issued to him by the Social Security Administration.

(2) The total amount (including any sum withheld therefrom as contribution, or for any other reason) and date of each remuneration payment and the period of services covered by such payment;

(3) The amount of such remuneration payment which constitutes wages (see § 404.1026 for wages and § 404.1027 for exclusion from wages); and

(4) The amount of employees' contribution, if any, withheld or collected with respect to such payment, and if collected at a time other than the time such payment was made, the date collected. If the total remuneration payment (subparagraph (2) of this paragraph) and the amount thereof which is subject to contribution (subparagraph (3) of this paragraph) are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement made pursuant to § 404.1261 or § 404.1262 shall also be kept.

8. Section 404.1262 is amended to read as follows:

§ 404.1262 Adjustment of overpayment of contributions.

(a) *In general.* If a State pays more than the correct amount of contributions, the State shall cause the adjustment of the overpayment by reporting such amount either as an adjustment of total contributions due with the first quarterly wage report filed after notification of the overpayment by the Social Security Administration or as a single adjustment of total contributions due with any contribution return filed prior to the filing of such quarterly wage report. Such report or return shall include, or be accompanied by, a statement of the reason for the overpayment and of the reason why adjustment is in order.

(b) *Overpayment due to overreporting of wages; in general.* If the overpayment is due to an overreporting of the amount of wages paid to one or more employees during one or more calendar quarters, and such overpayment is not adjusted in accordance with paragraph (a) of this section, a report on Form OAR–S4 showing the amount or amounts of wages previously reported for the quarter or quarters and the correct amount or amounts of wages, if any, paid to such employee in such calendar quarter or quarters, shall be filed upon ascertainment of the error by the State, together with a copy of the Form OAR–S1 prepared in accordance with the instructions contained thereon. Such report shall include, or be accompanied by, a statement of the reason why the original reporting of wages was incorrect.

(c) *Refund of overpayment due to overreporting of wages; section 218(e)(2) applicable*—(1) *In general.* If the overreporting of the amount of wages paid to one or more employees during one or more calendar years is due to a computation of contributions in accordance with § 404.1222a for a year or years prior to the year in which the agreement or modification providing for such computation is entered into or if the overreporting is due to a failure to compute contributions as required in accordance with § 404.1222a, the State shall adjust the overpayment by a report on Form OAR–S4 in accordance with the procedures in paragraph (b) of this section. An overpayment due to an overreporting of wages paid to one or more employees during one or more calendar quarters which does not result from the computation of contributions or a failure to compute contributions in accordance with § 404.1222a shall also be adjusted by the State on Form OAR–S4 in accordance with paragraph (b) of this section. If the adjustment of such an overpayment will result in an underreporting of wages for any employee by the State or any political subdivision, the report which adjusts the overpayment shall be accompanied by an adjustment report prepared in accordance with § 404.1261 with respect to each such underreporting. If the adjustment of such an overpayment will not result in an underreporting of wages for any employee by the State or any political subdivision, the report which adjusts the overpayment shall include, or be accompanied by, a statement that the adjustment of the overpayment will not result in any such underreporting.

(2) *Extent of refund or credit.* If the State has collected or caused to be collected contributions from employees with respect to such overpayment in amounts which exceed the amount of taxes which would have been imposed by section 3101 of the Internal Revenue Code of 1954 if the services covered under the agreement were performed in the employ of one employer and constituted employment as defined in section 3121 of such code and Forms W–2 have been issued to the employees which reflect such excess collection of contributions with respect to an amount of wages which is being adjusted, the State's claim for refund or credit shall be limited to the amounts overpaid which are equivalent to the taxes which would have been imposed by section 3111 of the Internal Revenue Code of 1954 if the services constituted employment as defined in section 3121 of such code. In this event the State shall not amend or cause to be amended any previously issued employee's statement on Form W–2 for the purpose of conforming the amounts of wages on such previously issued statements with the amounts as adjusted in accordance with the provisions of this section. (See § 404.1266 relating to adjustment of employee contributions.) If (i) the State has not collected or caused to be collected such excess contributions from employees with respect to such overpayment and the Forms W–2 which have been issued to such employees show only the amount of contributions actually collected from employees with respect to an amount of wages which is being adjusted, or (ii) such excess contributions have been collected from employees with respect to such overpayment but Forms W–2 which reflect such excess collection have not yet been issued with respect to an amount of wages which is being adjusted, the State may claim a refund or credit with respect to the amounts overpaid equivalent to the taxes which would have been imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 if such services had constituted employment as defined in section 3121 of such code. Where the State's claim for refund or credit is for this total amount of the overpayment, the adjustment report shall include, or be accompanied by, a statement that such excess contributions have not been collected from employees, or, where such excess contributions have been collected, that Forms W–2 have not yet been issued and that such forms when issued will show the correct amount of employee contributions.

9. Section 404.1266 is amended to read as follows:

§ 404.1266 Adjustment of employee contributions.

(a) *In general.* If a State deducts or causes to be deducted employees' contributions with respect to remuneration paid to employees in coverage groups included in an agreement with the Secretary of Health, Education, and Welfare, the amount deducted or caused to be deducted from the remuneration of an employee or any correction in the undercollection or overcollection of such amount, is a matter for settlement between the employee and the State or political subdivision, as the case may be. Any correction of an undercollection or overcollection of an employee's contribution shall be shown on statements furnished to the employee in accordance with § 404.1230. Where, however, statements have been issued to an employee on Forms W–2 and the State submits an adjustment of an overpayment in accordance with § 404.1262(c) with respect to which the State's claim for refund or credit is for less than the total amount of the overpayment, the previously issued Forms W–2 shall not be corrected to reflect such adjustment.

(b) *Multiple employment involved.* If wages are paid to an employee during a calendar year by the State and one or more political subdivisions thereof or by more than one political subdivision and the amount of contributions collected or caused to be collected from the employee with respect to such wages exceeds the amount of tax which would have been imposed by section 3101 of the Internal Revenue Code of 1954 if the services were performed for one employer and constituted employment as defined in section 3121 of such code, the employee may claim a refund or credit of that part of such contributions which exceeds the amount of such tax by complying with the provisions of section 31(b) and section 6413(c) of the Internal Revenue Code of 1954.

[F.R. Doc. 61–11182; Filed, Nov. 24, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61–FW–80]

JET ROUTES

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Routes Nos. 75, 85 and 89 presently extend in part from the Miami, Fla., VOR via the intersection of the Miami 316° and the Gainesville, Fla., VOR 167° True radials to Gainesville. The Federal Aviation Agency has under consideration alteration of these jet routes as follows:

1. Redesignate the Miami-Gainesville segment of Jet Routes Nos. 85 and 89 from Miami, Fla., via the intersection of the Miami 316° and the Lakeland, Fla., 154° True radials; Lakeland; to Gainesville, Fla.

2. Redesignate the Miami-Gainesville segment of Jet Route No. 75 from Miami, Fla., via the intersection of the Miami 296° and the Lakeland, Fla., 174° True radials; Lakeland; to Gainesville, Fla.

These alterations would increase the air traffic flow capabilities into and from the Miami terminal area by providing an additional departure route for separating climbing and descending aircraft northwest of Miami. In addition, this alteration would realign these segments of Jet Routes Nos. 75, 85 and 89 to overlie the intermediate and low altitude route structures which would improve transition procedures in the Miami terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendement is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 17, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11164; Filed, Nov. 24, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 73]

[No. 3666; Order 49]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Certain Portable and Cargo Tanks; Hearing on Petitions

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 9th day of November A.D. 1961.

It appearing, that by an order dated October 30, 1961, the Commission, Division 3, granted the petitions of the National Tank Truck Carriers, Inc., and Phillips Petroleum Company insofar as they seek oral hearing respecting a proposal to amend the Commission's regulations governing the transportation of explosives and other dangerous articles by permitting the use of certain portable and cargo tanks having a minimum design pressure of 250 psig, for anhydrous ammonia;

It further appearing, that the above-entitled proceeding was assigned for hearing on December 11, 1961, at 9:30 o'clock a.m., United States Standard Time at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiners Henry J. Vinskey and Robert R. Boyd;

And it further appearing, that in order that a complete and informative record may be developed:

It is ordered, That the Bureau of Inquiry and Compliance be, and it is hereby, authorized and directed to participate as a party herein and to present evidence and make representations on the issues involved; and that notice hereof be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D.C., for public inspection, and by filing a copy with the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11178; Filed, Nov. 24, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

FEDERATION OF MALAYA

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of the Federation of Malaya, from which evidence it appears that the Federation of Malaya's social insurance or pension system does not provide for the payment of periodic benefits or their actuarial equivalent.

Accordingly, it is hereby determined and found that the Federation of Malaya does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

NOVEMBER 16, 1961.

Approved: November 20, 1961.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-11180; Filed, Nov. 24, 1961; 8:48 a.m.]

SINGAPORE

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Singapore, from which evidence it appears that Singapore does not have a social insurance or pension system of general application which pays periodic benefits or the actuarial equivalent thereof.

Accordingly, it is hereby determined and found that Singapore does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

NOVEMBER 16, 1961.

Approved: November 20, 1961.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-11161; Filed, Nov. 24, 1961; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY

Delegation of Authority

The Deputy Secretary of Defense approved the following on November 15, 1961: Settlement of Claims Under the Provisions of the Federal Tort Claims Act (28 U.S.C. 2671-2680) (Delegation to the Secretary of the Army).

Pursuant to the authority vested in the Secretary of Defense, any claims arising from acts of civilian employees of the Department of Defense components, exclusive of the Departments of the Army, Navy, and Air Force, which may be settled under the provisions of the Federal Tort Claims Act of June 25, 1948, as amended, may be settled retroactively to November 15, 1959, by any authorities appointed under the regulations of the Secretary of the Army to settle claims against that Service.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-11159; Filed, Nov. 24, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13196 (Agreement CAB 13700); Order E-17743]

MEMBERS OF NATIONAL AIR TAXI CONFERENCE, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of November 1961.

There has been filed with the Board for approval under section 412 of the Federal Aviation Act of 1958 (the Act), as amended, an agreement among various air taxi operators which establishes the by-laws of the National Air Taxi Conference, Inc. (NATC) and the code of operating practices and ethics by which the members of NATC agree to be bound.[1]

Briefly, the purposes of NATC are to promote, develop, and improve air taxi operations; to coordinate the service of its members with those of other air carriers; and to act as a trade association of its members and, as such, perform for its members those services which they can better perform as a group than individually. Membership of NATC consists of (1) regular members, which include qualified air taxi operators and certificated air carriers (both route and supplemental) having a fixed base division utilizing air taxi service aircraft units, and (2) associate members, which include persons or establishments, other than air carriers heretofore mentioned, engaged in pursuits related directly or indirectly to aeronautical activities. Regular members are required to hold valid air carrier operating certificates; to have available for their exclusive use at least two aircraft in the air taxi category, at least one of which shall be four-place or larger; to maintain adequate passenger waiting facilities where municipal facilities are not available, sufficient personnel, and hangar space adequate to store aircraft used in air taxi work; to have maintenance facilities or provide therefor; to file certain statistical reports; and to furnish the conference with a credit report prepared by a recognized credit rating institution which reflects at least "reasonable" economic strength and stability. In addition, any applicant for membership, its immediate predecessor, or one of its principal officers must have been engaged in the direct air transportation of passengers for hire for a period of three consecutive years, having derived a "substantial" portion of its business therefrom, and must agree to abide by the NATC code of operating practices and ethics.

The agreement further provides that all members shall be notified of the name and operating location of each new applicant; and that any "interested or affected" member may present to the conference secretary any information bearing on the application. When such information is presented, the applicant "shall also be afforded a similar opportunity."

Applicants for associate membership, as described above, must file an application of unspecified form or content with the executive secretary, accompanied by

[1] Although air taxi operators, pursuant to Part 298, of the Board's Economic Regulations, are exempt from section 412 of the Act, NATC has decided to seek approval of the agreement in the interest of obtaining antitrust immunity pursuant to section 414 of the Act.

a check covering contributions approved by the board of directors.

Consideration of new applicants is the responsibility of the NATC board of directors. The by-laws specifically provide that the board may not admit a new member where there is a certified member "located on the applicant's airport of domain" or the applicant's airport of domain has a branch of air taxi operated by a certified member, except that the board in its discretion may allow more than one operator to be based at an airport if it shall find, after notice to the existing member, that he is failing to provide a service that is within the public requirements for the area served. The executive secretary is required to keep complete records, including the minutes of meetings of the board of directors, on all membership applications, and to promptly notify interested parties in writing of any conference action regarding membership applications. Such written notice is required to contain a brief statement of the reasons for such conference action.

Subject to determination by the board of directors, membership in the conference may be terminated upon (1) failure to submit dues and contributions within a specified period,[2] (2) failure to maintain minimum requirements for membership, (3) failure to abide by the code of operating practices and ethics, and (4) engaging in conduct against the interests of the conference or any of its members.

Otherwise the by-laws set forth procedures relating to meetings of members,[3] the election of officers and directors, and their duties, the creation of certain committees, and the payment of fees, dues and contributions.

The code of operating practices and ethics sets forth standards relating to operations, employee conduct, passenger handling, airport facilities and safety by which the members agree to be bound.

Counsel for NATC has stated that the conference now has 155 members who operate from 172 locations throughout the United States; that the by-laws and code were adopted as a means of self-regulation and to attain a maximum degree of protection for the public; that because of the rigid membership standards it has not been possible to admit to membership all of the air taxi operators who apply; that NATC's membership requirements have been designed primarily for the protection and convenience of the traveling public; and that the operating efficiency of its members is due in part to the organization's efforts to "curtail wasteful and harmful competitive practices."

After examining the agreement, the Board has concluded that it is a cooperative working arrangement among air carriers affecting air transportation within the meaning of section 412(a) of the Act, and thus is subject to Board action if the parties to the agreement desire to be relieved from the operations of the antitrust laws pursuant to section 414 of the Act. In determining whether the agreement should be approved or disapproved under section 412(b) of the Act, the Board must determine whether it is adverse to the public interest or in violation of the Act. Among the criteria of public interest are those enumerated in section 102 of the Act. In addition, in determining whether a particular agreement should be approved under section 412, the Board must take into consideration applicable antitrust laws and consider the agreement's probable impact on the air transportation system as a whole.

The Board has further concluded that the agreement embodies certain matters which may be repugnant to established antitrust principles. The first problem arises with respect to the provision that in considering applications for membership in the conference, the board of directors may not admit an applicant if there is a certified member located on the applicant's airport of domain or if the applicant's airport of domain has a branch of air taxi operated by a certified member, except that the board of directors in its discretion may allow more than one operator to be based at an airport if it shall find after notice to the existing member that he is failing to provide service that is within the public requirements.

As stated above, NATC's membership consists of 155 air taxi operators who operate from 172 locations throughout the United States. Federal Aviation Agency records, as of July 1, 1961, show that 2,695 authorizations have been issued to air taxi operators, 1,667 of which are for single-engine operations, 914 for multi-engine operations, and 114 for helicopter operations. Thus, the membership of NATC is comprised of but a small minority of the authorized air taxi operators. Nevertheless, to the Board's knowledge, NATC is the only organization of air taxi operators in existence, and the purposes of this organization, as discussed above, are not insignificant. Illustrative of NATC's dominant position in the air taxi field is the fact that the members of NATC are parties to an agreement with the members of the Air Traffic Conference of America (ATC)[4] pursuant to which the ATC members agree, subject to various terms and conditions, to cooperate with the NATC members to provide nationwide air service to communities not served directly by any of the ATC members. Thus NATC members are placed in a preferred position with respect to traffic destined to or from points served by the certificated route air carriers. The exclusionary provisions of the NATC by-laws therefore appears to preclude non-NATC members from a substantial segment of the traffic desiring to utilize air taxi service. The Board therefore tentatively finds that the provision is adverse to the public interest and in violation of the Act.

The second question raised by the instant agreement goes to the matter of termination of membership in the organization. As noted above, the bylaws provide that, as determined by the board of directors, membership in the conference shall cease upon, inter alia, a member's engaging in conduct against the interests of the conference or any of its members. This provision is so broad and indefinite as to be susceptible to arbitrary and non-uniform application. For example, the provision might be interpreted in such manner as to cause cancellation of an operator which engages in normal competitive practices "against the interests" of another member operator. The Board therefore tentatively finds that such provision is adverse to the public interest and in violation of the Act.[5]

An additional problem arises with respect to the provision that all members of the conference shall be notified of the name and operating location of new applicants, that any interested or affected member will be afforded an opportunity to present information bearing on an application for membership, and that if any member elects to avail himself of the opportunity to present information to the board of directors, the applicant shall be afforded a similar opportunity. Where a member presents information in opposition to a new applicant, it is unclear whether the applicant would receive a copy of such presentation. Since this procedure, as presently expressed could unduly restrict membership in the conference, the Board believes that the provision may be adverse to the public interest.

We turn now to the matter of associate membership in NATC. Counsel for the conference advises that it has no associate members at present and has had none in the past. Nevertheless, the Board believes that acceptance by the air carrier members of non-air taxi operator members, which the Board has no power to regulate, may create difficulties unforeseeable at this time since the Board is unaware of the types of companies which may fall within this category of membership. Therefore, the Board tentatively finds that associate members should not be accepted by NATC without prior Board approval.

Except for the foregoing, the Board tentatively finds that the agreement is not adverse to the public interest or in violation of the Act. However, the Board deems it necessary that any approval of the agreement include a condition that the minutes maintained by the NATC board of directors of its meetings at which present or future members' qualifications for membership are considered or reconsidered contain a full statement of every basis for the findings with respect to each element of the standards of qualification with a summary of the supporting evidence and record of the votes of each member. The Board believes that such minutes should be available for its inspection, and that files should be maintained of any material considered by the board of directors directly or indirectly in making its decision. The Board also believes that any order of approval of the instant agreement itself should not extend to any resolution of NATC or any other actions taken by its members through NATC falling within the scope of section 412 of the Act.

On the basis of the foregoing, the Board tentatively finds that the agreement is not adverse to the public interest or in violation of the Act, and should be approved if such approval is made subject to the conditions set forth below. However, before issuing a final order of approval herein, the Board will direct the members of NATC and any other interested persons to show cause why the agreement should not be approved under section 412 subject to the conditions specified hereinafter.

Accordingly, it is ordered:

1. That a copy of this order be served upon the members of NATC;

2. That the members of NATC[6] and any other interested persons be and they hereby are directed to show cause why Agreement CAB 13700 should not be approved subject to the following conditions:[7]

a. That the existence of a certified member or a branch of a certified member at an applicant's airport of domain shall not be considered a criterion bearing on the admission of an applicant for membership in NATC;

b. That no person shall have his membership in NATC terminated for engaging in reasonable competitive practices against the interests of any other NATC member;

c. That in instances where an NATC member presents information in opposition to a new member applicant, the applicant shall be served a copy of such information and afforded an opportunity to comment thereon;

d. That NATC shall not accept associate members into its organization except upon prior approval of the Board;

e. That the NATC board of directors shall maintain minutes of its meetings where existing members' and new applicants' qualifications are considered or reconsidered, containing a full statement of every basis for the findings with respect to each element of the standards of qualification, with a summary of the supporting evidence and record of the votes of each member; make such minutes available to the Board for inspection upon request; and maintain files of any material considered by the board of directors directly or indirectly in making its decision;

f. That the Board's approval of the agreement shall not extend to any resolution of the members of NATC or other action taken by such members through NATC falling within the scope of section 412 of the Act.

3. That if there is any objection to the tentative findings herein, written answer and supporting documents must be filed within 30 days after the date of service of this order.[8]

4. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-11186; Filed, Nov. 24, 1961; 8:50 a.m.]

[2] Annual dues for regular membership are an amount to be determined by conference resolution for each such period. Where a member operates one or more branches; the annual dues apply to each branch of such member. The Board desires that the conference resolution(s) establishing annual dues be submitted.

[3] Five or more of the regular members represented in person shall be a quorum for any and all purposes.

[4] Agreement CAB 5064, dated December 5, 1950, as amended, superseded by Agreement CAB 8308, effective January 1, 1954, approved by Orders E-6404, dated May 7, 1952, and E-8906, dated January 21, 1955, respectively.

[5] The Board has also noted that a membership applicant must show at least "reasonable" economic strength and stability and must have derived a "substantial" portion of its business from the direct air transportation of passengers for hire. These provisions also appear to be broad and indefinite and therefore susceptible to arbitrary and non-uniform application. The Board, therefore, believes that these standards might be defined more objectively. Thus, the Board believes it to be desirable that NATC submit a statement setting forth the criteria considered in determining these standards.

[6] It should be noted that further revision of the by-laws to comply with the requirements of Part 263 of the Board's Economic Regulations will be necessary should NATC itself desire to participate in this proceeding.

[7] Subject to the information received in response to the comments set forth in footnotes 2 and 5 above, the Board may decide that its action on the agreement should contain further conditions.

[8] Such comments shall conform with the general requirements of the Board's Rules of Practice in Economic Proceedings.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13205 etc.; FCC 61-1362]

FRANCIS M. FITZGERALD ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Francis M. Fitzgerald, Greensboro, North Carolina, requests 1510 kc, 1 kw, (250 w-CH), Day, Docket No. 13205, File No. BP-13979; Ralph D. Epperson and Earlene S. Epperson, d/b as Frederick County Broadcasters, Winchester, Virginia, requests 1480 kc, 500 w, DA, Day, Docket No. 13624, File No. BP-12531; John Laurino, tr/as Virginia Regional Broadcasters, Chester, Virginia, requests 1410 kc, 5 kw, Day, Docket No. 14382, File No. BP-13752; Stuart W. Epperson, Wakefield, Virginia, requests 1410 kc, 1 kw, Day, Docket No. 14383, File No. BP-13754; York-Clover Broadcasting Company, Incorporated (WYCL), York, South Carolina, has 1580 kc, 250 w, Day, requests 1540 kc, 1 kw, Day, Docket No. 14384, File No. BP-13898; Harry A. Epperson, Jr., Mt. Holly, North Carolina, requests 1520 kc, 10 kw, (1 kw-CH), Day, Docket No. 14385, File No. BP-14203; Boyce J. Hanna, East Gastonia, North Carolina, requests 1510 kc, 5 kw, (500 w-CH), Day, Docket No. 14386, File No. BP-14237; John Blake, James H. Lee and James W. Harman, Jr., d/b as Lee-Blake Broadcasting Company, Spartanburg, South Carolina, request 1520 kc, 1 kw, Day, Docket No. 14387, File No. BP-14242; Wilkes Broadcasting Company, Mocksville, North Carolina, requests 1520 kc, 5 kw, (1 kw-CH), Day, Docket No. 14388, Fil No. BP-14288; E. Raymond Parker, Gaffney, South Carolina, requests 1500 kc, 1 kw, (250 w-CH), Day, Docket No. 14389, File No. BP-14301; Risden Allen Lyon, Charlotte, North Carolina, requests 1540 kc, 1 kw, Day, Docket No. 14390, File No. BP-14661; Stuart W. Epperson, Winston-Salem, North Carolina, requests 1500 kc, 1 kw, DA-D, Docket No. 14391, File No. BP-14909; James P. Poston, Kernersville, North Carolina, requests 1510 kc, 1 kw, (250 w-CH), Day, Docket No. 14392, File No. BP-14918; for construction permits.

1. The Commission has before it for consideration the above-captioned and described applications, twelve seeking authorizations for new standard broadcast stations and the thirteenth requesting a major change in the facilities of Station WYCL, York, South Carolina. The above-captioned applications are divided into the following three distinct groups on the basis of the different frequencies requested:

Group A—the application requesting 1480 kilocycles:

BP-12531, Frederick County Broadcasters.

Group B—two applications requesting 1410 kilocycles:

BP-13752, Virginia Regional Broadcasters.
BP-13754, Stuart W. Epperson.

Group C—ten applications interlinked by interference problems requesting operations on 1500, 1510, 1520 and 1540 kilocycles:

BP-13979, Francis M. Fitzgerald.
BP-13898, York-Clover Broadcasting Company, Incorporated (WYCL).
BP-14203, Harry A. Epperson, Jr.
BP-14237, Boyce J. Hanna.
BP-14242, Lee-Blake Broadcasting Co.
BP-14288, Wilkes Broadcasting Co.
BP-14301, E. Raymond Parker.
BP-14661, Risden Allen Lyon.
BP-14909, Stuart W. Epperson.
BP-14918, James P. Poston.

The Epperson applications. 2. Concurrent consideration of these otherwise diverse groups is required by reason of a common multiple ownership question pertaining to four of the thirteen applications—one or more in each subgroup—which have been filed by members of the immediate Epperson family. The immediate Epperson family (composed of Harry A. Epperson, Sr. and his three sons, Harry A., Jr., Ralph, and Stuart) have aditional standard broadcast interests as shown below:

Individual	Percent ownership	Call	Location	Power	Frequency
Harry A. Epperson, Sr.	100	WBRG	Lynchburg, Va.	5 kw	1050 kc.
	100	WPNC	Plymouth, N.C.	1 kw	1470 kc.
	100	WLES	Lawrenceville, Va.	500 w	580 kc.
	100	WRAA	Luray, Va.	1 kw	1330 kc.
	100	WPVA	Petersburg-Colonial Heights, Va.	5 kw	1290 kc.
Harry A. Epperson, Jr.	100	WLLY	Wilson, N.C.	1 kw	1350 kc.
Stuart W. Epperson	100	WKBA	Vinton, Va.	1 kw	1550 kc.
	100	WPAQ	Mt. Airy, N.C.	10 kw	740 kc.
Ralph Epperson	(*)	WPMH	Portsmouth, Va.	5 kw	1010 kc.

*Ralph Epperson and his wife, Earlene Epperson, have entered into a merger agreement whereby they will acquire 50 percent of a new corporate licensee of WPMH. The other 50 percent will be owned by D. D. Cameron, to whom the CP for WPMH was granted upon approval by the Commission of the aforementioned merger agreement. An application (File No. BAP-555) for Commission consent to an assignment of the license of WPMH which will permit a consummation of the merger agreement was filed on October 20, 1961.

3. All existing stations and pending applications owned by the Epperson family are in Virginia and North Carolina in a roughly triangular area bounded to the North by Winchester, Virginia; to the Southwest by Mt. Holly, North Carolina, and to the Southeast by Plymouth, North Carolina. The longest side of this triangle, running Northeastward from Mt. Holly, North Carolina to Winchester, Virginia, is approximately 325 miles long. On the basis of these extensive family holdings within a relatively limited area, a substantial question obtains as to whether a grant of one or more of the four subject Epperson applications would result in a concentration of control of standard broadcasting in a manner inconsistent with the public interest, convenience, or necessity, in contravention of § 3.35(b) of the Commission's rules.

4. In addition, the Commission notes that: (a) The entire normally protected service area of Stuart W. Epperson's subject proposal for Winston-Salem, North Carolina would lie within the normally protected service area of Station WPAQ, Mt. Airy, North Carolina, owned by Ralph Epperson; and (b) a substantial overlap of primary service areas would occur between Stuart W. Epperson's proposal for Wakefield, Virginia and Station WPVA, Colonial Heights-Petersburg, Virginia, owned by Harry A. Epperson, Jr. Moreover, substantial overlap would occur between the Stuart Epperson Wakefield proposal and Station WPMH, Portsmouth, Virginia, 50 percent of which is to be acquired by Ralph and Earlene Epperson under the terms of the outstanding merger agreement noted above. In view of these facts, a substantial question obtains as to whether a grant of either subject application of Stuart W. Epperson would be in contravention of § 3.35(a) of the Commission's rules.

5. The Commission is of the opinion that the necessary evidentiary determinations with regard to these questions may most expeditiously be made through concurrent consideration of the four above-captioned Epperson applications. Accordingly, pursuant to § 1.106(a)(1) of the Commissions Rules, the Epperson applications—and other timely filed applications involving interference with an Epperson application—will be consolidated in a single hearing proceeding. In addition to the application for a new standard broadcast station at Mt. Holly, North Carolina (BP-14203), Harry A. Epperson, Jr. has on file an application (BP-14985), for a construction permit for a new standard broadcast station to operate on 1280 kilocycles with a power of one kilowatt, daytime only, at Staunton, Virginia. The Staunton proposal is not being included in the hearing ordered below, but will be considered by the Commission in the light of the determination with respect to the Epperson applications presently under consideration.

6. In considering the Epperson applications and § 3.35 of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved (if any); the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; the relationship of the various members of the Epperson family with respect to their broadcast and other business interests; and such other factors as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

The two 1410 kc applications. 7. Apart from multiple ownership problems involving Stuart W. Epperson, the following matters must be considered in connection with issues involving the two 1410 kc applications:

(A) The two proposed operations, approximately 35 miles apart, would involve mutually destructive interference.

(B) John Laurino, individual applicant in BP-13752, is also owner of a 50 percent interest in Station WDYL, Ashland, Virginia, 27 miles from the site of his subject proposal for Chester, Virginia. Substantial overlap of primary service contours would occur between the subject proposal and WDYL and, for this reason, a substantial question exists as to whether a grant of the subject proposal would result in contravention of § 3.35(a) of the Commission's rules. Consideration of the factors noted in paragraph 6, supra, will be equally appropriate in determining whether the Laurino proposal would be in contravention of § 3.35(a).

The ten 1500 kc-1540 kc applications. 8. Apart from multiple ownership problems involving Stuart W. Epperson and Harry A. Epperson, Jr., the following matters must be considered in connection with issues involving the ten 1500 kc-1540 kc applications:

(A) The applications involve varying degrees of interlinking interference, of sufficient extent to require consolidated consideration.

(B) The proposed operation of Francis M. Fitzgerald would involve slight mutual interference with the proposed operation of WIDU Broadcasting, Inc., File No. BP-14348. However, the interference involved will render neither application in violation of any Commission rule and therefore, the WIDU application will not be consolidated herein. Any grant of the subject Fitzgerald application will be conditioned upon acceptance of interference caused by the WIDU proposal.

(C) Similarly, the subject application of Risden Allen Lyon would involve slight mutual interference, with the application of Tri-County Broadcasting Company, Inc., BP-14789, to increase the power of Station WIFM, Elkin, North Carolina. For identical reasons to those set forth in the preceding paragraph, the WIFM application will not be consolidated herein and any grant of the Lyon application will be appropriately conditioned.

(D) It cannot be determined, on the basis of information submitted, that the following applicants are financially qualified to construct and operate their subject proposals:

(1) *Harry A. Epperson, Jr. (BP-14203).* Funds of approximately $34,677 are needed to cover the down payment on the equipment, building, miscellaneous expenses and three months working capital. However, Mr. Epperson's balance sheet shows cash of only $19,000 less current liabilities of approximately $2000 and the current amount payable on equipment, total of which is $4173. Mr. Epperson, Jr. also has an application, BP-14985, on file for a new station at Staunton, Virginia, which is estimated to require $21,003.

(2) *Boyce J. Hanna (BP-14237).* Funds of approximately $20,203 are required to cover the down payment on equipment, building, miscellaneous expense and three months working capital. However, Mr. Hanna's balance sheet shows liquid assets including only cash of $750 and Insurance and Savings of $2875, a total of $3625. Current accounts payable are shown as $3105 and additional liabilities, not segregated to show amounts payable within one year, include a bank note of $2100 and a Deed of Trust of $5534.

(3) *Lee-Blake Broadcasting Company (BP-14242).* The applicant is a partnership composed of three persons: J. H. Lee (49 percent), John Blake (49 percent), and James W. Harman, Jr. (2 percent). Funds of approximately $22,910 are needed to cover the estimated cost of the station plus three months working capital, and each partner has agreed to contribute partnership capital in his proportionate share. Accordingly, partner Lee needs $11,225. However, Lee's balance sheet shows cash of only $2000 less his bank note for $1027. Blake has agreed to loan Lee funds, if necessary, but, since the maximum loan proposed is only $6000, Lee appears to lack adequate funds to meet his commitment.

(4) *Risden Allen Lyon (BP-14661).* Mr. Lyon appears to rely solely upon a bank loan commitment of $30,000 to meet the proposed costs of construction and initial operation of his proposed facility, amounting to $28,583. However, the bank loan commitment submitted fails to show the terms of repayment or security, if any, as required by Section III, Paragraph 4(h) of the application form, and is signed only by the Cashier of the bank proposing to furnish funds.

(5) *Stuart W. Epperson (BP-14909).* Funds of approximately $16,612 are needed to cover the down payment on equipment, miscellaneous expenses and three months working capital. In addition, plans are to lease land and buildings, but no information concerning costs in this connection has been furnished. Applicant's balance sheet as of April 30, 1961, fails to show any cash or liquid assets available. As noted, Stuart W. Epperson has a second application pending for Wakefield, Virginia, BP-13754, which has been consolidated in this proceeding. The Wakefield proposal is to be financed by manufacturer's deferred credit and a $10,000 bank loan secured by a note signed by Harry A. Epperson, Sr. Stuart W. Epperson appears to be financially qualified to construct and operate the Wakefield proposal.

(E) In addition to § 3.35 questions with regard to the Epperson applications, the following applications in the 1500–1540 kc group involve substantial multiple ownership questions. (Consideration of the factors noted in paragraph 6, supra, will be equally appropriate in each case below).

(1) Boyce J. Hanna, individual applicant in BP-14237, for East Gastonia, North Carolina, owns a two-thirds interest in Station WADA, Shelby, North Carolina, approximately 25 miles away. Substantial overlap of primary service contours would occur, to the extent that the major portion of the WADA normally protected service contour would lie within the normally protected service contour of the proposed East Gastonia operation. A substantial question obtains as to whether a grant of the subject proposal would result in contravention of § 3.35(a) of the Commission's rules.

(2) Wilkes Broadcasting Company, applicant for a new station at Mocksville, North Carolina, BP-14288, is also licensee of WKBC, North Wilkesboro, North Carolina and WATA, Boone, North Carolina, approximately 35 and 65 miles, respectively, from the site of the Mocksville proposal. Additionally, Robert B. Brown, vice-president of Wilkes Broadcasting Company and son of Doris B. Brown, president and 50 percent stockholder of Wilkes Broadcasting Company, is permittee of a new station at Taylorsville, North Carolina, said permit having been granted October 31, 1961. Taylorsville is aproximately 35 miles from the site of the subject application. In view of the substantial overlap of primary service contours which would exist between Station WKBC and the subject proposal, and in view of the relatively high concentration of co-owned stations which would occur within a limited area of North Carolina, a substantial question obtains as to whether a grant of the subject Mocksville proposal would result in contravention of § 3.35 (a) or (b) of the Commission's rules.

(3) James P. Poston, applicant for a new standard broadcast station at Kernersville, North Carolina, BP-14918, is also president and 25 percent stockholder in the corporate licensee of Station WNOH, Raleigh, North Carolina, and general manager for the Inter-City Advertising Company of Charlotte, N.C., Inc., licensee of Station WAYS of Charlotte, North Carolina, of which the vice-president, secretary and one-third stockholder is Harold H. Thoms. Harold H. Thoms, Meredith S. Thoms, his wife, and Matilann S. Thoms Gennett, his daughter, are the stockholders in the corporate licensee of standard broadcast station WCOG, Greensboro, North Carolina, which is approximately 13 miles from Kernersville. Mr. Poston's application also indicates that he is vice-president of Thoms Radio & TV Enterprises, a sales agency. However, Mr. Poston's application does not disclose the principal place of business of Thoms Radio & TV Enterprises, the names of other persons with whom Mr. Poston is associated in said company, or whether Harold H. Thoms has any connection with Thoms Radio & TV Enterprises. Therefore, a determination must be made concerning the persons with whom Mr. Poston is associated in Thoms Radio & TV Enterprises, the nature of Mr. Poston's business relations with Harold H. Thoms and, in the light of these determinations, whether a grant of Mr. Poston's application would be consistent with the provisions of § 3.35 of the Commission's rules and its policies promulgated thereunder.

(F) John Blake holds a 49 percent partnership interest in Lee-Blake Broadcasting Company, applicant in BP-14242, for Spartanburg, South Carolina. Since 1948 Mr. Blake has acquired, and sold, controlling interests in six standard broadcast stations in Texas, Missouri and New Mexico, these stations having been held by Mr. Blake for periods of one to four years prior to sale. In view of these facts, a substantial question obtains as to whether Mr. Blake's past conduct as a licensee has been consistent with the Commission's policy against "trafficking" in broadcast licenses and construction permits.

(G) Boyce J. Hanna, individual applicant in BP-14237, for East Gastonia, North Carolina, has indicated that his proposed program week will include 0.86 percent Educational programs, 0.36 percent Discussion, and no Talk programs. Mr. Hanna proposes to broadcast 1200 commercial spot announcements and 600 noncommercial spot announcements each 70 hour broadcast week, an average of approximately 17 commercial spot announcements or 26 total spot announcements per hour. Mr. Hanna states that commercial announcements will not exceed 90 seconds in length and will be "limited" to a maximum of 24 within a 60 minute period. In view of the program proposals noted, it cannot be determined without further evidentiary proceedings that the applicant has taken sufficient steps to ascertain community programming needs and has planned adequately to meet these needs.

(H) All other issues with regard to 1,500–1,540 kc group are self-explanatory.

9. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether a grant of any one or more of the four subject applications filed by members of the Epperson family would be in contravention of § 3.35(b) of the Commission's rules.

(2) To determine whether a grant of either or both of the two subject applications filed by Stuart W. Epperson would be in contravention of § 3.35(a) of the Commission's rules.

(3) To determine the areas and populations which would receive primary service from each of the subject applications for new stations, and the availability of other primary service to such areas and populations.

(4) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WYCL and the availability of other primary service to such areas and populations.

(5) To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

(6) To determine whether the proposed operation of Boyce J. Hanna would result in radiation toward the 0.1 mv/m contour of Station WLAC, Nashville, Tennessee, which would be excessive, during critical hours, pursuant to § 3.187 of the Commission's rules.

(7) To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected

primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

(8) To determine whether a grant of the instant proposals of Boyce J. Hanna or of John Laurino would be in contravention of § 3.35(a) of the Commission's rules.

(9) To determine whether a grant of the instant proposal of Wilkes Broadcasting Company would be in contravention of § 3.35 (a) or (b) of the Commission's rules.

(10) To determine whether a grant of the application of James P. Poston would be consistent with the provisions of § 3.35 of the Commission's rules and its policies promulgated thereunder, particularly with respect to its policy of requiring open, arms-length competition among broadcast stations in the same broadcast services serving substantially the same area.

(11) To determine whether the following subject applicants are financially qualified to construct and operate their proposed stations:

(a) Harry A. Epperson, Jr. (BP–14203).
(b) Stuart W. Epperson (BP–14909 only).
(c) Boyce J. Hanna (BP–14237).
(d) Lee-Blake Broadcasting Company (BP–14242).
(e) Risden Allen Lyon (BP–14661).

(12) To determine the efforts made by Boyce J. Hanna to ascertain the programming needs and interests of the area he proposes to serve and the manner in which the applicant proposes to meet such needs and interests.

(13) To determine whether the past broadcast activities of John Blake indicate a pattern of "trafficking" in broadcast licenses and construction permits and, if so, to determine whether Lee-Blake Broadcasting Company possesses the necessary qualifications to become a Commission licensee.

(14) To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposals of Harry A. Epperson, Jr., BP–14203, and Risden Allen Lyon, BP–14661, in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

(15) To determine, in the event it is concluded that East Gastonia, North Carolina is a separate community from Gastonia, North Carolina for the purposes of section 307(b) of the Communications Act of 1934, as amended, the type and character of the programming service now available to East Gastonia from licensed standard broadcast stations in Gastonia, and whether the programming needs of East Gastonia are met by such programming.

(16) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals seeking operation on 1410 kc would better provide a fair, efficient and equitable distribution of radio service.

(17) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals seeking operation on 1500 kc, 1510 kc, 1520 kc, and 1540 kc would best provide a fair, efficient and equitable distribution of radio service.

(18) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That WLAC, Inc., licensee of Station WLAC, Nashville, Tennessee, is made a party to the proceeding.

It is further ordered, That any grant of the subject application of Francis M. Fitzgerald will be conditioned upon the permittee's acceptance of any interference received as a result of a subsequent grant of the application (BP–14348) of WIDU Broadcasting Company.

It is further ordered, That any grant of the subject application of Risden Allen Lyon will be conditioned upon the permittee's acceptance of any interference received as a result of a subsequent grant of the application (BP–14789) of Tri-County Broadcasting Company, Inc.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, (either individually or, if feasible, jointly) and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules. Such notice shall be given within the time and in the manner prescribed in the rule, except that the provisions of § 1.362(e) shall apply only to the extent that each applicant must publish:

(1) The name of the applicant publishing notice and the fact that the applicant has been designated for consolidated hearing with other applicants.

(2) The call letters, if any, of the publishing applicant and the frequency on which the station is operating or proposes to operate.

(3) The time and place of the hearing.

(4) All issues in this order specifically applicable to the publishing applicant, provided that all applicants herein designated for hearing shall publish Issues 5, 7, and 18.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: November 15, 1961.

Released: November 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11198; Filed, Nov. 24, 1961; 8:53 a.m.]

[Docket Nos. 14394, 14395; FCC 61–1367]

FLOWER CITY TELEVISION CORP. AND GENESSEE VALLEY TELEVISION CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT–2939; Genesee Valley Television Co., Inc., Rochester, New York, Docket No. 14395, File No. BPCT–2944; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 15th day of November 1961;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 13, assigned to Rochester, New York; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by both of the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine on a comparative basis, which of the above-captioned applications would best serve the public interest, convenience and necessity; and

It further appearing, that there are also pending applications by Rochester Area Educational Television Association, Inc. (BPCT–2943), Star Television, Inc. (BPCT–2948), Community Broadcasting, Inc. (BPCT–2953), Citizen's Television Corp. (BPCT–2967), Federal Broadcasting System, Inc. (BPCT–2966), Heritage Radio and Television Broadcasting Co. (BPCT–2961), Ivy Broadcasting Company, Inc. (BPCT), Main Broadcast Co. (BPCT–2964), and Rochester Broadcasting Corporation (BPCT–2972), which also request construction permits for new television broadcast stations to operate on Channel 13 in Rochester, New York; that these applications are mutually exclusive with the above-captioned applications; that inasmuch as these applications, or major amendments thereto, have not been on file for thirty days since public notice of acceptance for filing, the applications will not be designated for hearing at this time but will be consolidated after such time as the thirty day period will have run; and that all other applications which were filed before 5:00 p.m., November 14, 1961 and

are entitled to comparative consideration with the above-captioned applications, will also be consolidated in the instant hearing in a subsequent order; and

It further appearing, that the above-captioned applications propose antenna locations in the vicinity of the antennas of standard broadcast stations WBBF, WVET, WHEC and WSAY; that the installation and operation of the television antennas as proposed are possible and feasible without adversely affecting the ability of stations WBBF, WVET, WHEC, and WSAY to operate in accordance with the terms of their licenses, but that appropriate proof thereof should be submitted after installation of either of the proposed antennas; and that a grant, if made, of either of the above-captioned applications should be subject to a condition in this respect as follows:

The construction authorized herein is subject to the condition that the ability of standard broadcast stations WBBF, WVET, WHEC and WSAY to operate in accordance with the terms of their licenses shall not be adversely affected thereby, particularly with respect to their radiation patterns, and that at least five field intensity measurements on each radial established during the last proof of performance for each of these standard broadcast stations shall be submitted with the television application for license to prove that such patterns have not been materially affected.

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that Flower City Television Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station and that Genesee Valley Television Co., Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television station.

(c) The programming service proposed in each of the above-captioned applications.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the provisions of section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.632(b) of the Commission's rules with respect to the notice of hearing shall be suspended until such time as the Commission issues a subsequent order consolidating all parties and specifying all other issues.

Released: November 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11199; Filed, Nov. 24, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61–234 etc.]

MONTANA–DAKOTA UTILITIES CO. ET AL.

Notice of Postponement of Hearing

NOVEMBER 17, 1961.

Montana-Dakota Utilities Co., Docket Nos. CP61–234, CP61–297; Amerada Petroleum Corporation, Docket No. CI61–1133; Signal Oil and Gas Co., Docket No. CI61–1271; Lyda Hunt-Herbert Trusts, et al., Docket No. CI61–1621; The TXL Oil Corporation, Docket No. CI61–1687; Continental Oil Co., Operator, et al., Docket No. G–14440.

Upon consideration of the motion filed November 13, 1961 by Amerada Petroleum Corporation and telegraphic requests of other parties for postponement of time to present evidence in the above-designated matters and answer of Staff Counsel to said motion;

Notice is hereby given that the hearing scheduled to commence on November 27, 1961 is hereby postponed to December 12, 1961, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11165; Filed, Nov. 24, 1961; 8:46 a.m.]

[Docket No. RI60–43]

S. T. CONSTANTINE, ET AL.[1]

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 17, 1961.

On October 20, 1961, S. T. Constantine (Operator), et al., tendered for filing Supplement No. 2 (consisting of three ratification agreements dated July 6, 1960 of three nonoperators under his contract dated February 4, 1959, as amended) to his FPC Gas Rate Schedule No. 1. The rate schedule is involved in a suspension proceeding in Docket No. RI60–43, and is a result of a renegotiated increase with El Paso Natural Gas Company, in return for elimination of a favored-nation clause. Constantine requests that the three ratifications be accepted for filing in such a manner that the three non-operators may be entitled to the renegotiated increase, subject to refund, as of July 6, 1960.

Constantine proposes a change in the presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission, so as to increase the presently effective rate of 9.5¢ per Mcf to 14.69578¢ per Mcf for natural gas produced in the Noelke Field, Crockett County, Texas, R.R. District No. 7–c, and sold to El Paso Natural Gas Company.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed change and that the above-designated rate supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, the above-designated supplement is hereby suspended for one day from November 20, 1961, the date of expiration of statutory notice and the use thereof deferred until November 21, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 2 to Constantine's FPC Gas Rate Schedule No. 1 shall become effective subject to

[1] Address is: 229 Central Building, Midland, Tex.

refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Constantine shall execute and file under the above-designated docket number with the Secretary of the Commission an agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved. Unless Constantine is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 2, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11166; Filed, Nov. 24, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

NOVEMBER 17, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 20, 1961, to November 29, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11167; Filed, Nov. 24, 1961; 8:47 a.m.]

[File No. 812-1435]

NORSE-AM. FINANCIAL CORP.

Filing of Application for Exemption Order

NOVEMBER 17, 1961.

Notice is hereby given that Norse-Am. Financial Corporation ("Applicant"), Hicksville, New York, a corporation organized under the laws of New York, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order of the Commission exempting it from all the provisions of the Act.

The application makes the following representations:

Applicant, a wholly owned subsidary of Bergens Privatbank ("Bank"), a Norwegian banking corporation, was organized on August 4, 1961. Applicant states that all its voting securities will will continue to be owned by the Bank and that it has not made and has no intention of making any public offering of its securities in the United States.

In the course of its banking business the Bank has arranged to borrow, through Applicant, from a life insurance company in the United States ("Insurance Company") the sum of $1,500,000 to be re-loaned to one of the Bank's customers, a Norwegian municipality. The arrangement with the Insurance Company is that the borrower be a domestic corporation.

The transaction will be effected by causing Applicant to issue and deliver to the Insurance Company its notes, guaranteed by the Bank, in the aggregate principal amount of $1,500,000 maturing serially at terms of from six to ten years. The proceeds of the sale of such notes, less a discount for expenses, will be loaned by the Bank to said Norwegian municipality. The obligations of said municipality evidencing such loans will contain terms corresponding to those in Applicant's notes in respect of interest, maturity and prepayment. The obligations issued by the municipality will be pledged by Applicant to the Insurance Company as security for the notes sold to it by Applicant, together with additional collateral having a market value equal to 25 percent of the face amount of the loan. This collateral will either be transferred by the Bank to Applicant in exchange for stock or notes of Applicant or purchased by Applicant with funds supplied by the Bank. If any of this additional collateral is withdrawn as the amount of the loan is reduced, Applicant plans to use it as collateral for further similar financing or sell it and repay the Bank out of the proceeds. Applicant represents that its sole purpose in acquiring said additional collateral is to provide the additional margin of security called for under the loan agreement and not for the purpose of realizing any profit by trading in such securities or from the receipt of income thereon.

Applicant intends to engage in similar long term debt financing to an aggregate of $10,000,000, which is less than 6 percent of the Bank's total present volume of loans and discounts. Any such additional financing will be obtained only from the same Insurance Company, other insurance companies or from banks, pension funds and similar institutional lenders. Applicant represents that the pattern of the financing will be similar since Applicant will borrow from the institutional lender; the Bank will, if required, guarantee each loan; the net proceeds of each loan will be used to purchase from the Bank debt securities of a customer of the Bank; the Norwegian recipients of the funds borrowed will be municipalities, instrumentalities thereof, or business corporations considered by the Bank to be prime credit risks; and the securities of the recipient will be pledged to secure Applicant's notes.

Applicant, relying on the above representations, states that it will be merely a debt-financing entity for the Bank in obtaining long-term loans for the Bank's customers in Norway from institutional investors in the United States.

Applicant also points out that there is no significant United States investor interest in Applicant or the Bank; and that no public distribution in the United States of any securities issued by Applicant or the Bank has been made or is intended.

The Bank operates in Norway, where it carriers on a general commercial banking business, including the making of loans and receipt of deposits. Its total assets as of July 31, 1961 included loans and discounts of approximately $168,000,000. Its outstanding share capital is in excess of $5,000,000.

As of December 31, 1960 the Bank had approximately 6,000 shareholders of record. As of September 8, 1961 there were forty-five shareholders of record whose addresses, whether temporary or permanent, were in the United States, whose holdings represent 0.41 percent of the Bank's total shares outstanding. Norwegian law requires that at least ninety percent of the shares of the Bank be owned by resident citizens of Norway. Further, no shares of the Bank may be transferred without the consent of the board of directors of the Bank.

Applicant has submitted the following as appropriate conditions to any order of exemption: (1) that Applicant give prior notification to the Commission of the issuance by it of any securities (other than short term paper) to any person other than the Bank, and of any proposed transfer by the Bank of its shares in Applicant; (2) that Applicant, within ninety days of the close of each fiscal year, file with the Commission a copy of its balance sheet and income statement for such fiscal year; (3) that Applicant, within ninety days of the close of the Bank's fiscal year, file with the Commission a copy of the Bank's annual report to its stockholders, and a statement so far as is known to it or the Bank, of the number of shareholders of record with addresses in the United States and the aggregate number of shares owned by such persons; and (4) that Applicant give prior notification to the Commission of any proposed public distribution in the United States by the Bank of any security of which the Bank is the issuer.

Generally speaking, section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 4, 1961 at 5:30 p.m., e.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11168; Filed, Nov. 24, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

DISTRIBUTORS STOCKS OF CANNED FOOD

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is planning to conduct its usual annual survey of inventories covering 29 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1961, under the provisions of the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multi-unit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multi-unit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger."

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 61-11189; Filed, Nov. 24, 1961; 8:51 a.m.]

Office of Export Control

[File 23-674]

S. R. TIPPETT & CO., LTD.

Order Denying Export Privileges for An Indefinite Period

The Investigation Staff of the Bureau of International Programs, United States Department of Commerce, is conducting an investigation into the facts surrounding the exportation from the United States of substantial quantities of U.S. origin automotive parts and equipment, the persons who participated therein, the ultimate receiver thereof, and their ultimate destination. It has applied for an order denying to the respondent, S.R. Tippett & Co. Ltd., London, England, all export privileges for an indefinite period because of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of International Programs who, after considering evidence in support thereof, has recommended that it be granted.

On August 8, 1961, by Department Order, No. 173, of the Department of Commerce, 26 F.R. 7980, the Office of Export Supply of the Bureau of Foreign Commerce became the Office of Export Control of the Bureau of International Programs, the undersigned Director of which now has and exercises the authority and powers formerly held by the Director of the Office of Export Supply, Bureau of Foreign Commerce.

Now, on receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, from which evidence it appears (1) that an investigation is being conducted as noted above and that it is impracticable to issue a subpoena to the respondent, and (2) that relevant and material interrogatories were duly served on the respondent to which it has failed, omitted, and refused to respond without reasonable cause and without adequate explanation and, having concluded further (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving commodities exported from the United States so long as it is effective: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent, S. R. Tippett & Co., Ltd., appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. The respondent, its representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' participation (a) as party or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. This order shall remain in effect until the respondent satisfactorily answers, or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations.

IV. Without prior disclosure of the facts to and specific authorization from the Bureau of International Programs, no person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States), shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control

document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, on behalf of or in any association with the respondent or any person acting on his behalf; nor shall any person do any of the foregoing acts with respect to any exportation as to which the respondent may have any interest or obtain any benefit of any kind or nature, direct or indirect.

V. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: October 21, 1961.

Effective date: November 21, 1961.

JOHN C. BORTON,
Director,
Office of Export Control.

[F.R. Doc. 61-11185; Filed, Nov. 24, 1961; 8:50 a.m.]

Office of the Secretary

JULIEN R. STEELMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of November 14, 1961.

JULIEN R. STEELMAN.

NOVEMBER 14, 1961.

[F.R. Doc. 61-11184; Filed, Nov. 24, 1961; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 21, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37451: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc., (No. 17), for interested carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint water-rail, motor-water-rail, rail-water and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between specified points in New Jersey, New York, and Pennsylvania, one the one hand, and points in Louisiana and Texas, on the other.

Grounds for relief: Motor-water and water-rail competition.

Tariff: Seatrain Lines, Inc., tariff I.C.C. 189.

FSA No. 37452: *Joint motor-rail rates—M-K-T and Chicago Express Incorporated.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 323), for interested carriers. Rates on commodities, moving on class and commodity rates, loaded in highway trailers of the motor carrier over the highways, thence transported on railroad flat cars of the railroad, between points in Kansas, Missouri, Oklahoma, and Texas, on the one hand, and points in Indiana, Kentucky, Michigan, New York and Ohio, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 37453: *Canned goods from and to western trunk line territory.* Filed by Western Trunk Line Committee, Agent, (No. A-2213), for interested rail carriers. Rates on canned goods and related articles, in carloads, between specified points in Colorado and Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 5 to Western Trunk Line Committee tariff I.C.C. A-4390.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-11176; Filed, Nov. 24, 1961; 8:48 a.m.]

[Notice 570]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64207. By order of November 16, 1961, the Transfer Board approved the transfer to Raymond L. Poole, doing business as Poole Truck Line, Mound City, Kans. of the operating rights in Certificate No. MC 30078, issued April 9, 1958, to Kenneth R. Simpson, doing business as Simpson Truck Line, Mound City, Kans., authorizing the transportation of livestock, seed, and hay, over regular routes, from Mound City, Kans., to Kansas City, Mo., general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Kansas City, Mo., to Mound City, Kans., between Mound City, Kans., and Kansas City, Mo., and over irregular routes, of livestock, agricultural commodities, empty petroleum products containers, and empty compressed gas cylinders, from Mound City, Kans., and points within 10 miles thereof, to Kansas City, Kans., and Kansas City, Mo., and livestock, feed, agricultural implements, agricultural implement parts, petroleum products, in containers, compressed gas in cylinders, plumbing fixtures, and supplies, electrical fixtures, and equipment, and such merchandise as is dealt in by hardware stores, from Kansas City, Mo., and Kansas City, Kans., to Mound City, Kans. Charles L. Davis, Jr., 506 National Reserve Building, Topeka, Kans., Attorney for applicants.

No. MC-FC 64246. By order of November 16, 1961, the Transfer Board approved the transfer to Nutmeg Transport, Inc., Vernon, Conn., of the operating rights remaining in Certificate No. MC 83726 Sub 1, after transfer of a portion approved in No. MC-FC 64058, and the entire operating rights in Certificate No. MC 83726 Sub 2, issued June 22, 1955, and June 21, 1957, respectively, to Cummings, Incorporated, Vernon, Conn., authorizing the transportation of brick, from Berlin, Windsor Locks, Hartford, and East Windsor Hill, Conn., to Pawtucket, R.I., points in a described portion of New York, in Providence, Kent, and Washington Counties, R.I., Taunton, Milford, and New Bedford, Mass., and a described portion of Massachusetts, and from East Windsor Hill, Conn., to points in Maine, New Hampshire, and Vermont, points in Massachusetts east of Massachusetts Highway 12 (except Taunton, Milford, and New Bedford), points in New York within 25 miles of Albany, and points in Rhode Island (except Pawtucket and points in Providence, Kent, and Washington Counties. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., Applicant's attorney.

No. MC-FC 64343. By order of November 17, 1961, the Transfer Board approved the transfer to Theodore Schultz, doing business as Schultz Trucking Service, 508 South Adams Street, St. Francis, Kans., of the operating rights in Certificate No. MC 105715, issued February 3, 1954, to Leonard Moore, St. Francis, Kans., authorizing the transportation, over irregular routes, of livestock, grain, livestock feed, seeds, salt, building materials, contractor's tools and equipment,

agricultural machinery and tools, coal, wood, fencing materials and posts, scrap metals and junk, between points in Cheyenne, Rawlins, and Sherman Counties, Kans., Yuma County, Colo., and Dundy County, Nebr., on the one hand, and, on the other, Denver, Colo., between points in Cheyenne, Rawlins, and Sherman Counties, Kans., and Yuma County, Colo., on the one hand, and, on the other, points in Dundy County, Nebr., and between points in Cheyenne, Rawlins, and Sherman Counties, Kans., on the one hand, and, on the other, points in Yuma County, Colo.

No. MC-FC 64505. By order of November 16, 1961, the Transfer Board approved the transfer to Parvin's Transfer, Inc., Penns Grove, N.J., of Certificates Nos. MC 59314 and MC 59314 Sub 3, issued July 28, 1954 and January 28, 1959, respectively, to Arthur Parvin, doing business as Arthur Parvin's Transfer, Penns Grove, N.J., authorizing the transportation of: General commodities, with, and without exceptions, between certain points in New Jersey, in auxiliary or supplemental rail service, as specified; household goods, between Penns Grove and Pedricktown, N.J., on the one hand, and, on the other, points in Maryland, Massachusetts, Pennsylvania, and the District of Columbia; agricultural commodities, from points in New Jersey, as specified, to Boston, Mass., Providence, R.I., Baltimore, Md., District of Columbia, Altoona, Huntingdon, Philadelphia, Pittsburgh, Scranton, Uniontown, and Wilkes-Barre, Pa., Albany, Buffalo, Rochester, and Syracuse, N.Y., and Points in the New York, N.Y. Commercial Zone; fertilizer, insecticides, seed, and feed from Baltimore, Md., and Philadelphia, Pa., to Pedricktown, N.J., and points in New Jersey within 15 miles thereof; lime, from Plymouth Meeting and Chester Valley, Pa., to Pedricktown, N.J., and points in New Jersey within 15 miles thereof; empty fruit and vegetable containers, from Baltimore, Md., New York, N.Y., and Philadelphia, Pa., to Pedricktown and points in New Jersey within 15 miles thereof; coal, from St. Clair, Pa., to Penns Grove, N.J.; lumber, from Wilmington, Del., and Philadelphia, Pa., to Penns Grove, N.J., hardware, and building materials, from Philadelphia, Pa., to Penns Grove, N.J.; hardware, from Muncy, Pa., to Penns Grove, N.J.; and small arms ammunition, from New Haven and Bridgeport, Conn., to Penns Grove, N.J. Herbert H. Butler, 39 South Main Street, Mullica Hill, N.J., Attorney for applicants.

No. MC-FC 64590. By order of November 17, 1961, the Transfer Board approved the transfer to Semca Motor Lines, Inc., East Elmhurst, L.I., N.Y., of Certificates Nos. MC 111837 and MC 111837 Sub 1, issued October 2, 1950 and January 29, 1953, respectively, to James J. Hession, doing business as Semca Motor Lines, East Elmhurst, L.I., N.Y., authorizing the transportation over irregular routes of airplanes, seaplanes, and parts thereof, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia within 450 miles of New York, N.Y., including New York, N.Y.; and commodities requiring special equipment and handling because of size or weight, and building and road construction material and machinery, over irregular routes, between points in New York and New Jersey within 75 miles of New York, N.Y., including New York; and between New York and White Plains, N.Y., on the one hand, and, on the other, points in that Part of Connecticut on and west of U.S. Highway 5. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., Representative for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-11177; Filed, Nov. 24, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page

PROCLAMATIONS:
Feb. 25, 1893 — 10735
2032 — 10899
2914 — 10825
3438 — 10203
3439 — 10899

EXECUTIVE ORDERS:
Jan. 26, 1867 — 10729, 10806
Apr. 30, 1872 — 10729
Mar. 7, 1900 — 10806
5237 — 10729
6541 — 10638
6681 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469
10974 — 10585
10975 — 10629
10976 — 10825

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, May 27, 1961 — 10749
Memorandum, Oct. 18, 1961 — 10543

5 CFR

6 — 10204, 10267, 10447, 10544, 10900, 10962
9 — 10750
22 — 10750
24 — 10447
25 — 10544
35 — 10750
37 — 11046
201 — 10503
202 — 10503

6 CFR

70 — 10267
305 — 10267
390 — 10267
421 — 10546, 11025
423 — 10686
427 — 10546
443 — 10769, 10961
464 — 10873
482 — 10586

7 CFR

51 — 11025
201 — 10471
401 — 10630
403 — 10630
711 — 10204
717 — 10208
723 — 10471, 10503
725 — 10927
727 — 10504
729 — 10209
730 — 10336
775 — 10769, 10787
813 — 10547
833 — 10961
847 — 10214
855 — 10268
857 — 10505
864 — 10270
873 — 10272
906 — 11026
914 — 10423, 10586, 10789, 11034
922 — 10214
927 — 10632, 10859
933 — 10337, 10423–10425, 10790, 10791, 11035
942 — 10425, 11035
943 — 10214, 11036
953 — 10425, 10586, 10792, 10872, 11037
955 — 11037
958 — 10792
973 — 10215
984 — 10688
986 — 11038
989 — 10770
994 — 10216
997 — 10688
1001 — 10587
1013 — 10507
1014 — 10472
1017 — 10426
1031 — 10338
1034 — 10793
1069 — 10587
1070 — 10632
1071 — 10426
1073 — 10689

PROPOSED RULES:
301 — 10571
719 — 10731
725 — 10933
728 — 10484, 10596
813 — 10691
900—1073 — 10286, 10516, 10772
903 — 10810
906 — 10298
908 — 10307, 10485
914 — 10933
918 — 10307
921 — 10810
925 — 10486
927 — 10597
939 — 10296
943 — 10236
947 — 10360, 10879
959 — 10809
970 — 11053
975 — 11074
986 — 10298
1024 — 10597, 11079
1026 — 10516, 10772, 10933
1028 — 11062
1033 — 10772
1034 — 10773
1138 — 10691

8 CFR

103 — 10928
205 — 10962
212 — 10928
223 — 10928
264 — 10928
282 — 10928
299 — 10928
332a — 10928
499 — 10928

PROPOSED RULES:
252 — 10358
253 — 10358

9 CFR

74 — 10223
83 — 10338

9 CFR—Continued

PROPOSED RULES:
131 — 10350

10 CFR

2 — 10770
20 — 11046
30 — 10472
40 — 10929

PROPOSED RULES:
30 — 10487
140 — 10933

12 CFR

262 — 10340

PROPOSED RULES:
563 — 10239

13 CFR

105 — 10723
121 — 10633, 10634

PROPOSED RULES:
107 — 10702

14 CFR

18 — 10473
60 — 10752
221 — 11046
507 — 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634, 10963, 10964, 11047
600 — 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753, 10874–10876, 10964, 11047
601 — 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724, 10875, 10876, 10964, 11047, 11048
602 — 10590, 10635, 10724
608 — 10342, 10636, 10724, 10876, 10965, 11047, 11048
609 — 10430, 10436, 10754, 10762
610 — 10724

PROPOSED RULES:
1—190 — 10698
24 — 10571
48 — 10701
60 — 10307
202 — 10774
203 — 10774
213 — 10774
215 — 10774
227 — 10238
291 — 10774
292 — 10774
296 — 10774
297 — 10774
298 — 10774
302 — 10307, 10641
401–635 — 10698
411 — 10776
507 — 10362, 10571
600 — 10451, 10520, 10602, 10777, 10881, 10934
601 — 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
602 — 10809, 11067
608 — 10451, 10520, 10733

15 CFR

205 — 11048
230 — 11049

16 CFR

Page

13 — 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771, 10878, 10929, 10965, 10966
301 — 10446

17 CFR

230 — 10930
275 — 10548

PROPOSED RULES:
275 — 10607

18 CFR

2 — 10342
13 — 10794

19 CFR

3 — 10508
4 — 10508
14 — 10476

PROPOSED RULES:
3 — 10731

20 CFR

25 — 10509
404 — 10226, 11049

PROPOSED RULES:
404 — 11083

21 CFR

17 — 10550
120 — 10228, 10550, 10551
121 — 10228, 10343, 10476, 10590, 11052
146 — 10228
146a — 10728

PROPOSED RULES:
1 — 10601
17 — 10362
120 — 10487, 10640, 10732, 10810
121 — 10362, 10452, 10698, 10732, 10774, 10881, 10976
130 — 10811

22 CFR

22 — 10728

24 CFR

202a — 10229
203 — 10229
207 — 10229
213 — 10229
220 — 10230
221 — 10230
232 — 10230
603 — 10231
608 — 10231
611 — 10231
702 — 10231
803 — 10231
903 — 10231

25 CFR

17 — 10930
31 — 10637
131 — 10966
141 — 10232

PROPOSED RULES:
34 — 10640
194 — 10808
221 — 10516, 10808

26 CFR

1 — 10275, 10477

PROPOSED RULES:
1 — 10283, 10449, 10450, 10483
48 — 10593
252 — 10484

28 CFR

21 — 10232

29 CFR

9 — 10795
601 — 10275
780 — 10377
793 — 10275

30 CFR

27 — 10969

32 CFR

200 — 10931
504 — 10797
507 — 10509
552 — 10728
561 — 10931
590 — 10553
591 — 10553
592 — 10553
595 — 10553
596 — 10553
597 — 10553
598 — 10553
599 — 10553
600 — 10553
601 — 10553
602 — 10553
605 — 10553
606 — 10553
608 — 10728
737 — 10353
739 — 10353
750 — 10826
751 — 10836
753 — 10842
765 — 10591

33 CFR

3 — 10343
67 — 10343
202 — 10805
203 — 10445, 10805
204 — 10278

35 CFR

4 — 10353

CANAL ZONE ORDERS:
58 — 10353

36 CFR

6 — 10638

PROPOSED RULES:
7 — 10600

38 CFR

3 — 10551, 10552
13 — 10232
21 — 10278, 10478

39 CFR

96 — 10510
111 — 10805
168 — 10771, 10805, 10972

41 CFR

1–5 — 10590
5–1 — 10354
50–202 — 10354

PROPOSED RULES:
50–202 — 10517, 10773

42 CFR

73 — 10355

43 CFR

221 — 10479
244 — 10728

PROPOSED RULES:
191 — 10808
203 — 10808
257 — 10285

43 CFR—Continued

PUBLIC LAND ORDERS:
73 — 10638
1071 — 10356
2435 — 11052
2460 — 10568
2524 — 10735
2526 — 10279
2527 — 10356
2528 — 10356
2529 — 10356
2530 — 10427
2531 — 10480
2532 — 10480
2533 — 10480
2534 — 10568
2535 — 10569
2536 — 10638
2537 — 10729
2538 — 10729
2539 — 10806
2540 — 10806
2541 — 10806

45 CFR

212 — 10481

46 CFR

30 — 10996
31 — 10997
35 — 11000
71 — 11003
78 — 11007
91 — 11010
97 — 11014
146 — 11016

PROPOSED RULES:
201 — 10601
206 — 10601
221 — 10601
298 — 10601
299 — 10601
502 — 10520
510 — 10941

47 CFR

1 — 10279, 10280, 10447
2 — 10655
3 — 10280, 10729, 10917
5 — 10806
7 — 10591, 10918
8 — 10591, 10918, 10925
9 — 10926
10 — 10569
14 — 10591, 10918
15 — 10281
18 — 10281, 10591, 10927

PROPOSED RULES:
2 — 10701
3 — 10239, 10572, 10606, 10935, 10938–10940
10 — 10573
12 — 10240
15 — 10940

49 CFR

10 — 11103
125 — 10846
170 — 10771

PROPOSED RULES:
73 — 10572, 11088
176 — 10240

50 CFR

32 — 10233, 10234, 10282, 10638, 10730
33 — 10234, 10235, 10878, 10973, 10974

PROPOSED RULES:
215 — 10640

Pages 11103–11168

PART II

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 26 NUMBER 227

Washington, Saturday, November 25, 1961

Uniform System of Accounts

for

Railroad Companies

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32153]

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Revision of Regulations

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 8th day of November A.D. 1961.

The Commission having under consideration a revision of the Uniform System of Accounts for Railroad Companies and the Notice of proposed rulemaking pertaining thereto, published in the FEDERAL REGISTER August 24, 1961 (26 F.R. 7895) and the responses thereto;

It is ordered, That the Uniform System of Accounts for Railroad Companies, Issue of 1957, as amended (49 CFR Part 10) be and it is hereby canceled in its entirety effective January 1, 1962 and the Uniform System of Accounts for Railroad Companies, Issue of 1962, attached hereto and by this reference made a part of this order, be substituted for the text thereof; and,

It is further ordered, That the Uniform System of Accounts for Railroad Companies, Issue of 1962, shall become effective January 1, 1962, on and after which date all railroad companies subject to its provisions shall comply therewith; and,

It is further ordered, That the adoption of amended rules herein be without prejudice to further consideration of the request of the Transport Associates that the rules be amended to facilitate handling of matters affecting cost finding; and,

It is further ordered, That this order be served on each railroad company subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of such railroad company, and that notice be given the general public by depositing a copy in the Office of the Secretary at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPLICATION OF THE REGULATIONS

The Uniform System of Accounts for Railroad Companies (which are not independently operated as electric railways), Issue of 1962, which is set forth hereinafter shall become effective as of January 1, 1962. The Uniform System of Accounts for Railroad Companies, Issue of 1957, together with the amendments and modifications of said issue, heretofore in effect, are superseded and canceled concurrently with the taking effect of the Issue of 1962, as herein prescribed.

LIST OF INSTRUCTIONS AND ACCOUNTS

(I) Regulations prescribed.
(II) Definitions.

GENERAL INSTRUCTIONS

1-1 Classification of carriers.
1-2 Classification of accounts.
1-3 Records.
1-4 Accounting period.
1-5 Accrual method of accounting.
1-6 Unaudited items.
1-7 Delayed items.
1-8 Operating reserves.
1-9 Employees health and welfare benefits.
1-20 Items in texts of accounts.
1-21 Submission of questions.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2-1 Items to be charged.
2-2 Minimum rule applicable to additions to property.
2-3 Land.
2-4 Structures.
2-5 Equipment.
2-6 Components of construction cost.
2-7 Additions to and retirements of property—General.
2-8 Additions to and retirements of units of property.
2-9 Additions to and retirements of other than units of property.
2-10 Expenses in connection with additions and betterments.
2-11 Units of property rebuilt or converted.
2-12 Changes in line of road.
2-13 Relocation of yard tracks.
2-14 Merger, consolidation, and purchase of a railway operating entity or system.
2-15 Reorganization of railway.
2-16 Construction projects in which governmental agencies, individuals, or others, and the carrier participate.
2-17 Leased property improvements and retirements.
2-18 List of units of property.

INSTRUCTIONS FOR MAINTENANCE EXPENSES

3-1 Items to be charged.
3-2 Equalization of maintenance expenses.

INSTRUCTIONS FOR CLEARING ACCOUNTS

4-1 Items to be charged.
4-2 Material and stationery store expenses.
4-3 Shop expenses.
4-4 Gravel and sand pits and quarries.
4-5 Power plant operations.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

5-1 Method.
5-2 Rates of depreciation.
5-3 Depreciation records to be kept.
5-4 Leased property—depreciation.
5-5 Jointly used property—depreciation.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

6-1 Current assets.
6-2 Recorded value of securities owned.
6-3 Discount, expense and premium on debt.
6-4 Discount, premium, and assessment on capital stock.
6-5 Joint liabilities.
6-6 Contingent assets and liabilities.

PROPERTY ACCOUNTS

Road

0 Road.
1 Engineering.
2 Land for transportation purposes.
2½ Other right-of-way expenditures.
3 Grading.
5 Tunnels and subways.
6 Bridges, trestles, and culverts.
7 Elevated structures.
8 Ties.
9 Rails.
10 Other track material.
11 Ballast.
12 Track laying and surfacing.
13 Fences, snowsheds, and signs.
16 Station and office buildings.
17 Roadway buildings.
18 Water stations.
19 Fuel stations.
20 Shops and enginehouses.
21 Grain elevators.
22 Storage warehouses.
23 Wharves and docks.
24 Coal and ore wharves.
26 Communication systems.
27 Signals and interlockers.
29 Power plants.
31 Power-transmission systems.
35 Miscellaneous structures.
37 Roadway machines.
38 Roadway small tools.
39 Public improvements; construction.
40 Revenues and operating expenses during construction.
42 Reconstruction of road property acquired.
43 Other expenditures; road.
44 Shop machinery.
45 Power-plant machinery.
47 Unapplied construction material and supplies.

Equipment

50 Equipment.
51 Steam locomotives.
52 Other locomotives.
53 Freight-train cars.
54 Passenger-train cars.
56 Floating equipment.
57 Work equipment.
58 Miscellaneous equipment.
59 Unapplied material and supplies; equipment.

General Expenditures

70 General expenditures.
71 Organization expenses.
72 General officers and clerks.
73 Law.
74 Stationery and printing.
75 Taxes.
76 Interest during construction.
77 Other expenditures; general.
80 Other elements of investment.

RAILWAY OPERATING REVENUE ACCOUNTS

Transportation Revenue Accounts

100 Transportation; rail line.
101 Freight.
102 Passenger.
103 Baggage.
104 Sleeping car.
105 Parlor and chair car.
106 Mail.
107 Express.
108 Other passenger-train.
109 Milk.
110 Switching.
113 Water transfers.

Incidental Revenue Accounts

130 Incidental.
131 Dining and buffet.
132 Hotel and restaurant.
133 Station, train, and boat privileges
135 Storage; freight.
137 Demurrage.
138 Communication.
139 Grain elevator.
141 Power.
142 Rents of buildings and other property.
143 Miscellaneous.

Joint Facility Revenue Accounts

150 Joint facility.
151 Joint facility—Cr.
152 Joint facility—Dr.

RAILWAY OPERATING EXPENSE ACCOUNTS

Maintenance of Roadway and Structures

200 Maintenance of way and structures.
201 Superintendence.
202 Roadway maintenance.
206 Tunnels and subways.
208 Bridges, trestles, and culverts.
210 Elevated structures.
212 Ties.
214 Rails.
216 Other track material.
218 Ballast.
220 Track laying and surfacing.
221 Fences, snowsheds, and signs.
227 Station and office buildings.
229 Roadway buildings.
231 Water stations.
233 Fuel stations.
235 Shops and enginehouses.
237 Grain elevators.
239 Storage warehouses.
241 Wharves and docks.
243 Coal and ore wharves.
247 Communication systems.
249 Signals and interlockers.
253 Power plants.
257 Power-transmission systems.
265 Miscellaneous structures.
266 Road property; depreciation.
267 Retirements; road.
269 Roadway machines.
270 Dismantling retired road property.
271 Small tools and supplies.
272 Removing snow, ice, and sand.
273 Public improvements; maintenance.
274 Injuries to persons.
275 Insurance.
276 Stationery and printing.
277 Employees health and welfare benefits.
278 Maintaining joint tracks, yards, and other facilities—Dr.
279 Maintaining joint tracks, yards, and other facilities—Cr.
280 Equalization; way and structures.
281 Right-of-way expenses.
282 Other expenses.

Maintenance of Equipment

300 Maintenance of equipment.
301 Superintendence.
302 Shop machinery.
304 Power-plant machinery.
305 Shop and power-plant machinery; depreciation.
306 Dismantling retired shop and power-plant machinery.
308 Steam locomotives; repairs.
311 Other locomotives; repairs.
314 Freight-train cars; repairs.
317 Passenger-train cars; repairs.
323 Floating equipment, repairs.
326 Work equipment; repairs.
328 Miscellaneous equipment; repairs.
329 Dismantling retired equipment.
330 Retirements; equipment.
331 Equipment; depreciation.
332 Injuries to persons
333 Insurance.
334 Stationery and printing.
335 Employees health and welfare benefits.
336 Joint maintenance of equipment expenses—Dr.
337 Joint maintenance of equipment expenses—Cr.
338 Equalization; equipment.
339 Other expenses.

Traffic Expense Accounts

350 Traffic.
351 Superintendence.
352 Outside agencies.
353 Advertising.
354 Traffic associations.
355 Fast freight lines.
356 Industrial and immigration bureaus.
357 Insurance.
358 Stationery and printing.
359 Employees health and welfare benefits.
360 Other expenses.

Transportation Expense Accounts

370 Transportation; rail line.
371 Superintendence.
372 Dispatching trains.
373 Station employees.
374 Weighing, inspection, and demurrage bureaus.
375 Coal and ore wharves.
376 Station supplies and expenses.
377 Yardmasters and yard clerks.
378 Yard conductors and brakemen.
379 Yard switch and signal tenders.
380 Yard enginemen.
382 Yard switching fuel.
383 Yard switching power produced.
384 Yard switching power purchased.
385 Water for yard locomotives.
386 Lubricants for yard locomotives.
387 Other supplies for yard locomotives.
388 Enginehouse expenses; yard.
389 Yard supplies and expenses.
390 Operating joint yards and terminals—Dr.
391 Operating joint yards and terminals—Cr.
392 Train enginemen.
394 Train fuel.
395 Train power produced.
396 Train power purchased.
397 Water for train locomotives.
398 Lubricants for train locomotives.
399 Other supplies for train locomotives.
400 Enginehouse expenses; train.
401 Trainmen.
402 Train supplies and expenses.
403 Operating sleeping cars.
404 Signal and interlocker operation.
405 Crossing protection.
406 Drawbridge operation.
407 Communication system operation.
408 Operating floating equipment.
409 Employees health and welfare benefits.
410 Stationery and printing.
411 Other expenses.
412 Operating joint tracks and facilities—Dr.
413 Operating joint tracks and facilities—Cr.
414 Insurance.
415 Clearing wrecks.
416 Damage to property.
417 Damage to livestock on right of way.
418 Loss and damage; freight.
419 Loss and damage; baggage.
420 Injuries to persons.

Miscellaneous Operations Expenses

440 Miscellaneous operations.
441 Dining and buffet service.
442 Hotels and restaurants.
443 Grain elevators.
445 Producing power sold.
446 Other miscellaneous operations.
447 Operating joint miscellaneous facilities—Dr.
448 Operating joint miscellaneous facilities—Cr.
449 Employees health and welfare benefits.

General Operating Expenses

450 General.
451 Salaries and expenses of general officers.
452 Salaries and expenses of clerks and attendants.
453 General office supplies and expenses.
454 Law expenses.
455 Insurance.
456 Employees health and welfare benefits.
457 Pensions.
458 Stationery and printing.
460 Other expenses.
461 General joint facilities—Dr.
462 General joint facilities—Cr.

Condensed Classification of Operating Expenses

480 Accounts for small carriers, Class II.

INCOME ACCOUNTS

501 Railway operating revenues.
502 Revenues from miscellaneous operations.
503 Hire of freight cars; credit balance.
504 Rent from locomotives.
505 Rent from passenger-train cars.
506 Rent from floating equipment.
507 Rent from work equipment.
508 Joint facility rent income.
509 Income from lease of road and equipment.
510 Miscellaneous rent income.
511 Income from nonoperating property.
512 Separately operated properties; profit.
513 Dividend income.
514 Interest income.
516 Income from sinking and other reserve funds.
517 Release of premiums on funded debt.
518 Contributions from other companies.
519 Miscellaneous income.
531 Railway operating expenses.
532 Railway tax accruals.
534 Expenses of miscellaneous operations.
535 Taxes on miscellaneous operating property.
536 Hire of freight cars; debit balance.
537 Rent for locomotives.
538 Rent for passenger-train cars.
539 Rent for floating equipment.
540 Rent for work equipment.
541 Joint facility rents.

542 Rent for leased roads and equipment.
543 Miscellaneous rents.
544 Miscellaneous tax accruals.
545 Separately operated properties; loss.
546 Interest on funded debt.
547 Interest on unfunded debt.
548 Amortization of discount on funded debt.
549 Maintenance of investment organization.
550 Income transferred to other companies.
551 Miscellaneous income charges.
560 Form of income statement.

RETAINED INCOME ACCOUNTS

Credit

601 Credit balance (at beginning of calendar year).
602 Credit balance transferred from income.
603 Profit from sale of property.
604 Profit from sale of investment securities.
605 Profit from company bonds reacquired.
606 Other credits to retained income.

Debit

611 Debit balance (at beginning of calendar year).
612 Debit balance transferred from income.
613 Loss on sale or retirement of property.
614 Loss on sale of investment securities.
615 Loss on company bonds reacquired.
616 Other debits to retained income.
617 Federal income taxes assigned to retained income.
620 Appropriations for sinking and other reserve funds.
621 Appropriations for other purposes.
622 Appropriations released.
623 Dividends.

GENERAL BALANCE SHEET ACCOUNTS

Debit

701 Cash.
702 Temporary cash investments.
703 Special deposits.
704 Loans and notes receivable.
705 Traffic and car-service balances—Dr.
706 Net balance receivable from agents and conductors.
707 Miscellaneous accounts receivable.
708 Interest and dividends receivable.
709 Accrued accounts receivable.
710 Working fund advances.
711 Prepayments.
712 Material and supplies.
713 Other current assets.
715 Sinking funds.
716 Capital and other reserve funds.
717 Insurance and other funds.
721 Investments in affiliated companies.
722 Other investments.
723 Reserve for adjustment of investment in securities—Cr.
731 Road and equipment property.
732 Improvements on leased property.
735 Accrued depreciation; road and equipment.
736 Amortization of defense projects; road and equipment.
737 Miscellaneous physical property.
738 Accrued depreciation; miscellaneous physical property.
741 Other assets.
742 Unamortized discount on long-term debt.
743 Other deferred charges.

Credit

751 Loans and notes payable.
752 Traffic and car-service balances—Cr.
753 Audited accounts and wages payable.
754 Miscellaneous accounts payable.
755 Interest matured unpaid.
756 Dividends matured unpaid.
757 Unmatured interest accrued.
758 Unmatured dividends declared.
759 Accrued accounts payable.
760 Federal income taxes accrued.
761 Other taxes accrued.
763 Other current liabilities.
764 Equipment obligations and other debt due within one year.
765 Funded debt unmatured.
766 Equipment obligations.
767 Receivers' and trustees' securities.
768 Debt in default.
769 Amounts payable to affiliated companies.
771 Pension and welfare reserves.
772 Insurance reserves.
773 Equalization reserves.
774 Casualty and other reserves.
781 Interest in default.
782 Other liabilities.
783 Unamortized premium on long-term debt.
784 Other deferred credits.
785 Accrued depreciation; leased property.
791 Capital stock issued.
792 Stock liability for conversion.
793 Discount on capital stock.
794 Premiums and assessments on capital stock.
795 Paid-in surplus.
796 Other capital surplus.
797 Retained income; appropriated.
798 Retained income; unappropriated.
799 Form of general balance sheet statement.

CLASSIFICATION OF MILEAGE ACCOUNTS

Train Miles

800 Rules and definitions.

Train-mile Accounts

TRANSPORTATION SERVICE

801 Freight-train miles.
802 Passenger-train miles.

WORK SERVICE

808 Work-train miles.

Locomotive Miles

810 Rules and definitions.

Locomotive-mile Accounts

TRANSPORTATION SERVICE; LINE

811 Freight locomotive-miles.
812 Passenger locomotive-miles.

TRANSPORTATION SERVICE; SWITCHING

815 Train switching locomotive-miles.
816 Yard switching locomotive-miles.

WORK SERVICE

817 Work service locomotive-miles.

Car Miles

820 Rules and definitions.

Car-mile Accounts

TRANSPORTATION SERVICE

821 Freight-train car-miles.
822 Passenger-train car-miles.

WORK SERVICE

825 Work service car-miles.

REGULATIONS PRESCRIBED

(i) *Regulations prescribed.* Carriers by railroad subject to provisions of the Interstate Commerce Act and not independently operated as electric lines, and each lessor of such a carrier, shall comply with regulations in this part as presented hereinafter.

(ii) *Definitions.*

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued" as applied to funded debt securities or capital stock issued or assumed by the company, means those which have been sold to bona fide purchasers or holders for a valuable consideration (including those issued in exchange for other securities or other property) and such purchasers or holders secured them free from control by the carriers. Also securities issued as dividends on stock.

3. "Actually outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier means those which have been actually issued and are neither retired and canceled nor reacquired and held by or for the accounting company.

4. "Affiliated companies" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting carrier.

5. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

6. "Carrier" as used herein and when not otherwise indicated in the context means any carrier to which this system of accounts is applicable.

7. "Commission" means the Interstate Commerce Commission.

8. "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority of minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

9. "Cost of removal" means cost of demolishing, dismantling, tearing down or otherwise removing property.

10. "Debt expense" means all expenses in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

11. "Discount" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the par or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

12. "Ledger value" of property means the value at which the property is carried in the property investment account in the general ledger of the carrier. In case the value of any item of property is not shown separately in the ledger the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

13. "Minor items of property" means the associated parts or items of which units of property are composed.

14. "Nominally issued" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which have been signed, certified by trustees, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company.

15. "Nominally outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which, after being actually issued, have been reacquired by or for the accounting company under such circumstances which require them to be considered as held alive and not retired and canceled.

16. "Premium" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par or face value and interest or dividends accrued at the date of sale.

17. "Property retired" means units of property which have been removed, sold, abandoned, destroyed, or which for any cause have been permanently withdrawn from service; also minor items of property not replaced.

18. "Salvage value" means the amount received for property retired or from the salvage therefrom if sold; or, if retained, the amount at which the material recoverable is chargeable to material and supplies account or other appropriate account. When such material is retained and again used by the carrier, the salvage value shall be determined by deducting a fair allowance from current prices of the material as new.

19. "Service life" means the period between the date when property is placed in service and the date of its retirement.

20. "Service value" means the ledger value less the salvage value recovered therefrom.

GENERAL INSTRUCTIONS

1–1 *Classification of carriers.* (a) For the purposes of applying this system of accounts, carriers are divided into two general classes, designated respectively Class I and Class II.

Class I. Carriers having annual railway operating revenues of $3,000,000 or more.

Class II. Carriers having annual railway operating revenues less than $3,000,000.

(b) Both Class I and Class II carriers shall keep the accounts prescribed herein, except that a condensed grouping of primary operating expense accounts is provided for the use of Class II carriers. Class II carriers desiring to do so may maintain the primary accounts prescribed for Class I carriers but must be prepared to combine the accounts for the purpose of making entries in reports filed with the Commission.

(c) In applying the classification grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways the sum of the annual railway operating revenues, the joint facility rent income, and the totals of the joint facility credit accounts in operating expenses, shall be used in determining its class.

(d) This classification of carriers shall be based on the average annual railway operating revenues for the last three consecutive years; and, if at the close of any calendar year the average of the annual railway operating revenues for the latest 3-year period is greater or less than the amount applicable to the class in which the carrier has been, its class for the second succeeding year shall change accordingly and the carrier shall remain in such class for a period of not less than three consecutive years: *Provided*, That: (1) Carriers which have operated for a period less than three calendar years shall be classified upon the basis of the average of their annual railway operating revenues for the latest period of such operation; (2) newly organized carriers shall be assigned to classes, as above defined, on the basis of their railway operating revenue known or estimated for a year; and (3) carriers shall within 60 days after the close of a calendar year notify the Commission when a change in classification has taken place.

1–2 *Classification of accounts.* (a) Accounts are prescribed to cover cost of property used in transportation operations and operations incidental thereto and for revenues, expenses, taxes, rents, and other items of income for such operations. Separate accounts are prescribed for investment in property not used in transportation operations and for other investments and income therefrom; for unusual profits and losses includible directly in retained income; and for assets, liabilities and capital includible in the balance sheet statement.

(b) The cost of property, and the revenues, expenses, taxes and rents, for miscellaneous operations involving the use of such facilities as hotels, restaurants, grain elevators, storage warehouses, power plants, cold storage plants, etc., shall not be included in the accounts prescribed for transportation operations unless the operation of the facilities is conducted by the railway companies in connection with furnishing transportation services. Likewise, the cost of property, the revenues, expenses, taxes, and rents arising from the operation of stockyards shall not be included in accounts prescribed for transportation operations unless operation of the facilities is conducted in connection with transportation of livestock. It is not intended that cost of property and income arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from transportation operation accounts.

(c) Joint facility accounts are provided for the joint users of tracks, bridges, yards, wharves, stations, and other facilities in which to record items in settlement for use of such facilities. When the compensation for the use of facilities is a fixed amount or is based upon a charge per passenger, ton, car or other unit, the amount shall be fairly apportioned by the operating company among the joint facility operating expense and income accounts. The creditor shall show the distribution of these charges upon its bills, and such distribution shall be adhered to by the debtor. Train service in connection with the line haul of traffic, including that operated under a joint arrangement for the benefit of two or more carriers, is not considered a joint facility operation.

(d) All items of profit and loss recognized during the year are includible in net income except nonrecurrring items which in the aggregate for the same class are both material in relation to net income for the year and are clearly not identified with or do not result from usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from net income are those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds reacquired, and from delayed items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from income accounts, would distort the accounts and impair the significance of net income for the year so that misleading inferences might be drawn therefrom. Items so excludible, from net income are to be entered directly in the retained income accounts provided for such items.

1–3 *Records.* (a) Each carrier shall keep its books of account, and all other books, records and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(b) The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful in developing the history of or facts regarding any transaction.

(c) No carrier shall destroy any such books or records unless the destruction thereof is permitted by the Regulations to Govern the Destruction of Records of Railroad Companies.

(d) In addition to prescribed accounts, clearing accounts, temporary accounts, and subdivisions of any accounts, may be kept, provided the integrity of the prescribed accounts is not impaired.

1–4 *Accounting period.* Each carrier shall keep its books on a monthly basis so that known transactions, as nearly as may be ascertained, shall be entered in the accounts not later than 60 days after the last day of the period for which the accounts are stated, except that the time within which the final entries for the year ending December 31 shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual report.

1–5 *Accrual method of accounting.* The accounting for operating revenues, operating, expenses, income and other items each month and year shall be, as nearly as practicable, upon the basis of accruals consistently applied. Any change in practice of accounting for accruals or any unusual accruals involving material amounts shall be reported promptly to the Commission.

1–6 *Unaudited items.* When it is known that a transaction has occurred which affects operating revenues, operating expenses, income and other accounts but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate income and balance sheet accounts. Such estimate shall be adjusted in the following month or as soon thereafter as the actual amount can be determined. If the estimate is not adjusted in the following month, the amount shall be revised whenever and at the time a substantial change is indicated and the amounts in the balance sheet accounts with respect to such items shall be kept separately in the records until settled and adjusted. The carrier is not required to anticipate items which do not appreciably affect the accounts.

1–7 *Delayed items.* Ordinary delayed items and adjustments arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. When the amount of a delayed item or adjustment is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the calendar year. *See* instruction 1–2(d) for instructions covering delayed items of a nonrecurring nature which are includible directly in retained income accounts.

1–8 *Operating reserves.* Accretions to reserve accounts made by charges to operating expenses, operating revenues, or income shall not exceed a reasonable provision for expenses or other costs incurred during the accounting period. Balances for each year in each reserve account shall be kept separately until the items have been settled and adjusted and amounts shall not be diverted from the purpose for which provided unless permission of the Commission is first obtained.

1–9 *Employees health and welfare benefits.* (a) A primary account is prescribed in each of the general accounts in operating expenses in which to record premiums on group insurance policies for the benefit of officers and employees and other costs of employees health and welfare benefits whether under contract arrangements with labor organizations or otherwise. The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

(b) The insurance premiums and other expenses that are directly or naturally assignable to primary accounts prescribed under each general account shall be distributed to such accounts. Premiums on policies and expenses incurred for the benefit of officers or employees who work in more than one department or perform more than one class of service shall be apportioned to the appropriate primary accounts in the same ratio as their pay is distributed to primary accounts, or may be distributed on some other equitable basis. Small amounts applicable to time spent on incidental or occasional duties may be included in the primary account appropriate according to the regular duty or predominant work assignment of the employees.

1–20 *Items in texts of accounts.* The items appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The items are intended to be representative, but not exhaustive. The appearance of an item in the text of a primary account warrants the inclusion of the item in the account mentioned only when the whole text also indicates inclusion inasmuch as the same item frequently appears in more than one primary account. The proper entry in each instance must be determined by the whole text of each primary account.

1–21 *Submission of questions.* To maintain uniformity of accounting, carriers shall submit questions of doubtful interpretation to the Commission for consideration and decision.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2–1 *Items to be charged.* (a) To the road and equipment property accounts shall be charged the cost of purchasing land, the cost of purchasing and constructing buildings, facilities and equipment, and the cost of additions and betterments to property. "Cost" means the amount of money actually paid for property or services. When the consideration given for the property is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of capital stock in reorganization or a merger and pooling of interest, the value of the consideration shall be determined on a cash equivalent basis. The carrier shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than money.

(b) Suitable records shall be maintained showing expenditures during the year for original road and equipment and road extensions; for merger and purchase of existing lines and reorganizations; for additions and betterments; and credits for property retired.

2–2 *Minimum rule applicable to additions to property.* An exception to the rule in instruction 2–1 is that when the cost of acquisition of units of road property and of additions and betterments to existing units of road property (other than land or tracks) is less than $500.00, such cost shall be charged to operating expenses. The carrier shall not parcel expenditures under a general plan for the purpose of bringing the accounting for such expenditures within this minimum rule. An amount of less than $500.00 may be adopted for purposes of this rule provided the carrier first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission. An amount so adopted shall be adhered to in reporting property changes for valuation purposes.

2–3 *Land.* Accounts are provided for the cost of land used in transportation operations and also for land used in other than transportation operations. When land is retired from transportation operations but is retained by the carrier the original cost (estimated, if not known) shall be transferred to the account prescribed for property used in other than transportation operations. It is not contemplated that irregular parcels of land acquired in connection with acquisition of right of way which have no value as commercial property shall be thus transferred, either for the purpose of making right of way boundaries run more or less regular or for the purpose of eliminating from transportation property account the cost of unoccupied lands between tracks in yards and terminals. When any land, the cost of which is included in the accounts, is sold or otherwise retired, the ledger value shall be credited to the appropriate property investment account. The profit or loss from sale or loss from retirement of land shall be included in the accounts prescribed for such amounts.

2–4 *Structures.* Accounts are provided for the cost of several classes of buildings and facilities, including fixtures permanently attached to and made a part thereof. When a building or other structure is used or held primarily for transportation operations and is an integral part of the carrier's transportation plant, but a part thereof is used or held for commercial purposes such as for rental to others or for use in other than transportation operations by the carrier, the entire cost of the building or other structure is includible in the accounts for transportation property. When a building or other structure is used or held primarily for commercial purposes or for use in other than transportation operations by the carrier, the entire cost of the building or structure is includible in account 737, "Miscellaneous physical property". Reclassification of property from its primary classification as transportation or other than transportation property, as the case may be, to the other classification is not required where changes in use are of a temporary nature or for a short period of time. The accounting for costs of maintenance, taxes, other operating costs, and for revenues and rentals shall be consistent with the classification of the building or other structure.

2–5 *Equipment.* Accounts are provided for several classes of equipment, such as locomotives, passenger-train cars, freight-train cars, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures

first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. In case retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 741, "Other assets", until the salvage is recovered, except that the estimated scrap value of retired equipment held for sale in the ordinary course of business, and on which sale and realization of the proceeds within one year is assured, is includible under current assets.

2–6 *Components of construction cost.* The cost of constructing property includible in the property accounts shall include the direct and other costs as described hereunder.

(a) *Cost of labor.* This includes the amount paid for labor expended by the carrier's own employees, including the cost of labor expended for preliminary work, such as sinking test holes or making soundings for tunnels, grading, buildings, and other structures; and cost of labor expended in laying and taking up tracks for temporary use in construction, except the cost of labor expended on tracks provided for the protection of traffic during the progress of addition and betterment work. Office expenses and traveling and other personal expenses of employees, when borne by the carrier, shall be considered a part of the cost of the labor, as shall also the cost of fidelity bonds and employers' liability insurance premiums. When officers or employees are especially assigned to construction work their pay and their traveling and incidental expenses while thus engaged shall be included in the cost of the work. No charge shall be made against road and equipment accounts for the pay of officers and employees who merely render services incidentally in connection with extensions, additions, or betterments, although traveling and incidental expenses incurred by such officers and employees solely on account of such work shall be included in the account to which the cost of the work is chargeable.

(b) *Cost of materials and supplies.* This includes the purchase price of materials and supplies, including small tools, at the point of free delivery plus the cost of inspection and loading assumed by the carrier; also a suitable proportion of store expenses. In calculating the cost of materials used, proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc.; for the value of the material recovered from temporary tracks, scaffolding, cofferdams, and other temporary structures used in construction; and for the value of small tools recovered and used for other purposes.

(c) *Cost of work-train service.* This includes amounts paid to others for rent and maintenance of equipment used; cost of labor of enginemen, trainmen, and enginehousemen, including wages of engine crews and train crews held in readiness for such service; and cost of fuel and other supplies consumed in connection with the operation of work trains. It shall also include the cost of maintaining the carrier's own equipment used in construction service. Amounts representing constructive rent or return upon the investment in owned equipment shall not be included as a part of the cost of work-train service.

(d) *Cost of special machine service.* This includes the cost of labor expended and of materials and supplies consumed in maintaining and operating power shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines.

(e) *Cost of transportation.* This includes the amounts paid to other companies or individuals for the transportation of men, materials and supplies, special machine outfits, appliances, and tools in connection with construction. Freight charges paid foreign lines for the transportation of construction material to the carrier's line shall be included, so far as practicable, as a part of the cost of the material.

(f) *Cost of contract work.* This includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contract.

(g) *Cost of protection from casualties.* This includes expenditures for protection against fire, such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expenditure incurred directly in connection with construction work.

(h) *Cost of injuries and damages.* This includes expenditures on account of injuries to persons or damage to property when incurred directly as a result of construction projects, and shall be included in the cost of the work in connection with which the injury or damage occurs. It also includes that portion of premiums paid for insuring property applicable to the period prior to the completion or coming into service of the property insured. Insurance recovered on account of compensation paid for injuries to persons incident to construction shall be credited to the accounts to which such compensation is charged, and insurance recovered on account of damages to property incident to construction shall be credited to the accounts chargeable with the expenditures necessary for restoring the damaged property. The cost of injuries and damages incident to the removal of old structures, or parts thereof, shall be charged to operating expenses, except that such costs in connection with the removal of old structures which are incumberances on newly acquired lands shall be included in account 2, "Land for transportation purposes," or 3, "Grading", as may be appropriate.

(i) *Cost of privileges.* This includes compensation for temporary privileges, such as the use of public property or streets, in connection with the construction of the property of the carrier.

(j) *Material excavated.* The cost of disposing of material excavated in connection with construction shall be considered as a part of the cost of the work, except that when such material is used for filling, the cost of removal and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

2–7 *Additions to and retirements of property—General.* (a) In accounting for additions to and retirements and replacements of road and equipment property (excluding land) used in transportation operations, such property changes shall be considered as consisting of (1) units of property and (2) other than units of property (minor items). A list of units of property to be used for this purpose is prescribed in instruction 2–15.

(b) The cost of removal of retired property, both depreciable and other than depreciable, when borne by the carrier, shall be charged, as may be appropriate, to account 270, "Dismantling retired road property", account 306, "Dismantling retired shop and power plant machinery"; or account 329, "Dismantling retired equipment."

(c) An equitable proportion of any balance in primary accounts 1, and 72 to 80, both inclusive, applicable to retired property, shall be credited to those accounts concurrently with the retirement accounting.

2–8 *Additions to and retirements of units of property.* (a) When a unit of road or equipment property is added to the plant, the cost thereof shall be included in the appropriate primary account. When a unit of property is retired, with or without replacement, the cost thereof shall be written out of the property account at time of retirement.

(b) When a unit of road or equipment property (or a minor item not replaced) classified as depreciable and included in the accounts prescribed for depreciable property is retired the service value shall be charged to account 735, "Accrued depreciation—Road and equipment."

(c) When property (other than a minor item constituting repairs) classified as other than depreciable property is retired the cost thereof shall be cleared from the property account and the service value shall be charged to account 267, "Retirement—Road," except that, the service value, when material in amount, in connection with retirement of a branch line, segment of track, or other important facility constituting a permanent reduction in plant may be charged to account 613, "Loss on sale or retirement of property," if so authorized by the Commission.

(d) When property included in the depreciable accounts but excluded from the depreciation base is retired, the service value (including engineering expenditures assignable to the retired property but not included in the depreciation base) shall be charged to operating expense.

2–9 *Additions and retirements of other than units of property.* (a) When an item of road or equipment property, other than a complete unit, is added to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the $500 minimum rule applicable to road property. When an item of property other than a complete unit (minor item) is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses; except that, when the replacement effects a substantial betterment through the application of superior parts, the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity, the excess cost of new parts over the current cost of new parts of the kind replaced shall be charged to the appropriate primary property account. The cost of removing the old appliances and applying the improved parts shall be charged to operating expenses. (See instruction 2–8(b) covering retirement of a minor item not replaced.)

(b) The term "current cost of new parts of the kind replaced" shall not be construed as requiring an estimate based on the current price of parts or material identical with the parts or material replaced when such parts or material are no longer obtainable at reasonable price or would not be used if replacement without betterment were undertaken. In such cases the current cost shall be based on the fair and reasonable cost of parts or material comparable to those being replaced.

(c) When second-hand equipment acquired is in such physical condition that it is necessary to make extensive repairs to bring it up to the standard required by the carrier, the cost of such repairs shall be included in the account appropriate for the cost of the equipment.

2–10 *Expenses in connection with additions and betterments.* The cost of removing old material from equipment and from buildings, bridges, wharves, tracks, and other fixed improvements, shall be charged to the appropriate operating expense accounts. Such charges shall include the cost of removing old foundations and filling old excavations, and restoring condition of grounds after addition and betterment work; and maintaining or protecting traffic during the progress of addition and betterment work, including the cost of constructing, maintaining, and removing temporary tracks required for maintaining traffic during the progress of the work.

2–11 *Units of property rebuilt or converted.* (a) A unit of road property or equipment shall be treated as rebuilt or as converted in the circumstances described in the following paragraphs (b) and (c) of this instruction and such unit shall be accounted for as an addition and the old unit accounted for as retired from service.

(b) When the cost of renewals of a unit of road property or equipment, exclusive of the expense of dismantling and of repairs of old parts reused, exceeds fifty percent of the cost of a new unit of the same kind and class at that time. This rule does not apply to renewal of a unit of roadway property when the replacement cost new does not exceed $35,000.

(c) When a unit of road property or equipment is transferred from one class of service to another, with or without physical conversion, and becomes includible in a prescribed primary investment account other than that in which the unit previously has been carried.

(d) The charge to the appropriate road and equipment account for rebuilt or converted units shall be the sum of (1) the cost (estimated if necessary) less a fair allowance for depreciation or the salvage value, whichever is lower, of the parts reused and (2) the cost of labor expended in rebuilding or in the conversion process and the cost of additional material applied. In no case shall the total amount charged to the property accounts for such units exceed the estimated cost of units of the same kind and class with a fair allowance for depreciation.

2–12 *Changes in line of road.* When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered an addition and the cost thereof to the carrier charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but the resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to property account.

2–13 *Relocation of yard tracks.* The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to the property accounts. Where tracks in whole or in part within a yard are determined to be no longer permanently used the ledger value of such tracks shall be eliminated from the property account. In case yard tracks and facilities are constructed in another location to take the place of tracks retired, such tracks and facilities shall be accounted for as additions and the cost thereof shall be included in the property account.

2–14 *Merger, consolidation, and purchase of a railway operating entity or system.* (a) When a railway or portion thereof constituting an operating unit or system is acquired by merger or consolidation in a pooling of interests or by purchase the cost of acquisition represented by cash, capital stock or other securities issued or assumed, liabilities assumed, and other consideration, shall be recorded in the accounts in the manner stated hereunder. Separate instructions are provided for a merger of subsidiaries.

(b) Pooling of interests:

(1) When the acquisition results from a merger or consolidation constituting a pooling of interests, in which all or substantially all of the equity interests in predecessor companies continue, as such, in a surviving company or a new company created for the purpose, the road and equipment, the other assets, and the liabilities of the predecessor companies, together with the balances in the amortization and depreciation reserves and the retained income accounts shall be recorded in the appropriate balance sheet accounts at the amounts shown in the accounts of predecessor companies, adjusted as may be necessary to conform with the accounting rules of the Commission. Such adjustments shall be included in retained income or the other accounts that would have been appropriate had the adjustments been made in the books of account of the predecessor company. In connection with such adjustments suitable provision may be made out of retained income, to the extent available, to provide reserves for any deficiency in past accrued depreciation on property classified as depreciable.

(2) When the total par or the stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is *more* than the aggregate amount of the capital stock of the separate companies before such pooling of interests, the excess shall be charged to capital surplus, if unrestricted capital surplus is available for such purpose; otherwise, the excess shall be charged to retained income.

(3) When the total par or stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is *less* than the aggregate amount of the capital stock of the separate companies before such pooling of interests, the difference for reduction in capital stock shall be credited to account 795, "Paid-in surplus."

(4) Where the equities of the stockholders of one of the constituent corporations (except subsidiaries controlled through ownership of the majority of shares of voting stock) are clearly dominant and such stockholders obtain approximately 90 percent or more of the voting interests in the combined enterprise, the transaction, as a practical matter may, when specifically authorized by the Commission, be treated as a purchase (rather than a pooling of interests) and so accounted for in accordance with paragraph (c) of this instruction.

(c) Purchase:

(1) When the acquisition results from a purchase (except from subsidiaries controlled through ownership of the majority share of voting stock) including mergers or consolidations other than pooling of interests, the amount includible in account 731, "Road and equipment property", shall be the cost at the date of acquisition to the purchaser, of the transportation property acquired. Other assets acquired or liabilities assumed shall be recorded in the appropriate balance sheet accounts

in conformity with the accounting rules of the Commission, and shall include provision for liabilities awaiting settlement and for such reserves as may be necessary.

(2) When the costs of individual units or classes of transportation property are not specified in the agreement the total purchase price shall be apportioned equitably among the appropriate primary accounts using, as far as practicable for purpose of such apportionment, the percentage relationship between such purchase price and original cost of property shown in valuation records prepared in accordance with the orders of the Commission. In the distribution of the purchase price to primary accounts, on the basis of such apportionment the cost figures used for land shall be the cost reported in basic valuation reports under valuation order No. 7. Land reported without cost in order No. 7, except land donated, shall be computed at its estimated original cost; and to such sum shall be added the original cost at time of dedication to transportation purposes of land subsequently acquired and now so used.

(d) Merger of subsidiaries:

The acquisition and merger of property of subsidiaries controlled through ownership of the majority shares of voting stock is to be accounted for as a pooling of interests or as a purchase depending on the circumstances in each case. Where control was initially acquired through issuance of capital stock to stockholders of the subsidiary the rule applicable to pooling of interests ordinarily is applicable. Where control was initially acquired through *purchase* of stock the rule applicable to purchase of property may be appropriate even though the shares were purchased gradually from time to time over a period of years, in which event recognition of surplus since date of acquisition assignable to such shares may be proper. Journal entry pertaining to acquisition of property of subsidiaries shall be submitted to the Commission for consideration based on the principles herein and procedures for which there is authoritative support, and the accounting for the merger shall become final only after approval by the Commission.

(e) Disposition of account 733, "Acquisition adjustment":

(1) Amounts carried temporarily in former account 733, "Acquisition adjustment," canceled as of January 1, 1962, attributable to past mergers, consolidations, and purchases of property shall be cleared from that account and disposed of consistent with the principles in paragraphs (a) to (d) of this instruction 2–14; except that where the primary road and equipment accounts previously have been adjusted to original cost shown in the valuation records and past depreciation has been recorded such accounting is not to be reversed, unless otherwise authorized or directed by the Commission. In applying these instructions to the amount in former account 733, "Acquisition adjustment," attributable to a merger in a pooling of interests, as described in paragraph (b) (1) of this section, credits resulting from any increase that was made in the recorded cost of road and equipment property, based on original cost shown in the valuation records, in excess of the predecessor's book cost are to be included in account 80, "Other elements of investments;" reduction in the aggregate amount of capital stock is to be included in account 795, "Paid-in surplus," consistent with paragraph (b) (3) of this instruction; and the remainder of the amount is to be included in retained income account 606, "Other credits to retained income," consistent with paragraph (b) (1), (2) and (4) of this instruction, unless some special adjustment is now found to be necessary in conformity with the general principles in those paragraphs. Amounts carried temporarily in former account 733, "Acquisition adjustment," applicable to a purchase (as distinguished from a merger and pooling of interests), are to be transferred to account 80, "Other elements of investment." Journal entries transferring amounts from former account 733, "Acquisition adjustment," shall be submitted to the Commission with suitable supporting detail for consideration and shall become final only after approval by the Commission. In an unusual situation where an amount in former account 733, "Acquisition adjustment," cannot be disposed of under the provisions of instructions in this paragraph the details of such an item shall be submitted to the Commission for consideration and decision.

(2) In clearing former account 733, "Acquisition adjustment," pursuant to paragraph (e) (1) of this instruction provision may be made for any deficiency in depreciation reserve and also for such other items as may be specifically authorized or directed by the Commission. Amounts transferred to account 80, "Other elements of investment," are to be subsequently cleared as items of property are retired from service and in other ways as provided for in instructions in the text of that account.

2–15 *Reorganization of railway.* (a) When a railway reorganization or receivership has been consummated the assets acquired, liabilities assumed, and the capital stock or other securities issued, or assumed and other consideration, shall be recorded in the accounts in the manner stated hereunder. An adjustment of capitalization resulting in modification and reformation of classes of securities pursuant to voluntary action of the holders of securities but not resulting in a formal reorganization following a bankruptcy or other receivership proceedings (sometimes called a quasi-reorganization) is not covered by this instruction 2–15. Reduction of capital stock and other contributions to capital by stockholders shall be recorded in accordance with the instructions in the text of account 795, "Paid-in surplus."

(b) The amounts includible in primary road and equipment property accounts, except land, shall be recorded at original cost (estimated in part) as shown in the Commission's valuation records. Land shall be recorded at cost reported in basic valuation reports under valuation order No. 7. Land reported without cost in order No. 7, except land donated, shall be computed at its estimated original cost; and to such sum shall be added the original cost at time of dedication to transportation purposes of land subsequently acquired and now so used. The cost of land so computed and the remaining assets and the liabilities of the predecessor companies, adjusted as may be necessary to conform with the accounting rules of the Commission, together with the balances in the amortization and depreciation reserves, shall be recorded in the appropriate balance sheet accounts.

(c) When the amount recorded for assets acquired is *more* than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the difference shall be applied to such extent as may be necessary and is available to provide reserves, first, for any deficiency in past accrued depreciation on property classified as depreciable; and, second, for any estimated loss from retirement of a branch line, segment of track or other important facility indicated by supporting records to be imminent. The remaining amount of the difference, if any, shall be credited to account 80, "Other elements of investment". The amount so credited to account 80 shall be cleared thereafter as property is retired and otherwise as may be authorized in accordance with the provisions in the text of that account.

(d) When the amount recorded for assets acquired is *less* than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the difference shall be charged to account 80, "Other elements of investment," and shall thereafter be cleared in accordance with the provisions in the text of that account.

(e) Amounts carried temporarily in former account 733, "Acquisition adjustment", attributable to a past reorganization shall be included in account 80, "Other elements of investment," or otherwise disposed of in conformity with the principles set forth in paragraphs (a) to (d) of this instruction 2–15. Any amount attributable to past reorganizations which cannot be disposed of pursuant to these provisions shall be submitted to the Commission for consideration and decision.

2–16 *Construction projects in which governmental agencies, individuals, or others, and the carrier participate.* (a) The amount includible in the property account for construction projects in which the carrier and governmental agencies, individuals, or others participate shall be (1) the payment made by the carrier for its share of the cost of construction plus (2) the recorded cost (estimated if unknown) of property relinquished as a direct result of the arrangement and retired from service less the value of salvage recovered therefrom by the carrier and less depreciation accrued on depreciable property, which is part of the carrier's cost of the project. The amount so includible in the property account shall be distributed equitably among the primary accounts applicable to railway property constructed. This amount shall first be applied to railway facilities includible in accounts *other than* 2½, "Other right-of-way expenditures", or 39, "Public improvements—Construction", then any remaining balance shall be included in account 2½ or 39, as appropriate. In no case shall the amount included in the primary accounts for the railway facilities acquired exceed the actual cost of constructing such facilities. The property account shall not include any cost or value for facilities or land contributed or paid for by governmental agencies, individuals or others. Property acquired as a specific contribution to capital by stockholders does not come under this rule. (See text of account 795, "Paid-in surplus.")

(b) Construction projects as used in this section means widening of highways, construction of spillways, drainage canals, farm and other private passes, pipelines, drains or other facilities across the right-of-way; construction of overhead highway bridges, and railroad bridges over public highways and across streams, which provide a railroad use in the operation of trains and a public use in the uninterrupted passage of highway and river traffic; installation of warning signals to protect highway traffic; and industrial side tracks. Also, reconstruction and relocation of tracks and appurtenant facilities such as occur in connection with carrying out flood control, reclamation, and other public improvement projects where it becomes necessary to abandon part of the line of railroad and relocate the tracks.

(c) Balances carried in former account 734, "Donations and grants—Cr."; shall be cleared. In making such clearance, amounts representing donations for property now in service, the cost of which is included in property investment account, shall be credited to the property investment account. Any balance remaining in former account 734, "Donations and grants—Cr.", which cannot be disposed of pursuant to this provision shall be promptly submitted to this Commission, with carrier's recommendations, for consideration and decision. Amounts (credits) in account 796, "Other capital surplus", representing donated property retired shall be transferred to account 796, "Retained income—Unappropriated".

2–17 *Leased property improvements and retirements.* The cost to lessee of structures, facilities, additions and betterments on leased property and for retirement of property the cost of which is included in account 732, "Improvements on leased property", shall be accounted for in conformity with the principles in the instructions for property *owned*. When property taken over in the lease is retired and replaced and lessee is not obligated to reimburse the lessor for the retired property other than through the replacement, the lessee shall credit the ledger value of the retired property to account 732, "Improvements on leased property", as an offset to the cost of the replacement borne by lessee and charged to that account. When lessee is obligated to reimburse the lessor currently or at the termination of the lease for property retired other than through replacement, the lessee shall include the amount of the obligation in the appropriate liability account. The lessee shall furnish the lessor such information as is required to enable the lessor to perform necessary accounting. The accounting by the lessee and the lessor shall be consistent with contractual arrangements.

2–18 *Lists of units of property.* (a) This list of units is established for the purpose of designating the units of property to be used in accounting for additions to and retirements and replacements of property. Detailed information is included in instructions 2–7 and 2–8. Items listed under road property accounts are subject to the minimum rule applicable to additions to property. See instruction 2–2 pertaining to the minimum rule.

(b) This list of units will be revised from time to time as may be necessary to meet conditions. A carrier desiring to include in any account an appropriate unit not now specified therein may, upon approval of the Commission, make such authorized addition to this list of units.

(c) Rules applicable to units of property rebuilt or converted and to changes in line of road or tracks which involve accounting for units of property retired are set forth in instructions 2–11, 2–12, and 2–13.

Account 3, Grading

A retaining wall, riprap (hand placed), a protecting dyke, a protecting crib, a wing dam, a revetment, mattress, pipe or other structures to provide drainage. Each entire installation.

Account 5, Tunnels and Subways

The entire masonry, entire timber, and entire metal lining of a tunnel or subway, including portals and wing walls.
Drainage. Each entire installation.
Lighting. Each entire installation.
Ventilation. Each entire installation.

Account 6, Bridges, Trestles and Culverts

A steel superstructure.
A concrete or stone substructure.
A concrete trestle, a complete bridge or approach.
A timber trestle, a complete bridge or approach.
Complete machinery for operating a movable span.
A protecting dyke, a protecting crib (a fender), a wing dam, a complete culvert. Each entire installation.

Account 7, Elevated Structures

Any applicable units listed under account 6, "Bridges, trestles, and culverts".

Account 13, Fences, Snowsheds, and Signs

A complete snowshed.
One continuous mile of right-of-way fence.
One continuous mile of permanent sand or snow fence.

Account 16, Station and Office Buildings

A complete building, including attached platform.
A complete platform structurally detached from a building.
Each retaining wall installation.
Each timber trestle installation.
Each coal pocket installation.
Each outside steam, water, air, etc., pipe line installation.
Each storm or sanitary sewer installation.
A complete fence.
Paving. Each complete installation.
A station stockyard. Each complete installation.
A track scale.
A track scale pit.
An outside crane or conveying system for handling freight.
A motor truck.
A motor tractor.
Any applicable units listed under other accounts.

Account 17, Roadway Buildings

Any applicable units listed under account 16, "Station and office buildings", and 44, "Shop machinery".

Account 18, Water Stations

A complete water supply piping system.
A dam or reservoir.
A pump house.
Pumping machinery. Each complete installation.
A water tank. Each complete installation.
A complete track trough at one location.
A water crane. Complete with pit.
A water treating plant.

Account 19, Fuel Stations

A trestle-type coaling station.
Mechanical coaling station. Each complete installation.
A complete fuel supply system, including appurtenances.
A pump house.
A fuel oil storage tank (large).

Account 20, Shops and Engine Houses

A complete building, including attached platform.
A complete platform structurally detached from a building.
A turntable.
A turntable pit.
A transfer table with machinery.
A transfer table pit.
A cinder pit. Each complete installation.
A sand storage and handling and drying apparatus.
Outdoor bins. Each complete installation.
A smoke stack not mounted on boiler.
A lorry track system (outside).
A boiler washing plant. Each complete installation.
An overhead crane, outside.
Each outside pipe installation, steam, air, water, etc.
Each sewer installation, storm or sanitary.
Paving. Each complete installation.
Each shop fence or wall installation.
Any applicable unit under account 16, "Station and office buildings".

Account 21, Grain Elevators

A complete building, including attached platform.
A complete platform structurally detached from a building.
A conveyor system complete.
An elevator system complete.
A blowing system complete.
For additional items see accounts 16, "Station and office buildings", and 44, "Shop machinery".

Account 22, Storage Warehouses

A complete building, including attached platform.
A complete platform structurally detached from a building.
For additional items, see accounts 16, "Station and office buildings", and 44, "Shop machinery".

Account 23, Wharves and Docks

A timber float bridge.
A steel float bridge.
A wharf (including pile clusters).
A timber incline.

A bulkhead.
Jetties or breakwater.
Ferry racks (including pile clusters).
Float racks.
Each complete machinery installation.
For additional items, see accounts 3, "Grading", 6, "Bridges, trestles, and culverts", and 44, "Shop machinery".

Account 24, Coal and Ore Wharves

Car dumper complete.
Timber bridges.
Steel bridges.
Each complete machinery installation.
A loading or unloading machine complete.
Each coal or ore pocket installation.
For additional items, see accounts 6, "Bridges, trestles, and culverts", 16, "Station and office buildings", 20, "Shops and engine houses", 23, "Wharves and docks", and 44, "Shop machinery".

Account 26, Communication Systems

A complete mile section or complete installation if less than a mile of pole line including cross arms, wires and appurtenances.
Each mile or complete installation of cable with associated parts.
Each mile or complete installation of conduit with associated parts.
A complete tower.
A complete installation at each location constituting a separate means of communication, such as radio, radar, carrier telephone, teletype, or other communication systems.
For additional items see account 16, "Station and office buildings".

Account 27, Signals and Interlockers

A signal system installation complete, or section thereof, with associated parts, including masts, batteries, relays, ladder, etc.
A complete mile section or complete installation if less than a mile, or pole line including cross arms, wires and appurtenances.
Each mile or complete installation if less than one mile of cable with associated parts.
Each mile or complete installation if less than one mile of conduit with associated parts.
Switch movement with associated parts.
A complete building.
An interlocking plant complete (excluding machine).
An interlocking machine.
Signal bridge complete.
Each highway crossing protection installation complete.
Each car retarder installation complete.
A traffic control or C.T.C. system installation complete.

Account 29, Power Plants

Any applicable units listed under accounts 16, "Station and office buildings", and 20, "Shops and enginehouses".

Account 31, Power Transmission Systems

A continuous mile, or a separate installation if less than a mile, of catenary complete including catenary hangers, trolley wire and appurtenances.
A continuous mile, or a separate installation if less than a mile, of transmission line, including poles, wires, transformers, switches, and other appurtenances.
Each outside steam, air, etc., pipe line installation.
A manhole.
Substation or switching station complete.
Each mile, or installation if less than a mile, of third rail.
A catenary bridge or support.
A high-tension transmission tower.
Any applicable units listed under accounts 26, "Communication systems", and 27, "Signals and interlockers".

Account 35, Miscellaneous Structures

Any applicable units listed under other accounts.

Account 37, Roadway Machines

Each roadway machine complete including accessories.

Account 39, Public Improvements—Construction

Any applicable units listed under other accounts.

Account 44, Shop Machinery

A machine (including foundation and motor, if any), such as lathes, shapers, slotters, boring machines.
Equipment, such as ash handling.
A furnace.
A boiler installation complete.
A motor vehicle used in shops only.
Testing equipment.
Overhead crane, complete.

Account 45, Power Plant Machinery

A power plant machine, including foundation, such as a turbine, rectifier, dynamo, generator.
Any applicable unit listed under account 44, "Shop machinery".

Account 51, Steam Locomotives

A complete locomotive.
A locomotive, exclusive of tender.
A tender.
A locomotive booster.

Account 52, Other Locomotives

Diesel electric, lead or booster, i.e., "A" or "B" units.
Diesel electric. Extra or spare motors.
Electric locomotive.
Gasoline locomotive.
Gas turbine locomotive.

Account 53, Freight-Train Cars

A complete car.
Motor equipment of a motor driven car.
A propulsion motor including generator.
A freight container, complete.

Account 54, Passenger-Train Cars

A complete car, including interior furnishings.
Motor equipment of a motor driven car.
A propulsion motor, including generator.

Account 56, Floating Equipment

A complete vessel or boat, exclusive of machinery.
Machinery: a boiler, a motor, an engine.

Account 57, Work Equipment

(a) Rail equipment:
(1) A complete car or machine.
(2) A boiler.
(3) An engine.
(4) A motor.
(5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver.
(6) A complete motor equipment.
(b) Floating equipment—Work:
(1) A complete vessel or boat.
(2) A boiler.
(3) An engine.
(4) A motor.
Any applicable units listed under other accounts.

Account 58, Miscellaneous Equipment

A complete vehicle.

INSTRUCTIONS FOR MAINTENANCE EXPENSES

3–1 *Items to be charged.* (a) The accounts provided for maintenance of road property and of equipment are designed to show the cost of repairs and also the loss through depreciation of the property used in transportation operations, including expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolescence, or other depreciation, or from accident, fire, flood, or other casualty.

(b) These accounts shall include the cost of labor, materials and supplies, work-train service, floating equipment work service, special machine service, contract work, privileges, protection from casualties, and other analogous items of expense in connection with the maintenance of the plant used in railway service. The cost of materials and supplies, which shall include small tools, shall include the cost at the point of free delivery plus freight charges of foreign lines, and the costs of inspection and loading assumed by the carrier; also a proportion of store expenses. Such cost shall not include expenses of transportation over the carrier's line. Royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs. The cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable, except where otherwise specified in the text of the accounts. In calculating the cost of materials used proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc., and for the value of the material recovered from property repaired and from temporary tracks, scaffolding, cofferdams, and other temporary structures used in repair work.

(c) The cost of repairs shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts, both of road property and of equipment, such as the repairing of locomotives, cars, frogs, switches, rails, etc.; the cost of inspecting and testing after repairs have been made such as the testing of locomotives after repairs to determine whether the repairs have been properly made, and the running of repaired locomotives light in order to break them in for regular service; incidental costs of repairs, such as the construction or removal of false work in connection with maintenance, cost of demolishing retired road property and disposing of the wreckage therefrom when the property is dismantled by or for the carrier; cost of maintaining or protecting traffic during the progress of construction work, including the cost of constructing, maintaining and removing temporary tracks required for maintaining traffic during the progress of the work; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings (when not removed by those employed in the buildings); cost of periodical restoration of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

(d) Distinct maintenance accounts have been provided for expenses of a general character, such as superintendence, stationery and printing, and injuries to persons, which, on account of established practice, it is deemed advisable to segregate.

3–2 *Equalization of maintenance expenses.* (a) The cost of maintaining way and structures and equipment shall be included in the appropriate primary accounts in the month in which the expense is incurred. In case the carrier adopts a budget or estimate for all or a part of the calendar year of expenses includible in one or more primary maintenance accounts or for the general accounts 200, "Maintenance of way and structures", and 300, "Maintenance of equipment", an equitable monthly proportion of the difference between the budgeted or estimated expenses and the actual expenses chargeable each month may be debited or credited as appropriate to account 280, "Equalization—Way and structures", or account 338, "Equalization—Equipment", with contra entries in account 773, "Equalization reserves". If certain primary accounts only are budgeted the carrier's records shall show for amounts included in the equalization accounts the amount of the equalization assignable to each such primary account.

(b) Amounts included in account 773, "Equalization reserves", in accordance with the foregoing paragraph, shall be cleared therefrom at the close of each calendar year through the equalization accounts originally charged or credited.

INSTRUCTIONS FOR CLEARING ACCOUNTS

4–1 *Items to be charged.* In recognition of the fact that certain expenditures incident to the construction and the operation of property are not chargeable directly to any particular property investment or expense account, clearing accounts have been provided for the purpose of securing an equitable distribution of such items to the proper primary accounts, as hereinafter set forth.

4–2 *Material and stationery store expenses.* (a) To clearing accounts called "Material store expenses" and "Stationery store expenses" shall be charged expenses in connection with purchasing, handling and storing material and stationery in and distributing it from the company's storehouses, including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to the service of switching at material storehouses. (Expenses of incidental switching at material yards by locomotives in regular switching service shall be charged to the appropriate transportation accounts.) The pay and expenses of men employed in purchasing or inspecting a single class of material, such as ties, shall be added as store expenses to the cost of that particular material.

(b) The total amount of storehouse expenses charged to these accounts shall be so distributed among the accounts to which material and stationery has been charged that the amounts thus distributed will be, for each account, in proportion to the value of the items issued chargeable thereto, except that the amount representing the purchasing department expenses shall be apportioned on the value of the items issued which were purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material and stationery purchased or issued, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the store expense accounts are adjusted and closed out at the end of each year.

4–3 *Shop expenses.* (a) A clearing account entitled "Shop expenses" shall be kept to which shall be charged items of expense at shops, enginehouses, repair tracks, and other places at which mechanical work is done, not assignable directly to specific accounts. Such expenses shall be apportioned among the various accounts affected. The basis of distribution shall be the relative proportion which the total amount of charges to "Shop expenses" bears to the total of the directly distributed labor. To avoid monthly fluctuations in the ratio of shop expenses to the total of distributed labor, carriers are permitted to make the monthly apportionment on the basis of a percentage of the distributed labor, provided the shop expense account is adjusted and closed out at the end of the year.

(b) The expenses assignable to this account shall include the pay of foremen (who exercise supervision over all departments), their clerks, and other employees engaged in general work in and about shops, cost of heat, light and power; cost of small tools and supplies and water and power purchased; also cost of removal of snow and ice from transfer tables and shop yards, and other incidental shop expenses. To this account shall be charged expenses, including wages, fuel and supplies, of operating switching locomotives when exclusively assigned to switching service at shops (the expenses of incidental switching at shops by locomotives in transportation switching service shall be charged to appropriate transportation accounts).

4–4 *Gravel and sand pits and quarries.* (a) When a gravel or sand pit or quarry is opened for operations likely to extend over a long period, an account shall be set up designated, "Operations of gravel pit at _____," or "Operations of quarry at _____," as the case may be. To this account shall be charged cost of the land in excess of its estimated value after the gravel, sand, or stone has been removed (credit to the property account in which the cost of the land is included); payments for right to enter upon and remove ballast from land not owned by the carrier; cost of sinking test holes; and costs preparatory to opening the pit or quarry. To this account shall be charged also the cost, in excess of the estimated salvage value, of rails and fastenings, ties, other material and labor used in constructing tracks to and in the gravel pit or quarry (the estimated salvage being carried in an appropriate suspense account); cost of labor and train service employed in producing, quarrying, and loading ballast, including the cost of operation, repairs, and depreciation of power shovels and other machines and machinery; pay and expenses of watchmen; cost of explosives and hand tools, and miscellaneous expenses; and cost of installing, operating and maintaining signals and interlockers at gravel pits.

(b) Credit to the clearing account shall be made each month to cover the cost of ballast material produced during the month. The cost of production shall include the expenses directly assignable to the monthly output plus a proportion of the expenses not directly assignable, such as cost of land, tracks, machinery, and interlockers. This latter amount shall be computed upon the basis of the ratio which the monthly output bears to the total estimated yardage to be taken from the pit. When any portion of the product of such pits or quarries is sold, the cost thereof shall be credited to this clearing account and the profit thereon, if any, shall be credited to revenue account 143, Miscellaneous.

4–5 *Power plant operations.* (a) The accounting for the expenses of maintaining and operating an electric, steam, or other power plant (both building and machinery) shall be determined by the purpose for which the power produced is used. When a power plant is intended and used for producing power solely for the carrier's own operations and the cost of operating the plant is chargeable to clearing account "Shop expenses," or to any one specific account for operating expenses, the expenses of maintenance shall be charged to the appropriate maintenance accounts, and the cost of operation to the account appropriate according to the use of the power.

(b) When the power from such a plant is properly chargeable to more than one account, the expenses of maintaining and operating the plant shall be included in clearing account designated "Power plant operations." The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts. The expenses of operation shall be apportioned to the appropriate accounts upon the basis of quantity of power used for the various purposes.

(c) When a part of the power produced by a power plant is sold and the remainder is used in the carrier's own operations, the cost of maintaining and operating the plant shall be charged to a clearing account. The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts. The proportion of the expenses of operation assignable to the power sold, on the basis of ratio of quantity of power sold to total quantity of power produced, shall be credited to this clearing account and charged to account 445, "Producing power sold". The remainder of the cost of operation shall be distributed to the appropriate expense accounts for the carrier's own operations.

(d) When power plants are intended and used solely for furnishing power to others, the investment therein shall be included in balance sheet account 737, "Miscellaneous physical property", and the revenues and operating expenses shall be included in the accounts provided for operations of such property.

(e) The accounting for the maintenance of transmission systems and distribution systems shall be in accordance with instructions pertaining to power plant operations.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

5–1 *Method.* (a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 735, "Accrued depreciation—Road and equipment", during the service life of depreciable road and equipment property, includible in accounts classed as depreciable, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for accruing depreciation currently shall be computed in conformity with the group plan by applying to the cost of property such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. For road property, the cost shall be original cost or estimated original cost, as used in the valuation records, adjusted to current date. If a carrier submits proof that the actual cost of depreciable property is substantially different from cost figures in the valuation records, the carrier may, with the approval of the Commission, use such cost figures as the depreciation base.

(b) The term group plan means the plan under which depreciation charges are accrued upon the basis of the cost of depreciable property includible in accounts classed as depreciable using the service lives of the individual depreciable units in the accounts and properly weighting to determine the composite annual rate of depreciation.

(c) For the purpose of the group plan of depreciation accounting the following primary accounts are classed as depreciable accounts:

Road accounts:
1. Engineering (as appropriately assigned, but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
2½. Other right-of-way expenditures.
3. Grading (depreciable property recorded in this account).
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
13. Fences, snowsheds, and signs.
16. Station and office buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Shops and enginehouses.
21. Grain elevators.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
26. Communication systems.
27. Signals and interlockers.
29. Power plants.
31. Power-transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.
44. Shop machinery.
45. Power-plant machinery.

NOTE: With respect to accounts 2½, 3, 5, and 39, carriers may confine the accruals to the depreciable property recorded therein by applying the percentage rates to the aggregate cost of such property (omitting nondepreciable property), in computing depreciation charges, or they may request composite percentage rates to be applied to the total amount recorded in each of the accounts in computing depreciation charges.

Equipment accounts:
51. Steam locomotives.
52. Other locomotives.
53. Freight-train cars.
54. Passenger-train cars.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

(d) When abandonment of a branch line or other important segment of the track structure or other part of the plant for which depreciation charges are not includible in the accounts is foreseeable within a reasonable period of time due to exhaustion of traffic, obsolescence or other causes, application may be made to the Commission for authority to create a suitable reserve in anticipation of probable loss.

5–2 *Rates of depreciation.* (a) A separate composite annual percentage rate for each account covering depreciable property shall be used in computing depreciation charges. Such composite rates shall be those which are from time to time prescribed or otherwise authorized by the Commission. Where property is acquired for which no rates have been prescribed or otherwise authorized and also in the event annual percentage rates prescribed for any class or type of property become no longer currently applicable because of material changes in property, premature obsolescence, exhaustion of traffic or other causes not given effect in the existing rates, carriers shall so inform the Commission promptly and, at that time, shall submit revised annual percentage rates and supporting details developed in accordance with the method indicated in instruction 5–1.

(b) In computing monthly charges the annual percentage rates shall be applied to the depreciation base as of the first of each month and the result divided by twelve.

5–3 *Depreciation records to be kept.* (a) The carrier shall maintain for each class of property in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for approval, new percentage rates to take the place of those based on service lives or value of salvage deemed to be inaccurate.

(b) The carrier also shall keep such records of depreciable property and property retirements as will reflect the service life of each class of property which has been retired, or will permit the determination of service life indications by past experience of useful life tenure of comparable property, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each primary account showing in these records in complete detail by each primary account the current credits and debits to the reserve. Such detailed information shall be reported annually to this Commission. For balance sheet purposes, the depreciation reserve shall be treated as a single composite reserve for property.

5–4 *Leased property—depreciation.* (a) The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned, the rent for which is includible in rent for leased roads and equipment, and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The excess of the total compensation paid over the amount chargeable for depreciation shall be included in the rent account. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 785, "Accrued depreciation—Leased property". The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall appropriately be made through account 519, "Miscellaneous income", 551, "Miscellaneous income charges", or retained income, at the time settlement for depreciation on the property is made with the lessor.

(b) The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts.

5–5 *Jointly used property—depreciation.* The owning carrier shall include in the depreciation accounts in operating expenses the charges for depreciation on units of depreciable property jointly used with one or more other carriers. The owning carrier shall credit and each using carrier shall charge the appropriate joint facility accounts in operating expenses with the amounts billed by the owning carrier against each using carrier for its proportion of the service loss on property retired from service whether billed currently as depreciation or when retirements occur as the loss in service value. The using carriers shall be required to account for depreciation or retirement of units of road property jointly used but not owned only to the extent of their contract liability. The same principle shall apply to terminal companies and their nonowner tenants in accounting for depreciation accruals or retirement charges recorded in the accounts of the terminal companies.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

6–1 *Current assets.* In the group of accounts designated as current assets shall be included cash, those assets which are readily convertible into cash or are held for current use in operations, current claims against others and amounts accruing to the carrier which are subject to settlement in the ordinary course of business within one year. There shall not be included in this group of accounts any amount the collection of which is not reasonably assured within one year because of the known financial condition of the debtor or otherwise. Such items shall be included in account 741, "Other assets", at an amount not in excess of a reasonable estimate of realizable value. Items of current character but of doubtful value previously credited to operating revenue, operating expense, income or other accounts shall be written down or written off by charging those accounts. Adjustment of these items of doubtful value shall be made by direct reduction of the asset account in which such doubtful items are carried or by a separate reserve for the uncollectible amount, which reserve shall be applied as a reduction of the current asset account in the balance sheet statement. Provision likewise shall be made for any significant loss due to obsolescence in material and supplies. If it is desired to retain a record of assets written off they shall be recorded at a nominal value in account 741, "Other assets."

6–2 *Recorded value of securities owned.* The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom, but fluctuations in market value are not to be recorded. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. The amount of the adjustment for loss in value written off may be recorded in the accounts by creating a reserve for such loss through concurrent credits to account 723, "Reserve for adjustment of investment in securities". Losses in value of securities written off shall be charged to account 551, "Miscellaneous income charges", or to retained income, as appropriate. Under no circumstances shall securities be stated in these accounts at an amount in excess of their cost to the accounting company.

6–3 *Discount, expense, and premium on debt.* (a) Ledger accounts shall be provided to cover the discounts, expense, and premiums at the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. (For explanation of "subclass" see account 765, "Funded debt unmatured".) The net debit balances remaining in these ledger accounts shall be included in account 742, "Unamortized discount on long-term debt", and the total of the net credit balances in account 783, "Unamortized premium on long-term debt".

(b) Each fiscal period there shall be charged to income account 548, "Amortization of discount on funded debt", a proportion on a consistent basis of each of the debit balances in these accounts, and correspondingly there shall be credited to income account 517, "Release of premiums on funded debt", a similar proportion of each of the credit balances in these accounts. When the total discount and expense applicable to any particular issue of securities does not exceed $25,000, carriers may charge the entire amount to account 548, "Amortization of discount on funded debt", at time of issue.

(c) When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in accounts containing discount, expense and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to account 519, "Miscellaneous income", account 551, "Miscellaneous income charges", or to retained income, as may be appropriate in accordance with the texts of these accounts. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such reacquirement.

6–4 *Discount, premium, and assessment on capital stock.* (a) Separate ledger accounts shall be provided for each subclass of capital stock issued or assumed by the accounting company to cover discount suffered and premium realized at the time of sale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

(b) The total of net debit balances in these ledger accounts shall be included in account 793, "Discount on capital stock", and the total of net credit balances in account 794, "Premiums and assessments on capital stock".

(c) Discount on each subclass of capital stock may be offset or reduced by charges to account 794, "Premiums and assessments on capital stock", to the extent that net gains from premiums or assessments have been included therein or to account 795, "Paid-in surplus", to the extent that net gains from reacquisition and resale or retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charge to account 616, "Other debits to retained income", or may be retained and carried in account 793, "Discount on capital stock", until the stock to which the discount applies is retired.

(d) In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of paid-in surplus to its stockholders, the amount thus distributed shall be charged to account 795, "Paid-in surplus".

(e) When an issue of capital stock, or any part thereof, is reacquired either by purchase or through donations by shareholders and is not canceled, but is held as treasury stock or in sinking or other funds, such stock shall be included in a subdivision of account 791, "Capital stock issued", if treasury stock, and in accounts 715, "Sinking funds", 716, "Capital and other reserve funds", or 717, "Insurance and other funds", as may be appropriate, if the stock is held alive in a fund of the character described in the respective accounts. The reacquired stock shall be included in such accounts at par value or if stock without par value at the proportionate amount at which the particular class of stock is carried in account 791.

(f) The difference between the amount at which such reacquired stock was recorded in account 791, "Capital stock issued", and the amount paid by the accounting company for such stock, including any premium or discount applicable to such subclass carried in account 794, "Premiums and assessments on capital stock", or in account 793, "Discount on capital stock", and the commissions and expense in connection with its reacquisition shall be included in account 795, "Paid-in surplus"; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to such subclass included in paid-in surplus shall be charged to account 616, "Other debits to retained income."

(g) When reacquired capital stock is resold the difference between the net sale price and the amount at which carried as treasury stock shall be included in account 795, "Paid-in surplus"; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to each subclass of capital stock resold included in paid-in surplus shall be charged to account 616, "Other debits to retained income".

6–5 *Joint liabilities.* The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint arrangement. The amount of the jointly or severally issued securities it is expected will be liquidated by the other party or parties shall be shown as a contingent liability in accordance with instruction 6–6 pertaining to contingent assets and liabilities.

6–6 *Contingent assets and liabilities.* Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but items of material amount shall be shown in a supplementary statement to the balance-sheet. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the company, but are neither direct nor assumed obligations on the date of the balance sheet. Examples of contingent liabilities are items which may become obligations as a result of pending or threatened litigation, assessments or possible assessments of additional taxes, guarantees of indebtedness of others, and agreements or obligations to repurchase securities or property. Where the outcome is reasonably foreseeable, such as probable tax assessment which the carrier may not reasonably expect to contest successfully, such liabilities are to be reflected in the accounts and are not to be treated as contingent liabilities.

PROPERTY ACCOUNTS

Road

0 Road.

The several primary accounts included in this general account are designed to show the cost of land and road property owned by the carrier and devoted to transportation service.

1 Engineering.

This account shall include the pay and expenses of engineers, assistants, and clerks engaged in the survey and construction of new lines and extensions, or in making additions to and betterments of the carrier's road, including wharves and docks.

LIST OF OFFICERS AND EMPLOYEES

- Chief engineer.
- Assistant engineers.
- Bridge and signal engineer.
- Architects and draftsmen.
- Chief clerk and other clerks.
- Transitmen and levelmen.
- Rodmen and chainmen.
- Cooks and porters on business cars.

ITEMS OF EXPENSE AND SUPPLIES

- Atlases and maps.
- Barometers.
- Books for office use.
- Business car service.
- Cameras; compasses.
- Camp equipage.
- Chains for surveyors.
- Drawing boards.
- Drawing instruments.
- Field glasses.
- Furniture repairs and renewals.
- Heating and lighting.
- Magnets and magnifiers.
- Official train service.
- Paper, blue-print.
- Periodicals and newspapers.
- Photographic supplies.
- Printing and stationery.
- Provisions for business cars.
- Rent and repairs of offices.
- Rods for surveyors.
- Sextants and slide rules.
- Telegraph and telephone service.
- Traveling expenses.
- Triangles and tripods.

NOTE A: When employees designated above are engaged in the maintenance of the road, their pay and expenses while thus employed shall be charged to operating expenses.

NOTE B: Expenditures for tentative or preliminary surveys shall be carried in a suspense account until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to operating expenses, income, or retained income, as may be appropriate.

NOTE C: The cost of designing, making plans and specifications, and supervising the construction of equipment shall be included in the cost of the equipment.

NOTE D: The cost of stationery and printing supplies used for accounting purposes in connection with engineering work shall be included in account 76, "Stationery and printing," when not directly assignable to specific road or equipment accounts.

NOTE E: Fees and expenses of architects specially employed for designing or supervising the construction of buildings shall be included in the accounts appropriate for the cost of the buildings constructed.

2 Land for Transportation Purposes.

This account shall include the cost of land of necessary width acquired for roadway; the cost of land for station, office, shop, and other grounds; for ingress to or egress from such grounds; for borrow pits, waste banks, snow fences, sand fences, and other railway appurtenances; and for storage of material adjoining the right of way; the cost of land for wharves and docks and the cost of riparian or water rights necessary therefor; the cost of removing from the right of way and locating elsewhere the property of others, and the cost of the necessary land for relocation of the property, when such costs are assumed by the accounting carrier.

The carrier's records shall be kept in such manner as to show separately the cost of land purchased. Proceeds from the sale of timber or of improvements purchased with right of way, less any cost of removal, shall be credited to this account.

ITEMS OF EXPENSE

- Abstracts.
- Appraisals.
- Arbitrators in condemnation cases.
- Commissions paid to others.
- Condemnation expenses, including court costs and special counsel fees.
- Damages to property of others.
- Deferred payments for right-of-way.
- Ditches for waterways when part of consideration.
- Judgments and decreed costs to clear or defend titles.
- Notarial fees.
- Plats.
- Premiums on condemnation bonds.
- Recording deeds.
- Payments for relinquishment of cattle passes and other rights.
- Removal and relocation of buildings and other structures not purchased.
- Rent of land when part of consideration for purchase.
- Right-of-way agents' compensation (engaged solely in acquiring right of way).

Taxes accrued and assumed at time of purchase.

NOTE: The cost of land acquired in excess of that necessary for transportation operations shall be included in balance-sheet account 737, "Miscellaneous physical property." When the purchase of land acquired for transportation operations involves the purchase of land not used for such purposes the charges to this account shall be based upon the estimated cost of only that portion which is used for such purposes, and the cost of the remaining land shall be included in account 737, "Miscellaneous physical property." Only the actual cost borne by the carrier for right-of-way and other lands acquired through vacation of streets and highways shall be included in this account. No donations should be considered as involved in the acquisition of such property.

2½ Other Right-of-way Expenditures.

This account shall include the cost (in excess of cost of railway facilities installed, if any) actually borne by the carrier of improvement projects (other than public improvement projects), such as the construction of canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right-of-way.

3 Grading.

(a) This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments and cuts.

(b) When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts.")

(c) When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account.

DETAILS OF ROADBED AND ITEMS OF EXPENSE

Advertising for contractors' bids.
Berm ditches.
Blasting.
Breakwaters.
Bulkheading.
Clearing land.
Cribbing.
Dikes (including those of earthern construction which are intended to function indefinitely).
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels into open cuts.
Filling bridges, trestles, and culverts.
Grading outfits.
Grubbing land.
Material taken from borrow pits.
New channels for streams.
Operation of steam shovels.
Payments for privilege of wasting material on the property of others.
Payments for waste banks off the right-of-way.
Retaining walls.
Revetments.
Riprap.
Spoil banks.
Temporary trestling for fills.
Tools for grading.
Wing dams.

5 Tunnels and Subways.

This account shall include the cost of tunnels and subways for the passage of trains, including apparatus for ventilating and lighting and safety devices therein, other than signals.

NOTE A: The cost of tracks, including guard rails, in tunnels shall not be charged to this account.

NOTE B: Station subways not highway crossings are includible in account 16, "Station and office buildings."

NOTE C: If a tunnel be converted into an open cut the accounting shall be in accordance with the instructions prescribed for converted property.

6 Bridges, Trestles, and Culverts.

This account shall include the cost of the substructure and superstructure of bridges, trestles, and culverts which carry the tracks of the carrier over water-courses, ravines, public and private highways, and other railways.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Draw bridge engines and machinery.
Fender piers.
Guard rails.
Ice breakers.
Painting (except repainting).
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE A: When a part of the entire structure of a bridge or trestle is converted, by filling, into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to this account. In case the bridge or trestle is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be charged to account 3, "Grading." The ledger value of the structure or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to account 3, shall be charged to account 735, "Accrued depreciation—Road and equipment."

NOTE B: The cost of bridges to carry the carrier's tracks over undergrade crossings, including the necessary piers and abutments to sustain them shall be included in this account.

7 Elevated Structures.

This account shall include the cost of elevated structures and foundations of elevated railway sytems. This account is applicable to structures other than earthwork, which are for the purpose of elevating tracks above the grade of streets, and which are not properly classable as bridges or trestles.

NOTE: The cost of stations and other structures built on elevated structures shall be accounted for according to the class of the structure thus superimposed and not in this account.

8 Ties.

(a) This account shall include the cost of cross, switch, bridge and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of additional ties subsequently laid in such tracks; also the excess of cost of metal ties used in repairs of track over the cost to replace in kind wooden ties removed.

(b) The cost of handling ties in general supply and storage yards shall be included as store expenses apportioned to this account when the ties are used for construction purposes.

NOTE A: The cost of labor for unloading, distributing and placing the ties in tracks and the cost of train service in connection with the distribution of ties laid shall be charged to account 12, "Track laying and surfacing."

NOTE B: The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

9 Rails.

(a) This account shall include the cost of rails used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of the excess in weight of heavier rails laid in replacement of lighter rails.

(b) The cost of handling rails in general supply and storage yards shall be included as store expenses apportioned to this account when the rails are used for construction purposes.

(c) To this account shall be credited the cost (estimated if actual is not known) of the excess weight of heavier rails replaced with lighter rails.

NOTE A: The cost of labor for unloading, distributing and placing the rails in tracks, and of train service in connection with the distribution of the rails shall be charged to account 12, "Track laying and surfacing."

NOTE B: The cost of rails used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of rails used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

10 Other Track Material.

(a) This account shall include the cost of material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), except ballast and material chargeable to foregoing accounts; also the excess cost of heavier or improved "other track material" used in repairs of tracks over the cost of replacing in kind such material removed.

(b) The cost of handling "other track material" in general supply and storage yards shall be included as store expenses apportioned to this account when such material is used in the construction of new tracks.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.
Anticreepers.
Bumping posts.
Compromise joints.
Connecting rods.
Crossings, including foundations of bases.
Derails.
Frog blocking.
Frogs.
Guard-rail blocking.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails, switch and other.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail splices.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" shall be charged to account 12, "Track laying and surfacing".

NOTE B: No entry is required in this account with respect to improved "other track material" unless installed under a definite plan of changing standards, such as increasing the weight of rail.

NOTE C: The cost of "other track material" used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of such track material used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

11 Ballast.

(a) This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of work-train service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width the ballast removed. Charges to this account shall not exceed the cost of ballast applied to a depth of 24 inches beneath the tie, unless otherwise authorized by the Commission.

(b) The instructions prescribed for gravel and sand pits and quarries applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance, or for both.

NOTE A: The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

NOTE B: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE C: The cost of ballast material placed on the decking of bridges solely for fire-protected purposes shall be included in account 6, "Bridges, trestles and culverts."

NOTE D: No charge shall be made to the accounts of this classification representing the value of cinders accumulated by the carrier.

12 Track Laying and Surfacing.

This account shall include the cost of distributing (including train service), laying, and adjusting ties, rails, and other track material used in the construction of tracks for the movement or storage of locomotives or cars, including repair tracks, but not tracks on car floats or temporary tracks the cost of which is chargeable to clearing accounts. It shall also include the cost of the labor expended in placing ballast in tracks not previously ballasted.

NOTE A: The cost of distributing and adjusting ties, rails, ballast, and other track material for repairs shall be charged to operating expenses, both when such materials are replaced in kind and when replaced with improved and heavier material.

NOTE B: The cost of work-train service in delivering ballast and of unloading such material is provided for in account 11, "Ballast."

13 Fences, Snowsheds and Signs.

This account shall include:

(a) *Fences.* The cost of right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, on property not previously fenced, excluding those around stock-yards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of snow-sheds, including initial cost of planting trees for protecting tracks from snow.

(c) *Signs.* The initial cost of signs other than those for identification of bridges, signals, stations, and other structures.

SIGN ITEMS

Boundary signs.
Bridge-caution signs.
Crossing signs.
Curve and elevation markers.
Division-limit signs.
Mileposts.
Monuments.
Safety-first signs at crossings.
Section-limit signs.
Slow or stop signs.
Tunnel—caution signs.
Water-station signs.
Water-trough signs.
Whistle signs.
Yard-limit signs.

NOTE A: The cost of fences (other than right-of-way boundary fences) around stock yards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of the structures.

NOTE B: The cost of signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of the structures.

NOTE C: The cost of crossing signals, including crossing gates, shall be included in account 27, "Signals and interlockers."

NOTE D: This account shall also include the cost of replacing units of such property or substantial parts of fences or snowsheds the original cost of which were charged to this account.

16 Station and Office Buildings.

This account shall include the cost of station and office structures, their fixtures, appurtenances, and furniture necessary first to equip the buildings for use.

STATION AND OFFICE STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Coal transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Drainage and sewerage systems.
Elevators and machinery.
Fences.
Freight cranes and derricks.
Freight handling machinery.
Gas-supply systems.
General office buildings
Grain elevators and warehouses.
Heating plants.
Hoisting engines, for handling freight.
Lighting plants.
Ore-transferring machinery.
Pavement within ground limits.
Platforms, passenger, including planking between tracks.
Power distribution systems, interior.
Sidewalks.
Station footbridges (not highway crossings).
Station intertrack fences.
Telegraph offices.
Track scales.
Water-supply systems.
Yard offices.

NOTE A: Office buildings used exclusively in connection with maintenance of way shall be included in account 17, "Roadway buildings." Those used exclusively in connection with maintenance of equipment shall be included in account 20, "Shops and engine-houses."

NOTE B: The cost of grading and preparing grounds, both before and after the construction of station and office buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

17 Roadway Buildings.

This account shall include the cost of roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and connections; and all machinery, fixtures, and furniture to equip the building ready for use.

LIST OF ROADWAY BUILDINGS

Blacksmith shops.
Breakwaters for protection of buildings.
Carpenter shops.
Fire-engine houses.
Frog shops for repair of track material.
Hand-car houses.
Lighting plants.
Lumber sheds.
Planing mills.
Rail shops for repair of track material.
Repair shops.
Scrap bins.
Section dwelling houses.
Tool houses.

NOTE: The cost of grading and preparing grounds both before and after the construction of roadway buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects, specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

18 Water Stations.

This account shall include the cost of structures, facilities, and appliances necessary to equip for service, stations for supplying water. The cost of analyses of water preliminary to the establishment of water stations shall be included in this account.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns and dams.
Fences.
Pump houses.
Purifying plants.
Reservoirs and wells.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Water pipe lines.
Water-treating plants.

NOTE A: The cost of water stations used solely for supplying water to shops, power

plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary water station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the water station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of water station buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

19 Fuel Stations.

This account shall include the cost of structures, facilities other than tracks, and appliances necessary to equip for service, stations for supplying fuel to locomotives and floating equipment.

FUEL STATION STRUCTURES AND DETAILS

- Breakwaters for protection of buildings.
- Buildings on piers.
- Coal buckets and hoists.
- Coal pockets and chutes.
- Dumping machinery.
- Elevating machinery.
- Fences.
- Fuel houses or stations.
- Fuel-oil plants, pumps and tanks.
- Fuel platforms and wharves.
- Stationary engines.
- Tipple cars.
- Weighing apparatus.

NOTE A: The cost of fuel stations, coal houses, etc., used solely for supplying fuel to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary fuel station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the fuel station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of fuel station buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

20 Shops and Enginehouses.

This account shall include the cost of buildings to be used as shops, enginehouses, and storehouses for material for maintenance of equipment; foundations, except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery"; drainage, sewerage, and water-supply systems; and plants for heat and light.

SHOP AND ENGINEHOUSE STRUCTURE AND DETAILS

- Air-compressor houses.
- Bins for material.
- Blacksmith shops.
- Breakwaters for protection of buildings.
- Buildings on piers.
- Car sheds and shops.
- Carpenter shops.
- Cinder pits and pockets.
- Electric-power distribution systems within buildings.
- Enginehouses.
- Fire-engine houses.
- Footbridges (not public highways).
- Foundries and machine shops.
- Gas-compressor houses.
- Heating and lighting plants.
- Laboratories.
- Lumber sheds.
- Material and supply truck tracks.
- Motor-crane tracks.
- Offices, shop.
- Paint shops.
- Pipe lines, air, and heat.
- Pipe lines, gas, interior.
- Planing mills and repair shops.
- Platforms, shop and yard.
- Scale houses and scales.
- Scrap bins.
- Sidewalks.
- Steam-distribution systems, interior.
- Storehouses.
- Tanks, gas, and oil.
- Test rooms.
- Turntables.
- Upholstering shops.
- Warehouses.

NOTE A: The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants." The cost of distribution systems leading from such power plants to shops and enginehouses shall be included in account 31, "Power-transmission systems."

NOTE B: The cost of grading and preparing grounds both before and after the construction of shop and enginehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings."

21 Grain Elevators.

This account shall include the cost of structures, including the cost of conveyors, machinery, and the fixtures which the railway companies operate for the transfer, treatment, and storage of grain. The buildings referred to in this account are not small storage elevators at stations where grain is received for shipment, etc., but large elevators in which grain is stored for various owners.

NOTE A: Small storage elevators at way stations are classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of grain-elevator buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of grain elevators leased to noncarriers shall be included in account 737, "Miscellaneous physical property."

22 Storage Warehouses.

This account shall include the cost of storage warehouses, including machinery and fixtures therein. The buildings herein referred to are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but warehouses in which merchandise is stored and which the railway companies operate as storage warehouses.

NOTE A: The cost of grading and preparing grounds both before and after the construction of storage warehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE B: The cost of warehouses leased to noncarriers shall be charged to account 737, "Miscellaneous physical property."

23 Wharves and Docks.

This account shall include the cost of wharves, docks, dry docks, slips, float bridges, and other landings for vessels, including the cost of necessary dredging, and the cost of float-bridge machinery; also the cost of piling, pile protection, cribs, coffer-dams, walls, and other necessary devices and apparatus for the operation or protection of wharves and docks.

DETAILS OF WHARVES AND DOCKS

- Bridge pontoons.
- Bulkheads.
- Caissons and crib-work.
- Dry docks.
- Ferry-bridge machinery.
- Ferry bridges.
- Ferry slips.
- Jetties and inclines.
- Transfer-bridge machinery.
- Transfer bridges.

NOTE A: The cost of coal and ore wharves and docks shall be included in account 24, "Coal and ore wharves."

NOTE B: The cost of the land on which wharves are built and cost of riparian or water rights for wharves and docks shall be charged to account 2, "Land for transportation purposes."

NOTE C: The cost of buildings located on wharves shall be included in the accounts appropriate for the class of buildings.

NOTE D: The cost of grading and preparing grounds both before and after the construction of wharves (other than coal and ore wharves) and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

24 Coal and Ore Wharves.

This account shall include the cost of wharves and docks for the transfer, treatment, blending, or storage of coal or ore, including the cost of necessary dredging and of conveyors, machinery, and fixtures.

NOTE A: The structures referred to in the account do not include small transfer or storage trestles or wharves at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of coal and ore wharves, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

26 Communication Systems.

This account shall include the cost of telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

- Batteries.
- Cables and wires, interior.
- Carrier terminating equipment.
- Conduits, interior.
- Connecting wires.
- Current-controlling instruments.
- Electric generators and motors.
- Electric meters.
- Engines, stationary.
- Fuses and mechanical protectors.
- Rectifiers.
- Rheostats.
- Sending and receiving instruments.
- Switchboards.
- Telegraph repeaters.
- Telephone repeaters.
- Teletypewriters.
- Testing outfits.
- Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

- Aerial attachments.
- Braces.
- Brackets.
- Cable boxes and appurtenances.
- Cables and wires, aerial.
- Conduits and appurtenances.
- Cross arms.
- Gas and associated facilities for cables.
- Guy stubs.
- Guy wires.
- Insulators.
- Load coils.
- Poles.
- Submarine cables and connections.
- Telephone pole boxes.
- Towers.
- Underground cables and connections.

DETAILS OF RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION EQUIPMENT

- Aerials or antenna, and attachments.
- Buildings or towers used exclusively for wireless.
- Control units.
- Power generating, converting, or supply equipment.
- Radar console and associated equipment.
- Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
- Specialized testing and repair equipment.
- Transmitters and receivers, including mobile units.

NOTE A: Radio, radar or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same accounts as the equipment on which installed. Wireless sets for instruction, advertising, or entertainment shall be included in the same accounts as the building in which located.

NOTE B: Communication systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as the building in which located or in the account appropriate for the service with which associated.

ITEMS

- Buzzers, bells, dictaphones or other interoffice communication systems in an office or group of buildings.
- Loud speakers, bells, or whistles in shop and other yards.
- Loud speakers, public address devices, press button control lights, telautograph or other systems in stations or on platforms.
- Whistles, klaxons, or horns operated from signal towers.

NOTE C: Test sets shall be classified as tools and included in the account appropriate for their use.

27 Signals and Interlockers.

This account shall include the cost of interlocking and other signal apparatus for governing the movements of locomotives, cars, and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; roadway installations for train control and remote control including the cost of the initial tests of such installation; also the cost of buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

ITEMS

- Automatic-train control devices other than on equipment.
- Call-bell systems along track to call in flagmen.
- Call boxes, electric.
- Car-retarder systems.
- Centralized traffic control.
- Crossing flasher-light signals.
- Crossing gates, highway and railway.
- Crossing signal bells.
- Crossing warning signals.
- Interlocker buildings and machinery.
- Power apparatus primarily for the operation of signals and interlockers.
- Power-distribution lines primarily for the operation of signals and interlockers.
- Signal buildings.
- Signal machinery, poles and foundations.
- Train-order signals.

NOTE A: When signal or interlocking apparatus is located in a station building, only the cost of the signal or interlocking apparatus shall be charged to this account. The entire cost of the building shall be included in account 16, "Station and office buildings."

NOTE B: The cost of track material, such as switches, special rail braces, special rods, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 10, "Other track material."

NOTE C: When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 12, "Track laying and surfacing." The cost of the material shall be included in account 10, "Other track material."

NOTE D: The cost of grading and preparing grounds both before and after the construction of signal and interlocker buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

29 Power Plants.

This account shall include the cost of power-plant and substation buildings (housing machinery provided for in account 45, "Power-plant machinery"); all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and furniture and miscellaneous fixtures shall be considered as a part of the power-plant buildings.

POWER-PLANT STRUCTURE ITEMS

- Buildings.
- Coal bunkers, pockets and trestles.
- Fences (other than right - of - way boundary fences).
- Fixtures for lighting (including wiring) and heating power-plant buildings.
- Foundations (except special foundations for machines and other apparatus).
- Fuel-oil tanks.
- Furniture.
- Hose and appliances for protecting buildings against fire.
- Pavement within ground limits.
- Permanent rights in water supply.
- Platforms.
- Smoke stacks and chimneys and their foundations when distinct from and not resting on boilers.
- Water, sewer, gas, and drainage pipes and connections.
- Wells (but not pumps).

DAM, CANAL, AND PIPE-LINE ITEMS

- Aqueducts.
- Bridges.
- Fences (other than right - of - way boundary fences).
- Footbridges.
- Reservoirs.
- Roadways.
- Sluices.
- Valves.
- Water rights.

NOTE A: The cost of power-plant machinery, including stacks resting on boilers, and special foundations for machines, shall be included in account 45, "Power-plant machinery."

NOTE B: The cost of the buildings and of the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE C: Investment in buildings and machinery of detached plants for furnishing power both for operating purposes and for sale shall be included in this account and in account 45, "Power-plant machinery," respectively. When plants are intended and used primarily for generating power for sale to other than common carriers, the investment shall be included in account 737, "Miscellaneous physical property."

31 Power-transmission Systems.

This account shall include the cost of systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and of poles, cross arms, insulator pins, brackets, and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

POWER-TRANSMISSION SYSTEM ITEMS

- Air pipe-lines in car yards.
- Compressed air pipe-lines.
- Compressed air storage tanks (not at power houses or shops).
- Cut-outs (not at power houses and substations).
- Overhead trolley wires.
- Rail-insulating devices.
- Steam-heating pipe-lines in car yards.
- Switchboards (not at power houses and substations).
- Third-rail insulation and protection.
- Transformers (not at power houses and substations).
- Underground power tubes.

POLE-LINE AND CONDUIT ITEMS

- Braces and other supports for holding poles in position.

Brackets, cross arms, and other pole fixtures.
Conduits for wires and cables.
Cutting and trimming trees.
Guy stubs and wires.
Manholes.
Poles and towers.
Sewer traps.
Stenciling or painting letters or numbers on poles.

NOTE A: The cost of wire and pipe-distribution systems located within shop buildings and in stations and office buildings shall be included in the cost of the buildings, except that lateral service lines to equipment-shop machines shall be included in account 44, "Shop machinery." The cost of distribution systems used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE B: The cost of conduits and of poles and fixtures for telegraph and telephone, or signal lines shall be included in account 26, "Communication systems," or account 27, "Signals and interlockers," as appropriate. The cost of poles and conduits used for telegraph and telephone or signal lines and for power-distribution lines shall be included in the account appropriate according to their predominant use.

35 Miscellaneous Structures.

This account shall include the cost of all permanent structures not provided for elsewhere, including all fixtures and furniture to equip them for use.

37 Roadway Machines.

This account shall include the cost of the initial outfit of roadway machines provided for the maintenance of roadway and structures at the time the road is opened for commercial traffic, and the cost of additional roadway machines acquired subsequently.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars, (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.
Velocipedes.

NOTE A: When an important addition and betterment project or the construction of a new line necessitates the purchase of roadway machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged. The amount realized from any subsequent sale, or the appraised value of the machines retained after the completion of the special work for which they were purchased, shall be credited to the accounts charged with the cost thereof. The appraised value of such machines retained shall be debited to this account and thereafter considered as the cost of such property.

NOTE B: The cost of machines for the equipment of roadway shops shall be included in account 17, "Roadway buildings," as provided for therein.

NOTE C: The cost of roadway machines, such as pile drivers, log loaders, hoist engines, and concrete mixers, when permanently mounted for movement on the carrier's tracks, shall be included in account 57, "Work equipment."

38 Roadway Small Tools.

This account shall include the cost of the initial outfit of roadway and track small tools provided for the maintenance of way and structures at the time the road is opened for commercial traffic; also the initial outfit of such tools provided for the maintenance of extensions of such road.

NOTE: The cost of roadway and track small tools of which no specific record is kept shall be charged when acquired to an appropriate materials and supplies account, from which they shall be charged as issued to the appropriate road and equipment, operating expense, or other accounts. When such tools are used both for construction and maintenance work the cost shall be equitably apportioned among the accounts provided for the two classes of work.

39 Public Improvements; Construction.

This account shall include amounts assessed on carrier property by governmental authority (by mutual agreement or otherwise) to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. The account also shall include carrier's portion of the cost of public improvements constructed under governmental requirements. See Instruction 16. The entire amount of each assessment and other liabilities for public improvements shall be included in this account as soon as the amounts are determined.

ITEMS

Cost of land outside carrier's right-of-way to provide for the relocation of streets or highways or providing slopes therefor.
Cost of removal and relocation of buildings and other structures in connection with the construction of streets and highways.
Curbing streets and highways.
Damage to property of others when incidental to highway construction.
Drainage systems.
Engineering—When such costs apply to items chargeable to this account.
Flood protection.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Overhead highway bridges, including approaches.
Paving streets and highways, including such pavings at crossings.
Planking, highway crossings.
Sewer systems.
Sidewalks.
Street-lighting systems.
Water works.

NOTE A: The cost of railway facilities installed in connection with joint public improvement projects if not in excess of total costs borne by the carrier shall be included in accounts other than account 39, "Public improvements—Construction," appropriate for the class of property installed. Any costs borne by the carrier in excess of the cost of railway facilities shall be charged to this account.

NOTE B: The cost to the carrier of maintaining public improvements shall be included in Operating Expenses.

NOTE C: Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for taxes.

NOTE D: The amount of the deferred payments of assessments for public improvements if payments are to be made within one year, shall be included in account 763, "Other current liabilities." If the payments are spread over a longer period they shall be credited to account 782, "Other liabilities." The interest paid on such assessments shall be included in account 547, "Interest on unfunded debt."

NOTE E: Interest and penalties imposed, on basis of monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be charged to account 547, "Interest on unfunded debt."

NOTE F: Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 737, "Miscellaneous physical property."

40 Revenues and Operating Expenses During Construction.

This account shall include the cost of operating a piece of road during the period before the regular operation of revenue trains, including rent and repairs of equipment used in commercial service during such period. It includes the cost of running construction trains over such section of road when the cost of operating such trains cannot properly be charged to any specific account. To this account shall be credited amounts collected for rents of buildings and other properties and for the transportation of commercial freight or of passengers on construction trains; also the net profits from boarding and commissarial outfits, and other sources of operating revenue. Carriers which wish to subdivide this account shall use appropriate subaccounts corresponding to accounts prescribed for operating revenue, operating expense, or income accounts.

42 Reconstruction of Road Property Acquired.

When road property acquired is in such physical condition that it is necessary to substantially rebuild the road in order to bring it up to the standard required by the carrier, the accounting for such reconstruction including retirements in connection therewith shall be presented to the Commission for approval before being entered in the accounts.

NOTE: A comprehensive statement of the estimated amount necessary to reconstruct a road in accordance with the above provision shall be made to the Commission as soon as the estimate is made.

43 Other Expenditures; Road.

This account shall include items which can not properly be included in any of the foregoing accounts as a part of the cost of any specific work, amounts paid for rent and repairs of equipment and for injuries to persons incident to and in connection with original road, road extensions, or additions and betterments; and analogous items. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditure occurs.

NOTE: Rents paid for and repairs made to equipment used in commerical operations during the period before the regular operation of revenue trains shall be charged to account 40, "Revenue and operating expenses during construction."

44 Shop Machinery.

This account shall include the cost of machinery and other apparatus in shops and engine houses, including the cost of special foundations and installation and cost of small hand tools necessary first to equip a shop.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, motor.
Cars, push.
Cranes.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power equipment.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vices.
Welding machines.
Woodworking machines.

NOTE A: The cost of powerplant machinery and other apparatus for shop purposes, when located in distinct buildings, shall be included in account 45, "Power-plant machinery."

NOTE B: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

45 Power-plant Machinery.

This account shall include the cost of machinery and other apparatus in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for stations, shops, and general purposes, and also the cost of foundations special to particular machines or other apparatus including the cost of installation.

ITEMS

Air compressors.
Ash-conveying machinery.
Battery-charging apparatus.
Boiler-room appliances and tools.
Boilers and fittings.
Circuit breakers.
Coal-conveying machinery.
Condensers.
Cranes.
Draft machinery.
Dynamos.
Engine-room appliances and tools.
Feed water heaters.
Furnaces.
Ice-manufacturing machinery and apparatus.
Lubricating devices.
Mechanical stokers.
Metal stacks on boilers.
Refrigerating - machinery and apparatus.
Rotary converters.
Sewer connections for machinery.
Special foundations for machines.
Steam - distribution systems within the plant.
Switchboards.
Tanks.
Tractors, trailers, and trucks, permanently assigned to power plants.
Transformers.
Turbines.
Water meters.
Well pumps.

NOTE A: The cost of power machinery and other apparatus installed in a shop as part of the shop equipment shall be included in account 44, "Shop machinery."

NOTE B: The cost of power machinery and other apparatus installed in station and office buildings shall be included in account 16, "Station and office buildings."

NOTE C: The cost of the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE D: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

NOTE E: The cost of machinery and buildings of detached plants for producing power both for operating purposes and for sale shall be included in this account and in account 29, "Power plants," respectively. When plants are intended and used primarily for generating power for sale to non carriers the investment shall be included in account 737, "Miscellaneous physical property."

47 Unapplied Construction Material and Supplies.

This account shall include the cost of material and supplies located at the point of use which have been purchased for projected new roads and road extensions. The purpose of this account is to exclude from the current assets the cost of supplies and unapplied material which are located for use on projected new roads and road extensions, under the condition that the material will not be used for other purposes.

NOTE A: Material and supplies designed for projected new roads and road extensions which are carried in storehouses and store yards and included in the general stock of an operating company shall be included in balance-sheet account 712, "Material and supplies."

NOTE B: The cost of unapplied materials and supplies on hand at the completion of construction work shall be transferred to balance-sheet account 712, "Material and supplies."

Equipment

50 Equipment.

The several primary accounts included in this general account are designed to show the cost of the several classes of equipment owned by the carrier, or held under equipment trust agreements or other contractual obligations for purchase of the property.

51 Steam Locomotives.

This account shall include the cost of steam locomotives and tenders, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire-extinguishing apparatus.
Gongs.
Head lamps.
Metallic packing.
Pneumatic sanding equipment.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

52 Other Locomotives.

This account shall include the cost of locomotives other than steam, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

NOTE: Cars with motor equipment are not to be classed as locomotives.

53 Freight-train Cars.

This account shall include the cost of freight-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and the cost of inspection and transportation charges to the carrier's line.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial).
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Logging.
Oil tank.
Ore.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank and water (when used as commercial cars).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Heating equipment.
Ice boxes.
Lamps and fixtures.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

54 Passenger-train Cars.

This account shall include the cost of passenger-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF PASSENGER-TRAIN CARS

Baggage.
Baggage-express.
Baggage-mail.
Baggage-mail-express.
Buffet.
Café, chair and club.
Dining.
Express.
Library.
Mail.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger-baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CARS

Air-brake equipment, including hose.
Bedding.
Chairs.
Coat hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam-heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

56 Floating Equipment.

This account shall include the cost of marine or floating equipment of all kinds except work equipment, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats.
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steamboats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES TO FLOATING EQUIPMENT

Anchors.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
Boilers and foundations.
Cables.
Capstan bars.
Charts.
China, crockery, and glassware.
Chronometers.
Compassees.
Desks and furniture.
Engines and foundations.
Fire buckets and extinguishers.
Floor coverings.
Gangplanks.
Heating equipment.
Hoisting equipment.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Logs.
Machinery and foundations.
Masts.
Pianos and other musical instruments.
Pumps.
Railings.
Rigging.
Sails.
Scales.
Seats, chairs, and cushions.
Spyglasses and telescopes.
Steam distribution systems.
Steering equipment.
Ticket cases.
Tool boxes and tools.
Tracks on car floats.
Ventilating equipment.

57 Work Equipment.

This account shall include the cost of work equipment, including motor-driven equipment, purchased or built by the carrier; cost of appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF RAIL WORK EQUIPMENT

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used permanently as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (moved by but not attached to locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool cars.
Tool and block cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

LIST OF FLOATING WORK EQUIPMENT

Derricks.
Dredges.
Pile drivers.

58 Miscellaneous Equipment.

This account shall include the cost of automobiles, and other highway vehicles.

59 Unapplied Material and Supplies; Equipment.

This account shall include the cost of unapplied material and supplies located at the point of use whch have been purchased specifically for the construction of new railroad equipment.

NOTE A: If material and supplies designated for new railroad equipment are carried in storehouses and storeyards as part of the general stock of the company, their cost shall be included in balance sheet account 712, "Material and supplies."

NOTE B: The cost of unapplied material and supplies on hand at the completion of construction work shall be transferred to balance sheet account 712, "Material and supplies."

General Expenditures

70 General Expenditures.

The primary accounts of this general account are designed to include expenditures made in connection with the acquisition and construction of original road and equipment, and with extension, additions, and betterments to road and equipment property, when such expenditures cannot properly be included in any of the foregoing accounts as a part of the cost of any specific work. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditures occur.

71 Organization Expenses.

This account shall include all fees paid to governments for the privilege of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities; and other like costs necessary and proper in organizing the enterprise.

NOTE: Cost of soliciting for loans or for the sale of bonds or other evidences of indebtedness shall be charged to balance-sheet account 742, "Unamortized discount on long-term debt."

72 General Officers and Clerks.

This account shall include the pay and expenses of executive and general officers and of general office clerks engaged exclusively in connection with the construction of new road and extensions.

NOTE: The salaries and expenses of executive and general officers and of general office clerks engaged in connection with the conduct of commercial operations during the period before the regular operation of revenue trains shall be included in account 40, "Revenues and operating expenses during construction."

73 Law.

This account shall include specific and distinct expenditures, not provided for elsewhere, for law service in connection with the acquisition of new road, road extensions, additions, and betterments, such as pay and expenses of counsel, solicitors, and attorneys, their clerks and attendants, and expenses of their offices.

NOTE: Court costs and special counsel fees in connection with the acquisition of land for transportation operations shall be included in account 2, "Land for transportation purposes."

74 Stationery and Printing.

This account shall include the cost of stationery, stationery supplies, postage, office devices, and printed matter used by any class of employees in connection with construction and not provided for elsewhere.

NOTE A: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 742, "Unamortized discount on long-term debt."

NOTE B: The cost of stationery and printing when assignable, shall be included in the cost of the property in connection with the acquirement or construction of which the expenditure occurs.

75 Taxes.

This account shall include State, county, township, city, school, road, annual franchise, and all other taxes and assessments levied and paid on property belonging to the carrier during construction and before the facilities are used for commercial operations, except special assessments for street and other improvements chargeable to account 39, "Public improvements—Construction."

NOTE: Taxes during construction, when assignable, shall be included in the cost of the property acquired or constructed.

76 Interest During Construction.

(a) When any bonds, notes, or other evidences of indebtedness are sold, or any interest-bearing debt is incurred for acquisition and construction of original road and equipment, extensions, additions, and betterments, the interest accruing on the part of the debt representing the cost of property chargeable to road and equipment accounts (less interest, if any, allowed by depositaries on unexpended balances) after such funds become available for use and before the receipt or the completion or coming into service of the property so acquired shall be charged to this account.

(b) When such securities are sold at a premium the proportion of such premium assignable to the time between the date of the actual issuance of the securities and the time when the property acquired or the improvement made becomes available for service shall be credited to this account.

(c) This account shall also include such proportion of the discount and expense on funded debt issued for the acquisition of original road, original equipment, road extensions, additions, and betterments, as is equitably assignable to the period between the date of the actual issuance of securities and the time when the property acquired or the improvement made becomes available for the service for which it is intended. The proportion of discount and expense thus chargeable shall be determined by the ratio between the period prior to the completion or coming into service of the facilities or improvements acquired and the period of the entire life of the securities issued.

NOTE A: Interest on bonds, notes, or other evidences of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in this account, nor shall there be included any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for use in connection with commercial service.

NOTE B: If any securities which have been issued or assumed by the carrier are sold or exchanged by or for the carrier for a consideration the actual money value of which at the time of such sale or exchange is less than the value of the securities at par and the accrued interest thereon, if any, the difference between the money value of the consideration received and the par value of the securities plus the accrued interest shall be deemed a discount. In no case (except as provided in the third paragraph of this account) shall discounts be included as part of the cost of anything charged to any account prescribed in this classification.

NOTE C: Whenever interest, premium, or discount assignable to the construction period is incurred in connection with an expenditure covered by some specific roads and equipment account or accounts, such interest, premium, or discount shall be charged directly to the specific accounts to which it is related.

NOTE D: This account shall not include interest during the construction period on the carrier's own funds expended in connection with the acquisition or construction of original road and equipment, extensions, additions, and betterments.

77 Other Expenditures; General.

This account shall include all expenditures of a special and incidental nature in connection with the acquisition and construction of original road and equipment, road extensions, additions, and betterments which cannot properly be included in any other account in this classification.

80 Other Elements of Investment.

(a) This account shall include elements of investment in property not includible in other primary property accounts. When property is retired from service a fair portion of the amount in this account assignable to such property shall be cleared on a consistent basis. The amount of charges so cleared shall be included in the operating expense account prescribed for loss from property retired, unless a reserve previously has been provided against which the amount is now chargeable.

(b) The amount cleared for property retired shall include a fair portion of any of the remaining credit balance recorded in this account as of the time of a merger, purchase or reorganization pursuant to instruction 2–14, Merger, consolidation, and purchase, and 2–15, Reorganization of railway. The amount of credits so cleared assignable to retirements of property classified as nondepreciable (for which a reserve for loss from retirements has not been provided) shall be applied to reduce the loss otherwise chargeable to operating expenses or to retained income, when use of the retained income account for the loss has been authorized by the Commission. Any material amount of credit in this account 80, "Other elements of investment," equitably assignable to nondepreciable property previously retired and charged off to operating expenses or retained income shall be cleared and credited to account 606, "Other credits to retained income"; any material amount of debit in account 80, "Other elements of investment," equitably assignable to property previously retired shall be cleared and charged to account 616, "Other debits to retained income."

(c) Any portion of a credit balance in this account 80, "Other elements of investment," arising from a merger, purchase or reorganization that is equitably assignable to property for which a depreciation or other reserve has been provided and which reserve is now adequate to take care of losses from retirements shall be disposed of as soon as practicable consistent with the procedure indicated in paragraph (d) hereunder for disposition of the amount in account 80, "Other elements of investment."

(d) In addition to the items hereinbefore described directly assignable to property retired, other amounts are, when authorized or directed by the Commission, to be cleared and written off gradually within a reasonable period of time or disposed of immediately in conformity with sound accounting principles. Statement of accounting covering amounts to be written off gradually and journal entries covering amounts disposed of immediately, as the case may be, shall be submitted to the Commission with suitable supporting detail for consideration and shall become final only after approval by the Commission. The carrier shall maintain a record of items charged to and items cleared from this account and the basis used in computing such items.

RAILWAY OPERATING REVENUE ACCOUNTS

100 Transportation; Rail Line.

The primary accounts included in this general account are designed to show amounts of money which the carrier becomes entitled to receive or which accrue to its benefit from service rendered in transporting property or persons by rail line.

101 Freight.

(a) This account shall include revenue from the transportation of freight and from transit, stop, and reconsigning privileges, upon the basis of lawful tariff rates.

(b) This account shall include collections in excess of tariff charges, except where such amounts are segregated and held subject to refund. Charges found to be uncollectible on shipments for which service has been rendered shall be charged to this account.

(c) Proceeds derived from the sale of unclaimed and refused freight which has been transported in accordance with the contract of shipment shall be credited to this account in cases where such items can be readily identified. Uncollected tariff charges on such shipments shall be charged to this account.

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.
(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train on which the freight is transported.
(c) Revenue from transportation of mail matter, and empty mail pouches, at freight tariff rates.
(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.
(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.
(f) Revenue from reconsigning privileges.
(g) Revenue from stop privileges.
(h) Revenue from transit privileges.
(i) Revenue upon the basis of arbitraries out of freight rates for water transfers (ferriage, lighterage, and floatage).

ITEMS TO BE CHARGED

(a) Amounts paid as bridge and ferry arbitraries on freight.
(b) Amounts paid for completing a haul.
(c) Amounts paid for elevation of freight.
(d) Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.
(e) Amounts paid for transferring freight between stations.
(f) Arbitraries and allowances to others for lighterage and wharfage.
(g) The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.
(h) The carrier's proportion of refunds on account of errors in routing and billing.
(i) The carrier's proportion of uncollected revenue on freight lost or destroyed in transit.
(j) The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.
(k) Amounts paid on basis of tariff rates for loading and unloading livestock.

NOTE A: Amounts paid for switching empty cars otherwise than in connection with loaded movements shall be charged to operating expense account 411, "Other expenses," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B: Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 411, "Other expenses."

NOTE C: Other carriers' proportion of revenue paid by the carrier on freight lost, destroyed, or damaged in transit, for which neither consignees nor consignors are liable shall be charged to operating expense account 418, "Loss and damage—Freight."

NOTE D: When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenues and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

NOTE E: The accrued revenue derived from the transportation of cream, sweet milk, etc., on a basis of lawful tariffs at rates per package, regardless of weights, shall be included in account 109, "Milk."

NOTE F: Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE G: This account shall be maintained so as to show separately payments and allowances (a) to railway express agencies, (b) to motor truck companies and others, and (c) to shippers and consignees, for terminal collection and delivery services when performed in connection with line haul transportation of freight on the basis of freight tariff rates; also (d) payments for switching services when performed in connection with line haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (e) payments on basis of tariff rates for loading and unloading livestock.

102 Passenger.

This account shall include the revenue from transportation of passengers at passenger tariff fares; from the transportation of passengers at special fares as provided by law, and from incidental charges in connection therewith.

ITEMS TO BE CREDITED

(a) Revenue from local passenger fares.
(b) The carriers' proportion of revenue from interline passenger fares.
(c) Revenue from extra fares.
(d) Revenue from additional fares or charges for exclusive use of a passenger car, drawing room, compartment, bedroom, etc.
(e) Revenue from mileage and scrip coupons honored for all services covered by this account.
(f) Revenue from transportation of passengers in special cars or on special trains when charge is based on passenger fare per capita, regardless of the number of passengers actually transported.
(g) Revenue from a guaranteed minimum amount not based on per capita fare, for transportation of passengers on special or chartered trains.
(h) Cash fare penalty collections.
(i) Unclaimed collections and deposits for transportation of passengers.
(j) Passenger fare overcharges.
(k) Revenue from transportation of corpses, based on passenger fares.
(l) Revenue from water transfers (ferriage), bridge tolls, and transfers between railway stations or between railway stations and docks, received as arbitraries in division of passenger fares.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge tolls, and also for ferry, depot to depot and depot to dock passenger transfer service.
(b) Amounts paid for switching in completing a passenger transportation movement.
(c) Amounts paid for switching empty passenger-train cars in connection with transportation of passengers. (See Note C.)
(d) Redemptions of unused and partially unused local tickets and redemptions of carrier's proportions of unused and partially unused interline tickets.
(e) Refund of extra fares, cash fare penalty collections, and overcharges in excess of tariff fares.
(f) Uncollectible undercharges.

NOTE A: Gross receipts from the sale of mileage tickets, and scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of coupons as honored, in connection with any of the services provided for in "Items To Be Credited."

NOTE B: When a lessee company transports passengers over the tracks of another company under a joint arrangement upon the basis of a proportion of the passenger revenue, it shall include the entire compensation in its passenger revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company and the lessor company shall credit the corresponding joint facility accounts.

NOTE C: Amounts paid for switching empty passenger-train cars otherwise than in connection with loaded movements, shall be charged to account 411, "Other expenses," except that when switched for repairs, the amounts paid shall be included in account 317, "Passenger-train cars—Repairs."

NOTE D: Revenue from the transportation of automobiles, with or without trailers, in freight service, in connection with the transportation of passengers, also revenue from loading and unloading automobiles at point of origin, destination, or enroute, shall be credited to account 101, "Freight."

103 Baggage.

This account shall include the revenue from the transportation of baggage, packages, baby carriages, bicycles, household pets, dogs, etc., on passenger trains at other than freight or express tariff rates.

LIST OF ITEMS

(a) Revenue from transportation of baggage in excess of free allowances.
(b) Revenue from transportation of packages, baby carriages, bicycles, household pets, dogs, etc., at baggage tariff rates.
(c) Revenue from transportation of baggage or other articles based upon excess value.
(d) Revenue from transportation of baggage when passenger does not make corresponding trip.
(e) Revenue from excess weight of corpses based on baggage tariff charges and from special charges for transferring corpses between depots.
(f) Revenue from scrip coupons honored for any of the above-mentioned service. (See Note B.)
(g) Overcharges on baggage transactions.
(h) Revenue from transportation of emergency shipments and articles based on double gross weight, etc.
(i) Amounts received specifically to cover movement of special or chartered baggage cars including transportation of attendants regardless of whether the charge is based upon passenger tariff fares, a stated minimum, or any other basis. This includes box cars when used for baggage service.
(j) Revenue from issuing duplicate baggage checks.

NOTE A: Revenue derived from transportation of shipments of silk, fish, etc., in passenger trains at freight rates, shall be included in account 101, "Freight."

NOTE B: Amounts of refunds, uncollectible undercharges, etc., involved in these credits, shall be charged to this account.

NOTE C: Gross receipts from the sale of baggage scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of the coupons as honored for any of the services covered by this account.

104 Sleeping Car.

This account shall include the revenue from berth and seat accommodations furnished in sleeping cars on the basis of berth or seat rates for the space occupied.

105 Parlor and Chair Car.

This account shall include the revenue from seat accommodations furnished in parlor, observation, chair, and other special passenger cars when operated in passenger-train service or in special-train service at seat rates for space occupied.

106 Mail.

This account shall include the revenue from the transportation of mail at established rates for specified routes; from the use of railway post-office cars when in carrier's service transporting mails; from the use of special mail facilities; and from bonuses for special mail transportation. To this account shall be charged fines and penalties imposed by the Government when not collected from agents or employees.

NOTE: The revenue from the transportation of mail matter and empty mail pouches on freight trains at freight tariff rates shall be included in account 101, "Freight."

107 Express.

This account shall include the revenue from transportation of express matters and from use of facilities on trains and at stations incident to such transportation. When a railway company transacts an express business through its regular railway organization, the revenue therefrom shall be credited to this account.

NOTE: When contracts for express privileges provide specific amounts for the rent of facilities at stations, such amounts shall be included in revenue account 142, "Rents of buildings and other property."

108 Other Passenger-train.

This account shall include the revenue derived from the operation of passenger trains not provided for elsewhere.

LIST OF ITEMS

(a) The carrier's proportion of contract revenue derived from the operation over its line of sleeping, parlor, chair, observation, and other special passenger-train cars, owned and operated by companies other than The Pullman Company.
(b) Value of portions of mileage tickets or coupons, scrip books or coupons, including baggage, circus and show scrip, unpresented and unredeemed.
(c) Revenue from transportation of newspapers at local tariff rates or at proportions of interline tariff rates.

109 Milk.

This account shall include the revenue from the transportation of cream, sweet milk, skim milk, sour milk, buttermilk, condensed milk, butterfat, and smearcase or pot cheese, upon the basis of lawful tariffs at rates per package, regardless of weights.

NOTE: The revenue from the transportation of milk upon the basis of lawful tariffs at rates per specified weights shall be included in revenue account 101, "Freight."

110 Switching.

(a) This account shall include the revenue from switching service upon the basis of lawful tariff rates. To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and local industries; revenue upon the basis of distinct tariff rates for "trap-car" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

(b) To this account shall be charged amounts paid others for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE: "Penalty switching" charges paid by the carrier shall be included in expense account 411, "Other expenses."

113 Water Transfers.

(a) This account shall include the revenue, from the transfer by water (ferriage, lighterage, and floatage) of passenger, freight, vehicles and livestock, upon the basis of lawful local tariff rates.

(b) This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

(c) To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

NOTE: No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

Incidental Revenue Accounts

130 Incidental.

The primary accounts included in this general account are designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation, for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses, and from incidental sources not provided for elsewhere.

131 Dining and Buffet.

This account shall include the revenue from dining and buffet service on trains and transfer boats.

ITEMS TO BE CREDITED

(a) Revenue from lunches furnished.
(b) Revenue from meals furnished.
(c) Revenue from liquors furnished.
(d) Revenue from tobacco furnished.
(e) Revenue from cigars and cigarettes furnished.

132 Hotel and Restaurant.

This account shall include the revenue from hotels, restaurants, and station lunch counters.

ITEMS TO BE CREDITED

(a) Revenue from the rent of rooms.
(b) Revenue from the use of baths.
(c) Revenue from the use of billiard tables.
(d) Revenue from the use of bowling alleys.
(e) Revenue from lunches furnished.
(f) Revenue from meals furnished.
(g) Revenue from liquors furnished.
(h) Revenue from tobacco furnished.
(i) Revenue from cigars furnished.
(j) Revenue from cigarettes furnished.
(k) Revenue from newspapers furnished.
(l) Revenue from periodicals furnished.
(m) Revenue from tonsorial service.
(n) Revenue from laundry work.

NOTE: This account shall not include the revenues from hotels and restaurants which are entirely distinct from the carrier's transportation plant and the cost of which is included in balance-sheet account 737, "Miscellaneous physical property."

133 Station, Train, and Boat Privileges.

This account shall include revenue from weighing, vending, and other automatic machines located at stations; from advertising at stations and on trains and on transfer boats; from the privilege of operating news stands at stations and selling papers, periodicals, fruit, etc., on trains and on transfer boats; from telephone companies for the privilege of installing and operating commercial telephones at stations; from the operation of eating houses and dining and buffet service on trains and transfer boats when such operation is conducted by individuals or companies other than railway companies and when the expenses incurred by the carrier in connection therewith are not separable from its regular operating expenses; and from similar sources.

135 Storage; Freight.

This account shall include the revenue from the storage of freight.

137 Demurrage.

This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage.

138 Communication.

This account shall include the revenue from commercial operation of telegraph, telephone, radio, and all other forms of communication systems. It shall also include amounts received from commercial operators of such systems, whether as a proportion of earnings or otherwise, for the privilege of transacting business in offices along the carrier's lines, but only when the carrier furnishes some service of employees whose pay is included in its operating expenses.

139 Grain Elevator.

This account shall include the revenue from the operation of grain elevators.

ITEMS TO BE CREDITED

(a) Revenue from the elevation of grain.
(b) Revenue from the storage of grain.
(c) Revenue from bagging grain.
(d) Revenue from screening grain.
(e) Revenue from blowing grain.
(f) Revenue from cooling grain.
(g) Revenue from clipping grain.
(h) Revenue from cleaning grain.
(i) Revenue from mixing grain.
(j) Revenue from transferring grain in elevators.
(k) Revenue from loading grain into and unloading grain from boats not covered by elevation charges.
(l) Revenue from trimming grain in boats when performed by elevator employees.
(m) Revenue from the sale of screenings and sweepings.
(n) Revenue from inspecting grain in elevators.

141 Power.

This account shall include the revenue from the sale of electric current and other power.

142 Rents of Buildings and Other Property.

This account shall include the revenue from the exclusive use of buildings and other property or portions thereof, such as depot and station grounds and buildings, general and other offices, wharves, ferry landings, elevators, stockyards, fuel yards, enginehouses, repair shops, and section and other houses, when the property is operated and maintained in connection with the property used in the carrier's transportation operations and the expenses of maintaining and operating the rented portion cannot be separated from the expenses of that portion used by the carrier.

NOTE: When the expenses of maintaining and those of operating property rented to others are separable, the rents received shall be credited and the expenses of maintenance and operation shall be charged to appropriate income accounts.

143 Miscellaneous.

This account shall include the revenue from railway operations not provided for elsewhere.

LIST OF ITEMS

(a) Amounts received for privilege of cutting hay along the right of way.
(b) Commissions received for collecting premiums on insurance policies from employees and installment payments for books, watches, etc., sold by dealers to employees.
(c) Profit from jobbing and installing electric power lines for others.
(d) Revenue from boat demurrage.
(e) Revenue from freight and passenger privileges over a carrier's wharves and docks.
(f) Revenue from garnishee fees.
(g) Revenue from operation of coal and ore wharves, cold-storage plants, coal-storage plants, cotton-compress plants, and wood-preserving plants.
(h) Revenue from privilege of mooring and anchoring boats at wharves and docks.
(i) Revenue from the sale of cinders produced by carrier.
(j) Revenue from use of carrier's bridges by pedestrians, streetcar lines, vehicles, etc.
(k) Revenue from temporary use of carrier's tracks for detouring trains, etc.
(l) Revenue from use of tracks incident to delays in loading or removing freight.
(m) Revenue from water furnished boats from water stations operated by the carrier.
(n) Revenue from weighing cars.
(o) The carrier's proportion of gross revenue from operation of clergy bureaus.
(p) The carrier's proportion of gross revenue from operation of ticket validation agencies.
(q) Collections made by station ushers (Red Caps) for the handling of passenger baggage.
(r) Revenue from loading and unloading livestock in transit by railroad, and from feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for such stock.
(s) Revenue from operation of parcel rooms, and from storage of baggage.

NOTE: When a bridge of one carrier is jointly used by itself and another carrier and such use is paid for on the basis of flat rent or charge per train-mile or toll per passenger, per ton, or per car, the compensation therefor shall be credited to the appropriate joint facility, operating expense, and income accounts.

JOINT FACILITY REVENUE ACCOUNTS

150 Joint Facility.

The primary accounts included in this general account are designed to show the carrier's proportion of revenues collected by others in connection with operation of joint facilities and the amount payable by the carrier to other companies from operation of joint facilities.

151 Joint Facility—Cr.

This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B: No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 and 131.

152 Joint Facility—Dr.

This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to by the debtor.

NOTE B: No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 and 131.

RAILWAY OPERATING EXPENSE ACCOUNTS

Maintenance of Roadway and Structures

200 Maintenance of Way and Structures.

The primary accounts included in this general account are designed to show the expenses of maintaining road property devoted to railway operations, with the exception of shop machinery, power plant machinery, and power plant apparatus, the expenses of maintaining which are includible in general account 300, "Maintenance of equipment." The accounts for maintenance of way and structures shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, hotels and restaurants, grain elevators, stockyards, producing power sold, and other miscellaneous operations.

201 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of roadway and structures.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General manager; Assistant.
General superintendent; Assistant.
Chief engineer.
Engineer.
Division engineer.
Bridge engineer.
Chief signal engineer.
Assistant engineers.
Architect.
Roadmaster; Assistant.
Master carpenter; Assistant.
Master mason.
Superintendent of roadway structures.
Superintendent of scales.
Inspector of maintenance.
Building inspector.
Inspector of roadway stores.
Supervisor; Assistant.
Fire Chief.
Fire inspector.
Sanitary inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on the business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk and other clerks and stenographers.
Draftsmen, transitmen, levelman, rodmen and chainmen.
Janitors, messengers, cooks, and porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also amounts paid detective agencies; and others for investigations in connection with maintenance of way and structures.

GENERAL EXPENSE AND SUPPLIES

Atlases, maps, and books for office use.
Business car service.
Fees and dues in associations.
Furniture repairs and renewals.
Heating, lighting and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

SUPPLIES FOR TECHNICAL ASSISTANTS

Barometers.
Cameras, and compasses.
Camp equipage.
Chains for surveyors.
Drafting boards and instruments.
Field glasses, magnets, and magnifiers.
Marking chalk.
Papers, blue-print.
Planimeters.
Plummets.
Protractors.
Ranging poles.
Reading glasses.
Rods for surveyors.
Sextants.
Slide rules.
Telescopes, and thermometers.
Transits, traverse tables, triangles, and tripods.
Other supplies.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged.

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: No part of the pay and expenses of the officers and employees designated above shall be charged to other primary accounts under account 200, "Maintenance of way and structures."

NOTE D: The cost of stationery for maintenance of way and structures offices is chargeable to account 276, "Stationery and printing."

202 Roadway Maintenance.

This account shall include:

(a) *Care of roadbed.* The cost of repairing roadbed.

ITEMS OF EXPENSE

Blasting rocks.
Building temporary tracks around slides and washouts.
Repairing and cleaning tile ditches, open ditches, and drains.
Crowning track ties with retaining earth.
Filling borrow and cattle pits.
Keeping tracks clear and repairing sub-grade in case of washouts.
Landscape gardening along roadway.
Oiling roadbed.
Post driving and pressure grouting to promote stability of roadbed.
Removing temporary tracks around slides and washouts.
Removing dangerous rocks.
Removing slides.
Repairing roadbed damaged by washouts.
Restoring roadbed, cuts, fills, and embankments to standard width.
Sloping cuts.
Sodding roadway.

NOTE A: The cost of drains or sewers laid under tracks shall be included in account 208, "Bridges, trestles, and culverts." The cost of landscape gardening within the limits of the grounds around buildings shall be included in the appropriate repair accounts for buildings.

(b) *General cleaning.* The cost of cutting, removing, and disposing of brush, grass, and weeds from the right of way; plowing and digging fireguards; dressing ballast and cutting sod lines; removing miscellaneous scrap, drift, cinders, dirt, and other material from right of way and from road and terminal tracks (including tracks at stations, engine yards, and car yards); and cleaning streets used as roadways.

NOTE B: Loading ashes at engine-yard tracks shall be charged to the engine-house expense accounts.

(c) *Watching roadway.* The cost of extinguishing fires on right of way and adjacent thereto, and of walking, watching, and patrolling tracks and right of way.

NOTE C: The cost of watching and patrolling bridges, buildings, and miscellaneous property is provided for in accounts specifically relating to such property.

(d) *Bank protection.* The cost of repairs to riprap, piling, dikes, piers, breakwaters, revetments and retaining walls, which were placed or constructed for bank protection.

(e) *Train service.* The cost of work-train service in connection with work pertaining to roadway maintenance.

(f) *Track changes.* The cost of roadway work in connection with taking up and relocating tracks.

(g) *Other expenses.* The cost of roadway work not provided for elsewhere, such as official roadway inspection train service and premiums in connection with roadway maintenance.

NOTE D: Tools and supplies used by repairmen and watchmen in roadway maintenance service shall be charged to account 271, "Small tools and supplies."

206 Tunnels and Subways.

This account shall include the cost of repairing, ventilating, lighting, and watching tunnels and subways for the passage of trains, and the cost of special tools and supplies furnished in connection with the work.

NOTE: The cost of repairs to signals and to roadway and tracks in tunnels shall be charged to the appropriate maintenance of way accounts and not to this account.

208 Bridges, Trestles, and Culverts.

This account shall include the cost of repairing (including fuel and supplies used) and watching bridges, trestles, and culverts, including altering and bracing during process of filling, dredging and cleaning water channels for protection, and cleaning culverts. The bridges, trestles, and culverts referred to in this account include only structures which carry the carrier's own tracks.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting.
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE: When a part of the entire structure of a bridge or trestle is converted, by filling into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to road and equipment account 6, "Bridges, trestles, and culverts." In case the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such a temporary trestle shall be charged to road and equipment account 3, "Grading." The ledger value of the structure, or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to road and equipment account 3, "Grading," shall be charged to account 735, "Accrued depreciation—Road and equipment."

210 Elevated Structures.

This account shall include the cost of repairing elevated structures and foundations of elevated railway systems.

212 Ties.

This account shall include the cost of cross, switch, bridge, and other track ties used in repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting ties in tracks, the cost of work-train service in connection with the distribution of the ties laid, and the cost of picking up and concentrating or disposing of the ties released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of metal ties applied in place of wooden ties over the cost at current prices of replacing in kind the wooden ties removed shall be charged to road and equipment account 8, "Ties."

NOTE C: The cost of ties used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of ties used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

214 Rails.

This account shall include the cost, less salvage, of rails used in the repairs of tracks; also the cost (estimated if actual is not known) of the excess in weight of heavy rails removed and lighter rails applied in repairs of tracks.

NOTE A: The cost of labor for unloading, distributing and putting rails in tracks, the cost of work-train service in connection with the distribution of the rails laid, and the cost of picking up and concentrating the rails released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The cost of the excess weight of heavier rails applied in repairs of tracks in replacement of lighter rails shall be included in account 8, "Rails."

NOTE C: The cost of rails used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts and of rails used for repairs of tracks on car floats to account 323, "Floating equipment—Repairs."

216 Other Track Material.

This account shall include the cost (less salvage) of all track material used in the repairs of tracks, other than ballast, ties, and rails.

ITEMS OF EXPENSE

Angle bars.
Anticreepers.
Connecting rods.
Derails.
Frog and guard-rail blocking.
Frogs.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch-stand bolts.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie-rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" used, and the cost of picking up and concentrating the material released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of improved or heavier track material applied for repairs of tracks, under a definite plan of changing standards, over the cost, at current prices, of material of the same weight and quality as that released, shall be charged to road and equipment account 10, "Other track material."

NOTE C: The cost of "other track material" used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of such track materials used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

218 Ballast.

This account shall include the cost of gravel, stone, slag, cinders, sand, and like ballast material used in the repairs of tracks, including the cost of work-train service and of unloading the material. When the ballast taken from a pit is not sufficient to justify the opening of a clearing account, the cost of gravel and quarry rights and cost of sinking test holes shall be included in this account.

NOTE A: The cost of loading cinders at ash pits shall be charged to account 388, "Enginehouse expenses—Yard," or to account 400, "Enginehouse expenses—Train." No charge to cover the value of cinders accumulated by the carrier shall be included in this account.

NOTE B: The cost of labor putting ballast in tracks shall be included in account 220, "Track laying and surfacing."

NOTE C: The excess cost of ballasting tracks over the cost of replacing in kind to its maximum height and width the ballast previously put in the roadbed shall be charged to road and equipment account 11, "Ballast."

NOTE D: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE E: The cost of ballast used for repairs of temporary tracks, such as gravel pit or quarry tracks, shall be included in the appropriate clearing accounts.

220 Track Laying and Surfacing.

This account shall include:

(a) *Applying ballast.* The cost of labor expended in preparing the roadbed, and applying ballast for repairs of tracks.

(b) *Applying ties.* The cost of labor expended in unloading, distributing and applying ties for repairs of tracks; in gathering up and disposing of the ties released; and in respacing ties.

(c) *Applying rails.* The cost of labor expended in unloading, distributing, cutting, slotting, drilling, adzing for, and laying rails for repairs of tracks; in gathering up and loading rails released; and in adjusting for expansion and contraction of rails.

(d) *Applying other track material.* The cost of labor expended in unloading, distributing, and applying other track material for repairs of tracks; and the cost of gathering up and loading the material released.

(e) *Track maintenance.* The cost of labor expended in alining, surfacing, gauging, and shimming tracks; in tightening track bolts and track spikes; in restoring rails, ties, and ballast in case of washouts, derailments, and wrecks; and in taking up tracks.

(f) *Train service.* The cost of work-train service (except work trains distributing ballast material) in connection with work pertaining to track laying and surfacing.

(g) *Track changes.* The cost of track work (exclusive of the cost of track material) in taking up and relocating tracks.

(h) *Other expenses.* The cost of track laying and surfacing work not provided for elsewhere, and expenses, such as repairing and replacing rail rests, official track inspection train service, and premiums in connection with track repairs.

NOTE: Tools and supplies used by track repairmen and watchmen shall be charged to account 271, "Small tools and supplies."

221 Fences, Snowsheds, and Signs.

This account shall include:

(a) *Fences.* The cost of repairing right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of repairing snowsheds, including cost of replacing trees for protecting tracks from snow.

(c) *Signs.* The cost of repairing signs other than those for identification of bridges, signals, stations, and other structures. (For items of signs see account 13, "Fences, snowsheds, and signs.")

NOTE A: The cost of repairing fences (other than right-of-way boundary fences) around stockyards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of repairs of the structures.

NOTE B: The cost of repairing signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of repairs of the structures.

NOTE C: The cost of repairing crossing signals, including crossing gates, shall be included in account 249, "Signals and interlockers."

227 Station and Office Buildings.

(a) This account shall include the cost of repairing station and office buildings, fixtures, and appurtenanoes (including those for heating and lighting), used by the carrier in its operations; also the cost of maintaining grounds appurtenant to such buildings.

(b) A list of stations and office structures and appurtenances appears in property account 16, "Station and office buildings."

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by station or office employees, shall not be included in this account.

229 Roadway Buildings.

(a) This account shall include the cost of repairing roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and their connections, machinery and other apparatus, fixtures, and furniture in the buildings; also the cost of maintaining the grounds appurtenant to such buildings.

(b) A list of roadway structures appears in property account 17, "Roadway buildings."

NOTE A: The cost of repairing signal and interlocker buildings and their appurtenances shall be included in account 249, "Signals and interlockers."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in the buildings, shall not be included in this account.

231 Water Stations.

(a) This account shall include the cost of repairing water stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

(b) A list of water stations and appurtenances appears in property account 18, "Water stations."

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by water station employees, shall not be included in this account.

233 Fuel Stations.

(a) This account shall include the cost of repairing fuel stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

(b) A list of fuel station structures and details appears in property account 19, "Fuel stations."

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by fuel station employees, shall not be included in this account.

235 Shops and Enginehouses.

(a) This account shall include the cost of repairing shop and enginehouse buildings, fixtures, and appurtenances used by the carrier in repairing and preparing equipment, and the cost of maintaining the grounds appurtenant to such buildings.

(b) A list of shop and enginehouse structures and details appears in property account 20, "Shops and Enginehouses."

NOTE A: The cost of repairing machinery and other apparatus, including special foundations in shops for maintenance of equipment shall be included in account 302, "Shop machinery."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by shop employees, shall not be included in this account.

237 Grain Elevators.

(a) This account shall include the cost of repairing structures for the transfer, treatment, and storage of grain, including conveyors, machinery and fixtures; also the cost of maintaining the grounds appurtenant to such buildings.

(b) The buildings referred to in this account are large elevators in which a regular grain business is handled or grain is stored for various owners.

NOTE A: Small storage elevators at way stations, where the freight is received for shipment, etc., are classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by grain elevator employees shall not be included in this account.

239 Storage Warehouses.

This account shall include the cost of repairing storage warehouses, including machinery and fixtures therein; also the cost of maintaining the grounds appurtenant to such warehouses. The buildings referred to in this section are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but are warehouses in which merchandise is stored and which the carrier operates as storage warehouses.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by storage warehouse employees, shall not be included in this account.

241 Wharves and Docks.

(a) This account shall include the cost of repairing wharves located at marine, lake, or river docks; dredging waterways to approaches and around such structures, including removal of dredged-out material; and cutting ice in and around docks and wharves to prevent damage; also cost of repairs of cribwork, racks, or caissons for preserving

the depth of water in docks; and cost of repairs of guards, piling, and other protection against damage by drift or ice.

(b) A list of details of wharves and docks appears in property account 23, "Wharves and docks."

NOTE A: The cost of repairing buildings, tracks, and machinery (not bridge machinery) on wharves and piers shall be charged to the appropriate expense accounts.

NOTE B: The cost of repairing coal and ore wharves shall be charged to account 243, "Coal and ore wharves."

NOTE C: Incidental cleaning, when done by regular wharf employees, shall not be included in this account.

243 Coal and Ore Wharves.

This account shall include the cost of repairing wharves and docks, including the cost of repairing conveyors, machinery, and fixtures for the transfer, treatment, blending, or storage of coal or ore.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by coal and ore wharf employees, shall not be included in this account.

247 Communication Systems.

(a) This account shall include the cost of repairing telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

(b) Details of telegraph and telephone terminal equipment; telegraph and telephone outside plant; radio, radar, and inductive train communication equipment, and other items appear in property account 26, "Communications systems."

NOTE A: Repairs of radio, radar, or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same account as repairs of the equipment on which installed. Repairs of wireless sets for instructions, advertising, or entertainment shall be included in the same account as repairs of the buildings in which located.

NOTE B: Repairs of communications systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yards, shall be included in the same account as repairs of the building in which located or in the account appropriate for the service with which associated.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 407, "Communication system operation."

249 Signals and Interlockers.

This account shall include the cost of repairing signals and interlockers governing the movements of locomotives and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; also the cost of repairing buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers. For list of items see account 27, "Signals and interlockers."

NOTE A: The pay and expenses of employees engaged both in maintaining and operating signals and interlockers shall be apportioned equitably between this account and account 404, "Signal and interlocker operation."

NOTE B: When signal or interlocking apparatus is located in station buildings, only the cost of repairing the signal or interlocking apparatus shall be charged to this account. The cost of repairing the building shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairs of track material such as special rail braces, special rods, switches, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers shall be included in account 216, "Other track material."

NOTE D: When derails are arranged so as to be thrown from switch stands, the cost of labor expended for repairs of the connections between the switch stands and the derail and devices for throwing the derail, shall be included in account 220, "Track laying and surfacing."

NOTE E: The salaries, office expenses, and traveling expenses of supervisors or inspectors when engaged in maintaining both telegraph and telephone lines and signals and interlockers shall be equitably apportioned between this account and account 247, "Communication systems."

253 Power Plants.

This account shall include the cost of repairing power-plant and substation buildings, including all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and miscellaneous fixtures, shall be considered as a part of the power-plant buildings. The power-plant buildings here referred to are those in which power is produced for the operation of trains and cars and for general purposes. For list of items see road and equipment account 29, "Power plants."

NOTE A: The cost of repairing power-plant machinery, including small stacks resting on boilers, and special foundations for machines, shall be included in account 304, "Power-plant machinery."

NOTE B: The cost of repairing the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

257 Power-transmission Systems.

This account shall include the cost of repairing systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; including the cost of conduits and poles, cross arms, insulator pins, brackets and other pole fixtures, used in repairs, and of repairing other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes. For a list of items see account 31, "Power-transmission systems."

NOTE A: The cost of repairing the portions of distribution systems located within shop buildings and station and office buildings shall be included in the accounts provided for the cost of maintaining the buildings. The cost of repairing distribution systems in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE B: The cost of repairing conduits and poles and fixtures for telegraph and telephone lines shall be included in account 247, "Communication systems." If poles and conduits are used both for telegraph and telephone lines, and for power-distribution lines, the cost of repairs thereof shall be included in the account appropriate according to their predominant use.

265 Miscellaneous Structures.

This account shall include the cost of repairing permanent structures, not provided for elsewhere, including the cost of repairing all furniture and fixtures to equip them for use. It shall also include the cost of maintenance of the grounds appurtenant to such structures.

NOTE A: When separable the cost of maintaining structures which are rented to other companies or individuals shall be charged to income account in which is included the rent received for use of the structures.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in miscellaneous buildings, shall not be included in this account.

266 Road Property; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable road property with the exception of shop machinery and power-plant machinery.

NOTE: Depreciation charges applicable to shop machinery and power-plant machinery shall be included in account 305, "Shop and power-plant machinery—Depreciation."

267 Retirements; Road.

(a) This account shall include charges for the service value (ledger value less value of salvage) of nondepreciable road property retired, excluding rail, ties, and other track material, and ballast used in repairs, as defined in this classification. When rails, ties, and other track material are removed and replaced in the process of repairing tracks such work shall be classified as maintenance and the items of material so replaced are not to be recorded as nondepreciable road property retired.

(b) When road property previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof, and the balance in account 736, "Amortization of defense projects—Road and equipment," with respect to the specific facility retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

(c) This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 80, inclusive, in accounting for the retirement of road property.

NOTE: The cost of dismantling or demolishing the property if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop and power-plant machinery," as may be appropriate.

269 Roadway Machines.

(a) This account shall include the cost of repairing roadway machines which are used for the repairs of roadway and structures.

(b) A list of roadway machines appears in property account 37, "Roadway machines".

NOTE A: The cost of repairing machines in the maintenance of equipment shops shall be included in account 302, "Shop machinery," as provided for therein.

NOTE B: The cost of repairing roadway machines, such as pile drivers, log loaders, hoisting engines, and concrete mixers, when permanently mounted for movement on carrier's tracks, shall be included in account 326, "Work equipment—Repairs."

270 Dismantling Retired Road Property.

This account shall include the cost of dismantling retired road property and recovering the salvage therefrom with the exception of material recovered in connection with repairs of tracks and of dismantling retired shop and power-plant machinery. The cost of removing, gathering up, and disposing of track material in connection with repairs of tracks is includible in account 220, "Track laying and surfacing," and the cost of dismantling retired shop and power-plant machinery and recovering the salvage therefrom is includible in account 306, "Dismantling retired shop and power-plant machinery."

271 Small Tools and Supplies.

This account shall include:

(a) *Roadway and track tools.* The cost of roadway tools (except special tools provided for elsewhere), including the cost of repairing such tools.

LIST OF ROADWAY AND TRACK TOOLS

Adzes.
Anvils.
Augers.
Axes.
Ballast forks.
Bars, claw.
Bars, crow.
Bars, lining.
Bars, pinch.
Bars, raising.
Bars, tamping.
Braces and bits.
Brooms.
Brush hooks.
Cable stretchers.
Cables.
Cans, oil.
Cans, water.
Cant hooks.
Chains.
Chisels, track.
Chisels, wood.
Curbing hooks.
Dippers.
Drawing knives.
Drill bits.
Drills (portable).
Flags, signal.
Furnaces (portable).
Grindstones.
Hammers, napping.
Hammers, paving.
Hammers, spiking.
Handles for tools.
Hatchets.
Hose.
Jack levers.
Jacks, ratchet.
Jacks, screw.
Jacks, track.
Kegs, water.
Ladders.
Lanterns and fixtures.
Lawn mowers.
Levels.
Lines for ditching.
Nippers.
Oilstones.
Padlocks.
Pails, water.
Paint brushes.
Picks, clay.
Picks, tamping.
Pike poles.
Post-hole diggers.
Post-hole tampers.
Punches.
Rail benders.
Rail tongs.
Rakes.
Rope.
Saws, Crosscut.
Saws, hand.
Scrap boxes.
Scythes.
Shovels.
Sickles.
Sledges.
Spades.
Spike mauls.
Spike pullers.
Spot boards.
Squares.
Straightening machines.
Tape lines.
Thermometers for laying rail.
Tongs.
Tool boxes.
Torches.
Track gauges.
Track levels.
Vises.
Weed spuds.
Wheelbarrows.
Whetstones.
Wood mallets.
Wrenches, monkey.
Wrenches, track.

(b) *Roadway and track supplies.* The cost of supplies consumed in connection with the operation of roadway machines while used in repairs of roadway and tracks; and cost of supplies used by trackwalkers, track watchmen, and roadway and track repair men.

ITEMS OF ROADWAY SUPPLIES

Alcohol for hydraulic jacks.
Fuel for heating tool and other section houses.
Fuel for portable forges used in roadway and track work.
Gasoline for motor cars.
Oatmeal and ice for drinking water used by roadway and track repair men.
Oil and waste for hand cars, lever cars, motor inspection cars, and push cars.
Oil and wicks for lanterns used by trackwalkers, track watchmen, and roadway and track repair men.
Oil and wicks for lighting tool and other section houses.
Torpedoes used by trackwalkers, track watchmen, and roadway and track repair men.
Water for section houses.

272 Removing Snow, Ice, and Sand.

(a) This account shall include the cost of keeping track and roadway clear of snow, ice, and sand. The amount shall include cost of preventing accumulation, such as the cost of distributing, setting up, inspecting, taking down, and regathering portable snow and sand fences; and cost of tools furnished for the purpose; also cost of storing fences.

(b) The account also shall include cost of removing accumulations of snow, ice, and sand, cost of snow-plow and flanger service, and of work-train service; cost of applying and removing flangers from locomotives and cars, and of slatting pilots; cost of salt to keep switches clear; and cost of meals and lodging for men employed in removal service.

273 Public Improvements; Maintenance.

(a) This account shall include the portion borne by the carrier of the expense of maintenance of public improvements, whether done by public authority or by the carrier's employees under governmental requirement.

(b) By public improvements are meant improvements for public benefit such as curbing, grading, guttering, and paving of streets, overhead highway bridges, including approaches; drainage, sewer, irrigation, and water systems; flood protection, parks, sidewalks, etc. For list of items see account 39, "Public improvements—Construction."

NOTE A: The expense of repairing paving within the grounds of buildings or other structures shall be charged to the accounts provided for repairs of the structures.

NOTE B: Assessments for maintaining public improvements included in the general tax levy for a regular taxing district shall be charged to the appropriate tax account in income.

NOTE C: Interest and penalties, based on monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be included in account 547, "Interest on unfunded debt."

274 Injuries to Persons.

(a) This account shall include expenses on account of injuries to persons which occur directly in connection with the maintenance of way and structures, including injuries occurring in connection with the operation of work trains in such service, and injuries caused by defective highways within the right of way.

(b) The account shall also include expenses on account of injuries to employees incurred while demolishing structures, the maintenance of which would be chargeable to maintenance of way and structures; services of employees and others called in consulation in connection with claim adjustments; and pay and expenses of employees while engaged as witnesses at inquests and lawsuits.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, office expenses, and other expenses of claim adjusters, claim clerks and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

275 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of way and structures; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of way and structures.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amounts of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and

to it shall be credited all amounts recovered from insurance companies in reimbursement for losses under such reinsurance.

276 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with maintenance of way and structures. The account shall include the cost of adding machines, typewriters, and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

277 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions, directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in maintenance of roadway and structures.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, "Pensions."

278 Maintaining Joint Tracks, Yards, and Other Facilities—Dr.

This account shall include the carrier's proportion of the costs incurred by others in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by others and in the joint use of which the carrier participates.

279 Maintaining Joint Tracks, Yards, and Other Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of the cost incurred by the carrier in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by the carrier and in the joint use of which others participate.

280 Equalization; Way and Structures.

This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of way and structures expenses. The amounts included in this account shall concurrently be debited or credited to account 773, "Equalization reserves."

281 Right-of-way Expenses.

This account shall include the cost to the carrier of maintaining structures owned by or exclusively used by others, such costs having been assumed by the carrier in order to acquire or to secure a less restricted use of its right of way. The structures here referred to are those such as bridges above the carrier's tracks, tunnels, and roadways under the carrier's tracks.

NOTE: The cost of maintaining public improvements is includible in account 273, "Public improvements—Maintenance."

282 Other Expenses.

This account shall include all expenses in connection with maintenance of way and structures not provided for elsewhere.

ITEMS OF EXPENSE

Pay and expenses of maintenance of way employees attending conferences with officers in connection with wage disputes.
Fees paid arbitrators in wage disputes with maintenance of way employees.
Payments to maintenance of way employees for time absent on account of sickness, when not compensation for personal injuries.
Gratuities paid to persons for discovering defective rails, etc.

Maintenance of Equipment

300 Maintenance of Equipment.

The primary accounts included in this general account are designed to show the expenses of maintaining the carrier's equipment and the carrier's expense for the repairs of other equipment used in its operations, also the cost of maintaining road property classified as shop and power plant machinery. The repair accounts shall include foreign roads' freight charges for transporting the carrier's equipment to shops for repairs and for transporting such equipment to the carrier's line after repairs have been made. No charge shall be made to these accounts for transporting equipment in the carrier's transportation service trains to shops for repairs or from shops after repairs have been made. The accounts for maintenance of equipment shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, producing power sold, and other miscellaneous operations.

301 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of equipment.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General superintendent of motive power; Assistant.
Mechanical superintendent.
Superintendent of motive power; Assistant.
Mechanical engineer; Assistant.
Chief chemist.
General equipment inspector.
Engineer of tests.
Supervisor of car department.
Electrical engineer; Assistant.
Chemist and assistant chemist.
Master car builder.
Master mechanic.
General foreman.
Chief car inspector.
Inspector of passenger-train cars.
General car inspector.
Traveling boiler inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief motive power clerks, other clerks and stenographers.
Draftsmen.
Messengers, cooks and porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account, and amounts paid to detective agencies and others for investigations in connection with repairs of equipment.

ITEMS OF EXPENSES AND SUPPLIES

Atlases, maps, and books for office use.
Barometers.
Business car service.
Drafting instruments and supplies.
Engineering supplies.
Fees and dues in technical associations.
Furniture repairs and renewals.
Heating, lighting, and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed, shall be charged to the work upon which engaged.

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: The cost of stationery purchased for maintenance of equipment offices is chargeable to account 334, "Stationery and printing."

NOTE D: The pay of general foremen in small shops, who exercise direct supervision over all departments, unassisted by departmental foremen, shall be apportioned through clearing account "Shop expenses."

302 Shop Machinery.

(a) This account shall include the cost of repairing machinery and other apparatus, including special foundations, in shops and enginehouses.

(b) A list of shop machinery appears in property account 44, "Shop machinery."

NOTE A: The cost of repairing power plant machinery for shop power when located in distinct buildings shall be included in account 304, "Power plant machinery."

NOTE B: The cost of repairing boilers used exclusively for heating shall be included in the appropriate repair accounts for buildings.

NOTE C: The cost of small tools which are soon worn out, when used by mechanics on miscellaneous work, shall be included in clearing account "Shop expenses," and when used on repairs of equipment shall be included in the appropriate accounts for repairs of equipment.

NOTE D: The cost of repairing machinery and tools in shops used exclusively for maintenance of way and structures shall be included in account 229, "Roadway buildings."

304 Power-plant Machinery.

This account shall include the cost of repairing machinery and other apparatus including special foundations in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for general purposes. For list of items see account 45, "Power-plant machinery."

NOTE A: The cost of repairing power-machinery and apparatus in shop power plants shall be included in account 302, "Shop machinery."

NOTE B: The cost of repairing power-machinery and apparatus in stations and offices used primarily for station and office purposes shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairing power-machinery and apparatus in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE D: The cost of repairing foundations, other than those special to particular machines and other apparatus, shall be included in cost of repairing the building and not in this account.

NOTE E: The cost of repairing machinery in distinct plants for furnishing power both for carrier purposes and for sale shall be included in this account. When plants are used solely for generating power for sale the cost of repairs shall be included in account 534, "Expenses of miscellaneous operations."

305 Shop and Power-plant Machinery; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of property the cost of which is includible in accounts 44, "Shop machinery" and 45, "Power-plant machinery."

306 Dismantling Retired Shop and Power-plant Machinery.

This account shall include the cost of dismantling retired shop and power-plant machinery and recovering the salvage therefrom.

308 Steam Locomotives; Repairs.

(a) This account shall include the cost of repairing transportation service steam locomotives and tenders, including all appurtenances, and the cost of small hand tools used in repair work. This account shall also include the cost of work-train service for the transportation of locomotives without steam to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without steam which are hauled in transportation service trains to shops for repairs; also notarial fees in connection with reports on conditions of locomotives.

(b) A list of appurtenances to locomotives appears in property account 51, "Steam locomotives".

NOTE A: The cost of inspecting smokestacks and ash pans of locomotives in service shall be included in the appropriate enginehouse expense accounts.

NOTE B: The cost of repairing steam locomotives and tenders of foreign lines, waybilled as freight, and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing steam locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

NOTE C: The cost of running locomotives under steam to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE D: The cost of repairing steam locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment—Repairs." The cost of repairing locomotives on account of construction work shall be included in the cost of the work.

311 Other Locomotives; Repairs.

This account shall include the cost of repairs of transportation service locomotives other than steam locomotives, analogous to those set forth for steam locomotives in account 308, "Steam locomotives—Repairs."

314 Freight-train Cars; Repairs.

(a) This account shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; also cost of small hand tools used in repairs. This account shall also include the net loss sustained on account of the destruction of foreign freight cars in the carrier's transportation service and amounts paid to others for repairs of freight cars for which the carrier is liable.

(b) A list of freight-train cars and appurtenances to such cars appears in property account 53, "Freight-train cars."

NOTE A: The cost of candles, wicks, lamp chimneys, globes, and shades for oil or other lamps in freight-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B: The cost of repairing freight-train cars of foreign lines waybilled as freight and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing freight-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

317 Passenger-train Cars; Repairs.

(a) This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; small hand tools used in repairs; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service, and amounts paid others for repairs of passenger-train cars for which the carrier is liable.

(b) A list of passenger-train cars and appurtenances to such cars appears in property account 54, "Passenger-train cars."

NOTE A: The cost of candles, wicks, and lamp chimneys and of globes and shades for electric and other lights in passenger-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B: The cost of repairing passenger-train cars of foreign lines, which are waybilled as freight and have been damaged in transit, shall be charged to account 418, "Loss and damage—Freight," and the cost of repairing passenger-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or otherwise, for which the carrier is liable, shall be charged to account 416, "Damage to property."

323 Floating Equipment; Repairs.

(a) This account shall include the cost of repairing floating equipment (other than work equipment), including appurtenances, and cost of small hand tools used in repairs. The pay and expenses of captains and engineers and of boat employees, while engaged on maintenance of floating equipment, shall be included in this account.

(b) A list of floating equipment and appurtenances to such equipment appears in property account 56, "Floating equipment."

326 Work Equipment; Repairs.

(a) This account shall include the cost of repairing rail and floating work equipment, including appurtenances, and cost of small hand tools used in repairs.

(b) The cost of fitting up commercial cars for work service in connection with maintenance and operation; the cost of refitting them for commercial service; the cost of repairs to locomotives while in service for repairs of road and equipment; and the cost of repairs to foreign cars damaged while in such service shall be included in this account; also amounts paid in settlement for such cars destroyed in such service.

(c) A list of work equipment and appurtenances to such equipment appears in property account 57, "Work equipment."

NOTE: The cost of repairs to work equipment on account of construction work shall be included in the cost of the construction work on which it is used.

328 Miscellaneous Equipment; Repairs.

This account shall include the cost of repairing miscellaneous equipment, such as automobiles and other highway vehicles.

329 Dismantling Retired Equipment.

This account shall include the cost of tearing down retired equipment and recovering the salvage therefrom.

330 Retirements; Equipment.

(a) When equipment previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof and the balance in account 736, "Amortization of defense projects—Road and equipment," with respect to the specific equipment retired, after appropriate adjustment for

any depreciation accrued thereon, shall be included in this account.

(b) This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 80, inclusive, in accounting for the retirement of equipment.

331 Equipment; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is includible in accounts 51 to 54 and 56 to 58, all inclusive.

332 Injuries to Persons.

This account shall include expenses on account of injuries to persons which occur directly in connection with repairs of equipment. Services of employees and others called in consultation in relation to claim adjustments, pay and expenses of employees while engaged as witnesses at inquests and lawsuits shall be included in this account. This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and office and other expenses of claim adjusters, claim clerks, and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

333 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of equipment; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of equipment.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

334 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with maintenance of equipment. The account shall include the cost of adding machines, typewriters and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

335 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in maintenance of equipment.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, "Pensions."

336 Joint Maintenance of Equipment Expenses—Dr.

This account shall include the carrier's proportion of expenses incurred by others in maintaining equipment used in the operation of joint facilities, including the carrier's proportion of the expenses of repairing such equipment damaged by accidents when such expenses are participated in by more than one carrier. It shall also include the carrier's proportion of expenses incurred by others in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by others and in the joint use of which the carrier participates.

337 Joint Maintenance of Equipment Expenses—Cr.

This account shall include the amount chargeable to others as their proportion of expenses incurred by the carrier in maintaining equipment used in the operation of joint facilities, and for expenses of repairing equipment damaged by accidents, when such expenses are participated in by more than one carrier. It shall also include amounts chargeable to others as their proportions of the expenses incurred by the carrier in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier due from others for their proportions of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by the carrier and in the joint use of which others participate.

338 Equalization; Equipment.

This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of equipment expenses. The amounts included in this account shall concurrently be debited or credited to account 773, "Equalization reserves."

339 Other Expenses.

This account shall include expenses in connection with the maintenance of equipment not properly chargeable to other accounts for maintenance of equipment or to clearing accounts such as "Material store expenses" and "Shop expenses."

ITEMS OF EXPENSE

Pay and expenses of mechanical department employees attending conferences with officers in connection with mechanical department wage disputes.
Fees paid arbitrators in connection with mechanical department wage disputes.
Payments to mechanical department employees for time absent on account of sickness when not in compensation for personal injuries.

Traffic Expense Accounts

350 Traffic.

The primary accounts included in this general account are designed to show the expenses incurred for advertising, soliciting, and securing traffic for the carrier's lines and for preparing and distributing tariffs governing such traffic.

351 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in supervising the procurement of traffic, and the preparation and distribution of tariffs, division sheets, and classifications.

LIST OF OFFICERS

Vice president.
Assistant to vice president.
Traffic director; Assistant.
General freight agent; Assistant.
Chief of tariff bureau.
Traveling tariff inspector.
Live stock agent.
General passenger agent; Assistant.
Division passenger agent.
Division freight agent.
General baggage agent.
General express agent.
General express manager.
Coal traffic agent.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account. This includes chief clerk, other clerks, and stenographers; messengers, cooks, porters and other attendants.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account.

ITEMS OF EXPENSE

Atlases, maps, and books for office use.
Barometers.
Business car service.
Express charges.
Fees and dues in commercial and other clubs.
Furniture repairs and renewals.
Heating, lighting, and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of officers engaged exclusively in soliciting traffic are chargeable to account 352, "Outside agencies."

NOTE C: The cost of stationery for traffic offices is chargeable to account 358, "Stationery and printing," except stationery chargeable to accounts 354, 355, and 356.

352 Outside Agencies.

(a) This account shall include the pay, and the office, traveling, and other expenses of general, commercial, city, and district agents and others soliciting traffic, the employees of their offices, and traveling agents and solicitors located on or off the line of the carrier's road.

(b) City ticket and freight offices, separate from regular station ticket and freight offices, shall be treated as outside agencies; the pay and expenses of the employees therein and the expenses of such offices shall be charged to this account.

(c) Commissions for services pertaining to either freight or passenger business, except commissions paid in lieu of salaries to carrier's agents located upon the carrier's own line (which shall be charged to account 373, "Station employees"), shall be included in this account.

ITEMS OF EXPENSE

Books for office use.
Express charges.
Furniture repairs and renewals.
Heating, lighting, and power.
Membership fees and dues in agency associations.
Membership fees and dues in commercial clubs.
Office supplies.
Periodicals and newspapers.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

353 Advertising.

This account shall include the cost of advertising for the purpose of securing traffic; pay of advertising agents, their clerks and attendants; rent of offices, and the office, traveling, and other expenses of such employees.

ITEMS OF EXPENSE

Advertisements in newspapers.
Advertisements in periodicals.
Bulletin boards and cards.
Customs charges on advertising matter.
Distributing timetables.
Display and other advertising cards.
Distributing folders.
Distributing general notices to shippers.
Express charges.
Frames, handbills, and posters.
Maps used for advertising.
Pamphlets, photographs and views.
Publishing timetables.
Postage.
Publishing folders and advertising matter.
Publishing notices to shippers.

NOTE: Advertising expenses of industrial and immigration bureaus shall be included in account 356, "Industrial and immigration bureaus."

354 Traffic Associations.

This account shall include the cost to the carrier of participation in traffic associations, including its proportion of the pay of officers and employees of such associations and of their office, stationery and printing, traveling, and other expenses.

LIST OF TRAFFIC ASSOCIATIONS

Boards of trade.
Classification bureaus.
Clergy bureaus.
Commercial associations.
Freight associations.
Mileage ticket bureaus.
Passenger associations.
Tariff bureaus.
Ticket validating agencies.

355 Fast Freight Lines.

This account shall include the cost to the carrier of participation in fast freight or dispatch organizations, including its proportion of the pay of officers, soliciting agents, and employees of such organizations, and their office, stationery and printing, traveling, and other expenses.

356 Industrial and Immigration Bureaus.

This account shall include the cost to the carrier of industrial and immigration bureaus, including the pay of industrial and immigration agents, and exhibit agents, their clerks and attendants and their office, stationery and printing, traveling, and other expenses.

357 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to Traffic, also premiums on fidelity bonds of employees whose pay is chargeable to Traffic.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account the amount of all claims for injuries to persons and damages to the property covered by its insurance shall be charged. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

358 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with securing traffic, including the cost of tariffs governing such traffic, division sheets, freight classifications, and rate sheets. This account also shall include the cost of calculating machines, typewriters and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE A: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

NOTE B: The cost of stationery and printing used by traffic associations, fast freight lines, and industrial and immigration bureaus shall be included in the accounts provided for the expenses of such organizations.

359 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in procurement of traffic and other work in the traffic department.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

360 Other Expenses.

This account shall include all expenses in connection with traffic not properly chargeable to other traffic accounts.

Transportation Expense Accounts

370 Transportation; Rail Line.

The primary accounts included in this general account are designed to show expenses incurred for transporting persons and the property of others, including the expenses of station, train, yard, and terminal service; also the expense of transporting company material in transportation service trains.

371 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in conducting transportation.

LIST OF OFFICERS

Vice president.
Assistant to the vice president.
General manager; Assistant.
General superintendent of transportation.
Superintendent of transportation; Assistant.
Division superintendent; Assistant.
Superintendent of car service.
Chief special agent.
Members of examining boards.
Superintendent of mail service.
Traveling train and station inspectors.
Air-brake instructor.
Superintendent of agencies.
Superintendent of transfer stations.
Trainmaster; Assistant.
Road foreman of locomotives.
Traveling locomotive engineer; Fireman.

(b) *Pay of clerks and attendants.* The pay of clerks and others employed in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Division clerk, other clerks and stenographers.
Special agents and detectives.
Messengers, cooks, and porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also the pay and expenses of employees attending investigations concerning the cause of or responsibility for accidents and amounts paid detective agencies and others for work in connection with such investigations.

ITEMS OF EXPENSE

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Express charges.
Fees and dues in associations.
Furniture repairs and renewals.
Heating, lighting, and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent of air-brake instruction cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The cost of stationery purchased for transportation offices is chargeable to account 410, "Stationery and printing."

372 Dispatching Trains.

This account shall include the pay of chief and other train dispatchers, their clerks, copying operators, and attendants, and pay of operators on the line whose duties are confined to directing train movements; also the office, traveling, and other expenses of such employees.

NOTE: Pay of operators who also perform station work shall be charged to account 373, "Station employees."

373 Station Employees.

This account shall include:

(a) *Agents, clerks, and attendants.* The pay of agents, assistant agents, clerks, and attendants in charge of, or engaged in, the operation of stations, stockyards, wharves, and piers located on the carrier's line; also payments to such station or ticket agents in lieu of salaries. This account shall also include special payments to customs inspectors on account of opening and resealing cars under unusual conditions, and payments to produce-exchange inspectors for inspecting, measuring, and weighing grain.

LIST OF GENERAL EMPLOYEES

Accountants.
Baggage agents and baggagemen at stations.
Car and other clerks.
Cashiers.
Customs inspectors.
Depot masters; Assistant.
Detectives and policemen.
Express agents.
Information bureau employees.
Janitors, porters, maids, and matrons.
Package and parcel room employees.
Station agents; Assistants.
Station foremen.
Station masters; Assistants.
Stockyard superintendents and foremen.
Telegraph and telephone operators.
Ticket agents.

(b) *Labor at Stations.* Station and other labor expended in handling freight, mail, baggage, and express at stations, wharves, and piers; in loading, unloading, feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for stock; in disinfecting stations, stockyards, and stock pens; in transferring, picking up, straightening, and reloading freight in the ordinary course of transportation; in miscellaneous station work, including (when done by station employees) cleaning station grounds, station platforms, walks, stockyards, and stock pens, and removing snow and ice therefrom; and in tending switch lamps not in yards and terminals. This account shall also include payments to elevator companies (when not made as division of rate) for transferring grain en route, and payments to other companies and individuals for loading and unloading commercial freight under contract or otherwise.

LIST OF EMPLOYEES

Car sealers and checkmen.
Freight callers and handlers.
Freight house foremen.
Freight loaders and unloaders.
Longshoremen and stevedores.
Mail carriers and weighers.
Stationary engineers and firemen.
Stockyard laborers.
Teamsters and weighmasters.
Truckmen.
Warehousemen.

NOTE A: The cost of transferring freight, mail, baggage, and express on account of wrecks shall be included in account 415, "Clearing wrecks."

NOTE B: This account shall not include the pay of telegraph and telephone operators provided for under accounts 372, "Dispatching trains," and 407, "Communication system operation," or pay of employees provided for under account 375, "Coal and ore wharves."

374 Weighing, Inspection, and Demurrage Bureaus.

This account shall include the cost to the carrier of its participation in joint weighing inspection, demurrage, and car distribution bureaus and associations.

375 Coal and Ore Wharves.

This account shall include cost of operating docks, and wharves, piers, and other marine, lake, or river landings, and the machinery located thereon, used in connection with the transportation of coal and ore.

(a) *Labor and expenses.* The pay and the office, traveling, and other expenses of employees engaged in operating coal and ore wharves.

(b) *Tools and supplies.* The cost of all tools and supplies used in the operation of coal and ore wharves.

ITEMS OF TOOLS AND SUPPLIES

Cylinder and lubricating oil.
Fuel for stationary boilers.
Illuminating oil.
Lanterns and parts.
Picks, shovels, and slice bars.
Waste; wicks.

NOTE: The cost of switching service in connection with coal and ore wharves shall not be included in this account.

376 Station Supplies and Expenses.

This account shall include:

(a) *Heating.* The cost of fuel (including cost of unloading), water, steam, and miscellaneous supplies used for heating stations, waiting rooms, freight and passenger offices, stockyards and other station buildings.

(b) *Lighting.* The cost of fuel, water, gas, oil, electricity, lamp globes, lamp chimneys, wicks, lamp carbons, incandescent lamps, and miscellaneous supplies used in lighting stations, waiting rooms, freight and passenger offices, stockyards, other station buildings, street approaches thereto, and passenger footbridges and subways at stations.

(c) *Other expenses.* The cost of miscellaneous station supplies and station expenses, including those for stockyards.

ITEMS OF EXPENSE

Cleaning privy vaults.
Furniture repairs and renewals.
Garage expenses.
Licenses for ticket agents.
Mail transfer by others than employees.
Membership fees and dues in agents' associations.
Power for station machinery.
Rent of automatic weighing and recording devices.
Rent of scales.
Rent of station buildings (not jointly used).
Reports to agents of commercial standing.
Sprinkling station grounds.
Station employees' expenses.
Supplies used in feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for livestock.
Warehouse charges for storage of freight.
Tools and station supplies such as baggage checks, car seals, cooperage material and packing material, and mail bags; also, station trucks, rolling chairs for invalids, medical supplies, electric fans; uniforms, punches for baggagemen and gatemen, brooms, brushes, shovels and other supplies and tools for general station use.
Telephone and telegraph service.

LIST OF EMPLOYEES

Battery men.
Interlocker oilers.
Lampolegners and lighters.
Switch oilers and tenders.
Levermen, signal men, and tower men.

380 Yard Enginemen.

This account shall include the pay of yard enginemen while engaged in yards where regular switching service is maintained and terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service. For purposes of this account enginemen shall be understood to include the operators and their assistants regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in account 393, "Train enginemen." The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

382 Yard Switching Fuel.

This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuels consumed in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 238, "Fuel stations."

NOTE B: The cost of supplies consumed by locomotives and motor cars engaged in more than one class of service shall be apportioned upon the basis of service rendered. The cost of supplies consumed by train locomotives and motor cars in train switching service shall be included in accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

383 Yard Switching Power Produced.

This account shall include the cost of the production and distribution of electric power used in operating locomotives and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also the cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

384 Yard Switching Power Purchased.

This account shall include the cost of electric power purchased for the propulsion of engines and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

385 Water for Yard Locomotives.

(a) This account shall include the cost of water supplied to locomotives in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of work trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of materials and supplies used in the operation of water stations and purifying plants.

(b) The cost of operating boilers, engines, and pumps at water stations; heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

(c) An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service engaged in connection with water supply for locomotives shall be included in this account.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

386 Lubricants for Yard Locomotives.

This account shall include the cost of valve, engine, car and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service.

NOTE: The cost of suplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of

supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

387 Other Supplies for Yard Locomotives.

This account shall include the cost of supplies, other than fuel, water, and lubricants, used on locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in yard service. The account shall include the cost of sand and of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

NOTE A: Where the quantity of sand used on locomotives engaged in yard service is relatively small as compared with the quantity used by locomotives engaged in train service, the entire cost of such material shall be included in account 399, "Other supplies for train locomotives." Where the quantity used in yard service is relatively large, the entire cost shall be included in this account.

NOTE B: The cost of other supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

388 Enginehouse Expenses; Yard.

This account shall include the expense of caring for and preparing locomotives for switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; keeping and preparing fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools, supplies, and sundry expenses on account of caring for and preparing locomotives at enginehouse.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
Enginehouse cupboards.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil for enginehouse, ash pit, transfer table, and turntable machinery.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

389 Yard Supplies and Expenses.

This account shall include the cost of supplies (except locomotive supplies) used in yard service, yard signal and interlocker supplies, and miscellaneous yard expenses for yards where regular switching service is maintained; also office and other expenses of employees whose pay is chargeable to accounts 377, 378, and 379.

ITEMS OF EXPENSE

Electricity purchased for lighting yards and yard buildings.
Furniture repairs and renewals.
Gas purchased for lighting yards and yard buildings.
Power produced for operating switches and signals.
Power purchased for operating switches and signals.
Rent of telephones.
Rent of yard buildings (not jointly used).
Yard supplies such as lubricants for machinery and switches, fuel for heating and power, and waste.

390 Operating Joint Yards and Terminals—Dr.

This account shall include the carrier's proportion of the costs incurred by others in their operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of operating yards and terminals operated by others, and in the joint use of which the carrier participates.

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

391 Operating Joint Yards and Terminals—Cr.

This account shall include amounts chargeable to others as their proportions of the costs incurred by the carrier in the operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating yards and terminals operated by the carrier and in the joint use of which others participate.

NOTE B: No portions of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

392 Train Enginemen.

This account shall include the pay of enginemen while engaged in transportation train service or while deadheading in connection therewith and pay of such enginemen engaged in piloting trains over home lines; also the pay of employees while regularly engaged in shoveling coal forward on locomotive tenders. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in this account. The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

394 Train Fuel.

This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuel for propulsion of trains in transportation train service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations, and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The entire cost of supplies consumed by train locomotives and motor cars in train-switching service shall be included in the accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

395. Train Power Produced.

This account shall include the cost of producing and distributing electric power for the propulsion of electric locomotives and cars in transportation train service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of the coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease, used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

396 Train Power Purchased.

This account shall include the cost of electric power purchased for the propulsion of locomotives and cars in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

397 Water for Train Locomotives.

(a) This account shall include the cost of water supplied to locomotives in transportation train service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of supply trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of material and supplies used in the operation of water stations and purifying plants.

(b) The cost of operating boilers, engines, and pumps at water stations, heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

(c) An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service, engaged in connection with water supply for locomotives, shall be included in this account.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

398 Lubricants for Train Locomotives.

This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

399 Other Supplies for Train Locomotives.

This account shall include the cost of supplies other than fuel, water, and lubricants, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in transportation train service. The account shall include the cost of sand and of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

NOTE A: Where the quantity of sand used on locomotives engaged in train service is relatively small as compared with the quantity used by locomotives engaged in yard service, the entire cost of such material shall be included in account 387, "Other supplies for yard locomotives." Where the quantity used in train service is relatively large, the entire cost shall be included in this account.

NOTE B: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

400 Enginehouse Expenses; Train.

This account shall include the expense of caring for and preparing locomotives for transportation train service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; preparing and keeping fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools and supplies and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

401 Trainmen.

This account shall include the pay of conductors; of train auditors, ticket collectors, and others engaged in lifting or examining authorities for transportation; and of baggagemen, brakemen, flagmen, train porters, train guards, train stenographers, maids, and other train employees while engaged in transportation train service or while deadheading in connection therewith; also the pay of trainmen while engaged in piloting trains over home lines.

NOTE: The pay of trainmen while engaged in work-train service shall be included in the cost of the work to which the service pertains.

402 Train Supplies and Expenses.

This account shall include miscellaneous expenses of transportation service trains and the cost of all supplies other than locomotive supplies.

(a) *Cleaning cars.* The cost of cleaning and disinfecting passenger and freight cars in transportation train service, including cost of removing from freight-train cars such refuse material as sawdust, hay, and straw; also items of expense, such as brooms and brushes, cleaning and polishing compounds, disinfecting machines, fuel for heating water, and labor of employees.

(b) *Heating cars.* The cost of heating cars in transportation train service, including cost of operating steam heating plants for car heating at stations and yards. Credits shall be made to this account for charges for heater service collected from other companies and individuals. The account shall also include items of expense such as connections between steam heating lines and cars, fuel, labor of employees, removal of ashes from car stoves, and stoves temporarily in freight cars.

(c) *Lighting cars.* The cost of lighting cars in transportation train service, including the cost of operating plants for supplying gas or electricity for lighting purposes; also items of expense such as battery renewals, electricity and gas, lamp bulbs, and labor of employees.

NOTE: Repairs of gas lighting and electric lighting plants shall be included in the proper maintenance accounts. Repairs and renewals of electric lighting equipment of cars, except supplies as above provided, shall be included in the appropriate car-repair account.

(d) *Lubricating cars.* The cost of lubricating cars in transportation train service, including cost of inspecting, repacking, and oiling car journal boxes and air brake equipment; also items of expense such as labor of employees and oil, grease, other lubricants, and supplies.

(e) *Icing and watering cars.* The cost of icing and watering cars in transportation train service, including icing cars for refrigeration purposes. Credits shall be made to this account for refrigeration charges collected from other companies and individuals. The account shall include items of expense such as hose and fixtures, ice, ice tools, labor of employees, salt and water.

(f) *Detouring trains.* The compensation for temporary use of tracks of other carriers, including the cost of pilot service, on account of wrecks, washouts, landslides, snow blockades, and other defects of the tracks, bridges, or tunnels on the carrier's line.

(g) *Train supplies.* The cost of supplies furnished for use on cars in transportation train service, such as brooms and brushes, chairs for cabooses (not permanently attached), conductors punches, drinking cups and glasses, fuses, lanterns, medical boxes, oil for

lanterns, shovels, signal boxes, torpedoes, towels, train tool boxes, uniforms, and waste.

(h) *Other expenses.* The cost of miscellaneous supplies required to equip trains for transportation service and miscellaneous expenses incident to operation of such trains.

ITEMS OF SERVICE AND SUPPLIES

Apparatus for testing the sight and hearing of enginemen and trainmen.
Employees' reading and bunk room expense, including pay of attendants and supplies furnished.
Laundry work.
Physicians' fees for examination of train employees.
Wages paid to superintendents and secretaries of reading rooms.

OTHER ITEMS OF EXPENSE

Bedding for stock cars.
Boarding and slatting box and stock cars for carrying coal, coke, and other freight.
Boards for flooring fruit cars.
Chains for securing loads.
Cleaning, trimming, and filling trainmen's lanterns and rear signal lamps.
Coupling and uncoupling cars at terminals.
Disinfecting cars.
Dunnage used in loading cars or fitting cars for freight shipments.
Feed for livestock in snowbound or otherwise delayed trains.
Flowers and plants for cars.
Laundry for revenue service cars other than for dining and buffet service and sleeping car service.
Occasional turning of engines on Y of other carriers.
Oil and other supplies for locomotives hauled as freight.
Periodicals for use of passengers on trains.
Planking cars for billet shipments and other material.
Provisions, supplies, or board for passengers in delayed trains.
Removing advertisements from cars.
Rent of fare registers in cars.
Safety chains for use between twin and triple cars.
Supplies for parlor and chair cars.
Supplies furnished cars for the purpose of protection against accidents and fires.
Temporary grain doors.
Temporary lining of cars for freight shipments and stoves and heaters to prevent freezing.
Temporary openings in cars for freight shipments.
Temporary racking of cars for handling sugarcane, corn, bark, or cordwood.
Transferring passengers, express matter, baggage, mail, and freight on account of defective tracks, bridges, or tunnels.

NOTE: The expenses of operating sleeping, dining, and buffet car features of train service shall be included in account 403, "Operating sleeping cars," or in account 441, "Dining and buffet service," as may be appropriate.

403 Operating Sleeping Cars.

(a) This account shall include the cost of operating sleeping car service on trains.

(1) *Superintendence.* The pay of officers directly in charge of operating sleeping car service; the pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(2) *Station employees.* The pay and expenses of local agents, ticket agents, cashiers, clerks, and attendants; also the office and other expenses of such employees.

(3) *Station expenses.* The expenses of fuel, water, steam, and supplies used in heating station offices; gas, oil, electric current, and other supplies for lighting; repairs and renewals of station furniture, and all other station expenses connected with sleeping car service when separable from the station expenses chargeable to account 376, "Station supplies and expenses."

(4) *Conductors.* The pay of conductors employed on sleeping cars.

(5) *Porters and maids.* The pay of porters and maids employed on sleeping cars.

(6) *Car supplies.* The cost of miscellaneous supplies used on sleeping cars, such as combs, brushes, brooms, and toilet paper; also uniforms, caps, and service stripes for employees.

(7) *Laundry.* Expenses for laundry work, such as laundering sheets, pillowcases, towels, blankets, etc.

(8) *Other expenses.* The cost of flowers and plants, heating cars, cleaning the interior of cars, and of supplies used in interior cleaning, rent and cost of supplies for rooms furnished for sleeping car service employees, and such other expenses in connection with the operation of sleeping cars as are not provided for elsewhere.

(b) This account shall be charged with the deficits assumed by the carrier under a uniform service contract with The Pullman Company, and shall be credited with the carrier's proportion of profits realized under that contract. It is intended that such charges and credits to this account shall include the entire settlement made by the lessee, except allowances for interest rental and depreciation, and that the results of incidental operation of cars other than sleeping cars will not be excluded from the settlements to be recorded herein.

NOTE: When officers have immediate supervision over sleeping car service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

404 Signal and Interlocker Operation.

This account shall include the cost of operating signals and interlockers other than those solely or principally used for governing all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginehouses, and yard switching movements.

(a) *Labor.* The wages of employees engaged in operating signals and interlockers or power producing plants in connection therewith, such as switch tenders, signalmen other than telegraph operators, lever men, switch and signal oilers, battery men, lamp men, lamp cleaners, and lamplighters; gatemen at crossings of other railroads, engineers and others operating plants furnishing compressed air for signals and interlockers; engineers, electricians, and others operating plants furnishing electric power for signals and interlockers.

(b) *Supplies.* The cost of supplies used in operating signals and interlockers or in signal offices, such as gasoline, vitriol, battery zincs, battery coppers, lubricating oils, fuel for heating, fuel for power purposes, produced and purchased power used in operating switches and signals, furniture repairs and renewals, water, and light.

NOTE: The cost of operating signals and interlockers solely or principally used for governing the movement of yard locomotives and trains shall be included in the appropriate yard expense accounts.

405 Crossing Protection.

This account shall include the pay of street and highway crossing gatekeepers and flagmen, the cost of supplies used by them, the cost of lights at street and highway crossings not a part of the lighting outfit at stations or in yards, and the cost of compressed air for operating gates.

406 Drawbridge Operation.

This account shall include the cost of operating drawbridges.

(a) *Labor.* The wages of employees engaged in operating drawbridges, such as bridge engineers, tenders, and watchmen.

(b) *Supplies.* The cost of produced and purchased power and of supplies, such as fuel, oil, lantern, water, waste, boats, stoves, chairs, brooms, and pails used in drawbridge operation.

407 Communication System Operation.

This account shall include the cost of operating communication systems not provided for elsewhere.

TELEGRAPH

Superintendence. The pay of superintendents, censors, their clerks, and attendants.

Operators and messengers. The pay of operators, block inspectors, and messengers in telegraph and relay offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telegraph conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telegraph purposes; also excess payments to telegraph companies when in connection with telegraph service and not provided for elsewhere.

NOTE A: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

TELEPHONE

Superintendence. The pay of superintendents, their clerks, and attendants.

Operators and messengers. The pay of operators and messengers in telephone offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telephone conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telephone purposes; also excess payments to telephone companies when in connection with telephone service and not provided for elsewhere.

NOTE B: The pay, rent, other office expenses, and traveling expenses of others their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION

Superintendence. The pay of superintendents or others who supervise operation, and their clerks or attendants.

Operators. The pay of operators other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of space or facilities occupied by radio, radar, or inductive train equipment; cost of battery and tube renewals; cost of electric current purchased and all other costs incurred for operation and not provided for elsewhere.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation shall be apportioned equally between this account and account 247, "Communication systems."

408 Operating Floating Equipment.

This account shall include the cost of operating floating equipment in water transfer (ferriage, lighterage, and floatage).

(a) *Superintendence.* The pay of vice presidents and other officers directly in charge of or engaged in the operation of boats; the pay of their assistants, clerks, and attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Wages of crews.* The pay of captains, pilots, chief officers, mates, sailors, wireless telegraph operators, and other employees of the deck department; engineers, assistant engineers, electricians, oilers, firemen, coal passers, and all other employees of the engineer's department; and pursers, porters, and all other employees in the steward's department, except when engaged in dining and buffet service.

(c) *Fuel.* The cost, on board boats (including the cost of trimming) of coal, oil, wood, and other fuel used for generating power, heat, or light.

(d) *Lubrication.* The cost of oil, grease, tallow, graphite, and other material furnished for lubricating purposes.

(e) *Other supplies and departmental expenses.* The cost of supplies furnished to deck department; the incidental expenses of deck department employees; supplies other than fuel and lubricants, furnished the engineer's department; water furnished to boats; incidental expenses of engineer's department employees; supplies (other than dining and buffet supplies) furnished to the steward's department; laundry for boats; and incidental expenses of steward's department employees.

(f) *Other expenses.* Expenses incident to the operation of floating equipment not otherwise provided for in this account.

ITEMS OF EXPENSE

Customhouse fees.
License fees.
Pumping out boats laid up.
Raising sunken boats.
Transferring passengers in case of accidents.
Wharfage.

(g) *Elevation and longshore labor.* The cost of shore labor in connection with loading and unloading lighterage freight at wharves and piers, such as labor of bridgemen at transfer bridges and of watchmen, longshoremen, stevedores, and other wharfmen.

(h) *Elevation and shore expenses.* Shore expenses in connection with loading and unloading lighterage freight, such as the cost of steam and electricity for power, heating, and lighting; power and supplies used for transfer or float bridges; supplies used in connection with operating wharves and piers and not chargeable to account 376, "Station supplies and expenses."

NOTE A: When the compensation for the use of floating equipment used in water transfer service includes rent, maintenance, and operation, the portion covering rent shall be charged to income account 539, "Rent for floating equipment," the portion covering maintenance shall be charged to the appropriate account for maintenance of equipment, and the portion covering operation shall be included in this account.

NOTE B: This account shall not include the pay of station employees or labor engaged in handling freight at stations, wharves, and piers provided for under account 373, "Station employees," or the pay of employees or labor provided for under account 375, "Coal and ore wharves."

409 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in conducting transportation operations.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

410 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with rail line transportation, including operation of floating equipment. The account shall include cost of printed baggage and storage checks, bills of lading, waybills, postage, and other stationery supplies and printing. This account also shall include the cost of adding machines, typewriters, and other appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in appropriate superintendence accounts, and city directories and books of reference used by station agents shall be charged to account 376, "Station supplies and expenses."

411 Other Expenses.

This account shall include all expenses in connection with rail line transportation not properly chargeable to other transportation accounts.

ITEMS OF EXPENSE

Amounts paid for switching empty cars otherwise than in connection with loaded movements or with the repairs to the equipment.
Amounts paid on account of bills of lading issued on fraudulent receipts.
Amounts paid to suspended transportation department employees covering periods of suspension.
Compensation for property loss incident to failure to stop at station to pick up passengers.
Demurrage accruing on a foreign line by reason of error of carrier's agent.
Extra drayage due to agent's error in routing interline shipment.
Fees paid arbitrators in wage disputes of transportation department employees.
Loss of station funds by burglary, when not covered by insurance.
Loss of train collections in holdup.
Overcharges paid foreign lines on account of error of the carrier's agent in routing and billing.
Pay and expenses of transportation department employees attending conferences with officers in connection with wage disputes.
Payments for switching on account of cars not passing inspection at junction points.
Penalties imposed under reciprocal demurrage laws for failure to furnish cars.
"Penalty switching" payments on account of improper delivery of cars to other carriers.

412 Operating Joint Tracks and Facilities—Dr.

This account shall include the carrier's proportion of the transportation expenses incurred by others in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 390, "Operating joint yards and terminals—Dr."

NOTE A: The purpose of this account is to show the amount accruing against the carrier for its proportion of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by others and in the joint use of which the carrier participates.

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

413 Operating Joint Tracks and Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of transportation expenses incurred by the carrier in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 391, "Operating joint yards and terminals—Cr."

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by the carrier and in the joint use of which others participate.

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

414 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to rail line transportation; also premiums on fidelity bonds of em-

ployees whose pay is chargeable to rail line transportation.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to ipsurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to property reinsured by them.

415 Clearing Wrecks.

This account shall include the cost of clearing wrecks other than wrecks of work trains.

(a) *Labor.* The wages of employees while engaged in connection with wrecking service, loading, and transferring contents of wrecked cars, building temporary tracks around wrecks, and removing such tracks.

(b) *Train service.* The cost of train service in connection with replacing wrecked equipment upon the tracks and transporting such equipment to shops for repairs, including amounts paid to other companies for service of locomotives, derricks, and other equipment and for wages of crews in wrecking service.

(c) *Other supplies and expenses.* Payments for reloading or transferring freight, express, baggage, and mail; transferring passengers and cost of provisions or board for men clearing up or watching at wrecks.

NOTE A: Expenses of clearing wrecks of work trains shall be included in the cost of the work in connection with which the wrecked train was engaged.

NOTE B: The cost of restoring roadbed and tracks to original condition after wrecks and the cost of repairing equipment damaged or destroyed by wrecks shall be charged to the appropriate accounts for maintenance of way and structures and maintenance of equipment.

NOTE C: That proportion of payments to other companies for use of locomotives, derricks, and other equipment in wrecking service which represents rent shall be included in the income accounts.

416 Damage to Property.

(a) This account shall include payments and expenses on account of damages to the property of others, whether by fire, collision, flood, or other cause, with the exception of payments and expenses on account of damage to property intrusted to the carrier for transportation, and for damage to stock on right of way. It shall include also fines or compensation paid for interference with the business of others, as by detention of vessels at drawbridges, or by blocking streets.

(b) This account shall include also the pay, office rent, and office, traveling, and other expenses of employees and others engaged as claim adjusters or as witnesses in lawsuits in connection with damage to property cases, or engaged in detection of thieves; notarial fees paid in connection with such cases; and payments for or repairs of damage to equipment of other carriers, or to property contained therein, such carriers having trackage rights upon or grade crossings over the carrier's tracks.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Damage to livestock on right of way, and damage to freight and baggage intrusted for transportation, are provided for under accounts 417, "Damage to livestock on right of way"; 418, "Loss and damage—Freight"; and 419, "Loss and damage—Baggage."

NOTE B: Expenses incident to suits growing out of damage to property claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE C: The pay, office rent, and the traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

417 Damage to Livestock on Right of Way.

(a) This account shall include payments on account of cattle and other livestock killed or injured while crossing or trespassing on the right of way, including cost of removing and burying the same.

(b) There shall be included in this account also the pay and the traveling, office, and other expenses of employees and others engaged as livestock claim adjusters or engaged as witnesses in law suits in connection with damage to livestock on right of way; also notarial fees in connection with claims for damage to livestock on right of way.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of livestock claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

418 Loss and Damage; Freight.

(a) This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives and cars transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction, or damage to shipments of company material.

(b) This account shall also include the cost of repacking and boxing damaged freight shipments; notarial fees in connection with freight claims; freight charges paid other carriers on lost, destroyed, or damaged shipments; pay, traveling, office, and other expenses of employees or others engaged as freight-claim adjusters, as witnesses in lawsuits in connection with freight-claim cases, in selling damaged and unclaimed shipments or in detecting thieves; rent of warehouses used for storage of damaged and astray freight shipments, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of freight claims.

(c) Amounts received from the sale of astray and damaged freight shall be credited to this account.

(d) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (freight) claims not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

419 Loss and Damage; Baggage.

(a) This account shall include payments for loss, destruction, damage, or delays to baggage and other personal property carried as baggage, and damage to personal apparel; also expenses on account of such loss or damage.

(b) This account shall also include the cost of repacking and boxing damaged baggage; notarial fees in connection with baggage claims; baggage claim payments made to other carriers on lost, destroyed, damaged, or delayed shipments; pay, traveling, office, and other expenses of employees or others engaged as baggage claim adjusters, as witnesses in lawsuits in connection with baggage claim cases, in selling damaged and unclaimed baggage, or in detecting thieves; rent of warehouses used exclusively for storage of damaged and unclaimed baggage, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of claims.

(c) Amounts received from the sale of astray and damaged baggage shall be credited to this account.

(d) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (baggage) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE C: When a payment on account of injuries to passengers includes allowance for damage to personal apparel the damage allowance shall be included in this account when separable; otherwise in the appropriate personal injury account.

420 Injuries to Persons.

(a) This account shall include expenses on account of injuries to persons which occur directly in connection with transportation service, including damages for ejectment of passengers.

(b) Services of employees and others called in consultation in relation to claim adjustments; and pay and expenses of employees while engaged as witnesses at inquests and lawsuits, shall be included in this account.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

TYPES OF EXPENSES

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE C: When a payment on account of injuries to persons includes allowances for damages to personal apparel, the damage allowance shall be included in account 419, "Loss and damage—Baggage," when separable; otherwise the entire payment shall be included in this account.

Miscellaneous Operations Expenses

440 Miscellaneous Operations.

The primary accounts included in this general account are designed to show the expenses incurred in miscellaneous operations.

441 Dining and Buffet Service.

This account shall include the cost of operating dining and buffet service on trains and transfer boats. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating dining and buffet service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Commissarial employees.* The pay of storekeepers, assistant storekeepers, clerks, porters, and other employees in commissarial supply depots and storehouses.

(c) *Stewards.* The pay of stewards or conductors employed on dining and buffet cars and transfer boats.

(d) *Cooks and waiters.* The pay of cooks, waiters, and assistants on dining and buffet cars and transfer boats.

(e) *Fuel and supplies.* The cost of fuel for cooking purposes; of provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; cost of licenses; and cost of cigars, cigarettes, and tobacco.

(f) *Laundry.* Expenses for laundry work, such as laundering tablecloths, napkins, aprons, etc.

(g) *Stationery and printing.* The cost of stationery and printing used in connection with dining and buffet service.

(h) *Other expenses.* The cost of flowers and plants; cleaning the interior of cars; rent and cost of supplies for rooms furnished for dining and buffet service employees; and such other expenses in connection with the operation of dining and buffet service as are not provided for elsewhere.

NOTE: When officers have immediate supervision over dining and buffet service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

442 Hotels and Restaurants.

This account shall include the cost of operating hotels, restaurants, and lunch counters when the cost of the operated property is includible in the road and equipment accounts. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating hotels, restaurants, and lunch counters; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers.

(b) *Employees.* The pay of stewards, hotelkeepers, storekeepers, checkers, linen clerks, butchers, chefs, cooks, kitchen help, maids, porters, elevator men, call boys, hat and cloak attendants, waiters, waitresses, laundresses, engineers, firemen, and other employees engaged in operating hotels, restaurants, and lunch counters.

(c) *Fuel and supplies.* The cost of fuel for cooking and heating purposes; provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; the cost of liquor licenses; the cost of tobacco, cigars, cigarettes, etc.; and miscellaneous supplies for operating the service.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of hotels and restaurants.

(e) *Other expenses.* The cost of lighting, and other items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over hotels, restaurants, and lunch counters and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

443 Grain Elevators.

This account shall include the cost of operating grain elevators other than small elevators which are classed as station facilities. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of grain-elevator service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Employees.* The pay of engineers, firemen, foremen, machine men, oil-

ers, millwrights, carpenters, trimmers, weighers, spout men, sweepers, laborers, watchmen, and all other employees engaged in operating grain elevators.

(c) *Fuel and supplies.* The cost of fuel for power, heating, and lighting plants; power for heating, lighting, and operating machinery; and water, ice, oil, waste, and other supplies for operating such property.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of grain elevators.

(e) *Other expenses.* The cost of grain used to make up shortage in elevators; rent for and repairs of rented offices; and other operating expenses not otherwise provided for in this account.

NOTE: When officers have immediate supervision over grain elevators and other operations their pay, office, and other expenses; also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

445 Producing Power Sold.

This account shall include the cost of operating power plants, substations, transmission systems and distribution systems, for the production of power sold. The proportion of the cost assignable to the production of the power sold only shall be included in this account. This account shall include:

(a) *Superintendence.* The pay of officers directly in charge of power plants, substations, transmission systems and distribution systems; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(b) *Employees.* The pay of foremen, subforemen, engineers, firemen, electricians, system operators or load dispatchers, dynamo tenders, foremen regulators, regulators and assistants, switchboard men, brush men, oilers, wipers, wiremen, and others engaged in the operation of power plants and substation apparatus and devices.

(c) *Fuel.* The cost of fuel used in the production of power and for heating power plants.

(d) *Other supplies.* The cost of water, lubricants, and other power plant and substation supplies.

(e) *Stationery and printing.* The cost of stationery and printing used in connection with producing power sold.

(f) *Other expenses.* The items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over producing power sold and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

446 Other Miscellaneous Operations.

This account shall include the operations of facilities such as cold-storage plants; coal-storage plants; cotton-compress plants; wood-preserving plants; ice-supply plants, etc., when the cost of the facilities is includible in the road and equipment accounts and they are operated by the railway companies.

NOTE: When officers have immediate supervision over other miscellaneous service and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

447 Operating Joint Miscellaneous Facilities—Dr.

This account shall include the carrier's proportion of such costs as are incurred by others in their operation of joint facilities which are chargeable by them to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

448 Operating Joint Miscellaneous Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of such costs as are incurred by the carrier in its operation of joint facilities which are chargeable by it to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

449 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in miscellaneous operations.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, "Pensions."

General Operating Expenses

450 General.

The primary accounts included in this general account are designed to show the expenses incurred of a general character not chargeable to the preceding general accounts, such as those for general administration and accounting, and those of the financial, law, real estate, tax, valuation, and claim departments.

NOTE: Directly assignable administration expenses incident to investments in leased or nonoperating physical property, and in stocks, bonds, and other securities, are chargeable to income account 549, "Maintenance of investment organization."

451 Salaries and Expenses of General Officers.

This account shall include:

(a) *Salaries.* The pay of all general officers and assistant general officers not otherwise provided for, including salaries and fees of receivers and commissions paid to general officers in lieu of salaries.

LIST OF OFFICERS

Chairman of the board.
President.
Assistant to president.
Vice president.
Assistant to vice president.
Secretary; Assistant.
Transfer agent.
Treasurer; Assistant.
Local treasurer.
Comptroller; Assistant.
General auditor; Assistant.
General accountant.
Auditor of revenues.
Auditor of passenger accounts; Assistant.
Auditor of freight accounts; Assistant.
Auditor of station accounts.
Auditor of disbursements; Assistant.
Auditor of miscellaneous accounts; Assistant.
Auditor of coal and coke accounts.
Freight claim agent; Assistant.
Real-estate agent; Assistant.
Tax commissioner.

(b) *Expenses.* The traveling and other expenses of officers whose pay is included in this account, including supplies for business cars used by them, cost of running official trains for them, and cost of membership fees and dues in railway and other associations.

NOTE A: When officers' duties are restricted to a single department, their salaries and expenses shall be charged to that department in the accounts for superintendence or for law expenses, as may be appropriate. When officers have immediate supervision over more than one department, their salaries and expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of the purchasing agent, assistant purchasing agent, assistant to purchasing agent, general storekeeper, division storekeeper, their clerks and attendants, shall be charged through clearing accounts "Material store expenses" and "Stationery store expenses," or material account "Fuel," as may be appropriate.

452 Salaries and Expenses of Clerks and Attendants.

This account shall include the pay and expenses of clerks and attendants of the officers whose salaries are includible in account 451, "Salaries and expenses of general officers." The account shall include the traveling and other expenses of employees, the cost of supplies for business cars and cost of running official trains for them.

453 General Office Supplies and Expenses.

This account shall include the office expenses of officers designated in account 451, "Salaries and expenses of general officers."

ITEMS OF EXPENSE

Alterations of partitions and fixtures in general offices.
Atlases, maps, and books.
Cable tolls.
Cleaning.
Express charges.
Furniture repairs and renewals.
Heating and lighting.
Local messenger service.
Periodicals and newspapers.
Rent and repairs of general offices.
Rent of tabulating machines.
Reports of commercial standings.
Service of automobiles.
Telegraph and telephone service.
Watchmen service.

NOTE: The proportion of general office expenses occasioned by the law department shall be included in account 454, "Law expenses."

454 Law Expenses.

This account shall include the pay and the office and other expenses, when not provided for elsewhere, of officers and employees of the law department, the cost of suits, and the payments of special law fees.

LIST OF OFFICERS AND EMPLOYEES

General counsel.
General solicitor.
Assistant counsel.
Solicitor.
Commerce counsel.
Commerce agent.
Special counsel
Attorney.
Counsel.
Law agent.
Clerks and office attendants.

ITEMS OF EXPENSE

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions and testimony.
Cost of suits.
Court bonds and court expenses.
Drawing and recording agreements as to trackage rights, etc.
Express charges.
Fees and retainers of attorneys (not regular employees).
Law books, forms, and reports.
Membership fees and dues in associations to protect carriers against litigation in respect to patents.
Membership fees and dues in law associations.
Notarial fees not provided for elsewhere.
Office expenses
Printing of briefs, testimony, and reports.
Proportion of general office expenses.
Rent of offices.
Special fees.
Telegraph and telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

455 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to general account 450, "General"; also premiums on fidelity bonds of officers and employees whose pay is chargeable to general account 450, "General."

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

456 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in accounting, law, and other general administration.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, "Pensions."

457 Pensions.

(a) This account shall include amounts payable for the current year to trustees under pension plans for pension costs computed on basis of employees services in the year and for pension costs computed on basis of credits for past services. This includes retired employees and former employees covered in such plans, as well as employees now in service. The account shall also include the amount for which the carrier is liable to cover cost of pensions vested in employees who have qualified for pensions in advance of payment to trustees. This account shall include amounts payable for each year directly to retired employees or to their beneficiaries when no trust fund exists. Also, in the case of an unfunded pension plan, when an employee retires and is granted a pension the total present worth of the pension actuarially computed may be charged to this account, provided this method of accounting for such expense is consistently followed.

(b) If the amount payable to the trustees for pensions for the current year is not paid before the accounts are closed, the item (estimated if necessary) shall be charged to this account and concurrently credited to account 759, "Accrued accounts payable"; or account 753, "Audited accounts and wages payable", in case the amount is covered by audited voucher.

(c) The amounts to be charged to this account each year for costs of pensions, including credits based upon prior services, shall be in agreement, as nearly as practicable, with deductions includible in the Federal income tax return for the year under pension plan adopted by the carrier for making payments to the trustees. When payments attributable to prior services made to trustees at the time the pension plan is adopted or subsequently are materially in excess of deductions includible in the tax return for the year, such excess shall be in-

cluded in account 743, "Other deferred charges", and cleared thereafter to account 457 in the years in which deductions are includible in tax returns. (See Note B).

(d) Carriers shall maintain a complete record of payments to trustees for pensions and shall be prepared to furnish to the Commission full information of the plan under which it has created a pension fund and a copy of the declaration of trust and resolution under which the pension plan is established.

NOTE A: Premiums on group and other insurance policies and also other costs of employees health and welfare benefits (but not including pensions) are includible in the separate primary accounts under the general accounts for maintenance, traffic, transportation, miscellaneous operations, and general expenses, as may be appropriate, according to distribution of the pay of the employees covered by the contracts. (See instruction 1-9.)

NOTE B: Reserves heretofore authorized and recorded in the accounts as of the effective date of this system of accounts for pension costs, not funded, may be retained unless otherwise directed by the Commission. Also, payments heretofore made to trustees and charged off against income or retained income are not to be reversed, unless otherwise directed or authorized by the Commission.

NOTE C: In the case of an existing pension plan, if the carrier should desire to conform its accounting to the *full accrual basis* of accounting, application to do so may be made to the Commission for consideration and such accounting shall not be performed unless approved by the Commission. *Full accrual basis* as used herein means recording in the accounts now and hereafter costs of employees pensions accrued, including credits for past services, upon the basis of actuarial computations, even though the sum has not been funded by payment to the trustees. Applications for such accounting shall show the method of computation, together with the carrier's proposal for recording in the accounts the related income tax credits to be realized in subsequent years.

458 Stationery and Printing.

This account shall include the cost of postage and of stationery and printing used in general offices and not chargeable to other accounts, including the cost of printing annual reports, contracts, leases, stock certificates, and passes. This account also shall include the cost of adding and calculating machines, typewriters and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE A: The cost of printing briefs, legal forms, testimony, reports, etc., for the law department is chargeable to account 454, "Law expenses."

NOTE B: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 742, "Unamortized discount on long-term debt."

460 Other Expenses.

This account shall include incidental general expenses which are not properly chargeable to any of the foregoing accounts.

ITEMS OF EXPENSE

Cost of draping buildings.
Cost of publishing annual reports in newspapers, and other corporate and financial notices of general character.
Cost of publishing notices of stockholders' meetings and of election of directors.
Exchange (other than foreign exchange) on checks cashed or deposited and on drafts bought.
Fees and expenses paid to directors and trustees.
Loss through payment of wages to a wrong person.
Penalties assessed for nonpayment of claims for overcharges.

461 General Joint Facilities—Dr.

This account shall include the carrier's proportions of general expenses incurred by others incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of general administration of tracks, yards, terminals and other facilities administered by others, and in the joint use of which the carrier participates.

462 General Joint Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of general expenses incurred by the carrier incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the expense of general administration of tracks, yards, terminals, and other facilities administered by the carrier, and in the joint use of which others participate.

Condensed Classification of Operating Expenses

480 Accounts for Small Carriers, Class II.

See Instruction 1; Classification of Carriers. The condensed groupings of accounts for Class II small carriers are as follows:

CONDENSED CLASSIFICATION OF OPERATING EXPENSES

Accounts for Small Carriers—Class II	*Accounts for Large Carriers—Class I*
Maintenance of Way and Structures	200. Maintenance of Way and Structures.
2201. Superintendence	201. Superintendence
2202. Roadway maintenance	202. Roadway maintenance. 206. Tunnels and subways. 208. Bridges, trestles and culverts. 210. Elevated structures. 212. Ties. 214. Rails. 216. Other track material. 218. Ballast. 220. Track laying and surfacing. 221. Fences, snowsheds and signs. 247. Communication systems. 249. Signals and interlockers. 272. Removing snow, ice, and sand.
2203. Maintaining structures	227. Station and office buildings. 229. Roadway buildings. 231. Water stations. 233. Fuel stations. 235. Shops and enginehouses. 237. Grain elevators. 239. Storage warehouses. 241. Wharves and docks. 243. Coal and ore wharves. 253. Power plants. 257. Power-transmission systems. 265. Miscellaneous structures.
2203½. Retirements—Road	267. Retirements—Road.
2204. Dismantling retired road property	270. Dismantling retired road property.
2205. Equalization—Way and structures	280. Equalization—Way and structures.
2208. Road property—Depreciation	266. Road property—Depreciation.
2209. Other maintenance of way expenses.	269. Roadway machines. 271. Small tools and supplies. 273. Public improvements—Maintenance. 274. Injuries to persons. 275. Insurance. 276. Stationery and printing. 277. Employees health and welfare benefits. 281. Right-of-way expenses. 282. Other expenses.
2210. Maintaining joint tracks, yards, and other facilities—Dr.	278. Maintaining joint tracks, yards, and other facilities—Dr.
2211. Maintaining joint tracks, yards, and other facilities—Cr.	279. Maintaining joint tracks, yards, and other facilities—Cr.
Maintenance of Equipment	300. Maintenance of Equipment.
2221. Superintendence	301. Superintendence.
2222. Repairs to shop and power-plant machinery.	302. Shop machinery. 304. Power-plant machinery.
2223. Shop and power-plant machinery—Depreciation.	305. Shop and power-plant machinery—Depreciation.
2224. Dismantling retired shop and power-plant machinery.	306. Dismantling retired shop and power-plant machinery.
2225. Locomotive repairs	308. Steam locomotives—Repairs. 311. Other locomotives—Repairs.
2226. Car repairs	314. Freight-train cars—Repairs. 317. Passenger-train cars—Repairs.

CONDENSED CLASSIFICATION OF OPERATING EXPENSES—Continued

Accounts for Small Carriers—Class II	*Accounts for Large Carriers—Class I*
2227. Other equipment repairs	323. Floating equipment—Repairs. 326. Work equipment—Repairs. 328. Miscellaneous equipment—Repairs.
2228. Dismantling retired equipment	329. Dismantling retired equipment.
2229. Retirements—Equipment	330. Retirements—Equipment.
2231. Equalization—Equipment	338. Equalization—Equipment.
2234. Equipment—Depreciation	331. Equipment—Depreciation.
2235. Other equipment expenses	332. Injuries to persons. 333. Insurance. 334. Stationery and printing. 335. Employees health and welfare benefits. 339. Other expenses.
2236. Joint maintenance of equipment expenses—Dr.	336. Joint maintenance of equipment expenses—Dr.
2237. Joint maintenance of equipment expenses—Cr.	337. Joint maintenance of equipment expenses—Cr.
Traffic	350. Traffic.
2240. Traffic expenses	351. Superintendence. 352. Outside agencies. 353. Advertising. 354. Traffic associations. 355. Fast freight lines. 356. Industrial and immigration bureaus. 357. Insurance. 358. Stationery and printing. 359. Employees health and welfare benefits. 360. Other expenses.
Transportation—Rail Line	370. Transportation—Rail Line.
2241. Superintendence and dispatching	371. Superintendence. 372. Dispatching trains.
2242. Station service	373. Station employees. 374. Weighing, inspection and demurrage bureaus. 375. Coal and ore wharves. 376. Station supplies and expenses.
2243. Yard employees	377. Yardmasters and yard clerks. 378. Yard conductors and brakemen. 379. Yard switch and signal tenders. 380. Yard enginemen.
2244. Yard switching fuel	382. Yard switching fuel.
2245. Miscellaneous yard expenses	383. Yard switching power produced. 384. Yard switching power purchased. 385. Water for yard locomotives. 386. Lubricants for yard locomotives. 387. Other supplies for yard locomotives. 388. Enginehouse expenses—Yard. 389. Yard supplies and expenses.
2246. Operating joint yards and terminals—Dr.	390. Operating joint yards and terminals—Dr.
2247. Operating joint yards and terminals—Cr.	391. Operating joint yards and terminals—Cr.
2248. Train employees	392. Train enginemen. 401. Trainmen.
2249. Train fuel	394. Train fuel.
2251. Other train expenses	395. Train power produced. 396. Train power purchased. 397. Water for train locomotives. 398. Lubricants for train locomotives. 399. Other supplies for train locomotives. 400. Enginehouse expenses—Train. 402. Train supplies and expenses. 403. Operating sleeping cars.

CONDENSED CLASSIFICATION OF OPERATING EXPENSES—Continued

Accounts for Small Carriers—Class II	*Accounts for Large Carriers—Class I*
2252. Injuries to persons	420. Injuries to persons.
2253. Loss and damage	418. Loss and damage—Freight. 419. Loss and damage—Baggage.
2254. Other casualty expenses	414. Insurance. 415. Clearing wrecks. 416. Damage to property. 417. Damage to livestock on right of way.
2255. Other rail transportation expenses	404. Signal and interlocker operations. 405. Crossing protection. 406. Drawbridge operation. 407. Communication system operation. 408. Operating floating equipment. 409. Employees health and welfare benefits. 410. Stationery and printing. 411. Other expenses.
2256. Operating joint tracks and facilities—Dr.	412. Operating joint tracks and facilities—Dr.
2257. Operating joint tracks and facilities—Cr.	413. Operating joint tracks and facilities—Cr.
Miscellaneous Operations	440. Miscellaneous Operations.
2258. Miscellaneous operations	441. Dining and buffet service. 442. Hotels and restaurants. 443. Grain elevators. 445. Producing power sold. 446. Other miscellaneous operations. 449. Employees health and welfare benefits.
2259. Operating joint miscellaneous facilities—Dr.	447. Operating joint miscellaneous facilities—Dr.
2260. Operating joint miscellaneous facilities—Cr.	448. Operating joint miscellaneous facilities—Cr.
General	450. General.
2261. Administration	451. Salaries and expenses of general officers. 452. Salaries and expenses of clerks and attendants. 453. General office supplies and expenses. 454. Law expenses.
2262. Insurance	455. Insurance.
2264. Other general expenses	456. Employees health and welfare benefits. 457. Pensions. 458. Stationery and printing. 460. Other expenses.
2265. General joint facilities—Dr.	461. General joint facilities—Dr.
2266. General joint facilities—Cr.	462. General joint facilities—Cr.

INCOME ACCOUNTS

501 Railway Operating Revenues.

This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided elsewhere in these regulations.

502 Revenues from Miscellaneous Operations.

This account shall include the total revenues derived from the operation of miscellaneous operating physical property, such as that the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The income from miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

503 Hire of Freight Cars; Credit Balance.

This account shall include, except as provided in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net credit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged.

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars—Debit balance."

NOTE B: Rent for freight cars included in the lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

NOTE C: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work.

504 Rent from Locomotives.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's locomotives leased or interchanged.

NOTE: Rent for locomotives included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

505 Rent from Passenger-Train Cars.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's passenger-train cars leased or interchanged.

NOTE: Rent for passenger-train cars included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

506 Rent from Floating Equipment.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's floating equipment leased or chartered.

NOTE: Rent from floating equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

507 Rent from Work Equipment.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's work equipment leased or interchanged.

NOTE: Rent for work equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

508 Joint Facility Rent Income.

(a) This account shall include amounts receivable accrued for rent of equipment, tracks, yards, terminals, and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals.

(b) Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

NOTE: The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and the appropriate joint facility operating expense accounts.

509 Income from Lease of Road and Equipment.

(a) This account shall include the entire amount receivable accrued for the exclusive use of road, tracks, or bridges (including equipment or other railway property covered by the contract), the rented property being owned or controlled by the accounting company, whether payable to the accounting company in cash or disbursed by the lessee on behalf of the accounting company as interest on funded debt, guaranteed dividends on stock, or otherwise.

(b) When the lessor company maintains the road and equipment leased, the cost of maintaining the property rented shall be charged to this account, except that when the rent thus receivable for the use of property other than equipment is relatively small and the expense of maintenance is not separable, the entire amount received may be credited to revenue account 142, "Rents of buildings and other property."

(c) If, under the terms of a lease, the deficit, or any portion of it, resulting from the lessee company's operations of the property leased is payable by the lessor company, the amount thus payable shall be charged to this account by the lessor.

NOTE A: When taxes on leased property are assumed by the lessor, the accruals of such taxes shall be included in the lessor's account 532, "Railway tax accruals."

NOTE B: If property the rent of which is chargeable to account 542, "Rent for leased roads and equipment," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE C: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

510 Miscellaneous Rent Income.

(a) This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the foregoing accounts.

(b) This account shall be charged with the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyancers, collectors' commissions, and analogous items.

NOTE A: If property the rent of which is chargeable to account 543, "Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B: Taxes on property the rent of which is creditable to this account shall be charged to account 532, "Railway tax accruals."

NOTE C: The rent from property carried in balance-sheet account 737, "Miscellaneous physical property," shall not be included in this account, but in account 511, "Income from nonoperating property."

NOTE D: Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

511 Income from Nonoperating Property.

This account shall include the net credit balance of the nonoperating revenues or income from, and the expenses including depreciation (but excluding taxes) of physical property the cost of which is carried in balance-sheet account 737, "Miscellaneous physical property."

NOTE A: Net debit balances in this account shall be so indicated.

NOTE B: The revenues from the operation of miscellaneous operating physical property shall be included in income account 502, "Revenues from miscellaneous operations," and the expenses of operation shall be included in account 534, "Expenses of miscellaneous operations."

512 Separately Operated Properties; Profit.

(a) This account shall include amounts receivable under the terms of agreements or contracts whereby the surplus resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

(b) In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses but also to other items of income or deduction which affect that amount.

NOTE A: The amount payable by the operating company shall be charged by it to account 550, "Income transferred to other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies, and held or controlled by the accounting company, shall be included in account 513, "Dividend income," 514, "Interest income," or 516, "Income from sinking and other reserve funds," as may be appropriate.

513 Dividend Income.

(a) This account shall include dividends declared on railway and other stocks, the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

(c) Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A: This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Dividends on stocks of other companies held in sinking or other reserve funds shall be credited to account 516, "Income from sinking and other reserve funds."

514 Interest Income.

(a) This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company, whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) The account shall also include interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount on short-term notes. Interest accrued shall not be credited prior to actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

(c) At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies or individuals, representing the whole or a part of the net deficit of the accounting company when, under the terms of agreements or contract, no obligation for subsequent reimbursement is incurred.

(b) In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE: The amount payable shall be charged by the contributing company to account 545, "Separately operated properties—Loss."

519 Miscellaneous Income.

(a) This account shall include all items, not provided for elsewhere, properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from sale of securities carried as temporary cash investments.

Profit from sale of land used for transportation purposes, of noncarrier property, and of securities acquired for investment purposes.

Profit from company bonds reacquired.

(b) When the profit from sale of land, noncarrier property, or investment securities other than temporary cash investments, or from the reacquisition of the company's own bonds, is so material in amount that its inclusion in income account would distort and impair the significance of net income for the year, such profit shall be credited to the appropriate retained income account.

531 Railway Operating Expenses.

This account shall include the total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

532 Railway Tax Accruals.

(a) This account shall include accruals for taxes of all kinds relating to railway property (including floating equipment, if any), operations, and privileges, whether based upon the valuation of the property, amount of stocks and bonds or other evidences of debt issued or outstanding; gross or net earnings, dividends declared, number of passengers carried, quantity of freight transported, length of line operated or owned, rolling stock operated or owned, or other basis; also taxes for issuing and recording mortgages and trust deeds and for issuing bonds or other evidences of long-term debt.

(b) The taxes on leased property shall be included in this account by the carrier obligated to assume such expenses under the terms of the lease.

(c) Accruals for Federal income taxes shall be included in this account, except that the tax consequences of the items recorded directly in retained income accounts shall be included in account 617, "Federal income taxes assigned to retained income." Details pertaining to the tax consequences of other unusual and significant items excluded from income accounts, and also cases where tax consequences are disproportionate to the related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to the proper accounting for the tax consequences.

(d) Federal income taxes paid in prior years which are refundable as the result of carry-back of operating loss shall be credited to this account in the year in which the loss occurs. The reduction in taxes due to operating losses carried forward shall be credited to this account in the year in which such losses are applied to reduce taxes, except as otherwise provided in account 606, "Other credits to retained income."

NOTE A: Taxes on leased property paid by one party to the lease and chargeable to the other party to the lease shall be charged directly to the party bearing the expense and not included in the income account of the party first making payment.

NOTE B: Taxes on other than railway property, operations, and privileges shall be charged to account 535, "Taxes on miscellaneous operations property", or 544, "Miscellaneous tax accruals," as may be appropriate.

NOTE C: Special assessments for street and other improvements, and special benefit taxes, such as water taxes and the like, shall be included in operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Amounts received in reimbursement of taxes on property jointly used shall be credited to account 508, "Joint facility rent income." Amounts paid in reimbursement of such taxes shall be charged to account 541, "Joint facility rents."

NOTE E: Taxes accruing on new lines under construction or on property acquired for the extension of existing lines or for addition or betterment purposes before the facilities are opened for commercial operation or the property acquired becomes available for service shall be charged to road and equipment accounts.

534 Expenses of Miscellaneous Operations.

This account shall include the total expenses caused by the operation of miscellaneous physical property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The expenses of miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

535 Taxes on Miscellaneous Operating Property.

This account shall include accruals of taxes paid or payable upon miscellaneous operating property, such as that the cost of which is includible in account 737, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous nonoperating physical property shall be included in account 544, "Miscellaneous tax accruals."

536 Hire of Freight Cars; Debit Balance.

This account shall include, except as provided for in the classification for investment in road and equipment and in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net debit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged.

NOTE A: If the net balance is a credit, it shall be included in account 503, "Hire of freight cars—Credit balance."

NOTE B: Rent for freight cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE C: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE D: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work.

537 Rent for Locomotives.

This account shall include amounts payable accrued for the use of the locomotives of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for locomotives included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for locomotives used in construction work-train service is chargeable to the cost of the work.

538 Rent for Passenger-train Cars.

This account shall include amounts payable accrued for the use of the passenger-train cars of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for passenger-train cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

539 Rent for Floating Equipment.

This account shall include amounts payable accrued for the use of the floating equipment of others, leased or chartered, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent of floating equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

540 Rent for Work Equipment.

This account shall include amounts payable accrued for the use of the work equipment of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for work equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for work equipment when used in construction work-train service is chargeable to the cost of the work.

541 Joint Facility Rents.

(a) This account shall include amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates.

(b) Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

NOTE: The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and the appropriate joint facility operating expense accounts. This apportionment shall be made by the operating company, and shall be followed by the accounting company.

542 Rent for Leased Roads and Equipment.

This account shall include amounts payable accrued as rent for roads, tracks, or bridges (including equipment or other railway property covered by the contract) the property being owned by other companies and held under lease or other agreement by the terms of which exclusive use and control for operating purposes are secured. The entire amount of rent payable by the lessee in accordance with the agreement shall be included in this account, whether paid to the lessor in cash or disbursed by the lessee, on behalf of the lessor, as interest on funded debt, guaranteed dividends on stock, or otherwise.

NOTE A: When taxes on leased property are assumed by the lessee the accruals of such taxes shall be included in the lessee's account 532, "Railway tax accruals."

NOTE B: If, under the terms of a lease, the deficit or any portion of it resulting from the lessee's operation of the property leased is payable by the lessor company, the amount shall be charged to account 509, "Income from lease of road and equipment," by the lessor and credited to this account by the lessee.

NOTE C: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 509, "Income from lease of road and equipment."

NOTE D: Payments for the exclusive use of road and equipment maintained by the lessor and used in the accounting company's operations (when considerable in amount and when not provided for in the classifications of operating expenses) shall be divided into two portions: One, representing the cost of maintenance shall be charged to the appropriate maintenance accounts and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account.

NOTE E: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it, the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

543 Miscellaneous Rents.

This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly chargeable to any of the foregoing accounts.

NOTE A: This account shall not include rents provided for in the operating expense accounts.

NOTE B: If property, the rent of which is chargeable to this account, is sublet to others the rent from the sublease shall be credited to the appropriate rent income account depending on the classification of the property as transportation or nontransportation in the same manner as property owned by the carrier.

NOTE C: Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

544 Miscellaneous Tax Accruals.

This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, taxes on income from securities owned, and taxes on miscellaneous nonoperating physical property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous operating property shall be charged to account 535, "Taxes on miscellaneous operating property."

545 Separately Operated Properties; Loss.

(a) This account shall include amounts payable under the terms of agreements or contracts whereby the deficit resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deductions which affect that amount.

NOTE A: The amount receivable by the operating company shall be credited by it to account 518, "Contributions from other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies and held or controlled by the accounting company shall not be included in this account to offset a deficit payable, but in accounts 513, "Dividend income"; or 514, "Interest income," as may be appropriate.

546 Interest on Funded Debt.

This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in accounts 765, "Funded debt unmatured"; 766, "Equipment obligations"; 767, "Receivers' and trustees' securities"; 768, "Debt in default"; and 769 "Amounts payable to affiliated companies." This account shall be kept in such form that the interest on receivers' and trustees' securities, and on other classes of funded debt may be shown separately in the annual report to the Commission.

NOTE A: This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: When funded debt is incurred for new lines or extensions, or for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be included in the road and equipment accounts.

NOTE C: This account shall be maintained so as to show separately: (a) fixed interest which will be paid, or for which provision for payment will be made, when the interest matures; (b) interest in default; and (c) contingent interest determined to be payable.

547 Interest on Unfunded Debt.

This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount shall be distributed through equal monthly charges, over the term of the notes.

NOTE: When short-term notes or other evidences of unfunded indebtedness are issued for new lines or extensions or for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the road and equipment accounts.

548 Amortization of Discount on Funded Debt.

(a) This account shall be charged during each fiscal period with the proportion of the discount and expense on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount and expense on funded debt.

(b) The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount and expense remains unextinguished, except that if the total discount and expense applicable to any particular issue of securities does not exceed $25,000, the entire amount may be charged to this account at time of issue.

549 Maintenance of Investment Organization.

This account shall include the directly assignable administration expenses of the accounting company which are incident to its investments in leased or nonoperating physical property, and in stocks, bonds, or other securities.

ITEMS OF EXPENSE

Advertising annual reports (lessor companies only).
Calls for bonds in accordance with sinking fund provisions of mortgages.
Directors' fees.
Printing and mailing dividend checks.
Publishing and mailing annual reports and other corporate statements to shareholders.
Publishing notices of declaration of dividends.
Law expenses.
Office expenses.
Salaries of officers, clerks, and attendants.
Stationery and printing.

NOTE: Administration expenses incident to railway operation are includible in the primary accounts provided for in operating expense general account 450, "General."

550 Income Transferred to Other Companies.

(a) This account shall include the whole or any portion of the income of the accounting company payable to another company under the terms of agreements or contracts without obligation for reimbursement.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE A: The amount receivable by the other company shall be credited by it to account 512, "Separately operated properties—Profit."

NOTE B: Dividends or other payments upon securities issued or assumed by the accounting company shall not be included in this account.

551 Miscellaneous Income Charges.

(a) This account shall include items, not provided for elsewhere, properly chargeable to income account during the current year. Among the items which shall be included in this account are:

Interest on tax deficiencies, on overcharge claims, and on court awards.
Income tax upon the interest on the accounting company's funded debt when these taxes are assumed by the company.
Payments of old accounts previously written off.
Penalties and fines for violation of the Interstate Commerce Act or other Federal and State laws when not specifically provided for elsewhere.
Loss on sale of securities carried as temporary cash investments.
Loss on sale of land used for transportation purposes, and of noncarrier property.
Loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment in their value.
Loss from company bonds reacquired.

(b) When the loss on the sale of land, noncarrier property, or investment securities other than temporary cash investments, or on the reacquisition of the company's own bonds, is so material in amount that its inclusion in income account would distort and impair the significance of net income for the year, such loss shall be debited to the appropriate retained income account.

560 Form of Income Statement.

The classified form of income statement is designed to show the financial changes resulting from transportation operations and other business of the accounting company during any specified period.

OPERATING INCOME

Railway Operating Income

501. Railway operating revenues [1] ——
531. Railway operating expenses [2] ——
Net revenue from railway operations [2] ——
532. Railway tax accruals [1] ——
Railway operating income [2] ——

Rent Income

503. Hire of freight cars—Credit balance ——
504. Rent from locomotives ——
505. Rent from passenger-train cars ——
506. Rent from floating equipment ——
507. Rent from work equipment ——
508. Joint facility rent income ——
Total rent income ——

Rents Payable

536. Hire of freight cars—Debit balance ——
537. Rent for locomotives ——
538. Rent for passenger-train cars ——
539. Rent for floating equipment ——
540. Rent for work equipment ——
541. Joint facility rents ——
Total rents payable ——
Net rents [2] ——
Net railway operating income [2] ——

Other Income

502. Revenues from miscellaneous operations ——

[1] Includes operations of water lines, if any.
[2] If a loss the amount shall be so indicated.

Other Income—Continued

509. Income from lease of road and equipment ——
510. Miscellaneous rent income ——
511. Income from nonoperating property ——
512 Separately operated properties—Profit ——
513. Dividend income ——
514. Interest income ——
516. Income from sinking and other reserve funds ——
517. Release of premiums on funded debt ——
518. Contributions from other companies ——
519. Miscellaneous income ——
Total other income ——
Total income [2] ——

Miscellaneous Deductions From Income

534. Expenses of miscellaneous operations ——
535. Taxes on miscellaneous operating property ——
543. Miscellaneous rents ——
544. Miscellaneous tax accruals ——
545. Separately operated properties—Loss ——
549. Maintenance of investment organization ——
550. Income transferred to other companies ——
551. Miscellaneous income charges ——
Total miscellaneous deductions ——
Income available for fixed charges [2] ——

[2] If a loss the amount shall be so indicated.

Fixed Charges

542. Rent for leased roads and equipment ——
546. Interest on funded debt:
(a) Fixed interest not in default ——
(b) Interest in default ——
547. Interest on unfunded debt ——
548. Amortization of discount on funded debt ——
Total fixed charges ——
Income after fixed charges [2] ——

Other Deductions

546. Interest on funded debt:
(c) Contingent interest —— ——
Net income after fixed charges and other deductions [2] ——

Supplementary Statement of Specified Income Items

Net railway operating income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment —— ——
Net railway operating income before depreciation ——
Net income ——
Add Federal income taxes —— ——
Net income before Federal income taxes ——
Net income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment —— ——
Add Federal income taxes —— ——
Net income before depreciation and Federal income taxes ——

RETAINED INCOME ACCOUNTS

Credit

601 Credit Balance (at Beginning of Calendar Year).

This account shall include the net credit balance in the retained income account at the beginning of the calendar year.

602 Credit Balance Transferred from Income.

This account shall show the net credit balance brought forward from the income account for the calendar year.

603 Profit from Sale of Property.

This account shall include profit derived from the sale of land used for transportation purposes and of noncarrier property, when such profit is material in relation to net income for the year. (See account 519, "Miscellaneous income").

604 Profit from Sale of Investment Securities.

This account shall include profit derived from the sale of investment securities, other than temporary cash investments, when such profit is material in relation to net income for the year.

NOTE: Profit from sale of securities carried as temporary cash investments shall be credited to account 519, "Miscellaneous income".

605 Profit from Company Bonds Reacquired.

This account shall include the amount of profit resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost less than the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year.

NOTE: When the aggregate amount resulting from adjustments for securities reacquired is not material in relation to net income for the year, that amount shall be credited to account 519, "Miscellaneous income." In determining whether the amount of profit is material, all adjustments in this account together with the adjustments in account 615, "Loss on company bonds reacquired", shall be considered.

606 Other Credits to Retained Income.

(a) This account shall include nonrecurring profits and credit adjustments, not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustments of items relating to prior years other than ordinary adjustments of a recurring nature, such as unusual credit adjustments and refunds of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be excessive, and other items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See account 519, "Miscellaneous income.")

(b) The account may also include profits and credit adjustments, not provided for elsewhere, resulting from unusual transactions and events which occurred during the current year, but only after such inclusion has been authorized by the Commission.

(c) Ordinary adjustments of a recurring nature shall be included in the same account or accounts which would have been credited if the item had been taken up or adjusted in the year to which it pertained.

Debit

611 Debit Balance (at Beginning of Calendar Year).

This account shall include the net debit balance in the retained income account at the beginning of the calendar year.

612 Debit Balance Transferred from Income.

This account shall show the net debit balance brought forward from the income account for the calendar year.

613 Loss on Sale or Retirement of Property.

This account shall include the loss on sale or retirements of land and on nontransportation property, for which a depreciation reserve has not been provided, when such loss is material in relation to net income for the year. (See account 551, "Miscellaneous Income Charges.") This account also shall include loss on sale or retirement of transportation property, for which depreciation reserve has not been provided, when so authorized by the Commission.

614 Loss on Sale of Investment Securities.

This account shall include loss incurred on the sale of investment securities, other than temporary cash investments, when such loss is material in relation to net income for the year.

NOTE: Loss on sale of securities carried as temporary cash investments shall be charged to account 551, "Miscellaneous income charges".

615 Loss on Company Bonds Reacquired.

(a) This account shall include the amount of loss resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost exceeding the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year.

(b) When the aggregate amount resulting from adjustments for securities reacquired is not material in relation to net income for the year, this amount shall be charged to account 551, "Miscellaneous income charges." In determining whether the amount of loss is material, all adjustments in this account together with the adjustments in account 605, "Profit from company bonds reacquired", shall be considered.

616 Other Debits to Retained Income.

(a) This account shall include nonrecurring losses and debit adjustments not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustment of items relating to prior years other than ordinary adjustments of a recurring nature, such as unusual debit adjustments and assessments of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be deficient, and similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See account 551, "Miscellaneous income charges".)

(b) This account shall also include charges which reduce or write off discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired.

(c) This account may also include losses and debit adjustments not provided for elsewhere resulting from unusual transactions and events which occurred during the current year, such as losses resulting from abnormal floods, storms, and similar calamities or catastrophes, but only after such inclusion has been authorized by the Commission.

(d) Ordinary adjustments of a recurring nature shall be included in the same account which would have been charged if the item had been taken up or adjusted in the year to which it pertained.

617 Federal Income Taxes Assigned to Retained Income.

This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in retained income accounts.

620 Appropriations for Sinking and Other Reserve Funds.

This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with amounts appropriated pursuant to provisions of reorganization plans, mortgages, deeds of trust, or other contracts requiring payments into sinking funds, capital funds, and other funds.

621 Appropriations for Other Purposes.

This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with the amount of appropriations for general contingencies, indefinite possible future losses and other corporate purposes not provided for elsewhere. The appropriations shall be released when their respective purposes have been served.

622 Appropriations Released.

This account is provided to return to unappropriated retained income the amount of appropriations no longer required as segregations of retained income. The account shall be subdivided to show the nature of the appropriations being released and the circumstances of the release shall be fully described.

623 Dividends.

This account shall be charged with the amount of dividends declared on actually outstanding capital stock issued or assumed by the company. If the dividend is not payable in cash, the securities or other property to be distributed shall be described with sufficient particularity to identify the distribution. The account shall be subdivided to show separately the dividends declared on the various subclasses of capital stock.

NOTE: This account shall not include charges for dividends on capital stock issued or assumed by the company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

GENERAL BALANCE SHEET ACCOUNTS

Debit

701 Cash.

(a) This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include, also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days.

(b) The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to this account. When the amount of such checks and drafts cannot be determined with absolute accuracy, an estimate of the amount shall be used.

702 Temporary Cash Investments.

This account shall include the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character.

703 Special Deposits.

This account shall include funds specifically deposited for the payment of dividends, interest, and other current liabilities; also other deposits subject to current withdrawal for specific purposes only.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

704 Loans and Notes Receivable.

This account shall include the book value of all collectible obligations in the form of demand or time loans and notes receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue.

NOTE A: Obligations held as investments which mature more than one year after date of issue shall be included in accounts 721, "Investments in affiliated companies"; or 722, "Other investments," as may be appropriate.

NOTE B: Loans and notes receivable acquired for the purpose of temporarily investing cash shall be included in account 702, "Temporary cash investments."

705 Traffic and Car-Service Balances—Dr.

This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net debit.

NOTE A: When the net of the balances is a credit, it shall be included in account 752, "Traffic and car-service balances—Cr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752(a) Interline freight, balance.
705 and 752(b) Interline passenger, balance.
705 and 752(c) Interline baggage, balance.
705 and 752(d) Equipment interchange, balance.

706 Net Balance Receivable from Agents and Conductors.

This account shall include the net balance due in current accounts from agents, from train, sleeping car, and dining car conductors, and from train collectors, train auditors, porters and other employees and representatives charged with the collection or custody of current revenues.

NOTE: Amounts advanced to general and special agents as working funds shall not be included in this account, but in account 710, "Working fund advances."

707 Miscellaneous Accounts Receivable.

This account shall include amounts due in audited accounts considered good, such as those due from the United States or other Governments for the transportation of mails and Government property, and from express companies for express facilities furnished under contract; amounts due from other carriers on account of freight claims paid; miscellaneous bills against other railway companies, corporations, firms, and individuals; and other similar items.

NOTE: The amount to be entered in this account is not the net balance between this account and account 754, "Miscellaneous accounts payable."

708 Interest and Dividends Receivable.

This account shall include the amount of interest accrued to the date of the balance sheet on bonds owned and on loans made, the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times.

NOTE A: No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C: If settlement of amounts included in this account is not made when due either in cash or with other tangible assets of equal money value, such amounts shall be cleared from this account and charged to the income account originally credited. If notes are taken in settlement of amounts included in this account, the amounts thereof shall be charged to account 704, "Loans and notes receivable," or account 741, "Other assets," as may be appropriate, but such amounts shall not be credited to income (or if previously credited to income shall be cleared therefrom as provided in the first sentence of this note), unless inclusion therein is justified by the current asset position of the obligor. If such notes are of doubtful value, the amount at which they are charged to account 741, "Other assets," shall be credited to account 784, "Other deferred credits," and income shall not be credited until payment is received, and then only with the amount collected. If long-term notes are taken in settlement of current assets, the credit to income shall be cancelled and account 741, "Other assets," shall be charged with their true values, and a like sum shall be credited to account 784, "Other deferred credits."

709 Accrued Accounts Receivable.

This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which shall be included in this account are:

Rents receivable which are not includible in account 707, "Miscellaneous accounts receivable."

Amounts receivable from others for unreported interline traffic.

Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

710 Working Fund Advances.

This account shall include amounts advanced to general and special agents, and to other officers and employees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

NOTE: Advances to jointly owned or used terminal companies and other companies for permanent working funds or capital purposes shall be included in accounts 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

711 Prepayments.

This account shall include the balances in the accounts representing short-term prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also short-term interest and insurance premiums paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

NOTE: Expenditures by a carrier for improvements to office buildings and other facilities rented for more than one year, title to which will pass to the lessor at the end of the rental period, shall be charged to account 743, "Other deferred charges," and amortized over the rental period as additional rent.

712 Material and Supplies.

(a) This account shall include the balances representing the cost, less depreciation, if any, of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof.

(b) Material and supplies shall be credited to this account and charged to the appropriate operating expense or other account on the basis of actual costs, average cost, or other recognized pricing system, provided that such system is consistently applied and is based on the cost of such material and supplies.

(c) An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory.

NOTE: Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased for projected new roads and extensions, or for new railroad equipment, are provided for in road and equipment account 47, "Unapplied construction material and supplies," or account 59, "Unapplied material and supplies—Equipment."

713 Other Current Assets.

This account shall include items of current assets not covered by accounts 701 to 712, inclusive. The account shall include only items currently collectible and shall not include amounts the current collection of which is not reasonably assured and may be deferred. (See instruction 6–1.)

715 Sinking Funds.

(a) This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund.

(b) The account shall include amounts deposited with trustees on account of mortgaged property sold, the proceeds of which are to be held for the redemption of securities; and also the par value (or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto) of live securities issued or assumed by the accounting company and held in such funds.

(c) A separate account shall be kept for each fund. The title of each such account shall designate the obligation in support of which the fund is created.

NOTE: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value (or with respect to no par stock the amounts recorded in account 791, "Capital stock issued," relating thereto) of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

716 Capital and Other Reserve Funds.

(a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A: Funds specifically set aside for sinking fund purposes shall be included in account 715, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 715.

NOTE B: The ledger value of assets of the character indicated in paragraph (a)(2) of this section, shall be transferred to the appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

NOTE C: Bank deposits subject to current withdrawals for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

717 Insurance and Other Funds.

This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value (or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto) of securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund.

NOTE A: Sinking funds and capital and other reserve funds are provided for in accounts 715 and 716, respectively.

NOTE B: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value (or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto) of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C: This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

NOTE D: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

721 Investments in Affiliated Companies.

(a) This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds, and also investment advances made to affiliated companies.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

(c) A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to account 741 "Other assets."

NOTE B: The term affiliated companies (also see Definition 4) includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" (also see Definition 8) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

722 Other Investments.

(a) This account should include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; also investment advances made to nonaffiliated companies and to individuals.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

(c) A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with nonaffiliated companies which are subject to *current settlement*, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to account 741, "Other assets."

NOTE B: The term "nonaffiliated companies" includes all companies other than those defined as affiliated in Note B of account 721, "Investments in affiliated companies."

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

723 Reserve for Adjustment of Investment in Securities—Cr.

(a) This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 721, "Investments in affiliated companies," or 722, "Other investments." Corresponding charges shall be made to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.

(b) If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate. In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.

731 Road and Equipment Property.

This account shall include the accounting company's investment in road and equipment (including that held under contract for purchase), used or held for use as transportation property in existence at the date of the balance sheet. When property is retired from service this account shall be credited with the ledger value of the property retired.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When any equipment is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than the actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C: Held for use, as referred to above, implies the ability of the carrier to substantiate by plans or policy its characterization of the probable future use which is to be made of the property within a reasonable period of time.

732 Improvements on Leased Property.

(a) This account shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements. (See instruction 2–17.)

(b) The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When the lessor company includes in account 731, "Road and equipment property," the cost of improvements made by the lessee to property leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the cost thereof in account 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

735 Accrued Depreciation; Road and Equipment.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts to cover the loss in service value of depreciable road and equipment property. It shall also include amounts which the Commission may authorize the accounting company to charge to account 616, "Other debits to retained income," in respect to past accruals of depreciation.

(b) The service value of each unit of property retired (and also of each minor item, less than a unit, retired and not replaced) for which depreciation reserve has been established shall be charged to this account.

(c) Comprehensive instructions pertaining to depreciation accounts, rates of depreciation, and records to be maintained, are contained in instruction 5.

736 Amortization of Defense Projects; Road and Equipment.

This account shall include the amounts of accumulated past provisions for amortization of road and equipment defense projects, the cost of which is included in account 731, "Road and equipment property," or account 732, "Improvements on leased property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired. The accounting company shall maintain subaccounts separately for amortization of (1) road property and (2) equipment.

737 Miscellaneous Physical Property.

This account shall include the accounting company's investment in physical property other than property assignable to accounts 731 and 732, including hotels, restaurants, powerplants, etc., which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

738 Accrued Depreciation; Miscellaneous Physical Property.

This account shall be credited with amounts charged to income or other authorized accounts to cover the depreciation of property the cost of which is included in account 737, "Miscellaneous physical property." When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

741 Other Assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason. (See instruction 2–5.) This account also shall include other assets of doubtful value, collection of which within one year is not assured; also other deferred assets and miscellaneous assets not otherwise provided for in general balance sheet accounts. (See instruction 6–1.)

742 Unamortized Discount on Long-term Debt.

This account shall include the total of the net debit balances in the discount, expense, and premium accounts for the several subclasses of funded debt. (See instruction 6–3.)

743 Other Deferred Charges.

This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; debit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operations of gravel pits," and "Operation of quarries;" unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

Credit

751 Loans and Notes Payable.

(a) This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidences (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

(b) This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE: This account shall not include obligations which mature more than one year after date of issue, or demand or short-term notes issued to affiliated companies and includible in account 769, "Amounts payable to affiliated companies."

752 Traffic and Car-service Balances—Cr.

This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net credit.

NOTE A: When the net of the balances is a debit it shall be included in account 705, "Traffic and car-service balances—Dr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752(a) Interline freight, balance.
705 and 752(b) Interline passenger, balance.
705 and 752(c) Interline baggage, balance.
705 and 752(d) Equipment interchanged, balance.

753 Audited Accounts and Wages Payable.

This account shall include the amount of audited vouchers or accounts and audited payrolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

NOTE: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash".

754 Miscellaneous Accounts Payable.

This account shall include outstanding drafts drawn by station agents, outstanding drafts drawn on the company in settlement of freight claims, conductors' refund and extra-fare checks not presented for redemption, deposits of affiliated companies subject to current settlement, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 751, 752, 753, 755 and 756.

NOTE A: The amount to be reported under this account is not the net balance between this account and account 707, "Miscellaneous accounts receivable."

NOTE B: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash". When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

755 Interest Matured Unpaid.

This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement. Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE: Interest matured unpaid on non-negotiable debt to affiliated companies, if not subject to current settlement, shall be included in account 769, "Amounts payable to affiliated companies."

756 Dividends Matured Unpaid.

This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet. Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

757 Unmatured Interest Accrued.

This account shall include the amount of interest subject to current settlement accrued to the date as of which the balance sheet is made, but not payable until after the first day following that date, on funded securities or obligations, debt in

default, receivers' and trustees' securities, amounts payable to affiliated companies, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A: Interest accrued which is not paid when it matures shall be included in account 781, "Interest in default", unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 781, "Interest in default."

NOTE B: Interest accrued on amounts recorded in account 769, "Amounts payable to affiliated companies," and not subject to current settlement, shall be included in that account.

758 Unmatured Dividends Declared.

This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

759 Accrued Accounts Payable.

This account shall include estimates of unaudited items payable by the carrier to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which should be included in this account are:

Rents payable under leases due subsequent to the date of the balance sheet which are not includible in account 754, "Miscellaneous accounts payable."

Amounts payable to others for unreported interline traffic.

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

Estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items.

Amounts payable (estimated if necessary) within one year pursuant to agreements with labor organizations or otherwise for employees vacations now earned.

760 Federal Income Taxes Accrued.

This account shall be credited with the estimated liability for Federal income taxes which has been concurrently charged to the appropriate income or other authorized accounts.

761 Other Taxes Accrued.

(a) This account shall be credited with the accruals of all taxes, other than Federal income taxes, which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

(b) This account shall be charged with vouchers for the current payment of taxes, including taxes paid in advance and also taxes for which accruals have not been made previously, but are to be credited to this account.

(c) The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

763 Other Current Liabilities.

There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 751 to 761, inclusive.

764 Equipment Obligations and Other Debt Due Within One Year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

765 Funded Debt Unmatured.

(a) This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment obligations and other debt due within one year".)

(b) The amounts included in this account shall be divided so as to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

(c) The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(1) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(2) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(3) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(4) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in account 782, "Other liabilities," and account 766, "Equipment obligations," respectively.

(5) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for such payments, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

(d) Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

(e) Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under provisions of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of such provisions of the Act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A: Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 769, "Amounts payable to affiliated companies," or 751, "Loans and notes payable," except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 763, "Other current liabilities," if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 768, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 769, "Amounts payable to affiliated companies."

NOTE B: See definitions 2, actually issued; 3, actually outstanding; 14, nominally issued; and 15, nominally outstanding.

NOTE C: Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 769, "Amounts payable to affiliated companies."

NOTE D: Securities nominally issued or reacquired and held in the company's treasury, except securities held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the general balance-sheet statement the total unmatured funded debt included in the account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

766 Equipment Obligations.

(a) This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period. (See account 764, "Equipment obligations and other debt due within one year.") The amounts included herein shall be divided as follows:

(b) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under provisions of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of such provisions of the Act.

(c) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

767 Receivers' and Trustees' Securities.

When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 766, "Equipment obligations."

768 Debt in Default.

This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A: The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 769, "Amounts payable to affiliated companies."

NOTE B: The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 763, "Other current liabilities."

769 Amounts Payable to Affiliated Companies.

This account shall include the par value of *nonnegotiable* notes issued to affiliated companies; also matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced; credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements. The amounts included herein shall be divided as follows:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlements.

NOTE A: Accounts with affiliated companies which are subject to current settlements, such as traffic and car-service balances, charges for material and supplies currently furnished, charges for repairs to equipment, etc., shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B: No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C: The term "affiliated companies" includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement. (See Definition 4.)

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" (See Definition 8) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

771 Pension and Welfare Reserves.

(a) This account shall include the credit balances representing the liability of the carrier for amounts provided by charges to operating expenses, including amounts contributed by employees, irrespective of whether carried in special funds or in general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

(b) Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

772 Insurance Reserves.

This account shall include the accumulated balance of amounts for self-carried insurance risks representing premiums which were charged to operating expenses for fire, fidelity, boiler, casualty, burglar and other insurance. Losses on items protected by such insurance shall be charged to this account.

773 Equalization Reserves.

This account shall include ledger balances representing reserves created by charges to operating expenses for maintenance of road and equipment under a program designed to equalize such expenses by months within a calendar year. The debit or credit balances in this account shall be closed at the end of each calendar year to the accounts through which they were created.

774 Casualty and Other Reserves.

(a) This account shall include reserves created by charges to operating expenses to provide for estimated liability for injuries to persons and loss and damage claims; estimated liability for revenue overcharges, such as those covered by reparation claims; and reserves not otherwise provided for in balance sheet accounts.

(b) Estimates of amounts payble within one year covering liability for claims for injuries to persons, loss and damage, and similar items, shall be transferred from this account to account 759, "Accrued accounts payable."

NOTE: With respect to injuries to persons and loss and damage claims, if the settlements when audited are charged to this account the balances for each year shall be kept separately until all items have been adjusted and cleared, but, if the settlements when audited are charged to the appropriate expense accounts the balance in this account shall be adjusted through the appropriate expense accounts so as to reflect the probable liability at the close of each year.

781 Interest in Default.

This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited direct to this account.

782 Other Liabilities.

This account shall include assessments for public improvements; retained amounts due governmental agencies for construction work; percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the

traffic handled over the tracks and similar liabilities not payable within one year. This account shall also include other deferred liabilities and liabilities not otherwise provided for in general balance sheet accounts. Assessments for public improvements and amounts due governmental agencies and others for payments to be made within one year, shall be included in account 763, "Other current liabilities," or other appropriate current liability account.

783 Unamortized Premium on Long-term Debt.

This account shall include the total of the net credit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

784 Other Deferred Credits.

This account shall include the amount of credit balances in suspense accounts that cannot be disposed of until services are performed or additional information is received, such as amounts received from sale of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds, amounts collected from the sale of damaged, unclaimed, and over freight held pending final disposition; credit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operating gravel pits," and "Operating quarries"; unadjusted credit items not otherwise provided for; and similar items, the proper disposition of which is uncertain.

NOTE: Estimated liability for claims and other accounts payable currently are includible in account 759, "Accrued accounts payable."

785 Accrued Depreciation; Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued depreciation on leased road and equipment when settlements between the accounting company and the lessor are not made currently. It shall also be credited with depreciation accrued on property the cost of which is included in account 732, "Improvements on leased property."

(b) When leased property for which accruals have been included in this account is retired from service, the entire service value of property the cost of which has been charged to account 732 by the lessee shall be charged to this account. This account shall also be charged with the service value of property, the ledger value of which is carried in account 731, "Road and equipment property," by the lessor for which the lessee is liable to the lessor. See instruction 2-17.

791 Capital Stock Issued.

(a) This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued, and reacquired shares which have not been canceled.

(b) This account also shall include amounts transferred from retained income for no par stock when approved by the Commission.

(c) The amount of the consideration received from the sale of par value stock in excess of the amount credited to this account shall be credited to account 794, "Premiums and assessments on capital stock".

(d) When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock the amount to be charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

(e) The amounts included in this account shall be recorded so as to show: (1) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including shares nominally but never actually issued and (2) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock issued and actually outstanding, being the shares not held by the company, its agents, or trustees, or subject to its control.

(f) The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and no par value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

(g) When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value or the agreed purchase price or the price authorized by the Commission of stock without par value shall be included in the division appropriate for the class for which the certificates are issued.

(h) Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A: When a general levy or assessment is made against the holders of capital stock, requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected upon such levy or assessment shall be credited to account 794, "Premiums and assessments on capital stock."

NOTE B: When capital stock having par value is exchanged for capital stock without par value any sums resting in account 794, "Premiums and assessments on capital stock," with respect thereto shall be cleared to account 791, "Capital stock issued," and any amounts resting in the discount account with respect thereto shall be cleared to account 795, "Paid-in surplus"; *Provided, however,* That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in paid-in surplus shall be charged to account 616, "Other debits to retained income."

NOTE C: An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D: See definitions 2, actually issued; 3, actually outstanding; 14, nominally issued; and 15, nominally outstanding.

NOTE E: Shares of stock nominally issued or reacquired and held in the company's treasury, except shares held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the balance-sheet statement the balance in the subaccount shall be stated in the short column only.

792 Stock Liability for Conversion.

This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

793 Discount on Capital Stock.

This account shall include discount suffered in the issuance and sale of capital stock. Record supporting the entries to this account shall be kept to show the discount suffered, if any, on each subclass of capital stock.

794 Premiums and Assessments on Capital Stock.

(a) This account shall include the excess of the actual cash value (at the time of the sale of the stock) of the consideration received over the amounts recorded in account 791, "Capital stock issued," for par value stock plus accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or other amounts recorded in account 791, "Capital stock issued," in accordance with the text of that account.

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

795 Paid-in Surplus.

(a) This account shall include such items as amount of consent dividends on the accounting company's capital stock; surplus arising from donations by stockholders of capital stock of the company or other contribution to capital; amounts representing reduction of the par or recorded value of the accounting company's capital stock including reductions arising in merger of a railroad and pooling of interest; (see instruction 2-14

(d)) and amounts of forfeited subscriptions to the accounting company's capital stock. This account shall also include gains from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and forgiveness by stockholders as a contribution to capital of long-term debt owed to them.

(b) This account shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein.

796 Other Capital Surplus.

This account shall include all capital surplus not provided for in account 795, "Paid-in surplus."

797 Retained Income; Appropriated.

This account shall include the accumulated amount of retained income which has been appropriated and set aside pursuant to provisions of mortgages, deeds of trust, reorganization plans, or other agreements requiring payments into capital funds, sinking funds, or other funds; and also appropriations for general contingencies, possible future losses and other corporate purposes. The account is to be subdivided by classes of appropriations showing the purpose for which each is made.

798 Retained Income; Unappropriated.

(a) This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 623, inclusive. It shall not include transfers either to or from accounts 795, "Paid-in surplus," or 796, "Other capital surplus," unless so authorized upon application to the Commission.

(b) Any balance representing retained income not segregated at the date of the balance sheet shall be included in a subdivision of this account.

(c) The balance of accounts 601 to 623, inclusive, shall be closed into this account at the end of each calendar year.

799 Form of General Balance Sheet Statement.

The classified form of general balance sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSETS

Current assets:
- 701. Cash.
- 702. Temporary cash investments.
- 703. Special deposits.
- 704. Loans and notes receivable.
- 705. Traffic and car-service balances—Dr.
- 706. Net balance receivable from agents and conductors.
- 707. Miscellaneous accounts receivable.
- 708. Interest and dividends receivable.
- 709. Accrued accounts receivable.
- 710. Working fund advances.
- 711. Prepayments.
- 712. Material and supplies.
- 713. Other current assets.

Total current assets.

Special funds:
- 715. Sinking funds.
- 716. Capital and other reserve funds.
- 717. Insurance and other funds.

Total special funds.

Investments:
- 721. Investments in affiliated companies.
- 722. Other investments.
- 723. Reserve for adjustment of investment in securities—Cr.

Total investments.

Properties:
- 731. Road and equipment property.
- 732. Improvements on leased property.

Total transportation property.
- 735. Accrued depreciation—Road and equipment.
- 736. Amortization of defense projects—Road and equipment.

Total transportation property less recorded depreciation and amortization.
- 737. Miscellaneous physical property.
- 738. Accrued depreciation — Miscellaneous physical property.

Miscellaneous physical property less recorded depreciation.

Total properties less recorded depreciation and amortization.

Other assets and deferred charges:
- 741. Other assets.
- 742. Unamortized discount on long-term debt.
- 743. Other deferred charges.

Total other assets and deferred charges.

Total assets.

LIABILITIES AND SHAREHOLDERS' EQUITY

Current liabilities:
- 751. Loans and notes payable.
- 752. Traffic and car-service balances—Cr.
- 753. Audited accounts and wages payable.
- 754. Miscellaneous accounts payable.
- 755. Interest matured unpaid.
- 756. Dividends matured unpaid.
- 757. Unmatured interest accrued.
- 758. Unmatured dividends declared.
- 759. Accrued accounts payable.
- 760. Federal income taxes accrued.
- 761. Other taxes accrued.
- 763. Other current liabilities.

Total current liabilities (exclusive of long-term debt due within one year).

Long-term debt due within one year:
- 764. Equipment obligations and other debt.

Long-term debt: [1]
- 765. Funded debt unmatured.
- 766. Equipment obligations.
- 767. Receivers' and trustees' securities.
- 768. Debt in default.
- 769. Amounts payable to affiliated companies.

Total long-term debt.

Reserves:
- 771. Pension and welfare reserves.
- 772. Insurance reserves.
- 773. Equalization reserves.
- 774. Casualty and other reserves.

Total reserves.

Other liabilities and deferred credits:
- 781. Interest in default.
- 782. Other liabilities.
- 783. Unamortized premium on long-term debt.
- 784. Other deferred credits.
- 785. Accrued depreciation—Leased property.

Total other liabilities and deferred credits.

Shareholders' equity:

Capital stock (par or stated value):
- 791. Capital stock issued.[1]
- 792. Stock liability for conversion.
- 793. Discount on capital stock.

Total capital stock.

Captial surplus:
- 794. Premiums and assessments on capital stock.
- 795. Paid-in surplus.
- 796. Other capital surplus.

Total capital surplus.

Retained income:
- 797. Retained income—Appropriated.
- 798. Retained income—Unappropriated.

Total retained income.

Total shareholders' equity.

Total liabilities and shareholders' equity.

[1] To be divided as to "Total issued" and "Held by or for company."

CLASSIFICATION OF MILEAGE ACCOUNTS

Train Miles

800 Rules and Definitions.

(a) A train is a unit of equipment, or a combination of units of equipment (exclusive of light locomotives), in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive.

(b) A train-mile is the movement of a train a distance of one mile.

(c) In computing train-miles, fractions representing less than one-half mile shall be disregarded and other fractions considered as one mile.

(d) Transportation service train-miles shall be based on the actual distance run between terminals, and stations, and shall be computed from the official timetables or distance tables.

(e) Work service train-miles shall be based on the actual distance run between terminals. When work trains are run between terminals and not ordered to work at some specified point or within specified working limits, the actual miles run shall be allowed to them, the same as to any other class of trains. When ordered to run to a certain point to work at that point or within specified working limits, the actual miles made while under running orders shall be allowed, and in addition an arbitrary mileage of six miles per hour for the time working at the point or within the working limits named. In computing such arbitrary mileage, fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour. Constructive miles on the basis of six miles per hour shall be allowed trains run for the purpose of removing snow when the actual miles of such trains are less than the constructive miles. No record is required of work-train miles on new roads, road extensions, or portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(f) Each train and each section of a train run by a separate train crew shall be considered a separate train, whether hauled by one or more locomotives either the whole distance or a part of the distance between the train terminals. There shall be nothing added to this distance to cover running of locomotives from enginehouses to terminals, doubling hills, running for water, switching, or other work at way stations, or for the service of helper or pusher locomotives or of extra locomotives on double-head or triple-head trains.

(g) When the carrier's trains, hauled by its locomotives and handled by its crews, are detoured over foreign roads, the miles shall be computed on the basis of the miles actually run, and classified by it in its train-miles in accordance with the service performed.

(h) Separate accounts of train-miles shall be kept for trains hauled by locomotives and for trains moved by motor cars.

Train-Mile Accounts

TRANSPORTATION SERVICE [1]

801 Freight-train Miles.

(a) This account shall include miles run by all trains between terminals or stations for the transportation of revenue and company freight; also miles run by trains consisting of empty freight cars, and by trains consisting of a locomotive and caboose running light in connection with such service.

(b) Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.

(c) Freight-train miles shall be subdivided as follows:

(1) Ordinary freight-train miles: Miles run by trains consisting of a locomotive, with or without caboose, with other equipment.

(2) Light freight-train miles: Miles run by trains consisting of a locomotive and caboose, running light in connection with freight-train service.

802 Passenger-train Miles.

(a) This account shall include miles run by revenue service trains to transport passengers, baggage, mail, milk, express, or any combination of these; also miles run by trains consisting of deadhead passenger equipment.

(b) Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.

NOTE: This account does not apply to trains run for the transportation of mail or milk upon the basis of authorized tariffs at rates based upon weight. The miles of such trains shall be classed as freight-train miles.

WORK SERVICE

803 Work-train Miles.

This account shall include miles run by trains engaged in company service, such as official, inspection, and pay trains; inspection trains for railway commissioners for which no revenue is received; trains running special with fire apparatus to save the carrier's property from destruction; trains run for transporting the carrier's employees to and from work when no transportation charge is made; wrecking trains; trains run for the purpose of ditching, filling embankments, and widening cuts; trains run for the purpose of removing snow; trains distributing ties, rails, other track material, ballast, bridge material, and other material and supplies for maintenance or for additions and betterments; trains run for picking up and concentrating such material; and trains run for distributing material and supplies for use in connection with operation.

NOTE A: The accounting for expenses of work-train service shall be in accordance with paragraph (c) of instruction 2-6, Components of construction cost, and instruction 3-1, Items to be charged, and other requirements of the accounting regulations for operating expenses.

NOTE B: No record is required of the miles of construction trains on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

[1] These accounts shall include the miles of all revenue service trains, including trains which incidentally carry employees or company freight. They shall also include the miles of trains which are operated between terminals or stations to transport company freight, when the service is similar to that connected with the transportation of commercial freight and statistics of ton-miles are kept.

The trains here referred to are those the locomotive and train expenses of operating which are includible in the locomotive and train expense accounts in the primary accounts under account 370, Transportation; rail line.

Locomotive Miles

810 Rules and Definitions.

(a) A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A locomotive-mile is a movement of a locomotive a distance of one mile, under its own power.

(b) In computing locomotive-miles fractions representing less than one-half mile shall be disregarded, and other fractions considered as one mile.

(c) All locomotive-miles made in hauling transportation service trains shall be based upon the actual distance run between terminals or stations, and shall be computed from the official time-tables or distance tables as prescribed for train-miles.

(d) Light-locomotive miles shall be based on the actual distance locomotives run, except that no light-locomotive miles shall be allowed for terminal service where the distance in one direction is less than one-half mile.

(e) Miles of locomotives in helper service shall be computed on the basis of actual distance run in such service.

(f) Train switching locomotive-miles shall be computed at the rate of six per hour for the time actually engaged in such service. In computing such arbitrary mileage fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour.

(g) Yard switching locomotive-miles shall be computed at the rate of six miles per hour for the time actually engaged in such service. In computing yard switching locomotive-miles, fractions representing less than one-half hour shall be disregarded, and other fractions considered as one hour.

(h) Work-train locomotive-miles shall be computed according to the rules prescribed for work-train miles. Miles of work locomotives employed in switching at shops for shop purposes, spotting cars in gravel pits, working with pile drivers, etc., shall be computed upon the basis of six miles per hour for the actual time in the service. In computing the time engaged fractions representing less than one-half hour shall be disregarded and other fractions considered one hour.

(i) The miles of new or generally repaired locomotives running light in breaking-in service shall not be included in the locomotive-mile accounts.

(j) No record is required of the miles of locomotives in construction service on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(k) A separate record shall be kept for miles of steam locomotives and for miles of other locomotives.

(l) Miles of motor cars shall not be classed as locomotive-miles.

Locomotive-Mile Accounts

TRANSPORTATION SERVICE; LINE [1]

811 Freight Locomotive-miles.

(a) This account shall include miles run by locomotives in freight-train service, the train-miles of which are includible in account 801, "Freight-train miles."

(b) Principal freight locomotive-miles: Miles run by locomotives principal to the train, between terminals or stations, with freight trains; also miles run by locomotives between terminals or stations, with cabooses, going to or returning from such service; and miles run in hauling the second cut of freight trains doubled over grades.

(c) Helper freight locomotive-miles: Miles run by locomotives as helpers over the division or that portion covered by the run, or on important grades, including double-headers, triple-headers, and pushers, regardless of whether on the head end, in the middle, or on the rear of the train.

(d) Light freight locomotive-miles: Miles run by locomotives light between terminals or stations in connection with freight-train service on account of unbalanced traffic; miles run light for hauling second cuts of trains doubled; miles run light between freight trains and next fuel station or water tank for fuel or water; miles run light to pick up or assist freight trains between terminals; miles run light by grade helpers in returning from assisting freight trains as pushers or double-headers; and miles run light by locomotives coming from or going to enginehouses or turntables from freight-train service.

NOTE: No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and freight-train terminals is less than one-half mile.

812 Passenger Locomotive-miles.

(a) This account shall include miles run by locomotives in passenger-train service, the train-miles of which are includible in account 802, "Passenger-train miles."

(b) Principal passenger locomotive-miles: Miles run by locomotives principal to the train between terminals or stations, with passenger trains.

(c) Helper passenger locomotive-miles: Miles run by locomotives as helpers over the division, or that portion covered by the run, or on important grades.

(d) Light passenger locomotive-miles: Miles run by locomotives light between terminals or stations on account of unbalanced traffic, in connection with passenger-train service; miles run light between passenger trains and next fueling station or water tank for fuel or water; miles run light to pick up or assist a passenger train between terminals; miles run light by grade helpers in returning from assisting passenger trains as pushers or doubleheaders; and miles run light by locomotives coming from or going to enginehouses or turntables from passenger-train service.

NOTE: No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and passenger-train terminals is less than one-half mile.

TRANSPORTATION SERVICE; SWITCHING

815 Train Switching Locomotive-miles.

This account shall include miles allowed train locomotives for performing switching service at terminals and way stations. Include such items as switching at industry tracks, team tracks, freight house tracks, and interchange tracks; picking up or leaving cars en route; switching out bad order cars, weighing cars, making up or breaking up train at points where no yard service is maintained. No time should be included representing delays that may occur after yard switching has been completed such as waiting for a train order, held up account of meeting with a train in opposite direction, waiting for waybills or other time lost due to conditions other than actual train switching.

816 Yard Switching Locomotive-miles.

This account shall include miles allowed yard locomotives while switching in yards where regular switching service is maintained; also miles of switching locomotives running light between terminals and yards where regular switching service is maintained in connection with switching service in such yards. This account shall be subdivided as follows:

[1] This account shall include the miles run by locomotives moving transportation service trains, and also miles run light in connection with such service.

(a) Yard switching locomotive-miles; freight: Miles allowed yard locomotives in yards where regular switching service is maintained and in terminal switching and transfer service while engaged in switching cars in connection with the transportation of revenue freight; also miles allowed locomotives in such service while engaged incidentally in switching cars in connection with the transportation of company freight.

(b) Yard switching locomotive-miles; passenger: Miles allowed yard locomotives while switching cars in connection with passenger-train service.

NOTE: Where yard switching is performed for both freight and passenger service by the same locomotive, or by locomotives assigned to one yard, a fair approximation of the mileage may be assigned to each service daily or monthly.

WORK SERVICE

817 Work Service Locomotive-miles.

This account shall include the actual miles run by locomotives in work-train service as defined in account 805, "Work-train miles;" also miles of locomotives engaged solely in shop or material yard switching service.

NOTE A: Miles run by locomotives while engaged incidentally (in connection with regular yard switching service) in switching company material in company shop or material yards, or in switching equipment for repairs between yards and shops, shall be included in account 816, "Yard switching locomotive-miles."

NOTE B: Miles run by locomotives engaged in shop and material yard switching service, if operated by shop employees, shall not be included in this account.

Car Miles

820 Rules and Definitions.

(a) A car-mile is a movement of a unit of car equipment a distance of one mile.

(b) In computing car-miles, fractions representing less than one-half mile shall be disregarded, and other fractions considered as one mile.

(c) Separate accounts of car-miles shall be kept for the cars in trains hauled by locomotives and for the cars in trains moved by motor cars. The record of car-miles in trains moved by motor cars shall show separately the miles for motor cars and for cars not thus equipped.

Car-Mile Accounts

TRANSPORTATION SERVICE

821 Freight-train Car-miles.

(a) This account shall include the miles run by freight-train cars (including caboose cars) in transportation service. Such car-miles shall be subdivided as follows:

Loaded (run by loaded freight cars).
Empty (run by empty freight cars).
Caboose (run by caboose cars).

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

(c) Miles run by flat cars loaded with empty railroad-owned or controlled highway trailers shall be classed as "empty" car-miles. Miles run by flat cars loaded with empty highway trailers, other than railroad-owned or controlled and moving on revenue billing, shall be classed as "loaded" car-miles.

822 Passenger-train Car-miles.

(a) This account shall include the actual miles run by passenger-train cars in transportation service. It shall include miles of loaded cars and also of empty cars deadheaded in connection with the service, and shall be subdivided as follows:

(1) *Coaches.* Miles run by coaches and chair cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(2) *Combination coach cars.* Miles run by combination passenger and baggage, passenger and mail, and passenger and express cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(3) *Sleeping and parlor cars.* Miles run by sleeping, parlor, and other cars for which an extra fare is charged for space occupied.

(4) *Dining, club, lounge, and observation cars.* Miles run by dining, cafe, and other cars devoted exclusively to the serving of meals and other refreshments and by club, lounge, and observation cars without charge in excess of sleeping or parlor car fares.

(5) *Business cars.* Miles run by all railway business cars operated for the transportation of the carrier's officers and employees.

(6) *Other passenger-train cars.* Miles run by baggage, express, mail, milk, and postal cars, and by cars in which such services are combined. (This class includes no cars intended for the transportation of revenue passengers.)

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

WORK SERVICE

825 Work Service Car-miles.

This account shall include miles run by cars in work trains, except by equipment which is designed exclusively for work service, such as snow plows, flangers, derricks, pile drivers, wrecking cranes, tool cars, and camp outfits. (For description of work train see account 805, "Work-train miles.")

[F.R. Doc. 61-11072; Filed, Nov. 24, 1961; 8:45 a.m.]

Pages 11169–11229

FEDERAL REGISTER

VOLUME 26 NUMBER 228

Washington, Tuesday, November 28, 1961

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

OF MICHIGAN
DEC 1 1961
MAIN READING ROOM

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Lemons grown in California and Arizona; handling limitation... 11207

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Milk in certain marketing areas; orders suspending certain provisions:
Michigan Upper Peninsula... 11207
Northeastern Wisconsin... 11208

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Army Department

See Engineers Corps.

Atomic Energy Commission

NOTICES:
General Electric Co.; issuance of utilization facility license amendment... 11220
Union Carbide Corp.; issuance of facility license amendment... 11221
Western New York Nuclear Research Center, Inc.; issuance of facility license amendment... 11221

Civil Aeronautics Board

NOTICES:
Hearings etc.:
Chicago Helicopter Airways, Inc., et al... 11222
Flying Tiger Line, Inc... 11223

Commerce Department

NOTICES:
Position schedule surety bond; invitation to bid... 11220

Commodity Credit Corporation

RULES AND REGULATIONS:
Nonrecourse price support for 1960 crop of price supported field crops in surplus supply; $50,000 limitation; waiver of final date for filing applications for exemption... 11207

Comptroller of the Currency

NOTICES:
National Bank of Winchester and First National City Bank of New York; hearing... 11219

Engineers Corps

RULES AND REGULATIONS:
Anchorage, bridge, danger zone, fishing and hunting, and navigation regulations... 11171

Federal Communications Commission

NOTICES:
Show cause orders:
Schlueb, Harold V... 11225
Sullivan Trail Coal Co... 11225
Wilson, William... 11226
Hearings, etc.:
Catskills Broadcasting Co. et al... 11224
KSAY Broadcasting Co... 11224
REA Radio and Electronic Laboratory... 11225
Smackover Radio, Inc., and Magnolia Broadcasting Co. (KVMA)... 11225
Veterans Broadcasting Co., Inc., et al... 11225

Federal Home Loan Bank Board

PROPOSED RULE MAKING:
Change of State-chartered mutual insured institution to a guaranty or permanent stock institution... 11217

RULES AND REGULATIONS:
Conversion from Federal to State charter... 11208

Fish and Wildlife Service

RULES AND REGULATIONS:
Hunting upland game; Sand Lake National Wildlife Refuge, South Dakota... 11216

Food and Drug Administration

PROPOSED RULE MAKING:
Food additive; filing of petition... 11217
Hazardous substances; definitions and procedural regulations... 11217

RULES AND REGULATIONS:
Antibiotics intended for use in laboratory diagnosis of disease; antibiotic sensitivity discs... 11211
Definitions and standards of identity:
Enriched corn meal... 11209
Peanut butter... 11209
Food additives:
Acrylate ester copolymer coating for food containers... 11211
Definitions and procedural and interpretative regulations... 11209
Diethylcarbamazine in animal feed... 11211
Exemptions from requirements of tolerances; miscellaneous amendments... 11209
Ronnel in animal and human food... 11210
Hazardous substances; definitions and procedural and interpretative regulations; miscellaneous amendments... 11213

Foreign-Trade Zones Board

NOTICES:
Penuelas, Puerto Rico; application for sub-zone... 11226

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See Land Management Bureau.

(*Continued on next page*)

Internal Revenue Service

NOTICES:
Organization and functions; internal revenue regional and district offices, alcohol and tobacco tax branch offices, and appellate branch offices 11219

Interstate Commerce Commission

RULES AND REGULATIONS:
Uniform system of accounts for railroad companies; correction .. 11216

Land Management Bureau

RULES AND REGULATIONS:
Arizona; modification of stock driveway withdrawal 11215

Tariff Commission

NOTICES:
Investigation and hearing:
Cotton products 11226
Creeping red fescue seed 11226

Treasury Department

See also Comptroller of the Currency; Internal Revenue Service.

NOTICES:
Molasses from Cuba; determination of no sale at less than fair value 11220
Southern General Insurance Co.; surety company acceptable on Federal bonds 11220

RULES AND REGULATIONS:
Issue and sale of treasury bills; denominations and exchange; tenders; when cash deposit is required 11215
U.S. Savings Bonds, Series H:
Amount which may be held 11215
Limitation on holdings 11215

Veterans Administration

RULES AND REGULATIONS:
Medical; miscellaneous amendments 11214

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

6 CFR
477 11207

7 CFR
953 11207
1011 11207
1016 11208

12 CFR
546 11208
PROPOSED RULES:
563 11217

21 CFR
15 11209
46 11209
121 (4 documents) 11209–11211
147 11211
191 11213
PROPOSED RULES:
121 11217
191 11217

31 CFR
309 11215
315 11215
332 11215

33 CFR
202 11171
203 11171
204 11171
206 11171
207 11171

38 CFR
17 11214

43 CFR
PUBLIC LAND ORDERS:
2542 11215

49 CFR
10 11216

50 CFR
32 11216

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 206—FISHING AND HUNTING REGULATIONS

PART 207—NAVIGATION REGULATIONS

Republication of Certain Sections

Due to numerous amendments of certain sections of Chapter II of Title 33, the following sections are republished to include those amendments. No substantive change of text is made in their republication.

1. The following sections of Part 202 are republished: §§ 202.60, 202.145, 202.155, 202.157, 202.168, and 202.230.

2. The following sections of Part 203 are republished: §§ 203.75, 203.190, 203.225, 203.245, 203.560, and 203.712.

3. The following sections of Part 204 are republished: §§ 204.5, 204.10, 204.25, 204.95, and 204.130.

4. The following section of Part 206 is republished: § 206.85.

5. The following sections of Part 207 are republished: §§ 207.128, 207.300, 207.440, and 207.750.

§ 202.60 Port of New York and vicinity.

(a) *Huntington Harbor.* All of the Huntington Harbor anchorage ground described in § 202.150).

(b) *New Rochelle Harbor, west and south of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 202.155) between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland, to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island, and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island; excluding therefrom all waters within 25 feet of the 50-foot channel west and south of Glen Island.

(c) *New Rochelle Harbor, east of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 202.155(a)) between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

(c-1) *City Island Harbor, east of City Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 202.155) between City Island and Hart Island eastward of a line ranging 339° between the steeple on City Island and the westernmost corner of the Administration Building at Orchard Beach; southward of a line ranging 50° between the northerly abutment on the westerly end of the City Island drawbridge and tangent to Chimney Sweeps; westward of a line tangent to Chimney Sweeps and ranging 163° toward the west gable on Rat Island and westward of a line tangent to the easterly side of High Island and ranging 152°30′ from the west gable on Rat Island; and northward of a line ranging 56° between the Buryea Pier at Belden Point, City Island to Hart Island Light, except for the cable and pipe line area extending between City Island and Hart Island.

(d) *Eastchester Bay, west of City Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 202.155 (a)) west of City Island and within the following limits: Northward of a line ranging 244° from the Buryea Pier at the foot of City Island Avenue to Big Tom Nun Buoy No. 2 (latitude 40°50′01″, longitude 73°47′25″); thence northeastward of a line ranging 329° from Big Tom Nun Buoy No. 2 through the Nun Buoy (latitude 40°50′46″, longitude 73°48′01″) off the southern end of Rodman Neck; southeastward of a line ranging 205° from the east abutment of the City Island Bridge through the south tower of the Bronx-Whitestone Bridge; and southward of a line ranging 90° from the Pelham War Memorial in Pelham Bay Park and the steeple of the church at the southeast corner of Elizabeth Street and City Island Avenue.

(e) *Eastchester Bay, along west shore.* That portion of Long Island Sound Anchorage No. 1 (as described in § 202.155 (a)) along the west shore of Eastchester Bay north of and including Weir Creek, shoreward of a line ranging 349° from the end of the timber pier at the foot of Pope Place, Edgewater, and through the transmission tower at the northeast side of the draw of the New York, New Haven and Hartford Railroad Bridge over Eastchester Creek, and having as its northerly limit the line ranging 79° through the row of telephone poles along the north side of Watt Avenue.

(f) *Eastchester Bay, Locust Point Harbor.* That portion of Long Island Sound Anchorage No. 2 (as described in § 202.155 (a)) included within the limits of Locust Point Harbor between Wright Island and Throgs Neck and to the westward of a north and south line (longitude 73°47′58″) through the southerly corner of the concrete culvert at the southerly end of the stone wall at Locust Point on Wright Island.

(g) *Manhasset Bay, west area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 202.155) westward of a line (longitude 73°42′53″) ranging 180° from the end of the Town of North Hempstead pier at Manorhaven; northwestward of a line ranging 233° from the intersection of the shore and the northerly line of Corchang Avenue (extended) on Tom Point toward Plum Point Shoal Buoy 3 (latitude 40°49′48.5″, longitude 73°43′25″); and northeastward of a line ranging 119° from the cupola on Plum Point toward the inshore end of the northerly side of the Purdy Boat Company pier at Port Washington; excluding therefrom the seaplane restricted area described in § 207.35.

(h) *Manhasset Bay, east area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 202.155) bounded as follows: Beginning at the southerly tip of Tom Point; thence 270° to latitude 40°49′58″, longitude 73°42′41″; thence 234° to latitude 40°49′48.5″, longitude 73°42′58″; thence 90° to latitude 40°49′48.5″, longitude 73°42′22.5″; thence 20° to latitude 40°50′01.5″, longitude 73°42′16″; thence due north to the point of land at Manorhaven northeasterly of Tom Point; and thence southwesterly along the shore to the point of beginning.

(i) *Manhasset Bay, at Port Washington.* That portion of Long Island Sound Anchorage No. 4 (described in § 202.155) southward of latitude 40°49′44″; eastward of a line ranging 161° from the offshore end of the Yacht Service, Inc., pier on the Copp Estate at Manorhaven toward the flagpole on the end of the Whitney Dock at Plandome; and northward of latitude 40°49′06″.

(j) *Manhasset Bay, at Plandome.* That portion of Long Island Sound Anchorage No. 4 (described in § 202.155) southward of the line of the Whitney Dock at Plandome extended; eastward of a line ranging 186° from the Manhasset-Lakeville Water District tank at Thomaston toward the tank at Tom Point; and northward of Thompson's pier at Plandome extended.

(k) *Little Neck Bay.* That portion of Long Island Sound Anchorage No. 5 (as described in § 202.155 (a)), southeastward of a line ranging approximately 25° 30′ true, from the flag pole at Fort Totten, Willets Point toward the mast at the United States Merchant Marine Academy, Grenwalde, Kings Point.

(k-1) *Flushing Bay, north area.* That portion of East River Anchorage No. 10 (described in § 202.155), in the vicinity of College Point, southeastward of a line tangent to the west side of College Point ranging from College point Reef Light to the offshore end of the most northerly rack of the former College Point Ferry slip.

(l) *Flushing Bay, central area.* That portion of East River Anchorage No. 10 (as described in § 202.155 (b)), on the east side of Flushing Bay, southward of the prolonged southerly side of 15th Avenue, College Point eastward of a line parallel to and 100 feet eastward of the

easterly channel line of the buoyed Federal channel in Flushing Bay, and northward of a line ranging 252° from the center of the most westerly of four coal hoppers of the Kraemer Coal Company, near the foot of 22d Avenue, College Point, toward Flushing Bay Channel Lighted Buoy 1.

(m) *Flushing Bay, south area.* That portion of East River Anchorage No. 10 (as described in § 202.155 (b)), on the east side of Flushing Bay, southward of a line ranging 232° from the center of the southwesterly of four oil tanks of the Sunrise Oil Company, near the foot of 23d Avenue, College Point, toward Flushing Bay Light 4 at the northerly end of the dike in Flushing Bay, eastward of a line parallel to, and 100 feet eastward of the easterly channel line of the buoyed Federal channel in Flushing Bay, and northward of a line ranging 258° from the northeast corner of the one-story field office building at the entrance to the plant of Metropolitan Sand and Gravel Corporation, Flushing, toward Flushing Bay Channel Buoy No. 7.

(m–1) *Flushing Bay, West Area.* That portion of East River Anchorage No. 10 (described in § 202.155), in the waters of Flushing Bay adjacent to the northeasterly side of La Guardia Airport, southward of the prolonged southerly side of 15th Avenue, College Point, ranging through Flushing Bay Channel Lighted Buoy No. 2, westward of a line parallel to and 100 feet west of the westerly channel line of the buoyed Federal channel in Flushing Bay, and easterly of a line ranging from the Aero Beacon at La Guardia Airport through Rikers Island Channel Lighted Bell Buoy No. 1–A.

(n) *Bowery Bay.* All of that portion of East River Anchorage No. 10 (described in § 202.155) on the west side of Bowery Bay.

(o) *Hudson River, at Yonkers.* Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station; eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood powerhouse of the Yonkers Electric Light and Power Company; and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club.

(o–1) *Hudson River, at Glenwood, Yonkers, New York.* That portion of the waters of the easterly side of Hudson River and adjacent to the northerly limits of the City of Yonkers, New York, northward of the northerly face of an outfall sewer pipe which is 2,200 feet north of the Glenwood powerhouse; east of a line on range with the northwest corner of the powerhouse bulkhead and the westerly end of the outfall sewer pipe; and southward of a line ranging 110° true to the first New York Central Railroad Company's signal bridge, north of the Yonkers Corinthian Yacht Club house.

(p) *Hudson River, at Hastings-on-Hudson.* Northward of a line on range with the northerly face of the clubhouse of the Tower Ridge Yacht Club; eastward of a line on range with the elevated tank of the Anaconda Wire and Cable Company and the channelward face of the northerly building on the water front of the said Company's property; and southward of a line on range with the first footbridge across the New York Central Railroad Company tracks, north of the Tower Ridge Yacht Club.

(q) *Newark Bay, southeast area.* That portion of the waters on the southeasterly side of Newark Bay, north of a line ranging from the offshore end of the breakwater north of the former Elco Boat Works through Newark Bay Channel Buoy 6; east of a line ranging from a point 200 yards east of the east pier of the lift span of the Central Railroad Company of New Jersey bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of a line ranging from the southwest corner of the bulkhead at Bayonne City Park through Newark Bay Channel Buoy 11.

NOTE: This special anchorage is within the limits of General Anchorage No. 37, described in § 202.155 (h) (4).

(r) *Newark Bay, southwest area.* That portion of the waters on the southwesterly side of Newark Bay, north of a line ranging from Kill Van Kull Light 16 through Kill Van Kull Light 18 and Kill Van Kull Channel Buoy 20, northeast of a line through Kill Van Kull Channel Buoy 20 perpendicular to the Singer Manufacturing Company's bulkhead, and southeast of a line 150 feet east of and parallel to the Singer Manufacturing Company's bulkhead, and south of a line 250 feet south of and parallel to the Central Railroad Company of New Jersey bridge and west of a line perpendicular to the dike at Kill Van Kull Light 16, excluding therefrom the "Pipe Line Area."

NOTE: The greater portion of this special anchorage is within the limits of general anchorage No. 34, described in § 202.155 (h) (1).

(s) *Jamaica Bay.* That portion of the waters on the westerly side of Jamaica Bay, westerly of a line ranging from Island Channel Buoy 17 through Island Channel Buoy 21, northward of a line ranging from Island Channel Buoy 17 to the north abutment of the Shore Parkway Bridge across Paerdegat Basin, and southward of a line ranging 310° from Island Channel Buoy 21.

(t) *Cold Spring Harbor.* That portion of the waters of Cold Spring Harbor easterly of a line ranging from the Cupola in the extreme inner harbor through Cold Spring Harbor Light; southerly of a line ranging from the southernmost point of an L-shaped pier off Wawepex Grove through the Clock Tower at Laurelton and northerly of a line ranging from the outer end of the Socony Mobil Oil Company's pier at Cold Spring Harbor through the Clock Tower at Laurelton, with the exception of an area within a 300-foot radius of the outer end of the Socony Mobil Oil Company's pier.

(u) *Oyster Bay Harbor, New York.* That portion of Oyster Bay Harbor adjacent to the easterly side of Centre Island, westerly of a line on range with Cold Spring Harbor Light and the Stone House on the end of Plum Point, Centre Island.

(u–1) *Hempstead Harbor, New York.* That portion of the waters of Hempstead Harbor southerly of the Glen Cove Breakwater, northerly of a line ranging from "Dome" at Sea Cliff through Hempstead Harbor Buoy 9, and easterly of a line ranging from Glen Cove Breakwater Light through Hempstead Harbor Anchorage Buoys "A" and "B" and Hempstead Harbor Buoy 9, except for the entrance to Glen Cove Creek as defined by Hempstead Harbor Anchorage Buoy "A" and Glen Cove Entrance Buoy 1 on the north side of the entrance, and Hempstead Harbor Anchorage Buoy "B" and Glen Cove Entrance Buoy 2 on the south side of the entrance.

(v) *Hudson River, at Coeymans, New York.* That portion of the waters of the westerly side of Hudson River, west of Coeymans Middle Dike, north of a line bearing due west from a point 700 feet south of Upper Hudson River Light No. 43, and south of a line bearing due west from Upper Hudson River Light No. 45, except for an area 125 feet wide, adjacent to and east of the bulkhead fronting the Village of Coeymans and Barren Island Dike.

(w) *Hudson River, at Cedar Hill, New York.* That portion of the westerly side of the Hudson River, adjacent to Cedar Hill Dike, 250 feet in width, bounded on the south by the northerly side of the cut in the dike at the junction of the Vloman Kill and the Hudson River, and extending northerly therefrom 1,600 feet.

(54 Stat. 150; 33 U.S.C. 180, 258, 319)

§ 202.145 Narragansett Bay, R.I.

(a) *East Passage*—(1) *Anchorage A.* East of Conanicut Island, west of a line bearing 9° from the easternmost of The Dumplings to latitude 41°30'30", thence ranging 12° toward Fiske Rock Buoy, a line ranging 311°30' from Bishop Rock Shoal Lighted Bell Buoy 8A, and a line ranging 351° from Rose Island Light; and south of latitude 41°32'07" which parallel passes through a point 130 yards north of Gould Island Light; excluding the approach of the Jamestown Ferry, a zone 300 yards wide to the southward of a line ranging 103° from a point 100 yards north of the existing ferry landing toward the spire of Trinity Church, Newport.

(i) That portion of the area to the northward of the approach of the Jamestown Ferry shall be restricted for the anchorage of vessels of the United States Navy. In that portion of the area to the southward of the approach of the Jamestown Ferry the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage B.* Off the west shore of Aquidneck Island from Coasters Harbor Island to north Coggeshall Point, northeast of a line ranging 303° from the north end of the breakwater west of Coasters Harbor Island toward torpedo range buoy 1; east of a line ranging 19° from the easternmost of the Dumplings through Dyer Island North Point Shoal lighted bell buoy 12A to latitude 41°36'16", longitude 71°17'48", thence northeast to latitude 41°36'53", longitude 71°17'07.5", thence east to latitude 41°36'53", longitude 71°16'40", thence southwesterly to latitude 41°35'54", longitude 71°17'17.5", thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the area between the south limit of the cable area to Gould Island and latitude 41°32'15", the area between latitude 41°33'12", and latitude 41°33'30", which parallels pass through points 490 yards south and 117 yards north of the north end of Midway Pierhead, respectively; and the cable area in the vicinity of Coggeshall Point.

(i) In this area the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for making anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2–a) *Anchorage X–1, Naval explosives and ammunition handling anchorage.* The waters of Narragansett Bay northeasterly of Gould Island within a circle having a radius of 500 yards with its center at latitude 41°33'18", longitude 71°20'03".

(i) This area will be used for anchoring naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Services Explosive Board. Explosives or dangerous materials include inflammable liquid or inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances.

(ii) No vessel shall anchor within 500 yards of the explosive anchorage area when occupied by vessels carrying explosives.

(iii) No vessel shall be so anchored in the anchorage that it will at any time extend beyond the limits of the area.

(iv) Naval vessels anchoring in the area will display the proper signals, and will be under the supervision of the Commander, U.S. Naval Base, Newport, Rhode Island.

(3) *Anchorage C.* (i) East of Rose Island, southwest of a line ranging 338° toward Gull Rocks South Buoy; southeast of a line bearing 248° through Tracey Ledge Buoy 5; northeast of a line bearing 158° through, and to a point 100 yards southeasterly of, Mitchell Rock Buoy 3; and northwest of a line bearing 68° from a point 100 yards southeasterly of Mitchell Rock Buoy 3.

(ii) West of Coasters Harbor Island, west of a line bearing 351° from Tracey Ledge Buoy 5 through Seventeen-foot Spot Buoy northeast of Gull Rocks; south of a line bearing 292° from the cupola at the Naval War College; east of a line ranging 19° from the easternmost of The Dumplings toward Dyer Island North Point Shoal Lighted Bell Buoy 12A; and north of latitude 41°30'22" which parallel passes through a point 230 yards north of Rose Island Shoal Northeast End Buoy 8.

(iii) In these areas the requirements of the Navy shall predominate.

(iv) Temporary floats or buoys for marking anchors or moorings in place will be allowed in these areas. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage D.* West of Goat Island, south of a line bearing 247° from Newport Harbor Light; east of a line ranging 176° 30' from Rose Island Aviation Light toward the northerly radio tower at Fort Adams, and north of a line bearing 117° from the cupola with gables at Jamestown to longitude 71°20', thence 95° to Goat Island Shoal Light.

(i) In this area the requirements of the Navy shall predominate from May 1 to October 1, subject at all times to such adjustments as may be necessary to accommodate all classes of vessels which may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage E.* South of Coasters Harbor Island, east of a line bearing 341° from the outer end of Briggs Wharf to the southwestern shore of Coasters Harbor Island near the War College Building; and north of a line ranging 265° from the flagstaff at Fort Greene toward Rose Island Light.

(i) In this area the requirements of the naval service will predominate from May 1 to October 1, but will at all times be subject to such adjustment as may be necessary to accommodate all classes of vessels that may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(6) *Anchorage F.* In the central and southerly part of Newport Harbor proper, east of a line ranging 34° through a point 75 yards easterly of the end of the south wharf at Fort Adams toward Goat Island Shoal Light, a line ranging 329° through a point 35 yards east of the north end of the north wharf at Fort Adams toward the northeast corner of the Fort Adams stone wharf, and a line ranging 23° from the south corner of the north wharf at Fort Adams toward Newport Harbor Light; south of a line ranging 116° from Fort Adams Light to Ida Lewis Rock Light, and a line ranging 74° from the south end of the north wharf at Fort Adams toward the spire of the St. Spyridon Hellenic Orthodox Church; east of a line ranging 4° from the city stone pier at King Park toward the end of the Navy Section Base Fleet Wharf; south of a line ranging 95° from the south end of the wharf of the United States Naval Torpedo Station on Goat Island toward the northwest corner of Bowen's wharf; and west of a line ranging 176° from the southwest corner of the city wharf toward the southwest corner of Wellington and Houston Avenues opposite King Park, a line ranging 132° from the south end of the Torpedo Station wharf, Goat Island, toward the powerhouse chimney, Newport, and a line ranging 177° from the southeast corner of the city wharf through a point 50 yards westerly from the outer end of Commercial Wharf.

(i) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited in this area:

(7) *Anchorage G.* In Newport Inner Harbor, northeast of a line ranging 108° from the southeast corner of the city wharf toward the northwest corner of the Government wharf.

(i) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited in this area.

(b) *West Passage*—(1) *Anchorage H.* North of a line 1,000 yards long bearing 88° from Bonnet Point; west of a line bearing 3° from the eastern end of the last-described line; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage I.* North of a line 1,000 yards long bearing 88° from Bonnet Point to the shore at Austin Hollow; east of a line bearing 183° from Dutch Island Light; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(3) *Anchorage J.* At Saunderstown, south of a line ranging 110° from the south side of the ferry wharf toward the cable crossing sign on Dutch Island; west of a line ranging 192° from Plum Beach Shoal Buoy 1 PB toward the east shore of The Bonnet; and north of a line from the shore ranging 108° toward Dutch Island Light and the north end of the wharf at Beaver Head.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage K.* In the central and southern portion of Dutch Island Harbor, north of a line ranging 106° from Beaver Head Point Shoal Buoy 2 toward the Jamestown standpipe; east of a line ranging 14° from Beaver Head Point Shoal Buoy 2 toward the inshore end of the engineer wharf, Dutch Island; southeast of a line ranging 50° from Dutch Island Light toward the windmill north of Jamestown; and south of a line parallel to and 100 yards southwesterly from a line ranging 132° from the engineer wharf, Dutch Island, and the west ferry wharf, Jamestown.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage L.* North of a line ranging 101° from a point on shore 300 yards northerly of the Saunderstown ferry wharf toward the entrance to Round Swamp, Conanicut Island; west of a line bearing 15° parallel to and 1,000 feet westerly from a line joining the western point of Dutch Island and Twenty-three Foot Rock Buoy 4, and a line ranging 6° from Dutch Island Light toward Warwick Light; and south of a

line ranging 290° from Sand Point, Conanicut Island, to Wickford Harbor Light, and a line bearing 226° from Wickford Harbor Light to Poplar Point tower.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(6) *Anchorage M.* East and north of Dutch Island, northeast of a line ranging 316° from the inshore end of the west ferry wharf, Jamestown, toward the north end of Dutch Island to a point bearing 88°, 200 yards, from the engineer wharf, Dutch Island, thence ranging 3° toward the shore of Conanicut Island at Slocum Ledge; north of a line 200 yards off the Dutch Island shore ranging 281° from the entrance to Round Swamp toward a point on shore 300 yards northerly from the Saunderstown ferry wharf; east of a line ranging 15° from the western point of Dutch Island to Twenty-three Foot Rock Buoy 4; and south of a line bearing 77° from Twenty-three Foot Rock Buoy 4 to the shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(7) *Anchorage N.* West of the north end of Conanicut Island, south of a line bearing 262° from Conanicut Island Light; east of a line bearing 8° from Twenty-three Foot Rock Buoy 4; and north of a line ranging 290° from Sand Point toward Wickford Harbor Light.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(c) *Bristol Harbor*—(1) *Anchorage O.* South of the south line of Franklin Street extended westerly; west of a line bearing 164° 30′ parallel to and 400 feet westerly from the State harbor line between Franklin and Constitution Streets, and of a line ranging 244° from a point on the north line of Constitution Street extended 400 feet beyond the State harbor line toward Usher Rock Buoy 3; and north of the north line of Union Street extended to the Popasquash Neck shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(d) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the entrances to Narragansett Bay, in Newport Harbor, or in Bristol Harbor, outside of the anchorage areas defined in paragraphs (a), (b) and (c) of this section.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(3) Any vessel anchoring under the circumstances of great emergency outside the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier, nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by an officer of the Coast Guard.

(4) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(5) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

(54 Stat. 150; 33 U.S.C. 180, 258, 319)

§ 202.155 Port of New York.

(a) *Long Island Sound*—(1) *Anchorage No. 1.* Southwest of a line between Neptune Island and Glen Island ranging from Aunt Phebe Rock Light and tangent to the north edge of Glen Island; southwest of a line tangent to the northeast edge of Glen Island and Goose Island breakwater; southwest of a line bearing southeasterly from the southwest end of Goose Island breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; west of a line ranging from the east edge of Goose Island breakwater to the west edge of the north end of Hart Island; west of Hart Island; and northwest of a line extending from Hart Island Light to Locust Point; excluding from this area, however, (i) the waters northeast of a line ranging 303° from the southwest end of Hart Island; northwest of a line ranging from the water tank at the north end of Davids Island 207°40′ to the northwest end of City Island; and south of latitude 40°52′12″; and (ii) the waters west of Hunter Island; and south of a line ranging from the most southerly end of Glen Island tangent to the most northerly end of Hunter Island.

(i) Boats shall not anchor in this area in buoyed channels.

(ii) Boats shall be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island.

NOTE: Special anchorage areas in this anchorage are described in § 202.60.

(2) *Anchorage No. 1–A.* Southwest of a line ranging from Duck Point, Echo Bay, through Bailey Rock Lighted Buoy 3 BR; northwest of a line ranging from Hicks Ledge Buoy 2H to Old Tom Head Rocks Buoy 4; and north of a line ranging from Old Tom Head Rocks Buoy 4 to the southernmost point of Davenport Neck.

(3) *Anchorage No. 1–B.* West of a line ranging from the point on the southwest side of the entrance to Horseshoe Harbor, Larchmont, to Hicks Ledge Buoy 2H; north of a line ranging from Hicks Ledge Buoy 2H to Duck Point; and in Echo Bay north and west of the channel.

(4) *Anchorage No. 2.* West of a line from Locust Point tangent to the northeasterly sea wall at Throgs Neck.

NOTE: Special anchorage areas in this anchorage are described in § 202.60.

(5) *Anchorage No. 3.* Northeast of a line from the south side of Barker Point to Gangway Rock Bell Buoy 27; southeast of a line from Gangway Rock Bell Buoy 27 to Sands Point Reef Lighted Buoy 25; and southwest of a line from Sands Point Reef Lighted Buoy 25 through Sands Point Light to Sands Point.

(6) *Anchorage No. 4.* Manhasset Bay, excluding the seaplane restricted area described in § 207.35; and that portion of Long Island Sound northeast of a line ranging from Stepping Stones Light through Elm Point Buoy 2 to Elm Point; southeast of a line ranging from Stepping Stones Light to Gangway Rock Bell Buoy 27; and southwest of Anchorage No. 3.

NOTE: Special anchorage areas in this anchorage are described in § 202.60.

(7) *Anchorage No. 5.* In Little Neck Bay; and east of a line ranging from Fort Totten flagpole to Hart Island Light; and south of Anchorage No. 4.

NOTE: Special anchorage areas in this anchorage is described in § 202.60.

(b) *East River*—(1) *Anchorage No. 6.* On Hammond Flats north of a line bearing 260° from the head of the pier on Throgs Neck at the foot of Pennyfield Avenue to the north tower of Bronx-Whitestone Bridge at Old Ferry Point.

(2) *Anchorage No. 7.* South of a line from Whitestone Point to the outer end of Willets Point Wharf.

(3) *Anchorage No. 8.* North of a line between the north tower of Bronx-Whitestone Bridge at Old Ferry Point and East River Lighted Buoy 4.

(4) *Anchorage No. 9.* East of a line from College Point Reef Light tangent to the west side of College Point; and south of a line from College Point Reef Light to Whitestone Point.

(5) *Anchorage No. 10.* In Flushing Bay, southeast of a line ranging through Rikers Island Channel Lighted Bell Buoy 1A and tangent to the northwest corner of College Point; and on the west side of Bowery Bay, southward of a line ranging from the Aero Beacon on the Administration Building of LaGuardia Field to the easterly corner of the Consolidated Edison Company of New York, Inc., bulkhead on the north side of the entrance to Steinway Creek, southeastward of the east rack of Log Pond adjacent to Steinway Creek, northwestward of the New York City Sewage Disposal Plant pier near the foot of 42d Street, Astoria, New York, and westward of a line ranging 09° from the northwest corner of the sewage plant pier to the tank on Rikers Island.

NOTE: Special anchorage areas in this anchorage are described in § 202.60.

(6) *Anchorage No. 11.* East of Rikers Island and south of a line from the northeast corner of the T-shaped north pier of Rikers Island to Rikers Island Channel Entrance Lighted Bell Buoy,

west of a line from Rikers Island Channel Entrance Lighted Bell Buoy to Rikers Island Channel Lighted Buoy 2, north of a line from Rikers Island Channel Lighted Buoy 2, to Rikers Island Channel Lighted Buoy 4, and north of a line from Rikers Island Channel Lighted Buoy 4 to Rikers Island Channel Lighted Buoy 6.

(7) *Anchorage No. 12.* West of Rikers Island and northeast of a line from Rikers Island Channel Lighted Buoy 6 to South Brother Island Ledge Light, east of a line from South Brother Island Ledge Light to the west side of South Brother Island, and south of a line through South Brother Island Light to the northwest corner of the T-shaped north pier of Rikers Island.

(8) *Anchorage No. 14.* In Hallets Cove, east of a line from a point on shore 100 feet west of the southerly prolongation of 2d Street, Astoria, to Gibbs Point.

(c) *Hudson River*—(1) *Anchorage No. 16.* North of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, New Jersey; west of a line ranging 25° from a point 120 yards east of the east end of said pier to a point 600 yards from the shore and 915 yards from the Fort Lee flagpole) on a line ranging approximately 100° 22′ from the Fort Lee flagpole toward the square chimney on the Medical Center Building at 168th Street, Manhattan; and south of said line ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(2) *Anchorage No. 17.* North of a line bearing 66° and ranging between the south face of the building known as Bill Miller's Riviera, Inc., north of George Washington Bridge at Fort Lee, New Jersey, and the Bell Tower of The Cloisters at Fort Tryon Park, Manhattan; west of lines bearing 29° from latitude 40°51′34″, longitude 73°56′54″, to latitude 40°52′27″, longitude 73°56′16″, thence 20° to latitude 40°54′17″, longitude 73°55′23″, thence 15° to latitude 40°56′20″, longitude 73°54′39″; and south of a line bearing 104° on a range with the latter point and the stack of the Yonkers Sewage Disposal Plant.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(3) *Anchorage No. 18–A.* East of lines bearing 8° from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on line with the New York Central Railroad signal bridge at the foot of West 231st Street, extended, at Spuyten Duyvil, Bronx, New York; thence bearing 19° to the channelward face of the Mount St. Vincent Dock at the foot of West 261st Street, Riverdale, Bronx, New York.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(4) *Anchorage No. 18–B.* North of the south side of West 181st Street, prolonged; east of a line ranging 28° from the northwest corner of the east tower of George Washington Bridge and tangent to the east shore of the river at Inwood Hill Park; and south of the prolongation of the south side of Dyckman Street, Manhattan, New York, where it passes beneath the tracks of the New York Central Railroad.

(i) Subject to provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(5) *Anchorage No. 19 (for naval vessels).* North of a line bearing 298° and ranging from the south side of 70th Street, New York, to the south side of Pier 11–A, Weehawken; east of the east channel line of the federally improved Weehawken-Edgewater Channel, said east channel line being extended to a point opposite West 156th Street; thence east of a line bearing 17° ranging between the end of the pier at the foot of West 134th Street and a point on the George Washington Bridge 250 yards westward of the air beacon on the east bridge tower; and south of said bridge.

(i) In order to give free passage for ferry boats, no vessel shall anchor within 300 yards of the line of the West 125th Street, Manhattan, to Edgewater, New Jersey, ferry.

(ii) In the discretion of the Captain of the Port, small commercial or pleasure vessels may anchor in this area shoreward of a line extending from the channelward end of the New York Central Railroad pier at the foot of West 70th Street to the channelward end of the pier at the foot of West 129th Street and shoreward of the United States pierhead line between West 134th Street and a prolongation of the bridge over the New York Central Railroad tracks located 1,000 feet south of the George Washington Bridge.

(iii) The Captain of the Port may grant permission for one stake boat to occupy an area in the westerly 200-yard portion of the naval anchorage.

(iv) The Captain of the Port may permit limited temporary anchorage, not to exceed 24 hours, of commercial vessels awaiting berths in the westerly portion of the naval anchorage south of West 135th Street when use of the anchorage by naval vessels will permit.

(v) The established anchorages for naval vessels having been found inadequate at times when large numbers of such vessels are in the harbor, a numbered series of anchorages is defined and established as shown on Key Charts Nos. 1 to 4, inclusive (not published in this section) in order that when a necessity for additional anchorages arises, permission may be given naval vessels to anchor at designated points serially numbered from 2 to 40 for capital ships, from 100 to 129 for intermediate ships, from 213 to 399 for destroyers and small craft, and from 508 to 611 for the anchorage of destroyers and small craft on the east side of the river, when the space is not required for capital or intermediate ships. Berths 16 to 18, 546, 547, and 551 to 555, are for use only on occasions when the other numbered berths available are not sufficient for the accommodation of the naval ships present. The Captain of the Port, on request from the proper naval authorities, may grant permission to occupy the numbered anchorages outside or extending outside of Anchorage No. 19, provided those specified in the request can be made available, commercial conditions at the time being given proper consideration. If, in his opinion, there are reasons why the anchorage or anchorages asked for should not be assigned, he will confer with the naval officers making the request, and if other numbers can be agreed upon will authorize their use; otherwise he will communicate the request to the Secretary of the Army with a statement of the circumstances and his recommendation.

(vi) Whenever this area is required for the anchoring of naval vessels, it shall be immediately cleared of commercial vessels by the Captain of the Port upon request of the appropriate naval authority.

(d) *Upper Bay*—(1) *Anchorage No. 20.* Northeast of Ellis Island; southeast of a line ranging approximately 51° 15′ from the northwest corner of Ellis Island toward the end of Central Railroad of New Jersey Pier No. 7; south of a line ranging approximately 96° 20′ from the southeast corner of Central Railroad of New Jersey Pier No. 11, toward the outer end of the Staten Island Ferry rack on the Manhattan shore; west of a line ranging approximately 183° 30′ from the southeast corner of Lehigh Valley Railroad Pier "A" to latitude 40°41′54.3″, longitude 74°01′59″; and north of a line ranging approximately 85° 10′ from the southeast corner of the northerly half of Ellis Island toward the outer end of the Staten Island Ferry rack on the Manhattan shore.

(i) No vessel shall cast anchor within this area south of the northerly limit of the cable area shown on United States Coast and Geodetic Survey Chart No. 745, between Ellis Island and the Manhattan shore.

(2) *Anchorage No. 20–A.* South of a line bearing 102° and ranging between the southeast corner of the southerly half of Ellis Island and Governors Island Light; west of a line bearing 194°30′ from latitude 40°41′42″, longitude 74°02′02″, to Main Channel Lighted Bell Buoy 31, thence 206° to latitude 40°40′05″, longitude 74°02′55″; and north of a line extended and ranging 313° through Claremont Terminal Channel Buoy 2 and the northeast corner of Caven Point Pier.

(i) The portion of Anchorage No. 20–A which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloes Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins

Reef Lighted Gong Buoy 27 and the northerly prolongation of that line is set aside as a temporary anchorage for vessels arriving in and leaving port. No vessel shall occupy this anchorage for a longer period than 72 hours, unless a permit is obtained from the Captain of the Port for that purpose.

NOTE: Anchorage No. 49–B in this area is reserved for vessels carrying explosives (see paragraph (m) (1) of this section) and is excluded from use as a general anchorage.

(3) *Anchorage No. 20–B.* South of a line bearing 129° from the southeast corner of Pennsylvania Railroad pier "B", Greenville Terminal, to the center of the south pier of the Bethlehem Steel Company Drydock, Brooklyn; west of a line bearing 206° from latitude 40°39'50", longitude 74°03'05", to latitude 40°39'31.5", longitude 74°03'17"; north of a line bearing 121° and ranging from New Jersey Pierhead Channel North Entrance Buoy 15 to the northwest corner of Pier 3, Brooklyn; west of a line bearing 204°30' and ranging from Bayonne Terminal Lighted Buoy 1 through Robbins Reef Lighted Gong Buoy 27 and Coast Guard Depot North Dock Light, St. George, Staten Island; north of a line ranging 262° from Robbins Reef Lighted Gong Buoy 27; and northeast of the channel approach to the north side of Constable Point.

(i) The portion of Anchorage No. 20–B which is easterly of a line ranging 204°30' from the east end of the east landing pier on Bedloe's Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 is set aside as a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this area, ordinarily for not more than 24 hours, when the anchorage will not be needed for naval vessels. Commercial vessels so anchored shall be moved at their own expense whenever the anchorage is needed for naval vessels.

(4) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloe's Island, to the Greenville and Claremont Terminals, or in the New Jersey Pierhead Channel or near the entrances to said channels so as to obstruct the approaches or interfere in anyway with the free navigation thereof.

(5) *Anchorage No. 21.* North of the east-west line passing through Gowanus Flats Lighted Gong Buoy 23 and Bay Ridge Channel Lighted Bell Buoy 1; east of a line bearing 355° 45' from Gowanus Flats Lighted Gong Buoy 22 to Gowanus Flats Lighted Bell Buoy 24, thence bearing 26° 08' through Gowanus Flats Lighted Bell Buoy 26 and Gowanus Flats Lighted Bell Buoy 28 to Gowanus Flats Lighted Bell Buoy 30; south of a line bearing 65° 38' from Gowanus Flats Lighted Bell Buoy 30 to Red Hook Channel Lighted Bell Buoy 11, thence bearing 118° 46' to Red Hook Channel Lighted Bell Buoy 9; west of a line bearing 172°-50' from Red Hook Lighted Bell Buoy 9 to Bay Ridge Channel Lighted Bell Buoy 7, thence 218° 28' through Bay Ridge Channel Buoy 5 and Bay Ridge Channel Lighted Bell Buoy 3 to a point at latitude 40°38'41.5", longitude 74°02'34" and thence 197° 47' to Bay Ridge Channel Lighted Bell Buoy 1. A fairway 600 feet wide crossing the anchorage, marked by buoys at each entrance, shall be excluded therefrom. Its northerly side is on range with Claremont Terminal Lighted Buoy 1, at the entrance to Claremont Terminal Channel, and the center of the head of the north pier of the Long Island Railroad Terminal at the foot of 64th Street, Bay Ridge, Brooklyn. Anchorage No. 21 is divided into Anchorages Nos. 21–A and 21–B.

(i) *Anchorage No. 21–A (for barges).* That portion of Anchorage No. 21, northward of the fairway, northward and eastward of Anchorage No. 21–B. Deep-draft vessels are required to use the western half of the anchorage, light-draft vessels are required to use the eastern half, and barges drawing 12 feet or less are required to use that portion of the anchorage southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy 28.

(ii) *Anchorage No. 21–B (for steamers).* That portion of Anchorage No. 21 southward of the fairway; and that portion of Anchorage No. 21, northward of the fairway, southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy 28, and westward of a line ranging from the westerly point of Red Hook to the north corner of Pier 21 of the Pouch Terminal at Clifton, Staten Island.

(iii) *Use of Anchorages Nos. 21–A and 21–B.* Vessels of the various types required to use Anchorages Nos. 21–A and 21–B may be anchored in areas other than those set aside for them for a limited time after first obtaining a permit from the Captain of the Port, when and to the extent that they are not needed for vessels of the types assigned to them. No vessel shall occupy these anchorages for a period longer than 30 days, unless a permit is obtained from the Captain of the Port for that purpose.

(6) *Anchorage No. 23 (temporary general anchorage).* South of a line bearing 88° from the Turret Tower (Curtis High School), St. George, to its intersection at latitude 40°38'44", longitude 74°03'55", with a line bearing 146°30' from the westerly tank of Bayonne Naval Depot, west of lines bearing 146°30' from the westerly tank of Bayonne Naval Depot to latitude 40°38'25", longitude 74°03'38.5", thence 167° ranging from Robbins Reef Light to latitude 40°37'26.5", longitude 74°03'21"; and north of a line bearing 84° on a range with the latter point, the northeast corner of Pier 19, Staten Island, and the tower of the Marine Hospital, Stapleton, Staten Island.

(i) No vessel shall occupy this anchorage for a period longer than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(ii) The entire area is designated a "temporary general anchorage," but vessels arriving at quarantine may anchor within that portion of this anchorage south of a line bearing 262° which is in prolongation of the north side of Pier 10, Staten Island, whenever Quarantine Anchorage No. 24 is congested and fully utilized.

(7) *Anchorage No. 24 (quarantine anchorage).* South of a line bearing 94° from the tower of the Marine Hospital, Stapleton, Staten Island, through the northeast corner of Pier 19, Staten Island, to latitude 40°37'26.5", longitude 74°03'21"; west of a line bearing 167° ranging from Robbins Reef Light to latitude 40°36'32", longitude 74°03'04"; and north of a line bearing 270° on range with the latter point and the northerly corner of Fort Lafayette.

(i) Vessels arriving at quarantine and awaiting inspection shall anchor to the south of a line bearing 262° and ranging from the southeast corner of Pier 25, Staten Island, to the south chimney of the Wrigley Plant, and shall clear said area immediately after being granted pratique. Whenever the area south of Pier 25, Staten Island, is congested, vessels arriving at quarantine and awaiting inspection may anchor in the northern section of the quarantine anchorage. Such vessels must clear the anchorage within 24 hours after being granted pratique. Vessels arriving for quarantine may anchor in that portion of Anchorage No. 23 south of a line bearing 262° which is in prolongation of the north side of Pier 10, Staten Island, whenever the quarantine anchorage is congested and fully utilized. No vessel shall occupy this section of the anchorage for a period longer than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(ii) Whenever the quarantine anchorage and the southerly part of Anchorage No. 23 are fully utilized, vessels shall anchor as directed by the Captain of the Port.

NOTE: The establishment of quarantine anchorages and the issuance of rules and regulations governing quarantine and their enforcement are under the jurisdiction of the administrator, Federal Security Agency, and the foregoing quarantine anchorage has been established under his authority.

(e) *Gravesend Bay; Anchorage No. 22.* North of a line ranging 271°30' between Coney Island Light on Norton Point and the south point of Hoffman Island; east of a line bearing 342° from latitude 40°34'36", longitude 74°01'42", to latitude 40°35'59", longitude 74°02'17", and ranging through a point 250 yards due west of Fort Lafayette and a point 250 yards due east of Robbins Reef Light; and south of a line bearing 70° from latitude 40°35'59", longitude 74°02'17", through Fort Hamilton Southwest Buoy 20.

NOTE: Anchorage No. 49–C in this area is reserved for vessels carrying explosives (see paragraph (m) (2) of this section) and is excluded from use as a general anchorage.

(f) *Lower Bay*—(1) *Anchorage No. 23.* In Sandy Hook Bay south of a line extending from Point Comfort to Sandy Hook Point Light.

NOTE: Anchorages Nos. 49–F and 49–G in this area are reserved for vessels carrying explosives (see paragraph (m) (4) and (5) of this section) and are excluded from use as general anchorages.

(i) Pleasure or commercial craft may not navigate or moor within 750 yards of the Naval Ammunition Depot Pier at Leonardo, New Jersey, nor anchor in the approach channel or the turning basin adjacent thereto.

(ii) When immediate action is required and representatives of the Coast Guard are not present in sufficient force to exercise effective control of shipping, the Commanding Officer of the Naval Ammunition Depot at Earle, New Jersey, may control the anchorage or movement of any vessel, foreign or domestic, to the extent he deems necessary to insure the safety and security of his command.

(2) *Anchorage No. 27*—(i) *Atlantic Ocean.* South of Gedney Channel, west of a line ranging due north and south through Scotland Lightship, and north of a line ranging due east from Navesink Light: *Provided,* That no vessel shall anchor in South Channel.

(ii) *Romer Shoal.* Beginning at Gedney Channel Lighted Bell Buoy 2; thence to Ambrose Channel Entrance Lighted Whistle Buoy 1A; thence along the southwest side of Ambrose Channel to Ambrose Channel Lighted Whistle Buoy 9, and thence to Ambrose Channel Lighted Whistle Buoy 13; thence along a line ranging toward West Bank Light to its intersection with a line ranging from Ambrose Channel Lighted Buoy 15 to Chapel Hill Channel Buoy 14; thence to Chapel Hill Channel Buoy 14; thence to Swash Channel Lighted Gong Buoy 6; thence to Swash Channel Buoy 4A; thence to Romer South Edge Buoy 2S; and thence to Gedney Channel Lighted Bell Buoy 6 and along the north side of Gedney Channel to the point of beginning.

(iii) *Flynns Knoll.* Beginning at Sandy Hook Channel Lighted Bell Buoy 1; thence along the north side of Sandy Hook Channel to Sandy Hook Channel Lighted Buoy; thence along the southwest side of Swash Channel to Junction Buoy; thence along the east side of Chapel Hill Channel to Chapel Hill Channel Buoy 2; and thence to the point of beginning.

(3) *Anchorage No. 28.* West of lines bearing 154° 30' from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy 10A, thence in succession to the buoys marking the east side of West Bank and the buoys on the west side of Chapel Hill Channel to Southwest Spit Junction Lighted Gong Buoy, thence 182° to a line extending from Sandy Hook Point Light to Point Comfort; north of the latter line and the New Jersey shore; and east of a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4, to the Staten Island shore; excluding from this area, however, (i) the waters west of a line ranging from the stack on Hoffman Island 344° through the northeast corner of the T-shaped pier at South Beach; northwest of a line ranging from Great Kills Light 39° and tangent to the offshore face of the T-shaped pier at Midland Beach; and northeast of a line ranging from the stack on Swinburne Island 301° to the shore end of the north jetty at New Creek; and (ii) the waters west of a line ranging from Conover Light at Leonardo, New Jersey, 340° through Old Orchard Shoal Light; northwest of a line bearing 230° from the stack on Hoffman Island; and northeast of a line ranging from Great Kills Light 332° through Marine Park Light at Crooks Point.

(g) *Kill Van Kull; Anchorage No. 29.* West of the westerly rack of the Bergen Point Ferry at Bayonne, New Jersey; north of a line ranging from the north end of Frank McWilliams, Inc., Pier 2, West New Brighton, Staten Island, to the southwest corner of the pier, foot of Humphreys Avenue, Bayonne; north of a line ranging 258° from the inshore end of the Bergen Point Ferry at Bayonne; thence north of a line ranging 90° from Bergen Point Light; thence southeast of a line running 55° to the shore at Bergen Point.

(h) *Newark Bay*—(1) *Anchorage No. 34.* South of the bridge of the Central Railroad Company of New Jersey; west of lines from a point on the bridge 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy 5, thence to the east end of the dike north of Shooters Island; north of the dike and a line ranging from the west end of the dike through Kill Van Kull Light 18 and Kill Van Kull Buoy 20; and east of a line 250 feet east of and parallel to the Singer Manufacturing Company bulkhead.

NOTE: A portion of this general anchorage is described as a special anchorage in § 202.60(r).

(2) *Anchorage No. 35.* North of Anchorage No. 29; east of lines ranging from the center of Bergen Point Light to the west pier of the west lift span of the Central Railroad of New Jersey bridge, extending to a point off the north side of the pier of the Texas Company, and thence to a point 100 yards east of the east pier of the east lift span of the railroad bridge; and south of the bridge.

(3) *Anchorage No. 36.* South of Port Newark Terminal Channel; west of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey Bridge; and north of said bridge.

(4) *Anchorage No. 37.* North of the Central Railroad of New Jersey bridge; east of a line ranging from a point 200 yards east of the east pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of the latter bridge.

NOTE: A portion of this general anchorage is described as a special anchorage in § 202.60(q).

(5) *Anchorage No. 38.* North of the Pennsylvania-Lehigh Valley Railroad bridge; east of lines ranging through a point 200 yards east of the east end of the lift span of the said bridge and the red channel buoys marking the dredged channel in Newark Bay and Hackensack River; and south of the Central Railroad Company of New Jersey bridge.

(6) *Anchorage No. 39.* Between the entrance channels of the Hackensack and Passaic Rivers, northwest of lines from the abutment of the Central Railroad of New Jersey bridge on the west side of the Hackensack River to Hackensack River Light 1, and thence to Newark Bay Light 5, and east of a line from said light ranging toward the southeast corner of the Texas Company wharf, and of a line ranging from the southeast corner of Gross Wharf to the abutment and end of fill of the Central Railroad of New Jersey bridge on the east side of the Passaic River.

(i) *Arthur Kill*—(1) *Anchorage No. 41.* The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Travis, Staten Island.

(2) *Anchorage No. 42.* East of lines ranging from the head of the Tottenville Shipyard Company pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore, thence to Arthur Kill Light 10, thence to Arthur Kill Light 14, and thence to Arthur Kill Lighted Buoy 16; and south of a line from thence to Smoking Point.

(j) *Raritan Bay*—(1) *Anchorage No. 44.* West of the Raritan Bay Channel leading into Arthur Kill; northeast of a line ranging from Raritan Bay Channel Lighted Buoy 15 through Anchorage Buoy A; east of a line bearing 331°31' and ranging through Great Beds Light, Cutoff Channel Light 1, and St. Peter's Church spire at Perth Amboy, New Jersey; and southeast of the Cutoff Channel between Raritan River and Arthur Kill.

(2) *Anchorage No. 45.* West of the Raritan Bay Channel leading into Arthur Kill; north of the Raritan River Channel leading into Raritan River; and east of the Cutoff Channel between Raritan River and Arthur Kill, except that part of the said area occupied by Anchorage No. 44.

(3) *Anchorage No. 45–A.* West of the Cutoff Channel between Raritan River and Arthur Kill; north of the Raritan River Channel; east of the New York and Long Branch Railroad bridge; and north of the Raritan River Channel to the prolongation of Market Street, Perth Amboy, New Jersey, in Arthur Kill.

(4) *Anchorage No. 46.* West of the west limit of Anchorage No. 28, as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4 to the Staten Island shore; north of Raritan Bay Channel as defined by the buoys and lights marking the north side of the channel, including Princess Bay; northeast of Raritan Bay Channel leading into Arthur Kill; and south of a line bearing 243° from the gable of a house at Ward Point, Staten Island.

(5) *Anchorage No. 47.* South of the Raritan River Channel from opposite the Sun Oil Company pier at South Amboy to Raritan River Buoy 3; thence south of a line in the direction of Boundary Daybeacon to latitude 40°28'48.5", longitude 74°14'31.6"; thence south of lines through Raritan Bay Light 7B, Raritan

Bay Light 3A, and the buoys marking the south side of Raritan Bay Channel Off Seguine Point to the west limit of Anchorage No. 28 as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier through Great Kills Flat Buoy 4 to the Staten Island shore; and west of the latter line.

(i) Vessels shall not anchor in the channel to Keyport Harbor west of lines ranging from Keyport Channel Buoy 1 to Keyport Channel Buoy 9, thence through Keyport Channel Buoys 11 and 13 to the northeast corner of the easterly steamboat wharf; and east of a line extending from a point 400 yards west of Keyport Channel Buoy 1 tangent to the west shore at the mouth of Matawan Creek.

NOTE: Anchorage No. 49–D in this area is reserved for vessels carrying explosives (see paragraph (m) (3) of this section) and is excluded from use as a general anchorage.

(k) *Sheepshead Bay*—(1) *Anchorage No. 48–A.* South of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; east of a line 200 feet east of and parallel to the prolonged west line of East 15th Street; north of a line 75 feet north of and parallel to the bulkhead wall along the north side of Shore Boulevard between Amherst Street and Dover Street and as prolonged to a point 315 feet south of the bulkhead wall along the south side of Emmons Avenue and 25 feet west of the prolonged west side of Ocean Avenue; and west of a line parallel to and 25 feet west of the prolonged west line of Ocean Avenue.

(2) *Anchorage No. 48–B.* South of the established United States Pierhead Line on the north side of the bay; west of the prolonged west line of Coyle Street; north of a line ranging from a point 90 feet south of said pierhead line in said prolonged west line of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point, on the prolonged east line of East 27th Street and 245 feet south of the established United States Pierhead Line on the north side of the bay; and east of the prolonged east side of East 27th Street.

(3) *Anchorage No. 48–C.* South of a line extending from a point 175 feet northerly of the bulkhead wall along the north side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street to a point on the prolonged east side of Mackenzie Street 125 feet north of the bulkhead wall on the north side of Shore Boulevard; thence south of a line parallel to and 125 feet northerly of the bulkhead wall along the north side of Shore Boulevard from the last-mentioned point to the prolonged west line of Coyle Street; west of the prolonged west line of Coyle Street; north of a line parallel to and 25 feet north of the bulkhead wall along the north side of Shore Boulevard; and east of the prolonged west side of Hastings Street.

(l) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the navigable waters of the Port of New York outside of the anchorage areas established in this section, nor cast anchor within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or vessel in such manner as to obstruct or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, or slips.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released, unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchors of all vessels must be placed well within the anchorage areas, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) When applied for, a berth in an anchorage, if available, shall be assigned to any vessel by the Captain of the Port. He may grant revocable permits for habitually maintaining and using the same mooring space in an anchorage area, but no vessel shall occupy continuously a berth in an anchorage area when a vessel in regular traffic requires the berth or when navigation would be menaced or inconvenienced thereby. The Captain of the Port is authorized to issue permits for maintaining mooring buoys. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. In case of emergencies the Captain of the Port is hereby authorized to shift the position of any unattended vessel moored in or near any anchorage. No vessel shall be navigated within the limits of an anchorage at a speed exceeding six knots when in the vicinity of a moored vessel.

(8) Barge dispensing stations and stake boats may be anchored in such places as the Captain of the Port may designate, subject to the approval of the District Engineer, Corps of Engineers.

(9) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables legally established, or plant engaged in dredging operations, to anchor within channels of the Port of New York. Permit issued by the Captain of the Port is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(10) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel or obstruct or interfere with range lights and of any vessel which, lying at the exterior end of a pier or alongside an open bulkhead, obstructs or endangers the passage of vessels in transit by, or to or from, adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips.

(11) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, shall get under way at once or signal for a tug, and shall change position as directed, with reasonable promptness.

(12) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(m) *Anchorages for vessels carrying explosives*—(1) *Anchorage No. 49–B.* On the New Jersey Flats, south of a line parallel to and 500 yards south of the National Docks (Black Tom) dredged channel; west of a line bearing 208° from the Torch, Statue of Liberty, and ranging through National Docks Channel Buoy 1 and New Jersey Pierhead Channel North Entrance Buoy 4; north of a line ranging through the latter buoy and New Jersey Pierhead Channel North Entrance Lighted Buoy 6; northeast of a line bearing 313° being parallel to and 500 yards north of Caven Point Pier; and east of a line bearing 38° from the twin chimneys on Constable Hook, New Jersey, through the brick pump house on the inshore end of the trestle to Caven Point Pier.

(i) Vessels shall not anchor within 800 yards of Bedloes Island, within 800 yards of any pier, or within 100 yards of the New Jersey Pierhead Channel.

(ii) No vessel using this anchorage shall carry more than 20 tons of high explosives.

(iii) No vessel carrying explosives of any kind shall anchor in this anchorage within 600 feet of any other vessel carrying high explosives; except that the Captain of the Port may authorize the placing of moorings not less than 500 feet apart within this area and the making fast thereto of not to exceed three barges at each mooring, provided the combined load of the barges at a mooring is not more than 20 tons of high explosives.

(iv) Insofar as practicable, in the use of this anchorage preference shall be given to vessels storing explosives for current consumption.

(v) In cases of great emergency and when weather conditions are such that it is impossible for barges, scows, or lighters loaded with more than 20 tons of high explosives to proceed to Gravesend Bay or Raritan Bay, or lie at anchor there, such vessels may anchor temporarily in the Jersey Flats anchorage, but in each case the Captain of the Port must be immediately notified, and such vessel will not remain so anchored without his special permission.

(vi) This area shall not be used by vessels which do not carry explosives except in cases of great emergency.

(2) *Anchorage No. 49–C (naval and military anchorage).* In Gravesend Bay, north of a line bearing 260°30′ from latitude 40°34′58″, longitude 74°01′20″, to latitude 40°34′54″, longitude 74°01′49″, and ranging through the stack on Hoffman Island; east of a line bearing 342° from the last-mentioned point to latitude 40°35′59″, longitude 74°02′17″, and ranging 250 yards due west of Fort Lafayette; south of a line bearing 96° from the last-mentioned point to latitude 40°35′56″, longitude 74°01′45″; and west of a line bearing 343° from the last-mentioned point to latitude 40°34′58″, longitude 74°01′20″, and passing through Fort Hamilton Southwest Buoy 20.

(i) The Captain of the Port may permit the anchorage of commercial vessels in the southerly part of the area south of a line bearing 252° from the flagpole in the vicinity of Bay Parkway, Brooklyn, when use of the anchorage by naval or military vessels will permit. Any commercial vessels so moored as to obstruct the use of the area for the anchorage of naval or military vessels may be required by the Captain of the Port to shift its position or clear the area when found necessary, at its own expense.

(ii) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are moored in the area for the purpose of loading or unloading explosives display a red flag by day or a red light by night, unless special permission is granted by the Captain of the Port.

(iii) Vessels carrying high explosives in this anchorage shall not anchor closer than 400 yards to one another, but the number of vessels which may anchor in the area at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside ships for the transfer of cargoes.

(iv) Vessels carrying high explosives shall not occupy this anchorage for a period of time longer than is necessary to receive or discharge such cargoes, or between sunset and sunrise except by special permit from the Captain of the Port in cases of great emergency.

(v) Barges and lighters loaded with explosives may anchor in the easterly portion of this area provided such barges and lighters are anchored so as not to approach one another closer than 300 feet. The Captain of the Port may authorize the placing of moorings in the easterly portion of the area and the making fast thereto of not to exceed three barges or lighters at each mooring, provided these moorings are so spaced that the vessels at one mooring shall at all times be not less than 300 feet from the vessels at an adjacent mooring.

(3) *Anchorage No. 49–D.* In Raritan Bay, south of a line bearing 250° from West Bank Light; west of a line ranging 137° from the tower of former Princess Bay Light to the tower of former Waackaack Light; north of a line ranging 250° from Old Orchard Shoal Light to Boundary Daybeacon; and east of a line bearing 306° from Boundary Daybeacon.

(i) This area shall not be used by vessels which do not carry explosives except in cases of great emergency.

(4) *Anchorage No. 49–F (emergency naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 170°, 3,800 yards, from a point bearing 281°30′ 2,050 yards, from Sandy Hook Light; thence 260°, 500 yards; thence 350°, 3,800 yards; thence 80°, 500 yards, to the point of beginning.

(i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(ii) No pleasure or commercial craft shall navigate or moor within this area at any time when naval vessels which are moored in the area display a red flag by day or a red light by night.

(5) *Anchorage No. 49–G (naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 208° 1,350 yards, from a point bearing 292°30′, 3,600 yards, from Sandy Hook Light; thence 298°, 620 yards; thence 2°, 1,250 yards; thence 107°, 1,150 yards, to the point of beginning.

(i) No pleasure or commercial craft shall navigate or moor within this area at any time when vessels which are moored in the area display a red flag by day or a red light by night.

(n) *Regulations for explosives anchorages.* (1) Anchorages Nos. 49–B, 49–C, 49–D, 49–F, and 49–G are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in subparagraph (6) of this paragraph.

(2) A written permit shall be obtained from the Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them; and no vessel shall occupy a berth in such anchorage except by authority of such permit, which permit may be revoked at any time.

(3) Vessels used in connection with loading or unloading explosives on vessels in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. The Captain of the Port may, in his discretion, require every person having business on board vessels which are being loaded with explosives, other than members of the crew, to have a pass from the Captain of the Port in such form as he shall prescribe. Such permit or pass shall be shown whenever required by him or by his authorized agents.

(4) Whenever any vessel not fitted with mechanical power anchors in the explosives anchorages while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(5) Vessels carrying explosives shall comply with the general regulations in paragraph (l) of this section when applicable.

(6) The District Engineer, Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under federal permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such safety instructions together with a copy of his written authorization.

(7) Every vessel loading, unloading, transporting, or containing explosives shall display by day a red flag at least 16 square feet in area at its masthead, or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(8) When local regulations of any place require previous local authority for the transfer of explosives or fireworks between vessels or between a vessel and a wharf or other place ashore, the Captain of the Port will permit the removal from the anchorage of such vessel containing explosives to any place covered by such local regulations only when he is satisfied that the required local authority has been granted.

(54 Stat. 33 U.S.C. 180, 258, 319)

§ 202.157 Delaware Bay and River.

(a) *The anchorage grounds*—(1) *Anchorage A (tanker lightering) off the entrance to Mispillion River.* To the southwest of the channel along Brandywine Range, bounded as follows: Beginning at a point at latitude 38°57′42″ N., longitude 75°11′08″ W., bearing 246.5° true 7,400 yards from Brandywine Shoal Light; thence 330°, 5,000 yards; thence 240°, 2,000 yards; thence 150°, 5,000 yards; thence 060° 2,000 yards, to the point of beginning. This anchorage is intended for the specific purpose of allowing deep draft tankers to anchor and lighter their cargo before proceeding up the Delaware River. Supervision over

the anchoring of vessels in the anchorage area will be exercised by the District Commander or his authorized representative. The provisions of paragraph (b) of this section shall be applicable to the anchoring of vessels in this anchorage, except for subparagraphs (1) and (2).

(2) *Anchorage 1 off Bombay Hook Point.* On the southwest side of the channel along Liston Range, bounded as follows: Beginning at a point (approximately latitude 39°17'59", longitude 75°23'07") bearing 228 from Ship John Shoal Light, 167 yards southwest of the southwest edge of the channel along Liston Range; thence 228°, 3,000 yards; thence 318°, 8,000 yards; thence 48°, 2,000 yards; and thence 138°, 8,000 yards, to the point of beginning.

(3) *Anchorage 2 (explosives) northwest of Artificial Island.* On the east side of the channel along Reedy Island Range, bounded as follows: Beginning at a point bearing 105° from the northernmost point of Reedy Island, 167 yards easterly of the east edge of the channel along Reedy Island Range; thence 105°, 800 yards; thence 195°, 4,500 yards; thence 285°, 800 yards, to a point (approximately latitude 39°28'58", longitude 75°33'37") opposite the intersection of Reedy Island and Baker Ranges; and thence 15°, 4,500 yards, to the point of beginning. This anchorage is intended for vessels engaged in the transportation and handling of explosives and other dangerous articles. No vessel not so engaged will be permitted to anchor in this anchorage except in case of emergency or by special permission of the District Commander. For special regulations relating to this anchorage, see paragraph (c) of this section.

NOTE: The term "District Commander" as used in this section means the Commander, Third Coast Guard District, or his authorized representative.

(4) *Anchorage 3 southeast of Reedy Point.* Southeast of the entrance to the Chesapeake and Delaware Canal at Reedy Point, bounded on the east by the west edge of the channel along Reedy Island and New Castle Ranges; on the west by a line beginning at a point on the west edge of the channel along Reedy Island Range at latitude 39°31'43", thence to a point bearing 162° 30', 3,150 yards, from Chesapeake and Delaware Canal 2 Light, and thence to a point bearing 131°, 1,160 yards, from Chesapeake and Delaware Canal 2 Light; and on the north by a line running from the last-described point 113° 30', approximately 813 yards, to the west edge of the channel along New Castle Range.

(5) *Anchorage 4 north of Reedy Point.* North of the entrance to the Chesapeake and Delaware Canal at Reedy Point, on the West side of the river, bounded as follows: Beginning at a point (approximately latitude 39°33'51" longitude 75°33'35") 344°58' true, 160 yards from Chesapeake and Delaware Canal Light 2; thence 306°26', 1,442 yards; thence 36°26', 377 yards; thence 126°26', 1,442 yards; thence 216°26', 377 yards to the point of beginning.

(6) *Anchorage 5 southeast of Pea Patch Island.* On the northeast side of the channel along New Castle Range, bounded as follows: Beginning at latitude 39°34'28", longitude 75°33'06"; thence 334°, 2,343 yards; thence 64°, 512 yards; thence 154°, 2,343 yards; and thence 244°, 512 yards, to the point of beginning.

(7) *Anchorage 6 off Deepwater Point.* Southeast of the entrance to Christina River, on the east side of the channel along Cherry Island Range, bounded as follows: Beginning at latitude 39°41'-31", longitude 75°30'55"; thence 17°, 2,747 yards; thence 112°, 847 yards; thence 215°, 1,340 yards; thence 204°, 893 yards; thence 186° 30', 500 yards; and thence 286°, 377 yards, to the point of beginning. Vessels must not cast anchor in the cable area at the lower end of this anchorage except in case of emergency.

(8) *Anchorage 7 off Marcus Hook.* On the southeast side of the channel along Marcus Hook Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°25'50"; thence northeasterly along the edge of the channel to longitude 75°23'30"; thence 207°, 933 yards; thence 237°, 2,692 yards; thence 267°, 933 yards, to the point of beginning. A preferential area in this anchorage is designated for the use of vessels awaiting quarantine inspection, this area being 333 yards wide on the downstream side of a line projected from Blueball Road in Marcus Hook. Should the remainder of the anchorage be in use, the preferential area, when available, may be used by vessels not subject to quarantine inspection.

(9) *Anchorage 8 off Thompson Point.* On the south side of the channel along Tinicum Range, between Thompson Point and the east side of Crab Point, bounded as follows: Beginning at a point on the south edge of the channel along Tinicum Range at longitude 75°18'24"; thence easterly along the edge of the channel to longitude 75°17'54"; thence 179°, 267 yards; thence 260°30', 793 yards; thence 358°, 425 yards, to the point of beginning.

(10) *Anchorage 9 near entrance to Mantua Creek.* On the southeast side of the channel along Mifflin Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°14'26"; thence northeasterly along the edge of the channel to longitude 75°12'01.5"; thence 203° 30', 933 yards; thence 233° 30', 3,058 yards; and thence 263° 30', 933 yards, to the point of beginning. Vessels must not cast anchor in this anchorage in such manner as to interfere unreasonably with the passage of other vessels to and from Mantua Creek.

(11) *Anchorage 10 (naval) at Naval Base, Philadelphia.* On the north side of the channel along West Horseshoe Range, bounded as follows: Beginning at the southeasterly corner of Pier 7 (approximately latitude 39°53'11", longitude 75°09'58.5"); thence 174°, 525 yards, to the north edge of the channel along West Horseshoe Range; thence 273° 30' along the edge of the channel, 880 yards; thence 354°, 433 yards, to the southeasterly corner of Pier 1; and thence 88° 30', 875 yards, to the point of beginning. This is a restricted naval anchorage.

(12) *Anchorage 11 at Gloucester.* On the east side of the channel south of the Walt Whitman Bridge at Gloucester, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence 174°30', 100 yards, to latitude 39°54'02", longitude 75°07'43"; thence 202°, 1,133 yards; thence 217°30', 1,142 yards, to the east edge of channel; thence northeasterly along the edge of the channel to the point of beginning.

(13) *Anchorage 12 between Gloucester and Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 11, from Gloucester to Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence northerly along the edge of the channel to latitude 39°56'32.5"; thence 133°, 283 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°56'26.5"; thence 313°, 283 yards to the point of beginning.

(14) *Anchorage 13 at Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 12, to Cooper Point, Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°56'32.5"; thence northerly along the edge of the channel to latitude 39°57'39.7"; thence 139°, 217 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°56'26.5"; thence 313°, 283 yards to the point of beginning.

(15) *Anchorage 14 opposite Port Richmond.* On the southeast side of the channel, north of Petty Island, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'43"; thence 163°, 248 yards; thence 253°, 1,978 yards, to the southeast edge of the channel; and thence northeasterly along the edge of the channel to the point of beginning. Vessels having a draft of less than 20 feet must anchor southwest of Pier No. 11, Port Richmond. The area off the Cities Service Oil Company wharves, Petty Island, shall be restricted to facilitate the movement of vessels to and from the wharves.

(16) *Anchorage 15 off northeasterly end of Petty Island.* On the southeast side of the channel, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'34.7"; thence northeasterly along the southeast edge of the channel to longitude 75°05'09.5"; thence 171°, 180 yards; thence 260°30', 667 yards; and thence 351°, 198 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(17) *Anchorage 16 between Port Richmond and Five Mile Point.* On the northwest side of the channel, bounded as follows: Beginning at a point on the northwest edge of the channel at longitude 75°05'35"; thence northeasterly along the edge of the channel to longitude 75°04'20"; thence 328°, 125 yards; thence 243°, 450 yards; thence 251°, 475 yards; thence 257°, 1,042 yards; thence 194°30', 122 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(b) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Delaware Bay and River between Ship John Light and The Pennsylvania Railroad Company bridge at Delair, New Jersey, outside of the anchorage areas established in this section, or within a cable or pipe line area shown on a Government chart, or be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel. When an emergent condition exists due to congestion in the prescribed anchorage areas in the Delaware River, the District Commander may authorize the anchorage of vessels in locations other than the prescribed areas. Vessels so anchored must not be anchored within the channel limits. Any vessel anchored outside of the prescribed anchorage limits must move to a prescribed anchorage area when space becomes available.

(2) No vessel shall occupy any prescribed anchorage for a longer period than 48 hours without a permit from the District Commander. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the District Commander for that purpose in either Anchorage 15 or Anchorage 16. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the District Commander.

(3) Whenever, in the opinion of the District Commander such action may be necessary, he may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before release or reduction of the crew, be anchored with two anchors with mooring swivel unless the District Commander shall waive the requirement of a mooring swivel.

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside of the anchorage area.

(6) Light-draft barges using the anchorages shall be anchored away from the deeper portions of the anchorages, so as not to interfere with the anchoring of deep-draft vessels. Any barges towed in tandem to an anchorage area shall be bunched together when anchoring.

(7) Upon approval of the District Engineer, Corps of Engineers, the District Commander may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the District Commander in advance of all such proposed work.

(8) Whenever the maritime or commercial interests of the United States so require, the District Commander is hereby empowered to shift the position of any vessel anchored or moored within or outside an anchorage area, including any vessel which is so moored or anchored as to obstruct navigation or interfere with range lights.

(9) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(10) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws and regulations.

(c) *Regulations for explosives anchorage.* (1) All vessels carrying explosives and other dangerous articles, or on which explosives and other dangerous articles are to be loaded, shall be within Anchorage 2 when anchored, except as provided in subparagraph (7) of this paragraph.

(2) A written permit shall be obtained from the District Commander before vessels carrying explosives and other dangerous articles, or on which explosives and other dangerous articles are to be loaded, may anchor in Anchorage 2, and no vessel shall anchor therein except by authority of such permit, which may be revoked at any time. This anchorage shall not be used by vessels which do not carry explosives and other dangerous articles as cargo, or on which explosives and other dangerous articles are not to be loaded, except in cases of great emergency or by special permit from the District Commander. All other vessels, including tugs and stevedore boats, used in connection with loading or unloading explosives and other dangerous articles in this anchorage shall carry written permits from the District Commander and shall show such permits whenever required by him.

(3) Vessels shall be anchored in Anchorage 2 so as to be at least 1,000 feet apart, but the number of vessels which may anchor in the anchorage at any one time shall be at the discretion of the District Commander. This provision is not intended to prohibit barges or lighters from tying up alongside the vessels for the transfer of cargoes.

(4) Whenever any vessel or barge not mechanically self-propelled anchors in Anchorage 2 while carrying explosives and other dangerous articles, or on which explosives and other dangerous articles are to be loaded, the District Commander may require the attendance of a tug upon such vessel or barge when in his judgment such action is necessary.

(5) Every vessel transporting, stowing, storing, or handling explosives and other dangerous articles as cargo in the vicinity of Anchorage 2 shall display by day a red flag at least 16 square feet in area at its masthead, or at least ten feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(6) Fishing and navigation are prohibited within Anchorage 2 at all times when vessels which are moored in the area display a red flag by day or a red light by night.

(7) The District Engineer, Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Department of the Army permit, to anchor in or near the vicinity of such work without a permit from the District Commander. The District Engineer will prescribe the quantity of explosives allowed and the conditions under which explosives shall be stored and handled in such cases, and will furnish the District Commander with a copy of such written authorization and instructions.

(8) Vessels carrying explosives and other dangerous articles, or on which explosives and other dangerous articles are to be loaded, shall comply with the general regulations in paragraph (b) of this section when applicable.

(9) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel, and all others concerned, of the duties and responsibilities imposed upon them to comply with the regulations governing the handling, loading, or discharging of explosives, and other dangerous articles, entitled "Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels" (46 CFR Part 146).

(54 Stat. 150, 33 U.S.C. 180k, 258, 319)

§ 202.168 Hampton Roads, Va., and adjacent waters.

(a) *Hampton Roads*—(1) *Anchorage A, Hampton Bar.* South of a line running from latitude 37°00'45", longitude 76°20'36", across the mouth of Hampton Creek to latitude 37°00'47", longitude 76°19'56"; thence along the shore to a point east of Mill Creek at latitude 37°00'44", longitude 76°19'38"; thence to latitude 37°00'15", longitude 76°19'29"; thence to latitude 36°59'33", longitude 76°18'57"; thence to latitude 36°59'11", longitude 76°19'00"; thence to latitude 36°59'09", longitude 76°19'-05"; thence to latitude 37°00'00", longitude 76°22'08"; and thence northeast along the shoreline to the point of beginning.

(i) No vessel shall be anchored in such manner as to swing within 200 feet of the dredged channel leading to Hampton.

(ii) This anchorage is reserved for the use of vessels while undergoing examination by quarantine, customs, or immigration authorities. Upon completion of these examinations vessels shall move promptly to a regular anchorage.

(iii) The master of every mechanically propelled vessel using this anchorage shall keep the vessel in condition to move promptly under its own power upon notification by the Captain of the Port, and when any such vessel is in charge of a pilot the pilot shall remain on board until the vessel is safely anchored in a regular anchorage. No sailing vessel using this anchorage shall be left unattended by a tugboat while undergoing examinaion by quarantine, customs, or immigration authorities, except when its stay is likely to be of several hours' duration when it shall be anchored in the western part of the anchorage out of the way of other vessels before the tug and pilot leave.

(iv) No master of a vessel awaiting or undergoing quarantine inspection shall release any part of the crew until the vessel has been passed by the proper quarantine officials and safely anchored or moored in a regular anchorage.

(2) *Anchorage B, Hampton Flats (Naval).* Shoreward of a line described as follows: Beginning at latitude 37°00'00", longitude 76°22'03"; thence to latitude 36°59'08.5", longitude 76°19'04.5"; thence to latitude 36°57'57.5", longitude 76°20'46.5"; and thence to latitude 36°58'5C", longitude 76°23'47", including within the above-described limits an Explosives Handling Berth W covering a circular area of 1,200 yards diameter with its center at latitude 36°58'18", longitude 76°20'51".

(i) Vessels shall not be anchored within 425 yards of Anchorage F–1 when that anchorage is occupied by a vessel carrying explosives.

(ii) Vessels shall not be anchored within 300 yards of Explosives Handling Berth W when that berth is occupied by a vessel handling explosives.

(iii) Anchorage B, including Explosives Handling Berth W, is reserved for the use of Naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit the anchorage and berth to be used by merchant vessels. Upon notification that need for occupancy by Naval vessels is expected, the Captain of the Port may cause a sufficient area in the anchorage to be vacated to accommodate the number of Naval vessels scheduled to arrive.

(3) *Anchorage C, Newport News Bar.* Shoreward of a line described as follows: Beginning at latitude 36°58'56", longitude 76°23'47"; thence to latitude 36°57'57.5", longitude 76°20'46.5"; thence to latitude 36°57'41", longitude 76°21'12.5"; thence to latitude 36°57'-35.5", longitude 76°21'29"; thence along the north side of Newport News Channel to latitude 36°57'20", longitude 76°24'-38"; and thence to the radio tower at approximately latitude 36°57'47.5", longitude 76°24'40.5".

(i) When Anchorage F–1, which lies within Anchorage C, is not occupied by vessels carrying explosives, it may be used as a general anchorage in the same manner as other portions of Anchorage C. It shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives, of a draft too great to permit it to use Anchorage F, desires to anchor therein. Vessels shall not be anchored within 425 yards of Anchorage F–1 when that anchorage is occupied by a vessel carrying explosives.

(ii) This anchorage is a general anchorage for all vessels, but when fleet operations are scheduled the Captain of the Port may, in his discretion, permit it to be used by naval vessels. Upon receiving word that any part of the fleet is expected, the Captain of the Port may cause a sufficient area in this anchorage to be vacated to accommodate the number of vessels scheduled to arrive.

(4) *Anchorage D.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'33.5", longitude 76°20'31.7"; thence south to latitude 36°57'26", longitude 76°20'31.7"; thence to latitude 36°56'08", longitude 76°22'23"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'00", longitude 76°23'34"; thence to latitude 36°56'09.5", longitude 76°23'33.5"; thence to a point on the south side of Newport News Channel at latitude 36°57'27.5", longitude 76°21'41"; and thence along the south side of Newport News Channel and a line in prolongation thereof to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(ii) This anchorage shall be used by deep-draft vessels, wind-bound vessels from Lambert Point and Sewall Point, and vessels awaiting turn for docking. Other vessels may use this anchorage when permitted by the Captain of the Port.

(5) *Anchorage E, Newport News Middle Ground.* Beginning at a point on the south side of Newport News Channel at latitude 36°57'27.5", longitude 76°21'-41"; thence to latitude 36°56'09.5", longitude 76°23'33.5"; thence to latitude 36°57'11", longitude 76°25'02.5"; and thence to and along the south side of Newport News Channel to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(6) *Anchorage H.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'26", longitude 76°20'-31.7"; thence southerly to latitude 36°57'07.7", longitude 76°20'31.9"; thence southeasterly to a point on the west side of Norfolk Harbor Channel at latitude 36°57'01'5", longitude 76°20'-22.3"; thence along the west side of Norfolk Harbor Channel to latitude 36°56'-00", longitude 76°20'27"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'08", longitude 76°22'23"; thence to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(7) *Anchorages for vessels carrying explosives*—(i) *Anchorage F (for shallow-draft vessels).* Beginning at latitude 36°56'03", longitude 76°23'50"; thence to latitude 36°54'30", longitude 76°23'-55.5"; thence to latitude 36°54'30", longitude 76°24'59"; thence to latitude 36°56'44", longitude 76°24'50"; thence to the point of beginning.

(ii) *Anchorage F–1 (for deep-draft vessels).* Within Anchorage C and having a northeast boundary coincident with a portion of the northeast boundary of Anchorage C, beginning at latitude 36°58'06", longitude 76°21'13"; thence to latitude 36°57'49.5", longitude 76°21'-36"; thence to latitude 36°57'47.5", longitude 76°22'04"; thence to latitude 36°-57'56", longitude 76°22'30"; thence to latitude 36°58'19.5", longitude 76°21'-56"; thence to the point of beginning.

(iii) Vessels are forbidden to anchor within 425 yards of Anchorage F or between the northeast boundary of Anchorage F and the southwest boundary of Anchorage E.

(iv) When Anchorage F–1 is not occupied by vessels carrying explosives it may be used as a general anchorage in the same manner as other portions of Anchorage C, except that it shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives of a draft too great to permit it to use Anchorage F desires to anchor. When Anchorage F–1 is occupied by a vessel carrying explosives, vessels shall not anchor in Anchorages B and C within 425 yards of Anchorage F–1. No vessel carrying explosives shall be anchored in Anchorage F–1 so as to swing within 500 yards of the Newport News Channel.

(v) Vessels carrying explosives or other dangerous cargo, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances shall be within Anchorage F or F–1 when anchored, except as provided in subdivision (x) of this subparagraph: Anchorage F is reserved for this special purpose and shall not be used by vessels carrying other classes of cargo except in cases of great emergency or by special permit from the Captain of the Port.

(vi) A written permit shall be obtained from the Captain of the Port before a vessel carrying explosives, or on which explosives are to be loaded, may proceed to an explosives anchorage; and no vessel shall occupy a berth in such an anchorage except by authority of such a permit which may be revoked at any time.

(vii) Vessels used in connection with loading or unloading explosives in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. Such permits shall be shown whenever required by him or by his properly authorized agents.

(viii) Whenever any vessel not mechanically self-propelled anchors in an explosives anchorage while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(ix) Vessels carrying explosives shall comply with the general regulations in paragraph (h) of this section when applicable.

(x) The District Engineer, Corps of Engineers, may authorize a vessel carrying explosives for use on river and harbor works or on other work under permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such instructions.

(b) *James River*—(1) *Anchorage G.* At the mouth of the river opposite Newport News; east of a line running from Burrel Point, latitude 36°54'53", longitude 76°23'51", across the mouth of Batten Bay to Candy Island, latitude 36°56'-18", longitude 76°29'05"; and shoreward of a line described as follows: Beginning at Fishing Point, latitude 36°57'50", longitude 76°29'38"; thence to latitude 36°59'08", longitude 76°27'56"; thence to latitude 36°58'37", longitude 76°26'-41"; thence to latitude 36°57'50", longitude 76°26'04"; thence to latitude 36°57'06.5", longitude 76°25'27"; thence to latitude 36°57'11", longitude 76°25'-04"; thence to latitude 36°55'52.5", longitude 76°25'09.5"; and thence to latitude 36°54'00", longitude 76°28'59".

(2) *Anchorage G–1.* On the northeast side of the river downstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 36°59'41", longitude 76°26'40"; thence to latitude 37°00'15", longitude 76°27'52"; and thence to latitude 37°00'-45", longitude 76°27'17".

(3) *Anchorage G–2.* On the northeast side of the river upstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 37°00'58", longitude 76°27'23"; thence to latitude 37°00'24", longitude 76°28'06"; thence to latitude 37°01'55", longitude 76°31'19"; and thence to latitude 37°03'06", longitude 76°30'29".

(c) *East of Norfolk Harbor Channel*—(1) *Anchorage K–1.* Shoreward of a line described as follows: Beginning at the shoreward end of the jetty north of Army Base Pier No. 2, latitude 36°55'13", longitude 76°19'42"; thence along the jetty to latitude 36°55'14", longitude 76°19'46.5"; thence along the jetty to latitude 36°55'10", longitude 76°19'49.5"; thence to a point on the east side of Norfolk Harbor Channel at latitude 36°55'06", longitude 76°20'22"; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°55'36.5", longitude 76°20'20"; and thence to latitude 36°55'38", longitude 76°19'47".

(2) *Anchorage K–2.* South of a line running from Tanner Point latitude 36°54'13", longitude 76°19'25", across the mouth of Lafayette River to latitude 36°54'14", longitude 76°18'43"; and shoreward of a line described as follows: Beginning at latitude 36°52'56", longitude 76°19'08"; thence to a point on the east side of the dredged area alongside Norfolk Harbor Channel at latitude 36°53'04.5", longitude 76°19'58.5", thence northerly along the side of the dredged area to latitude 36°53'27", longitude 76°20'02"; thence northwesterly along the side of the dredged area to latitude 36°53'31", longitude 76°20'06"; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°54'45.5", longitude 76°20'19"; and thence to latitude 36°54'49", longitude 76°19'40.5".

(i) Anchorage is prohibited in the dredged channel to Lafayette River.

(3) *Anchorage K–3 (for yachts and pleasure craft).* That part of Lafayette River upstream from Anchorage K–2 and downstream from a line crossing the river below the Hampton Boulevard bridge from latitude 36°54'27.5", longitude 76°18'22.5", to latitude 36°54'11", longitude 76°18'18".

(i) Anchorage is prohibited in the dredged channel in Lafayette River.

(d) *Elizabeth River*—(1) *Anchorage H–1, West Norfolk.* An improved anchorage on the west side of Norfolk Harbor Channel, south of Craney Island, providing anchorage spaces 38 and 35 feet deep, each with a swing radius of 750 feet, and 3 anchorage spaces 20 feet deep, each with a swing radius of 500 feet, bounded as follows: Beginning at a point on the western boundary of Norfolk Harbor Channel at latitude 36°52'51.6", longitude 76°20'08.8"; thence westerly to latitude 36°52'48.2", longitude 76°20'39.3"; thence southerly to latitude 36°52'18.8", longitude 76°20'34.3"; thence easterly to latitude 36°52'22.2", longitude 76°20'03.8"; and thence northerly along the western boundary of Norfolk Harbor channel to the point of beginning.

(i) No vessel shall remain anchored in this anchorage awaiting loading for a period longer than 48 hours, except when non-availability of loading facilities, inclement weather, ice conditions, or other conditions reasonably require a longer period in awaiting turn for docking.

(ii) No vessel after receiving its load shall remain more than 12 daylight hours in this anchorage, i. e., vessels loaded during the afternoon or night shall clear the anchorage prior to the hour of darkness of the following day.

(2) *Anchorage L.* On the northeast side of Elizabeth River, south of Lambert Point, and shoreward of a line described as follows: Beginning at latitude 36°52'06.5", longitude 76°19'04.5"; thence to latitude 36°51'56.5", longitude 76°19'20"; thence to latitude 36°52'13", longitude 76°19'44.5"; and thence to latitude 36°52'21", longitude 76°19'34".

(3) *Anchorage M.* On the northeast side of Elizabeth River, opposite Pinner Point, and shoreward of a line described as follows: Beginning at latitude 36°51'29.5", longitude 76°18'37"; thence to latitude 36°51'32", longitude 76°18'45.5"; thence to latitude 36°51'42", longitude 76°19'00"; and thence to latitude 36°51'52", longitude 76°18'47.5".

(4) *Anchorage N–1, Smith Creek (for yachts and pleasure craft)*—(i) *Mowbray Arch.* Between Mowbray Arch and a line described as follows: Beginning at Ghent Bridge 150 feet from Mowbray Arch and continuing westerly the same distance therefrom to the intersection of the prolongation of the east side of Colonial Avenue; thence in a straight line to a point on the south side of Mill Street prolonged and 70 feet from Mowbray Arch; thence parallel to and 70 feet from Mowbray Arch to the south side of Pembroke Avenue prolonged; thence along the prolongation of the south side of Pembroke Avenue to a point 50 feet from Mowbray Arch; and thence in a straight line to a point on the south side of Fairfax Avenue prolonged and 40 feet from Mowbray Arch.

(ii) *The Hague.* Between the wall on the west side of the Hague and a straight line joining a point 40 feet easterly thereof in the south side of Fairfax Avenue prolonged with a point 70 feet easterly from the wall in a line perpendicular to the wall at the south end thereof.

(iii) No floats, rafts, lighters, houseboats, or other craft laid up for any reason shall be permitted within these anchorages, except by permission of the Captain of the Port.

(iv) No vessel shall anchor or moor alongside any wharf or pier in Smith Creek so as to extend more than 40 feet beyond the pierhead line except in the authorized anchorages.

(5) *Anchorage O, Hospital Point.* On the southwest side of Elizabeth River, adjacent to the Portsmouth Naval Hospital, and shoreward of a line described as follows: Beginning at latitude 36°50'57", longitude 76°18'43"; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°51'-05", longitude 76°18'23"; thence southeasterly along the side of the channel to latitude 36°50'49.5", longitude 76°18'00"; thence southeasterly along the side of the channel to latitude 36°50'33.5", longitude 76°17'50.5"; and thence to latitude 36°50'27", longitude 76°17'55".

(6) *Anchorage P, Port Norfolk.* On the southwest side of Elizabeth River, between Pinner Point and Western Branch Channel, and shoreward of a line described as follows: Beginning at latitude 36°51'25", longitude 76°19'59"; thence to latitude 36°51'44.5", longitude 76°19'47"; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°52'01", longitude 76°19'42.5"; thence southeasterly along the side of the channel to latitude 36°51'32", longitude 76°19'01"; and thence to latitude 36°51'18", longitude 76°19'16".

(e) *Eastern Branch of Elizabeth River*—(1) *Anchorage Q, Berkley.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'20", longitude 76°17'12.5"; thence to latitude 36°50'24", longitude 76°17'14.5"; thence to latitude 36°50'-22.5", longitude 76°16'58.5"; and thence to latitude 36°50'13", longitude 76°16'59".

(2) *Anchorage R*—(i) *Section 1.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'11", longitude 76°16'17";

thence to latitude 36°50'18", longitude 76°16'19"; thence to latitude 36°50'20", longitude 76°16'05"; and thence to latitude 36°50'14.5", longitude 76°16'03".

(ii) *Section 2.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'15", longitude 76°15'48.5"; thence to latitude 36°50'21", longitude 76°15'50.5"; thence to latitude 36°50'17", longitude 76°15'18"; and thence to latitude 36°50'11", longitude 76°15'20".

(iii) *Section 3.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'10", longitude 76°15'15"; thence to latitude 36°50'15.5", longitude 76°15'12.5"; thence to latitude 36°50'10.5", longitude 76°14'50"; and thence to latitude 36°50'08", longitude 76°14'51".

(iv) No vessel shall anchor within 200 feet of permanent improvements.

(3) *Anchorage S*—(i) *Section 1.* On the north side of the river, upstream from the Virginian Railway bridge, and shoreward of a line described as follows: Beginning at latitude 36°50'23", longitude 76°14'18"; thence to latitude 36°50'18.5", longitude 76°14'18"; thence to latitude 36°50'14", longitude 76°14'35"; and thence to latitude 36°50'19.5", longitude 76°14'33".

(ii) *Section 2.* On the north side of the Eastern Branch, below the mouth of Broad Creek, and shoreward of a line described as follows: Beginning at latitude 36°50'22.5", longitude 76°13'50"; thence to latitude 36°50'19.5", longitude 76°14'12.5"; and thence to latitude 36°50'24", longitude 76°14'13".

(iii) Anchorage is prohibited within 200 feet of permanent improvements.

(f) *Willoughby Bay*—(1) *Anchorage J–1 (for yachts and pleasure craft).* East of the west end of Willoughby Spit, shoreward of a line running from latitude 36°57'54", longitude 76°17'46", to latitude 36°57'50.5", longitude 76°17'49".

(2) *Anchorage J–2 (for yachts and pleasure craft).* South of Willoughby Spit, shoreward of a line described as follows: Beginning at latitude 36°57'42", longitude 76°16'21.5"; thence to latitude 36°57'44.5", longitude 76°17'27"; thence to latitude 36°57'48", longitude 76°17'43"; and thence to latitude 36°57'55.5", longitude 76°17'44".

(g) *Lower Chesapeake Bay south of Thimble Shoal Channel*—(1) *Anchorage L–A (naval).* Between Cape Henry and Little Creek, beginning at latitude 36°57'11.0", longitude 76°03'03.0"; thence to latitude 36°55'41.0", longitude 76°03'14.5"; thence to latitude 36°56'22.0", longitude 76°05'53.5"; thence to latitude 36°57'01.5", longitude 76°05'59.0"; thence to latitude 36°57'57.0", longitude 76°09'35.0"; thence to latitude 36°58'47.0", longitude 76°09'08.5"; thence to the point of beginning.

(i) This anchorage is reserved primarily for the use of naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit it to be used by merchant vessels. Movement of vessels through the area will not be restricted.

(2) *Anchorage L–C.* Northwest of Anchorage L–A, beginning at latitude 36°59'14", longitude 76°10'56.5"; thence to latitude 36°58'18.3", longitude 76°10'54"; thence to latitude 36°58'59", longitude 76°13'32.5"; thence to latitude 36°59'56", longitude 76°13'36.3"; thence to the point of beginning.

(i) This anchorage is primarily for the use of merchant vessels but the Captain of the Port may, in his discretion, permit it to be used by naval vessels, the commercial conditions at the time being given due consideration. No vessels shall occupy any berth in this anchorage without first obtaining permission from the Captain of the Port.

(3) *Anchorage L–E (for naval amphibious craft).* Southwest of Anchorage L–A, east of the Little Creek thorofare, and shoreward of a line described as follows: Beginning at Little Creek Harbor Jetty 1 light (approximately latitude 36°55'57.0", longitude 76°10'36.0"); thence to latitude 36°58'04.0", longitude 76°10'02.0"; thence to latitude 36°57'31.5", longitude 76°07'55.0"; thence to latitude 36°55'25.0", longitude 76°08'28.5".

(i) This anchorage is reserved for the exclusive use of naval vessels and, except in case of emergency, no other vessel shall anchor therein without permission from local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

(h) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Hampton Roads or adjacent waters outside of the anchorage areas established in this section or within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before release or reduction of the crew, be anchored with two anchors with mooring swivel unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside an anchorage area shall be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any other vessel, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) Upon application, a berth in an anchorage, if available, will be assigned to any vessel by the Captain of the Port. He may grant revocable permits for the habitual use of the same berth, and no vessel shall occupy a berth habitually except under authority of such a permit.

(8) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property or in laying or repairing legally established pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside an anchorage area, including any vessel which is so moored or anchored as to obstruct navigation or interfere with range lights.

(10) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(11) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws.

(54 Stat. 150; 33 U.S.C. 180, 258, 319)

§ 202.230 Puget Sound area, Wash.

(a) *The anchorage grounds*—(1) *Freshwater Bay emergency explosives anchorage, Strait of Juan de Fuca.* All of Freshwater Bay and adjacent waters shoreward of a line beginning at Observatory Point, latitude 48°09'03", longitude 123°38'12", thence due north approximately 1,150 yards to latitude 48°09'36", longitude 123°38'12"; thence 90°, approximately 6,450 yards, to latitude 48°09'36", longitude 123°33'27"; thence 180° to the shoreline.

(i) This area does not constitute an explosives anchorage for loading or discharging explosives, but is established exclusively for use by explosives laden vessels enroute to the ammunition dumping area which encounter adverse weather and sea conditions and are forced to await more favorable conditions before proceeding to sea.

(1-a) *Bellingham Bay general anchorage.* The waters of Bellingham Bay within a circular area with a radius of 2,000 yards, having its center at latitude 48°44'15", longitude 122°32'25".

(1-b) *Bellingham Bay explosives anchorage.* The waters of Bellingham Bay within a circular area with a radius of 1,000 yards, having its center at latitude 48°42'48", longitude 122°33'37".

(2) *Port Townsend explosives anchorages*—(i) *Fair weather anchorage area.* A circular area having a radius of 900 yards, whose center is at latitude 48°06'23", longitude 122°43'46".

(ii) *Foul weather anchorage area.* A circular area having a radius of 900 yards, whose center is at latitude 48°04'05", longitude 122°44'52".

(3) *Holmes Harbor general anchorage.* All of Holmes Harbor lying southerly of a line ranging 310° through Hackney Island, between the shores of Whidbey Island.

(4) *Port Gardner general anchorage, Possession Sound.* Beginning at a point bearing 211°, 560 yards, from Everett Jetty Light; thence 180°, 675 yards; thence 216°, 250 yards; thence 254°, 800 yards; thence 302°, 1,700 yards; thence 69°, 1,280 yards; thence approximately 115°, 1,525 yards, to the point of beginning.

(5) *Port Madison explosive anchorage, Puget Sound.* The waters of Port Madison south of the 3-fathom line between longitude 122°28'54" and 122°30'00", and north of latitude 47°44'00".

(6) *Thorndike Bay emergency explosives anchorage, Hood Canal.* Beginning at a point bearing 267°, 3,500 yards, from Hood Canal 5 Light; thence 180°, 1,900 yards, to a point approximately 261°, 3,725 yards, from Hood Canal 5 Light; thence 270°, 1,350 yards, to a point approximately 256°, 5,000 yards, from Hood Canal 5 Light; thence due north 1,000 yards, to a point approximately 268°, 4,900 yards, from Hood Canal 5 Light; thence approximately 90°, 1,350 yards, to the point of beginning.

(7) *Smith Cove general anchorage (west), Elliott Bay.* Shoreward of a line beginning at Fourmile Rock Light; thence to a point bearing 207°, 1,100 yards, from Fourmile Rock Light; thence southeasterly to point bearing 6°30', 2,075 yards, from Duwamish Head Light; thence due north to the shore of Smith Cove.

(8) *Smith Cove general anchorage (east), Elliott Bay.* Beginning at the intersection of the Federal pierhead line and a line drawn along the north side of Denny Way; thence westerly on said line 2,000 feet; thence northwesterly along a line paralleling the Federal pierhead line to its intersection with a straight line drawn along the east side of Pier 88; thence due north to the intersection with the Federal pierhead line; thence along said pierhead line to the point of beginning.

(9) *Elliott Bay general anchorage (east).* Shoreward of a line beginning at the northeast corner of Harbor Island; thence northerly and in a straight line to its intersection with a line drawn along the south side of King Street; thence west on said line to its intersection with the east line of West Waterway; thence along said line to the northwest corner of Harbor Island.

(10) *Elliott Bay general anchorage (west).* Shoreward of a line beginning at a point of intersection of the Federal pierhead line with a straight line drawn along the west line of West Waterway; thence north to a point intersecting a straight line drawn along the south side of Dearborn Street; thence in a westerly direction to the foot of West Fairmount Avenue.

(11) *Orchard Point general anchorage, Puget Sound.* Beginning at Orchard Point Light; thence 106°, two miles; thence 180° to the northern shore of Blake Island; thence west and south along the shoreline to the southern end of Blake Island at approximate longitude 122°29'16"; thence 250° to the dock at Harper; thence westerly and northerly along the shoreline to the point of beginning.

(12) *Blake Island explosives anchorage, Puget Sound.* Shoreward of a line bearing 90° from the south tangent of Blake Island, 2,000 yards; thence due north, 1,400 yards; thence 270°, 1,300 yards, to the east point of Blake Island.

(b) *The regulations.* (1) No vessel shall anchor in any general anchorage described in paragraph (a) of this section without prior permission from the Captain of the Port, or his authorized representative. No vessel shall occupy any general anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy a general anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port. A berth in a general anchorage, if available, may be assigned to any vessel by the Captain of the Port upon application and he may grant revocable permits for the continuous use of the same berth.

(2) Explosive anchorages are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored.

(3) Whenever any vessel not fitted with mechanical power, anchors in an explosives anchorage, the Captain of the Port may require the attendance of a tug upon such vessel, when, in his judgment, such action is necessary.

(4) Vessels carrying explosives shall comply with the general regulations in subparagraph (1) of this paragraph, when applicable.

(5) Every vessel at anchor in an explosives anchorage shall display by day a red flag at least 16 square feet in area at its mast head or at least 16 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the flag. These signals shall be in addition to day signals and lights required to be shown by all vessels when at anchor.

(6) Every vessel constructed of wood shall, unless there are steel bulwarks or metallic cases or cargo on board, be fitted with radar reflector screens of metal of sufficient size to permit target indication on the radar screen of commercial type radars.

(7) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are anchored in the area for the purpose of loading or unloading explosives display a red flag by day and a red light by night, unless special permission is granted by the Captain of the Port.

(8) No explosives handling in any explosive anchorage will be undertaken by any vessel unless personnel from the Captain of the Port are on board to supervise the handling of explosives.

(9) No vessel shall remain at anchor in any explosive anchorage unless there is on board such vessel a competent watchman or a tug in attendance.

(54 Stat. 150; 33 U.S.C. 180, 258, 319)

§ 203.75 Boston Harbor, Mass., and adjacent waters; bridges.

(a) The regulations in this section shall govern the operation of all drawbridges across Boston Harbor, Massachusetts, including the following waters in and adjacent thereto:

(1) Chelsea River.

(2) Mystic River.

(3) Malden River (excluding the Massachusetts Department of Public Works highway bridge at Medford Street, Malden).

(4) Little Mystic Channel.

(5) Charles River.

(6) Fort Point Channel (excluding therefrom the portion of Fort Point Channel lying above the easterly side of the highway bridge at Dorchester Avenue).

(7) Reserved Channel.

(8) Neponset River.

(9) Weymouth Fore River.

(10) Weymouth Back River.

(b) The owners of or agencies controlling the bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels and for assisting vessels while passing through the draws. They shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draws to open.

(c) Except as otherwise provided in paragraphs (g) to (l) of this section, the draw of each bridge shall, upon oral request or upon receiving the prescribed call signal, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided,* That the draw shall not be opened when a train or vehicle is approaching so closely that it cannot safely be stopped before reaching the draw: *Provided further,* That when any draw shall have been open for 10 minutes or longer it may be closed to permit any waiting trains, vehicles, or persons to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary it shall again be opened promptly for the passage of vessels or other watercraft if there be any such desiring to pass.

NOTE: The length of time a draw has been open shall be computed from the time that the draw begins to move in opening, and the length of time that a draw has been

closed shall be computed from the time that the draw ceases to move in closing.

(d) *Signals*—(1) *Call signal for opening of draw.* Two long blasts followed immediately by two short blasts, sounded within signaling distance of the bridge: *Provided*, That the call signal for the City of Boston bridge across Chelsea River connecting Meridian Street, East Boston, and Pearl Street, Chelsea, shall be two long blasts followed immediately by two short blasts and one long blast: *Provided further*, That the call signal for those bridges across Mystic River, Charles River, and Fort Point Channel referred to in paragraphs (g), (h), and (i) of this section, to be given by vessels entitled to passage during closed periods under the provisions of paragraphs (f) to (i), inclusive, of this section, shall be four long blasts.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Three long blasts.

(ii) *When draw cannot be opened immediately.* Two long blasts.

NOTE: As used in this section, the term "long blasts" means distinct blasts of a whistle or horn of approximately three seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn of approximately one second's duration.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) to (l) of this section prescribed where local conditions require to govern the operation of certain bridges. The special regulations shall not apply to vessels owned or controlled by the United States Government or to vessels employed by the City of Boston or other municipality for police and fire protection. All such United States and municipal vessels shall be passed without delay through the draws of all bridges at any hour day or night.

(g) *Mystic River*—(1) *Bridges from mouth to and including Boston and Maine Railroad bridge between Somerville and Medford.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:45 and 9:00 a. m., 9:10 and 10:00 a. m., and 5:00 and 6:00 p.m., except on Sundays and on legal holidays observed in the locality: *Provided*, That any vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Metropolitan District Commission highway bridge opposite Harvard Street, Medford.* (i) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance.

(ii) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between 8:00 a. m. and 4:30 p. m. on all days other than Sundays and legal holidays observed in the locality, notice to that effect shall be given to the Superintendent of Bridges, Metropolitan District Commission, Charles River Dam, Boston, Massachusetts, at least one hour in advance of the time passage is desired. Whenever an opening is required between 4:30 p. m. and 8:00 a. m. on all days other than Sundays and legal holidays observed in the locality, notice to that effect shall be given to the Superintendent of Bridges not later than 4:00 p. m. of the day preceding the Sunday or holiday on which the opening is required. In cases of emergency, the draw shall be opened promptly upon notification.

(iii) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of the special regulations in this paragraph pertaining to the bridge together with a notice stating how the Superintendent of Bridges may be reached.

(h) *Charles River*—(1) *Bridges from mouth to and including Metropolitan District Commission Bridge at Charles River Dam, except Charlestown Bridges.* The draws of all bridges except the Charlestown Bridge, from the mouth to and including the Metropolitan District Commission bridge between Boston and Cambridge (at Charles River Dam) shall not be required to be opened for the passage of vessels between 6:15 and 9:10 a. m. and 4:15 and 7:40 p. m., except on Sundays and on legal holidays observed in the locality: *Provided*, That when high tide at Charlestown Navy Yard occurs between 6:15 and 9:10 a. m., the draws shall be opened within 45 minutes before or after high tide for a period of 10 minutes for the passage of all vessels or other watercraft whose draft is 12 feet or over if there be any such desiring to pass, the exact time of opening to be prescribed by the railroad companies, due regard being had for causing minimum interference with railroad schedules, highway traffic, and the interests of navigation, and the opening time of each bridge to be so fixed as to permit continuous passage through the next and following bridges located in direction of course of the vessels or other watercraft.

(2) *Charlestown Bridge.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f), of this section shall not apply to this bridge.

NOTE: The temporary special regulations contained in paragraphs (i) and (j) are on a trial basis and are subject to review and amendment at any time by the Department of the Army.

(i) *Fort Point Channel*—(1) *City of Boston highway bridges at Northern Avenue, Congress Street, and Summer Street.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:00 and 9:00 a. m. and 4:30 and 6:30 p. m., except on Sundays and legal holidays observed in the locality: *Provided*, That any vessel or other watercraft preceding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Congress Street and Summer Street Bridges.* The draws of these bridges shall not be required to open for the passage of vessels between 4:00 p. m. and 9:30 a. m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1, the draws shall not be required to open for the passage of vessels before 9:30 a. m. and after 4:00 p. m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31, the draws shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

(j) *Reserved Channel.* The draw of the Summer (L) Street Bridge shall not be required to be opened for the passage of vessels between 4:00 p. m. and 9:30 a. m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1, the draw shall not be required to open for the passage of vessels before 9:30 a. m. and after 4:00 p. m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31, the draw shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

(k) *Dorchester Bay.* The draw of Dorchester Bay Highway Bridge on William T. Morrissey Boulevard (Old Colony Parkway) between Savin Hill and Commercial Point, Dorchester, Massachusetts, shall not be required to be opened for the passing of vessels from 7:30 a.m. to 9:00 a.m., and from 4:30 p.m. to 6:00 p.m. every day of the week except Saturdays, Sundays or legal holidays observed in the locality and except in case of emergency or during extreme storm conditions.

(l) *Neponset River.* (1) The New York, New Haven and Hartford Bridge and the highway bridges at Neponset Avenue and Granite Avenue, shall not be required to be opened for the passage of vessels from November 1 to April 30, inclusive, between the hours of 10:00 p. m. and 6:00 a. m., except on at least a 24-hour notice in advance of the time an opening is required.

(2) The 24-hour advance notice will not apply to vessels owned or operated by the United States nor to vessels employed for police and fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owner or agency operating the bridge shall, upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(3) The owners or agencies controlling the bridges shall keep conspicuously

posted on both sides of the bridges, in a position where it can be easily read at any time, a copy of the regulations of this section together with a notice stating to whom the advance notice should be given and directions for communicating with such person.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499)

§ 203.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Arm of Eastchester Bay; City of New York highway bridge between Rodman Neck and City Island. At least 24 hours' advance notice required.

(2) Bronx River; City of New York highway bridge at Westchester Avenue. At least 24 hours' advance notice required, except that the draw shall be opened for the passage of vessels owned, controlled or employed by the United States or by the City of New York, with the least possible delay upon receipt of oral or written notice.

(3) Bronx River; New York, New Haven and Hartford Railroad Company bridge, north of Westchester Avenue. The draw need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) of this section shall not apply to this bridge.

(4) Flushing Creek; City of New York highway and rapid transit bridge at Roosevelt Avenue. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(5) Coney Island Creek; City of New York highway bridges at Harway (Cropsey) and at Stillwell Avenues. At least 24 hours' advance notice required, except that the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

(6) Coney Island Creek; New York City Transit Authority bridge near Stillwell Avenue. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(7) Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, New York. At least 24 hours' advance notice required, except that the draw shall be opened promptly at any time for the passage of vessels owned, controlled or employed by the United States or by the City of New York, upon reasonable notice.

(8) Richmond Creek; City of New York highway bridge at Richmond Avenue, Staten Island. At least 24 hours' advance notice required.

(9) *Peekskill (Annsville) Creek; New York Central Railroad Company bridge near Peekskill, N.Y.* The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(10) Wappinger Creek; New York Central System bridge at New Hamburg. During the period May 15 to October 15, inclusive, a draw tender will be on duty from 5:00 a.m. to 9:00 p.m. At all other times at least 12 hours' advance notice required. Notice may be given to the Chief Dispatcher, New York Central System, Albany, N.Y., or New York, N.Y.

(11) Lake Champlain; Vermont Department of Highways bridge across Alburg Passage, between Alburg Tongue and North Hero Island, at South Alburg, Vt. At least one hour's advance notice required.

(12) Lake Champlain; Vermont Department of Highways bridge across entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg, Vt. At least 24 hours' advance notice required.

(13) Tonawanda Creek; The New York Central Railroad Company bridge between Tonawanda and North Tonawanda. From December 16 to March 31, inclusive, at least 12 hours' advance notice required. From April 1 to December 15, inclusive, the bridge shall be left in full open position whenever a draw tender is not in attendance.

(14) Tonawanda Inner Harbor (Little River); the New York Central Railroad Company bridge between Island Street, North Tonawanda and Tonawanda Island. At least 24 hours' advance notice required.

(15) Genesee River; New York Central Railroad Company bridge at mile 0.9 in Rochester Harbor. From December 16 to March 31, inclusive, at least 12 hours' advance notice required. From April 1 to December 15, inclusive, the draw shall be opened promptly for the passage of any vessel unable to pass under the closed bridge.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499)

§ 203.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Overpeck Creek, New York, Susquehanna and Western Railroad Company bridge and West Shore Railroad Company (New York Central System) bridge at Ridgefield Park. From January 1 to March 31, inclusive, the bridges need not be opened for the passage of vessels. From April 1 to December 31, inclusive, at least 2 hours' advance notice required, except from May 1 to November 30, inclusive, between the hours of 8 a.m. and 5 p.m., the bridges will be opened promptly upon signal for the passage of vessels, in accordance with the regulations contained in § 203.200.

(2) Passaic River, Passaic and Bergen Counties highway bridges at Market Street and at West Eighth Street, Passaic. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e) of this section shall not apply to these bridges.

(3) Elizabeth River; The Central Railroad Company of New Jersey bridge and Union County bridges at Baltic Street, Summer Street, South Street, and Bridge Street, in the City of Elizabeth. The draws need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) inclusive, of this section shall not apply to these bridges.

(4) Elizabeth River; Union County Bridge at South First Street in the City of Elizabeth. At least three hours' advance notice required.

(5) Woodbridge Creek; Middlesex County highway bridge and The Central Railroad Company of New Jersey bridge at Maurer. At least four hours' advance notice required.

(6) Shrewsbury River (South Branch) at junction of Parker Creek and Oceanport Creek; Monmouth County Gooseneck Highway Bridge. From November 1 to April 30, inclusive, at least four hours' advance notice required. At all other times and in all other respects the regulations contained in § 203.215 shall govern the operation of this bridge.

(7) Oceanport Creek; The New York and Long Branch Railroad Company bridge near Oceanport. At least four hours' advance notice required.

(8) Beaver Dam Creek; Ocean County highway bridge near Point Pleasant. At all times during January, February, March and December and between 4:00 p.m. and 8:00 a.m., during April, May, October and November, at least 24 hours' advance notice required. At all other times the regulations in § 203.220 shall govern the operation of this bridge.

(9) Patcong Creek; Atlantic County highway bridge 0.5 mile upstream from the mouth. At least 24 hours' advance notice required

(10) Tuckahoe River; New Jersey State Highway Department bridge at Tuckahoe. At least 24 hours' advance notice required.

(11) Great Channel; Cape May County Bridge Commission bridge between Stone Harbor and Nummy Island. From November 1 to April 30, inclusive, at least 24 hours' advance notice required.

(12) Maurice River; New Jersey State Highway Department bridge at Main Street, Millville. At least 24 hours' advance notice required.

(13) Manantico Creek; New Jersey State Highway Department bridge near Millville. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(14) Cohansey River; New Jersey State Highway Department bridge at Broad Street, Bridgeton. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

(15) Alloway Creek; Salem County highway bridges at Hancocks Bridge and at Upper Hancocks Bridge, and New Jersey State Highway Department bridge at Quinton. At least 24 hours' advance notice required.

(16) Oldmans Creek; New Jersey State Highway Department bridge near Nortonville, Pennsylvania-Reading Seashore Lines railroad bridge near Pedricktown, and Salem County highway bridge at Pedricktown. At least 24 hours' advance notice required.

(17) Woodbury Creek; Gloucester County highway bridge at National Park. At least 24 hours' advance notice required during December, January and February of each year.

(18) Delaware River (back channel); The Pennsylvania Railroad Company bridge between Petty Island and Camden. At least 24 hours' advance notice required.

(19) Rancocas River; Burlington County highway bridge and Pennsylvania Railroad Company bridge between Riverside and Delanco, New Jersey State Highway Department bridge at Bridgeboro, and Burlington County highway bridge at Centerton. Between 11:00 p.m. and 7:00 a.m. each day of the year the draws of these bridges need not be opened for the passage of vessels. At least 24 hours' advance notice required for opening these bridges between 7:00 a.m. and 11:00 p.m. during January, February, March and December.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499)

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth, in paragraphs (f) to (j) inclusive, of this section. At all times not covered by the regulations in this section, and in all other respects, the regulations contained in §203.240 shall govern the operation of these bridges.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(f) *Waterways discharging into Chesapeake Bay.* (1) Susquehanna River, Md.; The Pennsylvania Railroad Company bridge at Perryville. At least 24 hours' advance notice required.

(2) *Bohemia River, Md.; Maryland State Roads Commission bridge at Cayots.* From May 30 to September 30, inclusive, except on Saturdays, Sundays, State and Federal holidays, between sunrise and sunset, and from October 1 to May 29, inclusive, except between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened except upon 3 hours' advance notice. From October 1 to May 29, inclusive, between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened except upon advance notice given prior to 7:00 p. m. on Friday. From May 30 to September 30, inclusive, between sunrise and sunset on Saturdays, Sundays, State and Federal holidays, the regulations contained in § 203.240 shall govern operation of this bridge.

(3) Bush River, Md.; The Pennsylvania Railroad Company bridge at Bush River. From June 1 to September 30, inclusive, the draw will be required to be opened not more than two times each day on Saturdays and Sundays only between 10:00 a. m. and 5:00 p. m., on receipt of at least 24 hours' advance notice from the duly authorized representative of the Bush River Boat Club. At all other times the draw need not be opened for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the representative of the Bush River Boat Club may be reached.

(4) Chester River, Md.; Maryland State Roads Commission bridge at Chestertown. From October 1 to March 31, inclusive, and between 6 p. m. and 6 a. m. from April 1 to September 30, inclusive, at least six hours' advance notice required. Between 6 a. m. and 6 p. m. from April 1 to September 30, inclusive, the regulations contained in § 203.240 shall govern operation of this bridge.

(5) Bear Creek, Md.; The Baltimore County Revenue Authority highway toll bridges between Dundalk and Sparrows Point, Miles 1.3 and 1.8. Between the hours of 12 midnight and 8:00 a.m., inclusive (except Saturdays, Sundays, and the national and State legal holidays between April 16 and November 15 inclusive), at least one-half hour advance notice required.

(6) Colgate Creek, Md.; City of Baltimore highway bridge at Baltimore. At least 5 hours' advance notice required.

(7) Dorseys Creek, Md.; United States Naval Academy highway and railroad bridges, and Maryland State Roads Commission bridge at Annapolis. At least 5 hours' advance notice required.

(8) Dorseys Creek, Md.; Baltimore and Annapolis Railroad Company bridge at Annapolis. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(9) Weems Creek, Md.; Anne Arundel County highway bridge at West Annapolis. From October 1 to April 30, inclusive, and between sunset and sunrise from May 1 to September 30, inclusive, at least five hours' advance notice required.

(10) South River, Md.; Maryland State Roads Commission bridge at Edgewater. From December 1 to March 31, inclusive, the draw will not be required to be opened except upon at least 3 hours' advance notice for openings between 10:00 a.m. Monday and 7:30 p.m. Friday, inclusive, such notice to be given between 7:00 a.m. and 4:30 p.m. Monday through Friday; and the draw will not be required to be opened from 7:30 p.m. Friday until 10:00 a.m. Monday except upon advance notice given between 7:00 a.m. and 4:30 p.m. Monday through Friday. From April 1 to November 30, inclusive, the regulations contained in § 203.240 shall govern operation of this bridge.

(11) South River, Md.; Anne Arundel County highway bridge at Riva. Between sunset and sunrise, at least five hours' advance notice required: *Provided*, That any notice is sufficient if given directly to the draw tender while on duty.

(12) Choptank River, Md.; Baltimore and Eastern Railroad Company bridge at Denton. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(13) Marshyhope Creek, Md.; Maryland State Roads Commission bridge at Brookview. Between sunrise and sunset, at least six hours' advance notice required. Between sunset and sunrise the draw need not be opened for the passage of vessels.

(14) Broad Creek River, Del.; Pennsylvania Railroad Company bridge at Laurel. At least four hours' advance notice required.

(15) Patuxent River, Md.; Maryland State Roads Commission bridge at Benedict. Between 6:00 p. m. and 6:00 a. m. (local time), advance notice required, to be given verbally or by telephone to the Toll Captain at the Administration Building at the east end of the bridge before 6:00 p. m. The owner of or agency controlling the bridge shall keep a complete record of all openings of the draw in such form as may be prescribed by the District Engineer, Corps of Engineers, and shall report to him all cases where the draw has been required to be kept open for an unreasonable length of time.

(16) Neale Sound, Md.; Maryland State Roads Commission bridge between Cobb Island and Cobb Neck. Between sunset and sunrise the draw need not be opened for the passage of vessels.

(17) Pocomoke River, Md.; Maryland State Roads Commission bridge at Snow Hill. At least five hours' advance notice required.

(18) Onancock River (Warrington Branch), Va.; highway bridge at Onancock. At least three hours' advance notice required.

(19) Kinsale Creek, Va.; Virginia Department of Highways bridge at Kinsale. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(20) Great Wicomico River, Va.; Virginia Department of Highways bridge at Tipers Ferry. Between 6:00 p. m. and 6:00 a. m., advance notice required to be given to the draw tender on duty at the bridge before 6:00 p. m.

(21) Urbanna Creek, Va.; Middlesex County highway bridge at Urbanna. On Sundays and between sunset and sunrise on all other days from September 16 to May 31, inclusive, and between 9:30 p. m. and sunrise daily from June 1 to September 15, inclusive, the draw need not be opened for the passage of vessels.

(22) Cat Point Creek, Va.; Virginia Department of Highways bridge near Warsaw. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(23) Chuckatuck Creek, Va.; Virginia Department of Highways bridge at Crittenden. Between 9:00 p. m. and 5:00 a. m., at least 30 minutes' advance notice required to be given to the person in charge of the Nansemond River Bridge Toll Plaza. Between 5:00 a. m. and 9:00 p. m., the regulations contained in § 203.240 shall govern the operation of this bridge.

(24) Elizabeth River, Eastern Branch, Va.; City of Norfolk highway bridge (Campostella Bridge) at Norfolk. Between 7:35 a. m. and 7:50 a. m., on week days only, the draw need not be opened except for the passage of tugs with tows.

(25) Elizabeth River, Western Branch, Va.; Atlantic Coast Line Railroad Company bridge at Bruce. Between 1:00 a.m. and 6:00 a.m., from April 1 to October 31, inclusive, at least 8 hours' advance notice required. Any vessel operator intending to make a return passage through the bridge during this period shall notify the bridge tender prior to 6:00 a.m. of the time he desires to make the return passage and the draw shall be opened at the specified time. From November 1 to March 31, inclusive, at least 4 hours' advance notice required.

(26) Elizabeth River, Western Branch, Va.; Virginia Department of Highways bridge at Hodges Ferry. At least eight hours' advance notice required.

(27) Baines Creek, Va.; Atlantic Coast Line Railroad Company bridge at Portsmouth. At least 24 hours' advance notice required.

(28) Nansemond River, Western Branch, Va.; Virginia Department of Highways bridge at Reid's Ferry. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(29) *Appomattox River, Va.; Seaboard Air Line Railroad Company bridge near Hopewell.* At least 24 hours' advance notice required, such notice to be given to the Seaboard Air Line Railroad Agent at Hopewell, Virginia: Provided, that a drawtender shall be placed in constant attendance, on 30 days' notice in writing from the District Engineer, Corps of Engineers.

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston*—(1) Pasquotank River, N. C.; Norfolk Southern Railway Company bridge at Elizabeth City; from 3:30 p. m. to 11:30 p. m., the bridge will be operated in full open posiiton. Between 11:30 p. m. and 3:30 p. m., the regulations prescribed in § 203.240 shall govern the operation of the drawspan.

(2) Kendrick (Mackay) Creek, N. C.; Norfolk Southern Railway Company bridge at Mackeys. At least eight hours' advance notice required.

(3) Scuppernong River, N. C.; North Carolina State Highway and Public Works Commission bridges at Creswell and Cross Landing. At least 24 hours' advance notice required.

(4) *Pamlico and Tar Rivers, N.C., North Carolina State Highway Commission bridges at Washington and near Grimesland.* At least 24 hours' advance notice required: *Provided*, That the bridge owner will restore constant attendance when, in the opinion of the District Engineer, Corps of Engineers, river traffic warrants additional service.

(5) Neuse River, N.C.; Atlantic and East Carolina Railway Company bridge at Kinston and drawbridges upstream therefrom. At least 24 hours' advance notice required.

(6) Trent River, N.C.; Atlantic Coast Line Railroad Company bridge at Pollocksville, and drawbridges upstream therefrom. At least 24 hours' advance notice required.

(7) Newport River, N.C.; Atlantic and East Carolina Railway Company bridge at Newport. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(8) New River, N.C.; Atlantic Coast Line Railroad Company bridge at Jacksonville. At least 24 hours' advance notice required.

(9) Smiths Creek, N.C.; North Carolina State Highway and Public Works Commission bridge in Wilmington. At least 24 hours' advance notice required.

(10) Northeast River, N.C.; Atlantic Coast Line Railroad Company bridge at Castle Hayne. Between 7:30 a.m. and 4:30 p.m. Monday through Friday of each week, the draw will be opened for the passage of vessels on signal. At all other times, the draw will be closed and the bridge unattended: *Provided*, That the draw will be opened for tugs with tows upon 24 hours' advance notice.

(11) Kingston Lake, S. C.; South Carolina State Highway Department bridge near Conway. At least 24 hours' advance notice required.

(12) Pee Dee River, S. C.; Seaboard Air Line Railway Company bridge near Poston. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(13) Pee Dee River, S. C.; South Carolina State Highway Department bridge near Georgetown (Pee Dee River drawspan of the Lafayette Bridge). At least 12 hours' advance notice required.

(14) Black River, S. C.; South Carolina State Highway Department bridge near Georgetown. At least 12 hours' advance notice required. South Carolina State Highway Department bridge at Brown's Ferry near Rhems. At least 24 hours' notice required. The agency controlling the above bridges shall arrange for its representative to be reached at the same place that the representative for the Lafayette Bridge (Great Pee Dee River) may be reached in order that

one notice may suffice to secure the prompt opening of any or all of these bridges.

(15) Santee and Congaree Rivers, S. C.; drawbridges upstream from South Carolina State Highway Department bridge near Lanes. At least 24 hours' advance notice required.

(16) Wando River, S. C.; South Carolina State Highway Department bridge near Cainhoy. At least 12 hours' advance notice required.

(17) Cooper River, S. C.; Seaboard Air Line Railway Company bridge near Cordesville. At least 24 hours' advance notice required: *Provided*, That a draw tender shall be placed in constant attendance on 10 days' notice in writing from the District Engineer, Corps of Engineers.

(18) Ashley River, S.C.; South Carolina State Highway Department bascule bridges at mile 2.4 and mile 2.5 above the mouth of the river at Charleston. Between 7:00 a.m., and 9:00 a.m., Monday through Friday, and between 4:00 p.m., and 7:00 p.m., daily, at least 12 hours' advance notice required: *Provided*, That the draw shall be opened at any time for a vessel in an emergency involving danger to life and property. Such emergency shall be indicated by four blasts of the signalling device.

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* (1) Rantowles Creek, S.C.; Atlantic Coast Line Railroad Company bridge near Rantowles. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(2) Edisto River, S.C.; Seaboard Air Line Railway Company bridge near Fenwick. At least 24 hours' advance notice required.

(3) Ashepoo River, S.C.; South Carolina State Highway Department bridge at Brickyard Ferry near Bennetts Point. At least 24 hours' advance notice required. Any vessel navigating Ashepoo River with the intention of making repeated trips shall notify the authorized representative of the owner of or agency controlling the bridge of the expected frequency of such trips. The bridge shall then be maintained in readiness to open promptly upon signal from the vessel without any further notice. Repeated trips shall be understood to mean trips not more than 24 hours apart.

(4) Ashepoo River, S.C.; Seaboard Air Line Railway Company bridge near Fenwick. At least 96 hours' advance notice required: *Provided*, That a draw tender shall be placed in constant attendance on 10 days' notice in writing from the District Engineer, Corps of Engineers.

(5) Harbor River, a tidal estuary in St. Helena Sound, S. C.; South Carolina State Highway Department bridge on State Highway No. 285 at Hunting Island. At least 24 hours' advance notice required.

(6) Combahee River, S.C.; Seaboard Air Line Railway Company bridge near Wiggins and South Carolina State Highway Department bridge near Sheldon. At least 12 hours' advance notice required.

(7) North Wimbee Creek, S.C.; Seaboard Air Line Railway Company bridge near Lobeco. At least 24 hours' advance notice required.

(8) Coosaw River (Whale Branch), S. C.; Charleston and Western Carolina Railway Company bridge near Seabrook and the South Carolina State Highway Department bridge on State Highway No. 28 between Beaufort and Yemassee near Lobeco. From 8:00 p. m. Saturday to 6:00 a. m. Monday and from 8:00 p. m. to 6:00 a. m. on all other days, at least 24 hours' advance notice required.

(9) Battery Creek, S.C.; South Carolina State Highway Department bridge between Beaufort and Parris Island. At least 24 hours' advance notice required.

(10) Broad River, S.C.; South Carolina State Highway Department bridge near Beaufort. At least 24 hours' advance notice required.

(11) Broad River, S.C.; Seaboard Air Line Railway Company bridge near Whale Branch. At least 24 hours' advance notice required.

(12) Savannah River, S.C., and Ga.; Charleston & Western Carolina Railway Company bridge near Augusta, Ga. At least three hours' advance notice required.

(13) Ogeechee River, Ga. The Atlantic Coast Line Railroad Company bridge near Richmond Hill (Ways Station). At least 15 days' advance notice required.

(14) Ogeechee River, Ga. The State Highway Department of Georgia bridge near Richmond Hill. The draw need not not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

15) Altamaha River, Ga.; all drawbridges. At least 24 hours' advance notice required.

(16) Oconee River, Ga.; drawbridges downstream from Central of Georgia Railroad Company bridge at Oconee. At least 24 hours' advance notice required.

(17) Oconee River, Ga.; Central of Georgia Railway Company bridge at Oconee. At least seven days' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

(18) Ocmulgee River, Ga.; all drawbridges. At least 24 hours' advance notice required.

(19) Satilla River, Ga.; Seaboard Air Line Railroad Company bridge at Woodbine. (i) The owner of, or agency controlling, the bridge will not be required to keep a bridge tender in constant attendance between the hours of 7:00 p.m. and 3:00 a.m.

(ii) Whenever, in the event of an emergency, a vessel requires passage through the drawspan between the hours stated in subdivision (i) of this subparagraph the authorized representative of the owner of, or agency controlling, the bridge shall be given at least six (6) hours' advance notice of the time the opening is desired.

(iii) Upon receipt of such notice, the authorized representative of the owner of, or agency controlling, the bridge, in compliance therewith; shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(iv) The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of the regulations of this subparagraph, together with a notice stating exactly how the representative specified in subdivision (ii) of this subparagraph may be reached.

(20) Satilla River, Ga.; State Highway Department of Georgia bridge near Burnt Fort. At least 24 hours' advance notice required.

(21) St. Marys River, Ga. and Fla.; State Road Department of Florida and Seaboard Air Line Railway Company bridges at Kingsland, Ga. At least 48 hours' advance notice required.

(22) Nassau Sound Fla.; Fernandina Port Authority bridge on Toll Road No. 105 between Fernandina and Jacksonville. From one hour after sunset to one hour before sunrise, the times of sunset and sunrise being as published by the United States Hydrographic Office for latitude 30° north, the draw need not be opened for the passage of vessels.

(23) Clapboard Creek and Broward River (Cedar Creek), Fla.; bridges on Heckscher Drive. At least 12 hours' advance notice required.

(24) Trout River, Fla.; Seaboard Air Line Railroad Company bridge at Panama. Between 10:00 p.m. and 6:00 a.m. at least 12 hours' advance notice required. At all other times the regulations contained in § 203.240 shall govern the operation of this bridge.

(25) Jupiter (Loxahatchee) River, Fla.; Florida East Coast Railway Company bridge at Jupiter. Between 7:00 p. m. and 7:00 a. m., at least three hours' advance notice required.

(26) Kissimmee River, Fla.; State Road Department of Florida bridge 0.5 mile above the mouth of the river on State Road 78, C. H. Carlton bridge 2.7 miles above the mouth, State Road Department of Florida bridge 19.5 miles above the mouth on State Road 70, and Seaboard Air Line Railroad bridge 37 miles above the mouth at Fort Basinger. At least 48 hours' advance notice required.

(27) Kissimmee River, Fla.; State Road Department of Florida bridge near Basinger (at Fort Bassenger). At least 96 hours' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* (1) Caloosahatchee Canal, Fla.; Atlantic Coast Line Railroad Company bridge at Moore Haven. Between 10:00 p. m. and 6:00 a. m., the draw need not be opened for the passage of vessels.

(2) Orange River, Fla.; State Road Department of Florida bridge 0.9 mile above mouth and Seaboard Air Line Railway Company bridge 2.25 miles above mouth, near Fort Myers. At least 24 hours' advance notice required, except during a hurricane alert issued by the United States Weather Bureau affecting the area adjacent to Caloosahatchee and Orange Rivers when a draw tender shall be constantly on duty and the bridge opened at any time for the passage of vessels giving the usual signal.

(3) Myakka River, Fla.; railroad drawbridge near Charlotte Beach. At least 36 hours' advance notice required.

(4) Coffee Pot Bayou, St. Petersburg, Fla.; highway bridge at foot of Poplar Street. At least one hour's advance notice required.

(5) Pithlachascotee River, Fla.; State Road Department of Florida bridge 1.3 miles above mouth at New Port Richey. At least six hours' advance notice required, except during a hurricane alert issued by the United States Weather Bureau affecting the area when a draw tender shall be constantly on duty and the bridge opened promptly on signal.

(6) Suwannee River, Fla.; Atlantic Coast Line Railroad Company bridge at Old Town. At least five days' advance notice required.

(7) Flint River, Ga.; Seaboard Air Line Railway Company bridge and Atlantic Coast Line Railroad Company bridge at Bainbridge. At least 24 hours' advance notice required.

(8) Chattahoochee River, Ga. and Ala; State of Alabama Highway Department bridge on U.S. Highway 84 and Atlantic Coast Line Railroad Company bridge at Alaga, Ala., Central of Georgia Railway Company bridge at Columbia, Ala., and Seaboard Air Line Railway Company bridge near Omaha, Ga. At least 6 hours' advance notice required.

(9) St. Andrew Bay (East Day), Fla.; State Road Department of Florida bridge (DuPont Bridge) on U.S. Highway 98 between San Blas and Long Point. Between 6:30 a.m. and 7:45 a.m. and between 3:45 p.m. and 4:45 p.m., except Saturdays, Sundays, and national holidays, the draw need not be opened for the passage of vessels: *Provided*, That the draw shall be opened at any time for the passage of a tow or crash boat: *And provided further*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property which shall be indicated by four blasts of the signal device.

(10) Choctawhatchee River, Fla.; State Road Department of Florida bridge on State Road No. 10 approximately 14 miles east of Freeport. At least 12 hours' advance notice required.

(11) Bayou Chico, Florida. Escambia County bridge in Pensacola. Between 7:30 a.m. and 8:30 a.m., 3:30 p.m. and 4:30 p.m., and 5:00 p.m. and 5:30 p.m., except Saturdays, Sundays and national holidays, the draw need not be opened for the passage of vessels: *Provided*, That the draw shall be opened at any time for the passage of a tow: *And provided further*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property which shall be indicated by four blasts of the signalling device.

(12) Alabama River, Ala.; St. Louis-San Francisco Railway Company bridge at Yellow Bluff, near Coy. At least 48 hours' advance notice required.

(13) Coosa River, Ala.; Seaboard Air Line Railway Company bridge at Lock.

At least 24 hours' advance notice required.

(14) Coosa River, Ala.; Louisville and Nashville Railroad Company bridge at Gadsden. At least six hours' advance notice required.

(15) Tombigbee River, Ala.; Southern Railway Company bridge near Epes. At least 24 hours' advance notice required, to be given to the railroad company's station agent at Epes between 8:00 a. m. and 4:00 p. m. on any day except Saturdays and Sundays, either by telephone maintained on the bridge by the railroad company for the purpose or in any other manner convenient to the operator of the vessel.

(16) Tensaw River, Alabama. State of Alabama Highway Department bridge over the Tensaw River on U.S. Highway No. 90 near Mobile, Alabama. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

(17) Tensaw River, Alabama; Louisville and Nashville Railroad Company bridge near Mobile. Between 12:00 midnight and 8:00 a. m., the draw will not be required to open except in an emergency for the passage of fire boats and patrol boats operated by the Maritime Administration for security of vessels within the Mobile Reserve Fleet Anchorage extending above and below the bridge: *Provided*, That during periods of severe storms or hurricanes from the time the United States Weather Bureau sounds an "Alert" for the area until the "all clear" is sounded or for such period as the Fleet Superintendent, Mobile Reserve Fleet, may request, draw tenders will be constantly on duty and the draw opened on signal for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the draw tender may be reached.

(18) Bayou Sara, Ala.; Louisville and Nashville Railroad Company bridge near Satsuma. Between 6 a.m. and 10 p.m., daily, the bridge will be opened on signal for the passage of vessels. Between 10 p. m. and 6 a. m., daily, at least 4 hours' advance notice required, except during hurricane alerts for the area when a draw tender will be on duty and the bridge opened on signal for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the draw tender may be reached by telephone or otherwise between 10 p. m. and 6 a. m.

(19) Three Mile Creek, Ala.; State of Alabama Highway Department bridge at Mobile. Between 7:00 a. m. and 9:00 a. m. and between 4:30 p. m. and 6:30 p. m. daily the draw need not be opened for the passage of vessels. At all other times, at least 12 hours' advance notice required.

(20) *Three Mile Creek, Alabama.* Southern Railway Company bridge at Mobile. On Sundays, legal holidays, and between 4:00 p.m. and 8:00 a.m. on all other days, the draw need not be opened for the passage of vessels, except in the event of emergency. At all other times, and in all other respects the regulations contained in § 203.240 shall govern the operation of this bridge. Whenever in the event of an emergency, a vessel is required to pass through the drawspan on Sunday, legal holidays, or between 4:00 p.m. and 8:00 a.m., the draw shall be opened promptly upon receipt of notice by the drawtender, who is domiciled in the immediate vicinity of the bridge. The notice posted in accordance with paragraph (d) of this section shall state how the drawtender may be reached.

(21) West Pearl River, La.; New Orleans and Northeastern Railroad Company bridge at Pearl River Station. At least six hours' advance notice required.

(22) Salt Bayou, La.; Louisiana Department of Highway bridge near Slidell. At least 24 hours' advance notice required.

(23) Bayou Lacombe, La.; Louisiana Department of Highways bridge at Lacombe. At least 48 hours' advance notice required.

(24) Bayou Bienvenue, La.; Louisiana Department of Highways bridge near Chalmette. At least 24 hours' advance notice required.

(25) Amite River, La.; Louisiana Department of Highways bridge near French Settlement. At least 48 hours' advance notice required.

(26) Bayou Colyell, La.; Louisiana Department of Highways bridge near Port Vincent. At least 48 hours' advance notice required.

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* (1) Bayou Lafourche, La.; Texas and New Orleans Railroad Company bridge at Lafourche. At least 48 hours' advance notice required.

(2) Bayou Lafourche, La.; Louisiana Department of Highways bridge at Thibodaux. At least 48 hours' advance notice required.

(3) Bayou Lafourche, La.; Louisiana Department of Highways bridge at Labadieville. At least 48 hours' advance notice required.

(4) Bayou Lafourche, La.; Louisiana Department of Highways bridge and The Texas and Pacific Railway Company bridge near Napoleonville. At least 24 hours' advance notice required.

(5) Grand Bayou, La.; State of Louisiana Department of Highways bridge near Paincourtville. At least 24 hours' advance notice required.

(6) Bayou Black, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Southdown. At least 24 hours' advance notice required.

(7) Bayou Black, La.; Louisiana Department of Highways bridge near Gibson. At least 24 hours' advance notice required.

(8) Little Bayou Black, La.; Texas and New Orleans Railroad Company bridge at Southdown. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive of this section shall not apply to this bridge.

(9) Bayou Grosse Tete, La.; The Texas and Pacific Railway Company bridge at Grosse Tete, and Louisiana Department of Highways bridge near

Rosedale. At least 48 hours' advance notice required.

(10) Bayou Teche, La.; Louisiana Department of Highways bridge at Ruth. At least 48 hours' advance notice required.

(11) Bayou Teche, Louisiana: State of Louisiana, Department of Highways, and Southern Pacific Lines (Morgan's Louisiana and Texas Railroad and Steamship Company) bridges at Breaux Bridge, at least 48 hours' advance notice required.

(12) Stumpy Bayou, La.; Louisiana Department of Highways bridge near Weeks Island. At least six days' advance notice required.

(13) Bayou Courtableau, La.; Texas and New Orleans Railroad Company bridge at Washington. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(14) Vermilion River, La.; Louisiana Department of Highways bridge near Lafayette. At least 48 hours' advance notice required.

(15) Bayou Des Cannes, La.; Louisiana Department of Highways bridge near Evangeline. At least 48 hours' advance notice required.

(16) Bayou Plaquemine Brule, La.; Texas and New Orleans Railroad Company bridge near Midland. At least 24 hours' advance notice required.

(17) Bayou Nezpique, La.; Louisiana Department of Highways bridge near Jennings. At least 48 hours' advance notice required.

(18) Bayou Choupique, La.; Louisiana Department of Highways bridges near Calcasieu. At least 48 hours' advance notice required.

(19) Bayou Lacassine, La.; State of Louisiana, Department of Highways, bridge near Hayes. At least 24 hours' advance notice required.

(20) Bayou Lacassine, La.; Texas and New Orleans Railroad Company bridge near Hayes. At least 24 hours' advance notice required.

(21) Bayou D'Inde, La.; Louisiana Department of Highways bridge. At least 48 hours' advance notice required.

(22) Bayou D'Inde, La.; railroad bridge of Defense Plant Corporation, Cities Service Refining Corporation, Agent. At least 72 hours' advance notice required.

(23) Contraband Bayou, La.; Police Jury of Calcasieu Parish highway bridge near Lake Charles. At least six hours' advance notice required.

(24) Houston River, La.; The Kansas City Southern Railway Company bridge near Lake Charles. At least 24 hours' advance notice required.

(25) English Bayou, La.; Louisiana Department of Highways bridge near Lake Charles. At least 48 hours' advance notice required.

(26) Sabine River, La. and Tex.; Texas and New Orleans Railroad Company bridge near Echo, Tex., The Kansas City Southern Railway Company bridge near Ruliff, Tex., and Texas and Louisiana Highway Departments bridge between Starks, La., and Deweyville, Tex. At least 24 hours' advance notice required.

(27) Cow Bayou, Tex.; Orange County highway bridges 7 and 17 miles, respectively, above the mouth, near Orangefield. At least six hours' advance notice required.

(28) Taylors Bayou, Tex.; Texas and New Orleans Railroad Company bridge and Texas Highway Department bridge at West Port Arthur. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(29) Buffalo Bayou, Tex.; Texas and New Orleans Railroad Company bridge 0.1 mile above Houston Turning Basin, Houston, and drawbridges upstream therefrom. At least 24 hours' advance notice required.

(30) Brays Bayou, Tex.; Harris County highway bridge at Broadway, Harrisburg. At least 12 hours' advance notice required.

(31) Brazos River, Tex.; combination highway and railroad bridge between Freeport and Velasco. At least 24 hours' advance notice required.

(32) Brazos River Diversion Channel, Tex.; highway bridge near Freeport. At least 12 hours' advance notice required.

(33) Colorado River, Tex.; Texas Highway Department bridge near Wadsworth. At least 24 hours' advance notice required.

(34) Lavaca River, Tex.; St. Louis, Brownsville and Mexico Railway Company and Texas Highway Department bridges near Vanderbilt. At least 48 hours' advance notice required, except in emergencies, when the bridge will be opened as soon as possible after receipt of notice.

(35) Nueces Bay, Tex.; Texas Highway Department bridge between Corpus Christi and Portland. On Sundays, Texas State holidays, and National holidays, and between 9:00 p. m. and 6:00 a. m. on all other days, advance notice required; to be given prior to 8:00 p. m. on a day a draw tender is required to be in attendance: *Provided*, That during a hurricane alert or in the event of a major disaster affecting the Nueces Bay area a draw tender shall be in constant attendance and the draw opened promptly on signal.

(36) Laguna Madre, Tex.; Padre Island Causeway (Nueces County) swing barge bridge across Humble Oil and Refining Company channel. Between 4:00 p. m. and 7:00 a. m., at least 1-hour advance notice required: *Provided*, That these regulations may be temporarily suspended by the District Engineer, Corps of Engineers, Galveston, Texas, for such periods as he may determine to be necessary upon notice to Nueces County.

(37) Arroyo Colorado, Tex.; Texas Highway Department bridge at Rio Hondo, Texas. At least 12 hours' advance notice required.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499; sec. 1, 54 Stat. 150, sec. 7, 38 Stat. 1053 (33 U.S.C. 180, 471))

§ 203.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth, in paragraphs (f) and (g) of this section.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) Lower Mississippi River. (1) Tante Phine Pass, La.; Tide Water Associated Oil Company bridge near Venice. At least 24 hours' advance notice required.

(2) Red River, La.; State of Louisiana Department of Highways bridge at Moncla. At least 48 hours' advance notice required.

(3) Red River, La.; Louisiana and Arkansas Railway Company bridge, Rapides Parish highway bridge, and Missouri Pacific Railroad Company bridge, at Alexandria. At least four hours' advance notice required.

(4) Red River, La.; State of Louisiana Department of Highways bridges at Boyce, at Grand Ecore, and at Coushatta and St. Louis Southwestern Railway Company bridge at Shreveport. At least 48 hours' advance notice required.

(5) Red River, Ark.; St. Louis Southwestern Railway Company bridge at Garland City. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(6) Red River, Ark.; Missouri Pacific Railroad Company bridge at Fulton. At least 24 hours' advance notice required.

(7) Red River, Ark.; Arkansas Highway Department and Kansas City Southern Railway Company bridges at Index. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(8) Little River, Ark.; St. Louis-San Francisco Railway Company bridge near Redbluff. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(9) Caddo Lake, La.; The Kansas City Southern Railway Company bridge near Mooringsport. At least 24 hours' advance notice required.

(10) Little River, La.; Louisiana and Arkansas Railway Company bridge at Archie. During normal river stages, at least 12 hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Engineer, Corps of Engineers.

(11) Tensas River, La.; Missouri Pacific Railroad Company bridge at Clayton From May 1 to December 31, inclusive, during normal river stages, at least 12 hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Engineer, Corps of Engineers.

(12) Tensas, La.; State of Louisiana Department of Highways bridges at Clayton and near New Light. At least 48 hours' advance notice required.

(13) Macon Bayou, La.; State of Louisiana Department of Highways bridge near Winnsboro. At least 24 hours' advance notice required.

(14) Boeuf River, La.; State of Louisiana Department of Highways bridge near Mason. At least 48 hours' advance notice required.

(15) Ouachita River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Calion. During periods when the river is in pool stage, at least 24 hours' advance notice required. Notice shall be given to the Dispatcher, Chicago, Rock Island and Pacific Railroad Company, Little Rock, Arkansas. Any vessel passing through the bridge requiring an open span for such passage and intending to return through it within 24 hours shall inform the draw tender of the probable time of its return, and the draw shall be opened promptly on signal from the vessel on the return trip without any further notice. The District Engineer, Corps of Engineers, will notify the Dispatcher at Little Rock, one day in advance when a bridge tender will be required in constant attendance. For the purpose of the regulations of this section, pool stage is defined as 21 feet or less on the upper gage at Lock and Dam No. 8. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at all Ouachita River locks.

(16) Ouachita River, Ark.; St. Louis Southwestern Railway Company bridge near Camden. At least 48 hours' advance notice required.

(17) Yazoo River, Miss.; the Yazoo and Mississippi Valley Railroad Company bridge at Redwood, Mississippi State Highway Department bridge at Yazoo City, and The Yazoo and Mississippi Valley Railroad Company bridge at Rome Park. During normal river stages, at least three hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Engineer, Corps of Engineers. Copies of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at the mouth of Yazoo Canal, Vicksburg, and at Satartia for the Redwood Bridge, at Satartia and Belzoni for the Yazoo City Bridge, and at Yazoo City and Belzoni for the Home Park Bridge.

(18) Yazoo River, Miss.; Columbus and Greenville Railway Company bridge at Fort Loring. At least four hours' advance notice required.

(19) Big Sunflower River, Miss.; Columbus and Greenville Railway Company bridge near Baird. At least four hours' advance notice required.

(20) Arkansas River, Ark.; Missouri Pacific Lines drawbridge at Yancopin. During normal river stages at least 24 hours' advance notice required except between midnight Friday and midnight Sunday when at least 48 hours' advance notice is required. Notice to be given to the Missouri Pacific Lines Dispatcher, Wynne, Arkansas. During high water periods when so directed by the District Engineer, Corps of Engineers, a draw tender shall be in constant attendance and the bridge shall be operated in accordance with regulations contained in § 203.555.

(21) Arkansas River, Ark.; St. Louis Southwestern Railway Company bridge at Rob Roy. During normal river stages, at least 24 hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Engineer, Corps of Engineers.

(22) Arkansas River, Ark.; Arkansas Highway Department bridge near Pine Bluff. At least 4 hours' advance notice required to be given to the District Engineer, Pine Bluff District, Arkansas Highway Department, Pine Bluff, Arkansas.

(23) Arkansas River, Ark.; The Chicago, Rock Island and Pacific Railway Company Bridge at McClean Street, Little Rock. At least 48 hours' advance notice required to be given to the Chicago, Rock Island and Pacific Railway Company Dispatcher, Little Rock, Arkansas.

(24) Arkansas River, Ark.; Arkansas Highway Department bridges near Morrilton and at Dardanelle. At least 72 hours' advance notice required to be given to the District Engineer, Russellville District, Arkansas Highway Department, Russellville, Arkansas.

(25) Arkansas River, Ark.; Arkansas Highway Department and St. Louis-San Francisco Railway Company bridges at Van Buren and Missouri Pacific Railroad Company bridge at Fort Smith. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(26) White River, Ark.; Missouri Pacific Railroad Company bridge near Benzal. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice required for openings on Saturday and Sunday to be given to the Dispatcher, Missouri Pacific Railroad Company, Monroe, Louisiana. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(27) White River, Ark.; St. Louis Southwestern Railway Lines bridge at Clarendon. The draw shall be opened promptly on signal between the hours of 7:30 a. m. and 7:30 p. m. from 1 December to 30 June, inclusive, and at all other times at least 12 hours' advance notice required to be given to the Dispatcher, St. Louis Southwestern Railway Lines, Pine Bluff, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 12 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(28) White River, Ark.; Arkansas State Highway bridge at DeValls Bluff. At least 12 hours' advance notice required for openings to be given to Division Maintenance Superintendent, Division No. 6, Arkansas Highway Department, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 12 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(29) White River, Ark.; Chicago, Rock Island and Pacific Railway Company bridge near DeValls Bluff. At least 12 hours' advance notice required for openings to be given to the Chief Dispatcher, Chicago, Rock Island and Pacific Railway Company, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 12 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(30) White River, Ark.; Missouri Pacific Railroad Company bridge near Augusta. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice for openings on Saturday and Sunday. Notice to be given to the Dispatcher, Missouri Pacific Lines, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

(31) White River, Ark.; Missouri Pacific Railroad Company bridge at Newport. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice required for openings on Saturday and Sunday. Notice to be given to the Station Agent, Missouri Pacific Lines, Newport, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

(32) White River, Ark.; Arkansas Highway Department bridge at Batesville and Missouri Pacific Railroad Company bridge at Cotter. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(33) Little Red River, Ark.; Missouri Pacific Railroad Company bridge at Judsonia and Arkansas Highway Department bridges at Judsonia and Searcy. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(34) Black River, Ark.; Missouri Pacific Railroad Company bridge at Paroquet, St. Louis-San Francisco Railway Company bridges at Black Rock and Pocahontas, Arkansas Highway Department bridges at Pocahontas and Corning, and Missouri Pacific Railroad Company bridge near Corning. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(35) Current River, Ark.; Arkansas Highway Department bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(36) Current River, Ark.; St. Louis-San Francisco Railway Company bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(37) St. Francis River, Ark.; Missouri Pacific Railroad Company bridge at Cody. At least 72 hours' advance notice required to be given to the Dispatcher, Missouri Pacific Railroad Company, Monroe, Louisiana. Whenever a vessel passing through the bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(38) St. Francis River, Ark.; Arkansas State Highway bridge at Cody. At least 72 hours' advance notice required to be given to the Division Maintenance Superintendent, Division No. 1, Arkansas State Highway Department, Wynne, Arkansas. Whenever any vessel passing through this bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(39) St. Francis River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Madison, Arkansas State Highway bridge at Madison, Arkansas State Highway bridge near Madison, Cross County Road Improvement District No. 1 bridge at Parkin, Arkansas State Highway bridge at Marked Tree, St. Louis-San Francisco Railway Company bridge near Marked Tree, St. Louis-Southwestern Railway Lines bridge at Lunsford, Arkansas State Highway bridge at Lake City, St. Louis-Southwestern Railway Lines bridge at Bertig, St. Louis-San Francisco Railway Company bridge at West Kennett, St. Louis-Southwestern Railway Lines bridge at St. Francis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(40) Hatchie River, Tenn.; Illinois Central Railroad bridge at Rialto and Louisville and Nashville Railroad Company bridge at Shepp. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(41) Obion River, Tenn.; Dyer County highway bridges at Bradley Ferry, McCleres Ferry and Lanes Ferry, and Illinois Central Railroad bridge at Lenox. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(g) Ohio River and Upper Mississippi River. (1) Ohio River, Ky., and Ind.; Kentucky and Indiana Terminal Railroad Company bridge at New Albany, Indiana. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(2) Tennessee River, Tenn.; City of Chattanooga highway bridge at Market Street, Chattanooga. When the river is below a 25-foot stage as determined from readings of the Chattanooga gage posted daily at the Chattanooga City Wharf, at least two hours' advance notice required. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at the City Wharf.

(3) Tennessee River, Tenn.; Southern Railway Company bridge at Hixson. When a minimum vertical clearance of 47 feet is available under the lift span as determined from gages suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the right and left channel piers, respectively, at least two hours' advance notice required. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at the Chattanooga City Wharf.

(4) *Cumberland River, Tenn.* Louisville and Nashville Railroad Company bridge at Clarksville. When the river stage is below 35 feet on the United States Weather Bureau gage at Clarksville, at least 2 hours' advance notice required. Copies of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted on Locks B and C, Cumberland River. The owner of or agency controlling the bridge shall arrange for ready telephonic communication with its authorized representative at any time from the bridge or its immediate vicinity, and from Lock B and Lock C.

(5) Cumberland River, Tenn.; Tennessee Central Railway Company bridge near Bordeaux. When the stage of the river permits a vertical clearance of 47 feet or more under the lift span when in a closed position as determined from gages suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the bridge, at least two hours' advance notice required. The owner of or agency controlling the bridge shall report monthly to the District Engineer, Corps of Engineers, the number of requests for opening the bridge during periods when continuous bridge tender service is not required, from whom received, date and hour received, time bridge was ready to open, and time boat passed.

(6) Wabash River, Ill. and Ind., and White River, Ind.; all drawbridges. At least 24 hours' advance notice required.

(7) Green River, Ky.; Louisville and Nashville Railroad Company bridges at Spottsville, Livermore, and Smallhouse, and Illinois Central Railroad Company bridge at Rockport. When the stage of the river permits a vertical clearance of 30 feet or more under the closed draw, as determined from gages suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the bridges, respectively, at least 8 hours' advance notice required. If for any reason the vessel is delayed and cannot arrive for passage at the time specified in the notice the authorized representative shall be promptly notified of the estimated delay for opening the draw. When the stage of the river does not permit a vertical clearance of 30 feet or more under the closed draw at any of the bridges, a draw tender shall be on duty and the draw opened on signal for the passage of a vessel requiring a clearance exceeding the clearance indicated on the gage. The owners of the bridges shall arrange for ready telephone communication with the authorized representatives at any time from the bridges or their immediate vicinity. Copies of the regulations and notices posted in accordance with paragraph (d) of this section shall be conspicuously posted at Green River navigation Locks Nos. 1, 2, 3, and 4.

(8) Missouri River, Nebr. and Iowa; Nebraska-Iowa (Combination) highway bridge between Sioux City and South Sioux City, Nebr. Between March 2 and November 30, at least 2 hours' advance notice required. The drawspan shall be opened and closed at least once each three-month period between March 2 and November 30 to assure that the operating machinery is in serviceable condition, provided that operation of the drawspan for passage of a vessel shall constitute a test operation for that period. Between December 1 and March 1, the regulations in § 203.596 shall govern the operation of this bridge.

(9) Missouri River, Nebr. and South Dakota; Nebraska-South Dakota (Meridian) highway bridge at Yankton, South Dakota; and Missouri River, South Dakota; Chicago and Northwestern Railway Company bridge at Pierre, South Dakota. Between March 2 and November 30, at least 4 hours' advance notice required. The drawspan shall be opened and closed at least once each three-month period between March 2 and November 30 to assure that the operating machinery is in serviceable condition, provided that operation of the drawspan for passage of a vessel shall constitute a test operation for that period. Between December 1 and March 1, the regulations in § 203.596 shall govern the operation of these bridges.

(10) Osage River, Mo.; Missouri Pacific Railroad Company and Missouri State Highway Commission bridges near Osage City. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(11) Wisconsin River, Wis.; all drawbridges. At least 48 hours' advance notice required.

(12) Black River, Wis.; Chicago, Milwaukee, St. Paul and Pacific Railroad Company bridge at La Crosse. At least two hours' advance notice required.

(13) Black River, Wis.; Wisconsin State Highway Commission bridge at North La Crosse. At least 24 hours' advance notice required.

(14) Upper Mississippi River; During the winter months from December 15 to March 1, at least 24 hours' advance notice required for opening all drawbridges between Lock and Dam No. 10 (Mile 615.1) and Lock and Dam No. 2 (Mile 815.2). During the above period, at least 12 hours' advance notice required for opening all drawbridges between Lock and Dam No. 2 and Lock and Dam No. 1 (Mile 847.6).

NOTE: Mileage is above the mouth of the Ohio River.

(15) St. Croix River, Wis. and Minn.; During the winter months from December 15 to March 1, at least 24 hours' advance notice required for opening all drawbridges between the mouth and Bayport, Minn.

(16) St. Croix River, Wis. and Minn.; States of Wisconsin and Minnesota highway bridge at Stillwater, Minn. At least two hours' advance notice required, except between 8:00 a. m. and 2:00 p. m., and between 9:00 p. m. and midnight on Saturdays, Sundays, and Federal and State holidays, and between 1:00 p. m. and 9:00 p. m. on all other days, from May 15, to October 15, inclusive, when the regulations contained in § 203.555 shall govern the operation of this bridge except that between 2:00 p. m. and 9:00 p. m. on Saturdays, Sundays, and Federal and State holidays from May 15, to October 15, inclusive, the draw shall be opened only once every hour on the hour. During the period of hourly openings, the bridge tender will be in constant attendance and will open the draw at any time for emergencies. The hours indicated are central daylight saving time. Standard time is one hour earlier.

(17) St. Croix River, Wis. and Minn.; Minneapolis, St. Paul and Sault Ste. Marie Railroad Company bridge near Otisville, Minn., and Village of Osceola highway bridge at Osceola, Wis. At least 24 hours' advance notice required.

(18) Minnesota River, Minn.; all drawbridges between the mouth and Le Sueur. At least 24 hours' advance notice required. The draws of bridges above Le Sueur need not be opened for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499)

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

(a) *Mud Slough; Southern Pacific Company railroad bridge near Alviso.* At least 24 hours' advance notice required.

(b) *Newark Slough; Southern Pacific Company railroad bridge near Newark.* At least 24 hours' advance notice required. To be given to the Superintendent, Southern Pacific Company, Oakland Pier, Oakland, California.

(c) *San Leandro Bay; State of California highway bridge between Alameda and Bay Farm Island.* From 9:00 p.m. to 5:00 a.m., the draw need not be opened for the passage of vessels. From 5:00 a.m. to 8:00 a.m. and from 5:00 p.m. to 9:00 p.m., at least 12 hours' advance notice required. To be given to the operator of the Bay Farm Island Bridge (telephone LAkehurst 2-2969) between 8:00 a.m. and 5:00 p.m., and to the operator of the Park Street Bridge, Alameda (telephone LAkehurst 2-7272), at all other times.

(d) *Oakland Tidal Canal; Department of the Army highway and railroad bridge at Fruitvale Avenue.* All vessels, except motorboats without tow, are forbidden to approach within 300 feet of this bridge for the purpose of eventual passage through the draw except during slack water or when opposing the tidal flow. Vessels and barges shall not attempt passage through the draw while running with the tide, and the bridge will not be opened for vessels under such conditions.

(e) *Corte Madera Creek; The Northern Pacific Railroad Company bridge near Greenbrae.* On Saturdays, Sundays and holidays, at least 72 hours' advance notice required; on all other days at least 24 hours' advance notice required.

(f) *Novato Creek; State of California highway bridge near Ignacio.* At least 24 hours' advance notice required.

(g) *Petaluma Creek*—(1) *Northwestern Pacific Railroad Company bridges at Blackpoint and Haystack Landing.* The owner of or agency controlling these bridges need not keep draw tenders in constant attendance except when the draws are closed for the passage of railroad traffic. At all other times the draws may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draws are in open position.

(2) *City of Petaluma highway bridges at "D" and Washington Streets, Petaluma.* At least 6 hours' advance notice required, to be given to the Petaluma Police Department, telephone Petaluma 2-2727.

(h) *Sonoma Creek*—(1) *State of California highway bridge (Sears Point Cutoff Bridge).* At least four hours' advance notice required. To be given to the operator of the State of California highway bridge (Sears Point Cutoff Bridge) across Napa River at Vallejo.

(2) *Northwestern Pacific Railroad Company bridge at Wingo.* At least 24 hours' advance notice required.

(i) *Mare Island Strait, Napa River, and their tributaries.* (1) *Department of the Navy bridge (Mare Island Causeway) and State of California highway bridge (Sears Point Cutoff Bridge) at Vallejo.* From 7:00 a.m. to 8:00 a.m. and from 4:15 p.m. to 5:15 p.m. daily, except Saturdays, Sundays, and holidays, the draws need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

(2) *Southern Pacific Company railroad bridge at Brazos.* The owner of or agency controlling this bridge need not keep a draw tender in constant attendance except when the draw is closed for the passage of railroad traffic. At all other times the draw may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draw is in open position.

(3) *State highway bridge near Imola.* At least 24 hours' advance notice required. To be given to State Highway Superintendent at the Highway Office, 3161 Jefferson Street, Napa, California, Telephone Baldwin 6-3184 or Baldwin 6-6290.

(4) *Dutchman Slough; James Irvine Bridge.* At least 24 hours' advance notice required.

(5) *Devil Slough; Russ Investment Company highway bridge.* At least 24 hours' advance notice required.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499)

§ 204.5 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.

(a) *Atlantic Ocean in vicinity of No Mans Land*—(1) *The area.* The waters surrounding No Mans Land within an area bounded as follows: Beginning at latitude 41°12'30", longitude 70°50'30"; thence northwesterly to latitude 41°15'30", longitude 70°51'30"; thence northeasterly to latitude 41°17'30", longitude 70°50'30"; thence southeasterly to latitude 41°16'00", longitude 70°47'30"; thence south to latitude 41°12'30", longitude 70°47'30"; thence westerly to the point of beginning.

(2) *The regulations.* No vessel shall at any time enter or remain within a rectangular portion of the area bounded on the north by latitude 41°16'00", on the east by longitude 70°47'30", on the south by latitude 41°12'30", and on the west by longitude 70°50'30", or within the remainder of the area between 1 November and 30 April, inclusive, except by permission of the enforcing agency.

(3) The regulations in this paragraph shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

(b) *Buzzards Bay in vicinity of Gull Island*—(1) *The area.* The waters within a circular area with a radius of 1,000 yards having its center on Gull Island at latitude 41°26'46", longitude 70°54'26".

(2) *The regulations.* No vessel shall enter or remain in the area at any time except as authorized by the enforcing agency. The regulations in this paragraph shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

(c) *Buzzards Bay in vicinity of Hen and Chickens Reef*—(1) *The area.* A

circular area located on Hen and Chickens Reef with a radius of 3,000 feet having its center at latitude 41°28'12", longitude 71°01'42", which bears approximately 151° true, 1,670 yards, from the southern end of Gooseberry Neck. Vessels used as bombing targets within this area, whether anchored or grounded, will be properly secured and marked.

(2) *The regulations.* No vessel shall enter or remain in the area at any time unless authorized to do so by the enforcing agency. The regulations in this paragraph shall be enforced by the Commander, Naval Air Bases, First Naval District, Quonset Point, Rhode Island, and such agencies as he may designate.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1. Interpret or apply 40 Stat. 892; 33 U.S.C. 3)

§ 204.10 Narragansett Bay, R.I.; danger zones for naval operations.

(a) *Torpedo-testing range and prohibited area, Naval Operating Base, Newport.* (1) *The torpedo-testing range.* The waters within an area east of Conanicut Island and west of Prudence Island bounded as follows: Beginning at a point on the east shore of Conanicut Island at latitude 41°31'00"; thence 90° to longitude 71°20'48"; thence to latitude 41°31'45", longitude 71°20'09"; thence to latitude 41°33'56", longitude 71°19'30"; thence 346° to the south shore of Prudence Island; thence northerly along the west shore of Prudence Island to the north side of Coggeshall Cove; thence to the easternmost point of Patience Island; thence southwesterly and northwesterly along the shore of Patience Island to North West Point; thence 177° to the east shore of Conanicut Island; and thence southerly along the east shore of Conanicut Island to the point of beginning.

NOTE: All bearings in this section are referred to true meridian.

(2) *The prohibited area.* An area overlapping the torpedo-testing range bounded as follows: Beginning at a point on the east shore of Conanicu Island at latitude 41°33'15"; thence southeasterly to latitude 41°32'44", longitude 71°21'17"; thence southerly to latitude 41°32'09", longitude 71°21'17"; thence southeasterly to latitude 41°31'50", longitude 71°21'10"; thence southeasterly to latitude 41°31'26", longitude 71°20'33"; thence easterly to latitude 41°31'27", longitude 71°20'06"; thence northerly to a point on the southwesterly shore of Prudence Island at latitude 41°35'00"; thence northerly along the southwesterly shore of Prudence Island to a point at latitude 41°35'40"; thence northwesterly to latitude 41°37'22", longitude 71°21'15"; thence westerly to latitude 41°37'21", longitude 71°21'23"; thence southerly to latitude 41°34'47", longitude 71°21'06"; thence southwesterly to a point on the northeast shore of Conanicut Island at latitude 41°33'54"; thence southerly along the easterly side of Conanicut Island to the point of beginning.

(3) *The regulations.* (i) No vessel shall at any time, under any circumstances, anchor or fish or tow a drag of any kind in the prohibited area because of the extensive cable system located therein.

(ii) Anchoring in the torpedo-testing range outside the prohibited area is forbidden except in cases of great emergency, and vesels anchoring therein under such conditions shall move out of the area as soon as possible.

(iii) The danger zone shall be given a wide berth when possible in order to avoid danger from running torpedoes, damage to range installations, or interference with range operation. Danger from erratic torpedoes exist beyond the boundaries of the torpedo-testing range. All mariners are cautioned to keep alert, take special precautions, and take such evasive action as necessary.

(iv) The danger zone may, in case of necessity, be entered by vessels proceeding to or from the Naval Air Station, Quonset Point, the Advanced Base Depot, Davisville, or other points in the western part of Narragansett Bay, and passing between Conanicut Island and Gould Island, under the following conditions:

(*a*) *When firing is in progress.* In the case of major vessels making this passage, firing will be suspended on their approach to the danger zone or on request to the Range Officer, Firing Pier, Gould Island. Minor vessels making this passage must proceed with caution, avoid torpedoes and observe orders from craft patrolling the zone which craft are identified by a square red flag. Other than as specified in this subparagraph, vessels shall not enter the danger zone while firing is in progress except by special arrangement through the Range Officer, Firing Pier, Gould Island, or through the Officer-in-Charge, Degaussing Station, if entering for operations on the magnetic range.

(*b*) *When firing is not in progress.* Vessels may make this passage without special precaution, except that diving tenders with divers down, identified by international "Four" flying a red flag with a diagonal white cross, shall be given a wide berth and passed at slow speed.

(v) A large red flag by day, an all around green light by night, will be displayed from the Firing Pier at the north end of Gould Island to indicate that torpedo firing is in progress or is about to begin. Torpedo firing may be expected at any time of the day or night, Sundays and holidays included.

(vi) When torpedo firing is in progress, a patrol boat will be kept in readiness and will give timely warning to vessels approaching the danger zone and will issue necessary orders and instructions regarding the navigation of the danger zone. Craft patrolling the danger zone are identified by a square red flag.

(vii) Orders and instructions issued by patrol craft or other authorized representatives of the enforcing agency shall be promptly carried out by vessels in or in the vicinity of the danger zone. The following emergency signals will be employed by patrolling aircraft:

(*a*) *Emergency, stop and await instructions.* Plane lands in front of, or drops smoke flat directly ahead of, the vessel.

(*b*) *Emergency, torpedo heading toward you, maneuver to avoid.* Plane zooms over the vessel in danger.

(viii) Nothing in this paragraph shall prevent the setting of fish traps outside the prohibited area under permits issued by the Department of the Army nor shall the passage of fishing vessels to and from authorized traps be unreasonably interfered with or restricted.

(ix) The regulations in this subparagraph shall be enforced by the Commander, U.S. Naval Base, Newport, R.I., and such agencies as he may designate.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1. Interpret or apply 40 Stat. 892; 33 U.S.C. 3)

§ 204.25 Atlantic Ocean off Delaware Coast; antiaircraft artillery firing areas, Second United States Army.

(a) *The danger zones*—(1) *90-mm. gun area.* An area east of Bethany Beach described as follows: Beginning at a point on the shore at latitude 38°31'15"; thence to latitude 38°36'27", longitude 74°52'42", thence to latitude 38°35'45", longitude 74°49'12"; thence 180° true to latitude 38°25'00"; thence to latitude 38°22'26", longitude 74°52'00"; thence to a point on the shore at latitude 38°29'03"; and thence northerly along the shore to the point of beginning.

(2) *120-mm. gun area.* An area which includes the 90-mm. gun area and extends that area about 7,800 yards on its northeast, east, and southeast sides, described as follows: Beginning at a point on the shore at latitude 38°31'15"; thence to latitude 38°40'26", longitude 74°49'45"; thence to latitude 38°36'30", longitude 74°44'18"; thence 180° true to latitude 38°24'32"; thence to latitude 38°20'30", longitude 74°48'45"; thence to a point on the shore at latitude 38°29'03"; and thence northerly along the shore to the point of beginning.

NOTE: The danger zones will be marked by buoys.

(b) *The regulations.* (1) All firing during the months of November to April, inclusive, will be conducted between 8:30 a. m. and 6:30 p. m., e. s. t. Scheduled firing during the months May to October, inclusive, will be conducted between 12:00 noon and 6:00 p. m., e. s. t. Certain firing may be conducted, however, between 8:00 a. m. and 12:00 noon during this latter period and will be rounds fired at fixed points for settling weapons, testing and verification purposes only in accordance with established Department of the Army Safety Regulations, and will involve no restrictions on navigation. No firing will be conducted during hours of darkness.

(2) Firing will take place on certain days other than Saturdays, Sundays and national holidays, as listed in public notice to be issued each year by the District Engineer, U.S. Army Engineer District, Philadelphia, Pennsylvania.

NOTE: Firing is scheduled to take place on the following days in 1961 (all dates inclusive):

July 10 to 14, 17 to 21, 31.
August 1 to 4, 7 to 11, 21 to 25, 28 to 31.
September 1.

(3) When it is determined that no firing will take place on any of the days for which firing is scheduled, the public will be so advised by radio and other available means as far in advance as possible.

(4) Except as provided in subparagraph (6) of this paragraph, no vessel shall enter or remain in the danger zones during the time of firing unless specific permission is granted in each case by one of the representatives of the enforcing agency policing the area in patrol boats.

(5) Prior to the conducting of each firing practice, the danger zones will be adequately patrolled to insure that no watercraft are within the danger zones and to warn any watercraft in a danger zone that firing is to take place. Any such watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until the conclusion of the firing practice.

(6) The regulations in this section shall not deny traverse of portions of the danger zones by regular cargo-carrying vessels, or commercial fishing vessels based at Lewes, Delaware. In case of the presence of any such vessel in a danger zone, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(7) This section shall be enforced by the Commanding General, Second Army, Fort George G. Meade, Maryland, and such agencies as he may designate.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1. Interpret or apply 40 Stat. 892; 33 U.S.C. 3)

§ 204.95 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.

(a) *The danger zones*—(1) *Operational training area.* Waters of the Straits of Florida and Gulf of Mexico southwest, west and northwest of Key West bounded as follows: Beginning at latitude 25°45'00", longitude 82°07'00"; thence southeast to latitude 24°49'00", longitude 81°55'00"; thence southwest to latitude 24°37'30", longitude 82°00'30"; thence westerly to latitude 24°37'30", longitude 82°06'00"; thence southerly to latitude 24°28'30", longitude 82°06'00"; thence southerly to latitude 24°25'00", longitude 82°06'30"; thence easterly to latitude 24°25'00", longitude 81°57'00"; thence southwesterly to latitude 23°30'-00", longitude 82°19'00"; thence westerly to latitude 23°30'00", longitude 82°46'-00"; thence northwesterly to latitude 23°32'30", longitude 83°11'00"; thence northerly to latitude 24°25'00", longitude 83°11'00"; thence easterly to latitude 24°25'00", longitude 83°08'00"; thence clockwise along the arc of a circle with a radius of 92 miles centered at latitude 24°25'00", longitude 81°41'15" to latitude 25°45'05", longitude 82°23'30"; thence east to point of beginning.

(3) *Bombing and strafing target areas.*

(i) A circular area immediately west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°33.4' and longitude 82°10.9', not to include land area and area within Marquesas Keys. The target located within this area, a grounded LSIL will be used for bombing and aircraft rocket exercises.

(ii) A circular area located directly west of Marquesas Keys with a radius of three statute miles having its center at latitude 24°35.6' and longitude 82°11.6', not to include land area within Marquesas Keys. The targets located within this area, pile-mounted platforms, will be used as high altitude horizontal bombing range utilizing live ordnance up to and including 1,800 pounds of high explosives. In general, these explosives will be of an air-burst type, above 1,500 feet.

(b) *The regulations.* (1) In advance of scheduled air or surface operations which, in the opinion of the enforcing agency, may be dangerous to watercraft, appropriate warnings will be issued to navigation interests through official government and civilian channels or in such other manner as the District Engineer, U.S. Army Engineer District, Jacksonville, Florida, may direct. Such warnings will specify the location, type, time, and duration of operations, give such other pertinent information as may be required in the interests of safety, and state whether watercraft will be excluded from the zone of operations which is defined as that portion of a danger zone within which watercraft might be endangered by the operations in progress.

(2) Watercraft shall not be prohibited from passing through a danger zone except when the operations being conducted are of such a nature that the exclusion of watercraft from the zone of operations is required in the interests of safety or for accomplishment of the mission, or is considered important to the national security.

(3) When the warning to navigation interests states that watercraft will be excluded from the zone of operations, no vessel shall enter or remain in such area during the period the operations are in progress.

(4) Aircraft and naval vessels conducting operations in a danger zone will exercise caution in order not to endanger watercraft. Operations which may be dangerous to watercraft will not be conducted without first ascertaining that the zone of operation is clear. Any vessel in the zone of operations will be warned to leave, and upon being so warned the vessel shall leave the zone of operations immediately.

(5) The regulations in this section shall be enforced by the Commandant, Sixth Naval District, Charleston, S. C., and such agencies as he may designate.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1. Interpret or apply 40 Stat. 892; 33 U.S.C. 3)

§ 204.130 Choctawhatchee Bay, Aerial Gunnery Ranges, Air Proving Ground Center, Air Research and Development Command, Eglin Air Force Base, Fla.

(a) *The danger zones.*

(1) *Aerial gunnery range in west part of Choctawhatchee Bay.* The waters of Choctawhatchee Bay within an area described as follows: Beginning at a point on the west shore at latitude 30°28'30", longitude 86°30'00"; thence southeasterly to latitude 30°25'30", longitude 86°21'30"; thence southwesterly to a point on the south shore at latitude 30°23'30", longitude 86°23'00"; thence northwesterly to a point on the south shore at latitude 30°24'00", longitude 86°25'00"; and thence northwesterly to the point of beginning; excluding that part of the area included within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in subparagraph (2) of this paragraph).

(2) *Aerial gunnery range along north shore of Choctawhatchee Bay.* The waters of Choctawhatchee Bay within an area described as follows: Beginning at a point in the waters of Choctawatchee Bay at latitude 30°26'00", longitude 86°25'30"; thence north to the shore at longitude 86°25'30"; thence southeasterly and northeasterly along the shore to longitude 86°15'00"; thence south to latitude 30°26'29", longitude 86°15'00"; thence southwesterly to latitude 30°26'12", longitude 86°20'35"; thence north to latitude 30°26'57", longitude 86°20'35"; thence southwesterly to the point of beginning.

(b) *The regulations*—(1) *Aerial gunnery ranges.* (i) The aerial gunnery range in the west part of Choctawhatchee Bay (described in paragraph (a) (1) of this section) may be used by watercraft except during periods when firing is conducted. During these periods, firing will be controlled by observation posts, and watercraft will be warned by patrol boats. During periods of firing, traverse of this area shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the area, the officer in charge of gunnery operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and shall not delay its progress.

(ii) No vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a) (2) of this section) at any time.

(2) *Enforcing Agency.* The regulations in this section shall be enforced by the Commander, Air Proving Ground Center, Eglin AFB, and such agencies as he may designate.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1. Interpret or apply 40 Stat. 892; 33 U.S.C. 3)

§ 206.85 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River, Sacramento River, and their navigable tributaries and connecting waterways, Calif.; floating or drifting fish nets.

(a) Fishing with nets is prohibited:

(1) Within 1,000 feet of bridges wharves, docks, and steamboat landings.

(2) Within 1,000 feet of vessels moored or anchored in established anchorage

grounds (described in § 202.224 of this chapter).

(3) Within 1,000 feet of the junctions of interconnecting sloughs, cuts and canals.

(4) In San Francisco Bay north of a line from the water tank at the Pacific Gas and Electric Company plant north of Hunter Point to the south jetty light, Oakland Inner Harbor.

(5) In the southern part of the San Pablo Bay in an area bounded as follows: Beginning at Point San Pedro; thence northeasterly to and through the buoys marking the north side of the dredged channel across Pinole Shoal; thence to the western extremity of Dike No. 12 and along this dike to Mare Island; thence along the southerly shore of Mare Island and Dike No. 14 to the southern extremity of this dike; thence to the western extremity of Dike No. 9; thence to the northeast corner of the wharf at Selby; thence southwesterly along the 18-foot contour to Point San Pablo; thence to the point of beginning.

(6) In the western part of San Pablo Bay in the channel between Point San Pedro and Bell Echo Board No. 2 marking the dredged channel to the mouth of Petaluma Creek, and in the channel to the mouth of Petaluma Creek.

(7) In Mare Island Strait and Napa River downstream from the Sears Point Highway Bridge.

(8) In any of the tidal waters lying upstream from Carquinez Bridge.

(b) All nets floating or drifting with the tide or current, or attached to any craft, must be laid out from the bank toward the channel.

(c) No nets shall be placed or allowed to move so as to cross more than one-half of the width of the navigable channel where it is 1,000 feet or less in width, nor more than two-thirds of the channel where it is over 1,000 feet in width.

(d) While any net is in position, no other net shall be laid out within 1,000 feet of it from either shore.

(e) Any net shall, upon the approach of any vessel desiring to pass, be so moved, or be so picked up and removed, as to permit the passage of the vessel without hindrance or delay.

(f) Where vessels coming from opposite directions are about to meet in the vicinity of any net, or nets, every such net shall be so picked up and removed from the channel as to permit the passage of the vessels without hindrance or delay.

(g) The person operating a net shall securely attach to the corks at each end of such net and to the cork nearest the center thereof, copper tags showing in figures or letters not less than 1 inch in height, the number or name of his vessel.

(h) A boat, with at least one man in it capable of controlling the net, shall be in constant attendance upon each net while it is laid out. Said attendant shall remain at all times in such position as will enable a ready removal of the net to permit the safe passage of vessels without inconvenience or delay.

(i) The end or ends of the net, not attached to a boat, shall be securely attached to a float, painted in red and white vertical stripes about 4 inches wide. The float shall be large enough to display and shall display signals thereon in an upright position and 3 feet in the clear above the surface of the water, and described as follows:

(1) At night a white light visible all around the horizon.

(2) During daylight hours, a flag 18 inches wide by 24 inches long, the color to be solid red above a diagonal line extending from the lower corner on the staff to the upper outer corner, and solid white below that line.

(j) Every vessel attending a net shall display on each side of the bow its registration number, in figures or letters not less than 9 inches high and 5 inches wide in lines 1¼ inches wide, with a clear interval of 2½ inches between each letter and figure. These shall consist of white letters and figures on a black ground, or black letters and figures on a white ground. In case of a documented vessel, its name shall be similarly displayed.

(k) Each boat attending a net shall display by day, in a position at least 4 feet in the clear above the highest portion of the boat, a flag 18 inches wide by 24 inches long as follows: A black flag when the net is between the vessel and the right-hand bank of the waterway looking downstream or seaward; a red flag when the net is between the vessel and the left-hand bank looking downstream or seaward; and a red flag in any case where, on account of interconnecting sloughs or ditches, uncertainty exists as to which is the right and which the left bank.

(l) During the hours for the display of lights, each boat attending a net shall carry concealed from general view a red light and a green light. Upon the approach of any vessel, the boat shall promptly take its position at the end of the net, headed toward the net and in the general direction of its length, and shall display to the approaching vessel in sufficient time to prevent collision with the boat or running into the net, the light or lights which should be shown in the direction of the vessel under the United States rules for running lights on vessels (30 Stat. 96; 33 U. S. C. 172). The lights shall be shown in such manner as to make them visible, and so that the green light shall not be seen on the port side or the red light on the starboard side of the boat.

(m) During fog or thick weather, the person in charge of a fishing boat shall, upon the approach of any vessel, give four short blasts of a fish horn, repeated at intervals, until the approaching vessel is in sight, after which the flag or light signals shall be given from the fishing boat to indicate on which side the approaching vessel should pass.

(n) When fishing in an established anchorage ground, all nets shall be promptly picked up and removed upon the approach of any vessel desiring to moor or anchor therein.

(Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

§ 207.123 York River, Va.; naval prohibited and restricted areas.

(a) *The areas—(1) Naval mine service-testing area (prohibited).* A rectangular area surrounding Piers 1 and 2, Naval Mine Depot, beginning at a point on the shore line at latitude 37°15′37″ N., longitude 76°32′18″ W.; thence to latitude 37°15′27″ N., longitude 76°31′48″ W.; thence to latitude 37°15′05″ N., longitude 76°31′27″ W.; thence to a point on the shore line at latitude 37°14′51″ W., longitude 76°31′59″ W.; and thence along the shore line to the point of beginning.

(2) *Naval mine service-testing area (restricted).* A rectangular area adjacent to the northeast boundary of the prohibited area described in subparagraph (1) of this paragraph, beginning at latitude 37°16′00″ N. longitude 76°32′29″ W.; thence to latitude 37°16′23″ N., longitude 76°32′00″ W.; thence to latitude 37°15′27″ N., longitude 76°30′54″ W.; thence to latitude 37°15′05″ N., longitude 76°31′27″ W.; thence to latitude 37°15′27″ N., longitude 76°31′48″ W.; thence to latitude 37°15′24″ N., longitude 76°31′52″ W.; and thence to the point of beginning.

(3) *Naval anchorage area (restricted).* Between Tue Marshes Light and Yorktown, beginning at latitude 37°14′37″, longitude 76°23′03.5″, thence to latitude 37°14′27″, longitude 76°23′03″; thence to latitude 37°13′54″, longitude 76°23′39″; thence to latitude 37°13′42.5″, longitude 76°27′40.5″; thence to latitude 37°14′11″, longitude 76°29′11.5″; thence to latitude 37°14′23″, longitude 76°29′11.5″; thence to latitude 37°14′22.5″ longitude 76°25′43.5″; and thence to the point of beginning including an Explosives-Handling Berth (Naval) partially within the limits of the naval anchorage covering a circular area of 600 yards radius with its center at latitude 37°13′56″ N, longitude 76°28′48″ W.

(b) *The regulations.* (1) All vessels other than naval craft are forbidden to enter the prohibited area described in paragraph (a) (1) of this section.

(2) Trawling, dragging, and net-fishing are prohibited, and no permanent obstructions may at any time be placed in the area described in paragraph (a) (2) of this section. Upon official notification, any vessel anchored in the area will be required to vacate the area during the actual mine-laying operation. Vessels entering the area during mine-laying operations by aircraft must proceed directly through the area without delay, except in case of emergency. Naval authorities are required to publish advance notice of mine-laying and/or retrieving operations scheduled to be carried on in the area, and during such published periods of operation, fishing or other aquatic activities are forbidden in the area. No vessel will be denied passage through the area at any time during either mine-laying or retrieving operations.

(3) The naval anchorage and Explosives-Handling Berth described in paragraph (a) (3) of this section are reserved for the exclusive use of naval vessels and except in cases of emergency no other vessel shall anchor therein without the permission of local naval authorities obtained through the Captain of the Port, U.S. Coast Guard, Norfolk, Virginia. There shall be no restriction on the movement of vessels through the anchorage or the Explosives-Handling Berth.

(7) Vessels shall not be anchored within 300 yards of the perimeter of the Explosives-Handling Berth when that berth is occupied by a vessel handling explosives.

(8) The regulations of this section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he may designate.

(Sec. 4, 30 Stat. 362, as amended; 33 U.S.C. 1. Interprets or applies secs. 1–4, 40 Stat. 892, 893, as amended, sec. 1, 38 Stat. 800, as amended; 33 U.S.C. 3, 471)

§ 207.300 Ohio River, Mississippi River above Cairo, Ill.; and their tributaries; use, administration, and navigation.

(a) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

Item 1: Operation of Green River Lock 5 near Glenmore, and Lock 6 near Brownsville, Kentucky, has been discontinued.

Item 2: Operation of Little Kanawha River Lock 1 near Parkersburg, Lock 2 near Slate, Lock 3 near Elizabeth, Lock 4 near Palestine, and Lock 5 near Burning Springs, West Virginia, has been discontinued.

Item 3: The operation of Osage River Lock and Dam 1 near Osage City, Missouri, has been discontinued.

Item 4: Operation of the 34 locks in the Illinois and Mississippi (Hennepin) Canal, including the feeder section, has been discontinued.

Item 5: The operation of Muskingum River Lock 3 near Devola, Lock 3 near Lowell, Lock 4 near Beverly, Lock 5 near Luke Chute, Lock 6 near Stockport, Lock 7 near McConnellsville, Lock 8 near Rokeby Lock, Lock 9 near Philo, Lock 10 near Zanesville, and Lock 11 near Ellis, Ohio, has been discontinued.

Item 6: Big Sandy River, W Va., and Ky., including Levisa and Tug Forks: Lock and Dam 1 near Catlettsburg, Ky., and movable dam of this structure is being operated for high water navigation only. Operation of the Lock has been discontinued. Operation of Lock and Dam 2 near Buchanan, Ky., Lock and Dam 3 near Fort Gay, W. Va., Lock and Dam 1 on Levisa Fork near Gallup, Ky., and Lock and Dam 1 on Tug Fork near Louisa, Ky., has been discontinued.

Item 7: Operation of Rough River Lock and Dam No. 1, near Hartford, Kentucky, has been discontinued.

(b) *Precedence at locks.* The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Passenger boats shall have precedence over tows and like craft. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

(c) *Lockage of pleasure boats.* The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

(d) *Order of lockage.* Boats having any other craft in tow must accompany their tow through the lock whenever so directed by the lock master. Lock masters may require tows requiring two or more lockages to permit other craft to pass after each lockage.

(e) *Signals.* Signals from vessels shall ordinarily be by whistle. Signals from locks to vessels shall be by whistle, or other sound device or by semaphore, or visual means. When whistle is used, long blasts of the whistle shall not exceed 10 seconds and short blasts of the whistle shall not exceed 3 seconds. Where a lock is not provided with a sound or a visual signal installation, the lock master will indicate by voice or by the wave of a hand or lantern when the vessel may enter or leave the lock. Vessels must approach the locks with caution and shall not enter nor leave the lock until signaled to do so by the lock master. The following lockage signals are prescribed:

(1) *Sound signals by means of a whistle.* These signals apply at either a single lock or twin locks.

(i) Vessels desiring lockage shall, on approaching a lock give the following signals at a distance of not more than 1 mile from the lock:

(*a*) If a single lockage only is required: One long blast of the whistle followed by one short blast.

(*b*) If a double lockage is required: One long blast of the whistle followed by two short blasts.

(ii) When the lock is ready for entrance, the lock will give the following signals:

(*a*) One long blast of the whistle indicates permission to enter the lock chamber in the case of a single lock or to enter the landward chamber in the case of twin locks.

(*b*) Two long blasts of the whistle indicates permission to enter the riverward chamber in the case of twin locks.

(iii) Permission to leave the locks will be indicated by the following signals given by the lock:

(*a*) One short blast of the whistle indicates permission to leave the lock chamber in the case of a single lock or to leave the landward chamber in the case of twin locks.

(*b*) Two short blasts of the whistle indicates permission to leave the riverward chamber in the case of twin locks.

(iv) Four or more short blasts of the lock whistle delivered in rapid succession will be used as a means of attracting attention, to indicate caution, and to signal danger. This signal will be used to attract the attention of the captain and crews of vessels using or approaching the lock or navigating in its vicinity and to indicate that something unusual involving danger or requiring special caution is happening or is about to take place. When this signal is given by the lock, the captains and crews of vessels in the vicinity shall immediately become on the alert to determine the reason for the signal and shall take the necessary steps to cope with the situation.

(2) *Lock signal lights.* At locks where density of traffic or other local conditions make it advisable, the sound signals from the lock will be supplemented by signal lights. Flashing lights (showing a one-second flash followed by a two-second eclipse) will be located on or near each end of the land wall to control use of a single lock or of the landward lock of double locks. In addition, at double locks, interrupted flashing lights (showing a one-second flash, a one-second eclipse, and a one-second flash, followed by a three-second eclipse) will be located on or near each end of the intermediate wall to control use of the riverward lock. Navigation will be governed as follows:

Red Light. Lock cannot be made ready immediately. Vessel shall stand clear.

Amber Light. Lock is being made ready. Vessel may approach but under full control.

Green Light. Lock is ready for entrance.

NOTE: During the conversion period required to install flashing red, amber, and green lights, the following signal lights may continue to be used at some locks: A flashing green light located on or near each end of the land wall to indicate that a single lock or the landward lock of double locks is ready for entrance. In addition, at double locks, a flashing amber light located on or near each end of the intermediate wall to indicate that the riverward lock is ready for entrance.

(f) *Stations while awaiting lockage.* Descending boats while awaiting their turn to enter a lock shall lie at least 400 feet above the lock and shall leave sufficient room for the passage of boats leaving the lock or those having precedence in entering. Ascending boats while waiting their turn to enter shall either tie up sufficiently far below the lock or keep out far enough to give free passage to a boat entering or leaving the lock.

(g) *Rafts.* Rafts to be locked through shall be moored in such manner as not to obstruct the entrance of the lock, and the sections for locking shall be brought to the lock as directed by the lockmaster in charge. After passing the lock the sections shall be reassembled at such distance beyond the lock as not to interfere with boats privileged to pass through.

(h) *Entrance to and exit from locks.* In case two or more boats or tows are to enter for the same lockage, their order of entry shall be determined by the lockmaster. Except as directed by the lockmaster, no boat shall pass another in the lock. The boat that enters first shall have precedence in exit.

(i) *Protection of lock gates.* In no case will boats be permitted to enter or leave the locks until directed to do so by

the lockmaster. Boats shall not be permitted to enter or start to leave until the lock gates are at rest within the gate recesses.

(j) *Draft of vessels.* No vessel shall attempt to enter a lock unless its draft is at least 3 inches less than the least depth of water over the guard sills, or over the gate sills if there be no guard sills. Information concerning controlling depth over sills can be obtained from the lockmaster at each lock or by inquiry at the office of the district engineer of the district in which the lock is located.

(k) *Mooring*—(1) *At locks.* All vessels when in the locks shall be moored as directed by the lock master. Steamboats and other craft in general shall be moored with bow, stern, and spring lines to the snubbing posts provided for that purpose, and in the case of a towboat accompanying the tow during a lockage a line attached to a capstan shall be used and kept taut, when directed by the lock master, to prevent the tow from running in the lock chamber. Tying to lock ladders is strictly prohibited. Mooring of unattended or nonpropelled vessels or small craft at the upper or lower channel approaches will not be permitted within 1,200 feet of the lock.

(2) *Outside of locks.* The public necessity requires, for the protection of life and property, that no vessel or other craft shall be moored to railroad tracks, to river banks in the vicinity of railroad tracks where such mooring threatens the safety of equipment using such tracks, to telephone or power poles, or to bridges or similar structures.

(l) *Unnecessary delay at locks.* Masters and pilots must use every precaution to prevent unnecessary delay in entering or leaving locks. Vessels failing to enter locks with reasonable promptness when signaled to do so shall lose their turn. Boats arriving at the locks with their tows in such shape as to impede lockage shall lose their turn. Leaking boats may be excluded from the locks until they have been put in such condition that it is, in the opinion of the lockmaster, safe to pass them through.

(m) *Damage to locks or other structures.* This section shall not affect the liability of the owners and operators of floating craft for any damage caused by their operations to locks or other structures. The sides of all craft passing through any lock shall be free from projections of any kind which might injure the lock walls. Steamboats shall be provided with suitable fenders. One or more men as the lockmaster may direct shall be kept at the head of every tow until it has cleared the lock and guide walls to protect the walls by the use of fenders.

(n) *Handling machinery.* At locks provided with power no one but employees of the United States will be permitted to move any valve, gate, or other lock machinery. At locks operated by hand the valves, gates, or other lock machinery will be operated only by or under the direction of employees of the United States. Tampering or meddling with the machinery or other parts of the lock is strictly forbidden.

(o) *Refuse in locks.* The placing of ashes, refuse, or obstructions of any kind in the locks or on the walls thereof or in the canals or on the banks of canals is prohibited. The passing of coal from barges or flats while in the locks is prohibited.

(p) *Damage to construction work.* To avoid damage to plant and structures connected with the construction or repair of locks and dams, vessels passing structures in the process of construction or repair shall reduce their speed and navigate with special caution while in the vicinity of such work.

(q) *Trespass on lock property.* Trespass on locks or dams or other United States property pertaining to the locks or dams is strictly prohibited. Parties committing any injury to the locks or dams or to any part thereof will be responsible therefor. Any person committing a willful injury to any United States property will be prosecuted. No fishing will be permitted from lock walls, guide walls, or guard walls of any lock.

(r) *Commercial statistics.* Masters of vessels shall furnish in writing to lock masters such statistics of passengers and cargo carried as may be required.

(s) *Flood.* Vessels navigating these waters at flood stages, when passing habitations or other structures, partially or wholly submerged and subject to damage from wave action, shall proceed slowly and keep as far away from such structures as circumstances permit, and shall also proceed slowly when passing close to levees.

(t) *Passing movable dams.* When a dam is being raised or lowered all passing craft must use the lock until signaled that the pass is clear. Vessels desiring to wait to use the pass must remain above the head of the lock.

(u) *Approach to movable dams.* When dams are up all vessels in the upper pools not intending to enter locks are forbidden to approach nearer to the dams than a line extending across the river from the head of the upper guide wall unless authorized to do so by the lock master.

(v) *Navigation lights for use of all locks and dams except on the Little Kanawha, Big Sandy, Muskingum, Kentucky, Barren, Rough and Green (Locks No. 3–6) Rivers, and the Illinois and Mississippi Canal.* (1) (i) At locks at all fixed dams and at locks at all movable dams when the dams are up so that there is no navigable pass through the dam, the following navigation lights will be displayed during hours of darkness:

(*a*) Three green lights visible through an arc of 360° arranged in a vertical line on the upstream end of the river (guard) wall unless the intermediate wall extends farther upstream. In the latter case, the lights will be placed on the upstream end of the intermediate wall.

(*b*) Two green lights visible through an arc of 360° arranged in a vertical line on the downstream end of the river (guard) wall unless the intermediate wall extends farther downstream. In the latter case, the lights will be placed on the downstream end of the intermediate wall.

(*c*) A single red light visible through an arc of 360° on each end (upstream and downstream) of the land (guide) wall.

(d) At Locks No. 1 and 2, Green River, when the locks are not in operation because of high river stages, a single red light will be visible through an arc of 360° on each end (upstream and downstream) of the lock river (guard) wall at which time the lights referred to in (*a*), (*b*), and (*c*) of this subdivision, will not be visible.

(ii) If one or more bear traps or weirs are open or partially open, which may cause a set in current conditions at the upper approach to the locks, this fact will be indicated by displaying a circular disk 5 feet in diameter, on or near the light support on the upstream end of the land (guide) wall during the hours of daylight, and will be indicated during hours of darkness by displaying a white (number) light vertically under and 5 feet below the red light on the upstream end of the land (guide) wall.

(2) At movable dams when the dam has been lowered or partly lowered so that there is an unobstructed navigable pass through the dam, the navigation lights indicated below will be displayed during hours of darkness until lock walls and weir piers are awash.

(i) Three red lights visible through an arc of 360° arranged in a vertical line on the upstream end of the river (guard) wall.

(ii) Two red lights visible through an arc of 360° arranged in a vertical line on the downstream end of the river (guard) wall.

(iii) A single red light visible through an arc of 360° on each end (upstream and downstream) of the land (guide) wall.

After lock walls and weir piers are awash they will be marked as prescribed in paragraph (x) of this section.

(w) Navigation lights for use at locks and dams on Little Kanawha, Big Sandy, Muskingum, Kentucky, Barren, Rough, and Green (Locks No. 3-6) Rivers, and the Illinois and Mississippi Canal. A single red light visible through an arc of 360° shall be displayed during hours of darkness at each end of the river wall or extending guard structure until these structures are awash.

NOTE: Locks which have been closed to navigation are listed in the footnotes to paragraph (a) of this section.

(x) *Buoys at movable dams.* (1) Whenever the river (guard) wall of the lock and any portion of the dam are awash, and until covered by a depth of water equal to the project depth, the limits of the navigable pass through the dam will be marked by buoys at the upstream and downstream ends of the river (guard) wall, and by a single buoy over the end, or ends, of the portion or portions of the dam adjacent to the navigable pass over which project depth is not available. A red nun-type buoy will be used for such structures located on the left-hand side (facing downstream) of the river and a black can-type buoy for such structures located on the right-hand side (facing downstream) of the river, buoys to be lighted if practicable.

(2) Where powerhouses or other substantial structures projecting considerably above the level of the lock wall are located on the river (guard) wall a single red light located on top of one of these structures may be used instead of river wall buoys prescribed in subparagraph (1) of this paragraph until these structures are awash, after which they will be marked by a buoy of appropriate type and color (red nun or black can buoy) until covered by a depth of water equal to the project depth, buoys to be lighted if practicable.

(y) *Vessels to carry regulations.* A copy of the regulations in this section shall be kept at all times on board each vessel regularly engaged in navigating the rivers to which these regulations apply. Copies may be obtained from any of the lock offices on request.

(z) *Special regulations applicable to Ohio River below mouth of Cache River, Ill.* Except in case of great emergency, no vessel or craft shall anchor over revetted banks of the river, and no floating plant other than launches and similar small craft shall land against banks protected by revetment except at regular commercial landings. In all cases, every precaution to avoid damage to the revetment works shall be exercised. The construction of log rafts along mattressed or paved banks or the tying up and landing of log rafts against such banks shall be performed in such a manner as to cause no damage to the mattress work or bank paving. Generally, mattress work extends out into the river 600 feet from the low water line. Information as to the location of revetted areas may be obtained from, and will be published from time to time by, the President, Mississippi River Commission, Vicksburg, Mississippi.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1)

§ 207.640 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(a) *San Francisco Bay north of Alcatraz Island; submarine operating area*—(1) *The area.* Bounded as follows: North boundary, latitude 37°50'-30"; east boundary, longitude 122°25'-00"; south boundary, latitude 37°50'00"; west boundary, longitude 122°26'10";

(2) *The regulations.* Prior notification of the dates and times of all operations will be made by local notice to mariners. A patrol boat will direct the movement of vessels passing in the vicinity of the operating area by means of signal light and loud hailer. Vessels traversing this area shall be alert and comply with the orders of the patrol boat. The regulations in this paragraph shall be enforced by the Commandant, Twelfth Naval District, and such agencies as he may designate.

(b) *San Francisco Bay in the vicinity of Alcatraz Island; restricted area*—(1) *The area.* All waters within 200 yards of the shore of Alcatraz Island.

(2) *The regulations.* The use or navigation of the waters within this area by any vessel or craft other than vessels

controlled and operated by the United States Government is prohibited unless authorized by an officer of the Department of Justice empowered by the Attorney General of the United States to grant such authority.

(c) *San Francisco Bay in vicinity of Hunters Point; naval restricted area*—(1) *The area.* Bounded by the shore of the San Francisco Naval Shipyard and the following lines: Beginning at a point on the northerly shore of the Shipyard bearing 292°40', 950 yards, from Hunters Point Light; thence 35°27', 730 yards to the U.S. Pierhead Line; thence 142° 55', 1,300 yards, along the Pierhead Line; thence 180°, 2,450 yards, to the San Francisco-San Mateo County Line; thence 270°, 430 yards, along the County Line; thence 305° 27', 1,313 yards, to and along the southwesterly side of South Basin; and thence due north, 413 yards, to the southwesterly shore of the Shipyard.

NOTE: All bearings in this section are referred to true meridian.

(2) *The regulations.* No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commander, San Francisco Naval Shipyard, shall navigate, anchor, or moor in this area.

(d) *San Francisco Bay at South San Francisco; seaplane restricted area*—(1) *The area.* Bounded by the westerly shore of South San Francisco Bay and the following lines: Beginning at a point on shore bearing 152°30', 1,750 yards, from Aviation Beacon "Aero" at San Francisco Airport; thence to points which are the following bearings and distances from Aviation Beacon "Aero"; 99°30', 9,070 yards; 81°30', 6,530 yards; 41°30', 6,100 yards; and 347°30', 3,400 yards.

(2) *The regulations.* No surface watercraft shall be operated or anchored in this area except by specific permission of the Commanding Officer, Coast Guard Air Station, South San Francisco. Persons desiring to navigate vessels across the area shall give advice of their intention to do so and make request to the Commanding Officer not less than four hours in advance of the time they desire to take the vessel across the area.

(e) *San Francisco Bay; seaplane restricted area, Naval Air Station, Alameda*—(1) *The seaplane restricted area.* The waters of San Francisco Bay south of the Naval Air Station, Alameda, bounded on the north by the breakwater and turning basin at the Naval Air Station, and a line from Air Station Channel Lighted Buoy 6 to Air Station Channel Entrance Lighted Buoy 2; bounded on the west, south, and east by lines connecting Air Station Channel Entrance Lighted Buoy 2 and points which are the following bearings and distances from Hunters Point Light: 17°, 4,050 yards; 85°, 5,300 yards; 86°, 7,075 yards; 73°, 9,160 yards; and 70° 30', 9,300 yards; and bounded on the northeast by a line running from the last-described point 299° to the breakwater.

(2) *The take-off zone.* The area in San Francisco Bay southeast of the southeast boundary of General Anchorage 8 (described in § 202.224 (a) of this chapter); north of the north boundary of General Anchorage 9 (described in § 202.224 (a) of this chapter); northwest of the seaplane restricted area described in subparagraph (1) of this paragraph; and southwest of the southwest boundary of General Anchorage 9–A (described in § 202.224 (a) of this chapter).

(3) *The regulations.* (i) Except as provided in subdivision (ii) of this subparagraph, no surface watercraft shall be operated or anchored in the seaplane restricted area except those attendant upon seaplane operations of the United States Navy or such other watercraft as have been given specific permission by the enforcing agency.

(ii) Surface watercraft may pass through the northerly part of the seaplane restricted area in a channel-way 800 feet wide adjacent to the southerly side of the breakwater protecting the turning basin at the Naval Air Station, turning at the western end of the breakwater, in a northwesterly direction, and connecting with the channel to the turning basin. Craft navigating this channel-way shall pass directly through and shall obey such verbal instructions regarding passage as may be given from the naval surface vessel patrolling the seadrome restricted area.

(iii) Vessels entering the take-off zone shall proceed through as necessary without delay. This area shall not be used for such purposes as drills, swinging ship, or other operations which would delay the vessel beyond the time required for normal transit. The enforcing agency may make exceptions to the provisions of this subparagraph if seaplane operations permit.

(iv) The regulations in this paragraph shall be enforced by the Commander, Naval Air Station, Alameda, and such agencies as he may designate.

(f) *San Francisco Bay and Oakland Inner Harbor; restricted areas in vicinity of Naval Air Station, Alameda*—(1) *The areas.* (i) The waters of San Francisco Bay within 100 yards of the Naval Air Station, Alameda.

(ii) The waters of the entrance channel to Oakland Inner Harbor (San Antonio Estuary) between the westerly end of the rock wall on the south side of the channel and the easterly boundary of the Naval Air Station.

(2) *The regulations.* (i) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commandant, United States Naval Air Station, Alameda, shall navigate, anchor, or moor in the area described in subparagraph (1) (i) of this paragraph.

(ii) No vessel without special authority from the Commander, Twelfth Coast Guard District, shall lie, anchor, or moor in the area described in subparagraph (1) (ii) of this paragraph. Vessels may proceed through the entrance channel in process of ordinary navigation or may moor alongside wharves on the Oakland side of the channel.

(g) *Oakland Harbor in vicinity of Naval Supply Center, Oakland; navigation.* (1) All vessels over 1,000 tons displacement, bound for the Naval Supply

Center, Oakland, shall use a qualified pilot regularly licensed for the waters of Oakland Harbor.

(2) All vessels over 1,000 tons displacement, bound for Naval Supply Center, Oakland, shall, before navigating the entrance channel, receive a signal that the channel is clear. Signals will be displayed on top of a signal tower which is located on top of a transit shed on the westerly end of Pier 4, Naval Supply Center. The signals are as follows:

(i) *Clear channel.* A black ball displayed from yard arm on top of signal tower between sunrise and sunset, and a green light displayed from the top of signal tower at night.

(ii) *Foul channel.* A red light displayed on top of signal tower during daylight and at night with the following meanings:

One flash each 15 seconds—channel will be clear in less than 1 hour.

Two flashes each 15 seconds—channel will be foul for 1 to 3 hours.

Three flashes each 15 seconds—channel will be foul for 3 or more hours.

(h) *San Francisco Bay between Treasure Island and Yerba Buena Island; naval restricted area*—(1) *The area.* All the water of the cove bounded by the south shore of Treasure Island, the north shore of Yerba Buena Island, and the connecting causeway, west of a line extending from the southeast corner of the most southerly of the four finger piers along the east side of Treasure Island, at about latitude 37°49'11", longitude 122°21'40", approximately 153°20' to the northeasterly point of Yerba Buena Island, at about latitude 37°48'55", longitude 122°21'30".

(2) *The regulations.* No vessel or other craft, except vessels owned or operated by the United States Government or vessels duly authorized by the Commanding Officer, Naval Station, Treasure Island, shall enter the restricted area.

(i) *San Francisco Bay adjacent to northeast corner of Treasure Island; naval restricted area*—(1) *The area.* Beginning at the intersection of Pier 21 and the bulkhead line, thence northwesterly along the bulkhead to the northernmost point of Treasure Island; thence 288° true, 290 yards; thence 26° true, 475 yards; thence 115° 30' true, 520 yards; thence 152° true, 500 yards to Pier 21; thence along the pier to the point of beginning.

(2) *The regulations.* No vessels, except those engaged in naval operations, shall lie, anchor, moor or unnecessarily delay in the area. Vessels may pass through the area in the process of ordinary navigation except as directed by patrol boats. The regulations in this paragraph shall be enforced by the Commandant, Twelfth Naval District, and such agencies as he may designate.

(j) *San Francisco Bay in vicinity of Naval Fuel Annex, Molate Point; restricted area*—(1) *The area.* Bounded by the easterly shore of upper San Francisco Bay and the following lines: Beginning at a point on shore bearing 17°, 800 yards, from "Tree" at Molate Point; thence 270°, 870 yards; thence 180°, 1,100 yards; and thence 123° to the shore.

(2) *The regulations.* Vessels not operating under supervision of the local military or naval authority or public vessels of the United States shall not enter this area except by specific permission of the Commander, Twelfth Coast Guard District.

(k) *Pinole Shoal Channel, San Pablo Bay; use, administration, and navigation.* (1) The use of Pinole Shoal Channel is reserved for navigation of vessels of greater draft than 20 feet or by towboats with tows drawing more than 20 feet. Vessels operated by either sail or power and tows drawing less than 20 feet are not permitted to use this channel or to cross it at any point between San Pablo Bay Lighted Buoy 5 and San Pablo Bay Lighted Bell Buoy 13.

(2) Vessels permitted to use Pinole Shoal Channel under subparagraph (1) of this paragraph shall proceed through the channel at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel, except in cases of emergency such as fog or accident which would render progress unsafe or impossible.

(3) This paragraph shall not be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, or in emergencies by pilot boats, whether steam or sail, or by police boats, or by the vessels of passenger steamship lines operated on regular schedules.

(l) *San Pablo Bay, Carquinez Strait, and Mare Island Strait in vicinity of U. S. Naval Shipyard, Mare Island; restricted area*—(1) *The area.* The waters of San Pablo Bay, Carquinez Strait, and Mare Island Strait, within 100 yards of the shore of that part of the Navy Yard, Mare Island, south of the causeway between the City of Vallejo and Mare Island and extending continuously therefrom southeasterly, southwesterly, and northwesterly around the Navy Yard to its northwesterly limit on the waters of San Pablo Bay, and the waters within 50 yards of any part of the berthing piers at the Navy Yard.

(2) *The regulations.* No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commandant, U. S. Navy Yard, Mare Island, shall navigate, anchor, or moor in this area.

(m) *Carquinez Strait in vicinity of Benicia Arsenal, Benicia; restricted area*—(1) *The area.* Within 100 yards of the shore or of the wharf at the Benicia Arsenal.

(2) *The regulations.* No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commander, Twelfth Coast Guard District, shall enter this area.

(n) *Suisun Bay at Port Chicago; naval magazine restricted area*—(1) *The area.* Beginning at a point on the shore and on the easterly side of the mouth of a small slough bearing 98° 30', 2,133 yards, from Point Edith Light; thence 340° 30', 400 yards, to the high water shore line of the most southerly of Seal Islands; thence 60° 30', 2,050 yards; thence 83° 30', 866 yards; thence 162° 30', 2,000 yards; thence 98°, 1,365 yards; thence 180°, 400 yards, to the high water shore line; thence following the high water shore line in a general southwesterly direction to the point of beginning.

(2) *The regulations.* Vessels not operating under the supervision of the local military or naval authority shall not enter this area except by specific permission of the Commander, Twelfth Coast Guard District.

(o) *San Joaquin River Deep Water Channel between Suisun Bay and the easterly end of the channel at Stockton; use, administration, and navigation*—(1) *Maximum speed.* The maximum speed for all ocean-going craft shall not exceed 10 miles per hour above the lower end of New York Slough, seven miles per hour above Criminal Point, or five miles per hour while passing any wharf, dock, or moored craft. As used in this subparagraph, the speed of a vessel when navigating with the current shall be its rate of movement in excess of the velocity of the current.

(2) *Passing.* All craft passing other boats, barges, scows, etc., in motion, moored or anchored, shall slow down and take every necessary precaution to avoid damage.

(3) *Right of way.* (i) United States dredges, tugs, launches, derrick boats, and similar plant of contractors executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 201 of this chapter shall have the right of way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractors' plant, working the channel must, however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided. Ocean-going vessels may show at the masthead a black ball not more than 20 inches in diameter as a signal to the dredge, and may also blow five long blasts of the whistle when within reasonable hearing distance of the dredge, such signal to be followed at the proper time by the passing signal described in the local pilot rules. The dredge shall promptly acknowledge both signals in the usual manner.

(ii) Light-draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right of way to such vessels by making use of the shallower portions of the waterway.

(iii) Rafts and tows must promptly give the channel side demanded upon proper signal by a vessel, and must be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin must, if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the northwest side of Mandeville Island or in the Old River.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Engineer, Corps of Engineers, or his authorized representative.

(5) *Wrecks.* In no case following accidents of fire or collision will a vessel be allowed to remain either anchored or grounded in the channel, or beached at any place where it endangers other vessels, while settlement is pending with the underwriters.

(6) *Other laws and regulations.* In all other respects, the existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1)

§ 207.750 Puget Sound Area, Wash.

(a) *Strait of Juan de Fuca, eastern end; naval restricted area*—(1) *The area.* Off the westerly shore of Whidbey Island, shoreward of a line extending from West Point 270°, approximately 1.9 miles, to Lawson Reef Bell Buoy; thence approximately 222°, 6.3 miles to Minor Island Light; thence 162°, 6.3 miles to Point Partridge on the westerly shore of Whidbey Island at approximately latitude 48°13'30". Sector A, within the area, lies shoreward of a line extending from West Point 270° approximately 1.9 miles to Lawson Reef Bell Buoy; thence approximately 222° and 900 yards; thence approximately 143° and 6,300 yards to Whidbey Island. Sector B, within the area lies shoreward of a line beginning on the westerly shore of Whidbey Island about 88.5° and 9,600 yards from Minor Island Light; thence 200° and 1,050 yards; thence 216° and 2,400 yards; thence 128° and about 1,300 yards to the shore of Whidbey Island.

(2) *The regulations.* Except as modified for Sectors A and B, the area is open to transit except from noon to 4:30 p.m. on week days. Sector B is open to transit except from 8:00 a.m. to 4:30 p.m. on week days. No vessels other than naval vessels shall enter the area or navigate therein at times other than those stated without permission of the Commandant, Thirteenth Naval District, or his authorized representative. Until further notice from the Commandant, Sector A is open to transit at all times.

(b) *Oak Harbor and Crescent Harbor, Whidbey Island; naval restricted area*—(1) *The area.* Beginning at Point Polnell at N. latitude 48°16'21" and W. longitude 122°33'27"; thence approximately 179°, 1.3 miles through the Point Polnell buoy to N. latitude 48°15' and W. longitude 122°33'24"; thence approximately 239°, 1.3 miles to N. latitude 48°14'24" and W. longitude 122°35'; thence approximately 272°, 1.8 miles to N. latitude 48°14'30" and W. longitude 122°37'42"; thence approximately 338°, 1.7 miles to the navigation light at N. latitude 48°16'06" and W. longitude 122°38'37"; thence approximately 332°, 0.8 miles to the navigation light at N. latitude 48°16'40" and W. longitude 122°39'03"; thence approximately 44°, 0.9 miles to the shore of Oak Harbor; thence along the high water line of Oak Harbor, Forbes Point and Crescent Harbor to the point of beginning.

(2) *The regulations.* No vessel shall enter this area or navigate therein without permission of the Commandant, Thirteenth Naval District, or his authorized representative.

(c) *Admiralty Inlet, entrance; naval restricted area*—(1) *The area.* Beginning at Point Wilson Light thence southwesterly along the coast line to latitude 48°07' N.; thence northwesterly to a point at latitude 48°15' N. longitude 123°00' W.; thence due east to Whidbey Island; thence southerly along the coast line to latitude 48°12.5' N.; thence southerly to the point of beginning.

(2) *The regulations.* (i) Use of any equipment such as anchors, fishing gear, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited. Dumping of any non-buoyant objects in this area is prohibited.

(ii) The regulations of this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his duly appointed representative.

(d) *Waterway connecting Port Townsend and Oak Bay; use, administration, and navigation*—(1) *Works to which regulations apply.* The "canal grounds" when used in this paragraph shall mean that area between the south end of the jetties in Oak Bay and the northerly end of the dredge channel approximately 400 yards northwest of Port Townsend Canal Light. The "canal" is the water lying between these limits and the banks containing the same.

(2) *Speed.* The speed limit within the canal grounds shall not exceed five miles per hour.

(3) *Signals.* All boats desiring to use the canal shall give one long and one short whistle. Southbound boats shall sound the signal within 600 yards of Port Townsend Canal Light. Northbound boats shall sound this signal at least 500 feet south from the end of the jetties in Oak Bay. If no other boat answers the signal the first boat shall have the right of way through the canal. Any approaching boat that is in the canal shall answer by giving the same signal and the first boat shall not enter the canal until the second boat shall have passed through the canal. In the case of boats going in the same direction the boat which is in the canal shall not answer the signal of the boat desiring to enter.

(4) *Passing.* Steamers shall not under any circumstances attempt to pass each other in the canal, either when going in the same or opposite directions.

(5) *Anchoring.* No steamers or boats shall anchor or tie up within the canal grounds unless they are well over on the tide flats to the west of the dredged channel, and off the right of way belonging to the United States.

(6) *Tows.* No tow shall enter or pass through the canal with a towline more than 200 feet in length.

(7) *Statistics.* At the end of each month masters or clerks of vessels or boats that have used the canal during the month shall report to the District Engineer, U.S. Army Engineer District, Seattle, upon prescribed forms, a statement of passengers, freight, and registered tonnage, and such other statistical information as may be required by the blank forms which are issued to them for that purpose.

(8) *Trading, landing, etc.* No business, loading, or landing of freight or baggage will be allowed on or over the canal piers or bulkheads.

(9) *Refuse.* No person shall throw material of any kind into the canal.

(10) *Delaying traffic.* No person shall cause or permit any vessel or boat of which he is in charge, or on which he is employed, to obstruct the canal in any way or delay in passing through it.

(11) *Obstructions.* On the canal's being obstructed by a vessel, raft, or other craft, by sinking, grounding, or otherwise, the District Engineer, Seattle, shall be notified by telephone or telegraph as soon as possible by the person in charge of the obstructing vessel, raft, or craft.

(e) *Hood Canal, Bangor; naval restricted area*—(1) *The area.* All waters within 500 yards of the Navy pier and mooring buoys Nos. 1, 2, 3, and 4, lying southerly thereof, and all remaining waters along the easterly shore of Hood Canal within 200 feet of the high water line between latitude 47°46'20" and latitude 47°43'28". The buoys are located in the following positions: Buoy No. 1, latitude 47°44'37.5", longitude 122°-43'49"; buoy No. 2, latitude 47°44'32", longitude 122°43'55"; buoy No. 3, latitude 47°44'29", longitude 122°44'03"; buoy No. 4, latitude 47°44'25.5", longitude 122°44'10".

(2) *The regulations.* No vessel shall enter this area without permission from the Commandant, Thirteenth Naval District, or his authorized representative.

(f) *Puget Sound, Point Jefferson; naval restricted area*—(1) *The area.* Shoreward of a line beginning at a point on shore about 340° and 480 yards from the Navy dock between Point Jefferson and President Point; thence about 90° and 1,000 yards to Buoy A; thence about 103° and 950 yards to Buoy B; thence about 195° and 2,000 yards to Buoy C; thence about 283° and 950 yards to Buoy D; thence about 283° and 850 yards to Point Jefferson. A small boat fairway has been established within the area and is bounded by a line beginning at a point on shore about 340° and 480 yards from the Navy dock between Point Jefferson and President Point; thence about 90° and 1,000 yards to Buoy A; thence about 195° and 2,000 yards to Buoy D; thence about 283° and 850 yards to Point Jefferson; thence about 51° and 1,050 yards; thence about 335° and 1,200 yards to shore.

(2) *The regulations.* (i) Except as modified for the small boat fairway, no vessel shall enter or navigate within the area without permission from the enforcing agency. Whenever the degaussing ranges are not in actual operation, the small boat fairway will be open to small boats and pleasure craft, but is

closed at all times to other vessels and tows, fishing, and anchoring. Flashing red lights directed toward the northern and southern entrances to this fairway are mounted on the dock and at Range "B" respectively. When energized, these lights indicate that the small boat fairway is closed to transit.

(ii) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, and such agencies as he may designate.

(g) *Lake Washington Ship Canal; use, administration, and navigation*—(1) *Definitions.* The term "canal" as used in the regulations in this paragraph shall include the water area in the locks and the channel and adjacent waters from a point 5,500 feet northwest of the Great Northern Railway Company bridge to the east end of the channel opposite Webster Point, Lake Washington. The term "canal grounds" shall include all grounds set aside for the use of the canal or occupied in its construction.

(2) *Supervision.* The canal and all its appurtenances shall be in charge of the District Engineer, U.S. Army Engineer District, Seattle. The District Engineer will detail as many assistants as may be necessary for the efficient operation of the canal and the enforcement of the regulations in this paragraph. The movement of all vessels and other floating things in the canal and approaches thereto shall be under the direction of the District Engineer and his authorized assistants. All orders given under the regulations to any master or person in charge of any vessel, raft, or other watercraft by the District Engineer or his authorized assistants, either in person or through any canal operative, shall be acknowledged and obeyed. Failure to see, understand, or comply with signals or instructions shall constitute a violation of the regulations. Any person refusing to comply with the regulations or any orders given in pursuance thereof may be denied the privileges of the canal or canal grounds.

(3) *Speed.* To avoid damage to other vessels and to property along the shores, all vessels shall proceed at reduced speed in the canal as follows:

(i) From the west entrance of the Lake Washington Ship Canal to the western end of the west guide pier of the Hiram M. Chittenden Locks, and from the east end of the easternmost guide pier of said Locks to the white flashing dolphin located south of Webster Point on Lake Washington, including all of Salmon Bay, Lake Union, Portage Bay, and Union Bay, it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of 7 nautical miles per hour within 200 feet of any shoreline, pier, restricted area or shore installation.

(ii) From the western end of the aforesaid west guide pier to the eastern end of the aforesaid east guide pier at said Locks, it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of 4 nautical miles per hour.

NOTE: Signs are located along the canal to indicate permissible speeds.

(4) *Traffic signal lights.* In addition to the lock signal lights described in subparagraph (5) (ii) of this paragraph, a red light, and a green light are installed on the west side of the Ballard Bridge, on the east side of the Fremont Bridge, 1,000 feet west of the Montlake Bridge, and 1,000 feet east of the Montlake Bridge, for the guidance of vessels approaching the sections of the canal between Salmon Bay and Lake Union and between Lake Union and Lake Washington, respectively. Vessels of 300 gross tons and over and all vessels with tows, except as hereinafter provided, shall not pass the red lights. The green lights will indicate that vessels may proceed. Vessels of less than 300 gross tons without tows may disregard these signals, but they shall travel at very slow speed when passing other vessels. Vessels of 300 gross tons and over and vessels with tows, except logs, whose destination is between the Ballard Bridge and the Northern Pacific Railway Company bridge, may pass the red signals on the Ballard Bridge: Provided, such passage will not interfere with approaching traffic from Lake Union.

(5) *Approaching and passing through locks*—(i) *Signals for locks.* Vessels with tows desiring to use the locks shall so indicate by two long and three short blasts of a whistle, horn, or megaphone. All other vessels desiring to use the locks shall so indicate by two long and two short blasts.

NOTE: The term "long blasts" means blasts of four seconds' duration, and the term "short blasts" means blasts of one second's duration. Signals for the opening of drawbridges are prescribed in § 203.795 of this chapter.

(ii) *Lock signal lights.* Red and green signal lights are installed on the guide pier west of the Great Northern Railway Company bridge below the locks. The green light will indicate to vessels bound for the large lock that the lock has been made ready. If the red light is burning, vessels bound for the large lock shall moor at the pier. Vessels bound for the small lock shall obtain instructions from the pierman on the end of the pier as to which lock to use and shall be guided into the small lock by traffic signals thereon. The masters of all vessels approaching the locks from Puget Sound shall be alert to receive and shall immediately comply with instructions by voice or signal from the employee on the west pier.

(iii) *Precedence at locks.* All vessels approaching the locks shall stop at the points indicated by signs placed on the canal piers or as directed by a lockman until ordered to proceed into the lock. Unless otherwise directed by the District Engineer or his authorized assistants, vessels owned or operated by the United States or the City of Seattle and passenger vessels operating on a regular schedule shall have precedence over all others in passing through the locks. Registered merchant vessels shall have precedence over pleasure craft, which shall pass through in the order of their arrival at the locks, and both shall have precedence over vessels towing floated timber or logs. Tows of floated timber and logs may be denied the use of the locks during certain hours when both locks are busy passing other traffic. However, advance notice will be given towboat companies as to the periods when log tows will be denied lockage.

(iv) *Entering locks.* Masters of vessels shall exercise the greatest care when entering either lock. The forward movement of vessels while taking position in the locks shall be very slow, and boats entering the small lock shall reduce their speed to not more than two and one-half miles per hour when within 200 feet of the outer gate and come to practically a full stop before entering the lock so that in case the engine mechanism fails to operate properly the momentum of the boat may be stopped easily by its lines. The masters of vessels entering either lock from either direction shall be alert to receive and shall immediately comply with instructions by voice or signal from the lock attendants.

(v) *Mooring in locks.* Vessels and rafts while in the lock shall be moored at the top of the lock wall, adequate lines at least 50 feet in length being required fore and aft. Lines shall not be released until the signal has been given by the lock force to leave the lock, after which there shall be no delay in leaving. All vessels not equipped to handle tie-up lines with power winches shall be equipped with suitable mooring lines of manila or other suitable fiber, of sufficient size and strength to hold the vessel against the currents to be met within the lock chamber. The use of wire rope for tie-up lines by vessels not equipped to handle such lines with power winches is prohibited. Vessels may be denied the use of the locks if their lines are not in good condition, or if the mooring bits on barges are not accessible or are not equipped to prevent lines from slipping off when the water is lowered in the lock. All vessels entering the locks should have, in addition to the master, at least one person on deck to handle lines. Persons attempting to take vessels through the locks without assistance on deck may be required to wait until the lock is clear of other traffic before passing through. All operators of vessels are especially cautioned to use extreme care while crowded in the locks to avoid accident or fire on their boats. Operators of small vessels and larger vessels operating in the proximity of each other shall be alert to the danger arising from the limited maneuverability of the larger vessels, and shall exercise all precautions to prevent accident.

(6) *Damage to locks or other structures.* The regulations in this paragraph shall not affect the liability of the owners and operators of vessels for any damage caused by their operations to the locks or other structures. The sides and corners of all vessels and rafts passing through the locks should be free from spikes or projections of any kind which might damage the locks or other structures. Vessels with appurtenances or projections which might damage the locks or other structures shall be fitted with adequate fenders. The operators of vessels shall use care to avoid striking the guide

walls or other structures pertaining to the canal.

(7) *Commercial statistics.* (i) On each passage through the locks, as required by section 11 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U. S. C. 555), the master or clerk of any vessel or other craft shall furnish, upon prescribed forms provided for the purpose and obtainable at the locks, a statement of the passengers, freight, and tonnage, and such other statistical information as may be required by the forms. The total cargo carried must be reported showing separately the tonnage in transit, and the tonnage, kind, and destination of cargo to be unloaded.

(ii) Reports of log rafts passing through the canal shall show the number of sections in the lock at each passage and, in the case of boom sticks, poles, or piles, the number of sticks in the tow. For logs, poles, or piles in cribs or in built-up rafts of more than one layer, the report shall show the total board feet in the raft.

(iii) Except by special permit, no vessel will be allowed to pass through the lock until a correct statement is furnished of the passengers, freight, and tonnage, and such other statistical information as may be required by the prescribed forms provided for the purpose.

(8) *Rafts.* (i) No log raft exceeding 700 feet in length or 76 feet in width shall pass through the canal. Boom sticks shall be smooth, with rounded ends, and securely tied together with cables, chains, or log swifters to prevent the raft from spreading while in the lock. Rafts containing logs that do not float above water for their entire length, or are in danger of being submerged when they enter fresh water, shall not be towed in the canal until such logs are securely fastened so as to prevent their escape from the raft.

(ii) Whenever required, log rafts passing in through the lock will be given a number that shall be fastened on one of the logs in the raft. This number will identify the raft and shall not be removed until the logs are used.

(iii) Two floats are maintained in Shilshole Bay near the entrance of the canal channel to facilitate the handling of logs in the canal. Rafts bound for the canal may be moored at one of these floats, only the portion of the raft that is to be taken through at a single lockage being brought into the canal. The remainder of the raft may be left at the float until the first portion has been towed to its destination above the lock.

(9) *Tows.* All vessels engaged in towing shall use tow lines of the least practicable length and shall have full control of their tows at all times. Towing more than one craft abreast is forbidden if the total width of the tow, including the towboat, exceeds 70 feet.

(10) *Obstructing navigation.* (i) All vessels and tows passing through the canal shall be kept as close as practicable to the center or, when safer, to the right side of the waterway, except when passing other craft or preparing to moor at a pier or wharf. Slowly moving log rafts, tows, or vessels shall, whenever practicable, pull out of the way when meeting other vessels or when other traffic proceeding in the same direction desires to pass. Vessels are forbidden to obstruct the canal in any way or to delay by slow passage through the canal the progress of other vessels. Small and readily maneuverable vessels operating in the vicinity of larger, less maneuverable vessels shall, in all cases, keep clear and operate with caution in order that the larger vessels may maintain safe steerage way and that hazards to all vessels may be reduced. All vessels shall operate with extreme caution and movements shall be made only when adequate precautions for the safety of other vessels and property are being effectively employed.

(ii) The placing of logs, vessels, or other floating objects within the limits of the dredged channels or anywhere in the canal where they may interfere with navigation to or from piers or industrial plants is prohibited.

(11) *Turning.* Vessels exceeding 100 feet in length shall not turn around, or attempt to turn around, in the portion of the canal between the Northern Pacific Railway Company bridge and a point 400 feet east of the Fremont Bridge, or in the Portage Cut.

(12) *Excessive working of propellers or engines.* Excessive working of the propellers of a vessel for purposes of testing or for other purposes when this creates objectionable or dangerous currents in the canal is forbidden. In case of grounding, the rapid or strong working of the vessel's engines is forbidden.

(13) *Landing or mooring.* No business, trading, or landing of passengers, freight, or baggage will be allowed on or over the canal piers or lock walls, or over the piers or grounds forming a part of the canal or its appurtenances. All persons in charge of or employed on any boat are prohibited from landing or mooring such boat at any of the canal piers, unless in transit through the canal or specially permitted to do so by the District Engineer or his authorized assistants.

(14) *Deposit of refuse.* The deposit, either from watercraft or from the shore, of any oil or refuse matter in the canal or upon the canal grounds is prohibited, nor shall water discharged from the side of a vessel be allowed to spill on the lock wall.

(15) *Aids to navigation.* Persons in charge of log rafts or other tows, and the masters of vessels and boats using the canal, shall keep a careful watch when passing buoys or other aids to navigation and promptly report to the District Engineer or his authorized assistants any displacement or damage to such aids.

NOTE: Aids to navigation and other related data are shown on United States Coast and Geodetic Survey Chart No. 6447.

(h) *Lake Washington; seaplane restricted area, U. S. Naval Air Station, Sand Point, Seattle*—(1) *The area.* (i) Beginning at a point bearing 346°07'15", 2,113.75 yards, from the tower at the northeast corner of Hangar No. 1, U. S. Naval Air Station, Seattle; thence 347°, 2,000 yards; thence 77°, 500 yards; thence 167°, 2,000 yards; and thence 257°, 500 yards, to the point of beginning.

(ii) The area will be marked by special pneumatic buoys as follows: Seven each on the easterly and westerly lines, equally spaced, forming two parallel rows 500 yards apart. Each corner buoy will be equipped with a yellow light and all other buoys with green lights. These lights will be lighted only during night flying operations. Each buoy will be marked in addition by black and yellow vertical stripes.

(2) *The regulations.* (i) This area shall be restricted to seaplanes for use in landing.

(ii) No vessel shall operate or anchor in the area except those attendant upon seaplane operations.

(iii) All other watercraft shall exercise due caution in navigating across the lake in the waters to the north and to the south of the restricted area, as there may be danger from planes about to land.

(iv) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his authorized representative.

(i) *Elliott Bay, Smith Cove; naval restricted area*—(1) *The area.* Beginning at the southwest corner of Great Northern Railway Pier 89, Smith Cove; thence 180°, 150 yards; thence 270°, 625 yards; thence due north to the shore of Smith Cove.

(2) *The regulations.* No vessel shall enter this area without permission of the Commandant, Thirteenth Naval District, or his authorized representative.

(j) *Port Orchard; naval restricted area*—(1) *The area.* Shoreward of a line beginning at a point on the west shoreline of Port Orchard bearing 90° from stack (at latitude 47°42'01", longitude 122°36'54"); thence 90°, approximately 190 yards, to a point 250 yards from stack; thence 165°, 6,000 yards, to a point bearing 179°, 1,280 yards, from Battle Point Light; thence westerly to the shoreline at latitude 47°39'08" (approximate location of the Brownsville Pier).

(2) *The regulations.* (i) No vessel shall, at any time, anchor or tow a drag of any kind in this area.

(ii) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his authorized representative.

(k) *Sinclair Inlet; naval restricted area*—(1) *The area.* All the waters of Sinclair Inlet westerly of a line drawn from the Bremerton Ferry Landing (approximately latitude 47°33'49", longitude 122°37'19") to the Annapolis Ferry Landing (approximately latitude 47°32'59.5", longitude 122°36'52").

(2) *The regulations.* No vessel of more than 100 gross tons shall enter this area or navigate therein without permission from the Commandant, Thirteenth Naval District, or his authorized representative.

(l) *West Waterway, Seattle Harbor; navigation.* (1) The movement of vessels of 250 gross tons or over and all vessels with tows of any kind through the narrow section of West Waterway between the bend at Fisher's Flour Mill dock and the bend at the junction of East Waterway with Duwamish Waterway, and through the draws of the City of Seattle and Northern Pacific Railway Company bridges crossing this narrow

section, shall be governed by red and green traffic signal lights mounted on the north and south sides of the west tower of the City Light power crossing at West Spokane Street.

(2) Two green lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is clear. Two red lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is not clear.

(3) A vessel approaching the narrow section and drawbridges from either end of the waterway shall give one long blast of a whistle and shall not enter the narrow section until green lights are displayed.

(4) One vessel may follow another vessel in either direction, but the channel shall not be kept open in the same direction for an unreasonable time if a vessel is waiting at the other end.

(5) Tugs, launches, and small craft shall keep close to one side of the channel when vessels or boats with tows are passing.

(6) All craft shall proceed with caution. The display of a green light is not a guarantee that the channel is clear of traffic, and neither the United States nor the City of Seattle will be responsible for any damage to vessels or other property which may be chargeable to mistakes in the operation of the signal lights or to their failure to operate.

(m) *Tacoma Harbor; naval restricted area*—(1) *The area.* The waters surrounding the Naval Station, Tacoma, as follows: Hylebos Waterway and Port-Industrial Waterway (formerly known as Wapato Waterway) within 200 feet of the shore or of structures along the shore or within 100 feet of the outboard face of vessels moored thereto; and Commencement Bay northwesterly of the Naval Station within 1,000 feet of Naval Station buildings and piers or of vessels moored thereto.

(2) *The regulations.* (i) No fishing vessel or pleasure craft shall enter or remain in the restricted area.

(ii) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his authorized representative.

(n) *Carr Inlet, naval restricted area*—(1) *The area.* The waters of Carr Inlet bounded on the southeast by a line running from Gibson Point on Fox Island to Hyde Point on McNeil Island, on the northwest by a line running from Green Point (at latitude 47°16'54" N., longitude 122°41'33" W.) to Penrose Point; plus that portion of Pitt Passage extending from Carr Inlet to Pitt Island, and that portion of Hale Passage extending from Carr Inlet southeasterly to a line drawn perpendicular to the channel 100 yards northwesterly of the Warren dock.

(2) *The regulations.* (i) The area shall be used as an acoustic range for research studies and special noise trials. No explosives shall be used.

(ii) No marine craft of any type shall at any time approach or remain within one hundred yards of the hydrophone buoys or the hydrophone cable connection house. The hydrophone buoys will be anchored in Carr Inlet on a line perpendicular to the course line opposite Ketner's Point, and about one mile from the Fox Island shore. The course line, or range, will bear 134° 38' 21" (314° 38' 21") true, and will be marked by range beacons erected near the shore line approximately one mile north-northeast of Stellacoom and approximately two miles north-northeast of Home. The cable connection house will be framed on piling in Carr Inlet approximately 20 yards off the Fox Island shore, opposite Ketner's Point.

(iii) The remainder of the area shall be open to navigation at all times except when the range is in use or when hydrophones are being calibrated. When the range is in use or hydrophones are being calibrated, revolving beacon lights will be displayed on the following signal towers:

Signal tower No.	Location	Visible sector (bearings true)
1	Gibson Point	039° to 285°.
2	Fox Island, 2,500 yards northwest of Ketner's Point.	295° to 111°.
3	Green Point	135° to 339°.
4	Penrose Point	319° to 120°.
5	Pitt Island	000° to 050°.
		199° to 225°.
6	Hyde Point	050° to 235°.

The beacon lights on Towers Nos. 1, 4, 5, and 6 will be red, and on Towers Nos. 2 and 3 will be either red or green. The beacon lights will show 1 quick flash every 10 seconds. The lights will be obscured except for the above tabulated visible sectors. The ranging of vessels or calibration of hydrophones requiring restrictions will be conducted at intervals during two 3-hour periods, that is, between the hours of 9 a. m. to 12 noon and 1 p. m. to 4 p. m., Monday through Friday, except for national holidays consisting of New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day, and will total approximately 150 days spread throughout the year. Shutting off of beacon lights will indicate termination of use of the range for the remainder of that period. Insofar as possible, the schedule of operations giving the days the range will be in use for each forthcoming month will be published in local newspapers and in the local U. S. Coast Guard Notice to Mariners.

(iv) When the red beacon lights are displayed indicating that the range is in use or hydrophones are being calibrated, navigation within the area will be restricted as follows:

(*a*) As used in this section, the words "operate, power vessel and non-power vessel" are defined as follows:

(*1*) "Operate": To be physically present in the designated area.

(*2*) "Power vessel": A vessel propelled principally by a mechanical propulsion system (i. e., gasoline, Diesel, steam or electric drive to a propeller, pump jet, paddle wheel or other device), and being propelled by that means.

(*3*) "Non-power vessel": A vessel not equipped with a mechanical propulsion system, such as a rowboat, canoe or sailboat propelled by oars, paddles, or sails.

(*b*) Power vessels shall not operate within the area, except that traffic in either direction between Hale Passage and upper Carr Inlet, within 200 yards of the low water mark off Green Point, will be cleared by signal for approximately 15 minutes total time within this area at the termination of individual ranging runs, while the vessel being ranged takes position for the next run. Clearance to traverse the area around Green Point will be indicated by extinguishing the red beacon lights and displaying the green beacon lights on Signal Tower No. 2 on Fox Island and Signal Tower No. 3 on Green Point.

(*c*) Non-powered marine craft shall not operate within one mile of the course line bearing 134° 38' 21" (314° 38' 21") true, and within two miles to the southeast and two miles to the northwest of the hydrophone buoys situated in Carr Inlet opposite Ketner's Point: *Provided, however,* Non-powered craft may operate within four hundred yards of the low water mark on the northeast side of McNeil Island, within two hundred yards of the low water mark at Green Point, and within two hundred yards of the low water mark on the southwest shore of Fox Island except for maintaining the required one-hundred yard clearance around the cable connection house. (See subdivision (ii) of this subparagraph.)

(*d*) Towboats shall have free access and egress to designated tow havens within Carr Inlet, as follows: The Navy will establish and maintain suitable mooring buoys for the use of tugs and their tows at the following points: (*1*) Approximately 1,500 yards northwest of Gibson Point Light and approximately 400 yards offshore from the low water mark on the Fox Island shore; (*2*) approximately 1,500 yards northwest of Hyde Point and approximately 400 yards offshore from the low water mark on McNeil Island shore; (*3*) and at a point midway between the north point of Gertrude Island and the northwest point of Still Harbor. Towboats will signal by radio, telephone or visual flag hoist as far in advance as possible of the time they enter the tow haven, such signals to be directed to the range instrument vessel to be located on the Fox Island side of Carr Inlet. The Navy shall promptly suspend operations when necessary to permit the access and egress of such tow traffic, and shall signal the tows when the area is clear.

(*e*) Through commercial traffic, including tows, to points within Carr Inlet, and through Carr Inlet, Pitt Passage and Hale Passage to adjacent waters will be permitted free access and egress, as follows: Such traffic will signal by radio, telephone or visual flag hoist as far in advance as possible of the time they enter the area, such signals to be directed to the range instrument vessel to be located on the Fox Island side of Carr Inlet. The Navy shall promptly suspend operations when necessary to permit the passage of such traffic, and the instrument vessel shall signal when the area is clear for passage.

(*f*) The warden of the McNeil Island penitentiary and his authorized representatives shall be permitted to operate within the area at any time, as may be necessary, for the patrol and search for escaped convicts.

(*g*) Red or green signal flags will be displayed on the signal towers in case of failure of the red or green beacon lights. The display of the signal flags at the top of the flag masts will have the same significance as the beacon lights.

(3) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, and such agencies as he may designate.

(o) *Dabob Bay, Whitney Point, Naval Restricted Area*—(1) *The area.* Beginning at the high water line along the westerly shore of Dabob Bay, 100 yards northerly of the Naval control building located at approximately N. latitude 47°-49'36" and W. longitude 122°51'00", thence S. 89° 59' E. 2000 yards, thence to S. 00° 01' W. 200 yards, thence N. 89°-59' W. approximately 2000 yards to the high water line 100 yards southerly of the control building.

(2) *The regulations.* (i) No vessel shall, at any time, anchor or tow a drag of any kind in this area.

(ii) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his authorized representative.

(Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11158; Filed, Nov. 27, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 4]

PART 477—PRICE SUPPORT LIMITATION

Subpart—Regulations Relating to the $50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply

WAIVER OF FINAL DATE FOR FILING APPLICATION FOR EXEMPTION

Basis and purpose. The purpose of this amendment is to permit the State Agricultural Stabilization and Conservation Committee, in the case of any application with respect to a commodity for which the acreage devoted to the commodity was determined on all of the applicant's farms for the 1959 and 1960 crop years, to waive the requirement for filing the application by the established closing date, provided the application is filed not later than December 31, 1961, and provided further that the applicant requests such waiver and gives satisfactory reasons, in writing, for the delay.

Section 477.106, as amended, of the Regulations Relating to the $50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply (25 F.R. 1001) is amended to read as follows:

§ 477.106 **Application for exemption.**

Any person who, on the basis of a reduction in his production, desires to qualify for an exemption from the $50,000 limitation on the amount of nonrecourse price support which any one person may receive on an agricultural commodity shall file an application for such exemption. Such application shall be filed on Form CCC-112 with the ASC county committee of a county in which one or more of the farms in which he shares in the crop is located. Separate applications shall be filed for each commodity, and only one application may be filed with respect to a commodity. Application forms may be obtained from the office of the State or county committee or from the Deputy Administrator. Applications must be filed in sufficient time for the 1960 acreage devoted to the commodity in each county to be determined or verified by the county committee of such county, and in no event later than October 31, 1960: *Provided, however,* That in the case of an application filed not later than December 31, 1961, with respect to a commodity for which the acreage devoted to the commodity was determined on all of the applicant's farms for the 1959 and 1960 crop years under the applicable regulations for determination of acreage and performance, the State committee may waive the final date for filing if such a waiver is requested by the applicant in writing and the State committee finds that there was good reason for the delay in filing the application; in each such case, the applicant must state in writing his reasons for the delay and the State committee shall notify the applicant in writing of its action.

(Public Law 86-80)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 22, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11248; Filed, Nov. 27, 1961; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 926, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 953.1033 (Lemon Regulation 926, 26 F.R. 10792) are hereby amended to read as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 144,150 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 22, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-11245; Filed, Nov. 27, 1961; 8:51 a.m.]

[Milk Order No. 111]

PART 1011—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (7 CFR Part 1011), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act: In § 1011.51 the phrase "Through November 1961".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing condi-

tions and to maintain orderly marketing conditions in the marketing area.

(3) Pending consideration of proposed amendments to the order, this suspension will continue the Class I pricing provisions in the order which otherwise would expire November 30, 1961. The time available, prior to the expiration date of the Class I pricing provisions is too short to permit the detailed analysis of the record evidence and the preparation and issuance of a recommended decision, a final decision and an order on the proposed amendments being considered.

(4) This suspension action is based on evidence presented at a public hearing held in Marinette, Wisconsin on November 7–9, 1961. The request for suspension was made at the hearing by producer associations representing the majority of producers supplying the market and was not opposed by any interested party.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended through February 28, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington D.C., on November 22, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11246; Filed, Nov. 27, 1961; 8:51 a.m.]

[Milk Order No. 116]

PART 1016—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Northeastern Wisconsin marketing area (7 CFR Part 1016), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act: In § 1016.51 the phrase "during the period through November 1961".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Pending consideration of proposed amendments to the order, this suspension will continue the Class I pricing provisions in the order which otherwise would expire November 30, 1961. The time available, prior to the expiration date of the Class I pricing provisions is too short to permit the detailed analysis of the record evidence and the preparation and issuance of a recommended decision, a final decision and an order on the proposed amendments being considered.

(4) This suspension action is based on evidence presented at a public hearing held in Marinette, Wisconsin on November 7–9, 1961. The request for suspension was made at the hearing by producer associations representing the majority of producers supplying the market and was not opposed by any interested party.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended through February 28, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 22, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11247; Filed, Nov. 27, 1961; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 15,178]

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Conversion From Federal to State Charter

NOVEMBER 22, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 546 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 546) for the purpose of establishing minimum requirements for conversion from a Federal savings and loan association to a savings and loan association under a State charter in those cases requiring Board approval under the provisions of the last paragraph of section 5(i) of the Home Owners' Loan Act of 1933, and notice and public procedure having been duly afforded (22 F.R. 866), and for the purpose of effecting such amendment, hereby amends said Part 546, effective December 29, 1961, as follows:

1. The heading of Part 546 is amended to read as set forth above.

2. Part 546 is amended by adding to said part a new section, § 546.5 to read as follows:

§ 546.5 Conversion from Federal to State charter under last paragraph of subsection (i) of Section 5 of the Home Owners' Loan Act of 1933.

The following minimum requirements are hereby prescribed for approvals pursuant to the last paragraph of subsection (i) of section 5 of the Home Owners' Loan Act of 1933, as amended:

(a) The conversion of an association shall be effected in accordance with a written plan approved by the Board, and in passing upon any such plan the Board may give consideration to any element of good-will value.

(b) The plan shall be submitted to the Board by action of the board of directors of such association prior to the giving of notice as hereinafter provided.

(c) The association shall give formal notice of a special meeting called to vote on the plan, which notice shall be in such form as may be prescribed by the Board and shall be mailed, postage prepaid, at least 15 and not more than 30 days prior to the date of such meeting, and shall set forth the terms of the plan, the rights of the members, and such other matters as the Board may require.

(d) The plan shall be approved by a vote of those representing at least two-thirds in withdrawal value of the outstanding shares of the association as of the end of the month next preceding the date of such meeting and by not less than two-thirds in number of the eligible votes cast at such meeting. Voting by proxy shall be subject to such requirements and restrictions as the Board may prescribe.

(e) In the event that guaranty or permanent stock or other similar stock is provided for in the plan, the plan shall contain provisions which, in the judgment of the Board, are adequate to assure that each shareholder of record at such date as the plan shall fix with the approval of the Board will be entitled to receive, without any payment, a withdrawable account or accounts in the converted association equal in withdrawable amount to the withdrawal value of such shareholder's account or accounts in the Federal association plus the full equivalent in cash of the value of such shareholder's interest in the excess of the net worth of the Federal association over the withdrawal value of all accounts in such association, as determined by the Board at the expense of the association. The issuance and amount of such stock shall be as required by the Board, provided that full payment for such proposed stock will be made of a sum which shall be at least equal to the minimum amount required by or under the laws of the State or 5 percent of total withdrawable accounts, whichever is more.

(f) The plan shall include appropriate provisions to prevent reduction of the Federal insurance reserve as a result of action under the plan.

(g) All requirements of or under State law shall have been complied with.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61–11240; Filed, Nov. 27, 1961; 8:57 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Corn Meals; Amendment of Standards of Identity

In the matter of amending the definition and standard of identity for enriched corn meals:

A notice of proposed rule making was published in the FEDERAL REGISTER of August 10, 1961 (26 F.R. 7223), setting forth a proposal by the American Corn Millers' Federation, 1000 Connecticut Avenue NW., Washington, D.C., to amend the definitions and standards of identity for enriched corn meals so as to raise the maximum limit for calcium in self-rising enriched corn meals to not more than 1,750 milligrams in each pound. The notice invited all interested persons to submit views and comments. No comments were received.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625); *It is ordered*, That § 15.513(a)(3) be amended by changing the first sentence thereof to read as follows:

§ 15.513 Enriched corn meals; identity.

(a) * * *

(3) It may contain in each pound not less than 500 milligrams and not more than 750 milligrams of calcium (Ca); *Provided, however*, That enriched self-rising corn meals shall contain in each pound not more than 1,750 milligrams of calcium (Ca). * * *

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–11209; Filed, Nov. 27, 1961; 8:47 a.m.]

PART 46—NUT PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Peanut Butter

In the matter of establishing a definition and standard of identity for peanut butter:

A notice of proposed rule making was published in the FEDERAL REGISTER of July 2, 1959 (24 F.R. 5391), setting forth a proposal by the Commissioner of Food and Drugs, on his own initiative, to establish a definition and standard of identity for peanut butter. The notice invited all interested persons to submit views and comments on this proposal.

Upon consideration of the views and comments submitted and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for peanut butter, as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625): *It is ordered*, That the following definition and standard of identity be established:

§ 46.1 Peanut butter; identity; label statement of optional ingredients.

(a) Peanut butter is the food made by grinding shelled, roasted, and blanched peanuts. The germ may or may not be included. Peanut oil may be removed in part during processing, and it may be added back in whole or in part. One or more of the optional ingredients specified in paragraph (b) of this section may be added, but the quantity of such added ingredients does not, in the aggregate, amount to more than 10 percent by weight of the finished food.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) Salt.
(2) Sugar.
(3) Dextrose.
(4) Honey.
(5) Dried corn sirup.
(6) Dried glucose sirup.
(7) Partially hydrogenated peanut oil.
(8) Hydrogenated peanut oil.
(9) Mono- and diglycerides of peanut oil.

(c)(1) The label of peanut butter shall name the optional ingredients used by the names set out in paragraph (b) of this section.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients used shall immediately and conspicuously precede or follow the name "peanut butter," without intervening written, printed, or graphic matter.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–11222; Filed, Nov. 27, 1961; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments are ordered, effective as of the date of their publication in the FEDERAL REGISTER:

1. In § 121.101 (21 CFR 121.101 (26 F.R. 3991)), paragraph (g) is amended by inserting the words "and adjuvants" in the introduction to the paragraph. As amended, the introduction to the paragraph reads as follows:

§ 121.101 **Substances that are generally recognized as safe.**

• • • • •

(g) Synthetic flavoring substances and adjuvants that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Product	Specified uses or restrictions	Effective date of statute extended to—
• • •	• • •	• • •
Petroleum hydrocarbons: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity at 290 mμ: 0.04 liter per gram/centimeter maximum.	Defoamer in food processing; limit 3 p.p.m. residue in final food.	[3] July 1, 1962
	Component of detergent for removing insecticide from fruit; limit 1 p.p.m. residue on fruit.	Do.
	In froth-flotation process for cleaning vegetables; limit 5 p.p.m. residue in food.	Do.
• • •	• • •	• • •

2. In § 121.90 (21 CFR 121.90), the item "Petroleum hydrocarbons" is amended to read as follows:

§ 121.90 **Further extensions of effective date of statute for certain specified food additives as direct additives to food.**

Product	Specified uses or restrictions	Effective date of statute extended to—
• • •	• • •	• • •
Petroleum hydrocarbons, aliphatic: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity at 290 mμ: 0.04 liter per gm./cm. maximum.	Adjuvant for insecticides in food-processing plants; limit 1 p.p.m. residue on food.	[3] July 1, 1962
	In manufacture of food packaging	[3] Sept. 1, 1962
• • •	• • •	• • •

3. In § 121.91 (21 CFR 121.91), the item "Petroleum hydrocarbons" is amended to read as follows:

§ 121.91 **Further extensions of effective date of statute for certain specified food additives as indirect additives to food.**

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are editorial in nature or serve to clarify and interpret existing regulations.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11210; Filed, Nov. 27, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

RONNEL

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Company, Midland, Michigan, and other relevant material, has concluded that the following amendment to the food additive regulations should issue with respect to the food additive ronnel when used in the control of grubs in heifers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.209 (21 CFR 121.209) is revised to read as follows:

§ 121.209 **Ronnel.**

Ronnel (*O-O*-dimethyl *O*-(2,4,5,-trichlorophenyl) phosphorothioate) may be safely used in medicated feed in accordance with the following conditions:

(a) It is intended for use for the control of grubs in beef cattle and in heifers.

(b) The additive is used in medicated feed as follows:

(1) At a level of 2,600 to 2,750 parts per million (0.260 percent to 0.275 percent) in a concentrate which is to be fed at the rate of 0.3 pound per 100 pounds of animal weight per day for 14 days.

(2) At a level of 6,000 parts per million (0.6 percent) in a concentrate which is to be fed at a rate of 0.3 pound per 100 pounds of animal weight per day for 7 days.

(c) Dairy cattle, except heifers, shall not be given feed containing this additive. If fed to heifers, the feed shall be withdrawn 60 days before calving.

(d) The feed shall not be fed within 60 days of slaughter.

(e) To assure safe use of the additive, the label of the additive and any intermediate remix shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, ronnel.

(2) A statement of the concentration or strength of the additive therein.

(3) Adequate mixing directions to provide a concentrate with the permitted amount of the additive, whether or not intermediate premixes are also to be used.

(4) Adequate directions to provide a concentrate labeled with the amount of the additive, purpose for which the feed is to be used, and how it is to be used.

(5) The word "medicated," prominently and conspicuously, wherever the term "feed," "concentrate," or "premix" is used, and in juxtaposition therewith.

(f) To assure safe use of the additive, the label of the medicated feed concentrate shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, ronnel.

(2) A statement of the concentration of the additive in the medicated feed concentrate.

(3) Appropriate and accurate directions to provide for the proper and intended use of the medicated feed concentrate.

(4) The word "medicated," as a part of the name of the feed, and in the same size and style of type.

(5) Precautionary information, prominently and conspicuously displayed so as to be read under ordinary conditions of use, that:

(i) The feed is to be used only for the control of cattle grubs.

(ii) The feed should not be fed to dairy animals other than heifers and should be discontinued 60 days before calving.

(iii) The feed should not be fed within 60 days of slaughter.

(iv) The feed should be fed continuously for either 7 or 14 days, whichever is appropriate, as provided in paragraph (b) of this section.

(v) The balance of the daily ration shall not include ronnel-medicated feed.

(vi) The medicated concentrate shall be thoroughly mixed with the daily feed ration.

2. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 346a(c)(4)), the Commissioner of Food and Drugs has further concluded that where ronnel is used in accordance with the provisions of § 121.209, a tolerance limitation in milk is required to assure compliance with the provisions of that section. Therefore, the food additive regulations are amended by adding to subpart D the following new section:

§ 121.1078 **Tolerance for residues of ronnel.**

A tolerance of zero is established for residues of ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) in milk from cows.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner, of Food and Drugs.

[F.R. Doc. 61-11212; Filed, Nov. 27, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

DIETHYLCARBAMAZINE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Corn Products Company, P.O. 2, Waverly, New York, and other relevant material, has concluded that the following amendment to § 121.214 should issue with respect to the food additive diethylcarbamazine in dog food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.214 (d)(7) of the food additive regulations (21 CFR 121.214 (26 F.R. 1213)) is amended to read as follows:

§ 121.214 **Diethylcarbamazine in animal feed.**

• • • • •

(d) • • •

(7) A prominent statement that the medicated food is to be fed continuously for not more than 18 months.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11211; Filed, Nov. 27, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLATE ESTER COPOLYMER COATING

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Keyes Fiber Company, Waterville, Maine, and other relevant material, has concluded that the following regulation should issue with respect to the food additive acrylate ester copolymer coating for molded virgin-fiber containers and plates used for the holding, warming, and heating of food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2525 **Acrylate ester copolymer coating.**

Acrylate ester copolymer coating may safely be used as a food-contact surface of articles intended for packaging and holding food, including heating of prepared food, subject to the provisions of this section:

(a) The acrylate ester copolymer is a fully polymerized copolymer of ethyl acrylate, methyl methacrylate, and methacrylic acid applied in emulsion form to molded virgin fiber and heat-cured to an insoluble resin.

(b) Optional substances used in the preparation of the polymer and in the preparation and application of the emulsion may include substances named in this paragraph, in an amount not to exceed that required to accomplish the desired technical effect and subject to any limitation prescribed: *Provided, however,* That any substance named in this paragraph and covered by a specific regulation in Subpart F of this chapter must meet any specifications in such regulation. Any substance not covered by a specific regulation in Subpart F shall meet any specifications set forth in an order that has been issued extending the effective date of the statute for the use of the substance as a component of articles that contact food.

List of substances	Limitations
Aluminum stearate	Not to exceed the amount required as a preservative in emulsion defoamer.
Ammonium lauryl sulfate	
Borax	
Disodium hydrogen phosphate	
Formaldehyde	Do.
Glyceryl monostearate	
Methyl cellulose	
Mineral oil	
Paraffin wax	
Potassium hydroxide	
Potassium persulfate	
Sorbitan monolaurate	
Tallow	
Tetrasodium pyrophosphate	
Titanium dioxide	

(c) The coating in the form in which it contacts food meets the following tests:

(1) An appropriate sample when exposed to distilled water at 212° F. for 30 minutes shall yield total chloroform-soluble extractables not to exceed 0.5 milligram per square inch.

(2) An appropriate sample when exposed to *n*-heptane at 120° F. for 30 minutes shall yield total chloroform-soluble extractables not to exceed 0.5 milligram per square inch.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 21, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11221; Filed, Nov. 27, 1961; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs

On June 15, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5372) a notice of a proposal of the Commis-

sioner of Food and Drugs to amend the regulations for tests and methods of assay for antibiotic sensitivity discs in order to provide for methods, now available, for the assay of all drugs and agents that might be included in a combination package of such discs and which are believed satisfactory for that purpose. No comments were received in response to the proposal and the Commissioner has concluded that in order to insure safety of use of the drugs and to protect the public health, the amendments proposed should be made. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (25 F.R. 8625), *It is ordered,* That the regulations for tests and methods of assay for antibiotic sensitivity discs be amended as follows:

1. By changing § 147.1 (a), (b), and (c) to read as follows:

§ 147.1 Antibotic sensitivity discs; tests and methods of assay; potency.

(a) *Culture media.* Use ingredients that conform to the standards prescribed by the United States Pharmacopeia or The National Formulary. In lieu of preparing the media from the individual ingredients, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modification of the specified individual ingredients is permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(1) *Medium A:*

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q. s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(2) *Medium B.* Same as medium A, except that it also contains 300 milligrams of hydrated manganese sulfate per liter.

(3) *Medium C.* Same as medium A, except that the final pH is adjusted from 7.9 to 8.1 after sterilization.

(4) *Medium D:*

Peptone	5.0 gm.
Yeast extract	1.5 gm.
Beef extract	1.5 gm.
Sodium chloride	3.5 gm.
Dextrose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q. s.	1,000.0 ml.

pH 7.0 after sterilization.

(5) *Medium E:*

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
Distilled water, q. s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(6) *Medium F:*

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Agar	20.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.3 after sterilization.

(7) *Medium G.* Same as medium F, except for the following:

Agar	12.0 gm.
Polysorbate 80 (sterile)	10.0 gm.

Add polysorbate 80 after boiling.

(8) *Medium H:*

Peptone	9.4 gm.
Yeast extract	4.7 gm.
Beef extract	2.4 gm.
Sodium chloride	10.0 gm.
Dextrose	10.0 gm.
Agar	23.5 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.0 to 6.2 after sterilization.

(b) *Preparation of test organism suspensions*—(1) *Suspension 1.* Staphylococcus aureus (ATCC 6538P) is maintained and grown on medium A. Wash the organisms from an agar slant, incubated for 24 hours at 32° C. to 35° C., with 3.0 milliliters of sterile sodium chloride solution onto the agar surface of a Roux bottle containing 300 milliliters of medium A. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate 24 hours at 32° C. to 35° C. Wash the resulting growth from the agar surface with about 50 milliliters of sterile sodium chloride solution. Standardize this stock suspension by determining the dilution that will permit 20 percent light transmission. Store the stock suspension in the refrigerator (1 week) and use the indicated dilution prepared daily.

(2) *Suspension 2.* Follow the procedure described for suspension 1, except standardize the bulk suspension so that a 1:10 dilution in saline solution gives 20 percent light transmission. In this case, the bulk suspension, and not the 1:10 dilution of it, is used for the inoculum.

(3) *Suspension 3.* The test organism is Staphylococcus aureus (ATCC 13150). Follow the procedure described for suspension 1, but determine how much the bulk suspension should be diluted to obtain a suspension permitting 80 percent light transmission. Use the indicated dilution prepared daily for the inoculum for the plates.

(4) *Suspension 4.* Sarcina lutea (ATCC 9341) is maintained on agar slants of medium A and transferred to fresh slants approximately every 2 weeks. This culture is incubated overnight at 26° C., and then stored in the refrigerator. Prepare an inoculum for the plates as follows: Streak an agar slant heavily with the test organism and incubate for 24 hours at 26° C. Wash the growth from the slant with 3 milliliters to 4 milliliters of medium D, and transfer to the surface of a Roux bottle containing 300 milliliters of medium A. Spread the suspension evenly over the entire surface with the aid of sterile glass beads. Incubate for 24 hours at 26° C. Wash the growth from the agar surface with 15 milliliters of medium D. If an aliquot of this bulk suspension when diluted 1:10 with medium D gives 10 percent light transmission, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension when diluted 1:10 will give the desired 10 percent light transmission. The adjusted bulk suspension only, and not the 1:10 dilution of it, is used in preparing the inoculum. Store the stock suspension in the refrigerator and use for 2 weeks.

(5) *Suspension 5.* Bacillus subtilis (ATCC 6633) is maintained on agar medium A and transferred to a fresh slant every month. To prepare the spore suspension, inoculate a fresh slant of agar medium A with the test organism and incubate at 37° C. for 16 hours to 24 hours. Wash the culture from the slant with 3 milliliters of sterile sodium chloride solution onto the surface of a Roux bottle containing 300 milliliters of agar medium B. Incubate for 5 days at 37° C. Suspend the growth in 50 milliliters of sterile saline solution, centrifuge, and decant the supernatant liquid. Reconstitute the sediment and heat-shock the suspension by heating for 30 minutes at 70° C. Store the spore suspension in the refrigerator. It may be kept several months. Light transmission is not used for standardization.

(6) *Suspension 6.* Staphylococcus epidermidis (ATCC 12228) is maintained on medium A and transferred to a fresh slant once a week. Inoculate a fresh slant of medium A with the test organism and incubate at 32° C. to 35° C. for 24 hours. Wash the culture from the slant with 3 milliliters of sterile sodium chloride solution onto the surface of a Roux bottle containing 300 milliliters of medium A. Incubate at 32° C. to 35° C. for 24 hours. Wash the resulting growth from the agar surface with about 50 milliliters of sterile sodium chloride solution. Standardize this stock suspension by determining the dilution that will give 80 percent light transmission. Store the stock suspension in the refrigerator (1 week) and use the indicated dilution prepared daily for the inoculum for the plates.

(7) *Suspension 7.* Bordetella bronchiseptica (ATCC 4617) is maintained on medium F and transferred to a fresh slant every 2 weeks. To prepare a stock suspension inoculate a fresh slant of medium F and incubate at 37° C. for 16 hours to 24 hours. Wash the culture from this slant with 3 milliliters of sterile distilled water onto the surface of a Roux bottle containing 300 milliliters of medium F, and incubate 24 hours at 37° C. Wash off the growth with 50 milliliters of sterile distilled water and standardize the resulting stock suspension by determining the dilution that will give 50 percent light transmission. Store the stock suspension in the refrigerator (2 weeks), and use the indicated dilution prepared daily for the inoculum for the plates.

(8) *Suspension 8.* Saccharomyces cerevisiae (ATCC 9763) is maintained on slants of medium H and transferred once a week. After transfer, the culture is incubated at 37° C. for 24 hours and then kept refrigerated. Wash the organism from a freshly incubated agar slant with 3 milliliters of sterile saline solution onto the agar surface in a Roux bottle containing 300 milliliters of medium H. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 37° C. and then wash the resulting growth from the agar surface with about 25 milliliters of sterile saline solution. Store the suspension in the refrigerator and use for 1 month.

(9) *Suspension 9.* Follow the procedure described for suspension 1, except determine how much the bulk suspension should be diluted to obtain a suspension permitting 80 percent light transmission. Use the indicated dilution, prepared daily, for the inoculum for the plates.

The light transmission values referred to in this paragraph were determined with a Lumetron Model 400–A photoelectric colorimeter at a wavelength of 650 millimicrons. If other instruments are used, different light transmission readings will probably be obtained. The values given are to be used as guides in this paragraph.

(c) *Preparation of plates*—(1) *Base layer.* Depending on the particular antibiotic in the discs to be tested, add 42 milliliters of the appropriate medium prescribed in subparagraph (3) of this paragraph to each Petri dish (20 millimeters x 150 millimeters) and allow to harden on a flat, level surface and dry slightly by raising the tops on one side.

(2) *Seed layer.* Add the appropriate amount of inoculum, as prescribed by subpargaraph (3) of this paragraph, to the seed agar which has been melted and cooled to 48° C. Swirl the flasks to obtain a homogeneous suspension. Add 8 milliliters of the appropriate seed agar, as specified in subparagraph (3) of this paragraph, to each plate, spread evenly over the hardened base layer, and allow to harden and dry on a flat level surface. For accurate results, it is necessary to obtain uniform distribution of the agar over the surface of the plates.

(3) *Inoculum and media to be used.* Depending on the particular antibiotic in the disc to be tested, select from the following table the inoculum and media to be used:

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
	Ml.			
Bacitracin	1.0	3	E	A
Carbomycin (hydrochloride)	1.5	3	E	A
Chloramphenicol	4.0	4	E	A
Chlortetracycline (hydrochloride)	1.5	4	E	A
Demethylchlortetracycline (hydrochloride)	1.5	4	E	A
Dihydrostreptomycin (sulfate)	3.0	1	C	C
Dimethoxyphenyl penicillin	1.0	3	E	A
Erythromycin	2.0	2	C	C
Kanamycin (sulfate)	1.0	9	E	A
Neomycin B (sulfate)	2.0	6	E	A
Novobiocin (sodium)	4.0	5	E	A
Nystatin	0.1	8	H	H
Oleandomycin (phosphate)	2.0	3	E	A
Oxytetracycline (hydrochloride)	1.5	4	E	A
Penicillin G	1.0	3	E	A
Polymyxin B (sulfate)	1.0	7	F	G
Rolitetracin	0.5	4	A	A
Streptomycin (sulfate)	3.0	1	C	C
Tetracycline (hydrochloride)	1.5	4	C	A
Vancomycin	1.0	6	C	C
Viomycin (sulfate)	1.0	5	C	C

2. By changing paragraph (d) to read as follows:

(d) *Preparation of control discs.*

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
Bacitracin	Water	1.3, 2.4, 4.4, 8.1, 15.0 units.
Carbomycin (hydrochloride)	Methyl alcohol	1.3, 2.7, 5.4, 11.0, 22.5μg.
Chloramphenicol	50 percent methyl alcohol	3.3, 6.3, 12.2, 23.4, 45.0μg.
Chlortetracycline (hydrochloride)	Methyl	3.3, 6.3, 12.2, 23.4, 45.0μg.
Demethylchlortetracycline (hydrochloride)	do	3.3, 6.3, 12.2, 23.4, 45.0μg.
Dihydrostreptomycin	Water	1.3, 2.4, 4.4, 8.1, 15.0μg.
Dimethoxyphenyl penicillin	do	1.3, 2.4, 4.4, 8.1, 15.0μg.
Erythromycin	Methyl alcohol	1.3, 2.7, 5.4, 11.0, 22.5μg.
Kanamycin (sulfate)	Water	3.3, 6.3, 12.2, 23.4, 45.0μg.
Neomycin B (sulfate)	do	3.3, 6.3, 12.2, 23.4, 45.0μg.
Novobiocin (sodium)	do	3.3, 6.3, 12.2, 23.4, 45.0μg.
Nystatin	Dimethylformamide pH 6.5±0.5	64, 80, 100, 125, 156 units.
Oleandomycin (phosphate)	Water	1.3, 2.7, 5.4, 11.0, 22.5μg.
Oxytetracycline (hydrochloride)	Methyl alcohol	3.3, 6.3, 12.2, 23.4, 45.0μg.
Penicillin G	Water	1.3, 2.4, 4.4, 8.1, 15.0 units.
Polymyxin B (sulfate)	do	33, 63, 122, 234, 450 units.
Rolitetracin	do	3.3, 6.3, 12.2, 23.4, 45.0μg.
Streptomycin (sulfate)	do	1.3, 2.4, 4.4, 8.1, 15.0μg.
Tetracycline (hydrochloride)	Methyl alcohol	3.3, 6.3, 12.2, 23.4, 45.0μg.
Vancomycin (hydrochloride)	Water	3.3, 6.3, 12.2, 23.4, 45.0μg.
Viomycin (sulfate)	do	1.3, 2.4, 4.4, 8.1, 15.0μg.

3. By changing the fourth sentence of paragraph (e) (1) to read: "Incubate the plates overnight at 32° C.–35° C., except if it is polymyxin, novobiocin, nystatin, or viomycin, the incubation temperature is 37° C."

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–11214; Filed, Nov. 27, 1961; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Miscellaneous Amendments

Subsequent to the publication of the final order establishing the regulations under the Federal Hazardous Substances Labeling Act (21 CFR Part 191; FEDERAL REGISTER of August 12, 1961 (26 F.R. 7333)), the Commissioner of Food and Drugs received comments and petitions with suggestions for changes that would serve to clarify or augment the regulations promulgated. From the comments received, it is apparent that the wording of some portions of the regulations require revision in order to avoid misunderstanding. The changes to effect these revisions will be found in amendments 1, 2, and 4.

There has been submitted to the Commissioner a petition requesting modification of the labeling requirements relative to chemical substances labeled, marketed, and employed principally for laboratory use, but which may under some circumstances be used in the household. It is recognized that these substances are normally purchased only by those who are well aware that most laboratory chemicals are hazardous and it is also recognized that it is desirable to use main panel labeling to permit the name, purity, chemical formula and physical state of the chemical to be printed in large type, so as to avoid confusion between two or more chemicals having similar names. Therefore, the Commissioner has concluded that placement of the labeling statements required by the act and regulations thereunder represents a special situation, and the public health and safety will be adequately protected by allowing such statements to appear on a panel immediately adjacent to the main panel of the label. The necessary change to effect this revision will be found in amendment 3.

Based upon the data received, the Commissioner has concluded that the following amendments should be effected under the provisions of the Federal Hazardous Substances Labeling Act (sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269) and pur-

suant to authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), and they are so ordered:

1. Section 191.1(m) is changed to read as follows:

§ 191.1 Definitions.

* * * * *

(m) *Substances that generate pressure.* A substance is hazardous because it "generates pressure through decomposition, heat, or other means":

(1) If it explodes when subjected to an electrical spark, or to percussion, or to the flame of a burning paraffin candle for 5 seconds or less.

(2) If it expels the closure of its container, or bursts its container, when held at or below 130° F. for 2 days or less.

(3) If it erupts from its opened container at a temperature of 130° F. or less, after having been held in the closed container at 130° F. for 2 days.

(4) If it comprises the contents of a self-pressurized container.

2. Section 191.7 is amended by changing paragraph (b) (2) and (3) to read as follows:

§ 191.7 Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) * * *

(2) *Methyl alcohol.* Because death and blindness might result from the ingestion of methyl alcohol, the label for this substance (including mixtures) within the percentages specified in paragraph (a) (5) of this section shall include the signal word "danger," the additional word "poison," and the skull and crossbones symbol. The statement of hazard shall include "Vapor harmful" and "May be fatal or cause blindness if swallowed." The label shall also bear the statement "Cannot be made nonpoisonous."

(3) *Turpentine and petroleum distillates.* Because these substances (including mixtures) within the percentages specified in paragraph (a) (4) and (5) of this section, in addition to oral toxicity resulting in systemic poisoning, are hazardous because of aspiration into the lungs with resulting chemical pneumonitis, pneumonia, and pulmonary edema, the signal word "danger" is specified. The statement of hazard shall include "Harmful or fatal if swallowed." For kerosene and related petroleum distillates, the label shall also bear the statement "If swallowed, do not induce vomiting."

3. Section 191.63 is amended by changing the introduction to the section to read as set forth below and by adding thereto the following new paragraph (e):

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

The following exemptions are granted for the labeling of hazardous substances in containers suitable or intended for household use under the provisions of § 191.62:

* * * * *

(e) Laboratory chemicals intended only for research or investigational and other laboratory uses (except those in home chemistry sets) shall be exempt from the requirements of placement provided in § 191.101 if all information required by this section and the act are placed with the required prominence on the label panel adjacent to the main panel.

4. Section 191.101 (b) and (d) are changed to read as follows:

§ 191.101 Placement, conspicuousness, contrast.

* * * * * *

(b) If the product is "highly toxic" as defined in § 191.1(e), the labeling shall also include in conjunction with the word "poison," the skull and crossbone symbol. The word "poison" is not considered a signal word as that term is used in paragraph (a) of this section or when required by § 191.7.

* * * * *

(d) All the items of label information required by section 2(p)(1) of the act (or by regulations prescribing additional information under section 3(b)) may appear on the main panel; but if they do not, all such items not required by paragraph (a) of this section to appear on the main panel shall be placed together in a distinctive place elsewhere on the label with adequate contrast, achieved by typography, color, or layout except that the name and place of business of the manufacturer, packer, distributor, or seller may appear separately on the same or on a different panel. The type size used shall bear a reasonable relationship to the printing on the panel involved and shall be no smaller than 10 point unless the available label space requires reductions, in which event it shall be reduced no smaller than 6 point type unless because of small label space an exemption has been granted under section 3(c) of the act and § 191.63.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are not controversial in nature and serve only to clarify existing regulations.

Effective date. This order shall be effective February 1, 1962.

(Sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269)

Dated November 20, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11215; Filed, Nov. 27, 1961; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.52, paragraph (a) is amended to read as follows:

§ 17.52 Agreements to procure medical and ancillary services on a fee basis.

(a) Directors of Veterans Administration hospitals, domiciliaries and outpatient clinics are authorized to consummate agreements with professional associations, private or public (non-Federal) organizations, or persons to provide medical and ancillary services of acceptable standards on a fee basis. Such agreements will be entered into solely under conditions prescribed by the Chief Medical Director.

2. In § 17.60(a), subparagraphs (5) and (8)(ii) are amended to read as follows:

§ 17.60 Outpatient treatment and examination.

(a) * * *

(5) Persons who served in the active military, or naval service during the Spanish-American War, or Indian Wars, when discharged from such service under other than dishonorable conditions who are in need of outpatient treatment. Such outpatient treatment will not include medical care and treatment necessary to and part of hospital care furnished a patient while in a hospital.

* * * * *

(8) * * *

(ii) Where a veteran has been granted hospital care and outpatient care is reasonably necessary to complete treatment incident to such hospital care. (38 U.S.C. 612(f)(2).)

3. In § 17.123, paragraphs (f) and (g) are amended to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

* * * * *

(f) *Class V.* Those pursuing a course of vocational training authorized under 38 U.S.C. Ch. 31 may be authorized dental treatment indicated as reasonably necessary to prevent the interruption of an authorized course of vocational training.

(g) *Class VI.* Those who served in the active military or naval forces during the Spanish-American War, Indian Wars, Philippine Insurrection, or Boxer Rebellion may be authorized any dental treatment indicated as reasonably necessary to maintain oral health and masticatory function. There is no time limit for making application for treatment and no restriction as to the number of repeat episodes of treatment.

4. In § 17.140, paragraphs (a), (b), and (d) are amended to read as follows:

§ 17.140 Adjudication of claims.

(a) Claims for reimbursement of expenses or payment for medical services obtained subsequent to March 19, 1933, without prior authorization of the Veterans Administration will be adjudicated in the office of the Clinic Director serving the territory of the regional office which has claims folder jurisdiction, except as provided in paragraph (b) of this section.

(b) Claims for services rendered in territory under the jurisdiction of a regional office or center with regional office activities outside the United States or claims for services rendered veterans whose claims folders are under the jurisdiction of a regional office or center with regional office activities outside the United States will be adjudicated as follows: Those under the Honolulu regional office in the Seattle regional office; and those under the Juneau regional office in the Seattle regional office and those under the Manila regional office and the San Juan center in the office of the Clinic Director, Veterans Benefits Office, D.C. Claims for services rendered veterans in foreign countries, including the Philippines as provided in this paragraph, will be developed and adjudicated in the Office of the Clinic Director, Veterans Benefits Office, D.C.

* * * * *

(d) Claims, as defined in § 17.141, will be subject to one review after an adverse decision upon appeal to the Administrator. Appeals must be entered within 1 year from the date of notification to the claimant or his representative of the original adverse decision, and the claimant or representative will be so advised. (See §§ 19.0 to 19.10 of this chapter.)

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective November 28, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-11223; Filed, Nov. 27, 1961; 8:50 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[Dept. Circular No. 418, Revised, 2d Amdt., 1961]

PART 309—ISSUE AND SALE OF TREASURY BILLS

Denominations and Exchange; Tenders; When Cash Deposit Is Required

NOVEMBER 17, 1961.

Department Circular No. 418, Revised, dated February 23, 1954 (31 CFR Part 309), as amended, is hereby further amended by revising §§ 309.3 and 309.8 as follows:

§ 309.3 Denominations and exchange.

Treasury bills will be issued in denominations (maturity value) of $1,000, $5,000, $10,000, $50,000, $100,000, $500,000, and $1,000,000. Exchanges from higher to lower and lower to higher denominations of the same series (bearing the same issue and maturity dates) will be permitted at Federal Reserve Banks and at the Office of the Treasurer of the United States, Washington. Insofar as applicable, the general regulations of the Treasury Department governing transactions in bonds and notes will govern transactions in Treasury bills.

§ 309.8 Tenders; when cash deposit is required.

Tenders should be submitted on the printed forms and forwarded in the special envelopes which will be supplied on application to any Federal Reserve Bank, or Branch. If a special envelope is not available, the inscription "Tender for Treasury Bills" should be placed on the envelope used. The instructions of the Federal Reserve Banks with respect to the submission of tenders should be observed. Banking institutions generally may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than banking institutions will not be permitted to submit tenders except for their own account. Tenders from incorporated banks and trust companies, and from responsible and recognized dealers in investment securities will be received without deposit. Tenders from all others must be accompanied by a payment of such percent of the face amount of the Treasury bills applied for as the Secretary of the Treasury may from time to time prescribe: *Provided, however,* That such deposit will not be required if the tender is accompanied by an express guaranty of payment in full by an incorporated bank or trust company. Forfeiture of the prescribed payment may be declared by the Secretary of the Treasury, if payment is not completed, in the case of accepted tenders, on the prescribed date.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this document. Nothing contained herein abridges or restricts any existing rights acquired by owners of Treasury bills.

[SEAL] ROBERT V. ROOSA,
Acting Secretary of the Treasury.

[F.R. Doc. 61-11218; Filed, Nov. 27, 1961; 8:49 a.m.]

[Dept. Circular No. 530, 8th Rev., 4th Amdt., 1961]

PART 315—UNITED STATES SAVINGS BONDS

Amount Which May be Held; Series H

NOVEMBER 17, 1961.

In § 315.10 paragraph (b) is hereby amended, effective January 1, 1962, to read as follows:

§ 315.10 Amount which may be held.

* * * * *

(b) *Series H.* $20,000 (maturity value) for each calendar year up to and including the calendar year 1956; $10,000 (maturity value) for the calendar years 1957[5] to 1961, inclusive; $20,000 (maturity value) for the calendar year 1962 and each calendar year thereafter.

[5] Effective May 1, 1957. Accordingly investors who purchased $20,000 (maturity value) of bonds of Series E bearing issue dates of January 1 through April 1 were not entitled to purchase additional bonds of that series during 1957. The same limitation applies to bonds of Series H bearing those issue dates. Investors who purchased less than $10,000 (maturity value) of bonds of either series prior to May 1 were entitled only to purchase enough of either series to bring their total for that series for 1957 to $10,000 (maturity value).

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment.

[SEAL] ROBERT V. ROOSA,
Acting Secretary of the Treasury.

[F.R. Doc. 61-11216; Filed, Nov. 27, 1961; 8:48 a.m.]

[Dept. Circular No. 905, 2d Rev., 2d Amdt., 1961]

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS SERIES H

Limitation on Holdings

NOVEMBER 17, 1961.

In § 332.7 paragraph (a) is hereby amended, effective January 1, 1962, to read as follows:

§ 332.7 Limitation on holdings.

The limits on the amount of any Series H bonds originally issued during any one calendar year that may be held by any one person at any one time (which will be computed in accordance with the regulations currently in force governing United States Savings Bonds)[5] are:

(a) *General limitation.* $20,000 (maturity value) for the calendar year 1962 and each calendar year thereafter.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment.

ROBERT V. ROOSA,
Acting Secretary of the Treasury.

[F.R. Doc. 61-11217; Filed, Nov. 27, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2542]

[Arizona 030584]

ARIZONA

Modifying Stock Driveway Withdrawal (Stock Driveway Withdrawal No. 10)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental order of March 18, 1918, which established Stock Driveway Withdrawal No. 10, is hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932), to become effective as to those portions of the following described lands delineated on maps filed by the Board of Supervisors of Navajo

[2] Department Circular No. 530.

County, Arizona, with the Bureau of Land Management as a part of the application, Arizona 030584:

GILA AND SALT RIVER MERIDIAN

A strip 100 feet in width through the following legal subdivisions:

T. 17 N., R. 20 E.,
Sec. 24, E½ and SE¼SE¼SW¼;
Sec. 26, SE¼SE¼.
T. 17 N., R. 21 E.,
Sec. 18, SW¼SW¼.
Containing 20.15 acres.

JOHN M. KELLY,
Acting Secretary of the Interior.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11204; Filed, Nov. 27, 1961; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32153]

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Revision of Regulations

Correction

In F.R. Doc. 61-11072, appearing at page 11104 of the issue for Saturday, November 25, 1961, the penultimate ordering clause of the introductory text should be deleted.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres or 93 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants only during the season specified below. The hunting of upland game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open season: From 10:00 a.m. to sunset daily from December 11 through December 17, 1961.

(c) Daily bag limit: Five male birds.

(d) Methods of hunting:

(1) Weapons—Shotguns or bow and arrow. Arrows must be at least 24 inches long, have a broad head steel blade, and two untrimmed feathers. No field points, target points, shotgun or exploding points may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 18, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11203; Filed, Nov. 27, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 231) has been filed by International Minerals and Chemical Corporation, 5401 Old Orchard Road, Skokie, Illinois, proposing the issuance of a regulation to provide for the safe use of sugar beet extract as a flavor base in food.

Dated: November 20, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11220; Filed, Nov. 27, 1961; 8:49 a.m.]

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Notice of Proposal to Amend Definitions and Procedural Regulations

Subsequently to the publication of the final order establishing the regulations under the Federal Hazardous Substances Labeling Act (21 CFR Part 191; FEDERAL REGISTER of August 12, 1961 (26 F.R. 7333)), it was brought to the attention of the Commissioner of Food and Drugs that the labeling requirement, "Avoid contact with flame or hot surface", for carbon tetrachloride and substances containing it, would be an anomalous statement when the product is used in fire extinguishers. On the other hand, when carbon tetrachloride is used as a fire extinguisher, poisonous gases such as phosgene result when the product is subjected to heat. Other substances that may or may not be toxic by ingestion or inhalation produce poisonous gases when used as a fire extinguisher. Such poisonous gas production is a proximate result of reasonably foreseeable handling and use. It is therefore a special hazard for which labeling is required for adequate protection of the public health and safety.

In view of these facts, pursuant to section 10 of the Federal Hazardous Substances Labeling Act (74 Stat. 378; 15 U.S.C.A. 1269), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner proposes the following amendments:

§ 191.7 [Amendment]

1. It is proposed to amend § 191.7 *Products requiring special labeling under section 3(b) of the act* by changing paragraph (b)(1) to read:

(b) * * *

(1) *Carbon tetrachloride.* Because of the general systemic poisoning that might result from the ingestion or breathing of vapors of carbon tetrachloride and mixtures containing it, the label shall include the signal word "danger," the additional word "poison," and the skull and crossbones symbol. The statement of hazard shall include "May be fatal if inhaled or swallowed." The label shall also bear the statement "Avoid contact with flame or hot surface." Fire extinguishers containing carbon tetrachloride shall not be required to bear the latter statement, but instead shall bear the special labeling required by § 191.8.

2. It is proposed to add to Part 191 a new section, reading as follows:

§ 191.8 Labeling of fire extinguishers.

(a) When a substance or mixture of substances, in a container labeled for use as a fire extinguisher, decomposes into gases that are toxic within the meaning of § 191.1 (e) or (f) when used according to label directions to extinguish a fire, such container shall bear the signal word "danger," and the following statement of hazard in addition to any other that might be required under the act or this section: "Poisonous gases formed when used to extinguish flame or on contact with heat. Use in an enclosed place may be fatal." The label shall also bear the additional precaution, "Do not enter area until well ventilated and all odor of chemical has disappeared."

(b) Regardless of whether paragraph (a) of this section applies, any substance or mixture of substances in a container labeled for use as a fire extinguisher, which, if applied to an electrical fire, would subject the user to the likelihood of electrical shock, shall be conspicuously labeled, "Caution: Do not use on electrical fires," in lieu of the requirements of section 2(p)(1) of the act.

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 20, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11208; Filed, Nov. 27, 1961; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[FSLIC-1,243]

OPERATIONS

Proposed Amendment Relating To Change of State-Chartered Mutual Insured Institution to a Guaranty or Permanent Stock Institution

NOVEMBER 22, 1961.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for insurance of accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.22, the following new section:

§ 563.22-1 Change of State-chartered mutual institution to a guaranty or permanent stock type institution.

No State-chartered mutual insured institution may change from that type of institution to a guaranty or permanent stock type institution, or an institution of a type having stock of a similar nature, unless the following minimum requirements are complied with:

(a) The change may be effected only in accordance with a written plan approved by the Corporation, and in passing upon any such plan the Corporation may give consideration to any element of good-will value.

(b) All requirements of or under State law shall have been complied with.

(c) The plan shall be submitted to the Board by action of the board of directors of such mutual institution prior to the giving of notice as hereinafter provided.

(d) The plan shall contain provisions which, in the judgment of the Board, are adequate to assure that each shareholder of record at such date as the plan shall fix with the approval of the Board will be entitled to receive, without any payment, a withdrawable account or accounts in the changed type of institution equal in withdrawable amount to the withdrawable amount of such shareholder's account or accounts in the mutual institution plus the full equivalent in cash of the value of such shareholder's interest in the excess of the net worth of the mutual institution over the withdrawable amount of all accounts in such institution, as determined by the Board at the expense of the institution. The issuance and amount of such stock shall be as required by the Board, provided that full payment for such proposed stock will be made of a sum which shall

be at least equal to the minimum amount required by or under the laws of the State or 5 percent of total withdrawable accounts, whichever is more.

(e) The plan shall include appropriate provisions to prevent reduction of the Federal insurance reserve as a result of action under the plan.

(f) The institution shall give formal notice of a special meeting called to vote on the plan, which notice shall be in such form as may be prescribed by the Board and shall be mailed, postage prepaid, at least 15 and not more than 30 days prior to the date of such meeting, and shall set forth the terms of the plan, the rights of the members, and such other matters as the Board may require.

(g) The plan shall be approved by a vote of those representing at least two-thirds in withdrawable amounts of the outstanding shares of the mutual institution as of the end of the month next preceding the date of such meeting and by not less than two-thirds in number of the eligible votes cast at such meeting. Voting by proxy shall be subject to such requirements and restrictions as the Board may prescribe.

(Secs. 402, 403, 48 Stat. 1256, 1257 as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subject and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than December 29, 1961, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61-11239; Filed, Nov. 27, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

NATIONAL BANK OF WESTCHESTER AND FIRST NATIONAL CITY BANK OF NEW YORK

Notice of Hearing

A hearing will be held relative to the application filed with the Office of the Comptroller of the Currency for permission to merge the National Bank of Westchester, White Plains, White Plains, New York, with and into the First National City Bank of New York, New York, New York, on December 4, 1961, at 10:00 a.m., in Room 4121 of the Treasury Department, Main Treasury Building, Washington, D.C.

Any person desiring to submit views with respect to this application either orally or in writing is invited to do so. All such statements will be included in the record.

Dated: November 22, 1961.

[SEAL] JAMES J. SAXON, *Comptroller of the Currency.*

[F.R. Doc. 61-11224; Filed, Nov. 27, 1961; 8:50 a.m.]

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

In FEDERAL REGISTER filed July 15, 1961, 26 F.R. 6394 and 6395, substitute the following:

Appendix A—Internal Revenue Regional and District Offices.

Appendix B—Alcohol and Tobacco Tax Branch Offices.

Appendix C—Appellate Branch Offices.

[SEAL] BERTRAND M. HARDING, *Acting Commissioner.*

APPENDIX A

INTERNAL REVENUE REGIONAL OFFICES

Atlanta, Ga., Federal Office Building, 275 Peachtree Street, Northeast.
Boston, Mass., Houghton-Dutton Building, 55 Tremont Street.
Chicago, Ill., State-Madison Building, 22 West Madison Street.
Cincinnati, Ohio, Swift Building, 230 East Ninth Street.
Dallas, Tex., 1114 Commerce Building, 1114 Commerce Street.
New York, N.Y., Federal Office Building, 90 Church Street.
Omaha, Nebr., U.S. Post Office and Court House, 215 North Seventeenth Street.
Philadelphia, Pa., 2 Penn Center Plaza Building, 2 Penn Center Plaza.
San Francisco, Calif., Flood Building, 870 Market Street.

INTERNAL REVENUE DISTRICT OFFICES

Birmingham, Ala., Birmingham Post Building, 1531 Third Avenue, North.
Anchorage, Alaska, M. & S. Enterprises, Inc., 426 Fifth Avenue.
Phoenix, Ariz., U.S. Government Building, 140 West Monroe Street.
Little Rock, Ark., Post Office and Court House Building, 600 West Capitol Avenue.
Los Angeles, Calif., Post Office and Court House Building, 312 North Spring Street.
San Francisco, Calif., 100 McAllister Building, 100 McAllister Street.
Denver, Colo., New Custom House Building, 19th and California.
Hartford, Conn., 460–470 Capitol Avenue.
Wilmington, Dela., Post Office Building, 11th and Market Streets.
Jacksonville, Fla., 400 Building, 400 West Ashley Street.
Atlanta, Ga., Federal Office Building, 275 Peachtree Street, Northeast.
Honolulu, Hawaii, Post Office, Court and Custom House, Mililani, King and Richards Streets.
Boise, Idaho, Broadway Holding Company Building, 914 Jefferson Street.
Chicago, Ill., State-Madison Building, 22 West Madison Street.
Springfield, Ill., Staley Building, 621 East Adams Street.
Indianapolis, Ind., Post Office Building, Ohio, between Meridian and Pennsylvania.
Des Moines, Iowa, Court House Building, East First and Walnut Streets.
Wichita, Kans., Internal Revenue Service Building, 412 South Main Street.
Louisville, Ky., Federal Building, Sixth and Broadway.
New Orleans, La., Federal Office Building, 600 South Street.
Augusta, Maine, Internal Revenue Service Building, 221 State Street.
Baltimore, Md., The 707 Building, 707 North Calvert Street.
Boston, Mass., 174 Ipswich Street.
Detroit, Mich., New Federal Building, 231 West Lafayette Avenue.
St. Paul, Minn., Post Office and Custom House Building, 180 East Kellogg Boulevard.
Jackson, Miss., Post Office and Court House Building, Capitol and West Streets.
Kansas City, Mo., Court House Building, 811 Grand Avenue.
St. Louis, Mo., New Federal Building, 1114 Market Street.
Helena, Mont., Federal Office Building, North Park Avenue.
Omaha, Nebr., Federal Office Building, 15th and Dodge Streets.
Reno, Nev., Post Office Building, P.O. Box 891.
Portsmouth, N.H., 600 State Street.
Camden, N.J., Service Building, 808 Market Street.
Newark, N.J., Industrial Office Building, 1060 Broad Street.
Albuquerque, N. Mex., Federal Office Building, 517 Gold Avenue SW.
Albany, N.Y., 161 Washington Avenue.
Brooklyn, N.Y., Ludwig Bauman Building, 210 Livingston Street.
Buffalo, N.Y., Edwards Building, 266–270 272–294 Pearl Street.
New York, N.Y., Grand Central Palace Building, 484 Lexington Avenue.
Syracuse, N.Y., Chimes Building, 109 West Onondaga Street.
Greensboro, N.C., Federal Office Building, 320 South Ashe Street.
Fargo, N. Dak., Pioneer Mutual Life Insurance Building, 203 North 10th Street.
Cincinnati, Ohio, 700 Walnut Building, 700 Walnut Street.
Cleveland, Ohio, Huron-Sixth Building, 626 Huron Road.
Oklahoma City, Okla., Sooner Building, 7 South Harvey Street.
Portland, Oreg., 830 Building, 830 Northeast Holladay Street.
Philadelphia, Pa., Court House Building, Ninth and Chestnut Streets.
Pittsburgh, Pa., New Federal Building, Seventh Avenue and Grant Street.
Scranton, Pa., Post Office Building, Corner Linden Street and North Washington Avenue.
Providence, R.I., Co-Op Building, 544 Elmwood Avenue.
Columbia, S.C., Federal Office Building, North West Corner College and Sumter Streets.
Aberdeen, S. Dak., Post Office and Court House Building, Fourth Avenue and Lincoln Street.
Nashville, Tenn., Federal Office Building, Eighth Avenue and Broad Street.
Austin, Tex., Lowich Building, 314 West 11th Street.
Dallas, Tex., Lynch Building, 2101 Pacific Avenue.
Salt Lake City, Utah, Federal Office Building, 350 South Main Street.
Burlington, Vt., Federal Office Building, 11 Elmwood Avenue.
Richmond, Va., Richmond Dry Goods Building, 11 South Seventh Street.
Seattle, Wash., Exchange Building, 109 Marion Street.
Parkersburg, W. Va., DILS Building, 211 Sixth Street.
Milwaukee, Wis., Federal Office Building, 517 East Wisconsin Avenue.
Cheyenne, Wyo., Federal Office Building, 21st and Carey Avenue.

APPENDIX B

ALCOHOL AND TOBACCO TAX BRANCH OFFICES

Birmingham, Ala., Seventeen Ten Building, 1710 First Avenue, North.
Little Rock, Ark., 555 Building.
Los Angeles, Calif., Subway Terminal Building, 417 South Hill Street.
San Francisco, Calif., 333 Fell Street.
Denver, Colo., New Customhouse Building, Room 188, 19th and California.
Hartford, Conn., American Industrial Building, 983 Main Street.
Jacksonville, Fla., Post Office and Courthouse Building, Suite 325–333, 311 West Monroe Street.
Atlanta, Ga., Federal Office Building, 275 Peachtree Street Northeast.
Honolulu, Hawaii, Alexander Young Building, 1015 Bishop Street.
Chicago, Ill., State-Madison Building, 22 West Madison Street.
Louisville, Ky., Federal Office Building, 6th and Broadway.
Baltimore, Md., The 707 Building, 707 North Calvert Street.
Boston, Mass., Houghton-Dutton Building, 55 Tremont Street.
Detroit, Mich., Post Office and Courthouse Building, 231 West Lafayette Street.
St. Paul, Minn., Main Post Office Building and Customhouse, Room 1033, 180 East Kellogg Boulevard.
Jackson, Miss., Milner Building, Lamar and Pearl Streets.
Kansas City, Mo., Federal Office Building, Room 2509–10, 911 Walnut Street.
St. Louis, Mo., Court House and Customhouse Building, Room 738.
Omaha, Nebr., 704 Federal Office Building, 15th and Dodge Streets.
Newark, N.J., Industrial Office Building, 1060 Broad Street.
Buffalo, N.Y., Court House Building.
New York, N.Y., Greenwich Village Post Office Station, 641 Washington Street.
Charlotte, N.C., Post Office Building, Room 228, Corner West Trade and Mint Streets.

Cincinnati, Ohio, 474 Alms and Doepke Building, 222 East Central Parkway.
Oklahoma City, Okla., Sooner Building, 7 South Harvey Street.
Philadelphia, Pa., Room 500, U.S. Custom House, Second and Chestnut Streets.
Pittsburgh, Pa., Vistory Building, 212 Ninth Street.
San Juan, P.R., Post Office and Courthouse Building, Box 1601.
Columbia, S.C., Federal Office Building, Northwest Corner College and Sumter Streets.
Nashville, Tenn., Court House Building, 801 Broadway.
Dallas, Tex., Wholesale Merchants Building, 912 Commerce Street.
Richmond, Va., Parcel Post Building, 1100 East Main Street.
Seattle, Wash., Courthouse Building, Fifth and Madison.
Charleston, W. Va., Morrison Building, 815 Quarrier Street.
Milwaukee, Wis., Federal Office Building, 517 East Wisconsin Avenue.

APPENDIX C

APPELLATE BRANCH OFFICES

Birmingham, Ala., 6th Floor, The American Life Building, 2308 Fourth Avenue North.
Los Angeles, Calif., Room 1240, Subway Terminal Building, 417 South Hill Street.
San Francisco, Calif., Room 1010, Flood Building, 870 Market Street.
Denver, Colo., 809 Central Bank Building, 1108 Fifteenth Street.
New Haven, Conn., 1221 Chapel Street.
Washington, D.C., Room 2547, Internal Revenue Service Building, 12th and Constitution Avenue NW.
Jacksonville, Fla., 405 P.O. and Court House Building.
Miami, Fla., 1005 Metropolitan Bank Building, 117 Northeast First Avenue.
Atlanta, Ga., Federal Office Building, 275 Peachtree Street Northeast.
Chicago, Ill., 17 North Dearborn Street.
Springfield, Ill., Modern Age Building, 405 East Washington Street.
Indianapolis, Ind., 510 Guaranty Building.
Wichita, Kans., Room 305, Insurance Building, 212 North Market Street.
Louisville, Ky., 410 Federal Building.
New Orleans, La., 444 Federal Office Building, 600 South Street.
Baltimore, Md., Room 626, 707 North Calvert Street.
Boston, Mass., 114 Federal Street.
Detroit, Mich., Room 900, Cadillac Tower.
St. Paul, Minn., W-961, First National Bank Building, 332 Minnesota Street.
Kansas City, Mo., Room 1006, Federal Office Building, 911 Walnut Street.
St. Louis, Mo., 751 New Federal Building, 1114 Market Street.
Omaha, Nebr., U.S. Post Office and Court House, 215 North 17th Street.
Newark, N.J., Room 624, 1060 Broad Street.
Buffalo, N.Y., 330 U.S. Court House, Niagara Square.
New York, N.Y., 807 Federal Office Building, 90 Church Street.
Greensboro, N.C., Fifth Floor, 320 South Ashe Street.
Cincinnati, Ohio, 818 Enquirer Building, 617 Vine Street.
Cleveland, Ohio, 410 Federal Reserve Bank Building.
Oklahoma City, Okla., 614 Sooner Building, 7 South Harvey Street.
Portland, Oreg., 425 Pittock Block, 921 Southwest Washington Street.
Philadelphia, Pa., 4th Floor, 2 Penn Center Plaza.
Pittsburgh, Pa., 2304 Clark Building, 7th and Liberty Avenue.
Nashville, Tenn., 654 New U.S. Court House Building, 801 Broadway.
Dallas, Tex., Room 1504, 1114 Commerce Street.
Houston, Tex., 10th Floor, State National Building, 412 Main Street.
Salt Lake City, Utah, Room 400, Tribune Building, 143 South Main Street.
Richmond, Va., 421 Post Office Building.
Seattle, Wash., 123 U.S. Court House Building.
Huntington, W. Va., Post Office Building, Ninth Street and Fifth Avenue.
Milwaukee, Wis., 530 Federal Building, 517 East Wisconsin Avenue.

[F.R. Doc. 61-11205; Filed, Nov. 27, 1961; 8:46 a.m.]

Office of the Secretary

[AA 643.3-S]

MOLASSES FROM CUBA

Determination as to Fair Value of Sales

NOVEMBER 17, 1961.

A complaint was received that molasses from Cuba was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that molasses from Cuba is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. For fair value purposes purchase price was compared to home market sales price. Prices in both markets were for molasses in bulk, f.o.b. mill, so that no deductions from selling prices were necessary.

In no instance was purchase price found to be less than home market sales price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-11207; Filed, Nov. 27, 1961; 8:46 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 14]

SOUTHERN GENERAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

NOVEMBER 20, 1961.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $216,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in which incorporated, name of company, and location of principal executive office:

Georgia; Southern General Insurance Company; Atlanta, Georgia.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-11206; Filed, Nov. 27, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

POSITION SCHEDULE SURETY BOND

Invitation To Bid

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Office of the Secretary, Department of Commerce, will receive sealed bids for a position schedule bond covering approximately 134 positions, most of which are to be bonded in the penalty amount of $5,000.00. The effective date of the bond will be January 1, 1962 and the term will be two years.

Copies of the invitation to bid and the schedule of positions to be bonded may be obtained by phoning WO 7-4463 or writing to the Office of Administrative Operations, Procurement Branch, Room 5309, Department of Commerce Building, Washington 25, D.C., at which address bids will be opened at 2:00 p.m., e.s.t. on December 11, 1961.

WILLIAM M. MARTIN,
Director,
Office of Administrative Operations.

[F.R. Doc. 61-11319; Filed, Nov. 27, 1961; 11:15 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-24]

GENERAL ELECTRIC CO.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. CX-4, as amended, which provides additional authorization to General Electric Company, as requested in its application amendments dated August 24, 1961 and October 13, 1961, to operate its Critical Experiment Facility reactor located in Alameda County, California, (1) when it is loaded with fully enriched uranium as fuel, or (2) with a graphite test section containing fully enriched uranium when the core is loaded with low enrichment fuel.

The Commission has found that there is reasonable assurance that the license will comply with the Commission's regulations in Parts 20 and 50, 10 CFR, that the health and safety of the public will not be endangered and that operation of the reactor under the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license as amended would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The application for license amendment, and a related hazards analysis prepared by the Division of Licensing and Regulation, may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 20th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-4 Amdt. 5]

License No. CX-4, as amended, issued to General Electric Company is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. CX-4, as amended, General Electric Company is authorized, as described in its application amendments Nos. 15, 16, and 17 dated August 24, August 24, and October 13, 1961, respectively, to operate its Critical Experiment Facility reactor located in Alameda County, California;

1. When the reactor is loaded with fully enriched uranium as fuel, or

2. With a graphite test section containing fully enriched uranium when the core is loaded with low enrichment fuel.

The operation of the reactor shall be in accordance with the procedures and subject to the limitations contained in License No. CX-4, as amended, and in General Electric Company's application amendments Nos. 15, 16, and 17.

This amendment is effective as of the date of issuance.

Date of issuance: November 20, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11200; Filed, Nov. 27, 1961; 8:45 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to Facility License No. R-81. The license authorizes Union Carbide Corporation to operate its pool-type nuclear reactor located in Sterling Forest, New York.

The amendment authorizes the licensee to replace the caustic scrubber in the reactor's emergency ventilation system with an activated charcoal system.

The Commission has found that this change would not adversely affect the safe operation of the reactor and that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any increase in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 21st day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-81, Amdt. 1]

In addition to the activities previously authorized by the Commission in License No. R-81, Union Carbide Corporation is authorized, as requested in its application for license amendment dated November 1, 1961 to replace the caustic scrubber in the emergency ventilation system for its pool-type reactor located in Sterling Forest, New York, with an activated charcoal system.

The replacement of the scrubber and operation of the reactor shall be conducted in accordance with the procedures and subject to the limitations set forth in License No. R-81, as amended, and in the application for license amendment dated November 1, 1961.

This amendment is effective as of the date of issuance.

Date of issuance: November 21, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11201; Filed, Nov. 27, 1961; 8:45 a.m.]

[Docket No. 50-57]

WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to facility License No. R-77. The license, as amended, authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor located on the campus of The University of Buffalo, New York. This amendment authorizes Western New York Nuclear Research Center, Inc., (1) to install and use a second pneumatic conveyor system identical to one presently installed in their nuclear reactor facility, and (2) to release Argon-41 from the facility stack at a specified rate in accordance with AEC regulation, 10 CFR Part 20. These authorizations were requested by the licensee in applications for amendment dated June 28, 1961, August 18, 1961 and August 29, 1961.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those already considered acceptable in connection with the previously approved operation of this facility.

In accordance with the Commission's Rules of Practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details, see (1) the applications for license amendment dated June 28, 1961, August 18, 1961, and August 29, 1961 by Western New York Nuclear Research Center, Inc., and (2) a

hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 17th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-77 Amdt. 2]

License No. R-77, as amended, which authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor located on the campus of The University of Buffalo at Buffalo, New York, is hereby further amended as follows:

1. Western New York Nuclear Research Center, Inc., is authorized to install and use a second pneumatic conveyor system in their nuclear reactor facility as described in applications for amendment dated June 28, 1961 and August 16, 1961. This second system will be installed and used in a manner identical to that described in the licensee's Final Hazards Summary Report.

2. Western New York Nuclear Research Center, Inc., is authorized to release Argon-41 from the nuclear facility stack at an average yearly rate of 3.03 microcuries per second.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 17th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11202; Filed, Nov. 27, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11707, etc.; Order No. E-17754]

CHICAGO HELICOPTER AIRWAYS, INC., ET AL.

Mail Rates and Loan Guaranty Applications; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1961: Mail rates for Chicago Helicopter Airways, Inc., Docket No. 11707; Los Angeles Airways, Inc., Docket No. 12869; New York Airways, Inc., Docket No. 11264; Loan Guaranty applications for Chicago Helicopter Airways, Inc., Docket No. LG-18; Los Angeles Airways, Inc., Docket No. LG-19; New York Airways, Inc., Docket No. LG-16.

By this order the Board is consolidating for hearing proceedings to determine, pursuant to section 406 of the Federal Aviation Act of 1958, as amended (the Act), the fair and reasonable subsidy rates to be paid Chicago Helicopter Airways, Inc. (Chicago) and New York Airways, Inc. (New York), on and after July 1, 1961, and for Los Angeles Airways, Inc. (Los Angeles), on and after August 1, 1961, the date Los Angeles reopened its rate; and is granting intervention in such consolidated proceeding to the cities of Bridgeport and New Haven, Connecticut, and to the Department of Aeronautics of the State of Connecticut. Contemporaneously herewith, the Board is adopting a final order guaranteeing an equipment loan to Los Angeles for four turbine-powered Sikorsky S-61 helicopters.[1] The various motions and petitions filed on and after October 26, 1961, relating to the dockets involved herein are thus granted to the extent that they seek consolidation of the subsidy rate proceedings[2] for hearing and intervention therein but are denied in all other respects.[3]

For an extended period, the Board and its staff have been consulting on an informal basis with Chicago, Los Angeles, and New York regarding their plans to acquire turbine-powered helicopters. A plan devised as a result of these informal proceedings was embodied in a Show Cause Order[4] and a public statement issued by the Board on October 27, 1961. The order proposed a final subsidy rate for Los Angeles for its first three full years of turbine-powered operations. On the same date, the Board issued an Order authorizing the guaranty of an equipment loan to Los Angeles for four turbine-powered helicopters,[5] conditioned upon issuance of a final order establishing rates of subsidy compensation in accordance with the Show Cause Order.

Commencing on October 26, 1961, a number of motions and petitions were filed by New York, the cities of Bridgeport and New Haven, Connecticut, and the Department of Aeronautics of the State of Connecticut (hereinafter referred to as petitioners) in the various proceedings involving the subsidy rates and loan guaranty applications of the three certificated helicopter operators.[6] New York requests consolidation, in a single proceeding, of the loan applications and subsidy petitions or, in the alternative, consolidation of all the subsidy proceedings and a stay of action on the loan applications. The city of New Haven, Connecticut, requests the consolidation of all the loan and subsidy rate proceedings. In addition, New York, the cities of Bridgeport and New Haven, Connecticut, and the Department of Aeronautics of the State of Connecticut have filed general objections to the Los Angeles Show Cause Order and all seek to intervene in the Los Angeles rate proceeding and loan guaranty docket.[7]

The Board finds that all the aforementioned petitions and motions should be denied to the extent that they are concerned with the applications for the guaranty of equipment loans to the helicopter operators,[8] as a matter of law and as a matter of policy and discretion. The Board's authority to guaranty loans is provided for in Public Law 86-307. This statute does not contemplate nor provide for the processing of loan applications on the basis of a hearing procedure. In addition, it should be noted that the approval or disapproval of a loan application is specifically exempted from even the rule-making notice and related procedures prescribed by section 4 of the Administrative Procedure Act. In short, there is no legal requirement that an action with regard to the loan application of Chicago and Los Angeles (and New York) be taken on the basis of notice and hearing procedures.

Assuming, arguendo, that a hearing were required in the Chicago and Los Angeles (and New York) loan guaranty matters, the petitioners have nevertheless failed to show a sufficient interest to warrant intervention therein. Petitioners rely on the fact that the Congress has specified that not more than $6,000,000 of the subsidy funds prescribed in the Appropriations Act for Fiscal 1962 "shall be available for subsidy for helicopter operations during the current fiscal year." They assert that the Board's approval of loan guaranties to Los Angeles and Chicago will necessarily represent a commitment to these carriers of a level of subsidy which will result in there being inadequate subsidy funds available for New York. We find no merit in this contention. Our approval, today, of the loan guaranty for Los Angeles carries no commitment whatsoever as to the subsidy which is to be paid that carrier for fiscal 1962 operations. From a practical standpoint, the level of subsidy is largely determined by the volume of service to be provided and not by the fact that a carrier has a given number of aircraft; and no determination has been made as to the volume of service to be underwritten for any of the three helicopter operators for fiscal 1962. Moreover, the existence of a loan guaranty on four aircraft for Los Angeles, for example, would in no manner constitute a bar to our finding that less than that number of aircraft should be underwritten with subsidy. The instant Order establishes a consolidated proceeding to determine the final subsidy for all three helicopter carriers in which each will have full opportunity to establish its subsidy need consistent with the criteria of section 406 of the Act. In other words, the subsidy proceeding is the proper forum in which each carrier must establish the amount of subsidy to which it may be entitled, and our action on the loan guaranty matters is separable and divorced from the determinations to be made in the subsidy proceedings.

It should also be noted that any stay of the loan matters would serve no reason of policy and would impose needless delay on the introduction of turbine helicopters. The helicopter experiment cannot go forward unless turbine equipment is introduced promptly. Moreover, delay could result in serious financial problems for Los Angeles, since that carrier has expended funds on training, ground facilities, advertising, etc., in preparation for the introduction of turbine equipment. For the reasons stated above, we find that the request of petitioners for a stay of, or intervention in, the loan cases of Chicago and Los Angeles should be denied.

The Board, in its discretion, is herein consolidating into one proceeding the mail rate petitions of the three helicopter operators (Dockets 11264, 11707, and 12869). In so doing, we are not passing on the merits of the contentions advanced by the petitioners that such a proceeding is required by law. As indicated previously, there is a limitation in the fiscal year 1962 Appropriation Act as regards the funds earmarked for helicopter services. Under section 406 of the Act, the Board has a duty to determine the need of the carrier in accordance with the standards set forth therein. A consolidated hearing is the most practical method we know of to attempt to deal with the fiscal limitation while fulfilling the duties imposed on the Board by section 406. A consolidated proceeding will allow the carriers affected by the fiscal limitation an equal opportunity to be heard and to develop a full record as to their respective needs for subsidy under the Act.

Subsidy proceedings for the period prior to July 1, 1961, are not concerned with the situation that gives rise to the order of consolidation; therefore, proceedings involving the period prior to July 1, 1961, will not be consolidated.

Finally, as a matter of discretion, we also believe it appropriate to allow the cities of Bridgeport and New Haven, and the Department of Aeronautics of the State of Connecticut, to intervene in the consolidated subsidy proceeding, as requested in formal documents filed with the Board on their behalf, pursuant to Rule 15 of the rules of practice.

Accordingly, it is ordered:

1. That the proceedings in Dockets 11264, 11707, and 12869, respectively, be, and they hereby are, consolidated into one proceeding in Docket 13204, for the purpose of determining final subsidy rates for New York Airways, Inc. and Chicago Helicopter Airways, Inc. for the period on and after July 1, 1961, and for Los Angeles Airways, Inc. on and after August 1, 1961, and that this proceeding, as consolidated, be assigned for hearing before an Examiner of the Board at a time and place to be designated;

2. That this consolidated proceeding is to be known as the Helicopter Operators Consolidated Mail Rate Proceeding, Docket 13204;

3. That, pursuant to Rule 15 of the rules of practice, the cities of New Haven and Bridgeport, Connecticut, and the Department of Aeronautics of the State of Connecticut be and they are hereby granted leave to intervene in this consolidated proceeding;

4. That all motions, petitions, and requests, or portions thereof relating to Dockets 11264, 11707, 12869, LG-16, LG-18, and LG-19 filed on or since October 26, 1961, to the extent not otherwise granted herein, be and they are hereby denied;

5. That copies of this order be served on all parties to this proceeding and the Postmaster General; and

6. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11241; Filed, Nov. 27, 1961; 8:51 a.m.]

[1] Order E-17755, November 22, 1961.

[2] This proceeding will not only be concerned with establishing the subsidy rates for turbine-powered operations. Rates for each carrier will also be established for piston-powered operations during the period between the dates specified above and the date turbine-powered operations commence.

[3] However, this order does not dispose of a petition filed by New York on November 16, 1961, which, in effect, requests increased temporary and final subsidy rates for New York for various periods.

[4] Order E-17637, October 27, 1961.

[5] Order E-17636, October 27, 1961.

[6] Dockets 11264, 11707, 12869, LG-16, LG-18, LG-19.

[7] Dockets 12869 and LG-19.

[8] Dockets LG-16, LG-18, and LG-19.

[Docket No. 13205, etc.; Order No. E-17752]

FLYING TIGER LINE, INC.

Proposed Reduction in Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1961.

By tariffs marked to become effective November 23 and 26, 1961; The Flying Tiger Line, Inc. (Tiger) proposes to reduce rates on selected commodities covering several or all weight breaks at numerous markets, chiefly eastbound, throughout its system. This is to be accomplished typically by substituting, at lower levels, specific commodity rates for class rates in numerous markets and a full range of weight breaks, ranging generally up to 5,000 pounds and, in some major markets, up to 10,000 pounds. A large number of the proposals meet, at various weight breaks, rates on the same commodities in effect for other carriers, or are equal to rates which Tiger had previously published. In numerous instances, Tiger meets competitive rates at 100 pounds and proposes relatively small reductions at several weight breaks above 100 pounds through the typically uniform application of the following volume spreads between 100 and 5,000 pound rates: $2.00 per 100 pounds for transcontinental shipments, $1.50 for movements between Midwest and West Coast points, and $1.00 for shipments between Midwest and Eastern points. These are the volume spreads currently in effect in both Tiger's class and specific commodity rates.

However, for several commodities, Tiger's proposals are significantly below rates which would be based on the foregoing criteria. These proposals cover rates at selected weight breaks on games and toys,[1] carpets and carpeting, electric generators and motors, cut flowers, florist stock, evergreens, and cloth. Such proposed rates are generally significantly below the rates in effect for other carriers, and a number of them are at extremely low levels, yielding as low as 7.4 cents per ton mile.

Airborne Freight Corporation and American Airlines, Inc., have filed complaints requesting investigation and suspension against one or both of the proposed tariffs. In summary, the complaints allege that the rates proposed are below Tiger's costs of operating aircraft currently available to it, involve destructive rate reductions, are not required to meet competition, and will merely divert to Tiger traffic already moving by air, and that the proposed volume spreads are unduly low.

Upon consideration of the matters of record, the Board finds that the rates proposed by Tiger to apply to the commodities listed in the Appendix hereto may be unjust or unreasonable, or unduly discriminatory, or unduly preferential or unduly prejudicial, and should be investigated. Tiger proposes to undercut rates for a number of commodities at selected weight breaks and it estimates that such reductions will significantly increase traffic with respect to specified commodities. These estimates, however, are not accompanied by any indication of how they were reached. A number of proposed rates are at low levels, as low as seven cents per ton-mile. We have recently permitted Tiger to introduce a new rate structure, based in part upon density of commodities and effecting significant reductions. We have permitted other carriers to meet Tiger's rates on comparable commodities but have suspended proposals involving reductions below competitive levels, where made without adequate support. In view of the dilution of carrier revenues which might ensue from the application of the proposed rates as set forth in the Appendix hereto and the absence of adequate support for these reductions, the Board has concluded to suspend those portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto,[2] are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions in Appendix A hereto are suspended and their use deferred to and including February 20, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The complaints are dismissed except to the extent granted herein.

4. The complaints in Dockets 13164, 13168, and 13176, to the extent granted, are consolidated herein.

[1] With a density of 8 pounds or over per cubic foot.

[2] Appendix filed as part of original document.

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariffs and shall be served upon Airborne Freight Corporation, American Airlines, Inc., and The Flying Tiger Line, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-11242; Filed, Nov. 27, 1961; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13257, etc.; FCC 61M-1807]

CATSKILLS BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Harry G. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz, and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266 et al., Docket Nos. 13258, 13272; for construction permits.

The Hearing Examiner having under consideration the oral request of Catskills Broadcasting Company for temporary continuance, due to an emergency situation, and informal agreement of the parties:

It is ordered, This 20th day of November, that the hearing session, presently scheduled for today, is continued to a date to be announced as soon as counsel can confer and advise the Hearing Examiner of a convenient substitute date.

Released: November 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11225; Filed, Nov. 27, 1961; 8:50 a.m.]

[Docket No. 14380; FCC 61-1360]

KSAY BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Grant R. Wrathall and Taft R. Wrathall as trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall, and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of Standard Broadcast Station KSAY.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of November, 1961;

The Commission having under consideration (1) the above-captioned application, filed by the subject licensee on September 8, 1959; (2) a petition of the Secretary of the Army for leave to intervene, filed on September 10, 1959; (3) a motion of the Secretary of the Army for the rejection or the dismissal of the application for a renewal of the license to operate standard broadcast station KSAY, filed on September 14, 1959; (4) a protest of the Secretary of the Army (filed on September 21, 1959) to the renewal of the license to operate standard broadcast station KSAY and request for the denial or dismissal thereof, or, in the alternative, a hearing on the issues raised by the filing of the application and the objections thereto; (5) a petition of the Secretary of the Army to deny the application, filed on January 11, 1961; (6) the opposition of KSAY Broadcasting Company to petition to deny application, filed on February 17, 1961; and (7) the reply of the Secretary of the Army to the opposition of the applicant to the petition to deny the application, filed February 27, 1961; and

It appearing, that the instant applicant is legally, technically, financially, and otherwise qualified to be a licensee of a radio broadcast station, and that the issues specified below present questions of whether the operation of Radio Station KSAY is in the public interest; and

It further appearing, that the above-described standard broadcast station operating in substantial conformity with its license may induce electrical voltages in equipment located on the Oakland Army Terminal; that this phenomenon may create a hazard to the safety of life and property at the Oakland Army Terminal, substantially interfering with the operations carried on at the Oakland Army Terminal, and adversely affecting the overall defense mission of the Army at the Terminal, the national defense and the public interest; and that the Oakland Army Terminal is engaged in an essential mission constituting a part of the overall defense mission of the United States Army; and

It further appearing, that, pursuant to sections 309(b)[1] and 316 of the Communications Act of 1934, as amended, the Commission, in a letter dated December 22, 1959, and incorporated herein by reference, notified the applicant of the above grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and

It further appearing, that, the applicant filed a timely reply to the aforementioned letter, which reply has not resolved the questions raised in the Commission's letter:

It is ordered, That, pursuant to sections 307(d),[2] 309(e)[3] and 309(h)[4] of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine (a) to what extent, if any, Radio Station KSAY, San Francisco, when operating in accordance with the specifications of its license, induces electrical voltages in the equipment located on the Oakland Army Terminal; (b) if so, whether such phenomenon impairs substantially the operation of such equipment and/or creates a hazard to the safety of life and property at the Oakland Army Terminal; and (c) whether such phenomenon adversely affects the overall defense mission of the Army at the Oakland Army Terminal, the national defense, and the public interest;

2. To determine (a) what alternative means or methods of operation, if any, consistent with the Communications Act and the Commission's rules, can be employed by KSAY, including a reduction of power, or a change in transmitter location, to prevent interference to the operation of the equipment at the Oakland Army Terminal; (b) the cost of such modified method or methods of operation; and (c) the extent, if any, the Army has offered in the past and now proposes to reimburse the applicant for the costs of a modified manner of operation;

3. To determine (a) what means or methods, if any, can be employed by the Army to prevent interference to the operation of the equipment at the Oakland Army Terminal, including insulation of the hooks, grounding of the hooks, and detuning or changing the resonance of the cranes; (b) the costs thereof; and (c) whether the methods available to the Army constitute a feasible and practical or, alternatively, an unfeasible and impractical, solution to the problem;

4. To determine the availability of other AM primary radio services to the area and population served by KSAY, and the need of this area and population for the primary service rendered by KSAY;

5. In light of the evidence adduced with respect to the foregoing issues, to determine (a) whether the public interest would be served by a grant of the application for renewal of license in the manner now authorized; and (b) if not, whether public interest would be served by a partial grant of the application for renewal of license, based upon the Commission's resolution of Issue No. 2 above specifying some other manner of operation than that now authorized, subject to the filing of an appropriate application for construction permit by KSAY to cover such modified operation and a grant thereof by the Commission.

It is further ordered, That the Secretary of the Army is hereby made a party respondent to the proceeding herein and has the burden of proof and of proceeding on Issue No. 1.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and the Secretary of the Army, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: November 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11226; Filed, Nov. 27, 1961; 8:50 a.m.]

[1] As that section read prior to its amendment on September 13, 1960.

[2] Section 307(d) provides that "no license for the operation of a broadcasting station shall be for a longer term than three years."

[3] As enacted on September 13, 1960.

[4] Section 309(h) provides that "the station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof."

[Docket No. 14202; FCC 61M-1829]

REA RADIO AND ELECTRONIC LABORATORY

Order Continuing Hearing

In re application of Peter Corrado, Concetta Corrado and Anthony Corrado, d/b as Rea Radio and Electronic Laboratory, East Palatka, Florida, Docket No. 14202, File No. BR-3869; for renewal of license of Station WREA, East Palatka, Florida.

Pursuant to the Commission's Memorandum Opinion and Order announced November 21, 1961: *It is ordered*, This 21st day of November 1961, that the hearing now scheduled for November 30, 1961, in Palatka, Florida, is rescheduled for Tuesday, January 16, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: November 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11227; Filed, Nov. 27, 1961; 8:50 a.m.]

[Docket No. 14400]

HAROLD V. SCHLUEB

Order To Show Cause

In the matter of Harold V. Schlueb, 96 East Water Street, Chillicothe, Ohio, Docket No. 14400; order to show cause why there should not be revoked the license for Radio Station 19W3768 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau under delegated authority having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on July 3, 1961, alleging that on June 24, 1961, Citizens Radio Station 19W3768 was operated with excessive modulation in violation of § 19.36 (a) of the Commission's rules.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 3, 1961, and sent by Certified Mail—Return Receipt Requested (No. 979997), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Robert M. Elkin, on August 4, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 21st day of November 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee SHOW CAUSE why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: November 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11228; Filed, Nov. 27, 1961; 8:50 a.m.]

[Docket Nos. 14193, 14194; FCC 61M-1814]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Memorandum of Ruling

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

At the prehearing conference of November 15, 1961, the hearing scheduled for December 18, 1961 was canceled, and a further prehearing conference was scheduled for Wednesday, February 14, 1962 at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: November 21, 1961.

Released: November 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11229; Filed, Nov. 27, 1961; 8:50 a.m.]

[Docket No. 14277; FCC 61M-1809]

SULLIVAN TRAIL COAL CO.

Order Scheduling Prehearing Conference

In the matter of Sullivan Trail Coal Company, West Pittston, Pennsylvania, Docket No. 14277; order to show cause why there should not be revoked the license for Special Industrial Radio Station KGF 213.

The Hearing Examiner having under consideration the order assigning him to preside at the hearing in the above-entitled proceeding which is scheduled to commence January 3, 1962 and the desirability of holding a prehearing conference to discuss the procedural ground rules to be adopted to simplify and expedite the conduct of the hearing;

It appearing, that respondent licensee is represented by counsel at Scranton, Pennsylvania, who has entered respondent's appearance in this case, and that it does not appear that it will be an undue hardship for respondent, or its counsel, to be called upon to appear at a prehearing conference;

It is ordered, This 20th day of November 1961, that the parties or their counsel are directed to appear at a prehearing conference to be held at 10 a.m., Friday, December 8, 1961, at the Commission's offices, Washington, D.C.

It is ordered further, That the parties are to be prepared during the prehearing conference particularly to discuss possible stipulations of fact and ways in which the evidence may be presented in a manner most expeditious to the early disposition of this case.

Released: November 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11230; Filed, Nov. 27, 1961; 8:50 a.m.]

[Docket No. 14367—14372; FCC 61M-1813]

VETERANS BROADCASTING CO., INC., ET AL.

Order Scheduling Hearing

In re applications of Veterans Broadcasting Company, Inc., Syracuse, New York, Docket No. 14367, File No. BPCT-2912; Syracuse Television, Inc., Syracuse, New York, Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio and Television Corporation, Syracuse, New York, Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting,

Inc., Syracuse, New York, Docket No. 14370, File No. BPCT-2931; Wage, Inc., Syracuse, New York, Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, New York, Docket No. 14372, File No. BPCT-2933; for construction permits for new Television Broadcast Stations. Channel 9.

It is ordered, This 20th day of November 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 29, 1962, in Washington, D.C.; and

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., Tuesday, December 19, 1961.

Released: November 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11231; Filed, Nov. 27, 1961; 8:50 a.m.]

[Docket No. 14378]

WILLIAM WILSON

Order To Show Cause

In the matter of William Wilson, Glasgow, Kentucky, Docket No. 14378; order to show cause why there should not be revoked the license for Radio Station 18Q2940 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of an alleged violation of Title 18, U.S. Code section 1464, in connection with the operation of the captioned station;

It appearing, that, on or about July 18, 1961, the subject radio station was used for the purpose of uttering obscene, indecent, or profane language by means of radio, in violation of Title 18, U.S. Code, section 1464:

It is ordered, this 20th day of November 1961, pursuant to section 312 (a) (6) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail (Air Mail)—Return Receipt Requested to the licensee at 801 West Main Street, Glasgow, Kentucky.

Released: November 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11232; Filed, Nov. 27, 1961; 8:51 a.m.]

TARIFF COMMISSION

[7-111]

CREEPING RED FESCUE SEED

Notice of Investigation and Date of Hearing

Investigation instituted. Upon application of Chewings Fescue and Creeping Red Fescue Commission of the State of Oregon, and others, and amendment of said application received November 21, 1961, the United States Tariff Commission, on the 22d day of November 1961, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether creeping red fescue seed, classifiable under paragraph 763 of the Tariff Act of 1930, is, as a result, in whole or in part, of the customs treatment reflecting the concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing the like product.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on February 27, 1962, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application as originally submitted was not accepted by the Commission. The amendment cured the defects in the original application, so that the application is considered as having been filed on the date of filing of the amendment. The application, as amended, is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C.; and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued: November 22, 1961.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 61-11249; Filed, Nov. 27, 1961; 8:52 a.m.]

[22-25]

COTTON PRODUCTS

Notice of Investigation and Date of Hearing

At the request of the President, by letter dated November 21, 1961, the United States Tariff Commission, on the 22d day of November 1961, instituted an investigation under section 22(a) of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether articles or materials wholly or in part of cotton are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the programs or operations undertaken by the United States Department of Agriculture with respect to cotton or products thereof, or to reduce substantially the amount of cotton processed in the United States from cotton or products thereof with respect to which such programs or operations are being undertaken.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on March 13, 1962. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least five days in advance of the date set for the hearing.

Issued: November 22, 1961.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 61-11250; Filed, Nov. 27, 1961; 8:52 a.m.]

FOREIGN-TRADE ZONES BOARD

APPLICATION FOR FOREIGN-TRADE SUB-ZONE IN PENUELAS, PUERTO RICO

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Puerto Rico Industrial Development Company, a public corporation and instrumentality of the Commonwealth of Puerto Rico, Grantee of Foreign-Trade Zone No. 7, for the privilege of establishing, operating and maintaining a foreign-trade sub-zone within the area of Penuelas, Puerto Rico, which is within the Port of Ponce, Puerto, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u). Ponce is in Puerto Rico Customs District No. 49 of the United States. The applicant has submitted this sub-zone application in furtherance of the activities directed toward the development of the economy of Puerto Rico.

The proposed site of the sub-zone consists of approximately 65.27 acres of land made available through a lease arrangement between the Puerto Rico Industrial Development Company and Union Carbide Caribe, Inc. This sub-zone is intended to enable Union Carbide Caribe, Inc., to operate an olefins plant in a foreign-trade zone area, utilizing as raw material refinery gas from the Commonwealth Oil Refining Company, and/or imported light virgin naphtha, and /or any other suitable hydrocarbon. Such raw materials would be processed into various hydrocarbon products within the sub-zone and then either entered into the customs area for consumption, or reexported or consumed within the sub-zone. The proposed foreign-trade sub-zone is located on kilometer 8 along State Highway No. 2, approximately nine miles west of the city of Ponce and seven miles from the city of Penuelas.

The Executive Secretary of the Foreign-Trade Zones Board (pursuant to the Board's regulations[1]) has designated E. E. Schnellbacher, Assistant Director, Bureau of International Business Operations, Department of Commerce, as examiner to investigate the application and accompanying exhibits for compliance with said regulations; and said application of the Puerto Rico Industrial Development Company having now been found to be in order, the Executive Secretary does hereby further designate, as an Examiners Committee, said E. E. Schnellbacher, Chairman; Jean S. Whittemore, the Collector of Customs of Puerto Rico; and Colonel Julian V. Sollohub, District Engineer, U.S. Army Engineer District, Jacksonville, Florida, in whose jurisdiction the proposed sub-zone is to be located, to make an investigation of the application and report thereon to the Board for final action.

General plans showing the location of the proposed sub-zone and other pertinent information may be examined at the office of the Collector of Customs, District No. 49, at San Juan, Puerto Rico, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 7416, Commerce Building, Washington 25, D.C.

Notice is hereby given that, in connection with its consideration of the application, the Examiners Committee invites interested persons to submit their views regarding the application, including any additional facts they believe relevant. Such views must be submitted in writing to the Executive Secretary of the Foreign-Trade Zones Board, Washington 25, D.C.; attention Examiners Committee, not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER. Interested persons desiring an oral hearing on the matter must make written request therefor on or before that date stating their interest and reasons why a hearing is desired.

If no request for a hearing is received, or if the Examiners Committee in any event determines it can proceed with its investigation without oral hearing, the Committee will complete its investigation and report to the Board as soon as practicable on the basis of the application, accompanying exhibits, and any other available information pertaining to the matter.

RICHARD H. LAKE,
Executive Secretary,
Foreign-Trade Zones Board.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11269; Filed, Nov. 24, 1961; 10:32 a.m.]

[1] See Title 15 Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page

PROCLAMATIONS:
Feb. 25, 1893 — 10735
2032 — 10899
2914 — 10825
3438 — 10203
3439 — 10899

EXECUTIVE ORDERS:
Jan. 26, 1867 — 10729, 10806
Apr. 30, 1872 — 10729
Mar. 7, 1900 — 10806
5237 — 10729
6541 — 10638
6631 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469
10974 — 10585
10975 — 10629
10976 — 10825

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, May 27, 1961 — 10749
Memorandum, Oct. 18, 1961 — 10543

5 CFR
6 — 10204, 10267, 10447, 10544, 10900, 10962
9 — 10750
22 — 10750
24 — 10447
25 — 10544
35 — 10750
37 — 11046
301 — 10503
302 — 10503

6 CFR — Page
70 — 10267
305 — 10267
390 — 10267
421 — 10546, 11025
423 — 10686
427 — 10546
443 — 10769, 10961
464 — 10873
477 — 11207
482 — 10586

7 CFR
51 — 11025
201 — 10471
401 — 10630
403 — 10630
711 — 10204
717 — 10208
723 — 10471, 10503
725 — 10927
727 — 10504
729 — 10209
730 — 10336
775 — 10769, 10787
813 — 10547
833 — 10961
847 — 10214
855 — 10268
857 — 10505
864 — 10270
873 — 10272
906 — 11026
914 — 10423, 10586, 10789, 11034
922 — 10214
927 — 10632, 10859
933 — 10337, 10423–10425, 10790, 10791, 11035
942 — 10425, 11035
943 — 10214, 11036
953 — 10425, 10586, 10792, 10872, 11037, 11207
955 — 11037

7 CFR—Continued — Page
958 — 10792
973 — 10215
984 — 10688
986 — 11038
989 — 10770
994 — 10216
997 — 10688
1001 — 10587
1011 — 11207
1013 — 10507
1014 — 10472
1016 — 11208
1017 — 10426
1031 — 10338
1034 — 10793
1069 — 10587
1070 — 10632
1071 — 10426
1073 — 10689

PROPOSED RULES:
301 — 10571
719 — 10731
725 — 10933
728 — 10484, 10596
813 — 10691
900—1073 — 10286, 10516, 10772
903 — 10810
906 — 10298
908 — 10307, 10485
914 — 10933
918 — 10307
921 — 10810
925 — 10486
927 — 10597
939 — 10296
943 — 10236
947 — 10360, 10879
959 — 10809
970 — 11053
975 — 11074
986 — 10298

7 CFR—Continued Page

PROPOSED RULES—Continued

1024 ... 10597, 11079
1026 ... 10516, 10772, 10933
1028 ... 11062
1033 ... 10772
1034 ... 10773
1138 ... 10691

8 CFR

103 ... 10928
205 ... 10962
212 ... 10928
223 ... 10928
264 ... 10928
282 ... 10928
299 ... 10928
332a ... 10928
499 ... 10928

PROPOSED RULES:

252 ... 10358
253 ... 10358

9 CFR

74 ... 10223
83 ... 10338

PROPOSED RULES:

131 ... 10358

10 CFR

2 ... 10770
20 ... 11046
30 ... 10472
40 ... 10929

PROPOSED RULES:

30 ... 10487
140 ... 10933

12 CFR

262 ... 10340
546 ... 11208

PROPOSED RULES:

563 ... 10239, 11217

13 CFR

105 ... 10723
121 ... 10633, 10634

PROPOSED RULES:

107 ... 10702

14 CFR

18 ... 10473
60 ... 10752
221 ... 11046
507 ... 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634, 10963, 10964, 11047
600 ... 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753, 10874–10876, 10964, 11047
601 ... 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724, 10875, 10876, 10964, 11047, 11048
602 ... 10590, 10635, 10724
608 ... 10342, 10636, 10724, 10876, 10965, 11047, 11048
609 ... 10430, 10436, 10754, 10762
610 ... 10724

PROPOSED RULES:

1—190 ... 10698
24 ... 10571
48 ... 10701
60 ... 10307
202 ... 10774
203 ... 10774
213 ... 10774
215 ... 10774
227 ... 10238
291 ... 10774

14 CFR—Continued Page

PROPOSED RULES—Continued

292 ... 10774
296 ... 10774
297 ... 10774
298 ... 10774
302 ... 10307, 10641
401–635 ... 10698
411 ... 10776
507 ... 10362, 10571
600 ... 10451, 10520, 10602, 10777, 10881, 10934
601 ... 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
602 ... 10809, 11087
608 ... 10451, 10520, 10733

15 CFR

205 ... 11048
230 ... 11049

16 CFR

13 ... 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771, 10878, 10929, 10965, 10966
301 ... 10446

17 CFR

230 ... 10930
275 ... 10548

PROPOSED RULES:

275 ... 10607

18 CFR

2 ... 10342
13 ... 10794

19 CFR

3 ... 10508
4 ... 10508
14 ... 10476

PROPOSED RULES:

3 ... 10731

20 CFR

25 ... 10509
404 ... 10226, 11049

PROPOSED RULES:

404 ... 11083

21 CFR

15 ... 11209
17 ... 10550
46 ... 11209
120 ... 10228, 10550, 10551
121 ... 10228, 10343, 10476, 10590, 11052, 11209–11211
146 ... 10228
146a ... 10728
147 ... 11211
191 ... 11213

PROPOSED RULES:

1 ... 10601
17 ... 10362
120 ... 10487, 10640, 10732, 10810
121 ... 10362, 10452, 10698, 10732, 10774, 10881, 10976, 11217
130 ... 10811
191 ... 11217

22 CFR

22 ... 10728

24 CFR

202a ... 10229
203 ... 10229
207 ... 10229
213 ... 10229
220 ... 10230
221 ... 10230
232 ... 10230
603 ... 10231

24 CFR—Continued Page

608 ... 10231
611 ... 10231
702 ... 10231
803 ... 10231
903 ... 10231

25 CFR

17 ... 10630
31 ... 10637
131 ... 10630
141 ... 10232

PROPOSED RULES:

34 ... 10940
194 ... 10939
221 ... 10516, 10939

26 CFR

1 ... 10275, 10477

PROPOSED RULES:

1 ... 10283, 10449, 10450, 10483
48 ... 10939
252 ... 10494

28 CFR

21 ... 10232

29 CFR

9 ... 10705
601 ... 10275
780 ... 10277
793 ... 10275

30 CFR

27 ... 10940

31 CFR

309 ... 11215
315 ... 11215
332 ... 11215

32 CFR

200 ... 10931
504 ... 10797
507 ... 10940
552 ... 10728
561 ... 10931
590 ... 10553
591 ... 10553
592 ... 10553
595 ... 10553
596 ... 10553
597 ... 10553
598 ... 10553
599 ... 10553
600 ... 10553
601 ... 10553
602 ... 10553
605 ... 10553
606 ... 10553
608 ... 10728
737 ... 10953
739 ... 10953
750 ... 10826
751 ... 10836
753 ... 10942
765 ... 10591

33 CFR

3 ... 10943
67 ... 10943
202 ... 10805, 11171
203 ... 10445, 10805, 11171
204 ... 10278, 11171
206 ... 11171
207 ... 11171

35 CFR

4 ... 10953

CANAL ZONE ORDERS:

58 ... 10953

36 CFR

6 ... 10939

36 CFR—Continued Page

PROPOSED RULES:

7 ... 10600

38 CFR

1 ... 10551, 10552
12 ... 10232
17 ... 11214
21 ... 10276, 10478

39 CFR

10 ... 10510
111 ... 10805
168 ... 10771, 10805, 10972

41 CFR

1-5 ... 10590
5-1 ... 10354
50-202 ... 10354

PROPOSED RULES:

50-202 ... 10517, 10773

42 CFR

73 ... 10355

43 CFR

231 ... 10479
244 ... 10728

PROPOSED RULES:

191 ... 10808
203 ... 10808
257 ... 10285

PUBLIC LAND ORDERS:

73 ... 10638
1071 ... 10356
2435 ... 11052
2460 ... 10568
2524 ... 10735
2526 ... 10279

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued

2527 ... 10356
2528 ... 10356
2529 ... 10356
2530 ... 10427
2531 ... 10480
2532 ... 10480
2533 ... 10480
2534 ... 10568
2535 ... 10569
2536 ... 10638
2537 ... 10729
2538 ... 10729
2539 ... 10806
2540 ... 10806
2541 ... 10806
2542 ... 11215

45 CFR

212 ... 10481

46 CFR

30 ... 10996
31 ... 10997
35 ... 11000
71 ... 11003
78 ... 11007
91 ... 11010
97 ... 11014
146 ... 11016

PROPOSED RULES:

201 ... 10601
206 ... 10601
221 ... 10601
298 ... 10601
299 ... 10601
502 ... 10520
510 ... 10941

47 CFR Page

1 ... 10279, 10280, 10447
2 ... 10655
3 ... 10280, 10729, 10917
5 ... 10806
7 ... 10591, 10918
8 ... 10591, 10918, 10925
9 ... 10926
10 ... 10569
14 ... 10591, 10918
15 ... 10281
18 ... 10281, 10591, 10927

PROPOSED RULES:

2 ... 10701
3 ... 10239, 10572, 10606, 10935, 10938–10940
10 ... 10573
12 ... 10240
15 ... 10940

49 CFR

10 ... 11103, 11216
125 ... 10846
170 ... 10771

PROPOSED RULES:

73 ... 10572, 11088
176 ... 10240

50 CFR

32 ... 10233, 10234, 10282, 10638, 10730, 11216
33 ... 10234, 10235, 10878, 10973, 10974

PROPOSED RULES:

215 ... 10640

Pages 11231–11277

FEDERAL REGISTER

VOLUME 26 NUMBER 229

Washington, Wednesday, November 29, 1961

OF MICHIGAN
DEC 1 1961
MAIN
READING ROOM

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Administrator; definition 11236
Irish potatoes grown in Colorado; general cull regulation 11236
Lettuce grown in Lower Rio Grande Valley in South Texas; shipments limitation; correction 11236

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in New York-New Jersey marketing area; decision on proposed amendments to tentative agreement and order 11253

RULES AND REGULATIONS:
Wheat stabilization program, 1962 11234

Agriculture Department

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

NOTICES:
Delegation of authority and assignment of functions; miscellaneous amendments 11256
Special study of Technical Committee on Grain Exports; opportunity to submit comments 11256

Atomic Energy Commission

NOTICES:
Curators of University of Missouri; issuance of construction permit 11257
Curators of University of Missouri School of Mines and Metallurgy; issuance of utilization facility license 11257
General Dynamics Corp.; issuance of utilization facility license amendment 11257

Civil Aeronautics Board

NOTICES:
American Airlines, Inc., et al.; economy fares; investigation and suspension 11257

Civil Service Commission

RULES AND REGULATIONS:
Exception from competitive service; State Department 11233

Commerce Department

See Maritime Administration.

Commodity Credit Corporation

RULES AND REGULATIONS:
Loan and purchase agreement programs:
Barley, 1961 crop; support rates 11233
Grain sorghums, 1961 crop; support rates 11233
Tobacco, 1961 crop; advance rates 11233

Federal Aviation Agency

PROPOSED RULE MAKING:
Jet routes and advisory areas; alteration and revocation 11254

RULES AND REGULATIONS:
Airworthiness directive; Convair Models 22 and 22M aircraft 11236
Federal airway; alteration 11237
Restricted area, designation; and alteration of continental control area 11237

Federal Communications Commission

RULES AND REGULATIONS:
Public fixed stations and stations of the maritime services in Alaska; correction 11246

Federal Power Commission

NOTICES:
Hearings, etc.:
New York State Natural Gas Corp. 11259
Texaco, Inc. 11259

Federal Reserve System

NOTICES:
Marine Corp.; order approving application under Bank Holding Company Act 11260

Federal Trade Commission

RULES AND REGULATIONS:
Prohibited trade practices:
Hypo Surgical Supply Corp. et al. 11237
Paramount Bedding Corp. et al. 11238

Fish and Wildlife Service

RULES AND REGULATIONS:
Hunting big game in individual wildlife refuge areas; Minnesota:
Rice Lake 11251
Upper Mississippi River 11251
Migratory birds and permits 11246

Food and Drug Administration

PROPOSED RULE MAKING:
Food additive; filing of petition 11254

RULES AND REGULATIONS:
Food additives resulting from contact with containers or equipment, or otherwise affecting food 11242
Further extension of effective date of statute for certain specified food additives 11241

Foreign Assets Control

NOTICES:
Melon seeds, salted; certificates of origin by Government of Republic of China 11255

General Services Administration

NOTICES:
Ferromanganese fines held in national stockpile; proposed disposition 11261

Health, Education, and Welfare Department

See Food and Drug Administration.

(*Continued on next page*)

Interior Department

See Fish and Wildlife Service; Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief 11274
Motor carrier:
Alternate route deviation notices 11262
Applications and certain other proceedings 11264
Transfer proceedings 11274

Labor Department

See Labor Standards Bureau.

Labor Standards Bureau

NOTICES:
Todd Shipyards Corp.; order creating variation 11256

Land Management Bureau

NOTICES:
California; relocation and temporary closing of Sacramento Land Office, relocation of State office and Sacramento District Office 11255
Small tract classifications:
Arizona 11255
Nevada 11255

Maritime Administration

NOTICES:
American Export Lines, Inc.; application for approval of certain cruises 11256

RULES AND REGULATIONS:
Inventories of vessels covered by operating-differential subsidy agreements 11243

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Bond Investment Trust of America 11260
Guarantee Mortgage, Inc. 11260

RULES AND REGULATIONS:
Forms prescribed under Investment Company Act of 1940; miscellaneous amendments 11238

Small Business Administration

NOTICES:
Authority delegations:
Branch manager, Jacksonville, Fla 11261
Managers of disaster field offices:
Alabama; Montgomery 11261
Tennessee; Nashville 11261
Texas:
Corpus Christi 11261
Port Isabel 11261

Treasury Department

See also Foreign Assets Control.

NOTICES:
Findings of dumping; amendment of delegation order 11255

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR

6 11233

6 CFR

421 (2 documents) 11233
464 11233

7 CFR

776 11234
900 11236
958 11236
1034 11236
PROPOSED RULES:
927 11253

14 CFR

507 11236
600 11237
601 11237
608 11237
PROPOSED RULES:
602 11254

16 CFR

13 (2 documents) 11237, 11238

17 CFR

270 11238
274 11238

21 CFR

121 (2 documents) 11241, 11242
PROPOSED RULES:
121 11254

46 CFR

293 11243

47 CFR

14 11246

50 CFR

10 11246
16 11246
32 (2 documents) 11251

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (25) of paragraph (a) of § 6.302 is amended as set forth below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* • • •

(25) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11288; Filed, Nov. 28, 1961; 8:52 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, 7572, 8097, 8559, and 9308, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(b) is amended by increasing the following basic county support rates.

ARIZONA

County	Rate per bushel	
	From—	To—
Cochise	$0.94	$0.95
Santa Cruz	.95	.97

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 22, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-11297; Filed, Nov. 28, 1961; 8:53 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Grain Sorghums Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5107, 5569, 7252, 8413 and 9899, and containing the specific requirements for the 1961-crop grain sorghums price support program are hereby amended as follows:

Section 421.337(b) is amended by increasing the following basic county support rates:

ARIZONA

County	Rate per hundredweight	
	From—	To—
Cochise	$2.08	$2.09
Santa Cruz	2.09	2.14

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 22, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-11296; Filed, Nov. 28, 1961; 8:53 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below are schedules of advance rates, by grades, for the 1961 crop of types 42–44 and 51–55 tobacco under the tobacco loan program published July 6, 1960 (25 F.R. 6323).

Sec.
464.1341 1961 crop; Ohio Filler Tobacco, Types 42–44, advance schedule.
464.1342 1961 crop; Connecticut Valley Broadleaf Tobacco, Type 51, and Connecticut Valley Havana Seed Tobacco, Type 52, advance schedules.
464.1343 1961 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.
464.1344 1961 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.

§ 464.1341 1961 crop; Ohio Filler Tobacco, Types 42–44, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Fillers (farm wrappers):	
C1MB	28
C1M	28
C2M	25
C3M	24
C4M	23
Crop run (stripped together):	
X1	28
X2	25
X3	23
X4	21
X5	19
Farm fillers:	
Y1	19
Y2	17
Y3	15

§ 464.1342 1961 crop; Connecticut Valley Broadleaf Tobacco, Type 51, and Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.[2]

[Dollars per hundred pounds, farm sales weight]

UNSORTED

Grade	Advance rate
Binders:	
B1M	47
B2M	44
B3M	40
B4M	38
B5M	36
Nonbinder:	
X1M	32

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

[2] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of $1.00 per hundred pounds or $10.00 per consignment to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded N1 (first quality nondescript), N2 (second quality nondescript), S (scrap), or No-G (no grade).

§ 464.1343 1961 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	33
B2	32
B3	30
Strippers:	
C1	28
C2	27
C3	26
Crop-run:	
X1	31
X2	28
X3	23
Farm Fillers:	
Y1	24
Y2	22
Y3	20
Nondescript:	
N1	16

§ 464.1344 1961 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	45
B2	41
B3	37
Strippers:	
C1	34
C2	31
C3	27
Crop-run:	
X1	31
X2	28
X3	23
Farm fillers:	
Y1	24
Y2	22
Y3	20
Nondescript:	
N1	16

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date: Date of signature.

Signed at Washington, D.C., on November 22, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-11298; Filed, Nov. 28, 1961; 8:53 a.m.]

[3] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of all other grade groups to apply against receiving and overhead costs, plus a fee of $3.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded No-G (no grade), N2 (second quality nondescript), or S (scrap).

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Wheat Stabilization Program, Supp. 2]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program

Sec.
776.61 Purpose.
776.62 Form of payment.
776.63 Set-offs and assignments.
776.64 Negotiation of sight drafts.
776.65 Exchange of sight drafts for wheat.
776.66 Where to apply.
776.67 Wheat under farm storage price support loan.
776.68 Wheat under warehouse storage price support loan.
776.69 Deliveries of wheat in warehouses to payee.
776.70 Deliveries to payee of wheat from CCC bin sites.
776.71 Issuance of balance sight drafts.
776.72 Inadvertent over-deliveries.

AUTHORITY: §§ 776.61 to 776.72, issued under sec. 124, 75 Stat. 297; secs. 4, 5, 62 Stat. 1070–1072, as amended; 15 U.S.C. 714(b) and (c).

§ 776.61 Purpose.

Sections 776.61 to 776.72 supplement the 1962 Wheat Stabilization Program Regulations which provide terms and conditions under which payments are made to producers in the commercial wheat producing area who divert acreage from the production of wheat in 1962. This supplement provides for the issuance of CCC sight drafts as the form of payment under such program and the method by which such sight drafts may be redeemed in cash or exchanged for wheat owned by the Commodity Credit Corporation.

§ 776.62 Form of payment.

A producer entitled to payment under the 1962 Wheat Stabilization Program (hereinafter called "payee") shall receive payment in the form of a negotiable CCC sight draft (hereinafter called "sight draft") issued by the county office.

§ 776.63 Set-offs and assignments.

(a) *Producer indebtedness.* Set-offs against amounts due the producer under this program shall be made as provided in the Secretary's Set-Off Regulations, Part 13 of this title (23 F.R. 3757) and any amendments thereto. A sight draft shall be issued to each creditor agency for the amount to be set-off in payment of the debts for which payment is set-off.

(b) *Right to contest.* A set-off shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness against which the set-off is made either by administrative appeal or by legal action.

(c) *Assignments.* Payments earned under this program cannot be assigned.

§ 776.64 Negotiation of sight drafts.

Sight drafts shall be redeemed in cash upon presentation by the payee or any holder in due course at the Federal Reserve Bank or Branch Bank designated thereon. Such presentation shall be made through regular banking channels.

§ 776.65 Exchange of sight drafts for wheat.

The payee may exchange sight drafts issued to him in whole or in part for wheat. Only the payee will have such option. CCC reserves the right to determine the class, grade, or quality of wheat for which sight drafts may be exchanged or to restrict the availability of any class, grade, or quality of wheat in any area whenever such action is deemed necessary either to effectuate the purpose of the program or in the interest of CCC inventory management. At the option of CCC the wheat to be delivered will be wheat located in warehouses or CCC bin sites in the county in which the sight draft was issued or in the nearest county in which wheat is made available in exchange for sight drafts. Sight drafts may also be exchanged for wheat delivered by the payee under such price support loans as may be designated by CCC. Wheat delivered by CCC in exchange for sight drafts will be valued at the market price as determined by CCC at point of delivery. Such wheat shall not be eligible for tender to CCC under the price support program. The payee may sell such wheat to a subsequent buyer free from the Marketing Quota Regulations wheat penalty, if identified by a properly executed producer's copy of a delivery order issued by the county office.

§ 776.66 Where to apply.

Payees who wish to exchange sight drafts for wheat to be delivered by them under a price support loan must apply to the county office which approved the loan. Payees who wish to exchange sight drafts for other CCC-owned wheat must apply to the county office which issued the sight draft. If CCC-owned wheat is not available in such county, the county office will direct the payee to the nearest county office having wheat available for exchange.

§ 776.67 Wheat under farm storage price support loan.

(a) Subject to the provisions of this subpart, in case of wheat which a payee has under a farm storage price support loan, including any reseal or extended reseal loan, upon the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) permit delivery to CCC on the farm where stored of the payee's wheat mortgaged to CCC in settlement of such loan, and (3) permit the payee to exchange sight drafts issued to him under the program for such wheat on the farm where stored. An inspection of the wheat will be made by a representative of the county committee prior to acceleration of the maturity date of the loan. If it is determined that all the wheat under loan is still in storage, notwithstanding the provisions of the applicable price support bulletin, settlement of the loan will be made on the basis of the quantity and quality set forth in the loan documents. If on inspection of the wheat a shortage is discovered, the commodity will be ordered delivered by CCC to a point where weights can be obtained and settlement with the producer shall be made on the basis of such weights in the manner provided in the loan documents and price support bulletin.

(b) In computing storage payments due under a reseal loan, the prorata payments to which the producer is entitled shall be based on the storage period ending on the date the commodity is delivered to CCC in satisfaction of the loan.

(c) Subject to the provisions of this subpart, delivery of a portion of the wheat under loan will be permitted if a payee wishes to deliver to CCC a portion of the wheat under loan and exchange sight drafts for such wheat. In such event, CCC will credit the note with the settlement value of the quantity and quality delivered in accordance with the settlement provisions of the loan documents. The quantity so obtained must be removed from the storage structure and segregated from the wheat which remains as collateral for the outstanding balance of the loan. The provisions as to inspection and adjustment for storage charges in paragraphs (a) and (b) of this section shall apply to any grain so delivered. If on inspection a shortage is discovered, the maturity date of the entire loan shall be accelerated.

§ 776.68 Wheat under warehouse storage price support loan.

(a) Subject to the provisions of this subpart, in the case of wheat which a payee has under a warehouse storage loan, at the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) acquire title to such wheat in satisfaction of the loan, and (3) permit the payee to exchange sight drafts issued to him by delivery to him of the warehouse receipts representing such wheat. Settlement of such warehouse storage loan will be made as provided in the applicable loan documents and price support bulletin.

(b) Subject to the provisions of this subpart, CCC will acquire title to a portion of the wheat a payee has under a warehouse storage loan and will deliver such wheat in exchange for sight drafts issued under this program if a payee wishes to exchange sight drafts for such wheat. CCC will only honor such requests by payees as to the entire quantity of wheat represented by a warehouse receipt. If the value of sight drafts tendered held by the payee is not equivalent to the value of all the wheat represented by a warehouse receipt, CCC will honor the payee's request as to the portion of the wheat represented by a warehouse receipt for which he has sight drafts, provided that at the time of exchange he repays in cash the balance of the amount due on the loan in connection with such receipt as computed under the loan documents and price support bulletin. CCC shall credit the loan with the settlement value of the quantity and quality of the wheat acquired by it and with any amount paid on the loan, in accordance with the settlement provisions of the loan documents and price support bulletins.

(c) The provisions of this section apply only to warehouse storage loans on wheat with no transit privileges. Title and risk of loss shall pass to the payee on delivery to him of the warehouse receipts. Any difference in class, grade, quality (including protein content), and quantity of wheat delivered by the warehouseman to the payee from that described on the warehouse receipts shall be settled between the payee and the warehouseman.

(d) In the case of wheat delivered to a payee which had been under a warehouse storage loan, the payee shall be responsible to the warehouseman for payment of all warehouse charges on the wheat. CCC will refund to the payee any storage charges which had been deducted by it from the loan proceeds on the quantity of wheat delivered in exchange for sight drafts and will pay to the payee the receiving and load out charge applicable to such wheat in an amount not to exceed the rate specified in the Uniform Grain Storage Agreement.

§ 776.69 Deliveries of wheat in warehouse to payee.

(a) *Use of delivery orders.* Warehouse stored wheat shall be delivered to payees "in store." If delivery is to be made of warehouse-stored wheat other than deliveries under § 776.68, the county office shall issue a Delivery Order to the payee setting forth the net quantity, class, grade, and quality, including protein content of the commodity to be delivered to the payee, and the warehouse in which the wheat is to be delivered. The payee may obtain the wheat by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the payee to whom issued.

(b) *Delivery provisions.* Title and risk of loss to the wheat specified in the Delivery Order shall pass to the payee on the date of issuance of the Delivery Order by the county office. CCC shall be responsible for all warehouse charges accruing through the date of issuance of the Delivery Order. CCC shall also pay the warehouseman the load out charge applicable to the wheat in an amount not to exceed the amount specified in Uniform Grain Storage Agreement. The producer shall be responsible for all other warehouse charges accruing after the date of issuance of the Delivery Order.

(c) *Grade, quality and quantity differences.* Any difference in the value of the class, grade, quality (including protein content) and net quantity of the wheat delivered by the warehouseman to the payee from that shown in the Delivery Order shall be settled between the payee and the warehouseman.

(d) *Transit billing.* Wheat transferred to payees will be wheat with no transit privileges.

§ 776.70 Deliveries to payee of wheat from CCC bin sites.

(a) Exchange of sight drafts for bin site stored wheat shall be on the basis of delivery f.o.b. the payee's conveyance at the bin site.

(b) Title and risk of loss on such exchanges shall pass to the payee when the wheat is placed in his conveyance at the bin site, unless the payee removes the wheat from the bins, in which event risk of loss shall pass to the owner at the time he takes possession of the wheat.

(c) On such exchanges, CCC shall be responsible for bin emptying charges and the cost of weighing. Delivery weights shall be obtained at a usual weighpoint for the bin site determined by the county office. Trucking costs to such weighpoint shall be for the account of the payee.

(d) Applicable bin emptying, and weighing services on such exchanges shall be performed under the usual county office agreement and the prevailing rates in the county, or by ASC personnel, at the option of CCC.

(e) Bin site wheat shall be delivered "as is" unless the payee requests that delivery be made on a grade and quality basis. The value of wheat on deliveries "as is" shall be based on the market price for the class, grade, and quality of wheat in the bin from which delivery will be made, including applicable protein content, as determined by CCC, with no adjustment for the class, grade and quality, including protein content, actually delivered. CCC does not warrant the class, grade, quality or protein content of any wheat delivered "as is." On deliveries made on a grade and quality basis, the value shall be subject to adjustment for the class, grade, and quality including protein content, delivered. The quantity delivered on all bin site exchanges shall be adjusted for dockage content.

§ 776.71 Issuance of balance sight drafts.

If the full amount of the face value of a sight draft is not exchanged by the payee, a balance sight draft shall be issued to the payee for the unused amount. If the amount is $3.00 or less no balance sight draft will be issued unless requested. Balance sight drafts may be negotiated or tendered to CCC for exchange in wheat in the same manner as provided in §§ 776.64 and 776.65.

§ 776.72 Inadvertent over-deliveries.

In the event of the inadvertent over-delivery by CCC under the program of a quantity of wheat which is not in excess of a carload or a truckload lot, as applicable, payment may be made in cash for such excess quantity at the applicable market price, as determined by CCC.

Issued at Washington, D.C. this 13th day of November 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-11294; Filed, Nov. 28, 1961; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 900—GENERAL REGULATIONS

Administrator; Definition

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the general regulations issued thereunder (7 CFR 900.1 et seq.), as amended, are hereby further amended as follows:

Sections 900.2(e), 900.51(e), and 900.200(e) are each amended to read as follows:

(e) The term "Administrator" means: As to programs relating to fruits, vegetables and tree nuts, the Director of the Fruit and Vegetable Division of the Agricultural Marketing Service and as to programs relating to all other commodities and their products, except functions with respect to a program which may be reassigned by the Assistant Secretary, Agricultural Stabilization, the Administrator of the Agricultural Stabilization and Conservation Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in their stead.

Done at Washington, D.C., this 22d day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11271; Filed, Nov. 28, 1961; 8:49 a.m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

General Cull Regulation

Findings. (a) Pursuant to Marketing Order No. 58, as amended (7 CFR Part 958) regulating the handling of potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the restatement of the General Cull Regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and unnecessary to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) this regulation has been in effect since July 1949; (2) it is in effect at the present time and has continued so under the amended order; (3) the restatement involves only proforma changes essential to conforming the General Cull Regulation to the amended order; (4) notice is unnecessary because the General Cull Regulation is already in effect and no additional obligation is imposed upon handlers, (5) the rule has been in effect as above stated and will continue in effect regardless of the changes herein stated.

§ 958.301 Potatoes; limitation of shipments, Colorado—Regulation No. 1.

(a) *General Cull Regulation.* No handler shall handle potatoes grown in the State of Colorado which do not meet the requirements of U.S. No. 2 or better grade, or are less than 1½ inches in diameter.

(b) The restatement of the General Cull Regulation is pursuant to § 958.20 (a), and it continues Regulation No. 1, issued June 14, 1949 (14 F.R. 2979, July 16, 1949), effective on and after July 18, 1949.

(c) The General Cull Regulation shall remain in effect until suspended or modified pursuant to § 958.20(a)(2).

(d) The U.S. No. 2 grade shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive, of this title), or amendments thereto or modifications thereof.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 24, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–11292; Filed, Nov. 26, 1961; 8:53 a.m.]

PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments; Correction

Subdivision (1) in the fifth paragraph of findings preceding § 1034.304 *Limitation of shipments,* published in the FEDERAL REGISTER November 18, 1961 (26 F.R. 10793), is hereby corrected to read as follows: "(1) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of lettuce in the manner set forth below on and after the effective date of this section."

Dated: November 24, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–11291; Filed, Nov. 28, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 916; Amdt. 373]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Models 22 and 22M Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring a modification to provide cockpit indicating means on Convair Models 22 (880) and 22M (880M) aircraft to determine that the engine starter has been de-energized after each start was published in 26 F.R. 9680.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received relative to accomplishment of the modification at starter overhaul. Since this can be handled satisfactorily only at time of base overhaul, the reference to starter overhaul is being deleted. Also, a comment was received regarding the use of instructions other than a cockpit placard for providing interim starting procedures. The AD will now permit the option of a placard or a revision in the Airplane Flight Manual pending completion of the modification.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CONVAIR. Applies to all Model 22 (880) and Model 22M (880M) aircraft.

Compliance with paragraphs (a) and (b) required within 4,000 hours' time in service after effective date of this directive.

Compliance with paragraph (c) is required on effective date of this directive.

An inflight engine pod explosion occurred on a Model 22 airplane causing the loss of a nose cowl and portions of the side cowl panel doors. This incident has been attributed to an open starter bleed air supply valve causing continued rotation and subsequent overheating and disintegration of the air turbine starter.

The following modifications and procedures are required to prevent the recurrence of this incident:

(a) Provide a FAA approved cockpit indicating means by which it can be determined that each engine starter is de-energized. Approval of this item shall be processed through the FAA, Flight Standards Service, Engineering and Manufacturing Branch, Western Region.

(b) Concurrently with the incorporation of the modification described in paragraph (a), the Normal Procedures Section of the Models 22 and 22M FAA Approved Airplane Flight Manual, under that portion entitled "Engine Starting Procedure—Ground", shall be revised to include a provision that the flight crew determine that the cockpit indicating means required by paragraph (a) indicates that the starter is de-energized after each engine start.

(c) Pending completion of the modifications required by paragraph (a) of this AD either install placard in the flight compartment on the pilot's start switch panel to read as follows: "Engine ground starts shall be made according to Convair Alert Service Bulletin No. 80–3", or revise the Normal Procedures Section of the Models 22 and 22M FAA Approved Airplane Flight Manual, under that portion entitled "Engine Starting Procedure—Ground", to provide for engine ground starts to be made according to Convair Alert Service Bulletin No. 80–3 or FAA approved equivalent.

This amendment shall become effective December 29, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 22, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–11236; Filed, Nov. 28, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–99]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6103) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1758.

No adverse comments were received regarding this proposal.

The notice proposed that Victor 1758 be designated as a 16-mile wide airway from the Santa Fe, N. Mex., VOR to the Cimarron, N. Mex., VOR, thence 10-mile wide airway to the Tobe, Colo., VOR. The Federal Aviation Agency has reevaluated this proposal and has determined that this airway segment, as proposed, should be designated by extending intermediate altitude VOR Federal airway No. 1715 from the Tobe VOR via Cimarron to Santa Fe. This will simplify the air route structure and facilitate flight planning by providing a single numbered route between Santa Fe and Hugo, Colo.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 600.1715 (26 F.R. 1079) is amended to read:

§ 600.1715 VOR Federal airway No. 1715 (Santa Fe, N. Mex., to Hugo, Colo.).

From the Santa Fe, N. Mex., VOR to the Cimarron, N. Mex., VOR; thence 10-mile wide airway to the Tobe, Colo., VOR; thence to the Hugo, Colo., VOR.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on November 21, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11237; Filed, Nov. 28, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–195]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On October 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9754) stating that the Federal Aviation Agency (FAA) was considering the designation of a new restricted area near Madison, Ind., to be known as R–3403 Jefferson Proving Ground, Ind., and the alteration of the description of the continental control area to include this new restricted area.

Mr. John T. Pritchard, Township Trustee and member of the Chamber of Commerce Aviation Board of the city of Madison, Ind., objected to the designation of the restricted area due to the proximity of the restricted area to the Madison Airport. Mr. Pritchard recommended that the southern boundary of R–3403 be established as latitude 38°50'35" N., in order to provide an additional ½ mile of airspace for egress from and ingress to the Madison Airport. Mr. Richard Cunningham of the Indiana State Aeronautics Commission supported the position taken by Mr. Pritchard. The FAA coordinated this recommendation with the Department of the Army. In reply, the Army advised that the recommended realignment of the southern boundary of the restricted area would uncover the test firing positions and would derogate the purpose for which the restricted area is designated. However, the Army has also advised that, according to an agreement with Mr. Pritchard, the north-south runway at Madison will be closed except to emergency traffic. Upon receipt of information from the Madison Airport authorities that an emergency situation exists which dictates the use of the north-south runway, the Army has agreed to suspend firing until such time as the emergency no longer exists. Therefore, R–3403 is being designated as published in the notice.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

Subsequent to publication of the notice, the Department of the Army advised the Federal Aviation Agency that the proof testing of artillery ammunition mentioned in the notice is scheduled to commence on December 1, 1961, and that it is urgent and essential to the national defense that this schedule not be delayed.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interests of national defense and safety and that good cause exists for making these amendments effective on less than 30 days' notice.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.34 *Indiana* (26 F.R. 7194) the Jefferson Proving Ground, Ind., Restricted Area R–3403 is added to read:

R–3403 Jefferson Proving Ground, Ind.:
Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. 0700 to 1900 CST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

2. In the text of § 601.7101 (26 F.R. 1399), the following is added:

R–3403 Jefferson Proving Ground, Ind.

These amendments shall become effective 0001 e.s.t., December 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 24, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11285; Filed, Nov. 28, 1961; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8382 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hypo Surgical Supply Corp. et al.

Subpart—Concealing, obliterating or removing law-required and informative marking: § 13.510 *Foreign source.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hypo Surgical Supply Corp. et al., New York, N.Y., Docket 8382, Sept. 15, 1961]

In the Matter of Hypo Surgical Supply Corp., a Corporation, and Augustus Hament, Alfred E. Rosenhirsch, Max Zisson, and Melvin Wallik, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors to cease selling without clear disclosure of foreign origin, hypodermic needles manufactured in Japan which, when imported, bore the word "JAPAN", but in many cases in too small and indistinct letters to constitute adequate notice, and in others concealed or obscured in the packaging or assembling.

The order to cease and desist, including also the provision requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hypo Surgical Supply Corp., a corporation, and its officers, and Augustus Hament, Alfred E. Rosenhirsch, Max Zisson, and Melvin Wallick, individually and as officers of the said corporation, and respondents'

agents, representatives and employees, directly or through any corporate device, in connection with the offering for sale, sale or distribution of hypodermic needles or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any product without affirmatively and clearly disclosing on the product itself the country of origin thereof and, if any product should be packaged in a manner which would cause the mark identifying the country of origin to be not readily visible, without clearly disclosing the country of origin on the package or container thereof.

2. Placing in the hands of others any means or instrumentalities by or through which they may mislead the public as to any of the matters and things set out in paragraph one above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11254; Filed, Nov. 28, 1961; 8:46 a.m.]

[Docket 8438 c.o.]

PART 13—PROHIBITED TRADE PRACTICES.

Paramount Bedding Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Paramount Bedding Corporation et al., Norfolk, Va., Docket 8438, Sept. 15, 1961]

In the Matter of Paramount Bedding Corporation, a Corporation, and Morris Comess, Max Comess, and Albert Diamonstein Individually and as Officers of Said Corporation

Consent order requiring manufacturers of bedding products in Norfolk, Va., to cease representing falsely in advertising in newspapers and on television and in material furnished dealers for publication, that use of their "Quilt O'Pedic" mattress was essential to everyone's health, that their "Firm-A-Back" mattress was designed to help all persons suffering from "nagging backache" and that use of both would indiscriminately afford relief to sufferers from backache, and that their mattresses were "Guaranteed for 15 years" or " . . . 20 years"; and to cease misrepresenting the usual retail price of the mattresses by attaching labels printed with excessive amounts.

The order to cease and desist, together with the provision requiring report of compliance therewith, is as follows:

It is ordered, That respondents Paramount Bedding Corporation, a corporation, and its officers, and Morris Comess, Max Comess and Albert Diamonstein, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bedding products, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their mattresses are designed to or will afford relief to persons suffering from backache unless it is clearly disclosed that such relief will be afforded only to users whose backaches result from using a soft mattress.

(b) That the use of their mattresses is essential to health.

(c) That their products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly set forth.

(d) By means of preticketing, or in any other manner, that any amount is the usual and customary retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail in the trade area or areas where the representation is made.

2. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11255; Filed, Nov. 28, 1961; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

In Investment Company Act Release No. 3324, dated September 12, 1961, and in the FEDERAL REGISTER of September 21, 1961 (26 F.R. 8911), the Securities and Exchange Commission published notice that it had under consideration the adoption of rules and a related reporting form which would provide small business investment companies (SBICs) licensed by the Small Business Administration, exemptions from certain requirements of sections 17(a), 17(d), and 18(c) of the Investment Company Act of 1940 (Act). The Commission has previously adopted Rules 3c–1, 3c–2, and 14a–1 (Investment Company Act Release Nos. 2828, 2900, 3011, and 3095 (§§ 270.3c–1, 270.3c–2, and 270.14a–1)), excluding certain activities of SBICs or the ownership of their securities from various provisions of section 3(c)(1) of the Act and permitting the use by an SBIC of Regulation E filings under the Securities Act of 1933 in raising its initial capital as required by section 14(a) of the Act.

All interested persons were invited to submit views and comments. Comments and suggestions were received from five SBICs, the Small Business Administration (SBA), the National Association of Small Business Investment Companies (NASBIC), the Chairman of the Committee on Bank-Related SBICs of that Association and from one closed-end investment company not licensed by the SBA. Fifteen SBICs also gave their views to the Committee on Bank-Related SBICs which were transmitted to the Commission. These views and comments were generally in favor of adoption of the rules. The Commission has considered the views and comments received and has determined to adopt the rules and the reporting form set forth below.

The Small Business Administration and various private persons have urged that the public interest will be served and the interest of investors will not be adversely affected by the adoption of rules exempting SBICs from section 17(a), 17(d), and 18(c) of the Act in respect of transactions of the type covered by the proposed rules. The SBIC program is too recent for the accumulation of any substantial experience which would demonstrate the desirability of complete exemptions in the respects indicated, as has been requested, from these provisions of the Act. However, in view of the public interest to be served as expressed in the Small Business Investment Act of 1958 (SBI Act), the Commission believes it is appropriate for an experimental period to grant exemptions with certain protective conditions. This approach will afford the Commission and all other interested persons an opportunity to examine the operation of SBICs and to reconsider the exemptions if that should appear necessary.

I. A new proposed § 270.17a–6 (Rule 17a–6) will exempt from the prohibitions of sections 17(a)(1) and 17(a)(3) of the Act, subject to certain conditions, loans and other securities transactions which would be prohibited by such sections solely because of an affiliation created through the owning, holding, or controlling with power to vote, by the SBIC, of the voting securities of a small business concern. The rule as proposed would have granted an exemption to a transaction prohibited solely because of an affiliation created through ownership by the SBIC of 5 percent or more of the voting securities of a small business concern. As adopted, the terms of the rule reflect changes in response to comments that the scope of the rule's application be clarified.

Section 17(b) of the Act provides that the Commission shall exempt a proposed transaction from the prohibitions of section 17(a) if evidence establishes that the terms thereof are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act provides that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the Act. Section 38(a) of the Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

One of the basic purposes of section 17(a) is to protect investment companies against overreaching by affiliated persons. The rule herein adopted, pursuant to sections 6(c) and 38(a) of the Act, is intended to operate in an area where there is small likelihood of overreaching of the small business investment company by an affiliate and the Commission believes that the conditions under which the exemption would be available will give added assurance that such overreaching will not occur.

II. The Commission is adopting, pursuant to sections 17(d) and 38(a) of the Act, an amendment to § 270.17d–1 (Rule 17d–1) which would exempt from that rule's requirements certain transactions where banks and an affiliated SBIC make investments in the same small business concern, and a new § 270.17d–2 (Rule 17d–2) which prescribes a related reporting Form N–17D–1.

Section 17(d) authorizes the Commission to adopt rules designed to protect investment companies and their security holders from overreaching by affiliated persons where the investment company and the affiliated person have a joint or a joint and several participation in a transaction. This section is not self-operating. It prohibits participation by an investment company with an affiliate in a joint enterprise only in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered investment company on a basis different from or less advantageous than that of the other participant. Section 270.17d–1, as now promulgated, implements this section by prohibiting any joint enterprise or other arrangement or profit-sharing plan, where the investment company and the affiliate are participants, unless an application regarding such joint enterprise has been filed with the Commission and has been granted by an order entered prior to effecting any transactions in connection with the joint enterprise, profit-sharing plan or other arrangement.

A joint enterprise or other joint arrangement or profit-sharing plan is defined by the rule as "any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered investment company, or any affiliated person of such a person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking * * *".

In a number of instances, banks have promoted the formation of SBICs registered under the Act, or are substantial stockholders of such companies, or cooperate in their operation by providing them with office space or the services of officers, or by referring potential clients to them. The Commission considers that investments in the same small business concern by the SBIC and by a bank which is affiliated with the SBIC by reason, for example, of direct or indirect stock ownership, an investment advisory contract, and the like, subject such investments to the risk of the same enterprise under circumstances that generally should be deemed to constitute such transactions by the SBIC and the affiliated bank a joint enterprise whether such transactions be contemporaneous or separated in time.

A number of SBICs having bank affiliations and other interested persons and agencies have contended that it would not be feasible to operate an SBIC affiliate with a bank and comply with § 270.17d–1 in its present form because of the requirement of the rule that an order be obtained from the Commission prior to effecting any transaction in connection with the joint enterprise. The proposed amendment to § 270.17d–1 would except banks affiliated with SBICs from the requirements of the present rule provided certain conditions are satisfied.

Exceptions of SBIC transactions from the operation of § 270.17d–1 would be accomplished by adding an additional subparagraph to paragraph (d) thereof which paragraph presently excepts certain other transactions. This amendment to the rule will require the submission of reports containing pertinent details of transactions by an SBIC and an affiliated bank with the same small business concern, and the Commission is adopting § 270.17d–2 (Rule 17d–2) prescribing Form N–17D–1 to be used in filing such reports.

Substantially all comments on this amendment to § 270.17d–1 favored its adoption. Several comments suggested changes and deletions in the related Form N–17D–1, and a number of persons urged that action on this form be deferred until the Commission has had an opportunity to consult with interested persons, private and public, as to the requirements of this form. We believe it is more appropriate to adopt the form as proposed and if experience indicates the need for revision we will stand ready to carry on consultations with such public and private agencies as the interested parties may suggest.

III. The Commission also is adopting, pursuant to sections 6(c) and 38(a) of the Act, a new § 270.18c–1 (Rule 18c–1) which will permit a small business investment company to issue more than one class of senior security representing indebtedness so long as all such indebtedness is privately held and the company does not have outstanding any publicly held indebtedness.

Section 18(c) of the Act, in relevant part, prohibits a closed-end investment company from issuing or selling more than one class of senior security representing indebtedness and provides that, for this purpose, bank loans and other privately arranged indebtedness not intended to be publicly distributed shall not be deemed a separate class of senior security representing indebtedness. It permits a class of senior security representing indebtedness to be issued and sold in one or more series provided no such series shall have a preference or priority over any other series upon the distribution of assets or in respect of the payment of interest.

In Investment Company Act Release No. 3214, issued March 16, 1961, the Commission construed this section as intended to make clear that a company might have outstanding both publicly distributed and privately arranged debt securities if there were no differences in the preferences as to assets and interest of any outstanding indebtedness.

Under the SBI Act, it is contemplated that an SBIC may borrow money and issue debt securities to both the SBA and nongovernmental lenders. This creates a dilemma so far as compliance with section 18(c) is concerned. Two types of indebtedness may be issued by an SBIC to the SBA. Under section 302(a) of the SBI Act, up to $400,000 of indebtedness subordinated to all other indebtedness of the SBIC may be issued to the SBA. Under section 303(b), the SBA may loan an SBIC up to 50 percent of the company's paid-in capital and

surplus but not in excess of $4,000,000; while in practice section 303(b) loans are made without nominal priority and subject only to a requirement that specified assets of the SBIC may not be pledged as security for other indebtedness, it appears that under other statutes such indebtedness to the SBA, as claims due the Government, would nevertheless have a priority over other unsecured debts in the event of liquidation or insolvency of the SBIC.

As originally proposed the rule would have permitted a small business investment company to issue indebtedness to the Small Business Administration and to other persons, so long as the latter indebtedness did not have any priority over indebtedness issued to the Small Business Administration pursuant to section 303(b) of the Small Business Investment Act. Comments were received which indicate that it would be desirable to permit indebtedness to be issued to persons other than the Small Business Administration for which specific collateral would be pledged. The rule as adopted permits this, so long as no publicly held indebtedness is issued.

IV. A new § 274.200 describes the Form N–17D–1 prescribed by § 270.17d–2. As proposed in the FEDERAL REGISTER, § 274.200 set forth the general rules and instructions for the use of Form N–17D–1. As adopted, § 274.200 is expanded to contain a summary of the whole report form. The text of the changes follows:

A. A new § 270.17a–6 (Rule 17a–6) is adopted to read as follows:

§ 270.17a–6 Exemption of certain transactions with affiliates from the provisions of paragraphs (1) and (3) of section 17(a) of the Investment Company Act of 1940.

(a) The sale of any security or other property to a registered investment company which is a small business investment company licensed under the Small Business Investment Act of 1958 by an affiliated small business concern, and the borrowing of money or other property from such an investment company by the small business concern, which is prohibited by paragraphs (1) and (3) of section 17(a) of the Act solely because of an affiliation created through the owning, holding, or controlling with power to vote, directly or indirectly, by the investment company, of voting securities of such concern, shall be exempt from the provisions of said paragraphs. The exemption provided by this rule shall not be available if any person having an affiliate, promoter or principal underwriter relationship with the investment company also has a direct or indirect financial interest in the small business concern. In determining compliance with the preceding sentence, a financial interest in the small business concern shall be disregarded if it represents solely an interest: (1) By a wholly owned subsidiary of the investment company; (2) in fees paid for services as a director of the small business concern; (3) based solely upon ownership of securities of the investment company; or (4) excepted from the requirements of paragraph (d)(3) of § 270.17d–1.

(b) The pertinent details of each transaction for which exemption is claimed pursuant to paragraph (a) of this section shall be reported in writing by the investment company to (1) its stockholders in its annual report to stockholders which report shall cover all such transactions during the preceding 12-month period, and (2) the Commission within 30 days after the end of each semiannual accounting period of the investment company which report shall cover all such transactions during the preceding six-month period.

§ 270.17d–1 [Amendment]

B. Section 270.17d–1 (Rule 17d–1) is amended by adding to paragraph (d) thereof a new subparagraph (3) as follows:

(3) Any loan or advance of credit to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of the foregoing ("Investments"), made by a bank and a small business investment company (SBIC) licensed under the Small Business Investment Act of 1958, whether such transactions are contemporaneous or separated in time, where the bank is an affiliated person of either (i) the SBIC or (ii) an affiliated person of the SBIC; but reports containing pertinent details as to Investments and transactions relating thereto shall be made at such time, on such forms and by such persons as the Commission may from time to time prescribe.

C. A new § 270.17d–2 (Rule 17d–2) is adopted to read as follows:

§ 270.17d–2 Form for report by small business investment company and affiliated bank.

Form N–17D–1 is hereby prescribed as the form for reports required by paragraph (d)(3) of § 270.17d–1.

D. A new § 270.18c–1 (Rule 18c–1) is adopted to read as follows:

§ 270.18c–1 Exemption of privately held indebtedness.

The issuance or sale of more than one class of senior securities representing indebtedness by a small business investment company, licensed under the Small Business Investment Act of 1958, shall not be prohibited by section 18(c) so long as such small business investment company does not have outstanding any publicly held indebtedness, and all securities of any such class are (a) privately held by the Small Business Administration, or banks, insurance companies or other institutional investors, (b) not intended to be publicly distributed, and (c) not convertible into, exchangeable for, or accompanied by any option to acquire, any equity security.

E. A new § 274.200 is adopted to read as follows:

§ 274.200 Form N–17D–1, report filed by small business investment company (SBIC) registered under the Investment Company Act of 1940 and an affiliated bank, with respect to investments by the SBIC and the bank, submitted pursuant to paragraph (d)(3) of § 270.17d–1.

(a) The report shall show the period covered, the name of the registered investment company, the address of the principal executive offices, the name of the bank, and the address of the principal executive offices of the bank, and shall give the following information:

(1) Part I: If the SBIC and a bank which is an affiliated person of either (i) the SBIC, or (ii) an affiliated person of the SBIC, have made investments in a small business concern contemporaneously, or if either the SBIC or such bank has made an investment in the small business concern at a time when there was an existing investment in such small business concern by the other, set forth with respect to the investments in each such concern by the SBIC and the bank the following information prescribed in this Part I.

Item 1. The name and address of the small business concern in which investments were made and the nature of its business.

Item 2. The name and address of the bank which made an investment in the small business concern and the basis of the affiliation of such bank with the SBIC.

Item 3. A description, as of the date each such SBIC or bank investment in the small business concern was made during the reporting period, of all SBIC and bank investments in such concern at that time outstanding, including the investments made during the reporting period. Such description shall include the date made, the principal amount or number of shares, the amount invested therein, and the terms thereof, including the maturity dates, dividend or interest rates, fees or other charges, and the security pledged, if any, with respect to:

(a) Investments by the SBIC.

(b) Investments by the bank.

Item 4. The use or proposed use by the small business concern of the proceeds of the respective investments made during the period.

Item 5. If the SBIC made an investment contemporaneous with or subsequent to an investment by the bank, set forth any changes in the nature and amount of the investment in the small business concern by the bank during the period commencing one year prior to the date of the investment by the SBIC and continuing to the date of the report.

Item 6. Details as to any interest in the transactions, and as to any contracts, rights or other benefits received or to be received in connection with the transactions, by any affiliated person of the SBIC or the bank, or any affiliated person of such a person, including the name of the person, the basis of the affiliation, the nature of his interest in the transactions, and the consideration received or to be received by him. An interest in the transaction need not be reported hereunder if it represents solely an interest (i) by the SBIC, a wholly-owned subsidiary of the SBIC, or the bank; (ii) in fees paid for services as a director of the small business concern; or (iii) in the SBIC or the bank.

(2) Part II: If the SBIC disposed of an investment, or there was a default in the payment of interest or principal or an extension or modification of the terms of any investment of the SBIC, in a small business concern to which a bank, which is an affiliated person of either (i) the SBIC or (ii) an affiliated person of the SBIC, has made investments, set forth with respect to each such disposition, default, extension or modification, the following information prescribed in this subparagraph.

Item 1. Identify the investment, and state whether there was involved a disposition, a default by the issuer in the payment of interest or principal, or an extension or modification of the terms of the investment, and give full details thereof.

Item 2. If there was a disposition of the investment, state the amount of profit or loss realized.

Item 3. If a loss was sustained, a default occurred, or the terms of the investment were extended or modified, describe the circumstances which resulted therein.

(3) The name of the registered investment company, the signature and title of the signing person, the name of the bank, and the signature and title of the persons signing for the bank, and the date of signing.

(b) The report on Form N–17D–1 shall be subject to the following rules and instructions:

(1) *Use of form.* Form N–17D–1 is prescribed for use by a small business investment company (SBIC) licensed as such under the Small Business Investment Act of 1958, and by a bank which is an affiliated person of either (i) the SBIC or (ii) an affiliated person of the SBIC, with respect to investments in a small business concern by the SBIC and the bank, for submission pursuant to the requirements of paragraph (d)(3) of § 270.17d–1 under the Investment Company Act of 1940. A report on this form may be filed jointly by the SBIC and the bank, or separate reports may be filed by the SBIC and the bank if such reports together contain all of the information required by this form. Where a joint report is filed, the SBIC and the bank may indicate which of the information set forth therein has been furnished by each. A report or reports shall be filed for every semi-annual accounting period during which one or more of the events set forth in the introductions to Parts I and II of this form occurred. No report need be filed for any period in which none of such events occurred.

(2) *Time for filing reports.* Reports on this form shall be filed with the Commission not later than 30 days after the end of the six-months' period during which an event or events required to be reported occurred. A report will be deemed to have been filed with the Commission on the date it is received.

(3) *Number of copies to be filed.* An original and two copies of each report on this form shall be filed with the Commission and one copy shall be filed with the Small Business Administration.

(4) *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of § 270.8b–12 under the Investment Company Act of 1940, except that the report shall be filed on paper approximately 8½ x 11 inches in size. The report shall contain the numbers of all items required to be answered but the text of any item may be omitted provided the answer thereto is so prepared as to indicate to the reader the coverage of the item without the necessity of referring to the text of the item. If any item is inapplicable or the answer is in the negative, an appropriate statement to that effect shall be made.

(5) *Definition of terms.* The term "investment" used in this report shall have the same meaning as in paragraph (d)(3) of § 270.17d–1. Other terms shall have the meaning set forth in the Investment Company Act of 1940 to the extent applicable.

(6) *Incorporation by reference.* Information in answer or partial answer to any item of this form may be incorporated by specific reference to a report previously filed on Form N–17d–1. Such reference shall specify the period covered by the previous report and the Part and Item number thereof in which the information appears.

The new rules, the amendment, and Form N–17d–1, as set forth above, are hereby ordered effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 17, 1961.

[F.R. Doc. 61–11263; Filed, Nov. 28, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.90 (21 CFR 121.90) is amended by adding thereto the following items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Butoxy polyethylene polypropylene glycol, mol. wt. 2500–2600.	Component of defoamer used in manufacture of beet sugar; limit 1 p.p.m. in finished sugar.	[1] July 1, 1962
Hydrobiotite, exfoliated (magnesium-aluminum-iron silicate).	In formulated poultry feed: As a nutrient carrier. As a blending agent. In animal feed: As a nonnutritive bulking agent. As a nutrient carrier. As a blending agent.	[1] July 1, 1962
Lactic acid esters of mono- and diglycerides derived by glycerolysis of vegetable and animal fat.	General food use	[2] Nov. 1, 1962
Methyl ethyl cellulose	In vegetable fat whipped topping; limit 3% in topping.	[3] Nov. 1, 1962
Petrolatum, N.F. and U.S.P.—ultraviolet absorbtivity (as defined in ASTM E 131) at 290 mμ/liters per gram centimeter: 2.0 maximum.	Component of coating for fruits and vegetables	Jan. 1, 1962
Polyoxyethylene glycol esters of mixed fatty acids from tall oil (abietic, oleic, linoleic) mol. wt. 1050.	Component of defoamer used in manufacture of beet sugar; limit 1 p.p.m. in finished sugar.	[1] July 1, 1926
Polyethylene glycol 400 U.S.P.	Vehicle in nonnutritive artificial sweetener	[4] July 1, 1962
Polysorbate 80	Emulsifier in corn oil in dietary supplements; limit 0.2% with an intake not to exceed 360 mg. per day based on recommended dosage of product.	[5] July 1, 1962
Polyvinyl pyrrolidone	Adjuvant in special dietary products; limit 40 mg. per day intake based on recommended dosage of product.	[4] July 1, 1962

[1] Progress report due Jan. 1, 1962.
[2] Progress report due May 1, 1962.
[3] Progress report due Apr. 1, 1962.
[4] Progress report due Mar. 1, 1962.
[5] Progress report due Feb. 1, 1962.

2. Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Dicyandiamide	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	May 1, 1962
Diethylenetriamine	do	Do.
Ethyl acrylate and methyl methacrylate copolymers of itaconic or methacrylic acid	Components of coating of paper and paperboard for food packaging.	[1] July 1, 1962
Ethylene dibromide-methyl bromide mixture	Fumigation of processed foods; limit 50 p.p.m. of inorganic bromide.	Do.[1]
4,4'-Methylenedianiline	Component of resinous or polymeric coating used on the food-contact surface of food packaging.	Do.[1]
Pentachlorophenol, sodium salt	Used in treatment of wood for food crates	[2] Nov. 1, 1962
Petrolatum, N.F. and U.S.P. Ultraviolet absorptivity (as defined in ASTM E 131) at 290 mμ/liters per gram centimeter: 2.0 maximum.	Lubricant of food processing machinery	Jan. 1, 1962
m-Phenylenediamine	Component of resinous or polymeric coating used on food-contact surface of food packaging.	[1] July 1, 1962
Phthalocyanine blue pigment	Colorant of resinous or polymeric coating used in food-contact surface of metallic containers.	Do.[1]
Polyvinyl alcohol	For use in nonedible unsupported films; sizes for food packaging; and as a binder in fabrics for food processing.	[2] Nov. 1, 1962
Quinacridone (red)	Colorant for polyethylene for food-packaging materials and containers.	[1] July 1, 1962
Sodium dodecylbenzene sulfonate as ingredient of the following polymers: Polyvinyl chloride Polyvinyl chloride modified with vinyl acetate, vinylidene chloride, or acrylate. Butadiene-acrylonitrile Butadiene-acrylonitrile modified with vinyl acetate, vinylidene chloride, or acrylate. Butadiene styrene acrylonitrile	Used for food transporting, handling and packaging.	[3] June 30, 1963
Starch, packaging, derived from propylene oxide-modified starch.	Surface sizing and coating for paper and paperboard for food packaging.	[1] July 1, 1962
Tetraethylenepentamine	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	May 1, 1962
Triethylene glycol polyester of phthalic anhydride (modified).	Component of adhesives used in food packaging	[1] July 1, 1962
Triethylenetetramine	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	May 1, 1962
Triphenylphosphite	Component of resinous or polymeric coating used for food-contact surface of food packaging.	[1] July 1, 1962
Vat naphthimidazole (red) (Color Index No. 71100).	Colorant for polyethylene for food-packaging materials and containers.	Do.[1]

[1] Progress report due Jan. 1, 1962.
[2] Progress report due May 1, 1962.
[3] Progress report due Apr. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Pub. Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: November 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11213; Filed, Nov. 28, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

3,5-DIMETHYL-1,3,5,2*H*-TETRAHYDROTHIADIAZINE-2-THIONE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Betz Laboratories, Inc., Gillingham and Worth Streets, Philadelphia 24, Pennsylvania, and other relevant material, has concluded that the following regulation should issue with respect to the food additive 3,5-dimethyl 1 - 1,3,5,2*H* - tetrahydrothiadiazine - 2 - thione used as a preservative in the manufacture and coating of paper and paperboard intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2529 3,5-Dimethyl-1-1,3,5,2*H*-tetrahydrothiadiazine-2-thione.

3,5 - Dimethyl - 1,3,5,2*H* - tetrahydrothiadiazine-2-thione may safely be used as a preservative in the manufacture and coating of paper and paperboard intended for use in contact with food in accordance with the following prescribed conditions:

(a) It is used as follows:

(1) In the manufacture of paper and paperboard as a preservative for substances added to the pulp suspension prior to the sheet-forming operation, provided that the preservative is volatilized by heat in the drying and finishing of the paper and paperboard.

(2) As a preservative for coatings for paper and paperboard, provided that the preservative is volatilized by heat in the drying and finishing of the coated paper or paperboard.

(b) The quantity used shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact, accomplish any physical or technical effect in the food itself.

(c) The use of a preservative in any substance or article subject to any regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the substance or article.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 22, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11276; Filed, Nov. 28, 1961; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 95]

PART 293—INVENTORIES OF VESSELS COVERED BY OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

The following new part is hereby added to Chapter II of this title:

Sec.
293.1 Purpose.
293.2 Definitions.
293.3 Inventory requirements.
293.4 Responsibilities and participation.
293.5 Scope and evaluation of inventories.
293.6 Certifications.
293.7 Accounting treatment.
293.8 Effective date.
293.9 Conflict of orders.

AUTHORITY: §§ 293.1 to 293.9 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 293.1 Purpose.

The purpose of this part is to establish the policy and procedure to be followed by the Maritime Administration, and by the subsidized steamship operators in the accomplishment of inventories required on vessels approved for operation under Operating-Differential Subsidy Agreements and the application of the results thereof to the accountings required to be rendered thereunder.

§ 293.2 Definitions.

(a) *Stores and supplies.* As distinguished from expendable equipment and spare parts, are those articles and commodities used and consumed in the day-to-day operation of a vessel by the operation and maintenance of machinery and equipment; the maintenance of clean and sanitary conditions; the feeding of passengers, officers, and crew; and stocked for the use and convenience of passengers, officers and crew, more particularly defined as follows:

(1) *Consumable stores.* Those articles, commodities and supplies required in the operation of vessels and the living and berthing of passengers, officers and crew, including, but not limited to, the following general classifications:

(i) Articles and commodities that are completely consumed in their initial usage (paints, soaps, medicines, metals, oils, greases, chemicals, gases, fuel for auxiliary machinery and equipment, etc.).

(ii) Articles and commodities whose term of usage or life is so short that after initial use, such items cannot be recovered for reissue or are practically valueless for sale or transfer (paint brushes, brooms, mops, rope (except Hawsers) and cordage, etc.).

(iii) Articles and commodities of general use which, after installation, lose their identity and become part of a general installation or a part of a larger piece of equipment (pipe, pipe fittings and valves, electrical fittings, fire bricks and tile, etc.).

(iv) Items of the above or similar nature which, in general commercial practice, are ordered for and stocked aboard a vessel on the basis of the estimated needs for the next round voyage, but excluding spare parts for main and auxiliary machinery and ship's equipment which are maintained for emergency repairs at sea.

(2) *Subsistence stores.* Stores and supplies maintained for the feeding of ship's personnel and passengers, such as cereals and cereal products, dairy products, fish, fruits, groceries, meats and meat products, poultry, vegetables, and beverages.

(3) *Slop chest.* Those stores of clothing, toilet articles and supplies, smoking supplies, confections, etc., maintained for sale or issue to ship's personnel and passengers, usually as a charge against wages or for cash.

(4) *Bar stock.* Alcoholic and nonalcoholic beverages and related supplies maintained for sale to passengers.

(5) *Fuel.* For the main propulsion machinery.

(b) *Expendable equipment.* Those articles, outfitting and furnishings, portable, semiportable, and detachable used in equipping a ship for service and used in the normal day-to-day maintenance and operation of the ship that are in addition to and apart from all articles or fittings permanently incorporated in a vessel's hull prior to its being equipped and apart from items classified as stores and supplies or spare parts. Such items are subject to casual or gradual deterioration and replacement, but are not readily consumed by usage and include, but are not limited to, the following general classifications:

(1) *Stewards equipment.* Articles and detachable fixtures of an expendable nature utilized in connection with the living and berthing of passengers and crew such as cooking utensils, galley equipment, silverware, crockery, glassware, linens, mattresses and pillows, draperies and curtains, rugs, furniture, pianos, office machines, safes, cleaning equipment, printing, upholstery and joiner shop equipment, entertainment radio and television receivers, clocks, electric fans, windscoops and port screens.

(2) *Deck equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the general operation and upkeep of the vessel other than machinery such as hawsers, towing and mooring wire cables, binoculars, chronometers, sextants, portable machinery, tools, anchors except installed bower anchors, lifesaving and fire and damage control equipment, and removable hatch covers.

(3) *Engine equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the operation and day-to-day maintenance of main propulsion and auxiliary machinery, equipment and electrical installations of the vessel such as hand, portable power or specialized engine tools, portable or detached pressure, vacuum and testing gauges, electrical testing equipment.

(c) *Spare parts.* All items of spare and replacement parts carried for the specific purpose of maintaining and repairing mechanical and electrical equipment, machinery, mechanical controls, electric generators, motors, electrical control devices, switchboards, auxiliaries, accessories, etc., including, but not limited to, those spare and replacement parts required by the American Bureau of Shipping and other classification or regulatory bodies.

(d) *Installations.* Items of a permanent or detachable character, generally nonportable, which are permanently installed as a part of the vessel and generally necessary for the operation of the vessel for its intended purposes. Such items are not required to be recorded on inventories accomplished as provided herein, but if recorded shall be considered as general information only. Such items are as listed under the following general classifications:

(1) *Main machinery.* The central propulsion plant and main electric generating equipment and all of the machinery and operating components associated therewith.

(2) *Auxiliary machinery.* Items of machinery and equipment, nonportable in character and permanently installed, together with associated operating components which are required in and necessary to the operation of the vessel, such as steering engines, winches, windlasses, purifiers, condensers, heat extractors, blowers, vent fans, pumps, refrigeration machinery, main radios, gyro compasses.

(3) *Permanent equipment.* Items permanently installed aboard a vessel and necessary for its general operation which are generally nonportable in character, such as lifeboats, inflatable life rafts, rafts, davits, cargo booms and cranes, quick opening hatch covers, bower anchors and anchor chains, fire and access doors, ventilators.

(e) *Unbroached as applied to consumable stores.* In general, all stores that at time of inventory are in new condition; i.e., have not been used and have not lost any of their original value through age, rust, decay or improper stowage. With respect to the contents of opened packages and containers, items normally supplied in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities found shall be considered unbroached. With respect to items normally packaged in small quantities of nominal value, they shall be considered as unbroached where the containers have not been opened and none of the contents consumed.

(f) *Scrap.* Any item that is worn, used, deteriorated, aged, rusted, or decayed to such a degree it cannot perform or serve its original purpose or function and does not warrant reconditioning.

(g) *Idle status period.* Any idle status period as determined in accordance with General Order 27, Revised.

§ 293.3 Inventory requirements.

(a) Physical inventories of all unbroached stores and supplies, expendable

equipment, and spare parts of each vessel approved for subsidized operations, shall be accomplished by the Operator and recorded in duplicate;

(1) At the commencement of the first voyage of each vessel upon entrance into the subsidized service; (this inventory shall include only those unbroached stores and supplies purchased and aboard the vessel immediately prior to the commencement of the first subsidized voyage, but not those stores and supplies purchased specifically for the first subsidized voyage of a vessel. Equipment and spare parts purchased to bring the vessel up to standards required by Article II–5 (b) and (d) of the subsidy contract shall also be included in the inventory but the cost thereof shall not be included in voyage expenses.)

(2) Upon termination of the last voyage of each vessel;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(3) With respect to a vessel in idle status;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(4) Upon temporary withdrawal of a vessel from the subsidized service;

(i) Only in those instances where specific request therefor is provided in the written authorization to the Operator for such temporary withdrawal.

(ii) In those instances where specific inventories are not required the amounts chargeable for consumable stores, expendable equipment and spare parts, in the determination of "net earnings", for the purposes of the reserve fund and recapture provisions of the operating-differential subsidy agreement, shall be adjusted for the period between the times of temporary withdrawal of a subsidized vessel from subsidized service and the reentry of such vessel into said service, as follows: There shall be ascertained the daily average amount of purchases of such consumable stores, expendable equipment and spare parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C–1, C–2 or C–3, etc.) terminated during the year in which such period of temporary withdrawal commenced. The total of the actual purchases as recorded in the accounts of the vessel for the period of the temporary withdrawal shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in the period of temporary withdrawal, with a contra adjustment in the accounts covering subsidized operations. If the amount otherwise chargeable to the period of temporary withdrawal is increased, the contra credit shall be included in the accounts covering the last preceding subsidized voyage of the vessel involved. If conversely, the amount otherwise chargeable to the period of temporary withdrawal is decreased, the contra charge shall be included in the accounts covering the next succeeding subsidized voyage of the vessel involved.

(5) In instances where the voyage results of nonsubsidized vessels are required to be taken into account for reserve fund and recapture purposes and regarding which specific inventories are not required by the Maritime Administration, the amounts chargeable for stores and supplies, expendable equipment and spare parts for all such voyages of a particular vessel terminating during an accounting period shall be adjusted as follows: There shall be ascertained the daily average amount of purchases of such stores and supplies, expendable equipment, and spare parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C–1, C–2, or C–3, etc.) terminated during the year in which the period of such operations commenced. The total of the actual purchases as recorded in the accounts of such nonsubsidized vessel voyages, the results of which are to be taken into account for reserve and recapture purposes, shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in such voyages with a contra adjustment in the voyage accounts covering other operations of the vessel.

(6) And, at such other times as specifically directed by the Maritime Administration.

(b) Physical inventories of subsistence stores, slop-chest, bar stock (if maintained by the Operator) and fuel inventories, shall be accomplished by the Operator at the termination of each voyage of each vessel, in addition to those required under paragraph (a)(2) of this section.

§ 293.4 Responsibilities and participation.

(a) The subsidized Operators are responsible for the accomplishment of the inventories at the times required under § 293.3. The Operators shall notify the local Inventory Section of the Office of Property and Supply, Maritime Administration, of its intentions to accomplish all inventories required by § 293.3(a) not less than twenty-four hours in advance, specifying the time and place, and vessel to be inventoried.

(1) The local Inventory Section will assign inventory surveyors to observe and/or participate in the Operator's inventory required by § 293.3(a) to the greatest extent possible and practicable for the purposes of determining and attesting the accuracy and completeness of the inventories and reporting upon the methods employed by the Operator. In the event joint inventory participation is not possible or practicable, arrangements will be made by the field office to observe or to make such spot checks of the inventory as are considered necessary.

(2) Upon the failure of an Operator to accomplish inventories required by § 293.3(a) satisfactory to the local Inventory Section, the local Inventory Section shall immediately ascertain the reasons for such failure and submit a report to the Chief, Office of Government Aid, for appropriate action.

§ 293.5 Scope and evaluation of inventories.

(a) *Scope.* The inventories shall consist of detailed listings of unbroached consumable stores, subsistence stores, slop chest, bar stock (if maintained by the operator) fuel, all expendable equipment and all spare parts, necessary for the outfitting, equipping and supplying of the vessels, as required by § 293.3 which shall be recorded in form satisfactory to the Maritime Administration. The original inventory work sheets shall be retained by the Operator; however, it shall be the responsibility of the Operator to have all erasures or changes on said inventory sheets initialed by the Maritime Administration's Inventory Surveyors participating therein.

(b) *Valuation.* The basis to be used in determining inventory values shall be:

(1) At the times specified in § 293.3, the Operator shall compute the items of overage and shortage of expendable equipment and spare parts as disclosed by reconciliation of the initial inventory (taken when the vessel entered subsidized service) and closing inventories. Such items shall be priced by the Operator at current market price (without consideration of condition) and extensions and totals entered.

(2) The inventories of unbroached consumable stores, fuel, bar stock, slop chest and subsistence stores taken pursuant to this section shall be priced at cost or market, whichever is the prevailing practice of each operator, except that ending inventories shall be priced on a basis consistent with that used for the beginning inventory.

(3) Items evaluated as scrap in accordance with paragraph (c) of this section shall carry a zero valuation for inventory purposes: *Provided,* That when such items are sold the vessel shall be credited with the amount realized from the sale thereof. If such items are cumulated from more than one vessel, the vessels' operating results shall be appropriately credited.

(c) *Evaluation.* The observed condition of each item on the inventory shall be established at the time the inventory is taken and recorded as new, used, or scrap as defined in this part.

(1) Repairs or restorations estimated to cost in excess of 65 percent of the replacement cost of an item or items would be considered as not economically warranted.

(d) In the event an Operator and the local Inventory Section cannot reach an agreement as to the pricing and observed condition evaluation of an inventory the local Inventory Section shall submit all pertinent inventory data to the Chief, Office of Property and Supply, Washington, D.C., for a decision. Decisions of the Chief, Office of Property and Supply, shall be final.

§ 293.6 Certifications.

(a) *Requirements of Article II–5 (b) and (d) of the contract.* After completion of the physical inventories taken pursuant to § 293.3(a)(1) (except new ships constructed under Title V of the Merchant Marine Act, 1936, as amended) one copy shall be reviewed immediately and certified by the local Inventory Section and shall then be forwarded immediately to the Office of Ship Operations, Washington, D.C., for review and a determination, after giving due consideration to the vessel's proposed service, as to whether the vessel fully meets the requirements of Article II–5, paragraphs (b) and (d) of the applicable Operating-Differential Subsidy Agreement. The Office of Ship Operations shall promptly prepare a schedule of any deficiencies in the outfitting and/or equipping of the vessel as contemplated by said paragraphs (b) and (d) of article II–5, one copy of which shall be forwarded immediately to the Chief, Office of Government Aid, Washington, D.C., one copy to the operator and two copies to the applicable Coast Director for appropriate action. The decision of the Office of Ship Operations as to any such deficiencies shall be final, and the subsidized Operator shall thereupon procure, at its own expense, such items as are required to correct said deficiencies, and place same aboard the vessel not later than the termination of the first subsidized voyage. The Coast Director shall promptly advise the Office of Ship Operations, Washington, D.C., by letter (with one copy each to the Chief, Office of Government Aid, and the District Comptroller) the final date on which the deficiencies were cured. One copy of the schedule of deficiencies shall be returned with the Inventory to the Operator and one copy to the District Comptroller with the date each deficiency was cured noted thereon. The District Comptroller shall immediately determine that the cost of curing such deficiencies is properly recorded on the Operator's books of account, which costs shall not be eligible for operating subsidy or in inclusion in voyage expenses for recapture or reserve fund purposes.

(b) *Subsistence stores, slop chest, bar stock, unbroached consumable stores, and fuel.* (1) Within 30 days after the completion of the physical inventories of subsistence stores, slop chest, bar stock (if maintained by the Operator) unbroached consumable stores and fuel taken pursuant to § 293.3(a) price listings shall be submitted to the Local Inventory Section responsible therefor for review and the preparation of certifications. The original certification after signature on behalf of both the local Inventory Section and the Operator, confirming mutual agreement, shall be furnished the area District Comptrolled and one copy each distributed to the operator and the local Inventory Section, aforesaid.

(2) Upon completion of the physical inventories of subsistence stores taken pursuant to § 293.3(b), price listings shall be prepared by the Operator and, if requested, made available to the Maritime Administration's Auditors to be used in the audit of subsistence expenses determined to be eligible for operating-differential subsidy.

(i) Subsistence inventories, taken at the end of each voyage, shall also be reflected in Schedules P and C, which are submitted with the certified financial statements prescribed under Section 281.1 of this chapter, for utilization by the Office of Government Aid for subsidy rate determinations and subsidy payment purposes.

(c) *Inventory differences of expendable equipment and spare parts.* Within 90 days after the completion of the physical inventories of expendable equipment and spare parts taken pursuant to the provisions of § 293.3(a) (excepting subparagraph (1) thereof) the Operator shall submit a priced statement of differences, determined by comparison of the initial inventory with the closing inventory, together with the pertinent initial and closing inventories, to the local Inventory Section responsible therefor for review and preparation of certifications. The original certification after signature on behalf of the local Inventory Section and the Operator, confirming mutual agreement, shall be furnished the area District Comptroller and one copy each distributed to the Operator and the local Inventory.

(d) If any physical inventory accomplished by the subsidized Operator is, in the opinion of the Administration's Inventory Surveyors, found to be unsatisfactory in whole or in part, the failure of the Operator to accomplish a satisfactory inventory shall be reported promptly by memorandum to the Chief, Division of Subsidy Contracts, Office of Government Aid, Washington, D.C., with a copy to the District Comptroller of the District in which the Operator's home office is located.

(e) *Reports.* Upon completion of the physical inventory of a subsidized vessel taken pursuant to § 293.3, the Maritime Administration's Inventory Surveyors participating in same will prepare, before leaving the vessel, Forms MA–290, –291, and –292, as applicable. A duplicate copy of such form is to be affixed to the inventory work sheets of the Operator. Upon completion of the inventory, a copy of the applicable form shall be forwarded to the Maritime Administration office located nearest to the home office of the subsidized Operator if other than the office participating in the inventory.

§ 293.7 Accounting treatment.

Inventories and inventory overages and shortages accomplished and certified pursuant to the provisions of this order shall be classified, for accounting purposes, as set forth hereinafter and recorded on the Operator's records and books of account as prescribed herein and in accordance with the account classifications prescribed by the Maritime Administration in the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" under Part 282 of this chapter.

(a) The accounting entries for stores and supplies inventories as defined in § 293.2(a) (2), (3), (4), and (5), shall be recorded, separately, for each vessel and each voyage coincident with the inventory accomplishments required under § 293.3(b).

(1) The following subsidiary voyage accounts and clearance accounts, maintained for each vessel and voyage, shall be charged with the value of such beginning inventories upon the commencement of the first voyage of the vessel. Upon the termination of each voyage of the vessel the voyage accounts shall be credited with the value of the ending inventories and a corresponding charge made to the accounts of the succeeding voyage.

(i) Account 210. Subsistence—Purchased Domestic.

(ii) Account 235. Fuel.

(iii) Clearance Account 040. Bar Accounts.

(iv) Clearance Account 045. Slop Chest Account.

(As it is impracticable to determine whether certain subsistence items were purchased domestic or foreign when taking inventories, the total value of the subsistence inventory shall be carried in Account 210.)

(2) Inventories recorded in Accounts 040 and 045 applicable to unterminated voyages as at the balance sheet date shall be reflected under the balance sheet Account 170. Inventories.

(b) The accounting entries for unbroached consumable stores inventories, as defined in § 293.2(a)(1) shall be recorded, separately, for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a).

(1) In addition to the inventories required under § 293.3(a), the owner/operator may at his election take consumable stores inventories at the beginning and end of each subsidy accounting period, provided, that such inventories are taken and priced in a manner consistent with the provisions of this Part, and further provided that such inventories shall be accomplished for each of the subsidy accounting periods within the Operator's recapture period or periods under its operating-differential subsidy agreement.

(2) The Clearance Account 060. Stores, Supplies and Equipment Aboard Vessels, maintained for each vessel shall be charged with the value of such beginning inventories of unbroached consumable stores upon the commencement of the first voyage of the vessel as prescribed by § 293.3(a)(1). At the times prescribed by § 293.3 (except as to paragraph (a)(1) thereof) the account shall be credited with the value of the ending inventory and a corresponding charge made to Account 060 of the succeeding voyage.

(i) In the event an Operator elects to take consumable stores inventories at the end of each subsidy accounting period, Account 060 shall be credited with the value of the inventories upon the termination of the last voyage of the vessel within the accounting period and a corresponding charge made to Account 060 of the succeeding voyage.

(ii) Inventories recorded in Account 060 as at the balance sheet date shall be reflected in the balance sheet Account 200. Unterminated Voyage Expense.

(c) The accounting entries for overages and shortages of expendable equip-

ment and spare parts inventories as defined in § 293.2 (b) and (c), shall be recorded, separately, for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a) (excepting subparagraph (1) thereof) and § 293.6(c).

(1) The initial expendable equipment and spare parts inventory of a vessel entering subsidized operations shall be capitalized and recorded in the balance sheet Account 331. Floating Equipment—Vessels, as part of the acquisition cost of the vessel.

(2) The net overages and shortages of expendable equipment and spare parts, determined by an item by item comparison (since the initial inventory is not priced) of the initial inventory with the ending inventory, pursuant to § 293.6(c), shall for purposes of accounting for the consumption of or increase in capital assets be treated as follows:

(i) *Shortage.* Where a comparison of the ending inventory with the initial inventory discloses a net shortage (shortages exceed overages), which means that, to the extent of such net shortage, items included in the initial inventory, in the aggregate, were consumed and not replenished by purchases during the period between inventories, Account 215. Stores, Supplies and Equipment—Purchased Domestic, of the last voyage of the vessel terminating prior to the ending inventory shall be charged with the net shortage and the corresponding account of the succeeding voyage credited with a like amount, except where a vessel (*a*) is being permanently withdrawn from operation, no adjustment should be made to the voyage account, and (*b*) is being permanently withdrawn from subsidized operations, inventory adjustments shall be made to the voyage accounts only after evidence has been presented by the owner/operator within six months after such withdrawal that restoration of the items making up said shortage has been accomplished: *Provided,* That the adjustment provided in (*b*) of this subdivision shall be limited to the extent that the value of the items so restored exceeds the value of the overage items, if any, appearing on the statement of overages and shortages.

(ii) *Overages.* Where a comparison of the ending inventory with the initial inventory discloses a net overage (overages exceed shortages), which means that, to the extent of such net overage, all of the purchases between inventories were not consumed, Account 215. Stores, Supplies and Equipment—Purchased Domestic, (*a*) of the last voyage of the vessel terminating prior to the ending inventory or (*b*) of the last idle status period of the vessel terminating prior to the permanent withdrawal of the vessel from subsidized operations shall be credited with the net overage and the corresponding account of the succeeding voyage or idle status period, as the case may be, charged with a like amount.

(b) In every instance where any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof was included in the purchase price of a vessel, is withdrawn from the vessel's inventory, irrespective of whether it was furnished to the vessel's crew, operator's shore gang or to a contractor, for the operation, maintenance or repair of said vessel, no accounting entries shall be made to the vessel's voyage accounts for the cost, or other recorded value, of any inventory items so issued. In the event any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof was included in the purchase price of a vessel, is transferred to another vessel, a credit memorandum describing such item shall be issued, together with a contra memorandum charging the vessel to which the item is transferred.

(1) Immediately upon the withdrawal of any equipment or spare parts from said inventories, the Operator shall prepare a "Memorandum of Equipment and/or Spare Parts" in the following suggested form, and file it with the applicable inventory records, work papers or listing thereof:

DEBIT-CREDIT MEMORANDUM OF EQUIPMENT AND/OR SPARE PARTS

Removed from Vessel SS _____ and Installed on Vessel SS _____ in Connection with Repairs—Maintenance for Voyage No. _____ Item No. _____ (Description) _____ Recorded Value $_____ Repair—Maintenance Order No. _____ Inventory Dated _____ Recorded in Account No. _____.

Signed _____
(Operator's representative)

NOTE: This Memorandum Transaction is not to be recorded on the vessel's voyage accounts or any inventory accounts, or charged as an item of expense, nor is the stated value hereof to be submitted for operating-differential subsidy participation. Strike out Debit or Credit as applicable.

(2) In all cases where the Operator furnishes said equipment or spare parts to its shore gang or an independent contractor for the maintenance or repair of a vessel, one copy of the "Memorandum" shall be attached to and submitted in support of the "Subsidy Repair Summary" (Form MA–140) as prescribed by paragraph (h) of § 272.6 of this chapter (General Order 20, 2d Rev. (23 F.R. 2920, May 1, 1958)).

§ 293.8 Effective date.

The provisions of this part are effective as of the date of publication in the FEDERAL REGISTER and are applicable to all inventories in process as of such date of publication.

§ 293.9 Conflict of orders.

To the extent the provisions of this part are in conflict with provisions of any other orders, instructions or regulations now in effect, the provisions of this part shall prevail.

Dated: November 20, 1961.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61–11283; Filed, Nov. 28, 1961; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Survival Craft Stations and Frequencies and Other Particulars for Coast and Ship Stations; Correction

1. The Commission's Report and Order, FCC 61–1323 in Docket 13952, as published November 22, 1961, 26 F.R. 10918, as F.R. Doc. 61–11009 is corrected as follows:

a. Amending instructions C.2 is corrected to read:

2. In § 14.264, paragraphs (a) and (k) and the note following paragraph (n) are amended to read:

b. The text of § 14.264 is corrected by changing the reference, in paragraphs (a)(1) and (a)(2), from "paragraph (1) of this section" to "paragraph (l) of this section".

2. The material appearing below is added as a part of the original document.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

(n) • • •

NOTE: The frequencies designated in paragraph (a) of § 14.264 are additionally available (except 4409.4, 4434.9, 4406.9 and 4494 kc) for Alaska-public fixed stations as provided in Subpart F of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licenses in the Alaska area where industrial operations require an integrated system of ship-shore and point-to-point communication.

§ 14.266–14.267 [Deletion]

3. Sections 14.266 and 14.267 are deleted.

[F.R. Doc. 61–11289; Filed, Nov. 28, 1961; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

PART 16—MIGRATORY BIRD PERMITS

Miscellaneous Amendments

By notice of proposed rule making published in the FEDERAL REGISTER of August 31, 1961 (26 F.R. 8207), notification was given that the Secretary of the Interior proposed to amend Part 10 and establish a new Part 16 under Title 50, Code of Federal Regulations, for the purpose of revising the regulations governing the issuance of permits to acquire, possess, transport, and dispose of migratory birds and their parts, nests, or eggs for certain specified purposes.

Interested persons were invited to submit written comments, objections, or suggestions regarding the proposal to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., prior to October 15, 1961. A number of comments, objections, and suggestions were received with respect to various provisions of the proposal.

Objections were received protesting the effect adoption of the proposed regulations would have on the training of retriever dogs and the running of field trials. The proposal has been reconsidered and revised to permit the use of captive-reared waterfowl for these purposes without unnecessary additional expense or inconvenience.

Objections were also received regarding the required retention of the head and feet on carcasses of birds disposed of for food purposes. The proposal has been reconsidered and revised to permit disposal of birds for food purposes without the head and feet attached under certain conditions.

A number of comments, objections, and suggestions were submitted regarding the establishment of user's fees or charges for the issuance of propagating and taxidermist permits, and regarding the definition of "wild migratory birds". This definition would make all migratory birds, whether raised in captivity or not, subject to regulations under permit when such birds cannot be readily distinguished by general size or coloration from wild birds of the same species. To permit unlimited discussion of these provisions, they are being deleted from the proposal and final action is being deferred pending the results of public hearings to be scheduled at a later date.

All other comments, objections, and suggestions were fully considered preliminary to determination that no other changes would be made on the basis of these communications. These amendments are hereby adopted as set forth below and shall become effective on January 1, 1962.

1. Paragraph (c) of § 10.3 is amended to read as follows:

§ 10.3 Hunting methods.

• • • • • •

(c) *Exceptions.* Nothing contained in this section shall be construed to apply to the taking of migratory birds as permitted in § 10.5, or to apply to propagating, scientific, depredation-control, or other operations in accordance with the terms of permits or other authorizations issued pursuant to Part 16 of this subchapter.

§§ 10.15, 10.16, 10.21–10.23, 10.31, 10.61–10.65, 10.81–10.87 [Revocation]

2. Sections 10.15, 10.16, 10.21 through 10.23, 10.31, 10.61 through 10.65, and 10.81 through 10.87 are revoked.

3. A new Part 16 is adopted to read as follows:

Sec.
16.1 Meaning of terms.
16.2 Permits required.
16.3 Exceptions to permit requirement.
16.4 General permit authorization.
16.5 General permit provisions.
16.6 Transportation and shipping requirements.
16.7 Applicability of State laws.
16.8 Revocation of permits.
16.9 Import and export permits.
16.10 Jurisdiction and address of regional offices.
16.11 Scientific collecting and special purpose permits.
16.12 Taxidermist permits.
16.13 Propagating permits.
16.14 Banding permits.

CONTROL OF DEPREDATING BIRDS

16.21 Depredation permits.
16.22 Depredating blackbirds, cowbirds, and grackles.
16.23 Designated species of depredating birds in California.
16.24 Depredating purple gallinules in Louisiana.
16.25 Authority to issue depredation orders to permit the killing of migratory game birds.

FEEDING OF DEPREDATING WATERFOWL

16.31 Statutory provisions.
16.32 Interpretation.
16.33 Policy.
16.34 Waterfowl depredation complaints; where filed.
16.35 Criteria to govern approval of applications.
16.36 Action following investigation.
16.37 Compliance with other regulations.

AUTHORITY: §§ 16.1 through 16.14 and 16.21 through 16.25 issued under sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interpret or apply E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757.

§ 16.1 Meaning of terms.

As used in this part, terms shall have the meaning ascribed in this section.

(a) "Wild migratory birds" refers to those species of migratory birds listed under § 10.1 of Part 10 of this subchapter.

(b) "Migratory waterfowl" refers to wild ducks, geese, brant, and swans.

(c) "Public" as used in referring to museums, zoological parks and societies, and scientific or educational institutions refers to such as are open to the general public and established, maintained, and operated as a governmental service or are privately endowed and incorporated but not operated for profit.

(d) "Take" means to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

§ 16.2 Permits required.

Except as permitted by regulations under this part or under Part 10 of this subchapter (the hunting regulations), a permit is required for any person to import, export, take, sell, purchase, otherwise acquire, possess, transport, or dispose of wild migratory birds or their increase, parts, nests, or eggs.

§ 16.3 Exceptions to permit requirement.

The following exceptions to the permit requirement are allowed in addition to those allowed under Part 10 of this subchapter:

(a) Certain species of wild migratory birds may, without a permit, be taken and disposed of to control depredations as provided in §§ 16.21 through 16.25.

(b) State game departments, municipal game farms or parks, and public museums, zoological parks or societies, and scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired wild migratory birds or their increase, parts, nests, or eggs without a permit: *Provided,* That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, or sick or injured birds. Any such birds, acquired without a permit, may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. These records shall be maintained on a calendar year basis and shall be retained for a period of one year following the end of the calendar year covered by the records.

(c) Migratory waterfowl lawfully acquired from the holder of a propagating permit may, without a permit, be possessed for certain purposes as provided in § 16.13 (e) and (f).

§ 16.4 General permit authorizations.

(a) Migratory bird permits may be issued to authorize: (1) The importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of live wild migratory birds and their increase or eggs for propagating purposes in order to increase the food supply; (2) the taking and disposal of wild migratory birds or their eggs for depredation control purposes; (3) the importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of wild migratory birds or their increase, parts, nests, or eggs for scientific, educational, and other special purposes; and (4) the possession, transportation, and mounting or other preparation by a taxidermist for any person other than himself of wild migratory birds or their parts, nests, or eggs.

(b) Consistent with the preservation of migratory birds and with the purposes of this part, applications for migratory bird permits may be disapproved, or approved and permits issued pursuant to the regulations in this part. Activities authorized under permit may be limited by any special terms, conditions, or restrictions incorporated into the permit.

§ 16.5 General permit requirements.

Permits issued pursuant to this part are subject to the following provisions:

(a) Permittees must comply with any special terms, conditions, or restrictions prescribed in the permit.

(b) Importations from Mexico must be accompanied by Mexican export permits.

(c) Permits are not transferable.

(d) Permittees may not dispose of migratory birds or their increase, parts, nests, or eggs to any person not authorized by this part to acquire such migratory birds or their parts, nests, or eggs; nor may a permittee acquire migratory birds or their increase, parts, nests, or eggs from any person not authorized by this part to dispose of migratory birds or their increase, parts, nests, or eggs.

(e) All permittees must keep accurate records[1] of their operations; and shall file a report of such operations, negative or otherwise, on a form furnished for that purpose, on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit. All persons authorized to enforce this part shall be allowed to enter the premises where such operations are being carried on at all reasonable hours and inspect these premises and the records of such operations. The records required to be maintained for the purpose of making these reports shall be retained by the permittees for a period of one year following the date on which these reports are submitted.

§ 16.6 Transportation and shipping requirements.

Every package or container, in which migratory birds or their parts, nests, or eggs are shipped by common carrier wholly within a State or are transported by any means whatsoever from one State, territory, or district to or through another State, territory, or district, or to a foreign country, shall be clearly marked, labeled, or tagged on the outside thereof. These labels or tags shall show the name and address of the consignor and consignee; an accurate statement of the species and number of birds or their parts, nests, or eggs contained therein; and the permit number under authority of which the birds or their parts, nests, or eggs are being shipped or transported if one is required.

§ 16.7 Applicability of State laws.

Nothing in this part or in any permit issued thereunder shall be construed to authorize the taking, possession, sale, purchase, exchange, or transportation of wild migratory birds or their parts, nests, or eggs in any State contrary to the laws and regulations of that State: *Provided*, Such laws and regulations are for the purpose of giving further protection to such birds and are not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act. Further, no permit issued under this part shall authorize the taking, possession, purchase, sale, exchange, or transportation of migratory birds or their parts, nests, or eggs unless the permittee also possesses whatever permit may be required for such activities by the State concerned.

[1] The record-keeping requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 16.8 Revocation of permits.

(a) Permits issued pursuant to this part may be revoked and the privileges granted thereunder withdrawn:

(1) If the permittee violates any regulation prescribed in this part; or

(2) When the activities of the permittee, involving live migratory birds or feed on the premises of the permittee, are an element in a violation by the permittee or other person of the migratory bird hunting regulations governing the use of live decoys or bait in the taking of migratory game birds (§ 10.3 of this chapter).

(b) Any person whose permit has been revoked shall not be issued a like permit until one year after the date of revocation.

§ 16.9 Import and export permits.

Applications for permits to import or export wild migratory birds or their parts, nests, or eggs for purposes provided in this part shall be made by letter addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., and shall contain the following information:

(a) Name and address of the applicant and the purpose for which importation or exportation is being made;

(b) Species and number of migratory birds or their parts, nests, or eggs to be imported or exported;

(c) Name and address of the person from whom such birds are being imported or to whom they are being exported;

(d) Estimated date of arrival of any shipment of imported or exported migratory birds or their parts, nests, or eggs, and the port of entry or exit through which the shipment will be imported or exported;

(e) Federal permit number and type of permit authorizing possession, acquisition, or disposition of such birds or their parts, nests, or eggs, where such a permit is required.

§ 16.10 Jurisdiction and address of regional offices.

The geographic jurisdictions and addresses of the Bureau of Sport Fisheries and Wildlife regional offices are as follows:

(a) Pacific Region (Region 1—comprising the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) P.O. Box 3737, Portland 8, Oregon.

(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming) P.O. Box 1306, Albuquerque, New Mexico.

(c) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) 1006 West Lake Street, Minneapolis 8, Minnesota.

(d) Southeast Region (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia) Peachtree-Seventh Building, Atlanta 23, Georgia.

(e) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia) 59 Temple Place, Boston 11, Massachusetts.

(f) Alaska Region (Region 6—comprising the State of Alaska) P.O. Box 2021, Juneau, Alaska.

§ 16.11 Scientific collecting and special purpose permits.

(a) Applications for scientific collecting or other special purpose permits shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications shall contain the following information:

(1) Name, address, and age of applicant;

(2) Species and number of migratory birds or their parts, nests, or eggs proposed to be taken or acquired;

(3) Statement of the purpose and a justification for granting such a permit; and

(4) In the case of scientific collecting permits, the name and address of the public scientific or educational institution to which all specimens will ultimately be donated.

(b) The tenure of scientific collecting or other special purpose permits issued after December 31, 1961, shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a shorter period of time is prescribed in the permit.

(c) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

§ 16.12 Taxidermist permits.

(a) Original requests for a taxidermist permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office.

(b) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

(c) The tenure of taxidermist permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

§ 16.13 Propagating permits.

(a) Original requests for a propagating permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office.

(b) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

(c) The tenure of propagating permits or renewals thereof issued after December 31, 1961, shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(d) Any person whose propagating permit expires and who does not request a renewal thereof, or whose permit is revoked for any reason whatsoever, shall dispose of all live migratory birds and their eggs not later than 60 days following the date of expiration or revocation by one or more of the following means:

(1) By sale or donation to another permittee not in the immediate family of the seller or donor;

(2) By sale or donation to a public zoological or municipal park, public museum, or public scientific or educational institution;

(3) By release to the wild on premises other than those of the permittee and over which he has no degree of control; or

(4) Live migratory birds may be killed and preserved for use as food by the permittee.

If at the end of 60 days the permittee has not disposed of all live migratory birds and their eggs, as provided in this section, he must relinquish such birds and their eggs to an agent of the Bureau of Sport Fisheries and Wildlife for release to the wild; or for use in management programs conducted on wildlife refuges or management areas; or for donation to such public institutions as the Bureau shall determine.

(e) Live migratory waterfowl possessed under authority of a propagating permit may be killed at any time and in any manner by the permittee or any person authorized by the permittee to do so, except that the killing of such birds by shooting shall be restricted to the premises covered by the permit. Provided the head and feet remain attached thereto or, if dressed and the head and feet removed, his permit number is written or stamped on a tag attached to the bird or is written or stamped on the package containing the bird, the permittee may dispose of the carcasses of such birds to any individual for consumption as food; or to a club, hotel, restaurant, boarding house, or dealer in meat or game for sale or service to patrons; and all such persons may possess these carcasses without a permit.

(f) Live mallard ducks, raised under authority of a propagating permit and marked in accordance therewith, may be disposed of by the permittee to any person for use in training dogs or running field trials; and any person may, without a permit, acquire such birds from a permittee and retain them for use in training dogs or running field trials: *Provided*, That any such birds, acquired and possessed without a permit, may be disposed of only by release to the wild, by consumption as food, or by destroying the carcasses; and such birds may not be sold or traded either dead or alive.

§ 16.14 Banding permits.

This section governs the issuance of permits authorizing the capture of wild migratory birds for banding purposes.

(a) Applications for banding permits shall be made by letter addressed to the Director, Patuxent Wildlife Research Center, Laurel, Maryland.

(b) The tenure of banding permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different tenure is stated in the permit.

(c) The banding of migratory birds shall be by official numbered leg bands issued by the Bureau of Sport Fisheries and Wildlife. The use of any other band, clip, or other method of marking is prohibited unless specifically authorized in the permit.

(d) All traps or nets used to capture migratory birds for the purposes of banding shall either bear a tag or label clearly showing the name and address of the permittee and the permit number, or the area in which such traps or nets are located must be posted with Notice of Banding Operations posters (form 3–1155, available upon request from Patuxent Wildlife Research Center) which shall bear the name and address of the permittee and the number of his permit.

(e) Banding permits may be revoked for violation of any provision of the Migratory Bird Treaty Act or the regulations issued thereunder, or for failure to comply with any special terms, conditions, or restrictions incorporated in the banding permit.

Control of Depredating Birds

§ 16.21 Depredation permits.

Upon receipt of information from the owner, tenant, sharecropper, or other person that migratory birds are injuring his crops or other property on the land on which he resides, or over which he exercises control, together with a statement of the location of the area; the nature of the crops or other interests being injured; the extent of such injury; and the particular species of birds committing the injury, an investigation will be made. If it is then determined that the injury complained of is substantial and can be abated, a permit to frighten, herd, or kill such birds may be issued. The permit shall specify the person, the time, and the method by which such birds may be frightened, herded, or killed. The permit shall further provide that all dead birds shall be disposed of as prescribed therein; that a report shall be made of the operations; and shall include such other conditions as may be appropriate in each case.

§ 16.22 Depredating blackbirds, cowbirds and grackles.

A permit shall not be required to kill yellow-headed, red-winged, bi-colored red-winged, tri-colored red-winged, and Brewer's blackbirds, cowbirds, and all grackles when found committing or about to commit serious depredations upon ornamental or shade trees or agricultural crops; *Provided:*

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale.

(b) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(c) That nothing in this section shall be construed to authorize the killing of such birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State concerned.

§ 16.23 Designated species of depredating birds in California.

In any county in California in which meadowlarks, horned larks, golden-crowned, white-crowned, and other crowned sparrows, goldfinches, house finches, acorn woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed under his general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county: *Provided:*

(a) That such migratory birds shall be killed only when necessary to protect agricultural or horticultural crops from depredation; that none of the above migratory birds killed, or the parts thereof, or the plumage of such birds, shall be sold or removed from the area where killed; but that all such dead migratory birds shall be buried or otherwise destroyed within this area, except that any specimens needed for scientific purposes, as determined by the State or the Secretary, shall not be destroyed.

(b) That any Commissioner of Agriculture exercising the privileges granted by this section shall keep records of the persons authorized by the Commissioner to kill such migratory birds, and the estimated number of such birds killed pursuant to the exercise of his authority, and the Commissioner shall submit a report thereof to the Secretary on or before December 31 of each year or whenever the Secretary so requests.

§ 16.24 Depredating purple gallinules in Louisiana.

Landowners, sharecroppers, tenants, or their employees or agents, actually engaged in the production of rice in Louisiana, may, without a permit, shoot purple gallinules (Ionornis martinica) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by such persons: *Provided:*

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided,* That the Secretary, or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: *Provided further,* That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the Secretary.

§ 16.25 Authority to issue depredation orders to permit the killing of migratory game birds.

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: *Provided,* That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

FEEDING OF DEPREDATING WATERFOWL

AUTHORITY: §§ 16.31 to 16.37 issued under sec. 2, 70 Stat. 492; 7 U.S.C. 443.

§ 16.31 Statutory provisions.

Section 1 of the Act of July 3, 1956, as amended (7 U.S.C. 442 et seq.) provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary shall requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the Act provides that, upon a finding that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, the Secretary is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 16.32 Interpretation.

The authorization contained in the Act limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and such grain may not be made available for the feeding of any other species of migratory birds, whether or not such other species of migratory birds are committing or threatening to commit crop damage. Further, the Act does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, nor for any purpose incident to migratory waterfowl management not related to the prevention of crop damage. Accordingly, such grain shall not be made available pursuant to the Act to augment or to substitute for natural sources of migratory waterfowl food except as may be determined by the Secretary to be necessary to aid in the prevention of crop damage by such birds.

§ 16.33 Policy.

Whenever it is found necessary to conduct feeding programs under this section for the purposes of preventing crop damage by migratory waterfowl, it shall be the policy of the Secretary for the purposes of economy and efficiency to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or a State.

§ 16.34 Waterfowl depredation complaints; where filed.

Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 16.35 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife regional office having administrative jurisdiction over the wildlife activities in the State where the affected crops are located. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of Federal, State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damage as to qualify him as an applicant.

§ 16.35 Criteria to govern approval of applications.

Upon receipt of a written application for such grain for use in preventing crop depredations, the Regional Director shall promptly cause an investigation to be made, when necessary, to determine whether the applicant is in fact entitled to have such grain made available for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the game department of the State in which the affected crops are located and a representative of the Regional Director. When conducting such investigations, each of the factors set forth in paragraphs (a) to (d) of this section shall be considered separately. An application for grain shall not be approved if it is determined that one or more of these factors minimizes the extent of crop damage or provides another effective method of preventing the complained of damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of a species which are susceptible of being effectively lured away from the crops by the use of such grain.

(b) The crop damage or threatened crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage); and must affect growing crops or mature unharvested crops that are in such condition as to be marketable or have value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of any of the privileges granted in permits authorized by § 16.21 to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) During an open hunting season, it must be shown that the area affected by crop damage has been and is now open to public hunting and there has been a clear demonstration that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 16.36 Action following investigation.

Upon receipt of a report and recommendations based upon an investigation conducted under § 16.34, the Secretary shall make a determination that the applicant meets the qualifications for receiving grain. He shall then determine the quantity of grain, either bagged or in bulk, to be made available; the means of transportation; and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose;

(b) That consent is granted to any officer authorized to enforce this part, to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage at all reasonable times;

(c) That free and unrestricted access over the premises on which feeding operations have been or are to be conducted shall be permitted at all reasonable times, by any officer authorized to enforce this part and that such information as may be required by the officer will be promptly furnished; and

(d) That the applicant will not take, nor permit his agents, employees, invitees, or other persons under his control to take migratory game birds on or over any lands or waters subject to his control, during the time such grain is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor for a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 16.37 Compliance with other regulations.

Nothing in §§ 16.31 to 16.36 shall be construed to supersede or modify any regulations under § 10.3 of this subchapter, nor shall anything in said sections be construed to permit the transportation, distribution, or use of grain contrary to any applicable Federal, State, or local laws or regulations.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11274; Filed, Nov. 28, 1961; 8:49 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,000 acres or 33 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below. The hunting of big game species, as may be otherwise authorized by Minnesota State regulations, is prohibited.

(b) Open season: From sunrise to sunset December 2 through December 17, 1961.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Methods of hunting:

(1) Weapons—Bow and arrow only. Arrowheads must be of all steel barbless design, blade or blades must be not less than one inch wide for single, two edge blades and not less than three inch circumference for three or more blades, minimum weight of all types 110 grains. Bows must have a pull of not less than 40 pounds at full draw; long bows only may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 18, 1961.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 21, 1961.

[F.R. Doc. 61-11256; Filed, Nov. 28, 1961; 8:47 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of big game on the Upper Mississippi River Wildlife and Fish Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 33,100 acres or 100 percent of the total refuge area in Minnesota is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below. The hunting of big game species, as may be otherwise authorized by Minnesota State regulations, is prohibited.

(b) Open season: From sunrise to sunset December 2 through December 17, 1961.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Methods of hunting:

(1) Weapons—Bow and arrow only. Arrowheads must be of all steel barbless design, blade or blades must be not less than one inch wide for single, two edge blades and not less than three inch circumference for three or more blades, minimum weight of all types 110 grains. Bows must have a pull of not less than 40 pounds at full draw; long bows only may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 18, 1961.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 21, 1961.

[F.R. Doc. 61-11257; Filed, Nov. 28, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 927]

[Docket No. AO-71-A 42]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City, on November 16, 1961, pursuant to notice thereof issued on November 7, 1961 (26 F.R. 10597).

The material issues on the record of the hearing related to:

1. Revision of the utilization percentage factor contained in Class I-A pricing formula.

2. Need for emergency action on Issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) It is concluded that § 927.40(a) (3) of the order should be amended to prevent the distortion in Class I-A prices for December, 1961, and subsequent months which otherwise would occur as a result of the strike of dairy plant employees and drivers which took place during the last eight days of October and the first six days of November.

The utilization percentage factor in the formula is designed to adjust the New York-New Jersey Class I-A price in recognition of changes in the supply of and demand for fluid milk. The utilization percentage for each month is used as a part of the Class I-A formula for the 3-year period beginning with the second month after the month for which such percentage is computed.

The strike resulted in the utilization of approximately 51 million fewer pounds of pool milk in fluid form (Class I-A and I-B) than reasonably may be expected to have been so utilized if there had been no strike. This reduction in the use of Class I milk which occurred during the period of the recent strike is the result of an abnormal market situation which the Class I-A pricing mechanism is not designed to reflect. Use of actual utilization percentages under these circumstances in computing Class I-A prices for December 1961, and subsequent months would reflect inaccurately supply and demand conditions in the market during periods subsequent to the strike.

The percentage of October pool milk reported by handlers to have been utilized in Class I-A and Class I-B was 51.4. Addition of 27.8 millions pounds, which it is estimated would have been used for the last eight days of October if the strike had not occurred, results in a utilization perentage for October of 54.6. This utilization percentage should be used for October (in connection with future Class I-A price computations) in lieu of the actual utilization percentage.

Actual utilization data for November are not yet available. However, the estimated loss of fluid sales (23.2 million pounds) during the six days of the strike in November results in a reduction in the November utilization percentage of 2.8. Accordingly, the November utilization percentage computed from data to be reported by handlers should be adjusted by adding 2.8 to compensate for the reduction of Class I sales during the six days that the strike continued into November.

The provisos contained in paragraph (a) and (a) (3) of § 927.40 should be deleted from the order. These provisos were incorporated for use during specific time periods which time periods have expired. Such provisos should be replaced with appropriate language to effectuate the above conclusions.

(2) The due and timely execution of the function of the Secretary under the Act with respect to Issue No. 1 imperatively and unavoidably requires the omission of a recommended decision and the opportunity to submit exceptions thereto.

Failure to make the attached amendment order effective by not later than December 1, 1961, would defeat, to a significant degree, the purpose of such amendment. The preparation, filing and publication of a recommended decision, with opportunity for exceptions thereto, would preclude the making of such amendment effective by December 1, 1961, because of the time necessarily required for completion of such procedural steps. It was requested on the record that such procedural steps be omitted and no objection was raised. Accordingly, such procedural steps are omitted in this instance.

Rulings on motions and proposed findings and conclusions. Rulings made by the Hearing Examiner to strike certain proposals and testimony as beyond the scope of the hearing notice are hereby affirmed.

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New York-New Jersey Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the New York-New Jersey Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April, 1961, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the New York-New Jersey marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., on November 24, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the New York-New Jersey Marketing Area*

§ 927.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Delete the provisos in paragraph (a) and (a) (3) of § 927.40.

2. Add a new proviso to paragraph (a) (3) of § 927.40 to read as follows: "*Provided,* That the utilization percentage for the month of October 1961 used in making such computations shall be 54.6 and the utilization percentage for the month of November 1961 shall be the percentage as computed pursuant to this paragraph plus 2.8."

[F.R. Doc. 61-11272; Filed, Nov. 28, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 608) has been filed by The Upjohn Company, 7000 Portage Road, Kalamazoo, Michigan, proposing the issuance of a regulation to provide for the safe use of polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) as an emulsifier in corn oil emulsion used in a caloric dietary supplement.

Dated: November 21, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11275; Filed, Nov. 28, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-154]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration and Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

1. Jet route No. 101 extends in part from the Shreveport, La., VORTAC to the St. Louis, Mo., VORTAC via the Flippin, Ark., VOR. The FAA has under consideration the alteration of this segment of J-101 and its associated radar advisory area by redesignating it from the Shreveport VORTAC via the Little Rock, Ark., VORTAC to the St. Louis VORTAC.

2. Jet route No. 31 extends from the Dallas, Texas, VORTAC to the Northbrook, Ill., VORTAC. The FAA has under consideration the revocation of this route in its entirety together with its associated radar advisory area.

3. Jet route No. 27 extends in part from the Lufkin VOR to the St. Louis VORTAC via the Shreveport, La., VORTAC and the Little Rock VORTAC. The FAA has under consideration the revocation of this segment of J-27 as it would coninicide with and duplicate the alignment of J-101 as proposed.

The proposed alterations to these jet routes would facilitate flight planning and air traffic management by simplifying the jet route structure between the Houston, Texas, and Dallas terminals and the Chicago, Ill., Metropolitan area. Additionally, it would permit the elimination of the Flippin VOR from the jet route structure.

Radar advisory service would be provided for J-101 in its entirety.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 21, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11238; Filed, Nov. 28, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF MELON SEED (SALTED) DIRECTLY FROM TAIWAN (FORMOSA)

Available Certifications by the Government of the Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Melon seed (salted).

[SEAL] MARGARET W. SCHWARTZ,
Acting Director, Foreign Assets Control.

[F.R. Doc. 61-11326; Filed, Nov. 28, 1961; 8:54 a.m.]

Office of the Secretary

[T.D. 55515; Treasury Dept. Order 165, Rev., Amdt. 5]

DUMPING

Amendment of Delegation Order Relating to Findings

NOVEMBER 15, 1961.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III), and pursuant to the authorization given to me by Treasury Department Order No. 190 (26 F.R. 7019), it is hereby ordered that subparagraph (c) of the Treasury Department Order No. 165, Revised, issued on November 2, 1954 (T.D. 53654, 19 F.R. 7041), is amended to read as follows:

(c) Determinations under section 201 (a), Antidumping Act, 1921, as amended, that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value shall be made, advice to the United States Tariff Commission of each such determination shall be given, and public notice of his determination and the determination of the said Commission (the "finding" contemplated by section 201(a), supra) shall be given, by the Secretary of the Treasury.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-11281; Filed, Nov. 28, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 78]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 40 acres in Graham County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 26 E.
Sec. 29: SE¼SW¼

Containing 40.00 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated: November 17, 1961.

FRED J. WEILER,
State Director,
P.O. Box 148,
Phoenix, Arizona.

[F.R. Doc. 61-11258; Filed, Nov. 28, 1961; 8:47 a.m.]

CALIFORNIA

Relocation and Temporary Closing of Sacramento Land Office; Relocation of California State Office and Sacramento District Office

NOVEMBER 22, 1961.

Notice is hereby given that the Sacramento Land Office, Bureau of Land Management, 1000 California Fruit Building, 4th and J Streets, Sacramento, California, will be closed to the public from 10:00 a.m., December 1, 1961 until 10:00 a.m., December 5, 1961, to permit the relocation of the Sacramento Land Office to a new location and mailing address at Federal Building and U.S. Court House, Room 4017, 650 Capitol Avenue, Sacramento, California. Personnel of the Land Office will be available to receive over the counter applications and for consultation purposes on those dates between the hours of 10:00 a.m. and 3:00 p.m., at Room 4201, Federal Building and U.S. Court House, 650 Capitol Avenue, Sacramento, California.

In accordance with 43 CFR 101.20, all documents presented for filing during the closed period cited above shall be deemed as simultaneously filed as of 10:00 a.m., on December 5, 1961.

Effective December 5, 1961, the Office of the State Director, Bureau of Land Management will be relocated to Room 4032, Federal Building and U.S. Court House, 650 Capitol Avenue, and the office of the Sacramento District, Bureau of Land Management will be relocated to Room 4205, Federal Building and U.S. Court House, 650 Capitol Avenue, Sacramento, California.

NOLAN F. KEIL,
Acting State Director.

[F.R. Doc. 61-11250; Filed, Nov. 28, 1961; 8:47 a.m.]

[Classification No. 206]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 30 acres in Churchill County, Nevada, as suitable for sale for business sites and residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 35 E.,
Sec. 34, N½SE¼SW¼, N½S½SE¼SW¼.

Containing 30 acres of which 20 acres are covered by 4 applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriation, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to November 20, 1961 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Mineral Management.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11287; Filed, Nov. 28, 1961; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American Export Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship	Sailing Date	Itinerary
Independence	July 3, 1962	New York, Bermuda, New York.
Constitution	Aug. 30, 1962	Do.

Any person, firm, or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on December 15, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: November 24, 1961.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 61-11282; Filed, Nov. 28, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

Miscellaneous Amendments

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 800 is amended as follows:

Subsection e is amended to read as follows:

e. The functions under section 8e of the Agricultural Adjustment Act (of 1933), as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1).

f. With respect to marketing agreement and order programs for fruits, vegetables and tree nuts, the functions are assigned to the Fruit and Vegetable Division, under the general supervision in the formulation and administration of such programs of the Assistant Secretary, Agricultural Stabilization.

Subsection *l* is deleted.

Section 801 is amended by deleting subsection a(5).

Section 1100 is amended as follows:

Subsection p is amended to read as follows:

p. Milk and tobacco marketing agreement and order programs, and marketing agreement and order programs (except functions with respect to a program which may be reassigned by the Assistant Secretary, Agricultural Stabilization), for commodities other than fruits, vegetables, tree nuts and anti-hog cholera serum and hog cholera virus.

The following subsection q is added:

q. Functions relating to agreements under section 708 (7 U.S.C. 1787), of the National Wool Act of 1954, as amended (7 U.S.C. 1781-1787).

Section 1101 is amended as follows: Subsection a(6) through a(9) are renumbered a(5) through a(8) respectively, and the following new subsection a(9) is added:

(9) Under section 708 (7 U.S.C. 1787) of the National Wool Act of 1954, as amended (7 U.S.C. 1781-1787), entering into agreements with or approving agreements entered into between, marketing cooperatives, trade associations, or other engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

The following subsection b is added:

b. Reservations to the Judicial Officer: (1) Adjudication functions in proceedings under section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c (15)(A)).

Done at Washington, D.C., this November 22, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11273; Filed, Nov. 28, 1961; 8:49 a.m.]

SPECIAL STUDY OF THE TECHNICAL COMMITTEE ON GRAIN EXPORTS

Notice of Opportunity To Submit Written Views and Information by Interested Persons

The Secretary of Agriculture on October 26, 1961, appointed a Technical Committee on Grain Exports composed of governmental personnel to act as a fact-finding body to develop information and prepare a report for submission to the Board of Directors, Commodity Credit Corporation, not later than May 1, 1962.

The purpose was set forth in Secretary's Memorandum No. 1471, as follows:

The commodity export programs of the Commodity Credit Corporation are one of the major instruments for carrying out Department responsibilities for managing and utilizing the nation's grain stocks. The Corporation's grain export policies and sales activities serve, and are of great concern to, producers, the grain trade, the public and the Congress. Of special expressed interest are the Corporation's policies covering the use of PIK (payment-in-kind) certificates for payment of export subsidies, the interchangeability of PIK certificates, the use of PIK certificates to pay for commodities for donation programs, the extent that export grain should be drawn from private and Government stocks, and related matters. It appears wise to have a general review of those special matters relating to grain exports.

The Technical Committee has been instructed to collect and examine data and information related to CCC grain export policies and operations; analyze the economic and trade significance of collected information; explore and appraise alternative CCC policies; and summarize findings and prepare recommendations for CCC policy or procedural changes.

To carry out these functions the Technical Committee has been instructed, further, to seek information and views from producers, the grain trade, and others, as appropriate.

In order that the Technical Committee may have the benefit of the knowledge and views of persons engaged in the grain industry, in all its aspects, notice is hereby given that any interested person may submit written statements regarding the subject matter of the Secretary's memorandum.

Ten copies of each statement should be submitted, addressed to Nathan M. Koffsky, Chairman, Technical Committee on Grain Exports, Room 3049, South Building, United States Department of Agriculture, Washington 25, D.C. Submission should be as soon as possible, but postmarked no later than December 31, 1961, in order to receive consideration.

Done at Washington, D.C., this 24th day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11299; Filed, Nov. 28, 1961; 8:53 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR.-7]

TODD SHIPYARDS CORP.

Order Granting Variation

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 33 U.S.C. 941(d)) and the provisions of 29 CFR 8.5 and 11.6, a variation from particular provisions of 29 CFR Part 8 is hereby granted to Todd Shipyards Corporation (Seattle Division), 1801 16th Avenue, SW., Seattle 4, Washington.

Provisions of 29 CFR Part 8 varied. The provisions of 29 CFR 8.33(a) requiring all accessible surfaces, seams and points to be welded, cut or heated, first be stripped of all toxic or flammable hardened preservative coatings except platings such as galvanizing, for a distance of four (4) inches from the area of heat application, are varied by this Order insofar as they apply to oxy-acetylene cutting.

Conditions of variation. 1. Airline respirators are worn by all employees engaged in oxy-acetylene cutting operations on surfaces coated with toxic hardened preservative coatings (e.g. paints and other hardened protective coatings) in lieu of stripping the coating for a distance of four (4) inches from the area of heat application, as required in § 8.33 (a). In addition, the flammability of these hardened coatings shall be tested prior to starting the cutting operations.

2. The requirements of paragraphs (b), (c), (d), (e), and (f) and the remaining applications of paragraph (a) of § 8.33 are met.

3. Adequate medical supervision of all employees exposed to metallic fumes is exercised to ensure prevention of metallic fume poisoning.

Period of variation. The variation shall be effective until terminated. See 29 CFR 11.11.

Signed at Washington, D.C., this 21st day of November 1961.

ARTHUR W. MOTLEY,
Director,
Bureau of Labor Standards.

[F.R. Doc. 61-11260; Filed, Nov. 28, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-68 authorizing The Curators of The University of Missouri to construct a heterogenous light water-cooled and -moderated pressurized tank research reactor designed to operate at a thermal power of 10,000 kilowatts on its site in Columbia, Missouri. Notice of the proposed action was published in the FEDERAL REGISTER on November 4, 1961, 26 F.R. 10453.

Dated at Germantown, Md., this 21st day of November 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Assistant Director for Facilities Licensing, Division of Licensing and Regulation.

[F.R. Doc. 61-11233; Filed, Nov. 28, 1961; 8:45 a.m.]

[Docket No. 50-123]

CURATORS OF UNIVERSITY OF MISSOURI SCHOOL OF MINES AND METALLURGY

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on November 3, 1961, 26 F.R. 10368, the Atomic Energy Commission has issued Facility License No. R-79 authorizing the licensee to operate, at power levels up to 10 kilowatts (thermal), the pool-type nuclear reactor located on its campus in Rolla, Missouri. The license is substantially as published in the FEDERAL REGISTER on November 3, 1961 except that the procedures related to use of, and control of access to, the reactor building and certain changes to be made in the reactor building described in the licensee's application amendment dated October 24, 1961 have been incorporated into the license.

Dated at Germantown, Md., this 21st day of November 1961.

For the Atomic Energy Commission:

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11234; Filed, Nov. 28, 1961; 8:45 a.m.]

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. R-67. The amendment provides an additional authorization to General Dynamics Corporation to conduct a test program consisting of the use of up to an entire core of modified TRIGA fuel elements in its TRIGA Mark F reactor located at Torrey Pines Mesa, California, as requested in the Corporation's application for license amendment dated October 13, 1961 as modified by letter dated November 6, 1961. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor with the modified fuel elements does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application for license amendment dated October 13, 1961 as modified by its letter dated November 6, 1961, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed operations prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22nd day of November 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-67; Amdt. 3]

License No. R-67, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects: In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corporation is authorized to conduct a fuel element test program which consists of the operation of its TRIGA Mark F reactor located at Torrey Pines Mesa, California with up to an entire core of modified TRIGA fuel elements in progressively increasing increments up to the present operating levels of the license as described in its application for license amendment dated October 13, 1961, as modified in its letter of November 6, 1961. Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-67, as amended, and in the applications for license amendment dated October 13, 1961 as modified by letter of November 6, 1961.

This amendment is effective as of the date of issuance.

Date of issuance: November 22, 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11235; Filed, Nov. 28, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13212 etc.; Order E-17756]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November, 1961.

In the matter of economy fares proposed by American Airlines, Inc., Contineneal Air Lines, Inc., and Trans World Airlines, Inc.; Docket Nos. 13212, 13163, 13177, 13182, 13184, 13187, 13188, 13191, and 13195; Order No. E-17756.

On October 31, 1961, Continental Air Lines, Inc. filed tariffs to become effective December 1, 1961, proposing economy fares between 15 pairs of points which will apply in the "Economy Compartment" of B-707 flights designated as "First Class, Coach and Economy Flights." The economy fares are ap-

proximately 75 percent of Continental's present jet coach fares including the applicable surcharges for jet aircraft and are not subject to separate jet surcharges. Continental proposes to offer its economy service to five large cities (Chicago, Denver, Houston, Kansas City, and Los Angeles) and three smaller cities (El Paso, Phoenix, and San Antonio) in Boeing 707 aircraft using a mixed first-class/coach/economy configuration. The first-class compartment would consist of 22 seats in rows with two seats on each side of the aisle plus a six-seat lounge. The coach and economy compartments would contain 42 and 75 seats, respectively, in rows with three seats on each side of the aisle. Seat pitch would be 40-inch for first class as compared with 36-inch for coach and 32-inch for economy.

American Airlines, Inc., Braniff Airways, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc. have filed complaints requesting suspension and investigation of Continental's economy fares contending that they are unjust and unreasonable, unjustly discriminatory, unduly preferential, and unduly prejudicial.[1] The complaints allege, inter alia, that within a short time the three-service configuration would be in operation throughout this country; that it would result in less revenue for the air carriers at a time when the carriers need revenue increases; that it would be impractical and inordinately costly; and that soon there would be only two classes of service—the first class and the economy. It is urged that Continental's proposal is simply a form of price cutting and that the special seat used by Continental is part of an alleged new service which would provide added capacity to an industry already suffering from too much capacity. Complainants state that the proposed lower fares rely upon the creation of 10 percent more new business, but that the air transport market is highly inelastic in the range of Continental's proposed fares. In support of this contention it is alleged that business travel accounts for about two-thirds of the total domestic passenger travel, and that experiments with transcontinental excursion fares providing a 30 percent reduction from regular coach fares, and reduced fares in several markets have not spurred the growth of traffic. The complaints state that a 25 percent reduction in fares must increase traffic by 33.3 percent to produce the same revenues; that Continental's estimates do not make sufficient allowance for diversion from other classes of service, and that Continental has not presented sufficient evidence nor backup data for its estimates. The Continental proposal is viewed as presenting a risk to the financial stability of the industry, the complainants asserting that the debased coach yields will cause the industry loss of hundreds of millions of dollars per year. Finally, it is urged that even if Continental's competitors limit their meeting of Continental's economy fares to only the local competitive markets, such an operation would dilute through fares in other areas and cause a reduction in passenger revenues on additional segments of other carriers and reduce aircraft utilization and service flexibility.

Tariffs proposing to establish local economy fares to meet similar fares of Continental have been filed by American and Trans World for effectiveness December 1 and 2, respectively. These carriers would use a dual configuration first-class economy jet aircraft utilizing their coach seats with a 34-inch pitch.

Continental has filed a complaint requesting investigation and suspension of the reduced fare tariffs filed by American and Trans World, and has filed an answer to the complaints against its proposal. Continental's answer to the other carriers' complaints states that throughout the "Report of the Task Force on National Aviation Goals" (Project Horizon), September 1961, it is urged that the airline industry embark on new programs designed to increase total air travel market, and that its proposed economy service is an attempt to put into effect this recommendation. The carrier adds that it has the lowest breakeven load factor, the highest utilization, and the most favorable operating ratio of any trunkline carrier; that its proposal, which is based in part on such favorable operating factors, should be given a fair trial; that the government should encourage these efforts toward lower fares; and that no real support has been given by its competitors for their negative position to its proposed low fares. Continental asserts that there is no basis for the competitors' allegations that the new aircraft configuration does not increase the revenues but increases the cost of the proposed service; that rate increases occurring since 1958 have had an unfavorable effect on the air transport demand in the markets in which it operates and that for this reason it decided, after analyses of these markets, to stimulate traffic by providing a new economy service; and that there are many instances which demonstrate conclusively that fare reductions of 25–30 percent, properly promoted, generate new traffic as well as increase existing traffic. The carrier alleges that a week after its new service was announced 5,038 economy reservations had been received and that after only three weeks about 16,300 economy service reservations had been made; that this favorable public reaction demonstrates the price consciousness of the traveling public; that the statement of its competitors that its proposed fares would bring disaster to the airline industry is exaggerated because Continental carries only 3 percent of the total domestic air travel traffic; that some of the largest carriers opposing the proposed economy service have felt the same way when the regular coach service was put into effect and still continue to have misgivings about low cost services today; and that the public interest requires vigorous experimentation with low fares to restore the growth of air traffic.

Upon consideration of the matters of record, the Board finds that the proposed economy fares of Continental may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that the tariffs should be investigated. In the light of the industry's low load factors and unused seats, it is unlikely this service would be operated at lower cost per passenger mile, notwithstanding the greater seating density and lower seat mile costs. Since we believe there is a substantial question as to the economic validity of the proposed fares when viewed from the standpoint of the industry, as a whole, we have further concluded to suspend the operation of the tariffs and defer their use pending investigation. For the same reasons, the competitive economy fares filed by American and Trans World, proposed for a less dense configuration than that proposed by Continental, will also be investigated and their use deferred pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A set forth below, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A, set forth below, are suspended and their use deferred to and including February 28, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The complaints are dismissed except to the extent granted herein.

4. The complaints in Dockets 13180, 13177, 13182, 13184, 13187, 13188, 13191, and 13195, to the extent granted, are consolidated herein.

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariffs and shall be served upon Continental Air Lines, Inc., American Airlines, Inc., Braniff Airways, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and Delta Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

Agent C. C. Squire's Local and Joint Passenger Rules Tariff No. PR–4, C.A.B. No. 43:

Rule 25(G)(3) on 15th Revised Page 18–D.
Rule 25(J)(4) on 9th Revised Page 18–F.
Rule 25(M) on 7th Revised Page 18–H and 7th Revised Page 18–I.

Rule 75(C)(1)(b)(iii) on 9th, 10th, and 11th Revised Pages 53.
Exception 13 to Rule 77(A)(2) on 33d, 34th, and 35th Revised Pages 55.
On 69th and 70th Revised Pages 65, the portion of the provision shown in connection with "AA" in Table II—Coach Equipment Table, under captions Equipment; No. of Seats; and Will Depart From Origin Terminal Between the Hours of: reading "B-707", "See Rule 25(J)(4)", and "as listed in AA's official general schedules. Combination First Class and Economy Aircraft. See Rule 25(J)(4)."
On 68th, 69th, and 70th Revised Pages 65, the portion of the provision shown in connection with "CO" in Table II—Coach Equipment Table, under captions Equipment; No. of Seats; and Will Depart From Origin Terminal Between the Hours of:, reading "B–707", "See Rule 25(M)", and "As listed in CO's official general schedules. Combination First Class, Coach, and Economy Aircraft. See Rule 25(M)."
On 20th and 21st Revised Pages 68, the portion of the provision shown in connection with "TW" in Table II—Coach Equipment Table, under captions Equipment; No. of Seats; and Will Depart From Origin Terminal Between the Hours of: reading "B-707, B-720, CV–880", "See Rule 25(G)", and "As listed in TW's official general schedules. Combination First Class and Coach or First Class and Economy Aircraft. See Rule 25(G)."
Agent C. C. Squire's Local and Joint Passenger Fares Tariff No. PF–5, C.A.B. No. 44:
Exception 2 on 40th and 41st Revised Pages 29.
All fares and provisions on 2d and 3d Revised Pages 40–C.
Exception to paragraph 1 on 28th Revised Page 97.
All fares and provisions on 19th Revised Page 101.
Exception 2 on 36th and 37th Revised Pages 259.
All fares and provisions on Original Page 270–L.

[F.R. Doc. 61–11284; Filed, Nov. 28, 1961; 8:52 a.m.]

[1] Delta Air Lines, Inc., by letter of November 15, 1961 has endorsed United's complaint.

[2] Statement of partial dissension by Mr. Boyd, Chairman, and Mr. Minetti, filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. 17296 etc.]

NEW YORK STATE NATURAL GAS CORP.

Order Consolidating Proceedings, Permitting Interventions, Designating Procedure and Fixing Date of Hearing

NOVEMBER 21, 1961.

New York State Natural Gas Corporation, Docket Nos. G–17296, G–19087, G–20109.

The proceedings in the above-captioned dockets involve increased rates and charges filed by New York State Natural Gas Company (New York Natural). In each of these proceedings the Commission has heretofore issued suspension orders and provided for public hearing on the issue of the lawfulness of the rates and charges as proposed to be increased by the filings in each of the dockets. No hearing has been held in the above-identified dockets.

Petitions seeking leave to intervene in the various dockets consolidated by this order in section 4(e) proceedings under the Natural Gas Act in Docket No. G–17296, et al., have been filed by the petitioners on the dates and in the dockets indicated below: [1]

Docket No. G–17296

Petitioner and Date Filed

City of Pittsburgh, Pa.: July 8, 1960.
Pennsylvania Gas Co.: August 26, 1961.
Producers Gas Co.: September 1, 1961.
Empire Gas and Fuel Co., Ltd.: September 11, 1961.
Empire Gas and Fuel Co.: September 11, 1961.

Docket No. G–19087

Rochester Gas & Electric Corp.: December 7, 1959.
St. Lawrence Gas Co., Inc.: June 14, 1961.
Producers Gas Co.: September 1, 1961.
Empire Gas and Fuel Co.: September 11, 1961.
Empire Gas and Fuel Co., Ltd.: September 11, 1961.
City of Pittsburgh, Pa.: February 2, 1960.
Niagara Mohawk Power Corp.: December 18, 1959.
Pennsylvania Gas Co.: August 26, 1961.

Docket No. G–20109

City of Pittsburgh, Pa.: February 3, 1960.
City of Cleveland, Ohio: March 21, 1960.

Notices of intervention have been received from: The Public Service Commission of the State of New York, in Docket No. G–17296 on February 2, 1959; The Pennsylvania Public Utility Commission in Docket No. G–19087 on August 6, 1959; The Public Service Commission of the State of New York in Docket No. G–19087 on September 25, 1959; The Pennsylvania Public Utility Commission in Docket No. G–20109 on March 18, 1960.

By letter addressed to Commission Staff Counsel, dated October 19, 1961, New York Natural indicates that it will be able to serve its prepared testimony and exhibits for its case-in-chief, on or before January 31, 1962.

The Commission finds:

(1) Good cause exists for consolidating all of the above captioned proceedings for the purposes of hearing and decision.

(2) Intervention by the above identified petitioners may be in the public interest.

(3) It is necessary and proper that a public hearing be held concerning the matters and issues involved in this consolidated proceeding.

(4) In order to expedite the hearing herein, New York Natural should serve its prepared testimony and exhibits for its case-in-chief on or before January 31, 1962.

The Commission orders:

(A) Docket Nos. G–17296, G–19087, and G–20109 are hereby consolidated for public hearing and decision on the matters and issues involved therein.

(B) Petitioners are hereby permitted to become interveners in the above-entitled proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene: *And, provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that such interveners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held commencing February 19, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in this proceeding.

(D) The applicant, New York Natural, shall serve its prepared testimony and exhibits for its case-in-chief upon all parties, on or before January 31, 1962.

(E) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11251; Filed, Nov. 28, 1961; 8:46 a.m.]

[1] Orders issued in Docket No. G–17296 on April 30, 1959, August 17, 1959 and November 4, 1959, permitted intervention by certain parties as described therein. By order issued December 16, 1959, in Docket No. G–19087 interventions were permitted as set forth in said order.

[Docket No. G–19917]

TEXACO INC.

Order Severing and Terminating Proceeding, in Part

NOVEMBER 20, 1961.

On December 15, 1959, Texaco Inc. (Texaco), tendered for filing a proposed increase in rate from 15.0 cents to 21.05 cents per Mcf at 15.025 psia, for the jurisdictional sale of natural gas to Gas Gathering Corporation, from Happytown Field, St. Martin Parish, La. By order of January 13, 1960, the proposed increased rate, designated Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 122, was suspended. That supplement superseded an earlier filing which, together with proposed changes in three other Texaco rate schedules, had been suspended on October 23, 1959, in the above docket number.

Texaco filed a motion, on October 16, 1961, to terminate this proceeding insofar as it applies to the above-designated supplement. In support of its motion, Texaco states that it has made application for abandonment of the sale of gas under its Rate Schedule No. 122 on the ground that the wells from which the deliveries were made are depleted and have been abandoned.

The above-designated proceeding was consolidated with the proceedings in Docket No. AR61–2, et al., by order of May 10, 1961.

The Commission finds:

(1) The proceeding in Docket No. G–19917, insofar as it applies to the above-designated supplement, should be severed from the proceedings in Docket No. AR61–2, et al.

(2) Good cause exists for terminating the proceeding in Docket No. G–19917 as moot, insofar as it applies to the above-designated supplement.

The Commission orders:

(A) The proceeding in Docket No. G–19917, insofar as it applies to the above-designated supplement, should be severed from the proceedings in Docket No. AR61–2, et al.

(B) The proceeding in Docket No. G–19917 is hereby terminated as moot, insofar as it applies to the above-designated supplement, and, in all other respects, the proceeding is continued in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11252; Filed, Nov. 28, 1961; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corporation, Milwaukee, Wisconsin, for prior approval of the acquisition of bank shares under section 3(a)(2) of the Bank Holding Company Act of 1956.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by The Marine Corporation, Milwaukee, Wisconsin, a registered bank holding company, for the Board's prior approval of Applicant's acquisition of 80 percent or more of the voting shares of The National Manufacturers Bank of Neenah, Wisconsin; a notice of receipt of the application was published in the FEDERAL REGISTER on June 10, 1961 (26 F.R. 5245), which notice provided for the filing of comments and views regarding the proposed acquisition; the United States Department of Justice has filed with the Board a Statement of the United States in Opposition to the application, to which Applicant filed a Reply; and no other comments or views having been filed:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, and the acquisition by The Marine Corporation of 80 percent or more of the voting shares of The National Manufacturers Bank of Neenah is hereby approved, provided that the acquisition shall be consummated not less than seven calendar days, nor more than three months, after the date of this order.

Dated at Washington, D.C., this 22d day of November 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61–11253; Filed, Nov. 28, 1961; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–472]

BOND INVESTMENT TRUST OF AMERICA

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 20, 1961.

Notice is hereby given that The Bond Investment Trust of America ("Applicant"), Boston, Massachusetts, a common-law trust organized under Massachusetts law and an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

On April 1, 1959, Applicant mailed to its shareholders proxy material relating to the proposed transfer of substantially all of its assets in exchange for shares of The Colonial Fund, Inc. ("Colonial") on the basis of the respective net asset values of the shares of Applicant and Colonial, and the assumption by Colonial of substantially all of Applicant's liabilities.

Approval by a majority of Applicant's shareholders of the proposed exchange of assets and liquidation of Applicant was obtained in April 1959.

On May 1, 1959, Applicant transferred substantially all of its assets to Colonial in exchange for 349,996 shares of Colonial and the assumption of substantially all of Applicant's liabilities, Applicant retaining $4,953.01 for the purpose of settling fractional shares of Colonial in connection with the distribution of Colonial shares to Applicant's shareholders, and $35,826.59 for the purpose of paying a final dividend of substantially all of Applicant's undistributed net income.

Applicant also on May 1, 1959, transferred to Second Bank-State Street Trust Company ("Second Bank") the 349,996 shares of Colonial and the retained cash. Second Bank, pursuant to its instructions, on May 1, 1959, paid the final dividend to Applicant's shareholders and mailed notices to Applicant's shareholders to surrender their shares of Applicant for shares of Colonial and cash adjustments for fractional shares, if applicable.

As of November 7, 1961, only nine of Applicant's shareholders, entitled to 1,271 shares of Colonial having a market value at November 7, 1961 of approximately $15,600 have not yet surrendered their shares to Second Bank.

Applicant further states that it was completely liquidated upon transfer of cash and shares of Colonial to Second Bank, the remaining rights of its shareholders being to receive shares of Colonial and cash adjustments for fractional shares, and the receipt of any Colonial distribution made subsequent to May 1, 1959 and before the date of surrender of their shares of Applicant, which would be held by Second Bank until such surrender was made, and has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than December 5, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–11261; Filed, Nov. 28, 1961; 8:48 a.m.]

[File No. 24S–1701]

GUARANTEE MORTGAGE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 22, 1961.

I. Guarantee Mortgage, Inc. (issuer), an Oregon corporation, filed with the Commission on August 14, 1959, a notification on Form 1–A and an offering circular relating to a proposed public offering of securities for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering consisted of 100 $1,000 subordinated debentures, 10,000 warrants to purchase the issuer's Class A common stock, and the 10,000 shares underlying such warrants for an aggregate offering of $200,000.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer failed to furnish purchasers of some of the securities covered by the notification with an offering circular as required by Rule 256.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose in Item 10 of the notification all proposed public offerings to be made by the issuer.

2. The failure to disclose accurately and adequately the circumstances under which dividends would be paid on the Class A stock.

3. The failure to disclose the price and circumstances under which the Class A stock was to be offered to the public.

4. The failure to disclose accurately and adequately the compensation to be realized by the underwriter in offering the securities covered by the notification.

C. The offering has been and is being made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–11262; Filed, Nov. 28, 1961; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

FERROMANGANESE FINES HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,106 short tons of ferromanganese fines. The fines are the result of the deterioration of lump ferromanganese placed in the national stockpile.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that the ferromanganese fines are obsolescent for use in time of war. The revised determination was based upon the finding of the Office of Emergency Planning that said 1,106 short tons of ferromanganese fines are deteriorated material and are not usable for the purposes for which ferromanganese was stockpiled.

General Services Administration proposes to transfer said ferromanganese fines to other Government agencies, to offer the material for sale on a competitive basis or otherwise to dispose of it in the best interest of the Government, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: November 22, 1961.

BERNARD L. BOUTIN,
Acting Administrator.

[F.R. Doc. 61–11286; Filed, Nov. 28, 1961; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–X–31]

MANAGER, DISASTER FIELD OFFICE, CORPUS CHRISTI, TEX.

Rescission of Delegation of Authority

Notice is hereby given that this delegation (26 F.R. 207) is rescinded in its entirety.

Disaster Field Office closed effective November 20, 1961.

Effective date: November 20, 1961.

JAMES R. WOODALL,
Acting Regional Director,
Dallas Regional Office.

[F.R. Doc. 61–11264; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30–X–32]

MANAGER, DISASTER FIELD OFFICE, PORT ISABEL, TEX.

Rescission of Delegation of Authority

Notice is hereby given that this delegation (26 F.R. 207) is rescinded in its entirety.

Disaster Field Office closed effective October 31, 1961.

Effective date: October 31, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61–11265; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30–V–16]

MANAGER, DISASTER FIELD OFFICE, NASHVILLE, TENN.

Delegation Relating to Financial Assistance; Rescission

Notice is hereby given that this delegation (24 F.R. 646) is rescinded in its entirety.

Effective date: June 10, 1961.

JAMES F. HOLLINGSWORTH,
Regional Director, Region V.

[F.R. Doc. 61–11266; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30–V–31]

MANAGER, DISASTER FIELD OFFICE, MONTGOMERY, ALA.

Delegation Relating to Financial Assistance; Rescission

Notice is hereby given that this delegation (26 F.R. 3045) is rescinded in its entirety.

Effective date: October 10, 1961.

JAMES F. HOLLINGSWORTH,
Regional Director, Region V.

[F.R. Doc. 61–11267; Filed, Nov. 28, 1961; 8:48 a.m.]

[Delegation of Authority 30–V–34]

BRANCH MANAGER, JACKSONVILLE, FLA.

Delegation of Authority Relating to Financial Assistance, Procurement and Technical Assistance, Investment Program, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Rev. 6), as amended, (25 F.R. 1706, 7418 and 26 F.R. 177, 1456) there is hereby redelegated to the Branch Manager, Jacksonville Branch Office, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By: ----------,
(Name)
Branch Manager.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balances in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take all necessary actions in connection with the administration, servicing and collection of all current and problem loans.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorizations or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. Procurement and technical assistance. 1. To: (a) Determine joint setasides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

D. *Administration.* 1. To administer oaths of office.

2. For employees under your supervision, to approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

3. To: (a) Make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $25 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan offices to: (a) Obligate SBA to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles and services rendered, before forwarding to regional office.

6. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The specific authority delegated herein except subsection I A2, B1 and C1(a), may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

Effective date: November 20, 1961.

JAMES F. HOLLINGSWORTH,
Regional Director, Region V.

[F.R. Doc. 61-11268; Filed, Nov. 28, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 187]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 24, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

No. MC 730 (Deviation No. 18), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, P.O. Box 958, Oakland 4, Calif., filed November 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Alternate U.S. Highway 30 (formerly U.S. Highway 75) and U.S. Highway 6, over U.S. Highway 6 to junction Iowa Highway 64 north of Des Moines, Iowa, thence over Iowa Highway 64 to junction U.S. Highway 30 east of State Center, Iowa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Iowa Highway 212, thence over Iowa Highway 212 to Belle Plaine, Iowa, thence over Iowa Highway 131 to junction U.S. Highway 30, thence over U.S. Highway 30 to Clinton, Ill., thence over Alternate U.S. Highway (formerly U.S. Highway 30) via Fulton, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway about 4 miles east of Round Grove, Ill., thence over unnumbered highway via Emerson, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction unnumbered highway (formerly Alternate U.S. Highway 30), east of Sterling, Ill., thence over unnumbered highway via Prairieville and Palmyra, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same route.

No. MC 29555 (Deviation No. 4), BRIGGS TRANSPORTATION CO., INC., 2360 West County Road C, St. Paul, Minn., filed November 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highway 90 to La Crosse, Wis., and (B) from Madison, Wis., over Interstate Highway 94 to St. Paul, Minn., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Minneapolis, Minn., over U.S. Highway 12 to junction Wisconsin Highway 171 west of Eau Claire, Wis., thence over Wisconsin Highway 172 to Eau Claire, thence over U.S. Highway 53 to junction U.S. Highway 12 east of Eau Claire, thence over U.S. Highway 12 to Madison, thence over U.S. Highway 14 to junction Wisconsin Highway 140, thence over Wisconsin Highway 140 to the Wisconsin-Illinois State line, thence over Illinois Highway 76 to junction Illinois Highway 173, thence over Illinois Highway 173 to Harvard, Ill., thence over U.S. Highway 14 to Chicago; and from Tomah, Wis., over U.S. Highway 16 to La Crosse, and return over the same routes.

No. MC 29910 (Deviation No. 3), ARKANSAS BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., filed November 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Joplin, Mo., and Tulsa, Okla., over the Will Rogers Turnpike, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Joplin, over U.S. Highway 66 to Tulsa, and return over the same route.

No. MC 59583 (Deviation No. 3), THE MASON & DIXON LINES, INCORPORATED, P.O. Box 969, Eastman Road, Kingsport, Tenn., filed November 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70, approximately 2 miles west of Kingston, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn. over U.S. Highway 70N to Crossville, Tenn., thence over U.S. Highway 70 to Knoxville, and return over the same route.

No. MC 103017 (Deviation No. 2), MERCURY MOTOR FREIGHT LINES INC., 954 Hersey Street, St. Paul 14, Minn., filed November 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Fairchild, Wis., over U.S. Highway 10 to Bellville, Wis., thence over Wisconsin Highway 73 to Wisconsin Rapids, Wis., thence over Wisconsin Highway 54 to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Wisconsin Highway 110, thence over Wisconsin Highway 110 to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, Wis.; (B) from the junction of U.S. Highway 12 and Interstate Highways 90 and 94 over Interstate Highways 90 and 94 to junction U.S. Highway 51, thence over U.S. Highway 51 to Madison, Wis.; (C) from the junction of U.S. Highway 14 and Interstate Highway 90, over Interstate Highway 90 to Chicago, Ill.; and (D) from Madison, Wis., over U.S. Highway 30 to junction U.S. Highway 18, thence over U.S. Highway 18 to Milwaukee, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Fairchild over U.S. Highway 12 to Madison, thence over U.S. Highway 18 to Milwaukee, from the junction of U.S. Highway 12 and Interstate Highways 90 and 94, over U.S. Highway 12 to Madison; from the junction of U.S. Highway 14 and Interstate Highway 90 over U.S. Highway 14 to Chicago; and from Madison over U.S. Highway 18 to Milwaukee, and return over the same routes.

No. MC 109490 (Deviation No. 1), VIKING TRUCK SERVICE, Union Center, Wis., filed November 16, 1961. Attorney Edward Solie, 715 First National Bank Building, 1 South Pinckney Street, Madison 3, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highways 90 and 94 and U.S. Highway 51 north of Madison, Wis., over Interstate Highways 90 and 94 to junction Wisconsin Highway 23 south of Lake Delton, Wis., thence over Wisconsin Highway 23 to junction Wisconsin Highway 33, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Madison over U.S. Highway 12 to junction Wisconsin Highway 33, thence over Wisconsin Highway 33 to Union Center, Wis., thence over Wisconsin Highway 80 to Elroy, Wis., and thence over Wisconsin Highway 71 to Norwalk, Wis., and return over the same route.

No. MC 109538 (Deviation No. 2), CHIPPEWA MOTOR FREIGHT INC., 2645 Harlem Street, Eau Claire, Wis., filed November 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 12 and Interstate Highways 90 and 94, south of Lyndon Station, Wis. and north of Rocky Arbor, Wis., over Interstate Highways 90 and 94 to junction U.S. Highway 151, thence over U.S. Highway 151, to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 12 southeast of Madison, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Mauston, Wis., over U.S. Highway 12 to Chicago, Ill., and return over the same route.

No. MC 111231 (Deviation No. 14), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed November 14, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From East St. Louis, Ill., over Illinois Highway 3 to Chester, Ill., thence across the Mississippi River, thence over Missouri Highway 51 to Perryville, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis, over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line, and return over the same route.

No. MC 111231 (Deviation No. 15), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed November 16, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nettleton, Ark., over Arkansas Highway 18 to junction Arkansas Highway 181, thence over Arkansas Highway 181 to junction Arkansas Highway 151, thence over Arkansas Highway 151 to the Arkansas-Missouri State line, thence over Dunklin County Supplementary Route "TT" to junction Missouri Highway 164, thence over Missouri Highway 164 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 60, thence over U.S. Highway 60 and Interstate Highway 57 to Cairo, Ill., thence over Illinois Highway 37 to Effingham, Ill., thence over U.S. Highway 45 to Champaign, Ill., thence over U.S. Highway 150 to junction Illinois Highway 49, thence over Illinois Highway 49 to Kankakee, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Campbell, Mo., over U.S. Highway 62 to Pocahontas, Ark., thence over U.S. Highway 67 to Hoxie, Ark., and thence over U.S. Highway 63 to Turrell, Ark.; from St. Louis, Mo. over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line; from the junction of U.S. Highway 62 and Missouri Highway 25 near McGuires, over U.S. Highway 62 to the Missouri-Arkansas State line; from St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66, thence over By-Pass U.S. Highway 66 via Hamel, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 via Livingston, Ill., to junction unnumbered highway near Mt. Olive, Ill., thence over unnumbered highway via Mt. Olive, to junction U.S. Highway 66, thence over U.S. Highway 66 via Litchfield, Springfield, and Lincoln, Ill., to junction unnumbered highway near Atlanta, Ill.; and from St. Louis, over routes, as specified above, to junction U.S. Highway 66 and Illinois Highway 48, thence over Illinois Highway 48 via Decatur, Ill., to junction U.S. Highway 54, thence over U.S. Highway 54 to Onarga, Ill., thence over U.S. Highway 45 to junction Illinois Highway 115, thence over Illinois Highway 115 to Kankakee, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. 1501 (Deviation No. 71), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed November 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 85 and Interstate Highway 25 at a point near Monson Junction, Colo., over Interstate Highway 25, to junction U.S. Highway 85 at Ludlow Junction, Colo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Walsenburg, Colo., over Interstate Highway 85 to Trinidad, Colo., and return over the same route.

No. MC 8500 (Deviation No. 2), TENNESSEE COACH COMPANY, 710

Sevier Avenue, Knoxville 20, Tenn., filed November 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Knoxville and Kingston, Tenn., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Knoxville over U.S. Highway 70 to Kingston, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11278; Filed, Nov. 28, 1961; 8:50 a.m.]

[Notice 408]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 24, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub-No. 12), filed October 6, 1961. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Stanley Distillery Corp., located at or near Stanley, Ky., approximately 8 miles west of Owensboro, Ky., on or near U.S. Highway 60, as an off route point in connection with applicant's authorized regular route operations.

HEARING: December 4, 1961, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 105.

No. MC 730 (Sub-No. 199), filed September 11, 1961. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between Herlong, Calif., on the one hand, and, on the other, Missile Site locations within the defense areas in Washington, within a fifty-mile radius of Seattle and Spokane, Wash.

HEARING: January 17, 1962, at the Federal Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 7746 (Sub-No. 117), filed August 3, 1961. Applicant: UNITED TRUCK LINES, INC., E 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), serving the site of the Lower Monumental Dam located approximately forty-five (45) miles upstream from Pasco, Wash., on the Lower Snake River and points within fifteen (15) miles thereof, as an off-route point in connection with applicant's regular-route operations between Portland, Oreg. and Spokane, Wash.

HEARING: January 15, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 38400 (Sub-No. 2), filed October 3, 1961. Applicant: HITCHCOCK BROS., INCORPORATED, High Street, Canaan, Conn. Applicant's representative: William L. Mobley, Rooms 311-315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings and structures*, from Falls Village, Conn. to points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

HEARING: January 15, 1962, at the Bond Hotel, Hartford, Conn., before Examiner John L. York.

No. MC 42487 (Sub-No. 521), filed October 16, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, other than grain or feed, commodities requiring special equipment, and those injurious or contaminating to other lading), between Casper, Wyo., and the junction of U.S. Highways 87 and 10 near Billings, Mont., as follows: From Casper over U.S. Highway 87 to its junction with U.S. Highway 10 near Billings, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc., which manages Knaus Truck Lines, Inc. (MC 52746) under temporary authority granted in MC-F 6839; therefore, common control may be involved.

HEARING: January 10, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 123, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 42487 (Sub-No. 522), filed October 27, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Eugene T. Liipfert, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, (1) between Seattle and Spokane, Wash., on the one hand, and, on the other, the Missile Sites located within the defense areas in Washington within a 50-mile radius of Seattle and Spokane, Wash., and (2) between Travis Air Force Base, Calif., and points within 25 miles thereof, on the one hand, and, on the other, the Missile Sites located within the defense areas in Washington within a 50-mile radius of Seattle and Spokane, Wash.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc., which manages Knaus Truck Lines, Inc. (MC 52746) under temporary authority granted in MC-F 6839. In addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222), Foster Freight Lines, Inc., an Indiana intrastate carrier.

HEARING: January 17, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 42487 (Sub-No. 525), filed October 30, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Port Newark, N.J., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc., which manages Knaus Truck Lines, Inc. (MC 52746). In addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222), Foster Freight Lines, Inc., an Indiana intrastate carrier.

HEARING: January 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 49384 (Sub-No. 8), filed November 7, 1961. Applicant: JOHN VANDERPOL, GUS VANDERPOL AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES, 3414 Second Avenue South, Seattle, Wash. Applicant's attorney: Carl A. Jonson, 400 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and other dangerous articles*, between Oak Harbor, Wash., and points within five (5) miles thereof, on the one hand, and, on the other, Whitmarsh Siding (near Anacortes, Wash.), Mount Vernon, and points within five (5) miles thereof, and Seattle, Wash., and points within ten (10) miles thereof.

NOTE: Applicant states, "Partners as majority stockholders are in control of Peninsula Truck Lines, Inc., a carirer holding Certificate of Public Convenience and Necessity No. MC-113165 Sub 1, granted in Docket No. MC-F-4944, in which there was also granted the application of the partners to control said corporation; Peninsula Truck Lines, Inc., operated in the area to and from Seattle, Wash., and the Olympic Peninsula, which is to the south and west of the area in which the aplicants herein operate."

HEARING: January 19, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 52938 (Sub-No. 5), filed October 17, 1961. Applicant: MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such businesses, limited to movements from, to, or between plants, warehouses, or other facilities of wholesale, retail, and chain grocery and food business houses; between Kearney, N.J., and points in New York, Connecticut, Massachusetts, and Rhode Island. (2) *Bakery goods;* from Jersey City, N.J., to points in New York, Connecticut, Massachusetts, and Rhode Island. (3) *Ice Cream, Sherbets and ice cream products;* from Englewood, N.J., to points in New York, Connecticut, Massachusetts, and Rhode Island.

HEARING: January 19, 1962, at the Bond Hotel, Hartford, Conn., before Examiner John L. York.

No. MC 55236 (Sub-No. 54), filed September 14, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's representative: P. R. Steinhardt, Station A. P.O. Box 1187, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detergents, dodecyl benzene sulfonic acids*, and *slurry*, in bulk, in tank vehicles, from Lemont, Ill., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: January 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 55811 (Sub-No. 74), filed October 30, 1961. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers*, (other than corrugated) from Seymour, Ind., to points in Ohio, Kentucky, Illinois, and the lower peninsula of Michigan.

HEARING: January 11, 1962, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner W. Elliott Neffen.

No. MC 77135 (Sub-No. 16), filed October 20, 1961. Applicant: PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorneys: Frank Loughran, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish oil*, in bulk, in tank vehicles, from Warrenton, Oreg., and points within five (5) miles thereof, to points in San Francisco County (including the City of San Francisco), Calif., and points in Santa Clara, San Mateo, Alameda, and Contra Costa Counties, Calif.; and (2) *Rejected and contaminated shipments* of fish oil, from the above-specified destination points to Warrenton, Oreg., and points within five (5) miles thereof.

HEARING: January 24, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 78712 (Sub-No. 10), filed August 25, 1961. Applicant: MILLER TRANSPORTATION, INC., 1200 Home Avenue, Kokoma, Ind. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and liquid commodities, in bulk), between points in Minnesota, Michigan, and Wisconsin, on the one hand, and, on the other, points in Florida.

HEARING: January 8, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allen W. Hagerty.

No. MC 95540 (Sub-No. 385), filed October 30, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by Commission from San Angelo, Tex., to points in Alabama, Denver, Colo., Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, New Orleans, La., Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Bernard J. Hasson, Jr.

No. MC 95540 (Sub-No. 388), filed November 15, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, meat, meat products, dairy products, poultry, poultry products, fish, fish products*, with or without other ingredients, *pies, dinners, and bakery products*, in vehicles equipped with mechanical refrigeration, from Athens, Ala., to points in Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Since this publication is effected the same day that the hearing is assigned, any person or persons who may have been prejudiced by lack of sufficient notice, may file a protest against the application within 20 days from the date of this notice in the FEDERAL REGISTER.

HEARING: November 29, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Charles B. Heinemann.

No. MC 104523 (Sub-No. 20), filed September 25, 1961. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, 219 Maple Street, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt;* from Omaha, Nebr., and points within a 10-mile radius thereof, to points in Iowa and Missouri, Kansas City, Kans., and points in Kansas within the Kansas City, Kans., Commercial Zone.

HEARING: January 22, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffen.

No. MC 104523 (Sub-No. 21), filed September 25, 1961. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, 219 Maple Street, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite*, treated and untreated, in bags only, and *bentonite clay*, in bags only, from points in Butte County, S. Dak., Crook and Weston Counties, Wyo., and Bowman County, N. Dak., to points in Nebraska (except Omaha), in Oklahoma, Kansas (except Kansas City), Missouri (except Kansas City and St.

Louis), Texas, Colorado (except Denver), Iowa and South Dakota and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: January 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffen.

No. MC 105461 (Sub-No. 38), filed October 26, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lard, beef shortening, vegetable oils, blended vegetable oils, vegetable shortening, blended shortenings, oleomargarine, inedible animal and vegetable oils, and greases in containers*, from the plant sites of the Colfax Packing Company and Liberty Shortening Corporation in the City of Pawtucket, R.I., to points in Delaware, Maryland, Pennsylvania, New York (excluding points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points on Long Island, N.Y.), points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties, N.J., those points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, and Washington, D.C.; and (2) *materials, equipment, and supplies used in, or incidental to, the preparation, packing and sale of lard, beef shortening, vegetable oils, blended vegetable oils, vegetable shortening, blended shortenings, oleomargarine, inedible animal and vegetable oils and greases in containers*, from points in the destination territory above to the plant sites of Colfax Packing Company and Liberty Shortening Corporation in the City of Pawtucket, R.I.

HEARING: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 105671 (Sub-No. 3), filed September 12, 1961. Applicant: THE McFARLAND & STAMPLES TRUCKING COMPANY, 1007 Dixwell Avenue, Hamden, Conn. Applicant's attorney: Thomas W. Murrett, Joseloff, Murrett, and Throwe, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., to Waterford, Conn., and *empty containers or other such incidental facilities* (not specified) and *empty malt beverages containers*, used in transporting the above-described commodities, on return.

HEARING: January 15, 1962, at the Bond Hotel, Hartford, Conn. before Examiner John L. York.

No. MC 105733 (Sub-No. 27), filed November 14, 1961. Applicant: H. R. RITTER TRUCKING CO., INC., Route 17, Paramus, N.J. Applicant's attorney: Casey, Lane, and Mittendorf, 26 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Corinth, N.Y., to East Bridgewater and Wilmington, Mass.

HEARING: December 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

No. MC 106965 (Sub-No. 180), filed October 25, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, between Aberdeen Proving Grounds, Md., and Fort Belvoir, Va.

NOTE: Applicant states that it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia corporation, which is a carrier of petroleum products, in bulk, in tank vehicles from Friendship, N.C. to southern Virginia.

HEARING: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 107107 (Sub-No. 180), filed September 1, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus products*, not canned and not frozen, (2) *Fruit salads*, and (3) *Frozen foods*, from points in Florida, to points in North Carolina and South Carolina.

HEARING: January 15, 1962, at the Angebilt Hotel, Orlando, Fla., before Examiner Allen W. Hagerty.

No. MC 107107 (Sub-No. 181), filed September 1, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy* and *confectionery*, and (2) *Display racks, advertising and promotional material and premiums*, for the commodities named in (1) above, from Bloomington, Rock Island, and Moline, Ill. and Davenport, Iowa, to points in Georgia and Florida.

HEARING: January 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 107403 (Sub-No. 358), filed August 31, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, dry, in bulk, in special equipment, from Josephtown, Pa., to points in New Jersey on and north of New Jersey Highway 33 and New York, N.Y.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: January 11, 1962, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC 107515 (Sub-No. 373), filed October 27, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products* as defined by the Commission in Ex Parte MC 43 from San Angelo, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis) and Virginia.

NOTE: Applicant states J. L. Lawhon, president of Refrigerated Transport Co., Inc., and owner of one-half of its common stock holds permits as a contract carrier (MC 104580) and subs thereunder.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 107541 (Sub No. 7), filed October 2, 1961. Applicant: MAGEE TRUCK SERVICE INC., P.O. Box 67, Klickitat, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide (dry ice)*, from Klickitat Springs, Wash., to points in Oregon (other than The Dallas and Portland), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: January 22, 1962, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 107544 (Sub-No. 43), filed October 27, 1961. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, from Hopewell, Va., to Cape Canaveral, Fla.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113959 therefore dual operations may be involved.

HEARING: January 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 107839 (Sub No. 36), filed October 3, 1960. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's attorneys: Jones, Meiklejohn & Kilroy, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chilled and frozen juices, citrus fruits, and citrus products*, including blends, requiring refrigeration, between points in Florida, on the one hand, and, on the other, points in Wyoming, Utah, Oregon, Washington, Idaho, Montana, and Nevada; (2) *meats* and *packinghouse products*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Florida, on the one hand, and, on the other, points in Wyoming, Utah, Oregon, Washington, Idaho, Montana, Nevada, and Denver, Colorado Springs, and Pueblo, Colo.; *fresh and frozen fish*, and *fresh and frozen seafoods*, (a) between points in Florida, Georgia, Alabama, Mississippi, Louisiana ,and Texas; (b) between points in Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas, on the one hand, and, on the other, points in Wyoming, Utah, Oregon, Washington, Idaho, Montana, Nevada, Oklahoma, and Arkansas; and (c) between points in Washington, on the one hand, and, on the other, points in Oregon, Idaho, Utah, Colorado, New Mexico, Oklahoma, and Arkansas; and (4) *fresh and frozen fruits and vegetables*, and *frozen foods*, between points in Washington, Oregon, Idaho, Colorado, and Utah, on the one hand, and, on the other, points in Colorado, New Mexico, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida, restricted against service at Kennewick and Grandview, Wash., and Springdale, Ark.

NOTE: Duplication with present authority to be eliminated. Applicant states there are also possible duplications in MC 107839 (Sub No. 30), which is pending on exceptions.

HEARING: January 29, 1962, at the Federal Office Building, Seattle, Wash., before Examiner John B. Mealy.

No. MC 108703 (Sub-No. 22), filed August 14, 1961. Applicant: LEE & ESTES TANK LINES, INC., 2326 Airport Way, Seattle, Wash. Applicant's attorney: William Q. Marshall, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in tank vehicles, *liquid sugar* and *liquid corn syrup*, in bulk, in tank vehicles, and *mixtures of liquid sugar and liquid corn syrup*, in tank vehicles, and *contaminated, rejected and returned shipments* of the above-described commodities; between points in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, Wash., on the one hand, and, on the other, points in Oregon.

NOTE: Applicant states its stockholders are also part stockholders in Coast-Lee & Estes, Inc., MC 79690.

HEARING: January 16, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 112575 (Sub-No. 1), filed October 12, 1961. Applicant: SVEN JOHANSON, doing business as JOHANSON AND CARBIS OIL FIELD TRUCKING AND MOVING, P.O. Box 1008, Newcastle, Wyo. Applicant's attorney: Vincent A. Ross., 314–321 Hynds Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (not including the stringing or picking up of pipe in connection with pipe lines); *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling or pipelines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipe lines; and *commodities* (not including those specified above), which because of size or weight, require the use of special equipment, between points in Weston, Crook and Campbell Counties, Wyo., on the one hand, and, on the other, points in Nebraska on and west of Nebraska Highway 61, extending from the Nebraska-South Dakota State line to the Nebraska-Kansas State line through Merriman, Hyannis, Arthur, Ogallala, Grant, Imperial, and Benkelman, Nebr., and those in South Dakota West of the Missouri River, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: January 12, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 233, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 112750 (Sub-No. 70), filed September 28, 1961. Applicant: ARMORED CARRIER CORPORATION, 227–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Eye glasses, including frames, lenses, and other parts thereof; audit media, punch cards, and other business papers, documents and records* (excluding plant removals); and *Exposed and processed film, microfilm and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibitions), between St. Louis, Mo., and points in Alexander, Bond, Calhoun, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Illinois; Brown, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick Counties, Indiana; and Ballard, Butler, Caldwell, Callaway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Kentucky.

HEARING: January 11, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner E. Riggs McConnell.

No. MC 113475 (Sub-No. 12), filed October 30, 1961. Applicant: RAWLINGS TRUCK LINE, INC., Purdy, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flake board* and *lumber* (except plywood and veneer), from Waverly, Va., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, and the District of Columbia.

HEARING: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 113651 (Sub-No. 38), filed August 7, 1961. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts, dairy products*, and *articles* distributed by meat packinghouses as described in list *A. B. & C. of Appendix I in 61 M.C.C. 209 and 61 M.C.C. 766*, from Indianapolis, Ind., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *refused* and *rejected shipments*, on return.

HEARING: January 12, 1962, at 11:30 o'clock a.m., United States Standard Time, at the Indiana Public Service Commission, New State Office Building, 100 North Seanate Avenue, Indianapolis, Ind., before Examiner W. Elliott Neffen.

No. MC 114045 (Sub-No. 79), filed October 30, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from San Angelo, Tex., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee (except Memphis), Vermont, Virginia, Washington, D.C., and West Virginia.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson.

No. MC 114098 (Sub-No. 24), filed October 12, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers, water heaters, tanks,* and *fittings*, on flat trailers, from Dover, N.J., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Kentucky, South Carolina, North Carolina, Tennessee, and Virginia.

HEARING: January 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 114126 (Sub-No. 2), filed October 18, 1961. Applicant: ASSOCIATED ENTERPRISES, LTD., a corporation, Box 139, Salmo, British Columbia. Applicant's attorney: Carl P. Jensen, 1114 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points on the International Boundary Line between the United States and Canada located in Montana, and Ports of Entry at or near Porthill and Eastport, Idaho, Oroville, Ferry, Danville, Cascade, Northport, Wash., to points in Washington, Idaho, and Montana.

HEARING: January 10, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 114569 (Sub-No. 42), filed November 14, 1961. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Westchester, Pa., to points in Arizona, Illinois, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, Virginia, West Virginia, Maryland, New Jersey, New York, Kentucky, Tennessee, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Oklahoma, Texas, Utah, Colorado, Nebraska, North Dakota, South Dakota, New Mexico, and California.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 114569 (Sub-No. 43), filed November 14, 1961. Applicant: SHAFFER TRUCKING, INCORPORATED, Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries, confectionery and related chocolate products, candy, confectionery materials, syrups, cocoa, and advertising (promotional and display materials and premiums)*, from points in Dauphin and Lancaster Counties, Pa., to points in Florida.

HEARING: December 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner William R. Tyers.

No. MC 114569 (Sub-No. 44), filed November 15, 1961. Applicant: SHAFFER TRUCKING INC., Elizabethville, Pa. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Confectioneries, confectionery, and related chocolate products*, from points in Dauphin County, Pa., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wisconsin, Minnesota, Iowa, Mississippi, and St. Louis, Mo.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114569 (Sub-No. 45), filed November 15, 1961. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries, confectionery*, and *related chocolate products* (A) from Reading, West Reading, and Lititz, Pa., to points in Texas, Oklahoma, Mississippi, Louisiana, Alabama, and Kentucky, and (B) from points in Derry Township, Dauphin County, Pa., to Memphis, Tenn., and points in Oklahoma, Alabama, Kentucky, and Arkansas.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114803 (Sub-No. 8), filed August 30, 1961. Applicant: JOSEPH E. GLACKEN AND CHARLES E. GLACKEN, doing business as GLACKEN BROS., 4083 Faries Parkway, Decatur, Ill. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and compressed gases* (except liquefied petroleum gases), in cylinders and in shipper-owned trailers, and cylinder cradles, from the plant site of National Petrol Chemical Co., at Ficklin, Ill., to points within 25 miles of and including Denver, Colo., Detroit, Mich., St. Louis, Mo., Kansas City, Mo., and Lima, Ohio, and points within 15 miles thereof, and (2) *shipper-owned trailers and empty cylinders*, on return. RESTRICTION: The operations herein will be limited to a transportation service to be performed under a continuing contract or contracts with Air Reduction Sales Company, a division of Air Reduction Co., Inc., New York, N.Y. No duplicating authority is requested, and applicant agrees to elimination of any duplications in existing permits.

NOTE: Common control may be involved.

HEARING: January 16, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 115331 (Sub-No. 22), filed November 13, 1961. Applicant: TRUCK TRANSPORT, INC., Crystal City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients, fertilizer, fertilizer ammoniating solutions,* and *phosphatic solutions*, from Minneapolis and St. Paul, Minn., and points within ten (10) miles thereof to points in Wisconsin, Iowa, Illinois, Nebraska, and Missouri.

HEARING: December 14, 1961, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lacy W. Hinley.

No. MC 116319 (Sub-No. 6), filed October 30, 1961. Applicant: HODGES TRUCKING, INC., North 2928 Nevada Street, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siliceous ore*, from the site of the Zalla-M-Mines located approximately eight (8) miles northeast of Republic, Wash., to the Port of Entry on the International Boundary Line between the United States and Canada at or near Northport, Wash.

HEARING: January 12, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 117025 (Sub-No. 11), filed September 18, 1961. Applicant: LeROY HILT, 3751 Sumner Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and *malt beverages*, from Omaha, Nebr., to points in Colorado and Wyoming, and *empty malt beverage containers*, on return.

HEARING: January 23, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffen.

No. MC 117529 (Sub No. 1), filed October 4, 1961. Applicant: MILTON J. HOPKINS III, doing business as HOPPIE'S SERVICE STATION AND TOWING, Route No. 1, Barnhart, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, and disabled motor vehicles*, by use of wrecker equipment only, between points in Indiana, Missouri, and Ohio.

HEARING: January 12, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner E. Riggs McConnell.

No. MC 117980 (Sub-No. 1), filed October 30, 1961. Applicant: WILLIAM BADGIO & SONS, INC., 291 Green Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., and Philadelphia, Pa., to Brockton, Mass., (2) from New York, N.Y., Weehawken, N.J., Baltimore, Md., and Philadelphia, Pa., to Manchester, N.H., New Bedford, Cambridge, and Worcester, Mass., and Providence, R.I., and (3) from Brockton, Mass., to Providence, R.I., and Manchester, N.H., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, in connection with routes (1), (2), and (3) above on return.

NOTE: Applicant also proposes to transport exempt commodities, on return.

HEARING: January 24, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner John L. York.

No. MC 119641 (Sub-No. 31), filed November 13, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Iron and steel articles*, as described by the Commission in Ex Parte No. MC-45, Description in Motor Carrier Certificates, 61 M.C.C. 276–278, and (2) *rejected and returned shipments*, between Kokomo, Ind., on the one hand, and, on the other, points in Iowa, Wisconsin, Missouri, Minnesota, and Nebraska.

HEARING: January 10, 1962, at the Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner W. Elliott Neffen.

No. MC 119895 (Sub.-No. 4), filed September 28, 1961. Applicant: INTERCITY EXPRESS, INC., P.O. Box 1055, Fort Dodge, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, packinghouse products*, and *commodities used by packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, (a) from Fort Dodge, Iowa, to Springfield, Mo., and Fort Smith and Little Rock, Ark., (b) from Springfield, Mo., to Fremont, Nebr., Fort Dodge, Iowa, and Austin and Owatonna, Minn.; (c) from Fremont, Nebr., to Fort Dodge, Iowa, and Austin, Minn.; and (d) from Fort Dodge, Iowa, to Fremont, Nebr.; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to their respective origin points.

HEARING: January 25, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffen.

No. MC 119934 (Sub-No. 36), filed November 20, 1961. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Michigan, and Ohio.

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 123294 (Sub-No. 6), filed August 28, 1961. Applicant: WARSAW TRUCKING CO., INC., R.R. No. 5, Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry materials and supplies*, from points in New York, Ohio, Illinois, Iowa, Michigan, West Virginia, Kentucky, and Pennsylvania to the plant site of the Dalton Foundries, Inc., located at Warsaw, Ind.

HEARING: January 17, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 123864 (Sub-No. 1), filed August 30, 1961. Applicant: DUANE SHUNK, DONALD MAHLENDORF AND PHILIP SHUNK, doing business as S. M. S. TRUCKING CO., Valley, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean meal*, in bulk, and in sacks, from Des Moines, Sioux City, Redfield and Belmond, Iowa, to Denver, Longmont, Fort Collins, Greeley, Kersey, Loveland, Platteville, and Lucerne, Colo., and *rejected shipments*, on return.

HEARING: January 24, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffen.

No. MC 123926, filed September 13, 1961. Applicant: FLOYD EASTMAN, 728 South Thor Street, Spokane 31, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel*, and *road-mix material*, between points in Spokane, Pend Oreille, and Whitman Counties, Wash., and points in Nez Perce, Benewah, Latah, Bonner, and Kootenai Counties, Idaho.

HEARING: January 11, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 123931, filed September 18, 1961. Applicant: DONOVAN F. CROSSMAN, 803 East North Street, Rapid City, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and *related materials and supplies*, used in the wholesale distribution thereof, from Omaha, Nebr., and St. Louis, Mo., to Rapid City, S. Dak., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: January 24, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffen.

No. MC 123962, filed October 3, 1961. Applicant: HOWARD HUGH KING, doing business as KING MOTOR COMPANY, 2201 Channing Street NE., Washington, D.C. Applicant's attorney: Joel Savits, 1001 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, by use of wrecker equipment, between points in Maryland, Virginia, Delaware, and the District of Columbia.

HEARING: January 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 123971, filed October 6, 1961. Applicant: CLARK TRANSFER COMPANY, INC., 2610 Loma Linda Street, Sarasota, Fla. Applicant's attorney: Lawrence D. Fay, 512 Barnett National Bank Building, P.O. Box 1086, Jacksonville 1, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between points in Manatee, Sarasota, Charlotte, Lee, Collier, and De Soto Counties, Fla.

HEARING: January 9, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 123990, filed October 18, 1961. Applicant: LELAND F. MARXSEN, doing business as MARXSEN GARAGE & TRANSFER, 1920 North Irving Fremont, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, (2) *Machinery and implements used or useful in processing agricultural commodities*, (3) *fans and beach cleaners*, and (4) *parts and accessories*, for the commodities named in (1), (2), and (3) above when moving such commodities, from Gering, Nebr., to points in the United States (except Hawaii and Alaska), and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: January 11, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Lyle C. Farmer.

No. MC 124008, filed Oct. 26, 1961. Applicant: GOODMAN MOTOR TRANSPORT CO., LTD., 5650 Kingston Road, Vancouver, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between Ports of Entry on the International Boundary at or near Blaine, Sumas, or Lynden and points in Whatcom, Skagit, Snohomish, King, and Pierce Counties, Wash.

NOTE: Applicant states the proposed service will be "in foreign commerce only."

HEARING: January 18, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 124018, filed October 30, 1961. Applicant: STANLEY D. PEEK, 13725 Southwest Farmington Road, Beaverton, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Longview and Raymond, Wash., to Portland, Oreg.

HEARING: January 23, 1962, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue,

Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 124032, filed November 6, 1961 Applicant: REED'S FUEL CO., INC., 138 North Fifth Street, Springfield, Oreg. Applicant's attorney: Edward C. Harms, Jr., United States National Bank Building, Springfield, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber commodities; specifically finished and semifinished lumber wood products and veneer*, from points in Lane and Benton Counties, Oreg., to the Ports of Portland, Coos Bay, Yaquina Bay (Newport), and Siuslaw (Florence), Oreg.

HEARING: January 25, 1962, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 233), filed July 13, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail*, in the same vehicle with passengers, (1) between St. Petersburg, Fla., and Miami, Fla.; from St. Petersburg over U.S. Highway 19 to Bradenton, Fla., thence over U.S. Highway 41 to Miami, Fla., and return over the same route, serving all intermediate points; and (2) between junction of U.S. Highway 41 and Florida Highway 72 and junction of U.S. Highway 27 and Florida Highway 70; from the junction of U.S. Highway 41 and Florida Highway 72 (6 miles south of Sarasota, Fla.), thence over Florida Highway 72 to junction of Florida Highway 70 (1 mile west of Arcadia) thence over Florida Highway 70 to junction of U.S. Highway 27, and return over the same route, serving all intermediate points.

HEARING: January 22, 1962, at the Orange Blossom Hotel, Main Street and Palm Avenue, Sarasota, Fla., before Joint Board No. 205, or if, the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 61016 (Sub-No. 16), filed October 2, 1961. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, during the racing season, from Springfield and West Springfield, Mass., to Saratoga Race Track, Saratoga Springs, N.Y., and return.

HEARING: January 18, 1962, at the Bond Hotel, Hartford, Conn., before Examiner John L. York.

No. MC 85028 (Sub-No. 4), filed August 15, 1961. Applicant: BERKSHIRE STREET RAILWAY COMPANY, a corporation, 1277 East Street, Pittsfield, Mass. Applicant's attorney: George W. McLaughlin, The Sixth Floor, 19 Congress Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between the Berkshires (Berkshire County), Mass., and New York City, N.Y.; (a) from Williamstown, Mass., at junction Massachusetts Highway 2 and U.S. Highway 7, over Massachusetts Highway 2 to North Adams, thence over Massachusetts Highway 8 to junction with Massachusetts Highway 9, thence over Massachusetts Highway 9 to Pittsfield, thence over combined U.S. Highways 20 and 7 to Lenox, thence over U.S. Highway 7 to Great Barrington, Mass., thence from Great Barrington over Massachusetts Highway 23 through South Egremont to the Massachusetts-New York State Line, thence over New York Highway 23 through Hillsdale, Crary ville, Claverack to Hudson, N.Y., continue on New York Highway 23 across the Hudson River to Catskill, N.Y., thence over New York Thruway, entering at Exit No. 21 and continuing to Exit No. 15 at Suffern, N.Y., thence over New Jersey Highway 17 from the New York-New Jersey State Line to it's intersection with New Jersey Highway 3, at Rutherford, N.J., thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading into the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue, and return over the same route, serving the intermediate points of North Adams, Adams, Cheshire, Lanesboro, Pittsfield, Lenox, Stockbridge, Great Barrington, South Egremont, Mass., and Hillsdale, Crary ville, Claverack, Hudson, N.Y., (b) leaving New York Thurway at Exit No. 14A, thence over Garden State Parkway Extension to New York-New Jersey State Line, thence over Garden State Parkway to Exit No. 153, thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue, and return over the same route, serving the intermediate points as shown in (a) above, and (c) leaving New York Thruway at Exit No. 14A, thence over Garden State Parkway Extension to New York-New Jersey State Line, thence over Garden State Parkway to Exit No. 157, thence over U.S. Highway 46 to it's intersection with the New Jersey Turnpike, thence over New Jersey Turnpike to Exit No. 16, thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue, and return over the same route, serving the intermediate points as shown in (a) and (b) above, (d) from Williamstown, Mass., at junction Massachusetts Highway 2 and U.S. Highway 7, over Massachusetts Highway 2 to North Adams, thence over Massachusetts Highway 8 to junction with Massachusetts Highway 9, thence over Massachusetts Highway 9 to Pittsfield, thence over combined U.S. Highways 20 and 7 to Lenox, thence over U.S. Highway 7 to Great Barrington, Mass., thence from Great Barrington, over U.S. Highway 7 through Sheffield, Ashley Falls, Mass., to Massachusetts-Connecticut State Line, thence over U.S. Highway 7 through Canaan, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford, Brookfield, Danbury, Branchville, Wilton to Norwalk, Conn., and thence over the Connecticut Turnpike (Route 95) to Connecticut-New York State Line, thence over New York's New England Thruway to Exit No. 5 at Borough of the Bronx, New York City, from Exit No. 5 thence on Connors Street, New York City to East 233d Street (Route 22) thence on East 233d Street to Major Deegan Highway to Bronx exit at West 155th Street to Seventh Avenue, thence on Seventh Avenue to Cathedral Parkway, thence on Cathedral Parkway to Columbus Avenue, continuing on Columbus Avenue to Ninth Avenue; thence on Ninth Avenue to 40th Street, thence on 40th Street in to the Port of New York Authority Midtown Bus Terminal at Eighth Avenue. Returning from the Port of New York Authority Midtown Bus Terminal on 41st Street, thence on 41st Street to Tenth Avenue, continuing on Tenth to Amsterdam Avenue, thence on Amsterdam Avenue, to Cathedral Parkway, thence on Cathedral Parkway to Seventh Avenue and at West 155th Street over the Bronx exit to Major Deegan Highway, with the balance of return trip over same route as shown above, serving the intermediate points of North Adams, Adams, Cheshire, Lanesboro, Pittsfield, Lenox, Stockbridge, Great Barrington, Sheffield, Ashley Falls, Mass., Canaan, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford, Brookfield, Conn.

NOTE: Applicant states the intermediate point of Danbury, Conn., will be used to discharge southbound passengers and to board northbound passengers, only.

HEARING: January 12, 1962, at 346 Broadway, New York, N.Y., before Examiner John L. York.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12775, filed October 30, 1961, Applicant: HARVARD STUDENT AGENCIES, INC., 4 Holyoke Street, Cambridge, Mass. Applicant's attorney: Paul A. Powell, 85 Devonshire Street, Boston 9, Mass. For a license (BMC 4) to engage in operations as a *broker* at Cambridge, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *General commodities*, between points in the United States, including ports of entry on the International Boundary lines between the United States and Canada and the United States and Mexico.

HEARING: January 26, 1962, at the New Post Office and Courthouse Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner John L. York.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub-No. 83), filed November 16, 1961. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, automobiles, coal, sand, gravel, Portland cement, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kansas City, Mo., and Albuquerque, N. Mex.; from Kansas City over U.S. Highway 50 to junction U.S. Highway 50S, thence over U.S. Highway 50S to Hutchinson, Kans.; thence over Kansas Highway 61 to Pratt, Kans.; thence over U.S. Highway 54 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Albuquerque, and return over the same route, serving no intermediate points and serving Albuquerque for the purpose of joinder only as an alternate route in connection with carrier's authorized regular-route operations between Chicago, Ill. and Albuquerque, N. Mex., and between St. Louis, Mo., Kansas City, Mo. and Albuquerque, N. Mex.

No. MC 41849 (Sub-No. 12), filed November 16, 1961. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump trucks, from St. Louis, Mo., to that portion of Indiana beginning at a point along U.S. Highway 136 at the Indiana-Illinois border near Danville, Ill.; thence east along U.S. Highway 136 to junction of Indiana Highway 37 at Indianapolis, Ind.; thence south along Indiana State Highway 37 to the Ohio River; thence west along the Ohio River to a point along the Indiana-Illinois border near Shawneetown, Ill.; thence north along the Indiana-Illinois border to the point of beginning.

No. MC 66562 (Sub-No. 1857), filed November 13, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Incorporated, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Philadelphia, Pa., and Binghamton, N.Y., as follows: From Philadelphia over Pennsylvania Highway 43 to junction Conshohocken State Road, thence over Conshohocken State Road to Norristown, Pa., interchange of Pennsylvania Turnpike, thence over Northeast Extension of Pennsylvania Turnpike to Wilkes-Barre, Pa., interchange of Pennsylvania Turnpike, thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., thence over Pennsylvania Highway 315 to junction U.S. Highway 11, thence over U.S. Highway 11 to Scranton, Pa. (also Northeast Extension of Pennsylvania Turnpike from Wilkes-Barre to Scranton, Pa.), thence over U.S. Highway 11 to Binghamton, and return over the same route, serving the intermediate points of Allentown, Wilkes-Barre, and Scranton, Pa. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states that traffic to be handled will be interchanged with rail or air express service on through trains or planes operating to or from points throughout the country at Philadelphia, Pa., and Binghamton, N.Y.

No. MC 66562 (Sub-No. 1858), filed November 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Suite 1220, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service; serving Harriman, Tenn. as an intermediate point in connection with applicant's authorized regular route operations between Chattanooga, Tenn. and Oneida, Tenn., over U.S. Highway 27, in Certificate No. MC 66562 (Sub-No. 938). RESTRICTIONS: The service to be performed by applicant shall be service which is auxiliary to, or supplemental of, express service. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service.

No. MC 66562 (Sub-No. 1859), filed November 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service; serving Centreville, Md. as an off-route point in connection with applicant's presently authorized regular route operations between Dover, Del. and Oxford, Md. in Certificate No. MC 66562 (Sub-No. 1141). RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 66562 (Sub-No. 1861), filed November 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between New Haven, Conn. and Springfield, Mass.; from New Haven over Alternate U.S. Highway 5 and U.S. Highway 5, and return over the same route, serving the intermediate points of Meriden, Berlin, and Hartford, Conn. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 109637 (Sub-No. 190), filed November 13, 1961. Applicant: SOUTHERN TANK LINES, INCORPORATED, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detergents*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Arkansas.

NOTE: Applicant states that it is under common control with Alabama Tank Lines, Inc.

No. MC 111812 (Sub-No. 140), filed November 13, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hospers, Iowa, to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M.C.C. 673, and Joliet, Ill.

No. MC 113325 (Sub-No. 14), filed November 15, 1961. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis, 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichlorosaline*, in bulk, in shipper-owned tank vehicles, from the plant site of Monsanto Chemical Company at or near St. Peters, Mo., to Sistersville, W. Va.

No. MC 123625 (Sub-No. 1), filed October 13, 1961. Applicant: GATE SIX WRECKER SERVICE, INC., Oak Grove, Ky. Applicant's attorney: D. Paul Alagia, Jr., 650 Baxter Avenue, Louisville 4, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles;* between points in Kentucky and Tennessee within 25 miles of the junction of U.S. Highway 41–A with the Kentucky-Tennessee State line.

No. MC 123992 (Sub-No. 1), filed November 15, 1961. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *mortar;* from West Winfield, Pa., to points in Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Harrison, Belmont, Geauga, Lake, Portage, Stark, Tuscarawas, Guernsey, Cuyahoga, Summit, Wayne, Holmes, Coshocton, Muskingum, Lorain, Medina, Ashland, Knox, Licking, Fairfield, Noble, Perry, Erie, Huron, Crawford, Morrow, Hocking, Morgan, Monroe, Washington, Athens, Meigs, Richland, and Carroll Counties, Ohio, Garrett, Allegany, Washington, Frederick, and Carroll Counties, Ohio, Garrett, Allegany, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Tyler, Taylor, Pleasants, Wood, Ritchie, Dodridge, Harrison, Barbour, Tucker, Mineral, Grant, Hardy, Hampshire, Morgan, Berkeley, Jefferson, Wirt, Gilmer, Lewis, Upshur, Randolph, Pendleton, Jackson, Calhoun, Roane, Braxton, Clay, Nicholas, Webster, and Pocahontas Counties, W. Va.; and (2) from Universal, Pa., to points in Ohio, Maryland, and West Virginia within 175 miles of Universal.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 111624. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority, and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124034 (Sub-No. 3), filed November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages; (1) From the plant site of the Universal Atlas Cement Division, United States Steel Corporation, located in or near Hudson, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (2) From the plant site of Lone Star Cement Corporation, located in or near Hudson, N.Y., to points in Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, and Vermont; and (3) From the plant site of the Alpha Portland Cement Company, located in or near Jamesville, N.Y., to points in McKean, Potter, Tioga, Bradford, Cameron, Susquehanna, Sullivan, Lycoming, and Clinton Counties, Pa.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 117538 and Subs thereto. This is an application to convert its existing contract carrier authority, as pertains to cement, to common carrier authority, and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124047, November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* and *mortar;* (a) from Fairborn, Ohio, and points within one mile thereof, to points in Indiana and points in that part of Kentucky within 175 miles of Fairborn, Ohio; and (b) from Superior, Ohio, to points in Kentucky located in counties lying east of Jefferson, Spencer, Nelson, Marion, Taylor, Adair, Russell, Wayne, and McCreary Counties, and points in West Virginia (except those located in Preston, Tucker, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties); (2) *Cement*, between Ironton, Ohio, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, and extending along Kentucky Highway 55 to Columbia, Ky., thence along Kentucky Highway 80 to Somerset, Ky., and thence along U.S. Highway 27 to the Kentucky-Tennessee State line, and points in that part of West Virginia on and west of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 250 to the West Virginia-Virginia State line; (3) *Cement*, in bulk and in packages, from the plant site of the Peninsular Portland Cement Division of the General Portland Cement Company, located at or near Paulding, Ohio, to points in Indiana, Ohio, and the lower peninsula of Michigan.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 111623 and Subs thereto. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority, and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124048, filed November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and mortar*, in bulk, in tank vehicles, and in bags; (a) from points in Greencastle Township, Putnam County, Ind., to points in Illinois, Ohio, and Kentucky within 150 miles of Greencastle, Ind., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission; and (b) from Buffington, Ind., to points in Illinois, and Wisconsin, within 160 miles of Buffington. (2) *Cement*, in bulk; from the plant site of Universal Atlas Cement Division of United States Steel Corporation, at Buffington, Ind., to Muskegon, Mich., and points in Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Hillsdale, Ingham, Jackson, Kalamazoo, Kent, Lenawee, Livingston, St. Joseph, Van Buren, and Washtenaw Counties, Mich. (3) *Cement*, in bags; from the plant site of Universal Atlas Cement Division of United States Steel Corporation at Buffington, Ind., to points in Ingham, Jackson, Lenawee, Livingston, and Washtenaw Counties, Mich.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 113993 and Subs thereto. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority and constitutes the election provided in report of the Commission, in No. MC-27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

No. MC 124049, filed November 16, 1961. Applicant: SCHWERMAN TRUCKING CO. OF TEXAS, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement:* from Dallas and Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma.

NOTE: Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. 117178. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7997. Authority sought for purchase by REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif., of a portion of the operating rights of HOWARD TENNYSON, doing business as TENNYSON TRANSFER & STORAGE CO., 314 South Sixth Street, Boise, Idaho, and for acquisition by PAUL J. SMITH and O. K. FERRY, 330 South Central Avenue, Los Angeles 13, Calif., of control of such rights through the purchase. Applicants' attorneys: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis., and Maurice H. Greene, 300 North Sixth Street, Boise, Idaho. Operating rights sought to be transferred: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between points in Adams, Valley, Washington, Payette, Gem, Canyon, Boise, Ada, Elmore, and Owyhee Counties, Idaho, on the one hand, and on the other, points in Washington, Oregon, California, Nevada, and Utah, between points in Malheur and Harvey Counties, Oreg., on the one hand, and on the other, points in Oregon, California, Washington, Nevada, and Utah, between points in Idaho, on the one hand, and on the other, points in Utah, Oregon, and Washington, and between points in Idaho, on the one hand, and on the other, points in Nevada. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Minnesota, Nebraska, Colorado, Michigan, Wyoming, Utah, Nevada, California, Louisiana, Maine, Connecticut, Delaware, Indiana, Kentucky, Maryland, Mississippi, New Hampshire, Massachusetts, Missouri, New Jersey, New York, Ohio, Kansas, Texas, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Oklahoma, Arkansas, Rhode Island, Vermont, Alabama, Florida, Georgia, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7998. Authority sought for purchase by GEORGE W. BROWN, INC., 1475 East 222d Street, New York, N.Y., of the operating rights of EAGLE MOTOR EXPRESS COMPANY (RUSSELL J. LaMARCA, TRUSTEE for CERTAIN CREDITORS of EAGLE MOTOR EXPRESS COMPANY), Berks County Trust Building, Reading, Pa., and for acquisition by GEORGE W. BROWN and GEORGE W. BROWN, JR., both of 1475 East 222d Street, New York, N.Y., of control of such rights through the purchase. Applicants' attorneys: William Biederman, 280 Broadway, New York 7, N.Y., and John W. Speicher, 44 North Sixth Street, Reading, Pa. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, livestock, alcoholic liquors, household goods, commodities in bulk, and commodities requiring special equipment, as a *common carrier* over regular routes from Reading, Pa., to New York, N.Y., and from New York, N.Y., to Reading, Pa., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, Massachusetts, Rhode Island, Virginia, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8001. Authority sought for purchase by HOWARD N. DAHLSTEN, an individual, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr., of a portion of the operating rights of KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicants' representative: C. A. Ross, 1005 Terminal Building, Lincoln 8, Nebr. Operating rights sought to be transferred: *Salt*, as a *common carrier* over irregular routes from Hutchinson, Kans., to points in Iowa, and from Kanopolis, Kans., to Ackley, Belmond, Buckingham, Des Moines, Galt, Hampton, Marshalltown, Roland, Sioux City, Walker, and Waverly, Iowa. Vendee is authorized to operate as a *common carrier* in Kansas, Illinois, Iowa, Nebraska, Colorado, Montana, Minnesota, North Dakota, South Dakota, Wyoming, Missouri, Oklahoma, Arkansas, New Mexico, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8002. Authority sought for purchase by GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kansas, of the operating rights of McMAKEN TRANSPORTATION COMPANY (EDWARD G. GARVEY, TRUSTEE), 4684 Leavenworth Street, Omaha, Nebr., and for acquisition by WILLIAM H. GRAVES, 236 South Phillips Street, Salina, Kans., JOHN A. GRAVES, 120 South Hilldale, Salina, Kans., LOWELL P. GRAVES, 92 Shawnee Avenue, Kansas City, Kans., and DWIGHT L. GRAVES, 2450 South Poplar, Wichita, Kans., of control of such rights through the purchase. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Norfolk, Nebr., and Omaha, Nebr., between Columbus, Nebr., and Omaha, Nebr., between Fremont, Nebr., and Omaha, Nebr., between Fremont, Nebr., and Lincoln, Nebr., between Westpoint, Nebr., and Blair, Nebr., between Westpoint, Nebr., and Sioux City, Iowa, between Oakland, Nebr., and junction U.S. Highway 77 and Nebraska Highway 94, serving all intermediate points except those between Lincoln and Omaha, Nebr., over U.S. Highways 6 and 275 and Nebraska Highways 31, 50, and 38; and the off-route points of Stanton, Nebr., and Council Bluffs, Iowa, with service restricted against the transportation of traffic moving solely between Norfolk and Columbus, Nebr.; *general commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, commodities in bulk, other than salt, and those requiring special equipment, between Omaha, Nebr., and Plattsmouth, Nebr., serving no intermediate points, between Omaha, Nebr., and Wichita, Kans., serving Lincoln, Nebr., and all intermediate points between Belleville and Wichita, Kans., including Belleville; between junction U.S. Highway 81 and Kansas Highway 17, and Wichita, Kans., serving the intermediate point of Hutchinson, Kans., and between Newton, Kans., and Hutchinson, Kans., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Wichita, Kans., and Oklahoma City, Okla., serving the intermediate and off-route points of Enid, Okla., those within five miles of Wichita, Kans., and those in the Oklahoma City, Okla., Commercial Zone without restriction; the intermediate and off-route points of Blackwell, Okla., and those on U.S. Highway 60 between Tonkawa and Pond Creek, Okla., restricted to delivery, and the off-route point of Ponca City, Okla., restricted to delivery of the above-specified commodities, and pickup of *petroleum products in containers*, between Enid, Okla., and junction U.S. Highway 77 and Oklahoma Highway 15, serving all intermediate points and serving junction of U.S. Highway 77 and Oklahoma Highway 15 for the purpose of joinder only, and over several alternate routes for operating convenience only; *lubricating oil and grease in containers*, over irregular routes from points in Oklahoma and Kansas, to Beatrice, Omaha, and Lincoln, Nebr. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Colorado, Nebraska, Iowa, Oklahoma, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8003. Authority sought for purchase by TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., of the operating rights of GUNN MOTOR EXPRESS, INCORPORATED, 188 Church Street, Beverly, N.J., and for acquisition by ROBERT B. GOTFREDSON and CHARLOTTE B. GOTFREDSON, both of Detroit, of control of such rights through the purchase. Applicants' attorney: Howell Ellis, 1210–12 Fidelity Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Bordentown, N.J., and Philadelphia, Pa., serving all intermediate and certain off-route points; *pipe, pipe fittings, castings, and machinery*, over irregular routes from Florence, N.J., to Baltimore, Md., and Philadelphia, Pa., and points in Delaware and Pennsylvania within 85 miles of Philadelphia; *agricultural commodities*, from points in Burlington County, N.J., to New York, N.Y., and Philadelphia, Pa.; *fertilizer*, from Philadelphia, Pa., to points in Burlington County, N.J., and *iron grinding balls*, in bulk, in dump vehicles, from points in Cinnaminson Township, Burlington County, N.J., to certain points in Pennsylvania. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, New York, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, Connecticut, Iowa, Minnesota, Nebraska, Massachusetts, Rhode Island, Kansas, Maryland, West Virginia, Virginia, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–7999. Authority sought for purchase by SCHENECTADY TRANSPORTATION CORPORATION, 1334 Albany Street, Schenectady, N.Y., of the operating rights and property of SARATOGA BUS SERVICE, INC., Excelsior Avenue, Saratoga Springs, N.Y., and for acquisition by T. MILEN RHODES, 1475 Broadway, New York, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Shereff Brothers, 292 Madison Avenue, New York 17, N.Y. Operating rights sought to be transferred: *Passengers* and their baggage in round trip charter-party service limited to eight passengers in addition to the driver in each vehicle, during the season from September 1 to June 15, inclusive, as a *common carrier* over irregular routes beginning and ending at Skidmore College in Saratoga Springs, N.Y., and ex-

tending to points in Connecticut, Massachusetts, New Hampshire, New Jersey, and Rhode Island. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8000. Authority sought for purchase by SCHENECTADY TRANSPORTATION CORPORATION, 1334 Albany Street, Schenectady, N.Y., of the operating rights and property of WHITEHALL AUTOBUS CO., INC., Excelsior Avenue, Saratoga Springs, N.Y., and for acquisition by T. MILEN RHODES, 1475 Broadway, New York, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Shereff Brothers, 292 Madison Avenue, New York 17, N.Y. Operating rights sought to be transferred: *Passengers* and their baggage, and *express, newspapers,* and *mail,* in the same vehicle with passengers, as a *common carrier* over regular routes between Rutland, Vt., and Cambridge, N.Y., between Rutland, Vt., and Whitehall, N.Y., between Whitehall, N.Y., and Glens Falls, N.Y., serving all intermediate points; and *passengers* and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes from Whitehall, N.Y., and points in New York within 25 miles of Whitehall, and those in Vermont within 20 miles of Whitehall, N.Y., to Hanover, N.H., New York, N.Y., and points in Massachusetts, and Vermont. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11279; Filed, Nov. 28, 1961; 8:50 a.m.]

[Notice 571]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64442. By order of November 17, 1961, the Transfer Board approved the transfer to P & J Trucking Co., Inc., New York, N.Y., of Permit No. MC 84568, issued April 20, 1955, to Antonio Romano, Salvatore Romano, Michael Romano, and Mario Romano, a partnership, doing business as Romano & Sons Trucking Co., New York, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between New York, N.Y., Philadelphia, Pa., and Forestville, Conn., on the one hand, and, on the other, points in New Jersey. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., representative for applicants.

No. MC–FC 64479. By order of November 17, 1961, the Transfer Board approved the transfer to Philip B. Gross and Laura E. Gross, doing business as Bellefonte Charter Bus Service, Bellefonte, Pa., a portion of Certificate No. MC 1501 Sub 92, issued July 16, 1956, to The Greyhound Corporation, Chicago, Ill., authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Northumberland and State College, Pa., over Pennsylvania Highways 14 and 45, serving all intermediate points. Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio, attorney for applicants.

No. MC–FC 64499. By order of November 17, 1961, the Transfer Board approved the transfer to Mary Ellen Stidham, N. Mex., Stidham, A. E. Mankins, and James E. Mankins Sr., doing business as Eagle Trucking Company, Kilgore, Tex., of Certificate No. MC 119774 Sub 1, issued January 31, 1961, to O. M. Stidham, Noble Martin Stidham, executor, N. Mex. Stidham, A. E. Mankins, and James E. Mankins, Sr., doing business as Eagle Trucking Company, Kilgore, Tex., authorizing the transportation of: Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Arkansas, Louisiana, Mississippi, and Texas, between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, and between points in Georgia, Alabama, and Florida. Ewell H. Muse, Jr., Perry Brooks Building, Austin 1, Tex., attorney for applicants.

No. MC–FC 64562. By order of November 17, 1961, the Transfer Board approved the transfer to Robert Lewerke, doing business as Bob's Freight Line, Britt, Iowa, of portion of Certificate in No. MC 36851, issued February 28, 1955, to Dean Goll, doing business as Goll Motor Freight, Garner, Iowa, authorizing the transportation of: General commodities, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Mason City, Iowa, and Kanawha, Iowa, serving the intermediate points of Duncan and Britt, Iowa; and general commodities, excluding household goods, commodities in bulk, and other specified commodities between junction Iowa Highway 111 and unnumbered highway (approximately seven miles east of Corwith, Iowa) and Corwith, Iowa, serving no intermediate points. G. W. Templeton, Garner, Iowa, attorney for applicants.

No. MC–FC 64568. By order of November 17, 1961, the Transfer Board approved the transfer to Jack Singer Moving, Inc., Brooklyn, N.Y., of Certificate No. MC 74979, issued March 17, 1959, to Rose Singer, doing business as, Jack Singer Moving, Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC–FC 64570. By order of November 17, 1961, The Transfer Board approved the transfer to Harry Kaler, doing business as Kaler Freight Line, Mason City, Iowa, of portion of Certificate No. MC 36851, issued February 28, 1955, to Dean Goll, doing business as Goll Motor Freight, Garner, Iowa, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Klemme, Iowa, and Mason City, Iowa, serving the intermediate points of Clear Lake, Ventura, and Garner, Iowa, with service at Garner, restricted to traffic moving to or from Mason City. N. Levinson, 21½ South Federal Avenue, Mason City, Iowa, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11280; Filed; Nov. 28, 1961; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37454: *Clay from Camden and Lipe, Tenn., to southwestern territory.* Filed by O. W. South, Jr., Agent (No. A4141), for interested rail carriers. Rates on clay, noibn, as described in the application, in carloads, from Camden and Lipe, Tenn., to points in southwestern territory.

Grounds for relief: Market competition.

Tariff: Supplement 9 to Southern Freight Association tariff I.C.C. S–206.

FSA No. 37455: *Soda—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 18), for interested carriers. Rates on bicarbonate of soda; soda ash; monohydrate or sesquicarbonate; modified caustic soda other than liquid and caustic soda (sodium hydroxide), as described in the application from Edgewater, N.J. (Proportional rates), to points in Georgia, also Chattanooga, Tenn.

Grounds for relief: Rail competition.

Tariff: Supplement 59 to Seatrain Lines, Inc., tariff I.C.C. 159.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11277; Filed, Nov. 28, 1961; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR — Page

PROCLAMATIONS:
Feb. 25, 1893 — 10735
2032 — 10899
2914 — 10825
3438 — 10203
3439 — 10899

EXECUTIVE ORDERS:
Jan. 26, 1867 — 10729, 10806
Apr. 30, 1872 — 10729
Mar. 7, 1900 — 10806
5237 — 10729
6541 — 10638
6681 — 10480
9026 — 10356
10893 — 10469
10900 — 10469
10915 — 10469
10955 — 10469
10971 — 10335
10972 — 10469
10973 — 10469
10974 — 10585
10975 — 10629
10976 — 10825

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, May 27, 1961 — 10749
Memorandum, Oct. 18, 1961 — 10543

5 CFR
6 — 10204, 10267, 10447, 10544, 10900, 10962, 11233
9 — 10750
22 — 10750
24 — 10447
25 — 10544
35 — 10750
37 — 11046
301 — 10503
302 — 10503

6 CFR
70 — 10267
305 — 10267
390 — 10267
421 — 10546, 11025, 11233
423 — 10686
427 — 10546
443 — 10769, 10961
464 — 10873, 11233
477 — 11207
482 — 10586

7 CFR
51 — 11025
301 — 10471
401 — 10630
403 — 10630
711 — 10204
717 — 10208
723 — 10471, 10503
725 — 10927
727 — 10504
729 — 10209
730 — 10336
775 — 10769, 10787
776 — 11234
813 — 10547
833 — 10961
847 — 10214
855 — 10268
857 — 10505
864 — 10270
873 — 10272
900 — 11236
906 — 11026
914 — 10423, 10586, 10789, 11034
922 — 10214
927 — 10632, 10859
933 — 10337, 10423–10425, 10790, 10791, 11035
942 — 10425, 11035
943 — 10214, 11036
953 — 10425, 10586, 10792, 10872, 11037, 11207
955 — 11037
958 — 10792, 11236
973 — 10215
984 — 10688
986 — 11038
989 — 10770
994 — 10216
997 — 10688
1001 — 10587
1011 — 11207
1013 — 10507
1014 — 10472
1016 — 11208
1017 — 10426
1031 — 10338
1034 — 10793, 11236
1069 — 10587
1070 — 10632
1071 — 10426
1073 — 10689

PROPOSED RULES:
301 — 10571
719 — 10731
725 — 10933
728 — 10484, 10596
813 — 10691
900—1073 — 10286, 10516, 10772
903 — 10810
906 — 10298
908 — 10307, 10485
914 — 10933
918 — 10307
921 — 10810
925 — 10486

7 CFR—Continued — Page

PROPOSED RULES—Continued
927 — 10597, 11253
939 — 10296
943 — 10236
947 — 10360, 10879
959 — 10809
970 — 11053
975 — 11074
986 — 10298
1024 — 10597, 11079
1026 — 10516, 10772, 10933
1028 — 11062
1033 — 10772
1034 — 10773
1138 — 10691

8 CFR
103 — 10928
205 — 10962
212 — 10928
223 — 10928
264 — 10928
282 — 10928
299 — 10928
332a — 10928
499 — 10928

PROPOSED RULES:
252 — 10358
253 — 10358

9 CFR
74 — 10223
83 — 10338

PROPOSED RULES:
131 — 10358

10 CFR
2 — 10770
20 — 11046
30 — 10472
40 — 10929

PROPOSED RULES:
30 — 10487
140 — 10933

12 CFR
262 — 10340
546 — 11208

PROPOSED RULES:
563 — 10239, 11217

13 CFR
105 — 10723
121 — 10633, 10634

PROPOSED RULES:
107 — 10702

14 CFR
18 — 10473
60 — 10752
221 — 11046

14 CFR—Continued

Page
507 ... 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634, 10963, 10964, 11047, 11236
600 ... 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753, 10874–10876, 10964, 11047, 11237
601 ... 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724, 10875, 10876, 10964, 11047, 11048, 11237
602 ... 10590, 10635, 10724
608 ... 10342, 10636, 10724, 10876, 10965, 11047, 11048, 11237
609 ... 10430, 10436, 10754, 10762
610 ... 10724

PROPOSED RULES:
1—190 ... 10698
24 ... 10571
48 ... 10701
60 ... 10307
202 ... 10774
203 ... 10774
213 ... 10774
215 ... 10774
227 ... 10238
291 ... 10774
292 ... 10774
296 ... 10774
297 ... 10774
298 ... 10774
302 ... 10307, 10641
401–635 ... 10698
411 ... 10776
507 ... 10362, 10571
600 ... 10451, 10520, 10602, 10777, 10881, 10934
601 ... 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
602 ... 10809, 11087, 11254
608 ... 10451, 10520, 10733

15 CFR

205 ... 11048
230 ... 11049

16 CFR

13 ... 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771, 10878, 10929, 10965, 10966, 11237, 11238
301 ... 10446

17 CFR

230 ... 10930
270 ... 11238
274 ... 11238
275 ... 10548

PROPOSED RULES:
275 ... 10607

18 CFR

2 ... 10342
13 ... 10794

19 CFR

3 ... 10508
4 ... 10508
14 ... 10476

PROPOSED RULES:
3 ... 10731

20 CFR

25 ... 10509
404 ... 10226, 11049

PROPOSED RULES:
404 ... 11083

21 CFR

15 ... 11209
17 ... 10550
46 ... 11209
120 ... 10228, 10550, 10551
121 ... 10228, 10343, 10476, 10590, 11052, 11209–11211, 11241, 11242
146 ... 10228
146a ... 10728
147 ... 11211
191 ... 11213

PROPOSED RULES:
1 ... 10601
17 ... 10362
120 ... 10487, 10640, 10732, 10810
121 ... 10362, 10452, 10698, 10732, 10774, 10881, 10976, 11217, 11254
130 ... 10811
191 ... 11217

22 CFR

22 ... 10728

24 CFR

202a ... 10229
203 ... 10229
207 ... 10229
213 ... 10229
220 ... 10230
221 ... 10230
232 ... 10230
603 ... 10231
608 ... 10231
611 ... 10231
702 ... 10231
803 ... 10231
903 ... 10231

25 CFR

17 ... 10930
31 ... 10637
131 ... 10966
141 ... 10232

PROPOSED RULES:
34 ... 10640
194 ... 10808
221 ... 10516, 10808

26 CFR

1 ... 10275, 10477

PROPOSED RULES:
1 ... 10283, 10449, 10450, 10483
48 ... 10593
252 ... 10484

28 CFR

21 ... 10232

29 CFR

9 ... 10795
601 ... 10275
780 ... 10377
793 ... 10275

30 CFR

27 ... 10969

31 CFR

309 ... 11215
315 ... 11215
332 ... 11215

32 CFR

200 ... 10931
504 ... 10797
507 ... 10509
552 ... 10728
561 ... 10931
590 ... 10553
591 ... 10553
592 ... 10553
595 ... 10553
596 ... 10553
597 ... 10553
598 ... 10553
599 ... 10553
600 ... 10553
601 ... 10553
602 ... 10553
605 ... 10553
606 ... 10553
608 ... 10553
737 ... 10728
739 ... 10353
750 ... 10353
751 ... 10636
753 ... 10636
765 ... 10842

33 CFR

3 ... 10591
67 ... 10343
202 ... 10343
203 ... 10805, 11171
204 ... 10445, 10805, 11171
206 ... 10278, 11171
207 ... 11171

35 CFR

4 ... 10353

CANAL ZONE ORDERS:
58 ... 10353

36 CFR

6 ... 10638

PROPOSED RULES:
7 ... 10600

38 CFR

3 ... 10551, 10552
13 ... 10232
17 ... 11214
21 ... 10278, 10478

39 CFR

96 ... 10510
111 ... 10805
168 ... 10771, 10805, 10972

41 CFR

1–5 ... 10590
5–1 ... 10354
50–202 ... 10354

PROPOSED RULES:
50–202 ... 10517, 10773

42 CFR

73 ... 10355

43 CFR

221 ... 10479
244 ... 10728

PROPOSED RULES:
191 ... 10808
203 ... 10808
257 ... 10285

PUBLIC LAND ORDERS:
73 ... 10638
1071 ... 10356
2435 ... 11052
2460 ... 10568
2524 ... 10735
2526 ... 10279
2527 ... 10356
2528 ... 10356
2529 ... 10356
2530 ... 10427
2531 ... 10480
2532 ... 10480
2533 ... 10480
2534 ... 10568
2535 ... 10569
2536 ... 10638
2537 ... 10729
2538 ... 10729
2539 ... 10808
2540 ... 10808
2541 ... 10808
2542 ... 11215

45 CFR

Page
212 ... 10481

46 CFR

30 ... 10996
31 ... 10997
35 ... 11000
71 ... 11003
78 ... 11007
91 ... 11010
97 ... 11014
146 ... 11016
293 ... 11243

PROPOSED RULES:
201 ... 10601
206 ... 10601
221 ... 10601
298 ... 10601
299 ... 10601
502 ... 10520
510 ... 10941

47 CFR

1 ... 10279, 10280, 10447
2 ... 10655
3 ... 10280, 10729, 10917
5 ... 10806
7 ... 10591, 10918
8 ... 10591, 10918, 10925
9 ... 10926
10 ... 10569
14 ... 10591, 10918, 11246
15 ... 10281
18 ... 10281, 10591, 10927

PROPOSED RULES:
2 ... 10701
3 ... 10239, 10572, 10606, 10935, 10938–10940
10 ... 10573
12 ... 10240
15 ... 10940

49 CFR

10 ... 11103, 11216
125 ... 10846
170 ... 10771

PROPOSED RULES:
73 ... 10572, 11088
176 ... 10240

50 CFR

10 ... 11246
16 ... 11246
32 ... 10233, 10234, 10282, 10638, 10730, 11216, 11251
33 ... 10234, 10235, 10878, 10973, 10974

PROPOSED RULES:
215 ... 10640

Checklist

CFR SUPPLEMENTS

(As of January 1, 1961)

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) $3.75; Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) $6.25; Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75); General Index ($1.00).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Part II begins on page 11317

Pages 11279–11344

PART I

FEDERAL REGISTER

VOLUME 26 NUMBER 230

Washington, Thursday, November 30, 1961

OF MICHIGAN
DEC 5 1961
MAIN
READING ROOM

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Onions; import prohibitions 11287
Oranges, grapefruit, tangerines, and tangelos grown in Florida; shipments limitation 11281

Agricultural Research Service

NOTICES:
Identification of carcasses of certain humanely slaughtered livestock; supplemental list of humane slaughterers 11300

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain marketing areas:
Corpus Christi, Texas; recommended decision and opportunity to file written exceptions on amendments to agreement and order 11294
Western North Dakota and Minnesota-North Dakota; decision on marketing agreements and orders (*see* Part II of this issue).

RULES AND REGULATIONS:
Milk in certain marketing areas:
Classification and accounting; New York-New Jersey 11282
Orders amending orders:
New York-New Jersey 11283
Ohio Valley 11284
Suburban St. Louis 11283
Orders suspending certain provisions:
Inland Empire 11284
Ozarks 11281

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Army Department

RULES AND REGULATIONS:
Claims against U.S.; military payment certificates 11291

Census Bureau

NOTICES:
Retailers' inventories, sales, and number of stores; consideration to continue survey 11301

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Helicopter operators consolidated mail rate proceedings 11302
Mackey Airlines, Inc 11302

RULES AND REGULATIONS:
Continuance of expired authorizations by operation of law pending final determination of applications for renewal thereof 11287
Operations pursuant to exempt authority; revocation 11287

Civil Service Commission

RULES AND REGULATIONS:
Exceptions from competitive service; Navy Department 11281

Commerce Department

See also Census Bureau.

NOTICES:
Henry Weingartner & Co., Inc.; appeals board decision 11301

Commodity Credit Corporation

RULES AND REGULATIONS:
Wheat loan and purchase agreement program, 1961 crop; basic county support rates, Arizona 11281

Defense Department

See Army Department.

Federal Aviation Agency

RULES AND REGULATIONS:
Control area extensions; alteration 11289
Federal airway; alteration 11289

Federal Communications Commission

NOTICES:
Standard broadcast applications ready and available for processing 11303
Hearing, etc.:
KWTX Broadcasting Co. (KWTX) and Kerryville Broadcasting Co. (KERV) 11303
Lake Shore Broadcasting Co., Inc. (WDOE) 11304
REA Radio and Electronic Laboratory 11305
WFYC, Inc. (WFYC) 11306
WNOW, Inc. (WNOW) and Radio Associates, Inc. (WEER) 11306

PROPOSED RULE MAKING:
Commercial radio operators; fraudulent licenses 11298
International fixed public radiocommunication services; use of single sideband transmissions 11298
Table of assignments, television broadcast stations, Georgia; proposed reservation of certain channels for non-commercial educational use 11297

RULES AND REGULATIONS:
Public fixed stations and stations of the maritime service in Alaska; frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones; correction 11293
Table of assignments, television broadcast stations; Bay City, Mich 11293

Federal Power Commission

NOTICES:
Hearings, etc.:
American Gas Co 11309
Bel Oil Corp 11309
Colorado Interstate Gas Co 11309
Frio-Tex Oil and Gas Co 11310
Getty, Jean Paul, et al 11307
Indiana Natural Gas Corp 11310
Sunray Mid-Continent Oil Co. et al 11310
Tennessee Gas Transmission Co 11312

Federal Trade Commission

RULES AND REGULATIONS:
Benno Karpus et al.; prohibited trade practices 11289

(*Continued on next page*)

Food and Drug Administration

PROPOSED RULE MAKING:
Pesticide chemicals in or on raw agricultural commodities; proposal to establish tolerance for ethylene oxide on black walnut meats 11297

RULES AND REGULATIONS:
Food additives permitted in animal feed and supplements; ronnel; correction 11293
Hazardous substances; placement, conspicuousness, and contrast; correction 11293

Foreign Assets Control

NOTICES:
Hair of certain animals, cotton and silk waste and carpet wool; importation from countries not in authorized trade territory; application for licenses 11300

Health, Education, and Welfare Department

See Food and Drug Administration.

Indian Affairs Bureau

PROPOSED RULE MAKING:
Blackfeet Indian Irrigation Project, Montana; operation and maintenance charges 11296

Interior Department

See Indian Affairs Bureau; Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Motor carrier transfer proceedings 11313
Rutland Railroad Corp.; change of expiration date of rerouting and diversion of traffic 11314

PROPOSED RULE MAKING:
Shippers; transportation of explosives and other dangerous articles 11299

Land Management Bureau

NOTICES:
Nevada; small tract classification 11300

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Apex Minerals Corp 11312
Arcady Corp 11312
Siltronics, Inc 11313

RULES AND REGULATIONS:
Equal employment opportunity 11290

Treasury Department

See also Foreign Assets Control.

NOTICES:
Surety and reinsuring companies acceptable on Federal bonds:
American Fire and Casualty Co 11300
American Independent Reinsurance Co 11300

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 11281

6 CFR
421 11281

7 CFR
921 11281
927 (2 documents) 11282, 11283
933 11281
947 11283
1008 11284
1024 11284
1070 11287
PROPOSED RULES:
998 11294
1015 (*see* Part II of this issue).
1035 (*see* Part II of this issue).

14 CFR
290 11287
377 11287
600 11289
601 11289

16 CFR
13 11289

17 CFR
200 11290

21 CFR
121 11293
191 11293
PROPOSED RULES:
120 11297

25 CFR
PROPOSED RULES:
221 11296

32 CFR
536 11291

47 CFR
3 11293
14 11293
PROPOSED RULES:
3 11297
6 11298
13 11298

49 CFR
PROPOSED RULES:
73 11299

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Navy

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (a) of § 6.106 as set out below.

§ 6.106 Department of the Navy.

(a) *General.* • • •

(6) Not to exceed 50 positions of Resident-in-Training at U.S. Naval Hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal Hospitals. Assignments to these positions shall be on a temporary (full time or part time) or intermittent basis, shall not amount to more than six months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 330 of the 80th Congress.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11352; Filed, Nov. 29, 1961; 8:54 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

ARIZONA; BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 6697, 7247, 8963 and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

Section 421.147(a) is amended by increasing the following basic county support rates:

ARIZONA

County	Rate per bushel From—	Rate per bushel To—
Cochise	$1.76	$1.77
Santa Cruz	1.77	1.80

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on November 24, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-11337; Filed, Nov. 29, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Milk Order 21]

PART 921—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 921), it is hereby found and determined that:

(a) The following provision of the order appearing in § 921.11(b) does not tend to effectuate the declared policy of the Act during the month of December 1961: the figure "40".

(b) By notice of proposed rule making issued on November 14, 1961 (26 F.R. 10810; F.R. Doc. 61-11001), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that this action was under consideration, and were given opportunity to submit written views, data and arguments with respect thereto. No opposition to it was expressed. Several interested parties indicated their support of the proposed suspension.

(c) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will ease the disposal of milk surplus to the fluid needs of the market during a period of unusually heavy supplies of producer milk.

Therefore, good cause exists for making this order effective December 1, 1961.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of December 1961.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: December 1, 1961.

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-11333; Filed, Nov. 29, 1961; 8:50 a.m.]

[Tangerine Reg. 228]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1080 Tangerine Regulation 228.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the pro-

duction area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 28, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) Tangerine Regulation 227 (§ 933.-1079; 26 F.R. 11035) is hereby terminated effective at 12:01 a.m., e.s.t., December 1, 1961.

(3) During the periods beginning at 12:01 a.m., e.s.t., December 1, 1961, and ending at 12:01 a.m., e.s.t., December 21, 1961, and beginning at 12:01 a.m., e.s.t., December 29, 1961, and ending at 12:01 a.m., e.s.t., January 8, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(4) During the period beginning at 12:01 a.m., e.s.t., December 21, 1961, and ending at 12:01 a.m., e.s.t., December 29, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 29, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11417; Filed, Nov. 29, 1961; 11:23 a.m.]

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

Subpart—Classification and Accounting Rules and Regulations

APPROVAL OF TEMPORARY AMENDMENT

Pursuant to provisions of § 927.36 of the order, as amended, regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927), it is hereby determined that an emergency exists which requires the immediate adoption of the temporary amendment issued by the Market Administrator of said order on November 13, 1961, amending rules and regulations (7 CFR Part 927.100 et seq.), heretofore issued by him pursuant to said order. Said temporary amendment is hereby approved to become effective December 1, 1961.

It is necessary that the said temporary amendment to the rules and regulations issued by the Market Administrator be made effective on December 1, 1961, in order to effectuate the terms and provisions of the said order as amended effective December 1, 1961, and to avoid the existence of rules and regulations inconsistent with provisions of the order, as so amended. The changes effected by this amendment do not require substantial or extensive preparation by handlers prior to the effective date. Accordingly, notice of proposed rule making, public procedure thereon, and publication hereof 30 days prior to the effective date specified herein are found to be impracticable, unnecessary, and contrary to the public interest.

Copies of the temporary amendment to the rules and regulations may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

The amendment issued October 26, 1961 (26 F.R. 10155) to the order regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927), in effect, constitutes an amendment to the accounting rules and regulations (7 CFR 927.100 et seq.) heretofore issued by the Market Administrator with respect to milk received by handlers in tank trucks at farms. In order to incorporate this amendment of the order into the rules and regulations issued by the Market Administrator, the rules and regulations must be redrafted as set forth herein.

Pursuant to the provisions of § 927.36 of said Order No. 27, as amended, there is set forth below a temporary amendment to the accounting rules and regulations subject to the approval of the Secretary, which is a recodification of the specified sections of the rules and regulations. The amendment includes no substantive change from the previous rules and regulations issued by the Market Administrator except to the extent that such rules and regulations were required to be changed by the said amendment to the order.

The temporary amendment is as follows:

1. Amend § 927.140 by substituting for the word "plant" the words "plant or bulk tank plant".

2. Amend § 927.141 by deleting the first word "Tabulate" and substituting therefor the following: "Tabulate the total pounds of milk received at farms by the bulk tank unit and".

3. Amend § 927.142 by deleting the words "Tabulate and classify" and substituting therefor the following: "Tabulate and classify the butterfat disposed of in the form of milk by the bulk tank unit and". Extend the last sentence by adding "or by the bulk tank unit".

4. Amend § 927.143 by rewriting the preamble to read as follows: "Subtract the total butterfat accounted for from the total butterfat to be accounted for. The remainder shall be known as plant loss. In the event that the total butterfat accounted for is greater than the total butterfat to be accounted for, the excess butterfat shall be accounted for as follows:"

5. Amend § 927.143(b) by adding after the words "pool plant" the following: "or the bulk tank unit is a pool bulk tank unit".

6. Amend § 927.180 by inserting immediately before the words "other plants" the following: "bulk tank units and".

7. Amend § 927.202(b) by rewriting it to read as follows:

(b) If the plant is not a pool plant pursuant to § 927.25 or § 927.28 and if the quantity of milk received direct from dairy farmers and from pool and nonpool bulk tank units has a percentage relationship to Class I–A milk leaving the plant which is distributed to outlets which are not other plants sufficient to qualify such plant as a pool plant pursuant to paragraphs (a) or (b) of § 927.29 proceed as follows: assign to such Class I–A milk, milk received direct from dairy farmers and from pool bulk tank units in a quantity not to exceed that required to qualify the plant as a pool plant, except in the case where pursuant to § 927.35(a)(1), a handler has elected not to make such assignments: *Provided*, That plants listed by the Market Administrator pursuant to § 927.14 or § 927.15 can assign such milk only to the extent that Class I–A butterfat exceeds the butterfat in the milk received from other pool plants and from pool bulk tank units.

8. Amend § 927.202(c) by substituting for the word "plants" the words "plants and pool bulk tank units".

9. Amend § 927.202(f) by deleting the words "Federal Order No. 119 regulating the handling of milk in the Connecticut Marketing Area" and substituting therefor the words "another Federal Order". Delete the last part of the paragraph which reads "Federal Order No. 119 or to a pool plant pursuant to such order" and substitute therefor the words "such other Federal Order."

10. Amend § 927.202(g) by deleting the closing words of this paragraph which read "in the marketing area defined under Federal Order No. 119, or to a pool plant pursuant to such order" and substituting the following: "in a marketing area defined under another Federal Order in the following sequence: (1) Class I–B milk in a marketing area regulated by an order with individual-handler pools, (2) Class I–B milk in the marketing area defined in Federal Order No. 119 or to a pool plant regulated by such order, and (3) Class I–B milk in other marketing areas."

11. Amend § 927.202 *Milk assignment*, by adding subparagraphs (1) and (2) to paragraph (g) as follows:

(1) After the assignment pursuant to paragraph (g) of this section, the remaining butterfat in milk from pool bulk tank units shall be assigned, as far as possible, to butterfat in milk classified Class I–B.

(2) Milk from nonpool bulk tank units shall be assigned, as far as possible, to butterfat classified as Class III subject to the butter-cheese adjustment and then to other butterfat classified as Class III.

12. Amend § 927.202(h) by changing the words "paragraph (g)" to read "paragraph (g)(2)".

13. Amend § 927.202(k) by inserting immediately after the words "other pool plants" the words "and pool bulk tank units".

14. Amend § 927.202 *Milk assignment*, by adding subparagraph (l) to paragraph (n) as follows:

(l) If a bulk tank truck containing milk of both pool and nonpool bulk tank units delivers such milk to two or more plants, the pool bulk tank milk may be assigned at the option of the handlers involved to any of the plants involved which have Class I–A or Class I–B classification in amounts available to assign to such delivery unless some other assignment would reduce the amount of payments under § 927.83 of the orders.

15. Amend § 927.230 by inserting immediately after "Half and half":

(Under *Product*)	
Milk received from a bulk tank unit or disposed of by a bulk tank unit.	
(Under *Test in percent*)	
Average test of all milk received at farms.	

Issued at New York, N.Y., this 13th day of November 1961.

C. J. BLANFORD,
Market Administrator.

[F.R. Doc. 61–11336; Filed, Nov. 29, 1961; 8:51 a.m.]

[Milk Order 27]

PART 927—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

§ 927.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Secretary containing all amendment provisions of this order was issued November 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the provisos in paragraphs (a) and (a)(3) of § 927.40.

2. Add a new proviso to paragraph (a)(3) of § 927.40 to read as follows: "*Provided*, That the utilization percentage for the month of October 1961 used in making such computations shall be 54.6 and the utilization percentage for the month of November 1961 shall be the percentage as computed pursuant to this paragraph plus 2.6."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. December 1, 1961.

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11331; Filed, Nov. 29, 1961; 8:50 a.m.]

[Milk Order 47]

PART 947—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

Order Amending Order

§ 947.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Suburban St. Louis marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective December 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued October 30, 1961, and the decision of the Under Secretary containing all amendment provisions of this order, was issued November 16, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Suburban St. Louis marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 947.13(a) and substitute:

(a) A distributing plant from which a volume equal to not less than 50 percent of the total receipts of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 947.9(c) is distributed during the month as Class I on routes, and from which an average of not less than 7,000 pounds per day or not less than 20 percent of the plant's total Class I milk, whichever is less, is distributed on routes in the marketing area.

2. Delete § 947.51(a) and substitute:

(a) *Class I price.* The price per hundredweight of Class I milk at plants located in the base zone shall be 10 cents less, and at plants located in the northern zone shall be 15 cents less than the St. Louis Federal Order (Part 903 of this chapter) Class I price effective at a pool plant located in the 0- to 30-mile zone.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. December 1, 1961.

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11334; Filed, Nov. 29, 1961; 8:50 a.m.]

[Milk Order 108]

PART 1008—MILK IN INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1008), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act:

In §§ 1008.12(b) and 1008.15(b)(1) the phrase "during any of the months of February through August".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will allow handlers to divert producer milk to nonpool plants during the months of December and January, pending consideration of proposed amendments to the order. The present order provides for diversion during the months of February through August. However, there has recently been a trend toward an excess supply of producer milk in December and January. Pool plants have limited facilities for handling milk in excess of fluid needs. In order that such excess milk may continue to be pooled, accommodation of this matter should not be delayed for the time necessary for analysis of the record evidence and the issuance of a recommended decision, a final decision and an order on the proposed amendments being considered.

(4) This suspension action is based on the request of a handler and producers' associations representing more than 75 percent of the producers supplying the market and evidence presented by them at a hearing held in Spokane, Washington, September 13–14, 1961.

Therefore, good cause exists for making this order effective December 1, 1961.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period December 1, 1961, through January 31, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. December 1, 1961.

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11330; Filed, Nov. 29, 1961; 8:50 a.m.]

[Milk Order 124]

PART 1024—MILK IN OHIO VALLEY MARKETING AREA

Order Amending Order

§ 1024.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area.

upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1024.17(c), as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk, (ii) milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), (iii) other source milk allocated to Class I at a pool plant, and (iv) milk at a fluid milk plant which is a nonpool plant in accordance with § 1024.75 (a) or (b).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued November 6, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued November 21, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Ohio Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

§ 1024.10 [Amendment]

1. In § 1024.10 insert after the word "farmers" wherever it appears the following parenthetical phrase: "(including such milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c))".

§ 1024.12 [Amendment]

2. In § 1024.12 delete the period at the end of paragraph (b) and add the following language: "or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)."

§ 1024.13 [Amendment]

3. In § 1024.13 redesignate paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and insert a new paragraph (b) to read as follows:

(b) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

§ 1024.14 [Amendment]

4. In § 1024.14(a) delete subparagraph (2) and substitute the following:

(2) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and

5. Delete § 1024.17 and substitute the following:

§ 1024.17 Handler.

"Handler" means:

(a) Any person who operates a fluid milk plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1024.13; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 1024.30 [Amendment]

6. In § 1024.30(a)(1) delete subdivision (ii) and substitute the following:

(ii) Fluid milk products received from other pool plants and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

§ 1024.31 [Amendment]

7. In § 1024.31(b)(1) delete the language preceding subdivision (i) and delete subdivision (i) and substitute the following: "On or before the 20th day after the end of the month his producer or dairy farmer payroll for such month which shall show for each producer or dairy farmer, as the case may be (and for each pool plant and for each fluid milk plant subject to § 1024.75(b) in the case of those handlers operating such plants): (i) The total pounds of milk received, including for the months of April through July the total pounds of base and excess milk for each producer;".

§ 1024.41 [Amendment]

8. In § 1024.41(b) delete subparagraph (5) and substitute the following:

(5) in shrinkage, excluding shrinkage of other source milk, not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), except that if the handler of such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1024.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants; less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) unless the exception provided in subdivision (ii) of this subparagraph applies; and

§ 1024.42 [Amendment]

9. In § 1024.42 delete paragraphs (a) and (b) and substitute the following:

(a) Compute the total shrinkage for each handler, or for each pool plant in the case of those handlers operating pool plants, by subtracting the skim milk and butterfat, respectively, classified as Class

I milk pursuant to § 1024.41(a)(1) and as Class II milk pursuant to § 1024.41(b)(1), (2), (3), and (4) (subject to the provisions of §§ 1024.43 through 1024.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1024.30, and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, to (1) the total of the pounds of milk received from producers (excluding milk diverted by the handler), received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and received from other pool plants as transfers in the form of fluid milk products in bulk in excess of transfers of such products in bulk to other plants, and (2) the total pounds of other source milk received in bulk in the form of fluid milk products.

§ 1024.44 [Amendment]

10. In § 1024.44 delete the introductory text preceding paragraph (a) and delete paragraph (a) and substitute the following:

Skim milk or butterfat disposed of by a handler from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of the same handler or of another handler unless utilization in Class II is claimed by the handler or handlers, as the case may be, in their reports submitted pursuant to § 1024.30 or such milk is classified pursuant to paragraph (b) of this section: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making the assignments pursuant to § 1024.46(a)(1) through (4) and the corresponding steps of § 1024.46(b) and any additional amounts of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That for transfers or diversions between pool plants, if the transferor or diverting plant has other source milk during the month, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and the utilization by the transferee plant in Class II;

11. In § 1024.44 redesignate paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and insert a new paragraph (b) to read as follows:

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1024.46(a)(7) and the corresponding step of § 1024.46(b);

§ 1024.45 [Amendment]

12. In § 1024.45 delete the language preceding the proviso and substitute the following: "For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1024.30 by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler:".

§ 1024.46 [Amendment]

13. In § 1024.46(a) delete subparagraph (1) and substitute the following:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1024.41(b)(5) (i) through (iv);

14. In § 1024.46(a) delete the word "and" in subparagraph (7), redesignate subparagraph (8) as subparagraph (9) and insert a new subparagraph (8) to read as follows:

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) according to its classification determined pursuant to § 1024.44 (a) or (b); and

§ 1024.53 [Amendment]

15. In § 1024.53 delete the language preceding the mileage schedule and substitute the following: "For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) at a pool plant located 80 miles or more from the County Courthouse in Evansville, Indiana, or Owensboro, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1024.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:".

§ 1024.60 [Amendment]

16. In § 1024.60 insert after the word "plant(s)" which appears in the language preceding the proviso the words "and by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

§ 1024.61 [Amendment]

17. In § 1024.61(b) insert after the word "plant" the words "or is received by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

§ 1024.70 [Amendment]

18. In § 1024.70 delete paragraph (b) and substitute the following:

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1024.46(a)(9) and the corresponding step in § 1024.46(b) by the applicable class price(s);

§ 1024.71 [Amendment]

19. In § 1024.71 delete paragraph (a) and substitute the following:

(a) Combine into one total the values computed pursuant to § 1024.70 for all handlers operating pool plants and for all cooperative associations in their capacity as handlers pursuant to § 1024.17 (b) or (c) who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.82 for the preceding month;

§ 1024.74 [Amendment]

20. In § 1024.74(a) delete the colon at the end of the introductory text preceding subparagraph (1) and add the following language: "and each cooperative association which is a handler pursuant to § 1024.17 (b) or (c):".

§ 1024.75 [Amendment]

21. In § 1024.75(b)(1) change the reference listed in the second proviso as "§ 1042.44 (c) or (d)" to read "§ 1024.44 (d) or (e)".

§ 1024.80 [Amendment]

22. In § 1024.80 add a new paragraph (g) to read as follows:

(g) In the case of milk received by a handler from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), such handler shall pay on or before the 14th day after the end of each month to such cooperative association for milk so received during the month an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler at which such milk was physically received.

§ 1024.82 [Amendment]

23. In § 1024.82 delete the words "at his pool plant(s)".

§ 1024.83 [Amendment]

24. In § 1024.83 delete the words "at his pool plant(s)".

§ 1024.85 [Amendment]

25. In § 1024.85(b) insert after the word "received" the words "from producers or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)".

26. Delete § 1024.86 and substitute the following:

§ 1024.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1024.17(c), shall pay to the market administrator on or before the 12th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in his receipts during the month of (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and (c) other source milk allocated to Class I milk pursuant to § 1024.46(a)(3) and the corresponding step of § 1024.46(b). A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments in accordance with § 1024.75.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. December 1, 1961.

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11332; Filed, Nov. 29, 1961; 8:50 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1070—ONIONS

Import Restrictions

This amendment designates the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, as an authorized inspection service for certifying the grade, size, quality and maturity of onion imports.

Order. In § 1070.1 *Onion Regulation No. 1* (26 F.R. 10632), delete paragraphs (e), (f)(1), and (h), and substitute in lieu thereof new paragraphs (e), (f)(1), and (h) as set forth below.

§ 1070.1 Onion Regulation No. 1.

* * * * *

(e) *Designation of Governmental inspection services.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are hereby designated as governmental inspection services for the purpose of certifying the grade, size, quality, and maturity of onions that are imported, or to be imported, into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, or by the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of onions, is required. Each such lot shall be made available and accessible for inspection. Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

* * * * *

(h) *Definitions.* For the purpose of this part, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830 to 51.2850, inclusive, of this title; 26 F.R. 2817). Onions meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and the U.S. No. 2 grade, respectively. Application of tolerances, as set forth in § 51.2838 of the United States Standards for Onions, may be used. "Importation" means release from custody of the United States Bureau of Customs.

Findings. It is hereby found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment beyond the date specified (5 U.S.C. 1001–1011) in that (i) the designation of an additional inspection service for the purposes of this program does not impose any new restrictions under this order, and (ii) the notice of proposed rule-making issued on September 13, 1961 (26 F.R. 8674) included such designation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 24, 1961, to become effective December 4, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11320; Filed, Nov. 29, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–341]

PART 290—OPERATIONS PURSUANT TO EXEMPTION AUTHORITY

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of November 1961.

In Regulation SPR–7, adopted November 27, 1961, the Board is promulgating a new Part 377 which revises, retitles, and renumbers present Part 290 of the Economic Regulations as Part 377 of the Special Regulations. Accordingly, Part 290 is obsolete and should be repealed.

Inasmuch as this action is editorial in nature and imposes no burden upon any person, compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby repeals Part 290 of the Economic Regulations. This repeal shall become effective, with respect to any particular exemption authorization, upon the date when, and if, new Part 377 becomes applicable thereto under the provisions of § 377.5.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 416(b), 1001, 72 Stat. 771, 788; 49 U.S.C. 1386, 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–11339; Filed, Nov. 29, 1961; 8:52 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. No. SPR–7]

PART 377—CONTINUANCE OF EXPIRED AUTHORIZATIONS BY OPERATION OF LAW PENDING FINAL DETERMINATION OF APPLICATIONS FOR RENEWAL THEREOF

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of November 1961.

In a notice of proposed rule making published in the FEDERAL REGISTER on August 3, 1961, 26 F.R. 6994, and circulated to the industry as Economic Regulations Draft Release 31, dated July 28, 1961, Docket 12864, the Board proposed to revise, retitle and renumber Part 290 of the Economic Regulations as Part 377 of the Special Regulations.

Section 377.10(c) of the Notice provides that every renewal application must be filed with the Board not later than 60 days, and that applications involving certificates of public convenience and necessity must be filed 180 days before the expiration date of the temporary authorization concerned unless earlier filing is required by law or by the Board's regulations.

In consideration of the comments filed with respect to the proposed rule, the Board has decided to revise § 377.10(c) to give recognition to the Board's authority to require earlier filing of a particular temporary authorization. Accordingly, the first proviso of § 377.10(c) which states that the prescribed filing dates shall not supersede a requirement for earlier filing contained in any provision of law or the Board's regulations has been expanded to include such requirements when contained in any Board order or temporary authorization.

Interested persons have been afforded opportunity to participate in the formulation of this revision, and due consideration has been given to all relevant matter presented.

The Board has decided to promulgate a new Part 377 which will replace Part 290 and, therefore, is repealing the latter part by concurrent action.

In consideration of the foregoing the Civil Aeronautics Board hereby promul-

gates Part 377 of the Special Regulations (14 CFR Part 377) effective December 30, 1961, to read as follows:

Subpart A—General Provisions

Sec.
377.1 Definitions.
377.2 Applicability of part.
377.3 Authorizations not licenses with reference to an activity of a continuing nature.
377.4 Procedure to obtain Board interpretation.
377.5 Effective date.

Subpart B—Renewal Applications and Procedure Thereon

377.10 Requirements for, and effect of, renewal applications.
377.11 Processing of defective renewal applications.

AUTHORITY: §§ 377.1 to 377.11 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 1001, 72 Stat. 788; 49 U.S.C. 1481, and secs. 9(b) and 12 of the Administrative Procedure Act, 60 Stat. 242, 244; 5 U.S.C. 1008, 1011.

Subpart A—General Provisions

§ 377.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958, as amended.

"Authorization" means any agency certificate, approval, statutory exemption or other form of permission granted pursuant to sections 101(3), 401, 408, 409, 412 and 416 of the Federal Aviation Act of 1958, as amended. Where any operating authorization creates more than one separate route, each of these shall be deemed a separate authorization for the purposes of this part.

"Renewal application" means any application filed in conformity with the requirements of this part which requests either a renewal or a new license and is intended to invoke the provisions of the last sentence of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

"Route" means an authorization which permits an air carrier to render unlimited regularly scheduled service between a specifically designated pair of terminal points and intermediate points, if any.

§ 377.2 Applicability of part.

This part contains the Board's rules implementing the provisions of the last sentence of section 9(b) of the Administrative Procedure Act[1] with regard to applications for renewal of temporary authorizations granted pursuant to sections 101(3), 401, 408, 409, 412 and 416 of the Federal Aviation Act of 1958, as amended: *Provided*, That nothing in this part shall be construed as preventing the Board from terminating at any time, in accordance with law, any authorization or any extension thereof, or as a determination that any given authorization is a license with reference to any activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act.

§ 377.3 Authorizations not licenses with reference to an activity of a continuing nature.

The Board hereby determines that the following authorizations are not "licenses with reference to any activity of a continuing nature" within the meaning of section 9(b) of the Administrative Procedure Act:

(1) Authorizations granted for a specified period of 180 days or less;

(2) Authorizations other than those granted pursuant to section 401 of the Act which by their terms are subject to termination at an uncertain date upon the happening of an event, including fulfillment of a condition subsequent or occurrence of a contingency. When such an authorization by its terms terminates alternatively upon the happening of an event or the arrival of a specified date, the occurrence of the event prior to the specified date ends the authorization and no previously or subsequently filed renewal application shall be effective to extend such authorization.

§ 377.4 Procedure to obtain Board interpretation.

In any case not expressly provided for by these rules, the Board will determine upon written request by the holder of a temporary authorization or by any competitively affected air carrier or upon its own initiative, whether under section 9(b) of the Administrative Procedure Act any authority granted would be continued in force beyond the expiration date therein specified until final determination of a timely and sufficient renewal application. Written requests for such a determination shall be filed at least 60 days prior to the date herein prescribed for the timely filing of applications for renewal: *Provided*, That filing of such written request shall not affect the requirements for timeliness of renewal applications contained in this part or other applicable Board regulation or order.

§ 377.5 Effective date.

This part shall become effective 30 days after November 30, 1961 but its provisions shall not be applicable to those temporary authorizations which are outstanding and scheduled to expire by their terms within 120 days of the effective date of this regulation or, in the case of certificates of public convenience and necessity issued under section 401, within 240 days thereof.

Subpart B—Renewal Applications and Procedure Thereon

§ 377.10 Requirements for, and effect of, renewal applications.

(a) *Identification of authorization covered by renewal application.* Each renewal application shall identify the authorization or authorizations to which it is intended to relate. The application shall indicate the applicant's intention to rely upon section 9(b) of the Administrative Procedure Act as implemented by this part. In case of applications for renewal of an authorization for route service, the renewal application shall specifically identify the separate routes which the applicant proposes to continue serving pursuant to the expiring authorization, pending final determination of the renewal application.

(b) *Contents of renewal application.* The application must contain all the information required by law and the Board's regulations, and meet the requirements thereof as to form. The new authorization sought need not be of the same duration as the expiring authorization. If the application relates to renewal of route authority, it must contain, as a minimum, a request for renewed authority to render route service between the terminals named in each separate route for which renewal is requested.

(c) *Timeliness.* The application must be filed and served in compliance with applicable provisions of law and the Board's regulations not later than 60 days before the expiration date of the outstanding temporary authorization to which it relates. In the case of certificates of public convenience and necessity issued under section 401, it must be filed not later than 180 days before the expiration date thereof: *Provided*, That nothing herein shall supersede a requirement for earlier filing in any provision of law, the Board's regulations, any Board orders or any temporary authorization: *Provided further*, That where an authorization pursuant to section 401 of the Act terminates by its terms upon the happening of an event which could not be foreseen, a renewal application filed within 30 days from the time the carrier has notice that the event will occur, or has occurred, shall be deemed timely.

(d) *Effect.* In the case of authorizations which constitute licenses with reference to activities of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, the filing of an application complying in all respects with the requirements of paragraphs (a) through (c) of this section shall extend the authorization to which it relates as then outstanding in its entirety, together with all applicable terms, conditions and limitations, until the application has been finally determined by the Board. In the case of routes granted under section 401 of the Act, the duty to render adequate service continues to attach to every point as provided in the expired authorization which is extended pursuant to this provision. The date of final determination of the application shall be the date when the final order determining the application takes effect, or when the applicable period for filing of petitions for rehearing, reargument or reconsideration expires, or when a timely filed petition therefor is denied, whichever occurs latest.

§ 377.11 Processing of defective renewal applications.

When the Board determines that a renewal application does not comply with the requirements of this part, or that it does not relate to a license with reference to an activity of a continuing nature, it will so notify the applicant. The applicant may amend his application to cure the deficiency as a matter of right at any time prior to the date when the application was due pursuant to § 377.10(c).

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-11338; Filed, Nov. 29, 1961; 8:52 a.m.]

[1] "In any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency."

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On August 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7971) stating that the Federal Aviation Agency was considering the extension of intermediate altitude VOR Federal airway No. 1076 from Albany, N.Y., to Cambridge, N.Y.

No adverse comments were received regarding the proposed alteration.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 600.1674 (26 F.R. 1079) the following changes are made:

1. In the caption "(Cleveland, Ohio, to Albany, N.Y.)" is deleted and "(Cleveland, Ohio, to Cambridge, N.Y.)" is substituted therefor.

2. In the text "to the Albany, N.Y., VOR." is deleted and "Albany, N.Y., VOR; to the Cambridge, N.Y., VOR." is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

Issued in Washington, D.C. on November 22, 1961.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 61-11301; Filed, Nov. 29, 1961; 8:45 a.m.]

[Airspace Docket No. 60-LA-114]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions

On July 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6603) stating that the Federal Aviation Agency proposed to alter the Los Angeles, Calif., control area extension (§ 601.1316) and the Long Beach, Calif., control area extension (§ 601.1177).

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1316 (14 CFR 601.1316) Control area extension (Los Angeles, Calif.) is amended to read:

§ 601.1316 Control area extension (Los Angeles, Calif.).

That airspace within 5 miles either side of the Los Angeles VOR 251° radial extending from the VOR to the Oakland Oceanic Control Area boundary and including the additional area between lines diverging at an angle of 5° from the centerline extending westward from the Los Angeles VOR; excluding the airspace below 2,000 feet MSL between the continental United States and the eastern boundary of the Point Mugu, Calif., Warning Area (W-289) and excluding the airspace below 5,000 feet MSL within Warning Area (W-289).

2. Section 601.1177 (14 CFR 601.1177) Control area extension (Long Beach, Calif.) is amended to read:

§ 601.1177 Control area extension (Santa Catalina, Calif.).

That airspace bounded by a line beginning at latitude 33°25'50" N., longitude 118°28'50" W.,
thence to latitude 33°19'00" N., longitude 118°21'45" W.,
thence to latitude 32°44'30" N., longitude 119°07'00" W.,
thence to latitude 31°41'00" N., longitude 120°15'00" W.,
thence to latitude 31°18'40" N., longitude 121°11'30" W.,
thence to latitude 31°54'00" N., longitude 121°34'30" W.,
thence to latitude 32°10'45" N., longitude 120°16'15" W.,
thence to latitude 32°52'15" N., longitude 119°12'30" W.,
thence to the point of beginning, excluding the airspace below 5,000 feet MSL.

These amendements shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order No. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on November 24, 1961.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 61-11300; Filed, Nov. 29, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8427 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Western European Import Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.235 *Source or origin:* § 13.235-60 *Place:* § 13.235-60(c) *Foreign, in general.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325-70 *Place:* § 13.1325-70(c) *Foreign, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order; Benno Karpus et al. trading as Western European Import Co., New York, N.Y., Docket 8427, Sept. 15, 1961]

In the Matter of Benno Karpus and Aron Weintraub, Individually and as Copartners Trading as Western European Import Co.

Consent order requiring New York City distributors of porcelain figurines to cease representing falsely that figurines actually made in West Germany came from Dresden in East Germany, by means of such markings as "Dresden Art" and "Dresden Dec." and advertising plaques furnished retailers bearing the words "Dresden Figures", and by use on the figurines and plaques of a hallmark closely resembling that of porcelain manufacturers of Dresden.

The order to cease and desist, including also the provision requiring report of compliance therewith, is as follows:

It is ordered, That respondents Benno Karpus and Aron Weintraub, individually and trading under the name of Western European Import Co., or under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of porcelain figurines and other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Dresden", either independently or in connection or conjunction with any other words or symbols, to designate or describe figurines or other china or porcelain ware which was not made or manufactured in Dresden, Germany.

2. Misrepresenting in any manner, directly or indirectly, the place of manufacture or origin of products sold by them.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report

in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11309; Filed, Nov. 29, 1961; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart E—Regulation Regarding Equal Employment Opportunity

Pursuant to Executive Order 10925 of March 6, 1961, and the authority conferred upon the Securities and Exchange Commission by the various statutes administered by it, Part 200 of Chapter II, Title 17, is amended by adding a new Subpart E. reading as follows:

Sec.
200.90 General statement.
200.91 Definitions.
200.92 Designation of Employment Policy Officer.
200.93 Duties of the Employment Policy Officer.
200.94 Who may file.
200.95 Where to file.
200.96 Processing of complaints; time limitation.
200.97 Investigation.
200.98 Negotiation and settlement.
200.99 Opportunity for hearing and review.
200.100 Right to counsel.
200.101 Final decision.
200.102 Review of clauses by Executive Vice Chairman.
200.103 Report of disposition of complaints.
200.104 Dissemination of information.

AUTHORITY: §§ 200.90 to 200.104 issued under secs. 19(a), 23(a), 48 Stat. 85, 901, as amended, sec. 20(a), 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38(a), 211(a), 54 Stat. 841, 855, as amended, 15 U.S.C. 77s, 79w, 79t, 77sss, 80a-37, 80b-11.

§ 200.90 General statement.

The purpose of this subpart is to implement Part II of Executive Order 10925, which reaffirms the policy expressed in Executive Order No. 10590 of January 18, 1955, with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin. This subpart applies to all positions in the Securities and Exchange Commission, whether or not in competitive service and supersedes the "Regulations and Procedures under Executive Order 10590" adopted by the Commission on August 17, 1955.

§ 200.91 Definitions.

(a) "Commission" means the Securities and Exchange Commission.

(b) "Committee" means the President's Committee on Equal Employment Opportunity.

(c) "Chairman" means the Chairman of the Securities and Exchange Commission.

(d) "Executive Vice Chairman" means the Executive Vice Chairman of the Committee.

(e) "Order" means Executive Order 10925 of March 6, 1961.

§ 200.92 Designation of Employment Policy Officer.

The Employment Policy Officer of the Commission shall be designated by the Chairman. The Employment Policy Officer may designate, when appropriate, Deputy Employment Policy Officers for each of the regional offices of the Commission to assist the Employment Policy Officer. The positions of the Employment Policy Officer and Deputy Employment Policy Officer shall be established outside the office handling the personnel matters of the Commission unless prior approval is received from the Executive Vice Chairman. In the discharge of his functions, the Employment Policy Officer shall be under the immediate supervision of the Chairman. The name of each Employment Policy Officer, his official title, address and telephone number, and any changes made in his designation, shall be furnished to the Executive Vice Chairman.

§ 200.93 Duties of the Employment Policy Officer.

The Employment Policy Officer shall:

(a) Advice the Chairman with respect to the preparation of regulations, reports, and other matters dealing with the exclusion and prohibition of discrimination under the order.

(b) Process complaints of alleged discrimination in personnel matters within the Commission, and make recommendations to approve administrative officials for such corrective measures as he may deem necessary.

(c) Appraise the personnel operations of the department or agency at regular intervals to assure their continuing conformity to the policy expressed in the order of excluding and prohibiting discrimination.

§ 200.94 Who may file.

Any aggrieved employee of the Commission or qualified applicant for employment in the Commission who believes he has been discriminated against because of race, creed, color or national origin may file a written, signed complaint within 90 days from the date of the alleged discrimination, unless such time is extended by the Employment Policy Officer or the Executive Vice Chairman for good cause shown. The complaint shall state specifically the action or personnel matter complained of and shall contain a full factual statement to support the allegations made.

§ 200.95 Where to file.

Complaints may be filed with the Employment Policy Officer or with the Committee. Those filed with the Committee may be referred to the appropriate Employment Policy Officer for consideration, or may be processed by the Committee pursuant to 5 CFR 401.22 (26 F.R. 6580). Where complaints are filed with the Employment Policy Officer or Deputy Employment Policy Officer, he shall transmit a copy of the complaint to the Executive Vice Chairman.

§ 200.96 Processing of complaints; time limitation.

Within 30 days from receipt of a complaint by the Employment Policy Officer or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the Employment Policy Officer shall process the complaint and submit to the Executive Vice Chairman a report on disposition of the complaint. Where the complainant requests a hearing, the report on the disposition of the complaint may be submitted to the Executive Vice Chairman within 60 days after the receipt thereof.

§ 200.97 Investigation.

The Employment Policy Officer shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record, including an adequate transcript or agreed summary of any hearing, sufficient to dispose of all relevant issues. Whenever necessary or appropriate for a full development of the case, the investigation shall include an appraisal of employment practices in the organizational segment or unit in which the alleged discrimination occurred. In those instances where no discrimination is found, the complainant shall be advised of such finding, of the results of the investigation, and of his right to secure a review by the Executive Vice Chairman.

§ 200.98 Negotiation and settlement.

After completion of the investigation, if the Employment Policy Officer believes there is sufficient justification for the complaint to support an effort to dispose of the matter informally, an attempt should be made to resolve the matter by informal means.

§ 200.99 Opportunity for hearing and review.

(a) In any case not disposed of by informal means, the complainant shall be afforded an opportunity for an oral hearing before the Employment Policy Officer or someone designated by him, at a convenient time and place. At such hearing, the Commission shall produce any witnesses in its employ, upon a showing satisfactory to the hearing officer of reasonable necessity therefor, and the rights of confrontation and of cross-examination (insofar as may be necessary for a development of the facts), shall be preserved. Any requests for the attendance of necessary witnesses in the Commission's employ shall be made in writing of the complainant at least 10 days prior to the date of the hearing.

(b) The complainant shall have the right to inspect any investigative report except where the Executive Vice Chairman determines that any report or portions thereof shall not be disclosed for reasons of national security. The hearing shall be informal and the hearing officer shall make his proposed findings and recommend conclusions upon the basis of the record before him. Where a complainant fails to appear without good cause shown or fails within 60 days to furnish requested information or to otherwise process his complaint, such case may be closed. The Employment Policy Officer may refer cases to the Executive Vice Chairman for study and recommendation after the Employment Policy Officer has formulated his findings and recommendations and prior to any decision by the Employment Policy Officer.

§ 200.100 Right to counsel.

Parties to proceedings under this regulation shall have the right to be accompanied, represented and advised by counsel, or by other qualified representative.

§ 200.101 Final decision.

The Employment Policy Officer shall make the final decision in the disposition of the case. Where the Employment Policy Officer has referred the case to the Executive Vice Chairman for review and advisory opinion, such final decision may be made only after receipt of the recommendations of the Executive Vice Chairman. Further, such final decisions shall be reconsidered whenever reconsideration is recommended or ordered by the Executive Vice Chairman.

§ 200.102 Review of cases by Executive Vice Chairman.

The complainant may request the Employment Policy Officer to forward his case to the Executive Vice Chairman for review. Such request must be made by the complainant within 30 days of the date of final action by the Employment Policy Officer, unless the Executive Vice Chairman shall waive such time limitation upon good cause shown.

§ 200.103 Report of disposition of complaints.

The Employment Policy Officer shall submit to the Executive Vice Chairman a report of the final disposition of each complaint processed by him. The report shall contain the following:

(a) A copy of the complete case record, if requested by the Executive Vice Chairman.

(b) A summary of the complete case record, which shall include the following:

(1) The name and address of the complainant.

(2) The date on which the complaint was filed with or referred to the Employment Policy Officer.

(3) A summary of the complaint indicating the specific type or types of discrimination alleged.

(4) A summary of the results of any appraisal of employment practices and the significant facts disclosed by the investigation and any hearing.

(5) A statement describing disposition of the complaint. If the complaint was withdrawn, the reason for withdrawal should be included.

(6) The date of disposition of the complaint.

§ 200.104 Dissemination of information.

A copy of this subpart shall be posted on all employee bulletin boards and all bulletin boards which are used to announce Federal examinations and job opportunities in the Commission; where bulletin boards are not used, the regulations will be made available to all personnel. Similar publication shall be made of the name and address of the Employment Policy Officer and that of any Deputy Employment Policy Officers in the regional offices serviced by them. Information concerning the Commission's non-discrimination policy and procedures shall be published at least annually.

The Commission finds that the foregoing action relates to agency organization, procedure or practice and that compliance with sections 4(a), (b), and (c) of the Administrative Procedure Act is unnecessary. Such action shall become effective immediately.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 20, 1961.

[F.R. Doc. 61-11315; Filed, Nov. 29, 1961; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Military Payment Certificates

Sections 536.79 through 536.84 are revoked and the following substituted therefor:

§ 536.79 Definitions.

(a) *United States dollar instruments.* For the purpose of §§ 536.79 to 536.87, United States dollar instruments include the following:

(1) United States Treasury checks (standard dollar checks) drawn on the Treasurer of the United States by authorized finance and accounting officers.

(2) Travelers' checks issued by the American Express Company, Bank of America, National Trust and Savings Associations, Mellon National Bank and Trust Company, First National City Bank of New York, Thomas Cook and Son (Bankers) Ltd., and the First National Bank of Chicago, when expressed in United States dollars.

(3) United States military disbursing officers' payment orders.

(4) American Express Company money orders, when expressed in United States dollars, and United States postal money orders.

(5) Telegraphic money orders, when expressed in United States dollars.

(b) *Military payment certificates.* The military payment certificate is an instrument, issued in denominations of 5¢, 10¢, 25¢, 50¢, $1, $5, and $10, used as the official medium of exchange in all establishments in the areas listed in § 536.80(a).

(c) *Authorized personnel.* For the purpose of §§ 536.79 to 536.87, authorized personnel include:

(1) Military personnel of the United States Government including Reserve members on active duty.

(2) Members of the Reserve components performing active duty for training, or inactive duty training and not included in subparagraphs (3) through (9) of this paragraph.

(3) Civilians, who are citizens of the United States, employed directly or indirectly through contractors, by the Department of Defense.

(4) Civilians, who are citizens of the United States, employed directly by agencies of the United States Government, other than the Department of Defense, when authorized by the appropriate oversea commander.

(5) Dependents or personnel included in subparagraphs (1) through (4) of this paragraph.

(6) Civilians, other than citizens of the country whose currency is legal tender in the area, directly employed by the Department of Defense, when authorized by the appropriate oversea commander.

(7) Civilians, other than citizens of the country whose currency is legal tender in the area, who are employed by quasi-official organizations in or under the Department of Defense and working for the benefit of members of the Armed Forces of the United States, when authorized by appropriate oversea commander. Examples of quasi-official organizations are the Army and Air Force Exchange Service and its exchanges; USO; American Red Cross; unit clubs; enlisted personnel and officers' clubs and messes; Central Welfare Fund of the major oversea command, etc.

(8) Personnel attached to the headquarters of any United States military or naval unit when specifically authorized by the oversea commander. Such authorization will be based on the oversea commander's determination that such personnel can best perform their mission by having access to Department of Defense facilities.

(9) Retired military personnel who are citizens of the United States.

(10) Individuals not falling within the categories of personnel described in subparagraphs (1) through (9) of this paragraph, may be considered "authorized personnel" if they qualify for logistic support under the policy contained in paragraph 4, AR 700-32, which provides: "Commanders of oversea areas are authorized to furnish logistic support on a reimbursable basis to the eligible individuals and agencies covered by these regulations in accordance with principles specified herein. The decision as to whether an agency or individual is eligible to receive logistic support under the policies and principles of these regulations rests with the commander of the oversea command. Commanders of unified commands in oversea areas may issue such additional implementing instructions as are necessary to assure

uniform application of the principles and policy of these regulations within their commands."

(d) *Oversea commander.* The term "oversea commander" means the commanding general of a major oversea command.

§ 536.80 Use of military payment certificates.

(a) *Areas in which used.* Military payment certificates are to be used only in the Department of Defense by authorized personnel in the following areas:

Cyprus.
Iceland.
Japan and outlying islands.
Korea.
Libya.
Morocco.
Philippine Islands.

(b) *Disbursement of military payment certificates.* In the areas listed in paragraph (a) of this section, military payment certificates will be disbursed to authorized personnel for all items of pay and allowances and for all other authorized payments to individuals in and under the Department of Defense. Where applicable the limitations stated in § 536.82 will be observed.

(c) *Facilities in which used.* Military payment certificates are the only authorized medium of exchange in the following facilities:

(1) Army, Navy, and Air Force sales and services installations and activities.

(2) Theaters and other entertainment facilities operated by Department of Defense.

(3) Officers' and enlisted personnel messes and clubs, including American Red Cross installations.

(4) Army, Navy, and Air Force postal installations for purchase of postal money orders and stamps, and cashing of postal money orders.

(5) Contributions to all authorized charitable appeals, church collections, and chaplain's funds when remittance is to be forwarded to the United States through Department of Defense channels.

(6) Payments to all travel agencies, radio, cable, telegraph, and telephone companies, and all other similar facilities when remittance is to be forwarded to the United States through Department of Defense channels.

(7) All other official agencies, quasi-official and private agencies of or working in behalf of United States Armed Forces providing goods, services, and facilities to members of the United States Armed Forces.

§ 536.81 Restrictions on possession and use.

(a) *Possession or use prohibited.* Possession or use of military payment certificates is prohibited unless acquired in accordance with § 536.79–536.87 and such additional regulations as may be issued by the oversea commander concerned.

(b) *Not to violate directives.* Acquisition, possession, and use of military payment certificates incident to normal legitimate transactions within the Department of Defense must not violate Department of the Army or major oversea command directives or the Uniform Code of Military Justice.

(c) *Acceptance, transfer, or exchange.* Under no circumstances will military payment certificates be accepted from, transferred to, or exchanged for persons other than authorized personnel. Military payment certificates will not be accepted or exchanged after the date specified by the Secretary of the Army as the last day for their acceptance or exchange.

(d) *Transmission through mail.* Individuals are prohibited from transmitting military payment certificates through the mails to any areas other than those specified in § 536.80(a). Military payment certificates may be transmitted to authorized personnel or official agencies by mail within or between the areas specified in § 536.80(a).

§ 536.82 Limitation on amounts.

(a) *Civilian and attached personnel.* The disbursement of military payment certificates to civilian and attached personnel referred to in § 536.79(c) is limited to the amount determined by the oversea commander to be necessary.

(b) *Reserve component members.* The disbursement of military payment certificates to reserve component members referred to in § 536.79(c) is limited to $50 per quarterly period for each individual. There is no limitation on the number of purchases which may be made by an individual in any quarterly period, except that the total value of military payment certificates issued during the period may not exceed $50.

§ 536.83 Convertibility of military payment certificates.

(a) *For authorized personnel.* Finance and accounting officers and their agents, subject to prescribed limitations, are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments for persons authorized to possess such certificates.

(b) *Transactions with disbursing officers of other services.* Dollar instruments may be exchanged for military payment certificates or military payment certificates for dollar instruments in transactions with Navy and Air Force disbursing officers and their agents. Oversea commanders may specifically authorize such transactions with other disbursing officers of the United States Government and their agents.

§ 536.84 Conditions under which military payment certificates may be converted.

Authorized personnel may exchange military payment certificates, in amounts legitimately in their possession for United States currency, coin, or dollar instruments, including United States Treasury checks as provided in pertinent Army regulations, under the following conditions:

(a) Upon departure for the United States.

(b) When traveling under competent orders to areas where military payment certificates are not designated for use.

(c) When traveling under competent orders to military payment certificate areas where finance and accounting officers, class B agent officers, including military attaché agent officers, or exchange facilities are not readily available to the traveler.

§ 536.85 Conversion of military payment certificates outside designated areas.

The provisions of § 536.84 will not be construed as authorizing finance and accounting officers or their agents in areas outside those listed in § 536.80 to convert military payment certificates for authorized personnel returning from military payment certificate areas. Such exchange must be made prior to departure from the military payment certificate area.

§ 536.86 Conversion of invalidated military payment certificates.

(a) *When and how converted.* Conversion of invalidated series of military payment certificates will be effected within the time limits and under conditions specified by the Comptroller of the Army.

(b) *When found in effects of deceased personnel.* Invalidated series of military payment certificates in amounts not in excess of $500, found in the effects of deceased personnel or personnel in a missing status, will be converted into a Treasury check. Such military payment certificates will be converted only if date of death or entry into missing status was prior to the date the series of military payment certificates was withdrawn from circulation. The Treasury check will be disposed of in accordance with regulations governing disposition of effects of deceased or missing personnel. Amounts in excess of $500 will be forwarded by the summary court officer to the Finance Center, U.S. Army for decision regarding exchange of such certificates.

(c) *Disposition when received with claim.* Under no circumstances will invalidated series of military payment certificates received with claims for conversion be taken up in the accounts of the finance and accounting officer. Such certificates will be held in safekeeping until decision is made. If the claim is disapproved, the certificates will be returned to the claimant. In the event these certificates are again received by the finance and accounting officer as undeliverable and reasonable efforts fail to locate the claimant, the certificates will be held for a period of 6 months after which time the proceeds of the certificates will be deposited in the Treasury to the General Fund (Misc.) Receipt Account 211060 "Forfeitures of unclaimed money and property."

§ 536.87 Confiscation of military payment certificates.

(a) *Unauthorized persons.* Military payment certificates found in the possession of unauthorized persons subject to the police power of the United States will be confiscated. The dollar proceeds will be deposited in the Treasury to the General Fund (Misc.) Subsequent claims for recovery of these funds will be forwarded through the Finance Center, U.S. Army to the General Accounting Office, Washington 25, D.C., for adjudication.

(b) *Authorized persons.* Military payment certificates confiscated from authorized persons, who are suspected of illegal dealings in military payment certificates, will be held until there is a finding, either by court-martial or as the result of administrative proceedings, as to whether or not the impounded certificates were obtained in a manner prohibited by §§ 536.79 to 536.87 or in a manner prohibited by local regulations. Administrative proceedings will afford the individual a full and complete opportunity to disprove the allegation of unlawful acquisition. The dollar proceeds of military payment certificates found to have been illegally acquired will be deposited as in paragraph (a) of this section. If it is adjudged that the military payment certificates were legally acquired, they will be returned to the individual from whom they were confiscated. In those cases where the returned certificates were invalidated, as a result of a conversion program, on or subsequent to the date of seizure, the individual will submit a claim for conversion of the invalidated certificates, with complete information, through appropriate channels. A copy of the court-martial findings, or administrative proceedings, whichever is appropriate, will be forwarded with these claims. Adjudication and final determination on such claims will be made by the Finance Center, U.S. Army, under the authority delegated by the Comptroller of the Army, or by the headquarters of the oversea command when so authorized by the Comptroller of the Army.

[Chap. 12, AR 37–103] (Sec. 3, 58 Stat. 321, as amended; 31 U.S.C. 492c)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–11293; Filed, Nov. 29, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

RONNEL

Correction

In F.R. Doc. 61–11212, appearing at page 11210 of the issue for Tuesday, November 28, 1961, the word "remix" in the introductory text of § 121.209(e) should read "premix".

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Placement, Conspicuousness, Contrast

Correction

In F.R. Doc. 61–11215, appearing at page 11213 of the issue for Tuesday, November 28, 1961, the word "crossbone" in § 191.101(b) should read "crossbones".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14272; FCC 61–1401]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Bay City, Michigan), Docket No. 14272 (RM–271).

1. The Commission has before it for consideration its notice of proposed rule making released September 15, 1961 proposing that Channel 19, now assigned to Bay City, Michigan, be reserved for noncommercial educational use in that community. Channel 73 is presently reserved for education in this community. The petitioner prefers Channel 19 for technological reasons.

2. The petition of Delta College noted that a study has been made of the potential educational utilization of a television station in the Bay City-Saginaw-Midland area, and that all of the educational and cultural institutions in the area were of the view that there was need for a new television station reserved exclusively for educational use. The public and parochial schools, the colleges and universities, an advisory committee of business and industrial leaders, and an Arts Council formed of nine art and cultural institutions have indicated an intention to program on the proposed station.

3. No comments or oppositions were filed in the rule making. On the basis of the needs recited in support of the proposal, the Commission finds that adoption of the proposal is in the public interest and that, concomitantly, the present educational reservation on Channel 73 at Bay City may be deleted.

4. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective January 2, 1962, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, with respect to the community named, to read as follows:

City	*Channel No.*
Bay City, Mich	5–, *19+, 62–, 73+

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 21, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11345; Filed, Nov. 29, 1961; 8:53 a.m.]

[Docket No. 13952; FCC 61–1323]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Frequencies for Ship-Shore and Ship-to-Ship Communication by Telegraphy to Telephony in All Zones

Correction

In F.R. Doc. 61–11009, appearing at page 10918 of the issue for Wednesday, November 22, 1961, in § 14.259(a) (3) (ii), the frequency reading "5390.2" should read "4390.2".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 998]

[Docket No. AO 259–A5]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Edinburg, Texas, on April 21, 1961, pursuant to notice thereof which was issued March 28, 1961 (26 F.R. 2756).

The material issues on the record of the hearing relate to:

1. The classification and accounting for dietary products and other fortified fluid milk products.

2. Classification of sour cream and related products.

3. Pooling requirements for fluid milk plants also meeting the pooling requirements of another Federal order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* Fortified fluid milk products, including dietary products, should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

The existing order provisions provide for full skim milk equivalent accounting. Hence, when nonfat milk solids in the form of nonfat dry milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I. Since the order provides for individual-handler pooling there is no provision for any compensatory payments on other source milk. Producer milk is given priority of assignment in Class I and to the extent that producer receipts are available in the plant, producers are credited a Class I utilization on the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used in fortification or reconstitution. Where nonmilk products such as salt, sugar, flavoring, etc., are used in making any milk product, the weight of such additives is deducted before reconciliation of the pounds of skim and butterfat to be classified.

Handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification and that the skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products places them at a competitive disadvantage with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products and distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a Class II classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. This they contended would serve to increase over-all returns to producers because less milk would be disposed of necessarily in Class II–A (Cheddar cheese). They further contended that a Class I classification and pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products is unrealistic and unduly increases handlers' cost.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the various health ordinances in effect in the marketing area. Regardless of the intent of the ordinances it is apparent that the local health authorities are not so interpreting their ordinances. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their fluid milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their full fluid milk requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortification of fluid milk products customarily is accomplished by the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

Nonfat dry milk and condensed milk or skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If nonfat milk solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure to be followed in cases where flavoring and other nonmilk additives are used in processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

2. *Classification of sour cream and related products.* The classification provisions should be revised to provide, in the case of sour cream, that only sour cream and those sour cream products which are disposed of under a Grade A label shall be classified as Class I. Such products disposed of without a Grade A label should be classified as Class II.

Handlers proposed revision of the classification provisions to provide a Class II classification for all sour cream and sour cream derivatives such as sour cream dressings, dips, toppings, etc. They pointed out that they compete for sales of such products with handlers from an adjacent Federal order market where such products are classified as Class II and also such products processed in distant unregulated markets sold through grocery and dairy stores throughout the marketing area.

Producers opposed any change from the present Class I classification, pointing out that the applicable health regulations in the local market require that sour cream carry a Grade A label and that while sour cream products are not required to be so labeled, nevertheless, regulated handlers use only local Grade A producer milk in processing such products.

The products required to be made from locally approved milk supplies are classified as Class I. A Class I classification and pricing for such products is essential to assure sufficient returns to producers to encourage the maintenance of an adequate milk supply for the market. However, it is not necessary that sufficient producer milk be available to supply the market's requirements for sour cream products not required to be made from approved milk. Such requirements, under normal circumstances, can be supplied more economically through manufactured dairy products procured on the open market. Nevertheless, to the extent that the reserve supply of the local fluid market is available for disposition in such products its economical utilization should be encouraged.

Local handlers currently rely on local producers to furnish their skim milk and butterfat requirements for sour cream products, primarily to assure a quality product. Handler witnesses stated that they had sought other sources of supply but to date had found no assured supply of suitable quality. Notwithstanding, products derived from sour cream and originating in distant unregulated markets are now being distributed generally in the marketing area in direct competition with locally made products. In addition, regulated handlers under the San Antonio order, where sour cream products are classified as Class II, are disposing of such products in the local market. None of these products is marketed under a Grade A label, however.

It is likely that local handlers are operating at a competitive disadvantage in the distribution of sour cream products, by virtue of their higher product costs under a Class I classification. Under the circumstances, it is desirable that the classification of sour cream products not distributed under a Grade A label be changed to Class II. However, if handlers sell their locally made products as sour cream or under a Grade A label to comply with local health regulations such products should continue to be classified in Class I.

3. *Pooling requirements for fluid milk plants also meeting the pooling requirements of another Federal order.* The present order provisions should be revised to exempt from regulation, except for reporting and verification, any plant meeting the pooling requirements of both this order and another Federal order and which retains pooling status under such other Federal order.

Under the present order provisions a distributing plant which disposes of more than three percent of its receipts, or an average of 1,000 pounds per day (whichever is less), as Class I milk in the marketing area during the month is subject to full regulation, unless a greater volume of Class I milk is disposed of on routes in another marketing area and the plant would be fully regulated under such other order. A supply plant is regulated in any month of February through July in which milk, skim milk or cream is shipped to a regulated distributing plant and in any month of August through January in which such shipments exceed 5,000 pounds per day. No provision is made for exempting a supply plant which is regulated under another order.

A regulated handler under the North Texas order proposed that the order be amended to preclude regulation under this order of a plant meeting the pooling requirements of both this order and another Federal order unless such plant's sales in this market exceeded its sales in the other market over an extended period of time. He contended that with recent technological improvements in processing and distribution, milk now moves great distances from plant to consumer. It is possible that a plant could in a short run period increase its sales in the local market to such an extent as to bring it under full regulation under the order and then by virtue of the loss of a few accounts or by an increase in accounts in the other market change back and forth between orders on a month-to-month basis. This, he contended, would not be in the best interest of either the handler or producers involved.

The proposal was opposed by both regulated handlers and by producers. They pointed out that proponent had no sales in the local market and the nature of the market was such that there was little likelihood of the situation referred to occurring. They further pointed out that regulation of a plant under the Corpus Christi order, with individual-handler pooling, when such plant did more business in another Federal order market could under certain circumstances provide the plant a significant competitive advantage.

A similar proposal was considered at recent hearings in each of the other Texas markets. It is recognized that the shifting of distributing plants back and forth on a month-to-month basis between two different regulations could have a serious detrimental effect on the stability of the market. However, as opponents point out there is no apparent situation presently existing in the market which might produce this result. San Antonio is the nearest federally regulated market and it is significantly larger than the Corpus Christi market in both producer receipts and Class I sales. Under the circumstances there appears to be no need for the proposed provision at this time. However, recognition should be given to the fact that the San Antonio order presently provides that a plant meeting the pooling requirements of that order and which was regulated in the most recent month under that order shall continue to be so regulated until the third month in which greater sales are made in another Federal order market.

As previously indicated, there is no reason at this time to expect that a plant regulated under the San Antonio order, or any other order under a similar provision might dispose of a greater proportion of its Class I milk in the Corpus Christi marketing area. Nevertheless, it is desirable that provision be made to exempt such a plant from regulation under this order, in such event, since it would be neither necessary nor appropriate to subject a plant to full regulation under two orders. Since Federal orders generally provide that distributing plants meeting the pooling requirements of more than one order shall be regulated under that order covering the marketing area in which the greater volume of Class I milk is disposed of, modification of the order to exempt any plant regulated under another Federal order would have significance only under

circumstances in which a plant retained pooling status under another order for a temporary period under a provision intended to give the operator reasonable time to make sales adjustments as between markets and thus avoid a change from one regulation to another if such change was not contemplated nor intended. Accordingly, this revision should be made.

As previously indicated, the present order provides no direction as to where a supply plant performing under two orders should be regulated. This deficiency can be corrected by providing that any plant meeting the requirements for regulation both under this order and another Federal order shall be pooled under this order unless greater qualifying shipments are made during the month to plants regulated under another order or the plant retains automatic pooling status under such other order by virtue of performance in a previous period. During the flush production months, when milk of supply plants is least likely to be needed for fluid uses, many Federal orders provide automatic pooling status for supply plants which have been closely associated with the market in previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under another order to be regulated under this order during the flush production months on the basis of casual shipments could be expected to have an adverse effect on returns to the dairy farmers delivering to such plant since their normal market would likely be operating under a marketwide pooling arrangement and regulation under an individual-handler pool (as provided in this order) likely would deny them any significant share of the market's Class I sales. It would therefore be more appropriate to permit such a plant to retain pooling status during the flush production months in the market with which it had an established association and automatic pooling status.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Corpus Christi, Texas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 998.41 [Amendment]

1. Delete paragraph (a) of § 998.41 and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk, and milk products contained in hermetically sealed containers): *Provided,* That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content, and (2) not accounted for as Class II milk or Class II–A milk.

2. Renumber subparagraphs (4) and (5) of § 998.41(b) as subparagraphs (5) and (6), respectively, and add a new subparagraph (4) as follows:

(4) Skim milk contained in any fortified product designated in paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph;

3. Delete § 998.61 and substitute therefor the following:

§ 998.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a), (b) or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A fluid milk plant pursuant to § 998.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area.

(b) A fluid milk plant pursuant to § 998.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A fluid milk plant pursuant to § 998.7(b) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order, or (2) retains automatic pooling status under another Federal order.

Signed at Washington, D.C., on November 24, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–11322; Filed, Nov. 29, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Montana

Basis and purpose. Notice is hereby given that pursuant to the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Directors (Bureau Order No. 551 Amendment No. 1; 16 F.R. 5454–71) it is proposed to amend §§ 221.130 and 221.131 as set forth below.

The purpose of the amendment is to increase the annual operation and maintenance rate from $1.80 to $2.25 per acre foot and the assessment rate for excess water from $1.00 to $1.25 per acre-foot. These rate increases are necessary in order that the assessments meet the operation and maintenance costs, which have risen due to increases in labor and material costs.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days of publication of this notice in the FEDERAL REGISTER.

1. Section 221.130 is amended to read as follows:

§ 221.130 Basic assessment.

Pursuant to the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1962 and subsequent years until further notice is hereby fixed at $2.25 per acre per annum for the delivery of not to exceed one and one-half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

2. Section 221.131 is amended to read as follows:

§ 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of $1.25 per acre foot, or fraction thereof.

PERCY E. MELIS,
Area Director.

[F.R. Doc. 61–11310; Filed, Nov. 29, 1961; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethylene Oxide on Black Walnut Meats; Notice of Proposal To Establish Tolerance

The Hammons Products Company, Stockton, Missouri, has requested that action be taken to establish a tolerance for ethylene oxide used as a fumigant on Juglans nigra (black walnut) meats. The United States Department of Agriculture advises that ethylene oxide is useful for the purposes proposed. Data in the petition indicate that the residues in or on black walnut meats from fumigation with ethylene oxide, as proposed, do not exceed 50 parts per million. These residues will not constitute a hazard to health.

After consideration of the data in the petition and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), 68 Stat. 512; 21 U.S.C. 346a(c)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner, in accordance with the request set forth above, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.151) be amended to read as follows:

§ 120.151 Tolerances for residues of ethylene oxide.

A tolerance of 50 parts per million is established for residues of ethylene oxide when used as a fumigant in or on the following raw agricultural commodities: Black walnut meats, copra, whole spices.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing ethylene oxide may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of the publication of this notice in the FEDERAL REGISTER, file, in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., written views or comments on this proposal.

Dated: November 22, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–11318; Filed, Nov. 29, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14409, RM-290; FCC 61-1403]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, STATE OF GEORGIA

Proposed Reservation of Certain Television Channels for Non-Commercial Educational Use

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition for rule making filed on October 27, 1961, by the Georgia State Department of Education requesting an amendment of § 3.606(b) of the Commission's rules and regulations so as to assign and reserve for noncommercial educational use 8 UHF television channels as follows:

City	Channel No.	
	Delete	Add
Dalton, Ga.	25+	*18–
Draketown, Ga.	----------	*14+
Wrens, Ga.	----------	*20–
Cochran, Ga.	----------	*15
Dawson, Ga.	----------	*23
Ashburn, Ga.	----------	*18+
Pelham, Ga.	----------	*14–
Warm Springs, Ga.	----------	*17+
Dublin, Ga.	15	----------
Marianna, Fla.	17+	----------
Jasper, Ala.	[1] 17	----------
Tifton, Ga.	14–	----------
Americus, Ga.	[2] 31	----------
Swainsboro, Ga.	20–	----------
Athens, Tenn.	14+	----------
Murfreesboro, Tenn.	18–	----------
Burnsville, N.C.	18	----------
Fort Valley, Ga.	18+	----------
Albany, Ga.	25	----------
Douglas, Ga.	32–	----------

[1] This channel could continue to be used at Jasper, Ala., if a site were chosen approximately 11 miles from Jasper.
[2] This channel could continue to be used at Americus, Ga., if a site were chosen approximately 1 mile from Americus.

3. In support of its request the Georgia State Department of Education states that it has been given the responsibility of developing a program looking toward the establishment of a state-wide television service; that educational television can make a vital contribution to classroom education; and that the plan proposed would permit state-wide coverage beyond the range of the existing VHF educational assignments in the State.[1]

4. In Docket No. 14229 the Commission is considering measures which would enhance the opportunities for successful use of the UHF television channels. Included in the proposals made in that proceeding is one which would eliminate the present television Table of Assignments for UHF and substitute a system in which applicants would apply for the lowest available UHF channel without antecedent rule making. It is at the same time proposed to establish a "pool" of UHF channels reserved for existing VHF stations and for educational purposes. Thus, the entire matter of UHF assignments is under study in that proceeding.

5. Until the matter of overall allocation policy can be decided we believe it would be inappropriate to reserve large blocks of channels such as requested by the petitioner, particularly since immediate construction is not contemplated. We are, however, mindful of the needs for additional channels for educational television in Georgia and believe that a sufficient showing has been made to warrant the institution of rule making concurrently with that in Docket 14229. This will allow consideration of the request for reservation of UHF channels in the 8 communities named in light of the decisions made in the overall UHF proceeding.

[1] In addition to those requested there are presently assigned and reserved for educational stations UHF channels in Atlanta, Columbus, and Macon.

6. Authority for adoption of the proposed amendments is contained in sections 4 (i), and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before February 5, 1962, and reply comments on or before March 9, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: November 21, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11342; Filed, Nov. 29, 1961; 8:52 a.m.]

[47 CFR Part 6]

[Docket No. 11513, FCC 61-1380]

INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Use of Single Sideband Transmissions in Fixed Radiotelephone Service Below 25,000 kc, Except Alaskan and Maritime Fixed; Further Notice of Proposed Rule Making

Further notice is hereby given of proposed rule making in the above-entitled matter insofar as Part 6 of the Rules is concerned.

In the original notice of proposed rule making in Docket 11513 (20 F.R. 7613, Oct. 12, 1955) the Commission invited comments on a proposal looking toward the adoption of rules requiring the use of single sideband transmission for all radiotelephone communications at some unspecified future date. Comments were invited with respect to the length of time necessary to convert to single sideband operation as well as the technical characteristics of the system which might be specified for the services covered by the notice.

With respect to Part 9 of the Commission's rules (Aviation Services), proceedings in the subject Docket were terminated by Report and Order in Dockets 11513, 11678, and 11654, released April 24, 1961 (26 F.R. 3610, April 27, 1961), and by Memorandum Opinion and Order in the same Dockets released June 15, 1961.

With respect to Part 6 of the Commission's rules (International Fixed Public Radiocommunication Services), comments of interested parties and the subsequent expression by the International Telecommunications Union that all Administrations should be urged to discontinue the use of double sideband radiotelephone operation in the frequency bands below 30 Mc (Article 7, Radio Regulations, Geneva, 1959) both support the Commission's original proposal in this Docket. Accordingly, it is proposed to amend Part 6 as set forth below. The proposed rule would require discontinuance of double sideband operation after January 1, 1965, except in cases where the foreign correspondent is unable to receive single sideband transmission.

The original notice of proposed rule making applied to frequencies below 25,000 kc. However, Article 7 of the Geneva Radio Regulations applies to frequencies below 30,000 kc. The latter figure is preferable for the International Fixed Public Radiocommunication Services since there is space allocated to that service, and assignments made, between 25,000 and 30,000 kc. Accordingly, the rules proposed hereby are made applicable to operations on frequencies below 30,000 kc.

It is not proposed to amend Part 6 to provide technical specifications for single sideband transmissions since the exact technical details of the systems used requires agreement with foreign administrations over whom the Commission has no control.

The proposed amendment is issued under the authority of section 303(r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 2, 1962, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Rebuttal comments may be filed within ten days from the last day of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such comments is established. The Commission will consider all such comments before taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.54 of the rules an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: November 21, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 6.10 is amended to read as follows:

§ 6.10 Radiotelephone.

The term "radiotelephone" as used in this part, with respect to operation on frequencies below 30 Mc/s means a system of radiocommunication for the transmission of speech or, in some cases, other sounds by means of amplitude modulation including double sideband (A3), single sideband (A3A, A3H, or A3J) or independent sideband (A3B) transmission.

2. Section 6.11 is amended to read as follows:

§ 6.11 Use of radiotelephone by radiotelegraph stations.

The licensee of a radiotelegraph station, using frequencies below 30 Mc/s, may be authorized to use radiotelephone emissions as defined in § 6.10 for the following purposes:

(a) Transmission of addressed program material as set forth in § 6.51.

(b) Controlling the transmission or reception of addressed program material.

(c) Controlling the transmission or reception of facsimile material.

3. Section 6.54 is added as a new section to read:

§ 6.54 Use of double sideband radiotelephone.

Use of double sideband radiotelephone transmissions, on frequencies below 30 Mc/s shall be held to a minimum with a view towards discontinuance of such operation as soon as possible. Except in cases where the foreign correspondent is unable to receive single sideband transmissions, double sideband radiotelephone shall not be transmitted after January 1, 1965.

[F.R. Doc. 61-11343; Filed, Nov. 29, 1961; 8:52 a.m.]

[47 CFR Part 13]

[Docket No. 14401; FCC 61-1381]

COMMERCIAL RADIO OPERATORS

Fraudulent Licenses; Notice of Proposed Rule Making

Notice is hereby given of rule making in the above-entitled matter.

This proposal is prompted by the number of cases involving the perpetration of fraud in matters concerning commercial radio operator licenses. New and diverse techniques as well as the old standbys are continually employed in an effort to share in the privileges accorded holders of operator licenses without being required to meet the standards set by the Commission for obtaining valid licenses.

Section 13.70 of Part 13 of the Commission's rules currently provides:

§ 13.70 Fraudulent licenses.

No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain an operator's license by fraudulent means.

While this section adequately covers fraudulent methods used in obtaining licenses from the Commission, it is lacking with respect to alteration, duplication, or use of licenses issued by the Commission. It seems appropriate that alteration, duplication, and use of licenses should be prohibited by the rules applicable to commercial radio operators. Amendment of § 13.70 to include the above-mentioned offenses, would provide the Commission with a much broader basis on which to deal both administratively and criminally with those persons who fraudulently seek to circumvent the Commission's commercial radio operator licensing standards. Therefore, it is proposed that § 13.70 be amended to read as follows:

§ 13.70 Fraudulent licenses.

No licensed radio operator or other person shall alter, duplicate, or fraudulently obtain, or assist another to alter, duplicate, or fraudulently obtain an operator license. Nor shall any person use a license issued to another or a license which he knows to have been altered, duplicated, or fraudulently obtained.

Authority for the amendments herein proposed is contained in sections 4(i), 303(l), and 303(r) of the Communications Act of 1934, as amended.

Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 2, 1962, and reply comments on or before January 12, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In making its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 21, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11344; Filed, Nov. 29, 1961; 8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 73]

[No. 3666; Order 49]

SHIPPERS

Regulations for Transportation of Explosives and Other Dangerous Articles

It appearing, that by an order dated October 30, 1961, the above-entitled proceeding was set for hearing at the office of the Interstate Commerce Commission, Washington, D.C. on December 11, 1961:

It further appearing, that by letter dated November 9, 1961, counsel for the National Tank Truck Carrier, Inc. requests that the said hearing be postponed to a date subsequent to February 16, 1962; and for good cause shown;

It is ordered, That the hearing in the above-entitled proceeding now assigned for hearing on December 11, 1961, at Washington, D.C. before Examiners Henry J. Vinskey and Robert R. Boyd, be, and it is hereby cancelled and the proceeding is reassigned for hearing on February 27, 1962, at 9:30 o'clock a.m. United States standard time at the office of the Interstate Commerce Commission, Washington, D.C. before Examiners Henry J. Vinskey and Robert R. Boyd.

And it is further ordered, That a copy of this order shall be given to persons of interest and to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of November 1961.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11325; Filed, Nov. 29, 1961; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON AND SILK WASTE AND CARPET WOOL

Importation From Countries Not in Authorized Trade Territory; Applications for Licenses

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation during 1962 of limited quantities of the following commodities from countries (other than Communist China and North Korea) not in the authorized trade territory:

Badger hair.
Camel hair.
Carpet wool.
Cotton waste.
Goat hair.
Horse mane hair, horse tail hair and other horse hair.
Silk waste.
Yak hair.

Applications must be filed on or before December 23, 1961.

Any person interested in importing any of the above-named commodities from a country (other than Communist China and North Korea) not in the authorized trade territory may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D.C.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control Regulations and that the term "countries (other than Communist China and North Korea) not in the authorized trade territory" as used herein includes Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Sector of Berlin, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Poland, Rumania, the Union of Soviet Socialist Republics, and Viet-Nam (only those areas under Communist control).

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 61-11386; Filed, Nov. 29, 1961; 8:50 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 15]

AMERICAN FIRE AND CASUALTY CO.

Surety Companies Acceptable on Federal Bonds

NOVEMBER 27, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $261,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Florida; American Fire and Casualty Co.; Orlando, Fla.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-11327; Filed, Nov. 29, 1961; 8:49 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 16]

AMERICAN INDEPENDENT REINSURANCE CO.

Acceptable Reinsuring Companies on Federal Bonds

NOVEMBER 27, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on bonds under Treasury Department Circular No. 297 dated July 5, 1922, as amended, 31 CFR 223. An underwriting limitation of $264,000.00 has been established for the company.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Florida; American Independent Reinsurance Co.; Orlando, Fla.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-11328; Filed, Nov. 29, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 210]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 80 acres in Ormsby County, Nevada, as suitable for disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 20 E.,
Sec. 21, W½SE¼.

Containing 80 acres which are covered by 16 applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. The 16 valid applications filed prior to November 20, 1961 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11311; Filed, Nov. 29, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (26 F.R. 10242 and 10613) for October and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is prefixed on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Swine
Finely Packing Co., Inc.	10	(*)	-------	-------
Maryland Packing Co. of Alabama.	56	(*)	-------	(*)
Ohio Veal Co., Inc.	88	(*)	-------	-------
Vernon Calhoun Packing Co.	355	(*)	-------	-------
Grandall Packing Corp.	542	(*)	(*)	-------

Done at Washington, D.C., this 24th day of November 1961.

E. A. MURPHY,
Acting Director,
Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 61-11321; Filed, Nov. 29, 1961; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, NUMBER OF STORES

Notice of Consideration to Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct the 1961 Annual Retail Trade Survey under the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225. This is a continuation of surveys conducted in previous years and, for the year 1961, would cover year-end inventories, annual sales, and number of retail stores operated as of the end of the year.

This survey will provide the only continuing source of important information on retail inventories and on total retail sales by geographic area. On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the FEDERAL REGISTER.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales summarized by geographic areas.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recommendations concerning the subject matter of the proposed survey should be submitted in writing to the Director of the Bureau of the Census within 30 days after the date of this publication and will receive consideration.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 61-11316; Filed, Nov. 29, 1961; 8:48 a.m.]

Office of the Secretary

[Docket No. FC-60; B.I.P. Case No. 294]

HENRY WEINGARTNER & CO., INC.

Appeals Board Decision

In the matter of Henry Weingartner & Co., Inc., Henry Weingartner, President, 217 Broadway, New York 7, N.Y.; Appeals Board Docket No. FC-60, B.I.P. Case No. 294.

By order of the Director, Office of Export Control, Bureau of International Programs (successor to the Bureau of Foreign Commerce (BFC)), dated October 10, 1961 (26 F.R. 9926), Henry Weingartner & Co., Inc., and Henry Weingartner (hereinafter collectively referred to as "respondent") were denied export privileges for the duration of export controls, with provision for conditional restoration three months after the date of the order, the condition being that during one year after the date of the order respondent comply with the order and with all requirements of the Export Control Act of 1949, as amended, and with all regulations, licenses, and orders issued thereunder. Respondent appealed from the order and also moved for a stay pending the appeal. The stay was granted by the Appeals Board under date of October 18, 1961 (26 F.R. 10003), to remain effective until the date of the final decision of the Board on the appeal.

The Board has considered the appeal on the basis of the record before the Compliance Commissioner, who presided over an oral hearing in which respondent participated personally and by attorney. The record includes the transcript of the hearing, the exhibits introduced at the hearing, briefs and legal memoranda filed by the Government and respondent, together with the charging letter, Report of Compliance Commissioner, and the order in question. The Board has also considered an appeal brief filed for respondent. Oral argument on the appeal was held before the Board on November 8. At that time counsel for respondent submitted copy of a letter dated February 27, 1956 from Karl Lachnit (another respondent who had defaulted) to respondent. This letter had been mentioned in the proceedings, and respondent's counsel stated that he had just received it from Lachnit after repeated requests. The Board agreed to make this letter part of the record and the letter (and translation) is admitted as Respondent's Appeal Exhibit No. 1.

The Report of the Compliance Commissioner states the salient facts, repeated in the order appealed from. For this reason the Board does not feel it necessary to state the facts in any detail, and any such statement by the Board is not to be considered exhaustive but merely as calling attention to some facts which the Board deems especially pertinent. In referring to exhibits, Government's exhibits were introduced by numbers, and respondent's by letters. It should also be kept in mind that a number of documents mentioned or referred to in the introduced exhibits do not appear in the record before the Board.

On February 24, 1958, the firm of Dr. Alfred Back ("Back") of Vienna confirmed by telegram an apparently previous order to respondent for 240 tons of tin mill black plate rejects in the name of a firm, Estab. River of Vaduz, Liechtenstein (Ex. 1). The sizes were specified (120 tons @ .20mm; 10 @ .22; 40 @ .25; 20 @ .26; and 50 @ .28). On the same date a cable (Ex. 2) was sent to respondent by Lachnit-Feroma repeating the specifications and asking for price CIF Gdynia and delivery terms. Lachnit at that time was manager of a Viennese firm, Feroma, and from that time on extensive correspondence was carried on between him and respondent with reference to the order. Unquestionably Lachnit was a moving and interested party in this order. The interest, if any, of Feroma, does not clearly appear, but Lachnit had coupled his name with that of Feroma at least once in his cable of February 24. Under date of February 27, 1958, River sent a formal order to respondent (Ex. 5), coupled with an end-use statement to the effect that the material was destined for Hungary.

On March 3 Weingartner filed his application for an export license (Ex. 9). Box 14 of the application (Applicant's Certification), sub. (d) certified that "all parties to the export transaction • • • and other facts of the export transaction are fully and accurately reflected herein • • •." The application disclosed only Estab. River, with an accompanying statement by River disclosing the ultimate consignee and purchaser as "METALIMPEX", Budapest, Hungary. The license application was rejected on March 22 (Ex. 10) and an appeal was taken by respondent on March 24 (Ex. 11) to the Appeals Board. The Board denied the appeal April 24, 1958.

While the appeal was pending, respondent had been in regular communication with Lachnit. On April 10 respondent cabled Lachnit to "have Feroma mail complete new signed order which must be submitted Washington since appeal pending" (Ex. 18). By letter dated April 13 on Feroma stationery, Feroma referred to the cable and placed and order for the identical material specified in the pending River order, the tonnage and sizes being broken down the same as in that order. The letter was signed by Lachnit for Feroma. On April 22 respondent wrote the BFC, stating that he was aware that his appeal was pending, and adding that he had received "from another party" namely, Feroma, a "similar order" for shipment to Hamburg, and asking if he could proceed with shipment (Ex. 19). With this letter were enclosed a copy of the Feroma order and a cable from Feroma. On April 14, 1958 (Ex. 22) Lachnit wrote to respondent, with salutation to Mr. Thewman, respondent's manager, stating that he had sent the order from Feroma, assuring respondent of "every protection" and mentioning that the Hungarians had made funds available for the merchandise but were becoming impatient.

While respondent might not have had this last letter, Ex. 22, at the time he wrote BFC, it would seem that respondent was less than candid with BFC with the knowledge he had at hand. At the time he wrote the letter respondent was aware that the tonnage and sizes of both orders were identical, and that the same overseas intermediaries were active in both orders. In addition to the correspondence with Lachnit, respondent had received a cable dated April 9 from Ferroback (Back) asking about shipment of 240 tons of rejects for account Feroma, country of destination Austria. The letter from Lachnit of April 14 should have been a clear indication to respondent that the Hungarians were still in the picture, but the letter was written in the context of the "new" order that had just been mailed by Lachnit. It is true that at that time respondent's appeal with reference to the River order was pending, but there would have been no occasion even to mention the Hungarians in connection with the second order. The entire letter must be taken to indicate that the second order was of interest to the Hungarians, who were "impatient" and might place their dollars elsewhere, "and then all our mutual efforts would have been in vain."

On April 30, BFC wrote respondent (Ex. 27) in answer to his inquiry of April 22, to the effect that if the ultimate destination of the rejects was Austria it could be exported under General License GRO without application, but that if Feroma were merely a purchaser and the ultimate destination was a Sub-Group A country, an application would be required.

From that time on cables and letters were exchanged between respondent and Lachnit. Respondent kept insisting that it was necessary that he have some formal end-use statement that the country of destination was Austria, and Lachnit provided him with the statement (see, e.g., Exs. 30–33).

Without further detail it appears that Lachnit engaged a forwarder's firm, Schenkers, to handle the shipments of the rejects (Ex. 34); that respondent made partial shipments (approximately 100 and 40 tons) under General License (Exs. 40, 46); that Lachnit/Feroma received credits and remittances from respondent for the differences between prices collected by respondent and a lower price (Exs. 41, 47); that Schenker was instructed to turn over all shipping documents to Back (Ex. 51–B); that Feroma later disclaimed any actions of Lachnit (who had left the firm) and denied that it had ever dealt in this matter (Ex. 52–D–1); and that after the shipping documents were turned over to Back who had been involved in the original Hungarian order.

The Government does not base its case on whether or not the rejects were actually diverted to a Soviet-Bloc country. The basic charge against respondent is his withholding of vital information from BFC, omitting names of parties in interest, and failure to disclose all elements of the two orders, which might have enabled BFC to prevent either an actual diversion, or a situation which might lead to diversion to unauthorized destinations. The Board is of the opinion that, on the entire record, the Report of the Compliance Commissioner and the ensuing Order were justified, with reservations as to the Order hereafter noted.

The Department of Commerce has been entrusted with the program and enforcement of export controls. It attempts to protect the integrity of such controls. Its enforcement proceedings, while entailing certain sanctions, are remedial in nature, not criminal. Counsel for respondent has ably and strenuously argued the legal proposition that where two constructions of documents or evidence are possible, the presumption of innocence should weigh the decision in favor of respondent. The Board agrees with this as a general principle, but can not find it applicable in this case where the documentary evidence is certainly sufficient to have put respondent on notice that he might be an instrument in evasion of controls. Respondent had a duty to disclose all pertinent facts to BFC.

Having in mind the deterrent nature of export sanctions and respondent's apparent reputable record, apart from the incidents involved in this appeal, the Board feels that the interests of the Government will be fully protected and that the ends of justice will be served by a partial remission of the three-month suspension in Part IV of the order appealed from. The Board feels that a total actual suspension period of 45 days will accomplish the necessary remedial result.

Accordingly:

(1) The Appeal is denied.

(2) The denial order of October 31, 1961, is sustained, except as to Part IV thereof, which is hereby modified to read as follows:

Forty-five (45) days from December 1, 1961 (January 17, 1962) without further order of the Bureau of International Programs, Henry Weingartner, Henry Weingartner & Co., Inc., shall have their export privileges restored to them conditionally, the condition for such restoration being that during one year following the date hereof the said respondents shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

(3) In all other respects the order appealed from is affirmed.

Washington 25, D.C., November 24, 1961.

JOHN F. LUKENS,
Chairman, Appeals Board.

[F.R. Doc. 61–11317; Filed, Nov. 29, 1961; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13204]

HELICOPTER OPERATORS CONSOLIDATED MAIL RATE PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on December 8, 1961 at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., November 27, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–11340; Filed, Nov. 29, 1961; 8:52 a.m.]

[Docket 12495]

MACKEY AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the applications of Mackey Airlines, Inc. for renewal and amendment of its certificate of public convenience and necessity for Routes 110, 112, and 145.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on December 13, 1961 at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., November 27, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–11341; Filed, Nov. 29, 1961; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 29; FCC 61–1398]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 24, 1961.

Notice is hereby given, pursuant to § 1.394(c) of the Commission rules, that on January 3, 1962, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(b)(2) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 2, 1962 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by whichever date is earlier: (a) the close of business on January 2, 1962 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virture of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications from the top of the processing line

BP–13389	New, Raeford, N.C. Stanmar Broadcasting Co. Req: 1400 kc, 250 w, U.
BP–14429	New, Prentiss, Miss. Jeff Davis Broadcasting Service. Req: 1510 kc, 1 kw, Day.
BP–14558	New, Kealakekua, Hawaii. Maunaloa Broadcasting, Inc. Req: 790 kc, 1 kw, U.
BP–14581	KGOS, Torrington, Wyo. Kermit G. Kath. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw—LS, U.
BP–14582	KTSM, El Paso, Tex. Tri-State Broadcasting Co., Inc. Has: 1380 kc, 500 w, 1 kw—LS, U. Req: 1380 kc, 500 w, 5 kw—LS, U.
BP–14583	KBFS, Belle Fourche, S. Dak. Belle Fourche Broadcasting Co. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw—LS, U.
BP–14584	New, Paynesville, Minn. Paynesville Broadcasting Co. Req: 1300 kc, 500 w, Day.
BP–14585	WMAN, Mansfield, Ohio. Richland, Inc. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw—LS, U.
BP–14587	New, Abilene, Kans. Wyman N. and Willa M. Schnepp as Joint Tenants. Req: 1560 kc, 250 w, Day
BP–14588	New, Farmerville, La. Union Broadcasting Co., Inc. Req: 1470 kc, 1 kw, Day.
BP–14589	New, Arlington, Tex. Richard Tuck Enterprises. Req: 1240 kc, 100 w, U.
BP–14590	WEOK, Poughkeepsie, N.Y. Hudson Valley Broadcasting Corp. Has Lic: 1390 kc, 1 kw, Day. Has CP: 1390 kc, 5 kw, DA, Day. Req: 1390 kc, 1 kw, 5 kw—LS, DA–2, U.
BP–14592	New, Beloit, Kans. KRFS Radio. Req: 1560 kc, 250 w, Day.
BP–14594	New, Holly Hill, S.C. Palmetto Communications Corp. Req: 1440 kc, 1 kw, Day.
BP–14595	New, Centre, Ala. Radio Centre Req: 1560 kc, 1 kw, Day.
BP–14597	WCCW, Traverse City, Mich. D. C. Summerford. Has: 1310 kc, 1 kw, Day. Req: 1310 kc, 5 kw, Day.
BP–14598	WDEA, Ellsworth, Maine. Coastal Broadcasting Co., Inc. Has: 1350 kc, 1 kw, Day. Req: 1370 kc, 5 kw, Day.
BP–14603	New, Cuthbert, Ga. Radio Cuthbert. Req: 1510 kc, 1 kw, Day.
BP–14604	New, Donalsonville, Ga. Radio Donalsonville. Req: 1500 kc, 1 kw, Day.
BP–14607	WCMI, Ashland, Ky. WCMI, Inc. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw—LS, U.
BP–14608	WHUC, Hudson, N.Y. Colgreene Broadcasting Co., Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw—LS, U.
BP–14609	New, Robstown, Tex. George Leon Gossage. Req: 1510 kc, 500 w, Day.
BP–14610	WCNC, Elizabeth City, N.C. Albermarle Broadcasting Co. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw—LS, U.
BP–14612	WCER, Charlotte, Mich. Eaton County Broadcasting Co. Has: 1390 kc, 1 kw, DA, Day. Req: 1390 kc, 5 kw, DA, Day.
BP–14614	KTWL, Golden, Colo. Norman Broadcasting. Has: 1250 kc, 1 kw, DA, Day. Req: 1250 kc, 500 w, 5 kw–LS, DA–2, U.
BP–14615	New, Spring Lake, N.C. Radio Smiles, Inc. Req: 1450 kc, 250 w, 500 W—LS, U.
BP–14617	New, Winfield, Ala. John Self. Req: 1300 kc, 500 w, Day.
BP–14618	New, Iowa Falls, Iowa. Iowa Falls Broadcasting Corp. Req: 1510 kc, 500 w, Day.
BP–14619	New, Vidor, Tex. Vidor Broadcasting Co., Inc. Req: 1510 kc, 1 kw, Day.
BP–14620	KWAD, Wadena, Minn. KWAD Broadcasting Co. Has: 920 kc, 1 kw, DA–N, U. Req: 920 kc, 5 kw, DA–2, U.
BP–14635	KRDO, Colorado Springs, Colo. Pikes Peak Broadcasting Co. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw—LS, U.
BP–14637	KQAQ, Austin, Minn. KQAQ, Inc. Has: 970 kc, 5 kw, DA, Day. Req: 970 kc, 500 w, 5 kw—LS, DA–2, U.
BP–14638	WCAM, Camden, N.J. City of Camden. Has: 1310 kc, 250 w, U. Req: 1310 kc, 250 w—LS, U.
BP–14640	KOVE, Lander, Wyo. Fremont Broadcasting, Inc. Has: 1330 kc, 1 kw, DA–N, U. Req: 1330 kc, 1 kw, 5 kw—LS, DA–N, U.
BP–14643	KWBW, Hutchinson, Kans. Nation's Center Broadcasting Co., Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw—LS, U.
BP–14644	New, Bolivar, Tenn. Savannah Broadcasting Service, Inc. Req: 1560 kc, 250 w, Day.
BMP–9326	WFFF, Columbia, Miss. Fortenberry Enterprises. Has: 1600 kc, 500 w, Day. Req: 1360 kc, 1 kw, Day.
BP–14646	New, Shenandoah, Pa. Schuylkill Trans-Audio Corp., Inc. Req: 1530 kc, 250 w, Day.
BP–14648	New, Rhinelander, Wis. Rhinelander Television Cable Corp. Req: 1300 kc, 5 kw, Day.
BP–14651	WREL, Lexington, Va. Rockbridge Broadcasting Corp. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw—LS, U.
BP–14652	WNAM, Neenah-Menasha, Wis. Neenah-Menasha Broadcasting Co., Inc. Has: 1280 kc, 1 kw, DA–N, U. Req: 1280 kc, 1 kw, 5 kw—LS, DA–2, U.
BP–14654	WLTC, Gastonia, N.C. Gastonia Broadcasting Service, Inc. Has: 1370 kc, 1 kw, Day. Req: 1370 kc, 5 kw, Day.
BP–14656	WXAL, Demopolis, Ala. Demopolis Broadcasting Co., Inc. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw—LS, DA–D, U.
BP–14658	WYLD, New Orleans, La. Rounsaville of New Orleans, Inc. Has: 940 kc, 500 w, 1 kw—LS, DA–N, U. Req: 940 kc, 500 w, 10 kw—LS, DA–2, U.
BP–14659	WMSR, Manchester, Tenn. Manchester Broadcasting Co. Has: 1320 kc, 1 kw, Day. Req: 1320 kc, 500 w, 5 kw—LS, DA–N, U.
BP–14665	New, Shakopee, Minn. Progress Valley Broadcasters Co. Req: 1530 kc, 500 w, Day.
BP–14669	WMNT, Manati, Puerto Rico. Arecibo Broadcasting Corp., Inc. Has: 1500 kc, 250 w, U. Req: 1500 kc, 250 w, 1 kw—LS, U.
BP–14670	New, Ridgeland, S.C. James W. Synott. Req: 1430 kc, 1 kw, Day.
BP–14672	WATT, Cadillac, Mich. Midwestern Broadcasting Co. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw—LS, U.
BP–14674	WLEU, Erie, Pa. Radio Station WESB. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw—LS, U.

[F.R. Doc. 61–11346; Filed, Nov. 29, 1961; 8:53 a.m.]

[Docket Nos. 14404, 14405; FCC 61–1396]

KWTX BROADCASTING CO. (KWTX) AND KERRVILLE BROADCASTING CO. (KERV)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KWTX Broadcasting Company (KWTX) Waco, Texas, Docket No. 14404, File No. BP–13806, Has: 1230 kc, 250 w, U, Requests: 1230 kc, 250 w, 1 kw—LS, U; Kerrville Broadcasting Company (KERV), Kerrville, Texas, Docket No. 14405, File No.

BP-14050, Has; 1230 kc, 250 w, U, Requests: 1230 kc, 250 w, 1 kw—LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 21st day of November 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. The above-captioned proposals involve mutual interference and are being consolidated because the Kerrville proposal would cause interference within the normally protected service area of Station KDLK, Del Rio, Texas, which is located near the Mexican border and, pursuant to treaty and § 3.21 of the Commission's rules, cannot increase power. The KWTX proposal would cause interference within the existing service area of Station KERV, unless the KERV proposal is favorably considered.

2. Slight mutual interference is indicated between the KWTX proposal and the proposal, File No. BP-14452 of Station KZEE, Weatherford, Texas. However, the interference to the KZEE proposal is not excessive and any grant of the KWTX proposal will be conditioned upon acceptance of interference from the KZEE proposal.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of KWTX Broadcasting Company would cause objectionable interference to Station KERV, Kerrville, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Kerrville Broadcasting Company would cause objectionable interference to Stations KWTX, Waco, Texas, and KDLK, Del Rio, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That KWTX Broadcasting Company, Kerrville Broadcasting Company and Queen City Broadcasting Company, licensees of Stations KWTX, KERV and KDLK, respectively, are made parties to the proceeding, with respect to their existing facilities.

It is further ordered, That in the event of a grant of the instant KWTX proposal, the construction permit shall contain a condition that the permittee shall accept any interference that may be received in the event of a grant of the application, File No. BP-14452, of Bartlesville Broadcasting Company requesting an increase in power of Station KZEE, Weatherford, Texas.

It is further ordered, That if either or both of the instant applications are granted, any construction permit shall contain a condition that the permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations authorized to increase power to 1,000 watts.

It is further ordered, That if either or both of the instant applications are granted, any construction permit shall contain a condition that the permittee shall submit with its application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11347; Filed, Nov. 29, 1961; 8:53 a.m.]

[Docket No. 14406; FCC 61-1397]

LAKE SHORE BROADCASTING CO., INC. (WDOE)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Lake Shore Broadcasting Company, Inc. (WDOE), Dunkirk, New York, Docket No. 14406, File No. BML-1943, Has: 1410 kc, 500 w, DA-N, U, Dunkirk, N.Y., Requests: 1410 kc, 500 w, DA-N, U, Dunkirk-Fredonia, New York; for modification of license.

1. The Commission has before it for consideration (1) a "Petition to Deny" the above-captioned application, filed, pursuant to section 309(d) of the Communications Act of 1934, as amended, on April 24, 1961 by Dunkirk-Fredonia Broadcasting, Inc., licensee of Station WBUZ, Fredonia, New York (hereafter "petitioner" or "WBUZ") and (2) a "Reply to Petition to Deny" filed May 8, 1961, by applicant, licensee of Station WDOE, Dunkirk, N.Y.

2. In support of its claim to standing, petitioner states:

> It is obvious, therefore, that the only reason for requesting dual-city assignment is the fact that since Dunkirk and Fredonia are contiguous cities, WDOE sells advertising time in both communities. Obviously, WDOE cannot sell as readily in Fredonia as it can in Dunkirk because it is licensed to Dunkirk and because there is a broadcast service licensed to Fredonia. If it were licensed to Fredonia, WDOE could undoubtedly sell more advertising time in Fredonia to the enhancement of the WDOE financial position and to the detriment of the WBUZ financial position. This obvious injury to the financial position of WBUZ affords WBUZ standing to this Petition to Deny as a party in interest, whose interest would be adversely affected by the granting of the pending application.

The Commission is of the opinion that the material quoted above is not sufficient to establish that WBUZ is a "party in interest" under section 309(d) of the Communications Act of 1934, as amended. Petitioner alleged, generally and without specificity, that the granting of the instant application would result in financial injury to them. We are not willing to presume that granting to a broadcast station, a dual-city designation, is ipso facto, economic injury sufficient to give "standing" to an existing broadcast facility in one of the cities that form part of the dual-city assignment. Wichita-Hutchinson Co. (KTVH), 20 RR 185 (FCC 60-576); also see WEHT, Inc., 15 RR 861 (FCC 57-940); cf. Interstate Broadcasting Company, Inc., v. Federal Communications Commission, 285 F. 2d 270, 20 RR 2112 (1960). Petitioner has not alleged facts sufficient to form a nexus between the grant of the instant application and economic injury to it. Therefore, the petition must be dismissed.

3. On the merits, petitioner alleges, in substance, that applicant does not meet the requirements of § 3.30(b) of the Commission's rules concerning the requirement of maintenance of main studios in each city of the dual-city assignment, and the origination of a substantial number of local live programs from each city, or that it would be an unreasonable burden to have single-city designation as set forth in § 3.30(a) of the rules. Applicant uses its transmitter site as its main studio location and contemplates to continue the use of the transmitter site as the main studio for both cities in its requested designation. The Commission agrees with this contention, to the extent that it is unable to make a statutory finding that a grant of the instant application, in the absence of an evidentiary hearing, is in the public interest, convenience and necessity.

In view of the foregoing: *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the instant proposal of Lake Shore Broadcasting Company, Inc. is consistent with the requirements of § 3.30(b) of the Commission rules, to warrant an authorization for dual-city operation.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Petition to Deny filed April 24, 1961 by Dunkirk-Fredonia Broadcasting, Inc. is dismissed.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to § 3.11(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Adopted: November 21, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11348; Filed, Nov. 29, 1961; 8:53 a.m.]

[Docket No. 14202; FCC 61-1385]

REA RADIO AND ELECTRONIC LABORATORY

Memorandum Opinion and Order

In re application of Peter Corrado, Concetta Corrado and Anthony Corrado, d/b as Rea Radio and Electronic Laboratory, East Palatka, Florida, Docket No. 14202, File No. BR-3869; for renewal of license of Station WREA, East Palatka, Florida.

1. The Commission has before it for consideration the Broadcast Bureau's motion to terminate the hearing and dismiss the application, filed October 17, 1961; and applicant's petition for change in place of hearing, filed September 29, 1961, together with pleadings timely filed in response thereto.

2. By order released July 25, 1961 (FCC 61-920), the application of the above-captioned applicant for renewal of license of standard broadcast station WREA, 1480 kc, 500 w, Day, at East Palatka, Florida, was designated for hearing at or near East Palatka. This order noted, among other things, that the application form had not been properly prepared or prosecuted; that the operation logs raised a question as to whether the operators on duty had read the appropirate instruments; that a possible unauthorized transfer of control had occurred; and that WREA had ceased operation without Commission approval, its transmitter had been repossessed, and the antenna tower had been dismantled. An issue as to the applicant's financial qualifications was also designated for hearing.

3. The Bureau requests termination of the hearing because WREA has failed to comply with the notice requirements of § 1.362. This request will be denied. Section 1.362(c) requires that WREA, which is seeking renewal, broadcast notice of the renewal hearing over its station during the week immediately after release of the designation order. However, if the facts recited in the order of designation are in fact, correct, compliance with this rule would have been impossible. We deem it appropriate, under these circumstances, to permit WREA to satisfy the requirements of 47 USC 311, by publishing notice in a newspaper pursuant to § 1.362(b), the timing of such publication to be computed from the release date of this order instead of the order of designation.[1]

4. The Bureau has also requested that WREA's application be dismissed and its license cancelled. The facts on which this request is based were before the Commission at the time the hearing was designated, and were recited in the designation order, supra, par. 2. The Bureau's request, therefore, amounts to an untimely filed petition for reconsideration of the order of designation and will be denied.

5. Station WREA has requested that the hearing be held in Washington, D.C., instead of East Palatka, Florida, claiming that otherwise it would be financially injured and personally inconvenienced. The Bureau has replied that personal inconvenience is not made a determining factor by section 311(b) of the Communications Act, as amended.[2] It is our general policy to hold revocation and renewal hearings in the field.[3] However, the factual and technical matters at issue in this proceeding do not appear to be of the sort which can best be proven through the participation of local witnesses, and the public interest considerations which underlie our policy of field hearings will not be served by imposing on the parties the expense of transporting technical and financial witnesses to the small community. Therefore, the hearing will be held in Washington, D.C., unless further factual developments persuade the presiding Hearing Examiner that actual presence in East Palatka, Florida is essential for conducting a proper and complete hearing.

Accordingly, it is ordered, This 21st day of November 1961, that the Broadcast Bureau's Motion to Terminate Hearing and Dismiss Application, filed October 17, 1961, is denied; and

It is further ordered, In accordance with the foregoing opinion, that REA Radio and Electronics Laboratory shall publish notice of the instant hearing in accordance with 47 CFR 1.362(b)(e)(f) and (g); and

It is further ordered, That the petition for change in place of hearing, filed September 29, 1961, by REA Radio and

---

[1] Our denial of this aspect of the Bureau's petition is not to be construed as an indication that the Chief Hearing Examiner cannot, pursuant to the authority recently delegated to him by our order released November 17, 1961 (FCC 61-1346), entertain an appropriate petition in the event of a failure by the applicant to fulfill the notice requirements imposed by the instant order and 47 CFR 1.362 (b), (e), (f), and (g).

[2] Section 311(b) provides, in part, that hearings "may be held at such places as the Commission shall determine to be appropriate, and in making such determination in any case the Commission shall consider whether the public interest, convenience, or necessity will be served by conducting the hearing at a place in, or in the vicinity of, the principal area to be served by the station involved."

[3] Palmetto Broadcasting Company (WDKD), FCC 61-588, released May 4, 1961.

Electronics Laboratory, is granted to the extent indicated herein.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11349; Filed, Nov. 29, 1961; 8:53 a.m.]

[Docket No. 14313; FCC 61M-1837]

WFYC, INC. (WFYC)

Order Continuing Hearing

In re application of WFYC, Incorporated (WFYC), Alma, Michigan, Docket No. 14313, File No. BP-13807; for construction permit.

A prehearing conference in the above-entitled matter having been held on November 22, 1961 and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order:

It is ordered, This 22d day of November 1961 that:

(1) The direct case of the applicant shall be presented by written sworn exhibits;

(2) Preliminary drafts of the applicant's technical engineering exhibits shall be exchanged among the parties on January 9, 1962;

(3) The written sworn exhibits constituting the direct case of the applicant shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on January 23, 1962;

(4) Sworn rebuttal exhibits, if any, shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on January 30, 1962;

(5) Notification of witnesses to be called for cross-examination shall be given on or before February 6, 1962;

It is further ordered, That the hearing in this matter heretofore scheduled to commence on December 15, 1961 is continued to February 12, 1962 commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: November 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11350; Filed, Nov. 29, 1961; 8:54 a.m.]

[Docket Nos. 14402, 14403; FCC 61-1394]

WNOW, INC. (WNOW) AND RADIO ASSOCIATES, INC. (WEER)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WNOW, Inc. (WNOW), York, Pennsylvania, Docket No. 14402, File No. BP-13793, Has: 1250 kc, 1 kw, D, Requests: 1250 kc, 5 kw, DA-D; Radio Associates, Inc. (WEER), Warrenton, Virginia, Docket No. 14403, File No. BP-14802, Has: 1570 kc, 500 w, Day, Requests: 1250 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of November 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, mutual co-channel interference will result from simultaneous operation of the instant proposals, and the resulting population loss to the proposal of WEER would be greater than 10 percent which is excessive pursuant to § 3.28(d)(3) of the Commission rules; and

It further appearing, that, the proposed operation of Station WNOW would cause interference to the existing operation of Station WHUM, Reading, Pennsylvania, and to the operation of Station WHUM proposed in the application of the Eastern Radio Corporation (File No. BP-12707, Docket No. 13121) which was designated for hearing by order of the Commission on August 1, 1959; that, by letter of June 22, 1960, counsel for the Eastern Broadcasting Company requested that the WNOW proposal be designated for hearing on the ground of expected interference to Station WHUM; and

It further appearing, that the WEER proposal specifies use of a transmitter unapproved for 1,000-watt operation; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WNOW and WEER and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether the instant proposal of WNOW, Inc. would cause objectionable interference to existing and proposed operations of Station WHUM, Reading, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received from the proposal of WNOW would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of WEER, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, the Eastern Radio Corporation, licensee of Station WHUM, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of WEER, the construction permit shall contain a condition that the permittee shall submit data made in accordance with §§ 3.49 and 2.524 of the Commission rules for type acceptance of the proposed transmitter.

It is further ordered, That, in the event of a grant of the proposal of WEER, the following condition is to be included: To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission rules is not applicable to this authorization, and such operation is prohibited.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11351; Filed, Nov. 29, 1961; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10342 etc.]

JEAN PAUL GETTY ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 27, 1961.

Jean Paul Getty, Trustee of the Estate of Sarah Getty, Deceased, Docket No. G-10342; Hanley Company, Operator, Docket No. G-10879; Humble Oil and Refining Company, Docket No. G-15900; [1] Allen Burr, Operator, et al., Docket No. CI60-494; The First National Bank of Amarillo, Texas, Trustee, Docket No. CI60-817; [2] Wm. James Miller, Docket No. CI61-48; David J. Harmer, Docket No. CI61-49; Sun Oil Company, Docket No. CI61-51; Stonestreet Lands Company, Docket No. CI61-59; Robert F. White (Operator), et al., Docket No. CI61-69; MPS Production Company, (Operator), et al., Docket No. CI61-70; Pan American Petroleum Corporation, Docket No. CI61-74; La Gloria Oil & Gas Company, et al., Docket No. CI61-80; Kerr-McGee Oil Industries, Inc., Docket No. CI61-81; Blanco Oil Company (Operator), et al., Docket No. CI61-82; Paul V. Draughn, Sr., Docket No. CI61-85; Tidewater Oil Company, Docket No. CI61-86; The Superior Oil Company, Docket No. CI61-87; LuRay Land, Inc., Docket No. CI61-96; Fred W. Stalnaker, et al., Docket No. CI61-97; Smith & Barker Oil & Gas Company, Inc., Docket No. CI61-98; John C. O'Leary, Docket No. CI61-99; Ferrell L. Prior, et al., Docket No. CI61-105; E. M. Reynolds & C. E. Goodwin, d.b.a. Marion Gas Company, Docket No. CI61-106; The Atlantic Refining Company, Docket No. CI61-107; Neville G. Penrose, Inc. (Operator), Docket No. CI61-202; Berea Gas, Docket No. CI61-681; Humble Oil & Refining Company, Docket No. CI61-689; Humble Oil & Refining Company, Docket No. CI61-697; Vesta Fuel Company Well #9, Docket No. CI61-790; Bagwell Oil Company, Docket No. CI61-1113; Martin F. Sweeney, Docket No. CI61-1179; James I. Shearer, et al., Docket No. CI61-1208; Robert L. Wolff, Docket No. CI61-1212; Gulf Oil Corporation, Docket No. CI61-1213; D. W. Stiles, D. U. Price & B. H. Keyes, CI61-1217; Mayflo Oil Company, Docket No. CI61-1225; Petroleum Syndicate of West Virginia, Docket No. CI61-1227; David Law, Docket No. CI61-1231; Prior Oil Company, Docket No. CI61-1232; Continental Oil Company, Docket No. CI61-1238; Carl E. Smith, Inc., Docket No. CI61-1263.

[1] Formerly The Carter Oil Co.
[2] Formerly Lee T. Bivins.

May Hatfield Gas Company, Docket No. CI61-1274; Humble Oil & Refining Company, Docket No. CI61-1306; William K. Davis, Operator, et al., Docket No. CI61-1313; J. M. Huber Corporation, Docket No. CI61-1329; Chrada Gas Company, Docket No. CI61-1338; Lee Kinnebrew, Jr., et al., Docket No. CI61-1347; Dulaney Oil Company, Docket No. CI61-1355; Jake L. Hamon, (Operator), et al., Docket No. CI61-1356; G. C. Jones, et al., Docket No. CI61-1359; Humble Oil & Refining Company, Docket No. CI61-1360; United Producing Company, Inc., Docket No. CI61-1361; Aylward Drilling Company, Docket No. CI61-1364; Chelletex Corporation, Docket No. CI61-1371; Gus Glasscock, Inc., Docket No. CI61-1372; Midwest Pipe & Supply Co., Docket No. CI61-1382; Pan American Petroleum Corporation, Docket No. CI61-1387; J. C. Trahan Drilling Contractor, Inc., Docket No. CI61-1388; Getty Oil Company, Docket No. CI61-1403; Socony Mobil Oil Company, Inc., Docket No. CI61-1404; Socony Mobil Oil Company, Inc., Docket No. CI61-1413; Texas Gas Exploration Corporation, (Operator), et al., Docket No. CI61-1414; Kincaid Oil & Gas Company, Docket No. CI61-1415; C. Lewis Stryer and Stanley Yochym, Docket No. CI61-1423; Stonestreet Lands Company, Docket No. CI61-1424; Shell Oil Company, Docket No. CI61-1430; Matella Cooper No. 1, Docket No. CI61-1440; Harper Oil Company, Operator, Docket No. CI61-1447; Northern Pump Company, Operator, et al., Docket No. CI61-1450; Prior Oil Company, Docket No. CI61-1477; Stonestreet Lands Company, Docket No. CI61-1479; Columbian Fuel Corporation; Docket No. CI61-1489; Jarvis-Carpenter Gas Company, Docket No. CI61-1493; P. & J. Development Company, Inc., Docket No. CI61-1503; John F. Younger, et al., Docket No. CI61-1522; Big Injun Oil and Gas Co., Inc., Docket No. CI61-1534; Gulf Oil Corporation, Docket No. CI61-1544; C. L. Kingsbury, et al., Docket No. CI61-1575; James I. Shearer, et al., Docket No. CI61-1576; Texas Pacific Coal and Oil Company, (Operator), et al., Docket No. CI61-1582; Okey Hinzman Oil & Gas Co., Docket No. CI61-1592; Reedwell Development Co., Docket No. CI61-1593; Albert Smith Oil & Gas Co., Docket No. CI61-1594; Prior Oil Company, Docket No. CI61-1600; Braden Drilling, Inc., Docket No. CI61-1611; Alamo Corporation, Docket No. CI61-1612; J. C. Benedict, d.b.a. Benedict Oil Associates, Docket No. CI61-1613.

Lawson Petroleum Company, Operator et al., Docket No. CI61-1623; Panhandle Development Co., Inc. (Operator) et al., Docket No. CI61-1624; Kimbark Exploration Company, Operator et al., Docket No. CI61-1651; Sohio Petroleum Company, Docket No. CI61-1662; Tidewater Oil Company, Docket No. CI61-1663; Stonestreet Lands Company, Docket No. CI61-1669; T. H. McElvain, Docket No. CI61-1674; Northern Natural Gas Producing Company, Docket No. CI61-1676; Humble Oil & Refining Company, Docket No. CI61-1677; Horizon Oil & Gas Co., Docket No. CI61-1704; Welsh Oil & Gas (Operator) et al., Docket No. CI61-1740.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully represented in the respective applications, amendments and supplements thereto which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos., Field and Location, Purchaser, and Price per Mcf.

G-10342; Hitch "P" Unit, Guyman-Hugoton Field, Texas County, Okla.; Phillips Petroleum Co.; 9.8262 cents at 14.65 psia.

G-10879 (as Supp.); H. S. Gray Lease, Glasscock County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G-15900; N. W. Dower Field, Beaver County, Okla.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.

CI60-494; Fannin Field, Goliad County, Tex.; Sylo Gas Co.; 12.0 cents at 14.65 psia.

CI60-817; West Panhandle Field, Potter County, Tex.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.

CI61-48; Six Mile Field, Calhoun County, Tex.; Tennessee Gas Transmission Co.; 12.0 cents at 14.65 psia.

CI61-49; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-51 (as Supp); North Oak Hill Field, Rusk County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 psia.

CI61-59; DeKalb District, Gilmer County, W. Va.; South Penn Natural Gas Co.; 15.0 cents at 15.325 psia.

CI61-69; Grunder Pool, Stafford County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI61-70; Sugar Valley Field, Matagorda County, Tex.; Tennessee Gas Transmission Co.; 15.0 cents at 14.65 psia.

CI61-74; Pioneer Unit, Alkali Creek Structure Area, Sweetwater County, Wyo.; Mountain Fuel Supply Co.; sweet gas 12.0 cents at 15.025 psia, sour gas 9.0 cents at 15.025 psia.

CI61-80; Sugar Creek Field, Claiborne Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.025 psia.

CI61-81; John Creek Field, Hutchinson County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61-82; Redfish Bay, Northeast, Nueces County, Tex.; United Gas Pipe Line Co.; 14.800 cents at 14.65 psia.

CI61-85; Maxie and Pistol Ridge Field, Forrest County, Miss.; United Gas Pipe Line Co.; 21.0 cents at 15.025 psia.

CI61-86; East Kremlin Field, Garfield County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.

CI61-87; The Pioneer Unit, Alkali Creek Area, Sweetwater County, Wyo.; Mountain Fuel Supply Co.; sweet gas 12.0 cents at 15.025 psia, sour gas 9.0 cents at 15.025 psia.

CI61-96; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-97; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-98; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-99; Little Flower Field, Victoria County, Tex.; Tennessee Gas Transmission Co.; 14.5 cents at 14.65 psia.

CI61–105; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–106; Ripley District, Jackson County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–107; West Nona–Mills Field, Hardin County, Tex.; Trunkline Gas Co.; 14.75 cents at 14.65 psia.
CI61–202; Fradean Field, Upton County, Tex.; Phillips Petroleum Co.; 12.03684 cents at 14.65 psia.
CI61–681; Grant District, Monongalia County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–689; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–697; Acreage in Hansford County, Tex.; Panhandle Eastern Pipe Line Co.; 16.5 cents at 14.65 psia.
CI61–790; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1113 (as Supp.); West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1179; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1208; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1212; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1213; Atoka, Eddy County, N. Mex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia..
CI61–1217; Fruitland and Pictured Cliff, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI61–1225; Camrick Northwest Gas Pool, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI61–1227; Charles Burke No. 1, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1231; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1232; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1238; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.
CI61–1263; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1274; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1306; Heard Ranch and Medio Creek, Bee County, Tex.; Trunkline Gas Co.; 15.25 cents at 14.65 psia.
CI61–1313; S. E. Rhode Ranch, McMullen County, Tex.; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.
CI61–1329; Snake Creek, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI61–1338; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1347; East Panhandle Field, Gray County, Tex.; El Paso Natural Gas Co.; 12.0 cents at 14.65 psia.
CI61–1355; El Puerto Field, Starr County, Tex.; Tennessee Gas Transmission Co.; 17.24 cents at 14.65 psia.
CI61–1356; Azalea Field Area, Midland County, Tex.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.
CI61–1359; Clay District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1360; Normanna Field, Bee County, Tex.; United Gas Pipe Line Co.; 17.595 cents at 14.65 psia.
CI61–1361; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1364; Acreage in Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.
CI61–1371; Morales Field, Jackson County, Tex.; Tennessee Gas Transmission Co.; 15.0 cents at 14.65 psia.
CI61–1372; Morales Field, Jackson County, Tex.; Chelletex Corp.; 13.0 cents at 14.65 psia.
CI61–1382; Mocane Field, Beaver County, Okla.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI61–1387; North LaWard Field, Jackson County, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.
CI61–1388; Simsboro Field, Lincoln Parish, La.; United Gas Pipe Line Co.; 16.75 cents at 15.025 psia.
CI61–1403; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 psia.
CI61–1404; Signal Peak, Culberson County, Tex.; El Paso Natural Gas Co.; 15.70925 cents at 14.65 psia.
CI61–1413; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI61–1414; Moss Hill, Liberty County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.
CI61–1415; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1423; Salt Lake District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1424 (as Supp.); DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1430 (as Supp.); Brown-Bassett, Ellenburger Field, Terrell County, Tex.; El Paso Natural Gas Co.; 16.0 cents at 14.65 psia.
CI61–1440; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1447; Acreage in Beckham County, Okla.; El Paso Natural Gas Co.; 12.0 cents at 14.65 psia.
CI61–1450; Goree Field, Bee County, Tex.; Texas Eastern Transmission Corp.; 10.6 cents at 14.65 psia.
CI61–1477; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1479; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1489; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1493; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1503 (as Supp.); McClellan District, Doddridge County, W. Va.; Hope Natural Co.; 25.0 cents at 15.325 psia.
CI61–1522; Azalea Field, Midland County, Tex.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.
CI61–1534; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1544; Manziel Field, Wood County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 psia.
CI61–1575; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1576; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1582 (as Supp.); Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 psia.
CI61–1592; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1593; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1594; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1600; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1611; Acreage in Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
CI61–1612; Richfield Gas Field, Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1613; Fellsburg Field, Edwards County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI61–1623; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.
CI61–1624; Acreage in Seward County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1651; Elm Grove Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 4.0 cents at 16.4 psia.
CI61–1662; East Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI61–1663; Calhoun Field, Lincoln Parish, La.; Texas Gas Transmission Corp.; 16.75 cents at 15.025 psia.
CI61–1669; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1674; Ignacio-Blanco Field, La Plata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI61–1676; Ingham Field, Crockett County, Tex.; El Paso Natural Gas Co.; 15.71 cents at 14.65 psia.
CI61–1677; Cooke Field, LaSalle County, Tex.; Transcontinental Gas Pipe Line Corp.; 13.68225 cents at 14.65 psia.
CI61–1704; Hansford Field, Hansford and Ochiltree Counties, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI61–1740; North LaWard Field, Jackson County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases

...a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20 (b)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11329; Filed, Nov. 29, 1961; 8:50 a.m.]

[Docket No. CP62–55]

AMERICAN GAS CO.

Notice of Application

NOVEMBER 22, 1961.

Take notice that on August 30, 1961, American Gas Company (Applicant), 646 South 24th Avenue, Omaha 5, Nebr., filed in Docket No. CP62–55 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its facilities with those which Applicant proposes to construct and to sell and deliver natural gas to Applicant for resale and distribution in the communities of Tabor, Sidney, and Hamburg, Fremont County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 29 miles of 3-inch lateral pipeline extending from Natural's transmission line near Glenwood, Iowa, to the communities of Tabor, Sidney, and Hamburg in which Applicant has been granted franchises to construct and operate distribution systems.

The estimated cost of constructing Applicant's proposed facilities is $775,780, in the third year of operation, which will be financed by the sale of first mortgage bonds for approximately two-thirds of said cost and by the sale of common stock for the remaining third.

The estimated natural gas requirements under this application are:

	Mcf at 14.73 psia and 1,000 Btu	
	Peak day	Annual
1st year	695	83, 530
2d year	959	108, 710
3d year	1, 266	136, 720

This gas is to be used solely for residential and commercial purposes.

On November 6, 1961, Natural Gas Pipeline Company of America filed its answer to the subject application stating that available pipeline capacity and gas supply will permit the requested service and that issuance of an appropriate order is not opposed.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11302; Filed, Nov. 29, 1961; 8:45 a.m.]

[Docket No. RI62–177]

BEL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 22, 1961.

On October 26, 1961, Bel Oil Corporation (Bel Oil) [1] tendered for filing a proposed redetermined increased rate from 11.62163 cents to 21.3333 cents per Mcf (including tax reimbursement) at 15.025 psia, totaling $11,654 annually, for its jurisdictional sale of natural gas to Tennessee Gas Transmission Company from the South Crowley Field, Acadia Parish, Louisiana. The proposed change was designated Supplement No. 2 to Bel Oil's FPC Gas Rate Schedule No. 11. Bel Oil requested waiver of notice and proposed an effective date of October 26, 1961. The proposed rate exceeds the applicable area rate level as set forth in the Commission's Statement of General Policy No. 61–1.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the above-described proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon the date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Bel Oil's FPC Gas Rate Schedule No. 11.

(B) Pending hearing and decision thereon, Supplement No. 2 to Bel Oil's FPC Gas Rate Schedule No. 11 be and it is hereby suspended and the use thereof deferred until April 26, 1962, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 8, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11303; Filed, Nov. 29, 1961; 8:45 a.m.]

[Docket No. CP62–99]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 22, 1961.

Take notice that on October 19, 1961, Colorado Interstate Gas Company, (Applicant) Colorado Springs National Bank Building, Colorado Springs, Colorado, filed in Docket No. CP62–99 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1962 at a total cost not to exceed $800,000, with no single project to exceed a cost of $250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

Applicant proposes to finance the subject facilities from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1961 at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of

[1] c/o Thomas V. McMahan, Attorney, 2100 First City National Bank Building, Houston 2, Tex.

§ 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11304; Filed, Nov. 29, 1961; 8:46 a.m.]

[Docket No. RI62-195]

FRIO-TEX OIL AND GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rates

NOVEMBER 22, 1961.

On October 23, 1961, Frio-Tex Oil and Gas Company (Frio-Tex)[1] tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated October 20, 1961.

Purchaser and producing area: Transcontinental Gas Pipe Line Corporation (W. Big Foot Field, Frio County, Tex.) (R.R. Dist. No. 1).

Rate schedule designation: Supplement No. 1 to Frio-Tex's FPC Gas Rate Schedule No. 1.

Effective date: December 1, 1961 (stated effective date is the effective date proposed by Frio-Tex).

Proposed rate: 14.69575 cents per Mcf (gravity gas).

Effective rates: 13.68225 cents per Mcf (gravity gas).

Annual increase: $58,000.

Pressure base: 14.65 psia.

In support of its proposed periodic rate increase, Frio-Tex submits a cost of service for the 12-month period ending June 30, 1961 and additional data for gathering, dehydrating and compressing gas during the same period.

The proposed rate exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto.

The proposed increased rate may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Frio-Tex's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to Frio-Tex's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 1, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 5, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11305; Filed, Nov. 29, 1961; 8:46 a.m.]

[1] Address: P.O. Box 988, Corpus Christi, Texas.

[Docket No. CP61-45]

INDIANA NATURAL GAS CORP.

Notice of Postponement of Hearing

NOVEMBER 22, 1961.

Upon consideration of the request filed November 16, 1961, by Counsel for Indiana Natural Gas Corporation, for postponement of the hearing now scheduled for December 20, 1961, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for December 20, 1961, is postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11306; Filed, Nov. 29, 1961; 8:46 a.m.]

[Docket Nos. RI62-178—RI62-192]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 22, 1961.

Sunray Mid-Continent Oil Company, Docket No. RI62-178; Sinclair Oil & Gas Company (Operator), et al., Docket No. RI62-179; Sinclair Oil & Gas Company, Docket No. RI62-180; Rebstock and Reeves Drilling Company (Operator), et al., Docket No. RI62-181; Bel Oil Corporation (Operator), et al., Docket No. RI62-182; Falcon Seaboard Drilling Company, et al., Docket No. RI62-183; The British-American Oil Producing Company, Docket No. RI62-184; Sun Oil Company, Docket No. RI62-185; Apache Oil Corporation, Docket No. RI62-186; Bartessa Oil Corporation, et al., Docket No. RI62-187; Edwin L. Cox, Docket No. RI62-188; Socony Mobil Oil Company, Inc., Docket No. RI62-189; Sinclair Oil & Gas Company, Docket No. RI62-190; Benedum-Trees Oil Company (Operator), et al., Docket No. RI62-191; Continental Oil Company, et al., Docket No. RI62-192.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-178	Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla.	123	2	Cities Service Gas Co., Northeast Glenwood Field, Beaver County, Okla.	$304	10-23-61	[1] 12-21-61	5-21-62	[3] 12.0	13.0	----------
		120	3	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	6,246	10-23-61	[1] 1-1-62	6-1-62	[3] 15.0	16.0	----------
		145	1		3,755	10-25-61	[1] 1-1-62	6-1-62	[3] 14.0	15.0	----------
		152	6	Northern Natural Gas Co., Beaver, Oklahoma, and Ochiltree Counties, Tex.	13,724	10-23-61	[1] 1-1-62	6-1-62	[3] 16.5	17.5	RI61-119
RI62-179	Sinclair Oil & Gas Co. (Operator), et al., P.O. Box 521, Tulsa 2, Okla.	94	6	Northern Natural Gas Co., Elwood and North Elwood Fields, Beaver County, Okla.	4,083	10-24-61	[1] 1-1-62	6-1-62	[3] 15.0	16.0	----------
RI62-180	Sinclair Oil & Gas Co.	135	3	Northern Natural Gas Co., North Harper Ranch Field, Clark County, Kans.	1,618	10-24-61	[1] 1-1-62	6-1-62	[3] 15.0	16.0	----------
RI62-181	Rebstock and Reeves Drilling Co. (Operator), et al. c/o Truman Woodward, Jr., Attorney, 1122 Whitney Building, New Orleans, La.	1	9	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	6,308	10-25-61	[2] 11-25-61	4-25-62	[4] 19.9	20.3	RI61-232
RI62-182	Bel Oil Corp. (Operator), et al., P.O. Box 1442, Lake Charles, La.	5	5	Texas Gas Transmission Corp., Oberlin and North Elton Fields, Allen Parish, La.	17,520	10-25-61	[1] 1-1-62	6-1-62	[4] 18.75	20.25	----------
RI62-183	Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla.	118	5	Northern Natural Gas Co., North Hansford Field, Hansford County, Tex.	10,586	10-25-61	[1] 1-1-62	6-1-62	[3] 16.5	17.5	----------
RI62-184	Falcon Seaboard Drilling Co., et al., c/o John L. Arrington, Jr., Attorney, 510 Oklahoma Natural Building, Tulsa 19, Okla.	5	3	Panhandle Eastern Pipe Line Co., Haviland Field, Kiowa County, Kans.	356	10-27-61	[1] 12-1-61	5-1-62	[3] 15.0	16.0	----------
RI62-185	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	8	7	Iroquois Gas Corp., Sheridan Field., Colorado County, Tex.	2,665	10-30-61	[2] 11-30-61	4-30-62	[3] 17.668	18.6776	G-13471
		15	2	Panhandle Eastern Pipe Line Co., Greenough Field, Beaver County, Okla.	15	10-30-61	[2] 11-30-61	4-30-62	[3] 12.2827	13.1760	----------
		47	1	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	1,104	10-30-61	[2] 11-30-61	4-30-62	[3] 19.9	20.3	----------
RI62-186	Sun Oil Co., 1608 Walnut Street, Philadelphia 3, Pa.	78	1	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex.	27,778	10-27-61	[1] 12-1-61	5-1-62	[3] 16.0	17.0	----------
RI62-187	Apache Oil Corp., 823 South Detroit, Tulsa 20, Okla.	6	3	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Beaver and Texas Counties, Okla.	3,650	10-31-61	[1] 12-1-61	5-1-62	[3] 16.0	17.0	----------
RI62-188	Bartessa Oil Corp., et al., P.O. Box 1631, Dalas, Tex.	3	4	El Paso Natural Gas Co., Spraberry Field, Regan County, Tex.	856	10-30-61	[2] 11-30-61	4-30-62	[3] 10.006	17.2295	----------
RI62-189	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex.	20	6	Kansas-Nebraska Natural Gas Co., Inc., Texas County, Okla.	27	11-1-61	[1] 12-2-61	5-2-62	[3] 16.5	17.0	RI61-253
RI62-190	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	11	4	Panhandle Eastern Pipe Line Co., Prairie Field, Hansford County, Tex.	3,002	10-31-61	[1] 12-1-61	5-1-62	[3] 16.0	17.0	----------
RI62-191	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	198	1	Texas Gas Transmission Corp., Lake Arthur Field, Jefferson Davis Parish, La.	1,062	11-1-61	[1] 1-1-62	6-1-62	[4] 18.75	19.75	----------
RI62-192	Benedum - Trees Oil Co., (Operator), et al., Benedum-Trees Building, Pittsburgh 22, Pa.	9	3	Texas Gas Transmission Corp., South Lake Arthur Field, Jefferson Davis Parish, La.	2,738	11-2-61	[1] 1-1-62	6-1-62	[4] 18.875	19.875	G-17712
	Continental Oil Co., et al., P.O. Box 2197, Houston 1, Tex.	6	2	Cities Service Gas Co., Southeast Eureka Field, Grant and Alfalfa Companys, Okla.	1,179	11-2-61	[1] 12-3-61	5-3-62	[3] 12.0	13.0	----------

[1] The stated effective date is that requested by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 4, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11307; Filed, Nov. 29, 1961; 8:46 a.m.]

[Docket No. CP62-92]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

NOVEMBER 22, 1961.

Take notice that on October 12, 1961, Tennessee Gas Transmission Company (Applicant), P.O. Box 2511, Houston 1, Texas, filed in Docket No. CP62-92 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1962 at a total cost not to exceed $5,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

Applicant proposes to finance the subject facilities from general funds or from revolving credit.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11306; Filed, Nov. 29, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

NOVEMBER 24, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation, File No. 1-3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 27, 1961, to December 6, 1961, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11312; Filed, Nov. 29, 1961; 8:47 a.m.]

[File No. 2-7110]

ARCADY CORP.

Notice of Application for Exemption

NOVEMBER 22, 1961.

Notice is hereby given that The Arcady Corporation, an Illinois corporation (hereinafter sometimes referred to as the "Corporation"), has filed on July 28, 1961, an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting such Corporation from the operation of section 15(d) of said Act with respect to the duty to file any reports required by such section and the rules and regulations thereunder, and has amended such application on October 20, 1961 (which application as amended shall hereinafter be referred to as the "Application").

Paragraph (a) of Rule 15d-20 under the Act provides that the Commission may, upon application and subject to appropriate terms and conditions, exempt an issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder, if the Commission finds that (1) all of the outstanding securities of such issuer are held of record and the number of such record holders does not exceed 50 persons; and (2) the filing of such reports by such issuer is not necessary in the public interest or for the protection of investors.

The Corporation in its Application alleges that:

(1) The only outstanding security of The Arcady Corporation is its Common Stock ($1 par value) and that on October 9, 1961, there were 86,676 shares of such common stock issued and outstanding.

(2) All of such outstanding common stock is held of record and on October 9, 1961, there were 45 holders of record of such outstanding Common Stock (such number of record holders having been determined in accordance with paragraph (e) of Rule 15d-20 under the Act).

(3) Of the 86,676 shares of common stock of the Corporation outstanding, only 1,021 of such shares (having an aggregate net asset value on May 31, 1961, of less than $25,000) were held by persons other than officers and directors of the Corporation, and their families and business associates.

(4) The Corporation is not presently making and does not propose to make a public offering of its securities.

(5) The filing by the Corporation of reports pursuant to section 15(d) of the Act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors.

The Corporation in its Application has undertaken that in the event the order requested by such Application should be granted, it will annually thereafter furnish any shareholder of the Corporation, upon such shareholder's request, a financial statement of the Corporation containing a balance sheet as at the end of its last previous fiscal year and an earnings statement for such fiscal year.

Notice is further given that an order granting the Application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after December 11, 1961, unless prior thereto a hearing is ordered by the Commission. Any interested person may not later than December 8, 1961, at 5:30 p.m., e.s.t., submit to the Commission in writing his views or any additional facts bearing on the Application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such communication and if such communication includes a request that a hearing be held on the Application, the reason for such request, and the issues of fact or law which such person desires to controvert should also be set forth.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11313; Filed, Nov. 29, 1961; 8:47 a.m.]

[File No. 24W-2490]

SILTRONICS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 24, 1961.

I. Siltronics, Inc. (issuer), a Pennsylvania corporation, with its principal offices located at Pittsburgh, Pennsylvania, filed with the Commission on March 23, 1961 a notification on Form 1-A and an offering circular relating to an offering of 150,000 shares of common stock at $2 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b).

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A were not complied with, in that:

1. The issuer has failed to amend its notification and offering circular to disclose the fact that First Pennington Corporation, John R. Wilson, Jr. & Company, Shawe and Company, Bruno-Lenchner, Inc., and Strathmore Securities, Inc., acted as underwriters in the offer and sale of the issuer's securities.

2. The issuer failed to disclose in its notification a prearranged plan for the distribution of 25,000 shares of the common stock covered by the notification.

3. The issuer failed to disclose in its notification the sale of certain shares of its common stock in violation of section 5 of the Securities Act of 1933 and failed to disclose in the offering circular contingent liabilities arising from such sales.

4. The issuer failed to furnish an offering circular, as required by Rule 256, to purchasers of approximately 4,000 shares of the issuer's common stock.

5. The aggregate amount of securities offered to the public exceeded the $300,000 limitation as prescribed by Rule 255 of Regulation A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that First Pennington Corporation, John R. Wilson, Jr. & Company, Shawe and Company, Bruno-Lenchner, Inc., and Strathmore Securities, Inc. were to act as underwriters in the securities of the issuer.

2. The failure to disclose the prearranged plan of distribution of 25,000 shares of the offering.

3. The failure to disclose that the issuer had a contingent liability with respect to certain shares of its common stock sold in violation of section 5 of the Securities Act of 1933.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11314; Filed, Nov. 29, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 572]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 27, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64583. By order of November 21, 1961, the Transfer Board approved the transfer to Joseph W. Brown, Fort Edward, N.Y., of Certificates Nos. MC 113156 Sub 1 and MC 113156 Sub 3, issued December 15, 1952 and May 12, 1954, respectively, to Donald F. Bromley and William H. Bromley, a partnership, doing business as William H. Bromley & Son, Hudson Falls, N.Y., authorizing the transportation of: Concrete blocks, over irregular routes, from Hudson Falls, N.Y., to points in Vermont and New Hampshire, Concrete pipe, from the Town of Moreau, Saratoga County, N.Y., to points in Massachusetts, and Vermont within 150 miles of the Town of Moreau. Robert V. Glanning, 25 Exchange Street, Rochester, N.Y., attorney for applicants.

No. MC-FC 64608. By order of November 17, 1961, the Transfer Board approved the transfer to Arthur B. Bjornson doing business as Bjornson Truck Service, Ellsworth, Wis., of Certificates Nos. MC 5019 and MC 5019 Sub 1, issued September 28, 1949 and March 24, 1948, respectively, to A. C. Bjornson and Arthur B. Bjornson, a partnership, doing business as Bjornson Truck Service, Ellsworth, Wis., authorizing the transportation of agricultural commodities and feed, over irregular routes, between points in the villages of Elmwood, Spring Valley, and Ellsworth, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Red Wing, Minn.; livestock, agricultural commodities, farm machinery, lumber, logs, firewood, feed, seed, and groceries, between points in the towns of El Paso, Gilman, Rock Elm, Ellsworth, Martell, and Spring Lake, Pierce County, Wis., not including the villages specified above, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Red Wing, Minn.; malt beverages, over regular routes, from Duluth, Minn., to Ellsworth, Wis., and empty containers, on return, with no service authorized to or from intermediate points; and livestock, over irregular routes, from South St. Paul, Minn., to Whitehall, Wis. William E. McEwen, 101 Tremont Building, River Falls, Wis.

No. MC-FC 64616. By order of November 17, 1961, the Transfer Board approved the transfer to E. R. Collins, doing business as E. R. Collins Trucking Co., 1508 Franklin Aveune, Houston, Texas of Certificate No. MC 117989 issued November 28, 1960 to G. E. Lockley, 1308 Cottonwood Street, Houston, Texas, authorizing the transportation of bananas over irregular routes, from Galveston, Tex., to Monroe, La., Little Rock, Ark., and points in Texas; and from New Orleans, La., to points in Texas.

No. MC-FC 64627. By order of November 21, 1961, the Transfer Board approved the transfer to James Trucking Co., a corporation, Pittsburgh, Pa., of Certificate No. MC 34623, issued November 4, 1960 to Rodney G. James, Pittsburgh, Pa., authorizing the transportation over irregular routes of glassware between Fairmont, W. Va., and Pittsburgh, Pa., elevator machinery and equipment used or useful in the installation or removal of elevator machinery, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland; and chemicals, between Pittsburgh and Natrona, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. Arthur J. Diskin, 302 Frick Building,

Pittsburgh 19, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-11323; Filed, Nov. 29, 1961; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 136; Amdt. 3]

RUTLAND RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

It is ordered, That: Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1961, and that this order shall be served upon the Association of America Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 27, 1961.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61-11324; Filed, Nov. 29, 1961; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page
PROCLAMATIONS:
Feb. 25, 1893 10735
2032 10899
2914 10825
3438 10203
3439 10899
EXECUTIVE ORDERS:
Jan. 26, 1867 10729, 10806
Apr. 30, 1872 10729
Mar. 7, 1900 10806
5237 10729
6541 10638
6681 10480
9026 10356
10893 10469
10900 10469
10915 10469
10955 10469
10971 10335
10972 10469
10973 10469
10974 10585
10975 10629
10976 10825
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, May 27, 1961 10749
Memorandum, Oct. 18, 1961 10543

5 CFR

Page
6 10204, 10267, 10447, 10544, 10900, 10962, 11233, 11281
9 10750
22 10750
24 10447
25 10544
35 10750
37 11046
201 10503
202 10503

6 CFR

Page
70 10267
305 10267
390 10267
421 10546, 11025, 11233, 11281
423 10686
427 10546
443 10769, 10961
464 10873, 11233
477 11207
482 10586

7 CFR

Page
51 11025
201 10471
401 10630
403 10630
711 10204
717 10208
723 10471, 10503
725 10927
727 10504
729 10209
730 10336
775 10769, 10787
776 11234
813 10547
833 10961
847 10214
855 10268
857 10505
864 10270
873 10272
900 11236
906 11026
914 10423, 10586, 10789, 11034
921 11281
922 10214
927 10632, 10859, 11282, 11283
933 10337, 10423–10425, 10790, 10791, 11035, 11281
942 10425, 11035
943 10214, 11036
947 11283
953 10425, 10586, 10792, 10872, 11037, 11207
955 11037
958 10792, 11236
973 10215
984 10688
986 11038
989 10770
994 10216
997 10688
1001 10587
1008 11284
1011 11207
1013 10507
1014 10472
1016 11208
1017 10426
1024 11284
1031 10338
1034 10793, 11236
1069 10587
1070 10632, 11287

7 CFR—Continued

Page
1071 10426
1073 10689
PROPOSED RULES:
301 10571
719 10731
725 10933
728 10484, 10596
813 10691
900–1073 10286, 10516, 10772
903 10516
906 10286
908 10307, 10485
914 10933
918 10307
921 10516
925 10486
927 10597, 11263
939 10286
943 10286
947 10360, 10679
959 10689
970 11053
975 11074
986 10286
998 11294
1015 11317
1024 10597, 11079
1026 10516, 10772, 10933, 11063
1028 10772
1033 10773
1034 10773
1035 11317
1138 10691

8 CFR

Page
103 10928
205 10963
212 10928
223 10928
264 10928
282 10928
299 10928
332a 10928
499 10930
PROPOSED RULES:
252 10960
253 10960

9 CFR

Page
74 10223
83 10338
PROPOSED RULES:
131 10358

10 CFR

Page
1 10770
20 11046
30 10472
40 10929
PROPOSED RULES:
30 10487
140 10933

12 CFR

Page
262 10340
546 11208
PROPOSED RULES:
563 10239, 11217

13 CFR

Page
105 10723
121 10633, 10634
PROPOSED RULES:
107 10702

14 CFR

Page
18 10473
60 10752
221 11046
290 11287
377 11287
507 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634, 10963, 10964, 11047, 11236
600 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753, 10874–10876, 10964, 11047, 11237, 11289
601 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724, 10875, 10876, 10964, 11047, 11048, 11237, 11289
602 10590, 10635, 10724
608 10342, 10636, 10724, 10876, 10965, 11047, 11048, 11237
609 10430, 10436, 10754, 10762
610 10724
PROPOSED RULES:
1–190 10698
24 10571
48 10701
60 10307
202 10774
203 10774
213 10774
215 10774
227 10238
291 10774
292 10774
296 10774
297 10774
298 10774
302 10307, 10641
401–635 10698
411 10776
507 10362, 10571
600 10451, 10520, 10602, 10777, 10881, 10934
601 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
602 10809, 11087, 11254
608 10451, 10520, 10733

15 CFR

Page
205 11048
230 11049

16 CFR

Page
13 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771, 10878, 10929, 10965, 10966, 11237, 11238, 11289
301 10446

17 CFR

Page
200 11290
230 10930
270 11238
274 11238
275 10548
PROPOSED RULES:
275 10607

18 CFR

Page
2 10342
13 10794

19 CFR

Page
3 10508
4 10508
14 10476
PROPOSED RULES:
3 10731

20 CFR

Page
25 10509
404 10226, 11049
PROPOSED RULES:
404 11083

21 CFR

Page
15 11209
17 10550
46 11209
120 10228, 10550, 10551
121 10228, 10343, 10476, 10590, 11052, 11209–11211, 11241, 11242, 11293
146 10228
146a 10728
147 11211
191 11213, 11293
PROPOSED RULES:
1 10601
17 10362
120 10487, 10640, 10732, 10810, 11297
121 10362, 10452, 10698, 10732, 10774, 10881, 10976, 11217, 11254
130 10811
191 11217

22 CFR

Page
22 10728

24 CFR

Page
202a 10229
203 10229
207 10229
213 10229
220 10230
221 10230
232 10230
603 10231
608 10231
611 10231
702 10231
803 10231
903 10231

25 CFR

Page
17 10930
31 10637
131 10966
141 10232
PROPOSED RULES:
34 10640
194 10808
221 10516, 10808, 11296

26 CFR

Page
1 10275, 10477
PROPOSED RULES:
1 10283, 10449, 10450, 10483
48 10593
252 10484

28 CFR

Page
21 10232

29 CFR

Page
9 10795
601 10275
780 10377
793 10275

30 CFR

Page
27 10969

31 CFR

Page
309 11215
315 11215
332 11215

32 CFR

Page
200 10931
504 10797
507 10509
536 11291
552 10728
561 10931
590 10553
591 10553
592 10553
595 10553
596 10553
597 10553
598 10553
599 10553
600 10553
601 10553
602 10553
605 10553
606 10553
608 10728
737 10353
739 10353
750 10826
751 10836
753 10842
765 10591

33 CFR

Page
3 10343
67 10343
202 10805, 11171
203 10445, 10805, 11171
204 10278, 11171
206 11171
207 11171

35 CFR

Page
4 10353
CANAL ZONE ORDERS:
58 10353

36 CFR

Page
6 10638
PROPOSED RULES:
7 10600

38 CFR

Page
3 10551, 10552
13 10232
17 11214
21 10278, 10478

39 CFR

Page
96 10510
111 10805
168 10771, 10805, 10972

41 CFR

Page
1–5 10590
5–1 10354
50–202 10354
PROPOSED RULES:
50–202 10517, 10773

42 CFR

	Page
73	10355

43 CFR

	Page
221	10479
244	10728
PROPOSED RULES:	
191	10808
203	10808
257	10285
PUBLIC LAND ORDERS:	
73	10638
1071	10356
2435	11052
2460	10568
2524	10735
2526	10279
2527	10356
2528	10356
2529	10356
2530	10427
2531	10480
2532	10480
2533	10480
2534	10568
2535	10569
2536	10638
2537	10729
2538	10729
2539	10806
2540	10806
2541	10806
2542	11215

45 CFR

	Page
212	10481

46 CFR

	Page
30	10996
31	10997
35	11000
71	11003
78	11007
91	11010
97	11014
146	11016
293	11243
PROPOSED RULES:	
201	10601
206	10601
221	10601
298	10601
299	10601
502	10520
510	10941

47 CFR

	Page
1	10279, 10280, 10447
2	10655
3	10280, 10729, 10917, 11293
5	10806
7	10591, 10918
8	10591, 10918, 10925
9	10926
10	10569
14	10591, 10918, 11246, 11293
15	10281
18	10281, 10591, 10927
PROPOSED RULES:	
2	10701
3	10239, 10572, 10606, 10935, 10938–10940, 11297
6	11298
10	10573
12	10240
13	11298
15	10940

49 CFR

	Page
10	11103, 11216
125	10846
170	10771
PROPOSED RULES:	
73	10572, 11088, 11299
176	10240

50 CFR

	Page
10	11246
16	11246
32	10233, 10234, 10282, 10638, 10730, 11216, 11251
33	10234, 10235, 10878, 10973, 10974
PROPOSED RULES:	
215	10640

1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Pages 11317–11344

PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 230

Washington, Thursday, November 30, 1961

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1015, 1035]

[Docket No. AO–324]

MILK IN WESTERN NORTH DAKOTA AND MINNESOTA-NORTH DAKOTA MARKETING AREAS

Decision on Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fargo and Minot, North Dakota, on July 12–20, 1960, pursuant to notice thereof issued June 20, 1960 (25 F.R. 5778), upon proposed marketing agreements and orders regulating the handling of milk in the Western North Dakota and Minnesota-North Dakota marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Under Secretary, United States Department of Agriculture, on August 22, 1961 (26 F.R. 8012; F.R. Doc. 61-8176), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing areas is in the current of interstate commerce, or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of milk marketing agreements or orders which will tend to effectuate the policy of the Act; and

3. If orders are issued what the provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreements and orders is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Western North Dakota marketing area, includes all the territory within the North Dakota counties of Bottineau, Burke, Burleigh, Divide, Logan, McHenry, McKenzie, McLean, Mountrail, Renville, Sheridan, Ward, and Williams; and within the city of Mandan, North Dakota.

The marketing area specified in the proposed order, hereinafter referred to as the Minnesota-North Dakota marketing area, includes all the territory within the Minnesota counties of Becker, Clay, Douglas, Grant, Kittson, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk (except that portion of Polk County lying east of U.S. Highway No. 59), Pope, Red Lake, Stevens, Todd, Traverse, Wadena, and Wilkin; and within the North Dakota counties of Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, LaMoure, Nelson, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, and Wells.

Milk handled in the marketing areas moves in many forms over state lines. Milk processed and packaged by Minnesota handlers is a substantial proportion of the total route distribution in the North Dakota section of both recommended marketing areas. Likewise, there is extensive distribution in the Minnesota counties of the Minnesota-North Dakota marketing area from North Dakota plants of handlers who would be regulated by that order.

On the procurement side, plants which would be subject to the orders regularly receive milk from farms in Minnesota, North Dakota and South Dakota. Some plants also receive supplemental milk supplies from more distant points, including shipments to North Dakota and Minnesota handlers from plants in Wisconsin and to North Dakota handlers in both marketing areas from plants in Minnesota.

When the supply of producer milk is in excess of local requirements for fluid use, substantial quantities of milk and cream are used locally for manufacturing purposes or shipped from the plants of handlers who would be regulated by the proposed orders to manufacturing plants at other locations. These various outlets manufacture such dairy products as ice cream mix, butter and nonfat dry milk. A substantial portion of such milk products are moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the Western North Dakota and the Minnesota-North Dakota marketing areas justify the issuance of marketing agreements and orders.

There is no over-all plan whereby farmers supplying milk to these marketing areas are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. The excess milk must be manufactured into butter, nonfat dry milk, frozen dessert mix, and similar products and sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly

applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful the classification of and payment for milk in accordance with its use requires the full participation of all those engaged in marketing milk in these markets. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Western North Dakota and Minnesota-North Dakota marketing areas are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in these areas are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. Marketing orders as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the Act.

The buying practices of various handlers in the markets have caused instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the production areas of the markets.

Approximately 20 handlers who would be regulated by the proposed Western North Dakota order receive milk from about 300 Grade A dairy farmers. There are about 50 handlers who would be regulated under the Minnesota-North Dakota order, as proposed, and they purchase from approximately 1,400 dairy farmers. The basis on which these dairy farmers are paid for their milk varies widely and generally is not related directly to the utilization at the plants which receive their milk.

A cooperative association of producers receives milk at its plant in Fargo from about 420 Grade A producers. It operates wholesale and retail routes and ships supplemental supplies of milk to handlers over a wide area during periods of short supply. Milk in excess of fluid requirements is utilized by the cooperative at its plant in the production of cottage cheese, ice cream, butter and nonfat dry milk. During 1959, the average utilization for Class I purposes at this plant was 25.7 percent of its Grade A receipts and for the first 5 months of 1960 was 28.2 percent.

Producers delivering to this plant are paid a flat price for all their milk, which reflects the use made of milk during the month. During 1959 its pay price per hundredweight for milk containing 3.5 percent butterfat averaged $3.46, ranging from $3.42 to $3.75. For the first 5 months of 1960 these monthly pay prices averaged $3.42.

It is not uncommon for handlers to use the pay prices of major cooperative associations in the marketing areas as a basis for paying their producers. The milk utilized by many such handlers is predominantly for Class I purposes, although their pay prices reflect the relatively low Class I utilization ratios of the producer associations, who bear the burden of surplus in the market.

The stated base and excess prices paid producers are generally at the option of the handler and not meaningful. A producer's base is often changed without his being aware of it and arbitrary methods have been used in some instances in arriving at the percentage of milk to be paid for at the base price. Under these conditions, payment to a producer at the excess or surplus price for some of his milk does not indicate that such milk was not used for fluid purposes since no means are available to ascertain the actual utilization of milk by such handlers.

Some handlers follow the practice of maintaining a regular supply of milk from dairy farmers during the flush production months which is close to their Class I sales. During other months, when production is relatively short in relation to Class I demand, these handlers rely on other handlers as well as other markets for supplemental supplies.

Efforts by the cooperative associations to stabilize marketing conditions in the proposed marketing areas have not been successful. Producers contend that only a device such as a Federal milk marketing order can bring about orderly marketing and stability in the sales areas served by their buying handlers.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout both marketing areas. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. However, these data are incomplete with regard to the overall receipts and utilization of milk and milk products in the region. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

The issuance of marketing agreements and orders for the Western North Dakota and the Minnesota-North Dakota marketing areas would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the Act. The adoption of classified price plans based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearing, what the various provisions of the orders should be.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the orders. This can best be accomplished by providing specific definitions to describe the areas involved and to prescribe the categories of persons, plants, and milk products to which the applicable provisions of the orders relate.

Marketing area. The Western North Dakota marketing area should include all the territory within the North Dakota Counties of Bottineau, Burke, Burleigh, Divide, Logan, McHenry, McKenzie, McLean, Mountrail, Renville, Sheridan, Ward, and Williams; and within the city of Mandan, North Dakota.

The Minnesota-North Dakota marketing area should include all the territory within the Minnesota counties of Becker, Clay, Douglas, Grant, Kittson, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk (except that portion east of U.S. Highway No. 59), Pope, Red Lake, Stevens, Todd, Traverse, Wadena, and Wilkin; and within the North Dakota counties of Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, La Moure, Nelson, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, and Wells.

The preliminary 1960 census population of the contiguous 56-county area and the city of Mandan was 855,000. Western North Dakota had a population of approximately 195,000 and the Minnesota-North Dakota area about 660,000. Because a significant portion of the sales of fluid milk products by handlers who would be regulated is in rural communities and because of the relative density of population immediately surrounding the various cities, the marketing areas should be defined insofar as is practicable on the basis of county rather than city boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing areas must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Grade A milk, both in bulk and packaged form, moves between various locations in the marketing areas with the reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk.

The preliminary 1960 census population of Fargo, North Dakota, the largest city in the two proposed marketing areas, was 47,000. Other North Dakota cities with populations in excess of 10,000 are Grand Forks (34,000), Minot (31,000), Bismarck (28,000), Jamestown (15,000), Williston (12,000), and Mandan (11,000). The largest Minnesota cities in the Minnesota-North Dakota marketing area are Moorhead (23,000) and Fergus Falls (14,000).

There is no single principal point from which producer milk is processed and packaged for distribution throughout the two marketing areas. Handlers with plants in various cities compete extensively throughout the proposed marketing areas. The use of centralized processing and packaging operations together with strategically located distribution points and vendors makes this pattern of competition of considerable importance in defining the marketing areas.

A single order was proposed for a contiguous 59-county area in Minnesota and North Dakota. This would not be practicable because of the different marketing conditions in Western North Dakota as compared to the eastern portion of the proposed marketing area. The intent of the Act would be best effectuated by providing for two separate orders as herein set forth.

Although handlers who would be regulated by the proposed Minnesota-North Dakota order distribute some packaged fluid milk products in the recommended Western North Dakota marketing area, the major portion of the supply for that area is produced locally. Handlers in Western North Dakota are supplied primarily by nearby producers, maintain proportionately high Class I utilizations and their principal distribution is concentrated in the 13-county Western North Dakota marketing area. This is an area of low population density and is relatively isolated from major milk production areas.

The Minnesota-North Dakota marketing area, which is relatively more densely populated than Western North Dakota, includes and is adjacent to heavy milk production areas. It is served by a number of handlers who distribute over a much wider area than do the Western North Dakota handlers. Adequate milk supplies are more readily obtainable by these handlers throughout the year and their proportionate Class I utilization of producer milk is significantly less than that in the Western North Dakota market.

An estimated 70 handlers distribute in the recommended marketing areas, about 20 in the Western North Dakota area and 50 in the Minnesota-North Dakota area. Five of these, (Cass Clay Creamery, Inc., Fairmont Foods Company, Fergus Dairy, Foremost Dairies, Inc., and Land O' Lakes Creameries, Inc.) receive milk from about 1,150 of the approximately 1,800 Grade A dairy farmers supplying handlers who would be regulated by the proposed orders. The aggregate sales area of these five handlers includes the 56 Minnesota and North Dakota counties and the city of Mandan, which are recommended herein for inclusion in the marketing areas.

From the Fairmont Foods Company plant in Moorhead, Minnesota, fluid milk products are distributed in 44 counties of the recommended marketing areas, ranging from Stevens County, Minnesota to Divide County, North Dakota, a distance of about 500 miles.

From the Cass Clay Creamery plant at Fargo, fluid milk products are distributed in 9 Minnesota and 13 North Dakota counties of the Minnesota-North Dakota marketing area.

Fergus Dairy, a cooperative with processing plants at Alexandria and Fergus Falls, Minnesota, distributes fluid milk products in 13 Minnesota and 5 North Dakota counties of the recommended Minnesota-North Dakota marketing area. In addition, it packages fluid milk products at these locations for affiliated cooperative associations and other handlers for route distribution over a wide territory in the recommended marketing areas. Fergus Dairy also supplies substantial quantities of fluid milk products in bulk to a number of other handlers, some on a regular basis and others as a supplemental supply source.

Foremost Dairies, Inc., from its processing plants at Jamestown and Mandan, North Dakota, distributes fluid milk products in 15 counties in the recommended marketing areas.

Land O' Lakes Creameries, Inc. has extensive distribution of fluid milk products from its processing plants in Crookston and Thief River Falls, Minnesota, and Grand Forks and Minot, North Dakota. In addition, it has distribution points at Devils Lake, Grafton, Jamestown and Williston, North Dakota. Milk received at the four plants of this producer association is distributed on routes in 48 counties in the recommended marketing areas.

The above-mentioned five handlers, compete with one another at numerous locations and compete extensively throughout the recommended marketing areas with the large number of handlers whose sales areas are geographically more limited.

Fairmont Foods competes with Fergus Dairy, Land O' Lakes or both in all but five (Douglas, Kittson, Pennington, Pope, and Todd) of the 18 Minnesota counties in the recommended Minnesota-North Dakota marketing area. Both Land O' Lakes and Fergus Dairy compete for sales in Douglas County. More than half of the fluid milk products distributed in each of Kittson and Pennington Counties is from Land O' Lakes plants. Fergus Dairy is the principal distributor in Pope and Todd Counties.

There are little or no fluid milk sales in that part of Polk County east of U.S. Highway 59 by handlers who would be regulated by the Minnesota-North Dakota order. Including this territory in the marketing area would bring under regulation a handler in Fosston, Minnesota, who otherwise does not compete with handlers who would be regulated by the proposed order. Accordingly, this eastern portion of Polk County should not be included in the Minnesota-North Dakota marketing area.

A substantial part of the distribution in Big Stone County emanates from the plant of a handler in Montevideo (in Chippewa County) who sells practically no fluid milk products in any other counties considered for inclusion in the marketing area. Moreover, there is no significant competition in Big Stone County between this handler and any other handler who would be regulated by the order. In view of these considerations, Big Stone County, Minnesota, should not be included in the Minnesota-North Dakota marketing area.

Of the 38 North Dakota counties recommended to be included in the marketing areas, Land O' Lakes has distribution in all but 4, Burleigh, Kidder, Sheridan, and Wells. Fairmont Foods competes with Land O' Lakes in 29 North Dakota counties in the recommended marketing areas (Barnes, Benson, Bottineau, Cass, Cavalier, Dickey, Divide, Eddy, Foster, Grand Forks, Griggs, La Moure, Logan, McHenry, McLean, Nelson, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, Ward, and Williams). Fluid milk products from the plants of Cass Clay, Fergus Dairy or both are sold in 14 of these counties.

Handlers from Minot (Ward County) are major distributors in Burke, McKenzie, Mountrail and Renville Counties. Except for a few relatively small handlers the principal competition of the Minot handlers in these counties is from handlers who would otherwise be regulated by reason of their sales elsewhere in the Western North Dakota marketing area.

About 85 percent of the milk distributed in Pembina County is from the Grand Forks plants of Land O' Lakes and Minnesota Dairy. Most of the remaining distribution of fluid milk products in the county is from the plant of Grafton Milk Company at Grafton (Walsh County).

Foremost Dairies from its plant at Jamestown competes with Cass Clay, Fairmont Foods and Land O' Lakes in Barnes, Dickey, Eddy, Foster, Griggs, La Moure, and Stutsman Counties, and with Fairmont Foods and Land O' Lakes in McHenry County. Of the 4 North Dakota counties in the recommended marketing areas in which Land O' Lakes has no distribution, Foremost Dairies of Jamestown competes with Fairmont Foods in two, Sheridan and Wells.

In Kidder County, approximately 50 percent of the fluid milk products distributed are from the Foremost Dairies' Jamestown plant. The principal remaining distribution in Kidder County is from a plant in Bismarck (Burleigh County), from which fluid milk products are distributed through chain stores in this county and a number of other counties in Western North Dakota.

About 65 percent of the distribution in Burleigh County is by the Bismarck handler and the remainder is from the Foremost Dairies plant at Mandan. This latter plant distributes, in competition with Fairmont Foods and Land O' Lakes, about 15 percent of the total sales in Ward County, which is 12 percent of the total distribution from this plant. In addition, some 30 percent of the total sales in Logan and McLean Counties, which represents an estimated 6 percent of this plant's total distribution, is sold in competition with Fairmont Foods and Land O' Lakes.

If Burleigh and Kidder Counties and the city of Mandan were not included in the Western North Dakota marketing area, it might be reasonably expected that the Foremost plant at Mandan would be regulated because of sales in Logan, McLean and Ward Counties. However, if Burleigh and Kidder Coun-

ties were excluded from the marketing area, the Mandan handler would be at an economic disadvantage because all milk sold from his plant would be subject to pricing under an order while sales in Burleigh and Kidder Counties and the city of Mandan by any unregulated handler would not be subject to order prices.

In the course of operation of orders, the question may arise as to whether any territory within the boundaries of the designated marketing areas which is occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing areas. No proposal was made to exempt sales by a handler in any territory or to any agency from the provisions of the orders and no evidence was presented at the hearing which would justify such exemption. However, so that there will be no doubt as to the intent of the application of the marketing area definition in the proposed orders, the designated counties in the recommended Western North Dakota and Minnesota-North Dakota marketing areas shall include territory wholly or partly within such counties which is occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments.

Definition of plants. The minimum class prices of the orders should apply to that milk eligible for distribution as Grade A milk which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing areas. Such plants would be defined as "pool plants".

The basis for determining which plants shall be pool plants under the orders, and thereby fully subject to regulation, should be clearly set forth and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk or an approval by specified health authorities. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering orders for the Western North Dakota and Minnesota-North Dakota marketing areas.

The production of high quality milk involves extra expense. It is important that the amount of milk produced for these markets under Grade A inspection be no more than that necessary to provide an adequate and dependable supply of quality milk. To encourage excessive production would represent an economic waste, since the expenditure involved in producing Grade A milk not needed on the markets would result in no extra value to producers.

Essential to the operation of an order is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether or not plants and producers choose to supply the Western North Dakota and Minnesota-North Dakota order markets will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which supplies a substantial proportion of its Grade A receipts to the Western North Dakota or Minnesota-North Dakota market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally associated with either order market should not be subject to complete regulation for such market. Neither should they be permitted or required to equalize their sales with all plants in that market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of an entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk could be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into a market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business, there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent dependable sources of milk supply.

If such a plant, by selling a token quantity of Class I milk in the western North Dakota or Minnesota-North Dakota marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from an order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying a market, thereby having an adverse effect on the milk supplies upon which such market depends. This could result in the need for higher Class I prices than would otherwise be required to supply that market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the orders would be defined as a plant in which any Grade A fluid milk product is packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

The term "route" would mean the delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I to a retail or wholesale outlet other than a milk plant or a distribution point.

Fluid milk products may be moved from a milk plant to a facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered a route distribution from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

In order to qualify as a pool plant under the Western North Dakota or Minnesota-North Dakota order, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other plants during the month as Class I milk on routes in the respective marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area of a specified order or in other outlets should not be considered as essentially associated with the order market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of an order, and might well place such plant at a competitive disadvantage in supplying the unregulated market. Such minimum is necessary also to avoid the possibility that a plant otherwise not associated with a market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition should be placed on a distributing plant. This is that its route distribution of Class I milk (both inside and outside the marketing area) and Class I transfers to other plants must amount in any month of July through February to not less than 35 percent and in the seasonally high production months of March through June to not less than 30 percent of its receipts of Grade A milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

Many plants in the proposed marketing areas are exclusively Class I operations and handle no reserve milk. Several plants receiving substantial quantities of milk from dairy farmers currently carry a disproportionate share of the burden of reserve milk produced for the markets. These plants maintain manufacturing facilities for utilizing

the reserve supplies of milk when not needed for Class I purposes. There is some question whether all such plants could at the outset of the orders meet the Class I percentage requirements for pool plant status herein recommended.

Initial regulation in a market generally precipitates some adjustment by handlers in their procurement practices to obtain a better year-round balance between supplies and Class I sales, including reserves. In these markets some re-allocation of supplies may be expected with milk tending to move from low Class I utilization handlers to those who now handle little or none of the reserve. Such re-allocation would be facilitated by the marketwide pooling provisions of the proposed orders.

From the effective date of the orders until September 1, 1962 the route distribution of Class I milk (inside and outside the marketing areas) and Class I transfers to other plants should be not less than 25 percent of Grade A receipts from dairy farmers and from other plants for a distributing plant to qualify as a pool plant. This would provide handlers a reasonable period to make the necessary adjustments in their procurement practices and to accommodate their operations to meet the pool plant requirements which would then become effective.

A plant from which milk for Class I uses is distributed regularly in a marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to a marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Western North Dakota and Minnesota-North Dakota marketing areas are adequate on an annual basis for their needs. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant under the Western North Dakota or Minnesota-North Dakota order should ship to distributing plants which are pool plants under such order at least 35 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in these order markets, be considered as primarily associated with such order market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at local plants may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied a substantial portion of its producer milk to distributing plants in the market during each of the immediately preceding months of seasonally low production. This would be accomplished by providing that a supply plant which shipped 50 percent of its producer milk receipts during each of the immediately preceding months of September through November to distributing plants which are pool plants would thereby earn pool plant status for the months of March through June. As herein proposed, pool plant status for the months of March through June would automatically accrue to such supply plant unless the operator of such plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the March through June period.

A plant which would have qualified on the basis of 50 percent shipments in each month of September through November 1961 should be allowed pool plant status during each month of March through June 1962 unless the operator notifies the market administrator that he elects nonpool status for the plant.

A pool plant or a distributing plant which is not a pool plant should be defined as a "fluid milk plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the language in the various order provisions as they apply to such plants, especially with respect to those distributing plants which are not pool plants.

Some handlers receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguard should be provided in the orders to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk may be distributed in the marketing areas from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more fluid milk plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant.

A handler is the person who receives Grade A milk from dairy farmers and who is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

A handler operating more than one pool plant or a nonpool distributing plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

Producer. Producer should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a

duly constituted health authority, which milk is received at a pool plant.

Fluid milk products. Fluid milk product should mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such, or any mixture of skim milk and cream (except aerated cream products, eggnog, ice cream mix, frozen dessert mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed metal containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Producer milk. Producer milk should be defined as all skim milk and butterfat contained in milk received at a fluid milk plant directly from Grade A dairy farmers or diverted from a fluid milk plant to a nonpool plant.

It would be inappropriate to consider as producer milk any milk moved from a farm directly to a plant subject to the classification and pricing provisions of another order issued pursuant to the Act. Diversion to such plants, if permitted, could result in the pricing and pooling of the same milk under two orders.

Milk transferred to a fluid milk plant from the plant of another handler should not be included in the producer milk definition. When receipts at a shipping plant are from Grade A dairy farmers and from other sources, the milk is commingled and it cannot always be ascertained whether the milk being moved is that from Grade A dairy farmers, from other sources or both.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable under a marketwide pool during the other months of the year when milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

The recommended orders should provide that producer milk regularly received at a fluid milk plant may be diverted for the account of a handler to a nonpool plant at any time during the flush production months and retain producer milk status under the order. In other months such producer milk status for diverted milk should be limited to a quantity not greater than the quantity of producer milk that was delivered to a fluid milk plant from such farm. Diverted milk should be deemed to have been received at the plant from which it was diverted.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except producer milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which are not subject to the pricing provisions of the applicable order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants. The orders are not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers and should not permit other operations masquerading as producer-handlers to abuse the exemption to the detriment of producers and the effectiveness of the order. It is appropriate, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of the milk shall be the personal risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Classification provisions of the proposed orders should provide that any milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Pursuant to the proposed orders, any milk which a handler receives from the producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received by handlers directly from Grade A dairy farmers, from other handlers, and from other sources. Milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of producer milk and to apply the classified price plan.

The products which should be included in Class I milk are those generally required by health authorities in the marketing areas to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level as will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such, and any mixture in fluid form of milk or skim milk and cream (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated or condensed milk, and sterilized products packaged in hermetically sealed metal containers); and skim milk and butterfat not accounted for as Class II milk.

Fluid milk products to which extra skim milk solids have been added, or concentrated milk disposed of for fluid use would be included as Class I milk. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed metal containers would not be considered as concentrated milk. Any nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such product.

Class I classification would apply to the skim milk contained in a fluid milk product which is not in excess of the actual weight of such product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. It was not shown that nonfat milk solids added to fluid milk products displace producer milk for Class I use in the proposed marketing areas.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts; eggnog, aerated cream products; butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk.

The health ordinances applicable in the marketing areas do not require that these products be made from Grade A milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedures, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The attached orders provide for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at a plant at the beginning of any month during which such plant becomes a regulated plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer milk receipts to current Class I use.

Skim milk which is dumped or sold for livestock feed should be classified as Class II milk. The only trade outlets for surplus skim milk for many handlers are located at considerable distances from their processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of unneeded skim milk to such outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the orders should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

No provision should be made for classifying as Class II milk the butterfat in fluid milk products which is dumped or disposed of for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available for utilizing such butterfat in manufactured dairy products.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each plant should be 0.5 percent of the skim milk and butterfat in Grade A milk received from dairy farmers (excluding milk diverted to a nonpool plant) plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products received from pool plants. Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

To avoid duplicate shrinkage allowance on interpool plant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on milk diverted to nonpool plants. On milk received from Grade A producers at a plant and transferred in bulk to another plant the transferor plant would be limited to the 0.5 percent maximum receiving shrinkage allowance on such milk.

There should be no limitation on the classification of shrinkage of other source milk as Class II milk. It was not shown that such limitation is necessary under the proposed orders to adequately safeguard producer milk priority in Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers and, therefore, should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the orders.

Except for the quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any products transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless the operator of the nonpool plant, if requested, makes his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the orders.

In order to classify such transfers or diversions as Class II milk the fluid milk

products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from the regulated plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of different orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under the Minnesota-North Dakota or Western North Dakota orders should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of these and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the orders by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk, skim milk, and cream transferred or diverted to nonpool plants located more than 150 miles by the shortest highway distance from the nearest of specified locations under each of the orders. The Post Offices of Devils Lake, Fargo, Grand Forks, and Jamestown, North Dakota are appropriate locations under the Minnesota-North Dakota order and Bismarck, Minot, and Williston, North Dakota under the Western North Dakota order. The areas thus described are adequate to dispose of milk, skim milk, and cream not needed by order handlers for Class I purposes. Milk, skim milk, and cream moving greater distances are normally for Class I use.

When milk, skim milk or cream in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Devils Lake, Fargo, Grand Forks or Jamestown, under the Minnesota-North Dakota order and Bismarck, Minot, and Williston under the Western North Dakota order, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal areas" without incurring undue expense. Surplus disposal areas larger than that provided herein might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the areas wherein handlers who would be subject to the orders normally dispose of reserve supplies of milk and skim milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The orders provide for determining the value of Grade A milk receipts from dairy farmers at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has other receipts of butterfat or skim milk, to determine the order of assignment of milk from all sources to each classification.

The milk of dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at regulated plants. This is necessary to insure the stability of the classified pricing program of the orders. If the orders permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II, the market would be deprived of a dependable supply of milk and the orders would not be effective in carrying out the purpose of the Act.

In general, the allocation procedure requires that skim milk and butterfat, respectively, in each plant be assigned to producer milk after making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Fluid milk products in consumer packages (containers not larger than a gallon) subject to pricing under another order (from Class I);

(2) Other source milk not subject to Class I pricing provisions of another order;

(3) Other source milk in bulk subject to pricing under another order;

(4) Beginning inventory;

(5) Receipts from other handlers (according to classification); and

(6) Overage.

The provision to allocate to Class I milk certain packaged fluid milk products subject to pricing under another Federal order will have the effect of giving the same treatment to such items moved from a plant under another Federal order whether distributed directly to consumers in the marketing area from such plant or imported through a plant regulated under the proposed orders.

(c) *Class prices—Class I price.* The price for Class I milk should be computed by adding a differential to a basic formula price.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the national economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the recommended marketing areas have a direct relationship to the prices paid for milk used for manufacturing purposes. The market for most manufactured products is nationwide and the prices of these products reflect general economic conditions affecting the supply and demand for milk and changes in the value of manufacturing milk throughout this area.

Differentials over manufacturing prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and transportation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

Proper recognition must be given to the prices at which alternative sources of supply are available, especially since any milk plant wherever located may by meeting the prescribed qualifications become a pool plant under either proposed order. It is necessary, therefore, that the Class I prices in the proposed milk marketing orders should not be set at levels which will bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

Both producers and handlers emphasized in their testimony that the Class I price should be appropriately aligned with the Class I prices in nearby markets, especially with those markets under Federal milk marketing orders. The three orders to which reference was made are Duluth-Superior, Eastern South Dakota and Minneapolis-St. Paul (commonly referred to as the Twin Cities).

There is no overlapping of sales or production areas of the proposed orders with those of the Duluth-Superior order. Although the Eastern South Dakota marketing area is close to some parts of the proposed Minnesota-North Dakota marketing area, there is little, if any, common sales or production areas shared by the two markets.

The buying and selling prices of handlers under the Minneapolis-St. Paul order are important factors in determining the availability of supplies and the prices which will be paid for milk in the Minnesota-North Dakota and Western North Dakota marketing areas. The Twin Cities milkshed is an area of heavy milk production and milk from plants in the milkshed is shipped great distances, principally in bulk. However, some packaged fluid milk products also are moved over a wide area from the plants

of Twin Cities handlers. Such packaged products are shipped regularly from the Fairmont Foods plant in Minneapolis to its distributing plant in Sioux City, Iowa, a distance of 250 miles. This is the approximate road mileage from Minneapolis to Fargo.

The Land O' Lakes plant in St. Michael, Minnesota (a Twin Cities pool plant) has operated as a supplemental source of supply for the Land O' Lakes plant in Thief River Falls. The St. Michael plant, which is a potential source of supply for the proposed marketing areas, is about 210 miles from Fargo.

The Minneapolis-St. Paul order Class I price per hundredweight of milk containing 3.5 percent butterfat is computed by adding a differential to a basic formula price and adding or subtracting a supply-demand adjustment. The basic formula used is the higher of either the average of the prices paid by specified Midwestern condenseries, a butter cheese formula price, or a price based on a butter-powder formula. The Class I differential added to the basic formula price is $1.00 in July through November and 76 cents in other months, an average of 86 cents on an annual basis. For the 12 months ending May 31, 1960, the Twin Cities' Class I price averaged $3.92. During this period the Midwestern condensery price was the basic formula in 11 months and the butter-powder formula in one month. The average effect of the supply-demand adjustment during this period was plus two cents. The Twin Cities' price at plants more than 15 miles from a central point in the marketing area is modified by a location adjustment. The location adjustment applicable at St. Michael is minus 10 cents.

Fargo, North Dakota, and Moorhead, Minnesota, are among the principal cities from which milk is distributed throughout the two proposed marketing areas. These adjoining cities are approximately 240 road miles and about 225 airline miles from Minneapolis-St. Paul. Cass Clay Creamery is in Fargo and the Fairmont Foods plant in Moorhead. The Fergus Dairy plant in Fergus Falls, Minnesota, is about 60 miles to the east. None of these handlers pay on a classified price plan. The average price paid by each of them to their producers per hundredweight of 3.5 percent milk during the year ending May 31, 1960, was $3.53 by Cass Clay, $3.54 by Fergus Dairy and $3.55 by Fairmont Foods. A relatively high proportion of the Grade A milk received by Cass Clay and Fergus Dairy is used for manufacturing purposes. The Fairmont Foods plant at Moorhead is a relatively large Class I operation. In addition, it utilizes both ungraded milk and Grade A milk in making ice cream and cottage cheese.

A number of handlers in the proposed marketing areas pay their producers stated base and excess prices. These stated prices often are not related to the utilization of the milk. In some instances, handlers pay throughout the year for a specified percentage of total producer deliveries at their excess price even though all or part of such excess milk was used for Class I purposes.

The Minnesota Dairy Company of Grand Forks (77 miles north of Fargo) is one of the principal handlers in this area. This handler does not operate any manufacturing facilities and practically all his producer receipts are used for Class I purposes. The price per hundredweight paid producers for base milk containing 3.5 percent butterfat for the year ending May 31, 1960, was $3.92 for milk delivered in cans and 15 cents additional for bulk tank shippers. For supplemental supplies of milk received from Fergus Dairy the price paid by Minnesota Dairy ranged from $3.38 in May to $4.13 during the fall months per hundredweight of milk containing 3.5 percent butterfat.

Milk received from producers at the Foremost Dairies plant in Jamestown (96 miles west of Fargo) is used principally for Class I purposes. Producers at this plant receive $4.00 per hundredweight for base milk of 3.5 percent butterfat.

At Bismarck (199 miles west of Fargo) the Yegen Dairy price per hundredweight for base milk of 3.5 percent butterfat during 1959 averaged $4.38, the surplus price $3.50 and the blend $4.17. The producer pay price of Foremost Dairies at Mandan (6 miles west of Bismarck) during 1959 for base milk of 3.5 percent butterfat ranged from $3.85 to $4.00 per hundredweight.

Minot is 275 miles northwest of Fargo. The price paid by Purity Dairy of Minot for base milk of 3.5 percent butterfat during 1959 was $4.20. The comparable prices paid by Farmers Union Creamery and Peterson's Creamery, both of Williston (406 miles northwest of Fargo), averaged $4.50 during 1959.

As proposed by producers, the Class I price for milk received from dairy farmers at plants in the Fargo-Moorhead area would be the basic formula price plus $1.20. This price would be increased by as much as an additional 30 cents for milk received at locations extending westward in North Dakota. The level of prices proposed by producers would tend to create disalignment with the prices at plants under the Twin Cities' order and would place handlers under the proposed orders at a disadvantage in competing for sales with handlers under the Twin Cities order.

As indicated above, the Minneapolis-St. Paul order prices are an important factor in pricing milk in this region and the Class I prices under the proposed orders should give recognition to this. The Class I prices should be announced for milk received at plants in the Fargo-Moorhead and Bismarck-Mandan areas, should be related to the Twin Cities' Class I price, and should give consideration to the availability of milk from plants in the Twin Cities order milkshed which are potential sources of supply for handlers under the proposed orders. The Class I prices at locations other than Fargo-Moorhead and Bismarck-Mandan should be adjusted by location differentials (as hereinafter set forth). Fargo-Moorhead and Bismarck-Mandan should be the location for which the Class I prices are announced because they are the location of the heaviest concentration of producer deliveries in each area.

The Twin Cities Class I price for milk received from producers at the Land O' Lakes St. Michael plant is reduced by a 10-cent location differential. The Class I price at other supply plants more than 15 miles from Minneapolis-St. Paul likewise is reduced by location differentials.

Fargo-Moorhead is about 225 and Bismarck-Mandan about 395 airline miles from Minneapolis-St. Paul. The location differential rate of 1.2 cents for each 10 airline miles (as proposed in this decision) used as transportation rate would result in a hauling charge of 27 cents per hundredweight of milk moved from Twin Cities to Fargo. However, consideration must be given to the fact that if milk were moved to a plant in either of the proposed marketing areas it could originate at a Twin Cities order regulated plant nearer to the proposed marketing areas than the cities of Minneapolis and St. Paul.

A Class I price at Fargo-Moorhead averaging $1.00 above the basic formula price will obtain an appropriate alignment with the Twin Cities average differential of 86 cents after giving consideration to the hauling costs to Fargo-Moorhead from Twin Cities order plants and the minus location adjustment applicable at such plants (e.g. St. Michael). For the year ending May 31, 1960, the Class I price herein recommended would have resulted in an average price of $4.05 at Fargo-Moorhead. At other locations at which substantial quantities of milk are received from dairy farmers the comparable Class I prices after applying the location differentials recommended in this decision would have been about $3.99 at Fergus Falls, $4.13 at Grand Forks, $4.16 at Jamestown, $4.25 at Bismarck and Mandan, $4.36 at Minot, and $4.51 at Williston.

The Class I differential in the Twin Cities order varies seasonally; it is $1.00 July through November and 76 cents in other months. The same monthly seasonality of pricing should be followed in the proposed orders. This would obtain a Class I differential under the Minnesota-North Dakota order of $1.14 from July through November and 90 cents in other months. For the Western North Dakota order the corresponding differential would be $1.34 and $1.10.

The basic formula prices proposed would be the higher of the average of the prices paid at specified Midwestern condenseries or a butter-powder formula price based on the New York 93-score butter price and Chicago area nonfat dry milk quotations. Such a basic formula is suitable and, as provided in the attached recommended orders, will approximate the basic formula price under the Twin Cities order.

The Class I price herein recommended is directly related to the Twin Cities Class I price except as this latter price is modified by a supply-demand adjustment. The Twin Cities supply-demand adjustor has had little effect on Class I price on an annual basis in recent years. For the 12 months ending with May 1960 the supply-demand adjustment ranged

from minus three cents to plus 10.5 cents and for the full 12 months averaged plus 2 cents. However, if there were an abnormal change in the supply-demand conditions for the Twin Cities market it would be reflected in an adjustment in the Class I price.

Should this occur over an extended period, it could have an unstabilizing effect in the proposed marketing areas. It would be appropriate, therefore, to limit the amount by which the Class I prices in the Western North Dakota and Minnesota-North Dakota orders may vary from the Twin Cities Class I price. As herein proposed, the Class I prices (at Fargo-Moorhead and Bismarck-Mandan) will be 14 and 34 cents, respectively, above the announced Twin Cities Class I price (unadjusted by its supply-demand formula). Providing that the Class I prices announced for the Fargo-Moorhead and Bismarck-Mandan locations shall be not greater than the Twin Cities price plus 24 cents and 44 cents, respectively, or less than such price plus 4 cents and 24 cents, respectively, will tend to insure the maintenance of an appropriate relationship among the Class I prices in the markets.

The Class I prices herein provided should be effective for the first 18 months of the order. Sufficient marketing data on receipts and utilization would be available at the end of this period to provide an appropriate basis for re-evaluating the Class I price level at a public hearing.

Class II price. The Class II price under the Minnesota-North Dakota and Western North Dakota orders should be the same as that provided under the Twin Cities order.

Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

The Class II price formulas which were proposed are patterned after the Twin Cities Class II and Chicago Class IV price formulas. The Chicago Class IV price is calculated by subtracting 75.2 cents from the sum of the amounts obtained by (1) multiplying by 4.24 the average of the daily wholesale prices of Grade AA (93-score) butter at Chicago during the month, and (2) multiplying by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk at manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month to the 25th day of the current month.

Prior to July 1, 1960, the Class II price formula in the Twin Cities order was the same as that for Chicago except for using the 93-score butter quotations at New York instead of at Chicago. For the year ending May 31, 1960, the Twin Cities' Class II price averaged $2.94.

An amendment to the Twin Cities order effective July 1, 1960, changed the factor of 75.2 cents in the Class II price formula to 65 cents. The effect of this change is an increase of 10.2 cents in the level of the Class II price. Applying this formula for the 12 months ending May 31, 1960, would have resulted in an average Class II price of $3.04.

There is no consistent pattern of Class II milk pricing throughout the proposed marketing areas. An important reason for this is that most of the milk received from dairy farmers is purchased on a flat price basis and is not directly related to the use made of the milk. At some plants the milk purchased at excess prices is not always used for Class II purposes. Reliable data on representative prices paid for ungraded milk for manufacturing purposes throughout the market are not available.

Large quantities of reserve supplies of milk for the market are utilized in the manufacture of butter and nonfat dry milk. These operations are confined to several large plants. There is much variation in the handling and marketing of surplus milk at the plants of other handlers. Some milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the orders maintain manufacturing operations, especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months of heavy production, producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the product which they manufacture and because of variations in the quantities of milk available for manufacturing purposes. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of smaller volume and inefficient means of handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supplies of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

Elsewhere in this decision the need for maintaining an alignment with the Twin Cities' Class I price is emphasized. Providing for such an alignment with respect to the Class II price is no less necessary.

As noted previously, some Class II milk in the market is used in the higher-valued manufactured outlets such as cottage cheese and ice cream. However, because of the proportionately large use of Class II milk in butter and nonfat dry milk and the availability of ungraded milk throughout much of the marketing area, it would be economically unsound to price Class II milk predicated solely on its value in these higher-priced outlets. In establishing the level of the Class II price, appropriate consideration should also be given to the limited outlets which a number of handlers who would be regulated by the proposed orders have for excess milk and the distances that such excess supplies must be moved.

Butterfat differentials. Skim milk and butterfat should be accounted for separately for classification purposes as indicated previously. It is necessary, therefore, to adjust Class I and Class II prices for milk in accordance with the average butterfat content of milk in each such class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of producer milk utilized in each product.

The value resulting from multiplying the Chicago butter price by 0.120 for Class I milk and by 0.113 for Class II milk will provide appropriate means for adjusting the prices in these markets for each one-tenth percent variation in butterfat content of milk used in the various products. The employment of the Chicago butter price will mirror changes in central market prices for butterfat as they occur. All surrounding Federal order markets use butter price quotations as a basis for adjusting the value of milk according to butterfat content. The method provided for these markets is consistent with that provided under nearby orders for adjusting the value of milk by a butterfat differential for varying butterfat tests and should result in reasonable alignment of prices among markets for milk of the same butterfat content.

There is no consistent practice in these markets of paying for variations in butterfat tests. Butterfat differentials reported range from 5 to 10 cents per point and some producers are paid for their milk according to the pounds of butterfat in their deliveries. In the instances in which producers are paid on a per pound of butterfat basis they receive a proportionately lesser price for the butterfat in their excess or surplus milk.

As proposed by producers the Chicago butter price would be multiplied by 0.120 to determine the Class I price. The various butterfat differentials proposed for adjusting the Class II price ranged from 11 to 11.5 percent of the Chicago butter price.

A handler proposed that the Class I butterfat differential be 0.130 times the Chicago butter price. This would allocate more value to the butterfat in Class I milk than proposed by producers. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential herein recommended will

give some encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. A butterfat differential of 11.3 percent of the Chicago butter price should not be so high as to give an unnatural incentive to the movement of butterfat to the manufacture of butter at the expense of preferred outlets such as for cottage cheese and frozen desserts. Moreover, at the recommended rate the cost of butterfat in these markets will be competitive with butterfat from alternative sources of supply.

To coordinate the Class I price and Class I butterfat differential announcement date, the Class I butterfat differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the orders.

Location differentials. Location differentials should be incorporated in the orders to provide an appropriate adjustment of the Class I price and the uniform price based on the location of any plant at which producer milk is received.

In the Class I discussion it is indicated that Fargo-Moorhead and Bismarck-Mandan are among the principal cities from which milk is distributed throughout the proposed marketing areas and it is recommended that the Class I price be announced for locations for the respective orders. Fargo-Moorhead is about 225 and Bismarck-Mandan about 305 airline miles from Minneapolis-St. Paul. Accordingly, the Class I price for producer milk received at a plant outside these zones should be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 230 or 400 airline miles, or decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 220 or 390 airline miles, from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, respectively, under the Minnesota-North Dakota and Western North Dakota orders as determined by the market administrator.

The Class I prices recommended in this decision are tied to the Class I price under the Twin Cities order, the milkshed of which is an area of heavy milk production. Plants in this milkshed, including those not regulated by that order, frequently supply the Class I needs in markets at relatively long distances from the Twin Cities. A number of plants under the Twin Cities order are potential and alternative sources of supply for handlers in the proposed marketing areas. The areas of heaviest milk production for the proposed marketing areas are in and adjacent to the Minnesota Counties in the proposed marketing area and in the North Dakota Counties adjacent and close to the Minnesota border. In this area is concentrated a number of the largest plants in the markets (e.g. Cass Clay Creamery, Fairmont Foods and Fergus Dairy). As indicated elsewhere in this decision, milk from these plants is moved westward throughout the State of North Dakota. Also, milk from these plants, as well as from plants in the Twin Cities milkshed, is moved westward as supplemental supplies for handlers in the proposed areas during periods of low production.

The Class I prices and the blend prices paid by handlers who would be regulated by the proposed orders tend to be higher the farther away their plants are from the Twin Cities milkshed. For this reason the mileage for determining location differentials should be measured from a central point in Minneapolis-St. Paul. Such a central point is the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. This is the point from which mileage for determining location differential is measured under the Twin Cities order.

The rates proposed as a location differential range from 1 cent to 1.5 cents for each 10 road miles. Milk is moved over relatively long distances by a number of handlers under the proposed orders. It is not uncommon for some handlers to have wholesale and retail outlets several hundred miles from their plants. Under these circumstances a location differential of 1.5 cents for each 10 miles, which has common usage in a number of Federal orders, would tend to be too high. Conversely, the location differential rate of 1 cent for each 10 miles represents a cost realized on a highly efficient operation for milk moved long distances but is not representative of the operations of most handlers in these markets.

Under the Twin Cities order the Class I price is reduced by a location differential for producer milk received at plants more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul. The location differential is 8 cents at plants in the 15 to 20 mile zone, is increased by 2 cents for each 10 miles or fraction thereof up to 70 miles and is further increased 1 cent for each additional 10 miles or fraction thereof beyond 70 miles.

Under the Twin Cities order the distances for applying location differentials are determined by airline miles. This method of determining distances for the purpose of applying location differentials would be appropriate for the proposed marketing areas in view of the large geographic expanse of these areas.

The location differential herein recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are comparable to those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various points within the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous method possible. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum.

To insure that milk will not be moved unnecessarily at producers' expense, the orders should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

Use of equivalent prices. If for any reason a price quotation required by these orders for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the orders will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the orders.

Payments on unpriced milk. The recommended orders should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the orders could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of March, April, May and June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through February, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to handlers at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the uniform price to producers and the Class I price, both adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the order markets in the July through February period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled.

The rates which are here found to be appropriate for the proposed orders give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, since such conditions do not prevail uniformly in all instances and since all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. It would not be administratively feasible to do otherwise because nonfat dry milk may be obtained from numerous sources and it would not always be possible to ascertain at which plant location it originated.

A handler whose distributing plant fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price during March, April, May and June and by the difference between the Class I and uniform price during other months, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers which would be computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area of either order will adequately protect the regulatory plan in that market. In the areas from which it is expected most nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. The price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Western North Dakota and Minnesota-North Dakota order handlers might obtain supplemental supplies approximate the recommended Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Western North Dakota and Minnesota-North Dakota marketing area for Class I use at less than Class I prices.

(d) *Distribution of the proceeds to producers.* Marketwide equalization pools should be included in the recommended orders as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying each order market that he will receive a return based on his pro rata share of the total Class I sales of such market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers under each respective order during the month. Although each handler will be required to pay uniform prices for producer milk in accordance with the classification of such milk, the minimum blend prices payable to producers will be the same for all producers under the same order irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the orders handle substantial quantities of milk for manufacturing purposes. Under these conditions marketwide pools in the Western North Dakota and Minnesota-North Dakota marketing areas will facilitate the marketing of producer milk. Marketwide pools will make it possible for producers' associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

No action should be taken to provide a base and excess plan in the orders at the present time. It was proposed that a base and excess plan for distributing returns to producers be incorporated in the orders. Some handlers and cooperatives in the markets now utilize such plans in making payments for producer deliveries. There is a wide variation both in the base-excess plans proposed and those currently in operation, especially regarding the months included in the base-forming and base-paying periods.

The principal purpose of a base-excess plan is to provide an incentive for more

even production throughout the year. At present information relative to production of milk for the market in relation to handlers' Class I needs is not sufficiently available to formulate a base and excess plan within the framework of the orders. Incorporating such a provision in the proposed orders would be more appropriate after they had been in effect for a reasonable period. Meanwhile, the seasonal variation in the Class I price would provide some incentive for more uniform monthly production.

Payments to producers. Each handler under the orders should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 16th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price for the preceding month No adjustment for butterfat content should be required on such partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the markets. Such functions can be accomplished more expediently if the association is collecting payments for the sale of members' milk.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with their members authorize each of the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th day of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 14th day of the following month.

At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association), a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of a marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached orders is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached orders at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

(e) *Administrative provisions.* Provisions should be included in the orders with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached orders are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer each order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the orders requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and making such payments.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing areas would also be used by the market administrator to compute the amounts payable to the producer-settlement funds on such unpriced milk.

The market administrator should report to each cooperative association, upon request, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The orders should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Marketing services. Provision should be made in the orders for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the orders in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and

marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of five cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay the market administrator, as his proportionate share of the cost of administration, not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe on (a) producer milk (including such handler's own production), (b) other source milk (not subject to administration expense under another order) at a pool plant which is allocated to Class I milk, and (c) receipts at a nonpool distribution plant of Grade A milk received from dairy farmers on which no administration expense is being paid pursuant to another order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the orders. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the Western North Dakota or Minnesota-North Dakota marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the minimum order prices) the audit of his records by the market administrator would be substantially reduced. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the period in markets of comparable circumstances, it is concluded that an initial rate of four cents per hundredweight is necessary to meet administration expenses under the Minnesota-North Dakota and Western North Dakota orders. Provision should be made which would enable the Secretary to adjust the rate of assessment downward without the necessity of amending the orders. This should be done at any time that experience indicates that a lesser rate will provide sufficient revenue to administer the orders properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreements and orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreements and orders will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are two documents entitled "Order Regulating the Handling of Milk in the Minnesota-North Dakota Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the attached orders which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers in each market to determine whether the issuance of the attached orders regulating the handling of milk in the Western North Dakota and the Minnesota-North Dakota marketing areas, are approved or favored by the producers, as defined under the terms of the proposed orders, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

The month of September, 1961 is hereby determined to be the representative period for the conduct of such referenda.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in each market in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order [1] Regulating the Handling of Milk in the Western North Dakota Marketing Area

Sec.
1015.0 Findings and determinations.

DEFINITIONS

1015.1 Act.
1015.2 Secretary.
1015.3 Department.
1015.4 Person.
1015.5 Cooperative association.
1015.6 Western North Dakota marketing area.
1015.7 Producer.
1015.8 Distributing plant.
1015.9 Supply plant.
1015.10 Fluid milk plant.
1015.11 Pool plant.
1015.12 Nonpool plant.
1015.13 Handler.
1015.14 Producer-handler.
1015.15 Producer milk.
1015.16 Fluid milk product.
1015.17 Other source milk.
1015.18 Route.
1015.19 Butter price.

MARKET ADMINISTRATOR

REPORTS, RECORDS AND FACILITIES

Sec.
1015.25 Report of receipts and utilization.
1015.26 Other reports.
1015.27 Records and facilities.
1015.28 Retention of records.

CLASSIFICATION

1015.40 Skim milk and butterfat to be classified.
1015.41 Classes of utilization.
1015.42 Shrinkage.
1015.43 Responsibility of handlers and reclassification of milk.
1015.44 Transfers.
1015.45 Computation of skim milk and butterfat in each class.
1015.46 Allocation of skim milk and butterfat classified.
1015.47 Inventory reclassification.

MINIMUM PRICES

1015.50 Basic formula price.
1015.51 Class prices.
1015.52 Butterfat differentials to handlers.
1015.53 Location differentials to handlers.
1015.54 Use of equivalent prices.
1015.55 Rate of payment on unpriced milk.

APPLICATION OF PRICES

1015.60 Computation of value of milk at each pool plant.
1015.61 Computation of uniform price.
1015.62 Handlers operating nonpool plants.
1015.63 Plants subject to other Federal orders.

PAYMENTS FOR MILK

1015.70 Time and method of payment.
1015.71 Butterfat differential to producers.
1015.72 Location differentials to producers.
1015.73 Producer-settlement fund.
1015.74 Payments to the producer-settlement fund.
1015.75 Payments from the producer-settlement fund.
1015.76 Adjustment of accounts.
1015.77 Marketing services.
1015.78 Expense of administration.
1015.79 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1015.80 Effective time.
1015.81 Suspension or termination.
1015.82 Continuing power and duty of the market administrator.
1015.83 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1015.90 Separability of provisions.
1015.91 Agents.

AUTHORITY: §§ 1015.0 through 1015.91 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1015.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Western North Dakota marketing area. The hearing was held pursuant to the provisions of the Act and the applicable rules of practice and procedure, as amended (7 CFR 900.1 et seq.), at Minot, North Dakota, on October 17–19, 1961, upon proposals published in the FEDERAL REGISTER (26 F.R. 9555).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1015.46(a) (3) and (4) and the corresponding steps in § 1015.46(b), and (iii) subject to the proviso of § 1015.78, receipts at a nonpool fluid milk plant of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Western North Dakota marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1015.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1015.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1015.3 Department.

"Department" means the United States Department of Agriculture.

§ 1015.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1015.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1015.6 Western North Dakota marketing area.

"The Western North Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the North Dakota counties of Bottineau, Burke, Burleigh, Divide, Logan, McHenry, McKenzie, McLean, Mountrail, Renville, Sheridan, Ward, Williams; and within the city of Mandan, North Dakota; including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1015.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1015.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1015.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1015.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 1015.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler: *Provided,* That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 15 percent of the Grade A milk received from dairy farmers and other plants is disposed of during

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the orders could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of March, April, May and June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through February, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to handlers at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the uniform price to producers and the Class I price, both adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the order markets in the July through February period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled.

The rates which are here found to be appropriate for the proposed orders give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, since such conditions do not prevail uniformly in all instances and since all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. It would not be administratively feasible to do otherwise because nonfat dry milk may be obtained from numerous sources and it would not always be possible to ascertain at which plant location it originated.

A handler whose distributing plant fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price during March, April, May and June and by the difference between the Class I and uniform price during other months, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers which would be computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area of either order will adequately protect the regulatory plan in that market. In the areas from which it is expected most nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. The price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Western North Dakota and Minnesota-North Dakota order handlers might obtain supplemental supplies approximate the recommended Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Western North Dakota and Minnesota-North Dakota marketing area for Class I use at less than Class I prices.

(d) *Distribution of the proceeds to producers.* Marketwide equalization pools should be included in the recommended orders as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying each order market that he will receive a return based on his pro rata share of the total Class I sales of such market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers under each respective order during the month. Although each handler will be required to pay uniform prices for producer milk in accordance with the classification of such milk, the minimum blend prices payable to producers will be the same for all producers under the same order irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the orders handle substantial quantities of milk for manufacturing purposes. Under these conditions marketwide pools in the Western North Dakota and Minnesota-North Dakota marketing areas will facilitate the marketing of producer milk. Marketwide pools will make it possible for producers' associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

No action should be taken to provide a base and excess plan in the orders at the present time. It was proposed that a base and excess plan for distributing returns to producers be incorporated in the orders. Some handlers and cooperatives in the markets now utilize such plans in making payments for producer deliveries. There is a wide variation both in the base-excess plans proposed and those currently in operation, especially regarding the months included in the base-forming and base-paying periods.

The principal purpose of a base-excess plan is to provide an incentive for more even production throughout the year. At present information relative to production of milk for the market in relation to handlers' Class I needs is not sufficiently available to formulate a base and excess plan within the framework of the orders. Incorporating such a provision in the proposed orders would be more appropriate after they had been in effect for a reasonable period. Meanwhile, the seasonal variation in the Class I price would provide some incentive for more uniform monthly production.

Payments to producers. Each handler under the orders should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 16th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price for the preceding month No adjustment for butterfat content should be required on such partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the markets. Such functions can be accomplished more expediently if the association is collecting payments for the sale of members' milk.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with their members authorize each of the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 28th day of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 14th day of the following month.

At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association), a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of a marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached orders is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached orders at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

(e) *Administrative provisions.* Provisions should be included in the orders with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached orders are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer each order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the orders requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and making such payments.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing areas would also be used by the market administrator to compute the amounts payable to the producer-settlement funds on such unpriced milk.

The market administrator should report to each cooperative association, upon request, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The orders should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Marketing services. Provision should be made in the orders for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the orders in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and

marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of five cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay the market administrator, as his proportionate share of the cost of administration, not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe on (a) producer milk (including such handler's own production), (b) other source milk (not subject to administration expense under another order) at a pool plant which is allocated to Class I milk, and (c) receipts at a nonpool distribution plant of Grade A milk received from dairy farmers on which no administration expense is being paid pursuant to another order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the orders. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the Western North Dakota or Minnesota-North Dakota marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the minimum order prices) the audit of his records by the market administrator would be substantially reduced. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such utilization is of his total receipts of Grade A milk from dairy farmers. In such instances the administrative assessment would be computed on the basis of the fluid milk products disposed of in the marketing area from the nonpool plant.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of four cents per hundredweight is necessary to meet administration expenses under the Minnesota-North Dakota and Western North Dakota orders. Provision should be made which would enable the Secretary to adjust the rate of assessment downward without the necessity of amending the orders. This should be done at any time that experience indicates that a lesser rate will provide sufficient revenue to administer the orders properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreements and orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreements and orders will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Western North Dakota Marketing Area" and "Marketing Agreement Regulating the Handling of Milk in the Minnesota-North Dakota Marketing Area", and "Order Regulating the Handling of Milk in the Western North Dakota Marketing Area" and "Order Regulating the Handling of Milk in the Minnesota-North Dakota Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the attached orders which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers in each market to determine whether the issuance of the attached orders regulating the handling of milk in the Western North Dakota and the Minnesota-North Dakota marketing areas, are approved or favored by the producers, as defined under the terms of the proposed orders, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

The month of September, 1961 is hereby determined to be the representative period for the conduct of such referenda.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in each market in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order [1] Regulating the Handling of Milk in the Western North Dakota Marketing Area

Sec.
1015.0 Findings and determinations.

DEFINITIONS

1015.1 Act.
1015.2 Secretary.
1015.3 Department.
1015.4 Person.
1015.5 Cooperative association.
1015.6 Western North Dakota marketing area.
1015.7 Producer.
1015.8 Distributing plant.
1015.9 Supply plant.
1015.10 Fluid milk plant.
1015.11 Pool plant.
1015.12 Nonpool plant.
1015.13 Handler.
1015.14 Producer-handler.
1015.15 Producer milk.
1015.16 Fluid milk product.
1015.17 Other source milk.
1015.18 Route.
1015.19 Butter price.

MARKET ADMINISTRATOR

1015.30 Designation.
1015.31 Powers.
1015.32 Duties.

REPORTS, RECORDS AND FACILITIES

1015.35 Report of receipts and utilization.
1015.36 Other reports.
1015.37 Records and facilities.
1015.38 Retention of records.

CLASSIFICATION

1015.40 Skim milk and butterfat to be classified.
1015.41 Classes of utilization.
1015.42 Shrinkage.
1015.43 Responsibility of handlers and reclassification of milk.
1015.44 Transfers.
1015.45 Computation of skim milk and butterfat in each class.
1015.46 Allocation of skim milk and butterfat classified.
1015.47 Inventory reclassification.

MINIMUM PRICES

1015.50 Basic formula price.
1015.51 Class prices.
1015.52 Butterfat differentials to handlers.
1015.53 Location differentials to handlers.
1015.54 Use of equivalent prices.
1015.55 Rate of payment on unpriced milk.

APPLICATION OF PRICES

1015.60 Computation of value of milk at each pool plant.
1015.61 Computation of uniform price.
1015.62 Handlers operating nonpool plants.
1015.63 Plants subject to other Federal orders.

PAYMENTS FOR MILK

1015.70 Time and method of payment.
1015.71 Butterfat differential to producers.
1015.72 Location differentials to producers.
1015.73 Producer-settlement fund.
1015.74 Payments to the producer-settlement fund.
1015.75 Payments from the producer-settlement fund.
1015.76 Adjustment of accounts.
1015.77 Marketing services.
1015.78 Expense of administration.
1015.79 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1015.80 Effective time.
1015.81 Suspension or termination.
1015.82 Continuing power and duty of the market administrator.
1015.83 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1015.90 Separability of provisions.
1015.91 Agents.

AUTHORITY: §§ 1015.0 through 1015.91 issued under secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674.

§ 1015.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Western North Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1015.46(a) (3) and (4) and the corresponding steps in § 1015.46(b), and (iii) subject to the proviso of § 1015.78, receipts at a nonpool fluid milk plant of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Western North Dakota marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1015.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1015.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1015.3 Department.

"Department" means the United States Department of Agriculture.

§ 1015.4 Person.

"Person" means any individual, partnership, corporation, association, institution or other business unit.

§ 1015.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1015.6 Western North Dakota marketing area.

"The Western North Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the North Dakota counties of Bottineau, Burke, Burleigh, Divide, Logan, McHenry, McKenzie, McLean, Mountrail, Renville, Sheridan, Ward, Williams; and within the city of Mandan, North Dakota; including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1015.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1015.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1015.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1015.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 1015.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler: *Provided,* That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 15 percent of the Grade A milk received from dairy farmers and other plants is disposed of during the month on routes in the marketing area; and

(2) Not less than 25 percent in any month from the effective date hereof through August 1962 and thereafter not less than 35 percent in any month of July through February and not less than 30 percent in any other month of the Grade A milk received at such plant

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

from dairy farmers and other plants is disposed of during the month either on routes or by transfer to another plant and classified as Class I pursuant to § 1015.44.

(b) A supply plant from which not less than 35 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That if such shipments are not less than 50 percent of the Grade A milk received directly from dairy farmers at such plant during each of the immediately preceding months of September through November, such plant shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not qualify otherwise as a pool plant; *And provided further,* That a plant which would have qualified as a pool plant pursuant to the preceding proviso of this paragraph in each of the months of September through November 1961 if this order had been in effect shall be a pool plant for the months of March through June 1962 unless written application is filed with the market administrator on or before the first day of any such month to be designated as a nonpool plant for such month and for each subsequent month through June 1962 during which it would not qualify otherwise as a pool plant.

§ 1015.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing, or bottling plant.

§ 1015.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants, or

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1015.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1015.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided,* That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through March, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1015.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated or condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal containers).

§ 1015.17 Other source milk.

"Other source milk" means all skim and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month.

§ 1015.18 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1015.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1015.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1015.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1015.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1015.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1015.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1015.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1015.35 and 1015.36, nor payments pursuant to §§ 1015.62, 1015.70, 1015.74, 1015.76, 1015.77, and 1015.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1015.51(a) and the Class I butterfat differential pursuant to § 1015.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1015.51(b) and the Class II butterfat differential pursuant to § 1015.52(b), both for the preceding month; and

(2) The 11th day after the end of each month the uniform price pursuant to § 1015.61 and the producer butterfat differential pursuant to § 1015.71; and

(k) On or before the 11th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

§ 1015.35 Report of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers,

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1015.15; and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1015.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1015.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1015.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided,* That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1015.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1015.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1015.41 through 1015.46.

§ 1015.41 Classes of utilization.

Subject to the conditions set forth in § 1015.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) The skim milk represented by the nonfat milk solids added to fluid milk products which is in excess of the weight of such fluid milk products;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to a nonpool plant pursuant to § 1015.15) but not in excess of:

(i) 0.5 percent of such receipts of skim milk and butterfat,

(ii) Plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat, respectively, in bulk fluid milk products from pool plants, and

(iii) Less 1.5 percent of such bulk dispositions to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1015.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his fluid milk plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each fluid milk plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1015.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1015.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1015.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1015.35: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of

other source milk pursuant to § 1015.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1015.46(a)(4) and the corresponding step in § 1015.46(b); *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Bismarck, Minot, and Williston, North Dakota, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1015.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1015.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1015.35 for each pool plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1015.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1015.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1015.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1015.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1015.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1015.46(a)(6) and the corresponding step in § 1015.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1015.46 in:

(a) The remainder after the subtraction pursuant to § 1015.46(a)(6) and the corresponding step in § 1015.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

Minimum Prices

§ 1015.50 Basic formula price.

The basic formula price shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location	
Borden Co	New London, Wis.
Borden Co	Orfordville, Wis.
Carnation Co	Sparta, Mich.
Carnation Co	Richland Center, Wis.
Pet Milk Co	Belleville, Wis.
Pet Milk Co	Coopersville, Mich.
Pet Milk Co	New Glarus, Wis.
Pet Milk Co	Wayland, Mich.
White House Milk Co	Manitowoc, Wis.
White House Milk Co	West Bend, Wis.

(b) The price obtained by subtracting 75.2 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1015.51 Class prices.

Subject to the provisions of §§ 1015.52 and 1015.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* For the first 18 months from the effective date hereof the price for Class I milk shall be the basic formula price for the preceding month plus $1.34 in July through November and plus $1.10 in other months: *Provided*, That the price pursuant to this paragraph shall not be greater than the Class I price pursuant to Part 973, of this chapter (Minneapolis-St. Paul) plus 44 cents or less than the Class I price pursuant to Part 973 of this chapter plus 24 cents.

(b) *Class II milk price.* The price for Class II milk shall be the price obtained by subtracting 65 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as compared by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1015.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1015.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

§ 1015.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers at a fluid milk plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 400 airline miles, or decreased 1.2 cents for 10 airline miles or fraction thereof that such plant is less than 390 airline miles, from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota as determined by the market administrator: *Provided*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1015.46(a)(6) and the corresponding step of § 1015.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota.

§ 1015.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1015.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of March through June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February, the uniform price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

Application of Prices

§ 1015.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the overage deducted from each class pursuant to § 1015.46(a)(9) and the corresponding step of § 1015.46(b) by the applicable class prices;

(c) Add an amount calculated by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1015.46(a)(3) and (4) and the corresponding steps of § 1015.46(b) by the rate of payment on unpriced milk determined pursuant to § 1015.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1015.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1015.47(c) by the rate of payment on unpriced milk pursuant to § 1015.55.

§ 1015.61 Computation of uniform price.

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1015.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1015.35 for such month, except those in default of payments required pursuant to § 1015.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1015.72(a);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1015.72(b);

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund;

(f) Divide the value computed pursuant to paragraph (e) of this section by the hundredweight of producer milk included in such computation; and

(g) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (f) of this section.

§ 1015.62 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1015.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 16th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1015.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1015.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 16th day after the end of the month to dairy farmers for grade A milk

received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1015.63 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1015.11 and a greater volume of fluid milk products is disposed of from such plant on routes in the Western North Dakota marketing area and to pool plants qualified on the basis of route distribution in the Western North Dakota marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1015.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1015.70 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 16th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1015.71, 1015.72 and 1015.77, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 28th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 14th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1015.71 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1015.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1015.72 Location differentials to producers.

(a) The uniform price for producer milk received at a pool plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 400 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

(b) The uniform price for producer milk received at a pool plant shall be decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 390 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

§ 1015.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1015.62, 1015.74, 1015.75 and 1015.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1015.74 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1015.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1015.60.

§ 1015.75 Payments from the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1015.70 of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1015.60.

§ 1015.76 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1015.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1015.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 16th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 16th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1015.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1015.46(a) (3) and (4) and the corresponding steps in § 1015.46 (b), and (c) receipts at a fluid milk plant which is a nonpool plant of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1015.62(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1015.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1015.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1015.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1015.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) From time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1015.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1015.90 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1015.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Order[1] Regulating the Handling of Milk in the Minnesota-North Dakota Marketing Area

Sec.

1035.0 Findings and determinations.

DEFINITIONS

1035.1 Act.
1035.2 Secretary.
1035.3 Department.
1035.4 Person.
1035.5 Cooperative association.
1035.6 Minnesota-North Dakota marketing area.
1035.7 Producer.
1035.8 Distributing plant.
1035.9 Supply plant.
1035.10 Fluid milk plant.
1035.11 Pool plant.
1035.12 Nonpool plant.
1035.13 Handler.
1035.14 Producer-handler.
1035.15 Producer milk.
1035.16 Fluid milk product.
1035.17 Other source milk.
1035.18 Route.
1035.19 Butter price.

MARKET ADMINISTRATOR

1035.30 Designation.
1035.31 Powers.
1035.32 Duties.

REPORTS, RECORDS, AND FACILITIES

1035.35 Report of receipts and utilization.
1035.36 Other reports.
1035.37 Records and facilities.
1035.38 Retention of records.

CLASSIFICATION

1035.40 Skim milk and butterfat to be classified.
1035.41 Classes of utilization.
1035.42 Shrinkage.
1035.43 Responsibility of handlers and reclassification of milk.
1035.44 Transfers.
1035.45 Computation of skim milk and butterfat in each class.
1035.46 Allocation of skim milk and butterfat classified.
1035.47 Inventory reclassification.

MINIMUM PRICES

1035.50 Basic formula price.
1035.51 Class prices.
1035.52 Butterfat differentials to handlers.
1035.53 Location differentials to handlers.
1035.54 Use of equivalent prices.
1035.55 Rate of payment on unpriced milk.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

APPLICATION OF PRICES

Sec.
1035.60 Computation of value of milk at each pool plant.
1035.61 Computation of uniform price.
1035.62 Handlers operating nonpool plants.
1035.63 Plants subject to other Federal orders.

PAYMENTS FOR MILK

1035.70 Time and method of payment.
1035.71 Butterfat differential to producers.
1035.72 Location differentials to producers.
1035.73 Producer-settlement fund.
1035.74 Payments to the producer-settlement fund.
1035.75 Payments from the producer-settlement fund.
1035.76 Adjustment of accounts.
1035.77 Marketing services.
1035.78 Expense of administration.
1035.79 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1035.80 Effective time.
1035.81 Suspension or termination.
1035.82 Continuing power and duty of the market administrator.
1035.83 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1035.90 Separability of provisions.
1035.91 Agents.

AUTHORITY: §§ 1035.0 through 1035.91 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1035.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Minnesota-North Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available suplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight of such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1035.46(a) (3) and (4) and the corresponding steps in § 1035.46(b), and (iii) subject to the proviso of § 1035.78, receipts at a nonpool fluid milk plant of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minnesota-North Dakota marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1035.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1035.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1035.3 Department.

"Department" means the United States Department of Agriculture.

§ 1035.4 Person.

"Person" means any individual, partnership, corporation, association, institution or other business unit.

§ 1035.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1035.6 Minnesota-North Dakota marketing area.

"The Minnesota-North Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the Minnesota counties of Becker, Clay, Douglas, Grant, Kittson, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk (except that portion of Polk County lying east of U.S. Highway No. 59), Pope, Red Lake, Stevens, Todd, Traverse, Wadena, and Wilkin; and within the North Dakota counties of Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, LaMoure, Nelson, Pambina, Pierce, Ramsey, Ransom, Richland, Roletta, Sargent, Steele, Stutsman, Towner, Traill, Walsh, and Wells; including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1035.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1035.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1035.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1035.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 1035.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 15 percent of the Grade A milk received from dairy farmers and other plants is disposed of during the month on routes in the marketing area; and

(2) Not less than 25 percent in any month from the effective date hereof through August 1962 and thereafter not less than 35 percent in any month of July through February and not less than 30 percent in any other month of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month either on routes or by transfers to another plant and classified as Class I pursuant to § 1035.44.

(b) A supply plant from which not less than 35 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the Grade A milk received directly from dairy farmers at such plant during each of the immediately preceding months of September through November, such plant shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not qualify otherwise as a pool plant:

And provided further, That a plant which would have qualified as a pool plant pursuant to the preceding proviso of this paragraph in each of the months of September through November 1961 if this order had been in effect shall be a pool plant for the months of March through June 1962 unless written application is filed with the market administrator on or before the first day of any such month to be designated as a nonpool plant for such month and for each subsequent month through June 1962 during which it would not qualify otherwise as a pool plant.

§ 1035.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1035.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants, or

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1035.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handler (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1035.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1035.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated or condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal containers).

§ 1035.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month.

§ 1035.18 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1035.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1035.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1035.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1035.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1035.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1035.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1035.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1035.35 and 1035.36, nor payments pursuant to §§ 1035.62, 1035.70, 1035.74, 1035.76, 1035.77 and 1035.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1035.51(a) and the Class I butterfat differential pursuant to § 1035.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1035.51(b) and the Class II butterfat differential pursuant to § 1035.52(b), both for the preceding month; and

(2) The 11th day after the end of each month the uniform price pursuant to

§ 1035.61 and the producer butterfat differential pursuant to § 1035.71; and

(k) On or before the 11th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS, AND FACILITIES

§ 1035.35 Report of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers,

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1035.15, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1035.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of the month for each of his pool plants, his producer pay roll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1035.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1035.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1035.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1035.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1035.41 through 1035.46.

§ 1035.41 Classes of utilization.

Subject to the conditions set forth in § 1035.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to fluid milk products which is in excess of the weight of such fluid milk products;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to a nonpool plant pursuant to § 1035.15) but not in excess of:

(i) 0.5 percent of such receipts of skim milk and butterfat, respectively,

(ii) Plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat, respectively, in bulk fluid milk products from pool plants, and

(iii) Less 1.5 percent of such bulk dispositions to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1035.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his fluid milk plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each fluid milk plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1035.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1035.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1035.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1035.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1035.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1035.46(a)(4) and the corresponding step of § 1035.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Devils Lake, Fargo, Grand Forks, and Jamestown, North Dakota, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1035.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1035.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1035.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1035.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1035.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1035.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1035.44(a);

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1035.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1035.46(a)(6) and the corresponding step in § 1035.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1035.46 in:

(a) The remainder after the subtraction pursuant to § 1035.46(a)(6) and the corresponding step in § 1035.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1035.50 Basic formula price.

The basic formula price shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location	
Borden Co	New London, Wis.
Borden Co	Orfordville, Wis.
Carnation Co	Sparta, Mich.
Carnation Co	Richland Center, Wis.
Pet Milk Co	Belleville, Wis.
Pet Milk Co	Coopersville, Mich.
Pet Milk Co	New Glarus, Wis.
Pet Milk Co	Wayland, Mich.
White House Milk Co	Manitowoc, Wis.
White House Milk Co	West Bend, Wis.

(b) The price obtained by subtracting 75.2 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago areas as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1035.51 Class prices.

Subject to the provisions of §§ 1035.52 and 1035.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* For the first 18 months from the effective date hereof the price for Class I milk shall be the basic formula price for the preceding month plus $1.14 in July through November and plus $0.90 in other months: *Provided*, That the price pursuant to this paragraph shall not be greater than the Class I price pursuant to Part 973 of this chapter (Minneapolis-St. Paul) plus

24 cents or less than the Class I price pursuant to Part 973 of this chapter plus 4 cents.

(b) *Class II milk price.* The price for Class II milk shall be the price obtained by subtracting 65 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1035.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1035.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

§ 1035.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers at a fluid milk plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 230 airline miles, or decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 220 airline miles, from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota as determined by the market administrator: *Provided,* That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1035.46(a)(6) and the corresponding step of § 1035.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota.

§ 1035.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1035.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of March through June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February, the uniform price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1035.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the overage deducted from each class pursuant to § 1035.46(a)(9) and the corresponding step of § 1035.46(b) by the applicable class prices;

(c) Add an amount calculated by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1035.46(a)(3) and (4) and the corresponding steps of § 1035.45(b) by the rate of payment on unpriced milk determined pursuant to § 1035.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1035.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1035.47(c) by the rate of payment on unpriced milk pursuant to § 1035.55.

§ 1035.61 Computation of uniform price.

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1035.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1035.35 for such month, except those in default of payments required pursuant to § 1035.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1035.72(a);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1035.72(b);

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund;

(f) Divide the value computed pursuant to paragraph (e) of this section by the hundredweight of producer milk included in such computation; and

(g) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (f) of this section.

§ 1035.62 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1035.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 16th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1035.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1035.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 16th day after the end of the month to dairy farmers for grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1035.63 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1035.11 and a greater volume of fluid milk products is disposed of from such plant on routes in the Minnesota-North Dakota marketing area and

to pool plants qualified on the basis of route distribution in the Minnesota-North Dakota marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1035.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1035.70 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 16th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1035.71, 1035.72 and 1035.77, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 28th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 14th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1035.71 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1035.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1035.72 Location differentials to producers.

(a) The uniform price for producer milk received at a pool plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 230 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

(b) The uniform price for producer milk received at a pool plant shall be decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 220 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

§ 1035.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1035.62, 1035.74, 1035.75 and 1035.76: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1035.74 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1035.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1035.60.

§ 1035.75 Payments from the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1035.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1035.60.

§ 1035.76 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1035.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1035.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 16th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 16th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1035.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1035.46(a)(3) and (4) and the corresponding steps in § 1035.46 (b) and (c) receipts at a fluid milk plant which is a nonpool plant of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided,* That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1035.62(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1035.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during

which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1035.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1035.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1035.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1035.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1035.90 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1035.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 61-11335; Filed, Nov. 29, 1961; 8:51 a.m.]

INDEX AND TABULAR GUIDES

THE UNIVERSITY OF MICHIGAN
JAN 3 1962
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

Volume 26 NOVEMBER 1961 Nos. 211-230

INDEX

Page

Accidents:
AIRCRAFT ACCIDENTS, investigation. *See* Civil Aeronautics Board.
RAILROAD ACCIDENTS, monthly reports 10846

Agency for International Development:
See International Development Agency.

Agricultural Trade Development and Assistance Act of 1954:
ADMINISTRATION (Executive Order 10972) 10469
LOANS made by Export-Import Bank, transfer of functions to State Department (Executive Order 10973) 10469

Agriculture Department:
AGRICULTURAL MARKETING SERVICE; Administrator, definition 11236
ALMONDS; price support program, surplus, 1961 crop 10686
ANIMALS:
See also Packers and Stockyards Division.
Diseases:
Scabies in sheep 10223
Screwworms 10338
Humane slaughter of livestock; identification of carcasses 10242, 10613, 11300
Viruses, serums, toxins, etc.; handling of anti-hog-cholera serum and hog-cholera virus, fee for wholesaler application, findings and determinations, proposed rule 10358
AUTHORITY DELEGATION by Secretary to Assistant Secretary, Agricultural Stabilization; reassignment of functions, marketing agreements and order programs 11256
BARLEY; loan and purchase agreement program, 1961 11233
BEANS, dry edible; loan and purchase agreement program, 1961 crop 11025
COMMODITY CREDIT CORPORATION:
Loan and purchase agreement programs; 1961 crops:
Barley 11233
Beans, dry edible 11025
Grain sorghums 11233
Wheat 11281
Loan programs:
Cotton; 1960 and subsequent programs, Lending Agency Agreement, interest rate increase 10575
Tobacco, 1961 crop 11233
Price support programs. *See* Price support programs, *below*.
COTTON:
Exports; payment in kind, 1961-62 10586
Loan programs, 1960 and subsequent; lending agency agreement, interest rate increase 10575
Price support programs; participation of commercial banks in pools of CCC price support loans on cotton, interest rate increase 10546

Agriculture Department—Continued
COTTONSEED; purchase program, 1961, payment by cooperative gins 10961
COTTONSEED OIL; purchase program, 1961, payments by cooperative oil mills 10961
DATES; import restrictions 10689
DISASTER AREAS; need for agricultural credit:
Alabama 10943
South Carolina 10814
EXPORTS:
Cotton; payment in kind, 1962-63 10586
Grain; special study of Technical Committee 11256
FARMERS HOME ADMINISTRATION. *See main heading* Farmers Home Administration.
FARMS, allotments, farm history and soil bank base acreages; reconstitution, proposed transfer of pooled allotments 10731
FEDERAL CROP INSURANCE CORPORATION; Federal crop insurance, 1962 and succeeding crop years, peach crop, general provisions 10630
FEDERAL SEED ACT regulations; correction 10471
FEED GRAINS, special programs:
1961 10769
1962 10787
FILBERTS:
Marketing; Oregon and Washington 10688
Standards for filberts in shell 11025
GRAIN SORGHUMS; loan and purchase agreement program, 1961 crop 11233
GRAINS:
Exports; special study of Technical Committee 11256
Participation of financial institutions in pools of CCC price support loans on certain commodities; interest rate increase 10546
GRAPEFRUIT, marketing:
Arizona and California 11037
Florida 10337, 10424, 10790, 11062
Texas 10338
GRAPES, marketing; California crushing grapes 10516, 10772, 10933
HUMANE SLAUGHTER; identification of carcasses 10242, 10613, 11300
IMPORT RESTRICTIONS:
Dates 10689
Limes 10587
Onions 10632, 11287
Walnuts 10426

CONTENTS

Page
Subject Index 1
Codification Guide 22
Parallel Table U.S.C.—CFR 27

73000—61——1

Agriculture Department—Continued Page

LEMONS, marketing; Arizona and California 10425, 10586, 10792, 10872, 11037, 11207
LETTUCE; marketing, Texas 10773, 10793, 11236
LIMES:
Import restrictions 10587
Marketing, Florida 10587
LIVESTOCK:
See also Packers and Stockyards Division.
Diseases. *See under* Animals.
Humane slaughter; identification of carcasses 10242, 10613, 11300
MARKETING QUOTAS, farm acreage allotments, etc.:
See also specific commodities.
Referenda 10208
Review regulations 10204
Marketing quota review committee panels; areas of venue established 10522
MILK AND MILK PRODUCTS; marketing in various areas, orders proposed or adopted:
Arkansas; Central 10307, 10485
Colorado:
Colorado Springs–Pueblo 10216
Rio Grande Valley 10691
Connecticut; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Delaware; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Idaho; Inland Empire 11284
Illinois; Suburban St. Louis 10360, 10879, 11283
Indiana; Ohio Valley 10597, 11079, 11284
Kentucky; Ohio Valley 10597, 11079, 11284
Louisiana; New Orleans 10425, 11035
Maryland; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Massachusetts; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Michigan; Upper Peninsula 11207
Minnesota:
Minneapolis-St. Paul 10215
Minnesota-North Dakota 11317
Mississippi; Gulf Coast 10472
Missouri:
Ozarks 10810, 11281
St. Louis 10810
Suburban St. Louis 10360, 10859, 11283
Nebraska; Platte Valley 10507
New Mexico; Rio Grande Valley 10691
New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
North Dakota; Western 11317
Ohio:
Northeastern 11074
Ohio Valley 10597, 11079, 11284
Oklahoma:
Metropolitan 10298, 11026
Red River Valley 10298, 11038
Pennsylvania; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Tennessee; Memphis 10307
Texas:
Corpus Christi 11294
North 10214, 10236, 11036
Red River Valley 10298, 11038
Rio Grande Valley 10691
Vermont; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Virginia; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Washington:
Inland Empire 11284
Puget Sound 10486
West Virginia; New York-New Jersey 10597, 10632, 10859, 11253, 11282, 11283
Wisconsin; Northeastern 11208
NUTS. *See* Almonds; Filberts; Peanuts; Tung-nuts; Walnuts.
OILSEEDS. *See* Cottonseed; Cottonseed oil; Peanuts; Tung nuts.
ONIONS:
Import restrictions 10632, 11287
Marketing:
Idaho 10426
Oregon; Malheur County 10426
Texas 10772

Agriculture Department—Continued Page

ORANGES, marketing:
Arizona and California:
Navel 10586, 10789, 10933, 11034
Valencia 10214, 10423
Florida 10337, 10423, 10790
Texas 10338
ORGANIZATION AND FUNCTIONS, Agriculture Department 11256
PACKERS AND STOCKYARDS DIVISION:
Posted stockyards; designation or removal 10310, 10311, 10312
Rates and charges; modification of rate orders, petitions 10242, 10613
PEANUTS; marketing quotas, farm acreage allotments, etc., 1959 and subsequent crops 10209
PEARS, marketing, Oregon, Washington, and California; Beurre d'Anjou, Winter Nelis, etc 10296
PLANT QUARANTINE, domestic quarantine notices; white-fringed beetle, proposed rule, correction 10571
POTATOES, Irish; marketing:
California 10809
Colorado 10792, 11236
Maine 11053
Oregon; all counties except Malheur 10809
POULTRY. *See* Turkeys.
PRICE SUPPORT PROGRAMS:
Participation of financial institutions in pools of CCC price support loans on certain commodities; interest increase 10546
Price support limitation, field crops in surplus supply, 1959 and 1960; waiver of final date for filing application of exemption 11207
Sales of certain commodities acquired through price support operations; monthly sales list, November 1961 10576, 10981
Various commodities:
Almonds 10686
Cotton 10546
Grains 10546
Tung nuts 10769
RAISINS; marketing, raisin variety grapes, California 10770
RICE; marketing quotas, farm acreage allotments, etc., 1959 and subsequent crops 10336
SALES of certain commodities acquired through price support operations, monthly sales list, November 1961 10576, 10981
SUGAR:
Allotment of quotas; domestic beet sugar area:
1961 crop 10547
1962 crop, proposed rule 10691
Commercially recoverable sugarcane, mainland; 1961 crop 10961
Normal yields and eligibility for abandonment and crop deficiency payments; sugarcane, Puerto Rico, 1960–61 crop 10214
Prices; sugarcane:
Florida, 1961 crop 10272
Puerto Rico, 1961–62 crop 10644
Virgin Islands, 1962 crop 10644
Proportionate shares; cane sugar area:
Mainland; 1962 crop 10268
Puerto Rico; 1961–62 crop 10505
Wage rates; sugarcane:
Louisiana, 1961 crop 10270
Virgin Islands, 1962 crop 10644
SURPLUS COMMODITIES:
Field crops in surplus supply, 1959 and 1960, price support limitation on; waiver of final date for filing application of exemption 11207
Sales of certain commodities acquired through price support operations 10576, 10981
TANGELOS; marketing, Florida 10337, 10425, 10791
TANGERINES; marketing, Florida 10337, 10424, 10791, 11035, 11281
TOBACCO:
Loan program; 1961 crop, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco 10873
Marketing quotas, farm acreage allotments, etc.:
Cigar-filler and cigar-binder; 1962–63 marketing year 10471, 10503
Flue-cured; 1962–63 marketing year 10927
Referendum; proposed rule 10933
Maryland tobacco; 1962–63 marketing year 10504

Agriculture Department—Continued Page

TUNG NUTS; price support program, 1961 crop, applicable forms 10769
TURKEYS, marketing; hatching eggs and turkeys, proposed rules, nearing 10286, 10516, 10772
VIRUSES, serums, toxins, etc.; handling of anti-hog-cholera serum and hog-cholera virus, fee for wholesaler application, findings and determinations, proposed rule 10358
WALNUTS:
Import restrictions 10426
Marketing; California, Oregon, and Washington 10688
WHEAT:
Loan and purchase agreement program, 1961 crop 11281
Marketing quotas, farm acreage allotments, etc.:
1960 and subsequent crops; durum wheat 10484
1961 and subsequent crop 10596
Stabilization program, special; 1962 11234

Air Carriers:
See Aircraft and air carriers.

Air Force Department:
See Defense Department.

Aircraft and Air Carriers:
CIVIL AIR PATROL radio stations, use of frequency 4602.5 kc 10926
CIVIL AIRCRAFT, regulations. *See* Civil Aeronautics Board; Federal Aviation Agency.
EMERGENCY BOARDS to investigate labor disputes. *See* National Mediation Board.
FEDERAL AIRWAYS, control areas, etc. *See* Federal Aviation Agency.
INTERNATIONAL AVIATION, Interagency Group on (IGIA); reconsideration of Warsaw Convention and Hague Protocol, comments invited, extension of time 10981
RADIO COMMUNICATIONS. *See* Federal Communications Commission.
RESTRICTED AREAS over military installations. *See* Federal Aviation Agency.

Alaska:
AMATEUR RADIO SERVICE, frequency bands 10240
PUBLIC LANDS. *See* Land Management Bureau.

Alien Property Office:
DISSOLUTION ORDER; Chemnyco, Inc 10453
RETURN OF VESTED PROPERTY:
Guardo, Ermenegildo 10735
Marton, George Nicolas, et al 10734
Sottero, Carlotta Yvone 10735

Almonds:
Price support, 1961 surplus 10686

Anchorage Regulations:
See Engineers Corps.

Animals:
See Livestock; Wildlife.

Antenna Structures:
Radio and television antenna structures, construction; aeronautical studies. *See* Federal Aviation Agency.

Antidumping Act of 1921:
DETERMINATIONS. *See* Customs Bureau; Treasury Department.
INVESTIGATIONS. *See* Tariff Commission.

Archeological Research:
Availability of funds 10812

Armed Services:
See also Defense Department *and specific services.*
FAMILIES of military personnel stationed overseas, reduced rate air transportation; proposed rules 10238
HOUSING INSURANCE. *See* Federal Housing Administration.
MILITARY FORCES ABROAD, chain of command (Memorandum of May 27, 1961) 10749
PROCUREMENT. *See* Army Department.

Arms, Ammunition, etc.:
Designation by Secretary of State (Executive Order 10973) 10469

Army Department: Page
See also Defense Department.
AUTHORITY DELEGATION from Secretary of Defense; claims, settlement of, under Federal Tort Claims Act 11089
CANAL ZONE, employment and compensation. *See main heading* Canal Zone Government.
CLAIMS AGAINST U.S.; military payment certificates 11291
DECORATIONS, manufacture of; authority to manufacture and sell, articles authorized or not authorized, etc 10509
ENGINEERS CORPS regulations. *See main heading* Engineers Corps.
MILITARY RESERVATIONS, use of Army real estate, claims founded upon contract; correction 10728
PROCUREMENT REGULATIONS:
Advertising, formal 10558
Bonds and insurance 10567
Contracts:
Clauses 10566
Termination 10566
Foreign purchases 10566
Forms 10567
General provisions 10553
Government property 10567
Labor 10567
Negotiation 10558
Patents, copyrights and technical data 10566
Supplemental provisions 10568
Taxes, Federa., State and local 10567
Veterinary inspection; deletion 10728
PUBLIC CONTACT, relations with agencies of; public information policies, authority and responsibilities, etc 10797
RESERVES, organized, enlistments; periods, qualifications, age, etc 10931

Atomic Energy Commission:
AUTHORITY DELEGATION by General Manager to Los Alamos Area Office Manager; leasing Government-owned land and buildings in Los Alamos, New Mexico, commercial and other purposes 10644
BYPRODUCT MATERIAL:
Lock illuminators, automobile, containing tritium:
Exemption from licensing 10473
Manufacture or import, specific license; proposed rule 10487
Waste disposal, radioactive material; licenses to listed companies:
Long Island Nuclear Service Corp 10310
Nuclear Engineering Co., Inc 10781
EXPORTS; source material, uranium in aircraft counterweights 10929
FINANCIAL PROTECTION requirements and indemnity agreements; appendixes B and C 10933
INDEMNITY AGREEMENTS. *See* Financial protection requirements and indemnity agreements.
PRACTICE, RULES OF; licenses, reactor and waste disposal, notice of application to local officials, administrative examination of applications 10770
RADIATION, protection against; concentrations in water and air above natural background, radionuclides 11046
REACTORS AND CRITICAL EXPERIMENT FACILITIES, construction and/or operation; licenses or permits to listed companies, etc.:
Aerojet-General Nucleonics 10246
Consolidated Edison Company of New York, Inc 10455
Consumers Public Power District; Power Demonstration Reactor Project 10981
General Dynamics Corp 11257
General Electric Co 11220
Kansas University 10885
Maryland University 10521
Michigan University 10492, 10736
Missouri University, Curators of 10368, 10453, 11257
Ohio State University 10454
Oklahoma University 10493
Philadelphia Electric Co 10736
Saxton Nuclear Experimental Corp 10944
Union Carbide Corp 11221
Utah University 10814
Western New York Nuclear Research Center, Inc 11221

Atomic Energy Commission—Continued Page
SOURCE MATERIAL; licensing:
Exemptions; uranium, unimportant quantities of, in aircraft counterweights and shipping casks 10929
General licenses to export; uranium in aircraft counterweights 10929
WASTE DISPOSAL, radioactive; licenses to various companies. *See under* Byproduct material.

Attorney General:
See Justice Department.

Australia:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Austria:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Autos:
See Motor vehicles.

B

Balance of Payments:
(Memorandum of October 18, 1961) 10543

Balloons and Kites:
Hazards to aircraft; operational requirements, proposed rules, hearing 10701

Banks:
COOPERATIVES, banks for. *See* Farm Credit Administration.
FEDERAL HOME LOAN BANKS. *See* Federal Home Loan Bank Board.
FEDERAL RESERVE BANKS. *See* Federal Reserve System.
MERGER, certain banks in New York; hearing 11219

Barley:
Loan and purchase agreement program, 1961 crop 11233

Beans, Dry Edible:
Loan and purchase agreement program, 1961 crop 11025

Belgium:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Biological Products:
LICENSING, STANDARDS, TESTING, etc. *See* Public Health Service.
VIRUSES, SERUMS, TOXINS, etc. *See* Agriculture Department.

Birds, Migratory:
Hunting, protection, etc. *See* Fish and Wildlife Service.

Boards:
See Committees and boards.

Boats:
See Vessels.

Bonds:
POSITION SCHEDULE SURETY BOND, invitation to bid; Commerce Department 11220
SAVINGS BONDS. *See* Treasury Department.
SURETY COMPANIES acceptable. *See* Treasury Department.
TREASURY BONDS. *See* Treasury Department.

Bread:
Standards of identity, optional ingredients:
Hydroxylated lecithin 10550
L-cysteine, proposed rule 10362

Bridge Regulations:
See Engineers Corps.

C

Campaign Costs, President's Commission on:
Establishment (Executive Order 10974) 10585

Canada:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Canal Zone Government: Page
EMPLOYMENT AND COMPENSATION IN CANAL ZONE:
Filling positions, certification for appointment under apprentice program 10503
General regulations, exclusions from Act; apprentices, deletion 10503
OPERATION AND NAVIGATION of Canal and adjacent waters; diving operations, industrial and commercial, recreational skin diving, light, flag (CZO 58) 10353

Census Bureau:
CANNED FOOD, distributors stocks; proposed annual survey 11097
MANUFACTURING AREA, proposed annual survey 10579
MULTI-UNIT COMPANIES, number of employees, taxable wages, geographic location, and kinds of business; proposed survey 10246
RETAILERS' INVENTORIES, sales, and number of stores; proposed survey 11301

Child Labor Regulations:
Exemption, homeworkers on natural evergreen wreaths 10419

China, Republic of:
Melon seeds, salted; imports 11255

Civil Aeronautics Board:
ACCIDENT, Richmond, Virginia; investigation 10781
AGREEMENTS, filing; Traffic Conferences of International Air Transport Association, specific commodity rates 10456, 10580
ECONOMIC PROCEEDINGS:
Exceptions and supporting briefs; proposed rule, correction 10307
Interlocutory orders, petitions for reconsideration; proposed rule 10641
ECONOMIC REGULATIONS:
Agreements, filing; Traffic Conferences of International Air Transport Association, specific commodity rates 10456, 10580
Certificates, public convenience and necessity; names of air carriers and foreign air carriers, proposed rules 10774
Classification and exemption of certain air carriers; proposed rules:
Names of air carriers and foreign air carriers 10774
Operations pursuant to exemption authority; repeal of Part 11287
Names of air carriers and foreign air carriers; proposed rule 10774
Tariffs of air carriers:
Rate transportation, reduced, for immediate families of military personnel stationed overseas; proposed rules 10238
Seating and configuration of aircraft; postponement of effective date 11046
HEARINGS, investigations, etc.: 10781
Accident investigation at Richmond, Va.
Companies and cases. *See list at end of this agency.*
PROCEDURAL REGULATIONS. *See* Economic proceedings.
SPECIAL REGULATIONS; continuance of expired authorizations, applications for renewal of temporary authorizations 11287

HEARINGS, INVESTIGATIONS, ETC.:
Aaxico Airlines, Inc., 10246.
Aerovias Internacional Balboa, S.A., 10645.
Air Line Pilots Association, 10369.
American Airlines, Inc. et al., 10455, 11257.
British West Indian Airways, Ltd., 10817.
Chicago Helicopter Airways, Inc. et al., 11222.
Columbus, Nebr., service to, 10369.
Continental Air Lines, Inc., 10369, 10885, 10886.
Eastern Air Lines, Inc., 10455.
Emery Air Freight Corp., 10247.
Flying Tiger Line, Inc., 11223.
Fort Worth investigation; reopened, 10312.
Helicopter operators consolidated mail rate proceedings, 11302.
Mackey Airlines, Inc., 11302.
Mohawk Airlines, Inc., 10523.
National Air Taxi Conference, Inc., members, 11089.
Pacific Air Lines, Inc., 10312.
Pan American World Airways, Inc., 10944.
Sheboygan County, Wis., service to, 10313.

Civil Aeronautics Board—Continued Page
HEARINGS, INVESTIGATIONS, ETC.—Continued
Southern Airways, Inc., 10369.
Toolco-Northeast control case, 10705.
Trans-Texas Airways, Inc.; "use it or lose it" investigation, 10580.
Trans-Texas Airways mail rate, 10645.
Trans World Airlines, Inc., 10645, 10887.
Transpacific route case (international phase), 10613.

Civil and Defense Mobilization Office:
See successor agency Emergency Planning Office.

Civil Service Commission:
APPEALS, preference eligibles, Veterans' Preference Act of 1944; notification of adverse decision 10750
EDUCATION (formal) requirements for appointment to certain scientific, technical, and professional positions; teachers, principals, and school superintendents 10447
EXEMPTIONS FROM COMPETITIVE SERVICE 10900
Method of filling excepted positions and status of incumbents 10900
Schedule A; positions other than confidential or policy determining for which examination is not practicable 10900
Agencies with positions added, amended, or revoked:
Civil Rights Commission 10204
Commerce Department 10544
Interior Department 10204
Maritime Administration 10544
Navy Department 11281
Schedule B, positions other than confidential or policy determining for which competitive examination is not practicable 10908
Schedule C, confidential or policy determining positions 10909
Agencies with positions added, amended, or revoked:
Agriculture Department 10447
Defense Department 10204, 10267
General Services Administration 10204
Justice Department 10447
Peace Corps 10267
State Department 11233
Treasury Department 10962
FOREIGN ASSISTANCE PERSONNEL, regulations (Executive Order 10973) 10469
INSURANCE, GROUP LIFE; appeals 11046
MILITARY DUTY, ABSENCE FOR 10750
PAY REGULATIONS; general compensation rules and step increases 10544
SEPARATIONS, suspensions, and demotions; procedure for taking adverse action, notice of decision 10750
• TRAVEL AND TRANSPORTATION EXPENSES; appointees to certain positions where there is manpower shortage:
Education specialist (Swahili language) 10370
Executive Director, District of Columbia Redevelopment Land Agency 10370

Claims:
Authority delegations, regulations, etc. *See specific agencies.*

Coast Guard:
AUTHORITY DELEGATION from Secretary of Treasury; Oil Pollution Act, 1961, functions under 10609
CARGO VESSELS; shipboard cargo gear and power-operated industrial trucks 11010
EQUIPMENT, INSTALLATIONS, or MATERIALS; approval notices 10364, 10366, 10812
EXPLOSIVES, transportation or storage on board vessels:
List of explosives; additions, changes 11016
Power-operated industrial trucks 11016
Regulations governing explosives, inflammable, corrosive or combustible liquids, etc 11019
NAVIGATION AIDS, private; district regulations 10353
ORGANIZATION; Coast Guard Districts, Marine inspection zones, and Captain of Port areas 10343
PASSENGER VESSELS; shipboard cargo gear and power-operated industrial trucks 11003
TANK VESSELS; shipboard cargo gear and power-operated industrial trucks 10996

Commerce Department: Page
See Census Bureau.
International Programs Bureau.
Maritime Administration.
National Bureau of Standards.
APPEALS BOARD, suspension of export license privilege; Henry Weingartner & Co., Inc., and Henry Weingartner 11301
APPOINTMENTS without compensation and statements of business interests under Defense Production Act of 1950 10329, 10453, 10492, 10622, 10735, 10736, 10814, 10944, 11098
INVESTMENTS IN LESS-DEVELOPED COUNTRIES, functions of Secretary (Executive Order 10973) 10469
POSITION SCHEDULE SURETY BOND, invitation to bid 11220

Commission on Campaign Costs, President's:
Establishment (Executive Order 10974) 10585

Committees and Boards:
DEVELOPMENT LOAN COMMITTEE, establishment (Executive Order 10973) 10469
EMERGENCY BOARDS to investigate labor disputes. *See* National Mediation Board.
GRAIN EXPORTS, TECHNICAL COMMITTEE ON; special study, request for written views and information 11256

Commodity Credit Corporation:
LOAN AND PURCHASE AGREEMENT PROGRAMS; 1961 crops:
Barley 11233
Beans, dry edible 11025
Grain sorghums 11233
Wheat 11281
LOAN PROGRAMS:
Cotton; 1960 and subsequent programs, Lending Agency Agreement, interest rate increase 10575
Tobacco, 1961 crop 11233
PRICE-SUPPORT PROGRAMS:
Participation of financial institutions in pools of CCC price-support loans on certain commodities; interest increase 10546
Price-support limitation, field crops in surplus supply, 1959 and 1960; waiver of final date for filing application of exemption 11207
Sales of certain commodities acquired through price-support operations; monthly list, November 1961 10576, 10981
Various commodities:
Almonds 10686
Cotton 10546
Grains 10546
Tung nuts 10769

Comptroller of the Currency:
National Bank of Winchester and First National City Bank of New York; application for merger, hearing 11219

Conduct Standards:
See Conflict of interest.

Conflict of Interest:
APPOINTMENTS WITHOUT COMPENSATION, statements of financial interests. *See* Commerce Department.
STANDARDS OF CONDUCT, Small Business Administration employees 10723

Continental Shelf:
NAVIGATION AIDS, private; Coast Guard regulations 10343
PHOSPHATE LEASE OFFER, off California coast 10612

Contracts:
See also Procurement.
Authority delegations respecting contracts. *See specific agencies.*

Corn Meal:
Standard of identity, labeling requirements 11209

Cotton:
EXPORT PROGRAM, 1961–62; payment in kind 10586
LOAN PROGRAMS, increased interest rate 10575
PRICE-SUPPORT LOANS, increased interest rate 10546

Cottonseed: Page
Purchase program, 1961 10961

Cottonseed Oil:
Purchase program, 1961 10961

Customs Bureau:
ANTIDUMPING ACT of 1921:
Appraisement, publication of findings; portland gray cement from Portugal 10476
Findings of dumping, amendment of authority delegation order 11255
Secretary of Treasury determinations. *See main heading* Treasury Department.
APPRAISEMENT, Antidumping Act procedure, publication of findings; portland gray cement from Portugal 10476
ORGANIZATION and functions; offices, establishment of, under Deputy Commissioners, Divisions of Marine Administration, and Technical Services 10643
TARIFF CLASSIFICATION; footwear, certain, tennis type, proposed classification 10521
VESSELS:
Documentation:
Enrollment and licenses, coasting trade and fisheries 10508
Redocumentation of vessels sold or transferred abroad to U.S. citizen; proposed rule 10731
In foreign and domestic trades; formal entry, deposit of register 10508

D

Danger and Restricted Areas and Zones:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, navigation danger zones. *See* Engineers Corps.

Dates:
Import regulations 10689

Defense Department:
See Army Department.
Navy Department.
AUTHORITY DELEGATIONS:
By Secretary to Army Department Secretary; settlement of tort claims 11089
From Secretary of State; certain functions under Foreign Assistance Act, 1961, respecting International Development Agency, staff compensation under Foreign Service Act, 1946 10609
FOREIGN ASSISTANCE, functions of Secretary (Executive Order 10973) 10469
Procurement outside United States (Memorandum of October 18, 1961) 10543
TRANSPORTATION SERVICE, ocean; authority and responsibility 10931

Defense Mobilization:
See Emergency Planning Office.

Denmark:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Development Loan Committee:
Establishment (Executive Order 10973) 10469

Development Loan Fund:
Termination, and transfer of functions to State Department (Executive Order 10973) 10469

Diplomatic Missions, U.S.:
Responsibilities of chiefs (Memorandum of May 27, 1961) 10749

Disaster Areas:
Federal assistance. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.

Discrimination:
See Nondiscrimination.

Diving Operations:
Canal Zone regulations 10353

Drugs: Page
Certification and tests, etc. *See* Food and Drug Administration.

E

Education and Educational Facilities:
INDIANS, schools for; handling of student funds 10637
SCHOOL PURPOSES, public lands opened to application by certain States for. *See* Land Management Bureau.
TEACHERS, PRINCIPALS, school superintendents, in Indian schools and federally operated elementary and secondary schools; education requirements 10447
VETERANS, education and training. *See* Veterans Administration.
WAR ORPHANS, educational assistance 10478

Eggs:
Turkey hatching eggs, proposed marketing agreement; hearing 10286, 10516, 10772

Eight-Hour Law:
Suspension with respect to laborers and mechanics employed on public works by National Aeronautics and Space Administration (Executive Order 10976) 10825

Emergency Boards:
See National Mediation Board.

Emergency Planning Office:
DISASTER AREA requiring Federal assistance, Texas 10534
VOLUNTARY PLANS, Ordnance Corps Integration Committee on M14 rifle; deletion of company 10509

Employees' Compensation Bureau:
Compensation for disability and death of noncitizens outside United States, criteria for payment 10509

Engineers Corps, Army Department:
ANCHORAGE REGULATIONS:
Delaware, Delaware Bay and River 11179
New York, port of New York and vicinity 11171, 11174
Rhode Island, Narragansett Bay 11172
Texas, Sabine Pass Channel 10805
Virginia, Hampton Roads and adjacent waters 11181
Washington, Puget Sound area 11184
BRIDGE REGULATIONS:
Atlantic Ocean, Chesapeake Bay and Gulf of Mexico, navigable waters, except Mississippi River 11188
California, San Francisco and San Pablo Bays, tributaries 11195
Florida, Oklawaha and Dead Rivers, and Haines Creek 10445
Massachusetts, Boston Harbor and adjacent waters 11185
New Jersey, navigable waters 11187
New York, navigable waters 11187
Texas, Intracoastal Waterway; revocation 10805
DANGER ZONE REGULATIONS:
Delaware, Atlantic Ocean 11196
Florida:
Choctawatchee Bay 11197
Straits of Florida and Florida Bay, Key West vicinity; Naval Air Station 11197
Massachusetts:
Atlantic Ocean off Cape Cod 10278
Buzzards Bay, and adjacent waters 11195
Rhode Island, Narragansett Bay, naval operations 11196
FISHING REGULATIONS, California, certain bays, rivers, etc.; floating or drifting fish nets 11197
NAVIGATION REGULATIONS:
California, San Francisco and San Pablo Bays and certain connecting waters 11201
Illinois, Ohio and Mississippi Rivers and tributaries, above Cairo 11199
Washington, Puget Sound area 11203

Explosives:
Packing, transportation, etc. *See* Coast Guard; Interstate Commerce Commission.

Export Control:
See International Programs Bureau.

Export-Import Bank: Page
Agricultural Trade Development and Assistance Act of 1954, functions:
Foreign currencies, termination of functions (Executive Order 10972) 10469
Loans, transfer of functions to State Department (Executive Order 10973) 10469

Exports:
See Imports and exports.

F

Farm Credit Administration:
Banks for cooperatives; cancellation and retirement of stock, etc., of borrower in liquidation or dissolution 10267

Farmers Home Administration:
DEBT ADJUSTMENT, VOLUNTARY; general methods, processing applications 10267
GREAT PLAINS AREA, assistance in; revocation and supersedure 10267

Federal Aviation Agency:
AGENCY REGULATIONS; proposed recodification 10698
AIR TRAFFIC RULES:
Aircraft speed 10752
Instrument flight rules, course to be flown; proposed rule 10307
AIRSPACE; construction, proposed:
Radio antenna structures and towers:
No objections 10248
Objections 10248, 10373
Television antenna structures and towers; no objections 10456, 10457
Water storage structures:
No objection 10248
Objection 10944
AIRWORTHINESS DIRECTIVES:
Aeronca 11047
Bell 10274
Boeing 10341, 10571, 10963
Brantly 10341
Canadair 10223, 10224, 10340
Convair 11236
Curtiss-Wright 10362, 10963
De Havilland Heron 10273
Douglas 10474, 10963, 10964
Lockheed 10634
Mooney 10274
Navion and Twin Navion 10362
Sensenich 10634
Vickers 10224, 10274
ALTITUDES, instrument. *See* Instrument flight rules.
ANTENNA STRUCTURES AND TOWERS, etc. *See under* Airspace.
APPROACH PROCEDURES. *See* Instrument flight rules.
BALLOONS, moored; kites, unmanned free balloons, rockets and missiles, operation, proposed rule, hearing 10701
CERTIFICATES; proposed rules:
Mechanic; time limit for completion of mechanic examinations 10571
Supplemental type, delegation option procedures 10776
CONSTRUCTION; radio and TV antenna structures and towers, buildings, etc. *See under* Airspace.
CONTROL AREAS, CONTROL ZONES, etc.:
Control areas:
Continental control area; alterations 10342, 10876, 11047, 11048, 11237
Extension of control areas:
Alterations 10225, 10429, 10451, 10475, 10488, 10602, 10603, 10605, 10635, 10636, 10724, 10778, 10779, 10876, 10883, 10935, 11048, 11289
Revocation and redesignation; proposed rule 10881
VOR Federal airway control areas; low altitude; alterations, domestic 10428, 10429, 10451, 10507, 10547, 10588, 10602, 10723, 10733, 10876
Control zones:
Alterations 10225, 10341, 10429, 10489, 10507, 10520, 10723, 10876, 10964
Revocation and redesignation; proposed rule 10881
Positive control areas; revocation and redesignation, proposed rule 10881

Federal Aviation Agency—Continued Page
CONTROL AREAS, CONTROL ZONES, etc.—Con.
Positive control route segments; revocation and redesignation, proposed rule 10881
Reporting points:
Alterations:
Other reporting points 10635
VOR Federal airways report points:
Intermediate altitude 10588, 10589
Low altitude 10589, 10635
Revocation and redesignation; proposed rule 10881
Transition areas:
Designation and alterations 10363, 10451, 10488, 10602, 10603, 10605, 10733, 10778, 10779, 10876, 10883 10935.
Revocation and redesignation; proposed rule 10881
FEDERAL AIRWAYS:
Basis and purpose; redesignation, proposed rule 10881
Control areas, extent; redesignation, proposed rule 10882
Federal airways, extent; redesignation, proposed rule 10882
Redesignation, proposed rules 10882
Terms, explanation; redesignation, proposed rule 10882
VOR Federal airways; alterations:
Intermediate altitude 10427, 10428, 10520, 10546, 10588, 10634, 10635, 10723, 10753, 10777, 10874, 10875, 10964, 11237, 11289
Low altitude, domestic 10225, 10428, 10429, 10451, 10475, 10507, 10547, 10588, 10602, 10723, 10875, 10876, 10934, 11047.
INSTRUMENT FLIGHT RULES:
Altitudes, minimum en route IFR; particular routes and intersections:
Colored Federal airways (amber, blue, green, red) 10724
VOR Federal airways 10724
Approach procedures, standard, for take-off and landing at particular airports; alterations:
Instrument landing system procedures 10434, 10441, 10759, 10767
Radar procedures 10435, 10443, 10761, 10768
Radio range procedures 10430, 10436, 10754, 10762
INTERNATIONAL AVIATION; Warsaw convention and Hague protocol, reconsideration, time extension 10981
JET ROUTES, jet advisory areas, and high altitude navigational aids; alterations:
Jet advisory areas:
En route 10590, 11254
Terminal 10590, 10635
Jet routes 10724, 10809, 11087, 11254
Navigational aids, high altitude 10635
KITES; operation, proposed rule, hearing 10701
MAINTENANCE, REPAIR, and alteration of airframes, powerplants, etc.; work by Canadian mechanics (SR–377B) 10473
MISSILES; operation, proposed rule, hearing 10701
ORGANIZATION AND FUNCTIONS:
Airports Division of Aviation Facilities Service, abolishment 10644
Airports Service, establishment 10644
PROCEDURAL REGULATIONS; delegation option procedures for supplemental type certification, proposed rule 10776
RECODIFICATION of agency regulations, proposed rules 10698
RESTRICTED AREAS over military installations, etc.; alterations:
Florida 10342, 10636, 11047, 11048
Hawaii 10636
Indiana 11237
Kansas 10733, 10965
Michigan 10965
Minnesota 10724
North Carolina 10876
ROCKETS; operation, proposed rule, hearing 10701
STRUCTURES, proposed construction; effect upon navigable airspace. *See* Airspace.
WARSAW CONVENTION and Hague protocol; international aviation, reconsideration, time extension 10981

Federal Communications Commission:
ALASKA, public fixed stations and stations of maritime services:
Change in terminology, kc/s and Mc/s in lieu of kc and Mc 10591
Survival craft stations and frequencies, coast and ship stations 10925, 11246, 11293

Federal Communications Commission—Con. Page

AMATEUR RADIO SERVICE; availability of certain frequency bands in Alaska and Hawaii, proposed rule ---- 10240
AVIATION SERVICES; various stations:
Aircraft radio stations, radionavigation stations aboard aircraft, etc.; transmission of radio signals to activate lights ---- 10926
Civil Air Patrol stations, additional frequencies ---- 10926
Private aircraft stations; frequencies available, control of airport lights ---- 10926
CANADIAN BROADCAST STATIONS ---- 10647
COMMERCIAL RADIO OPERATORS; fraudulent licenses, proposed rule ---- 11298
EDUCATIONAL BROADCAST STATIONS. *See under* Radio broadcast services.
EXPERIMENTAL NONBROADCAST RADIO SERVICES:
Definition of terms, authorized power ---- 10806
Developmental service, frequencies available ---- 10806
Operator requirements, Mc changed to Mc/s ---- 10806
Student authorizations, frequencies ---- 10806
FREQUENCIES AND CHANNELS:
See also Frequency allocations.
Frequency bands:
610–1220 kc/s ---- 10447
2638 kc/s ---- 10918
4602.5 kc/s ---- 10926
4630 kc/s ---- 10926
7245–7255 kc/s ---- 10240
14,220–12,230 kc/s ---- 10240
2–27.5 Mc/s ---- 10918, 10925
30 Mc/s, below ---- 11298
46.51–46.60 Mc/s ---- 10573
88–108 Mc/s ---- 10940
8750–8850 Mc/s ---- 10702
Services and stations:
Aeronautical radionavigation service ---- 10702
Aviation services ---- 10926
Canadian broadcast stations ---- 10647
Maritime radio services ---- 10918, 10919, 10925
Telemetering devices and wireless microphones ---- 10940
Television broadcast stations ---- 10239, 10572, 10606, 10917, 10935, 10938, 10939, 10940, 11293, 11297
FREQUENCY ALLOCATIONS:
See also Frequencies and channels, *above*.
Allocation, assignment and use of radio frequencies ---- 10656
Table of frequency allocations ---- 10660
8750–8850 Mc/s ---- 10702
Definitions ---- 10656
HEARINGS, ORDERS, etc.; companies and stations, *see list at end of this agency*.
INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT:
Definitions, ISM frequencies, operation on microwave frequencies ---- 10281
Industrial heating equipment, radiation limits ---- 10282
Medical diathermy equipment, frequencies ---- 10282, 10591, 10927
INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES; single sideband transmissions in radiotelephone service below 30 Mc/s, proposed rules ---- 11298
MARITIME RADIO SERVICES:
Alaska. *See* Alaska.
Land stations:
Change in terminology, kc/s and Mc/s in lieu of kc and Mc ---- 10591
Safety communications, use of 2638 kc ---- 10918
Survival craft stations and frequencies ---- 10918
Technical standards, transmitter power; frequencies below 27,500 kc ---- 10919
Telegraphy, use by coast stations; assignable frequencies ---- 10919
Telephony, use by public coast stations; frequencies ---- 10919
Shipboard stations:
Change in terminology, kc/s and Mc/s in lieu of kc and Mc ---- 10591
Definitions, maritime mobile service ---- 10921
Radiotelegraphy, use of:
Frequencies ---- 10921
Licenses, modification ---- 10925
Tables of ship radiotelegraph frequencies from 2 Mc/s to 27.5 Mc/s ---- 10923

Federal Communications Commission—Con. Page

MARITIME RADIO SERVICES—Continued
Shipboard stations—Continued
Radiotelephony, use of:
Frequencies ---- 10922
Licenses, modification ---- 10925
Safety and operational communications, use of 2638 kc ---- 10918
Survival craft stations and frequencies ---- 10921
Technical requirements ---- 10921
NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT, changes in assignments in Canada ---- 10647
ORGANIZATION AND FUNCTIONS, Chief Hearing Examiner ---- 10946
PRACTICE AND PROCEDURE:
Clear channel broadcasting in standard broadcast band; applications for frequencies adjacent to class I–A channels ---- 10447
Hearing proceedings, taking of depositions ---- 10279
PUBLIC SAFETY RADIO SERVICES; various services:
Fire service; split channels ---- 10569
Forestry-conservation service, frequencies available:
Reallocation of band, and 20 kc channeling; proposed rules ---- 10573
Split channels ---- 10569
Highway maintenance service, frequencies available; split channels ---- 10569
Local Government service, frequency band 46.51–46.60 kc, and 20 kc channeling; proposed rules ---- 10573
Police service; split channels ---- 10569
RADIATION DEVICES:
Definition, harmful interference ---- 10281
Low power communication devices, proposed rules ---- 10940
Radio receivers, measurement procedure ---- 10281
Telemetering devices and wireless microphones, proposed rules ---- 10940
RADIO BROADCAST SERVICES:
Educational FM broadcast stations, noncommercial; stereophonic broadcasts ---- 10729
Standard broadcast stations:
Applications ready and available for processing ---- 10816, 10982, 11303
Clear channel broadcasting:
Application processing, modification ---- 10280, 10448
Petitions for reconsideration, extension of time for filing responses to ---- 10280
Television broadcast stations:
Channel utilization:
Table of assignments; additions, deletions, changes:
Alabama ---- 10606, 10940, 11297
California ---- 10572, 10935
Connecticut ---- 10606, 10940
Florida ---- 11297
Georgia ---- 11297
Illinois ---- 10606, 10940
Kentucky ---- 10938
Michigan ---- 10939, 11293
Nevada ---- 10935
New York ---- 10606, 10939, 10940
North Carolina ---- 11297
Ohio ---- 10938
Oregon ---- 10917
Pennsylvania ---- 10572, 10606, 10940
South Carolina ---- 10239, 10606, 10940
Tennessee ---- 11297
Wisconsin ---- 10606, 10940
UHF channels, expanded use; proposed rules, extension of time ---- 10606
Option time and station's right to reject network programs; oral argument, continuation ---- 10939
TELEPHONE AND TELEGRAPH COMPANIES; rates and charges, hearings and investigations respecting American Telephone and Telegraph Co. *See under* Hearings, *below*.

HEARINGS, ORDERS, ETC.:
American Telephone and Telegraph Co., 10313, 10314, 10814.
Antennavision Service Co., Inc., 10315, 10645.
Arizona Micro-Wave System Co., 10316, 10645.
Barren County Broadcasting Co., 10614.
Barrick John M., 10614.
Baysden, W. E., 10982.
Bi-States Co. (KHOL–TV), 10458.

Federal Communications Commission—Con. Page

HEARINGS, ORDERS, ETC.—Continued
Black Hills Video Corp., 10316, 10646.
Bloomington Broadcasting Corp. (WJBC and WJBC–FM), 10249.
Burbank, Eugene R., 10945.
Catskills Broadcasting Co. et al., 10249, 11224.
Ceracche & Co., Inc., 10320, 10646, 10706.
Clay Service Corp., 10323.
Collier Electric Co., 10317, 10646.
Columbia Basin Microwave Co., 10320, 10617.
Community Service Broadcasters, Inc. et al., 10706.
Crosby County Broadcasting Co., 10321.
Dakota Microwave Co., 10321, 10646.
Dean, Elbert H. et al., 10580.
Eastern Broadcasting System, Inc. et al., 10945.
Fitzgerald, Francis M., 11091.
Flower City Television Corp., 11094.
Folkways Broadcasting Co., Inc. (WTCW), 10617.
Follmer, Walter L., 10737.
Gem State Candy Co., 10457.
Genesee Valley Television Co., Inc., 11094.
Hershey Broadcasting Co., Inc., 10321.
Higson-Frank Radio Enterprises, 10614, 10707.
Howard, William S., 10249.
Humbert, William, Jr., 10983.
Johnson Broadcasting Corp., 10707.
Jones, Clarence Everett, 10321.
KOFE, Inc. (KOFE), 10615.
KSAY Broadcasting Co., 11224.
KWTX Broadcasting Co. (KWTX), 11303.
Kenosha Broadcasting, Inc., 10249.
Kent-Ravenna Broadcasting Co. et al., 10707, 10983.
Kerryville Broadcasting Co. (KERV), 11303.
Lake Shore Broadcasting Co., Inc. (WDOE), 11304.
Levitt, Neil N., 10523, 10814.
Little Joe Enterprises (WJOE), 10616.
M & M Telecasters et al., 10615, 10707.
Magnolia Broadcasting Co. (KVMA), 11225.
Mararian, Harold A., 10986.
Mesa Microwave, Inc., 10322, 10646.
Mia Enterprises, Inc. (KWBE), 10458, 10615.
Neighborly Broadcasting Co., Inc. (WLOV–FM), 10618, 10737.
New York Penn Microwave Corp., 10323, 10647.
Newman, William Wright, 10737.
Oklahoma Broadcasting Co., 10459.
Patchogue Broadcasting Co., Inc. (WAPC), 10986.
Port Chester Broadcasting Co., 10945.
Pressley, Vernon E., 10617.
Putnam Broadcasting Corp., 10945.
Quincy Valley Broadcasters, 10617.
REA Radio and Electronic Laboratory, 10580, 11225, 11305.
Radio-Active Broadcasting, Inc. (WATO), 10323.
Radio Alexander City, 10323.
Radio Americana, Inc., 10946.
Radio Associates, Inc. (WEER), 11306.
Reading Radio, Inc., 10321.
Ridge Radio Corp., 10618.
Rounsaville of Miami Beach, Inc. (WFUN), 10617, 10707.
S B B Corp., 10614, 10707.
Sands Broadcasting Corp. et al., 10987.
Sapulpa Broadcasters, 10459.
Sarasota-Charlotte Broadcasting Corp., 10616.
Schlueb, Harold V., 11225.
Scott, George L., 10458.
Smackover Radio Inc., 11225.
Strafford Broadcasting Corp. (WWNH), 10618.
Sullivan Trail Coal Co., 10987, 11225.
Superior Communications Co., Inc., 10324, 10647.
Taylor, Robert S., 10321.
Topeka Broadcasting Association, Inc. (WIBW–TV), 10458.
Turchiaro, Al, 10987.
Veterans Broadcasting Co., Inc. et al., 10614, 11225.
WFYC, Inc. (WFYC). 11306.
WJMJ Broadcasting Corp., 10250.
WNOW, Inc. (WNOW), 11306.
Western TV Relay, Inc., 10324, 10647.
Wilson, William, 11226.
Windber Community Broadcasting System, 10618.
Wolverine Broadcasting Co. et al., 10459, 10618.
Ybor City Broadcasting Co., 10707.
Young People's Church of the Air, Inc., 10250.

Federal Crop Insurance Corporation:
Federal Crop Insurance; 1962 and succeeding crop years, peach crop, general provisions ---- 10630

Federal Employees:
See Government employees.

Federal Home Loan Bank Board:
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; operations, proposed rules:
Change of State-chartered mutual insured institution to guaranty or permanent stock type institution ---- 11217
Loans and investments, general powers ---- 10239
FEDERAL SAVINGS AND LOAN SYSTEM; conversion from Federal to State charter ---- 11208

Federal Housing Administration:
ARMED SERVICES housing mortgage insurance, military personnel; amendment of regulations by Commissioner ---- 10231
COOPERATIVE HOUSING mortgage insurance, eligibility requirements, projects; maximum insurable amounts ---- 10229
MODERATE INCOME AND DISPLACED FAMILIES housing mortgage insurance; projects, eligibility requirements, maximum mortgage amounts ---- 10230
MUTUAL MORTGAGE INSURANCE and insured home improvement loans; eligibility requirements:
Amendment of regulations by Commissioner ---- 10229
Loan amortization period ---- 10229
NATIONAL DEFENSE housing mortgage insurance, individual residences:
Amendment of regulations by Commissioner ---- 10231
Forbearance of foreclosure ---- 10231
NURSING HOMES, mortgage insurance; amendment of regulations by Commissioner:
Contract rights and obligations ---- 10231
Eligibility requirements; increased mortgage amounts ---- 10230
RENTAL HOUSING, multifamily housing mortgage insurance:
Contract rights and obligations; amendment of regulations by Commissioner ---- 10229
Eligibility requirements; maximum mortgage amounts ---- 10229
TITLE I mortgage insurance, property improvement loans; contract rights and obligations, amendment of regulations by Commissioner ---- 10229
URBAN RENEWAL mortgage insurance and insured improvement loans:
Homes, eligibility requirements, insured improvement loans:
Cost certification requirements ---- 10230
Incorporation by reference ---- 10230
Maximum loan amount ---- 10230
Projects, eligibility requirements:
Insured project improvement loans; amendment of regulations by Commissioner ---- 10230
Project mortgage insurance:
Classification of mortgagors; deletion ---- 10230
Incorporation by reference ---- 10230
Maximum mortgage amounts ---- 10230
WAR HOUSING mortgage insurance; amendment of regulations by Commissioner:
Individual homes ---- 10231
Multifamily projects ---- 10231
Single family project loans ---- 10231
YIELD INSURANCE, for investments in rental housing for moderate income families; amendment of regulations by Commissioner ---- 10231

Federal Maritime Commission:
CHARGES, user, establishment; proposed rules, extension of time ---- 10520
FREIGHT FORWARDERS; licensing of independent ocean freight forwarders, proposed rule ---- 10941
RATES, schedules, tariffs, etc.; investigations and hearings:
Atlantic-Gulf/Puerto Rico trade ---- 10325, 10738
Hawaiian rates; second general increase, 1961 ---- 10738
TARIFF SCHEDULES, effective; references to Federal Maritime Board changed to read Federal Maritime Commission (FMC) ---- 10989
TRANSPORTATION AGREEMENTS, approved, unapproved, cancellations, hearings, etc.:
Alcoa Steamship Co., Inc ---- 10325, 10988
Cunard Steam-Ship Co., Ltd ---- 10325
Encinal Terminals ---- 10460
Hanson, T. J ---- 10988
M.A.N.Z. Line joint service ---- 10988
Oakland, Calif ---- 10460

73000—61——2

Federal Maritime Commission—Continued

TRANSPORTATION AGREEMENTS, etc.—Continued
- Pacific Westbound Conference member lines et al. — 10739
- Spedden, T. R. — 10988, 10989
- Stockholm Port District — 10988
- Stockton Elevators, Inc. — 10988
- Thielen, H. S., Inc. — 10989
- Wilh. Wilhelmsen Line joint service — 10325

USER CHARGES, establishment; proposed rules, extension of time — 10520

Federal Power Commission:

FEDERAL POWER ACT regulations:
- Headwater benefits; annual payments to licensees and permittees, settlement agreements — 10794
- Power site reserves, determinations:
  - No. 44, Washington — 10947
  - No. 363, New Mexico — 10947
  - No. 378, Oregon — 10989

HEARINGS. *See list at end of this agency.*

LANDS; withdrawals, vacations, etc., for listed projects:
- No. 2079, California — 10524
- No. 2227, Alaska — 10373

NATURAL GAS ACT; area price levels for sales by independent producers, Louisiana — 10342, 10887

PRACTICE AND PROCEDURE, general policy statements; area price levels for natural gas sales by independent producers, Louisiana — 10342, 10887

HEARINGS, APPLICATIONS, ETC.:
- American Gas Co., 11309.
- Arkansas Louisiana Gas Co., 10619, 10946.
- Bel Oil Corp., 11309.
- Brown, George R., 10251.
- Cabot Corp., 10740.
- Colorado Interstate Gas Co., 10370, 11309.
- Columbia Gulf Transmission Co., 10495.
- Constantine, S. T. et al., 11095.
- Continental Oil Co. et al., 10817.
- East Tennessee Natural Gas Co., 10493.
- Eastern Shore Natural Gas Co., 10817.
- El Paso Natural Gas Co., 10371, 10494, 10888.
- First Transportation Gas Corp., Inc., 10741.
- Frio-Tex Oil and Gas Co., 11310.
- Getty, Jean Paul et al., 11307.
- Hartman, E. C. et al., 10495.
- Heckert, Leland D., lease et al, 10889.
- Home Gas Co., 10496.
- Huber, J. M., Corp. et al., 10740.
- Hunt, H. L. et al., 10252.
- Indiana Natural Gas Corp., 10817, 11310.
- Iowa Southern Utilities Co., 10707.
- Katz Oil Co. et al., 10889.
- Lima Gas Co., 10253.
- Lone Star Gas Co., 10496, 10619.
- Louisville, Ill., village of, 10709.
- Manufacturers Light & Heat Co., 10620, 10742.
- Mississippi River Transmission Corp., 10524.
- Montana-Dakota Utilities Co. et al., 11095.
- Natural Gas Pipeline Co. of America, 10371.
- New York State Natural Gas Corp., 11259.
- Ohio Fuel Gas Co., 10989.
- Ohio Oil Co. et al., 10496.
- Pan American Petroleum Corp. et al., 10525.
- Prophetstown Natural Gas Co., 10497.
- Puget Sound Power & Light Co. et al., 10691.
- Rockland Electric Co., 10325.
- Shamrock Oil & Gas Corp., 10708.
- Simmons Gas Co. et al., 10526.
- Sinclair Oil & Gas Co., 10741.
- Socony Mobil Oil Co., Inc. et al., 10253.
- Sohoma Natural Gas Co., Inc., 10741.
- Southwestern Power Administration, 10818.
- Standard Oil Co. of Texas et al., 10891.
- Sun Oil Co. et al., 10371.
- Sunray Mid-Continent Oil Co. et al., 11310.
- Tennessee Gas Transmission Co., 10620, 10742, 11312.
- Texaco, Inc. et al., 10647, 11259.
- Texas Eastern Transmission Corp., 10250.
- Texas Gas Corp., 10620.
- Texas Gas Transmission Corp., 10250, 10708.
- Texas Gulf Producing Co., 10743.
- Trunkline Gas Co., 10524.
- Union Water-Power Co., 10743.
- Western Colorado Power Co., 10990.
- Yuba County Water Agency, 10947.

Federal Radiation Council:

Radiation protection standards for uranium mining, requests for comments — 10740

Federal Reserve System, Board of Governors:

BANK HOLDING COMPANIES, applications, requests for determinations, etc.:
- First Colorado Bankshares, Inc. — 10497
- Marine Corp — 10709, 11260
- Montana Shares, Inc. — 10892
- United California Bank — 10948

PROCEDURE; action on bank holding company and merger applications — 10340

Federal Trade Commission:

FUR PRODUCTS LABELING ACT; name guide pertaining to foxes, raccoons, and opossums — 10446

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS:
- Baker, Samuel B., and Robert C., 10508.
- Baker Merchandising Corp., 10508.
- Bergstein, Stanley, 10637.
- Brourman, Phillip, 10637.
- Caplan, Bernard, 10637.
- Columbia Contracting Co., 10637.
- Comess, Morris and Max, 11238.
- Commerce Contracting Co. et al., 10637.
- Crawford Industries, Inc., 10727.
- Diamonstein, Albert, 11238.
- Doehla Greeting Cards, Inc., 10771.
- Eastern Marketing Service, 10966.
- Eastwood, H. Palmer, 10966.
- Egelberg, Morris, 10965.
- Egelberg & Seidman, Inc., 10965.
- Foster, Louis W., and Howard S., 10548.
- Foster, L. W., Sportswear Co., Inc., 10548.
- Graber, Jack L., 10929.
- Hament, Augustus, 11237.
- Hankin, Arthur, 10476.
- Hypo Surgical Supply Corp., 11237.
- Karpus, Benno, 11289.
- Kastner, Harold Henry, 10878.
- Kastner, H. H., & Co., 10878.
- Lees, James and Sons Co., 10445.
- Leous, Thomas M., Jr., and Alfred T., 10445.
- Leous Furriers, 10445.
- Levine, Lawrence, 10690.
- Levine, Larry, Inc., 10690.
- Lubell, Murray, 10727.
- Lubell, Murray, Inc., 10727.
- Luxury Industries, Inc., 10476.
- Margolis, Tevis, 10637.
- Nelson, Alfred E., 10226.
- Nelson, A. E., and Co., Inc., 10226.
- Paramount Bedding Corp., 11238.
- Patlium Co., 10476.
- Patlium Luxury Industries, 10476.
- Portnoy, David, 10929.
- Rawlings, Lawrence, 10508.
- Rosenhirsch, Alfred E., 11237.
- Rosenstein, Samuel J., 10929.
- Segal, David, 10929.
- Seidman, Hyman, 10965.
- Stevens, W. B., 10966.
- Towers Marts, Inc., 10929.
- Wallik, Melvin, 11237.
- Weiner, Harry, 10727.
- Weintraub, Aron, 11289.
- Western European Import Co., 11289.
- Zimmerman, Irving, 10727.
- Zisson, Max, 11237.

Feed Grains:

- 1961 PROGRAM, regulations — 10769
- 1962 PROGRAM, regulations — 10787

Filberts:

- MARKETING, Oregon and Washington — 10688
- STANDARDS, filberts in shell — 11025

Fish and Wildlife Service:

COMMERCIAL FISHERIES, Pribilof Islands, administration; landing and use of liquor, proposed deletion of restriction — 10640

HUNTING AND POSSESSION OF WILDLIFE:
- Areas open to hunting and fishing. *See under* Wildlife refuges.

Fish and Wildlife Service—Continued

HUNTING AND POSSESSION OF WILDLIFE—Con.
- Migratory birds:
  - Hunting methods, exceptions — 11246
  - Permits — 11246

MIGRATORY BIRDS. *See* Hunting and possession of wildlife.

PRIBILOF ISLANDS, administration, commercial fisheries; landing and use of liquor, proposed deletion of restriction — 10640

WILDLIFE REFUGES, NATIONAL:
- *See also* Hunting and possession of wildlife.
- Areas open to hunting or sport fishing:
  - California, hunting:
    - Colusa — 10638
    - Merced — 10639
    - Salton Sea — 10639
    - Sutter — 10639
  - Florida; Loxahatchee, sport fishing — 10973
  - Maine; Mooschorn, sport fishing — 10878
  - Minnesota:
    - Hunting:
      - Rice Lake — 11251
      - Upper Mississippi River — 11251
    - Sport fishing; Rice Lake — 10234
  - New Mexico; Burford Lake, hunting — 10730
  - North Dakota:
    - Hunting; Tewaukon — 10233, 10730
    - Sport fishing:
      - Arrowwood — 10973
      - Lake Ilo — 10973
      - Long Lake — 10973
      - Lower Souris — 10974
      - Tewaukon — 10974
      - Upper Souris — 10974
  - South Dakota:
    - Hunting:
      - Lacreek — 10234
      - Sand Lake — 11216
    - Sport fishing:
      - Sand Lake — 10235
      - Waubay — 10235
  - Wisconsin; Horicon:
    - Hunting — 10282
    - Sport fishing — 10974

Fishing:

COMMERCIAL FISHING, restrictions on use of nets in certain California waterways; Engineers Corps regulation — 11197

SPORT FISHING in certain wildlife refuge areas. *See* Fish and Wildlife Service.

Food Additives:

See Food and Drug Administration.

Food and Drug Administration:

BACITRACIN, food additive containing, in certain feed:
- Chicken feed, combined with zoalene — 10774
- Quail chicks — 10732

BREAD, white, rolls or buns, standards of identity, label statements of optional ingredients:
- *L*-cysteine; proposed rule — 10362
- Shortening; lecithin, certain glycerides, etc — 10550

CORN MEAL, enriched; standards of identity — 11209

DRUGS:
- *See also specific drugs.*
- Antibiotic and antibiotic containing drugs; general regulations, animal feed, containing penicillin — 10228
- Drugs and devices, prescription and veterinary; directions for use, labeling requirements, proposed rule — 10601
- Laboratory diagnosis of disease, antibiotics intended for use in; antibiotic sensitivity discs, tests and methods of assay, potency — 11212
- New drugs, anthelmintics containing piperazine preparations; exemption from certain prescription-dispensing requirements, proposed rule — 10811

ENFORCEMENT regulations, drugs and devices; directions for use, labeling requirements, prescription and veterinary drugs and devices, proposed rule — 10601

FOOD ADDITIVES, specific tolerances for listed chemicals in animal feed, certain foods, and food processing and packaging; rules proposed or adopted:
- Animal or poultry feed, or supplements:
  - Cattle and heifers; ronnel for control of grubs — 11210, 11293

Food and Drug Administration—Continued

FOOD ADDITIVES—Continued
- Animal or poultry feed, or supplements—Continued
  - Chicken feed:
    - Amprolium — 10228, 10362
    - Nystatin — 10590
    - Zoalene combined with procaine penicillin and zinc bacitracin — 10774
  - Dog food, medicated; diethylcarbamazine — 11211
  - Quail chicks; bacitracin in feed — 10732
  - Turkey feed:
    - Amprolium — 10228
    - Nystatin — 10590
- Definitions, procedural and interpretative regulations; further extension of effective date of statute for certain specified additives:
  - Direct additives — 11210, 11241
  - Indirect additives — 11210, 11242
- Human consumption:
  - Cereal flours or cooked cereal; hydrogen cyanide, fumigant — 10476
  - Cereal grains; piperonyl butoxide combined with pyrethrins — 11052
  - Chickens; edible tissues containing residues of amprolium — 10228
  - Cocoa; fumigation with hydrogen cyanide — 10698
  - Dietary supplements:
    - 4-Amino-2-methyl-1-naphthol hydrochloride; withdrawal of petition — 10881
    - Corn oil emulsion in caloric dietary supplement; polysorbate 80 as emulsifier — 11254
    - Vitamin-mineral preparations; potassium iodide — 10343
  - Eggs containing residues of amprolium — 10228
  - Extract, sugar beet, as flavor base in food — 11217
  - Foods, certain, processed; hydrogen cyanide as fumigant — 10476
  - Meat, uncooked; ham, bacon, and sausages, hydrogen cyanide as fumigant — 10476
  - Milk; ronnel residues — 11210
  - Salmon, smoked, cured; sodium nitrite — 10452
  - Shad, smoked, cured; sodium nitrite, petition withdrawn — 10452
  - Turkeys; edible tissues containing residues of amprolium — 10228
  - Vitamin-mineral preparations; nutritional supplement, potassium iodide — 10343
- Packaging or processing materials:
  - Containers or equipment, additives affecting food; acrylate ester copolymer coating — 11211
  - Paper or paperboard for packaging or food contact, certain additives for coatings, slime control, etc. — 11242
- Safe substances, certain; synthetic flavoring and adjuvants — 11210

HAZARDOUS SUBSTANCES:
- Definitions; substances that generate pressure — 11214
- Exemptions for small packages, minor hazards, and special circumstances — 11214
- Fire extinguisher; proposed rule — 11217
- Labeling:
  - Placement, conspicuousness, contrast — 11214, 11293
  - Special labeling:
    - Carbon tetrachloride; proposed rule — 11217
    - Methyl alcohol — 11214
    - Turpentine and petroleum distillates — 11214

NEW DRUGS; anthelmintics containing piperazine preparations, exemption from certain prescription-dispensing requirements, proposed rules — 10811

PEANUT BUTTER; standards of identity, label statement of optional ingredients — 11209

PENICILLIN:
- Certification of batches — 10728
- Food additive combined with zoalene in chicken feed — 10774

PESTICIDE CHEMICALS:
- Nematocides, plant regulators, etc.; further extension of effective date of enforcement proceedings — 10551
- Specific tolerances or exemptions, for residues of listed chemicals on various agricultural commodities, rules proposed or adopted:
  - Diatomaceous earth — 10228
  - 2, 4-Dichloro-6-o-chloroanilino-s-triazine — 10732
  - Ethylene oxide — 11297

Food and Drug Administration—Continued Page
PESTICIDE CHEMICALS—Continued
Specific tolerances or exemptions, etc.—Continued
Inert ingredients, certain 10640
Methyl bromide, inorganic bromides resulting from fumigation with 10487
1-Naphthyl *N*-methylcarbamate 10550, 10551
Sulfur dioxide and sodium metabisulfite 10810
VITAMIN-MINERAL preparations; nutritional supplement, potassium iodide 10343

Foreign Assets Control:
See Treasury Department.

Foreign Assistance:
ADMINISTRATION (Executive Order 10973) 10469
PROCUREMENT outside United States (Memorandum of October 18, 1961) 10543

Foreign Commerce Bureau:
See International Programs Bureau.

Foreign Currencies:
AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, use under (Executive Order 10972) 10469
INTERNATIONAL DEVELOPMENT ACT OF 1961, use under (Executive Order 10973) 10469

Foreign Duty Personnel:
Diplomatic missions, responsibilities of chiefs (Memorandum of May 27, 1961) 10749

Foreign Service:
Fees and charges, effective date 10728

Foreign Social Insurance:
MALAYA, FEDERATION OF 11089
SINGAPORE 11089

Foreign-Trade Zones Board:
Penuelas, Puerto Rico; application for sub-zone 11226

France:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Free World Countries:
Procurement under International Development Act of 1961 (Memorandum of October 18, 1961) 10543

Fur Products:
Labeling; foxes, raccoons, opossums 10446

G

General Services Administration:
PROCUREMENT:
Federal procurement regulations; use of excess personal property as source of supply 10590
GSA procurement regulations; general policies:
Advance notice of contract award 10354
Liquidated damages 10354
STRATEGIC AND CRITICAL MATERIALS in national stockpile, proposed disposition; ferromanganese fines 11261

Germany:
MENTHOL IMPORTS 10943
NON-MILITARY PROCUREMENT, restrictions (Memorandum of October 18, 1961) 10543

Government Employees:
CIVIL SERVICE regulations. *See* Civil Service Commission.
DIPLOMATIC MISSIONS, responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FOREIGN ASSISTANCE PERSONNEL, regulations (Executive Order 10973) 10469
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department.
WITNESS FEES and travel expenses 10232

Grain Sorghums:
Loan and purchase agreement program, 1961 crop 11233

Grains: Page
PRICE-SUPPORT LOANS, increased interest rate 10546
TECHNICAL COMMITTEE ON GRAIN EXPORTS; special study, request for written views and information 11256

Grapefruit:
Marketing:
Arizona and California 11037
Florida 10337, 10424, 10790, 11062
Texas 10338

Grapes:
Marketing; crushing grapes, California 10516, 10772, 10933

H

Hawaii:
AMATEUR RADIO SERVICE, frequency bands 10240
MARITIME FREIGHT RATES, second general increase, 1961; investigation and hearing 10738

Hazardous Substances:
EXPLOSIVES, packing, transportation, etc. *See* Coast Guard; Interstate Commerce Commission.
FEDERAL HAZARDOUS SUBSTANCES LABELING ACT, regulations. *See* Food and Drug Administration: hazardous substances.

Health, Education, and Welfare Department:
See Food and Drug Administration.
Old-Age and Survivors Insurance Bureau.
Public Health Service.
Social Security Administration.

Home Loan Bank Board:
See Federal Home Loan Bank Board.

Homesteads:
Lands available as. *See* Land Management Bureau.

Hong Kong:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Hours of Work:
Suspension of eight-hour law with respect to laborers and mechanics employed on public works by National Aeronautics and Space Administration (Executive Order 10976) 10825

Housing and Home Finance Agency:
See Federal Housing Administration.
Organization, authority delegations, etc.:
By Administrator; Urban Renewal Administration, Acting Assistant Commissioner for Technical Standards, designation of certain officials to serve as and order of succession 10990
By Urban Renewal Commissioner; Acting Assistant Commissioner for Program Planning and Development, designation 10580

Humane Slaughter:
Livestock, humanely slaughtered; identification of carcasses 10242, 10613, 11300

Hunting:
Wildlife refuges, open areas. *See* Fish and Wildlife Service.

I

Immigration and Naturalization Service:
IMMIGRATION REGULATIONS:
Crewmen, alien; proposed rules:
Landing; examination, requirements for admission 10358
Parole:
Crewmen alleging persecution 10358
Medical treatment or observation 10358
Other crewmen 10358
Documentary requirements, nonimmigrants; waiver of certain grounds of excludability under Section 212(f) 10928
Forms:
For sale to public, printed by Public Printer, G–28, addition 10928
Immigration, prescribed; Form I–132 Permit to reenter U.S., deletion 10928

Immigration and Naturalization Service—Continued Page
IMMIGRATION REGULATIONS—Continued
Immigrant status, petition for, as relative of citizen, lawful resident alien, or eligible orphan 10962
Powers and duties of service officers, records and fees; additional fees 10928
Reentry permits; application, extensions, expired permits 10928
Registration and fingerprinting of aliens in U.S.; replacement of registration 10928
NATIONALITY REGULATIONS; forms:
Nationality, prescribed; N–50 Receipt for duplicate petitions, deletion 10928
Official; prescribed for use of clerks of naturalization courts, N–50 Receipt for duplicate petitions, deletion 10928

Imports and Exports:
AGRICULTURAL COMMODITIES. *See* Agriculture Department.
ANTIDUMPING ACT OF 1921:
Determinations. *See* Customs Bureau; Treasury Department.
Investigations. *See* Tariff Commission.
CUSTOMS REGULATIONS. *See* Customs Bureau.
EXPORT CONTROL. *See* International Programs Bureau.
FOREIGN ASSETS CONTROL, certain imports. *See* Treasury Department.
INVESTIGATION OF CERTAIN IMPORTS. *See* Tariff Commission.
LIQUOR EXPORTATION, excise tax regulations; proposed rules 10484

Indian Affairs Bureau:
IRRIGATION PROJECTS; operation and maintenance charges, proposed rules:
Blackfeet project, Montana 11296
Colorado River project, Arizona 10516
Flathead project, Montana 10808
LEASING AND PERMITTING 10966
OSAGE INDIANS, action on wills of; appeals 10930
SCHOOLS, FEDERAL; handling of student funds 10637
TIMBER; cutting contracts and permits 10232
VOCATIONAL TRAINING for adult Indians, administration; financial assistance for trainees, proposed rule 10640

Indians:
BEER, packaged, ordinance legalizing sale of; Fort Belknap Reservation, Mont 10813
REGULATIONS. *See* Indian Affairs Bureau.

Information:
Foreign assistance operations (Executive Order 10973) 10469

Insecticides, Pesticides, etc.:
Tolerances for residues on various agricultural commodities. *See* Food and Drug Administration.

Inspector General and Comptroller Office, Foreign Assistance:
Termination (Executive Order 10973) 10469

Insurance:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
FOREIGN SOCIAL INSURANCE and pension systems:
Malaya, Federation of 11089
Singapore 11089
GOVERNMENT EMPLOYEES, group life insurance; appeals 11046
HOUSING mortgage insurance. *See* Federal Housing Administration.
OLD-AGE AND SURVIVORS INSURANCE. *See* Old-Age and Survivors Insurance Bureau.
RAILROAD EMPLOYEES, unemployment insurance. *See* Railroad Retirement Board.

Interior Department:
See Fish and Wildlife Service.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
National Park Service.
Reclamation Bureau.

Interior Department—Continued Page
Fort Belknap Indian Reservation, Mont.; sale of packaged beer 10813

Internal Revenue Service:
AUTHORITY DELEGATION by Commissioner to certain officials; inspection of returns and related documents 10241
EXCISE TAXES; proposed rules:
Liquors, exportation:
Form 206, preparation 10484
Marking of containers 10484
Supplies on vessels and aircraft in trade between Hawaii, or Alaska and other part of U.S. 10484
Wine exported with benefit of drawback 10484
Manufacturers tax on motor vehicles and parts 10593
INCOME TAX REGULATIONS, taxable years beginning after 1953:
Accounting methods, installment method; disposition of installment obligations to life insurance companies, proposed rules 10450
Deductions:
Additional first-year depreciation allowance:
Dollar limitation, affiliated group 10477
Election, time and manner of 10477
Dependent defined, proposed rules 10483
Medical, dental, etc., expenses; proposed rules 10449
Life insurance contracts, proceeds, amounts under family income riders; correction 10275
Refractory products, quartzite and clay used in production of; election for prior taxable years, proposed rules 10283
ORGANIZATION AND FUNCTIONS; regional and district offices, alcohol and tobacco tax branch offices, and appellate branch offices 11219

International Cooperation Administration:
See also successor agency, International Development Agency.
Termination (Executive Order 10973) 10469

International Development Act of 1961:
ADMINISTRATION (Executive Order 10973) 10469
PROCUREMENT outside United States (Memorandum of October 18, 1961) 10543

International Development Agency:
AUTHORITY DELEGATIONS:
By Administrator to various officials:
Deputy Administrator; functions delegated to Deputy Director for Operations, International Cooperation Administration, or Managing Director, Development Loan Fund 10734
Officials of International Cooperation Administration and Development Loan Fund; certain functions under Foreign Assistance Act, 1961, comparable to Mutual Security Act, 1954 now in effect, continuation 10491, 10734
By Deputy Administrator to head of Office of Development Financing; authority to sign certain loan and guaranty agreements 10977
From Secretary of State; certain authority and functions under Foreign Assistance Act, 1961, and letter from President of September 30, 1961 10491
ESTABLISHMENT:
(Executive Order 10973) 10469
State Department document 10608
ORGANIZATION AND FUNCTIONS 10608

International Programs Bureau:
Suspension of export privileges:
Appeals Board decision; Henry Weingartner & Co., Inc., and Henry Weingartner 11301
Order affecting S. R. Tippett & Co., Ltd 11097

Interstate Commerce Commission:
ACCIDENTS, RAILROAD, monthly reports; instructions, classification, forms, etc 10846
ACCOUNTS, uniform system of, for railroad companies; republication of regulations 11104, 11216
AGREEMENTS under section 5a; Middle Atlantic Conference 10621
EXPLOSIVES and other dangerous articles, packing and transportation; shippers, use of portable and cargo tanks, proposed rules, hearing 10572, 11088, 11299

Interstate Commerce Commission—Con. Page

HOUSEHOLD GOODS, transportation of, by motor carriers in interstate or foreign commerce; pooling, proposed rule 10240
MOTOR CARRIERS:
Applications for operating authority, transfer proceeding, etc.:
Declaratory order petition; Alexandria, Barcroft and Washington Transit Co 10955
"Grandfather" Alaska certificate or permit and Hawaii freight forwarder permit 10263
Operating authority:
Passenger carriers, lists of applicants 10259, 10260, 10261, 10532, 10533, 10715, 10950, 10951, 10953, 11270, 11273.
Property carriers, lists of applicants 10254, 10260, 10261, 10528, 10532, 10712, 10715, 10716, 10948, 10951, 10952, 11264, 11270.
Transfer proceedings 10263, 10463, 10533, 10622, 10717, 10781, 10818, 10954, 10992, 11098, 11274, 11313
Commercial zone; New York, N.Y., correction 10771
Explosives and other dangerous articles; shippers, use of certain portable and cargo tanks, proposed rules, hearing 10572, 11088, 11299
Household goods transportation in interstate and foreign commerce; pooling, proposed rule 10240
Routes, alternate, deviation notices 10328, 10527, 10711, 10948, 11262
ORGANIZATION of divisions and boards, and assignment of work:
Boards, assignments to:
Finance Review Board 10991
Operating Rights Review Board 10991
Rates and Practices Review Board 10991
Divisions, assignment of duties to 10991
Rehearings and further proceedings; Divisions 1, 2, and 3 10992
RAILROADS:
Accident reports, monthly; instructions, classification, forms, etc 10846
Accounts, uniform system of; republication of regulations 11104, 11216
Fares; Louisiana intrastate coach fares 10621
Loan guaranty application by New York, New Haven and Hartford Railroad Co. Trustees 10376
Rates and charges:
See also Tariffs and schedules, *below.*
Utah intrastate freight rates and charges 10327
Routing of traffic, rerouting:
Pittsburgh & West Virginia Railway Co 10819
Rutland Railroad Corp 10464, 11314
TARIFFS AND SCHEDULES, long and short haul charges provision of section 4(1), Interstate Commerce Act, applications for relief 10264, 10328, 10375, 10463, 10717, 10781, 10818, 10893, 10955, 10991, 11098, 11274.

Inventions:
Naval personnel, inventions by; deletion of Navy Department regulations 10353

Investment Abroad:
Less-developed countries (Executive Order 10973) 10469

Italy:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

J

Japan:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Justice Department:
See Alien Property Office.
Immigration and Naturalization Service.
ORGANIZATION AND FUNCTIONS; Prisons Bureau, compensation of Federal prisoners for injuries 10574
WITNESS FEES; travel expenses and subsistence of Federal officers and employees summoned as witnesses for Government 10232

K

Kites and Balloons: Page
Operational requirements, hazards to aircraft; proposed rules, hearing 10701

L

Labor Department:
See Employees Compensation Bureau.
Public Contracts Division.
Wage and Hour Division.
LONGSHORING, safety and health regulations 10795
SHIP REPAIRING, safety regulations; welding, heating, etc., variations granted:
Sun Shipbuilding & Dry Dock Co 10643
Todd Shipyards Corp 11256

Labor Disputes:
Emergency boards. *See* National Mediation Board.

Labor Standards Bureau:
Safety regulations for ship repairing; welding, heating, etc., variations granted:
Sun Shipbuilding & Dry Dock Co 10643
Todd Shipyards Corp 11256

Laborers and Mechanics:
Employed on public works by National Aeronautics and Space Administration, suspension of eight-hour law (Executive Order 10976) 10825

Land Management Bureau:
ALASKA:
Homesteads, lands opened to entry. *See under* Homesteads, *below.*
Mental health program, lands reserved in connection with:
Kaltag and Birches (PLO 2529) 10356
Seward, and Homer Spit (PLO 2528) 10356
Mineral lands opened to entry:
Kaltag and Birches (PLO 2529) 10356
Seward, and Homer Spit (PLO 2528) 10356
Small tracts. *See* Small tracts, *below.*
Survey plat, Seward Meridian 10575
Transfer of jurisdiction of interest to Office of Territories, lands near Three Mile Bay Road 10643
Withdrawals of lands for use of Federal agencies, etc. *See* Withdrawals, *below.*
ASPHALT, solid and semisolid bitumen, and bituminous rock leases; proposed rules 10808
AUTHORITY DELEGATIONS by Field Administrative Officer, Denver, Colo., to Field Administrative Services Officer and Field Property Management Officer; transfer and disposal of property:
Personal property 10885
Real property and related personal property 10885
CONTESTS, initiation and proceedings 10479
CONTINENTAL SHELF off California, phosphate lease offer 10612
HOMESTEADS, lands opened to entry:
For small tracts opened to lease or purchase, see Small tracts, *below.*
Alaska 10356, 10357, 10735
California 10480, 10574
Colorado 10806
Montana 10568, 10569
Nevada 10241, 10638
Oklahoma 10480
Wyoming 10356
LANDS OPENED for various purposes:
Homesites. *See* Small tracts.
Homesteads. *See* Homesteads.
Mineral entry. *See under* Mineral lands.
MINERAL LANDS:
Asphalt, solid and semisolid bitumen and bituminous rock leases; proposed rules 10808
General regulations for permits and leases; purpose of leasing acts, proposed rule 10808
Lands opened to mineral entry:
Alaska:
Kaltag and Birches (PLO 2529) 10356
Seward, and Homer Spit (PLO 2528) 10356
Montana, Montana Principal Meridian (PLO 2534) 10568
Nevada, Clark County (PLO 2536) 10638

Land Management Bureau—Continued Page

MINERAL LANDS—Continued
Oil and gas deposits, Perrin Air Force Base, Texas; transfer of jurisdiction to Interior Department for protection (PLO 2530) 10427
Oil and gas lease offers, protraction diagrams filed as basis for; Utah, Salt Lake Meridian 10705
Phosphate lease offer, outer continental shelf off California 10612
NATIONAL FOREST LANDS:
Arizona, Kaibab National Forest, administrative site; proposed withdrawal 10309
California:
El Dorado National Forest, Nashville Unit, Central Valley Project; proposed withdrawal 10241
San Bernardino National Forest, recreation area and water storage; proposed withdrawal 10735
Six Rivers National Forest, lands restored from power site classification No. 115 (PLO 2533) 10480
Colorado:
San Isabell National Forest, lands restored from power withdrawals (PLO 2540) 10806
San Juan National Forest, Sultan Mountain winter sports area; proposed withdrawal 10977
Idaho; proposed withdrawals:
Challis National Forest, campgrounds 10978
Salmon National Forest, recreation areas 10977, 10978
New Mexico, Cibola National Forest; prior proposed withdrawal terminated in part 10978
South Dakota, Black Hills National Forest; forest, range, and watershed management, proposed withdrawal 10521
Wyoming; proposed withdrawals:
Big Horn National Forest, roadside zone 10980
Prior proposed withdrawal, correction 10242
Medicine Bow National Forest:
Recreation areas 10309
Roadside zone 10980
Shoshone National Forest, administrative sites and recreation areas 10309
NATIONAL PARKS; Washington, Olympic National Park, lands withdrawn in aid of legislation to add to (PLO 2539) 10806
OIL AND GAS DEPOSITS, Perrin Air Force Base, Texas; transfer of jurisdiction to Interior Department for protection (PLO 2530) 10427
OIL AND GAS LEASE OFFERS, protraction diagrams filed as basis for; Utah, Salt Lake Meridian 10705
ORGANIZATION, California, change of location of certain offices:
Los Angeles Land Office 10368
Sacramento Land Office, State office, and Sacramento District Office 11255
PHOSPHATE LEASE OFFER, outer continental shelf off California 10612
POWER PROJECTS, power site reserves, etc.:
California, power site classification No. 115 (PLO 2533) 10480
Colorado:
Power site classification No. 110 (PLO 2540) 10806
Power site reserve No. 92 (PLO 2540) 10806
RIGHTS-OF-WAY, for highway purposes:
Miscellaneous rights-of-way:
Emergency access permits for salvage operations, revoked 10728
Payment required, fee schedule 10728
Various States:
Arizona, Navajo County (PLO 2542) 11215
California (PLO 2533) 10480
Colorado (PLO 2540) 10806
Wyoming (PLO 2527) 10356
SCHOOL PURPOSES:
Colorado (PLO 2540) 10806
Montana (PLO 2534, 2535) 10568, 10569
Oklahoma (PLO 2531) 10480
Wyoming (PLO 2527) 10356
SMALL TRACTS:
Classifications:
Arizona, No. 78 11255
California:
No. 572, revoked in part 10574
No. 608, revoked in part 10574
No. 632, revoked in part 10574

Land Management Bureau—Continued Page

SMALL TRACTS—Continued
Classifications—Continued
Nevada:
No. 164, amended 10241
No. 205 10979
No. 206 11255
No. 209 10980
No. 210 11300
Lands opened for lease or purchase as homesites, etc., under Small Tract Act:
Alaska 10356, 10357, 10735
California 10480, 10574
Colorado 10806
Montana 10568, 10569
Nevada 10241, 10638
Oklahoma 10480
Wyoming 10356
Sale or lease, public auction, fair market value, elimination of group agreements, etc.; proposed rules 10285
SURVEY PLAT, Alaska, Seward Meridian 10575
WILDLIFE, California, Mount Diablo and San Bernardino Meridians; establishment of certain National Cooperative Land and Wildlife Management Areas (PLO 2460), correction 10568
WITHDRAWALS of lands for specified uses of Federal agencies, etc.:
Alaska:
Homer area, dock and wharf site, Public Roads Bureau; prior order (PLO 1071) revoked (PLO 2528) 10356
Kaltag and Birches, air navigation sites No. 1 and No. 2; prior departmental orders revoked (PLO 2529) 10356
Seward, cantonment site, Army Department; prior order (EO 9026) revoked (PLO 2528) 10356
Arizona:
Gila River Valley, San Carlos Project, Reclamation Bureau; proposed withdrawal 10943
Kaibab National Forest, administrative site, Forest Service; proposed withdrawal 10309
Navajo County, stock driveway No. 10; prior departmental order modified for highway right-of-way (PLO 2542) 11215
California:
Baker, air navigation facilities, Commerce Department; prior departmental order revoked (PLO 2537) 10729
El Dorado National Forest, Nashville Unit, Central Valley Project, Reclamation Bureau; proposed withdrawal 10241
Elder Creek Basin, scenic and recreational areas and watershed studies, Land Management Bureau (PLO 2532) 10480
Humboldt Meridian, classification; prior order (EO 5237) revoked in part (PLO 2538) 10729
Imperial County, Colorado River Storage Project, modification of prior order to permit highway right-of-way (PLO 2435), correction 11052
Mount Diablo Meridian:
Auburn Unit, Central Valley Project, Reclamation Bureau; proposed withdrawal 10309
National cooperative land and wildlife management areas, establishment (PLO 2460), correction 10568
Point Delgada, Shelter Cove Lighthouse Reserve; prior orders (Executive orders of January 26, 1867, and April 30, 1872) revoked in part (PLO 2538) 10729
San Bernadino National Forest, recreation area and water storage, Forest Service; proposed withdrawal 10735
Colorado, San Juan National Forest, Sultan Mountain winter sports area, Forest Service; proposed withdrawal 10977
Idaho:
Challis National Forest, campgrounds, Agriculture Department; proposed withdrawal 10978
Salmon National Forest, recreation areas, Agriculture Department; proposed withdrawals 10977, 10978
Montana, Principal Meridian:
Air navigation sites Nos. 94 and 110 revoked (PLO 2534) 10568

Land Management Bureau—Continued Page
WITHDRAWALS of lands for specified uses, etc.—Con.
Montana, Principal Meridian—Continued
Reservoir site reserves Nos. 3, 4, 5, 7, 8, 10, 12, 13; prior departmental orders revoked in part (PLO 2535) 10569
Nevada, Clark County, flood and erosion control purposes; prior orders (EO 6541, PLO 73) revoked (PLO 2536) 10638
New Mexico:
Cibola National Forest, Forest Service; prior proposed withdrawal terminated in part 10978
New Mexico Principal Meridian, experimental project, Atomic Energy Commission (PLO 2526) 10279
Oklahoma, Cimarron, Texas, and Beaver Counties, classification; prior order (EO 6681) revoked (PLO 2531) 10480
Oregon:
Mark's Arch, lighthouse purposes; prior order (Executive order of January 26, 1867) revoked in part (PLO 2541) 10806
Willamette, Meridian, scenic and recreation areas, Land Management Bureau; prior proposed withdrawal terminated 10309
South Dakota, Black Hills National Forest, forest, range, and watershed management, Agriculture Department; proposed withdrawal 10521
Utah, Salt Lake Meridian; proposed withdrawals:
Hovenweep National Monument, expansion of, National Park Service 10979
Interstate highway, right-of-way for, Public Roads Bureau 10979
Washington:
Cape Johnson Lighthouse Reservation, prior order (Executive order of March 7, 1900) revoked in part (PLO 2539) 10806
Olympic National Park, withdrawal in aid of legislation to add to (PLO 2539) 10806
Wyoming; proposed withdrawals:
Big Horn National Forest, roadside zone, Forest Service 10980
Prior proposed withdrawal, correction 10242
Medicine Bow National Forest:
Recreation areas, Forest Service 10309
Roadside zone, Forest Service 10980
Shoshone National Forest, administrative sites and recreation areas, Forest Service 10309

Lemons:
Marketing orders. *See* Agriculture Department.

Less-Developed Countries:
INVESTMENTS by U.S. private enterprise (Executive Order 10973) 10469
PROCUREMENT FROM (Memorandum of October 18, 1961) 10543

Lettuce:
Marketing, Texas 10773, 10793, 11236

Limes:
IMPORT RESTRICTIONS 10587
MARKETING, Florida 10587

Livestock:
DISEASES, control, quarantine, etc. *See* Agriculture Department: animals.
FOOD ADDITIVES in animal feed. *See* Food and Drug Administration.
HUMANELY SLAUGHTERED LIVESTOCK, identification of carcasses 10242, 10613, 11300
PACKERS AND STOCKYARDS. *See* Agriculture Department.

Loans:
AGRICULTURAL COMMODITIES, loan and purchase agreement programs. *See specific commodities.*
DISASTER AREAS, emergency loans. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.
FEDERAL RESERVE banks, loans by. *See* Federal Reserve System.
FEDERAL SAVINGS AND LOAN SYSTEM. *See* Federal Home Loan Bank Board.
RAILROAD COMPANY, certain; application to ICC for loan guaranty 10376

Luxembourg: Page
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

M

Mail:
POSTAL REGULATIONS. *See* Post Office Department.
TRANSPORTATION by certain air carriers 10645, 11302

Maritime Administration:
See also Federal Maritime Commission.
CHARTER OF VESSELS; charges for processing applications for approval, proposed rules, extension of time:
Surrender of marine documents of certain vessels 10601
Vessel transfer, subject to mortgage outstanding in favor of U.S. 10601
FEDERAL SHIP MORTGAGE AND LOAN INSURANCE, applications, fees; proposed rules, extension of time 10601
FEES for copies of regulations; proposed rules, extension of time 10601
MERCHANT SHIP SALES ACT of 1946, rules and regulations, forms, and citizenship requirements; assumption of mortgage by new mortgagor, application to transfer vessel, fee, proposed rule, extension of time 10601
PRACTICE AND PROCEDURE, permission to practice, applications, fee, etc.; proposed rule, extension of time 10601
SUBSIDIZED VESSELS AND OPERATORS, operating differential subsidies:
Applications under Merchant Marine Act, 1936, as amended, for approval of certain cruises:
American Export Lines, Inc. 11256
United States Lines Co. 10453
Inventories of vessels covered by operating-differential subsidy agreements; regulations 11243

Maritime Commission, Federal:
See Federal Maritime Commission.

Mechanics and Laborers:
Employed on public works by National Aeronautics and Space Administration, suspension of eight-hour law (Executive Order 10976) 10825

Medical Diathermy Equipment:
Type approval, frequencies 10282, 10591, 10927

Mental Illness:
Alaska, certain public lands reserved for mental health purposes. *See* Land Management Bureau.

Military Assistance:
Under International Development Act of 1961 (Executive Order 10973) 10469
Procurement outside United States (Memorandum of October 18, 1961) 10543

Milk and Milk Products:
Marketing orders. *See* Agriculture Department.

Minerals and Metals:
OIL AND GAS LEASING. *See* Land Management Bureau.
PUBLIC LANDS, mineral entry, etc. *See* Land Management Bureau.

Mines Bureau:
Methane-monitoring systems, procedures for tests and certification 10969

Missions and Staffs Abroad:
DIPLOMATIC MISSIONS, responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FOREIGN ASSISTANCE (Executive Order 10973) 10469

Monaco:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Mortgages:
See also Loans.
Housing mortgage insurance. *See* Federal Housing Administration.

Motor Carrier Regulations: Page
See Interstate Commerce Commission.

Motor Vehicles:
EXCISE TAXES, proposed rules 10593
LOCK ILLUMINATORS, tritium-activated:
Exemption from licensing 10473
Manufacture or import; proposed rule 10472

Munitions Control:
Arms, ammunition, and implements of war; designation by Secretary of State (Executive Order 10973) 10469

N

National Aeronautics and Space Administration:
Laborers and mechanics employed on public works, suspension of eight-hour law (Executive Order 10976) 10825

National Bureau of Standards:
SAMPLES issued by Bureau, weights and fees; freezing point standards, lead 11049
TEST FEE SCHEDULES; analytical and inorganic chemistry, pure substances 11048

National Forests, Parks, Monuments, etc.:
REGULATIONS. *See* National Park Service.
SAGUARO NATIONAL MONUMENT, enlargement (Proclamation 3439) 10899
WITHDRAWALS for specific use of Federal Agencies, etc. *See* Land Management Bureau.

National Mediation Board:
Emergency boards to investigate labor disputes:
Pan American World Airways, Inc. (Executive Order 10975) 10629
Trans World Airlines, Inc. (Executive Order 10971) 10335

National Park Service:
National parks:
Hot Springs National Park; commercial passenger-carrying vehicle fees 10638
Vicksburg National Military Park; use of radiomicrowaves (radar) 10600

Navigation Regulations:
AIRWAYS. *See* Federal Aviation Agency.
WATERWAYS. *See* Coast Guard; Engineers Corps.

Navy Department:
See also Defense Department.
CLAIMS:
Foreign claims 10842
General:
Administrative claims under Military Claims Act 10828
Federal tort claims 10826
Investigation and procedure 10830
Personnel claims 10836
PATENT POLICY respecting inventions made by Navy personnel, administration; deletion of part 10353
PATENT ROYALTY REVISION BOARD, deletion of part 10353
VISITORS ON VESSELS under construction or conversion 10591

Netherlands:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

New Zealand:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Nondiscrimination:
Equal employment opportunity, Securities and Exchange Commission regulations 11290

Norway:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Nuts:
See Almonds; Filberts; Peanuts; Tung Nuts; Walnuts.

O

Oilseeds: Page
See Cottonseed oil; Peanuts; Tung nuts.

Old-Age and Survivors Insurance Bureau:
Federal old-age, survivors and disability insurance:
Disability, rights and benefits based on:
Evaluating disability, substantial gainful activity 11049
Evidentiary requirements for establishment of disability 11049
Records of wages and self-employment income 10226
State and local governments, employees of; payments and reports by States, proposed rules 11083

Onions:
IMPORT RESTRICTIONS 10632, 11287
MARKETING:
Idaho and Oregon 10426
Texas 10772

Oranges:
Marketing orders. *See* Agriculture Department.

Overtime Pay:
Laborers and mechanics employed on public works by National Aeronautics and Space Administration (Executive Order 10976) 10825

P

Panama Canal:
See Canal Zone Government.

Pay, Compensation, etc.:
GOVERNMENT EMPLOYEES. *See* Civil Service Commission.
LABORERS AND MECHANICS employed on public works by National Aeronautics and Space Administration, overtime pay (Executive Order 10976) 10825
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department.

Peaches:
Crop insurance, 1962 and succeeding crop years 10630

Peanut Butter:
Standard of identity, labeling requirements 11209

Peanuts:
Marketing quotas, 1959 and subsequent crops 10209

Pears:
Marketing, Beurre d'Anjou, Beurre bosc, etc.; Oregon, Washington, and California 10296

Pesticides:
Tolerances. *See* Food and Drug Administration.

Plant Quarantine:
See Agriculture Department.

Post Office Department:
AUTHORITY DELEGATION by Assistant Postmaster General, Bureau of Facilities, to Director, Realty Division, Bureau of Facilities; real property management, correction 10241
DOMESTIC SERVICES; air transportation, first class mail (FCM), authority, rates and service, responsibility for program, forms, etc 10510
INTERNATIONAL MAIL:
Directory of international mail, individual country regulations 10771, 10806, 10972
Postal union mail, conditions applicable to all classes; postage, reply coupons 10805
ORGANIZATION AND FUNCTIONS; Judicial Officer:
Authority delegation; duties 10813
Hearing Examiners; administrative jurisdiction 10813

Potatoes, Irish:
Marketing:
California 10809
Colorado 11236
Maine 11053
Oregon 10809

Poultry and Poultry Products:
Food additives. *See* Food and Drug Administration.

73000—61——3

Power Sites, Projects, etc.: Page
LANDS WITHDRAWN. *See* Federal Power Commission.
RESTORATION OF LANDS to entry, etc. *See* Land Management Bureau.

President, The:
DELEGATION OF FUNCTIONS under section 301, title 3, United States Code (Executive Order 10973) 10469
EXECUTIVE ORDERS, PROCLAMATIONS, etc. *See* Presidential documents.
REPORTS to President:
By Emergency Boards. *See* National Mediation Board.
By President's Commission on Campaign Costs (Executive Order 10974) 10585
By Tariff Commission respecting imports; stainless-steel table flatware 10464

Presidential Documents:
AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT of 1954, administration (EO 10972) 10469
DIPLOMATIC MISSIONS, U.S.; responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FOREIGN ASSISTANCE:
Administration (EO 10973) 10469
Procurement outside United States (Memorandum of October 18, 1961) 10543
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, suspension of eight-hour law with respect to laborers and mechanics employed on public works (EO 10976) 10825
NATIONAL MEDIATION BOARD; emergency boards to investigate labor disputes:
Pan American World Airways, Inc. (EO 10975) 10629
Trans World Airlines, Inc. (EO 10971) 10335
PRESIDENT'S COMMISSION ON CAMPAIGN COSTS, establishment (EO 10974) 10585
SAGUARO NATIONAL MONUMENT, enlargement (Proc. 3439) 10899
THANKSGIVING DAY, 1961 (Proc. 3438) 10203

President's Commission on Campaign Costs:
Establishment (Executive Order 10974) 10585

Pribilof Islands:
Liquor, landing and use of 10640

Price-Support Programs:
SALE OF SURPLUS COMMODITIES 10576, 10981
VARIOUS COMMODITIES. *See* Commodity Credit Corporation.

Prisons Bureau:
Organization and functions, compensation of Federal prisoners for injuries 10574

Private Enterprise:
Investments in less-developed countries (Executive Order 10973) 10469

Procurement:
See also Contracts.
ARMED SERVICES REGULATIONS. *See* Army Department.
AUTHORITY DELEGATIONS respecting procurement functions. *See specific agencies.*
FEDERAL PROCUREMENT regulations. *See* General Services Administration.
FOREIGN ASSISTANCE FUNDS, use outside United States (Memorandum of October 18, 1961) 10543
Exclusion of listed countries (Memorandum of October 18, 1961) 10543
REGULATIONS of various agencies. *See specific agencies.*

Public Assistance Bureau:
Assistance for U.S. citizens returned from foreign countries 10481

Public Contracts Division, Labor Department:
Minimum wage determinations, various industries:
Chemical and related products 10355
Electric lamp industry; proposed rules 10773
Miscellaneous chemical products and preparations 10355
Office, computing, and accounting machines; proposed rules 10517

Public Health Service: Page
Biological products:
Definitions 10355
Licensed products, manufacturers, and license numbers, list 10492

Puerto Rico:
FOREIGN TRADE SUB-ZONE, application for 11226
SUGAR:
Prices 10644
Producing areas for 1960–61 crop 10214
Proportionate shares, 1961–62 crop 10505
WAGE RATES. *See* Wage and Hour Division.

Q

Quarantine Regulations:
ANIMAL DISEASES, control of, etc. *See* Agriculture Department.
PLANT QUARANTINE. *See* Agriculture Department.

R

Radiation:
See Radioactivity.

Radio Antenna Structures:
Construction, aeronautical studies respecting. *See* Federal Aviation Agency.

Radio Communications:
See Federal Communications Commission.

Radio Station Employees:
Exemption from overtime pay requirements for certain employees 10275

Radioactivity:
INDUSTRIAL HEATING EQUIPMENT, radiation limits 10282
PROTECTION STANDARDS. *See* Atomic Energy Commission.
RADIATION DEVICES, restriction on interference to radionavigation service or other safety services 10281
REACTORS, construction, operation, etc. *See* Atomic Energy Commission.

Railroad Retirement Board:
Railroad unemployment insurance account; proclamation of deficit 10980

Railroads:
Regulations, tariffs, etc. *See* Interstate Commerce Commission.

Raisins:
Marketing, California 10770

Reclamation Bureau:
COLUMBIA BASIN PROJECT, Washington, sale of full-time farm units in South Columbia Basin Irrigation District 10575
RUPERT, IDAHO, reclamation addition; sale of Government-owned Block 67 10575

Records:
Availability for research, retention, fees for reproduction, etc. *See specific agencies.*

Reports to President:
See under President.

Restricted Areas:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, navigation danger zones. *See* Engineers Corps.

Rice:
Marketing quotas and acreage allotments, 1961 crop 10336

S

Securities and Exchange Commission:
HEARINGS, *see list at end of this agency.*

Securities and Exchange Commission—Con. Page
INVESTMENT ADVISERS ACT of 1940:
Advertisements by investment advisers 10548
Custody or possession of funds or securities of clients; proposed rules 10607
INVESTMENT COMPANY ACT of 1940:
Forms prescribed under Act; Form N–17D–1, report filed by registered SBIC and affiliated bank respecting investments 11240
Regulations:
Applications regarding joint enterprises or arrangements and certain profit sharing plans 11240
Exemption of certain transactions with affiliates from provisions of section 17(a) (1) and (3) 11240
Exemption of privately held indebtedness 11240
Form for report by small business investment company and affiliated bank 11240
NONDISCRIMINATION, equal employment opportunity 11290
SECURITIES ACT of 1933; delayed or suspended offerings and sale 10930
HEARINGS, ETC.:
Aberdeen Fund, 10534.
American Metal Climax, Inc. et al., 10535.
Apex Minerals Corp., 10327, 10622, 10955, 11312.
Arcady Corp., 11312.
Axe-Houghton Stock Fund, Inc., 10373.
Baldwin-Montrose Chemical Co., Inc., 10535.
Black Bear Industries, Inc., 10374, 10743, 11096.
Bond Investment Trust of America, 11260.
Courts & Co. et al., 10535.
Delaware Variable Investment Plan, 10461.
Guarantee Mortgage, Inc., 11260.
Holiday Mines, Inc., 10497.
I.B.T., Inc., 10649.
Investors Diversified Services, Inc., 10623.
Iowa Interests Corp., 10650.
J. K. Lasser Convertible Fund, Inc., 10892.
Lifetime Pools Equipment Corp., 10498.
Midwestern Instruments, Inc., 10461.
Multnomah Canadian Fund, Ltd., 10710.
Norse-Am. Financial Corp., 11096.
Nylonet Corp., 10893.
Ohio Franklin Fund, Inc., 10710.
Savings Bank Investment Fund, 10711.
Seaboard Associates, Inc., 10623.
Shares in American Industry, Inc., 10743.
Siltronics, Inc., 11313.
Unified Funds, Inc., 10624.

Seeds:
Federal Seed Act regulations, correction 10471

Ships:
See Vessels.

Small Business:
Commodities and services for foreign assistance (Executive Order 10973) 10469

Small Business Administration:
AUTHORITY DELEGATIONS:
By Assistant Administrator (Management), to certain Directors:
Organization and Management Office 10536
Personnel Office 10536
By Branch Managers, Region IV, to Branch Counsels:
Baltimore, Md 10719
Charlotte, N.C. 10463
By Chief, Financial Assistance Division, Region XIII, to Assistant to Chief, Financial Assistance Division 10463, 10624
By Deputy Regional Director, Region X, to various officials:
Chief, Financial Assistance Division 10718
Managers, Disaster Field Offices:
Cameron, La.; rescission 10719
Corpus Christi, Tex.; rescission 11261
Lafayette, La.; rescission 10719
Port Isabel, Tex.; rescission 11261
Texas City, Tex 10719

Small Business Administration—Continued Page
AUTHORITY DELEGATIONS—Continued
By Regional Directors, to various officials:
Region V:
Branch Manager, Jacksonville, Fla 11261
Managers, Disaster Field Offices; rescission of delegations:
Montgomery, Ala 11261
Nashville, Tenn 11261
Region X; Deputy Regional Director, Dallas, Tex 10717
Region XI:
Branch Manager, Salt Lake City, Utah 10462
Chief, Financial Assistance Division 10462
CONDUCT STANDARDS; employees engaged in outside employment, approval of Assistant Administrator (Management) 10723
DISASTER AREA requiring Federal assistance, California 10819
SMALL BUSINESS ACT, regulations; size standards, definitions of small business for various purposes:
Government procurement:
Custodial and janitorial service contracts 10633
Self certification by small business 10633
SBA business loans; service trades, trailer courts or parks industry 10634
SMALL BUSINESS INVESTMENT ACT regulations; investment companies, proposed rules 10702

Small Business Office, State Department:
Establishment under International Development Act of 1961 (Executive Order 10973) 10469

Social Security Administration:
See Old-Age and Survivors Insurance Bureau.
FOREIGN COUNTRIES, assistance for U.S. citizens returned from 10481
FOREIGN SOCIAL INSURANCE and pension systems:
Malaya, Federation of 11089
Singapore 11089

South Africa:
Non-military procurement, restrictions (Memorandum of October 18, 1961) 10543

Standards:
AGRICULTURAL COMMODITIES. *See specific commodities.*
FOODS, canned, processed, etc. *See* Food and Drug Administration.
TECHNICAL STANDARDS for equipment, materials, operations, etc. *See specific agencies.*

State Department:
See International Development Agency.
AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT of 1954, functions (Executive Order 10972) 10469
ARCHAEOLOGICAL AND RELATED RESEARCH in Egypt; availability of funds under Supplemental Appropriations Act, 1962, in areas threatened with inundation by Aswan Dam 10812
DIPLOMATIC MISSIONS, U.S.; responsibilities of chiefs (Memorandum of May 27, 1961) 10749
FEES AND CHARGES, foreign service; visa services for aliens 10170, 10728
FOREIGN ASSISTANCE, functions of Secretary (Executive Order 10973) 10469
Procurement outside United States (Memorandum of October 18, 1961) 10543
INTERNATIONAL DEVELOPMENT AGENCY, establishment under Foreign Assistance Act, 1961; functions of Administrator, allocation of funds, etc., authority delegation by Secretary 10608
ORGANIZATION, authority delegations by Secretary to various officials:
Defense Department Secretary, certain functions respecting compensation of staff at rates provided under Foreign Service Act, 1946 10609
International Development Agency:
Administrator, authority delegations 10491
Establishment, functions of Administrator, allocation of funds, successorship 10609

Stockpile of Strategic Materials:
Disposal of certain materials. *See* General Services Administration.

Strategic and Critical Materials: Page
Stockpile, National, disposal of certain materials. *See* General Services Administration.

Sugar:
Production, marketing, imports. *See* Agriculture Department.

Surplus Property and Commodities:
AGRICULTURAL COMMODITIES acquired through price support operations, sales of ---------- 10576, 10981
FIELD CROPS in surplus supply, nonrecourse price support, 1960 crop ---------- 11207
STOCKPILE, NATIONAL, disposal of certain materials. *See* General Services Administration.

Sweden:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ---------- 10543

Switzerland:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ---------- 10543

T

Tangelos:
Marketing, Florida ---------- 10337, 10425, 10791

Tangerines:
Marketing, Florida ---------- 10337, 10424, 10791, 11035, 11281

Tariff Commission:
INVESTIGATION OF IMPORTS:
Cotton products ---------- 11226
Creeping red fescue seed ---------- 11226
Stainless-steel table flatware; report to President ---- 10464
TARIFF CLASSIFICATION STUDY; hearing on proposed first supplemental report ---------- 10374

Taxes:
Excise, income, etc., regulations. *See* Internal Revenue Service.

Telephone and Telegraph Companies:
See Federal Communications Commission.

Television Antenna Structures:
Construction, aeronautical studies respecting. *See* Federal Aviation Agency.

Television Station Employees:
Exemption from overtime pay requirements for certain employees ---------- 10275

Television Stations:
See Federal Communications Commission.

Thanksgiving Day, 1961:
(Proclamation 3438) ---------- 10203

Timber:
Indian reservations, cutting permits ---------- 10232

Tobacco:
LOAN PROGRAM, 1961 crop ---------- 10873, 11233
MARKETING QUOTAS:
1962–63 ---------- 10471, 10503, 10504, 10927
1963–64, referendum ---------- 10933
1964–65, referendum ---------- 10933

Trade Practices:
See Federal Trade Commission.

Travel Expenses:
APPOINTEES to certain positions where there is manpower shortage ---------- 10370
WITNESSES for Government; fees, expenses, and subsistence ---------- 10232

Treasury Department:
See Coast Guard.
Comptroller of Currency Bureau.
Customs Bureau.
Internal Revenue Service.
ACCOUNTS BUREAU; surety companies acceptable on Federal bonds:
American Fire and Casualty Co ---------- 11300
American Independent Reinsurance Co ---------- 11300

Treasury Department—Continued Page
ACCOUNTS BUREAU; surety companies, etc.—Con.
Massachusetts Bonding & Insurance Co.; termination ---------- 10643
Pennsylvania Millers Mutual Insurance Co ---------- 10574
Southern General Insurance Co ---------- 11220
ANTIDUMPING ACT of 1921:
Appraisement, publication of findings. *See main heading* Customs Bureau.
Determinations of no sales at less than fair value on listed imports:
Ammonium sulfate from listed countries:
Belgium ---------- 10491
West Germany ---------- 10368
Molasses from Cuba ---------- 11220
Findings of dumping; amendment of authority delegation order ---------- 11255
BILLS, Treasury. *See* Public Debt Bureau.
BONDS:
Savings bonds, United States. *See* Public Debt Bureau.
Surety companies acceptable on Federal Bonds. *See* Accounts Bureau.
Treasury bonds. *See* Public Debt Bureau.
FEDERAL SEED ACT REGULATIONS, correction ---- 10471
FISCAL SERVICE. *See* Accounts Bureau; Public Debt Bureau.
FOREIGN ASSETS CONTROL:
Certificates of origin available for listed importations:
Melon seeds, salted, from Taiwan (Formosa) ---- 11255
Menthol, natural and synthetic, from Federal Republic of Germany ---------- 10943
License applications for importation of limited quantities of animal hair, silk and cotton waste, from certain countries not in authorized trade territory ---------- 11300
FOREIGN CURRENCIES, regulations on use in connection with foreign assistance (Executive Order 10973) ---------- 10469
NOTES, Treasury, Series E–1963, 3¼ percent ---------- 10609
ORGANIZATION, delegations of authority, etc.; by Secretary to various officials:
Coast Guard, Commandant, and/or designees; Oil Pollution Act, 1961, certain functions ---------- 10609
Customs Bureau:
Dumping, findings of; amendment of delegation order ---------- 11255
Establishment of new offices under Deputy Commissioners; Divisions of Marine Administration, and Technical Services ---------- 10643
Deputies for certain officials; designation ---------- 10977
PUBLIC DEBT BUREAU:
Bills, Treasury, issue and sale:
Denominations and exchange ---------- 11214
Tenders, when cash deposit is required ---------- 11214
Bonds, Treasury, offering:
3¾ percent, 1966 ---------- 10610
3⅞ percent, 1974 ---------- 10611
Notes; Series E–1963, 3¼ percent ---------- 10609
U.S. Savings Bonds; Series H:
Amount which may be held ---------- 11215
Limitation on holdings ---------- 11215
UNITED STATES SAVINGS Bonds. *See* Public Debt Bureau.

Tung Nuts:
Price support program, 1961 crop ---------- 10769

Turkeys:
FOOD ADDITIVES, turkey feed ---------- 10228, 10590
MARKETING AGREEMENTS for hatching eggs and turkeys, proposed rules, hearing ---------- 10286, 10516, 10772

U

United Kingdom:
Non-military procurement, restrictions (Memorandum of October 18, 1961) ---------- 10543

United States Information Agency:
Foreign assistance, public information functions (Executive Order 10973) ---------- 10469

Uranium Mining:
Radiation protection standards, request for comments ---- 10740

V

Vessels: Page
ANCHORAGE REGULATIONS. *See* Engineers Corps.
DANGER ZONE REGULATIONS. *See* Engineers Corps.
DOCUMENTATION. *See* Customs Bureau.
LONGSHORING, safety and health regulations ---------- 10795
MARITIME CARRIERS, regulations affecting. *See* Federal Maritime Commission; Maritime Administration.
NAVIGATION REGULATIONS. *See* Coast Guard; Engineers Corps.
RADIO SERVICES, maritime. *See* Federal Communications Commission.
SHIP REPAIRING, safety regulations; exceptions ---------- 10643, 11256
VISITORS on vessels under construction or conversion, Navy Department regulations ---------- 10591

Veterans:
See also Veterans Administration.
Civil Service positions, veterans' preference; appeals ---- 10750

Veterans' Administration:
ADJUDICATION. *See* Pension, compensation.
CHIEF ATTORNEYS; veterans' benefits ---------- 10232
MEDICAL TREATMENT and hospital care:
Claims, adjudication of ---------- 11214
Medical and ancillary services on fee basis, agreements to procure ---------- 11214
Outpatient treatment ---------- 11214
PENSION, COMPENSATION, and dependency and indemnity compensation:
"Veterans' Pension Act of 1959," implementation of provisions ---------- 10551
Wartime cases, certain; increased dependency and indemnity compensation ---------- 10552
VETERANS' BENEFITS DEPARTMENT; Chief Attorneys ---------- 10232
VOCATIONAL REHABILITATION AND EDUCATION:
Korean Conflict veterans; reports by institutions ---- 10478
War Orphans' educational assistance:
Disapproval of courses and discontinuance of educational assistance allowances ---------- 10478
Reports by institutions ---------- 10478
World War II veterans, maximum duration of course ---- 10278

Virgin Islands:
Sugarcane, fair wages and prices ---------- 10644

Vocational Training and Rehabilitation:
INDIANS, adult; financial assistance for trainees, proposed rule ---------- 10640
WORLD WAR II and Korean conflict veterans. *See* Veterans Administration.

Voluntary Plans:
Defense production pool, business, industry, etc. *See* Emergency Planning Office; Small Business Administration.

W

Wage and Hour Division, Labor Department: Page
AGRICULTURE, processing of agricultural commodities, etc., exemptions applicable to; republication of regulations ---------- 10377
EXEMPTIONS of various types of employment; policy or interpretation adapted to Fair Labor Standards Amendments, 1961:
Agriculture, processing of agricultural commodities, etc ---------- 10377
Radio and television station employees, certain, overtime pay requirements ---------- 10275
LEARNERS, employment at below minimum wages, special certificates to various industries ---------- 10329, 10536, 10744, 10991
OVERTIME PAY REQUIREMENTS, Fair Labor Standards Amendments, 1961; exemption of certain radio and television station employees ---------- 10275
PUERTO RICO:
Learners, employment at subminimum wages, special certificates, issuance to listed companies ---- 10745
Minimum wage orders for workers in shoe and related products industry, wage order ---------- 10275

Wages:
CIVIL SERVICE pay regulations. *See* Civil Service Commission.
LEARNERS, employment at subminimum wages. *See* Wage and Hour Division.
MINIMUM WAGES, Government supply contracts. *See* Public Contracts Division.

Walnuts:
IMPORT RESTRICTIONS ---------- 10426
MARKETING, California, Oregon, and Washington ---- 10688

Wheat:
LOAN AND PURCHASE AGREEMENT PROGRAM, 1961 crop ---------- 11281
MARKETING QUOTAS, acreage allotments:
1961 and subsequent crops ---------- 10596
1962 and 1963 crops ---------- 10484
STABILIZATION PROGRAM, 1962 ---------- 11234

Wildlife:
FISHING AND HUNTING, in certain wildlife refuges. *See* Fish and Wildlife Service.
WILDLIFE MANAGEMENT AREAS, establishment in California; correction ---------- 10568

Wills:
Indians, appeals from actions on wills ---------- 10930

Without-Compensation Employees:
Appointments and statements of financial interests. *See* Commerce Department.

Witness Fees:
Government officers and employees, witness fees, travel expenses, and subsistence, when summoned as witnesses for Government ---------- 10232

CODIFICATION GUIDE

The following numerical guide is a list of the titles and sections of the Code of Federal Regulations affected by documents published in the *Federal Register* during November 1961. Page numbers of documents affecting CFR sections but not specifically amending the text thereof appear in brackets.

Cumulative Codification Guides are separately published annually and at the end of each quarter. In the intervening period, monthly Codification Guides are carried with the monthly indexes, Daily Guides follow the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

3 CFR

	Page
Proclamations:	
Feb. 25, 1893	10735
2032	10899
2914	10825
3438	10203
3439	10899
Executive orders:	
Jan. 26, 1867	10729, 10806
Apr. 30, 1872	10729
Mar. 7, 1900	10806
5237	10729
6541	10638
6681	10480
9026	10356
10893	10469
10900	10469
10915	10469
10955	10469
10971	10335
10972	10469
10973	10469
10974	10585
10975	10629
10976	10825
Presidential documents other than proclamations and Executive orders:	
Memorandum, May 27, 1961	10749
Memorandum, Oct. 18, 1961	10543

5 CFR

6	10900
6.106	11281
6.302	11233
6.303	10962
Prior to revision:	
6.110	10204
6.112	10544
6.160	10204
6.304	10204, 10267
6.308	10447
6.311	10447
6.333	10204
6.368	10267
9.202	10750
22.205	10750
24.147	10447
25.1—25.176	10544
35	10750
37.12	11046
201.100	10503
202.10	10503

6 CFR

70.165a	10267
305	10267
390	10267
421.147	11281
421.187	11233
421.278	11025
421.285	11025
421.337	11233
421.3803	10546
423	10686
427.1238	10546
443.209	10769
443.1743	10961
443.1764	10961
464.1331—464.1335	10873
464.1341—464.1344	11233
477.106	11207
482.411	10586

7 CFR

51.1995—51.2008	11025
201.228a	10471
401.1—401.11	10630
401.26	10630
403	10630
711	10204
717.1	10209
717.3	10209
723.988	10503
723.1329	10471
725.1301—725.1302	10927
727.1328	10504
729.1011	10210
729.1012	10210
729.1015—729.1018	10210
729.1020	10211
729.1021	10211
729.1024	10212
729.1027	10213
730.1016	10336
730.1018	10336
730.1021	10336
730.1025	10337
730.1027	10337
730.1029	10337
775.5	10769
775.30	10769
775.32—775.33	10769
775.34—775.35	10769
775.37a	10769
775.43	10770
775.161—775.177	10787
776.61—776.72	11234
813.1	10548
833.8	10961
847.10	10214
855.9	10268
857.14	10505
864.8	10270
873.14	10272
900.2	11236
900.51	11236
900.200	11236
906	11026
914.513	10423
914.514	10586
914.515	10789
914.516	11034
921.11	[11281]
922.550	10214
927.6	10632
927.7	10632
927.11—927.12	10632
927.24—927.29	[10632]
927.24	10632
927.26	10632
927.27	10632
927.29	10632
927.30	10632
927.33	10632
927.34	10632
927.35	10632
927.36	10632
927.37	10632
927.40	10632, 11283
927.42	10632
927.43	10632
927.50	10632
927.53	10632
927.65	10632
927.70	10632
927.71	10632
927.83	10632
927.90	10632
927.140	11282
927.141	11282
927.142	11282
927.143	11282
927.180	11282
927.202	11282
927.230	11283
927.501	10859
933.215	10338
933.1071	10423
933.1072	10424
933.1073	10424
933.1074	10425
933.1075	10790
933.1076	10790
933.1077	10791
933.1078	10791
933.1079	11035, 11282
933.1080	11281
942.14	[10423], [11035]
943.51	11036
943.55	10215
943.70	10215
947.13	11284
947.51	11284
953.1031	10425
953.1032	10586, 10873
953.1033	10792, 11207
953.1034	11037
955.400	11037
958.101—958.103	10792
958.120—958.132	10793
958.301	11236
973.8	10216
973.9	10216
973.41	10216
973.54	10216
984.313	10688
986	11038
989.312	10770
994	10216
997.306	10688
1001.312	10587
1001.313	10587
1008.12	11284
1008.15	11284
1011.51	[11207]
1013	10507
1014.10	[10472]
1014.15	[10472]
1016.51	[11208]
1017.306	10426
1024.10	11285
1024.12	11285
1024.13	11285
1024.14	11285
1024.17	11285

7 CFR—Continued

	Page
1024.30	11285
1024.31	11285
1024.41	11285
1024.42	11285
1024.44	11286
1024.45	11286
1024.46	11286
1024.53	11286
1024.60	11286
1024.61	11286
1024.70	11286
1024.71	11286
1024.74	11286
1024.75	11286
1024.80	11286
1024.82	11286
1024.83	11286
1024.85	11286
1024.86	11286
1031.203	10338
1034.304	10794, 11236
1069.6	10587
1070	10632, 11287
1071	10426
1073	10689
Proposed rules:	
301	10571
719	10731
725	10933
728	10484, 10596
813	10691
900—1073	10286, 10516, 10772
903	10810
906	10298
908	10307, 10485
914	10933
918	10307
921	10810
925	10486
927	10597, 11253
939	10296
943	10236
947	10360, 10879
959	10809
970	11053
975	11074
986	10298
998	11294
1015	11317
1024	10597, 11079
1026	10516, 10772, 10933
1028	11062
1033	10772
1034	10773
1035	11317
1138	10691

8 CFR

103.7	10928
205	10962
212.7	10928
223	10928
264.1	10928
282	10928
299.1	10928
332a.2	10928
499.1	10928
Proposed rules:	
252	10358
253	10358

9 CFR

74.3	10223
83.1	10338
83.2—83.3	10338
83.5	10338
83.6	10338
83.7	10339
83.8	10339
83.8a	10339
83.9	10339
Proposed rules:	
131	10358

10 CFR

2.101	10770
2.735	10770
20—	
Appendix B	11046
30.12	10473
40.13	10929
40.23	10929
Proposed rules:	
30	10487
140	10933

12 CFR

262.4	10340
546	[11208]
546.5	11208
Proposed rules:	
563	10239, 11217

13 CFR

105.4–6	10723
121.3–8	10633, 10634
121.3–10	10634
Proposed rules:	
107	10702

14 CFR

18—	
SR 377A	10473
SR 377B	10473
60.27	10753
221.38	11046
290	11287
377	11288
507.10	10224, 10273, 10274, 10340, 10341, 10474, 10634, 10963, 10964, 11047, 11236
600.1505	10875
600.1508	10427
600.1510	10875
600.1520	10588
600.1526	10589
600.1530	10874
600.1531	10635
600.1547	10875
600.1557	10428
600.1609	10635
600.1627	10547
600.1663	10723
600.1674	10289
600.1679	10874
600.1698	10875
600.1715	11237
600.1717	10964
600.1734	10875
600.1736	10875
600.1744	10753
600.1762	10428
600.1764	10428
600.6003	10588
600.6004	10588
600.6008	10589
600.6031	10547
600.6037	10428
600.6045	10877
600.6051	10723
600.6092	10589
600.6133	10429
600.6139	10475
600.6140	10589
600.6143	10429, 10588
600.6144	10589
600.6149	10225
600.6155	10589
600.6157	10589
600.6172	10723
600.6174	10589
600.6193	10723
600.6222	10547
600.6223	10588
600.6229	10877
600.6265	10588
600.6267	11047
600.6296	10429
600.6479	10507
600.6507	10876
600.6530	10428
601.1005	11048
601.1053	10429
601.1066	10475
601.1138	11048
601.1141	10636
601.1142	10636
601.1177	11289
601.1265	10877
601.1316	11289
601.1380	10636
601.1422	10724
601.1423	10636
601.1425	10226
601.1429	10226
601.1984	10341
601.2022	10723
601.2081	10877
601.2324	10877
601.2326	10507
601.2407	10226
601.2408	10226
601.2494	10429
601.2495	10341
601.2496	10341
601.2499	10964
601.5001	10635
601.6003	10588
601.6004	10588
601.6031	10547
601.6133	10429
601.6143	10429, 10588
601.6155	10589
601.6193	10723
601.6222	10547
601.6223	10588
601.6265	10588
601.6296	10429
601.6479	10507
601.6507	10876
601.6530	10428
601.7001	10589, 10635
601.7003	10589
601.7101	10342, 10877, 11047, 11048, 11237
601.10411—601.10412	10877
602.100	10590, 10724
602.200	10590
602.300	10636
608.29	10342, 10636, 11047, 11048
608.31	10636
608.34	11237
608.36	10965
608.42	10965
608.43	10724
608.53	10877
609.100	10430, 10436, 10754, 10762
609.200	10433, 10439, 10758, 10766
609.300	10433
609.400	10434, 10441, 10759, 10767
609.500	10435, 10443, 10761, 10768
610.12	10724
610.104	10724
610.613	10724
610.1504	10726
610.1516	10726
610.1522	10726
610.1536	10726
610.1543	10726

14 CFR—Continued Page

610.1555 10726
610.1625 10726
610.1629 10726
610.1642 10726
610.1645 10726
610.1702 10726
610.1728 10726
610.1761 10726
610.6002 10724
610.6003 10724
610.6005 10724
610.6006 10724
610.6007 10724
610.6014 10724
610.6015 10724
610.6016 10724
610.6017 10724
610.6019 10725
610.6020 10725
610.6021 10725
610.6025 10725
610.6031 10725
610.6034 10725
610.6054 10725
610.6066 10725
610.6068 10725
610.6070 10725
610.6074 10725
610.6076 10725
610.6077 10725
610.6079 10725
610.6081 10725
610.6094 10725
610.6095 10725
610.6102 10725
610.6114 10725
610.6137 10725
610.6149 10725
610.6154 10725
610.6163 10725
610.6178 10725
610.6181 10725
610.6211 10725
610.6220 10725
610.6222 10725
610.6244 10725
610.6257 10725
610.6264 10725
610.6273 10725
610.6284 10726
610.6300 10726
610.6444 10726
610.6448 10726
610.6454 10726
610.6471 10726
610.6477 10726
610.6479 10726
610.6830 10726
610.6853 10726
610.6855 10726
610.6875 10726
610.6887 10726

Proposed rules:

1—190 10698
24 10571
48 10701
60 10307
202 10774
203 10774
213 10774
215 10774
227 10238
291 10774
292 10774
296 10774
297 10774
298 10774
302 10307, 10641
401—635 10698

14 CFR—Continued Page

Proposed rules—Continued

411 10776
507 10362, 10571
600 10451, 10520, 10602, 10777, 10881, 10934
601 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779, 10881, 10883, 10935
602 10809, 11087, 11254
608 10451, 10520, 10733

15 CFR

205 11048
230.11 11049

16 CFR

13.15 10727
13.15–235 10727
13.15–235(m) 10727
13.30 10226, 10476
13.70 10476, 11238
13.71 10727
13.155 10476, 10508, 10727, 10929
13.155–10 10476, 10727
13.155–33 10476, 10727
13.155–40 10508, 10929
13.155–45 10508, 10929
13.170 11238
13.170–52 11238
13.205 10727
13.235 10226, 11289
13.235–60 10226, 11289
13.235–60(a) 10226
13.235–60(c) 11289
13.510 11237
13.725 10445
13.755 10445
13.820 10878, 10966
13.822 10878, 10966
13.843 10771
13.1053 10727
13.1053–35 10727
13.1055 11237, 11238, 11289
13.1055–50 11238
13.1108 10445, 10727, 10965
13.1108–45 10445, 10727, 10965
13.1185 10226, 10445, 10548
13.1185–30 10445
13.1185–90 10226, 10548
13.1212 10226, 10445, 10548, 10690
13.1212–30 10445
13.1212–90 10226, 10548, 10690
13.1255 10965
13.1255–30 10965
13.1325 11289
13.1325–70 11289
13.1325–70(c) 11289
13.1395 10637
13.1623 10727
13.1623–30 10727
13.1663 10637
13.1680 10727
13.1745 10445
13.1745–70 10445
13.1745–70(c) 10445
13.1747 10637
13.1811 11238
13.1845 10445, 10508, 10548, 10690
13.1845–30 10445, 10508
13.1845–80 10548, 10690
13.1852 10226, 10445, 10508, 10548, 10690, 10727, 10965
13.1852–35 10445, 10508, 10727, 10965
13.1852–80 10226, 10548, 10690
13.1865 10445, 10508
13.1865–40 10445, 10508
13.1900 10445, 11237
13.1900–30 11237
13.1900–40 10445
13.1900–40(b) 10445

16 CFR—Continued Page

13.1985 10637
301.0 10446

17 CFR

200.90—200.104 11290
230.263 10930
230.462 10930
270.17a–6 11240
270.17d–1 11240
270.17d–2 11240
270.18c–1 11240
274.200 11240
275.206(4)–1 10549

Proposed rules:

275 10607

18 CFR

2.56 [10342]
13 10794

19 CFR

3.11 10508
4.9 10508
14.13 10476

Proposed rules:

3 10731

20 CFR

25.5 10509
404.801 10226
404.804 10227
404.806 10227
404.807 10227
404.810 10227
404.812 10228
404.1502 11049
404.1520—404.1539 11049

Proposed rules:

404 11083

21 CFR

15.513 11209
17.1 10550
46 11209
120.3 10550
120.37 10551
120.169 10550, 10551
120.188 10228
121.90 11210, 11241
121.91 11210, 11242
121.101 11210
121.209 11210, 11293
121.210 10228
121.214 11211
121.220 10590
121.1022 10228
121.1072 10477
121.1073 10343
121.1074—121.1075 11052
121.1078 11210
121.2525 11211
121.2529 11242
146.26 10229
146a.89 10728
147.1 11212
191.1 11214
191.7 11214
191.63 11214
191.101 11214, 11293

Proposed rules:

1 10601
17 10362
120 10487, 10640, 10732, 10810, 11297
121 10362, 10452, 10698, 10732, 10774, 10881, 10976, 11217, 11254
130 10811
191 11217

22 CFR

22.1 [10728]

24 CFR Page

202a.267 10229
203.71 10229
203.497 10229
207.4 10229
207.263 10229
213.7 10229
220.100 10230
220.102 10230
220.125 10230
220.501 10230
220.507 10230
220.512 10230
220.634 10230
221.514 10230
232.31 10230
232.95 10231
232.345 10231
603.263 10231
608.268 10231
611.262 10231
702.259 10231
803.263 10231
903.256 10231
903.266 10231

25 CFR

17.14 10930
31.7 10637
131 10966
141.7 10232
141.12 10232
141.19 10232

Proposed rules:

34 10640
194 10808
221 10516, 10808, 11296

26 CFR

1.101–4 10275
1.179–2 10477
1.179–4 10477

Proposed rules:

1 10283, 10449, 10450, 10483
48 10593
252 10484

28 CFR

21.1 10232

29 CFR

9.3 10795
9.41 10795
9.42 10795
9.43 10795
9.51 10795
9.52 10796
9.53 10796
9.61 10796
9.64 10796
9.67 10796
9.69 10796
9.73 10796
9.74 10797
9.75 10797
9.85 10797
9.91 10797
9.92 10797
9.93 10797
9.105 10797
601.2 10275
780 10377
793 10275

30 CFR

27 10969

31 CFR

309.3 11215
309.8 11215
315.10 11215
332.7 11215

32 CFR Page

200 10931
200.1 10931
504 10797
507 10509
536.79—536.87 11291
552.16 10728
552.16a 10728
552.18 10728
552.18a 10728
561.29—561.37 10931
590.102 10553
590.109–3 10553
590.109–50 10553
590.300 10553
590.301 10553
590.302–5 10553
590.306—590.306–54 10553
590.308 10554
590.310 10554
590.311 10555
590.313 10555
590.350 10555
590.403–50 10555
590.600–50 10555
590.601–1 10555
590.603–50 10555
590.604 10555
590.604–3 10555
590.605 10555
590.650 10556
590.1005–5 10556
590.1302—590.1350 10556
591.204 10558
591.250 10558
592.106—592.106–3 10558
592.108 10558
592.151—592.152 10558
592.154 10558
592.156—592.157 10558
592.216–2 10558
592.306 10558
592.405–3 10558
592.605–51 10558
592.700—592.707 10558
592.850—592.850–6 10563
595.504 10566
596.105–5 10566
596.203–50 10566
597.300 10566
598.105–51 10566
598.105–64 10566
598.1500—598.1509 10567
599.501–4 10567
600.051 10567
601.102–4 10567
601.450 10567
602.406–50 10567
602.406–51 10567
605.203 10567
605.505–50 10567
605.601 10568
606.203–4 10568
608 10728
737 10353
739 10353
750 10826
751 10836
753 10842
765.4 10591

33 CFR

3 10344
67.50–5 10353
67.50–10 10353
67.50–15 10353
67.50–20 10353
67.50–25 10353
67.50–30 10353
67.50–35 10353
67.50–40 10353

33 CFR—Continued Page

202.60 11171
202.145 11172
202.155 11174
202.157 11179
202.168 11181
202.196 10805
202.230 11184
203.75 11185
203.190 11187
203.225 11187
203.245 11188
203.434 10445
203.541—203.542 10805
203.560 11192
203.712 11195
204.3 10278
204.5 11195
204.10 11196
204.25 11196
204.95 11197
204.130 11197
206.85 11197
207.128 11198
207.300 11199
207.640 11201
207.750 11203

35 CFR

4.304 10353

Canal Zone Orders:

58 10353

36 CFR

6.3 10638

Proposed rules:

7 10600

38 CFR

3.1553 10551
3.1568 10552
13.72—13.77 10232
13.104 10233
17.52 11214
17.60 11214
17.123 11214
17.140 11214
21.204 10278
21.800 10279
21.2303 10478
21.3208 10478
21.3210 10478

39 CFR

96.45—96.50 10510
111.2 10805
168.5 10771, 10806, 10972

41 CFR

1–5.3—1–5.304 10590
5–1.315–2 10354
5–1.350—5–1.350–4 10354
50–202.11 10355
50–202.27 10355

Proposed rules:

50–202 10517, 10773

42 CFR

73.1 10355

43 CFR

221.53 10479
221.68 10479
244 [10728]
244.21 10728
244.70—244.92 10728

Proposed rules:

191 10808
203 10808
257 10285

Public land orders:

73 10638
1071 10356

73000—61——4

43 CFR—Continued

Public land orders—Continued

	Page
2435	11052
2460	10568
2524	10735
2526	10279
2527	10356
2528	10356
2529	10356
2530	10427
2531	10480
2532	10480
2533	10480
2534	10568
2535	10569
2536	10638
2537	10729
2538	10729
2539	10806
2540	10806
2541	10806
2542	11215

45 CFR

212	10481

46 CFR

30.01–5	10997
31.01–1	10997
31.10–5	10997
31.10–16	10997
31.37–1—31.37–85	10997
35.30–40	11000
35.70–1—35.70–35	11001
71.25–25	11003
71.47–1—71.47–85	11004
71.65–5	11007
78.80–1—78.80–35	11007
91.25–25	11010
91.37–1—91.37–85	11010
91.55–5	11013
97.70–1—97.70–35	11014
146.04–5	11017
146.09–15	11017
146.20–3	11019
146.20–11	11019
146.20–35	11019
146.20–100	11019
146.20–200	11019
146.21–57	11019
146.21–100	11019
146.22–7	11020
146.22–25	11020
146.22–100	11020
146.23–13	11020
146.23–100	11020
146.24–15	11020
146.24–20	11020
146.24–27	11020

46 CFR—Continued

	Page
146.24–100	11020
146.25–5	11021
146.25–43	11021
146.25–55	11021
146.25–100	11021
146.25–200	11021
146.26–35	11022
146.27–35	11022
293	11243
Proposed rules:	
201	10601
206	10601
221	10601
298	10601
299	10601
502	10520
510	10941

47 CFR

1.122—1.123	10279
1.351	[10280], 10448
1.354	[10280]
2.1—2.106	10656
3.21	[10280]
3.22	[10280]
3.24	[10280]
3.25	[10280]
3.28	[10280]
3.182	[10280]
3.185	[10280]
3.190	[10280]
3.596	10730
3.606	10918, 11293
5.3	10807
5.155	10807
5.253	10807
5.406	10807
7—	
Technical amendment	10591
7.134	10919
7.206	10919
7.304	10919
7.306	10918, 10920
8	[10925]
Technical amendment	10591
8.3	10921
8.131	10921
8.132	10921
8.133	10921
8.322	10921
8.323	10921
8.324	10921
8.351	10922
8.354	10918, 10922
8.355	10923
8.801	10923
8.802	10925
8.804	10918
9.312	10926

47 CFR—Continued

	Page
9.331	10926
9.912	10927
10.255	10570
10.305	10570
10.355	10570
10.405	10570
14—	
Technical amendment	10591
14.259	10925, 11293
14.264	10925, 11246
14.266—14.267	11246
15—	
Technical amendment	10281
15.4	10281
15.63	10281
18	[10281]
Technical amendment	10281
18.2	10281
18.6	10282
18.7	10282
18.11	10282
18.14	10282, 10591, 10927
18.102	10282
18.107	10282
Proposed rules:	
2	10701
3	10239, 10572, 10606, 10935, 10938, 10939, 10940, 11297
6	11298
10	10573
12	10240
13	11298
15	10940

49 CFR

10	11104, 11216
125.9—125.12	10846
125.14—125.60	10846
170.1	10771
Proposed rules:	
73	10572, 11088, 11299
176	10240

50 CFR

10.3	11247
10.15—10.16	11247
10.21—10.23	11247
10.31	11247
10.61—10.65	11247
10.81—10.87	11247
16	11247
32.11	10730
32.12	10638
32.21	10730
32.22	10233, 11216
32.32	10234, 10282, 11251
33.5	10234, 10235, 10878, 10973, 10974
Proposed rules:	
215	10640

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to 2 CFR; November 1961)

This table lists the sections of the U.S. Code which were added to 2 CFR as a result of new citations of authority carried in the *Federal Register* during November 1961.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the Codification Guide above.

5 U.S.C.:	CFR
1125	5 Part 25
7 U.S.C.:	
601–674	7 Parts 986, 1015, 1035, 1071, 1073
1134	7 Part 833
1316	7 Parts 723, 727
1375	7 Part 727
1378	7 Part 729
1421	6 Part 423
1447	6 Part 423
1448	6 Part 423
1449	6 Part 423
1813	7 Part 730
1987	6 Part 305
1989	6 Part 305
8 U.S.C.:	
1101	8 Part 205
10 U.S.C.:	
5031	32 Part 751
12 U.S.C.:	
1134*l*	6 Part 70
1748h–1	24 Part 803
14 U.S.C.:	
633	33 Part 3
15 U.S.C.:	
69e	16 Part 301
80b–6	17 Part 275

15 U.S.C.—Continued	CFR
714b	6 Part 423; 7 Parts 775–776
714c	7 Parts 775–776
16 U.S.C.:	
704	50 Part 16
825h	18 Part 13
18 U.S.C.:	
701	32 Part 507
704	32 Part 507
21 U.S.C.:	
341	21 Part 46
371	21 Part 46
29 U.S.C.:	
201–219	29 Part 793
30 U.S.C.:	
3	30 Part 27
5	30 Part 27
7	30 Part 27
471	30 Part 27
479	30 Part 27
482	30 Part 27
33 U.S.C.:	
180	33 Part 203
471	33 Part 203
38 U.S.C.:	
180k	33 Part 202
40 U.S.C.:	
442	6 Part 305

42 U.S.C.:	CFR
422	20 Part 404
1302	45 Part 212
1313	45 Part 212
46 U.S.C.:	
170	46 Parts 35, 78, 97
369	46 Part 71
391a	46 Parts 78, 97
404	19 Part 3
405	46 Part 71
409	46 Part 71
481–482	46 Part 91
483	46 Part 71
489	46 Parts 35, 78, 97
1114	46 Part 293
47 U.S.C.:	
155	47 Part 15
409	47 Part 1
49 U.S.C.:	
1301	14 Part 18
1324	14 Part 377
1354	14 Part 18
1376	39 Part 96
1421	14 Part 18
1425	14 Part 18
1430	14 Part 18

U.S. GOVERNMENT PRINTING OFFICE: 1961

Pages 11345–11403

FEDERAL REGISTER

VOLUME 26 NUMBER 231

Washington, Friday, December 1, 1961

OF MICHIGAN
DEC 5
MAIN
READING ROOM

Contents

Agricultural Marketing Service

NOTICES:
Buddy Shoffner Auction Co. et al.; proposed posting of stockyards. 11394
Denver Union Stock Yard Co.; notice of petition for modification of rate order 11393
Ramsey & Sons et al.; notice of changes in names of posted stockyards 11394
Texas and Southwestern Cattle Raisers Association, Inc.; authorization to charge and collect fees for inspection of cattle 11393
Weldon Auction Sales, Inc., et al.; deposting of stockyards 11395
Wentz Bros. Livestock Auction et al.; posted stockyards 11395

PROPOSED RULE MAKING:
Handling of lemons grown in California and Arizona; expenses and fixing rate of assessment for 1961–62 fiscal year 11363

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Wheat; stabilization program, 1962 11347

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
University of Oklahoma; notice of issuance of amendment to utilization facility license 11393

Civil Aeronautics Board

NOTICES:
American Airlines, Inc., et al.; joint fare tariffs between Atlanta and Los Angeles; order of investigation and suspension 11396
International Air Transport Association; agreement relating to specific commodity rates (2 documents) 11396
Transportes Aereos Nacionales, S.A.; notice of hearing 11397

Civil Service Commission

RULES AND REGULATIONS:
Justice Department; exceptions from the competitive service 11347

Commerce Department

See National Bureau of Standards.

Comptroller of the Currency

RULES AND REGULATIONS:
Procedures applicable to applications received by Comptroller of the Currency 11353

Customs Bureau

RULES AND REGULATIONS:
Cartage and lighterage; Government cartage; requirement for bid bonds 11362
Documentation of vessels; preferred mortgages on certain vessels of less than 200 but not less than 25 gross tons 11362

Farm Credit Administration

NOTICES:
Invitation to bid on surety bond 11396

Federal Aviation Agency

PROPOSED RULE MAKING:
Alteration of control area extensions and designation of transition areas (3 documents) 11366, 11367
Alteration of control area extensions, transition area and designation of transition areas 11365
Control area extension; alteration 11368

RULES AND REGULATIONS:
Carriage of cargo in passenger compartments:
Irregular air carrier and off-route rules 11356
Scheduled air carrier operations outside continental limits of United States 11355
Scheduled interstate air carrier certification and operation rules 11354
Federal airway; designation 11357

Federal Communications Commission

PROPOSED RULE MAKING:
Maritime mobile and maritime radiodetermination operations; implementation of certain requirements of Geneva Radio Regulations (1959) 11369

Federal Maritime Commission

NOTICES:
Farrell Lines, Inc., et al.; notice of agreements filed for approval 11397

Federal Power Commission

NOTICES:
Hearings, etc.:
Columbia Gulf Transmission Co. 11397
East Tennessee Natural Gas Co. 11397
Georgia Power Co. 11398
Michigan Gas Storage Co. 11398
T. L. James & Co., Inc., et al. 11398

Federal Trade Commission

RULES AND REGULATIONS:
M. Cohen & Son Coats & Suits, Inc., et al.; prohibited trade practices 11360

Foreign-Trade Zones Board

NOTICES:
Foreign-Trade Sub-Zone in New Orleans, La.; application 11399

Immigration and Naturalization Service

PROPOSED RULE MAKING:
Aliens in United States; proposed deportation proceedings 11363

(Continued on next page)

Interior Department

See also Land Management Bureau; National Park Service.

NOTICES:
Indian Affairs Bureau; delegation of authority; lands and minerals 11395
Transfer of land records to Aberdeen, Billings, Gallup, and Portland Area Offices, Bureau of Indian Affairs 11395

Interstate Commerce Commission

NOTICES:
Buford, Curtis Donald; statement of changes in financial interests 11403
Fourth section applications for relief 11403
Motor carrier transfer proceedings 11403
Pittsburgh & West Virginia Railway Co.; diversion or rerouting of traffic 11403

Justice Department

See Immigration and Naturalization Service.

Labor Department

See Wage and Hour Division.

Land Management Bureau

NOTICES:
Oregon; Division of Lands and Minerals Management; redelegation of authority 11395

RULES AND REGULATIONS:
Public land orders:
Alaska; withdrawing lands for use of Forest Service as administrative sites; partly revoking Public Land Order No. 842 of June 19, 1952 11361
Colorado; Power Site Cancellation No. 164; partly revoking Power Site Classification No. 89; opening lands under section 24 of Federal Power Act (Power Site Reserve No. 116) 11361
Utah; opening lands subject to section 24 of Federal Power Act 11361

National Bureau of Standards

RULES AND REGULATIONS:
Standard samples; descriptive; metal organic standards 11360
Test fee schedules; high frequency region and microwave region 11357

National Park Service

PROPOSED RULE MAKING:
Aircraft; Isle Royale National Park, Mich 11363

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Harbor Plywood Corp. and Hunt Foods and Industries, Inc 11399
Mississippi Valley Generating Co. et al 11401
West Texas Utilities Co. and Central and South West Corp 11401

Small Business Administration

RULES AND REGULATIONS:
Business loans; interest rates 11353

Tariff Commission

NOTICES:
Cotton products; notice of change in hearing date 11402

Treasury Department

See Comptroller of the Currency; Customs Bureau.

Wage and Hour Division

NOTICES:
Certificates authorizing employment of learners at special minimum rates 11402

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR

6 11347

7 CFR

776 11347

PROPOSED RULES:
953 11363

8 CFR

PROPOSED RULES:
242 11363

12 CFR

4 11353

13 CFR

122 11353

14 CFR

40 11354
41 11355
42 11356
600 11357

PROPOSED RULES:
601 (5 documents) 11364–11368

15 CFR

201 11357
230 11360

16 CFR

13 11360

19 CFR

3 11362
21 11362

36 CFR

PROPOSED RULES:
1 11363

43 CFR

PUBLIC LAND ORDERS:
842 (revoked in part by PLO 2546) 11361
2543 11361
2544 11361
2546 11361

47 CFR

PROPOSED RULES:
7 11369
8 11369
14 11369

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraphs (5) and (8) of paragraph (g) of § 6.308 are amended as set out below.

§ 6.308 **Department of Justice.**

* * * * *

(g) *Tax Division.* * * *

(5) Chief, Review Section.

* * * * *

(8) Chief, General Litigation Section.

(R S 1753, sec. 2, 22 Stat. 403, as amended; 5 U S C 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F R Doc. 61-11373; Filed, Nov. 30, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

GENERAL

Sec.
776.1 Purpose.
776.2 Definitions.
776.3 Geographical applicability.
776.4 Administration.

REQUIREMENTS FOR PARTICIPATION IN PROGRAM

776.5 Requirements of eligibility.
776.6 Approved conservation uses.
776.7 Designation and use of diverted acreage.
776.8 Breaking out noncropland.
776.9 Use of normal conserving acreage in 1962.
776.10 Permitted acreage of wheat.

NOTICE OF PAYMENT RATES—APPEALS

776.11 Payment rates, productivity index and county average yields.
776.12 Maximum diversion acreage.
776.13 Notice of payment rates.
776.14 Appeals.

DETERMINATION AND DIVISION OF PAYMENT

776.15 Intention to participate in the program.
776.16 Advance payment.
776.17 Determination of compliance.
776.18 Final payment.
776.19 Division of payment.
776.20 Additional provisions and requirements relative to tenants and sharecroppers.
776.21 Successors-in-interest.

MISCELLANEOUS

776.22 Scheme or device and fraudulent representation.
776.23 Reconstitution of farms.
776.24 Provision for handling exceptional cases.
776.25 Delegation of authority.

AUTHORITY: §§ 776.1 to 776.25 issued under sec. 124(1), 75 Stat. 300. Interprets or applies sec. 124, 75 Stat. 297.

GENERAL

§ 776.1 **Purpose.**

The regulations in this subpart provide terms and conditions for the 1962 Wheat Stabilization Program, under which payments are made to producers who divert acreage from the production of wheat to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices, including summer fallow and idle land, by an equal amount. Payments will be made by the issuance of negotiable Commodity Credit Corporation (CCC) sight drafts, which may be redeemed in cash or exchanged for wheat in accordance with the provisions of Supplement 2 to these regulations. Producers may elect in lieu of such payments to devote the diverted acreage to castor beans, guar, safflower, sunflower or sesame. The 1962 Wheat Stabilization Program provided in this subpart is referred to herein as "the program." Participation in the program to the extent provided in C.C.C. Wheat Bulletin A is required as a condition of eligibility for price support on wheat.

§ 776.2 **Definitions.**

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) The following words or phrases are defined in the regulations governing Reconstitutions of Farms, Farm Allotments, and Farm History and Soil Bank Acreages, 7 CFR Part 719 (23 F.R. 6731), as amended, and shall have the meaning assigned to them by such regulations: "Allotment," "base period," "combination," "community committee," "county," "county committee," "county office manager," "cropland," "current year," "Department," "Deputy Administrator," "division," "farm," "farm serial number," "field," "operator," "person," "photograph number," "preceding year," "producer," "reconstitution," "Secretary," "soil bank contract," "State executive director," "State committee," and "subdivision."

(b) The following words or phrases are defined in the regulations governing the Wheat Marketing Quota for 1958 and Subsequent Years, Part 728 of this chapter (23 F.R. 3437), as amended, and shall have the meaning assigned to them by such regulations: "Director," "wheat acreage," "wheat cover crop," and "wheat mixture counties."

(c) The following words or phrases are defined in the regulations governing Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat, 7 Part 728 of this chapter (24 F.R. 2475), as amended, and shall have the meaning assigned to them by such regulations: "Acreage indicated by cropland," "commercial wheat-producing area," "new farm," "odd and even crop rotation," "old farm," and "wheat history acreage."

(d) "Conservation Reserve Program" means the program formulated under regulations issued pursuant to the Soil Bank Act, 6 CFR Part 485, recodified in 26 F R. 5788 to Part 750 of this chapter.

(e) "1962 Feed Grain Program" means the program formulated under section 16 of the Soil Conservation and Domestic Allotment Act, as amended, under which producers divert acreage from the production of corn and grain sorghums, and barley.

(f) "Representative of the county committee" means a member of the county committee or any employee of the county office.

(g) "Representative of the State committee" means a member of the State committee or any employee of the State office.

§ 776.3 **Geographical applicability.**

The program is applicable to the commercial wheat-producing area for the 1961–62 wheat marketing year as defined in § 728.1105 of this chapter.

§ 776.4 **Administration.**

(a) The program, other than that portion thereof relating to exchanging sight drafts for wheat, will be administered by Agricultural Stabilization and Conservation Service under the general supervision of the Administrator, ASCS, and in the field will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation county committees (herein called State and county committees). Payment rates and productivity indexes will be established by the county committee and will be approved by a representative of the State committee before notices are mailed to producers. Applications for advance and final payments will be approved by the county committee or an authorized representative thereof.

(b) That portion of the program relating to exchanging sight drafts for wheat will be administered by ASCS under the general direction and supervision

of the Executive Vice President, CCC, and in the field will be carried out by State and county committees and ASCS commodity offices.

(c) State and county committees, ASCS commodity offices, and representatives and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

REQUIREMENTS FOR PARTICIPATION IN PROGRAM

§ 776.5 Requirements of eligibility.

(a) *General.* A person is eligible to participate in the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and if he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) An Intention to Participate and Application for Advance Payment (herein called Form ASCS–654) must be filed for the farm by the operator or the owner in accordance with § 776.15.

(2) An acreage on the farm must be diverted from the production of wheat in 1962 equal to either (i) 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961: *Provided*, That such acreage in each of such years did not exceed 15 acres, or (ii) 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended. Notwithstanding the foregoing, in the case of any farm under a conservation reserve contract, if the total permitted acreage of soil bank base crops minus the acreage diverted under the 1962 Feed Grain Program is less than the minimum acreage otherwise required for participation in this program, participation to the extent of such acreage shall satisfy the minimum acreage requirements.

(3) An acreage equivalent in area to the acreage diverted in 1962 from the production of wheat must be devoted in 1962 to one or more of the approved conservation uses specified in § 776.6 and must comply with the limitations on use specified in § 776.7.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph and the acreage diverted under the 1962 Feed Grain Program, an acreage equal to the normal conserving acreage for the farm must be devoted to an approved conservation use on the farm in 1962. Land devoted to both a depleting and conserving use in the same year shall not be considered devoted to an approved conservation use for this purpose. The normal conserving acreage for a farm is the average of the cropland acreage devoted in 1959 and 1960 to the approved conservation uses specified in § 776.6, as adjusted for abnormal weather conditions or other factors affecting production, established crop rotation practices on the farm, changes in the constitution of the farm, participation in other Federal farm programs, or to give effect to the provisions of law relating to release and reapportionment or preservation of history. The normal conserving acreage for the farm shall not be adjusted below the average which the county committee considers normal for the community. Notwithstanding the foregoing, in counties designated by the State committee, the normal conserving acreage required to be devoted to an approved conservation use may be adjusted downward by the county committee upon request of the producer to the extent that the conserving use on such acreage is destroyed in 1962 by flood, drought, insects, or other natural causes.

(5) A farm on which a conservation reserve contract has been cancelled since January 1, 1960, because of a scheme or device to exceed the $5,000 payment limitation under the Conservation Reserve Program shall not be eligible for participation: *Provided*, That in any case where the Deputy Administrator determines that participation in the program would not be against the public interest, acceptance of such farm may be authorized.

(6) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of wheat or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion of such acreage, will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession shall not be eligible for participation in the program.

(7) Producers on farms on which a new farm wheat allotment is established for the 1962 crop and producers on any farm producing durum wheat which receives an increased allotment under section 334(e) and section 334(i) of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for participation in the program.

(c) *Producer requirements.* (1) The producer must be a person who would have had an interest as a producer in the 1962 crop of wheat if wheat had been produced on the diverted acreage.

(2) A minor who otherwise meets the requirements of this program will be eligible for payment only if he also meets one of the following requirements: (i) The right of majority has been conferred on him by court proceedings; (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect ASCS from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31, 1962, upon a determination by the county committee that the minor has met the requirements of the program.

§ 776.6 Approved conservation uses.

(a) Subject to the provisions of paragraph (b) of this section, the approved conservation uses under this program are as follows:

(1) Permanent or rotation cover of grasses and legumes consisting of perennial grasses, perennial or biennial legumes or mixtures of legumes and perennial grasses.

(2) Summer cover crops consisting of small grains, legumes, or grasses. (Wheat and barley may be used as a cover crop only under the condition stated in subparagraph (11) of this paragraph (a).)

(3) Winter cover crops consisting of small grains, legumes, or grasses (seeded in the fall of 1961 or seeded in the fall of 1962). However, other approved conservation uses will be required in conjunction with the winter cover crop, if necessary to protect the land throughout the 1962 cropping season. (Wheat and barley may be used as a cover crop only under the conditions stated in subparagraph (11) of this paragraph (a).)

(4) Trees or shrubs for erosion control, shelter belts, or other forestry purposes.

(5) Water storage for any purpose, including fish or wildlife habitat.

(6) Wildlife food plots or habitat when plantings are for wildlife food plots or establishment of wildlife habitat. An acreage devoted to wheat, barley or rice may not be considered as wildlife food plots or wildlife habitat under the program. Corn and grain sorghums may qualify if planted in small plots and designated for such purpose and approved by the county committee for such purpose.

(7) Idle cropland (necessary protective measures, including volunteer cover, must be carried out on diverted acreage).

(8) Summer fallowed cropland (prescribed protective measures must be carried out on summer fallow designated as diverted acreage).

(9) Corn or grain sorghums may be plowed down as green manure and considered as a conservation use on diverted acreage provided other approved conservation measures are carried out if necessary to protect the land throughout the 1962 cropping season.

(10) In those counties where the practice is applicable and customarily carried out, grain sorghums may be planted as a cover or litter crop in preparation of a seedbed for establishing permanent cover under ACP and CRP Practice A–2 and GP Practice GP–1, provided the grain sorghums are clipped while still green and left on the land in preparation of the seedbed.

(11) Wheat or barley plowed down as green manure or clipped and left on the land before the disposal date specified in the Wheat Marketing Quota Regulations may be considered as a conserving use provided other approved conservation measures are carried out if necessary to protect the land throughout the 1962 cropping season.

(12) Other uses approved by the State committee which are not in conflict with other provisions of the program.

(b) Idle cropland and summer fallowed land may be used in meeting the conservation use requirement on diverted acres only where the county committee determines that it would not be practicable to devote the diverted acres to other approved conserving uses in view of the conditions prevailing on the farm in 1962 or where such a determination has been made for an area by the State committee.

§ 776.7 Designation and use of diverted acreage.

(a) *General.* Land diverted from the production of wheat under the program must be designated by the operator of the farm and must be (1) cropland that was intensively cultivated during at least one of the years 1959, 1960, or 1961, (2) cropland that was devoted to a conservation use other than a water storage facility or trees under a conservation reserve contract which has been terminated or has expired with respect to such land, or (3) cropland which was designated and approved as diverted acreage under the 1961 Feed Grain Program, except acreage devoted to trees and other acreage diverted under the 1961 Feed Grain Program which the State committee designates as ineligible. Any land retired to noncrop use, including any land retired in accordance with § 776.8 to replace noncropland used for crops for the first time in 1962, and any land devoted in 1962 to asparagus, strawberries, or bush fruits (including new plantings of such crops) shall not be eligible for designation as diverted acreage. Any acreage diverted from the production of wheat to conservation uses for which payment is made under the program shall be in addition to any acreage diverted to conservation uses for which payment is made under any other Federal program except that the foregoing shall not preclude the making of cost-sharing payments under the agricultural conservation program or the Great Plains program for conservation practices carried out on any acreage devoted to soil-conserving uses under the program.

(b) *Restriction on harvesting.* No crop shall be harvested from the designated diverted acreage in 1962 for which payment is made under the program except (1) where the Secretary considers it necessary to permit harvesting the diverted acreage in order to alleviate a shortage of forage for use in the area resulting from severe drought, flood, or other natural disaster, or (2) on acreage approved for double cropping (information as to such areas and the conditions under which such harvesting is permitted may be obtained from the county ASCS office). If there is unauthorized harvesting of a crop from the designated diverted acreage and it is determined that such harvesting was intentional or the result of gross negligence, the entire amount of payment to the operator and any other producer on the farm shall be forfeited or refunded: *Provided*, That such forfeiture or refund shall not apply to a producer (other than the operator) if it is determined that such producer did not cause, aid in, or benefit from, the harvesting of the crop. If there is unauthorized harvesting of a crop from the designated diverted acreage and it is determined that such harvesting was done under circumstances other than those specified in the preceding sentence, payments shall be forfeited or refunded by an amount determined by multiplying the number of acres from which a crop is harvested by the lowest minimum payment rate per acre established for the farm: *Provided*, That such forfeiture or refund shall apply first to the extent possible to payments to producers who cause, aid in, or benefit from, the harvesting of the crop, in the proportion in which they share in the payment to such producers. In addition, no grain or oilseed crop which matures in 1962 shall be harvested from the designated diverted acreage after December 31, 1962. If there is harvesting in violation of the provisions of the preceding sentence, the entire amount of payment for the farm shall be forfeited or refunded. For restrictions on the use of diverted acreage devoted to castor beans, guar, safflower, sunflower, or sesame in lieu of payment, see paragraph (d) of this section.

(c) *Restriction on grazing.* The designated diverted acreage shall not be grazed after May 1, 1962, and, on acreage approved for double cropping, none of the designated diverted acreage may be grazed during the entire year of 1962, except where the Secretary considers it necessary to permit the diverted acreage to be grazed in order to alleviate a shortage of forage for use in the area resulting from severe drought, flood, or other natural disaster. If there is unauthorized grazing of the designated diverted acreage and it is determined that such grazing was intentional or the result of gross negligence, the entire amount of payment to the operator and any other producer on the farm shall be forfeited or refunded: *Provided*, That such forfeiture or refund shall not apply to a producer (other than the operator) if it is determined that such producer did not cause, aid in, or benefit from, the grazing of the designated diverted acreage. If there is unauthorized grazing of the designated diverted acreage and it is determined that such grazing was done under circumstances other than those specified in the preceding sentence, payments shall be forfeited or refunded by an amount representing the value of the grazing on the diverted acreage: *Provided*, That such forfeiture or refund shall apply first to the extent possible to payments to producers who cause, aid in, or benefit from, the grazing in the proportion in which they share in the payment to such producers. If the grazing is determined to have no value, no forfeiture or adjustment of payment is required.

(d) *Restriction on use of crops planted in lieu of receiving payment.* Castor beans, guar, safflower, sunflower, or sesame planted on the diverted acreage in lieu of receiving payment under the program shall not be grazed, and violation of this provision shall render the acreage ineligible for designation as diverted acreage.

(e) *Use of land.* Measures normally carried out in the fall for the area in connection with the production of a crop for harvest in a subsequent year may be carried out on the diverted acreage in the fall of 1962. New orchards consisting of fruits or nut trees may be planted on diverted acreage provided other required conservation measures are carried out on such land.

(f) *Control of insects, weeds and rodents.* The county committee will prescribe measures and methods of application that are appropriate for the county in controlling insects, weeds and rodents on the diverted acreage if such measures are needed. If insects, weeds and rodents are not timely controlled in a manner satisfactory to and as required by the county committee, the designated diverted acreage shall, for purposes of determining the total diverted acreage on which payment is based under § 776.18, be deemed reduced by the number of acres on which insects, weeds and rodents are not controlled.

§ 776.8 Noncropland used for crops in 1962.

The number of acres of noncropland which is planted for harvest in 1962, excluding noncropland planted to perennial grasses and perennial legumes on which no nurse crop is harvested for grain or oilseed, shall be subtracted from the acreage otherwise eligible for payment to the extent that an equal acreage of cropland on the farm is not retired to permanent cover of trees, perennial grasses, or perennial legumes. Any acreage so retired to non-crop use shall not be eligible for designation as diverted acreage or considered as meeting the normal conserving acreage requirements for the farm in 1962.

§ 776.9 Use of normal conserving acreage in 1962.

(a) *Use of crops.* There are no restrictions on the use of crops produced on land used in meeting the normal conserving acreage requirements for the farm in 1962, except as follows:

(1) An acreage of small grains seeded alone and harvested for grain, hay or silage shall not be considered as devoted to an approved conservation use in 1962; however, an acreage of small grain seeded as a nurse crop with grass or legumes and cut green for hay or silage by a date well ahead of maturity of the grain as established for the area by the State committee, and in the case of wheat and barley, not later than the disposal date under the Wheat Marketing Quota Regulations, will be considered as meeting the normal conserving acreage requirements in 1962. An acreage of small grain used as a nurse crop and harvested for any purpose after such date shall not be considered as devoted to an approved conservation use in 1962.

(2) An acreage of annual grasses (including millet) and soybeans, cowpeas, field and canning peas and field and canning beans harvested as seed or grain, or for processing purposes shall not be considered as devoted to an approved conservation use in 1962.

(3) An acreage of barley, wheat or rice which is left standing as of the final disposition date, shall not be considered as devoted to an approved conservation use in 1962. The final disposition date for wheat and rice are set forth in the applicable marketing quota regulations. The disposition dates for barley shall be the same as the disposition dates established for wheat.

(b) *Use of land.* Measures normally carried out in the fall for the area in connection with the production of a crop for harvest in a subsequent year may be

carried out in the fall of 1962 on acreage used in meeting the normal conserving acreage requirements in 1962. New orchards consisting of fruits or nut trees may be planted on such acreage provided other required conservation measures are carried out on such land.

§ 776.10 Permitted acreage of wheat.

If the minimum diversion acreage is computed under provisions of § 776.5 (b)(2)(i), the actual acres of wheat planted on the farm for harvest in 1962 shall not exceed an acreage determined by subtracting the number of acres diverted from the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961. If the minimum diversion acreage is computed under the provisions of § 776.5 (b)(2)(ii), the actual acreage of wheat planted on the farm for harvest in 1962 shall not exceed an acreage determined by subtracting the number of acres diverted from the larger of (a) the acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, or (b) the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961, but not to exceed 15 acres: *Provided*, That the actual acreage of wheat shall in no event exceed the 1962 farm wheat acreage allotment. Notwithstanding the foregoing, in the case of any farm participating in the Conservation Reserve Program, the acreage of wheat and other soil bank base crops shall not exceed the acreage determined by subtracting the sum of the number of acres diverted from the production of wheat and the number of acres diverted from the production of feed grains from the acreage of soil bank base crops permitted under the conservation reserve contract.

NOTICE OF PAYMENT RATES—APPEALS

§ 776.11 Payment rates, productivity index, and county average yields.

(a) Payment rates used in computing advance and final payments shall be determined as provided in paragraph (b) of this section.

(b) The minimum acre payment rate for the farm shall be obtained by multiplying the productivity index for the farm by the minimum acre payment rate, as set forth in Supplement 1 to this program, for the county in which the farm is located. The minimum acre payment rate for the county has been obtained by multiplying 45 percent of the county average yield for wheat, as set forth in Supplement 1 to this program, by the basic county support rate for wheat. The additional acre payment rate for the farm shall be obtained by multiplying the productivity index for the farm by the payment rate, as set forth in Supplement 1 to this program, for the additional diversion acres for the county in which the farm is located. The additional acre payment rate for the county has been obtained by multiplying 60 percent of the county average yield for wheat, as set forth in Supplement 1 to this program, by the basic county support rate for wheat.

(c) The productivity indexes represent, as nearly as it is practicable to classify, the farm's relationship in productivity to the average of the farms in the county. In arriving at the productivity indexes for the farms, the county and community committees will take into consideration the relative production capabilities of the farm for wheat. Such productivity index shall reflect the relative production capabilities of the farm in a normal crop year under usual cultural practices with such adjustment as the committee considers proper to provide equitable treatment for the farm. In the event both irrigated and nonirrigated wheat are produced on the same farm, separate productivity indexes may be established for the acreages involved.

(d) The county acreage yield for wheat shall be the average yield per acre for the 1959 and 1960 crop acreages of the commodity in the county, adjusted in such amounts as may be deemed necessary to correct the abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, type of soil, soil and water conservation measures, and topography.

(e) To the extent that a producer proves the actual yields for the farm for the 1959 and 1960 crop years, such yields shall be used in establishing the productivity index.

(f) The rate of payment under the program with respect to land which is leased or rented on a cash-rent basis from the Federal, State, county, or local government, or subdivisions thereof, if such land is not otherwise ineligible for participation in the program, shall not exceed a fair payment rate as determined by the county committee. Such payment rate shall be the smaller of (1) the minimum acre payment rate for the farm, or (2) one-half the minimum acre payment rate plus the actual cash rent per acre of the land adjusted to take into account the quality of the acres actually diverted when compared with the total acres rented, and the services performed and improvements made at the producer's expense which are in addition to rent.

§ 776.12 Maximum diversion acreage.

The maximum number of acres which may be diverted on the farm from wheat for which payment may be received under this program shall be the larger of four times the amount diverted under § 776.5(b) or such acreage as will bring the total acreage diverted to 10 acres: *Provided*, That the total acreage diverted shall not exceed the larger of (a) the highest actual acreage of wheat planted on the farm for harvest for any of the years 1959, 1960, or 1961, but not to exceed 10 acres, or (b) the 1962 farm wheat acreage allotment. Notwithstanding the foregoing, in the case of a producer participating in the Conservation Reserve Program, the maximum number of acres which may be diverted from wheat and feed grains shall not exceed the acreage of soil bank base crops permitted under the conservation reserve contract.

§ 776.13 Notice of payment rates.

Each operator and owner of a farm for which an old 1962 wheat allotment is established or a farm without an allotment on which the highest actual acreage of wheat planted for harvest in any of the years 1959, 1960, and 1961 did not exceed 15 acres will be notified in writing of the minimum acre payment rate and the additional acre payment rate for wheat. Such notice will be on Form ASCS–648.

§ 776.14 Appeals.

(a) Any producer may request in writing reconsideration of the payment rates established for his farm if he believes that such payment rates were not correctly established as required under these regulations, or that such payment rates are inequitable as compared with the payment rates determined for similar farms. Such request must be submitted within 15 days from the date of mailing appearing on the Form ASCS–648. If dissatisfied with the decision of the county committee, the producer may appeal in writing to the State committee within 15 days from the date of mailing of the notice of the decision of the county committee. To the extent that a producer proves the actual yields for the farm for the 1959 and 1960 crop years, such yields shall be used in making the determinations. The determination of the State committee shall be final. If the producer fails to request reconsideration by the county committee or appeal from its decision as provided herein, the determination as provided in the Form ASCS–648 shall be final. Any request for reconsideration or appeal shall not operate to extend the applicable closing date for filing Form ASCS–654 in the program. Each appeal must be supported by a written statement of fact outlining the basis for the appeal. Nothing herein shall preclude the county committee or the State committee, on its own motion or on request at any time, from revising or requiring revision of a payment rate established for any farm to correct mechanical or clerical errors resulting from action solely on the part of a county or State committee representative.

(b) Except as otherwise provided in paragraph (a) of this section, a producer may request a reconsideration of any determination of a county or State committee concerning a question of fact or may appeal such determination in accordance with the provisions of this paragraph. The producer shall first request a reconsideration by the committee initially making the determination. If the producer is dissatisfied with a determination of the county committee with respect to his request for reconsideration, he may then appeal the determination to the State committee. If the producer is dissatisfied with a determination of the State committee (1) with respect to his appeal from the determination of the county committee, or (2) with respect to his request for reconsideration by the State committee, he may then appeal to the Deputy Administrator. The determination of the Deputy Administrator shall be final. Each request for reconsideration or appeal shall be in writing and shall be supported by a written statement of facts upon which it is based. Each request for reconsideration or appeal shall be filed with the committee or person to which it is made within 15 days after notice of the determination is mailed to or otherwise made available to the producer: *Provided*, That a request for reconsideration or appeal may be accepted and acted upon even though not filed within such time limit if, in the judgment of the committee or person to which such request for reconsideration or appeal is made, the circumstances warrant such action.

(c) In any request for reconsideration or appeal, the producer or his representative shall be afforded an opportunity to appear before the person or committee to which the request for reconsideration or appeal is made and present and submit written or oral evidence.

DETERMINATION AND DIVISION OF PAYMENTS

§ 776.15 Intention to participate in the program.

(a) *Who may file.* A Form ASCS–654 may be filed by the operator or the owner of any farm who wishes to participate in the program after he has received a Form ASCS–648 for the farm.

(b) *Where to file.* Such form shall be filed with the office of the county committee with jurisdiction over the county where the farm is located.

(c) *When to file.* Such form shall be filed not later than December 1, 1961, for fall-seeded wheat, and not later than the date established by the Administrator, ASCS, for spring-seeded wheat, except that in counties where wheat is both fall and spring seeded, such form may be filed not later than the closing date established for either fall or spring seeded wheat unles the State committee determines that only one sign-up period is practicable. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and their failure to file by such date is due to a cause beyond their control. A producer may obtain the applicable closing date from the county office.

(d) *Contents.* The operator or owner shall provide in Form ASCS–654 the following information: The acreage which is intended to be diverted from the production of wheat for the farm for which the form is filed; the acreage, if any, of castor beans, guar, safflower, sunflower or sesame which is intended to be produced on the diverted acreage; and whether or not an advance payment is desired for the farm.

§ 776.16 Advance payment.

(a) *Who may apply.* Producers who intend to comply with the requirements of eligibility of the program may apply for an advance payment upon the filing of a Form ASCS–654 for the farm. There shall be listed the names of all persons on the farm who would have had an interest as producer in 1962 wheat had such crop been produced on the diverted acreage, together with the share of the advance payment that such person is to receive determined in accordance with paragraph (c) of this section. The sum of the total percentage shares so determined shall equal 100 percent.

(b) *Requirements.* Before an advance payment is made to a producer, he must agree to comply with the provisions of the 1962 Wheat Stabilization Program and that he will refund all or part of such payment to which he is not entitled under the program. In the event the farm does not comply with at least the minimum participation requirement, he must refund the entire advance payment with interest at the rate of six percent per annum from the issue date of the advance payment to the date it is refunded.

(c) *Amount of advance payment.* The total advance payment to be made on a farm shall be 50 percent of the result obtained by multiplying the acreage intended to be diverted from wheat by the minimum acre payment rate for wheat for the farm. Each producer's share of the advance payment for the farm shall be obtained by multiplying his percentage share of the payment as specified on Form ASCS–654 by the total advance payment for the farm.

§ 776.17 Determination of compliance.

(a) Determination with respect to the acreage planted to wheat and the designated diverted acreage shall be made by a representative of the county or State committee in accordance with the regulations governing Determination of Acreage and Performance, Part 718 of this chapter (22 F.R. 3747), as amended.

(b) Before final payments are made, producers on the farm shall be required to certify that they have complied with all requirements of such program. If the county committee has reason to question whether the normal conserving acreage for the farm has been devoted to an approved conservation use on the farm for 1962, or whether the producer has otherwise complied with the program, it shall take the necessary action to verify the facts.

(c) A representative of the county or State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to wheat and the acreage which the operator designated as devoted to approved conservation use on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representations and the performance of his obligations under the program.

§ 776.18 Final payment.

Regulations prescribing the procedure for computation of the total payment earned for the farm will be published at a later date.

§ 776.19 Division of payment.

(a) Payments made under this program shall be divided in such a way that all eligible producers will share in the payments on a fair and equitable basis. The names of all persons on the farm who would have had an interest as producers in the 1962 crop of wheat had it been produced on the diverted acreage shall be entered in Part IV of Form ASCS–654 if an advance payment is requested by any such person. In order to determine the percentage share of the total earned payments, the names of all such producers on the farm shall be entered in Part III of Form ASCS–656. If all such producers agree to their respective percentage shares of the payment and certify that their shares of the payment are fair and equitable, the division of payment so determined shall be approved by a representative of the county committee subject to the provisions of §§ 776.20 and 776.21.

(b) The following factors should be given consideration in arriving at the division of payment:

(1) The basis on which producers would have shared in the production of wheat had wheat been produced on the diverted acreage;

(2) The savings or benefits accruing to each producer on the diverted acreage;

(3) The respective contributions of each producer to the establishment and maintenance of the conservation use on the acreage designated as diverted from production; and

(4) The respective relationship of the diverted acreage and increased conservation acreage to the various ownership tracts comprising a farm.

(c) In those cases where a person who would have had an interest as a producer in wheat had such crop been produced on the diverted acreage refuses or fails to sign an application for payment, the share of the payment to which he would otherwise be entitled shall be shown on Form ASCS–654 and Form ASCS–656. Payment shall not be made for the farm until the sum of the percentage shares equals 100 percent.

(d) If producers whose names are listed on Form ASCS–654 and Form ASCS–656 cannot agree on the division of the payment among eligible producers on the farm, the county committee will determine the sharing of payments among such producers on a fair and equitable basis based on the factors provided in this section. Payments of amounts so determined shall be made to eligible producers upon their request.

§ 776.20 Additional provisions and requirements relative to tenants and sharecroppers.

(a) No Form ASCS–654 or Form ASCS–656 shall be approved by the county committee or payments made for any individual farm if the county committee determines:

(1) That the landlord or operator has not afforded his tenants and sharecroppers, if any, an opportunity to participate in the program.

(2) That the landlord or operator has, in anticipation or because of participation in the program, reduced the number of tenants and sharecroppers on the farm (if a tenant or sharecropper leaves the farm voluntarily, or for some reason other than being forced off the farm by the landlord or operator in anticipation or because of participating in the program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation or because of participating in the program).

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement or understanding unfairly exacted or required by the operator or landlord which was entered into in anticipation of participating in the program, the effect of which is:

(i) To force the tenant or sharecropper to pay over to the landlord or operator any payment earned by him under the program;

(ii) To change the status of any tenant or sharecropper so as to deprive him of any payment or right which he would otherwise have had under the program;

(iii) To reduce the size of the tenant's or sharecropper's producer unit; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That any other scheme or device has been adopted for the purpose of depriving any tenant or sharecropper of the payment to which he would otherwise be entitled to receive under this program.

(b) If prior to making an advance payment, the county committee determines that the Form ASCS–654 has been improperly prepared, it shall not approve the application for payment. The producers will be afforded an opportunity to agree mutually to a proper division of payments in accordance with the factors specified in § 776.19. If the producers cannot agree to a proper division of payment, the county committee shall determine the division of payments among eligible producers on the farm on a fair and equitable basis in accordance with such factors specified in § 776.19.

(c) If the county committee determines after affording the producers on a farm an opportunity to present evidence that any payment which it has made has been improperly divided among the eligible producers for the reasons specified in paragraph (a) of this section, the county committee shall determine the sharing of payments to be made among the eligible producers on the farm on a fair and equitable basis in accordance with the factors specified in § 776.19. Persons shall refund to the county committee any payment received to which they are not entitled. In the event of fraud, the person involved shall be subject to the provisions of § 776.22.

§ 776.21 Successors-in-interest.

(a) In case of the death, incompetency, or disappearance of any producer who is entitled to a payment under this program, the payment due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122, as amended, issued by the Secretary (Part 1108 of this title), or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) When any person who would have had an interest as producer (herein called "predecessor") in wheat if it had been produced on the diverted acreage leaves the farm after Form ASCS–654 has been filed and has been succeeded on the farm by another producer (herein called "successor") whose name is listed in Part V of Form ASCS–656, their share of the advance and final payment shall be divided on such basis as the predecessor and successor agree is fair and equitable. If such persons are unable to agree to a division of their payments, the county committee shall determine the division taking into consideration the following, among other factors it deems pertinent:

(1) The respective interests which the predecessor and successor would have had in wheat if it had been produced on the diverted acreage;

(2) The respective contributions to the diversion in acreage which have been made by the predecessor and by the successor; and

(3) The respective contributions of the predecessor and successor to the establishment and maintenance of the conservation uses on the additional acreage devoted to soil conserving crops in 1962.

(c) Notwithstanding the foregoing, if a tenant or sharecropper who would have had an interest in wheat if it had been produced on the diverted acreage leaves a farm after Form ASCS–654 has been filed for the farm, but before the final payment has been made and is not succeeded on the farm by another person, his name shall be included on Parts III and IV of Form ASCS–656 and the division of payment to which he is entitled shall be determined as provided in § 776.19.

§ 776.22 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adoped any scheme or device which tends to defeat the purposes of this program shall not be entitled to receive a payment under the program and shall refund any payment received by him.

(b) The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render the person liable, aside from any additional liability under criminal and civil frauds statutes, for a refund of the payments received by him with respect to which the fraudulent representation was made.

§ 776.23 Reconstitution of farms.

(a) Reconstitution of farms shall be in accordance with the regulations governing reconstitutions of farms, farm allotments and farm history and soil bank base acreages (Part 719 of this chapter, 23 F.R. 6731) and any amendments thereto. If, under such regulations, two or more farms as constituted at the time a productivity index was established are combined into one farm, or if one farm as constituted at such time is later divided into two or more farms, a productivity index for such farms will be determined by the county committee in accordance with § 776.11.

(b) The productivity index established for a combined farm shall not exceed the weighted average of the indexes established for the component parts. When a parent farm is divided into two or more parts, the weighted average of the productivity indexes established for the component parts shall not exceed the productivity index established for the farm prior to being divided. The normal conserving acreages shall be credited to the reconstituted farm(s) by the county committee in a fair and equitable manner.

(c) Notwithstanding the foregoing provisions of this section, a farm shall not be reconstituted for the purpose of this program after the final date for filing Form ASCS–654 in the county, unless the farm(s) was not properly constituted as of such date. In such event, a corrected Form(s) ASCS–654 may be prepared for the farm(s) as properly constituted even though this action is necessary after the closing date.

§ 776.24 Provision for handling exceptional cases.

Where a producer, in reasonable reliance upon any instruction or commitment of any member, employee, or representative of a county or State committee, in good faith, substantially performs under the program, the Deputy Administrator may review the requirements of any provision of the regulations in this subpart and if, in his judgment, relief from the requirements of such provision is justified under all the circumstances of the case to permit a proper disposition thereof, allow payment for such substantial performance in an amount not to exceed the amount which would have been due for the required performance, provided such action is not prohibited by statute.

§ 776.25 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Issued at Washington, D.C., on 24th day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–11405; Filed, Nov. 30, 1961; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 4—PROCEDURES

Applications Received by Comptroller of the Currency

1. Effective December 1, 1961, Part 4 is amended by adding a new § 4.8a. Section 4.8a shall read as follows:

§ 4.8a Procedures applicable to applications received by the Comptroller of the Currency.

(a) This section shall apply to applications for approval by the Comptroller of the Currency of new charters, branches, mergers, consolidations, purchases of assets, assumptions of liabilities, change of name or location, and conversions from state to national banks. Notice of all such applications received shall be published weekly in a Bulletin issued by the Comptroller of the Currency.

(b) With respect to any such application or any aspect thereof, the comptroller of the Currency, in his sole discretion, either upon request of any interested person or otherwise, may order a public hearing. Public hearings ordered by the Comptroller shall be held at the time and place fixed by him, and shall be conducted by the Comptroller, a Deputy Comptroller, or such other person as the Comptroller may designate. At any such hearing, any interested person may be permitted to submit any testimony, evidence, data or other material pertinent to the pending application. The officer conducting the hearing shall have authority to determine who may appear, the order of appearance, what testimony, evidence, data, or other material offered by any person shall be received, and all other procedural matters arising during the course of, or otherwise in connection with, any hearing.

(c) No person shall be deemed to have become a party to any matter pending before the Comptroller solely because of being permitted to appear or to submit testimony, evidence, data or other material at a hearing held pursuant to this section.

(d) Hearings ordered by the Comptroller pursuant to this section are not required by statute and shall not be subject to the provisions of the Administrative Procedure Act. Nothing in this section shall be deemed to require the holding of a hearing on any matter subject to the jurisdiction of the Comptroller, nor shall the validity of the Comptroller's decision on any such matter be affected because a hearing was not held, whether or not such a hearing was requested by any person, nor by the procedures adopted at any such hearing.

(e) Decisions of the Comptroller on all matters committed by law to his discretion shall be made on the basis of information developed by him through investigation, hearings, or otherwise, and in the light of national aims and policy. All such decisions of the Comptroller shall be final and binding on all persons.

(f) All decisions of the Comptroller on applications subject to the provisions of this section shall be published weekly in a Bulletin issued by the Comptroller of the Currency.

2. The purpose of this amendment is to inform the public with respect to procedures followed by the Comptroller of the Currency with respect to applications of the type referred to herein. Notice, public participation, and deferred effective date are not required for statement of procedures, and therefore were not provided in connection with the adoption of these amendments.

Dated: November 28, 1961.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 61–11411; Filed, Nov. 30, 1961; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1 (Rev. 2)]

PART 122—BUSINESS LOANS

Interest Rates

The Small Business Administration Business Loan Regulation (23 F.R. 10520) as amended (26 F.R. 4192, 5175, 5956, and 8169) is hereby further amended by deleting Amendment 1 (Revision 1) to §§ 122.7–4, 122.7–5, and 122.7–6 in its entirety and substituting the following in lieu thereof:

§ 122.7–4 Deferred participation loans.

Deferred participation loans are those in which a bank or other private credit institution advances the capital needed, and SBA agrees to purchase, upon demand by lending institution, an agreed portion of the unpaid balance. SBA's participation in a deferred participation loan is limited to a maximum of 90 percent of the amount of the approved loan. In such loans, SBA makes a charge to the lending institution based on a sliding scale, depending upon the percentage of the loan which it is obligated to purchase. The participation charges, which shall not be borne by the borrower, are as follows: (a) For an amount not in excess of 50 percent of the loan, ½ percent per annum on the portion of the loan which SBA is obligated to purchase; (b) for an amount in excess of 50 percent of the loan, but not in excess of 75 percent of the loan, ¾ percent per annum on the portion of the loan which SBA is obligated to purchase; and (c) for an amount in excess of 75 percent of the loan, but not in excess of 90 percent of the loan, 1 percent on the portion of the loan which SBA is obligated to purchase. After SBA has purchased its share of the loan, the interest on SBA's share will not exceed 5½ percent per annum. The participating institution may establish the interest rate on the loan, provided it is legal and reasonable. If the participating institution establishes a rate of interest less than 5½ percent, SBA will initially adopt the lower rate on its share provided it is not less than 5 percent per annum: *Provided, however,* That the interest rate on SBA's share of loans approved or disbursed subsequent to September 14, 1961 shall be 4 percent per annum, if, at the time of approval or initial disbursement, the small business concern agrees or has agreed to use the proceeds of the loan in the operation or establishment of its business located or to be located in either;

(1) A Redevelopment Area designated in accordance with the Area Redevelopment Act (Public Law 87–27), or

(2) An Area of Substantial Unemployment or an Area of Substantial and Persistent Unemployment as classified by the Department of Labor and listed in its publication "Area Labor Market Trends" continuously from the month of September 1961 until approval or initial disbursement of the loan.

Loans approved prior to September 15, 1961 (but not initially disbursed prior thereto) authorizing interest at the rate of 4 percent per annum on SBA's share of the loan in accordance with the provisions of § 122.7–4 as published in Amendment 1, Revision 1 of this part (26 F.R. 5175, June 9, 1961) shall not be affected by the provisions of this section.

§ 122.7–5 Immediate participation loans.

Immediate participation loans are those where either SBA or the private lending institution agrees to purchase from the other, immediately upon disbursement, an agreed percentage on each disbursement. SBA's participation in an immediate participation loan is limited to a maximum of 90 percent of the amount of the approved loan. Interest on the portion of the loan purchased by SBA shall not exceed 5½ percent per annum. The participating institution may establish the interest rate on its portion provided it is legal and reasonable. If the participating institution initially establishes a rate of interest less than 5½ percent, SBA will adopt the lower rate on its share provided it is not less than 5 percent per annum. An immediate participation loan may not be made if a deferred participation is available. *Provided however,* That the interest rate on SBA's share of loans approved or disbursed subsequent to September 14, 1961, shall be 4 percent per annum if, at the time of approval or initial disbursement, the small business concern agrees or has agreed to use the proceeds of the loan in the operation or establishment of its business located or to be located in either:

(a) A Redevelopment Area designated in accordance with the Area Redevelopment Act (Public Law 87–27), or

(b) An Area of Substantial Unemployment or an Area of Substantial and Persistent Unemployment as classified by the Department of Labor and listed in its publication "Area Labor Market Trends" continuously from the month of September 1961 until approval or initial disbursement of the loan.

Loans approved prior to September 15, 1961 (but not initially disbursed prior thereto) authorizing interest at the rate

of 4 percent per annum on SBA's share of the loan in accordance with the provisions of § 122.7–5 as published in Amendment 1, Revision 1, of this part (26 F.R. 5175, June 9, 1961) shall not be affected by the provisions of this section.

§ 122.7–6 Direct loans.

Direct loans are those made wholly and directly by SBA to the borrower when no participation by a lending institution is available. Interest on direct loans will be charged at the rate of 5½ percent per annum: *Provided, however,* That the interest rate on SBA loans approved or disbursed subsequent to September 14, 1961 shall be 4 percent per annum, if, at the time of approval or initial disbursement, the small business concern agrees or has agreed to use the proceeds of the loan in the operation or establishment of its business located or to be located in either:

(a) A Redevelopment Area designated in accordance with the Area Redevelopment Act (Public Law 87–27), or

(b) An Area of Substantial Unemployment or an Area of Substantial and Persistent Unemployment as classified by the Department of Labor and listed in its publication "Area Labor Market Trends" continuously from the month of September 1961 until approval or initial disbursement of the loan.

Loans approved prior to September 15, 1961 (but not initially disbursed prior thereto) authorizing interest at the rate of 4 percent per annum in accordance with the provisions of § 122.7–6 as published in Amendment 1, Revision 1, of this part (26 F.R. 5175, June 9, 1961) shall not be affected by the provisions of this section.

The effective date of this amendment shall be September 15, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61–11372; Filed, Nov. 30, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 152; Amdt. 40–32; Supp. 34]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Carriage of Cargo in Passenger Compartments

The currently effective provisions of § 40.153 of the Civil Air Regulations govern the carriage of cargo in the passenger compartment of an air carrier airplane. This section provides, in part, that cargo shall not be carried aft of seated passengers. The intent of this provision was to safeguard passengers from any possible injury which could be caused by the shifting forward of cargo in the event the airplane was involved in a survivable crash involving high deceleration forces. The present rule, however, does not recognize that this desired safeguard could be accomplished equally well by the incorporation of suitable methods of cargo stowage designed to prevent the shifting of cargo in accidents of this nature.

As a result of a request from the air carrier industry to permit the carriage of cargo in the passenger compartment in cargo bins specifically designed for this purpose, the Federal Aviation Agency issued a notice of proposed rule making which was published in the FEDERAL REGISTER (24 F.R. 8302) and circulated as Civil Air Regulations Draft Release No. 59–15 dated October 6, 1959, and titled "Carriage of Cargo in Passenger Compartments." This notice proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to authorize the carriage of cargo in the passenger compartment without regard to its location with respect to seated passengers; *Provided:*

(a) The cargo is carried in approved bins which meet the strength and other safety provisions applicable to cargo and passenger compartments prescribed in Part 4b or other airworthiness part under which the airplane is type certificated, and

(b) The combined weight of the cargo and the approved bin or compartment does not exceed 35 percent of the load used in determining the design conditions for the structure (bin) involved.

It was also proposed in Draft Release 59–15 to continue the authorization to carry cargo forward of seated passengers in the passenger compartment under practically the same provisions as are presently in effect. However, one additional requirement was proposed to be incorporated into the current provision. This requirement was that cargo not carried in approved containers or compartments must be secured by tiedowns possessing sufficient strength to eliminate the possibility of shifting under emergency landing conditions.

The comments received in response to the draft release were for the most part favorable and they reflected endorsement of the principles of the proposal. However, definite opposition was expressed in the comments with regard to the requirement that tiedowns for cargo not carried in approved bins or compartments shall possess sufficient strength to withstand the inertia forces of an emergency landing condition. It was contended that to modify the existing rules by the addition of this requirement would prevent an operational practice which has been utilized for a number of years without adversely affecting safety. Therefore, in view of these comments, and since it was not the intent of the proposal to materially change the existing rule but only to provide additional means of safely carrying cargo in the passenger compartment, the final rule does not contain this requirement.

It will be noted that the final rule sets forth specific minimum requirements which a cargo bin must meet to be "approved" by a representative of the Administrator. Draft Release 59–15 contained notice of the Federal Aviation Agency's intention to require the use of "approved" cargo bins but did not specify the exact requirements for the "approval." The substance of the proposed rule on cargo bin specifications provided that the cargo bin would be required to meet the strength and other safety provisions of Part 4b or other appropriate part under which the airplane is type certificated, and that the bin would be considered as an item of mass for inertia force computations. After further study of these provisions it has been determined that the incorporation into the rule of specific minimum requirements for cargo bins would provide guidance to the industry and eliminate the need for additional directives by the Federal Aviation Agency on this subject. Accordingly, the final rule specifies the minimum requirements which such cargo bins must meet.

It will also be noted that this amendment deletes § 40.153–1, since the material covered by that section is either incorporated in § 40.153, or is no longer applicable.

Interested persons have been afforded an opportunity to participate in the making of this regulation (24 F.R. 8302), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended to read as follows, effective January 2, 1962:

1. By amending § 40.153 to read as follows:

§ 40.153 Carriage of cargo in passenger compartments.

Cargo shall not be carried in passenger compartments except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the minimum requirements of subparagraphs (1) through (7) of this paragraph.

(1) The cargo bins shall be constructed to withstand the ultimate inertia forces (ultimate load forces if appropriate) applicable to the construction of the passenger seats in the airplane in which the bins are to be installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo to be carried in the bin shall be used to determine this strength.

(2) Each bin shall be placarded with the maximum weight permitted to be carried in the bin.

(3) Cargo bins shall be constructed no higher than the height of the passenger seats installed on the airplane in which the bin is to be used.

(4) Each bin shall be secured to the seat tracks or otherwise attached to the floor structure in such a manner that its attachments will withstand the same forces that the attachments of the passenger seats in the airplane are required to withstand.

(5) Each bin shall be located in the passenger compartment so as not to restrict access to or use of any emergency or regular exit, or restrict the use of the aisle in the passenger compartment.

(6) Each bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Each bin shall be provided with suitable safeguards within the bin to prevent the cargo from being displaced under emergency landing conditions.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tiedowns possessing sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats or floor structure which exceed the structural load limitation for those components;

(4) It shall not be loaded in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle in the passenger compartment; and

(5) It shall not be loaded in any position which obscures the passengers' view of the "seat belt" and "no smoking" signs, unless an auxiliary sign or some other means for proper notification of passengers is provided.

§ 40.153–1 [Deletion]

2. By deleting § 40.153–1.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on November 27, 1961.

DAVID D. THOMAS,
Acting Administrator.

[F.R. Doc. 61–11398; Filed, Nov. 30, 1961; 8:50 a.m.]

[Reg. Docket No. 152; Amdt. 41–40]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Carriage of Cargo in Passenger Compartments

The currently effective provisions of Part 41 of the Civil Air Regulations do not provide for the carriage of cargo in the passenger compartment of an air carrier aircraft. However, the operations specifications issued to the air carriers certificated to operate under this part do authorize such carriage, subject to certain restrictions. They provide in part that cargo shall not be carried aft of seated passengers. The intent of this restriction was to safeguard passengers from any possible injury which could be caused by the shifting forward of cargo in the event the aircraft was involved in a survivable crash involving high deceleration forces. The present authorization does not recognize that this desired safeguard could be accomplished equally well by the incorporation of suitable methods of cargo stowage designed to prevent the shifting of cargo in accidents of this nature.

As a result of a request from the air carrier industry to permit the carriage of cargo in the passenger compartment in cargo bins specifically designed for this purpose, the Federal Aviation Agency issued a notice of proposed rule making which was published in the FEDERAL REGISTER (24 F.R. 8302) and circulated as Civil Air Regulations Draft Release No. 59–15 dated October 6, 1959, and titled "Carriage of Cargo in Passenger Compartments." This notice proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to authorize the carriage of cargo in the passenger compartment without regard to its location with respect to seated passengers, provided:

(a) The cargo is carried in approved bins which meet the strength and other safety provisions applicable to cargo and passenger compartments prescribed in Part 4b or other airworthiness part under which the aircraft is type certificated, and

(b) The combined weight of the cargo and the approved bin or compartment does not exceed 85 percent of the load used in determining the design conditions for the structure (bin) involved.

It was also proposed in Draft Release 59–15 to continue the authorization to carry cargo forward of seated passengers in the passenger compartment under practically the same provisions as are currently in effect. However, one additional requirement was proposed to be incorporated into the current provision. This requirement was that cargo not carried in approved containers or compartments must be secured by tiedowns possessing sufficient strength to eliminate the possibility of shifting under emergency landing conditions.

The comments received in response to the draft release were for the most part favorable and they reflected endorsement of the principles of the proposal. However, definite opposition was expressed in the comments with regard to the requirement that tiedown for cargo not carried in approved bins or compartments shall possess sufficient strength to withstand the inertia forces of an emergency landing condition. It was contended that to modify the existing authorization by the addition of this requirement would prevent an operational practice which has been utilized for a number of years without adversely affecting safety. Therefore, in view of these comments, and since it was not the intent of the proposal to materially change the existing authorization but only to provide additional means of safely carrying cargo in the passenger compartment, the final rule does not contain this requirement.

It will be noted that the final rule sets forth specific minimum requirements which a cargo bin must meet to be "approved" by a representative of the Administrator. Draft Release 59–15 contained notice of the Federal Aviation Agency's intention to require the use of "approved" cargo bins but did not specify the exact requirements for the "approval." The substance of the proposed rule on cargo bin specifications provided that the cargo bin would be required to meet the strength and other safety provisions of Part 4b or other appropriate part under which the aircraft is type certificated, and that the bin would be considered as an item of mass for inertia force computations. After further study of these provisions it has been determined that the incorporation into the rule of specific minimum requirements for cargo bins would provide guidance to the industry and eliminate the need for additional directives by the Federal Aviation Agency on this subject. Accordingly, the final rule specifies the minimum requirements which such cargo bins must meet.

Interested persons have been afforded an opportunity to participate in the making of this regulation (24 F.R. 8302), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended by adding a new § 41.136 to read as follows, effective January 2, 1962.

§ 41.136 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the minimum requirements of subparagraphs (1) through (7) of this paragraph.

(1) The cargo bin shall be constructed to withstand the ultimate inertia forces (ultimate load forces if appropriate) applicable to the construction of the passenger seats in the airplane in which the bins are to be installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo to be carried in the bin shall be used to determine this strength.

(2) Each bin shall be placarded with the maximum weight permitted to be carried in the bin.

(3) Cargo bins shall be constructed no higher than the height of the passenger seats installed on the aircraft in which the bin is to be used.

(4) Each bin shall be secured to the seat tracks or otherwise attached to the floor structure in such a manner that its attachments will withstand the same forces that the attachments of the passenger seats in the airplane are required to withstand.

(5) Each bin shall be located in the passenger compartment so as not to restrict access to or use of any emergency or regular exit, or restrict the use of the aisle in the passenger compartment.

(6) Each bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Each bin shall be provided with suitable safeguards within the bin to prevent the cargo from being displaced under emergency landing conditions.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tie-downs possessing sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats or floor structure which exceed the structural load limitation for those components;

(4) It shall not be loaded in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle in the passenger compartment; and

(5) It shall not be loaded in any position which obscures the passengers' view of the "seat belt" and "no smoking" signs, unless an auxiliary sign or some other means for proper notification of passengers is provided.

(Secs. 313(a), 601, 604, 605, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on November 27, 1961.

DAVID D. THOMAS,
Acting Administrator.

[F.R. Doc. 61-11399; Filed, Nov. 30, 1961; 8:50 a.m.]

[Reg. Docket No. 152; Amdt. 42-35]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Carriage of Cargo in Passenger Compartments

The currently effective provisions of Part 42 of the Civil Air Regulations do not provide for the carriage of cargo in the passenger compartment of an air carrier aircraft. However, the operations specifications issued to the air carriers certificated to operate under this part do authorize such carriage, subject to certain restrictions. They provide in part that cargo shall not be carried aft of seated passengers. The intent of this restriction was to safeguard passengers from any possible injury which could be caused by the shifting forward of cargo in the event the aircraft was involved in a survivable crash involving high deceleration forces. The present authorization does not recognize that this desired safeguard could be accomplished equally well by the incorporation of suitable methods of cargo stowage designed to prevent the shifting of cargo in accidents of this nature.

As a result of a request from the air carrier industry to permit the carriage of cargo in the passenger compartment in cargo bins specifically designed for this purpose, the Federal Aviation Agency issued a notice of proposed rule making which was published in the FEDERAL REGISTER (24 F.R. 8302) and circulated as Civil Air Regulations Draft Release No. 59-15 dated October 6, 1959, and titled "Carriage of Cargo in Passenger Compartments." This draft release proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to authorize the carriage of cargo in the passenger compartment without regard to its location with respect to seated passengers: *Provided:*

(a) The cargo is carried in approved bins which meet the strength and other safety provisions applicable to cargo and passenger compartments prescribed in Part 4b or other airworthiness part under which the aircraft is type certificated, and

(b) The combined weight of the cargo and the approved bin or compartment does not exceed 85 percent of the load used in determining the design conditions for the structure (bin) involved.

It was also proposed in Draft Release 59-15 to continue the authorization to carry cargo forward of seated passengers in the passenger compartment under practically the same provisions as are currently in effect. However, one additional requirement was proposed to be incorporated into the current provision. This requirement was that cargo not carried in approved containers or compartments must be secured by tiedowns possessing sufficient strength to eliminate the possibility of shifting under emergency landing conditions.

The comments received in response to the draft release were for the most part favorable and they reflected endorsement of the principles of the proposal. However, definite opposition was expressed in the comments with regard to the requirement that tiedowns for cargo not carried in approved bins or compartments shall possess sufficient strength to withstand the inertia forces of an emergency landing condition. It was contended that to modify the existing authorization by the addition of this requirement would prevent an operational practice which has been utilized for a number of years without adversely affecting safety. Therefore, in view of these comments, and since it was not the intent of the proposal to materially change the existing authorization but only to provide additional means of safely carrying cargo in the passenger compartment, the final rule does not contain this requirement.

It will be noted that the final rule sets forth specific minimum requirements which a cargo bin must meet to be "approved" by a representative of the Administrator. Draft Release 59-15 contained notice of the Federal Aviation Agency's intention to require the use of "approved" cargo bins but did not specify the exact requirements for the "approval." The substance of the proposed rule on cargo bin specifications provided that the cargo bin would be required to meet the strength and other safety provisions of Part 4b or other appropriate part under which the aircraft is type certificated, and that the bin would be considered as an item of mass for inertia force computations. After further study of these provisions it has been determined that the incorporation into the rule of specific minimum requirements for cargo bins would provide guidance to the industry and eliminate the need for additional directives by the Federal Aviation Agency on this subject. Accordingly, the final rule specifies the minimum requirements which such cargo bins must meet.

Interested persons have been afforded an opportunity to participate in the making of this regulation (24 F.R. 8302), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended by adding a new § 42.66 to read as follows, effective January 2, 1962:

§ 42.66 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the minimum requirements of subparagraphs (1) through (7) of this paragraph.

(1) The cargo bin shall be constructed to withstand the ultimate inertia forces (ultimate load forces if appropriate) applicable to the construction of the passenger seats in the airplane in which the bins are to be installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo to be carried in the bin shall be used to determine this strength.

(2) Each bin shall be placarded with the maximum weight permitted to be carried in the bin.

(3) Cargo bins shall be constructed no higher than the height of the passenger seats installed on the aircraft in which the bin is to be used.

(4) Each bin shall be secured to the seat tracks or otherwise attached to the floor structure in such a manner that its attachments will withstand the same forces that the attachments of the passenger seats in the airplane are required to withstand.

(5) Each bin shall be located in the passenger compartment so as not to restrict access to or use of any emergency or regular exit, or restrict the use of the aisle in the passenger compartment.

(6) Each bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Each bin shall be provided with suitable safeguards within the bin to prevent the cargo from being displaced under emergency landing conditions.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tiedowns possessing sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats or floor structure which exceed the structural load limitations for those components;

(4) It shall not be loaded in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle in the passenger compartment; and

(5) It shall not be loaded in any position which obscures the passengers' view of the "seat belt" and "no smoking" signs, unless an auxiliary sign or some other means for proper notification of passengers is provided.

(Secs. 313(a), 601, 604, 605, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on November 27, 1961.

DAVID D. THOMAS,
Acting Administrator.

[F.R. Doc. 61-11400; Filed, Nov. 30, 1961; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-29]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Cleveland, Ohio, to United States-Canadian Border

On August 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8076) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1749 as a 10-mile wide airway from the Cleveland, Ohio, VOR via the Cleveland VOR 024° True radial to the United States-Canadian border.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 600 (14 CFR Part 600) is amended by adding the following:

§ 600.1749 VOR Federal airway No. 1749 (Cleveland, Ohio, to the United States-Canadian border).

From the Cleveland, Ohio, VOR; 10-mile wide airway via the Cleveland VOR 024° radial to the United States-Canadian border.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 27, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11391; Filed, Nov. 30, 1961; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

High Frequency and Microwave Regions

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

Part 201 is amended by the addition of new sections on high frequency and microwave regions to read as follows:

HIGH FREQUENCY REGION

Sec.
201.800 General.
201.801 Rf, rf–dc voltmeters, and thermal converters in frequency range of 30 kc to 400 Mc; from 0.2 to 500 volts.
201.802 Rf voltmeters and signal sources at 30 kc to 900 Mc, from 1 microvolt to 0.1 volt.
201.803 Power meters, 30 kc to 400 Mc.
201.804 Impedance, 30 kc to 300 Mc.
201.805 Dissipative coaxial attenuators.
201.806 Waveguide below-cutoff (or piston) attenuators.
201.807 Coaxial directional couplers.
201.808 Field strength meters, 30 cps to 1000 Mc.

MICROWAVE REGION

201.900 General.
201.901 Low level, continuous power measurements on waveguide bolometer mounts, bolometer-directional coupler combinations, and dry calorimeters.
201.902 Reflection coefficient magnitude measurement on waveguide reflectors (mismatches).
201.903 Frequency measurement on cavity wavemeters.
201.904 Attenuation measurements on attenuators.

AUTHORITY: §§ 201.800 to 201.904 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

HIGH FREQUENCY REGION

§ 201.800 General.

(a) (1) In the high frequency region of approximately 30 kc to 300 Mc and higher, the Electronic Calibration Center, Boulder Laboratories, is equipped to calibrate standards of voltage, power, impedance, attenuation, and field strength. These standards are limited at present to those designed for cw measurements and those having coaxial terminals (usually Type N connectors). No general provisions have yet been made for standards with balanced transmission-line terminals.

(2) Stable rf power sources and detectors are required to perform such measurements. This is accomplished by use of crystal-controlled rf power sources and receivers. Rf power sources have power stabilization circuits that provide a power output constant to within 0.1 percent or better over periods of one hour or more. Special low noise, crystal-controlled receivers meet the exacting requirements to monitor or detect these signals. In using standards at high frequencies it is often desirable, and even necessary, to duplicate these conditions.

(3) Calibration services for high frequency standards are available at the fixed frequencies of 30, 100, and 300 kc, and 1, 3, 10, 30, 100, and 300 Mc. Calibrations are available at other frequencies for some standards, as well as continuous frequency coverage up to 1000 Mc for certain calibrations but usually with less accuracy.

(4) Type N connectors limit the accuracy of measurements in the high frequency region to some extent. To avoid instability from this cause, certain mechanical dimensions of Type N connectors used on interlaboratory standards should fall within tolerances specified by the Armed Services Electro Standards Agency (ASESA) in Procurement Specification MIL–C–71. If dimensions fall outside the specified tolerances, there is a possibility of damaging the mating connectors on interlaboratory standards and NBS working standards. Details for the Plug UG–21D/U are from Military Standard Drawing No. MS 91236 (supersedes Drawing No. AS–2110). Details for the Receptacle UG–22D/U or UG–23D/U are from Military Standard Drawing No. MS 91237 (supersedes Drawing No. AS–2110). This information can be procured from the Director, Armed Services Electro Standards Agency, Fort Monmouth, N.J.

(b) Fees: The fees to be charged for the following calibration services performed at the Boulder Laboratories are not fixed at this time but estimates will be furnished on request to those who plan to submit standards for calibration. However, these estimates are not binding and bills will be submitted for the actual costs incurred by the Electronic Calibration Center.

§ 201.801 Rf, rf–dc voltmeters, and thermal converters in the frequency range of 30 kc to 400 Mc; from 0.2 to 500 volts.

Ordinarily instruments equally suitable for use on dc and rf will be calibrated only for rf–dc difference by the procedure of item 201.801a, since periodic calibrations can be made by the user on reversed direct current. Such reversed d–c calibrations will be made at NBS only under unusual circumstances and by advance arrangement. Instruments suitable for use only on rf will be given rf calibrations by the procedures of items 201.801 a, b. Instruments which respond to average or peak values or which are not in ASA accuracy class ¼ percent or better are not usually accepted for calibration below 30 Mc.

Item	Description	Fee
201.801a	Determination of voltage at 30, 100, 300 kc, 1, 3, 10, 30, and 100 Mc from 0.2 to 500 volts	(*)
201.801b	Determination of voltage at 300 and 400 Mc from 0.2 to 100 volts	(*)
201.801z	Special calibrations not covered by the above schedule	(*)

§ 201.802 Rf voltmeters and signal sources in the frequency range of 30 kc to 900 Mc, from 1 microvolt to 0.1 volt.

The Bureau normally issues reports of calibrations only on high quality voltmeters suitable for use as interlaboratory standards. These instruments should have a stability of one percent or better and an accuracy of three percent. Rf voltmeters will be calibrated by the procedures of items 201.802 a, b. Reports of calibrations are issued on signal sources high enough in quality to be considered as interlaboratory standards. If these instruments are equally suitable for use on dc and rf, they will be calibrated for ac–dc difference by the procedures of items 201.802 a, b, c. Signal sources suitable for use only on rf will be calibrated by the procedures of items 201.802 a, c.

Item	Description	Fee
201.802a	Determination of voltage for voltmeters and signal sources from 30 kc to 400 Mc, from 1 microvolt to 0.1 volt	(*)
201.802b	Determination of voltage for voltmeters from 400 to 1000 Mc, from 100 microvolts to 0.1 volt	(*)
201.802c	Determination of voltage for signal sources from 30 kc to 900 Mc, from 100 microvolts to 0.1 volt	(*)
201.802z	Special calibrations not covered by the above schedule	(*)

§ 201.803 Power meters, 30 kc to 400 Mc.

(a) For maximum calibration accuracy, interlaboratory rf power meters should repeat readings to one percent or better with a constant power input.

(b) At present only rf power meters utilizing Type N connectors for rf power input can be calibrated. If an adapter to a Type N connector is necessary, it must be sealed on the instrument prior to making measurements in order for the calibration to be valid. Refer to 201.800 for special requirements of Type N connectors used on interlaboratory standards.

Item	Description	Fee
201.803a	Calibration of rf power meters at one frequency at 100, 300 kc; 1, 3, 10, 30 Mc; and at one power level from 0.001 to 200 watts	(*)
201.803b	Calibration of rf power meters at one frequency at 100, 200, 300, 400 Mc; at one power level from 0.001 to 100 watts	(*)
201.803c	Each additional power level for the same instrument at the same frequency	(*)
201.803z	Special calibrations not covered by the above schedule	(*)

§ 201.804 Impedance, 30 kc to 300 Mc.

(a) Maximum accuracy can be given only in the case of instruments and components equipped with connectors having a plane of reference directly compatible with the NBS system with no necessity for special adapters. For items equipped with connectors which must be adapted to the NBS system, reduced accuracies will be given depending upon the assessment of possible errors incurred. Power applied to any item under test will normally not exceed 1 watt. Where caution in this respect is necessary it should be clearly stated in the calibration request.

(b) All items in the following table are for grounded, two-terminal devices, with the exception of the direct or three-terminal capacitance services listed as items 201.804h and 201.804i.

Item	Description	Fee
201.804a	Impedance measurement at one point in the frequency range 30 to 400 kc; 100 to 10,000 ohms resistance, and 100 to 1100 microhenries inductance	(*)
201.804b	Each additional point within the limits in item 201.804a	(*)
201.804c	Impedance measurement at one point in the frequency range 30 kc to 1 Mc; 1 to 1,000 ohms resistance, and 1 to 110 microhenries inductance	(*)
201.804d	Each additional point within the limits in item 201.804c	(*)
201.804e	Admittance measurement at one point in the frequency range 30 kc to 1 Mc; 1 to 1100 micromhos conductance, and 10 to 1100 picofarads capacitance	(*)
201.804f	Each additional point within the limits of item 201.804e	(*)
201.804g	Admittance measurement at one point in the frequency range 5 to 100 Mc; 1 to 50 micromhos conductance, and 1 to 50 picofarads capacitance	(*)
201.804h	Direct capacitance measurement at 465 kc at one point in the range 0.001 to 100 picofarads	(*)
201.804i	Each additional point within the limits of item 201.804h	(*)
201.804j	Impedance measurement of coaxial components at frequencies from 50 to 500 Mc, within the ranges 0.5 to 5000 ohms for impedance magnitude and 0 to 90° for phase angle	(*)
201.804k	Q-Standard calibration in the frequency range 50 kc to 54 Mc, 0 to 1000 for effective Q and 30 to 450 picofarads for effective resonating capacitance	(*)
201.804z	Special calibrations not covered by the above schedule	(*)

§ 201.805 Dissipative coaxial attenuators.

Dissipative coaxial attenuators are ordinarily calibrated in a system having characteristic impedance of 50+j0 ohms. Since mismatch affects calibration accuracy, the types of allowable connectors are limited. Only Type N connectors meeting MIL–C–70 Specification or flanged connectors having a known plane of reference compatible with those in use by NBS will be accepted. Maximum power to any attenuator will not exceed twenty milliwatts unless prior arrangements for higher power levels have been made. Calibrations are performed at the following frequencies: 1, 10, 30, 60, 100 and 300 Mc. The accuracy given will vary from 0.01 to 0.1 decibel, depending on the quality of the device.

Item	Description	Fee
201.805a	Fixed coaxial attenuators at one frequency. Range: 0–100 decibels	(*)
201.805b	One point on any resistive step attenuator at one frequency. Range: 0–100 decibels	(*)
201.805c	Each additional determination on resistive step attenuator at one frequency. Range: 0–100 decibels	(*)
201.805z	Special calibrations not covered by the above schedule	(*)

§ 201.806 Waveguide below-cutoff (or piston) attenuators.

Waveguide below-cutoff attenuators are ordinarily calibrated in a system having a characteristic impedance of 50+j0 ohms. Only connectors meeting the MIL–C–71 Specification or flanged connectors having a known reference plane compatible with those in use by NBS will be accepted. Maximum power to any attenuator will not exceed twenty milliwatts unless prior arrangements have been made. Calibrations are performed at the following frequencies: 1, 10, 30, 60, 100 and 300 Mc. The accuracy given will vary from 0.01 to 0.1 decibel depending on the quality of the instrument.

Item	Description	Fee
201.806a	One increment on a variable piston attenuator at one frequency. Range (including initial insertion loss): 20–110 decibels	(*)
201.806b	Each additional increment calibrated at one frequency (same range as above)	(*)
201.806z	Special calibrations not covered by the above schedule	(*)

§ 201.807 Coaxial directional couplers.

Directional couplers are calibrated in accordance with § 201.805. Terminations must be supplied for any arm not used during a measurement. Connectors, accuracy, and frequency in accordance with § 201.805.

Item	Description	Fee
201.807a	Single insertion loss measurement between any two arms at one frequency. Range: 0–100 decibels	(*)
201.807z	Special calibrations not covered by the above schedule	(*)

§ 201.808 Field strength meters, 30 cps to 1000 Mc.

(a) Field strength standards and field strength meters are calibrated in terms of cw signals in the frequency range from 30 cps to 1000 Mc. Loop antennas are calibrated in the frequency range from 30 cps to 30 Mc, and horizontally polarized dipole antennas are calibrated from 30 to 300 Mc. The magnitude of the calibrating fields vary from approximately 25 to 200 mv/m for loop antennas, and approximately 50 mv/m for dipole antennas. The accuracy of the antenna calibrations varies from 3 to 15 percent depending on the frequency and the quality of the instrument.

(b) The internal characteristics of field strength meters, such as: the overall linearity of the receiver, accuracy of the signal input attenuators, and the accuracy of the receiver as a two-terminal rf voltmeter can be measured at frequencies from 30 cps to 1000 Mc. The accuracy of these measurements vary from approximately 1 to 10 percent depending on the frequency and quality of the instrument.

(c) When field strength standards or meters are submitted for calibration an instruction manual and all accessories should be included, and the instrument should be in perfect operating condition.

Item	Description	Fee
201.808a	Calibration of loop antennas at one frequency; 30 cps to 30 Mc	(*)
201.808b	Calibration of loop antennas at frequencies additional to item 201.808a, 30 cps to 1 Mc	(*)
201.808c	Calibration of loop antennas at frequencies additional to item 201.808a, 1 to 30 Mc	(*)
201.808d	Calibration of dipole antennas at one frequency, 30 to 300 Mc	(*)
201.808e	Calibration of dipole antennas at frequencies additional to item 201.808d, 30 to 300 Mc	(*)
201.808f	Calibration of input attenuators at one frequency, initial step	(*)
201.808g	Calibration of additional steps of input attenuators in addition to item 201.808f	(*)
201.808h	Calibration of the overall linearity of receiver and output circuits at one frequency and one attenuator setting, initial point	(*)
201.808i	Calibration of overall linearity of receiver at other points in addition to item 201.808h	(*)
201.808j	Calibration of the receiver as a two-terminal rf voltmeter, 1 to 1000 microvolts, 0 to 400 Mc, at one frequency	(*)
201.808k	Calibration of the receiver as a two-terminal rf voltmeter at other frequencies in addition to item 201.808j	(*)
201.808l	Calibration of receiver as a two-terminal rf voltmeter, 1 to 1000 microvolts, 400 to 1000 Mc, at one frequency	(*)
201.808m	Calibration of receiver as a two-terminal rf voltmeter at other frequencies in addition to item 201.808l	(*)
201.808z	Special calibrations not covered by the above schedule	(*)

Microwave Region

§ 201.900 General.

(a) (1) Microwave calibration services presently available in the Electronic Calibration Center, Boulder Laboratories include measurements in power, impedance, frequency, and attenuation. The frequency range covered for each of the measurements is given below. Both coaxial and waveguide transmission lines are encountered in these frequency ranges.

(2) A factor seriously limiting the accuracy of measurements on coaxial transmission line components at microwave frequencies is the connector used to place them in the calibration system. To avoid instability from this cause, certain mechanical dimensions of Type N connectors used on interlaboratory standards should fall within tolerances specified by the Armed Services Electro Standards Agency (ASESA) in Procurement Specification MIL–C–71. If dimensions fall outside the specified tolerances, there is a possibility of damaging the mating connectors on interlaboratory standards and NBS working standards. Details for the Plug UG–21D/U are from Military Standard Drawing No. MS 91236 (supersedes Drawing No. AS–2110). Details for the Receptacle UG–22D/U or UG–23D/U are from Military Standard Drawing No. MS 91237 (supersedes Drawing No. AS–2110). This information can be procured from the Director, Armed Services Electro Standards Agency, Fort Monmouth, N.J.

(3) In performing microwave calibrations, a considerable amount of time usually is needed to prepare the system for measurement operation. Much of this preparation is related to the adjustment of the system to the frequency of operation selected for the calibration. Time and cost often can be reduced by minimizing the number of times the operating frequency of the calibration system must be readjusted. To help in achieving this reduction in costs, a list of suggested calibration frequencies is presented in the following table. These frequencies are suggested for use in connection with this schedule and for interlaboratory standards utilizing terminations consisting of the standard waveguide sizes given below in the list of Suggested Calibration Frequencies. It should be emphasized that the suggested frequencies are primarily for economy and for convenience to those requesting calibrations. In general the calibration instrumentation for the microwave region is intended to provide complete and continuous frequency coverage as appropriate for the various waveguide sizes. Those having need for calibrations of other than suggested frequencies can be accommodated.

Suggested Calibration Frequencies

EIA waveguide designation	Frequency range Gc	Calibration frequencies Gc		
		No. 1	No. 2	No. 3
WR 284	2.60– 3.95	2.85	3.25	3.55
WR 187	3.95– 5.85	4.35	4.90	5.25
WR 137	5.85– 8.20	6.45	7.00	7.40
WR 112	7.05–10.0	7.75	8.50	9.00
WR 90	8.20–12.4	9.00	9.80	11.2
WR 62	12.4 –18.0	13.5	15.0	17.0
WR 42	18.0 –26.5	19.8	22.0	23.8
WR 28	26.5 –40.0	29.0	33.0	37.0

(b) Fees*: The fees to be charged for the following calibration services performed at the Boulder Laboratories are not fixed at this time but estimates will be furnished on request to those who plan to submit standards for calibration. However, these estimates are not binding and bills will be submitted for the actual costs incurred by the Electronic Calibration Center.

§ 201.901 Low level, continuous power measurement on waveguide bolometer mounts, bolometer-directional coupler combinations, and dry calorimeters.

(a) Power measurements are made on barretter-type bolometer mounts having nominal resistance of 100 to 200 ohms at a bias current between 3.5 and 10 milliamperes, and on thermistor-type bolometer mounts having a nominal resistance of either 100 or 200 ohms at a bias current between 5 and 15 milliamperes.

*See § 201.800(b).

(b) Power measurements are made on bolometer mounts at power levels from 0.1 to 10 milliwatts.

(c) Power measurements are made on bolometer mount-directional coupler combinations having coupling ratios from 3 to 20 decibels.

(d) Power measurements are made on dry calorimeters at power levels from 10 to 100 milliwatts.

(e) Power measurement devices are calibrated in waveguide size WR 90 over the frequency range of 8.2 to 12.0 Gc.

(f) Effective efficiency for bolometer mounts is defined as the ratio of the substituted dc power in the bolometer element to the microwave power dissipated within the bolometer mount.

(g) Calibration factor for bolometer mounts is defined as the ratio of the substituted dc power in the bolometer element to the microwave power incident upon the bolometer mount.

(h) Calibration factor for bolometer mount-directional coupler combinations is defined as the ratio of the substituted dc power in the bolometer element on the side arm of the directional coupler to the microwave power incident upon a nonreflecting load attached to the mainline port.

Item	Description	Fee
201.901a	Measurement of effective efficiency of bolometer mount at a single frequency	(*)
201.901b	Measurement of calibration factor of bolometer mount at a single frequency	(*)
201.901c	Measurement of calibration factor of bolometer mount-directional coupler combination at a single frequency	(*)
201.901d	Measurement of output voltage vs input microwave power for dry calorimeter at a single frequency	(*)
201.901z	Special calibrations not covered by the above schedule	(*)

§ 201.902 Reflection coefficient magnitude measurement on waveguide reflectors (mismatches).

(a) Reflection coefficient measurements are made on reflectors producing a reflection coefficient magnitude in the range of 0.025 to 1.0.

(b) Reflectors must be fitted with standard types of waveguide flanges. The face of these flanges should be machined flat and smooth and should not contain protrusions or indentations. The connecting holes of the flange should be symmetrically and accurately aligned to the rectangular waveguide opening.

(c) Reflectors are calibrated in waveguide size WR 90 over the frequency range of 8.2 to 12.4 Gc.

Item	Description	Fee
201.902a	Measurement of reflection coefficient magnitude of reflector at a single frequency	(*)
201.902z	Special calibrations not covered by the above schedule	(*)

§ 201.903 Frequency measurement on cavity wavemeters.

(a) Frequency measurements are made on fixed or variable cavity wavemeters of either the reaction (one port) type or the transmission (two port) type.

(b) Frequency measurements are made on fixed or variable cavity wave-

meters having coaxial terminals with Type N connectors (male or female) over the frequency range of 100 Mc to 10 Gc.

(c) Frequency measurements are made on fixed or variable cavity wavemeters having standard rectangular waveguide terminals with standard type waveguide flanges over the frequency range of 2.6 to 75 Gc.

Item	Description	Fee
201.903a	Measurement of resonant frequency of fixed cavity wavemeter	(*)
201.903b	Setting of adjustable cavity wavemeter at prescribed resonant frequency	(*)
201.903c	Calibration of dial setting vs frequency of variable cavity wavemeter at prescribed frequencies	(*)
201.903z	Special calibrations not covered by the above schedule	(*)

§ 201.904 Attenuation measurements on attenuators.

(a) Attentuation difference measurements are made on step or continuously variable attenuators usually with the zero dial setting used as the reference position. Insertion loss measurements are made on fixed attenuators.

(b) Attenuation measurements are made over the attenuation range of zero to 50 decibels. This attenuation range can be extended to 70 decibels in some frequency ranges.

(c) Fixed attenuators terminated in coaxial transmission line must be fitted with Type N connectors and must provide a female connector at one port and a male connector at the other port.

(d) Attenuation measurements are made on attenuators having coaxial terminals over the frequency range of 300 Mc to 5.6 Gc.

(e) Attenuation measurements are made on attenuators having standard rectangular waveguide terminals over the frequency range of 2.6 to 26.5 Gc.

(f) Variable attenuators should have a repeatability of setting better than ±0.1 decibel.

(g) Attenuators having coaxial terminals should have a maximum VSWR not greater than 1.20 at either port.

(h) Attenuators having standard rectangular waveguide terminals should have a maximum VSWR not greater than 1.10 at either port.

Item	Description	Fee
201.904a	Measurement of attenuation difference of direct reading variable attenuator at a single frequency and at prescribed dial settings	(*)
201.904b	Calibration of dial setting vs prescribed decibel values for indirect reading variable attenuator at a single frequency	(*)
201.904c	Measurement of insertion loss of fixed attenuators at a single frequency	(*)
201.904z	Special calibrations not covered by the above schedule	(*)

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 61-11374; Filed, Nov. 30, 1961; 8:47 a.m.]

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Descriptive List; Metal Organic Standards

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list,* Paragraph (ee) *Metal organic standards* is amended to renumber sample (1052) and to add a new sample (1074) to read as follows:

Sample No.	Description	Approximate weight of sample in grams	Price per sample
1052a	Bis(1-phenyl-1,3-butanedi-ono)-oxo-vanadium(IV).	5	$10.00
1074	Calcium 2-ethylhexanoate	5	10.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 61-11397; Filed, Nov. 30, 1961; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8386 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

M. Cohen & Son Coats & Suits, Inc., et al.

Subpart—Appropriating trade name or mark wrongfully: § 13.295 *Appropriating trade name or mark wrongfully:* § 13.295–65 *Product.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* § 13.2280–30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, M. Cohen & Son Coats & Suits, Inc. et al., New York, N.Y., Docket 8386, Sept. 19, 1961]

In the Matter of M. Cohen & Son Coats & Suits, Inc., a Corporation and Max Cohen and Irving Elkin, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by using the name "Golden Glory Fox", registered trademark of another, to describe their "Bleached Blue Fox" on labels and invoices, and by failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That respondents M. Cohen & Son Coats & Suits, Inc., a corporation, and its officers and Max Cohen and Irving Elkin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely and deceptively labeling by using the term "Golden Glory" to describe furs of the fox family, or falsely and deceptively so using any registered trademark of another person to describe furs or fur products.

B. Falsely and deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Falsely or deceptively using on invoices the trademark "Golden Glory" to describe furs of the fox family or falsely and deceptively so using any registered trademark of another person to describe furs or fur products.

3. Failing to set forth the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11359; Filed, Nov. 30, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2543]

[87335]

UTAH

Opening Lands Subject to Section 24 of the Federal Power Act

1. In DA–141–Utah, the Federal Power Commission determined that the value of the following described lands, withdrawn in Power Site Reserve No. 122 and Power Site Classification No. 219, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and subject to the condition that in the event said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

SALT LAKE MERIDIAN

T. 40 S., R. 22 E.

Power Site Reserve No. 122

Sec. 29, lots 3, 4, 6, and NW¼NW¼.

Power Site Classification No. 219

Sec. 30, N½NE¼ and NE¼NW¼.

Containing 162.72 acres.

2. Subject to section 24 of the Federal Power Act, supra, and the condition recited in paragraph 1 of this order, the lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on May 22, 1962, the State of Utah shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply for the reservation to it or to any of its political subdivisions, under any regulation or statute applicable thereto, of any of the lands required for rights-of-way or for materials sites in accordance with the provisions of the said section 24 of the Federal Power Act.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11363; Filed, Nov. 30, 1961; 8:46 a.m.]

[Public Land Order 2544]

COLORADO

Power Site Cancellation No. 164; Partly Revoking Power Site Classification No. 89; Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 116)

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determinations of the Federal Power Commission in DA–435 and DA–431, Colorado, it is ordered as follows:

1. The departmental order of February 24, 1925, designated Power Site Classification No. 89, is hereby cancelled so far as it affects the following described lands (DA–435):

[Colorado 042350]

SIXTH PRINCIPAL MERIDIAN

T. 4 S., R. 85 W.,
Sec. 31, lots 7 and 8.

Containing 24.30 acres.

The lands have been classified for disposition only under the provisions of the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869–869–3), as amended. Therefore, they shall not be subject to disposition under any other public land law unless and until it is so provided by further order of an authorized officer of the Bureau of Land Management opening the lands to such disposition.

2. In DA–431–Colorado, the Federal Power Commission determined that the value of the following described lands, withdrawn for Power Site Reserve No. 116, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

[Colorado 035502]

SIXTH PRINCIPAL MERIDIAN

T. 4 S., R. 86 W.,
Sec. 10, lot 3.

Containing 33.48 acres.

3. Subject to the provisions of section 24 of the Federal Power Act, the lands described in paragraph 2 of this order are hereby restored to operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on May 22, 1962, the State of Colorado shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period, the State may also apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for rights-of-way or materials sites, in accordance with the provisions of section 24 of the Federal Power Act, supra. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11364; Filed, Nov. 30, 1961; 8:46 a.m.]

[Public Land Order 2546]

ALASKA

Withdrawing Lands for Use of the Forest Service as Administrative Sites; Partly Revoking Public Land Order No. 842 of June 19, 1952

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn as indicated, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

a. From all forms of appropriation under the public land laws, including the mining laws:

[Juneau 011213]

AUKE BAY AREA

Auke Bay Administrative Site

Lot 1, U.S. Survey 3819 (unapproved).

Containing 0.73 acre.

b. From prospecting, location, entry, and purchase under the mining laws of the United States:

[Juneau 011940]

DOUGLAS ISLAND AREA

TONGASS NATIONAL FOREST

North Douglas Administrative Site

Beginning at a point N. 10°29' E., 102.81 chains from Corner No. 2 of U.S.S. No. 1555 and also N. 63° W., 0.14 chains from Station P–569+00 on the P-Line of B.P.R. North Douglas Forest Highway Extension No. 30; thence West, 8.0 chains; North, 8.04 chains to the line of mean high water; Easterly, 10.19 chains with the line of mean high water; S. 9° W., 9.96 chains to the point of beginning.

Containing 6.86 acres.

2. Public Land Order No. 842 of June 19, 1952, is hereby revoked so far as it affects the land described in paragraph 1(a) of this order.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11366; Filed, Nov. 30, 1961; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55519]

PART 3—DOCUMENTATION OF VESSELS

Preferred Mortgages on Certain Vessels of Less Than 200 But Not Less Than 25 Gross Tons

The Act of September 26, 1961 (Public Law 87–303, 87th Congress; 75 Stat. 661; T.D. 55491), further amends subsection (D)(a) of the Ship Mortgage Act, 1920 (46 U.S.C. 922), in effect, to permit the placing of preferred mortgage on towboats, barges, scows, lighters, car floats, canal boats, or tank vessels of less than 200 gross tons but not less than 25 gross tons. In order to give effect to that enactment, the following amendments are made to the Customs Regulations:

Paragraph (a) of footnote 24 appended to § 3.37(a), is amended by striking out "of less than two hundred gross tons" and inserting in lieu thereof "of less than twenty-five gross tons" so that the portion of paragraph (a) which precedes subparagraph (1) of the footnote will read as follows:

[24] (a) A valid mortgage which at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than twenty-five gross tons), shall, in addition, have, in respect to such vessel and as of the date of the compliance with all the provisions of this subsection, the preferred status given by the provisions of section 953 of this title, if—

Section 3.37(b) is amended to read as follows:

(b) A preferred mortgage may not be placed upon any vessel which is not a documented vessel, nor upon any vessel of less than twenty-five gross tons [24a] which is a towboat (including tugs and other vessels used for towing), barge, scow, lighter, car float, canal boat, or tank vessel. It may cover more than one vessel, but may not be limited to a part of any vessel.

Part 3 is amended to add a footnote 24a reading as follows:

[24a] Section 1(b), Public Law 87–303, approved September 26, 1961 (75 Stat. 661), provides that the amendment reducing the minimum tonnage for preferred mortgages on certain classes of vessels from 200 to 25 gross tons under subsection (D) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 922), shall not apply to (1) any mortgage in existence on the date of enactment or (2) any mortgage placed on a vessel after the date of enacement under a mortgage on such vessel in existence on the date of enactment so long as such existing mortgage remains undischarged.

(R.S. 161, sec. 2, 23 Stat. 118, as amended, sec. 30, subsec. D, 41 Stat. 1000, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 922)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: November 24, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–11384; Filed, Nov. 30, 1961; 8:49 a.m.]

[T.D. 55520]

PART 21—CARTAGE AND LIGHTERAGE

Requirement for Bid Bonds

The following amendment is made to remove the mandatory provision that all bids for contracts for Government cartage shall be supported by bid bonds submitted to the collector of customs who solicited such bids.

The fifth sentence of § 21.4(a) is amended to read as follows: "If the collector of customs determines that a bid guarantee is necessary, the bids for such cartage shall be supported by bid bonds submitted to the collector who has solicited such bids."

(Secs. 565, 624, 46 Stat. 747, 759, 19 U.S.C. 1565, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: November 22, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–11385; Filed, Nov. 30, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

DEPORTATION PROCEEDINGS UNDER SECTION 242(f) OF THE IMMIGRATION AND NATIONALITY ACT

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules pertaining to deportation proceedings under section 242(f) of the Immigration and Nationality Act. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

§ 242.6 [Revoked]

1. Section 242.6 *Aliens deportable under section 242(f) of the Act* is revoked.

2. Section 242.22 is amended to read as follows:

§ 242.22 Proceedings under section 242(f) of the Act.

(a) *Order to show cause.* In the case of an alien within the provisions of section 242(f) of the Act, the order to show cause shall charge him with deportability only under section 242(f) of the Act. The prior order of deportation and evidence of the execution thereof, properly identified, shall constitute prima facie cause for deportability under this section.

(b) *Applicable procedure.* Except as otherwise provided in this section, proceedings under section 242(f) of the Act shall be conducted in general accordance with the rules prescribed in this part.

(c) *Deportability; applications.* In determining the deportability of an alien alleged to be within the purview of paragraph (a) of this section, the issues shall be limited solely to a determination of the identity of the respondent, i.e., whether the respondent is in fact an alien who was previously deported, or who departed while an order of deportation was outstanding; whether the respondent was previously deported as a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (15), (16), (17), or (18) of section 241(a) of the Act; and whether respondent has unlawfully reentered the United States. A respondent who is prima facie deportable under the provisions of section 242(f) of the Act shall not be permitted to apply for relief from deportation and shall not be granted such relief.

(d) *Order.* If deportability as charged in the order to show cause is established, the special inquiry officer shall order that the respondent be deported under the previous order of deportation in accordance with section 242(f) of the Act.

(e) *Examining officer; additional charges.* When an examining officer is assigned to a proceeding under this section and additional charges are lodged against the respondent, the provisions of paragraphs (c) and (d) of this section shall cease to apply.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: November 27, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61–11383; Filed, Nov. 30, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 1]

AIRCRAFT

Isle Royale National Park, Michigan

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 1.61 as set forth below. The purpose of this amendment is to preserve the wilderness qualities of the park by restricting landings and takeoff of float and amphibious aircraft in Isle Royale National Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 24, 1961.

Subparagraph (7) of paragraph (a), § 1.61 is amended and revised to read as follows:

§ 1.61 Aircraft.

(a) • • •

(7) *Isle Royale National Park, Michigan.* The portion of Tobin Harbor located in the NE¼ of Sec. 4, T. 66 N., R. 33 W.; the SE¼ of Sec. 33, T. 67 N., R. 33 W.; and the SW¼ of Sec. 34, T. 67 N., R. 33 W. The portion of Rock Harbor located in the SE¼ of Sec. 13, the N½ of Sec. 24, T. 66 N., R. 34 W, and the W½ of Sec. 18, T. 66 N., R. 33 W. The portion of Washington Harbor located in the N½ of Sec. 32, all of Sec. 29, SE¼ of Sec. 30, and the E½ of Sec. 31, T. 64 N., R. 38 W.

[F.R. Doc. 61–11367; Filed, Nov. 30, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

HANDLING OF LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Proposed Expenses and Fixing of Rate of Assessment for 1961–62 Fiscal Year

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses not to exceed $195,405 will be necessarily incurred during the fiscal year ending October 31, 1962, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that there be fixed, as the pro rata share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at one and one-half cents ($0.0150) per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11375; Filed, Nov. 30, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61–WA–162]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1016, 601.1369, 601.1125, 601.1156 and 601.1011 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding patterns areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Jacksonville, Fla., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Augusta, Ga., control area extension (§ 601.1016) would be redesignated within the area beginning at the intersection of the south boundary of low altitude VOR Federal airway No. 454 and a line 8 miles east of and parallel to the Augusta VOR 359° True radial; thence south along this line to its intersection with a line 13 miles east of and parallel to the Augusta VOR 348° True radial; thence southeast along this line to the north boundary of low altitude VOR Federal airway No. 70; thence southwest along the north boundary of low altitude VOR Federal airway No. 70 to a line passing through points at latitude 32°47'00'' N., longitude 82°10'00'' W. and latitude 33°02'00'' N., longitude 82°30'00'' W.; thence northwest along this line to longitude 82°30'00'' W., thence north along longitude 82°30'00'' W. to the north boundary of low altitude VOR Federal airway No. 18; thence west along the north boundary of low altitude VOR Federal airway No. 18 to longitude 82°54'00'' W.; thence north along longitude 82°54'00'' W. to latitude 33°48'00'' N.; thence east along latitude 33°48'00'' N. to longitude 82°24'00'' W.; thence north along longitude 82°24'00'' W. to the south boundary of low altitude VOR Federal airway No. 454; thence along the south boundary of low altitude VOR Federal airway No. 454 to point of beginning, excluding the portions which would coincide with the Fort Gordon, Ga., Restricted Area, R–3004 and Prohibited Area P–378. The portion of this control area extension which would coinside with the Fort Gordon, Ga., Restricted Area, R–3003 would be excluded during the time of designation of the restricted area. This would provide additional controlled airspace for the protection of aircraft in holding patterns in the Augusta terminal area. A portion of the present Augusta control extension (§ 601.1016) which coincides with the Macon, Ga., control area extension (§ 601.1020) is not included, in the description proposed herein, to minimize dual designation of controlled airspace. In addition, the Augusta control area extension (§ 601.1009) would be revoked since it would be encompassed by the action proposed herein.

2. The Myrtle Beach, S.C., control area extension (§ 601.1369) would be altered to add the airspace northeast of Myrtle Beach lying within the continental limits of the United States bounded on the northwest by a line 5 miles northwest of and parallel to the Myrtle Beach VOR 053° True radial and on the southeast by a line 12 miles southeast of and parallel to the Myrtle Beach VOR 053° True radial extending from Myrtle Beach control area extension 25-mile radius area to 40 miles northeast of the VOR. This would provide additional airspace for the protection of aircraft in holding patterns at the Crescent Intersection (intersection of the Myrtle Beach VOR 053° and the Florence, S.C., VOR 113° True radials).

3. The Tallahassee, Fla., control area extension (§ 601.1125) would be altered to add the airspace north of Tallahassee within 12 miles west and 8 miles east of the Tallahassee VORTAC 354° True radial extending from the present Tallahassee control area extension to 40 miles north of the VORTAC. This would provide additional airspace for the protection of aircraft in holding patterns at the Calvary Intersection (intersection of the Tallahassee VORTAC 354° and the Marianna, Fla., VOR 093° True radials).

4. The Daytona Beach, Fla., control area extension (§ 601.1011) would be redesignated within 10 miles west and 7 miles east of the Daytona Beach VOR 357° and 177° True radials extending from 9 miles south to 20 miles north of the VOR; and within 5 miles either side of the Daytona Beach VOR 244° True radial extending from the VOR to 20 miles southwest excluding the portion outside the continental limits of the United States. This would provide additional airspace for the protection of aircraft in holding patterns at the Daytona Beach VOR.

5. The Columbia, S.C., transition area would be designated to extend upward from 1,200 feet above the surface to the base the continental control area within 10 miles southwest and 7 miles northeast of the Columbia VOR 329° True radial extending from 9 miles northwest to 41 miles northwest of the VOR. This would provide additional protection for aircraft in holding patterns at the White Rock Intersection (intersection of the Columbia VOR 329° and the Augusta, Ga., VOR 054° True radials).

6. The Albany, Ga., control area extension (§ 601.1156) would be altered to add the airspace within 12 miles southwest and 8 miles northeast of the Albany VOR 294° True radial extending from the present Albany control area extension to 40 miles northwest of the VOR. This would provide additional airspace for the protection of aircraft in holding patterns at the intersection of the Albany VOR 294° and the Vienna, Ga., VORTAC 241° True radials.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 27, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11378; Filed, Nov. 30, 1961; 8:48 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–160]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions, Transition Areas and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1035, 601.1086, 601.1297, 601.1318, 601.1365 and 601.10405 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimenisons of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Memphis, Tenn., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Little Rock, Ark., control area extension (§ 601.1035) would be altered to add the airspace north of Little Rock beyond the present limits of the Little Rock control area extension within 11 miles west and 7 miles east of the Little Rock AFB TACAN 341° True radial extending from the Little Rock control area extension 50-mile radius area to 44 miles northwest of the TACAN; the airspace west of Hot Springs, Ark., within 7 miles northwest and 10 miles southeast of the Hot Springs VOR 076° and 256° True radials extending from the Little Rock control area extension 50-mile radius area to 20 miles southwest of the VOR; and the airspace south of Pine Bluff, Ark., within 10 miles east and 7 miles west of the 177° True bearing from the Pine Bluff radio beacon extending from the Little Rock control area extension 50-mile radius area to 20 miles south of the radio beacon. This would provide protection for aircraft in holding patterns north of the Little Rock AFB TACAN, and at the Hot Springs VOR, and the Pine Bluff radio beacon.

2. The Memphis, Tenn., control area extension (§ 601.1086) would be altered to add the airspace north of Memphis bounded on the north by low altitude VOR Federal airway No. 140, on the southeast by low altitude VOR Federal airway No. 11, and on the west by the Blytheville, Ark., VOR 186° and 006° True radials; the airspace northeast of Memphis bounded on the northwest by low altitude VOR Federal airway No. 11 east alternate, on the east by longitude 88°45'00'', and on the south by low altitude VOR Federal airway No. 16; and the airspace southeast of Memphis bounded on the north by the Memphis control area extension 50-mile radius area, on the east by longitude 89°22'00'', on the south by latitude 34°08'00'', and on the west by low altitude VOR Federal airway No. 9 east alternate. This would provide protection for aircraft maneuvering in holding patterns at the Blytheville VOR, Sardis, Miss., Intersection (intersection of the Memphis VORTAC 168° and the Greenwood, Miss., VOR 027° True radials), and the Denmark Intersection (intersection of the Holly Springs VOR 028° and the Jacks Creek, Tenn., VOR 272° True radials).

3. The Paducah, Ky., control area extension (§ 601.1297) would be redesignated within 10 miles southeast and 7 miles northwest of the 040° and 220° True bearings from the Paducah Municipal Airport (latitude 37°03'40'' N., longitude 88°46'20'' W.) extending from 9 miles northeast to 20 miles southwest of the airport. This would provide additional airspace for the protection of aircraft in holding patterns at the Paducah radio beacon.

4. The Muscle Shoals, Ala., control area extension (§ 601.1318) would be redesignated within 8 miles east and 12 miles west of the Muscle Shoals VOR 002° True radial extending from 7 miles north to 39 miles north of the VOR, and within 5 miles either side of the Muscle Shoals VOR 112° and 292° True radials extending from the VOR to 20 miles southeast and northwest. This would provide additional airspace for the protection of aircraft in holding patterns at the intersection of the Muscle Shoals VOR 002° and the Huntsville, Ala., VOR 283° True radials.

5. The Walnut Ridge, Ark., control area extension (§ 601.1365) would be redesignated within 10 miles southeast and 7 miles northwest of the Walnut Ridge VOR 064° and 244° True radials extending from 9 miles northeast to 20 miles southwest of the VOR. This would provide additional airspace for the protection of aircraft in holding patterns at the Walnut Ridge VOR.

6. The Malden, Mo., transition area (§ 601.10405) would be redesignated to extend upward from 700 feet above the surface within 5 miles either side of the Malden VOR 300° True radial extending from the VOR to 11 miles northwest; within 8 miles northeast and 5 miles southwest of the Malden VOR 120° True radial extending from the VOR to 17 miles southeast; and within 10 miles west and 7 miles east of the Malden VOR 167° and 347° True radials extending from 9 miles south to 20 miles north of the VOR. This would provide additional airspace for the protection of aircraft in holding patterns at the Malden VOR.

7. The Camden, Ark., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles west and 7 miles east of the 352° and 172° True bearings from Harrell Field, Ark. (latitude 33°37'05'' N., longitude 92°46'00'' W.), extending from 9 miles south to 20 miles north of the airport. This would provide protection for aircraft in holding patterns at Harrell Field.

8. The Graham, Tenn., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Graham VOR 253° and 073° True radials extending from 9 miles northeast to 20 miles southwest of the VOR. This would provide protection for aircraft in holding patterns at the Graham VOR.

9. The Cape Girardeau, Mo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the 035° and 215° True bearings from the Cape Girardeau Municipal Airport (latitude 37°13'30'' N., longitude 89°34'10'' W.) extending from 9 miles northeast to 20 miles southwest of the airport. This would provide protection for aircraft in holding patterns at the Cape Girardeau Municipal Airport.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Forth Worth 1, Tex. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The

proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 28, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11393; Filed, Nov. 30, 1961; 8:49 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–KC–44]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1155, 601.1278, 601.1313, and 601.1379 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Kansas City, Missouri, Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Omaha, Neb., control area extension (§ 601.1155) would be altered to add the airspace northeast of Omaha bounded on the north by low altitude VOR Federal airway No. 172, on the east by longitude 95°00'00'' W., on the south by low altitude VOR Federal airway No. 6, and on the west by the present Omaha control area extension 25-mile radius area; including the airspace west of Omaha bounded on the south by low altitude VOR Federal airway No. 6, on the west by longitude 97°00'00'' W., on the north by low altitude VOR Federal airway No. 172 and on the east by Omaha control area extension 25-mile radius area. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Neola, Iowa, VORTAC, Raymond, Neb., VORTAC, Carson Intersection (intersection of the Neola VORTAC 142° and the Omaha VORTAC 080° True radials), the Mead Intersection (intersection of the Raymond VORTAC 040° and the Omaha VORTAC 265° True radials), the Washington Intersection (intersection of the Neola VORTAC 251° and the Omaha VORTAC 296° True radials), and the Kennard Intersection (intersection of the Neola VORTAC 268° and the Raymond VORTAC 031° True radials).

2. The Des Moines, Iowa control area extension (§ 601.1278) would be redesignated within a 25-mile radius of the Des Moines VORTAC; within 12 miles west and 8 miles east of the Des Moines VORTAC 196° True radial extending from the 25-mile radius area to 39 miles south of the VORTAC; and within 12 miles north and 8 miles south of the Des Moines VORTAC 261° True radial extending from the 25-mile radius area to 37 miles west of the VORTAC; including the airspace east of Des Moines bounded on the northeast by low altitude VOR Federal airway No. 172 south alternate, on the east and south by low altitude VOR Federal airway No. 294 and on the northwest by low altitude VOR Federai airway No. 161. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Des Moines VORTAC, and radio range, the Percy Intersection (intersection of the Des Moines VORTAC 087° and the Newton, Iowa, VOR 191° True radials), the Woodburn Intersection (intersection of the Des Moines VORTAC 196° and the Ottumwa, Iowa, VOR 274° True radials), and the Middle River Intersection (intersection of the Des Moines VORTAC 261° and the Lamoni, Iowa, VOR 358° True radials).

3. The Arkansas City, Kansas, transition area would be designated to extend upward from 1200 feet above the surface within the area bounded on the north by a line 10 miles south of and parallel to the Anthony, Kansas, VOR 085° True radial, on the east by a line 5 miles southwest of and parallel to a direct line extending from the Wichita VOR to the Tulsa, Okla., VORTAC, on the south by low altitude VOR Federal airway No. 516 and the arc of a 15-mile radius circle centered on the Ponca City, Okla., Airport (latitude 36°43'41'' N., longitude 97°05'57'' W.), and on the west by low altitude VOR Federal airway No. 77. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Oxford, Kansas, radio beacon.

4. The Sioux City, Iowa, control area extension (§ 601.1313) would be redesignated within a 25-mile radius of the Sioux City VOR, including the airspace southeast of Sioux City extending from the 25-mile radius area bounded on the north by low altitude VOR Federal airway No. 100, on the east by longitude 95°30'00'', on the south by latitude 41°50'00'', and on the west by low altitude VOR Federal airway No. 15. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Sioux City VOR, radio range and outer marker.

5. The Waterloo, Iowa, control area extension (§ 601.1379) would be redesignated within a 37-mile radius of the Waterloo VORTAC, excluding the portion north of a line 12 miles north of and parallel to the Waterloo VORTAC 099° True radial and east of a line 12 miles east of and parallel to the Waterloo VORTAC 353° True radial; including the airspace southeast of Waterloo within 12 miles southwest and 8 miles northeast of the Waterloo VORTAC 146° True radial extending from the Waterloo control area extension 37-mile radius area to the Cedar Rapids, Iowa, VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Dewar Intersection (intersection of the Waterloo VORTAC 099° and the Cedar Rapids, Iowa, VORTAC 337° True radials), the Washburn Intersection (intersection of the Waterloo VORTAC 146° and the Newton, Iowa, VOR 046° True radials), the Reinbeck Intersection (intersection of the Waterloo VORTAC 214° and the Cedar Rapids VORTAC 313° True radials), the New Hartford Intersection (intersection of the Waterloo VORTAC 273° and the Mason City, Iowa, VOR 137° True radials), the Shell Rock Intersection (intersection of the Waterloo VORTAC 309°and the Newton VOR 021° True radials), the Waverly Intersection (intersection of the Waterloo VORTAC 353° and the Mason City VOR 117° True radials), and the Vinton Intersection (intersection of the Cedar Rapids VORTAC 326° and the Newton VOR 066° True radials).

6. The Fort Dodge, Iowa, transition area would be designated to extend upward from 700 feet above the surface within 10 miles southwest and 7 miles northeast of the Fort Dodge VOR 127° and 307° True radials extending from 15 miles southeast to 13 miles northwest of the VOR. This would provide protection for aircraft arriving and departing the Fort Dodge Municipal Airport during IFR weather conditions and in holding patterns at the Fort Dodge VOR and radio beacon.

7. The Hays, Kansas, transition area would be designated to extend upward from 700 feet above the surface within 10 miles east and 7 miles west of the 176° and 356° True bearings from the Hays Airport (latitude 38°51'00'' N., longitude 99°16'30'' W.), extending from 9 miles north to 20 miles south of the airport. This would provide protection for aircraft arriving and departing the Hays Airport during IFR weather conditions and in holding patterns at the Hays Airport.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 27, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11377; Filed, Nov. 30, 1961; 8:48 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–165]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601, §§ 601.1444, 601.1202, 601.1362, and 601.1115 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Albuquerque, N. Mex., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Truth or Consequences control area extension (§ 601.1444) would be redesignated within 10 miles east and 7 miles west of the Truth or Consequences VOR 013° and 193° True radials, extending from 20 miles north to 9 miles south of the VOR, including the airspace within 10 miles northeast and 7 miles southwest of the Truth or Consequences VOR 143° True radial extending from the VOR to 23 miles southeast. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Truth or Consequences VOR.

2. The Tucumcari, N. Mex., control area extension (§ 601.1202) would be altered to include the airspace extending beyond the present Tucumcari control area extension within 11 miles north and 8 miles south of the Tucumcari VOR 267° and 087° True radials extending from 7 miles east to 24 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Tucumcari VOR and radio range.

3. The Alamosa, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southwest and 7 miles northeast of the Alamosa VOR 336° and 156° True radials extending from 20 miles northwest to 9 miles southeast of the VOR. This would provide protection for aircraft in holding patterns at the Alamosa VOR.

4. The Cortez, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southwest and 7 miles northeast of the 306° and 126° True bearings from the Cortez, Montezuma County Airport (latitude 37°18'15'' N., longitude 108°37'35'' W.), extending from 20 miles northwest to 9 miles southeast of the airport. This would provide protection for aircraft in holding patterns at the Cortez Airport.

5. The Dalhart, Texas, control area extension (§ 601.1362) would be redesignated within 10 miles southwest and 7 miles northeast of Dalhart VORTAC 324° True radial extending from the VORTAC to 20 miles northwest; within 10 miles west and 7 miles east of the Dalhart VORTAC 002° True radial extending from the VORTAC to 20 miles north; and within 10 miles northeast and 7 miles southwest of the 132° and 312° True bearings from the Dalhart radio beacon extending from 20 miles southeast to 9 miles northwest of the radio beacon. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Dalhart VORTAC and radio beacon.

6. The Dodge City, Kans., control area extension (§ 601.1115) would be altered to include the airspace extending beyond the present Dodge City control area extension within 10 miles southwest and 7 miles northeast of the Dodge City VOR 341° and 161° True radials extending from 20 miles northwest to 9 miles southeast of the VOR. This would provide protection for aircraft in holding patterns at the Dodge City VOR.

7. The Durango, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the 298° and 118° True bearings from the La Plata Airport (latitude 37°09'15'' N., longitude 107°45'00'' W.), extending from 20 miles southeast to 9 miles northwest of the airport. This would provide protection for aircraft in holding patterns at the Durango, La Plata Airport.

8. The Farmington, N. Mex., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Farmington, N. Mex., VORTAC 094° and 274° True radials extending from 20 miles east to 9 miles west of the VORTAC. This would provide protection for aircraft in holding patterns at the Farmington VORTAC.

9. The Gallup, N. Mex., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the 253° and 073° True bearings from McKinley County Airport, (latitude 35°30'35'' N., longitude 108°47'00'' W.), extending from 20 miles west to 9 miles east of the airport. This would provide protection for aircraft in holding patterns at the Gallup, McKinley County, Airport.

10. The Guymon, Okla., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the 360° and 180° True bearings from the Guymon Airport (latitude 36°40'50'' N., longitude 101°30'15'' W.), extending from 20 miles north to 9 miles south of the airport. This would provide protection for aircraft in holding patterns at the Guymon Airport.

11. The Lamar, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Lamar VOR 099° and 279° True radials extending from 20 miles east to 9 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Lamar VOR.

12. The Las Vegas, N. Mex., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southeast and 8 miles northwest of the Las Vegas VORTAC 035° and 215° True radials extending from 20 miles northeast to 14 miles southwest of the VORTAC. This would provide protection for aircraft in holding patterns at the Las Vegas VORTAC.

13. The Liberal, Kans., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles west and 7 miles east of the Liberal VOR 022° and 202° True radials extending from 20 miles north to 9 miles south of the VOR. This would provide protection for aircraft in holding patterns at the Liberal VOR.

14. The Socorro, N. Mex., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Socorro VORTAC 189° and 009° True radials extending from 20 miles south to 9 miles north of the VORTAC, excluding that portion which would coincide with the White Sands, N. Mex., Restricted Area (R–5107). This would provide protection for aircraft in holding patterns at the Socorro VORTAC.

15. The Texico, Texas, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Texico VOR 093° and 273° True radials extending from 20 miles east to 9 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Texico VOR.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 28, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11394; Filed, Nov. 30, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–AN–47]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1398 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such area. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Anchorage, Alaska, terminal area, and to provide additional controlled airspace for the radar vectoring and recovery of fighter-interceptor type aircraft operating in the Anchorage area, the Federal Aviation Agency is considering the following airspace action:

The Anchorage control area extension would be redesignated within a 55-mile radius of the Anchorage VOR extending clockwise from the northwest boundary of VOR Federal airway No. 456 southwest of Anchorage to the Anchorage VOR 309° True radial; within a 72-mile radius of the Anchorage VOR extending clockwise from the Anchorage VOR 309° True radial to the east boundary of VOR Federal airway No. 438 north of Anchorage; and within a 50-mile radius of the Anchorage VOR extending clockwise from the east boundary of VOR Federal airway No. 438 north of Anchorage to the northwest boundary of VOR Federal airway No. 456 southwest of Anchorage; excluding the portion of which would coincide with the Eagle River, Alaska, restricted area (R–2203). The portion of this control area extension which would coincide with the Anchorage, Elmendorf AFB Restricted Area/Military Climb Corridor (R–2201) would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft maneuvering in high and low altitude holding patterns at the Anchorage VOR, and the Matanuska Intersection (intersections of the southeast course of the Skwentna, Alaska, radio range and the northeast course of the Anchorage radio range), and for the radar vectoring and recovery of fighter-interceptor type aircraft operating from Elmendorf Air Force Base, Alaska.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in this instance. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert this control area extension to a transition area with an appropriate controlled airspace floor assignment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within thirty day after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief .

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 28, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11392; Filed, Nov. 30, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8, 14]

[Docket No. 14375; FCC 61–1343]

MARITIME MOBILE AND MARITIME RADIODETERMINATION OPERATIONS

Implementation of Certain Requirements of the Geneva Radio Regulations (1959); Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. By Docket No. 13952 the Commission made initial amendments to Parts 7, 8, and 14 of the rules for the purpose of implementing the Geneva Radio Regulations (1959), principally with respect to coast and ship radiotelephone stations operating in the bands between 4 and 27.5 Mc. The proposals contained herein are the balance of the amendments to Parts 7, 8, and 14 needed to implement the Geneva Radio Regulations, with the exception of some proposals with respect to single side-band and microwave which will be made at a later date.

3. The Commission proposes to amend Parts 7, 8, and 14 of its rules so as to align operation on maritime mobile frequencies in the 156 to 174 Mc band, insofar as practicable, with Appendix 18 to the Geneva Radio Regulations (1959) (GRR) and other related requirements in those regulations. The frequency assignments in this proposed rule making reflect pertinent amendments made to Part 2 of the Commission's rules in Docket No. 11959.

4. For the international VHF maritime mobile service the Commission proposes that: (1) In addition to reservation of 156.8 Mc exclusively for safety and calling, the frequencies 156.3 and 156.4 Mc be assigned exclusively for intership communications, the former for safety communications and the latter for business and operational communications; (2) the frequencies 156.5, 156.6, 156.65, and 156.7 Mc and the frequency pair 157.0/161.6 Mc be assigned for port operation communications; and (3) five frequency pairs between and including 157.2/161.8 and 157.4/162.0 Mc be assigned for public correspondence.

5. It is proposed that those limited coast stations operating on the frequencies assigned for port operation communications (with the exception of 156.65 Mc) be equipped for operation on 156.8 Mc and that such stations also maintain an aural watch on that frequency. Since these stations are participating in the international maritime mobile service, the watch requirement of the GRR would be imposed. In view of the nature of their operations, possible exception from the watch requirement for particular stations, as provided for public correspondence coast stations, would not be allowed.

6. Frequencies have been available for approximately 10 years for assignment to ship stations in the VHF band. The increase in use of the band, particularly by noncommercial vessels, has been disappointingly small, although the possibility of use of this band to supplement and relieve congestion in the 2 Mc band has been recognized. Considering that "multichannel" requirements in the overall increase equipment costs and operating complexity and thereby deter potential users from equipping with VHF, and that many users have no interest in or particular need for provision of specific frequencies such as 156.8 and 156.3 Mc, or for that matter more than one frequency, the Commission proposes to make certain frequencies available on a "single-channel" basis. Users of public correspondence channels would be given the option of using single or multichannel equipment. The operating procedures on the public correspondence channels in the United States are well established and generally do not contemplate the use of 156.8 Mc for establishing communication. This practice is consistent with the requirements of the GRR.

7. The Commission further proposes to remove the developmental classification from the now existing "single-channel" use of 156.65 Mc for "bridge-to-bridge" communications. Under the proposal 156.65 Mc would continue to be available to users of "single-channel" equipment, when the vessel is equipped for 500 kc radiotelegraph or 2 Mc radiotelephone. A transmitter power input limitation equated to the maximum output power allowed in region 1 would be applied. It is believed that the information now available with respect to the use of "bridge-to-bridge" communication is sufficient to justify the continuation of the usage and establish it on a regular basis. The frequency 156.65 Mc is available in the GRR for port operations and it is to be expected that foreign vessels will be equipped and will desire to make use of the frequency for "bridge-to-bridge" communications in U.S. waters where such usage is existent. Accordingly, raising the present transmitter power limitation appears to be warranted to permit such participation and at the same time allow greater flexibility for domestic users.

8. Consistent with footnote (g) of Appendix 18 to the GRR the Commission proposes to make the frequencies 156.35, 156.9, and 156.95 Mc available in the maritime mobile service on a domestic basis. The frequencies would be made available for assignment to ships and limited coast stations for business and operational communications, and ship stations operating on the frequencies would not be required to be provided with 156.8 and 156.3 Mc. The frequencies 156.45 and 156.55 Mc would also be made available for business and operational communications, subject, however, to "multichannel" requirements.

9. The action proposed herein would make frequencies available, in general, for assignment solely on the basis of the type of communication involved (i.e., such as port operation, business, operational, safety or public correspondence) and without regard to the area of operation of the vessel, type of vessel, or other considerations as contained in the current rules. The Commission is of the opinion that the flexibility in the selection of working frequencies which are provided for in a "calling-working system" obviates the need for such variables and their elimination should provide for more efficient frequency usage.

10. In a petition dated October 18, 1956 and as subsequently amended by correspondence dated June 23, 1958 and May 29, 1959, the U.S. Power Squadrons (USPS), Radio Technical Committee, 96 West Street, Englewood, N.J., requested that the Commission's rules be amended so as to provide the frequency 156.95 Mc for the exclusive use of noncommercial vessels and shore stations of yacht clubs and other noncommercial boating organizations. The frequency would be used for general correspondence, within the other limitations of Part 8 for intership communications, with a three minute limitation for each communication and also for communication between ship and shore for ship's business. The organization proposes that the requirements for frequencies on the noncommercial vessels be limited to 156.8, 156.3, and 156.95 Mc and that 156.8 Mc also be available to the shore stations using 156.95 Mc. The USPS have requested the rule amendments in the interests of improved communications, safer boating, encouraging the use of VHF in the maritime service, particularly for safety and navigation purposes, simplifying enforcement problems, and relieving congestion on medium frequencies.

11. As stated in paragraph 8 of this notice, the Commission does not propose to set aside frequencies for particular classes or types of vessels, and it is further not considered feasible, in view of the relatively limited number of frequencies remaining for domestic use, to extend licensing eligibility under Part 7 of the rules to include coast stations operated by yacht clubs or similar organizations for communication with noncommercial vessels.

12. The proposed amendments to Part 14 are for the purpose of uniformly applying the requirements of Parts 7 and 8 for maritime mobile operations in the 156–174 Mc band, to the State of Alaska.

13. The GRR require, without exception, that radiotelephone ship stations equipped to work in authorized bands between 156 to 174 Mc be able to send and receive class F3 emission on 156.8 and 156.3 Mc and all the frequencies necessary for their service. As previously stated the Commission proposes that this "multichannel" requirement not be made applicable to ship station operation on the public correspondence ship station frequencies, and the frequencies 156.35, 156.65, 156.9 and 156.95 Mc. The derogation provision of Article 3, Section 3 of the GRR would be made applicable to such "single-channel" operation on the public correspondence ship station frequencies and on 156.65 Mc, since these frequencies would be available in the international maritime mobile service, but not to operations on 156.35, 156.9, and 156.95 Mc. Only domestic operations would be permitted on those latter frequencies. Marine-utility and other ship

stations of a portable nature which are not capable of a plate input power in excess of 3 watts and are excepted from "multichannel" requirements under the current rules will be limited as to the frequencies on which they can operate under the proposed rules.

14. Adoption of the above proposed amendments concerning operation on frequencies in the 156–174 Mc band will necessitate changes in frequencies for some presently licensed coast and ship stations. It is proposed that all stations affected secure authorization and be prepared to begin operation on appropriate frequencies 60 days after the proposed amendments are made effective.

15. Rule changes are proposed with respect to the maritime radiodetermination service which comprises the maritime radiolocation and maritime radionavigation services. The principal effect of these changes would be:

(1) The licensing of shore radiolocation and shore radionavigation stations using radar on a regular basis rather than developmentally as is done under the present rules. Frequency bands available for such licensing would be the same as for ship radar stations and the radar equipment would be required to be type approved.

(2) The extension of the 3000 to 3100 Mc band, on which shore and ship radiolocation and radionavigation stations (including ship radar stations) may be licensed on a regular basis downward so that the authorized band is 2900 to 3100 Mc.

(3) Adjustment of the remaining bands available developmentally to maritime radiodetermination stations to conform with recent changes to Part 2 of the rules.

16. In the implementation of the GRR relating to survival craft stations, the frequencies 500 kc and 8364 kc are made available for survival craft stations employing radiotelegraphy, and 2182 kc is made available for such stations employing radiotelephony. In addition, the frequency 121.5 Mc is made available to ship stations and survival craft stations for safety communications with stations in the aeronautical mobile service, and to survival craft stations for radiobeacon purposes (emission A2 only). Action in this proposal will be consistent with the action taken in Docket No. 14312. Type acceptance of survival craft equipment for licensing purposes would be required except where the equipment has been type approved as meeting the compulsory lifeboat radio installation requirements. Identification of survival craft stations by call sign would be required except when transmitting distress signals automatically or when operating on 121.5 Mc for radiobeacon purposes. The requirement for an operator license to operate a survival craft station while it is being used solely for survival purposes would be waived.

17. It is proposed to amend the rules to make it clear that a survival craft station will be authorized only when the parent vessel is equipped with and authorized to operate a ship station. This is consistent with present licensing practices. In explanation, it is pointed out that the role of a ship station in a distress situation is to transmit the initial alert and thereafter to provide two-way communication with rescue units to direct them to the scene of distress; whereas a survival craft station is intended to be used for supplemental communications in the event subsequent abandonment of the vessel is necessary. Because of design limitations, a survival craft station generally is not as effective as is a ship station for initial alerting and for the directing of rescue units to the scene. Consequently, it is believed that to authorize a survival craft station without a ship station on the parent ship would be contrary to the best interests of the safety radio system.

18. The Commission by a report and order released December 19, 1960, (Docket No. 13523) disposed of a petition for rule amendments filed by the National Party Boat Owners Alliance, Inc., 129 Ocean Avenue, Bayshore, Long Island, N.Y., with respect to all parts of the petition except the request concerning logkeeping requirements. That part was held in abeyance pending implementation of the GRR. The petition and associated comments by interested parties recommended relaxation of the ship radiotelephone logkeeping requirements. These recommendations have been taken into consideration in preparation of the rule amendments proposed herein and some relaxation has been proposed. The principal change with respect to ship radiotelephone station logkeeping is the elimination of the requirement for voluntarily equipped vessels and vessels subject to Title III, Part III of the Communications Act to log a summary of communications exchanged.

19. Other proposed amendments include such matters as frequency tolerance changes to align with Appendix 3 to the GRR, establishing sequence for bringing into use the public correspondence coast and port operation frequencies, specifying the GRR channel numbers for the various frequencies, restricting aircraft operation on any of the VHF maritime mobile frequencies, and definitions and changes to establish uniformity in band designators. Also numerous minor rule amendments are proposed to conform with minor changes in the International Radio Regulations and to simplify and clarify the rules.

20. The amendments below are issued under the authority contained in section 303 (c), (f), (g), and (r) and section 318 of the Communications Act of 1934, as amended.

21. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 5, 1962, and reply comments on or before January 15, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

22. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 15, 1961.

Released: November 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7, Stations on Land in the Maritime Services, is amended as follows:

1. Section 7.1(b) is amended to read:

§ 7.1 Basis and purpose.

* * * * *

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for maritime operations which require radio transmitting facilities on land.

2. Section 7.2 is amended to read:

§ 7.2 General.

(a) *International radio regulations.* The radio regulations in force annexed to the International Telecommunication Convention, Geneva, 1959, as between the Government of the United States and other contracting governments; and such preceding international radio regulations as remain in force between the Government of the United States and other contracting governments.

(b) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(c) *Radiocommunication.* Telecommunication by means of radio waves.

(d) *Public correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

(e) *Station.* One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service. Each station shall be classified by the service in which it operates permantly or temporarily.

(f) *Station authorization.* Any valid construction permit, station license, or special temporary authority for use of a station, issued by the Commission.

(g) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

(h) *Permittee.* A person who holds a valid station construction permit.

(i) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(j) *Day.* Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter power during that period of time included between 1 hour after local sunrise and 1 hour before local sunset.

(k) *Radio district.* The territory within each radio district, and the address of the engineer in charge of each radio district, is set out in section 0.49 of the Commission's "Part O—Statement of Organization, Delegations of Authority, and Other Information."

(l) *Commercial transport vessel.* Any ship or vessel which is used primarily in commerce (1) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (2) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(m) *Mile.* As used in this part, the term "mile" means a statute mile or 5,280 feet.

(n) *Installed.* As used in this part with respect to the requirements of radio apparatus in stations on land subject to this part, the term "installed" means installed in the particular station or vehicle to which the pertinent rule or regulation involving the use of this term is applied.

(o) *Shipyard land mobile unit.* A land vehicle operated and controlled by a shipyard and used for the transportation of shipyard personnel, material, or supplies.

3. Section 7.3 is amended by revising paragraph (b)(1), paragraphs (c) through (e), and paragraph (o) to read:

§ 7.3 Maritime mobile service.

* * * * *

(b) *Maritime and land mobile service*—(1) *Maritime mobile service.* A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate. (Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

* * * * *

(c) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

(d) *Land station.* A station in the mobile service not intended to be used while in motion.

(e) *Coast station.* A land station in the maritime mobile service.

* * * * *

(o) *Base station.* A land station in the land mobile service carrying on a service with land mobile stations.

4. Section 7.4 is amended to read:

§ 7.4 Maritime determination service.

(a) *Radiodetermination.* The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

(b) *Radiodetermination service.* A service involving the use of radiodetermination.

(c) *Maritime radiodetermination service.* A radiodetermination service intended for the benefit of ships.

(d) *Radionavigation.* Radiodetermination used for the purposes of navigation, including obstruction warning.

(e) *Radionavigation service.* A radiodetermination service involving the use of radionavigation.

(f) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(g) *Radionavigation land station.* A station in the radionavigation service not intended to be used while in motion.

(h) *Shore radionavigation station.* A radionavigation land station performing a maritime radionavigation service.

(i) *Radar.* A radiodetermination system based on the comparison of reference signals with radio signals reflected, or retransmitted, from the position to be determined.

(j) *Shore radar station.* A shore radionavigation station utilizing radar.

(k) *Radiolocation service.* A radiodetermination service involving the use of radiolocation.

(l) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(m) *Radiolocation land station.* A station in the radiolocation service not intended to be used while in motion.

(n) *Shore radiolocation station.* A radiolocation land station performing a maritime radiolocation service.

(o) *Shore radiolocation training station.* A shore radiolocation station used solely to train and qualify persons in the effective use of maritime radiodetermination.

(p) *Shore radiolocation test station.* A shore radiolocation station used solely for testing maritime radiodetermination apparatus incident to its manufacture, installation, repair, servicing, or maintenance.

5. Section 7.6 is amended by revising paragraphs (b) and (d) to read:

§ 7.6 Developmental maritime stations on land.

* * * * *

(b) *Developmental radiodetermination station.* A radiodetermination station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-Government radiodetermination service (including the non-Government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiodetermination station.

* * * * *

(d) *Specific classification.* The specific classes of developmental stations on land licensed in the maritime mobile service, the maritime radiodetermination service (including maritime radionavigation service), and the maritime fixed services, are the same as classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "Public class III coast station (developmental)".

6. Section 7.7 is amended by revising paragraphs (a) through (c), deleting paragraph (e) including the note and inserting the word "Reserved" in lieu thereof, revising paragraph (j), and inserting new paragraphs (p) and (q) to read:

§ 7.7 Operational.

(a) *Safety communication.* The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services, or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with regulations in this chapter.

* * * * *

(e) [Reserved]

* * * * *

(j) *Watch.* The act of listening on an international distress or calling frequency.

* * * * *

(p) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and safety of ships and, in emergency, to the safety of persons.

(q) *Business communication.* Radiocommunication pertaining to economic, commercial or governmental matters related directly to the purposes for which a ship is being used.

7. Section 7.8 is amended to read:

§ 7.8 Technical.

(a) *Spurious emission.* Emission on a frequency or frequencies which are outside the necessary band, and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions and intermodulation products, but exclude emissions in the immediate vicinity of the necessary band, which are a result of the modulation process for the transmission of information.

(b) *Selective calling.* A means of calling in which signals are transmitted in accordance with a prearranged code for the purpose of operating a particular automatic attention device in use at the selected station whose attention is sought.

(c) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

(d) *Authorized carrier frequency.* A specific carrier frequency authorized for

use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(e) *Frequency tolerance.* The maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency. The frequency tolerance is expressed in parts in 10^6 or in cycles per second.

(f) *Frequency band.* A continuous range of frequencies extending between two designated limiting frequencies.

(g) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(h) *Radio-channel.* A frequency band, sufficient in width to permit its use for radiocommunication, comprised of the emission bandwidth, the interference guard bands, and the frequency tolerance.

(i) *Emission bandwidth.* The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful. (This definition coincides with the definition of "Occupied Bandwidth" which appears as paragraph 90 of the International Radio Regulations, Geneva, 1959.)

(j) *Interference guard bands.* The two frequency bands additional to and on either side of, the authorized frequency band, which may be provided to minimize the possibility of interference between different radio channels.

(k) *Assigned frequency.* The center of the frequency band assigned to a station.

(l) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission bandwidth,

(2) The authorized emission bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency band (when a carrier does not exist).

(m) *Modulation.* The process of producing a wave, some characteristic of which varies as a function of the instantaneous value of another wave called the modulating wave.

(n) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(o) *Percentage modulation.* The modulation factor expressed in percent.

(p) *Amplitude modulation* (AM). Modulation in which the amplitude of a wave is the characteristic subject to variation.

(q) *Frequency modulation* (FM). Modulation in which the instantaneous frequency of a sine-wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(r) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(s) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(t) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(u) *Last radio stage.* In an electron tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radiofrequency power to the antenna, either directly or through the medium of a transmission line.

(v) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(w) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency band.

(x) *Authorized transmitter power.* The power of a particular transmitter as designated in the respective station license or construction permit or in lieu thereof, the power designated in the applicable Commission rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radiofrequency power to the antenna; without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

8. Section 7.103(d) is amended to read:

§ 7.103 Requirements concerning station location.

* * * * *

(d) Applicants for permits to establish coast stations for transmission within the band 156 to 174 Mc shall cooperate in the selection of sites for radio transmitting facilities so as to minimize interference (such, for example, as may be caused by intermodulation) to the service of other coast stations, base stations of any land mobile service, and U.S. Government stations.

9. Section 7.104 is amended by revising paragraphs (b)(2), (c)(2) and (4) to read:

§ 7.104 Facilities for coast stations.

* * * * *

(b) * * *

(2) Each coast station licensed to operate in the band 156 to 174 Mc shall be able to transmit and receive 156.8 Mc.

(c) * * *

(2) Each coast station licensed to operate on 156.8 Mc shall also be able to transmit and receive on at least one other channel authorized for working with ship stations in the band 156 to 174 Mc.

* * * * *

(4) Each coast station which is licensed to operate on 156.5, 156.6, 156.7, or 161.6 Mc shall also be able to transmit and receive on 156.8 Mc.

10. Section 7.106(g)(2) is amended to read:

§ 7.106 Operating controls.

* * * * *

(g) * * *

(2) A period of 3 seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 156 to 174 Mc.

11. Section 7.111(b) is amended to read:

§ 7.111 Modulation adjustments for telephony.

* * * * *

(b) Coast stations, fixed stations and marine utility stations subject to this part using class F3 emission shall be capable of proper technical operation with a frequency deviation of 15 kc, which is regarded as 100 percent modulation. In general such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

12. Section 7.131 is amended by revising paragraph (b), the tables in paragraphs (c) and (d), and the introductory text of paragraph (e) to read:

§ 7.131 Authorized frequency tolerance.

* * * * *

(b) Authorized frequency tolerances for coast stations operating on frequencies below 515 kc or within the frequency band 1600 to 27,500 kc:

Frequency ranges:	*Parts in 10^6 unless shown as cycles per second*
(1) From 14 to 515 kc	200
(2) From 1600 to 4000 kc	50
(3) From 4000 to 27,500 kc:	
Until January 1, 1964	50
On and after Jan. 1, 1964	15

(c) * * *

Frequency ranges:	*Parts in 10^6 unless shown as cycles per second*
(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	200
For all other stations	100
(2) From 100 to 200 Mc:	
Until January 1, 1964 for stations licensed to operate with a plate input power not in excess of 3 watts	100
Until Jan. 1, 1964 for all other stations	50
On and after Jan. 1, 1964 for all stations	20

(d) * * *

Frequency or frequency range:	*Parts in 10^6 unless shown as cycles per second*
(1) From 2000 to 2450 kc: Marine fixed stations and marine receiver test stations	50
(2) For 27.255 Mc: The authorized frequency tolerance for marine control, marine repeater, and marine relay stations shall be specified in the respective station authorization.	
(3) From 72 to 76 Mc:	
Marine control, marine repeater, and marine relay stations:	
Until Jan. 1, 1964	50
On and after Jan. 1, 1964	20
(4) From 100 to 200 Mc:	
Marine receiver test stations:	
Until Jan. 1, 1964	50
On and after Jan. 1, 1964	20

(e) The frequency tolerance authorized for stations on land operating in the maritime radiodetermination service shall be:

13. Section 7.132(a) is amended by revising items (2) and (3) of the table and footnote 3 to read:

§ 7.132 Authorized classes of emission.

(a) * * *

(2) Coast stations and marine-utility stations using telephony:	
1600 kc to 30 Mc [3]	A3, A3a, A3b, and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
30 Mc to 50 Mc	A3, A3a, A3b, F3, and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
156 Mc to 174 Mc [3]	F3, and for brief operating signals F1 and F2; also F0 for brief testing.
For other frequencies or frequency bands.	As designated in the station authorizations.
(3) Marine fixed stations:	
2000 kc to 2450 kc	A3, A3a, A3b, and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
Marine receiver-test stations:	
2000 kc to 2450 kc	Primarily A3, A3a, A3b; secondarily for test calling signals A0, A1, A2a, A2b.
156 Mc to 174 Mc	Primarily F3; secondarily for test calling signals F0, F1, F2.
Marine control, marine repeater and marine relay stations:	
27.255 Mc	A1, A2, A2a, A2b, A3, and for brief testing A0.
72 Mc to 76 Mc	A1, A2, A2a, A2b, A3, F1, F2, F3, and for brief testing A0, F0.

* * * * * * *

[3] See § 7.368.

§ 7.133 [Amendment]

14. Section 7.133(c)(1) is amended by changing in the first column of the table the three specifications "For 156.35 to 162.05 Mc" to read "For 156 Mc to 174 Mc".

15. Section 7.134 is amended by revising paragraph (a), the table in paragraph (e), and paragraphs (g) and (h) to read:

§ 7.134 Authorized transmitter power.

(a) Stations on land subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter power shall, subject to the provisions of § 7.110(a), not be exceeded. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter power (as defined in § 7.8(x)) shall not exceed the particular power set forth in the following paragraphs which is applicable under the controlling factors designated therein in direct relation to that power.

* * * * *

(e) * * *

Frequency-band in which operation occurs	Maximum authorized transmitter-power (without reference to modulation)		
	Public coast stations	Limited coast stations	Marine-utility stations
	Watts	*Watts*	*Watts*
35 Mc to 44 Mc	100	100	10
156.325 Mc to 156.625 Mc		100	10
156.625 Mc to 156.675 Mc		40	10
156.675 Mc to 161.625 Mc	250	100	10
161.775 Mc to 162.025 Mc	1,000		

* * * * *

(g) For marine control, marine repeater, and marine relay stations operating on the frequency 27.255 Mc or within the frequency band 72 to 76 Mc, and for other classes of stations subject to this part operating on frequencies above 174 Mc, the authorized transmitter power shall be specified in the respective station authorization.

(h) For the purpose of assuring adherence to the requirements of this section, or the applicable terms of the station authorization, the authorized transmitter-power, with reference to § 7.8 (v) and (x) may be computed for electron-tube transmitters by the method set forth in the following subparagraphs: *Provided,* That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission or class A2 or special emission for operating signals), the authorized transmitter power shall, in all instances, be measured when modulation is not present.

16. Section 7.137(b)(2) is amended to read:

§ 7.137 Special requirements for radiotelephone transmitters.

* * * * *

(b) * * *

(2) * * *

(i) When using F1, F2, or F3 emission on any frequency within the band 35 to 44 Mc or within the band 156 to 174 Mc, any spurious emission appearing on any frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier.

(ii) Any spurious emission appearing on any radio frequency removed from the carrier frequency by not less than 40 kc nor more than 100 kc shall be attenuated 35 decibels or more below the intensity of the unmodulated carrier.

(iii) Any spurious emission appearing on any frequency removed from the carrier frequency by not less than 100 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter power as specifically defined in § 7.8(x):	*Attenuation (decibels)*
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

17. Section 7.138 is amended to read:

§ 7.138 Special requirements for radar transmitters.

(a) Each radar transmitter authorized for use in the maritime radiodetermination service (other than transmitters used in developmental stations) must be type approved by the Commission, pursuant to the type approval procedure set forth in Part 2 of this chapter.

(b) In addition to meeting all other applicable requirements, such transmitters shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for stations on land subject to this part with respect to the operation of radar transmitters.

16. A new § 7.139 is inserted to read:

§ 7.139 Apparatus for generating automatically the radiotelephone alarm signal.

(a) Any device for generating the radiotelephone alarm signal (as defined by § 7.188(b)) by automatic means shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance on the duration of each tone shall be plus or minus 50 milliseconds;

(3) The interval between successive tones shall not exceed 50 milliseconds;

(4) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(b) Except for experimental or trial operation under developmental station authorization, any device for generating the radiotelephone alarm signal by automatic means, which is used or operated by a coast station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and other relevant characteristics.

19. Section 7.173 is amended by revising the note to read:

§ 7.173 Secrecy of communication.

• • • • •

NOTE: See secs. 501, 502, and 605 of the Communications Act of 1934; also Article 17 of the International Radio Regulations, Geneva, 1959.

20. Section 7.181 is amended by revising paragraphs (a) (1) and (b) (1), and inserting a new footnote 2 to read:

§ 7.181 Order of priority of communications.

(a) • • •

(1) Distress calls (including the international distress signal for radiotelegraphy),[1] the international radiotelegraph alarm signal,[2] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

• • • • •

(b) • • •

(1) Distress calls (including the international distress signal for radiotelephony),[1] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

• • • • •

[2] See § 7.188 for definition of this signal.

21. Section 7.182 is amended by revising the note to read:

§ 7.182 Control by coast station.

• • • • •

NOTE: See Article 36 of the International Radio Regulations, Geneva, 1959.

22. Section 7.184 is amended to read:

§ 7.184 Transmission of traffic lists by coast stations.

(a) Public coast stations are authorized to transmit, on their normal working frequencies in the appropriate bands, lists of official call signs (or, alternatively in the use of telephony, the names of the respective ships) in alphabetical order of all mobile stations for which they have traffic on hand. These traffic lists shall be transmitted at intervals of at least two hours and not more than four hours during the working hours of the coast station. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency that they are about to transmit such call lists on a specified working frequency.

(b) In operating pursuant to paragraph (a) of this section, public coast stations shall be governed by the applicable provisions of the International Radio Regulations.

NOTE: See paragraphs 1067 and 1300 of the International Radio Regulations, Geneva, 1959.

23. Section 7.187 is amended to read:

§ 7.187 Procedure relative to distress communication.

(a) *Applicable regulations.* In addition to the governing provisions of the Radio Regulations, Geneva, 1959 (see Article 36 thereof) applicable to the transmission and interception of distress signals and the handling of distress traffic, land stations which are subject to this part shall, in cases of distress, be governed by the following paragraphs of this section. No provision of the International Radio Regulations shall prevent the use by a land station, in exceptional circumstances, of any means of telecommunication available to it for the purpose of assisting a mobile station in distress. A land station receiving a distress message shall, without delay, take the necessary action to advise the appropriate authorities responsible for providing for the operation of rescue facilities.

(b) *Acknowledgment of distress message.* Stations of the maritime mobile service which receive a distress message from a mobile station which is, beyond any possible doubt, in their vicinity, shall immediately acknowledge receipt. However, if it appears that the mobile station in distress is not in their vicinity, a short interval of time shall be allowed to elapse before acknowledging receipt of the message, in order to permit stations nearer to the mobile station in distress to acknowledge receipt without interference. All stations which hear a distress call shall immediately cease any transmission capable of interfering with the distress traffic and shall continue to listen on the frequency used for the emission of the distress call.

(c) *Form of acknowledgment.* (1) The acknowledgment of receipt of a distress message is transmitted, when radiotelegraphy is used, in the following form:

(i) The call sign of the station sending the distress message, sent three times;

(ii) The word "DE";

(iii) The call sign of the station acknowledging receipt, sent three times;

(iv) The group RRR;

(v) The distress signal SOS.

(2) The acknowledgment of receipt of a distress message is transmitted, when radiotelephony is used, in the following form:

(i) The call sign or other identification of the station sending the distress message, spoken three times;

(ii) The words "This Is";

(iii) The call sign or other identification of the station acknowledging receipt, spoken three times;

(iv) The word "Received";

(v) The distress signal Mayday.

(d) *Control of distress traffic.* (1) The control of distress traffic is the responsibility of the mobile station in distress or of the station which, in accordance with the governing provisions of the International Radio Regulations, has transmitted the distress message. These stations may, however, delegate the control of the distress traffic to another station.

(2) The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It shall address these instructions "to all stations" or to one station only, according to circumstances. In either case, it shall use:

(i) In radiotelegraphy, the abbreviation QRT followed by the distress signal SOS. The use of the signal QRT SOS shall be reserved for the mobile station in distress and for the station controlling distress traffic;

(ii) In radiotelephony, the signal Seelonce Mayday. The use of this signal shall be reserved for the mobile station in distress and for the station controlling distress traffic.

(3) If it is believed to be essential, any station of the mobile service near the ship, aircraft, or other vehicle in distress, may also impose silence. It shall use for this purpose:

(i) In radiotelegraphy, the abbreviation QRT followed by the word "Distress" and its own call sign:

(ii) In radiotelephony, the word "Seelonce" followed by the word "Distress" and its own call sign or other identification.

(4) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(e) *Transmission of a distress message by a station not itself in distress.* (1) A land station which learns that a mobile station is in distress shall transmit a distress message in any of the following cases:

(i) When the station in distress is not itself in a position to transmit the distress message;

(ii) When the person responsible for the land station considers that further help is necessary;

(iii) When, although not in a position to render assistance, it has heard a distress message which has not been acknowledged. At the same time, all necessary steps shall be taken to notify the authorities who may be able to render assistance.

(2) The transmission of a distress message under the conditions prescribed in subparagraph (1) of this paragraph shall be made on either or both of the international distress frequencies (500 kc radiotelegraph; 2182 kc radiotelephone) or on any other available frequency on which attention might be attracted.

(3) The transmission of the distress message under the conditions prescribed in subparagraph (1) of this paragraph shall always be preceded by the call indicated hereunder, which shall itself be preceded whenever possible by the radiotelegraph or radiotelephone alarm signal. (See § 7.188.) This call consists of:

(i) When radiotelegraphy is used:

(*a*) The signal DDD SOS SOS SOS DDD;

(*b*) The word DE;

(*c*) The call sign of the transmitting station, sent three times.

(ii) When radiotelephony is used:

(*a*) The signal Mayday Relay, spoken three times;

(*b*) The words "This Is";

(*c*) The call sign or other identification of the transmitting station, spoken three times.

(4) When the radiotelegraph alarm signal is used an interval of 2 minutes shall be allowed, whenever this is considered necessary, before the transmission of the call mentioned in subparagraph (3) (i) of this paragraph.

24. Section 7.188 is redesignated as § 7.190, and footnote 4 thereto is redesignated as footnote 3.

25. Former § 7.188 is redesignated, and a new § 7.188 is inserted to read:

§ 7.188 Radiotelegraph and radiotelephone alarm signals.

(a) The international radiotelegraph alarm signal consists of a series of 12 dashes sent in 1 minute, the duration of each dash being 4 seconds and the duration of the interval between consecutive dashes 1 second. The purpose of this special signal is the actuation of automatic devices giving the alarm to attract the attention of the operator when there is no listening watch on the distress frequency.

(b) The international radiotelephone alarm signal consists of two substantially sinusoidal audio frequency tones transmitted alternately. One tone shall have a frequency of 2200 cycles per second and the other a frequency of 1300 cycles per second, the duration of each tone being 250 milliseconds. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal shall be transmitted as continuously as practicable over a period of approximately 1 minute. The purpose of this special signal is to attract the attention of the person on watch or to actuate automatic devices giving the alarm.

26. Former § 7.189 is revised and redesignated, and a new § 7.189 is inserted to read:

§ 7.189 Use of alarm signals.

(a) The radiotelegraph or radiotelephone alarm signal, as appropriate, shall only be used to announce:

(1) That a distress call or message is about to follow; or

(2) The transmission of an urgent cyclone warning. In this case the alarm signal may only be used by coast stations authorized to do so; or

(3) The loss of a person or persons overboard. In this case the alarm signal may only be used when the assistance of other ships is required and cannot be satisfactorily obtained by the use of the urgency signal only, but the alarm signal shall not be repeated by other stations. The message shall be preceded by the urgency signal.

(b) In cases described in subparagraphs (2) and (3) of paragraph (a) of this section, the transmission of the warning or message by radiotelegraphy shall not begin until two minutes after the end of the radiotelegraph alarm signal.

27. Sections 7.190 through 7.192 are redesignated as §§ 7.192 through 7.194.

28. Former § 7.189 is revised and redesignated as § 7.191 to read:

§ 7.191 Radiotelephone watch by coast stations.

(a) Each public coast station licensed to use telephony shall, during its hours of service, keep watch on the radio channel(s) authorized for working, which are used normally by mobile stations for transmission by telephony to the particular coast station; or in lieu of such watch, the coast station shall, during its hours of service, monitor such radio channel(s) by any apparatus which will automatically intercept signals from mobile stations with no less efficiency than that attainable by a watch and which automatically indicates the interception of such signals by either aural or visual means.

(b) As an alternative to keeping watch on (or monitoring) the working radio channel(s) as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on (or monitor) the comparable radio channel(s) designated for calling by telephony (assigned frequency 2182 kc, comparable to working channels within the band 1600 to 3500 kc; assigned frequency 156.8 Mc, comparable to working channels within the band 100 to 200 Mc).

(c) (1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1600–3500 kc shall, during its hours of service for telephony, maintain an efficient[4] watch for the reception of class A3 emission on the frequency 2182 kc whenever such station is not being used for transmission on that frequency: *Provided,* That the Commission may exempt any coast station from compliance with this requirement if it considers that the frequency 2182 kc is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(2) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156 to 174 Mc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class F3 emission on the frequency 156.8 Mc whenever such station is not being used for transmission on that frequency: *Provided,* That the Commission may exempt any coast station from compliance with this requirement if it considers that the frequency 156.8 Mc is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(d) Each limited coast station licensed to transmit by telephony on one or more of the working frequencies 156.5, 156.6, 156.7, or 161.6 Mc, shall, during its hours of service maintain an efficient aural watch for class F3 emission on 156.8 Mc, whenever such station is not being used for transmission on that frequency. In the event 156.8 Mc is being used for distress, urgency or safety, such station shall keep an additional watch on each assigned working frequency except in the case of 161.6 Mc where watch shall be kept on the associated ship frequency 157.0 Mc.

(e) With respect to those provisions of paragraphs (a), (b), (c), and (d) of this section pertaining to watch, the person who keeps such watch shall, in each instance, and at all times during the hours of service of the station, be a person who is authorized by the station licensee to operate, in accordance with applicable law and regulations, the appropriate radiotelephone transmitting apparatus of the particular station.

29. Section 7.207 is amended by revising the headnote and paragraphs (a) and (b) to read:

§ 7.207 Frequencies for call and reply.

(a) (1) The frequency 500 kc is the general international calling frequency, which shall be used by any coast station engaged in radiotelegraphy in the authorized band 405 to 535 kc.

[4] This watch will not be deemed efficient unless the coast station is capable of normally receiving class A3 emission on 2182 kc from mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

(2) The frequency for replying to a call sent on the general calling frequency is 500 kc, except where the calling station requests that the reply be made on an authorized working frequency. In region 2, and in other areas of heavy traffic, ship stations should request coast stations to answer on their normal working frequency.

(3) In order to facilitate the reception of distress calls, all transmissions on the frequency 500 kc shall be reduced to a minimum.

(b) The frequency 143 kc (class A1 emission only) is the international calling frequency used by stations of the maritime mobile service in the band 90 to 160 kc. When a ship station which uses frequencies in the band 90 to 160 kc desires to establish communication with a coast station, it shall call on the frequency 143 kc unless the International List of Coast Stations provides otherwise. Coast stations shall reply on their normal working frequency in this band. The frequency 143 kc shall be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

30. Section 7.209 is amended to read:

§ 7.209 Use of Morse Code required.

The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention, Geneva, 1959. However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

31. Section 7.212 is amended by revising paragraphs (b) and (c) to read:

§ 7.212 Radiotelegraph operating procedure.

• • • • •

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all coast stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 13 of the International Radio Regulations, Geneva, 1959.

(c) In addition to compliance with all applicable sections of this part, the operation of coast stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29, 30, 31, 37, 38, and 39 of the International Radio Regulations, Geneva, 1959.

32. Section 7.213 is amended to read:

§ 7.213 Station documents.

(a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license(s), available in accordance with the provisions of § 7.155;

(3) The station log required by this part;

(4) The Alphabetical List of Call Signs of Stations used in the Maritime Mobile Service;

(5) The List of Ship Stations;

(6) The International Radio Regulations, Geneva, 1959;

(7) Parts 7 and 8 of this chapter.

(b) All limited coast stations using telegraphy shall be provided with the documents specified by subparagraphs (1), (2), (3), (6), and (7) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

33. Section 7.304 is amended by revising paragraphs (b) and (e) to read:

§ 7.304 Assignable frequencies.

• • • • •

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation subject to and in accordance with other provisions of other applicable sections of this subpart and Subpart E of this part:

156.8
161.8 Except in Puerto Rico and the Virgin Islands.
161.85 Except in Puerto Rico and the Virgin Islands.
161.9
161.95
162.0

• • • • •

(e) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within the bands between 2000 kc and 27.5 Mc shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter as being allocated for use by coast stations using telephony may be assigned to such coast stations: *Provided, however,* That initial authorizations for such frequencies shall be limited to 6 months duration.

34. Section 7.305 is amended by revising paragraphs (a) (3) and (4), and paragraph (b) to read:

§ 7.305 Frequencies for calling and distress.

(a) • • •

(3) The international safety signal and call. The safety message which follows shall, where practicable, be sent on a working frequency and a suitable announcement to this effect shall be made at the end of the call.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station: *Provided,* That as a general rule radiotelephone stations on board foreign ships shall be called on the frequency 2182 kc.

• • • • •

(b) The frequency 156.8 Mc is the international safety and calling frequency for the maritime mobile radiotelephone service in the band 156 to 174 Mc. This frequency may be used by public coast stations as prescribed in § 7.309.

35. Section 7.306(d) (2) is amended to read:

§ 7.306 Availability of frequencies below 30 Mc.

• • • • •

(d) • • •

(2) Use of the frequency 2638 kc for ship-shore communication shall be confined exclusively to safety and operational communication (see paragraphs (a), (d), (f), (g), and (o) of § 7.7). Except for safety communciation, operation on the frequency 2638 kc by coast stations shall be limited to day only (see § 7.2(j)): *Provided,* That daily operation with respect to operational communication may be continued beyond this time to the extent necessary for compliance with the provisions of § 7.186(b).

36. Section 7.307 is amended to read:

§ 7.307 Availability of frequencies above 100 Mc.

(a) Carrier frequencies assignable to public coast stations for working are designated in this section. Frequencies will be assigned in such order as to minimize interference. Each of these frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee. These frequencies are not authorized for use in communicating with stations aboard aircraft.

Channel designator	For transmission (Mc)	For reception (Mc)
24	[1] 161.80	[1] 157.20
25	[1] 161.85	[1] 157.25
26	161.90	157.30
27	161.95	157.35
28	162.00	157.40

[1] These frequencies are not available in Puerto Rico or the Virgin Islands.

(b) The frequencies specified in paragraph (a) of this section are assignable in the sequence 161.9, 161.95, 161.85, 161.80, and 162.00 Mc primarily to public coast stations which provide service to one or more principal harbors or ports.

(c) Public coast stations which provide service to other than a principal harbor or port may be assigned the frequencies for transmission specified in paragraph (a) of this section in the sequence 161.90, 161.95, 161.85, 161.80, and 162.00 Mc upon the express condition that (1) such assignment shall be on a secondary basis with respect to use of the assigned frequencies by a station or stations providing service (existing or in the future) to one or more principal harbor or port and (2) subject to the provisions of §§ 7.180 and 7.181 interference shall not be caused to the service rendered any principal harbor or port.

§ 7.308 [Deletion]

37. Section 7.308 is deleted in its entirety.

38. Section 7.309 is amended to read:

§ 7.309 Use of assigned frequency 156.8 Mc.

(a) The frequency 156.8 Mc is authorized for call, reply and safety purposes. It may be used for messages preceded by the urgency and safety signals and, if necessary, for distress messages. It may also be used to announce transmission to be made soon thereafter, on another frequency which transmission is of general interest to ship stations, including ordinary weather and hydrographic information.

(b) The use of this frequency by public coast stations for transmission of any other category is not authorized.

(c) In general, calling and replying by public coast stations shall be conducted on a frequency authorized primarily for working.

39. Section 7.312(a) is amended to read:

§ 7.312 General radiotelephone operating procedure.

(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a public coast station shall call the particular station(s) with which it intends to communicate.

(2) Public coast stations shall call ship stations by voice unless it is known that the attention of a particular ship station with which communication is intended may be secured by other means (such as automatic actuation of a selective ringing device).

(3) Public coast stations may use authorized classes of emission for selective calling on each radio channel authorized for working. The use of selective calling on the radio channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

NOTE: See those provisions of Subpart E of this part relative to authorized classes of emission.

(4) Calling a particular station, either by voice or by other means, shall not continue for a period of more than one minute in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of two minutes. When a station called does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes; however, if there is no reason to believe that harmful interference will be caused to other communications in progress, the call sent three times at intervals of two minutes may be repeated after a pause of not less than three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(5) Each public coast station, when using selective calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio channel which is used for transmitting such calls.

(6) Except in the event of an emergency involving safety, a public coast station, with respect to operation on any radio channel which is used also by other coast stations within the same communication area, shall not answer, or attempt to answer, a ship station until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(7) A public coast station shall not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

40. Section 7.313 is amended to read:

§ 7.313 Station documents.

(a) Class I public coast stations, and class II public coast stations that provide communication with oceangoing vessels, shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license(s), available in accordance with the provisions of § 7.155;

(3) The station log required by this part;

(4) Parts 7 and 8 of this chapter;

(5) The Alphabetical List of Call Signs of Stations used in the Maritime Mobile Service;

(6) The List of Ship Stations;

(7) The International Radio Regulations, Geneva, 1959.

(b) Class II public coast stations that do not provide communication with oceangoing vessels, and class III public coast stations, shall be provided with the documents specified by subparagraphs (1), (2), (3), and (4) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

41. Section 7.354 is amended by revising paragraphs (a) (3) (iii) and (b) (5) to read:

§ 7.354 Points of communication.

(a) • • •

(3) • • •

(iii) Ship stations of a foreign country using telephony except on the frequencies 156.35, 156.9, and 156.95 Mc.

(b) • • •

(5) Such communication shall occur only on the frequencies 156.35, 156.45, 156.55, 156.9, and 156.95.

42. Section 7.356 is amended to read:

§ 7.356 Assignable frequencies above 30 Mc.

(a) The frequencies above 156 Mc listed in the following table may be authorized to limited coast stations for communication with ship stations as indicated in this section (these frequencies are not authorized for use in communicating with stations aboard aircraft):

Channel designator	Frequency (Mc) Coast	Frequency (Mc) Ship	Authorized communications
7	156.35	156.35	Business and operational.
9	156.45	156.45	Business and operational.
10	156.50	156.50	Port operations [2]
11	156.55	156.55	Business and operational.
12	156.60	156.60	Port operations.[2]
13	156.65	156.65	Port operations.[1]
14	156.70	156.70	Port operations.[2] [3]
16	156.80	156.80	Safety and calling.
18	156.00	156.90	Business and operational.
19	156.95	156.95	Business and operational.
20	161.60	157.00	Port operations.

[1] Limited to communication with ship stations for the exchange of information concerning shore radar stations or for communication essential for the current passage of a ship or ships through locks, bridge areas, and government controlled waterways.

[2] Primarily for communication with ship stations for the exchange of information essential to the effective operation of shore radar stations.

[3] The frequencies 156.6, 156.7, and 156.5 Mc are normally assignable in that sequence unless it is necessary to omit frequencies in order to avoid harmful interference between services of neighboring coast stations or a particular frequency is selected because of a primary usage, as for 156.5 and 156.7 Mc.

(b) Carrier frequencies within the band 30 to 50 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio channel of communication pertaining only to the business and operational needs of ships, are designated herewith:

Carrier frequency:	*Normal geographic area of use*
35.06 Mc	Gulf coast area, Puerto Rico, and Virgin Islands.
35.10 Mc	Pacific coast area and islands of the Pacific Ocean.
35.14 Mc	Atlantic coast area.
35.18 Mc	Midcontinent area, including Great Lakes.

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(c) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–36 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionspheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

NOTE: No new radio systems will be authorized in the maritime mobile service on the frequencies listed in paragraphs (c) and (d) of this section. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

43. Section 7.358 is amended by revising the headnote and text to read:

§ 7.358 Conditions imposed upon assignments in the 156–174 Mc band.

(a) Normally a limited coast station shall be authorized to use only one working frequency within the frequency band 156.325 to 161.625 Mc in accordance with the table contained in § 7.356(a). Application for authority to use more than one frequency for working shall include a satisfactory showing of need for such additional frequency.

(b) The frequency 156.8 Mc is not available for assignment to limited coast stations which are authorized to operate only on 156.35, 156.9, or 156.95 Mc.

44. Section 7.359 is amended to read:

§ 7.359 Use of assigned frequency 156.8 Mc.

The frequency 156.8 Mc is authorized for call, reply and safety purposes. It may also be used for messages preceded by the urgency and safety signals, announcing the transmission on another frequency in the 156 to 174 Mc band of important maritime information, and, if necessary, for distress messages. The use of this frequency by limited coast stations for transmissions of any other category is not authorized.

§ 7.361 [Deletion]

45. Section 7.361 is deleted in its entirety.

46. Section 7.366 is amended by revising paragraph (a)(3) and paragraph (b), and deleting footnote 1, as follows:

§ 7.366 Availability of 2182 kc for limited coast stations.

(a) • • •

(3) The international safety signal and call. The safety message which follows shall, where practicable, be sent on a working frequency and a suitable announcement to this effect shall be made at the end of the call.

• • • • •

(b) When using this frequency for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of the radio transmitter shall not exceed 100 watts.

47. Section 7.368(a) is amended to read:

§ 7.368 General radiotelephone operating procedure.

(a) *Limitations on calling.* (1) Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a limited coast station or a marine-utility station shall call the particular station(s) with which it intends to communicate.

(2) Limited coast stations shall call ship stations by voice unless it is known that the attention of a particular ship station with which communication is intended may be secured by other means (such as automatic actuation of a selective ringing device).

(3) Limited coast stations may use authorized classes of emission for selective calling on each radio channel authorized for working. The use of selective calling on the radio channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(4) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(5) Each limited coast station, when using selective calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio channel which is used for transmitting such calls.

(6) Except in the event of an emergency involving safety, a limited coast station or a marine-utility station with respect to operation on any radio channel which is used also by other stations within the same communication area, shall not answer, or attempt to answer, a station on board ship until the latter had transmitted the call sign or name of the particular shore station with which it desires to communicate.

(7) A limited coast station or a marine-utility station shall not attempt to communicate with a ship station that has specifically called another station until it becomes evident that the called station does not answer or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

48. The title of Subpart K is amended to read: "Subpart K—Stations on Land in the Maritime Determination Service."

49. Section 7.401 is amended to read:

§ 7.401 Limitation on station authorizations.

For operation of transmitters other than radar in stations on land in the maritime radiodetermination service, only developmental station authorizations will be granted.

50. Section 7.402 is amended to read:

§ 7.402 Assignable frequencies.

(a) The following frequency bands are authorized for use by shore radionavigation stations (including shore-radar stations):

2900 Mc to 3100 Mc
5460 Mc to 5650 Mc
9300 Mc to 9500 Mc

(b) The following frequency bands are authorized for use by shore radiolocation stations:

(1) 2450 to 2500 Mc on condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2)

2900 Mc to 3100 Mc
5460 Mc to 5650 Mc
9300 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation shall not cause harmful interference to the radionavigation service and to the Government radiolocation service. Each shore radiolocation station in the maritime radiolocation service (used for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 3000 to 3246 Mc as of April 16, 1953 and which operates on frequencies between 3100 and 3246 Mc may continue to operate in the band 3100 to 3246 Mc for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to U.S. Government services.

51. Section 7.471 is amended to read:

§ 7.471 Eligibility requirements.

An authorization for a marine receiver-test station may be granted to the licensee of a public coast station using telephony and having a frequency assignment for this purpose within the frequency band 2000 to 3500 kc or 156 to 174 Mc.

52. Section 7.473 is amended to read:

§ 7.473 Assignable frequencies.

The carrier frequency or frequencies assignable to a marine receiver-test station is (are) the specific carrier frequency or frequencies within the band 2000 to 3500 kc or 156 to 174 Mc used by public ship stations in transmitting by means of telephony to the particular public coast station with which the marine receiver-test station is associated; these frequencies with respect to ship stations of the United States are designated in §§ 8.354 and 8.359 of this chapter.

§ 7.501 [Amendment]

53. Section 7.501 is amended by deleting paragraph (b).

54. Section 7.503 is amended by revising paragraph (c), and deleting paragraph (d), as follows:

§ 7.503 Assignable frequencies.

• • • • •

(c) In addition to the specific frequency bands designated by § 7.402 for shore radiolocation stations, the following frequency bands are authorized for use by developmental shore radiolocation stations:

5350 Mc to 5460 Mc
9000 Mc to 9200 Mc

Use of frequencies within these bands shall not cause harmful interference to the aeronautical radionavigation service, or the Government radiolocation service.

§ 7.504 [Amendment]

55. Section 7.504 is amended by deleting paragraph (d).

§ 7.506 [Amendment]

56. Section 7.506 is amended by deleting paragraph (b).

§ 7.508 [Deletion]

57. Section 7.508 is deleted in its entirety.

§ 7.509 [Deletion]

58. Section 7.509 is deleted in its entirety.

59. Section 7.529(a) is amended to read:

§ 7.529 Assignable frequencies.

(a) Provided one of the following designated carrier frequencies in megacycles is authorized for use by a particular limited coast station in the maritime service in accordance with the applicable provisions of Subpart J of this part, such carrier frequency may be authorized for additional use by that land station for operation (on a secondary basis in reference to maritime mobile service) as a shipyard base station in a supplemental land mobile service:

156.35 156.45 156.55

B. Part 8, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 8.1(b) is amended to read:

§ 8.1 Basis and purpose.

• • • • •

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for radiocommunication and radiodetermination for maritime operations and for public correspondence which require radio transmitting facilities on board ship and, for certain maritime communications, including public correspondence, on board aircraft; and to prescribe, in so far as is necessary to carry out the provisions of statute and applicable treaties and agreements relative to radio operators and radio installations on board ships for safety purposes, the details as to location, manner of installation, use and availability of the required equipment, apparatus, spare parts, and such supplementary equipment as may be necessary for the proper functioning of the required shipboard radio installations for the proper conduct of radio communication in time of emergency or distress.

2. Section 8.2 is amended by revising paragraphs (a) through (j), and paragraph (m) to read:

§ 8.2 General.

(a) *Safety Convention.* The International Convention for the Safety of Life at Sea, London, 1948, including the regulations annexed thereto.

(b) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunication Convention, Geneva, 1959, as between the Government of the United States and other contracting governments; and such preceding international radio regulations as remain in force between the Government of the United States and other contracting governments.

(c) *Region 1, Region 2, and Region 3.* Those geographic areas defined as "Region 1", "Region 2", and "Region 3" in Article 5 of the International Radio Regulations, Geneva, 1959.

(d) *Great Lakes Agreement.* The Agreement for the Promotion of Safety on the Great Lakes by Means of Radio and the regulations referred to therein, made by and between the Governments of the United States and Canada, which came into force on November 13, 1954.

(e) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(f) *Radiocommunication.* Telecommunication by means of radio waves.

(g) *Public correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

(h) *Station.* One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service. Each station shall be classified by the service in which it operates permanently or temporarily.

(i) *Ship station license.* A license authorizing the operation of a ship station, a survival craft station associated with a ship or a ship radionavigation station.

(j) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

• • • • • •

(m) *Radio district.* The territory within each radio district, and the address of the Engineer in Charge of each radio district, is set out in section 0.49 of the Commission's "Part O—Statement of Organization, Delegations of Authority, and Other Information.".

3. Section 8.3 is amended by revising paragraphs (a), (c), and the three subdivision headings under paragraph (e)(2) to read:

§ 8.3 Maritime mobile service.

(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

• • • • • •

(c) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

• • • • • •

(e) • • •
(2) • • •
First Category • • •
Second Category • • •
Third Category • • •

4. Section 8.4 is amended to read:

§ 8.4 Maritime radiodetermination service.

(a) *Radiodetermination.* The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

(b) *Radiodetermination service.* A service involving the use of radiodetermination.

(c) *Maritime radiodetermination service.* A radiodetermination service intended for the benefit of ships.

(d) *Radionavigation.* Radiodetermination used for the purposes of navigation, including obstruction warning.

(e) *Radionavigation service.* A radiodetermination service involving the use of radionavigation.

(f) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(g) *Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

(h) *Ship radionavigation station.* A radionavigation mobile station located on board a ship and used solely for maritime radionavigation service.

(i) *Radar.* A radiodetermination system based on the comparison of reference signals with radio signals reflected, or retransmitted, from the position to be determined.

(j) *Ship radar station.* A ship radionavigation station utilizing radar.

(k) *Radiolocation service.* A radiodetermination service involving the use of radiolocation.

(l) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(m) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(n) *Ship radiolocation station.* A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(o) *Ship radiolocation test station.* A ship radiolocation station used solely for testing maritime radionavigation apparatus incident to its manufacture, installation, repair, servicing and/or maintenance.

(p) *Radio direction finding.* Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

(q) *Direction finder (radio compass).* Apparatus capable of receiving clearly perceptible radio signals and capable of taking bearings on these signals from which the true bearing and direction of the point of origin of such signals with respect to the point of reception may be determined.

5. Section 8.5 is amended by revising paragraphs (b) and (c) to read:

§ 8.5 Developmental maritime stations on board ship.

• • • • •

(b) *Developmental radiodetermination station.* A radiodetermination station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the nongovernment radiodetermination service (including the nongovernment radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiodetermination station.

(c) *Specific classification.* The specific classes of developmental stations on board ships in the maritime mobile service and in the maritime radiodetermination service (including maritime radionavigation service) are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "limited ship station (developmental)".

6. Section 8.6 is amended to read:

§ 8.6 Operational.

(a) *Safety communication.* The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services, or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with regulations in this Chapter.

(d) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those regulations) must cease on all frequencies within a designated frequency band centered on 500 kc.

(e) *Watch.* The act of listening on an international distress or calling frequency.

(f) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(g) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(h) *Operational communication.* Radiocommunication concerning the navigation, movement, or management of a ship or ships.

(1) *Navigation.* This includes the piloting of a vessel.

(2) *Movement.* This includes information and necessary communication relative to when and where the boat or ship will move or be moved as, for example, rendezvous at a port, basin, or marina, or for maneuvers during a cruise.

(3) *Management.* This includes the obtaining of necessary supplies for the ship, limited to immediate needs, and the scheduling of repairs or modifications to the ship, limited to communications with those directly involved in the repairs or modifications or concerned with changes in the movement of the ship because of those repairs or modifications.

(i) *Business communication.* Radio communication pertaining to economic, commercial, or governmental matters related directly to the purpose for which the ship is being used.

(j) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations, in which messages are restricted to those relating to the movement and safety of ships and, in emergency, to the safety of persons.

7. Section 8.7 is amended to read:

§ 8.7 Technical.

(a) *Spurious emission.* Emission on a frequency or frequencies which are outside the necessary band, and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions and intermodulation products, but exclude emissions in the immediate vicinity of the necessity band, which are a result of the modulation process for the transmission of information.

(b) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(c) *Frequency tolerance.* The maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency. The frequency tolerance is expressed in parts in 10^6 or in cycles per second.

(d) *Frequency band.* A continuous range of frequencies extending between two designated limiting frequencies.

(e) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(f) *Radio channel.* A frequency band, sufficient in width to permit its use for radiocommunication, comprised of the emission bandwidth, the interference guard bands, and the frequency tolerance.

(g) *Emission bandwidth.* The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful. (This definition coincides with the definition of "Occupied Bandwidth" which appears as paragraph 90 of the International Radio Regulations, Geneva, 1959.)

(h) *Interference guard bands.* The two frequency bands additional to and on either side of, the authorized frequency band, which may be provided to minimize the possibility of interference between different radio channels.

(i) *Assigned frequency.* The center of the frequency band assigned to a station.

(j) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission bandwidth in relation to the authorized carrier frequency.

(2) The authorized emission bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency band (when a carrier does not exist).

(k) *Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

(l) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(m) *Percentage modulation.* The modulation factor expressed in percent.

(n) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(o) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(p) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(q) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(r) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(s) *Last radio stage.* In an electron tube radio transmitter, the radiofrequency oscillator or power amplifier stage which supplies all radiofrequency power to the antenna, either directly or through the medium of a transmission line.

(t) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(u) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency band.

(v) *Authorized transmitter power.* The power of a particular transmitter as designated in the respective station license or, in lieu thereof, the power designated in the applicable rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes in the last radio stage of the transmitter which are used to supply radiofrequency power to the antenna, without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(w) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

8. Section 8.21 is amended to read:

§ 8.21 Authorization required for operation of a radio station.

Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission. Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15 of this chapter, Incidental and Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes not involving radiocommunication are set forth in Part 18 of this chapter, Industrial, Scientific, and Medical Service.

9. Section 8.22 is amended to read:

§ 8.22 Administrative classification of stations.

(a) Stations in the maritime mobile service subject to this part are licensed according to the class of station normally as designated below:

(1) Public ship stations authorized to employ telegraphy for public correspondence:

(i) First category;

(ii) Second category;

(iii) Third category;

(2) Public ship stations not authorized to employ telegraphy for public correspondence;

(3) Limited ship stations;

(4) Marine utility stations;

(5) Survival craft stations.

(b) Public ship stations not authorized to employ telegraphy for public correspondence are licensed as public ship stations (one class) without distinction relative to hours of service for public correspondence.

(c) Limited ship stations are licensed (one class) without distinction relative to hours of service.

(d) One ship station license is issued in behalf of one station licensee to authorize the operation of a ship station which is within more than one class as enumerated in paragraph (a) of this section. In all such cases, if the station by reason of any portion of its use or operation, comes within the definition of a public ship station (as defined by § 8.3 (e)), it is licensed as a public ship station, if the station is authorized to employ telegraphy for public correspondence, it is further classified in accordance with paragraph (a) (1) of this section.

(e) Survival craft stations are normally authorized by listing the transmitting equipment on the ship station license.

(f) Stations in the maritime radiolocation service subject to this part are licensed according to the class of station, normally as designated below:

(1) Ship radiolocation stations.

(2) Ship radiolocation-test stations.

(g) Stations in the maritime radionavigation service subject to this part, including ship radar stations, are normally licensed as ship radionavigation stations.

§ 8.61 [Deletion]

10. Section 8.61 is deleted in its entirety.

11. Section 8.68 is amended by revising the headnote and text to read:

§ 8.68 Authority for survival craft stations.

Authority to operate a survival craft station will be granted only when the parent vessel is equipped with and authorized to operate a ship station.

12. Section 8.104 is amended by revising paragraphs (b) and (e), and paragraph (f) (2) to read:

§ 8.104 Operating controls.

* * * * *

(b) Every ship station using telegraphy for normal traffic shall be provided with a device permitting changeover from telegraph transmission to telegraph reception and vice versa without manual switching. In addition, these stations should be able to listen on the reception frequency during the course of periods of transmission.

* * * * *

(e) Each ship station using a multichannel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kc) shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio channel to any other operating radio channel for transmission or reception by means of telegraphy within:

(1) A period of five seconds if the particular radio channels are within the same characteristic portion of the spectrum; or

(2) A period of fifteen seconds if the particular radio channels are not within the same characteristic portion of the spectrum.

(f) * * *

(2) A period of three seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 156 to 174 Mc.

13. Section 8.105 is amended by revising paragraphs (a) and (c) to read:

§ 8.105 Required radio channels for telegraphy.

(a) Each ship station using telegraphy on frequencies within the band 405–535 kc shall be capable of transmitting and receiving classes A1 and A2 emission on the frequency 500 kc, and on at least two working frequencies within this band. When a radiotelegraph installation is compulsory fitted for safety purposes, a fourth frequency within this band which is authorized specifically for direction finding must be provided also.

* * * * *

(c) Each ship station using telegraphy on the specific frequencies in the bands between 4000 and 27,500 kc authorized by the International Radio Regulations, Geneva, 1959, exclusively for the maritime mobile service shall, in each of the bands for which facilities are provided to carry on its service, be capable of transmitting and receiving class A1 emission on at least one radio channel authorized for calling and at least two radio channels authorized for working.

14–15. Section 8.106 is amended to read:

§ 8.106 Required radio channels for telephony.

(a) Ship stations licensed for telephony within the band 1600 to 4000 kc shall be capable of transmitting and receiving class A3 emission (modulation by voice frequencies) on the frequency 2182 kc.

(b) Each ship station using telephony on frequencies within the band 1600 to 4000 kc which is licensed to transmit on the frequency 2182 kc shall be capable of receiving on this frequency and if used for other than safety communications shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least two working frequencies within this band.

(c) Each ship station and each marine utility ship station, which is licensed to operate in the band 156 to 174 Mc, shall be able to transmit and receive on the frequencies 156.3, 156.8 Mc and all the frequencies in the band 156 to 174 Mc necessary for their service: *Provided, however,* That this requirement shall not be applicable when the station is equipped to operate in this band:

(1) Solely on 156.35, 156.9, or 156.95 Mc.

(2) Solely on 156.65 Mc, or any frequency available only for communication with public coast stations in the 156 to 174 Mc band, on condition that harmful interference shall not be caused by reason of exception from the requirement contained in this paragraph, to the service of any ship station which complies with the requirement of this paragraph and is operating on the same frequency, and on the further condition, in the case of 156.65 Mc, that the vessel on which the station is located is capable of operation on the frequency 500 kc and two working frequencies in the band 415 to 515 kc, or the frequency 2182 kc and two working frequencies for telephony in the band 1605 to 3500 kc.

§ 8.116 [Deletion]

16. Section 8.116 is deleted in its entirety.

17. Section 8.131 is amended to read:

§ 8.131 Authorized frequency tolerance.

(a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances authorized for stations on board ships subject to this part shall be as prescribed in paragraphs (b) through (e) of this section.

(b) Authorized frequency tolerances for ship and survival craft stations operating on frequencies below 515 kc or within the frequency band 1600 to 27500 kc:

Frequency ranges:	*Parts in 10^6 unless shown as cycles per second*
(1) From 100 to 515 kc (except for transmitters of the classes specified in (2) and (3) below)	1000
(2) From 100 to 515 kc; emergency transmitters only, the use of which is confined solely to safety communication as defined in § 8.6(a)	3000
(3) Survival craft stations on 500 kc	5000
(4) Ship stations from 1600 to 2070 kc and 2080 to 3500 kc	200
(5) Ship stations from 2070 to 2080 kc	50
(6) Survival craft stations on 2182 kc	200
(7) Stations when using frequencies within the band 4000 to 27500 kc:	
Ship stations using class A1 emission	200
Ship stations using other than A1 emission	50
Survival craft stations on 8364 kc	200

(c) Authorized frequency tolerances for ship and survival craft stations operating on frequencies above 30 Mc:

(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	200
For all other stations	100
(2) From 100 to 200 Mc except for 121.5 Mc:	
Until Jan. 1, 1964, for ship stations licensed to operate with a plate input power not in excess of 3 watts	100
Until Jan. 1, 1964, for all other ship stations	50
On and after Jan. 1, 1964, for all ship stations	20
(3) Ship stations and survival craft stations on 121.5 Mc	50

(d) For stations in the maritime radiodetermination service (other than ship radar stations) the authorized frequency tolerance shall be specified in the instrument of authorization.

(e) The frequency tolerance authorized for ship radar stations is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency band, where "T" is the pulse duration in microseconds.

18. Section 8.132 is amended by revising items (1) and (2) of the table in paragraph (a) to read:

§ 8.132 Authorized classes of emission.

(a) • • •

(1) Stations using telegraphy:	A1, and for brief testing A0.
100 to 160 kc, 160 to 515 kc	A1, A2,[3] A2a,[3] A2b,[3] and for brief testing A0.
2065 to 2070 kc and 2080 to 25,000 kc.	A1, and for brief testing A0, except for survival craft stations which, in addition, may use class A2 emission.
2070 to 2080 kc	Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.
(2) Stations using telephony:	A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
1600 kc to 30 Mc[3]	A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
30 to 50 Mc	A3 for ship stations and any amplitude modulated emission for survival craft stations.
121.5 Mc	F3; and for brief operating signals F1 and F2; also for brief testing F0.
156 to 174 Mc	As designated in the station authorization.
For other frequencies or frequency bands.	

§ 8.133(c)(1) [Amendment]

19. Section 8.133(c)(1) is amended by changing in the first column of the table the three specifications "For 156.25 to 157.45 Mc" to read "For 156 Mc to 174 Mc".

20. Section 8.134 is amended by revising paragraph (a), the text following the table in paragraph (c)(2), and paragraph (e) through paragraph (h)(1) to read:

§ 8.134 Authorized transmitter power.

(a) Stations on board ship subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter power shall, subject to the provisions of § 8.110(a), not be exceeded; and on condition that the minimum authorized transmitter power shall not be less than that designated in paragraph (c) of this section. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter power (as defined in § 8.7(v)) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power. Unless the station license specifically provides otherwise, the minimum authorized transmitter power shall not be less than the particular power set forth in paragraph (c) of this section.

• • • • • •

(c) • • •

(2) • • •

Provided, however, That the Commission may specifically license the use of authorized transmitter power less than that specified in the foregoing table, for telephone communication on frequencies within the band 2000 to 4000 kc on condition that the applicant or station licensee shall make a satisfactory showing to the Commission that, with the plate (anode) input power to be used (see § 8.7(t)) a minimum radio frequency field intensity of 7.4 millivolts per meter will be obtained on each such frequency at a distance over sea water of one statute mile (over fresh water, the minimum radiofrequency field intensity is reduced to 4.8 millivolts per meter at one statute mile) from the ship station independent of the direction in which the ship is headed.

• • • • • •

(e) For ship stations (except marine-utility ship stations) using class F3 emission in the band 35 to 44 Mc, the maximum authorized transmitter power is 100 watts. For marine-utility ship stations the maximum authorized transmitter power in this band is 10 watts.

(f) For ship stations (except marine-utility ship stations) using class F3 emission in the band 156 to 174 Mc, the maximum authorized transmitter power is 100 watts in Regions 2 and 3, and 40 watts in Region 1, except that the maximum authorized transmitter power for use on 156.65 Mc is 40 watts. For marine-utility ship stations the maximum authorized transmitter power in this band is 10 watts.

(g) For stations on board ship which are licensed to transmit on frequencies above 174 Mc, the authorized power shall be specified in the respective station license.

(h)(1) For the purpose of assuring adherence to the requirements of this section or the applicable terms of the station authorization, the authorized transmitter power, with reference to paragraphs (t) and (v) of § 8.7, may be computed for electron-tube transmitters by the method set forth in the following subparagraphs: *Provided,* That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission and secondarily class A2 or special emission for operating signals) the authorized transmitter power may be measured when modulation is not present.

21. Section 8.135(a) is amended by revising the introductory text to read:

§ 8.135 Suppression of interference from receiving apparatus.

(a) The use or operation of any radio receiving system or apparatus on board a ship of the United States (excluding lifeboats and other survival craft) shall not, by reason of emission therefrom cause harmful interference to any authorized maritime mobile or maritime radiodetermination service or impair the efficiency of any auto alarm or watch on any radio frequency used for either of these services: *Provided,* That this regulation shall not prevent the use or operation of any radio receiving apparatus

or system on board ship when the installation or use thereof is required by act of Congress or any treaty to which the United States is a party unless the Commission finds that the interfering emission from such apparatus or system is capable of:

22. Section 8.136 is amended by revising paragraphs (b)(3) and (d)(1) to read:

§ 8.136 Spurious emission limitations.

• • • • • •

(b) • • •

(3) On any frequency removed from the center of the authorized frequency band of emission by more than 250 percent of the authorized emission bandwidth: by at least the number of decibels equal to $40+10 \log_{10} P$, where P is the maximum "authorized transmitter power" in watts as such power is specifically defined in § 8.7(v) without applying the power tolerance prescribed in § 8.110(a).

• • • • • •

(d) • • •

(1) Survival craft transmitters;

23. Section 8.137 is amended by revising paragraph (a), and deleting paragraph (c), as follows:

§ 8.137 Special requirements for radiotelephone transmitters.

(a) In order to be type accepted each radiotelephone transmitter shall automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters licensed for an authorized transmitter-power not exceeding three watts or to survival craft station transmitters. In the event the operation of any licensed radiotelephone transmitter causes harmful interference to any authorized radio service by reason of excessive modulation, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it will automatically prevent modulation in excess of 100 percent.

24. Section 8.138(b)(1) is amended to read:

§ 8.138 Special requirements for ship-radar transmitters.

• • • • • •

(b)(1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiodetermination service or any maritime mobile service;

25. Section 8.139 is amended by revising the headnote and inserting a new paragraph (b) to read:

§ 8.139 Transmitters required to be type accepted for licensing.

• • • • • •

(b) Each survival craft station transmitter which has not been type approved pursuant to § 8.520 shall be type accepted for licensing.

26. Section 8.140 is amended by revising paragraph (a), adding a footnote 1, and deleting the note following paragraph (b), as follows:

§ 8.140 Type acceptance of equipment.

(a) Any manufacturer of a radio transmitter intended for use or used in ship stations, marine-utility stations, or survival craft stations may request type acceptance for such transmitters by following the type acceptance procedure set forth in Part 2 of this chapter.[1]

[1] Except transmitters provided on board ship for compliance with radiotelegraph requirements of Title III, Part II of the Communications Act of 1934, as amended.

27. A new § 8.141 is inserted to read:

§ 8.141 Special requirements for survival craft stations.

(a) Equipment provided for use in survival craft stations shall, if capable of transmitting on:

(1) The frequency 500 kc, be able to use class A2 emission.

(2) The frequency 2182 kc, be able to use class A3 emission.

(3) The frequency 8364 kc, be able to use class A2 emission.

(4) The frequency 121.5 Mc, be able to use amplitude modulated emission.

(b) If a receiver is provided, it shall be capable of receiving the frequency and types of emission which the transmitter is capable of using: *Provided,* That if the transmitter frequency is 8364 kc the receiver shall be capable of receiving A1 and A2 emissions throughout the band 8320 to 8745 kc: *And further provided,* That if the transmitter frequency is 121.5 Mc, the receiver shall be capable of receiving A3 emissions.

(c) Survival craft transmitters operating on the frequency 500 kc or on the frequency 8364 kc shall be capable of manual keying. If provisions are made for automatically transmitting the radiotelegraph alarm signal or the radiotelegraph distress signal, such provisions shall meet the requirements of § 8.557(b)(4)(i), (ii), (v) and (vi).

28. A new § 8.142 is inserted to read:

§ 8.142 Apparatus for generating automatically the radiotelephone alarm signal.

(a) Any device for generating the radiotelephone alarm signal (as defined by § 8.245(b)) by automatic means shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance on the duration of each tone shall be plus or minus 50 milliseconds;

(3) The interval between successive tones shall not exceed 50 milliseconds;

(4) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(b) Except for experimental or trial operation under developmental station authorization, any device for generating the radiotelephone alarm signal by automatic means, which is used or operated by a mobile station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and other relevant characteristics.

29. Section 8.155 is amended by revising the introductory text of paragraph (b)(1), and inserting a new paragraph (c) to read:

§ 8.155 Waivers of operator license.

• • • • • •

(b) *For ship-radar.* (1) No radio operator license is required for the operation on board ship, during the course of the normal rendition of service, of ship-radar stations: *Provided,* That the following conditions are met or provided for by the licensee of the station:

• • • • • •

(c) *For survival craft.* The provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate a survival craft station while it is being used solely for survival purposes.

§ 8.172 [Deletion]

30. Section 8.172 is deleted in its entirety.

31. Section 8.173 is amended to read:

§ 8.173 Authority of the master.

(a) Except as may be regulated by law or international agreement or by the rules of the Commission, the service of each station on board ship shall at all times be under the supreme control of the master, who shall require that each operator of such station comply with the International Radio Regulations in force and that the ship station for which the operator is responsible is used, at all times, in accordance with those regulations.

(b) However, during any period in which the Department of Defense lawfully may exercise and is in fact lawfully exercising emergency controls over United States merchant shipping, no provisions of the Commission's rules and regulations shall prevent the master of any ship of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out instructions of the Department of Defense.

32. Section 8.174 is amended by revising the note to read:

§ 8.174 Secrecy of communication.

• • • • • •

NOTE: See secs. 501, 502, and 605 of the Communications Act; also Article 17 of the International Radio Regulations, Geneva, 1959.

33. Section 8.177 is amended by revising paragraphs (a)(1) and (b)(1), footnote 1, and inserting a new footnote 2 to read:

§ 8.177 Order of priority of communications.

(a) • • •

(1) Distress calls (including the international distress signal for radiotelegraphy),[1] the international radio-

telegraph alarm signal,[1] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

• • • • • •

(b) • • •

(1) Distress calls (including the international distress signal for radiotelephony),[1] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

[2] See § 8.234 for definition of this signal.
[3] See § 8.245 for definition of this signal.

34. Subpart J (§§ 8.231–8.241) is deleted and the following new Subpart J (including a new title and new §§ 8.231–8.250) is inserted to read:

Subpart J—Distress, Alarm, Urgency, and Safety

§ 8.231 Applicable regulations.

In addition to the governing provisions of the International Radio Regulations, Geneva, 1959 (see Article 36 thereof) applicable to the transmission and interception of distress, alarm, urgency and safety signals and messages, mobile stations which are subject to this part shall be governed by this subpart in cases of distress, alarm, urgency, or safety transmissions.

§ 8.232 Authority for distress transmission.

No provision of the International Radio Regulations prevents the use by a mobile station in distress of any means at its disposal to attract attention, make known its position, and obtain help. A distress call and message, however, shall be transmitted only on the authority of the master or person responsible for the mobile station. No person shall knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communication relating thereto.

§ 8.233 Radio channels for distress.

(a) In case of distress, mobile radiotelegraph stations provided with frequencies in the bands between 405 and 535 kc shall use the international radiotelegraph distress frequency 500 kc, with maximum transmitter power obtainable, when requesting assistance from the maritime services; the class of emission to be used if possible shall be A2. Ship radiotelegraph stations which cannot transmit on 500 kc should use any other available frequency on which attention might be attracted.

(b) In case of distress, mobile radiotelephone stations provided with frequencies in the authorized bands between 1605 and 4000 kc shall use the international radiotelephone distress frequency 2182 kc, preferably with class A3 emission, when requesting assistance from the maritime services. Ship radiotelephone stations which cannot transmit on 2182 kc should use any other available frequency on which attention might be attracted.

§ 8.234 Distress signals.

(a) The international radiotelegraph distress signal consists of the group "three dots, three dashes, three dots" (. . . — — — . . .), symbolized herein by SOS, transmitted as a single signal in which the dashes are slightly prolonged so as to be distinguished clearly from the dots.

(b) The international radiotelephone distress signal consists of the word "Mayday," pronounced as the French expression "m'aider".

(c) These distress signals indicate that a mobile station is threatened by grave and imminent danger and requests immediate assistance.

§ 8.235 Distress calls.

(a) The distress call sent by radiotelegraphy consists of:

(1) The distress signal SOS, sent three times;

(2) The word "DE;"

(3) The call sign of the mobile station in distress, sent three times.

(b) The distress call sent by radiotelephony consists of:

(1) The distress signal Mayday spoken three times;

(2) The words "This is;"

(3) The call sign (or name, if no call sign assigned) of the mobile station in distress, spoken three times.

(c) The distress call shall have absolute priority over all other transmissions. All stations which hear it shall immediately cease any transmission capable of interfering with the distress traffic and shall continue to listen on the frequency used for the emission of the distress call. This call shall not be addressed to a particular station and acknowledgment of receipt shall not be given before the distress message which follows it is sent.

§ 8.236 Distress messages.

(a) The radiotelegraph distress message consists of:

(1) The distress signal SOS;

(2) The name of the mobile station in distress;

(3) Particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired;

(6) Any other information which might facilitate rescue.

(b) The radiotelephone distress message consists of:

(1) The distress signal Mayday;

(2) The name of the mobile station in distress;

(3) Particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired;

(6) Any other information which might facilitate rescue, (for example, the length, color, and type of vessel; number of persons on board, etc.)

(c) As a general rule, a ship shall signal its position in latitude and longitude (Greenwich), using figures for the degrees and minutes, together with one of the words "North" or "South" and one of the words "East" or "West." In radiotelegraphy, the signal .—.—.— shall be used to separate the degrees from the minutes. When practicable, the true bearing and distance in nautical miles from a known geographical position may be given.

§ 8.237 Radiotelegraph distress call and message transmission procedure.

(a) The radiotelegraph distress procedure shall normally consist of the following six steps; however, when time is vital, the second step of this procedure, or even the first and second steps, may be omitted. These two steps of the distress procedure may also be omitted in circumstances where transmission of the alarm signal is considered unnecessary:

(1) The radiotelegraph alarm signal;

(2) The distress call and an interval of two minutes;

(3) The distress call;

(4) The distress message;

(5) Two dashes of ten to fifteen seconds each;

(6) The call sign of the mobile station in distress.

(b) The radiotelegraph distress transmissions shall be sent by means of the International Morse Code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) The distress message, preceded by the distress call, shall be repeated at intervals, especially during the 500 kc international silence periods, until an answer is received. The radiotelegraph alarm signal may also be repeated, if necessary.

(d) The transmissions under paragraph (a) (5) and (6) of this section, which are to permit direction-finding stations to determine the position of the station in distress, may be repeated at frequent intervals if necessary.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.238 Radiotelephone distress call and message transmission procedure.

(a) The radiotelephone distress procedure shall consist of:

(1) The radiotelephone alarm signal (whenever possible);

(2) The distress call;

(3) The distress message.

(b) The radiotelephone distress transmissions shall be made slowly and distinctly, each word being clearly pronounced to facilitate transcription.

(c) After the transmission by radiotelephony of its distress message, the mobile station may be requested to transmit suitable signals followed by its call sign or name, to permit direction-finding stations to determine its position. This request may be repeated at frequent intervals if necessary.

(d) The distress message, preceded by the distress call, shall be repeated at intervals until an answer is received. This repetition shall be preceded by the radiotelephone alarm signal whenever possible.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.239 Acknowledgment of receipt of distress message.

(a) Stations of the maritime mobile service which receive a distress message from a mobile station which is, beyond any possible doubt, in their vicinity, shall immediately acknowledge receipt. However, in areas where reliable communications with one or more coast stations are practicable, ship stations may defer this acknowledgment for a short interval so that a coast station may acknowledge receipt.

(b) Stations of the maritime mobile service which receive a distress message from a mobile station which, beyond any possible doubt, is not in their vicinity, shall allow a short interval of time to elapse before acknowledging receipt of the message, in order to permit stations nearer to the mobile station in distress to acknowledge receipt without interference.

§ 8.240 Form of acknowledgment.

(a) The acknowledgment of receipt of a distress message is transmitted, when radiotelegraphy is used, in the following form:

(1) The call sign of the station sending the distress message, sent three times;

(2) The word "DE;"

(3) The call sign of the station acknowledging receipt, sent three times;

(4) The group RRR;

(5) The distress signal SOS.

(b) The acknowledgment of receipt of a distress message is transmitted, when radiotelephony is used, in the following form:

(1) The call sign or other identification of the station sending the distress message, spoken three times;

(2) The words "This Is;"

(3) The call sign or other identification of the station acknowledging receipt, spoken three times;

(4) The word "Received;"

(5) The distress signal Mayday.

§ 8.241 Information furnished by acknowledging station.

(a) Every mobile station which acknowledges receipt of a distress message shall, on the order of the master or person responsible for the ship, aircraft, or other vehicle carrying such mobile station, transmit as soon as possible the following information in the order shown:

(1) Its name;

(2) Its position, in the form prescribed in § 8.236(c);

(3) The speed at which it is proceeding towards, and the approximate time it will take to reach, the mobile station in distress.

(b) Before sending this message, the station shall ensure that it will not interfere with the emissions of other stations better situated to render immediate assistance to the station in distress.

§ 8.242 Transmission of distress message by a station not itself in distress.

(a) A mobile station or a land station which learns that a mobile station is in distress shall transmit a distress message in any of the following cases:

(1) When the station in distress is not itself in a position to transmit the distress message;

(2) When the master or person responsible for the ship, aircraft, or other vehicle not in distress, or the person responsible for the land station, considers that further help is necessary;

(3) When, although not in a position to render assistance, it has heard a distress message which has not been acknowledged. When a mobile station transmits a distress message under these conditions, it shall take all necessary steps to notify the authorities who may be able to render assistance.

(b) The transmission of a distress message under the conditions prescribed in paragraph (a) of this section shall be made on either or both of the international distress frequencies (500 kc radiotelegraph; 2182 kc radiotelephone) or on any other available frequency on which attention might be attracted.

(c) The transmission of the distress message shall always be preceded by the call indicated below, which shall itself be preceded whenever possible by the radiotelegraph or radiotelephone alarm signal. This call consists of:

(1) When radiotelegraphy is used:

(i) The signal DDD SOS SOS SOS DDD;

(ii) The word "DE;"

(iii) The call sign of the transmitting station, sent three times.

(2) When radiotelephony is used:

(i) The signal Mayday Relay, spoken three times;

(ii) The words "This Is;"

(iii) The call sign or other identification of the transmitting station, spoken three times.

(d) When the radiotelegraph alarm signal is used, an interval of two minutes shall be allowed, whenever this is considered necessary, before the transmission of the call mentioned in paragraph (c) (1) of this section.

§ 8.243 Control of distress traffic.

(a) Distress traffic consists of all messages relating to the immediate assistance required by the mobile station in distress. In distress traffic, the distress signal shall be sent before the call and at the beginning of the preamble of any radiotelegram.

(b) The control of distress traffic is the responsibility of the mobile station in distress or of the station which, pursuant to § 8.242(a), has sent the distress message. These stations may, however, delegate the control of the distress traffic to another station.

(c) The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It shall address these instructions "to all stations" or to one station only, according to circumstances. In either case, it shall use:

(1) In radiotelegraphy, the abbreviation QRT, followed by the distress signal SOS. The use of the signal QRT SOS shall be reserved for the mobile station in distress and for the station controlling distress traffic;

(2) In radiotelephony, the signal Seelonce Mayday. The use of this signal shall be reserved for the mobile station in distress and for the station controlling distress traffic.

(d) If it is believed to be essential, any station of the mobile service near the ship, aircraft, or other vehicle in distress, may also impose silence. It shall use for this purpose:

(1) In radiotelegraphy, the abbreviation QRT, followed by the word "Distress" and its own call sign;

(2) In radiotelephony, the word "Seelonce," followed by the word "Distress" and its own call sign or other identification.

§ 8.244 Notification of resumption of normal working.

(a) When distress traffic has ceased, or when silence is no longer necessary on a frequency which has been used for distress traffic, the station which has controlled this traffic shall transmit on that frequency a message addressed "to all stations" indicating that normal working may be resumed.

(1) In radiotelegraphy, this message consists of:

(i) The distress signal SOS;

(ii) The call "to all stations" (CQ), sent three times;

(iii) The word "DE";

(iv) The call sign of the station sending the message;

(v) The time of handing in of the message;

(vi) The name and call sign of the mobile station which was in distress;

(vii) The service abbreviation QUM.

(2) In radiotelephony, this message consists of:

(i) The distress signal Mayday;

(ii) The call "to all stations", spoken three times;

(iii) The words "This Is";

(iv) The call sign or other identification of the station sending the message;

(v) The time of handing in of the message;

(iv) The name and call sign of the mobile station which was in distress;

(vii) The words "Seelonce Feenee."

(b) Until they receive the foregoing message indicating that normal working may be resumed, all stations which are aware of the distress traffic, and which are not taking part in it, are forbidden to transmit on the frequencies on which the distress traffic is taking place.

§ 8.245 Radiotelegraph and radiotelephone alarm signals.

(a) The international radiotelegraph alarm signal consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between consecutive dashes one second. The purpose of this special signal is the actuation of automatic devices giving the alarm to attract the attention of the operator when there is no listening watch on the distress frequency.

(b) The international radiotelephone alarm signal consists of two substantially sinusoidal audio frequency tones transmitted alternately. One tone shall have a frequency of 2200 cycles per second and the other a frequency of 1300 cycles per second, the duration of each tone being 250 milliseconds. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal

shall be transmitted as continuously as practicable over a period of approximately one minute. The purpose of this special signal is to attract the attention of the person on watch or to actuate automatic devices giving the alarm.

§ 8.246 Use of alarm signals.

(a) The radiotelegraph or radiotelephone alarm signal, as appropriate, shall only be used to announce:

(1) That a distress call or message is about to follow;

(2) The transmission of an urgent cyclone warning. In this case the alarm signal may only be used by coast stations authorized to do so;

(3) The loss of a person or persons overboard. In this case the alarm signal may only be used when the assistance of other ships is required and cannot be satisfactorily obtained by the use of the urgency signal only, but the alarm signal shall not be repeated by other stations. The message shall be preceded by the urgency signal.

(b) In cases described in subparagraphs (2) and (3) of paragraph (a) of this section, the transmission of the warning or message by radiotelegraphy shall not begin until two minutes after the end of the radiotelegraph alarm signal.

§ 8.247 Urgency signals.

(a) The urgency signal indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or the safety of a person. The urgency signal shall be sent only on the authority of the master or person responsible for the mobile station.

(b) In radiotelegraphy, the urgency signal consists of three repetitions of the group XXX, sent with the letters of each group and the successive groups clearly separated from each other. It shall be transmitted before the call.

(c) In radiotelephony, the urgency signal consists of three repetitions of the word PAN, transmitted before the call.

(d) The urgency signal shall have priority over all other communications, except distress. All mobile and land stations which hear it shall take care not to interfere with the transmission of the message which follows the urgency signal.

§ 8.248 Urgency message.

(a) The urgency signal and call, and the message following it, shall be sent on one of the international distress frequencies (500 kc radiotelegraph; 2182 kc radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

(b) Mobile stations which hear the urgency signal shall continue to listen for at least three minutes. At the end of this period, if no urgency message has been heard, they may resume their normal service. However, land and mobile stations which are in communication on frequencies other than those used for the transmission of the urgency signal and of the call which follows it may continue their normal work without interruption provided the urgency message is not addressed "to all stations" (CQ).

(c) When the urgency signal has been sent before transmitting a message "to all stations" (CQ) and which calls for action by the stations receiving the message, the station responsible for its transmission shall cancel it as soon as it knows that action is no longer necessary. This message of cancellation shall likewise be addressed "to all stations" (CQ).

§ 8.249 Safety signals.

(a) The safety signal indicates that the station is about to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(b) In radiotelegraphy, the safety signal consists of three repetitions of the group TTT, the individual letters of each group, and the successive groups being clearly separated from each other. It shall be sent before the call.

(c) In radiotelephony, the safety signal consists of the word "Security," spoken three times and transmitted before the call.

(d) The safety signal and call shall be sent on one of the international distress frequencies (500 kc radiotelegraph; 2182 kc radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

§ 8.250 Safety message.

(a) The safety signal and call shall be followed by the safety message. Where practicable, the safety message should be sent on a working frequency, and a suitable announcement to this effect shall be made at the end of the call.

(b) Except for the cases mentioned in paragraph (c) of this section, the safety signal when sent on the frequency 500 kc shall be transmitted towards the end of the first available period of silence; the safety message shall be transmitted immediately after the period of silence.

(c) Messages containing meteorological warnings, or containing information concerning the presence of cyclones, dangerous ice, dangerous wrecks, or any other imminent danger to marine navigation, shall be preceded by the safety signal and transmitted with the least possible delay to other mobile stations in the vicinity, and to the appropriate authorities at the first point of the coast with which contact can be established.

(d) All stations hearing the safety signal shall listen to the safety message until they are satisfied that the message is of no concern to them. They shall not make any transmission likely to interfere with the message.

35. Section 8.261 is amended to read:

§ 8.261 Inspection of station.

Pursuant to section 303(n) of the Communications Act, and subject to the provisions of Article 21 of the International Radio Regulations, Geneva, 1959; Regulations 16, 18, and 19 of Chapter I of the Safety Convention, London, 1948; and Articles 11, 12, and 14 of the Great Lakes Agreement, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any act, treaty, or convention binding on the United States, shall be available, at any reasonable time, in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as, within the discretion of the Commission, will insure compliance with the applicable rules, regulations, laws, and treaties.

36. Section 8.321(b)(3) is amended to read:

§ 8.321 Authorized frequencies.

* * * * *

(b) * * *

(3) In Regions 1 and 3 the frequency 512 kc may be used by ship stations:

(i) As a supplementary calling frequency when 500 kc is being used for distress purposes;

(ii) As a working frequency, except in those areas where it is in use as a supplementary calling frequency when 500 kc is being used for distress purposes.

37. Section 8.322 is amended by revising paragraph (a), and inserting a new paragraph (c) to read:

§ 8.322 Frequencies for use in distress.

(a) The international distress frequency is 500 kc; it is used as an assigned frequency for this purpose by ship, survival craft or aircraft stations, using frequencies in the band 405 to 535 kc, when requesting assistance from the maritime services. It is used, preferably with A2 emission, for the distress call and distress traffic.

* * * * *

(c) The frequency 121.5 Mc is available to ship stations and survival craft stations for safety communications with stations in the aeronautical mobile service, and to survival craft stations for radiobeacon purposes (emission A2 only).

38. Section 8.323 is amended by revising the headnote, and paragraphs (a) and (b) to read:

§ 8.323 Frequencies for call and reply.

(a)(1) The frequency 500 kc is the general international calling frequency, which shall be used by any ship station engaged in radiotelegraphy in the authorized band 405–535 kc, and by aircraft desiring to enter into communication with a station of the maritime mobile service using frequencies in this band.

(2) The frequency for replying to a call sent on the general calling frequency is 500 kc, except where the calling station requests that the reply be made on an authorized working frequency. In Region 2, and in other areas of heavy traffic, ship stations should request coast stations to answer on their normal working frequency.

(3) In order to facilitate the reception of distress calls, all transmissions on the frequency 500 kc shall be reduced to a minimum.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 90 to 160 kc (class A1 emission only). The frequency for replying to a call sent on the frequency 143 kc is, for ship stations, 143 kc, the same as that of the call. (Coast stations reply on their normal working frequency in this band.) When a ship station which uses frequencies within the band 90 to 160 kc desires to establish communication with another station of the maritime mobile service, it shall call that station on the frequency 143 kc, unless the International List of Coast Stations provides otherwise. This frequency shall be used exclusively for individual calls and replies to such calls and for the transmision of signals preparatory to traffic.

39. Section 8.325 is amended to read:

§ 8.325 Use of Morse Code required.

The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention, Geneva, 1959. However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

40. Section 8.326 is amended to read:

§ 8.326 Identification of stations.

(a) All radiotelegraph emissions of a ship station or a survival craft station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 8.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: *Provided*, That they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) The requirements of this section do not apply to survival craft stations when transmitting distress signals automatically or when operating on 121.5 Mc for radiobeacon purposes.

41. Section 8.327(a) is amended by revising the introductory text to read:

§ 8.327 Procedure in testing.

(a) Ship stations and survival craft stations may conduct necessary tests on any assigned frequency. Every precaution must be taken to ensure that transmitter emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed:

42. Section 8.328 is amended by revising paragraphs (b) and (c) to read:

§ 8.328 Radiotelegraph operating procedure.

* * * * *

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 13 of the International Radio Regulations, Geneva, 1959.

(c) In addition to compliance with all applicable sections of this part, the operation of ship stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29, 30, 31, 37, 38 and 39 of the International Radio Regulations, Geneva, 1959.

43. Section 8.329 is amended to read:

§ 8.329 Station documents.

(a) The compulsorily fitted ship radiotelegraph station shall be provided with the following documents:

(1) A valid station license;

(2) The necessary operator license(s);

(3) The station log required by this part for stations of this category;

(4) The Alphabetical List of Call Signs of Stations used in the Maritime Mobile Service;

(5) The List of Coast Stations;

(6) The List of Ship Stations;

(7) The List of Radiodetermination and Special Service Stations;

(8) The International Radio Regulations, Geneva, 1959;

(9) Telegraph tariffs of the countries for which the station most frequently accepts radiotelegrams;

(10) Part 8 of this chapter.

(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (4), (5), (6), (8), (9) and (10) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

44. Section 8.330 is amended by revising the headnote and paragraph (e), and deleting paragraph (f), as follows:

§ 8.330 Station logs.

* * * * *

(e) The ship radiotelegraph log currently in use shall be kept by the licensed operator(s) of the station and while in use it shall be located in the main radiotelegraph operating room of the ship. At the conclusion of each voyage terminating at a port of the United States, the original station log or a duplicate thereof dating from the last departure of the ship from a United States port shall be retained under proper custody on board the ship for a sufficient period of time but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative(s) of the Commission. Thereafter the original log, and the duplicate log, if provided, may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by § 8.115.

45. A new § 8.331 is inserted to read:

§ 8.331 Station records.

In all ship stations authorized to transmit on frequencies within the band 405–535 kc, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 410 kc and 500 kc and at least two authorized working frequencies within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

§ 8.351 [Amendment]

46. Section 8.351 is amended by deleting paragraph (c) and inserting the word "[Reserved]" in lieu thereof, and changing the reference in the table in paragraph (d)(2)(i) "§ 8.7(ii)" to read "§ 8.7(v)".

47. Section 8.352 is amended to read:

§ 8.352 Frequencies for use in distress.

(a) The frequency 2182 kc is the international distress frequency for radiotelephony. It shall be used for this purpose by ship, aircraft, and survival craft stations using frequencies in the authorized bands between 1605 kc and 4000 kc when requesting assistance from the maritime services.

(b) The frequency 121.5 Mc is available to ship stations and survival craft stations for safety communications with stations in the aeronautical mobile service, and to survival craft stations for radiobeacon purposes (emission A2 only).

48. Section 8.353 is amended by revising paragraph (a)(1)(ii) and paragraph (a)(2), deleting the note following paragraph (a)(2), and revising paragraph (b), as follows:

§ 8.353 Frequencies for calling.

(a) * * *

(1) * * *

(ii) The international safety signal, and messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings; however, safety messages shall be transmitted, when practicable, on a working frequency after a preliminary announcement on 2182 kc.

* * * * *

(2) When using this frequency for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of the radio transmitter shall not exceed 100 watts.

(b) The frequency 156.8 Mc is the international safety and calling frequency for the maritime mobile radiotelephone service in the band 156 to 174 Mc.

49. Section 8.354(b)(2) is amended to read:

§ 8.354 Frequencies below 5000 kc for public correspondence.

* * * * *

(b) * * *

(2) Use of the frequency 2638 kc for communication with public coast sta-

tions shall be confined exclusively to safety and operational communication (see § 8.6(a) and (h)). Except for safety communication, operation on this frequency for ship-shore communication shall be limited to day only (see § 8.2 (1)): *Provided*, That daily operation with respect to operational communication may be continued beyond this time to the extent necessary for compliance with the provisions of § 8.183;

§ 8.356 [Amendment]

50. Section 8.356 is amended by deleting paragraph (a) and inserting the word "[Reserved]" in lieu thereof.

51. Section 8.357 is amended by revising the headnote and text to read:

§ 8.357 Additional frequencies for ship to shore communications.

In addition to the frequencies designated in this part or in the license of a ship station, such station, when working by telephony with a foreign coast station may, on condition that interference shall not be caused to any station which in the discretion of the Commission may have priority on the involved frequency, or frequencies, transmit to such coast station when directed to do so by that station on a specific frequency designated by the coast station for the service being carried on.

Channel Designator	Frequency (Mc)		Points of communication	Authorized communications
	Ship	Coast		
6	156.3		Intership only	Safety.
7	156.35	156.35	Intership and ship to coast	Business and operational.
8	156.4		Intership only	Do.
9	156.45	156.45	Intership and ship to coast	Do.
10	156.5	156.5	do	Port operations.
11	156.55	156.55	do	Business and operational.
12	156.6	156.6	do	Port operations.
13	156.65	156.65	do	Do.[1]
14	156.7	156.7	do	Do.[2]
16	156.8	156.8	do	Safety and calling.[3]
18	156.9	156.9	do	Business and operational.
19	156.95	156.95	do	Do.
20	157.0	161.60	Ship to coast	Port operation.
24	[4] 157.2	[4] 161.8	do	Public correspondence.
25	[4] 157.25	[4] 161.85	do	Do.
26	157.3	161.9	do	Do.
27	157.35	161.95	do	Do.
28	157.4	162.0	do	Do.

[1] Communication is authorized primarily with other ship stations for the exchange of navigational information (including radar information) concerning the passage of ships, or as an at-the-scene aid in any maritime emergency; secondarily with land stations used in connection with the passage of ships through locks, bridge areas, and government controlled waterways and with land stations as necessary to exchange marine navigational information with shore radar stations.

[2] Communication is authorized primarily between ship stations and limited coast stations for the exchange of information essential to the effective operation of shore radar stations.

[3] This frequency is authorized for call, reply and safety purposes. It may also be used for messages preceded by the urgency and safety signals and, if necessary, for distress messages.

[4] These frequencies are not available in Puerto Rico or the Virgin Islands.

§ 8.360 [Deletion]

53. Section 8.360 is deleted in its entirety.

54. Section 8.364 is amended to read:

§ 8.364 Identification of station.

(a) Ship and survival craft stations using radiotelephony shall identify all transmissions by announcement in the English language, or by telegraphy using A2 emission, of the station's call sign: *Provided*, That on 156.65 Mc transmissions may be identified by the name of the ship in lieu of the station call sign. This identification shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) When an official call sign is not assigned by the Commission to a ship station using telephony, the complete name of the ship on which the station is located and the name of the licensee shall be transmitted by voice in the English language for the purpose of station identification.

(c) The provisions of paragraphs (a) and (b) of this section shall apply also to ship stations of portable nature when using telephony and operated on board ship pursuant to §§ 8.40 and 8.71.

55. Section 8.366 is amended by revising paragraphs (a) (1) and (2), (b) (3), and (d) (2) to read:

§ 8.366 General radiotelephone operating procedure.

(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a ship or survival craft station shall call the particular station(s) with which it intends to communicate.

(2) Calling a particular station, either by voice or by automatic means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of two minutes. When a station called does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes; however, if there is no reason to believe that harmful interference will be caused to other communications in progress, the call sent three times at intervals of two minutes may be repeated after a pause of not less than three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

* * * * *

(b) *Frequency for calling.* * * *

(3) Except when other operating procedure is used to expedite safety communication the frequency 156.8 Mc shall be used for call and reply by ship stations and marine-utility stations on board ship before establishing communication on either of the intership frequencies 156.3 Mc or 156.4 Mc.

* * * * *

(d) *Time limitation on calling frequencies and adjacent working frequencies.* * * *

(2) Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc) within the band 2170–2194 kc during the two 3-minute periods in each hour which commence at x h. 00 and x h. 30: *Provided*, That this requirement is not applicable to the transmission of distress signals, alarm signals, distress traffic, urgency and safety signals, and messages preceded by the urgency or safety signal.

56. Section 8.367 is amended to read:

§ 8.367 Station documents.

(a) Ship radiotelephone stations subject to the radio provisions of the Safety Convention shall be provided with the following documents:

(1) A valid station license;

(2) The necessary operator license(s);

(3) The station log required by this part for stations of this category;

(4) The List of Coast Stations, or, alternatively, a list of coast stations with which communications are likely to be conducted, showing watchkeeping hours, frequencies, and charges;

(5) The International Radio Regulations, Geneva, 1959;

(6) Part 8 of this chapter.

(b) Ship radiotelephone stations not subject to the Safety Convention shall be provided with the documents listed in subparagraphs (1), (2), (3) and (6) of paragraph (a) of this section.

57. Section 8.368 is amended by revising the headnote and text to read:

§ 8.368 Radiotelephone station log.

(a) A station log shall be maintained during the hours of service of ship stations using radiotelephony, in which the entries required by this section shall be made. Pages of the log shall be numbered in sequence and each page shall include the name of the vessel and the radio call sign of the station. All entries which show transmitter operation shall be made and signed by the licensed operator (or other person in accordance with § 8.159). Watch entries, and signatures of each person keeping the required watch, shall be so related that they constitute a certification by each such person as to when he began and ended each period of his watch during the voyage. The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry, and the time shall be counted from 0000 to 2400, beginning at midnight. Stations on board vessels engaged on international voyages, other than on the Great Lakes or inland waters, shall use Greenwich mean time (GMT); stations on board vessels navigated on the Great Lakes may use either GMT or Eastern standard time (EST); other stations may use GMT or local standard time. The appropriate symbol, GMT, EST, CST, PST, etc., shall be entered at the head of the column in which time is entered.

(b) The log of ship radiotelephone stations subject to Title III, Part II of the Communications Act of 1934 or to the radio provisions of the Safety Convention shall include the following entries:

(1) All radiotelephone distress, alarm, urgency, or safety signals and communications made or intercepted, the text in as complete form as possible of distress messages and distress communications, and any information connected with the radio service which may appear to be of importance to maritime safety, together with the time of such observation or occurence, the frequencies used, and the position of the ship or other mobile unit in need of assistance, if this can be determined;

(2) The times when the required listening watch is begun, interrupted, and ended. When the required watch is interrupted for any reason, except for the purpose of communications with other stations, the reason for such interruption shall be stated;

(3) The call signs of all stations called or communicated with, a notation of messages exchanged, and the frequency(s) used for such call or communication;

(4) A daily entry of the ship's position;

(5) All test transmissions, including the frequency(s) used;

(6) The times when storage batteries provided as a part of the required radiotelephone installation are placed on charge and taken off charge;

(7) Results of required equipment tests, including specific gravity of lead-acid storage batteries and voltage readings of other types of batteries provided as part of the compulsory installation;

(8) Results of inspections and tests of compulsory fitted lifeboat radio equipment;

(9) A daily statement concerning the operating condition of the required radiotelephone equipment, as determined by either normal communication or test communication;

(10) Pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full-time basis at the station and his operator license is properly posted, such entry shall include his mail address and the class, serial number, and expiration date of his operator license.

(c) The log of ship stations subject to the Great Lakes Agreement shall include those entries specified by subparagraphs (1), (2), (3), (5), (6), (7), (9) and (10) of paragraph (b) of this section, and in addition shall include the name and radio license number of each operator actually on board and designated by the master to operate the radiotelephone installation.

(d) The log of ship stations subject to Title III, Part III of the Communications Act shall include those entries specified by subparagraphs (1), (2), (5), (9) and (10) of paragraph (b) of this section.

(e) The log of ship radiotelephone stations not required by law to be provided shall include those entries specified by subparagraphs (1), (2), (5) and (10) of paragraph (b) of this section.

(f) The log of marine-utility stations on board ships shall include the entry specified by subparagraph (10) of paragraph (b) of this section.

58. The Title of Subpart P is amended to read: "Subpart P—Use of Radiodetermination."

59. Section 8.401(c) is amended to read:

§ 8.401 Assignable frequencies for direction finding.

* * * * *

(c) In the event of distress, the following frequencies may be used for radio direction finding for purposes of search and rescue by any licensed ship or survival craft station:

410 kc 500 kc 2182 kc 8364 kc

§ 8.402 [Deletion]

60. Section 8.402 is deleted in its entirety and the word "[Reserved]" inserted in lieu thereof.

61. Section 8.403 is amended by revising the headnote and text to read:

§ 8.403 Radiodetermination by cable-repair ship.

Provided radio transmitting equipment attached to a cable-marker buoy has been adequately described in an application for ship radio station license for a cable-repair ship with which the buoy is associated, and provided further that such equipment is authorized in the related ship station license, that equipment may be operated (outside the territorial waters of a foreign country) on such radio channels within the band 285–325 kc (285–315 kc only in Region 1) as may be expressly authorized in each case by the Commission under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts: *Provided*, That interference shall not be caused by such operation to any maritime radionavigation service. The call signals that must be used for a transmitter operating under the provisions of this section shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the letters "BT", and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a licensed radiotelegraph operator on board the associated cable-repair ship. Should a frequency deviation in excess of the authorized frequency tolerance or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the excessive deviation is eliminated or until the transmitter can be operated without causing interference.

62. Section 8.404 is amended to read:

§ 8.404 Assignable frequencies above 2400 Mc.

(a) The following frequency bands, when designated in the station license, are authorized for use by ship radionavigation stations (including ship radar stations).

2900 to 3100 Mc
5460 to 5650 Mc
9300 to 9500 Mc

The use of the band 5460 to 5650 Mc is limited to shipborne radar. Transmitters in ship radionavigation stations (including developmental stations) in the maritime radionavigation service (including ship-radar stations) which are authorized for operation in the 3000 to 3246 Mc band as of April 16, 1958 and which operate on frequencies between 3100 and 3246 Mc may continue to be authorized for operation on the same vessel provided that any renewal of the authorization shall be subject to the condition that no protection shall be given from any interference caused by emission from United States Government stations operating in the 3100 to 3246 Mc band.

(b) The following frequency bands, when designated in the station license, are authorized for use by ship radiolocation stations:

(1) 2450 to 2500 Mc, on condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emission from industrial, scientific, or medical equipment.

(2)

2900 Mc to 3100 Mc
5460 Mc to 5650 Mc
9300 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation shall not cause harmful interference to the radionavigation service and to the Government radiolocation service. Each ship radiolocation station in the maritime radiolocation service (used for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 3000 to 3246 Mc as of April 16, 1958 and which operates on frequencies between 3100 and 3246 Mc may continue to operate in the band 3100 to 3246 Mc for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful in-

terference to United States Government services.

§ 8.431 [Amendment]

63. Section 8.431 is amended by deleting paragraph (b).

64. Section 8.433 is amended by revising paragraph (c), and deleting paragraph (d), as follows:

§ 8.433 Assignable frequencies.

• • • • • •

(c) The following frequency bands when designated in the station license are authorized for use by developmental ship radiolocation stations:

5350 Mc to 5460 Mc
9000 Mc to 9200 Mc

Use of frequencies within these bands shall not cause harmful interference to the aeronautical radionavigation service or the Government radiolocation service.

§ 8.434 [Amendment]

65. Section 8.434 is amended by deleting paragraph (d).

§ 8.436 [Amendment]

66. Section 8.436 is amended by deleting paragraph (b).

67. Section 8.437(a) is amended to read:

§ 8.437 Identification of station.

(a) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

§ 8.439 [Deletion]

68. Section 8.439 is deleted in its entirety.

69. Section 8.520(c) is amended to read:

§ 8.520 Lifeboat radio equipment.

• • • • • •

(c) Each of the components specified in paragraph (b) of this section shall be of a type of apparatus or shall comprise such items as are type approved by the Commission as capable of meeting the provisions of §§ 8.556, 8.557, 8.558 or 8.559, as may be applicable.

70. Section 8.545(a)(2) is amended by revising the introductory text and subdivisions (i) and (iii) to read:

§ 8.545 General technical requirements.

(a) • • •

(2) *Very high frequency transmitting and receiving equipment.* If a vessel is within communication range of a public coast station operating in part or entirely on frequencies within the band 156 Mc to 174 Mc which is in service and maintains an efficient watch for the reception of class F3 emission on the frequency 156.8 Mc at all times while the vessel is navigated in waters specified by section 381 of Part III of Title III, and the vessel while so navigated is never more than 20 nautical miles from a 156.8 Mc receiving location of such station, such vessel may alternatively employ very high frequency transmitting and receiving equipment in lieu of the medium frequency equipment specified in subparagraph (1) of this paragraph. Such alternative equipment shall meet the following requirements:

(i) The equipment shall be capable of being used for the effective transmission and reception of class F3 emission on the frequencies 156.3 Mc, 156.8 Mc, and on the working frequency 157.2, 157.25, 157.3, 157.35 or 157.4 Mc as necessary for communication with one or more public coast stations serving the area in which the vessel is navigated.

• • • • • •

(iii) The radiotelephone transmitter shall have a power output of at least 20 watts. The transmitter shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting the requirements of these rules and has been demonstrated or is of a type that has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 20 watts unmodulated radio frequency carrier power into 50 ohms effective resistance on each of the frequencies 156.8 Mc, 156.3 Mc and any one of the frequencies 157.2, 157.25, 157.3, 157.35 or 157.4 Mc: *Provided,* That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

71. Section 8.552(b) is amended to read:

§ 8.552 Requirements for main transmitter.

• • • • • •

(b) Tabulation of basic technical requirements (for the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having the same electrical characteristics):

Operating carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc	1000	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 160 watts into an average ship station antenna.
500 kc and two authorized working frequencies in the band 415 to 490 kc.	do	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 160 watts into an average ship station antenna.

72. Section 8.553(b) is amended to read:

§ 8.553 Requirements for emergency transmitter.

• • • • • • •

(b) Tabulation of basic technical requirements (for the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having these same electrical characteristics):

Operating carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc	1000 except for emergency transmitters whose use is confined solely to safety communication as defined in § 8.6 (a). Such transmitters shall maintain a frequency tolerance of 3000 parts in 10^6.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 25 watts into an average ship station antenna.
500 kc and one authorized working frequency in the band 415 to 490 kc.	do	A2	do	do	Do.

73. Section 8.557 is amended by revising the 2d column of the table in paragraph (b)(1), and by revising paragraph (c)(1), as follows:

§ 8.557 Requirements for lifeboat portable radio equipment.

• • • • • •

(b)(1) • • •

Frequency tolerance
Parts in 10^6
5,000
5,000
200

• • • • • •

(c) • • •

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8320 to 8745 kc.

74. Section 8.558 is amended by revising the 2nd column of the table in paragraph (a)(1), and by revising paragraph (b)(1), as follows:

§ 8.558 Requirements for lifeboat nonportable radio equipment.

(a)(1) • • •

Frequency tolerance
Parts in 10^6
5,000
200

• • • • • •

(b) • • •

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8320 to 8745 kc.

§ 8.559 [Deletion]

75. Section 8.559 is deleted in its entirety.

76. Section 8.602 is amended to read:

§ 8.602 Reports of infringements of the International Radio Regulations.

In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 7 of the International Radio Regulations.

77. Section 8.801 is amended by revising Table 1b, and the 1st and 2d columns and footnote 1 of Table 2, and deleting footnote 2 of Table 2, as follows:

§ 8.801 Tables of ship radiotelegraph frequencies from 2 Mc to 27.5 Mc.

• • • • • •

TABLE 1b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES (KC)

C1: 2089, 4178, 6267, 8356, 12534, 16712, 22225.

C2: 2089.5, 4179, 6268.5, 8358, 12537, 16716, 22230.

C3: 2090, 4180, 6270, 8360, 12540, 16720, 22235.

C4: 2090.5, 4181, 6271.5, 8362, 12543, 16724, 22240.

C5: 2091.

C6: 2091.5, 4183, 6274.5, 8366, 12549, 16732, 22250.

C7: 2092, 4184, 6276, 8368, 12552, 16736, 22255.

C8: 2092.5, 4185, 6277.5, 8370, 12555, 16740, 22260.

C9: 2093, 4186, 6279, 8372, 12558, 16744, 22265.

• • • • • •

TABLE 2—• • •

	Calling frequency column symbols
RCA Communications, Inc...	C3, C5, C7 C9....
Mackay Radio & Telegraph Co., Inc.	C2, C4 C5, C6....
Tropical Radio Telegraph Co.	C1, C5, C8.....
Matson Navigation Co.	C1, C5, C8.....
Globe Wireless Co.	C1, C5, C8.....
Other applicants [1]	
A–C	C1, C5, C8.....
D–L	C1, C5, C8.....
M	C1, C5, C8.....
N–R	C1, C5, C8.....
S	C1, C5, C8.....
T–Z	C1, C5, C8.....

[1] Applicants other than the companies listed must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C1, C5 or C8, H2 and H11 for a high traffic ship, or C1, C5 or C8 and L22 for a low traffic ship. For this purpose, the alphabetic group o first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group, C1, C5 or C8, H2 and H11 or L30: Marine Communications, Inc; A.B. Miller and Co.; C.D. Munsey; E.F. Murphy, Alfred Abrams; et al.

C. Part 14, Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. Section 14.2 is amended by revising paragraphs (b), (c) and (h) to read:

§ 14.2 General definitions.

• • • • • •

(b) *Public correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

(c) *Fixed service.* A service of radiocommunication between specified fixed points.

• • • • • •

(h) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services, or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with regulations of this chapter.

2. Section 14.4(b) is amended to read:

§ 14.4 Definitions in other parts applicable.

• • • • • •

(b) The definitions set forth in the following sections of Subpart A of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.2(a) to and including 7.2(h), 7.2(j), 7.7(a) to and including 7.7(h), 7.7(j), 7.7(m), 7.7(n), 7.8, 7.139 and 7.188.

3. Section 14.21(a) is amended to read:

§ 14.21 Authorization required for operation of a radio station.

(a) Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission. Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15 of this chapter, Incidental and Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18 of this chapter, Industrial, Scientific, and Medical Service.

4. Section 14.65(a) is amended to read:

§ 14.65 Rules in other parts applicable.

(a) The rules relating to station authorization set forth in the rules and regulations governing stations in the maritime services (Subparts C of Parts 7 and 8 of this chapter) shall, except paragraphs (b) and (c) of § 7.72 and subparagraphs (1) and (2) of § 7.63(b), apply to stations of these services in the Alaska area so far as they are consistent with this part.

5. Section 14.101 is amended by revising the note to read:

§ 14.101 Priority of distress and other signals.

• • • • • •

(b) • • •

NOTE: The type of signals to which reference is made in § 14.101 are defined in §§ 7.7(d), (f) and (g), 7.188, 8.234, 8.245, 8.247 and 8.249 of this chapter.

6. Section 14.107 is amended by revising the introductory text of paragraph (a), and paragraph (c) to read:

§ 14.107 Documents required for coast stations.

(a) Each public coast station in the Alaska area using telegraphy shall be provided with this part and the documents prescribed in § 7.213(a) of this chapter: *Provided,* That in public coast stations authorized to use telegraphy on frequencies solely within the band 1605–5000 kc, the following documents may be substituted in lieu of the documents specified by paragraph (a)(4) and (5) of § 7.213 of this chapter:

• • • • • •

(c) Each public coast station in the Alaska area using telephony shall be provided with this part and the documents prescribed in § 7.313 of this chapter:

7. Section 14.108 is amended by revising the introductory text of paragraph (a)(1), deleting paragraph (a)(2), and revising paragraph (b), as follows:

§ 14.108 Documents required for ship stations.

(a) • • •

(1) The following documents may be substituted in lieu of those specified in paragraph (a) (4), (5) and (6) of § 8.329 of this chapter if the ship station uses telegraphy on frequencies solely within the band 1605–5000 kc:

• • • • •

(b) Each ship station in the Alaska area using telephony only (except telegraphy for calling and operating signals incidental to the use of telephony) shall be provided with this part and the documents set forth in § 8.367 of this chapter.

8. Section 14.151 is amended by revising the last column of the table in paragraph (b), and the last column and note following the table in paragraph (c) to read:

§ 14.151 Authorized frequency tolerance.

• • • • •

(b) • • •

	Tolerance, parts in 10^6
	200
	100
	100
	50
	50

(c) • • •

	Tolerance, parts in 10^6
	50
	30
	50
	30
	50
	30
	50
	30
	50
	30
	50
	30

NOTE: See § 7.8(v) of this chapter for definition of plate (anode) input power.

§ 14.152 [Amendment]

9. Section 14.152 is amended by deleting in the table of paragraph (b) the last entry "Coast and ship. / On 156.4, 156.5, 156.7 and 156.9 Mc . . . / F–1, F–2, and for brief testing F–0.", and changing in the 2d column of the table in paragraph (c) the last entry "From 156.25 to 162.05 Mc" to read "From 156 to 174 Mc".

§ 14.153(a) [Amendment]

10. Section 14.153(a) is amended by changing in the 3d column of the table the last entry

From 156.25 to 157.45 Mc	
From 161.85 to 162.05 Mc	

to read

From 156.25 to 161.25 Mc	
From 161.775 to 162.025 Mc	

and revising the note to read:

NOTE: As used in this part the terms "last radio stage", "plate (anode) input power", "antenna power", and "authorized transmitter-power" are defined in Subparts A of Parts 7 and 8 of this chapter. See § 7.8 (u), (v), (w), (x), and 8.7 (s), (t), (u), and (v).

11. Section 14.253 is amended by revising the headnote and text to read:

§ 14.253 Alternate transmission on the same frequency.

Except when communicating with coast stations of the Alaska Communication System, stations when communicating with each other within the bands 1605–2035 kc and 2107–9000 kc, shall transmit and receive on the same frequency: *Provided*, That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used:

12. Section 14.257 is amended to read:

§ 14.257 Safety frequencies for ship and coast stations in all zones using telephony.

In addition to the frequencies for safety purposes in the 156–174 Mc band available under Parts 7 and 8 of this chapter, the frequency 2182 kc is authorized for distress, calling and safety purposes for use by ship and coast stations in all zones of the Alaska area in accordance with the provisions of Part 7 and 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter-power shall be in conformity with the provisions of Subpart E of this part.

13. Section 14.258 is amended to read:

§ 14.258 Frequencies for ship-to-ship communication in all zones by telephony.

In addition to the intership frequencies in the 156–174 Mc band available under Part 8 of this chapter, the frequencies 2638 kc and 2738 kc are available for ship-to-ship communications in all zones of the Alaska area by ship stations using telephony and operating in accordance with applicable provisions of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall be in conformity with the provisions of Subpart E of this part.

14. Section 14.260 is amended by revising the headnote and text to read:

§ 14.260 Frequencies in the band 1605–3400 kc for ship-shore public telephone service in all zones.

(a) The frequency 2134 kc is authorized as an assigned frequency for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence. When transmitting on this frequency to any ACS coast station, ship stations normally shall employ class A3 emission for telephony; they may employ telegraphy if desired, with class of emission designated by the ACS, when the particular ACS coast station is capable of using telegraphy. The associated frequency to be used for transmission from the coast station to the ship station shall be within the frequency band 1605–3400 kc and shall be designated for each location by the ACS.

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed for the information of ship station licensees.

ACS coast station location:	*Respective transmitting frequency [kc]*
Anchorage	2312
Barrow	2312
Cold Bay	2312
Cordova	2300
Craig	2312
Juneau	2784
Ketchikan	2300
Kodiak	2784
King Salmon	2312
Nome	2784
Seward	2312
Sitka	2312
Skagway	2312
Unalaska	2312
Valdez	2300
Whittier	2312
Wrangell	2312

(b) Frequencies within the band 4,000 kc–30 Mc designated in §§ 8.354 and 8.355 of this chapter for use by ship stations employing telephony for communication with public coast stations located in the vicinity of specified geographic locations (outside the Alaska area) are available for use by ship stations, at sea in the Alaska area, using telephony and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitted power.

§ 14.261 [Deletion]

15. Section 14.261 is deleted in its entirety.

§ 14.262 [Deletion]

16. Section 14.262 is deleted in its entirety.

17. Section 14.265 is amended to read:

§ 14.265 Rules in other parts applicable.

The rules relating to the assignment and use of frequencies for ship, aircraft, marine-utility, and coast stations operating in the maritime mobile service and for stations operating in the maritime radio-location service which are set forth in Parts 7 and 8 of this chapter shall, except as otherwise specifically provided in this part, apply to stations of these services (including developmental stations) in the Alaska area so far as they are consistent with this part.

[F.R. Doc. 61–11290; Filed, Nov. 30, 1961; 8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50–112]

UNIVERSITY OF OKLAHOMA

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on November 7, 1961, 26 F.R. 10493, the Atomic Energy Commission has issued Amendment No. 3 to Facility License No. R–53. The license authorizes University of Oklahoma to operate its nuclear reactor Model AGN–211, Serial No. 102, located on its campus in Norman, Oklahoma. The amendment authorizes the licensee to repair the fuel elements for the reactor by removing the blistered plastic cladding and repainting the elements with Copon epoxy paint as described in the licensee's application for license amendment dated October 6, 1961. The amendment also provides additional conditions regarding possible fission product leakage which will further safeguard operation of the reactor.

Dated at Germantown, Md., this 24th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–11353; Filed, Nov. 30, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 23, 1960 (19 A.D. 631), authorizing the respondent, Denver Union Stock Yard Company, Denver, Colorado, to assess the current temporary schedule of rates and charges to and including December 31, 1961, unless modified or extended by further order before the latter date.

By a petition filed on November 15, 1961, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including December 31, 1963.

SECTION 1—*Yardage*

• • • • •

	Rate per head	
	Present	*Proposed*
Cattle (except bulls)	$1.15	$1.25
Bulls (600 lbs. and over except purebreds)	1.60	1.75
Calves (400 lbs. and under)	.65	.71
Hogs	.32	.38
Sheep or goats	.21	.24
Horses or mules	.80	1.00
Purebred bulls	2.00	3.00
Purebred cows and heifers	1.50	2.00

• • • • •

SECTION 2—*Resale or reweigh*

• • • • •

	Rate per head	
	Present	*Proposed*
Cattle (except purebred cows):		
Resold and/or reweighed through or by commission firms	$1.15	$1.25
Resold and/or reweighed for purposes of sale except through commission firms	.31	.33
Resold and/or reweighed other than through a commission firm for shipment from the stockyards	.15	.16
Bulls (600 lbs. and over except purebred bulls):		
Resold and/or reweighed through or by commission firms	1.60	1.75
Resold and/or reweighed for purposes of sale except through commission firms		.47
Resold and/or reweighed other than through a commission firm for shipment from the stockyards		.23
Calves (400 lbs. and under):		
Resold and/or reweighed through or by commission firms	.65	.71
Resold and/or reweighed for purposes of sale except through commission firms	.17	.19
Resold and/or reweighed other than through a commission firm for shipment from the stockyards	.07	.09
Hogs:		
Resold and/or reweighed through or by commission firms	.32	.38
Resold and/or reweighed for purposes of sale except through commission firms	.09	.10
Resold and/or reweighed other than through a commission firm for shipment from the stockyards	.05	.05
Sheep or goats:		
Resold and/or reweighed through or by commission firms	.21	.24
Resold and/or reweighed for purposes of sale except through commission firms	.05	.06
Resold and/or reweighed other than through a commission firm for shipment from the stockyards	.03	.03
Purebred bulls:		
Resold and/or reweighed through or by commission firms	2.00	3.00
Resold and/or reweighed for purposes of sale except through commission firms	1.50	3.00
Purebred cows:		
Resold and/or reweighed through or by commission firms	1.50	2.00
Resold and/or reweighed for purposes of sale except through commission firms	1.50	2.00

SECTION 3—*Direct delivery to Packers*

• • • • •

Cattle (except bulls)	$0.75	$0.81
Bulls (600 lbs. and over)	1.04	1.14
Calves (400 lbs. and under)	.42	.46
Hogs	.21	.25
Sheep or goats	.14	.16

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 28th day of November 1961.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61–11376; Filed, Nov. 30, 1961; 8:48 a.m.]

TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION, INC.

Authorization to Charge and Collect Fees for Inspection of Cattle

The Texas and Southwestern Cattle Raisers Association, Inc., pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 217a), has filed a written application with the Secretary of Agriculture for authority to act as an official cattle inspection agency with respect to cattle, exclusive of baby calves of dairy breeds of less than one month of age, originating in or shipped from the State of Texas. It is found that the applicant is a duly organized livestock association of the State of Texas, that branding and marking of cattle as a means of establishing ownership prevail by custom or statute in the State of Texas, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the Texas and Southwestern Cattle Raisers Association, Inc., to charge and collect a reasonable and nondiscriminatory fee at posted stockyards which are subject to the provisions of the Act for the inspection of brands, marks, and other identifying characteristics of cattle one month of age or older originating in or shipped from the State of Texas for the purpose of determining the ownership of such cattle.

Therefore, after consideration of such application and all data, views, and arguments submitted as a result of the Notice of Hearing on the Application for Authorization to Make Charges for Inspection of Cattle of The Texas and Southwestern Cattle Raisers Association, Inc., published in the FEDERAL REGISTER on August 31, 1961 (26 F.R. 8221), and pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended, the following authorization is granted to become effective January 1, 1962:

Authorization. The Texas and Southwestern Cattle Raisers Association, Inc. is hereby authorized, with respect to cattle one month of age or older originating in or shipped from the State of Texas, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), at which the said Texas and Southwestern Cattle Raisers Association, Inc., may register as a market agency to perform such inspection, reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of such cattle for the purpose of determining the ownership of such cattle. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of the cattle with respect to the inspection of which such charge is made, and shall be paid by it to the said Texas and Southwestern Cattle Raisers Association, Inc. Such inspection charges and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and the regulations issued thereunder (7 U.S.C. 217a).

Done at Washington, D.C., this 28th day of November 1961.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 61-11406; Filed, Nov. 30, 1961; 8:51 a.m.]

BUDDY SHOFFNER AUCTION CO. ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Buddy Shoffner Auction Co., Newport, Ark.
Spencer Livestock Commission Co., Lewiston, Idaho.
Tri-County Livestock Co., Inc., Magee, Miss.
Tupelo Stockyard, Tupelo, Miss.
Hinds Sale Co., Memphis, Mo.
Wentzville Auction Co., Wentzville, Mo.
El Reno Live Stock Auction, El Reno, Okla.
Chickering Commission Sale, Westminster, Vt.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of November 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-11407; Filed, Nov. 30, 1961; 8:51 a.m.]

RAMSEY & SONS ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Ramsey & Sons, Dothan, May 14, 1959	Ramsey & Sons, Inc., July 31, 1961.
ARKANSAS	
Farmers Livestock Auction Co., Springdale, Dec. 11, 1958.	Farmers and Ranchers Livestock Auction, Oct. 1, 1961.
Nettleton Stockyards & Auction Market, Nettleton, June 29, 1957.	Nettleton Stockyard, Inc., Sept. 26, 1961.
Producers Stockyards, Inc., North Little Rock, October 9, 1959.	Stockyards Operating Co., Inc., Nov. 1, 1961.
ILLINOIS	
Massac Auction, Inc., Metropolis, Nov. 27, 1959	Broadway and Weaver Auction, Aug. 2, 1961.
Savanna Livestock Sales, Savanna, Nov. 25, 1959.	Savanna Livestock Sales Barn, Aug. 8, 1961.
INDIANA	
Shipshewana Auction, Inc., Angola, Apr. 27, 1959.	Angola Livestock Auction, May 29, 1961.
Lowell Livestock Auction, Lowell, June 11, 1959.	Lowell Livestock Auction, Inc., Oct. 1, 1961.
KANSAS	
Sylvan Sales Company, Sylvan Grove, Apr. 25, 1950.	Sylvan Sales Company, Inc., Sept. 15, 1961.
MISSISSIPPI	
L. & S. Community Sale, Columbia, Jan. 6, 1959	Stringer Sale Barn, Sept. 15, 1961.
Ernest K. Peeler Livestock Barn, Kosciusko, Jan. 13, 1959.	Peeler's Livestock Barn No. 1, June 17, 1961.
Kosciusko Stockyards, Kosciusko, Jan. 12, 1959	Peeler's Livestock Barn No. 2, June 17, 1961.
MISSOURI	
Maryville Auction Co., Maryville, May 9, 1959	Maryville Auction Co., Inc., July 26, 1961.
MONTANA	
Montana Livestock Auction Co., Butte, Feb. 14, 1950.	Montana Livestock Auction, Inc., July 1, 1961.
NORTH DAKOTA	
Harrington Livestock Sales, Inc., Mayville, May 12, 1959.	Harrington Livestock Auction, Aug. 10, 1961.
SOUTH DAKOTA	
Faulkton Livestock Sales Co., Faulkton, June 3, 1959.	Magness Faulkton Livestock Exchange, Oct. 10, 1961.
McLaughlin Commission Co., McLaughlin, Jan. 31, 1956.	McLaughlin Commission Co., Inc., Oct. 4, 1961.
TENNESSEE	
Fayetteville Stockyard, Fayetteville, May 26, 1961.	Peoples Stockyards, Aug. 16, 1961.
TEXAS	
Mineral Wells Livestock Auction, Mineral Wells, Jan. 11, 1957.	Mineral Wells Stockyards Co., June 2, 1961.
VIRGINIA	
Culpeper Livestock Market, Inc., Culpeper, July 7, 1959.	Old Dominion Stockyards Co., July 11, 1961.

Done at Washington, D.C., this 28th day of November 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-11408; Filed, Nov. 30, 1961; 8:51 a.m.]

WELDON AUCTION SALES, INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

Name and location of stockyard	*Date of posting*
Weldon Auction Sales, Inc., Weldon, Ark.	June 27, 1957
Yellville Sale Barn, Yellville, Ark.	Feb. 18, 1959
Wentzville Auction Co., Wentzville, Mo.	May 14, 1959

The owners of the Wentzville Auction Co., Wentzville, Missouri, have built new facilities at another location, and notice of proposed posting of the new market will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 28th day of November 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-11409; Filed, Nov. 30, 1961; 8:51 a.m.]

WENTZ BROS. LIVESTOCK AUCTION ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard	*Date of posting*
ARIZONA	
Wentz Bros. Livestock Auction, Tucson	Sept. 26, 1961
KENTUCKY	
Richmond Livestock Market, Inc., Richmond	Oct. 9, 1961
OKLAHOMA	
Talihina Livestock Auction, Talihina	Oct. 19, 1961
WISCONSIN	
Iowa County Livestock Marketing Co-op., Dodgeville	Oct. 24, 1961

Done at Washington, D.C., this 28th day of November 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-11410; Filed, Nov. 30, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON; DIVISION OF LANDS AND MINERALS MANAGEMENT

Redelegation of Authority

NOVEMBER 22, 1961.

In accordance with section 1.1(a) of Bureau Order No. 684 (26 F.R. No. 8216, August 28, 1961), I hereby authorize the following employees to perform the functions listed below which are delegated to me:

1. The Lands Officer, Division of Lands and Minerals Management, Portland, Oregon, may perform the functions listed in section 1.5(a), *Classification of lands;*

2. The Minerals Officer, Division of Lands and Minerals Management, Portland, Oregon, may perform the functions listed in section 1.2(e), *Government contests,* and section 1.6(k), *Mining claims.*

Notwithstanding these delegations, the Chief, Division of Lands and Minerals Management, Portland, Oregon, is hereby authorized to perform the functions listed above.

Dated: November 22, 1961.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-11360; Filed, Nov. 30, 1961; 8:46 a.m.]

Office of the Secretary

[Order 2508, Amdt. 49]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

Section 13 of Order 2508, as amended (14 F.R. 258; 16 F.R. 11974; 17 F.R. 6418; 19 F.R. 34, 4585; 20 F.R. 167, 552; 21 F.R. 7655; 22 F.R. 2017, 3474; 23 F.R. 90, 1938; 24 F.R. 3703, 9514; 25 F.R. 2602, 5127, 7192; 26 F.R. 3207), is further amended by the addition of a new paragraph to read as follows:

SEC. 13. *Lands and minerals.* • • •

(ff) The transfer, and the issuance of notices to be published in the FEDERAL REGISTER of the effective date of transfer, of records of trust or restricted lands from Washington, D.C., to the appropriate area office in accordance with 25 CFR 120.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 25, 1961.

[F.R. Doc. 61-11361; Filed, Nov. 30, 1961; 8:46 a.m.]

Aberdeen, Billings, Gallup, and Portland Area Offices, Bureau of Indian Affairs

TRANSFER OF LAND RECORDS

In accordance with 25 CFR 120, notice is hereby given that all title source documents and records pertaining to trust or restricted Indian lands on the Indian reservations listed below have been transferred from the city of Washington to the (1) Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, South Dakota; (2) Billings Area Office, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana; (3) Gallup Area Office, Bureau of Indian Affairs, Gallup, New Mexico; and (4) Portland Area Office, Bureau of Indian Affairs, 1002 N.E. Holliday Street, Portland 8, Oregon.

1. Effective December 1, 1961, the Aberdeen Area Office will be the office for the maintenance of records for all trust or restricted lands on the Omaha, Ponca, Santee, and Winnebago Indian Reservations in the State of Nebraska; the Crow Creek and Lower Brule Indian Reservations in the State of South Dakota; and the Sisseton Indian Reservation in the States of North and South Dakota.

2. Effective December 1, 1961, the Billings Area Office will be the office for the maintenance of records for all trust or restricted lands on the Blackfeet, Fort Belknap, Fort Peck, and Nothern Cheyenne Indian Reservations in the State of Montana, and the Wind River Indian Reservation in the State of Wyoming.

3. Effective December 1, 1961, the Gallup Area Office will be the office for the maintenance of records for all trust or restricted lands on the Alamo (Navajo Community), Canoncito (Navajo Community), Laguna Pueblo, Ramah (Navajo Community), and Zuni Indian Reservations in the State of New Mexico, and the Navajo Indian Reservation in the States of Arizona, New Mexico, and Utah.

4. Effective December 1, 1961, the Portland Area Office will be the office for the maintenance of records for all trust or restricted lands on the Colville, Port Madison, and Tulalip Indian Reservations in the State of Washington.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 25, 1961.

[F.R. Doc. 61-11362; Filed, Nov. 30, 1961; 8:46 a.m.]

FARM CREDIT ADMINISTRATION

INVITATION TO BID ON SURETY BOND

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Farm Credit Administration will accept sealed bids on a position schedule bond covering approximately 67 of its officers and employees. Copies of the invitation to bid, service requirements, the bond, and the schedule of positions to be bonded may be obtained by phoning or writing Joseph Kudlack, Room 0456, South Building, USDA, Washington 25, D.C., phone DU 8-4219. Bids are to be opened at 2 p.m., e.s.t., on December 19, 1961. Promptly after making the award, a purchase order will be issued to the successful bidder.

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 61-11365; Filed, Nov. 30, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13217; Order No. E-17761]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1961. In the matter of joint fare tariffs between Atlanta and Los Angeles by American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Docket No. 13217; Order E-17761.

By tariff revision marked to become effective November 26, 1961, Continental Air Lines, Inc. and Northwest Airlines, Inc. propose a joint coach fare of $105.15, plus applicable jet surcharges, one-way, to apply between Atlanta and Los Angeles via Chicago. These carriers and also American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., presently publish joint first-class fares for application over the same routing. In each case, the fares are equivalent to those applicable to direct service via southern transcontinental routings.

Upon consideration of the matters of record, the Board finds that the proposed joint coach fare as applied on a routing via Chicago may be unjust or unreasonable, or unjustly discrimnatory, or unduly preferential, or unduly prejudicial and should be investigated. The routing via Chicago entails a mileage circuitry of 18.7 percent as compared with a more direct routing via Dallas and Fort Worth and a 16.0 percent circuity as compared with a routing via Dallas and San Diego. Stated otherwise, this circuitry results in dilution in the carriers' revenues of approximately 16 and 14 percent, respectively, as compared with the existing routings. In view of these circumstances, the Board has further concluded to suspend the operation of the tariff revision relating to the proposed joint coach fare routing via Chicago and defer its use pending investigation. Further, since substantially comparable questions are raised by the now published joint first-class fares, we are herein ordering the inclusion of these fares within the scope of the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered:

1. That an investigation is instituted to determine whether the fares between Atlanta and Chicago via the routing DL/EA/NW CHI-AA90/CO/TW11/UA22 on 18th Revised Page 328 (and subsequent revisions), and the fare between Atlanta and Los Angeles via the routing NW-CHI-CO on 46th Revised Page 435 of Agent C. C. Squire's C.A.B. No. 44, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares.

2. That pending hearing and decision by the Board, the fare between Atlanta and Los Angeles via the routing NW-CHI-CO appearing on 46th Revised Page 435 of Agent C. C. Squire's C.A.B. No. 44 is suspended and its use deferred to and including February 23, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. That the proceedings ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order shall be filed with the tariffs and shall be served upon American Airlines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Airlines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11401; Filed, Nov. 30, 1961; 8:51 a.m.]

[Docket No. 11879; Order E-17769]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by Traffic Conference Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of November 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memoranda, cancels certain specific commodity rates and names an additional rate under commodity items as set forth below:

C.A.B. 14827	IATA Memorandum	Commodity Item No.	From/To
R-66	TC1/Rates 1297	0006	San Juan to Kingston.
R-67	TC1/Rates 1299	0420	Port au Prince to Miami—Cancel.
R-68	TC1/Rates 1298	9910	Miami to Panama City—Cancel.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-66, R-67, and R-68, is approved, provided that such approval shall not constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11402; Filed, Nov. 30, 1961; 8:51 a.m.]

[Docket No. 11879; Order E-17775]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by Joint Conference Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of November 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2-3 of the International Air Transport Association (IATA). The agreement was adopted at the seventeenth meeting of the Atlantic Specific Commodity Rates Board, held in New York, N.Y., on November 8, 1961, and has been assigned the above-designated C.A.B. Agreement number.

The agreement names additional specific commodity rates under existing items, as follows:

Item 1421—From Copenhagen to New York.
Item 6005—Between New York and Prague.
Item 8550—From Prague to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered that:

1. Agreement C.A.B. 15962 is approved, provided that such approval shall not constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate, together with supporting data in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board, may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD B. SANDERSON,
Secretary.

[F.R. Doc. 61-11403; Filed, Nov. 30, 1961; 8:51 a.m.]

[Dockets Nos. 12964, 12976]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceedings is assigned to be held on December 19, 1961 at 10:00 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in these proceedings, interested persons are referred to the prehearing conference report served October 18, 1961 and all other documents contained in the dockets of these proceedings on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 27, 1961.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 61-11404; Filed, Nov, 30, 1961; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8655, between Farrell Lines, Inc. and the Clan Steamers, Ltd., covers a through billing arrangement in the trade between Madagascan ports and U.S. Atlantic ports with transhipment at South and East African ports.

Agreement 8752, between American Export Lines, Inc. and Alcoa Steamship Company, Inc., covers a through billing arrangement for the transportation of general cargo, exclusive of refrigerated cargo, garlic and other perishables or semiperishables in the trade from France, Italy, and North Africa ports to Puerto Rico, with transhipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 28, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11395; Filed Nov. 30, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-109]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application and Date of Hearing

NOVEMBER 24, 1961.

Take notice that on October 30, 1961, Columbia Gulf Transmission Company (Applicant), 3805 West Alabama Avenue, Houston 27, Texas, filed in Docket No. CP62-109 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1962 at a cost not to exceed $500,000 with no single project to exceed a cost of $250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

Applicant proposes to finance the subject facilities from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11354; Filed, Nov. 30, 1961; 8:45 a.m.]

[Docket No. CP61-199]

EAST TENNESSEE NATURAL GAS CO.

Notice of Postponement of Hearing

NOVEMBER 24, 1961.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on December 4, 1961, by notice issued October 27, 1961, and published in the FEDERAL REGISTER on November 7, 1961 (26 F.R. 10493) be and hereby is postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11355; Filed, Nov. 30, 1961; 8:45 a.m.]

[Project No. 2303]

GEORGIA POWER CO.

Notice of Application for Preliminary Permit

NOVEMBER 24, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Company, Atlanta 2, Georgia, for preliminary permit for proposed water power Project No. 2303, to be located on Flint River, in Crawford, Meriwether, Pike, Talbot, Taylor, and Upson Counties, Georgia, in the region of Butler, Roberta, Thomaston, and Manchester, Georgia.

According to the application: applicant proposes to study the feasibility of developing the Flint River for hydroelectric generating purposes by the construction of dams between river miles 230 and 270; this reach of the river contains the Lower Auchumpkee Creek, Liza Creek, Spewrell Bluff and other possible sites; and construction of dams in this reach could develop approximately 380 feet of gross head with a total installed capacity of about 300,000 kilowatts having an annual generation of approximately 350,000,000 kilowatt hours.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 15, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11356; Filed, Nov. 30, 1961; 8:45 a.m.]

[Docket No. CP62–35]

MICHIGAN GAS STORAGE CO.

Notice of Application and Date of Hearing

NOVEMBER 24, 1961.

Take notice that on August 14, 1961, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan, filed an application, as supplemented on September 29, 1961, in Docket No. CP62–35, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to establish two new delivery points and to enlarge an existing delivery point to enable Applicant to deliver gas to Consumers Power Company (Consumers), its affiliate and sole customer. Consumers proposes to utilize said gas to initiate natural gas service to the Township of Bath, the Village of Stockbridge and the City of Lake City, located, respectively, in Clinton, Ingham, and Missaukee Counties, Michigan.

Applicant's proposals are more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) For service to Bath, meter and regulator facilities on Applicant's Lansing pipeline lateral in Victor Township, Clinton County, Michigan, at an estimated cost of $19,000.

(2) For service to Stockbridge, meter and regulator facilities on Applicant's Freedom-Laingsburg pipeline in Unadilla Township, Livingston County, Michigan, at an estimated cost of $18,000.

(3) For service to Lake City, enlargement of applicants existing McBain meter station in Riverside Township, Missaukee County, Michigan, at an estimated cost of $3,000.

The application shows the following estimated natural gas requirements for the three communities:

	Bath	Stockbridge	Lake City
Peak day (Mcf):			
1st year	162	322	452
2d year	177	350	477
3d year	188	384	502
Annual (Mcf):			
1st year	24,890	47,633	69,419
2d year	26,920	51,730	73,299
3d year	28,538	55,827	77,121

The total estimated cost of $40,000 for construction of the proposed facilities will be financed by Applicant from funds on hand.

Consumers will build the distribution facilities necessary to render natural gas service to the three communities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 28, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11357; Filed, Nov. 30, 1961; 8:45 a.m.]

[Docket Nos. RI62–193, RI62–194]

T. L. JAMES & CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Making Rates Effective Subject to Refund [1]

NOVEMBER 22, 1961.

T. L. James & Company, Inc., et al., Docket No. RI62–193; Champlin Oil & Refining Company (Operator) et al., Docket No. RI62–194.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62–193	T. L. James & Co., Inc., et al., P. O. Box 531, Ruston, La.	4	6	Mississippi River Fuel Corp., North Choudrant Field, Lincoln Parish, La. (North Louisiana).	$162	10–27–61	11–27–61	11–28–61	[2] 13.59	14.04	G–18408
RI62–194	Champlin Oil & Refining Co. (Operator), et al., P. O. Box 9365, Fort Worth 7, Tex.	5	9	Tennessee Gas Transmission Co., Stratton-Agua Dulce Field, Nueces and Jim Wells Counties, Tex. (R.R. District No. 4).	17,328	10–31–61	12–1–61	12–2–61	[3] 14.6	14.7165	----------

[1] The stated effective date for each filing is the first day after expiration of the required statutory notice.
[2] The pressure base is 15.025 psia.
[3] The pressure base is 14.65 psia.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

James' increase proposes a base rate below the applicable area ceiling but includes a questionable tax reimbursement for increased Louisiana severance tax.

Champlin's increase exceeds the applicable area ceiling; its increase results from reimbursement of a new "Dedicated Reserve Gas Tax" imposed by the Texas legislature. Since the constitutionality of the new tax has not yet been determined, the filing should be suspended for one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements shall become effective subject to refund on the date and in the manner herein prescribed [2] if within 20 days from the date of issuance of this order respondents shall execute and file under the above-designated docket numbers with the Secretary of the Commission their agreement and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by certificates showing service of copies thereof upon all purchasers under the rate schedules involved. Unless respondents are advised to the contrary within 15 days after the filing of such agreement and undertakings, the agreement and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 4, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11358; Filed, Nov. 30, 1961; 8:45 a.m.]

[2] With only the tax reimbursement and "Dedicated Reserve Gas Tax" portions to be made effective subject to refund.

FOREIGN-TRADE ZONES BOARD

BOARD OF COMMISSIONERS, PORT OF NEW ORLEANS

Application for a Foreign-Trade Sub-Zone in New Orleans, La.

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2 at New Orleans, for the privilege of establishing, operating, and maintaining a foreign-trade sub-zone, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u).

The specific area in which it is proposed to establish the New Orleans Foreign-Trade Sub-Zone is located one-half mile from the parent zone in Illinois Central Railroad Warehouse No. 32 at 3900 Tchoupitoulas Street, New Orleans, Louisiana, for the purpose of making available cold storage or other refrigerated facilities and related services to accommodate the handling of commodities requiring refrigeration in said zone. The proposed sub-zone has an area of ten-thousand six-hundred (10,600) square feet.

The proposed site of the sub-zone is available through a contractual arrangement between the Board of Commissioners of the Port of New Orleans and the New Orleans Cold Storage and Warehouse Company, Ltd., the latter to operate the facility as an agent of Foreign-Trade Zone No. 2.

Pursuant to the Foreign-Trade Zones Board Regulations,[1] said application for a sub-zone and accompanying exhibits, having been reviewed for compliance with said Regulations, and the application having now been found to be in order, the Executive Secretary hereby designates as an Examiners Committee, Richard H. Lake, Executive Secretary, Foreign-Trade Zones Board, Chairman; Hon. Theodore H. Lyons, Collector of Customs, New Orleans; and Col. Edward B. Jennings, District Engineer, U.S. Army Engineer District, New Orleans, to make an investigation of the application and report thereon to the Board for final action.

General plans showing the location of the proposed sub-zone and other pertinent information may be examined at the Office of the Collector of Customs at New Orleans, or at the Office of the Executive Secretary, of the Foreign-Trade Zones Board, Room 7416 Commerce Building, Washintgon 25, D.C.

Notice is hereby further given that, in connection with its consideration of the application, the Examiners Committee invites interested persons to submit their views regarding the application, including any additional facts they believe relevant. Such views must be submitted in writing to the Executive Secretary of the Foreign-Trade Zones Board, Washington 25, D.C., attention Examiners Committee, not later than thirty (30) days after the publication of this Notice in the FEDERAL REGISTER. Interested persons desiring an oral hearing on the matter must make written request therefor on or before that date stating their interest and reasons why a hearing is desired.

If no request for a hearing is received, or if the Examiners Committee in any event determines it can proceed with its investigation without oral hearing, the Committee will complete its investigation and report to the Board as soon as practicable on the basis of the application, accompanying exhibits, and any other available information pertaining to the matter.

RICHARD H. LAKE,
Executive Secretary,
Foreign-Trade Zones Board.

NOVEMBER 27, 1961.

[F.R. Doc. 61–11396; Filed, Nov. 30, 1961; 8:50 a.m.]

[1] See Title 15, Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1457]

HARBOR PLYWOOD CORP. AND HUNT FOODS AND INDUSTRIES, INC.

Notice of and Order for Hearing on Application and for an Order Declaring Company Has Ceased To Be an Investment Company

NOVEMBER 22, 1961.

In the matter of Harbor Plywood Corporation, (Aberdeen, Washington) and Hunt Foods and Industries, Inc., 1747 West Commonwealth Ave., Fullerton, California; File No. 812–1457.

Notice is hereby given that Harbor Plywood Corporation. ("Harbor"), a Delaware corporation and a closed-end, non-diversified investment company, registered under the Investment Company Act of 1940 ("Act") and Hunt Foods and Industries, Inc. ("Hunt"), which is also a Delaware corporation and is primarily engaged in the processing, packaging and distribution of a variety of food and grocery products, have filed a joint application for an order of the Commission exempting from the prohibitions of section 17(a) of the Act the exchange of securities incident to a merger of Harbor into Hunt. The application also requests an order pursuant to section 8(f) declaring that Harbor will cease to be an investment company upon consummation of the merger

of Harbor into Hunt. All interested persons are referred to the application on file with the Commission for a complete statement of the transaction which is summarized below.

Harbor's sole class of outstanding securities consists of 1,024,216 shares of common stock of which Hunt owns 749,088 shares (73.14 percent). Applicants represent that to the best of their knowledge no other person owns as much as 5 percent of the remaining shares of the common stock of Harbor.

Harbor, in turn, owns 222,906 shares (4.79 percent) of the 4,655,930 outstanding shares of the common stock of Hunt. Of the total Hunt stock now held by Harbor, 212,292 shares were acquired as a result of the merger of Hunt and Wesson Oil and Snowdrift Company, Inc., and the remaining 10,614 shares were received through a 5 percent stock dividend paid by Hunt on March 24, 1961. Harbor's holdings of the Hunt stock constituted 32 percent of the market value of Harbor's assets as of September 30, 1961.

Certain claims have been asserted on behalf of minority stockholders of Harbor, both derivatively and as a class, against Hunt and certain individuals in an action entitled Laufer v. Hunt Foods and Industries, Inc., et al., filed in the Court of Chancery for the State of Delaware, in and for New Castle County. The complaint alleges that Hunt and the individual defendants (a) depressed the market price of Harbor's common stock in order to benefit through purchases of the Harbor stock by Hunt at depressed prices, (b) breached their duty as directors or principal shareholders in not having caused Harbor to purchase its stock at market prices which were substantially less than its intrinsic value and (c) breached said duty in causing Harbor to purchase the stock of Knox Glass, Inc. for the benefit of Hunt and to the detriment of Harbor. Violations of the Securities Exchange Act of 1934 and the Investment Company Act of 1940 are also alleged. The plaintiff requested the Court to cause a distribution of the assets of Harbor, to direct an accounting, to assess damages, to appoint a receiver, and to direct payment of attorney's fees. The plaintiff, Laufer, has been joined in his complaint by Benjamin Dreyfus, Peter Dreyfus, David Thompson and Virginia Thompson as intervenors.

While Hunt, Harbor and the individual defendants consider the suit to be without merit, they recognize that a legal action of this nature can involve protracted and expensive litigation and that the outcome cannot be accurately predicted.

The basis for determining the exchange ratio for the merger is stated to be as follows:

The book value (cost) of Harbor's net assets on September 30, 1961, was adjusted to reflect the net excess over cost of the current market prices of securities owned by it for which quotations were available, to give an adjusted value of approximately $39.90 per share. Additional adjustments were made to reflect other factors including possible adjustments on securities for which there were no quoted market values, market prices at which Harbor stock has been traded, dividend policies of the two companies, and recognition of some value for the claims referred to above. These additional adjustments resulted in a base value for Harbor stock for exchange purposes of $41.55 per share.

Shares of Hunt stock will be exchanged for the shares of Harbor stock on the basis of valuing the Hunt stock at the average of its closing market prices for the 15 trading days immediately preceding the effective date of the merger and valuing the Harbor stock as stated above, except that the portfolio valuation as thus stated of Harbor's assets will be further adjusted to reflect the average market valuation thereof for the same 15-day trading period immediately preceding the effective date of the merger, provided that if the value per share of Harbor stock so determined is greater than $39.90, the difference shall be added to $41.55 per share, while if less than $39.90, the difference shall be subtracted from $41.55.

The effective date of the merger is to be January 2, 1962, or such other date as shall be fixed by Harbor and Hunt and which is to be not later than five business days after the occurrence of the last of the following events:

(1) Exemption of the proposed transaction by the Commission from the provisions of the Investment Company Act as requested herein and the granting of any other applications under the Act and any other Act or rule or regulation necessary to accomplish the merger.

(2) Securing the requisite approval of the merger by the shareholders of the applicants as required by Delaware law.

(3) Approval by the Court of Chancery of the State of Delaware of the terms of the merger as a full complete settlement of the claims asserted in the aforementioned litigation or any other litigation of a similar nature which may subsequently be commenced, and determination and approval by the court of the counsel fees and other expenses payable in said action or actions. Payments of such fees and expenses shall be assumed by Hunt and shall not be taken into consideration in determining the definitive exchange ratio.

(4) Securing by Hunt of the requisite permit to issue stock from the California Commissioner of Corporations.

The shares of Harbor now held by Hunt and the shares of Hunt now held by Harbor are to be extinguished in the merger, and Hunt shares are to be issued at the exchange ratio only to stockholders other than Hunt.

The application recites that, pending the merger, it is the intention of Harbor to continue its present dividend policy.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 18th day of December 1961 at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's Rules of Practice, on or before the date provided in that Rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request.

It is further ordered, That Sidney Feiler, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination: (1) Whether the terms of the proposed merger, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned and whether the proposed merger is consistent with the policy of the investment company and the general purposes of the Act; (2) whether there is basis for granting the request for an order pursuant to section 8(f) declaring that Harbor has ceased to be an investment company.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Hunt and Harbor, and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for release.

It is further ordered, That Hunt mail a copy of this notice and order to each public stockholder of Harbor at his last known address at least 15 days before the date set for hearing hereon.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-11369; Filed, Nov. 30, 1961; 8:47 a.m.]

[File No. 70-3319]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

Notice of Filing of Supplemental Application-Declaration

NOVEMBER 22, 1961.

In the matter of Mississippi Valley Generating Company, Arkansas Power & Light Company, Middle South Utilities, Inc., The Southern Company; File No. 70-3319.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 2 Broadway, New York 4, New York, and The Southern Company ("Southern"), 1330 West Peachtree Street, Atlanta 9, Georgia, both registered holding companies, and their inactive electric-utility subsidiary company, Mississippi Valley Generating Company ("MVG"), and Arkansas Power & Light Company ("Arkansas"), 9th and Louisiana Streets, Little Rock, Arkansas, an electric-utility subsidiary company of Middle South, have filed, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), a joint supplemental application-declaration (designated Amendment No. 5 to the joint declaration permitted to become effective September 14, 1961) regarding the proposed sale by MVG to Arkansas of certain assets, and requesting an extension of time within which to consummate the liquidation and dissolution of MVG. The supplemental application-declaration designates sections 9, 10, 12 (f) and (g) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint-supplemental application-declaration on file at the office of the Commission for a statement of the transactions proposed and the basis for the request for an extension of time to effectuate the liquidation and dissolution of MVG.

By Memorandum, Opinion, and Order (Holding Company Act Release No. 14517) issued September 14, 1961, the Commission authorized Middle South and Southern, the owners, respectively, of 79 percent and 21 percent of the outstanding shares (11,000) of the common stock of MVG, to provide the funds, in such proportions, in the estimated aggregate amount of $1,300,000, sufficient to pay directly to MVG's creditors all of MVG's liabilities remaining after the application to the payment thereof of all of MVG's assets (consisting of, among other things, land at cost) aggregating $524,061.28 at March 31, 1961; and to effectuate the liquidation and dissolution of MVG, and, in connection therewith, authorized Middle South and Southern to surrender and MVG to acquire for cancellation, the 11,000 outstanding shares of MVG.

Pursuant to the prior authorization, MVG has paid to Middle South and Southern $267,623.63 (cash and the proceeds from the sale of temporary cash investments) and Middle South and Southern have paid all of MVG's creditors.

MVG proposes to transfer to Arkansas and Arkansas proposes to acquire: (a) land (located in Arkansas' service area and stated to be appropriate for the future use by Arkansas as a power plant site) at the stated cost of $254,102.77 to MVG, (b) pertinent engineering and development work useful to Arkansas in the utilization of the land at the stated cost of $235,158.31 to MVG, and (c) 100,000 yards of sand, dirt or soil underlying a deed from Jackson Life Insurance Company at $2,500, the value thereof to the owner of the plant site found by the Court of Claims, or an aggregate cash consideration of $491,761.08. After consummation of the proposed sale and as soon as the necessary corporate and other actions required by State law to effectuate the dissolution of MVG can be taken, Middle South and Southern will surrender and MVG will acquire for cancellation, as heretofore authorized, the 11,000 outstanding shares of the common stock of MVG, and any MVG assets, which may remain after provision for any tax liabilities and expenses incidental to its dissolution, will be distributed to Middle South and Southern in the respective proportions of 79 percent and 21 percent.

Extension of the time provided by Rule 24 promulgated under the Act within which to effectuate the transactions previously authorized and those presently proposed is requested so as to accord sixty days after the issuance of the order herein to effectuate such transactions.

The joint supplemental application-declaration states that no fees, commissions or expenses are to be incurred in connection with the proposed transactions; and that applicants-declarants believe that neither the Arkansas Public Service Commission nor any other State commission, and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested person may, on or before December 18, 1961, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the Commission may grant and permit to become effective the joint supplemental application-declaration as filed, or as it may be amended; or the Commission may grant exemption from its rules and regulations, as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

It is ordered, That a copy of this notice be served by registered mail on all parties hereto and the Arkansas Public Service Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-11370; Filed, Nov. 30, 1961; 8:47 a.m.]

[File No. 70-3999]

WEST TEXAS UTILITIES CO. AND CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock, Issuance and Sale of Common Stock by Subsidiary, and Acquisition Thereof by Holding Company

NOVEMBER 22, 1961.

Notice is hereby given that Central and South West Corporation ("Central"), 902 Market Street, Wilmington 99, Delaware, a registered holding company, and West Texas Utilities Company ("West Texas"), one of its public-utility subsidiary companies, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

West Texas proposes to amend its Charter or Articles of Incorporation to increase the total number of authorized shares of its common stock, $10 par value, from 2,000,000 shares to 2,800,000 shares and proposes to issue and sell 800,000 shares to Central, the owner of all of its presently outstanding common stock. Central proposes to acquire the 800,000 shares for $10 per share, in cash, or a total consideration of $8,000,000. The acquisition will be made, in a simultaneous transaction, using the proceeds of a cash dividend in the amount of $8,000,000 proposed to be declared and paid by West Texas on its common stock out of its earned surplus.

The joint application-declaration states that no fees, commissions, or expenses are to be paid or incurred in connection with the proposed transactions other than a Federal original issue stamp tax, amounting to $8,000 and payable by West Texas, and miscellaneous and incidental expenses, estimated at $250. West Texas estimates that $750 represents a reasonable allocation to the proposed transactions of the annual retainer fee paid to its legal counsel. It is further stated that no State and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 18, 1961, request in writing that a hearing be held on such matters, stat-

ing the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-11371; Filed, Nov. 30, 1961; 8:47 a.m.]

TARIFF COMMISSION

[22-25]

COTTON PRODUCTS

Notice of Change in Hearing Date

Notice is hereby given that the public hearing in connection with the investigation instituted under section 22(a) of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), with respect to "Articles or Materials Wholly or in Part of Cotton," heretofore scheduled for 10 a.m., e.s.t., on March 13, 1962 (26 F.R. 11226), has been rescheduled for 10 a.m., e.s.t., on February 13, 1962.

Issued: November 28, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-11389; Filed, Nov. 30, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25 as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Andalusia, Ala.; effective 12-1-61 to 11-30-62 (men's dress shirts, sport shirts, and work pants).

Alabama Textile Products Corp., Troy, Ala.; effective 12-1-61 to 11-30-62 (men's dress shirts).

Anthracite Shirt Co., One South Franklin Street, Shamokin, Pa.; effective 12-1-61 to 11-30-62 (men's and boys' dress and sport shirts and ladies' tailored blouses).

Blue Buckel Overall Co., Marshall, Tex.; effective 11-14-61 to 11-13-62 (men's and boys' dungarees).

Brew-Schneider Co., Inc., Highway 62, Blakely, Ga.; effective 11-14-61 to 11-13-62 (washable service garments).

Carolina Underwear Co., Inc., Carole Division, Pajama Division, Thomasville, N.C.; effective 11-16-61 to 11-15-62; 10 percent of the total number of factory production workers engaged in the production of men's and boys' woven pajamas (men's and boys' pajamas).

D and D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; effective 11-13-61 to 11-12-62 (men's dress and army shirts, ladies' shirtwaist blouses).

Dixie Manufacturing Co., Plant No. 2, Columbia, Tenn.; effective 11-12-61 to 11-11-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' and girls' shorts and slacks).

Dushore Lingerie Co., Inc., Dushore, Pa.; effective 11-25-61 to 11-24-62 (women's sleepwear).

Florence Manufacturing Co., Inc., Florence, S.C.; effective 11-29-61 to 11-28-62 (ladies' dresses).

Four's Co., Inc., Blairsville, Pa.; effective 11-14-61 to 11-13-62 (children's dresses).

Hartsville Garment Corp., 226 Broadway, Hartsville, Tenn.; effective 11-16-61 to 11-15-62 (men's sport shirts).

Hartsville Manufacturing Co., Inc., Hartsville, S.C.; effective 11-17-61 to 11-16-62 (ladies' wash dresses).

Jaymie Dresses, Inc., One Coffin Avenue, New Bedford, Mass.; effective 11-20-61 to 11-19-62 (women's rayon dresses).

McGregor-Doniger, Inc., 69 King Street, Dover, N.J.; effective 11-20-61 to 11-19-62 (men's and boys' sport shirts and outerwear jackets).

McGregor-Doniger, Inc., 430 Morris Avenue, Summit, N.J.; effective 11-16-61 to 11-15-62 (men's and boys' outerwear and leisure jackets).

Protexall, Inc., 750 West Main Street, Galesburg, Ill.; effective 11-14-61 to 11-13-62 (men's cotton wash pants, shirts, and jackets).

Regal Shirt Corp., South Third Street, Catawissa, Pa.; effective 12-1-61 to 11-30-62 (men's sport shirts).

Regal Shirt Corp., Second and Pine Streets, Catawissa, Pa.; effective 11-14-61 to 11-13-62 (men's sport shirts).

Savada Brothers, Inc., 115-121 Mulberry Street, Millville, N.J.; effective 11-20-61 to 11-19-62 (boys' sport shirts).

Troy Textiles, Inc., Troy, Ala.; effective 11-24-61 to 11-23-62 (men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barry Bob Sportswear Co., Inc., 144 East Blaine Street, McAdoo, Pa.; effective 11-15-61 to 11-14-62; five learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's skirts and coordinates).

Blue Bell, Inc., Mount Jackson, Va.; effective 12-1-61 to 11-30-62; 10 learners (boys', girls', and ladies' dungarees).

Checotah Manufacturing Co., Checotah, Okla.; effective 11-14-61 to 11-13-62; 10 learners (children's peddlepushers and shorts).

The Jay Garment Co., Brookville, Ind.; effective 12-1-61 to 11-30-62; 10 learners (children's overalls).

Jo-Ann Dress Manufacturing, Lovell Park, Ebensburg, Pa.; effective 11-25-61 to 11-24-62; 10 learners (women's dresses).

Meyers and Son Manufacturing Co., Inc., New Castle, Ky.; effective 11-16-61 to 11-15-62; 10 learners (men's one-piece work suits).

Sagamore Garment Corp., Sagamore, Mass; effective 11-20-61 to 11-19-62; 10 learners (women's rayon dresses).

Savada Brothers, Inc., 36-46 South Laurel Street, Bridgeton, N.J.; effective 11-20-61 to 11-19-62; 10 learners (boys' sport shirts).

Savada Brothers, Inc., New England Boulevard, Landisville, N.J.; effective 11-20-61 to 11-19-62; 10 learners (boys' sport shirts).

Savada Brothers, Inc., Wheat Road, Vineland, N.J.; effective 11-20-61 to 11-19-62; 10 learners (boys' sport shirts).

Selro Manufacturing Co., Fifth and Gay Streets, Denton, Md.; effective 11-19-61 to 11-18-62; 10 learners (women's sportswear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Creedmoor Manufacturing Co., Inc., Creedmoor, N.C.; effective 11-15-61 to 5-14-62; 40 learners (sport shirts).

Eudora Manufacturing Corp., Eudora, Ark.; effective 11-17-61 to 5-16-62; 35 learners (industrial and professional uniforms, men's and women's work clothes).

Heflin Chenille Manufacturing Corp., Heflin, Ala.; effective 11-15-61 to 5-14-62; 10 learners (chenille house coats and cotton dusters).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 11-14-61 to 5-13-62; 15 learners for plant expansion purposes (work gloves).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo.; effective 11-15-61 to 5-14-62; 15 machine stitchers for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Mars Hosiery Co., Inc., Johnston School Road, Asheville, N.C.; effective 11-22-61 to 5-21-62; 20 learners for plant expansion purposes (ladies', men's, and children's tights, ladies' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Forsyth Division, Rayon Division, Carole Division, Thomasville, N.C.; effective 11-16-61 to 11-15-62; 5 percent of the total number of factory production workers engaged in the production of ladies' and children's panties and men's and boys' shorts for normal labor turnover purposes (ladies' and children's panties).

Fitzgerald Underwear Corp., 704 South Sherman Street, Fitzgerald, Ga.; effective 11-17-61 to 5-16-62; 15 learners for plant expansion purposes (ladies' and children's panties).

Fitzgerald Underwear Corp., 704 South Sherman Street Fitzgerald, Ga.; effective 11-17-61 to 11-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

Kayser-Roth Hosiery Co., Dayton Division, Dayton, Tenn.; effective 11-23-61 to 5-22-62; 20 learners for plant expansion purposes (ladies' and children's tights).

Each learner certificate has been issued upon the representation of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 22d day of November 1961.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 61-11366; Filed, Nov. 30, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 28, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37456: *Chemicals from Chaison, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8111), for interested rail carriers. Rates on alcohols, proprietary anti-freeze preparations and related articles, in carloads and tank-car loads, from Chaison, Tex., to specified points in Kentucky, Minnesota, North Dakota, also Cincinnati, Ohio. Grounds for relief: Market competition. Tariff: Supplement 213 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37457: *Chemicals from Chaison, Tex., to Clinton, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8114), for interested rail carriers. Rates on motor fuel anti-knock compounds, in tank-car loads, from Chaison, Tex., to Clinton, Ill. (for storage-in-transit). Grounds for relief: Rail competition. Tariffs: Supplements 73 and 28 to Southwestern Freight Bureau tariffs I.C.C. 4370 and 4369.

FSA No. 37458: *Rock salt from Points in Louisiana to Louisville, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B-8113), for interested rail carriers. Rates on rock salt, loose, in bulk, in carloads, from Avery Island, Jefferson Island, Weeks and Winfield, La., to Louisville, Ky. Grounds for relief: Market competition. Tariff: Supplement 5 to Southwestern Freight Bureau tariff I.C.C. 4411.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11379; Filed, Nov. 30, 1961; 8:48 a.m.]

[Notice 573]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 28, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64023. By order of November 21, 1961, Division 3, acting as an Appellate Division approved the transfer to F. G. McFarland and S. R. Hullinger, a partnership, doing business as McFarland & Hullinger, Tooele, Utah, of Certificate Nos. MC 112076 Sub 1 and MC 112076 Sub 3, issued August 10, 1956 and November 29, 1957, to Lowell H. Rasmussen, Monticello, Utah, authorizing the transportation of: Uranium and vanadium ores, in bulk, from points in San Juan County, Utah, to Naturita, Durango and Uravan, Colo., and Thompsons, Utah; and from points in Arizona within a radius of 25 miles of a point at the junction of unnumbered Arizona Highway and Utah Highway 47 (near Gouldings Trading Post on Utah Highway 47 approximately two miles from said junction) to ore concentrating plant sites at or near Mexican Hat and Monticello, Utah. Lucy Redd, 345 South State, Salt Lake City, Utah, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11380; Filed, Nov. 30, 1961; 8:48 a.m.]

[Rev. S.O. 562, Amdt. 1 to Taylor's I.C.C. Order 137]

PITTSBURGH & WEST VIRGINIA RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 137 (The Pittsburgh & West Virginia Railway Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 137 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 28, 1961, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 28, 1961.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61-11381; Filed, Nov. 30, 1961; 8:48 a.m.]

CURTIS DONALD BUFORD

Statement of Changes in Financial Interests

Pursuant to Subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 5350) during the six months' period ended November 26, 1961.

No change in my statement of financial interests as previously filed.

CURTIS DONALD BUFORD.

NOVEMBER 26, 1961.

[F.R. Doc. 61-11382; Filed, Nov. 30, 1961; 8:49 a.m.]

Pages 11405–11468

FEDERAL REGISTER

VOLUME 26 NUMBER 232

Washington, Saturday, December 2, 1961

OF MICHIGAN
DEC 5 1961
MAIN READING ROOM

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Handling of navel oranges grown in Arizona and designated part of California; approval of expenses and fixing of assessment rate for 1961–62 fiscal year 11435

RULES AND REGULATIONS:
Fruit grown in California and Arizona; handling limitations:
Lemons 11419
Navel oranges 11417
Oranges, grapefruit, tangerines, and tangelos grown in Florida; shipment limitations (3 documents) 11417–11419

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Wheat stabilization program, 1962 11407

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Army Department

See Engineers Corps.

Atomic Energy Commission

NOTICES:
Babcock & Wilcox Co.; proposed issuance of construction permit and facility license 11462
University of Texas; application for utilization facility license 11463

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Accident at Richmond, Va 11464
Allied Air Freight, Inc.; proposed reduction of air freight forwarder rates 11463
Board of Commissioners of Broward County, Fla., and National Airlines, Inc 11464

Commerce Department

See Maritime Administration.

Customs Bureau

RULES AND REGULATIONS:
Manifesting of merchandise from contiguous foreign territory 11420

Defense Department

See Engineers Corps.

Defense Materials Service

NOTICES:
Report of purchases 11460

Engineers Corps

RULES AND REGULATIONS:
Oil pollution 11421

Federal Aviation Agency

PROPOSED RULE MAKING:
Control area extensions; alterations (2 documents) 11453, 11454
Control area extensions, alterations; and designation of transition areas (12 documents) ..... 11436, 11438, 11440, 11441, 11443, 11445, 11446, 11448, 11449, 11451, 11455, 11456.
Control area extensions and transition area, alteration; and designation of transition areas 11442
Restricted areas, alteration and designation; and alteration of Federal airways and control area extension; change of proposals 11435

Federal Communications Commission

NOTICES:
Hearings, etc.:
Baysden, W. E 11464
Eastern Broadcasting System, Inc., et al 11464
Fitzgerald, Francis M., et al 11464
Flower City Television Corp. and Genesee Valley Television Co., Inc 11465
Grand Broadcasting Co. and Atlas Broadcasting Co 11465
KOFE, Inc. (KOFE) 11465
KSAY Broadcasting Co 11465
M&M Telecasters et al 11465
Oklahoma Broadcasting Co. and Sapulpa Broadcasters 11465
Pressley, Vernon E., and Folkways Broadcasting Co., Inc. (WTCW) 11466

PROPOSED RULE MAKING:
Table of assignments, television broadcast stations; certain towns in Nebraska and others; order extending time for filing comments 11458

RULES AND REGULATIONS:
Microwave operation:
Land transportation radio services 11423
Public safety radio services 11422

Federal Power Commission

NOTICES:
Sohio Petroleum Co. et al.; applications and date of hearing 11466

PROPOSED RULE MAKING:
General policy on certificate applications, rate filings, pipeline quality gas standards, delivery conditions and certain price adjustments; invitation for further comments 11459

General Services Administration

See also Defense Materials Service.

RULES AND REGULATIONS:
Contract settlement; cross reference 11421
Preservation of records by war contractors; cross reference 11425

Housing and Home Finance Agency

NOTICES:
Chief, Operations Staff, Urban Renewal Branch, Chicago; designation as Acting Regional Director of Urban Renewal 11466

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief 11466

(*Continued on next page*)

Justice Department
RULES AND REGULATIONS:
Defense of suits against Federal employees arising out of their operation of motor vehicles---- 11420

Labor Department
See Wage and Hour Division.

Maritime Administration
NOTICES:
American President Lines, Ltd.; application and hearing------- 11462

Post Office Department
PROPOSED RULE MAKING:
Practice and procedures------- 11426

Securities and Exchange Commission
NOTICES:
United States Rubber Co.; hearing, etc---------- 11467

State Department
NOTICES:
Procurement transactions; authority delegation amendment- 11462

Treasury Department
See also Customs Bureau.
NOTICES:
Treasury bonds, 3⅞ percent, 1968; offering---------- 11460

Wage and Hour Division
RULES AND REGULATIONS:
Puerto Rico; increase in minimum wages:
Chemical, petroleum, rubber, and related industry------- 11420
Stone, clay, glass, cement, and related industry---------- 11420

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

7 CFR

776---------- 11407
914---------- 11417
933 (3 documents)---------- 11417–11419
953---------- 11419
PROPOSED RULES:
914---------- 11435

14 CFR

PROPOSED RULES:
600---------- 11435
601 (16 documents)------- 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456
608---------- 11435

18 CFR

PROPOSED RULES:
2---------- 11459

19 CFR

5---------- 11420

28 CFR

15---------- 11420

29 CFR

670---------- 11420
678---------- 11420

32 CFR

2011---------- 11421

33 CFR

212---------- 11421

39 CFR

PROPOSED RULES:
201---------- 11426
202---------- 11431
203---------- 11432
204---------- 11432

44 CFR

151---------- 11425

47 CFR

10---------- 11422
16---------- 11423
PROPOSED RULES:
3---------- 11458

Public Papers of the Presidents

✦

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

✦

Volumes for the following years are now available:

Truman:	
1945	$5.50
Eisenhower:	
1953	$6.75
1954	7.25
1955	6.75
1956	7.25
1957	6.75
1958	8.25
1959	7.00
1960–61	7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Wheat Stabilization Program, Supp. 1]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

Sec.
776.51 Purpose.
776.52 County average yields and county payment rates for wheat.

AUTHORITY: §§ 776.51 and 776.52 issued under sec. 124(i), 75 Stat. 300.

§ 776.51 Purpose.

Sections 776.51 to 776.52 supplement the 1962 Wheat Stabilization Program Regulations (26 F.R. 11347, and any amendments thereto) which provide terms and conditions for a special wheat program for 1962 under which payments are made to producers who divert acreage from the production of wheat to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices by an equal amount. This supplement contains county average yields and county payment rates used in determining payment rates for the farm, which are the basis for computing payments to producers under the 1962 Wheat Stabilization Program.

§ 776.52 County average yields and county payment rates for wheat.

County average yields and county minimum acre payment rates (45 percent payment rate per acre) and additional acre payment rates (60 percent payment rate per acre) for wheat are as follows:

1962 WHEAT STABILIZATION PROGRAM

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

ALABAMA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Colbert	26.6	25.60	34.10
	Fayette	23.0	22.20	29.40
	Franklin	23.0	22.20	29.40
	Lamar	22.5	21.50	28.80
2	Marion	23.0	22.20	29.40
	Lauderdale	24.8	23.90	31.70
	Lawrence	25.2	24.10	32.20
	Limestone	25.2	24.10	32.20
	Madison	26.8	25.80	34.30
	Marshall	25.2	24.10	32.20
	Morgan	23.7	22.80	30.20
2A	Bibb	22.8	21.90	29.20
	Blount	22.7	21.70	29.00
	Chilton	23.8	22.80	30.50
	Cullman	23.7	22.80	30.20
	Jefferson	22.2	21.30	28.30
	Saint Clair	22.2	21.30	28.30
	Shelby	23.9	23.00	30.50
	Walker	22.4	21.50	28.50
	Winston	22.5	21.50	28.80
3	Calhoun	23.3	22.40	29.80
	Cherokee	24.0	23.00	30.70
	Cleburne	21.9	21.10	27.90
	De Kalb	24.5	23.40	31.30
	Etowah	24.5	23.40	31.30
	Jackson	25.2	24.10	32.20
4	Greene	22.2	21.30	28.30
	Hale	21.6	20.70	27.70
	Marengo	20.5	19.60	26.20
	Pickens	21.0	20.00	26.80
	Sumter	21.3	20.40	27.30
	Tuscaloosa	21.0	20.00	26.80
5	Autauga	23.0	22.20	29.40
	Dallas	21.0	20.00	26.80
	Elmore	24.0	23.00	30.70
	Lowndes	20.5	19.60	26.20
	Montgomery	20.0	19.20	25.60
	Perry	20.0	19.20	25.60
	Wilcox	22.0	21.10	28.10
6	Chambers	19.5	18.70	24.90
	Clay	21.6	20.70	27.70
	Coosa	19.5	18.70	24.90
	Lee	20.2	19.40	25.80
	Macon	20.4	19.60	26.00
	Randolph	20.0	19.20	25.60
	Russell	20.4	19.60	26.00
	Talladega	22.0	21.10	28.10
	Tallapoosa	19.5	18.70	24.90
7	Baldwin	21.5	20.70	27.50
	Clarke	21.5	20.70	27.50
	Mobile	21.5	20.70	27.50
	Washington	21.5	20.70	27.50
8	Conecuh	21.5	20.70	27.50
	Covington	21.0	20.00	26.80
	Crenshaw	20.0	19.20	25.60
	Escambia	22.8	21.90	29.20
	Monroe	24.0	23.00	30.70
9	Barbour	20.6	19.80	26.40
	Bullock	20.2	19.40	25.80
	Coffee	21.0	20.00	26.80
	Dale	20.0	19.20	25.60
	Geneva	20.5	19.60	26.20
	Henry	20.4	19.60	26.00
	Houston	20.5	19.60	26.20
	Pike	20.0	19.20	25.60

ARIZONA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
2	Apache	16.2	12.10	16.10
	Coconino	18.0	13.70	18.30
	Mohave	20.0	15.90	21.20
	Navajo	16.5	12.30	16.40
	Yavapai	26.0	21.20	28.20
5	Maricopa	40.9	38.10	50.70
	Pinal	36.8	31.40	45.70
7	Yuma	35.5	33.40	44.50
9	Cochise	28.0	24.80	33.10
	Graham	28.5	24.60	32.80
	Greenlee	28.5	22.30	29.80
	Pima	30.0	27.50	36.70

ARKANSAS

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Benton	24.8	21.80	29.10
	Boone	27.1	24.20	32.30
	Carroll	21.6	19.00	25.50
	Madison	24.6	21.80	29.00
	Newton	21.5	19.20	25.50
	Washington	26.1	22.90	30.80
2	Baxter	26.0	23.40	31.20
	Cleburne	21.2	20.70	27.70
	Fulton	22.2	20.50	27.30
	Izard	17.8	16.20	21.60
	Marion	16.2	14.50	19.30
	Searcy	17.6	15.60	21.00
	Sharp	21.0	19.30	25.80
	Stone	22.2	20.30	27.00
	Van Buren	20.2	18.90	25.20
3	Clay	25.6	25.10	33.60
	Craighead	28.4	27.90	37.10
	Greene	25.4	24.90	33.10
	Independence	29.0	27.40	36.70
	Jackson	26.0	25.50	34.00
	Lawrence	21.4	20.80	27.80
	Mississippi	33.2	32.50	43.40
	Poinsett	29.4	28.80	38.40
	Randolph	24.7	24.20	32.30
	White	20.8	20.50	27.20
4	Crawford	29.6	26.10	34.90
	Franklin	28.9	25.60	34.10
	Johnson	29.6	26.50	35.40
	Logan	25.4	22.30	29.80
	Polk	21.4	19.20	25.60
	Pope	25.6	23.00	30.80
	Scott	26.8	24.20	32.20
	Sebastian	28.6	25.70	34.20
	Yell	25.2	22.60	30.20
5	Conway	27.0	26.20	34.80
	Faulkner	25.8	25.10	33.50
	Garland	17.2	15.70	21.00
	Grant	17.0	15.70	21.00
	Hot Spring	16.8	15.60	20.70
	Perry	24.0	21.70	28.90
	Pulaski	32.6	31.90	42.50
	Saline	20.5	18.90	25.20
6	Arkansas	28.7	28.10	37.50
	Crittenden	32.8	32.30	42.90
	Cross	26.6	26.20	34.90
	Lee	29.6	29.00	38.80
	Lonoke	23.8	23.30	31.20
	Monroe	31.6	31.00	41.40
	Phillips	31.4	30.70	41.00
	Prairie	24.3	23.80	31.80
	Saint Francis	32.5	31.80	42.30
	Woodruff	29.5	29.00	38.60
7	Hempstead	27.0	25.60	34.00
	Lafayette	23.5	22.40	29.80
	Little River	24.2	22.90	30.40
	Miller	23.1	21.90	29.30
	Montgomery	20.0	18.00	24.00
8	Clark	20.0	18.60	24.80
	Ouachita	19.8	18.60	24.90
9	Ashley	26.2	24.80	33.00
	Chicot	26.2	24.80	33.00
	Desha	31.6	30.80	41.20
	Drew	25.2	23.80	31.90
	Jefferson	28.0	27.10	36.10
	Lincoln	22.7	22.00	29.40

CALIFORNIA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Humboldt	30.0	26.70	35.60
	Mendocino	23.0	21.40	28.40
2	Shasta	19.0	17.40	23.00
	Siskiyou	27.0	24.60	32.70
	Trinity	20.0	18.20	24.20
3	Lassen	20.5	18.10	24.20
	Modoc	29.4	26.30	35.10
	Plumas	20.0	18.40	24.50
4	Alameda	27.5	26.70	35.50
	Contra Costa	41.5	40.20	53.50
	Lake	25.0	23.40	31.40
	Marin	23.0	22.40	29.70
	Monterey	16.5	15.50	20.80
	Napa	21.0	20.10	27.00
	San Benito	20.0	19.00	25.30
	San Luis Obispo	16.4	15.20	20.20
	San Mateo	20.0	19.40	25.90
	Santa Clara	24.5	23.60	31.60
	Sonoma	23.5	22.70	30.20
5	Butte	33.5	31.70	42.20
	Colusa	31.5	30.00	39.90
	Glenn	28.0	26.20	34.90
	Sacramento	41.0	39.60	52.90
	Solano	35.5	34.20	45.60
	Sutter	42.5	40.50	54.10
	Tehama	19.5	18.10	24.10
	Yolo	42.0	40.30	53.70
	Yuba	30.0	28.60	38.20
5a	Fresno	42.5	40.30	53.80
	Kern	20.0	18.60	24.80
	Kings	39.0	37.00	49.10
	Madera	15.0	14.40	19.10
	Merced	27.5	26.50	35.30
	San Joaquin	36.0	35.20	46.90

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

CALIFORNIA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
5a	Stanislaus	28.5	27.60	36.90
	Tulare	22.2	21.00	27.90
6	Alpine	30.0	27.30	36.70
	Amador	24.5	23.60	31.60
	Calaveras	16.0	15.50	20.60
	Inyo	16.0	14.10	18.80
	Mariposa	30.0	28.80	38.30
	Mono	20.0	17.40	23.20
	Placer	18.0	17.30	23.00
	Sierra	19.0	16.90	22.30
	Tuolumne	20.0	19.40	25.90
8	Imperial	56.4	53.60	71.30
	Los Angeles	13.4	12.80	17.10
	Orange	18.0	17.20	22.90
	Riverside	18.3	17.20	23.10
	San Bernardino	26.5	25.30	33.90
	San Diego	25.0	23.30	31.20
	Santa Barbara	18.4	17.30	22.90
	Ventura	22.5	21.50	28.80

COLORADO

1	Chaffee	24.8	19.80	26.40
	Eagle	42.0	32.90	43.80
	Grand	16.8	13.50	17.90
	Jackson	14.4	11.70	15.50
	Moffat	18.8	14.70	19.50
	Pitkin	39.5	30.80	41.00
	Rio Blanco	23.8	18.50	24.70
	Routt	22.0	17.10	22.80
	Teller	19.0	16.30	21.50
2	Boulder	30.9	26.70	35.50
	Jefferson	30.8	26.70	35.50
	Larimer	27.0	23.40	31.10
	Logan	24.5	21.10	28.20
	Morgan	26.9	23.20	30.90
	Sedgwick	28.0	24.60	32.80
	Weld	25.9	22.50	29.80
6	Adams	29.0	25.00	33.40
	Arapahoe	28.5	24.60	32.80
	Cheyenne	25.3	22.10	29.50
	Douglas	27.0	23.40	31.10
	Elbert	23.3	20.20	26.90
	El Paso	19.2	16.50	22.10
	Kiowa	21.5	18.80	25.00
	Kit Carson	26.9	23.50	31.20
	Lincoln	23.8	20.50	27.50
	Phillips	27.8	24.40	32.60
	Washington	25.5	22.10	29.40
	Yuma	26.0	22.70	30.30
7	Archuleta	20.0	15.60	20.80
	Delta	36.0	28.00	37.40
	Dolores	13.2	9.90	13.20
	Garfield	22.6	17.60	23.50
	La Plata	19.9	15.60	20.60
	Mesa	27.5	21.50	28.50
	Montezuma	14.4	10.90	14.40
	Montrose	38.3	29.80	39.80
	Ouray	25.0	19.40	26.00
	San Miguel	15.7	12.10	16.00
8	Alamosa	30.5	24.80	33.10
	Conejos	25.5	20.70	27.50
	Costilla	23.0	18.90	25.10
	Rio Grande	35.0	28.40	37.80
	Saguache	31.0	25.20	33.50
9	Baca	22.0	19.20	25.60
	Bent	28.3	24.50	32.80
	Crowley	18.0	15.60	20.70
	Custer	19.0	16.00	21.20
	Fremont	22.4	18.90	25.10
	Huerfano	19.0	16.30	21.50
	Las Animas	15.2	13.00	17.40
	Otero	35.7	30.90	41.10
	Prowers	25.1	21.90	29.30
	Pueblo	23.8	20.50	27.50

DELAWARE

2	New Castle	31.8	32.20	43.00
5	Kent	28.0	28.40	37.80
8	Sussex	27.5	27.80	37.00

GEORGIA

1	Bartow	22.5	21.80	29.20
	Catoosa	22.5	21.80	29.20
	Chattooga	19.2	18.60	24.80
	Dade	18.8	18.40	24.40
	Floyd	21.2	20.50	27.40
	Gordon	20.5	19.90	26.60
	Murray	21.5	21.00	27.90
	Paulding	19.2	18.60	24.80
	Polk	21.0	20.30	27.20

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

GEORGIA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Walker	21.5	21.00	27.90
	Whitfield	21.0	20.30	27.20
2	Barrow	20.8	20.30	27.00
	Cherokee	20.5	19.90	26.60
	Clarke	24.8	24.20	32.20
	Cobb	19.8	19.20	25.70
	Dawson	19.4	18.80	25.10
	De Kalb	21.2	20.50	27.40
	Fannin	19.8	19.20	25.70
	Forsyth	20.0	19.40	25.90
	Fulton	22.2	21.60	28.70
	Gilmer	17.6	17.10	22.90
	Gwinnett	20.0	19.40	25.90
	Hall	17.5	17.10	22.70
	Jackson	20.8	20.30	27.00
	Lumpkin	21.4	20.70	27.60
	Oconee	21.0	20.30	27.20
	Pickens	18.4	17.90	23.80
	Towns	20.2	19.70	26.10
	Union	22.8	22.20	29.60
	Walton	20.2	19.70	26.10
	White	17.5	17.10	22.70
3	Banks	19.2	18.60	24.80
	Elbert	20.2	19.70	26.10
	Franklin	20.8	20.30	27.00
	Habersham	19.2	18.60	24.80
	Hart	21.5	21.00	27.90
	Lincoln	17.5	17.10	22.70
	Madison	19.8	19.20	25.70
	Oglethorpe	21.5	21.00	27.90
	Rabun	19.5	19.00	25.30
	Stephens	17.8	17.30	23.10
	Wilkes	18.8	18.40	24.40
4	Carroll	21.0	20.30	27.20
	Chattahoochee	20.0	19.40	25.90
	Clayton	18.8	18.40	24.40
	Coweta	19.7	19.20	25.50
	Douglas	19.0	18.60	24.60
	Fayette	18.0	17.50	23.30
	Haralson	21.2	20.50	27.40
	Harris	20.0	19.40	25.90
	Heard	22.5	21.80	29.20
	Henry	22.5	21.80	29.20
	Lamar	22.8	22.20	29.60
	Macon	27.5	26.80	35.60
	Marion	21.0	20.30	27.20
	Meriwether	21.2	20.50	27.40
	Muscogee	20.0	19.40	25.90
	Pike	21.2	20.50	27.40
	Schley	22.2	21.60	28.70
	Spalding	20.2	19.70	26.10
	Talbot	20.0	19.40	25.90
	Taylor	20.8	20.30	27.00
	Troup	20.2	19.70	26.10
	Upson	19.2	18.60	24.80
5	Baldwin	17.2	16.60	22.20
	Bibb	26.0	25.30	33.70
	Bleckley	19.5	19.00	25.30
	Butts	22.5	21.80	29.20
	Crawford	26.8	26.10	34.80
	Dodge	21.5	21.00	27.90
	Greene	17.5	17.10	22.70
	Hancock	18.7	17.90	24.00
	Houston	28.0	27.20	36.30
	Jasper	20.5	19.90	26.60
	Johnson	17.5	17.10	22.70
	Jones	18.0	17.50	23.30
	Laurens	20.5	19.90	26.60
	Monroe	19.2	18.60	24.80
	Montgomery	19.0	18.60	24.60
	Morgan	20.5	19.90	26.60
	Newton	18.8	18.40	24.40
	Peach	28.0	27.20	36.30
	Pulaski	22.0	21.40	28.50
	Putnam	22.5	21.80	29.20
	Rockdale	21.8	21.20	28.30
	Taliaferro	17.8	17.30	23.10
	Treutlen	18.0	17.50	23.30
	Twiggs	20.5	19.90	26.60
	Washington	21.2	20.50	27.40
	Wheeler	20.8	20.30	27.00
	Wilkinson	20.8	20.30	27.00
6	Bulloch	24.2	23.50	31.30
	Burke	19.2	18.60	24.80
	Candler	20.3	19.70	26.40
	Columbia	18.0	17.50	23.30
	Effingham	18.3	17.70	23.80
	Emanuel	19.8	19.20	25.70
	Glascock	18.8	18.40	24.40
	Jefferson	20.8	20.30	27.00
	Jenkins	18.0	17.50	23.30
	McDuffie	18.2	17.70	23.50
	Richmond	18.0	17.50	23.30
	Screven	19.8	19.20	25.70
	Warren	22.8	22.20	29.60
7	Baker	26.4	25.70	34.10
	Calhoun	22.0	21.40	28.50
	Clay	20.2	19.70	26.10
	Decatur	22.4	21.80	28.90
	Dougherty	24.8	24.20	32.20

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

GEORGIA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
7	Early	21.5	21.00	27.90
	Grady	21.2	20.50	27.40
	Lee	24.0	23.30	31.10
	Miller	22.2	21.60	28.70
	Mitchell	21.0	20.30	27.20
	Quitman	24.2	23.50	31.30
	Randolph	24.2	23.50	31.30
	Seminole	23.0	22.50	29.80
	Stewart	21.8	21.20	28.30
	Sumter	23.0	22.50	29.80
	Terrell	24.2	23.50	31.30
	Thomas	20.5	19.90	26.60
	Webster	18.2	17.70	23.50
8	Atkinson	22.0	21.40	28.50
	Ben Hill	20.5	19.90	26.60
	Berrien	23.8	23.10	30.90
	Brooks	23.2	22.50	30.00
	Coffee	23.4	22.70	30.20
	Colquitt	23.3	22.70	30.20
	Cook	20.5	19.90	26.60
	Clinch	21.0	20.30	27.20
	Crisp	22.2	21.60	28.70
	Dooly	24.0	23.30	31.10
	Echols	21.0	20.30	27.20
	Irwin	20.5	19.90	26.60
	Jeff Davis	18.4	17.90	23.80
	Lanier	22.0	21.40	28.50
	Lowndes	22.2	21.60	28.70
	Telfair	19.2	18.60	24.80
	Tift	22.0	21.40	28.50
	Turner	22.0	21.40	28.50
	Wilcox	20.7	20.10	26.80
	Worth	23.2	22.50	30.00
9	Appling	22.8	22.20	29.60
	Bacon	24.5	23.80	31.80
	Brantley	21.0	20.30	27.20
	Bryan	21.5	21.00	27.90
	Camden	21.0	20.30	27.20
	Charlton	21.0	20.30	27.20
	Chatham	20.2	19.70	26.10
	Evans	21.7	21.20	28.10
	Glynn	21.0	20.30	27.20
	Liberty	21.0	20.30	27.20
	Long	21.0	20.30	27.20
	McIntosh	21.0	20.30	27.20
	Pierce	21.0	20.30	27.20
	Tattnall	21.0	20.30	27.20
	Toombs	21.1	20.50	27.40
	Ware	21.0	20.30	27.20
	Wayne	21.0	20.30	27.20

IDAHO

1	Benewah	36.2	32.10	42.70
	Bonner	20.7	17.60	23.40
	Boundary	43.8	36.80	49.20
	Clearwater	36.4	32.00	42.50
	Idaho	35.0	30.50	40.50
	Kootenai	32.5	28.80	38.40
	Latah	42.2	37.40	49.80
	Lewis	41.4	36.10	48.10
	Nez Perce	43.5	38.60	51.40
7	Ada	47.7	39.60	52.60
	Adams	27.0	22.20	29.50
	Boise	27.3	22.50	30.00
	Canyon	56.3	46.60	62.20
	Elmore	28.2	23.10	30.80
	Gem	42.6	35.30	47.10
	Owyhee	56.9	47.10	62.70
	Payette	42.2	35.20	46.80
	Valley	23.4	19.10	25.50
	Washington	29.0	24.00	32.20
8	Blaine	32.3	25.80	34.50
	Camas	20.2	16.20	21.50
	Cassia	34.7	28.40	37.90
	Gooding	48.5	39.20	52.40
	Jerome	56.8	46.10	61.40
	Lincoln	48.2	39.10	52.00
	Minidoka	52.7	42.90	57.20
	Twin Falls	56.2	46.30	61.70
9	Bannock	23.7	19.30	25.80
	Bear Lake	20.1	16.00	21.50
	Bingham	44.8	36.00	47.90
	Bonneville	28.6	23.00	30.60
	Butte	31.2	24.90	33.30
	Caribou	24.5	19.60	26.20
	Clark	20.3	16.10	21.60
	Custer	30.8	31.90	42.50
	Franklin	27.8	22.50	30.10
	Fremont	31.0	24.90	33.10
	Jefferson	44.0	35.20	47.00
	Lemhi	42.9	34.40	45.70
	Madison	30.9	24.70	32.90
	Oneida	22.4	18.20	24.10
	Power	23.4	18.90	25.20
	Teton	25.0	19.90	26.70

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

ILLINOIS

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Bureau	30.0	28.10	37.40
	Carroll	30.7	28.60	38.10
	Henry	30.0	27.90	37.30
	Jo Daviess	28.0	26.10	34.80
	Lee	30.8	29.10	38.70
	Mercer	28.5	24.50	32.80
	Ogle	32.0	30.10	40.10
	Putman	32.6	30.60	40.80
	Rock Island	26.4	24.60	32.70
	Stephenson	28.5	26.50	35.40
	Whiteside	30.2	28.20	37.50
	Winnebago	29.0	27.00	36.20
3	Boone	30.1	28.40	38.00
	Cook	34.7	33.50	44.70
	De Kalb	33.2	31.40	42.00
	Du Page	35.0	33.70	44.70
	Grundy	33.6	31.90	42.60
	Kane	35.2	33.70	44.90
	Kendall	34.6	33.10	44.10
	Lake	34.6	33.50	44.70
	LaSalle	33.4	31.50	42.00
	McHenry	32.3	30.60	40.90
	Will	33.6	32.20	43.00
4	Adams	29.2	26.90	35.90
	Brown	28.0	26.00	34.60
	Fulton	28.0	26.20	34.90
	Hancock	28.0	25.80	34.40
	Henderson	28.0	25.80	34.40
	Knox	29.6	27.50	36.80
	McDonough	29.5	27.40	36.50
	Schuyler	29.5	27.50	36.60
	Warren	28.0	26.10	34.80
4a	Bond	25.0	23.60	31.60
	Calhoun	27.0	25.50	33.90
	Cass	29 0	27.00	36.20
	Christian	32.2	30.70	40.90
	Greene	30.0	28.50	38.00
	Jersey	28.2	26.80	35.70
	Macoupin	29.2	27.80	37.10
	Madison	27.0	26.00	34.50
	Montgomery	28.0	26.80	35.80
	Morgan	31.0	29.10	38.70
	Pike	29.2	27.10	36.20
	Sangamon	31.5	29.80	39.70
	Scott	30.0	28.10	37.40
5	De Witt	30.2	28.30	37.60
	Logan	31.2	29.30	39.10
	McLean	30.2	28.30	37.60
	Macon	32.6	31.20	41.60
	Marshall	31.2	29.10	38.90
	Mason	28.6	26.80	35.80
	Menard	29.0	27.00	36.20
	Peoria	30.5	28.50	38.10
	Stark	29.7	27.90	37.00
	Tazewell	30.0	28.10	37.40
	Woodford	30.2	28.30	37.60
6	Champaign	31.0	29.50	39.30
	Ford	29.0	27.00	36.20
	Iroquois	30.9	29.60	39.40
	Kankakee	32.7	31.50	41.90
	Livingston	30.6	28.80	38.50
	Piatt	32.7	31.00	41.40
	Vermilion	31.4	29.90	39.90
6a	Clark	26.5	24.80	33.10
	Clay	22.8	21.40	28.50
	Coles	30.4	28.60	38.00
	Crawford	25.0	23.10	30.90
	Cumberland	25.5	23.90	31.80
	Douglas	32.6	30.90	41.20
	Edgar	31.4	29.30	39.10
	Effingham	25.2	23.70	31.70
	Fayette	25.0	23.90	32.00
	Jasper	24.8	23.20	30.80
	Lawrence	25.3	23.60	31.50
	Marion	23.2	22.20	29.60
	Moultrie	32.9	31.40	41.80
	Richland	23.0	21.50	28.60
	Shelby	27.3	26.10	34.80
7	Alexander	25.8	24.70	33.00
	Clinton	25.3	24.10	32.10
	Jackson	27.8	26.60	35.60
	Johnson	22.8	21.00	27.90
	Monroe	30.3	29.00	38.80
	Perry	23.8	22.80	30.50
	Pulaski	27.0	26.00	34.50
	Randolph	27.8	26.60	35.60
	St. Clair	30.0	28.80	38.30
	Union	29.0	27.70	37.10
	Washington	28.3	27.10	36.20
	Williamson	25.0	23.90	32.00
9	Edwards	24.8	23.20	30.80
	Franklin	24.0	23.00	30.70
	Gallatin	28.5	26.50	35.40
	Hamilton	22.0	21.10	28.10
	Hardin	25.5	23.00	30.60
	Jefferson	23.8	22.80	30.50
	Massac	27.0	25.50	33.90

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

ILLINOIS—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
9	Pope	25.3	23.10	30.90
	Saline	27.0	25.10	33.40
	Wabash	25.3	23.40	31.20
	Wayne	24.0	22.40	29.80
	White	27.0	25.30	33.50

INDIANA

1	Benton	36.4	34.10	45.30
	Jasper	32.4	31.40	41.70
	Lake	32.8	32.00	42.60
	La Porte	31.9	31.00	41.10
	Newton	34.5	33.30	44.50
	Porter	32.8	32.00	42.60
	Pulaski	30.2	29.10	38.70
	Starke	28.8	28.10	37.40
	White	36.2	35.00	46.70
2	Carroll	33.2	31.10	41.60
	Cass	32.5	30.70	41.00
	Elkhart	30.6	28.80	38.50
	Fulton	30.0	29.00	38.70
	Kosciusko	30.8	29.10	38.70
	Marshall	30.2	29.20	38.90
	Miami	33.6	31.60	42.20
	St. Joseph	31.4	30.20	40.20
	Wabash	30.4	28.40	37.70
3	Adams	29.7	27.30	36.30
	Allen	31.8	29.20	39.00
	De Kalb	28.8	26.50	35.30
	Huntington	32.1	29.40	39.40
	Lagrange	30.4	28.10	37.30
	Noble	30.0	27.70	36.90
	Steuben	30.6	28.20	37.50
	Wells	31.4	28.80	38.40
	Whitley	31.8	29.50	39.30
4	Clay	27.7	25.90	34.40
	Fountain	30.1	27.70	37.10
	Montgomery	30.1	27.80	37.30
	Owen	23.5	21.60	28.80
	Parke	29.0	26.60	35.70
	Putnam	29.7	27.50	36.50
	Tippecanoe	33.3	31.00	41.40
	Vermillion	31.8	30.30	40.50
	Vigo	27.9	26.70	35.40
	Warren	32.4	30.70	40.70
5	Bartholomew	27.7	26.10	34.70
	Boone	32.7	30.10	40.20
	Clinton	33.2	30.80	41.20
	Decatur	26.8	25.20	33.50
	Grant	33.0	30.30	40.60
	Hamilton	33.2	30.50	40.80
	Hancock	31.5	29.30	38.90
	Hendricks	32.3	29.90	40.00
	Howard	35.2	32.70	43.70
	Johnson	30.2	28.00	37.30
	Madison	34.8	32.20	42.80
	Marion	31.1	28.80	38.50
	Morgan	29.7	27.30	36.30
	Rush	28.1	24.10	32.30
	Shelby	26.0	24.10	32.10
	Tipton	35.8	33.00	44.10
6	Blackford	31.6	29.30	39.10
	Delaware	32.4	29.80	39.60
	Fayette	25.7	23.90	31.70
	Henry	31.6	29.30	39.10
	Jay	27.8	25.50	34.10
	Randolph	31.4	28.80	38.50
	Union	26.2	24.30	32.30
	Wayne	27.2	25.00	33.40
7	Daviess	29.0	26.40	35.30
	Dubois	24.9	23.20	30.80
	Gibson	30.0	27.90	37.30
	Greene	27.4	25.10	33.50
	Knox	30.6	28.30	37.70
	Martin	25.3	23.30	31.00
	Pike	24.4	22.40	29.80
	Posey	29.4	27.30	36.40
	Spencer	24.3	22.60	30.20
	Sullivan	27.4	25.50	33.90
	Vanderburgh	28.4	26.90	35.70
	Warrick	28.0	26.00	34.60
8	Brown	25.8	22.00	29.50
	Crawford	22.2	21.00	27.90
	Floyd	23.7	22.80	30.20
	Harrison	22.6	21.00	28.00
	Jackson	24.1	22.70	30.40
	Lawrence	25.5	24.20	32.10
	Monroe	23.9	22.90	30.30
	Orange	25.6	24.40	32.60
	Perry	21.5	20.60	26.60
	Washington	23.8	22.70	30.30
9	Clark	23.5	22.60	30.00
	Dearborn	21.3	19.80	26.40
	Franklin	22.8	21.20	28.20
	Jefferson	23.6	21.90	29.40

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

INDIANA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
9	Jennings	21.4	20.00	26.60
	Ohio	22.6	21.00	28.00
	Ripley	22.2	20.70	27.50
	Scott	23.1	21.80	29.20
	Switzerland	24.1	22.40	30.00

IOWA

1	Buena Vista	21.5	20.40	27.10
	Cherokee	31.8	29.90	39.90
	Clay	30.7	29.10	38.80
	Dickinson	22.8	21.80	29.00
	Emmet	25.0	23.90	32.00
	Lyon	26.4	25.00	33.20
	O'Brien	25.5	24.30	32.30
	Osceola	29.8	28.30	37.80
	Palo Alto	27.5	26.30	35.00
	Plymouth	27.8	26.10	34.90
	Pocahontas	23.2	21.90	29.30
	Sioux	26.7	25.10	33.40
2	Butler	32.2	30.60	40.70
	Cerro Gordo	30.2	29.00	38.60
	Floyd	26.8	25.80	34.30
	Franklin	32.2	30.60	40.70
	Hancock	31.2	29.70	39.60
	Humboldt	31.0	29.50	39.20
	Kossuth	29.5	28.20	37.50
	Mitchell	29.2	28.00	37.40
	Winnebago	29.2	28.00	37.40
	Worth	27.4	26.30	35.10
	Wright	26.4	27.00	35.90
3	Allamakee	29.0	27.60	36.90
	Black Hawk	29.3	27.90	37.10
	Bremer	27.4	26.00	34.60
	Buchanan	26.4	25.00	33.20
	Chickasaw	25.1	24.00	32.00
	Clayton	26.9	25.40	33.80
	Delaware	31.1	29.40	39.30
	Dubuque	32.0	30.10	40.10
	Fayette	25.8	24.50	32.70
	Howard	25.9	24.90	33.00
	Winneshiek	24.9	23.70	31.60
4	Audubon	25.6	24.30	32.50
	Calhoun	28.5	27.30	36.30
	Carroll	26.8	25.40	33.80
	Crawford	30.1	28.50	38.20
	Greene	23.9	22.60	29.90
	Guthrie	23.8	22.30	29.70
	Harrison	30.8	29.50	39.20
	Ida	29.8	27.90	37.20
	Monona	26.7	25.30	33.80
	Sac	28.0	21.70	28.80
	Shelby	25.0	23.70	31.80
	Woodbury	27.7	26.10	34.70
5	Boone	24.8	23.40	31.10
	Dallas	23.4	21.70	29.00
	Grundy	29.0	27.40	36.70
	Hamilton	30.8	29.30	39.00
	Hardin	26.7	25.30	33.80
	Jasper	23.9	22.60	29.90
	Marshall	27.5	26.00	34.60
	Polk	26.6	25.10	33.40
	Poweshiek	25.1	23.50	31.40
	Story	24.8	23.50	31.30
	Tama	24.6	23.30	31.10
	Webster	30.8	29.30	39.00
6	Benton	26.8	25.40	33.80
	Cedar	26.3	26.00	34.80
	Clinton	31.2	28.80	38.50
	Iowa	25.9	24.30	32.20
	Jackson	27.0	25.00	33.20
	Johnson	25.4	23.70	31.60
	Jones	27.5	26.90	34.50
	Linn	25.2	23.70	31.70
	Muscatine	27.0	24.90	33.00
	Scott	28.8	26.80	25.60
7	Adair	23.0	21.60	28.70
	Adams	21.0	19.70	26.50
	Cass	28.4	26.90	35.70
	Fremont	27.4	26.10	34.80
	Mills	27.4	26.10	34.80
	Montgomery	26.6	25.40	33.90
	Page	23.6	22.40	30.00
	Pottawattamie	29.6	28.20	37.70
	Taylor	21.5	20.30	27.00
8	Appanoose	24.2	22.20	29.60
	Clarke	20.0	18.60	24.80
	Decatur	23.2	21.40	28.60
	Lucas	20.0	18.50	24.70
	Madison	24.6	23.00	30.60
	Marion	24.6	22.90	30.50
	Monroe	20.0	18.40	24.50
	Ringgold	22.0	20.50	27.30
	Union	20.0	18.70	25.00
	Warren	25.2	23.40	31.30
	Wayne	24.5	22.60	30.10

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

IOWA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
9	Davis	22.4	20.50	27.20
	Des Moines	27.4	25.10	33.50
	Henry	22.4	20.50	27.20
	Jefferson	20.3	18.40	24.60
	Keokuk	21.6	20.00	26.80
	Lee	26.0	24.00	32.00
	Louisa	28.4	26.10	34.70
	Mahaska	24.1	22.40	30.00
	Van Buren	21.4	19.50	26.00
	Wapello	20.6	18.90	25.20
	Washington	24.4	22.70	30.10

KANSAS

1	Cheyenne	31.5	28.00	37.20
	Decatur	30.0	26.90	35.80
	Graham	24.4	22.30	29.30
	Norton	28.0	25.30	33.80
	Rawlins	33.0	29.30	39.20
	Sheridan	29.7	26.70	35.40
	Sherman	33.0	29.20	39.00
	Thomas	31.3	27.90	37.20
4	Gove	31.3	28.10	37.40
	Greeley	31.0	27.60	36.60
	Lane	28.5	25.50	34.00
	Logan	31.0	27.70	36.80
	Ness	24.9	22.50	29.90
	Scott	32.7	29.10	38.80
	Trego	29.6	26.70	35.80
	Wallace	29.0	25.60	34.30
	Wichita	31.0	27.60	36.60
7	Clark	23.4	20.80	27.70
	Finney	32.0	28.50	38.00
	Ford	23.3	21.00	28.00
	Grant	32.5	28.80	38.40
	Gray	26.0	23.30	31.00
	Hamilton	27.3	24.20	32.30
	Haskell	27.8	24.80	33.10
	Hodgeman	24.6	22.30	29.70
	Kearny	32.0	28.40	37.80
	Meade	22.2	19.80	26.30
	Morton	25.0	21.80	29.20
	Seward	22.8	20.20	26.90
	Stanton	29.3	25.90	34.50
	Stevens	25.5	22.50	30.00
2	Clay	22.0	20.40	27.20
	Cloud	23.0	21.20	28.20
	Jewell	22.5	20.90	27.50
	Mitchell	22.2	20.30	27.00
	Osborne	22.9	20.90	27.80
	Ottawa	22.0	20.20	26.90
	Phillips	25.6	23.20	31.10
	Republic	22.3	20.40	27.30
	Rooks	24.0	21.80	29.10
	Smith	23.2	21.10	28.20
	Washington	25.7	23.90	31.70
5	Barton	22.3	20.10	26.90
	Dickinson	23.5	21.60	28.80
	Ellis	22.7	20.50	27.30
	Ellsworth	22.1	20.10	27.00
	Lincoln	22.6	20.70	27.60
	McPherson	24.0	21.90	29.20
	Marion	23.0	21.20	28.20
	Rice	20.5	18.70	25.00
	Rush	22.6	20.50	27.30
	Russell	21.3	19.40	25.90
	Saline	23.0	21.20	28.20
8	Barber	25.6	23.10	31.00
	Comanche	22.4	20.10	26.70
	Edwards	24.4	22.10	29.30
	Harper	24.0	21.90	29.20
	Harvey	24.8	22.80	30.40
	Kingman	19.5	17.90	23.80
	Kiowa	21.9	19.90	26.30
	Pawnee	25.6	23.10	31.00
	Pratt	20.9	18.90	25.10
	Reno	21.9	20.10	26.60
	Sedgwick	26.0	23.90	31.80
	Stafford	22.1	19.90	26.70
	Sumner	26.5	24.30	32.40
3	Atchison	23.6	22.50	30.10
	Brown	29.0	27.40	36.70
	Doniphan	26.1	24.80	33.30
	Jackson	24.5	23.10	30.90
	Jefferson	23.1	22.00	29.50
	Leavenworth	23.5	22.50	29.90
	Marshall	24.8	23.30	31.00
	Nemaha	27.7	26.10	34.70
	Pottawatomie	25.3	23.70	31.60
	Riley	26.2	24.50	32.70
	Wyandotte	30.5	29.00	38.80
6	Anderson	29.3	27.90	37.40
	Chase	28.2	26.20	34.80
	Coffey	28.4	26.80	35.50
	Douglas	28.8	27.60	36.70
9	Franklin	28.7	27.30	36.50
	Geary	28.4	26.40	35.00
	Johnson	29.4	28.00	37.30
	Linn	27.0	25.70	34.20
	Lyon	28.7	26.80	35.80
	Miami	27.5	26.30	35.00
	Morris	25.2	23.30	31.10
	Osage	28.8	27.20	36.20
	Shawnee	28.7	27.10	36.10
	Wabaunsee	26.3	24.50	32.90
9	Allen	28.0	26.20	34.90
	Bourbon	25.5	24.20	32.10
	Butler	25.0	23.00	30.80
	Chautauqua	29.6	27.40	36.70
	Cherokee	27.0	25.40	33.70
	Cowley	29.0	26.50	35.50
	Crawford	26.5	24.80	33.10
	Elk	27.4	25.30	33.80
	Greenwood	24.1	22.40	30.00
	Labette	26.0	24.30	32.40
	Montgomery	30.0	28.10	37.40
	Neosho	28.5	26.60	35.60
	Wilson	29.2	27.20	36.40
	Woodson	25.0	23.30	31.20

KENTUCKY

1	Ballard	25.0	23.30	31.20
	Calloway	25.0	23.30	31.20
	Carlisle	24.5	22.90	30.60
	Fulton	28.5	26.60	35.60
	Graves	28.0	26.20	34.90
	Hickman	27.5	25.80	34.30
	Livingston	22.5	21.00	28.10
	Lyon	26.5	24.90	33.20
	McCracken	26.0	24.30	32.40
	Marshall	22.0	20.60	27.50
	Trigg	30.0	28.20	37.60
2	Caldwell	28.0	26.30	35.10
	Christian	32.0	30.10	40.10
	Crittenden	24.5	22.90	30.60
	Daviess	27.5	25.80	34.30
	Hancock	24.5	23.00	30.70
	Henderson	28.5	26.60	35.60
	Hopkins	27.0	25.50	33.90
	Logan	31.5	29.70	39.50
	McLean	26.0	24.30	32.40
	Muhlenberg	24.5	23.00	30.70
	Ohio	23.5	22.20	29.50
	Simpson	31.0	29.40	39.10
	Todd	31.5	29.70	39.50
	Union	27.5	25.80	34.30
	Webster	26.0	24.30	32.40
3	Adair	24.0	22.80	30.40
	Allen	24.0	22.70	30.20
	Barren	22.0	20.80	27.70
	Breckinridge	22.5	21.10	28.20
	Bullitt	24.5	23.20	31.00
	Butler	23.0	21.70	28.80
	Casey	22.5	21.40	28.60
	Clinton	23.0	22.00	29.30
	Cumberland	20.0	19.00	25.30
	Edmonson	22.0	20.70	27.60
	Grayson	23.0	21.80	29.00
	Green	24.0	22.90	30.50
	Hardin	22.5	21.20	28.40
	Hart	22.0	20.80	27.70
	Jefferson	27.0	25.70	34.20
	Larue	21.5	20.50	27.20
	Marion	21.0	19.90	26.70
	Meade	24.0	22.60	30.10
	Metcalfe	21.0	19.70	26.50
	Monroe	19.0	18.10	24.10
	Nelson	22.5	21.40	28.60
	Russell	20.0	19.00	25.30
	Taylor	25.0	23.70	31.80
	Warren	28.5	26.80	35.70
4	Boone	22.5	21.30	28.50
	Bracken	25.5	24.40	32.40
	Campbell	24.5	23.20	31.00
	Carroll	23.0	21.90	29.10
	Gallatin	26.0	24.70	32.90
	Grant	25.7	24.60	32.60
	Henry	25.0	23.60	31.60
	Kenton	23.5	22.40	29.80
	Oldham	27.0	25.70	34.20
	Owen	24.5	23.30	31.20
	Pendleton	22.5	21.40	28.60
	Trimble	23.5	22.40	29.80
5	Anderson	21.5	20.60	27.30
	Bath	23.5	22.50	29.90
	Bourbon	25.7	24.70	32.80
	Boyle	22.0	21.10	28.10
	Clarke	26.5	25.30	33.90
	Fayette	26.5	25.30	33.90

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

KENTUCKY—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
5	Fleming	22.0	21.00	28.00
	Franklin	23.0	22.00	29.30
	Garrard	22.0	21.10	28.10
	Harrison	25.5	24.40	32.40
	Jessamine	23.0	22.20	29.40
	Lincoln	22.0	21.10	28.10
	Madison	24.5	23.40	31.30
	Mason	22.5	21.40	28.60
	Mercer	20.5	19.60	26.20
	Montgomery	24.7	23.50	31.40
	Nicholas	22.0	21.00	28.00
	Robertson	22.0	21.00	28.00
	Scott	25.5	24.40	32.40
	Shelby	24.5	23.20	31.00
	Spencer	21.5	20.50	27.20
	Washington	21.0	20.00	26.80
	Woodford	26.0	24.90	33.20
6	Boyd	23.0	22.20	29.40
	Carter	23.5	22.50	29.90
	Clay	18.0	17.10	22.80
	Greenup	23.0	22.20	29.40
	Jackson	22.0	20.90	27.90
	Knox	22.0	20.90	27.90
	Laurel	21.5	20.60	27.30
	Lee	24.0	22.90	30.50
	Lewis	24.0	23.00	30.70
	Morgan	20.0	19.00	25.30
	Powell	21.5	20.60	27.30
	Pulaski	24.2	23.20	30.90
	Rockcastle	24.0	23.00	30.70
	Rowan	21.0	20.00	26.80
	Wayne	25.0	23.70	31.80
	Wolfe	18.5	17.50	23.40

MARYLAND

1	Allegany	21.4	20.70	27.60
	Garrett	25.6	24.70	33.10
2	Baltimore	27.1	27.30	36.50
	Carroll	25.6	25.80	34.50
	Cecil	29.1	29.30	39.20
	Frederick	26.0	26.10	34.80
	Harford	29.7	30.00	39.90
	Howard	26.8	27.50	36.50
	Kent	29.8	30.20	40.30
	Montgomery	27.1	27.20	36.30
	Queen Annes	27.0	27.40	36.40
	Washington	26.0	25.70	34.30
8	Anne Arundel	17.8	17.90	24.00
	Calvert	19.6	19.50	26.20
	Charles	19.5	19.50	26.20
	Prince Georges	19.0	19.20	25.40
	St. Marys	21.1	21.20	28.30
9	Caroline	26.5	26.80	35.80
	Dorchester	27.6	27.80	37.20
	Somerset	27.2	27.10	36.20
	Talbot	28.0	28.40	37.80
	Wicomico	23.4	23.50	31.40
	Worcester	25.0	25.00	33.40

MICHIGAN

1	Alger	15.5	14.10	18.80
	Baraga	20.7	19.40	25.90
	Chippewa	22.6	19.40	25.80
	Delta	17.2	15.60	20.80
	Dickinson	21.6	19.60	26.30
	Gogebic	18.5	17.50	23.40
	Houghton	20.7	19.00	25.30
	Iron	20.0	18.30	24.40
	Luce	13.5	11.60	15.40
	Mackinac	20.0	17.10	22.80
	Marquette	13.5	12.50	16.60
	Menominee	21.6	19.60	26.30
	Ontonagon	14.6	13.40	17.90
	Schoolcraft	13.9	12.70	16.80
2	Antrim	25.6	21.80	29.30
	Benzie	20.0	18.00	24.00
	Charlevoix	26.7	22.70	30.20
	Emmet	28.2	23.90	31.80
	Grand Traverse	25.7	22.50	29.90
	Kalkaska	18.8	16.20	21.50
	Leelanau	24.0	20.50	27.40
	Manistee	23.3	20.60	27.40
	Missaukee	29.8	26.30	35.10
	Wexford	24.5	21.70	29.00
3	Alcona	29.5	25.10	33.50
	Alpena	24.6	20.90	27.80
	Cheboygan	15.0	13.00	17.20
	Crawford	25.6	22.00	29.40
	Iosco	26.7	22.70	30.20
	Montmorency	27.7	24.80	32.90
	Ogemaw	27.1	24.00	32.00

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

MICHIGAN—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
3	Oscoda	25.0	22.20	29.70
	Otsego	22.5	19.10	25.50
	Presque Isle	26.8	22.70	30.30
	Roscommon	25.0	21.40	28.60
4	Lake	24.1	21.30	28.60
	Mason	27.6	24.40	32.70
	Muskegon	29.9	27.00	35.80
	Newaygo	27.2	24.30	32.40
	Oceana	26.8	23.80	31.70
5	Clare	28.3	25.40	34.00
	Gladwin	29.9	26.70	35.40
	Gratiot	34.0	30.90	41.20
	Isabella	30.2	27.10	36.00
	Mecosta	30.6	27.20	36.20
	Midland	34.0	30.60	40.80
	Montcalm	30.2	27.20	36.20
	Osceola	26.1	23.00	30.90
6	Arenac	29.0	25.40	33.90
	Bay	32.5	29.20	39.00
	Huron	33.1	29.40	39.20
	Saginaw	35.0	31.90	42.40
	Sanilac	31.5	28.40	37.80
	Tuscola	34.8	31.20	41.60
7	Allegan	29.4	26.80	35.70
	Berrien	30.7	29.00	38.60
	Cass	28.4	26.50	35.20
	Kalamazoo	34.3	31.70	42.40
	Kent	28.3	25.70	34.30
	Ottawa	28.6	26.20	34.90
	Van Buren	29.3	27.10	36.10
8	Barry	30.6	28.00	37.40
	Branch	28.2	25.90	34.50
	Calhoun	32.8	30.20	40.20
	Clinton	30.9	28.10	37.40
	Eaton	34.5	31.50	42.00
	Hillsdale	29.1	26.60	35.50
	Ingham	32.4	29.60	39.40
	Ionia	32.4	29.50	39.20
	Jackson	31.1	28.40	38.00
	St. Joseph	30.4	28.20	37.50
	Shiawassee	31.2	28.30	37.50
9	Genesee	32.1	29.10	39.00
	Lapeer	32.4	29.50	39.20
	Lenawee	35.3	32.30	43.00
	Livingston	31.2	28.40	38.00
	Macomb	30.9	28.40	37.70
	Monroe	32.8	30.20	40.20
	Oakland	33.8	30.70	41.00
	St. Clair	29.6	27.00	36.10
	Washtenaw	30.6	28.00	37.40
	Wayne	28.3	25.80	34.50

MINNESOTA

1	Becker	25.0	23.60	31.60
	Clay	27.1	25.70	34.40
	Clearwater	24.4	23.20	30.80
	Kittson	26.0	24.10	32.10
	Mahnomen	27.3	25.80	34.40
	Marshall	27.0	25.40	33.70
	Norman	28.0	26.50	35.30
	Pennington	26.4	24.80	32.90
	Polk	28.4	26.80	35.50
	Red Lake	25.9	24.60	32.60
	Roseau	24.0	22.50	30.00
2	Beltrami	23.0	21.90	29.10
	Cass	19.8	19.10	25.60
	Hubbard	22.1	21.00	28.20
	Itasca	23.8	23.10	30.90
	Koochiching	24.0	22.50	30.00
	Lake of the Woods	25.0	23.40	31.40
3	St. Louis	26.4	25.70	34.10
4	Big Stone	23.5	22.60	30.00
	Chippewa	23.5	22.70	30.20
	Douglas	25.4	24.40	32.50
	Grant	25.5	24.50	32.60
	Lac qui Parle	22.0	21.00	28.00
	Otter Tail	25.0	23.90	32.00
	Pope	23.5	22.80	30.50
	Stevens	25.0	24.00	32.10
	Swift	23.5	22.70	30.20
	Traverse	24.2	23.20	30.90
	Wilkin	26.0	24.80	33.10
	Yellow Medicine	22.0	21.20	28.20
5	Benton	22.2	21.70	28.90
	Carver	27.3	26.80	35.80
	Kandiyohi	25.0	24.30	32.60
	McLeod	27.0	26.60	35.30
	Meeker	25.7	25.30	33.60
	Morrison	20.7	20.00	26.70
	Renville	25.4	24.60	32.80
	Scott	26.9	26.40	35.10
	Sherburne	21.4	20.90	27.90
	Sibley	26.9	26.40	35.10
	Stearns	23.0	22.60	29.90

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

MINNESOTA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
5	Todd	21.5	20.90	27.70
	Wadena	21.2	20.30	27.20
	Wright	27.1	26.60	35.50
6	Aitkin	21.0	20.50	27.50
	Anoka	22.5	22.00	29.40
	Carlton	21.0	20.60	27.60
	Chisago	24.0	23.50	31.40
	Crow Wing	19.5	18.90	25.20
	Hennepin	24.5	24.00	32.00
	Isanti	21.1	20.70	27.70
	Kanabec	25.5	25.00	33.20
	Mille Lacs	25.0	24.40	32.70
	Pine	22.0	21.50	28.60
	Ramsey	20.5	20.10	26.80
	Washington	25.5	25.10	33.40
7	Cottonwood	24.0	23.10	30.80
	Jackson	24.0	23.00	30.70
	Lincoln	22.0	21.00	28.00
	Lyon	23.0	22.20	29.40
	Murray	23.0	22.20	29.40
	Nobles	23.5	22.40	29.80
	Pipestone	23.3	22.30	29.70
	Redwood	24.0	23.20	31.00
	Rock	23.5	22.40	29.80
8	Blue Earth	26.8	26.10	34.80
	Brown	23.6	22.90	30.70
	Faribault	30.5	29.30	39.20
	Freeborn	30.8	30.00	40.00
	Le Sueur	27.5	27.00	36.00
	Martin	27.0	26.10	34.70
	Nicollet	27.0	26.60	35.30
	Rice	25.6	25.10	33.60
	Steele	31.8	30.90	41.30
	Waseca	32.0	31.10	41.50
	Watonwan	22.0	21.30	28.40
9	Dakota	26.6	26.20	34.90
	Dodge	29.4	28.50	38.00
	Fillmore	24.9	23.90	31.70
	Goodhue	25.4	24.70	33.00
	Houston	23.5	22.60	30.00
	Mower	26.0	25.00	33.40
	Olmsted	26/6	25.90	34.60
	Wabasha	25.5	25.00	33.20
	Winona	25.4	24.60	32.80

MISSISSIPPI

1	Bolivar	29.0	26.90	36.00
	Coahoma	28.5	26.50	35.40
	Quitman	27.0	25.30	33.50
	Tallahatchie	25.5	23.80	31.70
	Tunica	28.5	26.50	35.40
2	Benton	19.5	18.20	24.20
	Calhoun	20.0	18.60	24.80
	De Soto	28.5	26.50	35.40
	Grenada	21.5	20.10	26.70
	Lafayette	21.0	19.50	26.10
	Marshall	23.0	21.50	28.60
	Panola	28.0	26.10	34.80
	Tate	26.0	24.20	32.30
	Yalobusha	20.0	18.60	24.80
3	Alcorn	22.0	20.50	27.30
	Itawamba	22.5	20.90	27.90
	Lee	25.0	23.20	31.00
	Pontotoc	22.5	20.90	27.90
	Prentiss	25.0	23.20	31.00
	Tippah	20.0	18.60	24.80
	Tishomingo	18.5	17.20	23.00
	Union	21.0	19.50	26.10
4	Humphreys	31.0	29.00	38.50
	Issaquena	31.5	29.40	39.10
	Le Flore	32.5	30.20	40.40
	Sharkey	33.5	31.30	41.60
	Sunflower	31.5	29.40	39.10
	Washington	30.0	27.90	37.30
	Yazoo	25.0	23.20	31.00
5	Attala	18.0	16.80	22.40
	Carroll	21.0	19.50	26.10
	Choctaw	16.0	14.90	19.90
	Holmes	23.5	21.90	29.20
	Leake	18.0	16.80	22.40
	Madison	20.5	19.00	25.50
	Montgomery	17.0	15.70	21.10
	Rankin	25.0	23.20	31.00
	Scott	20.5	19.00	25.50
	Webster	17.5	16.40	21.70
6	Chickasaw	16.5	15.30	20.50
	Clay	20.0	18.60	24.80
	Kemper	11.0	10.40	13.70
	Lowndes	16.5	15.30	20.50
	Monroe	20.0	18.60	24.80
	Neshoba	17.5	16.40	21.70
	Noxubee	20.3	18.80	25.30
	Oktibbeha	20.5	19.00	25.50
	Winston	18.5	17.20	23.00

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

MISSISSIPPI—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
7	Adams	19.0	17.80	23.60
	Amite	17.5	16.40	21.70
	Claiborne	22.0	20.50	27.30
	Copiah	21.5	20.10	26.70
	Franklin	19.0	17.80	23.60
	Hinds	23.5	21.90	29.20
	Jefferson	21.0	19.50	26.10
	Lincoln	22.5	20.90	27.90
	Warren	24.3	22.60	30.20
	Wilkinson	17.0	15.70	21.10
8	Covington	20.0	18.60	24.80
	Jefferson Davis	20.0	18.60	24.80
	Lawrence	20.0	18.60	24.80
	Marion	20.0	18.60	24.80
	Pike	22.5	20.90	27.90
	Simpson	21.0	19.50	26.10
	Smith	21.0	19.50	26.10
	Walthall	22.5	20.90	27.90
9	Clarke	22.0	20.50	27.30
	Forrest	20.0	18.60	24.80
	George	20.5	19.00	25.50
	Greene	20.5	19.00	25.50
	Jackson	17.5	16.40	21.70
	Jasper	17.5	16.40	21.70
	Jones	20.0	18.60	24.80
	Lauderdale	17.0	15.70	21.10
	Newton	17.5	16.40	21.70
	Pearl River	17.5	16.40	21.70
	Perry	17.5	16.40	21.70
	Wayne	20.0	18.60	24.80

MISSOURI

1	Andrew	28.0	26.70	35.60
	Atchison	27.0	25.70	34.20
	Buchanan	32.1	30.50	40.90
	Caldwell	30.1	28.50	38.20
	Clay	32.2	30.70	40.90
	Clinton	31.2	29.70	39.60
	Daviess	28.8	27.40	36.50
	De Kalb	29.6	28.20	37.70
	Gentry	29.6	28.10	37.60
	Harrison	27.1	25.50	34.10
	Holt	27.8	26.50	35.40
	Nodaway	29.3	27.70	37.00
	Platte	33.3	31.80	42.40
	Ray	32.9	31.20	41.60
	Worth	26.0	24.60	32.80
2	Adair	31.4	28.80	38.40
	Carroll	31.3	29.60	39.50
	Charlton	28.4	26.80	35.50
	Grundy	28.0	26.30	35.10
	Linn	29.6	27.70	37.00
	Livingston	30.8	29.20	38.80
	Macon	28.4	26.20	34.80
	Mercer	29.7	27.70	36.80
	Putnam	26.0	24.20	32.30
	Randolph	28.5	26.40	35.20
	Schuyler	26.0	25.70	34.30
	Sullivan	28.6	26.70	35.60
3	Audrain	31.8	29.60	39.50
	Clark	25.2	23.30	31.10
	Knox	26.7	24.60	32.80
	Lewis	25.6	23.70	31.70
	Marion	28.4	26.50	35.20
	Monroe	28.5	26.40	35.20
	Pike	28.4	26.60	35.40
	Ralls	29.4	27.30	36.40
	Scotland	24.6	22.80	30.30
	Shelby	27.6	25.50	34.20
4	Bates	26.4	25.10	33.30
	Cass	28.3	26.90	36.00
	Cedar	24.4	23.10	30.70
	Henry	25.6	24.20	32.30
	Jackson	30.4	29.00	38.60
	Johnson	27.6	26.20	35.00
	Lafayette	31.2	29.50	39.50
	St. Clair	24.3	22.90	30.70
	Vernon	25.5	24.20	32.10
5	Benton	26.3	24.70	33.00
	Boone	29.2	27.10	36.20
	Callaway	31.8	29.60	39.50
	Camden	22.3	20.40	27.30
	Cole	30.0	27.70	36.90
	Cooper	31.4	29.30	39.10
	Dallas	21.9	20.30	26.90
	Hickory	26.0	24.30	32.40
	Howard	29.2	27.10	36.20
	Laclede	25.5	23.30	31.10
	Maries	26.0	24.30	32.40
	Miller	25.9	23.90	31.60
	Moniteau	29.1	27.10	36.20
	Morgan	27.5	25.70	34.20
	Osage	29.2	27.10	36.20
	Pettis	31.7	29.90	39.70

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

MISSOURI—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
5	Phelps	26.2	24.40	32.50
	Polk	26.6	25.00	33.30
	Pulaski	22.3	20.50	27.50
	Saline	29.3	27.70	37.00
6	Crawford	23.2	21.70	29.10
	Franklin	30.0	28.60	38.20
	Gasconade	28.8	27.00	36.00
	Jefferson	27.8	26.60	35.60
	Lincoln	30.3	28.80	38.60
	Montgomery	32.5	30.50	40.80
	Perry	31.4	29.30	39.10
	St. Charles	32.4	31.10	41.30
	St. Francois	28.4	26.80	35.50
	Ste. Genevieve	29.0	27.30	36.50
	St. Louis	32.0	30.70	40.90
	Warren	31.1	29.70	39.60
	Washington	29.3	27.70	37.00
7	Barry	25.8	23.90	31.90
	Barton	27.2	25.40	33.90
	Christian	26.0	24.10	32.10
	Dade	27.6	25.80	34.50
	Greene	25.7	23.90	31.70
	Jasper	29.4	27.50	36.60
	Lawrence	27.4	25.30	33.80
	McDonald	24.6	22.90	30.50
	Newton	25.5	23.70	31.50
	Stone	24.6	22.80	30.30
8	Bollinger	25.8	25.00	33.30
	Carter	22.8	21.20	28.20
	Dent	20.4	19.00	25.10
	Douglas	18.5	16.80	22.50
	Howell	20.3	18.30	24.50
	Iron	20.8	19.60	26.00
	Madison	21.2	19.80	26.40
	Oregon	22.2	20.50	27.30
	Ozark	21.2	19.00	25.40
	Reynolds	22.9	21.00	27.90
	Ripley	21.6	20.70	27.70
	Shannon	21.5	19.70	26.20
	Taney	20.0	18.40	24.50
	Texas	21.8	19.90	26.60
	Wayne	23.3	21.60	28.80
	Webster	22.1	20.20	27.10
	Wright	22.6	20.70	27.60
9	Butler	31.2	30.40	40.60
	Cape Girardeau	30.5	29.30	39.20
	Dunklin	31.0	30.50	40.50
	Mississippi	34.8	34.10	45.40
	New Madrid	34.4	33.80	44.90
	Pemiscot	35.0	34.40	45.80
	Scott	33.2	32.20	43.00
	Stoddard	32.4	31.50	41.90

MONTANA

1	Deerlodge	27.4	21.60	28.90
	Flathead	32.0	25.50	34.00
	Granite	26.1	20.90	28.10
	Lake	25.2	20.50	27.30
	Lincoln	21.2	16.80	22.50
	Mineral	24.8	20.50	27.30
	Missoula	28.1	23.10	30.90
	Powell	21.8	17.40	23.30
	Ravalli	32.3	26.10	34.90
	Sanders	23.7	19.80	26.00
2	Blaine	15.9	13.00	17.20
	Chouteau	26.1	20.90	28.10
	Glacier	23.9	19.30	25.60
	Hill	22.0	17.70	23.60
	Liberty	24.3	19.50	26.10
	Phillips	13.0	10.70	14.40
	Pondera	26.6	21.50	28.60
	Teton	26.2	21.10	28.10
	Toole	23.2	18.60	24.90
3	Daniels	15.8	13.30	17.80
	Dawson	15.1	13.00	17.40
	Garfield	12.2	10.40	13.80
	McCone	12.8	11.0	14.60
	Richland	18.1	15.50	20.80
	Roosevelt	15.6	13.40	18.00
	Sheridan	17.3	14.80	19.80
	Valley	15.0	12.70	16.80
5	Broadwater	21.8	17.50	23.40
	Cascade	24.4	19.70	26.10
	Fergus	24.1	19.30	26.00
	Golden Valley	19.9	16.10	21.30
	Judith Basin	23.5	19.00	25.20
	Lewis and Clark	21.6	17.40	23.30
	Meagher	19.9	16.10	21.30
	Musselshell	20.6	16.90	22.60
	Petroleum	15.6	12.50	16.80
	Wheatland	19.9	16.10	21.30
7	Beaverhead	25.4	19.40	25.80
	Gallatin	27.9	22.60	29.90

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

MONTANA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
7	Jefferson	19.6	15.50	20.80
	Madison	24.2	19.30	25.70
8	Big Horn	24.6	19.40	25.90
	Carbon	22.0	17.70	23.60
	Park	22.8	18.40	24.50
	Stillwater	21.3	17.20	22.90
	Sweet Grass	19.9	16.10	21.30
	Treasure	22.7	18.80	25.00
	Yellowstone	21.9	17.70	23.40
9	Carter	14.0	12.10	16.10
	Custer	18.2	15.60	20.70
	Fallon	13.6	11.70	15.70
	Powder River	22.2	18.80	25.00
	Prairie	16.4	14.10	18.60
	Rosebud	17.8	14.80	19.80
	Silver Bow	23.4	18.50	24.60
	Wibaux	17.4	15.10	20.10

NEBRASKA

1	Banner	27.8	24.00	32.10
	Box Butte	28.2	24.90	33.10
	Cheyenne	30.1	26.10	34.90
	Dawes	27.5	23.90	31.80
	Deuel	30.8	27.10	36.10
	Garden	29.6	26.10	34.90
	Kimball	27.0	23.40	31.10
	Morrill	27.8	24.40	32.60
	Scotts Bluff	29.0	25.10	33.60
	Sheridan	27.2	23.80	31.80
	Sioux	23.9	20.70	27.50
2	Arthur	19.4	17.10	22.90
	Boyd	21.3	19.60	26.10
	Brown	24.8	22.50	29.90
	Cherry	22.1	19.70	26.50
	Garfield	24.8	23.00	30.50
	Holt	21.0	19.30	25.80
	Keyapaha	22.8	20.70	27.50
	Logan	26.6	24.10	32.20
	Loup	28.5	26.10	34.90
	McPherson	22.8	20.70	27.50
	Rock	21.2	19.20	25.70
	Thomas	14.7	13.30	17.70
	Wheeler	23.0	21.60	28.70
3	Antelope	26.7	24.80	33.10
	Boone	28.8	27.00	36.00
	Burt	30.1	28.00	38.40
	Cedar	24.0	22.20	29.70
	Cuming	28.1	26.60	35.70
	Dakota	27.5	25.90	34.50
	Dixon	28.1	26.20	35.20
	Knox	25.7	23.80	31.60
	Madison	25.8	24.10	32.20
	Pierce	27.4	25.60	34.10
	Stanton	26.2	24.70	32.80
	Thurston	26.7	25.20	33.60
	Wayne	26.4	24.60	32.70
5	Buffalo	29.5	27.40	36.50
	Custer	29.0	26.40	35.30
	Dawson	28.6	26.30	35.10
	Greeley	28.8	26.90	35.80
	Hall	28.8	26.90	35.80
	Howard	29.5	27.50	36.60
	Sherman	28.3	26.20	35.00
	Valley	30.0	27.70	36.90
6	Butler	30.8	29.50	39.20
	Cass	2.4	28.00	37.30
	Colfax	30.7	29.30	39.00
	Dodge	31.0	29.70	39.40
	Douglas	31.8	30.30	40.50
	Hamilton	28.2	26.40	35.20
	Lancaster	28.3	26.90	36.00
	Merrick	28.0	26.20	34.90
	Nance	29.9	28.20	37.40
	Platte	30.0	28.40	37.80
	Polk	29.6	27.90	37.40
	Sarpy	30.1	28.60	38.40
	Saunders	30.4	29.00	38.60
	Seward	26.6	25.30	33.80
	Washington	32.0	30.50	40.70
	York	26.0	24.50	32.60
7	Chase	27.0	24.00	31.90
	Dundy	27.0	24.00	31.90
	Frontier	26.7	24.10	32.20
	Hayes	28.6	25.50	34.10
	Hitchcock	29.0	25.90	34.60
	Keith	29.4	26.00	34.70
	Lincoln	26.5	23.80	31.80
	Perkins	27.0	24.00	31.90
8	Redwillow	29.8	26.90	36.00
	Adams	26.8	24.90	33.20
	Franklin	25.4	23.30	31.00
	Furnas	28.8	26.30	34.90
	Gosper	28.8	26.40	35.10
	Harlan	30.8	28.20	37.60

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

NEBRASKA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
8	Kearney	26.2	24.10	32.00
	Phelps	30.2	27.70	36.90
	Webster	24.5	22.60	30.10
9	Clay	25.3	23.50	31.30
	Fillmore	24.5	22.90	30.60
	Gage	24.5	23.10	30.90
	Jefferson	24.0	22.50	30.00
	Johnson	24.0	22.70	30.20
	Nemaha	24.5	23.10	30.90
	Nuckolls	25.2	23.30	31.10
	Otoe	26.0	24.80	33.10
	Pawnee	23.0	21.70	28.80
	Richardson	24.5	23.00	30.70
	Saline	25.0	23.50	31.50
	Thayer	24.5	22.90	30.60

NEW JERSEY

2	Bergen	27.8	28.00	37.40
	Essex	28.8	29.10	38.80
	Hunterdon	30.5	30.40	40.60
	Morris	30.0	30.10	40.10
	Passaic	29.2	29.10	38.80
	Somerset	28.0	28.10	37.50
	Sussex	27.5	27.70	36.80
	Union	28.5	28.70	38.30
	Warren	32.0	31.80	42.40
5	Burlington	32.0	32.30	43.00
	Mercer	34.0	34.30	45.70
	Middlesex	32.0	32.30	43.00
	Monmouth	33.0	33.00	44.20
	Ocean	28.0	28.10	37.50
8	Atlantic	25.0	25.00	33.40
	Camden	26.8	27.20	36.20
	Cape May	24.5	24.30	32.50
	Cumberland	32.5	32.70	43.70
	Gloucester	29.0	29.20	39.20
	Salem	34.0	34.40	45.90

NEW MEXICO

1	Bernalillo	17.5	14.90	19.80
	McKinley	13.2	10.30	13.70
	Rio Arriba	14.2	11.10	14.70
	Sandoval	12.9	11.00	14.60
	San Juan	22.6	15.50	20.70
	Santa Fe	17.3	14.50	19.30
	Taos	17.5	14.20	18.90
	Valencia	20.1	16.60	22.30
3	Colfax	17.7	15.00	19.90
	Curry	21.0	18.70	25.10
	De Baca	24.8	21.70	28.90
	Guadalupe	15.5	13.60	18.00
	Harding	14.1	12.10	16.30
	Mora	18.8	16.10	21.40
	Quay	15.0	13.50	17.80
	Roosevelt	16.0	14.20	18.90
	San Miguel	17.2	14.60	19.50
	Torrance	15.0	13.10	17.30
	Union	14.5	12.50	16.80
7	Castron	15.0	12.20	16.20
	Grant	29.4	23.00	30.60
	Hidalgo	25.0	20.90	28.00
	Luna	24.0	20.20	26.90
	Sierra	21.5	18.30	24.40
	Socorro	12.5	10.80	14.40
9	Chaves	36.0	31.60	42.10
	Dona Ana	36.0	30.60	40.80
	Eddy	36.0	31.40	41.90
	Lea	16.0	14.30	19.00
	Lincoln	17.0	14.60	19.60
	Otero	24.0	20.70	27.60

NEW YORK

2	Jefferson	22.6	22.00	29.40
	Lewis	25.5	25.00	33.20
	St. Lawrence	26.0	25.20	33.50
3	Clinton	26.0	25.30	33.70
	Essex	28.0	27.60	37.80
	Franklin	26.0	24.90	33.20
4	Erie	27.5	26.90	35.80
	Genesee	30.2	29.80	39.60
	Livingston	31.0	30.70	40.70
	Monroe	29.0	28.50	38.10
	Niagara	27.0	26.70	35.50
	Ontario	32.0	31.50	42.00
	Orleans	32.2	31.60	42.10
	Seneca	30.0	29.60	39.40
	Wayne	28.0	27.60	36.80

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

NEW YORK—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
4	Wyoming	30.0	29.60	39.40
5	Yates	31.5	31.10	41.40
	Cayuga	31.6	31.10	41.60
	Chenango	31.0	30.70	40.70
	Cortland	34.0	33.50	44.70
	Herkimer	31.5	31.50	42.00
	Madison	31.0	30.70	40.70
	Oneida	35.5	35.40	47.10
	Onondaga	30.5	30.00	40.10
	Oswego	26.0	25.60	34.20
	Otsego	31.0	30.90	41.10
6	Albany	26.0	26.40	35.30
	Fulton	26.5	26.20	35.00
	Montgomery	27.0	27.40	36.40
	Rensselaer	28.6	29.00	38.70
	Saratoga	28.0	28.20	37.60
	Schenectady	24.5	24.80	33.10
	Schoharie	27.5	27.70	36.80
	Washington	27.4	27.40	36.60
7	Allegany	29.5	29.00	38.60
	Cattaraugus	30.5	29.50	39.30
	Chautauqua	30.5	28.90	38.60
	Steuben	28.2	27.80	37.00
8	Broome	28.5	28.00	37.40
	Chemung	29.5	29.10	38.80
	Schuyler	28.0	27.60	36.80
	Tioga	30.0	29.60	39.40
	Tompkins	32.8	32.40	43.10
9	Columbia	28.5	28.70	38.30
	Delaware	28.0	27.70	37.00
	Dutchess	29.0	28.90	38.60
	Greene	26.5	26.50	35.50
	Orange	27.5	27.50	36.60
	Rockland	27.5	27.40	36.60
	Sullivan	26.0	25.40	33.90
	Ulster	28.3	28.20	37.70
	Westchester	30.0	30.10	40.10
9A	Nassau	30.0	29.70	39.60
	Suffolk	31.6	31.00	41.40

NORTH CAROLINA

1	Alleghany	26.2	25.70	34.20
	Ashe	22.0	21.60	28.80
	Avery	20.6	20.30	27.00
	Caldwell	21.0	20.50	27.50
	Surry	22.8	22.50	29.90
	Watauga	23.4	22.90	30.50
	Wilkes	24.0	23.50	31.40
	Yadkin	23.5	23.10	30.70
4	Buncombe	24.2	23.80	31.60
	Burke	22.5	22.00	29.40
	Cherokee	21.2	20.70	27.70
	Clay	19.4	19.00	25.30
	Graham	17.0	16.60	22.20
	Haywood	20.0	19.60	26.20
	Henderson	19.8	19.40	25.90
	Jackson	17.6	17.20	23.10
	McDowell	18.2	17.90	23.80
	Macon	23.2	22.70	30.30
	Madison	20.2	19.80	26.40
	Mitchell	19.0	18.70	24.90
	Polk	19.0	18.70	24.90
	Rutherford	20.5	20.10	26.80
	Swain	18.0	17.70	23.50
	Transylvania	20.5	20.10	26.80
	Yancey	19.2	18.70	25.10
2	Alamance	24.0	23.50	31.40
	Caswell	22.2	21.80	29.00
	Durham	25.0	24.40	32.70
	Forsyth	23.2	22.70	30.30
	Franklin	24.0	23.50	31.40
	Granville	23.0	22.70	30.10
	Guilford	23.0	22.70	30.10
	Orange	21.5	21.10	28.10
	Person	22.5	22.00	29.40
	Rockingham	23.0	22.70	30.10
	Stokes	22.2	21.80	29.00
	Vance	23.2	22.70	30.30
	Warren	20.5	20.50	27.20
5	Alexander	22.2	21.80	29.00
	Catawba	22.2	21.80	29.00
	Chatham	24.5	24.00	32.00
	Davidson	24.5	24.00	32.00
	Davie	24.0	23.50	31.40
	Iredell	22.5	22.00	29.40
	Lee	25.8	25.30	33.80
	Randolph	22.8	22.50	29.90
	Rowan	24.8	24.40	32.50
	Wake	25.5	25.10	33.40
8	Anson	21.5	21.10	28.10
	Cabarrus	19.8	19.40	25.90
	Cleveland	20.8	20.50	27.20
	Gaston	19.5	19.20	25.50
	Lincoln	22.2	21.80	29.00

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

NORTH CAROLINA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
8	Mecklenburg	21.0	20.50	27.50
	Montgomery	18.5	18.10	24.20
	Moore	19.5	19.20	25.50
	Richmond	19.0	18.70	24.90
	Stanly	21.0	20.50	27.50
	Union	20.5	20.10	26.80
3	Bertie	26.2	25.70	34.20
	Camden	30.0	29.40	39.20
	Chowan	28.2	27.70	36.80
	Currituck	28.0	27.50	36.60
	Edgecombe	26.2	25.70	34.20
	Gates	24.2	23.80	31.60
	Halifax	25.5	25.10	33.40
	Hertford	21.8	21.40	28.60
	Martin	26.8	26.40	35.10
	Nash	27.5	27.00	36.00
	Northampton	24.0	23.50	31.40
	Pasquotank	30.8	30.30	40.30
	Perquimans	29.5	29.00	38.60
	Tyrell	27.0	26.60	35.30
	Washington	26.8	25.70	34.40
6	Beaufort	27.0	26.60	35.30
	Carteret	23.0	22.70	30.10
	Craven	24.0	23.50	31.40
	Greene	28.5	27.90	37.30
	Hyde	30.2	29.60	39.50
	Johnston	25.5	25.10	33.40
	Jones	25.0	24.40	32.70
	Lenoir	28.8	28.30	37.70
	Pamlico	27.0	26.60	35.30
	Pitt	26.8	26.40	35.10
	Wayne	28.2	27.70	36.80
	Wilson	29.2	28.60	38.20
9	Bladen	24.0	23.50	31.40
	Brunswick	24.0	23.50	31.40
	Columbus	25.2	24.60	32.90
	Cumberland	22.8	22.50	29.90
	Duplin	27.5	27.00	36.00
	Harnett	26.5	25.90	34.70
	Hoke	23.8	23.30	31.20
	New Hanover	22.0	21.60	28.80
	Onslow	23.5	23.10	30.70
	Pender	21.2	20.70	27.70
	Robeson	24.2	23.80	31.60
	Sampson	23.5	23.10	30.70
	Scotland	25.0	24.40	32.70

NORTH DAKOTA

1	Burke	17.8	15.80	21.20
	Divide	16.0	14.10	18.80
	Mountrail	17.0	15.00	20.20
	Renville	19.7	17.60	23.40
	Ward	19.7	17.70	23.50
	Williams	16.0	14.20	18.90
2	Benson	19.5	17.90	23.80
	Bottineau	19.0	17.10	22.70
	McHenry	16.7	15.10	20.10
	Pierce	16.7	15.20	20.20
	Rolette	17.8	16.20	21.60
3	Cavalier	23.5	21.50	28.60
	Grand Forks	27.2	25.40	33.90
	Nelson	22.5	20.70	27.70
	Pembina	27.4	25.20	33.50
	Ramsey	20.5	18.80	25.10
	Towner	20.8	19.10	25.40
	Walsh	25.7	23.80	31.60
4	Dunn	16.2	14.40	19.10
	McKenzie	16.6	14.60	19.40
	McLean	17.5	15.90	21.10
	Mercer	16.0	14.30	19.10
	Oliver	15.7	14.20	18.80
5	Eddy	20.0	18.40	24.60
	Foster	22.1	20.40	27.40
	Kidder	15.5	14.30	19.00
	Sheridan	16.7	15.20	20.30
	Stutsman	21.0	19.40	26.00
	Wells	21.0	19.20	25.70
6	Barnes	23.7	22.30	29.50
	Cass	25.6	24.00	32.20
	Griggs	23.4	21.70	29.00
	Steele	25.5	23.90	31.80
	Traill	27.6	25.80	34.50
7	Adams	15.0	13.50	17.80
	Billings	15.3	13.60	18.10
	Bowman	16.0	14.20	18.90
	Golden Valley	18.0	15.70	21.00
	Hettinger	18.0	16.00	21.40
	Slope	16.0	14.00	18.60
8	Stark	17.5	15.60	20.80
	Burleigh	16.4	15.00	19.90
	Emmons	15.0	13.80	18.30
	Grant	15.1	13.60	18.00
	Morton	15.0	13.60	18.00
	Sioux	13.0	11.60	15.60

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

NORTH DAKOTA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
9	Dickey	20.6	19.30	25.80
	La Moure	20.0	18.50	24.70
	Logan	18.0	14.70	19.60
	McIntosh	15.0	13.90	18.40
	Ransom	20.0	18.70	25.00
	Richland	23.6	22.50	30.10
	Sargent	21.0	19.60	26.30

OHIO

1	Allen	32.0	29.40	39.20
	Defiance	29.6	27.10	36.30
	Fulton	34.0	31.20	41.60
	Hancock	32.4	29.90	39.80
	Henry	35.2	33.30	44.50
	Lucas	36.3	33.30	44.50
	Paulding	31.1	28.60	38.10
	Putnam	30.2	30.20	40.40
	Van Wert	34.4	31.60	42.00
	Williams	29.7	27.30	36.30
	Wood	35.6	32.80	43.90
2	Ashland	30.0	27.80	37.10
	Crawford	32.0	29.50	39.40
	Erie	32.2	29.70	39.60
	Huron	30.8	28.50	37.90
	Lorain	29.5	27.40	36.50
	Ottawa	30.0	27.70	36.90
	Richland	29.2	27.00	36.00
	Sandusky	32.5	29.90	40.00
	Seneca	31.8	29.30	39.20
	Wyandot	34.8	32.20	42.80
3	Ashtabula	24.8	23.40	31.10
	Columbiana	27.5	25.70	34.20
	Cuyahoga	26.0	24.10	32.10
	Geauga	26.4	24.90	33.00
	Lake	24.5	22.90	30.60
	Mahoning	28.0	26.20	34.90
	Medina	31.0	28.80	38.30
	Portage	28.0	26.00	34.60
	Stark	28.2	26.20	34.80
	Summit	27.0	25.10	33.40
	Trumbull	25.5	24.00	32.00
	Wayne	28.5	26.40	35.20
4	Auglaize	32.8	30.20	40.20
	Champaign	35.8	32.70	43.60
	Clark	35.0	32.10	42.60
	Darke	33.0	30.50	40.80
	Hardin	34.2	31.60	42.00
	Logan	32.5	29.80	39.80
	Mercer	33.2	30.40	40.60
	Miami	34.0	31.20	41.60
	Shelby	33.8	31.00	41.40
5	Delaware	31.8	29.30	39.20
	Fairfield	28.8	26.60	35.50
	Fayette	28.8	26.40	35.10
	Franklin	29.8	27.50	36.70
	Knox	26.0	24.00	32.00
	Licking	30.3	27.90	37.30
	Madison	32.0	29.40	39.20
	Marion	34.8	32.20	42.80
	Morrow	30.0	27.70	36.90
	Pickaway	27.2	24.90	33.30
	Ross	24.2	22.20	29.60
	Union	32.0	29.50	39.40
6	Belmont	26.8	24.90	33.20
	Carroll	28.2	26.20	34.80
	Coshocton	26.8	24.90	33.20
	Harrison	28.8	26.80	35.60
	Holmes	27.8	25.80	34.40
	Jefferson	28.8	26.90	35.80
	Tuscarawas	27.5	25.50	34.00
7	Butler	27.0	24.80	32.90
	Clermont	24.0	21.90	29.20
	Clinton	27.2	24.80	33.10
	Greene	29.2	26.60	35.50
	Hamilton	27.0	24.80	32.90
	Montgomery	31.0	28.40	37.80
	Preble	29.0	26.40	35.30
	Warren	25.0	22.70	30.40
8	Adams	21.7	19.90	26.40
	Brown	20.2	18.50	24.60
	Gallia	26.8	24.60	32.70
	Highland	22.1	20.10	27.00
	Jackson	21.9	20.10	26.60
	Lawrence	26.5	24.20	32.30
	Pike	20.5	18.70	25.00
	Scioto	22.2	20.30	27.00
9	Athens	24.8	23.00	30.50
	Guernsey	25.2	23.30	31.10
	Hocking	23.2	21.30	28.50
	Meigs	22.7	20.70	27.60
	Monroe	24.5	22.70	30.30
	Morgan	25.2	23.30	31.10
	Muskingum	25.6	23.70	31.70
	Noble	25.2	23.30	31.10

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

OHIO—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
9	Perry	26.0	24.00	32.00
	Vinton	24.8	23.00	30.50
	Washington	24.5	22.70	30.30

OKLAHOMA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Beaver	19.4	17.20	23.00
	Cimarron	19.4	17.10	22.70
	Ellis	18.9	16.90	22.50
	Harper	18.8	16.80	22.40
	Texas	20.4	18.20	24.20
2	Alfalfa	27.2	24.50	32.80
	Garfield	26.5	23.90	32.00
	Grant	26.5	23.90	32.00
	Kay	29.0	26.30	35.10
	Major	23.8	21.50	28.70
	Noble	27.0	24.50	32.60
	Woods	23.9	21.60	28.60
	Woodward	20.0	17.90	23.90
3	Craig	22.4	20.90	27.70
	Delaware	23.4	21.60	28.80
	Mayes	21.8	20.10	26.90
	Nowata	24.5	22.80	30.40
	Osage	26.8	24.60	32.70
	Ottawa	23.2	21.50	28.80
	Pawnee	24.4	22.10	29.30
	Rogers	21.9	20.30	26.90
	Tulsa	26.2	24.10	32.00
	Wagoner	22.9	21.00	27.90
	Washington	25.2	23.40	31.30
4	Beckham	22.0	19.90	26.50
	Blaine	24.8	22.50	29.90
	Custer	24.0	21.70	28.90
	Dewey	21.2	19.00	25.40
	Roger Mills	20.2	18.20	24.20
	Washita	25.6	23.10	31.00
5	Canadian	28.2	25.50	34.00
	Cleveland	20.8	18.90	25.10
	Creek	16.4	14.90	19.70
	Grady	28.0	25.30	33.80
	Kingfisher	25.6	23.10	31.00
	Lincoln	19.4	17.50	23.30
	Logan	27.1	24.50	32.80
	McClain	27.3	24.70	33.00
	Okfuskee	19.8	17.90	23.90
	Oklahoma	26.8	24.30	32.40
	Payne	21.2	19.10	25.50
	Pottawatomie	27.0	24.50	32.60
	Seminole	21.0	18.90	25.30
6	Adair	21.6	19.50	26.10
	Cherokee	20.8	19.10	25.40
	Haskell	26.4	23.90	31.80
	Hughes	24.2	21.90	29.10
	McIntosh	24.2	21.90	29.10
	Muskogee	25.0	22.50	30.20
	Okmulgee	21.6	19.50	26.10
	Pittsburg	20.3	18.30	24.50
	Sequoyah	25.3	22.90	30.60
7	Caddo	26.1	23.50	31.60
	Comanche	21.4	19.30	25.70
	Cotton	22.8	20.70	27.50
	Greer	24.0	21.70	28.90
	Harmon	25.6	23.10	31.00
	Jackson	27.0	24.50	32.60
	Kiowa	27.6	24.90	33.40
	Tillman	27.0	24.50	32.60
8	Atoka	22.7	20.50	27.30
	Bryan	24.2	21.90	29.10
	Carter	24.5	22.10	29.50
	Coal	21.4	19.30	25.70
	Garvin	27.1	24.50	32.80
	Jefferson	22.0	19.90	26.50
	Johnston	20.8	18.90	25.10
	Love	18.5	16.70	22.30
	Marshall	19.4	17.50	23.30
	Murray	28.7	25.90	34.60
	Pontotoc	24.3	21.90	29.30
	Stephens	24.8	22.50	29.90
9	Choctaw	22.7	20.50	27.30
	Latimer	17.5	15.90	21.10
	Le Flore	24.9	22.50	29.90
	McCurtain	26.9	24.30	32.40
	Pushmataha	18.4	16.70	22.10

OREGON

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Benton	32.0	28.80	38.40
	Clackamas	32.8	30.20	40.20
	Columbia	31.8	28.90	38.60
	Lane	31.8	28.20	37.60
	Linn	28.8	26.10	34.80
	Marion	37.2	34.10	45.50
	Multnomah	36.6	34.20	45.60

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

OREGON—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Polk	37.3	33.90	45.20
	Washington	37.1	34.40	45.90
	Yamhill	37.3	34.30	45.70
2	Gilliam	30.8	28.50	37.90
	Morrow	30.0	27.50	36.70
	Sherman	35.3	32.80	43.70
	Wasco	34.0	32.00	42.60
3	Baker	37.0	32.70	43.70
	Umatilla	39.9	36.50	48.50
	Union	41.6	37.00	49.50
	Wallowa	29.9	26.30	34.90
4	Douglas	22.5	19.40	25.90
	Jackson	33.0	27.80	37.20
	Josephine	26.7	22.30	29.80
5	Crook	41.4	37.80	50.30
	Deschutes	34.1	28.40	38.00
	Grant	26.7	24.40	32.50
	Harney	19.7	16.00	21.20
	Jefferson	34.4	31.90	42.40
	Klamath	27.4	24.80	33.10
	Lake	21.9	19.90	26.30
	Malheur	50.1	41.60	55.70
	Wheeler	24.5	22.30	29.80

PENNSYLVANIA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Crawford	24.0	22.60	30.10
	Erie	24.8	23.40	31.10
	Forest	21.5	20.40	27.10
	Mercer	25.0	23.40	31.40
	Venango	25.8	24.20	32.40
	Warren	26.6	25.10	33.40
2	Bradford	24.5	24.00	32.00
	Cameron	20.0	19.30	25.70
	Clinton	26.2	25.40	33.80
	Elk	23.0	22.30	29.50
	Lycoming	21.6	24.00	32.00
	McKean	24.5	23.50	31.50
	Potter	26.9	25.80	34.30
	Sullivan	24.0	23.70	31.50
	Tioga	23.4	22.90	30.50
3	Lackawanna	26.2	25.70	34.20
	Susquehanna	26.0	25.50	34.00
	Wayne	24.6	24.10	32.10
	Wyoming	23.0	22.80	30.20
4	Armstrong	23.8	22.80	30.50
	Beaver	26.1	24.60	33.00
	Butler	27.1	25.90	34.60
	Clarion	23.0	21.90	29.10
	Indiana	24.8	23.90	31.70
	Jefferson	24.8	23.90	31.70
	Lawrence	27.0	25.60	34.00
	Blair	29.4	28.20	37.70
	Cambria	24.0	23.00	30.70
	Centre	26.7	25.80	34.40
	Clearfield	22.0	21.10	28.10
	Columbia	26.4	26.10	34.60
	Dauphin	25.6	25.20	33.70
	Huntingdon	26.6	25.90	34.60
	Juniata	26.6	26.00	34.70
	Mifflin	28.6	28.00	37.30
	Montour	23.5	23.00	30.60
	Northumberland	26.2	25.60	34.10
	Perry	26.2	25.90	34.40
	Snyder	24.5	23.90	31.90
	Union	26.1	25.40	34.10
5	Carbon	26.5	26.20	35.00
	Lehigh	30.0	30.00	40.00
	Luzerne	25.8	25.30	33.80
	Monroe	28.6	28.40	37.80
	Northampton	31.5	31.50	42.00
	Pike	22.8	22.20	29.60
	Schuylkill	26.4	26.10	34.60
	Allegheny	27.2	25.70	34.40
	Fayette	26.8	25.80	34.30
	Greene	25.2	23.80	31.90
	Somerset	25.8	24.80	33.20
	Washington	29.2	27.50	36.80
	Westmoreland	26.9	25.70	34.10
6	Adams	25.4	25.30	33.70
	Bedford	27.0	26.20	34.80
	Cumberland	27.0	26.80	35.60
	Franklin	27.0	26.80	35.60
	Fulton	22.8	22.50	29.90
	York	28.8	28.90	38.40
	Berks	27.6	27.50	36.90
	Bucks	28.8	29.10	38.80
	Chester	32.2	32.30	43.00
	Delaware	31.5	31.80	42.30
	Lancaster	33.0	32.90	44.00
	Lebanon	30.2	29.90	39.80
	Montgomery	29.6	29.80	39.90
	Philadelphia	29.5	29.80	39.60

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

SOUTH CAROLINA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Anderson	21.9	21.40	28.30
	Cherokee	19.6	19.00	25.50
	Greenville	21.1	20.50	27.40
	Laurens	22.4	21.80	28.90
	Oconee	19.4	18.80	25.10
	Pickens	20.4	19.90	26.40
	Spartanburg	19.6	19.00	25.50
	Union	20.0	19.40	25.90
2	Chester	22.4	21.80	28.90
	Fairfield	22.2	21.60	28.70
	Kershaw	22.0	21.40	28.50
	Lancaster	20.8	20.30	27.00
	York	20.8	20.30	27.00
3	Chesterfield	21.8	21.20	28.30
	Darlington	23.1	22.50	30.00
	Dillon	24.8	24.20	32.20
	Florence	22.4	21.80	28.90
	Georgetown	20.0	19.40	25.90
	Horry	26.2	25.50	33.90
	Marion	24.6	24.00	32.00
	Marlboro	25.4	24.60	32.80
	Williamsburg	21.2	20.50	27.40
4	Abbeville	21.6	21.00	28.10
	Aiken	20.4	19.90	26.40
	Edgefield	22.8	22.20	29.60
	Greenwood	22.0	21.40	28.50
	McCormick	18.9	18.40	24.40
	Newberry	23.4	22.70	30.20
	Saluda	22.2	21.60	28.70
5	Calhoun	21.7	21.20	28.10
	Clarendon	22.6	22.00	29.40
	Lee	22.8	22.20	29.60
	Lexington	18.4	17.90	23.80
	Orangeburg	20.1	19.40	26.10
	Richland	23.7	23.10	30.70
	Sumter	21.9	21.40	28.30
8	Allendale	22.2	21.60	28.70
	Bamberg	20.0	19.40	25.90
	Barnwell	19.9	19.40	25.70
	Beaufort	25.0	24.20	32.40
	Berkeley	21.9	21.40	28.30
	Charleston	25.5	24.80	33.00
	Colleton	23.2	22.50	30.00
	Dorchester	23.2	22.50	30.00
	Hampton	25.2	24.40	32.60
	Jasper	22.4	21.80	28.90

SOUTH DAKOTA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Butte	19.4	16.70	22.30
	Corson	15.0	13.60	18.00
	Dewey	16.0	14.30	19.10
	Hardins	15.4	13.60	18.10
	Perkins	15.0	13.50	17.80
	Ziebach	16.0	14.20	18.90
2	Brown	18.8	17.70	23.50
	Campbell	17.3	15.80	21.10
	Edmunds	16.7	15.40	20.60
	Faulk	18.0	16.70	22.20
	McPherson	16.5	15.20	20.40
	Potter	19.3	17.70	23.50
	Spink	18.1	16.80	22.70
	Walworth	18.7	17.10	22.80
3	Clark	18.0	17.00	22.70
	Codington	18.5	17.50	23.40
	Day	19.0	18.00	23.80
	Deuel	19.0	18.10	24.10
	Grant	20.0	19.00	25.30
	Hamlin	18.7	17.70	23.60
	Marshall	19.7	18.60	24.70
	Roberts	20.0	19.00	25.30
4	Haakon	23.0	20.60	27.30
	Jackson	24.0	21.30	28.40
	Lawrence	21.5	18.60	24.80
	Meade	20.4	17.90	23.80
	Pennington	21.4	18.70	25.00
	Stanley	23.7	21.80	29.00
5	Aurora	18.6	17.10	22.70
	Beadle	17.0	15.90	21.30
	Brule	21.5	19.50	25.90
	Buffalo	18.5	16.70	22.30
	Hand	19.8	18.40	24.60
	Hughes	19.8	18.20	24.30
	Hyde	18.6	17.20	23.00
	Jerauld	17.0	15.80	21.20
	Sully	20.7	18.80	25.00
6	Brookings	20.0	19.00	25.30
	Davison	20.0	18.60	24.80
	Hanson	21.0	19.60	26.20
	Kingsbury	18.3	17.20	23.10
	Lake	20.3	19.10	25.60
	McCook	21.0	19.60	26.30
	Miner	17.9	16.90	22.40
	Minnehaha	21.0	19.70	26.50

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

SOUTH DAKOTA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
6	Moody	23.0	21.90	29.10
7	Bennett	32.8	29.20	38.80
	Custer	18.5	15.90	21.30
	Fall River	25.5	22.60	29.20
8	Shannon	30.0	26.30	35.10
	Washabaugh	30.0	26.60	35.50
	Gregory	22.5	20.50	27.40
	Jones	23.4	20.70	27.60
	Lyman	24.5	21.90	29.30
	Mellette	24.0	21.60	28.80
	Todd	25.0	22.40	30.00
	Tripp	25.5	23.10	30.80
9	Bon Homme	19.8	18.20	24.40
	Charles Mix	21.0	19.10	25.60
	Clay	22.1	20.70	27.80
	Douglas	19.7	18.20	24.10
	Hutchinson	19.8	18.20	24.40
	Lincoln	20.6	19.40	25.90
	Turner	20.3	19.00	25.50
	Union	22.7	21.30	28.40
	Yankton	20.8	19.50	25.90

TENNESSEE

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1	Dyer	26.2	24.50	32.70
	Lake	34.4	32.20	42.80
	Lauderdale	27.0	25.40	33.70
	Obion	26.4	24.80	32.90
	Shelby	23.8	22.30	29.70
	Tipton	25.6	23.90	32.00
2	Carroll	20.6	19.40	25.90
	Chester	21.6	20.30	27.20
	Crockett	23.4	21.80	29.10
	Fayette	22.0	20.60	27.50
	Gibson	20.2	18.90	25.20
	Hardeman	23.8	22.40	29.90
	Haywood	21.8	20.40	27.20
	Henderson	22.5	21.20	28.40
	Henry	23.5	22.20	29.50
	McNairy	22.0	20.70	27.60
	Madison	22.5	21.00	28.10
	Weakley	21.4	20.00	26.60
3	Benton	19.9	18.90	25.00
	Cheatham	23.7	22.60	30.00
	Decatur	16.6	15.80	21.00
	Dickson	18.8	17.90	23.80
	Hardin	19.0	18.10	23.90
	Hickman	18.5	17.50	23.40
	Houston	20.9	19.70	26.20
	Humphreys	20.0	18.90	25.20
	Lawrence	21.6	20.60	27.60
	Lewis	17.1	16.30	21.80
	Montgomery	27.2	25.60	34.20
	Perry	17.0	16.00	21.50
	Robertson	25.8	24.40	32.60
	Stewart	20.0	18.90	25.20
	Wayne	18.0	17.10	22.80
4	Bedford	18.5	17.70	23.60
	Cannon	18.5	17.60	23.50
	Clay	19.7	18.90	25.00
	Davidson	20.4	19.40	25.70
	De Kalb	18.8	18.00	24.00
	Giles	18.8	18.10	24.10
	Jackson	15.0	14.40	19.10
	Lincoln	18.2	17.50	23.30
	Macon	19.0	18.10	24.10
	Marshall	18.0	17.30	23.00
	Maury	22.2	21.20	28.20
	Moore	20.0	19.20	25.60
	Rutherford	20.0	19.30	25.70
	Smith	16.6	15.90	21.20
	Sumner	20.6	19.50	26.00
	Trousdale	18.0	17.10	22.80
	Williamson	20.8	19.90	26.50
	Wilson	17.2	16.20	21.70
5	Bledsoe	19.4	18.60	24.80
	Coffee	23.6	22.60	30.20
	Cumberland	19.6	18.80	25.30
	Fentress	20.4	19.70	26.10
	Franklin	25.8	24.80	33.20
	Grundy	27.0	26.00	34.50
	Marion	21.6	20.80	27.80
	Morgan	20.0	19.40	25.80
	Overton	20.4	19.60	26.00
	Pickett	19.5	18.70	24.90
	Putnam	19.3	18.50	24.70
	Sequatchie	21.4	20.50	27.40
	Van Buren	21.4	20.40	27.30
	Warren	22.5	21.50	28.80
	White	22.0	21.10	28.10
6	Anderson	20.6	20.10	26.80
	Blount	23.0	22.60	29.90
	Bradley	19.5	19.00	25.30
	Campbell	20.9	20.30	27.00

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

TENNESSEE—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
6	Carter	23.1	22.80	30.40
	Claiborne	20.6	20.30	27.00
	Cocke	20.2	19.70	26.30
	Grainger	22.2	21.70	28.90
	Greene	19.6	19.20	25.70
	Hamblen	24.5	24.00	32.00
	Hamilton	20.4	19.80	26.20
	Hancock	18.8	18.60	24.70
	Hawkins	21.2	20.90	27.90
	Jefferson	23.0	22.60	29.90
	Johnson	22.8	22.60	30.00
	Knox	22.8	22.40	29.70
	Loudon	20.2	19.70	26.10
6	McMinn	19.8	19.20	25.70
	Meigs	19.6	18.90	25.40
	Monroe	22.2	21.70	28.90
	Polk	20.0	19.50	26.00
	Rhea	17.5	17.00	22.60
	Roane	18.2	17.60	23.40
	Sevier	20.8	20.40	27.10
	Sullivan	21.8	21.60	28.80
	Unicoi	23.8	23.30	31.20
	Union	19.0	18.70	24.70
	Washington	22.2	21.90	29.10

TEXAS

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
1-N	Armstrong	18.5	16.70	22.30
	Brisco	22.0	19.90	26.50
	Carson	20.6	18.70	24.90
	Castro	28.8	26.10	34.80
	Dallam	15.5	13.90	18.40
	Deaf Smith	26.0	23.50	31.40
	Floyd	22.0	19.90	26.50
	Gray	20.0	18.00	24.00
	Hale	31.5	28.50	38.00
	Hansford	18.7	16.60	22.20
	Hartley	16.6	14.90	19.90
	Hemphill	17.3	15.50	20.70
	Hutchinson	21.6	19.30	25.90
	Lipscomb	18.2	16.30	21.70
	Moore	21.4	19.10	25.50
	Ochiltree	18.8	16.90	22.50
	Oldham	17.8	16.10	21.50
	Parmer	29.0	26.10	35.00
	Potter	20.6	18.70	24.90
	Randall	20.2	18.30	24.30
	Roberts	20.2	18.10	24.10
	Sherman	18.6	16.60	22.20
	Swisher	27.2	24.50	32.80
1-S	Andrews	16.0	14.40	19.20
	Bailey	22.0	19.90	26.50
	Cochran	21.2	19.10	25.50
	Crosby	21.4	19.30	25.70
	Dawson	15.2	13.70	18.30
	Gaines	16.2	14.70	19.50
	Glasscock	15.2	13.70	18.30
	Hockley	22.2	20.10	26.70
	Howard	14.8	13.50	17.90
	Lamb	29.1	26.30	35.20
	Lubbock	23.8	21.50	28.70
	Lynn	17.9	16.30	21.50
	Martin	16.7	15.00	20.00
	Midland	15.8	14.10	18.90
	Terry	16.6	15.10	20.10
	Yoakum	16.7	15.10	20.10
2-N	Borden	15.6	14.10	18.90
	Childress	18.8	17.10	22.70
	Collingsworth	17.5	15.90	21.10
	Cottle	17.0	15.30	20.50
	Dickens	17.8	16.10	21.50
	Donley	17.0	15.30	20.50
	Foard	18.7	16.90	22.50
	Garza	15.6	14.10	18.90
	Hall	16.5	14.90	19.90
	Hardeman	18.5	16.70	22.30
2-7	Kent	15.7	14.30	18.90
	King	17.0	15.30	20.50
	Motley	18.2	16.50	21.90
	Wheeler	17.3	15.60	20.80
	Wichita	19.8	17.90	23.90
	Wilbarger	19.6	17.70	23.70
2-8	Baylor	18.2	16.50	21.90
	Coleman	15.7	14.70	19.50
	Fisher	16.8	15.30	20.30
	Haskell	18.1	16.30	21.90
	Jones	17.8	16.10	21.50
	Knox	18.6	16.90	22.50
	Mitchell	14.0	12.70	16.90
	Nolan	15.9	14.50	19.10
	Runnels	16.4	15.20	20.10
	Scurry	15.7	14.30	18.90
	Stonewall	16.8	15.20	20.30
	Taylor	17.4	15.80	21.10
3	Archer	17.6	15.90	21.30

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

TEXAS—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
3	Brown	15.2	14.30	19.10
	Callahan	16.5	14.90	19.90
	Clay	17.7	16.20	21.50
	Comanche	15.0	13.90	18.40
	Eastland	15.1	13.70	18.40
	Erath	15.8	14.60	19.60
	Hood	15.3	14.40	19.20
	Jack	16.2	15.00	19.90
	Mills	15.5	14.70	19.50
	Montague	17.6	16.20	21.70
	Palo Pinto	16.2	15.00	19.90
	Parker	16.8	15.80	21.00
	Shackelford	16.5	14.90	19.90
	Somervell	14.7	13.90	18.50
	Stephens	15.2	13.90	18.70
	Throckmorton	17.0	15.40	20.70
	Wise	17.0	15.70	21.10
	Young	17.0	15.60	20.90
4	Bell	15.8	15.20	20.30
	Bosque	17.8	17.00	22.70
	Collin	20.8	19.70	26.20
	Cooke	21.0	19.30	25.80
	Coryell	15.8	14.90	20.00
	Dallas	20.3	19.10	25.60
	Delta	20.8	19.60	26.00
	Denton	20.8	19.70	26.20
	Ellis	19.3	18.40	24.60
	Falls	14.8	14.30	19.00
	Fannin	21.3	19.70	26.20
	Grayson	20.8	19.30	25.60
	Hamilton	15.8	14.60	19.60
	Hill	18.8	18.10	24.10
	Hunt	18.4	17.30	23.00
	Johnson	20.3	19.30	25.90
	Kaufman	18.3	17.30	23.20
	Lamar	21.3	19.70	26.20
	Limestone	14.4	13.90	18.40
	McLennan	17.4	16.70	22.30
	Milam	14.8	14.50	19.20
	Navarro	17.8	17.00	22.80
	Rockwall	16.4	15.50	20.60
	Tarrant	17.8	16.90	22.60
	Williamson	15.2	14.60	19.50
5-N	Anderson	15.0	14.60	19.40
	Bowie	19.5	18.00	24.00
	Cherokee	14.8	14.40	19.10
	Henderson	15.0	14.60	19.30
	Hopkins	19.0	17.90	23.70
	Houston	14.8	14.60	19.40
	Morris	17.5	16.70	22.20
	Rains	17.5	16.50	21.90
	Red River	16.5	15.20	20.30
	Titus	17.5	16.70	22.20
	Van Zandt	16.7	15.80	21.00
	Wood	17.5	16.40	21.80
5-S	Brazos	16.0	15.60	20.70
	Leon	14.5	13.90	18.60
	Walker	14.5	14.30	19.10
	Waller	15.0	15.50	20.50
6	Culberson	15.0	13.10	17.40
	Hudspeth	15.0	13.10	17.30
	Pecos	15.0	13.10	17.40
	Presidio	15.0	13.00	17.20
	Reeves	15.0	13.20	17.50
	Ward	15.0	13.30	17.60
7	Bandera	18.0	17.00	22.70
	Blanco	19.0	18.30	24.30
	Burnet	16.6	15.80	21.00
	Coke	16.0	14.50	19.30
	Concho	15.3	14.30	19.00
	Edwards	16.3	14.70	19.70
	Gillespie	18.0	16.90	22.60
	Irion	15.0	13.50	17.80
	Kendall	20.0	18.90	25.20
	Kerr	18.0	16.90	22.60
	Kimble	14.8	13.90	18.50
	Lampasas	16.5	15.50	20.80
	Llano	16.5	15.50	20.80
	McCulloch	15.3	14.40	19.20
	Mason	15.8	14.90	20.00
	Menard	15.1	14.10	18.80
	Reagan	15.0	13.50	17.90
	San Saba	15.5	14.70	19.50
	Schleicher	15.0	13.50	17.90
	Sterling	15.0	13.70	18.10
	Tom Green	15.0	13.70	18.10
	Uvalde	16.3	15.10	20.30
8-N	Austin	15.0	15.00	19.80
	Bastrop	15.5	15.00	19.90
	Bee	14.5	13.80	18.40
	Bexar	16.0	15.30	20.40
	Caldwell	14.0	13.50	18.00
	Colorado	15.0	15.00	19.90
	Comal	15.5	15.00	19.90
	De Witt	14.0	13.50	18.00
	Gonzales	14.0	13.50	18.10
	Guadalupe	13.2	12.60	16.90

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

TEXAS—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
8–N	Hayes	15.5	15.00	19.90
	Karnes	15.5	14.80	19.70
	Medina	15.5	14.80	19.70
	Travis	15.5	15.00	19.90
	Wilson	16.0	15.30	20.40
9	Harris	15.0	15.60	20.70
	Jackson	15.0	14.80	19.50
	Victoria	15.0	14.60	19.30
	Wharton	15.0	15.30	20.20
10–N	Atascosa	15.0	14.40	19.10
	Dimmit	15.0	13.80	18.30
	Frio	14.7	13.40	17.90
	Live Oak	14.5	13.80	18.40
	Maverick	15.0	13.50	17.90
	Zavala	15.0	13.80	18.30

UTAH

1	Box Elder	21.1	17.10	22.90
	Cache	26.5	21.40	28.60
	Davis	47.4	38.80	51.70
	Morgan	30.3	24.60	32.90
	Rich	21.4	16.60	22.10
	Salt Lake	27.4	22.40	29.80
	Tooele	16.6	13.60	18.20
	Weber	44.0	36.00	48.00
5	Juab	17.0	13.80	18.50
	Millard	19.1	15.70	21.00
	Sanpete	23.0	17.60	23.30
	Sevier	43.1	32.60	43.50
	Utah	29.6	24.10	32.20
6	Carbon	31.3	24.40	32.50
	Daggett	26.8	20.90	27.90
	Duchesne	30.3	23.50	31.50
	Emery	26.9	20.90	27.90
	Grand	16.8	13.10	17.50
	San Juan	14.7	11.10	14.80
	Summit	25.7	21.00	27.90
	Uintah	24.0	18.70	24.90
	Wasatch	39.7	31.00	41.20
7	Beaver	32.6	27.50	36.70
	Garfield	31.6	23.90	31.90
	Iron	18.2	15.30	20.40
	Kane	21.1	16.00	21.30
	Piute	32.7	24.70	32.90
	Washington	16.5	13.80	18.50
	Wayne	33.4	25.20	33.60

VIRGINIA

2	Clarke	24.4	24.00	31.80
	Culpeper	23.6	23.10	31.00
	Fairfax	25.4	24.90	33.10
	Fauquier	25.3	24.90	33.10
	Frederick	23.9	23.50	31.20
	Loudoun	26.0	25.50	34.00
	Madison	23.6	23.10	31.00
	Page	26.4	25.90	34.40
	Prince William	24.1	23.50	31.60
	Rappahannock	24.3	23.80	31.80
	Rockingham	27.0	26.60	35.30
	Shenandoah	25.2	24.60	32.90
	Stafford	25.9	25.60	33.90
	Warren	22.8	22.50	29.90
4	Alleghany	21.2	20.50	27.40
	Augusta	26.1	25.50	34.20
	Bath	20.3	19.70	26.40
	Botetourt	25.5	25.00	33.20
	Craig	25.6	24.80	33.30
	Highland	24.1	23.30	31.30
	Roanoke	27.2	26.50	35.40
	Rockbridge	21.2	20.70	27.70
5	Albemarle	23.8	23.30	31.20
	Amelia	27.1	26.70	35.70
	Amherst	21.8	21.40	28.60
	Appomattox	23.6	23.20	31.10
	Bedford	24.0	23.50	31.40
	Buckingham	24.0	23.70	31.50
	Campbell	23.0	22.70	30.10
	Caroline	24.2	23.90	31.80
	Chesterfield	22.8	22.60	30.00
	Cumberland	25.4	25.00	33.30
	Fluvanna	23.5	23.10	30.70
	Goochland	24.4	24.10	32.00
	Greene	19.8	19.40	25.90
	Hanover	22.0	21.70	28.90
	Henrico	24.5	24.10	32.20
	Louisa	23.4	22.90	30.50
	Nelson	20.2	19.80	26.40
	Orange	24.0	23.50	31.40
	Powhatan	24.5	24.10	32.20
	Prince Edward	25.8	25.40	33.90
	Spotsylvania	22.0	21.70	28.90

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

VIRGINIA—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
6	Accomack	30.0	29.60	39.40
	Charles City	28.0	27.60	36.80
	City of Hampton	25.0	24.50	32.80
	City of Newport News	25.0	24.50	32.80
	Essex	25.6	25.20	33.70
	Gloucester	23.6	23.20	31.10
	James City	28.0	27.60	36.80
	King and Queen	24.0	23.70	31.50
	King George	27.0	26.70	35.50
	King William	26.0	25.60	34.20
	Lancaster	27.8	27.40	36.60
	Mathews	24.8	24.50	32.60
	Middlesex	26.4	26.10	34.60
	New Kent	25.5	25.20	33.50
	Northampton	30.4	30.00	39.90
	Northumberland	27.7	27.40	36.40
	Richmond	27.8	27.40	36.60
	Westmoreland	27.4	26.90	35.90
	York	26.5	26.10	34.80
7	Bland	22.0	21.40	28.50
	Buchanan	23.5	22.90	30.50
	Carroll	25.6	25.00	33.40
	Dickenson	22.5	21.80	29.20
	Floyd	27.0	26.50	35.20
	Giles	24.5	23.80	31.80
	Grayson	24.8	24.30	32.30
	Lee	24.2	23.70	31.50
	Montgomery	26.5	25.70	34.30
	Pulaski	24.9	24.30	32.30
	Russell	21.8	21.30	28.40
	Scott	20.5	20.00	26.70
	Smyth	23.7	23.20	30.80
	Tazewell	22.8	22.20	29.60
	Washington	21.8	21.30	28.40
	Wise	22.5	21.90	29.30
	Wythe	25.8	25.20	33.60
8	Charlotte	25.4	25.00	33.30
	Franklin	23.9	23.40	31.00
	Halifax	23.8	23.30	31.20
	Henry	21.0	20.40	27.30
	Lunenburg	24.0	23.70	31.50
	Nottaway	25.8	25.40	33.90
	Patrick	23.6	23.00	30.80
	Pittsylvania	23.0	22.70	30.10
9	Brunswick	22.9	22.50	29.90
	Dinwiddie	26.0	25.60	34.20
	Greensville	20.4	20.10	26.60
	Isle of Wight	28.0	27.50	36.60
	Mecklenburg	23.8	23.30	31.20
	Nansemond	25.3	24.90	33.10
	Norfolk	28.0	27.50	36.60
	Prince George	25.4	25.00	33.30
	Princess Anne	30.6	30.10	40.10
	Southampton	23.6	23.10	31.00
	Surry	23.9	23.50	31.20
	Sussex	23.4	22.90	30.50

WASHINGTON

1	Clallam	46.2	39.70	52.90
	Clark	26.6	24.70	33.00
	Cowlitz	30.1	27.50	36.90
	Grays Harbor	27.0	24.30	32.20
	Island	47.4	43.00	57.40
	Jefferson	39.3	34.20	45.50
	King	33.9	31.70	42.00
	Lewis	33.5	30.20	40.20
	Pacific	35.0	31.40	41.80
	Pierce	28.6	26.60	35.40
	San Juan	37.2	33.70	45.00
	Skagit	47.7	43.40	57.80
	Snohomish	40.6	37.30	49.80
	Thurston	30.4	27.50	36.60
	Whatcom	39.6	35.80	47.80
2	Benton	26.6	24.50	32.60
	Chelan	22.0	20.10	26.80
	Kittitas	41.2	38.30	51.10
	Klickitat	28.4	26.40	35.00
	Okanogan	21.8	19.60	26.20
	Yakima	38.8	35.50	47.30
3	Ferry	25.0	20.00	26.80
	Pend Oreille	19.9	16.60	22.00
	Spokane	37.8	33.50	44.70
	Stevens	33.4	28.60	38.20
5	Adams	31.9	28.90	38.40
	Douglas	24.5	22.10	29.50
	Franklin	29.3	26.80	35.70
	Grant	31.4	28.50	38.00
	Lincoln	38.1	34.20	45.80
9	Asotin	31.9	28.40	37.60
	Columbia	43.8	39.80	53.10
	Garfield	44.5	40.00	53.40
	Walla Walla	42.3	38.60	51.60
	Whitman	44.2	39.40	52.60

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

WEST VIRGINIA

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
2	Barbour	22.2	21.30	28.30
	Brooke	28.6	27.10	36.10
	Doddridge	26.5	25.00	33.40
	Hancock	28.0	26.50	35.30
	Harrison	26.5	25.20	33.70
	Lewis	24.0	22.90	30.50
	Marion	25.2	23.80	31.90
	Marshall	24.8	23.50	31.30
	Monongalia	25.9	24.70	32.70
	Ohio	27.6	26.00	34.90
	Pleasants	24.8	23.40	31.10
	Preston	24.9	23.90	31.70
	Ritchie	26.0	24.60	32.80
	Taylor	26.4	25.30	33.70
	Tyler	26.5	24.90	33.20
	Upshur	27.6	26.40	35.40
	Wetzel	28.0	26.50	35.30
	Wood	28.0	26.30	35.10
4	Boone	20.0	19.10	25.40
	Braxton	24.2	23.10	30.70
	Cabell	24.4	23.10	30.70
	Calhoun	25.0	23.60	31.60
	Clay	23.0	22.00	29.30
	Fayette	24.4	23.50	31.20
	Gilmer	24.5	23.20	31.00
	Jackson	22.2	21.10	28.00
	Kanawha	24.8	23.60	31.40
	Lincoln	19.0	18.10	24.10
	Macon	26.0	24.60	32.80
	Mercer	26.4	25.60	34.00
	Nicholas	28.4	27.40	36.40
	Putnam	23.4	22.00	29.40
	Raleigh	24.4	23.40	31.10
	Roane	23.5	22.30	29.60
	Wayne	21.9	20.90	27.90
	Webster	25.5	24.60	32.70
	Wirt	25.0	23.50	31.50
	Wyoming	23.5	22.60	30.00
6	Berkeley	25.2	24.50	32.80
	Grant	26.6	25.80	34.40
	Greenbrier	28.2	27.40	36.50
	Hampshire	27.6	26.80	35.90
	Hardy	25.2	24.40	32.60
	Jefferson	25.5	25.10	33.60
	Mineral	24.2	23.40	31.20
	Monroe	26.6	25.80	34.40
	Morgan	21.6	21.00	28.10
	Pendleton	25.2	24.40	32.60
	Pocahontas	26.6	25.90	34.60
	Randolph	28.2	27.30	36.30
	Summers	22.6	22.00	29.40
	Tucker	24.2	23.40	31.20

WISCONSIN

1	Barron	25.5	24.70	32.90
	Bayfield	21.5	20.90	27.70
	Burnett	19.0	18.70	24.90
	Chippewa	25.0	24.00	32.10
	Douglas	20.0	19.70	26.30
	Polk	25.8	25.30	33.80
	Rusk	21.6	20.80	27.80
	Sawyer	21.1	20.40	27.30
	Washburn	21.2	20.50	27.40
2	Ashland	19.4	18.60	24.80
	Clark	24.5	23.20	31.00
	Iron	18.7	17.80	23.70
	Lincoln	25.8	23.90	31.90
	Marathon	25.9	24.70	32.70
	Oneida	20.5	19.00	25.30
	Price	20.5	19.50	26.10
	Taylor	21.6	20.60	27.60
	Vilas	22.0	20.40	27.20
3	Florence	18.8	17.40	23.20
	Forest	19.6	18.40	24.70
	Langlade	25.1	23.30	31.10
	Marinette	23.2	21.10	28.20
	Oconto	25.4	23.00	30.70
	Shawano	27.6	25.50	34.20
4	Buffalo	24.4	23.60	31.40
	Dunn	25.0	24.20	32.40
	Eau Claire	24.0	23.20	31.00
	Jackson	25.2	24.10	32.20
	La Crosse	26.8	25.70	34.10
	Monroe	26.1	24.70	33.10
	Pepin	24.0	23.40	31.20
	Pierce	26.1	24.60	32.90
	St. Croix	25.0	24.40	32.70
	Trempealeau	24.6	23.80	31.70
5	Adams	19.7	18.60	24.70
	Green Lake	26.3	24.10	32.20
	Juneau	22.9	21.60	28.80
	Marquette	20.8	19.60	26.00
	Portage	22.0	20.70	27.60
	Waupaca	21.8	20.60	27.10

1962 WHEAT STABILIZATION PROGRAM—Con.

County 1959–60 Adjusted Average Yield and Per Acre Payment Rates

WISCONSIN—Continued

District	County	1959–60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	60% payment rate per acre (dollars)
5	Waushara	21.0	19.50	26.10
	Wood	23.4	22.20	29.50
6	Brown	31.8	29.20	39.00
	Calumet	33.8	31.00	41.20
	Door	28.8	26.00	34.60
	Fon du Lac	33.4	30.90	41.20
	Kewaunee	29.6	26.70	35.80
	Manitowoc	32.5	29.90	40.00
	Outagamie	33.6	30.80	41.20
	Sheboygan	32.3	29.90	40.00
	Winnebago	32.6	30.10	40.20
7	Crawford	29.4	27.90	37.10
	Grant	31.3	28.90	38.50
	Iowa	29.0	26.40	35.30
	Lafayette	29.7	27.30	36.30
	Richland	25.0	23.10	30.90
	Sauk	27.4	25.50	33.90
	Vernon	28.8	27.40	36.50
8	Columbia	31.2	29.00	38.70
	Dane	31.8	29.60	39.50
	Dodge	31.6	29.30	39.10
	Green	28.9	26.90	35.80
	Jefferson	32.0	30.00	39.90
	Rock	32.1	30.00	40.10
9	Kenosha	36.3	34.70	46.40
	Milwaukee	32.3	30.90	41.30
	Ozaukee	32.2	30.00	40.00
	Racine	30.0	37.50	49.80
	Walworth	34.6	32.60	43.50
	Washington	33.0	30.60	41.00
	Waukesha	32.3	30.20	40.40

WYOMING

1	Big Horn	33.5	26.40	35.20
	Fremont	35.3	27.80	37.10
	Hot Springs	33.3	26.20	35.00
	Park	38.4	30.30	40.20
	Washakie	36.1	28.40	38.00
2	Campbell	16.5	13.50	18.10
	Crook	19.1	15.90	21.30
	Johnson	16.1	13.00	17.60
	Sheridan	23.3	18.90	25.20
	Weston	20.8	17.60	23.40
3	Lincoln	16.9	13.10	17.50
	Sublette			
	Teton	28.0	22.40	29.90
	Uinta	21.1	16.40	22.00
4	Albany	13.0	10.80	14.50
	Carbon	13.8	11.20	14.90
	Natrona	19.3	15.50	20.60
	Sweetwater	20.0	15.60	20.80
5	Converse	19.6	16.20	21.70
	Goshen	22.9	19.80	26.30
	Laramie	25.0	21.50	28.80
	Niobrara	20.9	17.70	23.50
	Platte	22.6	19.60	26.10

Effective date. Date of publication.

Issued at Washington, D.C., this 24th day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–11295; Filed, Dec. 1, 1961; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 217]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.517 Navel Orange Regulation 217.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 30, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 3, 1961, and ending at 12:01 a.m., P.s.t., December 10, 1961, are hereby fixed as follows:

(i) District 1: 700,000 cartons;
(ii) District 2: 115,654 cartons;
(iii) District 3: 100,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11523; Filed, Dec. 1, 1961; 11:38 a.m.]

[Grapefruit Reg. 347]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1081 Grapefruit Regulation 347.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 28, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of

this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the periods beginning at 12:01 a.m., e.s.t., December 4, 1961, and ending at 12:01 a.m., e.s.t., December 21, 1961, and beginning at 12:01 a.m., e.s.t., December 29, 1961, and ending at 12:01 a.m., e.s.t., January 8, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(3) During the period beginning at 12:01 a.m., e.s.t., December 21, 1961, and ending at 12:01 a.m., e.s.t., December 29, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 29, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11447; Filed, Dec. 1, 1961; 8:49 a.m.]

[Orange Reg. 394]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1082 Orange Regulation 394.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 28, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and to provide for regulating the handling of Temple oranges at the start of their marketing season, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the periods beginning at 12:01 a.m., e.s.t., December 4, 1961, and ending at 12:01 a.m., e.s.t., December 21, 1961, and beginning at 12:01 a.m., e.s.t., December 29, 1961, and ending at 12:01 a.m., e.s.t., January 8, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{5}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of ten percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(3) During the period beginning at 12:01 a.m., e.s.t., December 21, 1961, and ending at 12:01 a.m., e.s.t., December 29, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges, including Temple oranges, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 29, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11448; Filed, Dec. 1, 1961; 8:49 a.m.]

[Tangelo Reg. 32]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1083 Tangelo Regulation 32.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 28, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the periods beginning at 12:01 a.m., e.s.t., December 4, 1961, and ending at 12:01 a.m., e.s.t., December 21, 1961, and beginning at 12:01 a.m., e.s.t., December 29, 1961, and ending at 12:01 a.m., e.s.t., January 8, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(3) During the period beginning at 12:01 a.m., e.s.t., December 21, 1961, and ending at 12:01 a.m., e.s.t., December 29, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 29, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11449; Filed, Dec. 1, 1961; 8:49 a.m.]

[Lemon Reg. 928]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1035 Lemon Regulation 928.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 28, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 3, 1961, and ending at 12:01 a.m., P.s.t., December 10, 1961, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 102,300 cartons;

(iii) District 3: 55,800 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 30, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11477; Filed, Dec. 1, 1961; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55521]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

Manifesting of Merchandise From Contiguous Countries

The following amendment is made to permit the use of customs Form 3311, Declaration for Free Entry of Returned American Products, as a combined entry and manifest of goods not exceeding $250 in value entered from a contiguous country by vehicle when importation meets requirements of § 10.1(f) of these regulations as American Goods returned free of duty under the provisions of paragraph 1615(a), Tariff Act, of 1930, as amended.

Section 5.1(c) is amended by inserting the following matter as the first sentence: "If a shipment not exceeding $250 in value consists of articles of American origin entered free of duty under the provisions of § 10.1(f) of this chapter and is imported in a vehicle, customs Form 3311, in duplicate, used in entering the goods, may also be accepted in lieu of a manifest, provided the importer furnishes evidence of the right to make entry as required by § 8.6 of this chapter.

(Secs. 459, 624, 46 Stat. 717, as amended, 759; 19 U.S.C. 1459, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: November 24, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–11422; Filed, Dec. 1, 1961; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 254–61]

PART 15—DEFENSE OF SUITS AGAINST FEDERAL EMPLOYEES ARISING OUT OF THEIR OPERATION OF MOTOR VEHICLES

NOVEMBER 24, 1961.

By virtue of the authority vested in me by section 2679 of title 28 of the United States Code, as amended by the Act of September 21, 1961 (Public Law 87–258, 75 Stat. 539), section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby prescribe the following regulations governing the defense of suits against Federal employees or their estates arising out of their operation of motor vehicles in the scope of their office or employment with the Federal Government.

Sec.
15.1 Expeditious delivery of process and pleadings.
15.2 Providing data bearing upon scope of employment.
15.3 Removal and defense of suits.
15.4 Application of this part.

AUTHORITY: §§ 15.1 to 15.4 issued under R.S. 161; 5 U.S.C. 22; 28 U.S.C. 2679 (Public Law 87–258); Reorg. Plan 2 of 1950, 15 F.R. 3173; 3 CFR 1949–1953 Comp.

§ 15.1 Expeditious delivery of process and pleadings.

Any Federal employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Federal Government (or his personal representative, if the action is brought against his estate) shall deliver all process and pleadings served upon him, or an attested true copy thereof, to his immediate superior or to whomever is designated by the head of his department or agency to receive such papers, forthwith. In addition, upon his receipt of such process or pleadings, or any prior information regarding the commencement of such a civil action or proceeding, he shall immediately so advise his superior or the designee thereof by telephone or telegraph. The superior or designee shall furnish the United States Attorney for the district embracing the place wherein the action or proceeding is brought and the Chief of the Torts Section, Civil Division, Department of Justice, information concerning the commencement of such action or proceeding, and copies of all process and pleadings therein, promptly upon receipt thereof.

§ 15.2 Providing data bearing upon scope of employment.

The employee's employing Federal agency shall submit a report containing all data bearing upon the question whether the employee was acting within the scope of his office or employment with the Federal Government, at the time of the incident out of which the suit arose, to the United States Attorney for the district embracing the place wherein the civil action or proceeding is brought, with a copy of the report to the Chief of the Torts Section, Civil Division, Department of Justice, at the earliest possible date, or within such time as shall be fixed by the United States Attorney upon request.

§ 15.3 Removal and defense of suits.

Authority is hereby delegated to the several United States Attorneys to make the certification provided for in subsection (d) of section 2679 of title 28 of the United States Code, with respect to civil actions or proceedings brought against Federal employees in their respective districts. Such a certification may be withdrawn if a further evaluation of the relevant facts or the consideration of new or additional evidence calls for such action. The making, withholding, or withdrawing of certifications, and the removal and defense of, or the refusal to remove and defend, such civil actions or proceedings by the United States Attorneys shall be subject to the instructions and supervision of the Assistant Attorney General in charge of the Civil Division in accordance with section 507 of title 28 of the United States Code.

§ 15.4 Application of this part.

This part shall apply only to civil actions and proceedings commenced as a result of incidents occurring on or after March 21, 1962.

Dated: November 24, 1961.

BYRON R. WHITE,
Acting Attorney General.

[F.R. Doc. 61–11424; Filed, Dec. 1, 1961; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 670—CHEMICAL, PETROLEUM, RUBBER, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 678—STONE, CLAY, GLASS, CEMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Increases in Minimum Wages

Section 5(c) of the Fair Labor Standards Amendments of 1961 (Public Law 87–30) provides for increases of fifteen percent in the wage rates applicable under certain classifications in the above entitled industries in Puerto Rico on December 5 and 15, 1961.

Accordingly, pursuant to sections 6(c) and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064; 29 U.S.C. 206(c), 208) as amended by section 5(c) of the Fair Labor Standards Amendments of 1961 (Public Law 87–30), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR Parts 670 and 678 as set forth below.

As these amendments involve no element of discretion they are hereby adopted without notice and public procedure thereon which I find to be unnecessary.

1. Effective December 5, 1961, 29 CFR 670.2 (b), (c), (d), (e), and (f) are amended to read as follows:

§ 670.2 Wage rates.

* * * * *

(b) Wages at a rate of not less than $1.15 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce in the oil well drilling classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, and this classification shall be defined as consisting of all activities connected with the exploration, drilling, and extraction of crude petroleum and natural gases.

(c) Wages at a rate of not less than $1.09 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce in the miscellaneous chemical and petroleum products classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, and this classification shall be defined as consisting of the mining, other extraction, or manufacture of all chemical and allied products (except those included in the industrial inorganic chemicals and rebuilt and vulcanized tire classification and the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations classification); and the manufacture of all petroleum and coal products (except those included in paragraphs (a) and (b) of this section).

(d) Wages at a rate of not less than $1.06 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce in the industrial inorganic chemicals and rebuilt and vulcanized tire classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, and this classification shall be defined as consisting of the manufacture of industrial inorganic chemicals, including hydrochloric acid and sulphate of potash, and other industrial chemicals, and the production of sulphuric acid when it is not produced as an integral part of the production of agricultural chemicals; and the retreading, recapping, and vulcanizing of tires and tubes (excluding the building and vulcanizing of new tires and tubes).

(e) Wages at a rate of not less than 95.5 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce in the rubber footwear classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, and this classification shall be defined as consisting of the manufacture or partial manufacture of footwear made by vulcanizing the entire article or made by vulcanizing soles to uppers other than leather.

(f) Wages at a rate of not less than 88.5 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce in the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, and this classification shall be defined as consisting of the manufacture of all drugs, medicines, bay oil, bay rum, aromatic alcohol, perfumes, cosmetics, and other toilet preparations.

2. Effective December 15, 1961, 29 CFR 678.2(b), (d) and (f) are amended to read as follows:

§ 678.2 Wage rates.

* * * * *

(b) Wages at a rate of not less than 89.5 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the vitreous and semi-vitreous china food utensils classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of vitreous and semi-vitreous china table and kitchen articles for use in households and hotels, restaurants and other commercial institutions for preparing, serving or storing food or drink, except that this classification does not include products in the art pottery classification.

* * * * * *

(d) Wages at a rate of not less than $1.15 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the asbestos cement products, high purity silicon, and crushed stone, sand, and gravel classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of asbestos cement products, including asbestos cement sheets, corrugated sheets, and molded products; the manufacture of high purity silicon; and the quarrying or other extraction of sand and gravel including, but without limitation, common sand and gravel, and the quarrying or other extraction, preparing, screening, crushing, grinding, pulverizing, washing and drying of granite, slate, marble, sandstone, limestone (except for the extraction of limestone for the manufacture of lime and lime products), and other types of stone.

* * * * * *

(f) Wages at a rate of not less than 65.5 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the art pottery classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of hand-decorated pottery.

(Secs. 6(c), 8, 52 Stat. 1062, 1064; sec. 5(c), 75 Stat. 67; 29 U.S.C. 206(c), 208).

Signed at Washington, D.C., this 27th day of November 1961.

CLARENCE J. LUNDQUIST,
Administrator.

[F.R. Doc. 61–11433; Filed, Dec. 1, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XX—Office of Contract Settlement, General Services Administration

PART 2011—PRESERVATION OF RECORDS

Transfer of Regulations

CROSS REFERENCE: For transfer of the regulations in this chapter to Title 44, Chapter I, see editorial note to Title 44 in this issue.

This Chapter XX of Title 32 is hereby vacated and reserved.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 212—OIL POLLUTION REGULATIONS

Implementation

Pursuant to the provisions of section 10 of the Oil Pollution Act, 1961 (75 Stat. 404), §§ 212.1 to 212.3 are hereby prescribed to implement the provisions of the Oil Pollution Act, 1961, effective on publication in the FEDERAL REGISTER since co-ordination has been effected with the parties interested in this matter, as follows:

NOTE: Where used in this part, "convention" means the International Convention for the Prevention of the Pollution of the Seas by Oil, 1954.

Sec.
212.1 Prohibited zone adjacent to the United States.
212.2 Prohibited zone adjacent to countries other than the United States.
212.3 Oil Record Book.

AUTHORITY: §§ 212.1 to 212.3 issued under Regs., Nov. 16, 1961, ENGCW–OR; sec. 10, 75 Stat. 404.

§ 212.1 Prohibited zone adjacent to the United States.

(a) These waters shall be those covered by a band 50 miles wide adjacent to the coast line of the United States and will include the area now considered territorial waters of the United States.

(1) In enforcing the Oil Pollution Act, 1961, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army and officers and employees of the Bureau of Customs and

the Coast Guard shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody with or without process any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of said sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. Representatives of the Secretary and of the Bureau of Customs and United States Coast Guard may go on board and inspect any foreign ship to which the convention applies while the ship is within the territorial jurisdiction of the United States, and they may also go on board and inspect any United States ship to which the convention applies when in a prohibited zone or in a port of the United States as may be necessary for enforcement of the Oil Pollution Act, 1961, and the regulations of this part.

(2) Information pertaining to violations of the Oil Pollution Act, 1961, will be submitted to the Corps of Engineers District Engineer in charge of the locality, directly or through Coast Guard Representatives, where the violation occurred. If the violation is by a vessel of foreign registry, the District Engineer will forward the report to the Chief of Engineers.

(3) Nothing in the regulations of this part or in the Oil Pollution Act, 1961, will be construed to change or modify the provisions of the Oil Pollution Act of 1924.

(b) The Secretary of the Army hereby designates employees of the Corps of Engineers employed on river and harbor works, employees of any Corps of Engineers Harbor Supervisor, Commissioned, Warrant and Petty Officers of the United States Coast Guard and employees of the Bureau of Customs to make the inspections required under the Oil Pollution Act of 1961 and the regulations of this part.

§ 212.2 Prohibited zone adjacent to countries other than the United States.

Vessels of the United States to which the convention applies while in a prohibited zone adjacent to countries other than the United States as described in section 12 of the Oil Pollution Act of 1961, or as modified by notices, if any, of extension or reduction issued by the Secretary of the Army, shall comply with the provisions of the International Convention for Prevention of Pollution of the Seas by Oil, 1954.

§ 212.3 Oil Record Book.

(a) An "Official Oil Record Book" issued by the Secretary of the Army will be printed by the United States Government and made available without charge to the masters or operators of all vessels subject to the Oil Pollution Act, 1961, through U.S. Coast Guard Marine Inspection Offices located in the coastal and principal Great Lakes ports.

(b) The "Official Oil Record Book" shall contain the record of certain actions in connection with the use or handling of oil or oily mixture. Each entry shall be made and dated on the day when such actions occur. When any action or operation extends over a period of more than one day the date of entry shall not be later than the date on which the action or operation is completed.

(c) The master of all vessels required to keep the "Official Oil Record Book" shall be responsible for the maintenance of such record and its delivery as required herein.

(d) Upon completion of a foreign voyage the oil record shall be delivered to the U.S. Coast Guard Marine Inspection Office in the port where the voyage is terminated.

(e) The "Official Oil Record Book" maintained on vessels when not engaged on a foreign voyage shall remain on board such vessels for one or more voyages until insufficient space remains for an additional entry. When completed, the books shall be retained on board the vessel, or at the principal office in the United States of the vessels owner for a period of 2 years from the date of the last entry. At the expiration of this period they may be destroyed.

(f) The record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[Regs., November 16, 1961, ENGCW-OR] (Sec. 10, 75 Stat. 404)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11414; Filed, Dec. 1, 1961; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

Microwave Operation

The Commission, having under consideration the amendment of Part 10, Public Safety Radio Services, to effect the editorial changes described below; and

It appearing that the Commission, by Report and Order (FCC 61-764) Docket No. 14029, In the Matter of Amendment of Parts 7, 9, 10, 11, 16, and 19 of the Commission's Rules for Licensing of Private Microwave Systems on a Regular Basis Above 952 Mc/s and To Provide Type Acceptance Requirements for Such Systems, released June 23, 1961, published in the FEDERAL REGISTER June 29, 1961 (26 F.R. 5798) amended the above enumerated parts to provide, inter alia, special provisions for stations operating above 952 Mc/s and type acceptance requirements the formal codification to be accomplished by subsequent order; and

It further appearing that the Commission, by Report and Order (FCC 61-952), Docket No. 13953, In the Matter of Amendment of Parts 7, 8, 9, 10, 11, and 16 of the Commission's Rules to Provide Frequency Pairing in the 952-960 Mc/s Frequency Band, and To Make the Channel 952.5 Mc/s Available to Public Safety Licensees for Omnidirectional Operations, released July 27, 1961, published in FEDERAL REGISTER August 1, 1961 (26 F.R. 6849) amended the above enumerated parts to provide, inter alia, for omnidirectional operation for traffic signal control, omnidirectional operation for other than traffic signal control, and certain paired frequencies to be available on a regular grant basis rather than developmental, the formal codification to be accomplished by subsequent order; and

It further appearing that the band limits for some of the microwave frequencies set forth in Part 2 of the Commission's rules differ somewhat from those appearing in Part 10 of the rules; and

It further appearing that the formal codification of the changes herein ordered conform without any substantive change to prior actions of the Commission and, being editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority.

It is ordered, This 29th day of November 1961, that, effective December 4, 1961, Part 10, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In § 10.101, paragraph (a) is amended and new paragraphs (h), (i), (j), and (k) are added to read as follows:

§ 10.101 Frequencies.

(a) Frequencies other than those shown in the applicable subpart of this part are not available for assignment except as provided in paragraphs (b), (d), (f), (h), and (j) of this section.

* * * * *

(h) The following table indicates the bands of frequencies for microwave operation, the classes of stations to which they are normally available, and the specific assignment limitations which are developed in paragraph (i) of this section.

Frequency or band	Class of station(s)	Limitations
Mc/s		
952-960	Operational fixed	5, 6
1850-1990	do	6
2110-2200	do	6
2450-2500	Base, mobile, operational fixed, and radiolocation	2, 4, 6
2500-2690	Operational fixed	6
6425-6575	Base and mobile	6
6575-6875	Operational fixed	6
8400-8500	Base and mobile, and operational fixed	1
10,500-10,550	Radiolocation	3, 6
10,550-10,680	Base and mobile and operational fixed	6
11,700-12,200	Base and mobile	1
12,200-12,700	Operational fixed	6
13,200-13,250	Base and mobile and operational fixed	1
17,700-19,300	do	1, 2
19,400-19,700	do	1
27,525-31,300	do	1
38,600-40,000	do	1

(i) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (h) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) The band 10,500-10,550 Mc/s is restricted to systems using type AO emission with a power not to exceed 40 watts into the antenna.

(4) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450-2500 Mc/s on the condition that harmful interference will not be caused to the fixed and mobile services.

(5) Available for assignment in accordance with the frequency pairing plan as contained in paragraph (j) of this section.

(6) Stations authorized to operate on those frequencies above 952 Mc/s, which are not restricted to assignment for developmental operation only, shall be constructed and used in such a manner as to conform with all technical and operating requirements of Subparts C and D of this Part, unless deviation therefrom is specifically provided for in the station authorization.

(j) The frequencies between 952 and 960 Mc/s will be assigned as follows:

Paired frequencies

959.9—956.3 [1]	958.1—954.5
959.8—956.2 [1]	958.0—954.4
959.7—956.1	957.9—954.3
959.6—956.0	957.8—954.2
959.5—955.9	957.7—954.1
959.4—955.8	957.6—954.0
959.3—955.7	957.5—953.9
959.2—955.6	957.4—953.8
959.1—955.5	957.3—953.7
959.0—955.4	957.2—953.6
958.9—955.3	957.1—953.5
958.8—955.2	957.0—953.4
958.7—955.1	956.9—953.3
958.6—955.0	956.8—953.2
958.5—954.9	956.7—953.1
958.4—954.8	956.6—953.0
958.3—954.7	956.5—952.9 [1]
958.2—954.6	956.4—952.8 [1]

Unpaired frequencies

952.7 [2 3]	952.4 [1 3]	952.1 [1 3]
952.6 [2 3]	952.3 [1 3]	
952.5 [2 3]	952.2 [1 3]	

[1] Available on a developmental basis only for omnidirectional operation, and for other than the control of traffic signals.

[2] Available for assignment only for omnidirectional usage to control traffic signals.

[3] The maximum rated power output of transmitters for omnidirectional operations authorized to operate on this frequency is 100 watts.

(k) Operation on frequency pairs authorized prior to July 20, 1961, which are not in accordance with the above plan of frequency pairing may continue provided interference is not caused to the operation of systems which are utilizing channels in accordance with that plan.

2. In § 10.109, a new paragraph (c) is added to read as follows:

§ 10.109 Acceptability of transmitters for licensing.

* * * * *

(c) All equipment sought to be utilized under a license authorizing the use of frequencies in the bands 952 to 960, 1850 to 1990, 2110 to 2200, 2450 to 2500, 2500 to 2690, 6425 to 6575, 6575 to 6875, 10500 to 10680 and 12200 to 12700 Mc/s shall be type accepted if specified in an application filed after July 20, 1962, except that equipment authorized to be used prior thereto is permitted to continue to be used provided such operation does not result in harmful interference to other stations or systems which are conforming to the interim technical standards.

§§ 10.255, 10.305, 10.355, 10.405, 10.462, and 10.555 [Amendments]

3. In the tables in §§ 10.255(g), 10.305(f), 10.355(d), 10.405(e), 10.462(e), and 10.555(f), the entries beginning with 952 to 960 and ending with 26,000 to 30,000 Mc/s are deleted and the parenthetical phrase "(For frequencies 952 Mc/s and above, see § 10.101)" is inserted in column 1 in lieu thereof.

In § 10.255(h), the text of subparagraphs (1), (2), (18), (19) is deleted and the word [Reserved] inserted in lieu thereof.

In § 10.305(g) the text of subparagraphs (1), (2), (9), (10), is deleted and the word [Reserved] inserted in lieu thereof.

In § 10.355(e), the text of subparagraphs (1), (2), (16), (17), is deleted and the word [Reserved] inserted in lieu thereof.

In § 10.405(f), the text of subparagraphs (1), (2), (10), (11), is deleted and the word [Reserved] inserted in lieu thereof.

In § 10.462(f), the text of subparagraphs (1), (2), (13), (14), is deleted and the word [Reserved] inserted in lieu thereof.

In § 10.555(g), the text of subparagraphs (1), (2), (7), (8), is deleted and the word [Reserved] inserted in lieu thereof.

[F.R. Doc. 61-11445; Filed, Dec. 1, 1961; 8:48 a.m.]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Microwave Operation

The Commission, having under consideration the amendment of Part 16, Land Transportation Radio Services, to effect the editorial changes described below; and

It appearing, that the Commission, by Report and Order (FCC 61-764) Docket No. 14029, In the Matter of Amendment of Parts 7, 9, 10, 11, 16 and 19 of the Commission's Rules for licensing of Private Microwave Systems on a Regular Basis Above 952 Mc and To Provide Type Acceptance Requirements for Such Systems, released June 23, 1961, published in the FEDERAL REGISTER June 29, 1961 (26 F.R. 5798) amended the above enumerated parts to provide, inter alia, special provisions for stations operating above 952 Mc and type acceptance requirements, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing that the Commission, by Report and Order (FCC 61-952), Docket No. 13953, In the Matter of Amendment of Parts 7, 8, 9, 10, 11 and 16 of the Commission's Rules To Provide Frequency Pairing in the 952-960 Mc Frequency Band, and To Make the Channel 952.5 Mc Available to Public Safety Licensees for Omnidirectional Operations, released July 27, 1961, published in FEDERAL REGISTER August 1, 1961 (26 F.R. 6849) amended the above enumerated parts to provide, inter alia, for omnidirectional operation for traffic signal control, omnidirectional operation for other than traffic signal control, and certain paired frequencies to be available on a regular grant basis rather than developmental, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing that some of the band limits for the microwave frequencies set forth in Part 2 of the Commission's rules differ somewhat from those appearing in Part 16 of the rules; and

It further appearing that the formal codification of the changes herein ordered conform without any substantive change to the terms in the above-described Orders and, being editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 29th day of November, 1961, that, effective December 4, 1961, Part 16 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 16.101 is amended to read as follows:

§ 16.101 Frequencies.

The frequencies below 952 Mc/s available for use in the Land Transportation Radio Services are listed in the applicable subparts of this part. The separation shown between assignable frequencies in the various bands does not necessarily indicate the actual amount of separation required for satisfactory operation of two or more systems within the same geographical area. Accordingly, grants of adjacent channel assignments in all bands will be in the discretion of the Commission.

2. In § 16.109, a new paragraph (c) is added to read as follows:

§ 16.109 Acceptability of transmitters for licensing.

* * * * *

(c) All equipment sought to be utilized under a license authorizing the use of frequencies in the bands 952 to 960, 1850 to 1990, 2110 to 2200, 2450 to 2500, 2500 to 2690, 6425 to 6575, 6575 to 6875, 10,500 to 10,680, and 12,200 to 12,700 Mc/s shall be type accepted if specified in an application filed after July 20, 1962, except that equipment authorized to be used prior thereto is permitted to continue to be used provided such operation does not result in harmful interference to other stations or systems which are conforming to the interim technical standards.

§ 16.111 [Amendment]

3. The frequency table in § 16.111 is amended by changing the entries "2500–2700" and "10,550–10,700 [6]" in the first column to read "2500–2690" and "10,500–10,680 [6]" respectively.

4. A new § 16.112 is added to read as follows:

§ 16.112 Availability of microwave frequencies.

(a) The following table indicates the bands of frequencies in which frequencies are available for assignment to stations in the Land Transportation Radio Services on a shared basis with stations in other services, the classes of stations to which they are normally available, and the specific assignment limitations which are developed in paragraph (b) of this section:

Frequency band	Class of station(s)	Limitations
Mc/s		
952–960	Operational fixed	4, 6
1850–1990	do	6
2110–2200	do	6
2450–2500	Base, mobile, operational fixed and radiolocation	2, 4, 6, 7
2500–2690	Operational fixed	6
6425–6575	Base and mobile	6
6575–6875	Operational fixed	6
8400–8500	Base, mobile, and operational fixed	1
10, 500–10, 550	Radiolocation	3, 6, 7
10, 550–10, 680	Base, mobile, and operational fixed	6
11, 700–12, 200	Base and Mobile	1
12, 200–12, 700	Operational fixed	6
13, 200–13, 250	Base, mobile, and operational fixed	1
17, 700–19, 300	do	1, 2
19, 400–19, 700	do	1
27, 525–31, 300	do	1
38, 600–40, 000	do	1

(b) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (a) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) The band 10,500–10,550 Mc/s is restricted to systems using type A0 emission with a power not to exceed 40 watts into the antenna.

(4) Radiolocation land stations and Radiolocation mobile stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc/s on the condition that harmful interference will not be caused to the fixed and mobile services.

(5) Available for assignment in accordance with the frequencies pairing plan as contained in paragraph (c) of this section.

(6) Stations authorized to operate on those frequencies above 952 Mc/s, which are not restricted to assignment for developmental operation only, shall be constructed and used in such a manner as to conform with all technical and operating requirements of Subparts C and D of this Part, unless deviation therefrom is specifically provided for in the station authorization.

(7) The frequencies 2455 and 10,525 Mc/s are available to Radiolocation land stations and Radiolocation mobile stations in these services for use by speed measuring devices only: *Provided*, That unmodulated continuous wave (A0) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. Such stations shall be exempt from the requirements of §§ 16.107(c), 16.151(d), and 16.152(a).

(c) The frequencies between 952 and 960 Mc/s are available for assignment to stations in the Land Transportation Radio Services, on a shared basis with stations in other services, as follows:

Paired frequencies

959.9—956.3 [1]	958.1—954.5
959.8—956.2 [1]	958.0—954.4
956.7—956.1	957.9—954.3
959.6—956.0	957.8—954.2
959.5—955.9	957.7—954.1
956.4—955.8	957.6—954.0
959.3—955.7	957.5—953.9
959.2—955.6	957.4—953.8
959.1—955.5	957.3—953.7
959.0—955.4	957.2—953.6
958.9—955.3	957.1—953.5
958.8—955.2	957.0—953.4
958.7—955.1	956.9—953.3
958.6—955.0	956.8—953.2
958.5—954.9	956.7—953.1
958.4—954.8	956.6—953.0
958.3—954.7	956.5—952.9 [1]
958.2—954.6	956.4—952.8 [1]

Unpaired frequencies

952.4 [1 2] 952.3 [1 2] 952.2 [2 3] 952.1 [1 2]

[1] Available on a developmental basis only for omnidirectional operation.

[2] The maximum rated power output of transmitters for omnidirectional operations authorized to operate on this frequency is 100 watts.

(d) Upon proper authorization, operation on frequency pairs authorized prior to July 20, 1961, which are not in accordance with the plan of frequency pairing set forth in paragraph (c) of this section may continue: *Provided*, That interference is not caused to the operation of systems which are utilizing channels in accordance with that plan.

§ 16.252 [Amendment]

5. Section 16.252 is amended as follows:

(a) The heading is changed to read: Frequencies below 952 Mc/s available for base and mobile stations.

(b) The text of paragraph (g) is deleted and the word [Reserved] is inserted in lieu thereof.

§ 16.253 [Amendment]

6. Section 16.253 is amended as follows:

(a) The heading is changed to read: Frequencies below 952 Mc/s available for operational fixed stations.

(b) The text of paragraph (c) is deleted and the word [Reserved] is inserted in lieu thereof.

§§ 16.254, 16.356, 16.404, and 16.504 [Amendment]

7. The heading of § 16.254, 16.356, 16.404, and 16.504 is amended to read: Frequencies below 952 Mc/s available for base, mobile, and operational fixed stations.

§§ 16.258, 16.358, 16.406, 16.407, 16.505, and 16.507 [Deletion]

8. Sections 16.258, 16.358, 16.406, 16.407, 16.505, and 16.507 are deleted in their entirety.

§ 16.352 [Amendment]

9. Section 16.352 is amended as follows:

(a) The heading is changed to read: Frequencies below 952 Mc/s available for base and mobile stations.

(b) The text of paragraph (d) is deleted and the word [Reserved] is inserted in lieu thereof.

§ 16.353 [Amendment]

10. Section 16.353 is amended as follows:

(a) The heading is changed to read: Frequencies below 952 Mc/s available for operational fixed stations.

(b) The text of paragraph (b) is deleted and the word [Reserved] is inserted in lieu thereof.

§ 16.402 [Amendment]

11. Section 16.402 is amended as follows:

(a) The heading is changed to read: Frequencies below 952 Mc/s available for base and mobile stations.

(b) Paragraph (d) is deleted.

§ 16.503 [Amendment]

12. Section 16.503 is amended as follows:

(a) The heading is changed to read: Frequencies below 952 Mc/s available for base and mobile stations.

(b) Paragraph (f) is deleted.

[F.R. Doc. 61–11444; Filed, Dec. 1, 1961; 8:48 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 151—PRESERVATION OF RECORDS BY WAR CONTRACTORS

Transfer of Regulations

EDITORIAL NOTE: The regulations in Chapter XX—Office of Contract Settlement, General Services Administration, Part 2011—Preservation of Records, §§ 2011.1 to 2011.12, of Title 32, are hereby transferred to Chapter I, Subchapter D, of this title and are redesignated Part 151—Preservation of Records by War Contractors, §§ 151.1 to 151.12, respectively.

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Parts 201, 202, 203, 204]

PROCEDURES

Notice of Proposed Revision

The procedures of the Post Office Department in Subparts A and L of Part 201, and Parts 202, 203, and 204 of Title 39, Code of Federal Regulations as set forth below are proposed to be revised effective December 31, 1961.

The purpose of this revision is to (1) clarify certain provisions of the procedures in which misunderstandings have occurred; (2) provide closer correlation among the various rules of practice in matters before the Post Office Department; and (3) base the cited sections of Title 39, United States Code, on the recodification of Title 39, United States Code, enacted on September 2, 1960 (Public Law 86-682).

Although these procedures relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), the Department desires to give members of the bar and other interested persons an opportunity to submit written views with respect to the proposed procedures. Accordingly, such written views may be submitted to the Judicial Officer, Post Office Department, Washington 25, D.C., at any time prior to the expiration of 20 days from date of publication of this document.

The proposed amendments effective December 31, 1961, are as follows: I. In Part 201—Procedures of the Post Office Department—amend Subparts A and L to read as follows:

Subpart A—Procedures of the Post Office Department Revised Rules of Practice in Proceedings Relative to Fraud, Lottery and Obscenity Orders Under 39 U.S.C. 4003, 4005, and 4006

Sec.

201.1 Authority for rules
201.2 Scope of rules
201.3 Informal dispositions
201.4 Office, business hours
201.5 Complaints
201.6 Interim impounding
201.7 Notice of hearing
201.8 Service
201.9 Filing documents for the record
201.10 Answer
201.11 Default
201.12 Amendment of pleadings
201.13 Continuances and extensions
201.14 Hearings
201.15 Change of place of hearing
201.16 Appearances
201.17 Presiding officers
201.18 Evidence
201.19 Subpoenas
201.20 Witness Fees
201.21 Depositions
201.22 Transcript
201.23 Proposed findings and conclusions
201.24 Decisions
201.25 Exceptions to initial decisions or tenative decision
201.26 Judicial Officer
201.27 Orders
201.28 Modification or revocation of orders
201.29 Supplemental orders
201.30 Computation of time
201.31 Official record
201.32 Public information

§ 201.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department (See § 201.26) pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86-676), Headquarters Circular 61-45 (26 F.R. 10813))

§ 201.2 Scope of rules.

These rules of practice shall be applicable in all formal proceedings before the Post Office Department initiated under or pertaining to 39 U.S.C. 4003, 4005, and 4006, including such cases instituted under prior rules of practice pertaining to these or predecessor statutes, unless timely shown to be prejudicial to the respondent.

§ 201.3 Informal dispositions.

These rules do not preclude the disposition of any matter by agreement between the parties either before or after the filing of a complaint when time, the nature of the proceeding, and the public interest permit.

§ 201.4 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., and are open Monday through Friday from 8:45 a.m. to 5:15 p.m.

§ 201.5 Complaints.

When the General Counsel of the Post Office Department or his designated representative believes that a person (1 U.S.C. 1) is using the mails in a manner requiring formal administrative action under 39 U.S.C. 4005 or 4006, he shall prepare and file with the Docket Clerk a complaint which names the person involved; states the legal authority and jurisdiction under which the proceeding is initiated; states the facts in a manner sufficient to enable the person named therein to make answer thereto; and recommends the issuance of an appropriate order. The person so named in the complaint shall be known as the respondent.

§ 201.6 Interim impounding.

In preparation for or during the pendency of a proceeding initiated under 39 U.S.C. 4005 or 4006, mail addressed to a respondent may be impounded upon obtaining an appropriate order from a United States District Court, as provided in 39 U.S.C. 4007, as amended by 74 Stat. 553 (Public Law 86-673).

§ 201.7 Notice of hearing.

When a complaint is filed the Docket Clerk shall issue a notice of hearing stating the time and place of the hearing and the date for filing an answer which shall not exceed 15 days from the service of the complaint, and a reference to the effect of failure to file an answer or appear at the hearing. (See §§ 201.10 and 201.11.) Whenever practicable, the hearing date shall be within 30 days of the date of the notice.

§ 201.8 Service.

(a) The Docket Clerk shall cause a notice of hearing and a copy of the complaint to be transmitted to the postmaster at any office of address of the respondent or to the inspector in charge of any division in which the respondent is doing business, which shall be delivered to the respondent or his agent by said postmaster or a supervisory employee of his post office or a postal inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent and forwarded to the Docket Clerk, Room 3350, Post Office Department, Washington 25, D.C., to become a part of the official record.

(b) In the event no person can be found to accept service of the notice of hearing and complaint pursuant to paragraph (a) of this section, the notice may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing shall be forwarded to the Docket Clerk and constitute evidence of service.

§ 201.9 Filing documents for the record.

(a) Each party shall file with the Docket Clerk pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be delivered promptly to other parties to the proceeding and to the presiding officer.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the presiding officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the docket number and title of the proceeding. Any pleading or other document required by order of the presiding officer to be filed by a specified date shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 201.10 Answer.

(a) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint.

(b) Any facts alleged in the complaint which are not denied or are expressly admitted in the answer may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(c) The answer shall be signed personally by an individual respondent, or in the case of a partnership by one of the partners, or, in the case of a corporation or association, by an officer thereof.

(d) The answer shall set forth the respondent's address and the name and address of his attorney.

(e) The answer shall affirmatively state whether the respondent will appear in person or by counsel at the hearing.

(f) If the respondent does not desire to appear at the hearing in person or by counsel he may request that the matter be submitted for determination pursuant to paragraph (b) of § 201.11.

§ 201.11 Default.

(a) If the respondent fails to file an answer within the time specified in the notice of hearing, he shall be deemed in default, and to have waived hearing and further procedural steps. The Judicial Officer shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the presiding officer shall receive complainant's evidence and render an initial decision.

§ 201.12 Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Docket Clerk. Amendments proposed thereafter shall be filed with the presiding officer.

(b) By consent of the parties a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the complaint, the presiding officer shall make such ruling on the motion as he deems to be fair and equitable to the parties.

(c) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the complaint are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the presiding officer that an amendment of the pleadings would prejudice him on the merits, the presiding officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The presiding officer may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 201.13 Continuances and extensions.

Continuances and extensions will not be granted by the presiding officer except for good cause shown.

§ 201.14 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 201.15 Change of place of hearings.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C.

The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 201.16 Appearances.

(a) A respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Department in accordance with applicable rules issued by the Judicial Officer. See Part 202 of this chapter.

(c) When a respondent is represented by an attorney, all pleadings and other papers subsequent to the complaint shall be mailed to the attorney.

(d) A respondent must promptly file a notice of change of attorney.

§ 201.17 Presiding officers.

(a) The presiding officer at any hearing shall be a Hearing Examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010) or the Judicial Officer (74 Stat. 553, P.L. 86-676). The Chief Hearing Examiner shall assign cases to Hearing Examiners upon rotation so far as practicable. The Judicial Officer may, for good cause shown, preside at the reception of evidence in proceedings where expedited hearings are requested by either party.

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon offers of proof, admissibility of evidence and matters of procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs or memoranda of law on any matter upon which he is required to rule;

(7) Order pre-hearing conferences for the purpose of the settlement or simplification of issues by the parties;

(8) Order the proceeding re-opened at any time prior to his decision for the receipt of additional evidence;

(9) Render an initial decision, which becomes the final Departmental decision unless a timely appeal is perfected: the Judicial Officer may issue a tentative or a final decision.

§ 201.18 Evidence.

(a) Except as otherwise provided in these rules, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern. However, such rules may be relaxed to the extent that the presiding officer deems proper to insure a fair hearing. The presiding officer shall exclude irrelevant, immaterial or repetitious evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) Authoritative writings of the medical or other sciences, may be admitted in evidence but only through the testimony of expert witnesses or by stipulation.

(f) Lay testimonals will not be received in evidence as proof of the efficacy or quality of any product or thing sold through the mails.

(g) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, that the witness shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(h) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the presiding officer are unnecessary.

§ 201.19 Subpoenas.

The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses.

§ 201.20 Witness fees.

The Post Office Department does not pay fees and expenses for respondent's witnesses or for depositions requested by respondent.

§ 201.21 Depositions.

(a) Not later than five days after the filing of respondent's answer, any party may file application with the Docket Clerk for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the

name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions and answers together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. The deposition officer shall put the witness on oath. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of a deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 201.22 Transcript.

(a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the assigned presiding officer. Argument upon any matter may be excluded from the transcript by order of the presiding officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Post Office Department and the reporter. Copies of parts of the official record other than the transcript may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Opposing counsel shall, within such time as may be specified by the presiding officer, notify the presiding officer in writing of his concurrence or disagreement with the requested corrections. Failure to interpose timely objection to a proposed correction shall be considered to be concurrence. Thereafter, the presiding officer shall by order specify the corrections to be made in the transcript. The presiding officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the Hearing Examiner other than by agreement of the parties shall be subject to objection and exception.

§ 201.23 Proposed findings and conclusions.

(a) Each part to a proceeding, except one who fails to answer the complaint or having answered, either fails to appear at the hearing or indicates in the answer that he does not desire to appear, may, unless at the discretion of the presiding officer such is not appropriate, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form in the discretion of the presiding officer. The presiding officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally the date set for filing of proposed findings of fact and conclusions of law shall be within 15 days after the delivery of the official transcript to the Docket Clerk who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion shall be separately stated.

§ 201.24 Decisions.

(a) *Initial decision by hearing examiner.* A written initial decision shall be rendered with all due speed. The initial decision shall include findings and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof. The initial decision shall become the final Departmental decision unless an appeal is perfected in accordance with § 201.25.

(b) *Tentative or final decision by the Judicial Officer.* When the Judicial Officer presides at the hearing he shall issue a final or a tentative decision. Such decision shall include findings and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof. The tentative decision shall become the final Departmental decision unless exceptions are filed in accordance with § 201.25.

(c) *Oral decisions.* The presiding Officer may render an oral decision (an initial decision by a hearing examiner, or a tentative or final decision by the Judicial Officer) at the close of the hearing when the nature of the case and the public interest warrant. A party who desires an oral decision shall notify the presiding officer and the opposing party at least 5 days prior to the date set for the hearing. Either party may submit proposed findings and conclusions either orally or in writing at the conclusion of the hearing.

§ 201.25 Exceptions to initial decision or tentative decision.

(a) A party in a proceeding presided over by a hearing examiner, except a party who failed to file an answer, may appeal to the Judicial Officer by filing exceptions in a brief on appeal within 15 days from the receipt of the examiner's initial decision.

(b) A party in a proceeding presided over by the Judicial Officer, except one who has failed to file an answer, may file exceptions within 15 days from the receipt of the Judicial Officer's tentative decision.

(c) If an initial or tentative decision is rendered orally by the presiding officer at the close of the hearing, he may then orally give notice to the parties participating in the hearing of the time limit within which an appeal must be filed.

(d) Upon receipt of the brief on appeal from an initial decision of a hearing examiner, the docket clerk shall promptly transmit the record of the proceedings to the Judicial Officer. The date for filing the reply to an appeal brief or to a brief in support of exceptions to a tentative decision by the Judicial Officer is 10 days after the receipt thereof. No additional briefs shall be received unless requested by the Judicial Officer.

(e) Briefs upon appeal or in support of exceptions to a tentative decision by the Judicial Officer shall be filed in triplicate with the Docket Clerk and contain the following matter in the order indicated:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited with page references.

(2) A concise abstract or statement of the case.

(3) Numbered exceptions to specific findings and conclusions of fact or conclusions of law of the presiding officer.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(f) Unless permission is granted by the Judicial Officer no brief shall exceed fifty printed or one hundred typewritten pages double spaced.

(g) The Judicial Officer will extend the time to file briefs only upon written application for good cause shown. The Docket Clerk shall promptly notify the applicant of the decision of the Judicial Officer on the application. If the appeal brief or brief in support of exceptions is not filed within the time prescribed, the defaulting party will be deemed to have abandoned the appeal or waived the exceptions, and the initial or tentative decision shall become the final Departmental decision.

§ 201.26 Judicial Officer.

The Judicial Officer is authorized (a) to act as presiding officer at hearings, (b) to render tentative decisions, (c) to render final Departmental decisions, (d) to issue Departmental orders for the Postmaster General, (e) to refer the record in any proceeding to the Postmaster General or the Deputy Postmaster General for final Departmental decision and (f) to revise or amend these rules of practice. The entire official record will be considered before a final Departmental decision is rendered. Before rendering a final Departmental decision, the Judicial Officer may order the hearing reopened for the presentation of additional evidence by the parties.

§ 201.27 Orders.

If an order is issued which prohibits delivery of mail to a respondent it shall be incorporated in the record of the proceeding. The Docket Clerk shall cause the order to be published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to place the order into effect.

§ 201.28 Modification or revocation of orders.

A party against whom an order has been issued may file an application for modification or revocation thereof. The Docket Clerk shall transmit a copy of the application to the General Counsel, who shall file a written reply. A copy of the reply shall be sent to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

§ 201.29 Supplemental orders.

When the General Counsel or his designated representative shall have reason to believe that a person is evading or attempting to evade the provisions of any such order by conducting the same or a similar enterprise under a different name or at a different address he may file a petition with accompanying evidence setting forth the alleged evasion or attempted evasion and requesting the issuance of a supplemental order against the name or names allegedly used. Notice shall then be given by the Docket Clerk to the person that the order has been requested and that an answer may be filed within ten days of the notice. The Judicial Officer, for good cause shown, may hold a hearing to consider the issues in controversy, and shall, in any event, render a final decision granting or denying the supplemental order.

§ 201.30 Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday or legal holiday, in which event the period runs until the close of business on the next business day.

§ 201.31 Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding shall constitute the official record of the proceeding.

§ 201.32 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all initial, tentative and Departmental decisions. The Docket Clerk maintains the complete official record of every proceeding.

* * * * *

Subpart L—Rules of Procedure for the Board of Contract Appeals

Sec.
201.101 Authority for rules.
201.102 Purpose.
201.103 Membership.
201.104 Office.
201.105 Jurisdiction of the board.
201.106 Decision of the contracting officer.
201.107 Appeal.
201.108 Reconsideration.
201.109 Duties of department counsel.
201.110 Practice.
201.111 Prehearing conference.
201.112 Settlement.
201.113 Depositions.
201.114 Stipulations.
201.115 Hearing.
201.116 Continuance.
201.117 Procedure.
201.118 Service.
201.119 Decisions.
201.120 Reconsideration by the board.
201.121 Conflicts.

§ 201.101 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86-676), Headquarters Circular 61-45 (26 F.R. 10813))

§ 201.102 Purpose.

This subpart prescribes the functions and rules of procedure of the Board of Contract Appeals.

§ 201.103 Membership.

The Board of Contract Appeals consists of three members: (a) the Judicial Officer of the Post Office Department who is the Chairman; (b) the Chief Hearing Examiner; and (c) one of the hearing examiners assigned to the Department to be designated by the Judicial Officer. An alternate may be appointed by the Deputy Postmaster General for any absent or disqualified member. No member of the Board may consider an appeal if he has participated in the formulation or administration of, or has any interest, directly or indirectly, in the contract in dispute.

§ 201.104 Office.

The Office of the Board of Contract Appeals shall be in the Office of the Judicial Officer in the Post Office Department Building, Washington 25, D.C. A suitable docket of contract appeals cases shall be maintained for public inspection at that office.

§ 201.105 Jurisdiction of the board.

As the duly authorized representative of the Postmaster General, the Board is authorized to exercise the full authority of the Postmaster General in all cases in which, by the terms of a contract, the contractor may appeal from findings of fact or decisions of a contracting officer to the Postmaster General or his representative. The Board has the authority to conduct hearings, dismiss proceedings, and take official notice of facts within general knowledge and decide all questions of fact and law raised by the appeal. Decisions of the Board are by a majority of the Board except as hereinafter provided. There is no further administrative appeal from the decision of the Board.

§ 201.106 Decision of the contracting officer.

The Contracting Officer shall be required to promptly make a written decision in which he shall decide every material fact in dispute or other matter from which an appeal to the Board may be taken. A copy of the decision shall be furnished to the contractor.

§ 201.107 Appeal.

(a) *Notice.* An appeal from a finding of fact or decision of the Contracting Officer may be made by notice of appeal in writing, addressed to the Postmaster

General within 30 days from the date of receipt of the written decision of the Contracting Officer unless otherwise provided in the contract. The notice shall be delivered to the Contracting Officer and shall identify the contract and the Contracting Officer and specify the portion of the findings of fact or decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney.

(b) *Petition.* A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after the mailing or filing of the notice of appeal. The petition should set forth:

(1) A copy of the decision of the Contracting Officer from which the appeal is taken.

(2) A simple, concise and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

(3) Documentary evidence when applicable in support of claims as exhibits to the petitioner.

(c) *Reply.* The contractor may file a reply within 15 days after receipt of the answer of Department counsel provided in § 201.109(b).

(d) *Contracting Officer.* The Contracting Officer shall forward any notice of appeal received by him immediately to the Chairman of the Board. In any case in which the original notice of appeal is filed directly with the Board, the Chairman shall immediately forward two copies to the Contracting Officer. Within 15 days from the date of receipt of the notice of appeal or copies thereof, the Contracting Officer shall furnish one copy of the notice of appeal to the General Counsel for use of the Department counsel together with an appeal file consisting of: (1) The decision from which the appeal is taken, (2) any and all findings of fact that may have been made in connection with the dispute, (3) all documents relied upon in making findings or decision, (4) the contractor's claim in connection with the dispute, (5) a copy of the contract and pertinent plans, specifications, amendments and change orders, (6) all correspondence between the parties relating to the dispute, (7) transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the notice of appeal and (8) any other information which the Contracting Officer may consider material. True copies may be substituted for originals in this file.

§ 201.108 Reconsideration.

The Contracting Officer may reconsider his decision during the period allowed for appeal and should the decision be modified or changed during that period the time for appeal shall be computed from the date the modification or change is served on the contractor.

§ 201.109 Duties of department counsel.

(a) The Department counsel, designated by the General Counsel, shall upon receipt of the appeal file, notify the contractor, or his attorney, of his designation, furnish him with a copy of these rules and inform him that the appeal file is available at his office for inspection by the contractor or his attorney.

(b) Within 30 days after receipt of the petition by the Board, the Department counsel shall transmit to the Board an answer stating the Government's position on each claim asserted and if desired, or requested by the Board, a supporting brief. The appeal file shall be transmitted in duplicate with the answer. It shall thereafter be available for inspection by either party in the offices of the Board.

§ 201.110 Practice.

Any contractor may appeal in person, through an officer of the corporation or any attorney eligible to practice before the Post Office Department in accordance with Part 202 of this chapter.

§ 201.111 Prehearing conference.

(a) The Chairman may direct the parties to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:

(1) Simplification of issues;

(2) Possibility of obtaining stipulations as to admissions of fact and introduction of documents;

(3) Limitation of the number of expert witnesses, if a hearing is to be held, and

(4) Such other matters as may aid in the disposition of the matter.

(b) The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made a part of the record.

§ 201.112 Settlement.

A dispute may be settled at any time (a) by the contractor filing written notice withdrawing his appeal, (b) by written stipulation between the contractor and the Contracting Officer approved by the Board settling either the entire dispute or any part thereof. The appeal shall continue as to any issues remaining in dispute.

§ 201.113 Depositions.

(a) Depositions upon oral examination or upon written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) Depositions may be taken before any person authorized by laws of the United States or by the laws of the place where they are taken to administer oaths.

(c) Either party may take a deposition of a witness by giving the opposite party at least 15 days notice in writing of the time and place where such deposition will be taken. The notice shall contain: The name, address and official title of the officer before whom it is proposed to take the deposition; the name of the witness and the address; whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case the notice can be dispensed with. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation. The opposing party may serve cross interrogatories to be propounded to the witness within 10 days after receipt of the interrogatories, by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to his opponent.

(d) A deposition taken under the provisions of this rule may be offered in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board which may exclude any part determined to be irrelevant, immaterial or otherwise not admissible as evidence in the proceedings.

§ 201.114 Stipulations.

The parties or their attorneys may stipulate in writing as to any facts that are relevant and material to the issues involved and what documents or facts may be received in evidence without formal proof subject to relevance and materiality.

§ 201.115 Hearing.

The parties may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. In the absence of a request, the Board may, in its discretion, order a hearing on any appeal. The parties will be given a minimum of 15 days' notice in writing of the time and place of the hearing. The hearing may be conducted by the entire Board or one member of the Board in the discretion of a majority of the Board. If the hearing is conducted by one member at least one other member must concur in the decision of the member who conducted the hearing before it shall become a decision of the Board of Contract Appeals. All hearings shall be held in Washington, D.C., unless upon motion of either party the Board shall determine for good cause shown that the hearing shall be held elsewhere.

§ 201.116 Continuance.

Any time after notice of appeal is filed, the Board may grant a continuance for good cause shown.

§ 201.117 Procedure.

(a) Insofar as possible hearings shall be informal. Both parties may offer oral and written evidence, subject to the exclusion by the Board or the presiding member of any irrelevant, immaterial or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Chairman or the presiding member.

(b) Attention of the witnesses shall be invited to 18 U.S.C. 1621. Testimony shall be under oath or affirmation. All witnesses may be examined or cross-examined by the Board, the parties, or counsel.

(c) The Board shall make provision for a transcript of the hearing which ordinarily shall be a verbatim transcript. But the Board with the consent of the parties may in its discretion direct a summary of the transcript to be prepared in lieu of the verbatim transcript. If at the direction of the Board a summary is prepared, the contractor and Department counsel shall either indicate in writing that it is accurate or file specific written objections for resolution by the Board.

§ 201.118 Service.

The parties shall file with the Board an original and two copies of all pleadings, except the notice of appeal, and shall at the same time serve a copy on the opposing party or his representative of record. The appeal file shall be filed in duplicate. Service of papers shall be made in person or by certified mail.

§ 201.119 Decisions.

Decision of the Board shall be by a majority of the members. A copy of the decision shall be furnished to both parties and shall be available for public inspection in the Post Office Department Library.

§ 201.120 Reconsideration by the board.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Reconsideration of any decision may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 201.121 Conflicts.

Any conflict between these rules and specific provisions of any contract in dispute shall be resolved in favor of the provisions of the contract.

II. In Part 202 redesignate Subpart C—Procedure to Adjudicate Claims for Personal Injury or Property Damage Arising Out of the Operation of the Postal Service—as new Subpart O of Part 201; and strike out the title heading and the remainder of Part 202 and insert in lieu thereof the following:

PART 202—PROCEDURE GOVERNING THE ELIGIBILITY OF PERSONS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

Sec.

202.1 Authority for rules.
202.2 Eligibility to practice.
202.3 Persons ineligible to practice.
202.4 Authorization of appearance may be required.
202.5 Complaint of misconduct.
202.6 Censure, suspension or disbarment; grounds.
202.7 Notice of disbarment; exclusion from practice.

§ 202.1 Authority for rules.

The Judicial Officer promulgates these rules pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86-676), Headquarters Circular 61-45 (26 F.R. 10813))

§ 202.2 Eligibility to practice.

(a) Any individual who is a party to any proceeding before the Judicial Officer, the Board of Contract Appeals or a hearing examiner may appear for himself or by an attorney at law.

(b) The head of any bureau or office may establish such special rules and regulations pertaining to eligibility to practice before such bureau or office as he may deem to be necessary or desirable.

(c) Generally, except as provided in § 202.3, any attorney at law who is a member in good standing of the Bar of the Supreme Court of the United States or of the highest court of any State, District, Territory, Protectorate or Possession of the United States, or of the District of Columbia, and is not under any order of any court or executive department of one of the foregoing governmental entities suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law may represent others before the Post Office Department.

(d) When any person acting in a representative capacity appears in person or signs a paper in practice before the Post Office Department his personal appearance or signature shall constitute a representation to the Post Office Department that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts. The Post Office Department does not generally take formal action or issue any certificate to show that an individual is eligible to practice before the Department. (But see § 202.4.)

§ 202.3 Persons ineligible for admission to practice.

(a) No person disbarred from practice in this Department or in any other executive department of any of the governmental entities mentioned in § 202.2(d) will be eligible to practice before the Post Office Department until said order of disbarment shall have been revoked.

(b) Any person who, subsequently to being admitted to practice before the Post Office Department, is disbarred by any governmental entity mentioned in § 202.2(d) shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as attorney for prosecuting before this Department or any office thereof any case or matter which he was in anywise connected while he was such attorney, officer, clerk, or employee.

(d) No person coming within the prohibitions of 5 U.S.C. 99, 18 U.S.C. 281, or 18 U.S.C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.4 Authorization of appearance may be required.

The Judicial Officer, the head of any bureau or office or any hearing examiner may require any person to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.5 Complaint of misconduct.

(a) If the head of any bureau or office of the Department has reason to believe, or if complaint be made to him, that any person is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the Judicial Officer.

(b) Whenever any person submits to the Judicial Officer a complaint against any person who has practiced, is practicing or holding himself out as entitled to practice before the Post Office Department, the Judicial Officer may refer such complaint to the Chief Inspector for a complete investigation and report.

(c) At any time, the Judicial Officer may refer the complaint to the General Counsel for the preparation of formal charges to be lodged against and served upon the person against whom the complaint has been made.

§ 202.6 Censure, suspension or disbarment; grounds.

(a) The Judicial Officer may censure, suspend or disbar any person against whom a complaint has been made and upon whom charges have been served as provided in § 202.5 if he finds that such person:

(1) Does not possess the qualifications required by § 203.1;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the Bar of any court of which he is a member;

(3) Represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(4) By use of his name, personal appearance, or any device, aids or abets an attorney to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(5) Displays towards the Judicial Officer, Board of Contract Appeals or any hearing examiner assigned to the Department, conduct which, if displayed toward any court of any State, the United States, any of its Territories or the District of Columbia, would be cause for censure, suspension or disbarment; or

(6) Is otherwise guilty of misconduct or lacking in character or professional integrity.

(b) Before any person shall be censured, suspended or disbarred, he shall be afforded an opportunity to be heard by the Judicial Officer on the charges made against him. The General Counsel or his designee shall prosecute such cases.

(c) In the event the Judicial Officer is unavailable for any reason, cases relating to the censure, suspension or disbarment of attorneys will be governed as herein provided, except that the hearing will be conducted by a hearing examiner appointed pursuant to the provisions of the Administrative Procedure Act or by some other disinterested member of the headquarters staff of the Post Office Department who shall be appointed by the Deputy Postmaster General.

§ 202.7 Notice of disbarment; exclusion from practice.

Upon the disbarment of any person, notice thereof will be given to the heads of the bureaus and offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be entitled to practice before the Post Office Department or any bureau or office thereof.

III. Amend Part 203 to read as follows:

PART 203—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAILABILITY

Sec.
203.1 Authority for rules.
203.2 Limitation.
203.3 Initiation.
203.4 Complaint.
203.5 Notice of hearing; service.
203.6 Compromise and informal dispositions.
203.7 Answer.
203.8 Default.
203.9 Hearing.
203.10 Change of place of hearing.
203.11 Presiding officers.
203.12 Proposed findings of fact.
203.13 Initial decision.
203.14 Appeal.
203.15 Departmental decision.
203.16 Expedition.
203.17 Disposition.

§ 203.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86–676), Headquarters Circular 61–45 (26 F.R. 10813))

§ 203.2 Limitation.

The rules shall be applicable only to cases where the matter offered for mailing shall be of substantial value or quantity. The initial determination of this question by the General Counsel may be appealed to the Judicial Officer.

§ 203.3 Initiation.

Upon receipt of mail matter of doubtful mailability under the provisions of 18 U.S.C. 1302, 1461, 1463, 1717 or 1718 (see also 39 U.S.C. 4001) submitted by a postmaster pursuant to § 14.9(b) of this chapter (§ 124.92 of the Postal Manual), the General Counsel shall: (a) File a complaint with the Docket Clerk of the Post Office Department or (b) instruct the postmaster to accept such matter for mailing.

§ 203.4 Complaint.

The complaint shall: (a) State statutory and/or regulatory authority for withholding the matter from the mails; (b) specify the character or content of the matter which the Complainant believes to be nonmailable; and (c) request the issuance of a notice of hearing by the Docket Clerk.

§ 203.5 Notice of hearing; service.

Upon receipt of the complaint the Docket Clerk shall issue a notice setting the time and place for the hearing. The date set for the hearing shall be within ten days of the date of the filing of the complaint. The notice, together with copies of the complaint and these rules, shall be sent promptly to the postmaster at the place of mailing to be served upon the mailer or his agent. A receipt therefor shall be obtained and forwarded immediately to the Docket Clerk. If personal service cannot be made, the notice of hearing shall be deposited in the mails for delivery in the regular course which shall constitute valid service. A report of such delivery shall be promptly forwarded to the Docket Clerk.

§ 203.6 Compromise and informal dispositions.

The mailer may request a conference with the Complainant to consider informal disposition of any question of mailability or apply to the Complainant for the withdrawal of the matter from the mails. When such a request is received, the scheduled hearing date will be postponed for such period of time as may be necessary but in no event longer than five days unless specifically requested by the mailer. If no agreement is reached, the proceeding shall promptly be rescheduled for hearing.

§ 203.7 Answer.

The mailer may file an answer to the complaint and appear in person or by counsel at the hearing. The answer shall contain a reply to each allegation in the complaint and shall be filed in triplicate with the Docket Clerk in Room 3350, Post Office Department, Washington 25, D.C., at least three days prior to the date set for the hearing. Each allegation not answered shall be deemed admitted.

§ 203.8 Default.

If no answer to the complaint is filed, the mailer shall be deemed in default and the Judicial Officer shall instruct the postmaster of the disposition to be made of the matter in accordance with § 203.17. If the mailer files an answer but fails to appear at the hearing, the Hearing Examiner shall receive the evidence of the Complainant and render an initial decision pursuant to § 203.13.

§ 203.9 Hearing.

Unless otherwise ordered by the presiding officer, the hearing shall be held in Room 5241, Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., on the date set in the notice.

§ 203.10 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining: (a) The evidence to be offered in such place; (b) the names and addresses of the witnesses who will testify; (c) the reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 203.11 Presiding officers.

The presiding officer at any hearing shall be a Hearing Examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010) or the Judicial Officer (74 Stat. 554, Public Law 86–676). The Chief Hearing Examiner shall assign cases to Hearing Examiners upon rotation so far as practicable. The Judicial Officer may, for good cause shown, preside at the reception of evidence in proceedings where expedited hearings are requested by either party.

§ 203.12 Proposed findings of fact.

Unless otherwise ordered, proposed findings of fact and conclusions of law shall be submitted orally or in writing at the conclusion of the hearing.

§ 203.13 Initial decision.

Unless given orally at the conclusion of the hearing, the Hearing Examiner shall render an initial decision as expeditiously as practicable following the conclusion of the hearing, and the receipt of the proposed findings, if any. The initial decision shall become the departmental decision if an appeal is not perfected.

§ 203.14 Appeal.

Either party may file exceptions in a brief on appeal to the Judicial Officer within five days after receipt of the initial decision unless additional time is granted. A reply brief may be filed within five days after the receipt of the appeal brief by the opposing party.

§ 203.15 Departmental decision.

The Judicial Officer shall render a Departmental decision or refer the matter to the Postmaster General for decision. The decision shall be served upon the parties and the postmaster.

§ 203.16 Expedition.

For the purposes of further expedition the parties may, with the concurrence of the Judicial Officer, agree to waive any of these procedures. When the Judicial Officer presides at the hearing, he shall render a tentative or final decision after the conclusion of the hearing. Exceptions may be filed to a tentative decision in accordance with § 203.14.

§ 203.17 Disposition.

Matter found to be nonmailable shall be held at the post office where detained for a period of fifteen days from the date of the Departmental decision, unless extended by the Judicial Officer. During that time the mailer may make application for the withdrawal of the matter. The Judicial Officer shall order the matter returned to the mailer or otherwise disposed of in accordance with 39 U.S.C. 4001(b).

IV. Amend Part 204 to read as follows:

PART 204—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION OR REVOCATION OF SECOND-CLASS MAIL PRIVILEGES

Sec.
204.1 Authority for rules.
204.2 Scope of rules.
204.3 Informal dispositions.
204.4 Office, business hours.
204.5 Application.
204.6 Revocation or suspension.
204.7 Failure to appeal proposed action.
204.8 Pleading.
204.9 Default.
204.10 Intervention.
204.11 Hearings.
204.12 Change of place of hearing.
204.13 Appearances.
204.14 Presiding officers.
204.15 Judicial Officer.

Sec.
204.16 Procedure.
204.17 Transcript.
204.18 Proposed findings and conclusions.
204.19 Initial decision.
204.20 Appeal and final decision.
204.21 Motion for reconsideration.
204.22 Continuances.
204.23 Computation of time.
204.24 Official record.
204.25 Public information.

§ 204.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22; 39 U.S.C. 309; 501; 74 Stat. 554 (Public Law 86–676), Headquarters Circular 61–45 (26 F.R. 10813))

§ 204.2 Scope of rules.

The rules of practice shall apply to all Post Office Department proceedings concerning applications, denials, suspensions and revocations of second-class mailing privileges arising under 39 U.S.C. 4351, 4352, 4353, 4354, 4355, 4356, and 4369.

§ 204.3 Informal dispositions.

These rules do not preclude the informal disposition of second-class mailing privilege matters before or after institution of proceedings.

§ 204.4 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., and are open Monday through Friday from 8:45 a.m., to 5:15 p.m.

§ 204.5 Application.

A publisher may file an application for second-class mailing privileges. (See Part 22 of this chapter.) An authorized official of the Bureau of Operations, Post Office Department (hereinafter called "the Director") rules upon all applications. If he denies the application he shall notify the publisher specifying the reasons for his denial and attaching a copy of these rules. Before taking action on an application, the Director may call upon the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish such information or evidence may be cause for the Director to deny the application as incomplete or, on its face, not fulfilling the requirements for entry.

§ 204.6 Revocation or suspension.

When the Director determines that a publication is no longer entitled to second-class mailing privileges, he shall issue a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons and attaching a copy of these rules.

§ 204.7 Failure to appeal proposed action.

A ruling of the Director shall become final upon failure of the publisher to file a petition in accordance with the requirements of § 204.8.

§ 204.8 Pleading.

(a) *Place of filing.* Parties shall file documents of record in triplicate, unless otherwise ordered by the presiding officer after intervention pursuant to § 204 with Docket Clerk of the Post Office Department, who shall cause copies to be delivered to the other parties and to the presiding officer. The Docket Clerk shall maintain a docket and the files in all proceedings.

(b) *Petition.* A publisher may appeal from a ruling of the Director by filing a petition within 15 days of the receipt of the ruling unless the time is extended by the Director. The petition shall state the reasons why the publisher believes the ruling of the Director is erroneous. The petition shall also allege facts showing compliance with each provision of law or regulation on which the publisher's claim to second-class mail privileges is based. The publisher shall attach to his petition a copy of the letter of the Director denying, suspending or revoking second-class mail privileges.

(c) *Notice of hearing.* Upon receipt of the petition the Docket Clerk shall set a date for the hearing and issue a notice of hearing to the parties stating the time and place of th hearing, the date for filing an answer, and the name of the presiding officer.

(d) *Answer.* The director shall answer the petition within 15 days after filing and admit or deny each allegation of the petition.

(e) *Amendment.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing. If the presiding officer deems it appropriate to permit the amendment of a pleading, he may impose such conditions, by way of continuance of the hearing date or otherwise, as he considers necessary to assure a fair hearing.

§ 204.9 Default.

If a publisher fails to appear at the hearing, the presiding officer may: (a) Dismiss the petition; (b) order the petitioner to show cause within 30 days from the date of the order why an order of dismissal should not be entered, and thereafter enter such order as the presiding officer deems to be appropriate. If the petition is dismissed by order of a Hearing Examiner, the dismissal may be appealed to the Judicial Officer within 15 days from the date of the order.

§ 204.10 Intervention.

To intervene a person not a party to the proceeding shall file an application in writing not less than three days before the time fixed for hearing. The application shall state whom the potential intervenor represents, his interest, the extent to which he desires to participate, and the evidence he seeks to introduce. The presiding officer shall grant an application to intervene upon a proper showing of interest. Participation of an intervenor shall be limited to the filing of a brief before the presiding officer.

§ 204.11 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 204.12 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement setting forth:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C.

The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 204.13 Appearances.

(a) The General Counsel of the Post Office Department or a member of his staff designated by him shall represent the Director.

(b) A publisher or intervenor may appear and be heard in person or by attorney. Attorneys may practice before the Department in accordance with applicable rules issued by the Judicial Officer. See Subpart A of Part 202 of this chapter.

(c) An attorney representing a publisher or intervenor shall file a written authorization from the publisher or intervenor before he may participate in the proceeding. The publisher or intervenor must promptly file a notice of change of attorneys.

(d) When a publisher or intervenor is represented by an authorized attorney all subsequent pleadings shall be served upon the attorney.

§ 204.14 Presiding officers.

(a) The Chief Hearing Examiner shall assign a case to a Hearing Examiner, so far as practical in rotation, to preside over the hearing. The Hearing Examiner shall be qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010).

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon matters of evidence and procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs on any matter upon which he is required to rule;

(7) Order prehearing conferences for the settlement or simplification of issues by consent of the parties;

(8) Order the proceeding reopened at any time prior to his decision for the receipt of additional evidence;

(9) Render an initial decision.

§ 204.15 Judicial Officer.

The Judicial Officer is authorized (a) to act as presiding officer at hearings and (b) to render a final Departmental Decision for the Postmaster General. On appeal from an Initial Decision of a Hearing Examiner, the Judicial Officer will consider the entire record including the initial decision and the exceptions to that decision. Before any final agency decision has been rendered, the Judicial Officer may order the hearing reopened for the presiding officer to take additional evidence.

§ 204.16 Procedure.

(a) *Evidence.* The general rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States apply. The rules may be relaxed to the extent that the presiding officer may deem proper to insure an adequate and fair hearing. The presiding officer may exclude irrelevant or repetitious evidence.

(b) *Subpoenas.* The Post Office Department is not authorized to issue subpoenas.

(c) *Fees.* The Post Office Department does not pay fees and expenses for witnesses of, or depositions requested by, the publisher or intervenor.

(d) *Depositions.* Depositions may be taken as follows:

(1) Not later than five days after the filing of Director's answer, any party may file application with the presiding officer for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(2) If the application is granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(3) Each witness testifying upon deposition shall be duly sworn by the deposition officer and the adverse party shall have the right to cross-examine. The questions and answers together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the deposition officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(4) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(5) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(6) Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of a deposition.

(7) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the deposition officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 204.17 Transcript.

(a) A contract reporter of the Post Office Department under the supervision of the presiding officer shall report hearings. The reporter shall supply the parties with copies of the transcript at rates not to exceed those fixed by contract between the Department and the reporter.

(b) Changes in the official transcript may be made only when they involve substantial errors. A party may file a motion for correction of the official transcript within 10 days after his receipt of the transcript or any part thereof. Other parties shall, within such time as may be specified by the presiding officer, notify the presiding officer in writing if they object to the requested corrections. Failure of a party to interpose timely objection to a proposed correction may be considered by the presiding officer to be concurrence. The presiding officer shall then specify the corrections to be made in the transcript. He may on his own initiative order corrections in the transcript after notice to the parties subject to their objection.

§ 204.18 Proposed findings and conclusions.

(a) A party to a proceeding may submit proposed findings of fact and conclusions of law to the presiding officer. The presiding officer shall determine whether they shall be oral or written. The presiding officer may require parties to a proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. When the proposed findings and conclusions are not submitted orally they shall be filed within 15 days after delivery of the official transcript to the Docket Clerk. The Docket Clerk shall notify the parties of the filing date which shall be the same for both parties. If not submitted by that date, the findings and conclusions will not be considered or included in the record.

(b) Except when presented orally, proposed findings of fact and conclusions of law shall be set forth in numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits relied upon to support the conclusions proposed. Each proposed conclusion shall be separately stated.

§ 204.19 Initial decision.

(a) Upon request of either party the presiding officer may render an oral initial decision at the close of the hearing when the nature of the case and the public interest warrant. If a party desires an oral initial decision he shall notify the presiding officer and the opposing party at least 5 days prior to the date set for hearing. Parties may then submit proposed findings and conclusions orally or in writing at the conclusion of the hearing.

(b) If an oral initial decision is not rendered, the presiding officer shall render a written initial decision with all due speed after the parties have submitted all post-hearing material. The initial decision shall become the final Departmental Decision unless it is appealed.

(c) The initial decision shall include findings upon all material issues of fact and law presented on the record and the reasons for those findings.

§ 204.20 Appeal and final decision.

(a) A party may appeal to the Judicial Officer from an initial decision by filing exceptions in a brief on appeal within 15 days from the receipt of a written or oral initial decision.

(b) Upon receipt of the appeal brief the Judicial Officer shall set the date for the filing of the reply brief. No additional briefs shall be received unless requested by the Judicial Officer.

(c) Appeal briefs shall contain the following matter in the order indicated:

(1) A subject index of the matters presented with page references;

(2) A table of cases alphabetically arranged;

(3) A list of statutes and texts cited with page references;

(4) A concise abstract or statement of the case;

(5) Numbered exceptions to the findings and conclusions of the presiding officer and the reasons for the exceptions.

§ 204.21 Motion for reconsideration.

Within 10 days from the date thereof, or such longer period as may be fixed by the Judicial Officer, either party may file a motion for reconsideration of a final Departmental decision.

§ 204.22 Continuances.

For good cause shown, continuances or extensions may be granted by the presiding officer. Similar action may be taken by the Judicial Officer when the proceeding is on appeal.

§ 204.23 Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or holiday, in which event the period runs until the close of business on the next working day.

§ 204.24 Official record.

The pleadings, orders, exhibits, transcript of testimony, briefs, decisions and other documents filed in the proceeding constitute the official record of the proceeding.

§ 204.25 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all Initial and Departmental Decisions. The Docket Clerk of the Post Office Department maintains a complete official record of every proceeding. A person may examine a record upon authorization by the Judicial Officer.

[SEAL] LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-11451; Filed, Dec. 1, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1961–62 Fiscal Year

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) that expenses not to exceed $160,000 will be necessarily incurred during the fiscal year November 1, 1961, through October 31, 1962, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and

(2) that there be fixed, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of fourteen mills ($0.014) per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: November 29, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-11450; Filed, Dec. 1, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 61-AN-7]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Alteration and Designation of Restricted Areas, and Alteration of Federal Airway and Control Area Extension; Change of Proposals

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-AN-7 on October 18, 1961 (26 F.R. 9785), it was stated that the Federal Aviation Agency proposed to alter the Big Delta Restricted Area (R-2202), designate the Fort Greely Restricted Area (R-2208), alter low altitude Blue Federal airway No. 25 and alter the Fairbanks control area extension (§ 601.1275) to bring it in agreement with the proposed changes in special use airspace.

Subsequent to publication of the notice, the controlled airspace requirements in the Fairbanks, Alaska, area have been reviewed attendant to the provisions of new holding pattern procedures to become effective January 1, 1962. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

Accordingly, the notice is hereby amended to propose further alteration of the Fairbanks control area extension to fulfill additional controlled airspace requirements for the implementation of these procedures in the Fairbanks, Alaska, Air Route Traffic Control Center area. The Fairbanks control area extension would be redesignated within a 55-mile radius of the Fort Wainwright AAB, Alaska (latitude 64°50'15" N., longitude 147°36'45" W.), extending clockwise from the south edge of low altitude Green Federal airway No. 7 west of Fairbanks to the southwest edge of low altitude Amber Federal airway No. 2 southeast of Fairbanks; within a 70-mile radius of Fort Wainwright AAB extending clockwise from the southwest edge of low altitude Amber Federal airway No. 2 southeast of Fairbanks to the south edge of low altitude Green Federal airway No. 7 west of Fairbanks; within 20 miles southwest and 35 miles northeast of lines bearing 299° True and 119° True from the Big Delta, Alaska, radio range, extending from 27 miles northwest to 55 miles southeast of the radio range; within 20 miles north and 26 miles south of the Nenana, Alaska, VORTAC 285° True radial extending from the VORTAC to 46 miles west. The portion of this control area extension which would coincide with the Fairbanks (Eielson AFB) Restricted Area/Military Climb Corridor (R-2207), and the Big Delta (R-2202) and Fort Greely, Alaska (R-2208) Restricted Areas which are being considered in the original notice for alteration and designation respectively, would be used only after obtaining prior approval from the appropriate authority. In addition, it is proposed to redesignate the Yukon, Alaska, Restricted Area (R-2205) (§ 608.22) for joint civil military use with the Fairbanks Air Route Traffic Control Center as the controlling agency. Accordingly, the portion of the Fairbanks control area extension which would coincide with R-2205 would be used only after obtaining prior approval from the appropriate authority. This would provide protection for aircraft in holding patterns at the Fairbanks radio range, Fairbanks VOR, Fairbanks Outer Marker Compass Locator, Fox radiobeacon, Alder radiobeacon, Big Delta radio range, Big Delta TVOR, Nenana radio range, Nenana VORTAC, Eielson Outer Marker Compass Locator, Eielson VOR, Fair-

banks TACAN (35-mile DME fix on the 329° True radial, 65-mile DME fix on the 134° True radial, and 25-mile DME fix on the 330° True radial), Wolf Intersection (intersection of the southeast course of the Nenana radio range and the southwest course of the Fairbanks radio range) and Nenabank Intersection (intersection of the west course of the Fairbanks radio range and the northwest course of the Nenana radio range).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in this instance. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert this control area extension to a transition area with an appropriate controlled airspace floor assignment.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views and arguments, the date for filing such material will be extended to December 17, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–AN–7 is extended to December 17, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11474; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–KC–45]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1088, 601.1093, 601.1097, 601.1102, 601.1103, 601.1262, 601.1263, 601.1268, 601.1269, 601.1337, 601.1338, 601.1339 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Minneapolis, Minn., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Waukon, Iowa, transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the Waukon VOR 123° and 303° True radials extending from 22 miles southeast to 10 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Waukon VOR.

2. The LeRoy, Iowa, transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Rochester, Minn., VOR 173° True radial extending from 15 miles to 37 miles south of the VOR. This would provide protection for aircraft in holding patterns at the LeRoy Intersection (intersection of the Mason City, Iowa, VOR 060° and the Rochester VOR 173° True radials).

3. The Preston, Minn., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Rochester VOR 105° True radial extending from 20 miles to 42 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Preston Intersection (intersection of the Rochester VOR 105° and the Nodine, Minn., VOR 238° True radials).

4. The Alexandria, Minn., control area extension (§ 601.1088) would be redesignated as that airspace within a 15-mile radius of the Alexandria Municipal Airport (latitude 45°52'15'' N., longitude 95°24'00'' W.) and within 10 miles northwest and 7 miles southeast of the Alexandria VOR 051° True radial extending from the Alexandria control area extension 15-mile radius area to 20 miles northeast of the VOR. This would provide additional controlled airspace for aircraft holding at the Alexandria VOR.

5. The Fargo, N. Dak., control area extension (§ 601.1093) would be redesignated within a 15-mile radius of the Fargo VORTAC; including the airspace north and east of the Fargo VORTAC within a 33-mile radius of the VORTAC extending from a line 11 miles west of and parallel to the Fargo VORTAC 353° True radial clockwise to the Fargo VORTAC 110° True radial; additionally the airspace southwest of Fargo within a 30-mile radius of the Fargo VORTAC extending from low altitude VOR Federal airway No. 181 clockwise to low altitude VOR Federal airway No. 2, west of Fargo, and the airspace south of Fargo within 8 miles west and 12 miles east of the Fargo VORTAC 187° True radial extending from 26 miles to 58 miles south of the VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Fargo VORTAC, radio range, the Harwood 15.6-nautical-mile DME fix on the Fargo VORTAC 354° True radial and the Barney 30.9 nautical mile DME fix on the Fargo VORTAC 187° True radial.

6. The Grand Forks, N. Dak., control area extension (§ 601.1097) would be redesignated as that airspace west of the 355° and 175° True radials of the Grand Forks VOR within a 30-mile radius of the Grand Forks AFB (latitude 47°57'35'' N., longitude 97°24'10'' W.); including the airspace southeast of Grand Forks within 10 miles east and 7 miles west of the Grand Forks VOR 158° and 338° True radials extending from 8 miles northwest to 20 miles southeast of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Grand Forks VOR.

7. The Minneapolis, Minn., control area extension (§ 601.1102) would be altered to add the airspace northeast and east of Minneapolis within 12 miles north and 8 miles south of the Minneapolis VORTAC 100° True radial extending from the Minneapolis control area extension 30-mile radius area to 55 miles east of the VORTAC; including the airspace west of Minneapolis within 11 miles northeast and 7 miles southwest of the Farmington, Minn., VOR 297° True radial extending from the Minneapolis control area extension 30-mile radius area to 45 miles northwest of the VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Hugo Intersection (intersection of the Minneapolis VORTAC 116° and the Minneapolis ILS localizer northeast course), the Boardman Intersection (intersection of the Minneapolis VORTAC 100° and the Farmington, Minn., VOR 044° True radials) and the Victoria Intersection (intersection of the Minneapolis VORTAC 216° and the Farmington VOR 297° True radials).

8. The Minot, N. Dak., control area extension (§ 601.1103) would be altered to add the airspace south of Minot within 8 miles west and 6 miles east of the Bismarck, N. Dak., VOR 333° True radial extending from 58 miles northwest of the Bismarck VOR to the Minot control area extension 35-mile radius area. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Garrison Intersection (intersection of the Minot VOR 197° and the Bismarck VOR 333° True radials), the Makoti Intersection (intersection of the Minot VOR 218° and the Bismarck VOR 340° True radials) and the Douglas Intersection (intersection of the Minot VOR 197° and the Bismarck VOR 340° True radials).

9. The Mason City, Iowa, control area extension (§ 601.1262) would be altered to add the airspace south of Mason City within 10 miles east and 7 miles west of the Mason City VORTAC 182° True radial extending from the Mason City control area extension 15-mile radius area to 26 miles south of the VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Mason City VORTAC 182° True radial.

10. The Rochester, Minn., control area extension (§ 601.1263) would be altered to add the airspace north and east of Rochester beyond the limits of the present control area extension, bounded on the west by low altitude VOR Federal airway No. 82, on the northwest by the Minneapolis, Minn., control area extension (§ 601.1102), on the northeast by low altitude VOR Federal airway No. 2, on the south by low altitude VOR Federal airway No. 82. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Goodhue Intersection (intersection of the Rochester VOR 356° and the Farmington, Minn., VOR 124° True radials), the Pine Island Intersection (intersection of the Nodine VOR 286° and the Rochester VOR 356° True radials), and the Rochester VOR.

11. The Sioux Falls, S. Dak., control area extension (§ 601.1268) would be redesignated as that airspace southeast of Sioux Falls within a 15-mile radius of the Sioux Falls VORTAC extending clockwise from the southern boundary of low altitude VOR Federal airway No. 148 to the eastern boundary of low altitude VOR Federal airway No. 15; that airspace within a 45-mile radius of the Sioux Falls VORTAC extending clockwise from the western boundary of low altitude VOR Federal airway No. 15, south of Sioux Falls to the southern boundary of low altitude VOR Federal airway No. 120 west of Sioux Falls; that airspace within a 36-mile radius of the Sioux Falls VORTAC extending from the northern boundary of low altitude VOR Federal airway No. 120, west of Sioux Falls, clockwise to the northern boundary of low altitude VOR Federal airway No. 148 northeast of Sioux Falls; including the airspace within 11 miles south and 7 miles north of the Sioux Falls VORTAC 267° True radial extending from the Sioux Falls control area extension 45-mile radius area to 52 miles west of the VORTAC, and the airspace within 12 miles southwest and 8 miles northeast of the Sioux Falls VORTAC 288° True radial extending from the Canova Intersection (intersection of the Sioux Falls VORTAC 288° and the Huron, S. Dak., VOR 140° True radials), to 22 miles west of the intersection. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Canova Intersection, the Sioux Falls VORTAC, the Chester 13.7-nautical-mile DME fix on the Sioux Falls VORTAC 349° True radial, the Sherman 13.7-nautical-mile DME fix on the Sioux Falls VORTAC 055° True radial, the Canton 21.7-nautical-mile DME fix on the Sioux Falls VORTAC 169° True radial, the Parker 21.7-nautical-mile DME fix on the Sioux Falls VORTAC 031° True radial, and the Bridgewater 24.7-nautical-mile DME fix on the Sioux Falls VORTAC 267° True radial.

12. The Watertown, S. Dak., control area extension (§ 601.1269) would be altered to add the airspace south of Watertown bounded on the north by the Watertown control area extension 15-mile radius area, on the east by longitude 96°51'00'' W., on the south by low altitude VOR Federal airway No. 26 and on the west by low altitude VOR Federal airway No. 78 south alternate; including the airspace northwest of Watertown within 10 miles south and 7 miles north of the Watertown VORTAC 297° True radial extending from the Watertown control area extension 15-mile radius area to 37 miles northwest of the VORTAC, and the airspace north of Watertown within 11 miles west and 7 miles east of the Watertown VORTAC 006° True radial extending from the Watertown control area extension 15-mile radius area to 48 miles north of the VORTAC. This would provide additional controlled airspace for the protection of aircraft at the Oakwood Intersection (intersection of the Watertown VORTAC 169° and the Huron, S. Dak., VOR 088° True radials), the Watertown VORTAC, the Summit 21.8 nautical mile DME fix on the Watertown VORTAC 006° True radial, the Castlewood 13.7-nautical-mile DME fix on the Watertown VORTAC 169° True radial and the Wallace 13.7-nautical mile DME fix on the Watertown VORTAC 297° True radial.

13. The Wausau, Wis., control area extension (§ 601.1337) would be redesignated as that airspace southeast and southwest of Wausau bounded on the east by a 41-mile radius of the Stevens Point, Wis., VOR, on the south by a line 7 miles south of and parallel to low altitude VOR Federal airway No. 55, on the west by a 40-mile radius of the Wausau VOR, and on the north by latitude 45°04'00'' N. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Wittenberg Intersection (intersection of the Wausau VOR 106° and the Stevens Point VOR 038° True radials), the Big Falls Intersection (intersection of the Wausau VOR 121° and the Green Bay, Wis., VOR 269° True radials), the Junction City Intersection (intersection of the Wausau VOR 217° and the Stevens Point VOR 281° True radials) and the Edgar Intersection (intersection of the Wausau VOR 273° and the Stevens Point VOR 317° True radials).

14. The Green Bay, Wis., control area extension (§ 601.1338) would be altered adding the airspace southeast of Green Bay bounded on the north by latitude 44°36'00'' N., on the east by longitude 87°26'00'' W., on the south and southwest by latitude 44°06'00'' N. and low altitude VOR Federal airway No. 217 and on the west by the Green Bay control area extension 15-mile radius area. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Pine Grove Intersection (intersection of the Green Bay VORTAC 116° and the Oshkosh, Wis., VOR 046° True radials), and the Larrabee Intersection (intersection of the Green Bay VORTAC 131° and the Oshkosh VOR 067° True radials).

15. The Oshkosh, Wis., control area extension (§ 601.1339) would be redesignated as that airspace bounded on the east by low altitude VOR Federal airway No. 217, on the southeast by a line extending through latitude 43°40'00'' N., longitude 88°00'00'' W., and latitude 43°30'00'' N., longitude 88°10'00'' W., on the southwest by a line extending from latitude 43°30'00'' N., longitude 88°10'00'' W., to latitude 43°46'30'' N., longitude 88°38'00'' N., on the west by the arc of a 15-mile radius circle centered on the Oshkosh VOR, and a line 5 miles west of and parallel to the Green Bay VORTAC 207° True radial, and on the north by a 15-mile radius circle centered on the Green Bay, Wis., VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Oshkosh VOR, and the Calvary Intersection (intersection of the Oshkosh VOR 122° and the Milwaukee, Wis., VORTAC 003° True radials).

16. The Loyal, Wis., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southwest and 8 miles northeast of the Eau Claire, Wis., VOR 107° True radial extending from 9 miles southeast to 22 miles northwest of the Loyal Intersection (intersection of the Eau Claire VOR 107° and the Wausau, Wis., VOR 258° True radials). This would provide protection for aircraft in holding patterns at the Loyal Intersection.

17. The Grantsburg, Wis., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles west and 7 miles east of the Grantsburg VOR 197° and 017° True radials extending from 9 miles south to 20 miles north of the VOR. This would provide protection for aircraft in holding patterns at the Grantsburg VOR.

18. The Alma City, Minn., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles west and 8 miles east of the Minneapolis VORTAC 188° True radial extending from 22 miles north to 10 miles south of the Alma City Intersection (intersection of the Minneapolis VORTAC 188° and the Rochester, Minn., VOR 292° True radials). This would provide protection for aircraft in holding patterns at the Alma City Intersection.

19. The Hope, Minn., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Farmington, Minn., VOR 184° True radial extending from 22 miles south to 10 miles north of the Hope Intersection (intersection of the Farmington VOR 184° and the Rochester, Minn., VOR 292° True radials). This would provide protection for aircraft in holding patterns at the Hope Intersection.

20. The Darwin, Minn., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 12 miles south of the Darwin VOR 088° and 268° True radials extending from 10 miles east to 22 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Darwin VOR.

21. The Redwood Falls, Minn., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Redwood Falls VOR 061° and 241° True radials extending from 20 miles northeast to 9 miles southwest of the VOR. This would provide protection for aircraft in holding patterns at the Redwood Falls VOR.

22. The Madison, Minn., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Watertown, S. Dak., VORTAC 086° True radial extending from 10 miles west to 22 miles east of the Madison Intersection (intersection of the Watertown VORTAC 086° and the Redwood Falls, Minn., VOR 305° True radials). This transition area would provide protection for aircraft in holding patterns at the Madison Intersection.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 29, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11428; Filed, Dec. 1, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–194]

CONTROLLED AIRSPACE

Alteration of Control Area Extensions and Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1022, 601.1067, 601.1080, 601.1089, 601.1224, 601.1229, 601.1246, and 601.1353 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Indianapolis, Ind., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Daley, Ky., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles south and 8 miles north of the London, Ky., VORTAC 083° True radial extending from 31 miles east to 63 miles east of the VORTAC. This would provide protection for aircraft in holding patterns at the Daley Intersection (intersection of the London VORTAC 083° and the Lexington, Ky., VORTAC 129° True radials).

2. The Bluefield, W. Va., control area extension (§ 601.1022) would be redesignated as the airspace bounded on the north by low altitude VOR Federal airway No. 478, on the east by low altitude VOR Federal airway No. 59, on the south by a line 9 miles south of and parallel to the Bluefield VOR 264° and 084° True radials, on the west by the Blackford, Va., VOR 344° True radial; and the airspace northeast of Bluefield within a 13-mile radius of the Beckley, W. Va., VOR extending clockwise from VOR Federal airway No. 59 north of Beckley to VOR Federal airway No. 258 on the southeast. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Beckley VOR, Paynesville Intersection (intersection of the Bluefield VOR 264° and the Blackford VOR 009° True radials), Matoaka Intersection (intersection of the Beckley VOR 201° and the Bluefield VOR 336° True radials), Keystone Intersection (intersection of the Bluefield VOR 264° and the Charleston, W. Va., VORTAC 170° True radials), Madison Intersection (intersection of the Charleston VORTAC 189° and the Rainelle, W. Va., VOR 270° True radials) and the Whirlwind Intersection (intersection of the Charleston VORTAC 215° and the York, Ky., VOR 136° True radials).

3. The Lexington, Ky., control area extension (§ 601.1067) would be altered to add the airspace northeast of Lexington bounded on the northwest by a line 12 miles north of and parallel to the Lexington VORTAC 060° True radial, on the northeast by low altitude VOR Federal airway No. 478, on the south by low altitude VOR Federal airway No. 493 and on the west by low altitude VOR Federal airway No. 97 east alternate; the airspace east of Lexington bounded on the north by low altitude VOR Federal airway No. 4, on the southeast by low altitude VOR Federal airway No. 119, on the south by a line 8 miles south of and parallel to the Lexington VORTAC 081° True radial and on the west by the Lexington control area extension 40-mile radius area; and the airspace southeast of Lexington within 12 miles northeast and 8 miles southwest of the Lexington VORTAC 129° True radial extending from the Lexington control area extension 40-mile radius area to 52 miles southeast of the VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the North Middletown Intersection (intersection of the Falmouth, Ky., VOR 148° and the Lexington VORTAC 060° True radials), Mt. Sterling Intersection (intersection of the Lexington VORTAC 081° and the Falmouth VOR 149° True radials), the Morehead Intersection (intersection of the Newcombe, Ky., VOR 262° and the York, Ky., VOR 220° True radials) and the Union Hall Intersection (intersection of the Lexington VORTAC 129° and the London, Ky., VORTAC 004° True radials).

4. The Louisville, Ky., control area extension (§ 601.1080) would be altered to add the airspace north and northwest of Louisville bounded on the north by latitude 38°49'00'', on the east by longitude 85°19'00'' W., on the south by the Louisville control area extension 35-mile radius area and by latitude 38°22'00'' N., on the west by longitude 86°42'00'' W., and on the northwest by a line extending from latitude 38°38'00'' N., longitude 86°42'00'' W., to latitude 38°49'00'' N., longitude 86°00'00'' W.; the airspace northeast of Louisville bounded on the northwest by low altitude VOR Federal airway No. 5, on the north by low altitude VOR Federal airway No. 44, on the east by low altitude VOR Federal airway No. 97 west alternate, on the south by low altitude VOR Federal airway No. 502 and on the southwest by the Louisville control area extension 35-mile radius area; the airspace southeast of Louisville bounded on the northwest by the Louisville control area extension 35-mile radius area, on the east by the arc of a 40-mile radius of the Lexington, Ky., VORTAC and on the southeast by low altitude VOR Federal airway No. 178; and the airspace south of Louisville bounded on the north by the Louisville control area extension 35-mile radius area, on the east by a line 10 miles east of and parallel to the New Hope, Ky., VOR 163° and 343° True radials, on the south by a line 20 miles south of and parallel to the New Hope VOR 070° True radial and on the west by low altitude VOR Federal airway No. 51. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Warsaw Intersection (intersection of the Cincinnati, Ohio, VORTAC 217° and the Nabb, Ind., VOR 075° True radials), Gratz Intersection (intersection of the Louisville VORTAC 061° and the Lexington, Ky., VORTAC 327° True radials), New Liberty Intersection (intersection of the Louisville VORTAC 037° and the Nabb VOR 087° True radials), Shelby Intersection (intersection of the Louisville VORTAC 061° and the Nabb VOR 142° True radials), Henryville Intersection (intersection of the Nabb VOR 242° and the Louisville VORTAC 332° True radials), Martinsburg Intersection (intersection of the Nabb VOR 242° and the Louisville VORTAC 309° True radials), Livonia Intersection (intersection of the Nabb VOR 267° and the Louisville VORTAC 309° True radials), Chaplin Intersection (intersection of the Louisville VORTAC 113° and the Lexington VORTAC 264° True radials), the Nabb VOR and the New Hope VOR.

5. The Cincinnati, Ohio, control area extension (§ 601.1089) would be altered to add the airspace southwest of Cincinnati bounded on the northwest by low altitude VOR Federal airway No. 47, on the northeast by the Cincinnati control area extension 35-mile radius area, and on the south by low altitude VOR Federal airway No. 44. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the New Liberty and Warsaw Intersections.

6. The Terre Haute, Ind., control area extension (§ 601.1244) would be altered to add the airspace west of Terre Haute within 7 miles north and 11 miles south of the Terre Haute VOR 256° True radial extending from the Terre Haute control area extension 15-mile radius area to 34 miles west of the VOR; and the airspace northwest of Terre Haute within 8 miles east and 12 miles west of the Lewis, Ind., VOR 347° True radial extending from the Terre Haute control area extension 15-mile radius area and a line 7 miles north of and parallel to the Terre Haute VOR 256° True radial to the Rantoul, Ill. (§ 601.1172), and the Danville, Ill. (§ 601.1481), control area extensions. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Clinton Intersection (intersection of the Lewis VOR 347° and the Indianapolis, Ind., VORTAC 257° True radials), Newport Intersection (intersection of the Lewis VOR 347° and the Westpoint, Ind., VOR 212° True radials), and the Sanford Intersection (intersection of the Terre Haute VOR 256° and the Lewis VOR 317° True radials).

7. The Atterbury, Ind., control area extension (§ 601.1229) would be redesignated within the area bounded on the northeast by low altitude VOR Federal airway No. 128, on the east by the Cincinnati, Ohio, control area extension (§ 601.1089), on the south by a line extending from latitude 39°01'00'' N., longitude 85°18'45'' W. to latitude 39°08'00'' N., longitude 86°21'00'' W., on the west by low altitude VOR Federal airway No. 227, and on the northwest by low altitude VOR Federal airway No. 12 south alternate. The portion of this control area extension which would coincide with the Camp Atterbury, Ind., Restricted Area, R–3401 would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Osgood Intersection (intersection of the Cincinnati VORTAC 290° and the Nabb, Ind., VOR 030° True radials), and the intersection of the Indianapolis VORTAC 170° and the Shelbyville, Ind., VOR 238° True radials.

8. The Evansville, Ind., control area extension (§ 601.1246) would be altered to add the airspace northwest of Evansville within 8 miles northeast and 12 miles southwest of the Evansville VORTAC 309° True radial extending from the Evansville control area extension 15-mile radius area to 45 miles northwest of the VORTAC; the airspace north of Evansville bounded on the north by latitude 38°42'00'', on the east by low altitude VOR Federal airway No. 11, and on the west by low altitude VOR Federal airway No. 7; the airspace northeast of Evansville bounded on the north by low altitude VOR Federal airway No. 44, on the east by low altitude VOR Federal airway No. 243, on the south by low altitude VOR Federal airway No. 4, north alternate, and on the west by low altitude VOR Federal airway No. 11 east alternate; and the airspace southwest of Evansville within 12 miles southeast and 8 miles northwest of the Evansville VORTAC 227° True radial extending from the Evansville control area extension 15-mile radius area to 30 miles southwest of the VORTAC. The portion of this control area extension which would coincide with the Camp Breckinridge, Ky., Restricted Area, R–3701 would be excluded during the time of designation of the restricted area. This would provide additional controlled airspace for aircraft in holding patterns at the Phillipstown Intersection (intersection of the Evansville VORTAC 309° and the Samsville, Ill., VOR 177° True radials), Princeton Intersection (intersection of the Evansville VORTAC 016° and the Samsville VOR 111° True radials), Decker Intersection (intersection of the Evansville VORTAC 016° and the Samsville VOR 086° True radials), Augusta Intersection (intersection of the Evansville VORTAC 049° and the Samsville VOR 104° True radials) Holland Intersection (intersection of the Evansville VORTAC 065° and the Samsville VOR 115° True radials), and the Weston Intersection (intersection of the Evansville VORTAC 227° and the Samsville, Ill., VOR 177° True radials).

9. The Charleston, W. Va., control area extension (§ 601.1353) would be altered to add the airspace north of Charleston bounded on the northwest by low altitude VOR Federal airway No. 119, on the southeast by low altitude VOR Federal airway No. 115 and on the south by the Charleston control area extension 35-mile radius area; and the airspace southwest of Charleston bounded on the north by low altitude VOR Federal airway No. 4, on the east by the Charleston control area extension 35-mile radius area and on the south by low altitude VOR Federal airway No. 478. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Salt Rock Intersection (intersection of the Charleston VORTAC 258° and the Henderson, W. Va., VORTAC 187° True radials), Coolville Intersection (intersection of the Parkersburg, W. Va., VOR 217° and the Charleston VORTAC 357° True radials) and the Gay Intersection (intersection of the Charleston VORTAC 016° and the Henderson VORTAC 083° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons

at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 28, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11429; Filed, Dec. 1, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-KC-40]

CONTROLLED AIRSPACE

Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1094, 601.1201, 601.1261, and 601.1266 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Detroit, Mich., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Traverse City, Mich., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the Traverse City VOR 136° and 316° True radials extending from 65 miles southeast to 12 miles northwest of the VOR. This transition area would provide protection for aircraft in holding patterns at the Traverse City VOR and radio range, and at the Lake City Intersection (intersection of the Traverse City VOR 136° and the White Cloud, Mich., VOR 033° True radials).

2. The White Cloud, Mich., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the White Cloud VOR 006° and 186° True radials extending from 20 miles north to 9 miles south of the VOR. This transition area would provide protection for aircraft in holding patterns at the White Cloud VOR.

3. The Flint, Mich., control area extension (§ 601.1094) would be redesignated as that airspace bounded on the north by low altitude VOR Federal airway No. 216, on the east by low altitude VOR Federal airways Nos. 84 between Peck, Mich., and Flint, and 133 between Flint and Salem, Mich.; on the south by low altitude VOR Federal airway No. 2, and on the west by longitude 84°18'00'' W. and low altitude VOR Federal airway No. 45, excluding the portion which would coincide with the Saginaw control area extension proposed for alteration herein. The portion of the present Flint control area extension not included in the description of the proposed control area extension has been omitted to minimize dual designation of controlled airspace. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Fosters Intersection (intersection of the Saginaw, Mich., VORTAC 157° and the Peck VOR 269° True radials), the Fowler Intersection (intersection of the Lansing, Mich., VOR 091° and the Salem VOR 309° True radials), and the Kings Mill Intersection (intersection of the Saginaw VORTAC 122° and the Peck VOR 249° True radials).

4. The Saginaw, Mich., control area extension (§ 601.1201) would be redesignated within a 15-mile radius of the Tri-City Airport, Saginaw (latitude 43°-31'54'' N., longitude 84°04'54'' W.) and within 12 miles southwest and 8 miles northeast of the Saginaw VOR 317° True radial extending from the 15-mile radius area to 43 miles northwest of the VOR. The portion of the present Saginaw control area extension which extends beyond the area described herein is no longer required for air traffic service and would be revoked. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Saginaw VOR, the Wheeler Intersection (intersection of the Saginaw VOR 317° and the White Cloud, Mich., VOR 078° True radials).

5. The Lansing, Mich., control area extension (§ 601.1261) would be redesignated within a 15-mile radius of the Lansing VOR, including the airspace west, north and east of Lansing bounded on the east by longitude 84°18'00'' W., on the southwest by low altitude VOR Federal airway No. 2, on the west by low altitude VOR Federal airway No. 193, and on the north by latitude 43°30'00'' N., excluding the portion which would coincide with the Saginaw control area extension proposed for alteration herein. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Trufant Intersection (intersection of the White Cloud, Mich., VOR 139° and the Muskegon, Mich., VORTAC 076° True radials), the Comstock Intersection (intersection of the Muskegon VORTAC 115° and the White Cloud VOR 176° True radials), the Lowell Intersection (intersection of the Saginaw, Mich., VOR 238° and the Lansing VOR 295° True radials) and the Orleans Intersection (intersection of the Lansing VOR 319° and the Saginaw VOR 238° True radials). Portions of the present Lansing control area extension not included in the description of the proposed control area extension have been omitted to minimize dual designation of controlled airspace. These portions are contained within the Battle Creek, Mich., control area extension (§ 601.1469).

6. The Litchfield, Mich., control area extension (§ 601.1266) would be redesignated within a 15-mile radius of the Litchfield VORTAC, including the airspace east and southeast of Litchfield extending from the 15-mile radius area bounded on the north by low altitude VOR Federal airway No. 90, on the east by low altitude VOR Federal airway No. 47, and on the south by low altitude VOR Federal airway No. 30. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Bridgewater Intersection (intersection of the Litchfield VORTAC 081° and the Salem, Mich., VOR 227° True radials), the Dundee Intersection (intersection of the Carleton, Mich., VOR 247° and the Salem VOR 190° True radials), and the intersection of the Litchfield VORTAC 107° and the Salem VOR 220° True radials, (proposed relocated Tipton Intersection).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 28, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11430; Filed, Dec. 1, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-205]

CONTROLLED AIRSPACE

Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1032, 601.1309, 601.1333, 601.1397, 601.1402, and 601.1403 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures at the locations in Alaska indicated below, the FAA is considering the following airspace actions:

1. The Annette Island, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 22 miles southwest and 17 miles northeast of lines bearing 142° and 322° True from the Annette Island radio range extending from 40 miles northwest of the radio range southeast to a line 3 miles north of and parallel to the United States/Canadian border. This would provide protection for aircraft in holding patterns at the Annette Island radio range and the Gravina Island, Alaska, radio beacon.

2. The Darby, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 290° True bearing from Unalakleet, Alaska, radio range extending from 32 miles to 52 miles west of the radio range. This would provide protection for aircraft in holding patterns at the Darby Intersection (intersection of the 178° True bearing from the Moses Point, Alaska, radio range and the 290° True bearing from the Unalakleet radio range).

3. The Homer, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 5 miles north and 9 miles south of the 265° True bearing from the Homer radio range extending from the radio range to 50 miles west. This would provide protection for aircraft in holding patterns at the Homer radio range and at the Anchor Point, Alaska, Intersection (intersection of the west course of the Homer and the southwest course of the Kenai, Alaska, radio ranges).

4. The Moses Point, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of lines bearing 088° and 268° True from the Moses Point radio range extending from 9 miles west to 20 miles east of the radio range. This would provide protection for aircraft in holding patterns at the Moses Point radio range.

5. The Kotzebue, Alaska, control area extension (§ 601.1032) would be redesignated within 10 miles northwest and 9 miles southeast of lines bearing 048° and 228° True from the Kotzebue radio beacon extending from 10 miles southwest to 25 miles northeast of the radio beacon. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Kotzebue radio beacon.

6. The Kodiak, Alaska, control area extension (§ 601.1309) would be redesignated within 15 miles northwest and 23 miles southeast of lines bearing 045° and 225° True from the Kodiak radio range extending from 25 miles northeast to 40 miles southwest of the radio range. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Kodiak radio range.

7. The Nome, Alaska, control area extension (§ 601.1333) would be redesignated within a 30-mile radius of the Nome radio range. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Nome radio range.

8. The Cordova, Alaska, control area extension (§ 601.1397) would be redesignated within 12 miles southwest and 22 miles northeast of lines bearing 120° and 300° True from the Hinchinbrook, Alaska, radio range extending from 10 miles northwest to 57 miles southeast of the radio range. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Hinchinbrook radio range, at the Egg Island Intersection (intersection of the southwest course of the Cordova radio range and the east course of the Hinchinbrook randio range), and at the East Cordova Intersection (intersection of the east course of the Hinchinbrook radio range and the southeast course of the Cordova radio range). The portion of the present Cordova control area extension which extends beyond the area described above is no longer required and would be revoked.

9. The King Salmon, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within a 25-mile radius of the King Salmon Airport (latitude 58°40'40'' N., longitude 156°38'55'' W.) and within 47 miles southwest and 15 miles northeast of a line bearing 312° True from the King Salmon radio range extending from the radio range to 85 miles northwest. This would provide protection for aircraft in holding patterns at the King Salmon radio range, the King Salmon VOR, and at a DME fix 35 nautical miles from the King Salmon TACAN on the 301° True radial.

10. The Middleton Island, Alaska, control area extension (§ 601.1402) would be redesignated within 8 miles either side of the Middleton Island VOR 037° and 217° True radials extending from 29 miles northeast to 8 miles southwest of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Middleton Island radio range and at the Middleton Island VOR.

11. The Shuyak, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles west and 8 miles east of lines bearing 167° and 347° True from the Shuyak radio beacon extending from 13 miles north to 14 miles south of the radio beacon. This would provide protection for aircraft in holding patterns at the Shuyak radio beacon.

12. The Unalakleet, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of lines bearing 290° and 110° True from the Unalakleet radio range extending from 24 miles west to 9 miles east of the radio range. This would provide protection for aircraft in holding patterns at the Unalakleet radio range.

13. The Yakataga, Alaska, control area extension (§ 601.1403) would be redesignated within 10 miles southeast and 7 miles northwest of a line bearing 242° True from the Yakataga radio range extending from the radio range to 45 miles southwest and within 5 miles either side of a line bearing 152° True from the Yakataga radio range extending from the radio range to the northeast boundary of low altitude Amber Federal airway No. 1. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Cape Suckling Intersection (intersection of the southwest course of the Yakataga, and the southeast course of Hinchinbrook, Alaska, radio ranges). The portion of the present Yakataga control area extension which extends beyond the area described above is no longer required and would be revoked.

14. The Yakutat, Alaska, transition area would be designated to extend upward from 1,200 feet above the surface within 20 miles north and 22 miles south of the Yakutat VORTAC 092° and 272° True radials extending from 19 miles

east to 45 miles west of the VORTAC. This would provide protection for aircraft in holding patterns at the Yakutat radio range and at the Yakutat VORTAC.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of a control area extension is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 28, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11431; Filed, Dec. 1, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–KC–43]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Transition Area, and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1101, 601.1159, 601.1160, 601.1161, 601.1172, 601.1188, and 601.10406 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Chicago, Ill., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Madison, Wis., control area extension (§ 601.1101) would be altered to add the airspace northwest, north and northeast of Madison bounded on the northeast by low altitude VOR Federal airway No. 170, on the south and southwest by low altitude VOR Federal airway No. 2, and on the north by latitude 43°19'00" N. The portion of the control area extension which would coincide with the Madison, Wis. (Truax Field), Restricted area/military climb corridor would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Madison radio range, Morey Intersection (intersection of the Lone Rock, Wis., VOR 106° and the Janesville, Wis., VOR 333° True radials), and the Marshall Intersection (intersection of the Janesville VOR 004° and the Milwaukee, Wis., VORTAC 270° True radials).

2. The Moline, Ill., control area extension (§ 601.1159) would be redesignated within a 15-mile radius of the Cordova, Ill., VOR including the airspace bounded on the east by longitude 90°-00'00" N., on the south by low altitude VOR Federal airway No. 10 north alternate, on the southwest by low altitude VOR Federal airway No. 63 and a line 12 miles southwest of and parallel to low altitude VOR Federal airway No. 38, on the west by longitude 91°31'00" W., and on the northwest by low altitude VOR Federal airway No. 8; within 5 miles either side of a direct line extending from the Polo, Ill., VORTAC to the intersection of the Quad City, Ill., ILS localizer east course and the 318° True radial of the Bradford, Ill., VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Nichols Intersection (intersection of the Cedar Rapids, Iowa, VORTAC 138° and the Iowa City, Iowa, VOR 105° True radials) and at the Galesburg, Ill., Airport (latitude 40°56'30" N., longitude 90°25'50" W.).

3. The South Bend, Ind., control area extension (§ 601.1160) would be revoked as it would be encompassed entirely within the Chicago, Ill., control area extension (§ 601.1161) proposed for alteration herein and the Goshen control area extension (§ 601.1257).

4. The Chicago, Ill., control area extension (§ 601.1161) would be redesignated as the airspace within a 30-mile radius of the Chicago Midway Airport (latitude 41°47'05" N., longitude 87°45'-05" W.); within a 15-mile radius of the Chicago Heights, Ill., VORTAC; including the airspace northeast, east and southeast of Chicago bounded by a line beginning at the intersection of eastern boundary of low altitude VOR Federal airway No. 7 and the southern boundary of low altitude VOR Federal airway No. 84, thence eastward along the southern boundary of low altitude VOR Federal airway No. 84, to its intersection with the South Bend, Ind., VORTAC 314° True radial, thence southeast along this radial to its intersection with the northern boundary of low altitude VOR Federal airway No. 100, thence east along VOR Federal airway No. 100 to its intersection with the arc of a 35-mile radius circle centered on the Battle Creek, Mich., VORTAC, thence counterclockwise along this arc to latitude 41°57'30" N., longitude, 85°44'30" W., thence to latitude 41°41'00" N., longitude 85°49'40" W., thence counterclockwise along the arc of a 15-mile radius circle centered on the Goshen, Ind., VOR to its intersection with the west boundary of low altitude VOR Federal airway No. 55 west alternate, thence south along this boundary to its intersection with the northern boundary of low altitude VOR Federal airway No. 38, thence west along this boundary to its intersection with the eastern boundary of low altitude VOR Federal airway No. 7, thence north along this boundary to the point of beginning. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Whitefish Intersection (intersection of the Chicago Heights, Ill., VORTAC 013° and the Northbrook, Ill., VORTAC 093° True radials), the Long Lake Intersection (intersection of the Keeler, Mich., VOR 148° and the South Bend, Ind., VORTAC 075° True radials), the Westville Intersection (intersection of the Chicago Heights VORTAC 089° and the Lafayette, Ind., VOR 359° True radials), the Boone Grove Intersection (intersection of the Chicago Heights VORTAC 117° and the Knox, Ind., VOR 276° True radials), and at the Knox VOR.

5. The Rantoul, Ill., control area extension (§ 601.1172) would be redesignated as the airspace within a 25-mile radius of Chanute AFB, Rantoul, Ill. (latitude 40°17'40" N., longitude 88°-08'20" W.) including the airspace south of Rantoul within a 20-mile radius of the Champaign VORTAC.

6. The Milwaukee, Wis., control area extension (§ 601.1188) would be altered to add the airspace within 11 miles west and 7 miles east of the Milwaukee ILS localizer north course extending from the Milwaukee control area extension 20-mile radius area to 40 miles north of the localizer; including the airspace east and south of Milwaukee bounded on the north by a line 7 miles north of the parallel to low altitude VOR Federal airway No. 2 centerline, on the east by longitude 87°00'00" W., on the south by low altitude VOR Federal airway No. 84, and on the west by the presently designated Milwaukee control area extension; and the airspace within 12 miles west and 5 miles east of the Milwaukee VORTAC 198° True radial, extending from 22 miles north to 10 miles south of the Harvard Intersection (intersection of the Janesville, Wis., VOR 111° and the Milwaukee VORTAC 198° True radials). The portion of this control area extension which would coincide with the Sheboygan, Wis., Restricted (R–6903) would be excluded during the time of designation of R–6903. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Harvard Intersection, the Timmerman, Wis., VOR, the Milwaukee VORTAC, the Cardinal Intersection (intersection of the Milwaukee VORTAC 087° True radial and the Milwaukee ILS localizer north course), the Wall Eye Intersection (intersection of the Milwaukee VORTAC 065° True radial and the Milwaukee ILS localizer north course), the Seaweed Intersection (intersection of the Milwaukee VORTAC 087° and the Northbrook, Ill., VORTAC 019° True radials), and the Horlick Intersection (intersection of the Milwaukee VORTAC 121° and the Chicago-O'Hare VORTAC 019° True radials).

7. The Bloomington, Ill., transition area (601.10406) would be redesignated to extend upward from 700 feet above the surface within 10 miles southeast and 7 miles northwest of the Bloomington VOR 043° and 223° True radials extending from 20 miles northeast to 9 miles southwest of the VOR. This would provide additional controlled airspace for protection of aircraft in holding patterns at the Bloomington VOR.

8. The Dells, Wis., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Dells VOR 097° and 277° True radials extending from 20 miles east to 9 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Dells VOR.

9. The Dubuque, Iowa, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Dubuque VOR 159° and 339° True radials extending from 20 miles southeast to 9 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Dubuque VOR.

10. The Lone Rock, Wis., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Lone Rock VOR 089° and 269° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Lone Rock VOR.

11. The Rewey, Wis., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and southwest of the Rewey VOR 123° and 299° True radials extending from 20 miles northwest to 20 miles southeast of the VOR. This will provide protection for aircraft in holding patterns at the Rewey VOR.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11465; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–LA–89]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to part 601 and §§ 601.1186, 601.1184, 601.1440, 601.1076, 601.1471, 601.1196, 601.1301, and 601.1300 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Phoenix, Ariz., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Tucson, Ariz., control area extension (§ 601.1186) would be altered to add the airspace west of Tucson bounded on the northeast by low altitude VOR Federal airway No. 66, and on the west and south by low altitude VOR Federal airway No. 105, and the airspace beyond the present limits of the control area extension bounded on the west by an arc of a 36-mile radius circle centered on the Tucson radio range, on the south by a line bearing 256° True from the Tucson radio range, and on the northeast by Victor 105. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Tucson radio range and at the Keystone Intersection (intersection of the Tucson VOR 273° and the Casa Grande VOR 149° True radials).

2. The Casa Grande, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southwest and 7 miles northeast of the Casa Grande VOR 158° and 338° True radials extending from 9 miles northwest to 20 miles southeast of the VOR. This would provide protection for aircraft in holding patterns at the Casa Grande VOR.

3. The Portal, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Cochise, Ariz., VOR 096° True radial extending from 20 miles east to 56 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Portal Intersection (intersection of the Cochise VOR 096° and the San Simon 168° True radials).

4. The Cochise, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the

Cochise VOR 096° and 276° True radials extending from 9 miles west to 20 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Cochise VOR.

5. The San Simon, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the San Simon VOR 089° and 269° True radials extending from 9 miles west to 20 miles east of the VOR, excluding the portion which would coincide with the Cochise and Portal transition areas proposed for designation herein. This would provide protection for aircraft in holding patterns at the San Simon VOR.

6. The Douglas, Ariz., control area extension (§ 601.1184) would be redesignated within 5 miles either side of the Douglas VOR 131° True radial extending from the VOR to the United States/Mexican border, and within 10 miles southwest and 7 miles northeast of the Douglas VOR 302° and 122° True radials extending from 9 miles southeast to 20 miles northwest of the VOR, excluding the portion which would coincide with the Fort Huachuca, Ariz., Restricted Area (R–2303), and the portion which would extend outside the United States. This would provide additional airspace for the protection of aircraft in holding patterns at the Douglas VOR.

7. The Williams, Ariz., control area extension (§ 601.1440) would be redesignated as that airspace bounded on the north by latitude 33°22'00" N., on the northeast and southeast by a line from latitude 33°22'00" N., longitude 111°13'00" W, to latitude 32°56'00" N., longitude 110°31'00" W., thence through latitude 32°42'00" N., longitude 110°42'00" W. to the north edge of low altitude VOR Federal airway No. 94; on the south by Victor 94 and on the west by low altitude VOR Federal airway No. 16. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Chrome Intersection (intersection of the Tucson, Ariz., VORTAC 333° and the Casa Grande, Ariz., VOR 105° True radials).

8. The Mescal, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the Tucson, Ariz., VORTAC 121° True radial extending from 18 miles southeast to 50 miles southeast of the VORTAC excluding the portion which would coincide with the Fort Huachuca, Ariz., Restricted Area (R–2303). This would provide additional controlled airspace for the protection of aircraft in holding patterns at Mescal Intersection (intersection Tucson VORTAC 121° and the Cochise, Ariz., VOR 257° True radials).

9. The Gila Bend, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Gila Bend VORTAC 262° and 082° True radials extending from 9 miles east to 20 miles west of the VORTAC. This would provide protection for aircraft in holding patterns at the Gila Bend VORTAC.

10. The Buckeye, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Buckeye VOR 096° and 276° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Buckeye VOR.

11. The portion of the Phoenix, Ariz., control area extension (§ 601.1076) northeast and east of Phoenix would be redescribed as that airspace bounded on the northeast by the arc of a 50-mile radius circle centered on the Phoenix VORTAC extending clockwise from low altitude VOR Federal airway No. 95 to 8 miles south of the Phoenix VORTAC 066° True radial, on the southeast and east by a line 8 miles south of and parallel to the Phoenix VORTAC 066° True radial extending from the 50-mile radius arc to longitude 111°27'00" W., thence via longitude 111°27'00" W., to the Williams, Ariz., control area extension (§ 601.1440), on the south by the northern boundary of the Williams control area extension, on the west by low altitude VOR Federal airways Nos. 16 and 95. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Bartlett, Ariz., Intersection (intersection of the Phoenix VORTAC 029° and the Buckeye, Ariz., 072° True radials), and at the 22-mile DME fix on the Phoenix VORTAC 066° True radial.

12. The St. Johns, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the St. Johns VORTAC 067° and 247° True radials extending from 9 miles northeast to 20 miles southwest of the VORTAC. This would provide protection for aircraft in holding patterns at the St. Johns VORTAC.

13. The Needles, Calif., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Needles VORTAC 092° and 272° True radials extending from 9 miles west to 20 miles east of the VORTAC. This would provide protection for aircraft in holding patterns at the Needles VORTAC.

14. The Parker, Calif., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Parker VORTAC 071° and 251° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Parker VORTAC.

15. The Blythe, Calif., control area extension (§ 601.1471) would be redesignated within 10 miles north and 7 miles south of the Blythe VOR 094° and 274° True radials extending from 9 miles west to 20 miles east of the Blythe VOR, and the airspace southwest of Blythe within a 17-mile radius of the Blythe VOR extending clockwise from low altitude VOR Federal airway No. 135 to low altitude VOR Federal airway No. 64. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Blythe VOR.

16. The Yuma, Ariz., control area extension (§ 601.1196) would be redesignated within 5 miles west and 13 miles east of the Yuma VOR 180° True radial extending from the VOR to 16 miles south, and within 10 miles west and 7 miles east of the Yuma VOR 171° and 351° True radials extending from 9 miles south to 20 miles north of the VOR, excluding the portions which would coincide with the Yuma (R–2307) and Ajo, Ariz., (R–2301) restricted areas and the portion outside of the United States. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Yuma VOR.

17. The Peach Springs, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Peach Springs VORTAC 074° and 254° True radials extending from 9 miles west to 20 miles east of the VORTAC. This would provide protection for aircraft in holding patterns at the Peach Springs VORTAC.

18. The Winslow, Ariz., control area extension (§ 601.1301) would be altered to add the airspace northeast of Winslow bounded on the northwest by low altitude VOR Federal airway No. 95, on the northeast by the arc of a 20-mile radius circle centered on the Winslow VORTAC, and on the south by low altitude VOR Federal airway No. 12. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Winslow VORTAC.

19. The Prescott, Ariz., control area extension (§ 601.1300) would be altered to add the airspace northeast of the Drake, Ariz., VOR bounded on the west by low altitude VOR Federal airway No. 257, on the south by low altitude VOR Federal airway No. 12 and on the north and northeast by a line extending from Victor 257 along latitude 35°04'30" N. to longitude 112°11'00" W., thence through latitude 35°01'30" N., longitude 112°06'00" W. to Victor 12; and the airspace east of Prescott bounded on the north by Victor 12 south alternate, on the southwest by low altitude VOR Federal airway No. 105 east alternate and on the east by longitude 112°10'30" W. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Drake VOR and at the Prescott VORTAC.

20. The Tuba City, Ariz., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Tuba City VOR 076° and 256° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Tuba City VOR.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances, where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11466; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-LA-99]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1048, 601.1078, 601.1174, 601.1194, 601.1227, and 601.1326 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Oakland, Calif., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Beatty, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 11 miles southwest and 8 miles northeast of the Beatty VOR 320° and 140° True radials extending from 20 miles northwest to 20 miles southeast of the VOR. This would provide protection for aircraft in holding patterns at the Beatty VOR.

2. The Big Trees, Calif., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 12 miles south of the Linden, Calif., VORTAC 077° True radial extending from 22 miles west to 22 miles east of the Big Trees Intersection (intersection of the Linden VORTAC 077° and the Fresno, Calif., 350° True radials). This would provide protection for aircraft in holding patterns at the Big Trees Intersection.

3. The Paso Robles, Calif., transition area would be designated to extend upward from 1,200 feet above the surface within a 20-mile radius of the Paso Robles VOR, excluding the portion of the transition area that would coincide with the Camp Roberts, Calif., Restricted Area (R–2504). This would provide protection for aircraft in holding patterns at the Paso Robles VOR.

4. The Lida, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southwest and 12 miles northeast of the Coaldale, Nev., VORTAC 146° True radial extending from 22 miles southeast to 22 miles northwest of the Intersection (intersection of the Coaldale, Nev., VORTAC 146° and the Tonopah, Nev., VOR 198° True radials); including the airspace 12 miles northwest and 9 miles southeast of the Tonopah VOR 198° True radial extending from the Lida Intersection to 22 miles northeast of the intersection. This would provide protection for aircraft in holding patterns at the Lida Intersection.

5. The Coaldale, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Coaldale VORTAC 087° True radial extending from the VORTAC to 20 miles east; including the airspace within 10 miles northeast and 10 miles southwest of the Coaldale VORTAC 316° and 146° True radials extending from 20 miles northwest to 20 miles southeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Coaldale VORTAC.

6. The Tonopah, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 10 miles north of the Tonopah VOR 083° and 268° True radials extending from 20 miles east to 20 miles west of the VOR, including the airspace within 7 miles southeast and 10 miles northwest of the Tonopah VOR 198° True radial extending from the VOR to 20 miles southwest of the VOR, excluding the portion of this transition area which would coincide with the Tonopah, Nev., Restricted Area (R–4807). This would provide protection for aircraft in holding patterns at the Tonopah VOR.

7. The Priest, Calif., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the east by low altitude VOR Federal airway No. 107, on the south by latitude 35°55'00" and the Paso Robles transition area 20-mile radius area (designation proposed herein), on the west by low altitude VOR Federal airway No. 25 east alternate and on the north by low altitude VOR Federal airway No. 111. This would provide protection for aircraft in holding patterns at the Priest VOR, the Rancho Intersection (intersection of the Priest VOR 334° and the Los Banos VOR 266° True radials) and the Del Rey Intersection (intersection of the Paso Robles VOR 332° and the Big Sur, Calif., VOR 084° True radials).

8. The Mina, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 10 miles south of the Mina VOR 259° and 086° True radials extending from 20 miles west to 20 miles east of the VOR, including the airspace within 7 miles southwest and 10 miles northeast of the Mina VOR 124° True radial extending from the VOR to 20 miles southeast of the VOR. This would provide protection for aircraft in holding patterns at the Mina VOR.

9. The Maxwell, Calif., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the east by low altitude VOR Federal airway No. 195, on the south by low altitude VOR Federal airway No. 200, and on the west by low altitude VOR Federal airway No. 25 and on the north by the arc of a 25-mile radius circle of the Red Bluff, Calif., VORTAC. This would provide protection for aircraft in holding patterns at the Maxwell and Williams, Calif., VORTACS.

10. The Red Bluff, Calif., control area extension (§ 601.1048) would be redesignated within a 25-mile radius of the Red Bluff VORTAC; including the airspace within 12 miles southwest and 12 miles northeast of the Red Bluff VORTAC 291° True radial extending from the control area extension 25-mile radius area to 50 miles northeast of the VORTAC, and within 12 miles southwest and 12 miles northeast of the Red Bluff VORTAC 342° True radial extending from the control area extension 25-mile radius area to 70 miles northwest of the VORTAC. This would provide protection for aircraft in holding patterns at the Red Bluff VORTAC, radio range, the Tomhead Intersection (intersection of

the Red Bluff VORTAC 291° and Williams, Calif., VORTAC 335° True radials), and the Delta Intersection (intersection of the Red Bluff VORTAC 342° and the west course of the Whitmore, Calif., radio range).

11. The Reno, Nev., control area extension (§ 601.1078) would be redesignated as that airspace bounded on the north by latitude 40°00'00" N., on the east by a line extending from latitude 40°00'00" N., longitude 118°57'00" W. to latitude 39°06'00" N., longitude 119°-10'00" W., thence southwest to latitude 38°56'00" N., longitude 119°49'00" W., thence northwest to latitude 39°05'00" N., longitude 120°00'00" W., and on the west by longitude 120°00'00" W. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Reno VOR and radio range. The portion of the present Reno control area extension which extends beyond the area described herein is no longer required and would be revoked.

12. The Ukiah, Calif., control area extension (§ 601.1174) would be redesignated within a 20-mile radius of the Ukiah VOR, including the airspace northeast of Ukiah bounded on the east by low altitude VOR Federal airway No. 25, on the south by low altitude VOR Federal airway No. 200, and on the west and north by low altitude VOR Federal airway No. 199. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Ukiah VOR and the Lakeport Intersection (intersection of the Ukiah VOR 089° and the Red Bluff, Calif., VORTAC 202° True radials).

13. The Sacramento, Calif., control area extension (§ 601.1194) would be altered to add the airspace northeast of Sacramento beyond the present limits of the Sacramento control area extension bounded on the east by longitude 120°10'00" W., on the south by low altitude VOR Federal airway No. 6, on the west by longitude 121°20'00" W., and on the north by latitude 39°30'00" N. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Valley Intersection (intersection of the Williams, Calif., VORTAC 075° and the Sacramento VORTAC 023° True radials), the Signal Intersection (intersection of the Lake Tahoe, Calif., VOR 299° and the Williams VORTAC 075° True radials), and the Newcastle Intersection (intersection of the Sacramento VORTAC 038° and the Williams VORTAC 104° True radials).

14. The Lovelock, Nev., control area extension (§ 601.1227) would be redesignated within 10 miles northwest and 10 miles southeast of the Lovelock VORTAC 238° and 068° True radials extending from 20 miles southwest to 20 miles northeast of the VOR, excluding the portion of the control area extension that would coincide with the Sahwave Mountains, Nev., Restricted area (R-4805). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Lovelock VORTAC.

15. The Fortuna, Calif., control area extension (§ 601.1326) would be altered to add the airspace south and southeast of Fortuna beyond the present limits of the Fortuna control area extension within 11 miles north and 7 miles south of the Fortuna VOR 110° True radial extending from 21 miles east to 9 miles west of the Yager Intersection (intersection of the Fortuna VOR 110° and the Arcata, Calif., ILS localizer southeast course); including the airspace within 10 miles northeast and 7 miles southwest of the Fortuna VOR 155° True radial extending from the VOR to 20 miles southeast of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Fortuna VOR, and the Yeager Intersection.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition area with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, 45, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–11467; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–LA–91]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1439, 601.1298, 601.1443, 601.1054, 601.1079, 601.1185, and 601.1071 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Salt Lake City, Utah Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Myton, Utah, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Myton VOR 049° and 229° True radials extending from 9 miles southwest to 20 miles northeast of the VOR. This would provide protection for aircraft in holding patterns at the Myton VOR.

2. The Delta, Utah, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Delta VOR 203° and 023° True radials extending from 9 miles northeast to 20 miles southwest of the VOR. This would provide protection for aircraft in holding patterns at the Delta VOR.

3. The Lucin, Utah, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Lucin VOR 096° and 276° True radials extending from 9 miles west to 20 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Lucin VOR.

4. The Twin Falls, Idaho, transition area would be designated to extend upward from 1,200 feet above the surface within 20 miles west and 15 miles east of the Twin Falls VOR 180° and 360° True radials extending from 10 miles south to 29 miles north of the VOR. This would provide protection for aircraft in holding patterns at the Twin Falls VOR and at the Jerome Intersection (intersection of the Burley, Idaho, VORTAC 292° and the Twin Falls VOR 013° True radials).

5. The Burley, Idaho, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Burley VORTAC 072° and 252° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Burley VORTAC.

6. The Pocatello, Idaho, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Pocatello VOR 046° and 226° True radials extending from 9 miles southwest to 20 miles northeast of the VOR, within 10 miles east and 7 miles west of the Pocatello VOR 168° and 348° True radials extending from 9 miles north to 20 miles south of the VOR, and within 10 miles south and 7 miles north of the Pocatello VOR 252° and 072° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Pocatello VOR and at the Pocatello ILS outer marker compass locator.

7. The Malad City, Idaho, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Malad City VORTAC 165° and 345° True radials extending from 9 miles north to 20 miles south of the VORTAC. This would provide protection for aircraft in holding patterns at the Malad City VORTAC.

8. The Hanksville, Utah, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Hanksville VORTAC 241° and 061° True radials extending from 9 miles northeast to 20 miles southwest of the VORTAC. This would provide protection for aircraft in holding patterns at the Hanksville VORTAC.

9. The Milford, Utah, transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Milford VORTAC 023° and 203° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Milford VORTAC.

10. The Fort Bridger, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Fort Bridger VOR 079° and 259° True radials extending from 9 miles west to 20 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Fort Bridger VOR.

11. The Battle Mountain, Nev., control area extension (§ 601.1439) would be redesignated within 14 miles east and 7 miles west of the Battle Mountain VOR 348° True radial extending from the VOR to 12 miles north, and the airspace south of the Battle Mountain VOR bounded on the north by low altitude VOR Federal airways No. 6 west of the VOR and No. 32 east of the VOR, on the south by low altitude VOR Federal airway No. 494 and on the west by longitude 117°-17'00" W. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Battle Mountain VOR.

12. The Riverton, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Boysen Reservoir VORTAC 186° True radial extending from 35 miles south to 67 miles south of the VORTAC. This would provide protection for aircraft in holding patterns at the Hudson Intersection (intersection of the Boysen VORTAC 186° and the Casper, Wyo., VORTAC 261° True radials).

13. The Boysen Reservoir, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Boysen Reservoir VORTAC 006° and 186° True radials extending from 9 miles north to 20 miles south of the VORTAC. This would provide protection for aircraft in holding patterns at the Boysen Reservoir VORTAC.

14. The Promontory Point, Utah, control area extension (§ 601.1298) would be altered to add the airspace west of Promontory Point bounded on the north by low altitude VOR Federal airway No. 6, on the east by the present Promontory Point control area extension, on the south by Wendover, Utah, Restricted Area R–6404, and on the west by longitude 112°52'00" W. This would provide additional controlled airspace for aircraft in holding patterns at the Promontory Point Intersection (intersection of the Ogden, Utah, VOR 276° True radial and the 004° True bearing from the Promontory Point radio beacon).

15. The Promontory Point, Utah, transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southwest and 8 miles northeast of the Ogden, Utah, VOR 316° True radial extending from 35 to 67 miles northwest of the Ogden VOR. This would provide protection for aircraft in holding patterns at the Hansel Intersection (intersection of the Ogden VOR 316° and the Malad City, Idaho, VORTAC 200° True radials).

16. The Bryce Canyon, Utah, control area extension (§ 601.1443) would be redsignated within 5 miles either side of the Bryce Canyon VOR 110° True radial extending from the VOR to 25 miles southeast, and within 10 miles southeast and 7 miles northwest of the Bryce Canyon VOR 240° True radial extending from the VOR to 20 miles southwest. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Bryce Canyon VOR.

17. The Sinclair, Wyo., control area extension (§ 601.1054) would be altered to add the airspace southeast of Rawlins, Wyo., bounded on the north by low altitude VOR Federal airway No. 6, on the east by an arc of a 10-mile radius circle centered on the Sinclair radio range, and on the southwest by low altitude VOR Federal airway No. 4. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Sinclair radio range.

18. The Cherokee, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Cherokee VOR 081° and 261° True radials extending from 7 miles east to 7 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Cherokee VOR.

19. The Tremonton, Utah, transition area would be designated to extend upward from 1,200 feet above the surface bounded on the northeast by a line extending from low altitude VOR Federal airway No. 21 to low altitude VOR Federal airway No. 288 through latitude 41°50'00" N., longitude 112°12'30" W., and latitude 41°40'00" N., longitude 112°05'00" W.; on the south by Victor 288 and on the west by Victor 21. This would provide protection for aircraft in holding patterns at the Corinne Intersection (intersection of the Ogden, Utah, VOR 345° and the Lucin, Utah, VOR 080° True radials).

20. The Rock Springs, Wyo., control area extension (§ 601.1079) would be altered to add the airspace beyond the present limits of the control area extension within 12 miles south and 7 miles north of the Rock Springs VORTAC 079° and 259° True radials extending from 9 miles east to 20 miles west of the VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Rock Springs VORTAC.

21. The Provo, Utah, control area extension (§ 601.1185) would be altered to add the airspace beyond the present limits of the control area extension bounded on the north by low altitude VOR Federal airway No. 200 on the southeast by a line extending from Victor 200 through latitude 40°04'00" N., longitude 111°29'00" W. and latitude 40°00'00" N., longitude 111°45'00" W., to low altitude VOR Federal airway No. 21, and on the northwest by Victor 21. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Provo VOR and at the Peak Intersection (intersection of the Provo VOR 094° and the Salt Lake City, Utah, VORTAC 162° True radials).

22. The Stansbury, Utah, transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles south and 8 miles north of the Salt Lake City, Utah, VORTAC 265° True radial extending from 13 miles to 45 miles west of the VORTAC. This would provide protection for aircraft in holding patterns at the Stansbury Intersection (intersection of the Salt Lake City VORTAC 265° and the Ogden, Utah, VOR 212° True radials).

23. The Elko, Nev., control area extension (§ 601.1077) would be altered to add the airspace beyond the present limits of the control area extension within 10 miles south of the Elko VORTAC 248° True radial extending from the VORTAC to 20 miles southwest. This would provide protection for aircraft in holding patterns at the Elko VORTAC.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11468; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–LA–95]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1039, 601.1040, and 601.1446 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Seattle, Wash., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Portland, Oreg., control area extension (§ 601.1039) would be altered to add the airspace west of the Newberg, Oreg., VOR bounded on the northeast by the present control area extension, on the southeast by low altitude VOR Federal airway No. 99 and on the northwest by a line 10 miles northwest of and parallel to the Newberg VOR 204° True radial; and the area northwest of the Portland VORTAC bounded on the north by latitude 46°15'00'' N., on the east by low altitude VOR Federal airway No. 99, on the south by the present control area extension and on the west by a line extending through latitude 45°40'00'' N., longitude 123°14'00'' W., and latitude 46°15'00'' N., longitude 123°23'00'' W. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Pittsburg Intersection (intersection of the Portland VORTAC 301° and the Newberg VOR 355° True radials), the Scappoose Intersection (intersection of the Newberg VOR 355° and the Portland ILS localizer northwest course), the St. Helens Intersection (intersection of the Portland VORTAC 301° and the Newberg VOR 011° True radials) and the Newberg VOR.

2. The Medford, Oreg., control area extension (§ 601.1040) would be altered to add the airspace northwest and southeast of Medford beyond the present limits of this control area extension within 15 miles east and 8 miles west of the Medford VORTAC 335° and 155° True radials extending from 14 miles south to 20 miles north of the VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Medford VORTAC and radio range.

3. The Pendleton, Oreg., control area extension (§ 601.1446) would be revoked and the Pendleton transition area designated to extent upward from 1,200 feet above the surface within 18 miles northeast and 7 miles southwest of the Pendleton VORTAC 137° True radial extending from 9 miles to 39 miles southeast of the VORTAC, and within 10 miles southeast and 7 miles northwest of the Pendleton VORTAC 254° and 074° True radials extending from 9 miles northeast to 20 miles southwest of the VORTAC. This transition area would include the present control area extension and would provide protection for aircraft in holding patterns at the Pendleton VORTAC and at the Pilot Rock Intersection (intersection of the Pendleton VORTAC 137° and the Walla Walla, Wash., VOR 204° True radials).

4. The Baker, Oreg., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 10 miles southwest of the Baker VORTAC 139° and 319° True radials extending from 20 miles northwest to 20 miles southeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Baker VORTAC.

5. The Drain, Oreg., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles west and 8 miles east of the Eugene, Oreg., VORTAC 187° True radial extending from 10 miles north to 22 miles south of the Drain Intersection (intersection of the Eugene VORTAC 187° and the North Bend, Oreg., VOR 070° True radials). This would provide protection for aircraft in holding patterns at the Drain Intersection.

6. The Port Angeles, Wash., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the north by the United States/Canadian border, on the east by Amber Federal airway No. 1, on the south by latitude 48°03'00''N. and on the west by longitude 123°35'00''W. This would provide protection for aircraft in holding patterns at the Port Angeles VOR.

7. The Dalles, Oreg., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of The Dalles VORTAC 096° and 276° True radials extending from 9 miles west to 20 miles east of the VORTAC. This would provide protection for aircraft in holding patterns at The Dalles VORTAC.

8. The Ellensburg, Wash., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Ellensburg VORTAC 064° and 244° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Ellensburg VORTAC.

9. The Yakima, Wash., transition area would be designated to extend upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Ellensburg, Wash., VORTAC 191° True radial, extending from 8 miles south to 15 miles north of the Gleed Intersection (intersection of the Ellensburg VORTAC 191° and the Yakima VOR 304° True radials). This would provide protection for aircraft in holding patterns at the Gleed Intersection.

10. The Kings Valley, Oreg., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northwest and 8 miles southeast of the Newberg, Oreg., VOR 204° True radial extending from 10 miles northeast to 22 miles southwest of the Kings Valley Intersection (intersection of the Newberg VOR 204° and the Eugene, Oreg., VORTAC 340° True radials). This would provide protection for aircraft in holding patterns at the Kings Valley Intersection.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–11469; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–LA–100]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1050, 601.1071, 601.1247, and 601.1436 of the Regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Los Angeles, Calif., Air Route Traffic Control area, the FAA is considering the following airspace actions:

1. The Bakersfield, Calif., control area extension (§ 601.1050) would be redesignated as the airspace southwest and west of Bakersfield bounded on the east by low altitude VOR Federal airway No. 23, on the south by latitude 35°05'00'' N., on the west by longitude 119°30'00'' W. and on the north by latitude 36°00'00'' N.; including the airspace northeast of Bakersfield bounded on the east by longitude 118°45'00'' W., on the south by latitude 35°36'00'' N., on the west by a line extending from latitude 35°36'00'' N., longitude 119°01'03'' W. to latitude 36°00'00'' N., longitude 118°48'00'' W., and on the north by latitude 36°00'00'' N. This would provide for additional controlled airspace for the protection of aircraft in holding patterns at the Bakersfield VORTAC, the Maricopa Intersection (intersection of the Bakersfield VORTAC 210° and the Avenal, Calif., VOR 129° True radials), the Delano Intersection (intersection of the Bakersfield VORTAC 338° and the Avenal VOR 083° True radials), and the Dunlap Intersection (intersection of the Bakersfield VORTAC 013° and the Avenal VOR 083° True radials).

2. The Burbank, Calif., control area extension (§ 601.1071) would be redesignated as that airspace bounded on the southeast by low altitude VOR Federal airway No. 8 north alternate, on the south by low altitude VOR Federal airway No. 16, on the southwest and west by low altitude VOR Federal airway No. 107, on the northwest by low altitude VOR Federal airway No. 12 and the east boundary of low altitude VOR Federal airway No. 23 and on the northeast by low altitude VOR Federal airway No. 137. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Soledad Intersection (intersection of the Palmdale, Calif., VOR 206° and the Lake Hughes, Calif., VOR 122° True radials), the Victory Intersection (intersection of the Palmdale VOR 280° and the Fillmore, Calif., VORTAC 055° True radials), Saugus Intersection (intersection of the Fillmore VORTAC 066° and the Lake Hughes VOR 158° True radials), the Lang Intersection (intersection of the Palmdale VOR 236° and the Los Angeles, Calif., VOR 355° True radials), the Alhambra Intersection (intersection of the Los Angeles VOR 057° and the Long Beach, Calif., VORTAC 346° True radials), the Covina Intersection (intersection of the Long Beach 024° and the Ontario, Calif., VOR 300° True radials), the Palmdale VOR, and the Berry Intersection (intersection of the Los Angeles VOR 026° and the Long Beach VORTAC 338° True radials).

3. The Las Vegas, Nev., control area extension (§ 601.1247) would be redesignated as that airspace bounded on the north by latitude 36°16'00'' N., on the west by a line extending from latitude 36°16'00'' N., longitude 116°20'00'' W. to latitude 36°04'00'' N., longitude 116°20'00'' W., thence southeast to latitude 35°45'00'' N., longitude 116°00'00'' W., thence southwest to latitude 35°19'35'' N., longitude 116°15'00'' W., on the southwest by low altitude VOR Federal airway No. 8 north alternate, and on the east by the Las Vegas control area extension (§ 601.1455). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Hidden Hills Intersection (intersection of the Las Vegas VORTAC 266° and the Beatty, Nev., VOR 142° True radials), the Pahrump Intersection (intersection of the Las Vegas VORTAC 266° and the Beatty VOR 136° True radials), the Charleston Intersection (intersection of the Mormon Mesa, Nev., VORTAC 232° and the Las Vegas VORTAC 266° True radials), the Clark Intersection (intersection of the Las Vegas VORTAC 226° and the Beatty VOR 142° True radials) and the Silver Lake Intersection (intersection of the Daggett, Calif., VORTAC 048° and the Needles, Calif., VORTAC 296° True radials). Portions of the present Las Vegas control area extension not included in the description of the proposed control area extension have been omitted to minimize dual designation of controlled airspace. This portion is contained with the Lake Mead, Nev., transition area designation proposed herein.

4. The San Bernardino, Calif., control area extension (§ 601.1436) would be altered to add the airspace northeast of San Bernardino bounded on the east by longitude 116°35'00'' W., on the south by the Ontario, Calif., VOR 060° True radial, on the west by the present San Bernardino control area extension and on the northwest by low altitude VOR Federal airway No. 8. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Lucerne Intersection (intersection of the Hector, Calif., VORTAC 228° and the Palmdale, Calif., VOR 096° True radials) and the Arrowhead Intersection (intersection of the Ontario VOR 047° and the Palmdale VOR 124° True radials).

5. The Essex, Calif., transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles south and 12 miles north of the Needles, Calif., VORTAC 272° True radial extending from 10 miles west to 22 miles east of the Clipper Intersection (intersection of the Goffs, Calif., VOR 205° and the Needles VORTAC 272° True radials). This would provide protection for aircraft in holding patterns at the Clipper Intersection.

6. The Hector, Calif., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles south and 10 miles north of the Hector VORTAC 091° and 271° True radials extending from 7 miles west to 20 miles east of the VORTAC. This would provide protection for aircraft in holding patterns at the Hector VORTAC. The portion of this control area extension which would coincide with the Bullion Mountains, Calif., Restricted Area (R–2501) would be used only after obtaining prior approval from appropriate authority.

7. The Lake Mead, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles east and 12 miles west of the Mormon Mesa, Nev., VORTAC 185° True radial extending from 10 miles south to 22 miles north of the Mead Intersection (intersection of the Mormon Mesa VORTAC 185° and the Las Vegas, Nev., VORTAC 081° True radials) including the airspace southwest of the Mead Intersection bounded on the north by low altitude VOR Federal airway No. 21 east alternate, on the east by low altitude VOR Federal airway No. 237, and on the south by low altitude VOR Federal airway No. 105 east alternate. This would provide protection for aircraft in holding patterns at the Mead Intersection.

8. The Mormon Mesa, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles southeast and 10 miles northwest of the Mormon Mesa VORTAC 032° True radial extending from the VORTAC to 20 miles northeast of the VORTAC, including the airspace within 7 miles southeast and 10 miles northwest of the Mormon Mesa VORTAC 059° and 239° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Mormon Mesa VORTAC.

9. The Searchlight, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southwest and 8 miles northeast of the Las Vegas, Nev., VORTAC 157° True radial extending from 10 miles northwest to 22 miles southeast of the Searchlight Intersection (intersection of the Las Vegas VORTAC 157° and the Goffs, Calif., VOR 030° True radials). This would provide protection for aircraft in holding patterns at the Searchlight Intersection.

10. The Willow Beach, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles northeast and 12 miles southwest of the Las Vegas, Nev., VORTAC 121° True radial extending from 10 miles northwest to 22 miles southeast of the Willow Beach Intersection (intersection of the Las Vegas VORTAC 121° and the Mormon Mesa, Nev., VORTAC 200° True radials). This would provide protection for aircraft in holding patterns at the Willow Beach Intersection.

11. The Gorman, Calif., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the east by longitude 118°-45'00'' W., on the south by latitude 34°30'00'' N. on the west by longitude 119°30'00'' W., and on the north by latitude 35°05'00'' N. This would provide protection for aircraft in holding patterns at the Grapevine Intersection (intersection of the Gorman VORTAC 345° and the Palmdale, Calif., VOR 291° True radials), the Reyes Intersection (intersection of the Filmore, Calif., VORTAC 325° and the Santa Barbara, Calif., VORTAC 073° True radials), and the Inez Intersection (intersection of the Oxnard, Calif., VOR 339° and the Santa Barbara, Calif., VORTAC 091° True radials).

12. The Santa Barbara, Calif., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the west by low altitude VOR Federal airway No. 25, on the north by low altitude VOR Federal airway No. 248, on the northeast by low altitude VOR Federal airway No. 107, on the east by longitude 119°30'00'' W., and on the south by low altitude VOR Federal airway No. 12. This would provide protection for aircraft in holding patterns at the Santa Barbara VORTAC, Avenal, Calif., VOR, Pozo Intersection (intersection of the Paso Robles, Calif., VOR 149° and the San Luis Obispo, Calif., VORTAC 110° True radials), Fellows, Calif., VOR, and the Derby Intersection (intersection of the Avenal VOR 145° and the Bakersfield, Calif., VORTAC 243° True radials).

13. The El Centro, Calif., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the south by the United States-Mexican border, on the west by longitude 115°43'00'' W., on the north by latitude 32°52'00'' N., and on the east by longitude 115°15'00'' W., excluding the portion of this transition area that would coincide with the Hottsville, Calif., Restricted Area (R–2512). This would provide protection for aircraft in holding patterns at the El Centro VORTAC.

14. The Twentynine Palms, Calif., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the east by longitude 115°12'00'' W., on the south by latitude 33°28'00'' N., on the west by the Riverside, Calif., control area extension (§ 601.1068) and longitude 116°28'00'' W., and on the north by latitude 34°17'-00'' N., excluding the portion of this transition area which would coincide with the Chocolate Mountains, Calif., Restricted Area (R–2507). The portion of this transition area which would coincide with the Bullion Mountains, Calif., Restricted Area (R–2501) would be used only after prior approval of the appropriate authority. This would provide protection for aircraft in holding patterns at the Twentynine Palms VORTAC, the Eagle Intersection (intersection of the Twentynine Palms VORTAC 154° and the Blythe, Calif., VORTAC 288° True radials), the Shavers Intersection (intersection of the Thermal, Calif., VORTAC 091° and the Julian, Calif., VOR 055° True radials), and the Palm Springs Intersection (intersection of the Thermal VORTAC 340° and the Twentynine Palms VORTAC 244° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–11470; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–NY–92]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1051, 601.1081, 601.1100, 601.1273, 601.1303, 601.1312, 601.1315, 601.1324, 601.1368, 601.1374, 601.1377, 601.1385, 601.10008 of the Regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Boston, Mass., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Portland, Maine, control area extension (§ 601.1051) would be redesignated as that airspace bounded by a line beginning at latitude 43°37'00'' N., longitude 71°00'00'' W.; to latitude 43°45'-00'' N., longitude 71°09'00'' W.; to latitude 44°06'00'' N., longitude 70°43'00'' W.; to latitude 43°56'00'' N., longitude 70°29'00'' W.; to latitude 43°52'00'' N., longitude 70°29'00'' W.; thence southeast to the continental limits of the United States via a line 5 miles northeast of and parallel to the 132° and 312° True bearings from the Portland Municipal Airport (latitude 43°38'50'' N., longitude 70°18'28'' W.); thence south via the continental limits of the United States to the northern boundary of the Boston, Mass., control area extension (§ 601.1377); thence west along that boundary to longitude 71°00'00'' W.; to point of beginning. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Portland ILS outer marker, Kennebunk, Maine, VOR and the Hiram Intersection (intersection of the Kennebunk VOR 346° and the Concord, N.H., VOR 041° True radials).

2. The Windsor Locks, Conn., control area extension (§ 601.1081) would be altered to add the airspace southwest of Chester, Mass., bounded on the north by low altitude VOR Federal airway No. 270, on the northeast by low altitude VOR Federal airway No. 130, on the southeast by low altitude VOR Federal airway No. 93, and on the west by low altitude VOR Federal airway No. 487. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Colebrook Intersection (intersection of the Westfield, Mass., VOR 239°, and the Hartford, Conn., VOR 320° True radials), and the Hillsdale Intersection (intersection of the Chester, Mass., VOR 266° and the Poughkeepsie, N.Y., VOR 008° True radials).

3. The Rutland, Vt., control area extension (§ 601.1100) would be redesignated as that airspace northeast of Benson, Vt., bounded on the northwest by low altitude VOR Federal airway No. 91; on the northeast by low altitude VOR Federal airway No. 141, and on the south by the Benson, Vt., VORTAC 092° True radial; and the airspace south of Benson bounded on the north by the Benson VORTAC 092° True radial, on the east by a line 24 miles east of and parallel to the Benson VORTAC 182° True radial, on the south by a line 20 miles south of and parallel to the Benson VORTAC 091° and 271° True radials, and on the west by low altitude VOR Federal airway No. 91. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Rutland radio beacon, Burlington, Vt., VOR and the intersection of the Lebanon, Vt., VOR 332° and the Montpelier, Vt., VOR 243° True radials.

4. The Syracuse, N.Y., control area extension (§ 601.1273) would be redesignated within the area bounded by a line beginning at latitude 43°17'00'' N., longitude 76°27'00'' N., clockwise around the arc of a 15-mile radius circle centered at the Syracuse VORTAC to latitude 43°00'10'' N., longitude 76°00'00'' W.; to latitude 42°29'00'' N., longitude 76°00'00'' W.; to latitude 42°29'00'' N., longitude 76°25'00'' W.; to latitude 42°-36'10'' N., longitude 76°25'00'' W.; thence clockwise around the arc of a 40-mile radius circle centered at the Syracuse VORTAC; to latitude 43°17'00'' N., longitude 76°58'45'' W.; to point of beginning. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Vesper Intersection (intersection of the Syracuse VOR 177° and the Georgetown, N.Y., VOR 272° True radials), Cortland Intersection (intersetcion of the Binghamton, N.Y., VORTAC 357° and the Georgetown VOR 238° True radials), Owasco Intersection (intersection of the Syracuse VORTAC 211° and the Georgetown VOR 272° True radials) and the Plainville Intersection (intersection of the Syracuse VORTAC 268° and the Watkins Glen VOR 016° True radials).

5. The Albany, N.Y., control area extension (§ 601.1303) would be altered to add the airspace northwest of Albany bounded on the north by low altitude VOR Federal airway No. 490, on the east by low altitude VOR Federal airway No. 203 and the Albany control area extension 15-mile radius area, and on the south by low altitude VOR Federal airway No. 2; the airspace northeast of Albany bounded on the north by low altitude VOR Federal airway No. 490, on the east by low altitude VOR Federal airway No. 487, on the south by low altitude VOR Federal airway No. 72, and on the west by the Albany control area extension 15-mile radius area; and the airspace southwest of Albany bounded on the north by low altitude VOR Federal airway No. 72, on the east by the Albany control area extension 15-mile radius area, and on the south by a line 10 miles south of and parallel to the Albany VORTAC 270° True radial. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Albany VORTAC, Albany ILS outer marker compass locator, and the Perth Intersection (intersection of the Utica, N.Y., VOR 091° and the Glens Falls, N.Y., VORTAC 234° True radials).

6. The Watertown, N.Y., control area extension (§ 601.1312) would be redesignated within 12 miles west and 8 miles east of the Watertown VOR 367° and 187° True radials extending from 9 miles north of the VOR to a 40-mile radius arc of Griffiss AFB (latitude 43°14'00'' N., longitude 75°24'10'' W.), Rome, N.Y., and a 15-mile radius arc of the Syracuse VORTAC, including the airspace within 5 miles either side of the Watertown VOR 155° True radial extending from the VOR to a 40-mile radius arc of the Griffiss AFB. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Watertown VOR and the Pulaski Intersection (intersection of the Utica VOR 308° and the Syracuse VORTAC 007° True radials).

7. The Keene, N.H., control area extension (§ 601.1315) would be redesignated within 8 miles west and 5 miles east of the Keene VOR 188° True radial extending from the VOR to 17 miles south; within 8 miles west and 5 miles east of the 186° True bearing from the Keene radio beacon extending from the radio beacon to 17 miles south; within 11 miles northwest and 7 miles southeast of the Keene VOR 246° True radial extending from the VOR to 27 miles southwest; and within 10 miles west and 7 miles east of the Keene VOR 019° True radial extending from the VOR to 20 miles north. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Keene radio beacon and the Colrain Intersection (intersection of the Gardner, Mass., VORTAC 284° and the Keene VOR 231° True radials).

8. The Brunswick, Maine, control area extension (§ 601.1324) would be altered to add the airspace southwest of Augusta, Maine, within the area from 5 miles northwest to 7 miles northwest of the Augusta VOR 239° True radial extending from the VOR to 20 miles southwest; and the airspace northwest of Augusta within the area from 5 miles west to 10 miles west of Augusta VOR 025° True radial extending from the VOR to 20 miles northeast. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Augusta VOR.

9. The Lebanon, N.H., control area extension (§ 601.1368) would be redesignated within 8 miles southeast and 5 miles northwest of the Lebanon VOR

050° True radial extending from the VOR to 17 miles northeast; and within 10 miles either side of the Lebanon VOR 135° and 316° True radials extending from 20 miles southeast to 20 miles northwest of the VOR excluding the portion which would coincide with the Rutland control area extension (§ 601.1100) proposed for alteration herein. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Lebanon VOR.

10. The Limestone, Maine, control area extension (§ 601.1374) would be altered to add the airspace south of Presque Isle, Maine, within the area bounded on the north by the Limestone control area extension 40-mile radius area, on the east by the United States-Canadian border, on the southeast by VOR Federal airway No. 471, north of Millinocket, Maine, VOR and VOR Federal airway No. 39, south of the Millinocket VOR, on the west by lines extending from the intersection of the north boundary of VOR Federal airway No. 39 and longitude 69°04'00" W.; to latitude 45°53'00" N., longitude 69°04'00" W.; to latitude 45°-53'00" N., longitude 68°30'00" W.; thence via longitude 68°30'00" W. to the Limestone control area extension 40-mile radius area. This would provide additional controlled airspace for the protection at aircraft in holding patterns at the St. Croix Intersection (intersection of the Presque Isle VOR 194° and the Houlton, Maine, VOR 307° True radials), Houlton VOR, and the Millinocket, Maine, VOR.

11. The Boston control area extension (§ 601.1377) would be altered to add the airspace north and northwest of Concord, N.H., beyond the present limits of the Boston control area extension within the arc of a 20-mile radius circle centered at the Concord VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Concord VOR.

12. The Rome, N.Y., control area extension (§ 601.1385) would be redesignated within a 40-mile radius of the Griffiss AFB (latitude 43°14'00" N., longitude 75°24'10" W.), including the airspace southeast of Utica, N.Y., bounded on the north by the Rome control area extension 40-mile radius area, on the northeast by low altitude VOR Federal airway No. 2, on the east by longitude 74°30'00" W., on the south by a line 12 miles south of and parallel to the Rockdale, N.Y., VOR 075° True radial, and on the southwest and west by VOR Federal airway No. 273; and the airspace east of Utica bounded on the north by a line 8 miles north of and parallel to the Utica VOR 091° True radial, on the east and south by low altitude VOR Federal airway No. 496, and on the west by the Rome control area extension 40-mile radius area, excluding the portion which would coincide with the Syracuse, N.Y., control area extension (§ 601.1273). The portion of this control area extension which would coincide with the Griffiss AFB Restricted Area/Military Climb Corridor, R-5204 would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Utica, N.Y. VOR, Rockdale VOR, Perth Intersection (intersection of the Utica VOR 091° and the Glens Falls 234° True radials), Carlisle Intersection of the Albany, N.Y., VORTAC 270° and the De Lancey, N.Y., VOR 026° True radials), Charlotte Intersection (intersection of the Rockdale VOR 075° and the De Lancey VOR 026° True radials), Sherburne Intersection (intersection of the Rockdale 325° and the Georgetown, N.Y., VOR 093° True radials), Peterboro Intersection (intersection of the Rockdale VOR 325° and the Utica VOR 265° True radials), Lakeport Intersection (intersection of the Syracuse VORTAC 100° and the Rockdale VOR 325° True radials) and the intersection of the Utica VOR 244° and the Georgetown VOR 064° True radials.

Concurrently with this action, the Utica, N.Y., control area extension (§ 601.1049) would be revoked as it would be totally encompassed by the action proposed herein.

13. The Montpelier, Vt., transition area (§ 601.10008) would be redesignated to extend upward from 1,200 feet above the surface within 10 miles either side of the Montpelier VOR 200° and 020° True radials extending from 9 miles southwest to 20 miles northeast of the VOR; and within 10 miles east and 7 miles west of the Montpelier VOR 155° True radial extending from the VOR to 20 miles south. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Montpelier VOR.

14. The De Lancey, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles north and 10 miles south of the De Lancey VOR 265° and 085° True radials extending from 9 miles west to 20 miles east of the VOR. This would provide protection for aircraft in holding patterns at the De Lancey VOR.

15. The Middle Grove, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 11 miles west and 7 miles east of the Albany, N.Y., VORTAC 343° True radial extending from the north boundary of VOR Federal airway No. 496 to 50 miles northwest of the VORTAC. This would provide protection for aircraft in holding patterns at the Porter Intersection (intersection of the Glens Falls, N.Y., VORTAC 234° and Albany VORTAC 343° True radials).

16. The Glens Falls, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles either side of the Glens Falls VORTAC 006° and 186° True radials extending from low altitude VOR Federal airway No. 490 on the south to latitude 44°00'00" N., on the north. This would provide protection for aircraft in holding patterns at the Glens Falls VORTAC and the Ironville Intersection (intersection of the Glens Falls VORTAC 006° and the Benson, Vt., VOR 320° True radials).

17. The Cambridge, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Cambridge VOR 274° and 094° True radials extending from 9 miles west to 20 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Cambridge VOR.

18. The Greenville, Maine, transition area would be designated to extend upward from 1,200 feet above the surface within 17 miles north and 18 miles south of the Millinocket, Maine, VOR 270° True radial extending from longitude 69°04'00" W., to 69 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Baker Intersection (intersection of the Millinocket radio range west course and the Bangor, Maine, radio range northwest course).

19. The Massena, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles west and 5 miles east of the Massena VOR 163° True radial extending from the VOR to latitude 44°00'00" N., including the airspace from 5 miles southeast to 10 miles southeast of the Massena VOR 241° True radial extending from 12 miles southwest to 20 miles southwest of the Massena VOR 163° True radial. This would provide protection for aircraft in holding patterns at the Massena VOR, Brandon Intersection(intersection of the Massena VOR 163° and the St. Eustache, Quebec, Canada, VOR 200° True radials), and the Tupper Lake Intersection (intersection of the Massena VOR 163° and the Plattsburgh, N.Y., VOR 236° True radials).

20. The Ogdensburg, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southeast and 8 miles northwest of the Watertown, N.Y., VOR 033° True radial extending from 33 miles northeast to 65 miles northeast of the VOR excluding the portion which would extend outside the United States. This would provide protection for aircraft in holding patterns at the intersection of the Watertown VOR 033° and the Massena, N.Y., VOR 241° True radials.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures,, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with approprite controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11471; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-NY-93]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.1059, 601.1063, 601.1129, 601.1162, 601.1212, 601.1220, and 601.1248 of the Regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Washington, D.C., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Lynchburg, Va., control area extension (§ 601.1059) would be redesignated as that airspace within a 20-mile radius of the Lynchburg VORTAC; including the airspace west, north and east bounded on the southwest by low altitude VOR Federal airway No. 260 west of Lynchburg, on the west and north by low altitude VOR Federal airway No. 16, on the east by low altitude VOR Federal airway No. 155, on the southeast by low altitude VOR Federal airway No. 20 north alternate, and on the south by latitude 37°10'00" N. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Gordonsville, Va., VORTAC, the Clifford Intersection (intersection of the Montebello, Va., VOR 189° and the Gordonsville VORTAC 247° True radials), the Cohasset Intersection (intersection of the Gordonsville VORTAC 207° and the Flat Rock, Va., VORTAC 304° True radials), the Sheppards Intersection (intersection of the Gordonsville VORTAC 207° and the Flat Rock VORTAC 257° True radials), the Green Bay Intersection (intersection of the Flat Rock VORTAC 234° and the Lawrenceville, Va., VOR 308° True radials), the Sweetbriar Intersection (intersection of the Lynchburg VORTAC 049° and the Montebello, Va., VOR 160° True radials), the Evergreen Intersection (intersection of the Lynchburg VORTAC 076° and the South Boston, Va., VOR 016° True radials), the Bedford Intersection (intersection of the Lynchburg VORTAC 278° and the South Boston VOR 329° True radials), the Faber Intersection (intersection of the Gordonsville VORTAC 247° and the Flat Rock VORTAC 294° True radials), and the Cumberland Intersection (intersection of the Flat Rock VORTAC 257° and the Gordonsville VORTAC 179° True radials).

2. The Roanoke, Va., control area extension (§ 601.1063) would be redesignated as that airspace bounded on the northeast by low altitude VOR Federal airway No. 258, on the southeast by low altitude VOR Federal airway No. 222, on the southwest by low altitude VOR Federal airway No. 45, and on the northwest by low altitude VOR Federal airway No. 16. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Table Intersection (intersection of the Pulaski, Va., VOR 094° and the Hollins, Va., VORTAC 177° True radials).

3. The Washington, D.C., control area extension (§ 601.1129) would be redesignated within an 85-mile radius of the Washington VOR (latitude 38°51'34" N., longitude 77°02'12" W.), extending clockwise from the Washington VOR 165° to the 245° True radials; thence within an 88-mile radius extending clockwise from the Washington VOR 245° to the 250° True radials; thence within an 85-mile radius extending clockwise from the Washington VOR 250° to the 310° True radials; thence within an 80-mile radius extending clockwise from the Washington VOR 310° to the 355° True radials; thence within a 70-mile radius clockwise from the Washington VOR 355° to the 165° True radials; including the airspace southwest of Washington within 10 miles southeast and 7 miles northwest of the Casanova, Va., VORTAC 233° True radial extending from the Washington control area extension 85-mile radius area to 9 miles southwest of the Rochelle Intersection (intersection of the Gordonsville, Va., VORTAC 329° and the Cassanova, Va., VORTAC 233° True radials); additionally, the airspace east of Washington within 10 miles northwest and 7 miles southeast of the Kenton, Del., VORTAC 217° True radial extending from the Washington control area extension 70-mile radius area to 9 miles northeast of the Ridgely Intersection (intersection of the Kenton, Del., VORTAC 217° and the Salisbury, Md., VOR 340° True radials); excluding the airspace northeast of Washington which would coincide with the Wilmington, Del., control area extension (§ 601.1378). The portion of this control area extension which would coincide with the Washington Prohibited Area (P-56) and the Norfolk, Va., and Richmond, Va., control area extensions (§§ 601.1149 and 601.-1248) would be excluded; the portions of the control area extension which would coincide with the Patuxent, Md., Restricted Areas (R-4005, R-4006 and R-4007), Potomac River, Va., Restricted Area (R-6607), and the Bloodsworth Island, Md., Restricted Area (R-4002) would be excluded during the times of designation of the restricted areas. The portion of this control area extension within the Quantico, Va. (R-6608), Dahlgren Complex, Va. (R-6611, R-6612, R-6613), Camp A. P. Hill, Va. (R-6601), Aberdeen, Md. (R-4001) Restricted Areas and the Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor (R-4403) would be used only after obtaining prior approval from the appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns in the Washington Terminal area.

4. The Danville, Va., control area extension (§ 601.1162) would be redesignated as that airspace bounded on the east by longitude 78°50'00" W., on the south by latitude 36°19'00" N., on the west by longitude 79°41'00" W. and on the north by latitude 36°57'30" N. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the South Boston, Va., VOR and the Chatham Intersection (intersection of the South Boston VOR 298° and the Lynchburg, Va., VORTAC 207° True radials).

5. The White Sulphur Springs, W. Va., control area extension (§ 601.1212) would be redesignated as that airspace bounded on the east by longitude 79°54'00" W., on the southeast by low altitude VOR Federal airway No. 140, on the southwest by low altitude VOR Federal airway No. 260, on the west by longitude 80°40'00" W., and on the north by latitude 38°-15'00" N. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Covington Intersection (intersection of the Hollins, Va., VORTAC 359° and the Montebello, Va., VOR 251° True radials), the Natural Well Intersection (intersection of the Hollins VORTAC 359° and the Montebello VOR 724° True radials) and the Frankford Intersection (intersection of the Rainelle, W. Va., VOR 093° and the Pulaski, Va., VOR 014° True radials).

6. The Staunton, Va., control area extension (§ 601.1220) would be altered to add the airspace southwest of Staunton bounded on the south by low altitude VOR Federal airway No. 290, on the west by longitude 79°25'00" W., on the north by latitude 38°06'00" N., and on the east by the present Staunton control area extension. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Montebello, Va., VOR.

7. The Richmond, Va., control area extension (§ 601.1248) would be altered to add the airspace beyond the limits of the present Richmond control area extension 25-mile radius area southwest of Richmond within a 76-mile radius of the Richmond VOR extending clockwise from the Richmond VOR 200° to the 239° True radials, excluding the portion of this control area extension which would coincide with the Camp Pickett, Va., Restricted Area (R–6602). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Lawrenceville, Va., VOR, the Nutbrush Intersection (intersection of the Lawrenceville VOR 318° and the South Boston, Va., VOR 058° True radials), the Earls Intersection (intersection of the Flat Rock, Va., VORTAC 171° True radial, and the Richmond ILS localizer southwest course), and the McKenney Intersection (intersection of the Lawrenceville VOR 034° and the Flat Rock VORTAC 171° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11472; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–208]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extension

Pursuant to the authority delegated by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1432 of the Regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Billings, Montana, terminal area, the FAA is considering the alteration of the Billings control area extension by redesignating it within a 25-mile radius of the Billings VORTAC extending clockwise from VOR Federal airway No. 2 west of Billings to VOR Federal airway No. 19 southeast of Billings; within 12 miles west and 8 miles east of the Billings VORTAC 347° True radial extending from the 25-mile radius area to 46 miles north of the VORTAC; and within 12 miles southwest and 8 miles northeast of the Billings VORTAC 301° True radial extending from Victor 2 and the 25-mile radius area to 53 miles northwest of the VORTAC; including the airspace bounded on the north by Victor 2, on the east by VOR Federal airway No. 187, and on the southwest by a line extending from the south edge of Victor 2 through latitude 45°43'00" N., longitude 108°48'00"W., and latitude 45°42'-30"N., longitude 108°44'00"W. to the west edge of Victor 187. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Musselshell Intersection (intersection of the Billings VORTAC 347° and the Livingston, Mont., VORTAC 070° True radials), the Rapelje Intersection (intersection of the Billings VORTAC 301° and the Livingston VORTAC 070° True radials), and at the Billings VORTAC.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 is being deferred in this instance. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the Billings control area extension to a transition area with an appropriate controlled airspace floor assignment.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11473; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–KC–42]

CONTROLLED AIRSPACE

Proposed Designation of Transition Areas and Alteration of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 601.1034 of the Regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designated for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations of his type aircraft to remain within controlled airspace.

To fulfill the immediate additional controlled airspace requirements for the implementation of these procedures in the St. Louis, Mo., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Decatur, Ill., transition area would be designated to extend upward from 1,200 feet above the surface within a 12-mile radius of the Decatur VOR; including the airspace northeast of Decatur within 10 miles northwest and 7 miles southeast of the Decatur VOR 032° True radial extending from the Decatur transition area 12-mile radius area to 20 miles northeast of the VOR, and the airspace west of Decatur within 12 miles south and 8 miles north of the Decatur VOR 285° True radial extending from the Decatur transition area 12-mile radius area to the Springfield, Ill., control area extension (§ 601.1267). This would provide protection for aircraft in holding patterns at the Decatur VOR and the Harristown Intersection (intersection of the Decatur VOR 285° and the Vandalia, Ill., VOR 004° True radials).

2. The Vandalia, Ill., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Vandalia VOR 074° and 254° True radials extending from 20 miles northeast to 9 miles southwest of the VOR. This would provide protection for aircraft in holding patterns at the Vandalia VOR.

3. The Bible Grove, Ill., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Bible Grove VOR 261° and 081° True radials extending from 20 miles west to 9 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Bible Grove VOR.

4. The Samsville, Ill., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Samsville VOR 266° and 086° True radials extending from 20 miles west to 9 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Samsville VOR.

5. The Marion, Ill., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles south and 8 miles north of the Farmington, Mo., VORTAC 082° True radial extending from 22 miles west to 10 miles east of the Marion Intersection (intersection of the Farmington VORTAC 082° and the Centralia, Ill., VOR 169° True radials). This would provide protection for aircraft in holding patterns at the Marion Intersection.

6. The Maples, Mo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Maples VOR 237° and 057° True radials extending from 20 miles southwest to 9 miles northeast of the VOR. This would provide protection for aircraft in holding patterns at the Maples VOR.

7. The Oswego, Kans., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles west and 7 miles east of the Oswego VOR 207° and 027° True radials extending from 20 miles northeast to 9 miles southwest of the VOR. This would provide protection for aircraft in holding patterns at the Oswego VOR.

8. The Richwoods, Mo., transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles northwest and 12 miles southeast of the Richwoods VOR 230° and 054° True radials extending from 9 miles northeast to 45 miles southwest of the VOR. This would provide protection for aircraft in holding patterns at the Richwoods VOR and the Cuba Intersection (intersection of the Richwoods VOR 230° and the Farmington, Mo., VORTAC 296° True radials).

9. The Vichy, Mo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Vichy VORTAC 239° and 059° True radials extending from 20 miles southwest to 9 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Vichy VORTAC.

10. The Readsville, Mo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Readsville VOR 280° and 100° True radials extending from 20 miles west to 9 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Readsville VOR.

11. The Springfield, Mo., control area extension (§ 601.1034) would be altered to add the airspace northeast, southeast and southwest of Springfield within 8 miles southeast and 12 miles northwest of the Springfield VORTAC 058° True radial extending from the Springfield control area extension 25-mile radius area to 42 miles northeast of the VOR; including the airspace bounded on the northeast by the Springfield VORTAC 119° True radial, on the southeast by a line 10 miles southeast of and parallel to low altitude VOR Federal airway No. 72, on the southwest by the Springfield VORTAC 162° True radial and on the northwest by the Springfield control area extension 25-mile radius area, and within 12 miles southeast and 8 miles northwest of the Springfield VORTAC 210° True radial extending from the Springfield control area extension 25-mile radius area to 46 miles southwest of the VORTAC. This would provide additional controlled airpsace for the protection of aircraft in holding patterns at Dogwood, Mo., VOR, the Billings Intersection (intersection of the Springfield VORTAC 210° and the Neosho, Mo., VOR 074° True radials), the Conway Intersection (intersection of the Springfield radio beacon 058° and the Dogwood VOR 353° True radials), and the Sparta Intersection (intersection of the Springfield VORTAC 146° and the Dogwood VOR 290° True radials).

12. The Hardin, Ill., transition area would be designated to extend upward from 2,500 feet MSL, bounded on the east by longitude 90°32'00" W., on the south and southwest by VOR Federal airway No. 210 north alternate and on the north and northwest by the arc of a 33-mile radius circle centered on Lambert Field, St. Louis, Mo. (latitude 38°44'50" N., longitude 90°21'52" W.). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Hardin Intersection (intersection of the St. Louis VORTAC 328° and the Readsville, Mo., VOR 069° True radials).

13. The Jacksonville, Ill., transition area would be designated to extend upward from 1,200 feet above the surface bounded on the east by longitude 89°28'00" W., on the southeast by VOR Federal airway No. 426, on the south by the arc of a 25-mile radius circle centered on Lambert Field, St. Louis, Mo. (latitude 38°44'50" N., longitude 90°21'52" W.), on the west by longitude 90°32'00" W., on the north by latitude 40°00'00" N., and on the northeast by the arc of a 25-mile radius circle centered on the Springfield, Ill., VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Auburn Intersection (intersection of the Springfield VOR 190° and the Vandalia, Mo., VOR 318° True radials), the Waverly Intersection (intersection of the Springfield VOR 213° and the Vandalia VOR 314° True radials), Virginia Intersection (intersection of the Springfield VOR 269° and the Peoria, Ill., VORTAC 196° True radials), the Gillespie Intersection (intersection of the St. Louis, Mo., VORTAC 062° and the Troy, Mo., VORTAC 011° True radials) and the Fidelity Intersection (intersection of the St. Louis VORTAC 032° and the Vandalia VOR 273° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-11475; Filed, Dec. 1, 1961; 8:50 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-LA-94]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1026, 601.1031, 601.1098, 601.1109, 601.1118, 601.1276, 601.1277, 601.1279, 601.1280, 601.1281, and 601.1347 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Denver, Colo., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Grand Island, Nebr., control area extension (§ 601.1026) would be redesignated within 18 miles west and 7 miles east of the Grand Island VOR 180° and 360° True radials extending from 9 miles south to 34 miles north of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Grand Island VOR and radio range and the Wolbach, Nebr., VOR.

2. The North Platte, Nebr., control area extension (§ 601.1031) would be altered to add the airspace northeast of North Platte within 11 miles northwest and 7 miles southeast of the North Platte VORTAC 046° True radial extending from the North Platte control area extension 25-mile radius area to 42 miles northeast of the VOR; and the airspace south of North Platte bounded on the north by the north boundary of VOR Federal airway No. 8, on the east by a line 7 miles east of and parallel to the North Platte VORTAC 179° True radial, on the south by latitude 40°-20'00" N., and on the west by longitude 101°05'00" W. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Hayes Center VOR and the North Platte VORTAC 17 nautical mile DME fix on the VORTAC 046° True radial.

3. The Casper, Wyo., control area extension (§ 601.1098) would be redesignated as that airspace within a 33-mile radius of a center point located at latitude 42°54'32" N., longitude 106°-17'54" W., extending clockwise from the 007° to the 170° True bearings from the center point; within a 25-mile radius of the center point extending clockwise from the 170° to the 200° True bearings from the center point; within a 38-mile radius of the center point extending clockwise from the 200° to the 240° True bearings from the center point; within a 35-mile radius of the center point extending clockwise from the 240° to the 295° True bearings from the center point; and within a 25-mile radius of the center point extending clockwise from the 295° to the 007° True bearings from the center point, excluding the portion south of latitude 42°47'00" N., and east of the 170° True bearing from the center point. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Casper VORTAC, Casper ILS outer marker compass locator, Alcova Intersection (intersection of the Casper VORTAC 216° and the Rock River, Wyo., VOR 336° True radials), Glenrock Intersection (intersection of the Casper VORTAC 118° and the Douglas, Wyo., VOR 298° True radials, and the Casper ILS localizer east course) and the intersection of the Casper VORTAC 185° True radial and the 269° True bearing from the Casper radio range.

4. The Goodland, Kans., control area extension (§ 601.1109) would be redesignated within 5 miles either side of the Goodland VORTAC 022° True radial extending from the VORTAC to 12 miles north; and within 10 miles south and 7 miles north of the Goodland VORTAC 281° and 101° True radials extending from 20 miles west to 9 miles east of the VORTAC. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Goodland VORTAC.

5. The Grand Junction, Colo., control area extension (§ 601.1118) would be redesignated as that airspace bounded on the northeast by a line 20 miles northeast of and parallel to the 125° and 305° True radials of the Grand Junction VORTAC, on the southeast by a line 30 miles southeast of and parallel to the Grand Junction VORTAC 220° and 040° True radials, on the southwest by a line 20 miles southwest of and parallel to the Grand Junction VORTAC 130° and 310° True radials, and on the northwest by a line 32 miles northwest of and parallel to the Grand Junction VORTAC 220° and 040° True radials; and within 5 miles either side of a line bearing 305° True from the Walker Airport (latitude 39°07'05" N., longitude 108°31'10" W.) extending from 40 miles northwest of the airport to the Grand Junction VORTAC 318° True radial. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Grand Junction VORTAC, Grand Junction radio beacon, Grand Junction ILS outer marker compass locator and the Loma Intersection (intersection of the Grand Junction VORTAC 356° and the Grand Junction ILS localizer northwest course).

6. The Cheyenne, Wyo., control area extension (§ 601.1276) would be altered to add the airspace west of Cheyenne bounded on the north by VOR Federal airway No. 118, on the east by VOR Federal airway No. 19, and on the southwest by VOR Federal airway No. 4 north alternate; and the airspace northeast of Cheyenne bounded on the northeast by VOR Federal airway No. 6, on the southeast by VOR Federal airway No. 207, on the south by VOR Federal airway No. 138, and on the west by VOR Federal airway No. 89 east alternate. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Cheyenne VORTAC, Egbert Intersection (intersection of the Cheyenne VORTAC 095° and the Scotts Bluff Nebr., VOR 218° True radials), Pine Bluff Intersection (intersection of the Cheyenne VORTAC 095° and the Gill, Colo., VOR 030° True radials), Albin Intersection (intersection of the Cheyenne VORTAC 054° and the Sidney, Nebr., VOR 292° True radials), Buford Intersection (intersection of the Cheyenne VORTAC 252° and the Laramie, Wyo., VOR 133° True radials), and the Silver Crown Intersection (intersection of the Denver, Colo., VORTAC 351° and the Cheyenne VORTAC 280° True radials).

7. The Denver, Colo., control area extension (§ 601.1277) would be redesignated within a 34-mile radius of the Denver VORTAC extending from VOR Federal airway No. 81 on the south clockwise to VOR Federal airway No. 4 on the north; the airspace northwest of Denver from 5 miles west to 8 miles west of the Denver VORTAC 334° True radial extending from the 34-mile radius area to 23 miles northwest; within 10 miles either side of the Denver VORTAC 253° True radial extending from the 34-mile radius area to 49 miles west of the VORTAC; the airspace south of Denver bounded on the west by VOR Federal airway No. 89, on the north by the 34-mile radius area, on the east by VOR Federal airway No. 81, and on the south by VOR airway No. 95; the airspace southeast of Denver bounded on the north by VOR Federal airway No. 4, on the east by longitude 104°00'00" W., on the south and west by VOR Federal airway No. 148; and the airspace northeast of Denver bounded on the northeast by VOR Federal airway No. 132, on the southeast by VOR Federal airway No. 160 and on the west by VOR Federal airway No. 89, including the airspace bounded on the north by VOR Federal airway No. 138 south alternate, on the east by longitude 103°52'00" W., on the southwest by VOR Federal airway No. 132, and on the northwest by VOR Federal airway No. 207. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Denver radio range, Kiowa, Colo., VORTAC, Longmont intersection (intersection of the Denver VORTAC 334° and the Akron, Colo., VOR 272° True radials), Spur Intersection (intersection of the Colorado Springs, Colo., VORTAC 345° and the Kiowa VORTAC 246° True radials), intersection of the Cheyenne, Wyo., VORTAC 131° and the Gill, Colo., VOR 030° True radials, intersection of the Denver VORTAC 334° and the Gill VOR 252° True radials, intersection of the Denver VORTAC 112° and the Kiowa VORTAC 351° True radials, and the intersection of the Denver VORTAC 257° and the Kiowa VORTAC 297° True radials. This action would revoke portions of the present control area extension based on bearings from the Aurora, Colo., radio beacon and within the area southwest of the Kiowa VORTAC within controlled airspace associated with VOR Federal airways Nos. 148 and 95.

8. The Rapid City, S. Dak., control area extension (§ 601.1279) would be altered to add the airspace southwest of Rapid City within 12 miles southeast and 8 miles northwest of the Rapid City VORTAC 251° True radial extending from the Rapid City control area extension 55-nautical mile radius area to 73 statute miles southwest of the VORTAC; the airspace south of Rapid City within 10 miles east and 7 miles west of the Smithwick, S. Dak., VOR 182° True radial extending from the Rapid City control area extension 55 nautical miles radius area to 20 statute miles south of the VOR; and the airspace east of Rapid City within 10 miles southeast and 7 miles northwest of the Philip, S. Dak., VOR 072° and 252° True radials extending from 20 miles northeast to 9 miles southwest of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Smithwick VOR, Philip VOR and the Elk Intersection (intersection of the Rapid City VORTAC 251° and the Smithwick VOR 312° True radials).

9. The Sheridan, Wyo., control area extension (§ 601.1280) would be redesignated as that airspace northeast of a line 8 miles southwest of and parallel to the Sheridan VORTAC 316° and 136° True radials within a 27-mile radius of the Sheridan Municipal Airport (latitude 44°46'30" N., longitude 106°58'40" W.). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Sheridan VOR and the Sheridan fan marker.

10. The Pueblo, Colo., control area extension (§ 601.1281) would be redesignated within a 21-mile radius of the Pueblo VORTAC excluding the portion north of a line 10 miles north of and parallel to the Pueblo VORTAC 275° True radial, and within a 34-mile radius of the Pueblo VORTAC extending from the Pueblo VORTAC 229° True radial to a line 10 miles north of and parallel to the Pueblo VORTAC 275° True radial northwest of Pueblo. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Pueblo VORTAC and the Pueblo outer marker compass locator.

11. The Colorado Springs, Colo., control area extension (§ 601.1347) would be redesignated as that airspace bounded by a line beginning at the intersection of the south edge of VOR Federal airway No. 148 with longitude 104°07'00" W.; to latitude 39°05'00" N., longitude 104°07'00" W.; thence east to the intersection of latitude 39°05'00" W. with the arc of a 46-mile radius circle centered at the Colorado Springs VORTAC; thence clockwise along this arc to a line 10 miles north of and parallel to the Pueblo, Colo., VORTAC 275° and 093° True radials; thence west via this line to longitude 104°52'00" W.; thence north via this meridian to the Colorado Springs VORTAC 294° True radial; thence northwest via this radial to VOR Federal airway No. 95; thence northeast via VOR Federal airways Nos. 95 and 148 to point of beginning. The portion of this control area extension which would coincide with the Fort Carson, Colo., Restricted Area R–2601 would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Colorado Springs radio beacon, Hanover, Colo., radio beacon, Rush Intersection (intersection of the Kiowa, Colo., VORTAC 168° and the Colorado Springs VORTAC 094° True radials), intersection of the Denver, Colo., VORTAC 180° and the Colorado Springs VORTAC 286° True radials, and the intersection of the Pueblo VORTAC 019° and the Hugo, Colo., VOR 250° True radials.

12. The Chadron, Nebr., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Chadron VOR 275° and 095° True radials extending from 20 miles west to 9 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Chadron VOR.

13. The O'Neill, Nebr., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles north and 10 miles south of the O'Neill VORTAC 273° and 093° True radials extending from 20 miles west to 9 miles east of the VORTAC. This would provide protection for aircraft in holding patterns at the O'Neill VORTAC.

14. The Scottsbluff, Nebr., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Scottsbluff VORTAC 211° and 031° True radials extending from 20 miles southwest to 9 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Scottsbluff VORTAC.

15. The Sidney, Nebr., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles north and 10 miles south of the Sidney VOR 261° and 081° True radials extending from 20 miles west to 9 miles east of the Sidney VOR. This would provide protection for aircraft in holding patterns at the Sidney VOR.

16. The Laramie, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles either side of the Laramie VOR 332° and 152° True radials extending from 20 miles northwest to 9 miles southeast of the VOR; and the airspace northeast of Laramie bounded on the northeast by VOR Federal airway No. 138, and on the south and west by VOR Federal airway No. 118. This would provide protection for aircraft in holding patterns at the Laramie VOR and the Millbrook Intersection (intersection of the Laramie VOR 076° and the Cheyenne, Wyo., VORTAC 306° True radials).

17. The Bear Creek, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Cheyenne, Wyo., VORTAC 347° True radial extending from 16 miles north to 49 miles north of the VORTAC. This would provide protection for aircraft in holding patterns at the Bear Creek Intersection (intersection of the Cheyenne VORTAC 347° and the Rock River, Wyo., VOR 108° True radials).

18. The Rock River, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Rock River VOR 288° and 108° True radials extending from 9 miles northwest to 41 miles southeast of the VOR; and within 12 miles north and 8 miles south of the Rock River VOR 070° True radial extending from 9 miles northeast to 42 miles northeast. This would provide protection for aircraft in holding patterns at the Rock River VOR, Lake Intersection (intersection of the Rock River VOR 108° and the Laramie, Wyo., VOR 007° True radials), and the Garrett Intersection (intersection of the Rock River VOR 070° and the Laramie VOR 005° True radials).

19. The Kimball, Nebr., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the Sidney, Nebr., VOR 292° True radial extending from 24 miles northwest to 61 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Albin Intersection, and the Bushnell Intersection (intersection of the Scottsbluff, Nebr., VOR 211° and the Sidney VOR 292° True radials).

20. The Gunnison, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles north and 10 miles south of the Gunnison VORTAC 265° and 085° True radials extending from 20 miles west to 9 miles east of the VORTAC. This would provide protection for aircraft in holding patterns at the Gunnison VORTAC.

21. The Kremmling, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Kremmling VORTAC 243° and 063° True radials extending from 20 miles southwest to 9 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Kremmling VORTAC.

22. The Hugo, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Hugo VOR 113° and 293° True radials extending from 20 miles southeast to 9 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Hugo VOR.

23. The Akron, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Akron VOR 064° and 244° True radials extending from 20 miles northeast to 9 miles southwest to the VOR. This would protection for aircraft in holding patterns at the Akron VOR.

24. The Thurman, Colo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Thurman VOR 100° and 280° True radials extending from 20 miles east to 9 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Thurman VOR.

25. The Dupree, S. Dak., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northeast and 10 miles southwest of the Dupree VOR 295° and 115° True radials extending from 20 miles northwest to 9 miles southeast. This would provide protection for aircraft in holding patterns at the Dupree VOR.

26. The Crazy Woman, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crazy Woman VORTAC 173° and 353° True radials extending from 20 miles south to 9 miles north of the VORTAC. This would provide protection for aircraft in holding patterns at the Crazy Woman VORTAC.

27. The Douglas, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Douglas VOR 167° and 347° True radials extending from 20 miles south to 9 miles north of the VOR. This would provide protection for aircraft in holding patterns at the Douglas VOR.

28. The Sand Creek, Wyo., transition area would be designated to extend upward from 1,200 feet above the surface within the airspace bounded by lines beginning at latitude 43°33'00" N., longitude 105°08'00" W.; to latitude 43°17'00" N., longitude 104°44'00" W.; to latitude 43°02'00" N., longitude 104°-43'00" W.; to latitude 43°02'00" N., longitude 105°26'00" W.; to latitude 43°23'00" N., longitude 105°45'00" W.; to latitude 43°33'00" N., longitude 105°-23'00" W.; to point of beginning. This would provide protection for aircraft in holding patterns at the Sand Creek Intersection (intersection of the Casper VORTAC 068° and the Douglas VOR 345° True radials) and the 48 nautical mile DME fix on the Casper VORTAC 084° True radial.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–11476; Filed, Dec. 1, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13860, RM–199, RM–225, RM–243]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, SUPERIOR, KEARNEY, ALBION, AND TERRYTOWN, NEBRASKA, AND OTHERS

Order Extending Time for Filing Comments and Reply Comments

1. The Commission has before it the joint request of the Nebraska Council for Educational Television and the Kansas Legislative Council that the time for filing of comments to the Third Notice of Proposed Rule Making in the above-captioned proceeding be extended from November 30, 1961 to January 15, 1962 and that the time for filing reply comments be extended to February 1, 1962.

2. The petitioners allege that the complexity of the problems in this proceeding makes it impossible to finalize feasible allocation proposals which will satisfy as many of the interests involved as possible in the present time limit. The Commission is of the opinion that good cause has been shown for the requested extension of time.

3. *Accordingly, it is ordered,* This 28th day of November, 1961, That the request of the Nebraska Council for Educational Television and Kansas Legislative Council is granted; and that the time for filing comments to the Third Notice of Proposed Rule Making in the above-captioned proceeding is extended from November 30, 1961 to January 15, 1962 and the time for filing reply comments is extended to February 1, 1962.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Released: November 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11446; Filed, Dec. 1, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R–200]

CERTIFICATE APPLICATIONS, RATE FILINGS, PIPELINE QUALITY GAS STANDARDS, DELIVERY CONDITIONS AND CERTAIN PRICE ADJUSTMENTS

Additions to Statements of General Policy; Notice Inviting Further Comment

NOVEMBER 28, 1961.

On May 22, 1961, the Commission issued a notice in the above-entitled matter (26 F.R. 4614) proposing, inter alia, the prescription of a standard for "pipeline quality" gas, as that term is used in our Statement of General Policy No. 61–1 (25 F.R. 13969; 24 FPC 818; 18 CFR 2.56). The Statement established area price levels for purposes of determining the acceptability of initial price proposals and increased rate filings by independent producers. It also declared that these price levels would "apply to pipeline quality gas as that term is generally understood in each area."

Many of the persons submitting comments in response to the invitation contained in the notice herein have assumed, however, that the Commission proposes to adopt a single nationwide standard of "pipeline quality." Thus, some have alleged that price adjustments for deviations from standards (§ 2.61 as proposed in this proceeding) would result in a double penalty because the established area prices are based on existing contracts and sales in various areas that have already recognized price differentials or adjustments for actual quality and delivery conditions. We are cognizant of the problems which would be posed by the prescription of a single nationwide standard. Accordingly,

Take notice that all interested parties are invited to address themselves to the question whether and to what extent conditions and circumstances peculiar to individual producing areas would justify variations among areas (a) in the standards for "pipeline quality," and (b) in the price adjustments fixed for deviations from such standards. In particular, comments, data, and alternate proposals are requested in relation to the proposed "sweet" gas standard and price deviations therefrom for "sour" gas, including costs of treating; in relation to the proposed delivery pressure standard and price deviations therefrom, including costs of compressing; and in relation to the proposed delivery point standard and price deviations from such standard, including costs of gathering.

Any data, views, or comments in writing concerning the matters referred to in the preceding paragraph which may be submitted to the Federal Power Commission, Washington 25, D.C., on or before December 20, 1961, will be considered by the Commission before acting on the proposals in this proceeding. An original and nine (9) copies of any such submittal should be filed.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11420; Filed, Dec. 1, 1961; 8:46 a.m.]

Notices

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER ACTIVE PURCHASE REGULATIONS

SEPTEMBER 30, 1961.

Regulation	Termination date	Unit	Program limitation (Quantity)	Purchases [1] during quarter		Cumulative purchases [1] through end of quarter	
				Quantity	Amount	Quantity	Amount
Public Law 206, 83d Cong.							
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	64	$37,162	2,972	$1,654,809
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	559	650,406	23,492	24,274,112

[1] Quantities represent deliveries.

Dated: November 27, 1961.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 61-11416; Filed, Dec. 1, 1961; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1961 Dept. Cir. 1072]

3⅞ PERCENT TREASURY BONDS OF 1968

Additional Issue

NOVEMBER 17, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.50 percent of their face value and accrued interest, for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1968, in exchange for a like face amount of United States Savings Bonds of Series F and G maturing in the calendar year 1962, which will be accepted at exchange values as provided in Section IV hereof. Holders of Series F and G bonds aggregating less than an even multiple of $500 maturity value (the lowest denomination of new bonds available) may exchange such bonds with payment of the difference in cash to make up the next higher $500 multiple. Interest on the bonds will be adjusted as of December 15, 1961, and an adjustment in favor of subscribers representing the discount from the face value of the bonds will be made as provided in Section IV hereof. The amount of the offering under this circular will be limited to the amount of securities, together with cash adjustments, tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from November 20 through November 24, 1961, and in addition, subscriptions may be submitted by individuals through November 30, 1961. For this purpose individuals are defined as natural persons in their own right. Delivery of the new bonds will be made on December 20, 1961.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the 3⅞ percent Treasury Bonds of 1968 issued pursuant to Department Circulars Nos. 1044, 1049, and 1064, dated June 8, 1960, August 1, 1960, and July 17, 1961, respectively, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from December 15, 1961. Subject to the provision for the accrual of interest from December 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1044:

1. The bonds will be dated June 23, 1960, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semiannual basis on November 15, 1960, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupons and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally, and paying agents eligible to process bonds under Treasury Department Circular No. 888, Revised, may submit exchange subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before December 20, 1961, or on later allotment, and may be made only in a like face amount of United States Savings Bonds of Series F and Series G maturing from January 1 to December 1, 1962, inclusive, and any cash difference necessary to make up an even $500 multiple, which bonds and cash should accompany the subscription, together with the net amount, if any, to be collected from the subscriber as set forth in Tables 1 and 2 at the end of this circular. The Series F and G bonds will be accepted in the exchange at amounts set forth thereunder for their respective months of maturity. These exchange values are higher than present redemption values. They have been set so that holders of Series F and G bonds who elect to accept this exchange offer will receive, in effect, an investment yield approximately one percent per annum more than would otherwise accrue from December 15, 1961, to the maturity dates of their bonds, and will receive an investment yield of approximately 3.96 percent on the 3⅞ percent marketable bonds received in exchange for the period from the maturity dates of their Series F and G bonds to May 15, 1968. All subscribers will be charged the interest from November 15, 1961, to December 15, 1961 ($0.32 per $100) on the bonds allotted. Other adjustments with respect to bonds accepted in exchange will be made as set forth in Tables 1 and 2, which also show the net amounts to be collected from or paid to subscribers for each $100 (face amount) of bonds accepted in exchange.

(a) *Series F bonds.* The exchange values of Series F bonds, the differences between such values and the offering price of the 3⅞ percent bonds, the interest which will accrue on the new bonds and the total amounts to be collected from or paid to holders of Series F bonds per $100 (face amount) are as set forth in Table 1.

(b) *Series G bonds.* The exchange values of Series G bonds, the differences between such values and the offering price of the 3⅞ percent bonds, the accrued interest to be credited on the Series G bonds, the interest which will accrue on the new bonds and the total amounts to be collected from or paid to holders of Series G bonds per $100 (face amount) are as set forth in Table 2.

2. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for any cash payments authorized or required to be made under this circular for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

3. Series F and G bonds tendered in exchange must bear appropriate requests for payment in accordance with the provisions of Treasury Department Circular No. 530, Eighth Revision, as amended, or the special endorsement provided for in Treasury Department Circular No. 888, Revised. In any case in which bonds in bearer form, or registered bonds in another name, are desired, requests for payment must be supplemented by specific instructions signed by the owner who signed the request for payment. An owner's instructions for bearer or registered bonds may be recorded on the surrendered bonds by typing or otherwise recording on the back thereof, or by changing the existing request for payment form to conform to one of the two following forms:

(a) I am the owner of this bond and hereby request exchange for 3⅞% Treasury Bonds of 1968 in bearer form to be delivered to (insert name and address of person to whom delivery is to be made).

(b) I am the owner of this bond and hereby request exchange for 3⅞% Treasury Bonds of 1968 registered in the name of (insert exact registration desired—see section V hereof).

V. *Registration of bonds.* 1. Treasury bonds may be registered only as authorized in Treasury Department Circular No. 300, Revised, as supplemented. Registration in the name of one person payable on death to another is not authorized. Registered Treasury bonds may be transferred to a purchaser only upon proper assignment. Treasury bonds registered in the form "A or B" may be transferred only upon assignment by or on behalf of both, except that if one of them is deceased, an assignment by or on behalf of the survivor will be accepted. Since Treasury bonds are not redeemable before maturity at the option of the owners, the effects of registering them in the names of two or more persons are important. Information concerning the effects of various forms of registration may be obtained from any Federal Reserve Bank or Branch, the Office of the Treasurer of the United States, Washington, D.C., or from banking institutions generally.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

TABLE 1—FOR SERIES F BONDS

F bonds maturing in 1962 on the first day of—	Exchange values of F bonds per $100 (face amount)	Charge or credit for differences between $99.50 (offering price per $100 of new bonds) and exchange values of F bonds		Interest Nov. 15 to Dec. 15, 1961, to be charged on new bonds per $100 (face amount) of F bonds	Total amounts per $100 (face amount) of F bonds accepted [1]		Interest accruing per $100 on new bonds from Nov. 15, 1961, to maturity dates of F bonds in 1962 [1]
		Charge	Credit		To be paid to subscribers (columns 3 minus 4) [2]	To be collected from subscribers (columns 2 plus 4 minus 3)	
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
January	$99.88		$0.38	$0.32	$0.06		$0.50
February	99.64		.14	.32		$0.18	.83
March	99.40	$0.10		.32		.42	1.13
April	99.16	.34		.32		.66	1.47
May	98.92	.58		.32		.90	1.79
June	98.64	.86		.32		1.18	2.12
July	98.40	1.10		.32		1.42	2.43
August	98.16	1.34		.32		1.66	2.76
September	97.92	1.58		.32		1.90	3.09
October	97.68	1.82		.32		2.14	3.40
November	97.44	2.06		.32		2.38	3.73
December	97.20	2.30		.32		2.62	4.05

[1] In addition, for each $100, or multiple or fraction thereof, between the face amount of Series F bonds submitted and the face amount of bonds subscribed (to next higher multiple of $500) the subscriber must pay $99.82 ($99.50 issue price plus $0.32 accrued interest).

[2] Including $0.32 per $100 paid by subscriber as accrued interest from November 15, 1961, to December 15, 1961 (column 4). This data is included for information only.

[3] The net amount to be paid to subscribers will be paid following acceptance of the bonds by the agency through which the exchange is made.

TABLE 2.—FOR SERIES G BONDS

G bonds maturing in 1962 on the first day of—	Exchange values of G bonds per $100 (face amount)	Credit for differences between $99.50 (offering price per $100 of new bonds) and exchange values of G bonds	Interest to be credited on G bonds per $100 (face amount)	Interest Nov. 15, to Dec. 15, 1961 to be charged on new bonds per $100 (face amount) of G bonds	Total amounts per $100 (face amount) of G bonds accepted [1]		Interest accruing per $100 on new bonds from Nov. 15, 1961 to maturity dates of G bonds in 1962 [3]
					To be paid to subscribers (columns 2 plus 3 minus 4) [2]	To be collected from subscribers (column 4 minus 2 and 3)	
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
January	$99.98	$0.48	$1.15	$0.32	$1.31		$0.50
February	99.94	.44	.94	.32	1.06		.83
March	99.90	.40	.73	.32	.81		1.13
April	99.86	.36	.52	.32	.56		1.47
May	99.82	.32	.31	.32	.31		1.79
June	99.79	.29	.10	.32	.07		2.12
July	99.76	.26	(4)	.32		$0.16	2.43
August	99.71	.21	.94	.32	.83		2.76
September	99.68	.18	.73	.32	.59		3.09
October	99.64	.14	.52	.32	.34		3.40
November	99.60	.10	.31	.32	.09		3.73
December	99.56	.06	.10	.32		.16	4.05

[1] In addition, for each $100, or multiple thereof, between the face amount of Series G bonds submitted and the face amount of bonds subscribed (to next higher multiple of $500) the subscriber must pay $99.82 ($99.50 issue price plus $0.32 accrued interest).

[2] Including $0.32 per $100 paid by subscriber as accrued interest from November 15, 1961, to December 15, 1961 (Column 4). This data is included for information only.

[3] The net amount to be paid to subscribers will be paid following acceptance of the bonds by the agency through which the exchange is made.

[4] Interest will be paid to January 1, 1962, on bonds maturing July 1, 1962, in regular course on January 1, 1962, by checks mailed by the Treasury Department. As these checks will include unearned interest for the period from December 15, 1961, to January 1, 1962, each subscriber who tenders these bonds will be required to make an interest refund of $0.10 per $100 (face amount). The above amount of $0.16 in Column 6 includes such refund.

[SEAL]

ROBERT V. ROOSA,
Acting Secretary of the Treasury.

[F.R. Doc. 61-11423; Filed, Dec. 1, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-130]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application and of Hearing

Notice is hereby given of the application of American President Lines, Ltd., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act of 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS President Jefferson" to carry one 55 foot cruiser, 40,000 pounds, from Norfolk, Virginia, sailing December 10, 1961, for United States Pacific ports, discharging said cruiser at San Francisco, California. This application may be inspected by interested parties in the Office of the Secretary, Maritime Administration.

A hearing on the application has been set for December 8, 1961, at 9:30 a.m., e.s.t., in Room 4458, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on December 7, 1961, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on December 7, 1961, will not be granted in this proceeding.

Dated: November 30, 1961.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-11492; Filed, Dec. 1, 1961; 9:32 a.m.]

DEPARTMENT OF STATE

[Public Notice 200; Delegation of Authority No. 23-F-1]

PROCUREMENT TRANSACTIONS

Delegation of Authority; Division of Supply Management

Paragraph 1a of Delegation of Authority No. 23-F, dated May 26, 1961; Subject: Delegation of Authority for Procurement Transactions, is amended by substituting the following:

a. *Division of Supply Management.*

Chief;
Chief, Procurement Branch;
Contract Specialist, Procurement Branch;
Procurement Officer GS-12, Procurement Branch;
Purchase Agent GS-11, Procurement Branch;
Senior Purchase Agents GS-9, Procurement Branch;
Junior Purchase Agents, GS-7, Procurement Branch.

Limitations. (1) The following limitations as to dollar amount per transaction apply to the positions indicated: Chief, Procurement Branch, $50,000; Contract Specialists and Procurement Officer GS-12, Procurement Branch, $20,000; Purchase Agent GS-11, Procurement Branch, $10,000; Senior Purchase Agents GS-9, Procurement Branch, $2,500; Junior Purchase Agents GS-7, Procurement Branch, $1,000. (2) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (c) or paragraphs (12) and (13) of section 302(c). (3) Authority to make determinations and decisions specified in paragraph (11) of section 302(c) is delegated only to the Chief, Division of Supply Management, and said authority is limited to contracts which will not require the expenditure of more than $25,000. (4) Authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304(b) is delegated only to the Chief, Division of Supply Management. (5) Authority to negotiate contracts for services in accordance with section 302(c)(5) is delegated only to the Chief, Division of Supply Management, and the Chief, Procurement Branch.

Dated: November 22, 1961.

HERMAN POLLACK,
Acting Assistant Secretary for Administration.

[F.R. Doc. 61-11421; Filed, Dec. 1, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-191]

BABCOCK & WILCOX CO.

Notice of Proposed Issuance of Construction Permit and Facility License

Notice is hereby given that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request by the applicant for a formal hearing or a petition to intervene pursuant to § 2.705 of the Commission's rules of practice (10 CFR Part 2) has been filed with the Commission, the Atomic Energy Commission proposes to issue to The Babcock & Wilcox Company a construction permit, substantially as set forth below, authorizing the applicant to construct at its Critical Experiment Laboratory located near Lynchburg, Virginia, a critical experiment facility designated by the applicant as the "Advanced Test Reactor Critical Experiment" (ATRCE). Such request or petition shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

Notice is also hereby given that upon finding that the facility has been constructed in conformity with the construction permit, the facility will operate in conformity with the application and the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission, and, in the absence of any good cause shown to the Commission why the granting of the license would not be in accordance with the provisions of the Act, the Commission may, without further prior public notice, issue a facility license substantially as set forth below authorizing operation of the facility. Prior to issuance of the license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of the construction permit.

The application, and a related hazards analysis prepared by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated September 11, 1961 (hereinafter "the application"), The Babcock & Wilcox Company (hereinafter "the applicant") requested a Class 104 license, defined in § 50.21 of Part 50 "Licensing of Production and Utilization Facilities" Title 10, Chapter 1, CFR, authorizing construction and operation, at the applicant's Critical Experiment Laboratory located near Lynchburg, Virginia, of a critical experiment facility designated by the applicant as the "Advanced Test Reactor Critical Experiment" (hereinafter "the facility").

2. The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be used in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter "the Act").

C. The applicant is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of any Commission charges for special nuclear material and to undertake and carry out the proposed activities for a reasonable period of time.

D. The applicant is technically qualified to design and to construct the facility.

E. The applicant has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

G. The issuance of a construction permit to the applicant will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to the applicant to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 14, 1961. The latest date for the completion of the facility is March 31, 1962. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The site proposed for the location of the facility is that at the applicant's Critical Experiment Laboratory near Lynchburg, Virginia, specified in the application.

4. Upon completion (as defined in paragraph 3A above) of the construction of the facility in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed and will operate in conformity with the application, and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to the applicant pursuant to section 104c of the Act, which license shall expire ten years after the date of this construction permit.

For the Atomic Energy Commission.

PROPOSED UTILIZATION FACILITY LICENSE

1. This license applies to the critical experiment facility (hereinafter "the facility") which is owned by The Babcock and Wilcox Company (hereinafter "the licensee") and designated by the licensee as the "Advanced Test Reactor Critical Experiment" and which is located at the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia and described in the licensee's application for license dated September 11, 1961 (hereinafter "the application") and authorized by Construction Permit No. —.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The facility has been constructed in conformity with Construction Permit No. —, and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the facility, to assume financial responsibility for payment of any Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the facility and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the facility as a utilization facility at the designated location near Lynchburg, Virginia, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the facility up to 125.0 kilograms of uranium-235 contained in highly enriched uranium and up to 80.0 grams of plutonium contained in encapsulated plutonium-beryllium sources; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the facility.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, nor or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not, unless previously authorized in writing by the Commission:

1. Operate the facility at any time at steady-state power levels in excess of 50 kilowatts (thermal) or

2. Operate the facility in such manner that the integrated thermal power for any 365 consecutive days exceeds 100 kilowatt hours.

B. The licensee shall observe the procedures described in the application pertaining to operations with the facility shut down which might involve a change in core reactivity.

C. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Facility operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

D. The licensee shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

E. As promptly as practicable, but no later than 60 days after the initial criticality of the facility, the licensee shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

1. Maximum excess reactivity of the facility, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

2. Total control rod worth;

3. Minimum shutdown margin both at room and operating temperature;

4. Maximum worth of the single control rod of highest reactivity value; and

5. Maximum total and individual worth of any fixed or movable experiments inserted in the facility.

F. The licensee shall promptly submit a written report to the Commission whenever, during operation of the facility subsequent to initial criticality, any of the operating conditions or characteristics of the facility, including those described in paragraph 4.E. above and the application, which might affect nuclear safety, is observed to vary significantly from its predicted value.

5. This license is effective as of the date of issuance and shall expire at midnight ----------, 1971.

For the Atomic Energy Commission.

[F.R. Doc. 61-11412; Filed, Dec. 1, 1961; 8:45 a.m.]

[Docket No. 50-192]

UNIVERSITY OF TEXAS

Notice of Application for Utilization Facility License

Please take notice that The University of Texas, Austin 12, Texas, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a TRIGA I instructional, research, and isotope production nuclear reactor at a steady state power level of ten kilowatts (thermal), and with pulsing by rapid insertions of up to $2.00 of reactivity on the campus of The University of Texas at Austin, Texas. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 27th day of November 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11413; Filed, Dec. 1, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13208]

ALLIED AIR FREIGHT, INC.

Proposed Reduced Air Freight Forwarder Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of November 1961.

By tariff marked to become effective November 30, 1961, Allied Air Freight, Inc. (Allied) proposes to reduce rates on Commodity Group No. 3 (newspapers) between New York and Miami and New York and West Palm Beach. The proposed rates are lower than those now maintained by any direct carrier in any weight break. Particularly, in the 5,000, 7,500 and 10,000 pound weight breaks the proposed reduction would be slightly over 25 percent below the existing rates of Riddle Airlines, Inc. (Riddle) the principal all-cargo carrier operating between the affected points.

Riddle has filed a complaint requesting investigation and suspension of the proposed tariff and alleging that the proposed rates are not designed to stimulate new traffic but are directed to the diversion of existing traffic from direct carriers now carrying newspapers from New York to Miami; the proposed rates are lower than those now maintained by any direct carrier in any weight break; only one newspaper, The New York Times, ships sufficient volume from New York to

Miami to be advantaged by the proposed rates, at the weight breaks named; and that Riddle now has The Times account, and stands to lose it to the Forwarder. Although the complaint was not filed 15 days before the effective date of the tariff as required by Rule 505 and does not otherwise fully comport with the Board's rules of practice, we are taking note of the tariff matter referred to therein.

We note that the proposed tariff is unlike the typical freight forwarder tariff which may provide lower rates than direct carriers for smaller shipments, but which permits the forwarder to combine the smaller shipments into a larger one and ship at the reduced rate of the direct carrier which is applicable to higher weight breaks. Rather, the proposed tariff is apparently so constructed that the forwarder who accepted a shipment of 5,000, 7,500, or 10,000 pounds could not ship the cargo at a lower or even at the same rate by direct carrier, but would in fact be compelled either to pay the direct carrier a higher rate than the forwarder would itself receive or else to rely upon some combination of commodities into a mixed consignment. We are also concerned with the size of the reduction from currently applicable rates, for which justification has not been presented.

Upon consideration of the matters of record, the Board finds that the rates proposed by Allied may be unjust or unreasonable, or unduly discriminatory, or unduly preferential or unduly prejudicial, and should be investigated and suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates on Commodity Group No. 3 from New York, N.Y., to Miami, Fla. and West Palm Beach, Fla. on 12th Revised Page 15, and from Newark, N.J., to Miami, Fla., and West Palm Beach, Fla., on 9th Revised Page 17 of C.A.B. No. 22 of Allied Air Freight, Inc. are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates.

2. Pending hearing and decision by the Board the rates on Commodity Group No. 3 from New York, N.Y., to Miami, Fla., and West Palm Beach, Fla., on 12th Revised Page 15, and from Newark, N.J., to Miami, Fla., and West Palm Beach, Fla., on 9th Revised Page 17 of C.A.B. No. 22 of Allied Air Freight, Inc. are suspended and their use deferred to and including February 27, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permisison by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon Allied Air Freight, Inc. and Riddle Airlines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11425; Filed, Dec. 1, 1961; 8:46 a.m.]

[Docket 12476]

BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA, VS. NATIONAL AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on December 13, 1961 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 29, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-11426; Filed, Dec. 1, 1961; 8:47 a.m.]

[Docket No. SA-365]

ACCIDENT OCCURRING IN RICHMOND, VIRGINIA

Notice of Reconvening of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 2737A, which occurred on November 8, 1961, at Richmond, Virginia.

Notice is hereby given that an Accident Investigation Hearing on the above-styled matter will be held commencing 10:00 a.m. (local time), on December 5, 1961, in the Barcelona Hotel, Miami Beach, Florida.

Dated this 28th day of November 1961.

[SEAL] REID C. TAIT,
Hearing Officer.

[F.R. Doc. 61-11427; Filed, Dec. 1, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14393; FCC 61M-1842]

W. E. BAYSDEN

Order Scheduling Hearing

In re application of W. E. Baysden, Jacksonville, North Carolina, Docket No. 14393, File No. BP-12300; for construction permit.

It is ordered, This 24th day of November 1961, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 5, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, December 27, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11434; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket No. 14166 etc.; FCC 61M-1860]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, a partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permits.

The Hearing Examiner having under consideration the petition for continuance of procedural dates filed herein on November 22, 1961 by Eastern Broadcasting System, Inc.;

It appearing that all parties have consented formally to immediate consideration and grant of the said petition except Fairfield Broadcasting Company which has given such consent informally;

It further appearing that good cause for grant of the said petition is shown;

It is ordered, This 28th day of November 1961 that said petition is granted and the date for formal exchange of all exhibits herein is continued from November 30, 1961 to December 11, 1961; the further prehearing conference presently scheduled to be held on December 1, 1961 is continued to December 18, 1961 commencing at 9:00 a.m.; and the date for commencement of hearing is continued from December 18, 1961 to January 3, 1962.

Released: November 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11435; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket No. 13205 etc., FCC 61M-1840]

FRANCIS M. FITZGERALD ET AL.

Order Scheduling Hearing

In re applications of Francis M. Fitzgerald, Greensboro, North Carolina, Docket No. 13205, File No. BP-13979; Ralph D. Epperson and Earlene S. Epperson, d/b as Frederick County Broadcasters, Winchester, Virginia, Docket No. 13624, File No. BP-12531; John Laurino, tr/as Virginia Regional Broadcasters, Chester, Virginia, Docket No. 14382, File No. BP-13752; Stuart W. Epperson, Wakefield, Virginia, Docket No. 14383, File No. BP-13754; York-Clover Broadcasting Company, Incorporated (WYCL), York, South Carolina, Docket No. 14384, File No. BP-13898; Harry A. Epperson, Jr., Mt. Holly, North Carolina, Docket No. 14385, File No. BP-14203; Boyce J. Hanna, East Gastonia, North Carolina, Docket No. 14386, File No. BP-14237; John Blake, James H. Lee and James W. Harman, Jr., d/b as Lee-Blake Broadcasting Company, Spartanburg, South Carolina, Docket No. 14387, File No. BP-14242; Wilkes Broadcasting Company, Mocksville, North Carolina, Docket No. 14388, File No. BP-14288; E. Raymond Parker, Gaffney, South Carolina, Docket No. 14389, File No. BP-14301; Risden Allen Lyon, Charlotte, North Carolina, Docket No. 14390, File No. BP-14661; Stuart W. Epperson, Winston-Salem, North Carolina, Docket No. 14391, File No. BP-14909; James P. Poston, Kernersville, North Carolina, Docket No. 14392, File No. BP-14918; for construction permits.

It is ordered, This 24th day of November 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 5, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, December 26, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11436; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket Nos. 14394, 14395; FCC 61M-1843]

FLOWER CITY TELEVISION CORP. AND GENESEE VALLEY TELEVISION CO., INC.

Order Scheduling Hearing

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Genesee Valley Television Co., Inc., Rochester, New York, Docket No. 14395, File No. BPCT-2944; for construction permits for new Television Broadcast Stations Channel 13.

It is ordered, This 24th day of November 1961, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 7, 1962, in Washington, D.C. *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, December 27, 1961.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11437; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket Nos. 14407, 14408; FCC 61M-1857]

GRAND BROADCASTING CO. AND ATLAS BROADCASTING CO.

Order Scheduling Hearing

In re applications of Grand Broadcasting Company, Grand Rapids, Michigan, Docket No. 14407, File No. BPCT-2928; Atlas Broadcasting Company, Grand Rapids, Michigan, Docket No. 14408, File No. BPCT-2950; for construction permits for new Television Broadcast Stations (Channel 13).

It is ordered, This 27th day of November 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 19, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, January 8, 1962.

Released: November 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11438; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket No. 14314; FCC 61M-1849]

KOFE, INC. (KOFE)

Order Continuing Hearing Conference

In re application of KOFE, Inc. (KOFE), Pullman, Washington, Docket No. 14314, File No. BML-1929; for modification of license.

Counsel for KOFE, Inc. (KOFE) has informally advised the Hearing Examiner that KOFE will file a petition to dismiss its application in this instant proceeding;

Accordingly, it is ordered, This 27th day of November 1961, that the prehearing conference herein scheduled for November 29, 1961, be, and the same is hereby continued without date.

Released: November 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11439; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket No. 14380; FCC 61M-1841]

KSAY BROADCASTING CO.

Order Scheduling Hearing

In re application of Grant R. Wrathall and Taft R. Wrathrall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of Standard Broadcast Station KSAY.

It is ordered, this 24th day of November 1961, that Charles Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 5, 1962, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, January 26, 1962.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11440; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket Nos. 14360-14363; FCC 61M-1833]

M & M TELECASTERS ET AL.

Order Continuing Hearing Conference

In re applications of L. E. Manseau and Daniel E. Molina, d/b as M & M Telecasters, Santa Maria, California, Docket No. 14360, File No. BPCT-2891; Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television, Santa Maria, California, Docket No. 14361, File No. BPCT-2903; Thomas B. Friedman, tr/as Elson Electronics Company, Santa Maria, California, Docket No. 14362, File No. BPCT-2904; Santa Maria Telecasting Corporation, Santa Maria, California, Docket No. 14363, File No. BPCT-2919; for construction permits for new Television Broadcast Stations.

Because of a possible conflict with the Hearing Examiner's schedule: *It is ordered*, This 22d day of November 1961, that the prehearing conference scheduled for December 14, 1961 is rescheduled for Friday, January 5, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: November 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11441; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket Nos. 13798,13801; FCC 61M-1859]

OKLAHOMA BROADCASTING CO. AND SAPULPA BROADCASTERS

Order Continuing Hearing

In re applications of R. B. Bell and Bernice Bell, d/b as Oklahoma Broadcasting Company, Sapulpa, Oklahoma, Docket No. 13798, File No. BP-12403; William E. Minshall and Melwyn E. Klar, d/b as Sapulpa Broadcasters, Sapulpa, Oklahoma, Docket No. 13801, File No. BP-12876; for construction permits.

Upon oral motion of counsel for the parties in the above-entitled matter: *It is ordered*, This 28th day of November 1961, that the hearing presently scheduled for November 29, 1961 at 9:30 a.m., be, and the same is, hereby continued to December 14, 1961 at 9:30 a.m.

Released: November 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11442; Filed, Dec. 1, 1961; 8:48 a.m.]

[Docket Nos. 14007, 14008; FCC 61M-1835]

VERNON E. PRESSLEY AND FOLKWAYS BROADCASTING CO., INC. (WTCW)

Order Continuing Hearing

In re applications of Vernon E. Pressley, Canton, North Carolina, Docket No. 14007, File No. BP-12872; Folkways Broadcasting Company, Inc. (WTCW), Whitesburg, Kentucky, Docket No. 14008, File No. BP-13526; for construction permits.

The Hearing Examiner having before him a petition filed by Vernon E. Pressley on November 21, 1961, for further continuance of hearing in the above-entitled proceeding to December 11, 1961; and

It appearing that the only remaining issue in this proceeding is Issue 10 and that an additional week will be required to secure the appearance of certain witnesses and their counsel or, in the alternative, to secure affidavits of such parties; and

It further appearing that Folkways Broadcasting Company, Inc., has indicated that they do not intend to participate further in the proceeding, and the Broadcast Bureau, the only other party to the proceeding, has no objection to the requested continuance;

It is ordered, This 22d day of November 1961, that the above-described petition for further continuance is granted; and the hearing now scheduled for November 24, 1961, is continued to December 11, 1961.

Released: November 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11443; Filed, Dec. 1, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI61-343, etc.]

SOHIO PETROLEUM CO. ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 27, 1961.

Sohio Petroleum Company, Docket No. CI61-343; Shell Oil Company, Docket No. CI61-407; R. A. D. Corporation, Docket No. CI61-436; Hercules Oil and Gas, Docket No. CI61-444; St. Clair Oil Company, Docket No. CI61-464; Murphy Corporation, Docket No. CI61-1374; Lamar Hunt Trust Estate, Docket No. CI61-1455; N. B. Hunt, Docket No. CI61-1456; Placid Oil Company, Docket No. CI61-1459; Texaco Seaboard Inc., Docket No. CI61-1560; Union Producing Company, Docket No. CI61-1609; The Atlantic Refining Company, Docket No. CI61-1656; J. Frank Brown, Docket No. CI61-1660; Mid-Eastern Gas Company, Inc., Docket No. CI62-223; R. T. Harris (Operator), et al., Docket No. CI62-270.

Take notice that each of the above Applicants seeks permission and approval to abandon natural gas service, pursuant to section 7(b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

In each case the volume of gas available for delivery under the respective contracts has declined to the point where it is no longer economically feasible to continue the operation.

The pertinent facts in each application are as follows:

Docket No., Location, Purchaser, Docket No. in Which Sale Was Authorized

CI61-343; Hoffman-Brautigam Unit, South Deckers Prairie Area, Montgomery County, Tex.; Tennessee Gas Transmission Co.; G-11375.
CI61-407; Stedman Island Field, Nueces County, Tex.; Tennessee Gas Transmission Co.; G-5007.
CI61-436; C. H. Nutter, et al., Lease, Union District, Harrison County, W. Va.; Hope Natural Gas Co.; Application for 7(c) authorization presently pending in Docket No. G-14430.
CI61-444; Ora A. Goff, et al., Lease, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-17621.
CI61-464; Roy Simmons Lease, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-16346.
CI61-1374; John P. Graham Well, North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; G-4702.
CI61-1455; Palo Blanco Field, Brooks County, Tex.; Unit Gas Co., Inc.; G-13747.
CI61-1456; Palo Blanco Field, Brooks County, Tex.; Unit Gas Co., Inc.; G-14295.
CI61-1459; South Coast Corp. Well No. 1, Raceland Field, Lafourche Parish, La.; Transcontinental Gas Pipe Line Corp.; G-13184.
CI61-1560; R. C. Milling, et al., No. 1 Well, Lac des Allemandes Field, St. Charles Parish, La.; Transcontinental Gas Pipe Line Corp.; G-13169.
CI61-1609; Palo Blanco Field, Brooks County, Tex.; Unit Gas Company, Inc.; G-13823.
CI61-1656; Lac des Allemandes Field, St. Charles Paris, La.; Transcontinental Gas Pipe Line Corp.; G-13219.
CI61-1660; Magnolia District, Mingo County, W. Va.; United Fuel Gas Co.; G-11250.
CI62-223; Mannington District Marion County, W. Va.; Hope Natural Gas Co.; G-17916.
CI62-270; Hilliad No. 1 Well, Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Co.; G-9915.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1961, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11419; Filed, Dec. 1, 1961; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

CHIEF, OPERATIONS STAFF, URBAN RENEWAL BRANCH

Designation as Acting Regional Director of Urban Renewal, Region IV (Chicago)

The Chief, Operations Staff, Urban Renewal Branch, Region IV (Chicago), Housing and Home Finance Agency, is hereby designated to serve as Acting Regional Director of Urban Renewal, Region IV (Chicago), during the present vacancy in the position of Regional Director of Urban Renewal, with all the powers, functions, and duties delegated or assigned to the Regional Director.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 2d day of December 1961.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 61-11485; Filed, Dec. 1, 1961; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 29, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37459: *Glycols from Louisiana and Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-8112), for interested rail carriers. Rates on dipropylene, diethylene, ethylene, propylene, polypropylene, polyethylene, and trethylene, in tank-car loads, from specified points in Louisiana and Texas, to Chicago, Ill., and points grouped therewith.

Grounds for relief: Market competition.

Tariff: Supplement 214 to Southwestern Freight Bureau tariff I.C.C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11418; Filed, Dec. 1, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No 7-2204]

UNITED STATES RUBBER CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 28, 1961.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: United States Rubber Company; File 7-2204.

Upon receipt of a request, on or before December 8, 1961 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11415; Filed, Dec. 1, 1961; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

5 CFR — Page
6 — 11347

7 CFR
776 — 11347, 11407
914 — 11417
933 — 11417–11419
953 — 11419
PROPOSED RULES:
914 — 11435
953 — 11363

8 CFR
PROPOSED RULES:
242 — 11363

12 CFR
4 — 11353

13 CFR
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
600 — 11357
PROPOSED RULES:
600 — 11435

14 CFR—Continued — Page
PROPOSED RULES—Continued
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456
608 — 11435

15 CFR
201 — 11357
230 — 11360

16 CFR
13 — 11360

18 CFR
PROPOSED RULES:
2 — 11459

19 CFR
3 — 11362
5 — 11420
21 — 11362

28 CFR
15 — 11420

29 CFR
670 — 11420
678 — 11420

32 CFR
2011 — 11421

33 CFR — Page
212 — 11421

36 CFR
PROPOSED RULES:
1 — 11363

39 CFR
PROPOSED RULES:
201 — 11426
202 — 11431
203 — 11432
204 — 11432

43 CFR
PUBLIC LAND ORDERS:
842 — 11361
2543 — 11361
2544 — 11361
2546 — 11361

44 CFR
151 — 11425

47 CFR
10 — 11422
16 — 11423
PROPOSED RULES:
3 — 11458
7 — 11369
8 — 11369
14 — 11369

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

Pages 11469–11510

VOLUME 26 NUMBER 233

Washington, Tuesday, December 5, 1961

OF MICHIGAN
DEC 7 1961
MAIN READING ROOM

Contents

THE PRESIDENT

Executive Order
Armed Forces Expeditionary Medal; establishment — 11471

EXECUTIVE AGENCIES

Agricultural Marketing Service
RULES AND REGULATIONS:
Irish potatoes grown in Colorado; termination of obsolete provisions — 11483

Agricultural Research Service
RULES AND REGULATIONS:
Screwworms; cleaning and treatment of means of conveyance, litter, and manure — 11483

Agricultural Stabilization and Conservation Service
PROPOSED RULE MAKING:
Milk in certain marketing areas; recommended decisions and opportunities to file written exceptions on proposed amendments to tentative agreements and orders:
Central West Texas — 11498
Texas Panhandle — 11495
RULES AND REGULATIONS:
Cotton; county acreage allotments, 1962 crop:
Extra long staple — 11481
Upland — 11472

Agriculture Department
See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission
RULES AND REGULATIONS:
Contract clauses; use of standard clauses; miscellaneous amendments — 11488

Civil Aeronautics Board
RULES AND REGULATIONS:
Exemption of air carriers for short notice military contracts; standard mileage — 11483

Civil Service Commission
RULES AND REGULATIONS:
Exceptions from competitive service:
Federal Home Loan Bank Board — 11483
National Aeronautics and Space Administration — 11483

Commerce Department
NOTICES:
Lagas, M. Robert; appointment and statement of financial interests — 11505

Defense Department
See Navy Department.

Emergency Planning Office
NOTICES:
California; major disaster — 11508
Ordnance Corps Integration Committee on M14 Rifle; addition to membership — 11508

Federal Aviation Agency
PROPOSED RULE MAKING:
Federal airway and control area extension, alteration; and alteration and designation of restricted areas and designation of transition area — 11494
RULES AND REGULATIONS:
Control area extensions; alteration — 11485
Federal airways; alterations (2 documents) — 11484
Federal airway segment, associated control areas and reporting points; revocation — 11485

Federal Communications Commission
NOTICES:
Grand Broadcasting Co. and Atlas Broadcasting Co.; hearing, etc. — 11506
PROPOSED RULE MAKING:
Assignment of additional VHF channels to certain cities; order extending time for filing comments — 11495

Federal Maritime Commission
NOTICES:
Organization — 11506

Federal Power Commission
NOTICES:
Hearings, etc.:
El Paso Natural Gas Co — 11507
Pan American Petroleum Corp. et al — 11507
Southern Natural Gas Co — 11508

Federal Trade Commission
RULES AND REGULATIONS:
Missouri-Kansas Furnace Co. et al.; prohibited trade practices — 11486

General Services Administration
NOTICES:
Ferromanganese and electrolytic manganese metal held in national stockpile; proposed disposition — 11508

Geological Survey
RULES AND REGULATIONS:
Reports and inspections of facilities and agencies for production, processing, storage and transportation of petroleum and petroleum products; record-keeping and reporting requirements — 11487

Indian Affairs Bureau
NOTICES:
Functions relating to specific legislation; authority delegation — 11505

Interior Department
See Geological Survey; Indian Affairs Bureau; Land Management Bureau.

(Continued on next page)

Internal Revenue Service

RULES AND REGULATIONS:
Income tax; taxable years beginning after Dec. 31, 1953; imposition of tax on estates and trusts 11486

Interstate Commerce Commission

NOTICES:
Motor carrier transfer proceedings 11509
St. Johnsbury & Lamoille County Railroad; rerouting and diversion of traffic 11509

RULES AND REGULATIONS:
Process agents; designation by motor carriers and brokers; cancellation or change 11492

Land Management Bureau

PROPOSED RULE MAKING:
Mineral deposits in acquired lands and under rights-of-way 11493

Navy Department

NOTICES:
Certain classes and types of naval vessels; navigational light waivers 11505

Securities and Exchange Commission

NOTICES:
Black Bear Industries, Inc.; order summarily suspending trading 11508

Treasury Department

See Internal Revenue Service.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR
EXECUTIVE ORDERS:
10977 11471

5 CFR
6 (2 documents) 11483

7 CFR
722 (2 documents) 11472, 11481
958 11483
PROPOSED RULES:
911 11495
982 11498

9 CFR
83 11483

14 CFR
288 11483
600 (3 documents) 11484, 11485
601 (2 documents) 11485
PROPOSED RULES:
600 11494
601 11494
608 11494

16 CFR
13 11486

26 CFR
1 11486

30 CFR
222 11487

41 CFR
9-7 11488

43 CFR
PROPOSED RULES:
192 11493
200 11493

47 CFR
PROPOSED RULES:
3 11495

49 CFR
174a 11492

Announcing first
5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10977

ESTABLISHING THE ARMED FORCES EXPEDITIONARY MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby established the Armed Forces Expeditionary Medal, with ribbons and appurtenances, for award to personnel of the Armed Forces of the United States who after July 1, 1958:

(a) Participate, or have participated, as members of United States military units in a United States military operation in which personnel of any military department participate, in the opinion of the Joint Chiefs of Staff, in significant numbers; and

(b) Encounter, incident to such participation, foreign armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize.

SEC. 2. The medal, with ribbons and appurtenances, shall be of appropriate design approved by the Secretary of Defense and shall be awarded by the Secretary of the military department directly concerned, and by the Secretary of the Treasury with respect to the United States Coast Guard, under uniform regulations to be issued by the Secretary of Defense.

SEC. 3. The medal shall be awarded only for operations for which no other United States campaign medal is approved. For operations in which personnel of only one military department participate, the medal shall be awarded only if there is no other suitable award available to that department. No more than one medal shall be awarded to any one person, but for each succeeding operation justifying such award a suitable device may be awarded to be worn on the medal or ribbon as prescribed by appropriate regulations.

SEC. 4. The medal may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 4, 1961.

[F.R. Doc. 61-11555; Filed, Dec. 4, 1961; 10:11 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Upland Cotton

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE'S SHARE OF NATIONAL RESERVE AND FROM STATE RESERVE; AND REMAINDER OF STATE RESERVE

The purpose of this amendment is to establish county allotments consisting of computed county allotments, allocations from State's share of national reserve, and adjustments from State reserve for trends and abnormal conditions; allocations to counties from State reserve for small farms and to correct inequities and prevent hardships; and to establish the remainder of State reserve which is available for allocation to counties for new farms, missed farms and reconstituted farms and correction of errors.

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of upland cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7968) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.516(h)(1) of the regulations pertaining to acreage allotments for the 1962 crop of upland cotton (26 F.R. 9966) is amended to read as follows:

(1) *County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardships; and remainder of the State reserve.* There are set forth below the county allotments consisting of computed county allotments, allocations from State's share of national reserve and adjustments, if any, from State reserve for trends and abnormal conditions; allocations, if any, to counties from State reserve for small farms and to correct inequities and prevent hardships; and the remainder of the State reserve which is available for allocation to counties for new farms, missed and reconstituted farms and correction of errors. No adjustments from the State reserve for minimum farm allotments are required since the allocation from the State's share of the national reserve meets the total needs for minimum farm allotments. The State reserve for only Kentucky, Maryland, Oklahoma, and Tennessee includes a reserve for new farms.

ALABAMA

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Autauga	9,708	65	0	0	9,773	0	0
Baldwin	3,238	90	0	0	3,328	0	0
Barbour	15,326	143	0	0	15,469	0	0
Bibb	4,050	40	0	0	4,090	0	0
Blount	18,351	223	0	0	18,574	0	0
Bullock	9,529	41	0	0	9,570	0	0
Butler	10,260	121	0	0	10,381	0	0
Calhoun	7,339	99	0	0	7,438	0	0
Chambers	10,130	59	0	0	10,189	0	0
Cherokee	22,136	520	0	0	22,656	0	0
Chilton	10,798	225	0	0	11,023	0	0
Choctaw	7,154	130	0	0	7,284	0	0
Clarke	6,684	150	0	0	6,834	0	0
Clay	4,989	125	0	0	5,114	0	0
Cleburne	3,322	50	0	0	3,372	0	0
Coffee	20,348	155	0	0	20,503	0	0
Colbert	23,059	81	0	0	23,140	0	0
Conecuh	13,515	187	0	0	13,702	0	0
Coosa	1,983	59	0	0	2,042	0	0
Covington	17,391	197	0	0	17,588	0	0
Crenshaw	11,952	103	0	0	12,055	0	0
Cullman	35,098	849	0	0	35,947	0	0
Dale	8,962	117	0	0	9,079	0	0
Dallas	28,289	74	0	0	28,363	0	0
DeKalb	33,359	1,190	0	0	34,549	0	0
Elmore	15,824	99	0	0	15,923	0	0
Escambia	11,325	99	0	0	11,424	0	0
Etowah	13,017	340	0	0	13,357	0	0
Fayette	9,650	169	0	0	9,819	0	0
Franklin	14,124	150	0	0	14,274	0	0
Geneva	21,582	241	0	0	21,823	0	0
Greene	13,994	170	0	0	14,164	0	0
Hale	16,144	157	0	0	16,301	0	0
Henry	16,673	91	0	0	16,764	0	0
Houston	28,152	210	0	0	28,362	0	0
Jackson	25,742	808	0	0	26,550	0	0
Jefferson	4,197	98	0	0	4,295	0	0
Lamar	11,635	145	0	0	11,780	0	0
Lauderdale	29,407	367	0	0	29,774	0	0
Lawrence	40,320	671	0	0	40,991	0	0
Lee	10,039	58	0	0	10,097	0	0
Limestone	53,470	539	0	0	54,009	0	0
Lowndes	11,123	108	0	0	11,231	0	0
Macon	17,656	119	0	0	17,775	0	0
Madison	61,912	653	0	0	62,565	0	0
Marengo	17,490	88	0	0	17,578	0	0
Marion	14,028	194	0	0	14,222	0	0
Marshall	31,395	1,079	0	0	32,474	0	0
Mobile	3,859	80	0	0	3,939	0	0
Monroe	19,117	127	0	0	19,244	0	0
Montgomery	11,389	46	0	0	11,435	0	0
Morgan	29,981	455	0	0	30,436	0	0
Perry	11,695	97	0	0	11,792	0	0
Pickens	15,752	110	0	0	15,862	0	0
Pike	17,798	109	0	0	17,907	0	0
Randolph	10,924	177	0	0	11,101	0	0
Russell	10,892	107	0	0	10,999	0	0
St. Clair	5,939	113	0	0	6,052	0	0
Shelby	6,363	45	0	0	6,408	0	0
Sumter	14,870	62	0	0	14,932	0	0
Talladega	13,453	199	0	0	13,652	0	0
Tallapoosa	7,565	64	0	0	7,629	0	0
Tuscaloosa	17,627	122	0	0	17,749	0	0
Walker	7,978	204	0	0	8,182	0	0
Washington	2,771	72	0	0	2,843	0	0
Wilcox	12,235	65	0	0	12,300	0	0
Winston	7,868	125	0	0	7,993	0	0
a. State total	1,053,945	14,125	0	0	1,068,070	0	0
b. State reserve available for missed and reconstituted farms and correction of errors							125
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b)							1,068,195

ARKANSAS—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ouachita	2,798	0	0	0	2,798	0	0
Perry	1,132	56	0	0	1,188	0	0
Phillips	75,964	454	9,850	0	86,268	0	0
Pike	80,330	0	10,361	0	90,795	0	0
Poinsett	92	104	0	0	92	0	0
Polk	2,963	0	0	0	2,963	0	0
Prairie	10,281	0	1,095	0	11,376	0	0
Pulaski	16,290	0	1,749	0	18,039	0	0
Randolph	9,177	92	986	0	10,255	0	0
St. Francis	62,759	0	8,038	0	70,797	0	0
Saline	125	0	0	0	125	0	0
Scott	230	0	0	0	230	0	0
Searcy	185	0	0	0	185	0	0
Sebastian	377	0	0	0	377	0	0
Sevier	804	0	0	0	804	0	0
Sharp	2,761	0	0	0	2,761	0	0
Stone	206	0	0	0	206	0	0
Union	2,889	0	0	0	2,889	0	0
Van Buren	1,190	0	0	0	1,190	0	0
Washington	2	2	0	0	4	0	0
White	22,932	0	0	0	22,932	0	0
Woodruff	35,435	33	4,578	0	40,046	0	0
Yell	6,381	33	761	0	7,175	0	0
a. State total	1,330,992	2,497	147,538	0	1,481,327	0	0
b. State reserve available for missed and reconstituted farms and correction of errors							50
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b)							1,481,377

CALIFORNIA

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Fresno	211,731	337.8	0	0	212,068.8	0	0
Imperial	52,284	49.7	0	0	52,333.7	0	0
Kern	103,246	70.0	0	0	103,316.0	0	0
Kings	103,027	99.4	0	0	103,126.4	0	0
Los Angeles	2,277	12.0	0	0	2,289.0	0	0
Madera	50,757	62.9	0	0	50,819.9	0	0
Merced	31,499	30.4	0	0	31,529.4	0	0
Riverside	21,578	26.4	0	0	21,604.4	0	0
San Benito	228	2.0	0	0	230.0	0	96.0
San Bernardino	548	6.1	0	0	554.1	0	0
San Diego	321	1.0	0	0	322.0	0	0
San Luis Obispo	103	11.2	0	0	104.2	0	0
Tulare	160,015	296.1	0	0	160,311.1	0	0
a. State total	825,534	1,014.0	0	0	826,548.0	0	96.0
b. State reserve available for missed and reconstituted farms and correction of errors							54
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b)							826,698

FLORIDA

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Alachua	165	9.6	0	0	174.6	0	0
Baker	6	1.6	0	0	7.6	0	0
Bay	61	4.8	0	0	65.8	0	0
Calhoun	784	44.7	0	0	828.7	0	0
Citrus	9	1.6	0	0	10.6	0	0
Columbia	379	28.8	0	0	357.8	0	0
Dixie	7	3	0	0	3.0	0	0
Duval	3	0	0	0	3.0	0	0
Escambia	1,671	71.9	0	0	1,742.9	0	0
Gadsden	244	30.4	0	0	274.4	0	0
Gilchrist	5	0	0	0	5.0	0	0

ARIZONA

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Cochise	15,239	42	0	0	15,281	0	0
Gila	40	0	0	0	40	0	0
Graham	9,783	12	0	0	9,795	0	0
Greenlee	136,140	132	0	0	136,272	0	0
Maricopa	300	2	0	0	302	0	0
Mohave	24,734	8	0	0	24,742	0	0
Pima	146,470	20	0	0	146,490	0	0
Pinal	2,137	0	0	0	2,137	0	0
Santa Cruz	13	0	0	0	13	0	0
Yavapai	33,614	55	0	0	33,669	0	0
Yuma	370,342	277	0	0	370,619	0	0
a. State total							
b. State reserve available for missed and reconstituted farms and correction of errors							25
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b)							370,644

ARKANSAS

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Arkansas	9,932	0	1,053	0	10,985	0	0
Ashley	23,945	4	2,877	0	26,826	0	0
Baxter	71	0	0	0	71	0	0
Benton	2	0	0	0	2	0	0
Boone	18	0	0	0	18	0	0
Bradley	5,019	0	0	0	5,019	0	0
Calhoun	4,093	0	0	0	4,093	0	0
Chicot	29,294	0	3,785	0	33,079	0	0
Clark	4,536	98	0	0	4,634	0	0
Clay	37,935	3	4,929	0	42,867	0	0
Cleburne	3,611	0	0	0	3,611	0	0
Cleveland	4,698	0	0	0	4,698	0	0
Columbia	13,348	0	0	0	13,348	0	0
Conway	6,921	321	0	0	7,242	0	0
Craighead	77,498	346	9,213	0	87,057	0	0
Crawford	373	0	11,777	0	373	0	0
Crittenden	91,407	0	4,615	0	103,184	0	0
Cross	35,992	0	0	0	40,607	0	0
Dallas	2,227	12	5,338	0	7,577	0	0
Desha	41,159	132	1,485	0	42,644	0	0
Drew	13,859	0	0	0	13,344	0	0
Faulkner	13,252	0	0	0	13,252	0	0
Franklin	601	0	0	0	501	0	0
Fulton	912	0	0	0	912	0	0
Garland	14	0	0	0	14	0	0
Grant	935	0	0	0	935	0	0
Greene	36,970	195	4,370	0	41,544	0	0
Hempstead	10,551	0	0	0	10,551	0	0
Hot Spring	580	0	0	0	580	0	0
Howard	2,536	0	0	0	2,536	0	0
Independence	6,367	0	0	0	6,367	0	0
Izard	2,512	0	0	0	2,512	0	0
Jackson	41,608	0	5,399	0	46,964	0	0
Jefferson	64,336	0	8,264	0	72,970	0	0
Johnson	936	72	0	0	972	0	0
Lafayette	14,240	0	1,516	0	15,756	0	0
Lawrence	19,578	82	2,350	0	22,010	0	0
Lee	56,252	0	7,347	0	63,599	0	0
Lincoln	32,548	88	3,817	0	36,453	0	0
Little River	5,580	301	0	0	5,881	0	0
Logan	1,645	0	5,290	0	1,945	0	0
Lonoke	49,645	38	0	0	54,968	0	0
Marion	92	93	0	0	92	0	0
Miller	11,026	0	0	0	11,119	0	0
Mississippi	173,210	0	22,275	0	195,485	0	0
Monroe	36,933	165	4,774	0	41,874	0	0
Montgomery	96	0	0	0	96	0	0
Nevada	5,097	0	0	0	5,097	0	0
Newton	41	0	0	0	41	0	0

FLORIDA—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Hamilton	1,358	57.5	0	0	1,415.5	0	0
Holmes	5,447	201.3	0	0	5,648.3	0	0
Jackson	8,372	405.9	0	0	8,777.9	0	0
Jefferson	1,583	52.7	0	0	1,635.7	0	0
Lafayette	283	32.0	0	0	315.0	0	0
Leon	1,099	40.0	0	0	1,139.0	0	0
Levy	7	0	0	0	7.0	0	0
Liberty	14	0	0	0	14.0	0	0
Madison	3,191	135.8	0	0	3,326.8	0	0
Nassau	6	1.6	0	0	7.6	0	0
Okaloosa	1,716	60.7	0	0	1,775.7	0	0
Putnam	1	0	0	0	1.0	0	0
Santa Rosa	6,654	171.0	0	0	6,825.0	0	0
Suwannee	725	11.9	0	0	736.9	0	0
Taylor	33	3.2	0	0	36.2	0	0
Union	20	3.2	0	0	23.2	0	0
Walton	2,575	115.1	0	0	2,690.1	0	0
Washington	1,018	52.7	0	0	1,070.7	0	0
a. State total	37,418	1,598.0	0	0	39,016.00	0	0

b. State reserve available for missed and reconstituted farms and correction of errors 300

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 39,316

GEORGIA

Appling	4,802	168.1	0	0	4,970.1	0	0
Atkinson	1,043	72.1	0	0	1,115.1	0	0
Bacon	2,563	140.3	0	0	2,703.3	0	0
Baker	3,511	69.8	0	0	3,580.8	0	0
Baldwin	2,696	47.1	0	0	2,743.1	0	0
Banks	3,523	94.9	0	0	3,617.9	0	0
Barrow	6,062	87.6	0	0	6,149.6	0	0
Bartow	17,594	80.5	0	0	17,674.5	0	0
Ben Hill	5,436	64.6	0	0	5,500.6	0	0
Berrien	3,719	178.3	0	0	3,897.3	0	0
Bibb	1,314	17.2	0	0	1,331.2	0	0
Bleckley	7,112	44.1	0	0	7,156.1	0	0
Brantley	48	8.3	0	0	56.3	0	0
Brooks	9,602	252.3	0	0	9,854.3	0	0
Bryan	225	17.7	0	0	242.7	0	0
Bulloch	15,725	147.0	0	0	15,872.0	0	0
Burke	37,111	53.7	0	0	37,164.7	0	0
Butts	4,726	29.5	0	0	4,755.5	0	0
Calhoun	5,775	30.1	0	0	5,805.1	0	0
Camden	1	.4	0	0	1.4	0	0
Candler	6,929	57.9	0	0	6,986.9	0	0
Carroll	10,900	215.9	0	0	11,115.9	0	0
Catoosa	1,507	51.0	0	0	1,558.0	0	0
Charlton	16	4.0	0	0	20.0	0	0
Chatham	51	2.5	0	0	53.5	0	0
Chattahoochee	158	11.7	0	0	169.7	0	0
Chattooga	4,943	75.6	0	0	5,018.6	0	0
Cherokee	911	44.4	0	0	955.4	0	0
Clarke	2,030	42.4	0	0	2,072.4	0	0
Clay	3,568	38.8	0	0	3,606.8	0	0
Clayton	1,209	19.5	0	0	1,228.5	0	0
Clinch	161	20.4	0	0	181.4	0	0
Cobb	1,182	50.4	0	0	1,232.4	0	0
Coffee	7,651	183.5	0	0	7,834.5	0	0
Colquitt	22,112	194.7	0	0	22,306.7	0	0
Columbia	2,103	32.4	0	0	2,135.4	0	0
Cook	4,252	127.6	0	0	4,379.6	0	0
Coweta	7,989	99.7	0	0	8,088.7	0	0
Crawford	1,929	41.8	0	0	1,970.8	0	0
Crisp	10,112	42.7	0	0	10,154.7	0	0
Dade	448	36.8	0	0	484.8	0	0

GEORGIA—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Dawson	197	11.0	0	0	208.0	0	0
Decatur	4,585	169.5	0	0	4,754.5	0	0
De Kalb	630	27.4	0	0	647.4	0	0
Dodge	13,958	111.9	0	0	14,069.9	0	0
Dooly	19,861	67.6	0	0	19,928.6	0	0
Dougherty	2,145	22.8	0	0	2,167.8	0	0
Douglas	1,245	26.9	0	0	1,271.9	0	0
Early	14,409	154.2	0	0	14,563.2	0	0
Echols	54	10.5	0	0	64.5	0	0
Effingham	1,677	59.2	0	0	1,736.2	0	0
Elbert	9,441	158.5	0	0	9,599.5	0	0
Emanuel	17,565	135.6	0	0	17,700.6	0	0
Evans	2,781	51.6	0	0	2,832.6	0	0
Fayette	4,297	47.1	0	0	4,344.1	0	0
Floyd	7,596	76.3	0	0	7,672.3	0	0
Forsyth	2,353	78.5	0	0	2,431.5	0	0
Franklin	8,165	193.5	0	0	8,358.5	0	0
Fulton	2,372	45.3	0	0	2,417.3	0	0
Gilmer	4	.5	0	0	4.5	0	0
Glascock	5,118	23.1	0	0	5,141.1	0	0
Gordon	10,938	155.4	0	0	11,093.4	0	0
Grady	4,096	184.6	0	0	4,280.6	0	0
Greene	3,273	51.3	0	0	3,324.3	0	0
Gwinnett	4,487	104.5	0	0	4,591.5	0	0
Habersham	482	40.2	0	0	522.2	0	0
Hall	2,449	67.1	0	0	2,516.1	0	0
Hancock	9,317	85.7	0	0	9,402.7	0	0
Haralson	3,026	88.1	0	0	3,114.1	0	0
Harris	1,783	43.4	0	0	1,826.4	0	0
Hart	12,283	140.4	0	0	12,423.4	0	0
Heard	2,988	76.8	0	0	3,064.8	0	0
Henry	11,899	93.1	0	0	11,992.1	0	0
Houston	5,590	37.7	0	0	5,627.7	0	0
Irwin	10,476	88.1	0	0	10,564.1	0	0
Jackson	10,087	138.8	0	0	10,225.8	0	0
Jasper	4,534	20.4	0	0	4,554.4	0	0
Jeff Davis	2,528	111.3	0	0	2,639.3	0	0
Jefferson	20,660	65.2	0	0	20,725.2	0	0
Jenkins	12,245	48.6	0	0	12,293.6	0	0
Johnson	16,679	47.5	0	0	16,726.5	0	0
Jones	575	25.6	0	0	600.6	0	0
Lamar	2,650	44.1	0	0	2,694.1	0	0
Lanier	716	50.0	0	0	766.0	0	0
Laurens	30,289	172.2	0	0	30,461.2	0	0
Lee	3,889	51.7	0	0	3,940.7	0	0
Liberty	150	20.7	0	0	170.7	0	0
Lincoln	2,525	23.5	0	0	2,548.5	0	0
Long	571	40.7	0	0	611.7	0	0
Lowndes	3,600	169.2	0	0	3,769.2	0	0
Lumpkin	87	6.4	0	0	93.4	0	0
McDuffie	6,786	27.2	0	0	6,813.2	0	0
McIntosh	4	1.7	0	0	5.7	0	0
Macon	12,287	40.3	0	0	12,327.3	0	0
Madison	10,788	197.6	0	0	10,985.6	0	0
Marion	4,047	53.8	0	0	4,100.8	0	0
Meriwether	12,335	94.0	0	0	12,429.0	0	0
Miller	6,346	99.9	0	0	6,445.9	0	0
Mitchell	13,206	98.4	0	0	13,304.4	0	0
Monroe	1,611	24.4	0	0	1,635.4	0	0
Montgomery	4,195	69.5	0	0	4,264.5	0	0
Morgan	14,725	40.7	0	0	14,765.7	0	0
Murray	4,016	100.3	0	0	4,116.3	0	0
Muscogee	210	5.4	0	0	215.4	0	0
Newton	8,000	66.5	0	0	8,066.5	0	0
Oconee	8,373	73.0	0	0	8,446.0	0	0
Oglethorpe	7,860	110.5	0	0	7,970.5	0	0
Paulding	3,062	45.9	0	0	3,107.9	0	0
Peach	2,470	17.1	0	0	2,487.1	0	0
Pickens	548	27.4	0	0	575.4	0	0
Pierce	2,463	124.7	0	0	2,587.7	0	0

GEORGIA—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Pike	6,570	44.8	0	0	6,614.8	0	0
Polk	6,542	86.6	0	0	6,628.6	0	0
Pulaski	9,213	39.1	0	0	9,252.1	0	0
Putnam	1,732	35.8	0	0	1,767.8	0	0
Quitman	1,521	20.6	0	0	1,541.6	0	0
Randolph	6,010	69.2	0	0	6,079.2	0	0
Richmond	2,542	16.5	0	0	2,558.5	0	0
Rockdale	3,390	46.8	0	0	3,436.8	0	0
Schley	4,096	19.9	0	0	4,115.9	0	0
Screven	17,405	80.0	0	0	17,485.0	0	0
Seminole	4,987	60.4	0	0	5,047.4	0	0
Spalding	2,638	15.8	0	0	2,653.8	0	0
Stephens	1,055	59.9	0	0	1,114.9	0	0
Stewart	3,118	46.3	0	0	3,164.3	0	0
Sumter	11,158	61.7	0	0	11,219.7	0	0
Talbot	1,813	72.1	0	0	1,885.1	0	0
Taliaferro	1,813	32.9	0	0	1,845.9	0	0
Tattnall	5,533	171.6	0	0	5,704.6	0	0
Taylor	7,429	47.9	0	0	7,476.9	0	0
Telfair	5,081	119.2	0	0	5,200.2	0	0
Terrell	12,660	55.1	0	0	12,715.1	0	0
Thomas	6,334	126.0	0	0	6,460.0	0	0
Tift	7,403	112.0	0	0	7,515.0	0	0
Toombs	8,137	108.4	0	0	8,245.4	0	0
Treutlen	3,590	38.0	0	0	3,628.0	0	0
Troup	2,003	58.1	0	0	2,061.1	0	0
Turner	8,374	79.9	0	0	8,452.9	0	0
Twiggs	3,692	58.5	0	0	3,750.5	0	0
Upson	1,366	45.8	0	0	1,411.8	0	0
Walker	3,017	154.3	0	0	3,171.3	0	0
Walton	19,977	103.7	0	0	20,080.7	0	0
Ware	911	94.5	0	0	1,005.5	0	0
Warren	11,682	29.9	0	0	11,711.9	0	0
Washington	18,109	73.7	0	0	18,182.7	0	0
Wayne	2,617	77.4	0	0	2,694.4	0	0
Webster	1,793	49.3	0	0	1,842.3	0	0
Wheeler	3,728	49.7	0	0	3,777.7	0	0
White	625	44.0	0	0	669.0	0	0
Whitfield	2,306	120.8	0	0	2,426.8	0	0
Wilcox	11,899	80.1	0	0	11,999.1	0	0
Wilkes	4,542	63.4	0	0	4,605.4	0	0
Wilkinson	2,665	71.5	0	0	2,736.5	0	0
Worth	19,814	152.9	0	0	19,966.9	0	0
a. State total	920,536	11,073.0	0	0	931,609.0	0	0

b. State reserve available for missed and reconstituted farms and correction of errors 250

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 931,859

ILLINOIS

Alexander	1,842	3	0	0	1,845	0	19.6
Madison	2	0	0	0	2	0	0
Massac	4	0	0	0	4	0	0
Pulaski	1,308	7	0	0	1,315	0	20.4
a. State total	3,156	10	0	0	3,166	0	40.0

b. State reserve available for missed and reconstituted farms and correction of errors 10

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 3,216

KANSAS

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Cowley	1	0	0	0	1	0	0
Montgomery	21	0	0	0	21	0	0
a. State total	22	0	0	0	22	0	0

b. State reserve available for missed and reconstituted farms and correction of errors 3

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 25

KENTUCKY

Ballard	16	4.6	0	0	20.6	0	0
Calloway	168	18.0	0	0	186.0	0	0
Carlisle	66	8.0	0	0	74.0	0	0
Fulton	6,165	8.0	0	20	6,193.0	15	15
Graves	194	46.0	0	0	240.0	0	0
Hickman	1,122	29.0	0	5	1,156.0	12	10
McCracken	4	5.4	0	0	9.4	0	0
Marshall	65	5.0	0	0	70.0	0	0
a. State total	7,800	124.0	0	25	7,949.0	25	25

b. State reserve available for new farms, missed and reconstituted farms, and correction of errors 25

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 8,024

LOUISIANA

Acadia	11,891	0	0	0	11,891	0	0
Allen	733	0	0	0	733	0	0
Ascension	522	0	0	0	522	0	0
Assumption	18	0	0	0	18	0	0
Avoyelles	25,016	0	0	0	25,016	0	0
Beauregard	330	0	0	0	330	0	0
Bienville	5,369	0	0	0	5,369	0	0
Bossier	19,022	191	0	0	19,213	0	786
Caddo	33,701	252	0	0	33,953	0	1,950
Calcasieu	182	0	0	0	182	0	0
Caldwell	6,938	58	0	0	6,996	0	2,006
Cameron	222	0	0	0	222	0	0
Catahoula	11,602	203	0	0	11,805	0	2,231
Claiborne	9,059	0	0	0	9,059	0	0
Concordia	9,125	161	0	0	9,286	0	1,541
DeSoto	9,528	0	0	0	9,528	0	0
East Baton Rouge	759	0	0	0	759	0	0
East Carroll	24,196	97	0	0	24,293	0	8,270
East Feliciana	3,491	0	0	0	3,491	0	0
Evangeline	17,038	0	0	0	17,038	0	0
Franklin	54,344	401	0	0	54,745	0	9,407
Grant	3,818	43	0	0	3,861	0	1,147
Iberia	1,760	0	0	0	1,760	0	0
Iberville	608	0	0	0	608	0	0
Jackson	1,065	0	0	0	1,065	0	0
Jefferson	6	0	0	0	6	0	0
Jefferson Davis	480	0	0	0	480	0	0
Lafayette	14,360	0	0	0	14,360	0	0
Lafourche	24	0	0	0	24	0	0
LaSalle	381	21	0	0	402	0	163
Lincoln	3,722	0	0	0	3,722	0	0
Livingston	407	0	0	0	407	0	0
Madison	18,072	101	0	0	18,173	0	5,631
Morehouse	29,498	182	0	0	29,680	0	6,506

LOUISIANA—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Natchitoches	23,725	241	0	0	23,966	0	0
Orleans	1	0	0	0	1	0	0
Ouachita	13,564	100	0	0	13,664	0	2,657
Pointe Coupee	10,169	0	0	0	10,169	0	0
Rapides	16,682	177	0	0	16,859	0	4,848
Red River	11,085	0	0	0	11,085	0	0
Richland	46,769	317	0	0	47,086	0	7,784
Sabine	1,849	0	0	0	1,849	0	0
St. Helena	2,310	0	0	0	2,310	0	0
St. James	15	0	0	0	15	0	0
St. John the Baptist	7	0	0	0	7	0	0
St. Landry	35,862	1,234	0	0	37,096	0	0
St. Martin	8,639	0	0	0	8,639	0	0
St. Mary	4	0	0	0	4	0	0
St. Tammany	344	0	0	0	344	0	0
Tangipahoa	1,524	0	0	0	1,524	0	0
Tensas	19,013	123	0	0	19,141	0	3,797
Union	5,714	0	0	0	5,714	0	0
Vermilion	5,241	0	0	0	5,241	0	0
Vernon	1,138	0	0	0	1,138	0	0
Washington	5,742	0	0	0	5,742	0	0
Webster	6,531	0	0	0	6,531	0	0
West Baton Rouge	1,121	0	0	0	1,121	0	0
West Carroll	25,398	660	0	0	26,058	0	3,852
West Feliciana	2,408	0	0	0	2,408	0	0
Winn	1,037	0	0	0	1,037	0	0
a. State total	563,184	4,562	0	0	567,746	0	62,576

b. State reserve available for missed and reconstituted farms and correction of errors 0

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 630,322

MARYLAND

Caroline	13	0	0	0	13	0	0
a. State total	13	0	0	0	13	0	0

b. State reserve available for new farms, missed and reconstituted farms and correction of errors 1

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 14

MISSISSIPPI

Adams	2,755	22	0	0	2,777	0	11.0
Alcorn	13,569	186	715	0	14,470	0	134.0
Amite	9,289	193	0	0	9,482	0	0
Attala	13,121	178	1,383	0	14,682	0	0
Benton	11,132	87	1,760	0	12,979	0	0
Bolivar	111,709	53	17,665	0	129,429	0	0
Calhoun	16,088	158	848	0	17,094	0	267.0
Carroll	14,706	126	775	0	15,607	0	327.0
Chickasaw	13,711	97	1,446	0	15,254	0	0
Choctaw	4,342	144	0	0	4,486	0	0
Claiborne	4,975	50	0	0	5,025	0	46.6
Clarke	5,042	210	0	0	5,252	0	0
Clay	7,729	62	0	0	7,791	0	323.0
Coahoma	83,212	24	13,159	0	96,395	0	0
Copiah	8,825	195	0	0	9,020	0	0
Covington	9,842	173	0	0	10,015	0	0
DeSoto	30,745	116	4,862	0	35,723	0	0
Forrest	1,324	60	0	0	1,384	0	0
Franklin	1,859	60	0	0	1,919	0	0
George	1,254	74	0	0	1,328	0	0

MISSISSIPPI—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Greene	1,244	97	0	0	1,341	0	0
Grenada	11,327	64	1,194	0	12,585	0	0
Hancock	37	2	0	0	39	0	0
Harrison	15	3	0	0	18	0	0
Hinds	26,414	161	0	0	26,575	0	244.4
Holmes	32,234	139	5,097	0	37,470	0	0
Humphreys	44,564	34	7,047	0	51,645	0	0
Issaquena	9,689	8	1,529	0	11,226	0	0
Itawamba	11,087	161	0	0	11,248	0	0
Jackson	62	5	0	0	67	0	0
Jasper	7,491	232	0	0	7,723	0	0
Jefferson	5,124	76	0	0	5,200	0	0
Jefferson Davis	15,457	198	0	0	15,655	0	340.1
Jones	4,894	235	0	0	5,129	0	0
Kemper	10,547	124	0	0	10,671	0	0
Lafayette	16,558	163	873	0	17,594	0	409.0
Lamar	3,890	154	0	0	4,044	0	64.2
Lauderdale	6,195	186	0	0	6,381	0	0
Lawrence	8,036	121	0	0	8,157	0	0
Leake	16,967	277	0	0	17,244	0	686.0
Lee	26,404	175	1,392	0	27,971	0	250.0
Leflore	68,224	24	10,790	0	79,038	0	0
Lincoln	5,916	255	0	0	6,171	0	0
Lowndes	15,702	136	1,655	0	17,493	0	0
Madison	31,742	163	3,347	0	35,252	0	0
Marion	10,193	230	0	0	10,423	0	0
Marshall	32,520	153	5,143	0	37,832	0	0
Monroe	28,463	252	3,001	0	31,716	0	0
Montgomery	7,898	84	0	0	7,982	0	127.0
Neshoba	15,045	322	0	0	15,367	0	123.1
Newton	9,172	257	0	0	9,429	0	0
Noxubee	15,589	67	1,643	0	17,299	0	0
Oktibbeha	4,602	91	0	0	4,693	0	62.4
Panola	37,434	146	5,920	0	43,500	0	0
Pearl River	386	32	0	0	418	0	18.8
Perry	1,992	107	0	0	2,099	0	0
Pike	6,155	210	0	0	6,365	0	0
Pontotoc	19,396	267	1,022	0	20,685	0	315.0
Prentiss	16,727	210	882	0	17,819	0	145.0
Quitman	55,802	35	8,824	0	64,661	0	0
Rankin	9,651	156	0	0	9,807	0	0
Scott	11,061	178	0	0	11,239	0	0
Sharkey	25,553	18	4,041	0	29,612	0	0
Simpson	13,005	203	0	0	13,208	0	0
Smith	10,378	210	0	0	10,588	0	0
Stone	175	20	0	0	195	0	0
Sunflower	113,261	17	17,910	0	131,188	0	0
Tallahatchie	54,993	81	8,696	0	63,770	0	0
Tate	22,435	97	3,548	0	26,080	0	0
Tippah	15,775	216	832	0	16,823	0	95.0
Tishomingo	9,514	198	0	0	9,712	0	0
Tunica	45,110	13	7,133	0	52,256	0	0
Union	17,365	210	915	0	18,490	0	178.0
Waitball	12,796	196	0	0	12,992	0	0
Warren	6,121	37	645	0	6,803	0	0
Washington	77,859	57	12,312	0	90,228	0	0
Wayne	6,590	151	0	0	6,741	0	0
Webster	8,230	119	0	0	8,349	0	104.0
Wilkinson	4,211	54	0	0	4,265	0	0
Winston	12,748	216	0	0	12,964	0	0
Yalobusha	11,263	89	1,781	0	13,133	0	0
Yazoo	39,938	55	6,315	0	46,308	0	0
a. State total	1,538,481	10,577	166,100	0	1,715,158	0	4,270.6

b. State reserve available for missed and reconstituted farms and correction of errors 571.4

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 1,720,000.0

MISSOURI

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Bollinger	173	8	0	0	181	0	0
Butler	20,241	274	0	0	20,515	0	244
Cape Girardeau	119	0	0	0	119	0	9
Carter	15	0	0	0	15	0	1
Dunklin	87,251	135	0	0	87,386	0	22
Howell	48	8	0	0	56	0	0
Jefferson	6	1	0	0	7	0	0
Mississippi	28,155	24	0	0	28,179	0	226
New Madrid	94,146	41	0	0	94,187	0	651
Oregon	131	14	0	0	145	0	0
Ozark	34	3	0	0	37	0	1
Pemiscot	99,065	52	0	0	99,117	0	943
Ripley	2,458	83	0	0	2,541	0	51
Scott	17,665	38	0	0	17,703	0	150
Stoddard	43,250	201	0	0	43,451	0	420
Vernon	5	0	0	0	5	0	0
Wayne	12	1	0	0	13	0	0
a. State total	392,774	883	0	0	393,657	0	2,718

b. State reserve available for missed and reconstituted farms and correction of errors 82

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 396,457

NEVADA

Clark	65	26	0	0	91	0	10
Nye	2,432	974	0	0	3,406	0	15
a. State total	2,497	1,000	0	0	3,497	0	25

b. State reserve available for missed and reconstituted farms and correction of errors 0

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 3,522

NEW MEXICO

Bernalillo	3	0	0	0	3.0	0	0
Chaves	33,844	22.3	0	0	33,866.3	0	124.9
Curry	1,638	4.4	0	0	1,642.4	0	27.2
DeBaca	537	6.8	0	0	543.8	0	3.7
Dona Ana	42,492	114.6	0	0	42,606.6	0	21.2
Eddy	29,242	21.5	0	0	29,263.5	0	262.8
Grant	81	0.6	0	0	81.6	0	11.2
Guadalupe	18	0	0	0	18.0	0	0
Hidalgo	6,824	3.8	0	0	6,827.8	0	191.9
Lea	29,324	9.1	0	0	29,333.1	0	439.3
Luna	14,581	4.0	0	0	14,585.0	0	162.3
Otero	2,278	3.9	0	0	2,281.9	0	39.9
Quay	3,036	12.0	0	0	3,048.0	0	23.6
Roosevelt	20,425	55.5	0	0	20,480.5	0	340.1
Sierra	2,772	10.4	0	0	2,782.4	0	26.2
Socorro	2,129	16.1	0	0	2,145.1	0	43.7
Valencia	33	0	0	0	33.0	0	0
a. State total	189,257	285.0	0	0	189,542.0	0	1,718.0

b. State reserve available for missed and reconstituted farms and correction of errors 50

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 191,310

NORTH CAROLINA

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Alamance	77	2	0	0	79	0	0
Alexander	850	0	0	0	850	0	0
Anson	13,976	221	0	0	14,197	0	0
Beaufort	1,282	147	0	0	1,429	0	0
Bertie	6,431	1,003	0	0	7,434	0	257
Bladen	4,008	216	0	0	4,224	0	0
Brunswick	314	72	0	0	386	0	0
Burke	91	0	0	0	91	0	0
Cabarrus	4,382	0	0	0	4,382	0	0
Caldwell	36	0	0	0	36	0	0
Camden	349	0	0	0	349	0	0
Carteret	69	17	0	0	86	0	0
Catawba	2,781	0	0	0	2,781	0	0
Chatham	591	0	0	0	591	0	0
Chowan	2,315	379	0	0	2,694	0	117
Cleveland	31,930	0	4,606	0	36,536	0	0
Columbus	2,793	270	0	0	3,063	0	0
Craven	474	58	0	0	532	0	0
Cumberland	13,190	97	0	0	13,287	0	0
Currituck	349	0	0	0	349	0	0
Davidson	1,004	0	0	0	1,004	0	0
Davie	2,018	0	0	0	2,018	0	0
Duplin	4,017	710	0	0	4,727	0	0
Durham	142	0	0	0	142	0	0
Edgecombe	11,725	0	1,939	0	13,664	0	475
Forsyth	150	0	0	0	150	0	0
Franklin	9,256	1,513	0	0	10,769	0	0
Gaston	3,244	0	0	0	3,244	0	0
Gates	2,141	238	0	0	2,379	0	0
Granville	354	25	0	0	379	0	0
Greene	4,104	687	0	0	4,791	0	162
Guilford	85	1	0	0	86	0	0
Halifax	21,078	0	3,508	0	24,586	0	1,030
Harnett	14,641	0	1,648	0	16,289	0	0
Hertford	4,373	759	0	0	5,132	0	215
Hoke	14,192	0	2,672	0	16,864	0	0
Hyde	249	12	0	0	261	0	0
Iredell	9,446	99	0	0	9,545	0	0
Johnston	20,547	0	3,370	0	23,917	0	0
Jones	332	36	0	0	368	0	0
Lee	1,206	98	0	0	1,304	0	0
Lenoir	2,310	316	0	0	2,626	0	0
Lincoln	7,785	0	0	0	7,785	0	0
Martin	2,674	412	0	0	3,086	0	115
Mecklenburg	7,393	0	0	0	7,393	0	0
Montgomery	1,898	287	0	0	2,185	0	75
Moore	2,637	260	0	0	2,897	0	0
Nash	12,860	0	2,196	0	15,056	0	585
New Hanover	16	0	0	0	16	0	0
Northampton	18,738	0	2,971	0	21,729	0	939
Onslow	389	0	0	0	389	0	0
Orange	99	0	0	0	99	0	0
Pamlico	225	34	0	0	259	0	0
Pasquotank	278	57	0	0	335	0	0
Pender	391	3	0	0	394	0	0
Perquimans	1,395	7	0	0	1,402	0	0
Person	3	1	0	0	4	0	0
Pitt	7,637	1,278	0	0	8,915	0	0
Polk	1,479	78	0	0	1,557	0	0
Randolph	68	0	0	0	68	0	0
Richmond	6,912	0	0	0	6,912	0	0
Robeson	44,388	0	7,591	0	51,979	0	1,885
Rockingham	1	0	0	0	1	0	0
Rowan	6,148	0	0	0	6,148	0	0
Rutherford	9,045	488	0	0	9,533	0	0
Sampson	23,808	0	6,400	0	30,208	0	1,032
Scotland	18,447	1,310	0	0	19,757	0	0

NORTH CAROLINA—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Stanly	2,145	0	0	0	2,145	0	0
Tyrrell	272	33	0	0	305	0	0
Union	16,113	0	0	0	16,113	0	0
Vance	2,078	9	511	0	3,498	0	123
Wake	5,544	152	0	0	5,696	0	0
Warren	7,390	0	1,193	0	8,583	0	0
Washington	676	0	0	0	676	0	23
Wayne	11,513	0	1,941	0	13,454	0	0
Wilkes	91	5	0	0	96	0	0
Wilson	8,844	0	1,393	0	10,237	0	0
Yadkin	48	4	0	0	52	0	0
a. State total	443,450	11,394	41,939	0	496,783	0	7,033

b. State reserve available for missed and reconstituted farms and correction of errors 300

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 504,116

OKLAHOMA

Adair	81	1	0	0	82	0	7
Atoka	1,861	14	0	0	1,875	0	252
Beaver	29	0	0	0	29	0	47
Beckham	56,300	410	0	0	56,710	0	10,688
Blaine	11,728	86	0	0	11,814	0	2,138
Bryan	15,837	115	0	0	15,952	0	2,593
Caddo	42,893	313	0	0	43,206	0	8,301
Canadian	12,746	93	0	0	12,839	0	1,717
Carter	1,380	10	0	0	1,390	0	253
Cherokee	86	0	0	0	86	0	0
Choctaw	3,874	0	0	0	3,874	0	0
Cleveland	1,658	12	0	0	1,670	0	172
Coal	3,021	22	0	0	3,043	0	543
Comanche	12,014	88	0	0	12,102	0	1,588
Cotton	17,305	126	0	0	17,431	0	3,037
Craig	91	0	0	0	91	0	0
Creek	2,229	16	0	0	2,245	0	339
Custer	21,982	158	0	0	21,840	0	3,750
Dewey	7,897	58	0	0	7,955	0	1,261
Ellis	728	5	0	0	733	0	78
Garfield	82	0	0	0	82	0	0
Garvin	5,041	37	0	0	5,078	0	804
Grady	15,889	116	0	0	16,005	0	2,719
Grant	33	0	0	0	33	0	12
Greer	36,839	269	0	0	37,108	0	7,054
Harmon	43,638	318	0	0	43,956	0	7,994
Harper	14	0	0	0	14	0	3
Haskell	3,089	23	0	0	3,112	0	491
Hughes	4,815	35	0	0	4,850	0	413
Jackson	51,337	374	0	0	51,711	0	9,863
Jefferson	16,128	118	0	0	16,246	0	3,078
Johnston	3,262	24	0	0	3,286	0	674
Kay	289	0	0	0	289	0	0
Kingfisher	1,806	0	0	0	1,806	0	0
Kiowa	49,897	364	0	0	50,261	0	10,319
Latimer	274	2	0	0	276	0	31
LeFlore	3,117	23	0	0	3,140	0	638
Lincoln	1,439	10	0	0	1,449	0	120
Logan	2,790	20	0	0	2,810	0	577
Love	7,671	56	0	0	7,727	0	1,544
McClain	7,907	58	0	0	7,965	0	1,449
McCurtain	6,521	48	0	0	6,569	0	912
McIntosh	11,405	83	0	0	11,488	0	2,127
Major	2,223	16	0	0	2,239	0	220
Marshall	4,165	30	0	0	4,195	0	864
Mayes	686	5	0	0	691	0	55
Murray	353	3	0	0	356	0	117
Muskogee	16,886	123	0	0	17,009	0	2,485
Noble	975	0	0	0	975	0	0

OKLAHOMA—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Nowata	838	6	0	0	844	0	36
Okfuskee	5,597	41	0	0	5,638	0	897
Oklahoma	444	3	0	0	447	0	54
Okmulgee	9,756	71	0	0	9,827	0	1,064
Osage	2,819	21	0	0	2,840	0	340
Pawnee	3,039	22	0	0	3,061	0	437
Payne	2,433	18	0	0	2,451	0	283
Pittsburg	5,454	40	0	0	5,494	0	248
Pontotoc	1,089	8	0	0	1,097	0	221
Pottawatomie	811	0	0	0	811	0	0
Pushmataha	600	4	0	0	604	0	61
Rogers Mills	19,349	141	0	0	19,490	0	3,614
Rogers	851	6	0	0	857	0	76
Seminole	1,408	0	0	0	1,408	0	0
Sequoyah	1,576	12	0	0	1,588	0	321
Stephens	5,473	40	0	0	5,513	0	888
Texas	14	0	0	0	14	0	0
Tillman	63,312	462	0	0	63,774	0	12,231
Tulsa	1,622	12	0	0	1,634	0	143
Wagoner	8,536	62	0	0	8,598	0	997
Washington	23	0	0	0	23	0	0
Washita	67,982	496	0	0	68,478	0	12,597
Woodward	757	5	0	0	762	0	82
a. State total	715,991	5,152	0	0	721,143	0	125,819

b. State reserve available for new farms, missed and reconstituted farms and correction of errors 532

c. Total allotment available from national allotment and national reserve for distribution in State (sum of colums (5), (6), and (7), and item b) 847,497

SOUTH CAROLINA

Abbeville	8,448	0	0	0	8,448.0	0	0
Aiken	21,148	143.5	0	0	21,291.5	0	0
Allendale	10,003	217.3	0	0	10,220.3	0	0
Anderson	28,338	0	0	0	28,338.0	0	0
Bamberg	13,072	259.4	0	0	13,331.4	0	0
Barnwell	14,694	431.1	0	0	15,125.1	0	0
Beaufort	1,327	0	0	0	1,327.0	0	0
Berkeley	9,598	0	0	0	9,598.0	0	0
Calhoun	15,923	181.6	0	0	16,104.6	0	0
Charleston	1,529	0	0	0	1,529.0	0	0
Cherokee	13,191	0	0	0	13,191.0	0	0
Chester	10,857	0	0	0	10,857.0	0	0
Chesterfield	33,223	0	0	0	33,223.0	0	0
Clarendon	34,200	1,089.0	0	0	35,289.0	0	0
Colleton	10,194	15.0	0	0	10,209.0	0	0
Darlington	31,395	642.1	0	0	32,037.1	0	0
Dillon	22,688	518.6	0	0	23,206.6	0	0
Dorchester	10,077	0	0	0	10,077.0	0	0
Edgefield	10,123	0	0	0	10,123.0	0	0
Fairfield	5,109	0	0	0	5,109.0	0	0
Florence	32,420	941.3	0	0	33,361.3	0	0
Georgetown	3,047	0	0	0	3,047.0	0	0
Greenville	15,791	0	0	0	15,791.0	0	0
Greenwood	4,342	0	0	0	4,342.0	0	0
Hampton	8,487	13.4	0	0	8,500.4	0	0
Horry	10,660	365.5	0	0	11,025.5	0	0
Jasper	2,915	0	0	0	2,915.0	0	0
Kershaw	20,476	0	0	0	20,476.0	0	0
Lancaster	8,782	0	0	0	8,782.0	0	0
Laurens	18,212	0	0	0	18,212.0	0	0
Lee	35,639	567.3	0	0	36,206.3	0	0
Lexington	11,921	22.0	0	0	11,943.0	0	0
McCormick	3,767	0	0	0	3,767.0	0	0
Marion	11,994	327.3	0	0	12,321.3	0	0
Marlboro	40,618	546.7	0	0	41,164.7	0	0
Newberry	8,149	0	0	0	8,149.0	0	0
Oconee	8,077	0	0	0	8,077.0	0	0

SOUTH CAROLINA—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Orangeburg	59,542	617.8	0	0	60,159.8	0	0
Pickens	6,661	0	0	0	6,661.0	0	0
Richland	7,011	0	0	0	7,011.0	0	0
Saluda	8,339	0	0	0	8,339.0	0	0
Spartanburg	23,825	0	0	0	23,825.0	0	0
Sumter	40,713	764.2	0	0	41,477.2	0	0
Union	5,905	0	0	0	5,905.0	0	0
Williamsburg	33,790	1,300.9	0	0	35,090.9	0	0
York	16,424	0	0	0	16,424.0	0	0
a. State total	752,644	8,964.0	0	0	761,608.0	0	0

b. State reserve available for missed and reconstituted farms and correction of errors 500

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 762,108

TENNESSEE

Bedford	1,522	238	0	0	1,760	0	0
Benton	2,544	253	0	0	2,797	0	4
Bradley	1,030	158	0	0	1,188	0	0
Campbell	34	30	0	0	64	0	0
Carroll	18,469	268	2,040	0	20,777	0	22
Chester	10,445	121	1,162	0	11,728	0	28
Coffee	1,538	151	0	0	1,689	0	0
Crockett	29,977	114	4,446	0	34,537	0	0
Cumberland	2	3	0	0	5	0	0
Davidson	12	7	0	0	19	0	0
Decatur	3,439	89	0	0	3,528	0	30
DeKalb	36	20	0	0	56	0	0
Dyer	29,961	156	4,430	0	34,547	0	0
Fayette	39,880	126	5,924	0	45,930	0	0
Franklin	5,396	126	0	0	5,522	0	34
Gibson	41,879	438	6,215	0	48,532	0	0
Giles	8,618	215	0	0	8,833	0	60
Grundy	167	39	0	0	206	0	0
Hamilton	640	112	0	0	752	0	0
Hardeman	20,118	146	2,224	0	22,488	0	48
Hardin	8,708	131	0	0	8,839	0	111
Haywood	39,634	112	5,872	0	45,618	0	0
Henderson	16,595	173	1,831	0	18,599	0	27
Henry	4,860	468	0	0	5,328	0	0
Hickman	23	12	0	0	35	0	0
Humphreys	17	10	0	0	27	0	0
Lake	19,426	7	2,124	0	21,557	0	35
Lauderdale	32,991	138	4,876	0	38,005	0	0
Lawrence	18,961	314	681	0	19,956	0	146
Lewis	329	79	0	0	408	0	0
Lincoln	12,351	188	0	0	12,539	0	180
Loudon	8	0	0	0	8	0	0
McMinn	694	260	0	0	954	0	0
McNairy	18,358	233	2,021	0	20,612	0	18
Madison	30,620	213	4,515	0	35,348	0	0
Marion	313	8	0	0	321	0	0
Marshall	374	97	0	0	471	0	0
Maury	218	89	0	0	307	0	0
Meigs	611	186	0	0	797	0	0
Monroe	227	154	0	0	381	0	0
Moore	84	29	0	0	113	0	0
Obion	9,542	149	342	0	10,033	0	72
Perry	178	32	0	0	210	0	0
Polk	765	20	0	0	785	0	0
Rhea	21	8	0	0	29	0	0
Roane	2	0	0	0	2	0	0
Robertson	1	0	0	0	1	0	0
Rutherford	4,577	232	0	0	4,809	0	22
Shelby	40,490	225	2,918	0	43,633	0	181
Tipton	43,075	161	6,379	0	49,615	0	0
Van Buren	36	20	0	0	56	0	0

TENNESSEE—Continued

[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for		County allotment, sum of columns (1), (2), (3) and (4)	Allocations from State reserve for	
			Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Warren	570	238	0	0	808	0	0
Wayne	2,919	248	0	0	3,167	0	0
Weakley	10,009	597	0	0	10,606	0	82
White	63	35	0	0	98	0	0
Williamson	123	53	0	0	176	0	0
Wilson	78	21	0	0	99	0	0
a. State total	533,558	7,750	58,000	0	599,308	0	1,100

b. State reserve available for new farms, missed and reconstituted farms and correction of errors 184

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 600,592

TEXAS

Anderson	14,643	861	0	0	15,504	0	0
Andrews	4,056	0	0	0	4,056	0	0
Angelina	4,208	131	0	0	4,339	0	0
Aransas	1,270	0	0	0	1,270	0	0
Archer	2,243	8	0	0	2,251	0	0
Armstrong	2,185	13	0	0	2,198	0	0
Atascosa	12,132	38	0	0	12,170	0	0
Austin	21,243	69	0	0	21,312	0	0
Bailey	105,568	0	0	0	105,568	0	0
Bandera	5	8	0	0	13	0	0
Bastrop	13,531	67	0	0	13,598	0	0
Baylor	19,614	5	0	0	19,619	0	0
Bee	15,493	3	0	0	15,496	0	0
Bell	75,695	0	0	0	75,695	0	0
Bexar	4,784	44	0	0	4,828	0	0
Blanco	148	15	0	0	163	0	0
Borden	19,925	0	0	0	19,925	0	0
Bosque	13,142	45	0	0	13,187	0	0
Bowie	12,795	196	0	0	12,991	0	0
Brazoria	12,331	0	0	0	12,331	0	0
Brazos	19,972	0	0	0	19,972	0	0
Brewster	100	0	0	0	100	0	0
Briscoe	27,992	0	0	0	27,992	0	0
Brooks	3,666	21	0	0	3,687	0	0
Brown	8,439	149	0	0	8,588	0	0
Burleson	29,848	0	0	0	29,848	0	0
Burnet	5,488	12	0	0	5,500	0	0
Caldwell	22,943	5	0	0	22,948	0	0
Calhoun	18,712	0	0	0	18,712	0	0
Callahan	9,334	37	0	0	9,371	0	0
Cameron	173,628	0	0	0	173,628	0	0
Camp	2,831	441	0	0	3,272	0	0
Carson	899	386	0	0	1,285	0	0
Cass	10,721	752	0	0	11,473	0	0
Castro	57,683	0	0	0	57,683	0	0
Chambers	112	2	0	0	114	0	0
Cherokee	15,604	945	0	0	16,549	0	0
Childress	58,098	0	0	0	58,098	0	0
Clay	11,578	13	0	0	11,591	0	0
Cochran	80,149	0	0	0	80,149	0	0
Coke	7,899	2	0	0	7,901	0	0
Coleman	35,242	11	0	0	35,253	0	0
Collin	90,752	32	0	0	90,784	0	0
Collingsworth	70,550	0	0	0	70,550	0	0
Colorado	11,408	47	0	0	11,455	0	0
Comal	427	29	0	0	456	0	0
Comanche	11,171	420	0	0	11,591	0	0
Concho	27,139	2	0	0	27,141	0	0
Cooke	8,182	106	0	0	8,288	0	0
Coryell	21,668	44	0	0	21,712	0	0
Cottle	58,814	0	0	0	58,814	0	0
Crockett	69	0	0	0	69	0	0
Crosby	128,162	0	0	0	128,162	0	0
Culberson	5,424	0	0	0	5,424	0	0

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for: Trends (3)	Adjustment from State reserve for: Abnormal conditions (4)	County allotment, sum of columns (1), (2), (3) and (4) (5)	Allocations from State reserve for: Small farms (6)	Allocations from State reserve for: Inequity and hardship cases (7)
Dallam	51	2	0	0	53	0	0
Dallas	39,196	22	0	0	39,218	0	0
Dawson	214,399	0	0	0	214,399	0	0
Deaf Smith	11,354	20	0	0	11,374	0	0
Delta	40,738	0	0	0	40,738	0	0
Denton	24,091	42	0	0	24,133	0	0
DeWitt	20,214	45	0	0	20,259	0	0
Dickens	57,464	0	0	0	57,464	0	0
Dimmit	2,423	8	0	0	2,431	0	0
Donley	31,478	0	0	0	31,478	0	0
Duval	16,095	71	0	0	16,166	0	0
Eastland	6,473	257	0	0	6,730	0	0
Ector	223	0	0	0	223	0	0
Ellis	141,456	0	0	0	141,456	0	0
El Paso	27,279	31	0	0	27,310	0	0
Erath	10,183	326	0	0	10,509	0	0
Falls	85,474	0	0	0	85,474	0	0
Fannin	75,836	47	0	0	75,883	0	0
Fayette	33,010	159	0	0	33,169	0	0
Fisher	88,136	0	0	0	88,136	0	0
Floyd	102,450	0	0	0	102,450	0	0
Foard	13,607	0	0	0	13,607	0	0
Fort Bend	64,386	0	0	0	64,386	0	0
Franklin	4,381	74	0	0	4,455	0	0
Freestone	23,623	134	0	0	23,757	0	0
Frio	5,260	8	0	0	5,268	0	0
Gaines	83,660	0	0	0	83,660	0	0
Galveston	42	30	0	0	72	0	0
Garza	42,876	0	0	0	42,876	0	0
Gillespie	1,446	30	0	0	1,476	0	0
Glasscock	10,822	0	0	0	10,822	0	0
Goliad	5,285	17	0	0	5,302	0	0
Gonzales	17,141	57	0	0	17,198	0	0
Gray	4,103	8	0	0	4,111	0	0
Grayson	37,824	69	0	0	37,893	0	0
Gregg	1,740	161	0	0	1,901	0	0
Grimes	17,372	25	0	0	17,397	0	0
Guadalupe	22,772	62	0	0	22,834	0	0
Hale	173,211	0	0	0	173,211	0	0
Hall	101,573	0	0	0	101,573	0	0
Hamilton	11,949	134	0	0	12,083	0	0
Hansford	840	168	0	0	1,008	0	0
Hardeman	35,670	0	0	0	35,670	0	0
Hardin	60	8	0	0	68	0	0
Harris	4,693	0	0	0	4,693	0	0
Harrison	13,683	591	0	0	14,274	0	0
Hartley	91	42	0	0	133	0	0
Haskell	128,459	0	0	0	128,459	0	0
Hays	8,593	3	0	0	8,596	0	0
Hemphill	1,806	2	0	0	1,808	0	0
Henderson	11,679	304	0	0	11,983	0	0
Hidalgo	204,455	0	0	0	204,455	0	0
Hill	128,393	0	0	0	128,393	0	0
Hockley	197,934	0	0	0	197,934	0	0
Hood	4,096	96	0	0	4,192	0	0
Hopkins	30,427	181	0	0	30,608	0	0
Houston	28,549	25	0	0	28,574	0	0
Howard	78,797	0	0	0	78,797	0	0
Hudspeth	18,187	0	0	0	18,187	0	0
Hunt	97,953	13	0	0	97,966	0	0
Irion	738	3	0	0	741	0	0
Jack	2,189	15	0	0	2,204	0	0
Jackson	19,484	0	0	0	19,484	0	0
Jasper	741	326	0	0	1,067	0	0
Jeff Davis	363	0	0	0	363	0	0
Jefferson	26	2	0	0	28	0	0
Jim Hogg	1,781	8	0	0	1,789	0	0
Jim Wells	25,081	0	0	0	25,081	0	0
Johnson	38,847	0	0	0	38,847	0	0
Jones	116,490	0	0	0	116,490	0	0
Karnes	35,382	17	0	0	35,399	0	0
Kaufman	63,989	27	0	0	64,016	0	0
Kendall	51	7	0	0	58	0	0
Kent	21,979	0	0	0	21,979	0	0
Kerr	101	0	0	0	101	0	0
Kimble	203	34	0	0	237	0	0
King	10,136	0	0	0	10,136	0	0
Kinney	516	0	0	0	516	0	0
Kleberg	9,573	0	0	0	9,573	0	0
Knox	62,236	0	0	0	62,236	0	0
Lamar	63,424	13	0	0	63,437	0	0
Lamb	205,846	0	0	0	205,846	0	0
Lampasas	2,751	50	0	0	2,801	0	0
La Salle	3,409	3	0	0	3,412	0	0
Lavaca	85,285	79	0	0	85,364	0	0
Lee	11,452	151	0	0	11,603	0	0
Leon	13,044	49	0	0	13,093	0	0
Liberty	3,382	30	0	0	3,412	0	0
Limestone	76,850	0	0	0	76,850	0	0
Live Oak	20,684	2	0	0	20,686	0	0
Llano	512	13	0	0	525	0	0
Loving	425	0	0	0	425	0	0
Lubbock	238,801	0	0	0	238,801	0	0
Lynn	196,101	0	0	0	196,101	0	0
McCulloch	18,699	8	0	0	18,707	0	0
McLennan	94,271	0	0	0	94,271	0	0
McMullen	1,459	3	0	0	1,462	0	0
Madison	8,099	69	0	0	8,168	0	0
Marion	2,811	351	0	0	3,162	0	0
Martin	96,461	0	0	0	96,461	0	0
Mason	2,199	66	0	0	2,265	0	0
Matagorda	19,218	0	0	0	19,218	0	0
Maverick	7,264	8	0	0	7,272	0	0
Medina	2,024	99	0	0	2,123	0	0
Menard	1,122	15	0	0	1,137	0	0
Midland	28,555	0	0	0	28,555	0	0
Milam	56,161	0	0	0	56,161	0	0
Mills	3,185	37	0	0	3,222	0	0
Mitchell	74,203	0	0	0	74,203	0	0
Montague	4,483	50	0	0	4,533	0	0
Montgomery	1,554	102	0	0	1,656	0	0
Moore	374	59	0	0	433	0	0
Morris	2,314	158	0	0	2,472	0	0
Motley	36,803	0	0	0	36,803	0	0
Nacogdoches	7,443	342	0	0	7,785	0	0
Navarro	116,855	0	0	0	116,855	0	0
Newton	797	414	0	0	1,211	0	0
Nolan	46,183	0	0	0	46,183	0	0
Nueces	105,883	0	0	0	105,883	0	0
Ochiltree	377	42	0	0	419	0	0
Oldham	88	42	0	0	130	0	0
Palo Pinto	3,633	25	0	0	3,658	0	0
Panola	10,361	641	0	0	11,002	0	0
Parker	4,243	106	0	0	4,349	0	0
Parmer	47,024	0	0	0	47,024	0	0
Pecos	26,278	8	0	0	26,286	0	0
Polk	5,373	40	0	0	5,413	0	0
Potter	126	19	0	0	145	0	0
Presidio	3,365	8	0	0	3,373	0	0
Rains	8,849	55	0	0	8,904	0	0
Randall	1,905	441	0	0	2,346	0	0
Reagan	1,205	2	0	0	1,207	0	0
Real	20	0	0	0	20	0	0
Red River	30,337	37	0	0	30,374	0	0
Reeves	58,556	0	0	0	58,556	0	0
Refugio	13,674	3	0	0	13,677	0	0
Roberts	214	40	0	0	254	0	0
Robertson	28,431	0	0	0	28,431	0	0
Rockwall	21,662	2	0	0	21,664	0	0
Runnels	91,015	0	0	0	91,015	0	0
Rusk	13,193	691	0	0	13,884	0	0
Sabine	3,086	94	0	0	3,180	0	0

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for: Trends (3)	Adjustment from State reserve for: Abnormal conditions (4)	County allotment, sum of columns (1), (2), (3) and (4) (5)	Allocations from State reserve for: Small farms (6)	Allocations from State reserve for: Inequity and hardship cases (7)
San Augustine	7,423	91	0	0	7,514	0	0
San Jacinto	4,731	75	0	0	4,806	0	0
San Patricio	85,420	0	0	0	85,420	0	0
San Saba	8,122	72	0	0	8,194	0	0
Schleicher	9,874	0	0	0	9,874	0	0
Scurry	72,612	0	0	0	72,612	0	0
Shackelford	4,259	7	0	0	4,266	0	0
Shelby	10,095	696	0	0	10,791	0	0
Smith	10,415	908	0	0	11,323	0	0
Somervell	1,657	23	0	0	1,680	0	0
Starr	28,090	31	0	774	28,895	0	0
Stephens	1,487	34	0	0	1,521	0	0
Sterling	458	3	0	0	461	0	0
Stonewall	28,772	0	0	0	28,772	0	0
Sutton	18	0	0	0	18	0	0
Swisher	55,907	0	0	0	55,907	0	0
Tarrant	10,763	3	0	0	10,766	0	0
Taylor	37,629	2	0	0	37,631	0	0
Terrell	20	0	0	0	20	0	0
Terry	157,088	0	0	0	157,088	0	0
Throckmorton	12,706	5	0	0	12,711	0	0
Titus	4,055	399	0	0	4,454	0	0
Tom Green	58,752	0	0	0	58,752	0	0
Travis	39,420	0	0	0	39,420	0	0
Trinity	5,808	151	0	0	5,959	0	0
Tyler	598	62	0	0	660	0	0
Upshur	3,819	475	0	0	4,294	0	0
Upton	3	7	0	0	10	0	0
Uvalde	1,329	10	0	0	1,339	0	0
Val Verde	151	0	0	0	151	0	0
Van Zandt	25,311	242	0	0	25,553	0	0
Victoria	26,748	0	0	0	26,748	0	0
Walker	7,141	143	0	0	7,284	0	0
Waller	5,617	15	0	0	5,632	0	0
Ward	9,635	4	0	0	9,639	0	0
Washington	25,998	128	0	0	26,126	0	0
Webb	2,009	3	0	0	2,012	0	0
Wharton	76,102	0	0	0	76,102	0	0
Wheeler	30,083	0	0	0	30,083	0	0
Wichita	6,742	17	0	0	6,759	0	0
Wilbarger	54,292	0	0	0	54,292	0	0
Willacy	96,801	0	0	0	96,801	0	0
Williamson	118,132	0	0	0	118,132	0	0
Wilson	7,263	109	0	0	7,372	0	0
Winkler	14	8	0	0	22	0	0
Wise	3,194	208	0	0	3,402	0	0
Wood	4,972	773	0	0	5,745	0	0
Yoakum	36,638	0	0	0	36,638	0	0
Young	13,100	23	0	0	13,123	0	0
Zapata	2,487	13	0	0	2,500	0	0
Zavala	9,354	3	0	0	9,357	0	0
a. State total	7,678,729	17,930	0	774	7,697,433	0	0

b. State reserve available for missed and reconstituted farms and correction of errors 736

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 7,698,169

VIRGINIA

Accomack	15	.0	0	0	15.0	0.2	0.2
Accomattox	1	.2	0	0	1.2	0	0
Brunswick	2,041	92.8	0	0	2,133.8	27.0	27.0
Caroline	3	.4	0	0	3.4	0	0
Charlotte	10	2.1	0	0	12.1	.1	.1
Chesterfield	2	.3	0	0	2.3	0	0
Cumberland	6	1.2	0	0	7.2	.1	.1
Dinwiddie	241	14.4	0	0	255.4	3.2	3.2
Franklin	18	1.3	0	0	19.3	.2	.2

VIRGINIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for: Trends (3)	Adjustment from State reserve for: Abnormal conditions (4)	County allotment, sum of columns (1), (2), (3) and (4) (5)	Allocations from State reserve for: Small farms (6)	Allocations from State reserve for: Inequity and hardship cases (7)
Greensville	4,400	176.2	0	0	4,576.2	58.3	58.3
Halifax	1	.6	0	0	1.6	0	0
Hanover	1	0	0	0	1.0	0	0
Isle of Wight	226	21.5	0	0	297.5	3.6	3.6
Lunenburg	235	9.2	0	0	244.2	3.1	3.1
Mecklenburg	1,879	84.1	0	0	1,963.1	24.9	24.9
Nansemond	1,555	99.0	0	0	1,654.0	20.6	20.6
Norfolk	28	2.2	0	0	30.2	.4	.4
Patrick	1	.4	0	0	1.4	0	0
Prince Edward	6	.8	0	0	6.8	.1	.1
Prince George	63	4.8	0	0	67.8	.8	.8
Princess Anne	6	1.7	0	0	7.7	.1	.1
Southampton	4,565	190.3	0	0	4,755.3	60.4	60.4
Surry	11	.7	0	0	11.7	.1	.1
Sussex	1,647	79.8	0	0	1,726.8	21.8	21.8
a. State total	17,011	784.0	0	0	17,795.0	225.0	225.0

b. State reserve available for missed and reconstituted farms and correction of errors 15

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 18,260

(Secs. 344, 375; 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11387; Filed, Dec. 4, 1961; 8:45 a.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Extra Long Staple Cotton

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE RESERVE; AND REMAINDER OF STATE RESERVE

The purpose of this amendment is to establish county allotments showing components thereof (computed county allotment; adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms, and to correct inequities and prevent hardship; and to establish the remainder of State reserve which is available for allocation to counties for new farms, missed and reconstituted farms and correction of errors. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of extra long staple cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7967) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

FLORIDA—Continued

[Acres]

County	Computed county allotment (1)	Adjustment from State reserve for: Trends (2)	Adjustment from State reserve for: Abnormal conditions (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocations from State reserve for: Small farms (5)	Allocations from State reserve for: Inequity and hardship cases (6)
Putnam	21	0	0	21	0	0
Seminole	5	0	0	5	0	0
Sumter	90	0	0	90	0	0
Suwannee	4	0	0	4	0	0
Union	74	0	0	74	0	0
Volusia	17	0	0	17	0	0
a. State total	635	0	0	635	0	0
b. State reserve available for missed and reconstituted farms and correction of errors						0
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (4), (5), and (6), and item b)						635

NEW MEXICO

Dona Ana	19,160	0	0	19,160	0	63
Eddy	134	0	0	134	0	13
Luna	47	0	0	47	0	4
Otero	27	0	0	27	0	1
Sierra	213	0	0	213	0	5
a. State total	19,581	0	0	19,581	0	86
b. State reserve available for missed and reconstituted farms and correction of errors						14
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (4), (5), and (6), and item b)						19,681

TEXAS

Brewster	16	0	0	16	0	0
Culberson	318	0	0	318	0	0
El Paso	24,060	0	0	24,060	0	0
Hudspeth	2,972	0	0	2,972	0	0
Lovinf	10	0	0	10	0	0
Pecos	516	0	0	516	0	0
Presidio	131	0	0	131	0	0
Reeves	5,810	0	0	5,810	0	0
Ward	631	0	0	631	0	0
a. State total	34,454	0	0	34,454	0	0
b. State reserve available for missed and reconstituted farms and correction of errors						1
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (4), (5), and (6), and item b)						34,455

PUERTO RICO

North	1,801	0	0	1,801	0	9
South	369	0	0	369	0	2
a. Total	2,170	0	0	2,170	0	11
b. State reserve available for missed and reconstituted farms and correction of errors						11
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (4), (5), and (6), and item b)						2,192

(Secs. 344, 347, 375, 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1376)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11385; Filed, Dec. 4, 1961; 8:45 a.m.]

Section 722.566(g)(1) of the regulations pertaining to acreage allotments for the 1962 crop of extra long staple cotton (26 F.R. 9975) is amended to read as follows:

(1) *County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardships; and remainder of the State reserve.* There are set forth below the county allotments showing components thereof (computed county allotments, adjustments, if any, from State reserve for trends and abnormal conditions); allocations, if any, to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, missed and reconstituted farms and correction of errors. The State reserve for none of the States includes a reserve for new farms.

ARIZONA

[Acres]

County	Computed county allotment (1)	Adjustment from State reserve for: Trends (2)	Adjustment from State reserve for: Abnormal conditions (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocations from State reserve for: Small farms (5)	Allocations from State reserve for: Inequity and hardship cases (6)
Cochise	202	0	0	202	0	0
Graham	14	0	0	14	0	0
Maricopa	11,780	0	0	11,780	0	0
Pima	17,766	0	0	17,766	0	0
Pinal	3,300	0	0	3,300	0	0
Santa Cruz	8,912	0	0	8,912	0	0
Yuma	408	0	0	408	0	0
a. State total	42,408	0	0	42,408	0	0
b. State reserve available for missed and reconstituted farms and correction of errors						25
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (4), (5), and (6), and item b)						42,433

CALIFORNIA

Imperial	121	0	0	121	8	0
Riverside	516	0	0	516	25	0
a. State total	637	0	0	637	33	0
b. State reserve available for missed and reconstituted farms and correction of errors						0
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (4), (5), and (6), and item b)						670

GEORGIA

Berrien	117	0	0	117	0	0
Cook	36	0	0	36	0	0
Lanier	4	0	0	4	0	0
a. State total	157	0	0	157	0	0
b. State reserve available for missed and reconstituted farms and correction of errors						0
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (4), (5), and (6), and item b)						157

FLORIDA

Alachua	121	0	0	121	0	0
Bradford	17	0	0	17	0	0
Hamilton	5	0	0	5	0	0
Jefferson	1	0	0	1	0	0
Lake	75	0	0	75	0	0
Madison	33	0	0	33	0	0
Marion	173	0	0	173	0	0

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

Termination of Obsolete Provisions

Pursuant to § 958.84(a)(2) of Marketing Order No. 58, as amended (7 CFR Part 958) regulating the handling of Irish potatoes grown in Colorado, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby found that the following provisions of said order, as amended, have fulfilled their purpose, are no longer applicable, and should be deleted from the amended order when it is recodified.

Therefore, paragraph (b) of § 958.83 and paragraph (a)(2) of § 958.84 of Order No. 58, as amended, are hereby terminated.

It is hereby found that it is unnecessary and impracticable to give preliminary notice, engage in public rule making or to postpone the effective date of this document beyond the date of its publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that these provisions are now obsolete and are being terminated as provided for in the terms of the order, as amended.

Dated: November 27, 1961, to become effective upon publication in the FEDERAL REGISTER.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-11478; Filed, Dec. 4, 1961; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Aeronautics and Space Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 6.347 as set out below.

§ 6.347 National Aeronautics and Space Administration.

* * * * * *

(d) One Confidential Clerical Assistant to the Assistant Administrator for Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11490; Filed, Dec. 4, 1961; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Home Loan Bank Board

Effective upon publication in the FEDERAL REGISTER, paragraphs (j) and (k) are added to § 6.357 as set out below.

§ 6.357 Federal Home Loan Bank Board.

* * * * * *

(j) One Director, Office of Research and Home Finance.

(k) One Director, Office of Examinations and Supervision.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11489; Filed, Dec. 4, 1961; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—SCREWWORMS

Cleaning and Treatment of Means of Conveyance, Litter, and Manure

Pursuant to sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121), paragraph (c) of § 83.5 of Part 83, Title 9, Code of Federal Regulations, is hereby deleted and paragraph (b) of said § 83.5 is hereby amended to read as follows:

§ 83.5 Cleaning and treatment of means of conveyance, litter, and manure.

* * * * * *

(b) Whenever any livestock are inspected at an inspection station or other place under § 83.6, § 83.7(a), or § 83.8a, all straw and other litter in the railroad car, truck, boat, aircraft, or other vehicle, used in connection with the movement of the livestock to such station or other place shall be thoroughly saturated with a permitted precautionary pesticide as prescribed by a Federal inspector and under his supervision. No person, knowing that a railroad car, truck, boat, aircraft, or other vehicle, is one in which such livestock were moved to such an inspection station or other place under this part, shall move such means of conveyance interstate until all litter therein has been treated as required by this paragraph.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U.S.C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117; 19 F.R. 74, as amended)

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon issuance.

Done at Washington, D.C., this 29th day of November 1961.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 61-11479; Filed, Dec. 4, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-342]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Standard Mileage Rule

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of November 1961.

On September 15, 1961, the Board issued a notice of proposed rule making, Docket 13039 (EDR-35; 26 F.R. 8815), proposing various amendments to Part 288, including, inter alia, proposed revised minimum charges and a proposed revised paragraph (d) of § 288.7 to provide a standard basis for the calculation of mileages for the application of such minimum charges. Some of the comments received by the Board in response to this notice raised substantial questions as to the proposed minimum charges. In the light of these comments, the Board issued a supplemental notice of proposed rule making, Docket 13039 (EDR-35A, 26 F.R. 9913), requesting additional comments by October 30, 1961, on certain specific issues pertaining to the level of the minimum charges. The Board is presently reviewing all these comments and will take appropriate action thereon in due course.

In the meantime, the Board has decided to issue as a final rule, a revision of paragraph (d) of § 288.7, the standard mileage rule. Several carriers, in response to the initial notice, commented on this proposal. Only one of these carriers specifically opposed the principle of standard mileages. This carrier argued that it would be required to price its proposals for transpacific military charters on the basis of one-stop transportation through Anchorage,

Alaska, in order for its proposals to be accorded serious consideration by the military; that it could not operate its DC–6 aircraft in the transpacific with a one-stop routing via Anchorage, Alaska, and that the longer mileages via multi-stop midpacific routings would make the revenues from such operations uneconomic when calculated by mileages through Anchorage.

The minimum charges in Part 288 are based on the operations of all air carriers providing transportation pursuant to short notice military contracts. Such operations are over many different route segments, and include the use of many different types of aircraft with varying economic characteristics. The minimum charges imposed as a condition to the grant of the exemption do not assure that each charter operation will be economic at such minimum charges for each air carrier under its particular type of operation. Accordingly, if an air carrier because of its particular type of operation cannot operate a specific charter operation economically, sound business judgment would dictate that it not bid on such operations at the minimum prices. We are satisfied that the standard mileages produced by the formula are realistic in relation to the operational capabilities of most of the aircraft currently in MATS charter service.

Another air carrier in its comments suggested that the standard mileage provision incorporate one-stop mileages for charter operations in the transatlantic area where the destination or turnaround point is more than 4,000 statute miles from the point of origin. Such distances exist, for instance, in operations from the United States to certain points in North Africa. The carrier suggested that in such cases mileages should be based on a minimum one-stop operation via either Shannon, Ireland, or Santa Maria, Azores, whichever routing provides the shortest distances. The Board is of the view that this suggestion has merit and accordingly has incorporated it in the finalization of revised paragraph (d) of § 288.7.

The Board finds that the reasons for adopting Part 288 initially (ER–335, of July 24, 1961; 26 F.R. 6763) still exist and that these reasons also support the amendment to Part 288 adopted herein.

The present revision of paragraph (d) of § 288.7 merely modifies, prospectively, a condition on the exemption granted by Part 288. This revision will therefore be made effective 10 days after publication in the FEDERAL REGISTER. Thus the amendment made herein will be applicable to trips operated after such effective date without regard to whether the contract was awarded before or after such date.

Accordingly, the Board hereby amends Part 288 of its Economic Regulations, 14 CFR Part 288, effective December 15, 1961, by amending paragraph (d) of § 288.7 to read:

(d) *Passenger-miles and cargo ton-miles defined.* For the purpose of this section, passenger-miles and cargo ton-miles shall be based on no lesser mileage than the nonstop airport-to-airport distance, in terms of statute miles, from the point of origin of the revenue flight to the point of destination of such flight, via such intermediate points as are required to be served by the terms of the MATS contract: *Provided*, That, in the case of transpacific services between the 48 contiguous States and points beyond Alaska or Hawaii, if no such intermediate points are specified in the MATS contract, the miles shall be no less than as computed via Anchorage, Alaska, or Honolulu, Hawaii, whichever routing provides the shorter distance: *And further provided*, That, in the case of transatlantic services when the nonstop airport-to-airport distance between origin and destination of the flight would be 4,000 miles or more, if no such intermediate points are specified by the terms of the MATS contract the miles shall be no less than as computed via Shannon, Ireland, or via Lajes/Santa Maria, Azores, whichever routing provides the shorter distance.

(Secs. 204(a), 416, Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–11491; Filed, Dec. 4, 1961; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–FW–101]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6280 of the Regulations of the Administrator is to provide for the use of the Clint, Texas, VOR as a navigational aid for the segment of low altitude VOR Federal airway No. 280 between El Paso, Texas, and Pinon, N. Mex.

Low altitude VOR Federal airway No. 280 is designated in part from the El Paso VOR to the Pinon VOR via the intersection of the El Paso VOR 092° and the Pinon VOR 219° radials (Rio, Texas INT). The Pinon VOR is a low powered unmonitored facility. The Federal Aviation Agency has determined that substitution of the Clint, Texas VOR 037° radial for the Pinon VOR 219° radial in the description of this airway segment will provide more precise and dependable navigational guidance without altering the airway alignment. It has also been determined that the 093° radial of the El Paso VORTAC should be substituted for the 092° radial in the description of Victor 280 to conform to the direct alignment of low altitude VOR Federal airways No. 16 and No. 222 between El Paso and Salt Flat, Texas.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 600.6280 (14 CFR 600.6280) "From the El Paso, Texas, VOR via the point of INT of the El Paso VOR 092° and the Pinon VOR 219° radials;" is deleted and "From the El Paso, Texas, VORTAC via the INT of the El Paso VORTAC 093° and the Clint, Texas, VOR 037° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 28, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11457; Filed, Dec. 4, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–123]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7785) stating that the Federal Aviation Agency was considering the alteration of the segment of intermediate altitude VOR Federal airway No. 1503 between Jacksonville, Fla., and Charleston, S.C. It was proposed to designate this segment of Victor 1503 from Jacksonville VOR direct to Charleston VOR with a floor of 17,000 feet MSL, a ceiling of 23,000 feet MSL and a width of 10 statute miles. With these dimensions, the offshore portions of Victor 1503 would coincide with the control areas associated with low altitude VOR Federal airway No. 1.

The Department of the Navy objected to the proposal contending that the realignment of Victor 1503 would generate additional traffic between Savannah, Georgia, and Charleston, S.C. They also stated that a designated airway automatically generates casual traffic, not conversant with, nor interested in, restrictions and controls applicable to the particular airway segment.

The Federal Aviation Agency does not consider this a valid objection as the proposal does not, in fact, designate additional airspace. Since Victor 1 is presently designated within the same airspace, the alteration of Victor 1503 will do no more than simplify flight planning.

The Air Transport Association strongly endorsed the designation of Victor 1503 direct from Jacksonville, Fla., to Charleston, S.C. However, they objected to the reduced lateral and vertical dimensions proposed and recommended that a standard width airway be designated with no restrictions on the floor. The Air Transport Association further recommended that their proposals be incorporated and made effective concurrent with the realignment of Control Area 1150 (Airspace Docket No. 60–WA–203, 26 F.R. 342).

While the availability of additional altitudes on the proposed segment of Victor 1503 may be desirable, the Air Transport Association's recommendations would require further modification of Warning Areas W–132 and W–157. To pursue such modification at this time would delay this airspace action and other airspace actions that are now pending. The Federal Aviation Agency considers that a delay to these cases would be unacceptable.

Interested parties have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In the text of § 600.1503 (26 F.R. 1081, 7328) "INT of the Jacksonville, Fla., VOR 027° and the Savannah, Ga., VOR 180° radials; Savannah VOR;" is deleted and "The portions of this airway which lie below 17,000 feet mean sea level and above 23,000 feet mean sea level between the Jacksonville, Fla., VOR and the Charleston, S.C., VOR are excluded." is added to the end of the text.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 28, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11458; Filed, Dec. 4, 1961; 8:45 a.m.]

[Airspace Docket No. 60–LA–95]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On August 16, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7608) stating that the Federal Aviation Agency proposed to revoke the segment of Amber Federal airway No. 1 between Oceanside, Calif., and Red Bluff, Calif., its associated control areas and reporting points.

The Air Line Pilots Association concurred with the proposal to revoke Amber 1 between Oceanside and Red Bluff with the exception of the segment between Los Angeles, Calif., and Bakersfield, Calif. They requested that this segment be retained because some aircraft are restricted at certain gross weights from operating on VOR Federal airway No. 299 and No. 23, but are not restricted when operating on Amber 1. However, they realized that the number of times this airway segment would be needed was relatively small.

A review of the airway structure between Los Angeles and Bakersfield indicates that the crossing altitude at Los Angeles is 3,000 feet MSL for all three airways. Between Los Angeles and the first navigation check point to the north, the minimum en route altitudes (MEA's) for the airways are: A–1, 4,000 feet MSL; V–23, 5,000 feet MSL; and V–299, 6,000 feet MSL. From this point to Bakersfield, the MEA's are relatively the same. It is realized that the angle of climb for aircraft operating northbound from Los Angeles on the Victor airways would be slightly greater than on Amber 1. However, this should not impose an undue hardship on the users.

The Department of the Air Force offered no objection to the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.101 (14 CFR 600.101, 26 F.R. 572, 8375) is amended as follows:

a. In the caption "Oceanside, Calif.," is deleted and "Red Bluff, Calif.," is substituted therefor.

b. In the text "Oceanside, Calif., RBN via the Long Beach, Calif., RR; Los Angeles, Calif., nondirectional radio beacon; Newhall, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; the intersection of the northwest course of the Fresno, Calif., radio range and the southeast course of the Sacramento, Calif., radio range; Sacramento, Calif., radio range station; Red Bluff, Calif., radio range station;" is deleted and "Red Bluff, Calif., RR via the" is substituted therefor.

2. In the caption of § 601.101 (14 CFR 601.101) "Oceanside, Calif.," is deleted and "Red Bluff, Calif.," is substituted therefor.

3. Section 601.4101 (14 CFR 601.4101) the following changes are made:

a. In the caption "Oceanside, Calif.," is deleted and "Red Bluff, Calif.," is substituted therefor.

b. In the text "Long Beach, Calif., radio range station; Los Angeles, Calif., nondirectional radio beacon; the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station;" is deleted.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 28, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11456; Filed, Dec. 4, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–159]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions

On October 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9517) stating that the Federal Aviation Agency proposed to alter control area extensions in the Atlanta, Ga., Air Route Traffic Control Center area.

Editorial changes are included in the actions taken herein for the purpose of simplifying the description of controlled airspace without altering the dimensions proposed in the notice.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1052 (14 CFR 601.1052) Control area extension (Atlanta, Ga.) is amended to read:

§ 601.1052 Control area extension (Atlanta, Ga.).

Within a 50-mile radius of the Atlanta RR; including the airspace N. of Atlanta bounded on the N. by VOR Federal airway No. 54, on the E. by VOR Federal airway No. 97, and on the W. by VOR Federal airway No. 5; the airspace extending beyond the 50-mile radius area bounded on the N. by a line 17 miles S. and parallel to the Chattanooga, Tenn., VORTAC 088° radial, on the E. by VOR Federal airway No. 267, and on the W. by VOR Federal airway No. 97; the airspace extending beyond the 50-mile radius area bounded on the NW. by VOR Federal airway No. 222, on the NE. by the arc of a 30-mile radius circle centered at latitude 34°48'45" N., longitude 82°20'30" W. and the E. boundary of VOR Federal airway No. 185 W. alternate, and on the SE. by a line 5 miles NW. of and parallel to the McDonough, Ga., VOR 063° radial; the airspace NE. of Toccoa, Ga., bounded on the N. by VOR Federal airway No. 54, on the SE. by VOR Federal airway No. 222 and on the SW. by a line 5 miles SW. of and parallel to the Greenwood, S.C., VOR 315° radial; the airspace E. of Atlanta bounded on the NW. by VOR Federal airway No. 454, on the E. by longitude 83°00'00" W., on the S. by VOR Federal airway No. 18 and on the W. by VOR Federal airway No. 35; the airspace SW. of Atlanta bounded on the N. by VOR Federal airway No. 18, on the W. by longitude 86°00'00" W., and on the SE. by VOR Federal airway No. 20; and the airspace W. of Atlanta within 12 miles N. and 8 miles S. of the Atlanta ILS

localizer W. course extending from the 50-mile radius area to 66 miles W. of the localizer; excluding the portion which coincides with R-3001.

2. Section 601.1123 (14 CFR 601.1123) Control area extension (Birmingham, Ala.), is amended to read:

§ 601.1123 Control area extension (Birmingham, Ala.).

That airspace bounded by a line beginning at latitude 32°52'00'' N., longitude 87°30'00'' W.; to latitude 34°15'00'' N., longitude 87°30'00'' W.; to latitude 34°15'00'' N., longitude 86°15'00'' W.; to latitude 34°00'00'' N., longitude 86°15'00'' W.; to latitude 33°39'00'' N., longitude 86°00'00'' W.; to latitude 32°52'00'' N., longitude 86°00'00'' W.; to point of beginning; and the airspace W. of Birmingham within 7 miles N. and 11 miles S. of the Birmingham VORTAC 263° radial extending from longitude 87°30'00'' W. to 43 miles W. of the VORTAC.

3. Section 601.1373 (14 CFR 601.1373) Control area extension (Chattanooga, Tenn.), is amended to read:

§ 601.1373 Control area extension (Chattanooga, Tenn.).

Within a 30-mile radius of the Chattanooga VORTAC; and within a 50-mile radius of the Chattanooga VORTAC extending clockwise from VOR Federal airway No. 115, SW. of Chattanooga, to VOR Federal airway No. 51 W. alternate N. of Chattanooga.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11488; Filed, Dec. 4, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets 8347 c.o., 8362 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Missouri-Kansas Furnace et al.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders: Missouri-Kansas Furnace Co. et al., Kansas City, Mo., Docket 8347, Sept. 20, 1961; and The Davis Furnace Co., Inc. (Kansas City, Mo.), et al., Docket 8362, Sept. 22, 1961]

In the Matters of Missouri-Kansas Furnace Company, a Corporation, and Harley H. Pruitt, Individually and as an Officer of Said Corporation; and The Davis Furnace Company, Inc., a Corporation, The Davis Furnace Company of Independence, Inc., a Corporation, and Kansas Furnace Company, Inc., a Corporation, and Ralph L. Davis and Paul Davis, Individually and as Officers of Said Corporations

Consent orders requiring three affiliated concerns in Kansas City and Independence, Mo., and a fourth Kansas City firm to cease using "scare tactics" and other unfair means to sell their furnaces, heating equipment and parts and to get repair jobs, including deceptive offers of free inspection and low-cost cleaning services, representing their sales and service men falsely as engineers, misinforming the home owner that his furnace is defective or dangerous, dismantling furnaces and refusing to reassemble them, etc.

The following order to cease and desist combines identical orders issued in the two cases:

It is ordered, That the Missouri-Kansas Furnace Company, a corporation, its officers and Harley H. Pruitt, individually and as an officer of the said corporation; and The Davis Furnace Company, Inc., a corporation, The Davis Furnace Company of Independence, Inc., a corporation, and Kansas Furnace Company, Inc., a corporation, and their officers, and Ralph L. Davis and Paul Davis, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate device, in connection with the sale, repair or servicing of furnaces, heating equipment, or the parts thereof, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that: (a) Respondents will inspect without charge or clean a prospective customer's furnace or heating equipment for a nominal fee unless, as a matter of fact, such offer is a bona fide offer to inspect or to clean such furnace or heating equipment; (b) respondents' salesmen or servicemen are engineers; (c) any furnace, heating equipment or parts thereof are defective not reparable, or reparable only at extensive cost, unless such are the facts; (d) the continued use of any furnace, heating equipment or parts thereof is dangerous or hazardous to the health of the owner thereof or his family, due to escaping carbon monoxide, fire or other causes, unless such are the facts; (e) a furnace which has been dismantled by respondents' employees cannot be reassembled and used without danger of asphyxiation, gas poisoning, fires or other damage when such is not a fact.

2. Refusing to immediately reassemble, at the request of the owner, any furnace that has been dismantled by respondents' employees.

3. Misrepresenting in any manner the condition of any furnace, heating equipment or the parts thereof that have been inspected by respondents or their employees.

By "Decision of the Commission", etc., in each case, reports of compliance were separately required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 20, 1961 (D. 8347); September 22, 1961 (D. 8362).

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11459; Filed, Dec. 4, 1961; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6580]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Imposition of Tax on Estates and Trusts

The Service has received a number of inquiries concerning the application of paragraph (b) of § 1.641(b)-2 of the Income Tax Regulations (26 CFR Part 1) to the bankrupt estate of an individual. Some of these inquiries have been prompted by the order of the referee in bankruptcy entered on February 27, 1961, in the case of In the matter of John Henry Kirby, No. 1717 in Bankruptcy (USDC SD Texas, Houston Division). In that case it was held that the bankrupt estate of an individual is not liable for Federal income tax on the income earned during bankruptcy proceedings. In support of his order, the referee relied in part upon the above-mentioned provisions of the regulations. The case is now pending on a petition to the District Court for review of the referee's order. In order to obviate future inquiries and to prevent further misunderstanding as to the application of paragraph (b) of § 1.641(b)-2 to the bankrupt estate of an individual, as in the referee's order in the Kirby case, the regulations are amended as follows:

Paragraph (b) of § 1.641(b)-2 is amended to read as follows:

§ 1.641(b)-2 Filing of returns and payment of the tax.

* * * * *

(b) The estate of an infant, incompetent, or other person under a disability, or, in general, of an individual or corporation in bankruptcy is not a taxable entity separate from the person for whom the fiduciary is acting, in that respect differing from the estate of a deceased person or of a trust. See section 6012(b) (2) and (3) for provisions relating to the obligation of the fiduciary with respect to returns of such persons.

Because the amendment made herein merely clarifies an ambiguity appearing in the regulations, and since the amendment reflects a position already publicly adopted by the Internal Revenue Service in litigation, public participation would not be helpful and, therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act.

(Sec. 7805, I.R.C. of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: November 29, 1961.

Stanley S. Surrey,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-11487; Filed, Dec. 4, 1961; 8:46 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 222—REPORTS AND INSPECTIONS OF FACILITIES AND AGENCIES FOR PRODUCTION, PROCESSING, STORAGE AND TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

Record-Keeping and Reporting Requirements

On pages 8814-15 of the FEDERAL REGISTER of September 19, 1961, there was published a notice and text of proposed revisions of §§ 222.6, 222.9 and 222.9a of Title 30, Code of Federal Regulations. The purpose of the revisions is to simplify the record-keeping and reporting requirements of the regulations.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revisions. No objections were received. All comments and suggestions received have been considered, and the proposed revisions are hereby adopted without change and are set forth below. These revisions shall become effective January 1, 1962.

(Sec. 5, 49 Stat. 31; 15 U.S.C. 715d E.O. 10752, 23 F.R. 973)

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 28, 1961.

Section 222.6 is revised to read as follows:

§ 222.6 Records.

The following records shall be made and retained accurately and completely showing the following facts with respect to production, refining, processing, manufacturing, transporting, withdrawing or otherwise handling petroleum or petroleum products in the designated area: Provided, That unless otherwise notified by the board, the operator may dispose of records retained for a period of 5 or more years.

(a) By producers:

(1) *Location, wells, allowable production.* The location of the producing properties, the number and location of wells thereon, and the allowable production for each property and well as prescribed by the proper State agency.

(2) *Inventories.* An opening and closing inventory of the crude petroleum an hand at the beginning and end of each month.

(3) *Production.* The monthly production in barrels of petroleum produced from each lease and each well showing the number of wells which produced said oil with a notation of the allowance made for basic sediment and water, and the tanks, identified by number and location, into which the petroleum is run. When wells are produced into common storage tanks production from each well will be based on latest gas-oil ratio or well status tests. Where a Lease Automatic Custody Transfer (LACT) system of the Positive Displacement Meter type is used, said meter's calibration correction factor shall also be recorded. Where Dump Tank and Weir Tank types of LACT systems are used, the number of pipeline runs and the quantity of each run shall likewise be recorded.

(4) *Consumption.* The amount of petroleum consumed upon each property monthly.

(5) *Deliveries.* A monthly record of all deliveries of petroleum or petroleum products, showing the names and places of business of all persons to whom such petroleum or petroleum products are delivered, whether purchasers, consignees or transporting agencies, the quantity involved in each delivery, transportation or other disposition, the identity of the means of transportation by which the petroleum or prdoucts are removed.

(6) *Tickets.* Gauge tickets and run tickets, as made by the employees actually performing or observing the operations to which such records relate.

(7) *Diagrams.* Where any type of Lease Automatic Custody Transfer system is in operation by producers, complete diagrams shall be maintained of the system in use, with accurate meter calibration records kept.

(8) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the production of petroleum.

(b) By every purchaser, refiner, storer, shipper, or consignor of petroleum or petroleum products, by every casing head gasoline plant, and by every person dealing in petroleum or petroleum products as a factor, broker, buyer, or seller:

(1) *Inventories.* An opening and closing inventory of petroleum and petroleum products on hand at the beginning and end of each month.

(2) *Receipts.* The monthly receipts of petroleum and the petroleum products showing the amount received, the place and date of each receipt, the tanks identified by location and number into which received, the names and addresses of all producers or other persons from whom the crude petroleum and the petroleum products were received, a description identifying the transporting agency or facility by which received.

(3) *Consumption.* The amount of petroleum and petroleum products used or otherwise disposed of monthly showing the amount run to stills and to cracking units and the amount and type of petroleum products refined, processed or manufactured.

(4) *Deliveries; purchasers; transporter.* A monthly record of all deliveries of petroleum and petroleum products including the names and addresses of purchasers and a description identifying the transporting agency delivering the same.

(5) *Reports of operations.* Crude, pumping, still, transfer, and yield reports as made by the employees actually performing or observing the operations to which such records relate.

(6) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate, or tax the purchasing, refining, storing, shipping or consigning or otherwise dealing in as a factor, broker, buyer or seller of petroleum and petroleum products.

(c) By every person operating a reclamation plant:

(1) *Inventories.* An opening and closing inventory of all petroleum and petroleum products on hand at the beginning and end of each month.

(2) *Receipts.* The number of barrels of each kind of petroleum and petroleum products which came into the possession of such plant monthly, the name and address of each person from whom possession was acquired, the location from which the petroleum and petroleum products were acquired, the quantities acquired from each prior possessor and from each location, a description identifying the transporting agency by which such petroleum and petroleum products were acquired. In case any petroleum or petroleum product is picked up or reclaimed by such plant from any pit, creek, river, stream or the bed thereof, such record shall also contain information as to the apparent source of the petroleum or petroleum product before it went into such pit, creek, river, stream or the bed thereof.

(3) *Reclamation; destination; identification.* The number of barrels reclaimed by such plant monthly and the disposition thereof showing the names and addresses of purchasers, a description identifying the transporting agency used in making delivery.

(4) *Original operating records.* The original records made by the employees actually performing or observing the operations to which such records relate as required by subparagraphs (1), (2), and (3) of this paragraph.

(5) *Other records.* Such other records as may now be required under the

rules and regulations of other governmental agencies, State or Federal, which supervise, regulate, or tax the reclaiming or handling of petroleum or petroleum products.

(d) By pipelines:

(1) *Inventories.* An opening and closing inventory including averages of crude petroleum and petroleum products on hand at the beginning and end of each month.

(2) *Receipts; consignors, consignees; origin; destination.* The monthly receipts of all petroleum and petroleum products showing the kind, grade, and quantity received, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination.

(3) *Locations; persons; transporting agencies.* In case of the first transporting pipeline, and where possible in cases of subsequent transporting pipelines, the location of the properties where the petroleum or petroleum products were produced, refined, processed, or manufactured, the names and addresses of persons removing the petroleum or petroleum products from the properties where produced, refined, processed, or manufactured, and a description identifying the transporting agency used in making delivery from such properties.

(4) *Diversion, stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination or stopped in the course of transportation, showing the disposition thereof.

(5) *Shipping documents.* Copies of all run tickets, waybills, division and transfer orders and other documents used in the transportation of petroleum or petroleum products.

(6) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate, or tax the transportation of petroleum or petroleum products.

(e) By transporting agencies, other than pipelines:

(1) *Shipments.* The monthly shipments of all petroleum and petroleum products showing the kind, grade and quantity transported, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, and in the case of railroads the car initials and numbers identifying the various shipments.

(2) *Diversion or stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination, or stoppage in the course of transportation, showing the disposition thereof.

(3) *Shipping documents.* Copies of all waybills, bills of lading and other documents used in the transportation of petroleum or petroleum products.

(4) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate, or tax the transportation of petroleum or petroleum products.

(f) The records required by this regulation to be made and preserved shall be made currently as the transactions involved occur. Such records prescribed in paragraph (a) (1), (2), (3), (4), and (5) of this section shall be kept on the lease or property to which they relate, or shall be kept in the field office or field headquarters from which the operations on such properties are conducted. Such records prescribed under paragraph (b) (1), (2), (3), (4), (c) (1), (2), and (3), and (d) (1), (2), (3), and (5) of this section shall be kept at the field office or field headquarters from which the operations involved are conducted. Such records prescribed under paragraph (e) (1) and (3) of this section shall be kept at the freight office where the shipping papers for any shipment originate.

Section 222.9 is revised to change the heading and present text, reading as follows:

§ 222.9 Producer's reports.

(a) Except as provided in paragraph (b) of this section, every producer of petroleum or petroleum products in the areas designated in § 222.1 shall file a monthly report, Form P, and a semiannual report, Form P–A.

(b) If the board determines that the reports required of any person under this section serve no useful purpose, it may, by written notice to such person, relieve him of the obligation to submit such reports for any specified period of time or until further notice.

Section 222.9a is revised to change the heading and present text, reading as follows:

§ 222.9a Instructions for filing reports P and P–A.

(a) Report forms may be obtained from any office of the board, or unofficial copies may be used provided that they are exact reproductions of the official forms.

(b) The Form P report shall be filed on or before the 15th day of the month succeeding the month covered by the report. The Form P–A report shall be filed semiannually, on or before January 15 and July 15. The reports must be complete as to all data requested in the forms. Unless otherwise directed by the board, reports shall be filed at the following offices of the board:

Kilgore, Texas, by producers of leases in the counties of Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Houston, Marion, Morris, Nacadoches, Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood, Texas.

Midland, Texas, by producers of leases in the counties of Lea and Eddy, New Mexico, and the counties of Andrews, Borden, Cochran, Crane, Crockett, Dawson, Ector, Fisher, Gaines, Garza, Glasscock, Hockley, Howard, Loving, Lynn, Martin, Midland, Mitchell, Pecos, Reagan, Reeves, Scurry, Terry, Upton, Ward, Winkler, and Yoakum, Texas.

Victoria, Texas, by producers of leases in the counties of Aransas, Austin, Bee, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Chambers, Colorado, De Witt, Duval, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Hardin, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Lee, Liberty, Live Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, San Jacinto, San Patricio, Starr, Trinity, Tyler, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, and Zapata, Texas.

Lafayette, Louisiana, by producers of leases in all parishes in Louisiana.

(c) A separate report shall be made for each field or pool. The report shall be signed by the producer, one or more members of a partnership, or an officer of a corporation. However, the report may be signed by an authorized agent of any person (as defined in § 222.3(a)), but such authorization must be submitted in writing to the office of the board at which the report is filed.

[F.R. Doc. 61–11460; Filed, Dec. 4, 1961; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

Table of contents is revised as follows:

Sec.
9–7.000 Scope of part.

Subpart 9–7.50—Use of Standard Clauses

9–7.5000 Scope of subpart.
9–7.5001 General policy.
9–7.5002 Applicability.
9–7.5003 Deviations.
9–7.5004 Standard AEC clauses which are mandatory as to text.
9–7.5004–1 Convict labor.
9–7.5004–2 Covenant against contingent fees.
9–7.5004–3 Disputes.
9–7.5004–4 Nondiscrimination in employment.
9–7.5004–5 Officials not to benefit.
9–7.5004–6 Assignment of claims.
9–7.5004–7 Assignment.
9–7.5004–8 Safety, health, and fire protection.
9–7.5004–9 Permits.
9–7.5004–10 Examination of records.
9–7.5004–11 Security.
9–7.5004–12 Notice of labor disputes.
9–7.5004–13 Eight-Hour Law of 1912—Overtime compensation.
9–7.5004–14 Walsh-Healey Public Contracts Act.
9–7.5004–15 Labor (construction contracts).
9–7.5004–16 Buy American Act (supply and operating contracts).
9–7.5004–17 Buy American Act (construction).
9–7.5004–18 Litigation and claims.
9–7.5004–19 Required bonds and insurance—Exclusive of Government property (cost-type contracts and subcontracts).
9–7.5004–20 Renegotiation.
9–7.5004–21 Classification.
9–7.5004–22 Disclosure of information.
9–7.5004–23 Priorities, allocations, and allotments.
9–7.5005 Standard FPR clauses not included in § 9–7.5004.
9–7.5005–1 Additional bond security.
9–7.5005–2 Changes (fixed-price supply contracts).
9–7.5005–3 Default (fixed-price supply contracts).

Sec.
9–7.5005–4 Definitions.
9–7.5005–5 Extras.
9–7.5005–6 Inspection (fixed-price supply).
9–7.5005–7 Payments.
9–7.5005–8 Variation in quantity.
9–7.5005–9 Utilization of small business concerns.
9–7.5005–10 Liquidated damages.
9–7.5005–11 Federal, State and local taxes.
9–7.5005–12 Price adjustment for suspension, delay, or interruption of work (construction contracts).
9–7.5005–13 Responsibility for supplies.
9–7.5005–14 Utilization of concerns in labor surplus areas.
9–7.5005–15 Small business and labor surplus area subcontracting programs.
9–7.5006 Standard AEC clauses not included in § 9–7.5004 or § 9–7.5005.
9–7.5006–1 Accounts, records, and inspection (CPFF).
9–7.5006–2 Alterations and additions.
9–7.5006–3 Approval of contract.
9–7.5006–4 Changes (CPFF).
9–7.5006–5 Consideration (CPFF).
9–7.5006–6 Contractor's organization.
9–7.5006–7 Copyright (general). [Reserved]
9–7.5006–8 Copyright (motion pictures). [Reserved]
9–7.5006–9 Allowable costs and fixed fee (CPFF) (operating and construction contracts).
9–7.5006–10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).
9–7.5006–11 Allowable costs (research and development contracts with educational institutions).
9–7.5006–12 Allowable costs and fixed fee (A–E contracts). [Reserved]
9–7.5006–13 Drawings, designs, specifications.
9–7.5006–14 Estimates of costs, obligation of funds, and fixed fee.
9–7.5006–15 Key personnel.
9–7.5006–16 Other contracts.
9–7.5006–17 Patents contractor held harmless. [Reserved]
9–7.5006–18 Patent indemnity. [Reserved]
9–7.5006–19 Patent Provisions, Type A. [Reserved]
9–7.5006–20 Patent Provisions, Type B. [Reserved]
9–7.5006–21 Patent Provisions, Type C. [Reserved]
9–7.5006–22 Patents-reporting of royalties. [Reserved]
9–7.5006–23 Payments and advances (cost-type contracts where funds are advanced by AEC).
9–7.5006–24 Special bank account agreement.
9–7.5006–25 Payments (cost-type contracts where funds are not advanced).
9–7.5006–26 Property (CPFF).
9–7.5006–27 Property (fixed price).
9–7.5006–28 Statement of work.
9–7.5006–29 Subcontracts and purchase orders.
9–7.5006–30 [Reserved]
9–7.5006–31 Taxes (fixed-price contracts). [Reserved]
9–7.5006–32 Workmanship and Materials.
9–7.5006–33 Purchases from contractor-controlled sources.
9–7.5006–34 Price redetermination.
9–7.5006–35 Termination. [Reserved]
9–7.5006–36 Nuclear Reactor Safety.
9–7.5007 Use of escalation and price redetermination clauses. [Reserved]

AUTHORITY: §§ 9–7.000 to 9–7.5007 issued under sec. 161, 70 Stat. 1069; 42 U.S.C. 2201. Implement and supplement sec. 205, 63 Stat. 390; 40 U.S.C. 486.

Subpart 9–7.50 is amended as follows:

§ 9–7.5004–3 [Amendment]

In § 9–7.5004–3 *Disputes,* present note is deleted in its entirety and the following substituted:

NOTE: No disputes clause included in any subcontract under a cost-type prime contract shall provide for final decision of disputes thereunder by other than the Commission.

The following new section is added:

§ 9–7.5004–22 Disclosure of information.

It is expected that the research activities to be performed under this contract will not involve Restricted Data or other classified information. It is understood, however, that if, in the course of research, discoveries are made or any data is used or developed that constitute Restricted Data within the meaning of the Atomic Energy Act of 1954, or other classified information, the Contractor shall promptly inform the Commission and shall classify and safeguard all such discoveries or data in accordance with the requirements of the Commission. The continuation of work found to involve Restricted Data or other classified information will be subject to subsequent agreement between the Contractor and the Commission.

NOTE A: This clause should be used in place of the clause entitled "Classification" set forth in § 9–7.5004–21 in Contracts with Educational Institutions for Off-Site Research that are not likely to produce Restricted Data or classified information.

The following new section is added:

§ 9–7.5004–23 Priorities, allocations, and allotments.

The Contractor shall follow the provisions of DMS Regulation 1 and all other applicable regulations and orders of the Business and Defense Service Administration in obtaining controlled materials and other products and materials needed to fill this order.

The following new section is added:

§ 9–7.5005–14 Utilization of concerns in labor surplus areas.

See § 1–7.101–25.

The following new section is added:

§ 9–7.5005–15 Small business and labor surplus area subcontracting program.

See § 1–7.101–26.

§ 9–7.5006–9 [Amendment]

In § 9–7.5006–9 *Allowable costs and fixed fee (CPFF operating and construction contracts),* Subparagraph (14) of paragraph (e) is deleted and the following substituted:

(14) Insurance (including any provision of a self-insurance reserve) on any person where the Contractor under the insurance policy is the beneficiary, directly or indirectly, and insurance against loss of or damage to Government property as defined in Clause -----.

In § 9–7.5006–10:

a. The section heading is deleted in its entirety and the following substituted:

§ 9–7.5006–10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).

b. Subparagraph (12) of paragraph (e) is deleted and the following substituted:

(12) Insurance (including any provision of a self-insurance reserve) on any person where the Contractor under the insurance policy is the beneficiary, directly or indirectly, and insurance against loss of or damage to Government property as defined in Clause -----.

Section 9–7.5006–11 is deleted in its entirety and the following substituted:

§ 9–7.5006–11 Allowable costs (research and development contracts with educational institutions.)

The Commission shall pay to the Contractor for performance of this contract the allowable direct costs incident to its performance plus the allocable portion of the allowable indirect costs of the Contractor less applicable credits as determined in accordance with:

(a) Subpart 1–15.3 of the Federal Procurement Regulations, copy appended, and

(b) the terms of this contract.

Section 9–7.5006–26 *Property (CPFF) [Reserved]* is deleted and the following substituted:

§ 9–7.5006–26 Property (CPFF).

(a) *Furnishing of Government Property.* The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(b) *Title to Property.* Title to all property furnished by the Government shall remain in the Government except as otherwise provided in this article. Except as otherwise provided by the Contracting Officer, title to all materials, equipment, supplies, and tangible personal property of every kind and description purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass directly from the vendor to the Government. The Government reserves the right to inspect, and to accept or reject, any item of such property. The Contractor shall make such disposition of rejected items as the Contracting Officer shall direct. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. Property furnished by the Government and property purchased or furnished by the Contractor, title to which vests in the Government, under this paragraph are hereinafter referred to as Government Property. Title to Government Property shall not be affected by the incorporation of the property into or the attachment of it to any property not owned by the Government, nor shall such Government Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(c) *Identification.* To the extent directed by the Contracting Officer, the Contractor shall identify Government Property coming into the Contractor's possession or custody by marking or segregating in such a way, satisfactory to the Contracting Officer, as

shall indicate its ownership by the Government.

(d) *Disposition.* The Contractor shall make such disposition of Government Property which has come into the possession or custody of the Contractor under this contract as the Contracting Officer shall direct. When authorized in writing by the Contracting Officer during the progress of the work or upon completion or termination of this contract, the Contractor may, upon such terms and conditions as the Contracting Officer may approve, sell or exchange such property, or acquire such property at a price agreed upon by the Contracting Officer and the Contractor as the fair value thereof. The amount received by the Contractor as the result of any disposition, or the amount of the agreed fair value of any such property acquired by the Contractor, shall be applied in reduction of cost allowable under this contract, or shall be otherwise credited to account of the Government, as the Contracting Officer may direct. Upon completion of the work or the termination of this contract, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government Property which had come into the possession or custody of the Contractor under this contract.

(e) *Protection of Government Property—Classified Materials.* The Contractor shall take all reasonable precautions, as directed by the Contracting Officer, or in the absence of such directions in accordance with sound industrial practice, to safeguard and protect Government Property in the Contractor's possession or custody. Special measures shall be taken by the Contractor in the protection of and accounting for any classified or special materials involved in the performance of this contract, in accordance with the regulations and requirements of the Commission.

(f) *Risk of Loss of Government Property.* The Contractor shall not be liable for loss or destruction of or damage to Government Property in the Contractor's possession unless such loss, destruction or damage results from wilful misconduct or lack of good faith on the part of the Contractor's managerial personnel, or unless such loss, destruction or damage results from a failure on the part of the Contractor's managerial personnel, to take all reasonable steps to comply with any appropriate written directives of the Contracting Officer to safeguard such property under paragraph (e) hereof. The term 'Contractor's managerial personnel' as used herein means the Contractor's directors, officers and any of its managers, superintendents, or other equivalent representatives who have supervision or direction of (1) all or substantially all of the Contractor's business; or (2) all or substantially all of the Contractor's operation at any one plant or separate location at which this contract is being performed; or (3) a separate and complete major industrial operation in connection with the performance of this contract; or (4) a separate and complete major construction, alteration or repair operation in connection with performance of this contract. [Note A.]

(g) *Steps To Be Taken in Event of Loss.* Upon the happening of any loss or destruction of or damage to Government Property in the possession or custody of the Contractor, the Contractor shall immediately inform the Contracting Officer of the occasion and extent thereof, shall take all reasonable steps to protect the property remaining, and shall repair or replace the lost, destroyed, or damaged property, if and as directed by the Contracting Officer, but shall take no action prejudicial to the right of the Government to recover therefor and shall furnish to the Government, on request, all reasonable assistance in obtaining recovery.

(h) *Government Property for Government Use Only.* Government Property shall be used only for the performance of this contract.

NOTE A: Where the contract work is being performed at the site of a licensed reactor, the following will be added to subparagraph (f) of the above article:

"Neither the Contractor nor any person whom the Contractor has agreed to indemnify from public liability for damage to Government Property under the terms of an indemnity agreement entered into between the Commission and the Contractor as a licensee of the Commission pursuant to subsection 170(c) of the Atomic Energy Act of 1954, as amended, shall be liable for loss or destruction of, or damage to, Government Property in the Contractor's possession resulting from a nuclear incident (as defined in subsection 11(o) of said Act), except to the extent that the Contractor is in fact indemnified by an applicable policy of insurance for said loss, destruction or damage due to nuclear incident, or would have been so indemnified except for its failure to provide such insurance as may be required by Commission regulation or by written direction of the Contracting Officer."

Section 9–7.5006–27 *Property (fixed price)* [*Reserved*] is deleted and the following substituted:

§ 9–7.5006–27 Property (fixed price).

(a)(1) (For use in contracts involving Government-furnished property.) The delivery (construction) schedules set forth in this contract are based upon the expectation that the Government-furnished property referred to in Schedule __ of this contract will be delivered on or before _____. In the event that such Government-furnished property is not delivered to the Contractor by such time, the Contracting Officer shall, if requested by the Contractor, determine if any delay has been occasioned the Contractor thereby, and if so shall grant a reasonable extension of the time for completion of performance. The Government shall not be liable to the Contractor for damages or loss of profit by reason of any delay in delivery of said Government-furnished property, except that in case of such delay, upon written request of the Contractor, an equitable adjustment shall be made in the delivery (construction) schedule of this contract, or price, or both, and in other contractual provisions affected thereby, in accordance with the procedures provided for in the article entitled "Changes."

(2) (For use in contracts involving Contractor-acquired property.) In connection with its work under this contract, the Contractor shall, within _____ acquire or manufacture for the Government's account the property listed in Schedule _____ attached hereto (hereinafter referred to as Contractor-acquired property). Such property shall be installed by the Contractor in _____, or, if approved in writing by the Contracting Officer, in the plants of subcontractors. The Contractor shall insert provisions in all subcontracts under which such property is furnished to the subcontractors whereby there will be made applicable to the Government and the subcontractors substantially the same rights and obligations in respect to such property as are made applicable to the Government and the Contractor under this article.

(b) Title to all Government-furnished or Contractor-acquired property shall remain in the Government. Title thereto shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall any such property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of such property consistent with good business practice and as may be prescribed by the Contracting Officer; and shall cause all such property to be clearly marked (if not so marked) to show that it is property of the Government.

(c) Government-furnished or Contractor-acquired property shall be used only for the performance of this contract.

(d) The Contractor shall, in accordance with sound industrial practice and without additional cost to the Government, maintain in operating condition, repair, protect, and preserve such Government-furnished or Contractor-acquired property until disposed of by the Contractor in accordance with this article. Should any replacement of any such property become necessary during the term of this contract other than by reason of the negligence or fault of the Contractor, the same shall be made by the Contractor at the direction of and for the account of the Commission and the title thereto shall vest in the Government and any delay occasioned thereby shall be considered an excusable delay under this contract.

(e)(1) Except for loss or destruction of, or damage to, Government-furnished or Contractor-acquired property resulting from a failure of the Contractor, due to wilful misconduct or lack of good faith of the Contractor's managerial personnel to maintain in operating condition, repair, protect, and preserve such property as required by subparagraph (d) hereof, the Contractor shall not be liable for loss or destruction of, or damage to, such property (i) caused by any peril while the property is in transit off the Contractor's premises, or (ii) caused by any of the following perils while the property is on the Contractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

"Fire; lightning; windstorm; cyclone; tornado; hail; explosion; riot attending a strike; civil commotion; vandalism and malicious mischief; aircraft or objects falling therefrom; vehicles running on land or tracks (excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor); smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of rivers or streams; enemy attack or any action by the military, navy, or air forces of the United States in resisting enemy attack."

The perils as set forth above the hereinafter called "excepted perils." The term "Contractor's managerial personnel," as used in this article, means the Contractor's directors, officers, and such of its managers, superintendents, or other equivalent representatives who have supervision or direction of (1) all of or substantially all of the Contractor's business; or (2) all or substantially all of the Contractor's operation at any one plant or separate location at which the work is being performed; or (3) a separate or complete major industrial operation in connection with performance of the contract; or (4) a separate and complete major construction, alteration, or repair operation in connection with performance of the contract.

(2) Upon the happening of loss or destruction of, or damage to, Government-furnished or Contractor-acquired property, the Contractor shall communicate with the Contracting Officer and shall take all reasonable steps to protect such property, put all such property in the best possible order, and furnish to the Contracting Officer a statement of (i) the lost, destroyed, and damaged Government-furnished or Contractor-acquired property, (ii) the time and origin of the loss, destruction, or damage, (iii) all known interests in the commingled property of which such is a part, and (iv) the insurance, if any, covering any part of or interest in such commingled property.

(3) With the approval of the Contracting Officer after loss or destruction of, or damage to, the Government-furnished or Contractor-acquired property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor shall, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government, any item of such property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(4) Except to the extent of any loss or destruction, or damage to, Government-furnished or Contractor-acquired property for which the Contractor is relieved of liability under the foregoing provisions of this paragraph, and except for reasonable wear and tear or depreciation, or the utilization or disposition of such property in accordance with the provisions of this contract, the property shall be returned to the Government in as good condition as when received by the Contractor.

(5) In the event the Contractor is indemnified, reimbursed, or compensated for any loss or destruction of, or damage to Government-furnished or Contractor-acquired property caused by an excepted peril, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and upon the request of the Contracting Officer shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suits, and the execution of instructions of assignment in favor of the Government) in obtaining recovery. [Notes A and B.]

(f) The Government shall at all times have access to the premises wherein any Government-furnished or Contractor-acquired property is located.

(g) Upon the completion of this contract, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished or Contractor-acquired property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall hold the same at no charge to the Commission for a period of sixty days, unless the period of time is extended by mutual agreement. At the expiration of such period or upon the Contracting Officer's earlier order the Contractor shall dismantle, prepare for shipment and shall store or deliver said property to the Commission on cars or trucks at Contractor's plant at the expense of the Commission, or make such other disposal of said property as may be directed by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid over as the Contracting Officer may direct.

NOTE A: Paragraph (e) as set forth above should be used in negotiated fixed-price contracts and subcontracts where it can be determined and the Contractor or subcontractor represents that the contract price includes no charge or reserve for insurance (including self insurance) covering damage to Government property (a) caused by any peril while the property is in transit off the Contractor's premises or (b) caused by any of the excepted perils enumerated in the contract. In all other negotiated fixed-price contracts and in formally advertised contracts, the following paragraph should be substituted for paragraph (e):

"Unless otherwise provided in this contract, the Contractor assumes the risk of and shall be responsible for any loss of or damage to Government-furnished property or Contractor-acquired property in its possession, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract."

NOTE B: Where the contract work is being performed at the site of a licensed reactor the following will be added to either version of subparagraph (e) quoted above:

"Neither the Contractor nor any person whom the Contractor has agreed to indemnify from public liability for damage to Government Property under the terms of an indemnity agreement entered into between the Commission and the Contractor as a licensee of the Commission pursuant to subsection 170(c) of the Atomic Energy Act of 1954 as amended, shall be liable for loss or destruction of, or damage to, Government Property in the Contractor's possession resulting from a nuclear incident (as defined in subsection 11(o) of said Act) except to the extent that the Contractor is in fact indemnified by an applicable policy of insurance for said loss, destruction or damage due to nuclear incident or would have been so idemnified except for its failure to provide such insurance as may be required by Commission regulation or by written direction of the Contracting Officer.

In § 9–7.5006–34 *Use of concerns in labor surplus areas.* The present section is deleted in its entirety and the following substituted:

§ 9–7.5006–34 Price redetermination.

The price or prices stated in this contract shall be subject to redetermination in accordance with the provisions of this article. In no event shall the total contract price, as revised hereunder, exceed $_____.[1]

(a) *Time for redetermination.*[2] (1) Upon delivery of _____ percent of the total number of articles specified to be furnished[4] under this contract, or at such earlier time as the Contracting Officer may direct in the event of any termination by the Government of work under this contract,[5] the Contractor shall submit to the Contracting Officer the data specified in paragraph (c) of this article. On the basis of such information, and of any other relevant information which may be available to the Contracting Officer, the price or prices set forth in this contract shall be redetermined by agreement of the Contracting Officer and the Contractor. Any redetermined price or prices established under this subparagraph shall be effective as of the date of this contract and shall apply to all articles covered by the contract, whether already delivered or yet to be delivered.

(2) Prior to expiration or termination of this contract, but not sooner than ninety (90) days after the effective date of any price redetermination under subparagraph (1), either party to the contract may at its option by written notice addressed to the other require that the parties negotiate a further redetermination of such redetermined price or prices to become effective as of the date of the notice or some later date specified therein, and thereafter from time to time by similar notices may require that the parties again negotiate further price redeterminations to become effective as of dates not earlier than ninety (90) days after the effective date of the redetermined price or prices then in effect. The data specified in paragraph (c) shall accompany any notice by the Contractor under this subparagraph, and shall be submitted by the Contractor to the Contracting Officer within thirty (30) days after receipt of any notice hereunder from the Government. Any redetermined price or prices established under this subparagraph shall apply only to articles yet to be delivered.

(b) *Principles Governing Negotiation, Additional General Limitations and Procedures Relating to Redetermined Prices.* Any redetermined price or prices under this article shall be fair and reasonable under all the circumstances to the Contractor and to the Government. In the negotiation of such fair and reasonable redetermined price or prices the Contracting Officer may take into account, as a factor in determining a reasonable profit allowance, any unwarranted delay on the part of the contractor in submitting the data specified in paragraph (c) at a time required by this article. Any redetermined price or prices under this article shall not exceed any applicable ceiling price or prices established pursuant to applicable law and regulations. Any redetermined price or prices and the manner of making necessary adjustments with respect to payments previously made by the Government shall be set forth in an amendment or amendments which shall be signed by the Contracting Officer and the Contractor. Where negotiation is required under this article, failure to agree upon any redetermined price or prices shall be deemed a dispute concerning a question of fact within the meaning of the article of this contract entitled "Disputes." Any redetermination of prices under this article shall be without prejudice to the rights of the Government under any statute or order now in effect, or under any other article of this contract. In connection with any price redetermination hereunder the Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(c) *Data To Be Submitted by the Contractor.* The data to be submitted by the Contractor under this article, itemized in such detail as the Contracting Officer may prescribe, shall consist of: (1) a new estimate and breakdown of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price redetermination; (2) an explanation of any differences between the last preceding estimate and the current estimate of costs; (3) such relevant shop and engineering data, cost records, overhead experience reports and accounting statements as may be of assistance in determining the accuracy and reliability of the current estimate of costs; (4) a statement of experienced costs of production hereunder at the time or times of the negotiation of the revision of prices hereunder; and (5) any other relevant data usually furnished in the case of negotiation of prices under a new contract. (The form suggested for use is set forth in AECPR 9–16 [DD Form 784].)

EXPLANATORY NOTES:

[1] Whenever changes are made in the contract pursuant to the changes article, the total contract price shall be adjusted, where necessary, in accordance with such changes.

[2] If redetermination downward only is to be provided for, the following sentence should be substituted for this sentence: "The total of such redetermined prices as established pursuant to any redetermination shall in no event exceed the total contract price as set forth in this contract prior to redetermination, less any part thereof applicable to any terminated portion of the work."

[3] Where multiple redeterminations, upward or downward, are to be provided for, subparagraphs (1) and (2) should both be included in paragraph (a). Where a single redetermination only, whether upward or downward or downward only, is to be provided for subparagraph (2) should be entirely omitted.

[4] In lieu of "Upon delivery of _____ percent of the articles specified to be furnished," any one of the following substitutes may be used:

"Upon delivery of _____ units of the articles to be furnished."

"Upon performance of (a specified portion of the work)."

"Upon delivery of articles representing _____ percent of the total contract price."

[5] In the event wholly retroactive redetermination is to be provided for, the preceding language should be revised to read: "Within ------ days after completion or termination of this contract."

In § 9-7.5006-36 *Nuclear reactor safety*, Subparagraph (d)(1) is deleted and the following substituted:

(1) Use its best efforts to assure that all operational and maintenance activities are performed by qualified and adequately trained personnel and, except as otherwise agreed in writing, are conducted at all times under the supervision of personnel who are qualified to appraise any emergency condition and take prompt effective action with respect thereto.

These regulations are effective immediately upon publication.

Dated at Germantown, Md., this 24th day of November 1961.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Deputy General Manager.

[F.R. Doc. 61-11452; Filed, Dec. 4, 1961; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte No. MC-58]

PART 174a—DESIGNATION OF PROCESS AGENTS BY MOTOR CARRIERS AND BROKERS

Cancellation or Change

At a session of Motor Carrier Board No. 1, held at its office in Washington, D.C., on the 24th day of November A.D. 1961:

It appearing that notice was given by notice of proposed rule making, dated October 2, 1961, published in 26 F.R. 9602, October 11, 1961, pursuant to section 4(a) of the Administration Procedure Act (60 Stat. 237, 5 U.S.C. 1003), of the proposed revision of § 174a.6 of Part 174a (49 CFR 174a.6) of the Code of Federal Regulations governing designation of process agents by motor carriers and brokers, under the authority contained in sections 204(a) and 221(c) of the Interstate Commerce Act (49 Stat. 546, 563, as amended; 49 U.S.C. 304, 321).

It further appearing that no written statements of facts, opinions or arguments concerning the herein proposed revision were filed with the Commission by interested parties within thirty days from the publication date.

It is ordered, That § 174a.6 of Part 174a of the Code of Federal Regulations be, and it is hereby, revised and modified to read as follows:

§ 174a.6 Cancellation or change.

Designations may be canceled or changed only by a new designation filed in accordance with this part by the motor carrier or broker which made the designation being canceled or changed, except that where a motor carrier or broker ceases to be subject to § 174a.4 of this part in whole or in part for a period of one year, such motor carrier or broker thereafter may cancel, without making other designations, such designations as are no longer required by § 174a.4.

(Secs. 204(a), 221(c), 49 Stat. 546, 563 as amended; 49 U.S.C. 304, 321)

It is further ordered, That the rule herein prescribed is hereby, prescribed to become effective on January 1, 1962.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-11484; Filed, Dec. 4, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 192, 200]

OIL AND GAS LEASES AND MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437) as amended, and the Act of August 7, 1947 (61 Stat. 915) and section 2470 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR Parts 192 and 200 as set forth below. The purpose of the proposed amendment of § 192.42 (j) is to make that section applicable to both public domain and acquired lands lease offers; the purpose of the amendment of 43 CFR 192.100 is to require that the principal amount of a lease bond on competitive oil and gas leases shall be equal to twice the annual rental rate for such leases prescribed by 43 CFR 192.80 (b), and the purpose of the amendment of 43 CFR 192.143 is to state expressly when an assignment of a lease results in a segregation thereof; the purpose of the amendment of 43 CFR Part 200, is to clarify the intent that the public domain regulations in 43 CFR Part 192 are specifically incorporated by reference in Part 200.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (j) of § 192.42 is amended to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

* * * * *

(j) If any of the land described in item 2 of the offer is open to oil and gas filing when the offer is filed but is omitted from the lease for any reason and thereafter becomes available for leasing to the offeror, the original lease will be amended to include the omitted land unless, before the issuance of the amendment, the land office receives a withdrawal of the offer with respect to such land or an election to receive a separate lease in lieu of an amendment. Such election shall consist of a signed statement by the offeror asking for a separate lease accompanied by a new offer on the required form describing the remaining lands in his original offer, executed pursuant to this section. The new offer will have the same priority as the old offer. It need not be accompanied by the filing fee. The rental payment held on the original offer will be applied to the new offer. The rental and the lease term for the land added by such an amendment shall be the same as if the land had been included in the original lease when it was issued. If a separate lease is issued, it will be dated in accordance with § 192.40a.

2. Paragraph (a) of § 192.100 is amended to read as follows:

§ 192.100 Amount of bonds required of lessee.

(a) The successful bidder for a competitive lease prior to the issuance of the lease must furnish a corporate surety bond in the sum of at least double the amount of the $2 per acre annual rental but in no case less than $1,000 nor more than $5,000, conditioned on compliance with all the terms of the lease, and such a bond also must be filed when all or any part of the land in a lease issued noncompetitively is included within the limits of a known geologic structure of a producing oil or gas field.

3. Section 192.143 is amended to read as follows:

§ 192.143 Effect of assignment of particular tracts or undivided interests therein.

An assignment of all or of a definitely describe portion of the lands in a lease segregates the assigned and the retained portions into separate and distinct leases. An assignment of an undivided interest either in the entire leasehold or in any definitely described portion thereof shall not segregate or have the effect of segregating the lease into separate or distinct leases.

4. Section 200.4 is amended to read as follows:

§ 200.4 Other regulations applicable; lease forms, applications, and offers.

Except as otherwise specifically provided in §§ 200.1 to 200.10 inclusive, the regulations prescribed under the mineral leasing laws, and contained in Parts 191 to 198, inclusive, of this chapter, shall govern the disposal and development of minerals under the act to the extent that they are not inconsistent with the provisions of the act. All oil and gas leases for existing interest on acquired lands whether the Government's interest be full or fractional shall be issued on Form 4-1196. Leases of future interest and fractional future interest shall be issued on Form 4-1097.

5. Section 200.8 is amended to read as follows:

§ 200.8 Offer to lease and issuance of lease.

(a) To obtain a noncompetitive oil and gas lease of an existing mineral interest whether the Government's interest be whole or fractional, an offer to lease must be made on Form 4-1196, "Offer to Lease and Lease for Oil and Gas; Noncompetitive Acquired Lands" or unofficial copies of that form in current use: *Provided*, That the copies are exact reproductions of one page of both sides of the official approved one-page form and are without additions, omissions or other changes or advertising. Form 4-1196, or a valid reproduction, will also constitute the lease, when signed by the authorized signing officer of the Bureau of Land Management.

(b) Seven copies of Form 4-1196 or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that offers for lands or deposits in North or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Santa Fe, New Mexico. If less than seven copies are filed, the offer will not be rejected, if not otherwise subject to rejection, until 30 days from filing have elapsed and if during that period the remaining required copies are filed, the offeror's priority will date from the date of the first filing. If the additional copies are not filed within the 30-day period, the offer will be rejected and returned and will afford no priority to the offeror. Should the additional copies be filed after the 30-day period but before the offer has been rejected, the offeror will have a priority as of the later filing date. For the purpose of this part an offer will be considered file when it is received in the proper office during business hours.

(c) Each offer must describe the lands as required by § 200.5(a) and may not include more than 2,560 acres except where the rule of approximation applies. That portion of § 192.42(d) of this chapter providing that an offer may not be made for less than 640 acres is not applicable to acquired lands lease offers.

(d) Except as provided in § 192.42 (g)(2) of this chapter an offer will be rejected and returned to the offeror and will afford the applicant no priority if the offer is defective for the reasons set forth in § 192.42 (g)(1), (iii), (iv), and (v), of this chapter or if:

(1) The land description does not comply with the requirements of § 200.5 (a) or the lands are not entirely within an area of six miles square or an area of six surveyed sections in length or width.

(2) The total acreage exceeds 2,560 acres, except where the rule of approximation applies.

(3) Less than seven copies of the offer are filed and the copies lacking are not received in the land office before the

expiration of 30 days from the date of receipt of the copies first filed.

(4) There is noncompliance with item 5(a) of the Special Instructions.

(e) Leases for a whole or fractional future interest will be issued on Form 4–1097. Such leases will be sent to applicant or offeror for execution and return to the proper land office for execution by the appropriate officer. Thereafter, an executed copy will be mailed to lessee.

§ 200.11 [Revocation]

6. Section 200.11 is revoked in its entirety.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

NOVEMBER 28, 1961.

[F.R. Doc. 61–11462; Filed, Dec. 4, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 61–LA–4]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Proposed Alteration of Federal Airways, Control Area Extension, Alteration and Designation of Restricted Areas and Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 600.6006, 600.6105, 600.6494, 600.1545, 601.1357, and 608.48 of the regulations of the Administrator, the substance of which is stated below.

The Fallon, Nev., Restricted Areas R–4803 and R–4804 encompass 689 square miles of airspace and are assigned to the Commander, Naval Air Bases, 12th Naval District, Alameda, Calif., for low altitude bombing, rocketry, strafing and dive bombing activities. These restricted areas are designated from the surface to flight level 300, on a continuous basis Monday through Saturday.

The Federal Aviation Agency has under consideration a proposal to alter the Fallon, Nev., Restricted Areas R–4803 and R–4804. R–4803 would be revoked and in its place two restricted areas of lesser dimensions (hereinafter identified as R–4803 and R–4810) would be designated. R–4804 would be altered by designating the area with a circular configuration to provide more efficient utilization of airspace in which to conduct the hazardous activities. Further, the name assigned to R–4804 would be changed from "Fallon, Nev.," to "Twin Peaks, Nev.," to avoid the possibility of confusion with R–4803, Fallon, Nev.

The alterations and designation proposed herein would result in an overall reduction of approximately 320 square miles in special use airspace. In addition, the ceiling of the newly established R–4803 and R–4804 would be set at altitudes beneath those presently designated for these areas.

It is further proposed to designate the Federal Aviation Agency, Oakland, Calif., ARTC Center as the controlling agency of R–4803, R–4804 and R–4810. Joint civil/military use of these areas would permit more safe, efficient, and economical utilization of airspace.

Low altitude VOR Federal airways Nos. 494 and 6 south alternate would impinge upon R–4803, as proposed herein. Therefore, in order to preclude the necessity of prior coordination for the use of the portions of these airways which would coincide with R–4803 and to afford maximum flexibility of operations, it is proposed to alter the descriptions of Victors 494 and 6 south alternate to exclude the portions which would coincide with R–4803. Further, in the description of low altitude VOR Federal airway No. 105, the airway is excluded from R–268 (presently numbered R–4803). In addition intermediate altitude VOR Federal airway No. 1545 is narrowed so as not to conflict with R–4803. Since the proposed alteration of R–4803 would revoke the western portion of the restricted area, it is proposed to delete the reference to R–4803 in the description of Victor 105 and to expand Victor 1545 to its normal width of 16 miles.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill the additional controlled airspace requirements for the implementation of these procedures in the Oakland, Calif., Air Route Traffic Control Center area, the Federal Aviation Agency is considering the alteration of the Fallon, Nev., control area extension (§ 601.1357) by adding airspace southeast and northwest of Fallon to provide additional controlled airspace for the protection of aircraft in holding patterns at the Fallon TACAN, and the designation of a transition area near Yerington, Nev., to provide protection for aircraft in holding patterns at the Yerington Intersection.

Therefore the following actions are proposed:

1. R–4803 Fallon, Nev., would be redesignated as follows:

Boundaries. A 3-nautical mile radius circle centered at latitude 39°20'40" N., longitude 118°52'15" W.; and within 3 nautical miles west and 2 nautical miles east of a line extending 349° True from the center to 15 nautical miles north northwest.

Designated altitudes. Surface to 8,000 feet MSL north, and surface to 18,000 feet MSL south of a line drawn from latitude 39°27'40" N., longitude 118°57'55" W.; to latitude 39°30'20" N., longitude 118°51'55" W.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

2. R–4804 Fallon, Nev., would be redesignated as follows;

R–4804 Twin Peaks, Nev.:

Boundaries. A 5-nautical mile radius circle centered at latitude 39°13'00" N., longitude 118°12'42" W.; and a 3-nautical mile radius circle centered at latitude 39°14'15" N., longitude 118°17'30" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

3. R–4810 Desert Mountains, Nev., would be designated as follows:

Boundaries. A 5-nautical mile radius circle centered at latitude 39°10'00" N., longitude 118°37'30" W.; and a 3-nautical mile radius circle centered at latitude 39°09'-15" N., longitude 118°42'20" W.

Designated altitudes. Surface to flight level 300.

Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

4. The description of low altitude VOR Federal airway No. 105 would be amended to delete reference to R–268 (presently numbered R–4803) and intermediate altitude VOR Federal airway No. 1545 would be restored to its normal width of 16 miles for that portion extending from the Coaldale VOR to the Reno VOR. In addition, the description of low altitude VOR Federal airways Nos. 494 and 6 south alternate would be altered by excluding the portions of the airways impinging upon R–4803.

5. The Fallon, Nev., control area extension would be redesignated as the airspace within 12 miles northeast and 8 miles southwest of the NAAS Fallon TACAN 146° True radial, extending from the TACAN to 54 miles southeast; within 5 miles either side of the NAAS Fallon TACAN 037° True radial, extending from the TACAN to 29 miles northeast; and within 16 miles north and 7 miles south of the NAAS Fallon TACAN 089° and 269° True radials, extending from 8 miles east of the TACAN to a line extending from latitude 39°06'00" N., longitude 119°10'00" W., to latitude 40°00'00" N., longitude 118°57'00" W. The portions of this control area extension within R–4803, R–4804, R–4810 would be used only after obtaining prior approval from appropriate authority. Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in this instance, and the alteration of the control area extension is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extension to a transition area with appropriate controlled airspace floor assignments.

6. The Yerington, Nev., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southwest and 8 miles northeast of the Reno, Nev., VOR 135° True radial extending from 10 miles northwest to 22 miles southeast of the Yerington Intersection (intersection of the Reno VOR 135° and the Lovelock, Nev., VOR 197° True radials).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 29, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–11455; Filed, Dec. 4, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket Nos. 14231–14238; FCC 61–1428]

ASSIGNMENT OF ADDITIONAL VHF CHANNELS TO CERTAIN CITIES

Order Extending Time for Filing Comments and Reply Comments

In the matter of assignment of an additional VHF Channel to Oklahoma City, Okla.; Johnstown, Pa.; Baton Rouge, La.; Dayton, Ohio; Jacksonville, Fla.; Birmingham, Ala.; Knoxville, Tenn.; Charlotte, N.C.; Docket Nos. 14231, 14232, 14233, 14234, 14235, 14236, 14237, 14238.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 30th day of November 1961;

The Commission has before it for consideration the dates by which comments and reply comments must be filed in the above-captioned proceedings.

In Orders adopted on September 1 and 7, 1961, the Commission extended to December 4, 1961, and January 8, 1962, the time for filing comments and reply comments, respectively, in the above-docketed proceedings and in the proceedings on UHF television allocations (Docket No. 14229) and deintermixture of eight designated television markets (Docket Nos. 14239–14246).

In Orders adopted on November 1 and 15, 1961, the time for filing comments in Docket No. 14229 and in Docket Nos. 14239–14246 was further extended to February 5, 1962, and the time for filing reply comments therein was further extended to March 9, 1962.

The Commission is of the opinion that, since the matters in all of the aforementioned dockets are closely related, orderly conduct of the rule making proceedings therein necessitates our extending to February 5 and March 9, 1962, also, the time for filing comments and reply comments, respectively, in the proceedings on assignments of VHF channels at substandard spacings in eight designated markets (Docket Nos. 14231–14238); and the Commission will order such extension of time on its own motion.

Accordingly, having found that the public interest would be served thereby: *It is ordered,* That the time for filing comments in Docket Nos. 14231–14238 (inclusive) is extended from December 4, 1961 to February 5, 1962, and the time for filing reply comments in said dockets is extended from January 8, 1962 to March 9, 1962.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11499; Filed, Dec. 4, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 911]

[Docket No. AO 262–A6]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Texas Panhandle marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Amarillo, Texas, on April 14, 1961, pursuant to notice thereof which was issued March 28, 1961 (26 F.R. 2750).

The material issues on the record of the hearing relate to:

1. The classification and accounting for dietary products and other fortified fluid milk products.

2. Pooling requirements for pool plants distributing milk in more than one regulated area.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The classification and accounting for dietary products and other fortified fluid milk products.

Dietary products and other fortified fluid milk products should be classified as Class I only up to the extent of the weight of an unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

The existing order provisions provide for full skim milk equivalent accounting. Hence, when nonfat milk solids in the form of nonfat dry milk or condensed milk are added to a fluid milk product to increase the nonfat milk solids content, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I. Producer milk is given priority of assignment in Class I. When Class I utilization exceeds available producer receipts and other source milk is assigned to Class I a compensatory charge is applicable on the other source milk so assigned unless such milk has been classified and priced as Class I under another Federal order. When nonmilk products such as flavoring, etc., are used in making any milk product, the weight of such additives is deducted before reconciliation of the pounds of skim milk and butterfat to be classified.

Handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification and that the skim milk equivalent ac-

counting for nonfat milk solids used in fortification be discontinued. As an alternative, if the proposal to discontinue skim milk equivalent accounting was denied, handlers proposed that the skim milk equivalent be Class II. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products placed them at a competitive disadvantage with dietary milk products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a lower classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. They contended that a Class I classification and pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products was unrealistic and resulted in undue cost to handlers. Their proposed change, they suggested, would serve to facilitate the economic disposition of the market's reserve supply.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the health ordinance in effect in the marketing area. Regardless of the intent of the ordinance, it is apparent that the local health authority is not interpreting it in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their fluid milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their full fluid milk requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortified fluid milk products customarily result from the addition of nonfat milk solids in the form of condensed skim milk or nonfat dry milk to milk or skim milk in fluid form to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, generally involves the process of "floating" milk solids in the form of condensed milk or skim milk, dry milk, or nonfat dry milk in water to yield a weight of product approximately equal to the weight of milk from which the condensed or dried milk product was first made by the removal of water.

Nonfat dry milk and condensed milk or skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk, or condensed milk or skim milk to fortify a fluid milk product. If nonfat milk solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk ingredient such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure followed in cases where flavoring and other nonmilk ingredients are used in processing unfortified products. In such cases the dry weight of such additives also should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and of the conclusions previously set forth relative to the accounting procedure to be employed for fortified products. The changes in the fluid milk products definition and the classification provisions hereinafter set forth will implement these conclusions.

2. *Modification of the requirements for pooling plants also meeting the pooling requirements of another Federal order.* The pooling provisions of the order should be modified to permit a distributing plant meeting the requirements for full regulation under both this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision also should be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provision a distributing plant which distributes fifty percent of its receipts as Class I milk on routes or through plant stores, and fifteen percent of receipts are so disposed of in the marketing area, is subject to full regulation under this order unless a greater volume of Class I milk is disposed of to retail or wholesale outlets in another marketing area and the plant is fully regulated under such other order.

A regulated handler under the North Texas order, operating packaging plants in both Fort Worth and Dallas, and distributing milk in both the North Texas and Central West Texas markets, as well as the Texas Panhandle market, proposed that the order be amended to exempt from pooling under this order a plant meeting the pooling requirements of this order, unless its Class I sales in this market should exceed Class I sales in another Federal order market over an extended period of time. He indicated that because of his company's experience in making sales in the Ceneral West Texas and North Texas Federal order markets, where sales in the two markets were of such nature that a small increase in sales in one market or decrease in the other market could result in regulation of his plant under one order one month and under the second order the next month, it was desirable that a provision similar to that herein recommended be included in this order.

Proponent's distribution in the Texas Panhandle market is not presently of a magnitude that either of his North Texas pool plants is likely to become regulated under this order. Nevertheless, it should be recognized, with recent technological changes in the processing and distribution field, that milk is moved great distances and distribution routes are being greatly extended. It is possible that at some future time this handler or some other handler presently regulated under another order may expand his distribution in the market to such an extent that sales in the two markets are approximately equal. In such event the loss of an account in one market or the adding of an account in the other market might result in a shift in regulation. In situations where sales in two markets are virtually the same, an inadvertent sale, the result of a management error or error on the part of a plant employee or a route salesman, might result in an unintended change in pooling. It would also be possible, as proponent suggests, that a change in classification during audit might have the same effect.

The prospective situation can be substantially removed by adoption of the changes herein recommended. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing reasonable time to permit adjustment of his business in cases where such change was not contemplated or desired. At the same time this change retains the principle of regulating a distributing plant under that order where the greater proportion of its business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect in the length of time in which a plant is pooled in a particular market where the change in proportion of business is the result of gaining or losing a government contract. Accordingly, the provision should be adopted.

Supply plants are regulated under this order in any month in which 50 percent of receipts from dairy farmers are shipped to pool distributing plants. Any plant shipping 50 percent of its receipts to the local market should be considered primarily associated with this market and should therefore be fully regulated. The existing order so provides and no change is needed in this regard.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Texas Panhandle marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 911.15 and substitute therefor the following:

§ 911.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream, or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers: *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 911.41 [Amendment]

2. Delete § 911.41(a) and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b)(2) of this section) and (2) not accounted for as Class II milk;

3. Delete the word "and" at the end of subparagraph (3) of § 911.41(b), renumber subparagraph (4) as subparagraph (5) and insert a new subparagraph (4) to read as follows:

(4) Reflecting the skim milk equivalent of nonfat milk solids used in the fortification of any fluid milk product and not accounted for as Class I milk pursuant to § 911.41(a) by virtue of the proviso of § 911.15; and

4. Delete § 911.61 and substitute therefor the following:

§ 911.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant meeting the requirements of § 911.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) A distributing plant meeting the requirements of § 911.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month to retail and wholesale outlets (excluding pool plants) in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order.

Signed at Washington, D.C., on November 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-11497; Filed, Dec. 4, 1961; 8:47 a.m.]

[7 CFR Part 982]

[Docket No. AO 238–A12]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central West Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order were formulated, was conducted at Abilene, Texas, on April 17–18, 1961, pursuant to notice thereof which was issued March 28, 1961 (26 F.R. 2755).

The material issues on the record of the hearing relate to:

1. Classification and accounting for dietary products and other fortified fluid milk products.
2. Classification of sour cream and related products.
3. The level of Class I price and the rate of location adjustments.
4. Revision of the pooling requirements for distributing plants.
5. Modification of the shrinkage provisions.
6. Modification of the conditions for pooling approved plants also meeting the pooling requirements of another Federal order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* The order should be amended to provide for full skim milk equivalent accounting. Dietary products and other fortified fluid milk products should be classified as Class I only up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

Under the existing classification provisions the products to be classified as Class I are those fluid milk products which are disposed of for fluid consumption and which are normally required to be made from locally approved milk supplies. Unlike many Federal orders nonfat milk solids used to fortify Class I products or in the manufacture of Class II products are accounted for on a pound-for-pound basis, rather than on a milk equivalent basis. However, if producer milk is processed into Class II products in a pool plant and such products are later used in such plant in fortification, reclassification is on the basis of milk equivalent. Nonfat milk solids used to make reconstituted fluid milk products, also are accounted for on a milk equivalent basis. Where nonmilk products such as salt, sugar, flavoring, etc., are used in making any product, the weight of such additives is deducted from the finished product weight before reconciliation of the pounds of skim and butterfat to be classified.

Handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification. It was their contention that the product cost resulting from the present Class I classification places them at a competitive disadvantage with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a lower classification and pricing would permit more competitive resale pricing and hence create a greater demand for such product. This they contended would serve to increase overall returns to producers because less milk would be disposed of necesarily in Class II–A (Cheddar cheese).

Producers opposed any change in the classification scheme, but proposed that the accounting procedure be amended to require full skim milk equivalent accounting for all nonfat milk solids used in fortification of any Class I product. They contended that full milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order. It was their position that producers now are not returned the full use value of the skim milk and butterfat utilized in Class I products when fortification is involved and that handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the various health ordinances in effect in the marketing area. Regardless of the intent of the ordinances it is apparent that the local health authorities are not interpreting it in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their fluid milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Notwithstanding producers' position, the existing accounting procedure has provided producers assurance that their milk will not be displaced in Class I by lower priced other source milk. Further, it must be concluded that producers have received the full use value for their milk. Nevertheless, the present accounting procedure in reality is neither product pound nor skim equivalent accounting. Because of the market's interrelationship with other regulated markets it is desirable that the accounting procedure be revised to conform with that employed under all of the other Texas Federal order markets, i.e., full skim milk equivalent accounting.

When nonfat milk solids are added to a fluid milk product for purposes of fortification such solids must be in the form of nonfat dry milk or condensed skim milk. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstance can it be concluded that the solids displace producer milk in Class I beyond the minor increase in volume which results. To the extent that fortification enhances the palatability of the finished product and hence its salability, it actually provides a greater outlet for producer milk in Class I. Hence, it would be inappropriate to increase handler's costs for fortified products.

It is concluded therefore that under the skim milk equivalent accounting procedure herein recommended fortified products should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, minerals, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition. This procedure will provide essentially the same product cost to handlers as now results from the present accounting and classification procedure. However, it provides a uniform basis of accounting for all nonfat milk solids, regardless of use and hence is more logical and should be a better understood procedure than that presently employed.

Where flavoring and other nonmilk additives are used in processing unfortified products, the dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting for fortified products.

Notwithstanding the conclusions hereinbefore set forth, it is essential where reconstitution, rather than fortification, is involved that the full skim milk equivalent of the nonfat milk solids used be classified in Class I. Unlike fortification, when nonfat milk solids are used in reconstituting any fluid milk product they displace in Class I use a volume of producer milk equal to the volume of the finished reconstituted product. Unless handlers are required to account for such solids on a skim milk equivalent basis in Class I there would be a substantial incentive for them to reconstitute wherever possible. This would tend to result in unequal costs as between handlers. Further, if the order permitted handlers to obtain unpriced milk for Class I uses whenever it was advantageous to do so while producer milk was utilized in Class II it would not be effective in carrying out the purpose of the Act and the market would be deprived of a dependable milk supply.

2. *Classification of sour cream and related products.* The classification provisions should be revised to provide in the case of sour cream, that only sour cream and those sour cream products which are distributed under a Grade A label shall be classified as Class I. Such products distributed without a Grade A label should be classified as Class II.

Handlers proposed revision of the classification provisions to provide a Class II classification for all sour cream and sour cream derivatives such as sour cream dressings, dips, toppings, etc. They pointed out that they compete for sales of such products with handlers from adjacent Federal order markets where such products are classified as Class II. They also compete with such products processed in plants in distant unregulated markets and sold through grocery and dairy stores within the marketing area.

Producers opposed any change from the present Class I classification, pointing out that the applicable health regulations in the local market require that sour cream carry a Grade A label and that while sour cream products are not required to be so labeled, nevertheless, regulated handlers use only Grade A milk in processing such products.

The products required to be made from locally approved milk supplies are classified as Class I. A Class I classification and pricing for such products is essential to assure sufficient returns to producers to encourage the maintenance of an adequate milk supply for the market. However, it is not necessary that sufficient producer milk be available to supply the market's requirements for sour cream products not required to be made from approved milk. Such requirements, under normal circumstances, can be supplied more economically through manufactured dairy products procured on the open market. Nevertheless, to the extent that the reserve supply of the local fluid market is available for disposition in such products its economic utilization should be encouraged.

Products derived from sour cream and originating in unregulated markets are now being distributed in the marketing area in direct competition with locally made products. In addition, regulated plants under other orders, where sour cream products are classified as Class II, are distributing such products in the local market. None of these products are marketed under a Grade A label, however.

It is likely that locally regulated handlers are operating at a competitive disadvantage in the distribution of sour cream products, by virtue of their higher product costs under a Class I classification. Under the circumstances, it is desirable that the classification of sour cream products not distributed under a Grade A label be changed to Class II. However, if handlers sell their locally made products as sour cream or under a Grade A label to comply with local health regulations the product should continue to be classified as Class I.

3. *The level of the Class I price and the rate of location adjustment.* The current level of the Class I price under the Central West Texas order should be continued and no change should be made in the structure of, or in the amount of the location differentials provided.

The Class I price applicable at plants in the Abilene area is currently set at a level of 25 cents over the North Texas Class I price and the price applicable at plants located within 70 miles of Midland, Texas, is 15 cents over the Abilene price. The price at plants located east of the 103d principal meridian, more than 180 miles from Midland and in excess of 70 miles but less than 105 miles from Abilene is 20 cents less than the Abilene price. The price at plants so located but in excess of 105 miles from Abilene is 25 cents less than the Abilene price.

Three handler proposals to revise the Class I pricing provisions were considered at the hearing. The intent of these proposals generally was to provide one level of Class I pricing throughout the market at a level identical to that under the North Texas order. Adoption of the proposals would result in a 25-cent lesser price at Abilene and 40-cent lesser price for plants within 70 miles of Midland.

Proponents contend that under the existing pricing provisions they are placed at a competitive disadvantage with North Texas handlers who have a lesser product cost and who, they suggest, have lower processing costs because of their larger plant volumes. North Texas handlers opposed any change in pricing provisions. They pointed out that historically they have had substantial distribution in the local market and that the existing pricing as between the two markets does not fully reflect transportation costs from their processing plants to the local market. Producers also opposed any change in the pricing mechanism, contending that the market was in a comfortable but not an oversupplied situation and that the existing price level was necessary to maintain an adequate market supply.

The Class I price in the Central West Texas market must be set at a level sufficient to maintain an adequate milk supply to meet the fluid milk requirements of local handlers. However, too high a price in relation to prices in adjacent regulated markets likely would result in a displacement of sales of local handlers by sales of handlers from the adjacent markets.

While production over an extended period has increased at a more rapid rate than have Class I sales, nevertheless, during 1960, 83 percent of total producer receipts were utilized in Class I. Official notice is taken of the market administrator's releases of receipts and utilization and price announcements for the months of April through July 1961. While producer receipts, thus far in 1961, have continued to increase in relation to Class I sales, the supply-Class I sales relationship in the local market is a component of the supply-demand adjustment mechanism used in computing the North Texas Class I price on which the Central West Texas Class I price is based. Hence, the increased supply situation is effecting a downward adjustment in the Class I price level for the local market and it cannot be concluded on the basis of the record that a further price adjustment is necessary at this time.

When the order was placed in effect in 1952, local handlers had approximately 70 percent of the Class I sales in the marketing area. The remaining sales were made by handlers from other markets, primarily North Texas. During 1957 local regulated handlers made 75 percent of the market's Class I sales. However, this percent has declined steadily since that year with the result that during 1960 local handlers made only 70 percent of the market's Class I sales, the identical position which they held at the inception of the order.

From 1957 through 1960, sales of nonpool handlers within the market increased at a higher rate than did sales of pool handlers. Since March 1960, on a month-to-month basis such sales have generally declined in comparison to the same month of the preceding year. During 1961 sales of nonpool handlers have also decreased in relation to the same period one year earlier.

In comparing local Class I sales of outside handlers with those of local handlers it must be recognized that there has been a substantial reduction in the number of local handlers. North Texas handlers have purchased a number of small businesses in the Central West Texas market, closed the plants and are serving portions of the market from their North Texas pool plants. In some cases, the businesses purchased and their areas of distribution are closer to the North Texas plants than to the plants of existing Central West Texas handler. While the remaining local handlers contend that they have lost substantial sales to North Texas handlers it cannot be established whether, in fact, the decline in the proportion of the market's total Class I business done by local handlers reflects the volume of sales made by plants absorbed by North Texas handlers or an actual loss of business by the remaining plants.

The 15-cent higher price applicable at the plant in the Midland area was established to reflect the greater distance and higher transportation cost of moving milk from producers' farms to

that plant. Much of the local milk supply for the three Central West Texas distributing plants located at Abilene and San Angelo originates in the area east of Abilene, particularly, the counties of Erath, Comanche, Eastland, Hamilton, Wise and Archer. While there has been a substantial shift in the source of supply of the local Midland plant from Comanche County to western Texas and eastern New Mexico, nevertheless, a significant part (about 16 percent in 1961 as compared to 44 percent in 1954) of this plant's supply still comes from Comanche County. Under the circumstances, it is not apparent, on the basis of this record, that this plant could maintain an adequate milk supply if the differential between Abilene and Midland were reduced or eliminated.

The location differentials presently contained in the order were established to reflect costs of transporting bulk milk from outlying plants and the differences in costs of transporting milk from the normal supply area to the various plant locations. They were deemed necessary to assure the maintenance of an adequate milk supply for the market. They do not necessarily reflect the cost of moving packaged milk from adjacent markets. Since the bulk of the local milk supply continues to move directly from the farm to local processing plants rather than through supply plants it cannot be concluded that the location allowances are excessive.

4. *Revision of the pooling requirements for distributing plants.* The allowable Class I route disposition in the marketing area within which a distributing plant, not under the routine inspection of the local health authorities, may maintain unregulated status should be reduced to less than 10 percent (presently 15 percent) of such plant's total Class I sales.

One handler proposed that the pooling provisions be revised to require full regulation of all plants with any Class I disposition in the marketing area. As an alternative, he proposed that a plant, not under the routine inspection of the local health authority, with 5 percent or more of its total Class I business in the marketing area be subject to full regulation. He contended that the present provisions have permitted a multiple plant competitor, with two plants regulated under the order, to build sales in the marketing area from an unregulated plant on the basis of milk purchased at a price approximating the order blend price. When in-area sales from such plant approached the 15 percent limitation, which would require full regulation of the plant, a portion of the sales so established were transferred to a regulated plant, thus providing further opportunity for the handler to build additional sales from the unregulated plant.

It is neither necessary, nor desirable, that a distributing plant with only a small proportion of its total Class I sales within the marketing area be subject to full regulation. Such plant would be more closely associated with another market where prices paid producers might be either higher or lower than those in the regulated market. If such handler were competing for producers in a market where returns exceeded those which this order would provide, requiring such handler to equalize through the marketwide pool might place him at a serious competitive disadvantage in maintaining a milk supply. On the other hand, if pay prices in his local market were lower than the prices provided by the order, requiring such handler to account for all of his milk at higher prices might place him at a serious competitive disadvantage with his primary competition. Nevertheless, it would be inappropriate to permit a handler a pricing advantage on milk disposed of in this market. The requirement that an unregulated handler pay into the pool, on each hundredweight of milk distributed in the regulated market, the difference between the order Class I price and the lowest prices paid to his producers on an equivalent volume of milk was concluded to be the appropriate means for assuring equal pricing to all handlers for Class I milk disposed of in the marketing area. No request or suggestions were made for changing this procedure.

While it cannot be concluded that the operation of the existing provisions have been inappropriate, it is apparent, in the incident complained of, that the regulated handler, who also operates an unregulated plant, has for some reason continued to increase his in-area sales from the unregulated plant. Whether this is the result of a normal increase in demand in the particular sales area served or, in fact, an increase in business at the expense of regulated handlers, resulting from some procurement cost advantage cannot be ascertained on the basis of this record. Nevertheless, a substantial portion of the unregulated plant's sales in the market have now been transferred to one of the handler's fully regulated plants with the result that such unregulated plant's in-area sales are now less than 10 percent of its total Class I business. It is apparent that the multiple plant handler has considerable flexibility in his choice of serving certain customers from either his regulated or his unregulated plants. Accordingly, a reduction in the percentage of sales permitted to maintain unregulated status will not result in any undue hardship to this handler. Since no other unregulated plant has as much as 10 percent of its total Class I business in the marketing area it is appropriate to reduce the existing 15 percent requirement to 10 percent.

Proponent further proposed that as as his pro rata share of the costs of administration of the order, any unregulated handler with distribution in the marketing area be required to pay the administrative assessment in the same manner and on the same volume of milk as fully regulated handlers rather than merely on the volume of his in-area Class I sales. He contended that the audit costs in connection with such a handler are substantially the same as for a fully regulated handler and accordingly, such handler should share proportionately in the cost of order administration.

Contrary to proponent's position, the audit of records of a handler with minor sales in the market normally is not as extensive or costly as that of fully regulated handlers. Under usual circumstances the audit procedure involves merely ascertainment of the volume of milk disposed of on routes in the marketing area and of the lowest prices paid to producers for an equivalent volume of milk. It is only under circumstances where the volume of milk so disposed of approximates the maximum allowable percentage that extensive audit is required. Hence, the assessment presently provided for such a handler is appropriate and no change should be made in this regard.

5. *Modification of the shrinkage provisions.* The classification provisions of the order should be amended to provide a maximum 2 percent shrinkage allowance on skim milk and butterfat, respectively, in producer milk in Class II during all months of the year. Provision also should be made for an appropriate division of the shrinkage allowance between handlers when interhandler transfers are involved.

The present order provisions provide that each handler's total shrinkage during the month shall be prorated between his receipts of producer milk and other source milk. Actual shrinkage of skim milk in producer receipts, not in excess of two percent during the months of July through March and five percent during the months of April through June is classified as Class II. Actual shrinkage on butterfat in producer receipts to be classified as Class II is limited to two percent in all months of the year. The total shrinkage in other source milk is classified as Class II. No provision is made for a division of the shrinkage as between handlers where interhandler transfers are involved. The shrinkage allowance on producer milk applies only to the receiving handler.

A handler buying all of his fluid milk requirements from a cooperative association proposed that the 2 percent shrinkage allowance be split to permit the cooperative up to one-half of one percent in Class II and the transferee handler the remaining one and one-half percent shrinkage. He contended that, while an overall shrinkage limitation of 2 percent is reasonable, the greater proportion of actual shrinkage occurs in processing milk through a plant rather than in receiving milk. Notwithstanding, because he buys his milk from the cooperative association all of his plant shrinkage is classified as Class I.

While all producers on the market now have farm bulk tanks and the hauling is controlled by coperatives, whose membership include virtually 100 percent of the producers, nevertheless, with one exception the proprietary handlers in the market are the responsible handlers in accounting to the pool for the milk picked up at the farm and delivered to their plants. They account for the milk of each of their producers on the basis of the farm bulk tank stick reading and the butterfat tests of samples drawn at the farm. That part of their total shrinkage experience (including shrinkage between the farm and the

plant) allocated to producer receipts and not in excess of 2 percent is accounted for as Class II milk.

In only one instance does the cooperative act as the responsible handler on the bulk milk which it picks up at the farm and delivers to the plant of a proprietary handler. In this situation the cooperative, as the responsible handler, accounts for its actual shrinkage experience, not in excess of two percent as Class II and the proprietary handler has no Class II shrinkage allowance on the processing of this milk.

Producers opposed any change in the present provision pointing out that the proponent handler purchases milk on the basis of the volume measured through a flow meter in his receiving pipe line and at the butterfat tests determined from samples taken by an automatic in-line sampler at his plant, whereas the cooperative's obligation to the pool is based on the farm tank stick measurements and the butterfat tests of the farm drawn samples. They further pointed out that the difference between volume determined on the basis of farm tank stick readings and as recorded through the flow meter was generally less than one-half of one percent. However, discrepancies between the butterfat test of the milk as determined from farm drawn samples and from samples taken by the in-line sampler were substantial and the cooperative required the full 2 percent shrinkage allowance because of their excessive butterfat losses. Other handlers, they pointed out, were purchasing milk on the basis of farm stick readings and butterfat tests of samples drawn at the farm.

The Secretary concluded in his decision of September 30, 1952, that unaccounted for producer milk in excess of a reasonable allowance for plant loss should be Class I milk in order to assure full accounting by handlers for all of their receipts. He further concluded that two percent was a reasonable maximum allowance for this purpose. The record of this hearing provides no basis for any change in this conclusion. However, the market situation has changed significantly since the order was originally promulgated. Effective February 1, 1958, the order was amended to require a cooperative association to be the responsible handler in accounting for bulk milk picked up at the farm in trucks owned and operated by the cooperative and delivered to the approved plant of another handler for the account of the association.

The effect of this amendment, in conjunction with the application of the shrinkage provisions, is that the proponent handler has been required to account for as Class I all of his plant loss associated with milk purchased from the association. Since milk for his fluid operations is purchased exclusively from the cooperative he, in effect, has no shrinkage allowance in connection with his fluid milk operations whereas prior to February 1, 1958, he had a full 2 percent shrinkage allowance to cover losses on both his receiving and processing operations.

There is no question but that under normal circumstances losses connected with processing and packaging exceed those of the receiving operation. The existing provisions cannot be considered to assure equities as between handlers when, on the one hand, because the cooperative delivers milk to certain handlers in the names of its individual producer members such handlers have a full 2 percent shrinkage allowance and on the other hand, because the cooperative delivers milk for its own account to another handler such handler receives no shrinkage allowance. The problem therefore is one of determining an appropriate distribution of shrinkage between the receiving and transferee handler.

Experience in other Federal milk markets indicates a one-half of one percent shrinkage allowance for a receiving handler to be appropriate. Data presented on the record by the Central West Texas Producers Association further substantiates this allowance to be reasonable. Their figures show that the total shrinkage in milk volumes, as indicated by the difference between stick readings at the farm and flow meter readings in the receiving plant, is somewhat less than one-half of one percent. While losses in butterfat, as indicated by the differences in the tests of farm drawn samples and those drawn from the in-line sampler at the plant, averaged about 1.3 percent during the period June 1960, through March 1961, and exceeded 2.0 percent in four of these months it must be concluded that these butterfat losses are extreme and far in excess of normal expectation.

It seems likely that this situation is the result of inaccurate sampling and/or testing either at the farm or at the plant and the parties involved should take appropriate steps to correct the situation. In the interest of effective and equitable regulation, the shrinkage allowed a receiving handler should be limited to an amount not in excess of normal expectations. It is therefore concluded that such shrinkage allowance should be limited to one-half of one percent. The remaining one and one-half percentage shrinkage allowance should be assigned to the transferee handler to cover normal losses in processing and packaging operations.

While there is no indication on the record of any problems in connection with the shrinkage provision in cases of transfers of milk between proprietary handlers, nevertheless, the apportionment of shrinkage herein recommended is appropriate where such transfers occur. The allowance of one-half of 1 percent of shrinkage to the original receiving plant is concluded to be a reasonable allowance for receiving operations and gives assurance to the operator thereof that he will be able to account for his actual shrinkage experience within this limit as Class II milk. It also assures the transferee handler of a reasonable share of the total allowable shrinkage. Notwithstanding, should the parties involved agree that a different proration would be more equitable between them, appropriate adjustments could be made in the price at which such milk is transferred. Where the transferor-handler is a cooperative association, however, any such adjustment is not permissible if it results in a price less than that provided by the order.

The above conclusions would decrease the shrinkage allowance on producer skim milk from 5 percent to 2 percent during the months of April, May and June. The 5 percent allowance during those months was adopted on the basis of the evidence in the original promulgation record and recognized that small handlers might find it necessary to dump limited small lots of skim milk during these months as the only economical outlet. There are now only four handlers operating plants under the order and the cooperative association supplies milk to such handlers on a day-to-day basis in accordance with their specific requirements. Hence, there is no reason for continuation of the higher shrinkage allowance for skim milk during these months.

6. *Modification of the conditions for pooling approved plants also meeting the pooling requirements of another Federal order.* The pooling provisions of the order should be modified to permit an approved distributing plant with a greater proportion of its Class I disposition in another marketing area, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision also should be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area but which, nevertheless, retains pooling status for the month under another order. While Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made, nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

The pooling provisions also should be modified to permit a supply plant to pool on the basis of qualifying shipments to any pool distributing plant(s). Further, a supply plant meeting the pooling requirements of both this order and another Federal order should be pooled under this order in any month in which greater qualifying shipments are made to this market than to such other market, unless such plant retains automatic status in such other market for the month on the basis of performance in previous months.

Under the existing order provisions, a distributing plant under the routine inspection of a local health authority is eligible to pool its milk in any month in which Class I milk is distributed on

routes in the marketing area unless a greater volume of Class I disposition is made in another Federal order marketing area. A distributing plant under the routine inspection of other than a local health authority is eligible to pool in any month in which 15 percent or more of its total Class I disposition is made in the marketing area unless a greater volume of Class I disposition is made in another Federal order marketing area. A supply plant must make specified qualifying shipments to a pool distributing plant under the routine inspection of a local health authority to be eligible for pooling. The order provides no criteria for determination under which order a supply plant meeting the pooling requirements of both this order and another Federal order should be regulated.

A regulated handler under the North Texas order, operating packaging plants in both Fort Worth and Dallas and distributing milk in both the North Texas and Central West Texas markets, as well as in other Federal order markets, proposed that the order be amended to preclude the pooling of either of his plants under this order unless their Class I sales in this market should exceed Class I sales in the North Texas market over an extended period of time. He indicated that his sales in the two respective markets were of such nature that a small increase in sales in this market or decrease in the North Texas market could result in regulation of his Fort Worth plant under this order rather than the North Texas order. He further indicated that in order to minimize the possibility of such a change in regulation he had resorted to shifting Class I sales between his two plants. Nevertheless, he foresaw the possibility that audit adjustments could result in the removal of his plant from regulation under the North Texas order in favor of the Central West Texas order. It was this handler's position that such a shift in regulation would tend to create disorder in the two markets because of the effect on the respective market blend prices and because of the different procedures prescribed under the respective regulations for distributing returns to producers. (North Texas has a base-rating plan.)

While it is apparent from proponent's testimony that his initial proposal was made with the view that its adoption would permit him to bid in military and other government contracts in the Central West Texas market without the possibility of pooling under this order, nevertheless, it is apparent that the distribution from his plants is such that a relatively inconsequential change in the proportion of distribution as between the two markets could result in regulation under this order rather than the North Texas order. It is also possible that the plant might later shift back to North Texas on a similar basis.

A plant doing business in several Federal order markets generally should be regulated under that order under which it does the greatest proportion of its business. This is the principle under which the existing provisions were effected and this record provides no basis for changing this conclusion. Nevertheless, it must be recognized that with recent technological changes in the processing and distribution fields, milk is moved great distances and distribution routes have been greatly extended. It is apparent that while proponent has greatly increased his Central West Texas sales in recent years he does not contemplate or intend that his plant should become subject to regulation under that order. Such a change would have greater adverse affects on producers than on handlers since class prices as between the two orders are aligned. Nevertheless, it is possible, due to a management error or error on the part of a plant employee or a route salesman, that an inadvertant sale might result in an unintended change in pooling. It is also possible, as proponent suggests, that a change in classification during audit might produce the same result.

The situation can be substantially alleviated by adoption of the changes herein recommended. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing reasonable time to permit adjustment of his business in cases where such change was not contemplated or desired. At the same time this change retains the principle of regulating a plant under that order where the greater proportion of its business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect in the length of time in which a plant is pooled in a particular market where the change in proportion of business is the result of gaining or losing a Government contract.

While the situation prompting the proposal existed only between the Central West Texas and North Texas markets, nevertheless, because of the location of the Central West Texas market in relation to other Federal order markets it is possible that a similar situation could develop with some plant now regulated under another order or with a plant now regulated under this order. The treatment herein prescribed would be equally appropriate in such instances.

While there is no indication that the existing pooling requirements for supply plants have presented any problem it cannot be presumed that this will be true in the future. It is apparent that the market structure has changed significantly since the present order provisions were effected. It can be readily forseen that the North Texas plant previously referred to could become fully regulated under this order. While the record does not disclose the sources of such plant's supplies, nevertheless, since the plant is under the routine inspection of the Fort Worth health department it is apparent that any supply plant connected with it could not be pooled under this order. It would be inappropriate and inequitable to require a distributing plant to pool but preclude the pooling of its supply plant. For this reason it is desirable that the pooling requirements for supply plants be modified to recognize as qualifying shipments, movements of milk to any pool distributing plant. This will permit the pooling of any supply plant meeting the pooling requirements and which might be a regular source of supply for the Fort Worth plant or any other plant which might become subject to regulation under the order.

As previously indicated the present order provides no direction as to where a supply plant performing under two orders should be pooled. This deficiency can be corrected by providing that any plant meeting the pooling requirement of both this and another order shall be pooled under this order unless greater qualifying shipments are made during the month to plants regulated under another order or the plant retains automatic pooling status under such other order by virtue of performance in a previous period. During the flush production months when milk of supply plants is least likely to be needed for fluid uses this order (as well as many other Federal orders) provides automatic pooling status for supply plants which have been closely associated with the market in the previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under one order to be regulated under another order on the basis of casual shipments during any flush production month would normally have an adverse affect on returns to established producers in the market to which shipments were made. It would therefore be more appropriate to permit such plant to retain pooling status during the flush production months in the market with which it had an established association and automatic pooling status. The recommended order amendments hereinafter set forth implement these conclusions.

Recommended changes in the order language, other than the provisions hereinbefore specifically discussed, are clarifying and conforming changes necessary to implement the previous conclusions. These include redrafting of the producer milk and other source milk definitions as well as minor changes in the language, but not in the application of other parts of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Central West Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 982.7 [Amendment]

1. Delete paragraph (a)(2) of § 982.7 and substitute therefor the following:

(2) At which milk is received from producers as defined in § 982.10(a) and which serves as a receiving station at which producer milk is received, weighed and commingled and from which milk or skim milk (i) is moved during the month to an approved plant(s) specified in subparagraph (1) of this paragraph or paragraph (b), or (ii) was moved to any such plant(s) in an amount equal to 60 percent or more of the total receipts of producer milk during the months of October through January immediately preceding any month of April, May, or June during which no milk was moved to such a plant(s); or

2. Delete the number "15" as it appears in paragraph (b) of § 982.7 and substitute therefor the number "10".

§ 982.9 [Amendment]

3. Delete the proviso of § 982.9(c) and substitute therefor the following: "*Provided*, That such milk shall be deemed to have been received by the cooperative association at an approved plant at the location of the plant to which it is delivered; or"

4. Delete § 982.11 and substitute therefor the following:

§ 982.11 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in (a) milk received at an approved plant directly from producers, (b) milk of producers diverted from an approved plant to an unapproved plant in accordance with the conditions set forth in § 982.10(c), or (c) milk received by a cooperative association in its capacity as a handler pursuant to § 982.9(c).

5. Delete § 982.12 and substitute therefor the following:

§ 982.12 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 982.41(a) except (1) such products received from other approved plants, including milk received from a cooperative association in its capacity as a handler pursuant to § 982.9(c), or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 982.41(b)(1) or (c) from any source (including those produced in the plant), which are reprocessed or converted to another product during the month.

§ 982.41 [Amendment]

6. Delete paragraphs (a) and (b) of § 982.41 and substitute therefor the following:

(a) Class I milk shall be: (1) all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, sour cream, and sour cream products under a Grade A label, and any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk: *Provided, however*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content, and (2) all skim milk and butterfat not specifically accounted for as Class II or Class II–A;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) or (c) of this section;

(2) Disposed of for livestock feed;

(3) In actual shrinkage of skim milk and butterfat, respectively, not to exceed the following;

(i) Two percent of receipts directly from producers (excluding milk diverted pursuant to § 982.10(c)); plus

(ii) 1.5 percent of bulk receipts from other handlers except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 982.9(c) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2 percent, less

(iii) 1.5 percent of bulk transfers from an approved plant to other milk plants, plus

(iv) Shrinkage in other source milk determined pursuant to § 982.42.

(4) In inventory of any products specified in subparagraph (a)(1) of this section on hand at the end of the month; and

(5) Skim milk contained in any fortified product designated in paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph.

7. Delete § 982.42 and substitute therefor the following:

§ 982.42 Shrinkage on other source milk.

The market administrator shall determine the shrinkage in other source milk as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler, and

(b) Assign a pro rata share of such shrinkage to other source milk on the basis of the percentage that such other source milk represents of total receipts at such plant to which shrinkage may be assigned to Class II pursuant to § 982.41(b)(3).

§ 982.43 [Amendment]

8. Delete paragraph (b) of § 982.43.

§ 982.45 [Amendment]

9. Add a proviso to § 982.45 to read as follows: "*Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids."

§ 982.46 [Amendment]

10a. Delete the words "from producers" as they appear in the preamble of § 982.46.

10b. In § 982.46(a)(1) change the reference "§ 982.41(b)(3)" to read "§ 982.41(b)(3) (i) through (iii)."

11. Delete § 982.61 and substitute therefor the following:

§ 982.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved plant pursuant to § 982.7(a)(1) or (b) which also meets the pooling requirements of another Federal order and from which, the Sec-

retary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) An approved plant pursuant to § 982.7 (a)(1) or (b) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) An approved plant pursuant to § 982.7(a)(2) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order or, (2) retains automatic pooling status for the month under another Federal order by virtue of its performance in previous months.

12. Delete that portion of § 982.70 preceding paragraph (a) and substitute therefor the following.

§ 982.70 Computation of each handler's pool obligation.

For each month, the market administrator shall compute the pool obligations of each handler as follows:

§ 982.71 [Amendment]

13. Insert immediately following the word "payments" as it appears in paragraph (a) of § 982.71, the word "due".

§ 982.94 [Amendment]

14. Delete the words "value of the milk received by such handler from producers" as they appear in § 982.94 and substitute therefor the words "pool obligation of such handler".

Signed at Washington, D.C., on November 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-11496; Filed, Dec. 4, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 22A]

CERTAIN CLASSES AND TYPES OF NAVAL VESSELS

Navigational Light Waivers

All ships are warned that, if U.S. naval vessels are met on the high seas or on navigable waters of the United States during periods when navigational lights may be displayed, they may expect that certain navigational lights of some naval vessels may vary from the requirements of the Regulations for Preventing Collisions at Sea, 1948, 33 U.S. Code sections 144 to 147d, and rules applicable to the navigable waters of the United States, as to number, position, range of visibility or arc of visibility. These differences are necessitated by reasons of military function or special construction of the naval ships. An example is the aircraft carrier where the two white lights are in most instances on the Island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead. Certain other naval vessels cannot comply with the horizontal separation requirements of the white lights, and the two white lights on even large naval vessels, such as some cruisers, will thus appear to be crowded together when viewed from a distance. Other naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored recognition light signals, landing lights on carriers, pulsating red lights to indicate speed to other naval ships, and green lights to indicate minesweeping operations. These lights may sometimes be shown in combination with navigational lights.

During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

33 U.S. Code, sections 143a and 360, provides that the requirements of the Regulations for Preventing Collisions at Sea, 1948, the Inland Rules, the Great Lakes Rules and the Western River Rules as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction or purpose, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to lights.

A recent study indicates that the military design characteristics of the Guided Missile Destroyers, known as the DDG-2 Class, and other destroyer-type vessels precludes installation of towing lights in accordance with Rule 3(a) of the Regulations for Preventing Collision at Sea (Public Law 172—82d Congress). This waiver adds Note 10 to the consolidated tabulation of lights waived in Waiver Certificate No. 22 published in FEDERAL REGISTER, Volume 25, Number 122 of June 23, 1960.

Now, therefore, I, John B. Connally, Secretary of the Navy, do hereby certify that these vessels are naval vessels of special construction and with respect to the position of those certain navigation lights listed on such vessels, it is not possible to comply with the requirement of the statutes enumerated in sections 143a and 360, Title 33, United States Code.

Further, I do find that it is feasible to locate the said navigation lights where listed;

And, further, I certify that such locations constitute compliance as closely with the applicable statutes as I hereby find to be feasible.

I do specify that this Certificate shall constitute an addendum to Waiver Certificate Number 22.

I do specify further that the effective date of this certificate is December 1, 1961.

Dated at Washington, D.C., this 20th day of November, 1961.

[SEAL] JOHN B. CONNALLY,
Secretary of the Navy.

NOTE 10

10. On Guided Missile Destroyers, known as the DDG-2 Class, and on other destroyer-type vessels when engaged in towing vessels or objects exceeding 600 feet in length, the two lower of the three towing 20 point white lights will be separated from 3 feet to 15 feet vertically in lieu of the prescribed 6-foot separation.

[F.R. Doc. 61-11480; Filed, Dec. 4, 1961; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 75]

FUNCTIONS RELATING TO SPECIFIC LEGISLATION

Redelegation of Authority

NOVEMBER 29, 1961.

Order 551, as amended, is further amended by the addition of a new section under the heading "Functions Relating to Specific Legislation" to read as follows:

SEC. 368. *Authority under Act of June 22, 1936 (49 Stat. 1803).* The taking of action with respect to those matters provided for in sections 1 and 3 of said act. The authority of section 1 is limited to that portion reading as follows: "* * * In adjusting or deferring any such charges the Secretary may enter into contracts with said landowners for the payment of past due charges, but such contracts shall not extend the payment of such charges over a period in excess of ten years."

PHILLEO NASH,
Commissioner.

[F.R. Doc. 61-11461; Filed, Dec. 4, 1961; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

M. ROBERT LAGAS

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: M. Robert Lagas.

2. Employing agency: Department of Commerce, Business, and Defense Services Administration.

3. Date of appointment: November 15, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Aluminum, and Magnesium Division.

5. Name of private employer: Kaiser Aluminum & Chemical Corp., Halethrope, Maryland.

JOHN F. LUKENS,
Acting Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Kaiser Aluminum & Chemical Corp.
Ling-Temco-Vought, Inc.
Canadian-British Aluminum, Ltd.
Inland Natural Gas Co.
Holly Corp.
Sapphire Petroleum Corp.
Delhi-Taylor Oil Co.
Base Metals Corp.
Malarctic Gold.
Perron Gold.
Sullico Mines.
Broulan-Reef Mines.
Bevcon Mines.
Lyndhurst Mines.
American Heritage Life Insurance Co.

Vico Exploration Co.
E. I. du Pont de Nemours Co.
Canadian Holly Minerals Corp.
Beattie-Duquesne Corp.
Bank Deposits.

M. ROBERT LAGAS.

NOVEMBER 21, 1961.

[F.R. Doc. 61-11464; Filed, Dec. 4, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14407, 14408; FCC 61-1399]

GRAND BROADCASTING CO. AND ATLAS BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Grand Broadcasting Company, Grand Rapids, Michigan, Docket No. 14407, File No. BPCT-2928; Atlas Broadcasting Company, Grand Rapids, Michigan, Docket No. 14408, File No. BPCT-2950, for construction permits for new Television Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of November 1961;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 13, Grand Rapids, Michigan; and

It appearing that the above-captioned applications are mutually exclusive in that operation by both of the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing that there are also pending applications by West Michigan Telecasters, Inc. (BPCT-2956), MKO Broadcasting Corporation (BPCT-2959), Peninsular Broadcasting Company (BPCT-2962), and Major Television Company (BPCT-2960), which also request construction permits for new television broadcast stations to operate on Channel 13 in Grand Rapids, Michigan; that these applications are mutually exclusive with the above-captioned applications; that inasmuch as these applications, or major amendments thereto, have not been on file for 30 days since public notice of acceptance for filing, the applications will not be designated for hearing at this time but will be consolidated after such time as the 30-day period will have run; and that all other applications which were filed before 5 p.m., November 20, 1961, and are entitled to comparative consideration with the above-captioned applications, will also be consolidated in the instant hearing in a subsequent Order; and

It further appearing, that on October 31, 1961, West Michigan Telecasters, Inc., filed a "Petition To Add A 'Trafficking Issue' As To Grand Broadcasting Company", but that said petition fails to allege facts which would warrant the addition of the requested issue; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

A. The proposal of Grand Broadcasting Company (BPCT-2928):

1. No determination has yet been made by the FAA as to whether the proposed antenna system and site may constitute a menace to air navigation.

2. Cash in the approximate amount of $700,218 will be required for down payment on the equipment, for buildings, miscellaneous items and for initial working capital. The applicant has not shown the availability of sufficient current and liquid assets for these purposes. Consequently, the Commission cannot make the finding that Grand Broadcasting Company is financially qualified.

B. The proposal of Atlas Broadcasting Company (BPCT-2950):

1. No determination has yet been made by the FAA as to whether the proposed antenna system and site may constitute a menace to air navigation.

2. Cash in the approximate amount of $1,423,299 will be required for down payment on the equipment, for buildings, miscellaneous items and for initial working capital. The applicant has not shown the availability of sufficient current and liquid assets for these purposes. Consequently, the Commission cannot make the finding that Atlas Broadcasting Company is financially qualified.

It further appearing that upon due consideration of the above-captioned application, the Commission finds that Grand Broadcasting Company is legally qualified to construct, own and operate the proposed television broadcast station and is technically and otherwise so qualified except with respect to issues "1" and "2" below; and that Atlas Broadcasting Company is legally qualified to construct, own and operate the proposed television broadcast station and is technically and otherwise so qualified except with respect to issues "3" and "4" below.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna system and site proposed by Grand Broadcasting Company would constitute a menace to air navigation.

2. To determine whether Grand Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine whether the antenna system and site proposed by Atlas Broadcasting Company would constitute a menace to air navigation.

4. To determine whether Atlas Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the examiner on his own motion or on petition properly file by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the Federal Aviation Agency is hereby made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the Federal Aviation Agency and the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall file within twenty (20) days of the mailing of this order, with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the provisions of section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.632(b) of the Commission's rules, with respect to the notice of hearing, shall be suspended until such time as the Commission issues a subsequent Order consolidating all parties and specifying all other issues.

It is further ordered, That the "Petition To Add A 'Trafficking Issue' As to Grand Broadcasting Company" filed by West Michigan Telecasters, Inc., is denied.

Released: November 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11498; Filed, Dec. 4, 1961; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1]

ORGANIZATION

Effective as of November 26, 1961, notice is hereby given of the administrative organization of the Federal Maritime Commission as contained in the following order:

SECTION 1. *Purpose.* 1.01. The purpose of this order is to describe the organization of the Federal Maritime Commission.

SEC. 2. *Organization of the Federal Maritime Commission*—2.01. *Establishment and composition of the Commission.* The Federal Maritime Commission was established as an independent agency by Reorganization Plan No. 7 of 1961, effective August 12, 1961. The Federal Maritime Commission is composed of five members, appointed by the President, by and with the consent of the Senate. The President designates one of such members to be the Chairman.

2.02. *Quorum.* Any three members in office constitute a quorum for the transaction of the business of the Federal Maritime Commission.

2.03. *Organizational components.* The Federal Maritime Commission has the following major organizational components:

(a) Office of the Chairman of the Federal Maritime Commission.
(b) Offices of the Members of the Federal Maritime Commission.
(c) Office of the Secretary.
(d) Office of the General Counsel.
(e) Office of the Hearing Examiners.
(f) Executive Director.
(1) Office of Administrative Management.
(2) Office of Information Services.
(3) Bureau of Foreign Regulation.
(4) Bureau of Domestic Regulation.
(5) Bureau of Enforcement.
(6) Bureau of Investigation.
(7) Bureau of Financial Analysis.
(8) Offices of District Managers.

SEC. 3. *Lines of responsibility.* 3.01. The Office of the Secretary, Office of the General Counsel and Office of the Hearing Examiners and the Executive Director shall be responsible and report to the Chairman, Federal Maritime Commission.

3.02. The Office of Administrative Management, Office of Information Services and the Bureau of Foreign Regulation, Bureau of Domestic Regulation, Bureau of Enforcement, Bureau of Investigation, Bureau of Financial Analysis and the Offices of the District Managers shall be responsible and report to the Chairman, Federal Maritime Commission through the Executive Director.

Dated: November 29, 1961.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 61-11486; Filed, Dec. 4, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-97]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 28, 1961.

Take notice that on October 16, 1961, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-97 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Intermountain Gas Company (Intermountain) for resale to J. R. Simplot Company (Simplot) and Food Machinery and Chemical Corporation (Food Machinery) near Pocatello, Idaho, and to Idaho Portland Cement Company (Idaho Portland) in Inkom, Idaho, and the operation of certain facilities presently constructed but not in operation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant currently is selling and delivering natural gas directly to Simplot, Food Machinery, and Idaho Portland for use in their respective plants. Applicant has agreed to sell natural gas to Intermountain for resale to Simplot, Food Machinery, and Idaho Portland in lieu of the direct sales now being made by Applicant. The application states that Applicant's existing facilities now utilized in providing direct gas service to Idaho Portland are adequate for the proposed sale to Intermountain for resale to Idaho Portland but that the facilities now utilized in providing direct gas service to Simplot and Food Machinery will not be adequate to accommodate expanded service to Simplot, as contemplated, through Intermountain, and therefore must be enlarged and modified.

Applicant states that under the mistaken belief that construction of the additional facilities required could be undertaken pursuant to outstanding authorizations, Applicant has commenced and completed construction of approximately 4,839 feet of 6⅝-inch O.D. loop pipeline, paralleling a segment of Applicant's existing lateral line presently serving the Simplot and Food Machinery plants, and a master metering and regulating station situated at the point of commencement of said loop pipeline, which facilities, Applicant states, will be required primarily to meet increased requirements for the Simplot plant after expansion now in progress. Applicant states that these facilities will not be placed in operation until receipt of the necessary authorization in this docket and that it will continue to deliver gas through the previously authorized facilities until such authorization is received.

The facilities proposed for abandonment consist of approximately 2,118 feet of 3½-inch O.D. pipeline and two metering and regulatng stations. The pipeline and one of the metering and regulating stations are now being utilized to effect deliveries to Simplot and the other metering and regulating station is being used to effect deliveries to Food Machinery. Applicant proposes to continue these facilities in operation in conjunction with the new facilities for a period of time after placing the new facilities in operation. Thereafter, Applicant proposes to retire and remove the metering and regulating stations and to abandon the pipeline in place. Intermountain will construct individual meter stations downstream from Applicant's master meter for measurement of gas delivered to the Food Machinery and Simplot plants.

The estimated gas requirements under the subject application for the first three years of operation are as follows:

Date	Annual (Mcf)	Peak day (Mcf)
1962	2,116,337	9,343
1963	2,647,380	12,060
1964	2,647,380	12,060

The estimated cost of construction of the proposed facilities is $40,100, to be financed from current working funds supplemented by short-term bank loans as necessary.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 3, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11493; Filed, Dec. 4, 1961; 8:47 a.m.]

[Docket No. RI62-150 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

NOVEMBER 17, 1961.

Pan American Petroleum Corporation (Operator), et al., Docket Nos. RI62-150, et al.; Keating-Parker Drilling Company (Operator), et al., Docket No. RI62-154; Texaco Inc. (Operator), Docket No. RI62-155; Texaco Inc. (Op-

erator), et al., Docket No. RI62–156; Texaco Inc., Docket No. RI62–157.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 1, 1961, and published in the FEDERAL REGISTER November 8, 1961 (F.R. Doc. 61–10650; 26 F.R. 10525):

In the caption change Docket No. RI62–154, "Keating Drilling Company (Operator), et al." to read "Keating-Parker Drilling Company (Operator), et al.," also in the chart change Docket No. RI62–154, "Keating Drilling Company (Operator), et al." to read "Keating-Parker Drilling Company (Operator), et al.".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11494; Filed, Dec. 4, 1961; 8:47 a.m.]

[Docket No. G–8472]

SOUTHERN NATURAL GAS CO.

Notice of Hearing

NOVEMBER 28, 1961.

Notice of the filing of the application of Southern Natural Gas Company in Docket No. G–8472 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, was issued on March 8, 1956, and published in the FEDERAL REGISTER on March 14, 1956 (21 F.R. 1615–6). This notice also fixed March 30, 1956, as the last day for filing protests or petitions to intervene and scheduled the matters involved in and the issues presented by said application for hearing on April 16, 1956. Thereafter, by notice issued on April 12, 1956, and published in the FEDERAL REGISTER on April 18, 1956 (21 F.R. 2542), the hearing was continued to a date to be set by further notice.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 15, 1961, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11495; Filed, Dec. 4, 1961; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

FERROMANGANESE AND ELECTROLYTIC MANGANESE METAL HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 63 short tons of subspecification ferromanganese and approximately 4½ short tons of subspecification electrolytic manganese metal. The materials, now held in the national stockpile, were acquired by transfer from another Government agency.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that there is no longer any need for stockpiling those materials. The revised determination was occasioned by changes in mobilization planning and new weapons systems which have reduced mobilization requirements for such materials.

Since the revised determination was not by reason of obsolescence of the ferromanganese and electrolytic manganese metal for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said subspecification ferromanganese and electrolytic manganese metal to other Government agencies, to offer them for sale on a competitive basis or otherwise to dispose of them in the best interests of the Government upon the express approval by the Congress of this proposed disposition but not earlier than six months after the date of publication of this notice in the FEDERAL REGISTER.

The plan and the dates of disposition of the materials have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets, as well as the protection of the United States against avoidable loss on disposal.

Dated: November 28, 1961.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 61–11481; Filed, Dec. 4, 1961; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

CALIFORNIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated November 16, 1961, reading in part as follows:

I hereby determine the damage in Los Angeles County of the State of California adversely affected by brush and forest fires beginning on or about November 6, 1961, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

Dated: November 28, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61–11453; Filed, Dec. 4, 1961; 8:45 a.m.]

HEYWOOD-WAKEFIELD CO. ET AL.

Addition to Membership in Ordnance Corps Integration Committee on The M14 Rifle, 7.62MM

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the names of the following companies which have accepted the request to participate in the voluntary plan entitled, "Plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Integration Committee on the M14 Rifle, 7.62mm." The request and original list of acceptances were published in 26 F.R. 9327, October 3, 1961.

Heywood-Wakefield Co., Gardner, Mass.
S. E. Overton Co., South Haven, Mich.
Thompson Ramo Wooldridge, Inc., Cleveland, Ohio.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorg. Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: November 22, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61–11454; Filed, Dec. 4, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

NOVEMBER 29, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 30, 1961, to December 9, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–11463; Filed, Dec. 4, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 574]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 30, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64597. By order of November 28, 1961, the Transfer Board approved the transfer to J. J. Brady & Sons, Inc., Beverly, Mass., of Certificates Nos. MC 90274, MC 90274 Sub 1 and MC 90274 Sub 2, issued May 29, 1959, May 22, 1959, and March 4, 1959, respectively, to John J. Brady, Jr., and William F. Brady, a partnership, doing business as J. J. Brady & Sons, Beverly Farms, Mass., authorizing the transportation of: horses (other than ordinary livestock), and equipment and paraphernalia, incidental to the transportation and display of such horses, between points in New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, Tennessee, South Carolina, Florida, and Louisiana; between points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in West Virginia and Pennsylvania; between points in North Carolina, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and horses, dogs and personal belongings of owners and jockeys in the same vehicle with animals, between Beverly Farms, Hamilton and Boston, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Thomas F. Fitzgibbon, 80 Washington Street, Salem, Mass., attorney for applicants.

No. MC–FC 63960. By order of November 28, 1961, the Transfer Board approved the transfer to Chemical Haulers, Inc., Indianapolis, Ind., of a portion of Certificate No. MC 103788 Sub 7, issued April 22, 1960, to Sprout & Davis, Inc., Whiting, Ind., authorizing the transportation of: Nitrogen solutions, in bulk, in tank vehicles, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, Ohio, Kansas, Oklahoma, Nebraska, and Kentucky; and liquid chemicals as defined in *The Maxwell Co., Extension-Addyston,* in bulk, in tank vehicles, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, and Ohio. Howell Ellis, 1210 Fidelity Building, Indianapolis 4, Ind. attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–11482; Filed, Dec. 4, 1961; 8:46 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 138]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the St. Johnsbury & Lamoille County Railroad, account derailment between Sheldon Junction and St. Johnsbury, Vermont, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The St. Johnsbury & Lamoille County Railroad and its connections, account derailment between Sheldon Junction and St. Johnsbury, Vermont, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p.m., November 28, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., December 15, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 28, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61–11483; Filed, Dec. 4, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR — Page
EXECUTIVE ORDERS:
10977 — 11471

5 CFR
6 — 11347, 11483

7 CFR
722 — 11472, 11481
776 — 11347, 11407
914 — 11417
933 — 11417–11419
953 — 11419
958 — 11483
PROPOSED RULES:
911 — 11495
914 — 11435
953 — 11363
982 — 11498

8 CFR
PROPOSED RULES:
242 — 11363

9 CFR
83 — 11483

12 CFR
4 — 11353

13 CFR
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
288 — 11483
600 — 11357, 11484, 11485
601 — 11485

14 CFR—Continued — Page
PROPOSED RULES:
600 — 11435, 11494
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494
608 — 11435, 11494

15 CFR
201 — 11357
230 — 11360

16 CFR
13 — 11360, 11486

18 CFR
PROPOSED RULES:
2 — 11459

19 CFR
3 — 11362
5 — 11420
21 — 11362

26 CFR
1 — 11486

28 CFR
15 — 11420

29 CFR
670 — 11420
678 — 11420

30 CFR
222 — 11487

32 CFR
2011 — 11421

33 CFR — Page
212 — 11421

36 CFR
PROPOSED RULES:
1 — 11363

39 CFR
PROPOSED RULES:
201 — 11426
202 — 11431
203 — 11432
204 — 11432

41 CFR
9–7 — 11488

43 CFR
PROPOSED RULES:
192 — 11493
200 — 11493
PUBLIC LAND ORDERS:
842 — 11361
2543 — 11361
2544 — 11361
2546 — 11361

44 CFR
151 — 11425

47 CFR
10 — 11422
16 — 11423
PROPOSED RULES:
3 — 11458, 11495
7 — 11369
8 — 11369
14 — 11369

49 CFR
174a — 11492

Pages 11511–11710

FEDERAL REGISTER

VOLUME 26 NUMBER 234

Washington, Wednesday, December 6, 1961

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

OF MICHIGAN DEC 8 1961 MAIN READING ROOM

Contents

Agricultural Stabilization and Conservation Service
RULES AND REGULATIONS:
Feed grain program, 1961 — 11672

Agriculture Department
See Agricultural Stabilization and Conservation Service; Forest Service.

Army Department
RULES AND REGULATIONS:
Medical care for dependents; fiscal policies — 11679

Atomic Energy Commission
NOTICES:
Long Island Nuclear Service Corp.; application for waste disposal license — 11688
Power Reactor Development Co.; extension of completion date — 11689

Civil Aeronautics Board
NOTICES:
Flying Tiger Line, Inc.; investigation and suspension — 11689
PROPOSED RULE MAKING:
Economic proceedings; additional method for instituting route proceedings — 11685

Civil Service Commission
RULES AND REGULATIONS:
Housing and Home Finance Agency; exception from competitive service — 11671

Commerce Department
See Maritime Administration.

Customs Bureau
PROPOSED RULE MAKING:
Camel wools and hair for use in manufacturing floor coverings and other articles — 11683

Defense Department
See Army Department; Navy Department.

Federal Aviation Agency
PROPOSED RULE MAKING:
Positive control areas:
Alteration — 11686
Designation — 11686
RULES AND REGULATIONS:
Acquisition by public agencies for public airport purposes of lands owned or controlled by U.S. — 11672
Airworthiness directive; Douglas DC–8 aircraft — 11672
Control area extension, revocation; and designation of transition area — 11674
Control zones:
Alteration — 11675
Designation (2 documents) — 11675
Federal airways; designation — 11674
Transition area; designation — 11675

Federal Communications Commission
NOTICES:
Hearings, etc.:
Antennavision Service Co., Inc. — 11689
Arizona Micro-wave System Co. — 11689
Black Hills Video Corp — 11690
Burlington Broadcasting Co. et al — 11690
Ceracche & Co., Inc — 11690
Collier Electric Co — 11691
Columbia Basin Microwave Co. — 11691
KWTX Broadcasting Co. (KWTX) and Kerryville Broadcasting Co. (KERV) — 11691
New York Penn Microwave Corp — 11691
Putnam Broadcasting Corp. and Port Chester Broadcasting Co — 11692
Sullivan Trail Coal Co — 11692
Superior Communications Co., Inc — 11692
WNOW, Inc. (WNOW) and Radio Associates, Inc. (WEER) — 11692
RULES AND REGULATIONS:
Fire radio service; available frequencies — 11681

Federal Maritime Commission
NOTICES:
Atlantic-Gulf/Puerto Rico trade; rates and practices; investigation and hearing — 11693
Grace Line, Inc., et al.; agreements filed for approval — 11693

Federal Trade Commission
RULES AND REGULATIONS:
Thompson Medical Co., Inc., et al.; prohibited trade practices — 11675

Food and Drug Administration
PROPOSED RULE MAKING:
Food additives:
Filing of petition — 11684
Withdrawal of petition — 11684
Penicillin; proposal for change of name of drug — 11684
Pesticide residues; withdrawal of petition — 11684
RULES AND REGULATIONS:
Food additives; further extension of effective date of statute for certain specified food additives; correction — 11677
Ice cream identity standards; chocolate and cocoa solids — 11676

Forest Service
NOTICES:
Gila National Forest; removal of trespassing horses — 11688

Health, Education, and Welfare Department
See Food and Drug Administration.

Indian Affairs Bureau
NOTICES:
Irrigation matters; authority redelegation — 11687

Interior Department
See Indian Affairs Bureau; Land Management Bureau.

(Continued on next page)

Internal Revenue Service

RULES AND REGULATIONS:

Income tax; taxable years beginning after Dec. 31, 1953; elimination of use of form 1040W---- 11677

Interstate Commerce Commission

NOTICES:

Fourth section applications for relief---------- 11709

Motor carrier:

Alternate route deviation notices---------- 11694

Applications and certain other proceedings---------- 11694

Transfer proceedings---------- 11708

Labor Department

See Labor-Management Reports Bureau.

Labor-Management Reports Bureau

RULES AND REGULATIONS:

Labor organizations; terminal reports---------- 11678

Land Management Bureau

NOTICES:

Arizona:

Filing of plats of survey---------- 11687

Small tract classification---------- 11687

Kansas; proposed withdrawal and reservation of lands---------- 11687

Maritime Administration

NOTICES:

American President Lines, Ltd.; application---------- 11688

Navy Department

RULES AND REGULATIONS:

Merchant crews---------- 11680

Post Office Department

RULES AND REGULATIONS:

Domestic regulations and procedures---------- 11513

Securities and Exchange Commission

NOTICES:

Ling-Temco-Vought, Inc.; application for unlisted trading privileges and of opportunity for hearing---------- 11709

Treasury Department

See Customs Bureau; Internal Revenue Service.

Veterans Administration

RULES AND REGULATIONS:

U.S. Government Life Insurance and National Service Life Insurance; miscellaneous amendments---------- 11680

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR

6---------- 11671

7 CFR

775---------- 11672

14 CFR

507---------- 11672

555---------- 11672

600---------- 11674

601 (4 documents)---------- 11674, 11675

PROPOSED RULES:

302---------- 11685

601 (2 documents)---------- 11686

16 CFR

13---------- 11675

19 CFR

PROPOSED RULES:

10---------- 11683

21 CFR

20---------- 11676

121---------- 11677

PROPOSED RULES:

120---------- 11684

121 (2 documents)---------- 11684

141a---------- 11684

146---------- 11684

146a---------- 11684

147---------- 11684

26 CFR

1---------- 11677

29 CFR

403---------- 11678

408---------- 11678

32 CFR

577---------- 11679

765---------- 11680

38 CFR

6---------- 11680

8---------- 11680

39 CFR

1—204---------- 11513

47 CFR

10---------- 11681

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER A–I—POST OFFICE SERVICES (DOMESTIC)

SUBCHAPTER U—PROCEDURES

DOMESTIC REGULATIONS AND PROCEDURES

Republication

In view of the numerous amendments made to the Regulations in Subchapters A–I and the Rules of Procedure in Subchapter U of Chapter I, Title 39, Code of Federal Regulations, the Department deems it necessary to issue a consolidated republication of these regulations and rules which will facilitate their use and understanding. All amendments which have been published in the FEDERAL REGISTER through December 1, 1961, and which are currently effective, have been incorporated into this publication.

This publication does not reflect any substantive changes which have not already appeared in the FEDERAL REGISTER; however, numerous editorial amendments were made to clarify and bring up to date the language of these regulations and to improve the organization of the regulations.

In addition, the authority citations for these regulations and rules were revised and based on the recodification of Title 39, United States Code, enacted on September 2, 1960 (Public Law 86–682).

Accordingly, Subchapters A through I, and Subchapter U, as so amended, read as follows:

SUBCHAPTERS A–I—POST OFFICE SERVICES, DOMESTIC

SUBCHAPTER A—INTRODUCTION

Part

1 What Subchapters A–I cover.
2 Domestic mail service.
3 Mail treated in confidence.
4 Information on postal matters.
5 Complaints.
6 Fractions.
9 Seal.

SUBCHAPTER B—HOW TO WRAP AND MAIL

11 Packages.
12 Envelopes.
13 Addresses.
14 Nonmailable matter.
15 Matter mailable under special rules.
16 Second-class bulk mailings.
17 Conditions applicable to parcels addressed to certain military post offices overseas.
18 Postal delivery zone system.

SUBCHAPTER C—MAIL CLASSIFICATION AND RATES

21 First class.
22 Second class.
23 Controlled circulation publications.
24 Third class.
25 Fourth class.
26 Airmail.
27 Official mail.
28 For the blind.
29 Mixed classes.

SUBCHAPTER D—POSTAGE

Part

31 Stamps, envelopes, and postal cards.
32 Precanceled postage.
33 Metered stamps.
34 Permit imprints.
35 Philately.
36 Special cancellations.
37 Prepayment and refunds.

SUBCHAPTER E—COLLECTION AND DELIVERY

41 Service in post offices.
42 Who may carry letters.
43 Mail deposit and collection.
44 Conditions of delivery.
45 City delivery.
46 Rural service.
47 Forwarding mail.
48 Undeliverable mail.
49 Star route collection and delivery service.

SUBCHAPTER F—SPECIAL MAIL SERVICES

51 Registry.
52 Insurance.
53 COD.
54 Payment for losses.
55 Certificates of mailing.
56 Special delivery.
57 Special handling.
58 Certified mail.

SUBCHAPTER G—NONMAIL SERVICES

61 Money orders.
62 Non-postal stamps and bonds.
63 Postal savings.

SUBCHAPTER H—TRANSPORTATION OF THE MAILS

92 Transportation of mail by railroads.
93 Transportation of mail by urban and interurban electric railway common carriers.
94 Highway transportation.
95 Transportation of mail beyond borders of United States.
96 Air transportation.

SUBCHAPTER I—SPECIAL REGULATIONS

98 Vending stands and vending machines.

SUBCHAPTER J [RESERVED]

SUBCHAPTERS K–R—INTERNATIONAL MAIL

SUBCHAPTER U—PROCEDURES

201 Procedures of the Post Office Department.
202 Procedure before the General Counsel.
203 Hearings on mailability.
204 Rules of practice in proceedings relative to the denial, suspension or annulment of second-class mail privileges.

Subchapters A–I—Post Office Services, Domestic

SUBCHAPTER A—INTRODUCTION

PART 1—WHAT SUBCHAPTERS A–I COVER

§ 1.1 What Subchapters A–I cover.

Subchapters A–I contain the regulations of the Post Office Department which are intended to assist the users of its domestic services in obtaining the maximum benefits from its personnel and facilities. Thus, these subchapters include the specified rates for stamps and postage and the restrictions governing their use, the particulars distinguishing the various classes of mails and the conditions entitling the public to the privileges of those classes, the requirements for proper wrapping and mailing of matter to be mailed, an explanation of the collection and delivery services of the Department, details of the special mail and nonmail facilities of the Department and the provisions for the transportation of the mail. Notwithstanding any statement contained in these subchapters the burden rests with the mailer to assure that he has complied with the laws enacted by Congress.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

PART 2—DOMESTIC MAIL SERVICE

§ 2.1 Domestic mail service.

Domestic mail means mail transmitted within, among and between the United States; its Territories and possessions; Army-Air Force (APO) and Navy (FPO) post offices; also mail for delivery to the United Nations, N.Y. The term "Territories and possessions" includes Baker Island, Canal Zone, Canton Island, Caroline Islands, Enderbury Island, Guam, Howland Island, Jarvis Island, Johnston Island, Kingman Reef, Manua Island, Mariana Islands, Marshall Islands, Midway Islands, Navassa Island, Puerto Rico, Saint Croix Island, Saint John Island, Saint Thomas Island, Samoa (American), Sand Island, Swain's Island, Swan Islands, Trust Territory of the Pacific, Virgin Islands (U.S.), and Wake Island.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

PART 3—MAIL TREATED IN CONFIDENCE

§ 3.1 Mail treated in confidence

Sealed first-class mail while in the custody of the Post Office Department is accorded absolute secrecy. No persons in the Postal Service, except those employed for that purpose in dead-mail offices, may break or permit the breaking of the seal of any matter mailed as first-class mail without a legal warrant, even though it may contain criminal or otherwise unmailable matter, or furnish evidence of the commission of a crime.

(R.S. 161, as amended, sec. 1, 62 Stat. 782; 5 U.S.C. 22, 18 U.S.C. 1717, 39 U.S.C. 501)

PART 4—INFORMATION ON POSTAL MATTERS

Sec.

4.1 Inquiries.
4.2 General postal publications.
4.3 Privileged matter.
4.4 Available records.

AUTHORITY: §§ 4.1 to 4.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 508, 5212.

§ 4.1 Inquiries.

Inquiries in regard to mail should be made to your postmaster.

§ 4.2 General postal publications.

The following postal publications may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Title	Price
Postal Manual—	
Chapters 1 and 2	$4.00. *$1.00.
Chapters 4 through 8. Chapter 1, Post Office Services (Domestic), and Chapter 2, International Mail, explain the services available, prescribe rates and fees, and prescribe conditions under which postal services are available to the public. Chapters 3 through 8 contain internal operating procedures of the Post Office Department and generally are not needed by other than postal employees.	$8.00.
Postal Bulletin. Issued weekly to transmit timely or transitional instructions and information relating to the Postal Service, including philatelic, airmail, money order, parcel post, etc. The Postal Bulletin will be retained by postal installations for 6 months only. Any permanent instructions published in the Postal Bulletin will be reissued in the Postal Manual or in other permanent form.	$2.25 a year. *$2.50.
Postal Service News. Issued monthly. Provides medium for keeping personnel informed of postal problems, programs, and progress, and for the exchange of ideas and experiences which contribute to the efficient operation of the Service.	$1.00 a year. *$0.50.
Commemorative Stamp Posters. 8 x 10½ inch posters provide advance notification on commemorative stamps. Show enlarged illustrations of stamps and other data of interest to stamp collectors.	$1.50 a year. *$0.50.
Cost Ascertainment Report 1959. A report stating the results of the work of ascertaining the revenues derived from and the costs of handling and transporting each of the several classes of mail matter, and of performing the special services, with the physical volumes of each class and services for the fiscal year 1959.	$0.70.
1960 Annual Report of the Postmaster General. Presents an overall picture of the activities of the Department for fiscal year 1960. Following a brief financial summary, this report gives details on such topics as operations and services; research and engineering; transportation policies and methods; financial and related services; facilities and equipment; public relations; the inspection service; and other functions of the Post Office Department. Includes a comprehensive appendix containing numerous tables of statistical data on the Postal Service.	$0.65.
Opinions of the Solicitor of the Post Office Department—	
Vol. 8 (June 26, 1929 to Feb. 4, 1936)	$3.00.
Vol. 9 (Feb. 5, 1936 to Nov. 1951)	$3.00.
Volumes 8 and 9 contain official opinions of the Solicitor of the Post Office Department for the periods indicated.	
How to Pack and Wrap Parcels for Mailing (excerpt from Chapter 1, Postal Manual)	(1)
Domestic Postage Rates and Fees (excerpt from Chapter 1, Postal Manual)	(1)
Receipts and Classes of Post Offices. Lists all post offices alphabetically by States and gives their receipts and their class and the salary level of the postmaster.	$1.00.
First-class Post Offices With Named Stations and Branches. Lists all first-class post offices, with branches and named stations arranged alphabetically by States. Includes post office unit numbers. Prepared for use in mailing parcel post under readjusted size and weight limits.	$0.35.
Postage Stamps of the United States 1847–1959. Lists all issues of stamps from the first adhesive stamp, issued in 1847, through Dr. Ephraim McDowell "Famous American" stamp, issued December 3, 1959. Contains an illustration of each stamp and gives detailed information on each stamp and miscellaneous historical information on stamps.	$1.00.
Postal Laws. A compilation of laws affecting the Post Office Department. Contains all of title 39 of the U.S. Code, as well as pertinent parts of titles 5, 6, 16, 18, 28, 31, 38, and 41.	(2)
Combination Mailings (excerpt from Chapter 1, Postal Manual)	(1)
United States Domestic Postage Rates, 1789–1956. Traces development of postal rates through the many steps that led to the rate structure in effect September 1, 1956. Contains short histories of, and tables of rates and fees for, first-, second-, third-, fourth-class mail rates and special services (registration, domestic money orders, postal savings, special delivery, special handling, COD, insured mail, and certified mail). Contains abstracts of laws passed between 1789 and 1955 fixing rates of postage on domestic mail matter and abstracts of laws relating to the franking, penalty, and free mailing privileges. Information on postage stamps is not included.	$0.45.
Mailing Chute Rules, Regulations and Specifications (excerpt from Chapter 1, Postal Manual)	(1)
Apartment House Mail Receptacles, Regulations and Specifications (excerpts from Chapter 1, Postal Manual)	(1)
County List of Post Offices. Lists all post offices alphabetically by Counties within States, the number of rural mail boxes served from various post offices within each county in the United States, the number of boxes at those post offices that do not have city carrier service, and other pertinent information.	$0.60.
How to Prepare Second- and Third-Class Mailings (excerpt from Chapter 1, Postal Manual)	(1)
The Post Office as a Public Service (statement by Post Office Department). A reply of the Post Office Department to the February 26, 1957, Report of the Citizens' Advisory Council to the Senate Committee on Post Office and Civil Service.	$0.60.
How to Address Mail (excerpt from Ch. 1, Postal Manual)	(1)
Directory of International Mail—	
With binder	$7.00. *$1.50.
Without binder	$4.50. *$1.25.
Contains detailed information about postage rates, services available, prohibitions, import restrictions, and other conditions governing mail to other countries. Countries are listed alphabetically, with the specific requirments applicable to mail addressed to each of them.	
Directory of Post Offices. Contains a list of postal delivery zone offices, an alphabetical list of post offices, a list of post offices arranged alphabetically by States, a list of post offices by counties, and a list of Army and Air Force installations.	$2.25.

[1] Available at post offices for distribution to patrons free of charge.
[2] Varies with each issue.
*Additional for foreign mailing.

See footnotes at end of table.

§ 4.3 Privileged matter.

The following records, documents, and information are privileged matter, and may not be disclosed by subordinate officers or employees of the Department without authorization:

(a) Reports of Postal Inspectors.

(b) Records of the Postal Inspection Service.

(c) Names of post office box holders.

(d) Names and addresses of post office patrons and former patrons, except when correcting mailing lists or when furnishing change of address to election boards or registration commissions provided in § 13.5 of this chapter.

(e) Records regarding mail matter.

(f) Records regarding postal savings accounts, except as provided in § 63.3(c) of this chapter.

(g) Records regarding money orders.

§ 4.4 Available records.

(a) *Formal hearing records.* You may inspect formal records of proceedings in which a hearing has been held or offered if you have a proper interest in them.

(b) *Conditions.* You may inspect all other records of the Department or field service if permitted to do so by the head of a Bureau or Office in the Post Office Department. In making such determinations, the following items will be taken into consideration:

(1) The interest of the person requesting permission to make the inspection.

(2) Whether disclosure of the information contained in the records will violate the privacy of mail matter.

(3) Whether the release of the record will jeopardize future Government access to information.

(4) Whether the release of the record at the time is premature and will improperly affect a pending action.

(5) Whether the disclosure of the record will have the effect of hindering free administrative decisions in the same or similar matters in the future.

(6) Whether the purpose for which the record is sought is prejudicial to the public interest.

(7) Whether the record is already otherwise made public, such as reports of public hearings and conferences, recorded maps, plats and documents, records published for the information of the public, and material of a similar public nature.

(c) *Transfer of records.* All records of the Post Office Department and its field service are the property of the Department. Postmasters and other employees are not authorized to turn over such records to other persons without authorization from the head of a Bureau or Office of the Post Office Department.

(d) *Compliance with subpenas duces tecum.* Postmasters and postal employees will comply with a proper subpena duces tecum issued by a court of record only after consulting with and getting approval of the General Counsel of the Post Office Department. When employees are authorized to comply with subpenas duces tecum, they will not leave the records themselves with the court but will leave copies prepared for that purpose.

(e) *Compliance with summons.* (1) A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify as to names and addresses of post office patrons, mail matter, postal savings accounts, or money orders unless he is specifically directed to do so by the court after first calling attention of the court to this regulation.

(2) Postal inspectors and other employees having possession of inspectors' reports or Inspection Service records are prohibited from presenting such reports, records, or information in a State court or for the use of parties to a suit or habeas corpus proceedings in a Federal court, if the United States is not a party in interest. They will inform the parties interested that the regulations of the Post Office Department prohibit them from furnishing official reports, records, or information direct unless authorized by the Department. Should an attorney for a private litigant attempt to compel an employee to disclose sources of official information or similar privileged matter, the employee will decline to produce the information or matter and state that it is privileged and can not be disclosed without specific approval from the Department.

(3) When appearing as a witness for the United States in Federal grand jury proceedings, criminal prosecutions of violations of postal laws, suits brought by the United States, or other actions in which the United States is a party in interest, postal inspectors and other officers and employees will testify as to their knowledge of the facts in the matter involved. With respect to privileged matters, each case must be given individual consideration as it arises. The Department will offer every possible assistance to the courts, but the question of disclosing privileged information is a matter entirely in the discretion of the head of the Department.

(f) *Costs.* The head of any Bureau or Office of the Post Office Department may authorize copies of records which are open to public inspection to be furnished to members of the public at the cost of the person requesting them.

PART 5—COMPLAINTS

Sec.
5.1 Postal service.
5.2 Postal law violations.

AUTHORITY: §§ 5.1 and 5.2 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501.

§ 5.1 Postal service.

You may make complaints concerning the Postal Service to your postmaster. If you prefer, you may address your complaint to the Postmaster General, Washington 25, D.C. In either case if the complaint concerns apparent mishandling of mail, the envelope or wrapper should be submitted.

§ 5.2 Postal law violations.

Send information and complaints concerning postal law violations, such as use of mails for lotteries and schemes to defraud, mailing of obscene and scurrilous matters, extortion, and theft of mail to:

Postal Inspector in Charge at—	*If you live in the State of*—
Atlanta 2, Ga.	Florida, Georgia, North Carolina, South Carolina, Puerto Rico, Virgin Islands.
Boston 7, Mass.	Connecticut, Maine, Massachusetts, New Hampshire, City of Fishers Island, New York, Rhode Island, Vermont.
Chattanooga 1, Tenn.	Alabama, Mississippi, Tennessee.
Chicago 7, Ill.	Illinois, Michigan, Wisconsin.
Cincinnati 1, Ohio.	Indiana, Kentucky, Ohio.
Denver 1, Colo.	Arizona, Colorado, New Mexico, Utah, Wyoming.
Fort Worth 1, Tex.	Louisiana, Texas (except city of Texarkana).
Kansas City 42, Mo.	Kansas, County of Jackson, Mo., Nebraska, Oklahoma.
New York 1, N. Y.	New York, except city of Fishers Island.
Philadelphia 1, Pa.	New Jersey, Pennsylvania, Delaware.
St. Louis 1, Mo.	Arkansas, Iowa, Missouri (except Jackson County), also city of Texarkana, Texas.
Saint Paul 1, Minn.	Minnesota, North Dakota, South Dakota.
San Francisco 1, Calif.	California, Canton Island, Guam, Hawaii Territory, Nevada, American Samoa, and Trust Territory, Pacific Islands.
Seattle 11, Wash.	Alaska Territory, Idaho, Montana, Oregon, Washington.
Washington 13, D. C.	District of Columbia, Maryland, Virginia, West Virginia.

PART 6—FRACTIONS

§ 6.1 Fractions.

In the sale of postage, and the computation of rates, fees, and other charges, any fraction of a stated basic unit is treated as a whole unit, by the following rules:

(a) *Money.* If the stated basic unit is 1 cent, fractions of a cent are treated as a whole cent; if the basic unit is 1½ cents, fractions of 1½ cents are treated as 1½ cents; etc. In the settlement of cash balances payable to the post office, the next highest even-cent amount must be paid. The rule on fractions does not apply to dollars.

(b) *Weight.* Fractions of the stated unit are treated as a whole unit, thus: 3 cents an ounce means 3 cents an ounce or fraction of an ounce; 2 cents each 2 ounces means 2 cents for each 2 ounces or fraction of 2 ounces; 2 cents each half-pound means 2 cents for each half-pound or fraction of a half-pound.

(c) *Length.* Fractions of any stated unit of length—inches, feet, miles, etc.—are treated as a whole unit.

(d) *Time.* Fractions of the stated unit—hours, days, months, quarters, years, etc.—are treated as a whole unit, except that in the computation of box rent the rent after the beginning of a quarter is determined in the manner prescribed by § 41.3(d) of this chapter.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

PART 9—SEAL

Sec.
9.1 Purpose.
9.2 Authority.
9.3 Description.
9.4 Custody.

AUTHORITY: §§ 9.1 to 9.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 303, 501.

§ 9.1 Purpose.

The purpose of this part is to describe and give official notice of the seal of the Post Office Department.

§ 9.2 Authority.

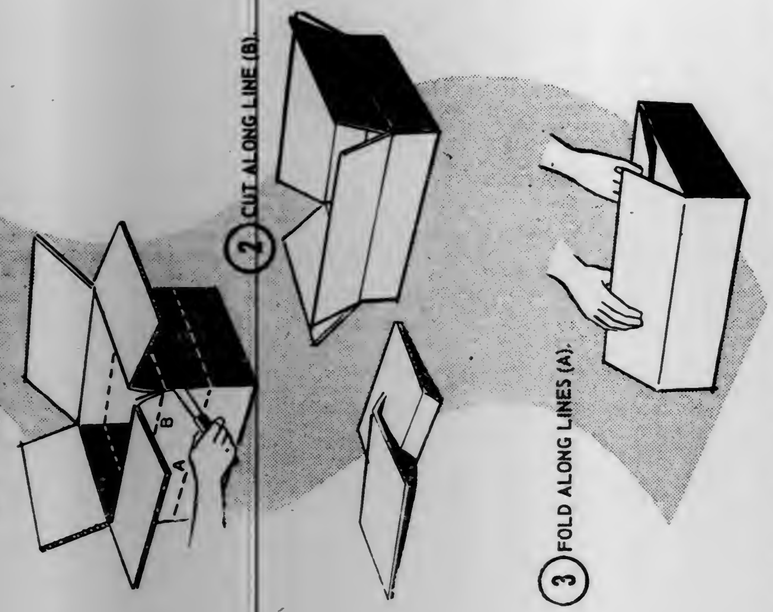
The illustration and description of the seal of the Post Office Department contained in this document is identical to the illustration and description of the seal of the Post Office Department which has been filed in the office of the Secretary of State pursuant to section 303 of Title 39, United States Code.

§ 9.3 Description.

Seal: A horse in full speed, equipped, in fesse, sinister, with mounted horseman and mail saddle bag. In base, a plane of turf, all surrounded by an outer band bearing between two stars the words "Post Office Department" in upper portion and "United States of America" in lower portion, the lettering concentric with inner and outer fillet band rims, all encircled with rope band.

§ 9.4 Custody.

The seal shall remain in the custody of the Postmaster General, or such officer or employee of the Department as he designates and shall be affixed to all certificates and attestations that may be required from the Department.





SUBCHAPTER B—HOW TO WRAP AND MAIL PARCELS

PART 11—PACKAGES

Sec.
11.1 Adequacy of packaging standards.
11.2 Cartons and boxes.
11.3 Internal protection.
11.4 Outside wrapping (closure).
11.5 Marking on packages.

AUTHORITY: §§ 11.1 to 11.5 issued under R.S. 161, as amended, sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 18 U.S.C. 1716, 39 U.S.C. 501, 4058.

§ 11.1 Adequacy of packaging standards.

This part contains standards and methods for packaging and wrapping of parcels. Certain types of items are excluded from the mail unless packaged so as to assure safe transit. For such special packaging regulations, see Part 15 of this chapter. For special conditions governing parcels sent to military post offices overseas, see Part 17 of this chapter.

§ 11.2 Cartons and boxes.

(a) *Types of shipping containers.* Shipping containers must be strong enough to retain and protect their contents from the weight of other mail. Boxes or cartons of the following materials are commonly used: Corrugated or solid fiberboard, kraftboard, chipboard (for small items), fiber mailing tubes with metal ends, metal, and wood. Heavy wrapping paper or burlap or similar cloth may be used for parcels containing unbreakable goods which would not be damaged by the weight of other mail. The strength of carton required will depend on the weight, size, and nature of the article shipped as well as the distance it is to go. Parcels addressed to distant zones receive more handling and therefore require stronger containers than parcels addressed to nearby points.

(b) *Size of container.* The outer shipping container should be the proper size to hold the goods shipped with enough space for cushioning material

inside. If the container is too large, the contents are apt to shift while in transit. If it is too small, or if too much is put into it, there will not be enough room for protective internal cushioning. An overstuffed carton may burst in transit.

(c) *Chipboard boxes.* Small rigid telescoping chipboard boxes are usually used for small articles such as watches, jewelry, pens, etc.

(d) *Used containers.* A used container as described in paragraph (a) of this section in good rigid condition with all flaps intact is acceptable. If a box of the desired size cannot be found, a larger one may be cut down as shown in the following illustration. Bend the four sides over the articles which have been cushioned in the box.

§ 11.3 Internal protection.

(a) *Purpose of cushioning.* (1) If a single item is shipped, sufficient cushioning material should surround the item so that it will be protected from outside impact against the carton in which it is shipped.

(2) If two or more items are shipped in the same carton or box, the cushioning should protect the items from damaging one another, in addition to protecting against outside impact. Each item should be separately wrapped so that no damage will result regardless of the position of the package inside a mail sack.

(b) *Cushioning materials.* (1) Excelsior, flexible corrugated fiberboard, or felt are commonly used to cushion heavy articles. Cellulose materials, cotton, clothing, shredded paper, or tissue paper are used for lighter items. The amount of cushioning needed will depend on size and nature of items mailed.

(2) About 2 inches of cushioning material should be evenly and firmly placed on all sides of the fragile item.

(3) Heavy and lightweight items should not be packed together in the same compartment. Heavy items should be packed so that they will remain in a fixed position.

(c) *Fragile articles.* (1) The pieces must be individually cushioned.

(2) If shredded paper or excelsior is used, at least 2 inches of either should be placed on all four sides of the box and on top and bottom. Each piece must be properly spaced and cushioned to avoid strain or damage to other pieces. About one-half of an inch cushioning between flat pieces will be adequate.

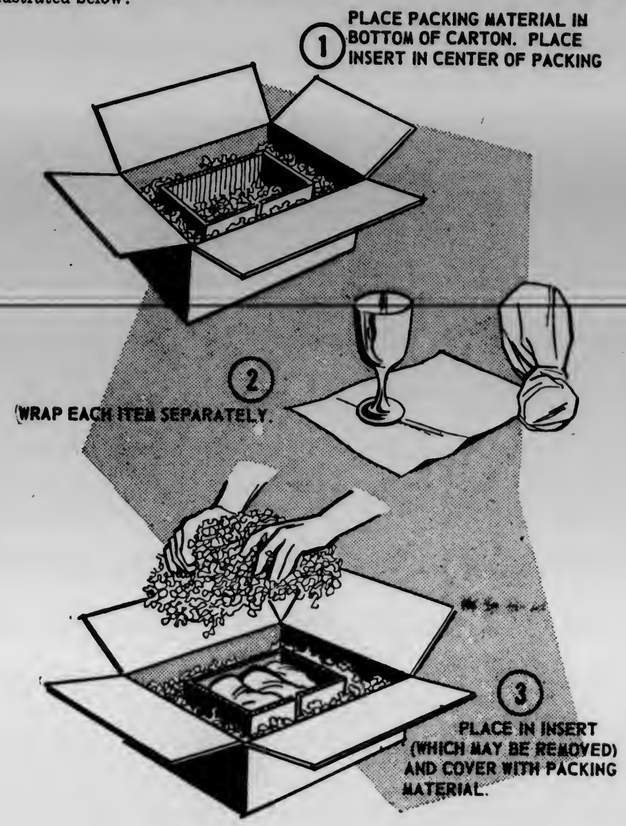
(3) Breakage of one item when packed with soft cushioning material may result in general loosening of other articles in the carton with further damage. If corrugated interior packing, such as tray, pads, partitions, compartments, etc., are used, they must be arranged so that individual items do not touch the wall of the shipping carton or each other. Flexible packing pads between each item of the same size may be used in nesting.

(4) The weight of upper compartments should be borne by corrugated packing and not by articles in lower compartments.

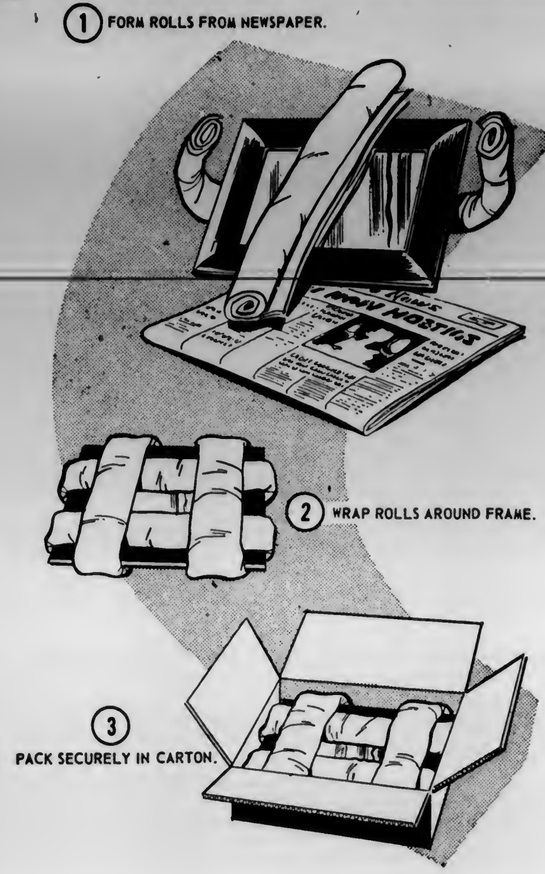
(5) The following illustrations show the manner of cushioning several odd shaped items in a parcel.



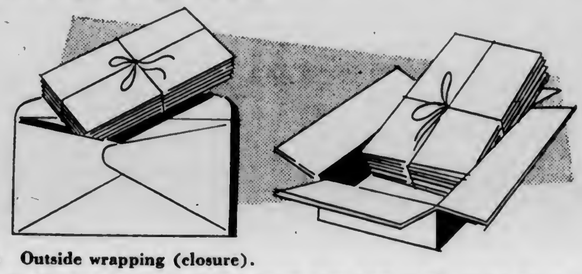
(d) *Stemware.* These pieces may be very fragile and in case of faulty manufacture they may be damaged by temperature or climatic changes. Proper packing is illustrated below:



(e) *Framed pictures.* These items should be cushioned on both sides and packed in a strong shipping carton. The following illustration shows one way of packing a framed picture. The newspaper is folded to form rolls which are placed around the picture.



(f) *Loose papers or pamphlets.* Loose papers or pamphlets in small quantities should be securely tied as illustrated below before being enveloped or wrapped. Large quantities also should be securely tied as illustrated below before being placed in a box or other substantial container.



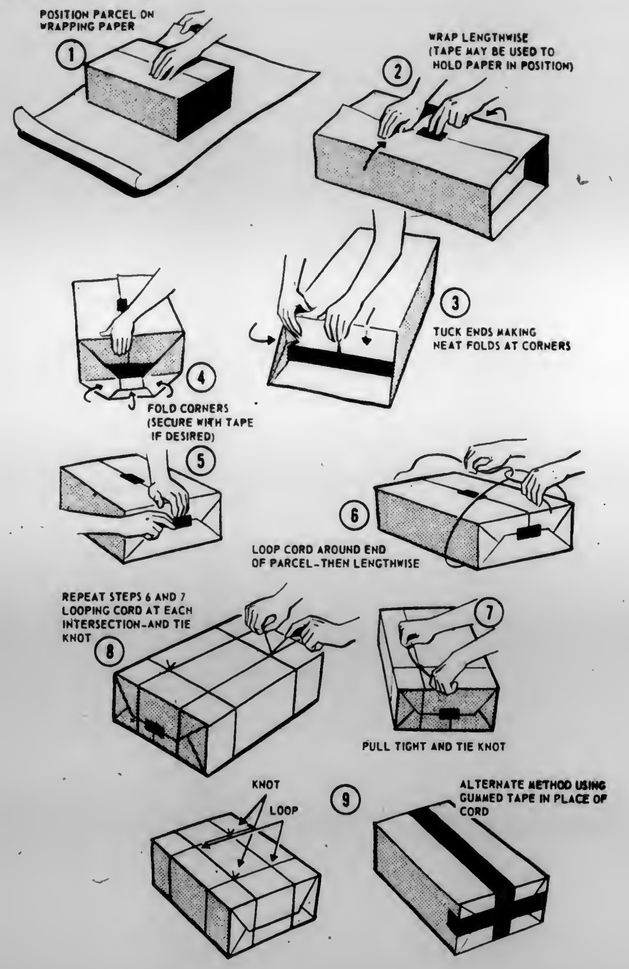
§ 11.4 Outside wrapping (closure).

(a) Small telescoping chipboard boxes may have metal clasps which fold over and hold the two parts of the box together. Further reinforcement is not required.

(b) Dry, nonfragile materials may be wrapped in heavy paper and tied with twine. Thin paper bags are not acceptable.

(c) Articles which are self-contained may be mailed without outside packaging or wrapping. The Post Office Department will not be responsible, however, if the surface or finish of the article becomes marred or damaged.

(d) Fiberboard cartons may be wrapped and tied with strong twine or rope as shown in the following illustration. This affords the greatest protection to contents. A fiberboard carton in good condition need not be wrapped. The following illustrations show two methods of preparing parcels for mailing. Parcels may be securely taped if desired.



§ 11.5 Marking on packages.

(a) *Fragile.* Packages containing articles of a delicate nature such as glass, chinaware, electrical appliances, jewelry, musical instruments and radios, must be marked "Fragile" by the mailer.

(b) *Perishable.* Products which decay quickly, such as fresh meats, fresh fruits, and vegetables, must be marked "Perishable".

(c) *Conditional labeling.* (1) Words like "Do Not Bend" or "Do Not Fold or Crush" may be used only when content is fully protected with stiffening material.

(2) Words like "Rush" or "Do Not Delay" may be used only on packages intended for shipment as special delivery or special handling mail.

(d) *Unauthorized labeling.* (1) Labels and markings printed on cartons or on wrappers of parcels or on gummed tape on parcels are not permitted in place of any required label.

(2) Obsolete markings or labels shall be covered or obliterated.

(3) Parcels improperly labeled as to nature of contents are not acceptable.

PART 12—ENVELOPES

Sec.
12.1 Color.
12.2 Quality.
12.3 Size.
12.4 Window envelopes.

AUTHORITY: §§ 12.1 to 12.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2510.

§ 12.1 Color.

Use any light color that does not interfere with legible address and postmark. Brilliant colors should not be used.

§ 12.2 Quality.

Use paper strong enough to withstand normal handling. Highly glazed paper, or paper with an overall design, is not satisfactory for showing the address and necessary postal endorsements.

§ 12.3 Size.

Envelopes of standard size are more easily and quickly handled. Envelopes less than 2¾ by 4 inches, or larger than 9 by 12 inches, are not recommended.

NOTE: Effective January 1, 1963, this section will read:

§ 12.3 Size, shape, and ratio.

Envelopes of standard sizes and shapes are essential to the economical handling of mail, both by machine and manual methods. The following standards apply to envelopes:

(a) Envelopes less than 3 inches in width (height) or 4½ inches in length are nonmailable.

(b) Envelopes more than 9 inches in width (height) or 12 inches in length are not recommended.

(c) Envelopes having shapes other than rectangular are nonmailable.

(d) Envelopes having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

§ 12.4 Window envelopes.

Window envelopes, or open panel envelopes, may be used under the following conditions:

(a) The address window must be parallel with the length of the envelope.

(b) The proper place for the address window is in the lower portion of the address side.

(c) Nothing but the name, address, and any key number used by the mailer may appear through the address window.

(d) The return address should appear in the upper left corner. If there is no return address and the delivery address does not show through the window, the piece will be handled as dead mail.

(e) When used for registered mail they must conform with the conditions in § 51.5(c).

(f) The address disclosed through the window must be on white paper or paper of a very light color.

PART 13—ADDRESSES

Sec.
13.1 General information.
13.2 Arrangement of address.
13.3 Where to put handling instructions.
13.4 Simplified address.
13.5 Mailing list services.
13.6 Delivery zones.
13.7 Second-class publications.
13.8 Overseas military mail.

AUTHORITY: §§ 13.1 to 13.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4365, 4453, 4555.

§ 13.1 General information.

(a) Write the address clearly and legibly.

(b) Mail for delivery through a city delivery post office must include in the address; the street and number, or post office box number, or general delivery, or rural or star route designation. Mail for patrons on rural route may be addressed to street names and numbers provided this type of address has been approved by the Regional Director. The rural route number or the words "Rural Delivery" should be used in such addresses.

(c) All mail should bear the name and address of the sender. See §§ 16.2(f), 25.5(a)(1), 26.6(a), 47.7(b), 48.3, 48.4(a)(2), 51.5(a), 52.1(b) and 53.1(b) of this chapter for mail which must show a return address.

(d) Include the postal delivery zone number on mail addressed to cities using that system. See § 13.6(d).

(e) Matter bearing dual addresses or the names of more than one post office in the return address or in the recipient's address is not acceptable for mailing.

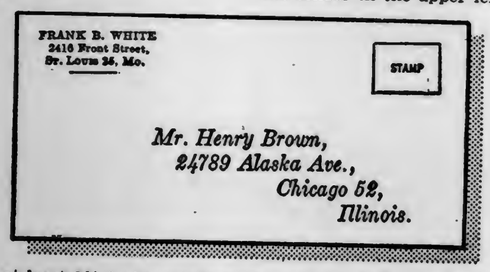
(f) Matter bearing instructions to return to "Point of Mailing" (postmark) is not acceptable for mailing.

(g) See § 13.7 for special instructions on addressing second-class mail.

(h) See § 13.8 for special instructions on addressing overseas military mail; and §§ 111.1(b)(2) and 121.2(d)(1) of this chapter for addressing international mail.

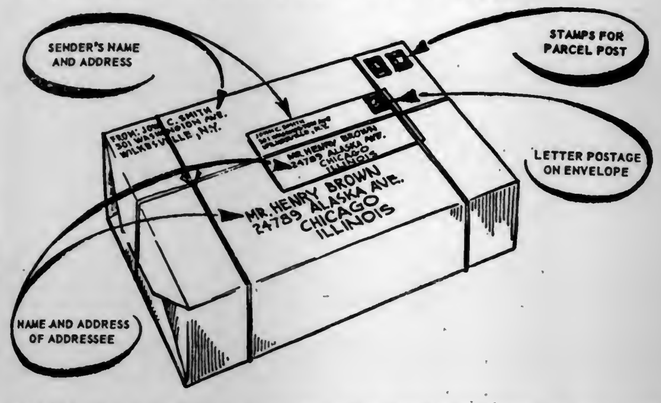
§ 13.2 Arrangement of address.

(a) The proper place for the address is in the lower right portion of the address side; the postage (stamps or meter stamps or permit imprints) in the upper right corner; and the return address of the sender in the upper left corner.



(b) Leave at least 3½ inches of clear space, from top to bottom, at the right end of the address side of envelopes, folders, or labels. This space will be used for address, postage, postmark, and other prescribed endorsements such as airmail or special delivery. On large envelopes or mailing pieces leave a clear rectangular space of not less than 2¾ x 4 inches for the address, stamps, postmarks, etc.

(c) Illustration of how to fix a first-class letter on a parcel:



See § 29.3 of this chapter, for instructions concerning method of enclosing letters in parcels.

§ 13.3 Where to put handling instructions.

(a) *Pledge to pay return or forwarding postage (or both).* Below the return address of the sender. (Only on second-, third- and fourth-class matter.)

(b) *Form 3547 requested (notice of new address).* Place request in lower left corner and return address in upper left corner. (Only on third- and fourth-class matter.)

§ 13.4 Simplified address.

(a) *Style.* When general distribution of mail is desired for each box holder on a rural or star route, or for each family on a rural route, at any post office or for all post office boxholders at a post office which does not have city or village carrier service, you may use a simplified address provided each piece is addressed in the appropriate following style:

(1) Rural or Star-Route Boxholder.
(2) Rural Route Boxholder (one for each family).
(3) Post Office Boxholder.
(4) Postal Patron. (This style may be used instead of styles mentioned in subparagraph (1), (2), or (3) of this paragraph.)

(b) *Post office address.* Any of the styles shown in paragraph (a) of this section must be followed by the name of the post office and state or by the word "Local".

(c) *Preparation requirements.* (1) You must tie all pieces for the same post office, so far as practicable, in packages of 50 and attach a facing slip showing the distribution desired, such as: rural route, post office boxholder, and the like. If the pieces are put up in quantities other than 50 for each separation, the number of pieces must be shown on the facing slip.

(2) If selective distribution is desired, a sufficient number of pieces must be presented to cover the route or routes selected and the route numbers must be shown on the facing slips.

(3) Postage at the proper rate must be fully prepaid by a method that does not require cancellation: By permit imprints, second-class imprints, meter stamps, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

(4) Designations such as "Farmer," "Food Buyer," "Voter," and the like, are not permitted.

(d) *Number of patrons.* Upon request, postmasters will furnish without charge the number of patrons served, as follows:

(1) Number of post office boxholder patrons (only at post offices which do not have city or village carrier service).

(2) Route numbers, and number of boxholders on each rural and star route.

(3) Route numbers, and number of families on each rural route. Pieces received at a delivery office in excess of the number of the type designated to receive the mail will be treated as provided in § 48.2(d) of this chapter.

(e) *"Occupant" mail.* To address mail to a specific street number without addressing the occupant by name, or to a post office box without addressing the boxholder by name, the following style may be used:

Postal Patron (or Occupant, Householder, Resident, etc.)

(Street and Number, Including Apartment Number, if Any or Post Office Box Number)

(Post Office and State, or Local, and Zone Number When Applicable)

§ 13.5 Mailing list services.

(a) *Correction of mailing lists—(1) Service available.* Mailing lists submitted by departments of State governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business by mail will be corrected as frequently as requested, at the expense of the owners of the lists. For lists received from Federal agencies and Members of Congress, see paragraph (d) of this section. Postal employees must not compile mailing lists including occupant lists.

(b) *Name and address lists—(1) Method of submission.* Typewritten or printed lists should be submitted to the post office that serves the addresses, on cards, one name and address to a card. Cards should be approximately the size and quality of a postal card. The owner of the list must place his name in the upper left corner of each card. At third- and fourth-class post offices, mailing lists may be submitted in sheet form. Lists should be submitted by mail only, except large lists presented by local firms for correction.

(2) *Type of corrections made.* Names to which mail cannot be delivered or forwarded will be crossed off; incorrect house, rural, or post office box numbers will be corrected; initials will be corrected where apparently the name is known to the owner of the list; and the head of the family will be indicated, if known, when two or more names are shown for the same address. New addresses for patrons who have moved will be furnished when permanent forwarding orders are on file. If no change is necessary, an *x* will be marked in the upper right corner of the card. New names will not be added to a list.

(c) *Address cards arranged in sequence of carrier delivery.* Address cards may be arranged in sequence of carrier route delivery without charge. The cards must be the size and quality of a postal card, one address to a card. The list owner's name must appear in the upper left corner of the card. Cards bearing incorrect, nonexistent, or other undeliverable addresses will be withdrawn and corrected at the charges provided in paragraph (a)(4) of this section. Mailers may submit address plates or stencils instead of cards when satisfactory arrangements can be made to handle them. Postmasters must check to see that mailers whose lists have been arranged in sequence prepare bundles for each route with the individual pieces in address sequence. This service shall not be provided to mailers who do not make the required premailing preparation, and it must not be provided as a substitute for the list correction service provided by paragraph (a) of this section. Postmasters at city delivery post offices may furnish volume mailers upon request the number of "possible deliveries" within his total delivery area or on particular carrier routes.

(d) *Charges.* The minimum charge for each list corrected is $1. For lists of more than 20 names or addresses, the charge is 5 cents per name or street address, including individual apartments. Payment must be made in advance by cash or money order. Lists used by Members of Congress and Federal agencies are corrected without charge. Where rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

(e) *Postage on lists.* Typewritten lists are subject to postage at the first-class rate. Those prepared by stencil, mimeograph, printing, or similar process may be mailed at the third- or fourth-class

rate depending on the weight. Lists are returned to customers free of postage.

(f) *Furnishing address changes to election boards and registration commissions.* Residential change-of-address information is available to duly constituted election boards or registration commissions using permanent registration, at a cost of 5 cents for each change of address, Form 3575. An election board or registration commission desiring this information must submit to the postmaster a written request signed by an authorized official. The postmaster shall transmit the request to the Regional Director for approval. On approval, the postmaster will receive necessary procedural instructions from the Regional Director for release, control, and return of change-of-address forms 3575.

§ 13.6 Delivery zone numbers.

(a) *Description of delivery zones.* The rapid growth of suburban areas and the expansion of the city delivery service have resulted in the postal consolidation of communities and geographical areas into single delivery areas of duplicated streets, avenues, and location names. To provide prompt delivery of mail in many major cities, the delivery area is divided into geographical or other sections called delivery zones. See exhibit immediately following this paragraph. The postal delivery zone number represents a refinement in the form of the address.

(b) *Zone addresses.* (1) Each delivery zone is assigned a number to be used in the address of all classes of mail.

(2) A zone number must be used with the name of the main post office. The address may include the name of a branch post office, station, community, or other geographic subdivision in addition to the name and zone number of the main distributing post office.

(3) The zone number and name of the main post office should be used even though the community or named station is entirely within a single zone.

(4) The delivery zone number should be on the same line as, and after the name of the main post office and before the name of the State.

Examples of Zone Addresses

John Doe
3307 96th Street
Jackson Heights
Flushing 72, New York
or
John Doe
3307 96th Street
Flushing 72, New York

Paul Smith
408 Broadway Street
Cambridge
Boston 39, Massachusetts
or
Paul Smith
408 Broadway Street
Boston 39, Massachusetts

(5) Firms and major mail users should consult postmasters regarding the form of address and additional information that may be of help in improving mail service and in deriving the full benefit of a complete, proper address.

(c) *Notification of correspondents.* Residents in the delivery area of a zone city should inform their correspondents of the proper zone number and should include that zone number in return addresses, notices, subscriptions, letterheads, and all advertisements relating to the mailing address. Correspondents should be requested to use the delivery zone number on all classes of mail and to maintain this information in the same manner as other elements of the address.

(d) *List of zone cities.* The zone number should be used on all types and classes of mail for delivery in the following zone cities:

Birmingham, Ala.	Washington, D.C.
Montgomery, Ala.	Jacksonville, Fla.
Phoenix, Ariz.	Miami, Fla.
Berkeley, Calif.	St. Petersburg, Fla.
Fresno, Calif.	Tampa, Fla.
Glendale, Calif.	Atlanta, Ga.
Long Beach, Calif.	Honolulu, Hawaii.
Los Angeles, Calif.	Chicago, Ill.
Oakland, Calif.	Evansville, Ind.
Sacramento, Calif.	Indianapolis, Ind.
San Diego, Calif.	South Bend, Ind.
San Francisco, Calif.	Des Moines, Iowa.
San Jose, Calif.	Sioux City, Iowa.
Stockton, Calif.	Kansas City, Kans.
Denver, Colo.	Wichita, Kans.
Bridgeport, Conn.	Louisville, Ky.
Hartford, Conn.	Baton Rouge, La.
New Haven, Conn.	New Orleans, La.
Waterbury, Conn.	Baltimore, Md.
Wilmington, Del.	Boston, Mass.
Worcester, Mass.	Long Island City, N.Y.
Detroit, Mich.	New York, N.Y.
Flint, Mich.	Rochester, N.Y.
Grand Rapids, Mich.	Schenectady, N.Y.
Memphis, Tenn.	Staten Island, N.Y.
Nashville, Tenn.	Syracuse, N.Y.
Austin, Tex.	Charlotte, N.C.
Dallas, Tex.	Akron, Ohio.
Fort Worth, Tex.	Canton, Ohio.
Houston, Tex.	Cincinnati, Ohio.
San Antonio, Tex.	Cleveland, Ohio.
Salt Lake City, Utah.	Columbus, Ohio.
Arlington, Va.	Dayton, Ohio.
Lansing, Mich.	Toledo, Ohio.
Duluth, Minn.	Youngstown, Ohio.
Minneapolis, Minn.	Oklahoma City, Okla.
St. Paul, Minn.	Tulsa, Okla.
Jackson, Miss.	Portland, Oreg.
Kansas City, Mo.	Philadelphia, Pa.
Saint Louis, Mo.	Pittsburgh, Pa.
Lincoln, Nebr.	Scranton, Pa.
Omaha, Nebr.	Providence, R.I.
Camden, N.J.	Chattanooga, Tenn.
Jersey City, N.J.	Knoxville, Tenn.
Newark, N.J.	Norfolk, Va.
Paterson, N.J.	Richmond, Va.
Trenton, N.J.	Seattle, Wash.
Albany, N.Y.	Spokane, Wash.
Brooklyn, N.Y.	Tacoma, Wash.
Buffalo, N.Y.	Charleston, W. Va.
Far Rockaway, N.Y.	Huntington, W. Va.
Flushing, N.Y.	Madison, Wis.
Jamaica, N.Y.	Milwaukee, Wis.

(e) *Zone directories.* The Postal Zone Directory is an official publication of zone information published in standard format. No charge is made for the directory. Requests should be made to the postmaster of the zone city for which a directory is desired, or to the Office of Headquarters Services, Post Office Department, Washington 25, D.C. Following is a sample of information shown in the directory:

POST OFFICE BOXES

Box Nos.	Station	Location	Zone
1–999	Benjamin Franklin.	POD Bldg., 12th and Pennsylvania Ave. NW.	4
1000–2999	Main Office	North Capitol and Massachusetts Ave.	13
3000–3499	Columbia Heights.	1423 Irving NW	10
3500–3999	Georgetown	1215 31st NW	7
4000–4199	Chevy Chase Branch.	5910 Connecticut Ave.	15
4200–4399	Takoma Park Branch.	7117 Maple Ave. (Md.).	12

ALPHABETICAL LIST OF NAMED STREETS—Con.

	Zone
Allandale Cit, E. & W	5
Allen Ave	8
Allen Pl	11

§ 13.7 Second-class publications.

(a) All publications should be addressed in a legible hand or plain type not smaller than 10 point.

(b) When several unwrapped copies for subscribers at the same post office are sent under one wrapper, each copy should bear the name and address of the subscriber.

(c) The name of the post office and State should be the most prominent part of the address.

(d) Write or print addresses with black ink or ink of some other strongly contrasting color. Addresses should not be written in pencil.

(e) Use white or other light-colored paper for address strips.

(f) When the address is placed on the wrapper, it should appear on the flat side and never on the fold. Addresses, including address strips, must be placed in a visible position either on the wrapper or directly on the copies.

(g) Individually addressed, unfolded periodicals mailed in bundles without separate wrappers should have the addresses placed upside down in the lower right corner of the front cover page. An alternate position on the periodicals is lengthwise along the bound edge, near the top of the publication.

(h) Individually addressed, unwrapped, folded newspapers and periodicals mailed in bundles to a post office should have the addresses in the upper left corner of the publication when grasped with the right hand along the folded edge.

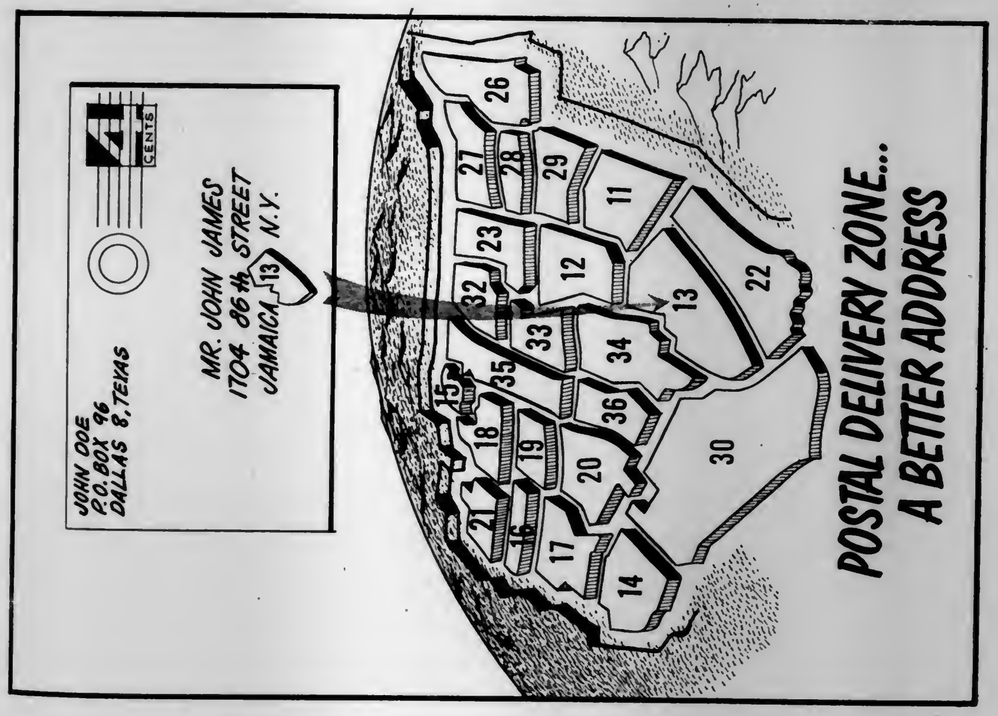
§ 13.8 Overseas military mail.

(a) *Army and Air Force.* Show grade, full name, including first name and middle name or initial, service number, organization, APO number and the post office through which the mail is to be routed. Example:

	Zone
Canterbury, 9th and Morgan	4
Chalcar, 218 Cooper	2
Crescent, 1624 Independence Rd	4
Harding Villa, Federal and Crescent Blvd	5
Helene, 3d and Cooper	2
Pearlye, 1655 Park Blvd	3
Pierre, 306 Cooper	2
Sabre, 2d and Penn	2
Washington Park, 342 Marlton Ave	5
Westfield Acres, 31st and Westfield Ave	5
BUILDINGS	
Broadway, 23 Broadway	3
Broadway Stevens, 300 Broadway	3
City Hall, 6th and Market	1
First Camden National Bank, Broadway and Cooper	2
Parkade:	
Federal St. Entrance	3
Market St. Entrance	2
Post Office, 401 Market	1
Smith-Austermuhl, 5th and Market	2
Wilson, 130 N. Broadway	2
COLLEGES	
Rutgers College of South Jersey, 406 Penn	2
HOSPITALS	
Camden Municipal, Sheridan and Copewood	4
Hard Maternity, 2934 N. Constitution Rd	4
Our Lady of Lourdes, Haddon Ave. and Vesper Blvd	3
HOTELS	
Garden, 201 S. 6th	3
Hotel Plaza, 5th and Cooper	2
Milner, 2d and Penn	2
Victoria, 2d and Kaighn Ave	3
Walt Whitman, Broadway and Cooper	2

ALPHABETICAL LIST OF NAMED STREETS

	Zone
A	
Abbott	9
Abbott Ct, 7000, 7099	11
Abby Lane	7
Abel Lane	5
Abella Rd	9
Abercorn Rd	11
Alhambra Dr	7
Alice, 2300–2399	7
Aline Rd	10
Allamanda Dr	10



Mr. John Smith
123 6th Street
Roanoke, Virginia

Stamp

Pvt. Willard J. Doe, RA 32 000 000
Company F
167th Infantry Regt.
APO 801
New York, New York

Mrs. W. J. Doe
4850 First Street
Denver, Colorado

Stamp

A/1C Harold F. Doe, AF 15 000 000
2nd Bomb Squadron
APO 236
New York, New York

(b) *Navy and Marine Corps.* Show full name, including first name and middle name or initial, rank or rating, shore based organizational unit with Navy number, or mobile unit designation, or name of ship, and the fleet post office through which the mail is to be routed. Example:

Mr. J. C. Doe
238 Third Street
Akron, Ohio

Stamp

John M. Doe, QMSN, USN
USS Lyman K. Swenson (DD729)
Fleet Post Office
San Francisco, California

Mrs. R. D. Doe
4687 Second Street
Boise, Idaho

Stamp

Maj. John M. Doe, USMCR
Staff, Fleet Marine Force, Pacific
Fleet Post Office
San Francisco, California

(c) *Geographical address.* Mail showing a foreign city and country in addition to the military address is subject to the rates of postage and conditions for international mail.

PART 14—NONMAILABLE MATTER [REVISED]

Sec.
14.1 Introduction.
14.2 Harmful matter.
14.3 Intoxicating liquors.
14.4 Obscene and indecent matter.
14.5 Lotteries, frauds, and libelous matter.
14.6 Disloyalty and threats to the President.
14.7 Copyright violations.
14.8 Certain foreign communications.
14.9 Opinions on mailability.

AUTHORITY: §§ 14.1 to 14.9 issued under R.S. 161, as amended, Sec. 1, 62 Stat. 740, as amended, 741, 761–763, as amended, 768, as amended, 769, 781, as amended, 782, 64 Stat. 451; 5 U.S.C. 22, 17 U.S.C. 101, 18 U.S.C. 871, 876, 877, 1262, 1302, 1305, 1341, 1342, 1461, 1463, 1714–1718, 39 U.S.C. 501, 4000–4007, 4057, 4353.

§ 14.1 Introduction.

(a) *Description.* Nonmailable matter includes all matter which is by law, regulation, or treaty stipulation prohibited from being sent in the mail or which cannot be forwarded to its destination because of illegible, incorrect, or insufficient address.

(b) *Applicability.* The harmful or objectionable things identified or described in this part are some of the matter which may not be sent through the mail, as a matter of absolute prohibition. See Part 15 of this chapter for matter mailable only under special rules or conditions. Notwithstanding any statement contained in the regulations of this part, which covers only some of the items prohibited in the mail, the burden rests with the mailer to assure that he has complied with the law. In addition to other nonmailable items mentioned in this part, certain other articles are prohibited in the mail to military post offices overseas. See Part 17 of this chapter.

(c) *Penalties for violation.* Severe penalties, by fine or imprisonment, or both, are provided for persons who knowingly mail or cause to be mailed, any matter which has been declared nonmailable under law.

(d) *Nonconformity with postal regulations.* Regardless of its nature, matter may not be mailed in any form if done in violation of postal regulations for such reasons as failure to pay postage, improper size or weight, improper permits, improper addresses, etc.

(e) *Responsibility of mailer.* When mailers are in doubt as to whether any matter is properly mailable, they should ask the postmaster. Even though the Post Office Department has not expressly declared any matter to be nonmailable, the mailer of such matter may be held fully liable for violation of law if he does actually send nonmailable matter through the mail.

§ 14.2 Harmful matter.

(a) *General provisions of law.* Any articles, compositions, or materials, which may kill or injure another, or injure the mail or other property, are nonmailable. This includes but is not limited to:

(1) All kinds of poison or matter containing poison.

(2) All poisonous animals, except scorpions (see § 15.3(e) of this chapter), all poisonous insects, all poisonous reptiles, and all kinds of snakes.

(3) All disease germs or scabs.

(4) All explosives, inflammable material, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode.

(b) *General examples of harmful matter.* Harmful matter includes, among others, that which is likely to destroy, deface, or otherwise damage the contents of the mailbags or harm the person of anyone engaged in the Postal Service, such as caustic poisons (acids and alkalies), oxidizing materials, or highly flammable solids; or which are likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing; explosives or containers previously used for shipping high explosives having a liquid ingredient (such as dynamite), ammunition; fireworks; highly flammable liquids or substances; radioactive materials; matches; or articles exhaling a bad odor.

(c) *Acceptability if properly packed.* When authorized by the Postmaster General, various of the articles specified in this part as being nonmailable may be sent through the mail if they conform to special regulations as to preparation and packaging and if they are not outwardly dangerous, or of their own force dangerous or injurious to life, health, or property. See Part 15 of this chapter.

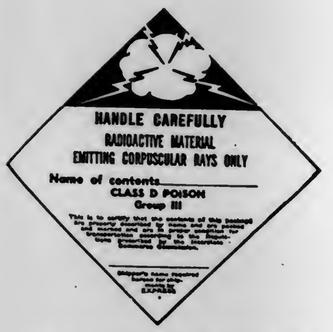
(d) *Radioactive matter.* (1) Radioactive materials other than those described in § 15.2(d) of this chapter are nonmailable. Any package of radioactive matter bearing an Interstate Commerce Commission red or blue label as CLASS D POISON or which is marked to indicate that it contains radioactive matter in excess of the quantities listed in § 15.2(d) of this chapter is nonmailable. These labels are illustrated on the following page.

(Printed in Red)





(Printed in Blue)





(2) If a nonmailable package of radioactive material is discovered intact in the mail, the postmaster shall take the following action immediately:

(i) Place the parcel at least 15 feet from other mail or personnel. Under no circumstances shall the package be dispatched.

(ii) Notify the postal inspector in charge promptly, requesting instructions as to disposition of the package.

(3) If a nonmailable package of radioactive material is found to be broken or leaking, the following action shall be taken:

(i) The area around the damaged package shall be isolated to prevent contact of persons with any loose radioactive material. Any conveyor belt, chute, or other equipment or conveyance, including mail bags, in which the radioactive material has leaked should also be isolated. The isolated area shall be roped off or guarded wherever practicable. A temporary sign indicating the presence of radioactive materials with a warning to keep out should be placed at the edge of the roped off area. The postmaster in cooperation with a postal inspector, if one is available, shall immediately request the assistance of qualified persons to check radiation hazards and to supervise salvage and decontamination. This assistance may be obtained from the sender, if he is nearby, or from one of the following:

(a) Local civil defense authorities.

(b) Local health, fire or police department.

(c) Nearest office of U.S. Atomic Energy Commission. See § 14.2(d)(5).

(d) Nearby scientific laboratory.

(e) Nearby military installation.

(ii) When assistance from qualified personnel is delayed, those who were in the immediate area of the contaminated package shall wash thoroughly and make a complete change of clothes and remain isolated so as to prevent spread of the contamination until they have been examined by qualified persons. Exposed clothing and shoes should not be removed from the premises. A report of the incident shall be made to the postal inspector in charge.

(iii) When the incident has been appraised by competent radiological specialists, the postmaster should ascertain the need for medical attention to exposed employees. Injury reports are to be treated like other occupational injuries.

(4) Operations Offices of the United States Atomic Energy Commission are as follows:

Operations office	Mail address	Telephone No.
Albuquerque Operations Office.	P.O. Box 5400, Albuquerque, N. Mex.	Alpine 6-4411, Ext. 38267.
Chicago Operations Office.	9800 South Cass Avenue, Argonne, Ill.	Lemont, Ill., Clearwater 7-7711, Ext. 2111 or 541.
Grand Junction Operations Office.	Grand Junction, Colo.	Chapel 3-2110.
Hanford Operations Office.	P.O. Box 550, Richland, Wash.	Whitehall 2-1111, Ext. 6-5441.
Idaho Operations Office.	P.O. Box 2108, Idaho Falls, Idaho.	Jackson 2-6640.
Lockland Aircraft Operations Office.	P.O. Box 23, Lockland Branch, Cincinnati 15, Ohio.	Valley 1-7400.
New York Operations Office.	376 Hudson Street, New York 14, N.Y.	Yukon 9-1000.
Oak Ridge Operations Office.	P.O. Box E, Oak Ridge, Tenn.	Oak Ridge, Tenn., 5-7486 or 5-5611, Ext. 7607.
Pittsburgh Naval Reactors Operations Office.	P.O. Box 1105, Pittsburgh 30, Pa.	Homestead, Pa., 2-3000.
San Francisco Operations Office.	2111 Bancroft Way, Berkeley 4, Calif.	Thornwall 1-5620.
Savannah River Operations Office.	P.O. Box A, Aiken, S.C.	Augusta, Ga., Park 4-6311, Ext. 3333. Aiken, S.C., Midway 9-6211.
Schenectady Naval Reactors Operations Office.	P.O. Box 1069, Schenectady, N.Y.	Express 3-6611.

§ 14.3 Intoxicating liquors.

(a) Spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind containing more than 3.2 percent of alcohol by weight.

(b) Intoxicating liquors containing not more than 3.2 percent of alcohol by weight when addressed to a Territory or district of the United States, the laws of which prohibit the manufacture or sale therein of alcoholic beverages of that content.

(c) Beer, lager beer, ale, porter, wine or other liquors, regardless of alcoholic content, when mailed to Indian wards anywhere or into any Indian reservation.

§ 14.4 Obscene and indecent matter.

(a) *Lewd or filthy matter.* Obscene, lewd, lascivious, or filthy publications or writings, or mail containing information concerning where, how, or from whom such may be obtained, and matter which is otherwise mailable but which has on its wrapper or envelope any indecent, lewd, lascivious, or obscene writing or printing. Any mail containing any filthy, vile, or indecent thing.

(b) *Contraceptive and abortive materials.* (1) Anything intended to prevent conception or produce abortion.

(2) Anything advertised or described so as to lead another to use it for preventing conception or producing abortion.

(3) Any written or printed matter giving information as to how to obtain any article or to use any means for preventing conception or producing an abortion.

(4) Any other written or printed matter intended to induce, or incite to, the

prevention of conception or the production of abortion.

(c) *Inciting to violence.* Any matter of a character tending to incite arson, murder, or assassination.

§ 14.5 Lotteries, frauds, and libelous matter.

(a) *Lotteries.* (1) Any letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on lot or chance.

(2) Any lottery ticket or part thereof or substitute.

(3) Any form of payment for a lottery ticket or share.

(4) Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of a lottery or similar enterprise, or any list of prizes awarded in such an enterprise.

(b) *Fishing contest exception.* Paragraph (a) does not apply to any fishing contest not conducted for profit wherein prizes are awarded for the species, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event.

(c) *Fraudulent enterprises.* Anything mailed in pursuance of any scheme for obtaining money or property of any kind through the mail, by means of false or fraudulent pretenses, representations, or promises.

(d) *Fictitious matter.* Any matter addressed to a person using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, through the mail, any business scheme or device in violation of law. The recipient must appear at the post office of receipt and be identified. If the addressee fails to appear and be identified, after notification, or if the fictitious character of such mail is established to the satisfaction of the Postmaster General, it is forwarded to the dead letter office as fictitious matter or otherwise disposed of as the Postmaster General directs.

(e) *Libelous matter.* Any matter otherwise mailable which has on its outside wrapper or envelope, or any postal card or post card carrying on it:

(1) Any libelous, scurrilous, defamatory, or threatening language, whether written or printed, or which by its manner or style of display is obviously intended to reflect injuriously on the character or conduct of another; or

(2) Any language asking for payment of a bill, which by its manner or style of display is defamatory and reflects injuriously on the character of addressee.

§ 14.6 Disloyalty and threats to the President.

(a) Any letter, publication, or thing containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

(b) Any letter or other matter containing any threat to take the life of or to inflict bodily harm upon, the President of the United States.

§ 14.7 Copyright violations.

Publications which violate copyright granted by the United States.

§ 14.8 Certain foreign communications.

(a) Matter addressed to foreign countries, posted in violation of law or treaty stipulations.

(b) Matter of any kind giving or offering to give information concerning procurement of a divorce in a foreign country and designed to solicit business in connection with such procurement.

§ 14.9 Opinions on mailability.

(a) When in doubt as to the mailability of any matter described in §§ 14.2, 14.3, and §§ 15.2, 15.3, and 15.4 of this chapter, the postmaster shall submit a sample or a complete statement of the facts to the Classification and Special Services Division, Bureau of Operations, and await instructions.

(b) Postmasters and other employees at post offices shall not give opinions to the public concerning the mailability of matter under §§ 14.4, 14.5, 14.6, 14.7, 14.8 and §§ 15.5, 15.6 of this chapter. When in doubt as to the mailability of any such matter, the postmaster shall withhold it from dispatch or delivery, and shall send a sample or a complete statement of the facts to the Mailability Division, Office of the General Counsel, for instructions. Newspapers containing doubtful matter should be promptly reported to the Mailability Division, Office of the General Counsel, but they should not be withheld from dispatch without specific instructions.

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

Sec.
- 15.1 Legal restrictions.
- 15.2 Adequacy of preparation and packaging.
- 15.3 Perishable matter.
- 15.4 Plant quarantines.
- 15.5 Concealable firearms.
- 15.6 Switchblade knives.
- 15.7 Identification and marking.
- 15.8 Airmail.

AUTHORITY: §§ 15.1 to 15.8 issued under R.S. 161, as amended, Sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 18 U.S.C. 1715, 1716, 39 U.S.C. 501, 4001, 4002, 4058, 4105.

§ 15.1 Legal restrictions.

(a) *Harmful matter.* (1) Certain items which are barred from the mails, as set forth in Part 14 of this chapter may be mailed if prepared and packaged in accordance with the regulations in this part. These are items which are not outwardly or of their own force dangerous or injurious to life, health, or property.

(2) Notwithstanding any statement contained in this part, which covers generally some of the more common situations, the burden rests with the mailer to assure that he has complied with the law and that anything shipped by him has been properly prepared and packaged. The ordinary test of adequate preparation and packaging is whether the contents of a parcel are safely perserved under ordinary hazards of mail handling and transportation.

(3) Products, materials and devices are created or modified with such frequency that the Post Office Department is unable to issue general rulings in advance to govern adequate preparation and packaging. Any mailer may, however, request the Post Office Department, in advance, for a specific ruling as to mailability of his item. The request should be addressed to the local postmaster, who will forward it to the Bureau of Operations, Classification and Special Services Division, Washington, 25, D.C.

(b) *Applicability of other laws.* (1) Although not unmailable, as defined in Part 14 of this chapter, certain other items may be mailed only if they comply with applicable Federal laws and regulations.

(2) Any special conditions or limitations placed on transportation or movement of certain things shall govern admissibility to the United States mails, when imposed under law by the U. S. Department of the Treasury; U. S. Department of Agriculture; U. S. Department of Commerce; U. S. Department of Health, Education, and Welfare; Interstate Commerce Commission; or any other Federal department or agency possessing legal jurisdiction.

(c) *Penalties.* Severe penalties of fine or imprisonment, or both, are provided by law, for anyone who knowingly deposits for mailing or delivery, or causes to be mailed or delivered, anything declared nonmailable under law. Failure to comply with the regulations of the Postmaster General, prescribed in this part, as to matter otherwise nonmailable, constitutes a violation of law.

§ 15.2 Adequacy of preparation and packaging.

(a) *General nature of precautions required.* (1) The restrictions against mailing of harmful matter, from which relief is granted by this part, are intended to prevent damage or harm to postal and transportation personnel, to prevent damage or destruction of other mail and of property, to avoid obnoxious odors, and to prevent the spread of disease and infection. Special preparation and packaging are required to protect against such contingencies.

(2) Basic precautions, covered generally in this section, relate to the inner containers holding the harmful matter, internal cushioning and protection, and exterior packaging and marking.

(b) *Liquids (noninflammable) and powders.* (1) Precautions to take in the case of liquids generally, pastes, salves, ink powders, pepper, snuff or other pulverized materials are against damage to mails and property from leakage and against caustic, irritant, toxic or soiling effect on mail handling personnel.

(2) Containers shall meet any applicable Interstate Commerce Commission or other Federal specifications. Closures must effectively seal the contents against leakage. Friction tops must be fastened so that they will not come off under impact. This may be done by soldering, clips, or otherwise.

CROSS REFERENCE: For shipping container specifications issued by the Interstate Commerce Commission, see 49 CFR Part 78.

(3) Containers of liquids made of glass or other breakable material must be packaged to withstand handling enroute. The container shall be cushioned inside the carton to absorb shock and impact. Where feasible, absorbent material shall be used, to take up all the liquid in case of breakage.

(4) Poisons for scientific use, which are not outwardly or of their own force dangerous or injurious to life, health or property, may be shipped between manufacturers, dealers, bona fide research or experimental scientific laboratories and employees of the Federal, state or local governments who have official use for such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons. The preparation and packaging of such poisonous articles shall be under the same conditions as apply to other articles covered by this part.

(c) *Combustible and gaseous.* (1) In addition to precautions specified in paragraph (b) of this section, containers of inflammable liquids must have sufficient air space to allow for vapor expansion under variations. This is to guard against bursting from internal pressure.

(2) Safety matches of a strike-only-on-box or book variety may be mailed provided they are insulated adequately with aluminum foil, asbestos or other fire retardant material. Strike-anywhere matches may not be mailed.

(3) Compressed gas containers shall be of metal or nonshattering steel types, as required by the Interstate Commerce Commission or other Federal agencies. In addition to being cushioned to absorb shock, containers with release mechanisms shall be protected against damage or accidental discharge in transit.

(d) *Radioactive materials.* In addition to special packaging precautions, as prescribed in this part, a package containing radioactive materials must not emit from its exterior any significant alpha, beta, or neutron radiations and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours. The package must not contain more than 0.1 millicuries of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second. See § 14.2(d) of this chapter regarding disposition of dangerous radioactive materials that are nonmailable.

(e) *Sharp edges and firearms.* (1) Sharp pointed or sharp edged instruments such as knives, tools, icepicks, razor blades, etc., shall be wrapped to protect their points and edges from cutting through the outer carton in which they are shipped.

(2) Rifles or shotguns are mailable if they are not loaded. The mailer may be required by the post office clerk to establish this to the clerk's satisfaction either by opening the parcel or by giving him a written statement certifying that the gun is unloaded.

§ 15.3 Perishable matter.

(a) *Time factor.* Live animals that are otherwise mailable, and perishable foods and game, may not be sent through the mail unless there is sufficient time in ordinary transit for them, after mailing, to reach their destinations in good condition. Certain perishable foods may be shipped at the mailer's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Airmail, special handling, or special delivery services are advisable.

(b) *Highly perishable food and game.* (1) Crates, boxes, baskets, or other containers used to ship highly perishable goods should be so constructed as to protect the contents and to prevent their escape.

(2) Berries, fruits and vegetables are not mailable unless presented in dry condition.

(3) Water ice used as a refrigerant must be packed as though it were a liquid, in accordance with § 15.2(b). Dry ice (carbon dioxide solid) is acceptable when wrapped securely in heavy paper. Dry ice must not be packed in glass, metal or other air-tight containers. Sufficient insulation is necessary if a fiberboard box is used, in order to prevent condensation and wetting of the shipping carton.

(c) *Live day-old poultry.* Live day-old chicks, ducks, geese, guinea fowl and turkeys are acceptable in the continental surface mails under the following conditions:

(1) They must be presented for mailing in the original unopened hatchery box from the hatchery of origin.

(2) The date and hour of hatching must be noted on the box by a representative of the hatchery who has personal knowledge thereof (in the case of COD shipments made by a hatchery for the accounts of others the name or initials and address of the hatchery, or the post office box number and address of the hatchery shall be prominently shown in connection with this requirement).

(3) They must not be over 24 hours old.

(4) The box must be properly ventilated and of proper construction and strength to bear safe transmission in the mail. (These boxes may be stacked 10 high in cars.)

(5) They can be delivered to the addressee within 60 hours of the time of hatching regardless of whether the addressee resides in town or on a rural or star route.

(6) They must be mailed sufficiently early in the week to avoid receipt at the office of address, in case of missed connections, on a Sunday, national holiday or on the afternoon preceding a Sunday or holiday.

(7) Shipments shall not be forwarded to the addressee from the office of original address nor returned to mailer if delivery cannot be made to either the addressee or sender within 60 hours of the time of hatching, but will be disposed of in accordance with § 48.2(h) of this chapter. Shipments that are delayed beyond the 60-hour limit by washouts, snow blockades, wrecks, and the like, will be disposed of by postmasters in accordance with instructions in § 48.2(h) of this chapter.

(8) If a shipment is received at the office of address and it is not promptly accepted by the addressee, it will be held for delivery until the expiration of the 60-hour period from the time of hatching, if there is a possibility that delivery may be made within that period. If, at the expiration of the 60-hour period, the shipment has not been accepted, it will be sold. Such shipments will not be sold to the original addressee unless paid for in full. If the parcel is sent collect-on-delivery, the COD charges plus the money order fee will show the minimum amount which may be accepted from the addressee, which is the amount that would have been collected from the addressee had the parcel been accepted when originally offered for delivery. If the parcel is sent as ordinary or insured mail and the price is not known to the postmaster, the addressee will not be permitted to buy the chicks after refusing to accept them but the shipment will be disposed of in accordance with § 48.2 (h) of this chapter.

(9) Boxes of day-old poultry of approximately the same size which are securely fastened together to prevent their becoming separated in transit may be accepted for mailing as a single parcel provided such parcel does not exceed 100 inches in length and girth combined.

(10) Day-old poultry originally shipped by air express or air cargo and then presented for mailing must be in first-class condition and be prepared in accordance with subparagraphs (1) through (5) of this paragraph. They must not be over 24 hours old at time of mailing.

(11) The shipments must bear special delivery or special handling postage in addition to regular postage.

(12) Day-old poultry vaccinated with Newcastle Disease (live virus) are nonmailable.

(13) Each box should bear, in addition to the address label on top, another address label on the side, or the narrow end, if the box is rectangular in shape, to eliminate unnecessary handling when boxes are stacked.

(d) *Insects.* (1) Queen bees and honey bees are acceptable in the continental surface mails, and queen bees only in airmail, when shipped in accordance with Federal and State regulations to assure that they are free of disease. Packages of honey bees must bear special delivery or special handling postage.

(2) Other live, nonpoisonous and non-disease-conveying insects may be sent through the mail when properly prepared and packaged and when shipped in accordance with regulations of the U.S. Department of Agriculture.

(e) *Live scorpions.* Live scorpions which are to be used for purposes of medical research or for the manufacture of antivenin will be accepted in the continental surface mail when packaged in a double mailing container, both parts of which are closed or fastened in such a manner as to prevent escape of the scorpions. The inner container shall be of material which cannot be punctured by the scorpions and shall be plainly marked "Live Scorpions". Cushioning material must be used when necessary to prevent shifting of the inner container.

The outer container shall be of sufficient strength to prevent crushing of the package or exposure of the contents during normal handling in the mails, and also shall be plainly marked "Live Scorpions". Packages containing live scorpions may not be sent by air.

(f) *Meats and meat products.* Interstate shipments of meats and meat products may be sent through the mail only if they conform with regulations of the U.S. Department of Agriculture under Federal statutes. Each shipment must be accompanied with a certificate submitted by the mailer on Form 3583, "Certificate of Shipper and Mail Shipment of Meat or Meat-Food Products". The form is designed for use by all shippers of meat or meat-food products subject to the inspection regulations of the U.S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment. The original copies of all certificates must be kept in the post office for 1 year. Certificates one and two must be completed in duplicate and the duplicates must be sent daily in an official post office penalty envelope to the address of the U.S. Department of Agriculture printed on the form.

(g) *Dead wild animals.* The dead bodies, or parts thereof, of any wild animals, wild birds or their eggs, are acceptable for mailing only when they have been lawfully killed or taken and their shipment is not prohibited by law of the United States or of the State, Territory, district or foreign country or subdivision thereof in which killed or taken or offered for shipment. Mailing of fresh game is also subject to requirements of this section.

(h) *Furs, hides, skins or pelts.* Parcels containing furs, hides, skins or pelts of wild animals are mailable when properly dried or cured; have no offensive odor; and are plainly marked, labeled, or tagged on the outside with the names and addresses of the shipper and the addressee together with such other endorsement, if any, as may be required by the game laws of the State, Territory, or district in which mailed. Hides and pelts shall be wrapped when necessary to prevent damage to other mail.

§ 15.4 Plant quarantines.

(a) *Nursery shipments—(1) Nursery stock, etc.* Nursery stock, including all field grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such stock is plainly marked to show the nature of the contents and the name and address of the sender.

(2) *Preparation and packaging.* The wettable packing material and the roots or butts of the plants must be wrapped or boxed in a waterproof material heavy enough to withstand safe transmission in the mails without leakage or loss of packing material. The term "waterproof material" means a tar-centered paper or kraft paper waxed on one side or a kraft paper with a waxed or tarred paper liner or plastic wrap. If a box is used, it must have a similar lining to prevent leakage or loss of contents and to insure retaining a moisture content for the roots of plants without weakening the box. The tops of all bundles must be wrapped with a covering of paper, straw or similar material to protect the plant from injury and drying out and if the plant has thorns or other pointed projections, the wrapper shall be puncture-proof to avoid injury to postal employees handling such bundles.

(b) *Plant quarantine applying to the continental United States.* When any State or area is quarantined by order of the Secretary of Agriculture, under authority of the Plant Quarantine Act, or by an authorized State plant pest official cooperating with the Secretary of Agriculture, on account of a plant disease or insect infestation, the mailing of plants, plant products, or other articles covered by such quarantine or regulatory order from such State or area into or through any State or area is subject to the restrictions imposed by such order.

CROSS REFERENCE: For quarantine regulations of the U.S. Department of Agriculture, see 7 CFR Chapter III.

(c) *Terminal inspection for plants and plant products—(1) States and Territories requiring inspection.* See 7 CFR Chapter III for places of inspection in States which require packages containing plants and plant products to be examined by State inspectors. The packages must be plainly marked on the outside to show the exact nature of their contents.

(2) *Addressee must pay additional postage.* The addressee must pay postage to send the package to the inspection place and must arrange with the State plant inspector to pay postage to return the package to the office of address after inspection.

(3) *Packages addressed in care of State plant inspector.* Packages may be addressed in care of a State plant inspector at a place other than where the addressee lives. The addressee must arrange for the inspector to pay postage to forward the package to the addressee after inspection. If the sender prints "Forwarding Postage Guaranteed" under the return address, the package may be forwarded by the inspector without prepayment of postage, and the amount due will be collected from the addressee when the package is delivered.

(4) *Disposition of infected shipments.* When the inspector finds that plants or plant products are infested or infected with injurious insects or diseases and are incapable of satisfactory treatment, or they are found to have been moved in violation of a plant quarantine law or regulation of the U.S. Department of Agriculture or of the State of destination pertaining to such injurious pests, parcels will be returned to the sender and payment of postage for return collected on delivery. If the sender has marked the parcel to be abandoned, if undelivered, the package will be turned over to State authorities for destruction.

§ 15.5 Concealable firearms.

(a) *When mailable.* Unloaded pistols, revolvers and other firearms capable of being concealed on a person are mailable only to:

(1) Officers of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Organized Reserve Corps.

(2) Officers of the National Guard or militia of a State, Territory, or district.

(3) Officers of the United States or of a State, Territory, or district whose official duty is to serve warrants of arrest or commitment.

(4) Officers and employees of enforcement agencies of the United States.

(5) Watchmen engaged in guarding the property of the United States, a State, Territory, or district.

(6) Purchasing agent or other designated member of agencies employing officers and employees included in subparagraphs (3) and (4) of this paragraph.

(7) Employees of the Postal Service.

(8) Manufacturers of firearms or bona fide dealers therein, from one to the other, or by any person in categories (1) through (6) in customary trade shipments.

(b) *Filing affidavits.* An affidavit of the addressee shall be filed with the postmaster by the mailer or his agent at the time of mailing setting forth that he is qualified to receive the firearms under the particular category of paragraph (a) (1) through (6) of this section and that the firearm is intended for his official duty use. The affidavit shall be a certificate stating that the firearms are for the use of the addressee, for his official duty, signed by one of the following, as appropriate:

(1) For officers of Armed Services a certificate signed by his commanding officer.

(2) For officers and employees of enforcement agencies, a certificate signed by the head of the agency employing the addressee to perform the official duty in connection with which the firearm is to be used.

(3) For watchmen a certificate signed by the chief clerk of the department, bureau or independent branch of the Government of either the United States, the State, Territory, or district by which the watchman is employed.

(4) For the purchasing agent or other designated member of enforcement agencies, a certificate signed by the head of such agency, that the firearms are to be used by officers and employees included in paragraph (a) (3) and (4) of this section.

A qualified manufacturer or bona fide dealer need not file an affidavit but must file with the postmaster a statement (for which Form 1508, "Statement by Shipper of Firearms", may be used) signed by the mailer that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are customary trade shipments or contain other articles for repair or replacement of parts and that to the best of his knowledge or belief the addressees are manufacturers of the firearms or bona fide dealers therein. If satisfied that the mailer is as stated by him the postmaster shall accept the parcel for mailing. No affidavit or certificate need be filed by the mailer when the parcel is addressed to the Federal Bureau of Investigation, Washington, D.C., or the Director thereof; or to the scientific laboratory or crime detection bureau of any enforcement agency covered by paragraph (f) of this section.

(c) *Marking of parcels.* You must plainly mark the parcel with the word FIREARMS in bold, block letters, one inch high and of corresponding width. The particular class of persons to which the addressee belongs, as specified in categories of paragraph (a) (1) through (8) of this section shall be indicated by stating underneath the word firearms "for Army officer" or "for manufacturer" or "for bona fide dealer," etc. as the case may be.

(d) *Identification of addressee.* The postmaster at the office of delivery shall require the addressee of any parcel covered by this section except a manufacturer of firearms or bona fide dealer therein, to call at the post office and establish his identity to the satisfaction of the postmaster. The parcel may then be delivered after the addressee signs a receipt which shall be filed by the postmaster for not less than 3 years. Receipts for delivery shall be taken on Form 2162, "Delivery Receipt, Firearms." Before delivery to an addressee who is a manufacturer of firearms or bona fide dealer therein, the postmaster shall satisfy himself that the addressee is actually such manufacturer or dealer.

(e) *Official shipments.* Without regard to the provisions of paragraphs (a) through (d) of this section, firearms may be accepted for mailing when offered by authorized agent of the Federal Government for shipment to any qualified addressee as listed in paragraph (a) (1) through (6) of this section. The parcels shall bear plainly written or printed the official title and addresses of the sender together with the words "official shipment." The postmaster shall satisfy himself as to the identity of the addressee before making delivery.

(f) *Federal Bureau of Investigation; crime detection bureaus.* Firearms addressed to the Federal Bureau of Investigation, or its Director or to the scientific laboratory or crime detection bureau of any agency whose members are officers of a State, territory, or district authorized to serve warrants of arrest or commitment, may be accepted for mailing without regard to the provisions of paragraphs (b) and (d) of this section.

(g) *Antique firearms.* Antique or unserviceable pistols and revolvers sent as curios or museum pieces may be accepted for mailing without regard to the provisions of paragraphs (a) through (d) of this section.

§ 15.6 Switchblade knives.

(a) *When mailable.* Knives having a blade which opens automatically by hand pressure applied to a button or other device in the handle, or by operation of inertia, gravity, or both, are mailable only when sent to:

(1) The following designated supply or procurement officers and employees ordering, procuring, or purchasing such knives for use in connection with the activities of their respective governments or organizations:

(i) Civilian or Armed Forces supply or procurement officers and employees of the Federal Government;

(ii) Supply or procurement officers of the National Guard, the Air National Guard, or militia of a State, Territory, or the District of Columbia;

(iii) Supply or procurement officers or employees of the municipal government of the District of Columbia or of the government of any State or Territory, or any county, city, or other political subdivision of a State or Territory; and

(2) Manufacturers of such knives, or bona fide dealers therein, in connection with a shipment made pursuant to an order from any person designated in subdivision (i), (ii), or (iii) of subparagraph (1) of this paragraph.

(b) *Marking of parcels.* The parcel must be plainly marked with the word "Switchblades" in bold block letters and the statement, "Mailing complies with P. M. 125.6." Mailings to persons referred to in paragraph (a) (1) of this section shall include as part of the address the official title or designation of the addressee. Mailings to those referred to in paragraph (a) (2) of this section shall include as a part of the address the word "Manufacturer" or "Dealer."

(c) *Identification of addressee.* Before making delivery, the postmaster shall satisfy himself that the addressee is in one of the categories of paragraph (a) of this section.

(d) *Explanation of mailing.* In any case where the postmaster is in doubt as to the mailability of a proposed shipment of switchblade knives, he may require the sender to furnish a written statement explaining how the mailing complies with this section. If the explanation is not satisfactory to the postmaster, he shall forward it to the Mailability Division, Office of the General Counsel, for a ruling.

§ 15.7 Identification and marking.

(a) *Identification of contents.* The identity or nature of contents of anything mailed under any of the provisions of this part shall be stated plainly on the outside of the parcel, as a condition of mailing.

(b) *Identification of sender and addressee.* The full name and address of both the mailer and the addressee shall be written in ink, rubber-stamped or pasted on the outside of any package whose mailing is covered by this part.

(c) *Labels.* Any labels required under Federal law or under any regulations issued by any Federal agencies pursuant to Federal law shall be pasted to the outside of the parcel.

(d) *Customs declaration tag for Canal Zone.* Any package of merchandise weighing 16 ounces or more addressed to the Canal Zone shall have attached a customs declaration, Form 2966, (see § 121.6(a) of this chapter) except when addressed to a Government agency. It is not sufficient to state on the customs tag that a parcel contains merchandise or a gift. The contents must be itemized and the value shown.

§ 15.8 Airmail.

Any matter acceptable in the domestic surface mails may be sent by airmail, except:

(a) Anything susceptible to damage, or which may be rendered harmful by changes in temperature or atmospheric pressures and not protected against the effects of such changes.

(b) Permanent magnetic materials with unconfined fields.

(c) Matter specifically excluded by appropriate Federal agencies from air shipment.

PART 16—SECOND CLASS BULK MAILINGS

Sec.
16.1 Folding.
16.2 Wrapping.
16.3 Mailing.
16.4 Newspaper treatment.
16.5 Statement and copy filed with mailings.
16.6 Weighing and collection of postage.
16.7 Key rate.
16.8 Controlled circulation publications.

AUTHORITY: §§ 16.1 to 16.8 issued under R.S. 161, as amended, Sec. 7, 74 Stat. 705; 5 U.S.C. 22, 18 U.S.C. 1734, 39 U.S.C. 501, 4051, 4052, 4058, 4351, 4352, 4358, 4359, 4363, 4364, 4367, 4370, 4421, 4422, 4551–4553.

§ 16.1 Folding.

(a) Fold publications to a size not larger than 9 x 12 inches when practicable.

(b) Newspapers and light magazines should be folded to the size of an eighth of a newspaper page, or about 5 x 12 inches.

§ 16.2 Wrapping.

(a) Single copies not tied in bundles or wrapped in packages as specified in § 16.3(d) must be enclosed in wrappers or envelopes.

(b) All single copies addressed to Army-Air Force post offices must be enclosed in wrappers or envelopes.

(c) Heavy magazines should be wrapped singly, and publications of small size or of a flimsy nature should be placed in envelopes.

(d) Use white or other light-colored paper for wrapping. Do not use old newspapers.

(e) Second-class mail must be prepared so that it can be easily examined. Mailing of publications in sealed envelopes, wrappers, or other covers at the second-class rates of postage is deemed to be the consent of the sender to postal inspection of the contents. To assure that these articles will not be opened for postal inspection, patrons should, in addition to paying the first-class rate of postage, plainly mark "First Class" or similar endorsement on the envelope, wrapper, or cover.

(f) Sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper right corner a notice of entry and in the upper left corner the name of the publi-

cation and the mailing address to which undeliverable copies or change of address notices are to be sent. See § 22.2(e)(6) of this chapter.

§ 16.3 Mailing.

(a) *Place of mailing.* Publications must be brought for mailing to the post office, or such other place as may be designated by the postmaster, except that when the publisher delivers the copies at his own expense and risk to other post offices or elsewhere, the copies need not be presented for mailing if deposits to cover the postage are maintained.

(b) *How presented.* The copies must be enclosed in mail sacks, or other suitable containers, and shall be separated to routes, States, and cities, or distribution points (see § 24.4(b)(7) of this chapter), in such manner as may be prescribed by the Department.

(c) *Copies of previous and current issues combined.* When a reasonable number of copies of previous issues are included in a mailing of a current issue, they may be accepted and charged with postage on the basis of the percentages of advertisements and nonadvertisements contained in the current issue, the issue forming the bulk of the mailing presented being regarded as the current issue.

(d) *Copies for same post office or State*—(1) *Direct packages.* When there are more than five individually addressed copies of a publication for subscribers at the same post office, they must be securely wrapped in packages or tied in bundles and labeled for the post office. The twine and paper used must be strong enough for the weight and size of the package or bundle.

(2) *State packages.* After all post office directs have been made and if there are more than five copies remaining for any one State, they must be wrapped in packages or tied in bundles and labeled for the State.

(3) *Direct sacks.* When there are sufficient packages and bundles for one post office to fill a sack approximately one-third full, they must be placed in a direct sack, or sacks, for that post office. Direct sacks should be labeled in the following form:

PHILADELPHIA PA
Fr Progress Boston Mass

(4) *State sacks.* When the quantity is insufficient for direct sacks and there are enough bundles or packages for one State to fill a sack approximately one-third full, they must be placed in a State sack and labeled to the proper distribution point for that State. See § 24.4(b)(7) of this chapter. State sacks should be labeled in the following form:

CINCINNATI OHIO TERMINAL
Virginia
Fr The Sketch St Louis Mo

(5) *Mixed sacks.* Publications for which there are insufficient copies to justify direct city and State sacks should be made up in sacks labeled to the local post office. Example:

CHICAGO ILL DIS
Mixed States
Fr Fair Chicago Ill

(6) *Maximum weight in a sack.* The total weight of publications placed in one sack must not exceed 80 pounds.

(7) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(8) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

(e) *Copies for military post offices overseas*—(1) *Direct packages.* When more than one copy is addressed to one unit, APO, or Navy or Marine Corps address (see § 13.8 of this chapter), the copies must be securely wrapped in packages or tied in bundles labeled for the military address.

(2) *Mixed packages.* After all direct packages have been made, if there are more than five copies remaining for dispatch through any postal concentration center, they must be wrapped in packages or tied in bundles and labeled for the center.

(3) *Direct sacks.* When there are a sufficient number of packages and bundles for one unit, APO, or Navy or Marine Corps address to fill approximately one-half of a sack, a direct sack must be made. Direct sacks will not be opened at postal concentration centers. The sack should be labeled in the following form:

(Show appropriate postal concentration center.) (Show military address.)

PCC SAN FRANCISCO CALIF
APO 165
Fr The Recorder New York NY

(4) *Mixed sacks.* When the quantity is insufficient for a direct sack and there are enough bundles or packages for dispatch through one postal concentration center to fill approximately one-half of a sack, make up a sack for that center and label in the following form:

(Show appropriate postal concentration center.) (Show FPO when applicable.)

PCC NEW YORK N Y
APO Mail
Fr The Recorder New York N Y

(f) *Exceptional dispatch*—(1) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3(c)(4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate regional transportation manager of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(2) *Delivery by mobile unit clerks.* Mobile unit clerks, when authorized by the postmaster, may receive packages of second-class publications directly from publishers or news agents and deliver them as directed, provided the packages are presented and called for at the mail car and are not received from or intended for delivery in any post office.

(3) *Delivery by baggageman.* Baggagemen when authorized by an appropriate distribution and traffic manager may receive packages of second-class publications directly from publishers and news agents on trains to which no postal transportation clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

(4) *Delivery to agents.* Packages marked to be delivered outside the mail will be so delivered only when addressed to news agents or agents of publishers.

(5) *Preparation.* Bundles or packages intended for delivery outside the mail must be adequately wrapped with heavy paper and tied with twine heavy enough to stand up under the regular handling and dispatch of these packages. The wrapper of the bundles must be conspicuously marked "U.S. Mail for Outside Delivery at Publisher's Risk."

§ 16.4 Newspaper treatment.

(a) *Definition.* Newspapers must be published once each week or more frequently and feature principally news of interest to the general public to be given expeditious distribution, dispatch, transit handling, and delivery, usually referred to as newspaper treatment. If the postmaster at the office of entry is in doubt as to whether any particular publication is a newspaper, he will submit all the facts to the Bureau of Operations, Classification and Special Services Division.

(b) *Preparation for mailing.* Newspapers must be made up in sacks plainly labeled "Newspapers." Direct city and State sacks will be made in accordance with § 16.3(d). Label in the following manner.

(1) *Direct sacks.*

CINCINNATI OHIO
Newspapers Via Pitts & St Lou Tr 79
Fr The Register Columbus Ohio

(2) *State sacks.*

WHEEL & CIN TR 238
Ohio Newspapers
Fr The Register Columbus Ohio

(c) *Dispatching.* Newspapers will be dispatched in pouches with first-class mail when the quantity is not sufficient to make up separate sacks. Newspapers for dispatch to a railway post office, a highway post office, a terminal, or a first-class office will not be mixed in sacks with any class of mail other than first class. Sacks labeled "Newspapers" will be dispatched with first-class mail.

(d) *Handling at delivery office.* Sacks containing newspapers will be promptly segregated and the contents distributed for the earliest possible delivery.

(e) *Notification to publishers of delays.* Publishers will be notified whenever their mailings of newspapers are not delivered to the post office or train in sufficient time to connect with the intended dispatch.

§ 16.5 Statement and copy filed with mailings.

(a) *Copy marked to show advertising.* The publisher must file with the postmaster a copy of each issue. The advertisements in the copy must be marked by the publisher in such manner that they may be verified when necessary.

(b) *Definition of advertisements.* The term "advertisements" includes display, classified, and all other forms of advertisements, and all editorials or other reading matter for the publication of which money or other valuable consideration is paid, accepted, or promised. When the publisher is not compensated for the publication of editorial or other reading matter, such matter will take the rate of postage for other than advertising. Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding that a "reader" is to be given the advertiser or his products in the publication in which the display advertisement appears are advertising. When a newspaper or periodical advertises its own services or issues, or any other business of the publisher, in the form of either display advertisements, or editorial or reading matter, this is advertising and will be charged the advertising mailing rate.

(c) *Statement showing number of copies mailed.* When postage is to be computed on the bulk weight of one issue as provided for by § 16.6(a), the publisher must file with the first mailing of each issue a statement on Form 3542 (statement showing number of copies of second-class publication mailed) showing the number of copies included in each zone or other separation necessary for computing the postage, and the average weight per copy as determined in the manner prescribed by § 16.6(b). When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by § 16.6(c), the statement must be filed with the first mailing of the last issue mailed each month and must show the average number of copies of each issue included in each separation, the weight of one sheet, and the combined weight of one copy from each issue as determined in the manner prescribed by § 16.6(d). The publisher must determine the average number of copies by dividing the total number of copies mailed during the month by the total number of issues mailed. The dates of issue and the dates of mailing must be indicated by entering in the spaces provided on Form 3542 only the first and last dates.

(d) *Endorsements on marked copy and Form 3542 (Statement showing number of copies of second-class publication mailed).* The total advertising and nonadvertising portions must be determined by column inches, square inches, pages, or by any other recognized units of measure. The publisher must show by endorsement on the first page of the copy the total units of the advertising space and the total units of nonadvertising space and the percentage of each. When postage is to be computed on the bulk weight of one issue as provided for by § 16.6(a), the percentage of advertising endorsed on the marked copy must be entered on Form 3542. When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by § 16.6(c), the percentage of advertising to be entered on Form 3542 must be obtained as follows:

(1) Keep a record of the number of units of advertising space and the number of units of nonadvertising space in each issue.

(2) Add the advertising units in each issue to determine the total advertising units in all of the issues.

(3) Add the nonadvertising units in each issue to determine the total nonadvertising units in all of the issues.

(4) Add the advertising and nonadvertising units to determine the total units in all of the issues.

(5) Divide the total advertising units by the total units.

(e) *Payment of advertising rates on reading portion.* A publisher may, if he so desires, pay postage at the advertising zone rates on both the advertising and nonadvertising portions instead of marking a copy of each issue to show the advertising and nonadvertising portions. When the advertising exceeds 75 percent, the copies filed must have endorsed on the first page by the publisher the words "Advertising over 75 percent." When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words "Advertising not over 75 percent." The entire weight must be entered on Form 3541 in the column provided for the advertising portion. The words "Over 75 percent" or "Not over 75 percent" according to whether the copies do or do not contain over 75 percent advertising must be entered on Form 3541 (Computation of second-class postage) and on Form 3542 (Statement showing number of copies of second-class publication mailed). The word "Waived" must be written in the space provided for the weight of the reading portion on Form 3541.

(f) *Statement of news agent.* When a news agent presents for mailing second-class matter subject to the zone rates of postage, he must submit to the postmaster a statement showing the percent of the space in such matter devoted to advertisements and the percent devoted to other than advertisements. Publishers should furnish this information to news agents purchasing copies of their publications, in order that such agents may be able to prepare the statements required.

§ 16.6 Weighing and collection of postage.

(a) *Procedure for determining bulk weight of one issue.* When postage is to be computed on the bulk weight of one issue, the postmaster will obtain such weight by multiplying the total number of copies of the issue mailed by the average weight of one copy. The number of copies of a single issue mailed will be obtained from the statement on Form 3542 required by § 16.5(c). The average weight of one copy will also be obtained from the statement on Form 3542 and must be determined by the publisher as prescribed in paragraph (b) of this section.

(b) *How to determine average weight per copy of one issue.* The average weight per copy must include the wrapping and binding materials and must be obtained by the publisher as follows:

(1) Count a reasonable number of copies selected in such a manner for test purposes that when wrapped and bundled they will bear a proper ratio to the total number of copies to be mailed individually wrapped and wrapped bundled for mailing.

(2) Weigh in bulk the copies which have been counted, after they are wrapped and bundled for mailing.

(3) Divide the bulk weight of the test copies by the number of test copies to obtain the average weight per copy in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(c) *How to determine bulk weight.* When publications are regularly printed on sheets of uniform weight, postmasters are not required to compute the postage on the bulk weight of each issue. Postage on such publications may be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month. The postmaster will obtain the total bulk weight by multiplying the average number of copies mailed by the combined weight of one copy from each issue. The average number of copies of each issue mailed during the month will be obtained from the statement on Form 3542 and must be determined by the publisher in the manner prescribed by § 16.5(c). The combined weight of one copy from each issue will also be obtained from the statement on Form 3542 and must be determined by the publisher in the manner prescribed by paragraph (d) of this section.

(d) *How to determine combined weight during a calendar month.* The combined weight of one copy from each issue mailed during a calendar month must include the wrapping and binding materials and must be obtained by the publisher as follows:

(1) Determine by the method prescribed in paragraph (b) of this section the average weight of one copy of any one issue selected by the postmaster for testing and verifying during the month.

(2) Divide the average weight of one copy by the number of sheets in the copy to determine the weight of one sheet in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(3) Select one copy of each of the issues mailed during the month and count the sheets in all of the selected copies to determine the total number of sheets in the selected copies.

(4) Multiply the total number of sheets in the selected copies by the weight of one sheet.

(e) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (b) of this section for use either in computing postage on the bulk weight of a single issue or in determining the weight of one sheet as provided for by paragraph (d) of this section, must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when

postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of § 16.5(a) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542 (Statement showing number of copies of second-class publication mailed). If there is reason at any time to doubt the accuracy of the number of copies reported on Form 3542, sufficient weighings must be made to resolve the doubt.

(f) *Payment of postage at time of mailing or by advance deposits.* Publishers must pay in money before mailings are dispatched all postage charged at the second-class rates shown in § 22.1 of this chapter. Exception: The transient rate (see § 22.1(c) of this chapter) must be paid by adhesive or meter stamps or by permit imprints. (See §§ 34.3(b) and 34.5(a)(2) of this chapter.) Postmaster will accept deposits of money to pay for as many mailings as desired and will give a receipt on Form 3544 (Post Office receipt for money) for the deposits.

(g) *Record of mailings.* Postage on the bulk mailings will be computed on Form 3541 from the weights obtained on Form 3542 (Statement showing number of copies of second-class publication mailed). The publisher will be furnished a duplicate of Form 3541 (Computation of second-class postage) if he requests one. When postage is computed on the bulk weight of one issue, the mailings and postage will be recorded on Form 3543 (Mailing record of second-class matter, postage and advance deposits). When postage is computed at the end of each calendar month on the total weight of all issues mailed during the month, the total mailings and postage for the month will be computed on one Form 3541, and only the totals will be recorded in Form 3543.

(h) *How to show dates of issue and mailing.* When a number of consecutive issues are covered by one Form 3541 or Form 3542, or by one entry on Form 3543, the dates of issue and the dates of mailing must be indicated by entering the first and last dates in the appropriate spaces and columns.

§ 16.7 Key rate.

(a) *Authority to use.* Postmasters will use the key rate method of computing pound-rate postage on publications subject to the advertising zone rates when large mailings justify its use.

(b) *Statement showing mailings to each zone.* The publisher must submit once each calendar year, at 12-month intervals, a statement on Form 3542 showing the number of copies of an issue mailed to each zone. During these 12-month intervals, the publisher does not need to complete the lines for zones 1 to 8 on Form 3542. He enters only total zone mailings on "Total to all zones" line.

(c) *New zone statement.* Postmasters will require a new report on Form 3542 showing the mailings to each zone at any time during the 12-month intervals when the volume of mailings to the zones varies or when there is an increase in the total number of copies.

(d) *Computation.* (1) Compute the key rate on Form 3541 (Computation of second-class postage) once each calendar year at 12-month intervals. If a new report on Form 3542 (Statement showing number of copies of second-class publication mailed) is filed at any time during the 12-month intervals showing mailings to each zone, a new key rate must be computed and used.

(2) Enter on the corresponding lines in column B of Form 3541 the number of copies for each zone shown on Form 3542. Apply the applicable pound rates shown in column F to the number of copies for each zone and enter the postage for each zone in column C of Form 3541. Divide the total postage in item 2, column c, by the total number of copies in item 2, column B, to obtain the key rate, which should be carried to six decimal places. Apply the key rate only to the total weight of the advertising portion. Apply the regular reading portion rate to the total weight of the reading portion. Computation of the key rate must be verified by an employee or supervisor other than the person who originally computed it. See exhibit A, Computation of new key rate (Forms 3542 and 3541), following paragraph (d)(3) of this section.

(3) Prepare Form 3541 for subsequent mailings as shown in exhibit B, Computation of postage based on mailings of one issue only (Forms 3542 and 3541), and exhibit C, Computation of postage based on mailings of all issues for calendar month (Forms 3542 and 3541), as shown below, until a new report on Form 3542 showing mailings to each zone is filed under paragraphs (b) and (c) of this section.

§ 16.8 Controlled circulation publications.

The weight of mailings of controlled circulation publications (see Part 23 of this chapter) is obtained in the manner prescribed for obtaining the weight of mailings of second-class publications. Controlled circulation postage is collected and accounted for in the same manner as second-class postage. Each mailing must be prepared and made up for dispatch in the manner prescribed for second-class mail. (Sections 16.1 through 16.3.)

EXHIBIT A—COMPUTATION OF NEW KEY RATE

FORM 3542

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY	STATE	DATE
Mayville	Maryland	May 1, 1959

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS

DATE OF ISSUE PRINTED IN COPIES: May 1, 1959

DATE OF MAILING:

CHECK WHETHER SUBSCRIBERS' OR SAMPLE COPIES: (Do not report both on one form.) ☒ SUBSCRIBERS' COPIES ☐ SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THE ISSUE .137500 LBS.

PERCENTAGE OF ADVERTISING IN THE ISSUE

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2	2621	
	3	1971	
	4	1052	
	5	170	
	6	124	
	7	38	
	8	21	
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND			
COPIES WITHIN COUNTY FREE OF POSTAGE			
LOCAL OR HEADQUARTERS COPIES AT 1 OR 1 CENTS EACH			
CONTROLLED PUBLICATIONS—PART 135, POSTAL MANUAL			
FREE MATTER FOR BLIND—135.22, POSTAL MANUAL			

Joe Mayo
(Signature)

POD Form 3542 Rev. 1958

POD, WASH., D. C.

COMPUTATION OF NEW KEY RATE—Continued. FORM 3541

POST OFFICE AND STATE: Mayville, Maryland

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS—Daily ex Sunday

DATE OF MAILING:

DATE OF ISSUE PRINTED IN COPIES: May 1, 1959

		A ZONE	B ~~TRANSIENT COPIES; POUNDS~~ COPIES	C ~~SUBSCRIBER'S COPIES; POUNDS~~ POSTAGE	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	1-1-60	1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	1-1-60	1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
OUTSIDE COUNTY	1. Advertising portion — Percentage:	1 AND 2	2621 x 2.2¢	$57.662			2.2¢	2.6¢	3.0¢				$	
		3	1971 x 3¢	59.130			5.0	5.5	4.0					
		4	1052 x 4.5¢	47.340			4.5	5.2	6.0					
		5	170 x 6¢	10.200			6.0	7.0	8.0					
		6	124 x 7.7¢	9.548			7.7	8.7	10.0					
		7	38 x 9.2¢	3.496			9.2	11.0	12.0					
		8	21 x 11¢	2.310			11.0	12.5	14.0					
	2. Total pounds all zones		5997	$189.686			KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE:	
	3. Total advertising portion (Column E, item 2) $189.686 ÷ 5997 = .031630													
	4. Nonadvertising portion (Column D, item 2 minus item 3)						2.1	2.5	2.5					
	5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G													
	6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.				NO. OF COPIES OR PIECES (From Form 3543)					¼¢	⅜¢	½¢		
INSIDE COUNTY AND SPECIAL RATE	7. Copies outside county at special nonprofit rate						1½							
	8. Copies within county at rate of 1 cent per pound						1¢							
	9. Weight of copies free of postage to subscribers in county of publication													
	10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ¼ cent minimum													
	11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.				NO. OF COPIES OR PIECES (From Form 3543)					⅛¢				
	12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each				NO. OF COPIES:					1 or 2¢				
	13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)				NO. OF COPIES:		12¢			1¢				

COMPUTED BY: William Preston — Verified by James Boone

TOTAL POSTAGE CHARGED $

P00 Form 3541 Rev. 1958

COMPUTATION OF SECOND CLASS POSTAGE

Attach this form to Form 3542 from which computation is made.

EXHIBIT B—COMPUTATION OF POSTAGE BASED ON MAILINGS OF ONE ISSUE ONLY. FORM 3542

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY	STATE	DATE
Mayville	Maryland	June 1, 1959

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS

DATE OF ISSUE PRINTED IN COPIES: June 1, 1959

DATE OF MAILING: June 1, 1959

CHECK WHETHER SUBSCRIBERS' OR SAMPLE COPIES: (Do not report both on one form.) ☒ SUBSCRIBERS' COPIES ☐ SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THE ISSUE .137500 LBS.

PERCENTAGE OF ADVERTISING IN THE ISSUE 65

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2		
	3		
	4		
	5		
	6		
	7		
	8		
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND		1176	
COPIES WITHIN COUNTY FREE OF POSTAGE		1148	
LOCAL OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH		50	
CONTROLLED PUBLICATIONS—PART 135, POSTAL MANUAL			
FREE MATTER FOR BLIND—135.22, POSTAL MANUAL			

Joe Mayo
(Signature)

P00 Form 3542 Rev. 1958

POD, WASH., D. C.

COMPUTATIONS OF POSTAGE BASED ON MAILINGS OF ONE ISSUE ONLY—Continued. FORM 3541

POST OFFICE AND STATE: Mayville, Maryland
DATE OF MAILING:
NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS—Daily ex Sunday
DATE OF ISSUE PRINTED IN COPIES: June 1, 1959

		A ZONE	B SAMPLE COPIES, POUNDS	C SUBSCRIBER'S COPIES POUNDS	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	F 1-1-60	F 1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	G 1-1-60	G 1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
OUTSIDE COUNTY	1. Advertising portion Percentage: 65	1 AND 2					2.2¢	2.6¢	3.0¢				$	
		3					3.0	3.5	4.0					
		4					4.5	5.2	6.0					
		5					6.0	7.0	8.0					
		6					7.7	8.7	10.0					
		7					9.2	11.0	12.0					
		8					11.0	12.5	14.0					
	2. Total pounds all zones			825	825	537	KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE: 16.99	
	3. Total advertising portion (Column E, item 2)				537									
	4. Nonadvertising portion (Column D, item 2 minus item 3)				288		2.1	2.3	2.5				6.05	
	5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G												23.04	
	6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.					NO. OF COPIES OR PIECES (From Form 3542): 5997				1¼¢	3⅛¢	1½¢	15.00	23.04
INSIDE COUNTY AND SPECIAL RATE	7. Copies outside county at special nonprofit rate						1½							
	8. Copies within county at rate of 1 cent per pound				162		1¢						1.62	
	9. Weight of copies free of postage to subscribers in county of publication			158										
	10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ½ cent minimum												1.62	
	11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.					NO. OF COPIES OR PIECES (From Form 3542): 1176				1⅛¢			1.47	1.62
	12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each					NO. OF COPIES: 50				1 or 2¢				.50
	13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)					NO. OF COPIES:	12¢			1¢				

COMPUTED BY: William Preston
TOTAL POSTAGE CHARGED: $ 25.16

POD Form 3541 Rev. 1958 — COMPUTATION OF SECOND CLASS POSTAGE — *Attach this form to Form 3542 from which computation is made.*

EXHIBIT C—COMPUTATIONS OF POSTAGE BASED ON MAILINGS OF ALL ISSUES FOR CALENDAR MONTH. FORM 3542

POST OFFICE DEPARTMENT
STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY: Mayville — STATE: Maryland — DATE: May 31, 1959
NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS
DATE OF ISSUE PRINTED IN COPIES: May 1 to 31, 1959, Inclusive — DATE OF MAILING: (26 Issues) May 1 to 31, 1959, Inclusive
CHECK WHETHER SUBSCRIBER OR SAMPLE COPIES: ☒ SUBSCRIBERS' COPIES ☐ SAMPLE COPIES
(Do not report both on one form.)

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:
AVERAGE WEIGHT PER COPY FOR THE ISSUE ____ LBS.
PERCENTAGE OF ADVERTISING THERE IS IN THE ISSUE ____

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:
WEIGHT OF ONE SHEET .045833 LBS.
COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE 3.5746764 LBS.
PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES 65

When postage is computed at the key rate, the items for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone postage must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2		
	3		
	4		
	5		
	6		
	7		
	8		
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND		1176	
COPIES WITHIN COUNTY, FREE OF POSTAGE		1148	
LOCAL OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH		1300	
CONTROLLED PUBLICATIONS—SEE SEC. 132.22, POSTAL MANUAL			
FREE RATES FOR BLIND—SEE SEC. 132.23, POSTAL MANUAL			

Jos Mayo (Signature)

POD Form 3542 Rev. 1958 — POD, WASH., D. C.

COMPUTATION OF POSTAGE BASED ON MAILINGS OF ALL ISSUES FOR CALENDAR MONTH

POST OFFICE AND STATE: Mayville, Maryland
DATE OF MAILING: May 1 to 31, 1959, Inclusive (26 Issues)
NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS—Daily ex Sunday
DATE OF ISSUE PRINTED IN COPIES: May 1 to 31, 1959, Inclusive (26 Issues)

		A ZONE	B SAMPLE COPIES, POUNDS	C SUBSCRIBER'S COPIES POUNDS	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	F 1-1-60	F 1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	G 1-1-60	G 1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
OUTSIDE COUNTY	1. Advertising portion Percentage: 65	1 AND 2					2.2¢	2.6¢	5.0¢				$	
		3					3.0	3.5	4.0					
		4					4.5	5.2	6.0					
		5					6.0	7.0	8.0					
		6					7.7	8.7	10.0					
		7					9.2	11.0	12.0					
		8					11.0	12.5	14.0					
	2. Total pounds all zones			21440	21440	13936	KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE: 440.80	
	3. Total advertising portion (Column E, item 2)				13936									
	4. Nonadvertising portion (Column D, item 2 minus item 3)				7504		2.1	2.3	2.5				157.59	
	5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G												598.39	
	6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.					NO. OF COPIES OR PIECES (From Form 3542): 155,922				1¼¢	3⅛¢	1½¢	389.81	598.39
INSIDE COUNTY AND SPECIAL RATE	7. Copies outside county at special nonprofit rate						1½							
	8. Copies within county at rate of 1 cent per pound				4205		1¢						42.05	
	9. Weight of copies free of postage to subscribers in county of publication			4105										
	10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ½ cent minimum												42.05	
	11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.					NO. OF COPIES OR PIECES (From Form 3542): 30,576				1⅛¢			38.22	42.05
	12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each					NO. OF COPIES: 1,300				1 or 2¢				13.00
	13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)					NO. OF COPIES:	12¢			1¢				

COMPUTED BY: William Preston
TOTAL POSTAGE CHARGED: $ 653.44

POD Form 3541 Rev. 1958 — COMPUTATION OF SECOND CLASS POSTAGE — *Attach this form to Form 3542 from which computation is made.*

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

§ 17.1 Conditions applicable to parcels addressed to certain military post offices overseas.

Military APO No.	Post offices Navy No.*	Cigarettes and other tobacco products prohibited[1]	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 50 pounds	Customs declaration on Form 2966 or 2976-A required
2				X		
7				X		
8				X		
10		X		X		X
11		X		X		X
12		X	X	X		
13		X	X	X		
16[11]				X		
17		X		X		X
18				X		
19		X		X		
20				X		
21				X		X
22		X		X	X	X
24				X		
26				X		
28		X	X	X		
29		X	X	X		
30[9]		X		X		X
31				X		
34		X	X	X		
35		X	X	X		
36		X	X	X		
39		X	X	X		
44		X		X		X
46		X	X	X		
47				X		
49				X		
50				X		
55		X		X		X
57		X	X	X		
58		X		X		X
59				X		
64				X		
66		X	X	X		
67				X		X
69		X	X	X		
70				X		X
71				X		
74				X[10]	X	
76				X		
79		X	X	X		
80		X	X	X		
82		X	X	X		
83		X		X		X
84		X		X		X
85				X		
87		X		X		X
92				X		
94				X		X
98				X[10]	X	
99				X		X
100				X		X
	100	X		X	X	X
102				X		
107		X	X	X		
108		X	X	X		
109		X	X	X		
110				X		X
111		X	X	X		
112		X	X	X		
113[9]		X		X		X
114		X	X	X		
115		X		X		X
116		X		X	X	X
117[9]		X		X		X
118[9]		X		X		X
119		X		X		X
120		X		X	X	X
	121					X
122		X		X		X
123		X	X	X		
124		X		X	X	X
125		X		X	X	X
127		X		X	X	X
128		X		X		X
129		X		X	X	X
130		X	X	X		
132		X	X	X		
	133	X		X		X
133[11]				X		X
135				X		
139		X	X	X		
147		X		X	X	X
148				X		X
154		X	X	X		
	161			X		
162		X	X	X		
163		X		X		X
164		X	X	X		
165		X	X	X		
166		X	X	X		
167		X		X	X	X
168		X		X		
169		X	X	X		
170		X	X	X		
171		X	X	X		
172		X	X	X		
173		X	X	X		
175		X	X	X		
176		X	X	X		
177		X	X	X		
178		X	X	X		
179		X		X	X	X
180		X	X	X		
181				X		X
185		X	X	X		
	188					X
189		X	X	X		
190		X		X	X	X
191		X	X	X		
192				X		
193		X		X	X	X
194		X		X	X	X
195		X	X	X		
196		X		X	X	X
199		X		X	X	X
	200	X		X	X	X
202		X		X	X	X
203		X		X		X
204		X		X		X
205				X		X
207		X	X	X		
210		X		X	X	X

See footnotes at end of table.

Military APO No.	Post offices Navy No.*	Cigarettes and other tobacco products prohibited[6]	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 50 pounds	Customs declaration on Form 2966 or 976-A required
211		X		[7] X		[8] X
213		X		[7] X		[8] X
	214	X		[7] X		[8] X
215		X		[7] X		[8] X
216		X		[7] X		[8] X
217		X		[7] X		[8] X
218		X		[7] X	[9] X	[8] X
219		X		[7] X		[8] X
	220	X		X	X	[8] X
221		X		[7] X		
223				[7] X		
224 [11]				[7] X		[8] X
225		X	X	[7] X		
227		X	X	[7] X		
230		X		[7] X		[8] X
231				[7] X		
232		X		[7] X	[9] X	[8] X
235				[7] X		
238		X		[7] X	[9] X	[8] X
239				[7] X		
	240			[7] X		X
240		X		[7] X		
241		X		[7] X	[9] X	[8] X
242		X		[7] X	[9] X	[8] X
243		X		[7] X	[9] X	[8] X
245		X	X	[7] X		
247		X		[7] X		[8] X
252			X	[7] X		
253		X		[7] X		[8] X
254 [11]				[7] X		[8] X
255		X		[7] X		[8] X
256		X		[7] X		[8] X
257		X		[7] X		[8] X
258		X		[7] X		[8] X
259		X		[7] X		[8] X
271				[7] X		[8] X
277		X	X	[7] X		
279		X	X	[7] X		
281		X	X	[7] X		
287		X		[7] X		[8] X
288		X		[7] X		[8] X
289 [11]				[7] X		[8] X
291				[7] X		
292				[7] X		[8] X
293		X		[7] X		
294 [11]				[7] X		[8] X
301				[7] X		
305		X	X	[7] X		
319		X	X	[10] [12] X		
320		X	X	[7] X		
321		X	X	[7] X		
322		X		[7] X		[8] X
323				[7] X		[8] X
324 [11]				[7] X		[8] X
325		X		[7] X		[8] X
326		X	X	[7] X		
327		X		[7] X	[9] X	[8] X
328				[7] X		[8] X
329 [11]				[7] X		[8] X
330		X	X	[7] X		
331				[7] X		
332		X	X	[7] X		
333		X	X	[7] X		
336		X		[7] X		
338 [11]				[7] X		[8] X
343				[7] X		[8] X
349		X		[7] X	[9] X	[8] X
358				[7] X		
377		X		[7] X	[9] X	[8] X
378		X		[7] X	[9] X	[8] X
380 [11]				[7] X		[8] X
402		X		[7] X		
403		X	X	[7] X		
404		X		[7] X		
405		X		[7] X	[9] X	[8] X
407		X	X	[7] X		
455				[7] X		
460				[7] X		
503				[7] X		[8] X
	510	X		[7] X		
	513			[7] X		
	520			[7] X		
	535			[7] X		
	539	X	X	[7] X		
	555	X		[7] X		
	566	X		[7] X		
	570			[7] X		[8] X
	580			[7] X		
	585	X		[7] X	X	[8] X
612				[7] X		
616				[7] X		[8] X
633		X	X	[7] X		
660				[7] X		[8] X
690		X	X	[7] X		
	720			[7] X		[8] X
742		X	X	[7] X		
743		X	X	[7] X		
751		X	X	[7] X		
755		X		[7] X	[9] X	[8] X
757		X	X	[7] X		
794		X		[7] X		

See footnotes at end of table.

Military APO No.	Post offices Navy No.*	Cigarettes and other tobacco products prohibited[6]	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 50 pounds	Customs declaration on Form 2966 or 976-A required
800		X	X	[7] X		
807		X	X	[7] X		
815				[7] X		
825 [13]						[8] X
826						[8] X
827						[8] X
829				[7] X		[8] X
	830					[8] X
832						[8] X
834 [13]						[8] X
837						[8] X
843		X		[10] X		
	846			[7] X		[8] X
	850			[7] X		
872		X	X	[7] X		
	875			[7] X		[8] X
900				[7] X		[8] X
	913	X	X	[7] X		
919				[7] X		[8] X
925				[7] X		[8] X
928				[7] [14] X		
929				[7] X		[8] X
	955			[7] X		[8] X
	961			[7] X		
970				[7] X		
971				[7] X		
994				[7] X		
	3002			[7] X		
	3835			[7] X		[8] X
	3867			[7] X		
	3912			[7] X		[8] X
	3923			[7] X		[8] X

*Mail addressed to personnel attached to Commander in Chief, U.S. Naval Forces, Europe (CINCUSNAVEUR), or Commander in Chief, U.S. Naval Forces, Eastern Atlantic and Mediterranean (CINCNELM). Fleet Post Office, New York, is subject to limitations applicable to Navy No. 100.

[1] Parcels may not contain: *a.* Medicines and vaccines not conforming to French laws; *b.* nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents; *c.* currency, gold and silver bullion; *d.* securities.

[2] Parcels may not contain securities, precious metals, or currency.

[3] Customs declaration tags are not required for parcels which: a. Contain official matter from Government agencies and are addressed to a military organization or to military personnel; b. contain materials or supplies sent by contractors for Government use and bear the endorsement Contents for Official Use—Exempt from Customs Requirements.

[4] Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal effects, or items for personal use intended for military personnel or their dependents. Where the contents of a parcel meet these requirements, the mailer should place a certification similar to the following on the customs form under the heading—Description of Contents: Certified to be a bona fide gift, personal effects, or items for personal use of military personnel and dependents thereof. The following articles may not be accepted: a. Securities; b. precious metals; c. currency.

[5] Parcels except those sent as registered mail may not exceed 42 inches in length or 72 inches in length and girth combined.

[6] Parcels may not contain firearms of any type.

[7] Parcels may not contain currency, foreign or domestic, except when sent in official shipments.

[8] Gift shipments of cigarettes, tobacco, and tobacco products donated by tobacco companies to hospitalized military personnel may be accepted when addressed to the commanding officer of a military hospital.

[9] Air parcels may not exceed dimensions shown in footnote 11.

[10] Mailable firearms may be shipped only by unregistered air parcel post. (See § 15.5 of this chapter concerning concealable firearms.) All other parcels may not contain firearms of any type.

[11] Parcels may not exceed the following dimensions:

Length	*Not over*
42 inches	72 inches length and girth combined.
Over 42 to 44 inches	24 inches girth.
Over 44 to 46 inches	20 inches girth.
Over 46 to 48 inches	16 inches girth.

Maximum length 48 inches.

[12] Parcels, other than official shipments, are limited to 20 pounds in weight and 50 inches in length and girth combined.

[13] Registered, certified, or numbered insured mail will not be sent to box addresses of this APO.

[14] Parcel post packages will not be sent to personnel at the Dependent Mail Section of this APO.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505, 706, 712)

PART 18—POSTAL DELIVERY ZONE SYSTEM

Sec.
18.1 Purpose of the system.
18.2 Maintenance of zone system.
18.3 Change in delivery zone system.
18.4 Reissuance of postal zone directories.
18.5 Promotion of zone number usage.

AUTHORITY: §§ 18.1 to 18.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501.

§ 18.1 Purpose of the system.

The postal delivery zone system expedites and simplifies the handling of mail in the following ways:

(a) *Incoming mail.* The distribution of mail is performed more rapidly by the use of simple numbers in addition to street name, block, and house numbers.

(b) *Outgoing mail.* The primary separation can be made at originating post offices of mail for delivery at other major post offices.

(c) *Distribution scheme knowledge.* The need for detailed scheme knowledge on the part of primary distribution employees is reduced.

(d) *Improved addressing.* As a refinement of the address, the zone number facilitates the prompt routing of mail for duplicate named or numbered streets.

(e) *Premailing separation.* By advanced separation to individual delivery zones, or delivery points, mailers of bulk or quantity mailings can realize the advantages of reduced handling and prompt delivery.

§ 18.2 Maintenance of zone system.

(a) *Subdivision of total delivery area—*(1) *Geographic.* A delivery zone may be a definite geographic section of the total delivery area, encompassed entirely within a delivery station or served by a secondary distribution unit.

(2) *Other.* A delivery zone may represent a series of post office box numbers, military installations, government agencies, or the official establishments of the Postal Service.

(b) *Boundaries of zones.* (1) The boundaries of geographic zones must be as permanent as the present and foreseeable needs of the postal population permit.

(2) Zone boundaries should coincide with delivery station boundaries or conform to natural physical boundaries.

(3) A zone should not be served by more than one delivery or secondary distributing unit. Two or more entire zones may be included in the area served by one delivery or secondary distributing unit.

(4) All city delivery carrier routes in a zone should emanate from the same delivery unit.

(5) A zone should not be extended or assigned to a new area that will eventually consist of more than aproximately 40 city delivery carrier routes. Areas of future service development may consist of more than one zone.

(6) Rural routes should not be grouped or designated as a single or separate zone, since conversion to city delivery service may involve more than one delivery station or secondary distributing unit.

(7) Carrier route changes should be made entirely within the zone, except when a new or rezoned area is added.

(c) *Numbering of delivery zones.* (1) Each zone should be designated by a number, 1 to 99, without prefix or suffix letters. The numbering need not be consecutive, as provision should be made for possible future expansion of the total delivery area.

(2) The zone number of a discontinued zone must not be reassigned to a new or additional area or series of post office box numbers.

(3) The same zone number may be assigned to separate areas, if the areas are contiguous and deliverable from the same distribution unit.

(d) *Official use of delivery zone number.* (1) All official correspondence, notices, and address information shall include the delivery zone number and the proper address of the installation.

(2) Letterheads, posters, and press releases should include the zone number in all references to specific addresses.

(3) Preprinted forms, rubber stamps and address endorsements, including notice Forms 3547, "Notice to Mailer", and 3579, "Undeliverable Second-class Matter", should bear the appropriate zone number.

§ 18.3 Change in delivery zone system.

(a) *Basis for change.* (1) Changes must result in a more usable and effective system commensurate with the operations and service benefits to the mailer and to the Postal Service, and must respect the existence of independent office surrounded by or included in the zone area.

(2) The presence of one or more of the following is considered justification for system change:

(i) Extension of total delivery area of an office.

(ii) Change in the type of delivery service, such as rural route to city delivery route.

(iii) Consolidation of postal installations.

(iv) Change in the physical characteristics of an area, as when a new super-highway intersects an existing zone.

(3) The following are considered insufficient basis for a system change:

(i) Carrier route adjustment, extension, or mechanization.

(ii) Straightening or simplification of zone boundaries.

(iii) Desire to rearrange zone numbers.

(iv) Desire to have a separate zone designation for established communities, commercial centers, or large office buildings already zoned.

(b) *Request by postmaster for system change—*(1) *Where to submit.* Request by the postmaster for any zone change shall be submitted to the Regional Director.

(2) *What to submit.* The following should be submitted with the request:

(i) A statement of justification.

(ii) A definition of the existing zones.

(iii) The boundaries of the new or altered zone.

(iv) The number of possible delivery stops involved in the change.

(v) A statement as to the effect of the proposed change on address and distribution procedures, and on the quantity of second- and bulk third-class mail separated and tied to individual zones.

(vi) A map showing the original zone and the proposed change.

(vii) A diagram of the primary separations.

(c) *Approval—*(1) *Action by region.* Following appraisal of the proposed change to make sure the conditions in paragraphs (a) and (b) of this section have been met, the Regional Director will send all the material to the Classification and Special Services Division, Bureau of Operations, together with his recommendations as to the proposed change.

(2) *Action by Department.* The Classification and Special Services Division, Bureau of Operations will notify the Regional Director of approval or disapproval. Action by the Department will be based on the material submitted, and on the effect the proposed changes would have on the acceptance and use of the zone system and on service improvement programs.

§ 18.4 Reissuance of postal zone directories.

When changes are involved in the directory, the material should not be prepared by the postmaster until approval of proposed changes has been received from the Classification and Special Services Division, Bureau of Operations, through the Regional Director.

When approval has been received, or when reissuance is only to replenish the supply, material must be submitted as indicated below:

(a) *How to prepare material.* The postmaster should prepare the material as follows:

(1) Remove material from the present directory. Most of the finished directory is prepared two columns to a page. However, the material submitted, with the exception of the index and post office box information, should consist of only a single column to a sheet of plain paper approximately 8 x 10½ inches in size. The index and post office box information should appear on separate sheets.

(2) When there are no changes in the column, remove the column from the page and paste it on the plain sheet of paper.

(3) When there are seven or less changes to the column, paste the column on the plain sheet of paper. Indicate change in zone number on the right portion of the sheet and all other changes on the left portion of the sheet in the following manner:

Lake Lane	29	
Lake Rd	20	
Lakeside Ave	28	
Lakeside Blvd	27	
Lakeview Ave	20	
Lakeview Dr	25	
Lakeview Rd	34	
Lakewood Dr	29	
Lamb Ave	22	
Lambert Ave	34	
Lamont	27	
Lancaster Rd	~~22~~	23
Lancelot Ave	34	
Landis Dr	26	
Landria Dr	25	
Landsdowne Rd	29	
Landsworth Ave	28	
Langhorne	22	
Langston ~~Ave~~	20	
Lansing Ave	25	
Lanvale Ave	30	
Larchmont Lane	24	
Larcom Lane	29	
Larkwood Rd	29	
Larne Ave. (St)	24	
Larry	22	
Laurel	20	
Lawrence Rd	29	
Lawson	24	
Lawton		30
Leah Rd	30	
Leake Ave	24	
Lee Ave	26	

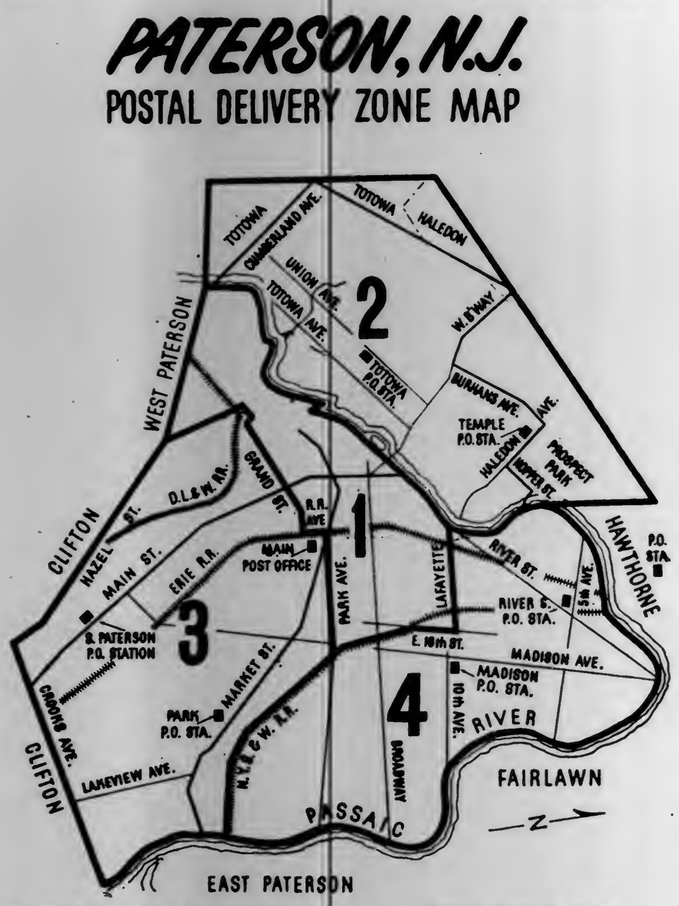
(4) When there are more than seven changes to a column, the entire column should be retyped on a plain sheet of paper in the same format as shown in subparagraph (3) of this paragraph.

(5) Named streets must be listed alphabetically. See subparagraph (3) of this paragraph.

(6) Numbered strects must be listed separately from named streets. They must be identified by number and listed in numerical order. The separate listing of numbered streets should follow the alphabetical street listing.

(7) House numbers of named and numbered streets need not be shown if the entire street is within the area of one zone. The house numbers must be shown if segments of the street are within the area of two or more zones or if the street extends into the delivery area of another post office. The word "Out" may be used after the initial house number if all higher numbers are within the same zone. The designation "Street" should not be shown; all other designations should be indicated.

(8) A postal zone map shall accompany the material. The map must be drawn in black ink to permit reproduction. Show the boundary streets, and label them in a manner that clearly indicates the zone to which they are addressed. Show a limited number of thoroughfares, rivers, and railroads. Show all zone numbers in clear, heavy numerals, without the word "Number" or "Zone." The size of the map submitted should not be less than 10 x 15 inches.



(9) Prepare index as shown below:

UNITED STATES POST OFFICE

POSTAL ZONE DIRECTORY

City, State

Page

Arcades ----------
Boxes ----------
Buildings ----------
Colleges ----------
Hospitals ----------
Hotels ----------
Named Streets----------
Numbered Streets----------
Zone Map----------
Zoned Offices---------- Back Inside Cover

(b) *Where to submit material.* The postmaster will send the material direct to the Bureau of Operations, Classification and Special Services Division, Washington 25, D.C. Eight weeks from the date of receipt in the Department are required to print and deliver the directory. Postmasters will order sufficient directories for 1 year's supply.

(c) *When to submit material.* Postmasters shall observe the following schedule in submitting material:

January through March

(Group 1)

Birmingham, Ala.	Denver, Colo.
Montgomery, Ala.	Bridgeport, Conn.
Phoenix, Ariz.	Hartford, Conn.
Berkeley, Calif.	New Haven, Conn.
Fresno, Calif.	Waterbury, Conn.
Glendale, Calif.	Wilmington, Del.
Long Beach, Calif.	Washington, D.C.
Los Angeles, Calif.	Jacksonville, Fla.
Oakland, Calif.	Miami, Fla.
Sacramento, Calif.	St. Petersburg, Fla.
San Diego, Calif.	Tampa, Fla.
San Francisco, Calif.	Atlanta, Ga.
San Jose, Calif.	Honolulu, Hawaii.
Stockton, Calif.	

April through June

(Group 2)

Chicago, Ill.	Worcester, Mass.
Evansville, Ind.	Detroit, Mich.
Indianapolis, Ind.	Flint, Mich.
South Bend, Ind.	Grand Rapids, Mich.
Des Moines, Iowa.	Lansing, Mich.
Sioux City, Iowa.	Duluth, Minn.
Kansas City, Kans.	Minneapolis, Minn.
Wichita, Kans.	Saint Paul, Minn.
Louisville, Ky.	Jackson, Miss.
Baton Rouge, La.	Kansas City, Mo.
New Orleans, La.	St. Louis, Mo.
Baltimore, Md.	Lincoln, Nebr.
Boston, Mass.	Omaha, Nebr.
Springfield, Mass.	

July through September

(Group 3)

Camden, N.J.	Trenton, N.J.
Jersey City, N.J.	Albany, N.Y.
Newark, N.J.	Brooklyn, N.Y.
Paterson, N.J.	Buffalo, N.Y.
Far Rockaway, N.Y.	Charlotte, N.C.
Flushing, N.Y.	Akron, Ohio.
Jamaica, N.Y.	Canton, Ohio.
Long Island City, N.Y.	Cincinnati, Ohio.
New York, N.Y.	Cleveland, Ohio.
Rochester, N.Y.	Columbus, Ohio.
Schenectady, N.Y.	Dayton, Ohio.
Staten Island, N.Y.	Toledo, Ohio.
Syracuse, N.Y.	Youngstown, Ohio.

October through December

(Group 4)

Oklahoma City, Okla.	Houston, Tex.
Tulsa, Okla.	San Antonio, Tex.
Portland, Oreg.	Salt Lake City, Utah.
Philadelphia, Pa.	Arlington, Va.
Pittsburgh, Pa.	Norfolk, Va.
Scranton, Pa.	Richmond, Va.
Providence, R.I.	Seattle, Wash.
Chattanooga, Tenn.	Spokane, Wash.
Knoxville, Tenn.	Tacoma, Wash.
Memphis, Tenn.	Charleston, W. Va.
Nashville, Tenn.	Huntington, W. Va.
Austin, Tex.	Madison, Wis.
Dallas, Tex.	Milwaukee, Wis.
Fort Worth, Tex.	

§ 18.5 Promotion of zone number usage.

(a) *Promotional campaign.* (1) The effectiveness of the postal delivery zone system depends on customer knowledge and use of delivery zone numbers as part of the address. The support of all postmasters, including those of unzoned cities, is necessary in conducting a continuous promotional campaign through newspapers, radio, civic and service clubs, business houses, churches, schools, and other institutions.

(2) Request should be made of all customers, including business houses, organizations, and publishers of magazines, newspapers, and periodicals, to include the zone number in addresses on all mail for delivery at zone offices.

(b) *Zoning of mailing lists.* Zone numbers will be added or corrected without charge on mailing lists of zone cities. The list should be printed or typed in either sheet or card form and submitted to the local postmaster for transmittal to the zone city. The lists should be wrapped for mailing and must bear the name and address of the owner. No postage is required, and the list will be returned by official mail. Gummed labels, wrappers, envelopes or postal or post cards indicative of one-time use will not be considered as mailing lists.

(c) *Cooperative premailing separation of second- and bulk third-class to individual zones.* The advantages of preseparation to zones should be brought to the attention of all permit holders and quantity mailers. The voluntary zone makeup of quantity mail has been advocated by publishers and direct mail advertisers as preferable to a mandatory provision, to assure the full benefit of the zone address.

(d) *Mail acceptance and pouch or sack opening units.* Provision must be made at those points associated with the acceptance of quantity mailings and with the opening of pouched or sacked mail for the prompt identification and handling of preseparated and bundled zone mail. The full potential operating and service benefit is realized when mail bypasses a distribution operation.

(e) *Distribution of Notice 42, Postal Delivery Zone Notice.* (1) During March, June, September, and December of each year, the notice of the correct zone number shall be distributed to all city, rural, and post office box addresses in zoned areas.

(2) Notice 42 "Postal Delivery Zone Notice," shall be ordered from supply centers. Postmasters shall prepare a special requisition on Form 1580, *Requisition for Supplies,* and shall confine requests to their requirements for a 3-month period. Requisitions must be submitted to supply centers 20 days prior to the first week of the March, June, September, and December quarters. Supply centers will fill requisitions during the first 10 days of the months specified. This procedure shall be followed each quarter. These special requisitions shall be confined to Notice 42 requirements only, and no other forms or items shall be included.

(f) *Systematic inspection of mail.* A continuing review of incoming and outgoing mail should be established to identify volume mailers who are not including the zone number in the address. These mailers should be informed of the advantages of zone number usage.

(g) *Furnishing zone number information.* (1) Supplements to the official Postal Zone Directory must not be issued.

(2) Copies of the directory should be available on request to all local and nonlocal mailers.

(3) The directory must be furnished to all employees assigned to window services, information and inquiry duties, preparation of notice forms, and correction of mailing lists.

(4) Permit holders must be given a copy of the directory at the time mailing permit is issued.

(5) On revision of directory, copies should be issued to firms, schools, and quantity mailers.

SUBCHAPTER C—MAIL CLASSIFICATION AND RATES

PART 21—FIRST CLASS

Sec.
21.1 Rates.
21.2 Classification.
21.3 Weight and size limits.
21.4 Payment of postage.
21.5 Mail sent by members of the U.S. Armed Forces.
21.6 Ship letters.

AUTHORITY: §§ 21.1 to 21.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2502–2504, 2510, 4051, 4052, 4054, 4251–4254.

§ 21.1 Rates.

Kind of mail	Rate
All first-class mail except postal and post cards and drop letters.	4 cents per ounce or fraction of an ounce.
Drop letters	3 cents per ounce or fraction of an ounce.
Single postal cards and post cards.	3 cents each.
Double postal cards and post cards (reply portion of double post card does not have to bear postage when originally mailed).	6 cents (3 cents each portion).
Business reply mail (see §21.2(e)):	
Cards	5 cents each.
Other than cards:	
Weight not over 2 ounces	4 cents per ounce or fraction of an ounce plus 2 cents per piece.
Weight over 2 ounces	4 cents per ounce or fraction of an ounce plus 5 cents per piece.
Airmail	See § 26.1 of this chapter.

§ 21.2 Classification.

(a) *Description.* (1) First-class mail includes:

(i) Letters.

(ii) Postal and post cards.

(iii) Airmail weighing not to exceed 8 ounces whether sealed or unsealed.

(iv) All matter wholly or partly in writing, except authorized additions to second-, third-, and fourth-class mail.

(v) Matter sealed or closed against inspection. See §§ 16.2(e), 24.8(a), and 25.7 of this chapter for mailing of sealed publications at second-class rates of postage and sealed parcels at the third- or fourth-class rates of postage.

(2) The term "letters" includes all letters whether they are old or have previously passed through the mail, sent singly or in packages. *Exception:* Packages of letters, bills, and statements prepared at a central office of a concern that provides service at some other place, each bearing proper postage at the first-class rate and mailed to the post office at that place for local delivery, and packages of letters remailed unopened to the same addressee, may be sent at other than the first-class rate of postage.

(3) Two or more persons or firms, or a person acting as the agent of two or more persons or firms, may not mail in one envelope to a mutual customer the bills, statements of account, or other letters of the persons or firms. No two firms that are distinct entities may send their letters in one envelope even though they are affiliated or jointly owned.

(4) Applications for automobile, drivers', and other licenses are "letters" when sent for the purpose of obtaining a license. The application of each individual or company constitutes a separate letter. Applications of various persons may not be mailed in one package by a compensated representative of the applicants unless the package is endorsed on the outside to show the number of applications enclosed and enough postage is paid to cover the first-class rate on each application. Agents of the licensing authority may receive applications and forward them to any other office in a package with postage paid at the first-class rate computed on the bulk weight of the package.

(5) Drop letters are letters mailed for local delivery at post offices where free delivery by carrier is not established and that are not collected or delivered by rural or star-route carriers.

(6) Postal cards are sold by the post office at the postage value represented by the postage stamp printed on the card.

(7) Post cards are manufactured by private concerns and must conform to the following specifications:

(i) *Size.* Not larger than 3⅜ by 5⅝ inches, nor smaller than 2¾ by 4 inches.

NOTE: Effective January 1, 1963, this subdivision will read:

(i) *Size, shape, and ratio.* Not larger than 3⅜ by 5⅝ inches, nor smaller than 3 by 4¼ inches. Must be rectangular in shape. A ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) is not recommended. (See § 21.3(b) and § 24.3(b) of this chapter.)

(ii) *Material.* An unfolded piece of cardboard of approximately the quality and weight of a postal card. Thickness not less than 0.0085 or more than 0.0095 of an inch, and the cardboard to be uniform in thickness and as near 0.0090 as possible.

(iii) *Color.* Any light color that does not interfere with legible address and postmark.

These specifications apply to single post cards and each part of double post cards.

(8) Written matter includes:

(i) Handwritten or typewritten matter (including identical copies prepared by automatic typewriter), and manifold or carbon copies of such matter.

(ii) Imitations or reproductions of handwritten or typewritten matter, unless mailed at a point designated by the postmaster in a minimum quantity of 20 identical unsealed copies.

(iii) Manuscript or typewritten copy: See § 24.2(a)(1) of this chapter for manuscripts with proof sheets, and § 25.2(a)(4)(vi) and § 25.2(a)(5)(i)(*f*) of this chapter for certain other manuscripts.

(iv) Autograph albums containing writing.

(v) Notebooks or blank books containing written or typewritten entries or stenographic or shorthand notes.

(vi) Blank printed forms filled out in writing or with amounts due, signatures, or other writing such as notices, certificates, receipts, and checks either canceled or uncanceled.

(vii) Printed price lists containing written figures changing individual items.

(viii) Bills or statements of account produced by any photographic or mechanical process, unless presented in a minimum quantity of 20 identical unsealed copies. See § 24.2(a)(1) of this chapter.

(ix) Printed cards or letters bearing a written date, where the date is not the date of the card but gives information as to when something will occur or has occurred.

(x) Printed cards or coupons that, by having a signature attached, are converted into personal communications, such as receipts and orders. (This does not apply to Christmas or similar printed greeting cards.)

(xi) Punched tabulating cards that convey information, unless presented in

a minimum quantity of 20 identically punched cards.

(xii) Identical communications entirely in print, excepting the name of the sender, sent by several persons to the same addressee.

(9) Sealed matter includes mail of any class so wrapped as not to be easily examined, except second-, third- or fourth-class matter sealed subject to postal inspection (see §§ 16.2, 24.8, and 25.7 of this chapter).

(b) *Use of postal and post cards.* (1) Double postal and post cards are two attached cards, one of which is to be detached by the receiver and returned through the mail as a reply. The following rules apply to double cards:

(i) Double cards must be folded before mailing and the first half detached when the reply half is mailed for return. If the first half is not detached when the reply half is mailed for return, the card is subject to the letter rate of postage.

(ii) The reply portion of a double card must be used for reply purposes only; it must not be used to convey a message to the original addressee of the double card, to cover up the message on the original portion, or to send statements of account.

(iii) Double cards must be prepared so that the address on the reply portion is on the inside when the double card is mailed.

(iv) Plain stickers or seals or a single wire stitch may be used to fasten the edges, provided they are so fixed that the inner folds of the cards can be readily examined.

(v) Enclosures are prohibited.

(2) Additions to postal cards and post cards are limited to the following:

(i) The face of the card may be divided by a vertical line, the left half of the card to be used for the message and the right half for the address only.

(ii) The message on a single card, or on the first portion of a double card, may consist of advertising, illustrations, or any kind of writing, and may occupy the space to the left of the vertical line and the entire back of the card.

(iii) Very thin sheets of paper may be attached to the card, provided they are completely stuck to it.

(3) Post cards not conforming with prescribed specifications and bearing a message wholly or partly in writing or the words "Post Card" or "Private Mailing Card" are charged the letter rate. If entirely in print and without the words "Post Card" or "Private Mailing Card," they are charged the third-class rate.

(4) Stamps on cards enclosed in outer wrappers may not apply as postage on the mailing piece.

(c) *Business reply mail*—(1) *Purpose.* Specially printed business reply cards, envelopes, cartons, and labels may be distributed for use by mailers in sending mail to the distributor without prepayment of postage.

(2) *Permit.* (i) A permit to distribute business reply cards, envelopes, cartons and labels is required. An application on Form 3614, "Application to Distribute Business Reply Cards, Envelopes, and Labels", must be submitted at the post office where the mail will be returned. There is no charge for the permit. If matter bearing the business reply imprint is distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all the business reply mail.

(ii) On receipt of the application, the postmaster will complete the permit portion of the form and deliver it to the applicant. The application portion of the form will be filed in the post office by the permit number. Permits issued at each post office will be numbered consecutively starting with No. 1 for the first permit. Each post office will keep an alphabetical card record of each permit.

(3) *Postage.* (i) Postage is collected on each piece of business reply mail at the time it is delivered. Postage due stamps for the amount due will be affixed to the mail or to Form-3582–A, Postage Due Bill. The stamps will be canceled and delivered to the addressee with the mail when he pays the amount due. Business reply mail will not be mixed with other mail in direct packages or sacks for individuals or concerns.

(ii) The amount to be collected, which may not include fees for any special services, is computed as follows:

(*a*) *Post cards.* The rate for post cards or air post cards, whichever is applicable, plus 2 cents each. (See §§ 21.1 and 26.1 of this chapter.) Cards that do not conform to the specifications for post cards (paragraph (a) (7) of this section) are subject to the postage chargeable under (*b*) of this subdivision.

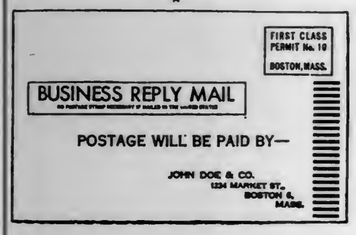
(*b*) *Envelopes and packages.* (*1*) Weight of piece not over two ounces; First-class or airmail rate of postage, whichever is applicable, plus 2 cents each. (See §§ 21.1 and 26.1 of this chapter.)

(2) Weight of piece over two ounces: First-class or airmail rate, whichever is applicable, plus 5 cents each. (See §§ 21.1 and 26.1 of this chapter.)

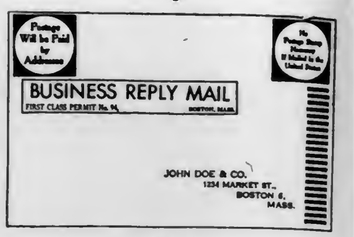
(4) *Form of imprint and address.* The card, envelope, carton or label must be printed on the address side in one of the forms illustrated. The addition of extraneous matter is not permitted.

SURFACE MAIL

A



B



AIR MAIL

C



Use alternating red and blue parallelograms for the border.

(5) *Distribution.* Business reply cards, envelopes, cartons, and labels may be distributed:

(i) In any quantity for return by surface or airmail. When prepared by the distributor for return by surface mail, business reply mail may not be accepted for return by air unless postage is fully prepaid at the airmail rate.

(ii) To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They should not be sent to any foreign country.

(iii) In any manner except by depositing in receptacles provided by patrons for receipt of mail.

(6) *Responsibility of distributor.* The distributor guarantees payment on delivery of postage on returned business reply mail. Any concern distributing business reply cards, envelopes, cartons or labels under one permit for return to its branches or dealers, guarantees to pay postage on any returns refused by any authorized addressee.

§ 21.3 Weight and size limits.

(a) *Weight.* Maximum limits same as for fourth-class mail. (See § 25.3(a) of this chapter.)

(b) *Size.* No limit.

NOTE: Effective January 1, 1963, this paragraph will read:

(b) *Size, shape, ratio, and sealing.* There is no maximum limit of size. The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the first-class postage rate:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

(4) Pieces which are not sealed or secured on all four edges so that they may be handled by machines are not recommended.

§ 21.4 Payment of postage.

Postage may be paid by:

(a) Adhesive stamps.
(b) Stamped cards or envelopes.
(c) Meter stamps.
(d) Permit imprints.

§ 21.5 Mail sent by members of the U.S. Armed Forces.

Letters sent by soldiers, sailors, airmen, and marines in the United States military service located in the United States or other places where United States domestic mail service operates, addressed to places in the United States, may be dispatched for collection on delivery, under the following conditions:

(a) The address side of the letter must be marked "Soldier's Letter", "Airman's Letter", "Sailor's Letter", or "Marine's Letter", as appropriate.

(b) Under the marking, the letter must bear the signature and official designation, either with facsimile handstamp or in writing, of a commissioned officer to whose command the soldier or airman belongs, or of a surgeon or chaplain at a hospital where he is; and in the Navy and Marine service of a commissioned officer attached to the vessel on which the member is serving, or an officer commanding a hospital or detachment ashore where he is.

(c) Postage, at single rate for each ounce or fraction, is collected on delivery.

§ 21.6 Ship letters.

(a) *Vessels not regular mail carriers.* Letters for delivery in the United States, carried by vessels not regularly employed in carrying the mail, are charged double rate of postage, to cover the fee paid to the vessel. The postage may be collected at the office of delivery or prepaid with United States postage stamps.

(b) *Vessels operating over post road.* Letters and packages carried from one port to another in the United States over a water route that is wholly a post road by law, in a private ship or vessel, are charged single rate of postage. If part of the water route is not a post road, double rates of postage are charged.

(c) *Delivery by the master of a vessel.* Wholly unpaid printed matter delivered to the post office by the master of a vessel arriving from a foreign port and not regularly engaged in carrying mail, is charged with double the third-class rate of domestic postage, to be collected on delivery, and dispatched to its destination.

PART 22—SECOND CLASS

Sec.
22.1 Rates.
22.2 Qualifications for second-class privileges.
22.3 Applications for second-class privileges.
22.4 What may be mailed at the second-class rates.
22.5 Second-class mailing privilege for news agents.
22.6 Sworn ownership and circulation statements.
22.7 Marking of paid reading matter.
22.8 Cancellation of second-class privileges.

AUTHORITY: §§ 22.1 to 22.8 issued under R.S. 161, as amended, Sec. 7, 74 Stat. 704, 705; 5 U.S.C. 22, 18 U.S.C. 1733, 1734, 39 U.S.C. 501, 505, 2302, 4058, 4351–4370.

§ 22.1 Rates.

(a) *Within the county of publication.* (1) For delivery at office of mailing having city or village letter-carrier service (and for delivery at publishers' headquarters office except when second-class zone rates are higher):

(i) By carrier:

Weekly newspapers (minimum ⅛ cent per copy): 1 cent per pound.

Newspapers issued more often than weekly: 1 cent per copy.

Periodicals (all publications issued less frequently than weekly): Copies weighing 2 ounces or less: 1 cent per copy. Copies weighing over 2 ounces, any weight: 2 cents per copy.

(ii) Through post-office boxes or general delivery, and for delivery by rural or star-route carriers (minimum ⅛ cent per copy): 1 cent per pound.

(2) For delivery at offices having city or village letter-carrier service other than the office of mailing (minimum ⅛ cent per copy): 1 cent per pound.

(3) For delivery at all offices including office of mailing not having city or village letter-carrier service:

(i) If publication is printed in whole or in part in the county, one copy to each subscriber residing within the county: Free.

(ii) If publication is not printed in whole or in part in the county (minimum ⅛ cent per copy): 1 cent per pound.

(b) *Outside the county of publication* (1) *All publications, except those accepted at the special rate or classroom rate.*

	Cents per pound
Nonadvertising portion	2.5
Advertising portion:	
First and second zones	3
Third zone	4
Fourth zone	6
Fifth zone	8
Sixth zone	10
Seventh zone	12
Eighth zone	14

If the total postage computed at these pound rates does not amount to ½ cent per copy or more, postage must be computed at the minimum rate of ½ cent per copy. (See paragraph (g) of this section.)

(2) *Special rate publications.* Issued by religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, when specifically authorized by the Department: Reading and advertising portions combined: 1½ cents per pound (minimum ⅛ cent per copy).

(3) *Classroom publications.* Religious, educational, or scientific publications designed specifically for use in school classroom or in religious instruction classes (minimum ⅛ cent per copy):

	Cents per pound
Nonadvertising portion	1.5
Advertising portion:	
First and second zone	1.5
Third zone	2
Fourth zone	3
Fifth zone	4
Sixth zone	5
Seventh zone	6
Eighth zone	7

(c) *Transient rate.*

1. Copies mailed by public.
2. Sample copies in excess of 10 percent allowance.
3. Copies to persons not included in list of subscribers.

} 2 cents for first 2 ounces; 1 cent each additional ounce or fraction thereof, or the fourth-class rate, whichever is lower.

(d) *Second-class rates to other countries.* See § 112.4(a)(1)(ii) of this chapter.

(e) *Bulk weight.* The pound rates are computed on the bulk weight of the mailings of each issue. There is no limit of weight for second-class mail to domestic destinations. See § 112.4(b) of this chapter for weight limits to other countries.

(f) *Who pays.* Postage at the transient rate must be paid on all copies mailed by the general public. Only publishers and registered news agents may mail at the other second-class rates.

(g) *Minimum rate.* The minimum rate is computed on individually addressed copies or pieces. Bundles of unaddressed copies to which the minimum rate will not apply should be declared on separate Form 3542 "Statement showing number of copies of second-class publication mailed."

§ 22.2 Qualifications for second-class privileges.

(a) *What may qualify*—(1) *Mailable publications.* Only newspapers and other periodical publications may be mailed at the second-class rates. The copies may not contain obscene, treasonable, lottery, or other kinds of material that would cause them to be nonmailable under the provisions of Part 14 of this chapter.

(2) *With or without general advertising.* All publications that meet the basic qualifications explained in paragraph (b) of this section may carry general advertising. The publications of the institutions and societies specifically named in paragraph (c) of this section must meet all the basic qualifications except the requirement of a paid subscription list. They are excused from having a paid list only when they do not carry general advertising. Those which carry general advertising must have a paid list.

(b) *Basic qualifications*—(1) *Regular issuance.* Publishers must determine the number of issues they will publish each year and adopt a statement of frequency that will show at what regular intervals the issues will appear. Examples of statements of frequency are:

Daily.
Weekly.
Monthly.
Quarterly.
Monthly except during July and August.
Semiweekly.
Biweekly.
Semimonthly.
Weekly during school year.
Four times a year in January, February, October, and November.

A publication may not be published under a frequency that provides for less than four issues each year. Issues must be published regularly as called for by the statement of frequency. Publishers may change the number of issues scheduled, and adopt a new statement of frequency by filing an application for second-class reentry. (See § 22.3 (d).)

(2) *Issuance at known office.* Publications must be issued and mailed at a known office or place of publication. A known office or place of publication is a public office where the business of the publication is transacted during the usual business hours. The office must be maintained at the place where second-class mail privileges are originally authorized. Offices for the transaction of business may be maintained at more than one place, but mailings may be accepted at the second-class pound rates only at the post offices where original or additional mail privileges have been authorized.

(3) *Preparation.* Publications must be formed of printed sheets. They may not be produced by stencil, mimeograph, or hectograph process or in imitation of typewriting.

(4) *Contents.* Publications must be originated and published for the purpose of disseminating information of a public character, or they must be devoted to literature, the sciences, art, or some special industry.

(5) *List of subscribers.* Publications must have a legitimate list of persons who have subscribed by paying or promising to pay for copies to be received during a stated time.

(6) *Advertising publications.* Publications designed primarily for advertising purposes may not qualify for second-class privileges. They include:

(i) Those having advertising in excess of 75 percent in more than one-half of their issues during any 12-month period.

(ii) Those owned or controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(iii) Those that consist principally of advertising and editorial write-ups of the advertisers.

(iv) Those that consist principally of advertising and that have only a token list of subscribers, the circulation being mainly free.

(v) Those that have only a token list of subscribers and that print advertisements free for advertisers who pay for copies to be sent to a list of persons furnished by the advertisers.

(vi) Those published under a license from individuals or institutions and that feature other businesses of the licensor.

(7) *Free circulation publications.* Publications designed primarily for free circulation may not qualify for second-class privileges. Publications are designed primarily for free circulation when the total number of copies furnished during any 12-month period to legitimate paid subscribers (see subparagraph (5) of this paragraph) and to the purchasers of single copies constitutes less than 65 per centum of the total number of copies distributed by mail at the second-class pound rates or the transient rate, by the publishers' carriers, and by other means for any purpose. See § 22.3 (a) (1).

NOTE: The 65 per centum paid circulation standard established by this paragraph is effective upon publication. Publications which do not meet this standard but which now have second-class permits must maintain at least 55 per centum paid circulation until December 31, 1961, after which date the 65 per centum standard must be complied with.

(8) *Nominal rate publications.* Publications designed primarily for circulation at nominal rates may not qualify for second-class privileges. They include those for which subscriptions are sold:

(i) At a token subscription price that is so low that it cannot be considered a material consideration.

(ii) At a reduction to the subscriber, under a premium offer or any other arrangements, of more than 50 percent of the regular advertised annual subscription price. The value of a premium is considered to be its actual cost to the publisher, the recognized retail value, or the represented value, whichever is highest.

(c) *Publications of institutions and societies.* (1) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising and not under any conditions the advertising of other persons, institutions, or concerns: By a regularly incorporated institution of learning, a regularly established State institution of learning supported in whole or in part by public taxation, including bulletins issued by State boards of health, State conservation and fish and game agencies or departments, and State boards or departments of public charities and corrections.

(2) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising: By or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having an actual membership of not less than 1,000 persons, or of a trades-union; or as the publications of strictly professional, literary, historical, or scientific societies; or by churches and church organizations.

These publications may also contain advertising of other persons, institutions, or concerns, under the following conditions:

(i) The publication must not be designed or published primarily for advertising purposes.

(ii) The publication must be originated and published to further the objects and purposes of the society.

(iii) The circulation must be limited to copies mailed to members who pay either as a part of their dues or assessments, or otherwise, not less than 50 percent of the regular subscription price; to other actual subscribers; to exchanges; and 10 percent of such circulation as sample copies.

(iv) When members pay for their subscriptions as a part of their dues or assessments, individual subscriptions or receipts are not required.

(3) Periodical publications issued by State departments of agriculture may not contain advertising and must be published for the purpose of furthering the objects of the departments.

(d) *Foreign newspapers and periodicals.* Foreign newspapers and periodicals must be of the same general character as those classified as second-class in the United States, and must not violate any copyright granted by the United States.

(e) *Identification statements in copies.* Copies of publications must be identified as second-class mail by having the following items printed on one of the first five pages in a position where they may be easily located by postal employees and other interested persons:

(1) Name of publication: The name of the publication must be shown on the front in a position and in a style and size of type that will make it clearly distinguishable from the name of the publisher or other items on the front.

(2) Date of issue.

(3) Statement of frequency.

(4) Issue number: The copies of each issue must be numbered consecutively. The consecutive numbering of published issues may not be broken by assigning numbers to issues unavoidably omitted.

(5) Subscription price if the publication has one.

(6) Name of known office or place of publication, including street and number when there is letter-carrier service, must be printed in a position or in a style and size of type or with a designation that will make it clearly distinguishable from the names of other offices of the publication. When there is not a post office at the place where published, the name of the post office where mailed must be shown as the office or place of publication. Addresses in mastheads and date lines must be printed so they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent. See § 16.2(f) of this chapter.

(7) Second-class imprint, reading: Second-class postage paid at _____. When a publication is mailed at two or more offices the imprint must read Second-class postage paid at _____ and at additional mailing offices.

(8) Notice of pending application, when copies are mailed while an application is pending, reading: Application to mail at second-class postage rates is pending at _____.

§ 22.3 Application for second-class privileges.

(a) *Applications for publications and news agents that do not have second-class privileges.* An application must be filed by the publisher before a publication may be mailed at the second-class rates. Two copies of the issue described in the application must also be filed. When one-half or more of the total copies distributed are purchased by news agents for resale or are consigned to news agents for sale, two copies each of at least four issues must be filed before an application is either approved or disapproved, to demonstrate compliance with the requirement for regular issuance at least four times each year. See § 22.2(b)(1). If the publication is printed in a foreign language, a brief translation of the contents of the copies must be furnished. A synopsis of each article and advertisement is usually sufficient. News agents must file applications before they may mail second-class publications at the second-class rates. Copies of all application forms may be obtained from local postmasters. The headings on the forms describe what information must be furnished by publishers and news agents. Use the following forms:

(1) File application Form 3501, "Application for Second-Class Mail Privileges", for second-class mail privileges for a publication that meets the basic qualifications at the post office of the place where the known office of publication is located. When one-half or more of the total copies distributed are purchased by news agents for resale, or are consigned to news agents for sale, postmasters will not accept an application on Form 3501, unless the publisher has completed the application by furnishing all of the information called for by questions 30 and 31.

(2) File application Form 3502, "Application for Second-Class Mail Privileges", for second-class mail privileges for a publication of an institution or society that does not meet the basic qualifications at the post office of the place where the known place of publication is located.

(3) File application Form 3501–A, "Application to Mail Publications at Second-Class Rates", for permission to mail foreign publications in the United States at the post office at which the copies are to be mailed.

(4) File application Form 3501–A for registry of a person or firm as a news agent with the privilege of mailing second-class publications at the post office where mailings are to be made.

(b) *Acceptance after application is filed.* Publishers or news agents may not mail at the second-class rates until the application for second-class privileges is approved by the Director, Classification and Special Services Division, Bureau of Operations. See paragraph (f) of this section. Postmasters may not accept mailings at the second-class rates until they receive a written authorization from the Director, Classification and Special Services Division. Postage at the applicable third- or fourth-class rates may be paid in money on mailings made while an application is pending. The postmaster will keep a record of such mailings on Form 3503, "Temporary Permit Conditionally Accepting Newspapers and Other Publications for Mailing in the Manner in Which Second-Class Matter Is Mailed", and if second-class privileges are authorized by the Director, Classification and Special Services Division, he will be instructed to return to the publishers or news agents the difference between the third- or fourth-class rates and the second-class rates. Form 3503 will not be kept and the difference will not be returned when postage is paid by stamps affixed.

(c) *Applications for publications that have second-class privileges.* After a publication has obtained second-class mail privileges, applications may be filed for the following additional privileges:

(1) Publishers of newspapers or periodicals of nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations may file applications by letter to the postmaster for the special rate. See § 22.1 (b) (2). They must submit evidence to establish their nonprofit status, and to show that they come within one of the categories stated.

(2) Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may file applications by letter to the postmaster for the special rates for such publications. See § 22.1(b)(3). They must also submit evidence showing that their publications are of this character and for the uses stated.

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating the approximate number and weight of copies to be mailed at the additional office, and the territory to be served. A form is not provided for this kind of application. The application must be filed at the office where the second-class mail privileges were originally obtained. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and all copies for delivery at the additional office must be mailed at that office.

(4) An application to deliver copies of a second-class publication at the publishers' expense and risk to other post offices or elsewhere may be filed by the publisher at the office where the publication has second-class mail privileges. A form is not provided for this kind of application. (See § 16.3(f) of this chapter.)

(d) *Reentry because of change in name, frequency, or location.* When the name or frequency is changed, an application for reentry must be filed on Form 3510 "Application for Re-entry of Second-Class Publication," at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office or place of publication. Copies of second-class publications will be accepted for mailing at the second-class postage rates during the time applications for their reentry are pending. Copies of Form 3510 may be obtained from local postmasters.

(e) *Fees.* The fees to accompany applications for second-class original entry, reentry, or additional entry, or for registration as a news agent, are:

Kind	*Amount*
Original entry—circulation not more than 2,000	$25
Original entry—circulation 2,001 to 5,000	50
Original entry—circulation 5,001 and over	100
News-agent registry	20
Reentry because of change in title, frequency of issue, office of publication, or other reasons	10
Additional entry	10

If an application for original second-class entry is denied, one-half of the fee is returned to the publisher.

(f) *Granting or denial of application.* The Director, Classification and Special Services Division, Bureau of Operations, rules on all applications. If he grants the application, he notifies the postmaster at the office where the application for original entry was filed, who in turn notifies the applicant. Before taking action on an application, the Director may call on the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish the information requested may be cause for denial of the application as incomplete or, on its face, not fulfilling the requirements for entry. If the Director denies the application, he must notify the publisher specifying the reasons for the denial. The denial becomes effective in 15 days from receipt of the notice by the publisher unless the publisher appeals therefrom. See § 22.8(c).

§ 22.4 What may be mailed at the second-class rates.

(a) *Complete copies.* Copies of the regular issues containing all of the pages may be mailed at the second-class rates. Incomplete copies having pages or portions of pages removed must be charged with postage at the third- or fourth-class rates.

(b) *Editions or issues.* The following kinds of extra or special editions or issues may be mailed at the second-class rates:

(1) Extra issues or editions issued for the purpose of communicating additional news and information received too late for insertion in the regular edition and not for advertising purposes.

(2) Separate editions of the issues of a second-class publication. Separate publications will not be accepted as editions.

(3) Special issues containing annual reports, directories, lists, and similar text but the copies may not be distinguished from the regular issues by bearing designations which indicate they are annuals, directories, catalogs, yearbooks, or other types of separate publications. The regular annual subscription price must include the copies of the special issues.

(c) *Back numbers and reprints.* The following kinds of back numbers and reprints may be mailed at the second-class rates:

(1) Unbound copies of back numbers as long as entry is in effect.

(2) Unbound reprint copies of daily publications printed within one week after the date of issue.

(3) Unbound reprint copies of other than daily publications printed before the next issue is printed.

Other reprints and bound back numbers are charged with postage at the third- or fourth-class rates.

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) A supplement must bear the title of the publication preceded by the words "Supplement to".

(3) Supplements must be folded and mailed with the regular issue.

(4) Independent publications may not be inserted in publications as supplements.

(5) Bound periodicals must observe the provisions of paragraph (i) of this section.

(e) *Parts or sections.* (1) The regular pages of publications may be prepared in parts or sections. Enclosures prohibited as supplements may not be prepared as parts or sections.

(2) Each part or section must show the title of the publication.

(3) The number of parts or sections in which the issue is published must be stated on the first page of the first part or section.

(4) Publishers must pay at a rate that is not nominal for parts or sections produced by others. The parts or sections may not be issued by or for advertisers. Publishers must submit to the Bureau of Operations, Classification and Special Services Division contracts entered into with producers of parts or sections.

(f) *Copies not paid for by the addressee*—(1) *Sample copies.* (i) Complete copies of regular issues or editions may be mailed as samples at the second-class pound rates.

(ii) Samples may be mailed at any time during a calendar year to the extent of 10 percent of the total estimated weight of copies to be mailed to subscribers during the calendar year.

(iii) The words "Sample Copy" must be shown on the address side of the envelopes or wrappers or the outside cover of unwrapped copies.

(iv) Samples may not be accepted free of postage under the free-in-county mailing privilege.

(v) The transient second-class rate must be paid on samples mailed in excess of the 10 percent limit.

(vi) Copies mailed for advertising purposes under arrangements with advertisers or others and copies mailed by a publisher acting as an agent for an advertiser may not be mailed as samples.

(vii) Sample copies may be mailed to boxholders with each copy addressed in the simplified manner shown in § 13.4(a) of this chapter. Copies so addressed and marked "Sample Copy" must be mailed to each boxholder on the rural or star route or to each boxholder at post offices not having city letter-carrier service. Copies may not be mailed only to nonsubscriber boxholders. All copies mailed in this manner are considered as samples even though some boxholders are subscribers. Such copies are individually addressed copies.

(2) *Copies paid for by advertisers.* Copies paid for by advertisers or others for advertising purposes, may be mailed only at the transient second-class rate. When copies are being furnished free to the addressees, publishers may be required to inform the postmaster the purpose for sending the copies, the amount that the publisher received for the copies, and whether the purchaser is an advertiser.

(3) *Copies paid for as gifts.* A minor portion of the subscription list may consist of persons whose subscriptions were paid for as gifts. Subscriptions paid for by advertisers or other interested persons to promote their own interests are not gift subscriptions.

(4) *Exchange copies.* A minor portion of the subscription list may consist of publishers to whom exchange copies are sent, one copy for another.

(5) *Expired subscriptions.* Copies will be accepted at the pound rates of postage for a period of 6 months after a subscription has expired, if the publisher attempts during the 6 months to obtain payment or a promise to pay for a renewal. Postage at the transient second-class rate will be charged on copies sent after 6 months to persons who have not renewed.

(6) *Advertisers' proof copies.* One complete copy of each issue may be mailed at the pound rates to each advertiser in the issue to prove that the advertisements have been printed.

(7) *Mailed by printer.* Copies sent by a printer to a publisher are chargeable with postage at the third- or fourth-class rate, whichever is applicable, according to the physical characteristics of the publication and the weight of the package or parcel.

(g) *Advertiser's proof sheets.* Single sheets or portions of sheets sent to an advertiser or his agent as proof of insertion of an advertisement must be enclosed in unsealed envelopes or wrappers bearing in the upper left corner the printed inscription "Advertiser's proof copy" and in the upper right corner a second-class imprint. See § 22.2(e)(7) of this chapter.

(h) *Enclosures, additions, and novelty pages*—(1) *Enclosures.* Bills, receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may be prepared in the following ways:

(i) Printed or written.

(ii) Printed on cards and envelopes, including business replies.

(iii) Arranged to include coin receptacles.

(iv) Arranged as combination forms for two or more second-class publications issued by the same publisher.

(2) *Additions.* Additions consist of words that may be added to the copies after they are printed or that may be placed on the envelopes or wrappers in which the copies are mailed. Only the following additions may be made:

(i) Name and address of the person to whom copies are sent.

(ii) Index figures of subscription book, either printed or written.

(iii) Printed title of publication and place of its publication.

(iv) Printed or written name and address without addition of advertisement of the publisher or sender, or both.

(v) Written or printed words or figures, or both, indicating the date on which the subscription will end.

(vi) Correction of any typographical error.

(vii) A mark, except by written or printed words, to designate a word or passage to which it is desired to call attention.

(viii) The words "Sample Copy" when the copies are sent as samples.

(ix) The words "Marked Copy" when the copies contain a marked item or article.

(x) A pledge to pay forwarding or return postage on copies undeliverable as addressed.

(xi) The number of copies enclosed may be shown on the wrapper or face of a package.

(3) *Novelty pages.* Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of newspapers or other periodical publications. Blank sheets may not be carried as pages. The total number of novelty pages in the copies may constitute only a minor portion of the total pages. An excessive use of novelty pages may give a publication the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail. The following kinds of pages are examples of novelty pages that may be included in second-class publications:

(i) Printed pages bearing words, perforations, or symbols indicating they are for detachment.

(ii) Pages having printed pictures for cutting out.

(iii) Printed pages having blank spaces for writing or marking in.

(iv) Pages having printed illustrations pasted to them.

(v) Pages with coupons or application or order forms occupying not more than one-half of the page.

(i) *Advertisements.* All advertisements in periodicals must be permanently attached. Pagination is not required in periodicals, but when any pages are paginated, either by numbers, alphabetical letters, or a combination of both, all pages must be paginated, or allowed for in sequence in such manner as to indicate that pages containing advertisements are an integral part of the periodical, or of its separate editions, rather than an independent publication. Independent publications may not be inserted in periodicals as advertisements. The physical makeup of advertisements may include such features as the following:

(1) Different advertisements may occupy the same space in different copies of the same issue.

(2) Pages of advertisements may not be smaller than one-eighth of the size of the regular pages when they include coupons or application or order forms occupying one-half or less of the page as permitted by paragraph (h)(3)(v) of this section.

(3) Advertisements larger than the regular pages may be prepared for folding out horizontally, vertically, or both.

(4) Advertisements may be die-cut or deckle-edged.

(5) Multiple page advertisements may be prepared for detachment as permitted by paragraph (h)(3)(iii)(*a*) of this section and may be held together by staples or other means separate from and in addition to the regular binding of the periodical.

(6) Advertisements may be printed upon sheets of paper, celiophane, foil, and other similar material.

(7) Advertisements may include statements that they are printed on the product or by means of the product of the advertiser.

§ 22.5 Second-class mailing privilege for news agents.

(a) *Definition.* News agents are persons or concerns engaged in selling two or more second-class publications published by more than one publisher.

(b) *Information required from news agents.* News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A second-class imprint in the copies in sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

(c) *Remailing without payment of postage.* A news agent may not remove packages of copies from a post office, write an address on each copy, and return them to the office for dispatch or delivery without paying additional postage, except when the publication is entitled to free-in-county mail privileges.

(d) *When subject to transient second class rates.* Unsold copies returned to publishers or other news agents, or copies sent to other news agents except for purpose of sale, or to persons not having subscriptions with the news agent, are subject to the transient second-class rate.

(e) *Return of portions of unsold publications.* The head or small portions of publications returned to publishers to show that copies have not been sold are subject to postage at third- or fourth-class rates according to weight.

§ 22.6 Sworn ownership and circulation statements.

(a) *Requirements.* The editor, publisher, business manager, or owner of a publication entered as second-class mail shall file with the Postmaster General and publish in the second issue thereafter of the publication to which it relates a sworn statement on forms furnished by the Postmaster General on or before the first day of October of each year setting forth:

(1) The names and post office addresses of the editor and managing editor, publisher, business managers, and owners;

(2) The name of the corporation and the stockholders thereof if the publication is owned by a corporation;

(3) The names of known bondholders, mortgagees, or other security holders; and

(4) The average number of copies of each issue of the publication sold or distributed through the mails or otherwise distributed to paid subscribers during the preceding 12 months.

The sworn statement need not include the names of persons owning less than 1 per centum of the total amount of stock, bonds, mortgages, or other securities. The Postmaster General shall deny the privilege of second-class mail to a publication which fails to comply with the provisions of this paragraph within ten days after notice by registered mail or by certified mail of the failure. This paragraph is not applicable to religious, fraternal, temperance, scientific, or similar publications. (Pub. Law 86–513; 74 Stat. 208.)

(b) *Procedures.* The statement must be filed on Form 3526, "Annual statement of newspaper ownership, management, and circulation," in duplicate at the post office where the original second-class permit is authorized. One copy of the issue in which the statement is published must be filed with Forms 3526. Postmasters will furnish copies of Form 3526 to publishers at least 10 days prior to October 1, each year.

§ 22.7 Marking of paid reading matter.

Editorial or other reading matter contained in publications entered as second-class mail and for the publication of which a valuable consideration is paid, accepted, or promised shall be marked plainly advertisement by the publisher. Whoever, being an editor or publisher, prints in a publication entered as second-class mail editorial or other reading matter for which he has been paid or promised a valuable consideration, without plainly marking the same advertisement, shall be fined not more than $500. (Pub. Law 86–513; 74 Stat. 208)

§ 22.8 Cancellation of second-class privileges.

(a) Second-class mail privileges, accorded any publications will not be suspended or annulled until a hearing shall have been granted to the parties interested (39 U.S.C. 4352).

(b) The Director, Classification and Special Services Division, Bureau of Operations, makes determinations concerning the suspension or revocation of a second-class entry subject to appeal and hearing requested by the publisher. He may call on a publisher from time to time to submit information bearing on the publisher's right to retain a second-class entry for his publication. When the Director determines that a publication is no longer entitled to its second-class entry, he issues a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons therefor. The ruling becomes effective in 15 days from receipt by the publisher unless the publisher appeals therefrom. See paragraph (c) of this section.

(c) A copy of the procedures governing administrative appeals and hearings relative to the denial, suspension, or annulment of second-class mail privileges may be obtained from the Director, Classification and Special Services Division, Bureau of Operations. (See Part 204 of this chapter for the Rules of Practice in Proceedings Relative to the Denial, Suspension or Annulment of Second-Class Mail Privileges.)

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

Sec.
23.1 Rates.
23.2 Permits.
23.3 Identification statements.
23.4 Filing of marked copy.
23.5 Enclosures.

AUTHORITY: §§ 23.1 to 23.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4421, 4422.

§ 23.1 Rates.

12 cents per pound, minimum 1 cent per piece.

§ 23.2 Permits.

(a) *Qualifications.* Publications must:

(1) Contain at least 24 pages.

(2) Contain at least 25 percent nonadvertising.

(3) Be issued at regular intervals of four or more times a year.

(4) Be circulated free or mainly free.

(5) Not be owned and controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(b) *Applications.* Apply by letter to the postmaster at the office where mailings are to be made. A form is not provided for this kind of application. State the name of the publication, frequency of issue, where published, and the name of the publisher. Submit two copies of the issue published nearest to the date of application. The postmaster will submit the application and one copy of the publication to the Bureau of Operations, Classification and Special Services Division. Notice of authorization or disapproval will be furnished by the Director, Classification and Special Services Division.

(c) *Deposits to cover postage.* While an application is pending, deposits in money to cover postage on mailings at the third- or fourth-class rates may be made by the publisher. The excess deposits will be returned if a permit is issued.

§ 23.3 Identification statements.

The following items must be printed on one of the first five pages of each copy, in a position where they may be easily located by postal employees and other interested persons:

(a) Name of the publication on the front.

(b) Date of issue.

(c) Frequency of issue.

(d) Address of publisher.

(e) Subscription price, if the publication has one.

(f) Controlled circulation imprint, reading: "Controlled circulation postage paid at _____." When a publisher has filed applications at more than one post office, and has received authorizations at each office, the imprint must read: "Controlled circulation postage paid at _____ and at _____."

(g) Notice of pending application when copies are mailed under deposits of money, reading: "Application to mail at controlled circulation rates is pending at _____." A notice must be printed or handstamped on the envelopes or wrappers in which copies are mailed, reading: "Controlled circulation postage paid at _____." When a publisher has filed applications at more than one post office, and has received authorizations at each office, the notice must read: "Controlled circulation postage paid at _____ and at _____."

§ 23.4 Filing of marked copy.

A copy of each issue, with at least 25 percent of the nonadvertising marked by the publisher so that it may be verified, must be filed with the postmaster at the time of mailing. The percentage of nonadvertising must be written on the first page of the copy. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

§ 23.5 Enclosures.

Enclosures are not permitted.

PART 24—THIRD CLASS

Sec.
24.1 Rates.
24.2 Classification.
24.3 Weight and size limitations.
24.4 Preparation payment of postage.
24.5 Nonprofit organizations.
24.6 Permissible additions.
24.7 Enclosures.
24.8 Sealing.

AUTHORITY: §§ 24.1 to 24.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2510, 4451–4453, 4652.

§ 24.1 Rates.

(a) *Single piece rate.* All matter not in the first or second class (see § 24.3(a) for weight limit) except mailings made under paragraphs (b), (c), (d), (e) of this section: 3 cents first 2 ounces or fraction of 2 ounces plus 1½ cents for each additional ounce or fraction of an ounce.

(b) *Bulk rates.* (See § 24.2(b)(2) and § 24.4(b).)

(1) Books and catalogs having 24 or more bound pages with at least 22 printed pages, seed, cuttings, bulbs, roots, scions, and plants (see § 24.3(a) for weight limit):

(i) Other than authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

(ii) Authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; minimum charge per piece 50 percent of the minimum charge in subdivision (i) of this subparagraph. See § 24.5.

(2) All matter, except the items in subparagraph (1) of this paragraph, not included in the first or second class (see § 24.3(a) for weight limit):

(i) Other than authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

(ii) Authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; minimum charge per piece 50 percent of the minimum charge in subdivision (i) of this subparagraph. See § 24.5.

(c) *Articles of odd size or form.* See § 24.2(b)(3). 3½ cents per piece, whether mailed singly or at bulk rates. (Applicable only when the regular charge does not exceed 3½ cents.)

(d) *Keys, identification cards, identification tags, or similar identification devices.* Keys, identification cards, identification tags, or similar identification devices that are without cover and that bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery: 5 cents each 2 ounces or fraction of 2 ounces.

(e) *Congressional Record mailed at Washington, D.C.* 1 cent per copy.

§ 24.2 Classification.

(a) *Definition.* (1) Third-class mail consists of mailable matter which is—

(i) Not mailed or required to be mailed as first class mail;

(ii) Not entered as second class mail; and

(iii) Less than sixteen ounces in weight.

(2) A person who presents for mailing at one time twenty or more identical copies of bills and statements of account produced by any photographic or mechanical process, other than typewriting, may mail them as third-class mail. In other cases, bills and statements of account shall be mailed as first-class mail.

(3) Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons, are third-class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

(4) Unsealed letters written in point print or raised characters, or on sound reproduction records, used by the blind are third-class mail without regard to the limit on weight prescribed in subparagraph (1)(iii) of this paragraph.

(5) Printed matter within the limit of weight set forth in subparagraph (1) of this paragraph is third-class mail. For the purpose of this section, printed matter is paper on which words, letters, characters, figures or images, or any combination thereof, not having the character of actual or personal correspondence, have been reproduced by any process other than handwriting or typewriting.

(b) *Application of rates.* The rates in § 24.1 are applied as follows:

(1) The single rate is applied to each piece according to its weight.

(2) The bulk rate is applied to mailings of separately addressed identical pieces in quantities of not less than 20 pounds or of not less than 200 pieces. All of the pieces in a bulk mailing must be identical as to size, weight, and number of enclosures, but it is not required that the textual matter be identical. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each calendar year. (See § 24.4 for other conditions governing acceptance of bulk mailings.)

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side is less than 2¾ inches in width or 4 inches in length.

(iii) They are not rectangular.

(iv) Their contents prevent stacking or tying in packages.

(v) They are enclosed in bags.

(vi) They are addressed by means of tags.

NOTE: Effective January 1, 1963, this subparagraph will read:

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side of articles other than envelopes, cards, and self-mailers is less than 3 inches in width (height) or 4¼ inches in length. (See § 24.3 of this section.)

(iii) Their contents prevent stacking or tying in packages.

(iv) They are enclosed in bags.

(v) They are addressed by means of tags.

(4) The rate for keys and identification items placed loose in the mails under the conditions in § 24.1(d) is applied to each item according to its weight. When there are several items for the same addressee, the office of mailing will place them in an envelope or wrapper addressed to the intended recipient and marked to show the amount of postage due. The amount of postage will be computed on each item and not on the bulk weight of the mailing piece.

§ 24.3 Weight and size limitations.

(a) *Weight.* Each piece may weigh up to but not including 16 ounces, except the Congressional Record mailed under § 24.1(e) and letters for the blind. (See Part 28 of this chapter.)

(b) *Size.* No limit.

NOTE: Effective January 1, 1963, this paragraph will read:

(b) *Size, shape and ratio.* There is no maximum limit of size. The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the third-class rates:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

§ 24.4 Preparation—payment of postage.

(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may use any method of paying postage, and may mail any number of pieces at one time, except when permit imprints are used. See § 34.5 of this chapter.

(b) *Bulk mailings*—(1) *Annual fee.* A fee of $20 must be paid each calendar year. Lettershops and other concerns must pay the $20 fee for each customer for whom mailings are made, unless each customer pays it. This fee is separate from the $10 fee that must be paid for a permit to mail under the permit imprint system. See § 34.1(a) of this chapter.

(2) *Postage permits required.* Postage must be prepaid by (see Part 37 of this chapter):

(i) *Meter stamps.* See Part 33 of this chapter.

(ii) *Precanceled stamps or precanceled stamped envelopes.* See Part 32 of this chapter.

(iii) *Permit imprints (cash).* See Part 34 of this chapter.

(3) *Markings required.* Identifying words as follows must be printed or rubber stamped by the mailer either in or immediately adjacent to permit imprints, meter stamps, or precanceled stamps:

(i) "Bulk rate" or the abbreviation "Blk. Rt." by mailers other than nonprofit organizations.

(ii) "Nonprofit organization" or the abbreviation "Nonprofit Org." by authorized nonprofit organizations which mail at the 50 percent reduction in the minimum per piece charge.

(4) *Mailing statement and verification.* A designated employee in the weighing section or other place in the post office where bulk mailings are accepted shall verify the mailer's statement which must be completed and submitted by the mailer with each mailing as follows:

(i) Mailing statement, Form 3602, for mail with permit imprints (see § 34.5(e) of this chapter); or

(ii) Mailing statement, Form 3602–PC, for mail bearing precanceled stamps or meter stamps.

(5) *Preparation of mailing.* Mailers must sort, face, and tie bulk mail into packages both lengthwise and crosswise with twine strong enough to withstand handling in the mail (a breakingpoint of 10 pounds or more will qualify). Labels should be large enough to cover the address on the exposed piece of mail and keep the label from sliding out from under the twine. Packages shall be prepared by the mailer as follows:

(i) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), all addresses must be faced one way except the last which must be reversed to expose its address on the outside of the package. Direct packages should not be labeled except when separations of 10 or more pieces are made to delivery zones within a city. Each zone package should be labeled to show the name of the post office and should be marked "All for Zone No. _____." The name of the post office may be omitted from the label of zone packages when the mailer includes all such packages in direct sacks. See subparagraph (6) of this paragraph.

(ii) *State package.* After direct-package pieces are removed, if there are 10 or more pieces remaining for any one State, all addresses shall be faced one way and the pieces shall be tied into a package. The top address must be covered with a label bearing the name of the State.

(iii) *Mixed packages.* If there are less than 10 pieces per State (for instance, 6 for Delaware, 8 for Maryland, 5 for Virginia), all addresses shall be faced one way and the pieces tied into a package. The top address shall be covered with a label bearing the words "Mixed States".

(iv) *Simplified address mail.* See § 13.4(c) of this chapter.

(6) *Preparation for dispatch*—(i) *Direct sacks.* When there are sufficient direct packages for the same post office to fill a sack at least one-third full the mailer must place them in a sack or sacks which should be labeled in the following manner:

PHILADELPHIA, PA.
CIRCS.
From Jay Mailing Co., Cincinnati, Ohio

(ii) *State sacks*—(a) *Direct packages.* After all possible city direct sacks have been made, if there are enough direct packages remaining for post offices within the same State to fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. (See subparagraph 7 of this paragraph.) State sacks shall be labeled in the following manner:

OGDEN, UTAH TERMINAL
Calif. Direct CIRCS.
From D.C. Mailers, Washington, D.C.

(b) *State packages.* When State packages of circulars for one State will fill approximately one-third of a sack, they shall be placed in a State sack and labeled to the proper distribution point. (See subparagraph (7) of this paragraph.) The sack shall be labeled in the following form:

OGDEN, UTAH TERMINAL
CALIF. CIRCS.
From D.C. Mailers, Washington, D.C.

(iii) *Mixed sacks.* (a) Mixed State packages of circulars may be included in sacks labeled "Mixed States—Circulars".

(b) Any direct package for which there is insufficient quantity to make city or State direct sacks should be included in sacks labeled "Mixed Directs—Circulars".

(iv) *Labels furnished by postmaster.* Where standard post office sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(v) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

(7) *Distribution points.* A list of the proper distribution points for papers, mixed circulars, and direct circulars from each postal region is prepared by the distribution and traffic manager of the region. Mailers may obtain copies of this list and any special instructions relating to specific locations from their local postmaster.

(8) *Special services.* The registry, insurance, special delivery, certified and COD services may not be used for third-class matter mailed at bulk rates.

§ 24.5 Nonprofit organizations.

(a) *Types*—(1) *What may qualify.* Only the following types of organizations or associations not organized for profit and none of the net income of which benefits any private stockholder or individual may mail pieces subject to the minimum bulk third-class per piece charge at a reduction of 50 percent. (See § 24.1(b)(1)(ii) and (2)(ii).)

(i) Religious.
(ii) Educational.
(iii) Scientific.
(iv) Philanthropic.
(v) Agricultural.
(vi) Labor.
(vii) Veterans'.
(viii) Fraternal.

(2) *What may not qualify.* The following and similar organizations do not come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic improvement associations; individuals; municipal, county, or State governmental bodies; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; and trade associations.

(b) *Applications.* Application on Form 3624, "Application for 50% Postage Discount on Bulk Third-Class Minimum Charge Per Piece Mailings" must be filed by the organization or association at the post office where mailings will be deposited. The application will be approved or denied by the postmaster.

(c) *Appeal.* The postmaster's action may be appealed by the applicant in writing through the postmaster to the Bureau of Operations, Classification and Special Services Division. The appeal must be accompanied by the original application and all supporting papers.

(d) *Temporary mailings.* Until final action is taken on the application, postage paid on the mailings may be at the discount rate, provided the mailer deposits with the postmaster an amount sufficient to cover the additional postage at the higher rates. See § 24.1(b)(1)(i) and (2)(i). This deposit will be returned to the mailer if the application is approved. If the application is denied, the deposit will not be returned. The deposit will be converted into postage-due stamps, and the stamps canceled and given to the mailer if no appeal is made. If appeal is made, action concerning the deposit will be deferred.

(e) *Revocation.* The approval may be revoked if the authorization was given to an organization or association which was not qualified or which becomes unqualified. The postmaster who approved the application will notify the organization of the pending cancellation of the authorization and of the reasons for the

cancellation. The organization will be allowed 10 days within which to file a written statement why the authorization should not be canceled. When no answer is filed, the postmaster will cancel the authorization. If an answer is filed, decision will be made by the Bureau of Operations, Classification and Special Services Division, whether the authorization shall be continued in effect. Notice of the decision will be given the organization through the postmaster.

§ 24.6 Permissible additions.

The following are permissible additions on third-class matter and its covers or labels:

(a) Manuscript dedication or inscription not in the nature of personal correspondence.

(b) Marks to call attention to any word or passage in text.

(c) Corrections of typographical errors in:

(1) *Circulars or printed matter.* Handwritten or typewritten changes or additions in the body of a circular are limited to corrections of actual typographical errors.

(2) *Proof sheets.* Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of part if necessary for correction. Corrections should be on margins or attached to the manuscript. Do not enclose manuscript of another article.

(d) Any printed matter mailable as third class.

(e) Hand-stamped imprints, except when the added matter is in itself personal or converts the original matter to a personal communication. In the latter case, however, the mailing at one time at the post office window or other depository designated by the postmaster of not less than 20 identical, unsealed copies will be sufficient evidence of impersonal character to entitle such matter to the third-class rate.

(f) All additions permitted for fourth-class mail. (See § 25.5 of this chapter.)

§ 24.7 Enclosures.

(a) *Books and catalogs mailed at bulk rates*—(1) *Permissible.* Loose enclosures relating exclusively to the book or catalog they accompany may be enclosed and mailed at the rate in § 24.1(b)(1). Loose enclosures are restricted to:

(i) Single reply envelope or reply post card, or both.

(ii) Single order form.

(iii) Printed circular.

(iv) If no circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog.

(v) An invoice. (See § 25.6(a) of this chapter.)

(2) *Prohibited.* Samples of cloth or other merchandise may not be enclosed, either loose or attached. If circular and other printed matter is attached to a book or catalog, it does not have to conform to the conditions for loose enclosures. "Attached" means pasted along the entire bound edge of, or fastened with at least two stitches or staples securely enough to form an integral part of the book or catalog.

(b) *All other third-class matter*—(1) *Permissible.* An invoice. (See § 25.6 (a) of this chapter.)

(2) *Prohibited.* Circulars and advertisements of other persons or firms that are printed or manufactured elsewhere and turned over to a mailer may not be inserted and mailed with his own mail at bulk rates but are subject to the single piece rate.

§ 24.8 Sealing.

(a) *What may be sealed*—(1) *Permissible.* The following mailed at third-class rates of postage may be sealed:

(i) Parcels.

(ii) Self-mailers more than 5 inches wide or more than 11½ inches long.

(iii) Envelopes more than 5 inches wide or more than 11½ inches long.

(iv) Merchandise, books, or catalogs in envelopes 5 x 11½ inches or smaller, provided that they are marked "Merchandise" or "Book" or "Catalog" in a prominent manner on the address side.

(2) *Prohibited.* Except for items in subparagraph (1)(iv) of this paragraph, envelopes and self-mailers measuring 5 x 11½ inches or smaller, when sealed, are subject to the first-class rate.

(b) *Examination.* Third-class mail must be prepared so that it can be easily examined. Mailing of sealed articles under paragraph (a) of this section at the third-class rates of postage is deemed to be the consent of the mailer to postal inspection of the contents. To assure that their parcels will not be opened for postal inspection, mailers should in addition to paying the first-class rate of postage, plainly mark their parcels "First-Class" or with similar endorsement.

(c) *Penny-saver envelopes.* Envelopes having one small spot of gum to hold a loose end flap are accepted as unsealed. The words "Pull Out for Postal Inspection" must be printed on, or adjacent to, the loose flap and must be entirely exposed when the envelope is ready for mailing. The closing outside flap that folds over the loose end flap must not be gummed on the surface touching the loose flap.

NOTE: Effective January 1, 1963, this section will read:

§ 24.8 Sealing.

(a) *Examination.* Third-class mail must be prepared by the mailer so that it can be easily examined. Third-class mail which is not sealed or secured so that it may be handled by machines is not recommended. Mailing of sealed articles at the third-class rates of postage is deemed to be with the consent of the mailer to postal inspection of the contents.

(b) *Marking.* All sealed pieces mailed at the third-class postage rates must be marked *"Third Class."*

PART 25—FOURTH CLASS

Sec.
25.1 Rates.
25.2 Classification.
25.3 Weight and size limits.
25.4 Payment of postage.
25.5 Written additions.
25.6 Enclosures.
25.7 Sealing.
25.8 Place of mailing.
25.9 Library materials.

AUTHORITY: §§ 25.1 to 25.9 issued under R.S. 161, as amended, sec. 101, 64 Stat. 1050, as amended; 5 U.S.C. 22, 31 U.S.C. 695, 39 U.S.C. 501, 4058, 4551–4555, 6008.

§ 25.1 Rates.

(a) *Fourth-class (parcel post) zone rates.*

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
Pounds								
2	$0.24	$0.33	$0.35	$0.39	$0.45	$0.51	$0.58	$0.64
3	.26	.38	.41	.47	.55	.64	.74	.83
4	.28	.43	.47	.55	.65	.77	.90	1.02
5	.30	.48	.53	.63	.75	.90	1.06	1.21
6	.32	.53	.59	.70	.85	1.03	1.22	1.40
7	.34	.58	.65	.77	.95	1.16	1.38	1.59
8	.36	.63	.71	.84	1.05	1.29	1.54	1.78
9	.38	.68	.77	.91	1.15	1.42	1.70	1.97
10	.40	.73	.83	.98	1.25	1.55	1.86	2.16
11	.42	.77	.89	1.05	1.35	1.67	2.02	2.34
12	.44	.81	.95	1.12	1.45	1.79	2.18	2.52
13	.46	.85	1.01	1.19	1.55	1.91	2.34	2.70
14	.48	.89	1.07	1.26	1.65	2.03	2.50	2.88
15	.50	.93	1.13	1.33	1.75	2.15	2.66	3.06
16	.52	.97	1.18	1.40	1.85	2.27	2.81	3.24
17	.54	1.01	1.23	1.47	1.95	2.39	2.96	3.42
18	.56	1.05	1.28	1.54	2.05	2.51	3.11	3.60
19	.58	1.09	1.33	1.61	2.15	2.63	3.26	3.78
20	.60	1.13	1.38	1.68	2.25	2.75	3.41	3.96
21	.62	1.17	1.43	1.75	2.34	2.87	3.56	4.14
22	.64	1.21	1.48	1.82	2.43	2.99	3.71	4.32
23	.66	1.25	1.53	1.89	2.52	3.11	3.86	4.50
24	.68	1.29	1.58	1.96	2.61	3.23	4.01	4.68
25	.70	1.33	1.63	2.03	2.70	3.35	4.16	4.86
26	.72	1.37	1.68	2.10	2.79	3.47	4.31	5.04
27	.74	1.41	1.73	2.17	2.88	3.59	4.46	5.22
28	.76	1.45	1.78	2.24	2.97	3.71	4.61	5.40
29	.78	1.49	1.83	2.31	3.06	3.83	4.76	5.58
30	.80	1.53	1.88	2.38	3.15	3.95	4.91	5.76
31	.82	1.57	1.93	2.45	3.24	4.06	5.05	5.93
32	.84	1.61	1.98	2.52	3.33	4.17	5.19	6.10
33	.86	1.65	2.03	2.59	3.42	4.28	5.33	6.27
34	.88	1.69	2.08	2.66	3.51	4.39	5.47	6.44
35	.90	1.73	2.13	2.73	3.60	4.50	5.61	6.61
36	.92	1.77	2.18	2.80	3.69	4.61	5.75	6.78
37	.94	1.81	2.23	2.87	3.78	4.72	5.89	6.95
38	.96	1.85	2.28	2.94	3.87	4.83	6.03	7.12
39	.98	1.89	2.33	3.01	3.96	4.94	6.17	7.29
40	1.00	1.93	2.38	3.08	4.05	5.05	6.31	7.46
41	1.02	1.97	2.43	3.15	4.14	5.16	6.45	7.62

Weight 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
Pounds								
42	$1.04	$2.01	$2.48	$3.22	$4.23	$5.27	$6.59	$7.78
43	1.06	2.05	2.53	3.29	4.32	5.38	6.73	7.94
44	1.08	2.09	2.58	3.36	4.41	5.49	6.87	8.10
45	1.10	2.13	2.63	3.43	4.50	5.60	7.01	8.26
46	1.12	2.17	2.68	3.50	4.59	5.71	7.15	8.42
47	1.14	2.21	2.73	3.57	4.68	5.82	7.29	8.58
48	1.16	2.25	2.78	3.64	4.77	5.93	7.43	8.74
49	1.18	2.29	2.83	3.71	4.86	6.04	7.57	8.90
50	1.20	2.33	2.88	3.78	4.95	6.15	7.71	9.06
51	1.22	2.37	2.93	3.84	5.03	6.26	7.84	9.22
52	1.24	2.41	2.98	3.90	5.11	6.37	7.97	9.38
53	1.26	2.45	3.03	3.96	5.19	6.48	8.10	9.54
54	1.28	2.49	3.08	4.02	5.27	6.59	8.23	9.70
55	1.30	2.53	3.13	4.08	5.35	6.70	8.36	9.86
56	1.32	2.57	3.18	4.14	5.43	6.81	8.49	10.02
57	1.34	2.61	3.23	4.20	5.51	6.92	8.62	10.18
58	1.36	2.65	3.28	4.26	5.59	7.03	8.75	10.34
59	1.38	2.69	3.33	4.32	5.67	7.14	8.88	10.50
60	1.40	2.73	3.38	4.38	5.75	7.25	9.01	10.66
61	1.42	2.77	3.43	4.44	5.83	7.36	9.14	10.82
62	1.44	2.81	3.48	4.50	5.91	7.47	9.27	10.98
63	1.46	2.85	3.53	4.56	5.99	7.58	9.40	11.14
64	1.48	2.89	3.58	4.62	6.07	7.69	9.53	11.30
65	1.50	2.93	3.63	4.68	6.15	7.80	9.66	11.46
66	1.52	2.97	3.68	4.74	6.23	7.91	9.79	11.62
67	1.54	3.01	3.73	4.80	6.31	8.02	9.92	11.78
68	1.56	3.05	3.78	4.86	6.39	8.13	10.05	11.94
69	1.58	3.09	3.83	4.92	6.47	8.24	10.18	12.10
70	1.60	3.13	3.88	4.98	6.55	8.35	10.31	12.26

EXCEPTIONS

a. In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate is the same as for the third zone.
b. Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

(b) *Catalogs and similar printed advertising matter.*

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
Pounds	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1.5	14	16	18	20	22	24	26	28
2.0	16	20	22	24	26	29	32	35
2.5	18	23	25	27	29	33	37	41
3.0	18	24	26	28	31	36	40	45
3.5	19	25	28	30	34	39	44	50
4.0	20	27	29	32	36	42	48	54
4.5	20	28	31	34	39	45	51	59
5.0	21	29	32	36	41	48	55	63
5.5	22	30	34	38	43	51	59	68
6.0	22	31	35	40	46	54	62	72
6.5	23	33	37	42	48	57	66	77
7.0	24	34	38	44	51	60	70	81
7.5	25	35	40	46	53	63	74	86
8.0	25	36	41	47	55	66	77	90
8.5	26	37	43	49	58	69	81	95
9.0	27	39	44	51	60	72	85	99
9.5	27	40	46	53	63	75	88	104
10.0	28	41	47	55	65	78	92	108

EXCEPTION: In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.
NOTE: These rates apply to individually addressed catalogs and similar printed advertising matter in bound form, weighing 16 ounces or over, but not exceeding 10 pounds, and consisting of 24 or more pages.

(d) *Library materials.*

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books; 16-millimeter films and 16-millimeter film catalogs (rate applies for films and catalogs except when mailed to commercial theaters); printed music; printed objective test materials; sound recordings; manuscripts for books, periodical articles and music; and printed educational reference charts, permanently processed for preservation. (See § 25.2(a)(4))	*Cents* 9	*Cents* 5

Kind of mail (rate restricted to mailings by or to certain organizations)	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; 16-millimeter films, filmstrips, transparencies and slides, microfilms, and scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. (See § 25.2(a)(5))	*Cents* 4	*Cents* 1

§ 25.2 Classification.

(a) *Description.* (1) Fourth-class mail includes merchandise, printed matter, mailable live animals, and all other matter not included in the first-, second-, or third-class.

(2) Zone rates in § 25.1(a) are applicable to all fourth-class mail, except that the items described in § 25.1 (b), (c), and (d) may be mailed at the special rates shown in those paragraphs if desired.

(3) Catalogs and similar printed advertising matter in bound form, having 24 or more pages at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds, may be accepted at the zone rates in § 25.1(b).

(4) The rates in § 25.1 (c) are for:

(i) Books of 24 pages or more, at least 22 of which are printed, permanently bound for preservation consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

(ii) 16-millimeter films, which must be positive prints in final form for viewing, and 16-millimeter film catalogs of 24 pages or more, at least 22 of which are printed, except films and film catalogs sent to commercial theaters.

(iii) Printed music whether in bound form or in sheet form.

(iv) Printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark.

(v) Sound recordings.

(vi) Manuscripts for books, periodical articles and music.

(vii) Printed educational reference charts, permanently processed for preservation.

(5) The rates in § 25.1(d) are for:

(i) The following items when loaned or exchanged between schools, colleges, or universities and public libraries, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively processed by libraries; or when sent on loan or exchange between those libraries, organizations, or associations and their members, readers, or borrowers:

(*a*) Books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books.

(*b*) Printed music, whether in bound form or in sheet form.

(*c*) Bound volumes of academic theses in typewritten or duplicated form.

(*d*) Periodicals.

(e) Sound recordings.

(f) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(ii) The following items when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations:

(a) 16-millimeter films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

(b) Sound recordings.

(c) Scientific or mathematical kits, instruments, or other devices.

(d) Catalogs of the materials in clauses (a), (b) and (c) of this subdivision having 24 or more pages, at least 22 of which are printed, and guides of scripts prepared solely for use with such materials.

(b) *Application of rates.* (1) The rates in § 25.1 (a) and (b) are applied on the basis of weight of the individual piece and the zone (or distance) to which mailed. Articles addressed to military post offices overseas (Army, Air Force, Fleet post offices, and naval vessels) require postage at the zone rate applicable between mailing office and post office shown in the address.

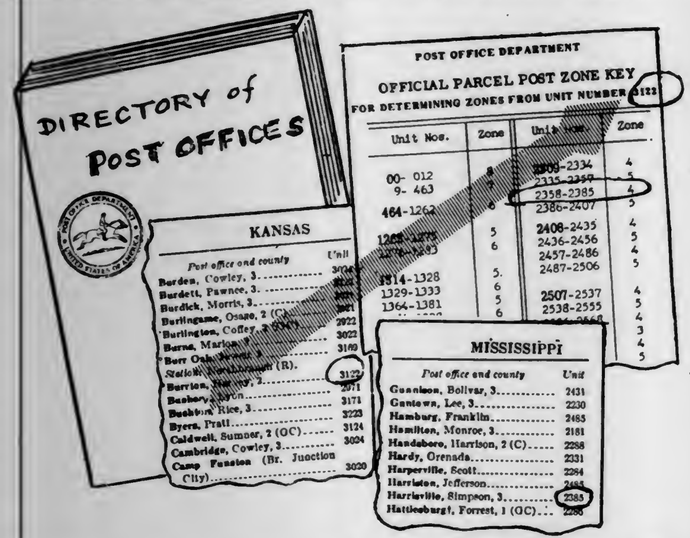
(2) There are eight parcel post zones, determined as follows:

(i) The United States and its territories and possessions are divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. Each unit of area is designated by a number.

(ii) The zones are based on the straight line distance between the unit of area in which the mailing post office is located and the unit of area in which the post office of address is located, measured from the center of one unit to the nearest point in the other. The zone equivalents of straight line distances are shown in the column headings of the rate chart in § 25.1(a).

(iii) A zone key, prepared for each unit of area, lists all the other units of area in numerical order and indicates the zone distance to each of these other units of area. Each numbered unit of area has its own identically numbered zone key, and the key is used at all post offices in that unit of area.

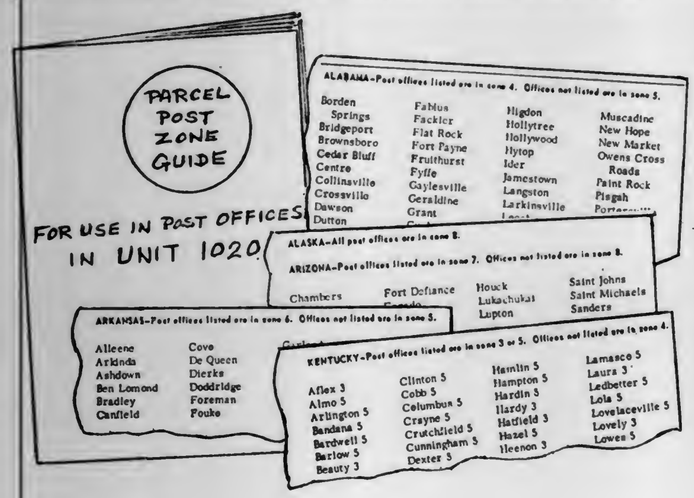
(iv) To ascertain the parcel post zone (distance) to a particular post office, consult the "Directory of Post Offices." Under the State listing locate the name of the post office to which the parcel is to be mailed. At the right of the name is the number of the unit of area. Then refer to the "zone key of the unit of area of the office of mailing." This key will list the unit of area of the office of address and to the right thereof the parcel post zone. This procedure is also used to determine zones within Alaska, Hawaii, Puerto Rico, and the Virgin Islands.



Determining the parcel post zone from Burrton, Kansas (Unit 3122), to Harrisville, Mississippi (Unit 2385), using the "Directory of Post Offices and the Official Parcel Post Zone Key" (Unit 3122).

(v) A "Directory of Post Offices" may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. A "Parcel Post Zone Key" for the unit of area in which the mailing post office is located may be obtained free by request to the postmaster.

(vi) To assist mailers of large volumes subject to zone postage charges, "Parcel Post Zone Guides, ZG Series," have been prepared for selected units of area.



A guide shows the proper parcel post zones from a unit of area to other post offices in the United States and possessions. Patrons desiring a guide for mailing at any post office in any of the units of area listed below should direct a request to the postmaster of that post office, or to the Headquarters Services Division, Post Office Department, Washington 25, D.C. The guides are free, and a schedule of the postal rates in § 25.1 (a) and (b) accompanies each guide, thereby enabling mailers to accurately determine the zone and the postage and to fully prepare their parcels prior to deposit at the post office.

Major cities	*Unit area*
Albany, N.Y.	713
Albuquerque, N. Mex.	4028
Atlanta, Ga.	1781
Augusta, Ga.	1532
Austin, Tex.	3138
Baltimore, Md.	1020
Baton Rouge, La.	2488
Billings, Mont.	4157
Birmingham, Ala.	2031
Boise, Idaho	4961
Boston, Mass.	464
Bridgeport, Conn.	666
Buffalo, N.Y.	1213
Charleston, S.C.	1333
Charleston, W. Va.	1522
Charlotte, N.C.	1428
Chattanooga, Tenn.	1878
Chicago, Ill.	2115
Cincinnati, Ohio	1820
Cleveland, Ohio	1516
Columbus, Ohio	1669
Dallas, Tex.	3033
Davenport, Iowa	2415
Dayton, Ohio	1769
Denver, Colo.	3819
Des Moines, Iowa	2715
Detroit, Mich.	1664
Erie, Pa.	1364
Fargo, N. Dak.	3005
Flint, Mich.	1712
Fort Wayne, Ind.	1866
Fort Worth, Tex.	3083
Fresno, Calif.	5325
Grand Rapids, Mich.	1913
Greensboro, N.C.	1326
Greenville, S.C.	1579
Harrisburg, Pa.	1018
Hartford, Conn.	615
Houston, Tex.	2889
Indianapolis, Ind.	1969
Jackson, Miss.	2384
Jacksonville, Fla.	1538
Kansas City, Kans.	2820
Kansas City, Mo.	2820
Knoxville, Tenn.	1727
Lansing, Mich.	1816
Lincoln, Nebr.	3017
Little Rock, Ark.	2579
Long Beach, Calif.	5181
Los Angeles, Calif.	5180
Louisville, Ky.	1922
Madison, Wis.	2622
Manchester, N.H.	463
Memphis, Tenn.	2378
Miami, Fla.	1397
Milwaukee, Wis.	2112
Minneapolis, Minn.	2659
Mobile, Ala.	2187
Montgomery, Ala.	1984
Nashville, Tenn.	2026
Newark, N.J.	767
New Haven, Conn.	616
New Orleans, La.	2389
New York, N.Y.	717
Norfolk, Va.	975
Oakland, Calif.	5573
Oklahoma City, Okla.	3128
Omaha, Nebr.	2916
Orlando, Fla.	1491
Peoria, Ill.	2317
Philadelphia, Pa.	869
Phoenix, Ariz.	4582
Pittsburgh, Pa.	1318
Portland, Maine	361
Portland Oreg.	5607
Providence, R.I.	465
Raleigh, N.C.	1227
Reading, Pa.	918
Richmond, Va.	1073
Roanoke, Va.	1324
Rochester, N.Y.	1112
Rockford, Ill.	2264
Sacramento, Calif.	5471
Saginaw, Mich.	1712
St. Louis, Mo.	2371
St. Paul, Minn.	2659
St. Petersburg, Fla.	1643
Salt Lake City, Utah	4517
San Antonio, Tex.	3190
San Diego, Calif.	5083
San Francisco, Calif.	5573
San Jose, Calif.	5524
Schenectady, N.Y.	713
Scranton, Pa.	916
Seattle, Wash.	5553
Shreveport, La.	2733
Sioux City, Iowa	2964
Sioux Falls, S. Dak.	3011
South Bend, Ind.	1965
Spokane, Wash.	5053
Springfield, Ill.	2319
Springfield, Mass.	614
Stockton, Calif.	5473
Syracuse, N.Y.	962
Tacoma, Wash.	5554
Tampa, Fla.	1593
Terre Haute, Ind.	2070
Toledo, Ohio	1715
Topeka, Kans.	2920
Trenton, N.J.	818
Tulsa, Okla.	2926
Utica, N.Y.	862
Waco, Tex.	3085
Washington, D.C.	1071
Waterbury, Conn.	665
West Palm Beach, Fla.	1395
Wichita, Kans.	3073
Wilkes-Barre, Pa.	916
Wilmington, Del.	919
Worcester, Mass.	514

(3) The rates in § 25.1 (c) and (d) are computed on the basis of the weight of the piece regardless of the zone to which addressed.

(4) The local rate in § 25.1 (a) and (b) applies to parcels mailed at any post office for local delivery at that office; at any city letter-carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

§ 25.3 Weight and size limits.

(a) *Weight.* Each addressed piece must weight 16 ounces or more but not in excess of the following limits:

(1) Parcels mailed at or to any second-, third-, or fourth-class post office; to or from any rural or star route; to or from any Army-Air Force or Fleet post office; or to, from or between any territory or possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands, must not exceed 70 pounds. See Part 17 of this chapter for weight limits to certain APO's.

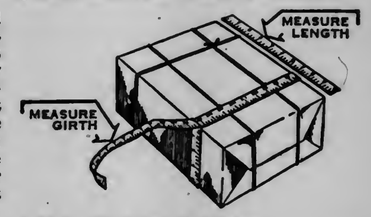
(2) Parcels mailed at a first-class post office in the United States for delivery at the same or any other first-class post office in the United States are limited to 40 pounds when addressed for delivery in the local, first, and second zones, and to 20 pounds when addressed to the third through the eighth zones; except that parcels mailed on or addressed for delivery on a rural or star route, parcels mailed at the post office from which served by patrons located on rural or star routes (rural or star route address of sender must be shown), or parcels containing baby poultry, nursery stock, agricultural commodities, books, and other items listed in § 25.1 (c) and (d) of this chapter, and Braille-writers and other appliances for the blind, are subject to the limit set forth in subparagraph (1) of this paragraph. (The term "agricultural commodities" includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include manufactured products of such commodities.) Parcels containing such articles must be marked to show the nature of the contents, unless such information can be ascertained by outward examination of the parcel.

(b) *Size.* Parcels mailed at a first-class post office in the United States, for delivery at the same or any other first-class post office in the United States, and subject to the limits of weight shown in paragraph (a)(2) of this section must not exceed 72 inches length and girth combined. All other parcels are limited to 100 inches in length and girth combined. To compute the size of a parcel:

(1) Measure the longest side to get the length.

(2) Measure the distance around the parcel at its thickest part to get the girth.

(3) Add the length and the girth. Two or more packages may be mailed as a single parcel if they are about the same size or shape or if they are parts of one article. They must be securely wrapped or fastened together and must not, together, exceed the weight or size limit.



§ 25.4 Payment of postage.

Mailers of fourth-class articles may use any method of paying postage.

§ 25.5 Written additions.

(a) *Required.* (1) The return address of the sender must be shown on all fourth-class mail.

(2) Parcels containing baby poultry, live plants, trees, shrubs, agricultural commodities, books, and Braille-writers and other appliances for the blind, mailed at a first-class post office addressed for delivery at another first-class post office, and that exceed the weight limits in § 25.3 (a)(1) or a size limit of 72 inches in length and girth combined, must be marked to show the type of contents. If contents are readily identifiable by outward examination, no marking is required.

(3) Catalogs mailed at the rates in § 25.1(b) must be marked "Catalogs".

(4) The wrapper or cover on articles mailed at the rates in § 25.1(c) must be marked "Educational Materials".

(5) The wrapper or cover on articles mailed at the rates in § 25.1(d) must be marked "Library Materials".

(6) Marks specified in § 11.5 of this chapter to show nature of contents or service desired must be added.

(b) *Permissible.* The following written additions, which may be placed on the cover, tag, or label attached to the parcel, or on an article within the parcel, are permitted for all fourth-class mail. (Sufficient space must be provided on the address side for address, return address, postage, and postal endorsements.)

(1) Marks, numbers, name, or letters descriptive of contents.

(2) "Please do not open until Christmas, Merry Christmas, Happy Birthday, with Best Wishes" and similar inscriptions.

§ 25.6 Enclosures.

(a) *Permissible in all fourth-class.* An invoice or similar document for descriptive purposes only, enclosed, or placed in an envelope (marked "Invoice Enclosed") attached to the outside, showing any or all of the following:

(1) Name and address of sender and addressee.

(2) Names and quantities of articles enclosed.

(3) Description of articles enclosed; including price, tax, style, stock number, size and quality; and if defective, nature of defect.

(4) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(5) Initials or name of packer or checker.

(b) *Catalogs.* Catalogs mailed at the rates in § 25.1(b) may have any or all of the following enclosures, provided the loose enclosures form only an incidental portion of contents:

(1) Order forms, reply envelopes, and circulars.

(2) One each of printed blotter, illustrated display sheet, poster, dealer's card, or similar printed advertising matter.

(c) *Educational and library materials.* (1) *Books.* In addition to an invoice (see paragraph (a) of this section), the following may be enclosed with books mailed at the rates in § 25.1(c):

(i) Reply envelope or post card, single order form, and a printed circular.

(ii) Incidental announcements of books, appearing in book pages or as loose circulars.

(2) *All other materials.* Enclosures are not permitted as provided in paragraph (a) of this section.

§ 25.7 Sealing.

Fourth-class mail must be wrapped or packaged so that it can be easily examined. Mailing of sealed parcels at the fourth-class rate of postage is deemed to be the consent of the sender to postal inspection of the contents. Patrons who desire to assure that their parcels will not be opened for postal inspection, should, in addition to paying the first-class rate of postage, plainly mark their parcels "First Class" or with similar endorsements.

§ 25.8 Place of mailing.

(a) Fourth-class articles may be mailed at a post office, branch, or station, or handed to a rural or star route carrier. They may not be mailed at railway post office cars.

(b) Parcels exceeding the limits of size and weight for articles mailed at first-class post offices that originate in and are prepared in cities or towns served by first-class post offices may not be diverted to other post offices or to a rural or star route carrier for mailing.

§ 25.9 Library materials.

Each parcel mailed under the provisions of §§ 25.1(d) and 25.2(a)(5) must show in the address or the return address the name of a school, college, university, public library, or the name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organization or association. No permit is required.

PART 26—AIRMAIL

Sec.
26.1 Rates.
26.2 Classification.
26.3 Weight and size limits.
26.4 Payment of postage.
26.5 Additions and enclosures.
26.6 Marking, sealing, and depositing.

AUTHORITY: §§ 26.1 to 26.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4301–4305, 6301.

§ 26.1 Rates.

Weight	Kind of mail	Rate
8 ounces or less	Air postal or post cards	5 cents each.
	Letters and packages	7 cents an ounce.
	Business reply (See § 21.2(c) of this chapter): Air cards	7 cents each.
	Airmail other than cards: Weight not over 2 ounces	7 cents an ounce, plus 2 cents per piece.
	Weight over 2 ounces	7 cents an ounce, plus 5 cents per piece.

Weight over 8 ounces, and not exceeding—	Rate. NOTE: Where amount is shown in italics, see Footnote 2 regarding first-class mail.					
	Zones 1, 2 and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1 pound	$0.60	$0.65	$0.70	$0.75	$0.75	$0.80
2 pounds	*1.08*	*1.15*	*1.20*	1.39	1.47	1.60
3 pounds	*1.56*	*1.65*	*1.82*	2.03	2.19	2.40
4 pounds	*2.04*	*2.15*	*2.38*	2.67	2.91	3.20
5 pounds	*2.52*	*2.65*	*2.94*	3.31	3.63	4.00
6 pounds	*3.00*	*3.15*	*3.50*	3.95	4.35	4.80
7 pounds	*3.48*	*3.65*	*4.06*	4.59	5.07	5.60
8 pounds	*3.96*	*4.15*	*4.62*	5.23	5.79	6.40
9 pounds	*4.44*	*4.65*	*5.18*	5.87	6.51	7.20
10 pounds	*4.92*	*5.15*	*5.74*	6.51	7.23	8.00
11 pounds	*5.40*	*5.65*	*6.30*	7.15	7.95	8.80
12 pounds	*5.88*	*6.15*	*6.86*	7.79	8.67	9.60
13 pounds	*6.36*	*6.65*	*7.42*	8.43	9.39	10.40
14 pounds	*6.84*	*7.15*	*7.98*	9.07	10.11	11.20
15 pounds	*7.32*	*7.65*	*8.54*	9.71	10.83	12.00
16 pounds	*7.80*	*8.15*	*9.10*	10.35	11.55	12.80
17 pounds	*8.28*	*8.65*	*9.66*	10.99	12.27	13.60
18 pounds	*8.76*	*9.15*	*10.22*	11.63	12.99	14.40
19 pounds	*9.24*	*9.65*	*10.78*	12.27	13.71	15.20
20 pounds	*9.72*	*10.15*	*11.34*	12.91	14.43	16.00
21 pounds	*10.20*	*10.65*	*11.90*	13.55	15.15	16.80
22 pounds	*10.68*	*11.15*	*12.46*	14.19	15.87	17.60
23 pounds	*11.16*	*11.65*	*13.02*	14.83	16.59	18.40
24 pounds	*11.64*	*12.15*	*13.58*	15.47	17.31	19.20
25 pounds	*12.12*	*12.65*	*14.14*	16.11	18.03	20.00
26 pounds	*12.60*	*13.15*	*14.70*	16.75	18.75	20.80
27 pounds	*13.08*	*13.65*	*15.26*	17.39	19.47	21.60
28 pounds	*13.56*	*14.15*	*15.82*	18.03	20.19	22.40
29 pounds	*14.04*	*14.65*	*16.38*	18.67	20.91	23.20
30 pounds	*14.52*	*15.15*	*16.94*	19.31	21.63	24.00
31 pounds	*15.00*	*15.65*	*17.50*	19.95	22.35	24.80
32 pounds	*15.48*	*16.15*	*18.06*	20.59	23.07	25.60
33 pounds	*15.96*	*16.65*	*18.62*	21.23	23.79	26.40
34 pounds	*16.44*	*17.15*	*19.18*	21.87	24.51	27.20
35 pounds	*16.92*	*17.65*	*19.74*	22.51	25.23	28.00
36 pounds	*17.40*	*18.15*	*20.30*	23.15	25.95	28.80
37 pounds	*17.88*	*18.65*	*20.86*	23.79	26.67	29.60
38 pounds	*18.36*	*19.15*	*21.42*	24.43	27.39	30.40
39 pounds	*18.84*	*19.65*	*21.98*	25.07	28.11	31.20
40 pounds	*19.32*	*20.15*	*22.54*	25.71	28.83	32.00
41 pounds	*19.80*	*20.65*	*23.10*	26.35	29.55	32.80
42 pounds	*20.28*	*21.15*	*23.66*	26.99	30.27	33.60
43 pounds	*20.76*	*21.65*	*24.22*	27.63	30.99	34.40
44 pounds	*21.24*	*22.15*	*24.78*	28.27	31.71	35.20
45 pounds	*21.72*	*22.65*	*25.34*	28.91	32.43	36.00
46 pounds	*22.20*	*23.15*	*25.90*	29.55	33.15	36.80
47 pounds	*22.68*	*23.65*	*26.46*	30.19	33.87	37.60
48 pounds	*23.16*	*24.15*	*27.02*	30.83	34.59	38.40
49 pounds	*23.64*	*24.65*	*27.58*	31.47	35.31	39.20
50 pounds	*24.12*	*25.15*	*28.14*	32.11	36.03	40.00

Weight over 8 ounces, and not exceeding—	Rate. NOTE: Where amount is shown in italics, see Footnote 2 regarding first-class mail.					
	Zones 1, 2 and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
51 pounds	*$24.60*	*$25.65*	*$28.70*	$32.75	$36.75	$40.80
52 pounds	*25.08*	*26.15*	*29.26*	33.39	37.47	41.60
53 pounds	*25.56*	*26.65*	*29.82*	34.03	38.19	42.40
54 pounds	*26.04*	*27.15*	*30.38*	34.67	38.91	43.20
55 pounds	*26.52*	*27.65*	*30.94*	35.31	39.63	44.00
56 pounds	*27.00*	*28.15*	*31.50*	35.95	40.35	44.80
57 pounds	*27.48*	*28.65*	*32.06*	36.59	41.07	45.60
58 pounds	*27.96*	*29.15*	*32.62*	37.23	41.79	46.40
59 pounds	*28.44*	*29.65*	*33.18*	37.87	42.51	47.20
60 pounds	*28.92*	*30.15*	*33.74*	38.51	43.23	48.00
61 pounds	*29.40*	*30.65*	*34.30*	39.15	43.95	48.80
62 pounds	*29.88*	*31.15*	*34.86*	39.79	44.67	49.60
63 pounds	*30.36*	*31.65*	*35.42*	40.43	45.39	50.40
64 pounds	*30.84*	*32.15*	*35.98*	41.07	46.11	51.20
65 pounds	*31.32*	*32.65*	*36.54*	41.71	46.83	52.00
66 pounds	*31.80*	*33.15*	*37.10*	42.35	47.55	52.80
67 pounds	*32.28*	*33.65*	*37.66*	42.99	48.27	53.60
68 pounds	*32.76*	*34.15*	*38.22*	43.63	48.99	54.40
69 pounds	*33.24*	*34.65*	*38.78*	44.27	49.71	55.20
70 pounds	*33.72*	*35.15*	*39.34*	44.91	50.43	56.00

EXCEPTIONS:

1. Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10 pound parcel for the zone to which addressed.

2. Parcels containing first-class matter for the weights and zones indicated below must bear postage at the rate of 4 cents for each ounce or fraction thereof.

FIRST CLASS AIRMAIL ONLY

	Weighing over—	But not over—	Pay
Zones 1, 2, and 3	15 ounces	1 pound	$0.64.
	1 pound, 11 ounces	2 pounds	4 cents each ounce.
	2 pounds, 7 ounces	3 pounds	Do.
	3 pounds, 3 ounces	70 pounds	Do.
Zone 4	1 pound, 12 ounces	2 pounds	Do.
	2 pounds, 9 ounces	3 pounds	Do.
	3 pounds, 5 ounces	4 pounds	Do.
	4 pounds, 2 ounces	70 pounds	Do.
Zone 5	1 pound, 15 ounces	2 pounds	$1.28.
	2 pounds, 13 ounces	3 pounds	4 cents each ounce.
	3 pounds, 11 ounces	4 pounds	Do.
	4 pounds, 9 ounces	5 pounds	Do.
	5 pounds, 7 ounces	6 pounds	Do.
	6 pounds, 5 ounces	7 pounds	Do.
	7 pounds, 3 ounces	8 pounds	Do.
	8 pounds, 1 ounce	70 pounds	Do.

§ 26.2 Classification.

(a) *Description.* Airmail is mail carried by air and by the fastest connecting surface carriers, and given the most expeditious handling in dispatch and delivery. Airmail is not given special delivery to the addressee unless a special delivery fee is paid in addition to the airmail postage.

(b) *Articles acceptable.* Mail of all classes, except that which may be damaged by low temperatures or high altitudes, is accepted.

(c) *Application of rates.* (1) Postage is charged on airmail (except postal and post cards) according to weight at the rates in § 26.1 regardless of the class of mail, except that when first-class mail is enclosed, the rate may not in any instance be less than 4 cents an ounce.

(2) Air post cards must conform to the size and conditions prescribed for post cards. (See § 21.2(a)(7) of this chapter.)

(3) Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See § 21.2(c) of this chapter for information regarding business reply mail.

(4) The eighth zone airmail rates apply to articles mailed between continental United States and possessions and the Canal Zone, overseas Army-Air Force and Fleet post offices, naval vessels addressed in care of Fleet post offices, and Islands of the Trust Territory in the Pacific, except that rates according to zone apply between the United States, Puerto Rico, and the Virgin Islands.

§ 26.3 Weight and size limits.

(a) *Weight.* Airmail may weigh up to 70 pounds. See Part 17 of this chapter for the exception to this limit for articles addressed to certain APO's and NPO's.

(b) *Size.* Airmail is limited to 100 inches in combined length and girth. See Part 17 of this chapter for the exception to this limit for articles addressed to certain APO's and NPO's and § 25.3 (b) of this chapter for instructions on how to measure parcels.

§ 26.4 Payment of postage.

Postage on airmail may be paid by adhesive postage stamps, stamped cards or envelopes, meter stamps, or permit imprints.

§ 26.5 Additions and enclosures.

There are no special restrictions with respect to written additions and enclosures in airmail. See § 26.2(c)(1) regarding first class mail. An airmail parcel weighing over 8 ounces, later forwarded or returned from place of original address by surface mail would be subject to the restrictions as to additions and enclosures according to the class of mail involved.

§ 26.6 Marking, sealing, and depositing.

(a) Place the word "Airmail" prominently on the address side of flat mail preferably below the stamps and above the address, and on the top, bottom, and sides of parcels. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

(b) Airmal may be sealed or left unsealed without affecting the air rate.

(c) Deposit airmail weighing 8 ounces or less at the post office or in a special airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 8 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

(d) Use envelopes printed with special airmail design for airmail only. Their use for mail not intended for air transmission is not permissible.

PART 27—OFFICIAL MAIL

Sec.
27.1 Members of Congress.
27.2 Executive and judicial officers.
27.3 Mail sent to government departments.
27.4 State employment security mailings.
27.5 Diplomatic and consular mail.
27.6 Absentee balloting materials.
27.7 Former Presidents and widows of former Presidents.
27.8 Pan America Union and Pan American Sanitary Bureau.

AUTHORITY: §§ 27.1 to 27.8 issued under R.S. 161, as amended; sec. 1303(d), 40 Stat. 1141, as amended, sec. 1, 62 Stat. 783; 2 U.S.C. 277, 5 U.S.C. 22, 18 U.S.C. 1719, 39 U.S.C. 501, 2303, 2503, 2510, 4151–4156, 4158–4168.

§ 27.1 Members of Congress.

(a) *Collection of postage.* Postage on mail sent under the franking privilege by the Vice President, Members and Members-elect of Congress, the Resident Commissioner from Puerto Rico, the Secretary of The Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives is paid annually by a lump sum to the Post Office Department.

(b) *Description.* Official mail of Members of Congress is sent without prepayment of postage bearing written signature or a printed facsimile signature instead of a postage stamp. Mail accepted under frank, and the officials authorized to use franked mail, are shown in paragraph (c) of this section.

(c) *Authorized users.*

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, and Clerk of the House.	Public documents printed by order of Congress.	The words *Public Document—Free* and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following expiration of their respective terms of office.
Members of Congress and Resident Commissioners.	Congressional Record or any part of it, or speeches or reports contained in it.	The words *Congressional Record or Part of Congressional Record—Free* and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During term of office only.
Members of Congress.....	Seeds and agricultural reports from the Department of Agriculture.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following the expiration of their terms of office.
Vice President of the United States, Members and Members-elect of Congress, Resident Commissioners, Secretary of the Senate, and Sergeant at Arms of the Senate.	Official correspondence not exceeding 4 ounces in weight. Official correspondence when addressed to a Government official by title may exceed 4 ounces in weight, but must not exceed 4 pounds.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following expiration of their respective terms of office. When the position of Secretary of the Senate or Sergeant at Arms of the Senate is vacant, privilege may be exercised in officer's name by authorized persons.

(d) *Restrictions.* The following restrictions apply to franked mail:

(1) Official correspondence transmitted under frank of the Vice President, Members and Members-elect of Congress, Secretary of the Senate, Sergeant at Arms of the Senate, and Resident Commissioners, must be on official or departmental business.

(2) No franked mail will be admitted to the mail unless admissible as ordinary mail.

(3) A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

(4) Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent by a person entitled to the franking privilege, to one addressee, who, on receiving and opening the package, may on behalf of such person, place addresses on the franked articles and mail them.

(5) Franked mail is handled as ordinary mail. Fees for special services must be paid at the time of mailing.

(e) *Weight and size limits*—(1) *Weight.* Official correspondence is limited to 4 ounces, except that when addressed to a Government official by title the limit is 4 pounds.

(2) *Size.* No limit.

NOTE: Effective January 1, 1963, this subparagraph will read:

(2) *Size, shape, ratio, and sealing.* The provisions of §§ 12.3, 21.2(a)(7), 21.3(b) and 24.3(b) of this chapter apply.

§ 27.2 Executive and judicial officers.

(a) *Collection of postage.* Departments, agencies, and establishments of the U.S. Government must reimburse the Post Office Department in amounts equivalent to the amount of postage and fees due on their mail for which the Post Office Department does not otherwise receive compensation. Instructions governing the manner of reimbursement for mailings made without postage or fees prepaid are issued by the Bureau of Finance which negotiates reimbursement agreements with the departments and agencies concerned.

(b) *Description.* The following kinds of mail may be sent as Federal Government mail by those authorized to use this privilege:

(1) Official mail relating exclusively to the business of the Government of the United States mailed by officers of the executive and judicial branches of the Government; official mail of legislative counsel for the House of Representatives and the Senate; official mail of the Superintendent of Documents; and official correspondence concerning the Congressional Directory under direction of the Joint Committee on Printing.

(2) All correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture, when mailed by the college officer or other person connected with the extension department of the college who has been designated by the Secretary of Agriculture. Mailings may be deposited by the designated officer only at the authorized post office. Correspondence must be conducted under the name of the designated officer. Correspondence with autograph signature may be sealed but all other matter must be left unsealed.

(3) Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results or researches and experiments, including lists of publications available for distribution, when mailed by agricultural experiment stations designated by the Act of March 2, 1887, as amended by the Act of August 11, 1955, as follows:

The officer in charge of a station that claims the privilege of sending materials without prepayment of postage through the mail must file an application with the Bureau of Operations, Classification and Special Services Division, through the post office where the station is located, stating the date of establishment of the station, its name or designation, its official organization, the names of its officers, the name of the college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other legislation granting it the benefits of the act of Congress referred to in this section.

(4) Annual reports of Government-aided colleges established under the Act of July 2, 1862, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college. The postmaster receiving the annual reports from an officer of the college will use a post office penalty envelope or label to send it through the mail.

(5) Copyright material sent to the Register of Copyrights with claim for registration, as follows:

(i) Postmasters receiving the claim for registration and any articles that are required to accompany the claim will use a post office penalty envelope or label to send the matter to the Register of Copyrights, Washington 25, D.C.

(ii) If requested to do so, the postmaster will give a receipt for articles delivered to him to accompany a claim for registration.

(iii) When desired, the person submitting copyright matter to the postmaster may also present the fee for copyright registration enclosed in a sealed envelope addressed to Register of Copyrights, Washington 25, D.C., which must have postage prepaid at the letter rate. The postmaster, after canceling the postage stamps, will enclose the envelope containing the fee together with the copyright material in the post office penalty envelope sent to the Register of Copyrights.

(iv) Matter for copyright enclosed in post office penalty envelopes will not be sent by registered mail unless the registry fee is prepaid.

(c) *Methods of preparing official mail*—(1) *Postage and fees paid.* (i) All official mail of authorized departments or agencies, subject to the weight and size limits, if any, for matter of its class, shall be given the postal service indicated on its cover when the mail is marked in the upper right corner of the address side "Postage and Fees Paid". This marking may not be handwritten or typewritten.

(ii) Authorized departments and agencies are:

Agriculture, Department of.
Air Force, Department of.
Alaska International Rail and Highway Commission.
Army, Department of.
Atomic Energy Commission.
Bureau of the Budget.
Bureau of Prisons (or FBP).
Civil Service Commission.
Civil Aeronautics Board.
Coast Guard.

Commerce, Department of.
Council of Economic Advisers.
Development Loan Fund.
Employment Security Mail.
Federal Aviation Agency.
Federal Bureau of Investigation.
Federal Home Loan Bank Board.
Federal Housing Administration.
Federal Mediation and Conciliation Service.
Federal National Mortgage Association.
Federal Power Commission.
Federal Reserve System, Board of Governors of the.
Federal Trade Commission.
General Services Administration.
Health, Education, and Welfare, Department of.
Housing and Home Finance Agency.
Immigration and Naturalization Service.
Interior, Department of.
Internal Revenue Service.
International Cooperation Administration.
Interstate Commerce Commission.
Justice, Department of.
Labor, Department of.
Library of Congress.
Marine Corps.
National Aeronautics and Space Agency.
National Capital Housing Authority.
National Gallery of Art.
National Institutes of Health.
National Labor Relations Board.
National Science Foundation.
Navy, Department of.
Panama Canal Company.
President's Committee on Employment of the Physically Handicapped.
President's Council on Youth Fitness.
Public Housing Administration.
Railroad Retirement Board.
Saint Lawrence Seaway Development Corporation.
Secretary of Defense, Office of.
Securities and Exchange Commission.
Selective Service System.
Small Business Administration.
Smithsonian Institution.
State, Department of.
State Employment Security Offices (See § 27.4).
Tax Court of United States.
Tennessee Valley Authority.
Treasury, Department of.
U.S. Court of Claims.
U.S. Court of Customs and Patent Appeals.
U.S. Court of Military Appeals.
U.S. Courts.
U.S. Information Agency.
U.S. Supreme Court.
Veterans Administration.
Virgin Islands Corporation.

(iii) Mail sent as "Postage and Fees Paid" must show over the words "Official Business" in the upper left corner of the address side the name and address of the department, bureau, office, or officer.

(iv) Printed reply envelopes or labels marked "Postage and Fees Paid" and preaddressed to a Federal Government office or officer may be furnished to persons or concerns for convenience in submitting information for official purposes, or for delivery of official matter, subject to the following conditions:

(*a*) Reply envelopes or labels furnished to contractors must in every case bear printed return address of one of the agencies listed in subdivision (ii) of this subparagraph over the words "Official Business". No return name and address of a private person or firm may be shown.

(*b*) When a special service is required, the reply envelope or label must be preprinted with the type of special service desired. Users of reply labels may not add their own markings for these services.

(2) *Penalty.* Penalty mail, subject to the restrictions of paragraph (d) of this section, is sent without prepayment of postage. Envelopes, cards, labels, tags, and wrappers used in transmitting official mail under the penalty privilege must bear in the upper right corner of the address side the printed statement of the penalty of misuse: "Penalty for Private Use to Avoid Payment of Postage, $300." The printed statement of the penalty for misuse may not be handwritten or typewritten. They must also show, over the words "Official Business" in the upper left corner of the address side, the name and address of the department, bureau, office, or officer. The following markings are required, when applicable:

(i) Official mail of designated State extension directors must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted without prepayment of postage, followed by the name and title of the designated officer and the words "Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914."

(ii) Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word "Publication". The title of the bulletin or report may be used.

(3) *Prepaid postage.* Official mail which is not sent as penalty mail or as postage and fees paid mail must have postage prepaid. The regular rates and conditions apply except that postage on official mail weighing over 4 pounds may be paid at the fourth-class rates. See paragraph (e)(1) of this section.

(d) *Use.* (1) The markings authorized on official mail in paragraph (c) of this section may not be placed on other mail to avoid payment of postage or special service fees.

(2) Any department or office authorized to use the official mail privilege may furnish self-addressed envelopes or labels to persons or concerns for their convenience in submitting official information desired by any U.S. Government department or agency. Reply envelopes may not be furnished to bidders or contractors, or to enable private persons or concerns to send without prepayment of postage reports or other information which they are required by law to make.

(3) The right of an officer to use the official mail privilege ceases immediately on his going out of office.

(4) Official matter of those departments and agencies listed in paragraph (c)(1)(ii) of this section that is marked "Postage and Fees Paid" shall be given any special service, including airmail, when it is so marked by the sender without requiring prepayment of postage or fees. See § 111.2(d)(2)(ii) of this chapter regarding international mail.

(5) Airmail and the special services may not be given official mail in penalty envelopes without prepayment of air postage or prepayment of the appropriate fee for the special service requested. *Exception:* Penalty envelopes containing urgent official communications of the Postal Service may be sent airmail, or as registered, certified or special delivery mail without prepayment of the postage or fees.

(e) *Weight and size limits*—(1) *Weight*—(i) *Penalty mail.* No article or package of official matter, or number of articles or packages of official matter constituting in fact a single shipment exceeding 4 pounds may be admitted to the mail under the "penalty" privilege except stamped paper and supplies sold or used by the Postal Service, and books or documents published or circulated by order of Congress when mailed by the Superintendent of Documents. Official matter in packages exceeding 4 pounds, if otherwise mailable, will be accepted on payment of postage at the fourth-class rates within the limits of weight prescribed for such matter. (See § 25.3(a) of this chapter.) Such parcels may be sealed or unsealed, and may include written matter when mailed at those rates. Official matter of the Postal Service, and books and documents circulated by order of Congress when mailed by the Superintendent of Documents may weigh up to 70 pounds.

(ii) *Postage and fees paid mail.* Maximum weight same as § 25.3(a) of this chapter, except airmail. See § 26.3 of this chapter.

(iii) *Prepaid Government mail.* Maximum weight same as § 25.3(a) of this chapter, except airmail. See § 26.3 of this chapter.

(2) *Size.* There is no size limit prescribed for penalty mail. Other matter is subject to the size limits prescribed in § 25.3(b) of this chapter.

NOTE: Effective January 1, 1963, this subparagraph will read:

(2) *Size, shape, ratio, and sealing.* The provisions of §§ 12.3, 21.1(a)(7), 21.3(b), 24.2(b), 24.3(b), 24.8, and 25.3(b) of this chapter apply.

§ 27.3 Mail sent to Government Departments.

(a) *Census mail.* All mail, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and endorsed "Official Business, Census Office", will be sent without prepayment of postage. Such mail may not exceed 4 pounds. (See § 27.2(a) regarding postage reimbursement.) Mail sent by the Census Bureau of the Department of Commerce or one of its officers in envelopes of that Bureau is subject to the conditions in § 27.2(c)(1).

(b) *Immigration and Naturalization Service mail.* All mail of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official of either, and endorsed "Official Business", will be transmitted without prepayment of postage and marked "Naturalization Papers". Mail relating to naturalization

may not exceed 4 pounds. (See § 27.2(a) regarding postage reimbursement.)

§ 27.4 State employment security mailings.

All mail of State employment security offices cooperating with the Department of Labor, that bears in the upper left corner of the address side the words "Official Business" printed immediately below the name and address of the State employment agency, and in the upper right corner the words "Postage and Fees Paid", will be accepted without prepayment of postage or fees. Postage and fees chargeable are collected periodically under a special arrangement with the Post Office Department. Such matter will be given the service indicated on the cover.

§ 27.5 Diplomatic and consular mail.

(a) *Diplomatic mail.* All correspondence (written or printed) of members of the Diplomatic Corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mail without prepayment of postage. This correspondence may not exceed 4 pounds in weight. The envelopes, cards, tags, wrappers, and labels must show in the upper left corner of the address side the name of the ambassador or the minister, or the name of the embassy or legation, together with the post office address; and in the upper right corner the inscription "Diplomatic Mail" over the word "Free". These inscriptions may be handwritten, handstamped, or printed.

(b) *Consular mail.* The official correspondence (written or printed) exchanged between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and correspondence directed by those consulates to the Government of the United States or their respective embassies or legations or to officials of State or local governments may be transmitted in the domestic mail without prepayment of postage. This correspondence may not exceed 4 pounds in weight. The envelopes, labels, etc., covering correspondence of consulates must show over the words "Official Correspondence", in the upper left corner of the address side, the name and address of the consul or consulate, and the name of the country represented; and, in the upper right corner, the inscription "Consular Mail" over the word "Free". These inscriptions may be handwritten, handstamped, or printed.

§ 27.6 Absentee balloting materials.

(a) *Purpose.* Balloting materials consisting of post card applications, ballots, voting instructions, and envelopes, are sent through the mail without prepayment of postage, including airmail postage, for the purpose of enabling every person in any of the following categories to vote by absentee ballot when he is absent from the place of his voting residence and is otherwise eligible to vote:

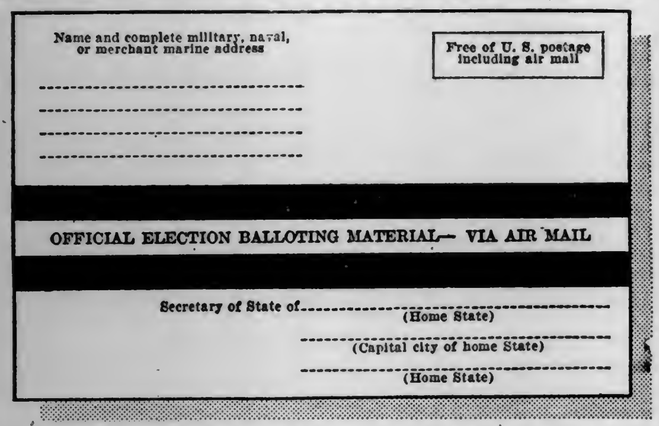
(1) Members of the Armed Forces while in active service and their spouses and dependents.

(2) Members of the merchant marine of the United States and their spouses and dependents.

(3) Civilian employees of the United States in all categories serving outside the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, as amended, and whether or not paid from funds appropriated by the Congress.

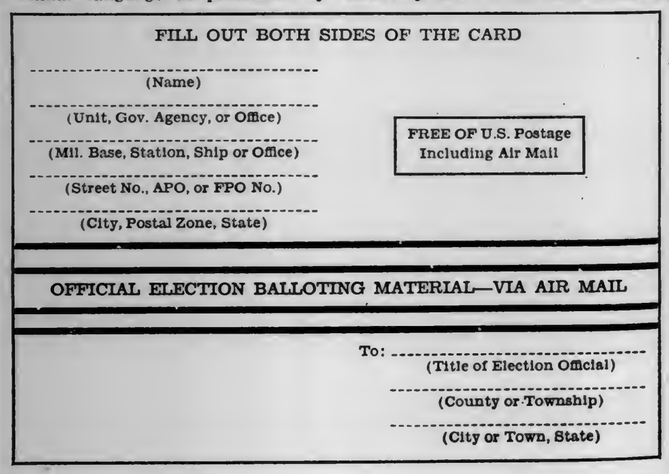
(4) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.

(b) *Elections affected.* The materials may be sent for any general election of electors for President and Vice President or of Senators and Representatives in Congress and for other general, primary, and special elections.



(c) *Markings required on ballot envelopes and post card applications.* (1) Envelopes used to send balloting material and envelopes supplied for return of the ballot must have printed across the face two parallel horizontal red bars, each ¼ inch wide, extending from one side of the envelope to the other side, with an intervening space of ¼ inch, the top bar to be 1¼ inches from the top of the envelope, and the words "Official Election Balloting Material—Airmail", or similar language as prescribed by State law, between the bars. There must be printed in the upper right corner of each envelope in a rectangular box the words "Free of U.S. Postage, Including Airmail". All printing on the face must be in red with an appropriate inscription or blanks for return address of sender in the upper left corner.

(2) The Federal post card application shall be approximately 9½ x 4⅛ inches in size. On the address side of the card shall be printed in red ink the following:



§ 27.7 Former Presidents and widows of former Presidents.

All mail of former United States Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower; and all mail of Anna Eleanor Roosevelt, widow of former President Franklin Delano Roosevelt, and Edith Bolling Wilson, widow of former President Woodrow Wilson, shall be accepted without prepayment of postage if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side.

§ 27.8 Pan American Union and Pan American Sanitary Bureau.

The Pan American Union and Pan American Sanitary Bureau are authorized by law to transmit official matter without prepayment. The mail must bear the printed clause citing the penalty for private use instead of postage stamps. It must be prepared like Federal Government penalty mail and is subject to the same restrictions. See § 27.2 (c)(2), (d), and (e).

PART 28—FOR THE BLIND

Sec.
28.1 Rates.
28.2 Description.
28.3 Classification

AUTHORITY: §§ 28.1 to 28.3 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4653, 4654.

§ 28.1 Rates.

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
LETTERS					
Letters written in point print or raised characters or on sound reproduction records.	Blind individuals	Correspondence	Third-class rate of 3 cents for the first two ounces and 1½ cents for each additional ounce.	None required	Not required.
READING MATTER FOR THE BLIND					
Books, pamphlets, and other reading matter published either in raised characters or in the form of sound reproduction records which contain no advertising or other matter.	Public institutions for the blind, public libraries or blind readers returning the matter to loaning institutions or libraries.	Loan to blind readers or return to the loaning institutions or libraries.	Free	The name and address of sender in upper left corner of address side and word "Free" over the words "Reading Matter for the Blind" or "Sound Reproduction Records for the Blind" in upper right corner.	Not required.
Books, or pages thereof, in raised characters, whether prepared by hand or printed, which contain no advertisements, when furnished to a blind person without cost to such blind person. Weight limit for each package 15 pounds.	Donor	Use of the blind	Free	The name and address of sender in upper left corner of address side and word "Free" over the words "Reading Matter for the Blind" in upper right corner.	Not required.
PERIODICALS FOR THE BLIND WITHOUT SUBSCRIPTION CHARGE					
Magazines, periodicals and other regularly issued publications in raised characters or on sound reproduction records which contain no advertising and for which no subscription fee is charged.	Publisher of matter	Use of the blind	Free	In printing on the first page of the publication (a) name of publication, (b) place where published, (c) date of issue, (d) frequency of issue, (e) the words under "Accepted as free matter for use of the blind at ....." These identification statements may be printed on labels and affixed to sound reproduction records.	Required.[1]
PERIODICALS FOR THE BLIND HAVING SUBSCRIPTION CHARGE					
Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records, that contain no advertisements, furnished to blind persons at a price no greater than the cost price thereof.	Organization, institution, or association not conducted for private profit.	Use of the blind	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the words "Periodicals for the Blind."	Required.[1]
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED WITHOUT CHARGE					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising and are furnished to a blind person without charge.	Organization, institution, or association not conducted for private profit.	Use of the blind	Free	Name and address of the sender in upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." The word Free must appear in the upper right corner.	Required.[1]
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED AT COST					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising, furnished to a blind person at a price not greater than cost.	Organization, institution, or association not conducted for private profit.	Use of the blind	1 cent for each pound or fraction.	The name and address of the sender in the upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." Required postage must be affixed in upper right corner.	Required.[1]
REPRODUCERS FOR SOUND REPRODUCTION RECORDS AND APPLIANCES FOR THE BLIND					
(1) Reproducers for sound reproduction records for the blind or parts thereof that are the property of the United States Government.	Blind persons, organizations, institution, public library, or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.	Sent for repair or returned after repair.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.

[1] Application for privilege must be submitted to the Bureau of Operations, Classification and Special Services Division, through postmaster at the office where mailings are to be made.

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
REPRODUCERS FOR SOUND REPRODUCTION RECORDS AND APPLIANCES FOR THE BLIND—continued					
(2) Reproducers for sound reproduction records for the blind or parts thereof, Braille writers and other appliances for the blind or parts thereof belonging to blind individuals, state governments, subdivision thereof, or public libraries or private agencies for the blind not conducted for private profit.	Blind person, organization, institution, public library or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.	Sent for repair or other purpose.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.

§ 28.2 Description.

Mail for the blind includes letters, books, pamphlets, and other material written or published in point print or raised characters or reproduced on sound reproduction records; reproducers for sound reproduction records or parts of reproducers; Braille-writers and other appliances used by or for blind persons to convey information for any purpose.

§ 28.3 Classification.

(a) *Letters for the blind.* Letters for the blind include those written in point print or raised characters or produced on sound reproduction records for purpose of correspondence. The rates are the same for third-class printed matter. See Part 24 of this chapter.

(b) *Other matter for the blind.* (1) The following may be mailed free of postage when they contain no advertising:

(i) Books, pamphlets, and other material published in raised characters or in the form of sound reproduction records or other matter when sent unsealed by public institutions for the blind, or by public libraries as a loan to blind readers or when returned by the readers to such institutions or libraries, and

(ii) Books or pages thereof in raised characters, whether prepared by hand or printed, when furnished by any person to a blind person without cost to such blind person.

On the address side of each parcel must appear the name and address of the sender in the upper left corner and the word "Free" over the words "Reading Matter for the Blind or Sound Reproduction Records for the Blind" in the upper right corner. No special authorization is required. Weight is limited to 15 pounds for each package.

(2) Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records that contain no advertising and for which no subscription fee is charged may be mailed free under the following restrictions:

(i) The publisher must file a written application through his postmaster to be sent to the Bureau of Operations, Classification and Special Services Division, together with a copy of the publication showing its name, frequency of issue, and a statement that it contains no advertising and that the subscription is free.

(ii) A deposit to cover rates of postage otherwise applicable to such mail may be made with the post office for any mailings made while the application is pending. Deposits will be returned when the application is approved.

(iii) On the first page of a publication authorized to be accepted as free matter must be printed the following: name of publisher; place where published; date of issue; frequency of issue; and the words "Accepted as free matter for use of the blind at _____."

(iv) Publications on sound reproduction records must have a label bearing printed indicia shown in (iii) of this subparagraph.

(3) Magazines, periodicals, and other regularly issued publications in raised characters, or sound reproduction records, that contain no advertisements, furnished by an organization, institution, or association not conducted for private profit, to a blind person at a price not greater than cost, may be mailed at the rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) The mailer must file a written application through the postmaster at the office where the matter is to be mailed accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that their publications when mailed will be furnished at a price not exceeding cost, to be sent to the Bureau of Operations, Classification and Special Services Division.

(ii) No mailing will be accepted at the 1-cent-a-pound rate until the application has been approved.

(iii) The mail must be wrapped in a manner to permit easy examination and must bear the words "Periodicals for the Blind" below the name and address of the sender which must appear in the upper left corner of the address side.

(4) Volumes of Holy Scriptures, or parts thereof, published in raised characters or in the form of sound reproduction records and containing no advertising when mailed by an organization, institution, or association not conducted for private profit may be mailed at special rates under the following conditions:

(i) When furnished to a blind person without charge, postage is free.

(ii) When furnished to a blind person at a price not greater than cost, postage is 1 cent for each pound or fraction of a pound.

(iii) The organization, institution, or association desiring to mail at the special rates must file an application through the postmaster at the post office where the matter is to be mailed to be sent to the Bureau of Operations, Classification and Special Services Division, accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that the volumes will be furnished to a blind person (*a*) without charge or (*b*) at a price not greater than cost.

(iv) In the upper left corner of the address side must appear the name of the sender over the words "Holy Scriptures for the Blind," together with the word "Free" in the upper right corner when the volume is furnished without charge. The word "Free" is not shown on volumes subject to prepayment of postage when furnished at a price not greater than cost.

(5) Reproducers and sound reproduction records, Braille-writers, and other appliances, or parts, for use by the blind may be mailed at the postage rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) Reproducers or parts that are the property of the United States Government may be shipped for repair purposes between a blind person and an organization, institution, public library, or association for the blind, not conducted for profit, or between any such organization or institution.

(ii) Reproducers, or parts, Braille-writers and other appliances or parts that are the property of blind individuals, state governments or subdivisions, public libraries, or private agencies of the blind, not conducted for private profit, may be sent to a blind person or an organization, institution, public library, or association for the blind, not conducted for profit.

(iii) The name and address of sender must be shown in the upper left corner below which must appear: "Appliance for the Blind."

(iv) Organizations, institutions, libraries, or other agencies desiring to send and receive reproducers or other appliances or parts at this special rate must furnish the postmaster for submission to the Bureau of Operations, Classification and Special Services Division, satisfactory evidence that they are not conducted for private profit.

(v) Parcels containing reproducers and other appliances for the blind may not exceed 70 pounds in weight.

PART 29—MIXED CLASSES

Sec.
29.1 Mail of a higher class enclosed with mail of a lower class.
29.2 Combination mailings of two classes.
29.3 Mailing enclosures of different classes.
29.4 Treatment.
29.5 Special services.

AUTHORITY: §§ 29.1 to 29.5 issued under R.S. 161, as amended, Sec. 1, 62 Stat. 784; 5 U.S.C. 22, 18 U.S.C. 1723, 39 U.S.C. 501, 4058, 4365, 4555.

§ 29.1 Mail of a higher class enclosed with mail of a lower class.

When mail of a higher class is enclosed with mail of a lower class, the rate of postage on the entire piece or package is that of the higher class, except as provided in § 29.3. See § 29.2 for attachment of letters to parcels of second-, third-, and fourth-class mail.

§ 29.2 Combination mailings of two classes.

(a) *Attachment.* Letters or other pieces of first- or third-class mail may be placed in an envelope and securely tied or otherwise attached to the address side of a second-, third-, or fourth-class mailing piece including airmail articles. The envelope must be placed on the address side of the principal mailing piece. Combination envelopes or containers having separate parts for the two classes of mail may be used. See § 24.8 concerning the sealing of third-class mail.

(b) *Addressing.* The name and address of the sender and the name and address of the addressee should be placed on both the principal mailing piece and the attachment. If both names and addresses do not appear on both pieces, the sender's name and address must be placed on one and the name and address of the addressee must be placed on the other. Combination containers having inseparable portions or compartments are mailable with the names and addresses on only one portion.

(c) *Postage.* Postage on the second-, third-, or fourth-class mail must be prepaid at the appropriate rate and must be placed in the upper right corner of the address space. Postage at the appropriate first- or single-piece third-class rate must be paid for the attachment and affixed to it. If mailed by air, postage at the airmail rate must be paid for the letter.

(d) *Markings required.* First-class attachments may be marked "First-Class" or "Letter Enclosed". Third-class attachments must be marked "Third-Class".

§ 29.3 Mailing enclosures of different classes.

(a) *Enclosures mailed with second-class and controlled circulation publications—(1) First- and third-class enclosures.* Letters or other pieces of first- or third-class mail may be mailed as enclosures with second-class and controlled circulation publications. They may be:

(i) Placed in the outside envelope or wrapper with a single copy.

(ii) Secured inside an unwrapped copy, or

(iii) Enclosed in a bundle of copies.

(2) *Payment of postage.* Postage at appropriate first- or single piece third-class rate must be paid for each separate enclosure. Pieces of related matter placed in a publication as a unit may be regarded as a single enclosure for purpose of computing postage. The postage may be placed on the enclosure by using precanceled or meter stamps, or the postage may be placed on the outside envelope, wrapper, or cover. Postage at the second-class pound or per copy rates or postage at the controlled circulation rates must be paid on the publication in the manner prescribed by Part 16 of this chapter. When postage at the transient second-class rate is paid on the publication, follow the procedure in paragraph (b) of this section.

(3) *Marking required.* When postage for the enclosure is placed on the outside envelope, wrapper, or cover of a publication, the mailer must mark each piece as required by paragraph (b) (5) of this section. Markings are not required when postage is placed on the enclosure.

(b) *Enclosures mailed with third- and fourth-class parcels—(1) First-class enclosures.* Letters may be enclosed with books, catalogs, and merchandise mailed at third-class rates. (See § 29.2 for mailing letters with other third-class matter.) Letters may be enclosed in fourth-class parcels. Postage at the first-class rate must be paid for each letter.

(2) *Third-class enclosures.* Third-class mail may be enclosed in a fourth-class parcel mailed at the special rates in § 25.1 (b), (c), and (d) of this chapter, and § 28.1 of this chapter. Postage at the single-piece third-class rate must be paid for each enclosure except the items listed in § 25.6 of this chapter.

(3) *Placement of enclosure.* The enclosure should be placed on top of other items in the parcel when practical.

(4) *Payment of postage.* Postage for the enclosure must be placed on the outside of the parcel. It may be added to the postage for the parcel and the total amount paid together, or the postage for the enclosure may be affixed separately from the postage for the parcel.

(5) *Marking required.* The mailer must place the endorsement "First-Class Mail Enclosed" or "Third-Class Mail Enclosed" on each parcel below the postage and above the address. The endorsement may be handstamped, handwritten, typewritten, printed, or put on by any other method.

(c) *Penalty—(1) Failure to pay.* If postage is not paid at the appropriate rate in the manner provided for by paragraphs (a) and (b) of this section for letters or other pieces of first- or third-class mail, the second-class publications or the third- or fourth-class parcels in which they are enclosed will be subject to the higher rate applicable to the enclosure.

(2) *Concealment.* Mailers are subject to a fine of not more than $100 if they knowingly conceal letters or other pieces of first- or third-class mail in second-class publications or in third- or fourth-class parcels without paying the appropriate rate of postage on the enclosures in the manner provided for by paragraphs (a) and (b) of this section.

§ 29.4 Treatment.

Combination mailing pieces are treated as second-, third-, or fourth-class mail as the case may be and are subject to the same conditions for forwarding or return as other second-, third-, or fourth-class mail. (See Parts 47 and 48 of this chapter.)

§ 29.5 Special services.

Combination mailing pieces may be sent as special delivery or in the case of fourth-class parcels as special handling, and only one fee applicable to the parcel is required. Combination pieces may not be registered. They may be sent insured or COD, the insurance to cover only the value of the parcel.

SUBCHAPTER D—POSTAGE

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

Sec.
31.1 Stamps (adhesive).
31.2 Plain envelopes, postal cards, and air letter sheets.
31.3 Printed stamped envelopes (special-request).
31.4 Purchase of postage.
31.5 Exchange of stamps.
31.6 Validity of stamps.
31.7 Unlawful transactions.

AUTHORITY: §§ 31.1 to 31.7 issued under R.S. 161, as amended, sec. 1, 62 Stat. 783, as amended; 5 U.S.C. 22, 18 U.S.C. 1720, 1721, 39 U.S.C. 501, 507, 2501–2510.

§ 31.1 Stamps (adhesive).

(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½, 1, 1¼, 2, 1½, 3, 4, 4½ through 10 cents; 12, 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Book	24 4-cent; 97 cents.
	Coil of 100	4 cents. (Dispenser to hold coils of 100 4-cent stamps may be purchased for 5 cents additional.)
	Coils of 500 and 3,000	1, 1¼, 2, 1½, 3, 4, and 4½ cents.
Commemorative stamps	Single or sheet	Various denominations as announced.
Airmail postage (for use on airmail only). (See paragraph (b) of this section.)	do	5, 7, 10, 15, and 25 cents.
	Book	17 4-cent; 85 cents.
	Coils of 500 and 3,000	7 cents.
Precanceled postage	Coils and sheets	Available on special order to permit holders only. (See part 32 of this chapter.)
Postage-due (for post office use only).	Single or sheet	½, 1, 2, 3, 4, 5, 6, 7, 8, 10, 30, and 50 cents; $1 and $5. (Available to public for stamp collections only through the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.)
Special delivery. (See part 58 of this chapter.)	do	30 cents. Good only for special-delivery fee.

[1] Available in precanceled form only.

(b) *Use of stamps.* (1) Use stamps of the highest suitable denomination.

(2) Fix stamps firmly in the upper right corner of the address side of the mail cover.

(3) Any stamp partly concealed by an overlapping stamp may not be counted as postage.

(4) Postal employees (other than rural carriers as prescribed in § 46.4(a) of this chapter) are not required to fix stamps to mail.

(5) Airmail postage stamps may be used to pay fees for special services on airmail articles.

(c) *Perforating.* Postage and special delivery stamps may be perforated with an identifying mark if the holes do not exceed 1/32 of an inch in diameter and if the space taken by the mark is not larger than ½-inch square.

(d) *Reuse prohibited.* Reuse of stamps with intent to cause loss to the Government is punishable by fine and imprisonment.

§ 31.2 Plain envelopes, postal cards, and air letter sheets.

(a) *Plain stamped envelopes—(1) Envelopes available.*

Kind	Size No.	Denomination	Item No.	1,000	500	250	100	50	Less than 50
		Cents							*Cents (each)*
Regular	6¾	3	631	$36.40	$18.20	$9.10	$3.64	$1.82	4
	6¾	4	641	46.40	23.20	11.60	4.64	2.32	5
	10	3	131	37.60	18.80	9.40	3.76	1.88	4
	10	4	141	47.60	23.80	11.90	4.76	2.38	5
Window	6¾	3	632	37.20	18.60				
	6¾	4	642	47.20	23.60				
	9	3	932	38.40	19.20	9.60			
	9	4	942	48.40	24.20	12.10			
	10	3	132	38.80	19.40	9.70			
	10	4	142	48.80	24.40	12.20			
Precanceled	6¾	1½	613	18.90	9.45				
	6¾	2½	623	31.10	15.55				
	10	1½	113	20.10	10.05	5.03			
	10	2½	123	32.60	16.30	8.15			
Airmail	6¾	7	674	76.80	38.40	19.20	7.68	3.84	8
	10	7	174	78.00	39.00	19.50	7.80	3.90	8

Kind	Size No.	Denomination	Item No.	Sheets	Number of cards per sheet	Cards per case
				Selling price, each		
		Cents		5		
Domestic air mail single (use for air mail only)	4					
Domestic reply (3 cents each half)	6				20 (4 x 5 cards)	5,000
Domestic single	8			3	40 (4 x 10 cards)	10,000
Foreign single	11			5		
Foreign reply (5 cents each half)	12			10		
Foreign reply (3 cents each half)	F			6		

Postal cards in sheets for use in printing, must be cut to regulation size, 3¼ x 5½ inches; however sizes 4 and 8 may be cut to 3 x 5 inches. Cards may be broken for sale to printers. Return addresses are not printed on postal cards by the Post Office Department. Precanceled postal cards are not available at a post office.

[1] Current stocks may be revalued by the affixing of 1-cent adhesive postage stamps.

(c) *Air letter sheets.* 10 cents each. (See § 121.5 of this chapter.)

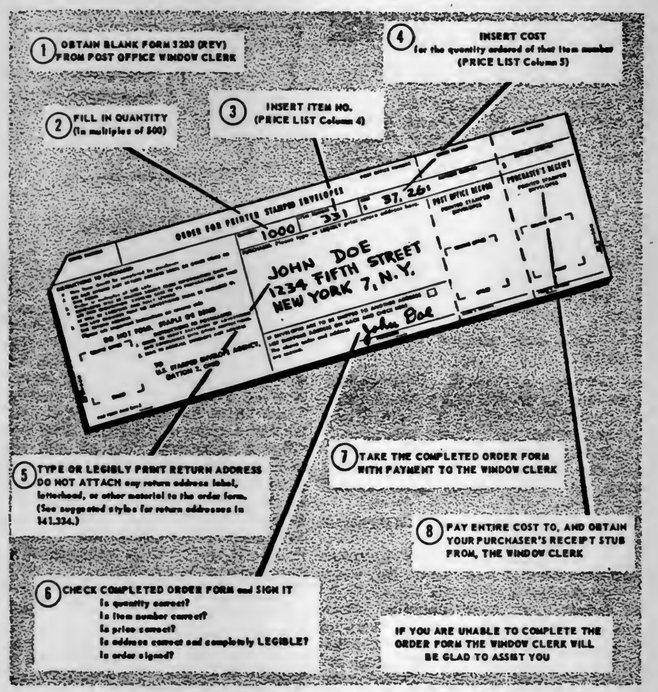
§ 31.3 Printed stamped envelopes (special request).

(a) *Printed stamped envelopes available.*

Kind	Size	Denomination	Item No.	Price 500	Price 1,000
		Cents			
Regular	6¾	3	631	$19.20	$38.40
	6¾	4	641	24.20	48.40
	10	3	131	19.80	39.60
	10	4	141	24.80	49.60
Window	6¾	3	632	24.60	49.20
	6¾	4	642	25.20	50.40
	9	4	942	20.20	40.40
	10	4	142	25.20	50.40
Precanceled	6¾	1½	613	25.40	50.80
	6¾	2½	623	10.45	20.90
	10	1½	113	16.70	33.40
	10	2½	123	11.05	22.10
Airmail	6¾	7	674	17.30	34.60
	10	7	174	39.40	78.80
				40.00	80.00

(b) *How to order printed stamped envelopes.* Prepare Form 3203, Order for Printed Stamped Envelopes, as illustrated below. Submit the order through the post office named in the return address. However, if undeliverable letters are to be returned to the main office of a firm in another city, envelopes may be ordered at the post office where they will be mailed.

HOW TO ORDER PRINTED STAMPED ENVELOPES



CAUTION: ILLEGIBLE OR INCORRECT ORDERS DELAY RECEIPT OF ENVELOPES

(c) *Return address requirements.* (1) The printed return address must include:

(i) Local address (rural route number and box number, street address, post office box, name of building and room or apartment number including street address, or names of intersecting streets specifying which corner). The adequacy of the address, to ensure return of undeliverable mail will be determined by the postmaster.

(ii) Name of post office or branch post office, delivery zone number, and State.

(2) Printing of any of the following may be requested:

(i) A request to return after a specified number of days (not less than 3 and not more than 30). If return request is included on envelopes for third-class mail the words, "Return postage guaranteed", must also be included.

(ii) The name may be that of an individual, firm, corporation, institution, association, or society. It may include the name and title of an officer of the concern (as "John Doe, Treasurer, Washington Educational Association") and such titles as "M. D.", "D. D. S.", "Rev.", and "LL. D.", when they are clearly for identification and not for advertising.

(iii) Where your name as part of the return address indicates or incidentally discloses the nature of your business or vocation, it may be printed if the name is a bona fide business name that is used in a corporate charter, copartnership agreement, or other articles of organization, or is the name under which business with the public is actually transacted.

(iv) The name of a branch or department of your business may be printed only when other branches or departments are located at the same post office address, to ensure the return of undeliverable mail.

(3) No other matter may be printed, nor are such forms as phone numbers, Mr. or Esq., permissible. Names like Druggist, Attorney at Law and C. P. A. represent business or professional names and are not classed as titles.

(4) Styles of return addresses available are:

(i) For first-class mail—

After 5 days, return to
(this line optional)
JOHN DOE
1234 Fifth Street
NEW YORK 7, N. Y.

(ii) For third-class mail—

After 5 days, return to
RICHARD ROE
1234 Ninth Avenue
CHICAGO 2, ILL.
Return postage guaranteed

(If sender desires return of undeliverable mail only of obvious value)

CHARLES JONES
610 Seventh Avenue
NEW YORK 11, N. Y.

(iii) To expedite delivery of mail on Long Island, the following style of return address is suggested:

Frank Brown
1218 Tenth Street
Jamaica 7, L. I., N. Y.

(d) *Rejection of envelopes.* Special-request envelopes may be rejected because of defective manufacture, or mistakes in printing, denomination, quality, size, etc. If the mistake was made by the purchaser, the value of the postage only will be returned. If the mistake was made by the post office or its contractor, the entire invoiced value of the envelopes will be returned.

§ 31.4 Purchase of postage.

(a) *Acceptable form of payment.* Foreign or mutilated money is not acceptable. When the post office cannot make change, the exact amount of the purchase must be paid. Postal employees are not required to accept personal checks. To send money by mail use money order or certified check.

(b) *Purchase receipts.* If the purchaser wants a receipt for money paid for postage, prepare the receipt in advance and the postal employee will sign or stamp it when paid.

(c) *Postage due.* Postage due must be paid in cash. Postage-due stamps may not be used for paying postage. They may be purchased, for stamp collections only, through the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

§ 31.5 Exchanges of stamps.

(a) *Post office mistakes.* Mistakes in selling damaged or unserviceable stamps may be corrected by the post office by exchanging stamps at full value.

(b) *Purchaser's mistakes.* Mistakes made by purchaser in buying adhesive stamps of the wrong denomination, or stamped envelopes or postal cards of the wrong kind, size, or denomination may be corrected by exchanging stamps at full value.

(c) *Unserviceable and spoiled envelopes or cards, and unused precanceled stamps.* Unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, and unused precanceled stamps, may be exchanged for other postage-stamped paper as follows:

(1) Stamped envelopes (mutilated no more than is necessary to remove contents), for postage value plus value of postage added as a result of rate increase or for additional service.

(2) Unmutilated air-letter sheets, for 90 percent of postage value.

(3) Unmutilated postal cards, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service.

(4) Sheet postal cards, spoiled in the process of cutting to size, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service, if all cut sections are submitted.

(5) Stamps affixed to commercial envelopes and post cards for 90 percent of postage value. The envelopes and post cards must be in a substantially whole condition and in lots of at least 50 of the same denomination and value.

(6) Unused precanceled stamps in full coils or in full sheets from precance permit holders, for 90 percent of postage value. Stamped envelopes or air-letter sheets with a printed return address, and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. When redemption cannot be made at time of presentation, the postmaster will furnish a receipt on Form 3210, "Interim Receipt for Stamp Stock Submitted for Redemption", for uncanceled unserviceable or spoiled envelopes or postal cards or for unused precanceled stamps left in his custody.

(d) *Nonexchangeable.* The following are nonexchangeable:

(1) Adhesive stamps, unless mistakes were made in purchasing or stamps were defective or stamps were affixed to commercial envelopes and post cards.

(2) Stamps cut from postal cards, stamped envelopes, or air-letter sheets.

(3) Parts and pieces of postal cards.

(4) Postal cards treated by a coating process.

(5) Mutilated and defaced stamps.

§ 31.6 Validity of stamps.

All postage stamps issued by the United States since 1860 are good for postage from any point in the United States or from any other place where the United States domestic mail service operates, except from the Panama Canal Zone where special Canal Zone stamps are used. The following are not good for postage:

(a) Mutilated or defaced stamps;

(b) Stamps cut from stamped envelopes, letter sheets, or postal cards;

(c) Nonpostage stamps (documentary internal revenue stamps, migratory-bird hunting stamps, U.S. saving and thrift stamps, boat stamps, and the like).

(d) Postage-due, special-delivery, special-handling, and certified mail stamps.

(e) United Nations stamps, except on mail deposited at United Nations, New York.

(f) Stamps of other countries.

§ 31.7 Unlawful transactions.

(a) Unlawful transactions include use of stamps, by postal employees entrusted with the sale or custody of postage stamps, in payment of debts or purchase of salable articles, and sale of stamps, except for cash or for more or less than face value.

(b) Counterfeit stamps are confiscated and forwarded to the inspector-in-charge of the division in which the post office is located. A receipt identifying the stamps will be given to persons from whom counterfeits are confiscated.

PART 32—PRECANCELED STAMPS

Sec.
32.1 Purpose of precanceling.
32.2 Sale and use of precanceled stamps.
32.3 Mailer's precancel postmark.
32.4 Precancel permits.
32.5 Mailings of precanceled mail.

AUTHORITY: §§ 32.1 to 32.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2507, 2508–2510.

§ 32.1 Purpose of precanceling.

(a) *Definition.* Precanceling means the cancellation of postage stamps, stamped envelopes, or postal cards in advance of mailing. Adhesive postage stamps may be precanceled only by the post office.

(b) *Benefits.* The use of precanceled postage reduces the time and costs of mail handling. Precanceled mail, sorted and tied in packages by the mailer, requires less processing time in the post office, and is therefore dispatched more quickly.

§ 32.2 Sale and use of precanceled stamps.

(a) *Classes of mail.* Precanceled stamps may be used to pay postage on:

(1) Post cards, but on no other first-class mail, unless specifically authorized by the postmaster on Form 3620, "Application for Permit to Use Precanceled Stamps or Government Precanceled Stamp Envelopes".

(2) Second-, third-, and fourth-class mail.

(b) *Place of mailing.* Matter bearing precanceled stamps may be mailed only at the post office which sold the stamps.

(c) *Other than local patrons.* Precancel permits will not be issued to nonlocal patrons unless it is established that the precanceled stamps will be used on mailings prepared for local delivery or that the stamps will be used on mailings prepared for local patrons.

(d) *Prohibited.* Precanceled postage stamps may not be used on matter mailed in boxes, cases, bags, or other containers designed to be reused for mailing purposes.

(e) *Overprinting.* If precanceled postage on a single piece is over 8 cents, the precanceled stamps must be overprinted or handstamped in black ink with the mailer's initials and the numerical abbreviations of the month and year for use; for example, A. B. Co. 9–54. Precanceled stamps overprinted in this way are acceptable on mail during the month shown, and through the 10th of the following month.

(f) *Resale.* Precanceled stamps will be sold only to precancel permit holders for the purpose of paying postage. Unused precanceled stamps may not be sold by permit holders.

(g) *Precanceling for collectors.* Postmasters will not comply with requests for imprints of a precanceling device on postage stamps or blank sheets of paper.

§ 32.3 Mailer's precancel postmark.

Mailers may use a precancel postmark on stamped envelopes mailed at the first-class rate of postage or on postal cards. The precanceling imprint must include the name of the post office and State, the permit number preceded by the words "Mailer's Postmark," the date of mailing, and sufficient cancellation lines to fully deface the stamp. There is illustrated below the authorized design of a mailer's precancel postmark.



§ 32.4 Precancel permits.

(a) *Application for permit.* Applications for permits to use precanceled stamps, precanceled stamped envelopes, and mailer's precancel postmarks must be filed on Form 3620 (Application for Permit to use Precanceled Stamps) at the post office where mailings will be made. Copies of this application form may be obtained from local postmaster. There must be submitted with each application from a patron of another post office a statement that he will use the precanceled stamps sold under the permit only on mailings for local delivery or on mailings prepared for local patrons who shall be named. Applications to use mailer's precancel postmarks must be accompanied with an imprint of the cancellation to be used.

(b) *Issuance of permit.* The postmaster will approve or disapprove the application. If it is approved, he will issue a "Precancel Permit" on Form 3620 to the applicant. If the permit covers the use of a mailer's precancel postmark, the permit will include a statement to that effect.

(c) *Revocation.* (1) Permits may be revoked if used in operating any schemes or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for any noncompliance with the instructions on the "Permit", Form 3620.

(2) The permit holder will be notified on Form 3604, "Nonuse of Mailing Permit or Meter License", by the postmaster at the post office that issued the permit that it is to be canceled, with the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement why the permit should not be revoked. When no answer is filed, the postmaster will cancel the permit. If an answer is filed, decision will be made by the Assistant Postmaster General, Bureau of Operations, whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

§ 32.5 Mailings of precanceled mail.

Any number of pieces may be mailed at one time regardless of whether they are identical, except for third-class bulk mailings. (See Part 24 of this chapter.)

PART 33—METERED STAMPS

Sec.
33.1 Postage meters.
33.2 Meter license.
33.3 Use of meter.
33.4 Meter stamps.
33.5 Metered reply postage.
33.6 Mailings.
33.7 Meter Record Book.
33.8 Manufacture and distribution of postage meters.

AUTHORITY: §§ 33.1 to 33.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4051–4053.

§ 33.1 Postage meters.

(a) *Use of meter stamps.* Postage may be paid by printing meter stamps with a postage meter on any class of mail. Metered mail is entitled to all the privileges and subject to all the conditions applying to the various classes of mail.

(b) *Benefits.* Postage meters facilitate the purchase, control, and affixing of postage. Metered mail does not require facing, canceling, and postmarking in the post office and can therefore be dispatched more quickly.

(c) *Description of meters.* Postage meters are made to print single, several, or all denominations of postage. They contain in one sealed unit the printing die or dies and two recording counters. One adds and keeps a total of all postage printed by the meter. The other subtracts and shows the balance of postage remaining in the meter, after the use of which it will lock. From time to time the meter may be taken to the post office to have the counter set for such additional postage as may be desired to have added to the balance of postage remaining. Payment must be made for each additional setting.

(d) *Meter manufacturers.* Postage meters may be leased from authorized manufacturers who are held responsible by the Post Office Department for the control, operation, maintenance and replacement, when necessary, of meters manufactured by them. The following manufacturers are presently authorized to lease meters to mailers:

(1) Commercial Controls Corp., Division of Friden, Inc., Rochester, N.Y.
(2) International Postal Supply Co., Division of Friden, Inc., Lewistown, Pa.
(3) National Cash Register Co., Dayton, Ohio.
(4) Pitney-Bowes, Inc., Stamford, Conn.
(5) Postalia Division, Tele-Norm Corp., New York, N.Y.

(e) *Control.* After a meter has been delivered to a licensee, he must keep it in his custody until turned over to the authorized manufacturer or to the post office. Tampering with or misuse of a meter is punishable by law.

§ 33.2 Meter license.

(a) *Application.* A patron may obtain a "License To Use a Postage Meter", Form 3601–A, by submitting an application on Form 3601–A (or a form supplied by the manufacturer) to the post office where his metered mail will be deposited. No fee is charged. The application must specify the make and model of the meter. A specimen meter stamp must be submitted with the application. On approval, the postmaster will issue a license.

(b) *Revocation.* (1) The license may be revoked if used in operating any scheme or enterprise of an unlawful character, for nonuse during any consecutive 12 months, or for any failure to comply with the regulations governing the use of postage meters.

(2) The meter license holder will be notified by the postmaster that the license is to be canceled, and the reasons for cancellation. If no written statement of objections is filed by the license holder within 10 days, the postmaster will cancel the license. If a written statement is filed, the Bureau of Operations, Classification and Special Services Division, will decide whether or not the license shall be continued in effect and will notify the license holder through the postmaster.

§ 33.3 Use of meter.

(a) *Sealing of meter.* A patron may not have any postage meter in his possession until it has been set and sealed at the post office that issued the license or, if more convenient, at one of its stations or branches where meters are set. A Meter Record Book, Form 3602–A, is issued at the time of initial setting. When the Meter Record Book is filled, a new one will be issued without charge.

(b) *Payment of postage.* (1) A meter licensee must bring the meter and Meter Record Book to the post office or station or branch where it was first set, for resettings and payments of postage. Postage must be paid at time of setting. The postmaster will issue a Meter Setting Receipt, Form 3603–A, for the amount of postage paid. If a meter is not reset within a 6-month period, it must be presented, with Meter Record Book, showing daily register readings, at the post office, station or branch where last set, for examination.

(2) Local postmasters may set a meter for use in paying postage on fourth-class packages to be presented at another post office under the following conditions:

(i) A meter license must be obtained from the post office where packages are to be mailed (see § 33.2 (a)). When the license is received, present it to the local post office with the meter for setting. The license will be returned to the licensee.

(ii) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(iii) Payment for each meter setting must be made by certified check payable to the postmaster at the post office where packages will be mailed. The check must be presented to the local post office when the meter is set.

(iv) The packages may not be consigned to the post office in bulk by freight, express or other carrier. They must be presented for mailing at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the packages until they are actually received in the mails.

(v) Packages sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose.

(vi) If other than fourth-class mail is presented under this arrangement, the matter will be refused.

(vii) When the use of a meter is discontinued, it must be presented to the post office where it was set for checking out of service. Any postage adjustment will be made by the postmaster where the packages have been mailed.

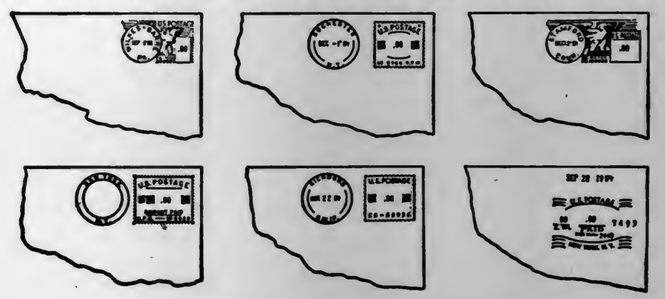
(c) *Faulty mechanism.* If the printing and recording mechanism is faulty in any way, the meter must not be used but should be taken promptly to the post office, branch, or station where it is regularly set for checking out of service.

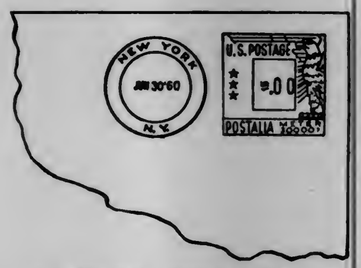
(d) *Discontinuance.* When a licensee discontinues the use of a postage meter he must take it to the post office with the Meter Record Book. Unused postage in the meter may be transferred to another meter used by the licensee and registered at the same post office, or the postmaster may refund the amount, in accordance with provisions on the License form. The Meter Record Book is returned to the licensee and should be kept on file for at least 1 year from the date of final entry. Application for refund should be made on Form 3533, Application and Voucher for Refund of Postage and Fees, or on a special form furnished by the meter manufacturer.

(e) *Refunds for unused meter stamps.* When complete and legible meter stamps cannot be used because of misprints, spoiled envelopes or cards, and the like, the licensee may apply to the postmaster for refund of postage up to 90 percent of postage value. (See § 37.2 of this chapter.)

§ 33.4 Meter stamps.

(a) *Designs.* The types, sizes, and styles of meter stamps are fixed when meters are approved by the Post Office Department for manufacture. Some approved designs are illustrated below.





(b) *Legibility.* Meter stamps must be legible and not overlap. Illegible or overlapping meter stamps will not be counted in determining postage paid.

(c) *Meter stamps on tape.* When meter stamps are printed on tape, only tape approved by the Post Office Department may be used.

(d) *Position.* Meter stamps must be printed or stuck in the upper right corner of the envelope, address label, or tag.

(e) *Content.* Meter stamps must show city, State, meter number, and amount of postage for all classes of mail. When it is necessary to print multi-denomination meter stamps on more than one tape, the circle showing the post office must appear on each tape.

(f) *Date of mailing.* Meter stamps must show the date of mailing on all first-class mail, special delivery, special handling, or airmail; on all mail sent registered, insured, or COD., and when printed on separate tapes used on first-class mail. The month and year must be shown on tapes used on second-, third-, and fourth-class mail, but the day may be omitted. When tapes are not used the date may not be shown in meter stamps on second-, third-, or fourth-class mail.

(g) *Hour of mailing.* The hour of mailing may be shown only on first-class, air, or special delivery mail, and then only when it is mailed in time to be dispatched at the hour shown.

(h) *Meter slogan and ad plates.* Licensees may print restricted advertising matter simultaneously with meter stamps within space limitations. Licensees must obtain the plates for advertising from authorized manufacturers of meters to assure suitable quality and content in accordance with the requirements of the Department. The plates should not be used to print postal endorsements on mail. Slogans must not be objectionable or misleading.

§ 33.5 Metered reply postage.

(a) Meter stamps may be used to prepay reply or return postage under the following conditions:

(1) Meter stamps must be printed directly on the envelope or card that bears the printed return address of the license holder.

(2) The words "No postage stamp necessary—postage has been prepaid by _____" must be printed immediately above the return address in the manner shown below:

(Meter stamp to be placed here)

NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

John Doe Company
123 Tremont Street,
New York 10, N. Y.

(3) Reply or return mail prepaid by meter stamps will be delivered only to the printed address. If the printed address is altered, the mail will be held for postage.

§ 33.6 Mailings.

(a) *Preparation.* The mailer must face metered mail, except packages or irregular overweight mail, and secure it well in bundles. This prevents it becoming mixed with other mail which has to be faced, canceled, and postmarked in the post office. Each class and denomination must be bundled together if possible. Special delivery and airmail should always be bundled separately or located on the top of a bundle. (See Part 24 of this chapter for mailing of third-class bulk mail.) Properly prepared metered mail can go direct to the distribution cases in post offices and thereby be expedited in dispatch.

(b) *Place of mailing.* Metered mail, other than reply mail (see § 33.5), must be mailed from the post office shown in the meter stamp. To secure the fastest dispatch metered mail should be deposited at the main post office or a station or branch thereof. Except for bulk mailings of third-class mail, metered mail may be deposited in any street collection box, building receptacle or other place, under the jurisdiction of the post office of meter settings, where mail is accepted. Limited quantities of airmail, special delivery, or other important first-class mail may be taken direct to trains, docks, or airports.

§ 33.7 Meter Record Book.

The licensee must enter daily in the Meter Record Book, Form 3602–A, the figures appearing in the ascending and descending registers of the meter. If at any time the sum of the two figures does not equal the total entered at the last setting, the meter should be taken promptly to the post office, station or branch where it was set, for examination.

§ 33.8 Manufacture and distribution of postage meters.

(a) *Authorization to manufacture and lease*—(1) *Qualification.* Any concern desiring authorization to manufacture and lease postage meters for use by mailers under § 33.1(d) must qualify as follows:

(i) Satisfy the Post Office Department as to its integrity and financial responsibility.

(ii) Obtain approval of at least one model postage meter incorporating all the mechanical features and safeguards specified in paragraph (b) of this section.

(iii) Have, or establish, and maintain under its supervision and control adequate manufacturing facilities suitable to carry out to the satisfaction of the Post Office Department the provisions of paragraph (d) of this section. Such facilities shall be subject to inspection by representatives of the Bureau of Operations, Post Office Department.

(iv) Have, or establish, and maintain adequate facilities for the control, distribution, and maintenance of postage meters and their replacement when necessary.

(2) *Application.* Any person or concern seeking authorization to manufacture postage meters may make application to the Bureau of Operations, Post Office Department in person or in writing. On qualification and approval the applicant will be authorized in writing to manufacture postage meters and to lease them to mailers. The name of the manufacturer will be listed in the Code of Federal Regulations. (See § 33.1 (d) for listings.)

(3) *Suspension.* The Post Office Department may require a manufacturer to suspend production and distribution of any or all of his models of postage meters pending investigation to determine if his authorization should be revoked and will fully advise him of the facts which may warrant such action. The manufacturer will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

(4) *Revocation.* Authorization may be revoked if the manufacturer engages in any scheme or enterprise of an unlawful character or fails to comply with any of the provisions of this part.

(b) *Specifications.* Postage meters must incorporate all of the following mechanical features and safeguards:

(1) A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the Post Office for setting.

(2) A postage meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination), or it may be capable of printing several denominations and registering either multiples of the smallest unit printed (multi denomination) or the currency value of the impressions made (omni denomination). The printing die or dies, counters, and counter-actuating mechanism must be inseparable in the unit brought to the Post Office for setting.

(3) In each postage meter there must be two accurate and dependable counting devices, one ascending and registering the total imprinted, the other descending and registering the balance of the last setting remaining unused. The descending register must actuate a locking mechanism preventing further operation of the meter after the register has reduced to an amount less than the largest denomination printable in one operation or to zero. The descending register must be so constructed as to be easily set at the Post Office for any amount of postage or number of impressions within its capacity, prepaid by the mailer.

(4) The entire mechanism must be encased in a substantial housing. The descending register must be accessible to the Post Office by means of a door equipped with a suitable lock and with provision for a Post Office seal. The ascending register and all other mechanism must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, either by visibility through closed windows, or by imprint on tape or card, or by a combination of the two methods. The housing must be of such construction that it is impossible to alter the readings of the ascending register except by normal operation, or to gain access to the internal mechanism except for setting the descending register as provided in subparagraph (3) of this paragraph, without mutilation.

(5) The printing die must either conform in design to one already in use or be approved by the Bureau of Operations, Post Office Department. It must include the serial number of the meter and identification of the manufacturer, and be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints fraudulently.

(6) The meter die must include a postmark to print the name of the city and State from which mail is dispatched and the date of mailing. The postmark must be printed at the left of but adjacent to the denomination stamp and may be either included in an overall design with the demomination stamp or separated from it. Provision must be made so that the date may be either printed or omitted as required by the Post Office Department on the various classes of mail. Provision may be made to print an hour of mailing either within or in a close position outside the postmark. Provision may also be made to print designations such as "Nonprofit Org.", and the like, adjacent to and in the same operation with the meter stamp. The denomination die must not be completely exposed at any time during the process of installing or removing postmark dies, daters, hour type, or special designation slugs or when changing the date.

(7) Provision may be made in a meter for a meter slogan or ad plate to print to the left of and adjacent to the postmark. The size and position of a slogan or meter ad must be such that it will not interfere with or obscure the meter stamp or postmark and it must be possible to install the plate easily without exposing the meter stamp die. Plates must be made of suitable, durable material which will not soften or disintegrate while in use. They must be well fitted and so securely fastened to the printing mechanism that they will not become loose or detached or otherwise interfere with proper operation of a meter.

(8) The entire mechanism must be of such solid, substantial, and dependable construction as to protect the Post Office Department amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Bureau of Operations, Post Office Department, after being tested by the National Bureau of Standards or the Post Office Department Laboratory, at the expense of the manufacturer. A preliminary working model may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Bureau of Operations, Post Office Department and no changes affecting the basic features or safeguards may be made thereafter without departmental approval.

(3) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards or the Post Office Department Laboratory, for test, at the expense of the manufacturer, as may be requested by the Bureau of Operations, Post Office Department.

(d) *Safeguards*—(1) *Materials and workmanship.* All meters must closely adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to assure proper maintenance and interchangeability of parts.

(2) *Breakdown tests.* At reasonably frequent intervals the manufacturer must take meters at random from production and subject them to breakdown tests to make certain that quality and performance standards are maintained.

(3) *Protection of printing dies and keys.* During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of keys or of serially numbered postage printing dies or component parts, such as denomination printing dies, which might be used in some manner to defraud the Government of postal revenues. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated beyond the possibility of use, or be completely destroyed.

(4) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed.

(5) *Inspection of new and rebuilt meters.* All new and rebuilt meters must be carefully inspected before leaving the manufacturer's meter service station.

(6) *Keys and setting equipment.* The meter manufacturer must furnish keys and other essential equipment for setting his meters to all post offices under whose jurisdiction his meters are licensed for use. These items must be protected and shall not be furnished to persons not authorized by the Post Office Department to have them.

(e) *Distribution*—(1) *Facilities.* Authorized manufacturers must maintain adequate facilities for the distribution, control and maintenance of postage meters. All such facilities are subject to inspection by representatives of the Bureau of Operations, Post Office Department.

(2) *Controls.* Each authorized manufacturer is required to:

(i) Retain title permanently to all meters of his manufacture except such as may be purchased by the Post Office Department for use in post offices.

(ii) Lease his meters only to mailers to whom meter licenses have been issued by the post office.

(iii) Supply only those meter slogan or ad plates that meet the requirements of the Department for suitable quality and content.

(iv) Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.

(v) Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.

(vi) Report the loss or theft of any of his meters or the recovery of any lost or stolen meters immediately to the local postmaster, the local police, and the Bureau of Operations, Post Office Department.

(vii) Report to the appropriate Regional Controller office of the Post Office Department each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department. These records may be destroyed three years after the meter is scrapped.

(ix) Cancel his lease agreement with any mailer whose meter license is canceled by the Department and remove his meter promptly.

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

(xi) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the Post Office Department the mechanical condition or fault which caused the failure.

(xii) Submit such other reports to the Post Office Department as may be required from time to time.

(f) *Maintenance*—(1) *Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

(2) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least once each 6 months. Inspections must be sufficiently thorough to determine that each meter is clean and in proper operating condition, is recording its operations correctly and accurately, and that neither the Post Office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

(3) *Repair of internal mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the post office or setting before they are opened or any internal repairs undertaken.

(g) *Notice of proposed changes in regulations.* So far as may be consistent with the public interest, before any changes are made in the regulations of this part, the Post Office Department will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture, or who may be interested in manufacturing, postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed changes if they are adopted.

PART 34—PERMIT IMPRINTS

Sec.
34.1 Permit.
34.2 Preparation of permit imprints.
34.3 Content of permit imprints.
34.4 Form of permit imprints.
34.5 Mailings with permit imprints.
34.6 Additional services.
34.7 Improper use of permit imprints.

AUTHORITY: §§ 34.1 to 34.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2508, 4051–4053.

§ 34.1 Permit.

(a) *Application.* A permit to use permit imprints and pay postage in cash at the time of mailing may be obtained by submitting Form 3601, Application to Mail without Affixing Postage Stamps, with a fee of $10, to the post office where mailings will be made. The postmaster will give a receipt for the fee on Form 3544, Post Office Receipt for Money. No other fee for use of permit imprints has to be paid so long as the permit is active. However, the applicant must also pay an annual bulk mailing fee if he mails third-class matter at bulk rates. See § 24.4(b)(2) of this chapter.

(b) *Revocation.* The permit may be revoked if used in operating any unlawful scheme or enterprise, for nonuse during any consecutive 12 months, or for any noncompliance with instructions on permit POD Form 3601. The method of revoking permit is described in § 32.4 (c) of this chapter.

§ 34.2 Preparation of permit imprints.

Permit imprints may be made by printing press, handstamp, lithography, mimeograph, multigraph, addressograph, or similar device. They may not be typewritten or hand drawn. The style of imprint must conform with those illustrated in § 34.4. No other style may be used. The imprint must be legible and must be of a color that contrasts sufficiently with the paper to make the imprint readable. It must be placed in the upper right corner of the address side of each piece.

§ 34.3 Content of permit imprints.

Permit imprints must show:

(a) *For first-class mail.* City and State; date (hour may be included with date if mailing is made in time to be dispatched at that hour); the words "First-Class Mail" and "Paid" with the amount of postage; and the permit number. Exception: The date may be omitted from any mail when sender so desires.

(b) *For second-, third-, and fourth-class mail.* Same as first-class, except the date and the words "First-Class Mail" are omitted. The amount of postage may be omitted on matter mailed at bulk third-class pound rates, but should be included when it is known the per-piece rates will apply. The amount of postage must be shown on pieces of third-class mail subject to the minimum charge for odd size or shape. (See § 24.2(b)(3).)

§ 34.4 Form of permit imprints.

Permit imprints must be prepared in one of the forms illustrated. The addition of extraneous matter is not permitted.

FIRST-CLASS MAIL



SECOND-, THIRD-, AND FOURTH-CLASS MAIL
(*Date* and *First-Class Mail* omitted)



BULK THIRD-CLASS MAIL
(Pound rate only)



§ 34.5 Mailings with permit imprints.

(a) *Minimum quantities.* Except as stated in paragraph (b) of this section, minimum quantities required to be mailed at one time are as follows:

(1) *First-class mail.* 300 pieces of identical weight.

(2) *Second- and third-class mail.* 300 pieces of identical matter, except 20 pounds or 200 pieces of identical third-class bulk mail (see Parts 16 and 24 of this chapter).

(3) *Fourth-class mail.* 250 pieces of identical matter.

(4) *International mail.* See § 111.2 (b)(2) of this chapter. 300 pieces of identical matter.

(b) *Exceptions to minimum quantities.* When any mailing consists of less than the required minimum, enter an explanation on the Mailing Statement, Form 3602 "Statement of mailing of matter with Permit Imprints". Exceptions may be made for the following reasons only:

(1) *First-class mail.* Occasional exception for a mailer whose total daily mailings are not much more than 300 but who, to cooperate with the post office, presents a portion of his mailings early in the day.

(2) *All classes of mail.* When a large mailing extends over two or more consecutive days and the last deposit, made to complete the mailing, is less than the minimum.

(c) *Preparation for mailing.* All classes of mail must be faced. Mailers must separate second-, third- (nonbulk), and fourth-class by cities and States according to postmaster's instructions. Mailers must separate first- and fourth-class according to postage paid on each piece; that is: put pieces subject to 3 cents each in one lot, those subject to 6 cents each in another lot, etc. (See § 24.4(b)(5) of this chapter for mailing of third-class bulk mail.)

(d) *Place of mailing.* Deposit mail at the post office that issued the permit or at a station or branch designated by the postmaster.

(e) *Mailing statement.* Prepare and sign a Mailing Statement, Form 3602, for each mailing. The statement must be prepared by typewriter, ink, or indelible pencil to show the sender's address, permit number, class of mail, number of pieces in the mailing, and weight of single piece. For third-class bulk mailings, additional information required by the Mailing Statement must be shown. If a receipt is desired, present a duplicate copy of Form 3602, which will be initialed by the accepting employee after verification and returned to the mailer.

(f) *Payment of postage.* The mailer must pay for each mailing when it is presented at the post office, or make an advance deposit of enough to cover more than one mailing. Payments for postage or deposits must be made at points designated by the postmaster. These payments will not be accepted by employees handling the mail. Advance deposits may be made by mail. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. The postmaster will furnish a receipt for each payment, on Form 3544. Credit for postage is not allowed. Postage on a mailing must be paid by only one method; that is, postage may not be paid partly in money and partly by postage stamps.

(g) *Post office computation of postage*—(1) *Random samples.* Enough pieces will be selected at random from the entire lot to determine whether the whole mailing consists of identical pieces.

(2) *Weight of single piece.* Determine the exact weight of a single piece and the amount of postage required. When scales do not show exact weight of a single piece, weigh enough pieces to balance beam and divide total weight by number weighed.

Example:
20 pieces weigh exactly 3½ ounces.
3.5÷20=0.175 ounce.

(3) *Total number of pieces.* Ascertain the total number of pieces by one of the following methods.

(i) Find the total weight in pounds, exclusive of tare. (For definition of tare see subparagraph (5) of this paragraph.) Reduce the pounds to ounces and divide the total number of ounces by the weight of a single piece.

Example: Mailer's statement shows 1,240 pieces in mailing which weigh 13 pounds, 9 ounces. A single piece weighs 0.175 ounce. Convert weight to ounces:

13×16+9=217 ounces.
217÷0.175=1,240 pieces.

(ii) Find the total weight, exclusive of tare, and the total weight exactly of 100 pieces in ounces and fractions of an ounce. Divide the total weight by the weight of 100 pieces. This will give the total number of hundreds and fractions of a hundred in the entire lot.

Example: Mailer's statement shows 124,400 pieces in mailing which weigh 1,360 pounds, 10 ounces. A single piece weighs 0.175 ounce. Convert weight to ounces:

1,360×16+10=21,770.
Weight of 100 pieces: 0.175×100=17.5.
21,770÷17.5=1,244.
1,244×100=124,400 pieces.

(4) *Agreement with mailing statement.* The result of either of these methods of computation should agree with the number of pieces shown on the statement of mailing. If they do not agree the matter will be taken up with the mailer and, if necessary, further examination and verification will be made.

(5) *Tare.* Tare includes sacks, cartons or other containers, hand trucks, skids, or similar pieces of equipment upon which the mail may be placed during the weighing operation.

§ 34.6 Additional services.

Postage may be paid by means of permit imprints on matter which is entitled to be registered or sent as certified, insured, or COD mail.

§ 34.7 Improper use of permit imprints.

Mail bearing permit imprints must not be distributed otherwise than through the mails, and will not be accepted at any post office except that shown in the imprint. Matter bearing permit imprints must not be used as enclosures.

PART 35—PHILATELY

Sec.
35.1 Commemorative stamps.
35.2 The philatelic sales agency.
35.3 New stamp issue.
35.4 Cancellations for philatelic purposes.
35.5 Inaugural covers.
35.6 Stamp exhibits.
35.7 Stamp publication.

AUTHORITY: §§ 35.1 to 35.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2501, 2504.

§ 35.1 Commemorative stamps.

(a) *Description.* Commemorative stamps are postage stamps issued in limited quantities to focus attention on historical places, events, or personages. Widespread use of these stamps by the American public is encouraged by the Department in order that our ideals, progress, and heritage, as reflected in our stamps, are carried throughout the world. They do not displace regular stamps of like denomination, but are provided on request, if available.

(b) *Commemorative stamp supplies.* Postmasters shall carefully evaluate the demand for new stamp issues and shall forward a separate requisition for adequate stocks in accordance with notices which appear in the Postal Bulletin, so that stock will be available at all post offices on the day following official first-day sale. Regional distributing offices shall make certain stamps are supplied to post offices in time to permit sales the day after the official first-day sale.

(c) *Sale of commemorative stamps.* Commemorative stamps will be sold to meet the public demand until supply is exhausted, as follows:

(1) *Philatelic window service.* In post offices where full or part-time philatelic window service is provided, the sale of plate numbers and marginal markings shall be restricted according to the instructions outlined by the Philatelic Sales Agency. When notice is published in Postal Bulletin of removal of a stamp from sale in the Philatelic Sales Agency, the item will be immediately withdrawn from the philatelic window of post offices and the stock sold for regular postage purposes.

(2) *Plate number blocks.* Plate number blocks are the stamps (usually requested in blocks of four) located on one corner of a sheet of stamps with a plate number printed on the margin. Stamp clerks must not remove plate number blocks in advance from a large number of sheets for the benefit of individual purchasers. Plate blocks may be laid aside, however, as sheets are broken for regular sale purposes and may be sold as an accommodation to local stamp collectors.

(3) *Outside sales of commemorative stamps.* Postmasters shall not accept mail orders for postage stamps from patrons outside the limits of the area served by their post office, and any such requests shall be returned to the sender calling attention to the services provided by the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

§ 35.2 The philatelic sales agency.

(a) *Establishment and purpose.* The Philatelic Sales Agency was established on November 25, 1921, to make available to stamp collectors United States postage stamps of selected quality. Stamps sold by the Agency are the best available, having been selected for good centering, and freedom from tears and other flaws.

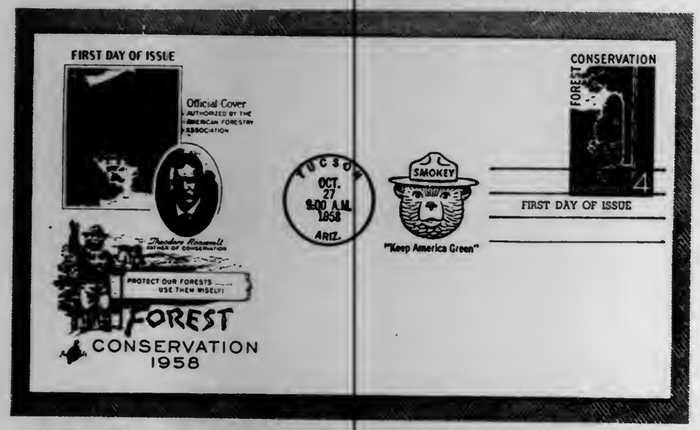
(b) *Stamps available.* In addition to stamps of the ordinary series, the Agency has for sale commemorative, airmail, special delivery, special handling, postage-due, and migratory-bird hunting stamps. To get a list of items available for sale, send a self-addressed stamped envelope with your request to the Philatelic Sales Agency, Post Office Department, Washington 25, D.C. The list is revised when a new stamp is announced or an old one withdrawn.

(c) *Order for stamps.* All stamps are for sale at face value plus postage and handling charges listed below, for mail orders where domestic rates apply:

1–49 stamps	$0.05
50–400 stamps	.10
401–1,000 stamps	.20
1,001–3,000 stamps	.40
3,001–5,000 stamps	.70
5,001–10,000 stamps	1.20
10,001–35,000 stamps	3.00
Over 35,000 stamps	5.00

A flat charge of 50 cents will be made on each order for registration, regardless of value, where this protection is desired. All mail orders will be returned by official permit mail, and postage stamps will not be affixed to covering envelopes. Address your order to Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

(d) *Remittance.* Remittance should be by money order, cashier's check, or certified check payable to Philatelic Sales Agency. Postage stamps, and foreign or mutilated money are not acceptable. If cash is sent, it is suggested that the letter be registered.



(2) Cover envelopes should be of ordinary letter size and each must be properly addressed. Place an enclosure of postal card thickness in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, First-Day Covers. Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be stuck there.

(3) With orders for first-day covers, do not include requests for uncanceled stamps.

(4) The Philatelic Sales Agency does not service first-day covers.

§ 35.4 Cancellations for philatelic purposes.

(a) *How stamps are canceled.* Postmasters will cooperate with stamp collectors by furnishing clean and legible postmarks, and they will give special attention to mail bearing an endorsement that it is of philatelic value or to a request for a light cancellation. Stamps must be canceled sufficiently to protect the postal revenue but this should be accomplished without excessive defacement, and with a minimum number of impressions.

§ 35.3 New stamp issues.

(a) *Notification.* Issuance of new stamps is announced by notices displayed in the lobbies of post offices, and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person or event commemorated is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.* (1) First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading First Day of Issue, and a pictorial cancellation adding an interpretation of the meaning of the stamp, as illustrated below. If a first-day cancellation of a new stamp is desired, send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of stamps. (See § 35.2(d).)

(b) *Plain cards or slips of paper.* Postmarks will not be placed on plain slips of paper or plain cards (including those bearing postage stamps representing less than a lawful rate of postage) submitted for philatelic or other purposes.

(c) *Picture post cards (maximum cards).* Picture post cards with the stamp stuck on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them. Maximum cards are considered to be collectors' items and must be given special care in cancelling.

§ 35.5 Inaugural covers.

(a) *First flights*—(1) *Cachets authorized.* The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Cachets are authorized for all stop points on a new air mail route, for new stop points on existing routes or additional segments, and for events of national aviation interest. Official cachets of distinctive commemorative design are authorized by publication of notice in the Postal Bulletin after notification by the carrier of at least 20 days prior to the scheduled date of the new service.

(2) *Where cachets may be used.* (i) Official cachets are authorized for use at post offices and airport mail facilities on covers actually dispatched on the inaugural flights.

(ii) One or more of the following points may be authorized to use official cachets:

(a) *Terminal points.* Cachet will be applied to covers dispatched on the actual inaugural flight.

(b) *Intermediate points.* Cachet will be applied to covers dispatched to the actual inaugural flights in each direction. If service is inaugurated in only one direction, cachet will not be used when service is established in the other direction at a later date.

(3) *Preparation of covers.* (i) Covers must be individually addressed to a post office.

(ii) Covers must bear postage at the airmail letter rate.

(iii) Each envelope should contain a uniform enclosure of the approximate weight of a postal card to assure a good impression.

(iv) A space should be provided on the address side, at least 4 inches to the left of the right end of the envelope and 1½ inches to the left of the innermost stamp to permit a clear impression of the postmark.

(v) A clear space 2½ by 2½ inches must appear to the left of the postmark and address area for application of the cachet. If this clear space is not provided, the cachet will not be applied.

(4) *Submission of covers.* (i) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated.

(ii) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

(5) *Compliance with collectors requests*—(i) *Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable.

(ii) *Point-to-point covers.* Requests of collectors for point-to-point covers will not be observed. Request that a dispatching office send one each of several covers to each stop point will not be honored.

(iii) *Direction not specified.* In the absence of specific requests, covers will be dispatched on the actual first flight, regardless of direction.

(iv) *Incomplete instructions.* If the collector's request is not clear, covers will be dispatched in accordance with the judgment of the dispatching office.

(v) *Color of ink.* Request for the use of a color of ink other than that specified by the Post Office Department will not be complied with. The specified color of ink will be used in applying the cachet to all covers.

(vi) *Position of cachet.* Cachets will be applied legibly and neatly to left portion of address side of cover. Cachets will not be applied to:

(a) Covers for immediate return to sender; covers must receive dispatch on first flight.

(b) Covers bearing a previous official or unofficial cachet.

(c) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(d) Double postal or post cards intended for return reply purposes.

(e) Covers received after first flight.

(f) Covers on which postage is not fully prepaid.

(g) To anything other than an inaugural cover.

(vii) *Backstamping.* All inaugural covers will be backstamped at a designated post office and forwarded to address destination. Requests for additional or special backstamping will not be honored.

(b) *First highway post office trips*—(1) *Announcement of service.* The Post Office Department recognizes events such as new HPO service by applying special postmarks to inaugural covers. A notice that new service will be established is published in the Postal Bulletin when the decision to establish service is made, far enough in advance of the beginning date so that the notice will reach most subscribers in time to permit them to send covers for dispatch on first trips.

(2) *Special postmark* No official cachets are applied to first-trip covers, but when time permits procuring distinctive first-trip postmarking stamps for each trip, impressions of them are used to postmark all covers carried on the first trips.

(3) *Preparing covers.* Prepare covers as described in paragraph (a)(3) of this section, except postage will be at the first-class rate.

(4) *Submitting covers.* Send first-trip covers to the postmaster at the initial terminal of the trip on which the cover carried is wanted, with a letter or note instructing the postmaster to dispatch the cover on the desired trip.

(5) *Complying with collectors' requests.* (i) All covers received at the initial post office or by the crew en route will be carried to the end of the run and dispatched to addressees from that point. Requests for different dispatch will not be honored. No backstamps will be applied to first-trip HPO covers.

(ii) The first-trip stamp is evidence that the cover was carried on the trip indicated.

§ 35.6 Stamp exhibits.

(a) *Loan exhibits.* The Post Office Department has a set of valuable stamp exhibit frames which are available for display at stamp exhibitions and conventions. These are sent upon request to national and international exhibits as well as to the conventions of the larger stamp societies. Requests should be addressed to the Director, Division of Philately, Post Office Department, Washington 25, D.C.

(b) *Philatelic exhibit.* The Office of the Special Assistant to the Postmaster General maintains a comprehensive exhibit of United States postage stamps, containing die proofs of all domestic stamps since 1847. There are also approximately 40,000 stamps of other countries in this exhibit, from every postal administration in the world. Equipment used in the production of postage stamps, such as a plate and transfer roll, is shown to illustrate methods of manufacture. Philatelic publications are on file for the benefit of students and collectors.

§ 35.7 Stamp publication.

The Department issues a publication (POD–9 rev.) entitled "Postage Stamps of the United States", containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the Dr. Ephraim McDowell "Famous American" stamp, issued December 3, 1959. See § 4.2 of this chapter.

PART 36—SPECIAL CANCELLATIONS

Sec.
- 36.1 Description of machine cancellations.
- 36.2 How sponsors obtain special cancellations.
- 36.3 Disposition.
- 36.4 Revocation.
- 36.5 Mail submitted for special cancellation.

AUTHORITY: §§ 36.1 to 36.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2508, 2509.

§ 36.1 Description of machine cancellations.

The canceling of postage stamps and the printing of the postmark circle on letter mail is accomplished simultaneously by the inked die hubs of high speed canceling machines. The cancellation portion of the impression appears to the right of the postmark circle and consists of lines, or messages, to sufficiently deface stamps in the area indicated in the following diagram:



Special canceling machine die hubs may be authorized for use in place of the regular die hubs at designated post offices. When authorized, the special die hubs are placed on canceling machines through which a large volume of letter mail is canceled.

§ 36.2 How sponsors obtain special cancellations.

(a) *Requirements for use*—(1) *When.* (i) Permission for use of special cancellations is granted for advertising purposes in the following cases only:

(a) Where the event to be advertised is for some national purpose for which Congress has made an appropriation; or

(b) Where the event to be advertised is of general public interest and importance, to endure for a definite period of time, and is not to be conducted for private gain or profit.

(ii) Special cancellations are not authorized for:

(a) Events of interest primarily to a particular local group.

(b) Fraternal, political, religious, commercial, or trade organizations.

(c) Campaigns or events promoting the sale or use of private products or services.

(d) Idea or slogan promotion not directly connected with an event of general public interest and importance.

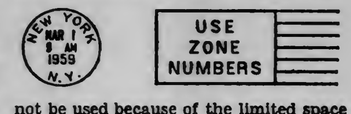
(e) Events which occur during a period when all canceling machines in the post office have already been scheduled for the use of other special cancellation die hubs.

(2) *Where.* The cancellation may be used only in a first- or second-class post office.

(3) *Period of time.* The special cancellation may not be used longer than 6 months, plus the duration of the event.

(4) *Cost.* The sponsor must pay the cost of manufacturing the special cancellation die hub, and any costs incurred in adapting canceling machines for its use or for installing the hub. The cost of a die hub is usually $36 to $60. The organization or persons assuming the cost of manufacturing the die hub are billed by the manufacturer.

(b) *Wording.* The space available for the wording is shown in the illustration below. The wording must be limited to 3 lines of not more than 20 letters, numbers, or spaces each, so that the wording may be in type large enough to be legible. The wording must relate direct to the event. Illustrations or designs should



not be used because of the limited space available on the die hub.

(c) *Application*—(1) *Where to apply.* If the event to be advertised meets the conditions in paragraph (a)(1) of this section, submit the application in writing to the postmaster at the post office where the cancellation die hub is to be used, so that the postmaster can furnish the Department certain necessary information.

(2) *When to apply.* The application should be submitted to the postmaster at least 2 months before the date the cancellation die hub is to be placed in operation.

(3) *Information needed.* The application must provide the following information:

(i) Complete description of the event to be advertised, including evidence that it is not being conducted for private profit.

(ii) Wording of the proposed cancellation.

(iii) Name of the post office where the cancellation is to be used.

(iv) Period of use desired.

(v) Number of die hubs desired.

(vi) Name and address of the sponsor who will be billed for the cost.

(d) *Referral by postmaster.* The postmaster will forward the application to the Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington 25, D.C. The postmaster must furnish with the application a sample impression of the canceling die presently on the machine that is to use the spe-

cial cancellation die and the name of the manufacturer and model of the canceling machine on which the special die hub will be used, and must specify whether the machine is new or old (square or round type ring die). If the canceling machine is a Model Flier, M, or G, the postmaster must state the correct die hub part number from the Operating Instruction Book (1207 or 1207–G for Flier and M Machines, and 218 or 218–A for G Machines). The postmaster must also state the effect the approval would have on the use of special cancellations already approved for his office.

(e) *Authorization.* The sponsor will be informed through the postmaster of the approval or denial of the application. If the application is approved, the Department will arrange for the manufacture of the die hub, and instruct the postmaster as to its use.

§ 36.3 Disposition.

(a) *After use.* Sponsors may not obtain from postmasters die hubs that have been used. Hubs not retained by the postmaster for future use shall be sent by him to the Procurement Parts Unit, Mail Equipment Shops, 2135 Fifth Street NE., Washington 25, D.C., as soon as the period of use is completed.

(b) *Unserviceable die hubs.* (1) Replacement parts for a die hub retained for use during an event which recurs each year may be requisitioned from the Procurement Parts Unit, Mail Equipment Shops, if the die hub can be repaired by the postmaster. Die hubs that cannot be repaired by the postmaster should be sent to the Procurement Parts Unit, Mail Equipment Shops, 2135 Fifth Street NE., Washington 25, D.C., together with a memorandum requesting their disposal. No facilities are available at the Shops for the repair of these die hubs.

(2) When the special cancellation die hub must be replaced, the postmaster will immediately notify the local sponsor so that the sponsor may, if he desires, make application for a replacement through the local postmaster.

§ 36.4 Revocation.

Authorization to use any special cancellation die hub may be curtailed or revoked when necessary to use special postmarking dies for Government purposes.

§ 36.5 Mail submitted for special cancellations.

(a) *Postage.* Mailers requesting that their mail be canceled with a special cancellation must affix first-class postage to the mail. Stamps issued by foreign countries must not be placed on the mail.

(b) *Holding the mail.* Postmasters will not hold mail to comply with requests of patrons that the mail be postmarked with the special cancellation on a particular date.

PART 37—PREPAYMENT AND REFUNDS

Sec.
37.1 Postage payment.
37.2 Refunds.

AUTHORITY: §§ 37.1 and 37.2 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4051, 4052, 4055, 4101–4105, 4106, 4109, 4110, 6006.

§ 37.1 Postage payment.

(a) *Prepayment required.* Postage on all mail must be fully prepaid at the time of mailing, with the following exceptions:

(1) Business reply mail, see § 21.2 (c) of this chapter.

(2) Federal Government and free mail, see Part 27 of this chapter.

(3) Certain mail for the blind, see Part 28 of this chapter.

(4) Mail sent by members of the Armed Forces, see § 21.5 of this chapter.

(5) Letters and printed matter carried or delivered by vessels not regularly employed in carrying mail, see § 21.6 of this chapter.

(6) Keys and identification devices returned to owners, see § 24.1(d) of this chapter.

(b) *Insufficient prepayment.* (1) Mail of any class, including that for which special service is indicated, is received at either the office of mailing or the office of address without any postage or without sufficient postage will be:

(i) Marked to show the total deficiency of postage and fees.

(ii) Dispatched promptly to the addressee by means of the regular or special service indicated.

(iii) Delivered to addressee on payment of the charges marked on the mail. As an exception, when quantity mailings of ten or more pieces are received at the office of mailing without any postage or without sufficient postage, the mailer will be notified, without charge, preferably by telephone, in order that the postage charges may be adjusted before the mail is dispatched.

(2) When the addressee refuses to pay the deficient postage, and when the mail is undeliverable for any other reason, it shall be handled as follows:

(i) First-class mail, including airmail, bearing a return address shall be returned to the sender and delivered on payment by him of the deficient postage.

(ii) Mail other than first class bearing a return address will be returned to the sender and delivered on payment by him of the total of the deficient postage, the forwarding postage, if any and the return postage.

(iii) All mail that does not bear a return address will be disposed of in accordance with § 48.6 of this chapter.

(c) *Postage on mail insufficiently prepaid.* Postage stamps stuck to mail are canceled when the mail is first received in the post office. Postage stamps or meter stamps originally affixed to insufficiently prepaid mail will, when it is again presented for mailing, be accepted in payment of postage to the amount of their face value.

§ 37.2 Refunds.

(a) *Conditions that justify refund.* (1) When postage or special service fees have been paid on mail for which no service is rendered, or collected in excess of the lawful rate, a refund may be made.

(2) The Postal Service is considered to be at fault and "no service is rendered" in cases involving returned articles improperly accepted in both domestic and international services because of excess size or weight.

(3) Mailers who customarily weigh and rate their mail are expected to be familiar with basic requirements and the Postal Service is not considered to be at fault when these mailers are required to withdraw articles from the mail prior to dispatch.

(4) See paragraphs (c) (2) and (f) of this section for special provisions for refunding the postage value of unused meter stamps.

(b) *Application.* Submit an application on Form 3533 (Application and Voucher for Refund of Postage and Fees), in duplicate, to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired.

(c) *Amount of refund allowable.* (1) Refund of 100 percent will be made:

(i) When the Postal Service is at fault.

(ii) For the excess when postage or fees have been overpaid the lawful rate.

(iii) When service to the country of destination has been suspended.

(iv) When postage is fire-scarred while in the custody of the Postal Service, including fire in letter box, and the mail is returned to sender without service.

(v) When special-delivery stamps are erroneously used in payment of postage, and the mail is returned to the sender without service.

(vi) When fees are paid for special delivery, special handling and certified mail, and the article fails to receive the special service for which the fee has been paid.

(vii) When surcharges are erroneously collected on domestic registered mail or collected in excess of the proper amount, or represented by stamps affixed to matter not actually accepted for registration.

(viii) For fees paid for return receipts or for restricted delivery when the failure to furnish return receipt or its equivalent, or erroneous delivery, or nondelivery, is due to fault or negligence of Postal Service.

(ix) For annual bulk mailing fee when no bulk mailings of third-class matter are made during the year for which the annual fee has been paid.

(x) When customs clearance and delivery fees are erroneously collected.

(xi) When fees are paid for registry or insurance service on mail addressed to a country to which such services are not available, unless claim for indemnity is made.

(2) Refund of 90 percent shall be made when complete and legible unused meter stamps are submitted within 1 year from the dates appearing in the stamps. (See 37.2(f) of this chapter).

(3) When mail is returned at the request of the sender or for a reason not the fault of the Postal Service, any difference between the amount paid and the appropriate domestic air or surface rate chargeable from mailing office to interception point and return will be refunded.

(4) On articles prepaid at airmail rates but actually transported by surface means, the difference between the postage computed at the airmail and surface rates is refundable. The fact that surface transportation was used must be confirmed.

(5) One-half of an original second-class application fee will be refunded if the application is not approved. See § 22.3 (e) of this chapter.

(d) *Unallowable refunds.* No refund will be made:

(1) For an application fee to use permit imprints.

(2) For registered, insured, and COD fees after the mail has been accepted by the post office even though it is later withdrawn from the mailing post office.

(e) *Meters.* The postage value of unused units set in a meter surrendered to the post office to be checked out of service may be refunded or, if desired, an equivalent amount will be transferred to another meter used by the same license holder. If the meter is withdrawn from service because of faulty mechanical operation, a final postage adjustment or refund may be withheld pending report of the meter manufacturer of the cause of faulty operation. If the meter is damaged by fire, a refund or transfer of postage will be made only if the registers are legible, or can be reconstructed by the meter manufacturer.

(f) *Meter stamps*—(1) *What to submit.* (i) Unused meter stamps that are complete and legible accompanied by an application, in duplicate, on Form 3533 within 1 year from dates appearing in the stamps, will be considered for refund. Arrange the stamps so that all of one denomination are together.

(ii) If portion of stamp is printed on one envelope or card and remaining portion on another, fasten the two together to show that the two portions represent one stamp.

(iii) Meter stamps printed on labels or tapes which have not been stuck to wrappers or envelopes must be submitted loose.

(iv) Refunds are allowable for stamps on metered reply envelopes only when it is obvious that an incorrect amount of postage was printed thereon.

(v) Submit separately with statement of facts, envelopes or address portions of wrappers on mail returned to sender from the mailing office marked "No such post office in State named," "Returned for better address," or "Received without contents," indicating no effort to deliver was made.

(2) *What not to submit.* Do not submit:

(i) Meter reply envelopes or cards paid at the proper rate of postage.

(ii) Meter stamps printed on labels or tape which have been removed from wrappers or envelopes.

(iii) Meter stamps without the name of the post office and State.

(iv) Meter stamps without the date printed on tape. (See § 33.4 (f) of this chapter.)

(v) Meter stamps printed on mail which was dispatched from the mailing post office in regular course and returned to sender as undeliverable, including nixies marked "No such post office in State named."

(vi) Meter stamps on mail addressed for local delivery and returned to sender after directory service was given or effort was made to deliver.

SUBCHAPTER E—COLLECTION AND DELIVERY

PART 41—SERVICE IN POST OFFICES

Sec.
41.1 Establishment of post offices.
41.2 Hours of business.
41.3 Post office boxes.
41.4 General delivery.
41.5 Unauthorized use of premises.

AUTHORITY: §§ 41.1 to 41.5 issued under R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 309, 501, 701, 705, 707, 708, 2209, 6001, 6009.

§ 41.1 Establishment of post offices.

(a) *Where established.* Post offices, and branches and stations, are established and maintained at such places as may be deemed necessary for the convenience of the postal patrons.

(b) *Requirements.* There is no fixed minimum population requirement. This factor is given consideration in making a determination. Other factors are the proximity of existing postal units and the relative cost involved, including the transportation of mail to a newly established unit.

(c) *Procedure.* Patrons desiring a post office in their community should communicate with the Department. The forms needed on which to supply necessary information will be sent to the patrons. Requests for the establishment of a branch or station of an existing post office should be made to the local postmaster.

§ 41.2 Hours of business.

(a) *Business days.* Post offices maintain window service for the delivery of mail and the sale of stamps every business day during the hours when the principal business houses of the community are open. Registry service and money order service are provided during the hours the postmaster determines are in accordance with the needs of the community. Post offices designated as postal-savings depositories provide for the receipt and withdrawal of deposits every weekday during the hours prescribed for the transaction of money-order business.

(b) *Night service.* Post offices are not ordinarily open for business at night. Lobbies of some post offices are open at night to permit the public to deposit mail and to obtain mail from lock boxes.

(c) *Holiday service.* Post offices are kept open on holidays for such time as may be necessary to meet the reasonable postal requirements of the public. Special-delivery mail is delivered on holidays, but delivery service is not given on letter carrier or rural routes. The following holidays are observed:

(1) New Year's Day, January 1.
(2) Washington's Birthday, February 22.
(3) Memorial Day, May 30.
(4) Independence Day, July 4.
(5) Labor Day, first Monday in September.
(6) Veterans' Day, November 11.
(7) Thanksgiving Day, fourth Thursday in November.
(8) Christmas, December 25.
(9) Other days set aside by the President as holidays.

§ 41.3 Post office boxes.

(a) *Purpose of boxes.* Post office boxes and drawers are for the convenience of the public in the delivery of mail. The service affords patrons privacy, and permits them to obtain mail at their convenience during the hours the lobby is kept open.

(b) *How to rent a box.* The patron must submit Form 1093, Application for Post Office Box, to the postmaster at the post office where the box is located. The application will be approved or denied by the postmaster. Furnishing false information on the application is sufficient reason for denial. When the application is approved, a box will be assigned.

(c) *Rental rates*—(1) *Main post offices*—(i) *Office groups.* The following nine groups are for use in determining the correct rate category for call and lock boxes at main post offices.

Group A. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 16, 17, 18, or 19.

Group B. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 14 or 15.

Group C. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 12 or 13.

Group D. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 10 or 11.

Group E. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 7, 8, or 9.

Group F. Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 8, 9, or above.

Group G. Post offices not offering city delivery service and with the position of the postmaster ranked in salary level 7.

Group H. Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 5 or 6.

Group I. All fourth-class post offices.

(ii) *Schedule.* The quarterly box rent schedule for main post offices is as follows:

branches primarily servicing academic institutions with lockbox equipment not owned or supplied by the academic institution will charge regular applicable box rental rates.

(iii) *Stations and branches servicing academic institutions.* The following applies only to stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institution:

(*a*) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by personnel employed by the school, box rental fees, if any, are subject to the control of the academic institution, and the revenues therefrom, if any, are not considered postal funds.

(*b*) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockbox charges are based on the following schedule and all revenues therefrom are considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester	$0.30	$0.40	$0.60	$0.60	$0.90	$1.50	$2.40
Per quarter	.20	.30	.35	.40	.60	1.00	1.60

(3) *When new rates are effective—*(i) *Adjustments.* Box rental rate adjustments shall be made on July 1, the beginning of each fiscal year when either of the following actions occur:

Type of action	Date of action	Change box rental rates effective—
1. Establishment or discontinuance of city delivery service.	If change occurred on or after July 1, and on or before the end of the present fiscal year.	July 1, the beginning of the new fiscal year.
2. Change in salary level of postmaster position, superintendent, branch, annex, or airport mail facility superintendent.	If change occurred after the first day of the first pay period in the present fiscal year and on or before the first day of the first pay period in the new fiscal year. NOTE: this is based on adjusted gross receipts.	Do.

(ii) *New units.* Box rental rates at all new units placed in operation after July 1, will be based on those factors in effect on the opening date of the installation, except that when a post office is discontinued and is reestablished as a classified station or branch of another post office, the rental rates that were in effect at the discontinued post office at the beginning of the fiscal year will continue in effect during the remainder of the fiscal year at the newly established unit.

(4) *Fees applicable under special circumstances.* When larger size boxes are not available or cannot be provided to handle the average daily mail volume of a patron, arrangements may be made to utilize bags or other containers instead of lockboxes. The fee for this service will be equivalent to the rental that would be collected if the patron had been provided with the largest size box in the installation.

(d) *Payment of box rent.* Box rent must be paid in advance. Form 1538, "Box Rent Receipt," is given for each payment. The rent may be paid quarterly or annually at the option of the box holder as follows:

(1) *Annually.* Annual rent must be paid in advance on or before June 30 for the full fiscal year. Rent for the quarters remaining in the fiscal year must be paid in advance (see subparagraph (3) of this paragraph). The fiscal year begins July 1 and ends June 30.

(2) *Quarterly.* Quarters begin July 1, October 1, January 1, and April 1. Rent must be paid on or before June 30, September 30, December 31, and March 31.

(3) *After beginning of quarter.* (i) First month of quarter: Entire quarterly rate.

(ii) Second month of quarter: Two-thirds of quarterly rate. To determine the amount to be paid, multiply quarterly rate by two and divide by three. Drop fractions of a cent.

(iii) Third month of quarter: If rented before the twenty-first day, one-third quarterly rate. On or after the twenty-first day, no rent will be charged for the remaining days in the quarter, but full payment must be made for the following quarter.

(e) *Refund of box rent.* When a box is surrendered, no portion of the rent will be refunded to a patron who has paid on a quarterly basis. A patron renting a box on an annual basis who surrenders the box before the end of the fiscal year for which rent has been paid may apply for a refund of that portion of the box rent that is applicable to all full quarters remaining in the fiscal year. No refund will be made for the remaining portion of the quarter in which the box is surrendered. Application for refund should be made on Form 3533, "Application and Voucher for Refund of Postage and Fees," in duplicate in the same manner as postage refunds, as outlined in § 37.2 of this chapter.

(f) *Use of box*—(1) *Individuals.* An individual renting a box may have placed in it:

(i) Mail addressed to himself.

(ii) Mail directed to a temporary visitor.

(iii) Mail addressed to his care or to the number of his box by persons who wish him to take care of it for them not more than 30 days.

(iv) Mail addressed to members of his family.

(v) Mail addressed to his servants or other employees who live in his house.

(vi) Mail addressed to a relative or other person who lives permanently in his house as do the other members of his family. Boarders or roomers are not considered members of the family.

(2) *Firms or corporations.* A firm renting a box may have placed in it:

(i) Mail addressed to its name.

(ii) Mail addressed to any of its officials and office employees.

(iii) Mail addressed to any member of a firm, or members of his family, by the consent of all members of the firm.

(3) *Students and teachers.* Mail addressed to students and teachers at an educational institution may be deposited in the box rented by the school, if consistent with the rules of the school.

(4) *Public institutions.* Mail addressed to inmates of a public institution may be deposited in the box rented by it, if consistent with its rules.

(5) *Associations.* An association or society may rent a box, but it may not be used for individual members, other than officers addressed by their official titles.

(6) *Hotel or boarding house.* Mail addressed to guests or transient boarders at a hotel or boarding house will be placed in the box assigned to it or its proprietor.

(7) *Mail addressed to box number.* Mail addressed only to a box number may be delivered to the box holder as long as no improper or unlawful business is conducted in this manner.

(g) *Keys*—(1) *Regular.* A patron renting a key-type lockbox must be supplied with one or two keys, according to his needs. Renters of lockboxes are not permitted to obtain or use any keys except those issued through the post office.

(2) *Additional.* Keys in excess of two may be obtained from the post office on completion of Form 1094, Application for Additional Keys to Post Office Box, and payment of a 50-cent fee for each key. Under no circumstances may the boxholder or his agent obtain additional keys for the box assigned to his use from any other source or supplier.

(3) *Duplicate.* Duplicates of lost keys may be secured by payment of a 50-cent fee for each key.

(4) *Fees not refundable.* Fees for duplicate and additional keys are not refundable.

(5) *Worn and broken.* Worn or broken keys shall be replaced without charge if the damaged key is surrendered.

(6) *Return.* All keys must be returned when the box is surrendered. If the patron has lost a regular key, he must pay a fee of 50 cents for each missing key.

(h) *Restrictions*—(1) *Improper purposes.* A box will not be rented to anyone who the postmaster has good reason to believe will use it for the purpose of deception, for immoral or improper purposes, or for the conduct of a fraudulent or lottery business.

(2) *Misuse.* A box will not be rerented to anyone who does not take proper care of it or who disregards the rules concerning its use.

(3) *Improper matter in box.* Only matter which has passed through the mail, or official postal notices, may be placed in a post office box. (See paragraph (a) of this section.) (Interprets or applies 62 Stat. 784; 18 U.S.C. 1725)

(4) *Closing of box.* When a postmaster has reason to believe that a box is being used for a fraudulent, deceptive, or unlawful scheme, or for an immoral or improper purpose, or for the purposes of a lottery, or that the safety of the mail is endangered by its continued use, or that its use is for other than the receipt of mail or official postal notices, he will report the facts to the General Counsel who, if he finds that the box is being used for any of said purposes, shall have the right to order the box closed. Such reports shall be addressed to the Mailability Division, Office of the General Counsel.

§ 41.4 General delivery.

(a) *Use.* General-delivery service is designed primarily for the use of patrons at offices not having carrier-delivery service. Mail bearing as a part of its address the indorsement, "Transient," "To Be Called For," "General Delivery," or other words indicating that it is intended for a transient person, will be placed in the general-delivery case to be delivered to the addressee on his application and proper identification.

(b) *Where carrier deliveries are provided.* General-delivery service is provided at offices having carrier-delivery service for transients and patrons who are not permanently located. Persons intending to remain for 30 days or more in a city having carrier service should file their names and street addresses at the post office so that their mail may be delivered by carrier unless lock-box service is desired. Persons living in cities having carrier delivery service may for good and sufficient reasons satisfactory to the postmaster receive their mail at general-delivery windows. Application for this privilege is made on Form 1527 "Application for the Use of the General Delivery", available at the post office.

§ 41.5 Unauthorized use of premises.

Advertisements, circulars, or notices relating to any private business or having a political character shall not be placed on any portion of post office premises, except that official election notices issued by State or local governments may be displayed.

PART 42—WHO MAY CARRY LETTERS

Sec.
42.1 Postal service a monopoly.
42.2 What are letters.
42.3 Permissible carriage of letters.

AUTHORITY: §§ 42.1 to 42.3 issued under R.S. 161, as amended, sec. 1, 62 Stat. 776, 777; 5 U.S.C. 22, 18 U.S.C. 1694–1696, 39 U.S.C. 501, 901–906, 4056.

§ 42.1 Postal service a monopoly.

The Post Office Department has a monopoly over the transportation of letters for others over post routes. This monopoly was created prior to the adoption of the Constitution and has existed, with varying provisions, continuously from that time to the present. This part defines the types of matters which constitute letters and hence which are subject to the monopoly. It sets forth the types of transportation covered under the monopoly. It also prescribes exceptions to the monopoly.

§ 42.2 What are letters.

(a) *Definition of letters.* (1) A letter is generally defined as a message in writing and may be written in any language, or in a code. It need not be in handwriting but may be written by a system of checking from a list of printed statements or punching holes or by point print or in raised characters used by the blind.

(2) For purposes of the exercise of the postal monopoly, the term letters may include circulars, as the term circular is defined to be a printed letter which is being sent to several persons in identical terms.

(3) A writing is not a letter unless addressed to or intended for some particular person or concern.

(4) In addition to communications of a purely personal nature, the word letter includes any matter conveying live, current information between the sender and the addressee. If the sender expects or intends the addressee to act, rely or refrain from acting on the information, the information is live and current.

(5) A letter may be in a sealed envelope, in an unsealed envelope or not in an envelope.

(6) Factors of weight and size do not exempt letters from being subject to the postal monopoly.

(7) A telegraphic message is not a letter.

(b) *Rulings on letters.* The examples set forth in this part do not comprise every type of matter which would fall either within or without the scope of letters covered by the postal monopoly. The sender or carrier of matter who has any doubt as to whether such matter is or is not a letter may obtain, upon request, a specific ruling from the General Counsel of the Post Office Department.

(c) *Examples of letters*—(1) *Orders.* Orders for merchandise to be filled by the recipient are letters. Orders are also letters when forwarded by a salesman or a store to the main office to be filled. Orders include requisitions from one department of a business house on another department, when carried over post routes.

(2) *Bills and statements of account.* Bills and statements of account are letters when sent by business concerns or persons selling goods or rendering service to their customers. This includes store accounts, premium notices, water bills, bank statements and receipts and receipted statements of account when sent from a creditor to the debtor.

(3) *Reports.* Reports are letters when sent from the person, office or firm making the report to the person, office, firm or governmental agency to whom the report is made. Examples are:

Income or other tax returns.
Proofs of loss filed by an insured under an insurance policy.
Monthly and weekly reports of business transactions made to a central office.
Reports of insurance agents to their companies' home offices.

(4) *Applications.* An application transmitted from the applicant to the person or governmental agency to whom it is made is generally a letter. Examples are:

Application for driver licenses and automobile licenses and other permits.
Applications for loans.
Contest entries.

(5) *Interoffice communications.* Any written or printed matter sent between offices of a concern, over post routes, which gives to the addressee office live, current information on which the latter is expected to act, rely or refrain from acting, constitutes a letter. The following are examples of such letters:

Requisitions which are orders from one department to another department within the same organization.
All types of matter sent from a branch store to the main office to supply information on which charges and credits to the branch store or office are made or to verify the accuracy of items in the accounts between the main office and branch office or store.
Retail price lists, catalogs bulletins and notices sent to advise a store or branch office of the price the latter should charge its customers or to advise the latter of discounts, market quotations, and the like.

(d) *Examples of matter not letters.* Following are examples of matter not classed as letters:

(1) *Commercial papers.* Commercial papers are not classed as letters since they are valued as evidence of rights of the holder rather than for any information they may carry when shipped from one person to another. Such commercial papers include contracts, stock certificates, promissory notes, bonds and other negotiable securities, insurance policies, title policies, abstracts of title, mortgages, deeds, leases and articles of incorporation.

(2) *Legal papers and documents.* Legal papers and documents are not letters. This class of matter is intended for use in law suits or formal quasijudicial proceedings, orders of court and the like.

(3) *Official records.* Examples of official records which are not letters are: birth and death certificates, election ballots, and tally sheets, lists of registration of voters and certificates to practice certain professions.

(4) *Drawings, etc.* A picture or other visual representation of a physical thing, actual or projected, would not be a letter. Examples are drawings, blueprints, maps and plat surveys.

(5) *Advertising and directory materials.* Catalogs are not letters except as stated in paragraph (c) (5) of this section. Directories and unaddressed advertising handbills or circulars are not letters.

(6) *Interoffice communications.* Examples of interoffice communications which are not letters are:

Carbon copy of a letter previously sent to the same address if it contains no information not in the original.
Matters sent for filing and storage only and not intended for the recipient's own use.
Matters sent for auditing to determine whether charges and credits are correct, when the results of the audit are not used to adjust accounts within the organization.
Data sent to a central office for preparation of customers bills if the data is returned to the sender and no part of the information is retained by the central office.

(7) *Checks and drafts.* Bank checks in their ordinary form containing only the names of the drawer, payee, bank upon which drawn, amount of money, and date of issue are not letters. Checks, notes, and drafts sent by banks to other banks for collection of payment are not letters. Canceled checks and drafts may be returned to the drawer without being classed as letters. Checks issued by creameries to farmer-producers frequently bear on their face, or are accompanied by, statements showing the basis for computation of the amount of the check, e. g., the weight, butterfat content, bacterial count, deductions for hauling, and the like. So long as none of the information is extraneous to the check itself, these statements may accompany, or appear on, a check being transmitted by a contract hauler or otherwise outside the mail without either the check or statement being subject to payment of postage. See § 42.3 (c).

(8) *Matters sent for auditing or preparation of bills.* Freight bills, invoices, paid bills, sales slips, receipts, records of receipts and disbursements and the like which are forwarded for the sole purpose of having them audited internally on behalf of the sender are not letters. Such matter becomes letters when the person or office which receives them takes any corrective action or adjusts accounts between the sender and addressee, or otherwise makes use either of the material forwarded or the results of the audit. This same rule applies to material sent to a central office for the sole purpose of preparing customers statements, unless other use is made or action taken by that central office. The subsequent mailing of the bills to the customers by the central office would not cause the working matter sent to that office to be considered letters. Similarly, matter forwarded for the performance of purely mechanical work such as photostating or mathematical computation would not constitute letters.

(9) *Old correspondence and other matters sent for filing, storage, or destruction.* Old correspondence, records and any other type of matter sent from one office to another for filing, storage or destruction are not letters since there is no purpose of communicating any intelligence to the addressee. The matter so sent will be considered as a letter if it is sent for the purpose of establishing a file from which the addressee may at some time take information on which he will then act, rely or refrain from acting.

(10) *Examination papers.* Examination papers forwarded for scoring to a central scoring agency are not regarded as letters provided the scoring agency does not make use of the scores or other information derived from the papers. Examination papers with scores marked on them would normally be considered letters when returned to the school or person who previously sent them for scoring or when forwarded to a third person who may be expected to take action based on the results of the examination. Any later use of the examination papers, after the scoring by the central agency, places them in the category of letters.

(11) *Manuscript and news items.* Manuscript intended for publication when not accompanied by any matter in the nature of personal correspondence is not a letter. Mere news matter prepared by press correspondents for the columns of their publications are not letters. News matter to be used for the purpose of radio broadcasting is not a letter.

§ 42.3 Permissible carriage of letters.

(a) *Exemptions from postal monopoly.* Under certain conditions, letters may be carried outside the postal system without payment of U. S. postage.

(b) *Current business of carrier.* (1) Letters which relate to the current business of a carrier do not come under the postal monopoly. These are letters written by or addressed to officers or employees of the carrier, in their official capacities, on the business of the carrier.

(2) Any business of the carrier is deemed to be its current business when it comes up in such a way as to call for a current communication.

(3) This exemption applies only where the employees of the carrier are used to carry their employers letters between offices but the use of an independent contractor who makes regular trips between any two points on a post route is not permissible.

(4) The different units of a railroad system or other system of carriers, as long as they are separate, independent operating units are, third parties to each other and consequently are not considered a single carrier for the purpose of this exemption.

(c) *Cargo documents.* (1) A carrier may transport letters which relate exclusively to some part of the cargo of the same conveyance or to some article carried at the same time by the same conveyance. This exemption permits a carrier to convey, without the payment of postage, letters such as invoices, bills of lading, shippers bills, waybills, freight bills, and the like, when they accompany shipments to which they exclusively relate.

(2) Receipts evidencing delivery of goods by a carrier are not letters.

(3) Live, current information in a letter, extraneous to the shipment it accompanies, takes it out of the exemption for letters which relate to some article carried at the same time.

(d) *Carriage without compensation.* Letters may be transmitted by private hands without compensation. A person or firm engaged in the transportation of goods or persons for hire cannot be considered "private hands without compensation." The phrase just quoted denotes transportation of a letter which does not take place in the course of business of the person or firm carrying the letter.

(e) *Special messengers.* (1) A special messenger may be employed, for the particular occasion only, to transmit letters when not more than 25 letters are involved. A special messenger is one who at the request of either the sender or the addressee of the letter, picks it up from the sender's home or place of business and carries it to the addressee's home or place of business.

(2) If, however, letters are picked up by one messenger and taken to a central office for delivery by another, neither the messenger picking up the letter nor the messenger delivering it to the addressee could then be considered a special messenger.

(3) This exemption as to the use of special messengers is restricted to isolated instances in which there is no regularity in use by the sender or addressee of the particular messenger or the organization by which he is employed.

(4) A messenger or a carrier operating regularly between fixed points is not a special messenger.

(f) *Where postage is paid.* (1) Letters may be carried by an individual, express company, or any other person outside the mail to any point within or without the United States provided the conditions specified in this part are followed.

(2) Each letter carried outside the mails must be placed in a sealed envelope bearing the appropriate amount of postage. The amount of postage required must be the same as would have been required had the letter been sent through the mail at the first-class rate or by air if so carried. The amount of postage need not include registry or insurance fees even if the letter is privately insured. If postage is in the form of stamps, they must be canceled with ink by the sender. The sender must write the date of the letter on the envelope, or the person carrying it must write on the envelope the date he received the letter. The name and address of the person for whom the letter is intended must be written on the envelope.

(3) Letters which the sender is entitled to send through the mails without a charge for postage may be sent in a similar manner outside the mails without the payment of postage. This would apply in the case of certain official Government mail and mail of certain diplomatic and consular officers of other nations. If the free mailing privilege does not extend to airmail then such letters must bear the appropriate air mail postage, if sent by air express.

(4) It is permissible to establish a service for collecting for the addressees letters received at the post office, provided the letters remain unopened. Letters received through the mails at one office of a firm may be forwarded by surface means outside the mails without payment of additional postage so long as they remain unopened. This applies likewise to letters addressed to one firm in care of another to which they are to be forwarded. If any such letters are forwarded by air express or air freight, sufficient additional postage must be placed on each piece of mail to bring the total postage on that piece up to the air mail rate. Moreover, if the letters are opened before they are forwarded, the forwarding of the open letters would be considered a new shipment of the matter. Such forwarding will then be regarded as the transmission of letters upon which additional postage will be due, if they are intended to convey to the ultimate addressee live, current information upon which he may act, rely or refrain from acting.

PART 43—MAIL DEPOSIT AND COLLECTION

Sec.
43.1 Collection times.
43.2 Ordinary deposit of mail.
43.3 Deposit of mail with postal clerks.
43.4 Separation of mail by sender.
43.5 Recall of mail.
43.6 Mail chutes and receiving boxes.
43.7 Private mail receptacles.

AUTHORITY: §§ 43.1 to 43.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001–6003.

§ 43.1 Collection times.

Mail is collected in residential and business sections served by city carriers at times to connect with mail dispatches. Mail is also collected in business sections at frequent intervals to keep boxes from becoming overloaded and to provide an even flow of mail to the post office. Patrons are urged to deposit mail as early in the day as possible. Early mailings advance delivery time.

§ 43.2 Ordinary deposit of mail.

(a) *Post office lobbies.* Letter drops are provided in lobbies of all post offices for the deposit of mail. Where warranted, post offices provide special slots or receptacles for the deposit of mail which has been separated by patrons according to local, out-of-town, air-mail, special delivery, or other appropriate designations.

(b) *Collection boxes.* Collection boxes for the deposit of mail are placed at convenient points in areas served by city carriers. At non-city delivery offices, collection boxes are located in front of the post office quarters. Schedules are posted on these boxes showing collection times.

(c) *Rural boxes.* Mail on which postage has been paid may be deposited for collection in mail boxes on rural routes.

§ 43.3 Deposit of mail with postal clerks.

(a) *Acceptable mail.* The following types of mail may be handed for dispatch to postal clerks on duty in mail cars or transfer offices, and at airport mail facilities:

(1) *First-class mail.* On which postage has been paid.

(2) *Medicines and serums.* Third- or fourth-class mail, presented by representatives of manufacturers or distributors of medicines or serums, when endorsed: "Emergency—This package has been weighed and bears necessary postage. Any additional postage found to be due is guaranteed by sender."

(b) *Restrictions.* Third-, and fourth-class mail, other than that described in paragraph (a) of this section, and mail to be sent registered, insured, or COD, is not mailable with postal clerks at mail cars, transfer offices, or airport mail facilities.

§ 43.4 Separation of mail by sender.

Patrons having large mailings should separate them into packages marked "Local" and "Out of Town". Labels with these designations may be obtained from the post office. Mail thus separated is usually dispatched earlier.

§ 43.5 Recall of mail.

(a) *Who may recall mail.* Mail deposited in a post office may be recalled by the sender, by the parent or guardian of a minor child, or by the guardian of a person of unsound mind.

(b) *Application.* Submit Form 1509 "Sender's Application for Withdrawal of Mail" which is obtainable at any post office, to the postmaster at the office of mailing.

(c) *Expenses.* The mailer must pay all expenses of recalling mail, including the cost of any necessary telegrams, and the regular rate of return postage (except for first-class mail, which is returned with additional postage), when the mail is returned.

(d) *Notification.* If the mail has been delivered before receipt of the re-

call application or message, the mailer will be notified. The addressee will not be informed that recall was requested.

(e) *Original postage.* If mail recalled before dispatch is again presented for mailing, the original stamps will be accepted for postage at face value. This does not apply to stamps in payment of registry, insurance, or COD fees.

§ 43.6 Mail chutes and receiving boxes.

(a) *Use.* (1) Mailing chutes and receiving boxes may be placed at the expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

(2) Mailing chutes and receiving boxes are intended for the reception or deposit of mail matter of the first class and must not be used for the deposit of mail of any other class.

(b) *Approval of installation.* (1) Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and specifications for any proposed chute and box. The postmaster has authority to approve, upon formal application, the installation of mailing chutes and receiving boxes conforming to these regulations. Collection will not be made from any chute box until approved by the postmaster, and no unapproved chute shall bear any sign indicating that it is under the protection of the United States Postal Service.

(2) The specifications must provide for a complete installation ready for collection service, with a tentative plan of the building showing the contemplated location of the whole of such chute and of the receiving box.

(3) If the postmaster approves the contract and specification, he will endorse his approval upon the contract and return it to the applicant. In questionable cases he will refer the file with full details to the Regional Director for review.

(c) *Specifications for construction of chutes*—(1) *Size.* The chute must be approximately 2 by 8 inches in size and must extend in a continuously vertical line from the point of beginning to the receiving box.

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of heavy sheet or plate glass not less than three-sixteenths of an inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

(ii) Chutes must be securely mounted on steel angles, or other material approved by the Regional Director. The mounting must be plumb and flush the entire length of the chute. The chute must be so constructed that floor sections can be easily removed from floor thimbles.

(3) *Mail slots.* (i) The chute must be provided with openings (mail slots) on each floor for deposit of mail. Each opening must be 4¾ by ½ inches, with a second inside opening of the same size 2½ inches below the first, with serrate edges or other suitable device designed to prevent clogging. The legend "U. S. Mail" must be plainly inscribed upon chutes at every mail opening.

(ii) At each slot opening, there must be attached a suitable dustproof glazed frame for printed cards, 4¾ by 9 inches, giving information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box, and calling attention to the penalties for tampering with mail equipment.

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked.

(5) *Location and arrangement.* (i) The chute must be so placed as to be conveniently accessible throughout the entire length. When more than 5 lineal feet of the mail chute will be concealed, removable panels must be provided in the concealing features to permit easy access to the chute for removal of blockades. The concealed equipment should be so manufactured and installed that it can be removed readily if necessary. In no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access without prior approval of the Regional Director.

(ii) Mail chutes installed in pairs must be so constructed and erected that any part of either chute may be removed, leaving the other for service.

(iii) The chute must be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish, and all portions of its interior must be easily reached. Where panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided.

(d) *Specifications for construction of receiving boxes*—(1) *Dimensions.* The cubic contents of receiving boxes will be determined by the postmaster. The bottom of the door of the box must not be less than 30 inches from the floor level of the building. The exterior of the bottom of the box must not be less than 20 inches from the floor level, and this space shall be entirely open and unobstructed and so arranged that the mail collector may place a satchel or other receptacle in convenient position under the bottom of the door when making collections.

(2) *Material.* Receiving boxes must be constructed of metal of sufficient weight and such character as to insure security and rigidity. Boxes must be provided with cushions, yielding bottoms, or deflecting devices which will effectively prevent damage to mail matter descending through the chute. If cushions are used, they shall be made of wool felt and covered with asbestos cloth. The bottom of the box must be provided with a suitable means of attaching and holding the carrier's satchel or other receptacle in position.

(3) *Door and floor.* Receiving boxes must be provided with doors opening to the right upon exposed side hinges secured with rivets. The door openings must be not less than 12 by 20 inches nor more than 18 by 30 inches. The floor of the interior of the box, or cushion if one is used, must be level with the threshold of the door. Four screw holes must be placed in the door, to fit letter box arrow locks furnished by the postmaster.

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed "Letters". Boxes must be distinctly marked "U. S. Mail Letter Box" and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size.

(5) *Location.* Every receiving box must be placed as near to a main entrance of the building as practicable. Receiving boxes must not be located more than 100 feet from a main entrance by the shortest line of travel. The location will be approved only when the postmaster, after careful examination of the tentative building plan, finds it impracticable because of structural conditions to place a receiving box closer to a main entrance. A receiving box may be placed on only the ground floor of a building.

(6) *Auxiliary box.* If the receiving box to be attached to the chute will not be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed in close to the mail chute boxes. The cubic contents of the auxiliary receiving box or boxes will be determined by the postmaster, and their construction must conform to the general specifications for the receiving boxes except deflecting devices are not required. The mail openings should be of sufficient size to permit the deposit of first-class mail tied in bundles and the mail opening or "pull-down" shall be inscribed "Letters" and "Letter Mail Tied in Bundles."

(7) *Metal compartments.* If, due to structural conditions, it is not practicable to install auxiliary boxes, a metal compartment comparable in size to a small P. O. sack rack should be provided. Although no specifications are stipulated for the construction of the metal compartment, it should be of sufficient height and length to permit the suspension of the required number of sacks from hooks, the number of mail openings to correspond to the number of sacks. The compartment must be lettered or stenciled "U. S. Mail" in large letters and have on each section or at the mail opening the inscription "Letter Mail Tied in Bundles." The compartment must be constructed so as to permit the convenient hanging and withdrawing of the sacks.

(8) *Combination letter and bundle box.* If the receiving box to be attached to a chute will not be of sufficient size to accommodate the deposits of first-class mail, and it is not desired to install a separate auxiliary box, a combination letter and bundle letter box may be attached to the chute in lieu of the regular receiving box, constructed as follows:

(i) The box must be at least 60 inches high, 23 inches wide, and 17 inches deep, and shall have a pull-down inlet door with an opening 7 by 11½ inches inscribed "Letters and Letter Mail Tied in Bundles." The bottom edge of the door opening should be not more than 5 feet above the floor level. The mail opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.

(ii) At a height of 3 feet 4 inches from the bottom of the box there must be placed a ¾-inch pipe hanger (removable) along each side of the box from the front to the back, each equipped with two sliding hooks so that a No. 1 mail sack may be hung thereon.

(iii) The bottom of the door of the box should be flush or below the level of the bottom of the box and this door should be of such size and so constructed as to permit the convenient hanging and withdrawing of the sacks. There must be four screw holes in this door to fit the letter box arrow lock to be furnished by the postmaster.

(iv) Boxes shall be distinctly marked "U. S. Mail."

(e) *Maintenance of chutes and receiving boxes.* (1) Every mailing chute and receiving box must be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as may be directed by the postmaster must then be done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated. Form 1506, Mail Chute Inspection, should be completed at the time the chute is inspected and retained in the office of the postmaster.

(2) If the postmaster finds that any part of the chute or receiving box does not conform to these regulations, or has become defective, he must close the mail openings and discontinue collections, and shall not resume collections until the mailing chute and receiving box fully meet the requirements of these regulations. All repairs, changes, and alterations to mailing chutes and receiving boxes must be made by and at the expense of the owner or lessee of the building in which they are situated, under the supervision and subject to the approval of the postmaster.

(3) Any obstruction in a mailing chute must be at once reported to the postmaster, who must promptly make an inspection of the chute. If the obstruction resulted from misuse or abuse of the chute, he will notify the proprietor or lessee of the building in which it is located and may, in his discretion, close the mail openings and discontinue collections until satisfied that proper care will be taken in the future use of the chute and the receiving box. If collections are discontinued, the postmaster will attach to the chute, at the several mail openings, notices of discontinuance.

(f) *Custody and control of chutes and receiving boxes.* (1) Mailing chutes and receiving boxes are considered the property of the United States as long as collections of mail are made from them and shall remain under the exclusive custody and control of the postmaster until collections are discontinued by his direction.

(2) Every mail chute contract must contain an explicit waiver by the owner or owners of patents issued or to be issued on the chute and receiving box covered by the contract, and on any device or devices connected therewith, of all claims against the United States and its officers and agents for the use of such chute and box and such device or devices.

(3) The contract must contain a full warranty by the company or person proposing to erect the chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mail, the postmaster must assure himself that a blanket bond in such form and with such penalty as may be prescribed by the Postmaster General has been filed at the Department conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box. This bond must be in the amount of $10,000, though a larger sum may be required if considered advisable by the Post Office Department.

(4) With every mail chute contract submitted for approval there must be furnished evidence that a surety bond in the sum of $3,000 has been given to the purchaser guaranteeing the construction and installation of the mail chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser.

(5) When mailing chutes and receiving boxes are erected under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting the chutes and boxes, providing that if the lessors of the chutes and boxes shall request the return of the mailing apparatus, the postmaster will, after due notice to the proprietor or lessee, discontinue collections, remove the lock from the receiving box, and permit the removal of the mailing apparatus by the lessors.

(g) *Regulations to be part of contract.* The contents of this section must be printed on the back and become a part of every contract for the erection and use of mailing chutes and receiving boxes entered into between the manufacturers or owners of chutes and boxes and the proprietor or lessee of the building in which they are located. Postmasters may obtain copies of the contents of this section from their area supply centers for distribution to appropriate patrons.

(h) *Mailing chute and receiving box manufacturers.* (1) A firm interested in the manufacture of mailing chutes or mailing chute receiving boxes must first submit to the Regional Director, through the postmaster, specifications, drawings, and a full size working model of the chute and receiving box. The chute section should be at least five feet in length and must contain a mail slot. This section is to be attached to the receiving box. If the specifications, drawings, and model are found satisfactory, the Regional Director will request the firm to submit a $10,000 bond as specified in paragraph (f) (3) of this section. After the bond is examined and approved, he will authorize installation of not more than three mailing chutes and receiving boxes for a 90-day actual service condition test. If no unsatisfactory condition is disclosed during the test period, the Regional Director will give the concern final approval for the manufacture of this equipment. The company's name and address will then be added to the list of authorized manufacturers of mailing chutes and receiving boxes.

(2) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cozine Avenue, Brooklyn 7, N.Y.; Cutler Mail Chute Co., 76 Anderson Avenue, Rochester 7, N.Y.; Federal Mail Chute Corp., Ltd., 436 Kearny Street, San Francisco 8, Calif.; Pioneer Mail Chute Corp., 807 South Fulton Ave., Mount Vernon, New York.

(3) Louis Sack Co., Inc., 24 Lake Street, Somerville 43, Mass., is authorized to manufacture only receiving boxes for mailing chutes.

§ 43.7 Private mail receptacles.

(a) *Designation as authorized depository.* Every letter box or other receptacle intended or used for the receipt or delivery of mail on any city delivery route, rural delivery route, star route or other mail route is designated an authorized depository for mail within the meaning of sections 1702, 1705, and 1708 of Title 18, United States Code.

(b) *Use for mail only.* Receptacles described in paragraph (a) of this section shall be used exclusively for mail except as provided in § 46.5(h) of this chapter. Any mailable matter such as circulars, statements of account, sale bills, or other similar pieces deposited in such receptacles must bear postage at the applicable rate and bear a proper address.

PART 44—CONDITIONS OF DELIVERY

Sec.
44.1 Delivery to persons.
44.2 Delivery of addressee's mail to another.
44.3 Jointly addressed mail.
44.4 Delivery to public and private officials.
44.5 Delivery of mail addressed to incorporated and unincorporated firms.
44.6 Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.
44.7 Conflicting orders by two or more parties for delivery of same mail.
44.8 Delivery of packages.

AUTHORITY: §§ 44.1 to 44.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4004, 4101, 4102, 4103.

§ 44.1 Delivery to persons.

(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. After delivery he may mark a piece of mail "Refused" and return it unopened to the mails, except registered, insured, certified and COD mail which may not be returned after delivery has been effected. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

(b) *Delivery to persons having similar names.* Unless persons with similar names adopt some means to distinguish their mail, postmasters will use their judgment in making delivery.

(c) *Mail delivered to wrong person.* A person receiving mail not intended for him should promptly return it to the post office endorsed "Opened by Mistake" with his signature, if the letter has been opened; otherwise it should be endorsed, "Not for . . .," "Not at this address," etc.

(d) *Pension mail.* Delivery of pension mail may not be made to an attorney, claim agent, or broker, even though the addressee orders such delivery.

(e) *Mail marked in care of another.* Mail marked "In Care of" another is delivered to the first of the two persons named who may call for it; or to the address of the person in whose care it is directed in the absence of instructions from the addressee.

(f) *Restricted delivery.* Registered certified, numbered insured, and COD mail which the sender has restricted in delivery to the addressee only may not be delivered to any other person except as provided in § 51.7 (g) of this chapter.

(g) Ordinary mail bearing the word "Personal" is delivered in the same way as other mail for the addressee.

§ 44.2 Delivery of addressee's mail to another.

(a) *Delivery to addressee's agent.* (1) Unless otherwise directed, an addressee's mail may be delivered to his employee or a member of his family. A person or a number of persons may designate another to receive their mail. Designation of another person to receive mail should be in writing, but no special form is furnished or required.

(2) When mail is to be delivered to a mail receiving agency, an application on Form 1583, "Application for Delivery of Mail Through Agent", must be signed by the agent and the addressee, and the form must be filed with the postmaster. A duplicate copy of completed Form 1583 must be kept on file by the agency. Arrangements for disposition of mail must be made with the agency by the addressee. When forwarded by the agency, the mail is subject to payment of new postage.

(b) *Addressed mail to minors.* A minor's guardian may control delivery of mail addressed to the minor. If there is no guardian, and the minor is unmarried, then the father or, if he is dead, the mother may receive delivery of the minor's mail.

(c) *Addressed mail to incompetents.* Where a person has been legally declared an incompetent, his mail may be delivered in accordance with the order of his guardian or conservator. Where there is no legal representative, the mail is delivered as addressed.

(d) *Mail addressed to deceased persons.* Mail addressed to deceased persons may be delivered to the executor or administrator. When there will be no court action on the deceased's estate, the mail may be delivered as agreed to by all the heirs.

§ 44.3 Jointly addressed mail.

(a) *Delivery of jointly addressed mail.* Where mail is jointly addressed, for example, "Mr. and Mrs. John Doe," "John and Jane Doe," neither party can control delivery of such mail over the objection of the other. Jointly addressed mail is delivered as addressed by the sender so long as one of the parties can receive it there, except that U. S. Government checks will be returned if either party is deceased.

(b) *Delivery of mail addressed to husbands and wives.* Neither party may control delivery of mail addressed to the other. In the absence of instructions from the wife, her mail is placed with the husband's and delivered to him with his own.

§ 44.4 Delivery to public and private officials.

Mail addressed to a public or private official by his official title is delivered to the person actually holding such office. If the mail does not specify his title, then it is delivered in accordance with the person's order.

§ 44.5 Delivery of mail addressed to incorporated and unincorporated firms.

(a) Mail addressed to corporations is delivered as addressed or to an authorized agent. In cases where disagreement arises among corporate officers and others connected with the company, the mail is delivered in accordance with the order of the president of the corporation.

(b) Mail addressed to unincorporated firms or partnerships is delivered as addressed so long as the business is being conducted under the same name at the same address despite some members of the firm breaking off relations.

§ 44.6 Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.

(a) Mail addressed to patients or inmates at institutions, unless otherwise directed by the addressee, is delivered to the institution authorities, who in turn will deliver the mail to the addressee in accordance with the institution's rules and regulations.

(b) Mail addressed to persons at firms, hotels, schools, and similar places is delivered with the other mail directed to the firm, hotel, or school, unless otherwise ordered by the addressee. If the addressee is no longer at that address, the mail should be redirected to his current address. If the forwarding address is unknown, the mail should be returned to the post office.

(c) Registered mail addressed to persons at hotels and apartment houses will be delivered to the persons designated by the management of the hotel or apartment house in a written agreement with the Postal Service (Form 3801–A Agreement to Assume Responsibility for Registered Mail delivered). If delivery of the registered mail has been restricted by the sender it may not be delivered to the representative of the hotel or apartment house, but only to the addressee.

§ 44.7 Conflicting orders by two or more parties for delivery of same mail.

(a) *Delivery to receiver.* Where persons make conflicting orders for delivery of the same mail, and they are unable to agree among themselves as to which of the parties may receive the mail, the mail may be delivered to a named receiver or third party unanimously agreed to by the disputing parties.

(b) *Reference to General Counsel for ruling.* Where the disputing parties are unable to select a receiver, each party shall furnish the postmaster all available evidence on which he relies to exercise control over the disputed mail. If after receipt of such evidence the postmaster is still in doubt as to who should receive the mail, the postmaster will submit the case to the Office of the General Counsel for a ruling.

(c) *Delivery of mail in accordance with court order.* When the same mail is claimed by different persons, and a court decides to whom delivery should be made, the mail will be delivered in accordance with the court order.

§ 44.8 Delivery of packages.

(a) *Heavy or bulky packages.* Heavy or bulky packages of any class will be delivered as addressed if facilities are available.

(b) *Unprotected places.* Parcels will not be left on porches, steps, or elsewhere unprotected, except on the written order of the patron or when authorization for such delivery has been placed on the parcel by the mailer.

(c) *Multiple-floor buildings.* Parcel post, registered, insured, and special-delivery articles will be delivered to the addressee or his authorized agent in person without regard to the floor on which his office or apartment is located. Cooperation of patrons is requested, however, in making arrangements for mail to be delivered on the first floor.

(d) *Second-attempt delivery.* If an ordinary parcel can not be delivered on the carrier's first attempt, a notice will be left at the address indicating that the parcel is being held awaiting call at the post office or carrier delivery station. If the parcel is not called for, a second notice is sent after 5 days. If there is no response within 5 days after the second notice and no retention period is specified by the sender, the parcel will then be treated as an undeliverable article. (See Part 48 of this subchapter.) When a retention period is specified, it is observed up to 30 days after first notice. A second attempt to deliver will be made only if requested by the addressee.

(e) *Street-address delivery for box renters.* Parcel post mail for patrons residing within the city delivery limits who receive mail through rented boxes will be delivered to a designated street address by carrier upon written request.

PART 45—CITY DELIVERY

Sec.
45.1 Establishing city delivery.
45.2 Extension of city delivery.
45.3 Submission of petitions.
45.4 Mail receptacles.
45.5 Out-of-bounds patrons.
45.6 Apartment house receptacles.

AUTHORITY: §§ 45.1 to 45.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001, 6003, 6101, 6105, 6106.

§ 45.1 Establishing city delivery.

City delivery service may be established at any post office with annual postal receipts of at least $10,000 and having a population of approximately 2,500 living within territory possessing good continuous sidewalks, surfaced streets, house numbers, street signs, and mail receptacles or door slots. The territory must be 50 percent improved with houses. When two or more building lots constitute the grounds of one residence, the plot may be regarded as improved. Where all other requirements are met, that regarding sidewalks is waived if there are suitable walks from streets to houses. Walks of any material, including gravel and cinders, that render them passable throughout the year are acceptable.

§ 45.2 Extension of city delivery.

To extend existing city delivery service by foot carrier to new areas, 50 percent of the proposed new area must be improved with houses, and meet the other requirements for establishment of city delivery. These requirements do not apply to the same extent to delivery by mounted city carrier.

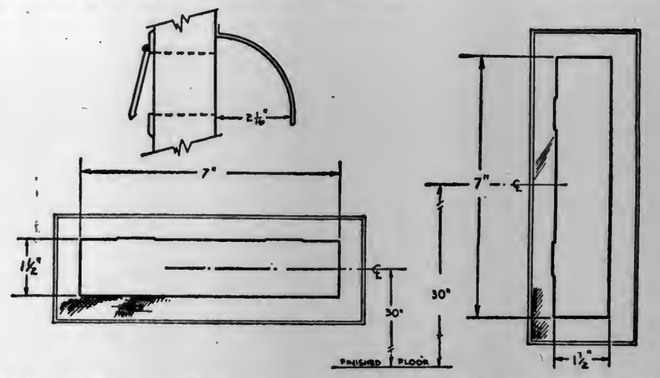
§ 45.3 Submission of petitions.

Requests or petitions to establish, change, or extend city delivery service must be made to the local postmaster. No formal petition is required.

§ 45.4 Mail receptacles.

(a) *Obligation of patron.* Patrons of the carrier-delivery service must provide mail receptacles or door slots. Business houses are not required to provide mail receptacles or door slots if they are open and someone is on hand to receive the mail when the carrier calls. Where an office building is equipped with an elevator, carriers will deliver to individual offices, provided they are open when the carrier arrives. If they will not be open mail receptacles or door slots must be provided.

(b) *Door slot specifications.* The clear rectangular opening in the outside slot plate must be at least 1½ inches wide, and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally, and hinged on the side away from the hinge side of the door if placed vertically. When a hooded plate is used inside to provide greater privacy, the bottom line of the hooded portion must not be more than ¾ inch below the bottom line of the slot in the outside plate, if placed horizontally, or more than ¾ inch beyond the side line of the slot in the outside plate nearest the hinge edge of the door, if placed vertically. The hood at its greatest projection must not be less than 2 1/16 inches beyond the inside face of the door. Door slots must be placed not less than 30 inches above the finish floor line.



§ 45.5 Out-of-bounds patrons.

Patrons located outside city-delivery limits may be given delivery service if they erect boxes on the carrier's regular line of travel. Special delivery, parcel post, insured, COD, and registered mail will be delivered to the residences of out-of-bounds patrons, if the residences are not more than three blocks from the carrier's line of travel, and provided walks have been constructed or the street is not impassable; otherwise, a notice will be left in the box requesting that the patron call for the mail. If an ordinary parcel is involved and it can be placed in the box, delivery will be made in that manner.

§ 45.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance, shall be contingent on the installation and maintenance of United States Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation are paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles.

(3) When new apartments are being erected or existing ones are remodeled, postmasters will inform builders and owners of the requirements of this section and will provide for a suitable inspection to see that receptacles of safe and durable construction are installed in conformity with this section.

(b) *Specifications for construction of receptacles—(1) Materials.* The receptacles shall be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* Both horizontal and vertical-type receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the tenant. The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a

key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to get keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed, when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.

(iii) The dimensions of the clear opening of the door frame of each horizontal-type receptacle must be identical to the cross-sectional measurements of the receptacle itself.

(4) *Master doors and locks.* (i) Each group of front-loading receptacles must be equipped with a master door which, when open, makes the entire group of boxes accessible for the deposit of mail by the carrier. The master door shall be machined to accomodate an inside Arrow lock furnished by the local postmaster for use so long as mail is delivered by letter carriers, the key for which shall be in the custody of postal employees. Master doors for horizontal-type receptacles shall be hinged on the side only and shall be not wider than 30 inches.

(ii) The master lock must be attached to the group of receptacles by the owner or builder of the apartment house, or by his direction, under the supervision of the postmaster's representative who will see that they are securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box.

(5) *Slot.* In the face of each receptacle there must be provided a slot 2 inches in length and one-eighth inch wide for the deposit of carrier and special-delivery notices.

(6) *Backs of front-loading receptacles.* These units must have solid backs.

(7) *Numbers and name cards.* (i) Mail receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. Preferably, this holder or clasp should be on the frame above each receptacle, but it may be located inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder must be large enough to take a name card at least ¾ x 2½ inches in vertical-type installations; and in horizontal-type installations, as large as space permits.

(c) *Installation—(1) Arrangement and location.* (i) Receptacles in apartment houses shall be located at points reasonably near the entrance in vestibules, halls, or lobbies, adequately lighted, so as to afford the best protection to the mail and enable carriers to read addresses on mail and names on boxes without undue strain on their eyes and without interference from swinging or opening doors. In vertical-type installations the receptacles must be placed so that the center of the barrel of the master lock of the upper tier will be not more than 5½ feet from the floor, and the center of the barrel of the master lock of the lower-tier will be not less than 30 inches from the floor. In horizontal-type installations, the distance from the finished floor to the tenant locks on the top tier of boxes must be no more than 66 inches; and to the bottom of the lowest tier of boxes, not less than 30 inches. Where a group of vertical receptacles tilts away from the wall to allow deposit of mail through the tops of the boxes, the distance from the finished floor to the center of the barrel of the master lock of the upper tier shall be no more than 56 inches.

(ii) No more than two tiers of vertical-loaded boxes may be installed. They should be arranged so as to permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which one master lock may be attached is three.

(iii) Vertical-type receptacles must be arranged in groups, as many in each group as is consistent with safety, but never less than eight in a group, except where the number of apartments is less than eight or where the number of boxes cannot be evenly divided into multiples of eight or where telephone units are installed with the receptacles.

(2) *Access to rear loading of horizontal-type receptacles.* Access to rear loading installations shall be provided by a door fitted with an inside Arrow lock opening into a room having at least 3 feet of unobstructed work space from the rear of the units to the wall. The room must be adequately ventilated and lighted. The rear of the unit must have a screen or cover of plywood or other suitable material to prevent the removal of mail from adjacent boxes and to prevent mail from falling out the back. This cover must be securely fastened and easily opened by the carrier.

(3) *Installation with telephone units.* (i) Where necessary or desirable to install mail receptacles in conjunction with a telephone unit of a standard size, the vertical-type receptacles may be placed in two tiers, or they may be installed in groups or batteries of less than eight if required for the proper arrangement of the groups in the two tiers. This does not apply to cases where the telephone unit is installed independently of mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric push buttons may be placed in the frame of the installation, connecting with wires outside the mail receptacles, provided the pushbuttons can be removed from the outside and the wire connection with such pushbuttons can be repaired without removal of the receptacles.

(ii) Telephone units combined with mail receptacle units must be constructed so that access to the telephone unit is not dependent on entering the mail receptacle, and the latter must not be accessible when the telephone unit is opened.

(d) *Directories.* (1) In all apartment houses where there are 25 or more receptacles, a complete directory of all persons receiving mail must be maintained. Where an apartment house is divided into units with separate entrances and 25 or more receptacles are installed to the unit, a separate directory must be provided for each unit. In addition, where mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

(2) Directories must be alphabetical by surname and must be maintained and kept corrected to date. The receptacle number and apartment number should always be the same, and the apartment number should appear on the right of the name on the directory. If, for any cause, the apartment number is different from the number of the receptacle, the receptacle number should appear on the left of the name in the directory. The same arrangement shall be followed where the apartments and receptacles are either lettered or lettered and numbered.

(3) The directory must be of legible type, in a suitable frame for protection purposes, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. If an attendant, such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a.m., and 11 p.m., and mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available to the carrier or special-delivery messenger on request.

(e) *Maintenance and repair.* (1) The owners or managers of buildings must keep receptacles in good repair. When an inside letterbox Arrow lock is no longer needed, the building management must immediately notify the postmaster so that a postal employee can be detailed to supervise removal of the lock from the master door for return to the post office. Owners and managers of buildings must return to the postmaster any inside letter-box arrow locks that become defective or that are no longer needed.

(2) Carriers will report on Form 3521, "Carrier's Report on Condition of House Numbers and Mail Receptacles", all apartment houses that are being remodeled and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that all inside letter-box arrow locks are recovered when buildings are torn down or remodeled.

(3) Upon receipt of a report of lack of repair or irregularity in the operation of apartment house mail receptacles, postmasters will have prompt investigation made and direct what repairs must be made by and at the expense of the owners or managers. So that there will be no question as to the disposition or treatment of mail, repairs must be made only when a representative of the post office is present. It is unlawful for other than postal employees to open receptacles and expose mail.

(4) Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding delivery of mail therein and requiring the occupants of the apartments to call for their mail at the post office or carrier delivery unit serving the area if this action is believed advisable for safety reasons. When such action is contemplated, a reasonable notice of approximately 30 days will be given in writing to the patrons and the owner or manager of the apartment building.

(5) When mail, deposited by a carrier in an apartment house mail receptacle, is reported lost or stolen or when there is indication that the mail has been wilfully or maliciously damaged, defaced, or destroyed, the postmaster shall immediately report the circumstances to the local postal inspector or the postal inspector in charge.

(6) The United States Penal Code prescribes for the wrongful possession of mail locks and the wilful or malicious injury or destruction of letter boxes and the theft of mail therefrom. Manufacturers are authorized to place on each installation of apartment houses mail receptacles the words "U.S. Mail" and a warning notice of these provisions of law. Manufacturers are also authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General", when the designs have been approved by the Post Office Department.

(f) *Manufacturers and distributors.* The following is a list of manufacturers and distributors of one or more designs of apartment house mail receptacles approved by the Post Office Department, with trade names of boxes:

(1) *Vertical-type.*

Auth Electric Co., Inc., 34–20 45th St., Long Island City 1, N.Y.
Bommer Spring Hinge Co., Inc., Landrum, S.C. (Kellson).
S. H. Couch Co., Inc., Boston 71, Mass. (Nos. 73 and 73–F).
Dura Steel Products Co., 1744 East 21st St., Los Angeles, Calif.
Florence Manufacturing Co., Inc., 8908–18 South State St., Chicago 19, Ill. (Pry-Proof, 13–F).
Jensen Industries, 159 South Anderson St., Los Angeles 33, Calif.
Mail Safe Manufacturing Division, of Ekholm Manufacturing Co., 622 Watson Ave., Saint Paul 2, Minn.
Perma-Bilt Steel Products Co., 8324 Graham Ave., Los Angeles 1, Calif.

(2) *Horizontal-type.*

The American Hardware Corp., Corbin Wood Products Div., New Britain, Conn.

PART 46—RURAL SERVICE

Sec.
46.1 Rural stations.
46.2 Delivery routes.
46.3 Carrier service.
46.4 Payment of postage.
46.5 Rural boxes.

AUTHORITY: §§ 46.1 to 46.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 701, 6005, 6009.

§ 46.1 Rural stations.

(a) *Establishment.* Rural stations are established and maintained in communities where a considerable number of people would be seriously inconvenienced if required to transact postal business with rural or star route carriers only, and where it is determined inadvisable to establish post offices.

(b) *Functions.* Rural stations dispatch, receive and deliver mail, issue money orders, register mail, and sell stamps.

(c) *Hours.* Rural stations are open during ordinary business hours each weekday, except holidays.

(d) *Treatment of mail.* Mail addressed to a rural station will be retained there to be called for, unless the addressee is a patron of a rural route starting from the station, or of an adjoining route, in which case the mail will be delivered to the patron's box by the carrier.

§ 46.2 Delivery routes.

(a) *Establishment.* A majority of the patrons who are heads of families living on a proposed rural route may by written petition ask the Post Office Department to establish a route.

(b) *Road conditions.* Roads on which rural delivery service is desired must be in good condition and so maintained, unobstructed by gates. There must be no unbridged streams not fordable at all seasons of the year.

(c) *Obstructions to travel.* Patrons and road supervisors or officials in charge of highways will be notified on Form 4024 "Request to repair roads," of road conditions obstructing the delivery of mail. If repairs are not made promptly, the postmaster will report the facts to the Regional Director with his recommendation for a change in the route to withdraw it from impassable or unsuitable roads.

(d) *Multiple routes.* A patron living on a road traveled by two or more rural carriers may select the carrier by whom he prefers to have his mail delivered and collected, in which case only the designated carrier will handle his mail. Unless such selection is made by the patron, each carrier passing the box will deliver mail to it and collect from it any mail that he can expedite in dispatch or delivery, provided the box is on the right-hand side of the road as traveled by the carrier.

(e) *Star-route delivery.* Patrons living on or near a star route, where the contract calls for box delivery and collection service, and not within one-fourth mile of any post office, may have their mail deposited on the line of the star-carrier route in a box erected so that the carrier may deliver and collect mail without dismounting from his vehicle. Authorization for mail delivery at a star route box is made on Form 5431, "Standing Delivery Order—Star Route", available at post offices. Star-route carriers are agents of the patrons for whom they deliver and collect mail along their routes and are not employees of the Postal Service. Persons residing on roads traveled by both rural and star-route carriers may qualify as patrons of either or both routes. If one box is used for both routes, it must be an approved standard rural-route box.

§ 46.3 Carrier service.

(a) *Availability.* Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carriers, except those residing within city-delivery limits.

(b) *To residence.* Rural carriers will deliver registered, certified, numbered insured, COD, and special delivery mail to the patron's residence if it is not more than one-half mile from the route and if there is a passable road leading to it. Unnumbered insured mail will be delivered the same as ordinary mail.

(c) *Parcel delivery.* Rural carriers will deliver outside of boxes ordinary parcel-post packages that are too large to go in the boxes, provided the addressee has filed with the postmaster a written order for delivery in this manner. The written order must provide that the Post Office Department and the carriers are relieved of all responsibility in case of loss or depredation. Where a patron lives within hailing distance of a route, the carrier will, before making delivery in this manner, make a reasonable effort to hail the patron so that he may come to the mail box to receive the parcel.

(d) *Contagious disease.* A rural carrier will deliver mail to the box of a patron where a quarantined disease exists, when this can be done without exposure to contagion; but no mail will be collected from such box while the quarantine is in force.

(e) *Withdrawal of service.* Service will not be withdrawn from any box without specific authority from the Regional Director.

§ 46.4 Payment of postage.

(a) *Acceptance of mail.* (1) A rural carrier will accept any mailable matter provided the postage is fully prepaid or money equal to the required postage is furnished, unless the purpose of handing mail to the carrier for deposit into one office is to "boycott" another office or deprive it of legitimate revenue. During the month of December, however, patrons are required to affix stamps to all greeting cards and letter mail.

(2) When a rural carrier finds unstamped mail in a patron's box and the requisite amount of money for postage, he will normally collect the mail and money and affix the necessary postage. Mail will be expedited throughout the year if patrons keep a supply of stamps on hand and regularly affix stamps to all first- and third-class mail. The carrier has for sale stamps, stamped envelopes, and postal cards. For convenience and safety, patrons who leave mail and money in rural mail boxes to be collected by the carrier should either wrap

the money, place it in a coin-holding receptacle, or attach it to the mail by means of a clip or other suitable fastener.

(b) *Postage uncertain.* When matter is given to a rural carrier for mailing and he is unable to determine the postage, he will accept from the sender an amount sufficient to insure full payment of postage and return to the sender on the next trip any excess amount collected.

(c) *Insufficient postage.* When mailable matter is deposited in a box and the required postage has not been paid or sufficient money left for the purchase of stamps, the rural carrier will, when the identity of the sender is known, place in the box a notice that such matter cannot be dispatched until the necessary postage is paid. If the identity of the sender is unknown, the matter will be taken to the post office and treated as unpaid mail. (See §§ 21.4, 24.4, 25.4, and Part 37 of this chapter.)

(d) *Unpaid mailable matter in box.* When a rural carrier finds in a rural box mailable matter on which postage has not been paid, addressed to or intended for the person in whose box it is deposited, the carrier will take such matter to the post office to be held for postage.

§ 46.5 Rural boxes.

(a) *Specifications.* (1) There are three approved standard sizes of mail boxes for use on rural routes. Size 1 is approximately 19 inches long, 6½ inches wide, and 8½ inches high. Size 1–A is approximately 21 inches long, 8 inches wide and 10½ inches high, with a letter slot in the door. Size 2 is approximately 23½ inches long, 11½ inches wide and 13½ inches high. Specifications and drawings which may be used for guidance in the manufacture of standard rural mail boxes may be obtained by writing to the Assistant Postmaster General, Bureau of Operations, Washington 25, D.C.

(2) Deviations from these specifications will be permitted but must be approved by the Post Office Department. In general, boxes may be constructed in any size between the maximum and minimum outside dimensions given by the departmental drawings provided the height, width, and length proportions and the general shape are maintained. The standards of workmanship and material specifications given in the departmental drawings are the minimum acceptable.

(3) Individuals, firms, or companies proposing to manufacture rural mail boxes for sale must submit a prototype box for examination to the Assistant Postmaster General, Bureau of Operations, Washington 25, D.C. If the sample is approved, the manufacture of the box will be authorized on condition that the manufacturer emboss or stamp in a conspicuous place on each box the words "Approved by the Postmaster General" and, inconspicuously, the name of the manufacturer.

(4) The following list includes the manufacturers of rural mail boxes whose samples have been approved by the Department:

Akron Metal Sales Co., 1079 E & J Street, Barberton, Ohio.

American Metal Works, Post Office Box 547, New Orleans 1, La.

Chicago Heights Furnace Supply Co., Inc. 96–104 East 22d Street, Chicago Heights, Ill.

Cincinnati Pump & Manufacturing Co., 117 East Liberty Street, Cincinnati 10, Ohio.

Conco Engineering Works, Mendota, Ill.

The Deshler Mail Box Co., 101 East Maple Street, Deshler, Ohio.

Falls Stamping and Welding Co., Cuyahoga Falls, Ohio.

Hermitage Stamping Co., 917–919 Ewing Avenue, Box 966, Nashville 4, Tenn.

Inland Steel Products Co., Post Office Box 363, Milwaukee 1, Wis.

Jackes-Evans Manufacturing Company, 4427 Geraldine Street, Saint Louis 15, Mo.

Leigh Building Products, Coopersville, Mich.

Macklanburg-Duncan Co., 4041 North Sante Fe Street, Oklahoma City, Okla.

Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 10, Ill.

Northwest Metal Products, Inc., 55 Spokane Street, Seattle 4, Wash.

Sears, Roebuck & Co., Department 609, Chicago 7, Ill.

Southern Fabricators Corp., 1010 West Broadway, Steeleville, Ill.

Steel City Manufacturing Co., P.O. Box 1115, Youngstown 1, Ohio.

Superior Sheet Metal Works Co., 3201–3–5–7–9 Roosevelt Avenue, Indianapolis 1, Ind.

The Steel City Manufacturing Company, Post Office Box 1115, Youngstown 1, Ohio.

United States Steel Products Co., 5100 Santa Fe Avenue, Los Angeles 58, Calif.

Waterloo Valve Spring Compressor Co., Post Office Box 209, Waterloo, Iowa.

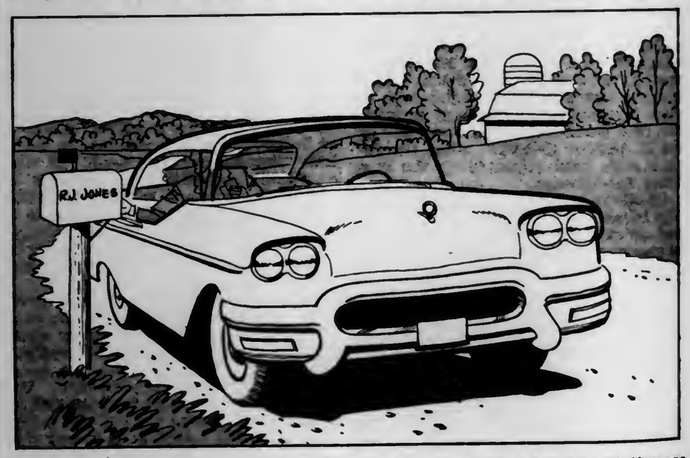
J. E. Weatherford & Son Tool & Die Co., 115 North Fourth Street, Nashville, Tenn.

(b) *Painting and identification.* The Department prefers that rural mail boxes and posts or supports be painted white, but they may be painted other colors if desired. It is not necessary that posts or supports and boxes be painted the same color. The name of the owner of each box must be inscribed in neat letters not less than 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. The letters should be of a contrasting color. The box number may be inscribed on the box on the side that is visible to the carrier as he approaches, or on the door if boxes are grouped. Advertising on boxes or supports is prohibited.

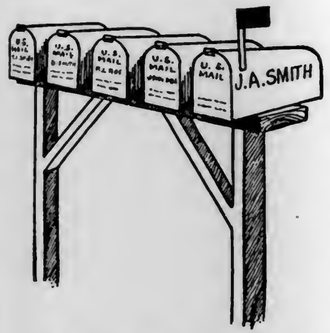
(c) *Posts and supports*—(1) *Construction.* Posts or other supports for rural mail boxes must be neat and of adequate strength and size. They may not be designed to represent effigies or caricatures that would tend to disparage or ridicule any person. The box may be attached to a fixed or movable arm.

(2) *Newspaper receptacles.* A receptacle for newspapers, not restricted to any one paper, may be placed above or below the mail box or on the post or support, provided it will not interfere with the delivery of the mail, obstruct the view of the flag, or present a hazard to the carrier or his vehicle. The receptacle must not extend beyond the front of the mail box when the box door is closed. No advertising shall be displayed on the outside of the receptacle except that the name of a publication may be shown.

(d) *Location.* Rural boxes must be placed so that they may be conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where their doing so would constitute a violation of traffic laws and regulations. On new rural routes all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Rural carriers are subject to the same traffic laws and regulations as are other motorists. Patrons must remove obstructions, including snow, that make delivery difficult.



(e) *Grouping.* Boxes should be grouped wherever possible, especially at or near cross roads or at other places where a considerable number of boxes are located. A simple and practicable support consists of a board erected on firmly planted posts.



(f) *More than one family.* More than one family, but not more than five families, may use the same box, provided a written notice of agreement, signed by the heads of the families, or by the individuals who desire to join in the use of such box, is filed with the postmaster at the distributing office.

(g) *Locks.* The use of locks on boxes is not required. If patrons provide locks, the keys should be delivered only to the postmaster, who will assign them to the carrier. The carrier will unlock and lock the boxes when serving them. To facilitate the carrier's work, patrons should, as far as practicable, adopt locks for each route of such pattern that a master key may be provided the carrier for unlocking the boxes.

(h) *Unstamped newspapers.* Rural boxes are to be used for mail only, except that publishers of newspapers regularly mailed as second-class mail may, for Sundays and National holidays only, place copies of the Sunday or holiday issues in the rural and star-route boxes of subscribers, with the understanding that copies will be removed from the boxes before the next day on which mail deliveries are scheduled.

(i) *Boxes that do not conform to regulations.* Rural carriers will report any boxes that do not conform to the regulations to postmasters who will send to the owners of these boxes POD Form 4056 "Your Mail Box Needs Attention" requesting that the irregularities or defects be remedied.

PART 47—FORWARDING MAIL

Sec.
- 47.1 Order to change address.
- 47.2 Time limit of change of address order.
- 47.3 Postage for forwarding.
- 47.4 Address changes of persons in U. S. service.
- 47.5 Forwarding due to change in post office service.
- 47.6 Reforwarding.
- 47.7 Guarantee to pay forwarding postage.

AUTHORITY: §§ 47.1 to 47.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4101, 4102, 4103, 4105.

§ 47.1 Order to change address.

(a) *Ordinary mail.* To have mail delivered to a new address, file Form 3575, Change of Address Order, which is available at any post office or from any carrier. A written and signed order or a telegram is acceptable. The order or telegram must be sent by the patron, his agent, or the person in whose care the mail will be accepted. The old and new addresses must always be furnished. Mail addressed to persons for whom Change of Address Order is on file will be sent by the post office of original address to the new address.

(b) *Registered, certified, insured, and COD mail.* A Change of Address Order for ordinary mail will cover registered, certified, insured, and COD mail unless the sender has given other instructions or unless the addressee moved outside the United States. The sender's instructions should be written or printed on the envelope or wrapper. Examples: "Do not forward; If not accepted within ____ days return to sender." Exceptions:

(1) COD mail will not be forwarded to the Canal Zone, and with the exception of official shipments to military agencies, COD mail will not be forwarded to overseas military post offices. See § 53.1(c) of this chapter.

(2) Domestic registered articles mailed outside the United States and addressed for delivery in the United States will not be forwarded to the Canal Zone if the postage indicates the articles were valued at more than $100. Articles mailed in the Canal Zone addressed for delivery in the United States will not be forwarded to any place outside the United States if there is reason to believe the value exceeds $100.

(3) Insured and COD parcels that have the mailers' instructions to abandon or to sell perishable items, written or printed on the envelope or wrapper, will be treated according to the instructions. Examples:

Do not forward or return. If not accepted within ____ days, treat as abandoned. Notify mailer of final disposition.

Do not forward or return. If undelivered after ____ days, sell contents to highest bidder and remit proceeds, less commission, to mailer.

Do not forward or return. If undeliverable after ____ days, destroy. Notify mailer of final disposition.

A commission of 10 percent, but not less than 25 cents is retained by the Postal Service from the amount for which perishable items are sold.

(4) COD mail may have written or printed on it a request that it be forwarded to a new addressee. The name and address of the new addressee must be shown in a bordered space with instructions that the mail be delivered either with or without the collection of COD charges. The mailers' pledge to pay return and forwarding postage must be placed on the mail if it is not charged with first-class postage.

§ 47.2 Time limit of change of address order.

(a) *Time limit specified by addressee.* To have mail forwarded for a limited time, not to exceed 2 years, state the beginning and expiration dates. The original order should be canceled when the addressee returns to his old address or moves to another permanent address within the specified period.

(b) *Time limit not specified by addressee.* Records of permanent change of address orders, other than those subject to paragraph (c) of this section, are maintained for 2 years and the order is not renewable. Mail may continue to be forwarded beyond the 2-year period if the new address is known to the forwarding employee.

(c) *Change from general delivery at carrier delivery office.* (1) *To permanent local address.* Record of change of address orders without time limit will be maintained 6 months.

(2) *To other than permanent local address.* Record of change of address orders without time limit will be maintained for 30 days.

§ 47.3 Postage for forwarding.

(a) *Change in local address.* If a change is made to an address served by the same post office, mail of all classes will be delivered as directed and additional postage will not be required. (See § 25.2(b)(4) of this chapter regarding local delivery.)

(b) *Change to another post office.* Mail forwarded to another post office is subject to additional postage as follows, to be computed the same as if the piece were originally mailed at the office from which it is forwarded.

(1) *First-class mail.* No charge is made for forwarding first-class mail, including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first-class mail that is not fully prepaid, but any amount shortpaid at the time of original mailing will be collected on delivery. Drop letters when forwarded are rated for collection of additional postage for the difference between the amount prepaid and the total postage computed at the first-class rate.

(2) *Second-class mail.* Second-class mail when forwarding postage is guaranteed by the sender or addressee, will be charged with postage due at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 22.1(c) of this chapter.)

(3) *Controlled circulation publications.* Controlled circulation publications (See Part 23 of this chapter) are subject to additional postage for forwarding at the single-piece third- or fourth-class rate according to weight. These publications are forwarded only when the sender or addressee has guaranteed forwarding postage. See § 48.2 (c) of this chapter.

(4) *Third-class mail.* Third-class mail is subject to collection of additional postage for forwarding at the single-piece rate. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value or if the sender or addressee has guaranteed forwarding postage. Mail of no obvious value or bearing no forwarding postage guarantee will be disposed of as undeliverable mail (see § 42.8(d) of this chapter).

(5) *Fourth-class mail.* Fourth-class mail is subject to the collection of additional postage for forwarding at the ap-

plicable rate of postage. (See § 25.1 of this chapter.)

(6) *Airmail.* No additional charge is made for forwarding airmail articles weighing 8 ounces or less. These articles are sent by air when air service to the new address is available. First-class mail of this weight may also be forwarded by air on prepayment of the difference between the surface and air rates. Airmail weighing over 8 ounces is forwarded by air at the applicable air zone rate to be collected on delivery except when the article bears the sender's specific instructions to forward it by surface mail. When forwarded by surface mail, forwarding postage at the applicable rate according to class of mail is collected on delivery. (See § 26.1 of this chapter.)

(7) *Registered, certified, insured, COD, and special handling mail.* Registered, certified, insured, COD, and special handling mail is forwarded without payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid. See § 56.4(f) of this chapter concerning special delivery mail forwarded to another address.

§ 47.4 Address changes of persons in U.S. service.

Mail of all classes addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Second-, third-, and fourth-class mail and air parcel post so forwarded is endorsed by the forwarding office Change of Address Due to Official Orders. This provision for free forwarding from one post office to another applies to mail for the accompanying members of the families of persons in the United States service. (Exceptions: Second-class mail will not be forwarded from the United States to overseas APO addresses. Copies of publications addressed to Army or Air Force personnel transferred to overseas assignments will be endorsed by military personnel "Forwarding prohibited, addressee assigned overseas effective ----------", and returned to the post office for disposition. See § 48.2(b) of this chapter.) See § 47.2 regarding time limit of orders filed with the post office.

§ 47.5 Forwarding due to change in post office service.

(a) *Addressed to a discontinued post office.* Mail of any class addressed to a discontinued post office may be forwarded to any other post office designated by the addressee without additional charge when the office to which such mail is ordered sent by the Department is not convenient for the addressee.

(b) *Forwarded due to change in rural delivery service.* Patrons of any office who, on account of the establishment of or a change in rural delivery service, receive their mail from the rural carrier of another office may have their mail sent to the latter office and delivered by rural carrier without a new prepayment of postage, provided they first file with the postmaster at the former office a written request to that effect.

(c) *Time limit.* Time limit for forwarding is same as for order to change address. See § 47.2.

§ 47.6 Reforwarding.

The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-, third-, or fourth-class mail, and airmail weighing over 8 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

§ 47.7 Guarantee to pay forwarding postage.

When either the sender or the addressee desires to have second-, third-, or fourth-class mail forwarded because the addressee has moved to another post office, forwarding postage must be guaranteed under one of the following conditions:

(a) The addressee may guarantee to pay forwarding postage on any or all of these classes by so indicating on his Change of Address Order. (See § 47.1.)

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his return address in the upper left corner of the address side of the piece. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded, or the return postage when it is returned as undeliverable from the post office of first address. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage, but it shall be endorsed "Refused" and treated the same as if it bore sender's pledge to pay return postage.

PART 48—UNDELIVERABLE MAIL

Sec.

48.1 Description.
48.2 Treatment by classes.
48.3 Return address required.
48.4 Notice to sender on third- and fourth-class mail.
48.5 Retention periods.
48.6 Disposal of undeliverable mail.
48.7 Directory service.
48.8 Dead mail.

AUTHORITY: §§ 48.1 to 48.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4101–4110, 5008.

§ 48.1 Description.

Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable. This includes nixie mail which is mail not transmissible because of illegible or insufficient address. Refused mail is that which is refused at time delivery is attempted; and that returned to the mail unopened by addressee and marked refused. Mail properly delivered and opened by the addressee will not be reaccepted without payment of new postage.

§ 48.2 Treatment by classes.

(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's guarantee to pay return postage are returned, and postage at the card rate is collected on delivery to the sender. Mail paid at the drop-letter rate is returned to the sender at the same post office without additional charge. If the sender is at another post office, additional postage for the difference between the amount prepaid and total postage computed at the first-class rate is collected on delivery. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the pledge of the sender to pay return postage. The words "local address" as used in this paragraph mean any address served by the city, village, rural, or star carriers of any specific post office or a post office box or general-delivery address at the post office. Form 3578, "Change of Address Notice to Publisher," shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address on Form 3579, "Undeliverable Second-Class Matter", which shall then be affixed to the copies, envelopes, or wrappers, near but not over, the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 5 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period the complete copy shall be returned to the sender rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see subparagraph (1)(i) of this paragraph) the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If the copies do not bear the pledge of the sender to pay return postage, the notice shall be mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one which is undeliverable as addressed, shall be returned to the sender rated with postage due as provided by subparagraph (1)(ii) of this paragraph.

(3) *Pledge of addressee or sender to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1)(i) of this paragraph) and the addressee has filed a written guarantee either on Form 3575, "Change of Address Order," or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1)(i) of this paragraph. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due as provided in subparagraph (1)(ii) of this paragraph.

(4) *Manner in which the pledge of the sender shall be shown.* The pledge of the sender to pay return postage on copies which are undeliverable as addressed shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See §§ 47.4 and 47.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

(c) *Controlled circulation publications.* Undeliverable copies bearing a pledge to pay return postage will be returned to the sender, and return postage at the single-piece third-class rate or fourth-class rate, whichever is applicable, will be collected on delivery. Other undeliverable copies mailed by a publisher will be treated as described in paragraph (b) (1) through (4) of this section.

(d) *Third-class mail.* Undeliverable third-class mail of obvious value or bearing the sender's pledge to pay return postage will be returned to the sender, and postage at the single-piece rate will be collected on delivery. (See § 24.1 of this chapter.) Such mail having no obvious value, and without a pledge to pay return postage, will be treated as waste.

(e) *Fourth-class mail.* Undeliverable fourth-class mail will be returned to the sender or sender's representative unless parcel is marked by sender "Treat as Abandoned" and postage at the fourth-class rate will be collected on delivery. (See § 25.1 of this chapter.)

(f) *Airmail.* Airmail weighing 8 ounces or less will be returned by the same transportation as first-class mail at no additional charge. Airmail weighing more than 8 ounces will be returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it will be returned at the airmail rate to be collected on delivery to the sender.

(g) *Registered, certified, insured, and COD*—(1) *Registered, certified, and insured.* When registered, certified, and insured mail is undeliverable as addressed, a notice is sent to the mailer on Form 3858 "Notice of Undelivered or Abandoned Mail", showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail, but not registration, insured or certified fees, will be collected from the mailer.

EXCEPTION: When registered, certified, and insured mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer. Registered and insured nixie mail shall be returned immediately to sender.

(2) *COD.* A request to receive a notice that COD mail has not been delivered may be written or printed on a parcel by the mailer. The request may include directions to send the notice to the mailer or to his representative. When the mailer's representative is designated, the representative's name and local or nearby address must be shown in a bordered space with instructions reading: "Do not deliver to mailer's designated representative without collecting COD charges, or deliver without collecting COD charges to mailer's designated representative."

(h) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry, that cannot be delivered or returned within 60-hours after hatching, if salable will be disposed of by the postmaster through competitive bidding. Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 25 cents), to the mailer, by postal money order with an explanation of the action taken. The postal money order fee will be deducted.

(i) *Foods, drugs, and cosmetics.* (1) Undeliverable packages containing food or drugs will be destroyed. They will not be sold, donated or retained as dead parcel post.

(2) Undeliverable packages containing cosmetics such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, after-shave lotions and deodorant sticks or pastes which bear no statements claiming medicinal properties will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

§ 48.3 Return address required.

The return address of the sender must be shown on the address side of mail to secure its return. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On second- or third-class mail, the sender must place "Return Postage Guaranteed" below the return address. Use of the pledge to pay return postage is recommended for fourth-class mail also.

(b) The sender may in his return address request that mail (other than reg-

istered, insured, and certified) be held for not less than 3 days or more than 30 days. Examples:

Return in 3 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.

Return in 30 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.
Return Postage Guaranteed

(c) Requests to lengthen or shorten retention periods specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not addressee's request.

§ 48.4 Notice to sender on third- and fourth-class mail.

(a) *Mail to be marked.* Notices on Form 3547 are furnished under the following conditions only for third- and fourth-class mail and official mail of U.S. Government departments and agencies when undeliverable as addressed. The sender must:

(1) Prominently print or handstamp in the lower left corner of the address side, "Form 3547 Requested."

(2) Show his name and return address in the upper left corner.

(3) Accept and pay the 5-cent fee for each card notice, or pay the return postage on mail sent back as undeliverable.

(b) *Conditions.* Mail bearing a request for Form 3547 will be treated as follows:

(1) When the change is to another local address, the notice on Form 3547 will show the original address (together with any key number used by the mailer) and the new address. A change in address includes a change from street address or other address to a post office box.

(2) When the change is to another post office and the piece is forwardable under the sender's or addressee's guarantee to pay forwarding postage, or when the mail is to be forwarded because it is of obvious value, the notice on Form 3547 will show the same information as subparagraph (1) of this paragraph.

(3) When the change is to another post office but forwarding postage is not guaranteed, the mail itself is returned with a notation showing the new address, and is rated for collection of return postage due at the appropriate single-piece rate.

(4) When the mail is undeliverable as addressed and no new address is on file, the reason for nondelivery is noted on the mail, and it is returned rated for collection of return postage at the appropriate single piece rate.

(5) If mail is not marked as required by paragraph (a) of this section, no notice will be furnished.

§ 48.5 Retention periods.

(a) *Ordinary mail.* (1) Mail returnable under paragraphs (a) through (f) of § 48.2 is:

(i) Returned immediately if refused by addressee.

(ii) Returned immediately if undeliverable when specifically addressed to a street, building, rural or star route, or post office box; except that when a patron moves without leaving a change of address, the mail will be held for 10 days awaiting a forwarding order and, if no order is received in that time, the mail will then be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 48.3(b).

(iii) Returned immediately, if undeliverable, when incompletely, illegibly, or incorrectly addressed and addressee is unknown.

(iv) Retained in general delivery not to exceed 30 days, at the request of sender, if addressed in manner to indicate addressee is expected to call for mail.

(v) Retained as follows when not specifically addressed or when sender does not specify a retention period:

(*a*) Five days if for delivery by village, rural or star route carrier.

(*b*) Ten days if intended for general delivery service at an office having city carrier service.

(*c*) Fifteen days if intended for general delivery service at an office not having city carrier service.

(2) Perishable items not marked to abandon that cannot be delivered before spoiling or day old poultry that cannot be delivered within 60 hours after hatching are returned immediately, provided return to sender can be made prior to spoilage or within the 60-hour period. (See paragraph (h) of § 48.2.)

(3) Mail addressed and deliverable to a post office box, except registered, certified, insured, COD, and perishable, will not be returned until box is declared vacant.

(b) *Registered, insured, COD, and certified mail.* (1) Registered mail is held up to 60 days if the sender so requests by endorsement on the mail. If the sender names no specific period, the mail will be held for 10 days before return. Exception: If the postmaster believes he will be able to make delivery if the mail is held longer than 10 days, it may be held up to 60 days if written permission is obtained from the sender. (See also § 48.2(g)(1).)

(2) Insured and certified mail is held a maximum of 15 days. It is held a lesser number of days if the sender so specifies. If no retention period is specified on refused insured mail, it will be returned immediately. (See also § 48.2 (g) (1).)

(3) COD mail is held a maximum of 30 days. It is held a lesser number of days if the sender so specifies. COD mail not bearing specific instructions will be returned immediately when:

(i) Addressee is not found.

(ii) Address does not exist.

(iii) Addressee is deceased and delivery cannot be made to an authorized person.

(c) *Special delivery and special handling mail.* Special delivery and special handling articles are held for the period specified in paragraph (a) or (b) of this section except that requests for immediate return of special delivery mail will be honored.

§ 48.6 Disposal of undeliverable mail.

Mail undeliverable at the last office of address is disposed of as follows:

(a) Postal and post cards, or samples of merchandise are destroyed or sold immediately.

(b) Printed matter, including greeting cards and second-class mail, obviously without value is disposed of as waste paper without examination of contents. This mail will not be torn or mutilated except when necessary to prevent improper use.

(c) Domestic, ordinary, insured, or COD articles bearing sender's instructions to abandon are disposed of immediately after expiration of the periods stated in § 48.5.

(d) Third-class mail of no obvious value and bearing no pledge to pay return postage is disposed of as waste.

(e) Insured and COD articles, bearing senders' instructions to destroy will be destroyed.

(f) Packages containing medicine, perishable articles, liquids, or articles likely to injure other mail or to attract pests are destroyed as soon as they are known to be undeliverable.

(g) Letters from Canada or Mexico with return addresses are returned to the postmaster at the post office of origin.

(h) Mail addressed to a deceased person is delivered to the executor or administrator of the estate or if there is no executor or administrator, to the widow or widower or other claimants, except that U. S. Government pension mail is returned to the mailing Federal agency.

(i) Unclaimed franked mail from a Member of Congress and unclaimed official mail including official reports and bulletins sent by State agricultural colleges and experiment stations is returned to the postmaster at the office of origin if it is known. If office of origin is not known, the mail is sent to the post office at Washington, D. C. Undeliverable mail bearing return card of the White House, the Senate, or the House of Representatives, with or without postage stamps, is returned to the post office at Washington, D. C.

(j) Santa Claus letters, with postage fully prepaid (or local unpaid or partly paid), with no identification of person for whom they are intended, are sent to institutions or persons who may request them to use for exclusively philanthropic purposes. If there is no voluntary request, they are sent to the dead-mail office.

(k) Other mail, including first-class and airmail, bearing no return address is sent to a dead letter or dead parcel post branch for final disposition.

§ 48.7 Directory service.

Directory service is not generally available, but at carrier offices where a directory is available, directory service is given to registered, certified insured, COD, special delivery, and special handling mail; to perishable matter and parcels of obvious value; and to international mail, except circulars. Incorrectly or incompletely addressed mail from overseas Armed Forces is given directory service and is not returned to the sender until every effort is made to deliver it.

§ 48.8 Dead mail.

(a) *Definition.* Dead mail is matter deposited in the mails which is or becomes undeliverable, or is unmailable, and which cannot be returned to the sender.

(b) *Treatment*—(1) *At last office of address.* At the end of retention periods specified in § 48.5 mail is declared dead and is disposed of locally or forwarded to dead letter or dead parcel post branches for final disposition.

(2) *At dead mail office.* (i) Mail is examined and opened when necessary to find the name and address of the sender or addressee.

(ii) A fee of 10 cents is charged for return to sender of each letter and first class parcel opened in the dead mail office.

(iii) If the sender or addressee cannot be identified, the following retention periods are observed:

(*a*) Letters of domestic origin with enclosures of value, 1 year.

(*b*) Other letters, none.

(*c*) Letters containing merchandise, and third- and fourth-class mail containing valuables (including first-class mail not in the form of a letter, addressed to another country), 60 days: if posted in violation of law or treaty, 6 months.

(iv) Dead mail that cannot be delivered to addressee or sender is destroyed or sold.

PART 49—STAR ROUTE COLLECTION AND DELIVERY SERVICE

CROSS REFERENCE: See Part 94—Highway Transportation, and Part 96—Air Transportation, for contract requirements and obligation under Star Routes.

Sec.
49.1 Description.
49.2 Establishment.
49.3 Box delivery and collection service.
49.4 Location of boxes and receptacles.

AUTHORITY: §§ 49.1 to 49.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6009, 6101, 6105, 6106, 6401, 6402, 6415.

§ 49.1 Description.

Star route service provides for the transportation of mail between post offices or other designated points where mail is received or dispatched. Box delivery, collection service, and other mail service are also performed on a majority of routes. Every star route carrier will receive any mail matter presented to him, if properly prepaid by stamps, and deliver it for mailing at the next post office at which he arrives.

§ 49.2 Establishment.

(a) *New service.* Contracts for regular service are awarded after public advertisements, as provided by law. Temporary service may be established on short notice without advertising. Address requests or petitions for new routes to the distribution and traffic manager having supervision over the transportation of mail in the area involved.

(b) *Changes and extensions.* Changes in line of travel, and extensions of service may be ordered by the distribution and traffic manager at any time. Address requests for changes and extensions to this official.

(c) *Changes in schedules.* Changes in schedules may be ordered by the distribution and traffic manager at any time. Address requests for changes to this official.

§ 49.3 Box delivery and collection service.

(a) *Services required.* Star route advertisements and contract state whether box delivery, collection service, or other mail services are required and specify the area to be served. In addition to usual box delivery and collection service, on some routes the carriers are required to:

(1) Sell stamp supplies.

(2) Deliver registered, insured, certified and COD matter.

(3) Accept matter presented by patrons to be registered, insured, certified, or mailed COD, and money with applications for money orders and give receipts.

(b) *Availability.* All box delivery and collection service is provided without charge to the patron. To qualify for service a patron must:

(1) Reside on or near a route on which box delivery and collection service is required.

(2) Live at least one-fourth mile from a post office.

(3) Provide and erect a suitable box or provide a suitable sack or satchel with post upon which it may be hung. On and after July 1, 1959, where a box is newly installed or a present box is being replaced, an approved rural-type box must be used. The name and box number of the owner must be neatly inscribed in letters and numerals not less than one inch high on the side of the box visible to the carrier as he approaches, or on the door if boxes are grouped. (See § 46.5 of this chapter.)

(4) Request from the post office to which mail is addressed, delivery and collection service. Star route patrons residing between two post offices may receive mail service from that post office which is the one next preceding the patron's residence, or from either post office if there is a return trip. In addition, the patron may receive delivery from the post office from which the star route originates.

(5) Advise carrier of signal to be used to indicate that mail is to be collected.

(6) Meet carrier to get receipts for money order, insured, certified, and COD mail, where those services are provided.

(c) *Delivery of mail.* Mail matter addressed to a qualified patron of a star route will be taken by the carrier from the post office and deposited into the proper mail box, at the risk of the addressee. Registered, insured, certified, and COD mail will not be delivered unless expressly requested in writing by the patron. When such request is made, the carrier is considered as the representative of the addressee and the responsibility of the Postal Service ceases when delivery has been made to the carrier and his signature has been obtained. COD mail will not be delivered to a carrier until the amount due is paid. Parcel post packages too large to go into mail boxes may be delivered outside of boxes, provided the addressee has filed with the postmaster a written request for delivery in that manner. Otherwise, notice will be left in patron's box to meet carrier on next trip. If proper delivery cannot be made by carrier, the mail will be held at the post office as described in Part 48 of this chapter.

(d) *Collection of mail.* Mail matter properly stamped and placed in a mail box for dispatch must be collected by the carrier and deposited in the next post office at which the carrier arrives. Mail collected on the route, addressed for delivery on that part of the route still to be covered before reaching the next post office, will be delivered on the day of collection. The carrier will cancel the stamps before delivery by writing across them the name of the post office last served, the State, the date, and the number of the route. Bulky mailable matter, properly prepared and stamped, will be collected by the carrier if placed on or near the mail box. Money left in mail boxes for the purchase of stamps will be at the risk of the patron.

§ 49.4 Location of boxes and receptacles.

Mail boxes and approved sacks or satchels must be placed where they protect the mail and may be conveniently served by the carrier without leaving his vehicle. They must be located on the right side of the road in the direction of travel when required by traffic conditions or when driving to the left in order to reach the boxes would constitute a violation of traffic laws by the carrier. In such cases, patrons desiring service on both outward and return trips of carrier must furnish a box, sack, or satchel on each side of the road.

SUBCHAPTER F—SPECIAL MAIL SERVICES

PART 51—REGISTRY

Sec.
51.1 Why mail is registered.
51.2 Fees and liability.
51.3 Registration.
51.4 Declaration by sender.
51.5 Additional services and refunds.
51.6 Registration without prepayment.
51.7 Preparation for mailing.
51.8 Withdrawal or recall.
51.9 Delivery.

AUTHORITY: §§ 51.1 through 51.9 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5001–5006, 5009–5012.

§ 51.1 Why mail is registered.

Added protection for valuable and important mail and evidence of mailing and delivery may be obtained by having it registered.

§ 51.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $10.00	$0.60	$0.60
$10.01 to $100	.75	.75
$100.01 to $200	1.00	1.00
$200.01 to $400	1.25	1.25
$400.01 to $600	1.50	1.50
$600.01 to $800	1.75	1.75
$800.01 to $1,000	2.00	2.00
$1,000.01 to $2,000	2.25	
$2,000.01 to $3,000	2.50	
$3,000.01 to $4,000	2.75	
$4,000.01 to $5,000	3.00	
$5,000.01 to $6,000	3.25	
$6,000.01 to $7,000	3.50	
$7,000.01 to $8,000	3.75	$2.00 plus handling charge of 15¢ per $1,000 or fraction over first $1,000.
$8,000.01 to $9,000	4.00	
$9,000.01 to $10,000	4.25	
$10,000.01 to $1,000,000	$4.25 plus handling charge of 15¢ per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$152.75 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.	$151.85 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space, and value.	

Additional Services	Extra fee (cents)
C.O.D. (maximum amount collectible is $200)	40
Restricted delivery	40
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	40
Showing to whom, when, and address where delivered	45
Requested after mailing:	
Showing to whom and when delivered	45

(b) *Postal insurance liability*—(1) *Without other insurance.* Postal insurance covers the value up to the maximum of $10,000.

(2) *With other insurance.* Postal insurance liability is limited to a maximum of $1,000. Whenever postal insurance and other insurance both apply to the first $1,000 of value or any part thereof, postal liability is assumed on a co-insurance basis and prorated in accordance with the formula shown in Part 54 of this chapter.

§ 51.3 Registration.

(a) *What may be registered.* All mailable matter prepaid with postage at the first class or airmail rates may be registered.

(b) *Where to mail.* Registration may be obtained by presenting mail to:

(1) *Post offices and their branches and stations.* Postmasters will accept mail of unusually high value only at the main office or the larger branches and stations.

(2) *Rural carriers.* Mail and cash may be left in a rural box, and the change, if any, will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip. No responsibility is assumed for articles or money until a receipt is issued, or for any change placed in the box.

(c) *Registration not available.* Mail may not be registered if:

(1) Placed in street letter boxes or in mail drops in post offices.

(2) Addressed to post offices to which it cannot be transported with safety.

(3) Not properly prepared. See § 51.7.

(4) Two or more articles are tied or fastened together, unless enclosed in the same envelope or wrapper.

§ 51.4 Declaration by sender.

(a) *Value.* The sender is required by law to tell the postal clerk or to enter on the firm mailing bill if a firm mailer, the *full* value of mail matter presented for registration. The fact that private insurance may be carried on registered mail does not modify the requirement for declaring the value as defined below:

Kind of Mail Matter	Value to be declared
Negotiable instruments: Instruments payable to bearer, and matured interest coupons.	Market value.
Nonnegotiable instruments: All registered bonds, warehouse receipts, checks, drafts, deeds, wills, abstracts, and similar documents. Certificates of stock, including those endorsed in blank, are considered nonnegotiable so far as declaration of value is concerned.	No value or replacement cost if postal insurance coverage is desired.
Money	Full value.
Jewelry, gems, precious metals	Market value or cost.
Merchandise	Market value or cost.

(b) *Fragile mail.* The sender is required to tell the postal clerk whether the mail is fragile and to describe how it is packed if requested to do so.

(c) *Official mail.* Government agencies or officials must declare the value of the matter presented, so that it may be given proper care.

(d) *Free registration.* A declaration of value is not required on mail registered free under the provisions of § 51.6 (d) and (e). No indemnity will be paid for any matter registered free.

(e) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 60-cent fee or any of the higher fees.

§ 51.5 Additional services and refunds.

(a) *COD service.* A combined registry and COD service is available. The regular registered mail fees apply plus a collection charge of 40 cents. The mail must conform with other registered mail requirements and also with Part 53 of this chapter, governing preparation for COD service.

(b) *Return receipts.* The sender may obtain return receipts by paying fees, in addition to the registration fee and postage, under the following conditions;

(1) At the time of mailing by informing the postal clerk or by writing on the mail Return Receipt Requested or Return Receipt Requested Showing Address Where Delivered.

(2) After mailing by request and showing registration receipt at the post office where the registered article was mailed. The return receipt will not show the address where delivery was made.

(3) Return by air. The sender may obtain a return receipt by airmail if postage stamps to cover the postal card airmail rate are fixed to the return receipt and it is endorsed Return by Airmail.

(c) *Restricted delivery.* The sender may at the time of mailing direct that the registered article be delivered only to the addressee or to someone named by him in writing. This service is available only for articles addressed to specific individuals by name. An additional fee is required. The mail will be endorsed Deliver to Addressee Only or Deliver to Addressee or Order. After mailing and before delivery, the sender may direct such action by written order through the mailing postmaster. See also § 51.9(g).

(d) *Refunds.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or to give restricted delivery was the fault of the Postal Service. Receipts for fees must be submitted with requests for refunds.

§ 51.6 Registration without prepayment.

(a) *Official Government mail.* Official mail of government agencies that periodically reimburse the Post Office Department for handling their mail, or that pay for mail services on a negotiated basis, may be registered without stamps affixed. See § 27.2(c) of this chapter.

(b) *Census mail.* All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed "Official Business, Census Office" may be sent by registered mail without payment of a registration fee.

(c) *Naturalization mail.* All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed Official Business.

(d) *Diplomatic mail.* Members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain who are stationed in the United States may send correspondence by registered mail without payment of the registration fee. See § 27.5(a) of this chapter for preparation of such mail.

(e) *Consular mail.* Official correspondence may be sent by registered mail between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and by such consulates to the Government of the United States or to their respective embassies or legations without payment of the registration fee. See § 27.5(b) of this chapter for preparation of such mail.

(f) *Currency for redemption.* Currency sent to the Treasurer of the United States, Washington, D.C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be sent by registered mail without payment of registration fee, under the following conditions:

(1) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency, the serial number, series date, and denomination must be given. Coin need be described only by number and denomination of pieces.

(2) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(3) The list must be left with the postmaster.

(4) No liability is assumed by the Postal Service. If coverage is desired, the regular registration fees must be paid for liability.

(g) *Civil Service mail.* Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D.C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

(h) *Postal Service mail.* Official mail of the Postal Service which requires registration may be registered without payment of a fee.

§ 51.7 Preparation for mailing.

(a) *Conditions.* Postal employees are not permitted to assist in the preparation or sealing of mail to be registered. The mail must bear the complete names and addresses of both sender and addressee. Envelopes or packages that appear to have been opened and resealed, or which are otherwise improperly prepared, will not be registered.

(b) *Sealing.* The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue.

(c) *Registered COD.* Registered mail to be sent COD must conform to the conditions in Part 53 of this chapter also.

(d) *Window envelopes.* Envelopes must have panels covering the opening. If transparent panels are glued to the envelopes, they may contain only matter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(e) *Firm registration books.* If an average of three or more articles are presented for registration at one time, the sender may obtain free from the postmaster firm registration books, Form 3877 (Firm mailing book for registered, registered COD, and certified mail (20 entry)), which are to be used in accordance with instructions that will be given by the postmaster. These instructions will require that the mail be endorsed and numbered from a series of registration numbers that will be assigned by the postmaster, and that the sender also enter the particulars of the items on the firm bills in duplicate. One copy of the bill will be retained by the post office and the other will be receipted and returned to the sender.

(f) *Return receipts and restricted delivery.* Firm mailers, are expected to complete and attach the return receipt card, Form 3811, Return receipt registered, insured and certified mail, to the mail, and to endorse the address side of the mail to show the required official endorsement. See § 51.5 (b) and (c). If the mail is to be restricted in delivery, the words "Deliver to Addressee Only" should be shown in space 2 on the receipt side of the return receipt card.

(g) *Mailing receipts.* A receipt will be issued when mail is accepted for registration. For individual transactions, the receipt is prepared by the postal employee. When firm registration forms are used, the receipt will be postmarked and issued after the entries have been checked against the mail. A temporary receipt showing only the total number of articles may be issued when a large number of articles are mailed. The permanent descriptive receipt will be issued as soon as possible after verification.

§ 51.8 Withdrawal or recall.

The sender may withdraw or recall registered mail without charge before its delivery under the following conditions:

(a) Before dispatch by writing on the receipt Withdrawn before dispatch, and signing and surrendering the receipt.

(b) After dispatch by filing at the post office where the article was mailed a written request for its return, giving names and addresses of sender and addressee, the registry number, and date of mailing. Costs of telegrams must be paid by the sender.

§ 51.9 Delivery.

(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. The addressee or person representing him may obtain the name and address of the sender, and may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee.

(b) *Recipient.* Delivery will be made in accordance with Part 44 of this chapter. Registered mail addressed to residents of a hotel or apartment house will be delivered only to persons designated by the management of a hotel or apartment house in an agreement with the Postal Service.

(c) *When not delivered.* The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

(d) *Notice of arrival.* If the carrier is unable to deliver registered mail, he will leave a notice. If the mail is not delivered by carrier, a notice of arrival will be issued through regular mail channels. If the mail is not delivered or called for within 5 days a second notice will be issued, provided the maximum period for which the mail may be held permits. No second attempt to deliver will be made unless the post office is requested to do so.

(e) *Rural delivery.* Rural carriers will deliver registered mail to the residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in the box so that the addressee may either meet him at the box on his next trip or call at the post office for the mail.

(f) *Star-route delivery.* Star-route carriers may deliver registered mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier is then considered the representative of the addressee, and the responsibility of the Postal Service ends at the time of delivery to the carrier.

(g) *Restricted delivery.* The fee for this service must be paid at the time of mailing. The mail must be conspicuously endorsed "Deliver to Addressee Only" or "Deliver to Addressee or Order." The endorsement, if not placed by the mailer, will be entered by the employee accepting the mail. Restricted delivery service is subject to the following rules:

(1) Mail marked "Deliver to Addressee Only" will be delivered only to the addressee, except as provided in subparagraph (4) of this paragraph.

(2) Mail marked "Deliver to Addressee or Order" may be delivered either to the addressee or to the person he authorizes in writing to receive his mail.

(3) When the mail is addressed jointly to two or more persons, the addressees will be notified to be present to accept delivery together, and the delivery receipt obtained, and the return receipt, if any, must be signed by all of the addressees. The registered article then may be delivered to any of the addressees unless the others object, in which case delivery will not be made until all of the addressees sign a statement designating the one to receive the mail.

(4) When the registered mail is addressed to officials of executive agencies, or members of the legislative and judicial branches of the Government of the United States, or of the States and possessions, or to members of the diplomatic corps, delivery may be made either to the addressee or to the person he authorizes to receive his mail.

(h) *Bad condition.* If the addressee accepts a registered article that has been

repaired with sealing stamps or reenclosed in a new envelope or wrapper, it must be opened in the presence of the delivering employee. If anything is missing, the envelope or wrapper must be given to the employee after it has been endorsed to show what was missing.

PART 52—INSURANCE

Sec.
52.1 Description.
52.2 Fees.
52.3 Mailing.
52.4 Special services.
52.5 Delivery.

AUTHORITY: §§ 52.1 to 52.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5006, 5011, 5012.

§ 52.1 Description

(a) *Purpose.* The sender may obtain payment for loss of, rifling of, or damage to domestic mail by having it insured.

(b) *Classes of mail to which applicable.* Only third- and fourth-class mail or airmail which contains third- or fourth-class matter may be insured. Insured airmail may contain incidental first-class enclosures. The mail must bear the complete names and addresses of sender and addressee. The following are not acceptable for insurance.

(1) Parcels containing matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mail, payment will not be made for loss, rifling, or damage.

(2) Nonmailable matter.

(3) Articles that are so fragile as to prevent their safe carriage in the mail regardless of packaging.

(4) Articles not adequately packed to withstand normal handling in the mail.

§ 52.2 Fees.

(a) *Fees (in addition to postage).*

Liability:	Fee
$0.01 to $10	$0.10
$10.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.40

Liability for insured mail is limited to $200.

(b) *Restricted delivery.*

(Not available for mail insured for $10 or less)	$0.50

(c) *Return receipts.*

(Not available for mail insured for $10 or less)

(1) Requested at time of mailing:

Showing to whom and when delivered	10¢
Showing to whom, when, and address where delivered	35¢

(2) Requested after mailing:

Showing to whom and when delivered	25¢

§ 52.3 Mailing.

(a) *Payment of fees and postage.* Insurance fees must be paid in addition to the regular postage. The mailer guarantees to pay return and forwarding postage unless he writes instructions on the wrapper or envelope not to forward or return the mail.

(b) *Where to mail.* Mailers must mail parcels that they insure at a post office, branch, or station, or give them to a rural carrier. They must not be deposited in mail drops at post offices, nor in or on street mailboxes. They must not be left on, but may be placed in, rural mailboxes.

(c) *Individual receipts for mailing.* Mailers are issued a receipt for each insured parcel mailed. The post office keeps no record of the mailing of insured packages. Mailers must enter the name and address of addressee on the receipt and retain it. Mailers must submit the receipt if they file an application for payment of insurance or if they file an inquiry concerning the parcel.

(d) *Firm mailing books.* Mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be insured. The sheets of these books become the sender's receipts. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) Parcels to be insured for $10 or less are not to be numbered and should be listed on separate sheets or grouped together. Prepare on copy only.

(2) For parcels to be insured for more than $10, the postmaster will assign a series of numbers. The mailer must number the articles and the items in the book to correspond.

(3) The parcels must be conspicuously endorsed with the stamped or printed official insurance endorsement.

(e) *Temporary receipts.* A temporary receipt showing only the total number of parcels accepted may be issued when a large number of articles are mailed. The permanent receipt will be issued as soon as possible.

(f) *Mailing on rural routes.* Mailers may give the mail to the rural carriers; or they may leave the mail in rural mailboxes, provided stamps are fixed for postage and fee, or money for postage and fee is left in the box. Mailers must leave a note stating the amount of insurance desired. The Postal Service assumes no responsibility for articles or money left in rural mailboxes until the articles are receipted for by the carrier.

§ 52.4 Special services.

(a) *Restricted delivery service.* Mailers may at the time of mailing direct that a parcel insured for over $10 be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed: "Deliver to Addressee Only or Deliver to Addressee or Order."

(b) *Return receipt.* Mailers may request a return receipt for a parcel insured for more than $10. Request at the time of mailing may be made either to the postal employee or by endorsement on the mail reading "Return Receipt Requested," or "Return Receipt Requested Showing Address Where Delivered." Request after mailing must be made at the post office where the insured parcel was mailed. The insurance receipt must be shown and the prescribed additional fee for this service paid. When the request is made after mailing, the return receipt will not show the address where delivery was made.

§ 52.5 Delivery.

(a) *At letter carrier offices.* (1) Insured mail is held for the period specified in the sender's return card, but not in excess of 15 consecutive days. If no return period is specified, the mail is held for 15 days. The retention period of 15 days applies also to offices to which the mail may be forwarded.

(2) Insured parcels will be delivered to the addressee's home once, or if he receives his mail in a post office box or through general delivery, he will be furnished a notice of the arrival of the parcel. If the parcel is undelivered after five days, a second notice will be sent. If addressee does not accept the parcel when it is delivered, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. The addressee may go to the post office and obtain the parcel or he may request that it be delivered to his home again. The mailer may also request that it be delivered again.

(3) A request that a second attempt be made by a carrier to deliver an insured parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be delivered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(4) When delivery of an insured parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(b) *At offices not having carrier delivery service.* The addressee is notified when an insured parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box. A second notice is issued if the article is undelivered after 5 days.

(c) *On star routes affording delivery service.* (1) Parcels insured for not over $10 will be delivered by the carrier without a written order of the addressee.

(2) Parcels insured for more than $10 are not delivered by star route carrier unless the addressee so requests in a written order filed with the postmaster. When this order is given, the carrier is regarded as the representative of the addressee and the responsibility of the Postal Service ends when delivery has been made to the carrier.

(d) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from insured mail while it is in the possession of the postal employee. Examination of the contents may be made only after delivery has been made.

(e) *Type of delivery service.* Receipts are not obtained for the delivery of parcels insured for $10 or less. Parcels insured for over $10 are delivered in accordance with the regulations for the delivery of registered mail (see § 51.7 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

PART 53—COD

Sec.
53.1 Fees (in addition to postage).
53.2 Description.
53.3 Mailing.
53.4 Special services.
53.5 Delivery.
53.6 Registered COD mail.

AUTHORITY: §§ 53.1 through 53.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5007–5012.

§ 53.1 Fees (in addition to postage).

Amount to be collected or insurance coverage desired:	COD fees
$0.01 to $5	$0.40
$5.01 to $10	.50
$10.01 to $25	.70
$25.01 to $50	.80
$50.01 to $100	.90
$100.01 to $200	1.00
Restricted delivery	.50
Notice of nondelivery	.05
Alteration of charges or delivery	.10

§ 53.2 Description.

(a) *Purpose.* Patrons may mail an article for which they have not been paid and have the price and the cost of the postage collected from the addressee when the article is delivered. This is collect-on-delivery service, which is usually called COD service. The amount collected is returned to the mailer by a postal money order. The fees for COD service include insurance against loss, rifling, or damage to the article and failure to receive the amount collected from the addressee.

(b) *Mail which may be sent COD.* First-, third-, and fourth-class matter may be sent as COD mail. See § 51.4 of this chapter for registered COD fees.

(c) *Conditions.* (1) The mail must bear the complete names and addresses of sender and addressee.

(2) The largest amount that will be collected from the addressee is $200.

(3) The amount to be collected or the amount of insurance coverage desired, whichever is higher, determines the COD fee.

(4) The sender guarantees to pay any return and forwarding postage unless otherwise specified on the mail.

(d) *Prohibitions.* The COD service cannot be used for:

(1) Sending articles to addressees who have not ordered them or agreed to accept them.

(2) Collection agency purposes.

(3) Return of merchandise about which some dissatisfaction has arisen, unless the new addressee has consented in advance to such return.

(4) Sending only bills or statements of indebtedness even though the sender may establish that the addressee has agreed to the collection in this manner. However, when a legitimate COD shipment consisting of merchandise, bill of lading, etc., is being mailed, the balance due on a past or anticipated transaction may be included in the charges on a COD article, provided the addressee has consented in advance to such action.

(5) Parcels containing moving-picture films mailed by exhibitors to moving picture manufacturers, distributors, or exchanges. Such parcels may be sent as insured mail, or, if sealed, by first-class registered mail.

(e) *Restrictions on COD service to military installations.* COD service is not available for articles having an APO or FPO designation as part of the address. This restriction applies also to official shipments and shipments to Armed Forces agencies.

(f) *Service with U.S. Possessions and Territories.* There is no COD service with the Canal Zone, Canton Island, Caroline Islands, Mariana Islands, or Marshall Islands or to Samoa. However, COD articles may be mailed from Pago Pago, Samoa.

§ 53.3 Mailing.

(a) *Payment of fees and postage.* Fees and postage must be prepaid. If the mailer includes in the charges to be remitted the postage and fee prepaid, the COD fee will be based on the total COD charges, which include the postage and fee.

(b) *Where to mail.* COD parcels must be mailed at a post office, branch, or station or through a rural carrier. They may not be placed in mail drops at post offices, nor in or on street mail boxes. They may not be left on, but may be placed in, rural mail boxes. (See also paragraph (h) of this section regarding mailing COD matter on rural routes.)

(c) *Individual receipts for mailing.* A receipt is issued for each COD parcel mailed.

(d) *Firm mailing books, COD tags, and address labels.* Firm mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be sent COD. The sheets of these books become the senders' receipts and the post office records. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) The postmaster will assign a series of numbers. The mailer must number the articles and the items to correspond. Entries must be made in duplicate with carbon paper.

(2) A COD tag must be securely fixed by the sender to each COD article, showing article number, names and addresses of sender and addressee, amount due sender, and amount of money order fee necessary to make remittance. The necessary particulars must be filled in by sender. Stock tags are furnished by the post office without charge. There are three types of tags eyeletted for tying to parcels, and one uneyeletted type for attaching by gummed tape. Specially printed COD tags approved by the Postal Service are also used. The eyeletted tag, form 3816, composed of delivery office portion, delivering employee's coupon, mailing office record and the sender's receipt, is intended for use by patrons mailing less than three articles at one time.

(3) The particulars required on the tag must be filled in by the sender with ink, indelible pencil (not ordinary lead pencil), or typewriter. The Postal Service is not responsible for errors by senders in stating charges to be collected.

(4) When COD remittance is to be sent to someone other than the actual mailer, the name and address of the person to whom the money is to be sent must appear in the proper spaces on the address side of the COD tag. The name and address of the actual mailer must be placed on the back of the delivery office portion of the tag. The name and address of the person to whom the money is to be paid must be shown as sender on the COD parcel itself, together with directions as to return, if undeliverable.

(5) The package must bear the complete names and addresses of the sender and addressee, and the COD endorsement showing the amount due the sender and the money order fee necessary to make the remittance.

(6) When COD parcels are addressed to distant points or to overseas domestic destinations, the mailer may, if he desires to expedite remittance, attach an addressed, prepaid airmail reply envelope to the back of the COD tag at time of mailing.

(e) *Nursery stock shipments.* Firms mailing nursery stock may print special COD tags bearing instructions as to disposition of shipments that are not immediately delivered. These tags must contain a coupon that will be returned with the money order. The following rules apply:

(1) If the sender does not desire to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery-office portion of the COD tag (1), and the sender's coupon (2), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 30 days, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.
☐ Destroyed after 30 days.

(2) If sender desires to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery office portion of the COD tag (1), and on the sender's coupon (2), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, sell to highest bidder and remit proceeds less commission. If sale cannot be made destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, is destroyed after 30 days, or is sold, check disposition and

send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.
☐ Destroyed after 30 days.
☐ Sold for $------. Remittance, less commission, herewith.

(f) *Multiple mailing forms.* Specially designed and privately printed multiple mailing forms are found by many mailers to be advantageous. They provide in one operation, by carbon or spot carbon process, address labels, firm mailing and post office records, and COD tags or labels to be stuck on stock COD tags. Specially designed recapitulation sheets are used for receipting purposes. Mailers desiring to use multiple forms should consult printers specializing in business forms, and submit specimen proofs to their local postmasters before printing.

(g) *Temporary receipts.* When, at the discretion of the postmaster, the number of articles presented for COD at one time warrants, a temporary receipt showing only the total number of parcels accepted may be issued. The permanent receipt will be issued as soon as possible.

(h) *Mailing on rural routes.* Patrons may present mail to rural carriers for COD service. For COD mail the sender must fill in a COD tag with ink, indelible pencil (not ordinary lead pencil), or typewriter. Patrons may leave mail in rural mail boxes for COD service provided sufficient stamps are fixed for postage and fee, or money for postage and fee is left in the box. If indemnity coverage for more than the COD charges is desired, a note should be left so stating. The Postal Service assumes no responsibility for articles or money left in rural mail boxes until the articles are receipted for.

§ 53.4 Special services.

(a) *Restricted delivery service.* Patrons may, at the time of mailing, direct that a COD parcel be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed "Deliver to Addressee Only or Deliver to Addressee or Order."

(b) *Alteration or cancellation of COD charges or delivery.* Alteration or cancellation of COD charges or delivery to another addressee may be directed by the sender on payment of the prescribed additional fee. The request must be made at office of mailing on Form 3818, "Authorization to Cancel or Change Charges on a COD Article." Such change may be directed by telegram, the telegram being authorized and paid for by the sender but sent in the name of the postmaster.

§ 53.5 Delivery.

(a) *At letter carrier offices.* (1) A COD parcel will be tendered to the addressee at his home, or if he receives his mail in a post office box or through general delivery, he will be furnished a notice of the arrival of the parcel. If the parcel is undelivered after 5 days, a second notice will be sent to him. If the addressee does not accept the parcel when it is tendered, it will be returned to the post office and held for the length of time directed by the sender, but never more than 30 days. The addressee may go to the post office and obtain the parcel or he may request that it be delivered to his home. The mailer may also request that it be delivered again.

(2) A request that a second attempt be made by a carrier to deliver a COD parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be tendered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(3) When delivery of a COD parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(4) No local rate of postage is charged for renewed attempts to deliver COD mail prepaid at the letter rate of postage.

(5) The addressee must have the amount of the COD charges, as the carrier is not furnished change.

(b) *At offices not having carrier delivery service.* The addressee will be notified when a COD parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box. A second notice is issued if the article is undelivered after 5 days.

(c) *On star routes affording delivery services.* COD mail will not be delivered by star route carrier unless the addressee so requests in a written order filed with the postmaster. When the order is given, the carrier is regarded as the addressee's representative, and the responsibility of the Postal Service ends when delivery has been made to the carrier. Delivery of COD mail is not made to a star route carrier until the COD charges are paid.

(d) *Type of delivery service.* COD parcels are delivered in accordance with the regulations for delivery of registered mail (see Part 51 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

(e) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from COD mail while it is in the possession of the postal employee. Examination of the contents may be made only after the COD charges have been paid and delivery has been made.

§ 53.6 Registered COD mail.

Sealed domestic mail of any class bearing postage at the first-class rate may be sent as registered COD mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $200, but additional indemnity may be obtained over $200 up to the regular registry limit of $1,000 by payment of a higher fee. Registered COD mail is subject to surcharges applicable to other registered mail, except that the basis of the surcharge is the amount by which the declared actual value of the article exceeds the limit of liability covered by the fee paid. If envelopes are used as covers, they must not be smaller than 4 x 7¾ inches.

PART 54—PAYMENT FOR LOSSES

Sec.
54.1 Payment conditions.
54.2 Payable claims.
54.3 Nonpayable claims.
54.4 How to request payment.
54.5 Articles recovered after payment.

AUTHORITY: §§ 54.1 to 54.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 2409, 5001, 5005–5007.

§ 54.1 Payment conditions.

(a) If through error by the Postal Service, a fee less than that required to cover the amount of insurance desired was charged the sender may pay the deficiency in fee and postal insurance may be paid within the limit fixed for the higher fee.

(b) If commercial insurance is carried on a registered, insured, or COD article, the total amount of insurance to be received will be prorated between the Postal Service and the insurance company. The following formula is used:

$$\frac{\text{Maximum postal insurance for fee paid}}{\text{Maximum postal insurance for fee paid} + \text{Total private insurance}} \times \text{Actual value or cost of repairs} = \text{Postal liability}$$

(c) If the insured or COD article was lost or the entire contents totally damaged, the payment check will include an additional amount for postage (not fee) paid by the sender.

(d) If both sender and addressee claim insurance, they should decide between themselves which should receive payment. If no agreement is reached, payment may be made to the sender as the person with whom the Government's contract of insurance was made.

(e) When the sender is incompetent or deceased, payment will ordinarily be made to the legal representative, if any. If there is no legal representative, payment may be made to such relative or representative of the sender as may be entitled to receive the amount due, in accordance with applicable State laws.

§ 54.2 Payable claims.

Postal insurance within the amount covered by the fee paid is payable for:

(a) The actual value of lost articles.

(b) The cost of repairing a damaged article or the cost of replacing a totally damaged article, not exceeding the actual value of the article. When unusual conditions exist, payment may be made, at the discretion of the Postal Service, for the full value of a partially damaged article. The article then becomes United States property and must be surrendered to the postmaster.

(c) The amount collected for a COD article that is not received by the sender.

(d) Death of baby poultry due to physical damage to the package or delay for which the Postal Service is responsible. In the absence of definite evidence showing responsibility for death of baby poultry, the Postal Service will be presumed to be at fault if 10 percent or more of the chicks are dead, if delivered within the 60-hour limit, and insurance will be paid for all dead chicks; otherwise the Postal Service will not be presumed to be at fault.

(e) Perishable matter properly prepared for mailing which, due to fault of the Postal Service, is delivered in spoiled or deteriorated condition.

(f) The cost of duplicating valuable papers, or their original cost if they cannot be duplicated. The fee paid to an attorney to obtain duplication of valuable papers and other actual, direct, and necessary expenses may be included.

(g) In all claims involving insured mail, and COD mail delivered to the addressee, any Federal, State, or city sales tax paid on lost or irreparably damaged articles.

(h) Postage (not fee) paid for replacement of damaged articles or for sending damaged articles for repairs.

§ 54.3 Nonpayable claims.

(a) Payment will not be made in excess of the actual value of the article or in excess of the maximum amount covered by the fee paid.

(b) Payment will not be made when:

(1) The article was not rightfully in the mail. This includes COD and insured articles sent to addressees without their consent, for purposes of sale.

(2) Requests are filed more than 1 year from the date the article was mailed, unless established that the delay was not the fault of the claimant.

(3) Evidence of insurance coverage has not been presented.

(4) The sender failed to state at the time of mailing the full value of a registered article, thus depriving the Postal Service of revenue.

(5) The loss, rifling, or damage occurred after proper delivery by the Postal Service, unless the article was reinsured.

(6) There is only a sentimental value.

(7) The loss resulted from delay in delivery of a registered article.

(8) The claim is for some consequential loss rather than for the article itself.

(9) The matter froze, melted, spoiled, or deteriorated due to temperature changes (natural or artificial).

(10) The parcel could not have reached the addressee in good condition in the ordinary course of the mail.

(11) The damage consists of abrasion, scarring, or scraping of suitcases, handbags, and similar containers which were not packed for protection.

(12) Death of baby poultry was due to shipment to points where delivery could not be made within 60 hours from the time of hatch, or to extremes of temperature in the ordinary course of handling.

(13) The death of honeybees and harmless live animals was not due to fault of the Postal Service.

(14) Fragile-type phonograph records are damaged.

§ 54.4 How to request payment.

(a) *Forms.* Use Form 565, "Application for Indemnity for Registered Mail," to request payment for registered mail losses, and Form 3812, "Request for Payment of Postal Insurance (Domestic)," to request payment for insured and COD mail losses. These forms may be obtained from your local postmaster.

(b) *Where to file.* Requests may be filed at any post office, branch, or station. Claims do not have to be filed at the office of mailing or at the office of address.

(c) *Who may file.* Forms 565 and 3812 may be filed by the mailer or by the addressee.

(d) *Waiting period before filing claims.* Claims may not be filed before a reasonable time has been allowed for the addressee to have received the article, taking into account that if the mail could not be delivered immediately on arrival, it may have been held at the post office of address for varying periods before return. These retention periods are governed by the sender's instructions on the article. If no retention period was stated on the mail, the following periods, plus transportation time, must be observed before claim is filed:

(1) Registered mail	10 days.
(2) Insured mail	15 days.
(3) COD mail	30 days.

(e) *Information required with claim—*

(1) *Evidence of insurance.* Evidence that the mail was registered, insured, or sent COD must be submitted with POD Form 3812 or Form 565. This evidence is either:

(i) The receipt issued at the time of mailing an exact copy thereof made by any of the various photographic processes, or a notarized copy of the original; or

(ii) The wrapper or envelope of the article bearing names and addresses of sender and addressee and the endorsement that the mail was sent registered, insured, or COD.

(2) *Statement of value.* The claimant must make a definite statement on Form 3812 showing the actual value of lost or irreparably damaged articles, or the cost of repairing partially damaged articles. Allowance must be made for any depreciation due to age or wear or for repairs needed at time of shipment. Statements of the value of lost or completely damaged articles should be supported by receipted bills or invoices where practicable. In the case of articles which can be repaired, a receipted bill for repairs already made, or an estimate of the cost of repairs obtained from a reliable repairman, must accompany the claim.

§ 54.5 Articles recovered after payment.

When a lost registered, insured or COD article is recovered, the payee may accept the article and reimburse the United States for the full amount paid if the article is undamaged, or such amount as may be determined equitable by the Post Office Department if the article is damaged or has depreciated in value or if the contents are not intact.

PART 55—CERTIFICATES OF MAILING

Sec.
55.1 Purpose.
55.2 Fees.
55.3 Forms.
55.4 Additional certificates after mailing.
55.5 Payment and certification.

AUTHORITY: §§ 55.1 to 55.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5012.

§ 55.1 Purpose.

Certificates of mailing furnish evidence of mailing only. A receipt is not obtained upon delivery of the mail to the addressee. The fee paid for certificates of mailing does not insure the article against loss or damage.

§ 55.2 Fees.

(a) *Individual pieces.*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail: 5 cents for each piece of mail described.

Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and COD mail: 2 cents for each piece of mail described.

(b) *Identical pieces of first- and third-class mail.*

	Cents
Up to 1,000 pieces (1 certificate for total number)	25
For each additional 1,000 pieces, or fraction	5
Duplicate copy	5

§ 55.3 Forms.

(a) *Who prepares.* (1) Certificates of mailing are prepared by the mailer, except mailers on rural routes. Individual and firm mailing book certificates must show the name and address of both the sender and the addressee, and may show the amount of postage paid. Identifying invoice or order numbers also may be placed on the certificate.

(2) Patrons of rural routes may deliver mail to the rural carrier together with the fee for the certificate. The carrier will obtain the certificate at the post office, attach the stamps, cancel them by postmark, and deliver the certificate to the sender on his next trip.

(b) *Individual certificates.* Form 3817, Certificates of mailing, is used for an individual certificate for ordinary mail of any class. Forms specially printed at the mailer's expense may be used also.

(c) *Firm mailing books.* Firm mailing books, Forms 3877, "Firm Mailing Book for Registered, Registered COD, and Certified Mail," or 3877–A "Firm Mailing Book for Insured, COD, and Certified Mail," or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time.

(d) *Bulk mailings.* Certificates for mailings of identical pieces of first- and third-class advertising matter are made on Form 3606, "Sender's Statement and Certificate of Bulk Mailing." This is a certification that a specified number of pieces has been mailed.

(e) *Quantity mailings.* When the number of articles ordinarily presented justifies such action, mailers will be required to comply with the following:

(1) When individual certificates on Form 3817 are desired, the forms must either be fixed by the stub to the articles or the forms must be consecutively numbered and fastened together. If the certificates are numbered, the articles also should be lightly numbered at a uniform place to permit relating the parcels and certificates.

(2) When the articles are descriptively listed on firm mailing sheets or on special approved forms, they should, if practicable, be presented in the order in which they are entered on the sheets; otherwise, each entry must be consecutively numbered by the mailer, and the articles must be lightly numbered to show the sheet and line number on which they are described.

§ 55.4 Additional certificates after mailing.

To obtain an additional certificate after mailing the sender must present the original certificate and an additional certificate endorsed "duplicate" or "copy" showing the original dates of mailing. The additional certificate will be postmarked to show the current date.

§ 55.5 Payment and certification.

Mailers must fix uncanceled stamps or meter stamps to cover the fee for certificates of mailing. The stamps will be canceled by the postmark of the mailing office. Signatures or initials of accepting employees are not required on Form 3817. The postmark shows the genuineness of the certificate. The employees who check the mailings and postmark the stamps will initial the certificates issued on firm mailing bills or on special approved forms. Form 3606 for bulk mailings will be certified by the postmaster.

PART 56—SPECIAL DELIVERY

Sec.
56.1 Description of special delivery.
56.2 Payment for special delivery.
56.3 Hours of delivery.
56.4 Delivery procedures.
56.5 Undelivered mail.
56.6 Acceptance by letter carriers and messengers.

AUTHORITY: §§ 56.1 to 56.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 707, 6006, 6007.

§ 56.1 Description of special delivery.

(a) *Points of delivery.* Special-delivery mail is given immediate delivery at the office of address during prescribed hours to:

(1) Points within a radius of 1 mile of any post office, station, or branch (except contract station or branch and rural station).

(2) Points within the delivery limits of any post office having letter carrier service.

(3) Points within one-half mile of a rural route by rural carrier on his regular trip, if there is a passable road leading to the addressee's dwelling or place of business.

(b) *Transporting and delivering.* Special-delivery mail is handled and transported in the same manner and with the same expedition as first-class mail. Payment of a special-delivery fee does not insure safety of delivery or provide for the payment of indemnity. Money or other valuables sent special delivery should also be registered. Insured, certified, and COD mail may be sent special delivery.

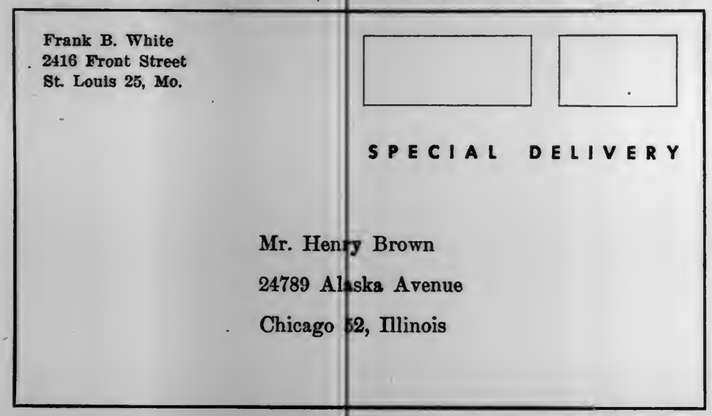
§ 56.2 Payment for special delivery.

(a) *Special delivery fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
	Cents	*Cents*	*Cents*
First class and airmail (including air parcel post)	30	45	60
All other classes	55	65	80

(b) *Prepayment of fee.* Prepay the special-delivery fee by special-delivery stamps, ordinary postage stamps, or meter stamps. The special-delivery fee must be prepaid in addition to regular postage. Official matter in penalty or franked envelopes is not entitled to free special delivery, except urgent official communications of the Postal Service.

(c) *Marking.* You should mark prominently the words "Special Delivery" preferably below the postage and above the name of the addressee as follows:



§ 56.3 Hours of delivery.

(a) *Weekdays.* Normally, special delivery is made at city delivery offices from 7 a.m., to 11 p.m., and at all other post offices from 7 a.m., until the closing hour but not later than 9 p.m. Later hours for delivery may be fixed in particular cases.

(b) *Sundays and holidays.* Special delivery is made at first- and second-class offices on Sunday and at other offices if the mail or mails arrive between the closing hour on Saturday and 6 p.m. on Sunday. Special delivery is made at all offices on holidays.

§ 56.4 Delivery procedures.

(a) *To whom delivery may be made.* Ordinary special-delivery mail is delivered to the addressee or to anyone authorized to receive his mail. At letter-carrier offices, special-delivery mail, other than registered and insured, addressed to a post office box, or to the general delivery, is delivered to the box or held for delivery through the general delivery window, unless the addressee has given written notice that such mail be delivered to his residence or place of business. When special-delivery mail is received at a letter-carrier office addressed to a street address and the addressee usually receives his mail through a post office box or through the general-delivery window, the mail is delivered as addressed, unless the addressee files a written notice directing delivery to his box or through the general-delivery window. At offices not having letter-carrier service, all special-delivery mail is delivered to the residence or place of business of the addressee, unless the addressee files a written request that such mail be deposited in his post office box or held for delivery through the general-delivery window.

(b) *Delivery in mail receptacles.* When no one is at the address to receive mail, the messenger, if he can determine that the occupants are absent for not more than 1 day, will leave the mail and a notice on Form 3955 "Special Delivery Notice."

(c) *Notice of attempted delivery.* When mail cannot be delivered as described in paragraph (b) of this section, the notice Form 3955, left on the doorknob or handle, under the door or in the receptacle, will state where the special delivery mail is being held, the name of the addressee, the messenger's number, the date, and whether it is registered, insured, COD, certified, or marked or known to be perishable.

(d) *Delivery to rural boxes.* Special-delivery mail for an addressee who lives more than one-half mile from the rural route is delivered to his box. If he lives within one-half mile of the route and delivery cannot be made to his residence or place of business, it is deposited in his box, and a notice of non-delivery on Form 3955 is left at his residence or place of business. (See § 46.3 (b) of this chapter for parcels that are too large for the box.)

(e) *Military posts and camps.* No special-delivery service is provided by military personnel at military posts and camps. Special delivery by messenger is made only to addresses such as officer's homes, headquarters, hospitals, and other places where it is definitely known that delivery can be made.

(f) *Forwarded special-delivery mail.* Special-delivery mail that is forwarded is not entitled to special delivery at the second office, unless a forwarding order had been given by the addressee at the office of original address in advance of the arrival of the mail. Registered mail will not be forwarded without authority as explained in Part 47 of this chapter.

§ 56.5 Undelivered mail.

Special-delivery mail is not delivered in receptacles, left under the door, or delivered a second time if the mail bears a specific request that it be returned to the sender if prompt delivery cannot be made. Special-delivery mail that cannot be delivered is treated the same as other undeliverable matter.

§ 56.6 Acceptance by letter carriers and messengers.

Letter carriers, whether assigned to delivery or collection duty, and special-delivery messengers, will accept prepaid matter bearing a special-delivery stamp handed to them on their trips, and deliver it to the proper clerk immediately upon their arrival at the post office. Letter carriers will not turn over local matter for special delivery directly to messengers.

PART 57—SPECIAL HANDLING

Sec.
57.1 Description of special handling.
57.2 Special-handling fees.
57.3 Marking of parcels.
57.4 Forwarding.

AUTHORITY: §§ 57.1 to 57.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 6008.

§ 57.1 Description of special handling.

Special-handling service is available for fourth-class mail only, including that which is insured or sent COD. It provides the most expeditious handling, dispatch, and transportation available, but does not provide special delivery. Special-handling parcels are delivered as parcel post is ordinarily delivered, on regular scheduled trips. The special-handling fee (or special-delivery fee) must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

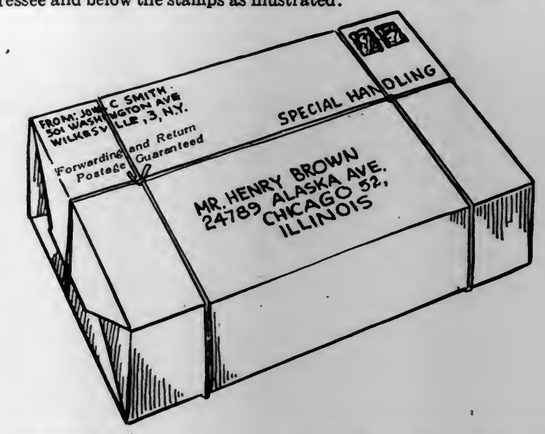
§ 57.2 Special-handling fees.

Weight:	Fee (*cents*)
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

The special-handling fee is in addition to regular fourth-class postage, and may be prepaid by ordinary postage stamps, or by meter stamps.

§ 57.3 Marking of parcels.

You should mark the words "Special Handling" preferably above the name of the addressee and below the stamps as illustrated:



§ 57.4 Forwarding.

Parcels undeliverable as originally addressed and forwarded to the addressee at a new address are given special handling without requiring an additional special-handling fee. Additional postage at the regular fourth-class rate is collected on delivery.

PART 58—CERTIFIED MAIL

Sec.
58.1 Description.
58.2 Class of mail to which applicable.
58.3 Fees.
58.4 Mailing.
58.5 Delivery.

AUTHORITY: §§ 58.1 to 58.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4052, 5010.

§ 58.1 Description.

Certified mail service provides for a receipt to the sender and a record of delivery at the office of address. No record is kept at the office at which mailed. It is handled in the ordinary mails and no insurance coverage is provided. The mail will be endorsed in the following manner:



§ 58.2 Class of mail to which applicable.

Any mailable matter of no intrinsic value on which postage at the first-class rate has been paid will be accepted as certified mail. This does not exclude articles of a nonnegotiable character and other matter which would involve a cost of duplication if lost or destroyed. The mail may be sent by air on payment of the required postage. Special delivery services are available on payment of the prescribed fees. Penalty and franked mail may be accepted as certified mail if the fee is prepaid. Official matter of the Postal Service may be sent as certified mail without payment of the fee.

§ 58.3 Fees.

	Cents
Fee in addition to postage	20
Restricted delivery	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10
Showing to whom, when, and address where delivered	35
Requested after mailing:	
Showing to whom and when delivered	25

§ 58.4 Mailing.

(a) *Payment of fees and postage.* The fee and postage may be paid by ordinary postage stamps, metered stamps, or by permit imprints.

(b) *Points to which mailable.* Certified mail may be addressed for delivery only:

(1) In the United States, its Territories and Possessions.

(2) In the Canal Zone.

(3) Through Army-Air Force (APO) and Navy (FPO) post offices.

(4) Through the United Nations, N.Y. post office.

(c) *Where to mail.* Patrons may mail certified mail at the post office, branch or station or give it to a rural carrier. It may also be deposited in mail drops in post offices, street letter-boxes, or any other receptacles for first-class mail, provided the specific directions in paragraph (d) of this section are followed.

(d) *How to mail.* Obtain blank certified mail coupons (no charge) at the post office or from rural mail carriers. Also obtain blank return receipt forms if needed. Following is the procedure:

(1) Enter on the receipt portion of the certified mail coupon the name and

complete address of the person or firm to whom the mail is addressed.

(2) If return receipt is wanted check block on the mailing receipt to show the fee and endorse the article on the address side near the certified mail endorsement "Return Receipt Requested" or "Return Receipt Requested Showing Address Where Delivered." See § 58.3 (c). The mailer must enter the certified mail number on the return receipt card, address it to himself, and attach it to the back of small envelopes and on front of packages and large envelopes if it will not cover the address. If the mailer desires that the return receipt show the address where the article was delivered, there is a block at the top of the form which must be checked by him.

(3) Attach to the envelope sufficient postage stamps to pay for the certified mail fee, first-class postage, return receipt fee, or special delivery fee.

(4) If a postmarked sender's receipt is desired, the sender must attach the certified mail sticker to the address side of the article and present the article and the completed coupon to the postal employee. If given to a rural carrier he will return the postmarked receipt to the patron.

(5) If a postmarked receipt is not desired, the sender must attach the "Certified Mail" sticker to the address side of the article, detach his receipt, and mail the article. He must mark his receipt to show the date.

(6) If the sender desires to restrict delivery of certified mail to the addressee or someone named by him in writing, he must endorse the mail "Deliver to Addressee Only" or "Deliver to Addressee or Order."

(e) *Firm mailing books.* If an average of three or more letters is mailed at one time, the sender may use mailing books, Form 3877a, "Firm Mailing Book for Registered, Registered COD, and Certified Mail," which are furnished by the Postal Service without charge, or specially printed mailing bills. A Series of numbers will be furnished the sender. The sheets of the books become the sender's receipts. If the sender wants the firm mailing bills receipted by the Postal Service, he must present the books with the articles to be mailed. He must also obtain at his expense a stamp for endorsing the certified letters, or he may have his envelope overprinted with the endorsement. The endorsement must be a facsimile or proportionate enlargement of the official endorsement shown in § 58.1. Following are instructions for use of firm mailing bills:

(1) Insert the word "Certified" in the space provided at the top of the bill.

(2) The mailer must endorse and number the letters. If return receipt or special delivery services are requested, mark the letters "Return Receipt Requested, Return Receipt Requested Showing Address Where Delivered," or "Special Delivery." Prepare and attach return receipt to the back of the envelopes with the receipt side showing.

(3) Show on the bill the number of each article and the name and address of addressee.

(4) Enter only the amount of fees paid for return receipts.

(5) Affix necessary postage to the articles.

(6) The accepting employee will count the items, receipt the bill for the total number, and return the bill to the sender.

§ 58.5 Delivery.

(a) *Procedure.* Mail for delivery by carriers is taken out on the first trip after it is received, unless the addressee has requested the postmaster to hold his mail at the post office. Certified mail not restricted in delivery will be delivered to the addressee or his authorized representative. Certified mail marked "Deliver to Addressee Only" will be delivered only to the person addressed. If marked "Deliver to Addressee or Order" delivery will be made to the addressee or to a person designated in writing by the addressee to receive the mail. Delivery rules are the same as for registered mail. See §51.7 (b) and (g) of this chapter.

(b) *Notice of arrival.* The carrier will leave a notice of arrival if he cannot deliver the certified article for any reason. The article will be brought back to the post office and held. If the article is not called for or its redelivery requested, it will be returned at the expiration of the period stated by the sender, or after 15 days if no period is stated.

(c) *Rural delivery.* Rural carriers will deliver certified mail to the addressee's residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, a notice will be left in the addressee's box so that he may either meet the carrier at the box on his next trip, or call at the post office for the mail.

(d) *Star route delivery.* Star route carriers may deliver certified mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. Authorization may be made on Form 3801, "Standing Delivery Order." The carrier will be required to sign for the mail and the responsibility of the Postal Service ends on delivery to the carrier.

(e) *Delivery records.* The delivery records will be held for 2 years. At the end of that period the records will be destroyed.

SUBCHAPTER G—NONMAIL SERVICES

PART 61—MONEY ORDERS

Sec.
61.1 Issuance of domestic money orders.
61.2 Issuance of international money orders.
61.3 Cashing money orders.
61.4 Receipt and protection of blank money orders.
61.5 Inquiries.
61.6 Nonpostal money orders.

AUTHORITY: §§ 61.1 to 61.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 506, 507, 5101–5105.

§ 61.1 Issuance of domestic money orders.

(a) *Where sold.* Patrons may buy domestic money orders at all post offices, branches, and stations in the United States and its possessions, except for certain offices in Alaska. Money order facilities are also provided for members of the Armed Forces of the United States. Special procedures for rural patrons are explained in § 61.1(e).

(b) *Amounts, fees, payments*—(1) *Money order amounts.* Patrons should ask the clerk to issue a money order for the desired amount. The maximum amount for a single money order is $100. There is no limitation on the number of orders that may be purchased at one time, except when the Department may impose temporary restrictions.

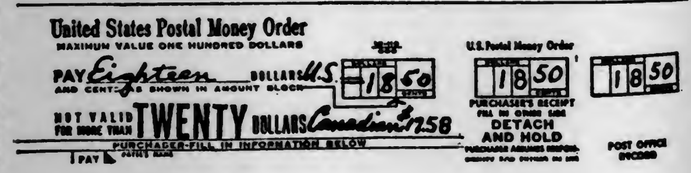
(2) *Money order fees.*

Amount of money order	Amount of fee	
	Domestic	International
$0.01 to $10	$0.20	$0.40
$10.01 to $50	.30	.60
$50.01 to $100	.35	.70

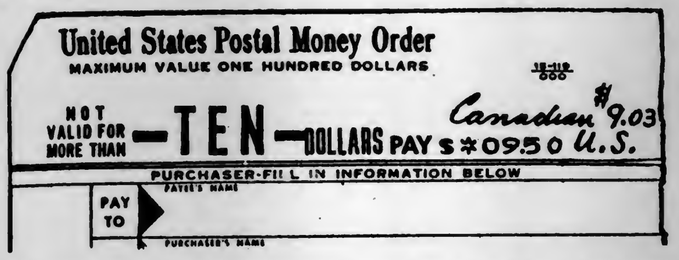
(3) *Paying for money orders.* Money orders must be paid for in American money. Postmasters may accept, at their own risk, from a person whose endorsement is acceptable, a Federal Government check in payment for a money order.

(c) *Putting amount, dating stamp, and initials on money order*—(1) *Amount.* The employee who issues the money order shall enter the amount, as follows:

(i) *Manual method.* Use post office ball point pen and write the whole dollar amount in words on the "pay" line and the dollar and cents amount in figures in the "amount" block and draw two lines through unused "dollar" blocks. Enter control stamp for the same or next higher amount after the words "not valid for more than". The following illustration also shows the proper manner of issuing order for payment in Canada.



(ii) *Machine method.* Use machine to enter amount in figures, preceded by the $ sign and asterisk, if less than $100, to the right of word "pay". Affix control stamp for the same or next higher amount after the words "not valid for more than". The following illustration also shows the proper method for issuing order for payment in Canada.



(2) *Dating stamp and initials.* The employee who issues the money order shall put the all-purpose dating stamp (Item 570) and his initials, in ink, in the spaces provided on form.

(d) *Completion of money order by purchaser.* After receiving cash for the order and fee, the postal clerk shall remove the post office record stub, partially detach purchaser's receipt stub, give the order and receipt to patron, and remind him of necessity to complete information on the order. The purchaser must fill in the following information on the money order:

(1) *Name of payee and name and address of purchaser.* The patron must fill in his name and address as purchaser and the name of the person to whom it is to be paid. He should do this promptly to protect his rights in the event the order is lost. Money orders may be payable:

(i) To purchaser, if desired.

(ii) To only one firm or person, by complete name. Don't put the name "Smith" for an individual. But "Smiths" may be used if it is the name of a company or firm.

(iii) To payees (the persons to whom payable) by their official titles. For example: Cashier, First National Bank; Superintendent of Insurance, New York State; Director of Internal Revenue, Baltimore.

(iv) To persons who have adopted a name in a religious order, such as Sister Theresa, or Brother Joseph.

(2) *Identifying data.* The purchaser should add his insurance policy number or other identification data to insure proper credit. Designate government agencies directly, as: Director of Internal Revenue; Superintendent of Documents; Veterans Administration.

(e) *Issuance to Rural Patrons*—(1) *Application Form.* Rural patrons must obtain an application from the carrier. The purchaser will be given a numbered receipt when he returns the completed application form with the money. If the carrier cannot give the correct change in payment, he will meet the purchaser on his next trip. Money must never be deposited in a rural box. When carriers do find money in a box with a completed application, Form 6001, "Application for domestic money order", they will take it to their post office for issue of the money order. Carriers will deliver the money orders with receipts attached, to patrons on their next regular trip. The postmaster shall keep applications in a separate file, in money order number sequence.

(2) *Requesting the mailing of order to payee.* If the purchaser wants the money order mailed to the payee the carrier will do so if he is furnished a stamped addressed envelope. No extra charge is made for this service.

(3) *Form 6387 for rural carriers.* Postmasters will furnish rural carriers Form 6387, "Receipt of Carrier to Purchaser and Certificate of Postmaster for Issue of Money Order", for the purpose of transacting money order business. These transactions shall be conducted in accordance with instructions on the back of the book cover of Form 6387.

(f) *Spoiled or lost money orders*—(1) *Spoiled when being issued*—(i) *Issuance of new order.* The purchaser must make sure that the money order received agrees with the amount requested. When a money order is returned after it has been issued and made a matter of record, a new one will be issued. If the post office was at fault, no fee will be charged for the new one. Should the purchaser spoil an order in completing it, no charge will be made for a new one if the purchaser returns it to the post office on the same day it was issued.

(ii) *Disposition of spoiled order.* Postal employees shall treat money order forms that are defective by misprint or mutilation or spoiled when being issued as follows:

(*a*) Stamp or write boldly "Not Issued" across the amount block on the order. Detach and destroy purchaser's receipt. First- and second-class offices must submit these money orders with Form 6125, "Statement of Accountability Money Order Business"; Form 6125–A, "Money Order Group Report"; or Form 6126, "Statement of Accountability Money Order Business". Third- and fourth-class offices must enter "Not Issued" opposite the serial number on Form 1846, "Quarterly List of Money Orders Issued", or Form 1846–A, "List of Money Orders Issued", and submit the spoiled orders with the form.

(*b*) Stamp or write "Not Issued" across the amount block of the post office record (money order stub).

(2) *Lost or Damaged orders*—(i) *Application for duplicate order.* (*a*) A money order that is lost will be replaced without charge by the Post Office Department provided it had been completed by the purchaser to show his name and address and the name of the intended payee. The owner—purchaser, payee, or endorsee—should make application through his local postmaster, using Form 6401, "Inquiry as to Payment of Money Order."

(*b*) Patrons must wait 60 days after date of issue of original money order before filing Form 6401, "Inquiry as to Payment of Money Order", except for mutilated orders or for orders void by too many endorsements.

(*c*) The post office shall put the following endorsement on the purchasers receipt before returning the receipt to him:

Form 6401 (date).

(ii) *Issuance of duplicate order.* (*a*) A duplicate money order will be issued in accordance with the wishes of the purchaser-applicant without the consent of the payee or endorsee.

(*b*) The post office shall send the mutilated or void order to the Money Order Center where duplicates are issued. A duplicate money order will be issued if the original order is not in the paid files at the Money Order Center; it will show the serial number of the original order and the amount as entered on Form 6401. When a record of the amount of the original order is not available at the Money Order Center, the center will issue the duplicate based on information shown on Form 6401 and will send the order to the post office of issue of the original order for verification. In such cases, Form 787, "Duplicate Money Order Transmittal Letter," accompanies the duplicate money order; it describes the verification required and the disposition of the order. The employee performing the verification will initial the duplicate if both the serial number and the amount are in agreement with the post office record (stub).

(iii) *Orders recovered after duplicate issued.* When a duplicate order has been issued, the postal employee shall write "Canceled-Duplicate Issued" on the original order and send it to the Money Order Center. If the postal employee does not know whether a duplicate was actually issued, he shall send the recovered order with Form 6401, "Inquiry as to Payment of Money Order."

(iv) *Payment of duplicate orders.* A duplicate money order is payable only to the payee named thereon or to his endorsee.

§ 61.2 Issuance of international money orders.

(a) *Where sold.* International money orders may be purchased at almost all first-class post offices. Some second-, third-, and fourth-class post offices have been designated to provide this service. International money orders will be issued to addressees in those countries that have agreed with the United States to conduct such business.

(b) *Application.* (1) For the following countries, the domestic money order

form is used and there is no application form:

Antigua.	Dominica.
Bahamas.	Grenada.
Barbados.	Jamaica.
Bermuda.	Montserrat.
British Honduras.	Nevis.
British Virgin Islands.	Saint Kitts.
	Saint Lucia.
Canada.	Saint Vincent.
Canal Zone.	Tobago.
Cuba.	Trinidad.

(2) For all countries and localities listed in paragraphs (f) and (g) of this section, the international money order form is used and application must be made on Form 6701. In some cases, the order is written in foreign currency. In most cases, the amount is written in United States dollars and converted into foreign currency in the country where payable.

(3) Purchasers must use Form 6083, "Supplemental International Money Order Advice", written in the foreign language, when they send money orders payable in Greece, Lebanon, Syria, Yugoslavia, and Japan.

(4) When the international money order form is used, purchasers will be given a receipt. The postmaster will arrange for sending the order abroad, as prescribed in paragraph (c) (2) (iii) of this section.

(5) Purchasers must state the following details in their application regarding the payee: Full name, exact address, name of city, town, or village; name of the canton, department, or district as the case may be. If the payee is a woman, state whether single, married, or a widow.

(c) *Preparation of orders*—(1) *When domestic form is used.* Postal employees shall handle in the same manner as for domestic orders. For Canada, the amount on the order must be expressed in both U.S. and Canadian money. Consult the current conversion table. Put the amount received in U.S. money in the "figure" block and write "U.S." before it. Write the Canadian amount under the figure blocks and put "Canadian" before it.

(2) *When international form is used.* Postal employees shall complete the transaction the same way as for a domestic money order, with these exceptions:

(i) Print all particulars of the application on the order, including office of payment, if known.

(ii) Enter amount in U.S. money. If patron requests foreign equivalent of an order payable in one of the following countries, consult Form 6749a, "Conversion Tables for Use in International Money Order Business", and enter that amount also: British Guiana, Great Britain and Northern Ireland, Ireland, New Zealand, South Africa, Belgium, Denmark, France, Luxemburg, Netherlands, Norway, Surinam, Sweden, Switzerland and Tunis.

(iii) Give receipt to patron, and send order to the proper U.S. exchange office. When necessary, also attach any required foreign language advices, Form 6083, "Supplemental International Money Order Advice". (See paragraph (b) (3) of this section.)

(d) *Refunds.* The amounts of orders sent on the international form may not be repaid here until authorized by the foreign postal department. Form 6759, "Application for Authority for Repayment of International Money Orders", shall be sent to the proper U.S. exchange office when purchaser requests repayment on U.S. issued orders.

(e) *Lost reissued orders.* The postmaster shall report the facts concerning lost reissued orders (an order certified to the United States by a foreign country and reissued in the United States) to the proper U.S. exchange office.

(f) *Countries where service is available on direct exchange basis.* Direct exchange of international money orders is conducted between the United States exchange office and the foreign exchange office of the places named in the following table:

U.S. Exchange Office	*Foreign country*
Dallas 21, Tex.	Mexico.
San Francisco 3, Calif.	China, Republic of (Formosa).
	Commonwealth of Australia:
	New South Wales.
	Queensland.
	South Australia.
	Tasmania.
	Victoria.
	Western Australia.
	Japan.
	New Zealand.
	Philippines.
	Ryukyu Islands.
New York 1, N.Y.	Argentina.
	Austria.
	Belgium.
	British Guiana.
	Chile.
	Colombia.
	Costa Rica.
	Czechoslovakia (except Province of Ruthenia).
	Denmark.
	Egypt (United Arab Republic).
	Finland.
	France.
	Germany.[1]
	Great Britain and Northern Ireland.
	Greece.
	Guatemala.
	Hungary.
	Iceland.
	Ireland.
	Italy.
	Lebanon.
	Luxemburg.
	Netherlands.
	Netherlands Antilles (Aruba, Bonaire, Curacao, Saba, St. Eustatius, and southern part of St. Martin)
	Norway.
	Peru.
	Poland.
	Salvador.
	South Africa, Republic of
	Surinam.
	Sweden.
	Switzerland.
	Syria.[2]
	Tunis.
	United Arab Republic (Egyptian Territory).
	Uruguay.
	Vatican City.
	Yugoslavia.

[1] Money order service is in effect with the American, British, and French zones of Germany and the western sector of Berlin only.

[2] Syria comprises Aleppo, Damascus, Euphrates, Hama, Hauran Homs, Jebel Druze, Jezireh, and Latakia.

(g) *Countries where service is available on indirect exchange basis.* (Orders are paid in the designated country through an intermediary country which reserves the right to deduct a fee for the service.)

Country or Locality	*Basis: Through intermediary of—*
Aden	Great Britain.
Including Kamaran Island.	
Aegean Island (See Dodecanese Islands)	Greece.
Aitutaki, Cook Islands	New Zealand.
Algeria	France.
Andaman Islands	Great Britain.
Azores[1]	Great Britain.
Baluchistan (See Pakistan)	Great Britain.
Basutoland	South Africa.
Bechuanaland, British	South Africa.
Bechuanaland Protectorate	South Africa.
Borneo, North	Great Britain.
British Bechuanaland	South Africa.
British Cameroons	Great Britain.
Bamenda, Buea, Kumba, Mamfe, Tiko, Victoria.	
British Somaliland (See Somaliland Protectorate)	Great Britain.
Burma	Great Britain.
Cameroun, Republic of	France.
Cameroons, British	Great Britain.
Bamenda, Buea, Kumba, Mamfe, Tiko, Victoria.	
Central African Republic (Oubanghi-Chari)	France.
Ceylon	Great Britain.
Chad, Republic of (Tchad)	France.
Chios (Dodecanese Islands)	Greece.
Comoro Islands	France.
Congo, Republic of (Moyen'Middle' Congo)	France.
Cook Islands	New Zealand.
Aitutaki, Rarotonga.	
Corsica	France.
Cos (Dodecanese Islands)	Greece.
Crete	Greece.

[1] The maximum amount which may be sent on any one day by the same purchaser is £40.

Country or Locality	*Basis: Through intermediary of—*
Mauritius	Great Britain.
Middle Congo (See Congo, Republic of)	France.
(Same as Moyen Congo.)	
Monaco	France.
Morocco	France.
Mozambique (Portuguese East Africa)	South Africa.
Nauru Island	New South Wales.
Netherlands West Indies (See Netherlands Antilles)	Netherlands.
New Caledonia	France.
New Guinea, Territory of	New South Wales.
New Hebrides	New South Wales.
Nicobar Islands	Great Britain.
Niger, Republic of	France.
Nigeria	Great Britain.
Nisyros (Dodecanese Islands)	Greece.
Niue or Savage Island	New Zealand.
Norfolk Island	New South Wales.
North Borneo	Great Britain.
Northern Rhodesia	South Africa.
Nyasaland	Great Britain.
Oceania, French (See Polynesia)	France.
Oubanghi-Chari (See Central African Republic)	France.
Pakistan (including Baluchistan)	Great Britain.
Papeete, Tahiti	France.
Papua (Territory of)	New South Wales.
Penrhyn Island	New Zealand.
Persian Gulf Ports	Great Britain.
Polynesia, French	France.
Makatea, Raiatea, Society Islands, Tahiti.	
Portugal[1]	Great Britain.
Portuguese East Africa (Mozambique)	South Africa.
Protectorate of Somaliland	Great Britain.
Raiatea, Polynesia	France.
Rarotonga (Cook Islands)	New Zealand.
Reunion Island	France.
Rhodes (Dodecanese Islands)	Greece.
Rhodesia (Northern and Southern)	South Africa.
Rodrigues, Island of	Great Britain.
Saar	Germany.
Saint Eustatius (Netherlands Antilles)	Netherlands.
Saint Helena	Great Britain.
Saint Pierre and Miquelon	France.
Samoa (Western)	New Zealand.
Samos (Dodecanese Islands)	Greece.
San Marion, Republic of	Italy.
Sarawak	Great Britain.
Savage Islands (Niue)	New Zealand.
Senegal, Republic of	France.
Seychelles Islands	Great Britain.
Sierra Leone	Great Britain.
Bauya, Blama, Bo, Bonthe, Cline Town, Daru Freetown, Hangha, Kabala, Kailahun, Kambia, Kenema, Lunsar, Magburaka (Makurmo) Makeni, Mano, Moyamba, Pendembu, Port Loko, Punjehun, Rotifunk, Segbwema, Sembehun, Sumbuya, Waterloo.	
Singapore	Great Britain.
Society Islands, French Polynesia	France.
Solomon Islands	New South Wales.
Somaliland Protectorate	Great Britain.
Berbera, Burama, Burao, Erigavo, Hargeisa, Lasanod, Sheikh (paid at Berbara or Burao), Zeilah.	
Cyprus	Great Britain.
Famagusta, Kyrenia, Larnaca, Lefka, Lefkara, Lefkoniko, Limassol, Morphou, Nicosia, Paphos, Pedhoulas, Platres, Polis, Troodos, Yialousa. (Pedhoulas, Platres and Troodos are summer offices only.)	
Dahomey, Republic of	France.
Dodecanese Islands	Greece.
Astypalaia, Kalymnos (Calino, Calymnos), Karpathos (Scarpanto), Kassos, Kasteliorizon, Cos, Leros (Lero), Nisyros (Nisiro), Patmos, Rhodes (Rodi), and Symi	
Ellice Islands	New South Wales.
Falkland Islands	Great Britain.
Stanley	
Fanning Island	New Zealand.
Faroe Islands	Denmark.
Fiji Islands	Great Britain.
French Cameroon (See Cameroun, State of)	France.
French Equatorial Africa (See Central African Republic, Chad, Congo and Gabon Republic).	France.
French Guiana	France.
French Oceania (See Polynesia)	France.
French Sudan (See Soudanese Republic)	France.
French Togoland (See Toga)	France.
French West Africa (See Dahomey, Soudanese Republic, Ivory Coast, Mauritania, Niger, Senegal, Upper Volta).	France.
Friendly Islands (or Tonga Islands)	New South Wales.
Gabon Republic	France.
Gambia	Great Britain.
Barre (paid through Bathurst), Base, Bathurst, Cape St. Mary (paid through Bathurst), Georgetown, Kunta-Ur, Macarthy Island (paid through Georgetown).	
Ghana	Great Britain.
Gibraltar	Great Britain.
Gilbert and Ellice Islands Colony	New South Wales.
Guadeloupe	France.
India	Great Britain.
Iraq[2]	Great Britain.
Islamic Republic (See Mauritania)	France.
Ivory Coast, Republic of	France.
Kalymnos (Dodecanese Islands)	Greece.
Kamaran Island (Aden)	Great Britain.
Karpathos (Dodecanese Islands)	Greece.
Kenya	Great Britain.
Leros (Dodecanese Islands)	Greece.
Lesbos (Dodecanese Islands)	Greece.
Liechtenstein, Principality of	Switzerland.
Madagascar (Malagasy Republic)	France.
Madeira Islands	Great Britain.
Makatea (Polynesia)	France.
Malagasy Republic (See Madagascar)	France.
Malaya (Federation of) and Singapore	Great Britain.
Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang (including Providence of Wellesley), Perak, Perlis, Selangor and Trengganau and Singapore.	
Malta	Great Britain.
Birkirkara, Notabile, Sigglewl, Sliema, Valletta, Victoria (Gozo).	
Martinique	France.
Mauritania (Islamic Republic)	France.

[1] The maximum amount which may be sent on any one day by the same purchaser is £40.

[2] The maximum amount which may be sent on any one day by the same purchaser is £10.

Country or Locality	Basis: Through intermediary of—
Soudanese Republic	France.
Southern Rhodesia	South Africa.
Southwest Africa	South Africa.
Sudan, French (See Soudanese Republic)	France.
Swaziland	South Africa.
Tahiti (French Polynesia)	France.
Tanganyika	Great Britain.
Tchad (See Chad Republic)	France.
Togo	France.
Anécho, Atakpamé, Lomé, Palimé.	
Tonga Islands (or Friendly Islands)	New South Wales.
Uganda	Great Britain.
Arua, Bombo, Busambatia, Butiaba, Entebbe, Fort Portal, Gulu, Hoima, Iganga, Jinja, Kabale, Kaberamaido, Kakira, Kaliro, Kampala, Kamuli, Kitgum, Lira, Lugazi, Masaka, Masindi, Mbale, Mbarara, Mubende, Nanasagali, Ngora, Soroti, Tororo.	
Upper Volta	France.
Western Samoa	New Zealand.
Zanzibar	Great Britain.

§ 61.3 Cashing money orders.

(a) *Period of validity.* No money order shall be paid after 20 years from the last day of the month of original issue. Card money orders issued within this period may be paid. However, claim for a paper money order should be made on Form 6401, "Inquiry as to Payment of Money Order," accompanied by the order, if available.

(b) *Where to cash.* (1) A card money order may be cashed at any post office or bank. The local postmaster may be consulted to obtain payment of an old style paper money order.

(2) Rural carriers will cash money orders for rural patrons. Money orders must be endorsed in his presence. No fee or compensation is required for this service.

(3) Money orders issued at military post offices are payable only at military post offices and United States military banking facilities, or at post offices or banks located in the United States, its possessions or Territories, and countries with which the United States transacts domestic-international money order business. If the remitter or payee of a money order issued at a military post office transfers ownership by endorsement to another, the endorsee must cash the money order at either a military post office, a United States military banking facility, or a post office located in the United States, its possessions, or Territories.

(c) *Signature requirements*—(1) *Acceptance of signature.* The paying post office may accept any signature of the payee, purchaser, or endorsee that is not different from the name given on the order.

(2) *Signature by mark.* Patrons who cannot write must use a mark. Marks (usually X) must be witnessed by someone who is not a post office employee.

(3) *Signature by firms, organizations, and their representatives.* All money orders payable to a business firm, an organization, society, institution, or government agency must be signed in the name of the organization by a representative authorized to do so. It may be necessary for such authority to be presented and filed. The representative must also sign with his own name and organizational title. If drawn in favor of an official by name and presented by a successor, the latter must sign as follows: "William Jones, treasurer, successor to George Thompson".

(4) *Use of titles.* Use of such titles as "Dr., Rev., Prof., Madam, Mrs., M.D., or D.D.S.", are not required in signing a money order for payment, whether or not such title is used on the face of the money order.

(5) *Stamped signatures.* A stamped signature is acceptable as an endorsement on a money order when drawn in favor of a firm, corporation, association, society, or individual, provided the money order is presented to a bank for payment. A post office will accept stamped signatures, provided an agreement is filed in advance regarding the responsibility for the correctness of such payments.

(d) *Payment of orders to other than payee*—(1) *Transfer of money order*—(i) *By purchaser or payee.* The payee or purchaser of a money order may endorse it to any other person or firm.

(ii) *On power of attorney.* A person with power of attorney may cash money orders in behalf of the payee who gave him that authority. The power of attorney must be filed at the office of payment.

(iii) *On separate written order.* A payee may file a separate written order with the post office authorizing payment to another person. The person must be designated by name as the one to receive payment.

(2) *Upon assignment.* When a payee, such as an individual or firm, makes an assignment, and intends that money orders be paid to the assigned person, he must file a power of attorney or a written order in the post office. The person designated to receive payment must receipt the money order and indicate below his signature the capacity in which he acts.

(3) *On death of payee.* A money order belonging to a deceased owner may be paid to the executor or administrator of the estate appointed by the court. A certified copy of the appointment as executor or administrator must be filed with the local postmaster. Payments will be made in accordance with the laws of the State of which the deceased was a resident.

(4) *To a concern no longer in business.* Money orders will be paid to the legal representative of a firm, association, or company that has ceased to exist.

(5) *To a committee or a guardian.* Money orders will not be issued or paid to a ward when declared incompetent by a court. They will be paid only to the committee, guardian, or other duly authorized person.

(6) *To minors.* A money order payable to a minor may be paid to the father or mother as natural guardian unless prohibited by court order.

(e) *When orders will not be paid*—(1) *When there is a second endorsement.* A money order with more than one endorsement is invalid. Consult the local post office for proper procedure to obtain a duplicate.

(2) *When there is a question on a COD parcel.* No payment will be made when a money order has been issued in return for a COD parcel, and is presented by the addressee (purchaser) and the money order has not been endorsed by the payee (shipper) or the payee has not expressly authorized payment to the purchaser by written approval.

(f) *Examination of the order.* The postal employee shall examine the order to see that:

(1) It is *not* a form reported stolen. If it is, he shall try to delay the person; immediately notify local police, nearest postal inspector, or postal inspector in charge; and hold order for instructions.

(2) It is properly stamped and drawn by the issuing office. Machine-issued orders are payable in the amount imprinted by the machine and for no more than the amount stamped between the words "Not valid for more than" and the word "pay."

(3) It does not bear any alterations or erasures.

(4) It is presented by the payee, endorsee, or purchaser. (A duplicate money order is payable only if presented by the payee or by his endorsee.) Money orders may be accepted from responsible individuals or business firms bearing rubber-stamp endorsements provided a specimen of the form of endorsement to be so used is filed with the postmaster over the signature of the individual, or an authorized officer of the company, accepting responsibility for the payment of orders so endorsed. If in doubt as to particulars on a domestic order, Form 6006, "Application for Separate Advice of Money Order," shall be sent to the issuing postmaster for verification.

(g) *Identification of payee.* If the payee presenting the money order is not personally known to the postal employee, he must prove his identity. Social security cards are not acceptable. Drivers permits, military identification cards, or other credentials showing signature of bearer and having serial numbers or other indicia which can be traced to the holder are helpful in identification. The owner must sign the money order in the presence of the postal employee. The postal employee shall compare signature with identification, if possible; shall enter on the back of the order the license or serial number and full description of the identification, including street address, city, and State; and shall also initial the back of the order. This will aid in apprehending persons attempting forgery or other wrong payment. If the postal employee has taken proper care under the circumstances, the Department will recommend that he be relieved of financial responsibility for wrong payment. This procedure must be followed carefully in the case of endorsed money orders, as they might bear a forged endorsement and be in the hands of the wrong person.

(h) *Disposition of paid orders.* The postal employee shall put the office dating stamp and his initials on the back of the money orders paid and handle them as postal funds. When a patron regularly presents a large number of money orders for payment, write to Bureau of Finance, Division of Postal Funds, for special instructions on handling.

(i) *Wrong Payment*—(1) *Through error only.* If a money order intended for one person or firm is paid to another through error and without fraudulent intent and both parties live in the same city, the postal employee may recover the amount from the one wrongly paid and deliver it to the other. If impractical to settle in this manner, he shall report the case to the Money Order Center for adjustment.

(2) *Through alleged fraud.* When improper payment is alleged, the postal employee shall send Form 6065 "Request for Photo Copies of Money Order," to the Money Order Center. If the claimant denies proper payment after examination of the photostat, he must complete Form 6337, "Affidavit Relative to Alleged Wrong Payment of a Money Order." The postal employee shall send the completed Form 6337 with the photostat of the paid order to the postal inspector in charge.

§ 61.4 Receipt and protection of blank money orders.

(a) *Receipt.* Issuing employees must check the serial numbers of forms when received. When a form is missing, record the serial number on a memorandum slip and place it in sequence in the post office stub file and report the facts to the Money Order Center.

(b) *Protection.* Money order forms must be under protection of a lock when not in use. They must be given the best protection possible at night and when the office is closed. Where practicable, office dating stamps and money order control stamps should be placed in a locked receptacle when the office is closed. At sale window, keep blank money orders and rubber stamps out of reach of possible sneak thieves. Report any stolen money-order forms immediately by telegraph or telephone to the postal inspector in charge and give the serial numbers of the stolen forms.

§ 61.5 Inquiries.

(a) *Who may receive information.* Information about money order transactions may be given to purchaser, payee, or endorsee, or their agent, or to a representative of the Department. Compliance with requests from others must be authorized by the Department. (See §§ 4.3 and 4.4 of this chapter.)

(b) *Inquiries regarding payment.* Postal employees shall handle as follows:

(1) *Orders issued on domestic form.* Send Form 6401 to the Money Order Center. Do not accept until 60 days after the issue date of the money order.

(2) *Orders issued on international form.* Send Form 6684, "Inquiry Concerning International Money Order Issued in the United States," to the proper U.S. exchange office for order issued in the United States. When reply is received from the exchange office, enter the required information on Form 6860 "Reply to Inquiry Concerning Payment of International Money Order," and forward it to the patron.

(3) *Orders issued by other countries.* Send all correspondence regarding duplicates, wrong payments, under- and over-payments, and requests for photostats of money orders issued in countries with which business is conducted on the domestic-international basis to the International Accounts Section, Division of Accounting, Washington 25, D.C.

§ 61.6 Nonpostal money orders.

(a) Postmasters and employees shall not sell nonpostal money orders, checks, or similar instruments for the transmission of money.

(b) Contract and rural stations shall not sell nonpostal money orders, checks, or similar instruments for the transmission of money, unless specially authorized by the Assistant Postmaster General, Bureau of Finance.

PART 62—NONPOSTAL STAMPS AND BONDS

Sec.
62.1 Documentary internal revenue stamps.
62.2 Migratory-bird hunting stamps.
62.3 United States savings stamps.
62.4 United States savings bonds.

AUTHORITY: §§ 62.1 to 62.4 issued under R.S. 161, as amended, sec. 2, 48 Stat. 45, as amended, 49 Stat. 21, as amended, 68A Stat. 630; 5 U.S.C. 22, 16 U.S.C. 718b, 26 U.S.C. 6802, 31 U.S.C. 757c, 39 U.S.C. 1, 501.

§ 62.1 Documentary internal revenue stamps.

(a) *Where sold.* Documentary internal revenue stamps are sold at all first- and second-class post offices, and at third- and fourth-class offices located in county seats. Sign 35, notifying the public of the availability of these stamps, shall be posted in the lobby.

(b) *Use of stamps.* These stamps are sold for the payment of taxes on the following documents:

(1) Issuance of capital stock and certificates of indebtedness of a corporation.

(2) Sales or transfers of capital stock and certificates of indebtedness of a corporation.

(3) Real estate conveyances, deeds, etc.

(4) Steamship passage tickets.

(5) Policies by foreign insurers.

Postal employees must not advise or instruct purchasers of documentary internal revenue stamps on matters relating to the administration of the law, other than that they are for the payment of taxes on these documents.

(c) *Denominations available.* Documentary internal revenue stamps are available in the following denominations:

Form	Denominations
Blocks of 25 or sheets of 100	1, 2, 3, 4, 5, 8, and 10 cents.
Single or in sheets of 100	20, 25, 40, 50, 55, and 80 cents; 1, 1.10, 1.65, 2, 2.20, 2.75, 3, 3.30, 4, 5, 10, and 20 dollars.
Single or in books of 40	30, 50, 60, and 100 dollars.
Single or in books of 8	$500.
Single or in books of 4	$1,000.

(d) *Accounting for stamps.* Stubs to which stamps of $30 denomination and over are attached shall not be completed. Stubs shall be destroyed after all stamps in a book are sold. Money from sales shall be treated as postal funds.

§ 62.2 Migratory-bird hunting stamps.

(a) *Where sold.* Migratory-bird hunting stamps are sold at all first- and second-class post offices, and at certain designated third- and fourth-class offices where there is a demand for them. A current migratory-bird poster shall be displayed in the lobby.

(b) *Price.* Migratory-bird hunting stamps cost $3 each.

(c) *Instructions on administration of the law.* Postal employees must not instruct purchasers of migratory-bird hunting stamps on matters relating to the administration of the law. Refer them to the Fish and Wildlife Service, Washington 25, D.C., or to the local game warden.

(d) *Redemption from public.* Stamps shall not be redeemed from the public except unsold stamps returned, within 30 days after close of season, from persons regularly engaged in retailing hunting or fishing equipment or from persons authorized to sell State or county hunting or fishing licenses. Stamps validated by signature or stamps that appear to have been removed from a hunting license or identification card shall not be accepted.

(e) *Accounting for stamps.* (1) Receipt to evidence payment shall not be issued if no stamps are available.

(2) Money from sales shall be treated as postal funds.

(3) Refunds shall be made from postal funds, and redeemed stock shall be treated as nonsalable.

§ 62.3 United States savings stamps.

(a) *Availability.* United States savings stamps may be purchased at any post office where there is a demand for them. Postmasters sell savings stamps to business houses, schools, institutions, or other organizations that desire to purchase them for resale. Postmasters will furnish savings stamps for schools without prepayment, on a consignment or a fixed-credit basis, to selected volunteer workers who shall be established as Treasury savings stamp agents. These agents will be qualified by State directors of the United States Savings Bonds Division of the Treasury Department. De-

tailed information and the name and address of State directors may be obtain from postmasters.

(b) *Denominations.* Savings stamps are furnished in sheets in denominations of 10, 25, and 50 cents, and $1 and $5. The 10-cent and 25-cent stamps are also available bound in books. Books of fifty 10-cent savings stamps sell for $5; "gift books" of ten 25-cent stamps for $2.50; and "gift books" of twenty 25-cent stamps for $5. Stamps in these books are not detached and sold separately, but they must be detached and affixed in an album before they may be redeemed at a post office.

(c) *Savings-stamp albums.* Savings stamps will not be redeemed until stuck in an album of the appropriate denomination. Savings-stamp albums may be obtained for each denomination free from the postmaster.

(d) *Payment for stamps by purchaser.* If payment is made by check, delivery of stamps may be delayed until check has cleared. Postal employees shall dispose of funds received in payment of stamps as postal funds.

(e) *Redemption from public.* (1) *Payment to bearer.* Savings stamps are transferable, and are payable to bearer at any post office if affixed to albums or on cards designed for the purpose. Postal savings stamps formerly sold shall also be redeemed if mounted in an album or on cards. Savings stamps will be redeemed for cash if presented by banks and other institutions that have accepted them in payment for United States savings bonds. Payment shall be made out of postal funds.

(2) *Cancellation of redeemed stamps.* Postal employees shall enter the value of savings stamps in each album on the back cover of the album near the top and place a clear impression of the post office dating stamp nearby. They shall cancel redeemed stamps promptly after acceptance. The stamps shall not be defaced or mutilated.

(3) *Disposition of redeemed stamps.* Postal employees shall submit redeemed savings stamps to main office with Form 1412, "Daily Cash Report", where used.

(f) *Mutilated stamps.* (1) The postmaster will accept at face value any savings stamp that has been torn, burned, or badly mutilated, when one or more fragments can be identified as constituting clearly more than one half of the same stamp. If the fragment or fragments are not so identifiable, the owner should send them (with the entire album, if the stamp had been stuck in an album before it was mutilated) to the Treasurer of the United States, Washington 25, D.C.

(2) If stamps have adhered to each other so that they cannot be separated and their value determined (which can usually be done by soaking the stamps in warm water), the owner should forward them to the Treasurer of the United States.

§ 62.4 United States savings bonds.

(a) *Availability.* The Post Office Department acts as agent of the Treasury Department for the sale of Series E United States savings bonds at post offices in communities where no banks sell the bonds or where there are no other issuing agents. Savings bonds are available in the following denominations:

Denomination	Purchase price	Maturity value (7 years, 9 months after date of issue)
B	$18.75	$25
C	37.50	50
E	75.00	100
F	150.00	200
G	375.00	500
M	750.00	1,000

(b) *Application for bonds.* "Application for U.S. Savings Bonds", Form 920, is supplied by the postmaster. The purchaser must state on the form, by denomination, the number of bonds applied for, the total amount of the purchase, and the name and address to be inscribed on the face of the bond. Form 920 may also be used in applying for bonds by mail to a Federal Reserve bank or to the Treasury Department.

(c) *Acceptance of funds.* Funds shall be accepted the same as for money orders. (See § 61.1(b)(3) of this chapter.) If the postal employee does not want to accept a check, he shall advise the patron that a check will be accepted by the Treasury Department or a Federal Reserve bank in the purchase of bonds by mail. If a check is accepted and it fails to clear, the purchaser must either make the check good or return the bond. If neither the money nor the bond can be recovered, the post office shall notify the regional controller. No money may be accepted for bonds unless they are available for immediate delivery. Funds received shall be treated as postal funds.

(d) *Issuance of bonds*—(1) *Accepting applications.* The postal employee shall check Form 920, "Application for United States Savings Bonds", to see that inscription requested is in a form authorized by the latest edition of Treasury Department Circular 530 (circular may be obtained from the regional controller); write serial number of issued bond on Form 920; initial; and file alphabetically.

(2) *Filling out bonds.* The postal employee shall:

(i) Issue bonds in the names of individuals only, as follows:

(*a*) One person: "John A. Jones."

(*b*) Two persons—coownership form: "John A. Jones or Mrs. Ellen S. Jones".

(*c*) Two persons—beneficiary form: "John A. Jones, payable on death to Miss Mary L. Jones". Payable on death may be abbreviated as p.o.d.

(ii) Use a typewriter if available and fill out the bond and stub in one operation.

(iii) Enter the full names on the bond and stub. Men's names may be preceded by any applicable title. Women's names must be preceded by Mrs. or Miss. A married woman's own given name must be used, not that of her husband.

(iv) Enter the full address of the owner on the bond. The address of the coowner or beneficiary is not necessary.

(v) Enter the month and year in the upper right corner of both the bond and the stub. Stamp the date of issue with the post office dating stamp in the circles provided on the bond and its stub.

(vi) Be sure that all entries are legible and exactly the same on the bond and its stub.

(vii) Detach stub from bond. Deliver bond to purchaser and retain stub for submission by postmaster with his accounting period bond report.

(3) *Errors on bonds.* (i) If an error is discovered on a bond after it is issued, it should be returned to the postmaster for correction. If returned during the accounting period of issue, and if the error was made by the postmaster, he shall spoil the bond and stub, write the name of the office on them, and issue a new bond in its stead. He shall correct his records if necessary.

(ii) If an error is discovered after the accounting period of issue, or if the error was not the fault of the postmaster, the postmaster shall prepare a receipt for the bond in triplicate; give a copy to the owner; keep a copy; and send the original with the bond to the regional controller for reissue. The reissued bond will be mailed direct to the owner.

(4) *Errors on stubs.* If an error is on the stub only and the bond is correct, or if an inscription needs explaining (as when a feminine owner's given name is one generally accepted as masculine), an explanation shall be made on the stub. The postmaster or a designated supervisory official must initial the notation. If the address or date is omitted from a stub, the postmaster must find out from the purchaser whether the bond is complete and, if the bond is complete, insert the missing data on the stub. If the bond is not complete, the address or date must be filled in on the bond and stub. The addition shall not be initialed.

(e) *Undeliverable bonds.* Bonds issued and mailed by other agents, which are undeliverable by mail, shall be handled in the following manner:

(1) Bond shall be forwarded to the addressee if change of address is on file. If no change of address is on file or if addressee is deceased, bonds shall be returned to issuing agent without further action.

(2) Bonds that cannot be delivered or returned to issuing agent and unclaimed bonds found loose in the mail shall be held for 60 days. After 60 days, they shall be sent to the Treasury Department, Division of Loans and Currency, 536 South Clark Street, Chicago 5, Ill.

(f) *Examination of stock of bonds.* Clerks who issue bonds shall check each bond and stub to see that the denomination and serial number agree. If the stubs are attached to the wrong bonds, they must be reassembled so that the two parts of each assembly agree. The postmaster shall hold bonds that cannot be reassembled, report the discrepancy to the regional controller, and await instructions.

(g) *Certification for payment*—(1) *What to certify.* Postmasters shall not cash savings bonds but will certify them for payment if sufficient identification is furnished and if the bonds are to be forwarded by the owner to a Federal Reserve bank or to the Treasurer of the United States for payment. The certification may be made on the bond itself or on a detached request for payment, Treasury Department Form TD 1522. Bonds that are to be presented to banks or trust companies for payment shall not be certified.

(2) *How to certify.* The certifying officer must require positive identification that the person presenting the bond is the person whose name is inscribed on the bond and must be sure there is no alteration or erasure on the bond. If the registered owner signs by mark, his mark must be witnessed by at least one disinterested person besides the certifying officer. All certificates must be in the name and title of the postmaster, followed by the certifying officer's signature and official title. The specially designated clerk or carrier must sign as "designated clerk" or "designated carrier".

(3) *Who may certify.* The following persons may certify to requests for payment on bonds: postmaster; assistant postmaster; any postal inspector; supervisor; or clerk temporarily in charge of the office, branch, or station; or any clerk or carrier specially designated by the postmaster.

(i) *Payroll savings plan*—(1) *Object.* The plan permits employees of the Postal Service to authorize withholding of salary deductions for the purchase of savings bonds. The availability of the payroll savings plan shall be made known to all employees.

(2) *Authorization.* Treasury Department Form 2254, "Authorization for Purchase of United States Savings Bonds", shall be used by employees who wish to authorize deductions from pay each pay period. The form shall be completed in detail by the employee and forwarded by the Postmaster or other official to the regional controller. The minimum deduction is $3.75 each payday. Larger allotments in multiples of $1.25 may be made.

(3) *Issuance of bond.* The regional controller will issue bond and deliver to purchaser when deductions are sufficient to pay for it. If 5 or more deductions are necessary and the bond is of the $50 or higher denomination, the issue date will be shown as the month in which one-half of the purchase price was accumulated.

(4) *Changes in authorization.* Form 1476, "Notice of Change—Authorization for Purchase of U.S. Savings Bonds", shall be used by an employee to authorize any change desired in deductions or bonds. The completed form shall be forwarded by the postmaster or other official to the regional controller.

(5) *Refund of deductions.* The regional controller will refund withheld deductions insufficient to purchase a bond if the employee is separated from the service or cancels his withholding authorization.

PART 63—POSTAL SAVINGS

Sec.
63.1 Purpose.
63.2 Opening accounts.
63.3 Ownership and privacy of accounts.
63.4 Deposits.
63.5 Making withdrawals.
63.6 Inactive accounts.
63.7 Distribution of blank certificates.
63.8 Depositors' lost, stolen, or destroyed certificates.
63.9 Office records and records of depositors' accounts.

AUTHORITY: §§ 63.1 to 63.9 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 5201–5224.

§ 63.1 Purpose.

The Postal Savings System was established to provide facilities for the deposit of savings at interest with the security of the United States Government for repayment. The Postmaster General selects and designates post offices that are to be postal savings depositories.

§ 63.2 Opening accounts.

(a) *Who may open*—(1) *Individuals.* Any person 10 years of age or over may open a postal savings account in his or her own name. Accounts are opened in the names of individuals only. No person is permitted by law to have more than one postal savings account at the same time in his own right. A married woman may open an account in her own name, and free from any control or interference by her husband. Joint accounts may not be opened nor may a beneficiary be named.

(2) *Officials in charge of bankrupt funds.* Officers and agents in charge of bankrupt funds may deposit them without limit in postal savings depositories in cases where local banks are unable or unwilling to give the required security.

(b) *How to open an account*—(1) *In person or by representative.* (i) To open an account, the applicant should apply in person at a depository post office. If, because of infirmity or for other reason, an applicant is unable to appear in person, he may apply through a representative.

(ii) The depositor shall fill out Form PS 600, "Record of Postal Savings Account," using his complete name, as "John B. Jones" or "Mrs. Mary A. Jones," or the depositor's representative shall take Form PS 600 to the depositor to fill out and return. The postal clerk shall check Form PS 600 for completeness and legibility, and have it signed in his presence if depositor applies in person. If patron's copy is not satisfactory, the clerk must prepare a Form PS 600 in proper form. Accounts shall be numbered consecutively. The depositor or the representative shall be given Form PS 301, "Certificate Envelope," and at large offices, Form PS 301–A, "Depositor's Numerical Reference Card."

(2) *By mail.* (i) In a community where there is no postal savings depository, an application to open an account may be submitted by mail to a depository post office. The money to be deposited must accompany the application, preferably by money orders, but if in cash by registered mail. The depository postmaster will issue certificates in the amount requested and mail them to the applicant.

(ii) The applicant shall complete Form PS 300–B, "Application to Open an Account by Mail." If applicant appears at a nondepository office, the postmaster shall get Form PS 300–B from the most convenient depository office. The postmaster shall certify to the identity of the applicant on the form and tell the applicant to send the completed form and the deposit, in multiples of $5, by money order or check to the depository office. Depository office shall open the account, write the name of the originating office in place of signature on Form PS 600, attach Form PS 300–B to Form PS 600, and issue and mail the certificates to the depositor. If Form PS 300–B is incorrectly filled out, the depository office will send it and the certificates to originating postmaster for correction by the depositor. The originating postmaster shall return Form PS 300–B to the depository office when corrected and then deliver the certificates to the depositor.

(3) *By agent for bankrupt organization.* Accounts may be opened in the name of a bankrupt corporation, association, or individual and certificates may be issued if the agent or officer gives the post office a statement that local banks will not give the required security for bankruptcy funds.

(c) *Identification data and signature.* Information for identifying the holder when the certificates are presented for payment must be furnished. Fingerprints may be required. When the applicant usually signs his given name or names by initials, his full name must be written on the form and the application signed twice, first using the full name and then the initials or initial in the manner in which the account is to be maintained and certificates issued.

(d) *Record of accounts*—(1) *Form.* When an account is opened, a card record is established, a number assigned the account, and the record maintained as the official record of the account at the office where opened.

(2) *Name.* The applicant's name is entered on the account card in the manner in which the account is to be maintained and certificates issued.

(3) *Change in name.* A woman who marries after opening an account, or a depositor whose name is changed by court order, should so inform the postmaster and present all outstanding postal savings certificates to him. The depositor will be required to sign the new name on the record of the account, and the postmaster will annotate the certificates to show the new name. Until the depositor presents his or her certificates for proper notation, the postmaster, if aware of the change of name by marriage or by court order, will receive no further deposits for the account nor make any partial or interest payments but will make full payment to close the account if satisfied as to the depositor's identity.

(4) *Entries.* The amount of each deposit, the amount of each withdrawal and the balance on deposit are entered on the record.

§ 63.3 Ownership and privacy of accounts.

(a) *Claims.* When there is any dispute as to ownership, or a claim by other than the depositor is made for payment of a postal savings account, the postmaster will withhold payment of with-

drawals from the account involved pending instructions from the Post Office Department in Washington.

(b) *Ownership.* The determination of any court of competent jurisdiction, unless appealed, is accepted as conclusive of title to postal savings account, and payment in accordance with such determination operates as a full and complete discharge of the United States from any further claim. An authenticated copy of the court determination must be submitted to the post office.

(c) *Privacy of accounts.* Postmasters and postal employees shall not disclose the name of any postal savings depositor nor give any information concerning a particular account to any person other than the depositor himself without specific authority, except that the balance on deposit may be given in the following circumstances:

(1) When a depositor is deceased or has been adjudged mentally incompetent, the information may be furnished to the duly appointed legal representative or next of kin.

(2) On the request of any State or county supervisor of old-age or unemployment assistance established pursuant to the Social Security Act of August 14, 1935, as amended, if the supervisor states he believes the applicant may have a postal savings account.

(3) When an applicant for relief has given written permission to representatives of relief agencies not connected with the Social Security Act of August 14, 1935, as amended, if the relief supervisor states he believes the applicant may have a postal savings account.

(4) On request of an Internal Revenue agent investigating a tax deficiency, if the agent has reason to believe the person may have a postal savings account.

§ 63.4 Deposits.

(a) *Amount*—(1) *Individual deposits.* Deposits must be made in multiples of $5.

(2) *Maximum balance.* The maximum balance permitted, exclusive of accrued interest, is $2,500, except for deposits of bankruptcy funds, where there is no limit.

(b) *Interest*—(1) *Rate.* Interest is payable at 2 percent per year.

(2) *Start.* Deposits begin to earn interest on the first day of the month following the date of deposit.

(3) *Compound interest.* Interest is compounded annually on whole dollar amounts on certificates issued on or after September 1, 1954.

(4) *Simple interest.* Certificates surrendered between annual periods, or for periods of less than 1 year, earn simple interest computed quarterly. Deposits made before September 1, 1954, earn simple interest until the certificates are surrendered or exchanged.

(5) *Collection.* The interest that accrues during any quarter is payable on or after the first day of the next quarter and may be collected by surrendering the certificate at the office of issue. However, the interest date for the certificate evidencing the redeposit will be the first day of the following month.

(6) *Taxation.* Interest credited to postal savings accounts on moneys deposited on and after March 1, 1941, is not exempt from Federal income taxes, but interest credited to postal savings accounts on moneys deposited prior to March 1, 1941, is wholly exempt from Federal income tax.

(c) *Acceptance of funds.* Funds shall be accepted the same as for money orders. (See § 61.1(b)(3) of this chapter.) A temporary stop payment notice shall be put on depositor's account card if a check is accepted. The depositor must return the certificates if the check fails to clear. Uncanceled savings stamps or old series postal savings stamps may be accepted. Funds shall be treated as postal funds.

(d) *Issuance of certificates*—(1) *As evidence of deposits.* Nontransferable and nonnegotiable certificates of deposit, in fixed denominations of $5, $10, $20, $50, $100, $200, $500, $1,000, and $2,500, are issued as evidence of deposits. Certificates as delivered to depositors when issued, and postmasters are not authorized to accept them after issue for safekeeping. The postal clerk shall:

(i) Verify account of individual kept on Form PS 600. Then enter depositor's name and account number on the certificate, and stamp the certificates with special postal savings stamp.

(ii) Issue certificates in consecutive numbers.

(iii) Record account number and date of issue on certificate book cover, and initial.

(2) *Errors on certificates.* If an error is found in a certificate after delivery to the depositor, the certificate should be returned to the issuing postmaster. The postmaster shall proceed as follows to correct errors on certificates:

(i) *Discovered during accounting period of issue.* Stamp certificates spoiled and write spoiled on cover page of certificate book opposite its serial number. Write the serial number of spoiled certificate on the daily Form 713 or Form 708, "Postal Savings Certificate Transactions Daily Summary" and on accounting period Form 704, or 714, "Postal Savings Certificate Transactions." Correct records if necessary. Send spoiled certificates with Forms 704 or 714 to the regional controller at the end of each accounting period.

(ii) *Discovered after accounting period of issue.* Make a receipt in duplicate, Form PS 305, "Depositor's Receipt for Certificates Surrendered Without Payment." (The supply of this form must be kept by the postmaster or a designated employee and delivered to the window in quantities estimated as a week's supply. Before being turned over to the window, the forms must be numbered in duplicate.) Give the original to the depositor, and file the copy with the depositor's card. Send the certificate and explanation of error to the regional controller. The regional controller will issue a new certificate with original serial number or correct the certificate and return it. Exchange the new or corrected certificate for the receipt held by the depositor. Correct the entries on the depositor's account, Form PS 600, if necessary. Match the receipt Form PS 305 returned by the depositor with the copy held with the depositor's card. Staple the two copies together, and hold both Forms PS 305 until audit by the station examiner of postal inspector.

§ 63.5 Making withdrawals.

(a) *On demand at office of issue.* All or any part of funds deposited at the office of issue may be withdrawn on demand. Immediate payment will be made, unless the amount is large and the postmaster has to obtain the necessary funds. If a withdrawal is made within 1 month from the date of issue as shown on the certificate, a service charge of 20 cents will be made for each certificate regardless of denomination.

(b) *In person.* The certificates will be paid at the office of issue if the postmaster is satisfied as to the identity of the holder. The postmaster must—

(1) Identify the depositor with the information shown on his account Form PS 600. Compare fingerprints if equipment is available.

(2) Compute interest and enter the amount due on certificate. (Use monthly interest tables, Schedule 100–B for 1939 or earlier series, and Schedule 100–C for 1954 series.)

(3) Have the depositor sign the certificates in the postmaster's presence.

(4) If the certificate is less than 1 month old, collect a 20-cent service charge and stick a 20-cent postage stamp near the right border, just above the word "thereon".

(5) Pay from postal funds, or use Treasury (symbol 0001) check where authorized.

(6) If any payment is questioned, give the depositor a receipt on Form PS 305 for the certificates, and send the account, certificates, and a statement to the regional controller.

(c) *Through a representative*—(1) *Designated on Form 304* When personal appearance is not possible, the holder of the account may designate a representative to make a withdrawal. When it has been shown to the postmaster's satisfaction that the holder cannot appear in person, the postmaster will give the representative Form 304, "Authorization to Pay Postal Savings Through a Depositor's Representative", for the depositor to fill out and sign. When the executed order and endorsed certificates are presented to the postmaster, he shall compare signature and other identification data on Form 304 with that on the Form PS 600; satisfy himself as to the identity of the applicant and of the representative and that the depositor wishes to withdraw funds; and complete transaction as stated in paragraph (b) of this section.

(2) *Powers of attorney.* Powers of attorney will be accepted only when executed by members of the Armed Forces of the United States serving abroad and must be accompanied with a statement from the attorney-in-fact that the depositor is still living and is stationed outside the United States. The papers will be submitted by the postmaster to the Department for approval and no payment will be made until he has received approval.

(d) *By mail.* Withdrawals may be made by mail, using Form 315, "Depositor's Application to Withdraw Postal Savings by Mail", which will be furnished by the postmaster. A postmaster must witness the signing of the Form 315. The depositor must mail Form 315 and the signed certificates to the office where his account is held (depository office). If the postmaster at the depository office is satisfied as to the applicant's identity, he will follow directions and instructions on Form 315, pay by check or money order, and send payment by registered mail, if requested, to the depositor—deducting any money order or registry fees. The depository office will file Form 315 with the depositor's account card, Form PS 600.

(e) *Withdrawal of bankruptcy funds.* Certificates must be endorsed by the depositing officer or agent (or his successor, whose appointment must be evidenced by a court order), and in addition may be countersigned by another individual in his representative court capacity if it is the requirement of the referee having jurisdiction over the funds in question.

(f) *By nonresident aliens*—(1) *Definition.* A nonresident alien is a depositor who sends an application for withdrawal from a location outside of the continental United States, or its possessions or military establishments. Withdrawal may be made by mail or through a representative. See paragraphs (c) and (d) of this section.

(2) *Interest on deposits.* The interest on deposits made after March 1, 1941, is subject to withholding tax if the postmaster does not have information that the depositor is a citizen of the United States.

(3) *Method of payment.* Instructions on Form 304 or 315 shall be followed. A Treasury check, drawn to the order of the Board of Trustees, Postal Savings System, for the full amount of principal and interest due, shall be sent to the Bureau of Finance (Postal Savings), together with a completed Form PS 320, "Letter Transmitting Postal Savings Payments by Mail," name and address of depositor and of representative, if any, and any new certificates. If no checking credit has been granted, the regional distributing postmaster should be asked to draw a check in favor of the Board of Trustees, Postal Savings System, and to send it to the Bureau of Finance (Postal Funds Division). The Bureau of Finance will deduct the tax and mail the payment to the depositor or representative.

(g) *By levy for deficiency in federal income tax.* (1) A postmaster served with notice of levy by Internal Revenue agent shall—

(1) Put stop payment on account and notify depositor in writing of the levy served and request surrender of all or sufficient number of certificates to satisfy tax deficiency. Have depositor endorse certificates. Pay Internal Revenue Service and obtain receipt. File receipt with Form PS 600. Pay depositor any amount due on certificates above the amount of the levy.

(2) If certificates are not surrendered as requested within 10 days from date notice was mailed, prepare Form PS 607, "Depositor's Application for New Postal Savings Certificates," for duplicates for all or sufficient number of certificates to effect payment of levy. Attach notice of levy to Form PS 607 and send to regional controller. Regional controller will reissue certificates and retain notice of levy firmly attached to Form PS 607 as authority for reissue.

(3) When duplicates are received from regional controller, pay by check drawn in favor of the Internal Revenue Service. Obtain a receipt in duplicate for total amount paid. Enter on the margin of each unindorsed certificate "Paid Internal Revenue. See receipt enclosed." Enclosed receipt will serve in lieu of endorsement on certificates. Issue and mail to the depositor a check for any funds due him on a certificate where part of the amount represented by the certificate was used in payment of the amount set forth in the levy. Enter on the margin of that certificate $_____ paid depositor by check No. _____. This will serve in lieu of a receipt.

(4) Treat paid certificates in usual manner. Annotate Form PS 600 to show that certificates were reissued and the purpose and that originals are void.

(h) *Deceased depositors*—(1) *Accounts of $20 or less.* A postmaster may, without specific authority, pay an account of $20 or less to the following upon presentation of proper evidence and written request by the applicant.

(i) Administrator or executor.

(ii) An entitled distributee or legatee on behalf of other distributees or legatees under a decree of distribution.

(iii) Surviving spouse, child, or parent, in the order named, or in the absence of any one of these, a brother or sister, if no administration on the depositor's estate has been asked for or granted.

(iv) The undertaker or other preferred creditor in the absence of administration or next of kin.

(2) *Accounts over $20*—(i) *To whom payable*—(a) *Accounts that do not require administration.* If a depositor dies intestate and the amount on deposit is $500 or less, or if the laws of the State in which the money is deposited provide either specifically or by court decision for the payment of a larger amount without administration, the next of kin, undertaker, person who paid the funeral expenses, or other preferred creditor may apply for payment.

(b) *Accounts that require administration.* When the amount on deposit is such that more than $500 will be available for distribution to heirs after allowing for payment of preferred claims, the amount due a deceased depositor in the final settlement of his account will be payable only to the legal representative appointed under the laws of the State in which the money is deposited, unless administration is not required by the State laws. Proper authority of the legal representative must be presented to the postmaster where the account is held.

(ii) *Authority for payment.* Certain large offices have been given specific authority by letter to pay accounts applied for by locally appointed administrators or executors. In all other cases at these offices and at all other offices, postmasters must report a depositor's death to the regional controller, using Form 1809, "Report of the Death or Incompetence of a Depositor", and await instructions before paying. All applications or legal papers that will be of assistance in settling the claim must be attached to the Form 1809. The following papers are necessary:

(a) When administration is required.

(1) A legal representative must submit a court order certifying his appointment within the past year.

(2) A person designated by the court to receive the account must submit Form 1680, "Application for Payment of the Postal Savings Deposits Standing to the Credit of a Deceased Depositor", with proper court order.

(b) When administration is not required.

(1) Claim by a beneficiary under a will must (if the distributable balance is less than $500 and the State does not require the will to be probated) be submitted on Form 1680 with receipts mentioned in Form 1680, a certified copy of the will, and a Form 134, "Release", by each of the beneficiaries and/or entitled next of kin.

(2) Claim by one of the next of kin entitled by law to share in the estate, or by the person who paid the funeral expenses, must be submitted on Form 1680 if depositor dies without a will and not more than $500 will be available for distribution after allowing for payment of preferred claims. (Some States permit payment of a larger amount without administration.)

(3) Claim by undertaker or other preferred creditor must be submitted on Form 1672, "Application of Undertaker for Payment of Funeral Expenses From Funds to the Credit of a Deceased Depositor", with itemized statement of services rendered and a certification of claim by a responsible heir on Form PS 115–A, "Certification of Bill from Undertaker". The undertaker's receipted bill must be submitted if claimant is other than undertaker.

(4) Claim by foreign consular officer must be submitted on Form PS 112, "Application of Consular Officer for Payment of the Balance Remaining to the Credit of a Deceased Depositor", if the depositor is a United States resident, dies without a will, and is survived by alien heirs residing in a foreign country who are entitled to all or part of the amount of deposit.

(3) *Payment.* The signature of the payee(s) must be obtained on each certificate and on a receipt for interest due, in the following form: "John Doe by Richard Roe" (executor, widower, guardian, or other proper title). The account must be paid in full. The office copy of Form 1809 must be completed to show the date of payment, and must be placed with the paid certificate. (Clips or staples must not be used.) The amount of payment for accounts of $20 or less shall be endorsed on the written request of the applicant, and the request shall be placed with the paid certificate. (Clips or staples must not be used.) The

regional controller shall be advised if payment cannot be made.

(i) *Legally incompetent depositors.* (1) The amount on deposit for mentally disabled or other legally incompetent depositors, other than minors, will be payable to the guardian, committee, conservator, or other legally appointed representative on presentation of proper evidence of appointment. A court order directing guardian to collect account of a minor is required before payment may be made to the guardian. When the depositor has been judicially declared incompetent and no guardian or other legal representative has been appointed and the gross value of the incompetent's estate is sufficiently small, application for withdrawal may be made by a State official or a member of the family if permissible under the laws of the State where the account is held.

(2) Postmasters at all offices shall handle claims for payment of accounts of legally incompetent depositors as provided in paragraph (h)(2)(ii) and (h)(3) of this section.

§ 63.6 Inactive accounts.

The main post office stations, and branches shall review Forms PS 600 once each year for inactive accounts and proceed as follows:

(a) Pull out accounts that have been inactive for 10 years. Turn them over to a supervisory official or designated employee to be kept separate from active accounts. The official or designated employee must keep a control record of all accounts turned over to him. When a transaction occurs in an inactive account, return the account to the active files.

(b) Report accounts inactive or unclaimed for 20 years to the regional controller, and await instructions. Count the 20 years from date of last transaction or date of depositor's reply to an inquiry on Form PS 159 (now obsolete) whichever is later.

§ 63.7 Distribution of blank certificates.

(a) *To window clerks.* Ordinarily not more than one book of blank certificates of each denomination should be furnished at one time for use at a window. On delivery of certificates to him, a window clerk must count the individual certificates and examine them for sequence of serial numbers, and agreement with the inclusive numbers on the cover.

(b) *To stations and branches.* Stations and branches should not have more than a month's supply of certificates on hand. They must order certificates from the main office on Form PS 325, "Request for Postal Savings Certificates".

§ 63.8 Depositor's lost, stolen, or destroyed certificates.

(a) *Report to postmaster.* A depositor should advise the postmaster at the office where his account is held when any of his certificates are lost, stolen, destroyed, or improperly withheld. The postmaster will furnish the depositor with a Form PS 607, "Depositor's Application for New Postal Savings Certificates". If approved, new certificates showing the same information as the originals, but marked "Reissued", will be issued. If a certificate is found after it has been reissued, it must be given to the depository postmaster.

(b) *Application for replacement.* Form PS 607, "Depositor's Application for New Postal Savings Certificates", shall be prepared if depositor knows certificate cannot be recovered, following instructions on the form. If depositor is uncertain as to what happened to his certificates, he should be asked to search again and return in 10 days to fill out Form PS 607. (Exception may be made when delay will cause depositor hardship.) The serial numbers of the certificates should be verified against those on Form PS 600. Depositors must not be asked to apply for reissue of certificates to determine if the account record is correct. Any difference between item 39 of the postal savings records and the total of the Forms PS 600 should be shown on Form PS 607.

(c) *Replacement.* The regional controller may prepare replacement certificates and forward them to the postmaster. The postmaster shall verify all entries on the new certificates, deliver to depositor, and return to regional controller any with discrepancies. He shall record reissue by writing "R" in red next to the serial number of the original entry on Form PS 600. (Use "Remarks" column on old-style Form PS 600.) Where there is sufficient staff, the postmaster must not delegate custody of reissued certificates to a clerk who issues postal savings certificates or is responsible for maintenance of postal savings accounts and records.

(d) *Disposition of recovered and undeliverable certificates.* The postmaster shall mark recovered original certificate "Canceled", enter the date; send it to the regional controller with explanation; and return undeliverable replacement certificates to the regional controller for safekeeping.

§ 63.9 Office records and records of depositor's accounts.

(a) *Recording deposits.* The postmaster shall record deposits and post new balance on Form PS 600. The serial numbers of certificates issued shall be recorded on Form 713, "Postal Savings Certificate Transactions Daily Report", where this form is used.

(b) *Recording withdrawals.* Withdrawals shall be posted on Form PS 600, showing date of transaction "paid" in "Certificate Numbers" column, total amount of principal in "Transaction Amount" column, and the balance in "New Balance" column. The transaction must be dated opposite original issue of certificate in "Date Paid" column. The paying clerk must initial in "By" column. Certificates must be stamped "paid" with special paid date stamp and initialed. A report shall be made on Form 713 or Form 708 and the paid certificates shall be sent to postmaster daily. The postmaster must send the paid certificates with Form 704 or Form 714 to the regional controller office each accounting period.

(c) *Verifying records of accounts.* The postmaster shall verify records of accounts as follows:

(1) *Daily verification.* Do not file Forms PS 600 which have been withdrawn in the day's business until the issues, payments, and extensions have been verified by adding separately the issues and payments recorded for the day and the balance to the credit of depositors before and after entry of the day's business. Check the total of the issues and total of payments against the issues and payments as recorded in Form 708 or Form 713.

(2) *Six-months' verification.* Verify the balance in item 39 of Form 704 or 714 with the total of the balances on the depositors' Forms PS 600 every 6 months. If the totals do not agree, check addition or subtraction on depositor's cards. If no error is found, check the entries on the cards with the records of certificates issued and paid. Place a dummy account card, Form PS 600, in the front of the file, on which enter the amount of the difference (circling the amount if the total of the balances of the Forms PS 600 is in excess of the amount in item 39 of the Form 704 or 714.) Report to the regional controller for additional instructions only when an unusual situation arises.

(d) *Filing and closing accounts.* The postmaster shall file and close accounts as follows:

(1) *Filing.* File the Forms PS 600 numerically by account numbers. Maintain an alphabetical cross-index card file (if many accounts) showing the depositor's name and account number.

(2) *Closing.* Mark the depositor's Form PS 600 "Account Closed" when all certificates issued to a depositor have been paid. Place in a separate file with other closed accounts in numerical order. Do not use the number of a closed account in opening a new account.

(e) *Correcting errors on records.* The postmaster shall correct errors as follows:

(1) Draw a line through an erroneous entry and initial. (Do not make the original entry illegible.) Make the correct entry on the line below or by interlining immediately above the erroneous entry.

(2) Advise the regional controller office if an error is discovered after the accounting period report has been submitted which in any way affects the accuracy of the report.

(f) *Reporting loss of records.* The postmaster shall report promptly to the regional controller any loss or major damage of postal savings records by fire, burglary, or any other cause.

SUBCHAPTER H—TRANSPORTATION OF THE MAILS

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

COMPREHENSIVE PLAN A OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY CERTAIN RAILROADS

Sec.
92.1 Transportation of the mail.
92.2 Classes and nature of service.
92.3 Space and equipment.

REGULATIONS

Sec.
92.4 Definitions.
92.5 General conditions of service.
92.6 Services required of railroads.
92.7 RPO service.
92.8 Storage service—line haul.
92.9 Terminal and piece handling services.
92.10 Side and mail messenger service.
92.11 Preparation and processing of forms for payment.
92.12 Applicability of Comprehensive Plan A; railroads covered.

COMPREHENSIVE PLAN B OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF THE UNITED STATES MAIL BY CERTAIN RAILROADS

92.100 Transportation of the mail.
92.101 Classes and nature of service.
92.102 Authorizations

REGULATIONS

92.103 Definitions.
92.104 Authorizations.
92.105 Space requirements and determinations.
92.106 Construction and maintenance of RPO cars.
92.107 Services provided by railroads.
92.108 Handling of mail.
92.109 Applicability of Comprehensive Plan B; railroads covered.

AUTHORITY: §§ 92.1 to 92.109 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6201–6215.

COMPREHENSIVE PLAN A OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY CERTAIN RAILROADS

§ 92.1 Transportation of the mail.

(a) All railway common carriers engaged in the transportation of United States mail shall transport such mail in the manner, under the conditions, and with the service prescribed by the Post Office Department and otherwise in accordance with the provisions of the Railway Mail Pay Act of 1916, as amended.

(b) Any railway common carrier desiring to be relieved of the transportation of the mail may make application to the Post Office Department accordingly, and consideration will be given to the granting of its request in whole or in part as the needs of the Postal Service will permit.

(c) Mail shall be carried upon such trains as the Post Office Department shall designate from time to time in the interest of the Postal Service, and the character of trains carrying the mails shall be that of the passenger train operating between passenger or mail handling facilities. When required by the interests of the Postal Service, the Department may provide for the movement of mail between passenger or special mail handling facilities in other than passenger trains.

(d) The transit time of trains upon which mail is transported shall be that which is maintained by the carriers for their general transportation business in connection with their published schedules.

(e) Each railway common carrier engaged in the transportation of mail is required to furnish such cars as are necessary for the service authorized or requested by the Post Office Department.

§ 92.2 Classes and nature of service.

(a) *Classes of service.* The service shall be of the following classes:

(1) *Full railway post office car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, constructed and fitted in accordance with the plans and specifications approved by the Post Office Department for the handling, distribution, storage, and delivery of mail by mobile clerks. The requirements for service in such cars shall include sanitation, cleaning, heating, lighting, and the furnishing of ice and drinking water, both in terminals and en route. When required, such cars shall be suitably placed and made available for advance distribution before train departure.

(2) *Railway post office apartment car service.* Service of this class shall be authorized in standard apartments, 30 and 15 feet in length, inside measurement. The apartment shall be separated from the remainder of the car by a partition. The requirements for service are essentially the same as in full railway post-office cars with respect to construction and furnishings, sanitation, cleaning, heating, lighting, furnishing of ice and drinking water, and the placing of apartment cars for advance distribution.

(3) *Storage car service.* Service of this class shall be requested in units of 60 feet in length, inside measurement, except as hereinafter provided, used exclusively for mails. This service is the transportation and handling of made-up mails in bulk and the requirements for this service shall include the maintenance and cleaning of the cars. The handling of mail into and from all storage cars shall be performed by employees of the railroad companies under instructions of postal employees with respect to proper routing and separation of mail.

(4) *Lesser storage unit service.* Service of this class shall be requested in the established less than full-car units of space in mixed traffic, combination, or other cars. This service shall be the transportation and handling of mail of the same type as that handled in storage car service. The requirements for lesser storage unit service are the same as for storage car service.

(b) *Nature of services.* The services which the railroads are to render in connection with mail transportation shall be as follows:

(1) Railroad companies are required to perform all necessary switching of cars; to load all mail into cars so as to obtain maximum utilization of the space authorized or requested, including the proper separation, piling, and storing of such mail; and to unload mail from all cars. Handling of all mail within railway post office cars and apartments shall be performed by postal transportation clerks.

(2) Railroad companies are required to transfer all mail between cars in the same train where such transfers are necessary and required by the Post Office Department.

(3) Railroad companies are required to take mails in transit from and deliver them to Government employees and contractors at an accessible point at railroad stations for transfer to and from post offices or railroad stations, and to transfer mails between trains operating into and out of the same railroad station, as required by the Post Office Department.

(4) Railroad companies are required to furnish all necessary facilities for caring for and handling mail, including suitable and adequate space and rooms in their stations for storing and transfer of mail in transit. They shall also furnish suitable and adequate office space for transfer clerks when required by the Post Office Department.

(5) Railroad companies are required to transport without extra charge the persons in charge of the mail and the agents and officers of the Post Office Department, under the conditions prescribed by law and regulations pursuant thereto.

(6) Railroad companies are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mail at points or stations on the run where the train does not stop and exchange of mail is necessary.

(7) Railroad companies are required to take the mails from their railroad terminals and stations and deliver them into post offices, postal stations, and Postal terminals; take the mails from post offices, postal stations, and Postal terminals, and deliver them into their railroad terminals and stations; and take the mails from their stations and deliver them into other railroad stations where the distance does not exceed 80 rods, unless other provision for this service is made by the Post Office Department.

§ 92.3 Space and equipment.

(a) *General.* (1) The anticipated space needs of the Department for railway post office car and railway post office apartment car service shall be reflected by regular authorizations which shall be restricted to the needs of the service between established railway passenger or freight division points or junctions. Regular authorizations for railway post office car and railway post office apartment car service shall be determined in accordance with such instructions as may be issued by the Postmaster General, and shall remain in effect unless and until modified as herein provided.

(2) The space needs of the Department for storage service shall be reflected by requests for storage space adequate to accommodate the mail available for dispatch on each train designated by the Post Office Department. Requests for storage service shall be restricted to the needs of the service between established railway passenger or freight division points or junctions, and shall be made in accordance with the instructions issued by the Postmaster General.

(3) Railroad companies are required to furnish railway post office service only to the extent of the regular authorizations. They are required to furnish adequate cars and space in cars for storage service to the extent necessary to accommodate the normal mail load. The normal mail load shall be the volume available on the same day of the week in

similar past traffic periods, excluding the dispatched under unusual or emergency conditions and taking into consideration reasonably predictable seasonal and other changes. Where there is storage mail in excess of the normal load and baggage or express or both to be loaded, and the available space is not sufficient to accommodate all, such mail is required to be given preference. Railroad companies will not, however, be required to unload baggage or express in order to provide space for mail in excess of the normal load. Mail in excess of the normal load which is not accommodated in the designated train shall be transported in the next train having available space therefor.

(4) The class, frequency, and distance of service to be authorized or requested shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General.

(b) *Equipment.* (1) Authorization for railway post office cars shall be for cars of the standard length of 60 feet. Authorizations for railway post office apartments shall be for the standard lengths of 20 or 15 feet, as the needs of the Postal Service require. If a railroad company is unable to furnish standard railway post office cars and apartment cars, the Department may accept nonstandard railway post office equipment as a convenience to the carriers provided compensation not exceeding pro rata pay is accepted for the facilities furnished. Any deficiency may be provided in another car in the train when necessary and in such cases full pay will be made for the standard car authorized.

(2) The Department does not require and will not authorize railway post office equipment longer than the standard lengths specified herein. However, as a convenience to the carriers, and to enable them to obtain revenue from the operation of space which otherwise might be unused, the Department will, at the carriers' request, accept the excess space beyond the standard lengths authorized for the accommodation of storage service when needed.

(3) Cars in excess of 60 feet in which a railway post office unit of 60 feet is partitioned from the remainder of the car may be accepted to fulfill an authorization for a railway post office car of 60 feet.

(4) When a railroad company is unable to furnish cars of the standard unit length requested for storage car service, the Department may accept cars which are more or less than 60 feet in length, inside measurement.

(c) *Modification of authorizations or requests.* (1) Authorizations for full railway post office car service and railway post office apartment service shall be subject to modification at any time to provide for new and additional service, discontinuance of service, or reduction in service.

(2) Requests for storage car service and lesser storage unit service shall be discontinued or reduced if necessitated by service changes, and shall be subject to modification at any time to provide for new and additional service.

(3) Requests for storage service in excess of the normal load may be made as needed.

(d) *Cancellations.* Whenever there is insufficient mail on any day to warrant the operation of an exclusive storage car which would otherwise be required to accommodate the normal load, the request for such car may be cancelled by a representative of the Post Office Department at the initial point of the run of the car. Reasonable advance notice of such cancellation shall be given to the railroad company at the initial point of the run of the car to permit the car to be removed from the train.

REGULATIONS

§ 92.4 Definitions.

(a) *Railroad or railway.* Railway common carriers do not refer to urban and interurban electric railway common carriers.

(b) *RPO.* "RPO" is the abbreviation for a railway post office. It is the only type of service to be regularly authorized by formal orders issued by the Post Office Department.

(c) *Train date.* The date a train is due to leave the initial point of the RPO or CP designation shall be used as the date for all service performed in the train. Each RPO division shall be considered separately in cases where the RPO line is divided into East, Middle and West, or North and South Divisions.

§ 92.5 General conditions of service.

(a) *Service to be performed in accordance with space rules with certain exceptions*—(1) *Deviations.* Deviations from the space rules and regulations must be in writing and must be approved by the Bureau of Transportation.

(2) *Competitive agreements.* The Department may conclude agreements with a railroad effecting economies such as mileage equalization, competitive rates, or waiver of terminal charges.

(3) *Equalization agreements.* When competing railroad lines are available for the dispatch of mail to the same destination, the Department may, for service reasons, allow the mail to remain on the longer route if the railroad agrees to claim only the mileage of the shorter route over which the mail could be carried. In these cases, an equalization agreement must be executed between the railroad operating the longer route and the Department.

(4) *Highway service in lieu of rail.* Agreements may be made whereby railroads will provide mail service over highways in lieu of service by train. Such railroad-operated highway service may be authorized to provide service to post offices on or adjacent to the rail line on which the railroad mail service has been superseded. Compensation will not be in excess of linehaul rates and terminal charges on the basis of the railroad track mileage of record. All such cases must be reported to the Bureau of Transportation so that a proper record may be made and approval given. Where a railroad has completely abandoned all service, both freight and passenger, over all or a segment of its trackage, the Bureau of Transportation will not approve continued performance of mail service over such segment in motor vehicles at railroad space rates. Service must be converted to contract highway service. Distribution and Traffic Managers shall continually review all bus and truck service operated in lieu of rail service. They shall report promptly any cases where all train service has been discontinued and tracks abandoned, with appropriate recommendations.

(5) *Approval.* All agreements shall be in writing and shall be submitted through the Distribution and Traffic Manager to the Bureau of Transportation for approval.

(b) *Mail to be carried only on designated trains.* A railroad must not carry mail on a train that has not been designated for the transportation of mail. In emergencies, local representatives of the Postal Service, or postmasters who have been authorized to do so by the Distribution and Traffic Manager, may request a railroad to provide necessary space on any train. The railroad must be informed of the issuance of such authority.

(c) *Changes in service*—(1) *Notification of changes.* Postmasters shall promptly notify the Distribution and Traffic Manager and the proper official of a railroad of any changes in service or routing of mail, including pouch changes, which affect the handling of mail. Changes affecting consist or operation of trains will be referred to the Distribution and Traffic Manager for approval and prompt notification of the proper official of the railroad.

(2) *Service changes by railroad.* When a railroad plans a withdrawal or curtailment of service it operates, which will in turn require the Post Office Department to consider substitute service, the railroad will give reasonable advance notice of the changes to the Distribution and Traffic Manager. At that time the railroad will state whether or not it is interested in continuing to perform the mail transportation service.

(d) *Withholding mail from train.* Distribution and Traffic Managers may withhold the dispatch of catalog, circular, parcel post, and ordinary paper mail, in the order named, if necessary and advisable to prevent delay to important trains or to effect economy in transportation. Such mail must be forwarded in other available trains in the most advantageous manner and with the least possible delay.

(e) *Irregularities*—(1) *RPO car maintenance.* The Post Office Department may fine a railroad in an amount not in excess of the compensation due for the service authorized, for failure to furnish an RPO car with sanitary drinking water, adequate toilet facilities, or adequate heat and light; or for failure to regularly and thoroughly clean the car, provided the railroad has been given the opportunity to correct the condition.

(2) *Service failures.* The Department may impose fines on railroad companies for each of the following delinquencies:

(i) Allowing the mail, or any part of it to become wet, lost, injured, or destroyed, or conveying or keeping the mail in a place or manner that exposes it to depredation, loss, or injury.

(ii) Refusing, after demand, to transport mail by any suitable car, boat, or other conveyance which the railroad operates or is concerned in operating on a mail route, when space is available.

(iii) Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, or other matter, except human remains.

(iv) Habitual failure to observe schedules on its own line.

(v) Leaving mail that arrives at a station within a reasonable time before the departure of the train for which it is intended.

(vi) Failure to use the first practicable means of forwarding mail delayed en route.

(vii) Failure to sound proper signal when approaching a mail crane.

(viii) Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of transit mail in railroad station.

(ix) Habitual failure to place an RPO equipment in a station at the time specified by the Department for the advance distribution of mail.

(x) Permitting storage cars to accumulate at any point for operation in mail, or mail-express sections of non-designated trains when designated scheduled suitable prior trains are available for dispatch to destinations.

(xi) Failure to provide a sufficient number of storage cars to accomodate the normal volume of mail in designated trains, and to operate these cars expeditiously.

(xii) Failure to unload a storage car at the point of destination within the time specified by the Department when the mail is actually delayed.

(xiii) Failure to handle mail between train connections, resulting in delay in the final delivery of the mail.

(xiv) Failure to handle mail between trains and designated points for the exchange of mail with postal installations, star, mail messenger, and highway post office routes, resulting in delay in the final delivery of the mail.

(xv) Habitual failure to dispatch mail at the proper station.

(3) *Assessment of fine.* The fine in each case shall be such sum as the Postmaster General may impose, in view of the gravity of the delinquency, and shall be deducted from the railroad's pay for service on the route on which the delinquency occurred.

§ 92.6 Services required of railroads.

(a) *Cars*—(1) *Switching.* Necessary switching means the normal and usual movement of cars to and from trains for the loading and unloading of cars at railroad mail handling facilities at or adjacent to railroad terminals; the pick-up and setout of cars at en route points; and the normal and usual delivery of cars to or receipt of cars from connecting lines.

(2) *Prompt placement.* The railroad shall provide for switching and placing cars at designated mail handling facilities so as to permit prompt loading, separating and unloading of mail. If the railroad fails to perform this service, the Distribution and Traffic Manager shall initiate immediate corrective action.

(3) *Advance placement of RPO cars.* When required, railroads must suitably spot RPO cars and make them available for distribution in advance of the scheduled departure of the train at the time specified by the postmaster having jurisdiction. In most cases this should be approximately 30 minutes before the first clerk is due to start work. If advance distribution time is lost because of the railroad's failure to spot the car, the supervisor must report the failure to the District Manager.

(b) *Loading and unloading of mail*—(1) *Railroad to furnish employees.* A railroad must furnish the necessary employees to handle mail, to load and pile mail into and unload mail from storage and baggage cars, and to load mail into and receive from doorways of RPO cars. Mail intended for direct delivery to a mobile clerk must not be placed in an RPO car unless a mobile clerk or an authorized postal representative is on duty.

(2) *Time limits.* Reasonable time limits for unloading mail must be established at important railroad stations or terminals so that outgoing connections may be assured and delivery into local post offices, postal stations, or postal transportation terminals may not be delayed. In collaboration with local railroad officials, Distribution and Traffic Managers will take necessary action to establish such time limits. Railroads shall be briefed when failure to observe the time limits causes delay to mail. In all cases of continued delays, the Distribution and Traffic Manager shall make a special report to the Railway Transportation Branch, and the Distribution and Routing Division, Bureau of Transportation.

(3) *Loading delays.* Delays in loading, resulting in delayed dispatch of mail, shall be treated as provided in subparagraph (2) of this paragraph.

(c) *Train service*—(1) *Designation of trains for local service.* A railroad carrying mail must designate at least one scheduled train in each direction in each 24-hour period to stop for the dispatch and receipt of mail at any station or point serving a post office, unless relieved of this requirement by the Department. The stop may be regularly scheduled or made on appropriate signal by a postmaster or mail messenger or on notice to a conductor by a mobile clerk or baggageman. The Department may permit a railroad to transport mail by motor vehicle instead of by local rail service to satisfy this requirement.

(2) *Non-stop station service.* (i) Until proper facilities for safe exchange are provided, the train speed must be reduced or a train stop made to permit safe exchange of mail.

(ii) When mail is caught or delivered at night, a railroad must furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed and lighted. Where a railroad has no representative at a station, it must furnish the light which shall be cared for and hung by a representative of the Postal Service.

(iii) The engineer of an RPO train shall give timely notice, by whistle or other signal, when approaching a non-stop exchange point.

(iv) Where the Department deems it necessary for the safe exchange of the mail, the railroad may be required to reduce the speed or stop the train.

(d) *Station services*—(1) *Transfer office facilities.* This shall consist of suitable office space for transfer clerks to perform their duties at points designated by the Bureau of Transportation. Such offices must be kept in order by the railroad, lighted, heated, furnished, supplied with ice water, and provided with toilet facilities where such facilities are not otherwise easily accessible.

(2) *Letter boxes.* Where the public convenience is better served, the Distribution and Traffic Manager may authorize a railroad to place letter boxes in its stations for the receipt of first-class mail other than that for local delivery.

(e) *Timetables and mileages*—(1) *Timetables.* Railroads must forward timetables not less than 72 hours before taking effect, to the Distribution and Traffic Managers and postmasters having supervision over service on their lines. They must also notify these officials by telegraph if it becomes necessary to annul, curtail, or suspend service temporarily. Where a representative of the railroad is on duty, he must notify the postmaster as soon as possible after receipt of notice of any change in the schedule of a mail train.

(2) *Distance circulars.* (i) A railroad shall keep the Post Office Department informed at all times of correct mileage between all stations, junctions, or points where mail is put on and off trains. The Department shall be notified immediately of any change in trackage or other facility resulting in changes in mileage between such points. Notification shall be made by submission to the Department, in quadruplicate Form No. 2504–B, "Distance Circular Railroad Route" covering that segment of the route affected. The report shall state the correct mileage and furnish the effective date of the change. Claims for pay shall properly reflect revised mileage distances, based upon the effective dates set by the Department. Normally such changes will be effective on the first of the month following the month in which the change was made.

(ii) In addition to the notification prescribed above, a railroad, on or before January 1 of each year, shall submit to the Department, in quadruplicate, a certificate, Form 2504–C, "Certificate of Authorized Railroad Mail Trackage," prepared by the Chief Engineer stating that the mileages previously submitted to the Department, including any corrections filed during the previous calendar year, are correct in every respect.

(iii) For purposes of reporting mileages to the Department, a railroad shall measure the mileage between stations, junctions or points where mail is put on and off trains to the nearest hundredth of a mile. The measurement shall be in such a manner that the aggregate of the

mileages between the individual stations, junctions, or other points where mail is put on or off trains shall not exceed the mileage between the origin and destination of the train on which mail is authorized.

(3) *Detour service.* (i) When, for any reason, a mail-carrying train is operated between usual termini over a line other than that on which it is regularly operated, payment will be made on the basis of the regular mileage if it is the shorter. If the mileage via the detour is shorter, payment will be made on the basis of the actual mileage traveled.

(ii) When a detour occurs and a special train is operated over part of the regular run, a railroad will be required to carry in the special train any mail that can be advanced in delivery without additional compensation. The mail in such a special train will be charged to the regular train and space used determined accordingly.

(f) *Mail exchanges.* Railroads and other carriers or postal representatives must exchange mail as follows:

(1) *Between railroads.* (i) At joint stations where mail is due for transfer from the train of one railroad to that of another, unloaded mail is held to be in the custody of the outbound railroad which is responsible for the transfer.

(ii) Unless relieved of the requirement by the Department, a railroad carrying mail on its train for a connecting train is required to deliver the connection mail to the railroad operating the connecting train where the railroad stations are directly contiguous when both railroads employ representatives or when passengers or baggage are transferred. When the train connection is not immediate, the mail may be delivered to the representative of the railroad operating the departing train.

(2) *Between railroads and highway carriers.* (i) A railroad is responsible for separating mail when the mail:

(*a*) Has received an immediately prior rail haul and is due for dispatch to a Government-operated vehicle, star, mail messenger or highway post office route at a railroad station;

(*b*) Is received from a Government-operated vehicle, star, mail messenger, or highway post office route at a railroad station and is due to receive an immediately subsequent rail haul.

(ii) A railroad must provide necessary tailboard space to deliver mail that has received an immediately prior rail haul and is due for dispatch to Government-operated vehicle, star, mail messenger or highway post office route at a railroad station, and to receive mail from such vehicles due to receive an immediately subsequent rail haul, at a point accessible to such vehicles, except where other arrangements have been made by mutual agreement between the Department and the railroad. A railroad must arrange for mail to be handled promptly between trains and between railroads and electric lines and designated points at railroad stations accessible to the vehicles of Government-operated, star, mail messenger and highway post office routes.

(3) *Between railroads and electric lines.* Railroads and electric lines must transfer mail between connecting trains when they employ representatives, and the railroad station is directly contiguous to the electric car tracks, and connection is immediate.

(4) *Between postal representative and railroad at night.* (i) Where mail is due receipt or dispatch at night and a railroad employee is on duty, the railroad must retain custody and safeguard the mail until:

(*a*) Dispatch can be made to the proper train.

(*b*) Delivery can be made to a vehicle service driver, highway post office clerk, mail messenger or star route operator.

(*c*) Delivery can be made to a post office when the building is directly contiguous to the railroad property.

(ii) The Department reserves the right to require such service of a railroad at times when the regular employee of the railroad is not on duty. At railroad stations where no railroad employee is on duty, the railroad must, if deemed necessary by the Distribution and Traffic Manager, provide for the exchange of mail by means of a safe room or suitable locked box at the station.

(5) *Between trains in emergencies.* (i) If it becomes necessary for a railroad to make a transfer at the place of a wreck or washout, officials and employees of the railroad must see that:

(*a*) The mail and any mobile clerks are promptly transferred.

(*b*) Every possible convenience is furnished the clerks for working the mail.

(ii) Whenever operating conditions require that a car with mail be set out, the railroad must arrange to transfer all mail in the car to any available space in the train. However, where an important passenger train is involved and the transfer of all mail would result in serious delay, such transfer may be limited to first-class, air and registered mail, daily newspapers, special delivery and special handling. Other classes will be transferred if time permits.

(iii) Mail may be held for a following train, if it makes substantially the same connections and delivery as the first train.

(iv) Where an RPO car is set out, the clerks and mail must be transferred to other suitable cars in the train. Mobile clerks will give all possible assistance in transferring mail.

(6) *Between railroads and mail messengers.* (i) If a mail messenger is employed by the Department, a railroad may not be required to receive or dispatch mail at cars, or to place it on a crane when:

(*a*) A railroad representative is on duty and the volume of mail is small enough so the mail messenger can readily carry it by hand in one trip;

(*b*) A railroad representative is not on duty and the railroad makes sufficient trucks available to the mail messenger.

(ii) Where mail cars are not accessible to vehicles of mail messengers or other carriers, a railroad shall receive and deliver mail at points accessible to such vehicles, except as provided in subdivision (i) of this subparagraph.

(iii) A mail messenger shall call at the railroad station for incoming mail and deliver it to the post office as soon as practicable. If the arrival of the train is at night and the post office is closed, the mail may be handled as provided in subparagraph (4) of this paragraph.

(iv) A mail messenger will wait for the arrival of a train when a representative of the railroad is not on duty. At the end of two hours, he may return the outgoing mail to the post office for inclusion in the next regular dispatch. A mail messenger need not wait for a delayed train when:

(*a*) Other mail would be delayed.

(*b*) The railroad representative cannot give advance information as to the time of arrival of the train.

(*c*) The train is reported as more than two hours late. In such cases, the mail messenger may deliver the mail to the railroad's representative. The railroad is responsible for the safe dispatch of outgoing mail to the proper train and the safe delivery of incoming mail to the messenger or other authorized representative of the Department.

(7) *Between trains or on trains; holding for mail.* (i) A train shall not depart from a station and leave mail that is:

(*a*) Being loaded;

(*b*) Being trucked from vehicles or some part of the station to the train;

(*c*) Aboard a connecting train that has come to a stop in the same station.

(ii) When holding an important train for mail from a delayed connection would cause serious delay and subsequent train service is available within a reasonable period of time, the Department may authorize a time limit beyond which the important train may not be held except to load first-class mail and daily newspapers, and to load foreign mail if necessary to assure steamer connection.

(iii) A railroad must request authorization for such time limit, if desired, from the Distribution and Traffic Manager having jurisdiction of the train involved, specifying reasons and a time limit beyond which it is impracticable to hold the train. Where requests are approved by the Distribution and Traffic Manager, any delayed mail involved must be carried without compensation on a later train of the same company to the extent of any unused space in the RPO or apartment RPO car authorized on the first train. Any delayed mail in excess of the unused space in the RPO car will be charged to the train in which it is carried.

(iv) When necessary to transfer passengers, baggage, or express from one train to another, all mail must also be transferred unless the transfer is a regular connection coming within the provisions of subparagraph (1) of this paragraph and subdivisions (ii) and (iii) of this subparagraph.

(v) A mail train must not be held beyond its scheduled departure for mail originating in local postal units or offices of publication. The Distribution and Traffic Manager must fix and enforce an ample time limit in which mail must be delivered, by local postal units or a publisher, to a railroad for dispatch.

(8) *Advance deliveries to trains.* Where a railroad is responsible for the transfer of mail from a postal unit to a train, the railroad must make advance delivery to a train when the Department requires such delivery earlier than the regular closing time of the mail.

(g) *Handling and protection of mail—*(1) *Handling mail on platforms.* Mail must not be stored on trucks and allowed to stand on platforms at local stations or transfer points unprotected from depredation. When it is necessary to place close connection mail on trucks to be left standing on platforms, the mail must be in full view of employees of the railroad at all times. The portion of a platform used for loading, unloading, and transfer of mail must be well lighted. Mail being trucked through subways and tunnels must be carefully guarded.

(2) *Holding mail in storage rooms.* Rooms in which mail is stored must be locked except when a railroad employee is on duty. Adequate light must be provided above the door, when practicable. Unauthorized employees or unknown persons shall not be allowed in the vicinity. When necessary at small stations to provide proper protection, mail must be stored in a locked room or in a room where railroad employees are present, or in a suitable locked box.

(3) *Exposing mail to weather.* Mail must not be left exposed to weather. Tarpaulins may be used for protection from weather in unusual cases or to cover mail being held on station platform trucks.

(4) *While exchanging non-stop station mail.* A railroad employee or other authorized person shall be assigned to guard mail being exchanged at non-stop stations. At non-stop points where a railroad station representative is scheduled to be on duty at the time mail is received or dispatched, he must observe the exchange of mail and, if the pouch is not caught, must retrieve it for proper disposition, except where other arrangements have been made as in paragraph (f) (6) of this section.

(5) *No smoking in storage cars.* Railroad and postal employees shall not smoke or carry lighted cigars, cigarettes, or pipes in storage cars. Distribution and Traffic Managers will take appropriate action with railroad officials in all cases where violations are reported in order to enforce this subparagraph.

(6) *Reports of failure to comply.* Postal employees must report through channels to the Distribution and Traffic Manager any failure on the part of a railroad to comply with the instructions in this paragraph.

(7) *Railroad employees handling mail regarded as agents of railroads.* At places where railroads are required to take the mail from and deliver it into post offices or postal stations or to transfer it to connecting railroads, the persons employed to perform this service shall be regarded as agents of the railroad and not employees of the Postal Service, and need not be sworn; but such persons shall be more than 16 years of age and of suitable intelligence and character. Postal officials shall promptly report any violation of this requirement to the Department.

(h) *Pay claims.* Claims for service performed must be prepared in the form and manner as prescribed by the Department in § 92.11.

§ 92.7 **RPO service.**

(a) *Authorizations.* This is the only class of service which is authorized by the issuance of formal orders.

(1) *Establishment or extension of service.* Distribution and Traffic Managers shall make recommendations and furnish supporting facts to the Distribution and Routing Division and the Railroad Transportation Branch concerning the necessity of establishing service on a new railroad, extending service on an existing route, or increasing or decreasing RPO space on a route to conform properly to the distribution needs of the Postal Service.

(2) *RPO mileage.* RPO mileage will be stated and paid for in accordance with the distance circulars furnished by the railroads to the Post Office Department and will reflect the regularly scheduled operation of each train. This may result in different mileages between the same points.

(3) *Restriction on railroad employees.* Train crews are not permitted to ride in RPO cars while in use, even though an oversize car is furnished.

(4) *Changes in RPO authorizations.* In changing or terminating authorizations of railway post office cars at established junction points, the following principles shall be observed:

(i) The railroad facilities at points designated for changes in RPO authorizations shall be such that an actual change in equipment may be made, should the railroad so elect. Ordinarily this shall mean that there is a terminal or yard organization that can properly care for passenger equipment, that is, a switch engine and crew, and facilities for heating and cleaning cars.

(ii) Should the railroad elect to change the equipment, it must be possible for the mobile clerks to prepare for the change and keep their distribution current.

(iii) Where a train run terminates 30 miles or less beyond the last point where RPO service is needed, the RPO or apartment car authorization will be stated through to end of the train run.

(b) *Storage space requirements—*(1) *Linear feet of storage space; current plans.* Storage space requirements in full and apartment RPO cars based on standard plans dated August 1, 1956, are as follows:

Car size:	*Linear feet of storage space*
60-foot	11′ 10″
30-foot apartment	4′ 9″
15-foot apartment	3′ 2″

(2) *Prior plan cars.* Apartment cars or full RPO cars that are 15, 30 or 60 feet in length, and that were built according to prior standard plans of the Department, are considered standard cars and not deficient in storage space.

(c) *Non-standard cars—*(1) *Undersize.* (i) Where distributing facilities are deficient, a railroad must install such additional facilities as are necessary on the particular run of the car involved but not to exceed the requirements of existing specifications. Where storage space is deficient, the entire deficiency may be made up in another part of the train and full payment for the RPO car or apartment allowed. In such case, any deficiency in storage space in the nonstandard full or apartment RPO car must be taken into account in computing the total volume of storage mail in the train.

(ii) New or remodeled full or apartment RPO cars shall not be considered deficient in storage space where the clear storage space has been decreased by the installation of new or larger interior equipment.

(2) *Oversize.* (i) Where an RPO car of greater length than the unit authorized is operated, and the available storage space in the car in addition to that provided under the authorization is used to capacity, the additional space provided shall be considered as follows:

Size of RPO car operated	In lieu of authorization for	Additional space provided (measurement basis)
	Feet	*Feet*
70-foot	60	10
60-foot	30	18
30-foot	15	8½

To obtain the additional space listed in the third column above for a 30- or 15-foot authorization, all racks not due under such authorizations must be placed in non-use position to provide storage space.

(ii) Handling of excess mail within RPO car: When excess storage mail is carried in an oversize full or apartment RPO car, the mail shall be handled by mobile clerks to and from the doorways of the car.

(iii) Count of storage mail: The volume of storage mail carried in an oversize RPO car shall be determined by count, provided that the storage mail allowance so determined does not exceed the maximum storage space available on a measurement basis.

(iv) In addition to the clear storage space due under the RPO authorization, the space in front of the doors and in the aisles in the car is considered available for the accommodation of storage mail to the extent that such space would be available in a standard car of the unit authorized.

(v) If part of the rack space due under the regular RPO authorization is not needed for distribution, and racks are placed in non-use position so that the resulting space may be utilized for storage purposes, the mail carried in such space shall not be included in the count of pieces due the clear storage space referred to in subdivision (i) of this subparagraph.

(d) *Intermediate points—*(1) *Emergency withdrawal of car.* When an RPO car is withdrawn at an intermediate point of its run because of an emergency, and mail and clerks are transferred to other cars in the train payment will be allowed as follows:

(i) Payment of the full rate will be allowed to the point of withdrawal.

(ii) From the point of withdrawal to destination, payment will be allowed for the other car space used in the train:

(*a*) At a prorate of the authorized RPO car rate based on the amount of space occupied when the mail is in the custody of the mobile clerks.

(*b*) At appropriate storage rates based on the volume of each type of storage mail carried in the train, when the mail is in the custody of railroad representatives.

(1) Additional pay will not be allowed for the later deadhead operation of the RPO car over the remainder of the run.

(2) *Advance distribution.* (i) A railroad will not be required to cut out an apartment car at an intermediate point on the authorized run of the car to substitute another car used for advance distribution.

(ii) Railroads may be required to cut out and in full RPO cars at important intermediate points of the train run where it is necessary to place a car for advance distribution. In requiring railroads to cut out and in full RPO cars, Distribution and Traffic Managers must take care to avoid delaying important mail trains.

(e) *Mail carried in RPO cars*—(1) *Mail carried in baggage cars in lieu of RPO car.* Where a mobile clerk is not on duty in an authorized RPO car until an intermediate point of the car run is reached, and mail is carried in a baggage car for the railroad's convenience from the point of RPO authorization to the intermediate point, the space in the baggage car is considered in lieu of space in the RPO car, to the extent of the volume that could be accommodated in the RPO authorization.

(2) *Loading storage mail in RPO cars.* At intermediate points, upon arrival at the station, the RPO supervisor shall promptly advise the railroad representative whether mail can be taken into the RPO car, and the amount thereof. The railroad shall offer such mail to the RPO car before loading it in storage service. When mail is so offered and is refused by the mobile clerk, and the railroad subsequently loads the mail into baggage car space, no adjustment can be made if the Postal Service ultimately discovers, just before or after the departure of the train from that particular station, that there is some vacant or unoccupied space in the RPO car. Space held in an RPO car until train departure time, for receiving connections which are finally missed, is not valid for subsequently charging mail from storage space to RPO space at that station.

(3) *Form 5061, Statement of mails loaded in storage in lieu of RPO space.* (i) When, at the initial terminal of an RPO run, mail which could be accommodated in the authorized distributing unit is loaded into the baggage car for the convenience of the railroad, such mail shall be charged to the RPO car. The supervisor of the RPO car shall use his judgment as to the number of pieces that could be accommodated in the RPO car and furnish the railroad company with this information. Form 5061 will be used for this purpose. This form shall not be issued against mail loaded in destination or destination relay storage cars, nor against mail already on the train.

(ii) At designated stops, mail which could be accommodated in the RPO car and which is loaded into baggage or working storage cars for railroad operating reasons, shall be charged to the RPO car. This includes mail the railroad preloads for its own convenience. On such preloaded mail, the RPO supervisor must exercise the option of requesting transfer with due regard to the nature of the operations at each station, such as scheduled station time, avoidance of delay to train resulting in overtime payments to employees, missed connections, et cetera. The same procedure outlined in subdivision (i) of this subparagraph shall be followed in charging mail to the RPO.

(f) *Construction and maintenance of RPO cars*—(1) *Construction standards.* (i) New or rebuilt full and apartment railway post office cars shall be constructed of steel or an equally indestructible material, and conform to Post Office Department Publication No. 19, "Specifications for the Construction of Full and Apartment Railway Post Office Cars", approved August 1, 1956, and any subsequent modification thereof. A rebuilt full or apartment RPO car is a car which has been stripped to the under frame and then reconstructed.

(ii) Full and apartment railway post office cars previously accepted for service shall not be required to be brought up to standards of current specifications in all material respects, except when operating conditions render standardization or improvements necessary. Approval must be obtained from the Bureau of Transportation before any changes are made in construction or fixtures.

(iii) Cars originally built for other traffic are not acceptable for conversion to full and apartment railway post office cars unless they are constructed or reconstructed to meet Departmental specifications fully. All conversions of this type must be approved by the Bureau of Transportation, before work is started.

(iv) Post Office Department Form 5292, Certificate of Construction, shall be furnished to the Bureau of Transportation, for each new or rebuilt mail car, by the principal mechanical officer of the railroad. Form 5292 shall be furnished for cars originally built for other traffic, prior to approval of their conversion to postal cars, when requested by the Bureau of Transportation.

(2) *Inspection by Departmental representatives.* (i) New, rebuilt and repaired railway post office cars shall be inspected by representatives of the Department in accordance with instructions issued by the Bureau of Transportation.

(ii) Railroads and car-building companies shall advise the Bureau of Transportation concerning proposed new construction or rebuilding of railway post office cars and the dates when such cars will be ready for inspection.

(iii) Railroads shall notify the proper Distribution and Traffic Manager when cars are received at any of their shops for repairs, so that a representative from the Distribution and Traffic Manager's office may inspect such cars and call attention to needed repairs and improvements. Notice shall also be given as to the date cars are to be "out-shopped," so that an inspection may be made by the Distribution and Traffic Manager's representative if considered necessary.

(iv) Railroads shall not "out-shop" or return to service any full or apartment railway post office car unless requested changes, improvements and repairs have been made in a manner acceptable to the Postal Service.

(3) *Maintenance; water and sanitation.* (i) Drinking water shall be furnished in accordance with the requirements and standards of the United States Public Health Service.

(ii) Fresh water and ice shall be supplied at all times in railway post office cars being used for the distribution of mail.

(iii) Toilet paper shall be provided in all cars.

(iv) The water coolers, hoppers and fixtures in railway post office cars shall be thoroughly cleaned after each trip and en route as often as may be necessary, when cars are in continuous service for more than 24 hours.

(4) *Operational standards.* All facilities and equipment in full and apartment railway post office cars shall be provided, operated and maintained within the minimum standards of Post Office Department Publication 19, Specifications for the Construction of Full and Apartment Railway Post Office Cars, and any subsequent modification thereof.

(5) *Light failures.* When the primary lighting system fails to provide sufficient illumination to allow distribution for a period of more than 30 minutes, it shall be regarded as a total light failure. When insufficient light retards or renders distribution difficult for a period of 30 minutes or less, it shall be regarded as a partial light failure.

(g) *Operation of RPO cars in trains*—(1) *Car strength.* Full and apartment railway post office cars shall be equal or superior in construction strength to other cars operated in a train.

(2) *Operation in mixed trains.* In "mixed trains" the railway post office car shall be operated in the rear-end consist, followed only by a passenger coach or caboose.

(3) *Operation in consist.* When practicable, one or more cars shall be operated between the locomotive and the railway post office car.

(4) *Use restrictions.* Cars, or parts of cars, bearing the legend "United States Mail," or "U. S. Mail," shall be reserved exclusively for carrying the mail and shall not be used for other classes of traffic, unless the legend is obliterated.

§ 92.8 Storage service—line haul.

(a) *General*—(1) *Classes.* Storage service is composed of storage car service and lesser storage unit service.

(2) *Determination of service needs.* Local postal transportation and railroad officials shall collaborate in establishing storage service needs as required to insure the expeditious transportation, movement, and terminal handling of mail. Railroads shall provide

for the transportation of storage mail as thus determined.

(b) *Measurement of cars*—(1) *Standard length.* A standard storage car shall have an inside length of 60 feet without obstructions, and shall provide at least 8 feet 6 inches in width and 7 feet in height of clear storage space.

(2) *Deductions.* If there are interior fittings or obstructions, deductions shall be stated against the inside length of the car. Deductions to compensate for interior fittings in storage cars will be computed on the basis of 42 cubic feet being equal to one linear foot of floor space. This basis will be used whether the car is loaded with an aisle 18 inches wide or is loaded solid.

(3) *Official car register.* (i) The Bureau of Transporation will publish an official car register and corrections thereto listing all cars normally used in the transportation of storage mail. This register will show the inside length, the mail pay length, and the inside width and height of cars which are less than 8 feet 6 inches in width or provide less than 7 feet in piling height. The railroads will furnish this information promptly to the Post Office Department.

(ii) Railroads will also promptly furnish the Department with the above information on new or rebuilt cars usable for storage mail service, and on any changes in the mail pay length of storage cars resulting from the installation or removal of interior fittings.

(4) *RPO cars used for storage.* Under the specifications for the construction of RPO cars dated August 1, 1956, the following deductions will be made for space occupied by letter cases, racks, boxes and other interior fittings that are not removed when RPO cars are used as storage cars.

Car size	Car plan	Deduction in linear feet
60-foot	R	21
	T	23
	T–1	25
	T–2	26
30-foot apartment	S	9
	W	13
15-foot apartment	X	6

(c) *Loading and spacing of storage cars*—(1) *Loading.* (i) Storage cars shall be loaded solidly at initial points of the run as far as practicable, observing all safety regulations and leaving only such doorways or aisles as are needed en route to handle mail. In storage cars provided with safety rods, the mail shall be piled to the safety rods as long as mail is available for loading. In loading mail into baggage cars, safety devices shall not be obstructed. In cars not provided with safety rods, mail shall be piled to an average height of 8 feet provided mail is available for loading. Cars providing 7 feet or less in height shall be loaded to the ceiling, or to safety devices.

(ii) When it is desired to maintain an aisle and free doorways to permit unobstructed passage of clerks or trainmen in the performance of their duties, the aisle should not exceed 18" in width, and shall extend only through as much of the car as is necessary. A 3-foot allowance will be made for each such doorway as is necessary, when the volume of mail in the car exceeds 30 feet. In such "open" or "working" cars, one end of the car, or that part of the car between the doorways, should be loaded solid without aisle, if practicable. With due regard for necessary separations mails shall be piled to the same height as in solidly loaded storage cars. In computing the percentage of load in such "open" or "working" cars, a 60-foot storage car will be considered as loaded 60 feet when it is filled to capacity except for essential aisle and doorways and any separations (stalls) not completely filled because of the need for maintaining designated separations.

(iii) Where mail for dispatch at intermediate points is carried in through storage cars, it shall be piled to permit prompt dispatch at such points to avoid unnecessarily delaying the train. However, separations that do not require the use of more than one-half of a stall shall be combined with other separations, if it is feasible to make further separation of the mail en route between points of dispatch. The number of separations maintained or required shall be reviewed frequently to meet changed conditions. Any unnecessary separations shall be discontinued in order to utilize the space as efficiently as possible.

(2) *Weight limitations.* (i) A 60-foot storage car with a weight-carrying capacity of not less than 60,000 pounds or 1,000 pounds per linear foot is required. Storage cars provided by railroads for regular movements of mixed mail shall be capable of loading to 1,000 pounds per foot or to their full cubical capacity whenever mail is available.

(ii) Car weight capacity limitations must be observed in all loadings. When a railroad stops loading a car because of weight limitations before the capacity is reached, pro rata footage shall be allowed for the mail in the car. The footage shall be based either on the space occupied by the mail as compared to a fully loaded 60-foot storage car, or the approximate weight of the mail as compared to the weight-carrying capacity of 60,000 pounds, whichever is greater.

(d) *Failure to move mail in regularly designated train*—(1) *Service by other than regularly designated train.* When for operating reasons or because of delayed connections a railroad transports mail on a different train than that on which the same railroad has been designated to carry it, the mail will be charged to the train on which actually carried. When a railroad desires to forward mail on a train not due to receive it from one station to another station for dispatch from the latter station, permission may be granted with the understanding that the movement shall be without additional compensation and that no delay will result to the mail.

(2) *Overtaken train.* When one mail-carrying train is overtaken by another and mail is combined and forwarded from that point in a single train, payment will not be allowed for the non-mail carrying train beyond the merger point.

(3) *Missed connections.* Where mail misses connection and there is no representative of the Postal Service to authorize movement of such mail, the railroad may carry the mail on an undesignated train that can be used to advantage.

(4) *Fast and local train.* When, for postal service reasons, mail is delivered by fast train at a certain point from which it is forwarded or returned on a local train to a local point, payment will be allowed in both trains between appropriate points. When mail is dispatched on a local train from a local station and delivered to a fast train at a certain point, payment will be allowed in the local train between appropriate points and in the fast train from point of receipt.

(e) *Lesser storage unit service*—(1) *Railroad and electric car lines.* Points of intersection between railroad lines and electric car lines are not considered as junction points.

(2) *Performance.* Lesser storage unit service may be performed independently or in conjunction with storage car service.

(3) *Basis for determining lesser unit.* The number of linear feet needed on both sides of baggage, storage or oversize RPO or apartment cars for carrying the mail in lesser storage units of 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30 feet shall be determined on the basis of the number of pieces (sacks and outside parcels combined) that will fill 3 linear feet of space on both sides of the car as determined in the last biennial test. Where the space unit is determined by count, each box of baby chicks shall be considered equivalent to one piece.

(f) *Method of determining mail load*—(1) *Several cars.* Where mail is carried in several cars in a train the total volume of storage mail in the train shall be determined by adding the volume transported in storage service in all cars operating in the train, including destination and destination relay cars.

(2) *Determination of volume in car.* The volume of mail in a car must be determined by:

(i) Count, when the linear feet of space occupied by the mail is 30 feet or less.

(ii) Measurement, when the linear feet of space occupied by mail is more than 30 feet.

(iii) Measurement, in those cases where the linear feet of space occupied by the mail is 15 feet or more when mutually agreed to by the Department and the railroad.

(iv) Measurement reflecting the inside length of a car or compartment of a car when the car or compartment is fully loaded.

(3) *Count versus footage computations.* Where the mail in a car exceeds 30 feet by count, but actually occupies 30 linear feet or less of space, the volume of mail is considered as 30 feet. Once the unit of space has been determined as 30 feet, such unit must be considered to be theoretically filled. Any additional mail added to that carried in the car

shall be added to the 30 foot arbitrary unit. If there is a net increase in mail loaded at intermediate points between division or junction points, it will be added to the 30 feet, making it necessary to respace the car and allow credit for the maximum footage carried between the division or junction points.

(4) *Measurement and count cars.* Where mail is carried in two or more cars operated in the same train, some cars on the measurement basis and others on the count basis, total all pieces in the count cars, convert to feet, and combine with footage in other cars to determine volume carried in the train. Cars computed in accordance with subparagraph (3) of this paragraph will be considered as measurement cars.

(5) *Descending load.* A descending load is a load which decreases from a storage car containing more than 30 feet of mail by measurement to a lesser storage unit (count basis). To determine the volume of mail in a storage car leaving intermediate points after the car has departed from a junction or division point where the volume of mail was determined by measurement (that is, where more than 30 linear feet of space was occupied by the mail subject to a compact loading), the count equivalent of the estimated measured load will be the basis for adding the mail loaded and subtracting the mail unloaded by pieces as indicated on the train baggagemen's report. If it regularly develops that the mail runs out before the count or converted footage equivalent, or vice versa, the car must be respaced at agreed points on the run. This will be done either by a transfer clerk or PTS road supervisor, and, if the railroad so desires, in conjunction with a railroad employee. This reestimate will correct the count or converted footage equivalent at that point and will stand as the base count to the next reestimate point or to the end of the line.

(6) *Ascending load.* An ascending load is a load which increases from a lesser storage unit (count basis) to a storage car containing more than 30 feet of mail. For line-haul purposes the volume of mail shall be determined by count with due regard for the provisions of subparagraph (3) of this paragraph covering the determination of 30 feet of space under circumstances where the count footage equivalent and actual space occupied differ. The footage conversion shall not exceed the inside length of the car or compartment.

NOTE: The footage of mail in destination and destination relay cars is used for line haul purposes—not the inside length of the cars.

(7) *Exceptional.* In those exceptional circumstances where the volume of mail transported in a train is carried solely in solidly loaded destination and/or destination relay storage cars, no other mail space is available and the volume of mail exceeds 60-feet or even multiples thereof, payment shall be allowed for no more than the maximum mail footage furnished and used as follows:

(i) When the residual footage exceeds 30 feet, it will be stated as the appropriate prorate of a 60-foot car.

(ii) When the residual footage is 30 feet or less, the appropriate lesser storage unit will be allowed, provided the inside length of the solidly loaded car or cars is equal to a 60-foot unit or units plus an exact lesser unit of storage space.

(iii) When the residual footage is 30 feet or less, and the inside length of the solidly loaded car or cars is not equal to a 60-foot unit or units plus an exact lesser unit of storage space, the 60-foot unit or units plus the prorate of the appropriate lesser unit of storage space will be allowed. Example: A fully loaded 70-foot destination car is the only mail space available in the train—allow a 60-foot car and 10/12ths of a 12-foot lesser unit; Two 40-foot fully loaded destination cars are the only mail space available in the train—allow a 60-foot car and 20/21sts of a 21-foot lesser unit.

(8) *Mail carried by in error.* Mail carried by a station in error by a railroad and returned on another train shall not be counted for line-haul compensation.

(g) *Placards*—(1) *Railroad employees.* Railroad employees shall placard cars loaded at points where transfer clerks are not located. Form 5111 shall be used to placard this type of car.

§ 92.9 Terminal and piece handling services.

(a) *Storage service—per car charges*—(1) *Basis.* The terminal charge per car is stated in an amount per 60-foot storage car. This amount is prorated when so provided in this section.

(2) *Determining volume.* Where more than 30 feet of mail is loaded at a point into two or more cars operated in the same train, the loading into some cars being recorded on a count basis and into some cars on a measurement basis, total all pieces recorded as being loaded by count, convert to feet, and combine with footage loaded into other cars to determine the footage allowable for terminal charge purposes.

(3) *Mail left in car at destination.* When a storage car is received at the final destination point of its placarded run and mail for a particular point beyond the destination is contained in the car and the car is not fully unloaded, but by mutual agreement between the railroad and Distribution and Traffic Manager the mail is left in the car and the car is filled out and transferred to another train, the railroad is entitled to a prorate of the car terminal charge on the basis of mail actually unloaded at the point. For destination and destination relay cars this prorate will be computed as the allowable inside length of the car minus the footage of mail left in the car. The loading railroad is entitled to a loading charge only on the basis of mail actually loaded at that point.

(b) *Storage service—per piece charges; ascending load.* Terminal charge volume will be determined on a count basis for all mail loaded into an ascending load, where the volume loaded is 30 feet or less. At any point where the count of mail loaded exceeds an equivalent of 30 feet, payment for the terminal service at that point will be made on the basis of the prorate of a 60-foot per car terminal charge.

(c) *Interline movements of working storage cars and lesser units; at same rate level.* In the case of storage service other than destination storage car and destination relay storage car service, involving movement between two or more carriers with the same rate level, the combined loading and unloading charges shall be applied at the point of loading for mail interchanged with another railroad, and payment shall be made to the loading railroad only. Where the mail is loaded at a joint terminal, payment shall be made to the railroad performing the immediately subsequent line-haul service. The unloading railroad shall look to the loading railroad for any payment adjustments due.

(d) *Exceptions to application of terminal and piece handling charges*—(1) *Storage cars and lesser units.* Terminal charges are not allowed for rehandling of mail when:

(i) A railroad orders a car out of service after mail has been loaded for onward dispatch to destination.

(ii) The receiving railroad at an interchange point refuses to operate a car because of size, type or bad order and transfer of the mail to another car is required.

(iii) Mail is carried by a station in error and returned in another train.

(2) *RPO cars.* The per piece charge will not apply to mail loaded into a standard or oversize RPO car or apartment while mobile clerks are on duty, except that one-half of the per piece charge will apply to the number of pieces loaded into an RPO car when:

(i) Loaded by railroad employees prior to the origin of clerks' run.

(ii) Unloaded by railroad employees at points beyond the end of clerks' run.

(3) *Loading stopped by railroad.* Where for any reason a railroad fails to load a storage car to its space capacity and mail is available for loading, pro rata pay will be allowed on the basis of the space capacity load on the placard and Form 5118 shall be endorsed "MA-643." However, where the weight of the mail is exceptionally heavy and a car satisfactory to the Department is furnished, full payment may be allowed for less than space capacity load.

(4) *Loading by other than railroad employees.* Loading as used in this paragraph, is defined as loading, separating, and piling in the car.

(i) *At plants.* (a) The loading charge will not apply to destination and destination relay cars when loaded by plant employees. The origin point will indicate by symbol "PL" on Form 5121 and the placard that the cars are plant loaded.

(b) When mail is loaded by plant employees, the terminal charge will not apply for loading. The proper unloading charge shall be credited to the originating railroad, and the originating railroad shall make proper interline settlement for these charges, except as otherwise provided in Interstate Commerce Commission Orders.

(ii) *By star route and mail messenger contractors.* (a) When all mail at a point is loaded by a contractor, terminal charges shall be credited in the same manner as for plant loaded storage cars and lesser storage units.

(b) When only a portion of the mail is loaded by a contractor and the remainder by railroad employees, the full terminal charge will be credited to the railroad for all mail loaded.

(iii) *By mobile clerks in storage cars at intermediate points.* When storage mail is transferred between storage cars and RPO cars, or loaded in or unloaded from storage cars at intermediate points by mobile clerks, the full terminal charge will be allowable on mail so transferred or handled.

§ 92.10 Side and mail messenger service.

(a) *Route measurement.* In all cases the distance between the railroad station or terminal and postal unit must be measured by the shortest route open to public travel, avoiding angles, from the nearest door of the baggage room to the nearest door of the postal unit involved. Where there is no baggage room or station, the measurement must be made from the middle of the station platform. The route need not be a regularly used public way, and, if over private property, no prohibition against the Government shall hold that has not also been made and enforced against the public.

(b) *Railroad employees.* Persons employed to handle mail where a railroad is required to receive and deliver mail from the Post Office or postal stations or to transfer mail to connecting railroads must be regarded as agents of the railroad and not employees of the postal service. They need not be sworn but must be of suitable character and intelligence and more than 16 years of age. Postmasters must promptly report any violation of this requirement to the Department.

(c) *Discontinuance notice.* A railroad must give thirty days' notice to the Department of the discontinuance of any agency handling mail or the removal of a station beyond the 440-yard limit. A railroad must not be relieved of the duty of handling mail unless this advance notice is given.

(d) *Departmental service.* The Department will provide for the transportation of mail to and from postal units located: More than 440 yards from the nearest railroad station or terminal; 440 yards or less from the nearest railroad station or terminal where a representative of the railroad is not on duty.

(e) *Time of service.* The Department reserves the right to require the performance of such service by a railroad representative at any time during the 24-hour period.

(f) *Contract letting.* Where railroads contract for such service, contracts shall be let to the lowest responsible bidder upon advertisement, in accordance with the provisions of the regulation governing Mail Messenger Service.

§ 92.11 Preparation and processing of forms for payment.

(a) *Forms prepared by railroad companies*—(1) *Form 1034—Public Voucher for Purchases and Services Other Than Personnel, and 1034A—Memorandum Copy of Form 1034.* These forms will be furnished and prepared by railroads. The form will be used to claim the total amount due for RPO and for storage line-haul service performed on each railroad route.

(2) *Form 2531—Report of Railroad Mail Service Performed.* This form is used for the submission of claims for RPO service. It will be furnished and prepared by the railroad. It will be attached to Form 1034.

(3) *Form 2533—Claim for Terminal and Station Mail Handling Service.* This is a summary form furnished and prepared by the railroad in duplicate, and supported by Forms 2535 and 2535–A.

(4) *Form 2535, Monthly Report of Destination and Destination Relay Storage Car Footage Loaded and Unloaded.* This form will be furnished and prepared in triplicate by the railroad.

(5) *Form 2535–A, Monthly Report of Working Storage Car Footage Loaded and Pieces Loaded.* This form will be furnished and prepared in triplicate by the railroad.

(6) *Train Baggageman's Report.* This form is provided by each individual railroad under its own number and format.

(b) *Forms prepared by railroads and/or postal service*—(1) *Form 5121—Daily Report of Destination and Destination Relay Cars.* These forms shall be used for destination, destination relay, and for other storage cars moving over lines having different rate levels. They shall be prepared in quintuplicate, daily, at all stations or mail originating points designated by a Regional Transportation Manager, by a transfer clerk, or by a railroad representative where no transfer clerk is employed. A separate set of forms shall be prepared for each district and for each railroad at stations where more than one railroad or RPO line operates. Each completed set of forms must be signed daily by the transfer clerk and railroad representative, or by the railroad representative where no transfer clerk is employed.

(2) *Form 5122—Daily Report of Working Storage Cars and Lesser Storage Units.* This form will be prepared and distributed in the same manner as Form 5121.

(3) *Form 5373—Statement of Space Used.* (Replaces present Forms 5365 and 5369 on "Space Used" routes.) On many trains the size of the storage unit is fairly static over the period of a month. On such trains Form 5373 may be used instead of Form 5372. Form 5373 will be used primarily on the smaller trains carrying a total of 30 feet of mail or less, in one or two cars. Forms 5373 will usually cover the entire month's operation of each such train. For RPO trains, the form will be prepared in triplicate in the postal district office from data taken from trip reports, Forms 5122, train baggageman's reports, and other records. For CP trains, railroads will prepare the form in triplicate.

§ 92.12 Applicability of Comprehensive Plan A; railroads covered.

Sections 92.1 to 92.11 shall apply to the following railroads:

Alabama Great Southern Railroad Co. (The).
Albany & Northern Railway Co.
Atchison, Topeka & Santa Fe Railway Co. (The).
Atlantic Coast Line Railroad Co.
Baltimore & Ohio Railroad Company (The).
Bangor and Aroostook Railroad Company.
Canadian National Railway Company.
Canadian National Railway Co.—Lines in Minnesota.
Canadian Pacific Railway Company.
Carolina, Clinchfield & Ohio Railway, Lessees: Atlantic Coast Line Railroad Co.; Louisville & Nashville Railroad Co.
Central of Georgia Railway Co.
Central Railroad Company of New Jersey (The).
Central Vermont Railway, Inc.
Chesapeake and Ohio Railway Co. (The).
Chicago & North Western Railway Co.
Chicago, Burlington & Quincy Railroad Co.
Chicago Great Western Railway Co.
Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
Chicago, Rock Island & Pacific Railroad Co.
Cincinnati, New Orleans & Texas Pacific Railway Co. (The).
Colorado & Southern Railway Co. (The).
Delaware and Hudson R. R. Corp. (The).
Delaware, Lackawanna and Western Railroad Company (The).
Denver & Rio Grande Western Railroad Co. (The).
Duluth, Missabe & Iron Range Railway Co.
Duluth, South Shore & Atlantic Railroad Co.
Duluth, Winnipeg & Pacific Railway Co.
Erie Railroad Company.
Florida East Coast Railway Co.
Fort Worth and Denver Railway Co.
Georgia Northern Railway Co. (The).
Georgia Railroad.
Georgia Southern & Florida Railway Co.
Grand Trunk Western Railroad Company.
Great Northern Railway Co.
Gulf, Colorado & Santa Fe Railway Co.
Gulf, Mobile & Ohio Railroad Co.
Illinois Central Railroad Co.
Kansas City Southern Railway Co. (The).
Lehigh Valley Railroad Company.
Long Island Rail Road Company (The).
Louisiana & Arkansas Railroad Co.
Louisville & Nashville Railroad Co.
Minneapolis & St. Louis Railway Co. (The).
Minneapolis, St. Paul & Sault Ste. Marie Railroad Co.
Missouri-Kansas-Texas Railroad Co.
Missouri-Kansas-Texas Railroad Co. of Texas.
Missouri-Pacific Railroad Co.
New Orleans and Northeastern Railroad Co.
New York Central Railroad Company (The).
New York, Chicago and St. Louis Railroad Company (The).
New York, New Haven & Hartford Railroad Company (The).
Norfolk and Western Railway Company.
Northern Pacific Railway Co.
Northwestern Pacific Railroad Co.
Oregon Trunk Railway.
Panhandle & Santa Fe Railway Co.
Pennsylvania Railroad Company (The).
Pennsylvania-Reading Seashore Lines.
Pittsburgh and Lake Erie Railroad Company (The).
Reading Company.
Richmond, Fredericksburg & Potomac Railway Company.
St. Louis-San Francisco Railway Co.
St. Louis, San Francisco & Texas Railway Co.
St. Louis Southwestern Railway Co.
Seaboard Air Line Railroad Co.
Southern Pacific Co.
Southern Railway Co.
Spokane, Portland & Seattle Railway Co.
Tennessee Central Railway Co.
Texas & New Orleans Railroad Co.
Texas & Pacific Railway Co. (The).
Texas-New Mexico Railway Co.
Union Pacific Railroad Co.
Vermont and Province Line Railroad Company.

Wabash Railroad Co.
Western Maryland Railwey Company.
Western Pacific Railroad Co. (The).
Western Railway of Alabama (The).
White Sulphur Springs & Yellowstone Park Railway Co.
Wisconsin Central Railroad Co.

COMPREHENSIVE PLAN B OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY CERTAIN RAILROADS

§ 92.100 Transportation of the mail.

(a) All railway common carriers engaged in the transportation of United States mail shall transport such mail in the manner, under the conditions, and with the service prescribed by the Post Office Department, and otherwise in accordance with the provisions of the Railway Mail Pay Act of 1916.

(b) Any railway common carrier desiring to be relieved of the transportation of the mail may make application to the Post Office Department accordingly, and consideration will be given to the granting of its request in whole or in part as the needs of the Postal Service will permit.

(c) Mail shall be carried upon such trains as the Post Office Department shall designate from time to time in the interest of the Postal Service, and the character of trains carrying the mails shall be that of the passenger train operating between passenger or mail handling facilities. When required by the interests of the Postal Service, the Department may provide for the movement of mail between passenger or special mail handling facilities in other than passenger trains.

(d) The transit time of trains upon which mail is transported shall be that which is maintained by the carriers for their general transportation business in connection with their published schedules.

(e) Each railway common carrier engaged in the transportation of mail is required to furnish such cars as are necessary for the service authorized by the Post Office Department.

§ 92.101 Classes and nature of service.

(a) *Classes of service.* The service shall be of the following classes:

(1) *Full railway post office car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, constructed and fitted in accordance with the plans and specifications approved by the Post Office Department for the handling, distribution, storage, and delivery of mail by postal transportation clerks. The requirements for service in such cars shall include the sanitation, cleaning, heating, lighting, and the furnishing of ice and drinking water, both in terminals and en route. When required, such cars shall be suitably placed and made available for advance distribution before train departure.

(2) *Railway post office apartment car service.* Service of this class shall be authorized in standard apartments, 30 and 15 feet in length, inside measurement. The apartment shall be separated from the remainder of the car by a partition. The requirements for service are essentially the same as in full railway post office cars with respect to construction and furnishings, sanitation, cleaning, heating, lighting, furnishing of ice and drinking water, and the placing of apartment cars for advance distribution.

(3) *Storage car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, except as hereinafter provided, used exclusively for mails. This service is the transportation and handling of made-up mails in bulk and the requirements for this service shall include the maintenance and cleaning of the cars. The handling of mail into and from all storage cars shall be performed by employees of the railroad companies under instructions of postal employees with respect to proper routing and separation of mails.

(4) *Lesser storage unit service.* Service of this class shall be authorized in less than full-car units of space in mixed traffic, combination, or other cars. This service shall be the transportation and handling of mails of the same type as those handled in storage cars. The requirements for lesser storage unit service are the same as for service in storage cars.

(b) *Nature of services.* The services which the railroads are to render in connection with mail transportation shall be as follows:

(1) Railroad companies are required to perform all necessary switching of cars; to load all mail into cars so as to obtain maximum utilization of the space authorized, including the proper separation, piling, and storing of such mail; and to unload mail from all cars. Handling of all mail within railway post office cars and apartments shall be performed by postal transportation clerks.

(2) Railroad companies are required to transfer all mails between cars in the same train were such transfers are necessary and required by the Post Office Department.

(3) Railroad companies are required to take mails in transit from and deliver them to Government employees and contractors at an accessible point at railroad stations for transfer to and from post offices or railroad stations, and to transfer mails between trains operating into and out of the same railroad station, as required by the Post Office Department.

(4) Railroad companies are required to furnish all necessary facilities for caring for and handling mails, including suitable and adequate space and rooms in their stations for storing and transfer of mails in transit. They shall also furnish suitable and adequate office space for transfer clerks of the Postal Transportation Service when required by the Post Office Department.

(5) Railroad companies are required to transport without extra charge the persons in charge of the mails and the agents and officers of the Post Office Department and Postal Service, under the conditions prescribed by law and regulations pursuant thereto.

(6) Railroad companies are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mails at points or stations on the run where the train does not stop and exchange of mails is necessary.

(7) Railroad companies are required to take the mails from their railroad terminals and stations and deliver them into post offices, postal stations, and Postal terminals; take the mails from post offices, postal stations, and Postal terminals, and deliver them into their railroad terminals and stations; and take the mails from their stations and deliver them into other railroad stations where the distance does not exceed 80 rods, unless other provision for this service is made by the Post Office Department.

§ 92.102 Authorizations.

(a) *General.* (1) The anticipated space needs of the Department shall be reflected by regular authorizations which shall be restricted to the needs of the service between established railway passenger or freight division points or junctions. Regular authorizations shall be determined in accordance with such instructions as may be issued by the Postmaster General. Regular authorizations for railway post office cars and railway post office apartments shall remain in effect unless and until modified as provided in this section. Regular authorization for other classes of service shall be effective for a period of one calendar month, subject to modification or cancellation of service as provided in this section.

(2) Excess service may be requested of railroad companies in trains in which no unit of space is regularly authorized or in trains in which the regularly authorized space is inadequate to accommodate the mails available for dispatch. Requests for excess service shall be restricted to the needs of the Service and shall be made in accordance with the instructions issued by the Postmaster General.

(3) Railroad companies are required to anticipate the needs for service only to the extent of the regular space authorizations. Where there are excess mails and baggage or express or both to be loaded, and the available space is not sufficient to accommodate all, the mails must be given preference. Railroad companies will not, however, be required to unload baggage or express in order to provide space for the excess mail.

(4) The class, frequency, and distance of service to be authorized shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General.

(b) *Equipment.* (1) Authorization for railway post office cars shall be for cars of the standard length of 60 feet. Authorizations for railway post office apartments shall be for the standard lengths of 30 or 15 feet, as the needs of the Postal Service require. If a railroad company is unable to furnish standard railway post office cars and apartment cars, the Department may accept nonstandard railway post office equipment as a convenience to the carriers provided compensation not exceeding pro rata pay is accepted for the facilities furnished. Any deficiency may be provided in another car in the train when necessary and in such case full pay will be made for the standard car authorized.

(2) The Department does not require and will not authorize railway post office equipment longer than the standard lengths specified herein. However, as a convenience to the carriers, and to enable them to obtain revenue from the operation of space which otherwise might be unused, the Department will accept the excess space beyond the standard lengths authorized for the accommodation of lesser storage unit service when needed.

(3) Cars in excess of 60 feet in which a railway post office unit of 60 feet is partitioned from the remainder of the car may be accepted to fulfill an authorization for a railway post office car of 60 feet.

(4) When a railroad company is unable to furnish cars of the standard length authorized for storage car service, the Department may accept cars less than 60 feet in length, inside measurement, provided compensation not exceeding pro rata pay is accepted for the length of the car furnished. The Department may accept storage cars of greater length than the standard, provided compensation not exceeding pro-rata pay is accepted in accordance with rules and regulations of the Postmaster General.

(c) *Modification of authorizations.* (1) Authorizations for full railway post office car service and railway post office apartment service shall be subject to modification at any time to provide for new and additional service, discontinuance of service, or reduction in service.

(2) Regular authorizations for storage car service and lesser storage unit service shall not be discontinued or reduced during the calendar month unless discontinuance or reduction in the service is necessitated by service changes. Regular authorization for storage car service and lesser storage unit service shall be subject to modification at any time to provide for new and additional service.

(3) Requests for excess service may be made at any time during the calendar month.

(d) *Cancellations.* (1) Whenever there is insufficient mail on any day to warrant the operation of a full storage car, the regular authorization may be cancelled by a representative of the Post Office Department at the initial point of the run of the car. Reasonable advance notice of such cancellation shall be given to the railroad company at the initial point of the run of the car to permit the car to be removed from the train.

(2) Authorizations for classes of service other than full storage car service shall not be cancelled during the calendar month.

REGULATIONS

§ 92.103 Definitions.

(a) "Railroad" refers to railway common carriers and does not refer to urban and interurban electric railway common carriers.

(b) "RPO" means a railway post office.

(c) "Regularly authorized service, regular authorization," and "regular service" are synonymous terms and refer to service authorized by formal orders issued by the Post Office Department.

(d) "Excess service, excess space, additional service," and "emergency service" are synonymous terms and refer to service which temporarily becomes necessary in a train.

(e) "Train date:" When a train arrives at its destination on the day following departure from the initial point, the date the train is due to leave the initial point of the RPO designation shall be used as the date for all service performed in the train. Each RPO division shall be considered separately in cases where the RPO line is divided into east, middle and west, or north and south divisions.

§ 92.104 Authorizations.

(a) *Establishment or extension of service.* Distribution and Traffic Managers shall make recommendations and furnish supporting facts to the Post Office Department concerning the necessity of establishing service on a new railroad, extending service on an existing route, and increasing or decreasing space on a route to conform properly to the mail carried.

(b) *Regular service*—(1) *Formal orders.* Regular service is authorized through formal orders issued by the Post Office Department. Mail must not be carried on any railroad on which mail service has not been authorized.

(2) *Authorized monthly.* (i) The regular unit of an original authorization shall be the smallest unit that will accommodate the mail on 50 percent or more of the trips in any calendar month on the days of the week on which mail is regularly carried.

(ii) Whenever a regular authorization of less than 30 feet of storage space is exceeded on more than 50 percent of the trips in any calendar month:

(*a*) But not beyond the capacity of a 30-foot unit, the appropriate higher unit of 30 feet or less which would have accommodated the mail on 50 percent or more of the trips shall be authorized.

(*b*) Beyond the capacity of a 30-foot unit, a full storage car of appropriate length of 60 or 70 feet shall be authorized on the days of the week on which the lesser storage unit is exceeded on more than 50 percent of the trips on such days.

(iii) Whenever a regular authorization of 30 feet of storage space is exceeded on more than 50 percent of the trips on a particular day of the week in any calendar month, a full storage car of the appropriate length of 60 or 70 feet shall be authorized on such day.

(iv) A regular authorization of 30 feet or less shall be reduced to the appropriate smaller unit which would have accommodated the mail on more than 50 percent of the trips in any calendar month.

(v) A regular authorization of a full storage car shall be reduced:

(*a*) From a 60-foot car to the appropriate lesser storage unit on any day of the week on which a lesser storage unit would have accommodated the mail on more than 50 percent of the trips on such days of the week in any calendar month.

(*b*) From a 70-foot car to a 60-foot car or the appropriate lesser storage unit on any day of the week on which a 60-foot storage car or a lesser storage unit would have accommodated the mail on more than 50 percent of the trips on such days of the week in any calendar month.

(vi) Where 70-foot cars are regularly operated and more than 60 feet of storage space is regularly needed for the accommodation of mail in a 70-foot exclusive car, a 70-foot car shall be authorized on the days of the week on which such car was needed.

(vii) Where mail is carried from the initial terminal in several cars in a train and the cars are diverged to different lines or set out at some point on the run, a unit of space of sufficient size to accommodate all mail transported in the several cars shall be authorized from the initial point to the point of divergence or set out. Where the volume of mail exceeds the capacity of a storage car, a storage car and an appropriate lesser unit shall be authorized.

(viii) An authorization shall be restated to include or omit a particular day of the week when during the previous calendar month:

(*a*) No service was authorized and mail was carried on more than 50 percent of the trips on such a day.

(*b*) Service was regularly authorized and no mail was carried on 50 percent or more of the trips on such a day.

Regular authorizations of all classes of service shall be omitted on holidays and days after holidays when service is not needed on such days. When a holiday falls on a Sunday and is observed on the following Monday, the holiday will be considered as applying to the Monday date.

(ix) Only mail considered as regularly due a train shall be taken into account in setting up regular authorizations under the application of the 50 percent rule.

(x) Changes in regular authorizations, based upon the operation of the 50 percent rule, in any month, except December, shall become effective on the first day of the succeeding month.

(c) *Excess service*—(1) *Requests.* Excess service is authorized by special request of a representative of the Postal Transportation Service or by action of a railroad representative at points where there is no representative of the Postal Transportation Service as provided in subdivision (vi) of this subparagraph. Observe the following when requesting additional space:

(i) At points where a designated postal representative is available and the regularly authorized space in a train is inadequate to accommodate all mail offered for dispatch on a particular trip, the designated postal representative must notify the railroad that additional space is needed at the point where the excess mail is to be loaded.

(ii) When an additional or excess full storage car is needed, the postal representative must:

(a) Request the railroad (at the point where the car is needed) to provide an additional 60- or 70-foot car, as appropriate.

(b) Name the established railway passenger or freight division point or junction to which the car is to be run.

(c) Inform the car supervisor (in the case of an RPO train) of the point to which the additional car is requested, so that its use may be discontinued at that point.

(iii) An additional or excess car must not be terminated at a point intermediate to the point designated in the original request.

(iv) When excess mail is carried in two or more cars in a train, a single request must be made for a unit of sufficient size to cover the entire excess carried. This does not affect the provisions governing requests for a 60-foot storage car in lieu of a lesser unit, or for a 70-foot storage car in lieu of a 60-foot storage car or a lesser unit.

(v) Requests by postal representatives for excess space and cars shall be made to a responsible representative of the railroad at the point where excess mail develops. The space used must be shown on Form 5121, Daily Report of Destination and Destination-Relay Cars, and Form 5122, Daily Report of Working Storage Cars and Lesser Storage Units. Form 5365, Record of Excess Space, must be issued to cover excess space required.

(vi) At points where there is no representative of the Postal Transportation Service, the baggageman on a train on which space is regularly authorized must accept and count all mail. The railroad must issue Form 5369, Report of Mail Carrier in Excess of Space Authorized, to show the number of pieces of excess mail and the points between which they were carried and, if from a missed connection, whether from a train of the same railroad.

(2) *Date on excess space request.* A request for excess space in a train must bear the date of issuance at the top and the train date in the body of the form. See § 92.103(e).

(3) *Mail to be carried only on authorized trains.* A railroad must not carry mail on a train on which there is no regularly authorized space, unless emergency space is authorized by proper representative of the Postal Transportation Service. Where conditions warrant, a postmaster may be authorized by a regional or district transportation manager to request excess space in a train with no regularly authorized space. The railroad must be informed of the issuance of such authority.

(d) *Storage car service*—(1) *Mail carried in mixed traffic cars under storage car authorizations.* Where mail is carried in mixed traffic cars under a storage car authorization, either regular or excess, and an exclusive car is not furnished, pro rata payment will be based on the mail carried except when:

(i) More than 30 feet, line haul payment will not be less than the rate for a 30-foot lesser storage unit.

(ii) 30 feet or less, line haul payment will be made for the appropriate lesser storage unit.

(2) *Storage car cut out at intermediate point.* Where it is necessary to cut out a storage car at an intermediate point on its run on account of accident or other operating reason and the car is subsequently operated through to destination in service on a following train, full payment will be allowed. However, no payment will be allowed for a unit of excess space which becomes necessary on the regular train because of the withdrawal of the regular storage car, unless the quantity of mail carried in the excess unit is more than that which could have been accommodated in the regularly authorized storage car.

(e) *Diversion of mail from one train to another.* Where, because of the diversion of mail from one train to another, the size of the authorized unit of storage space is increased or decreased on a date other than the first day of any month (except December), changes in space authorizations under the 50 percent rule shall:

(1) Be made on the basis of the mail carried from the date the size of the unit was changed to the last day of the month provided that the number of days in such period is not less than 14; and

(2) Become effective on the first day of the succeeding month.

(f) *Allowances for missed connections.* When a delayed connection between trains of the same railroad causes mail due on one train to be dispatched on a following train, transportation of the mail is considered as in lieu of part of the service required on the first train. Additional pay will not be allowed for either train unless the quantity of mail carried in both trains exceeds that which could have been accommodated in the space regularly authorized.

(g) *Service by other than regular train.* The transportation of mail by a railroad on a different train than that on which the same railroad is regularly authorized to carry it will be considered as in lieu of the regularly authorized service when for operating reasons it is dispatched:

(1) On an earlier train;

(2) On another train but over a different line;

(3) On a special or extra train, made up to depart either at the time of the regular train or after arrival of the delayed connection, when the mail carried is that which would have been carried on the regular train if its schedule had been maintained; or

(4) On a subsequent train in which space is not regularly authorized, upon annulment of the regular train.

Additional pay will not be allowed unless the quantity of mail carried exceeds that which could have been accommodated in the space regularly authorized.

(h) *Service by fast train for forwarding or returning to a local point.* When mail is delivered by fast train at a certain point from which it is forwarded or returned on a local train to a local point, a unit of space will be authorized in the local train to carry such mail. When mail is dispatched on a local train from a local station and delivered to a fast train at a certain point, an appropriate unit of space will be authorized in the local train. However, when a railroad desires to forward mail on a train not due to receive it from one station to another station for dispatch from the latter station, permission may be granted with the understanding that the movement shall be without additional compensation and that no delay will result to the mail.

(i) *Combined service by railroad and vessel.* Where service is operated by a railroad partly by rail and partly by vessel and a postal transportation clerk accompanies the mail over the entire run, the line haul rate allowable on the rail mileage shall apply to the vessel mileage. If the clerk does not accompany mail over the water part of the route, that part of the route shall be authorized as storage service.

§ 92.105 Space requirements and determinations.

(a) *Space requirements*—(1) *Standard full and apartment RPO cars.* Storage space requirements in full and apartment RPO cars, based on standard plans dated April 1, 1949, are as follows:

Car size:	*Linear feet of storage space*
60'	11' 10"
30' Apt.	4' 9"
15' Apt.	3' 2"

(2) *Nonstandard and oversize RPO cars.* (i) Where a RPO car of lesser length than the unit authorized is furnished and such car provides sufficient distributing facilities for the particular run of the car, pro rata pay will be allowed on the basis of the length of the car furnished as compared with the authorized unit. Where distributing facilities are deficient, a railroad must install such additional facilities as are necessary on the particular run of the car involved.

(ii) Where an RPO car of greater length than the unit authorized is operated and the available storage space in the car in addition to that provided under the authorization is used to capacity, the additional space provided shall be considered to be as follows:

Size of car operated	In lieu of authorization for—	Additional space provided (measurement basis)
70'	60'	10'
60'	30'	18'
30'	15'	8' 3"

(iii) Where the authorization provides for a 30- or 15-foot apartment car, all racks not due under such authorizations must be placed in nonuse position to provide storage space.

(iv) Full payment will be allowed for a passageway or part-width apartment car operated in lieu of a standard apartment car if the number of square feet of floor space provided is equal to or greater than that in a standard car of the size authorized. Pro rata pay will be allowed, on the basis of the square feet of floor space provided, where the floor space is less than that in a standard car. Where there is a deficiency in storage space and the entire deficiency is needed and is made up in another part of the train, full payment will be allowed on the basis of the number of square feet of floor space furnished in the train.

(v) Where a railroad is unable to furnish a standard full or apartment RPO car and operates a nonstandard car in lieu of that authorized, pro rata pay is allowed on the basis of the storage space furnished as compared with that due. When necessary, the entire deficiency may be made up in another part of the train and full payment allowed. Any deficiency in storage space in the nonstandard full or apartment RPO car must be taken into account in determining the size of an additional unit of storage space needed.

(b) *Space determinations*—(1) *In oversize RPO cars.* Space in an oversize car shall be determined as follows:

(i) Lesser storage units accommodated in the excess space in an oversize RPO full or apartment car must be determined by count. Payment shall not be allowed in any case for more than the actual inside length of the car.

(ii) When an oversize full or apartment RPO car is furnished to fill an authorized unit of RPO car space of 30 feet or 15 feet, respectively, the clear storage space under the authorization must be determined by count. The pieces due must be based on the storage space requirements in standard RPO cars under the specifications dated April 1, 1949, and the results of the biennial tests.

(iii) In addition to the clear storage space due under the authorization, the space in front of the doors and the aisles in the car is considered available for the accommodation of storage mail to the extent that such space would be available in a standard car of the unit authorized.

(iv) New or remodeled full or apartment RPO cars shall not be considered deficient in storage space where the clear storage space has been decreased by the installation of new or larger interior equipment.

(2) *In lesser storage units.* The number of linear feet needed on both sides of baggage, storage, or oversize RPO or apartment cars for carrying the mail in lesser storage units of 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30 feet shall be determined on the basis of the number of pieces (sacks and outside parcels combined) that will fill 3 linear feet of space on both sides of the car as determined in the last biennial test. Where the space unit is determined by count, each box of baby chicks shall be considered equivalent to one piece. Payment shall not be allowed in any case for more space than the actual inside length of the car.

(3) *Where mail is carried in several cars.* Where mail is carried in two or more cars in the same train under a storage car authorization, either regular or excess, the volume of mail in a car must be determined by:

(i) Count, when the linear feet of space occupied by the mail is 30 feet or less.

(ii) Measurement, when the linear feet of space occupied by mail is more than 30 feet.

(iii) Measurement, in exceptional cases where the linear feet or space occupied by the mail is 15 feet or more, when mutually agreed to by the Department and the railroad.

(4) *Where mail is carried in baggage cars.* Where a postal transportation clerk is not on duty in an authorized RPO car until an intermediate point is reached, and mail is carried in a baggage car for the railroad's convenience from the point of authorization to the intermediate point, the space in the baggage car is considered in lieu of space in the RPO car. No additional authorization is made.

(5) *Measurement of cars.* Under the specifications for the construction of RPO cars dated April 1, 1949, the following deductions will be made for space occupied by letter cases, racks, boxes and other interior fittings which are not removed when the RPO cars are used as storage cars.

Car size	Car plan	Deductions in linear feet
60'	R	12'
	T	20'
	T-1	22'
	T-2	24'
30' Apt.	S	7'
	W	11'
15' Apt.	X	4'

§ 92.106 Construction and maintenance of RPO cars.

(a) *Construction*—(1) *Standards.* (i) New full and apartment railway post office cars shall be constructed of steel or an equally indestructible material, and conform to the Departmental specification approved April 1, 1949, and any subsequent modification thereof, in construction and arrangement.

(ii) Full and apartment railway post office cars previously accepted for service shall be brought up to standards of the current specification mentioned, in all material respects, wherever operating conditions render strengthening, standardization, or improvements necessary. Approval must be obtained from the Director, Railway Transportation Branch, before any changes are made in construction or fixtures.

(iii) Cars originally built for other traffic are not acceptable for conversion to full and apartment railway post office cars unless they are constructed or reconstructed to fully meet Departmental specifications. All conversions of this type must be approved by the Director, Railway Transportation Branch, before work is started.

(iv) Post Office Department Form 5292, Certificate of Construction, shall be furnished to the Director, Railway Transportation Branch, for each new and rebuilt steel or steel underframe mail car, by the principal mechanical officer of the railroad.

(v) The ends and underframe of steel underframe apartment railway post office cars shall conform to the Departmental specification for all-steel cars. The section moduli of the metal vertical and members shall not be less than 65, distributed as required by the specification.

(vi) Superstructure of steel underframe cars shall conform to former Plan No. 1, or the specification of August 25, 1914, when reinforced by metal vertical end members. Steel shapes may be used as framing members of the superstructure. Steel sheathing applied to the superstructure on the outside of the car shall not be rated as an additional strength factor.

(vii) Cars that do not meet the above underframe and superstructure requirements shall not be rated as "steel underframe."

(2) *Use of steel and steel underframe cars.* (i) Cars operated in full railway post office authorizations shall be of all-steel construction.

(ii) Only apartment railway post office cars of steel construction shall be operated in trains where a majority of the cars are of steel construction.

(iii) Steel underframe railway post office apartment cars shall not be operated between steel cars, nor between the locomotive and a steel car adjoining, nor in any train where a majority of the cars in the train are of steel construction. Except as provided in subdivisions (iv) and (v) of this subparagraph, all railway post office apartment cars shall be at least equal in construction strength to a majority of the other cars in the train.

(iv) Steel underframe railway post office apartment cars shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914, for mainline operation in heavy trains (more than four cars) or on fast schedules (averaging more than 27 miles per hour between termini). Steel underframe railway post office apartment cars having suitable reinforcement on both ends, but only limited reinforcement on the longitudinal sills, may be operated in branch line trains or in light trains (not exceeding four cars) on main lines where the average speed is not more than 27 miles per hour.

(v) Steel underframe railway post office apartment cars operated in "mixed" trains or as trailers to self-propelled cars shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914. In "mixed trains" the railway post office car shall be operated in the rear-end consist, followed only by a passenger coach or caboose. Full-length metal draft gear shall be applied to these cars when deemed necessary.

(vi) One or more cars shall be operated between the locomotive and the railway post office car when practicable.

(3) *Inspection by departmental representatives.* (i) New, rebuilt and repaired railway post office cars shall be inspected by representatives of the Department in accordance with instructions issued by the Director, Railway Transportation Branch.

(ii) Railroad and car-building companies shall advise the Director, Railway Transportation Branch, concerning proposed new construction or rebuilding of railway post office cars and the dates

when such cars will be ready for inspection.

(iii) Railroad companies shall notify the proper Distribution and Traffic Manager when cars are received at any of their shops for repairs, so that a representative from the Regional Manager's office may inspect such cars and call attention to needed repairs and improvements. Notice shall also be given as to the date cars are to be "outshopped", so that an inspection may be made by the Distribution and Traffic Manager's representative if considered necessary.

(iv) Railroad companies shall not "outshop" or return to service any full or apartment railway post office car unless requested changes, improvements and repairs have been made in a manner that is acceptable to the Postal service.

(b) *Maintenance*—(1) *Water and sanitation.* (i) Drinking water containers installed in full and apartment railway post office cars shall be of a type which conforms to the standard fixtures specification and has been approved by the Director, Railway Transportation Branch and the United States Public Health Service.

(ii) Drinking water shall be furnished in accordance with the requirements and standards of the United States Public Health Service.

(iii) Fresh water and ice shall be supplied at all times in railway post office cars being used for the distribution of mail.

(iv) Flushing hoppers shall be installed in new and rebuilt full and apartment railway post office cars in accordance with the standard fixtures specification. Flushing hoppers shall be installed in old cars in a manner considered satisfactory by the Director, Railway Transportation Branch.

(v) Toilet paper shall be provided in all cars.

(vi) The water coolers, hoppers and fixtures in railway post office cars shall be thoroughly cleaned after each trip and en route, as often as may be necessary, when in continuous service for more than 24 hours.

(2) *Lighting and heating.* (i) All cars and parts of cars used in mail service shall be equipped with light fixtures, and adequately lighted in accordance with the standard specification, including auxiliary lights for use when there is a primary lighting system failure.

(ii) Railway post office cars or apartments shall be lighted by electricity as the primary system when any of the passenger, baggage, or express cars regularly operated in a train are lighted by electricity.

(iii) When the primary lighting system fails to provide sufficient illumination to complete distribution for a period of more than 30 minutes, it shall be regarded as a total light failure. When insufficient light retards or renders distribution difficult for a period of 30 minutes or less, it shall be regarded as a partial light failure.

(iv) A storage battery of the required capacity shall be provided on each electrically lighted full or apartment railway post office car whether the car is equipped with an axle-generator or supplied from a head-end system.

(v) Electric fans shall be installed in all electrically lighted full and apartment railway post office cars.

(vi) Heating shall be provided in all full and apartment railway post office cars in accordance with the standard construction specification.

(vii) Guards shall be constructed and installed over heat pipes and radiators as required by the specification, in order to prevent damage to the mail.

(viii) Stoves shall not be installed in full and apartment railway post office cars without the approval of the Director, Railway Transportation Branch. Stoves which are not of a safety type approved by the Department, shall not be accepted as auxiliary heating systems. Such stoves shall be equipped with safety features which include automatic door fastener for the stove doors (double doors preferred), baffle plate to prevent fire or live coals from escaping through the smoke-flue opening, and metal casing to prevent overheating objects which may closely surround the stove.

(3) *Legend to be placed on all RPO cars.* (i) Full and apartment railway post office cars shall be lettered on the outside in accordance with the specification for railway post office cars. Cars, or parts of cars, bearing the legend "United States Mail," or "U. S. Mail," shall be reserved exclusively for carrying the mail and shall not be used for other classes of traffic.

(ii) Two properly framed "No admission" notices shall be placed in each full railway post office car, and one notice in each apartment post office car. These notices shall be located where they may be readily observed on entering the cars at the side doors.

§ 92.107 Services provided by railroads.

(a) *Railroad employees*—(1) *To load and unload mail.* A railroad must furnish the necessary employees to handle mail, to load and pile mail into and unload mail from storage and baggage cars except as provided in § 92.108(c)(3) and (d), and to load mail into and receive mail from doorways of RPO cars. Mail intended for delivery to a postal transportation clerk must not be placed in an RPO car unless a postal transportation clerk or an authorized postal representative is on duty.

(2) *As agents of railroads.* Persons employed to handle mail where a railroad is required to receive and deliver mail from post offices or postal stations or to transfer mail to connecting railroads must be regarded as agents of the railroad and not employees of the Postal Service. They need not be sworn but must be of suitable character and intelligence and more than 16 years of age. Postmasters must promptly report any violation of this requirement to the Department.

(3) *Restriction on railroad employees.* Train crews must not be permitted to ride in RPO cars while in use, even though an oversize car is furnished.

(b) *Special trains*—(1) *Designation of trains for local service.* A railroad carrying mail must designate one scheduled train in each direction in every 24-hour period to stop for the dispatch and receipt of mail at any station or point serving a post office, unless relieved of this requirement by the Department. The stop may be regularly scheduled or made on appropriate signal by a postmaster or mail messenger or on notice to the conductor by a postal transportation clerk or baggageman. A railroad may be permitted, under conditions approved by the Department, to transport mail by motor vehicle instead of local rail service.

(2) *For those detoured.* (i) When, for any reason, a mail-carrying train is operated between usual termini over a line other than that on which it is regularly operated, payment will be made on the basis of the regular mileage if it is the shorter. If the mileage via the detour is shorter, payment will be made on the basis of the actual mileage traveled.

(ii) When a detour occurs and a special train is operated over part of the regularly authorized run, a railroad will be required to carry in the special train any mail that can be advanced in delivery without additional compensation, if the volume of mail in both trains does not exceed that which could have been accommodated in the regularly authorized space.

(c) *Transfer office facilities.* Railroads shall furnish suitable office space for transfer clerks to perform their duties at points designated by the Department. Such offices must be kept in order by the railroad, lighted, heated, furnished, supplied with ice water, and provided with toilet facilities where such facilities are not otherwise easily accessible.

(d) *Timetables and distance circulars*—(1) *Timetables.* Railroads must forward timetables, not less than 72 hours before taking effect, to the regional and district transportation managers of the Post Office Department having supervision over service on their lines. They must also notify these officials by telegraph if it becomes necessary to annul, curtail, or suspend service temporarily. Where a representative of the railroad is on duty, he must notify the postmaster as soon as possible after receipt of notice of any change in the schedule of a mail train.

(2) *Distance circulars.* (i) A railroad shall keep the Post Office Department informed at all times of correct mileage distances between all stations, junctions, or points where mail is put on and off trains. The Department shall be notified immediately of any change in trackage or other facility resulting in changes in mileage distances between such points. Such notification shall be made by submission to the Department, in quadruplicate, of a railroad distance circular, Form No. 2504–B, covering that segment of the route affected. The report shall state the correct distances and furnish the effective date of any change. Claims for pay covering the month following that in which changes in mileage distances occurred shall properly reflect the revised mileage distances.

(ii) In addition to the notification prescribed above a railroad on or before January 1 of each year shall submit to the Department, in quadruplicate, a certificate prepared by the Chief Engineer stating that the mileage distances previously submitted to the Department, including any corrections filed during the previous calendar year, are correct in every respect.

(iii) For purposes of reporting mileage distances to the Department, a railroad shall measure the mileage between stations, junctions, or points where mail is put on and off trains to the nearest hundredth of a mile. The measurement shall be in such a manner that the aggregate of the distances between the individual stations, junctions, or other points where mail is put on or off trains shall not exceed the distance between the origin and destination of the train on which mail is authorized.

(e) *Letter boxes.* Where the public convenience is better served, the Department may authorize a railroad to place letter boxes in its stations for the receipt of first-class mail other than that for local delivery.

(f) *Protection of mail by railroads*—(1) *Facilities for protection.* A railroad is required to furnish all necessary facilities for the proper protection and handling of mail in its custody.

(2) *Handling mail on platforms.* Mail must not be stored on trucks and allowed to stand on platforms at local stations or transfer points unprotected from depredation. When it is necessary to place close-connection mail on trucks to be left standing on platforms, the mail must be in full view of employees of the railroad at all times. The portion of a platform used for loading, unloading, and transfer of mail must be well lighted. Mail being trucked through subways and tunnels must be carefully guarded.

(3) *Holding mail in storage rooms.* Rooms in which mail is stored must be locked except when a railroad employee is on duty. A strong light must be provided above the door, and unauthorized employees or unknown persons shall not be allowed in the vicinity. When necessary at small stations to provide proper protection, mail must be stored in a locked room or in a room where railroad employees are present.

(4) *Exposing mail to weather.* Mail must not be left exposed to weather. Tarpaulins may not be used for protection from weather except in unusual cases or to cover close connection mail being held on station platform trucks.

(5) *While exchanging nonstop station mail.* A railroad employee or other authorized person shall be assigned to guard mail being exchanged at nonstop stations. At nonstop points where a railroad station representative is scheduled to be on duty at the time mail is received or dispatched, he must observe the exchange of mail and, if the pouch is not caught, must retrieve it for proper disposition.

(6) *No smoking in storage cars.* Railroad employees must not smoke or carry lighted cigars, cigarettes, or pipes in storage cars. Distribution and Traffic Managers will take appropriate action with railroad officials in all cases where violations are reported in order to enforce this regulation.

(7) *Reports of failure to comply.* Postal employees must report to the district transportation manager any failures on the part of a railroad to comply with the instructions in this paragraph.

(g) *Withdrawal of car at intermediate point.* (1) Where a RPO car is withdrawn at an intermediate point of its run because of an emergency and mail and clerks are transferred to other cars in the train, payment of the full rate will be allowed to the point of withdrawal. Additional pay will not be allowed for later deadhead operation over the remainder of the run.

(2) From the point of withdrawal to destination, payment will be allowed for the car used:

(i) At a prorate of the RPO car rate based upon the amount of space occupied as compared with the amount superseded when accompanied by PTS clerks.

(ii) At lesser storage unit rates based on the volume of mail carried when in the care of railroad representatives.

(3) A railroad will not be required to cut out an apartment car at an intermediate point on the authorized run of the car to substitute another car used for advance distribution.

(h) *Irregularities.* (1) The Post Office Department may fine a railroad an amount not in excess of the compensation due for the service authorized for failure to furnish an RPO car with sanitary drinking water, adequate toilet facilities, or adequate heat and light; or failure to regularly and thoroughly clean the car, provided the railroad has been given the opportunity to correct the conditions.

(2) The Department may impose fines on railroads for other delinquencies, including:

(i) Allowing the mail, or any part of it, to become wet, lost, injured, or destroyed, or conveying or keeping the mail in a place or manner that exposes it to depredation, loss, or injury.

(ii) Refusing, after demand, to transport mail by any car, boat, or other conveyance which the railroad operates or is concerned in operating on a mail route.

(iii) Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, or other matter.

(iv) Habitual failure to observe schedules.

(v) Leaving mail which arrives at a station within a reasonable time before the departure of the train for which it is intended.

(vi) Failure to use the first practicable means of forwarding delayed mail.

(vii) Failure to sound proper signal when approaching a mail crane.

(viii) Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of mail in a railroad station.

(ix) Failure to place an RPO car in a station at the time specified by the Department for the advance distribution of mail.

(x) Permitting storage cars to accumulate at any point for operation in mail, or mail express, sections when suitable trains are available for dispatch to destinations.

(xi) Failure to operate regularly authorized storage cars in designated trains.

(xii) Failure to unload a storage car at the point of destination within the time specified by the Department when the mail is actually delayed.

(3) The fine in each case shall be such sum as the Postmaster General may impose, in view of the gravity of the delinquency, and shall be deducted from the railroad's pay for service on the route on which the delinquency occurred.

§ 92.108 Handling of mail.

(a) *Receipt*—(1) *Advance deliveries to trains.* Where a railroad is responsible for the transfer of mail from a postal unit to a train, the railroad must make advance delivery to a train when the Department requires such delivery earlier than the regular closing time of the mail.

(2) *Holding trains for loading.* (i) A train shall not depart from a station and leave mail which is:

(*a*) Being loaded.

(*b*) Being trucked from vehicles or some part of the station to the train.

(*c*) Aboard a connecting train that has come to a stop.

(ii) When holding an important train for mail from a delayed connection would cause serious delay and subsequent train service is available within a reasonable period of time, the Department may authorize a time limit beyond which the important train may not be held except to load first-class mail and daily newspapers, and to load foreign mail if necessary to assure steamer connection, as follows:

(*a*) A railroad must request such authorization, if desired, from the Distribution and Traffic Manager having jurisdiction of the train involved, specifying reasons and a time limit beyond which it is impracticable to hold the train.

(*b*) Where requests are approved by the Distribution and Traffic Manager, any delayed mail involved must be carried without compensation on a later train to the extent of the unused space authorized on the first train. Additional pay is allowed only when the mail carried exceeds the volume which could have been accommodated in the regularly authorized space.

(iii) A mail train must not be held beyond its scheduled departure for mail originating in local postal units or offices of publication. The Postal Service must fix and enforce an ample time limit in which mail must be delivered to a railroad for dispatch.

(iv) At joint stations where mail is due for transfer from the train of one railroad to that of another, unloaded mail must be held to be in the custody of the outbound railroad which is responsible for the transfer.

(v) When it is necessary to transfer passengers, baggage, or express from one train to another, all mail must also be transferred unless the transfer is a regular connection coming within the provisions of subdivision (ii) of this subparagraph.

(3) *Withholding mail from train.* Regional transportation managers may withhold from dispatch catalog, circular, parcel post, and ordinary paper mail, in the order named, if necessary and advisable to prevent delay to important trains or to effect economies in transportation. Such mail must be forwarded in regular or excess space in other trains.

(4) *Loading by other than railroad employees.* Loading as used in this subparagraph, is defined as loading, separating and piling in the car.

(i) At plants:

(*a*) Destination and destination relay cars. The terminal charge (loading) will not apply to destination and destination-relay cars when loaded by plant employees.

(*b*) Working storage cars and lesser storage units. When mail is loaded by plant employees, the terminal charge will not apply for loading. The proper unloading charge shall be credited to the originating railroad on mail loaded in working storage cars and lesser storage units. The originating railroad shall make proper interline settlement for these charges.

(ii) Loading by star route and mail messenger contractors:

(*a*) When all mail at a point is loaded by a contractor, terminal charges shall be credited in the same manner as for plant loaded storage cars and lesser storage units.

(*b*) When only a portion of the mail is loaded by a contractor and the remainder by railroad employees, the terminal charge will apply to all mail loaded.

(5) *Loading storage cars.* (i) Storage cars shall be loaded solidly at initial point of the run as far as practicable, observing all safety regulations and leaving only such doorways or aisles as are needed en route to handle mail.

(ii) Where for any reason a railroad fails to load a storage car to its space capacity, and mail is available for loading, pro rata pay will be allowed on the basis of the space capacity load. However, where the weight of the mail is exceptionally heavy and a car satisfactory to the Department is furnished, full payment may be allowed for less than space capacity load.

(iii) Where a storage space unit is carried in an oversize RPO car, the mail shall be handled within the car by postal transportation employees.

(6) *Pouch list changes.* Distribution and Traffic Managers of the Post Office Department shall promptly notify the proper official of a railroad of any changes in the list of pouches to be handled by the railroad.

(b) *Nonstop station service.* (1) Railroads are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mail at points or stations on the run where the train does not stop and exchange of mail is necessary. Until such facilities are erected, the train's speed must be reduced to permit safe exchange.

(2) When mail is caught or delivered at night, a railroad must furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed, and lighted.

(3) The engineer of an RPO train shall give timely notice, by whistle or other signal, of its approach to the nonstop point where mail is delivered or taken from a crane, or both.

(4) Where the Department deems it necessary to the safe exchange of the mail, the railroad is required to reduce the speed or stop the train.

(c) *Transfers*—(1) *At connecting points.* (i) Unless relieved of the requirement by the Department, a railroad carrying mail on its train for a connecting train is required to deliver the connection mail to a departing train of another railroad where the railroad stations are directly contiguous when:

(*a*) Both railroads employ representatives.

(*b*) Passengers or baggage are transferred.

(ii) When the train connection is not immediate, the mail may be delivered to the representative of the railroad operating the departing train.

(iii) A railroad is responsible for separating mail when the mail:

(*a*) Received a previous rail haul and is due for dispatch to a star, mail messenger, or highway post office route at a connecting point.

(*b*) Is received from a star, mail messenger, or highway post office route at a connecting point and is due to receive a subsequent rail haul.

(iv) A railroad must provide necessary tailboard space for exchange of mail with star, mail messenger, or highway post office routes or make delivery at a point accessible to the vehicles involved, unless other arrangements are made between the Department and the railroad.

(v) Railroads must transfer mail between connecting trains of steam railroads and cars of electric railroads when:

(*a*) The steam railroad employs a representative.

(*b*) The steam railroad station is directly contiguous to the electric car tracks.

(c) Connection is immediate.

(2) *At night.* (i) Where mail is due receipt or dispatch at night and a railroad employee is on duty, the railroads must retain custody and safeguard the mail until:

(*a*) Dispatch can be made to the proper train.

(*b*) Delivery can be made to a highway post office clerk, mail messenger, star route, or other contractor.

(c) Delivery can be made to a post office when the building is directly contiguous to the railroad property.

The Department reserves the right to require such service of a railroad at times when the regular employee of the railroad is not on duty.

(ii) At railroad stations where no railroad employee is on duty, the railroad must, if deemed necessary by the Postal Service, provide for the exchange of mail by means of a safe room or suitable locked box at the station.

(iii) Where a railroad has no representative at a station, it must furnish the light which shall be cared for and hung by the Department's carrier.

(3) *Between cars on same train*—(i) *Mail transferred between storage and RPO cars.* When a storage car or baggage car containing mail is operated next to an RFO car and postal transportation clerks have access to such a car through end doors, they may handle the mail at intermediate points when considered advisable by the Department and the volume is small.

(ii) *Mail transferred from excess units to authorized distributing space.* At points where practicable, a railroad is required to transfer all or a part of the excess mail from a baggage car to available space in an authorized distributing unit upon the issuance of Form 5050, Request to Transfer Excess-Storage Mail. However, the railroad may elect to carry such mail through to destination with the understanding that the space occupied in the baggage car will be offset by that available in the distributing unit. The request form must show the number of pieces and the point at which they are to be transferred, and must be delivered to the designated railroad representative immediately upon arrival at the station where the transfer is ordered. Mobile clerks are not required to accept the transfer of such mail through end doors while the train is in motion. They may do so during the station stop if the storage end of the RPO car is next to the baggage car.

(4) *Combining mail where train is overtaken.* When one mail-carrying train is overtaken by another and mail is combined and forwarded from that point in a single train, payment will not be allowed for the non-mail-carrying train beyond the merger point.

(5) *In emergencies*—(i) *Wreck or washout.* If it becomes necessary to transfer at the place of a wreck or washout, officials and employees of a railroad must see that:

(*a*) The mail and any postal transportation clerks are promptly transferred.

(*b*) Every possible convenience is furnished the clerks for working the mail.

(ii) *Other operating conditions.* Whenever operating conditions require that a car with mail be set out, the railroad must arrange to transfer all mail in the car to any available space in the train except:

(*a*) Where an important passenger train is involved and the transfer of all mail would result in serious delay, such transfer may be limited to first-class, airmail, registered mail, daily newspapers, special delivery and special handling. Other classes will be transferred if time permits.

(*b*) Mail may be held for a following train if it makes substantially the same connections and delivery as the first train.

Where an RPO car is set out, postal transportation clerks must give all possible assistance in transferring mail.

(d) *Exchange of mail with other carriers.* Railroad agents and other carriers must exchange mail as follows:

(1) If a mail messenger is employed by the Department, a railroad may be relieved of the requirement of receiving or dispatching mail at cars, or from placing it on a crane, when:

(i) A railroad representative is on duty and the volume of mail is small enough so the mail messenger can readily carry it by hand on one trip.

(ii) A railroad representative is not on duty and the railroad makes sufficient trucks available to the mail messenger.

(2) The Department reserves the right to require the performance of such service by railroad representatives at any time during the 24-hour period.

(3) A mail messenger shall call for incoming mail and deliver it to the post office as soon as practicable. If the train's arrival is at night and the post office is closed, the mail may be handled as provided in paragraph (c) (2) of this section.

(4) A mail messenger will wait for a train's arrival when a representative of the railroad is not on duty. At the end of 2 hours, he may return the outgoing mail to the post office for inclusion in the next regular dispatch.

(5) A mail messenger need not wait for a delayed train when:

(i) Other mail would be delayed.

(ii) The railroad representative cannot give advance information as to time of arrival of the train.

(iii) The train is reported as more than 2 hours late.

In such cases the mail messenger may deliver the mail to the railroad's representative. The railroad is responsible for the safe dispatch of outgoing mail to the proper train and the safe delivery of incoming mail to the messenger or other authorized representative of the Department.

(6) Where mail cars are not accessible to vehicles of mail messengers or other carriers, a railroad shall receive and deliver mail at points accessible to such vehicles, except as provided in subparagraph (1) of this paragraph.

(e) *Side, terminal, and transfer service.* Requirements for side, terminal, and transfer service are as follows:

(1) Every railroad must, where it has an agent, take mail from and deliver it to all postal units located 80 rods or less from the station, when so required by the Department.

(2) The Department will provide for the transportation of mail to and from postal units located:

(i) More than 80 rods from the nearest railroad station or terminal.

(ii) 80 rods or less from the nearest railroad station or terminal where a representative of the railroad is not on duty.

(3) The Department may relieve a railroad of the performance of service required at any postal unit, and provide for such service, whenever it deems advisable.

(4) In all cases the distance between the railroad station or terminal and postal unit must be measured by the shortest route open to public travel, avoiding angles, from the nearest door of the baggage room to the nearest door of the postal unit involved. Where there is no baggage room or station, the measurement must be made from the middle of the station platform. The route need not be a regularly used public way, and, if over private property, no prohibition against the Government shall hold that has not also been made and enforced against the public.

(5) A railroad shall give 30 days' notice to the Department of the discontinuance of any agency handling mail or the removal of a station beyond the 80-rod limit. A railroad must not be relieved of the duty of handling mail unless this advance notice is given.

(f) *Terminal piece charges in RPO cars.* (1) The per piece charge will not apply to mail loaded into a RPO car while mobile clerks are on duty.

(2) The per piece charge will apply to one-half the number of pieces loaded into a RPO car while postal transportation clerks are not on duty when:

(i) Loaded by railroad employees at points prior to origin of clerks' run; or

(ii) Unloaded by railroad employees at points beyond end of clerks' run.

(g) *No terminal charges for additional handling.* Terminal charges will not be allowed for the additional handling of mail when:

(1) A railroad orders a car out of service after mail has been loaded for onward dispatch to destination; or

(2) The receiving railroad at an interchange point refuses to operate a car because of size, type or bad order and transfer of the mail to another car is required.

§ 92.109 Applicability of Comprehensive Plan B; railroads covered.

Sections 92.100 through 92.108 shall apply to all railroads which are not listed in § 92.12.

— —

PART 93—TRANSPORTATION OF MAIL BY URBAN AND INTERURBAN ELECTRIC RAILWAY COMMON CARRIERS

Sec.

93.1 Service authorized only by Department.
93.2 Railroad employees handling mail regarded as agents of carrier.
93.3 Compensation for transportation of mail covers transportation of postal employees and agents.
93.4 Construction, equipment, and maintenance of RPO cars.
93.5 Use of and admission to RPO cars and RPO apartments.
93.6 Regularly authorized RPO service.
93.7 Closed pouch service authorized monthly.
93.8 Excess service.
93.9 Side, terminal, and transfer service.
93.10 Responsibility for safety of the mail.
93.11 Designation of stopping points for safe exchange of mail.
93.12 Use of signs "U. S. Mail" or "United States Mail."
93.13 Power for canceling machines in cars.
93.14 Failure of service.
93.15 Evidence of performance to be submitted by transportation companies.
93.16 Deductions and fines.

AUTHORITY: §§ 93.1 to 93.16 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6201–6215.

§ 93.1 Service authorized only by Department.

Mail transportation service on an electric railroad shall be established only by direct order of the Post Office Department. No increase, decrease, or change in the service ordered shall be made without first securing authority therefor from the Assistant Postmaster General, Bureau of Transportation.

§ 93.2 Railroad employees handling mail regarded as agents of carrier.

Any person employed by an electric railroad and designated to handle the mail shall be considered an agent of the carrier. Such employees need not be sworn as Postal Mobile employees.

§ 93.3 Compensation for transportation of mail covers transportation of postal employees and agents.

The compensation for the transportation of mail by an electric railroad shall include the transportation of Postal Service employees who accompany and distribute the mail and postal inspectors and other duly accredited agents of the Department who are performing their duties. Such transportation shall be in cars carrying the mail or on trips designated by the Post Office Department.

§ 93.4 Construction, equipment, and maintenance of RPO cars.

All railway post office cars or apartments used for the transportation of mail on an electric railroad route shall conform to the requirements stipulated by the Assistant Postmaster General, Bureau of Transportation. All such cars shall be constructed, painted, lettered, equipped, furnished, heated, lighted, and maintained by the companies performing the service, without expense to the Post Office Department.

§ 93.5 Use of and admission to RPO cars and RPO apartments.

No part of the space authorized in a railway post office car or apartment shall be used for other than mail purposes. Only authorized clerks, carriers, messengers, postal inspectors, and officers and agents of the Post Office Department shall be admitted to such cars and apartments. These persons shall be admitted only upon exhibition of their credentials.

§ 93.6 Regularly authorized RPO service.

Space in railway post office cars and railway post office apartments will be authorized in both directions of the authorized car run. In railway post office cars the space to be authorized will be the actual linear-foot inside measurement needed to accommodate the mail.

§ 93.7 Closed pouch service authorized monthly.

(a) The units of space to be authorized for closed pouch service shall be determined on the basis of count of pouches, sacks, and parcels.

(b) Whenever a regular authorization of closed pouch service is exceeded on more than 50 percent of the trips on any day of the week in any calendar month, the appropriate higher unit which was needed on more than 50 percent of trips on such day of the week shall be authorized on that day of the week. A regular authorization shall be reduced to the appropriate smaller unit on any day of

the week on which a smaller unit would have accommodated the mail on more than 50 percent of the trips on such day of the week in any calendar month. This rule will not apply to the month of December. Changes in authorizations based upon the operation of this rule in any month (except December) shall become effective on the first day of the succeeding month.

(c) Effective January 1, 1943, 14 pieces of mail (pouches, sacks, outside pieces, or a combination of these classes) will be considered as equivalent to 30 cubic feet of space in authorizing service. This determination is based on the result of the test during the period October 12–18, 1952.

(d) Where not more than 10 pouches, sacks, and parcels are regularly carried on a car constructed and operated primarily for passenger service with no separate compartment for mail, baggage, or express, one "ten-bag" unit will be authorized. Where more than 10 and not more than 28 pieces are regularly carried, a 60-cubic-foot unit will be authorized. Where more than 28 pieces are regularly carried, the appropriate cubic-foot unit (in multiples of 30 cubic feet, based on 30 cubic feet for each 14 pieces of mail or fraction of that number) will be authorized. The space unit required to accommodate the mails at any point on a mail route will be the space authorized for the "authorized car run" in this class of service. For example: Where a 60-cubic-foot unit is necessary over part of the route, and a "10-bag" unit is sufficient over the remainder of the route on the same trip, the authorization will be issued for a 60-cubic-foot unit over the authorized car run of a given trip.

(e) In baggage or express cars or in baggage and express compartments in passenger cars, units of service may be increased or decreased at any point on the car run according to the requirements of the service. For example: A 60-cubic-foot unit (or other large unit) may be authorized over part of the car run, and a smaller unit over another part of the same run.

(f) Closed pouch space in passenger cars, in baggage and express cars, and in baggage and express compartments in passenger cars, will be authorized only between the points the mail is actually carried in either direction of the car run. Such authorization will be considered as the mileage of the "authorized car run."

(g) Space in independent cars will be authorized in both directions and paid for accordingly, unless the car or any part thereof is used by the electric railroad in the return movement. In independent car service, linear-foot space will be authorized in cars 36 feet or less in length to the extent of the full length of the car (inside measurement less any obstructions). In cars more than 36 feet in length, space will be authorized to the extent of 36 linear feet or such additional linear feet of space in the car as may be necessary to accommodate the mail.

§ 93.8 Excess service.

(a) When greater amounts of mail are carried than are provided for in the regular authorizations, transportation of the excess mail will be paid for as excess service. Upon approval of the Distribution and Traffic Manager, the postmaster may be authorized to employ excess service on additional trips and in independent cars. Additional service needed on an electric railroad during the Christmas holiday period each year should be employed as excess service.

(b) When a closed pouch unit is regularly authorized, the electric railroad's claim for excess mail should be based on 30 cubic feet of space (or multiple thereof) at the prevailing rate for additional mail.

(c) Where an independent car or railway post office service is regularly authorized, the excess service should be requested for a separate unit of closed pouch service. If service becomes necessary on additional trips or in additional independent cars, the postmaster or other Department representative should make requisition on the electric railroad before the service is to be performed. Railroad employees shall accept all mail offered on trips on which regular service is authorized. The railroad shall be entitled to compensation for carrying any excess mail, without further authorization.

(d) Electric railroads are not permitted to carry mail on trips on which space is not regularly authorized, unless requested to do so by a postmaster or by an authorized official of the Post Office Department.

§ 93.9 Side, terminal, and transfer service.

(a) *When performed by an electric railroad over whose line the transportation of mail is authorized.* The railroad shall accept the mail from and deliver it into each post office, mail station, or other point of exchange, when required to do so by the Post Office Department. The railroad will receive separate compensation for such service unless it is performed directly contiguous to the line.

(b) *When performed by the Department.* At any point where service is not required to be performed by the electric railroad, the postmaster (if of the fourth class) may be required to transfer mail over slight distances between the cars and the post office without expense to the Department. Where the post office or mail station is located a considerable distance from the point of exchange with the cars, the Department will make provision for the carriage of the mail. Where the train service and agency conditions are similar to those found in the railroad service, the applicable provisions of § 92.9 (c) (1) and (e) of this chapter relative to the exchange of mail shall be observed.

§ 93.10 Responsibility for safety of the mail.

(a) An electric railroad authorized to perform mail transportation service shall be held responsible for the safety and security of the mail while in the custody of its employees. Where service and conditions are similar to those found in the railroad service, the applicable provisions of § 92.8(f) of this chapter, relating to responsibility for protection of mail, shall be observed.

(b) In the transportation of mail, the Department is not restricted to the use of the vestibule platform of passenger cars. The mail should be carried in any available space where it can be safeguarded.

§ 93.11 Designation of stopping points for safe exchange of mail.

Where necessary to effect the safe exchange of mail, an electric railroad shall be required to stop its cars at the points designated by the Post Office Department.

§ 93.12 Use of signs "U.S. Mail" or "United States Mail."

Such signs shall be displayed on cars actually carrying the mail. The signs shall be painted on cars used exclusively for transportation of mail. Removable signs shall be displayed on cars only when mail is actually being transported therein.

§ 93.13 Power for canceling machines in cars.

The electric railroad furnishing the railway post office cars or apartments shall provide power to operate any canceling machines used therein. The power shall be provided without additional expense to the Post Office Department.

§ 93.14 Failure of service.

In the event of an electric railroad's failure to provide for the transportation of mail in accordance with the Department's requirements, temporary mail service by some other mode of conveyance shall be authorized by the Assistant Postmaster General, Bureau of Transportation.

§ 93.15 Evidence of performance to be submitted by transportation companies.

An electric railroad shall submit monthly evidence of the performance of service. This evidence shall be submitted through the Postal Service on the form prescribed by the Post Office Department.

§ 93.16 Deductions and fines.

The provisions of § 92.8(h) of this chapter, pertaining to deductions and fines which may be imposed on railroads for service failures and delinquencies, shall also apply to electric railroads.

PART 94—HIGHWAY TRANSPORTATION

Subpart A—Star Route

Sec.
94.1 Description.
94.2 Postal services.
94.3 Contracts.
94.4 Subcontracts.
94.5 Temporary service.
94.6 Protection of mail.
94.7 Records and reports.
94.8 Routes under administration of postmasters.

Subpart B—Mail Messenger Service

Sec.
94.12 Description.
94.13 Establishing service.
94.14 Operation.
94.15 Protection of mail.
94.16 Termination of service.
94.17 Payments.

Subpart C—Contracting for Highway Post Offices

94.20 Description.
94.21 Contracting.
94.22 Reports and certificates.

Subpart D—Water Route Service

94.25 Description.
94.26 Postal services provided.
94.27 Contracts.
94.28 Protection of mail.
94.29 Records and reports.
94.30 Routes under administration of postmasters.

Subpart E—Contract Motor Vehicle Service

94.34 Description.
94.35 Establishment.
94.36 Operation.
94.37 Protection of mail.
94.38 Termination.
94.39 Payments.

Subpart F—Contract Pay Adjustments

94.43 Eligibility for adjustment.
94.44 Requests for adjustment.
94.45 Comparative cost statement and operating data.

AUTHORITY: §§ 94.1 to 94.45 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6101, 6103, 6105–6107, 6351–6355, 6401–6403, 6405, 6407, 6408, 6410–6426, 6429–6434, 6436–6440.

Subpart A—Star Route

§ 94.1 Description.

(a) *Definition.* Star route service is established by the Post Office Department to provide for transportation of mail over highways and roads between postal units. Routes are operated under formal contracts, awarded after competitive bidding, and may provide box delivery, collection, and other services normally furnished by rural carriers. Star routes are usually operated where railroad service is unavailable or inadequate, and economies in transportation costs can be effected.

(b) *Head of route.* The term "head of a route" means the first post office referred to in the statement of service. It may be the initial point originally named or one later stated as a result of change in the route. The office from which a carrier starts his trip is not necessarily the "head" of a route.

(c) *Truck or T routes.* The term "T Routes" is the designation given to star routes transporting mail transferred from rail to highway on the initiative of the Post Office Department while train service is still in operation. These routes are established to improve mail service, provide economies, or both.

§ 94.2 Postal services.

(a) *Exchange of mail.*—(1) *At post offices.* (i) The carrier must exchange mail at each post office on the route in accordance with the terms of the contract and any subsequent orders changing the service.

(ii) Where tailgate exchange at a loading platform cannot be made at an intermediate post office and the carrier cannot drive his vehicle near the door of the post office, the postmaster must arrange to take the mail. A carrier must not leave his vehicle containing mail unprotected. In no case shall the mail be thrown on the ground.

(iii) All intermediate post offices on star routes must be supplied by carriers on both outward and inward trips unless otherwise specified. Transportation requirements and procurement officers may change the frequency of supply to intermediate offices, without issuance of formal orders on Form 5440–C "Contract Route Service Order", provided distances as shown in the statement of service are not affected.

(iv) Where no time is specified at intermediate offices, mail should be exchanged within 10 minutes. Transportation requirements and procurement officers are authorized to vary from this standard whenever service conditions require.

(v) Except when space is available at a loading platform where tailgate exchange may be made, a contractor or carrier is required to deliver mail into and take mail from the post office at each end of his route.

(vi) Employees of postal installations served by star routes may be required to load or unload contractors' vehicles or to assist contractors in loading and unloading mail, when, in the judgment of transportation requirements and procurement officers, it is in the best interest of the Postal Service to do so.

(2) *Through lobbies or lockers of Post Offices.* (i) Mail may be exchanged, when authorized, through the lobby of a post office when no one is on duty. For this purpose the contractor will be provided a key to the lobby. A lobby exchange can be authorized only where the screen work extends to the ceiling; all doors, windows, and wickets connecting the lobby with the working portion of the post office are securely locked; and police protection is adequate. If any doubt exists as to the propriety of a lobby exchange, get approval of the Postal Inspection Service.

(ii) Exchanges may also be made through lockers when approved by the field services officer, or the transportation requirement and procurement officer, and the Postal Inspection Service. Locks and keys for lockers may be provided by either the postmaster or the contractor.

(iii) Postmasters shall obtain a signed receipt for each key furnished to star route contractors or carriers for use in exchanging mail through the lobby or locker of the post office. Reclaim the key and surrender the receipt when the key is no longer needed. When old keys are recovered or new ones issued, notify the distribution and traffic manager, who will maintain a current record of all outstanding keys.

(iv) Keys furnished to star route contractors or carriers must be protected against theft at all times. Do not allow examination of the key or its possession by an unauthorized person.

(v) Star route contractors or carriers must not have access to rotary, LA, street letter box (other than METRO series—see subparagraph (4) of this paragraph) or post office workroom keys.

(3) *At railroad stations.* (i) Where a star route terminal is at a railroad station at which no agent is on duty, the carrier may be required to exchange mail with trains, unless locker service is provided. Where catcher service is provided, the carrier may be required to hang pouches and take charge of mail dispatched from trains.

(ii) Where a railroad agent is on duty and the exchange of mail would impose a hardship on the carrier or delay the mail for the star route, the carrier must deliver the mail to, and receive it from, the agent who must make the exchange with the train.

(4) *Through collection boxes (collections only).* (i) The transportation requirements and procurement officer may require star route contractors or carriers to make collections from hasp and staple-type collection boxes locked by METRO series padlocks.

(ii) The postal installation manager will arrange for METRO padlocks and keys to be furnished postmasters at offices where star route contractors or carriers are authorized to make collections from collection boxes.

(b) *Duties of carriers and patrons.* (1) See §§ 49.3 and 49.4 of this chapter for the principal duties of carriers and patrons.

(2) If the contract requires the sale of stamp supplies, the carrier must:

(i) Report to post office in sufficient time to distribute mail in advance of scheduled departure time.

(ii) Accept mail addressed to patrons of the route, from the postmaster, and arrange it in order of delivery.

(iii) Prepare and maintain a roster of patrons served, arranged alphabetically and according to box numbers.

(c) *Sale of stamps and stamp supplies.* If the contract requires the carrier to sell stamps and stamp supplies, he must:

(1) Carry a stock sufficient to meet the needs of his patrons.

(2) Accept a fixed credit of postage stamp stock. Fixed credit will be provided by the postmaster at the head of the route. Where the carrier serves patrons who receive mail through other offices on the route, the carrier will replenish his fixed credit at those offices in amounts representing sales made by him to the patrons served through these offices.

§ 94.3 Contracts.

(a) *Contract terms.* Contracts are made for terms of 4 years or for the remainder of a contract term set for the State in which the route is located. To spread the workload, the contract terms are staggered for the different States within the regions.

(b) *Types of contracts.* Star routes are classified according to services required as follows:

(1) Serving post offices and performing delivery and collection service to box patrons.

(2) Serving post offices but not performing box delivery and collection service.

(3) Performing box delivery and collection service to box patrons but not serving post offices.

(4) Serving post offices and providing rural delivery features to box patrons.

(5) Providing rural delivery features to patrons but not serving post offices.

(6) Handling restricted classes of mail for post offices only.

(7) Handling empty equipment primarily.

(c) *Obtaining bids*—(1) *Advertisements*—(i) *Issuance and distribution.* When it becomes necessary to advertise for bids for a 4-year contract term or for the remainder of a regular contract term, when less than 4 years, advertisements will be prepared on Form 5435, "Advertisement for Mail Service," by the transportation requirements and procurement officer. Advertisements will allow at least 30 days' posting from the date of receipt until the closing date for bids, except in emergencies when the advertisements will contain an explanation for the shorter posting period. Sufficient copies of advertisements will be prepared by the transportation requirements and procurement officer for distribution to postmasters at post offices named in advertisements, prospective bidders and other interested persons. Form 5468, "Star or Water Route Bid and Bond," is used in submitting bids.

(ii) *Distances stated in advertisements.* Most advertisements inviting proposals for star route service show the one-way length of the routes and refer to:

(*a*) Distances traveled by carriers where service is in operation.

(*b*) Distances by shortest public roads between points named on new routes.

Distances stated in advertisements are believed to be substantially correct. The pay will be neither increased nor decreased if the actual distance is greater or less than advertised, provided the points to be supplied are correctly stated.

(iii) *Advertising by postmasters.* Postmasters must: (*a*) Post copies of bulletin advertisements in conspicuous places in the lobbies of their post offices for the periods stated in the advertisements.

(*b*) Obtain the widest possible publicity, without expense to the Postal Service, to gain the attention of interested persons.

(*c*) Familiarize themselves with the advertisements and attached instructions, and the services to be performed.

(*d*) Maintain an ample supply of proposal forms (Form 5468 "Star or Water Route Bid and Bond") while advertisement is pending. Make immediate request to transportation requirements and procurement officer for needed forms, contacting that office by telephone or telegraph when necessary to obtain forms during last few closing days for receipt of bids.

(*e*) Furnish prospective bidders a copy of the advertisement and bid form on request.

(2) *Requirements of bidders*—(i) *Eligibility.* Any person who is at least 21 years of age and who is a citizen of the United States, or has filed a declaration of intention within the past 7 years to become a citizen may submit a proposal and enter into a contract for carrying the mail, subject to the following restrictions:

(*a*) No proposal for a contract for star route service shall be considered unless the bidder is a legal resident of one of the counties crossed by the roads over which the mail is to be carried or a legal resident of a county adjoining one through which the mail is to be carried, with this exception: Proposals for carrying mail will be accepted from firms, companies, or corporations actually engaged in some business other than transportation of mail under a contract within the counties in which individuals are restricted as to residence.

(*b*) No postmaster, assistant postmaster, clerk employed in any post office, rural carrier, special-delivery messenger, or other postal employee, including substitute or temporary, shall be a bidder, contractor, or concerned in a bond or contract for carrying mail on a star route.

(*c*) No member of the immediate family of a postmaster or assistant postmaster shall be awarded a contract or be a surety on a bond, or be a subcontractor or carrier on a star route; except, that a person who becomes a member of the immediate family of a postmaster or assistant postmaster after being awarded a contract or after being recognized as a subcontractor may continue to perform such contract and is eligible for a renewal contract. "Immediate family", as used in this section, means persons who are members of the same household or dependent upon the other for support.

(*d*) No contract for carrying mail will be made with any person who has entered or proposed any combination to prevent the making of any bid for carrying mail or who has agreed, or given or promised any consideration, to induce another person not to bid for such a contract.

(*e*) A married woman may contract or be surety as though she were unmarried where the laws of the State permit. When a woman bids or signs as surety, it must be stated whether she is married or single.

(ii) *Knowledge of service factors.* Bidders should familiarize themselves with:

(*a*) Service to be performed, including mileage and time required.

(*b*) Estimated weight and volume of mail to be carried and size of vehicle required.

(*c*) Condition of roads, including toll charges.

(*d*) Laws and regulations governing the operation of motor vehicles.

(*e*) Other circumstances affecting the cost of operation, without regard to the prevailing rate of pay or amount of bond specified.

(iii) *Bonds.* (*a*) Each proposal must be accompanied by a bond executed by a qualified surety company or by two or more individual sureties who are the owners of real estate worth an aggregate sum double the amount of bond required, over and above all debts, judgments, mortgages, executions, and exemptions.

(*b*) As a part of the bond, the individual sureties must sign a statement showing the amount of real estate owned by them, a brief description of the real estate, its estimated value, where it is situated, and in what county or State the titles are recorded.

(*c*) Where the laws of the State permit, a husband and wife owning real estate as tenants by the entireties, are acceptable as one surety provided both execute the bond. Any other two or more persons owning real estate as joint tenants, are acceptable as one surety, provided all parties concerned execute the bond. In these cases, at least one other qualified surety is necessary.

(*d*) The obligation under this bid bond is that the bidder will execute a contract with good and sufficient sureties and that service will be performed according to the contract. If an accepted bidder fails to enter into the prescribed contract or, after having executed a contract, fails to perform service in accordance with the contract, he and his sureties are liable for the amount of the bid bond.

(*e*) No proposal for the transportation of the mail shall be considered when accompanied by a bond executed on behalf of a surety by or through any organization of mail transportation contractors or an officer or employee of such organization, nor shall any such proposal be considered when a portion of the bond premium, a commission on the bond sale or any other thing of value accrues to any organization of mail transportation contractors, or officer or employee thereof as a result of the execution of the bond.

(*f*) The amount of bond required with the bid is stated in the advertisement.

(*g*) For list of surety companies, approved by the Treasury Department, acceptable on bonds and contracts, see latest Treasury Department notice in the FEDERAL REGISTER.

(3) *Instructions to bidders.* Postmasters must:

(i) Caution prospective bidders that their proposals must be completed and properly executed, include the required bonds, and must be mailed to reach the distribution and traffic manager within the time limit for the receipt of bids as shown in the advertisements.

(ii) Point out to bidders the instructions attached to the advertisements and on the proposal forms.

(iii) Suggest that bidders contact the proper transportation requirements and procurement officer to obtain definite information regarding local conditions and services required.

(iv) Point out to prospective bidders the legal residence requirements. See Subpart F of this part.

(v) "Caution bidders not to submit bids with the expectation of having their pay readjusted if awarded a contract, as no increase will be allowed except for changed conditions as provided by law." See § 94.3(h)(3).

(vi) Advise bidders that no claim for additional pay can be allowed which is based on alleged mistakes or misapprehensions as to service requirements.

(vii) Inform prospective bidders not to permit the use of their names unless they intend to carry the mail or supervise the service in person. Every bidder must sign a statement that his bid is made in good faith and with the intention of performing service if it is accepted.

(viii) Point out to bidders and individuals sureties the obligation under the bid bond. See subdivision (i)(*a*) of subparagraph (2) of this paragraph.

(4) *Restriction on postmaster participation.* Postmasters are official agents of the Post Office Department. They are liable to dismissal from office for:

(i) Acting as agents of contractors, subcontractors, or bidders, with or without compensation, in any negotiations relating to mail service.

(ii) Divulging the amount of any proposal which they have certified.

(5) *Obtaining proposal forms.* Proposal forms may be obtained from:

(i) Transportation requirements and procurement officer.

(ii) Postmasters at offices where advertisements are posted.

Similar forms, approved by the Department, are furnished by surety companies and distributed through local agents and postmasters directly to contractors and bidders.

(6) *Submitting bids.* Bids must be submitted as follows:

(i) Each proposal must be sent in a sealed envelope addressed:

Distribution and Traffic Manager, Post Office Department, ---------- (City) ---------- (State)

and endorsed Mail Proposal, Route from ---------- (City) to ---------- (City) ---------- (State)

(ii) Bids must be mailed in time to reach the distribution and traffic manager at the address and within the time limit specified in the advertisement. Bids received after the time limit specified in the advertisement will not be considered unless they are received before the award of contract is made and it is determined that their failure to arrive on time was due solely to delay in the mail for which the bidder was not responsible.

(iii) If bond is to be executed by a surety company, the proposal should be properly prepared, other than the bond, and transmitted directly to the bonding company in ample time to have it completed and filed in the office of the distribution and traffic manager within the time limit stated in the advertisement.

(iv) When bond is to be executed by a surety company, the certificate as to bidder may be executed prior to the completion of the bond. (See certificate and note on back of proposal, Form 5468 "Star or Water Route Bid and Bond.")

(7) *Time limitations.* The following time limitations apply:

(i) No withdrawal of a bid will be allowed unless notice of withdrawal is received at least 24 hours before the expiration of the time limit stated in the advertisement.

(ii) The Post Office Department may award a contract at any time within 60 days after expiration of the advertisement. However, when service to be superseded cannot be terminated within the 60-day period after closing bids, an additional 60-day period during which the contract may be awarded is authorized if the bidder and his sureties so consent in writing. This consent may be withdrawn by the bidder at any time prior to award of the contract.

(d) *Award of contracts*—(1) *Requirements for award.* Contracts are awarded to the lowest responsible bidder who tenders sufficient guaranties for celerity, certainty, and security in the faithful performance of service in accordance with the terms of the advertisement. The Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to comply with the terms of a former contract.

(2) *Execution of contract.* The accepted bidder will be required to execute a contract with good and sufficient sureties satisfactory to the Postmaster General. These sureties can be the same as those furnished on the bid bond.

(3) *Qualifications of sureties.* Although individual sureties on a contract are not required to be owners of real estate, they must be responsible persons and competent to perform the service required by the contract if called on to do so.

(4) *Obligation of sureties on contract.* Sureties on the contract are, in effect, co-contractors, and in event of default or removal of contractor, are responsible for continued operation of the service. They may also be called on to take over operation of the route in the event of death of the contractor. See § 94.3 (i)(4)(iv).

(5) *Filing contract.* The successful bidder must execute and file his contract with the transportation requirements and procurement officer within 60 days from the date of acceptance of bid.

(6) *Reservations.* The Postmaster General reserves the right to:

(i) Reject all bids on any route whenever the interest of the service requires.

(ii) Rescind the acceptance of a proposal at any time before the signing of the formal contract by a representative of the United States, without allowing indemnity.

(iii) Suspend the award of a contract for a period not exceeding 60 days after the date stated in the advertisement for the announcement of the award and allow a corresponding extension of time for the execution of the contract. This period may be extended an additional 60 days under the circumstances outlined in subdivision (ii) of paragraph (c)(7) of this section. It is not always possible to award contracts to be effective on the dates specified in the advertisement.

(iv) Reject bids accompanied by bonds on which a surety is a person who is barred from bidding for any reason.

(v) Disregard the bids of those persons who have not submitted proposals in good faith and do not intend to perform service in accordance with the terms of the advertisement.

(7) *Tie bids.* When the lowest acceptable bids are at the same rate, preference will be given to the present contractor if his is one of the tie bids. Otherwise, the selection will be made by lot.

(8) *Certification.* The contractor must certify that he has not employed any person to solicit or secure the contract upon any agreement for a commission, percentage, brokerage, or contingent fees. He must agree not to discriminate against any employee or applicant for employment because of race, color, religion, or national origin.

(9) *Oath of contractor and carrier.* A contractor will take the required oath when executing his contract. All carriers, employed by contractor, except those employed by contractors operating large trucking concerns or regular passenger buses in which mail is carried, must take the prescribed oath (Form 5497 "Oath of Mail Carrier") before beginning service.

(e) *Contractor's responsibilities*—(1) *For providing equipment and maintaining.* (i) The contractor must furnish adequate and suitable motor vehicles or other equipment necessary to carry the mail.

(ii) Unless otherwise specified, motor vehicles must be used. When road or weather prevent their use, other means of conveyance must be furnished.

(iii) Contracts for certain routes specify the size or number, or both size and number, of vehicles required. Contractors on such routes cannot be required to provide equipment and service in excess of that specified.

(iv) Contractors must maintain their vehicles in a safe and dependable condition and must keep them clean and tidy.

(2) *For performing service.* (i) Contractors must perform service on all scheduled days including holidays, unless otherwise specified in contracts.

(ii) The contractor must serve regularly post offices in operation on the date of the advertisement. Also, he must serve regularly post offices established after the date of the advertisement, as well as railroad stations and junction points, which may be included for supply on his routes, without additional compensation if there is no additional travel.

(iii) Contractors must agree in their contracts to deductions from their pay for all authorized service not performed. See paragraph (g)(1) of this section.

(iv) Contractors must not carry mail on a railroad or electric car except as directed by the Bureau of Transportation.

(3) *For giving preference to mail.* (i) Contractors must transport the whole of the mail on each scheduled trip during the term of the contract unless otherwise specified. Where a contract specifies only certain classes of mail to be transported, the term the whole of the mail means all mail of the classes specified.

(ii) Star route contractors and carriers may transport passengers, freight, and express so long as it does not interfere with the transportation of the mail, provided all applicable Federal and State laws and regulations are complied with.

(iii) When sent as mail, packages must be carried as such and no charge shall be made by the carrier for transporting them.

(iv) Where permitted by law, the contractor may transport intoxicating

liquors outside the mail if carrying them does not interfere with the transportation of the mail.

(4) *For maintaining schedules.* (i) Contractors and carriers must:

(*a*) Carry the mail according to the schedule of departures and arrivals and within the running time stated in the advertisement under which the contract is made, unless the schedule is altered by authority of the transportation requirements and procurement officer. If the schedule is altered by a proper order, they must adhere to the altered schedule.

(*b*) Be allowed an equal amount of additional time on the schedule when more than 10 minutes is taken for opening and closing the mail at any post office, unless otherwise provided in the contract.

(*c*) Where specific instructions have been issued by the transportation requirements and procurement officer on routes serving large post offices and sectional centers, notify postmasters in advance by telephone collect of estimated delayed arrival due to breakdowns or other causes or when extra large volumes of mail are being carried.

(*d*) Operate on standard time unless otherwise specified.

(ii) Postmasters must not: (*a*) Except in cases of emergency, deliver mail to carriers before scheduled departure time without permission from the field services officer or the transportation requirements and procurement officer. When earlier delivery of mail to a carrier would be advantageous to the carrier, patrons on the route, or the mailing public, the postmaster may recommend to the field services officer or the transportation requirements and procurement officer that the carrier be permitted to leave before scheduled time. Star route carriers and dispatch clerks will conform to the closing times listed in post offices.

(*b*) Permit mail to be taken from the post office to be kept in a private home overnight.

(5) *For operating vehicles according to law.* Transportation by contractors of passengers or property other than mail is subject to the following:

(i) The award of a contract for the transportation of mail grants no special right or privilege to the contractor to transport passengers, freight, or express. If the contractor desires to transport passengers or cargo other than mail for compensation in interstate or foreign commerce, he must obtain authority from the Interstate Commerce Commission. If he desires to transport either in intrastate commerce, he must obtain authority from the State in which he will operate, if such authority is required by that State. He must comply with all laws and regulations of the State or States which apply to carriers of passengers and cargo for hire.

(ii) Contractors must know and comply with interstate and intrastate laws governing the operation of motor vehicles. They must comply with all safety measures prescribed by State and Federal laws and regulations governing the operation of motor vehicles and with the Interstate Commerce Commission's Motor Carrier Safety regulations issued from time to time, to the extent stated in the advertisement and as required by the Post Office Department.

(6) *For transporting postal officials and equipment.* (i) Contractors and carriers must transport postal inspectors and other officials of the Postal Service, on presentation of their credentials, over regularly scheduled trips and between the points specified in the official statement of the route, if the conveyance used is suitable.

(ii) Bus companies are not required to transport postal inspectors and other officials except on vehicles carrying mail and between points where service is authorized.

(iii) The presence of a postal inspector in the carrier's vehicle or in the vicinity of the route shall not be revealed by the carrier to any person at any time.

(iv) Contractors must convey, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered them. This does not include furniture, letter cases, mail boxes, and other similar items. Such equipment must not be shipped under penalty labels for transportation on star routes unless it has been determined in advance that the contractors involved are willing to perform the additional work without compensation. This does not prevent contractors from handling such equipment as freight or express.

(7) *For providing carriers*—(i) *Qualifications.* Carriers must be:

(*a*) Not less than 18 years of age.

(*b*) Of good character, reliable, and trustworthy.

(*c*) Sufficiently educated to enable them to perform all required duties in a satisfactory manner.

(ii) *Persons ineligible.* The following are ineligible to serve as carriers on star routes: (*a*) All postal employees, including temporaries and substitutes.

(*b*) Members of the immediate families of postmasters and assistant postmasters as defined in paragraph (c)(2)(i)(*c*) of this section unless they become members of the immediate family after the contract was awarded.

(*c*) Persons undergoing sentences of hard labor imposed by a criminal court (out on parole or under suspended sentence).

(*d*) Persons with known criminal records involving moral turpitude or dishonesty.

(*e*) Persons whose traffic records indicate that their driving motor vehicles would be hazardous.

(iii) *Oaths.* Before entering on duty, carriers employed by contractors shall take the prescribed oath, except where a firm has the mail contract and an official of the company takes the oath. Such firms are:

(*a*) Railroads which have contracts to carry the mail.

(*b*) Firms contracting for water route services.

(*c*) Companies which operate regular passenger busses and carry mail.

(*d*) Trucklines which have contracts to carry mail.

(8) *For identifying equipment.* (i) The use of a sign or lettering reading, "United States Mail" or "U.S. Mail" is optional, but may be used only on vehicles that are actually carrying mail. If a sign is used, it must be removed when the vehicle is used exclusively for other purposes. If the lettering is painted on the vehicle, it must be covered when the vehicle is being used exclusively for other than mail service.

(ii) Vehicles that are painted red, white, and blue must have inscribed on both front side doors in block letters at least 1 inch high "U.S. Mail Contractor." Trailers, so painted, must also bear the same inscription in block letters at least 2 inches high on the front of the trailer, sufficiently high to be visible above the tractor unit.

(f) *Renewal, extensions, and changes without advertising*—(1) *Renewals.* A regular contract may be renewed for additional terms, without advertising, at the rate prevailing at the end of the contract.

(2) *Extensions of contract period.* A contract may be continued in force beyond its expressed term for a period of not more than 6 months. The extension of a contract also extends any subcontract in effect on the route.

(3) *Changes in service.* (i) Transportation requirements and procurement officers may at any time issue orders extending, increasing frequency, and changing the line of travel, by allowing a pro rata increase in compensation for any increased service required. They may also issue orders curtailing, reducing frequency, discontinuing, or changing line of travel by allowing 1 month's extra pay on the amount of service eliminated, and not exceeding pro rata compensation for the service retained.

(ii) Extensions during a contract term shall not exceed a net aggregate of 50 miles.

(iii) Star route service may not be extended to supply families previously served by a rural carrier unless the number of patrons to be served by the extended part of the star route is more than twice the number previously served by the rural carrier.

(iv) If the road usually traveled becomes impassible, the carrier must use the most available road to perform full service. He should immediately report the matter to the postmaster at the head of the route and to the transportation planning and procurement officer who has supervision over the route. See paragraph (h)(4) of this section.

(4) *Changes in schedules.* (i) Transportation requirements and procurement officers may issue orders changing schedules of departure and arrival, particularly to make them conform to connections with railroads or other mail routes, without increase in pay. See subdivision (iv) of this subparagraph.

(ii) Changes in schedules must be authorized by the transportation requirements and procurement officer.

(iii) The schedule on a route must not be changed for the convenience of the contractor, subcontractor, or carrier, if the change would be detrimental to the service.

(iv) Some contracts contain a provision prohibiting adoption of a schedule allowing less running time than that stated in the advertisement, without the written consent of the contractor and his sureties. When it becomes necessary to decrease the running time under such contracts, the contractor shall have the option of continuing the service by the expedited schedule without additional compensation. If the contractor does not accept this option, the route must be readvertised.

(v) The financial effect that a change in schedule may have on a contractor must be taken into consideration. Reversal of schedule or excessive layover time could result in material increase in cost or undue hardship and provide a basis for readjustment of compensation.

(vi) Postmasters must inform the proper field services officer or the transportation requirements and procurement officer whenever changes in schedules are necessary or appear advisable, with a full explanation of the reasons. They should not recommend changes entirely in the interest of the contractor.

(g) *Irregularities*—(1) *Deductions or fines.* Deductions from pay may be made or fines may be imposed for:

(i) Trips not performed or service omitted.

(ii) Failure to carry all or any portion of the mail in order to accommodate passengers, freight, or express.

(iii) Failure to arrive within schedule time.

(iv) Neglect to take mail from or deliver it to a post office.

(v) Refusal to deliver or collect the mail along the route.

(vi) Failure to protect the mail from rain or extremes of weather.

(vii) Permitting mail to become damaged or destroyed.

(viii) Loss of or depredation to mail through the fault of the contractor or his agent.

(2) *Forfeitures or contract annulment.* Forfeitures may be imposed or contracts may be annulled for:

(i) Failure to follow instructions of the Post Office Department.

(ii) Violating laws or regulations.

(iii) Failure to give proper supervision to performance of service.

(iv) Transporting matter due to be in the mail as cargo other than mail.

(v) Entrusting the mail to an unsuitable person.

(vi) Refusing to discharge a carrier when instructed to do so by the Post Office Department.

(vii) Subletting a contract without the consent of the transportation requirements and procurement officer.

(viii) Participating in combinations to prevent others from bidding.

(ix) Violation of any of the provisions of the advertisement or contract.

(h) *Payments*—(1) *For regular service.* Payments for stated services are:

(i) Made by check after the expiration of each 4-week accounting period.

(ii) Not made under new or renewed contract until the contract is executed.

(2) *For special-delivery service.* Postmasters may pay special-delivery fees to contractors and carriers when special service is rendered. If the special delivery mail is delivered into the patrons box the carrier is not entitled to the fee.

(3) *Readjustment of compensation.* See Subpart F of this part.

(4) *Allowance for detours.* (i) Transportation requirement and procurement officers may authorize pro rata additional payments to contractors for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause, provided the increase amounts to as much as $1 during any 4-week accounting period and a report is made within 90 days after service is performed.

(ii) The contractor or carrier is responsible for reporting to the postmaster at the head of the route all necessary detours, with the reasons and the additional distance travel on each trip.

(iii) The postmaster is responsible for obtaining all pertinent facts and reporting them to the proper transportation requirements and procurement officer. Be sure that only the net additional miles traveled, after deducting the scheduled miles of travel, are reported for each date on which detour travel is necessary. See § 94.7(b).

(5) *Pro rata computation of change in pay.* To determine the amount to be allowed or deducted in making changes in service, transportation requirement and procurement officers must observe the following instructions:

(i) Determine the one-way length of the route as it would operate if changed as proposed.

(ii) Multiply the one-way length by the number of trips to be required, as determined by the Frequency Conversion Table. If the route has more than one part, follow the same procedure for each part and add annual mileages for all parts.

(iii) Determine the difference between the total annual mileage as shown on the records and the new annual mileage.

(iv) Multiply the difference in annual mileage by the prevailing rate per mile, except as otherwise provided in this subparagraph.

(v) When a change has been made at less than pro rata, or without allowance of additional pay, and a further change is proposed, base the computation on the original distance and pay.

(vi) If service that has been added without the allowance of additional pay, or at less than pro rata, is to be discontinued, base the computation on the rate per mile allowed when the service was added.

(vii) When a change involves part of the original service and service added under conditions outlined in subdivision (vi) of this subparagraph, base the computation on the two rates.

(viii) When a contract is renewed, a new basic rate per mile is established effective at the beginning of the new contract term, regardless of any orders issued during the previous term.

(6) *Withholding payments.* (i) When a contractor has more than one route and fails to perform service on any one of them according to contract, payment will be withheld on all routes until the unsatisfactory conditions are remedied and all penalties are satisfied.

(ii) When a contractor dies, payments should be suspended until the necessary court orders or claim papers or both can be approved. Frequently there is considerable delay in making payments following the death of a contractor.

(7) *Levying of deductions and fines.* (i) Transportation requirements and procurement officers are authorized, in their discretion, to make deductions for trips not performed and service omitted. When a deduction is made, an order will be issued on Form 5440–C, "Contract Route Service Order."

(ii) When a contractor fails to comply with terms of the contract or when serious irregularities occur, the transportation requirements and procurement officer will make every effort, by letter or by personal interview, to correct the situation. If the contractor persists in the irregularities, the transportation requirements and procurement officer will issue a brief against him by use of Form 5178 "Notification of Irregularity in Service or Damage to Parcel Post Mail." If the contractor makes no satisfactory reply, the distribution and traffic manager may issue an order on Form 5440–C imposing a fine.

(i) *Termination*—(1) *Time.* Star route contracts may be terminated at the end of any 4-year term at the option of the Postmaster General or the contractor or they may be terminated at any time as provided by law. (See paragraph (f)(3)(i) of this section.)

(2) *For changed service conditions.* Star routes may be readvertised and new contracts may be awarded for the purpose of releasing contractors and sureties on routes where undue hardships have been imposed by:

(i) An ordered change which increases or decreases the amount of service required.

(ii) An abnormal or sustained increase in the quantity of mail to be carried during a contract term, necessitating larger equipment.

(iii) An ordered change in schedule, requiring the contractor to be away from the initial terminal much more or less time than was required in the advertised schedule.

(3) *For inadequate compensation.* A star route may be readvertised and a new contract may be awarded to release the contractor and his sureties when, after full investigation, compensation is found to be wholly inadequate and continuation of the contract will impose undue hardship, even though conditions have not changed since the contractor submitted his bid. This action may be taken only when the contractor:

(i) Gives 90-days' advance notice of his desire to be released.

(ii) Waives the 1-month extra pay authorized by law where contracts are canceled under this provision.

(iii) Continues service until another contract is awarded even though the award may be made more than 90 days after filing the advance notice.

(4) *Death of a contractor*—(i) *Notification.* When a contractor dies, the postmaster should immediately notify the transportation requirement and procurement officer having jurisdiction over

the route. The transportation requirement and procurement officer will suspend payments and notify the Bureau of Transportation and sureties on the contracts. Postmasters must notify the transportation requirement and procurement officer of the death of a contractor, even though the route has been sublet.

(ii) *Transfer of responsibility for route.* On the death of a contractor, performance of service becomes the responsibility of the executor or administrator of the deceased contractor or the sureties of his contract.

(iii) *Responsibility of legal representative.* If a legal representative is appointed, he has the right, after obtaining the necessary court orders, to continue the service for the benefit of the estate or to sublet to himself or some other suitable person, after obtaining permission from the Department.

(iv) *Responsibility of sureties.* The surety or sureties on the contract are responsible for assuming charge of the route and continuing the service in person, by a suitable carrier, or under a subcontract when no executor or administrator is appointed or the service is not continued by the legal representative for the benefit of the estate.

(v) *Temporary service.* If service is not provided promptly by or for the estate of a deceased contractor or his sureties, the postmaster at the head of the route or the transportation requirement and procurement officer who has supervision over the route should arrange for employment of a temporary carrier at the lowest obtainable rate. Temporary service should be continued until regular service is resumed by the legal representative of the estate of the deceased contractor or by sureties. Payments to temporary carriers should not be made until they are approved by the Department.

(5) *Insanity of a contractor.* When a contractor becomes temporarily or permanently incapacitated because of insanity or unsound mind, the postmaster shall immediately notify the transportation requirement and procurement officer having jurisdiction over the route.

§ 94.4 Subcontracts.

(a) *Requirements for subletting.* (1) A contractor must obtain permission from the transportation requirements and procurement officer before subletting. Subletting without proper consent may cause a route to be relet, thereby making the contractor and his sureties liable under their bond for damages.

(2) Subletting for an amount less than the contract rate of pay is prohibited by law.

(3) The contractor and subcontractor must warrant that the subcontractor has not given or agreed to give to the contractor, directly or indirectly, any consideration for subletting of the contract. Such a consideration includes, but is not limited to, a cash payment for the agreement to sublet; rebates from the compensation received from the Government; payment of unusually high prices for equipment; and purchase of unnecessary operating rights.

(4) Subcontracts are executed in triplicate, providing a copy for transportation requirements and procurement officer; contractor; and subcontractor.

(5) After an order has been issued recognizing a subcontract, payments are made directly to and in name of the subcontractor.

(b) *Requirements of subcontractors.* A subcontractor must:

(1) Meet the legal residence requirements of contractors. See § 94.3(c)(2)(i)(*a*).

(2) Be in a position to supervise the service properly.

(3) Be financially and morally responsible.

(4) Have fully adequate and suitable equipment.

(c) *Assignment.* Assignment or transfer of a contract for transporting mail is prohibited by law, except as provided in the Assignment of Claims Act of 1940, as amended. A contract may be sublet as provided by law.

(d) *Term.* The subcontract must be executed for service on the whole route and for a period of not less than 1 year or for the remainder of the contract term when less than 1 year.

(e) *Responsibility of contractor.* The execution and recognition of a subcontract does not release a contractor from his obligation, but it relieves him of the necessity of giving the route his personal supervision.

(f) *Termination*—(1) *For cause.* The distribution and traffic manager may terminate a subcontract on abandonment or unsatisfactory service by the subcontractor.

(2) *By request.* The distribution and traffic manager will recognize the termination of a subcontract prior to its stated period on proper notification by either party to the subcontract.

(3) *By death of subcontractor.* On the death of a subcontractor, the contractor, legal representative of the estate of a deceased contractor, or sureties in charge should immediately resume charge of the route. Postmasters should notify the transportation requirement and procurement officer having supervision over the route, who will issue necessary instructions to all concerned.

(g) *Contracting with subcontractors.* When a contractor has sublet a route in accordance with law and does not indicate in writing to the Postmaster General at least 90 days before the end of the contract term that he desires to renew the contract, the distribution and traffic manager may enter into a contract on the same terms, without advertising the route for bids, with a subcontractor who has performed satisfactory service on the route for a period of at least 6 months.

§ 94.5 Temporary service.

(a) *On new routes.* (1) Contracts for temporary star route service may be made without formal advertisements for periods not to exceed 1 year.

(2) No bond is required with a temporary contract. These contracts may run to the end of the fiscal year or not exceeding 1 full calendar year.

(3) Contracts for temporary service provide for their termination on 15-days' notice by either party.

(4) Before temporary service is authorized, bids are usually solicited by transportation planning and procurement officer. The lowest bid must be accepted unless there is sufficient reason for rejecting it.

(b) *On regular routes.* Temporary service may be provided under the following conditions:

(1) When a contractor fails to provide service, the transportation requirement and procurement officer in charge of the service, or the postmaster at the head of the route, has authority to employ a carrier at the lowest obtainable rate.

(2) The expense of temporary service is charged to the contractor.

(3) Employment of temporary service is to be continued until regular service is resumed by or for the contractor or his sureties.

(4) Where temporary carriers have been employed by postmasters, full report of the circumstances must be made to the transportation requirement and procurement officer.

(5) When the employment of a temporary carrier is necessary on a regular route, payment to the regular contractor must be suspended until proper adjustments are made.

(6) No payment will be made to a temporary carrier before the transportation, requirement and procurement officer's issuance of the order authorizing the payment.

(c) *In lieu of train service*—(1) *Limited interruption of railroad service.* When temporary interruption of railroad service of a very limited nature is expected to last no more than a day or two, temporary service should be employed at the lowest obtainable rate. Bills shall be prepared on Form 2524, "Bill for Temporary Service in Lieu of Railroad Service," and must be charged to the Railroad Transportation account.

(2) *Extended interruption of railroad service.* When an interruption of railroad service appears to be of an extended nature, such as a strike or damage to or destruction of rail facilities, temporary star route service should be employed. This service shall be certified to on Form 5429, "Certification of Exceptional Contract Service Performed," appropriately marked to be charged to "Temporary in Lieu of Rail" account. When there is temporary interruption of railroad service, temporary service should be employed at the lowest obtainable rate. The cost of the service is chargeable to the Railroad Transportation, and must not be reported as star route service. Bills covering employment of service under these conditions are prepared on Form 2524 "Bill for Temporary Service in Lieu of Railroad Service."

(d) *Emergency temporary service.* When an emergency makes it necessary to divert mail in transit, temporary service may be provided.

(e) *On airmail routes.* In the event of a major disaster, temporary service may be provided, without advertising, for the transportation of mail by aircraft to or from the affected localities.

(f) *Death of a temporary contractor.* When a contractor or carrier for a temporary route dies, it is necessary to enter into another temporary contract or employ another temporary carrier. New bids may be solicited by the transportation requirements and procurement officer.

§ 94.6 Protection of mail.

The contractor and his sureties are accountable and answerable in damages for failure to:

(a) Carry the mail in a safe and secure manner.

(b) Protect the mail from becoming wet and otherwise damaged.

§ 94.7 Records and reports.

(a) *Records*—(1) *At large installations.* Postmasters and heads of large installations having extensive star route operations and who are designated by regional headquarters as reporting offices for performance of star route service, shall, when specifically directed by the transportation requirements and procurement officer, maintain Form 5398, "Report of Performance on Star Routes—Large Installations (RS–TR–74)."

(2) *At other installations.* Postmasters and other installation heads designated by regional headquarters as reporting offices for performance of star route service, and not specifically directed to use Form 5398, shall maintain Form 5399, "Record of Performance of Star and Water Routes," by accounting periods, showing actual departure and arrival times each day of operation and indicating irregularities.

(b) *Recurring reports*—(1) *Form 5398, Report of "Performance on Star Routes—Large Installations."* If directed to use Form 5398, postmasters and other installation heads shall prepare and submit reports as follows:

(i) Assign responsibility for preparation of Form 5398 to the tour supervisor or the postal employee responsible for supervision of the star route operations. This employee shall sign each form certifying its correctness.

(ii) Enter outbound and inbound trips on separate forms, showing all scheduled trips and any extra trips performed. Separate forms shall be prepared by the supervisor of each tour.

(iii) Prepare forms in duplicate and submit original to the transportation requirements and procurement officer as a certification of the service performed. Submit daily. Retain copy at installation head. If another region is concerned in the operation of a route, prepare another copy and forward to the transportation requirements and procurement officer of that region.

(2) *Form 5400, report of service on star route.* If records of performance of service are maintained on Form 5399, postmasters and other installation heads designated to report star route performance shall, from data recorded on Form 5399, complete Form 5400, "Report of Service on Star Route (RS–TR–9)," immediately after the close of each accounting period and forward it directly to the proper transportation requirements and procurement officer. Only irregularities that might affect contractor's pay shall be listed on Form 5400, such as additional trips, detours, and omitted service. If two or more forms are to be submitted, enclose in envelope. Single reports must not be enclosed in envelopes.

(3) *Form 5397, star route extra trip authorization.* Where the transportation requirements and procurement officer must frequently authorize extra trips on a star route, he shall require the postmaster or other installation head responsible for reporting the extra trips to complete Form 5397, "Star Route Extra Trip Authorization (RS–TR–73)," in accordance with instructions on the form.

(c) *Special reports*—(1) *By postmasters and other designated installation heads.* (i) Submit immediate narrative report to the transportation requirements and procurement officer when the following types of irregularities occur:

(*a*) Failure of carrier to depart or arrive.

(*b*) Chronic or frequent delays of 15 minutes or more in departure or arrival even though mail is not delayed in delivery.

(*c*) Any delay resulting in delay in delivery, missed connections, or disruption of work schedules in office.

(*d*) All available mail not taken.

(*e*) Departure of carrier ahead of schedule without permission of responsible postal official.

(*f*) Damage to or destruction of mail.

(*g*) Misconduct of driver or contractor.

(ii) Submit report to the transportation requirements and procurement officer when roads regularly traveled by carrier are changed or become permanently obstructed, necessitating use of other roads.

(2) *By carriers.* Carriers who fail to provide required service must make a prompt explanation to the postmaster at the head of the route.

§ 94.8 Routes under administration of postmasters.

(a) *Selection of routes and designation of postmaster.* Certain star routes, consisting principally of those maintained exclusively for box service, those emanating from a sectional center and operating only to satellite offices, and those making no connection to major carriers or sources of supply at outer or intermediate termini, are placed under the immediate supervision and administrative control of one of the postmasters on the route. The Regional Operations Director will select the routes and designate the postmasters to whom the administrative and supervisory authority will be delegated.

(b) *Issuance of instructions.* Appropriate instructions in connection with this delegated authority will be issued to postmasters and contractors by the distribution and traffic manager.

(c) *Responsibilities and duties of postmasters.* Postmasters at all other offices on a route shall report irregularities, complaints, and any other local problems in connection with the operation of the route to the designated postmaster, who shall:

(1) Give daily supervision to the contractor's operations to assure compliance with the contract.

(2) Investigate complaints regarding service on the route and take corrective action wherever possible.

(3) Investigate irregularities shown in § 94.3(g)(1), or any other serious irregularities, and report them to the transportation requirements and procurement officer. Use Form 5178, "Notification of Irregularity," preparing one copy only by hand or typewriter. Make similar report of any full or partial trips not performed due to fault or negligence of contractor, showing miles of service omitted, and reason for omissions.

(4) Prepare recommendations for establishment, discontinuance, or changes in existing routes on Form 5471, "Recommendation for Star Route Change," and forward to the transportation requirements and procurement officer.

(5) Make an annual inspection of routes under his administrative control. Inspection of box delivery routes will be similar to that for rural delivery routes.

(6) Review contractor's request for readjustment of pay. See Subpart F of this part.

(7) Certify service performed at end of each accounting period to the transportation requirements and procurement officer, on Form 5400. See § 94.7(b). Include all omitted service and reasons therefor even though previously reported on Form 5178.

Subpart B—Mail Messenger Service

§ 94.12 Description.

Mail messenger service is a local mail transportation service performed by mail messengers designated by the Post Office Department to collect, transport and transfer mail between post offices, stations, and branches and railroad terminals, steamboats, highway post offices, star routes, truck terminals, airport mail facilities, and stop points in the same or adjacent communities, including collection of mail from collection boxes when so directed by the transportation requirements and procurement officer. It may be used for occasional unscheduled trips of intercity mail or mail equipment transportation over longer distances. When service is principally for scheduled inter-city transportation, use star route service. When local service is so extensive that a performance bond is needed to protect the Government's interest, use contract motor vehicle service.

§ 94.13 Establishing service.

(a) *Authorizing service.* (1) When an immediate need for service develops, the postmaster shall apply to the transportation requirements and procurement officer for authority to employ a temporary messenger. Application must show the necessity for service and the lowest rate obtainable.

(2) If the transportation requirements and procurement officer determines that temporary service is justified, he will authorize the postmaster to employ a temporary messenger. No service shall be put into effect until authorized by the transportation requirements and procurement officer.

(3) When the need for service is not immediate it is usually desirable for the transportation requirements and procurement officer to advertise for regular service. He may advertise temporary routes for regular service at any time he considers it desirable.

(4) The postmaster shall furnish the transportation requirements and procurement officer a detailed description of the service required showing for each one-way trip, the origin, loading time, leaving time, average number of pieces handled, distance, destination, arriving time, unloading time, train or trip number connected (if any), and average waiting time (if any) for late train or other carrier.

(5) The transportation requirements and procurement officer may require postmasters at fourth-class offices to transport mail between the post office and railroad station or other exchange points without additional pay provided:

(i) The exchange point is within one-fourth of a mile of the post office.

(ii) No motor or horse-drawn vehicle is required.

(iii) Transporting the mail will not cause an unreasonable hardship on the postmaster.

(6) When mail messenger service cannot be obtained at a reasonable rate, the regional operations director may authorize postmasters to assign postal employees to transfer mail between the post office and exchange points as a part of their regular duties.

(7) The transportation requirements and procurement officer may require the messenger to provide trucks that are covered, locked, screened, paneled, or otherwise designed to protect the mail.

(b) *Advertising for service.* (1) When a regular designation is necessary, the transportation requirements and procurement officer will prepare specifications and instruct the postmaster at the office where service is needed to advertise for 10 days to obtain competitive sealed proposals.

(2) The postmaster shall post the advertisements in the most conspicuous place in the lobby of the post office and at other points where they can be seen by persons most likely to place bids. He must give the widest publicity possible to all advertisements, without expense to the Postal Service.

(c) *Requirements for bidders*—(1) *Age.* Mail messengers must not be under 18 years of age.

(2) *Residence.* The bidder must either reside on or adjoining the route on which service is to be performed, or file with his bid an agreement that, if designated as mail messenger, he will reside on or adjoining the route.

(3) *Reliability.* Postmasters and transportation requirements and procurement officer shall disapprove bidders who:

(i) Have known criminal records involving moral turpitude or dishonesty.

(ii) Have traffic records which indicate that it would be hazardous to permit them to operate vehicles.

(iii) Are unable to furnish adequate equipment.

(iv) Are aliens.

(4) *Eligibility of postal employees.* (i) Postal employees and members of their immediate families (persons who are members of the same household or dependent one upon the other for support) may or may not become bidders, messengers, or assistant messenger, or receive compensation for carrying the mail on mail messenger routes as shown in the following chart, subject to conditions in subdivisions (ii) and (iii) of this subparagraph.

Employee's position	Mail messenger annual rate of compensation	
	Exceeds $900 [1]	Is $900 or under
Postmaster and assistant postmaster at:		
First- and second-class offices.	Ineligible	Ineligible.
Third- and fourth-class offices.	do	Eligible.
Members of immediate family of postmaster and assistant postmaster at:		
First- and second-class offices.	do	Do.
Third- and fourth-class offices.	Eligible	Do.
Special delivery messenger [1]	do	Do.
Other postal employees	Ineligible	Do.
Member of immediate family of postal employees other than postmaster and assistant postmaster.	Eligible	Do.

[1] Includes routes originally paying less than $900 increased to over $900.

(ii) Any employee is ineligible if his interest in mail messenger service interferes with his postal duties. Before accepting an employee's proposal or permitting his employment under a mail messenger designation, the transportation requirements and procurement officer must get a statement from the postmaster that the employee's interest in mail messenger service will not interfere with his postal duties.

(iii) Any employee or any member of his immediate family is ineligible if the employee has access to mail messenger files during the period when bids are being received.

(d) *Bid procedures*—(1) *Submitting.* Advertisements specify that bids will be submitted to the distribution and traffic manager. Postmasters shall not accept bids except as sealed, postage-paid letters addressed to the distribution and traffic manager. Bids mistakenly mailed to postmasters should be forwarded at once unopened to the distribution and traffic manager. If the amount of any bid becomes known in any way to the postmaster, he must not divulge it to anyone. This type of information may be disclosed only after all bids have been opened, subject to public observation, by the regional bid-opening committee and the information made available, as may be requested, to interested parties.

(2) *Returning advertisement.* Immediately after the closing date of the advertisement, the postmaster shall forward the actual posted copy to the distribution and traffic manager, endorsed to show the period of time and place it was posted, accompanied by a statement showing how it was publicized.

(3) *Opening and awarding.* The proposals shall be opened in the office of the distribution and traffic manager. The lowest acceptable bidder must be designated as the mail messenger if award is made. The right is reserved to reject any or all bids if they are not acceptable, but sufficient information must be shown on the designating order to justify such action.

(e) *Designation of messenger.* The transportation requirements and procurement officer must prepare the mail messenger's notice of designation in quadruplicate on Form 5489, "Notice of Designation of Mail Messenger." He must send a copy (with sufficient copies of Form 5498, "Oath of Mail Messenger," for the messenger and his assistants) to the postmaster concerned. Immediately upon receipt of his copy, the postmaster must administer the oath and notify the designated messenger to begin service on the date specified in the notice. At the same time, he must inform the retiring messenger of the date he is to be released.

(f) *Oaths.* Form 5498 is required of all regular, assistant, and temporary mail messengers. Immediately upon their acceptance of the position, the postmaster shall forward the completed Form 5498 to the transportation requirements and procurement officer. Postmasters shall not stock Form 5498. If additional copies are needed to administer the oath to new assistants, request them from the distribution and traffic manager. Postmasters have a continuing responsibility as assistants are replaced, to see that each new assistant is given the oath.

(g) *Employment of assistants.* Messengers shall personally supervise the performance of service. They must not assign or sublet the service, but they may employ assistants at their own expense during absence from duty for short periods. The assistants must conform to all requirements stated for the messenger himself. They must be approved by the postmaster in charge of the service.

§ 94.14 Operation.

(a) *Postal services provided.* (1) Mail messengers shall obey all orders and regulations or special instructions from the Post Office Department, transportation planning and procurement officer, the field services officer, or the postmaster affecting the mail messenger service.

(2) When required by the transportation requirements and procurement officer, mail messengers must:

(i) Receive the mail from and deliver it into post offices and to air carriers or airport mail facilities; and receive from and deliver to mail cars and steamboats when such cars or boats are accessible.

(ii) Deliver and receive mail at mail cars even when not accessible to his vehicle, if mail trains arrive at times when no railroad representative is on duty. If the use of hand trucks is necessary, the railroad company shall furnish them. Messengers are not required to load mail across or move hand trucks across live tracks.

(iii) Deliver and receive mail at mail cars not accessible to his vehicle if the mail can be readily handled by hand on one trip, even though a railroad representative is on duty.

(iv) Place mail on cranes, at points where the use of cranes is necessary, if the mail can be readily handled by hand at one trip, even though a railroad representative is on duty.

(v) Deliver to and receive from railroad and steamboat employees at the nearest accessible point when those employees are on duty and the volume of mail is too large to be handled by hand at one trip.

(vi) Make collections from hasp and staple-type collection boxes locked by METRO series padlocks. Postal installations managers will arrange for METRO padlocks and keys to be furnished postmasters at offices where mail messengers are authorized to make collections from collection boxes.

(vii) Perform service in accordance with the schedules of arrivals and departures prescribed by the postmaster.

(viii) See § 94.3(e)(6)(iv).

(b) *Instructions to messengers.* (1) The transportation requirements and procurement officer will prepare Form 5489 "Notice of Designation of Mail Messenger," so that service requirements will be properly and clearly stated.

(2) The postmaster must instruct the messenger in the performance of his duties as stated on Form 5489. Subject to the approval of the transportation requirements and procurement officer, the postmaster must prescribe schedules of arrival and departures. He must require the messenger to wait for and receive mail from and deliver it to delayed trains, planes, or boats. Messengers may be required to wait 2 hours for delayed carriers unless local conditions are such that the transportation requirements and procurement officer designates a specific waiting time more or less than 2 hours.

(c) *Changes in service*—(1) *Extension.* The postmaster shall obtain authorization from the transportation requirements and procurement officer before extending the service of a mail messenger beyond the limits stated in the advertisements. The transportation requirements and procurement officer will issue the necessary instructions on Form 5440 C–D–E, "Contract Route Service Order."

(2) *Reduction.* Observe the following before making any reduction in service:

(i) Postmasters shall report promptly to the transportation requirements and procurement officer when requirements are reduced due to curtailment of RPO service, change of location of post office, railroad station, or airport, etc.

(ii) In the event of service changes, postmasters shall not reduce requirements without appropriate instructions from the transportation requirements and procurement officer.

(iii) The transportation requirements and procurement officer is responsible for negotiating a lower rate, if possible, when service is reduced. He should request assistance from the postmaster or the field services officer in this respect.

(iv) If a reasonable lower rate is obtained, the transportation requirements and procurement officer will restate service and pay on Form 5440 C–D–E.

(v) When a reasonable rate cannot be negotiated, the transportation requirements and procurement officer will readvertise the route.

(d) *Irregularities*—(1) *Observation of service.* Postal employees shall observe the services performed by mail messengers at railroad stations or other facilities and report any failures or irregularities that come to their attention.

(2) *Record of irregularities.* (i) The postmaster shall: (*a*) Keep an accurate record of all delays, omitted trips, and other irregularities; (*b*) report omitted trips when certifying payment of Form 2640, "Postmaster Certification of Mail Messenger Service Performed (RS–FI–78)"; (*c*) immediately report each irregularity, including omitted trips, by memorandum to the transportation requirements and procurement officer. Report should show cause and messenger's explanation, if known.

(ii) The transportation requirements and procurement officer must issue a brief against the messenger on Form 5178, "Notification of Irregularity," for each serious irregularity unless the postmaster's report includes satisfactory explanation.

(3) *Assessing fines.* (i) Messengers shall be allowed a reasonable time to explain irregularities briefed on Form 5178. An unsatisfactory explanation or no reply may become the basis for assessing fines against messengers.

(ii) Distribution and traffic managers or regional operations directors may assess fines against messengers in amounts of $1 or more depending on the gravity of the irregularity.

(iii) Regional controllers will deduct fines from payment due messengers, upon receipt of Form 5440–C "Contract Route Service Order" signed by the distribution and traffic manager or regional operations director.

(4) *Investigation of complaints.* (i) The transportation requirements and procurement officer will direct investigation of complaints of improper or unsatisfactory service.

(ii) The regional operations director will investigate complaints of irregular handling of advertisements or bids.

§ 94.15 Protection of mail.

(a) *Failure to protect mail.* Mail messengers may be held financially liable for loss or damage to mail in their custody. They are also accountable and answerable in fines for failure to:

(1) Carry the mail in a safe and secure manner.

(2) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

(3) Return and deliver the mail into the post office, notifying the postmaster, when for any reason he is unable to make proper dispatch of the mail in his custody (for example, a railway post office's failure to catch a pouch from a crane). The mail messenger must not retain mail in his home.

(b) *Access to keys.* Mail messengers must not have access to rotary, LA, street letter box (other than METRO series—see § 94.14(a)(2)(vi) or post office workroom keys unless they are also postal employees and require the key or keys in the course of their postal duties.

§ 94.16 Termination of service.

(a) *For improper service.* Distribution and traffic managers must try to correct irregularities by cooperating with the postmasters in direct action and the imposition of fines. If this fails, the following steps should be taken, as appropriate:

(1) Consideration should be given to terminating the designation and advertising for another messenger.

(2) If necessary to replace the mail messenger immediately, the transportation requirements and procurement officer must authorize the postmaster to employ the temporary service necessary at a rate not exceeding that at which service on the route was authorized.

(3) If temporary service cannot be obtained at the existing rate, the postmaster must ascertain the lowest rate obtainable and report this, with a statement of necessity, to the transportation requirements and procurement officer. If time is a factor, the report may be made by wire.

(b) *For changed service conditions.* (1) Service may be rendered unnecessary by changed service conditions (such as the discontinuance of a post office, extension of rural or star route service, direct supply by highway post office or railroad, truck service, etc.). A postmaster shall not discontinue the service without appropriate instructions from the transportation requirements and procurement officer.

(2) The transportation requirements and procurement officer may discontinue the service or require postmasters at fourth-class offices to perform it when he considers such action warranted. (See § 94.12(a)(5).)

(3) The transportation requirements and procurement officer must use Form 5440 C–D–E "Contract Route Service Order" in giving notice of discontinuance of service and elimination of expenditure. He should also indicate the substituted service, if any.

(c) *By messenger.* (1) If a messenger dies, resigns, or abandons the service for any reason, the postmaster shall immediately report the facts to the transportation requirements and procurement officer for his action. A messenger may resign at any time by giving written notice 45 days in advance. In justifiable cases, the 45-day notice may be waived. If immediate replacement service is necessary, proceed as in paragraph (a) (2) and (3) of this section.

(2) When a messenger is relieved of his contractual obligations due to being called to military service, or is compelled to suspend his services because of illness or other valid reason, the postmaster must ascertain whether he desires to resume his duties when possible. The postmaster must advise him that his designation will be continued with the provision that changing conditions during his absence may necessitate its reduction or termination. If the messenger wishes to continue with this understanding, his regular service and pay may be suspended pending his return. During the interim, the transportation requirements

and procurement officer may designate a temporary messenger. When the temporary service can be obtained only at a higher rate, it can be authorized if the rate is considered reasonable. It may be necessary to advertise for temporary service during the emergency.

§ 94.17 Payments.

(a) *Certification.* (1) Regional controllers will pay messengers at the close of each accounting period after certification of service performed by postmaster or transportation planning and procurement officer.

(2) The transportation requirements and procurement officer will certify service provided under special agreements for handling non-rail mail and loading or unloading trucks or trailers in the manner prescribed in the agreements. Postmasters and installation heads designated to certify performance of mail messenger service shall use Form 2640, "Postmasters Certification of Mail Messenger Service Performed (RS–FI–78)".

(b) *Termination.* (1) The postmaster must immediately notify the transportation requirements and procurement officer when the service of a messenger is terminated.

(2) The transportation requirements and procurement officer shall immediately notify the regional controller to suspend payment until official order on Form 5440–C "Contract Route Service Order" is received showing date of termination.

(c) *Readjustment of compensation.* See Subpart F of this part.

Subpart C—Highway Post Office Service

§ 94.20 Description.

(a) *Authorization.* (1) Highway post offices are bus-type vehicles operated over designated routes, authorized by the Post Office Department for the acceptance, receipt, distribution, storage, dispatch, and delivery of mail by mobile clerks. All these vehicles are operated by private individuals or companies under contract with the Department.

(2) Government-owned HPO vehicles may be operated experimentally or in emergencies.

(b) *Title designation.* The title of a route is derived in the same manner as that of a railway post office.

(c) *Services*—(1) *Location.* Highway post offices are set up in areas where highway transportation and en route distribution can appreciably advance mail delivery to postal patrons and afford them expiditious dispatch of their outgoing mail.

(2) *Schedules.* Highway post office routes operate on fixed schedules which are arranged, whenever possible, to provide early morning receipt and late afternoon dispatch for the post offices along the route.

(3) *To intermediate offices.* The postmaster to whom the highway post office route is assigned shall issue instructions for exchange of mail with intermediate offices.

(4) *Supervision over service.* Direct supervision of highway post office service will be assigned to the designated postmasters or installation heads.

§ 94.21 Contracting.

(a) *Ineligible bidders.* Postal employees and members of their immediate families may not submit bids, hold contracts, or be concerned with bonds for highway post office service.

(b) *Agreement of contractors.* The contractor must agree not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. He will be guided by the provisions contained in Form 5466, "Highway Post Office Contract General Provisions."

(c) *Award of contracts.* Contracts for highway post office service are subject to the terms of the advertisement for the service and are awarded to the lowest responsible bidder meeting these terms.

(d) *Services required of contractor*—(1) *Providing vehicles.* The contractor must furnish the specified number of vehicles, fitted up, maintained, and operated in accordance with the specifications, rules, and regulations prescribed by the Postmaster General. He must also have available sufficient spare vehicles to maintain service, while regular vehicles are being serviced or repaired. The specifications (POD Publication 10) require the use of the latest safety features to give the greatest possible protection to personnel and mail. The required construction limits distortion to a minimum in the event of a collision. These vehicles shall be equipped with letter and paper distributing tables, pouch racks, overhead paper boxes, letter cases, drawer which may be locked with LA locks, clothes locker, folding lavatory, and drinking water container. A screened metal partition must be installed between the driver's compartment and the working area.

(2) *Providing drivers.* The contractor shall furnish drivers who must comply with laws and regulations, as follows:

(i) *Qualifications.* Drivers must be licensed chauffeurs not less than 21 years of age. They must be of good character and intelligence and physically qualified to perform service. They must have no criminal records involving moral turpitude or dishonesty or traffic records that indicate their driving motor vehicles would be dangerous.

(ii) *Supervision.* Drivers must comply with all proper orders and instructions of the foreman of their vehicles that are consistent with safety. Safe operation of the vehicle is the responsibility of the driver.

(iii) *Schedule of duty.* Drivers' schedules must be arranged to comply with Interstate Commerce Commission safety regulations or Post Office Department regulations requiring sufficient rest periods between trips to assure alert, efficient operation of the vehicles.

(iv) *Duties.* The driver must: (*a*) Comply with the applicable provisions of subparagraph (4) and (5) of this paragraph regarding the operation of the vehicle and the performance of service.

(*b*) Transfer mail as provided in subparagraph (6) of this paragraph.

(c) Immediately request instructions from the foreman of the vehicle when the highway on the designated route becomes impassable for any reason.

(v) *Liability for accidents.* The contractor and driver are responsible for accidents occurring in the operation of the vehicle. The Post Office Department is not responsible for damage caused by contract vehicles operated by contractors or their employees.

(3) *Placing vehicles.* The contractor must place the highway post office vehicles at the terminals of the routes at the designated times.

(4) *Operating vehicles.* The contractor must: (i) Furnish evidence of financial ability to cover liability for personal injuries in the amount of $100,000.

(ii) Know and comply with both intrastate and interstate laws governing the operation of motor vehicles.

(iii) Observe all safety measures for the protection of the general public and operating personnel as prescribed by applicable State and Federal laws and regulations governing the operation of motor vehicles, as well as the safety regulations of the Interstate Commerce Commission or those prescribed by the Post Office Department.

(iv) Observe schedules on all routes according to standard time unless otherwise specified.

(5) *Performing service.* The contractor must: (i) Perform service promptly, reliably, safely, and without interruption. If he fails to do so after his attention has been called to delinquencies, the distribution and traffic manager may impose fines for past failures and order the removal of the driver and vehicle from the route. It may order the employment of temporary service at the expense of the contractor until he provides a satisfactory driver.

(ii) Perform service within the limit of the running time prescribed in the advertisement under which he submitted bid.

(iii) Comply with all orders and instructions from the transportation requirements and procurement officer and the supervising postmaster.

(6) *Transporting, transferring, and delivering mail.* The contractor must: (i) Transport all mail to the cubical or weight capacity of the vehicle, promptly, reliably, and safely. This includes foreign mail in transit across the continental United States or its territories.

(ii) Transfer mail between the vehicle and postal installations when the vehicle can normally be driven to a point within 150 feet of the door or tailboard space of the installation, or place the vehicle at the platform or loading dock of a postal installation to permit hand-to-hand exchange of mail between clerks in the door of the vehicle and clerks on duty at the installation. The transportation requirements and procurement officer is expected to make reasonable adjustments in these requirements by agreements with postmasters and contractors to assure on-time operation.

(iii) Deliver mail to each intermediate post office on the route on both outward and inward trips unless otherwise instructed by the supervising postmaster.

(7) *Transporting postal officials.* The contractor must transport, on regular trips all duly accredited officials of the Postal Service, traveling on official business, on presentation of their credentials. The contractor or his driver must not make known to any person at any time the presence of a postal inspector in his vehicle or in the vicinity of the route.

(8) *Transporting passengers.* Contractors are prohibited from carrying passengers in highway post office vehicles, other than postal personnel and contractors' employees. Contractors' employees may be permitted to ride in the driver's compartment when traveling on company business directly related to highway post office service, when such travel does not interfere with safe operation of the vehicle.

(e) *Extensions, discontinuances, and changes.* The distribution and traffic manager may:

(1) Order an increase in service on any route.

(2) Change schedule of arrivals and departures in all cases, particularly to make them conform to connections with railroads and other mail routes.

(3) Discontinue, change, or curtail the service, to improve the mail service or to serve the public interest.

(4) Extend the service on a route to improve mail service.

(f) *Subcontracts.* Contractors for highway post office service must not subcontract the service unless the subcontract is approved by the distribution and traffic manager. Approved subcontractors must perform the same service required of the original contractor.

(g) *Payments*—(1) *For regular service.* See § 94.3(h)(1).

(2) *Allowance for detours.* See § 94.3(h)(4).

(3) *Readjustment of compensation.* See subpart F of this part.

(4) *Levying of deductions and fines.* See § 94.3(h)(7).

(h) *Inspection of highway post office vehicles.* Vehicles and equipment will be inspected by officials of the Post Office Department to assure compliance with departmental instructions.

§ 94.22 Reports and certifications.

(a) *Recurring reports.* The designated postmaster or other installation head shall analyze trip reports and immediately after the close of each accounting period, certify to the distribution and traffic manager that all regularly scheduled service was performed or list exceptions by dates, giving reasons for omitted service, additional trips, and detours.

(b) *Special reports of irregularities.* Postmasters and other designated installation heads shall submit immediate narrative report to the distribution and traffic manager when the following types of irregularities occur:

(1) Gross negligence on the part of the contractor or his employees.

(2) Trips repeatedly not performed or service omitted.

(3) Delays of 30 minutes or more due to the driver's failure to report or due to equipment failure. (Delays of less than 30 minutes may be briefed in unusual circumstances.)

(4) Heat and light failures of 30 minutes or more during one round trip.

(5) Unsanitary and unclean conditions in the vehicle.

(6) Failure to provide potable water.

(7) Loss or damage to mail or postal equipment.

(8) Failure of the contractor or his employees to follow reasonable instructions of postal officials or employees.

(9) Violation of postal laws or regulations.

(10) Failure to give proper supervision to performance of contracted service.

(11) Transporting as cargo matter due to be in the mail.

(12) Entrusting the vehicle to an unsuitable person.

(c) *Accident reports*—(1) *Contractor's reports.* The postmaster to whom the highway post office is assigned shall require the contractor to submit reports of all accidents while the highway post office is operating. Copies of State, municipal, ICC, insurance carrier's accident report forms, or a narrative written report, are acceptable.

(2) *HPO supervisor's report.* Accidents are reported to the postmaster to whom the highway post office is assigned on trip reports. See that each accident reported on trip is followed by the contractor's report of accident. Standard Form 92, "Supervisor's Report of Accident," must accompany trip report if postal employees are injured.

(3) *Postmaster's reports.* The postmaster to whom the highway post office is assigned must take the following action on receipt of accident reports:

(1) Advise the inspector in charge immediately of any accidents requiring inspection service attention.

(2) Report serious accidents immediately to the distribution and traffic manager.

(3) Compare contractor's report with trip report.

(4) Prepare and submit a brief abstract of accident to the transportation requirements and procurement officer to include the following:

(i) Route.
(ii) Trip Number.
(iii) Date.
(iv) Time.
(v) Place.
(vi) Weather conditions.
(vii) Injuries.
(viii) Damages.
(ix) Other vehicles or object involved.
(x) Any other pertinent information.

(5) Submit contractor's report to regional safety officer and, if postal employees are injured, submit Standard Form 92.

Subpart D—Water Route Service

§ 94.25 Description.

Water route service is a contract service established by the Post Office Department to provide for the transportation of mail between post offices, or other designated points, via steamboats, or other powerboats, when land transport is unavailable or impracticable. It is operated under formal contracts, awarded after competitive bidding. In addition to transportation of mail, contracts may require:

(a) Box delivery and collection service.

(b) Sale of stamp stock.

(c) Delivery of registered, insured, certified and COD matter.

(d) Acceptance of matter presented for registration, certification, or insurance, or to be sent COD, and money with applications for money orders.

(e) Facilities for distribution of mail en route by postal clerks.

§ 94.26 Postal services provided.

(a) *Exchange of mail.* The contractor shall exchange mail with:

(1) All intermediate post offices and non-post office points on the route, as stated in the advertisement, on both outward and return trips, unless otherwise instructed.

(2) Post offices established after the advertisement is issued. No additional pay is made in such instances if the distance is not increased.

(3) Post offices at each end of the route, unless the distribution and traffic manager has otherwise provided for such terminal service.

(4) Mail carriers on connecting routes, if necessary.

(b) *Box delivery and collection service.* Advertisements and contracts state whether box delivery and collection service is required. They also state the scope of such service. The instructions contained in Part 49 of this chapter are applicable to water route service, so far as practicable. See also § 94.2 (b) and (c).

(c) *Acceptance of mail en route.* Every mail carrier shall receive any mail presented to him, if it is properly prepaid by stamps, and deliver it at the next post office at which he arrives. No fees are allowed for this service.

(d) *Other postal services.* On routes where the provisions of the contract require, the carrier must sell stamp stock and transact money-order and registry business in accordance with the instructions contained in the advertisement.

§ 94.27 Contracts.

(a) *Contract terms.* See § 94.3(a).

(b) *Obtaining bids.* See § 94.3(c) except subparagraph (2)(i)(*a*) thereof as bidders for water route service are not restricted as to residence.

(c) *Award of contract.* See § 94.3(d).

(d) *Contractor's responsibilities*—(1) *Providing equipment.* Contractors must provide:

(i) Steamboats or other powerboats which are safe, suitable, and satisfactory to the Post Office Department.

(ii) The means necessary to transport all mail, regardless of size, weight, or increase in volume during the term of the contract.

(2) *Performing service.* Contractors shall:

(i) Carry the mail or supervise the service in person or by an agent.

(ii) Be held accountable for the acts and omissions of the persons to whom they commit the care and transportation of the mail and for careful and faithful performance of duties by those persons. They shall discharge any persons engaged in carrying the mail whenever the

distribution and traffic manager requires that they take such action.

(iii) Carry the mail with certainty, celerity, and security.

(iv) Transport foreign mail in transit across the territory of the United States.

(v) Not carry, otherwise than in the mail, letters that should go by mail or transport any person engaged in carrying letters that should go by mail.

(3) *Maintaining schedules.* Contractors shall:

(i) Provide service by schedules satisfactory to the distribution and traffic manager.

(ii) Observe the schedule stated in the advertisement or such other schedule of like running time as may be directed by the transportation requirements and procurement officer having supervision over the route.

(4) *Giving preference to mail.* See § 94.3(e)(3).

(5) *Transporting postal employees and equipment.* (i) Postal clerks may be assigned to water routes. The contractor on those routes shall provide and fit up suitable space for their use in accordance with specifications in the advertisements.

(ii) Contractors shall furnish post office officials, on exhibition of credentials, transportation on trips handling mail between scheduled points on the mail route.

(iii) The contractor shall transport, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered to him.

(6) *Providing carriers.* (i) *Qualifications.* See § 94.3(e)(7)(ii).

(ii) *Persons ineligible.* See § 94.3(e)(7)(iii).

(iii) *Oaths.* See § 94.3(e)(7)(iii).

(e) *Renewals, extensions, and changes without advertising*—(1) *Renewals.* See § 94.3(f)(1).

(2) *Extensions of contract period.* See § 94.3(f)(2).

(3) *Changes in service*—(i) *Extensions of service.* Service may be increased or extended by allowing a pro rata increase in compensation, but the contractor, if he prefers, may elect to relinquish the service on timely notice.

(ii) *Reduction of service.* Service may be curtailed or discontinued in whole or in part by allowing 1 month's extra pay on the amount of service dispensed with and not exceeding pro rata compensation for the service retained.

(f) *Irregularities*—(1) *Deductions or fines.* See § 94.3(g)(1).

(2) *Forfeitures or contract annulment.* See § 94.3(g)(2).

(g) *Payments*—(1) *Payments.* See § 94.3(h)(1).

(2) *Pound rate contracts.* Claims for payment for service performed will be submitted by the contractor to the distribution and traffic manager each accounting period, on Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," with two copies of 1034A, "Memorandum Copy of SF 1034," supported by an itemized statement of all service performed, rates per pound, and the amount due. All items shown on the itemized statement shall be verified against Forms 2227, "Power Boat Mail Bill." Standard Form 1034 will be covered by certification of service on Form 5428, "Certification of Contract Service Performed," to the regional controller.

(3) *Readjustment of compensation.* See Subpart F of this part.

§ 94.28 Protection of mail.

See § 94.6.

§ 94.29 Records and reports.

See § 94.7. In lieu of Form 5400 "Report of Service on Star Route" postmasters and other designated installation heads may be required by transportation requirements and procurement officers to submit reports on Form 2227 "Water Route Mail Bill." (See instructions on the form.)

§ 94.30 Routes under administration of postmasters.

See § 94.8.

Subpart E—Contract Motor Vehicle Service

§ 94.34 Description.

Contract motor vehicle service is similar to mail messenger service, except that it is provided under formal contracts with bonds for specified terms. It is used for the same purposes as shown for mail messenger service. See § 94.12.

§ 94.35 Establishment.

(a) *Authorization.* Transportation of mail by contract motor vehicles may be authorized in cities, under formal contract with bond.

(b) *Advertisements.* Contract motor vehicle service is advertised the same as star routes, except that advertisements are prepared on Form 5447, "Advertisement for Mail Service (Panel Body Route). See § 94.3(c)(1).

(c) *Requirements for bidders.* Bidders must meet the following qualifications:

(1) *Age.* Contract motor vehicle contractors shall not be under 21 years of age, and their assistants not under 18.

(2) *Residence.* See § 94.13(c)(2).

(3) *Reliability.* See § 94.13(c)(3).

(4) *Dual employment.* See § 94.3(c)(2)(i)(b) and (c).

(d) *Bid procedures.* See § 94.3(c). Form 5449, "Panel Body Service Bid and Bond", is used in submitting bids for contract motor vehicle service.

(e) *Oaths.* See § 94.3(d)(9).

(f) *Employment of assistants.* Contract motor vehicle contractors must either personally supervise their contracts or employ competent supervisors who will personally supervise performance of the contracts. They may not assign or sublet their contracts without approval of the distribution and traffic manager. They may employ assistants at their own expense. Assistants so employed must meet the minimum requirements shown in paragraph (c) of this section.

§ 94.36 Operation.

(a) *Postal services provided.* Contract motor vehicle contractors and their assistants must receive and dispatch mail in accordance with regulations stated for mail messengers. See § 94.14(a).

(b) *Instruction for contractors.* Postmasters shall instruct contract motor vehicle contractors as to service requirements in accordance with instructions contained in advertisements.

(c) *Changes in service.* (1) *Extension.* The transportation requirements and procurement officer will issue orders for extension of contract motor vehicle service.

(2) *Reduction.* Postmasters shall report promptly to the transportation requirements and procurement officer when contract motor vehicle requirements are reduced, so that a lower rate may be negotiated.

(d) *Irregularities*—(1) *Observation of service.* See § 94.14(d)(1).

(2) *Record of irregularities.* See § 94.14(d)(2).

(3) *Assessing fines.* See § 94.14(d)(3).

(4) *Investigation of complaints.* See § 94.14(d)(4).

§ 94.37 Protection of mail.

Contract motor vehicle contractors and their employees must protect the mail in the manner stated in § 94.15. Contractors and sureties may be held financially liable for loss or damage to mail in their custody.

§ 94.38 Termination.

(a) The transportation requirements and procurement officer, after approval by the Bureau of Transportation, may annul any contract motor vehicle contract for failure by the contractor or any of his employees to perform service or to furnish equipment in accordance with the provisions of the advertisement.

(b) The transportation requirements and procurement officer may discontinue the service under a contract motor vehicle contract whenever the public interest requires discontinuance, by allowing, as full indemnity to the contractor, as extra pay one-twelfth of the per annum rate, unless the contract has been terminated for cause.

§ 94.39 Payments.

(a) *Contract payments.* Regional controllers must pay contract motor vehicle contractors at the close of each accounting period upon certification that service has been performed. Payment may not be made without an order awarding or renewing contract.

(b) *Readjustment of compensation.* See subpart F of this part.

Subpart F—Contract Pay Adjustments

§ 94.43 Eligibility for adjustment.

The laws authorizing pay adjustments provide that the compensation of a contractor may be readjusted with his consent for increased or decreased costs occasioned by changed conditions occuring during the contract term which could not reasonably have been anticipated at the time of contracting or renewing. Only regular contractors or subcontractors are eligible for consideration (star, T-route, water, mail messenger, contract motor vehicle, and highway post office).

§ 94.44 Requests for adjustment.

The written request must be by the contractor or subcontractor, whoever operates the route. It is unlawful for a Government official to encourage such claim. The postmaster shall forward all requests to the distribution and traffic manager.

§ 94.45 Comparative cost statement and operating data.

(a) *Furnishing forms.* When the distribution and traffic manager receives a readjustment request, either through a postmaster or directly from a requester he shall distribute Form 5478, "Comparative Cost Statement and Operating Data, Contract Services," under cover of Form 5478–A, "Transmittal Letter and Instructions for Completing Form 5478," as follows:

(1) *For routes under postmaster's supervision.* The supervising postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A.

(2) *For routes not under postmaster's supervision.* When the verification or comments of a postmaster are desired, the postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A: otherwise, the requester will be furnished directly with two copies of Form 5478 under cover of Form 5478–A.

(b) *Completing forms.* (1) When the postmaster receives Forms 5478 and 5478–A, he shall deliver two Forms 5478 and the Form 5478–A to the requester. He shall retain two Forms 5478 and independently complete the postmaster section of the forms.

(2) When the requester returns Form 5478, the postmaster shall review the form with him for reasonableness, accuracy, and completeness. The postmaster shall point out any obvious errors or discrepancies, and suggest correction; but shall not suggest increasing the amounts claimed.

(3) The postmaster shall compare the information independently collected as instructed in subparagraph (1) of this paragraph. If substantially in agreement, he shall transcribe the information in the Postmasters' Statement to the requester's completed form and shall sign and forward the form to the distribution and traffic manager. The postmaster shall retain a copy of the form showing his comments and statements.

(4) If the postmaster and the requester disagree, the postmaster shall sign one of the forms completed by him and forward it with the requester's Form 5478 to the distribution and traffic manager.

(c) *Highway post office readjustments.* The processing of HPO readjustments will be handled directly between distribution and traffic managers and contractors or subcontractors. Form 5478 for this service need not have the Postmasters' Statement completed.

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Sec.

95.1 Transportation and protection of mail between post offices and ships.
95.2 Certificate for ship letters and payment of shipmaster.
95.3 When fees on ship letters not allowed.
95.4 Compensation for transportation of surface mails.
95.5 Rates for rail service across Isthmus of Panama.
95.6 Fines on steamship companies transporting mail beyond borders of United States.

AUTHORITY: §§ 95.1 to 95.6 issued under R.S. 161, as amended, sec. 1, 62 Stat. 777, as amended, 764, as amended; 5 U.S.C. 22, 18 U.S.C. 1698–1699, 1724, 39 U.S.C. 501, 505, 6101, 6104, 6435.

§ 95.1 Transportation and protection of mail between post offices and ships.

(a) *Outgoing mail.* Steamship companies are to provide for the transportation and protection of all outgoing mail, including parcel post and sacks containing empty sacks, from the post office to the transporting vessel.

(b) *Incoming mail.* All incoming mail, including letter mail, parcel post and sacks containing empty sacks, is to be placed on the piers by the steamship companies. At that point delivery of the mail is made into the custody of agents of the postal service for trucking to the post office. The mail shall be placed on the piers and delivered to the agents of the postal service before the transporting vessel makes entry or breaks bulk, such action to be regarded as compliance with the law. Mail, including letter mail, parcel post and sacks containing empty sacks, waybilled for discharge at ports other than the first port of call of the vessel in the United States, shall be discharged at the first port of call if the vessel is scheduled to remain at said first port of call for more than 24 hours.

(c) *Vehicles and attendants.* Each vehicle used to transport mail between post offices and vessels, except the completely closed van type, shall be provided with a man to ride on the rear of the vehicle to protect the mail. The mail compartment of the completely closed van type vehicle must be locked or sealed. When open-top trucks are used the sacks shall be covered by a fire-proof and rain-proof tarpaulin which must be fastened securely to the body of the truck.

(d) *Registered (red label) sacks.* The registered sacks shall be specially protected during transfer between post offices and the transporting vessels and on board the vessels. The red label sacks shall be separately delivered to the steamship company's representative at the post office in the case of outgoing mails. Incoming red label sacks shall be segregated from the other mails on the piers by the steamship companies.

§ 95.2 Certificate for ship letters and payment of shipmaster.

(a) Postmasters at offices where ship and steamboat letters are delivered shall obtain a certificate from the master of the ship showing:

(1) Number of letters.

(2) Name of ship or vessel.

(3) Place from which vessel last sailed.

(b) The postmaster shall pay to the master or owner of the ship or steamboat 2 cents for each letter delivered into his office which has not previously been mailed, except as provided in § 95.3. The postmaster shall obtain a receipt for such payment.

§ 95.3 When fees on ship letters not allowed.

Fees shall not be allowed for ship letters if they are:

(a) Addressed to a foreign country.

(b) Delivered by any of the following:

(1) A passenger or sailor, other than the master.

(2) The master of any vessel or any person on board any vessel which carries mail.

(3) Any carrier on any mail route.

(4) The master of a vessel who delivers to a postmaster letters which were carried over a post route.

Fees shall not be allowed for printed matter.

§ 95.4 Compensation for transportation of surface mail.

(a) Definite rates: Payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of United States and foreign registry at the rates specified in the schedule below. The word "mails" includes parcel post.

Distance conveyed (nautical miles)	(1) Rates for: United States Mails (except U.S. Mails transshipped from the Canal Zone), on steamships of United States registry (cents per pound, net weight)	(2) Rates for: 1. All mails on steamships of foreign registry; and 2. United States Mails transshipped from Canal Zone and foreign closed transit mails on steamships of United States registry (cents per pound, net weight)
Up to 300 miles	3.6	1.8
Over 300 up to 600 miles	3.6	2.5
Over 600 up to 1,000 miles	3.6	3.1
Over 1,000 up to 1,500 miles	4.1	3.6
Over 1,500 up to 2,000 miles	5.4	4.0
Over 2,000 up to 2,500 miles	5.4	4.4
Over 2,500 up to 3,000 miles	5.4	4.7
Over 3,000 up to 3,500 miles	5.8	5.0
Over 3,500 up to 4,000 miles	6.1	5.3
Over 4,000 up to 5,000 miles	6.4	5.6
Over 5,000 up to 6,000 miles	7.0	6.1
Over 6,000 up to 7,000 miles	7.5	6.5
Over 7,000 up to 8,000 miles	7.8	6.8
Over 8,000 miles	8.0	7.1

(b) Mails dispatched from more than one port in the United States: When mail is dispatched from more than one port in the United States this section shall not prevent a carrier from accept-

ing the lowest rate applicable from the United States to port of destination.

(c) The rates prescribed in paragraph (a) of this section, while measured by the net weight of the mails alone, are intended to include payment for the transportation, at the companies' expense and without additional payment by the Post Office Department, of the covering mail bags, the return of the empty mail bags, and the truck transportation from the post offices to the piers. Acceptance by steamship companies of mails for transportation constitutes an acceptance of this method of computing payment.

§ 95.5 Rates for rail service across Isthmus of Panama.

Payment for the transportation by railroad across the Isthmus of Panama, for United States and foreign closed transit mail shall be $0.0525 per pound for letters and post cards and $0.007 per pound for other articles, including parcel post.

§ 95.6 Fines on steamship companies transporting mail beyond borders of United States.

Steamship companies are responsible to the United States for the safety of the mail intrusted to them, and accountable for any loss or damage resulting to any mail by reason of failure on the part of any of their officers, agents, or employees to exercise due care in the custody, handling, or transportation thereof. In case of delinquencies, fines may be imposed or deductions made from the company's pay.

PART 96—AIR TRANSPORTATION

Subpart A—Domestic Air Transportation

Sec.
96.1 Air carriers' responsibility.
96.2 Flight operations.
96.3 Handling of mail.
96.4 Reports.
96.5 Submission of claims.
96.6 Irregularities, deductions, fines, and accidents.
96.7 Correspondence concerning air service.
96.8 Definitions.

Subpart B—Air Star Route Service

96.12 Description.
96.13 Contracts.
96.14 Protection of mail.
96.15 Reports and records.

Subpart C—Forms and Procedures for Dispatching Airmail

96.19 Form 2729, Airmail Dispatch Record.
96.20 Form 2713–A, Alaska Airmail Dispatch Record.
96.21 Form 2733, Interline Airmail Record.
96.22 Form 2734, Airmail Exception Record.
96.23 Form 2753, Receipt to Airline.
96.24 Form 2753–a, Mail Delivery Receipt.
96.25 Form 2759, Report of Irregular Handling of Airmail.
96.26 Applicability of forms and procedures.

Subpart D—International Air Transportation

96.30 Authority.
96.31 Carrier operations.
96.32 Transportation of mail.
96.33 Mail transportation irregularities.
96.34 Records and reports.
96.35 Rates of compensation.
96.36 Payment for transportation of mail.
96.37 International air handbook.

Subpart E—First Class Mail (FCM) by Air

Sec.
96.45 Definition.
96.46 Authority, rates, and service.
96.47 Responsibility for FCM program.
96.48 Forms and procedures for dispatching and receiving FCM.
96.49 Reporting and processing FCM irregularities.
96.50 Supply of forms.

AUTHORITY: §§ 96.1 to 96.50 issued under R.S. 161, as amended, sec. 405, 406, 72 Stat. 760, 763; 5 U.S.C. 22, 39 U.S.C. 501, 505, 4301–4305, 6301–6304, 49 U.S.C. 1375, 1376.

Subpart A—Domestic Air Transportation

§ 96.1 Air carriers' responsibilities.

(a) *For giving mail priority.* Each commercial airline certificated by the Civil Aeronautics Board to engage in the transportation of mail by air (hereafter referred to as air carriers) must give the following priority to mail:

(1) From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for the transportation of mail. The normal mail load for each trip is determined for each day of the week on the basis of the mail dispatched to that trip on the same day of the week for the 5 previous weeks (excluding mail dispatched under unusual conditions).

(2) If additional fuel is necessary for a particular trip, the air carrier must allow for its weight when booking other traffic for that trip. No part of the mail load must be displaced by the additional fuel.

(3) Mail in excess of normal must be given priority over all other traffic except revenue passengers with space confirmed prior to knowledge that additional mail would be available. Mail aboard a plane must not be reduced below normal to accommodate local boarding passengers.

(4) Air carriers in the Alaskan Service must provide adequate weight space on all flights to accommodate the normal or expected volume of mail.

(5) In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representative, mail must be given preference over all other cargo (including baggage).

(b) *For protecting mail.* (1) Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. Every precaution must be taken to protect the mail from fire. Mail handlers must be identified by badges or by distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn the pouch in to the first possible postal unit for repouching and redispatch. Form 2734, "Airmail Exception Record," must accompany the damaged pouch to the postal unit.

(c) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(d) *For providing quarters*—(1) *At air stops.* Air Carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from planes. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the distribution and traffic manager in the area concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn the pouch in to the first possible postal unit for repouching and redispatch. Form 2734, "Airmail Exception Record" must accompany the damaged pouch to the postal unit.

(c) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(d) *For providing quarters*—(1) *At air stops.* Air carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from planes. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the distribution and traffic manager in the area concerned.

(e) *For preparing and submitting schedules*—(1) *Preparation.* Air carriers shall prepare schedules as follows:

(i) Schedules shall be arranged north to south and east to west, with flights listed in chronological order left to right.

(ii) All restrictions on the transportation of mail shall be shown on related schedules and when an air carrier holds certificates for more than one route with parallel service between certain points, any restrictions which apply against one route and not the other must be so identified.

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Washington 25, D.C., not less than 10 days prior to effective date. The date of filing will be the date of receipt by the Air Transportation Branch, Bureau of Transportation, Washington 25, D.C.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(*a*) Three copies to Air Transportation Branch, Bureau of Transportation, Post Office Department, Washington 25, D.C.

(*b*) One copy to distribution and traffic manager in each region concerned.

(c) States-Alaska and Intra-Alaska air carriers must send one copy to the Distribution and Traffic Manager, Post Office Department, Seattle 24, Washington.

(3) *Designation of service.* The Regional Director will advise the Director, Air Transportation Branch, Bureau of Transportation, of local service carrier flights that are not needed for the transportation of mail. The Director, Air Transportation Branch, will notify the air carriers of flights designated for transportation of the mail, by publishing Post Office Department schedules.

(f) *For answering correspondence.* Air carriers must answer promptly all correspondence from officials of the Postal Service. Correspondence concerning the operation of the Alaskan airmail service must be channeled through the Regional Director, Post Office Department, Seattle 24, Washington.

§ 96.2 Flight operations.

(a) *Notification of plane movement.* Air carriers must operate designated trips as nearly as practicable at times shown in filed schedules. In the event of irregular operation, as much advance notice as possible must be given to the airport mail facility or post office at the initial terminal. When a plane is operating 30 minutes or more late, dispatching offices en route should be notified as to the approximate arrival and departure.

(b) *Originating sections, resumed flights, and delayed operations.* Delayed scheduled trips may operate with available mail from the initial terminal or intermediate points. When a scheduled trip has been canceled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route.

(c) *Omissions of service.* If a scheduled stop will not be made by a trip, the air carrier must immediately notify the local postal representative. If service is to be suspended for 1 week or more, the air carrier must immediately notify the Air Transportation Branch, Bureau of Transportation, Washington 25, D.C.; the distribution and traffic manager, in the regions concerned; and the postal units concerned. The same offices must be notified when service is to be resumed.

(d) *Emergency trips and extra sections.* Emergency trips and extra sections operated by the air carrier may be used for the transportation of mail. It may be placed on the plane at an unscheduled stop when offered for dispatch by the local postal representative, except that mail will not be accepted if the air carrier is not authorized to serve that city. In Alaska, air carriers must obtain postal authority for the transportation of mail on emergency trips and extra sections.

(e) *Holding orders.* In unusual situations, the Air Transportation Branch, Bureau of Transportation, may require the holding of planes at junction points for the connection of mail. If any air carrier desires to take exception to a holding order, a complete statement giving the particulars will be submitted by the carrier promptly to the Assistant Postmaster General, Bureau of Transportation.

§ 96.3 Handling of mail.

(a) *Delivery to air carriers*—(1) *Authorized location.* Mail for outgoing trips shall be delivered to the air carrier at the time and place authorized by the distribution and traffic manager in the region.

(2) *Dispatch lists required.* (i) The postal unit delivering mail to air carriers for transportation shall prepare Form 2729, "Airmail Dispatch Record," showing weights of mail for each destination and listing mail for off-line points of transfer.

(ii) On receipt of mail from the local postal units, the air carrier must check entries and weights on the pouch labels against entries in the dispatch list.

(iii) Mail received from mail messengers or vehicle service at airports without a mail facility must correspond with mail listed on Form 2729; or air carrier must make corrections. If pouches are listed but not received, cross out the individual listing, destination subtotal, station total, and grand total. Insert correct adjacent totals. If mail is received but not listed, insert weight of each pouch in the proper destination column and amend totals as instructed. In either event, note facts prominently on Form 2729 in any blank space. Advise messenger of any discrepancy.

(iv) In the Intra-Alaskan Service, Form 2713–A, "Alaskan Airmail Dispatch Record," is used instead of Form 2729. At non-post-office points on Alaskan routes where it has not been possible to arrange for the preparation of Form 2713–A, the carrier shall prepare Form 2713–A and make claim for the service in the usual manner.

(v) Air carriers must obtain a receipt on Form 2753–A, "Mail Delivery Receipt," for mail delivered to airport mail facilities. Form 2753, "Receipt to Airline," must be obtained by the air carriers for all mail delivered to postal units other than airport mail facilities. In the latter case, receipt must be prepared by the air carrier for signature of either the mail messenger or motor vehicle service driver.

(b) *Direct transfer between planes*—(1) *Air carrier responsibility.* Air carriers must make transfers according to service ordered by the dispatching postal unit and as shown on pouch labels. To facilitate transfers, air carriers are responsible for concluding mutually agreeable local arrangements regarding the point of exchange between air carriers. These arrangements are subject to approval by the distribution and traffic manager to assure that they are adequate for postal needs. In addition, air carriers shall comply with the following:

(i) *Arriving (delivering) air carriers.* (*a*) All transfers are based on normal operations and, under normal conditions, should be made as authorized.

(*b*) When the arriving air carrier is late, he shall ascertain whether the intended connection can be made. If the intended trip cannot be connected, the arriving air carrier should obtain new routing instructions from local postal personnel, prepare Form 2734, verify mail with related entries on Form 2734, and deliver the mail to an alternate air carrier, or to a postal representative, as instructed.

(ii) *Departing (receiving) air carriers.* (*a*) A departing air carrier, due to receive transfer mail from an incoming air carrier, shall inform his ramp personnel of any delays in scheduled departure so that scheduled transfers may be maintained when the minimum transfer time is available regardless of arrival time of the incoming trip.

(*b*) The receiving air carrier must accept mail tendered by transfer, unless the mail is not properly coded on pouch label or is not routed for delivery or transfer at a point on its routes. When an irregularity occurs and Form 2734 is presented with the mail by the delivering air carrier, the receiving air carrier must check mail with related data on Form 2734.

(c) After acceptance of transferred mail, if the trip of the receiving air carrier to which the mail was routed (*1*) is delayed more than one hour, (*2*) is canceled, or (*3*) for any other reason cannot provide the ordered service, the receiving air carrier shall obtain new routing instructions from local personnel and for transferring the mail as required.

(2) *Failures to transfer.* Postal personnel shall prepare Forms 2759, "Report of Irregular Handling of Airmail (RS–TR–3)", to report failures to transfer mail to intended connections. All pertinent facts relating to actual arrival and departure times of trips involved must be shown. Where the prescribed connection time was available and responsibility for failure to connect the mail cannot be conclusively established, fines may be assessed against both air carriers for failure to cooperate in providing proper service.

(c) *Delivery to postal representative.* Upon arrival of the plane at the stop point, air carrier representatives must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum unloading time may be specified by the distribution and traffic manager, in the region concerned. Mail for outgoing trips must be delivered to the air carrier at the time and place authorized by the distribution and traffic manager, in the region concerned.

(d) *Disposition of mail; canceled or irregular flights.* (1) When a trip is to be canceled at the initial terminal or any point en route, the air carrier must promptly notify the local post office concerned. (Dispatch forms covering mail not enplaned must be voided if no mail is dispatched.)

(2) Disposition of mail will be in accordance with instructions of the local postal unit. If unable to obtain instructions, the air carrier will reroute the mail on the basis of the best available information. The air carrier must observe current procedures in preparing necessary forms to accomplish any rerouting and to provide for the accounting adjustments required.

(3) When it became necessary to transport mail to the local post office or railroad station, available regular scheduled trips of the mail messenger or vehicle service may be used. Air carriers will not be required to transport to the post office local destination mail which is received from trips operating off schedule. However, carriers are responsible for transporting to the post office or railroad station, as directed, local origin mail being returned or through mail received from canceled trips, mail dispatched to the airport for a trip which overflies the local air stop, and mail dispatched to the airport for a trip which is to overfly a scheduled downline air stop.

(4) Mail from canceled trips arriving by train to connect a resumed trip must be transported to the airport by the air carrier whose service was canceled, unless otherwise instructed by the Postal Transportation Service.

(e) *Refusals and removals of mail.* Refusals and removals of mail by an air carrier (except as provided in § 96.1(a)) may result in diversion of the mail to another air carrier and in the imposition of fines.

(f) *Form 2734, air-mail exception record.* See § 96.22.

§ 96.4 Reports.

(a) *Refusal or removal report.* When an air carrier cannot accommodate all mail offered for a trip or when mail already on board is removed, the air carrier concerned must submit Form 2760, "Refusal or Removal Report," in duplicate, to the distribution and traffic manager in whose area the refusal or removal occurs. The report must give the reason for the refusal or removal. It must contain detailed information on the mail refused, removed, and transported, and information relative to the number of passengers and other cargo, aboard the plane on departure.

(b) *Irregularly-handled mail report.* Form 2734, "Airmail Exception Record," properly completed and endorsed by the air carrier, must be used to record any mail not handled by the air carriers concerned in accordance with the routing as originally planned. An irregular handling is termed as an off loading short of or beyond the scheduled destination, and the mail is forwarded via another air carrier or turned in to the post office for redispatch, removals en route, refusals after mail is accepted by the air carrier, and transfers to an air carrier other than as ordered in dispatch forms.

(c) *Accident report.* Air carriers must make an immediate telegraph or telephone report of any accident resulting in possible damage to or loss of mail. The report must be made to the distribution and traffic manager in the area concerned. Mail should not be disturbed, except to prevent further damage. It must be guarded until the arrival of a postal official.

§ 96.5 Submission of claims.

(a) *Domestic—(1) Forms used.* All air carriers operating within and between the 50 United States, Puerto Rico, and the Virgin Islands and between the United States and terminal points in Canada shall use the following forms to document air transportation bills: Form 2703, Carrier's Claim for Airmail Transportation; Form 2729, Airmail Dispatch Record; Form 2733, Interline Airmail Record; Form 2734, Airmail Exception Record; Form 2730, U.S. Airmail Billing Card—Domestic; Form 2732, Monthly Summary of Airmail Carried. Note: Air carriers must provide their own supply of Forms 2703, 2730, 2732, and 2734. Samples of these forms can be obtained from the Director, Air Transportation Branch, Bureau of Transportation.

(2) *Preparation of bills.* Separate Forms 2703 shall be prepared for each postal accounting period, or for such lesser period as may be agreed to by an air carrier and the Air Transportation Branch, and must include all airmail transported during that period. Trunkline, local service, helicopter, intra-Hawaiian, and States-Alaska air carriers must prepare and submit Form 2703 according to the procedures outlined in subchapter 360 of Handbook P–15. Intra-Alaska and Territorial air carriers must prepare and submit air transportation bills according to the instructions agreed to by the air carriers and the Air Transportation Branch.

(b) *Stub end airmail claims—(1) Forms used.* Air carriers shall submit claims on Form 2703 "Carriers Claim for Airmail Transportation" supported with copies of Forms 2942, Delivery List of Airmail Dispatches (RS–FI–206) AV–7 bearing the signature of postal representative at the receiving exchange office. Forms 2942 AV–7 must be arranged in the same order as they are listed on machine listings or Forms 2732 "Monthly Summary of Airmail Carried."

(2) *Claims prepared on punched cards.* (i) Prepare from Forms 2942 AV–7 a continuous machine listing for each pair of cities for all trips made in a calendar month or postal accounting period. Prepare in such a manner as to develop pound totals for each segment within each trip. Listings must show the following information for each item of service claimed:

(*a*) Date of service.
(*b*) Route number.
(*c*) Trip number.
(*d*) Origin.
(*e*) Destination.
(*f*) Composite rate.
(*g*) Pounds.

(ii) List items of service in ascending date order by trip and segment and show total pounds for each segment. From these totals, prepare a brief summary showing computation of total charge for each segment; enter totals on Form 2703.

(3) *Claims prepared manually.* Prepare from Forms 2942 AV–7 "Delivery List of Air Mail Dispatches" a separate Form 2732 in triplicate for each origin point within each flight as follows:

(i) Enter route, trip number, origin code, and period of service in appropriate boxes at top of forms.

(ii) Enter stop point at exchange office of destination in the "Dest" boxes. Use letter code in ascending alphabetical order.

(iii) Enter weights in pounds (converted to pounds from kilograms as shown on Form 2942 AV–7) in appropriate "Dest" column and on line with flight date. Add totals of weights shown on each Form 2942 AV–7 for a particular destination and date.

(iv) After all entries have been made to Form 2732, add, cross-add, and cross-foot the pound columns.

(v) Enter appropriate pound rate in the "Rate" or "Miles" box. (Form 2942 AV–7's prepared at exchange offices other than at the originating point on the foreign airmail route will show on the "Carrier, flight and routing" line, the point from which the mileage shall be computed. For example, airmail billed from New York to Mexico on American Airlines flight 87 (AM–4) would show the dispatching office as New York, the airport of delivery as Mexico City, and on the routing line "DAL AAL 159" or "DAL FAM 26–159.")

(vi) Multiply the total pounds by the related rate and enter result in "Total Pound Miles" or "Charge" box.

(vii) Total all columns to determine the grand total charge for each Form 2732.

(viii) Add the grand total charge on each Form 2732 and enter these totals to Form 2703.

(c) *States; Alaska and intra-Alaska and States-Hawaii and intra-Hawaii.* Air carriers operating over States-Alaska and intra-Alaska and States-Hawaii and intra-Hawaii routes (except NWA) must prepare and submit Form 2703 in accordance with CAB rate orders and specific instructions issued by the Department.

(d) *Designated regional controllers.* (1) Domestic air carriers, other than as provided in subparagraphs (2) and (3) of this paragraph, will be paid for the carriage of domestic airmail by the regional controller, Post Office Department, in the region dispatching the airmail.

The region number, mailing address, and the states included in each region are shown below:

Region No.	Region	States
6	Regional Controller, Post Office Department, Air Claims Unit, Federal Annex Building, Atlanta 3, Ga.	Fla., Ga., N.C., S.C., Puerto Rico.
1	Regional Controller, Post Office Department, Air Claims Unit, P.O. and Courthouse, Boston 9, Mass.	Conn., Maine, Mass., N.H., R.I., Vt.
7	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Chicago 100, Ill.	Ill., Mich.
4	Regional Controller, Post Office Department, P.O. Box 1999, Cincinnati, Ohio.	Ind., Ky., Ohio.
11	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Dallas 21, Tex.	La., Tex.
14	Regional Controller, Post Office Department, Air Claims Unit, Federal Center, Building 56 Denver 21, Colo.	Ariz., Colo., N.M., Utah, Wyo.
13	Regional Controller, Post Office Department, Air Claims Unit, 161 Jefferson Avenue, Memphis 31, Tenn.	Ala., Miss., Tenn.
9	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Minneapolis 40, Minn.	Minn., N.D., Ark., S.D., Wis.
2	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, New York 1, N.Y.	N.Y.
3	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Philadelphia 1, Pa.	Del., N.J., Pa.
15	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Portland 8, Oreg.	Mont., Idaho, Oreg., Wash.
5	Regional Controller, Post Office Department, Air Claims Unit, Parcel Post Annex, Richmond 19, Va.	D.C., Md., Va., W. Va.
12	Regional Controller, Post Office Department, Air Claims Unit, San Francisco 19, Calif.	Cal., Nev.
8	Regional Controller, Post Office Department, Air Claims Unit, 5709 Waterman Boulevard, St. Louis 12, Mo.	Ark., Iowa, Mo.
10	Regional Controller, Post Office Department, Air Claims Unit, 1628 George Washington Boulevard, Wichita 25, Kans.	Kans., Nebr., Okla.

(2) Helicopter carrier bills will be settled by the following regional controllers, Post Office Department:

Paying regional controller	*Carrier*
Chicago	Chicago Helicopter Airways.
San Francisco	Los Angeles Airways.
New York	New York Airways.

(3) Alaska, Hawaii, Puerto Rico, Virgin Islands, and stub-end air carriers and those carrying "First Class and Preferential Mail by Air" will submit Form 2703 and necessary supporting documents for this service to the regional controllers, Post Office Department, designated below:

Paying regional controller	Route No.	Carrier
Atlanta	8	Delta.
	31	National.
	FAM 32	National.
	59	Caribbean-Atlantic.
	98	Southern.
	121	AAXICO.
Boston	27	Northeast.
Chicago	96	Chicago Helicopter Airways.
Cincinnati	88	Lake Central.
Dallas	9	Braniff.
	81	Central.
	82	Trans-Texas.
	101	Slick.
Denver	1	United.
	29	Continental.
	73	Frontier.
Minneapolis	3	Northwest.
	86	North Central.
New York	111	New York Airways.
Philadelphia	94	Mohawk.
Portland	77	West Coast.
	128	Alaska (Intra Alaska).
	138	Alaska (States Alaska).
	122	Alaska Coastal (Intra Alaska).
	124	Cordova (Intra Alaska).
	125	Ellis (Intra Alaska).
	141	Kodiak.
	126	Northern Consolidated (Intra Alaska).
	142	Pacific Northern (Intra Alaska).
	139	Pacific Northern (States Alaska).
	20	Pan American (States Alaska and first-class mail by air).
	127	Reeve Aleutian (Intra Alaska).
	143	Western Alaska (Intra Alaska).
	123	Wien (Intra Alaska).
St. Louis	2	Trans World.
	107	Ozark.
San Francisco	13	Western.
	FAM 36	Western.
	33	Hawaiian.
	76	Pacific.
	84	Los Angeles.
	99	Aloha.
	100	Flying Tiger.
	105	Bonanza.
	5	Eastern.
Washington (Regional Controller, Richmond, Va.).	FAM 33	Eastern.
	FAM 35	Eastern.
	14	Capital.
	87	Piedmont.
	97	Allegheny.
	120	Riddle.
Wichita	4	American.
	FAM 26	American.

NOTE: Each air carrier must file with the appropriate regional controller the name of the person or persons authorized to sign the Form 2703.

§ 96.6 Irregularities, deductions, fines, and accidents.

(a) *Irregularities.* Irregular handling of mail by airline carrier personnel shall be reported on Form 2759, "Report of Irregular Handling of Airmail," by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2734, "Airmail Exception Record," prepared by the air carrier. See § 96.25. Listed below are the types of irregularities that will be reported.

(1) Damage to mail or equipment while in the custody of an air carrier.
(2) Failure to load.
(3) Failure to unload.
(4) Carried by. Any overcarries on interchange trips involving mail for the interchange point or connection mail due off at the interchange point will be charged to air carrier from whom received. If another air carrier was actually responsible for the mishandling, the air carrier receiving Form 2759 report may forward the form to the other carrier and notify the distribution and traffic manager concerned of the referral.
(5) Loaded in error.
(6) Removed in error.
(7) Failure to transfer.
(8) Delayed delivery to postal unit.
(9) Refusals and removals. See § 96.21(a) for regulations regarding airmail priority.
(10) Failure to notify postal authorities. See § 96.2. Includes instances when a carrier has failed significantly to cooperate by not giving notice of nonoperation of scheduled service or of late operation, resulting in additional motor vehicle or mail messenger costs.
(11) Repetitive infractions. Report serious infractions involving irregularities of a repetitive nature which may necessitate assessment of more substantial fines than usual. Includes deficiencies in air carrier operations that have an adverse effect on the airmail service and that have not been corrected despite repeated efforts to secure the necessary remedial action.

(b) *Deductions.* Form 2734 provides for the adjustment of compensation for service ordered and paid for but not performed.

(c) *Fines.* Air carriers transporting mail must observe all applicable postal laws and all applicable regulations issued by the Post Office Department. Air carriers may be subject to fines and deductions for failure to comply therewith.

(d) *Accidents.* When an aircraft accident occurs, there is no legal obligation on the part of the postal service to pay the air carriers' transportation charges for mail that is destroyed. Air transportation charges shall only be paid for recovered mail from the city where emplaned on that carrier's system to the airport nearest the point of accident. Therefore, since the regional controller in the region originating the mail will pay the air transportation charges. Form 2734, Airmail Exception Record, must be prepared to recover the payment for that portion of the incompleted service.

§ 96.7 Correspondence concerning air service.

(a) *Local matters.* Correspondence on local operations matters of mutual concern shall be handled directly between the local carrier and local air stop postal unit heads or field service representatives concerned. Matters coming within the scope of paragraph (b) of this section shall be referred to the distribution and traffic manager concerned.

(b) *Regional matters.* Correspondence to and from air carriers relating to policy matters, airline schedules, operational matters, fining procedures, quarters, mileages and transport rates, irregularities and changes in dispatch billing procedures and forms, omissions and failures of carriers to perform re-

quired service, division of mail between carriers, service requirements, actions involving CAB orders and rulings, experimental airlift of preferential mail, and other matters of regional nature shall be conducted by the distribution and traffic managers within the scope of regional delegations. Only those matters of these types that are of interregional impact or of departmental concern as specified elsewhere in regulations and those matters which the distribution and traffic manager considers will require departmental decision shall be forwarded to the Department.

§ 96.8 Definitions.

(a) Applicability: This subpart applies to air carriers engaged in transporting air mail and air parcel post in Interstate Air Transportation.

(b) As used in Subparts A, B and C of this part:

(1) "Air Carrier" means a citizen or company of the United States authorized by the Civil Aeronautics Board to engage in interstate air transportation.

(2) "Interstate Air Transportation" means the carriage of mail by aircraft between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States or between places in the same territory or possession of the United States, or the District of Columbia.

(3) "Mail" means United States or foreign transit mail.

Subpart B—Air Star Route Service

§ 96.12 Description.

Air star route service is established and operated under contracts for air transportation of any and all classes of mail in areas where such service is in the public interest between points where the Civil Aeronautics Board has not authorized the transportation of mail. The service may be justified by the nature of the terrain or the impracticability or inadequacy of surface transportation. Air star route contracts are awarded by the Postmaster General when the cost is considered reasonable and compatible with the service to be provided.

§ 96.13 Contracts.

(a) *Obtaining bids*—(1) *Advertisements.* After obtaining a certification from the Civil Aeronautics Board that the proposed route does not conflict with the development of air transportation, an advertisement is issued by the Department inviting proposals for air transportation of mail between the points and on the terms stated. Copies of the advertisement are furnished to postmasters for posting at terminal offices.

(2) *Requirements of bidders.* Bidders must meet the following requirements:

(i) *Eligibility.* (*a*) No proposal for a contract for air star route service shall be considered unless the bidder is a resident of, or is qualified to do business as a common carrier by air, in a State within which one or more points to be served under the proposed contract are located. The term State as used here includes the several States, and the District of Columbia.

(*b*) For further eligibility requirements, see § 94.3(c)(2)(i) of this chapter.

(ii) *Bonds.* See § 94.3(c)(2)(iii) of this chapter.

(3) *Obtaining proposal forms.* See § 94.3(c)(5) of this chapter.

(4) *Submitting bids.* See § 94.3(c)(6) of this chapter.

(b) *Award of contract.* See § 94.3(d) of this chapter.

(c) *Application of contract regulations.* Where there is no conflict, all laws and regulations governing surface star routes in general apply to contracts made under the air star route law.

(d) *Payments.* See § 94.3(h) of this chapter.

(e) *Cancellation of air star route contract.* A contract shall be canceled by the Post Office Department upon the issuance by the Civil Aeronautics Board of an authorization to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the air star route contract.

§ 96.14 Protection of mail.

The contractor is required to take all necessary steps to protect the mail in accordance with the terms of the advertisement.

§ 96.15 Reports and records.

Postmasters at terminal points must maintain such records and submit such reports as may be directed by the distribution and traffic manager.

Subpart C—Forms and Procedures for Dispatching Airmail

§ 96.19 Form 2729, airmail dispatch record.

(a) *Description.* Form 2729 covers airmail dispatched to all domestic air carriers operating within the fifty United States, Puerto Rico, and the Virgin Islands and to Canada. It is the basic document from which payment to the original carrier of dispatch is calculated.

(b) *Preparation*—(1) *Who prepares.* The form is prepared in four-part sets by the designated clerk at the airport mail facility or, at nonairport mail facility points, by the dispatching clerk at the post office.

(2) *Trip identification*—(i) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(ii) *Trip number.* Enter the trip number of actual dispatch.

(iii) *Origin trip date.* Enter the scheduled date of origin of the trip.

(iv) *Today's date.* Enter the date on which the trip of dispatch is scheduled to depart from your airport.

(v) *Origin code.* Enter the official airline code of the airport from which the mail is due to be dispatched. If more than one postal unit prepares Form 2729 for dispatch through the same airport, use the airport code followed by the first letter of the dispatching post office: For example show Alcoa, Tennessee, as TYS–A.

(3) *Routing*—(i) *Destination.* (*a*) Using the States dispatch scheme and other applicable pouching instructions, enter in code the final airline destination of the dispatches.

(*b*) Show each destination in station order of removal from the original trip of dispatch. Listing from left to right, use a separate block for each destination. Continue the listing in the second row of blocks, if necessary.

(*c*) Enter under the proper destination mail which is labeled to that point, mail which is scheduled to continue from that point by surface transportation, and mail for another air carrier when the transfer is to be effected through the airport mail facility. Use the individual actual weights indicated on the labels of pouches, sacks, and outside parcels except where permission has been granted to bulk weigh mail on platform scales direct to the air carrier. Enter the total pouches and total weight of each weighing when bulk weighing is permitted and when making bulk entries other than bulk weighing. Do not identify pouches, sacks, outside parcels, or register as such on this form.

(ii) *Transfer point and connection.* Enter in code according to the scheduled routing:

(*a*) Stations served by trip of dispatch. Enter only the destination.

(*b*) Stations served by the air carrier dispatch but not by the trip of dispatch. Enter the destination and the first transfer point.

(*c*) Routing involving connection to a trip of another air carrier. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. This applies also to interchange trips.

(*d*) Routing via two trips of initial air carrier, plus trip of another air carrier. Enter the destination, the first intraline transfer point, and the interline transfer point, plus the route and trip numbers of the second air carrier.

(*e*) Routing involving two interline transfers after air carrier of initial dispatch. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. The service to be performed by the third air carrier must be shown on Form 2733, "Interline Air Mail Record." (See § 96.21 of this chapter for instructions on preparation of Form 2733.)

(4) *Equalization dispatches.* (i) Trips due to carry equalized destination mail are identified in the airmail States dispatch scheme by an *x*, in parentheses, ahead of the trip listing. Following the trip of dispatch, the equalized destinations are identified by an *x*, in parentheses, preceding the letter code of the destination. An *x*, in parentheses, will also appear between the letter code of the transfer point and the route number of the interline carrier. This indicates the need for an equalized Form 2733 for the carrier receiving the mail at the transfer point. The following is an example of an equalized dispatch from MKC to CLE via AM 9–40 as it would appear in the MKC States Dispatch Scheme:

(*x*) 9–40	(*x*) CLE mdw	(*x*) 14–800
(1)	(2)	(3)

(1) Indicates equalized trip.
(2) Identifies equalized destination.
(3) Indicates need for special Form 2733 for 14—800.

(ii) Forms 2729 must be identified as follows: When schemes show an *x* in parentheses at (1) and (2), as in the example in subdivision (i) of this subparagraph, an *x* will be inserted in the *E* block on the "conn" line for the equalized destination; i.e., CLE.

(5) *Completion.* (i) Total the pieces and weights for each column, even if more than one column is used to list the mail dispatched to the same destination.

(ii) Total the subtotals of all columns, and enter in the "Grand Total" space.

(iii) Recap all columns under the actual destinations served by the trip of dispatch. Enter each airport served, with the appropriate total, in the right-hand column.

(iv) Total the *Recap* column, and verify against the previously entered *Grand Total.* If more than one form has been used, the *Recap* and *Grand Total* entries must appear on the final form. (See subparagraph (6) of this paragraph.)

(v) At nonairport mail facility points, the post office employees preparing Form 2729 will not total the "Dest," "Recap," and "Grand Total" columns if the mail messenger or motor vehicle service driver picks up additional mail at the railroad station or other postal unit en route to the airport. On arrival at the airport, the mail must be weighed and proper entry must be made on Form 2729 by the messenger or driver. This instruction applies also to Form 2733, if involved.

(vi) Below the "Grand Total" space, enter the total number of sets of Forms 2733 prepared for the interline transfers scheduled to be made from the trip.

(vii) In the "Mail Ready" space, enter the time at which the mail and forms are ready for delivery to the air carrier at the airport. At nonairport mail facility points, this time must be entered by the mail messenger or vehicle service driver. The messenger or driver must obtain the signature of the receiving air carrier representative at the time the mail is delivered.

(6) *Continuation forms.* If the volume of mail is too large to be listed on one Form 2729, use a new numbered form, line through but do not obliterate the printed number, and write in the serial number of the first form. Number the sets consecutively, identifying the last by adding *x* after the number.

(c) *Labeling pouches, sacks, and outsides.* Pouches, sacks, and outside parcels listed on Form 2729 must be identified so that airline and postal personnel handling the mail enroute can provide the transportation ordered by the dispatching office. Before delivering the mail to the air carrier prepare the labels of pouches and sacks to indicate final airline destination and the route over which it is to travel. Attach Label 53, "Airmail Parcel Routing Sticker," for each air parcel dispatched outside. The information on pouch and sack labels and Label 53 for outside parcels must coincide with the corresponding entries on Form 2729 as follows:

(1) For mail billed to the final destination over the routes of two or more air carriers, enter on pouch or sack label in airline code the inter-line transfer points and the route and trip number of the connecting air carrier at these points. Show this information in the left center of the label between the destination and from lines. Enter the same information in the "Transfer point" block on Label 53 for outside parcels.

Example. Mail from Toledo to AMF Houston Tex via AM88 for transfer to AM 14 at Detroit and AM 5 at Atlanta will be labeled as follows:

Pouch or sack label

AMF HOUSTON TEX	
YIP 14-883 ATL 5-345	30
Fr Toledo, Ohio	

Outside parcel (label 53)

Tr. Pt.	Billed to—	Wt.
YIP 14-883 ATL 5-345.	(HOU)----------	15

(The figure on the right of the label represents the weight of the pouch (or sack).)

(2) For mail billed to the final destination over the routes of a single air carrier, no transfer point codes or route numbers will be used on the pouch and sack labels or on Label 53 for outside parcels.

Example. Mail from Zanesville, O., to AMF Cincinnati, O., via 88–816:

Pouch or sack label

AMF CINCINNATI, O.	
Fr Zanesville O.	30

Outside parcel (label 53)

Tr. Pt.	Billed to—	Wt.
	(CVG)----------	15

(3) For mail billed to an air stop point other than the actual destination on the pouch and sack labels or on Label 53 for outside parcels, enter in code the point to which billed on Form 2729, in brackets, on the same line after the address on the pouch and sack label. Enter in the "Billed to" block on Label 53 the code for the point to which billed on Form 2729. Use the same procedure as that for pouch and sack labels for entry of transfer point and route number, if required.

Example. Mail from Cincinnati, O. to Jamestown, N.D. via AM 8–422, billed to AMF Minneapolis.

Pouch or sack label

JAMESTOWN, N.D. (MSP)	
MDW 3-411	10
Fr Cincinnati, O.	

Outside parcel (label 53)

Tr. Pt.	Billed to—	Wt.
MDW 3-411----------	(MSP)----------	5

(4) Weigh each pouch, sack, and outside parcel. Record the weight on the pouch and sack label (see example in subparagraph (1) of this paragraph), on the Label 53 for outside parcels, and on the Form 2729 in even pounds. When weighing, ignore fractions of a pound of 8 ounces or less. Add one pound for fractions over 8 ounces.

Example:

Actual weight	*Weight shown on label*
From 1 oz. to and including 1 lb. 8 oz.--	1 lb.
Over 1 lb. 8 oz. to and including 2 lb. 8 oz----------	2 lb.

(d) *Distribution of copies*—(1) *First and second copies.* Deliver to the air carrier with the mail. (If voided or mutilated, do not deliver to air carrier but combine with third copy and send to regional controller.)

(2) *Third copy.* Send to the designated regional controller daily. Include the third copies of all forms that have been voided, mutilated, etc. Since all of these forms are serially numbered, they must be accounted for. *Note*—At nonairport mail facility points, the first three copies of Form 2729 must accompany the mail: After obtaining the carrier's signature, the mail messenger or vehicle service driver must return the third copy to the post office.

(3) *Fourth copy.* This is the dispatching office copy. Enter the actual departure time (as provided by the air carrier) in the proper space, and file.

NOTE: In the Alaskan Service, Form 2713–A "Alaskan Airmail Dispatch Record" is used in lieu of the dispatch list.

§ 96.20 Form 2713–A, Alaskan airmail dispatch record.

(a) *Description.* Form 2713–A is used at all postal units served by intra-Alaska air carriers for recording the dispatch of mail. (See § 96.5(d)(3).)

(b) *Preparation.* Postal clerks at air stop post offices shall prepare Form 2713–A in three-part sets, as follows:

(1) *Route number.* Enter the route number of the air carrier to which the mail is to be dispatched.

(2) *Trip number.* Enter the number of the carrier's trip or flight as shown in the schedule designated for airmail transportation.

(3) *Carrier.* Use the letter code of the airline.

(4) *From post office at.* Use the alphabetical code of the airport serving your office. (For proper three-letter code, see Airmail Scheme.)

(5) *Month, day, year.* Enter the date mail is given to air carrier.

(6) *Time.* Enter time when mail was delivered to carrier representative.

(7) *Mail for unloading at.* Enter the codes of air stops which are served by the trip to which mail is dispatched. Enter only those points designated for service.

(8) *Pieces.* Enter the total number of pouches, sacks, and outside parcels for each destination.

(9) *Weight.* Enter the total weight of pouches, sacks, and outside parcels for each destination.

(10) *Totals.* Add number of pieces and enter total under Pieces column; add weights and enter total in the Weight column. Verify total pieces with mail count.

(11) *Postmaster.* The postmaster shall sign form in space provided, or when postmaster is not available, the postal clerk shall sign the postmaster's name, and initial.

(c) *Delivering mail and Form 2713–A to air carrier.* The dispatching clerk shall deliver mail and all three copies of Form 2713–A, with carbon paper in place, to the messenger for delivery to the airport.

(d) *Verification and correction by air carrier representative.* (1) When the air carrier representative receives the mail from the messenger, the carrier will count pieces of mail received, compare with total shown on the Form 2713–A and, if in agreement, sign the form in the space provided and add his airline's code, retain copies 1 and 2, and return copy 3 to the messenger.

(2) When not in agreement, the carrier will process as follows:

(i) If pouches are listed but not received, cross out the individual listing and grand total. Insert correct adjacent totals.

(ii) If mail is received but not listed, insert weight of each pounch on the proper destination line and amend totals.

(iii) In either event, note facts prominently on Form 2713–A in any blank space. Advise messenger of any discrepancy.

(iv) Make all corrections to Form 2713–A before the carbon paper has been removed.

(v) After corrections have been made, sign and dispose of Form as indicated in subparagraph (1) of this paragraph.

(e) *Postal unit file copies.* When the messenger returns copy 3 to the postal unit, that office shall file the copy by date order for future reference.

(f) *Canceled flights.* When a flight is canceled after mail and related Form 2713–A have been delivered to the air carrier, the mail and all three copies of Form 2713–A will be returned to the post office. The post office shall then destroy copies 1 and 2 of Form 2713–A, note copy 3 to show flight canceled, and file.

§ 96.21 Form 2733, interline airmail record.

(a) *Description.* Form 2733 covers mail due to be transferred from the original air carrier of dispatch to another air carrier. It is the basic document from which payment to the transferee air carrier is calculated. The form must not be used for intraline transfers. Entries on Form 2733 are taken from the Form 2729 which covers the original shipment. When the routing involves two air carriers after the original dispatch, a separate Form 2733 is required for each subsequent air carrier.

(b) *Preparation.* Show the following information under the appropriate headings:

(1) *Serial number.* Copy from Form 2729.

(2) *Origin code.* Follow the instructions in § 96.19(b)(2)(v).

(3) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(4) *Trip number.* Enter the trip number of actual dispatch.

(5) *Origin trip date.* Enter the scheduled date of origin of the trip.

(6) *Transfer point.* Enter the code of the airport at which the interline connection is to be made.

(7) *Routing.* Enter the route and flight number of the air carrier to which the mail is to be transferred.

(8) *Destination.* As applied to this form, destination is defined as the offloading point (either for delivery to the post office or for transfer to another air carrier). Enter the codes of the airports served by the trip, also the codes of airports served by connecting trips of the same air carrier for which mail is available.

(9) *Pieces and weight.* Enter the mail by totals (obtained from Form 2729) for each of the destinations involved. Include any mail for connection to a trip of another air carrier.

(10) *Grand total.* Enter the total of pieces and weights listed. For instructions regarding exceptions to this step, see § 96.19(b)(5)(v).

(c) *Equalization dispatches*—(1) *From equalized origin points.* When an *x*, in brackets, appears immediately preceding the interline transfer route and trip designation on the States dispatch scheme, a Form 2733 will be prepared listing only equalized destination mail for transfer to the same air carrier at the indicated point. On these forms, an *x* will be inserted in the E block between the "Transfer Point" and the "Routing."

(2) *From nonequalized origin points.* Mail from these points does not become equalized until it enters the system of another air carrier who is a party to an equalized agreement at an equalized origin point on his route. Separate Forms 2733 will be prepared to provide transportation over the routes of the equalizing air carriers as follows:

(i) *For first equalizing air carrier.* (*a*) Insert *x* in "E" block after "Transfer Point." (See paragraph (b) of this section.)

(*b*) Insert equalized destination in brackets after the destination on this air carrier. (List only equalized mail on this form.)

(ii) *For second equalized carrier.* (*a*) On the first "Transfer Point" line, insert code of equalized origin.

(*b*) On second line, show usual information, and in addition insert an *x* in the "E" block. (List only equalized mail on this form.)

(d) *Interchange trips.* (1) Mail moving over more than one airmail route on one aircraft must be properly identified on Form 2733. No terminal charge is due at the interchange point, as mail remains on board the aircraft. To enable post office accounting personnel to properly identify this mail, dispatching postal clerks must insert an I in the "E" block of Form 2733 for the air carrier who is not due to receive a terminal charge.

(2) Scheme clerks, who prepare the States dispatch schemes in the office of the distribution and traffic manager, will insert an "I" in brackets following the interchange point as listed on the scheme. States dispatch scheme would appear as follows for dispatch of MIA mail from PDX:

Transportation covered by—	1-678	MIA	lax 4-966	dal(I) 8-966	may(I) 31-966
	Form 2729		Regular Form 2733	Identified Form 2733	Identified Form 2733

(e) *Distribution of copies*—(1) *First and second copy.* Deliver to air carrier along with first and second copy of related Form 2729 and the mail.

(2) *Third copy.* Retain, staple to the upper left corner and on top of the related third copy of Form 2729, and send to the designated regional controller's office daily.

§ 96.22 Form 2734, airmail exception record.

(a) *Description.* Form 2734 provides a source of information as to the actual movement of airmail that does not move via the original schemed routing. It also provides a means of making accounting adjustments since it serves (1) as the basis for deduction of payment for scheduled services not performed and (2) as the basis for payment for new services ordered. See paragraph (d) of this section for specific types of irregularities.

(b) *Preparation*—(1) *Who prepares.* The delivering air carrier must prepare five copies of Form 2734 to cover the irregularities outlined in paragraph (d) of this section. The form will be prepared in a few instances at airport mail facilities, or post offices, when the air carrier fails in his responsibility.

(2) *Completion of form.* Form 2734 must clearly describe transportation originally designated by the dispatching postal unit but which was not performed. The Form 2734 is always prepared at the city where the first deviation in the routing of the mail is known. These forms are printed and furnished by each carrier involved. General instructions for completion of the form are printed on the reverse side of the fifth copy of the form. In addition, the following instructions must be followed:

(i) *Route numbers, City code, and Form serial number.* The first line directly under the printed name of the airline indicates three things:

(*a*) Numerical airmail route number assigned to the air carrier by the U.S. Government. This number will be preprinted on the form.

(*b*) The three-letter alphabetical city code of the city at which the irregularity occurs and where the form is prepared. This city code designator must be inserted by the airline preparing the form.

(*c*) The serial number of the form. This number will be preprinted on the form and is provided to permit checking of differences between Postal Service and air carrier records. The maximum number of digits is five.

(ii) *Route-Trip-Date.* (*a*) On the second line are blocks for the airmail route number and trip number of the air carrier from whose flight the mail covered by the form was received. If mail was not boarded, this is the route and trip to which the mail was billed for dispatch. The date on which the flight, from which mail was received, was scheduled to originate will be indicated in the "Scheduled Origin Date Block."

(*b*) The equalization box will not be used unless it appears on the related Form 2729, "Airmail Dispatch Record," or 2733, "Airmail Exception Record," in which case an *x* will be inserted. Any voided Forms 2733 must be attached to the related Forms 2734.

(iii) *Routing shown on pouch label.* (*a*) *Transfer point route number.* There may be two or more transfer point route numbers shown on a pouch label or an outside piece(s) label. Form 2734 is provided for the purpose of showing only that portion of the original scheduled routing which was not completed. If a transfer point shown on the pouch label is overflown, the overflown transfer point and the remaining transfer points, if any, must be shown.

(*b*) *Destination.* Enter alphabetical code of actual destination. If the destination is followed by a bracketed "billed" destination, then this should be entered instead. Pouch labels with the same destination and incompleted routing may be grouped in one entry.

(iv) *Amount of mail.* The amount of mail, pieces, and weight for a common destination may be combined when they have the same incompleted routing as shown on the labels.

(v) *New routing.* The air carrier destination is the city (alphabetical code) to which the air carrier shown in this section is to carry the mail. Likewise, the Route and Trip Number to be inserted in this section are the airmail numerical route number of the air carrier which is to transport the mail and that air carrier's trip number.

(vi) *Reason for preparation.* Specific boxes have been provided for nine of the most common reasons for preparing Form 2734. Whenever the form is prepared because of one of these nine basic reasons, the box opposite the reason for preparation must be checked. Explain other reasons not listed.

(vii) *Signature.* The signature of the representative of the air carrier or of the Post Office Department who receives the mail, followed by the air carrier or Post Office Department station code; and the time (24-hour clock time) the mail is received by the air carrier or the Postal Service must be entered on the form.

(c) *Distribution of Form 2734.* Normal distribution of the five copies is printed on each copy of the form. The only deviations from this normal distribution are:

(1) When the receiving and delivering air carrier are the same. Staple the receiving and delivering air carriers' billing copies together.

(2) When mail is delivered to the Postal Service by Form 2734. Retain the second copy, and turn in all other copies to the postal unit.

(d) *Irregularities requiring preparation of Form 2734.* (1) The following irregularities must be reported on Form 2734 when mail involved is delivered to Postal Service at other than destination, or delivered to an air carrier not specified in the original billing.

(i) Part of mail not boarded.

(ii) Carry by and/or overfly.

(iii) Removed short of air carrier destination in error.

(iv) Missed a scheduled interline connection.

(v) Missed a scheduled intraline connection.

(vi) Mail boarded in error.

(2) Additional irregularities requiring Form 2734 preparation are:

(i) Cancellation of flight:

(*a*) Where only part of mail is delivered to Postal Service.

(*b*) Where part of mail is given to another air carrier for transportation to destination.

(ii) Overfly of transfer point to next air carrier destination.

(iii) Missing papers.

(iv) Truck haul by air carrier: only when mail is trucked to a point more distant from the ultimate destination than the point from which trucked.

(v) Mail received on Form 2942, Delivery List of Air Mail Dispatches, and requiring domestic billing.

(e) *Irregularities that do not require preparation of Form 2734.* (1) Part of mail not boarded—forwarded to destination by the air carrier which received and failed to board the mail.

(2) None of mail received from Postal Service boarded—returned to postal unit with all copies of the Forms 2729 and 2733. The postal unit will destroy Form 2733 and void all copies of Form 2729.

(3) Carry by and/or overfly—returned to destination by the air carrier which carried the mail by or overflew the destination.

(4) Removed short of air carrier destination—forwarded to destination by the air carrier which removed the mail short.

(5) Missed a scheduled interline connection—rerouted to the same destination via a different trip number of the same connecting air carrier as shown on the pouch label or the Form 2733.

(6) Missed a scheduled intraline connection—rerouted to the same destination via a different trip but on the same air carrier.

(7) Boarded in error—returned or forwarded to destination by the air carrier which boarded the mail in error.

(8) Cancellation of flight—all local boarding mail returned to the Postal Service with the Forms 2729 and 2733.

(9) Mail does not agree with Form 2729. At nonairport mail facility stations, the air carrier must make correction to all copies of Form 2729 as specified in § 96.3(a)(2).

(f) *Review of Forms 2734.* The postal units shall carefully review all Forms 2734 and, in questionable cases, shall make prompt inquiry to determine that instructions are being followed by air carriers.

§ 96.23 Form 2753, receipt to airline.

(a) *Description.* Form 2753 is a receipt to air carriers for mail delivered to postal units other than airport mail facilities. It is not used for mail that is delivered with Form 2734. (See § 96.22.)

(b) *Preparation.* (1) The form will be prepared in triplicate by the air carrier agent with all pertinent information. indicated.

(2) Postal personnel of the receiving unit will count the pieces of mail delivered by each trip, check the count against the airline employee's count, and enter the post office total count on the form for the air carrier involved. Labels are to be examined to determine that mail delivered by the air carrier is addressed or coded for delivery to the receiving unit. To the extent possible, and without delaying the mail, receiving clerks shall determine whether all the mail is due to be received via the route and trip of delivery.

(3) If a discrepancy exists in the post office and airline count, immediate action shall be taken with the airline operations office to ascertain the reason for the discrepancy and whether additional mail may be found at the airline ramp or elsewhere.

(4) The first copy of the form shall be delivered to the mail messenger or vehicle service driver with the mail. The messenger or driver must sign and return it to the air carrier as a receipt.

(5) The second and third copies of the form are to be delivered to the post office with the mail. The post office clerk must sign both copies, returning the third copy to the messenger or driver as his receipt.

§ 96.24 Form 2753–a, mail delivery receipt.

(a) *Description.* Form 2753–a is a receipt for mail delivered to airport mail facilities. When the volume of mail justifies, distribution and traffic managers may authorize postmasters at air stop post offices to use Form 2753–a, instead of Form 2753. Form 2753–a is not used for mail that is delivered with Form 2734. (See § 96.22.)

(b) *Preparation.* (1) Airport mail facility personnel will prepare a 24-hour Form 2753–a in duplicate to record all mail deliveries from the air carrier. Where an exceptionally large number of trips are involved for any one air carrier, separate forms may be prepared for each tour of duty.

(2) Postal personnel of the receiving unit will count the pieces of mail delivered by each trip, check the count against the airline employee's count, and enter the post office total count on the form for the air carrier involved. Labels are to be examined to determine that mail delivered by the air carrier is addressed or coded for delivery to the

receiving unit. To the extent possible, and without delaying the mail, receiving clerks shall determine whether all the mail is due to be received via the route and trip of delivery.

(3) If a discrepancy exists in post office and airline counts, immediate action shall be taken with the airline operations office to ascertain the reason for the discrepancy and whether additional mail may be found at the airline ramp or on board the aircraft.

(4) The original copy of the form shall be signed and delivered to the air carrier's agent as a receipt.

(5) The duplicate copy of the form shall be retained in the airport mail facility files.

§ 96.25 Form 2759, report of irregular handling of airmail (RS–TR–3).

(a) *Description.* Form 2759 is used as a basis for brief against an air carrier for irregular handling.

(b) *Preparation.* Postal employees must prepare Form 2759, in quadruplicate, immediately to report any air carrier irregularities in handling mail or mail equipment involving refused, removed in error, loaded in error, failed to load, not transferred, carried by, delayed delivery, damage, including weather damage due to negligence on the part of the carrier, or other irregularity requiring remedial action. When mail is damaged by inclement weather, report only those bags and outside pieces actually wet or otherwise damaged. Do not prepare forms to cover irregular receipt due to weather conditions. Furnish all data required. If the accuracy or completeness of the facts are uncertain, get additional information from the local representative of the carrier involved. When Forms 2759 are prepared to report Loaded in Error mishandling, the air stop postal unit shall reproduce the coding shown on the related pouch label on Form 2759. The coding shall be shown under the heading Explanation of Mishandling and Cause, If Known.

(c) *Review.* The unit supervisor (or relief in his absence) must review each Form 2759, as soon as possible after its preparation. This review shall (1) assure inclusion of all information necessary to evaluation and (2) determine that the report does not cover an irregularity clearly not chargeable to failure, negligence, or oversight of carrier personnel. Careful review and withdrawal of reports of irregularities not properly chargeable to a carrier will eliminate the carrier's and the distribution and traffic manager's handling of unnecessary reported cases (such as overcarry due to weather, mechanical failure, or irregularities resulting from incorrect routing instructions on Form 2729, pouch label, or parcel sticker).

(d) *Distribution*—(1) *Reports covering incidents chargeable to carrier.* Send original and first copy to the distribution and traffic manager having jurisdiction over the reporting unit, send the second copy to the local station manager of the carrier concerned, and retain the third copy in files.

(2) *Reports covering incidents not chargeable to carrier.* Staple the first and second copies together and forward them to the distribution and traffic manager and retain the third copy in files.

§ 96.26 Applicability of forms and procedures.

(a) *Airmail.* The forms and procedures described in this part are applicable to all domestic air carriers on all their routes within and between the fifty United States, Puerto Rico, and the Virgin Islands (but not for mail originating at or intended for destinations beyond).

(b) *Emergency first-class mail by air.* In the dispatch of first-class mail by air under *emergency* conditions, the forms described in this part will also be utilized. However, separate forms should be used and prominently endorsed *First-Class Mail.*

(c) *Mexico and Cuba.* Procedures for airmail routes to and within Mexico and Cuba are covered by special instructions.

Subpart D—International Air Transportation

§ 96.30 Authority.

(a) *Applicability.* This subpart applies to air carriers and foreign air carriers engaging in overseas or foreign air transportation of mail on FAM numbered routes assigned by the Post Office Department to the extent noted herein, and supplements the provisions of the Convention of the Universal Postal Union.

(b) As used in this subpart:

(1) "Air Carrier," also called American Flag Carrier, means any citizen or company of the United States authorized by the Civil Aeronautics Board to engage in overseas or foreign air transportation.

(2) "Foreign Air Carrier," also called Foreign Flag Carrier, means any individual or company not of the United States authorized by the Civil Aeronautics Board to engage in foreign air transportation.

(3) "Carrier" means both air carrier and foreign air carrier.

(4) "Overseas Air Transportation" means the carriage of mail by aircraft between a place in any State of the United States and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States and a place in any other Territory or possession of the United States.

(5) "Foreign Air Transportation" means the carriage of mail by aircraft between a place in any State, Territory or possession of the United States and any place wholly outside thereof.

(6) "Mail" means United States and foreign-transit mail.

(c) *Authority to engage in air transportation*—(1) *American flag air carriers.* Air carriers shall not engage in air transportation unless a certificate has been issued by the Civil Aeronautics Board authorizing them to do so. Each such certificate states the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation.

(2) *Foreign flag air carriers.* Foreign air carriers shall not engage in air transportation from U.S. soil without a permit issued by the Civil Aeronautics Board authorizing such transportation.

(d) *Policy for dispatch of airmail.* The service which will afford the most expeditious delivery of the mail shall be utilized. United States flag carriers, for economic and national interest reasons, shall have first priority to the traffic wherever practicable.

(e) *Rules and regulations.* The Department will make such rules and regulations as may be necessary for the safe and expeditious transportation of airmail by aircraft. The Assistant Postmaster General, Bureau of Transportation, will establish the policy for transportation of mail and for exchange of airmail between postal employees and carriers.

(f) *Agreements.* The Department may enter into agreements with postal administrations of other countries with respect to airmail transportation. The Department may also make arrangements with foreign air carriers for the transportation of mail if they have been issued permits by the Civil Aeronautics Board.

(g) *Transportation of foreign origin mail.* Air carriers transporting mail of foreign countries are subject to control and regulation of the United States.

§ 96.31 Carrier operations.

(a) *Filing of schedules.* Carriers authorized to engage in air transportation shall transport mail only after filing their schedules of operations with the Department. The Department will designate the flights required for the transportation of mail and inform the carriers accordingly. No carrier shall transport mail in accordance with any schedule other than one designated or ordered to be established by the Department for the transportation of mail.

(b) *Schedule revisions.* Changes to existing schedules must be filed with the Department not less than 10 days before their effective dates. Three copies should be filed with the Director, International Service, Bureau of Transportation, Post Office Department, Washington 25, D.C., one with the distribution and traffic manager, Post Office Department, in each region concerned, and three with the claim for the mail transportation.

(c) *Flight movement.* Carriers should operate designated flights as nearly as practicable at the times indicated in published schedules. Whenever earlier or later departures are required, sufficent advance notice should be given the local postal representatives in order that appropriate adjustments may be made in the dispatch schedules.

(d) *Extra sections.* Extra sections of a designated scheduled flight may be used for the transportation of mail.

(e) *Emergency flights.* Emergency flights operated by a carrier may be used for the transportation of mail. However, carriers should not accept mail for any country served by the emergency flight if they are not authorized to serve that country regularly.

(f) *Omission of service.* If a scheduled stop is to be omitted on a designated flight, the carrier must immediately notify the local postal representatives concerned. If the service is to be suspended for one week or more, the carrier must notify the Director, International Service, Post Office Department, Washington 25, D.C., and the local postal representative at the point involved. The same officials should be notified when the service is resumed.

(g) *Canceled flights.* When a flight is canceled at the initial terminal or any point en route, the carrier should promptly notify the local postal representatives concerned.

(h) *Delayed departures.* If a flight is delayed after accepting mail and the delay is estimated to be two hours or less beyond the scheduled departure, the mail will be retained aboard the flight. If the flight is delayed over two hours, the dispatching postal unit should be informed of the delay and the probable time of departure. In such cases, the postal representative will determine whether the mail should be returned to the postal unit.

(i) *Accidents.* Carriers will immediately inform the Post Office Department, Washington 25, D.C., of any accident resulting in possible damage to or loss of United States mail. When an accident occurs in the United States, the distribution and traffic manager, Post Office Department, in the region concerned should also be notified. Accidents occurring outside the United States must be reported to the postal administration of the country to which the carrier belongs and to the postal administration of the country in which the accident occurs. (See § 96.33.)

§ 96.32 Transportation of mail.

(a) *Tender of mail.* When authorized to transport mail, carriers shall provide necessary and adequate facilities and service for its transportation and will be held strictly accountable for the proper care of mail and postal equipment while in their custody.

(b) *Priority of mail and allocations*—(1) *Priority.* Air carriers shall transport all airmail available for each flight designated by the Department. If the airmail available for dispatch exceeds the weight allocation or normal load, the excess shall have priority of transportation over all unconfirmed passengers and other traffic. (See § 96.1(a)(1) for normal mail load.)

(2) *Allocations and estimates.* Weight allocations are for planning purposes to assist the Postal Service as well as air carriers to fully realize the maximum payload on each flight. Postal units will give air carriers an advance estimate of the mail anticipated for the flight, which may be above or below the weight allocation already agreed upon. If the airmail estimate is in excess of the allocation, the air carrier may refuse the excess if confirmed passenger traffic prevents its acceptance. If the air carrier refuses airmail, Form 2759, "Report of Irregular Handling of Air Mail", should be prepared for the difference between the amount accepted and the allocation or normal load. (See § 96.33.)

(3) *Backlog.* Carriers will be expected to provide sufficient lift to accommodate any backlog of mail which has accumulated due to irregular operations or cancellations.

(4) *Removal or refusal.* When it becomes necessary to reduce the load of an aircraft due to weather or other cause, the following order of removal or refusal shall prevail:

(i) Company material.

(ii) Express and cargo.

(iii) All categories of mail other than letters and cards (LC).

(iv) Diplomatic pouches not carried as first-class mail.

(v) Company mail.

(vi) LC mail after removal of all other traffic except revenue passengers with space confirmed prior to knowledge that the load must be reduced.

(5) *Nonpriority mail.* Nonpriority mail consists of military official mail dispatched on a space available basis. Normally, military official mail moves on the same basis as cargo, that is, first in, first out priority. Carriers accepting military official mail do so with the understanding that movement to destination is assured.

(c) *Delivery of mail to carriers*—(1) *Documentation.* The postal unit delivering mail must prepare the AV–7s "Delivering List of Air Mail Dispatches" listing the origin, destination, weight of the mail, and dispatch and routing instructions. One set of AV–7s must be prepared for each stop point on the flight where mail is available for transportation.

(2) *Verification by carriers.* The carriers shall verify all mail tendered for transportation against the entries appearing on the AV–7s—Mail Waybills. If an irregularity in the condition of the mail is observed at the time of acceptance, it should be brought to the attention of the postal unit before signing the AV–7s.

(d) *Delivery of mail to carriers on delayed flights and extra sections*—(1) *Delayed flights.* After flight documents have been completed for imminent departure and a delay occurs additional mail should not be accepted by carriers unless it can be done without detriment and cause no further delay in departure of the flight. Additional mail will be tendered if space is available and it will not cause removal of passengers or cargo already manifested on the aircraft documents.

(2) *Extra sections.* Mail may be conveyed on extra sections of a designated flight. Mail carried on extra sections shall be considered as having been conveyed on the regular scheduled flights for purposes of arriving at the base weight for the flight.

(e) *Transfer between flights.* Each carrier must transfer mail between its own flights whenever the transfer is shown on the AV–7s. It must transfer mail at points in the United States, its territories or possessions with domestic air carriers as directed by the Department. (See § 96.3(b).)

(f) *Retaining mail in foreign countries.* In a foreign country, carriers may retain custody of United States civilian mail aboard a flight when the departure is delayed up to 12 hours. On delays over 12 hours, or upon cancellation, civilian mail must be delivered to the local post office for disposition. The original documents, properly endorsed, must accompany the mail. Military airmail must be held in the custody of the air carrier, and the Post Office Department, Washington 25, D.C., should be promptly requested by wire to furnish instructions for disposition. Under no circumstances should military airmail be turned over to a foreign post office or to a foreign carrier.

(g) *Delivery of mail by carriers to postal representatives.* Upon arrival of a flight, the carrier must unload the mail and make delivery as soon as possible to the authorized postal representative at such point as may be designated.

(1) *AV–7s, Delivery list of air mail dispatches.* One copy of each set of AV–7s and additional copies which are required for receipt to the carrier must be delivered with the mail. Any irregularities must be noted on all copies of the AV–7.

(2) *No documents in the United States.* Carriers delivering mail to United States postal installations without AV–7s will obtain receipt on P.O. Form 2753 "Receipt to Airline" for all mail delivered to the postal unit. The receipt will show only the total number of pieces being delivered. If a postal unit is not located at the airport, Form 2753 must be prepared by the carrier for signature by the postal service motor vehicle driver.

(3) *No documents in foreign countries.* Carriers delivering mail to foreign postal installations without AV–7s will obtain receipt on such form as may be prescribed in that country.

(4) *Delivery of all mail aboard an aircraft.* At terminal points of flights, all mail on board the aircraft will be delivered to the postal unit unless there is an agreement to the contrary between carriers and the governments concerned.

(5) *Irregular stops.* Carriers making irregular landings in the United States due to weather or other causes may retain the mail for six hours while holding for clearance to proceed to the designated terminal point. If the flight cannot proceed within the six hours, the mail on board, together with the mail documents, shall be delivered to the local postal unit.

(h) *Irregularities*—(1) *Labels lost in transit.* When a dispatch has lost its label in transit, the carrier may transport the dispatch to its off-loading point if it can be identified from the mail documents. Otherwise, the dispatch should be delivered to a postal unit for identification and re-labeling. Receipt should be obtained by the carrier from the accepting postal unit.

(2) *Damaged mail dispatches.* When mail is discovered in a damaged condition, it should be offloaded at the first stop or at the destination of the dispatch whichever occurs first. The damaged mail should be tendered to the local post office for handling and a receipt obtained therefor.

(3) *Mail depredations.* All sealed mail containers that have been tampered with while in a carrier's custody should be surrendered immediately to the local post office with a statement of facts for action deemed appropriate according to the laws of the country where the depredations or tampering of the mail occurred.

(i) *Refusals and removals of mail.* Refusals and removals of mail by a carrier may result in diversion of the mail to another carrier and in the imposition of fines.

§ 96.33 Mail transportation irregularities.

(a) *Deductions and fines.* Carriers transporting mail will observe all applicable rules and regulations issued by the Department. The Department may impose a penalty against air carriers for failure to comply.

(b) *Irregularities.* It is the responsibility of postal personnel at international exchanges offices to report all instances of irregularities that come to their attention. These reports should be made on Form 2759 "Report of the Irregular Handling of Air Mail"; the original and first copy of which will be sent to the distribution and traffic manager having jurisdiction over that unit; the second copy to the local station manager of the carrier concerned; and the third copy retained at the office preparing the report. Reports of irregularities not chargeable to a carrier should be forwarded to the distribution and traffic manager; with the usual copy being retained for files of the reporting unit.

(c) *Types of irregularities.* Listed below are the types of irregularities to be reported on Form 2759:

(1) Refusal and removal.
(2) Failure to notify postal authorities.
(3) Damage to mail and/or equipment while in custody of carrier.
(4) Nonreceipt of mail documents.
(5) Delayed delivery to postal unit.
(6) Serious infractions.

(d) *Notification to the air carrier.* The copy of Form 2759 sent to the air carrier serves as notice of the irregularity. It is not contemplated that there will be a letter of acceptance of responsibility by the air carrier. Failure to inform the distribution and traffic manager in whose region the 2759 was prepared by the 10th of the following month will be considered as an acceptance of the facts as stated in the report.

(e) *Processing Form 2759.* The distribution and traffic manager of the region where the irregularity was reported shall examine the form to determine whether the air carrier concerned should be fined. Each report should be analyzed by knowledgeable personnel to assure fair judgment in recommending penalties.

(f) *Assessing penalties.* All reports of irregularities occurring during a month will be processed as a unit and cleared by the end of the next month. The following schedule will be used to determine the amount of each penalty:

(1) *Refusal and removal.* Air carriers using pre-determined weight allocations need not submit Form 2760. Instead, an explanation should be furnished the distribution and traffic manager within 10 days after the date of irregularity report and should include such facts as the weight of company material and cargo carried on the flight. Failure to accept the allocation or advance estimate, if any is given, will be analyzed to determine whether a penalty should be imposed. The basis for such penalty shall be $25.00 for each 45 kilos or fraction.

(2) *Failure to notify postal authorities.* Failure to notify postal authorities of nonoperation, late departure, additional sections, additional stops, omission of scheduled stops, etc., will be subject to a penalty if in the opinion of the distribution and traffic manager there is significant failure to cooperate. Such penalties should be in multiples of $25 for each offense.

(3) *Damage to mail or equipment while in custody of carrier.* A minimum penalty of $25.00 will be assessed for each case.

(4) *Nonreceipt of mail documents.* Air carriers delivering mail without AV–7s or mail manifest will be penalized on the basis of $25.00 for each such occurrence unless a satisfactory explanation is given.

(5) *Delayed delivery to postal unit.* Air carriers delivering mail to the postal unit at the airport in excess of the prescribed time limit shall be assessed a penalty based on the following formula:

Number of pieces:	*Fine*
1 to 3	$5.00
4 to 10	10.00
11 to 25	25.00
26 to 50	40.00
Over 51	75.00

(6) *Serious infractions.* In the event of a serious infraction which requires punitive action not specifically mentioned herein, the distribution and traffic manager will communicate these facts to the Director, International Service, for decision.

(g) *Computing penalties.* After computing penalties for a month and the total penalties amount to $50 or less, the cases shall be filed and no penalty imposed for that month.

(h) *Appeal by air carrier.* If an air carrier should appeal the amount of the penalty on any particular irregularity, all papers should be forwarded to the Director, International Service, for review.

(i) *Notification to the office settling the accounts.* The distribution and traffic manager will advise the Post Office Department, Bureau of Finance, International Accounts Branch, Washington 25, D.C., the total deduction to be made from mail pay due the air carrier. A copy of such advice should also be sent to the Director, International Service. Also, a copy should be sent to the air carrier concerned, together with a copy of Form 2759 on which penalties have been assessed.

Name of carrier	Route No.	Region assessing fines
American Airlines, Inc.	FAM 26	Dallas.
Braniff Airways, Inc.	FAM 34	Do.
Delta Airlines, Inc.	FAM 31	Atlanta.
Eastern Air Lines, Inc.	FAMs 33 and 35.	New York.
National Airlines, Inc.	FAM 32	Atlanta.
Northwest Airlines, Inc.	FAM 28	Seattle.
Pan American Airways, Inc. (Latin American Div.).	FAM 5	Atlanta.
Pan American Airways, Inc. (Pacific Div.).	FAM 14	San Francisco.
Pan American Airways, Inc. (Atlantic Div.).	FAM 18	New York.
Pan-American-Grace Airways, Inc.	FAM 9	Do.
Samoan Airlines, Ltd.	FAM 41	San Francisco.
Seaboard World Airlines, Inc.	FAM 38	New York.
South Pacific Air Lines, Inc.	FAM 40	San Francisco.
Trans World Airlines, Inc.	FAM 27	New York.
Western Air Lines, Inc.	FAM 36	San Francisco.

§ 96.34 Records and reports.

(a) *Form 2759, "Report of irregular handling of airmail."* Postal employees must prepare Form 2759 promptly to report all irregularities in the handling of mail, including refusals by carriers. The form serves as a basis for assessing penalties against air carriers whenever the circumstances warrant.

(b) *Form 2753, "Receipt to airline."* Form 2753 is a receipt prepared by postal personnel and given carriers delivering mail without AV–7s. The receipt is prepared in duplicate and will show only the total number of pieces and flight data.

(c) *Form 2734, Airmail exception record.* Form 2734 will be prepared by air carriers due to effect transfer of airmail to a United States domestic air carrier when circumstances prevent following the original routing, loss of papers, etc. (See § 96.22.)

§ 96.35 Rates of compensation.

(a) *Rates for air carriers; United States mail.* Rates of compensation due air carriers for the transportation of mail are fixed by the Civil Aeronautics Board and amounts due them are paid by the Department from appropriations for the transportation of mail by aircraft.

(b) *Rates for air carriers; foreign mail.* The Department will fix from time to time the rates of compensation that are charged foreign countries for the conveyance of their mail by air carriers.

(c) *Rates for foreign air carriers; United States mail.* The Department will not pay to a foreign air carrier or his national government, a rate for transporting mail between the United States and such country, higher than that paid to air carriers by foreign governments for transporting their mail between such foreign countries and the United States.

§ 96.36 Payment for transportation of mail.

(a) *Air carrier accounts; payment for foreign mail.* All revenue received from foreign governments for the transportation of their mail by air carriers is for their account. Collections of amounts due from foreign countries may be effected from such foreign countries direct by air carriers (with prior approval of the Department) or by the Department.

(b) *Air carrier accounts; payment for United States mail.* Air carriers will submit their claims, prepared and supported according to instructions furnished by the Department to the "Post Office Department, Bureau of Finance, International Accounts Branch, Washington 25, D.C."

(c) *Foreign air carrier accounts; payment for mail loaded in the United States.* Foreign flag air carriers authorized by their governments to collect direct from the United States Post Office Department will submit their claims prepared and supported according to instructions furnished by the Post Office Department, Washington 25, D.C. Transportation charges for mail enplaned in the United States will be claimed from the United States Post Office Department irrespective of actual origin of the mail transported from the United States by foreign air carriers.

§ 96.37 International air handbook.

Exchange offices will be governed by instructions contained in Transportation Handbook Series T–1, Instructions for Handling and Reporting of International Airmail at Exchange Offices, together with such special instructions as may be issued from time to time.

Subpart E—First Class Mail (FCM) by Air

§ 96.45 Definition.

The term "First-Class Mail By Air (FCM)" is used to describe first-class mail, other than airmail and air parcel post, which is authorized for transportation by aircraft between designated points on a space-available nonpriority basis. The mail to be included is:

(a) All mail paid at first class rate, and business reply mail.

(b) All official U.S. Government mail endorsed "First Class."

(c) All other sealed official U.S. Government letter size mail except volume shipments on which it is known, or can be determined, the mailer does not expect air service.

At exchange offices, ordinary military official mail and ordinary APO and FPO (i.e., personal) mail may properly be included in airlift dispatches over all authorized segments.

§ 96.46 Authority, rates, and service.

(a) *Civil Aeronautics Board.* Order No. E–17255, adopted by the Civil Aeronautics Board on July 31, 1961, established rates for the transportation of FCM on a voluntary, space-available basis effective September 16, 1961. The rates are based on a multi-element rate formula, including line-haul and terminal charges at rates 50 percent of those prescribed for air transportation of airmail within the continental United States. A higher line-haul charge of 18 cents per mail ton-mile (vs. 15.085 cents per mail ton-mile on the basis of ½ of the airmail line-haul charge) is prescribed for transportation between points in Alaska and the nearest point in the 48 contiguous States. A composite FCM rate table is published by the Director, Air Transportation.

(b) *Post Office Department—(1) Authorizations.* Authorizations for dispatch of FCM are made by the Bureau of Transportation, Washington 25, D.C. All present authorizations are continued unchanged but no expansion of the FCM program, either with respect to the mail to be flown or the airlift segments involved, is to be made unless authorized by the Bureau of Transportation.

(2) *Interline transfers—(i) Trunkline and cargo air carriers.* (a) FCM will not be tendered by any postal unit if an intermediate transfer to another air carrier would be required to provide transportation to the intended destination except where such interline transfers have been mutually agreed to by the carriers involved and the Department.

(b) Where single carrier service between any authorized points is believed inadequate, and an interline transfer of value is available, the distribution and traffic manager in the dispatching region will request the Director, Air Transportation, to consider the possibility of arranging with the carriers involved for establishment of such a mutually agreeable interline transfer.

(c) Full particulars will be furnished to all concerned by the Director of Air Transportation whenever interline transfers are agreed upon.

(d) Through interchange flights, operated by two or more carriers, shall not be considered as interline transfers.

(e) See § 96.47(a)(4)(ii) for instructions concerning transfers to another air carrier which may be directed when mail has been irregularly handled.

(ii) *Local service air carriers.* No interline transfers in ordinary circumstances are authorized between local service air carriers or between trunkline and local service air carriers. See § 96.47(a)(4)(ii)(b) and (c) concerning permissible interline transfers between any domestic air carriers when service has been interrupted.

(c) *Division of FCM—(1) When to make.* When two or more authorized carriers operate between the same pair of points, and the criteria shown in subparagraph (2) of this paragraph exists, the FCM shall be divided on an equitable basis by the dispatching unit with due consideration to the availability of space and the needs of the postal service.

(2) *Criteria for division—(i) Volume.* (a) The total volume of FCM for each separate destination point, arriving at the airport of dispatch via each vehicle service (VS) or mail messenger (MM) truck, will be considered in the division.

(b) No division will be warranted unless 200 or more pounds are available for dispatch. However, the local postal unit will endeavor to assign the shipments alternately to the available carriers having space to prevent one carrier consistently receiving "less than division" lots.

(ii) *Air carrier schedules.* (a) Carriers eligible to participate in a division of FCM arriving at an airport by each VS or MM are those which have "any" scheduled service to the destination city within a 4-hour period thereafter, regardless of arrival time.

(b) Generally at major points, this 4-hour period will commence no later than "60 minutes" after arrival at the airport of the VS or MM trip. At smaller stations, the time period may commence immediately upon arrival of the surface connection at the airport. The D&TM of the region having jurisdiction of the dispatching postal unit will establish the appropriate time period which will apply at that point and notify all concerned.

(c) Whenever FCM is available for dispatch, and "no" flights are scheduled to a destination during the next 4-hour period, the usual division of FCM will not apply. In these circumstances, the FCM will be divided among those carriers having service scheduled to depart within 90 minutes following the period of no service, except that the instructions in (f) of this subdivision will apply.

(d) The regular "Origin and Destination Schedules" will be used to determine the availability of scheduled service. In the event an air carrier desires to have other schedules included (e.g., trips involving an intra-line transfer, or multiple stops), this information must be submitted to the D&TM having jurisdiction, with copies to the competitive carriers. Schedules of this type will be included with those in the O/D schedules by the D&TM in determining the proper allocations of FCM. Although it will not be necessary for these schedules to be published in the "Origin and Destination Schedules", they may, if desired, be included by preceding the listing with an ampersand "&".

(e) An air carrier can participate in a division of FCM on only those days when there is scheduled service by that carrier within the specified 4-hour period.

(f) When one air carrier has service arriving in time for connection to a letter carrier delivery trip not provided by competing carriers, the division shall be accomplished by dispatch of the city pouches to that carrier. Usually, the dispatch of city pouches by one carrier and the dispatch of AMF or Dis pouches by another carrier, or carriers, will accomplish an equitable division. When the routing of city mail by one carrier, or to one airport in multiple airport situations, is advantageous to the postal service, "no" division will be made of the city mail even though this results in an unequal tender to one carrier.

(g) An air carrier participating in a division of FCM having knowledge that he will be unable to transport such mail within the specified 4-hour period is required to notify the local postal unit before the division is made. Observance of this requirement will permit equitable division between carriers without loss of space availability.

(h) Adjustments in each separate division will be made when there are air carrier schedule changes involving establishment, revision, or elimination of particular flights which warrant such action.

(iii) *Multiple airport cities—(a) At origin point.* The division will be de-

termined separately at each airport involved.

(b) *At destination point.* (1) FCM for a destination point which is a multiple airport city will be considered as a single total and those carriers with "any" service scheduled during the specified 4-hour period from the origin point to any one of the destination airports shall participate in the division. In the event the receiving region desires routing to a particular airport, as described in (b) (2) of this subdivision, an equal division will be made only to the extent possible while still providing service to the airport specified.

(2) All FCM cannot be handled interchangeably at different airports to equal advantage. The D&TM of the receiving region will determine what arrangements may be necessary to assure receipt at the most advantageous airport. (Example: the dispatch of pouches of New Jersey FCM labeled to "Newark, N.J. Dis" may not be desired to Idlewild or La Guardia airports when following service is available to the Newark airport.)

(iv) *Stockpiling FCM.* Postal units will make local arrangements with air carriers for stockpiling FCM when it is mutually advantageous and agreeable. Air carriers shall not be required to accept FCM for protection and storage pending shipment, but may elect to do so if tendered by the Postal Service.

(d) *Registered FCM*—(1) *Units authorized to dispatch airlift registers.* The designated postal units at each airlift point will be the only units authorized to make-up and dispatch registered airlift mail. Mobile units and satellite offices due to dispatch airlift mail through this point will dispatch registers to the designated postal unit for consolidation and dispatch.

(2) *Make-up and dispatch by authorized airlift dispatch units.* (i) All registered mail for dispatch in the airlift will be made up in rotary locked pouches or jackets. Direct pouches warranted by volume will be made. Pouches or jackets will be made up by the designated dispatching unit at the authorized airlift point, labeled to the authorized distribution unit at the airlift destination. The dispatching unit will reinclose the rotary locked pouch or jacket in an iron locked or snap seal pouch labeled to the airlift destination. Each outer pouch will contain a manifold bill covering only the jackets or pouches enclosed.

(ii) First class registered articles for delivery within the 48 contiguous states, which because of their size or content cannot be enclosed in a pouch, will not be dispatched via "airlift." They will be given the most expeditious surface dispatch. Articles of this nature handled between the 48 contiguous states, and the offshore points, Alaska, Hawaii, and Puerto Rico, will be handled in the airlift.

§ 96.47 Responsibility for FCM program.

(a) *Air carriers*—(1) *Transportation on space-available basis.* Air carriers will transport FCM on a voluntary, space-available basis to the destination shown on the dispatch record and pouch label. The Civil Aeronautics Board order prescribes that no air carrier shall transport FCM if such transportation impedes the carriage of priority airmail, passengers, passenger baggage, air parcel post, air express, or regular air freight, except that FCM which has been loaded in the aircraft need not be removed to permit carriage of regular air freight received thereafter or received at an intermediate point. The movement of FCM by air shall have priority over the movement of deferred air freight.

(2) *Notification to postal units.* The local unit must be promptly informed of any delay or inability to transport mail which has been tendered in order that consideration may be given to utilization of any alternate routings which may be available to move the mail. An air carrier which has carried FCM beyond, or off-loaded short of, the billed destination must also promptly notify the postal unit at the point where FCM is on hand and receive instructions as to the best disposition to be made of the mail.

(3) *Dispatch within four hours—trunkline and cargo air carriers.* In the event any or all of the FCM has not been dispatched by a trunkline or cargo air carrier within 4 hours after receipt at the initial point (or 4 hours after anticipated dispatch in the event of early receipt for preloading on a flight where available space is anticipated), the carrier shall notify the postal unit. On instructions from the postal unit, the FCM shall be (i) returned by the carrier to the custody of the Postal Service at the place where the initial delivery was made, (ii) delivered at the holding carrier's facilities at the airport of dispatch to another designated carrier which has space available and which will pick up the mail within a reasonable time, or (iii) held for an additional period if acceptable to the carrier.

(4) *Requirements for transfer of FCM.* (i) Local service carriers must make any necessary intraline transfers to other trips of the same carrier in order to provide transportation to the destination listed on the original dispatch record. Interline transfers of FCM to another air carrier are not authorized in ordinary circumstances; See subdivision (ii) (b) and (c) of this subparagraph concerning permissible interline transfers when service has been interrupted.

(ii) Trunkline and cargo air carriers will not be required to transfer FCM to other carriers except:

(a) When mutually agreeable transfers have been agreed upon. See § 96.46 (b) (2) (i) (b);

(b) When FCM is inadvertently transported to a destination other than that to which due and the carrier does not have service within 2 hours on which space is available to the intended destination and another carrier can provide the needed space with earlier arrival at destination;

(c) When a carrier must unload FCM at an intermediate point and has no service or space within 4 hours and another carrier can provide the needed space with earlier arrival at destination.

(5) *Delivery requirements.* Priority in delivery, equivalent to airmail, to the destination postal unit cannot be required. Delivery of FCM shall be made as soon as practicable and without unwarranted delay.

(6) *Protection of mail.* FCM must be protected from the weather and possible depredation and accorded the same care and safeguards as is given regular airmail. The provisions of § 96.1(b)(1) must be observed.

(7) *Applicability of pertinent sections of this part.* The provisions of §§ 96.1 (b) (1) and (c), 96.3(a) (1) (except with respect to time), and §§ 96.23 and 96.24 (except with the reference to airmail forms), apply to the handling of FCM by air carriers.

(b) *Postal units.* Airport mail facilities and air stop point post offices are responsible for:

(1) Excluding from FCM dispatches any nonmailable articles coming to their attention which are not acceptable for transportation by air. See Parts 14 and 15 of this chapter for responsibility of mailers and accepting clerks.

(2) Utilizing such equipment and locking devices as may be designated from time to time for FCM dispatches.

(3) Preparing regular surface labels to identify FCM dispatchers, underscoring the destination postal unit with a red line and showing proper air stop point coding to the destination airport. See § 96.48(a).

(4) Assuring that mail messenger or vehicle service, as necessary, is provided for delivery and receipt of FCM.

(5) Reporting irregularities in service to the distribution and traffic manager on Form 2759, "Report or Irregular Handling of Airmail," appropriately checked to indicate "FCM", for necessary action.

(6) Attempting to have FCM which is off-loaded short of, or carried beyond, the intended destination continued onward by air by means of transfer on Form 2715–B to an air carrier having available service. See § 96.48(e) (4).

(7) Redispatching by air to the intended destination any FCM which is irregularly off-loaded and turned in to the postal unit; provided, that onward air dispatch is superior to available surface transportation. Form 2715-X procedure will be used at those points where dispatches to any point are made in that manner. Otherwise, Form 2713 will be prepared with source from which mail was received appropriately noted thereon.

(c) *Distribution and traffic manager.* The Distribution and traffic manager is responsible for:

(1) Notifying postal unit concerning authorized dispatches, air carriers involved, and dates or other particulars of service.

(2) Issuing appropriate instructions concerning the labeling of pouches, mail due dispatch, time of advantageous tie-outs, and other local arrangements or requirements.

(3) Assuring that no improper diversions of mail are made to FCM dispatches which has been authorized.

(4) Evaluating promptly any FCM irregularities reported by dispatching or receiving postal united on Forms 2759.

(5) Reporting to Director, Air Transportation, any failure by air carriers to promptly correct unsatisfactory conditions so that remedial action may be taken.

§ 96.48 Forms and procedures for dispatching and receiving FCM.

(a) *Labeling and marking*—(1) *FCM pouches.* The dispatching postal employee shall label FCM pouches with regular surface labels and underscore destination with a red line to identify as FCM dispatches. When dispatch is to a postal unit that is not an air stop point, enter on the label the official code letters for the final air stop off-loading point. Bracket code letters. Show contents of pouch on descriptive line of label, e.g. "Illinois." Enter the weight on the label in the same manner as for airmail except that the weight need not be shown on the individual labels where bulk weighing has been authorized.

(2) *First-class outsides.* When it is not possible to enclose a first-class piece in a pouch or sack, use crayon or indelible pencil to enter weight and "FCM" endorsement in large figures near address. When the outside is billed to an airport not located at city shown in address, also prominently show the airport destination code in brackets.

(b) *Form 2713–X, receipt from air carrier*—(1) *Use.* Form 2713–X is used for FCM dispatches over trunkline and cargo air carriers.

(2) *Who prepares.* The form is prepared by the designated clerk at the airport mail facility or the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and one copy for each dispatch of FCM and maintain a separate series for each carrier destination:

(a) *Bill No. —.* Number consecutively, beginning with No. 1, each Form 2713–X prepared during the 24-hour period. (Where desirable, a 24-hour period extending from other than 0001 to 2400 may be established by appropriately notifying all concerned.)

(b) *Air carrier.* Show name of air carrier due to receive the FCM dispatch.

(c) *Dispatch From.* Enter airstop-alpha code.

(d) *Destination.* Enter alpha code of airstop point to which routed. For interchange trips, show code for destination where transportation by first carrier terminates followed by ultimate destination in brackets.

(e) *Date.* Enter date delivered to air carrier.

(f) *Pouches and pieces.* Enter total number of pouches and outsides and total weight.

(ii) *Air stop post offices.* Prepare Form 2713–X in manner described in subdivision (i) of this subparagraph with the following additional requirements:

(a) Prepare original and "two" copies.

(b) Give original and first copy to mail messenger or vehicle service driver with related FCM for delivery to carrier at airport.

(3) *Delivery to air carrier representative.* The forms, in duplicate, will be delivered with the related FCM to air carrier representative who will:

(i) Verify that total number of pieces agree with total shown on form.

(ii) Enter time FCM received, sign both copies and enter initials of airline.

(iii) Return signed duplicate copy to postal representative (AMF clerk, mail messenger or vehicle service driver) for return to postal unit.

(4) *Retention by postal unit.* AMF or PO clerk designated will file receipted copies of Form 2713–X by carrier, date and bill number order for later use in verification of Form 2715–X, "Carrier Record of FCM Dispatched by Air." Post offices should discard the second copy of Form 2713–X which was held pending return of signed duplicate copy by MM or VS driver.

(c) *Form 2715–X carrier record of FCM dispatched by air.* (1) Air carriers receiving FCM on Forms 2713–X, "Carrier Record of FCM Dispatched by Air", to provide a record for each 24-hour period of FCM dispatched to the various destinations.

(2) *Who prepares.* The form is prepared by the air carrier representatives as follows:

(i) Prepare original and one copy for each destination. Where dispatches are regularly made to a destination, but for any reason "no" dispatch is made on a particular date, prepare Form 2715–X and mark "Nil".

(ii) Complete headings.

(iii) Post under heading "Received From AMF":

(a) Pieces and weight of mail carried forward from previous day.

(b) In bill order number, promptly on receipt of related mail described on each Form 2713–X.

(c) Pieces and weight of mail received by transfer from other carriers on Forms 2715–B.

(d) At the close of the 24-hour period, add pieces and weight and enter on "Total" line.

(iv) Post under heading "Transported by Carrier":

(a) Pieces, weight and trip number on which FCM boarded. For FCM dispatched to interchange trips, show under "Remarks" the ultimate destination in brackets.

(b) At the close of the 24-hour period, add pieces and weight of mail boarded and enter total.

(c) Total pieces and weight of mail from Forms 2715–B covering mail transferred to another carrier. Also, total pieces and weight from Forms 2753, "Receipt to Airline", for mail returned to the postal unit.

(d) Inventory any mail stockpiled and enter total pieces and weight of mail on hand.

(e) Total pieces and weight. Verify that the total balances with the total under "Received from AMF" column.

(v) Sign and present Form 2715–X (original and one copy) to postal unit for verification.

(vi) The portion of Form 2715–X under "Carrier's Statement of Service Performed" should not be completed.

(3) *Postal unit verification.* (i) The air carrier preparing Form 2715–X will arrange to submit the form daily following the close of the 24-hour period to the postal unit from which FCM is received for verification.

(ii) The designated postal clerk will verify that:

(a) The figures for pieces and weight brought forward from previous day are correct by checking Form 2715–X for previous day.

(b) Duplicate copies of Form 2713–X agree with related entries under heading "Received From AMF".

(c) The balancing totals are correct and agree.

(d) No mail was held for more than a 4-hour period without approval of the postal unit.

(e) All discrepancies are reconciled with carrier representative and that any correction to the original and copy of Form 2715–X are made in the identical manner.

(4) *Disposition of copies.* (i) After the verification has been completed, the postal clerk will sign both the original and copy and return the original Form 2715–X to the air carrier representative for transmittal to the general offices of the company to support the carrier's claim for compensation for service performed.

(ii) Postal units will forward duplicate copies of Forms 2715–X weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d) (3).) Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(d) *Form 2713, dispatch record of first-class mail by air*—(1) *Use.* Form 2713 is used for FCM dispatches over local service air carriers; and on the West Coast, over trunkline air carriers between points where no 24-hour dispatch is made on Forms 2715–X.

(2) *Who prepares.* The form is prepared in triplicate by the designated clerk at the airport mail facility or by the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and two copies of Form 2713 for each trip to which FCM is dispatched as follows:

(a) Complete origin code block and first line across top of form. In the "Mail Ready" space, enter the time at which the FCM and forms are ready for delivery to the air carrier. (The departure time must be entered subsequently on AMF files copy on basis of information received from air carrier.)

(b) Head columns on form, from left to right in station order served by trip, with three-letter alpha code for destination to which FCM is dispatched.

(c) Provide separate column for listing FCM for dispatch to destination not served by trip of dispatch, and requiring

"intraline" transfer to another trip of the same carrier (interline transfers by local service air carriers are NOT authorized), adjacent to column in which local FCM for the transfer point is recorded. Show (1) the actual or ultimate on-line destination of FCM, and (2) code of transfer point and trip being connected.

(d) Bulk list total pieces and total pounds of FCM due off at each stop point under appropriate destination column, cross add pieces and pounds, enter "Grand Total" in block at bottom of form and sign in space provided.

(ii) *Air stop post offices.* Preparation of Form 2713 is identical with procedures shown for airport mail facilities under subdivision (i) of this subparagraph.

(3) *Delivery to air carrier representative*—(i) *Airport mail facilities.* Designated AMF clerk will deliver all three copies of Form 2713, with carbon interleaved, with the related FCM to air carrier representative who will:

(a) Verify that total number of pieces agree with total shown on form.

(b) Have AMF clerk appropriately correct all copies of form when a discrepancy is discovered between actual FCM count and number of pieces shown on Form 2713.

(c) Sign all copies of form, showing initials of carrier, and hand duplicate copy to AMF clerk.

(ii) *Air stop post offices.* Dispatching clerk will give all three copies of Form 2713, with carbon interleaved, to the mail messenger or vehicle service driver with the related FCM for transportation to the airport. Require check to be made of total pieces of FCM against total listed on Form 2713. MM or VS driver, in turn, will deliver all copies of form with related FCM to air carrier representative at airport who will:

(a) Verify that total number of pieces agree with total shown on form.

(b) Correct all copies of Form 2713, in presence of MM or VS driver, when a discrepancy is discovered between actual FCM count and the number of pieces shown on Form 2713.

(c) Sign all copies of form, showing initials of carrier, and hand duplicate copy to MM or VS driver for return to the post office.

(4) *Voiding of Form 2713.* When none of the FCM tendered is transported, mark all copies of related Form 2713 "Void" and return to the dispatching postal unit with the FCM. The postal representative accepting the returned FCM must verify that all copies of the Form 2713 have been returned and properly voided. The original and second copy may then be destroyed.

(5) *Disposition of copies.* AMF or PO clerk designated will file duplicate copies of all Forms 2713, including those voided, by carrier in trip and date order. Forward all copies weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d)(3)). Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(e) *Form 2715–B, record of FCM transferred or irregularly off-loaded*—(1) *Use.* Form 2715–B serves as a report of irregular transfers of FCM between trunkline and/or cargo air carriers at point of origin as well as at intermediate points short of destination. The form also serves as an irregularity report to be submitted by a local service air carrier where service is not provided to the destination shown on the dispatch record and pouch label. It is an accounting document for service not performed. It is also to be used in connection with dispatches over interchange trips, where authorized, to provide a settlement document for the subsequent carrier(s).

(2) *Who prepares.* The delivering air carrier prepares the form, in quadruplicate, except for dispatches over authorized interchange trips the dispatching postal unit will prepare Form 2715–B.

(3) *At origin point of FCM.* Form 2715–B is used by a carrier to record the transfer of FCM which it is unable to transport within four hours after receipt from the postal unit at the initial or origin point. (See § 96.47(a)(3).) The following procedures will be observed:

(i) The delivering air carrier will present all four copies of the form, with carbon interleaved, to the receiving carrier with the related FCM and obtain the signature of the representative of the receiving carrier. After signature has been secured, the delivering carrier will hand the original form to the receiving carrier, forward the first and second copies to the local AMF or post office and retain the third copy. The delivering carrier will enter the number of pieces and pounds shown on Form 2715–B in the space provided on the right hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c)(2)(iv) of this section. Related Forms 2715–B and 2715–X should be sent together to the accounting office of the carrier.

(ii) The receiving air carrier will enter pieces and pounds shown on Form 2715–B in the space provided on the left hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c)(2)(iii) of this section. Related Forms 2715–B and 2715–X should be sent together to the accounting office of the carrier.

(iii) The designated AMF or post office clerk will verify that proper entries have been made on Forms 2715–X by the carriers involved, staple the first copy of Form 2715–B to the PO copy of the receiving carrier's related Form 2715–X and staple the second copy to the PO copy of the delivering carrier's related Form 2715–X for transmittal to the appropriate paying regional controller. See paragraph (c)(4) of this section.

(4) *At intermediate transfer points.* (i) When FCM is off-loaded at a point short of billed destination, the postal unit at that point must be contacted for instructions as to disposition. On the basis of available schedules and space, and the needs of the postal service, the air carrier will be directed to:

(a) Hold for subsequent trip of same carrier. No Form 2715–B is required in such cases.

(b) Transfer FCM to another carrier who has available space to destination on an advantageous schedule. See § 96.47(a)(4)(ii).

(c) Deliver FCM to local postal unit for onward air or surface transportation to destination. When FCM is returned to the custody of the postal service at an intermediate point, onward air transportation can be accorded only when the intermediate point has existing authority to dispatch FCM by air to the intended destination.

(ii) When FCM is being transferred to another carrier or delivered to the local postal unit, the delivering carrier will present all four copies of Form 2715–B, with carbon interleaved, to air carrier or postal unit, respectively, with the related FCM and obtain signature to acknowledge receipt. The delivering carrier will then hand the original to the receiving carrier or the postal unit, forward the first and second copies to the local postal unit, and retain the third copy. Air carriers involved in such transfers must refer their respective copies to their accounting offices for necessary billing adjustments.

(iii) The postal unit will distribute copies as follows:

(a) Original, when received with related FCM, to paying regional controller for the delivering carrier along with first copy.

(b) First copy to paying regional controller for the delivering carrier.

(c) Second copy, "when transfer of FCM is made to another carrier", to paying regional controller for the receiving carrier.

(d) Second copy, when FCM is deliver to postal unit, to distribution and traffic manager with Form 2759 irregularity report which is to be prepared and submitted as notification of the interrupted service.

(5) *For interchange trips.* (i) Interchange trips are those which provide through service on the same aircraft operated by two or more carriers between the origin and final destination of the trip. When FCM is dispatched over authorized interchange trips, the "dispatching postal unit" will prepare Form 2715–B in "triplicate" to provide a settlement document for the second carrier.

(ii) The following information must be shown on each set of Forms 2715–B:

(a) "Transfer Point" block: Alpha code of point where operation by first carrier terminates.

(b) "From (Route & Trip)" block: Designation of carrier accepting mail from postal unit.

(c) "To (Route & Trip)" block: Designation of carrier to whom FCM is due to be delivered.

(d) "To" column: Alpha code of next connection point.

(e) Under "Explanation:" Endorse prominently: "Interchange—First Class Mail by Air".

(iii) If a third carrier is involved, a separate Form 2715–B must be prepared to cover the second transfer.

(iv) Forms 2715–B, used for interchange trips, will be clearly marked "Interchange Trip" since no terminal charge is due to be paid at the interchange point.

(v) The preparing postal unit will distribute copies as follows:

(a) Original to local regional controller for transmittal to accounting office of second carrier.

(b) First copy to local regional controller for transmittal to paying regional controller for second carrier.

(c) Second copy to be retained in postal unit file.

Similarly, send original and first copy of Form 2715–B to cover a second transfer to the local regional controller for transmittal to carrier accounting and paying regional controller for third carrier. Retain second copy in postal unit files.

(6) *For reporting air carrier FCM irregularities.* The lower portion of Form 2715–B must be appropriately completed by the preparing carrier to explain the circumstances which required the irregular transfer or off-loading. See subparagraph (4)(ii) and (iii) of this paragraph for particulars as to completion of the balance of the form and distribution of copies.

(f) *Form 2753, Receipt To Airline*—(1) *Use.* Form 2753 is a receipt to air carriers for both airmail and FCM delivered to postal units other than airport mail facilities. The total pieces of airmail and FCM must be listed "separately" in the spaces provided on the form.

(2) *Who prepares.* See § 96.23 for full particulars as to preparation and handling of Forms 2753.

(g) *Form 2753–A, Mail Delievery Receipt*—(1) *Use.* Form 2753–A is a receipt to air carriers for both airmail and FCM delivered to airport mail facilities. When conditions warrant, distribution and traffic managers may authorize air stop post offices to use Form 2753–A instead of Form 2753. The total pieces of airmail and FCM must be listed separately in the spaces provided on the form.

(2) *Who prepares.* See § 96.24 for full particulars as to preparation and handling of Form 2753–A.

§ 96.49 Reporting and processing FCM irregularities.

(a) *Form 2759, Report Of Irregular Handling Of Airmail*—(1) *Use.* Form 2759 is used by postal employes to report air carrier irregularities in the handling of FCM. Since this form is also used to report airmail irregularities, check box "1st Class by Air" to assure proper evaluation of the report.

(2) *Who prepares.* Postal clerk who first handles FCM which obviously has been mishandled by an air carrier is required to prepare Form 2759 report. The precarbonized form in quadruplicate contains printed instructions showing distribution of original and first copy to the local distribution and traffic manager, second copy to representative of airline involved, third copy for retention in files of the postal unit.

(3) *FCM irregularities requiring close attention.* (i) Refusals: Removals of FCM are not subject to the preparation of briefs and the imposition of fines under the space available provisions of Order E–17255. However, remedial action may be required. Submit report on Form 2759 with full particulars to enable the distribution and traffic manager to take such corrective action as may be necessary in situations where repetitive occurrences involving refusals and removals impair the service accorded FCM. See § 96.48(e)(4)(iii)(d) concerning situations involving Form 2715–B transfers requiring report on Form 2759.

(ii) Delayed delivery of FCM will be reported when more than one hour from time of arrival of trip elapses before delivery to AMF, MM, or VS driver. At non-AMF points, the post office clerk receiving the delayed FCM from the MM or VS driver is responsible for preparing Form 2759 under such circumstances.

(iii) Damage to FCM and equipment is a finable irregularity since air carriers are responsible for according FCM the same care and safeguards as is given regular airmail. See § 96.47(a)(6). Furnish full particulars as to pieces damaged, and extent, and pieces actually wet because of exposure to the elements.

(b) *Instances where fines can be levied*—(1) *Authorization for finding.* The Civil Aeronautics Board order establishing a rate for transportation of first class mail by air prescribes that "no air carrier shall be subject to penalties (fines) with respect to the carriage of such mail except to cover serious cases of failure to protect mail from damage and depredation or repetitive instances of neglect resulting in substantial delay. Inability to accommodate such mail on a specific flight or flights shall not be construed as neglect."

(2) *Processing of finable FCM cases.* Reports of (i) damage to mail or equipment, including repetitive instances occurring at the same air-port, (ii) failure to protect FCM from depredation, and (iii) instances of neglect resulting in substantial delay, are to be forwarded to the Director, Air Transportation, for appropriate disposition.

§ 96.50 Supply of forms.

(a) *Provided by the Department.* The following forms are available at Regional supply centers: 2713, 2713–X, 2715–X, 2753, 2753–A, 2759. Air carriers will obtain necessary requirements of Forms 2715–X and 2753 by quarterly letter requests to the distribution and traffic manager located nearest to the carrier's headquarters office. The D&TM will indicate approval of the requisition by endorsing the letter and forwarding to the appropriate supply center. Shipment of the forms will be made directly to the air carrier.

(b) *Provided by the air carriers.* Form 2715–B, in the format prescribed by the Post Office Department, is provided by the air carriers.

SUBCHAPTER I—SPECIAL REGULATIONS

PART 98—VENDING STANDS AND VENDING MACHINES

Sec.
98.1 Authorization.
98.2 Installation, maintenance, and operation.
98.3 Modification, relocation, or removal.
98.4 Articles to be sold or vended.
98.5 Survey of vending stand opportunities.

AUTHORITY: §§ 98.1 to 98.5 issued under R.S. 161, as amended, sec. 1, 49 Stat. 1559, as amended; 5 U.S.C. 22, 20 U.S.C. 107–107f, 39 U.S.C. 501.

§ 98.1 Authorizations.

(a) *To certified blind persons.* Blind persons, when available and duly certified by a State licensing agency, designated by the Department of Health, Education, and Welfare, shall be authorized and have preference in the installation and operation of vending stands on property operated, maintained, and protected by the Post Office Department, provided that in the judgment of the Post Office Department the installation and operation of the stands are considered practicable and will not unduly inconvenience the Post Office Department or adversely affect the interests of the United States.

(b) *Preparation and submission of applications.* Applications for installation and operation of vending stands, including vending machines, to be operated by licensed blind persons, shall be submitted by the State licensing agency in quadruplicate on the form provided by the Department of Health, Education, and Welfare to the postal official in charge of the building involved for his recommendation for approval or disapproval. If the official in charge approves the installation, he shall sign all four copies on the line designated "Officer in charge of building" and transmit all copies to the regional real estate manager for the region in which the building is located for review. If an application by a State licensing agency for a permit to establish a vending stand under the Randolph-Sheppard Vending Stand Act is not approved by the official in charge, the transmittal shall include the reasons for the disapproval. Applications submitted by postal officials will be reviewed by the regional real estate manager, and, if approved by him, he will sign all four copies of the form on the line designated "Official of United States Department having jurisdiction over building." One copy will be retained by the regional real estate manager, and three copies, indicating the action taken, will be returned to the official concerned. The latter shall retain one copy in his files and transmit the others to the State licensing agency making the application.

(c) *Approval of equipment plans.* The equipment shall be designed, arranged, and installed in a manner which will facilitate sanitary operation. Plans of proposed vending stand equipment shall be submitted by the State licensing agency to the official in charge of the postal installation for approval prior to installation.

§ 98.2 Installation, maintenance, and operation.

(a) *Installation and maintenance.* The installation, maintenance, repair, replacement, servicing, or removal of vending stand equipment or vending machines shall be without expense to the Post Office Department except that the cost of utilities required to operate vending stands and vending machines will be

borne by the Post Office Department. Additional wiring, electrical, or plumbing connections required to connect the vending stand equipment to the building outlets must be installed without expense to the Post Office Department; and, in Government-owned buildings, must be approved by the Public Buildings Service, General Services Administration, before the work is undertaken.

(b) *Operation*—(1) *Sanitation standards.* Vending stands shall be operated in compliance with local health and sanitation standards and codes.

(2) *Cleaning and janitor service.* The operator shall arrange for cleaning and janitor service sufficient to maintain vending areas at stands and machines in a clean and orderly condition.

(3) *Violations.* The authorization for the establishment of a vending stand, together with the regulations and policies established by the Post Office Department and State licensing agency, shall govern the operation of each vending stand. Ordinarily, day-by-day matters concerning the operation of the stand can best be resolved on a local basis with the blind operator. Officials in charge should not confer with attorneys or others claiming to represent the blind operators. Violations of the regulations or policy, and other unresolved relevant matters, must be reported to the State licensing agency. If appropriate corrective action is not taken, the installation head shall notify the regional real estate manager who will resolve the matter or submit it to the Department with all facts in the case so that it can in turn be resolved by the Department with the Department of Health, Education, and Welfare. If the matter concerns vending machines operated by postal employee committees, or otherwise concerns postal employees, the regional real estate manager will coordinate with the regional personnel manager in resolving the issues.

§ 98.3 Modification, relocation, or removal.

The Post Office Department reserves the right to require State licensing agencies to arrange for the modifications, removal, or relocation of vending stands established under the Randolph-Sheppard Vending Stand Act (20 U.S.C. 107–107f) when necessary because of changes in building operations or space requirements.

§ 98.4 Articles to be sold or vended.

(a) *Approved articles.* The vending of the following articles at vending stands operated by licensed blind persons is approved: Newspapers, periodicals, confections, tobacco products, articles in individual containers or wrappers in which they are placed before receipt by the vending stand operator, and such other suitable articles as may be approved for each location by the postal officials in charge and the State licensing agency. These articles may be vended through vending machines also, as adjuncts to vending stands or in other areas of the building where considered practicable by the Post Office Department.

(b) *Objectionable publications.* The licensed vending stand operators and the State licensing agencies shall use diligence and good judgment and cooperate with postal authorities in preventing the keeping on the premises, for disposal to the public by sale or otherwise, of any so-called comic books or any other printed or written matter of an objectionable, subversive, or controversial nature which may subject the Post Office Department to public criticism. Violations of this section shall be reported to the Assistant Postmaster General, Bureau of Operations, Classification and Special Services Division, with a copy of the objectionable matter.

§ 98.5 Survey of vending stand opportunities.

Postal officials shall cooperate with State licensing agencies in making surveys of vending stand opportunities for blind persons on properties under their control and in selecting locations, or relocations, for such stands and the types of stands to be provided.

— —

Subchapter U—Procedures

SUBCHAPTER U—PROCEDURES

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Subpart A—Rules of Practice in Proceedings Relative to Fraud and Obscenity Orders Under 39 U.S.C. 4003, 4005, and 4006

Sec.
201.1 Scope of rules.
201.2 Informal dispositions.
201.3 Office, business hours.
201.4 Complaints.
201.5 Interim impounding.
201.6 Notice of hearing.
201.7 Service.
201.8 Filing documents for the record.
201.9 Answer.
201.10 Default.
201.11 Amendment of pleadings.
201.12 Continuances and extensions.
201.13 Hearings.
201.14 Change of place of hearing.
201.15 Appearances.
201.16 Presiding officers.
201.17 Evidence.
201.18 Subpoenas.
201.19 Witness fees.
201.20 Depositions.
201.21 Transcript.
201.22 Proposed findings and conclusions.
201.23 Initial decision.
201.24 Appeal from initial decision.
201.25 Judicial officer.
201.26 Orders.
201.27 Modification or revocation of orders.
201.28 Supplemental orders.
201.29 Computation of time.
201.30 Official record.
201.31 Public information.

Subpart B [Reserved]

Subpart C—Rules of Practice in Proceedings To Revoke Orders Changing the Mode of Transportation of Periodical Mail of the Second-Class

201.50 Rules of practice governing proceedings before the Post Office Department to revoke orders changing the mode of transportation of periodical mail of the second class.

Subpart D—Rules of Procedure Relating to Fines, Deductions, and Damages

201.60 Fines, deductions, and damages.
201.61 Appeal.

Subpart E—Rules of Procedure to Obtain Permits To Manufacture Air-Letter Sheets

Sec.
201.65 Aerogrammes (Air-letter sheets) permit to manufacture for sale.

Subpart F—Rules of Procedure for a Bank to Become Depository for Postal Savings Funds

201.70 How a bank may become a depository for postal-savings funds.

Subpart G—Rules of Procedure Governing Approval of Mail Chutes and Receiving Boxes

201.75 Mail chutes and receiving boxes.

Subpart H—Rules of Procedure Relating to the Disposition of Money or Other Property Recovered by Postal Inspectors

201.80 Disposition of money or other property recovered by Postal Inspectors.

Subpart I—Rules of Procedure Relating to the Payment of Rewards

201.82 Payment of rewards.

Subpart J—Rules of Procedure Governing the Compromise of Obligations

201.85 Compromise of obligations.

Subpart K—Procedures Under the Employment Policy of the Post Office Department

201.90 Employment policy, Post Office Department.

Subpart L—Rules of Procedure for the Board of Contract Appeals

Sec.
201.101 Purpose.
201.102 Membership.
201.103 Office.
201.104 Authority.
201.105 Decision of the Contracting Officer.
201.106 Appeal.
201.107 Reconsideration.
201.108 Duties of Department Counsel.
201.109 Practice.
201.110 Pre-hearing conference.
201.111 Settlement.
201.112 Depositions.
201.113 Stipulations.
201.114 Hearing.
201.115 Continuance.
201.116 Procedure.
201.117 Service.
201.118 Decisions.
201.119 Reconsideration by the Board.
201.120 Conflicts.

Subpart M—Rules of Procedure for Progress Payments on Post Office Department Procurement Contracts

201.130 Definition of terms.
201.131 Statement in invitation for bids.
201.132 Basis for progress payments.
201.133 Contracts under $10,000.
201.134 Applicability.

Subpart N—Rule Making Procedures of the Post Office Department

201.200 Rule making

Subpart A—Rules of Practice in Proceedings Relative to Fraud and Obscenity Orders Under 39 U.S.C. 4003, 4005, and 4006

AUTHORITY: §§ 201.1 to 201.31 issued under R.S. 161, as amended; 74 Stat. 554; 5 U.S.C. 22, 39 U.S.C. 309, 501, 4003, 4005, 4006, 4007.

§ 201.1 Scope of rules.

The rules of practice in this subpart shall be applicable in all proceedings before the Post Office Department initiated under 39 U.S.C. sections 4003, 4005, 4006, including such cases instituted under prior rules of practice unless timely shown to be prejudicial to the respondent.

§ 201.2 Informal dispositions.

The rules in this subpart do not preclude the disposition of any matter by agreement between the parties either before or after the filing of a complaint when time, the nature of the proceeding, and the public interest permit.

§ 201.3 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C. and are open Monday through Friday from 8:45 a.m. to 5:15 p.m.

§ 201.4 Complaints.

When the General Counsel of the Post Office Department or his designated representative believes that a person (1 U.S.C. sec. 1) is using the mails in a manner requiring formal administrative action under 39 U.S.C. 4005, 4006, he shall prepare and file with the Docket Clerk a complaint which names the person involved; states the legal authority and jurisdiction under which the proceeding is initiated; states the facts in a manner sufficient to enable the person named therein to make answer thereto; and recommends the issuance of an appropriate order. The person so named in the complaint shall be known as the respondent.

§ 201.5 Interim impounding.

Upon a petition of the General Counsel or his designated representative, the Judicial Officer (§ 201.25) may impound mail pursuant to the authority of 39 U.S.C. 4003 and 4007.

§ 201.6 Notice of hearing.

When a complaint is filed the Docket Clerk shall issue a notice of hearing stating the time and place of the hearing and the date for filing an answer which shall not exceed 15 days from the service of the complaint, and a reference to the effect of failure to file an answer or appear at the hearing. (§§ 201.9 and 201.10.) Whenever practicable, the hearing date shall be within 30 days of the date of the notice.

§ 201.7 Service.

(a) The Docket Clerk shall cause a duplicate original of the notice of hearing and a copy of the complaint to be transmitted to the postmaster at any office of address of the respondent or to the inspector in charge of any division in which the respondent is doing business, which shall be delivered to the respondent or his agent by said postmaster or a supervisory employee of his post office or a postal inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent and forwarded to the Docket Clerk, Room 3350, Post Office Department, Washington 25, D.C., to become a part of the official record.

(b) In the event no person can be found to accept service of the notice of hearing and complaint pursuant to paragraph (a) of this section, the notice may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing shall be forwarded to the Docket Clerk and constitute evidence of service.

§ 201.8 Filing documents for the record.

(a) The parties shall file with the Docket Clerk all pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be delivered promptly to the presiding officer and parties to the proceeding.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the presiding officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the docket number and title of the proceeding. Any pleading or other document required by order of the presiding officer to be filed by a specified date shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 201.9 Answer.

(a) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint.

(b) Any facts alleged in the complaint which are not denied or are expressly admitted in the answer may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(c) The answer shall be signed personally by an individual respondent, or in the case of a partnership by one of the partners, or, in the case of a corporation or association, by an officer thereof.

(d) The answer shall set forth the respondent's address and the name and address of his attorney.

(e) If the respondent does not desire to appear at the hearing in person or by counsel he may request that the matter be submitted for determination pursuant to paragraph (b) of § 201.10.

§ 201.10 Default.

(a) If the respondent fails to file an answer within the time specified in the notice of hearing, he shall be deemed in default, and to have waived hearing and further procedural steps. The Judicial Officer shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the presiding officer shall receive complainant's evidence and render an initial decision.

§ 201.11 Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Docket Clerk, thereafter with the presiding officer.

(b) By consent of the parties a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the complaint, permission shall be freely given when the amendment will facilitate the determination of an issue in controversy.

(c) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the complaint are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the presiding officer that an amendment of the pleadings would prejudice him on the merits, the presiding officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The presiding officer may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 201.12 Continuances and extensions.

Continuances and extensions will not be granted by the presiding officer except for good cause shown. Exceptional cause must be shown before an additional continuance or extension will be granted.

§ 201.13 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 201.14 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 201.15 Appearances.

(a) A respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Department in accordance with §§ 202.1 through 202.6 of this chapter.

(c) When a respondent is represented by an attorney, all pleadings and other papers subsequent to the complaint shall be mailed to the attorney.

(d) A respondent must promptly file a notice of change of attorney.

§ 201.16 Presiding officers.

(a) The presiding officer at any hearing shall be a hearing examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. § 1010). The Docket Clerk shall assign cases to hearing examiners so far as practical upon rotation.

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon offers of proof, admissibility of evidence and matters of procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs or memoranda of law on any matter upon which he is required to rule;

(7) Order pre-hearing conferences for the settlement or simplification of issues by consent of the parties;

(8) Order the proceeding re-opened at any time prior to his decision for the receipt of additional evidence;

(9) Render an initial decision, which becomes the final departmental decision unless a timely appeal is taken.

§ 201.17 Evidence.

(a) Except as otherwise provided in the rules of this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern. However, such rules may be relaxed to the extent that the presiding officer deems proper to insure a fair hearing. The presiding officer shall exclude irrelevant, immaterial or repetitious evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) Authoritative writings of the medical or other sciences, may be admitted in evidence but only through the testimony of expert witnesses or by stipulation.

(f) Lay testimonials will not be received in evidence as proof of the efficacy or quality of any product or thing sold through the mails.

(g) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, that the witness shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(h) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the presiding officer are unnecesary.

§ 201.18 Subpoenas.

The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses.

§ 201.19 Witness fees.

The Post Office Department does not pay fees and expenses for respondent's witnesses or for depositions requested by respondent.

§ 201.20 Depositions.

(a) Not later than five days after the filing of respondent's answer, any party may file application with the Docket Clerk for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions and answers together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. The deposition officer shall put the witness on oath. All objections made at the time of the examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of a deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 201.21 Transcript.

(a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the assigned presiding officer. No oral argument upon any matter shall be included in the transcript unless ordered by the presiding officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Post Office Department and the reporter. Copies of parts of the official record other than the transcript may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Opposing counsel shall notify the presiding officer in writing of his concurrence or disagreement with the requested corrections. Thereafter, the presiding officer shall by order specify the corrections to be made in the transcript. The presiding officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the hearing examiner other than by agreement of the parties shall be subject to objection and exception.

§ 201.22 Proposed findings and conclusions.

(a) Each party to a proceeding, except one who fails to answer the complaint or having answered, either fails to appear at the hearing or indicates in the answer that he does not desire to appear, may, unless at the discretion of the presiding officer such is not appropriate, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form in the discretion of the presiding officer. The presiding officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally the date set for filing of proposed findings of fact and conclusions of law shall be within 15 days after the delivery of the official transcript to the Docket Clerk who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion shall be separately stated.

§ 201.23 Initial decision.

(a) The hearing examiner may render an oral initial decision at the close of the hearing when the nature of the case and the public interest warrant. A party who desires an oral initial decision shall notify the hearing examiner and the opposing party at least 5 days prior to the date set for hearing. Either party may submit proposed findings either orally or in writing at the conclusion of the hearing.

(b) If an oral initial decision is not rendered, a written initial decision shall be rendered at the earliest possible date. The initial decision shall become the final departmental decision unless an appeal is perfected according to the provisions of § 201.24.

(c) The initial decision of the hearing examiner shall include findings and conclusions with the reasons therefor upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof.

§ 201.24 Appeal from initial decision.

(a) A party in a proceeding, except one who failed to file an answer, may appeal to the Judicial Officer by filing exceptions in a brief on appeal within 15 days from the receipt of the examiner's initial decision.

(b) If an initial decision is rendered orally by the hearing examiner at the close of the hearing, he may then orally give notice to the parties participating in the hearing of the time limit within which an appeal must be filed. Such time limit shall not exceed 15 days from the date of the receipt of the transcript by the parties.

(c) Upon receipt of the appeal brief the Docket Clerk shall promptly transmit the record of the proceedings to the Judicial Officer. The date for the filing of the reply brief is ten days after receipt of the appeal brief. No additional briefs shall be received unless requested by the Judicial Officer.

(d) Briefs upon appeal shall be filed in triplicate with the Docket Clerk and contain the following matter in the order indicated:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited with page references.

(2) A concise abstract or statement of the case.

(3) Numbered exceptions to specific findings and conclusions of fact or conclusions of law of the presiding officer.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(e) Unless permission is granted by the Judicial Officer no brief shall exceed fifty printed or one hundred typewritten pages double spaced.

(f) The Judicial Officer will extend the time to file briefs only upon written application for good cause shown. The Docket Clerk shall promptly notify the applicant of the decision of the Judicial Officer on the application. If the appeal brief is not filed within the time prescribed, the defaulting party will be deemed to have abandoned the appeal, and the initial decision shall become the final departmental decision.

§ 201.25 Judicial officer.

The Judicial Officer is authorized to render the final departmental decision upon appeal and to issue departmental orders for the Postmaster General. He will consider the entire record including the initial decision and the exceptions to that decision. Before he renders a final departmental decision, he may order the hearing reopened for the hearing examiner to take additional evidence. Upon the perfection of an appeal the Judicial Officer shall render the departmental decision or refer the matter to the Postmaster General or the Deputy Postmaster General for decision.

§ 201.26 Orders.

If an order is issued which prohibits delivery of mail to a respondent it shall be incorporated in the record of the proceeding. The Docket Clerk shall cause the order to be published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to place the order into effect.

§ 201.27 Modification or revocation of orders.

A party against whom an order has been issued may file an application for modification or revocation with the Docket Clerk. The General Counsel shall make written reply to the application and a copy shall be delivered to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

§ 201.28 Supplemental orders.

When the General Counsel or his designated representative shall have reason to believe that a person is evading or attempting to evade the provisions of any such order by conducting a similar enterprise under a different name or at a different address he may file a petition with accompanying evidence setting forth the alleged evasion or attempted evasion and requesting the issuance of a supplemental order against the name or names allegedly used. Notice shall then be given by the Docket Clerk to the person that the order has been requested and that an answer may be filed within ten days of the notice. The Judicial Officer shall thereafter render a decision granting or denying the supplemental order.

§ 201.29 Computation of time.

A designated period of time under the rules in this subpart excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday or legal holiday, in which event the period runs until the close of business on the next business day.

§ 201.30 Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding shall constitute the official record of the proceeding.

§ 201.31 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all initial and departmental decisions. The Docket Clerk maintains a complete official record of every proceeding.

Subpart B [Reserved]

Subpart C—Rules of Practice in Proceedings To Revoke Orders Changing the Mode of Transportation of Periodical Mail of the Second-Class

§ 201.50 Rules of practice governing proceedings before the Post Office Department to revoke orders changing the mode of transportation of periodical mail of the second class.

(a) *Proceedings governed.* This section shall govern all proceedings under 39 U.S.C. 6212, relating to the revocation of orders of the Post Office Department changing the mode of transportation of periodical mail.

(b) *How instituted.* Whenever the owner of any publication entered as second class matter believes that a Post Office Department order requiring the transportation of his publication by freight constitutes unjust discrimination he may petition the Assistant Postmaster General, Bureau of Transportation, for revocation of said order.

(c) *Contents of petition.* The petition shall state the statute and portions of the regulations of the Post Office Department involved; shall identify the order sought to be revoked; and shall contain a concise statement of the manner in which the said order is alleged to constitute unjust discrimination. All

petitions shall be signed by the petitioner or his attorney. If the petitioner is a corporation, association or partnership the petition shall be signed by a bona fide officer thereof or by one or more partners. All petitions shall show the office and post office address of the petitioner. All petitions shall be verified. Petitions may be accompanied by supporting affidavits or other documentary evidence.

(d) *Filing.* The original and two copies of the petition shall be filed with the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D. C.

(e) *Amendment.* The petition may be amended or supplemented at any time prior to the hearing.

(f) *Designation of Trial Examiners.* All hearings shall be held before one or more trial examiners designated by the Postmaster General to preside at administrative proceedings before the Post Office Department.

(g) *Authority of Trial Examiners; powers.* The Trial Examiners are charged with the duty of conducting a fair, impartial, expeditious and orderly hearing to the end that petitioners shall have a full and fair hearing. Trial Examiners shall have the authority to rule upon offers of proof; to receive oral or documentary evidence; to regulate the course of the hearing and the conduct of participants; to grant continuances after commencement of the hearing; dispose of procedural motions; hold prehearing conferences for the settlement or simplification of the issues by consent of the parties; require oral argument or briefs upon any question at the close of the hearing; and make recommended decisions to the Assistant Postmaster General, Bureau of Transportation. The Trial Examiners shall have no power to decide any matter which involves a final determination of the merits of the proceeding.

(h) *Place of hearing.* In setting the place for the hearing due regard will be given to the convenience and necessity of all parties.

(i) *Preliminary review of petition.* Upon receipt of the petition the Assistant Postmaster General, Bureau of Transportation, shall, when time, the nature of the proceeding and public interest permit, examine the same and determine whether the relief requested can be granted upon the basis of the matter submitted.

(j) *Responsive pleadings.* If the petition cannot be granted as provided in paragraph (i) of this section the Assistant Postmaster General, Bureau of Transportation, shall serve a copy thereof upon the General Counsel of the Post Office Department, the Trial Examiners and any person or concern directly interested in the proceedings. He shall also notify the interested parties that they may intervene, if they see fit, by filing a responsive pleading within the time limit designated. The General Counsel of the Post Office Department shall also be required to file a responsive pleading. Responsive pleadings shall clearly show the controverted issues of fact or law.

(k) *Date and time of hearing.* After the time for filing responsive pleadings has expired the Assistant Postmaster General, Bureau of Transportation, shall set a time and place for the hearing.

(l) *Continuances prior to commencement of hearing.* Continuances of the hearing will be granted only in unusual or extraordinary circumstances. All requests for continuances prior to the commencement of the hearing shall be in writing and directed to the Assistant Postmaster General, Bureau of Transportation. The request shall contain a concise statement of the basis for the continuance.

(m) *Prehearing conferences.* In any proceeding assigned for hearing the Trial Examiners or either party may request a prehearing conference for the settlement or simplification of the issues by consent of the parties. No transcript of such conference shall be made but the Trial Examiners shall prepare and file for the record a written summary of the action taken at the conference which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference.

(n) *Order of procedure.* The Petitioner shall have the burden of proof and shall have the right to open and close.

(o) *Witnesses.* All witnesses shall be duly sworn and shall be subject to cross-examination.

(p) *Evidence.* Competent, material and relevant oral or documentary evidence may be offered and received. Documentary evidence must be properly identified or authenticated. Three copies of all documentary exhibits must be supplied for the record.

(q) *Objections.* If any party objects to the admission or rejection of any evidence, or to the limitation of the scope of direct or cross-examination, he shall state briefly the grounds for such objection. Exceptions to all adverse rulings are automatic. The objection, grounds and ruling thereon shall become a part of the record. Oral argument thereon shall be omitted from the record.

(r) *Subpoenas.* The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses.

(s) *Oral argument.* At the conclusion of the testimony the parties shall have the right to argue the issues orally before the Trial Examiner, within such limits as to time and subject matter as may be prescribed by him. Oral arguments shall become a part of the record of the case. The petitioner shall have the right to open and close.

(t) *Transcript of proceedings.* The hearing shall be reported and transcribed by the reporting system made available by the Post Office Department. Said transcript together with all preliminary papers filed in the case and exhibits received in evidence and those identified and offered but excluded and which are necessary to complete the record of the proceeding and all briefs, proposed findings of fact and conclusions of law; the Trial Examiner's findings, report and recommended decision, shall be included in the official record of the proceeding and shall become a part of the files of the Post Office Department. A copy thereof shall be loaned to each party for use in preparing briefs and must be returned to the Department with the brief.

(u) *Briefs.* Within such time limit as the Trial Examiner shall specify and prior to any recommended decision each party may file a brief and proposed findings of fact and conclusions of law. If it shall be deemed necessary the Trial Examiner may require the attorney for the Department to brief his side of the case.

(v) *Trial Examiner's report.* Upon the basis of the entire record as hereinabove defined the Trial Examiner shall promptly prepare a report which shall include his recommended decision and his rulings upon each proposed finding of fact and conclusion of law with the reasons or basis for such ruling, and transmit it to the Assistant Postmaster General, Bureau of Transportation, together with the transcript of proceedings. Such report will be advisory only and not binding upon the Assistant Postmaster General, Bureau of Transportation.

(w) *Decision.* Upon the basis of the transcript of proceedings, the Assistant Postmaster General, Bureau of Transportation, shall revoke the order in question or deny the petition. No oral argument before the Assistant Postmaster General, Bureau of Transportation will be allowed.

(x) *Administrative appeals.* Section 6212 of Title 39 U.S. Code provides for direct appeal to the United States Court of Appeals for the District of Columbia within twenty days of any final decision adverse to the petitioner. Rehearings or administrative appeals to the Post Office Department are neither allowed nor necessary.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 6212)

Subpart D—Rules of Procedure Relating to Fines, Deductions, and Damages

AUTHORITY: §§ 201.60 and 201.61 issued under R.S. 161, as amended, sec. 901, 72 Stat. 783; 5 U.S.C. 22, 39 U.S.C. 309, 501, 6203, 6207, 6208, 6304, 6434, 6435, 49 U.S.C. 1471.

§ 201.60 Fines, deductions, and damages.

(a) *Fines.* Where evidence is found or reported against:

(1) Rail and noncontractual steamship and air carriers for unjustified failure to discharge their responsibilities in violation of the applicable provisions of Title 39, or Title 49, U.S. Code, or of the Rules, Regulations and Orders of the Postmaster General issued under those statutory provisions, or for other irregularities or delinquencies;

(2) Mail contractors for failure to observe the contract terms or failure to perform full service, or for other irregularities or delinquencies;

such carriers and contractors, after investigation, are given notice of the irregularity or delinquency, in writing, by an official representative of the Postal Service. They are given reasonable opportunity to answer the charges and explain the alleged irregularity or delinquency. The facts are briefed, and a full report and recommendations are forwarded together with the answer: (i) In the case of steamship carriers performing non-contract services directly to the Bureau of Transportation; (ii) in all other cases, to the Distribution and Traffic Manager who examines and reviews the charges in order to determine the responsibility of the carrier or contractor involved and, if the facts warrant, imposes fine or deduction computed in accordance with statutory, regulatory, or contractual provisions. The Distribution and Traffic Manager may charge directly, in the first instance, the contractor or carrier, in which case the answer shall be filed with the Distribution and Traffic Manager.

NOTE: Postal Field Officials use Form 5178, *Notification of Irregularity in Service-Delay-Damage to Parcel Post Mail.* (For Surface Carriers), and Form 2759, *Report of Irregular Handling of Air Mail.* (For Air Carriers.)

(b) *Deductions.* The same procedure as in paragraph (a) of this section is followed in making deductions for failure to perform service as required except that the Distribution and Traffic Manager is authorized, upon an evaluation of the evidence, to waive omissions of service or make deductions therefor in payments made to mail contractors.

NOTE: Postal Field Officials use Form 5440C-D-E, *Contract Route Service Order,* to notify star route contractors of deductions ordered, and the remission of previous deductions is ordered on the basis or in view of the facts.

(c) *Damages.* Damage cases are investigated in the same manner as fine cases. Where it is found, after investigation, that the Government has suffered a loss through the payment of indemnity or otherwise as a result of damage to or loss of mails, such loss may be taken into consideration in determining the amount of the fine. The Distribution and Traffic Manager determines if a fine should be imposed for damage to or loss of mail.

§ 201.61 Appeal.

(a) Rail and noncontractual air carriers may take an appeal from a decision of the Distribution and Traffic Manager to the Bureau of Transportation within 6 months from the date of imposition of the fine or deduction. The Bureau's decision is final with respect to all cases under its jurisdiction.

(b) Mail contractors including air and steamship carriers performing contract services and only when discharging contractual obligations may take an appeal from the findings of fact or decision of the Distribution and Traffic Manager to the Board of Contract Appeals. The rules of procedure for appeal of the contractor are covered by Subpart L, Rules of Procedure for the Board of Contract Appeals, of this part.

Subpart E—Rules of Procedure to Obtain Permits To Manufacture Air-Letter Sheets

§ 201.65 Aerogrammes, (Air-letter sheets), permit to manufacture for sale.

Persons or firms proposing to manufacture aerogramme sheets for sale shall submit ten samples of the proposed aerogrammes to the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C., and receive approval before engaging in the production of such sheets for sale. See § 131.5 of this chapter.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 2502)

Subpart F—Rules of Procedure for a Bank To Become Depository for Postal Savings Funds

§ 201.70 How a bank may become a depository for postal-savings funds.

Funds received at postal-savings depository offices in each city, town, village, or other locality, shall be deposited in solvent banks located therein whether organized under national or State laws, being subject to national or State supervision and examination, willing to receive such deposits under the terms of the Postal Savings Act and the regulations made by authority thereof: *Provided,* That as between two or more banks in the same community, preference shall be given member banks of the Federal Deposit Insurance Corporation. The word "bank" as used in the law includes savings banks and trust companies doing a banking business. Any eligible bank desiring to qualify for deposits of postal-savings funds shall transmit to the Assistant Postmaster General, Bureau of Finance, Postal Savings Branch, Washington 25, D.C., an application on the prescribed form (PS 226a, "Application to Receive Deposit of Postal Savings Fund") which shall include a report of the bank's paid-in capital and unimpaired surplus exclusive of undivided profits as of the date of application, and such application and report shall be sworn to by the president or cashier and attested as correct by two members of the board of directors. Blank application forms and a copy of the regulations governing the deposit of postal-savings funds in banks and the acceptance of bonds as security therefor (Form PS 2) may be obtained from the Assistant Postmaster General, Bureau of Finance, Postal Savings Branch. A branch bank that has a definite capital and surplus formally set aside from that of the parent bank is deemed to be a local bank within the meaning of the law and is entitled to receive deposits on the basis of the capital and surplus thus separately assigned to it. (Form PS 2, Regulations Governing the Deposit of Postal Savings Funds in Banks and the Acceptance of Bonds as Security Therefor.)

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 5215, 5216, 5220)

Subpart G—Rules of Procedure Governing Approval of Mail Chutes and Receiving Boxes

§ 201.75 Mail chutes and receiving boxes.

(a) *Use.* (1) Mailing chutes and receiving boxes may be placed at the expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

(2) Mailing chutes and receiving boxes are intended for the reception or deposit of mail matter of the first class and must not be used for the deposit of mail of any other class.

(b) *Approval of installation.* (1) Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and specifications for any proposed chute and box. The postmaster has authority to approve, upon formal application, the installation of mailing chutes and receiving boxes conforming to these regulations. Collection will not be made from any chute box until approved by the postmaster, and no unapproved chute shall bear any sign indicating that it is under the protection of the United States Postal Service.

(2) The specifications must provide for a complete installation ready for collection service, with a tentative plan of the building showing the contemplated location of the whole of such chute and of the receiving box.

(3) If the postmaster approves the contract and specifications, he will endorse his approval upon the contract and return it to the applicant. In questionable cases, he will refer the file with full details to the Regional Director for review.

(c) *Specification for construction of chutes*—(1) *Size.* The chute must be approximately 2 by 8 inches in size and must extend in a continuously vertical line from the point of beginning to the receiving box.

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of heavy sheet or plate glass not less than three-sixteenths of an inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

(ii) Chutes must be securely mounted on steel angles, or other material approved by the Regional Director. The mounting must be plumb and flush the entire length of the chute. The chute must be so constructed that floor sections can be easily removed from floor thimbles.

(3) *Mail slots.* (i) The chute must be provided with openings (mail slots) on each floor for deposit of mail. Each opening must be 4¾ by ½ inches, with a second inside opening of the same size

2½ inches below the first, with serrate edges or other suitable device designed to prevent clogging. The legend U.S. Mail must be plainly inscribed on chutes at every mail opening.

(ii) At each slot opening, there must be attached a suitable dustproof glazed frame for printed cards, 4¾ by 9 inches, giving information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box, and calling attention to the penalties for tampering with mail equipment.

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked.

(5) *Location and arrangement.* (i) The chute must be so placed as to be conveniently accessible throughout the entire length. When more than 5 lineal feet of the mail chute will be concealed, removal panels must be provided in the concealing features to permit easy access to the chute for removal of blockades. The concealed equipment should be so manufactured and installed that it can be readily removed if necessary. In no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access, without prior approval of the Regional Director.

(ii) Mail chutes installed in pairs must be so constructed and erected that any part of either chute may be removed, leaving the other for service.

(iii) The chute must be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish, and all portions of its interior must be easily reached. Where panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided.

(d) *Specifications for construction of receiving boxes*—(1) *Dimensions.* The cubic contents of receiving boxes will be determined by the postmaster. The bottom of the door of the box must not be less than 30 inches from the floor level of the building. The exterior of the bottom of the box must not be less than 20 inches from the floor level, and this space shall be entirely open and unobstructed and so arranged that the mail collector may place a satchel or other receptacle in convenient position under the bottom of the door when making collections.

(2) *Material.* Receiving boxes must be constructed of metal of sufficient weight and such character as to insure security and rigidity. Boxes must be provided with cushions, yielding bottoms, or deflecting devices which will effectively prevent damage to mail matter descending through the chute. If cushions are used, they shall be made of wool felt and covered with asbestos cloth. The bottom of the box must be provided with a suitable means of attaching and holding the carrier's satchel or other receptacle in position.

(3) *Door and floor.* Receiving boxes must be provided with doors opening to the right upon exposed side hinges secured with rivets. The door openings must be not less than 12 by 20 inches nor more than 18 by 30 inches. The floor of the interior of the box, or cushion if one is used, must be level with the threshold of the door. Four screw holes must be placed in the door, to fit letterbox arrow locks furnished by the postmaster.

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed Letters. Boxes must be distinctly marked U.S. Mail Letter Box and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size.

(5) *Location.* Every receiving box must be placed as near to a main entrance of the building as practicable. Receiving boxes must not be located more than 100 feet from a main entrance by the shortest line of travel. The location will be approved only when the postmaster, after careful examination of the tentative building plan, finds it impracticable because of structural conditions to place a receiving box closer to a main entrance. A receiving box may be placed on only the ground floor of a building.

(6) *Auxiliary box.* If the receiving box to be attached to the chute will not be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed close to the mail chute boxes. The cubic contents of the auxiliary receiving box or boxes will be determined by the postmaster and their construction must conform to the general specifications for the receiving boxes except deflecting devices are not required. The mail openings should be of sufficient size to permit the deposit of first-class mail tied in bundles and the mail opening or "pull-down" shall be inscribed Letters and Letter Mail Tied in Bundles.

(7) *Metal compartments.* If, due to structural conditions, it is not practicable to install auxiliary boxes, a metal compartment comparable in size to a small P.O. sack rack should be provided. Although no specifications are stipulated for the construction of the metal compartment, it should be of sufficient height and length to permit the suspension of the required number of sacks from hooks, the number of mail openings to correspond to the number of sacks. The compartment must be lettered or stenciled U.S. Mail in large letters and have on each section or at the mail opening the inscription Letter Mail Tied in Bundles. The compartment must be constructed so as to permit the convenient hanging and withdrawing of the sacks.

(8) *Combination letter and bundle box.* If the receiving box to be attached to a chute will not be of sufficient size to accommodate the deposits of first-class mail, and it is not desired to install a separate auxiliary box, a combination letter and bundle letterbox may be attached to the chute in lieu of the regular receiving box, constructed as follows:

(i) The box must be at least 60 inches high, 23 inches wide, and 17 inches deep, and shall have a pull-down inlet door with an opening 7 by 11½ inches inscribed Letters and Letter Mail Tied in Bundles. The bottom edge of the door opening should be not more than 5 feet above the floor level. The mail opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.

(ii) At a height of 3 feet 4 inches from the bottom of the box, there must be placed a ¾-inch pipe hanger (removable) along each side of the box from the front to the back, each equipped with two sliding hooks so that a No. 1 mail sack may be hung thereon.

(iii) The bottom of the door of the box should be flush or below the level of the bottom of the box and this door should be of such size and so constructed as to permit the convenient hanging and withdrawing of the sacks. There must be four screw holes in this door to fit the letterbox arrow lock to be furnished by the postmaster.

(iv) Boxes shall be distinctly marked U.S. Mail.

(e) *Maintenance of chutes and receiving boxes.* (1) Every mailing chute and receiving box must be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as may be directed by the postmaster must then be done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated. Form 1506, *Mail Chute Inspection,* should be completed at the time the chute is inspected and retained in the office of the postmaster.

(2) If the postmaster finds that any part of the chute or receiving box does not conform to these regulations, or has become defective, he must close the mail openings and discontinue collections, and shall not resume collections until the mailing chute and receiving box fully meet the requirements of these regulations. All repairs, changes, and alterations to mailing chutes and receiving boxes must be made by and at the expense of the owner or lessee of the building in which they are situated, under the supervision and subject to the approval of the postmaster.

(3) Any obstruction in a mailing chute must be at once reported to the postmaster, who must promptly make an inspection of the chute. If the obstruction resulted from misuse or abuse of the chute, he will notify the proprietor or lessee of the building in which it is located and may, in his discretion, close the mail openings and discontinue collections until satisfied that proper care will be taken in the future use of the chute and the receiving box. If collections are discontinued, the postmaster will attach to the chute, at the several mail openings, notices of discontinuance.

(f) *Custody and control of chutes and receiving boxes.* (1) Mailing chutes and receiving boxes are considered the property of the United States as long as collections of mail are made from them and shall remain under the exclusive custody and control of the postmaster until collections are discontinued by his direction.

(2) Every mail chute contract must contain an explicit waiver by the owner or owners of patents issued or to be issued on the chute and receiving box covered by the contract, and on any device or devices connected therewith, of all claims against the United States and its officers and agents for the use of such chute and box and such device or devices.

(3) The contract must contain a full warranty by the company or person proposing to erect the chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mail, the postmaster must assure himself that a blanket bond in such form and with such penalty as may be prescribed by the Postmaster General has been filed at the Department conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box. This bond must be in the amount of $10,000, though a larger sum may be required if considered advisable by the Post Office Department.

(4) With every mail chute contract submitted for approval there must be furnished evidence that a surety bond in the sum of $3,000 has been given to the purchaser guaranteeing the construction and installation of the mail chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser.

(5) When mailing chutes and receiving boxes are erected under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting the chutes and boxes, providing that if the lessors of the chutes and boxes shall request the return of the mailing apparatus, the postmaster will, after due notice to the proprietor or lessee, discontinue collections, remove the lock from the receivng box, and permit the removal of the mailing apparatus by the lessors.

(g) *Regulations of this section to be part of every contract.* The contents of this section must be printed on the back and become a part of every contract for the erection and use of mailing chutes and receiving boxes entered into between the manufacturers or owners of chutes and boxes and the proprietor or lessee of the building in which they are located.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 6003)

Subpart H—Rules of Procedure Relating to the Disposition of Money or Other Property Recovered by Postal Inspectors

§ 201.80 Disposition of money or other property recovered by Postal Inspectors.

(a) The Chief Postal Inspector is authorized by the Postmaster General to determine upon satisfactory evidence the ownership of money or other property lost or stolen from the mails and recovered by Postal Inspectors, and to dispose of it to the United States Government, or to the senders or owners of the mail as their interests shall appear, as indicated below.

(b) When investigation by Postal Inspectors establishes individual responsibility for mistreatment of mail matter, they give attention to collecting the amount of the loss. Such collections are forwarded by inspectors to the Bureau of Finance of the Post Office Department for deposit. The Chief Postal Inspector then reviews the facts and disposes of the money.

(c) When Postal Inspectors recover identical money and identified articles stolen from the mails they restore it to the owners, if it is not needed as evidence or when no longer needed as such, unless otherwise directed by the United States Attorney or the Court or the Post Office Department, or unless the owners have received an indemnity payment or other settlement is in order.

(d) When Postal Inspectors recover property other than money which is believed to be the contents of mail but not so identified, they forward it to the designated post offices for treatment as dead mail matter if it is not needed as evidence or when no longer needed as such, unless otherwise directed by the United States Attorney or the Court or the Post Office Department.

(e) When an inspector believes that the disposition of money or other property by him is inadvisable because of insufficiency of identification, conflicting claims, or other reasons, the disposition of the money or other property is determined by the Chief Postal Inspector.

(f) If money collected by inspectors represents a compromise offer, or if advisable for other reasons, it is channeled to the Chief Postal Inspector for treatment by him.

(g) Subject to the foregoing, inspectors generally disburse collections made by them direct to those entitled to the money if the collections apply to a raised, stolen, double paid, or wrongly paid postal money order or postal savings certificate; customs duty assessed on mail matter; damage by the public to a mail truck or street letter box equipment; COD charges embezzled by an employee if money orders are issued by incumbent postmaster; revenues from second-class, metered, permit imprint, registered, and permit mail fees; discrepancies in accounts of incumbent and former postmasters except loss of mail containing official remittances; salary overpayments; or improper payments of uniform allowances.

(h) Moneys lost or stolen from the mails and recovered by Postal Inspectors are sent by them to the Bureau of Finance for deposit unless, as in the case of identical money or for other reasons, other action may be in order.

(i) With respect to moneys deposited with the Bureau of Finance, the Chief Postal Inspector, after determining upon satisfactory evidence the proper disposition to be made of it, furnishes the Bureau of Finance with instructions for disbursement.

(j) Persons suffering losses of money or other property from the mails should report it to the postmaster and furnish the envelope, wrapper, or container, if available. Such reports are channeled by postmasters to the proper Postal Inspector in charge. If there is good reason to keep knowledge of the report from the postmaster, it should be sent to the Postmaster General, Washington 25, D.C. When such money or property is recovered by Postal Inspectors, it is disposed of as previously shown.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 4001, 4002)

Subpart I—Rules of Procedure Relating to the Payment of Rewards

§ 201.82 Payment of rewards.

(a) *Services meriting reward.* The Post Office Department will, on and after March 1, 1963, unless otherwise ordered, pay the following rewards, providing Congress makes available the necessary appropriation:

(1) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or on the charge of robbing any such person of any such mail, or money or other property of the United States, if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or money or other property of the United States, or put his life in jeopardy by the use of a dangerous weapon.

(2) Not exceeding one thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or of robbing such person of such mail, or money or other property of the United States, or any part thereof, where the assault does not include the wounding of the person having custody of the mail, or money or other property of the United States, or the putting of his life in jeopardy by the use of a dangerous weapon.

(3) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of mailing or causing to be mailed any poison, or any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(4) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or ex-

plode, and which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(5) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of breaking into or attempting to break into a post office or any building used in whole or in part as a post office, with intent to commit in such post office, or part of said building used as a post office, any larceny or other depredation. A post office station will be regarded as coming within the meaning of the term post office, as used in this section.

(6) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States while being conveyed over any post route, or while in the custody of any mail messenger, or being conveyed to or from any railroad depot, or of robbing or stealing from the mail while it remains at any railroad depot awaiting transfer.

(7) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States, from or out of any mail, post office, or station thereof, or from any person properly having custody of any mail, money or property as aforesaid, or of larceny from any letter box, street letter box, or other receptacle established, approved, or designated by the Postmaster General for the receipt of mail on any rural delivery route, star route, or other mail route, or from a box rented in a post office, or from any public receptacle or other authorized depository for mail.

(8) Not exceeding two hundred dollars for the arrest and conviction of any mail carrier on any mail messenger route or star route on the charge of embezzling or stealing mail or any valuable thing contained therein.

(9) For the arrest and conviction of any person as accessory to any of the offenses above mentioned, or for receiving or having unlawful possession of any mail, money or property stolen from a post office or from a station of a post office, or otherwise, as provided in this Notice of Reward, the same reward will be paid as for the arrest and conviction of the principal offender.

(10) When an offender is killed in the act of committing any of the crimes enumerated herein, or in resisting lawful arrest, the same reward may be paid as though he had been tried and convicted.

(11) When a person has been convicted of committing any offense enumerated herein a reward may be paid, even though such person when arrested was charged with committing an offense not so enumerated. When a person has been adjudged a juvenile delinquent because of having committed any offense enumerated herein, the same reward may be paid as though he had been convicted of such offense.

(12) The reward that may be allowed under the offers made in the preceding paragraphs will be determined according to the circumstances surrounding the particular case and on the basis of the services personally rendered by each claimant. In deciding what amount should be paid, the importance and value of the service rendered, the character of the person arrested and convicted, the risks or hazards involved, the time consumed, the expenses incurred and the efforts put forth, will govern. Maximum rewards will be paid only when the services performed were of maximum value.

(13) Separate applications should be made in writing to the Chief Postal Inspector, Washington 25, D.C., by each person who claims a reward. Applications for reward should state the name of the offender and the date and nature of the offense.

(14) Payment for services meriting a reward will be made, subject to the necessary appropriation, as aforesaid, upon presentation of satisfactory evidence and after appropriate investigation. A claim will not be considered unless presented within 6 months from the date of conviction of an offender, or within 6 months from the date of his death, if he was killed in the act of committing a crime or in resisting lawful arrest.

(15) In order that all claimants for reward in any case may have an opportunity to present their claims, the Department reserves the right to withhold taking final action until the time limit specified in the preceding paragraph has expired and the claims have been investigated.

(16) The Post Office Department reserves the right to reject a claim when the circumstances in the case do not justify the payment of a reward or when, in its opinion, there has been collusion, or when improper methods have been used to effect an arrest or to secure a conviction; and it also reserves the right to allow only one reward where several persons have been convicted of the same offense, or when one person has been convicted of several offenses, unless the circumstances, in its judgment, entitle the claimant to a reward for each conviction.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 509)

Subpart J—Rules of Procedure Governing the Compromise of Obligations

§ 201.85 Compromise of obligations.

Any proposition of compromise shall be submitted in writing, and the amount offered in compromise shall be deposited with the Director, Division of Postal Funds, Bureau of Finance, Post Office Department. If the offer in compromise is rejected the amount deposited will be returned. The amount of a compromise offer must be tendered unconditionally for deposit pending the consideration of acceptance. Checks and drafts cannot be accepted as offers in compromise when they bear endorsements or instructions to the effect that the acceptance of such checks or drafts constitutes settlement in full of the claim, fine, penalty, or liability in connection with which the offer is made, except that such checks or drafts may be accepted when they are accompanied with a written waiver of the endorsements or instructions printed thereon. Offers in compromise should be transmitted or delivered to the bureau of the Department, the Post Office Inspector, or the postmaster from whom demand is received for payment of the amount due.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

Subpart K—Procedures Under the Employment Policy of the Post Office Department

§ 201.90 Employment policy, Post Office Department.

(a) *Authority.* This statement of procedure issued in conformity with and under the authority of Executive Order 10590 (3 CFR, 1955 Supp.) constitutes the basic regulations to govern the administration of the employment policies of the Order in the Post Office Department.

(b) *Employment policy officer.* The Deputy Postmaster General is designated as the Employment Policy Officer for the Post Office Department.

(c) *Deputy employment policy officers.* The following officials are designated as Deputy Employment Policy Officers for the indicated Units:

Unit	*Deputy Employment Policy Officer*
Regional and District Offices	Regional Director and/or Regional Manager.
Post Offices	Regional Manager (if established, otherwise the Postmaster).
Regional Accounting Office	Regional Controller (if established, otherwise the Director).
Post Office Inspection Service Division	Inspector in Charge.
Mail Equipment Shops, D. C	Superintendent.
Supply Center	Superintendent.
Vehicle Service	Regional Vehicle Manager.
Division, Post Office Department	Director.

(d) *Investigations.* When necessary, investigations required by the Employment Policy Officer in cases of alleged discrimination in personnel matters shall be conducted by the Post Office Inspection Service.

(e) *Personnel actions.* All personnel actions taken by appointing officers shall be based solely on merit and fitness without regard to race, color, religion, or national origin.

(f) *Complaints.* An employee, an applicant, a duly authorized representative, or the designated spokesman of a duly constituted group or organization, may file a written complaint under the provisions of Executive Order 10590 (3 CFR, 1955 Supp). The complaint must be filed within 45 days of the specific personnel action complained of, except that a complaint involving a discharge action must be made within 10 days of the effective date of such action, unless the complainant is prevented from filing within these time limits by circumstances beyond his control. A complaint will not be subject to these specific time limits if it is concerned with a continuing discriminatory practice.

(g) *Written complaints.* Any initial written complaint must be signed by the complainant and include information regarding the specific personnel action complained of, the approximate date thereof, reasons in support of the alleged discrimination, a statement as to when the complainant first learned of the discrimination, and remedies sought.

(h) *Procedures for handling complaints and appeals made by individuals*—(1) *Applicants.* An applicant failing of appointment who alleges discrimination may file a complaint, which must be in writing, either with the appropriate Deputy Employment Policy Officer or with the Employment Policy Officer, Post Office Department, Washington 25, D. C. In all other respects complaints of applicants will be handled in the same manner as complaints of employees.

(2) *Employees.* An employee may file a complaint with the first-line supervisor, with the Deputy Employment Policy Officer, or with the Employment Policy Officer, Post Office Department, Washington 25, D. C. Complaints initiated with the supervisor may be oral or written. Those initiated with the Deputy Employment Policy Officer or the Employment Policy Officer must be in writing.

(3) *Action by the supervisor.* If a complaint cannot be adjusted satisfactorily and promptly by the first-line supervisor, he should advise the employee to submit the complaint in writing. The supervisor shall submit a written report to the Deputy Employment Policy Officer setting forth the basis for the complaint and the reasons for inability to effect a satisfactory adjustment. The report shall include the written complaint of the employee. The written report of supervisors under the jurisdiction of Postmasters; District Superintendents, Bureau of Transportation; Managers, District Operations Offices, Bureau of Post Office Operations; and Directors, Regional Accounting Offices, shall be submitted directly to these officials who shall, if the complaint cannot be satisfactorily adjusted at that level, make the required report to the Deputy Employment Policy Officer.

(4) *Action by the Deputy Employment Policy Officer.* On receipt of an original complaint or a complaint referred to him by a supervisor, the Deputy Employment Policy Officer should promptly make, or cause to be made, such inquiry as is necessary to ascertain the facts at issue on the complaint. He should endeavor through informal negotiation to effect a satisfactory settlement of the complaint and if necessary take, or cause to be taken, corrective action. The Employment Policy Officer should be advised of the settlement of the complaint and any corrective action which may be taken. In the event the Deputy Employment Policy Officer is not able to effect a satisfactory settlement of the complaint by informal negotiation he shall forward to the Employment Policy Officer the complete file on the complaint.

(5) *Action by the Employment Policy Officer.* On receipt of an original complaint or a complaint referred to him by a Deputy Employment Policy Officer, the Employment Policy Officer shall cause to be made, such investigation as is necessary to resolve all issues raised by the individual complaint. Simultaneously he shall make, or cause to be made, an appraisal of the personnel actions in the unit in which the complaint originated. If it is not possible to adjust the complaint to the satisfaction of the complainant, the Employment Policy Officer shall advise him of his right to a hearing.

(6) *Hearing.* On request from the complainant, the Employment Policy Officer will schedule a hearing which shall be held at a place reasonably convenient to the complainant. The complainant must attend the hearing, but he may be assisted by a representative of his own choosing. The hearing shall be conducted by a hearing officer to be designated from the postal service by the Employment Policy Officer. The complainant shall be permitted to present by witnesses or otherwise any facts pertinent to the issues. Where practicable, a transcript of the testimony shall be made. If a verbatim transcript is not practicable, a full summary of the testimony shall be made by the hearing officer. The summary may be agreed to and signed by the complainant and the hearing officer, or if the complainant does not agree with the summary, he may note and sign his exceptions which will become a part of the summary. Any transcript or summary will be made available by the Employment Policy Officer for inspection by the complainant or his authorized representative. On the material facts disclosed by the investigation, by the general appraisal of personnel actions, and by the hearing if held, the Employment Policy Officer will make findings of fact. From these findings of fact he will make recommendations to appropriate administrative officials for such corrective measures as he may deem necessary. Subsequent to such recommendations and prior to the final decision, and upon the written request of the complainant, the complainant's case will be referred to the President's Committee on Government Employment Policy (hereinafter referred to as the Committee) for its review and an advisory opinion. The complainant will be advised of the recommendation and of his right to request that the case be referred to the Committee for review prior to final decision.

(i) *Procedures for handling complaints filed by groups or organizations.* (1) A group or organization may file a written complaint with the Employment Policy Officer regarding personnel actions which have the effect of discriminating against a group of employees or applicants on account of race, color, religion, or national origin. Such complaint must include full and complete information to support the allegations of discrimination in personnel actions, setting forth dates, names, and identification of individuals involved, incidents, occurrences, and circumstances.

(2) The Employment Policy Officer will cause a full and complete investigation of the allegations of discrimination to be made. The group or organization making the complaint will be advised of the Employment Policy Officer's recommendations to appropriate administrative officials for such corrective measures as he may deem necessary, prior to final decision and of its right to request that the case be referred to the Committee for its review and an advisory opinion.

Subpart L—Rules of Procedure for the Board of Contract Appeals

AUTHORITY: §§ 201.101 to 201.120 issued under R.S. 161, as amended; 74 Stat. 554; 5 U.S.C. 22, 39 U.S.C. 309, 501.

§ 201.101 Purpose.

This subpart prescribes the functions and rules of procedure of the Board of Contract Appeals.

§ 201.102 Membership.

The Board of Contract Appeals consists of three members:

(a) The Judicial Officer of the Post Office Department who is the Chairman.

(b) An attorney designated by the General Counsel from among those on his staff.

(c) A member of the Headquarters staff designated by the Deputy Postmaster General who shall serve one year from the date of appointment. An alternate may be appointed for any absent or disqualified member. No member of the Board may consider an appeal if he has participated in the formulation or administration of, or has any interest, directly or indirectly, in the contract in dispute.

§ 201.103 Office.

The Office of the Board of Contract Appeals shall be in the Office of the Judicial Officer in the Post Office Department Building, Washington 25, D.C. A suitable docket of contract appeals cases shall be maintained for public inspection at that office.

§ 201.104 Authority.

As the duly authorized representative of the Postmaster General, the Board is authorized to exercise the full authority of the Postmaster General in all cases in which, by the terms of a contract, the contractor may appeal from findings of fact or decisions of a contracting officer or contract administrator to the Postmaster General or his representative. The Board has the authority to conduct hearings, dismiss proceedings, order the production of documents or other evidence and take official notice of facts within general knowledge and decide all questions of fact and law raised by the appeal. Decisions of the Board are by a majority of the Board except as here-

inafter provided. There is no further administrative appeal from the decision of the Board.

§ 201.105 Decision of the Contracting Officer.

The Contracting Officer shall be required to promptly make a written decision in which he shall decide every material fact in dispute or other matter from which an appeal to the Board may be taken. A copy of the decision shall be furnished to the contractor.

§ 201.106 Appeal.

(a) *Notice.* An appeal from a finding of fact or decision of the Contracting Officer may be made by notice of appeal in writing, addressed to the Postmaster General within 30 days from the date of receipt of the written decision of the Contracting Officer unless otherwise provided in the contract. The notice shall be delivered to the Contracting Officer and shall identify the contract and the Contracting Officer and specify the portion of the findings of fact or decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney.

(b) *Petition.* A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after the mailing or filing of the notice of appeal. The petition should set forth:

(1) A summary of the decision of the Contracting Officer on the dispute from which the appeal is taken.

(2) A simple, concise and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

(3) Documentary evidence when applicable in support of claims as exhibits to the petition.

(c) *Reply.* The contractor may file a reply within 15 days after receipt of the answer of Department counsel provided in § 201.108 (b).

(d) *Contracting Officer.* The Contracting Officer shall forward any notice of appeal received by him immediately to the Chairman of the Board. In any case in which the original notice of appeal is filed directly with the Board, the Chairman shall immediately forward two copies to the Contracting Officer. Within 15 days from the date of receipt of the notice of appeal or copies thereof, the Contracting Officer shall furnish one copy of the notice of appeal to the General Counsel for use of the Department Counsel together with an appeal file consisting of: (1) The decision from which the appeal is taken, (2) any and all findings of fact that may have been made in connection with the dispute, (3) all documents relied upon in making findings or decision, (4) the contractor's claim in connection with the dispute, (5) a copy of the contract and pertinent plans, specifications, amendments and change orders, (6) all correspondence between the parties relating to the dispute, (7) transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the notice of appeal and (8) any other information which the Contracting Officer may consider material. True copies may be substituted for originals in this file.

§ 201.107 Reconsideration.

The Contracting Officer may reconsider his decision during the period allowed for appeal and should the decision be modified or changed during that period the time for appeal shall be computed from the date the modification or change is served on the contractor.

§ 201.108 Duties of Department Counsel.

(a) The Department Counsel, designated by the General Counsel, shall upon receipt of the appeal file, notify the contractor, or his attorney, of his designation, furnish him with a copy of these rules and inform him that the appeal file is available at his office for inspection by the contractor or his attorney.

(b) Within 30 days after receipt of the petition by the Board, the Department Counsel shall transmit to the Board an answer stating the Government's position on each claim asserted and if desired, or requested by the Board, a supporting brief. The appeal file shall be transmitted with the answer. It shall thereafter be available for inspection by either party in the offices of the Board.

§ 201.109 Practice.

Any contractor may appeal in person, through an officer of the corporation or any attorney admitted to practice before the Post Office Department in accordance with Part 202 of this chapter.

§ 201.110 Pre-hearing conference.

(a) The Chairman may direct the parties to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:

(1) Simplification of issues;

(2) Possibility of obtaining stipulations as to admissions of fact and introduction of documents;

(3) Limitation of the number of expert witnesses, if a hearing is to be held, and

(4) Such other matters as may aid in the disposition of the matter.

(b) The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made a part of the record.

§ 201.111 Settlement.

A dispute may be settled at any time (a) by the contractor filing written notice withdrawing his appeal, (b) by written stipulation between the contractor and the Contracting Officer approved by the Board settling either the entire dispute or any part thereof. The appeal shall continue as to any issues remaining in dispute.

§ 201.112 Depositions.

(a) Depositions upon oral examination or upon written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) Depositions may be taken before any person authorized by laws of the United States or by the laws of the place where they are taken to administer oaths.

(c) Either party may take a deposition of a witness by giving the opposite party at least 15 days notice in writing of the time and place where such deposition will be taken. The notice shall contain: The name, address and official title of the officer before whom it is proposed to take the deposition; the name of the witness and the address; whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case the notice can be dispensed with. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation. The opposing party may serve cross interrogatories to be propounded to the witness within 10 days after receipt of the interrogatories, by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to his opponent.

(d) A deposition taken under the provisions of this rule may be offered in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board which may exclude any part determined to be irrelevant, immaterial or otherwise not admissible as evidence in the proceedings.

§ 201.113 Stipulations.

The parties may stipulate in writing as to any facts that are relevant and material to the issues involved and what documents or facts may be received in evidence without formal proof subject to relevance and materiality.

§ 201.114 Hearing.

The contractor may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. In the absence of a request, the Board may, in its discretion, order a hearing on any appeal. The parties will be given a minimum of 15 days' notice in writing of the time and place of the hearing. The hearing may be conducted by the entire Board or one member of the Board in the discretion of a majority of the Board. If the hearing is conducted by one member at least one other member must concur in the decision of the member who conducted the hearing before it shall become a decision of the Board of Contract Appeals. All hearings shall be held in Washington, D. C., unless upon motion of either party the Board shall determine for good cause shown that the hearing shall be held elsewhere.

§ 201.115 Continuance.

Any time after notice of appeal is filed, the Board may grant a continuance for the filing of any document.

§ 201.116 Procedure.

(a) Insofar as possible hearings shall be informal. Both parties may offer oral and written evidence, subject to the exclusion by the Board or the presiding member of any irrelevant, immaterial or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Chairman or the presiding member.

(b) Attention of the witnesses shall be invited to 18 U. S. C. 1621. Testimony shall be under oath or affirmation. All witnesses may be examined or cross-examined by the Board, the parties, or counsel.

(c) The Board shall make provision for a transcript of the hearing which ordinarily shall be a verbatim transcript. But the Board with the consent of the contractor may in its discretion direct a summary of the transcript to be prepared in lieu of the verbatim transcript. If at the direction of the Board a summary is prepared, the contractor and Department Counsel shall either indicate in writing that it is accurate or file specific written objections for resolution by the Board.

§ 201.117 Service.

The parties shall file with the Board an original and two copies of all pleadings, except the notice of appeal and the appeal file, and shall at the same time serve a copy on the opposing party or his representative of record. Service of papers shall be made in person or by certified mail.

§ 201.118 Decisions.

Decisions of the Board reflect the opinion of a majority of the members. A copy of the decision shall be furnished to both parties and shall be available for public inspection in the Post Office Department Library.

§ 201.119 Reconsideration by the Board.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Reconsideration of any decision may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 201.120 Conflicts.

Any conflict between this subpart and specific provisions of any contract in dispute shall be resolved in favor of the provisions of the contract.

Subpart M—Rules of Procedure for Progress Payments on Post Office Department Procurement Contracts

AUTHORITY: §§ 201.130 to 201.134 issued under R.S. 161, as amended, sec. 305, 63 Stat. 396, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 41 U.S.C. 265.

§ 201.130 Definition of terms.

(a) The term "progress payments" means payments made from time to time during the performance of a contract on the basis of costs to the contractor, or percentage of completion or particular stage of completion in connection with which the Government takes title to property acquired and work performed under the contract.

(b) The term "eligible contractors" includes all persons awarded contracts covered by these instructions, except a person who is determined by the contracting officer to be in such unsatisfactory financial condition or has disregarded his obligations with respect to progress payments under other Government contracts to such a degree as to endanger recoupment of progress payments under the current contract.

(c) The term "unliquidated progress payments" means progress payments made which have not been liquidated by actual delivery and acceptance by the Government of end items for which partial payments have been made to the contractor.

§ 201.131 Statement in invitation for bids.

Each formal invitation to bid shall contain a statement substantially as follows, unless the contracting officer determines the contract will not exceed $10,000:

Availability of Progress Payments. Upon written request of the successful bidder or contractor, the Government will, if he is an eligible contractor under applicable regulations, make provision for progress payments to the contractor whenever the contracting officer considers:

a. That the period of time between starting performance and delivery of the first end items will exceed six months.

b. That contract performance is likely to involve expenditures prior to delivery of the first end items, having a material impact on the contractor's working funds or, in the case of progress payments first requested subsequent to award, involves expenditures having such impact.

c. The bidder shall state whether or not his bid is conditioned on the availability of progress payments or whether his bid is firm even though progress payments will not be available.

d. The need for progress payments on the foregoing basis will not be considered a handicap or an adverse factor in awarding contracts hereunder.

§ 201.132 Basis for progress payments.

The following statements shall be inserted in all contracts under which progress payments are available and shall constitute the basis for making progress payments:

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 90 percent of the contractor's cumulative costs of direct labor performed and material including equipment acquired for performance of this contract; less the sum of previous progress payments. In no event, however, may the amount of unliquidated progress payments exceed 60 percent of the total contract price of items and services not yet delivered, invoiced to and accepted by the Government; also, the aggregate amount of progress payments made may not exceed 60 percent of the total contract price.

(2) Contractor's costs above mentioned must be reasonable, allocable to this contract, and consistent with generally accepted accounting principles.

(b) *Recovery of progress payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced to and accepted by the Government shall be reduced by 60 percent and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been liquidated.

(c) *Reduction or suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the contracting officer the contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to material and work.* When any progress payment is made under this contract, title to material including equipment acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the contractor and properly chargeable to this contract under generally accepted accounting practices shall vest in the Government. The contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed or damaged. Upon completion of performance of all obligations of the contractor under this contract, title to all property not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the contractor. The Government shall have the right to examine at any reasonable time any property to which title has vested or may vest in the Government under this paragraph.

(e) *Records and reports.* The contractor shall maintain accurate books, records, accounts, and reports and shall furnish such statements and information as may be reasonably requested by the contracting officer. The Government shall be afforded reasonable opportunity to examine the contractor's books, records, reports and accounts as well as any property to which title has vested or may vest in the Government.

(f) *Default.* If this contract is terminated for default, the contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the contractor in accordance with the default clause.

(g) *Reservation of rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(h) *Surety bond.* Unless the contracting officer determines that the Government is adequately protected against risk or loss on account of progress payments made under this contract, the contractor shall furnish a surety bond in the form prescribed by the Government in the amount of maximum progress payments authorized to be outstanding at any one time under this section.

§ 201.133 Contracts under $10,000.

Normally contracts under $10,000 will not be considered for progress payments except when a contractor has a number

of separate contracts aggregating $10,000 or more.

§ 201.134 Applicability.

The rules contained in § 201.130 to 201.133 shall apply only to procurement contracts approved and awarded by the Bureau of Facilities contracting officers, Headquarters, Washington 25, D.C.

Subpart N—Rule Making Procedures of the Post Office Department

§ 201.200 Rule making.

(a) There are numerous statutes administered by the Post Office Department which contain specific provisions authorizing or directing the Postmaster General to issue rules and regulations to implement such statutes. Other statutes, by inference, vest the Postmaster General with authority to issue such rules and regulations as may be necessary for the proper administration of such statutes. Such rules and regulations have the force and effect of law.

(b) The provisions of the Federal Register Act (49 Stat. 500; 44 U. S. C., ch. 8B), and of the regulations issued thereunder (1 CFR Chapter I) governing the issuance of rules and regulations are observed. Rules and regulations of the Post Office Department are drafted by the General Counsel with the assistance of his staff. Such rules and regulations are based upon legislation and upon changes suggested by the various officers of the Post Office Department. The rules and regulations are submitted to the Postmaster General, and upon being approved, are filed with the Federal Register Division of The National Archives for publication in the FEDERAL REGISTER. Rules dealing with organization and delegation of authority, substantive rules, and rules of procedure will be separately stated pursuant to the requirements of section 3 (a) of the Administrative Procedure Act (5 U. S. C. 1002).

(c) There is no requirement in the laws administered by the Post Office Department for the giving of notice of, or for the hearing on, proposed rules or regulations. The provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) will be complied with in the promulgation of substantive rules which do not come within the exceptions set forth in the said section.

(d) Petitions by interested persons for the issuance, amendment, or repeal of a rule or regulation of the Post Office Department may be submitted to the General Counsel, Post Office Department, Washington 25, D.C. Such petitions will be considered by the General Counsel and by the officers of the Post Office Department. The petitioner will be notified of any denial of such petition, and, where considered appropriate, of any other action taken in connection therewith.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

PART 202—PROCEDURE BEFORE THE GENERAL COUNSEL

Subpart A—Procedure Governing the Admission of Attorneys To Practice Before the Post Office Department

Sec.

202.1 Requisites to admission.
202.2 Persons ineligible for admission to practice.
202.3 Authorization of appearance required.
202.4 Complaint of misconduct.
202.5 Suspension and disbarment from practice; grounds.
202.6 Notice of disbarment; exclusion from practice.

Subpart B—Procedure in Cases Relating to Disbarment of Attorneys

202.20 Institution of proceedings.
202.21 Service of complaint.
202.22 Answers.
202.23 Appearances.
202.24 Appearance blanks.
202.25 Failure to answer or appear.
202.26 Amendments of pleadings.
202.27 Subpoenas.
202.28 Continuances.
202.29 Hearing officers.
202.30 Evidence.
202.31 Testimony under oath.
202.32 Exclusion of irrelevant matter.
202.33 Statements of facts.
202.34 Official notice.
202.35 Documentary evidence.
202.36 Objections.
202.37 Depositions.
202.38 Transcript.
202.39 Oral argument.
202.40 Petitions for further hearing.
202.41 Findings of fact and conclusion.

Subpart C—Procedure to Adjudicate Claims for Personal Injury or Property Damage Arising Out of the Operation of the Postal Service

202.50 Character and limit of claims.
202.51 Time limit for filing.
202.52 Place of filing.
202.53 By whom claims may be filed.
202.54 Manner of filing claims.
202.55 Evidence required to support claim.
202.56 Adjudication and settlement of claims.
202.57 Review of adjudications.

AUTHORITY: §§ 202.1 through 202.57 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501.

Subpart A—Procedure Governing the Admission of Attorneys to Practice Before the Post Office Department

§ 202.1 Requisites to admission.

(a) Any individual who is a party to any proceedings before an examiner may appear for himself or by an attorney-at-law.

(b) Except as provided in § 202.2, any attorney-at-law who is a member in good standing of the Bar of the Supreme Court of the United States or of the highest court of any State, Territory or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law may represent others before the Post Office Department.

(c) When an attorney acting in a representative capacity appears in person or signs a paper in practice before the Post Office Department his personal appearance or signature shall constitute a representation to the Post Office Department that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts.

§ 202.2 Person ineligible for admission to practice.

(a) No attorney disbarred from practice in this Department or in any other executive department will be eligible for admission to practice before the Post Office Department until said order of disbarment shall have been revoked.

(b) Any attorney who, subsequently to being admitted to practice before the Post Office Department, is disbarred by any other executive department shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as attorney for prosecuting before this Department or any office thereof any case or matter with which he was in anywise connected while he was such attorney, officer, clerk, or employee.

(d) No person coming within the prohibitions of 5 U. S. C. 99, 18 U. S. C. 281, or 18 U. S. C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.3 Authorization of appearance required.

The head of any bureau or office may require an attorney to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.4 Complaint of misconduct.

If the head of any bureau or office of the Department has reason to believe, or if complaint be made to him, that any attorney is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the General Counsel, who shall proceed in accordance with the rules issued by him, which are set forth in §§ 202.20 to 202.41.

§ 202.5 Suspension and disbarment from practice; grounds.

Any attorney who is guilty of conduct falling in one or more of the following categories may be suspended or disbarred:

(a) Who charges or receives, either directly or indirectly, in cases before the Post Office Department arising under the Federal Tort Claims Act (62 Stat. 869, 28 U. S. C. 2678), any fee or compensation in excess of that provided for by section 2678 of said act, or in cases before the Department not arising under said act, any fee or compensation deemed to be grossly excessive in relation to the services performed.

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Post Office Department or postal service, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Post Office Department or postal service concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(j) Who wilfully made false statements in his application for admission to practice or in his participation in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required for admission to practice.

§ 202.6 Notice of disbarment; exclusion from practice.

Upon the disbarment of an attorney, notice thereof will be given to the heads of the offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be recognized as attorneys before the Post Office Department or any office thereof.

Subpart B—Procedure in Cases Relating to Disbarment of Attorneys

§ 202.20 Institution of proceedings.

(a) Whenever any person submits to the General Counsel a complaint against any attorney practicing before the Department, he may refer such complaint to the Chief Inspector for a complete investigation and report.

(b) Upon the receipt of the report of the Chief Inspector, the General Counsel will assign the matter to the Attorney in Charge of Admissions and Disbarment cases.

(c) Whenever the Attorney in Charge of Admissions and Disbarments shall have before him evidence on the basis of which he has reasonable grounds to believe that any attorney or representative against whom a complaint has been made as aforesaid, has violated the conditions of his admission to practice, and if it shall appear that a proceeding before the General Counsel is required to determine whether or not such attorney should be disbarred from practice before the Department, he shall prepare and submit to the General Counsel a specification of charges naming the attorney accused of improper practices or lack of proper qualifications, and stating the charges against him in such manner as to enable such attorney to answer them.

(d) If upon the presentation of such specification of charges to the General Counsel he determines that in the public interest a hearing is necessary to ascertain whether or not the accused attorney has been guilty of improper practices or is deficient in qualifications as alleged in the specification of charges against him, the General Counsel will issue a notice to the accused attorney to show cause on a specified day why an order of disbarment or suspension, as the case may be, should not be issued against him pursuant to the provisions of the regulations governing such cases.

§ 202.21 Service of complaint.

(a) Service of the complaint consisting of the notice to show cause and the specification of charges accompanied with copies of the "Procedure in Cases Relating to Disbarment of Attorneys" shall be effected by the transmission of same to the postmaster at the office of address of the accused attorney and shall be delivered to said attorney by said postmaster or an employee of the post office under his direction; and a receipt shall be secured from the accused attorney acknowledging delivery of said complaint, which receipt shall be forwarded to the General Counsel of the Post Office Department and shall be incorporated in the record of the case.

(b) In the event that no person can be found upon whom service of the complaint can be effected pursuant to the above rule, the complaint may be delivered with other mail addressed to the accused attorney and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the complaint shall constitute evidence of service of the notice showing the time and place of the hearing, and of the specification of charges.

§ 202.22 Answers.

(a) In case of desire to contest the proceeding, the respondent in any such case shall file with the General Counsel of the Post Office Department an answer to the complaint. Three copies of the answer shall be supplied. The answer shall contain a concise statement on behalf of the respondent admitting, denying or explaining each of the charges alleged in the complaint. All answers shall be signed by the respondent or by his attorney at law.

(b) The answer may be submitted by mail or presented by the respondent or his representative not later than the commencement of the hearing.

(c) The hearing will be held at the time and place stated in the notice regardless of whether the respondent files an answer or makes an appearance during the proceedings.

(d) If the respondent desires to waive a hearing on the allegations of fact set forth in the complaint, and does not desire to contest the allegations of fact, the answer shall consist of a statement that the respondent admits as true all the material allegations of fact charged. Contemporaneously with the filing of such answer the respondent shall state in writing whether he desires to appear and be heard on the question as to whether the admitted facts constitute the violation alleged in the complaint. Respondent may also file a brief in support of his contention.

§ 202.23 Appearances.

Any respondent attorney who has been served with a complaint and notice to show cause as set forth above may appear and be heard in person or by an attorney who must have been duly qualified and admitted to practice before the Post Office Department prior to the entrance of his appearance in behalf of the respondent and the hearing upon the complaint in issue.

§ 202.24 Appearance blanks.

Each attorney representing respondents shall enter his appearance in duplicate on the form to be prescribed for that purpose by the General Counsel and furnished to such attorney, prior to participating in a hearing, and said appearances shall be made a part of the record.

§ 202.25 Failure to answer or appear.

If the respondent fails to appear or to be represented at the hearing, he shall be deemed to have waived the right to be heard in the proceeding and an order pro-confesso may be entered against him.

§ 202.26 Amendments of pleadings.

Amendments to pleadings may be offered by any party during the course of a hearing and may be accepted by the General Counsel and incorporated into the record unless it shall be shown that the rights of the respondent will be unfairly prejudiced thereby.

§ 202.27 Subpoenas.

The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses and cannot furnish or pay witness fees or transportation expenses.

§ 202.28 Continuances.

A short continuance may be granted to a respondent in any case where application is made therefor in writing not later than ten days before the date set forth for the hearing, which application shall contain a statement of the reasons upon which such request for a continuance is based; but such reasons must be

substantial and relate to the defense of the charges.

§ 202.29 Hearing officers.

Whenever it is impracticable for the General Counsel to preside at any proceeding under this subpart, or if for any other reason he deems it desirable to do so, he shall designate a member of the legal staff of the Post Office Department as a special hearing officer in the case. The General Counsel or any hearing officer acting in his behalf will rule upon all offers of proof; receive oral or documentary evidence; regulate the course of the hearing and the conduct of the parties; dispose of procedural motions; requests for adjournment and similar matters; require oral argument upon questions raised in the course of the hearing or at the close thereof, and limit such argument as to time and subject matter. Hearings will be conducted in such a way as to afford respondent persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

§ 202.30 Evidence.

Except as otherwise provided in this part, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal proceedings before the General Counsel: *Provided, however,* That such rules may be relaxed in any case where the ends of justice may be better served by so doing.

§ 202.31 Testimony under oath.

The testimony of witnesses at a hearing shall be upon oath or affirmation and witnesses shall be subject to cross-examination. Any witness may, in the discretion of the General Counsel or Hearing Officer be examined separately and apart from other witnesses except those who may be parties to the proceeding.

§ 202.32 Exclusion of irrelevant matter.

Insofar as practicable the General Counsel or Hearing Officer shall exclude evidence which is immaterial, irrelevant or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

§ 202.33 Statements of facts.

Agreed statements of facts signed by all parties to any hearing may be received in evidence.

§ 202.34 Official notice.

Official notice may be taken of all matters of generally recognized or scientific fact of an established character.

§ 202.35 Documentary evidence.

Relevant and material documents must be properly identified or authenticated.

§ 202.36 Objections.

If any party objects to the admission or rejection of any evidence or to the limitation of the scope of cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the General Counsel or by the Hearing Officer. The transcript shall not include argument or debate upon objections except as ordered by the General Counsel or Hearing Officer. The ruling on any objection shall be a part of the transcript.

§ 202.37 Depositions.

No provision has been made by the Post Office Department for the taking of depositions and no money has been appropriated by Congress for that purpose.

§ 202.38 Transcript.

(a) The transcript of the proceedings before the General Counsel or Hearing Officer shall be made in every case by the reporting system of the Office of the General Counsel. Said transcript, together with all documents and pleadings filed in the case, shall constitute the official record thereof. If answer to the charges is made, a copy of the transcript shall be loaned to the respondent after the conclusion of the hearing for use in preparing any written brief or argument which the respondent desires to have considered when the case is taken up for disposition. The General Counsel or Hearing Officer will apprise each respondent present at a hearing of such fact and shall state the length of time to be allowed respondent for the preparation of the brief after he has been furnished the transcript.

(b) The transcript shall be returned with the respondent's brief.

§ 202.39 Oral argument.

If oral argument before the General Counsel or Hearing Officer is desired he should be notified before the close of the hearing in order that he may arrange to hear the argument at the close of the testimony, within such limits of time as may be agreeable to the parties and as he may determine to be adequate. Such argument shall be transcribed and bound with the transcript of testimony.

§ 202.40 Petitions for further hearing.

(a) An application for further hearing in a proceeding before final submission, or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition stating specifically the grounds relied upon.

(b) A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument, or reconsideration must specify the matters claimed to have been decided erroneously and must briefly state the alleged errors. A petitioner praying that an order be vacated or modified by reason of matters which have arisen since the hearing, must briefly set forth all the matters relied upon by the petitioner.

(c) No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays to be reconsidered.

(d) A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

§ 202.41 Findings of fact and conclusion.

Upon the basis of the complete record the General Counsel will make a finding of the facts on the issues involved and conclusions as to the action to be taken and furnish a copy thereof to the respondent.

Subpart C—Procedure To Adjudicate Claims for Personal Injury or Property Damage Arising Out of the Operation of the Postal Service

§ 202.50 Character and limit of claims.

(a) Proceedings to adjudicate claims for personal injury or property damage arising out of the operation of the postal service, under the provisions of the Federal Tort Claims Act (28 U. S. C. 2672 et seq.) and the Deficiency Appropriation Act of June 16, 1921, as amended (39 U.S.C. 2409).

(b) Claims for damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of an employee of the Department acting within the scope of his employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. The authority of the Department to award compensation under this act is limited to claims not exceeding $2,500. Where loss or damage occurs without negligence on the part of the Government employee involved, the maximum compensation which the Department may pay is $500.

§ 202.51 Time limit for filing.

The statutory period of limitation under 28 U.S.C. 2672, et seq., is two years. The maximum amount for which claim may be filed under 39 U.S.C. 2409 is $500. The maximum amount for which an administrative claim may be filed under 28 U.S.C. 2672, et seq., is $2,500.

§ 202.52 Place of filing.

Written claim is usually filed with the postmaster of the office within the delivery limits of which the accident happened, but may be filed with any officer of the Department or sent directly to the General Counsel.

§ 202.53 By whom claims may be filed.

A claim may be filed by the person or firm sustaining injuries or damage in his/its own right. An attorney may assist the claimant but may not sign the claim for such claimant. The provisions of 28 U.S.C. 2678 should be consulted in fixing the amount of attorneys' fees.

§ 202.54 Manner of filing claims.

Claim must be filed on Standard Form 95 which may be obtained from local postmasters or other local postal establishments.

§ 202.55 Evidence required to support claim.

Each claim filed must be supported as follows: (a) In cases of property damage, by an itemized, receipted bill or bills covering the repairs to the private property or the replacement of property destroyed, and limited to such items of repair or replacement as were necessitated by reason of the damage incurred in the specific accident giving rise to the claim or, if repairs have not yet been made, at least two itemized, signed statements or estimates by reliable disinterested concerns; or where property is not economically reparable, or is lost or destroyed, statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident, which statements should be by disinterested, competent persons, preferably reputable dealers or officers familiar with the type of property damaged, or by two or more competitive bidders, whose bids should be certified as just and correct; the testimony of any available witnesses which the claimant desires considered in the adjudication of such claim; and in cases where the property is covered by insurance—e. g., collision insurance on a car—the claimant must state what insurance is carried, the name and location of the company, whether he has filed claim with that company, and what action the insurance company has taken or will take with respect to such claim. Claims from insurance companies as subrogees must be executed by their proper claims officers and must be supported with subrogation receipts evidencing the payments made to their assured; (b) in cases of personal injury, by doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a sworn statement from the claimant's employer establishing the amount of time and the compensation lost by reason of the accident, a statement from the attending physician showing the nature and extent of the injuries and the treatment thereof, the degree of permanent or partial disability, if any, the prognosis, and the period of hospitalization or incapacitation; also the sworn statements of any available witnesses. The evidence specifically described in this section may be supplemented by any other documentary evidence which would be helpful to the Department in adjudicating claims. Claimants shall be required to submit to physical examinations by competent doctors employed or retained by the Government whenever they are requested to do so.

§ 202.56 Adjudication and settlement of claims.

In any case where the General Counsel, upon consideration of all the evidence submitted, finds that compensation is due a claimant under either of these acts, payment will be made by the Post Office Department and in due course a settlement warrant will be forwarded to the claimant. Where an attorney has assisted in the prosecution of his claim, the attorney's name will be included in the award.

§ 202.57 Review of adjudications.

The approval and acceptance of adjudication of any claim made by the General Counsel constitutes final action in a case so far as the Department is concerned, and there is no way by which review thereof in the Department may be obtained. If a claim filed under the Federal Tort Claims Act is disallowed, or if the claimant is unwilling to accept the amount awarded, or if the claimant wishes to withdraw the claim from consideration by the Department before final disposition, resort may be had to the United States Courts for relief. Conditions under which relief may be sought in the courts will be found in 28 U. S. C. 2675 and other pertinent sections of the Code referred to therein. Where such suit is brought, the pertinent provisions of Title 28, United States Code, should be examined by the claimant in order that its specific conditions may properly be complied with.

PART 203—HEARINGS ON MAILABILITY

Sec.
203.1 Limitation.
203.2 Initiation.
203.3 Complaint.
203.4 Notice of hearing; service.
203.5 Compromise and informal dispositions.
203.6 Answer.
203.7 Default.
203.8 Hearing.
203.9 Proposed findings of fact.
203.10 Initial decision.
203.11 Appeal.
203.12 Departmental decision.
203.13 Expedition.
203.14 Disposition.

AUTHORITY: §§ 203.1 to 203.14 issued under R.S. 161, as amended sec 1, 62 Stat. 740, as amended, 741, 762, as amended, 768, as amended, 769, 781, as amended, 782; 74 Stat. 554; 5 U.S.C. 22, 18 U.S.C. 871, 876, 1302, 1461, 1463, 1715, 1717, 1718, 39 U.S.C. 309, 501, 4001.

§ 203.1 Limitation.

The rules shall be applicable only to cases where the matter offered for mailing shall be of substantial value or quantity. The initial determination of this question by the General Counsel may be appealed to the Judicial Officer.

§ 203.2 Initiation.

Upon receipt of mail matter of doubtful mailability under the provisions of 18 U.S.C. 1302, 1461, 1463, 1717 or 1718 submitted by a postmaster pursuant to sec. 331.6 of the Postal Manual, the General Counsel shall: (a) file a complaint with the Docket Clerk of the Post Office Department or (b) instruct the postmaster to accept such matter for mailing.

§ 203.3 Complaint.

The complaint shall: (a) State statutory and/or regulatory authority for withholding the matter from the mails; (b) specify the character or content of the matter which the complainant believes to be non-mailable; and (c) request the issuance of a notice of hearing by the Docket Clerk.

§ 203.4 Notice of hearing; service.

Upon receipt of the complaint the Docket Clerk shall issue a notice of hearing. The notice shall set the time and place for the hearing and assign on rotation as far as practicable, a Hearing Examiner qualified pursuant to section 11 of the Administrative Procedure Act. The date set for the hearing shall be within ten days of the date of the filing of the complaint. The notice, together with copies of the complaint and these rules, shall be sent promptly to the Postmaster at the place of mailing to be served upon the mailer or his agent. A receipt therefor shall be obtained and forwarded immediately to the Docket Clerk. If personal service cannot be made, the notice of hearing shall be deposited in the mails for delivery in the regular course which shall constitute valid service. A report of such delivery shall be promptly forwarded to the Docket Clerk.

§ 203.5 Compromise and informal dispositions.

The mailer may request a conference with the complainant to consider informal disposition of any question of mailability or apply to the complainant for the withdrawal of the matter from the mails. When such a request is received, the scheduled hearing date will be postponed for such period of time as may be necessary but in no event longer than five days unless specifically requested by the mailer. If no agreement is reached, the proceeding shall promptly be re-scheduled for hearing.

§ 203.6 Answer.

The mailer may file an answer to the complaint and appear in person or by counsel at the hearing. The answer shall contain a reply to each allegation in the complaint and shall be filed in triplicate with the Docket Clerk in Room 3350, Post Office Department, Washington 25, D.C., at least three days prior to the date set for the hearing. Each allegation not answered shall be deemed admitted.

§ 203.7 Default.

If no answer to the complaint is filed, the mailer shall be deemed in default and the Judicial Officer shall instruct the postmaster of the disposition to be made of the matter in accordance with § 203.11. If the mailer files an answer but fails to appear at the hearing, the hearing examiner shall receive the evidence of the complainant and render an initial decision pursuant to § 203.10.

§ 203.8 Hearing.

Unless otherwise ordered by the Hearing Examiner, the hearing shall be held in Room 5241, Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., on the date set in the notice.

§ 203.9 Proposed findings of fact.

Either party may submit proposed findings of fact and conclusions of law

orally or in writing at the conclusion of the hearing, unless the mailer requests an extension, which may be granted for a reasonable time.

§ 203.10 Initial decision.

Unless given orally at the conclusion of the hearing, the Hearing Examiner shall render an initial decision within five days of the conclusion of the hearing or of the receipt of the proposed findings if not submitted at the hearing. The initial decision shall become the departmental decision if an appeal is not perfected.

§ 203.11 Appeal.

Either party may file exceptions in a brief on appeal to the Judicial Officer within five days after the initial decision unless additional time is requested by the mailer. A reply brief may be filed within five days after the receipt of the appeal brief by the Docket Clerk.

§ 203.12 Departmental decision.

The Judicial Officer shall render a departmental decision or refer the matter to the Postmaster General for decision. The decision shall be served upon the parties and the postmaster.

§ 203.13 Expedition.

For the purposes of expedition the parties may, with the concurrence of the Judicial Officer, agree to waive any of these procedures.

§ 203.14 Disposition.

Matter found to be nonmailable shall be held at the post office where detained for a period of fifteen days, unless extended by the Judicial Officer, from the date of the departmental decision. During that time the mailer may make application for the withdrawal of the matter. The Judicial Officer shall order the matter returned to the mailer or otherwise disposed of in accordance with 39 U.S.C. 4001.

PART 204—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION OR ANNULMENT OF SECOND-CLASS MAIL PRIVILEGES

Sec.

204.1 Scope of rules.
204.2 Informal dispositions.
204.3 Office, business hours.
204.4 Application.
204.5 Revocation.
204.6 Failure to appeal proposed action.
204.7 Pleading.
204.8 Default.
204.9 Intervention.
204.10 Hearings.
204.11 Change of place of hearing.
204.12 Appearances.
204.13 Presiding officers.
204.14 Judicial Officer.
204.15 Procedure.
204.16 Transcript.
204.17 Proposed findings and conclusions.
204.18 Initial decision.
204.19 Appeal and final decision.
204.20 Continuances.
204.21 Computation of time.
204.22 Official record.
204.23 Public information.

AUTHORITY: §§ 204.1 to 204.23 issued under R.S. 161, as amended; 74 Stat. 554; 5 U.S.C. 22, 39 U.S.C. 309, 501.

§ 204.1 Scope of rules.

The rules of practice shall apply to all Post Office Department proceedings concerning applications, denials, suspensions and revocations of second class permits arising under 39 U.S. Code 4351, 4352, 4353, 4354, 4355, 4356, and 4369.

§ 204.2 Informal dispositions.

These rules do not preclude the informal disposition of second class permit matters before or after institution of proceedings.

§ 204.3 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., and are open Monday through Friday from 8:45 a.m. to 5:15 p.m.

§ 204.4 Application.

A publisher may file an application for entry of a publication as second class mail (Part 22 of this chapter). The Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, rules upon all applications. If he denies the application he shall notify the publisher specifying the reasons for his denial and attaching a copy of these rules. Before taking action on an application, the Director may call upon the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish such information or evidence may be cause for the Director to deny the application as incomplete or, on its face, not fulfilling the requirements for entry.

§ 204.5 Revocation.

When the Director determines that a publication is no longer entitled to the permit, he may issue a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons and attaching a copy of these rules.

§ 204.6 Failure to appeal proposed action.

A ruling of the Director shall become final upon failure of the publisher to file a petition in accordance with the requirements of § 204.7.

§ 204.7 Pleading.

(a) *Place of filing.* Parties shall file documents of record in triplicate, unless otherwise ordered by the presiding officer after intervention pursuant to § 204.9 with the Docket Clerk of the Post Office Department, who shall cause copies to be delivered to the other parties and to the presiding officer. The Docket Clerk shall maintain a docket and the files in all proceedings.

(b) *Petition.* A publisher may appeal from a ruling of the Director by filing a petition within 15 days of the receipt of the ruling unless extended by the Director. The petition shall state the reasons the publisher believes the ruling of the Director is erroneous and shall affirmatively show compliance with each provision of law or regulation on which the ruling was based.

(c) *Notice of hearing.* Upon receipt of the petition the Docket Clerk shall set a date for the hearing and issue a notice of hearing to the parties stating the time and place of the hearing, the date for filing an answer, and the name of the presiding officer assigned pursuant to § 204.13.

(d) *Answer.* The Director shall answer the petition within 15 days after filing and admit or deny each allegation of the petition.

(e) *Amendment.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing.

§ 204.8 Default.

If the publisher fails to appear at the hearing the presiding officer shall receive the evidence of the Director and render an initial decision (§ 204.18) from which either party may appeal (§ 204.19).

§ 204.9 Intervention.

To intervene a person not a party to the proceeding shall file an application in writing not less than three days before the time fixed for hearing. The application shall state whom the potential intervenor represents, his interest, the extent to which he desires to participate, and the evidence he seeks to introduce. The presiding officer shall grant an application to intervene upon a proper showing of interest. Participation of an intervenor shall be limited to the filing of a brief before the presiding officer.

§ 204.10 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 204.11 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 204.12 Appearances.

(a) The General Counsel of the Post Office Department or a member of his staff designated by him shall represent the Director.

(b) A publisher or intervenor may appear and be heard in person or by attorney. Attorneys may practice before the Department in accordance with Part 202 of this chapter.

(c) An attorney representing a publisher or intervenor shall file a written authorization from the publisher or intervenor before he may participate in the proceeding. The publisher or intervenor must promptly file a notice of change of attorneys.

(d) When a publisher or intervenor is represented by an authorized attorney all subsequent pleadings shall be served upon the attorney.

§ 204.13 Presiding officers.

(a) The Docket Clerk shall assign a case to a hearing examiner, so far as practical upon rotation, to preside over the hearing. The hearing examiner shall be qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010).

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon matters of evidence and procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs on any matter upon which he is required to rule;

(7) Order pre-hearing conferences for the settlement or simplification of issues by consent of the parties;

(8) Order the proceeding re-opened at any time prior to his decision for the receipt of additional evidence;

(9) Render an initial decision.

§ 204.14 Judicial Officer.

The Judicial Officer is authorized to render a final departmental decision for the Postmaster General. He will consider the entire record including the initial decision and the exceptions to that decision. Before any final agency decision has been rendered, he may order the hearing reopened for the hearing examiner to take additional evidence.

§ 204.15 Procedure.

(a) *Evidence.* The general rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States apply. The rules may be relaxed to the extent that the presiding officer may deem proper to insure an adequate and fair hearing. The presiding officer may exclude irrelevant or repetitious evidence.

(b) *Subpoenas.* The Post Office Department is not authorized to issue subpoenas.

(c) *Depositions.* Depositions may be taken in accordance with § 201.24 of this chapter.

(d) *Fees.* The Post Office Department does not pay fees and expenses for witnesses or depositions of the publisher or intervenor.

§ 204.16 Transcript.

(a) A contract reporter of the Post Office Department under the supervision of the presiding officer shall report hearings. The reporter shall supply the parties with copies of the transcript at rates not to exceed those fixed by contract between the Department and the reporter.

(b) Changes in the official transcript may be made only when they involve substantial errors. A party may file a motion for correction of the official transcript within 10 days after his receipt of the transcript or any part thereof. Other parties shall notify the presiding officer in writing if they concur with the requested corrections. The presiding officer shall then specify the corrections to be made in the transcript. He may on his own initiative order corrections in the transcript after notice to the parties subject to their objection.

§ 204.17 Proposed findings and conclusions.

(a) A party to a proceeding may submit proposed findings of fact and conclusions of law to the presiding officer. The presiding officer shall determine whether they shall be oral or written. The presiding officer may require parties to a proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. When the proposed findings are not submitted orally they shall be filed within 15 days after delivery of the official transcript to the Docket Clerk. The Docket Clerk shall notify the parties of the filing date which shall be the same for both parties. If not submitted by that date, the findings will not be considered or included in the record.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in numbered paragraphs and shall state with particularly all evidentiary facts in the record with appropriate citations to the transcript or exhibits relied upon to support the conclusions proposed. Each proposed conclusion shall be separately stated.

§ 204.18 Initial decision.

(a) Upon request of either party the presiding officer may render an oral initial decision at the close of the hearing when the nature of the case and the public interest warrant. If a party desires an oral initial decision he shall notify the presiding officer and the opposing party at least 5 days prior to the date set for hearing. Parties may then submit proposed findings orally or in writing at the conclusion of the hearing.

(b) If an oral initial decision is not rendered, the presiding officer shall render a written initial decision at the earliest possible date. The initial decision shall become the final departmental decision unless it is appealed.

(c) The initial decision shall include findings upon all material issues of fact and law presented on the record and the reasons for those findings.

§ 204.19 Appeal and final decision.

(a) A party may appeal to the Judicial Officer from an initial decision by filing exceptions in a brief on appeal within 15 days from the receipt or oral rendition of the initial decision.

(b) Upon receipt of the appeal brief the Judicial Officer shall set the date for the filing of the reply brief. No additional briefs shall be received unless requested by the Judicial Officer.

(c) Appeal briefs shall contain the following matter in the order indicated:

(1) A subject index of the matters presented with page references;

(2) A table of cases alphabetically arranged;

(3) A list of statutes and texts cited with page references;

(4) A concise abstract or statement of the case;

(5) Numbered exceptions to the findings and conclusions of the presiding officer and the reasons for the exceptions.

§ 204.20 Continuances.

Continuances or extensions may be granted for substantial cause shown by the presiding officer or by the Judicial Officer when the proceeding is on appeal.

§ 204.21 Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday or holiday, in which event the period runs until the close of business on the next working day.

§ 204.22 Official record.

The pleadings, orders, exhibits, transcript of testimony, briefs, decisions and other documents filed in the proceeding constitute the official record of the proceeding.

§ 204.23 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all initial and departmental decisions. The Docket Clerk of the Post Office Department maintains a complete official record of every proceeding. A person may examine a record upon authorization by the Judicial Officer.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-11500; Filed, Dec. 5, 1961; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (36) is added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.*

* * *

(36) One Secretary to the Special Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11504; Filed, Dec. 5, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[Amdt. 4]

PART 775—FEED GRAINS

Subpart—1961 Feed Grain Program Regulations

USE OF DIVERTED ACREAGE

The regulations governing the 1961 Feed Grain Program, 26 F.R. 5356, as amended, are further amended to change the first sentence of § 775.7(a) prior to subparagraph (1) to read as follows: "No crop may be harvested from the designated diverted acreage in 1961, and the designated diverted acreage may not be grazed after the closing date established for filing Form CSS–477 (as provided in § 775.14) and prior to November 14, 1961, except * * *".

(Sec. 16(c), 49 Stat. 1151, as amended by 75 Stat. 6; secs. 4 and 5, 62 Stat. 1070–1072, as amended; sec. 3, 75 Stat. 7; 16 U.S.C. 590 p; 15 U.S.C. 714 b and c)

Issued at Washington, D.C., this 30th day of November 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–11552; Filed, Dec. 5, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 982; Amdt. 374]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–8 Series Aircraft

Because of the inability to procure sufficient quantity of the improved replacement hoses required for Douglas DC–8 aircraft as specified in Amendment 347, 26 F.R. 9671, it has been determined that alternative methods of compliance may be necessary for some operators. Therefore, Amendment 347, 26 F.R. 9671, is being amended accordingly. Also, this amendment provides for other acceptable clamps as covered in a later issue of the manufacturer's service bulletin.

Since this amendment may afford relief to some operators and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 347, 26 F.R. 9671, Douglas DC–8 Series aircraft, is amended by

1. Changing the compliance statement to read:

Compliance required as soon as the installation of available parts can be scheduled but not later than the next 600 hours' time in service after October 13, 1961, unless an operator has obtained approval from the Chief, Engineering and Manufacturing Branch, Federal Aviation Agency Western Region for an alternative compliance program.

2. Revise paragraph (b) to read as follows:

(b) Replace clamps, P/N 4365431D21C, as used with hoses removed per (a), with clamps listed in Douglas DC–8 Service Bulletin No. 29–37, Revision No. 4, dated November 6, 1961 (or later issue), or with equivalent FAA-Engineering approved clamps. The replacement clamps shall be installed in the manner and positions described in Service Bulletin No. 29–37.

3. In the parenthetical reference statement at the end of the directive delete "Reissue No. 1".

This amendment shall become effective December 6, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 29, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–11507; Filed, Dec. 5, 1961; 8:46 a.m.]

SUBCHAPTER D—AIRPORT REGULATIONS

[Reg. Docket No. 983]

PART 555—ACQUISITION BY PUBLIC AGENCIES FOR PUBLIC AIRPORT PURPOSES OF LANDS OWNED OR CONTROLLED BY UNITED STATES

Revision of Part

This revision contains a complete reprint of Part 555, including amendments issued to the date of this publication.

Attention is called to minor editorial changes in order that the regulation will be consistent with organizational changes made within the Federal Aviation Agency. In addition the revision reflects (1) the requirement provided for in renumbered § 555.10 that there be incorporated in all deeds of conveyance issued under section 16 of the Federal Airport Act, as amended, a covenant obligating the grantee to operate the airport without discrimination as to race, color, creed or national origin, in addition to the other covenants required to be incorporated in the deed of conveyance, (2) § 555.7 is deleted and the subsequent sections renumbered and (3) the requirement in § 555.5 that each request made by the public agency for conveyance shall be signed by a duly authorized officer of the public agency and shall be accompanied by a certified copy of a resolution or ordinance authorizing such officer to file the resolution or ordinance on behalf of the requesting public agency and the willingness of the public agency to accept the property conveyed subject to the terms, conditions, reservations, and restrictions prescribed in § 555.10.

Since this revision relates to public grants, benefits and contracts, compliance with the notice procedure and effective date provisions of section 4 of the Administrative Procedures Act is unnecessary.

Acting pursuant to authority vested in the Administrator of the Federal Aviation Agency by the Federal Airport Act (60 Stat. 170), as amended, and pursuant to authority delegated to me by the Administrator (26 F.R. 10644), Part 555 of the Regulations of the Administrator (14 CFR Part 555) is revised as follows:

Sec.
555.1 Definitions.
555.2 Purpose of regulations.
555.3 Requests for conveyance required.
555.4 Public agencies eligible to file requests for conveyance.
555.5 Form and content of requests for conveyance.
555.6 Place of filing requests for conveyance.
555.7 Determination by the FAA.
555.8 Determination by the head of the controlling department or agency.
555.9 Conveyances.
555.10 Covenants and reverter clauses in instruments of conveyance.

AUTHORITY: §§ 555.1 to 555.10, issued under sec. 16, 60 Stat. 179; 49 U.S.C. 1115.

§ 555.1 Definitions.

(a) All terms used in this part which are defined in the Federal Airport Act and are not defined in paragraph (b) of this section shall have the meaning given to them in the act.

(b) As used in this part, unless the context otherwise requires, the following terms shall have the meaning indicated:

(1) "FAA" means the Federal Aviation Agency.

(2) "District Airport Engineer" means the directing head of a district airport office of the FAA.

(3) "Department or agency" means any executive department, board, bureau, commisison, or other agency in the executive branch of the Federal Government or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(4) "Lands owned by the United States" means any lands in which the United States or any department or agency has title.

(5) "Lands controlled by the United States" means any lands not owned by the United States or a department or agency, the use of which is subject to the approval of the United States or any department or agency.

(6) "Property interest" means any title to or any other interest in land or any easement through or other interest in air space.

§ 555.2 Purpose of regulations.

The regulations in this part apply to the acquisition by public agencies, under section 16 of the Federal Airport Act, of property interests in lands owned or controlled by the United States, the use of which is necessary either for carrying out a project under the Federal-Aid Airport Program authorized by the act or for the operation of a public airport.

Section 16 of the act provides that whenever the Administrator of the FAA determines that the use of any such lands is reasonably necessary for carrying out a project under the Federal Aid Airport Program or for operation of a public airport, he shall request the head of the department or agency having control of such lands to convey to the public agency sponsoring the project in question or owning or controlling the airport, such a property interest therein as he may deem necessary. The head of such department or agency is directed to determine whether the requested conveyance is inconsistent with the needs of the department or agency, and upon his determination that the requested conveyance is not so inconsistent is authorized and directed, with the approval of the President and the Attorney General of the United States, and without expense to the United States, to make the conveyance requested.

§ 555.3 Requests for conveyance required.

Any public agency which desires to acquire, under section 16 of the Federal Airport Act, a property interest in lands owned or controlled by the United States, and which is eligible under § 555.4 shall file with the FAA through the District Airport Engineer a request for conveyance as provided in §§ 555.5 and 555.6.

§ 555.4 Public agencies eligible to file requests for conveyance.

(a) A public agency shall be eligible to file with the FAA a request for conveyance to it of a property interest in any lands owned or controlled by the United States, only if such public agency meets the following requirements:

(1) The public agency must be a state, Puerto Rico, the Virgin Islands, or any agency of any of them; a municipality or other political subdivision; or a tax-suported organization.

(2) The public agency must be planning to use the lands in question for or in connection with (i) the development of a public airport as a project under the Federal-aid Airport Program, or (ii) the improvement, development or protection of an existing public airport, whether or not work in connection therewith is to be done as a project under the Federal-aid Airport Program, or (iii) the establishment or construction of a new public airport, whether or not work in connection therewith is to be done as a project under the Federal-aid Airport Program.

(3) The agency must have the legal power and authority to accept the conveyance requested; to engage in any airport development, improvement, or construction necessary to derive full benefit from the conveyance requested; to establish, operate, and maintain the proposed or existing airport; and to raise the funds necessary to accomplish the proposed development, improvement, or construction and to finance the operation and maintenance of the airport.

(4) The public agency must have sufficient funds available, or be able to obtain sufficient funds, to defray the costs of any development, improvement, or construction which may be necessary to derive reasonable benefit from the conveyance requested, and to operate and maintain the proposed or existing airport.

(5) The public agency must not be in default on any obligation to the Government relative to the development, operation, or maintenance of an airport.

§ 555.5 Form and content of requests for conveyance.

(a) No special form is required for a request for conveyance under the regulations of this part. However, sufficient evidence must be furnished to enable the FAA to determine that the public agency making the request is eligible to do so, and that the public agency will accept conveyance of the land or interest in the lands involved in the request, subject to such terms, conditions, reservations and restrictions as are incorporated in the deed of conveyance. Evidence should also be presented indicating that the use of the lands requested is reasonably necessary for carrying out a project under the Federal-aid Airport Program, or for the operation of a public airport, and the property interest therein that will be required to accomplish such purpose.

(b) Each request for conveyance shall state that the requesting public agency has the legal power and authority to accept a conveyance subject to the covenants and conditions prescribed in § 555.10.

(c) Each request for conveyance shall be signed by an officer of the requesting agency duly authorized and designated to file such request for and on behalf of the requesting public agency and shall be accompanied by a certified copy of a resolution or ordinance authorizing such officer to file the resolution or ordinance for the requesting public agency and indicating the willingness of the grantee to accept the property conveyed, subject to the terms, conditions, reservations and restrictions prescribed in § 555.10. It would be desirable for such resolution to indicate the willingness of the grantee to accept conveyance of the property subject to such other terms, conditions, reservations and restrictions as may be imposed by the United States, as well as such changes in the boundaries or acreage as might be acceptable to FAA insofar as concerns the development or use of the property for public airports purposes, thereby avoiding another resolution or ordinance in the event that terms and conditions in addition to those prescribed in § 555.10 are incorporated in the deed of conveyance or some change in the boundaries or acreage becomes necessary.

(d) Each public agency filing a request for conveyance must also submit with its request, or furnish as soon thereafter as possible, the following information, if applicable and available or procurable, together with any further information that may be requested by the FAA:

(1) Name and address of the public agency requesting the conveyance.

(2) Name, location, and ownership of the subject airport. If the airport is not in existence, the proposed name, the approved location, and the prospective ownership of the airport should be indicated. If the airport is in existence and is being operated under a lease or agreement from the requesting public agency, a copy of such lease or agreement should be submitted.

(3) Statement of the legal power and authority, and financial ability of the requesting public agency to develop, improve, construct, establish, operate, and maintain the subject airport.

(4) Name of the Federal agency owning or having control of the lands requested.

(5) Legal description and acreage of the lands requested.

(6) Description of the specific property interest (title, a leasehold estate, an easement, a permit or license, or an easement or other interest in airspace), necessary to meet the needs of the requesting public agency.

(7) Complete justification of the need for acquisition of the property interest in question, supported by such maps, charts, photographs, or documents as may be necessary to show the necessity for the use of the lands requested. If the use of other lands might be suitable to meet the needs of the requesting agency, the particular advantages of the Federally owned lands over such other suitable lands should be explained.

(8) A statement as to the plans and commitments which have been made concerning the financing or accomplishment of any development, improvement, or construction requiring the use of the lands or the property interest requested. An estimated date at which the use of the subject lands or interest will be required should be stated.

(9) The status of any project for the development of the subject airport under the Federal-aid Airport Program.

§ 555.6 Place of filing requests for conveyance.

A request for conveyance of a property interest in lands owned or controlled by the United States must be filed in quadruplicate with the District Airport Engineer for the area in which such lands are located.

§ 555.7 Determination by the FAA.

The FAA will review each request for conveyance and will determine whether or not the requesting public agency is eligible and a conveyance is proper under section 16 of the Act and the Regulations of this part. In the event such determination is in the affirmative, the FAA will request the head of the department or agency having control of the lands in question to convey to the requesting public agency such a property interest in the lands as he may deem necessary. In all cases, it will be requested that the conveyance be made without consideration other than the benefits to accrue to the public and the United States by virtue of the use of the lands for public airport purposes. In addition, the FAA will request that the instrument of conveyance include certain covenants and clauses as provided in § 555.10.

§ 555.8 Determination by the head of the controlling department or agency.

The act provides that the head of any department or agency having control of lands owned or controlled by the United

States, upon receipt of a request from the FAA that an interest in such lands be conveyed to a public agency for airport purposes, shall determine whether the requested conveyances is inconsistent with the needs of the department or agency and shall notify the FAA of his determination within a period of four months after receipt of the request.

§ 555.9 Conveyances.

The act provides that if the head of a department or agency determines that a requested conveyance is not inconsistent with the needs of that department or agency, such department or agency head is authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested.

§ 555.10 Covenants and reverter clauses in instruments of conveyance.

(a) The FAA in a request to the head of a department or agency for the conveyance of a described property interest in lands owned or controlled by the United States, will request that the following be incorporated in the granting clause of the instrument of conveyance:

The property interest hereby conveyed shall automatically revert to the United States in the event that the lands in question are not developed for airport purposes within a period of three years from the date of conveyance or cease to be used for airport purposes for a period of six months; the grantee agreeing by the acceptance of this conveyance or the rights granted herein that a determination by the FAA or the successor in function, that the lands are not developed or have ceased to be used for airport purposes, shall be conclusive of the facts.

(b) The FAA will also request that there be incorporated in the instrument of conveyance the following as covenants on the part of the grantee, its successors and assigns:

(1) That the grantee will utilize the conveyed land for airport purposes.

(2) That such airport, together with its appurtenant areas, buildings and facilities, whether or not on the land being conveyed, will be operated as a public airport upon fair and reasonable terms, without discrimination on the basis of race, color, creed, or national origin, as to airport employment practices, and as to accommodations, services, facilities and other public uses of said airport.

(3) That any subsequent transfer of the property interest conveyed will be subject to all covenants, conditions and limitations contained in said instrument of conveyance.

(4) That in the event of a breach of any conditions or covenants imposed, the FAA, or the successor in function may immediately enter and possess title to the conveyed premises for and on behalf of the United States of America.

(5) That in the event of a breach of any conditions or covenants imposed, the grantee will upon demand of the FAA or the successor in function, take such action, including the prosecution of suit, or execute such instruments, as may be necessary and required to evidence transfer of title to the conveyed premises to the United States of America.

This revision shall become effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on November 29, 1961.

COLE MORROW,
Director, Airports Service.

[F.R. Doc. 61-11508; Filed, Dec. 5, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-182]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Washington, D.C., and Minneapolis, Minn.

The purpose of this amendment to Part 600 of the regulations of the Administrator is to designate low altitude VOR Federal airways No. 855 and No. 853 between Washington, D.C., and Minneapolis, Minn.

The 800 series airways are designated to indicate preferred routes of flight between major terminal areas for the purpose of segregating opposite direction traffic and generally coincide with existing low altitude VOR Federal airways. It has been determined that 800 series airways are necessary for the segregation of opposite direction traffic between the Washington and Minneapolis terminal areas. Therefore, action is taken to designate Victor 855 from Washington to Minneapolis and Victor 853 from Minneapolis to Washington.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 600 (14 CFR Part 600) is amended by adding the following sections:

§ 600.6855 VOR Federal airway No. 855 (Washington, D.C., Metropolitan Area to the Minneapolis, Minn., Metropolitan Area); normal traffic flow northwestbound.

From the Washington, D.C., VOR via the INT of the Washington VOR 321° and the Martinsburg, W. Va., VORTAC 119° radials; Martinsburg VORTAC; Indian Head, Pa., VOR; Pittsburgh, Pa., VORTAC; INT of the Wheeling, W. Va., VOR 306° and the Newcomerstown, Ohio, VOR 058° radials; Navarre, Ohio, VORTAC; Mansfield, Ohio, VORTAC; Findlay, Ohio, VOR; INT of the Fort Wayne, Ind., VORTAC 016° and the Goshen, Ind., VOR 108° radials; Wolflake, Ind., VOR; Knox, Ind., VOR; INT of the Knox VOR 276° and the Chicago Heights, Ill., VORTAC 117° radials; Chicago Heights VORTAC; INT of the Chicago Heights VORTAC 342° and the Naperville, Ill., VOR 090° radials; Naperville VOR; INT of the Naperville VOR 290° and the Rockford, Ill., VORTAC 136° radials; Rockford VORTAC; Rewey, Wis., VOR; Waukon, Wis., VOR; Rochester, Minn., VOR; to the Farmington, Minn., VOR.

§ 600.6853 VOR Federal airway No. 853 (Minneapolis, Minn., Metropolitan Area to the Washington, D.C., Metropolitan Area); normal traffic flow southeastbound.

From the INT of the Farmington, Minn., VOR 077° and the Minneapolis, Minn., VOR 131° radials; Nodine, Minn., VORTAC; Lone Rock, Wis., VOR; INT of the Lone Rock VOR 147° and the Janesville, Wis., VOR 294° radials; Janesville VOR; Naperville, Ill., VOR; INT of the Naperville VOR 090° and the Peotone, Ill., VORTAC 003° radials; Peotone VORTAC; Fort Wayne, Ind., VORTAC; Finlay, Ohio, VOR; INT of the Findlay VOR 131° and the Appleton, Ohio, VORTAC 312° radials; Appleton VORTAC; Zanesville, Ohio, VOR; Morgantown, W. Va., VORTAC; Kessel, W. Va., VOR; Front Royal, Va., VOR; to the Herndon, Va., VORTAC.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11512; Filed, Dec. 5, 1961; 8:46 a.m.]

[Airspace Docket No. 61-FW-22]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension and Designation of Transition Area

On August 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8569) stating that the Federal Aviation Agency proposed to revoke the Salt Flat, Tex., control area extension and designate a transition area in lieu thereof.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended as follows:

§ 601.1208 [Revocation]

1. Section 601.1208 Control area extension (Salt Flat, Tex.) is revoked.

2. Section 601.10805 is added to read:

§ 601.10805 Salt Flat, Tex., transition area.

That airspace extending upward from 1,200 feet above the surface SW of Salt Flat bounded on the S and W by VOR Federal airway No. 66, on the N by VOR Federal airway No. 16, and on the E by VOR Federal airway No. 222; including the airspace N of Salt Flat bounded on the SE and SW by VOR Federal airway No. 94, on the N by a line 5 miles N of and parallel to a direct line from the INT of the Newman, Texas, VOR 091° and the Salt Flat VOR 312° radials to the INT of the Carlsbad, N. Mex., VOR 256° and the Culberson, Tex., VOR 342° radials.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

Issued in Washington, D.C., on November 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11509; Filed, Dec. 5, 1961; 8:46 a.m.]

[Airspace Docket No. 61-FW-3]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Designation of Control Zone

On August 11, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7300) stating that the Federal Aviation Agency proposed to alter the Fort Bragg, N.C. (Pope Air Force Base) control zone, and designate the Simmons Army Air Field, N.C., control zone.

No adverse comments were received regarding this proposal.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following actions are taken:

1. Section 601.2367 (14 CFR 601.2367) is amended to read:

§ 601.2367 Fort Bragg, N.C., control zone.

Within a 5-mile radius of Pope AFB, Fort Bragg, N.C. (latitude 35°10'15" N., longitude 79°00'55" W.), within 2 miles either side of the Pope VOR 227° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Pope TACAN 037° radial extending from the 5-mile radius zone to 9 miles NE of the TACAN, excluding that portion SE of a line beginning at latitude 35°11'55" N., longitude 78°56'05" W., extending SW to latitude 35°05'55" N., longitude 79°00'50" W., and excluding the portion which coincides with R-5311.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2497 Simmons Army Airfield, N.C., control zone.

Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°56'05" W.), excluding the portion which coincides with the Fort Bragg, N.C., control zone.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11510; Filed, Dec. 5, 1961; 8:46 a.m.]

[Airspace Docket No. 61-FW-38]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On September 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8465) stating that the Federal Aviation Agency proposed to designate a control zone at the Naval Auxiliary Air Station, Meridian, Miss.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2498 Naval Auxiliary Air Station, Meridian, Miss., control zone.

Within an 8-mile radius of the NAAS (latitude 32°33'18" N., longitude 88°33'-35" W.), and within 2 miles either side of the Meridian NAAS TACAN 001° radial extending from the 8-mile radius zone to 7 miles N. of the TACAN, excluding the area more than 5 miles from the NAAS between the 200° and 260° bearings from the airport.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11511; Filed, Dec. 5, 1961; 8:46 a.m.]

[Airspace Docket No. 61-HO-8]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On August 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7972) stating that the Federal Aviation Agency proposed to designate a transition area at Kona Airport, Kailua, Kona, Hawaii.

No adverse comments were received regarding this proposal.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10410 Kailua, Kona, Hawaii transition area.

That airspace extending upward from 700 feet above the surface within the area beginning at latitude 19°54'00" N., longitude 156°07'50" W.; to latitude 19°-41'50" N., longitude 155°57'30" W.; thence clockwise along the arc of a 5-mile radius circle centered on the Kona Airport (latitude 19°39'00" N., longitude 156°01'00" W.) to latitude 19°34'50" N., longitude 155°59'50" W.; to latitude 19°31'50" N., longitude 156°12'30" W.; thence clockwise along the arc of a 5-mile radius circle centered on the INT of the Upolu Point, Hawaii, VOR 211° and the Lanai, Hawaii, VOR 149° radials; thence to point of beginning.

This amendment shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11513; Filed, Dec. 5, 1961; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets 8399 c.o., 8400 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Thompson Medical Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.90 *History of product or offering;* § 13.195 *Safety:* § 13.195-60 *Product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15

U.S.C. 45) [Cease and desist orders: Thompson Medical Co., Inc. et al., New York, N.Y., Docket 8399, Aug. 22, 1961; and Sedaquil, Inc. et al., Bedford, Ohio, Docket 8400, Sept. 6, 1961]

In the Matters of Thompson Medical Co., Inc., a Corporation, and S. Daniel Abraham, William Jackson, and Stella K. Abraham, Individually and as Officers of Said Corporation, and Sedaquil, Inc., a Corporation, and William K. Kutler, Gertrude K. Kutler, and William J. Kraus, Individually and as Officers of Said Corporation

Consent orders requiring two manufacturers of sedatives to cease representing falsely in newspaper advertising and otherwise that their preparations "Tranquil-Aid" and "Sedaquil", respectively, were new medical or scientific discoveries and were absolutely harmless and safe to take.

Identical orders, combining respondents in the two cases, are as follows:

It is ordered, That Respondents Thompson Medical Co., Inc., a corporation, and its officers, and S. Daniel Abraham, and Stella K. Abraham, individually and as officers of said corporation; and Respondents Sedaquil, Inc., a corporation, and its officers, and William K. Kutler and Gertrude K. Kutler, individually and as officers of said corporation; and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the products "Tranquil-Aid", "Sedaquil" or "Sedaquilin" or any other medicinal or drug preparation of substantially the same formula, whether sold under these names or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement, directly or indirectly: (a) Represents in any manner that any such product or preparation is harmless or safe to take; (b) represents that any such product or preparation is a new medical or scientific discovery or development (achievement);

2. Disseminating or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any such product or preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By separate orders, the complaints were dismissed as they relate to William Jackson and William J. Kraus.

By "Decision of the Commission", etc., in each case, reports of compliance were separately required as follows (combining respondents in the two matters):

It is ordered, That Respondents Thompson Medical Co., Inc., a corporation, and S. Daniel Abraham and Stella K. Abraham, individually and as officers of said corporation; Respondents Sedaquil, Inc., a corporation, and William K. Kutler and Gertrude K. Kutler, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: September 6, 1961 (Docket 8400).

Issued: August 22, 1961 (Docket 8399).

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-11514; Filed, Dec. 5, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 20—FROZEN DESSERTS; DEFINITIONS AND STANDARDS OF IDENTITY

Ice Cream, French Ice Cream; Chocolate and Cocoa Solids

In the matter of amending the standards of identify for ice cream and french ice cream to increase the factor by which the weight of chocolate or cocoa solids is multiplied from 1.5 to 2.5, to allow for additional sweetening ingredients:

A notice was published in the FEDERAL REGISTER of July 14, 1961 (26 F.R. 6305), setting forth a proposal filed by the International Association of Ice Cream Manufacturers, 1105 Barr Building, Washington, D.C., to amend the standards of identity for ice cream and french ice cream to take into account a larger proportion of sweetening ingredients in calculating the allowable reduction of milk fat and total milk solids when chocolate or cocoa solids are used as the characterizing ingredients of these frozen desserts. It was proposed that § 20.1(a) of the ice cream standard be amended by changing the first part of the ninth sentence to read: "In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5 * * *". The notice called attention to the cross-reference to the standard for ice cream that occurs in the standard for french ice cream and pointed out that amending the ice cream standard as proposed would have the effect of permitting the same increased allowance for sweetening ingredients when chocolate or cocoa solids are used as the characterizing ingredients in french ice cream.

Upon consideration of the comments received in answer to the proposal and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment proposed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), *It is ordered,* That § 20.1 *Ice cream; identity; label statement of optional ingredients* be amended by changing the ninth sentence of paragraph (a) to read as follows: "In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying, and this weight multiplied by 1.4."

Part 20 is further amended by inserting therein the following cross-reference:

CROSS-REFERENCES: For other regulatons in this chapter relating to ingredients permitted in frozen desserts, see also §§ 121.1008, 121.1009, and 121.1015.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 29, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-11522; Filed, Dec. 5, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 61-11213, appearing at page 11241 of the issue for Wednesday, November 29, 1961, the following correction is made in the tabular material of § 121.90: In the column headed "Effective date of statute extended to—", the entry for "Polyoxyethylene glycol * * *" should read "[1] July 1, 1962" instead of "[1] July 1, 1926".

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6581]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Elimination of Use of Form 1040W

In order to eliminate the use of Form 1040W for taxable years ending on and after December 31, 1961, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 1.4-2 is amended to read as follows:

§ 1.4-2 Elections.

(a) *Making of election.* The election to pay the optional tax imposed under section 3 shall be made by (1) filing a return (whether a separate return or a joint return) on Form 1040A, or (2) filing a return (whether a separate return or a joint return) on Form 1040 and electing in such return, in accordance with the provisions of section 144 and the regulations thereunder, to take the standard deduction provided by section 141.

PAR. 2. Paragraph (b) of § 1.142-1 is amended to read as follows:

§ 1.142-1 Husband and wife.

* * * * * * *

(b) If each spouse files a separate individual income tax return (Form 1040 or 1040A), both spouses must elect to take the standard deduction or both spouses are denied the standard deduction. Thus, if one spouse files a return on Form 1040 and does not elect to take the standard deduction, the other spouse may not elect to take the standard deduction and, hence, may not file a return on Form 1040A. For example, if A and his wife B have adjusted gross incomes of $6,000 and $3,500, respectively, from wages subject to withholding and A files a return on Form 1040 and does not elect thereon to take the standard deduction, B may not file her return on Form 1040A, but must file on Form 1040 and compute her tax without regard to the standard deduction. In such case, however, if both elect to take the standard deduction either taxpayer may file on Form 1040 or 1040A, but B's tax must be computed on the basis of the tax table in section 3.

PAR. 3. Paragraphs (a) and (b) of § 1.144-1 are amended to read as follows:

§ 1.144-1 Manner and effect of election to take the standard deduction.

The following rules are prescribed with respect to the manner of signifying an election by a taxpayer to take the standard deduction:

(a) In the case of a taxpayer whose adjusted gross income for the taxable year for which a return is required or permitted to be filed on Form 1040 is $5,000 or more, the standard deduction shall be allowed to him if he elects on such return to take such deduction. Such taxpayer shall signify on his return his election to take the standard deduction by claiming thereon the deduction in the amount provided for in section 141 instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income. A taxpayer shall have signified his election to take the standard deduction if his return is filed on Form 1040A. If in any case the adjusted gross income shown on the return of the taxpayer is $5,000 or more, but the correct adjusted gross income is less than $5,000, then:

(1) If the taxpayer has elected on his return to take the standard deduction, he shall be deemed to have elected to pay the tax imposed by section 3; and

(2) If the taxpayer has not elected to take the standard deduction, he shall be deemed not to have elected to pay the tax imposed by section 3.

(b) In the case of a taxpayer whose adjusted gross income for the taxable year for which a return is required or permitted to be filed on Form 1040 is less than $5,000, the standard deduction shall be allowed to him only if he elects, in accordance with the regulations under section 4, to pay the optional tax imposed by section 3. The filing of such return on Form 1040A constitutes an election by the taxpayer to pay the tax imposed by section 3. In any case, however, in which adjusted gross income shown on the return is less than $5,000, but the correct adjusted gross income is in fact $5,000 or more, then:

(1) If the taxpayer has elected to pay the tax imposed by section 3, he shall be deemed to have elected to take the standard deduction; and

(2) If the taxpayer has not elected to pay the tax imposed by section 3, he shall be deemed not to have elected to take the standard deduction.

PAR. 4. Paragraph (a) of § 1.6012-1 is amended by—revising subparagraph (6), revising subdivision (ii) (b) of subparagraph (7) and adding subdivisions (vii) and (viii) to subparagraph (7), revising subparagraph (8), and deleting subparagraphs (9) and (10). These amended provisions read as follows:

§ 1.6012-1 Individuals required to make returns of income.

(a) *Individual citizen or resident.* * * *

(6) *Form of return.* Form 1040 is prescribed for general use in making the return required under this paragraph. Form 1040A is an optional short form which, in accordance with subparagraph (7) of this paragraph, may be used by certain taxpayers. A taxpayer otherwise entitled to use Form 1040A as his return for any taxable year may not make his return on such form if he elects not to take the standard deduction provided in section 141, and in such case he must make his return on Form 1040. However, a taxpayer entitled under section 6014 and § 1.6014-1 to elect not to show his tax on his return must, if he desires to exercise such election, make his return on Form 1040A. Form 1040W is an optional short form which, in accordance with subparagraph (8) of this paragraph, may be used only with respect to taxable years beginning after December 31, 1958, and ending before December 31, 1961.

(7) *Use of Form 1040A by certain taxpayers with gross income less than $10,000.* * * *

(ii) *Restrictions on use of Form 1040A.* * * *

(b) Whose spouse makes a separate return on Form 1040 and elects to itemize deductions;

* * * * * *

(vii) *Change of election to use Form 1040A.* A taxpayer who has elected to make his return on Form 1040A may change such election. Such change of election shall be within the time and subject to the conditions prescribed in section 144(b) and § 1.144-2, relating to change of election to take, or not to take, the standard deduction.

(viii) *Joint return of husband and wife on Form 1040A.* A husband and wife, eligible under section 6013 and the regulations thereunder to file a joint return for the taxable year, may, subject to the provisions of this subparagraph, make a joint return on Form 1040A for any such year in which the aggregate gross income of the spouses is less than $10,000, consists entirely of remuneration for services performed as an employee, dividends, or interest, and does not include more than $200 from dividends, interest, and remuneration other than wages as defined in section 3401 (a). For purposes of determining whether gross income from sources to which the $200 limitation applies exceeds such amount in cases where both spouses receive dividends from domestic corporations, the amount of such dividends received by each spouse is taken into account to the extent that such dividends are includible in gross income. See section 116 and §§ 1.116-1 and 1.116-2. If a joint return is made by husband and wife on Form 1040A, the liability for the tax shall be joint and several.

(8) *Use of Form 1040W for certain taxable years*—(i) *In general.* An in-

dividual may use Form 1040W as his return for any taxable year beginning after December 31, 1958, and ending before December 31, 1961, in which the gross income of the individual, regardless of the amount thereof—

(*a*) Consists entirely of remuneration for personal services performed as an employee (whether or not such remuneration constitutes wages as defined in section 3401(a)), dividends, or interest, and

(*b*) Does not include more than $200 from dividends and interest.

For purposes of determining whether gross income from dividends and interest exceeds $200, dividends from domestic corporations are taken into account to the extent that they are includible in gross income. For purposes of this subparagraph, any reference to Form 1040 in §§ 1.4–2, 1.142–1, and 1.144–1 and this section shall also be deemed a reference to Form 1040W.

(ii) *Change of election to use Form 1040W.* A taxpayer who has elected to make his return on Form 1040W may change such election. Such change of election shall be within the time and subject to the conditions prescribed in section 144(b) and § 1.44–2, relating to change of election to take, or not to take, the standard deduction.

(iii) *Joint return of husband and wife on Form 1040W.* A husband and wife, eligible under section 6013 and the regulations thereunder to file a joint return for the taxable year, may, subject to the provisions of this subparagraph, make a joint return on Form 1040W for any taxable year beginning after December 31, 1958, and ending before December 31, 1961, in which the aggregate gross income of the spouses (regardless of amount) consists entirely of remuneration for personal services performed as an employee (whether or not such remuneration constitutes wages as defined in section 3401(a)), dividends, or interest, and does not include more than $200 from dividends and interest. For purposes of determining whether gross income from sources to which the $200 limitation applies exceeds such amount in cases where both spouses receive dividends from domestic corporations, the amount of such dividends received by each spouse is taken into account to the extent that such dividends are includible in gross income. See section 116 and §§ 1.116–1 and 1.116–2. If a joint return is made by husband and wife on Form 1040W, the liability for the tax shall be joint and several.

(9) [Deleted.]

(10) [Deleted.]

PAR. 5. Paragraph (c)(1) of § 1.6014–1 is amended to read as follows:

§ 1.6014–1 Tax not computed by taxpayer with gross income less than $5,000.

* * * * *

(c) *Joint return.* (1) A husband and wife who, pursuant to paragraph (a)(7) of § 1.6012–1, file a joint return on Form 1040A may elect not to show the tax on such return if their aggregate gross income for the taxable year is less than $5,000.

PAR. 6. Paragraph (b) of § 1.6081–1 is amended by revising subparagraphs (2) and (5) to read as follows:

§ 1.6081–1 Extension of time for filing returns.

* * * * *

(b) *Application for extension of time.* * * *

(2) *Additional information in the case of Form 1040.* In addition to the information required under subparagraph (1) of this paragraph, the application of a taxpayer desiring an extension of the time for filing an individual income tax return on Form 1040 for any taxable year beginning after December 31, 1958, shall also set forth (i) whether an income tax return has been filed on or before its due date for each of the three taxable years immediately preceding the taxable year of such return, and if not, the reason for each failure, and (ii) whether the taxpayer was required to file a declaration of estimated tax for the taxable year of such return, and if so, whether each required estimated tax payment was made on or before its due date. For purposes of this subparagraph a return is considered as filed on or before its due date if it is filed on or before the applicable date provided in section 6072 or on or before the last day of the period covered by an extension of time granted pursuant to the provisions of section 6081, and each required payment of estimated tax is considered as paid on or before its due date if it is paid on or before the applicable date provided in section 6153 or on or before the last day of the period covered by an extension of time granted pursuant to the provisions of section 6161.

* * * * *

(5) *Form of application.* The application for an extension of the time for filing a return, statement, or other document may be made in the form of a letter. However, in the case of an individual income tax return on Form 1040, the application for an extension of the time for filing may be made either on Form 2688 or in the form of a letter.

Because this Treasury decision makes only procedural changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: NOVEMBER 30, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–11536; Filed, Dec. 5, 1961; 8:51 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

Terminal Reports

On October 18, 1961, a proposed amendment of 29 CFR 403.5(b) was published in the FEDERAL REGISTER (26 F.R. 9784) which would extend the time for filing terminal financial reports by each labor organization which has assumed trusteeship over a subordinate labor organization from 30 to 90 days after the termination of such trusteeship. On the same date a revision of 29 CFR Part 408 was published in the FEDERAL REGISTER (26 F.R. 9772). The preamble to the revision of 29 CFR Part 408 indicated that § 408.7 was being reserved pending the disposition of the aforesaid proposed amendment.

Interested persons were given an opportunity to submit, within fifteen days after publication of that notice, written data, views, and arguments concerning the proposed amendment of 29 CFR 403.5(b), but no comments have been received.

Therefore, pursuant to section 208 of the Labor-Management Reporting and Disclousure Act of 1959 (73 Stat. 529, 29 U.S.C. 438), the proposed amendment is hereby adopted except for the deletion of the phrase providing alternatively for filing within 90 days from the effective date of this amendment which is considered unnecessary because the change expands rather than contracts the time for filing, and Chapter IV of Title 29, Code of Federal Regulations, is hereby amended by changing § 403.5(b) as proposed and by adding a new § 408.7, which reflects the requirements of § 403.5(b).

The amendments of Chapter IV shall become effective immediately upon publication in the FEDERAL REGISTER. No delay in effective date is provided as the rule prescribed is procedural, and it is less restrictive than that presently provided.

The amendments are set forth below.

1. As amended, 29 CFR 403.5(b) reads as follows:

§ 403.5 Terminal financial report.

* * * * *

(b) Every labor organization which has assumed trusteeship over a subordinate labor organization shall file within 90 days after the termination of such trusteeship on behalf of the subordinate labor organization a terminal financial report, and one copy, with the Commissioner of the Bureau at the place aforesaid, on Form LM–2 and in conformance with the requirements of this part.

(Sec. 208, 73 Stat. 529, 29 U.S.C. 438. Interpret or apply secs. 201(b), 301(a), 73 Stat. 524, 430; 29 U.S.C. 431, 461)

2. As added, 29 CFR 408.7 reads as follows:

§ 408.7 Terminal trusteeship financial report.

Each labor organization which has assumed trusteeship over a subordinate labor organization shall file within 90 days after the termination of such trusteeship on behalf of the subordinate labor organization a terminal financial report, and one copy, with the Commissioner of the Bureau at the place aforesaid, on Form LM–2 and in conformance with the requirements of Part 403 of this chapter.

(Sec. 208, 73 Stat. 529, 29 U.S.C. 438. Interpret or apply sec. 301, 73 Stat. 530; 29 U.S.C. 461)

Signed at Washington, D.C., this 28th day of November 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–11518; Filed, Dec. 5, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Fiscal Policies Pertaining to Dependents' Medical Care

Sections 577.80–577.92 are revoked and the following substituted therefor:

§ 577.80 Purpose.

The regulations in §§ 577.80–577.84 establish policies and procedures on fiscal aspects of medical care for eligible dependents of members of the uniformed services in accordance with the Dependents' Medical Care Act (10 U.S.C. 1071–1085). They are to be used in conjunction with §§ 577.60–577.68, which state the basic policies on dependents' medical care.

§ 577.81 Care provided from civilian sources.

(a) Within the United States and Puerto Rico, payment for authorized medical and dental care from civilian sources for eligible dependents of all of the uniformed services is normally provided through contractual arrangements with civilian agencies. This portion of the Dependents' Medical Care Program is administered by the Executive Director, Office for Dependents' Medical Care, Office of The Surgeon General, Department of the Army, Washington 25, D.C. (hereinafter referred to as the Executive Director). The Secretary of the Army, as Executive Agent, is responsible for providing personnel, space, equipment, facilities and supplies, including related budgeting, funding, administrative control of funds, facility control, training, manpower control and utilization, personnel administration, security administration and other administrative support necessary to operate the Office for Dependents' Medical Care.

(b) Outside the United States and Puerto Rico, direct payment is made to sources of civilian care in accordance with the directives of the individual services.

§ 577.82 Contracts.

In the United States and Puerto Rico, payments for authorized medical care from civilian sources furnished eligible dependents of all of the uniformed services will be provided by contractual arrangements between the Executive Director and appropriate civilian agencies.

(a) Contracts will include but are not limited to:

(1) Local schedules of allowances to be used in full payment of bills presented by civilian sources of care.

(2) A provision for review and, if necessary, an adjustment of payments for administrative overhead charges not later than 120 days after the first year the plan or plans have been in effect and each year thereafter.

(3) Administrative responsibilities of the contractors and method of determining administrative costs.

(4) Adequate billing procedures covering bills transmitted from civilian sources of care through the contractor to the Government. These procedures will make each contractor responsible for paying civilian medical care sources for authorized services rendered in his contract area in accordance with the contract terms.

(5) Such other specific contractual instructions as are required.

(b) The Executive Director is also responsible for the following, among other things, with respect to contract administration:

(1) Liaison activities with the contractors.

(2) Financial administration in accordance with applicable Department of the Army directives and other special instructions issued by appropriate authority.

(3) Advice on and interpretation of contracts.

(c) The Executive Director's responsibility does not include, as a matter of routine, a detailed supervision of civilian medical procedures or a detailed inspection of civilian medical facilities.

(d) Contract audits will be conducted by audit agencies of the Department of the Army at the site where the contractor maintains records; reports of audit will be forwarded to the Executive Director for appropriate action.

§ 577.83 Payments.

DA Form 1863 (Statement of Services Provided by Civilian Medical Sources—PL 569, 84th Congress), November 1, 1956, has been revised and made into two separate forms: DA Form 1863–1 ((Hospital) (Services by Civilian Hospitals, Private Nurses, Anesthetists, Physical Therapists—Medicare)) and DA Form 1863–2 ((Physician) (Services by Civilian Physicians and Dentists—Medicare)). The revised DA Forms 1863–1 and 1863–2 will be made available to civilian sources of medical and dental care to submit bills for payment under the Dependents' Medical Care Program. Effective January 1, 1962, DA Forms 1863, November 1, 1956, are obsolete and stocks in depots and units will be destroyed.

(a) *Payments to civilian medical and dental care sources in the United States and Puerto Rico.* (1) Payments to civilian sources of care will be made by the appropriate contractor upon receipt of a properly documented and completed DA Form 1863–1 or 1863–2 as required by the contract. (These forms will be made available to contractors for distribution to civilian sources of care through adjutant general publications centers.)

(2) Where authorized care is provided to eligible dependents by civilian sources which are not subject to contract procedures, DA Forms 1863–1 and 1863–2 will be submitted to the Executive Director for action.

(b) *Payment to civilian sources of medical and dental care outside the United States and Puerto Rico.* Contractual arrangements for civilian medical care will not be entered into outside the United States and Puerto Rico. Direct payment will be made to civilian medical sources furnishing authorized medical and dental care to eligible dependents in accordance with regulations of the individual services. DA Forms 1863–1 and 1863–2 will be requisitioned through established forms requisitioning channels of the uniformed service concerned. Copies of DA Forms 1863–1 and/or 1863–2 will be used to support the payment voucher, Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) except that in instances where DA Forms 1863–1 and 1863–2 are not readily obtainable, the payment voucher will be supported by an invoice from the source of civilian care which will clearly reflect the data required by these forms.

§ 577.84 Claims for reimbursement.

(a) The individual should not pay for civilian medical and dental care which is authorized at Government expense except for that portion which is his responsibility. However, in cases where an eligible dependent received authorized civilian care and the patient or sponsor paid the complete charge for such care, reimbursement may be made for that portion of the charge for which the Government is responsible.

(b) Claims for reimbursement for authorized civilian medical or dental care provided eligible dependents in the United States and Puerto Rico may be submitted by the patient or sponsor direct to the appropriate major Army commander who has jurisdiction over the geographical area in which the treatment was obtained for review and disposition in accordance with guidance furnished by the Executive Director. Claims for reimbursement for authorized medical care provided eligible dependents aboard commercial vessels en route to the United States or Puerto Rico will be submitted to the major Army com-

mander who has jurisdiction over the geographical area in which the patient debarks.

(c) Where authorized civilian medical or dental care was provided eligible dependents in areas outside the United States and Puerto Rico, claims will be processed in accordance with applicable directives of the uniformed service concerned.

(d) Claims for reimbursement will include the following forms and documentation:

(1) Standard Form 1034, in triplicate.

(2) DA Forms 1863–1 and/or 1863–2, in triplicate, with items 1 through 32 and/or items 1 through 28, respectively, completed. A separate DA Form 1863–1 or 1863–2 is required for each source of care; e.g., physician, hospital, nurse, or dentist. (With certain exceptions, claims for reimbursement for civilian medical care obtained by dependents residing with their sponsors in the United States and Puerto Rico must be supported by a DD Form 1251. (Nonavailability Statement—Dependents Medical Care Program). See § 577.64(d)).

(3) Itemized bill of the physician, hospital, nurse, or dentist, etc., furnishing the medical care, showing the first name, middle initial, and last name of the authorized person signing, including his business title or designation and acknowledging receipt of payment from the patient or sponsor.

(4) When a claim includes charges for the services of a self-employed anesthetist or physical therapist, a private-duty nurse, or a private hospital room, a statement by the attending physician that such services were necessary for the proper care and treatment of the patient.

(5) A statement by the claimant as to the reasons for having made direct payment.

[AR 40–122, Oct. 31, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071–1085, 72 Stat. 1446–1450; 10 U.S.C. 1071–1085)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–11501; Filed, Dec. 5, 1961; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER G—MISCELLANEOUS RULES

PART 765—RULES APPLICABLE TO THE PUBLIC

Merchants Crews

Scope and purpose. Section 765.15 is revised to conform with the corresponding provision (article 0776) of U.S. Navy Regulations, 1948.

Section 765.15 is revised to read as follows:

§ 765.15 Merchant crews.

Ships under the jurisdiction of the Navy, and having merchant crews, are amenable to navigation laws. In foreign ports their crews must be shipped and discharged before consuls, and papers must be deposited with consuls, except in those cases where anticipated orders for prompt movement makes this course undesirable, in which case the consul is to be notified.

(R.S. 161, secs. 5031, 6011, 70A Stat. 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6011)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

DECEMBER 1, 1961.

[F.R. Doc. 61–11554; Filed, Dec. 5, 1961; 8:53 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In Part 6, § 6.80 is revised to read as follows:

§ 6.80 Application and medical evidence.

The applicant for reinstatement of United State Government life insurance, during his lifetime and before becoming totally and permanently disabled, must submit a written application signed by him and furnish evidence of health as required in § 6.79 at the time of application satisfactory to the Administrator of Veterans Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicants' own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 6.79(a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 6.79(a) must be accompanied by evidence of good health satisfactory to the Administrator: *Provided*, That if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in the required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the Director, Underwriting and Insurance Claims Service, in Central Office and the Manager, Insurance Center, Philadelphia, Pennsylvania, may, if the applicant be dead, waive any or all of the requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

2. In Part 8, §§ 8.24 and 8.66 are revised to read as follows:

§ 8.24 Application and medical evidence.

The applicant for reinstatement of National Service life insurance, during his lifetime must submit a written application signed by him and furnish evidence of health as required in § 8.23 at the time of application satisfactory to the Administrator of Veterans Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23(a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23(a) must be accompanied by evidence of good health satisfactory to the Administrator: *Provided*, That if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the Director, Underwriting and Insurance Claims Service in Central Office; Assistant Managers for Insurance, VA Centers, Denver, Colorado, and St. Paul, Minnesota; and Manager, Insurance Center, Philadelphia, Pennsylvania, may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

§ 8.66 Expenses incident to examinations for insurance purposes.

Necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices or hospitals shall be furnished when the insured is ordered to report for examination at the specific request of the Director, Underwriting and Insurance Claims Service in Central Office; Assistant Managers for Insurance, VA Centers, Denver, Colorado, and St. Paul, Minnesota; and Manager, Insurance Center, Philadelphia, Pennsylvania, or the Manager of a regional office or Director of a hospital: *Provided*, Such expenses will be borne by the United States and will be paid from the applicable appropriation of the Department of Medicine and Surgery. Transportation, meal, and lodging requests in connection with reporting to and returning from the place of examination may be furnished the applicant, or the applicant may travel at his own expense and claim reimbursement for such travel on a mileage basis, provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans Administration will be in accordance with the Standardized Government Travel Regulations. If such an examination is made by a medical examiner on a fee basis, payment will be made at a fee not in excess of the schedule of fees in effect and approved by the Veterans Administration for medical and professional services in the State in which the examination is made. Where no approved State fee schedule is in effect or where a fee for the type of examination authorized is not listed in the approved State fee schedule in effect, such examinations will be furnished at a fee not in excess of that listed in the "Guide for Charges for Medical and Ancillary Services" of the Department of Medicine and Surgery in effect at the time the examination is authorized. If the particular examination is not covered by a schedule in effect and/or the said guide, a fee not in excess of what is reasonable and customarily charged in the community concerned may be allowed.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective December 6, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–11533; Filed, Dec. 5, 1961; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14139; FCC 61–1410]

PART 10—PUBLIC SAFETY RADIO SERVICES

Fire Radio Service; Frequencies Available

In the matter of amendment of Part 10, Subpart G of the Commission's rules to make available certain frequencies in the fire radio service for coordinated operation within a district, county, or State; and to make available additional "inter-system" frequencies for coordinated operations on an inter-district, inter-county, or inter-State level; Docket No. 14139, RM–233 (in part).

1. The Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (26 F.R. 5156, June 8, 1961) asking for comments in support of or in opposition to the proposal contained therein. The time for filing such comments has passed, and those which were submitted have been considered by the Commission in arriving at its determinations set forth below.

2. In its First Report and Order in Docket No. 13273 (FCC 60–899, adopted July 20, 1960), the Commission made the frequencies 45.88 Mc/s and 154.280 Mc/s available for "inter-system operations". One of the proposals in this proceeding is to make the frequencies 154.265 Mc/s and 154.295 Mc/s also available for this purpose. These latter frequencies are presently governed by § 10.305(g)(14) as "not available for assignment until November 1, 1963". The restriction was imposed to facilitate the availability of the frequency 154.280 Mc/s. However, in light of the Commission's recent action in Docket No. 14111 (FCC 61–1299, adopted November 1, 1961) which permits applicants for most "split channels", including those under consideration here, to satisfy frequency coordination requirements by merely complying with § 10.8 of the Commission's rules, it appears logical to make these two frequencies available at once, particularly since there are indications that more frequencies for this purpose are needed.

3. The main proposal in this Docket is concerned with the establishment of fire radio plans within a district, county, or state for "mutual aid". In their joint petition, International Association of Fire Chiefs (IAFC) and International Municipal Signal Association (IMSA) pointed out that the intersystem frequencies established in Docket No. 13273 (supra) were ideal for communications between states, counties, or districts. However, within these areas, fire radio systems have grown up utilizing a common frequency for mutual aid. Within most counties, for example, virtually every fire department is on the same frequency. This is the sole frequency used by most of these licensees, and it is employed for their own base-mobile communications and also to summon or be summoned for mutual aid within the county. Even the larger cities whose fire-fighting responsibilities might necessitate a separate base-mobile system on a different frequency also have the common county frequency for mutual aid. Hence, the petition requested, and the Commission proposed, that on an intrastate, intra-county or intra-district level the users be permitted to file a plan with the Commission designating this common frequency as being available within that area for "mutual aid" or intra-system communications. Under the proposal, once such a plan is filed and a frequency designated, asignments of "mutual aid" frequencies will be made only in accordance therewith.

4. It is unnecessary to discuss the comments in any detail since, with the exception of one relatively minor change suggested by the City of San Diego, California, there was complete agreement favoring the proposals set forth in the notice of proposed rule making. The City suggested that the availability of the frequencies 154.265 Mc/s and 154.295 Mc/s be limited to those applicants who submit an engineering report showing that their operations will not cause interference to base-mobile communications on frequencies 15 kc or less from the frequency requested. As was pointed out previously, the Commission's action in Docket No. 14111 permits applicants for 15 kc "split channels" to satisfy frequency coordination by complying with § 10.8 of the Commission's rules. Since this rule provides that one method of compliance is the submission of an engineering report similar to that proposed by San Diego, its suggestion would have the effect of precluding applicants from utilizing the frequency advisory committee letter alternative. It does not appear, however, necessary or logical to treat these two 15 kc frequencies differently from other such frequencies. It should be noted that the inter-system frequencies are to be used primarily for base-mobile communications. While the initial summoning of aid may involve a base-to-base transmission, the use of radio subsequently during the actual fire-fighting will be for base-mobile communications. Hence, since these inter-system frequencies are also primarily base-mobile, they should be available on the same basis as other frequencies available to the Fire Radio Service. Lest there be misunderstanding concerning the permissible usage of these frequencies, § 10.305(g)(13) as set forth below has been amended to reflect the base-mobile character of these frequencies.

5. In view of the foregoing, the Commission has determined that adoption of the amendments proposed is in the public interest. The net effect of the changes is to provide four frequencies available only for inter-system communications (between States, counties, or districts). Also, users within any one of these areas have the opportunity of submitting a plan to the Commission showing that they will utilize a specific common frequency within that area for intra-system or "mutual aid" communications. If the plan is acceptable, assignments will be made in accordance therewith.

Therefore, it is ordered, That effective January 10, 1962, Part 10 be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 29, 1961.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 10.305, paragraph (c) is amended, that portion of the frequency table in paragraph (f) beginning with 154.250 and ending with 154.310 Mc/s is amended, paragraph (g)(13) is amended, and paragraph (g)(14) is deleted, as follows:

§ 10.305 Frequencies available to the Fire Radio Service.

* * * * * * *

(b) Normally no more than two frequencies will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need. One such need specifically contemplated herein is for the assignment of an additional frequency or frequencies for common intra-county, intra-fire district, or intra-state fire coordination operations; the frequency or frequencies requested must be in accord with an approved frequency utilization plan, for the area involved, on file with the Commission.

* * * * * *

(f) * * *

Frequency or band (Mc/s)	Class of station(s)	Limitations
• •	•	• •
154.250	Base and mobile	8
154.265	do	8, 13
154.280	do	8, 13
154.295	do	8, 13
154.310	do	8

• • • • • •

(g) • • •

(13) This frequency is reserved for assignment to stations in the Fire Radio Service for inter-system operations only and these operations must be primarily base-mobile communications.

[F.R. Doc. 61-11551; Filed, Dec. 5, 1961; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

PROOF OF USE OF WOOLS AND HAIR OF CAMEL IN MANUFACTURING FLOOR COVERINGS AND OTHER ARTICLES

Notice of Proposed Amendments

NOVEMBER 30, 1961.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that, under the authority of paragraph 1101(b), Tariff Act of 1930, as amended (19 U.S.C. 1001, par. 1101(b)), it is proposed to amend §§ 10.92, 10.94, and 10.95 of the Customs Regulations relating to wool and hair of the camel for use in manufacturing floor coverings and other articles.

The overall purpose of the proposed amendments is primarily to simplify the procedure for establishing proof of use and accounting for wool and hair imported for the purposes named in paragraph 1101(b) by imposing full responsibility on the manufacturer processor, or dealer entering or withdrawing the wool or hair from warehouse for consumption to account for any change in the condition of the material and to establish proof of use. Transfer certificates will be required only when such manufacturer, processor, or dealer transfers all his right, title, and interest in the merchandise to another manufacturer, processor, or dealer who has filed a bond to insure that the wool or hair so transferred will be used only in the manufacture of the articles enumerated in paragraph 1101(b). The person responsible under a bond may in the case of any other transfer specifically request that he be relieved of such liability. In such a case the transferee must assume liability under a sufficient bond to insure accounting for and proper use of the material involved. On-the-site test-audit of the abstract of the manufacturing records of the owner would also be provided for.

The responsibility to account for any change in the condition of the wool will remain with the party whose bond is charged with this responsibility. If any change in the condition of the wool or hair occurs in the plant of such party, no evidence of such change other than the related abstract will be required by the collector, as such change will be recorded in the books and records of the manufacturer, processor, or dealer, which will be available for inspection at all reasonable times as prescribed by § 10.95(c) of the Customs Regulations. If any change in the wool or hair occurs outside the plant of such party, the transferor will be required to submit to the collector, with a transfer certificate in the case of the dealer or with an Abstract of Manufacturing Records in the case of a manufacturer, a copy of the independent processor's invoice or report showing the gross weight received and the net weight returned by such processor.

The terms of the proposed amendments, in tentative form, are as follows:

§ 10.92 [Amendment]

Section 10.92(b) is amended by deleting the reference symbol "85" at the end of the sentence.

Footnote 85, appended to § 10.92(b), is deleted, as a transfer under bond is not required when merely a change of custody (not ownership) occurs.

Section 10.94 is amended to read as follows:

§ 10.94 Manufacturing records.

(a) Each manufacturer or processor shall keep the records specified in this section with respect to products and substances resulting wholly or in part from bonded wool or hair. Such records shall be kept by 3-months' periods of manufacture on a calendar-year basis and shall show:

(1) The inclusive dates of each period of manufacture;

(2) The quantity, identity, and description of the wool or hair not previously processed by the reporting manufacturer or processor put into process during the period;

(3) The quantity and description of all intermediate products, stocks in process, and wastes (including noils) not described in the preceding subdivision which are put into process during the period; [85]

(4) The quantity and description of the final products resulting from the processing by the manufacturer or processor; the quantity by weight of the wool or hair contained therein; and

(5) The quantity of any wastes (including noils) incurred which remain on hand upon completion of the period of manufacture. Such wastes shall be accounted for under the following designations:

Noils.

Soft (including all wastes, except noils, burr wastes, card strippings, and sweepings, produced after the scouring of the wool or hair and before the spinning operation).

Hard (including all wastes, except sweepings, produced in and after the spinning operation but before completion of the weaving operation or, in the case of the manufacture of articles enumerated in par. 1101(b), Tariff Act of 1930, as amended, which are not woven, before the completion of the enumerated article).

Fly (including all wastes other than noils and hard and soft wastes as above specified).

White soft wastes and white threads shall be accounted for separately.

(6) The records of each manufacturer or processor shall contain a detailed inventory of all wool and hair on hand at the close of each abstract period.

(b) When the manufacturer of any enumerated articles spins the yarns used in the manufacture thereof, he shall also keep records showing the quantity and description of all the yarns so spun.

(c) Within 30 days from the end of each calendar quarter the manufacturer or processor, liable under a bond for wool or hair, shall submit to the collector of customs where his original bond has been filed an abstract of his records on customs Form 7531-B. The abstract shall be supported by copies of the processor's returns (showing the processing losses and net returns) for any bonded wool or hair processed outside the plant of the manufacturer or processor submitting such abstract. When a bonded manufacturer or processor has not manufactured or processed any bonded wool or hair during the 3-months' period he shall promptly so advise the collector of customs.

(d) Each such abstract shall bear the following certificate of an authorized officer or member of the firm:

I, _____, certify that this document is a true and correct abstract of our records of manufacture; that such records have been kept in the manner prescribed by section 10.94, Customs Regulations.

All wastes reported herein as resulting from operations in our plant resulted in the usual course of manufacture of articles enumerated in paragraph 1101(b), Tariff Act of 1930, as amended, except as follows:

_____

_____

All wool or hair delivered from our plant during the period covered by this abstract, under a transfer certificate or otherwise, has been listed herein.

Dated _____

_____

_____

(Title)

(e) In the case of preliminary processors, such as pullers, sorters, washers, scourers, or carbonizers, a transfer certificate, on customs Form 7531-A, revised, covering wool or hair processed and transferred by any one of them, shall be submitted to the collector of customs as an abstract of his records of manufacture, when such processor has received custody (not ownership) of the wool or hair from a transferor who has been relieved by the collector of liability under bond for the use of the wool or hair in accordance with § 10.95(d).

Section 10.95 is amended to read as follows:

§ 10.95 Records and reports of enumerated articles of wool or hair delivered; transfer certificates.

(a) Each manufacturer, processor, or dealer shall keep records showing the quantity, description, and wool or hair content of all wool or hair (including samples) and enumerated articles delivered from his premises pursuant to transfer under bond, purchase, consignment, or otherwise. Such records shall

also show the date of delivery from the premises and the name and address of the transferee, purchaser, consignee, or other person to whom delivery is made. The records shall show also the exact designation under which any wool or hair was transferred, sold, consigned, or otherwise delivered and the price paid or agreed to be paid, or if there has been no sale or contract of sale, the price that the manufacturer, processor, or dealer would have received or was willing to receive for the wool or hair if sold in the ordinary course of trade. The total amounts of the deliveries within the purview of this paragraph, except of enumerated articles, shall be included in the totals shown on the abstract prescribed in § 10.94(c).

(b) Within 30 days after the delivery of wool or hair from the premises, otherwise than under a transfer certificate provided for in paragraph (d) of this section, the manufacturer, processor, or dealer making such delivery shall file a declaration with the collector of customs in whose district his original bond is filed, showing the quantity and description of merchandise delivered, the date of delivery, and the name and address of the person to whom delivered. The declaration shall show the particulars as to price specified in paragraph (a) of this section, whether representative samples have been retained, whether the merchandise resulted in the usual course of manufacture of enumerated articles, and whether such merchandise could have been used (with or without further preparation) in the manufacture of enumerated articles.

(c) The manufacturer, processor, or dealer shall retain for customs inspection a representative sample of not less than one pound of each kind of merchandise for which a report is required by §10.96 (a) or (b). Such sample shall be properly identified in his records with the report covering such merchandise and shall be available for inspection by proper officers of the Government at all reasonable times for a period of 3 months after its delivery.

(d) When the ownership of wool or hair is transferred by one bonded manufacturer, processor, or dealer to another manufacturer, processor, or dealer the transfer shall be covered by a transfer certificate on customs Form 7531-A, revised. When a transferor transfers custody (not ownership) of wool or hair, no transfer certificate is required unless the transferor in writing specifically requests the collector of customs to be relieved of his liability under his bond. When the transfer is made by a dealer, customs Form 7531-A shall be supported by copies of processors' invoices or reports (showing processing losses and net returns) for any wool or hair processed outside the custody of the dealer. Such transfer certificates shall be filed by the dealer within 30 days after the date of the transfer. When the transfer is made by a manufacturer or processor, it shall be filed within the quarterly period allowed for the filing of the abstract on which the transfer is required to be reported. When the original bonds of both the transferor and the transferee are on file in the office of one collector of customs, the transfer certificate shall be filed with that officer in duplicate. When the original bond of the transferee is on file in another customs district, the transfer certificate shall be filed in triplicate. The transferor shall not be relieved from liability under his bond until the transferred wool or hair has been charged against the bond of the transferee.

(e) The establishments of bonded manufacturers, processors, and dealers, and the originals of all books and records kept by such manufacturers, processors, and dealers relating to bonded wool or hair shall be available at all reasonable times for inspection by proper officers of the Government.

(f) All records required to be kept by manufacturers, processors, and dealers relating to bonded wool or hair shall be retained for a period of 3 years after the imported wool or hair has been used in the manufacture of the articles enumerated in paragraph 1101(b), Tariff Act of 1930, as amended. Where the wool or hair has been charged against the bond of a transferee, the records of the transferor shall be retained for a period of 3 years from the date of the transfer.

Part 10 is amended to add new footnotes designated 86 and 86a reading as follows:

[86] This applies only to materials carried over from a previous period and does not require the keeping of records of materials which are put back into process in the same period in which they resulted.

[86a] Normally, when wool or hair is transferred, for scouring, blending, etc., the liability therefor under bond will remain with the actual owner until a change of ownership is effected.

Prior to the final adoption of the regulations herein proposed, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., and received not later than 45 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: NOVEMBER 30, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-11535; Filed, Dec. 5, 1961; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 120, 121]

PESTICIDE RESIDUES; FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations and § 121.52 *Withdrawal of petitions without prejudice* of the food additive regulations, Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, has withdrawn its petition proposing the establishment of pesticide tolerances and a food additive regulation for ethion(*O,O,O'O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on certain fruits and vegetables as published in the FEDERAL REGISTER of July 1, 1961 (26 F.R. 5959).

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 30, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11529; Filed, Dec. 5, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 247) has been filed by Morton Chemical Company, 110 North Wacker Drive, Chicago 6, Illinois, proposing the issuance of a regulation to provide for the safe use in pesticide formulations of up to 30 percent methyl chloride to be used in space fumigations where food may be exposed.

Dated: November 29, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11520; Filed, Dec. 5, 1961; 8:48 a.m.]

[21 CFR Parts 141a, 146, 146a, 147]

DIMETHOXYPHENYL PENICILLIN SODIUM

Proposal To Change Name to Methicillin Sodium

The regulations for penicillin and penicillin-containing drugs use the name "dimethoxyphenyl penicillin sodium" for sodium-2, 6-dimethoxyphenyl penicillin. It has come to the attention of the Commissioner of Food and Drugs that the name "methicillin sodium" has been generally adopted for this antibiotic drug. The Commissioner has concluded that in order to prevent confusion in the medical literature and avoid having the same drug sold under different names, appropriate changes should be made in the regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act to recognize "methicillin sodium" as the common or usual name for the subject drug.

Therefore, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 507(b), 59 Stat. 463; 21 U.S.C. 357(b)), delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner proposes to amend the applicable sections of Parts 141a, 146, 146a, and 147 to require that "methicillin sodium" be used as the name for this drug.

All interested persons are invited to present their views in writing regarding this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be filed in quintuplicate.

Dated: November 29, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11521; Filed, Dec. 5, 1961; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Procedural Regs. Docket No. 13232]

[14 CFR Part 302]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Proposed Additional Method for Instituting Route Proceedings

DECEMBER 1, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed amendment to Part 302 of the rules of practice which would establish an additional method for initiating route proceedings under sections 401 and 402 of the Act.

The principal features of the proposed regulation are explained in the explanatory statement below and the proposed amendment is set forth below. This rule-making action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before January 4, 1962, will be considered by the Board before taking final action on the Proposed Rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Generally speaking, the domestic and foreign route structure is determined in formal proceedings stemming from the filing of applications or petitions for new or additional air transportation services. When these pleadings are reached on the docket, the Chief Examiner issues a notice of prehearing conference listing specific applications which are under consideration. Interested persons may file motions for consolidation of additional applications in the proposed proceeding or seek consolidation or contemporaneous consideration of issues enlarging or changing the nature of the proceeding. Subsequently, the Board's order on consolidation is issued, and further procedural steps are then taken until the proceeding is finally disposed of.

The Board believes that the existing procedure for initiating route cases may not always be the most efficient and expeditious method of discharging its responsibility to encourage and develop a sound air transportation system. Essentially, this conclusion is based upon the fact that this procedure leaves the initiative for starting a route proceeding to the air carriers, foreign air carriers and civic parties who have interests which may not always coincide with the overall public interest.

The proposed rule is intended to provide the Board with an additional method for instituting a route proceeding which will enable the Board to establish the scope of the proceeding and the issues to be determined therein on the basis of public interest requirements as developed by the Board's studies and long-range policy planning. This additional method would be the institution of a proceeding by a Board order which would take the form of either an order of investigation or an order to show cause. This order would define the scope of the issues in the proceeding, consolidate appropriate applications or proceedings for simultaneous hearing, institute investigations under sections 401(g) or 402(f) of the Act, and specify any other pertinent matters to be included in the proceeding. Persons having a substantial interest would be given an opportunity to object to the Board's order by filing a written answer or a motion under § 302.12 within the period of time specified in the order. Any person failing to file a timely answer or motion would waive his right to have his own application heard in the same proceeding or to have it determined contemporaneously. Answers to motions filed under § 302.12 would be fileable within seven (7) days. From that point on, the existing provisions of Subpart A would apply as they do in all route proceedings.

It is believed that the use of the proposed new procedure would enable the Board to more effectively control the scope and objectives of its route proceedings and, thereby, foster the development of a soundly conceived and coordinated national route pattern. In addition, the new method would involve the publication of a tentative Board position concerning the scope and objectives of a proposed route proceeding as the first step in the initiation thereof. Thus, this procedure would limit and sharpen the issues at the very outset of a proceeding, would more clearly define the matters to which the answers and motions filed in response to the Board's order should be addressed, and could reduce the volume of motions for consolidation and counter-motions engendered under the present noticing procedure by the absence of any defined objectives. Of course, certain proceedings would continue to be handled by the existing procedure of issuing a written notice of a prehearing conference.

The proposed new procedure would also enable the Board to issue show cause orders embodying its tentative decision on the issues involved whenever such action appeared to be appropriate. Such show cause orders would provide a more suitable basis for the disposition of resulting answers and motions.

In consideration of the foregoing, it is proposed to amend Part 302 of the procedural regulations (14 CFR Part 302) by enacting a new Subpart J, to read as follows:

Subpart J—Rules Applicable to Route Proceedings Under Sections 401 and 402 of the Act

§ 302.1001 Selection of appropriate procedures for initiation of proceedings.

The purpose of this subpart is to establish, in addition to existing procedures for the initiation of proceedings involving particular routes or geographic areas under Subpart A of this part, an additional procedure which may be employed so that the Board may select the one best suited to the efficient and expeditious disposition of route proceedings.

§ 302.1015 Initiation of proceedings by Board order.

(a) *Order instituting proceedings.* The Board may initiate a route proceeding by issuing an order of investigation or order to show cause which defines the scope of the issues in the proceeding, consolidates pending applications or proceedings for simultaneous hearing, institutes investigations under sections 401(g) and 402(f) of the Act directed to the amendment of outstanding certificates of public convenience and necessity and foreign air carrier permits, and specifies other matters included in the proceeding.

(b) *Pleadings in response to Board order.* Any person having a substantial interest may object to the Board's order by filing with the Board a written answer or a motion pursuant to § 302.12 within the period of time specified in said order. Such answer or motion shall be in lieu of petitions for reconsideration under § 302.37, and shall set forth all objections which such person may have to the Board's order. Any objection which is not set forth in such answer shall be deemed to have been waived. Any person who fails to file a timely answer or motion in response to the Board's order shall also be deemed to have waived his right to object to the definition of the scope of the proceeding and to obtain a contemporaneous hearing of other matters.

(c) *Answers to motions.* Answers in support of or in opposition to motions filed pursuant to § 302.1015(b) may be filed within seven (7) days after service of such motions or within such other period as may be specified in the Board's order.

(d) *Board action on responsive pleadings.* The Board will issue an order disposing of the pleadings filed in response to its order initiating the route proceeding.

[F.R. Doc. 61-11537; Filed, Dec. 5, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-WA-222]

POSITIVE CONTROL AREAS

Proposed Designation of Positive Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

Positive control areas are designated areas, within the continental control area, wherein positive separation to both en route and diversified local aircraft operations is provided in accordance with the provisions of Special Civil Air Regulation No. SR-424C.

The Federal Aviation Agency has under consideration the designation of a positive control area which has been assigned the code name "Operation Topside." This positive control area would consist of the airspace from Flight Level 410 to Flight Level 600 inclusive, within the continental control area. Restricted areas and Prohibited areas which are not a part of the continental control area would likewise not be included in the positive control area proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 29, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11505; Filed, Dec. 5, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-214]

POSITIVE CONTROL AREAS

Proposed Alteration of Positive Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.9011 of the regulations of the Administrator, the substance of which is stated below.

In Airspace Docket No. 60-WA-172 (25 F.R. 8320) the FAA designated a positive control area encompassing the approximate area of radar coverage of the Chicago, Ill., Indianapolis, Ind., and London, Ohio, long range radar facilities and extending from 24,000 feet MSL to flight level 350. Positive control areas are designated areas, within the continental control area, wherein positive separation to both en route and diversified local aircraft operations is provided in accordance with the provisions of Special Civil Air Regulation No. SR-424C. In Airspace Docket No. 60-WA-264 (26 F.R. 5621) the vertical limits of the Chicago/Indianapolis positive control area were amended to read from flight level 240 to and including flight level 600.

The FAA now has under consideration the lateral expansion of the Chicago/Indianapolis positive control area to include the approximate area of radar coverage of the Detroit, Mich., Cleveland, Ohio, and Buffalo, N.Y., long range radar facilities, excluding the portion that lies over Canadian territory. By definition the ceiling of any positive control route segment which would underlie the proposed positive control area, would automatically be raised from 22,000 feet MSL to, but not including, flight level 240.

If this action is taken, the Chicago, Ill., Indianapolis, Ind., Detroit, Mich., Cleveland, Ohio, positive control area would be designated as follows:

That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at latitude 43°40'00" N., longitude 90°00'00" W; thence to latitude 43°40'00" N., longitude 87°40'00" W.; thence to latitude 43°14'20" N., longitude 87°44'30" W.; thence to latitude 43°16'00" N., longitude 86°30'00" W.; thence to latitude 43°20'00" N., longitude 86°30'00" W.; thence to latitude 43°30'00" N., longitude 86°45'00" W.; thence latitude 44°20'00" N., longitude 84°50'00" W.; thence to latitude 44°00'00" N., longitude 82°13'00" W.; thence southward and eastward along the United States/Canadian Border to latitude 43°38'00" N., longitude 76°47'30" W.; thence to latitude 42°45'00" N., longitude 76°50'00" W.; thence to latitude 40°45'00" N., longitude 78°35'00" W.; thence to latitude 40°15'00" N., longitude 78°25'00" W.; thence to latitude 38°33'00" N., longitude 80°55'00" W.; thence to latitude 38°00'00" N., longitude 81°00'00" W.; thence to latitude 37°00'00" N., longitude 83°40'00" W.; thence to latitude 37°40'00" N., longitude 87°30'00" W.; thence to latitude 38°30'00" N., longitude 88°00'00" W.; thence to latitude 39°22'00" N., longitude 88°00'00" W.; thence counterclockwise along an arc with a 65-statute mile radius centered at latitude 39°05'37" N., longitude 89°09'45" W.; to latitude 39°55'30" N., longitude 88°35'30" W.; thence to latitude 40°03'00" N., longitude 89°07'00" W.; thence counterclockwise along an arc with a 29-statute mile radius centered at latitude 39°53'32" N., longitude 89°37'31" W.; to latitude 40°17'20" N., longitude 89°48'00" W.; thence to latitude 40°08'30" N., longitude 90°10'00" W., thence to latitude 41°00'00" N., longitude 90°50'00" W.; thence to latitude 42°00'00" N., longitude 91°00'00" W.; thence to latitude 43°10'00" N., longitude 90°30'00" W.; thence to the point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 29, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11506; Filed, Dec. 5, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 12]

IRRIGATION MATTERS

Redelegation of Authority

NOVEMBER 30, 1961.

Part 3 of Portland Area Office Redelegation Order 1 is amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO IRRIGATION MATTERS

SEC. 3.205 *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business or grazing purposes.* The granting of concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone Irrigation Projects, and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203.

PHILLEO NASH,
Commissioner.

[F.R. Doc. 61-11515; Filed, Dec. 5, 1961; 8:47 a.m.]

Bureau of Land Management

ARIZONA

Small Tract Classification No. 76; Revocation

Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby revoke Arizona Small Tract Classification No. 76, published 6-29-61 (26 F.R. 5852) in its entirety.

Dated: November 27, 1961.

FRED J. WEILER,
State Director,
P.O. Box 148, Phoenix, Ariz.

[F.R. Doc. 61-11516; Filed, Dec. 5, 1961; 8:47 a.m.]

[Group 355, Arizona]

ARIZONA

Notice of Filing of Plats of Survey

NOVEMBER 28, 1961.

1. Pursuant to authority delegated by BLM Order No. 541, amendment No. 17, dated April 21, 1961 (26 F.R. 3653) notice is hereby given that the plats of survey accepted August 29, 1961, of T. 1 S., R. 24 W., and T. 2 S., R. 24 W. GSR Mer., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Ariz., effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 S., R. 24 W.,
Sec. 22, lot 1;
Sec. 23, lots 5, 6, 7, and 8;
Sec. 26, lots 5, 6, 7, 8, and W½;
Sec. 27, lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼SE¼, and S½SE¼;
Sec. 34, lots 1, 2, 3, 4, NE¼, NE¼NW¼, NW¼SE¼, and E½SE¼;
Sec. 35, lots 2, 3, W½NE¼, W½, and SE¼;
Sec. 36, lots 6, 7, 8, 9, 10, 11, and W½SW¼.
T. 2 S., R. 24 W.,
Sec. 1, lots 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13;
Sec. 2, lots 1 to 8 inclusive;
Sec. 3, lots 1 and 2;
Sec. 12, lot 1;
Sec. 13, lots 3 and 4;
Sec. 24, lots 2, 3, 4, and 5.

Within the above described areas are 3,018.97 acres.

2. Available data indicates that the lands in T. 1 S., R. 24 W., are in an area of a low flood plain of the Colorado River and prior to the construction of the upper dams and resultant control of the river waters, the area was subject to recurrent flooding. The soil is a sandy sedimentary silt, finely textured and closely packed. The lands in T. 2 S., R. 24 W., are mostly level river bottom with a silty loam soil. Some timber stands of cottonwood, palo fierro and mesquite are scattered and the undergrowth consists of salt cedar, arrowweed and mesquite.

3. Except for and subject to valid and existing rights it is presumed that title to the following lands passed to the State of Arizona, upon their restoration from reclamation withdrawal.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 S., R. 24 W.,
Sec. 36, lots 6, 7, 8, 9, 10, 11, and W½SW¼.

4. Lot 1 sec. 22; lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼SE¼, and S½SE¼ sec. 27; lots 1, 2, 3, 4, NE¼, NE¼NW¼, NW¼SE¼, and E½SE¼ sec. 34; T. 1 S., R. 24 W., and lots 1 to 8 inclusive, sec. 2; lots 1 and 2 sec. 3; lot 1 sec. 12; lots 3 and 4 sec. 13; lots 2, 3, 4, and 5 sec. 24; T. 2 S., R. 24 W., embraced in the Secretary's Order of February 19, 1929, for the Colorado River Storage Project. Lots 5, 6, 7, and 8 sec. 23; lots 5, 6, 7, 8, and W½ sec. 26; lots 2, 3, W½NE¼, W½, and SE¼ sec. 35; T. 1 S., R. 24 W., and lots 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 sec. 1, T. 2 S., R. 24 W., are required for retention in Federal ownership for reclamation purposes.

5. In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 61-11517; Filed, Dec. 5, 1961; 8:47 a.m.]

[W-0165813 (Kansas)]

KANSAS

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 28, 1961.

The Corps of Engineers, United States Army Engineer District, Kansas City, Missouri, has filed an application, serial number Wyoming 0165813 (Kansas), for withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, mining locations under the general mining laws, and mineral leasing under the mineral leasing laws.

The applicant desires the land in connection with the operation of the Tuttle Creek Dam and Reservior Project in Riley County, Kansas. The land will be permanently inundated.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, KANSAS

TRACT NO. E-A

T. 7 S., R 6 E.,
Sec. 36, lot 3, more particularly described as all that portion of the SW¼SW¼ SW¼SW¼ lying south and west of the right bank of the Big Blue River.

TRACT NO. L-A

T. 6 S., R. 7 E.,
Sec. 33, lot 2, together with all accretions thereto, being that portion of the NW¼ NW¼ lying north and west of the right bank of the Big Blue River.

TRACT NO. N-A

T. 6 S., R. 7 E.,
Sec. 14, lot 6, together with all accretions thereto, being all that portion of the NW¼NW¼ lying north and west of the right bank of the Big Blue River.

Total area approximately 3.77 acres.

EUGENE L. SCHMIDT,
Acting State Director.

[F.R. Doc. 61-11534; Filed, Dec. 5, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

GILA NATIONAL FOREST

Removal of Trespassing Horses

Whereas by order of the Assistant Secretary of Agriculture dated June 16, 1961 (26 F.R. 5534), the Cave Creek, Mineral Creek and Kingston allotments on the Black Range Ranger District of the Gila National Forest, in Sierra County, New Mexico, were closed for the period commencing July 1, 1961, and ending November 30, 1961, to grazing by horses excepting those that are lawfully grazing on or crossing land in such area pursuant to regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack or draft animals by persons traveling over such land; and

Whereas it has not been possible for forest officers to complete the location and disposal of all the trespassing horses within the period prescribed by the aforesaid order:

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), the aforesaid order is amended and supplemented to extend the period during which the area described therein is closed to grazing by horses, except as otherwise provided therein, to April 30, 1962.

Done at Washington, D.C., this 30th day of November 1961. Witness my hand and seal of the Department of Agriculture.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11524; Filed, Dec. 5, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd. seeks on a permissive basis to serve, Okinawa, Ryukyu Islands with its passenger-freight ship "President Hoover" operating on Line A-1—Trans-Pacific Passenger-Freight Service (Trade Route No. 29).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on December 20, 1961, notify the Secretary, Maritime Subsidy oBard in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: December 1, 1961.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-11530; Filed, Dec. 5, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Application for Waste Disposal License; Notice of Hearing

By application dated August 21, 1961, and by amendment thereto dated October 4, 1961, Long Island Nuclear Service Corp., 35 New Mill Road, Smithtown, Long Island, N.Y., requested a license to receive and store solid byproduct and source material waste, and to transfer said material to the AEC designated land burial facilities at National Reactor Testing Station, Idaho Falls, Idaho, and Oak Ridge National Laboratory, Oak Ridge, Tenn. On November 2, 1961, notice was published in the FEDERAL REGISTER of the Commission's intention to issue the license, unless within 15 days after the filing of such notice with the Federal Register Division, a petition to intervene and a request for formal hearing was filed with the Commission in the manner prescribed in the Commission's rules of practice, Title 10, Code of Federal Regulations, Part 2.

The Connetquot Civic Association, Inc., the Islip Town Democratic Committee, the Town of Islip, and William E. Stochl, Jr., have requested in writing that a hearing be held. Consequently, the Commission has found that it is appropriate to direct the holding of a formal hearing to consider the issues in this matter.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations contained in Parts 2, 30 and 40, Title 10, Code of Federal Regulations, notice is hereby given that a hearing will be held on January 16, 1962, in a court room to be assigned in the Suffolk County Courthouse, Riverhead, N.Y., at 10:00 a.m., before a presiding officer to be assigned by subsequent order of the chief hearing examiner to consider the following issues:

a. Whether the applicant's proposed equipment, facilities, and procedures are adequate to protect health and minimize danger to life and property;

b. Whether the applicant is qualified by training and experience to conduct the proposed waste disposal service in such a manner as to protect health and minimize danger to life and property;

c. Whether the applicant's waste disposal operations will be performed in accordance with the provisions of Parts 20, 30 and 40, 10 CFR, and other applicable Commission regulations and the conditions of the proposed license; and

d. Whether the issuance of the proposed byproduct and source material license issued to Long Island Nuclear Service Corp. would be inimical to the health and safety of the public.

Answer to this notice shall be served and filed by the applicant pursuant to § 2.736, 10 CFR Part 2, on or before January 1, 1962.

Any person, including those who have requested a hearing in this matter, desiring to intervene in this matter shall not later than January 1, 1962, file a petition for leave to intervene pursuant to § 2.705 of the Commission's rules of practice, 10 CFR Part 2, describing how his interest may be affected by the proposed AEC action and the position he is taking in the matter. Service of copies of the petition shall be made upon each party to the proceeding. The staff or applicant upon prompt notice and motion, and other parties by leave, may contest the right of any petitioner to intervene. Petitions for leave to intervene shall be filed by mailing or telegraphing a copy to the Public Filings and Proceedings Branch, Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Pursuant to § 2.731 of the rules of practice, 10 CFR Part 2, with the consent of the presiding officer, limited appearances may be entered without request for or grant of permission to intervene by persons who are not parties to the hearing. With the consent of the presiding officer and on due notice to the parties such persons may make oral or written statements of their positions on the issues involved in the proceeding but may not otherwise participate in the hearing.

A copy of this notice has been sent by registered mail to each person who has written to the Commission in connection with the notice of proposed issuance of the license.

Dated at Germantown, Md., this 30th day of November 1961.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
Director, Division of Licensing and Regulation.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the notice of hearing in the matter of Long Island Nuclear Service Corp. has been sent by registered mail to the following this 30th day of November 1961:

Long Island Nuclear Service Corp., 35 New Mill Road, Smithtown, Long Island, N.Y.
Thomas J. Shedlick, President, Connetquot Civic Association, Inc., Box 144, Oakdale, N.Y.
William E. Stochl, Jr., Chairman, Islip Town Democratic Committee, Smithtown Avenue, Bohemia, N.Y.
Thomas J. Harwood, Supervisor, Town of Islip, Suffolk County, N.Y.
William E. Stochl, Jr., Smithtown Avenue, Bohemia, N.Y.
Warren W. Wood, President, Franklin D. Roosevelt Democratic Club of Bohemia, Bohemia, N.Y.

Dated at Germantown, Md., this 30th day of November 1961.

TROY B. CONNER, Jr.,
Counsel for AEC Regulatory Staff.

[F.R. Doc. 61-11502; Filed, Dec. 5, 1961; 8:45 a.m.]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to September 1, 1962, the latest completion date specified in Construction Permit No. CPPR-4 for construction of the 100,000 kilowatt (electrical) fast breeder reactor being constructed near Monroe, Mich.

Copies of the order and of the application by Power Reactor Development Co. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 29th day of November 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 61-11503; Filed, Dec. 5, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13231; Order E-17789]

FLYING TIGER LINE, INC.

Proposed Reduced Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1961.

The Flying Tiger Line, Inc. has filed tariff revisions to become effective December 3, 1961, proposing military passenger charter rate reductions within the continental United States for L-1049H aircraft from $2.75 per aircraft mile, currently in effect, to $2.40 per mile for aircraft having 95 seats or less, and $2.75 per mile for aircraft having 96 seats or more. The ferry rate of $2.25 per mile remains unchanged.

The newly proposed rate of $2.40 per mile for L-1049H aircraft appears to be below the general pattern established for such aircraft, and raises significant questions as to its lawfulness. Furthermore, the differential of 35 cents per mile for aircraft with over 95 seats would result in a disproportionate increase in cost, since it appears that the amxiumum seating capacity used by the military is 99 seats.

Upon consideration of this tariff and all relevant matters, the Board finds that such tariff proposals with respect to rates for L-1049H military passenger charter service may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and the rate discrepancy for aircraft with over 95 seats, and in order to prevent unwarranted rate changes in this area, the Board has concluded to suspend the operation of such L-1049H tariff proposals and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation is hereby instituted to determine whether the rates per charter mile and per ferry mile for L-1049H aircraft between points within the continental United States on 1st Revised Page 9 to The Flying Tiger Line, Inc., Military Traffic Charter Tariff No. 2, C.A.B. No. 152, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates.

2. Pending investigation, hearing, and decision by the Board, the rates per charter mile and per ferry mile for L-1049H aircraft between points within the continental United States on 1st Revised Page 9 to The Flying Tiger Line, Inc., Military Traffic Charter Tariff No. 2, C.A.B. No. 152, are suspended and their use deferred to and including March 2, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon The Flying Tiger Line, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11553; Filed, Dec. 5, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14336 etc.; FCC 61M-1878]

ANTENNAVISION SERVICE CO., INC.

Order Following Preliminary Conference

In re applications of Antennavision Service Company, Inc., Docket No. 14336, File No. 657-C1-R-61, for renewal of the license for Station KPH82, a facility in the domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona; Docket No. 14337, File No. 658-C1-R-61, for renewal of the license for Station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona; Docket No. 14338, File No. 2326-C1-R-61, for renewal of the license for Station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14339, File No. 2525-C1-ML-61, for a modification of license to cover a construction permit for additional facilities for Station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14340, File No. 3699-C1-P-61, for a construction permit to increase power and change antenna at existing licensed Station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14348, File Nos. 4083, 4084, 4085, 4086, C1-P-61; for construction permits to establish stations in the Point-to-Point Microwave Radio Service located respectively at Toro Peak, El Centro, 14 miles ESE of Holtville, and 8 miles SE of Ogilby, California.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements reached by the parties therein as approved by the Examiner;

It appearing, that counsel for the applicant has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein and that a reasonable period is required to determine whether the contemplated steps can be consummated;

It further appearing, that counsel for the Common Carrier Bureau has interposed no objection to a postponement of a further prehearing conference herein until the end of January 1962;

It is ordered, This 28th day of November 1961, that the prehearing conference heretofore scheduled for December 14, 1961, is hereby rescheduled to commence on Monday, January 29, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.;

It is further ordered, That the hearing heretofore scheduled for January 12, 1962, is postponed without date until further order of the Examiner; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11538; Filed, Dec. 5, 1961; 8:51 a.m.]

[Docket No. 14316; FCC 61M-1872]

ARIZONA MICRO-WAVE SYSTEM CO.

Order Following Preliminary Conference

In re application of Arizona Micro-Wave System Company, Mule Moun-

tain, Arizona, Docket No. 14316, File No. 1592–Cl–R–61; for renewal of the license for Station KOU84, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements reached by the parties therein as approved by the Examiner;

It appearing, that counsel for the applicant has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein and that a reasonable period is required to determine whether the contemplated steps can be consummated;

It further appearing, that counsel for the Common Carrier Bureau has interposed no objection to a postponement of a further prehearing conference herein until the end of January 1962;

It is ordered, This 28th day of November 1961, that the prehearing conference heretofore scheduled for December 12, 1961, is hereby rescheduled to commence on Monday, January 29, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.;

It is further ordered, That the hearing heretofore scheduled for January 8, 1962, is postponed without date until further order of the Examiner; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11539; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 14321–14329; FCC 61M–1875]

BLACK HILLS VIDEO CORP.

Order Following Preliminary Conference

In re applications of Black Hills Video Corporation, Docket No. 14321, File No. 223–Cl–R–61, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14322, File No. 361–Cl–ML–61, for a modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14323, File No. 338–Cl–R–61, for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas; Docket No. 14324, File No. 752–Cl–R–61, for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado; Docket No. 14325, File No. 753–Cl–R–61, for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska; Docket No. 14326, File No. 754–Cl–R–61, for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska; Docket No. 14327, File No. 755–Cl–R–61, for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming; Docket No. 14328, File No. 756–Cl–R–61, for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota; Docket No. 14329, File No. 2697–Cl–R–61, for renewal of the license for Station KKX74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Muleshoe, Texas.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements reached by the parties therein as approved by the Examiner;

It appearing, that counsel for the applicant has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein, and that a reasonable period is required to determine whether the contemplated steps can be consummated;

It further appearing, that counsel for the Common Carrier Bureau has interposed no objection to a reasonable postponement of the hearings herein to afford the applicant an opportunity to fully explore this matter, but has expressed the view that a date for the holding of the hearing should be scheduled should such step prove necessary;

It further appearing, under these circumstances, it will be unnecessary at this time to hold an additional prehearing conference in this matter;

It is ordered, This 28th day of November 1961, that the prehearing conference heretofore scheduled to commence on December 13, 1961, is canceled:

It is further ordered, That the hearing herein heretofore scheduled to commence on January 23, 1962, is hereby rescheduled to commence on February 19, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11540; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 13931–13933; FCC 61M–1867]

BURLINGTON BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of William S. Halpern & Louis N. Seltzer, d/b/as Burlington Broadcasting Company, Burlington, New Jersey, Docket No. 13931, File No. BP–12580; Burlington County Broadcasting Company, Mount Holly, New Jersey, Docket No. 13932, File No. BP–13871; John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company, Mount Holly, New Jersey, Docket No. 13933, File No. BP–13952; for construction permits.

The Hearing Examiner, having under consideration a communication dated November 22, 1961, from counsel for John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company, Mount Holly, New Jersey, requesting that the hearing herein now scheduled for December 4, 1961, be rescheduled for a subsequent date.

It appearing, that counsel for Mt. Holly-Burlington Broadcasting Company will be out of the city on the scheduled date.

It further appearing, that "good cause" exists why said request should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 29th day of November 1961, that the hearing herein now scheduled for December 4, 1961, be, and the same is hereby rescheduled for December 6, 1961, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11541; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket No. 14320; FCC 61M–1874]

CERACCHE & CO., INC.

Order Following Preliminary Conference

In re application of Ceracche & Company, Incorporated, Connecticut Hill, New York, Docket No. 14320, File No. 1676–CI–R–61; for renewal of the license for Station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements reached by the parties therein as approved by the Examiner;

It appearing, that counsel for the applicant has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein and that a reasonable period is required to determine whether the contemplated steps can be consummated;

It further appearing, that counsel for the Common Carrier Bureau has interposed no objection to a postponement of a further prehearing conference herein until the end of January 1962;

It is ordered, This 28th day of November 1961, that the prehearing conference heretofore scheduled for December 15, 1961, is hereby rescheduled to commence on Monday, January 29, 1962, at 10:00 a.m. at the Offices of the Commission in Washington, D.C.;

It is further ordered, That the hearing heretofore scheduled for January 18, 1962, is postponed without date until further order of the Examiner; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11542; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 14341–14344; FCC 61M–1879]

COLLIER ELECTRIC CO.

Order Following Preliminary Conference

In re applications of Collier Electric Company, Docket No. 14341, File No. 848–Cl–R–61, for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado; Docket No. 14342, File No. 849–Cl–R–61, for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado; Docket No. 14343, File No. 2670–Cl–R–61, for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska; Docket No. 14344, File No. 2710–Cl–R–61, for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements reached by the parties therein as approved by the Examiner;

It appearing, that counsel for Frontier Broadcasting Company, a party to the proceedings herein, filed a petition on November 17, 1961, wherein, among other things, a request was made for clarification of the Order of designation in this matter released on October 30, 1961;

It further appearing, that the time within which oppositions to such petition as well as replies to such oppositions will not expire until some time in December 1961;

It further appearing, that the matters with respect to which clarification is being sought by Frontier Broadcasting Company should be formally resolved before the hearing herein is started; and

It further appearing, that in view of all of the foregoing circumstances, all of the parties requested that further proceedings herein be postponed without date with the understanding that, should no formal ruling be forthcoming from the Commission on the aforementioned petition in the early part of January 1962, the Hearing Examiner will on his own motion reschedule further proceedings herein;

It is ordered, This 28th day of November 1961, that both the prehearing conference herein scheduled for December 13, 1961, and the hearing, scheduled for January 19, 1962, are postponed without date pending further order of the Examiner; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11543; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 14318, 14319; FCC 61M–1873]

COLUMBIA BASIN MICROWAVE CO.

Order Following Preliminary Conference

In re applications of Columbia Basin Microwave Company, Docket No. 14318, File No. 1464–Cl–R–61, for renewal of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington; Docket No. 14319, File No. 4082–Cl–A1–61, for consent to assignment of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements reached by the parties therein as approved by the examiner;

It appearing, that counsel for the applicant has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein and that a reasonable period is required to determine whether the contemplated steps can be consummated;

It further appearing, that counsel for the Common Carrier Bureau has interposed no objection to a postponement of a further prehearing conference herein until the end of January 1962;

It is ordered, This 28th day of November 1961, that the prehearing conference heretofore scheduled for December 15, 1961, is hereby rescheduled to commence on Monday, January 29, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.;

It is further ordered, That the hearing heretofore scheduled for January 24, 1962, is postponed without date until further order of the Examiner; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11544; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 14404, 14405; FCC 61M–1886]

KWTX BROADCASTING CO. (KWTX) AND KERRVILLE BROADCASTING CO. (KERV)

Order Scheduling Hearing

In re applications of KWTX Broadcasting Company (KWTX), Waco, Texas, Docket No. 14404, File No. BP–13806; Kerrville Broadcasting Company (KERV), Kerrville, Texas, Docket No. 14405; File No. BP–14050; for construction permits.

It is ordered, This 29th day of November 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 1, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, January 4, 1962.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11545; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket No. 14330; FCC 61M–1876]

NEW YORK PENN MICROWAVE CORP.

Order Following Preliminary Conference

In re application of New York Penn Microwave Corporation, Canisteo, New York, Docket No. 14330, File No. 2590–Cl–R–61; for renewal of the license for Station KEG41, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements

reached by the parties therein as approved by the Examiner;

It appearing, that counsel for the applicant has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein and that a reasonable period is required to determine whether the contemplated steps can be consummated;

It further appearing, that counsel for the Common Carrier Bureau has interposed no objection to a postponement of a further prehearing conference herein until the end of January 1962;

It is ordered, This 28th day of November 1961, that the prehearing conference heretofore scheduled for December 13, 1961, is hereby rescheduled to commence on Monday, January 29, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.;

It is further ordered, That the hearing heretofore scheduled for January 11, 1962, is postponed without date until further order of the Examiner; and

It is further ordered, That the agreements and understandings entered into between the the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11546; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 14211, 14212; FCC 61M-1870]

PUTNAM BROADCASTING CORP. AND PORT CHESTER BROADCASTING CO.

Order Continuing Hearing

In re applications of Putnam Broadcasting Corporation, Brewster, New York, Docket No. 14211, File No. BP-13562; Nicholas J. Zaccagnino, tr/as Port Chester Broadcasting Co., Port Chester, New York, Docket No. 14212, File No. BP-14572; for construction permits.

The Hearing Examiner having under consideration the informal request filed in the above-entitled proceeding on November 28, 1961, by Port Chester Broadcasting Co. for continuance of hearing from December 4, 1961 to December 6, 1961;

It appearing, that all parties have consented to immediate consideration and grant of said request and that an informal conference of the engineering consultants is to be held on December 4, 1961 to attempt to resolve certain engineering problems which have arisen prior to commencement of hearing;

It is ordered, This 28th day of November 1961 that said request is granted and the hearing herein presently scheduled for December 4, 1961 is continued to December 6, 1961, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: November 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11547; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket No. 14277; FCC 61M-1884]

SULLIVAN TRAIL COAL CO.

Order Continuing Hearing Conference

In the matter of Sullivan Trail Coal Company, West Pittston, Pennsylvania, Docket No. 14277; order to show cause why there should not be revoked the License for Special Industrial Radio Station KGF 213.

The Hearing Examiner having under consideration a petition filed in respondent's behalf on November 28, 1961 requesting that the prehearing conference in the above-entitled proceeding be rescheduled from 10 a.m., Friday, December 8, 1961, at the Commission's offices, Washington, D.C. to 9 a.m., Friday, December 15 at the same place;

It appearing, that the basis for the relief requested is engagement of counsel for the respondent in another proceeding on December 8; that the postponement should have no adverse effect on the date scheduled for commencement of the hearing (January 3, 1962); that counsel for the Commission's Safety and Special Radio Services Bureau has informed the Hearing Examiner that she has no objection to a grant of the relief requested; and that a minimal showing of good cause has been made to justify the postponement petitioner requests;

It is ordered, This 29th day of November 1961, that the petition of respondent, Sullivan Trail Coal Company, for postponement of the prehearing conference is hereby granted;

It is ordered further, That the prehearing conference in this proceeding presently scheduled for 10 a.m., Friday, December 8, 1961, is hereby rescheduled for 9 a.m., Friday, December 15, 1961, at the Commission's offices, Washington, D.C.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11548; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 14331-14333; FCC 61M-1877]

SUPERIOR COMMUNICATIONS CO., INC.

Order Following Preliminary Conference

In re applications of Superior Communications Co., Inc., Docket No. 14331, File No. 1710-Cl-R-61, for renewal of the license for Station KAQ73, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Virginia, Minnesota; Docket No. 14332, File No. 1711-Cl-R-61, for renewal of the license for Station KAQ74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Kabetogama, Minnesota; Docket No. 14333, File No. 1712-Cl-R-61, for renewal of the license for Station KAQ75, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Gheen, Minnesota.

The Hearing Examiner having under consideration the proceedings in the course of the preliminary conference in the above-entitled matter held on November 27, 1961, and the agreements reached by the parties therein as approved by the Examiner;

It appearing, that counsel for the applicant has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein, and that a reasonable period is required to determine whether the contemplated steps can be consummated;

It further appearing, that counsel for the Common Carrier Bureau has interposed no objection to a reasonable postponement of the hearings herein to afford the applicant an opportunity to fully explore this matter, but has expressed the view that a date for the holding of the hearing should be scheduled should such step prove necessary;

It further appearing, under these circumstances, it will be unnecessary at this time to hold an additional prehearing conference in this matter;

It is ordered, This 28th day of November 1961, that the prehearing conference heretofore scheduled to commence on December 12, 1961, is canceled;

It is further ordered, That the hearing herein heretofore scheduled to commence on January 10, 1962, is hereby rescheduled to commence on Monday, January 29, 1962, at 2:00 p.m., at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the preliminary conference which, to this extent, is incorporated by reference herein.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11549; Filed, Dec. 5, 1961; 8:52 a.m.]

[Docket Nos. 14402, 14403; FCC 61M-1885]

WNOW, INC. (WNOW) AND RADIO ASSOCIATES, INC. (WEER)

Order Scheduling Hearing

In re applications of WNOW, Inc. (WNOW), York, Pennsylvania, Docket No. 14402, File No. BP-13793; Radio Associates, Inc. (WEER), Warrenton, Virginia, Docket No. 14403, File No. BP-14802; for construction permits.

It is ordered, This 29th day of November 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 1, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, January 4, 1962.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11550; Filed, Dec. 5, 1961; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954 (Sub-1)]

RATES AND PRACTICES IN THE ATLANTIC-GULF/PUERTO RICO TRADE

Notice of Investigation and of Hearing

On November 13, 1961. the Federal Maritime Commission entered the following order:

It appearing, that on July 17, 1961, the Federal Maritime Board (hereafter with its successor the Federal Maritime Commission, jointly or severally as the context may require, referred to as the Commission), instituted an investigation and hearing proceeding into and concerning certain reduced rates and practices by carriers in the trade from Atlantic and Gulf Coast ports of the United States to ports in the Commonwealth of Puerto Rico which said rates and practices became effective on July 6, 1961, and on various dates thereafter; and

It further appearing, that the said proceeding was thereafter from time to time expanded by the Commission to include other tariff schedules filed by carriers in the said trade and publishing reduced or revised commodity rates or changes in practices or rules; and

It further appearing, that orderly consideration and expeditious conclusion of the said proceeding requires that it be not further expanded but that any investigation and hearing hereafter ordered concerning future tariff schedules filed by carriers, or any of them, in the said trade be accomplished by the institution of a new and separate proceeding; and

It further appearing, that on October 12, 1961, A. H. Bull Steamship Company, Inc. (Bull), filed with the Commission a tariff schedule setting forth a new reduced commodity rate on bottles, viz, vacuum, which became effective November 14, 1961, the said schedule being designated Bull Outward Freight Tariff No. 1, FMB-F No. 1, 2d revised page No. 37; and

It further appearing, that the Commission is of the opinion that the new schedule and the rates, charges, classifications, rules, regulations, tariffs, and practices contained therein should be made the subject of a public investigation and hearing to determine whether it is just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the aforementioned rate reduction or revision indicates the existence of unstable conditions in the aforementioned trade, which said conditions may result not only from the said rate reduction or revision but also from its relationship to the rates charged by all carriers in the aforementioned trade for transportation of the aforementioned commodity;

Now therefore it is ordered, That, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, the Commission enter upon an investigation of, and hearing concerning, the lawfulness under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, of the new commodity rates, rate reductions or revisions, rules, conditions, charges, tariffs, regulations, or practices stated in the aforementioned Bull schedule, as well as those stated with respect to the aforementioned commodity in the schedules heretofore filed on various dates by American Union Transport, Inc. (AUT), Alcoa Steamship Company, Inc. (Alcoa), Lykes Bros. Steamship Company (Lykes), Sea-Land Service, Inc., Puerto Rican Division (Sea-Land), TMT Trailer Ferry, Inc. (TNT), and Waterman Steamship Corporation of Puerto Rico (Waterman) as follows, except that where such carriers move the said commodity under cargo n.o.s. rates as hereinafter indicated, the said cargo n.o.s. rate is, to that extent, placed under investigation:

Alcoa Outward Freight Tariff No. 2, FMB-F No. 2, 3d revised page No. 42;

AUT Southbound Freight Tariff No. 6, FMB-F No. 6, cargo n.o.s., nonhazardous, 2d revised page No. 20;

Sea-Land Outward Freight Tariff No. 2, FMB-F No. 3 [Pan-Atlantic Steamship Corporation Series], 9th revised page 38;

TMT Freight Tariff No. 3, FMB-F No. 3, bottles, thermos, 3d revised page No. 51;

U.S. Atlantic & Gulf-Puerto Rico Outward Freight Tariff No. 1, FMB-F No. 1, Richard Kinsella, agent, Lykes and Waterman being participating carriers named therein, 2d revised page No. 46;

and

It is further ordered, That all subsequent revisions, cancellations, amendments, reissues, or replacements of the said schedules by other schedules subsequently filed by the respondents in this proceeding, be, and they are hereby, placed under investigation in this proceeding; and

It is further ordered, That copies of this order be filed with the said tariff schedules in the Office of Regulations of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Alcoa, AUT, Bull, Lykes, Sea-Land, TMT, Waterman, and United States Atlantic & Gulf-Puerto Rico Conference, and Richard Kinsella, agent of said conference, be and they are hereby named respondents in this proceeding; (III) a copy of this order shall forthwith be served upon the said respondents; (IV) respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: December 1, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11551; Filed, Dec. 5, 1961; 8:50 a.m.]

GRACE LINE, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8640, between Grace Line, Inc., and Cia Anonima Venezolana de Navegacion (CAVN), covers the pooling and division of revenue on all cargo, except "FIO" shipments, explosives, gold and silver bullion or coins, dry or liquid cargo in bulk, heavy lift pieces or packages exceeding 35 metric tons, mail, passenger baggage and automobiles accompanying passengers or shipped as baggage, and livestock, in the southward trade from U.S. Atlantic Coast ports to all Venezuelan maritime ports and those of Lake Maracaibo.

Agreement 8640-1, modifies Agreement 8640, described above, to clarify the understanding of the parties with respect to (1) rates to be observed by the parties; (2) trading area to be covered and cargo to be included in the pool; and (3) assignment of the agreement.

Agreement 8709, between American President Lines, Ltd. and China Navigation Co., Ltd., covers a through billing arrangement for the transportation of asbestos in the trade from Western Australia to Pacific Coast ports of the United States, with transhipment at Hong Kong.

Agreement 8711, between American President Lines, Ltd. and Indo-China Navigation Co., Ltd., covers a through billing arrangement in the trade from India and East Pakistan to Pacific Coast ports of the United States, with transshipment at Hong Kong.

Agreement 8712, between American President Lines, Ltd. and China Navigation Co., Ltd., covers a through billing arrangement for the transportation of cocoa beans in the trade from Rabaul, Bismarck Archipelago to Pacific Coast ports of the United States, with transshipment at Hong Kong.

Agreement 8754, between Kulukundis Lines, Ltd. and A. H. Bull Steamship Co., covers a through billing arrangement on general cargo, exclusive of refrigerated cargo, garlic, and other perishables or semi-perishables in the trade from France, Italy, Spain and North Africa to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 1, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11532; Filed, Dec. 5, 1961; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 188]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 1, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 52743 (Deviation No. 1), MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Avenue, Cincinnati 14, Ohio, filed November 17, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From the junction of Interstate Highway 65 and U.S. Highway 31 north of Sellersburg, Ind., over Interstate Highway 65 to junction U.S. Highway 31E south of Sellersburg; (B) from the junction of Indiana Highways 56 and 107 west of Madison, Ind., over Indiana Highway 107 to junction U.S. Highway 421 north of Madison; (C) from Cincinnati, Ohio over Ohio Highway 3 to junction Interstate Highway 71 at or near Columbus, Ohio, thence over Interstate Highway 71 to Granger, Ohio, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville, Ky., over U.S. Highway 31 to Scottsburg, Ind.; from the junction of Indiana Highways 56 and 107 over Indiana Highway 56 to Madison and thence over U.S. Highway 421 to junction Indiana Highway 107; and from Cincinnati, over U.S. Highway 42 to Granger, and return over the same routes.

No. MC 80430 (Deviation No. 2), GATEWAY TRANSPORTATION CO., 2130-2150 South Avenue, La Crosse, Wis., filed November 20, 1961. Attorney Charles L. Redel, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highways 90 and 94 and U.S. Highway 51 north of Madison, Wis., over Interstate Highways 90 and 94 via junction Interstate Highways 90 and 94 and U.S. Highway 12 south of Lake Delton, Wis., to junction U.S. Highways 12 and 16 north of Wisconsin Dells, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the junction of U.S. Highways 16 and 51 over U.S. Highway 51 to Madison; from Minneapolis, Minn., over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 to Eau Claire, Wis., thence over U.S. Highway 53 to junction U.S. Highway 12, and thence over U.S. Highway 12 via Madison, Wis., and Richmond, Ill., to Chicago, Ill., and return over the same routes.

No. MC 106456 (Deviation No. 4) SUPER SERVICE MOTOR FREIGHT CO., Fessler Lane, Nashville, Tenn., filed November 20, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40, to junction U.S. Highway 70, approximately 2 miles northwest of Kingston, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Knoxville, over U.S. Highway 70 to junction Interstate Highway 40, approximately 2 miles northwest of Kingston, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11526; Filed, Dec. 5, 1961; 8:49 a.m.]

[Notice 409]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 1, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub-No. 178), filed September 22, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, P.O. Box 1440, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467*, commodities in bulk, and commodities requiring special equipment, between Waco, Tex., and Shreveport, La., from Waco over U.S. Highway 84 to Palestine, Tex., thence over U.S. Highway 79 to Shreveport, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

HEARING: January 15, 1962, at the Baker Hotel, Dallas, Texas, before Joint Board No. 32, or if, the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

No. MC 10875 (Sub-No. 13), filed October 30, 1961. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 300 Maspeth Avenue, Brooklyn 11, N.Y. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, live stock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Fredericksburg, Pa., and Lancaster, Pa., from Fredericksburg over Pennsylvania Highway 343 to Lebanon, Pa., thence over Pennsylvania Highway 72 to Lancaster, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operation between Fredericksburg and Lancaster, Pa.; (2) Between Fredericksburg, Pa., and Lebanon, Pa., from Fredericksburg over Pennsylvania Highway 343 to Lebanon, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operation between Fredericksburg and Lebanon, Pa.; (3) Between Lebanon, Pa., and Lancaster, Pa., from Lebanon over Pennsylvania Highway 72 to Lancaster, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operation between Lebanon and Lancaster, Pa.; (4) Between Allentown, Pa., and York, Pa., from Allentown over U.S. Highway 22 to junction U.S. Highway 111, thence over U.S. Highway 111 to York, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operation between Allentown and York, Pa.

NOTE: (1) Applicant states it proposes to serve no new points and seeks only joinder authority where the proposed routes duplicate or cross existing or proposed routes. (2) Applicant states it presently operates Murdoch and Hatch Motor Transport, Inc., and Wm. G. McCormick, Inc., under temporary control in MC-F-6656 and MC-F-7653, respectively, and is seeking control of the operations of Morgan Trucking Co., Inc., in MC-F-7697.

HEARING: January 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 11207 (Sub-No. 204), filed October 31, 1961. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building Board, Insulation Board, Fiberboard, Pulpboard and Wallboard, and parts, materials, and accessories, incidental thereto*, from Greenville, Miss., to points in Texas, Oklahoma, Missouri, New Mexico, Colorado, Kansas, Arkansas, and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: January 15, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Samuel Horwich.

No. MC 20491 (Sub-No. 2) (AMENDMENT), filed May 31, 1961, published FEDERAL REGISTER issue August 23, 1961, amended November 13, 1961, republished as amended this issue. Applicant: SOL COHEN & SONS, INC., 1208 Channing Road, Far Rockaway, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between June 1st and October 1st, inclusive of each year, transporting: *Camp baggage and personal effects, and returned, refused and rejected shipments of camp baggage*, in round-trip operation between New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., points in Fairfield County, Conn., and points in Hudson, Bergen, Union, Essex, Passaic, Morris, Somerset and Monmouth Counties, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y., New London and Litchfield Counties, Conn., Berkshire County, Mass., Wayne County, Pa., and Grafton County, N.H.

NOTE: The purpose of this republication is to add, and personal effects, to commodity description and also to add, Grafton County, N.H., to the territory description.

HEARING: January 24, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Samuel C. Shoup.

No. MC 29130 (Sub-No. 94), filed November 3, 1961. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, Plymouth Building, 10th and Walnut Street, Des Moines, Iowa. Applicant's attorneys: A. B. Howland and B. A. Webster, Jr., 500 Bankers Trust Building, Des Moines, Iowa, and Clayton Davis, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, but (excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) Between Topeka, Kans., and McPherson, Kans., from Topeka over U.S. Highway 40 to Salina, Kans., thence from the Junction of U.S. Highway 81 and U.S. Highway 40 over U.S. Highway 81 to McPherson, and return over the same route, serving the intermediate points of Abilene, Sand Springs, Soloman and Salina, Kans., and the off-route points of Zeandale and Wabaunsee, Kans., with right of joinder at Salina and Topeka; (2) Between Topeka, Kans., and Salina, Kans., from Topeka, Kans., over U.S. Highway 24 to Manhattan, Kans., and Junction U.S. Highway 24 and Kansas Highway 18, thence over Kansas Highway 18 to the Junction of U.S. Highway 40 and thence via U.S. Highway 40 to Salina, Kans., and return over the same route, serving the intermediate point of Manhattan, Kans., with right of joinder at Topeka, Manhattan, and Salina, Kans.; (3) Between Junction of U.S. Highway 40 and Junction Kansas Highway 43 and Herington, Kans., from Junction U.S. Highway 40 and Junction Kansas Highway 43 southward over Kansas Highway 43 to Hope, Kans., and the Junction of U.S. Highway 77 and thence over U.S. Highway 77 to Herington, Kans., and return over the same route, serving the intermediate points of Hope, Navarre, and Enterprise, Kans., and the off-route point of Pearl, Kans., with the right of joinder at Junction of U.S. Highway 40 and Kansas Highway 43 and Herington, Kans.; (4) Between Manhattan, Kans., and Concordia, Kans., from Manhattan over U.S. Highway 24 to Clay Center, Kans., thence from the Junction of U.S. Highway 24 and Kansas Highway 15 over Kansas Highway 15 to the Junction of Kansas Highway 15 and Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., and return over the same route, serving all intermediate points except Ames, Kans., and the off-route points of Greene, Morganville, Bala and Broughton, Kans., with the right of joinder at Concordia, Kans., and Manhattan, Kans.; (5) Between Clyde, Kans., and the Junction of U.S. Highway 81, from Clyde, Kans., over unnumbered Highway to Junction of Kansas Highway 148 and Junction unnumbered Highway, thence over Kansas Highway 148 to Junction U.S. Highway 81 and return over the same route, serving the intermediate point of Agenda, Kans., with the right of joinder at the Junction of U.S. Highway 81, with the right of joinder at Clyde, Kans.; (6) Between Agenda, Kans., and Belleville, Kans., from Agenda, Kans., over Kansas Highway 148 to Junction unnumbered Highway approximately 3 miles west of Agenda and thence over unnumbered Highway to Cuba, Kans., thence from the Junction of unnumbered Highway and Junction of Kansas Highway 139 over Kansas Highway 139 to its junction with U.S. Highway 36 and thence over U.S. Highway 36 to Belleville and return over the same route, serving the intermediate points of Cuba with the right of joinder at Agenda; (7) Between Cuba, Kans., and Fairbury, Nebr.; from Cuba over Kansas Highway 139 to Junction U.S. Highway 36, thence over U.S. Highway 36 approximately 4 miles west to junction unnumbered highway, thence over unnumbered highway through Munden, Narka and Mahaska, Kans., to Junction Kansas Highway 15W and Junction unnumbered Highway thence over Kansas Highway 15W to the Kansas-Nebraska state line, and thence over Nebraska Highway 15 to Fairbury and return over the same route serving all intermediate points and the off-route point of Thompson, Nebr., with the right of joinder at Fairbury, Nebr., and Cuba, Kans.; (8) Between Wichita, Kans., and Junction of U.S. Highway 56 and U.S. Highway 77 three miles east of Marion, Kans.; from Wichita over U.S. Highway 81 to Newton, Kans., thence from the Junction of U.S. Highway 81 and Junction of U.S. Highway 50, over U.S. Highway 50 to the Junction of U.S. Highway 77, thence over U.S. Highway 77 to Junc-

tion U.S. Highway 77 and U.S. Highway 56 approximately three miles east of Marion and return over the same route serving the intermediate point of Peabody, Kans., and the off-route points of Kechi, Furley, Whitewater, Elbing, Aulne, with the right of joinder at Newton, Kans., and Junction of U.S. Highway 56 and U.S. Highway 77; (9) Between Wichita, Kans., and McPherson, Kans., from Wichita, Kans., over U.S. Highway 81 to McPherson, Kans., and return over the same route serving no intermediate points with the right of joinder at Newton, Kans.; (10) Between Wichita, Kans., and Hutchinson, Kans., from Wichita, Kans., over Kansas Highway 96 to the Junction of U.S. Highway 50 and thence over U.S. Highway 50 to Hutchinson, Kans., and return over the same route serving no intermediate points with the right of joinder at the junction of U.S. Highway 50 and Kansas Highway 96 and right of joinder at Hutchinson, and Wichita, Kans., for operating convenience only; (11) Between Newton, Kans., and the Junction of U.S. Highway 50 and Kansas Highway 96, from Newton over U.S. Highway 50 to Junction of Kansas Highway 96 and return over the same route, serving no intermediate points, or Newton, Kans., for operating convenience only, with the right of joinder at the Junction of U.S. Highway 50 and Kansas Highway 96, and right of joinder at Newton, Kans.; (12) Between St. Joseph, Mo., and Hutchinson, Kans., from St. Joseph Mo., over U.S. Highway 36 to Troy, Kans., thence over Kansas Highway 7 to Junction of Kansas Highway 20 and thence over Kansas Highway 20 to the Junction of U.S. Highway 73 to Horton, Kans., and thence over U.S. Highway 159 to Junction Kansas Highway 9 thence over Kansas Highway 9 to Netawaka, Kans., thence over U.S. Highway 75 to Topeka, Kans., thence over U.S. Highway 40 to the Junction of Kansas Highway 99, thence over Kansas Highway 99 to Junction Kansas Highway 4, thence over Kansas Highway 4 to Junction U.S. Highway 77 and thence over U.S. Highway 77 to Herington, Kans., thence over U.S. Highway 56 to McPherson, thence from the Junction of Kansas Highway 61 and U.S. Highway 56 over Kansas Highway 61 to Hutchinson and return over the same route serving the intermediate points of Medora, Inman, Groveland, McPherson, Marion, Herington, Latimer, White City, Dwight, Alma, Topeka, Hoyt, Mayetta, Holton, Whiting, Horting, Denton, Bendesa, Troy, Blair, Wathena, Elwood, Kans., and the off-route points of Purcell, Pierce Junction, Elmont, Valencia, Willard, Maple Hill, Vera, Paxico, McFarland, Volland, Alta Vista, Woodbine, Shady Brook, Ramona, Lost Springs, Tampa, Lincolnville, Antelope, Durham, Canton, Galva, Kans., with rights of joinder at Netawaka, and Topeka, Kans., Junction U.S. Highway 40 and Kansas Highway 99, Herington Kans,. Junction U.S. Highway 77 and Junction U.S. Highway 56 three miles east of Marion, McPherson, and Hutchinson, Kans.; (13) between Hutchinson, Kans., and Pratt, Kans., from Hutchinson over Kansas Highway 61 to Pratt, Kans., and return over the same route, serving all intermediate points and the off-route points of Whitesides and Iuka, with the right of joinder at Pratt, and Hutchinson, Kans.; (14) Between Hutchinson, Kans., and Wichita, Kans., from Hutchinson over Kansas Highway 17 to Junction U.S. Highway 54 and thence over U.S. Highway 54 to Wichita, Kans., and return over the same route, serving no intermediate points but serving the off-route point of Yoder and U.S. Naval Air Station, with the right of joinder at Hutchinson and Wichita, Kans.; (15) Between Wichita, Kans., and Liberal, Kans., from Wichita over U.S. Highway 54 to Liberal, Kans., and return over the same route, serving no intermediate points between Wichita and Pratt, Kans., but serving Pratt, Kans., and all points intermediate to Liberal, Kans., and the off-route point of Missler, Kans., with rights of joinder at Pratt and Wichita, Kans.; (16) Between Mullinville, Kans., and Dodge City, Kan.. From Mullinville over U.S. Highway 154 to Dodge City, Kans., and return over the same route, serving all intermediate points and serving Bucklin, Kans., as an off-route point in conjunction with this route and the off-route points of Army Training Field near Dodge City and Dodge City Airport, with the right of joinder at Mullinville, Bucklin and Dodge City, Kans.; (17) Between Minneola, Kans., and Dodge City, Kans., from Minneola over U.S. Highway 283 to Dodge City and return over the same route, serving all intermediate points with the right of joinder at Minneola and Dodge City, Kans.

HEARING: January 24, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 140, or, if the Joint Board waives its right to participate before Examiner E. Riggs McConnell.

No. MC 29553 (Sub-No. 2), filed October 16, 1961. Applicant: HAYES LAMBERT, doing business as LAMBERT'S EXPRESS, 149 Carlisle Terrace, Plainfield, N.J. Applicant's attorney: Logan W. McWilson, 189 Halsey Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), from Plainfield, N.J., to New York, N.Y., and (2) between New York, N.Y., and Fort Wayne, Ind.

HEARING: January 22, 1962 at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Examiner Samuel C. Shoup.

No. MC 27817 (Sub-No. 40), filed November 2, 1961. Applicant: H. C. GABLER, INC., R.D. #3, Chambersburg, Pa. Applicant's Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, spiegeleisen, ferro-manganese, coke* and *dry bulk commodities*, in dump vehicles, from points in Allegheny County, Pa., to points in Maryland.

HEARING: January 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 29555 (Sub-No. 38), filed August 17, 1961. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: January 19, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate before Examiner James Anton.

No. MC 30837 (Sub-No. 288), filed July 19, 1961. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Sundial House, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit and fruit sections, fruit juices and concentrates*, and *chilled salads*, from points in Cameron and Hidalgo Counties, Tex., to points in Kentucky, Illinois, Indiana, Michigan, and Ohio.

HEARING: January 25, 1962, at the Granado Hotel, San Antonio, Tex., before Examiner Dallas B. Russell.

No. MC 30884 (Sub-No. 10), filed November 1, 1961. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City 29, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New passenger automobiles* and *trucks*, in truckaway and driveaway service, in secondary movements, from Phoenix, Ariz., to points in New Mexico, Arizona, Utah, and Colorado.

NOTE: Applicant states the proposed operation will be restricted to those such motor vehicles which have been manufactured by Chevrolet Motor Division, General Motors Corp., which have had a prior movement by rail, and under contract with Chevrolet Motor Division, General Motors Corp.

HEARING: January 19, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner E. Riggs McConnell.

No. MC 38541 (Sub-No. 15), filed September 22, 1961. Applicant: WHITE MOTOR EXPRESS, INCORPORATED, 321 Benedict Street, Nashville 6, Tenn. Applicant's attorney: Richard Gleaves, 106 State Office Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Nashville, Tenn., and Bowling Green, Ky.; from Nashville over U.S. Highway 31–W to Bowling Green, and return over the same route, serving the intermediate point of Franklin, Ky.

HEARING: January 25, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or if, the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 40858 (Sub-No. 50), filed August 25, 1961. Applicant: THE SILVER FLEET MOTOR EXPRESS, INC., Kingsport, Tenn. Applicant's attorney: Robert W. Brunow, 1512–1515 Kentucky Home Life Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

HEARING: January 19, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate before Examiner James Anton.

No. MC 42487 (Sub-No. 523), filed October 30, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Transformer oil*, in bulk, in tank vehicles, from Richmond, Calif., to points in Colorado, Wyoming, Nebraska (on and west of U.S. Highway 83), South Dakota (on and west of U.S. Highway 83), and New Mexico (on and north of U.S. Highway 60) and (2) *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Colorado, Wyoming, Nebraska (on and west of U.S. Highway 83), and South Dakota (on and west of U.S. Highway 83).

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc. which manages Knaus Truck Lines, Inc. In addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222), Foster Freight Lines, Inc., an Indiana intrastate carrier, and Canadian Freightways, Ltd., a carrier operating in Canada.

HEARING: January 11, 1962, at the New Mint Building, 133 Herman Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52709 (Sub-No. 142), filed October 20, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Donald L. Stern, 124 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, fish oils, vegetable oils, vegetable oil products* and *blends of any thereof*, in bulk, in tank vehicles, between points in California and Utah on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE: Applicant states it controls United Freight, Inc., and Inter State Express, Inc., both of which are wholly owned by applicant; Arizona Pacific Tank Lines, Fortier Transportation Company under Temporary Management and Colonial & Pacific Frigidways, Inc., Temporary.

HEARING: January 18, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lyle C. Farmer.

No. MC 55885 (Sub-No. 7), filed May 25, 1961. Applicant: HOMER H. JACKSON, doing business as JACKSON TRUCKING COMPANY, Box 145, Otsego, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Allegan, Mich., to points in California, Colorado, Florida, Maryland, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, and Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected and returned shipments*, on return.

HEARING: January 16, 1962, at the Federal Building, Lansing, Mich., before Examiner James Anton.

No. MC 76032 (Sub-No. 165), filed October 13, 1961. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, perishable products requiring refrigeration, farm products including livestock, grain and hay, fresh milk and fresh vegetables, and corrosive acids and new automobiles), between Amarillo, Tex., and junction U.S. Highways 70 and 285 approximately six miles north of Roswell, N. Mex.; from Amarillo over U.S. Highway 87 to junction U.S. Highway 60 at or near Canyon, Tex., thence over U.S. Highway 60 to junction U.S. Highway 70 at or near Farwell, Tex., thence over U.S. Highway 70 to junction U.S. Highway 70 and U.S. Highway 285 approximately six miles north of Roswell, N. Mex., and return over the same route, serving no intermediate points, and serving the junction of U.S. Highways 70 and 285 for joinder purposes only, as an alternate route for operating convenience only on connection with applicant's authorized regular-route operations.

HEARING: January 30, 1962, at the New Mexico State Corporation Commn., Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 85934 (Sub-No. 20), filed September 18, 1961. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry and liquid chemicals*, in bulk, (1) between points in Michigan, on the one hand, and, on the other, points is Wisconsin, Illinois, Iowa, Nebraska, Kansas, Kentucky, Indiana, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, and New Jersey, and (2) between points in Ohio, on the one hand, and, on the other, points in Michigan, Wisconsin, Illinois, Iowa, Nebraska, Kansas, Kentucky, Indiana, Pennsylvania, New York, Connecticut, Massachusetts, and New Jersey.

HEARING: January 11, 1962, at the Detroit Leland Hotel, Detroit, Mich., before Examiner James Anton.

No. MC 94265 (Sub-No. 78), filed August 30, 1961. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles* distributed by meat packing houses as described in Appendix I, to the reports in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Greeley, Pueblo, and Denver, Colo. to points in Pennsylvania, Virginia, West Virginia, North Carolina, Tennessee, the District of Columbia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts.

HEARING: January 25, 1962, at the Albany, Denver, Colo., before Examiner Lyle C. Farmer.

No. MC 95540 (Sub-No. 381), filed September 15, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boyertown, Downingtown, Morgantown, Philadelphia, and Pottstown, Pa., to points in Alabama, Arizona, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Common control may be involved.

HEARING: January 15, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Henry A. Cockrum.

No. MC 95813 (Sub-No. 11), filed September 18, 1961. Applicant: T. LEROY KOSER, doing business as

KOSER TRUCKING, R.D. 1, Dillsburg, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* set forth under Appendix VI, *Building Materials, Ex Parte No. MC–45*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Wilmington, Del., on the one hand, and on the other, points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, and West Virginia.

HEARING: January 12, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel C. Shoup.

No. MC 103993 (Sub No. 155), filed October 5, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air Transportation trailers*, for radar bomb scoring, from the site of Travelite Trailer Co., at or near Fort Worth, Tex., to points in the United States, including Alaska (but excluding Hawaii).

HEARING: January 17, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Dallas B. Russell.

No. MC 104951 (Sub-No. 16), filed September 18, 1961. Applicant: W. R. HALL TRANSPORTATION AND STORAGE COMPANY, a corporation, 2515 U.S. Highway 6–50, Grand Junction, Colo. Applicant's attorney: Lester R. Gardiner, Jr., Suite 300, 65 South Main Street, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies,* and *equipment*, incidental to, and used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, (1) between points in Mesa, Delta, Montrose, Garfield, Moffat, Rio Blanco, Eagle, Gunnison, San Miguel, Dolores, and Montezuma Counties, Colo., and (2) between points in the above-specified Colorado Counties, on the one hand, and, on the other, points in Utah and points in New Mexico.

NOTE: Applicant states it seeks to extend operations under its present authority to include all points in the State of Utah, and present authority is to be eliminated.

HEARING: January 15, 1962, at the Utah Public Service Commission, Salt Lake City, Utah., before Joint Board No. 212, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 105375 (Sub-No. 9), filed August 24, 1961. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients, fertilizer*, and *fertilizer ammoniating solutions*, in bulk, from Mason City, Iowa, and 10 miles thereof to points in Wisconsin, Illinois, South Dakota, Nebraska, and Minnesota, and *rejected shipments*, on return.

HEARING: January 23, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 105375 (Sub-No. 10), filed August 24, 1961. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue., St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients, and fertilizer*, in bulk, from Sanborn, Iowa, and 10 miles thereof to points in Minnesota, South Dakota, Nebraska, and North Dakota, and *rejected shipments*, on return.

HEARING: January 22, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 106456 (Sub-No. 35), filed September 7, 1961. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Applicant's attorney: James R. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Knoxville, Tenn., on the one hand, and, on the other, points in Georgia within fifty (50) miles of Summerville over (1) from Knoxville, over Tennessee Highway 73 to junction of U.S. Highway 411, thence over U.S. Highway 411 to the Georgia-Tennessee State line, thence over various highways to destinations within the area of Georgia, and return and (2) from Knoxville, over U.S. Highway 11 to Cleveland, Tenn., thence over Tennessee Highway 60 to Georgia-Tennessee State line, thence over various highways to points in Georgia within fifty (50) miles of Summerville, and return over the same routes.

NOTE: Applicant states: "The purpose of the above application is to permit the applicant to operate direct from or to the Georgia points on the one hand, from or to the Knoxville gateway on traffic to or from the Eastern territory authorized to be served by applicant when the shipment involved is a large LTL or volume shipment. Carrier is presently authorized to operate over Tennessee Highway 73 to the junction U.S. Highway 411 thence over U.S. 411 to Chattanooga or from Knoxville over U.S. Highway 11 into Chattanooga and return and also to operate between Chattanooga, Tenn., on the one hand, and, on the other, Summerville, Ga., and points and places in Georgia within fifty miles of Summerville. The authority outlined above would permit applicant to handle the large LTL and volume shipments in a route to by-pass the city of Chattanooga. Operations over the two applied for routes would not create a new service as applicant is presently serving the entire area, nor would the new routes cause applicant to discontinue service to any point presently being served."

HEARING: January 24, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 238, or if, the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 107227 (Sub-No. 84), filed October 30, 1961. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, truck chassis,* and *station wagons*, with or without bodies, in initial movements, in driveaway and truckaway service, from the site of the General Motors Corporation plants, located in Fremont, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HEARING: February 5, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107496 (Sub-No. 204), filed October 16, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients, and fertilizer*, in bulk, in tank vehicles, from Mason City, Iowa, and points within 10 miles thereof to points in Wisconsin, Illinois, South Dakota, Nebraska, and Minnesota.

NOTE: Applicant conducts operations as contract carrier in MC 119136 and subs thereunder, therefore dual operations may be involved.

HEARING: January 23, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 107496 (Sub-No. 205), filed October 16, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients* and *fertilizer*, in bulk, in tank vehicles, from Sanborn, Iowa, and points within 10 miles thereof to points in Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: Applicant conducts operations as a contract carrier in MC 119136 and subs thereunder, therefore dual operations may be involved.

HEARING: January 22, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 107496 (Sub-No. 209), filed November 3, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from Lawrence, Kans., to Vandalia, Mo., and Gramercy, Norco, and New Orleans, La.

NOTE: Applicant states that it is wholly owned by John Ruan, and that it controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation which operates in interstate commerce.

HEARING: January 17, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner E. Riggs McConnell.

No. MC 107515 (Sub-No. 368), filed August 3, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniel, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* as defined by the Commission, from Louisville, Ky., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: January 12, 1962, at the U.S. Court Rooms, Louisville, Ky., before Examiner Samuel Horwich.

No. MC 107912 (Sub-No. 11), filed October 30, 1961. Applicant: REBEL MOTOR FREIGHT, INC., 954 South Barton Street, Memphis, Tenn. Applicant's attorney: T. H. Freeland, III, P.O. Box 269, Oxford, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Grenada, Miss.; from Memphis over U.S. Highway 51 to Granada, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations.

HEARING: January 19, 1962, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 108207 (Sub-No. 83), filed October 6, 1961. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confetcions*, from points in the Kansas City, Kans., Kansas City, Mo., Commercial Zone, as defined by the Commission, to points in Oklahoma, Arkansas, Texas, Louisiana, Mississippi, New Mexico, and Memphis, Tenn.

HEARING: January 16, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner E. Riggs McConnell.

No. MC 108449 (Sub-No. 131), filed September 20, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients, fertilizer* and *fertilizer ammoniating solutions*, in bulk, from Mason City, Iowa, and points within ten (10) miles thereof, to points in Wisconsin, Illinois, South Dakota, Nebraska, and Minnesota, and *returned and rejected shipments* of the above-specified commodities, on return.

HEARING: January 23, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 108449 (Sub-No. 132), filed September 20, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients,* and *fertilizer*, in bulk, from Sanborn, Iowa, and points within ten (10) miles thereof, to points in Minnesota, Nebraska, North Dakota, and South Dakota, and *returned and rejected shipments* of the above-specified commodities, on return.

HEARING: January 22, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 109637 (Sub-No. 189), filed October 16, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lards, fats and greases*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 11, 1962, at the U.S. Court Rooms, Louisville, Ky., before Examiner Samuel Horwich.

No. MC 109689 (Sub-No. 124), filed October 13, 1961. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, from points in Idaho, to points in Georgia, Florida, Louisiana, Texas, Mississippi, Alabama, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Maryland, Kentucky, Arkansas, and Oklahoma.

NOTE: Applicant proposes to transport exempt commodities, on return.

HEARING: January 17, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lyle C. Farmer.

No. MC 110698 (Sub-No. 188), filed October 17, 1961. Applicant: RYDER TANK LINE, INC. (YORK DIVISION), 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall, c/o Ryder Tank Line, Inc. (York Division), P.O. Box 26035, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, fertilizers, and feed ingredients*, in bulk, in tank and hopper vehicles, from points in Jefferson County, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: January 22, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Dallas B. Russell.

No. MC 111434 (Sub-No. 36), filed September 25, 1961. Applicant: DON WARD, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: J. Albert Sebald, Equitable Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, (1) from points in Fremont County, Wyo., to Maybell, Colo., and points within ten (10) miles thereof; (2) from Rifle, Colo., to Maybell, Colo., and points within ten (10) miles thereof, and (3) from Grand Junction, Colo., to Uravan, Colo., and *rejected shipments*, of the above specified commodity, on return.

NOTE: Applicant states that the proposed service in (2) and (3) above, will be restricted to traffic having had immediate prior interstate transportation by rail. Common control may be involved.

HEARING: January 24, 1962, at the Albany, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 111611 (Sub-No. 15), filed October 10, 1961. Applicant: NOERR MOTOR FREIGHT, INC., 1000 South Main Street, Lewistown, Pa. Applicant's attorneys: V. Baker Smith and Harold S. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, and those requiring special equipment), serving points in the Commercial Zone of Harrisburg, Pa. (except points within the corporate limits of Harrisburg and within two (2) miles of U.S. Highway 22 between Harrisburg and Lewistown, Pa.), in connection with applicant's author-

ized regular route authority, for the purpose of interchange of traffic.

NOTE: Applicant presently holds authority to transport the above-described commodities between Lewistown, Pa., and Philadelphia, Pa., serving all intermediate points between Lewistown and Harrisburg, Pa., and off-route points within ten miles of Lewistown, and those within two miles of U.S. Highway 22 between Lewistown and Harrisburg.

HEARING: January 10, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel C. Shoup.

No. MC 111740 (Sub-No. 11), filed October 13, 1961. Applicant: OIL TRANSPORT COMPANY, a corporation, East Highway 80, P.O. Box 2031, Abilene, Tex. Applicant's attorney: Jerry Prestridge, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, (1) between points in New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, Oklahoma, Utah, and points in Texas on the west of U.S. Highway 81, (2) between points in Texas on and west of U.S. Highway 81, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, and Oklahoma, (3) from points in Texas on and west of U.S. Highway 81 (except Hockley, Crane, and Ector Counties, Tex.) to points in Utah, and (4) from points in Crane, Hockley, and Ector Counties, Tex., to points in Utah (except San Juan County, Utah).

HEARING: January 16, 1962, at the Baker Hotel, Dallas, Texas before Examiner Dallas B. Russell.

No. MC 111812 (Sub-No. 138), filed November 3, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Penn Yan, Red Creek, and Waterloo, N.Y., and points within five (5) miles of each, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin and (2) from points in Monroe, Orleans and Wayne Counties, N.Y., to points in Wisconsin.

HEARING: January 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 111940 (Sub-No. 31), filed October 19, 1961. Applicant: SMITH'S TRUCK LINES, a corporation, P.O. Box 88, Muncy, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, (1) between points in Pennsylvania, and, (2) between points in Pennsylvania, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, and the District of Columbia.

HEARING: January 11, 1962 at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel C. Shoup.

No. MC 112020 (Sub-No. 133), filed September 26, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from points in New Mexico, to points in Oklahoma, Mississippi, Louisiana, Arkansas, Missouri, Kansas, and Texas (except Houston, Tex., and points within 50 miles of Houston, Tex.).

NOTE: Applicant states it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma corporation.

HEARING: January 18, 1962, at the Baker Hotel, Dallas, Texas, before Examiner Dallas B. Russell.

No. MC 112020 (Sub-No. 134), filed September 26, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from points in New Mexico, to Houston, Tex., and points within 50 miles of Houston, Tex.

NOTE: Applicant states it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma corporation.

HEARING: January 12, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 33, or if, the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

No. MC 112617 (Sub-No. 99), filed October 2, 1961. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lards, fats* and *greases*, in bulk, in tank vehicles, from Louisville, Ky. to points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *rejected shipments* only, on return.

HEARING: January 10, 1962, at the U.S. Court Rooms, Louisville, Ky., before Examiner Samuel Horwich.

No. MC 113514 (Sub-No. 75), filed September 1, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, in bulk, (1) from Brian, La., to points in Arkansas, Oklahoma, Texas, and to the site of the refinery of El Paso Natural Gas Products Co. located at Ciniza, N. Mex., and (2) from points in Kansas and Oklahoma to the site of the refinery of El Paso Natural Gas Products Co. located at Ciniza, N. Mex.

NOTE: Common control may be involved.

HEARING: January 15, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Dallas B. Russell.

No. MC 113908 (Sub-No. 82), filed August 14, 1961. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, P.O. Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice and citrus concentrates*, from Weslaco, Tex., to points in the United States (except Alaska and Hawaii).

HEARING: January 24, 1962, 1:00 p.m. at the Grando Hotel, San Antonio, Tex., before Examiner Dallas B. Russell.

No. MC 114019 (Sub-No. 70), filed November 22, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods:* from West Chester, Pa., to points in Arizona, Illinois, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, Virginia, West Virginia, Maryland, New Jersey, New York, Kentucky, Tennessee, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Oklahoma, Texas, Utah, Colorado, Nebraska, North Dakota, South Dakota, New Mexico, and California.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 114045 (Sub-No. 72), filed July 27, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products;* from Fall River, Mass., to points in Virginia, North Carolina, and South Carolina, (2) *Frozen foods* and *food products;* from Martinsville, Ind., to Memphis, Tenn., and points in New Mexico, Arkansas, Louisiana and Mississippi, (3) *Meats, meat products* and *meat byproducts;* from points in Colorado, to Fort Smith, Ark., Dallas, Tex. and Shreveport, La., (4) *Meats, meat products* and *meat byproducts;* from Amarillo and Lubbock, Tex., to Texarkana, Tex.

HEARING: January 8, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Dallas B. Russell.

No. MC 114364 (Sub-No. 60) filed October 17, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kennewick, Wash. to Scottsbluff and Gering, Nebr., Alpine, El Paso and Pecos, Tex., and to points in Arizona, Colorado, New Mexico, and Wyoming.

NOTE: Applicant states it is controlled by Earl Bray, Inc.

HEARING: January 31, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Lyle C. Farmer.

No. MC 114608 (Sub-No. 6), filed August 7, 1961. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids 9, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ranges, including electric and gas ranges, parts thereof,* and *machinery and parts, materials and supplies used in the manufacture thereof* (except such as require the use of special equipment to load, unload or transport); between Grand Rapids, Mich., and Delaware, Ohio.

NOTE: (1) Applicant states it is already authorized to transport electric ranges and parts thereof and machinery and parts, materials and supplies used in the manufacture thereof, between Delaware, Ohio, and Grand Rapids, Mich., and this application is being filed for the purpose of enabling applicant to transport other types of ranges, parts, etc. now being produced at Delaware, Ohio, such as gas ranges. (2) Applicant further states the proposed operations will be under continuing contract or contracts with Kelvinator Division of American Motors Corporation.

HEARING: January 15, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9, or, if the Joint Board waives its right to participate before Examiner James Anton.

No. MC 114608 (Sub-No. 7), filed August 9, 1961. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids 9, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ranges, including electric and gas ranges;* from Grand Rapids, Mich., to points in Illinois, Indiana, and Ohio.

NOTE: (1) Applicant states it is already authorized to transport electric ranges from Grand Rapids to points in Illinois, Indiana and Ohio. This application is being filed primarily for authority to transport gas ranges from Grand Rapids to such states. (2) Applicant further states the proposed operations will be under continuing contract, or contracts with Kelvinator Division of American Motors.

HEARING: January 15, 1962, at the Federal Building, Lansing, Mich., before Examiner James Anton.

No. MC 114835 (Sub-No. 9), filed July 13, 1961. Applicant: SOO LINE RAILROAD CO., a corporation, 800 Soo Line Building, Minneapolis 40, Minn. Applicant's attorney: C. Harold Peterson, Soo Line Railroad, Law Department, 1427 Soo Line Building, P.O. Box 530, Minneapolis 40, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in substituted motor for rail service, which is auxiliary to or supplemental of applicant's rail service, (1) Between Minneapolis, Minn., and the Minnesota-North Dakota State line, near Fairmount, N. Dak., from Minneapolis west over Minnesota Highway 55 to the Minnesota-North Dakota State line, and return over the same route, serving the intermediate points of Crystal, Hamel, Loretto, Rockford, Buffalo, Maple Lake, Annandale, South Haven, Kimball, Watkins, Eden Valley, Paynesville, Regal, Belgrade, Brooten, Sedan, Glenwood, Lowry, Farwell, Kensington, Hoffman, Barrett, Elbow Lake, Wendell, Nashua, and Tenney, Minn.; (2) Between Glenwood, Minn., and Noyes, Minn., from Glenwood over Minnesota Highway 29 to its junction with Minnesota Highway 210, thence over Minnesota Highway 210 to Henning, Minn., thence over Minnesota Highways 108 and 78 to Dent, Minn., thence over Otter Tail County Road 35 to Vergas, Minn., thence over County Road 4 to Frazee, Minn., thence over U.S. Highway 10 to Detroit Lakes, Minn., thence over U.S. Highway 59 to Lancaster, Minn., thence over Kittson County Road 6 to junction U.S. Highway 75, thence over U.S. Highway 75 to Noyes, and return over the same route, serving the intermediate points of Forada, Alexandria, Carlos, Miltona, Parkers Prairie, Henning, Ottertail, Dent, Vergas, Detroit Lakes, Callaway, Ogema, Waubun, Mahnomen, Bejou, Winger, Brooks, Plummer, Thief River Falls, Newfolden, Strandquist, Karlstad, Halma, Lake Bronson, Lancaster, and Orleans, Minn., and the off-route points of Almora, Richville, Erskine, and Hazel, Minn.; (2a) Between Ottertail, Minn., and Frazee, Minn., from Ottertail over Minnesota Highway 78 to its junction with U.S. Highway 10, thence over U.S. Highway 10 to Frazee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; and (2b) Between Luce, Minn., and Vergas, Minn. over Minnesota Highway 228, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (3) Between Thief River Falls, Minn., and Oslo, Minn., from Thief River Falls west over Minnesota Highway 1 to Oslo, and return over the same route, serving the intermediate points of Warren and Alvarado, Minn., and the off-route points of Viking and Radium, Minn.; (4) Between Duluth, Minn., and Brooten, Minn., (via Moose Lake, Minn.), from Duluth over Minnesota Highway 23 to junction Carlton County Road 6, thence over Carlton County Road 6 to its junction with U.S. Highway 61, thence over U.S. Highway 61 to Moose Lake, thence over Minnesota Highway 27 to Little Falls, Minn., thence over Minnesota Highway 238 to its junction with U.S. Highway 52, thence over U.S. Highway 52 to Melrose, thence over unnumbered county roads via Greenwald and Elrosa, Minn., to Brooten, and return over the same route, serving the intermediate points of Moose Lake, Arthyde, McGrath, Isle, Wahkon, Onamia, Hillman, Genola, Albany, Greenwald, and Elrosa, Minn., and the off-route points of Denham, Solana, Redtop, Bowlus, Holdingford, and New Munich, Minn.; (5) Between Moose Lake, Minn., and Brooks, Minn., from Moose Lake over Minnesota Highway 73 and unnumbered county roads to the junction with Minnesota Highway 65 via Automba and Lawler, Minn., thence over Minnesota Highway 65 to its junction with Minnesota Highway 232, thence over Minnesota Highway 232 to its junction with U.S. Highway 169, thence over U.S. Highway 169 to its junction with Minnesota Highway 34, thence over Minnesota Highway 34 to its junction with U.S. Highway 2, thence over U.S. Highway 2 to its junction with Minnesota Highway 92, thence over Minnesota Highway 92 to Brooks, and return over the same route, serving the intermediate points of Kettle River, Automba, Lawler, East Lake, McGregor, Palisade, Remer, Boy River, Federal Dam, Schley, Cass Lake, Rosby, Bemidji, Clearbrook, Gonvick, Gully, and Trail, Minn., and the off-route points of Bain, Swatara, Shovel Lake, Tobique, Portage Lake, Scribner, Pinewood, Leonard, and Oklee, Minn.; (6) Between Fairmount, N. Dak., and Portal, N. Dak., from Fairmount over North Dakota Highway 11 to Lidgerwood, N. Dak., thence over North Dakota Highway 18 to Wyndmere, N. Dak., thence over North Dakota Highway 13 to Gwinner, N. Dak., thence over North Dakota Highway 32 to Valley City, N. Dak., thence over U.S. Highways 10 and 52 to junction with North Dakota Highway 1, thence over North Dakota Highway 1 to junction North Dakota Highway 9, thence over North Dakota Highway 9 to junction North Dakota Highway 7, thence over North Dakota Highway 7 to Carrington, N. Dak., thence over U.S. Highway 52 to junction North Dakota Highway 30, thence over North Dakota Highway 30 to junction North Dakota Highway 15, thence over North Dakota Highway 15 to junction U.S. Highway 52, thence over U.S. Highway 52 to Portal, and return over the same route, serving the intermediate points of Oswald, Hankinson, Wyndmere, Fingal, Rogers, Leal, Wimbledon, Courtenay, Kensal, Carrington, Cathay, Fessenden, Manfred, Harvey, Martin, Anamoose, Drake, Balfour, Bergen, Voltaire, Velva, Sawyer, Logan, Minot, Burlington, Foxholm, Carpio, Donneybrook, Kenmare, Bowbells, and Flaxton, N. Dak., and the off-route points of Mantador, McLeod, Anselm, Enderlin, Lucca, Cuba, Valley City, Bordulac, Emrick, and Spiral, N. Dak.; (6a) Between Wyndmere, N. Dak., and North Dakota Highway 32, over North Dakota Highway 18 to its junction with North Dakota Highway 46, thence over North Dakota Highway 46 to its junction with North Dakota Highway 32, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and serving no point not a station on its line of railroad; (7) Between Lidgerwood, N. Dak., and Max, N. Dak., from Lidgerwood over North Dakota Highway 11 to Oakes, N. Dak., thence over unnumbered County Road paralleling applicant's line of railroad to junction U.S. Highway 281, thence over U.S. Highway 281 to its junction with North Dakota Highway 13, thence over North Dakota Highway 13 to its

junction with North Dakota Highway 3, thence over North Dakota Highway 3 to Napoleon, N. Dak., thence over North Dakota Highway 34 and unnumbered County Roads via Braddock, N. Dak., to junction with U.S. Highway 83, thence over U.S. Highway 83 to Max, and return over the same route, serving the intermediate points of Geneseo, Forman, Cogswell, Nicholson, Oakes, Norway, Fullerton, Monango, Kulm, Guyson, Lehr, Wishek, Burnstad, Napoleon, Braddock, Moffit, Bismarck, Wilton, Washburn, Underwood, Riverdale Junction, Coleharbor, and Max, N. Dak., and the off-route points of Merricourt, Fredonia, Kintyre, Brittin, Arnold, Baldwin, Falkirk, Riverdale, Custer, and Garrison, N. Dak.; (8) Between Max, N. Dak., and New Town, N. Dak., from Max over North Dakota Highway 53 to its junction with North Dakota Highway 28, thence over North Dakota Highway 28 to its junction with North Dakota Highway 23, thence over North Dakota Highway 23 to New Town, and return over the same route, serving the intermediate points of Douglas, Ryder, and Wabek, N. Dak., and the off-route points of Makoti, Plaza, and Parshall, N. Dak.; (9) Between Balfour, N. Dak., and Max, N. Dak., over unnumbered county roads, via Kief, Butte, Ruso, and Benedict, serving the intermediate points of Kief, Butte, Ruso, and Benedict, N. Dak., and the off-route point of Kongsberg, N. Dak.; (10) Between Flaxton, N. Dak., and Westby, Mont., from Flaxton over North Dakota Highway 5 to Westby, and return over the same route, serving the intermediate points of Rival, Lignite Junction, Columbus, Kermit, Crosby, and Fortuna, N. Dak., and the off-route points of Ambrose, Colgan, and Alkabo, N. Dak.; (11) Between Wishek, N. Dak., and Herreid, S. Dak., from Wishek over North Dakota Highway 3 to its junction with North Dakota Highway 11, thence over North Dakota Highway 11 to its Junction with U.S. Highway 83, thence over U.S. Highway 83 to Herreid, and return over the same route, serving all intermediate points, and the off-route points of Danzig, Ashley, and Venturia, N. Dak., and Madra, Artas, and Pollock, S. Dak.; (12) Between Fairmount, N. Dak., and Grenville, S. Dak., from Fairmount over U.S. Highway 81 to Claire City, S. Dak., thence over unnumbered County Roads via Veblen and Lake City, S. Dak., to junction South Dakota Highway 23, thence over unnumbered County Road to Grenville, and return over the same route, serving the intermediate points of Rosholt, Victor, New Effington, Hammer, Claire City, Dahlberg, Veblen, Hillhead, Lake City, Eden, and Roslyn, S. Dak., and the off-route point of LaMars, N. Dak.; (13) Between Oslo, Minn., and Kenmare, N. Dak., from Oslo over County Road 19 to junction North Dakota Highway 32, thence over North Dakota Highway 32 to junction North Dakota Highway 17, thence over North Dakota Highway 17 and unnumbered County Roads via Fairdale, N. Dak., to junction North Dakota Highway 1, thence over North Dakota Highway 1 to junction North Dakota Highway 66, thence over North Dakota Highway 66 to junction North Dakota Highway 3, thence over unnumbered County Road to junction North Dakota Highway 60 via Overly, N. Dak., thence over unnumbered County Roads to junction North Dakota Highway 5 via Gardena, Kramer, Russell, Newburg, Eckman, and Mohall, N. Dak., thence over North Dakota Highway 5 to its junction with U.S. Highway 52, thence over U.S. Highway 52 to Kenmare, and return over the same route, serving the intermediate points of Poland, Ardoch, River Forest, Fordville, Adams, Fairdale, Nekoma, Loma, Alsen, Calio, Egeland, Bisbee, Agate, Mylo, Rolette, Fonda, Overly, Omemee, Gardena, Kramer, Russell, and Eckman, N. Dak., and the off-route points of Conway, Lankin, Lansford, Grano, Tolley, and Norma, N. Dak.; (13a) Between Newburg, N. Dak., and Mohall, N. Dak., over North Dakota Highway 5, serving no intermediate points, as an alternate route for operating convenience only, and serving no point not a station on its line of railroad; and (13b) Between Renville Corner, N. Dak., and junction U.S. Highway 83 and unnumbered county road near Lansford, N. Dak., over U.S. Highway 83, serving no intermediate points, as an alternate route for operating convenience only, and serving no point not a station on its line of railroad; (14) Between Fordville, N. Dak., and Harvey, N. Dak., from Fordville over North Dakota Highway 19 to its junction with North Dakota Highway 30, thence over North Dakota Highway 30 to Harlow, N. Dak., thence over unnumbered County Roads to junction North Dakota Highway 3 via Baker, Fillmore, and Silva, N. Dak., thence over North Dakota Highway 3 to Harvey, and return over the same route, serving the intermediate points of Dahlen, Whitman, Pelto, Southan, Devils Lake, Harlow, Baker, Fillmore, and Silva, N. Dak., and the off-route points of Rohrville, Essex, Ramsey, Tilden, Balta, Orrin, and Funston, N. Dak.; (14a) Between Fordville, N. Dak., and Devils Lake, N. Dak., from Fordville over North Dakota Highway 32 to junction U.S. Highway 2, thence over U.S. Highway 2 to Devils Lake, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (14b) Between junction North Dakota Highways 30 and 19 and junction North Dakota Highways 3 and 19, over North Dakota Highway 19, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (14c) Between Fillmore, N. Dak., and Esmond, N. Dak., over unnumbered county road, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; (14d) Between Southam, N. Dak., and Doyon, N. Dak., over unnumbered county road, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad; and (14e) Between Whitman, N. Dak., and Petersburg, N. Dak., over unnumbered county road, serving no intermediate points, as an alternate route for operating convenience only and serving no point not a station on its line of railroad.

HEARING: January 24, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 115757 (Sub-No. 33), filed September 19, 1961. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's representative: Vernon M. Masters, 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *comomn carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except flour), in bulk, between points in Arkansas, Illinois, Iowa, Kansas, Missouri, and Oklahoma. RESTRICTION: Applicant states that the service requested herein is to be restricted to shipments having a prior movement by rail. Applicant further states that it is under common control and management with Southwest Freight Lines, Inc.

HEARING: January 15, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner E. Riggs McConnell.

No. MC 117109 (Sub-No. 9), filed October 20, 1961. Applicant: SYKES TRANSPORT CO., a corporation, P.O. Box 297, Ironton, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, insulation board, fiberboard, pulpboard* and *wallboard*, and *parts, materials and accessories incidental thereto*, from Greenville, Miss., to points in Texas, Oklahoma, Missouri, New Mexico, Colorado, Kansas, Arkansas, and Louisiana, and *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, on return.

HEARING: January 15, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Samuel Horwich.

No. MC 118089 (Sub No. 1), filed September 29, 1961. Applicant: JACK DWENGER, Route 1, Box 248, Weatherford, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Brownsville, Laredo, and El Paso, Tex., to Abilene, Dallas, Fort Worth, Longview, and Lubbock, Tex., and (2) *bananas* and *exempt commodities* in separate and in mixed shipments with bananas, on return.

HEARING: January 11, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

No. MC 118089 (Sub-No. 2), filed October 6, 1961. Applicant: JACK DWENGER, Route 1, Box 248, Weatherford, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, in bunches, and boxes containing bananas, from Houston, to Abilene, Dallas, Fort Worth, Longview, Lubbock, and Amarillo, Tex., and (2) *bananas* and *exempt commodities*, in separate or mixed shipments, on return.

HEARING: January 11, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

No. MC 118535 (Sub-No. 8), filed September 28, 1961. Applicant: JIM TIONA, JR., 603 Lee Street, Butler, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer compounds* and *feed grade urea*, in bulk and in bags (dry and not in liquid form), from the plant sites of the John Deere Chemical Company at Pryor and Tulsa, Okla., to points in Wisconsin and Indiana; (2) *Fertilizer compounds* and *feed grade urea*, in bulk, and mixed shipments of bag and bulk (dry and not in liquid form), from plant sites of the John Deere Chemical Co. at Pryor and Tulsa, Okla., to points in Illinois; and (3) *Feed grade urea, urea fertilizer, technical grade urea, fertilizer compound and materials*, dry, in bulk and in bags, and in mixed shipments, from Pryor and Tulsa, Okla., to points in Tennessee, Ohio, Kentucky, Michigan, Mississippi, and North Dakota, and *empty containers* on return.

HEARING: January 17, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner E. Riggs McConnell.

No. MC 119226 (Sub-No. 41), filed October 6, 1961. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lards, fats, and greases*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Mississippi.

HEARING: January 10, 1962, at the U.S. Court Rooms, Louisville, Ky., before Examiner Samuel Horwich.

No. MC 119394 (Sub-No. 1), filed September 18, 1961. Applicant: LEONARD McKEE, doing business as LEONARD McKEE LINES, 10571 West Michigan Avenue, Kalamazoo, Mich. Applicant's attorney: J. M. Neath, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit drinks* and *canned fruit juices*, from the plant sites of the A. F. Murch Co. located at Paw Paw, Decatur, Sodus, and Benton Harbor, Mich. to points in Ohio, Indiana, Illinois, and Wisconsin, and (2) *concentrated fruit juices, frozen concentrated fruit juices*, and *frozen concentrated fruit drinks* from the plant sites of the A. F. Murch Co. located at Paw Paw, Decatur, Sodus, and Benton Harbor, Mich. to points in Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, and (3) *general commodities*, from points in the above-named states to the A. F. Murch Co. at its plant sites located at Paw Paw, Decatur, Sodus, and Benton Harbor, Mich., on return.

HEARING: January 18, 1962, at the Federal Building, Lansing, Mich., before Examiner James Anton.

No. MC 123201 (Sub-No. 1), filed November 3, 1961. Applicant: STEVE HORVATH, FRANK HORVATH, AND JOSEPH GEORGE HORVATH, a partnership, doing business as HORVATH BROS., 322 Schuyler Avenue, Kearney, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots, blooms, billets, and sows* from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Ellenville, N.Y., restricted to shipments having an immediately prior movement by water, and *returned, refused, or rejected shipments* on return.

HEARING: January 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 123559 (Sub-No. 1), filed April 24, 1961. Applicant: J. P. CARROLL, JR., Lewis, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain dryers*, between Lewis, Kans., on the one hand, and, on the other, points in Nebraska, Iowa, South Dakota, North Dakota, Colorado, Wyoming, Montana, Oklahoma, Texas, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Missouri, Ohio, and Kansas.

HEARING: January 23, 1962, at the Hotel Pick-Kansas, Topeka, Kans., before Examiner E. Riggs McConnell.

No. MC 123564 (Sub-No. 1), filed August 9, 1961. Applicant: WOODWORTH, INC., U.S. Route 40, Elkton, Md. Applicant's attorney: Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore 28, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, wooden, set up, in flat-bed equipment, from North East, Md., and points within five (5) miles thereof, to Edgemoor, Glasgow, Seaford, and Wilmington, Del., points in New Jersey on and north of a line extending from and including Trenton, over New Jersey Highway 33 to Robbinsville; thence along U.S. Highway 130 to junction New Jersey Highway 33 near Highstown; thence along New Jersey Highway 33 to Ocean Grove; Camden, N.J., New York, N.Y. and points in the New York Commercial Zone, Allentown, Bethlehem, and Philadelphia, Pa. and points in the Philadelphia, Pa. Commercial Zone, and *returned pallets* and *materials* used in the construction of pallets, on return.

HEARING: January 9, 1962, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Henry A. Cockrum.

No. MC 123659, filed May 11, 1961. Applicant: DONALD G. AVERILL, doing business as BAKERY TRANSIT SERVICE, 2201 Tremont Boulevard, Grand Rapids, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, (1) from Chicago, Ill., to points in Illinois, Indiana, Ohio, and Michigan.

NOTE: The proposed operation will be for Pepperidge Farms, Inc. and Kitchens of Sara Lee, Inc.

(2) From Chicago, Ill., to points in Michigan.

NOTE: The proposed operation will be for Peter Wheat Service Bakers, Inc.

(3) *Damaged and rejected merchandise and used empty containers*, of baked goods in connection with (1) and (2) above, on return.

HEARING: January 17, 1962, at the Federal Building, Lansing, Mich., before Examiner James Anton.

No. MC 123670, filed May 17, 1961. Applicant: ROBERT E. CROWEL, ADMINISTRATORS—EARL R. CROWEL AND KENNETH L. CROWEL, doing business as CROWEL TRUCKING CO., 701 West Clair Street, Almont, Mich. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles and sauerkraut* in jars and barrels; from Imlay City and Detroit, Mich. to points in Illinois and Ohio; and (2) *fertilizer* in bags, from Toledo, Ohio to points in Lapeer and Macomb Counties, Mich.; and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: January 16, 1962, at the Federal Building, Lansing, Mich., before Examiner James Anton.

No. MC 123945, filed September 22, 1961. Applicant: WILLIAM H. SMITH, doing business as HOWARD CO., 854 Richards Street, Salt Lake City, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled commercial vehicles* and *replacements thereof, including but not limited to, trucks, tractors, trailers, semi-trailers and buses*, between points in Utah, on the one hand, and, on the other, points in Nevada, Idaho, Utah, Montana, Wyoming, Colorado, and Arizona.

HEARING: January 16, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lyle C. Farmer.

No. MC 123946, filed September 22, 1961. Applicant: JOHN ERVEN AND WILLIAM ERVEN, doing business as J & W TRUCKING, 951 East South Street, Jackson, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings and Loan Building, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Beer and ale*, from Milwaukee, Wis., Fort Wayne, Ind., and Peoria Heights, Ill., to Jackson, Mich., and *empty containers or other such incidental facilities* (not specified) and *pallets*, used in transporting the above described commodities, on return.

HEARING: January 17, 1962, at the Federal Building, Lansing, Mich., before Examiner James Anton.

No. MC 123977, filed October 9, 1961. Applicant: L. J. FRERKING, doing business as T & F HOT SHOT SERVICE, P.O. Box 358, Aztec, N. Mex. Applicant's attorney: Edward M. Campbell, 3535 East 30th Street, Farmington, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field tools, equipment, and supplies*, between points in San Juan, Rio Arriba, Sandoval, and McKinley Counties, N. Mex.; Apache and Navajo Counties, Ariz.; La Plata, Montezuma, Archuleta, Montrose, Rio Blanco, Garfield, and San Miguel Counties, Colo., and San Juan, Carbon, Emery, Grand, and Uintah Counties, Utah.

NOTE: Applicant states that no shipment will exceed 5,000 pounds in weight.

HEARING: January 29, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Lyle C. Farmer.

No. MC 123995, filed October 19, 1961. Applicant: RAY B. BOWERSOX, doing business as R. B. BOWERSOX TRUCKING CO., 326 South Front Street, Milton, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, veneer, and forest products*, (a) between points in Pennsylvania on the one hand, and, on the other, points in Ohio, Indiana, Michigan, New York, Connecticut, Massachusetts, West Virginia, Virginia, North Carolina, Maryland, Tennessee, Illinois, and Louisville, Ky., and Oshkosh, Wis., (b) from points in West Virginia, to points in Tennessee, North Carolina, Virginia, Indiana, Ohio, Pennsylvania, New York, and Louisville, Ky., and (c) from points in Allegany and Garrett Counties, Md., to points in Ohio, Indiana, Virginia, North Carolina, Tennessee, Pennsylvania, and Louisville, Ky. RESTRICTION: The above-described operations are limited to a transportation service to be performed under a continuing contract, with Lundy Hardwood Lumber Co., Inc., and Lundy Lumber Co., Inc., of Williamsport, Pa.; Allied Building Products, Inc., Williamsport, Pa. and J. A. Habag Veneer Co., Montgomery, Pa. (2) *Building materials*, from points in Camden and Essex Counties, N.J., Alpena, Mich., Stark, Ohio, Louisville, Ky., and New London, Conn., to points in Clinton, Lycoming, Montour, Northumberland, Potter, Sullivan, Tioga, and Union Counties, Pa. RESTRICTION: The above-described operations are limited to a transportation service to be performed under a continuing contract, with Lundy Lumber Co., Inc., of Williamsport, Pa., and Allied Building Products, Inc., Williamsport, Pa.

HEARING: January 15, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel C. Shoup.

No. MC 124006, filed October 26, 1961. Applicant: DIAMOND T UTAH, INC., 1045 South Main Street, Salt Lake City, Utah. Applicant's attorney: Harold N. Wilkinson, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled commercial motor vehicles, including but not limited to trucks, tractors, trailers, semi trailers and buses*, requiring the use of heavy duty wrecker equipment, in truckaway service, by use of wrecker equipment only, between points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Utah, and Wyoming.

HEARING: January 16, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lyle C. Farmer.

No. MC 124017, filed October 30, 1961. Applicant: ROBERT A. JEFFREY, doing business as R. JEFFREY & SONS, P.O. Box C180, R.D. 1, Elysburg, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Northumberland County, Pa., within fifteen (15) miles of Shamokin, Pa (except Shamokin), to points in New Jersey on and north of New Jersey Highway 33, and points in New York on and west of U.S. Highway 220 and New York Highways 17 and 14, and *exempt commodities*, on return.

HEARING: January 11, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Samuel C. Shoup.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 313), filed September 12, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip sightseeing and pleasure tours, beginning and ending at Jersey City, N.J., and extending to points in Florida.

HEARING: January 16, 1962 at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Examiner Samuel C. Shoup.

No. MC 3700 (Sub-No. 47), filed September 14, 1961. Applicant: MANHATTAN TRANSIT CO., a corporation, U.S. Route 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip sightseeing and pleasure tours beginning and ending at Jersey City, N.J., and extending to points in Florida.

HEARING: January 16, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Examiner C. Shoup.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12769, filed September 22, 1961. Applicant: MRS. ROBERTA ANNETTE ADAMS, doing business as ADAMS TRAVEL CLUB, 125 North Hill Street, Itasca, Tex. For a license (BMC 5) to engage in operations as a *broker* at Itasca, Tex., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and groups, in round-trip charter all-expense conducted sightseeing tours, beginning and ending at Itasca, Hillsboro, Dallas, Vernon, and Amarillo, Tex., and extending to points in the United States, including Alaska, but excluding Hawaii.

HEARING: January 10, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or if, the Joint Board waives its right to participate, before Examiner Dallas B. Russel.

No. MC 12777, filed October 30, 1961. Applicant: RALPH E. CONNER, SR., GRACE B. CONNER AND RALPH E. CONNER, JR., a partnership doing business as, CONNER TOURS, 310 South Myrtle Avenue, Monrovia, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. For a license (BMC 5), to engage in operations as a broker, at Monrovia, Calif., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in the same vehicle, with passengers, both as individuals and groups, between points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada, and the United States and Mexico.

HEARING: January 12, 1962, at the New Mint Building, 133 Hermann St., San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 46), filed November 15, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, P.O. Box 781, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Douglas, Ga., and Hazelhurst, Ga., over U.S. Highway 221, serving all intermediate points; (2) between Fitzgerald, Ga., and Hazelhurst, Ga., via Broxton, Ga., from Fitzgerald over Georgia Highway 206 to junction Georgia Highway 268, thence over Georgia Highway 268 to Hazelhurst, and return over the same route, serving all intermediate points; (3) between Tifton, Ga., and Alapaha, Ga., over U.S. Highway 82, serving all intermediate points; and (4) between Sylvester, Ga., and Ashburn, Ga., over Georgia Highway 112, serving all intermediate points.

NOTE: Applicant states it holds authority to serve all of the above terminal points over other routes. Applicant further states that the sole purpose of this application is to allow service to the small rural communities which lie intermediate along the routes named. No duplicating authority is sought.

No. MC 52579 (Sub-No. 34), filed November 21, 1961. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refused, rejected or returned wearing apparel on hangers*, from points in Ohio, Michigan, Illinois, Wisconsin, California, and Colorado, to New York, N.Y. RESTRICTION: Service is restricted to the transportation of wearing apparel on hangers which had a prior movement via applicant's wearing apparel on hangers service.

NOTE: Applicant states it is not affiliated with any other carrier. However, Milton Gilbert, the president of the applicant, is the owner of all of the outstanding stock of Chain Deliveries Express, Inc., a freight forwarder.

No. MC 66562 (Sub-No. 1860), filed November 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York, 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Los Angeles, Calif. and San Diego, Calif.; from Los Angeles over U.S. Highway 101 (also over U.S. Highway 101 and alternates) to San Diego, and return over the same routes, serving the intermediate points of Santa Ana, San Juan Capistrano, San Clemente, and Oceanside, Calif. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub-No. 1863), filed November 20, 1961. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, serving Eaton and Versailles, Ohio, as off route points in connection with applicant's presently authorized regular route operations between West Unity, Ohio and Middletown, Ohio, in Certificate No. MC 66562 (Sub-No. 217). RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 84064 (Sub-No. 2), filed November 17, 1961. Applicant: J–B TRUCKING, INC., 706 Chestnut St., St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel* and *crushed stone*, in dump vehicles, from St. Louis, Mo., and points in St. Louis County, Mo., to points in St. Clair and Madison Counties, Ill.

No. MC 89684 (Sub-No. 37), filed November 20, 1961. Applicant: WYCOFF COMPANY, INC., 560 South 2d West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery pies* from Salt Lake City, Utah, to Butte, Mont., and *used empty cartons* on return.

No. MC 109478 (Sub-No. 45), filed November 17, 1961. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refused, rejected and returned shipments of glass containers used in the manufacture and distribution of food products*, from points in New York and North East, Pa., to South Connellsville, Pa.

NOTE: Applicant states the proposed operation will be restricted to the transportation of shipments previously transported in the reverse direction by applicant from South Connellsville, Pa., to points in New York and North East, Pa.

No. MC 111231 (Sub-No. 48), filed November 20, 1961. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita and Winfield, Kans., from Wichita over Kansas Highway 15 to its junction with U.S. Highway 77, thence over U.S. Highway 77 to Winfield and return over the same route, serving no intermediate points and serving Winfield for joinder purposes only.

No. MC 112617 (Sub-No. 101), filed November 22, 1961. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* and *asphalt*, in bulk, in tank vehicles, from Bowling Green, Ky., to points in Tennessee (except Nashville).

No. MC 112750 (Sub-No. 76) (CORRECTION), filed November 1, 1961, published FEDERAL REGISTER issue November 15, 1961, republished as corrected this issue. Applicant: ARMORED CARRIER CORP., 222–17 Northern Boulevard, Bayside 61, New York. Applicant's attorney: John Kevin Murphy (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used punch cards and business papers and records*, used or useful in the preparation of such punch cards and other business papers and records involving information obtained from the punch cards or pertaining to the use thereof (excluding plant removals and supplies), under continuing contracts with the Service Bureau Corp., "and customers of the Service Bureau Corp.", between Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island.

NOTE: The purpose of this republication is to include the words quoted above, erroneously omitted from previous publication.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PASSENGERS

No. MC 12781, filed November 27, 1961. Applicant: MRS. CLAUD C. (EUNICE) WESTERFELD, doing business as WESTERFELD TOURS, 5247 Goodwin Street, Dallas 6, Tex. Applicant's representative: Paul G. Stallings, 5406 Anita, Dallas 6, Tex. For a license (BMC 5) to engage in operations as a *broker* at Dallas, Tex., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and groups, in all-expense historical, educational and sightseeing tours, beginning and ending at Dallas, Tex., and extending to points in the United States including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

NOTICE OF FILING OF PETITIONS

No. MC 109749 (Sub-No. 9) (PETITION TO ADD CONTRACT OF ARMOUR & CO.), filed October 23, 1961. Petitioner: GAIL W. DAHL AND FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Petitioner's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Permit No. MC 109749 (Sub-No. 9), dated March 8, 1961, authorizes the transportation of Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packing houses, as described in Appendix I to the Report in *Descriptions*

in Motor Carrier Certificates, 61 M.C.C. 209, and 766, from Sioux City, Iowa, to Onida, S. Dak. By petition filed October 23, 1961, petitioner requests the Commission to approve the addition of a contract with Armour & Co. of Sioux City, Iowa, as an additional shipper for whom the above-described transportation would be performed. Any person or persons desiring to oppose the addition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109749 (Sub-No. 11) (PETITION TO ADD CONTRACT OF ARMOUR & COMPANY), filed October 23, 1961. Petitioner: GAIL W. DAHL AND FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Petitioner's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Permit No. MC 109749 (Sub-No. 11), dated July 19, 1961, authorizes the transportation of Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses (except animal fat, tallow, and grease), as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Sioux City, Iowa, and Watertown, S. Dak., to specified points in Minnesota; from Sioux City, Iowa, to points in North Dakota, and returned shipments, on return. By petition filed October 23, 1961, petitioner requests the Commission to approve the addition of a contract with Armour & Company of Sioux City, Iowa, as an additional shipper for whom the above-described transportation would be performed. Any person or persons desiring to oppose the addition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8004. Authority sought for control and merger by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., of the operating rights and property of CONVERSE TRUCKING SERVICE, 1026 Murray Street, Berkley 10, Calif., and for acquisition by J. W. RINGSBY, also of Denver, of control of such rights and property through the transaction. Applicants' attorneys: Edward M. Berol, Berol, Loughran, and Geernaert, 100 Bush Street, San Francisco 4, Calif., and Bertram S. Silver, 126 Post Street, San Francisco 8, Calif. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Portland, Oreg., and San Francisco, Calif., serving all intermediate and certain off-route points and between Goshen, Oreg., and Weed, Calif., serving the intermediate point of Klamath Falls, Oreg., for traffic originating at or destined to points other than Klamath Falls subject to the restriction that no traffic shall be transported (1) between Vancouver, Wash., and points in Oregon; (2) between one point in Oregon and another point in Oregon; and (3) between one point in California and another point in California; and over an alternate route for operating convenience only, serving no intermediate points; *machinery, materials, supplies, and equipment*, incidental to, or used in, mining, milling, building construction, and highway building and maintenance, over irregular routes between points in California, Nevada, and Malheur County, Oreg., *structural steel*, between San Francisco, Calif., and points within 20 miles of San Francisco, on the one hand, and, on the other, points in Nevada, restricted against the transportation of any shipments which requires special equipment and handling by reason of unusual weight, bulk, or length, except petroleum products in tank vehicles, in shipments of not less than 10,000 pounds, between points in California on the one hand, and, on the other, points in Nevada; *machinery and machinery parts*, and *mining and construction materials, equipment, and supplies*, between points, both of which are located in the same state, in Washington and Oregon (except Malheur County, Oreg.), restricted to traffic having an immediately prior or immediately subsequent movement by rail carrier, between points in California, on the one hand, and, on the other, points in Oregon and Washington, between points in Nevada, on the one hand, and, on the other, points in Oregon and Washington, and between points in California; *frozen berries*, from Tacoma and Grandview, Wash., and Beaverton, Gresham, and Portland, Oreg., to points in Alameda County, Calif., *frozen fruit*, from Grandview, Wash., and Beaverton, Oreg., to points in Alameda County, Calif., *frozen vegetables*, from Arlington, Wash., to San Francisco, Modesto, and Sacramento, Calif., and *tea*, from San Francisco, Calif., to Portland, Oreg., and Seattle and Spokane, Wash. RINGSBY TRUCK LINES, INC., is authorized to operate as a *common carrier* in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8005. RUTH N. J. WILLIAMS, P.O. Box 459, Storm Lake, Iowa, seeks authority to control through management, FRIGIDWAYS, INC., P.O. Box 2387, 529 East Brooks Road, Memphis, Tenn., and ROBERT M. THOMAS, P.O. Box 2387, Memphis, Tenn., and SAM R. REIB, 180 West Adams Street, Chicago, Ill., seek to control through management, COLONIAL & PACIFIC FRIGIDWAYS, INC., a Delaware corporation, P.O. Box 459, Storm Lake, Iowa, and whereby each of said corporations seeks to control the other. Applicants' attorneys: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to be controlled: (FRIGIDWAYS, INC.) *Meats, meat products, and meat by-products*, as a *common carrier* over irregular routes from Opelousas, La., to St. Louis, Mo., and Chicago, Ill.; *Meats, meat products, and meat by-products and articles distributed by meat-packing houses*, from Fort Dodge, Iowa, to points in Tennessee, Mississippi, and North Carolina; *packing house products*, from Austin, Minn., and Dubuque, Mason City, Waterloo, and Ottumwa, Iowa, to points in Louisiana, Mississippi, Alabama, Georgia, and Tennessee, *shelled pecans*, from Albany and Baconton, Ga., to Kansas City, Mo., and points in Iowa and Minnesota, *shelled peanuts*, from Leary, Ga., to Kansas City, Mo., and points in Iowa and Minnesota, *frozen citrus fruit juice*, and *frozen citrus fruit concentrates*, from points in Hidalgo and Cameron Counties, Tex., to points in Iowa and Minnesota; *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses*, in vehicles equipped with mechanical refrigeration, from Humboldt and Union City, Tenn., to points in Louisiana and Mississippi; and *frozen foods*, from Frankfort, Mich., and points within 15 miles thereof to Kansas City, Kans., Fargo, N. Dak., points in Nebraska, and certain points in Michigan, Wisconsin, Minnesota, and Iowa. (COLONIAL & PACIFIC FRIGIDWAYS, INC.) *Meats, meat products and meat byproducts*, as a *common carrier* over irregular routes from East St. Louis, Ill., Estherville, Fort Dodge, and Storm Lake, Iowa, and Madison, Wis., to Los Angeles, Sacramento, San Diego, San Francisco, and Stockton, Calif., and Seattle, Wash., *frozen foods*, in vehicles equipped with mechanical refrigeration, from Grosham, Portland, and Weston, Oreg., Prosser, Wash., and Sacramento and Watsonville, Calif., to Chattanooga, Knoxville, Memphis, and Nashville, Tenn. (except frozen grape juice concentrate and frozen grape juice preserves from Prosser to Knoxville, Memphis, and Nashville), *frozen grape juice concentrate, frozen grape juice preserves, fruit and vegetable juices, jams, jellies*, and *preserves*, in vehicles equipped with mechanical refrigeration, from Grandview, Kennewick, and Prosser, Wash., to points in Alabama and Tennessee, *frozen fruits, frozen vegetables*, and *frozen fruit* and *vegetable juices*, in vehicles equipped with mechanical refrigeration, from Yuba City, Sacramento, Modesto, Fresno, Watsonville, Santa Clara, San Jose, Patterson, Santa Barbara, Los Angeles, and Anaheim, Calif., Portland, Gresham, and Freewater, Oreg., and Seattle, Wash., to points in Alabama and Tennessee (except from Gresham, Portland, Sacramento and Watsonville to Chattanooga, Knoxville, Memphis, and Nashville, Tenn.); *animal fats, animal oils*, and *vegetable oils*, and *blends thereof*, in bulk, in tank vehicles equipped with mechanical refrigeration and heater units, from points in Nebraska, Iowa, Minnesota, Illinois, Indiana, and Missouri, Milwaukee, Wis., and Kansas City, Kans., to Phoenix, Ariz., and points in California, Washington, Oregon, Idaho, and Utah, *wine*, in bulk, in tank vehicles equipped with mechanical refrigeration and heater units, from points in California to points in Iowa, Missouri, Illinois, Indiana, Wisconsin, and Minnesota, *blended fruit juices*, in bulk, in tank vehicles equipped with mechanical refrigeration and heater units, from Fullerton, Calif., to Collinsville, Ill., Grimes, Iowa, and Plymouth, Ind., *fruit juices*, in bulk, in tank vehicles equipped with mechanical refrigeration, and heater units, from Ontario and Corona, Calif., to Chicago, Ill., *fruit juice concentrates*, in bulk, in tank vehicles equipped with mechanical refrigeration and heater units from points in California to Chicago, Ill., and between Grandview and Kennewick, Wash., on the one hand, and, on the other, Springdale, Ark., and Lawton and Mattawan, Mich., *fish oils*, blended and not blended, and *animal and vegetable fats when blended with fish oils*, in bulk, in tank vehicles equipped with mechanical refrigeration and heater units, from Terminal Island and South Fontana, Calif., to points in Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Arkansas; *meats, packinghouse products, and commodities used by packing houses*, from Dubuque, Iowa, to Los Angeles, Sacramento, San Diego, San Francisco, and Stockton, Calif., Seattle and Spokane, Wash., Portland, Oreg., Butte and Billings, Mont., Boise, Idaho, and Salt Lake City, Utah, subject to the restrictions (1) that service to Salt Lake City, Utah, and Butte, Mont., is limited to the delivery of a portion of a shipment from Dubuque, Iowa, destined to one or more of the other points of destination named above, and (2) that service to Los Angeles, Sacramento, San Diego, San Francisco and Stockton, Calif., Seattle and Spokane, Wash., Portland, Oreg., Billings, Mont., and Boise, Idaho, is limited to delivery of a shipment from Dubuque, Iowa, a portion of which has been unloaded at Salt Lake City, Utah, or Butte, Mont., or both of these points, *fresh lamb carcasses*, suspended or in racks, from Nampa, Idaho, Dixon, Calif., Portland, Oreg., and Spokane and Seattle, Wash., to Washington, D.C., Philadelphia, Pa., Albany and New York, N.Y., Boston, Mass., Waterbury, Conn., and Province, R.I., and *shipper-owned hooks and racks*, from the above-specified destination points to Nampa, Idaho, Dixon, Calif., Portland, Oreg., and Spokane and Seattle, Wash.; and *meats, meat products*, and *commodities used by packinghouses*, from Fort Dodge, Iowa, to Austin, Minn. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8006. Authority sought for purchase by MILNE TRUCK LINES, INC., 2200 South Third West Street, Salt Lake City, Utah, of the operating rights and property of FRONTIER FREIGHT LINES, 929 South Fourth West Street, Salt Lake City, Utah, and for acquisition by ARVEL MILNE and ARLO PRISBREY, 2200 South Third West Street, Salt Lake City, Utah, NORMAN GUBLER and DONALD FREI, Highland and Presidio, Las Vegas, Nev., and WILLARD MILNE, 205 West First North, St. George, Utah, of control of such rights and property through the purchase. Applicants' attorneys: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah, Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C., and George N. Larsen, Continental Bank Building, Salt Lake City, Utah. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over regular routes between Salt Lake City, Utah, and Lyman, Wyo., between Daniel, Wyo., and Jackson, Wyo., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Fort Bridger, Wyo., and Urie, Wyo., serving no intermediate points, between Ogden, Utah, and Mountain View, Wyo., between Salt Lake City, Utah, and Mountain View, Wyo., between Salt Lake City Utah, and Kemmerer, Wyo., between Kemmerer, Wyo., and Pinedale, Wyo., serving certain intermediate and off-route points; *general commodities*, except those of unusual value, and commodities in bulk, between Evanston, Wyo., and Randolph, Utah, serving all intermediate points; *general commodities*, excepting, among others, livestock, household goods and commodities in bulk, between Jackson, Wyo., and Rock Springs, Wyo., and between Jackson, Wyo., and Colter Bay, Wyo., serving all intermediate and certain off-route points; *general commodities*, except liquids in tank trucks, livestock, sand, and gravel, between Pinedale, Wyo., and Rock Springs, Wyo., serving all intermediate points; *prepared animal or poultry feed* and *grain*, over irregular routes between points in Wyoming, *building materials*, from rail heads in Uinta County, Wyo., to points in Uinta County, other than points located on U.S. Highway 30S, but including Lyman, Wyo., *wool, livestock, livestock feeds, oilfield equipment and supplies*, and *machinery*, between rail heads in Uinta County, Wyo., on the one hand, and, on the other, points in Uinta County, Wyo., *livestock*, between points in Uinta County, Wyo., on the one hand, and, on the other, points in Utah, and *general commodities*, excepting, among others, household goods and commodities in bulk, between Fort Bridger, and Urie, Wyo., and rail heads at Carter, Wyo., on the one hand, and, on the other, points in Uinta County, Wyo. Vendee is authorized to operate as a *common carrier* in Utah, Nevada, Arizona, and California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8007. Authority sought for purchase by BERMAN'S MOTOR EXPRESS, INC., P.O. Box 781, Binghamton, N.Y., of a portion of the operating rights of LANG STORAGE & TRANSFER, INC. (CHARLES J. McGOVERN, RECEIVER), 415 Hospital Trust Building, Providence, R.I., and for acquisition by JACOB BERMAN and IDA BERMAN, P.O. Box 781, Binghamton, N.Y., and BENJAMIN BERMAN and SAMUEL BERMAN, 337 Mystic Avenue, Medford, Mass., of control of such rights through the purchase. Applicants' attorney and representative respectively: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86, Mass., and Charles J. McGovern, Receiver, 415 Hospital Trust Building, Providence, R.I. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over irregular route between Cambridge, Mass., and Providence, R.I., serving all intermediate points and certain off-route points; *paper*, over irregular routes, from Lawrence, Boston and Cambridge, Mass., to Bradford, Peace Dale, Wakefield and Warren, R.I., *general commodities*, exception, among others, household goods and commodities in bulk, between Boston, Mass., and points within 15 miles of Boston, and those in Massachusetts within ten miles of the Rhode Island State line, on the one hand, and, on the other, points in Providence and Kent Counties, R.I., and *compressed gas and empty cylinders therefor*, between Everett and Cambridge, Mass., on the one hand, and, on the other, points in Bristol County, R.I. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8008. Authority sought for purchase by FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford 55, Mass., of a portion of the operating rights of LANG STORAGE & TRANSFER, INC. (CHARLES J. McGOVERN, RECEIVER), 415 Hospital Trust Building, Providence, R.I., and for acquisition by FRANCIS M. J. COSGROVE, also of Medford, Mass., of control of such rights through the purchase. Applicants' attorney and representative respectively: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., and Charles J. McGovern, Receiver, 415 Hospital Trust Building, Providence, R.I. Operating rights sought to be transferred: *Chemicals*, including acids, as a *common carrier* over irregular routes from Providence, R.I., to points in Massachusetts and Connecticut; *empty containers*, from points in Massachusetts and Connecticut to Providence, R.I.; and *soap, acids, chemicals, oil and grease*, in containers, from Providence and East Providence, R.I., to points in Massachusetts and Connecticut. Vendee is authorized to operate as a *common carrier* in Massachusetts, Vermont, New Hampshire, Rhode Island, Maine, Connecticut, New York, Illinois, Pennsylvania, Delaware, New Jersey, and Maryland. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8009. Authority sought for merger into LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P.O. Box 2488, Oklahoma City 8, Okla., of the operating rights and property of SOONER FREIGHT LINES, 3000 West Reno, P.O. Box 2488, Oklahoma City 8, Okla., and for acquisition by R. W. LEE, also of Oklahoma City, Okla., of control

of such rights and property through the transaction. Applicants' attorney: Sidney P. Upsher, P.O. Box 2488, Exchange Branch, Oklahoma City, Okla. Operating rights sought to be merged: *General commodities*, except explosives, as a *common carrier* over regular routes, from Lawton, Okla., to Chickasha, Okla., serving all intermediate points; *general commodities*, excepting among others, household goods and commodities in bulk, between Oklahoma City, Okla., and Wichita Falls, Tex., between specified points in Oklahoma, between Boise City, Okla., and Denver, Colo., and between Wichita, Kans., and Oklahoma City, Okla., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Enid, Okla., and Alva, Okla., serving all intermediate points; class A and B explosives, over irregular routes, between Oklahoma City, Okla., on the one hand, and, on the other, the site of explosives magazine of the McCullough Tool Company, near Mustang, Okla.; *plaster* and *plaster board*, from Southard, Okla., to points in Kansas, RESTRICTIONS: (1) The service authorized in MC 873 Sub 23 is restricted against serving Boise City, Okla., on traffic originating at Amarillo, Tex., (2) the service authorized in MC 873 Sub 31 is subject to the conditions that (a) the carrier's service at Springer and Ardmore, Okla., is restricted to traffic interchanged or interlined with connecting carriers at those points, and (b) the carrier's service is restricted to preclude the transportation of any traffic moving between Wichita Falls, Tex., and points within 25 miles of Wichita Falls, on the one hand, and, on the other, points in Texas, via Springer or Ardmore, Okla. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Texas, Kansas, Oklahoma, Illinois, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8010. Authority sought for control by S. H. MITCHELL, P.O. Box 612, Winston-Salem, N.C., of M & M TANK LINE, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicants' attorney and representative respectively: James E. Wilson, 1111 E Street NW., Washington 4, D.C., and Frank C. Philips, P.O. Box 612, Winston-Salem, N.C. Operating rights sought to be controlled: Those operations set forth in the findings of the Report and Order Recommended by Joint Board No. 196, in No MC–123067 (Sub-No. 8), as follows: (1) *kerosene, gasoline, distillate and residual fuel oils, asphalt coal spray oil*, and *petroleum lubricating oil*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Charleston, S.C., to points in Virginia, and (2) of *refused and contaminated shipments* of the above-specified commodities from points in Virginia to Charleston. S. H. MITCHELL holds no authority from this Commission. However he is the controlling stockholder of Hennis Freight Lines, Inc., P.O. Box 612, Winston-Salem, N.C., which is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Ohio, Indiana, Michigan, Illinois, Maryland, Pennsylvania, New York, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8011. Authority sought for purchase by W. C. SHOEMAKER AND RALPH SHOEMAKER, a partnership doing business as SHOEMAKER TRUCKING CO., 20 South Garden, Boise, Idaho, of the operating rights of PEASLEY TRANSFER & STORAGE CO., 418 South Ninth Street, Boise, Idaho. Applicants' attorney: Raymond D. Givens, P.O. Box 964, Boise, Idaho. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Idaho and Oregon within 150 miles of Boise, Idaho. RESTRICTION: Service between the points set forth below is restricted to transportation in truckload lots of 10,000 pounds or more: Bellevue, Big Creek, Black Warrior Mine, Burley, Carey, Declo, Eden, Edwardsburg, Gannett, Hailey, Hansen, Hazelton, Huston, Ketchum, Kimberly, Knox, Landmark, Marsing, Murtaugh, Norwood, Paul, Picabo, Richfield, Roosevelt, Roseberry, Rupert, Stibnite, Sylvan Beach, Warm Lake, and Yellow Pine, Idaho, and points on certain highways in Idaho and Oregon as more specifically described in No. MC–3249 Sub-1. Vendee is authorized to operate as a *common carrier* in Oregon, Washington and Idaho. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8012. Authority sought for purchase by MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., of the operating rights of INDEPENDENT TRUCKERS, INC. (EDWARD G. GARVEY, TRUSTEE), 4684 Leavenworth Street, Omaha, Nebr., and for acquisition by MILTON D. RATNER, also of Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and liquid commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Pueblo, Colo., serving certain intermediate and off-route points; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Lincoln, Nebr., and Fremont, Nebr., serving all intermediate points. Vendee is authorized to operate as a *common carrier*, in Illinois, Minnesota, Iowa, North Dakota, Nebraska, Connecticut, Vermont, South Dakota, West Virginia, Rhode Island, Wisconsin, Maine, Indiana, Kansas, Ohio, Michigan, Tennessee, Massachusetts, Pennsylvania, New York, Kentucky, Missouri, New Jersey, Arkansas, Virginia, New Hampshire, Delaware, Maryland, Georgia, North Carolina, South Carolina, Florida, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11527; Filed, Dec. 5, 1961; 8:49 a.m.]

[Notice 575]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64414. By order of November 29, 1961, the Transfer Board approved the transfer to Carl J. Austad & Son, Inc., Hettinger, North Dakota, of certificates in Nos. MC 109141 Sub 2, MC 109141 Sub 13, MC 109141 Sub 19, MC 109141 Sub 20, MC 109141 Sub 21, and MC 109141 Sub 22, issued February 21, 1958, March 11, 1958, April 13, 1959, July 31, 1957, July 17, 1957, and September 11, 1958, respectively, to L. P. Gas Transport Co., a corporation, Billings, Mont., authorizing the transportation of: Natural gasoline, liquefied petroleum gas, including butane and propane, in bulk, in tank vehicles, butane, propane, and contaminated shipments of liquefied petroleum gases, from, to, or between specified points in Wyoming, Montana, Colorado, Nebraska, North Dakota, South Dakota, Utah, and Idaho. Jerome Anderson, P.O. Box 1215, Billings, Mont., attorney for applicants.

No. MC–FC 64509. By order of November 29, 1961, the Transfer Board approved the transfer to Iurato Trucking Co., West Paterson, N.J., of Certificate No. MC 116869, issued May 9, 1958, to Fred Sykes, Little Falls, N.J., authorizing the transportation of: Homing pigeons, in crates, in seasonal operations during the period between March 1 and November 15, inclusive, of each year, from points in Hudson, Essex, Bergen, Passaic, Morris, Middlesex, Monmouth, and Somerset Counties, N.J., to points in Delaware, Indiana, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, and the District of Columbia; and empty crates, from points in Delaware, Indiana, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, and the District of Columbia to points in Hudson, Essex, Bergen, Passaic, Morris, Middlesex, Monmouth, and Somerset Counties, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., representative for applicants.

No. MC–FC 64575. By order of November 29, 1961, the Transfer Board approved the transfer to Richard Riley and Rene Charles Tieche, a partnership, doing business as R. & T. Trucking, Nutley, N.J., of Certificate No. MC 35858, issued April 7, 1944, to Alexander Kmeth, doing business as Kmeth Long Island Delivery Service, New York, N.Y., authorizing the transportation of: Gas ranges, electric materials, paints and raw material (shoddy), over irregular routes, between New York, N.Y., on the one hand, and, on the other, points and places in that part of New Jersey, New York, and Connecticut, within 35 miles of Columbus Circle, New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC–FC 64587. By order of November 29, 1961, the Transfer Board approved the transfer to Comonaldo Cicerone, doing business as John Cicerone and Son, Milford, Pa., of Certificate No. MC 31299, issued January 28, 1959, to John Cicerone, Milford, Pa., authorizing the transportation of: Household goods, between Stroudsburg, Pa., and points in Pennsylvania within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Maryland, and the District of Columbia; petroleum products, in containers, and gasoline and oil pumps and tanks, from East Stroudsburg, Pa., to points in New Jersey within 25 miles of East Stroudsburg; and empty containers for petroleum products, from points in New Jersey within 25 miles of East Stroudsburg, Pa., to East Stroudsburg, Pa. Dorothy Stroh Tisdale, 103 West High Street, Milford, Pa., attorney for applicants.

No. MC–FC 64595. By order of November 28, 1961, the Transfer Board approved the transfer to Lee Roundy Feed & Grain, Inc., Anthony, Kans., of Certificate No. MC 119373 issued December 1, 1960, to Lee Roundy, Anthony, Kans., authorizing the transportation of dry fertilizer, in bulk (except in tank vehicles), and in sacks, from Texas City, Tex., to points in Woodward, Woods, Alfalfa, Grant, Garfield, Kay, and Major Counties, Okla., and points in Harper, Barber, Pratt, Commanche, Kiowa, Kingman, Summer, Cowley, and Reno Counties, Kans. Mr. John E. Jandera, 641 Harrison, Topeka, Kans., attorney for applicants.

No. MC–FC 64617. By order of November 29, 1961, the Transfer Board approved the transfer to Skagit Valley Trucking Co., Inc., Mount Vernon, Wash., of Certificate No. MC 118152, issued November 17, 1960, to Blair M. Lewis, doing business as Lewis Trucking Co., Bellingham, Wash., authorizing the transportation of: Frozen fruits, frozen berries, and frozen vegetables, and frozen fish, when transported in the same vehicle with frozen fruits, frozen berries and frozen vegetables, from Albany, Oreg., and points in Whatcom, Skagit, Snohomish, King, Pierce, and Yakims Counties, Wash., to Fresno, Bakersfield, Sacramento, Salinas, and Eureka, Calif., and points in Los Angeles, Ventura, San Francisco, Alameda, and Santa Clara Counties, Calif. Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash., representative for applicants.

MC–FC 64642. By order of November 28, 1961, the Transfer Board approved the transfer to Jean E. Vermeulen and Gary Vermeulen, a partnership, doing business as G. Vermeulen Trucking, Oshtemo, Mich., of Permits Nos. MC 24549 and MC 24549 Sub 1, issued June 28, 1941 and November 2, 1959, respectively, to Garret Vermeulen, Oshtemo, Mich., authorizing the transportation over regular routes of feed, from Chicago, Ill., to Kalamazoo, Mich., with no service to or from intermediate points, but authorized from the off-route point of Riverdale, Ill., restricted to pick-up only; ice cream mix, between Kalamazoo, Mich., and Hammond, Ind., and empty milk cans, on return; and, transportation over irregular routes, of ice cream mix, powdered milk, frozen fruit, frozen eggs, condensed milk, and sweet cream, in containers, from Kalamazoo, Mich., to Elkhart, Mishawaka, South Bend, Fort Wayne, Warsaw, and Kendallville, Ind.; ice cream mix and powdered milk, from Kalamazoo, Mich., to Chicago, Ill., and Chesterton, Ind.; and pallets and empty containers used in the transportation of the commodities described above, on return. Quentin A. Ewert, 117 W. Allegan, Lansing, Mich., attorney for applicants.

No. MC–FC 64647. By order of November 29, 1961, the Transfer Board approved the transfer to Machinery & Materials Corporation, Terre Haute, Ind., of a portion of Certificate No. MC 119830 issued November 14, 1960, to L. A. Lambrecht Trucking Co., a corporation, Sterling, Ill., authorizing the transportation of contractor's equipment and machinery which, because of size or weight requires specialized handling or the use of special equipment, betwen Sterling, Ill., and points within 5 miles thereof, on the one hand, and, on the other, points in Minnesota, South Dakota, Nebraska, Missouri, Indiana, Ohio, Iowa, Michigan, and Wisconsin. W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11528; Filed, Dec. 5, 1961; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37460: *Ground barytes to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–8115), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from Butterfield, Malvern and National, Ark., to specified points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Southwestern Freight Bureau tariff I.C.C. 4429.

FSA No. 37461: *Clay and water mixed to official territory.* Filed by O. W. South, Jr., Agent (No. A4142), for interested rail carriers. Rates on clay and water mixed, as described in the application, in tank-car loads, from points in Alabama (Hackleburg), Florida, Georgia, North Carolina, and South Carolina, to points in official (including Illinois) territory, including St. Louis, Mo., and intermediate points in Illinois and Indiana on lines of southern rail carriers.

Grounds for relief: Short-line distance formula, grouping, and operation through higher-rated intermediate points.

Tariff: Supplement 105 to Southern Freight Association tariff I.C.C. S–40.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11525; Filed, Dec. 5, 1961; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–2203]

LING-TEMCO-VOUGHT, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 30, 1961.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Ling-Temco-Vought, Inc.; file 7–2203.

Upon receipt of a request, on or before December 15, 1961 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 61–11519; Filed, Dec. 5, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

EXECUTIVE ORDERS:
10977 — 11471

5 CFR

6 — 11347, 11483, 11671

7 CFR

722 — 11472, 11481
775 — 11672
776 — 11347, 11407
914 — 11417
933 — 11417–11419
953 — 11419
958 — 11483
PROPOSED RULES:
911 — 11495
914 — 11435
953 — 11363
982 — 11498

8 CFR

PROPOSED RULES:
242 — 11363

9 CFR

83 — 11483

12 CFR

4 — 11353

13 CFR

122 — 11353

14 CFR

40 — 11354
41 — 11355
42 — 11356
288 — 11483
507 — 11672
555 — 11672
600 — 11357, 11484, 11485, 11674
601 — 11485, 11674, 11675
PROPOSED RULES:
302 — 11685
600 — 11435, 11494
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686
608 — 11435, 11494

15 CFR

Page

201 — 11357
230 — 11360

16 CFR

13 — 11360, 11486, 11675

18 CFR

PROPOSED RULES:
2 — 11459

19 CFR

1 — 11362
3 — 11420
21 — 11362
PROPOSED RULES:
10 — 11683

21 CFR

20 — 11676
121 — 11677
PROPOSED RULES:
120 — 11684
121 — 11684
141a — 11684
146 — 11684
146a — 11684
147 — 11684

26 CFR

1 — 11486, 11677

28 CFR

15 — 11420

29 CFR

403 — 11678
408 — 11678
670 — 11420
678 — 11420

30 CFR

222 — 11487

32 CFR

577 — 11679
765 — 11680
2011 — 11421

33 CFR

Page

212 — 11421

36 CFR

PROPOSED RULES:
1 — 11363

38 CFR

6 — 11680
8 — 11680

39 CFR

1—204 — 11513
PROPOSED RULES:
201 — 11426
202 — 11431
203 — 11432
204 — 11432

41 CFR

9–7 — 11488

43 CFR

PROPOSED RULES:
192 — 11493
200 — 11493
PUBLIC LAND ORDERS:
842 — 11361
2543 — 11361
2544 — 11361
2546 — 11361

44 CFR

151 — 11425

47 CFR

10 — 11422, 11681
16 — 11423
PROPOSED RULES:
3 — 11458, 11495
7 — 11369
8 — 11369
14 — 11369

49 CFR

174a — 11492

Pages 11711–11760

FEDERAL REGISTER

VOLUME 26 NUMBER 235

Washington, Thursday, December 7, 1961

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

OF MICHIGAN DEC 13 1961 MAIN READING ROOM

Contents

THE PRESIDENT

Executive Order

Export Expansion Program; established of Presidential awards for significant contributions — 11714

Proclamation

Cuban sugar quota; determination to supplement quota established by Proclamation No. 3401 — 11714

EXECUTIVE AGENCIES

Agricultural Marketing Service

RULES AND REGULATIONS:
Nectarines grown in California; determination regarding expenses and fixing of assessment rate for 1961–62 fiscal period — 11725
Potatoes grown in Red River Valley of North Dakota and Minnesota; shipments limitation — 11725

Agricultural Research Service

NOTICES:
Certain humanely slaughtered livestock; identification of carcasses — 11742

Agricultural Stabilization and Conservation Service

NOTICES:
Sugar beet wages and prices in States other than California, 1962 crop; notice of hearings and designation of presiding officers — 11746
RULES AND REGULATIONS:
Soil bank; conservation reserve programs; cost-share payments:
1956 through 1959 — 11725
1960 — 11725

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Army Department

See Engineers Corps.

Atomic Energy Commission

NOTICES:
Commonwealth Edison Co.; issuance of utilization facility license amendment — 11742
RULES AND REGULATIONS:
Permits for access to restricted data — 11726

Civil Aeronautics Board

NOTICES:
American Airlines, Inc.; economy fares — 11742

Commerce Department

See also Great Lakes Pilotage Administration; Maritime Administration.

NOTICES:
Administrator, Maritime Administration; negotiation of certain contracts for supplies and service; authority delegation — 11758
Statements of financial interest:
Abbott, Edward — 11759
Byrd, Hubert L — 11759
Petersen, Robert Geoffrey — 11759
Sands, James H — 11759
Vaughn, William E — 11759

Customs Bureau

RULES AND REGULATIONS:
Certain importations temporarily free of duty; termination of exemption for bona fide gifts from members of Armed Forces — 11731

Defense Department

See Engineers Corps; Navy Department.

Engineers Corps

RULES AND REGULATIONS:
Construction contracts; bids and awards — 11732

Federal Aviation Agency

NOTICES:
Pacific Region; redesignation — 11749
PROPOSED RULE MAKING:
Federal airways, associated control areas and reporting points; alteration of proposals — 11734
RULES AND REGULATIONS:
Control area extension; alteration; and revocation and designation of reporting points — 11728
Federal airway and associated control areas; alteration — 11727
Federal airways, associated control areas, positive control route segments, and reporting points; alteration — 11726
Jet advisory areas; designation — 11729
Jet route, alteration; and designation of jet advisory areas — 11729
Restricted areas:
Alteration — 11729
Designation — 11730

Federal Communications Commission

NOTICES:
Canadian broadcast stations; changes, proposed changes, and corrections in assignments — 11749
Standard broadcast applications ready and available for processing — 11749
Hearings, etc.:
Beacon Broadcasting System, Inc., and Suburban Broadcasting Co., Inc — 11750
Huber, Don L., and Bartell Broadcasters, Inc. (WOKY) — 11751
La Fiesta Broadcasting Co. and Mid-Cities Broadcasting Corp — 11752
Raritan Valley Broadcasting Co., Inc. (WCTC) — 11752

Federal Housing Administration

RULES AND REGULATIONS:
Class 1 and 2 property improvement loans; use of proceeds for construction of civil defense shelters — 11731

(Continued on next page)

Federal Maritime Commission

NOTICES:
Grace Line, Inc., et al.; agreement filed for approval 11754

Federal Reserve System

NOTICES:
First Virginia Corp.; application for approval of acquisition of shares of bank 11742

Federal Trade Commission

RULES AND REGULATIONS:
Joseph Rothenberg, Inc., et al.; prohibited trade practices 11730

Fish and Wildlife Service

RULES AND REGULATIONS:
Hunting upland game; Sand Lake National Wildlife Refuge, South Dakota 11733
Sport fishing; Necedah National National Wildlife Refuge, Wisconsin 11733

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petition 11735
Prescription-drug labeling requirements; extension of time for filing views and comments 11734
RULES AND REGULATIONS:
Pesticide chemicals in or on raw agricultural commodities; tolerances for residues 11731

Great Lakes Pilotage Administration

NOTICES:
Applicant pilots; registration 11758

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

See Federal Housing Administration.

Indian Affairs Bureau

PROPOSED RULE MAKING:
Crow Indian Irrigation Project, Montana; operation and maintenance charges 11734

Interior Department

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

NOTICES:
Procurement and contracting; authority delegation 11748

Interstate Commerce Commission

RULES AND REGULATIONS:
New York City commercial zone 11732

Labor Department

See Wage and Hour Division.

Land Management Bureau

NOTICES:
Alaska:
Proposed withdrawal and reservation of lands 11748
Redelegations of authority by Land Office Manager (2 documents) 11746, 11748
Arizona:
Filing of plat of survey 11746
Small tract classification 11748
Colorado; filing of protraction diagram 11747
Idaho; proposed withdrawal and reservation of lands 11747

Maritime Administration

PROPOSED RULE MAKING:
User charges or fees, establishment; extension of time for study of comments 11738

Navy Department

RULES AND REGULATIONS:
Official records, and personnel; miscellaneous amendments 11715

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Atlas Corp 11754
Blackstone Valley Gas and Electric Co. et al 11755
Central and South West Corp. and Southwestern Electric Power Co 11755
Granite City Generating Co. et al 11756
PROPOSED RULE MAKING:
Records to be maintained and preserved by registered investment companies and others 11738
RULES AND REGULATIONS:
Registration of real estate company securities; forms 11730

Small Business Administration

NOTICES:
Astro Age Industries, Inc.; request to operate as Small Business Defense Production Pool 11757

Tariff Commission

NOTICES:
Wilton and velvet carpet and rugs; release of commission's additional report to the President 11758

Treasury Department

See Customs Bureau.

Wage and Hour Division

PROPOSED RULE MAKING:
Puerto Rico; minimum piece rates 11735

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PROCLAMATIONS:
3401 (see Proc. 3440) 11714
3440 11714
EXECUTIVE ORDERS:
2711 (see F.R. Doc. 61–11601) 11746
10978 11714

7 CFR

750 (2 documents) 11725
937 11725
938 11725

10 CFR

25 11726

14 CFR

600 (2 documents) 11726, 11727
601 (3 documents) 11726–11728
602 (2 documents) 11729
608 (2 documents) 11729, 11730
PROPOSED RULES:
600 11734
601 11734

16 CFR

13 11730

17 CFR

239 11730
PROPOSED RULES:
270 11738

19 CFR

54 11731

21 CFR

120 11731
PROPOSED RULES:
1 11734
121 11735

24 CFR

201 11731

25 CFR

PROPOSED RULES:
221 11734

29 CFR

PROPOSED RULES:
545 11735

32 CFR

701 11715
710 11716
720 11722

33 CFR

210 11732

46 CFR

PROPOSED RULES:
201 11738
206 11738
221 11738
298 11738
299 11738

49 CFR

170 11732

50 CFR

32 11733
33 11733

Public Papers of the Presidents

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

Volumes for the following years are now available:

Truman:
1945 ..... $5.50
Eisenhower:
1953 ..... $6.75
1954 ..... 7.25
1955 ..... 6.75
1956 ..... 7.25
1957 ..... 6.75
1958 ..... 8.25
1959 ..... 7.00
1960–61 ..... 7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3–3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3440

DETERMINATION OF CUBAN SUGAR QUOTA TO SUPPLEMENT THE QUOTA ESTABLISHED BY PROCLAMATION NO. 3401 [1]

By the President of the United States of America

A Proclamation

WHEREAS section 408(b)(1) of the Sugar Act of 1948, as amended by the act of March 31, 1961, provides that the President shall determine, notwithstanding any other provision of Title II of the Sugar Act of 1948, as amended, the quota for Cuba for the period ending June 30, 1962, in such amount or amounts as he shall find from time to time to be in the national interest, and further provides that in no event shall such quota exceed such amount as would be provided for Cuba under the terms of Title II of the Sugar Act of 1948, as amended, in the absence of section 408(b); and

WHEREAS section 408(b)(1) of the Sugar Act of 1948, as amended, further provides that determinations made by the President thereunder shall become effective immediately upon publication in the FEDERAL REGISTER; and

WHEREAS section 408(b)(2) and section 408(b)(3) of the Sugar Act of 1948, as amended, authorize the President, subject to certain requirements, to cause or permit to be brought or imported into or marketed in the United States a quantity of sugar not in excess of the amount by which the quotas which would be established for Cuba under the terms of Title II of such Act exceed the quotas established for Cuba by the President pursuant to section 408(b) of the Act; and

WHEREAS, by Proclamation No. 3401 of March 31, 1961, the President determined the quota for Cuba for the calendar year 1961, to be zero; and

WHEREAS, pursuant to section 408(b)(1) of the Sugar Act of 1948, as amended, I find it to be in the national interest that the amount of the quotas for sugar and for liquid sugar for Cuba pursuant to the Sugar Act of 1948, as amended, for the six-month period ending June 30, 1962, should be zero:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by section 408(b) of the Sugar Act of 1948, as amended, and section 301 of title 3 of the United States Code, and as President of the United States:

1. Do hereby determine that in the national interest the amount of the quotas for sugar and for liquid sugar for Cuba pursuant to the Sugar Act of 1948, as amended, for the six-month period ending June 30, 1962, shall be zero; and

2. Do hereby continue the delegation to the Secretary of Agriculture of the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Sugar Act of 1948, as amended, such authority to be continued to be exercised with the concurrence of the Secretary of State.

This proclamation shall become effective immediately upon publication in the FEDERAL REGISTER.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of December in the year of our Lord nineteen hundred and sixty-one and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-11639; Filed, Dec. 5, 1961; 3:07 p.m.]

[1] 26 F.R. 2849.

Executive Order 10978

ESTABLISHING PRESIDENTIAL AWARDS FOR SIGNIFICANT CONTRIBUTIONS TO THE EXPORT EXPANSION PROGRAM

WHEREAS the level of employment throughout the United States, the strength of our national economy, and our capacity to carry out our international responsibilities can be substantially increased by the establishment of many new and increased foreign markets for a variety of American industrial and farm products; and

WHEREAS it is in the national interest to promote and expand the export trade of the United States; and

WHEREAS there has been established an Export Expansion Program designed to assist American private enterprise, both large and small, to expand greatly the nature and volume of exports; and

WHEREAS it is appropriate to award suitable public recognition to persons, firms, and organizations making significant contributions to the increase of American exports:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is hereby ordered as follows:

SECTION 1. An award program for significant contributions to the Export Expansion Program is hereby established.

SEC. 2. The Secretary of Commerce, in cooperation with the Secretary of the Interior, the Secretary of Agriculture, the Administrator of the Small Business Administration, and the heads of other Government departments and agencies, shall establish procedures for the nomination of persons, firms, and organizations for awards and the granting of awards, and for such other matters as may be incidental thereto.

SEC. 3. There shall be two types of awards, as follows:

(a) The President's "E" Award; and

(b) The President's "E" Certificate of Service.

SEC. 4. The President's "E" Award may be made to persons, firms, and organizations engaged in the marketing of products who make significant contributions to the expansion of the export trade of the United States. It shall consist of a flag having a field of white upon which will appear a blue "E". It shall be further evidenced by an "E" Award Certificate, which shall cite the recipient's contribution, and shall be appropriately executed in the name and by the authority of the President.

SEC. 5. A special "E" Certificate of Service may be awarded to persons, firms, and organizations who make contributions to export expansion, but who are engaged in activities other than the marketing of products. The special "E" Certificate of Service shall cite the recipient's contribution, and shall be appropriately executed in the name and by the authority of the President.

SEC. 6. A recipient of either type of award may be authorized to issue to his employees a suitably designed pin inscribed with the President's "E", to display a designated style of award emblem in his advertising, and to make other appropriate use of the emblem.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 5, 1961.

[F.R. Doc. 61-11651; Filed, Dec. 5, 1961; 4:35 p.m.]

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

SUBCHAPTER C—PERSONNEL

Miscellaneous Amendments

A. Part 701 is revised to read as follows:

PART 701—AVAILABILITY OF OFFICIAL RECORDS

Sec.
701.1 Rules regarding public records.
701.2 Official records in civil court.
701.3 Production of official records in absence of court order.
701.4 Deviations.
701.5 Certificates of full faith and credit.

AUTHORITY: §§ 701.1 to 701.5 issued under R.S. 161, secs. 5031, 6011, 70A Stat. 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6011. Interpret or apply sec. 3, 60 Stat. 238, Rule 27 of Federal Rules of Criminal Procedure, Rule 44 of Federal Rules of Civil Procedure; 5 U.S.C. 1002, 18 U.S.C. App. Rule 27, 28 U.S.C. App. Rule 44. E.O. 10501, 18 F.R. 7049, 3 CFR 1949-53 Comp. p. 979, as amended; E.O. 10561, 19 F.R. 5963.

§ 701.1 Rules regarding public records.

The following rule is published to state how matters of official record are made available to persons properly and directly concerned except information held confidential within the meaning of the Administrative Procedure Act. (Sec. 3(c), 60 Stat. 238, 5 U.S.C. 1002(c).)

(a) *Application.* Persons properly and directly concerned in any matter acted upon by the Department of the Navy or within its cognizance may apply in writing for access to official records of such matter. Such application should be addressed to the Secretary of the Navy unless otherwise specified herein. If the applicant believes that he is entitled to access under section 3(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002(c)), he will state the nature of his concern and identify as exactly as may be the records to which he desires access. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(b) *Official records.* Official records, within the meaning of this rule, include applications, registrations, petitions, reports and returns filed with the Department of the Navy by persons not in the Naval service, certain records relating to Naval personnel, and all documents embodying Navy action directly affecting persons outside the Naval service, such as orders, rules, licenses, and contracts. The great mass of material relating to the internal operation of the Department of the Navy and the Naval forces is not a matter of official record within the meaning of this rule. Official records in the Department of the Navy's files are merely incidental to the performance of its major functions and it is not practicable to list all types of such official records. The Secretary will, however, determine when application is made whether or not any document is an official record, and whether or not it should be withheld as confidential, according to the principles stated in this section.

(c) *No access.* Without limiting the discretion vested in the Secretary of the Navy by the other provisions of this rule access will not be granted to:

(1) Material classified "Confidential," "Secret," or "Top Secret" within the purview of Executive Order 10501 (18 F.R. 7049) or constituting Restricted Data under the Atomic Energy Act of 1954 as amended (42 U.S.C. 2011 et seq.).

(2) Material, such as tax returns, which is made confidential by law. (Cf. § 7213, Internal Revenue Code, 26 U.S.C. 7213.)

(3) Documents which in the opinion of the Secretary contain information which would be of possible assistance to a foreign power in time of peace or to an enemy in time of war, or containing information which, in his opinion, for reasons of public policy should not be disclosed to persons outside the naval or military establishments.

(4) Documents, the disclosure of which would involve the violation of a statute or the breach of a legal or moral obligation to keep information confidential.

(5) Intra-governmental memoranda, reports, and documents not prepared for publication or not official records. The foregoing are deemed confidential according to the principles herein stated.

(d) *Proper and direct concern.* The Secretary will also determine whether an applicant is properly and directly concerned with the record to which he seeks access, when it is not specifically covered in this rule.

(e) *Service records.* Officers' and enlisted members' service records are deemed confidential for good cause found within the meaning of this rule except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e.g., executors, guardians, etc., who present proper proof thereof. See § 701.3(b).

(f) *Death.* Copies of office records or summaries thereof relating to deaths of naval personnel and information relating thereto will ordinarily be furnished upon application to the Judge Advocate General, Navy Department, Washington 25, D.C., to persons properly and directly concerned.

(g) *Inspection.* Access will normally be granted by inspection, at the place where the documents are kept and stored.

(h) *Notification of refusal.* If the Secretary determines that one or the other of the principles stated in this section requires the refusal of a request to make information available, prompt notice of any such refusal will be given to the applicant, together with a simple statement of the grounds for such refusal.

(i) *Custody.* The Secretary of the Navy has legal custody of all official records of the Department of the Navy, and no subpoena duces tecum directed to any Department of the Navy employee or officer other than the Secretary is legally valid or effective to compel such officer or employee to produce any official record of the Department of the Navy, or other report, paper, or document in its custody. It is hereby declared to be contrary to the public interest to produce in any proceeding or trial any memorandum or document from Department of the Navy files to which access has not been asked and granted pursuant to this rule, whether a public record or not.

(j) *Government officers.* This rule regarding public records has no application to access to records by officers or employees of other agencies or branches of the Government.

§ 701.2 Official records in civil court.

(a) *Authorization required.* Unless authorized by the Secretary of the Navy or his designee, persons in the naval service and civil employees are prohibited from releasing or producing, in response to subpoenas duces tecum, motions for discovery, or in answer to interrogatories or otherwise, any official records or copies thereof, including the records described in paragraph (b) of this section or classified matter, in a civil court, or in connection with preliminary investigations by attorneys or others. Official records or copies thereof will be produced in such cases when authorized under procedures prescribed in paragraphs (c) through (e) of this section.

(b) *Records of courts-martial and investigations.* The records of proceedings of Navy courts-martial, courts of inquiry, boards of investigation, and the records of investigations and administrative reports are intended solely for use in the Naval Establishment and are privileged. Such records or documents are confidential, for good cause found, within the meaning of the Administrative Procedure Act (5 U.S.C. 1002). The Secretary of the Navy, or his designee, may make such records or information therefrom available to persons properly

and directly concerned whether or not litigation is involved.

(c) *Production of official records in response to court order.* Except as noted in paragraph (d) of this section, in cases where naval records are desired by or on behalf of litigants and where the records are not classified or of a privileged and confidential status as described in paragraph (b) of this section, such parties will be informed that the procedure for the production of the records desired or certified copies thereof is to obtain and forward to the Secretary of the Navy, Navy Department, Washington, D.C., or other custodian of the records, a court order calling for the particular records desired or copies thereof. Compliance with such court orders, after authorization by the Secretary of the Navy or his designee, will be effected by transmitting certified copies of the records to the clerk of the court out of which the process issues or by production of the original records by naval custodian where necessary. Where an original record is produced it will not be removed from the custody of the person producing it but copies may be placed in evidence in the case. Upon the written request of all parties in interest or their counsel records which would be produced in response to a court order as set forth in this paragraph may be furnished without court order.

(d) *Exceptions.* Where not in conflict with the restrictions in paragraphs (a) and (b) of this section relative to confidential matter, the production in Federal, State, Territorial, or local courts, of the service, employment, pay, or medical records (including medical records of dependents) of persons in the naval service is authorized upon receipt of a court order, where litigation is pending without procuring specific authority from the Secretary of the Navy. Where travel is involved, it must be without expense to the Government or to the person producing the records.

(e) *Medical and other records of civilian employees.* Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of Executive Order 10561, 19 F.R. 5963, as implemented by Navy Civilian Personnel Instruction 290.5–7b.[1] Records of civilian employees other than medical records may be produced upon receipt of a court order without procuring specific authority from the Secretary of the Navy provided there is not involved any classified or otherwise confidential material such as loyalty and security records. Records relating to compensation benefits administered by the Bureau of Employees' Compensation may not be disclosed except upon the written approval of the Bureau (20 CFR 1.21). Further, in any case of doubt, the matter should be handled in accordance with the general rule under paragraph (a) of this section. Where information is furnished hereunder in response to a court order, it is advisable that certified copies rather than originals be furnished and that, where original records shall be produced, the assistance of the U.S. Attorney or U.S. Marshal be requested so that custody be kept of the records.

[1] NCPI 290.5–7b reads as follows:

b. *Disclosure of medical information.* Copies of medical certificates may be requested by the prospective appointee or employee himself, by other Federal agencies, or by agencies or individuals (such as corporations, State governmental organizations, or private individuals) who are not concerned in the original action. Courts or State law departments may ask for the presentation of medical certificates. These requests should be handled as prescribed below:

(1) Whenever possible, an appointing officer should refer to the Civil Service Commission (central or regional office) any requests he receives for medical certificates and for information from medical certificates and other medical reports retained by the activity. The medical certificate or other medical reports concerned should accompany the referral. The Civil Service Commission decides when and to what extent to comply with requests.

§ 701.3 Production of official records in the absence of court order.

(a) *Furnishing information from personnel and related records to personnel concerned.* Whether or not litigation is involved, naval personnel, civilian employees of the Naval Establishment, their personal representatives, e.g., executors, guardians, etc., or other properly interested parties, may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel, without following the procedures prescribed in either paragraph (c) or (d) of § 701.2, provided the interests of the United States are not prejudiced thereby. All such requests except requests for medical records shall be referred to the Judge Advocate General or, in the 11th, 12th, 13th, 14th and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast. Requests for medical records shall be processed in accordance with the Department of Defense policy set forth in Part 66 of this chapter, as implemented by the Manual of the Medical Department. If in processing such a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General. Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of the Executive Order and the Navy Civilian Personnel Instruction referred to in § 701.2(e).

(b) *Confidential nature of military personnel records.* Officers' and enlisted men's records are deemed confidential for good cause found within the meaning of the Administrative Procedure Act (5 U.S.C. 1002(c)) except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e.g., executors, guardians, etc., who present proper proof thereof.

(c) *How to address requests for military, medical and other personnel records.* The serviceman, former serviceman, or personal representative may obtain access to the health and medical records of both Navy and Marine Corps personnel by applying to the Chief of the Bureau of Medicine and Surgery, Navy Department, Washington 25, D.C. Applications for Navy and Marine Corps personnel records should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D.C., or to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington 25. D.C., as appropriate. Applications may be made in person or in writing.

§ 701.4 Deviations.

Any departures from normal procedures set forth in §§701.1 through 701.3 must have prior approval of the Secretary of the Navy (Judge Advocate General).

§ 701.5 Certificates of full faith and credit.

The Judge Advocate General, the Deputy Judge Advocate General and any Assistant Judge Advocate General are hereby authorized each to execute certificates of full faith and credit certifying the signatures and authority of officers of the Department of the Navy.

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN.

B. Part 710 is amended to conform with the current departmental Regulations Governing the Admission of Candidates Into the United States Naval Academy as Midshipmen, NAVPERS 15010, July 1961.

1. The citation of authority is revised to read as follows:

AUTHORITY: §§ 710.1 to 710.48 issued under R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031. Interpret or apply secs. 651, 6951–6974, 70A Stat. 27, 428–436, as amended, sec. 516, 72 Stat. 1439; 10 U.S.C. 516, 651, 6951–6974.

2. Section 710.3 is revised to read as follows:

§ 710.3 Entrance date.

Candidates will be required to enter the Naval Academy late in June or early in July. The fourth class summer program is of nine weeks duration beginning the ninth Tuesday preceding Labor Day. The Academic year begins on the first Wednesday following Labor Day. Each eligible candidate will be notified individually by the Bureau of Naval Personnel of the hour and date he is to report to the Naval Academy for admission.

3. Section 710.7 is revised to read as follows:

§ 710.7 Congressional.

The Vice President, each Senator, each Representative, and the Resident Commissioner of Puerto Rico are individually allowed to have a maximum of five midshipmen attending the Naval Academy at any one time. Applications for nominations or questions regarding them should be addressed to the official from whom you want to obtain the nomination. These members of Congress may nominate a principal and five alternates for each vacancy in their quotas, or they may designate six candidates for each vacancy in their quotas to compete for such vacancy with the order of merit being determined by the Academic Board of the U.S. Naval Academy. In the latter case, the Academic Board will consider not only the scores on the mental examination but also the candidate's previous academic record, all evidence of character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude and, in general, his predicted ability to develop into a competent naval officer. All candidates should insure that the U.S. Naval Academy is in possession of a transcript of their previous school record (to include academic marks, class standing or estimated standing for the final year), and recommendations from their high school principals, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable and not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate.

4. Sections 710.12 and 710.13 are revised to read as follows:

§ 710.12 Competitive nominations.

There are other sources of nomination, all competitive, which are discussed in the succeeding sections. For each source of competitive nomination, an order of merit will be established by the Academic Board of the U.S. Naval Academy. The results of the entrance examinations will be but one factor in determining the order of merit. Previous school records, all evidence of character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude and, in general, his predicted ability to develop into a competent naval officer will be taken into consideration. Each candidate aspiring to be appointed under any of the competitive quotas should insure that the U.S. Naval Academy is in possession of a transcript of his previous school record (to include academic marks, class standing or estimated standing for the final year), and recommendations from their high school principals, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable and not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate.

§ 710.13 Presidential at large.

The President may appoint seventy-five midshipmen each year to be selected by competitive examination from the United States at large. These appointments are limited by law to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Air Force, Marine Corps and Coast Guard, since it is difficult for such people to establish residence in one place in order to obtain a regular congressional nomination. Adopted sons to be eligible must have been adopted prior to their fifteenth birthday. The Secretary of the Navy is authorized to approve waivers of this policy where adoption proceedings had been initiated but the adoption had not occurred prior to the fifteenth birthday through circumstances beyond the control of the foster parents. Stepsons are not eligible. Applications should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D.C. They should contain the full name, date of birth, home address, and present address of the candidate, the full name, grade or rate of his parent, and in the case of an adopted son, evidence as to the date of adoption. There is no limit on the number that may be nominated to compete for appointment from this source.

5. Section 710.21 is revised to read as follows:

§ 710.21 Additional nominations to fill vacancies at the Naval Academy: qualified alternates and competitors.

Admission of candidates under the foregoing quotas and procedures often fails to produce the total number of candidates authorized to enter the Naval Academy in any year. This is caused by failures to pass physical examinations, and by other unforeseeable factors. Title 10, U.S. Code, section 6956 provides for this contingency. Under this law, when it is determined that upon the admission of a new class to the U.S. Naval Academy, the total number of midshipmen will be less than the number authorized for that class, the Secretary of the Navy may within his discretion nominate additional midshipmen to be admitted to provide the number authorized for the new class. Those appointed are selected from qualified candidates holding alternate nominations and other qualified candidates holding competitive nominations as described in §§ 710.6 to 710.20. At least two-thirds of those so appointed must be from among qualified alternate candidates nominated by nominators cited in §§ 710.6 to 710.11 and not more than one-third may be from competitive sources. The Academic Board of the U.S. Naval Academy considers the qualifications of candidates to be selected and forwards a recommended list of qualified candidates, in order of merit, to the Secretary of the Navy. In due course, successful candidates are advised by the Chief of Naval Personnel. In preparing this list, the Academic Board considers not only the scores made by the candidate in his qualifying mental examination, but also his previous school record and all evidence of the candidate's character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude and, in general, his predicted ability to develop into a competent naval officer. Each candidate aspiring to be appointed under this method should insure that the U.S. Naval Academy is in possession of a transcript of his previous school record (to include academic marks, class standing or estimated class standing for the final year), and recommendations from his high school principal, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable but not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate. Although not mandatory, completion of high school credits as set forth in § 710.30 is an important factor. The only candidates eligible for consideration under this law are those found mentally and physically qualified for admission under alternate or competitive nominations from authorized sources in the year for which they are being considered. Special application for consideration is unnecessary because the Academic Board at the Naval Academy will automatically review the available records and classify in order of merit all the eligible candidates in this category in each year that additional admissions are possible. As processing of candidates under this law must follow the processing of congressional principals and competitors admitted under their various quotas, successful candidates under the provisions of this law cannot expect notification until some time in June, or even later. Appointments made under this law are in addition to and not in lieu of appointments otherwise authorized. For example, an appointment of a senatorial alternate whose principal has already entered is not charged to the Senator.

6. Section 710.29(c) is revised to read as follows:

§ 710.29 Scholastic requirements.

* * * * *

(c) Each candidate must ensure submission of detailed records of all of his completed high school, preparatory school, and college work and lists of any current and/or proposed school courses on the official forms that will be provided by the Navy Department following receipt of the nomination from the member of Congress or other authorized appointment source. These certificates should be filled out and submitted to the Naval Academy by the school or schools concerned as soon as practicable after receipt. When submitted in advance of the completion of current work, the certificate should clearly indicate subjects or courses being pursued at the time the certificate is being submitted. It is extremely important to each candidate that records be supplied promptly and that previous school records include academic marks, class standing or estimated class standing for the final year, and that recommendations from his high school principal, teachers, extracurricular advisors, and coaches be included to help the Naval Academy determine the commissioned officer potential of the candidate. These records and recommendations will be considered in conjunction with the test results in order to establish the priority of candidates in the various competitive lists and for the purpose of selection under the qualified alternate law, and must be received not later than March 30.

7. Section 710.30 is revised to read as follows:

§ 710.30 Acceptable secondary school certificate.

An acceptable secondary school certificate is one from an accredited secondary school, or its equivalent, presenting at least fifteen units of credit for subjects acceptable to the Naval Academy and with grades substantially better than the school's lowest passing grade. Candidates should, insofar as is practicable, include as many as possible of the following studies in their secondary school programs in order to have acceptable secondary school certificates:

(a) Three years of mathematics; the elements of advanced algebra, geometry and trigonometry being essential to the Naval Academy course.

(b) Three years of English.

(c) Two years of a foreign language, preferably modern.

(d) One year of chemistry, with a year of physics, in addition, being desirable.

Additional details on the content of acceptable secondary school certificates are included in Appendix III (§ 710.44).

8. Section 710.31 (a), (e) and (f) is revised to read as follows:

§ 710.31 Scholastic entrance examination method.

(a) Subject to provisions of law, the basic method of qualifying is by presenting an acceptable secondary school certificate and by taking the scholastic entrance examination consisting of the March administration only [1] of the following tests of the College Entrance Examination Board: The Scholastic Aptitude Test (verbal and mathematics sections), the English Composition Test, and either the Intermediate Mathematics Test or the Advanced Mathematics Test. Candidates are encouraged to choose the Mathematics achievement test in which they feel they can attain the higher score. No additional weight is given to results of the test in Advanced Mathematics over those in Intermediate Mathematics. An unacceptable score on any one test is cause for rejection. All candidates for appointment from the various competitive sources and all other candidates not qualifying by the College Certificate Method must take this series of tests; each such duly nominated candidate must register with the College Entrance Examination Board for the March series of tests [1] as promptly as possible after receiving the necessary instructions from the Bureau of Naval Personnel, Navy Department, Washington, D.C. These instructions will include the provision for payment by the Navy for these tests.

* * * * *

(e) It should be noted that only the March administration of the College Entrance Examination Board tests may be used to establish scholastic qualifications.[1] Administrations earlier or later than the March administration, whether in part or in whole, are not accepable for scholastic qualification.[1] Duly nominated candidates who have registered for and are unable to report to the March administration because of sickness, injury, weather, or other extenuating circumstances should promptly advise the Chief of Naval Personnel.[1]

(f) Satisfactory scores in the March administration of the College Entrance Examination Board tests will be determined by the Academic Board of the Naval Academy.[1] No candidate shall be admitted to the Naval Academy unless in the opinion of the Academic Board he shows the requisite mental qualifications.

9. Sections 710.35 and 710.36 are revised to read as follows:

§ 710.35 Preliminary physical examinations.

(a) Preliminary physical examinations are not required but may be conducted solely for the convenience of candidates and prospective candidates. They serve to reveal obviously disqualifying defects which may prevent admission as midshipman. The results of the preliminary physical examination may not be used for admission to the Academy and all candidates will be required to pass the formal physical examination as set forth in § 710.36 before actual admission to the Academy.

(b) Preliminary physical examinations may be conducted by a private physician. In addition, they may be conducted at any of the places listed in Appendix V (§ 710.46) and will be given to any candidate who presents an authorization from a member of Congress, or who is a son or dependent relative of a member of the Armed Forces and presents a request signed by the member concerned. Candidates who plan to have a preliminary physical examination at an activity listed in Appendix V (§ 710.46) will arrange with the activity for an appointment prior to reporting for the examination. Preliminary physical examinations conducted by private physicians must be at no expense to the Government.

(c) The report of the preliminary physical examination of a candidate, whether a civilian or a member of the Armed Forces, shall be submitted on Standard Form 88 in quadruplicate, and on Standard Form 89 in the candidate's own handwriting in duplicate. The report shall be distributed as follows: a copy of the Standard Form 88 to the congressman, parent, or guardian who requested the examination; a copy of the Standard Form 88 to the Chief of Naval Personnel (Naval Academy Midshipman Branch), Navy Department, Washington 25, D.C.; a copy of Standard Form 88 and one Standard Form 89 to the Permanent Board of Medical Examiners, U.S. Naval Academy, Annapolis, Maryland; and the original Standard Form 88 and one Standard Form 89 to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington 25, D.C.

§ 710.36 Formal physical examinations.

(a) The formal physical examination will be scheduled at the activities listed in Appendix VI(a) (§ 710.47(a)) during the period September 1, 1961 through February 28, 1962. Every eligible candidate will be notified by the Bureau of Naval Personnel when and where to report for examination. Normally, such an examination will require only one day. Each candidate receiving official notification authorizing him to report for a formal physical examination must bear all expenses for travel and subsistence incident to this examination. In cases of urgent necessity for change in the place and date for the examination, the candidate shall make a written or telegraphic request to the Chief of Naval Personnel, Navy Department, Washington 25, D.C., for change. Those candidates who are unable to obtain a formal physical examination during the foregoing period, will be scheduled for examination during the week beginning March 5, 1962 at activities listed in Appendix VI (a) and (b) (§ 710.47 (a) and (b)).

(b) Candidates are required to notify the Chief of Naval Personnel, Naval Academy Midshipmen Branch, Washington 25, D.C., of any change in medical condition following their formal physical examination which requires hospitalization or the services of a physician.

(c) In order to determine coordination, strength, and endurance of the body musculature a physical aptitude test will be given in conjunction with the formal physical examination. The Physical Aptitude Examination will consist of a series of tests such as sit-ups, pull-ups, push-ups, arm hang, and duck walk. Also included in this battery of tests will be movements which will bring out disqualifying orthopedic defects such as shoulder and knee malfunctions. Failure to obtain a passing grade in this examination will be cause for rejection. See § 710.45(v) for details.

(d) When reporting for formal physical examination it is recommended that each candidate have with him an athletic supporter and shorts suitable for use when undergoing the required physical exercises.

10. Section 710.37 is revised to read as follows:

§ 710.37 Physical reexamination.

(a) Candidates rejected by a medical examining board may be given a reexamination by a Board of Medical Review at United States Naval Hospitals in Annapolis, Great Lakes, Oakland, Pensacola, the Naval Air Station in Dallas, and at the United States Naval Academy, upon authorization by the Chief of Naval Personnel. Candidates desiring to avail themselves of this privilege must make written request to the Chief of Naval Personnel within ten days after their formal physical examination. The physical reexaminations will be conducted early in May. The cost of travel to and from the reexamination, and subsistence, must be borne by the candidate.

11. Section 710.43 (a) (2) (i) (c) (*1*) (*ii*), (a) (2) (ii), (b) (1), (b) (2) (i), and (b) (2) (ii) is revised to read as follows:

§ 710.43 Appendix II—Foreign students.

(a) *Appointment from the Republic of the Philippines.* * * *

(2) * * *

(i) * * *

(c) * * *

(*1*) * * *

(*ii*) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics. See § 710.31. Detailed certificates covering school work will not be required of candidates from the Philippines qualifying by the examination method.

* * * * *

(ii) The Government of the Republic of the Philippines should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in late June or early July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

* * * * *

(b) *Appointments from American Republics (other than the United States).* (1) Title 10, United States Code, section 6957 provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States not exceeding 20 persons at a time from the American Republics (other than the United States) to receive instruction at the United States Naval Academy at Annapolis, Md. Not more than three persons from any one of such Republics shall receive instruction under authority of this law at the same time. The persons receiving instructions under authority of this law shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exemptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. Application for appointment under the provisions of this law must be addressed through the appropriate diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D.C., by January 1.

(2) The following regulations are established for candidates from American Republics (other than the United States):

(i) Each candidate must:

(*a*) Be an unmarried, bona fide male citizen of the country transmitting the request, and, unless otherwise approved by the Secretary of the Navy, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(*b*) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from other American Republics will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth elsewhere in this part (§ 710.34 and § 710.45) before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying it is recommended that telegraphic inquiry be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., U.S.A.

(c) Be proficient in reading, writing, and speaking idiomatic English and meet the following scholastic entrance requirements:

(*1*) Candidates may qualify for admission by either of the following two methods:

(*i*) Certificates from accredited secondary schools and colleges of the United States of America. See § 710.32 and Appendix III (§ 710.44).

(*ii*) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics. See § 710.31. Detailed certificates covering schoolwork will not be required of candidates from the other American Republics.

(*2*) Candidates from the American Republics will be given the same examination in English Composition as other candidates, but due consideration will be accorded these foreign students when evaluating test results. Each candidate shall submit a certificate from his Government that he is conversant with the literature of his native country and that he has completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(*3*) In lieu of this certification, a candidate from an American Republic may produce evidence of having acquired the units for literature from accredited schools of the United States.

(*4*) See § 710.31 for the sources of information as to time, place, etc., of College Entrance Examination Board tests. The naval attaché or a diplomatic representative of the United States in the candidate's country shall in the cases of all candidates from other American Republics furnish a report as to the candidate's proficiency in the use of idiomatic English.

(ii) Each Government concerned should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in late June or early July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

* * * * *

12. Section 710.44 (c) and (k) (1) is revised to read as follows:

§ 710.44 Appendix III—Additional details concerning acceptable secondary school certificates and the college certificate method of qualifying scholastically.

* * * * *

(c) *Certificate credit.* Following is a table of secondary school subjects for which the Naval Academy will allow certificate credit. This list is included in order to permit candidates properly to choose the subjects which they should pursue in high school and to permit a check of the list against courses already completed. An acceptable secondary school certificate is one showing proficiency in at least 15 units of the following subjects.

	Designation	Maximum units allowed
Group I:		
English:		
English I	I	4
English II	II	
English III	III	
English IV	IV	
Group II:		
Mathematics:		
Algebra to quadratics	A1	1
Algebra, quadratics and beyond	A2	1
Algebra, advanced	B	½
Plane geometry	C	1
Solid geometry	D	½
Plane trigonometry	E	½
Higher mathematics		
Group III:		
History:		
History, ancient	A	1
History, European	B	1
History, English	C	1
History, United States	D	1
History, modern European	E	1
History, World	F	1

[1] *Important change in entrance examination for Naval Academy candidates to enter in June 1962.* The Naval Academy will honor College Board scores of candidates for the class to enter in 1962 from any of the following administrations: December 1961, January 1962, March 1962. This is a modification to § 710.31.

Candidates and prospective candidates who undertake the tests required by the Naval Academy at any of the administrations cited above, and who desire that the results be considered for scholastic qualification, should request the College Entrance Examination Board to submit their scores to the U.S. Naval Academy.

The free test card (coded Red Card 7/61-6500) furnished by the Navy Department to Naval Academy candidates who have been duly nominated for appointment may be used for any of the College Board test administrations held in December 1961, January 1962 or March 1962.

Early registration and participation in the College Board tests is encouraged.

	Desig-nation	Maxi-mum units al-lowed
Group IV:		
Sciences, drawing, and languages:		
Physics (recitation, laboratory), first year	I	1
Physics (recitation, laboratory), second year	II	1
Chemistry (recitation, laboratory), first year	I	1
Chemistry (recitation, laboratory), second year	II	1
Biology (recitation, laboratory)	I	1
General Science (recitation, laboratory)	I	1
Psychology	I	1
Mechanical drawing, first year	I	1
Mechanical drawing, second year	II	1
French, first year	I	1
French, second year	II	1
French, third year	III	1
Spanish, first year	I	1
Spanish, second year	II	1
Spanish, third year	III	1
German, first year	I	1
German, second year	II	1
German, third year	III	1
Italian, first year	I	1
Italian, second year	II	1
Italian, third year	III	1
Latin, first year	I	1
Latin, second year	II	1
Latin, third year	III	1
Latin, fourth year	IV	1
Group V:		
Miscellaneous:		
Physical geography (recitation, laboratory)		1
Botany (recitation, laboratory)		1
Zoology (recitation, laboratory)		1
Geology		1
Astronomy		1
Physiology		1
Civics		1
Problems of democracy		1
American problems		1
Citizenship		1
Sociology		1
Social science		1½
Current events		½
Commercial law		1½
Commercial history		1½
Commercial arithmetic		½
Commercial geography		1½
Economics		1
Economic history		1½
Economic geography		1½
Industrial problems		1½
Public speaking		½
Elementary law		½
Advanced arithmetic		1
Manual training		1
Journalism		1
Occupations		½

* * * * *

(k) *Additional rules.* (1) The college certificate must present at least 24 semester hours of credit for subjects acceptable to the Naval Academy, and, as in the case of secondary school certificates, the assigned grades should be substantially above the passing grade. Of the 24 semester hours of credit specified, at least 6 must be in college mathematics selected from college algebra, trigonometry, analytical geometry, calculus, etc., and 6 in college English and/or history. A normal year of college work will embrace approximately 30 semester hours of credit for academic work, and the Academic Board at the Naval Academy looks with disapproval upon an arrangement of college courses designed to do nothing more than meet the minimum requirements.

* * * * *

13. Section 710.45 (a) (3), (b), (c) (4) (ii) (*e*), (d) (3) (v), (e) (7), (f) (1), (g) (3), (h) (7), (i) (4) and (v) is revised to read as follows:

§ 710.45 Appendix IV—Physical standards and disqualifying defects.

(a) *General.* * * *

(3) Since a history of having had certain illnesses which are recurrent and/or progressive in nature is disqualifying for entrance and for retention in the U.S. Naval Academy, each candidate is pledged to inform his medical examiner of his complete past medical history in order to gain entrance into the Naval Academy. Any past disqualifying medical condition that is not divulged will be reason for subsequent discharge from the Naval Academy.

(b) *Medical history.* (1) In order to assist the examiner in conducting the physical examination, it is required that a careful history be obtained. An applicant for entry into the U.S. Naval Academy, upon reporting for preliminary physical examination, shall first be required to complete Standard Form 89 (Report of Medical History) in duplicate in his own handwriting. In addition, an applicant reporting for formal physical examination shall be required to complete the Personal History Booklet (Medical Department, USNA).

(2) Candidates who are authorized to report for formal physical examination by the Chief of Naval Personnel will be furnished three blank copies of Standard Form 89 (Report of Medical History). The candidate will be instructed to complete the forms in detail prior to reporting for the physical examination and to present the completed forms to the medical examiner at the time of the examination. In addition, an applicant reporting for formal physical examination shall be required to complete the Personal History Booklet (Medical Department, USNA). This document shall be completed at the examining facility and carefully reviewed and elaborated upon by the medical examiner. Data obtained in the Personal History Booklet will not be reason for physical disqualification unless one of the psychiatric diagnoses listed in paragraph (c) of this section can definitely be established.

(c) *Psychiatric disorders.* * * *

(4) * * *

(ii) * * *

(*e*) Immaturity with symptomatic habit reaction. (Any degree of stuttering, stammering, or lisping is a basis for disqualification as a naval line officer must be capable of clear and effective speech.)

* * * * *

(d) *Weight, height, and miscellaneous considerations.* * * *

(3) * * *

(v) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis; leprosy, actinomycosis; authenticated history of rheumatic fever within the previous five years, rheumatic heart diseases, rheumatoid arthritis; osteomyelitis; malignant diseases of all kinds in any location; hemophilia; purpura; leukemia of all types; pernicious anemia; sickle cell anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of any acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream; chronic metallic poisoning, allergic manifestations such as hay fever, if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis; asthma or a history of asthma, including so-called "childhood" asthma, unless there is a trustworthy history of freedom from seizures since six or seven years of age and provided that seizures prior to that time were not severe or prolonged and did not require extensive therapy; allergic conjunctivitis, allergic dermatoses, or allergic rhinitis particularly if there is associated hyperplastic sinusitis or nasal polyps, or a history thereof, when in the opinion of the examiner, the condition is likely to frequently recur, or to cause more than minimal loss of time from duty or otherwise is of present or future clinical significance.

(e) *The endocrine glands and metabolism.* * * *

(7) Glycosuria if persisting; diabetes mellitus; a history of diabetes mellitus in both parents. If sugar is found in the urine, further specimens, voided in the presence of the physician or authorized assistant, should be examined. In doubtful cases the fasting blood sugar and glucose tolerance tests should be obtained. In the presence of diabetes mellitus in a parent, sibling, or grandparent, a standard glucose tolerance test is required.

* * * * *

(f) *The eyes.* (1) For enrollment in the U.S. Naval Academy a minimum visual acuity of 20/20 each eye is required. No squinting or visual aids are allowed and the test letters should be read correctly and promptly. Refraction is not required for entrance into the U.S. Naval Academy unless medically indicated. Visual acuity will be measured by using the eye chart furnished as a standard item of medical supply, stock number L6515-598-8075. All visual acuity will be recorded in round numbers without any plus or minus superscription as recommended on the eye chart.

* * * * *

(g) *Color perception.* * * *

(3) Detailed instruction for the administration of the Farnsworth Lantern test, as well as the criteria for passing the test, are engraved on a metal plate which is permanently attached to the instrument and shall be followed without exception. The results of the test shall be recorded in item 64 of the Report of Medical Examination as "Passed FaLant" or "Failed FaLant." In addition, if the examinee makes no errors on the first run of nine pairs of lights and there is no previous history of defective color perception, enter in item 73, Standard Form 88, "FaLant-one-run—no errors." If any errors are made on the first run, or if no errors are made on the first run and there is a history of defective color perception, make two or more additional runs and record the number of errors made on each run separately in item 73 of Standard Form 88.

(h) *The ears.* * * *

(7) Any diminution of auditory acuity in either ear, below 15/15 by whispered or spoken voice. If an audiogram is done the following is disqualifying:

(i) Loss of more than 15 decibels in the 256, 512, 1024, or 2048 range in either ear.

(ii) Loss of more than 160 decibels total of 4000 and 8000 ranges in both ears (four readings).

* * * * *

(i) *The skin.* * * *

(4) Psoriasis; ichthyosis, if moderate or severe; chronic lichen planus.

* * * * *

(v) *Physical aptitude.* (1) All candidates for the U.S. Naval Academy will be required to pass the following tests—(For detailed description and illustration of each test see *"Description of Administration Procedures for Measuring Physical Aptitude of Candidate"* separately distributed to Examining Centers):

(i) *Two pull-ups.* Using an overhand grip on a horizontal bar, pull up from a full hang until the chin is over the bar.

(ii) *Fifteen sit-ups in thirty seconds.* From a full lying position on the back with the hands behind the neck (feet held down by partner) sit up, touch one elbow to the opposite knee and return to lying. Elbow-knee touching must be alternated to each side.

(iii) *Ten push-ups.* With the feet supported sixteen inches (chair height) above the floor, body straight and hands on floor, bend the elbows until chin touches floor and return to locked elbow position.

(2) All candidates to the U.S. Naval Academy will be required to pass both of the following tests:

(i) *Arm hang.* Full length and completely relaxed, hang from a horizontal bar for three full seconds with each hand.

(ii) *Duck walk.* With the hands on the hips, squat deeply with the knees spread and walk ten paces forward.

(3) The above tests should be supervised by a medical officer, preferably one trained in orthopedics.

14. Section 710.46 as far as listing installations in California, Florida, Hawaii, Illinois, Massachusetts, Mississippi, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas and Virginia, is revised to read as follows:

§ 710.46 Appendix V—Installations conducting preliminary physical examinations for the U.S. Naval Academy.

* * * * *

California:
Alameda—U.S. Naval Air Station.
Barstow:
Station Hosp, US MarCorps.
Supply Center.
Camp Pendleton USNH.
China Lake—Station Hosp, USNOTS.
El Centro—USNAAS.
Fairfield—Travis AFB.
Long Beach—USNAS, Los Alamitos.
Los Angeles—USN Recruiting Sta.
Moffet Field—USNAS.
Monterey—USAH, Fort Ord, NAF & PG Sch.
Port Hueneme—Sta Hosp, USNCBC.
Riverside—March AFB.
San Diego—USNH, USNAS N. Island.
San Francisco:
USN Disp., 50 Fell St.
USN Recruiting Sta.
Treasure Island—USN Sta.
USN Shipyard.
Letterman AH.
Santa Ana—USMCAF.
Twentynine Palms—Station Hospital, USMCB.
Vallejo—USNDISP, Mare Island.

* * * * *

Florida:
Florida Group, Atlantic Res Flt.
Green Cove Springs.
Jacksonville—USNAS.
Pensacola—USNAS.
Tampa—MacDill AFB.
Key West—USNAS.

* * * * *

Hawaii:
Honolulu:
Hickam AFB.
Tripler Army Hospital.
USN Base, Pearl H.
USNAS, Barbers Pt.

Illinois:
Belleville—Scott AFB.
Chicago—USN Recruiting Station.
Glenview USNAS.
Great Lakes—USNTC.

* * * * *

Massachusetts:
Ayer—USAH, Fort Devens.
Boston:
U.S. Army Base.
USN Recruiting Sta.
Chicopee Falls—Westover AFB.
South Weymouth—USNAS.

* * * * *

Mississippi:
Gulfport—USN Const. Batt. Center.

* * * * *

New York:
Albany—USN Recruiting Sta.
Buffalo—USN Recruiting Sta.
Governors Island—USAH, Ft. Jay.
New York City:
USNAS, Floyd Bennet Field.
USN Recruiting Sta.
West Point—U.S. Army Hosp., USMA.

* * * * *

Pennsylvania:
Carlisle—Carlisle Barracks.
Mechanicsburg—USN Supply Depot.
Middletown—Olmstead AFB.
Philadelphia—USN Recruiting Sta.
Phoenixville—Valley Forge AH.
Pittsburgh—USN Recruiting Sta.
Willow Grove—USNAS.

* * * * *

Rhode Island:
Newport—U.S. Naval Station.
Quonset Point—Station Hosp., USNAS.
South Carolina:
Beaufort—USNH.
Charleston—U.S. Naval Base.
Columbia:
USAH, Fort Jackson.
USN Recruiting Station.
Sumter—Shaw AFB.
Tennessee:
Memphis—USNAS.
Nashville—USN Recruiting Sta.
Smyrna—Stewart AFB.
Texas:
Beeville—USNAAS Chase Field.
Corpus Christi—USNAS.
Dallas:
USNAS.
USN Recruiting Sta.
El Paso—William Beaumont AH.
Houston—USN Recruiting Sta.
Killeen—USAH, Fort Hood.
Orange—Texas Group, Atlantic Res Flt.
San Antonio:
Brooke General Hospital, Fort Sam Houston.
Randolph AFB.

* * * * *

Virginia:
Newington—DeWitt Army Hospital, Fort Belvoir.
Hampton:
Fort Monroe.
Langley AFB.
Lee Hall—USAH, Fort Eustis.
Little Creek—USN Amphibious Base.
Norfolk—USNAS, USN Station.
Oceana—USNAS.
Petersburg—USAH, Fort Lee.
Quantico—USNH.

* * * * *

15. Sections 710.47 and 710.48 are revised to read as follows:

§ 710.47 Appendix VI—Installations conducting formal physical examinations for the U.S. Naval Academy.

(a).
U.S. Naval Hospital, Chelsea, Mass.
U.S. Naval Hospital, St. Albans, Long Island, N.Y.
U.S. Naval Hospital, Philadelphia, Pa.
U.S. Naval Hospital, Portsmouth, Va.
U.S. Naval Hospital, Charleston, S.C.
U.S. Naval Hospital, Memphis, Tenn.
U.S. Naval Hospital, Pensacola, Fla.
U.S. Naval Hospital, Key West, Fla.
U.S. Naval Hospital, Jacksonville, Fla.
U.S. Naval Hospital, Corpus Christi, Tex.
U.S. Naval Hospital, Great Lakes, Ill.
U.S. Naval Hospital, San Diego, Calif.
U.S. Naval Hospital, Oakland, Calif.
U.S. Naval Hospital, Bremerton, Wash.
Permanent Board of Medical Examiners, U.S. Naval Academy, Annapolis, Md.

(b) The below installations conduct formal physical examinations only on specified days in the month of March when additional naval medical and dental officers are furnished:

U.S. Naval Air Station, Dallas, Tex.
U.S. Naval Air Station, Olathe, Kans.
Fitzsimons General Hospital, Denver, Colo.
Tripler General Hospital, Honolulu, Hawaii.

(c) The Station Hospital, U.S. Naval Training Center, Bainbridge, Md., will conduct formal physical examinations on the enlisted candidates attached to the U.S. Naval Preparatory School.

§ 710.48 Appendix VII—Course of instruction.

(a) The course of instruction at the USNA is of 4 years' duration. The curriculum provides a basic education in naval science; science and engineering; and the humanities and social sciences. In addition, there is opportunity for advanced work through validation of college-level courses successfully completed elsewhere, and through a program of elective courses for superior students. High and exacting academic standards prevail. Only candidates who are equipped to assimilate rapidly, who possess powers of reason and imagination, and are capable of intense application may reasonably expect to complete the course.

(b) Midshipmen who have taken College Entrance Examination Board Advanced Placement Tests prior to entering the Academy may submit their scores for consideration in validating general education courses at the Naval Academy. Validation entitles midshipmen to substitute elective studies for prescribed courses in which they have demonstrated proficiency. Academic departments will review the advanced placement test scores to determine which midshipmen

will be eligible to take the validation examinations conducted by these departments soon after a new class enters the Academy. The advanced placement tests are administered in May of each year at College Board examining centers throughout the country. Registration in advance, including payment of fee, is necessary. Information on registration procedures, fees, testing dates, and examining centers is contained in the bulletin, "Advanced Placement Examinations," available without charge. This bulletin may be obtained by writing to College Board Advanced Placement Examinations at one of the following addresses:

Box 592, Princeton, N.J.
or
Box 27896, Los Angeles 27, Calif.

FOURTH CLASS—FRESHMAN YEAR

SUMMER TERM

Department	Total hours	Subject	Textbook
Executive	21	Orientation	U.S. Naval Academy Regulations. Orientation movies.
Physical Education	46 31	Infantry drill Physical achievement tests. Basic instruction in swimming, boxing and wrestling. Orientation in 9 additional sports.	Physical Education Plebe Summer Drill Manual (revised).
Command	61	Practical seamanship. Basic instruction in knotting, piloting, sailing, visual communications, and handling motor launches and yard patrol craft.	Elementary Seamanship. Seamanship (NavPers 10118B). Bluejacket's Manual.
Weapons	37	Small arms	Moving pictures are employed.
Naval Hygiene	4	Personal hygiene, including social and mental hygiene, oral hygiene, care of the eyes, preventable diseases, and rules for maintaining health.	
Engineering	25	General marine engineering, basic shop practices, and elementary drawing.	Graphic Science, by French and Vierck.
Mathematics	11	Plane trigonometry [1]	College Mathematics, Sisam.
Science	5	Chemistry	Department's Measurements and Mathematical Operations.
English, History, and Government.	23	Library and museum orientation. Readings in naval history. Lectures in naval history. Examination.	The Compact History of the United States Navy, by Pratt. Webster's New Collegiate Dictionary. Handbook for Writers, by Leggett Mead, and Charvat (2d ed.).
Foreign Languages	1	Language interviews and assignment to language courses.	
Total	[2] 254		

[1] For those midshipmen not offering trigonometry upon entrance.
[2] Does not include time devoted to mathematics. See note 1.

The basic curriculum

FOURTH CLASS YEAR

FIRST TERM

	Semester hours
Analytic geometry and calculus	5
Chemistry	4
Engineering drawing and descriptive geometry	3
Composition and literature	3
Foreign language	3
Physical education	1
Executive	1
	20

SECOND TERM

Analytic geometry and calculus	5
Chemistry	4
Statistics	2
Composition and literature	3
Foreign language	3
Shipboard orientation and fleet tactics	¾
Physical education	1
Executive	1
	19¾

THIRD CLASS YEAR

FIRST TERM

Calculus [1]	5
Physics	5
Strength of materials	3
Modern European history	3
Foreign language	2½
Physical education	¾
Executive	1
	20¼

[1] Includes 1½ semester hours of probability and statistics.

SECOND TERM

	Semester hours
Mechanics	5
Physics	5
Engineering materials	3
U.S. foreign policy and geography	3
Foreign language	2½
Seapower	¼
Physical education	¼
Executive	1
	20

SECOND CLASS YEAR

FIRST TERM

Differential equations [2]	3½
Electrical science I	3¾
Basic thermodynamics	4
United States Government	2
Piloting and navigation	3½
Weapons components	2¼
Physical education	½
Executive	1
	20½

SECOND TERM

Electrical science II	4
Basic fluid mechanics	4
Economics and speech	2¾
Leadership	2½
Navigation	3
Gunfire control systems	2¼
Physical education	½
Executive	1
	20

[2] Includes ½ semester hour of spherical trigonometry.

FIRST CLASS YEAR

FIRST TERM

	Semester hours
Electrical science III	3
Applied fluid mechanics	3
Naval history	3½
Leadership	2½
Naval operations	3¾
Underwater systems and digital computers	2½
Naval hygiene	¾
Physical education	½
Executive	1
	20¼

SECOND TERM

Electrical science IV	3
Applied thermodynamics	3
Advanced composition and literature	3¾
Naval operations	4½
Meterology	1
Missile systems and ballistic missile trajectories	2½
Physical education	½
Executive	1
	19½

C. Part 720 is revised to read as follows:

PART 720—PROCEEDINGS IN CIVIL COURTS

Sec.
720.1 Delivery when personnel beyond territorial limits of the requesting State.
720.2 Delivery when personnel within territorial limits of the requesting State.
720.3 Agreement required prior to delivery to State authorities.
720.4 Delivery of personnel to Federal authorities.
720.5 Authority of the Director, Office of the Judge Advocate General, West Coast.
720.6 Delivery of personnel to foreign authorities.
720.7 Personnel released by civil authorities on bail or on their own recognizance.
720.8 Service of process upon personnel of the Naval Establishment.
720.9 Personnel of the Naval Establishment subpoenaed as witnesses in State or local courts.
720.10 Personnel of the Naval Establishment subpoenaed as witnesses in Federal courts.
720.11 Naval prisoners as witnesses or parties in civil courts.
720.12 Departures from provisions of this part require approval of the Secretary of the Navy.

AUTHORITY: §§ 720.1 to 720.12 issued under R.S. 161, secs. 814, 5031, 6011, 70A Stat. 41, 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 814, 5031, 6011.

§ 720.1 Delivery when personnel beyond territorial limits of the requesting State.

(a) *General.* In all cases in which the delivery of any person in the Navy or Marine Corps is wanted by State, Commonwealth or local civil authorities for trial, and such person is not attached to or serving at a naval or Marine Corps activity within the requesting State or Commonwealth, or aboard a ship within the territorial waters of said requesting State or Commonwealth, a requisition for the delivery of the person must be made by the Governor of such State or Commonwealth, addressed to the Secretary of the Navy, showing that the person desired is charged with a crime in that State or Commonwealth, for which he could be extradited under the Constitution of the United States, the enactments of Congress, or the laws of the State or Commonwealth desiring his delivery. Such requisition should be forwarded to the Secretary of the Navy (Judge Advocate General) for examination, together with the appointment of the agent of the State or Commonwealth to whom the delivery is to be made. If the papers allege that the person is a fugitive from the justice of that State or Commonwealth and that he is charged with an extraditable crime, as aforesaid, and the papers are otherwise found to be in due form, the Secretary of the Navy (Judge Advocate General) will send the necessary authorization to the designated agent permitting him to take the person into custody upon compliance with § 720.3.

(b) *JAG authority.* The Judge Advocate General, the Deputy and Assistant Judge Advocate General, any Assistant Judge Advocate General and, within the limits indicated in § 720.5 and subject to instructions of the Judge Advocate General, the Director, Office of the Judge Advocate General, West Coast, are authorized each to act for the Secretary of the Navy in the performance of his functions under paragraph (a) of this section, §§ 720.2(b), 720.4(a) and 720.12.

§ 720.2 Delivery when personnel within territorial limits of the requesting State.

(a) *General.* In cases in which the delivery of any person in the Navy or Marine Corps is requested by State or local civil authorities of a State or the Commonwealth of Puerto Rico (as distinguished from civil authorities of the Federal Government), and such person is attached to or serving at a naval or Marine Corps Station or other naval or Marine Corps place within the requesting State or Commonwealth, or aboard a ship within the territorial waters of such State or Commonwealth, commanding officers are authorized to deliver such person when a proper warrant is presented. Warrants reciting that the individual is a fugitive from another State or jurisdiction (commonly known as fugitive warrants) are considered an attempt to circumvent the provisions of § 720.1 and are not "proper warrants" within the meaning of this section; delivery will be refused upon presentation thereof.

(b) *Disciplinary proceedings pending.* When disciplinary proceedings involving military offenses are pending or the person is undergoing a sentence of a court-martial, commanding officers must obtain specific authority from the Secretary of the Navy (Judge Advocate General) to deliver personnel to State, Commonwealth or local authorities.

§ 720.3 Agreement required prior to delivery to State authorities.

(a) *General.* In every case in which the delivery of any person in the Navy or Marine Corps to the civilian authorities of a State, for trial, is authorized, such person's commanding officer will, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that conforms to the agreement as set forth in paragraph (b) of this section. When indicating in the agreement the naval or Marine Corps activity to which the person delivered is to be returned by the State, care should be taken to designate the closest appropriate activity which possesses special court-martial jurisdiction. The Department considers this agreement substantially complied with when the man is furnished transportation back to a naval or Marine Corps activity as set forth herein and necessary cash to cover his incidental expenses en route thereto, and the Department of the Navy so informed. Any departure from the agreement set forth in paragraph (b) of this section must have prior approval from the Secretary of the Navy (Judge Advocate General).

(b) *Form of agreement.* The following is suggested as a form of agreement acceptable to the Department in cases referred to in paragraph (a) of this section.

In consideration of the delivery of ----------, United States Navy
(Name of person delivered)
(United States Marine Corps), to ----------, at ----------, for trial upon the charge of ----------, I hereby agree pursuant to the authority vested in me as ----------, that ----------, United States Navy
(Name of person delivered)
(United States Marine Corps) will be transported to the State of ---------- without expense to him or the United States and that the Commanding Officer of the ---------- will be notified immediately of the outcome of the trial and that the said ----------, will be returned
(Name of person delivered)
to the ----------, or to such place as the Secretary of the Navy shall designate, or transportation issued thereto, without expense to the United States or to the person delivered immediately upon dismissal of the charges or completion of the trial in the event he is acquitted, or immediately upon satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of the case, provided that the Department of the Navy shall then desire his return.

§ 720.4 Delivery of personnel to Federal authorities.

(a) *Authority to deliver.* Commanding officers are authorized to deliver personnel to Federal authorities on presentation of a proper warrant in all cases except those in which disciplinary proceedings are pending or the person is undergoing a sentence of a court-martial or when in the opinion of the commanding officer unusual circumstances exist which warrant reference of the matter to the Secretary of the Navy (Judge Advocate General).

(b) *Agreement not required of Federal authorities.* An agreement as to expenses will not be exacted as a condition to the delivery of personnel to Federal authorities for trial. Men desired by Federal authorities for trial will be called for and taken into custody by a United States marshal or deputy marshal. In the event that the person delivered is acquitted upon said trial, or immediately upon satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return, the man will be returned to the naval service and the necessary expenses paid from an appropriation under the control of the Department of Justice.

§ 720.5 Authority of the Director, Office of the Judge Advocate General, West Coast.

In the Eleventh, Twelfth, Thirteenth, Fourteenth and Seventeenth Naval Districts, the Director, Office of the Judge Advocate General, West Coast, is authorized to act for the Secretary of the Navy under § 720.2(b), under § 720.3(a) if the delivery involved is within the scope of § 720.2, and under § 720.4(a).

§ 720.6 Delivery of personnel to foreign authorities.

Except when provided for by agreement between the United States and the foreign government concerned, commanding officers are not authorized to deliver persons in the Department of the Navy to foreign authorities. When a request for delivery of personnel is received, in a country with which the United States has no agreement or when the commanding officer is in doubt, advice should be sought from the Judge Advocate General.

§ 720.7 Personnel released by civil authorities on bail or on their own recognizance.

A person in the Navy or Marine Corps arrested by Federal or State civil authorities and released on bail or his own recognizance has a duty to return to his parent organization. Accordingly, where a person in the Navy or Marine Corps is arrested by Federal or State authorities and returns to his ship or station on bail, or upon his own recognizance, the commanding officer shall normally grant him leave of absence to appear for trial on the date set, upon verification of the attending facts, date of trial, and approximate length of time that should be covered by the leave of absence; provided, such absence will not prejudice the best interests of the naval service. Nothing in this section is to be construed as permitting the person arrested and so released to avoid the obligations of his bond or his recognizance solely by reason of his being in the service.

§ 720.8 Service of process upon personnel of the naval establishment.

(a) *Within the jurisdiction.* Commanding officers afloat and ashore are authorized to permit service of process of Federal, State, Territorial, or local courts upon naval personnel or civilians named therein and located within the jurisdiction of the court out of which the process issues, but such service should not be allowed without the permission of

the commanding officer first being obtained. (Personnel serving aboard vessels located within the territorial waters of the State out of which the process issues are considered within the jurisdiction of the court for the purpose of service of process.) In cases where the exigencies of the service would jeopardize or limit personnel from defending themselves in litigation, service of process will not be permitted until conditions permit. The commanding officer shall permit the service of process except in unusual cases where compliance with the mandate of the process would seriously prejudice the public interest. Where practicable, commanding officers will require that the process be served in their presence, or that of an officer designated by them. Where service of process by mail is sufficient, the process may be mailed to the person named therein. In all cases commanding officers will insure that the nature of the process is explained to the person concerned.

(b) *Where service is not allowed.* Where service of process is not permitted, a report of such refusal to permit service and the reasons therefor shall be forwarded by letter to the Secretary of the Navy (Judge Advocate General).

(c) *Personnel beyond the jurisdiction of the court.* Where a person in the naval service, or a civilian, is beyond the jurisdiction of the court issuing the process, the commanding officer will permit service or delivery of the process under the same conditions as noted in paragraph (a) of this section for whatever legal effect it may have. At the same time the commanding officer or his designee will advise the person being served that he is not required to indicate acceptance of service in writing, or otherwise, although he may do so voluntarily, and further advise him to consult legal counsel. Where process is forwarded to a commanding officer with the request that it be delivered to a person within his command, he may deliver it to the person named therein, provided he voluntarily accepts it. In such cases the commanding officer will insure that the serviceman or civilian concerned is informed that he is not required to accept service of the process but may do so voluntarily. The commanding officer is not required to act as a process server, and when the person named in the process does not voluntarily accept the process it should be returned to the forwarder with the advice that the person named therein refuses to accept it.

(d) *Service of process of foreign courts.* (1) Usually, the question of the amenability of persons in the Department of the Navy, stationed in a foreign country, to the service of courts of that country will have been settled by an agreement between the United States and the foreign country concerned. (For example, in the countries of the signatory parties, amenability to service of civil process is governed by paragraphs 5(g) and 9 of Article VIII of the NATO Status of Forces Agreement, TIAS 2846, 4 UST 1792, 1808.) Where service of process on a person in the Department of the Navy is attempted in a country with which the United States has not made an agreement on this subject, advice should be sought from the Judge Advocate General.

(2) Usually, persons in the Department of the Navy are not required to accept service of process outside the geographic limits of the jurisdiction of the court from which the process issued. In such cases acceptance of the service is not compulsory but service may be voluntarily accepted in accordance with paragraph (c) of this section. In exceptional cases, where the United States has agreed that service of process will be accepted by persons in the Department in the Navy located outside the geographic limits of the jurisdiction of the court from which the process issued, the provisions of the agreement and of paragraph (a) of this section will govern.

(e) *Leave of absence to be granted persons served with process.* In those cases where personnel under his command are served with process as noted in paragraph (a) of this section or accept service of process as noted in paragraph (c) of this section, the commanding officer is authorized and will normally grant leave of absence to the person upon whom the process is served in order to permit him to obey the same, unless the public interest would be seriously perjudiced by his absence. In such cases, a full report of the matter should be made to the Secretary of the Navy (Judge Advocate General) prior to the date set for appearance of the person served, where possible.

§ 720.9 Personnel of the Naval Establishment subpoenaed as witnesses in State or local courts.

Where personnel of the Naval Establishment, service personnel or civilian employees, are subpoenaed to appear as a witness in State or local courts, and are served in the manner described under either of the conditions set forth in § 720.8, the provisions of § 720.8(e) apply.

§ 720.10 Personnel of the Naval Establishment subpoenaed as witness in Federal courts.

(a) *Witnesses on behalf of Federal Government.* Where naval personnel are required to appear as witnesses in a Federal court to testify on behalf of the Federal Government, the Bureau of Naval Personnel or the Commandant of the Marine Corps, as the case may be, will direct the activity to which the person is attached to issue Temporary Additional Duty Travel Orders to the person concerned. The charges for such orders will be borne by the activity to which the required witness is attached. Payment to witnesses will be as provided by the Joint Travel Regulations and U.S. Navy Travel Instructions. If the required witness is to appear in a case where the Department of the Navy is not a party in interest, the Department of the Navy will be reimbursed in accordance with the procedures outlined in the Navy Comptroller Manual, section 046278.

(b) *Witnesses on behalf of nongovernmental parties*—(1) *Criminal actions.* Where naval personnel are served with a subpoena to appear as a witness for the defendant in a criminal action and the fees and mileage required by Rule 17(d) of the Federal Rules of Criminal Procedure are tendered, the commanding officer is authorized to issue the person subpoenaed permissive orders authorizing attendance at the trial at no expense to the Government, unless the public interest would be seriously prejudiced by his absence, in which case a full report of the circumstances will be made to the Judge Advocate General. In those cases where fees and mileage are not tendered as required by Rule 17(d) of the Federal Rules of Criminal Procedure, but the person subpoenaed still desires to attend, the commanding officer is authorized to issue permissive orders at no cost to the Government, as above; however, such persons should be advised that an agreement as to reimbursment for any expenses incident to travel, lodging, and subsistence should be effected with the party desiring their attendance and that no reimbursement should be expected from the Government.

(2) *Civil actions.* Where naval personnel are served with a subpoena to appear as a witness on the behalf of a nongovernmental party in a civil action brought in a Federal court, the provisions of § 720.8 apply.

§ 720.11 Naval prisoners as witnesses or parties in civil courts.

(a) *Criminal actions.* In those instances where the Federal or State authorities desire the attendance of a naval prisoner as a witness in a criminal case, a request for such person's attendance should be submitted to the Secretary of the Navy (Judge Advocate General). Upon receipt of such a request, authority will be given, in a proper case, for the production of the requested naval prisoner in court without resort being had to a writ of habeas corpus ad testificandum.

(b) *Civil actions.* The Department of the Navy will not authorize the attendance of a naval prisoner in a Federal or State court, either as a party or as a witness, in private litigation pending before such court, as in such cases the court may grant a postponement or a continuance of the trial; but the Department of the Navy will allow the deposition of such naval prisoner to be taken in the case.

§ 720.12 Departures from provisions of this part require approval of the Secretary of the Navy.

Any departures from normal procedures set forth in this part must have prior approval of the Secretary of the Navy (Judge Advocate General).

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 1, 1961.

[F.R. Doc. 61-11591; Filed, Dec. 6, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment) Department of Agriculture

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 52]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

COST-SHARE PAYMENTS

Section 750.169(b)(1) of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, is hereby further amended by adding at the end thereof the following: "Notwithstanding any other provision of this subparagraph, cost-share payments other than for practice A-7 are not required to be refunded if a loss of control occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on December 4, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11618; Filed, Dec. 6, 1961; 8:51 a.m.]

[Amdt. 17]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

COST-SHARE PAYMENTS

Section 750.526(b)(1) of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7897, as amended, is hereby further amended by adding at the end thereof the following: "Notwithstanding any other provision of this subparagraph, cost-share payments other than for practice A-7 are not required to be refunded if a loss of control occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on December 4, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11619; Filed, Dec. 6, 1961; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 937—NECTARINES GROWN IN CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1961-62 Fiscal Period

Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that the expenses of said committee will amount to $122,000.

It is, therefore, ordered, That paragraph (a) of § 937.204 *Expenses and rate of assessment for the 1961-62 fiscal period* (26 F.R. 4838) is hereby amended by deleting therefrom the amount $118,605 and substituting in lieu thereof the amount $122,000. As amended paragraph (a) of § 937.204 reads as follows:

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1961, and ending February 28, 1962, will amount to $122,000.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The increase in the budget set forth above does not involve an increase in the rate of assessment heretofore established by the Secretary (26 F.R. 4838); (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable nectarines from the beginning of such period and such rate of assessment shall be sufficient to provide funds for the payment of committee expenses; and (3) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 1, 1961, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-11586; Filed, Dec. 6, 1961; 8:47 a.m.]

[§ 938.303, Amdt. 1]

PART 938—POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 938.303 (26 F.R. 6834), delete paragraph (a) and in lieu thereof substitute new paragraph (a) as set forth below.

§ 938.303 Limitation of shipments.

* * * * * *

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, with 75 percent U.S. No. 1 quality, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 6 ounces minimum weight, or

U.S. No. 1, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1961, to become effective December 13, 1961.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11587; Filed, Dec. 6, 1961; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—PERMITS FOR ACCESS TO RESTRICTED DATA

Miscellaneous Amendments

Notice is hereby given of amendment of the regulations to provide for access by private industry to certain classified technology which does not disclose details of weapon systems, military operational techniques and requirements. The Commission has found that good cause exists why the regulations in this part should be made effective without the customary 30-day period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

1. Section 25.15(b) is amended by adding subparagraph (4) as follows:

(4) An application for an access permit authorizing access to Confidential and Secret Restricted Data in categories C–90, Nuclear Reactors for Ram-Jet Propulsion; C–91, Nuclear Reactors for Rocket Propulsion; C–92a, Systems for Nuclear Auxiliary Power (SNAP-Isotopic Program); C–92b, Systems for Nuclear Auxiliary Power (SNAP-Reactor Program); C–93a, Advanced Concepts for Future Application (Reactor Experiments); and C–93b, Advanced Concepts for Future Application (Conversion Devices); will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the particular field or fields of work for which access is requested, i.e., C–90, C–91, C–92a, C–92b, C–93a, and C–93b and is directly engaged in or proposes to engage in a substantial research and development program in such field or fields of work; or

(ii) Is engaged in or proposes to engage in a substantial study program in the particular field or fields of work preparatory to the submission of a research and development proposal to the Atomic Energy Commission; or

(iii) Is furnishing to a permittee having access under subdivision (i) or (ii) of this subparagraph substantial scientific, engineering or other professional services to be used by that permittee in a study or research and development program for which said permittee received access.

2. Appendix A is amended by adding the following:

C–90 Nuclear Reactors For Ram-Jet Propulsion. This category includes information on:

a. Programs pertaining to the development of nuclear reactors for application to ram-jet propulsion systems including theory and/or design, test philosophy procedures and/or results.

b. Fabrication technology and evaluation of performance or characteristics of materials or components for such reactors.

c. Controls, control systems and instrumentation relating to the design or technology of such reactors.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of materials under conditions of high temperature, high gas flows or other environmental conditions characteristic of ram-jet propulsion systems.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of nuclear ram-jet missiles, such as payload, aerodynamic characteristics, guidance systems, physical size, gross weight, thrust and information of this kind which is associated with utilization of a nuclear ram-jet propulsion system.

d. Classified Defense Information other than Restricted Data.

C–91 Nuclear Reactors For Rocket Propulsion. This category includes information on:

a. Programs pertaining to nuclear reactors for rocket propulsion, i.e., missile propulsion, theory and/or design, test philosophy procedures and/or results.

b. Design, fabrication technology and evaluation of performance or characteristics of material, components, or subsystems of nuclear rocket reactors.

c. Controls, control systems and instrumentation relating to the design or technology of rocket reactor systems.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of rocket reactor system materials under conditions of high temperature, high gas flows, or other environmental conditions characteristic of rocket reactors.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of payload and aerodynamic characteristics.

d. Design details and development information of components and subsystems of the nuclear rocket engine other than that associated with the reactor system.

e. Classified Defense Information, other than Restricted Data.

C–92 Systems For Nuclear Auxiliary Power (SNAP). This category includes information on:

a. Isotopic SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the device, including power conversion device and the fuels used.

b. Reactor SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the reactor, including the directly associated power conversion device when developed by the AEC.

This category does not include basic technical and scientific data developed under the SNAP Advanced Concept program which should be reported in C–93.

C–93 Advanced Concepts for Future Application.

C–93a Reactor Experiments. This category includes classified technical information developed in the pursuit of work on new or advanced concepts of reactors or components which the AEC considers essential to future growth or for general application to future generations of reactors. Classified information developed in the pursuit of work on the lithium cooled reactor experiment is an example of the type of information to be reported in this category, i.e., information resulting from an experimental reactor project or component development which may have many future applications but which is not currently being pursued to meet the specific needs of an approved requirement for which other information categories have been provided. For example, classified technical information developed in the pursuit of work on Naval, Ram-Jet or Rocket nuclear reactors would not be reported here but under their respective specific categories. This category will include classified technical information on the following:

a. Theory, design, and performance, either estimated or actual.

b. Design details, composition and performance characteristics of major components (e.g., fuel media, reflectors, moderators, heat exchangers, pressure shells or containment devices, control rods, conversion devices, instrumentation and shielding).

c. Material (metals, ceramics and compounds) development, alloying, cladding, corrosion, erosion, radiation studies and fabrication techniques.

d. Chemistry, including chemical engineering, processes and techniques. Reactor-physics, engineering and criticality studies.

C–93b Conversion Devices. This category includes classified technical information developed in the pursuit of studies, designs, research and development, fabrication and operation of any energy conversion device to be used with nuclear energy sources which is not being applied to a specific system development project.

Dated at Germantown, Md., this 22d day of November 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61–11557; Filed, Dec. 6, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas, Positive Control Route Segments and Reporting Points

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to alter certain portions of various VOR Federal airways in the Los Angeles, Calif., area. These actions are necessitated by the temporary relocation of the Los Angeles VOR.

Operation of the Los Angeles VOR has historically been marginal and has steadily deteriorated since its construction. The Flight Standards Service of the Federal Aviation Agency (FAA) has advised that this condition will continue. Therefore, action is being taken to temporarily relocate the Los Angeles VOR to a site at latitude 33°57'04" N., longitude 118°24'18" W., a distance of approximately 1.7 statute miles from the present site, while corrective action is being taken to improve the operation of the existing facility.

The airway alterations in the vicinity of Los Angeles required by the commissioning of the temporary facility will include portions of Victor 25, Victor 23, Victor 210, Victor 8, Victor 165, Victor 1522, and Victor 1549. A local intersection and a portion of a positive control route segment will be redefined. Additional airway segments and their associated control areas and jet routes will shift with the relocation of the VOR using the same radials of the various facilities involved, but will not require redescription in the Regulations of the Administrator.

In altering Victor 23 and Victor 165, the lateral separation between these two coincident airway segments and a segment of Victor 25 in this area is reduced to less than acceptable limits and, for this reason, these segments of the airways are herein designated as 6 miles wide between the Long Beach VORTAC and the Dana Point intersection to provide the desired lateral separation.

Since these amendments are minor in nature and impose no additional burden on any person, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 26 F.R. 4052, 26 F.R. 7803) "From the Mission Bay, Calif., VOR via the Los Angeles, Calif., VOR, including an E alternate from the INT of the Los Angeles VOR 138° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 287° and the Los Angeles VOR 138° radials via the Long Beach VORTAC," is deleted and "From the Mission Bay, Calif., VOR via the Los Angeles, Calif., VOR, including an E alternate from the INT of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 287° and the Los Angeles VOR 139° radials via the Long Beach VORTAC," is substituted therefor.

2. In the text of § 600.6023 (14 CFR 600.6023, 26 F.R. 572, 1209, 4052) "From the Mission Bay, Calif., VOR via the Oceanside, Calif., VORTAC, excluding the portion below 2,000 feet MSL outside the United States; Long Beach, Calif., VOR;" is deleted and "From the Mission Bay, Calif., VOR via the Oceanside, Calif., VORTAC excluding the portion below 2,000 feet MSL outside the United States; INT of the Long Beach VORTAC 135° and the Santa Catalina VOR 075° radials; thence 6-mile wide airway via the Long Beach, Calif., VOR;" is substituted therefor.

3. In the text of § 600.6165 (14 CFR 600.6165) "the Oceanside, Calif., VOR to the Long Beach, Calif., VOR." is deleted and "the Oceanside, Calif., VOR; INT of the Long Beach VORTAC 135° and the Santa Catalina VOR 075° radials; thence a 6-mile wide airway to the Long Beach VOR." is substituted therefor.

4. In the text of § 600.6210 (14 CFR 600.6210, 26 F.R. 8626) "From the point of INT of the Los Angeles VOR 236° and the Long Beach, Calif., VOR 266° radials via the Los Angeles, Calif., VOR; point of INT of the Los Angeles VOR 057° and the Daggett VOR 235° radials; point of INT of the Daggett VOR 235° and the Hector VOR 265° radials;" is deleted and "From the INT of the Los Angeles, Calif., VOR 236° and the Long Beach, Calif., VOR 266° radials via the Los Angeles VOR; INT of the Los Angeles VOR 061° and the Daggett, Calif., VORTAC 234° radials; INT of the Daggett VORTAC 234° and the Hector VOR 265° radials;" is substituted therefor.

5. In the text of § 600.6008 (14 CFR 600.6008, 26 F.R. 8170) "including a N alternate from the Long Beach VORTAC to the Mormon Mesa VOR via the INT of the Long Beach VORTAC 024° and the Los Angeles VOR 057° radials, the INT of the Los Angeles VOR 057° and the Daggett VOR 235° radials, the Daggett, Calif., VOR, and the Las Vegas, Nev., VOR;" is deleted and "including a N alternate from the Long Beach VORTAC to the Mormon Mesa VOR via the INT of the Long Beach VORTAC 024° and the Los Angeles VOR 061° and the Daggett VORTAC 234° radials; Daggett, Calif., VORTAC; Las Vegas, Nev., VORTAC;" is substituted therefor.

6. In the text of § 600.1522, 26 F.R. 1083) "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR;" is deleted and "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 061° and the Daggett, Calif., VORTAC 234° radials; Daggett VORTAC;" is substituted therefor.

7. In the text of § 600.1549 (26 F.R. 1087) "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR;" is deleted and "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 061° and the Daggett, Calif., VORTAC 234° radials; Daggett VORTAC;" is substituted therefor.

8. In § 601.7001 (14 CFR 601.7001) Barstow Intersection is amended to read: Barstow Intersection: The INT of the Hector, Calif., VORTAC 265° and the Daggett, Calif., VORTAC 234° radials.

9. In § 601.8001 (26 F.R. 1094, 4194) VOR Federal airway No. 1522 (Los Angeles, Calif., to New York, N.Y.), is amended to read: VOR Federal airway No. 1522 (Los Angeles, Calif., to New York, N.Y.) (See § 600.1522 of this Chapter). The portion of VOR Federal airway No. 1522 from the INT of the Los Angeles, Calif., 061° and the Long Beach, Calif., VORTAC 024° radials to the Kremmling, Colo., VORTAC.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 4, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–11608; Filed, Dec. 6, 1961; 8:49 a.m.]

[Airspace Docket No. 61–FW–34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On September 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8598) stating that the Federal Aviation Agency proposed to designate a segment of low altitude VOR Federal airway No. 437 from Daytona Beach, Fla., direct to Savannah, Ga., and to designate the control areas associated with this segment of Victor 437 to extend upward from 7,500 feet above the surface, based on the minimum reception altitude between the VOR navigational facilities at Daytona Beach and Savannah.

Subsequent to publication of the notice, it has been determined that based on the minimum reception altitude between the VOR navigational facilities at Daytona Beach and Savannah, it will be necessary to establish a 7,500-foot MSL floor on only that segment of the proposed airway between the Marion intersection (INT of the Daytona Beach VOR 360° and the Jacksonville, Fla., VORTAC 144° radials) and the Sea Island intersection (INT of the Jacksonville VORTAC 027° and the Savannah VORTAC 182° radials). The floor on the balance of the proposed airway segment would be established at 700 feet above the surface. This would conform to the floor of the segments of VOR Federal airway No. 3E between Daytona Beach and the Marion intersection and between the Sea Island intersection and Savannah.

Victor 437 will be designated in part from the Daytona Beach VOR to the Savannah VORTAC to include the addi-

tional airspace between lines diverging from the Daytona Beach VOR to points of tangency to a circle with a radius of 8.7 miles centered at latitude 30°43'50" N., longitude 81°06'45" W., within the circumference of said circle, and between lines tangent to that circle converging to the Savannah VORTAC. This configuration will be in accordance with Agency policy for offshore and control areas for airways utilizing navigational aids separated by 90 or more statute miles.

In both Part 600 and Part 601 of the Regulations of the Administrator, reference is made to exclusions of airspace from Victor 437 and its associated control areas. In the interest of conformity, this docket will define all of the exclusions in the description of the airway. The control areas associated with Victor 437 will be described as "all of Victor 437 including a west alternate". Thus the description of the control areas associated with Victor 437 will automatically exclude that airspace not desired.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Air Transport Association of America concurred with the proposed amendments. No other comments were received on the proposals within the allotted period.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6437 (14 CFR 600.6437, 26 F.R. 9156) is amended to read:

§ 600.6437 VOR Federal airway No. 437 (Daytona Beach, Fla., to Florence, S.C.).

From the Daytona Beach, Fla., VOR via the Savannah, Ga., VORTAC; Charleston, S.C., VORTAC; INT of the Charleston VORTAC 029° and the Florence, S.C., VOR 179° radials; to the Florence VOR, including a W alternate from the Charleston VORTAC direct to the Florence VOR, and including the airspace between lines diverging from the Daytona Beach VOR to points of tangency to a circle with a radius of 8.7 statute miles centered at latitude 30°43'50" N., longitude 81°06'45" W., within the circumference of said circle and between lines tangent to that circle converging to the Savannah VORTAC. The portion of this airway below 7,500 feet MSL between the Marion, Fla., INT (INT of the Daytona Beach VOR 360° and the Jacksonville, Fla., VORTAC 144° radials) and the Sea Island, Ga., INT (INT of the Jacksonville VORTAC 027° and the Savannah VORTAC 182° radials), the portion of this airway below 4,500 feet MSL between the Savannah VORTAC and the Charleston VORTAC, and the portion of the W alternate above 12,000 feet MSL between the Charleston VORTAC and the Florence VOR are excluded.

2. Section 601.6437 (14 CFR 601.6437, 26 F.R. 9156) is amended to read:

§ 601.6437 VOR Federal airway No. 437 control areas (Daytona Beach, Fla., to Florence, S.C.).

All of VOR Federal airway No. 437 including a W alternate.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11560; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-203]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension and Revocation and Designation of Reporting Points

On January 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 342) stating that the Federal Aviation Agency proposed to alter the Wilmington, N.C., control area extension.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Although not mentioned in the notice, action is taken herein to delete and add reporting points associated with this control area extension. These changes are required on the part of air traffic management to facilitate the management of air traffic and do not assign or reassign the use of navigable airspace.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.1150 (14 CFR 601.1150) is amended to read:

§ 601.1150 Control area extension (Wilmington, N.C.).

Within a 5-nautical mile radius of the Carolina Beach, N.C., RBN (latitude 34°06'22" N., longitude 77°57'42" W.), within a 5-nautical mile radius of the Bimini, Bahamas, RBN (latitude 25°42'32" N., longitude 79°16'33" W.), within a 23-nautical mile radius of a point at latitude 29°53'15" N., longitude 78°39'15" W., and the area within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nautical mile radius areas to the E and W sides of the 23-nautical mile radius area centered on latitude 29°53'15" N., longitude 78°39'15" W., excluding that portion below 2,000 feet MSL which lies outside the United States and that portion below 7,000 feet MSL within and overlying the Nassau, Bahamas, control area.

2. In the text of § 601.5001 (14 CFR 601.5001, 26 F.R. 5575) delete the following:

Azalea INT: The INT of the 109° bearing of the Charleston, S.C., RBN and the 195° bearing of the Wilmington (Carolina Beach), N.C., RBN.

Gateway Intersection: The intersection of the east course at the Jacksonville, Fla., radio range and a line bearing 195° True from the Wilmington (Carolina Beach), N.C., nondirectional radio beacon.

Snapper Intersection: The intersection of the northeast course of the Melbourne, Fla., radio range and a line bearing 14° True from West Palm Beach, Fla., radio range station.

3. In the text of § 601.5001 (14 CFR 601.5001) add the following:

Azalea INT: INT of a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN and a line bearing 109° from the Charleston, S.C., RBN.

Barracuda INT: INT of a line bearing 055° from the Melbourne, Fla., RR and a line bearing 008° from the Bimini, Bahamas, RBN.

Bimini, Bahamas, RBN.

Gateway INT: INT of a line bearing 090° from the Jacksonville, Fla., RR and a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN.

Halibut INT: INT of a line bearing 008° from the Bimini, Bahamas, RBN and a line bearing 090° from the West Palm Beach, Fla., RR.

4. In the text of §§ 601.7001, 601.7003, 601.7004 (14 CFR 601.7001, 26 F.R. 1079) add the following:

Azalea INT: INT of the Charleston, S.C., VORTAC 109° and the Wilmington, N.C., VORTAC 189° radials.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11563; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-181]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Designation of Jet Advisory Areas

On October 6, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9431) stating that the Federal Aviation Agency (FAA) proposed to alter the segment of Jet Route No. 53 between Jacksonville, Fla., and Spartanburg, S.C., by designating it via the Jacksonville VORTAC 343° True radial to its intersection with Jet Route No. 85, thence overlying J-85 to the Spartanburg VOR; and to designate radar jet advisory areas on Jet Route No. 51 from Jacksonville to Columbia, S.C., and on J-53 from its intersection with Jet Route No. 81 east of Orlando, Fla., to Spartanburg.

Subsequent to the issuance of the notice the FAA had determined that in the interest of more efficient handling of traffic in this area, both J-85 and J-53 should be designated via the Augusta, Ga., VOR. The Strategic Air Command Oil Burner "Gun Load" route terminates over the Augusta VOR at flight level 270. Additionally, standard instrument departures from Charleston, S.C., AFB and Shaw, S.C., AFB require climbs to the west passing near the Augusta VOR. These procedures necessitate numerous requests for position reports over Augusta from traffic operating on J-53 and J-85 so that non-radar separation between converging aircraft may be provided. Therefore, action is taken herein to realign the segment of J-85 from the Alma, Ga., VORTAC to the Spartanburg VOR via the Augusta VOR; and the segment of J-53 from the Jacksonville VORTAC to the Augusta VOR via the intersection of the Jacksonville VORTAC 343° and the Augusta VOR 189° True radials.

The Department of the Army interposed no objection provided that necessary safety procedures are adopted which will insure that aircraft utilizing J-53 do not penetrate Restricted Area R-3005. It is incumbent upon pilots to fly J-53 along the direct courses between the navigational aids or fixes defining this route and to remain clear of published restricted areas. No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7079) the text of Jet Route No. 53 is amended as follows: "INT of the Jacksonville 343° and the Augusta, Ga., 180° radials;" is deleted and "INT of the Jacksonville 343° and the Augusta, Ga., 189° radials;" is substituted therefor.

2. In § 602.100 *Jet routes* (26 F.R. 7079) the text of Jet Route No. 85 is amended as follows: "Spartanburg, S.C.;" is deleted and "Augusta, Ga.; Spartanburg, S.C.;" is substituted therefor.

3. In § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following is added:

Jet Route No. 51 jet advisory area. Radar—Jacksonville, Fla., to Columbia, S.C.

4. In § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) Jet Route No. 53 jet advisory area is amended to read:

Jet Route No. 53 jet advisory area. Radar—Key West, Fla., to the United States/Canadian Boundary.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11561; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-155]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On September 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8910) stating that the Federal Aviation Agency proposed to designate radar jet advisory areas on Jet Route No. 6 from Amarillo, Tex., to Memphis, Tenn.; on Jet Route No. 8 from Oklahoma City, Okla., to Tulsa, Okla.; and on Jet Route No. 21 from Oklahoma City, Okla., to Duluth, Minn.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

In § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following changes are made:

1. Jet Route No. 6 jet advisory area is amended to read:

Jet Route No. 6 jet advisory area. Radar—Hector, Calif., to Prescott, Ariz.; from Amarillo, Tex.; to Memphis, Tenn.

2. In Jet Route No. 8 jet advisory area "Tulsa, Okla." is deleted and "Oklahoma City, Okla." is substituted therefor.

3. In Jet Route No. 21 jet advisory area "Oklahoma City, Okla." is deleted and "Duluth, Minn." is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11562; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 61-FW-59]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to § 608.24 of the regulations of the Administrator is to alter the time of designation and to change the using agency of the Fort Chaffee, Ark., Restricted Areas R-2401 and R-2402.

The current time of designation of R-2401 and R-2402 is 0500 to 2200, c.s.t., Monday through Saturday, July 1 through August 31; and 0500 to 1800, c.s.t., Saturday and Sunday, September 1 through June 30. The current using agency is Commanding General, Fort Sill, Okla.

The Department of the Army has stated an urgent requirement for a change in the time of designation of these restricted areas to continuous due to the recent increase in the size of the Army requiring the Fort Chaffee Army Training Center to be operated on a full-time basis. In addition, the Department of the Army has requested a change in the using agency to reflect the proper command exercising control over all of the training conducted in these restricted areas.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 608.24 Arkansas (26 F.R. 7190) is amended as follows:

1. In R-2401 Fort Chaffee, Ark., "Time of designation. 0500 to 2200 c.s.t, Monday through Saturday, July 1 through August 31; and 0500 to 1800, c.s.t., Saturday and Sunday, September 1 through June 30." is deleted and "Time of designation. Continuous." is substituted therefor. "Using agency. Commanding General, Fort Sill, Okla." is deleted and "Using agency. Commanding General, Fort Chaffee, Ark." is substituted therefor.

2. In R-2402 Fort Chaffee, Ark., "Time of designation. 0500 to 2200, c.s.t., Monday through Saturday, July 1 through August 31; and 0500 to 1800, c.s.t., Saturday and Sunday, September 1 through June 30." is deleted and "Time of designation. Continuous." is substituted

therefor. "Using agency. Commanding General, Fort Sill, Okla." is deleted and "Using agency. Commanding General, Fort Chaffee, Ark." is substituted therefor.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on December 4, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11607; Filed, Dec. 6, 1961; 8:49 a.m.]

[Airspace Docket No. 61-WA-231]

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area

The purpose of this amendment to Part 608 of the regulations of the Administrator is to designate a temporary restricted area near Carlsbad, N. Mex.

The Atomic Energy Commission has advised the Federal Aviation Agency that on December 10, 1961, an underground nuclear device will be detonated at latitude 32°15'46" N., longitude 103°51'51" W.

They have further advised that a possibility exists that this detonation may vent itself above the surface. If such a condition occurs, a hazard to aircraft, in the form of radioactive debris, may exist within a 25-nautical mile radius of the detonation site extending clockwise from a true bearing of 320° to a true bearing of 200° and within a 10-nautical mile radius extending clockwise from a true bearing of 200° to a true bearing of 320° to an altitude of 12,000 feet MSL.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of safety and that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective on less than 30 days' notice.

In Part 608 (26 F.R. 7187) the following temporary restricted area is added:

CARLSBAD, N. MEX.

Boundaries. The airspace within a radius of 25 nautical miles of a center point at latitude 32°15'46" N., longitude 103°51'51" W., extending clockwise from a true bearing of 320° from the center point to a true bearing of 200° from the center point, and within a radius of 10 nautical miles of the center point extending clockwise from the true bearing of 200° to the true bearing of 320°.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. From 0800 MST, Dec. 10, 1961, to 1600 MST, Dec. 10, 1961, unless sooner terminated by NOTAM.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Atomic Energy Commission, Carlsbad, N. Mex.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11655; Filed, Dec. 6, 1961; 9:29 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8060 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Rothenberg, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Joseph Rothenberg, Inc., Buffalo, N.Y., Docket 8060 c.o., Sept. 20, 1961; Richard B. Yankee et al. doing business as Yankee Brokerage Company, Kansas City, Mo., Docket 8084 c.o., Sept. 29, 1961; Albin P. Crutchfield doing business as Albin Crutchfield, Titusville, Fla., Docket 8129 c.o., Sept. 20, 1961; Francis Carl Ford doing business as F. C. Ford Brokerage Co., Lakeland, Fla., Docket 8131 c.o., Sept. 20, 1961; Walden-Sparkman, Inc. et al., Dover, Fla., Docket 8143 c.o., Sept. 29, 1961; Robert Warren Crum doing business as Bob Crum, Tampa, Fla., Docket 8204 c.o., Sept. 29, 1961; and William Manis Company, Tampa, Fla., Docket 8215 c.o., Sept. 22, 1961]

In the Matters of Joseph Rothenberg, Inc., a Corporation; Richard B. Yankee and Beulah M. Yankee, Individually and as Copartners Doing Business as Yankee Brokerage Company; Albin P. Crutchfield, an Individual Doing Business as Albin Crutchfield; Francis Carl Ford, an Individual Doing Business as F. C. Ford Brokerage Co.; Walden-Sparkman, Inc., a Corporation, and P. D. Walden, John B. Simpson, and W. B. Sparkman, Jr., Individually and as Officers of Said Corporation; Robert Warren Crum, Individually and as a Copartner Doing Business as Bob Crum; and William Manis Company, a Corporation

Consent orders requiring seven brokers of citrus fruit and produce—one in Buffalo, N.Y., one in Kansas City, Mo., and five in Florida—to cease violating section 2(c) of the Clayton Act by accepting from Florida suppliers unlawful brokerage on their own purchases for resale, such as a discount at the rate of 10 cents per 1⅗ bushel box, or equivalent, or a lower price reflecting such commission.

By a separate "Decision and Order" in each of these seven matters, identical orders were issued requiring all of the respondents listed in the above caption and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, to forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

Reports showing compliance with the identical orders in these seven matters were required as follows:

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with these orders.

Issued: September 20, 1961 (Dockets 8060, 8129, 8131); September 22, 1961 (Docket 8215); September 29, 1961 (Dockets 8084, 8143, 8204).

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11566; Filed, Dec. 6, 1961; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER SECURITIES ACT OF 1933

Registration of Real Estate Company Securities

On April 18, 1961, notice of a proposed rule for the use of a new Form S-11 under the Securities Act of 1933 was published in the FEDERAL REGISTER (26 F.R. 3280). After consideration of all suggestions and comments made by interested persons regarding the proposed rule and the form, the Securities and Exchange Commission decided to adopt it substantially as proposed. Accordingly, Part 239, Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 239.18 as follows:

§ 239.18 Form S-11 for registration of securities of certain real estate companies.

All persons seeking registration after December 1, 1961, under the Securities Act of 1933 of (a) securities issued by real estate investment trustees, as defined in section 856 of the Internal Revenue Code or (b) securities issued by the issuers whose business is primarily that of acquiring and holding for investment real estate or interest in real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment shall file a registration statement on Form S-11. This form shall not be used by any issuer which is an investment company registered or required to register under the Investment Company Act of 1940. This form with instructions thereto was promulgated by the Commission in Securities Act Release No. 4422, dated October 26, 1961, which is incorporate herein by reference. Applicants for registration and other interested persons may obtain copies of Form S-11 with instructions thereto from the Publications Distribution Unit, Office of Records and Service, Securities and Exchange Commission, Washington 25, D.C., or from any Regional Office of the Commission. Copies may also be inspected in any of the Commission's public reference rooms.

(Sec. 6, 48 Stat. 78, 15 U.S.C. 77f; sec. 7, 48 Stat. 78, 15 U.S.C. 77g; and sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

Form S-11 and § 239.18 shall become effective December 1, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 1, 1961.

[F.R. Doc. 61-11577; Filed, Dec. 6, 1961; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55525]

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

Exemption for Bona Fide Gifts From Members of Armed Forces; Termination

To reflect the expiration on June 30, 1961, of the Act of December 5, 1942 (Public Law 790, 77th Congress, secs. 1 and 2, 56 Stat. 1041 (50 U.S.C. App. 846, 847)), as amended and extended, the Customs Regulations are amended as follows:

Section 54.3 and footnote 1 to Part 54 are deleted.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 2, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-11597; Filed, Dec. 6, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl O-3-Chloro-4-Methyl-2-Oxo-2H-1-Benzopyran-7-YL Phosphorothioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate in or on meat of cattle, goats, horses, poultry, sheep, and swine at 1 part per million. Instructions for the use of this pesticide include a warning against treatment of lactating dairy animals.

Data in the petition show that when the pesticide is used as proposed, no residue will result in eggs. There is no basis for fixing a tolerance for the pesticide in eggs and milk at a level higher than zero.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals,* paragraph (e)(5) is amended by adding as the third item in the list of cholinesterase-inhibiting compounds the name "*O,O*-diethyl *O*-3,chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate."

2. Part 120 is amended by adding thereto the following new section:

§ 120.189 Tolerances for residues of *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate.

Tolerances are established for residues of *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate in or on raw agricultural commodities as follows:

One part per million in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

Zero in eggs, milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 28, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11590; Filed, Dec. 6, 1961; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Eligible Loans; Use of Proceeds for Shelters

In § 201.6 paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added to read as follows:

§ 201.6 Eligible loans.

* * * * *

(e) *Use of proceeds—shelters.* (1) Before disbursing the proceeds of a loan to finance the construction of a civil defense shelter:

(i) The lender shall obtain a Statement of Eligibility issued by the Commissioner indicating that the proposed shelter is eligible for financing as a Title I Property Improvement Loan.

(ii) The shelter shall be inspected to determine that it is constructed in substantial conformance with the plans and specifications used by the Commissioner

as a basis for issuing the Statement of Eligibility.

(2) The lender shall certify that the shelter is constructed in substantial conformance with the plans and specifications.

(3) The provisions of subparagraphs (1)(ii) and (2) of this paragraph shall not become effective until December 15, 1961.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

Issued at Washington, D.C., December 1, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-11604; Filed, Dec. 6, 1961; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

Construction Contracts; Bids and Awards

Sections 210.1, 210.2, and 210.3 are revised, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 210.1 Advance notice to prospective bidders.

In connection with all construction contracts estimated to cost $100,000 or more for which an invitation is scheduled to be issued, an advance notice to prospective bidders will be prepared sufficiently in advance of the actual issuance of the invitation to stimulate interest on the part of the greatest possible number of contractors. Advance notices may also be prepared on projects estimated to cost less than $100,000 and for supplies where considered desirable. ENG Form 3132-R or ENG Form 3133-R [set out in paragraphs 205 and 206, Appendix A, Engineer Contract Instructions (ER 1180-1-1)] will be used to send advance notices to prospective bidders. Lengthy notices may be reproduced and mailed using ENG Form 3133-R as a foldover wrapper fastened with a wire staple. Advance notices will contain the information required by ENG Form 3132-R, but additional information may be added as appropriate. The advance notices will:

(a) Describe the proposed work in sufficient detail to permit prospective general contractors, subcontractors and suppliers to determine reasonably whether the work is of a nature and volume to warrant their buying plans;

(b) Specify the date by which bidders should return the request card in order to receive a complete bid set;

(c) State the various locations (offices) where plans will be on public display, available for inspection without charge; and

(d) Include for construction contracts a statement as to the approximate value of the proposed construction. That statement of value shall be in increments as follows: (1) Less than $25,000; (2) the nearest multiple of $25,000 up to $100,000; (3) the nearest multiple of $100,000 from $100,000 to $1 million; (4) the nearest multiple of $500,000 for from $1 million to $10 million; (5) over $10 million for all projects of greater estimated value.

Information on several projects for which invitations are scheduled to be issued may be grouped in one advance notice provided that information on any project or projects is not unduly delayed in order to be grouped with others. When an advance notice is used to circularize bidders, copies of the invitation, when issued, will be furnished only to those prospective bidders who have returned a request card indicating a desire to submit a bid.

§ 210.2 Notice of award.

The successful bidder will be notified in writing of the acceptance of his bid. Under construction contracts, this notice may accompany the contract papers which are forwarded for execution. To avoid error, or confusing the notice of award with a notice to proceed, the notice of award will be substantially in the following format:

You are hereby notified that your bid dated ---------- in the sum of $------ covering ---------- is accepted. A formal contract will be prepared for execution. Acceptable performance and payment bonds (if required) must be furnished upon execution of the formal contract. If approval of the contract is required by its express terms, the contract is not fully executed until such approval is obtained.

Under supply contracts a written award mailed (or otherwise furnished) to the successful bidder either on Standard Form 26 or Standard Form 33, results in a binding contract without further action by either party.

§ 210.3 Notice to proceed.

(a) *General.* When the contract specifies the time when the contractor is to proceed with the work under the contract, a notice to proceed will not be required. However, in any case where the contract requires the issuance of a notice to proceed the notice will fix the time for the commencement of the work and also, if appropriate, will fix the time for the completion of the work. The notice to proceed should be issued on a form letter, reproduced on local letterhead paper from a master copy, which will preclude repetitive typing of stereotype data. The notice to proceed will be executed in a sufficient number of copies to meet the contract distribution requirements in paragraph 30-206, Engineer Contract Instructions (ER 1180-1-1), and will bear the contract number in the upper right-hand corner of the notice.

(b) *Contractor's acknowledgment.* When a notice to proceed is issued, the contractor will acknowledge receipt thereof by signing and dating all copies of the acknowledgment and returning all but one copy to the contracting officer.

(c) *Proceeding before approval of bonds.* It is not necessary to delay commencement under the contract pending approval of bonds by The Judge Advocate General. Such action will be at the discretion of the contracting officer. In the event exceptions are taken to the bonds the contractor will immediately take steps to remove such exceptions or submit new bonds.

(d) *Commencing performance.* Contractors in no case will be required to commence performance prior to the commencement date fixed in the contract or in the notice to proceed. If they voluntarily do so and the contract is not ultimately signed, or approved when required, such action is at their own risk and without liability on the part of the Government. Contractors will not be required to commence performance until:

(1) Performance and payment bonds have been furnished, when required;

(2) The award has been approved, when approval is required; and

(3) Notice to proceed has been forwarded to the contractor where required.

[Regs., ENGGC-U, Nov. 27, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11558; Filed, Dec. 6, 1961; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-2; Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES

New York, N.Y., Commercial Zone

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of November, A.D. 1961.

It appearing, that on November 9, 1951, the Commission Division 5, made and filed its report, 53 M.C.C. 451, on further hearing in No. MC-C-2, and on reconsideration in Ex Parte No. MC-37, describing the zone adjacent to and commercially a part of New York, N.Y., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303 (b)(8)) and removing in certain respects the exemption as to transportation by motor vehicle within such zone;

It further appearing, that by petition filed February 29, 1960, the Pennsylvania Railroad Company seeks modification so as to restore the exemption in certain respects; and good cause appearing therefor:

It is ordered, That the said proceedings be, and they are hereby, reopened for further consideration.

It is further ordered, That § 170.1 as prescribed in the order entered in these proceedings on November 9, 1951 (49 C.F.R. 170.1) be, and it is hereby, vacated and set aside, and the following is hereby substituted in lieu thereof:

§ 170.1 New York, N.Y.

(a) The application of § 170.16 *Commerical zones determined generally, with exceptions,* is hereby extended to New York, N.Y.

(b) The exemption provided by section 203(b)(8) of the Interstate Commerce Act, of transportation by motor vehicle in interstate or foreign commerce, performed wholly within the zone the limits of which are defined in paragraph (a) of this section, is hereby removed as to all such transportation except (1) transportation which is performed wholly within the following territory: The area within the corporate limits of the cities of New York, Yonkers, Mount Vernon, North Pelham, Pelham, Pelham Manor, Great Neck Estates, Floral Park, and Valley Stream, N.Y., and Englewood, N.J., the area within the borough limits of Alpine, Tenafly, Englewood Cliffs, Leonia, Fort Lee, Edgewater, Cliffside Park, Fairview, Palisades Park, and Ridgefield Borough, Bergen County, N.J.; and that part of Hudson County, N.J., east of Newark Bay and the Hackensack River; (2) transportation which is performed in respect of a shipment which has had a prior, or will have a subsequent, movement by water carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph, on the one hand, and, on the other, those points in the City of Newark, N.J., identified as follows: All points in that area within the corporate limits of the City of Newark, N.J., west of Newark Bay and bounded on the south by Bound Creek, and the boundary line, between the City of Newark and the City of Elizabeth, N.J., on the west by New Jersey Highway 25, and on the north by the property of the Pennsylvania Railroad Company; and (3) transportation which is performed in respect of a shipment which has had a prior or will have a subsequent, movement by rail carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph, on the one hand, and, on the other, points in Kearny, N.J., within an area bounded on the north by the main line of New Jersey City branch of the Pennsylvania Railroad Company, on the south and east by Fish House Road and Pennsylvania Avenue and on the west by the property line of the Pennsylvania Railroad TrucTrain Terminal.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective January 4, 1962, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11593; Filed, Dec. 6, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Sand Lake National Wildlife Refuge, South Dakota; Upland Game

On page 9999 of the FEDERAL REGISTER of October 25, 1961, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Sand Lake National Wildlife Refuge as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

This amendment, because of the urgency of maintaining a balanced pheasant population, is effective immediately upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664, 718d; 43 U.S.C. 315a)

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 30, 1961.

Section 32.21 is amended by the addition of the following area as one where the hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

SOUTH DAKOTA

Sand Lake National Wildlife Refuge.

[F.R. Doc. 61-11567; Filed, Dec. 6, 1961; 8:45 a.m.]

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 500 acres or 10 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, yellow perch, bullheads, and other minor species permitted under State regulations.

(b) Open season: January 1, 1962 through February 15, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—5; yellow perch and bullheads—no limit; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

(2) No snag hook, snag line or snag pole may be used to take fish.

(3) One dip net per person may be used for the taking, catching or killing of rough fish, except suckers.

(4) No person while operating a dip net for rough fish shall fish for fish in any other manner at that time.

(5) All ice fishing tip-ups must be identified with the name of the owner.

(6) It shall be unlawful for any person to cut, use or maintain a hole larger than 12 inches in diameter or square for the taking of fish in any manner through the ice, except for dip-netting.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1962.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 1, 1961.

[F.R. Doc. 61-11600; Filed, Dec. 6, 1961; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-5]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Alteration of Proposals

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-NY-5 on March 18, 1961 (26 F.R. 2319), it was stated that the Federal Aviation Agency proposed to revoke low altitude Blue Federal airway No. 56, its associated control areas and reporting points between Norfolk, Va., and Washington, D.C.; realign the segment of low altitude VOR Federal airway No. 156 from the Richmond, Va., VOR to the Cape Charles, Va., VOR via a VOR to be installed approximately January 1, 1962, near Harcum, Va., at latitude 37°30'00" N., longitude 76°32'30" W.; and designate a segment of low altitude VOR Federal airway No. 33 from the Nottingham, Md., VOR to the Deep Creek, Va., Intersection, via the intersection of the Nottingham VOR 175° and the Patuxent, Md., VOR 227° True radials, thence via the proposed Harcum, Va., VOR. Further, it was stated that the Federal Aviation Agency proposed to designate the control area associated with these segments of Victor 33 and Victor 156 to extend upward from 1,200 feet above the surface.

Subsequent to the publication of the notice, it has been determined that the following alterations to the original proposal are necessary:

(a) Align Victors 33 and 156 via the Harcum, Va., VOR at a new site which has been selected at latitude 37°26'54" N., longitude 76°42'43" W. The original site chosen for the Harcum VOR has been proven unsuitable.

(b) Alter the alignment of Victor 33 from Nottingham to the new Harcum VOR via the intersection of the Nottingham VOR 174° and the Harcum VOR 003° True radials. This will provide lateral separation with the Dahlgren, Va., Complex, Restricted Area R-6613.

(c) Defer application of Amendment 60.21 to Part 60 of the Civil Air Regulations to the control area associated with these segments of Victors 33 and 156 until such time as all control areas associated with the other airways in the vicinity of Norfolk, Cape Charles, Nottingham, and Richmond can be altered by applying Amendment 60-21. The control area associated with the altered segments of Victors 33 and 156 would extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to December 29, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-NY-5 is extended to December 29, 1961. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on December 1, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11564; Filed, Dec. 6, 1961; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454-7), notice is hereby given of the intention to modify § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season 1962 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to Area Director, U.S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Section 221.12 is amended to read as follows:

§ 221.12 Charges.

In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1962 and subsequent years until further notice, are hereby fixed as follows:

For the assessable nondistrict area under constructed works on all Government-operated units excepting Coburn ditch, per acre	$3.10
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre	1.30
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, nonirrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation of said Works, per acre	.15
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre	.75

PERCY E. MELIS,
Area Director.

[F.R. Doc. 61-11568; Filed, Dec. 6, 1961; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

DRUGS AND DEVICES

Prescription-Drug Labeling Requirements; Extension of Time for Filing Views and Comments

A proposed revision of § 1.106(b)(3) was published in the FEDERAL REGISTER of November 10, 1961 (26 F.R. 10601). It provided 30 days for the filing of comments.

On the basis of representations made to him by the interested industry, the Commissioner of Food and Drugs has determined that more time is necessary for the industry groups to evaluate the proposal and submit comments. The Commissioner therefore orders that the time for filing comments be extended to January 9, 1962.

Dated: December 1, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11586; Filed, Dec. 6, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 622) has been filed by Pabst Brewing Company, Milwaukee 1, Wisconsin, proposing the issuance of an amendment to the food additive regulations to provide for the safe use of not less than 3 grams of bacitracin and not less than 1 gram of procaine penicillin alone, or in combination with amprolium or zoalene in medicated poultry feed for growth promotion, provided that the total antibiotic used does not exceed 50 grams per ton of finished feed.

Dated: November 27, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11589; Filed, Dec. 6, 1961; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

CERTAIN INDUSTRIES IN PUERTO RICO

Minimum Piece Rates

Pursuant to authority in section 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby propose to revise Schedule A and Schedule B of 29 CFR 545.13 by increasing the piece rates appearing thereon commensurate with increases in the minimum hourly wage rates now applicable under the Fair Labor Standards Amendments of 1961 (Public Law 87-30) and the wage orders issued under them for the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (26 F.R. 10130), the handkerchief, square scarf, and art linen industry in Puerto Rico (26 F.R. 10130) and the children's dress and related products industry in Puerto Rico (26 F.R. 9819).

These revisions also add new operations No. 21.1, 21.2, 22.2, and 22.3 which are proposed on the basis of production time studies conducted in Puerto Rico with a representative group of home workers.

Any person interested in these proposals may file a written statement of data, views and arguments regarding them with the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

It is proposed that the revised schedules shall read as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
		Cents	*Cents*	*Cents*	
1	Arenilla (seed stitch), close, ½" squares	84.00	75.60	81.60	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	42.00	37.80	40.80	Do.
3	Arrows, filled in, ½"	21.00	18.90	20.40	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 46.67	[2] 42.00	58.33	Per yard.
5	Basting bias with cord	23.10	20.80	22.44	Do.
6	Basting darts before sewing	[2] 24.36	[2] 21.93	30.62	Do.
7	Basting for fagoting	6.32	5.69	6.14	Do.
8	Basting hems, 1" to 6" wide	[2] 14.00	[2] 12.60	17.50	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.	12.10	10.89	11.75	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch.	[2] 8.76	[2] 7.89	10.96	Do.
11	Bias piping, joined, double, over 10 stitches per inch.	28.00	25.20	27.20	Do.
12	Bias piping, joined, single, over 10 stitches per inch.	35.00	31.50	34.00	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.	42.19	37.97	40.98	Do.
14	Blanket stitch, folding included, 18 stitches per inch.	79.33	71.40	77.07	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.	[2] 9.15	[2] 8.23	11.39	Per dozen.
16	Buttonhole, stamped, ⅜" long	[2] 30.19	[2] 27.18	37.70	Do.
17	Buttonhole, stamped, ½" long	[2] 40.13	[2] 36.12	50.21	Do.
18	Buttonhole stitch, close	63.00	56.70	61.20	Per yard.
19	Buttonhole stitch for joining seams	63.00	56.70	61.20	Do.
20	Cord, twisted, over basting	7.00	6.30	6.80	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	9.60	8.63	9.33	Per yard.
21.1	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, large outline, around scallops measuring 1" or more.	1.75			Do.
21.2	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, small outline around scallops measuring less than 1".	3.94			Do.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operation.	3.94	3.55	3.82	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).	4.83	4.83	4.91	Do.
22.2	Hand cutting material underneath straight or nearly straight outline.	1.34			Do.
22.3	Hand cutting material underneath irregular outline.	2.00			Do.
23	Dots, baby, not finished off, 2 to 3 stitches	5.83	5.26	5.67	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	9.24	8.32	8.97	Do.
25	Eyelets, up to 1/8" diameter	15.60	14.05	15.15	Do.
26	Eyelets, 3/16" diameter	28.00	25.20	27.20	Do.
27	Fagoting, straight lines	97.50	87.75	94.71	Per yard.
28	Fagoting, twisted lines	46.67	42.00	45.33	Do.
29	Feather stitch, 12 stitches per inch	46.67	42.00	45.33	Do.
30	Feather stitch cord	24.56	22.10	23.86	Do.
31	Flat fell seams, first seam by machine	[2] 27.35	[2] 24.61	34.14	Do.
32	Flat roll	[2] 21.23	[2] 19.10	26.50	Do.
33	French knots, not finished off	2.92	2.63	2.53	Per dozen.
34	French seams, over 12 stitches per inch	[2] 17.50	[2] 15.76	21.87	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 11.56	[2] 10.41	14.46	Do.
36	Furunecos, with tape	105.00	94.50	102.00	Do.
37	Furunecos, without tape	84.00	75.60	81.60	Do.
38	Guariquenas	7.00	6.30	6.80	Per dozen.
39	Half roll (with colored or emb. thread)	22.96	20.66	22.31	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	[2] 12.24	[2] 11.01	15.29	Do.
41	Hemming stitch for felling, cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	[2] 31.31	[2] 28.19	39.14	Do.
42	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	86.80	78.12	84.32	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	45.56	41.00	44.26	Do.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear and nightwear		
		(1)	(2)	(3)	
		Cents	*Cents*	*Cents*	
44	Lace, joined with whipping stitch	72.92	65.63	70.83	Per yard.
45	Lace, sewed on with hemming stitch or round roll.	35.00	31.50	34.00	Do.
46	Leaves, open, 1/4" long	28.00	25.20	27.20	Per dozen.
47	Leaves, open, 3/8" to 1/2" long	42.00	37.80	40.80	Do.
48	Leaves, simple	2.61	2.35	2.54	Do.
49	Leaves, solid, not finished off, 1/8" long	7.08	6.92	7.46	Do.
50	Leaves, solid, not finished off, 1/4" long	9.33	8.40	9.07	Do.
51	Leaves, solid, not finished off, 3/8" to 1/2" long.	14.00	12.60	13.60	Do.
52	Leaves, solid, finished off, 5/8" to 3/4" long	28.00	25.20	27.20	Do.
53	Loops, knitted, 1/4"	8.76	7.89	8.52	Do.
54	Loops, knitted, 1" to 1½"	14.72	13.25	14.30	Do.
55	Loops, made with buttonhole stitch	21.00	18.90	20.40	Do.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled with hemming stitch.	83.64	75.27	81.24	Per yard.
57	Overcasting seams	[2] 14.89	[2] 13.39	18.62	Do.
58	Pasadas, short, 1" to 8"	6.53			Per dozen pasadas.
59	Patches, sewed on with single point de turc	139.44	125.50	135.45	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½ inch.	8.80	7.92	8.55	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	137.20	123.48	133.28	Per yard.
60	Pin stitch, thread drawing not included, 1 inch squares.	168.00	151.20	163.20	Per dozen squares.
61	Point de turc double, with embroidery thread.	69.64	62.67	67.64	Per yard.
62	Point de turc plain, with embroidery thread	40.83	36.74	39.67	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	17.50	15.74	17.00	Do.
64	Randa, Don Gonzales, thread drawing not included.	73.50	66.14	71.40	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	21.00	18.90	20.40	Do.
66	Ribbons, setting ends of	9.60	8.63	9.33	Per dozen.
67	Rolling armholes and reboques	[2] 35.76	[2] 32.18	44.70	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	20.80	18.71	20.21	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	[2] 17.50	[2] 15.76	21.87	Per yard.
70	Running stitch for felling, very close stitch	[2] 17.50	[2] 15.76	21.87	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	[2] 18.81	[2] 16.92	23.55	Do.
72	Running stitch on lace	18.57	16.72	18.05	Do.
73	Running stitch for plain sewing	[2] 12.65	[2] 11.39	15.83	Do.
74	Scallops, plain, cutting included	70.47	63.42	68.45	Do.
75	Shadow stitch, up to 3/8" wide	135.33	121.80	131.47	Do.
76	Shell, 4 to 5 stitches per inch	24.00	21.61	23.31	Do.
77	Shirring, material to be measured before shirring.	14.09	12.68	13.70	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	16.94	15.24	16.45	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	30.44	27.39	29.56	Do.
80	Shoulder straps, set with buttonhole stitch, 14½" x ¼", measured after turning, sewing up to 3/8" at each end at strap.	82.74	74.46		Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[2] 14.00	[2] 12.60	17.50	Per dozen inches.
82	Smocking	.58	.51	.57	Per dozen stitches.
83	Snaps, sewing on, both sides	[2] 14.00	[2] 12.60	17.50	Per dozen.
84	Solid cord stitch on gores and embroidery	65.80	59.22	63.92	Per yard.
85	Solid cord stitch to sew on lace	59.50	53.54	57.80	Do.
86	Spiders, 4 legs	14.00	12.60	13.60	Per dozen.
87	Spiders, 8 legs	27.36	24.62	26.58	Do.
88	Tacks, set for fagoting	7.00	6.30	6.80	Do.
89	Tucks stamped, 1/16" to ¼" wide up to 6" long	21.90	[2] 19.71	21.27	Do.
90	Tucks, pin, stamped up to 7" long	23.08	20.78	22.42	Do.
91	Tucks, pin, unstamped up to 6" long	28.00	25.20	27.20	Do.
93	(See operation No. 22.1.)				
94	Turning belts, machine sewn, 29" x ½", measured after turning.	19.99	19.99	20.34	Per dozen belts.
95	Turning belts, machine sewn, 60" x ½", measured after turning.	25.40	25.40	25.85	Do.
96	Turning shoulder pads, 5¾" long, with an unsewed slit of 1" for turning.	12.98	12.98	13.20	Per dozen pads.
97	Turning shoulder straps, 14½" x ¼", measured after turning.	39.85	39.85		Per dozen straps.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
99	Arenillas (seed stitch), close, ½" squares	34.80	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" squares	17.40	Do.
101	Arrows, filled in, ¼" long	8.70	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.66	Per dozen inches.
103	Basting stitch for trimming forming crosses, etc., 4 stitches per inch	1.45	Do.
103.1	Basting and folding hem on edges up to 1½" hem	[2] .58	Do.
104	Blind hemstitch	5.80	Do.
105	Buttonhole stitch, 16 stitches per inch	5.80	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	8.70	Do.
107	Chain stitch, 4 stitches per inch	1.45	Do.
108	Chain stitch, 8 stitches per inch	2.90	Do.
109	Cord, solid, on stem	9.08	Do.
110	Cord, twisted, over basting	2.90	Do.
111	Cord or embroidery, solid, without filling, up to 1/8" thick [3]	8.70	Do.
112	Crouching or flat cord, 4 stitches per inch	1.45	Do.
113	Cross stitch, 6 crosses per inch	6.18	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	11.60	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	8.70	Per dozen.
115	Diamonds, filled in, ¼" to 3/8" wide	8.70	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	2.41	Do.
117	Dots, large, not filled in, finished off, 12 stitches	4.35	Do.
118	Dots, large, filled in, finished off, over 12 stitches	8.70	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	5.80	Do.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.
[3] These piece rates have been set on the basis of O.N.T. thread #5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread #11 is used, 15 percent must be added to the piece rates established for thread #5.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents	Unit of payment
120	Dots, medium, not filled in, finished off, 8 to 9 stitches	3.83	Per dozen.
120.1	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread.	2.48	Do.
120.2	Dots, medium, finished off, 5 stitches, with double embroidery thread.	3.28	Do.
121	Embroidery, solid, 3/16" to ¾" thick, averages 28 stitches per inch [3]	11.60	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	11.60	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	8.70	Do.
124	Eyelets, 1/8" diameter	6.47	Per dozen.
125	Feather stitch, 12 stitches per inch	6.45	Per dozen inches.
126	Feather stitch cord	3.40	Do.
127	Flat hems without pasada	[2] 3.01	Do.
128	French knots, not finished off	1.22	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.32	Do.
129	Guariquenas	2.90	Do.
130	Hand or French rolling, 10 stitches or less per inch	8.20	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch	9.85	Do.
132	Hand-rolling one side of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	19.34	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner	38.66	Do.
134	Hand-rolling both sides of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¾" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner	48.34	Do.
135	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included	11.98	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included	6.30	Do.
137	Initials, simple, with hoops	29.00	Do.
138	Initials, simple, without hoops	17.98	Do.
139	Lace, joined at corners with hemming stitch	5.70	Do.
140	Leaves, simple	1.08	Per dozen.
141	Leaves, solid, not finished off, ¼" long	3.86	Do.
142	Leaves, solid, not finished off, 3/8" to ½" long	5.80	Do.
143	Leaves, solid, not finished off, 5/8" to ¾" long	11.60	Do.
144	Loops, made with worm stitch, ¼"	1.94	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive	5.80	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over	8.12	Do.
147	Pasadas, 15" x 15", linen up to 1600 count, inclusive	9.86	Do.
148	Pasadas, 15" x 15", linen 1700 count and over	12.18	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1400 count inclusive	13.92	Do.
150	Pasadas, short, 1" to 7", linen up to 1600 count inclusive	[4] 3.01	Do.
	Pasadas, short:		
151	Cambric, 1" to 10"	5.80	Do.
152	Crash, 1" to 10"	4.35	Do.
153	Cambric, 10½" to 18"	11.60	Do.
154	Crash, 10½" to 18"	8.70	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included	6.35	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	11.05	Do.
156.1	Patches, irregular outline sewed on with blind stitch, up to 4"	8.12	Per dozen inches.
156.2	Patches, irregular outline sewed on with blind stitch, over 4"	4.13	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included	5.21	Do.
158	Pin stitch, thread drawing not included, 1" sq	69.60	Do.
159	Randa, Don Diego, thread-drawing not included	13.05	Do.
160	Randa, Mexican, tied at center only, thread drawing not included	2.90	Do.
161	Randa, simple, not stitched at either side; thread drawing not included	2.20	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	8.61	Per dozen.
163	Scallops, plain, cutting included	9.74	Per dozen inches.
164	Shadow stitch, up to 3/8" wide	18.68	Do.
165	Spiders, 4 legs	5.80	Per dozen.
166	Spiders, 8 legs	11.34	Do.

No.	Operation	Cents		Unit of Payment
		Cambric	Crash	
		(1)	(2)	
	Thread drawing			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped 1" to 10"	2.07		Per dozen threads.
167.2	Not stamped 1" to 10"	2.59	1.54	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	11.59	9.44	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	9.27	7.85	Do.
167.7	15" x 15"	11.59	9.44	Do.
167.8	18" x 18"	13.91	10.90	Do.
	Scarves:			
168.0	17" x 36"	20.47	14.67	Do.
168.1	17" x 45"	23.95	16.54	Do.
168.2	17" x 54"	27.43	18.36	Do.
	Squares:			
168.3	36" x 36"	27.83	18.55	Do.
168.4	45" x 45"	34.77	22.05	Do.
168.5	54" x 54"	41.73	25.77	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"		1.46	Do.
168.7	15" 24"		2.12	Do.
168.8	18" x 30"		2.43	Do.
169	Art linens, after first thread	(5)	(5)	

No.	Operation	Cents	Unit of Payment
	Thread drawing		
	Ladies handkerchiefs:		
170	First thread around edge, cotton or linen, up to 1600 count inclusive.	2.90	Per dozen threads.
171	First thread, inside, cotton or linen, up to 1600 count inclusive	3.64	Do.
172	After first thread (for example, for hemstitching)	(5)	
173	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	4.35	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20".	5.09	Do.
175	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	5.09	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20".	5.80	Do.
177	After first thread (for example, for hemstitching)	(5)	

[4] For each additional count of 100, add 1.16 cents.
[5] For second and third threads, 20 percent of rate for first threads; for additional threads, 15 percent of rate for first thread.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Doilies			Napkins			Table scarves			Squares			Table cloths		
		8"x16"	10"x14"	12"x18"	12"x12"	15"x15"	18"x18"	17"x36"	17"x45"	17"x54"	36"x36"	45"x45"	54"x54"	54"x72"	72"x72"	72"x90"
179	Half roll, cambric and crash, at 3.17 cents per dozen inches	1.52	1.52	1.90	1.52	1.90	2.28	3.36	3.93	4.50	4.56	5.70	6.84	7.98	9.12	10.26
180	Hand or French rolling, 10 stitches or less per inch, cambric, and crash, at 2.05 cents per dozen inches	.99	.99	1.23	.99	1.23	1.48	2.18	2.54	2.91	2.96	3.69	4.43	5.17	5.91	6.65
	Hemming stitch over pasada, measuring all around edge:															
181	Cambric, at 1.94 cents per dozen inches [2]	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29
182	Crash, at 1.82 cents per dozen inches [2]	.87	.87	1.09	.87	1.09	1.31	1.93	2.25	2.58	2.62	3.27	3.93	4.58	5.24	5.89
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 1.94 cents per dozen inches [2]	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29
184	Crash, at 1.82 cents per dozen inches [2]	.87	.87	1.09	.87	1.09	1.31	1.93	2.25	2.58	2.62	3.27	3.93	4.58	5.24	5.89
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 2.17 cents per dozen inches [2]	1.04	1.04	1.30	1.04	1.30	1.57	2.31	2.70	3.09	3.13	3.91	4.70	5.48	6.26	7.05
186	Crash, at 1.94 cents per dozen inches [2]	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29

No.	Operation	Cents	Unit of payment
	Scallop cutting		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 3/16" up to but not including 5/16", along outside edge.	29.12	Per dozen scallops.
187.5	Medium, measuring from 5/16" up to but not including 7/16", along outside edge.	36.67	Do.
187.6	Large, measuring from 7/16" to and inclusive of 1¼", along outside edge.	55.00	Do.
	Needlepoint operations [3] [7]		
200	Compact florals, figures and landscapes	30.16	Per 1,000 stitches.
201	Scattered florals	32.48	Do.
202	Scattered florals consisting of borders or garlands only	34.80	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	32.48	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	34.80	Do.
205	2.32 cents must be added to the above piece rates to cover thumbtack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with section 545.10.		

[1] See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.
[3] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulation 545.10.
1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit Point.
6. Stamped grospoint.
[7] *Definitions.* (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas. (2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

Signed at Washington, D.C., this 29th day of November 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-11432; Filed, Dec. 6, 1961; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 201, 206, 221, 298, 299]

ESTABLISHMENT OF USER CHARGES OR FEES

Extension of Time for Study of Comments

In F.R. Doc. 61-9709 appearing in the FEDERAL REGISTER issue of October 11, 1961 (26 F.R. 9600), as amended by the notice in F.R. Doc. 61-10763 appearing in the FEDERAL REGISTER issue of November 10, 1961 (26 F.R. 10601) notice of proposed rule making was issued under 46 CFR Parts 201, 206, 221, 298, 299 relative to the establishment of user charges or fees.

Pursuant to action of the Maritime Administrator and the Maritime Subsidy Board taken on December 1, 1961, notice is hereby given that the effective date of the proposed rule is extended to the close of business on March 1, 1962. The aforesaid extension of the effective date from January 1, 1962 to March 1, 1962, is made in order to afford the Maritime Administrator and the Maritime Subsidy Board an opportunity to study and analyze the data, views, comments, or arguments received on or before November 24, 1961 from interested parties regarding the proposed users charges or fees. The aforesaid extension of time does not extend the time within which interested parties may submit their data, views, comments, or arguments, and no consideration will be given to any material not submitted by the close of business on November 24, 1961.

Dated: December 4, 1961.

By order of the Maritime Administrator and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-11598; Filed, Dec. 6, 1961; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release 40-3368]

RECORDS TO BE MAINTAINED AND PRESERVED BY REGISTERED INVESTMENT COMPANIES AND OTHERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration, pursuant to sections 31, 38(a), and the other sections noted below, of the Investment Company Act of 1940 ("Act"), a proposal to amend Rules 31a-1 and 31a-2 (§§ 270.31a-1 and 270.31a-2) and to adopt a new Rule 31a-3 (§ 270.31a-3) thereunder. The proposed rules relate to records to be maintained and preserved by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.

Section 31(a) of the Act provides that every registered investment company, and every underwriter, broker, dealer or investment adviser which is a majority-owned subsidiary of such a company, shall maintain and preserve for such period or periods as the Commission may prescribe by rules and regulations such accounts, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Act and of the auditor's certificates relating thereto. It also provides that every investment adviser not a majority-owned subsidiary of, and every depositor of, any registered investment company, and every principal underwriter for any registered investment company other than a closed-end investment company, shall maintain and preserve for such period or periods as the Commission shall prescribe by rules and regulations, such accounts, books, and other documents as are necessary or appropriate to record such person's transactions with such registered company.

Section 38(a) of the Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act. Among the matters with which the Commission is concerned under the Act, and in respect of which the Commission deems it necessary and appropriate that adequate records shall be maintained, are affiliations of directors of a registered investment company (section 10); prohibitions against deviating from the registered investment company's investment policy as recited in its registration statement filed with the Commission pursuant to section 8, except pursuant to specified procedures (section 13(a)); and compliance with the requirements governing advisory and underwriting contracts and renewals thereof (section 15). Section 36 of the Act authorizes the Commission to bring an action in an appropriate court to remove, for gross misconduct or gross abuse of trust, any person serving or acting for any registered investment company as officer, director, member of an advisory board, investment adviser, depositor, or, in the case of a registered company other than a closed-end company, as principal underwriter. In addition, the Commission is authorized, under section 42(e) of the Act, to bring an action in an appropriate court to enjoin any person from engaging in any act or practice constituting a violation of any provision of the Act or of any rule, regulation, or order thereunder.

Section 270.31a-1 as now in effect prescribes in general terms the accounts, books, and other documents required of every registered investment company and certain of the persons enumerated in section 31(a) of the Act, as well as the required periods of time the various records shall be kept by them. Section 270.31a-2 as now in effect prescribes, also in general terms, the recordkeeping requirements of other persons enumerated in section 31(a), together with the minimum periods of retention thereof.

As a result of the experience gained by the Commission in its administration and enforcement of the Act, including the experience derived from staff inspections of registered investment companies and certain affiliated persons, it appears to the Commission that its existing rules regarding the foregoing matters lack sufficient specificity and detail. Accordingly, the Commission deems it to be in the public interest and in the interest of investors to amend the existing §§ 270.31a-1 and 270.31a-2 by prescribing, with greater specificity and detail, the records required to be kept in securities transactions and by prescribing the keeping of certain memoranda and documents not previously required. The Commission also deems it to be in the public interest and in the interest of investors to adopt a new § 270.31a-3 setting forth certain requirements in circumstances where the records which are required to be maintained and preserved pursuant to the provisions of §§ 270.31a-1 and 270.31a-2 are prepared or maintained by an agent on behalf of the persons required to maintain and preserve such records.

Sections 270.31a-1 and 270.31a-2 reflecting the proposed amendments, and the proposed new § 270.31a-3, read as follows:

§ 270.31a-1 Records to be maintained by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.

(a) Every registered investment company, and every underwriter, broker, dealer, or investment adviser which is a majority-owned subsidiary of such a company, shall maintain and keep current the accounts, books, and other documents relating to its business which constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Investment Company Act of 1940 and of the auditor's certificates relating thereto.

(b) Every registered investment company shall maintain and keep current the following books, accounts, and other documents:

(1) Journals (or other records of original entry) containing an itemized daily record in detail of all purchases and sales of securities (including sales and redemptions of its own securities), all receipts and deliveries of securities (including certificate numbers if such detail is not maintained by custodian), all receipts and disbursements of cash and all other debits and credits. Such records shall show for each such transaction the name and quantity of securities, the unit and aggregate purchase or sale price, commission paid, the market on which effected, the trade date, the clearance date, and the name of the person through or from whom purchased or received or to whom sold or delivered. Such records shall show for all dividends receivable the ex-dividend dates with respect to securities for which such date has been set by a securities exchange or a national securities association, and record dates with respect to other securities.

(2) General and auxiliary ledgers (or other records) reflecting all asset, liability, reserve, capital, income and expense accounts, including:

(i) Separate ledger accounts (or other records) reflecting the following:

(*a*) Securities in transfer;
(*b*) Securities in physical possession;
(*c*) Securities borrowed and securities loaned;
(*d*) Monies borrowed and monies loaned (together with a record of the collateral therefor and substitutions in such collateral);
(*e*) Dividends and interest received;
(*f*) Dividends receivable and interest accrued.

Instruction: (*a*) and (*b*) of this subdivision shall be stated in terms of securities quantities only; (c) and (*d*) of this subdivision shall be stated in dollar amounts and securities quantities as appropriate; (*e*) and (*f*) of this subdivision shall be stated in dollar amounts only.

(ii) Separate ledger accounts (or other records) for each portfolio security and separate ledger accounts (or other records) for each broker dealer, bank or other person with or through which transactions in portfolio securities are effected, or through which deliveries of such securities are effected, showing (as of trade dates) (*a*) the quantity and unit and aggregate price for each purchase, sale, receipt, and delivery of securities and commodities for such accounts, (*b*) all contractual commitments to purchase or sell or deliver or receive securities or other property with respect to such accounts, and (c) all other debits and credits for such accounts. Securities positions and money balances in such ledger accounts (or other records) shall be brought forward periodically but not less frequently than at the end of fiscal quarters. Any portfolio security, the salability of which is conditioned, shall be so noted. A memorandum record shall be associated with each portfolio security account setting forth the amount and declaration, ex-dividend, record and payment dates of each dividend declared thereon. The record of each account with a broker-dealer, bank or other person in addition to the above shall reflect with respect to each transaction the amount of any commission or other fee associated with such transaction.

(3) Separate ledger accounts (or other records), which may be maintained by a transfer agent or registrar, showing for each shareholder of record of the investment company the number of shares of capital stock of the company held. In respect of share accumulation accounts (arising from periodic investment plans, dividend reinvestment plans, deposit of issued shares by the owner thereof, etc.), details shall be available as to the dates, number of shares and prices of each such accumulation.

(4) A securities record or ledger reflecting separately for each portfolio security as of trade date all "long" and "short" positions carried by the investment company for its own account and showing the location of all securities long and the off-setting position to all securities short. The record called for by this paragraph shall not be required in circumstances under which all portfolio securities are maintained under a single custody agreement by a bank or a member of a national securities exchange.

(5) Corporate charters, certificates of incorporation, by-laws, and minute

books of stockholders', directors' committee, and advisory board or advisory committee meetings.

(6) A memorandum of each brokerage order, and of any other instruction, given by or in behalf of the investment company for, or in connection with, the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall include the name of the broker, the terms and conditions of the order or instructions and of any modification or cancellation thereof, the time of entry or cancellation, the price at which executed, and the time of receipt of report of execution. The memorandum shall indicate the name of the person who placed the order on behalf of the investment company and the name of the person who authorized the placing of the order.

(7) A memorandum of all other portfolio purchases or sales showing details comparable to those prescribed in subparagraph (6) of this paragraph.

(8) A record of all puts, calls, spreads, straddles, and other options in which the investment company has any direct or indirect interest or which the investment company has granted or guaranteed, containing, at least, an identification of the security, the number of units involved, the option price, the date of maturity, the date of issuance, and the person to whom issued.

(9) A record of the proof of money balances in all ledger accounts in the form of trial balances. Such trial balances shall be prepared currently at least once a month.

(10) A record showing, in specific terms, the basis for the placing of orders among brokers or dealers for the purchase and sale of portfolio securities of the investment company. Indicate whether the placing of such orders was based, in whole or in part, on (i) the sale of the investment company's shares by such brokers or dealers, (ii) the supplying of services or benefits by such brokers or dealers to the investment company or its investment adviser or principal underwriter, or any persons affiliated therewith, or (iii) any considerations other than those based on the technical qualifications of the brokers or dealers as such.

(11) A record of all instructions or advice, whether written or oral, given either directly by the investment company or indirectly by or through its investment adviser or principal underwriter, governing the division of brokerage commissions paid by the investment company on transactions in its portfolio securities. This record shall include the identities of the persons responsible for the giving of such instructions or advice, the identities of the persons by whom and to whom such division of brokerage commissions is to be made, and the basis for determining such division.

(12) A record in the form of an appropriate memorandum identifying the person or persons making or authorizing decisions to purchase or sell portfolio securities. There shall be retained as part of such record any memorandum, recommendation, or instruction supporting or authorizing the transaction.

(13) A separate file by security title of all advisory material received from the investment adviser, any advisory board or advisory committee, or any other persons from whom the investment company accepts investment advice, other than material which is furnished solely through uniform publications distributed generally.

(14) The term "other records" as used in the expression "ledger account (or other records)" shall be construed to include, where appropriate, copies of voucher checks, confirmations, or similar documents which reflect the information required by the applicable rule or rules in appropriate sequence and in permanent form, including similar records developed by the use of automatic data processing systems.

(c) Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall maintain in the form prescribed therein such accounts, books and other documents as are required to be maintained by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934.

(d) Every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end investment company, shall maintain such accounts, books and other documents as are required to be maintained by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

(e) Every investment adviser which is a majority-owned subsidiary of a registered investment company shall maintain in the form prescribed therein such accounts, books and other documents as are required to be maintained by registered investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940.

(f) Every investment adviser not a majority-owned subsidiary of a registered investment company shall maintain such accounts, books and other documents as are required to be maintained by registered investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

§ 270.31a–2 Records to be preserved by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.

(a) Every registered investment company shall:

(1) Preserve permanently, the first two years in an easily accessible place, all books and records required to be made pursuant to subparagraphs (1) through (5) of § 270.31a–1(b);

(2) Preserve for a period not less than six years from the end of the fiscal year in which any transactions occurred, the first two years in an easily accessible place, all books and records required to be made pursuant to subparagraphs (6) through (14) of § 270.31a–1(b) and all vouchers, memoranda, correspondence, checkbooks, bank statements, cancelled checks, cash reconciliations, cancelled stock certificates, and all schedules evidencing and supporting each computation of net asset value of the investment company shares, and other documents required to be maintained by § 270.31a–1(a) and not enumerated in § 270.31a–1(b).

(b) Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall preserve for the periods prescribed therein such accounts, books and other documents as are required to be preserved by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934.

(c) Every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end company, shall preserve for a period of not less than six years such accounts, books and other documents as are required to be maintained by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

(d) Every investment adviser which is a majority-owned subsidiary of a registered investment company shall preserve for the periods prescribed therein such accounts, books and other documents as are required to be preserved by investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940.

(e) Every investment adviser not a majority-owned subsidiary of a registered investment company shall preserve for a period of not less than six years such accounts, books and other documents as are required to be maintained by registered investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section:

(1) After a record, book or other document has ben preserved for three years, a photograph or film thereof may be substituted therefor for the balance of the required time; and

(2) Any record, book or other document may be destroyed in accordance with a plan previously submitted to and approved by the Commission. A plan shall be deemed to have been approved by the Commission if notice to the contrary has not been received within 90 days after submission of the plan to the Commission.

§ 270.31a–3 Records prepared by agent to be property of principal.

(a) If the records required to be maintained and preserved pursuant to the provisions of §§ 270.31a–1 and 270.31a–2 are prepared or maintained by an agent on behalf of the person required to maintain and preserve such records, said person shall obtain from the agent an agreement in writing to the effect that such records are the property of the person required to maintain and preserve such records and will be surrendered promptly on request.

(b) In cases where a bank acts as custodian, transfer agent, or dividend disbursing agent, compliance with this section shall be considered to have been met if such agent agrees in writing to make any records relating to such service available upon request.

(Secs. 31, 38(a), 54 Stat. 838, 841, 15 U.S.C. 80a–30, 80a–37)

All interested persons are invited to file, in triplicate, views and comments with respect to the proposed new rules. They should be submitted to the Securities and Exchange Commission, Washington 25, D.C., on or before January 12, 1962. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 28, 1961.

[F.R. Doc. 61–11578; Filed, Dec. 6, 1961; 8:46 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued an amendment, set forth below, to Facility License No. DPR-2, as amended. The license authorizes Commonwealth Edison Company to operate the dual cycle, boiling water type nuclear reactor designated as the "Dresden Nuclear Power Station" and located in Grundy County, Illinois. The amendment authorizes Commonwealth Edison to receive, possess and use source material as fuel for operation of the Dresden facility.

After consideration by the Advisory Committee on Reactor Safeguards and the Hearing Examiner, the use of source material as part of the fuel for this facility was approved by the Commission at the time of issuance of License No. DPR-2. However, the authorization to possess, use and store the necessary quantities of source material was inadvertently omitted from the operating license. The purpose of this amendment is to correct this inadvertent omission.

By application for amendment dated September 1, 1961, Commonwealth Edison noted the aforementioned omission and requested this amendment to License No. DPR-2. The Commission has reviewed the licensee's submittal of September 1, 1961 and concurs in the licensee's request for amendment.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended results in no change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR, Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see Commonwealth Edison's application for amendment dated September 1, 1961, on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 30th day of November 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[Amendment to License No. DPR-2]

Facility License No. DPR-2, as amended, which authorizes Commonwealth Edison Company to operate the dual cycle, boiling water type nuclear reactor designated as the "Dresden Nuclear Power Station" and located in Grundy County, Illinois, is further amended in the following respects:

1. Subparagraph 2.C. is redesignated as subparagraph 2.D. and a new subparagraph 2.C. is added to read as follows:

C. Pursuant to the Act and Title 10 CFR, Chapter I, Part 40, "Licensing of Source Material", to receive, possess and use source material as fuel for operation of the facility; and

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 30th day of November 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 61-11556; Filed, Dec. 6, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The First Virginia Corporation, which is a bank holding company located in Arlington, Virginia, for the prior approval of the Board of the acquisition by applicant of 28,000 (80 percent) or more of the voting shares of Farmers and Merchants National Bank, Winchester, Virginia.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 1st day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-11565; Filed, Dec. 6, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13212 etc.]

AMERICAN AIRLINES, INC., ET AL.

Economy Fares; Notice of Prehearing Conference

In the matter of economy fares proposed by American Airlines, Inc., Continental Air Lines, Inc. and Trans World Airlines, Inc.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on December 14, 1961 at 10 a.m. e.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., December 4, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-11602; Filed, Dec. 6, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on November 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after November 1, as using humane methods on November 1 or a later date in November will be listed in a supplemental list. Previously published lists represented establishments reported in October or November 1961 as humanely slaughtering and handling the designated species of livestock on October 1 or some later date in October 1961 (26 F.R. 10242, 10613, and 11300). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AD		(*)			(*)	
Do	2AT			(*)			
Do	2AU		(*)				
Do	2C			(*)		(*)	
Do	2E						
Do	2II			(*)			
Do	2IIT		(*)				
Do	2LT						
Do	2WN		(*)			(*)	
Swift and Co	3A		(*)	(*)		(*)	
Do	3AC						
Do	3AE						
Do	3AF						
Do	3AN		(*)	(*)		(*)	
Do	3AW						
Do	3B		(*)	(*)		(*)	
Do	3C						
Do	3CC						
Do	3D		(*)	(*)		(*)	
Do	3E				(*)		
Do	3F					(*)	
Do	3FF						
Do	3K		(*)	(*)		(*)	
Do	3L						
Do	3N			(*)			
Do	3NN						
Do	3S						
Do	3T						
Do	3UU		(*)	(*)		(*)	
Do	3W						
Do	6C		(*)	(*)		(*)	
Do	8						
Lykes Bros., Inc	10		(*)	(*)		(*)	
Pauly Packing Co., Inc	12						
Hygrade Food Products Corp	12A		(*)	(*)		(*)	
Do	12C						
Do	12D		(*)				
Do	12G						
Do	12P					(*)	
Mickelberry's Food Products Co	16						
John Morrell and Co	17A		(*)	(*)		(*)	
Do	17D						
Do	18						
C. Finkbeiner, Inc	19						
The Cudahy Packing Co	19E		(*)	(*)		(*)	
The Cudahy Packing Co. of Nebraska	20A						
Wilson and Co., Inc	20N		(*)	(*)		(*)	
Do	20Q						
Do	20Y		(*)	(*)		(*)	
Do	23						
Swift and Co	25		(*)	(*)		(*)	
Brander Meat Co	27C						
The Sperry and Barnes Co	28						
Patrick Cudahy, Inc	30		(*)	(*)		(*)	
Kretschmar Provision Co	32						
Valley Packing Plant, Inc	34		(*)	(*)		(*)	
Kenton Packing Co. Inc	36						
Pocomoke Provision Co	39						
Armour and Co	40						
Sunnyland Packing Co	43						
Stark Wetsel and Co., Inc	44						
Do	44A						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Idaho Meat Packers	40						
Consolidated Dressed Beef Co., Inc	47						
Lackawanna Beef and Provision Co	49		(*)	(*)		(*)	
Nevada Meat Packing Co	52						
Midwestern Beef, Inc	53					(*)	
Swift and Co. of Alabama	58						
Glover Packing Co. of Amarillo	60						
Glover Packing Co	60A		(*)	(*)	(*)		
Welland Packing Co., Inc	61						
Empire Packing Corp	65						
Somerville Packing Co	66					(*)	(*)
The Quaker Oats Co	67E		(*)	(*)		(*)	
Minchis Wholesale Meats, Inc	72						
Rath Packing Co	74E		(*)	(*)		(*)	(*)
Armour and Co	75						
The Braun Brothers Packing Co	79		(*)	(*)		(*)	
City Packing Co	80						
The Cudahy Packing Co	81		(*)	(*)		(*)	
Hill Packing Co	83E						(*)
Edgar Packing Co	84						
Excel Packing Co., Inc	86		(*)	(*)		(*)	
Fox Brooklyn Corp., Co	88						
The E. Kahn's Sons Co	89						
Hygrade Food Products Corp	90					(*)	
Sugardale Provision Co	92						
Shonyo Packing Co	93		(*)	(*)		(*)	
The Val Decker Packing Co	95						
John Engelhorn and Sons	97					(*)	
A. Kocks Sons	98						
Armour and Co	100		(*)	(*)		(*)	
Liberty Packing Co	101						
Swift and Co	104		(*)	(*)		(*)	
J. Lyran Cornwell, Inc	107						
Wilson and Co., Inc	111		(*)	(*)		(*)	
Hoffman Packing Co., Inc	112						
Morris Packing Co	113						
West Coast Meat Co., Inc	117		(*)	(*)		(*)	
Wilson Meat Packing Co., Inc	119						
Marhoefer Packing Co., Inc	121		(*)	(*)		(*)	
E. J. Archis and Sons, Inc	122						
City Dressed Beef	125						
Peyton Packing Co., Inc	126		(*)	(*)		(*)	
Superior Packing Co	127						
John Roth and Son, Inc	130						
Tobin Packing Co., Inc	133		(*)			(*)	
Ottawa Packing Co	135						
Armour and Co	139			(*)			
Edward J. Kluener, Inc	142		(*)	(*)		(*)	
R. B. Rice Sausage Co., Inc	144						
Siegel Weller Packing Co	153						
Kansas City Dressed Beef Co	156						
Armour and Co	158						
Missouri Farmers Assn. Packing Division	159						
	159A						
Joel E. Harrell and Son, Inc	162						
New York State College of Agriculture	165						
Swift and Co	166		(*)	(*)		(*)	
	166A						
Camp Packing Co., Inc	174						
Armour and Co	177		(*)				
Peerless Packing Co	180						
Montrose Beef Co	181					(*)	
Swift and Co	184			(*)			
The Rath Packing Co	186		(*)	(*)		(*)	
Do	186C						
Do	186F						
Fort Dodge Packing Co, Inc	187						
Seattle Packing Co	191						
Krey Packing Co	192		(*)	(*)		(*)	
John Morrell and Co	196						
Cudahy Packing Co	198		(*)	(*)		(*)	
United Packing and Stillman, Inc	199						
George A. Hormel and Co	199A			(*)			
Do	199D						
Do	199I					(*)	
Do	199N						
Mid-Valley Co., Inc	201						
Chas. Schmidt and Sons, Inc	202						
Enge Packing Co., Inc	203		(*)			(*)	
Central Packing Co., Inc	208						
Helms Riverside Abattoir, Inc	210						
S. Adams Packing Co	211						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Penn Packing Co	212					(*)	
Elburn Packing Co	213	(*)					
Kneip Packing Co	213C		(*)				
Fred Dold and Sons Packing Co	214	(*)					
Lincoln Meat Co	217	(*)					
York Packing Co., Inc	220					(*)	
Gwaltney, Inc	221A					(*)	
Armour and Co	222	(*)				(*)	
Hygrade Food Products Corp	224	(*)	(*)	(*)		(*)	
Do	224B	(*)					
Gold Merit Packing Co., Inc	232	(*)					
Waltl Schilling and Co., Inc	235	(*)		(*)			
Raskin Packing Co	237	(*)					
Armour and Co	238			(*)		(*)	
P. D. and J. Meats	240	(*)					
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
I. Klayman & Co	243					(*)	
Iowa Beef Packers, Inc	245	(*)					
John Morrell and Co	246	(*)				(*)	
The Danahy Packing Co	247	(*)				(*)	
Swift and Co	249	(*)				(*)	
Frosty Morn Meats, Inc	250	(*)				(*)	
Balentine Packing Co., Inc	258	(*)	(*)			(*)	
The Jones Dairy Farm	263					(*)	
Pacific Meat Co., Inc	267	(*)	(*)			(*)	
Houston Packing Co	271	(*)	(*)				
Elliott Packing Co	274	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	275	(*)					
American Stores Co	279	(*)		(*)			
Bookey Packing Co	281	(*)				(*)	
Agar Packing Co., Inc	282					(*)	
Figge and Hintwelker Co	283						
Solano Meat Co	285	(*)	(*)	(*)			
Roessler Packing Co of Erie	286	(*)	(*)	(*)		(*)	
Western Packing Co	288	(*)					
Arbogast and Bastian Co	289	(*)	(*)	(*)		(*)	
The H. H. Meyer Packing Co	290					(*)	
San Jose Meat Co	291	(*)	(*)	(*)			
Sioux City Dressed Pork, Inc	292					(*)	
Gus Juengling and Son, Inc	298	(*)	(*)				
Waldock Packing Co	299					(*)	
Great Falls Meat Co	301	(*)	(*)				
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Do	305A	(*)					
Star Packing Co	306	(*)					
Survall Packing Co	307	(*)					
Melton Provision Co	311	(*)	(*)	(*)	(*)		
Ideal Packing Co., Inc	312	(*)					
Webb Packing Co	316	(*)					
Greater New York Packing Co., Inc	317A					(*)	
Estes Packing Co	319	(*)	(*)				
Stadler Packing Co., Inc	320	(*)				(*)	
Turlock Meat Co	325	(*)	(*)				
Frisco Packing Co	327	(*)					
C. and M. Meat Packing Corp	329	(*)	(*)				
Royal Packing Co	331	(*)					
Sokolik Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)	(*)				
Great Western Packing Co., Inc	334	(*)					
Nobles Independent Meat Co	335	(*)	(*)	(*)			
Chino Valley Meat Packing Co., Inc	336	(*)	(*)				
Des Moines Packing Co	340	(*)					
Peters Packing Co., Inc	341	(*)	(*)			(*)	
State Packing Co., Inc	344	(*)					
Anza Packing Co	345	(*)	(*)	(*)			
Union Packing Co	351	(*)					
Samuels, E. Tex, Packing Co	353	(*)					
Fresno Meat Packing Co	354		(*)				
Vernon Calhoun Packing Co	355					(*)	
Heil Packing Co	357						
Marks Meat Co	362	(*)					
Meyers Packing Co	363	(*)					
United Dressed Beef Co	364	(*)	(*)				
James Allan and Sons	365	(*)		(*)	(*)	(*)	
Westport Packing Corp	369					(*)	
Bowling Provision Co., Inc	372					(*)	
Fischer Packing Co	374	(*)	(*)				
The John Hilberg and Sons Co	375	(*)	(*)	(*)			
Cross Bros. Meat Packers, Inc	376	(*)	(*)	(*)			
Emge Packing Co., Inc	380	(*)	(*)			(*)	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Smithfield Packing Co., Inc	382					(*)	
American Stores Co	384	(*)					
Liebmann Packing Co	388	(*)	(*)				
Dugdale Packing Co	390	(*)					
Oldhams Farm Sausage Co., Inc	392					(*)	
Roth Packing Co	394	(*)					
The Jacob Schlachters Sons Co	395	(*)	(*)				
Dubuque Packing Co	396	(*)	(*)	(*)		(*)	
Logan Packing Co	397	(*)					
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Superior Packing Co	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Neuhoff Bros	406	(*)	(*)			(*)	
Endlich Packing Co., Inc	410	(*)					
The Lundy Packing Co	413					(*)	
Frosty Morn Meats	414	(*)	(*)	(*)		(*)	
Philadelphia Boneless Beef Co	418	(*)					
Murray Packing Co., Inc	421	(*)					
E. W. Kneip Inc. of Iowa	422	(*)					
The Collins Packing Co	423					(*)	
Hebron Packing Co., Inc	425	(*)	(*)				
Lone Star Packing Co	433	(*)	(*)				
Monarch Meat Packing Co	435	(*)					
Queen Packing Corp	436	(*)					
Schneider Packing Co	439	(*)					
Omaha Dressed Beef Co., Inc	441	(*)					
Prime Packing Co., Inc	443	(*)					
Del Curto Meat Co	445	(*)	(*)	(*)		(*)	
Peerless Packing Co., Inc	448	(*)					
Midwest Packing Co	451	(*)	(*)				
Dewitt Packing Corp	456	(*)	(*)				
Swift and Co	459					(*)	
Morris Rifkin and Sons, Inc	460	(*)					
Pioneer Provision Co	461	(*)					
Lancaster Packing Co	462	(*)					
Litvak Packing Co	465	(*)					
Beewar Packing Co	467	(*)	(*)	(*)		(*)	
Corn Husker Packing Co	468	(*)					
Eckert Packing Co	471	(*)				(*)	
Armour and Co	477	(*)		(*)			
Eidridge Packing Co	478	(*)					
Middletown Beef Co., Inc	483	(*)					
St. Cloud Meat Packing Co	485	(*)					
East Tennesse Packing Co	487	(*)	(*)			(*)	
Memphis Butchers Association, Inc	488	(*)	(*)	(*)		(*)	
Nebraska Beef Co	489	(*)					
Goldring Packing Co., Inc	490	(*)		(*)			
Mid State Packers, Inc	494	(*)	(*)				
Triangle Meat Distributors, Inc	497	(*)					
Helm Brothers Packing Co	499	(*)				(*)	
Sioux Falls, S. Dak	501	(*)					
Swift and Co	505	(*)					
B. Rothschild and Co	506	(*)					
Frosty Morn Meats	507	(*)	(*)				
Gruensfelder Packing Co	508	(*)	(*)	(*)			
Armour and Co	509	(*)				(*)	
The Hull and Dillion Packing Co	510	(*)	(*)			(*)	
Shen Valley Meat Packers Inc	511	(*)					
Capitol Packing Co	513	(*)	(*)	(*)			
Charles Miller and Co	517					(*)	
Illinois Packing Co	521	(*)	(*)	(*)	(*)	(*)	
Pearl Packing Co. Inc	524	(*)	(*)				
Amour and Co	528	(*)					
Smallwood Packing Co., Inc	529	(*)					
Omaha Packing Co	532	(*)					
Rosenthal Packing Co., Inc	535	(*)	(*)	(*)			
Pepper Packing Co	536	(*)				(*)	
Oscar Mayer and Co., Inc	537A	(*)	(*)	(*)		(*)	
Do	537C						
Midwest Packing Co	538	(*)					
Greendell Packing Corp	542	(*)	(*)				
United Dressed Meat , Inc	546	(*)				(*)	
Swift and Co	548	(*)	(*)				
Plute Packing Co	550	(*)					
Salter Packing Co	551	(*)					
Black Hills Packing Co	554	(*)				(*)	
Springfield Rendering Co	555D	(*)	(*)	(*)			
Mid South Packers, Inc	557	(*)				(*)	
The Cudahy Packing Co	559	(*)	(*)				
D. and W. Packing Co	560	(*)					
Emery Land Co	561	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Packerland Packing Co., Inc	502	(*)	(*)				
John Morrell and Co	504					(*)	
Texas Meat Packers, Inc	505	(*)	(*)				
Elmer Binder & Son, Inc	509		(*)	(*)			
Frosty Morn Meats, Inc	576	(*)	(*)			(*)	
Armour and Co	579	(*)	(*)			(*)	
Kingsford Packing Co., Inc	581	(*)					
Stahl Meyer Inc	583	(*)					
Dukeland Packing Co., Inc	585	(*)	(*)	(*)			
Empire Packing Co., Inc	586	(*)					
City of Austin Municipal Abattoir	590	(*)	(*)				
Swift and Co	591	(*)	(*)	(*)		(*)	
Harman Packing Co	596	(*)	(*)				
San Antonio Packing Co	602	(*)	(*)	(*)			
Central Packing Co	606	(*)	(*)				
Eastern Oregon Meat Co., Inc	611	(*)	(*)	(*)		(*)	
National Tea Co	613	(*)				(*)	
Donner Packing Co	614	(*)					
Kummer Packing Co	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc	618	(*)					
Hill Packing Co	623E						(*)
Big Foot Packing Co., Inc	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc	628	(*)					
H. H. Keim Co	630	(*)	(*)	(*)		(*)	
General Meat Co	632	(*)					
Ebner Bros. Packers	633	(*)	(*)			(*)	
Zipron Bro., Inc	635	(*)					
Auburn Packing Co., Inc	636	(*)					
R. and C. Packing Co	645	(*)					
Bird Provision Co	647					(*)	
Spencer Packing Co	648	(*)					
Wm. Schluderberg—T. J. Kurdle Co	649	(*)	(*)	(*)		(*)	
John Morrell and Co	650					(*)	
Nagle Packing Co	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co	654	(*)					
Wilson and Co., Inc	655	(*)		(*)			
Baums Bologna, Inc	657	(*)					
St. Louis Dressed Beef Co	659	(*)					
Quality Meat Packing Co	661	(*)	(*)				
Globe Packing Co	663	(*)					
Crown Packing Co	666					(*)	
Scottsbluff Packing Co	667	(*)		(*)			
San Joaquin Packing Co	671	(*)					
E. S. Read and Sons, Inc	672	(*)	(*)				
Union Packing Co	673	(*)					
Jacob Bauers Sons, Inc	678	(*)					
Armour and Co	680	(*)	(*)	(*)		(*)	
Haas Davis Packing Co., Inc	682	(*)	(*)	(*)		(*)	
Nations Brothers Packing Co	684	(*)	(*)			(*)	
The William Fockes Sons Co	685	(*)	(*)	(*)	(*)	(*)	
The Sucher Packing Co	689	(*)	(*)	(*)		(*)	
Pierce Packing Co., Inc	691	(*)				(*)	
Marco Packing Co	692	(*)	(*)				
Bryan Meat Co	693	(*)	(*)				
Kramer Beef Co	695	(*)					
Carter Packing Co	698	(*)	(*)				
Dana Packing Co	706	(*)				(*)	
Central Nebraska Packing Co	713E						(*)
Crawford County Packing Co	717					(*)	
The Joseph N. Rice Co	719	(*)	(*)				
Wilmington Packing Co., Inc	720					(*)	
Coast Packing Co	724					(*)	
Swift and Co	726	(*)	(*)	(*)		(*)	
Decker and Son	727					(*)	
The Quaker Oats Co	734E						(*)
Jacob Schlachters Sons Co	739	(*)	(*)	(*)			
Sonora Meet Co., Inc	741	(*)	(*)				
Howard Pancero and Co	747	(*)	(*)				
Ruchti Bros	749	(*)	(*)				
Lack Brothers Cooperative Packing Co	753	(*)					
Monroe Packing Co., Inc	755	(*)					
Seitz Packing Co., Inc	756A	(*)				(*)	
Philadelphia Dressed Beef Co	758	(*)					
Schaake Packing Co., Inc	761	(*)					
Karler Packing Co	767	(*)	(*)				
Sheridan Meat Co., Inc	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs Inc	770	(*)					
Cadwell Martin Meat Co	773	(*)					
Modern Meat Packing Co	774	(*)					
Atlas Packing Co	775	(*)					
Dale Packing Co., Inc	777	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Bryan Brothers Packing Co	780	(*)	(*)			(*)	
Diamond Meat Co., Inc	783	(*)	(*)				
Granite State Packing Co	785	(*)	(*)				
Aurora Packing Co., Inc	788	(*)					
Wimp Packing Co	791	(*)					
Baums Meat Packing	792	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
Acees Meat Co., Inc	809	(*)					
The G. Erhardt Sons, Inc	810	(*)	(*)				
McFarland, Inc	811	(*)	(*)	(*)		(*)	
William N. Peters, Inc	813	(*)		(*)		(*)	
Rochester Independent Packer, Inc	817	(*)					
Henry Meyers Sons, Inc	822	(*)	(*)				
Home Packing Co	823	(*)	(*)			(*)	
Hibbs Packing Co	825	(*)					
Penford Packing Co	827	(*)					
Bristol Packing Co	828	(*)	(*)				
Berchems Meat Co	830	(*)					
Norman Peters Packing Co	834	(*)					
John Morrell and Co	836	(*)					
Nat Buring Packing Co. of Ark., Inc	837B	(*)				(*)	
Frederick County Products, Inc	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons	839	(*)					
Reelfoot Packing Co	840	(*)	(*)			(*)	
G. Bartusch Packing Co	843	(*)					
Sioux City Dressed Beef, Inc	857	(*)					
Siouxland Dressed Beef Co., Division of Needh	857F	(*)		(*)			
Jordan Meat and Livestock Co	858	(*)	(*)	(*)		(*)	
Sam McDaniel and Sons, Inc	859	(*)					
Wells and Davies Packing Co	860	(*)	(*)			(*)	
Sierra Meat Co	862	(*)					
Gunsberg Beef Co	867	(*)					
Genesee Packing Co	868	(*)					
Pahler Packing Corp	880	(*)					
Vermont Dressed Beef Co., Inc	883	(*)					
Walden Packing Co., Inc	886	(*)					
William Davies Co., Inc	888A	(*)				(*)	
O'Neill Packing Co	889	(*)					
Samboi Packing Co	892	(*)					
Tobin Packing Co., Inc	893					(*)	
Vernon Calhoun Packing Co	897	(*)	(*)				
Meats, Inc	899	(*)	(*)				
Sigman Meat Co., Inc	901	(*)	(*)				
Hansen Packing Corp	901A	(*)					
Hoosier Veterinary Laboratories, Inc	912					(*)	
Chiapetti Packing Co	916			(*)			
National Meat Packers, Inc	917	(*)	(*)			(*)	
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
Wisconsin Packing Co	924	(*)					
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	
Kerber Packing Co	929	(*)	(*)			(*)	
Tarpoff Packing Co	931	(*)					
McKenney Meat Co	932	(*)	(*)				
E. B. Manning and Son	934	(*)					
Volz Packing Co	938	(*)					
Cappellino Abattoir, Inc	939	(*)					
Wilson and Co., Inc	940	(*)	(*)			(*)	
Gentner Packing Co., Inc	941	(*)					
Delrich Meat Packers, Inc	944			(*)	(*)	(*)	
Whitehall Packing Co	946	(*)					
M. Brizer & Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	
Reliable Packing Co., Inc	959					(*)	
Greater Omaha Packing Co., Inc	960	(*)					
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
T. L. Lay Packing Co	967	(*)				(*)	
Greeley Capitol Packing Co	969	(*)		(*)			
Hawaii Meat Co. Ltd	970	(*)	(*)	(*)			
National Food Stores, Inc	981	(*)					
Reitz Meat Products Co	983	(*)				(*)	
Hospers Packing Co	985	(*)					
Eagle Packing Co	987	(*)					
Everett C. Horlein and Son, Inc	988	(*)					
The Klarer Co	995	(*)	(*)				
Do	995A					(*)	
Do	995C	(*)				(*)	
Valley Meat Co	1009	(*)	(*)	(*)			
Armour and Co	1085	(*)	(*)				
Browns Packing House	1154	(*)	(*)	(*)		(*)	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Landy Packing Co.	1171	(*)					
The Harris Packing Co.	1175					(*)	
A. F. Moyer and Sons, Inc.	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)	(*)	(*)			
Samuels and Co., Inc.	1313	(*)					
H. and H. Packing Co.	1315	(*)				(*)	
Nebraska Iowa Dressed Beef Co.	1318	(*)					

Done at Washington, D.C., this 1st day of December 1961.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-11615; Filed, Dec. 6, 1961; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

SUGAR BEET WAGES AND PRICES IN STATES OTHER THAN CALIFORNIA; 1962 CROP

Notice of Hearings and Designation of Presiding Officers

Pursuant to the authority contained in sections (c)(1) and (c)(2) of Section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq), notice is hereby given that public hearings will be as follows:

At Pocatello, Idaho, on December 8, in the Bannock Hotel, beginning at 9:30 a.m.;

At Fargo, North Dakota, on December 11, in the Student Union Bldg., North Dakota State University, beginning at 10:00 a.m.;

At Detroit, Michigan, on December 14, in the Fort Shelby Hotel, beginning at 9:30 a.m.

It has been found necessary, in view of other commitments, to fix dates for the hearings in the near future so that both representatives of industry and government could be present at these hearings. In view of this an emergency exists and it is determined that reasonable periods of notice for these hearings shall be the periods of time between publication of this notice in the FEDERAL REGISTER and the dates specified for the hearings.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of the Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets for the 1962 crop in States other than California, on farms with respect to which applications for payments under the Act are made, and (2), pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1962 crop of sugar beets in States other than California, to be paid under purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to wages and prices.

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on December 4, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11616; Filed, Dec. 6, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Redelegation of Authority by Land Office Manager

NOVEMBER 30, 1961.

By authority contained in section 2.1 Bureau Order Number 684 of August 28, 1961 (26 F.R. 8216), I hereby redelegate to the Chief, Minerals Section, authority to take action for the Manager in matters listed in section 2.6 of Part II, to the Chief, Lands Section, authority to take action for the Manager in matters listed in section 2.9 of Part II, and to the Operations Manager authority within his specified area of responsibility to take action for the Manager in matters listed in Part II as follows:

SEC. 2.2 *General and miscellaneous matters.* * * *

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats and other records.

SEC. 2.3 *Fiscal affairs.* * * *

(a) *Bonds.* * * *

(1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under the Manager's jurisdiction.

* * * * * *

(c) *Repayment.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR Part 217.

SEC. 2.4 *Cadastral engineering.* * * *

(a)(4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

SEC. 2.6 *Minerals.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

SEC. 2.9 *Land use.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

WARNER T. MAY,
Land Office Manager, Anchorage Land Office.

Approved:

ROGER R. ROBINSON,
Alaska State Director, Bureau of Land Management.

[F.R. Doc. 61-11594; Filed, Dec. 6, 1961; 8:48 a.m.]

[Group 355]

ARIZONA

Notice of Filing of Plat of Survey

NOVEMBER 30, 1961.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., on January 5, 1962:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 25 W.,
Sec. 24, lots 6, 7, 8, 9, 10, 11, 12;
Sec. 25, lots 24, 25, 26, 27, 28, 29;
Sec. 26, lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15;
Sec. 27, lots 1, 2, 3;
Sec. 34, lots 1, 2;
Sec. 35, lots 15, 16, 17, 18, 19, 20, 21, 23, 24.

The areas described aggregate 1,373.35 acres of public lands.

2. The above lands are nearly level bottom lands and the soils are sandy loam.

3. Lots 6, 7, 8, 9, 10, 11 and 12 sec. 24, lots 24, 25, 26, 27, 28 and 29 sec. 25, lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 sec. 26, lots 1, 2 and 3 sec. 27, lots 1 and 2 sec. 34, lots 15, 16, 17, 18, 19, 20, 21, 23 and 24 sec. 35, were withdrawn by Secretary's Order of January 31, 1903 for the Colorado River Project.

Lots 24, 25, 26, 27, 28 and 29 sec. 25, lots 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 sec. 26, and lots 1 and 2 sec. 27, were withdrawn by Executive Order 2711 for the Cocopah Indians.

Lots 25, 26, 27, 28 and 29 sec. 25, and lots 15, 16, 17, 18, 19, 20, 21, 23 and 24 sec. 35, were withdrawn by Secretary's Order of July 20, 1905 for the Yuma Project.

Any of the above lands embraced within a strip of land 60 feet wide along the Mexican boundary line and along the shore where a water line forms the boundary, are reserved from all disposition by Proclamation of May 27, 1907.

4. In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 61-11601; Filed, Dec. 6, 1961; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 29, 1961.

The Department of Agriculture has filed an application, Serial Number Idaho 012060 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for administrative sites in the Payette National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

WARREN ADMINISTRATIVE SITE

T. 22 N., R. 6 E.

Unit No. 1

Beginning at corner No. 1 of the original Ranger Station as shown on the official plat approved September 18, 1922, which point bears N. 07°53' W., 813.03 feet from the east quarter corner of section 11; thence N. 34°-15' E., 121.30 feet to corner No. 2; thence S. 49°25' E., 266.44 feet to corner No. 3; thence S. 34°53' W., 122.7 feet to corner No. 4; thence N. 49°05' W., 265.26 feet to the point of beginning, containing 0.74 acre and located wholly within the following subdivisions:

Sec. 11: E½NE¼
Sec. 12: W½NW¼

Unit No. 2

Beginning at a point N. 0°01' W., 660 feet from the west quarter corner of section 12 thence N. 0°01' W., 149.2 feet to a point on the south boundary of the present administrative site; thence S. 49°05' E., 118.26 feet; thence S. 34°53' W., 50 feet; thence S. 47°15' E., 44.80 feet; thence N. 41°36' E., 173.56 feet; thence S. 49°25' E., 40.68 feet; thence S. 41°39' W., 397.68 feet; thence N. 52°40' W., 317.31 feet; thence east 278.4 feet to the point of beginning, containing 1.29 acres, more or less and located wholly within the following subdivisions:

Sec. 11: E½NE¼
Sec. 12: W½NW¼

Unit No. 3

Beginning at a point which bears N. 0°-01' W., 660 feet from the east quarter corner of section 11; thence west 278.4 feet; thence N. 34°15' E., 276.9 feet to a point on the south side of a plotted alley; thence S. 49°05' E., 162.04 feet along the south boundary of the alley to a point on the section line between sections 11 and 12; thence S. 0°01' E., 122.7 feet along said section line to the point of beginning, containing 0.91 acre, more or less, and located wholly within the following subdivision:

Sec. 11: Tract No. 7 of Warren Townsite

Unit No. 4

Beginning at a point of the intersection of the section line between sections 11 and 12 and the north boundary of the original administrative site bearing N. 0°01' W., 968.90 feet from the west quarter corner of section 12; thence N. 0°01' W., along said section line 77.81 feet; thence S. 49°36' E., 70.67 feet; thence S. 41°51' E., 104.29 feet; thence S. 44°21' E., 193.49 feet; thence S. 41°39' W., 28.50 feet; thence N. 49°25' W., 315.62 feet along the north boundary of said administrative site to the point of beginning, containing 0.35 acre, more or less, and located wholly within the following subdivision:

Sec. 12: W½NW¼

Unit No. 5

Beginning at a point on the section line between sections 11 and 12 which bears S. 0°01' E., 330 feet from the quarter corner common to sections 11 and 12; thence N. 89°59' E., 660 feet; thence S. 0°01' E., 660 feet; thence S. 89°59' W., 660 feet; thence N. 0°01' W., 660 feet to the point of beginning, containing 10 acres, more or less. Also beginning at a point N. 07°17'48" E., 582.21 feet from the west quarter corner of section 12; thence S. 39°06' E., 151.50 feet; thence S. 26°17' E., 47.70 feet; thence S. 22°02' E., 718 feet; thence S. 35°29' W., 100 feet to a point which bears S. 50°37' E., 520 feet from the west quarter corner of section 12, containing 0.70 acre, more or less. These areas are located wholly within the following subdivisions:

Sec. 12: SW¼NW¼, NW¼SW¼

The above units total 13.99 acres.

BIG CREEK ADMINISTRATIVE SITE

Beginning at a point N. 51°12' E., 3408.5 feet from the corner common to Secs. 26, 27, 34, 35, T. 21 N., R. 9 E., B.M.; thence N. 60°00' W., 105.1 feet; thence N. 54°56' W., 197.3 feet; thence S. 51°13' E., 106 feet; thence N. 65°18' W., 363.6 feet; thence S. 72°42' W., 495.9 feet; thence N. 62°01' W., 55 feet; thence N. 29°51' E., 557.9 feet; thence N. 52°37' E., 1115.3 feet; thence N. 20°21' E., 1593 feet; thence N. 11°47' E., 224.8 feet; thence N. 27°13' E., 1044.3 feet; thence S. 58°11' E., 494.4 feet; thence S. 22°03' W., 3975.5 feet to the point of beginning and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 21 N., R. 9 E.,
Sec. 23: S½SE¼;
Sec. 26: W½NE¼, SE¼NW¼, NE¼SW¼.
Totaling 58.9 acres, more or less.

SOUTH FORK ADMINISTRATIVE SITE

T. 21 N., R. 7 E.,
Sec. 10: Lots 3, 4;
Sec. 11: Lot 5, NW¼SW¼.
Totaling 104.19 acres.

COTTONTAIL LOOKOUT ADMINISTRATIVE SITE

T. 24 N., R. 6 E.,
Sec. 32: W½SW¼NW¼NE¼, E½SE¼-NE¼NW¼.
Totaling 10 acres.

The areas described aggregate 187.08 acres in Idaho and Valley Counties, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-11569; Filed, Dec. 6, 1961; 8:46 a.m.]

COLORADO

Notice of Filing of Colorado Protraction Diagram

DECEMBER 1, 1961.

Notice is hereby given that the following protraction diagram has been placed in the open files of this office and is available to the Public for information only; and not until officially filed as indicated herein will it become the basic record for the description of land for authorized use. This diagram will be officially filed at 10:00 a.m., on January 10, 1962, in the Colorado Land Office, Gas and Electric Building, 910 15th Street, Denver, Colorado.

In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), all oil and gas offers to lease lands shown on this protracted survey, filed at or subsequent to 10:00 a.m. on January 10, 1962, must describe the lands only according to the Section, Township, and Range shown on the approved protracted survey.

COLORADO PROTRACTION DIAGRAM NO. 3

(Approved October 10, 1961, Revised November 20, 1961)

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 86 W.,
Secs. 3 through 9; 18; 29 through 32.
T. 1 N., R. 87 W.,
Secs. 1 through 23; 28 through 33; Sec. 34, W½.

T. 1 N., Rs. 86 and 89 W.,
All.
T. 2 N., R. 86 W.,
Secs. 5 through 8; 17 through 21; 27 through 34.
T. 2 N., R. 87 W.,
Secs. 1 through 3; 10 through 17; 20 through 36.
T. 2 N., R. 88 W.,
Secs. 4 through 9; 15 through 36.
T. 2 N., Rs. 89, 90 and 91 W.,
All.
T. 1 S., Rs. 87, 88 and 89 W.,
All.
T. 2 S., Rs. 87, 88 and 89 W.,
All.
T. 2 S., R. 90 W.,
Sec. 4, W½; Sec. 5, E½.
T. 3 S., R. 88 W.,
All.
T. 4 S., R. 88 W.,
Sec. 7, S½; Sec. 18, N½.
T. 5 S., R. 88 W.,
All.

Copies of these diagrams are for sale at one dollar and fifty cents ($1.50) per sheet, and may be obtained from the:

United States Department of the Interior,
Bureau of Land Management,
Colorado Land Office,
Gas and Electric Building,
910—15th Street,
Denver 2, Colorado

LOWELL M. PUCKETT,
State Director.

[F.R. Doc. 61-11571; Filed, Dec. 6, 1961; 8:46 a.m.]

[Classification No. 79]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 892.36 acres in Cochise County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 22 S., R. 22 E.,
Sec. 9: lots 1–4 incl., E½NE¼;
Sec. 14: NW¼NW¼;
Sec. 15: N½, N½S½;
Sec. 23: SE¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. The lands are affected by 113 preference right applications, as provided for by 43 CFR 257.5, which will be processed as soon as possible.

Dated: November 24, 1961.

MARTIN W. BUZAN,
Acting State Director,
P.O. Box 148, Phoenix, Arizona.

[F.R. Doc. 61-11572; Filed, Dec. 6, 1961; 8:46 a.m.]

ALASKA

Redelegation of Authority By Land Office Manager

NOVEMBER 6, 1961.

By authority contained in section 2.1 Bureau Order No. 684 of August 28, 1961 (26 F.R. 8216), I hereby redelegate to the Chief, Minerals Section, authority to take action for the Manager in matters listed in section 2.6 of Part II, to the Chief, Lands Section, authority to take action for the Manager in matters listed in section 2.9 of Part II, and to the Operations Manager authority within his specified area of responsibility to take action for the Manager in matters listed in Part II as follows:

SEC. 2.2 *General and miscellaneous matters.* • • •

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats and other records.

SEC. 2.3 *Fiscal affairs.* • • •

(a) *Bonds.* • • •

(1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under the Manager's jurisdiction.

• • • • • •

(c) *Repayments.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374): and repayments under 43 CFR Part 217.

SEC. 2.4 *Cadastral engineering.* • • •

(a)(4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

SEC. 2.6 *Minerals.* • • •

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail: (1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose; (2) the land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed; (3) the application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form); (4) the requested land area does not meet legal requirements of compactness, contiguity, or acreage; (5) the application was not successful in a public drawing held to establish priorities of conflicting applications.

DANIEL A. JONES,
Land Office Manager,
Fairbanks Land Office.

Approved: November 6, 1961.

R. R. ROBINSON,
Alaska State Director,
Bureau of Land Management.

[F.R. Doc. 61-11595; Filed, Dec. 6, 1961; 8:48 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 27, 1961.

The Department of the Army has filed an application, Serial Number A.056148 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for ammunition storage.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 6th and Cordova, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EKLUTNA VALLEY

T. 16 N., R. 1 E., S.M.,
Sec. 26: W½NW¼SW¼, NW¼SW¼SW¼;
Sec. 27: SW¼NW¼NW¼, S½NW¼, S½SW¼NE¼, SW¼SE¼NE¼, S½;
Sec. 28: SE¼, S½NE¼, NW¼NE¼, S½NE¼NE¼, E½NW¼, S½SW¼NW¼, SE¼NW¼NW¼, N½SW¼, N½SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼;
Sec. 33: N½NE¼NE¼;
Sec. 34: N½NE¼, N½SW¼NE¼, NW¼SE¼NE¼, NE¼NW¼, E½NW¼NW¼, NW¼NW¼NW¼.

Containing approximately 1,210 acres.

ROGER R. ROBINSON,
State Director.

[F.R. Doc. 61-11596; Filed, Dec. 6, 1961; 8:48 a.m.]

Office of the Secretary

PROCUREMENT AND CONTRACTING

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

Section 50 of Secretary's Order 2509, as amended (17 F.R. 793; 19 F.R. 7417; 22 F.R. 5778), is revoked.

PART 205—GENERAL DELEGATIONS

CHAPTER 11—PROCUREMENT AND CONTRACTING

205.11.1 *Contracts—supplies or services—A. Delegation.* The head of such bureau and other Departmental office, and the Director of Administrative Services, Office of the Secretary, may enter into procurement contracts and amendments or modifications thereof.

B. *Exercise of authority.* Contracts may be entered into under this authority unless specifically prohibited by statute.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 30, 1961.

[F.R. Doc. 61-11570; Filed, Dec. 6, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[Agency Bulletin 61-18]

REDESIGNATION OF PACIFIC REGION

1. *Redesignation.* The Hawaiian Region is hereby redesignated the Pacific Region.

2. *Effective date.* This Bulletin is effective this date. It amends Agency Bulletin 61-9 of July 1, 1961, and the provisions of any other directive not consistent herewith.

Issued in Washington, D.C., on November 22, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-11559; Filed, Dec. 6, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 165]

CANADIAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

NOVEMBER 15, 1961.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		1270 kilocycles				
New	Collingwood, Ontario	1D/0.5N	DA-N	U	III	EIO 11-1-62.
		1510 kilocycles				
CFGM	Richmond Hill, Ontario (change in call letters from CJRH).	10D/2.5N	DA-1	U	III	
		1670 kilocycles				
New	Montreal, Province of Quebec	10	DA-1	U	II	EIO 11-1-62.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11609; Filed, Dec. 6, 1961; 8:49 a.m.]

[List No. 30; FCC 61-1425]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

DECEMBER 4, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on January 9, 1962, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106 (b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 8, 1962, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on January 8, 1962, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(1) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications From the Top of the Processing Line

BP-14675 New, Madawaska, Maine.
St. Croix Broadcasting Co., Inc.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14693 New, Quincy, Calif.
Pioneer Broadcasters, Inc.
Req: 1370 kc, 500 w, Day.

BP-14694 KEYL, Long Prairie, Minn.
KWAD Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14695 WFRB, Frostburg, Md.
Western Maryland Broadcasting Co.
Has: 740 kc, 250 w (CR), Day.
Req: 560 kc, 1 kw, Day.

BP-14696 KRGI, Grand Island, Nebr.
Grand Island Broadcasting Co., Ltd.
Has: 1430 kc, 1 kw, DA-N, U.
Req: 1430 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-14697 WHVF, Wausau, Wis.
Lakeland Broadcasting Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14698 New, Bartlesville, Okla.
Osage Programmers.
Req: 1500 kc, 1 kw, Day.

BP-14699 WPRN, Butler, Ala.
Radio Butler Co.
Has: 1220 kc, 1 kw, Day.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-14700 New, London, Ohio.
WMAD, Inc.
Req: 1510 kc, 250 w, DA, Day.

BP-14706 New, Crystal Bay, Nev.
Verne M. Miller.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-14707 KOKX, Keokuk, Iowa.
Keokuk Broadcasting Co.
Has: 1310 kc, 500 w, 1 kw-LS, DA-2, U.
Req: 1310 kc, 500 w, 1 kw-LS, DA-N, U.

BP-14708 New, Kingsport, Tenn.
Model City Broadcasting Corp.
Req: 1400 kc, 250 w, U.

BMP-9370 KOCY, Oklahoma City, Okla.
Bonebrake & Company.
Has Lic: 1340 kc, 250 w, U.
Has CP: Change antenna-transmitter location.
Req MP: 1340 kc, 250 w, 1 kw-LS, U.

BP-14713 New, North Platte, Nebr.
North Platte Television, Inc.
Req: 1410 kc, 1 kw, Day.

BP-14714 WHIH, Portsmouth, Va.
James Broadcasting Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14718 WRSW, Wadsaw, Ind.
Reub Williams & Sons, Inc.
Has: 1480 kc, 500 w, DA-2, U.
Req: 1480 kc, 500 w, 1 kw-LS, DA-2, U.

BP-14723 WAVE, Louisville, Ky.
WAVE, Inc.
Has: 970 kc, 5 kw, DA-1, U.
Req: 970 kc, 5 kw, DA-2, U.

BMP-9425 WCPC, Houston, Miss.
WCPC Broadcasting Co.
Has Lic: 1320 kc, 5 kw, Day.
Has CP: 940 kc, 10 kw, DA, Day
Req MP: 940 kc, 50 kw, DA, Day.

BP-14725 KXEO, Mexico, Mo.
Audrain Broadcasting Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14726 WKYR, Cumberland, Md.
WKYR, Inc.
Has: 1270 kc, 5 kw, Day (Keyser, W. Va.).
Req: 1270 kc, 1 kw, 5 kw-LS, DA-2, U (Cumberland, Md.).

BP-14729 New, Prattville, Ala.
Billy Walker.
Req: 1330 kc, 500 w, Day.

BP-14731 New, Douglasville, Ga.
Douglas County Broadcasting Co.
Req: 1520 kc, 1 kw, 500 w (CH), Day.

BP–14732 KODI, Cody, Wyo.
Park Broadcasters, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–14733 New, Spokane, Wash.
Moore Broadcasting.
Req: 550 kc, 500 w, DA, Day.

BP–14734 WLDB, Atlantic City, N.J.
Atlantic City Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–14735 New, Jackson, Wyo.
Snake River Radio & TV Co., Inc.
Req: 1340 kc, 250 w, U.

BP–14736 KRSN, Los Alamos, N. Mex.
Community Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–14737 New, Cayey, P.R.
Ponce Broadcasting Corp.
Req: 1080 kc, 250 w, U.

BP–14738 WNBS, Murray, Ky.
Service Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–14742 WCMR, Elkhart, Ind.
Clarence C. Moore.
Has: 1270 kc, 5 kw, DA, Day.
Req: 1270 kc, 500 w, 5 kw–LS, DA–2, U.

BP–14744 KDB, Santa Barbara, Calif.
KDB Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–14747 WMSL, Decatur, Ala.
Tennessee Valley Radio and Television Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–14748 New, La Plata, Md.
Charles County Broadcasting Co., Inc.
Req: 1560 kc, 250 w, Day.

BP–14749 WDBF, Delray Beach, Fla.
Boca Raton Bible Conference Grounds, Inc.
Has: 1420 kc, 5 kw, DA, Day.
Req: 1420 kc, 500 w, 5 kw–LS, DA–2, U.

BP–14750 KAYS, Hays, Kans.
KAYS, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–14751 KRTN, Raton, N. Mex.
Raton Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–14752 WFLS, Fredericksburg, Va.
Star Broadcasting Corp.
Has: 1350 kc, 500 w, Day.
Req: 1350 kc, 1 kw, Day.

BP–14754 WLPM, Suffolk, Va.
Suffolk Broadcasting Corp.
Has: 1460 kc, 500 w, 1 kw–LS, DA–N, U.
Req: 1460 kc, 500 w, 5 kw–LS, DA–2, U.

BP–14756 WPDR, Portage, Wis.
Comstock Publishing Co.
Has: 1350 kc, 1 kw, Day.
Req: 1350 kc, 5 kw, DA, Day.

BP–14757 New, Parker, Ariz.
Parker Broadcasting Co.
Req: 1420 kc, 1 kw, Day.

BP–14761 WBAX, Wilkes-Barre, Pa.
P. A. L. Broadcasters, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–14763 New, Donelson, Tenn.
William Harvey Freeman.
Req: 1560 kc, 1 kw, Day.

BP–14764 New, Lincoln, Nebr.
David N. Osborne.
Req: 1530 kc, 500 w., Day.

BP–14767 WEBB, Baltimore, Md.
1360 Broadcasting Co., Inc.
Has: 1360 kc, 5 kw, DA, Day.
Req: 1360 kc, 1 kw, 5 kw–LS, DA–2, U.

BP–14771 New, Mishawauka, Ind.
Northern Indiana Broadcasters, Inc.
Req: 910 kc, 1 kw, DA–2, U.

BP–14774 KGIL, San Fernando, Calif.
Buckley-Jaeger Broadcasting Corp. of California.
Has: 1260 kc, 1 kw, 5 kw–LS, DA–2, U (1 kw, Night DA Pattern when KPPC operates).
Req: 1260 kc, 5 kw, DA–2, U (5 kw, Night DA Pattern when KPPC operates).

BP–14775 KWNO, Winona, Minn.
KWNO, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–14776 KRIZ, Phoenix, Ariz.
Radio Denver, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, DA–D, U.

BP–14777 WMLF, Pineville, Ky.
Ken-Te-Va Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–14778 WENN, Birmingham, Ala.
McLendon Birmingham Broadcasting Co., Inc.
Has: 1320 kc, 5 kw, DA, Day.
Req: 1320 kc, 5 kw, Day.

Application Deleted From Public Notice of September 21, 1960

(FCC 60–1122) (25 FR 9168)

BP–13503 WLDB, Atlantic City, N.J.
Atlantic City Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.
(Assigned new file number BP–14734.)

Application Deleted From Public Notice of November 4, 1960

(FCC 60–1313) (25 FR 10713)

BP–13549 New, Prattville, Ala.
Billy Walker.
Req: 1330 kc, 500 w, Day.
(Assigned new file number: BP–14729.)

[F.R. Doc. 61–11610; Filed, Dec. 6, 1961; 8:49 a.m.]

[Docket Nos. 13086, 13088; FCC 61–1413]

BEACON BROADCASTING SYSTEM, INC., AND SUBURBAN BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP–10518; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP–12802; for construction permits for standard broadcast stations.

1. The Commission has before it for consideration (1) a petition to enlarge the issues and to reopen the record, filed August 30, 1961, by Suburban Broadcasting Co., Inc. (Suburban); (2) comments regarding the petition, filed September 27, 1961, by the Broadcast Bureau (Bureau); (3) an opposition to the petition, filed September 29, 1961, by Beacon Broadcasting System, Inc. (Beacon roadcasting); and (4) a reply to the opposition, filed October 13, 1961, by petitioner.

2. Petitioner seeks to enlarge the issues and to reopen the record for the receiving of evidence on the following issue:

To determine the character qualifications of Beacon Broadcasting System [Inc.].

3. The basis of petitioner's request is the allegation that while testifying relative to the financial qualifications of Beacon Broadcasting, Paul T. Foran, president and principal stockholder of Beacon Broadcasting, testified falsely when he stated that: (a) with the exception of funds he had personally advanced, no other entity, including Beacon Electronics, Inc.[1] has contributed funds or advanced property or funds to Beacon Broadcasting; (b) "The only transaction that transpired between the two corporations" was "the sale of a small amount of equipment * * *" by Beacon Broadcasting to Beacon Electronics in the fall of 1960 for the purpose of enabling that station to go on the air; and (c) other than this "there is no connection between Beacon Broadcasting and Beacon Electronics."

4. Suburban additionally alleged that Mr. Foran had arranged to have his salary from Beacon Electronics paid partly to him and partly to Beacon Broadcasting in order that he might keep his reportable income down to $600 per year, thereby avoiding the filing of income tax reports to the Federal Government and the State of Wisconsin. Because the matter of Federal income tax filing is confidential and the State of Wisconsin had not yet completed its check for 1960 filings, petitioner states that it is unable to allege that Mr. Foran did in fact follow through on his arrangements. However, petitioner states that it has been advised by the Wisconsin Tax Commissioner that Mr. Foran has not yet filed a State Income Tax Return for at least the four years preceding 1960.

5. Suburban states that the information on which the instant petition is based is the result of an investigation by its counsel following Mr. Foran's above noted testimony. For this reason, petitioner claims good cause for late filings of the instant petition under Section 1.141 of the Commission's Rules.

6. Attached to the petition were copies of checks issued by Beacon Electronics in favor of Beacon Broadcasting. There were also attached affidavits by Mrs. Susan Falk Thompson, former bookkeeper and secretary, director and stockholder of Beacon Electronics, V. Thomas Shanahan, former General Manager of Beacon Electronics and a letter to Mr. Foran, dated September 14, 1960, from Robert G. Bickel, Secretary, director and stockholder, all purporting to support petitioner's allegations.

7. The Broadcast Bureau takes the position that the petitioner's allegations and supplemental attachments contradict the sworn testimony of Mr. Foran and raise a question as to Beacon Broadcasting's character qualifications, that unless the latter can satisfactorily explain these contradictory matters, the instant petition should be granted and the requested issue added.

8. Beacon Broadcasting vigorously opposes Suburban's petition by a denial of each of petitioner's allegations. Filed with the opposition is an extensive affidavit by Mr. Foran in which he either denied or offered an explanation of the matters involved in each of petitioner's allegations. Beacon Broadcasting Company further argues that the petition is not timely filed as required by § 1.141 of the Commission's rules.

9. Since the petition was filed on August 30, 1961, and was predicated on a very detailed investigation following Mr. Foran's testimony on June 27, 1961, the Commission finds that petitioner has been diligent and has thus shown "good cause" as contemplated by § 1.141 of the Commission's rules. The pleadings before us present questions of fact, with affidavits and documents filed both in support of the charges and in refutation of them. Under the circumstances, these questions can best be resolved at an evidentiary hearing, and the requested issue will therefore be added. The Commission is, however, in agreement with Beacon that in view of the nature and scope of the charges, the burden of proof and burden of proceeding with the introduction of evidence should be on the petitioner.

Accordingly, it is ordered, This 29th day of November 1961, that the petition to enlarge the issues and reopen the record is granted;

It is further ordered, That existing Issues 11 and 12 are renumbered as Issues 12 and 13, respectively; and that the issues in this proceeding are enlarged, by adding the following Issue 11:

11. To determine the character qualifications of Beacon Broadcasting System, Inc.

It is further ordered, That the above-captioned proceeding is remanded to the Hearing Examiner for further hearing on the issue added herein and the issuance of a Supplemental Initial Decision.

It is further ordered, That the burden of proof and the burden of proceeding with the introduction of evidence under Issue 11 shall be on Suburban Broadcasting Co., Inc.

Released: December 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11611; Filed, Dec. 6, 1961; 8:50 a.m.]

[Docket Nos. 14413, 14414; FCC 61–1423]

DON L. HUBER AND BARTELL BROADCASTERS, INC. (WOKY)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Don L. Huber, Madison, Wisconsin, requests 920 kc, 1 kw, DA–Day, Docket No. 14413, File No. BP–13625; Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, has 920 kc, 1 kw, DA–1, U, Requests 920 kc, 1 kw, 5 kw–LS, DA–2, U, Docket No. 14414, File No. BP–13652; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of November 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as to the matters and issues specified below, the above-captioned applicants are qualified in all respects; and

It further appearing, that the following matters are to be considered in connection with the issues set forth below:

1. The subject applications involve mutually prohibitive interference.

2. It appears that the proposed operation of Don L. Huber (BP–13625) would cause interference to KDHL, Faribault, Minnesota; and that WOKY operating as proposed (BP–13652) would cause interference to WBAA, West Lafayette, Indiana.

3. By letter dated March 7, 1960, Don L. Huber was advised that the Commission was unable to determine whether the proposed directional antenna system could be adjusted and maintained in accordance with the Commission rules, in view of the proposed low inverse distance fields radiated in the direction of Station WOKY, Milwaukee, Wisconsin, and the relatively high fields that would obtain in the vicinity of the proposed site.

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population which would receive primary service from the proposal of Don L. Huber and the availability of other primary service to such area and population.

2. To determine the area and population which may be expected to gain or lose primary service from the proposed operation of Station WOKY and the availability of other primary service to such area and population.

3. To determine whether the instant proposals of Don L. Huber and Bartell Broadcasters, Inc. would cause objectionable interference to stations KDHL, Faribault, Minnesota and WBAA, West Lafayette, Indiana, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, in view of ambient co-channel signals, the directional antenna system proposed by Don L. Huber can be satisfactorily adjusted and maintained in accordance with the Commission rules.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That Palmer Dragsten, and John E. Hyde, Jr., d/b as KDHL Broadcasting Company and Purdue University, licensees of Stations KDHL, Faribault, Minnesota, and WBAA, West Lafayette, Indiana, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Don L. Huber, the construction permit shall contain a condition that the permittee shall accept any interference that may be received in the event of a subsequent grant of the application of KDHL Broadcasting Co., licensee of KDHL, File No. BP–14365, proposing the facilities 920 kc, 5 kw, DA–2, U, at Faribault, Minnesota.

It is further ordered, That in the event of a grant of the application of Bartell Broadcasters, Inc., the construction permit shall contain a condition that the permittee shall submit sufficient field intensity measurements on the existing nighttime operation to show that no adverse effects will be caused to the existing nighttime operation due to the addition of the new tower, and that permittee shall accept any interference that may result in the event of a subsequent grant of either the application of Shorewood Broadcasting Corp., File No. BP–12365, proposing 940 kc, 250 w, DA–D, at Ft. Atkinson, Wisconsin or the application of Don L. Huber, File No. BP–13644, proposing 940 kc, 500 w, DA–D at Ft. Atkinson, Wisconsin.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, (either individually, or if feasible, jointly), within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may

[1] At the time in question, Paul T. Foran was president of the board and largest single stockholder of Beacon Electronics, Inc.

[2] Dissenting statement of Commissioner Cross. Filed as part of original document.

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11612; Filed, Dec. 6, 1961; 8:50 a.m.]

[Docket Nos. 14411, 14412; FCC 61-1420]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of J. R. Earnest and John A. Flache d/b as La Fiesta Broadcasting Company, Lubbock, Texas, requests 1420 kc, 500 w, Day, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, requests 1420 kc, 500 w, Day, Docket No. 14412, File No. BP-15073; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of November 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues set forth below, each of the subject applicants possesses the necessary qualifications to construct and operate its proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The two proposals are mutually exclusive.

2. The proposed operations of the subject applicants will cause interference to the existing operation of Station KTJS, Hobart, Oklahoma.

3. The licensee of Station KTJS, by letter dated August 5, 1960, objected to a grant of the La Fiesta Broadcasting Company application and requested that the application be designated for hearing; and

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposals would cause objectionable interference to Station KTJS, Hobart, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is ordered, That Alfred Ray Fuchs, licensee of Station KTJS, Hobart, Oklahoma, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within twenty days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11613; Filed, Dec. 6, 1961; 8:50 a.m.]

[Docket No. 14415; FCC 61-1424]

RARITAN VALLEY BROADCASTING CO., INC. (WCTC)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Raritan Valley Broadcasting Company, Inc. (WCTC), New Brunswick, New Jersey, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw-LS, U, Docket No. 14415, File No. BP-14494; for construction permit.

1. The Commission has before it for consideration (1) a "Petition for Commission action pursuant to § 1.354(c) of the Commission's Rules", filed on June 12, 1961, by the Raritan Valley Broadcasting Company, Inc., licensee of standard broadcast Station WCTC, New Brunswick, New Jersey (WCTC or petitioner hereinafter); (2) an opposition thereto, filed on June 26, 1961, by the Continental Broadcasting, Inc., licensee of standard broadcast Station WNJR, Newark, New Jersey (WNJR hereinafter)[1]; and (3) a reply to opposition and supplement to reply filed on July 5 and July 24, 1961, respectively, by WCTC.

2. On May 25, 1960, seven Class IV applications requesting daytime power increases to 1 kilowatt were designated for hearing in a consolidated proceeding (Docket Nos. 13528 through 13534 inclusive). Station WCTC, a Class IV facility operating with 250 watts of power, unlimited time, was made a party thereto, in view of the interference it would receive from a grant of the proposed operation of the Delaware Broadcasting Company (WILM), Wilmington, Delaware, one of the applicants in that proceeding. On November 15, 1960, WCTC filed its above-captioned and described application and on December 7, 1960, it filed a petition requesting that its application be consolidated with those in the above proceeding. This request was denied by the Commission on January 25, 1961 (See Memorandum Opinion and Order released January 27, 1961, FCC 61-108), and on April 19, 1961, its petition for reconsideration of this action was similarly denied. (Order released April 24, 1961, FCC 61-532.) Meanwhile, on December 7, 1960, the hearing in the above proceeding was completed and the record closed, and on June 14, 1961, an Initial Decision was rendered proposing to grant the applications therein, including the proposal of WILM notwithstanding the interference it would cause to Station WCTC. Petitioner now requests that the provisions of § 3.37 of the rules be waived in order that its applications may be given consideration without further delay.[2]

[1] Station WNJR operates on 1430 kilocycles with 5 kilowatts of power, utilizing a directional antenna nights.

[2] WCTC requests that we waiver that portion of Section 3.37 which provides that no license will be granted for the operation of a station on a frequency within 20 kilocycles of the frequency of another station if the area enclosed by the 25 mv/m ground wave contour of either one overlaps the area enclosed by the 2 mv/m ground wave contour of the other.

3. In its petition, WCTC argues, in substance, that the action requested is in keeping with the "spirit" of the Commission's Report and Order released May 14, 1961, revising § 1.354(c) of the rules with respect to Class IV applications requesting increased power daytime to 1 kilowatt, since a grant of its application would serve to foster the desired improvement of service to be derived from a nation-wide chain of local station power increases; that, in addition, a grant of its request at this time would enable it to remove the objections it has interposed against the grants of those applications in Docket Nos. 13528 et al, thereby expediting their consideration and permitting without further delay a new primary service to more than 186,900 persons in the northeastern part of the United States; that, however, grants of the above applications without authorizing it a similar increase in power will cause considerable interference to its existing 250 watt operation. Petitioner argues that the most serious obstacle to the immediate grant of its application is the 2 and 25 mv/m overlap problem with Station WNJR, Newark, New Jersey; that its 25 mv/m contour overlaps the WNJR 2 mv/m contour and that its proposed 2 mv/m contour will only slightly overlap the 25 mv/m contour of Station WNJR; that this 2 and 25 mv/m overlap problem is slight and already existing; that it has existed since before the institution of § 3.37 of the Rules prohibiting such overlap; that it has involved and will involve no cross-modulation and that there is no way in which modifications or changes could be made by WCTC to eliminate this problem. In view of these circumstances, WCTC contends, a waiver of § 3.37 would be consistent with the Commission's policy, as expressed in previous cases, on such overlap situations.

4. The opposition filed by WNJR does not take issue with petitioner's request for expeditious consideration of its application. It does, however, oppose WCTC's request for waiver of § 3.37 of the rules and grant of its application without hearing. WNJR argues that a grant of this application will result in objectionable interference to its existing operation and increase not only the extent of overlap of its 2 mv/m contour with the 25 mv/m contour of WCTC but also, for the first time, create an overlap of its 25 mv/m contour with the 2 mv/m contour of WCTC. Accordingly, WNJR contends, since it has objected to such a grant, its license cannot be modified without affording it an opportunity to be heard on the matter by designating the WCTC application for hearing and making it a party respondent thereto.

5. In its initial reply, petitioner conceded that WNJR is entitled to a hearing on its application. However, it argued, since it has been recognized by recent rules and orders of the Commission that the public interest would best be served by accelerating the authorizations of Class IV power increases to 1 kilowatt, its application should be designated for hearing immediately with Station WNJR made a party to the proceeding, especially since the instant demand for hearing is predicated upon slight interference only. The supplemental reply filed on July 24, 1961, by WCTC, however, disregards its above position and contends instead that in view of the Commission's recent decision in WMRO, Inc., released July 10, 1961 (FCC 61-865), WNJR need no longer be afforded a hearing, since the interference which would be caused to WNJR by a grant of its application is slight and accordingly should be considered de minimis as was the interference involved in the above-referenced WMRO, Inc. matter. Thus, it concludes, its application can be granted immediately without the necessity of a hearing.

6. After carefully considering the allegations advanced by petitioner and WNJR as well as all other available engineering data on file with the Commission, we find that the application of WCTC must be designated for hearing to determine whether, notwithstanding the interference to Station WNJR, said application should be granted. Petitioner's reliance on our decision in the WMRO case is not sufficient to support its contention that its application can be granted without a hearing. We recognize that as an alternative basis for arriving at our conclusion in WMRO, Inc., a de minimis theory was used. However, the instant situation is clearly distinguishable on its facts. As stated by petitioner the interference to Station WNJR would involve a loss of approximately 23,000 persons as compared with only approximately 5,000 people in the WMRO case. We believe that the loss here is one which we cannot find to be de minimis, as suggested by petitioner.

7. Section 1.354(c) of the rules, as recently amended, permits the simultaneous consideration of Class IV applications requesting increased power daytime regardless of their respective dates of filing, if such applications involve interlinking interference problems only with Class IV applications reached in the normal course of processing. Petitioner does not specifically request waiver of this rule. It merely requests that its application be given immediate consideration pursuant to § 1.354(c) of the rules. However, since its application does not involve interlinking interference problems with any other Class IV applications which have been "reached in the normal course of processing" and are presently under study, it does not fall within the purview of the above rule and, accordingly, cannot be considered out of its proper turn unless the provisions of § 1.354(c) of the rules are waived to permit such action. Thus, the instant petition filed by WCTC must be considered as a request for waiver of this rule as well as waiver of § 3.37 of the rules.

8. Viewed in this manner, we find that the public interest would best be served by our waiver of § 1.354(c) and immediate designation of the WCTC application for hearing. WCTC would receive substantial interference from a grant of the WILM power increase. Since WCTC and WILM are Class IV stations proposing increased daytime power, we believe the WCTC proposal should be designated for hearing without delay. Such action would not adversely effect our cut-off procedure, since no proposals other than Class IV are involved. Moreover, such action would be in keeping with the Commission's often expressed policy seeking early consideration of proposals by Class IV stations increasing power, especially where the existing operation may receive interference from other such proposals. Any grant of the WCTC application will, as the applicant has recognized in its pleadings, be conditioned to preclude construction prior to conclusion of the proceedings in Docket 13528 et al.

9. *Accordingly, it is ordered,* This 29th day of November 1961, that the instant petition filed on June 12, 1961, by the Raritan Valley Broadcasting Company, Inc., is hereby granted to the extent indicated and is hereby denied in all other respects.

It is further ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application of WCTC is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCTC and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WCTC would cause objectionable interference to Station WNJR, Newark, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of WCTC and the existing operation of Station WNJR, Newark, New Jersey, in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Continental Broadcasting, Inc., licensee of Station WNJR, Newark, New Jersey, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the subject application, the construction permit shall contain a condition that construction shall not be commenced until a decision has been reached in the proceeding in Docket No. 13528 et al. and that in the event that the applications therein are granted, Station WCTC shall not commence program tests until the stations therein involved are similarly authorized.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days from the mail-

ing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (g) of the rules.

Released: December 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11614; Filed, Dec. 6, 1961; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

GRACE LINE, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8591, between Grace Line, Inc., Flota Mercante Grancolombiana, S.A. (Latin American carriers), American President Lines, Ltd. and Pacific Far East Line, Inc. (Guam carriers), covers a through billing arrangement in the trade between ports of call of the Latin American carriers in the Canal Zone, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru and Venezuela, and ports of call of the Guam carriers in Guam, M.I., with transshipment at Pacific Coast ports of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 4, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11599; Filed, Dec. 6, 1961; 8:48 a.m.]

[3] Commissioner Bartley dissenting in opinion.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1456]

ATLAS CORP.

Notice of Filing of Application for Order Exempting Transactions Between Affiliates

NOVEMBER 29, 1961.

Notice is hereby given that Atlas Corporation ("Atlas"), 80 Pine Street, New York 2, N.Y., a Delaware corporation and a registered closed-end nondiversified management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act (1) the proposed change in certain rights of the $100 par value 5 percent cumulative preferred stock of Wellco Shoe Corporation ("Wellco"), a North Carolina corporation and an affiliate of Atlas, and (2) the proposed conversion by Atlas of its holdings of the class A common stock of Wellco into class B common stock of Wellco. All interested persons are referred to the application on file with the Commission for a complete statement thereof which is summarized below.

The proposed transactions are preliminary steps to a proposed public offering by which Atlas intends to dispose of its investment in Wellco, which is engaged in the businesses of designing, manufacturing and selling footwear and licensing other firms to use patented processes for manufacturing footwear. Atlas owns 1,314 shares of the 5 percent cumulative preferred stock, or approximately 85 percent of such stock outstanding, and all the class A common stock, consisting of 12,507 shares. The Rollmans, a family partnership which provides management services to Wellco, owns 22,721 shares of class B common stock, or approximately 98 percent of such stock outstanding. Wellco has no other classes of capital stock outstanding. Shares of class A common stock and class B common stock are presently alike in all respects except that the class A common stock is convertible at the option of the holder into class B common stock on a share-for-share basis and is entitled, in preference to the class B common stock, to non-cumulative dividends of $2 per share in any fiscal year before the declaration in such fiscal year of any other dividends on the common stock in which the class A common stock and the class B common stock participate on a share-for-share basis. The class A common stock and the class B common stock have equal voting rights per share. Atlas owns approximately 35 percent of the voting stock, thereby making Wellco an affiliated person of Atlas, and The Rollmans' ownership of approximately 64 percent of the voting stock constitutes the controlling interest in Wellco. The application represents that Atlas and The Rollmans have no connection with each other other than by reason of their interests in Wellco, and that the transactions for which exemption is requested were negotiated at arm's length between Atlas and The Rollmans.

Wellco and The Rollmans have agreed with Atlas that prior to the conversion the class B common stock of Wellco will be split as indicated below and a registration statement filed under the Securities Act of 1933 with respect to the shares to be acquired by Atlas as a result of its conversion of the class A common stock and possible conversion of the preferred stock after it is made convertible as discussed below, provided that Atlas converts all of its class A common stock into the class B common stock. Atlas intends to use the proceeds of the public offering for the reduction of outstanding bank loans and other corporate purposes. Prior to the proposed public offering the class B common stock will be split on a ten-for-one basis and provision will also be made to increase from one to ten the number of shares of class B common stock into which each share of class A common stock is convertible. Upon said conversion, the class A common stock will be eliminated and the authorized and outstanding class B common stock will thereafter be designated common stock, having $1 par value.

The application states that the dividend preference of the class A common stock is of questionable prospective value in view of the fact that Wellco has never paid dividends on its common stock and has represented that no dividends are expected to be paid on the common stock in the near future. The application further states that Wellco and The Rollmans were unwilling to permit a split of the class A common stock and the class B common stock, as originally proposed by Atlas at the suggestion of the underwriter for the proposed public offering, or to file a registration statement under the Securities Act of 1933 with respect to such offering by Atlas, unless prior thereto the dividend preference of the class A common stock would be eliminated through conversion of the class A common stock into the class B common stock.

The application also states that Atlas considers its interest in the preferred stock, which has a redemption value of $131,400, too small an interest to be managed efficiently and wishes to dispose of such investment. At the present time, there is no market for the preferred stock, since only 230 shares are outstanding other than those owned by Atlas. The application further states that Atlas has no means of disposing of its shares of preferred stock without incurring substantial losses. Under these circumstances, Atlas and Wellco agreed to change all of the authorized and outstanding shares of Wellco's 5 percent cumulative preferred stock, $100 par value, into an equal number of shares of a new and different class of preferred stock to be known as 5 percent cumulative convertible preferred stock, $100 par value. Each share of the new stock will be convertible into 12½ shares of the newly designated common stock, equivalent to a price of $8 per share. While the expected public offering price of the common stock proposed to be sold by Atlas is $5.50, Wellco would not agree to an equivalent conversion rate at the price of $5.50 per share of common because it felt that such a price would not give adequate consideration to the growth potential of Wellco. A sinking fund for the redemption of the preferred stock, which has resulted in expenditures amounting to $11,642 during the three-year period ended June 30, 1961, will be eliminated. Certain rights of Atlas under a separate agreement dated July 1, 1957, involving certain negative covenants binding upon Wellco, will also be eliminated.

Section 17(a) of the Act prohibits, among other things, an affiliated person of a registered investment company from selling to, or purchasing from, such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than December 13, 1961, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11573; Filed, Dec. 6, 1961; 8:46 a.m.]

[File No. 70-4001]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL.

Notice of Filing of Joint Application-Declaration Regarding Short-Term Borrowings By Subsidiary Companies

NOVEMBER 30, 1961.

In the matter of Blackstone Valley Gas and Electric Company, Valley Gas Company, Eastern Utilities Associates; File No. 70-4001.

Notice is hereby given that Eastern Utilities Associates ("EUA"), 49 Federal Street, Boston 7, Massachusetts, a registered holding company, and its public-utility subsidiary companies, Blackstone Valley Gas and Electric Company ("Blackstone"), 55 High Street, Pawtucket, Rhode Island, and Valley Gas Company ("Valley"), 55 High Street, Pawtucket, Rhode Island, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed issuance and sale by Blackstone and Valley of short-term notes and the acquisition by EUA of certain notes of Blackstone. Applicants-declarants have designated sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 12(f) of the Act and Rules 42(b)(2), 43(a), 45(b)(1) and 50(a)(2), (a)(3) and (a)(4) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Blackstone proposes to issue and sell to banks and EUA, from time to time during the period ending December 28, 1962, short-term unsecured promissory notes in the aggregate principal amount not exceeding $6,200,000 (of which not in excess of $1,000,000 principal amount will be issued to EUA), maturing on various dates during 1962, bearing interest not in excess of the prime rate in effect on the date of issuance, and prepayable, in whole or in part, at any time without penalty.

Valley proposes to issue and sell to banks, from time to time during the period ending December 23, 1962, short-term unsecured promissory notes in the aggregate principal amount not exceeding $800,000, maturing on various dates during 1962, bearing interest not in excess of the prime rate in effect on the date of issuance, and prepayable, in whole or in part, at any time without penalty.

The proceeds of the notes to be issued will be used by Blackstone and Valley to repay when due their outstanding short-term notes which are expected to aggregate principal amounts of $5,250,000 (including $1,000,000 due EUA) and $450,000, respectively, at December 29, 1961, and for construction expenditures during 1962.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $635 of counsel fees for EUA, $215 of legal fees for Blackstone and $215 of legal fees for Valley.

The joint application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction in respect of any of the proposed transactions.

Notice is further given that any interested person may, not later than December 21, 1961, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the joint application-declaration as filed, or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules and regulations as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11574; Filed, Dec. 6, 1961; 8:46 a.m.]

[File No. 70-3940]

CENTRAL AND SOUTH WEST CORP. AND SOUTHWESTERN ELECTRIC POWER CO.

Notice of Filing of Application-Declaration Regarding Issuance, Sale, and Acquisition of Short-Term Notes

NOVEMBER 30, 1961.

Notice is hereby given that Central and South West Corporation ("Central"), Chicago, Illinois, a registered holding company, and its electric utility subsidiary company, Southwestern Electric Power Company ("Southwestern"), have filed a joint application-declaration, pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935 ("Act"), in respect of the following proposed transactions.

Central proposes to extend to December 31, 1962 the maturity date of notes of Southwestern held by it in the principal amount of $1,000,000 and to lend to Southwestern, from time to time during December 1961 and the first quarter of 1962, an additional aggregate sum of $2,000,000. Southwestern proposes to issue to Central its promissory notes maturing December 31, 1962, bearing interest at the rate of 3 percent per annum, and prepayable at any time without premium, to evidence the extension of the maturity date of the outstanding

$1,000,000 principal amount of its notes, and to evidence the additional borrowings. The proceeds of the additional borrowings are to be used for construction expenditures. Southwestern contemplates that all such notes will be repaid from internally generated funds or with the proceeds of bank borrowings.

Notice is further given that any interested person may, not later than December 20, 1961, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit, or in the case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11575; Filed, Dec. 6, 1961; 8:46 a.m.]

[File No. 54-233, etc.]

GRANITE CITY GENERATING CO. AND GRANITE CITY GENERATING CO.

Notice of Filing of and Order for Hearing on Plan and on Application Order Instituting Proceeding and Directing Hearing Thereon; and Order Consolidating Proceedings

NOVEMBER 30, 1961.

In the matters of voting trustees of Granite City Generating Company, File Nos. 54-233 and 30-92; Granite City Generating Company and voting trustees of Granite City Generating Company, File No. 59-108.

I. Notice is hereby given that the Voting Trustees of Granite City Generating Company ("Voting Trustees"), a registered holding company, holding all of the shares of the capital stock of Granite City Generating Company ("Granite City") under a voting trust agreement dated February 25, 1938, have filed a plan, and an amendment thereto, ("plan") pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act").

Reference is made to the plan which is on file in the office of this Commission for a complete statement of the terms and provisions proposed therein, the salient features of which are summarized as follows:

1. Under the voting trust agreement, the Voting Trustees have outstanding, 308,472 voting trust certificates representing 308,472 shares of the $0.10 par value common stock of Granite City, being all of the outstanding shares thereof. Their sole asset in such capacity consists of the common stock of Granite City which is now in the process of liquidation and dissolution. Upon the surrender by the Voting Trustees of the shares of common stock of Granite City, their assets will consist solely of cash in the amount of approximately $450,000.

After payment of, or provision for the payment of, all of the Voting Trustees' liabilities under the voting trust agreement, the payment of such fees and expenses in connection with the plan, and any and all transactions and proceedings related thereto as the Commission may allow or award, and the payment of remuneration to the present and past voting trustees and the officers of Granite City for services rendered to the voting trust or in connection with the sale of the physical assets of Granite City, all of the remaining assets of the voting trust will be deposited by the Voting Trustees with American National Bank and Trust Company of Chicago, Illinois, or with such other institution as may be designated as distribution agent by the Court enforcing the plan and thereupon the voting trust will terminate. Such remaining assets will be distributed pro rata by the distribution agent to the holders of the voting trust certificates upon the surrender of such certificates or other satisfactory proof of ownership thereof.

2. The liabilities of the Voting Trustees under the voting trust agreement and the expenses of winding up the voting trust are estimated at $15,000. In addition, an aggregate of $6,900 is proposed to be paid to the past and present voting trustees named below in proportion to their years of service:

Edward Graff	$1,200
E. M. Goodman	2,300
John T. Inghram	1,200
Morris E. Feiwell	1,100
Estate of Edward P. Allen, deceased	1,100
	6,900

The plan further proposes to award an aggregate of $52,500 to the officers and attorneys of Granite City (Edward Graff, President, $17,500; John T. Inghram, Vice President, $17,500; and Norman Asher, secretary-treasurer, $17,500) for their services in negotiating and consummating the sale of the physical assets of Granite City. E. M. Goodman, presently a voting trustee, Morris E. Feiwell, a former voting trustee, and the estate of the deceased voting trustee, Edward P. Allen, have expressed disagreement with these terms and provisions of the plan.

3. At the end of five (5) years from the date on which the distribution agent first gives due notice of the distribution of the remaining assets deposited as stated in paragraph 1 above, and reasonable efforts having been made to locate the holders of the voting trust certificates, said holders will lose all rights with respect thereto. As soon as practicable after the end of such five (5) year period, the cash remaining will be distributed by the distribution agent pro rata to those persons who have surrendered their voting trust certificates or otherwise proved their ownership thereof.

4. The Voting Trustees request that the Commission (a) approve the various terms and provisions of the plan, (b) approve the fees and expenses proposed to be paid in connection with the plan and as remuneration to past and present voting trustees and to officers of Granite City for services rendered, (c) apply to the District Court of the United States for the Southern District of Illinois, Southern Division ("Court"), the court in which the voting trusteeship was executed, for an order enforcing and carrying out the terms and provisions of the plan, and (d) declare, by order issued pursuant to section 5(d) of the Act, that the Voting Trustees have ceased to be a holding company and that their registration as such under the Act has ceased to be in effect.

5. The plan will be carried out without a vote of the holders of the voting trust certificates but pursuant to an order of the Commission approving the plan and an order of the Court enforcing said plan. If any provision of the plan is in conflict with any previous order of the Commission or the enforcement Court, approval of the plan by order of the Commission and such Court will be deemed to amend or modify any such order previously entered by the Commission or such Court.

II. The Commission having been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11(a) and 18(b) of the Act, has made a preliminary examination of the historical background and the affairs of the Voting Trustees, of the securities held by and issued by the Voting Trustees, of the business, financial condition and practices of the Voting Trustees, of the corporate structure, the business and financial condition of Granite City, the only subsidiary company of the Voting Trustees, of the relationships between the Voting Trustees and Granite City and of the interest of the Voting Trustees and the public in Granite City, and has made a preliminary study of the plan submitted by the Voting Trustees filed pursuant to section 11(e) of the Act; and it appearing to the Division from such examination that:

1. The Voting Trustees are, and since June 4, 1937, have been a holding company and registered as such under the Act. They have operated under a voting trust agreement dated February 25, 1938, relating to the common stock of Granite City. The sole asset of the voting trust consists of all of the 308,472 outstanding common shares, $0.10 par value, of Granite City.

2. On June 15, 1961, pursuant to Commission authorization, the Voting Trustees sold to a nonaffiliated steel company all of Granite City's assets except cash, bank deposits and choses of action. (See Granite City Generating Company, et al. Holding Company Act Release No. 14449.) Exclusive of the fees and expenses incurred in connection with this sale, the net purchase price of the assets sold amounted to $1,083,162 in cash of which $693,662.50 was deposited with the trustee and depositary of Granite City's outstanding 5 percent first mortgage and collateral trust certificates which were thereupon redeemed and discharged in accordance with the terms of the indenture.

3. As at June 15, 1961, the assets of Granite City consisted of $388,949.45 in cash representing the net proceeds from the sale of its physical properties, $81,103.11 held by the trustee and depositary under Granite City's first mortgage and indenture of trust, and claims of approximately $17,000 for the refund of real estate and personal property taxes.

III. The Division states that the foregoing allegations, and the facts otherwise disclosed in the course of the examination described above establish or tend to establish that the continued existence of Voting Trustees and of Granite City serves no useful purpose and unduly and unnecessarily complicates the structure of the holding company system of which each is a part.

IV. It being the duty of the Commission pursuant to section 11(b)(2) of the Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure, among other things, that the continued existence of any company in a holding-company system does not unduly or unnecessarily complicate the structure of such holding-company system; and

The Commission being required by the provisions of section 11(e) of the Act to find, after notice and opportunity for hearing and before approving any plan filed thereunder, that such plan, as submitted or as it may be further modified, is necessary to effectuate the provisions of section 11(b) of the Act and is fair and equitable to the persons affected thereby; and

The Commission deeming that it is appropriate in the public interest and in the interest of investors that notice be given and a hearing be held for the purpose of (a) determining what action should be ordered under section 11(b)(2) of the Act, (b) ascertaining whether the plan of the Voting Trustees should be approved, and (c) ascertaining whether the request of the Voting Trustees for an order pursuant to section 5(d) of the Act should be granted; and

It appearing that common issues of fact and law arise under sections 11(b)(2), 11(e), and 5(d) of the Act, as aforesaid, making it appropriate that said matters be consolidated and that a hearing be held in the consolidated proceeding:

It is hereby ordered:

(a) That a proceeding be, and the same hereby is, instituted in respect of the Voting Trustees and of Granite City pursuant to section 11(b)(2) of the Act (File No. 59-108) and that said proceeding be, and the same hereby is, consolidated with the proceeding in connection with the plan of the Voting Trustees (File No. 54-233) and their request for an order under section 5(d) of the Act (File No. 30-92);

(b) That the Voting Trustees and Granite City be, and the same hereby are, made parties to said consolidated proceeding; and

(c) That the Voting Trustees and Granite City file an answer or answers with the Secretary of the Commission on or before December 13, 1961, to the allegations contained in Parts II and III hereof, in the form prescribed by Rule 25 of the rules and regulations under the Act. Any of such allegations which are not denied or otherwise controverted shall be deemed to be admitted for the purpose of said consolidated proceeding.

It is further ordered, That the hearing in said consolidated proceeding be held on the 9th day of January 1962 at 10:00 a.m., at the Chicago Regional Office of the Securities and Exchange Commission, Bankers Building, 155 W. Adams Street, Chicago, Illinois. Any persons desiring to be heard in connection with said consolidated proceeding or proposing to intervene therein shall file with the Secretary of the Commission, Washington 25, D.C., on or before December 29, 1961, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice.

It is further ordered, That Robert N. Hislop or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in said consolidated proceeding. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

V. The Division having advised the Commission that the following matters and questions are presented for consideration at such hearing, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Parts II and III hereof are true and correct;

2. Whether the continued existence of the Voting Trustees or of Granite City, or both, serves any useful purpose or unduly or unnecessarily complicates the structure of the holding-company system of the Voting Trustees, and, if so, what steps, if any, are necessary and should be required to be taken by the Voting Trustees and by Granite City to ensure that their continued existence does not unduly complicate the structure of the holding-company system of which they are a part;

3. Whether the plan, as submitted by the Voting Trustees or as it may be further modified or amended, is necessary to effectuate the provisions of section 11(b)(2) of the Act;

4. Whether the plan, as submitted by the Voting Trustees or as it may be further modified or amended, is fair and equitable to the persons affected thereby;

5. Whether, in general, the transactions proposed in the plan of the Voting Trustees satisfy the applicable provisions of the Act;

6. Whether any provision should be made for possible liabilities for Federal capital gain or income taxes;

7. Whether the Voting Trustees have ceased to be a holding company; and

8. Whether, in connection with the entry of an order under section 5(d) of the Act declaring that the Voting Trustees have ceased to be a holding company, it is necessary or appropriate for the protection of investors to impose terms and conditions and, if so, what terms and conditions.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in this consolidated proceeding, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to Granite City; the Voting Trustees; the Federal Power Commission; the Illinois Commerce Commission; the United States Treasury Department; the United States District Court, Southern District of Illinois, Southern Division; Edward Graff; John T. Inghram; E. M. Goodman; Morris Karon; Norman Asher; George S. Feiwell; Morris E. Feiwell; E. James Gormley; and Carl G. Schneideskamp, and that said notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That the Voting Trustees mail a copy of this notice and order to all record holders of voting trust certificates at least twenty-five days prior to the date herein fixed as the date for hearing, and upon request of any such holder shall mail to him, without cost to said holder, a copy of the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11576; Filed, Dec. 6, 1961; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

ASTRO AGE INDUSTRIES, INC.

Request To Operate as a Small Business Defense Production Pool, and Request to Certain Companies To Participate in the Operations of Such Pool

Pursuant to section 11 of the Small Business Act (85-536), and section 1 of Executive Order 10493, dated October 15, 1953, the Administrator of the Small

Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States, has found that the voluntary agreement and proposed joint program of Astro Age Industries, Inc. to operate as a small business defense production pool is in the public interest as contributing to the national defense, and will further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by section 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of Astro Age Industries, Inc. and has requested it to act in accordance with this agreement and proposed program as a small business defense production pool.

In accordance with the requirements of section 11 of the Small Business Act, there is set forth herewith a copy of the aforesaid request.

REQUEST TO ASTRO AGE INDUSTRIES, INC.,
9030 Bellanca Avenue,
Los Angeles, Calif.:

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of Astro Age Industries, Inc., to operate as a small business defense production pool is in the public interest as contributing to the national defense and will further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by Section 11 of the Small Business Act, I, in accordance with this section, approve your voluntary agreement and proposed joint program and request the Pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws, or the Federal Trade Commission Act of the United States, as granted by Section 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether the pool will act in accordance with my request.

Sincerely yours,

PHILIP MCCALLUM,
Administrator.

The immunity from the prohibitions of the antitrust laws of the Federal Trade Commission Act as granted by section 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or request.

The pool accepted the request to act in accordance with the agreement and proposed joint program. In addition, two of the four applicant companies accepted the request to become pool members and participate in its joint program. These two companies are Aircraft Tools, Inc. and Mechanical Specialties Company. The pool notified the Small Business Administration that Electro-Pulse, Inc. and Horkey-Moore Associates had been absorbed by big business corporations and were no longer eligible for pool membership.

Dated: December 1, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-11579; Filed, Dec. 6, 1961; 8:46 a.m.]

TARIFF COMMISSION

WILTON AND VELVET CARPETS AND RUGS

Additional Report to the President

DECEMBER 4, 1961.

The U.S. Tariff Commission's report to the President supplying information additional to that given in the Commission's report on escape-clause investigation No. 7-104 concerning wilton and velvet carpets and rugs was released today. The present report was prepared in response to the President's letter to the Commission of September 30, 1961; and release of the report has been authorized by the White House.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-11592; Filed, Dec. 6, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[Administrator's Order A.O. No. 1]

APPLICANT PILOTS

Registration

Notice is hereby given in accordance with § 401.211 of the Great Lakes Pilotage Regulations (26 F.R. 9646) that any person desiring to become an applicant pilot shall file an application for registration in the following manner.

1. *Number of applicant pilots authorized.* In order to assure an adequate number of registered pilots, the number of applicant pilots authorized to be in training by each association authorized to form a pool shall be as follows:

District 1—0 (No pool authorized).
District 2—5.
District 3—3.

2. *Procedures for application.* Persons desiring to be considered as an applicant pilot shall file with the Administrator, Great Lakes Pilotage Administration, Washington 25, D.C. Application Form (SEC-315) in duplicate, together with one extra full-face photograph. The $5 registration fee is not to be submitted until such time as the applicant is registered pursuant to § 401.220(b) of the Great Lakes Pilotage Regulations (46 CFR 401.220(b)).

3. *Selection of applicants.* Selection of applicant pilots for training shall be from among those applicants who meet the requirements and qualifications set forth in § 401.211 of the Great Lakes Pilotage Regulations and whose applications have been filed with the Administrator prior to an applicant pilot vacancy.

4. *Identification of applicant pilots.* Individuals selected as applicant pilots by the Administrator shall be issued a GLPA Applicant Pilot Identification Card, which shall remain valid until such time as (1) the applicant is registered as a pilot; (2) the applicant withdraws from the training program; or (3) upon revocation by the Administrator.

Dated: November 27, 1961.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 61-11580; Filed, Dec. 6, 1961; 8:46 a.m.]

Office of the Secretary

ADMINISTRATOR, MARITIME ADMINISTRATION

Negotiation of Certain Contracts for Supplies and Services in Connection With Maritime Adminstration Programs; Delegation of Authority

This material supersedes the material on the same subject dated August 31, 1961, 26 F.R. 8422-8423 of September 7, 1961.

1. Pursuant to authority vested in the Secretary of Commerce by law and by delegation from the Administrator of General Services, the Administrator, Maritime Administration is hereby authorized to exercise the authority of the Secretary of Commerce to negotiate contracts without advertising under the provisions of section 302(c), (2), (4), (5), and (10) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Maritime Administration.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the Maritime Administration.

5. This amended delegation of authority supersedes the delegation of authority on the same subject dated August 31, 1961.

Dated: December 1, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-11603; Filed, Dec. 6, 1961; 8:49 a.m.]

EDWARD ABBOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: None.
B. Additions: American Stores, Strawbridge & Clothier Department Store, Public Service Electric & Gas, N.J., Socony Mobil Oil Co., Wellington Fund, Wellington Equity Fund.

This statement is made as of November 18, 1961.

EDWARD ABBOTT.

NOVEMBER 18, 1961.

[F.R. Doc. 61-11581; Filed, Dec. 6, 1961; 8:46 a.m.]

HUBERT L. BYRD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: General Electric, Texas Gulf Sulphur.

This statement is made as of November 19, 1961.

HUBERT L. BYRD.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11582; Filed, Dec. 6, 1961; 8:46 a.m.]

ROBERT GEOFFREY PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of November 22, 1961.

ROBERT GEOFFREY PETERSEN.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11583; Filed, Dec. 6, 1961; 8:47 a.m.]

JAMES H. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: Amerline Corp., Preway, Inc., Sunset International Petroleum Corp., Scantlin Electronics, Inc.

This statement is made as of November 19, 1961.

JAMES H. SANDS.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11584; Filed, Dec. 6, 1961; 8:47 a.m.]

WILLIAM E. VAUGHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 18, 1961.

WILLIAM E. VAUGHN.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11585; Filed, Dec. 6, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR Page
PROCLAMATIONS:
3401 ... 11714
3440 ... 11714
EXECUTIVE ORDERS:
2711 ... 11746
10977 ... 11471
10978 ... 11714

5 CFR
6 ... 11347, 11483, 11671

7 CFR
722 ... 11472, 11481
750 ... 11725
775 ... 11672
776 ... 11347, 11407
914 ... 11417
933 ... 11417–11419
937 ... 11725
938 ... 11725
953 ... 11419
958 ... 11483
PROPOSED RULES:
911 ... 11495
914 ... 11435
953 ... 11363
982 ... 11498

8 CFR
PROPOSED RULES:
242 ... 11363

9 CFR
83 ... 11483

10 CFR
25 ... 11726

12 CFR
4 ... 11353

13 CFR
122 ... 11353

14 CFR
40 ... 11354
41 ... 11355
42 ... 11356
288 ... 11483
507 ... 11672
555 ... 11672
600 ... 11357, 11484, 11485, 11674, 11726, 11727
601 ... 11485, 11674, 11675, 11726–11728
602 ... 11729
608 ... 11729, 11730
PROPOSED RULES:
302 ... 11685
600 ... 11435, 11494, 11734
601 ... 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734.
608 ... 11435, 11494

15 CFR Page
201 ... 11357
230 ... 11360

16 CFR
13 ... 11360, 11486, 11675, 11730

17 CFR
239 ... 11730
PROPOSED RULES:
270 ... 11738

18 CFR
PROPOSED RULES:
2 ... 11459

19 CFR
3 ... 11362
5 ... 11420
21 ... 11362
54 ... 11731
PROPOSED RULES:
10 ... 11683

21 CFR
20 ... 11676
120 ... 11731
121 ... 11677
PROPOSED RULES:
1 ... 11734
120 ... 11684
121 ... 11684, 11735
141a ... 11684
146 ... 11684
146a ... 11684
147 ... 11684

24 CFR
201 ... 11731

25 CFR
PROPOSED RULES:
221 ... 11734

26 CFR
1 ... 11486, 11677

28 CFR
15 ... 11420

29 CFR
403 ... 11678
408 ... 11678
670 ... 11420
678 ... 11420
PROPOSED RULES:
545 ... 11735

30 CFR
222 ... 11487

32 CFR
577 ... 11679
701 ... 11715
710 ... 11716

32 CFR—Continued Page
720 ... 11722
765 ... 11680
2011 ... 11421

33 CFR
210 ... 11732
212 ... 11421

36 CFR
PROPOSED RULES:
1 ... 11363

38 CFR
6 ... 11680
8 ... 11680

39 CFR
1—204 ... 11513
PROPOSED RULES:
201 ... 11426
202 ... 11431
203 ... 11432
204 ... 11432

41 CFR
9–7 ... 11488

43 CFR
PROPOSED RULES:
192 ... 11493
200 ... 11493
PUBLIC LAND ORDERS:
842 ... 11361
2543 ... 11361
2544 ... 11361
2546 ... 11361

44 CFR
151 ... 11425

46 CFR
PROPOSED RULES:
201 ... 11738
206 ... 11738
221 ... 11738
298 ... 11738
299 ... 11738

47 CFR
10 ... 11422, 11681
16 ... 11423
PROPOSED RULES:
3 ... 11458, 11495
7 ... 11369
8 ... 11369
14 ... 11369

49 CFR
170 ... 11732
174a ... 11492

50 CFR
32 ... 11733
33 ... 11733

Pages 11761–11810

FEDERAL REGISTER

VOLUME 26 NUMBER 236

Washington, Friday, December 8, 1961

OF MICHIGAN
DEC 13 1961
MAIN READING ROOM

Contents

Agricultural Research Service
PROPOSED RULE MAKING:
Scabies in sheep; proposed designation of Pennsylvania as eradication area ... 11804

Agricultural Stabilization and Conservation Service
RULES AND REGULATIONS:
Wheat marketing quota, 1961 and subsequent crop years; excess acreage utilization dates and normal harvest completion dates ... 11795

Agriculture Department
See Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Army Department
See Engineers Corps.

Civil Service Commission
RULES AND REGULATIONS:
Retirement; miscellaneous amendments ... 11794

Defense Department
See Engineers Corps; Navy Department.

Engineers Corps
RULES AND REGULATIONS:
Bridge regulations; Mount Desert Narrows, Maine ... 11803

Federal Aviation Agency
PROPOSED RULE MAKING:
Performance of maintenance by an air carrier on other than air carrier aircraft ... 11804

Federal Communications Commission
NOTICES:
Hearings, etc.:
Bi-States Co. (KHOL–TV) and Topeka Broadcasting Association, Inc. (WIBW–TV) ... 11806
Lake Shore Broadcasting Co., Inc. (WDOE) ... 11806

Federal Deposit Insurance Corporation
RULES AND REGULATIONS:
Insured nonmember banks; maximum rates of interest payable on time and savings deposits ... 11798

Federal Power Commission
NOTICES:
Hearings, etc.:
Gulf States Utilities Co ... 11806
Lone Star Producing Co ... 11806
Northern Natural Gas Co. (2 documents) ... 11808
Northern Natural Gas Co. et al ... 11809
Pan American Petroleum Corp. et al ... 11809
Sunray Mid-Continent Oil Co. et al ... 11807
United Fuel Gas Co. et al ... 11807

Federal Reserve System
NOTICES:
First Virginia Corp.; order extending time for acquisition of voting shares of Richmond Bank and Trust Co ... 11809
RULES AND REGULATIONS:
Payment of interest on deposits; maximum rates of interest ... 11798

Food and Drug Administration
RULES AND REGULATIONS:
Antibiotics intended for use in laboratory diagnosis of disease; antibiotic sensitivity discs; correction ... 11802
Chlortetracycline or tetracycline; certification, tests, and methods of assay; miscellaneous amendments ... 11801
Food additives:
Human consumption; propylene oxide ... 11799
Resulting from contact with containers or equipment, or otherwise affecting food:
Reinforced wax ... 11800
Surface lubricants used in manufacture of metallic articles ... 11800
Penicillin:
Certification ... 11801
Certification, tests, and methods of assay ... 11801
Pesticide chemicals in or on raw agricultural commodities; tolerances for residues:
Maneb ... 11799
Toxaphene ... 11799

Health, Education, and Welfare Department
See Food and Drug Administration.

Immigration and Naturalization Service
RULES AND REGULATIONS:
Alien crewmen; landing and parole ... 11797

Interior Department
See Land Management Bureau.

(Continued on next page)

Justice Department

See Immigration and Naturalization Service.

Labor Department

See Wage and Hour Division.

Land Management Bureau

RULES AND REGULATIONS:
Public land orders:
Alaska; reservation of lands in Bethel townsite for use of Indian Affairs Bureau 11803
Colorado; revocation of order reserving minerals for war purposes 11803
New Mexico; modification of grazing district boundaries 11803
Oregon; withdrawal of lands for protection of Galice Creek timber access road 11803

Navy Department

RULES AND REGULATIONS:
Miscellaneous amendments:
Claims for injuries to property 11792
Nonjudicial punishment, naval courts and certain fact-finding bodies 11763
Rules applicable to the public (2 documents) 11794

Veterans Administration

RULES AND REGULATIONS:
Soldiers' and sailors' civil relief; miscellaneous amendments 11802

Wage and Hour Division

RULES AND REGULATIONS:
Fair Labor Standards Act as applied to retailers of goods or services 11802

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
29 11794

7 CFR
728 11795

8 CFR
252 11797
253 11797

9 CFR
PROPOSED RULES:
74 11804

12 CFR
217 11798
329 11798

14 CFR
PROPOSED RULES:
18 11804
43 11804

21 CFR
120 (2 documents) 11799
121 (3 documents) 11799, 11800
141a 11801
141c 11801
146a (2 documents) 11801
146c 11801
147 11802

29 CFR
779 11802

32 CFR
719 11763
755 11792
765 (2 documents) 11794

33 CFR
203 11803

38 CFR
7 11802

43 CFR
PUBLIC LAND ORDERS:
61 (revoked by PLO 2547) 11803
2545 11803
2547 11803
2548 11803
2549 11803

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

MISCELLANEOUS AMENDMENTS TO CHAPTER

Scope and purpose. Part 719 is revised to conform with pertinent provisions of JAG Instruction P5800.7, the Manual of the Judge Advocate General, of June 2, 1961, as approved by the Secretary of the Navy. A new Part 755 is added. Section 765.20 is deleted because its content is incorporated in Part 719 as § 719.139.

1. Part 719 is revised to read as follows:

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Subpart A—Nonjudicial punishment

Sec.
719.101 General provisions.
719.102 Letters of censure.

Subpart B—Convening Courts-Martial

719.103 Designation of additional convening authorities.
719.104 Appointment of personnel from other armed forces.
719.105 Preparation of appointing orders.
719.106 Restrictions on exercise of court-martial jurisdiction.
719.107 Superior competent authority defined.

Subpart C—Trial Matters

719.108 Reporters and interpreters.
719.109 Authority to grant immunity from prosecution.
719.110 Spectators.
719.111 Preparation of charge sheets.
719.112 Court-martial punishment of reduction in grade.
719.113 Forfeitures, detentions, fines.
719.114 Preparation of records of trial.

Subpart D—Post-Trial Matters

719.115 Request for appellate defense counsel.
719.116 Distribution of staff legal officer's review.
719.117 Action on courts-martial by convening authority.
719.118 Promulgating orders.
719.119 Review of summary and special courts-martial.
719.120 Matters to be included in action on special courts-martial by general court-martial convening authorities.
719.121 Disposition of record after completion of review in the field.
719.122 Remission and suspension.
719.123 Effective period of sentence to confinement when previous sentence to confinement not completed.
719.124 Vacation of suspension.
719.125 Approval of sentences extending to dismissal of an officer.
719.126 Service of decision of board of review on accused.
719.127 Execution of sentence.
719.128 Request for immediate release by accused.
719.129 Filing of court-martial records.

Subpart E—Miscellaneous Matters

Sec.
719.130 Financial responsibility for costs incurred in support of courts-martial.
719.131 Fees of civilian witnesses.
719.132 Warrants of attachment.
719.133 Security of classified matter in judicial proceedings.
719.134 Court-martial forms.
719.135 Suspension of counsel.
719.136 Petition for new trial under article 73 of the Code.
719.137 Set-off of indebtedness of convicted person against his pay.
719.138 Authority to prescribe regulations relating to the designation and changing of places of confinement.
719.139 Authority to administer oaths and to act as notary.
719.140 Apprehension by civilian agents of naval intelligence.

Subpart F—Parties and Witnesses in Certain Fact-Finding Bodies

719.150 Objectives.
719.151 Types of fact-finding bodies.
719.152 Convening authority—power to order.
719.153 Authority to administer oaths.
719.154 Parties; definitions.
719.155 Designation of parties.
719.156 Change in status of a party.
719.157 Rights of a party.
719.158 Rights of witnesses.
719.159 Statements regarding disease or injury.
719.160 Warning witnesses.
719.161 Meeting of the court.

Subpart G—Appendices (Regulations Referred to in Preceding Subparts)

719.201 Appendix I—Applicable provisions of Bureau of Naval Personnel Manual and Marine Corps Manual relating to authority of commanding officers to effect promotions and reductions of enlisted members (referred to in § 719.101-(a)(1)).
719.202 Appendix II—Applicable provisions of U.S. Navy Regulations dealing with accusations, replies and counter charges and with adverse matters in fitness reports and records of officers (referred to in §§ 719.102 and 719.117).
719.203 Appendix III—Applicable provisions (sections 044018 and 044019) of the Navy Comptroller Manual dealing with time not creditable in computing cumulative years of service (referred to in § 719.111).
719.204 Appendix IV—Navy Comptroller Manual, Volume 4, Chapter 4, Part B, Section VIII, dealing with effect on pay of sentences of courts-martial (referred to in § 719.113).
719.205 Appendix V—Secretary of the Navy Instruction 5815.3 on policy and procedures concerning clemency relative to certain courts-martial (referred to in §§ 719.122 and 719.127).
719.206 Appendix VI—Secretary of the Navy Instruction 1050.3 on leave pending appellate review (referred to in § 719.126).

Sec.
719.207 Appendix VII—Applicable provisions of the Department of the Navy Security Manual for Classified Information, Chapter 9, Section 3 (referred to in § 719.133).
719.208 Appendix VIII—Secretary of the Navy Instruction 5605.3A on court-martial forms (referred to in § 719.134).
719.209 Appendix IX—U.S. Navy Regulations article 1901 on the meaning of the term "Accountable Officer" (referred to in § 719.137).
719.210 Appendix X—Applicable provisions of Navy Comptroller Manual paragraphs 043201 and 044443 on collection of debts due the United States from military personnel (referred to in § 719.137).
719.211 Appendix XI—Secretary of the Navy Instruction 7220.38A on remission of indebtedness of enlisted personnel (referred to in § 719.137).
719.212 Appendix XII—Bureau of Naval Personnel Instruction 1640.5B on designation of places of confinement (referred to in § 719.138).

AUTHORITY: §§ 719.101 to 719.212 issued under R.S. 161, 183, sec. 3481, 62 Stat. 833, secs. 801–940, 5031, 70A Stat. 36–78, 278, sec. 1219, 71 Stat. 160, E.O. 10214 (3 CFR 1949–1953 Comp. p. 408), as amended; 5 U.S.C. 22, 93, 10 U.S.C. 801–940, 1219, 5031, 18 U.S.C. 3481.

Subpart A—Nonjudicial Punishment

§ 719.101 General provisions.

(a) *Authority to impose*—(1) *General.* Pursuant to the provisions of chapter XXVI, Manual for Courts-Martial, United States, 1951 (E.O. 10214, 3 CFR 1949–1953 Comp. p. 408, referred to in this part as MCM 1951), and under the authority of article 15 of the Uniform Code of Military Justice (10 U.S.C. 801–940, referred to in this part as the Code), any commanding officer may, for minor offenses, impose nonjudicial punishment prescribed by paragraph 131, MCM 1951, upon officers, warrant officers, and other military personnel of his command. A commissioned officer or a commissioned warrant officer, designated as officer in charge of a unit by Departmental orders, Tables of Organization, or by orders of a flag or general officer in command (including one in command of a multiservice command to which members of the naval service are attached) or the Senior Officer Present, may impose nonjudicial punishments prescribed by paragraph 131b (2) and (3), MCM 1951, upon enlisted members of the unit of which he is in charge. The commanding officer or officer in charge may impose reduction to the next inferior grade if the condition concerning promotion authority specified in paragraph 131b, MCM 1951, is met. See Bureau of Naval Personnel Manual, articles C–7202 and C–7211, and Marine Corps Manual, paragraphs 1430 and 1450 (§ 719.201).

(2) *Command jurisdiction to impose.* At the time nonjudicial punishment is imposed, including a letter of censure, which is imposed when delivered, the in-

dividual upon whom the punishment is imposed must be a member of the command of the authority taking the action. If disciplinary action appears to be indicated in the case of an individual who is not a member of the command to which he was attached at the time of the alleged offense, full information concerning such alleged offense shall be referred for appropriate action to a commanding officer in the chain of military command over the individual concerned, and in the case of an indicated letter of censure, normally to the officer who exercises general court-martial jurisdiction over the individual concerned. In all cases in which a letter of censure is issued by a command authority to which the individual was not attached at the time of the offense, the letter shall contain an express statement to that effect.

(b) *Restrictions on imposition of nonjudicial punishment*—(1) *Punishment of persons whose cases have previously been adjudicated in domestic or foreign criminal courts.* The policy, criteria, procedures and limitations set forth in § 719.106(d) with respect to trial by summary court-martial of persons whose cases have been previously adjudicated in domestic or foreign criminal courts apply also to the imposition of nonjudicial punishment in such cases.

(2) *Units attached to a ship.* When a unit having a commanding officer or officer in charge is attached to a ship of the Navy for duty therein, such officer should, as a matter of policy, refrain from exercising his power to impose nonjudicial punishment, referring all such matters to the commanding officer of the ship for disposition. This policy shall not be applicable to Military Sea Transportation Service vessels operating under a master.

(c) *Nonpunitive measures.* Commanding officers and officers in charge are authorized and expected to use nonpunitive measures of censure in furthering the efficiency of their commands. These measures are not punishment and may be administered either orally or in writing in accordance with the provisions of paragraph 128c, MCM 1951. Nonpunitive censures, other than censures by the Secretary of the Navy, shall not be included in the Departmental records or in any of the official records of the recipients; and they shall not be quoted in, nor appended to, fitness reports. No command shall forward any nonpunitive censure or copy thereof to the Bureau of Naval Personnel or Headquarters Marine Corps. However, the facts upon which the censure is based may be the basis for adverse markings or comments in the next fitness report or enlisted performance evaluation of the recipient.

(d) *Procedure*—(1) *General.* The procedures prescribed in paragraph 133b, MCM 1951, will be followed in imposing nonjudicial punishment except as indicated below. See § 719.102(d) for additional procedures governing letters of censure. The impartial hearing prescribed in paragraph 133b, MCM 1951, will in every case precede the imposing of nonjudicial punishment, except that, if nonjudicial punishment is contemplated on the basis of findings of fact of an investigation or court of inquiry in which the individual concerned was accorded the rights of a party with respect to the offense for which the punishment is contemplated, this hearing need only extend to the information and advice required by article 31(b) of the Code and to affording him an opportunity to present any matter in defense, mitigation, or extenuation that he desires to submit. If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, he shall be afforded the impartial hearing prescribed by paragraph 133b, MCM 1951. In the alternative, the record may be returned to the investigative body for additional proceedings so that the individual concerned may be accorded the rights of a party with respect to that offense. The records of proceedings of investigations and courts of inquiry are for administrative use within the Naval Establishment and are normally not intended for distribution to individuals for their personal use. However, in any case where nonjudicial punishment is contemplated on the basis of information contained in the record of an investigation or court of inquiry, a copy of the record shall be made available to the individual concerned for his examination in connection with the preparation of a defense or an appeal. If the individual concerned so requests, a copy of the record may also be given to him, except in those instances where the best interests of the Government may be adversely affected by such action. In any case of doubt, the matter shall be referred to the Judge Advocate General for advice.

(2) *Impartial hearing.* When an impartial hearing is required under subparagraph (1) of this paragraph, it shall be conducted by the authority competent to impose nonjudicial punishment or, under extraordinary circumstances, by an officer designated prior to the imposition of such punishment by the authority competent to impose the punishment or by higher authority. The alternative of conducting the hearing by an officer other than the commanding officer shall be limited to situations where, in the discretion of the commanding officer or higher authority, it is infeasible for the commanding officer to conduct the hearing in view of his responsibility for the command. Each hearing shall include the following elemental requirements:

(i) Presence of the individual concerned before the officer conducting the hearing;

(ii) Advice to the individual concerned of the offense or offenses of which he is suspected;

(iii) Explanation to the individual concerned of his rights under article 31(b) of the Code;

(iv) Receipt of the oral statements of witnesses against the individual concerned in his presence or providing the individual concerned with copies of written statements of witnesses against him;

(v) Availability to the individual concerned of all items of information in the nature of physical or documentary evidence for his inspection;

(vi) Full opportunity to the individual concerned to present any matters in defense, mitigation or extenuation of the suspected offense or offenses.

(e) *Appeals*—(1) *Time.* In accordance with paragraph 134, MCM 1951, an appeal from nonjudicial punishment must be made within a reasonable time. Under ordinary circumstances, a reasonable time shall be construed to be fifteen days after imposition of the nonjudicial punishment. In computing this appeal period, allowances shall be made for the time required to transmit communications pertaining to the imposition of nonjudicial punishment and the appeal therefrom through the mails.

(2) *To whom made.* Any appeal from nonjudicial punishment in accordance with paragraph 134, MCM 1951, shall be made to the authority next superior to the commanding officer or officer-in-charge who imposed the nonjudicial punishment, whether or not he is at the time of appeal in the chain of command of the person punished.

(f) *Deferral of punishment of confinement or restriction.* Execution of nonjudicial punishment of confinement imposed while at sea on ships having no brig facilities, and execution of nonjudicial punishment of restriction imposed while at sea may be deferred by the officer imposing the punishment until arrival of the ship in port. Execution of nonjudicial punishment of restriction imposed within a unit of the Fleet Marine Force in the field may be deferred by the officer imposing the punishment until return of the unit to a location or tactical conditions under which the restriction imposed will reasonably operate as a punishment. In no case, however, shall such deferral exceed fifteen days from the date the punishment is imposed.

(g) *Record of punishment.* The record of nonjudicial punishment will be kept in accordance with paragraph 135b, MCM 1951, and implementing regulations contained in the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual. The forms used for the Unit Punishment Book are NAVPERS 2696 and NAVMC 10132-PD or subsequent revisions thereof. These forms include the data required by paragraph 135b, MCM 1951, so that an additional record as illustrated in appendix 3, MCM 1951, is superfluous and should be avoided.

(h) *Punishment not to be increased.* Once imposed, nonjudicial punishment may be neither increased in severity nor changed to a different kind of punishment by the officer imposing the punishment, his successor in command, or superior authority. A letter of censure is imposed when delivered to the addressee thereof.

§ 719.102 Letters of censure.

(a) *General.* "Censure" is a generic term applicable to any form of adverse reflection upon individual character, conduct, performance, or appearance. Censure is a prerogative of command or administrative superiority, but certain exercises of the power of censure are governed by statute, regulations, and instructions. Although only the terms "reprimand" and "admonition" are mentioned in article 15 of the Code, censure, in traditional naval usage, may be imposed in three degrees in descending order of severity: reprimand, admonition, and caution. Censure includes both nonpunitive and punitive measures. Nonpunitive measures of censure are discussed in § 719.101(e). Measures of censure imposed as nonjudicial punishment are punitive and copies thereof, unless set aside or withdrawn, will be inserted in Departmental records and in the official records of the recipients. As provided in § 719.101(h), once a letter of censure has been delivered to the addressee thereof it may not be increased in severity or changed to a different kind of punishment. Such letters of censure in cases of officers are required to be in writing; and those imposed in cases of enlisted members may be by oral or written communication. The remaining provisions of this section relative to letters of censure do not apply to punitive censure of an enlisted member by oral communication.

(b) *Administrative letters of censure by the Sceretary of the Navy.* Article 15 of the Code is inapplicable to administrative letters of censure issued by the Secretary of the Navy even though copies of such letters are filed in the official records of persons so censured. A person censured by the Secretary of the Navy may submit a request for reconsideration or such other written statement as he may desire to make.

(c) *Internal Departmental responsibility.* Correspondence, records, and files in the Department of the Navy that relate to letters of censure are matters under the primary cognizance of the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, as personnel matters.

(d) *Procedure*—(1) *Issuing authority.* Where an officer has committed an offense which, in the opinion of the immediate commanding officer, warrants a punitive letter of censure, the immediate commanding officer may, at his discretion, issue the letter or refer the matter through the chain of military command normally to the superior who exercises general court-martial jurisdiction and who has military command over the prospective addressee. Prior to the issuance of a letter of censure, consideration must be given to the fact that the degree of severity and effect of punitive censure increases proportionately with the degree of superiority in military command channels of the officer in command who issues the letter.

(2) *Hearing requirement.* A letter of censure may be issued, or its issuance recommended to higher authority, only on the basis of the findings of fact of an investigation or court of inquiry in which the individual concerned has been afforded the rights of a party or on the basis of the impartial hearing prescribed in paragraph 133b, MCM 1951 (see § 719.101(d)). In the event an impartial hearing is conducted, the officer conducting the hearing shall prepare a report thereof, including a summary of the testimony of any witnesses, any statements and affidavits offered by the individual concerned, a description of all items of information in the nature of physical or documentary evidence considered, and any statements and affidavits of the officer holding the hearing. A copy of the report of the impartial hearing shall be provided the prospective addressee of the letter of censure upon his request except in those instances where the best interests of the Government may be adversely affected by such action, and in any event a copy thereof shall be made available to him for his use in preparation of a defense or appeal. See § 719.101(d) for similar rules concerning a copy of the record of an investigation or court of inquiry.

(e) *Content of letter*—(1) *General.* A punitive letter of censure issued by virtue of the provisions of article 15 of the Code is imposed for conduct proscribed by the Uniform Code of Military Justice and may be based upon a violation of a custom of the naval service, a breach of discipline, a breach of military courtesy, or any other breach of, or failure to observe, a provision of law, regulation, or order. Such letter must set forth the facts upon which it is based in "Specification" language. Each letter should contain sufficient specific facts, without regard to the existence of other documents, to apprise a reader thereof of all the relevant facts and circumstances surrounding the offense. General conclusions, as "gross negligence," "unofficer-like conduct," or "dereliction of duty" are valueless unless accompanied by specific facts upon which they are based.

(2) *References.* Reference should be made in all punitive letters of censure to all prior procedures and correspondence upon which they are based, and to applicable laws and regulations, including the MCM 1951 and this section. Particular reference should be made to the hearing afforded the addressee.

(3) *Classification (security).* Every reasonable effort will be made to exclude from letters of censure specific details which require security classification. Unless it contains classified matter, a letter of censure shall be designated "For Official Use Only."

(4) *Notification of right to appeal and right to submit statement.* All punitive letters of censure, copies of which are intended for inclusion in Department personnel records, except letters issued in execution of a court-martial sentence as described in § 719.117(d), shall contain the following paragraphs:

You are hereby advised of your right to appeal this action to the next superior authority in accordance with the provisions of article 15(d) of the Uniform Code of Military Justice, paragraph 134 of the Manual for Courts-Martial, United States, 1951, and section 0102f of the Manual of the Judge Advocate General. (Section 0102f is reproduced in § 719.102(f).)

If, upon full consideration, you do not desire to avail yourself of this right to appeal, you are directed so to inform the (Chief of Naval Personnel) (Commandant of the Marine Corps) through official channels. You are directed to reply without delay, through official channels, and to state therein the date of receipt of this communciation, and the aproximate time when either an appeal or notice of decision not to appeal may be expected.

Unless withdrawn, or set aside by higher authority, a copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps). You are therefore privileged, pursuant to article 1701.8, U.S. Navy Regulations, 1948, to forward, within fifteen days after receipt of final determination of your appeal or after the date of your notification of your decision not to appeal, whichever may be applicable, such statement concerning this letter as you may desire, also for inclusion in your record. (Omit ", pursuant to article 1701.8, U.S. Navy Regulations, 1948," in cases involving enlisted personnel.) If you elect not to submit a statement, you shall state so officially in writing within the time above prescribed. In connection with your statement, attention is directed to article 1404.2 and 3, U.S. Navy Regulations, 1948. Your reporting senior is required to make notation of this letter in your fitness report submitted next after the issuance of this letter has become final, either by decision of higher authority upon appeal or by your decision not to appeal. (Omit last sentence in cases involving enlisted Navy personnel.)

(f) *Appeals.* The provisions of § 719.101(e) apply to letters of censure. In addition, the following special rules are applicable:

(1) In forwarding an appeal from a letter of censure, the officer who issued the letter shall attach to the appeal the record of investigation or court of inquiry or report of hearing on which the letter of censure is based. The superior to whom the appeal is made may direct additional inquiry or investigation into matters raised by the appeal if he deems such action necessary in the interests of justice.

(2) The "next superior authority" to whom appeal from a letter of censure is authorized by article 15(d) of the Code is the next superior to the issuing authority in the chain of military command. In cases where it may be inappropriate for the immediate "next superior" to act, as where an identity may exist of person or staff with the command taking the action appealed from, such fact may be noted in reforwarding the appeal to the next superior in the chain of military command.

(3) Upon determination of the appeal, the superior shall return all papers to the appellant, informing him of the action taken and, if the letter was sustained upon appeal, direct him to return all papers to his immediate commanding officer together with his written statement made subsequent to the determination of the appeal, or his written declaration that he does not desire to make a statement.

(g) *Forwarding letter to Department.* Upon adverse determination of any appeal taken, the lapse of a reasonable time after issuance (see § 719.101e) or upon receipt of the addressee's statement that he does not desire to appeal, together with such statement as he may desire to make or his written declaration that he does not desire to make a statement, a copy of the punitive letter of censure and the following documents shall be forwarded via the chain of command to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate:

(1) Copies of all correspondence upon which the letter is based. Copies of records and reports of investigations which are forwarded to the Judge Advocate General pursuant to section 0212 of the Manual of the Judge Advocate General are not desired.

(2) A copy of the letter of appeal and the letter of the superior authority disposing of the appeal adversely to the appellant or the addressee's written statement declining to appeal.

(3) The original statement of the addressee made subsequent to receipt by him of an adverse determination of his appeal or after he declined to appeal, or his original written declaration that he does not desire to make a statement. This statement is separate and distinct from any statement declining to appeal. However, it may be made together with a statement declining to appeal.

It is the responsibility of the command to which the addressee of a letter of censure is attached to assemble and forward at one time all the foregoing documents via the chain of command. In the event that the addressee is detached before the command has forwarded the documents, the command shall forward all pertinent documents to the command to which the addressee has been transferred for completion of the required processing.

(h) *Cancellation.* (1) Except in certain highly infrequent situations, material properly placed in an officer's or enlisted member's official records is not removed therefrom or destroyed. In rare instances it may become necessary to cancel a letter of censure issued under article 15 of the Code and filed in the addressee's official records when factual error occurred or for other sound reasons indicating that the punishment resulted in a clear injustice. Seniors in the chain of command may cancel or direct cancellation of letters of censure issued by subordinate commands or by former subordinate commands since disestablished. The authority, i.e., the office, as distinguished from the former incumbent, which issued such a letter of censure, may also subsequently cancel such a letter. In these cases, cancellation will be accomplished by issuing a second letter to the officer concerned announcing the cancellation of the letter of censure and setting forth in detail the reason prompting such cancellation. Copies of the letter of cancellation will be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and any other addressees to whom copies of the original letter of censure may have been directed; the copy of the letter of censure and any reference thereto filed in the recipient's official records will then be removed.

(2) If a letter of censure is canceled by seniors in the chain of command before a copy of the original letter of censure has been received by the Chief of Naval Personnel or the Commandant of the Marine Corps, copies of the letters of censure and cancellation shall not be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps. If it is necessary to forward a copy of the letter of cancellation to the Chief of Naval Personnel or the Commandant of the Marine Corps for removal of the copy of the letter of censure and any reference thereto from the official records of the recipient, the copy of the letter of cancellation shall not be filed with the official records of the individual concerned.

(i) *Public reprimands—private reprimands.* For historical purposes and understanding of the captioned types of censure, brief comment is supplied thereon. Under article 24 of the Articles for the Government of the Navy (superseded by the Uniform Code of Military Justice), "private reprimand" was one of the punishments specified as being within the authority of a commanding officer to impose upon officers under his command. The word "private" was employed to distinguish a formal letter of reprimand addressed to an individual officer without general publicity from a "public reprimand", i.e., one published verbatim throughout the naval service. Omission of the word "private," preceding "admonition or reprimand" in article 15 of the Code does not constitute authority to commanding officers to issue "public reprimands," which are looked upon with disfavor by the Department of the Navy.

Subpart B—Convening Courts-Martial

§ 719.103 Designation of additional convening authorities.

(a) *General courts-martial.* In addition to those officers otherwise authorized by article 22 of the Code, all flag or general officers, or their immediate temporary successors, in command of units or activities of the Navy and Marine Corps, are, pursuant to article 22(a)(6) of the Code, hereby designated as empowered to convene general courts-martial. Other officers specifically designated are listed in SECNAV Instruction 5810.4 and revisions thereto.

(b) *Special courts-martial.* In addition to those officers otherwise authorized by article 23 of the Code, the following officers are, pursuant to article 23(a)(7) of the Code, hereby designated as empowered to convene special courts-martial:

(1) Commanding officers of all battalions and squadrons.

(2) Any commander whose subordinates in the tactical or administrative chain of command have authority to convene special courts-martial.

(3) All commanders and commanding officers of units and activities of the Navy, except inactive-duty training Naval Reserve units.

(4) All commanding officers of enlisted personnel now or hereafter designated pursuant to article 0514, U.S. Navy Regulations, by a commander (including the commander of a multi-service command to which members of the naval service are attached).

(5) All commanding officers and officers in charge of commands now or hereafter designated as separate or detached commands within the meaning of article 23 of the Code by a flag or general officer in command (including the commander of a multi-service command to which members of the naval service are attached).

(6) All directors, Marine Corps Reserve and Recruitment Districts.

(7) All directors, Marine Corps Reserve Districts outside the continental United States.

(8) All administrative officers, U.S. Naval Shipyards.

(9) All directors, Navy Recruiting, Navy Recruiting Areas.

A copy of the orders accomplishing a designation under subparagraph (4) or (5) of this paragraph, shall be forwarded to the Judge Advocate General of the Navy and, in addition, in the case of Marine Corps units, to the Commandant of the Marine Corps. Other officers specifically designated are listed in SECNAV Instruction 5810.4 and revisions thereto.

(c) *Summary courts-martial.* Those officers who are empowered to convene general and special courts-martial may convene summary courts-martial.

§ 719.104 Appointment of personnel from other Armed Forces.

The authority vested in the Secretary of the Navy under paragraphs 4g(3) and 6a, MCM 1951, is delegated to the Judge Advocate General of the Navy or to the officer acting in his absence.

§ 719.105 Preparation of appointing orders.

(a) *General.* Appointing and amending orders should be in naval letter form from the convening authority to the president of the court or summary court officer (identified by name, grade, and address).

(b) *Contents.* The "Subject" line should indicate the contents of the order, e.g., "Appointing special court-martial". The text of the order is indicated by the forms in appendix 4, MCM 1951, and notes 1, 2, 7, 11, 12, and 14 therein. In the list of members appointed to the court the name of the addressee as president of the court should be clearly indicated. The order shall be personally subscribed by the convening authority and shall show his name, grade, and title, including organization or unit. A copy of the appointing or amending order should be sent to the trial counsel of the court.

§ 719.106 Restrictions on exercise of court-martial jurisdiction.

(a) *Special and summary courts-martial generally.* In accordance with the provisions of paragraph 5b(4) and 5c, MCM 1951, exercise of authority to convene summary and special courts-martial may be restricted by a competent superior commander.

(b) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, while the unit is embarked therein, refrain from exercising any power he might possess to convene and order trial by special or summary court-martial, referring all such matters to the commanding officer of the ship for disposition. The foregoing policy does not apply to Military Sea Transportation Service vessels operating under a master.

(c) *Jurisdiction under article 2 (4), (5) and (6) and article 3 of the Code—(1) Policy.* Paragraph 11b, MCM 1951, provides, in part, that jurisdiction under article 3(a) of the Code should not be exercised without the consent of the Secretary of the Department concerned.[1] Extending this rule to all cases in which jurisdiction is dependent upon the provisions of article 2(4), 2(5), 2(6), 3(b), or 3(c) of the Code, the following rules of policy are announced.

(2) *Authorization required.* (i) No case of a retired member of the regular component of the Navy or Marine Corps not on active duty but entitled to receive pay, a retired member of the Naval Reserve or Marine Corps Reserve not on active duty who is receiving hospitalization from an armed force, or a member of the Fleet Reserve or Fleet Marine Corps Reserve not on active duty will be referred to for trial by court-martial without the prior authorization therefor of the Secretary of the Navy. This rule applies to offenses allegedly committed by such persons regardless of whether they were on active duty either at the time of the alleged offense or at the time they were accused or suspected of the offense.

(ii) No case in which jurisdiction is based on article 3(b) or (c) of the Code will be referred for trial by court-martial without the prior authorization therefor of the Secretary of the Navy.

(iii) If authorization is withheld under (i) or (ii) of this subparagraph, the Judge Advocate General shall indicate alternative action or actions, if any, to the convening authority.

(3) *Request for authorization.* Requests for authorization should contain the following information: The nature of the offense or offenses charged; a summary of the evidence in the case; the facts showing amenability of accused to trial by court-martial; whether civil jurisdiction exists; the military status of the accused or suspected person at the present and at the time of the alleged offense, and the reasons which make trial by court-martial advisable. Requests shall be addressed to the Secretary of the Navy and shall be forwarded by air mail or other expeditious means. If considered necessary, authorization may be requested directly by message or telephone.

(4) *Apprehension and restraint.* Specific authorization of the Secretary of the Navy is required prior to apprehension, arrest, or confinement of any person who is amenable to trial by court-martial solely by reason of the provisions of article 2(4), (5) or (6) or article 3 of the Code.

(5) *Tolling statue of limitations.* The foregoing rules shall not impede the preferment and processing of sworn charges under article 30 of the Code when such preferment and processing are necessary to prevent the barring of trial by the statute of limitations (see art. 43 of the Code and pars. 29, 31c, 33b, and 68c, MCM 1951).

[1] The exercise of court-martial jurisdiction over a civilian solely by reason of article 3(a) of the Code has been invalidated on constitutional grounds by the Supreme Court of the United States. Toth v. Quarles, 350 U.S. 11 (1955).

(6) *Recall to active duty.* Members described in subparagraph (2)(i) of this paragraph may not be recalled to active duty solely for trial by court-martial.

(d) *Persons whose cases have been previously adjudicated in domestic or foreign criminal courts—(1) Policy.* A person in the naval service who has been tried in a domestic or foreign court, whether convicted or acquitted, or whose case has been adjudicated by juvenile court authorities, shall not be tried by court-martial for the same act or acts, except in those unusual cases where trial by court-martial is considered essential in the interest of justice, discipline, and proper administration within the naval service. Such unusual cases, however, shall not be referred for trial without specific permission therefor as provided herein.

(2) *Criteria.* Referral for trial within the terms of this policy shall be limited to cases involving substantial discredit to the naval service and which meet one of the following criteria:

(i) Cases in which punishment by civil authorities consists solely of probation, and local practice does not provide rigid supervision of probationers, or the military duties of the probationer make supervision impractical.

(ii) Cases in which civil authorities have, in effect, divested themselves of responsibility by an acquittal manifestly against the evidence, or by the imposition of an exceptionally light sentence on the theory that the individual will be returned to the naval service and thus removed as a problem to the local community.

(iii) Cases of homosexuality in which mild penalties have been imposed upon conviction. Homosexuality with its demoralizing effects is a more serious problem in the military society because of the close-contact living and working conditions of its members.

(iv) Other cases in which the interests of justice and discipline are considered to require further action under the Uniform Code of Military Justice; for example, cases where conduct leading to trial before a foreign court has reflected adversely upon the naval service itself.

(3) *Procedure—(i) General and special courts-martial.* No case described in subparagraph (2) of this paragraph will be referred for trial by general court-martial or special court-martial without the prior permission therefor of the Secretary of the Navy. Requests for such permission shall be forwarded by the general court-martial authority concerned (or by the special court-martial authority concerned via the general court-martial authority) via the Commandant of the Marine Corps or Chief of Naval Personnel, as appropriate, to the Secretary of the Navy.

(ii) *Summary courts-martial.* No case described in subparagraph (2) of this paragraph will be referred for trial by summary court-martial without the prior permission therefor of the officer exercising general court-martial jurisdiction over the command. Grants of such permission shall be reported by the general court-martial authority concerned by means of a letter addressed to the Secretary of the Navy in which he shall describe the offense alleged, action by civil authorities, and the circumstances bringing the case within the exception to the general policy.

(iii) *Reporting requirements.* The provisions of this section do not affect reporting requirements or other actions required under other regulations in cases of convictions of service personnel by domestic or foreign courts and adjudications by juvenile court authorities.

(4) *Limitations.* Personnel who have been tried by courts which derive their authority from the United States, such as U.S. District Courts, will not be tried by court-martial for the same act or acts (see par. 68d, MCM 1951).

§ 719.107 Superior competent authority defined.

Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is defined as any superior officer in the tactical or administrative chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not reasonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i, MCM 1951).

Subpart C—Trial Matters

§ 719.108 Reporters and interpreters.

(a) *Appointment—(1) Reporters.* In each case before a general or special court-martial or military commission, the convening authority shall appoint a qualified court reporter or reporters who shall record in shorthand or by mechanical or other means the proceedings of and the testimony taken before such court or commission. A reporter may be appointed by the convening authority of a summary court-martial, by the officer who orders an investigation under article 32 of the Code or by the officer who directs the taking of a deposition. The reporter, as directed by the trial counsel or summary court, shall preserve the complete shorthand notes or mechanical record of the proceedings until appellate review has been completed and shall prepare either a verbatim or summarized record as directed. Additional clerical assistants may be appointed when necessary.

(2) *Interpreters.* In each case before a court-martial or military commission, in each investigation conducted under article 32 of the Code, and in each instance of the taking of a deposition, the convening authority or the officer directing such proceeding shall appoint, when necessary, an interpreter who shall interpret for the court, commission, investigation or officer taking the deposition.

(3) *Manner of appointment.* Appointment of reporters and interpreters by the convening authority or authority directing the proceedings may be effected personally by him or at his dis-

cretion by any other person. Such appointment may be oral or in writing.

(b) *Source and expenses.* Whenever possible, reporters, interpreters and clerical assistants shall be detailed from either naval or civilian personnel serving under the convening authority or officer directing the proceeding, or placed at his disposal by another officer or by other Governmental agencies. When necessary, the convening authority or officer directing the proceeding may employ or authorize the employment of a reporter or interpreter at the prevailing wage scale for duty with a general or special court-martial or military commission or at the taking of a deposition. No expense to the Government by the employment of a reporter, interpreter or other person to assist in a court-martial, military commission or the taking of a deposition shall be incurred except when authorized by the convening authority or officer directing the proceeding. When required reporters or interpreters are not available locally, the convening authority or officer directing the proceeding shall communicate with the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, requesting that such assistance be provided or authorized.

§ 719.109 Authority to grant immunity from prosecution.

(a) *General.* In certain cases involving more than one participant, in order to prevent the defeat of justice it may be advisable to grant immunity from prosecution to one or more of the participants to the offense in consideration of their testifying for the Government in the investigation of and upon the trial of the principal offender. The authority to grant immunity from prosecution to a witness is reserved to officers exercising general court-martial jurisdiction. This authority may be exercised in any case whether or not formal charges have been preferred or whether or not the matter has been referred for trial.

(b) *Procedure.* The written recommendation of the trial counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other fact-finding body, or the investigator when no charges have been preferred, that a certain witness be granted immunity from prosecution in consideration for testimony deemed essential to the Government shall be forwarded to the cognizant officer exercising general court-martial jurisdiction. The recommendation shall state in detail why the testimony of the witness is deemed so essential or material that the interests of justice cannot be served without the grant of immunity. The officer exercising general court-martial jurisdiction shall act upon such request after referring it to his staff legal officer for consideration and advice. The officer granting immunity to a witness is thereafter precluded from taking reviewing action on the record of the trial before which the witness granted immunity testified.

(c) *Form of grant.* In any case in which a witness is granted immunity, the general court-martial convening authority should execute a written agreement substantially in the following form:

In the matter of:

GRANT OF IMMUNITY

To: (Witness to whom immunity is to be granted.)

1. It appears that you are a material witness for the Government in the matter of (if charges have been preferred, set forth a full identification of the accused and the substance of all specifications preferred).

2. In consideration of your testimony as a witness for the Government in the foregoing matter, you are hereby granted immunity from prosecution for any offense or offenses arising out of the matters therein involved concerning which you may be required to testify under oath.

3. It is understood that this grant of immunity from prosecution is effective only upon the condition that you actually testify as a witness for the Government. It is further understood that this grant of immunity from prosecution extends only to the offense or offenses in which you were implicated in the matter herein set forth and concerning which you testify under oath.

(Signature)

(Grade, title)

§ 7109.110 Spectators.

The sessions of courts-martial shall be public and, in general, all persons, except those who may be required to give evidence, shall be admitted as spectators. Whenever necessary to prevent the dissemination of classified information to other than authorized persons, the law officer, president of a special court-martial or summary court-martial, as appropriate, may direct that the spectators involved be excluded from a trial or a portion thereof. In all other situations, spectators or classes of spectators may be excluded only when the law officer, president of a special court-martial, or summary court-martial, in the exercise of the discretion reposed in him, determines such action to be legally necessary or proper.

§ 719.111 Preparation of charge sheets.

(a) *Enlisted pay grades.* The pay grade of an accused, e.g., E–1, E–2, etc., shall be indicated following the grade or rate of the accused on page 1 of the charge sheet.

(b) *Pay and allotment data*—(1) *Longevity increases.* Under applicable provisions of chapter 4 of volume 4 of the Navy Comptroller Manual, certain periods, such as unauthorized absence, do not constitute "time served" for the purposes of determining the cumulative years of service creditable for longevity pay increases. Care shall be taken in recording the basic pay of the accused on page 1 of the charge sheet to insure that the entry accurately reflects only the longevity increase to which the accused is entitled.

(2) *Contribution to basic allowance for quarters.* Inasmuch as the monthly contribution of an enlisted person to basic allowance for quarters which is to be deducted prior to computing the net amount of pay subject to partial forfeitures or detention of pay is the minimum contribution as required by law in the particular case (see § 719.113(a)), only such minimum amount, regardless of the actual contribution of the accused, shall be entered in the appropriate place on page 1 of the charge sheet.

§ 719.112 Court-martial punishment of reduction in grade.

(a) *Automatic reduction.* Automatic reduction to the lowest enlisted pay grade under article 58A of the Code shall not be effected in the naval service. It is the policy of the Department of the Navy that enlisted persons of other than the lowest enlisted pay grade who are sentenced to confinement exceeding three months or to dishonorable or bad conduct discharge also be sentenced to reduction to the lowest enlisted pay grade. The sentence in such cases should expressly include reduction to the lowest enlisted pay grade.

(b) *Form of sentences to reduction in grade.* In adjudging a sentence which includes reduction to the lowest enlisted pay grade or to an intermediate pay grade, that portion of the sentence which relates to reduction should refer exclusively to the numerical designation of the grade to which reduced. Thus, this portion of the sentence should read: "To be reduced to the grade of pay grade (E–1) (. . .)". The determination of the proper grade or rate title, occupational field, apprenticeship or striker designation of the reduced pay grade shall be administratively determined by the convening authority, subject to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate.

(c) *Execution of sentence to reduction in grade.* If the sentence includes, unsuspended, a dishonorable or bad-conduct discharge or confinement for one year or more, execution of reduction included in the sentence shall not be accomplished until the sentence has been affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals.

§ 719.113 Forfeitures, detentions, fines.

(a) *Deduction of basic allowance for quarters.* The monthly contribution of an enlisted person to basic allowance for quarters, required by paragraph 126h (2), MCM 1951, to be deducted in certain cases prior to computing the net amount of pay subject to forfeiture or detention, is the minimum contribution as required by law in the particular case.

(b) *Forfeitures imposed by a summary court-martial.* Forfeitures of pay adjudged by summary courts-martial under article 20 of the Code may be apportioned over more than one month, but, as a matter of policy, the period of apportionment should not exceed three months.

(c) *Limitations.* In cases in which the sentence involves forfeiture of pay, detention of pay, or fine, the limitations prescribed by paragraph 126h, MCM 1951, shall be observed, as well as the procedures prescribed in section VIII, part B, chapter 4 of volume 4, Navy Comptroller Manual.

§ 719.114 Preparation of records of trial.

(a) *General and special courts-martial.* The provisions of appendices 9 and 10, MCM 1951, will be followed in the preparation and arrangement of records of trial and allied papers, with the following modifications:

(1) *Copies of appointing orders.* Carbon copies or mimeographed copies of the appointing orders and amending orders may be utilized for insertion into records at the place where appendices 9a and 10a, MCM 1951 (pp. 526 and 531) require insertion of "literal copy".

(2) *Charge sheets.* The original of the charge sheet may be inserted into the original record and copies of the charge sheet into copies of the record in lieu of copying into the record the charges and specifications upon which the accused is to be tried, the name and description of the accuser, the affidavit and reference for trial. However, when the charges and specifications, the name and description of the accuser, his affidavit and reference for trial have been copied verbatim into the record, as recommended in the guide on page 507, MCM 1951 (appendix 8a), the original of the charge sheet is to be prefixed to the original of the record (appendix 9e, item 5, MCM 1951).

(3) *Staff legal officer's review.* In addition to the requirements of paragraph 85d, MCM 1951, copies of the Staff Legal Officer's Review will be attached to all copies of records of trial forwarded for review by a Board of Review.

(4) *Court-Martial Data Sheet.* Unless otherwise directed by the cognizant officer exercising general court-martial jurisdiction, the use of the Court-Martial Data Sheet (DD Form 494) is not required.

(5) *Request for appellate defense counsel.* When the statement of the accused concerning appellate representation before a board of review is required (see § 719.115), the original thereof will be prefixed to the original record and a copy thereof to each copy of the record.

(6) *Court-Martial Chronology/Prisoner Data Form, NAVJAG 420 (6–58).* As provided in JAG Instruction 5810.20, and revisions thereof, this form will be prefixed to the originals of all records of trial by general court-martial and by special court-martial which include a bad conduct discharge.

(b) *Summary courts-martial.* Unless otherwise prescribed by the convening authority or officer having supervisory authority, the evidence considered by a summary court-martial need not be summarized or attached to the record of trial. Strict compliance with the provisions of paragraph 79e, MCM 1951, concerning the listing of names of witnesses on the charge sheet is directed.

(c) *Security classification of records of trial.* Records of trial containing classified matter shall be properly classified in accordance with the provisions of paragraph 82d, MCM 1951, and the Department of the Navy Security Manual for Classified Information. Copies of such records for delivery to the accused shall be prepared and handled in accordance with paragraph 82g, MCM 1951. Attention is directed to the fact that while article 0407.1 of the Security Manual requires that matter bear the classification, overall, of its highest component, that degree of classification is not then imparted to other components. Rather, articles 0407.1 and 0407.3 authorize and require that a component be marked with the classification it warrants (if any). Misunderstanding of these provisions may result in erroneously marking as classified each page of a voluminous record, rendering review for downgrading unnecessarily difficult and excision for delivery to the accused or counsel impossible.

Subpart D—Post-Trial Matters

§ 719.115 Request for appellate defense counsel.

Article 70(c)(1) of the Code provides that appellate defense counsel shall represent the accused, when requested by him, before a board of review or the Court of Military Appeals. Paragraph 48j(3), MCM 1951, requires the trial defense counsel, immediately after a trial which results in a conviction, to advise the accused generally as to his appellate rights. In order that each record of trial will show compliance with that paragraph, the following procedure will be followed: In each general court-martial and in each special court-martial involving a bad conduct discharge, and within the period prescribed in paragraph 48j(3), MCM 1951, the accused will, after being advised of his appellate rights, be requested to indicate his wishes as to appellate representation by a statement in the following form:

From: ---
(Accused)
To: Judge Advocate General.
Subj: Appellate rights.
Ref: (a) Par. 48j(3), MCM 1951.
(b) Art. 66, UCMJ.

1. In accordance with reference (a), I have been informed of my appellate rights, including the right to be represented by appellate defense counsel before the board of review established pursuant to reference (b), in the review of my trial by ---------- court-martial held on ---------- at ----------.

2. I do (do not) desire to be represented by appellate defense counsel before the said board of review.

Witness:

(Defense counsel or other officer)

(Date)

The original signed statement will be attached to the original trial record immediately following the appellate exhibits, and an unsigned copy will be similarly attached to each copy of the trial record.

§ 719.116 Distribution of staff legal officer's review.

In addition to the requirements of paragraph 85d, MCM 1951, and § 719.114(a)(3), a copy of the review of the staff legal officer shall be forwarded to the command at which the accused is to be confined in order that it may be available to those charged with developing an institutional program for the individual.

§ 719.117 Action on courts-martial by convening authority.

(a) *Companion cases tried separately.* In court-martial cases where the separate trial of a companion case is ordered, the convening authority will so indicate in his action on the record in each case.

(b) *Sentences suspended for more than six months.* If the sentence as approved by the convening authority involves a suspension of any portion thereof for a period in excess of six months or, in cases involving confinement, in excess of six months beyond the date of release from confinement, the convening authority shall state his reasons therefor in his action on the record.

(c) *Sentences including a punitive discharge.* In order that the best interests of the service as well as those of the accused may be served, the convening authority, in those cases where the sentence adjudged extends to a punitive discharge, shall include in his initial action a brief synopsis of the accused's conduct record during the current enlistment or current enlistment as extended. This synopsis should include in chronological order: dates, nature of offenses committed, sentences adjudged and approved, and nonjudicial punishment imposed. The synopsis should also include medals and awards, commendations, and any other information of a commendable nature. Although not required, similar action may, if circumstances are deemed appropriate, be taken in other cases. The foregoing requirement does not, in any way, affect the legal requirements as to the admissibility of records of previous convictions during the trial itself.

(d) *Sentences including censure*—(1) *General.* Censures (reprimand, admonition and caution, in descending order of severity) issued in execution of court-martial sentences are required to be in writing. Except as otherwise prescribed in this section, the provisions of § 719.102 (e) (1), (2), and (3) shall be applicable to letters of censure issued in execution of a court-martial sentence.

(2) *By whom issued.* Letters of censure in execution of sentences of summary courts-martial shall be issued by the convening authority. In those special and general court-martial cases wherein a sentence imposing censure is ordered executed by the convening authority, he shall issue the letter as part of his action on the record in accordance with the provisions of paragraph 89c(8), MCM 1951. Otherwise the letter shall be issued as part of the promulgating order of the officer who subsequently directs execution of the sentence.

(3) *Contents.* The letter shall include the time and place of trial, type of court, and a statement of the charges and specifications of which convicted. It shall also contain the following paragraph:

"A copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps). You are therefore privileged to forward, within fifteen days after receipt of this action, such statement concerning this letter

as you may desire, also for inclusion in your record. If you elect not to submit a statement, you shall state so officially in writing within the time prescribed. In connection with your statement, attention is directed to article 1404.2 and 3, U.S. Navy Regulations, 1948.

(4) *Procedure for issuance.* The original letter will be delivered to the accused and a copy appended to the convening authority's action (or the promulgating order of the officer subsequently directing execution of the sentence). The action (or order) should refer to the letter, in tenor, as follows:

"Pursuant to the sentence of the court, as herein approved, a letter of (reprimand) (admonition) (caution) is this date being served upon the accused and a copy thereof is hereby incorporated as an integral part of this action.

(5) *Forwarding copy to Department.* Upon receipt of the accused's written statement or his written declaration that he does not desire to make a statement, an additional copy, together with the statement or declaration, shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(6) *Appeals.* Review, including appellate review of letters of censure issued as part of an approved court-martial sentence, will be accomplished as provided for by the Uniform Code of Military Justice, the Manual for Courts-Martial, and this part with respect to the proceedings of the particular court-martial which imposed the sentence. No separate appeal from these letters will be considered.

(e) *Designation of places of confinement.* The convening authority of a court-martial sentencing an accused to confinement is a competent authority to designate the place of confinement of naval prisoners. See also § 719.138.

(f) *Cases involving convictions of larceny or other offenses involving moral turpitude.* If a punitive discharge has been adjudged in a case involving conviction of larceny or other offense or offenses involving moral turpitude, the convening authority shall include in his action on the record any facts which tend to extenuate, mitigate or aggravate the offense or offenses and do not appear in the court record or in the papers accompanying the same. If the accused entered a plea of guilty, the convening authority shall also include a synopsis of the circumstances of the offense amplifying the allegations set forth in the specification. In all cases in which the information to be so set forth, in the action of the convening authority is not exclusively extenuating or mitigating, the convening authority shall refer a copy of the information to the accused before taking action on the case, and shall afford the accused an opportunity to rebut any part or portion of the information. A comment that such opportunity to rebut was afforded shall be included in the action of the convening authority and any statement made by the accused in rebuttal shall be appended to such action.

§ 719.118 Promulgating orders.

(a) *General and special courts-martial*—(1) *When promulgating orders required.* Any action taken on the proceedings, findings, or sentence of a general or special court-martial by the convening authority or any other party empowered to take such action shall be promulgated as prescribed in paragraphs 90 and 91, MCM 1951. Separate orders shall be issued for each accused in case of a joint or common trial. (See note, appendix 15a, MCM 1951, page 551 (3 CFR 1949–1953 Comp. p. 719).)

(2) *When supplementary order is not required.* Where the findings and sentence set forth in the initial promulgating order are affirmed without modification upon subsequent review of the case, no supplementary promulgating order is required except as necessary to order the execution of the sentence or to designate a place of confinement. However, copies of any action taken on such review will be forwarded to the convening authority, the accused, and to the commanding officer of the accused for notation in the service record or service record book of the accused.

(3) *Supplementary orders in board of review cases.* If the sentence was ordered executed or suspended in its entirety by the convening or other authority, and the approved findings and sentence have been affirmed without modification by the board of review and, in appropriate cases, the Court of Military Appeals, no supplementary court-martial order is necessary. Although not necessary for the validity of the action taken, a supplementary court-martial order shall be issued in all other cases. Such orders shall be published as follows:

(i) Supplementary orders in cases involving flag or general officers, death sentences, and dismissals are issued by the Judge Advocate General by direction of the Secretary of the Navy.

(ii) Other supplementary orders shall be issued by the cognizant general court-martial authority. In cases not reviewed by the Court of Military Appeals (by petition or certification), orders should be issued immediately following accused's execution of a "Request for Immediate Release" (see § 719.128) or upon expiration of thirty days from the date of service of the board of review decision upon the accused. In cases considered by the Court of Military Appeals, supplementary orders should be issued upon notification of completion of review by the Court.

(iii) All supplementary orders in board of review cases shall bear the "NCM" or "WC NCM" number appearing on the board of review decision.

(4) *Form.* The form of a promulgating order is prescribed in appendix 15, MCM 1951. The order shall be subscribed by the officer issuing the order or by a subordinate officer designated by him. In either case the name, grade and title of the subscribing officer, including his organization or unit, shall be given. Where a subordinate officer signs by direction, his name, title, and organization shall be followed by the words: "By direction of (name, grade, title and organization of issuing officer)." Duplicate originals of promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: "Certified to be a true copy," over the signature, grade and title of an officer.

(5) *Distribution.* All initial and supplementary promulgating orders shall be distributed as follows:

(i) Original to be attached to original record of trial.

(ii) Duplicate original to be placed in the service record or service record book of the accused, unless the courts-martial proceedings resulted in acquittal of all charges, disapproval of all findings of guilty, or disapproval of the sentence by the convening authority when no findings have been expressly approved by him.

(iii) Certified copies:

(*a*) Three to be attached to the original record of trial.

(*b*) One to be attached to each copy of the record of trial.

(*c*) Two to the commanding officer of an accused who is ordered to a brig as a place of confinement; three if a disciplinary command is designated as a place of confinement. These copies should accompany the records of the accused to the place of confinement.

(*d*) One to Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate.

(*e*) One to the Senior Member, Naval Clemency Board, Washington 25, D.C., if the sentence, as approved by the convening authority, includes a punitive discharge or confinement for eight months or more.

(iv) Plain copies:

(*a*) One to the accused.

(*b*) One each to the law officer, trial counsel and defense counsel of the court-martial before which the case was tried.

(*c*) One to the convening authority and, if the accused was serving in a command other than that of the convening authority at the time of the alleged offense, one to the command in which he was then serving.

(*d*) One to each appropriate subordinate unit and any other local distribution desired.

(*e*) One to Marine Corps Audit Branch, Defense Accounting and Audit Division, General Accounting Office, Washington 25, D.C., in the case of Marine Corps personnel.

(b) *Summary courts-martial.* In accordance with paragraph 90e, MCM 1951, the results of a trial by summary court-martial need be promulgated only to the accused. The results of any review or action on a summary court-martial pursuant to § 719.119(a), subsequent to the initial action of the convening authority, shall be communicated to the convening authority and to the commanding officer of the accused for notation in the service record or service record book of the accused.

§ 719.119 Review of summary and special courts-martial.

(a) *Summary courts-martial and special courts-martial not involving a bad conduct discharge*—(1) *Officers having supervisory powers.* In addition to the officer immediately exercising general court-martial jurisdiction over a command, the Judge Advocate General, Assistant Judge Advocate General (Military Justice), all officers exercising general court-martial jurisdiction and the deputies or chiefs of staff of officers exercising general court-martial jurisdiction are designated as having supervisory authority for the review of records of trial pursuant to article 65(c) of the Code and paragraph 94a(2), MCM 1951.

(2) *Selection of supervisory authorities.* (i) It is the policy of the Department of the Navy that review of cases pursuant to paragraph 94a(2), MCM 1951, will be accomplished in the field, unless compelling reasons exist for forwarding the record or records to the Judge Advocate General for review, and will be accomplished within the chain of command, if practicable. If accomplishment of the review of such cases within the chain of command is found not practicable, any officer having supervisory authority in the field may be requested to accept records of such cases and to act thereon pursuant to paragraph 94a(2), MCM 1951. Only if all reasonably available officers having supervisory authority in the field find it impracticable to grant such request will the records in such cases be forwarded to the Judge Advocate General for review. If so forwarded to the Judge Advocate General, they shall be accompanied by a letter stating the reasons why supervisory authority action was not accomplished in the field.

(ii) When an officer exercising general court-martial jurisdiction is the convening authority of a summary court-martial or a special court-martial not involving a bad conduct discharge, his action thereon will be as convening authority only. The record should then be forwarded to an appropriate superior officer exercising general court-martial jurisdiction, or, if no such superior officer has a law specialist available, the record shall be forwarded to the Judge Advocate General for review.

(3) *Action by officer having supervisory authority.* The officer having supervisory authority shall, after the record has been reviewed by a law specialist, place his action on the record. If the officer having supervisory authority disagrees with the recommendation of the law specialist as to matters of law, he shall not place an action on the record but shall forward the record to the Judge Advocate General, together with a signed copy of the law specialist's recommendation, by a letter of transmittal giving his reasons for disagreement with the law specialist's recommendation. When the question of law has been resolved by the Judge Advocate General, he may take action on the record as officer having supervisory authority or he may return the record to the cognizant officer having supervisory authority for action not inconsistent with the opinion expressed by the Judge Advocate General concerning the matter of law involved. Any action on the record by the officer having supervisory authority shall affirmatively indicate that the record was reviewed by a law specialist by including the statement, "This record has been reviewed in accordance with article 65(c), UCMJ."

(b) *Special courts-martial involving a bad conduct discharge*—(1) *Action by convening authority who is an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a special court-martial which involves a bad conduct discharge, and if such discharge is approved by him, the record shall be forwarded direct to the Judge Advocate General for review by a board of review. In taking his action on the record, such a convening authority shall follow the procedures set forth in paragraph 85, MCM 1951.

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM 1951. In the event the officer exercising general court-martial jurisdiction has no law specialist or Marine Corps lawyer assigned to his staff, he may request any other officer exercising general court-martial jurisdiction to accept records of trial for review. Only if all reasonably available officers exercising general court-martial jurisdiction find it impracticable to grant such request will the records be forwarded direct to the Judge Advocate General for review by a board of review. If so forwarded, they shall be accompanied by a letter stating the reasons why review under article 65(b) was not accomplished in the field.

(3) *Disagreement between reviewing authority and his staff legal officer.* If the reviewing authority is in disagreement with his staff legal officer as to any matter of law, he shall nevertheless take such action on the record as is within his discretionary powers and unaffected by the disagreement, and shall transmit the record of trial, with an expression of his own views as to the matters of law involved in the disagreement, to the Judge Advocate General for review by a board of review.

(4) *Disapproval of bad conduct discharge by reviewing authority.* If a reviewing authority determines that he will not approve that portion of the sentence which provides for a bad conduct discharge, he shall, prior to placing his action upon the record, cause the record to be reviewed by a law specialist in accordance with article 65(c) of the Code, and in the manner set forth in paragraph (a)(3) of this section.

(c) *Special courts-martial tried in joinder or in common.* When one or more of the sentences adjudged in cases tried in joinder or in common requires review only under paragraph 94a(2), MCM 1951 (not involving an approved bad conduct discharge) and the remaining sentence or sentences require review under paragraph 94a(3), MCM 1951 (including an approved bad conduct discharge), the officer exercising general court-martial jurisdiction shall cause each of the sentences to be reviewed in accordance with the applicable paragraph of the MCM 1951. In his action on the sentence or sentences requiring review under paragraph 94a(3), MCM 1951, he shall state that the sentence or sentences requiring review only under paragraph 94a(2) have been reviewed in accordance with article 65(c) of the Code. The original of the action or review taken on the sentence or sentences requiring review only under paragraph 94a(2), MCM 1951, shall be filed with the copy or copies of the record in the files of the officer exercising general court-martial jurisdiction, and a copy of such action or review shall be attached to the record forwarded to the Judge Advocate General, together with the action taken on the sentence or sentences requiring review under paragraph 94a(3), MCM 1951.

§ 719.120 Matters to be included in action on special courts-martial by general court-martial convening authorities.

(a) *Suspension of sentences.* If the general court-martial convening authority takes action to suspend any portion of a sentence involving a bad conduct discharge for a period in excess of six months or, in cases involving confinement, in excess of six months, beyond the date of release from confinement, he shall state his reasons therefor in his action on the record. In cases involving convictions of larceny or other offense or offenses involving moral turpitude, if the general court-martial convening authority suspends the punitive discharge for any period he shall include in his action on the case a statement of his reasons therefor.

(b) *Designation of places of confinement.* The general court-martial convening authority who orders a sentence of confinement into execution subsequent to the initial action of the convening authority on the record shall designate the place of confinement in his action on the record. See also § 719.138.

§ 719.121 Disposition of record after completion of review in the field.

(a) *JAG supervision.* Records of all trials by courts-martial in the naval service are under the supervision of the Judge Advocate General of the Navy.

(b) *Board of review cases.* After completion of review in the field, records of trial of cases reviewed by authorities within the geographical boundaries of the 11th, 12th, 13th, 14th and 17th Naval Districts, and in the broad Pacific Ocean area shall forward records requiring review by a board of review under article 66(b) of the Code to the Office of the Judge Advocate General of the Navy, West Coast, San Bruno, California. All other records requiring review by a board of review shall be forwarded to the Office of the Judge Advocate General, Navy Department, Washington 25, D.C.

(c) *Other general court-martial cases.* General court-martial cases which do not require review by a board of review under article 66(b) of the Code shall be forwarded to the Office of the Judge Advocate General, Navy Department, Washington 25, D.C.

(d) *Summary courts-martial and special courts-martial not involving a bad conduct discharge.* The record of trial of such cases shall be filed as provided in § 719.129.

§ 719.122 Remission and suspension.

(a) *Authority to remit or suspend sentences*—(1) *General.* Pursuant to the provisions of article 74(a) of the Code and paragraph 97a, MCM 1951, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the Judge Advocate General, and all officers exercising general court-martial jurisdiction over the command to which the accused is attached are designated as empowered to remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the President, provided that the Judge Advocate General shall not exercise this power in cases involving flag or general officers, and that officers exercising general court-martial jurisdiction shall not exercise this power in cases involving officers or warrant officers. A sentence to death may not be suspended. The foregoing action may be taken without regard to whether the person acting has previously approved the sentence.

(2) *Inferior courts-martial.* Paragraph 97a, MCM 1951, grants power to remit or suspend any part or amount of the unexecuted portion of a sentence by summary court-martial or of a sentence by special court-martial which does not include a bad conduct discharge to the officer having supervisory authority (§ 719.119(a)) and the commanding officer of the accused who has immediate authority to convene a court of the kind that adjudged the sentence.

(b) *Probationary period.* All suspensions shall be of the conditional remission type and shall be for a definite period of time. If the suspension is for a period in excess of six months, or, in cases involving confinement, in excess of six months beyond the time of release from confinement, see § 719.117(b) or § 719.120(a), as appropriate. For instructions concerning voluntary extensions for the purpose of serving probation, see SECNAV Instruction 5815.3 and revisions thereto.

(c) *Liaison with Naval Clemency Board.* Officers who take clemency action pursuant to the authority of paragraph (a) of this section on any sentence which includes a punitive discharge or confinement for eight months or more shall coordinate such action with the Naval Clemency Board in accordance with the provisions of SECNAV Instruction 5815.3 and revisions thereto.

§ 719.123 Effective period of sentence to confinement when previous sentence to confinement not completed.

When a prisoner serving a sentence to confinement adjudged by court-martial is convicted by a court-martial for another offense and sentenced to a term of confinement, the subsequent sentence, upon being ordered into execution, will begin to run as of the date adjudged and will interrupt the running of the prior sentence. After the subsequent sentence has been fully executed, the prisoner will resume the service of any unremitted interrupted sentence to confinement.

§ 719.124 Vacation of suspension.

(a) *Form of order.* The forms prescribed in appendix 15c, MCM 1951, shall be used for promulgating orders vacating suspensions of sentences. In cases wherein article 71(c) of the Code is applicable and appellate review is not complete, the final sentence of the appropriate form may be modified to read: "Upon completion of appellate review pursuant to article 71(c), the sentence as affirmed may be executed without further order."

(b) *Distribution of order.* The promulgating order shall be distributed in accordance with the applicable provisions of § 719.118 except that in article 72(a) cases the original promulgating order and original report of proceedings to vacate suspension shall be forwarded to the Judge Advocate General for attachment to the record of trial.

§ 719.125 Approval of sentences extending to dismissal of an officer.

Pursuant to the authority of article 71(b) of the Code, the Under Secretary of the Navy and the Assistant Secretaries of the Navy are designated as empowered to approve sentences extending to the dismissal of an officer (other than a general or flag officer), or such part, amount, or commuted form of such sentences as they see fit, and to suspend the execution of any part of the sentence as approved.

§ 719.126 Service of decision of board of review on accused.

(a) *Promulgation packages.* When, in accordance with the provisions of paragraph 100c, MCM 1951, the Judge Advocate General elects not to certify a case to the Court of Military Appeals, a "promulgation package" will be prepared by his office and forwarded to the officer immediately exercising general court-martial jurisdiction over the command to which the accused is attached, as indicated in the record. The package shall include copies of the board of review decision, a copy of the initial and supplementary court-martial orders, an endorsement (on the accused's copy of the decision) notifying him of his right to petition for review, a form of petition for review, and a post card receipt to be signed by the accused. The package will normally also include directions to take action in accordance with the provisions of this section; however, specific instructions may be given.

(b) *Delay in service.* Delivery of the board of review decision to the accused shall be accomplished as soon as possible, unless delay is expressly authorized by the Judge Advocate General.

(c) *Change in place of confinement.* To avoid delay in service, it is imperative that the Judge Advocate General, as well as the designated confinement activity, be notified when the place of confinement or temporary custody designated in the initial court-martial order is changed. In addition, any activity which receives information indicating that a promulgation package has been mis-addressed because of any such change shall immediately notify those concerned.

(d) *Action by general court-martial authority.* Upon receipt of a promulgation package, the officer exercising general court-martial jurisdiction will first determine whether the accused is still under his jurisdiction.

(1) *Accused transferred.* If the accused has been transferred from that jurisdiction, the package will be forwarded by endorsement (copy to Judge Advocate General or Director, Office of the Judge Advocate General, West Coast, as appropriate) to the officer currently exercising general court-martial jurisdiction over the accused. If the current whereabouts of the accused is unknown, communication by expeditious means to the convening authority should be initiated, keeping the Judge Advocate General (Director, Office of the Judge Advocate General, West Coast) informed.

(2) *Accused present.* If the accused is under the jurisdiction of the recipient of the promulgation package and present within his command, action will be taken as follows:

(i) The accused's copy of the board of review decision, with the endorsement thereon, and the petition for review form shall be delivered to the accused.

(ii) The accused's signature should be obtained on the post card receipt. If the accused refuses to sign the receipt, a certificate of personal service, reciting the facts, shall be prepared.

(iii) The date of service shall be noted on the copy of the board of review decision marked for the general court-martial authority and the copy marked for the accused's commanding officer, if appropriate, and the copies filed accordingly.

(iv) The post card receipt or certificate of personal service should be forwarded promptly to the Judge Advocate General (or Director, Office of the Judge Advocate General, West Coast).

(3) *Accused on leave awaiting appellate review.* If the accused is on leave awaiting appellate review pursuant to SECNAV Instruction 1050.3, or revisions thereto, the following procedures shall apply:

(i) Service shall be made by registered mail, return receipt requested, in accordance with the provisions of paragraph 4c of that Instruction.

(ii) Signature on the return receipt by anyone at the accused's leave address shall constitute notification (as of the date of receipt) to the accused of the decision of the board of review and shall commence the running of the thirty-day appeal period.

(iii) The general court-martial authority shall cause a certificate of service by registered mail to be executed and, together with the return receipt, to be mailed to the Judge Advocate General (Director, Office of the Judge Advocate General, West Coast).

(iv) If no signed return receipt is received (for example, because the accused has changed his address without notifying his commanding officer), constructive service shall be made in the manner prescribed in subparagraph (4) of this paragraph.

(4) *Accused absent or not at leave address.* When delivery cannot be made to an accused because he is absent without leave from his assigned ship or station, or because, having been granted leave under the provisions of SECNAV Instruction 1050.3, or revisions thereto, he has changed his address without notifying his commanding officer, constructive service may be made by certificate of attempted service, in accordance with the following:

(i) *Execution of certificate of attempted service.* The certificate of attempted service shall be executed in quintuplicate by the officer attempting service, and shall show the date, place and manner service was attempted. In addition, it shall show either (*a*) that personal service could not be made because the accused was absent without authority from his assigned ship or station, or (*b*) that service by registered mail, return receipt requested, could not be made at the accused's leave address because he changed such address without notifying his commanding officer (or such other facts showing why a return receipt was not obtained). There shall be attached to the certificate of attempted service as enclosures thereto an authenticated extract copy of the entry in the service record or the service record book of the accused relating to his unauthorized absence or relating to his leave under the provisions of SECNAV Instruction 1050.3 or revisions thereto, and an authenticated copy of Form DD–553 (Deserter-Absentee Wanted by Armed Forces), if issued, or the returned envelope showing the reason for nondelivery of attempted service by registered mail.

(ii) *Distribution.* Two copies of the certificate of attempted service shall be forwarded to the Judge Advocate General. One copy shall be forwarded to the Chief of Naval Personnel or to the Commandant of the Marine Corps, as appropriate, and two copies shall be retained by the officer immediately exercising general court-martial jurisdiction over the accused.

(iii) *Return of accused within appeal period.* If the accused returns to his assigned ship or station or advises his commanding officer of his correct address within the thirty-day appeal period, a copy of the promulgation package and a copy of the certificate of attempted service shall be served upon him; if he returns to the naval service within the appeal period at some place other than his assigned ship or station, the promulgation package and a copy of the certificate of attempted service shall be transmitted by the most expeditious means to such place for personal service upon him. In either case the required endorsement notifying the accused of his right to petition in the U.S. Court of Military Appeals should be modified by an appropriate endorsement informing him that his appeal period is limited to thirty days from the date of the certificate of attempted service. A receipt of the accused, in duplicate, for his copy of the decision of the board of review and for the certificate of attempted service shall be obtained and forwarded to the Judge Advocate General.

(iv) *Effect of constructive service.* Constructive service constitutes notification to the accused of the decision of the board of review and commences the running of the thirty-day appeal period within which he may petition the U.S. Court of Military Appeals for grant of review. At the termination of the thirty-day appeal period, action will be taken in the same manner as though the accused had been served personally or by registered mail on the date of the execution of the certificate of attempted service.

(v) *Form.* The following form is recommended but may be modified as necessary to meet the requirements of a particular case:

UNITED STATES

v.

_____
(Name, service number, grade or rate, and armed service.)

SPCM (GCM) (WC) NCM ------

CERTIFICATE OF ATTEMPTED SERVICE OF BOARD OF REVIEW DECISION

To: The Judge Advocate General of the Navy

1. On _____, at _____
(Date)

_____
(Ship, station or address of accused)

I, the undersigned officer, attempted to deliver to _____
(Name of accused)

the accused in the above-entitled case, a copy of the decision of the board of review with an endorsement thereon informing him of his right to petition the U.S. Court of Military Appeals for grant of review within 30 days from the time he is notified of the decision of the board of review, but delivery thereof was impossible because the said

_____
(Name of accused)

[was then absent without leave (having escaped from confinement, broken arrest, broken restriction)] [was on leave awaiting appellate review and changed his address without notifying his commanding officer] [_____].

2. I have attached hereto as enclosure (1) an authenticated copy of the entry appearing in the service record of the said

_____
(Name of accused)

relating to his [absence without leave] [leave pending completion of appellate review] and as enclosure (2) [an authenticated copy of Form DD–553 (Deserter-Absentee Wanted by the Armed Forces)] [returned envelope showing reason for nondelivery of attempted service by registered mail].

_____
(Signature)

Name _____
Grade and service _____
File number _____
Organization _____

Encl: (1) Authenticated extract copy from service record.
(2) (Authenticated copy of Form DD–553.) (Returned envelope.)

§ 719.127 Execution of sentence.

(a) *General.* When the sentence of an enlisted man or warrant officer as affirmed by the board of review includes, unsuspended, a dishonorable or bad conduct discharge, or confinement for one year or more, it may not be executed until completion of appellate review, i.e., expiration of the thirty-day appeal period if no petition for review is filed, or final review by the Court of Military Appeals if a petition is filed; provided that the sentence may be executed in accordance with the provisions of § 719.128 when the accused executes a Request for Immediate Release. When such sentence as affirmed by the board of review does not include, unsuspended, dishonorable or bad conduct discharge, or confinement for one year or more, it may be executed without further delay. See § 719.118 for requirements concerning issuance of promulgating orders.

(b) *Naval Clemency Board cases.* Attention is directed to the provisions of SECNAV Instruction 5815.3 and revisions thereto, concerning the execution of punitive discharges in cases where the Naval Clemency Board action has not been received.

§ 719.128 Request for immediate release by accused.

(a) *General.* An accused may request immediate execution of the unexecuted portion of his sentence, following completion of the confinement portion thereof, if any, in those cases in which his sentence as affirmed by a board of review:

(1) Includes an unsuspended punitive discharge (including a discharge the suspension of which has been vacated); and

(2) Either does not include confinement, or the confinement portion thereof has been or will be completed prior to thirty days from the date the accused is served with a copy of the board of review decision.

(b) *Conditions of approval.* Such requests may be approved by the officer exercising general court-martial jurisdiction subject to the following conditions:

(1) That the accused has received a copy of the decision of the board of review in his case;

(2) That the accused has had fully explained to him his right to petition the United States Court of Military Appeals for grant of review;

(3) That the accused does not have an appeal pending before the United State Court of Military Appeals;

(4) That the accused does not intend to appeal to the United States Court of Military Appeals but, nevertheless, understands that his request for immediate release does not affect his right seasonably to petition the United State Court of Military Appeals;

(5) That the accused has consulted counsel of his own choice: and,

(6) That the accused has executed a Request for Restoration (NavPers 3048) which has been denied, or that he has executed a Waiver of Restoration (NavPers 3049) and does not have a Request for Restoration pending before the Sec-

retary of the Navy. In the event the accused has previously executed a Request for Restoration which is still pending, notification of subsequent execution of Waiver of Restoration shall be made immediately to the Secretary of the Navy (Naval Clemency Board); and execution of the unexecuted portion of the sentence will be held in abeyance pending notification of action by the Naval Clemency Board.

(c) *Execution of unexecuted portion of sentence.* Upon approval of such requests the officer exercising general court-martial jurisdiction will order the unexecuted portion of the sentence to be dully executed.

(d) *Form of request for immediate release.* The following form is prescribed. Three signed copies thereof will be transmitted to the Judge Advocate General.

UNITED STATES

v.

(Name, service number, grade or rate, and armed service)

SPCM (GCM) (WC) NCM ------

REQUEST FOR IMMEDIATE EXECUTION OF (BAD CONDUCT) (DISHONORABLE) DISCHARGE ADJUDGED ON ---------- BY (SPECIAL) (GENERAL) COURT-MARTIAL CONVENED BY -------- AT (ON BOARD) ----------

To: (Officer exercising general court-martial jurisdiction)

1. I, the undersigned, the accused in the above-captioned case, hereby request the immediate execution of the above described

(Dishonorable/Bad Conduct)

discharge and my release from the naval service.

2. I have executed (a Request for Restoration, NavPers 3048, which has been denied) (a Waiver of Restoration, NavPers 3049, and do not have a Request for Restoration; NavPers 3048, pending before the Secretary of the Navy). [Delete inapplicable alternative.]

3. I received a copy of the decision of the Board of Review in my case on ----------.

4. I have had fully explained to me and I understand my right, under article 67(c) of the Uniform Code of Military Justice, to petition the United States Court of Military Appeals for grant of review within thirty days from the date I received my copy of the decision of the Board of Review.

5. I do not have an appeal pending before the United States Court of Military Appeals at this time, nor do I now intend to appeal; however, I understand that if this request is granted, it will not affect my right to appeal if I later change my mind and decide to appeal.

6. I have discussed this matter with

(Name, grade, file number, branch of service) counsel of my own choice.

(Name of accused)

CERTIFICATE

I, the undersigned officer of the grade, file number and branch of service below stated, certify that the above named accused personally appeared before me this ------ day of ----------, 19--, at ----------; I explained to him his right, under article 67(c) of the Uniform Code of Military Justice, to petition the United States Court of Military Appeals for grant of review; I read aloud to him the foregoing request and he thereafter signed the same in my presence and acknowledged that he did so as his free and voluntary act.

(Place)

(Name, grade, file number, branch of service)

§ 719.129 Filing of court-martial records.

(a) *General courts-martial.* All records of trial by general court-martial shall, after completion of final action, be filed in the Office of the Judge Advocate General.

(b) *Special courts-martial.* Records of trial by special courts-martial which (1) involve an officer accused or (2) have been acted upon by a board of review, including a rehearing of a case in which a board of review acted on the earlier record of trial; shall, after completion of final action, be filed in the Office of the Judge Advocate General. All other special court-martial records shall be filed in the manner provided below for summary courts-martial.

(c) *Summary courts-martial*—(1) *Shore activities.* Officers having supervisory authority will retain original records for a period of two years after final action. At the termination of such retention period, officers having supervisory authority at shore activities in the 1st through 10th Naval Districts will transfer the original records of proceedings to the Federal Records Center, Mechanicsburg, Pennsylvania; those at shore activities in the 11th through 17th Naval Districts will transfer such records to the Federal Records Center, South San Francisco, California.

(2) *Fleet activities.* Supervisory authorities who are in command of fleet activities, including Fleet Air Wings and Fleet Marine Forces, will retain original records of proceedings for a period of three months. At the termination of such retention period, such fleet officers in the Atlantic-Mediterranean Area and in the 1st through 10th Naval Districts will transfer the original records of proceedings to the Federal Records Center, Mechanicsburg, Pennsylvania; those in the Pacific Area and in the 11th through 17th Naval Districts will transfer such records to the Federal Records Center, South San Francisco, California.

§ 719.130 Financial responsibility for costs incurred in support of courts-martial.

Financial responsibility for costs incurred as the result of necessary activities of appointees to or witnesses called before courts-martial will be governed by the following delineation:

(a) *Travel, per diem and fees.* (1) The costs of travel and per diem of military personnel and civilian employees of the Navy, including that of JAG Task Force personnel but excluding that of Naval Judiciary Unit personnel, will be charged to the operation and maintenance allotment which supports temporary additional duty travel for the convening authority of the court-martial. Such costs incurred by Naval Judiciary Unit personnel will be charged to the operation and maintenance allotment of the Judge Advocate General.

(2) The costs of fees and mileage of civilians other than employees of the Navy will be charged to appropriation "Operation and Maintenance, Navy" funds administered by the Bureau of Naval Personnel.

(b) *Services and supplies.* (1) The following costs of services and supplies provided by an activity in support of courts-martial will be charged to the operation and maintenance allotment of the convening authority:

(i) In house costs which are direct, out-of-pocket, identifiable, and which total $100 or more in a calendar month; and

(ii) Costs which arise under contracts which were entered into in support of courts-martial.

(2) All other costs of services and supplies will be absorbed by the operation and maintenance allotment of the activity which provides the services and/or supplies.

Subpart E—Miscellaneous Matters

§ 719.131 Fees of civilian witnesses.

(a) *Authorization for payment.* (1) The fees and mileage of a civilian witness shall be paid by the disbursing officer of the command of a convening authority or appointing authority or by the disbursing officer at or near the place where the tribunal sits or where a deposition has been taken when such disbursing officer is presented a public voucher for such fees and mileage properly completed, signed by the witness and certified by one of the following:

(i) Trial counsel or assistant trial counsel of the court-martial.

(ii) Summary court-martial.

(iii) Counsel for the court in a court of inquiry.

(iv) Recorder or junior member of a board to redress injuries to property.

(v) Military or civil officer before whom a witness gave his deposition.

(2) The public voucher must be accompanied by the subpoena and by a certified copy of the order appointing the court-martial, court of inquiry or investigation. If, however, a deposition is taken before charges are referred for trial, the fees and mileage of the witness concerned shall be paid by the disbursing officer at or near the place where the deposition is taken upon presentation of a public voucher, properly completed as hereinbefore prescribed, and accompanied by an order from the officer who authorized the taking of the deposition, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher. When the civilian witness testifies outside the United States, its Territories and possessions, the public voucher must be accompanied by a certified copy of the order appointing the court-martial, court of inquiry, or investigation and by an order from the convening authority or appointing authority, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher.

(b) *Obtaining money for advance tender or payment.* Upon written request by one of the officers listed in paragraph (a) of this section, the disbursing officer under the command of the convening or appointing authority, or the disbursing officer nearest the place where the witness is found, will, at once, provide any of the persons listed in paragraph (a) of this section, or any other officer or person designated for the purpose, the required amount of money to be tendered or paid to the witness for one day of attendance. The person so receiving the money for the purpose named shall furnish the disbursing officer concerned with a proper receipt.

(c) *Reimbursement.* If an officer charged with serving a subpoena pays from his personal funds the necessary fees and mileage to a witness, taking a receipt therefor, he is entitled to reimbursement upon submitting to the disbursing officer such receipt, together with a certificate of the appropriate person named in paragraph (a) of this section, to the effect that the payment was necessary.

(d) *Certificate of person before whom deposition is taken.* The certificate of the person named in paragraph (a) of this section, before whom the witness gave his deposition will be evidence of the fact and period of attendance of the witness and the place from which summoned (see paragraph 117e, MCM 1951).

(e) *Payment of accrued fees.* The witness may be paid accrued fees at his request at any time during the period of attendance. The disbursing officer will make such interim payment(s) upon receipt of properly executed certificate(s). Upon his discharge from attendance the witness will be paid, upon the execution of a certificate, a final amount covering unpaid fees and travel, including an amount for return travel. Payment for return journeys will be made upon the basis of the actual fees and mileage allowed for travel to the court, or place designated for taking a deposition.

(f) *Computation.* Travel expenses shall be determined on the basis of the shortest usually traveled route in accordance with official schedules. Reasonable allowance will be made for unavoidable detention.

(g) *Non-transferability of accounts.* Accounts of civilian witnesses may not be transfered or assigned.

(h) *Signatures.* Signatures of witnesses when signed by mark must be witnessed by two persons.

(i) *Rates for civilian witnesses prescribed by law*—(1) *Civilian witnesses not in Government employ.* A civilian not in Government employ, duly summoned as a witness before a naval tribunal, or at a place where his deposition is to be taken for use before such court or fact-finding body, will receive four dollars ($4.00) for each day's actual attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Regardless of the mode of travel employed by the witness, computation of mileage in this respect shall be made on the basis of a uniform table of distances adopted by the Attorney General (Rand McNally Standard Highway Mileage Guide). Civilian witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residences as to prohibit return thereto from day to day, shall be entitled to an additional allowance of eight dollars ($8.00) per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance; provided, that in lieu of the mileage allowance provided for herein, witnesses who are required to travel between Hawaii, Puerto Rico, the Territories and possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first class rate available at the time of reservation for passage, by means of transportation employed; and provided further, that this subparagraph (1) shall not apply to Alaska. In each instance involving Alaska, the Judge Advocate General will, upon request, furnish the current applicable rates. (See 28 CFR 21.3 for fees and allowances of witnesses in Alaska.)

(2) *Civilian witness in Government employ.* A civilian in the employ of the Government, when summoned as a witness, shall be paid (i) his necessary expenses, incident to travel by common carrier or, if travel is made by privately owned automobile, mileage at the rate of 10 cents per mile, and (ii) a per diem allowance at the rate of $16 in lieu of subsistence within the United States except Alaska and Hawaii, and at the maximum rates prescribed by the Bureau of the Budget pursuant to the Travel Expense Act of 1949, as amended (5 U.S.C. 836) in Alaska and Hawaii and outside the United States. Such per diem allowance shall be paid in accordance with the provisions of the Standardized Government Travel Regulations (see NCPI 4650–Encl 2). If the tribunal is in session at the place where the civilian witness in the employ of the Government is stationed, he shall receive no allowance.

(j) *Expert witnesses.* When the services of an expert witness are required, the convening authority shall inform the Judge Advocate General by expeditious means and inform him of (1) the duration of the expected testimony and (2) the recommended daily compensation computed on the basis of the standing of the expert witness involved and the normal compensation paid a witness of such standing in the area involved. Upon the receipt of such information, the Judge Advocate General, acting for the Secretary of the Navy, will advise the convening authority of the amount of compensation authorized. After an expert witness has testified pursuant to such employment the certificate of one of the officers listed in subparagraph (a) of this section to the disbursing officer shall also enclose a certified copy of the authorization of the Judge Advocate General.

§ 719.132 Warrants of attachment.

Warrants of attachment will not be issued without prior approval of the Judge Advocate General, acting for the Secretary of the Navy, in each case.

§ 719.133 Security of classified matter in judicial proceedings.

(a) *General.* Every precaution will be taken by convening authorities, law officers, presidents of special courts-martial, summary courts-martial and trial counsel to protect the security of classified matter involved in judicial proceedings. If a trial of a case involves security information or cryptographic systems and publications, the convening authority, president of a special court-martial, summary court-martial and trial counsel, as appropriate, are charged with the responsibility of ensuring compliance with applicable provisions of section 3, chapter 9 of the Department of the Navy Security Manual for Classified Information; paragraph 33f, MCM 1951; and SECNAV Instruction 5511.4 and revisions thereto.

(b) *Security clearance of personnel.* If classified matter is to be used for prosecution, appropriate personnel security clearances must be granted to all members of the court, members of the prosecution and defense, court reporters and interpreters, and all other persons whose presence is required when classified matter is introduced before the court, in accordance with the Department of the Navy Security Manual for Classified Information. If the accused is represented by civilian defense counsel, such counsel must likewise be cleared before classified matter may be disclosed to him. The necessity for clearing the accused himself, and the practicability of doing so, rests in the sound discretion of the convening authority and may be one of the considerations in his determination that permission to try a particular case must be requested from the Secretary of the Navy in accordance with the provisions of paragraph 33f, MCM 1951. If it appears during the course of a trial that classified matter will be disclosed, and if the provisions of this paragraph have not been complied with, the law officer or president of a special court-martial or summary court-martial shall adjourn the court and refer the matter to the convening authority.

(c) *Procedures concerning spectators.* See § 719.110 which prescribes procedures necessary to prevent the dissemination of classified information to other than authorized persons.

§ 719.134 Court-martial forms.

For a list of the forms used in courts-martial and instructions concerning the requisition of such forms, see SECNAV Instruction 5605.3 and revisions thereto.

§ 719.135 Suspension of counsel.

(a) *General.* When a person, military or civilian, has, pursuant to paragraph 43, MCM 1951, and this section, been suspended from acting as counsel before courts-martial and boards of review, he shall not, during the period of such suspension, be eligible to so act. Such suspension is separate and distinct from any matter involving contempt, discussed in paragraphs 10 and 118, MCM 1951, and from withdrawal of certification made pursuant to articles 26 and 27 of the Code.

(b) *Grounds for suspension.* (1) Suspension shall be accomplished only when,

by his personal or professional conduct, a person has demonstrated that he is so lacking in competency, integrity, or ethical or moral character as to be unacceptable as counsel before a court-martial or board of review. Specific grounds for suspension include, but are not limited to:

(i) Demonstrated incompetence while acting as counsel during pre-trial, trial or post-trial stages of a court-martial;

(ii) Preventing or obstructing justice, including the deliberate use of frivolous or unwarranted dilatory tactics;

(iii) Fabricating papers or other evidence;

(iv) Tampering with a witness;

(v) Abusive conduct toward the court or board, the law officer, or opposing counsel;

(vi) Flagrant or repeated violations of any specific rules of conduct prescribed for counsel (see paragraphs 42, 44, 46 and 48, MCM 1951);

(vii) Conviction of an offense involving moral turpitude or conviction of a violation of article 48 of the Code;

(viii) Disbarment by a State or Federal court or the U.S. Court of Military Appeals; or

(ix) Indefinite suspension as counsel by the Judge Advocate General of the Army or Air Force or the General Counsel of the Treasury Department.

(2) Action to suspend should not be initiated solely because of personal prejudice or hostility toward counsel, because he has presented an aggressive, zealous, or novel defense, or when his apparent misconduct as counsel stems solely from inexperience or lack of instruction in the performance of legal duties. The Canons of Professional Ethics of the American Bar Association are considered to be generally applicable as rules of professional conduct for persons acting as counsel before naval courts-martial and boards of review, and are quoted, in part, for guidance:

3. *Attempts to exert personal influence on the court.* Marked attention and unusual hospitality on the part of a lawyer to a Judge, uncalled for by the personal relations of the parties, subject both the judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the judge's station, is the only proper foundation for cordial personal and official relations between bench and bar.

5. *The defense or prosecution of those accused of crime.* It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused, otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound, by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.

7. *Professional colleagues and conflicts of opinion.* A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the professional employment of another lawyer, are unworthy of those who should be brethren at the bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

9. *Negotiations with opposite party.* A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake or negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

15. *How far a lawyer may go in supporting a client's cause.* Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

The lawyer owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

16. *Restraining clients from improprieties.* A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

17. *Ill-feeling and personalities between advocates.* Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

18. *Treatment of witnesses and litigants.* A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

21. *Punctuality and expedition.* It is the duty of the lawyer not only to his client, but also to the courts and to the public to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

24. *Right of lawyer to control the incidents of the trial.* As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety.

37. *Confidences of a client.* It is the duty of a lawyer to preserve his client's confidences. This duty outlasts the lawyer's employment, and extends as well to his employees; and neither of them should accept employment which involves or may involve the disclosure or use of these confidences, either for the private advantage of the lawyer or his employees or to the disadvantage of the client, without his knowledge and consent, and even though there are other available sources of such information. A lawyer should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a lawyer is accused by his client, he is not precluded from disclosing the truth in respect to the accusation. The announced intention of a client to commit a crime is not included within the confidences which he is bound to respect. He may properly make such disclosures as may be necessary to prevent the act or protect those against whom it is threatened.

39. *Witnesses.* A lawyer may properly interview any witness or prospective witness for the opposing side in any civil or criminal action without the consent of opposing counsel or party. In doing so, however, he should scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth, or in any degree to affect his free and untrammeled conduct when appearing at the trial or on the witness stand.

(c) *Action to suspend*—(1) *General.* Action to suspend a person from acting as counsel before courts-martial and boards of review will be initiated only when other remedial measures, including punitive action, have failed to induce proper behavior or are inappropriate. In each stage of proceedings looking to suspension of counsel, full consideration shall be given to the effectiveness and appropriateness of such measures as warning, admonition, instruction, proceedings in contempt and other punitive action.

(2) *Report of grounds for suspension.* When information as to the occurrence or existence of any ground for suspension comes to the attention of a member of a court-martial, a law officer, appointed counsel, staff legal officer, or member of a board of review, such information shall be reported, together with appropriate supporting information, to the officer exercising general court-martial jurisdiction over the command of such reporting officer or to the Judge Advocate General. Prompt action will be taken by the recipient of such report to dispose of the matter in the interest of proper administration of justice, except that, if the alleged disqualifying conduct occurs during the trial of a particular case and involves counsel for the accused, action may be deferred pending completion of the trial.

(3) *Hearing.* If the officer exercising general court-martial jurisdiction or the Judge Advocate General is of the opinion that there is probable cause to believe that a ground for suspension exists, and that other remedial measures are not appropriate or will not be effective, he will appoint a board of officers to investigate the matter and to report its findings and recommendations as to whether the person involved should be temporarily or indefinitely suspended. The board so appointed shall consist of two or more members who are certified as qualified to act as law officer or counsel of general courts-martial pursuant to article 26 or 27 of the Code. The board will cause notice to be given to the counsel concerned informing him of the misconduct or other disqualification alleged and affording him the opportunity to appear before it for a hearing. The counsel will be permitted at least 5 days subsequent to notice to prepare for a hearing. Failure to appear at a set date subsequent to notice will constitute a waiver of appearance. Upon ascertaining the relevant facts after notice and hearing, the board will report its findings and recommendations based thereon to the officer who appointed the board. If the board was convened by other than the Judge Advocate General, the officer who appointed the board shall, unless he deems the investigation incomplete, in which case he may direct further investigation and hearing, forward the report of the board to the Judge Advocate General together with his comments and recommendations concerning suspension of the person involved.

(4) *Action by the Judge Advocate General.* Upon receipt of the report of a board convened by him or the report of a board convened by an officer exercising general court-martial jurisdiction, together with the comments and recommendations of such officer, the Judge Advocate General shall determine whether the person involved shall be suspended as counsel and whether such suspension shall be for a stated term or indefinite, and shall issue an appropriate order implementing such determination. The Judge Advocate General may, upon petition of the person who has been suspended, and upon good cause shown, or upon his own motion, modify or revoke any prior order of suspension.

(5) *Effect upon other actions.* Notwithstanding this section, the Judge Advocate General may in his discretion withdraw any certification of qualification to act as law officer or as counsel before general courts-martial made pursuant to article 26 or 27 of the Code.

§ 719.136 Petition for new trial under Article 73 of the Code.

(a) *Received prior to completion of action in the case by the board of review and the U.S. Court of Military Appeals.* Petitions for new trials received in the Office of the Judge Advocate General while the accused's case is pending before a board of review of the U.S. Court of Military Appeals shall be referred for action to the board, or Court, respectively. If referred for action to a board of review, such board shall take action in accordance with the Uniform Rules of Procedure for Proceedings In and Before Boards of Review.

(b) *Received subsequent to action in the case by the board of review and the U.S. Court of Military Appeals.* If a petition for a new trial is received in the Office of the Judge Advocate General and the case is no longer pending before either a board of review or the U.S. Court of Military Appeals, action will be taken in accordance with the provisions of paragraph 109, MCM 1951, and the following rules:

(1) If the petition was placed in military channels within one year after approval of the sentence by the convening authority, regardless of the date of its receipt in the Office of the Judge Advocate General, it shall be considered to have been seasonably filed.

(2) Upon receipt of a petition for a new trial, it shall be docketed in the Military Justice Division and examined for compliance with the requirements of paragraph 109, MCM 1951. If the petition does not comply with such requirements in any particular or particulars, the petition will be returned to the petitioner for correction and compliance. Any format that substantially includes the required information will however, be considered sufficient.

(3) If the petition does not submit matter that falls within the category of newly discovered evidence or fraud on the court, or if the requirements of article 73 of the Code are not otherwise met, the Judge Advocate General will advise the petitioner that the petition has been denied.

(4) If the petition is considered substantially to comply with the provisions of paragraph 109, MCM 1951, and if the matter submitted is considered to fall within the category of newly discovered evidence or fraud on the court, one copy of the petition, one copy of each supporting document and one copy of the brief, if any, will be forwarded to designated appellate defense counsel and to designated appellate Government counsel.

(5) In the event either counsel or the panel referred to in subparagraph (6) of this paragraph considers that further investigation is necessary in the interests of justice, he or the panel may request the Judge Advocate General to initiate such investigation stating in full the reasons for the request.

(6) Immediately after the action described in subparagraph (4) of this paragraph, the Judge Advocate General shall constitute a panel of three officers from the membership of boards of review in his office, other than the board of review which previously acted on the case, and such panel shall be provided with a copy of the petition, each supporting document and the briefs, if any.

(7) Upon the request of the petitioner, his counsel or representative, and upon a showing that such hearing and argument is in the interests of justice, a hearing and oral argument upon the petition may be allowed within the discretion of the panel constituted to consider the petition. Oral testimony will not be taken at such hearing, however; any new evidence must be submitted in written form. The petitioner shall not attend such hearing and may argue only through counsel. Whether or not a hearing and oral argument are allowed, the counsel for petitioner may file a brief in support of his petition within 20 days after: (i) his designation as counsel for the petitioner; or (ii) if other than designated counsel, his notification of appearance to the panel constituted to consider the petition. Counsel for the Government may file a brief opposing the petition within 20 days of the filing of petitioner's brief, or, if petitioner has failed to file a brief, within 20 days after the expiration of the time allowed for filing of petitioner's brief.

(8) Insofar as practicable and not inconsistent with provisions of the Manual for Courts-Martial and this section, the provisions of the Uniform Rules of Procedure for Proceedings In and Before Boards of Review (Part 150 of this title) will be followed with respect to qualifications and conduct of counsel, the format of briefs, the conduct of hearings, continuances and interlocutory matters.

(9) After briefs are filed and after hearing and oral argument, if any, the panel constituted to consider the petition shall prepare an opinion, together with a summary of the evidence and a discussion of the points of law involved, and an action on the petition for consideration by and signature of the Judge Advocate General.

§ 719.137 Set-off of indebtedness of convicted person against his pay.

When the United States has suffered loss of money or property though such offenses as selling or otherwise disposing of or willfully damaging, destroying or losing military property, willfully and wrongfully hazarding a vessel, larceny, robbery, forgery, arson, or fraud for which persons, other than accountable officers as defined in article 1901, U.S. Navy Regulations, 1948, have been convicted by court-martial and sentenced to

dismissal or punitive discharge, the amount of such loss constitutes an indebtedness to the United States which will be set off against the final pay and allowances due such person at the time the dismissal or punitive discharge is executed. The convening authority of the court-martial will determine the amount of the loss and advise the disbursing officer of the amount to be set off. The amount of the loss may also be set off against a convicted person's final pay and allowances when he is separated otherwise than by dismissal or punitive discharge. See NAVCOMPT Manual pars. 043201 and 044443–28 for set-off prior to separation with consent of the individual concerned. See also 10 U.S.C. 6161 and SECNAV Instruction 7220.38 and revisions thereto concerning the possibility of remission or cancellation of an enlisted member's indebtedness. Nothing herein shall be construed as precluding set off against final pay in other cases when such action is directed by competent authority.

§ 719.138 Authority to prescribe regulations relating to the designation and changing of places of confinement.

The Chief of Naval Personnel and the Commandant of the Marine Corps are authorized to issue joint regulations as required to appropriate authorities relating to the designation and changing of places of confinement of naval prisoners. See BUPERS Instruction 1640.5 and revisions thereto. Convening authorities, officers exercising supervisory authority, and commanding officers operating brigs are considered appropriate authorities within the meaning of this section. The Chief of Naval Personnel is further authorized to designate places of confinement when necessary, to change the designation, and to authorize the transfer of prisoners between naval places of confinement and to Federal penal or correctional institutions.

§ 719.139 Authority to administer oaths and to act as notary.

(a) Article 136 of the Code, entitled "Authority to administer oaths and to act as notary," lists several categories of persons who are granted authority as set forth in subsections (a) and (b) of the article. Subsections (a) (1) through (6) and (b) (1) through (5) list specific categories, and (a) (7) and (b) (6) provide that additional persons may be designated by regulations of the Armed Forces or by statute to exercise authority under the article. In accordance with the provisions of article 136(a) (7) the following officers of the Navy and Marine Corps on active duty, including retired and reserve officers, are authorized to administer oaths for the purpose of military administration, including military justice, and shall have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by members of the Armed Forces, wherever they may be; by persons serving with, employed by, or accompanying the Armed Forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands; and by other persons subject to the Code outside the United States:

(1) Officers certified by the Judge Advocate General of the Navy under articles 26 and/or 27 of the Code; and

(2) Officers of the grade of Lieutenant Commander and Major, or above.

(b) Further, the following officers of the Navy and Marine Corps on active duty, including retired and reserve officers, are authorized in accordance with the provisions of article 136(b) (6) of the Code to administer oaths necessary in the performance of their duties: Officers designated as Casualty Assistance Calls Program Officers while so acting.

§ 719.140 Apprehension by civilian agents of naval intelligence.

Pursuant to the provisions of paragraph 19, MCM 1951, and under the authority of article 7(b) of the Code, any civilian agent of Naval Intelligence, who is duly accredited by the Director of Naval Intelligence or a designee of the Director of Naval Intelligence, and who has been assigned to conduct an investigation requested by, or at the direction of, the Secretary of the Navy, the Head of any Office or Bureau in the Department of the Navy, the Commandant of the Marine Corps, the Commandant of the Marine Corps Schools, any commanding general of the Marine Corps, or any Naval commandant, commander or commanding officer, may apprehend, if necessary, persons subject to the Uniform Code of Military Justice or to trial thereunder, upon reasonable belief that an offense has been committed and that the person apprehended committed it. A person so apprehended must be taken promptly before his commanding officer or other appropriate military authority. Such a civilian agent may apprehend a commissioned officer or a warrant officer only pursuant to specific orders of a commissioned officer of a higher grade than that of the commissioned officer or warrant officer who is to be apprehended, except where such an apprehension is necessary to prevent disgrace to the service or the commission of a felony.

Subpart F—Parties and Witnesses in Certain Fact-Finding Bodies

§ 719.150 Objectives.

(a) *Definition.* Administrative fact-finding bodies of the types here dealt with are used by commanding officers for the purpose of developing the facts and circumstances of an incident or event.

(b) *Function.* The primary function of a fact-finding body is to develop and consider evidence related to the matter under investigation; to arrive at clearly expressed, consistent findings of fact from that evidence; and, if directed, to offer opinions and recommendations.

(c) *Purpose.* The primary purpose of a fact-finding body is to provide convening and reviewing authorities with adequate information upon which to base decisions in the matters involved. Fact-finding bodies are administrative and not judicial. The report of a fact-finding body is purely advisory; its opinions do not constitute final determinations or legal judgments, and its recommendations are not binding on convening and reviewing authorities.

§ 719.151 Types of fact-finding bodies.

(a) *Three types.* There are three types of administrative fact-finding bodies: courts of inquiry, boards of investigation, and one officer investigations. The investigations conducted by the basic types of fact-finding bodies may be either formal or informal; those conducted by courts of inquiry are always formal. A formal fact-finding body is one which meets all of the following requirements: It is convened by a written appointing order, testimony is taken under oath, and proceedings are recorded verbatim. If any one of these requirements is absent, the investigation is informal. Formal and informal investigations differ in their procedures to accommodate the variety of situations which must be investigated in the Department of the Navy. The formal investigation utilizes hearing room methods similar to the court of inquiry. The informal investigation employs for the most part the preliminary inquiry method using correspondence, telephone inquiries and informal interviews to gather the required information conveniently and expeditiously.

(b) *Courts of inquiry.* A court of inquiry consists of at least three commissioned officers as members and a commissioned officer as counsel for the court. It is always a formal fact-finding body. See article 135 of the Code. It is always convened by a written appointing order, and whether or not so directed in the appointing order, a court of inquiry will take testimony under oath and record proceedings verbatim. Except for boards convened for the redress of injuries to property under article 139 of the Code (see Part 755 of this chapter), a court of inquiry is the only naval fact-finding body which possesses the power to subpoena civilian witnesses.

(c) *Board of investigation.* A board of investigation is comprised of two or more commissioned officers. It may be either formal or informal.

(d) *One-officer investigation.* A one-officer investigation is conducted by one commissioned officer. It may be either formal or informal. One-officer investigations are designed to meet necessary investigative requirements with a minimum commitment of officers.

§ 719.152 Convening authority—power to order.

(a) *Courts of inquiry.* Any person authorized to convene a general court-martial, or any other person designated by the Secretary of the Navy for that purpose, may convene a court of inquiry.

(b) *Investigations.* Any officer in command may order a board of investigation or a one-officer investigation. For the purposes of this subpart, "officer in command" means an officer authorized to convene any type of court-martial under article 22, 23, or 24 of the Code, or authorized to impose disciplinary punishment under article 15 of the Code, including officers in charge. Only a commanding officer empowered to convene a special court-martial, or superior authority, may, however, order an investigation which involves redress of injury under article 139 of the Code.

§ 719.153 Authority to administer oaths.

An officer appointed to perform investigative functions or to serve as counsel for an administrative fact-finding body within the meaning of this subpart is empowered to administer oaths in the performance of his duties. (See article 136 of the Code.)

§ 719.154 Parties; definitions.

(a) *Party.* A party is a person subject to the Uniform Code of Military Justice, or an employee of the Department of Defense, whose conduct or performance of duty is "subject to inquiry" or who has a "direct interest" in the subject under inquiry and who is so designated as provided in §§ 719.155 and 719.156.

(b) *Subject to inquiry.* A person's conduct or performance of duty is "subject to inquiry" when the person is involved in the incident or event under investigation in such a way that disciplinary action may follow; or which may affect his rights or privileges; or jeopardize his personal reputation or professional standing.

(c) *Direct interest.* A person has a "direct interest" in the subject of inquiry:

(1) When the findings, opinions, or recommendations of the fact-finding body may, in view of his relation to the incident or circumstances under investigation, reflect questionable or unsatisfactory conduct or performance of duty; or

(2) When the findings, opinions, or recommendations may relate to a matter over which the person has a duty or right to exercise official control.

§ 719.155 Designation of parties.

(a) *Who may be designated.* (1) Any member of the naval service subject to the Uniform Code of Military Justice whose conduct or performance of duty is subject to inquiry shall be designated as a party.

(2) Any person subject to the Uniform Code of Military Justice or employed by the Department of Defense who has a direct interest in the subject of inquiry under § 719.154(c) (1) or (2) shall or may, respectively, upon his own request, be designated as a party to the proceedings.

(3) Any member of an Armed Force other than the Navy and Marine Corps who is subject to the Code and whose conduct or performance of duty is subject to inquiry or who has a direct interest in the subject of inquiry may be designated a party, but only under the conditions set forth in paragraph (b) (3) of this section.

(4) Any member of the Naval Reserve or Marine Corps Reserve not subject to the Uniform Code of Military Justice by virtue of his status whose conduct or performance of duty is subject to inquiry or who has a direct interest in the subject of inquiry, may, upon his own request, be designated a party. See paragraph (b) (3) of this section.

(5) No other persons may be designated parties.

(b) *Who may designate.* Parties may be designated by either the convening authority or the fact-finding body, subject to the following rules:

(1) Designation of parties should be accomplished by the convening authority in the appointing order if it is apparent at the time of its issuance that a person or persons should be designated. The power to designate continues in the convening authority during the entire proceedings before the fact-finding body.

(2) If, at any time during the course of the investigation it appears to the investigative body that any person not previously designated as a party should be so designated (see paragraph (a) of this section), the person shall be informed of that conclusion and the reasons therefor, and shall be designated a party and accorded his rights as such. See § 719.157.

(3) When it is considered advisable and practicable to accord the rights of a party to a member of an Armed Force other than the Navy or Marine Corps, or to a member of the Naval or Marine Corps Reserve under paragraph (a) (4) of this section, the rights of a party shall be explained to that person and he shall be offered an opportunity to participate voluntarily as a party to the proceedings. Should the convening authority or the fact-finding body consider it necessary to designate such person a party without his consent, application for authority to do so shall be made to the Secretary of the Navy (Judge Advocate General) stating the reasons therefor, the subject of inquiry, and enclosing a brief summary of the facts known at the time. The investigation shall continue while awaiting reply. The person will be notified that proceedings are to be continued, that he may voluntarily participate, and that he will be accorded the rights of a party. If authority to designate the person a party without his consent is received from the Secretary of the Navy after the proceedings have commenced, the fact-finding body will follow the procedure of subparagraph (2) of this paragraph, unless the person has already voluntarily availed himself of the opportunity to be a party.

§ 719.156 Change in status of a party.

If it no longer appears that a person previously designated as a party is involved in a material degree in the matter under investigation, his designation as a party may be withdrawn by the investigative body upon application of that party, or on the fact-finding body's own initiative.

§ 719.157 Rights of a party.

(a) *General.* A party to an investigation by a fact-finding body shall have the following rights:

(1) To be given due notice of such designation.

(2) To be present during the proceedings, but not when the investigation is cleared for deliberations.

(3) To be represented by counsel.

(4) To cross-examine witnesses.

(5) To introduce evidence.

(6) To testify as a witness.

(7) To refuse to incriminate himself, and to refuse to make any statement regarding any offense of which he is accused or suspected.

(8) To make a voluntary statement, oral or written, to be included in the record of proceedings or investigative report.

(9) To make an argument at the conclusion of presentation of evidence.

In courts of inquiry only, a party has two additional rights:

(10) To challenge members of the court of inquiry for cause stated to the court. (Article 135(d) of the Code.)

(11) If charged with an offense, to be a witness at his own request and not to be called as a witness in the absence of his own request.

(b) *Right to counsel.* The party may be represented by civilian counsel if provided by him, or by military counsel appointed by the convening authority. The party is entitled to military counsel of his own selection, if reasonably available. Except in an investigation which is to be utilized as a pretrial investigation required by article 32 of the Code, no special legal qualifications of counsel for the party are required. In a court of inquiry or other formal investigation counsel qualified under article 27(b) of the Code should be made available if practicable. In informal investigations similarly qualified counsel should be provided if reasonably available. If the investigation is to be utilized as a pretrial investigation required by article 32 of the Code, counsel for the party must be qualified within the meaning of article 27(b) of the Code, unless the party expressly waives the appointment of counsel so qualified. The explanation of this right in an appropriate case, and any waiver thereof, shall be reported verbatim in the record of any formal investigation or otherwise noted in the report of an informal investigation. It is the duty of counsel to represent the party to the best of his ability and to protect and safeguard the interests of the party by all honorable and legal means. If counsel for a party is absent, a formal investigation shall not proceed until his return, or until new counsel for the party is retained by him or appointed by the convening authority. However, the party may waive his right to have counsel present provided the party understands his right to counsel and the effect of the waiver. The explanation of this right and any waiver thereof shall be reported verbatim in the record.

(c) *Explanation of rights.* At the outset of the proceedings of an administrative fact-finding body, all parties then designated shall be informed of the rights set forth in paragraph (a) of this section, and those rights shall be clearly explained. Upon the designation of a person as a party during the course of the investigative proceedings his rights as such shall be explained clearly to him. The record of proceedings, to the point the investigation has progressed, will be made available to a newly designated party and his counsel for examination. Any reasonable request by a newly designated party for recall of witnesses previously examined for the purpose of cross-examination shall be granted. If the witness cannot be recalled, cross-examination may be ac-

complished by affidavit or in the case of an informal investigation by any practicable means. Any testimony given by a person as a witness prior to his designation as a party remains in the record after designation as a party. If the person is on the witness stand at the time he is designated a party or is thereafter called as a witness, see § 719.158 for the rights to be accorded him. Undue delay in the designation of a party may constitute prejudice and preclude adverse action with respect to the party based upon the record or his earlier testimony.

(d) *Failure to accord rights.* Failure to accord the rights of a party to a person whose conduct becomes subject to inquiry may preclude use of the record of proceedings as evidence. (Article 50 of the Code.) Moreover, such failure may require the return of a record or report to the convening authority to afford an individual the opportunity to examine the record or report and to make a statement in rebuttal concerning adverse action taken or contemplated against him other than disciplinary action (see § 719.101(d)(1)). In those instances where substantial contentions are made in the rebuttal statement, which are not refuted by other evidence in the case, further inquiry should be instituted to resolve the points in issue. If further inquiry is impracticable, the convening authority should express his opinion concerning the points in issue.

(e) *Recording advice as to rights.* The record of proceedings of a court of inquiry or formal investigation shall set forth verbatim the advice given to a person designated as a party concerning his rights. Any waiver of his rights by the party, in whole or in part, shall also be recorded verbatim. Waivers may be made personally by the party or by counsel in the presence of the party. In those proceedings where a verbatim record is not prepared (i.e. an informal investigation), the substance of the advice given to a person designated as a party shall be reduced to a written statement. The party shall acknowledge in writing that he has been informed of his rights as indicated in the statement and any waivers thereof shall be executed in writing. The statement of rights, acknowledgment of the party and any waivers shall be attached to the report of investigation as an exhibit. The written acknowledgment and any waivers shall be witnessed by two witnesses, one of whom shall be the counsel of the party, if he is represented by counsel.

(f) *Right to a copy of the record.* A party to an investigation is not entitled to a copy of the record or investigative report, or any part thereof, unless the record is to be used as a pretrial investigation under article 32 of the Code and trial of the party by general court-martial has been ordered. Consideration should be given to conducting a separate pretrial investigation when the record or report of the investigation contains either classified material or unclassified material which might be of assistance in prosecution or support of a claim against the United States. If a letter of censure, or other nonjudicial punishment is contemplated, see § 719.101 concerning the right of the individual to a copy of the record.

§ 719.158 Rights of witnesses.

(a) *Persons charged with offenses.* Any party or other person charged with an offense relating to the matter under investigation shall be a competent witness before a court of inquiry only at his own request (18 U.S.C. 3481). A person is charged with an offense when he has been formally accused by indictment or information, or by the preferring of charges and specifications under article 30 of the Code. Subject to this statutory limitation, any party or other person, whether charged with or suspected of an offense, may be called as a witness before a fact-finding body, whether or not he requests to be a witness.

(b) *Compulsory self-incrimination prohibited.* (1) No witness shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him; nor shall he be compelled to make any statement or produce evidence if the statement or evidence is not material to any issue under investigation and may tend to degrade him. (Art. 31 (a) and (c) of the Code.) See MCM 1951, par. 150.

(2) If a party or other person called as a witness is suspected of or charged with an offense, he shall be informed of the nature of the offense and the subject matter of the inquiry, and shall be advised that he does not have to make any statement or give any testimony regarding the offense, and that any statement or testimony made by him may be used as evidence against him in any subsequent trial by court-martial. (Article 31(b) of the Code. If such party or other person is not subject to the Code, the phrase "any subsequent trial by court-martial" at the end of the warning should be modified, e.g., as follows: "any subsequent trial by court-martial or other court" or "any subsequent trial"). After being so informed, the right to refrain from testifying regarding the offense of which he is suspected or charged must be claimed by the witness. Despite assertion of such a right, however, he may be questioned on matters other than the offense of which he is suspected or charged. The question of whether or not a party or other person called as a witness is suspected of an offense is one for decision of the fact-finding body and will depend upon the nature of the subject of the inquiry, the reasonable probability that an offense has been committed and the reasonable possibility that the witness was the offender. The investigative body shall resolve all reasonable doubt in favor of the person called as a witness.

§ 719.159 Statements regarding disease or injury.

No person in the Armed Forces shall be required to sign a statement of any nature relating to the origin, incurrence, or aggravation of any disease or injury he may have. Any such statement against his own interest which an individual is required to sign at any time shall be null and void and of no force and effect. 10 U.S.C. 1219. Any person in the Armed Forces, prior to being asked to sign any statement relating to the origin, incurrence, or aggravation of any disease or injury that he has suffered, shall be advised of his right not to sign such a statement.

§ 719.160 Warning witnesses.

The fact-finding body in its discretion may direct a witness in the Naval Establishment or by assignment or otherwise subject to naval authority or request other witnesses not to discuss their testimony with other witnesses or persons who have no official interest in the matter until the investigation is completed. This warning is given to ensure that the matter before the fact-finding body can be fairly heard, and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence, however inadvertently, testimony of witnesses still to be heard.

§ 719.161 Meeting of the court.

(a) *Sessions.* The proceedings of a court of inquiry or formal board will be held in open session unless the convening authority or the court or board, for security reasons or other good cause, directs that the entire proceedings or any portion thereof be closed to the public. The fact that the inquiry is held in closed session does not exclude the parties to the inquiry or their counsel. If the matter to be heard requires a security clearance and individual counsel has not been granted such clearance, the convening authority shall be advised thereof. In regard to necessary security clearance of personnel and procedures if such a person or civilian counsel is not so cleared, see § 719.133(b) which shall be applied also to the administrative fact-finding bodies here dealt with.

(b) *Clearing the court.* The court (court of inquiry or formal board) may be cleared at any time for deliberation or consultation, whereupon the parties and their counsel will withdraw. Counsel for the court will also withdraw unless requested to remain. During an open hearing and when numerous spectators are present, the court may withdraw to another room for deliberation or consultation.

(c) *Spectators; publicity.* As a general rule, the public shall be permitted to attend open sessions of a court of inquiry or formal board. The taking of photographs in the courtroom during an open or closed session of the court or board, or broadcasting the proceedings from the courtroom by radio or television will not be permitted.

(d) *Informal boards.* An informal board of investigation must determine the best methods of eliciting information in each case. Informal boards have considerable latitude in the methods they may employ to elicit information. In investigating one incident, it may be desirable to employ the hearing room procedure of a court of inquiry; in another, signed statements of witnesses may suffice. It may be appropriate to employ a combination of these methods. An informal board of investigation may take testimony in any fair manner it chooses if the appointing order has not directed that testimony be taken under oath.

(e) *One officer investigations.* Formal and informal one officer investigations are governed by the rules and principles prescribed for formal and informal boards of investigation, respectively, insofar as those rules and principles can be applied to a single officer investigator. The mission of the officer must be given primary consideration in the determination of procedural questions not covered by sources of guidance.

Subpart G—Appendices (Regulations Referred to in Preceding Subparts)

§ 719.201 Appendix I—Applicable provisions of the Bureau of Naval Personnel Manual and Marine Corps Manual relating to authority of commanding officers to effect promotions and reductions of enlisted members (referred to in § 719.101 (a)(1)).

(a) Bureau of Naval Personnel Manual article C-7202(7) defining "commanding officer" for purposes of advancement, reduction or change in rate or rating:

(7) The term "commanding officer(s)" as used throughout this section and in directives issued thereunder applies only to those commanding officers and officers-in-charge of Navy and Marine Corps activities who are empowered to convene summary courts-martial or higher courts-martial.[1]

(b) Bureau of Naval Personnel Manual article C-7211(2):

(2) *Reduction as punishment pursuant to Article 15, Uniform Code of Military Justice.* Pursuant to Article 15, Uniform Code of Military Justice and implementing regulations, a commanding officer or an officer-in-charge may reduce an enlisted person to next inferior grade as non-judicial punishment, if the grade from which demoted is, under pertinent Departmental regulations, within the promotion authority of the commanding officer, officer-in-charge, or lower command. The Departmental regulations set forth in this section, and in certain directives prescribed thereunder, authorize all commanding officers and officers-in-charge, expressly provided for in article C-7202(7), to effect advancements of Navy enlisted personnel under their command or in their charge to all enlisted rates except master chief petty officer, senior chief petty officer, and chief petty officer, permanent appointment. Therefore, those commanding officers and officers-in-charge specified in the preceding sentence may reduce Navy enlisted personnel, other than master chief petty officer, senior chief petty officer, and chief petty officer, permanent appointment, under their command or in their charge to the next inferior grade for disciplinary reasons.

(c) Marine Corps Manual paragraph 1430.2:

1430 ENLISTED PROMOTIONS:

* * * * * *

2. *Authority and responsibilities.* a. Marine Corps enlisted personnel shall be selected and promoted as directed by the Commandant of the Marine Corps. Promotions may be made only to the extent that the number of personnel serving in each enlisted grade shall not exceed the number authorized by the Secretary of the Navy.

b. Selection and review boards are periodically convened by the Commandant of the Marine Corps to examine the qualifications of enlisted personnel for promotion to pay grades E-6, E-7, E-8, and E-9 and to recommend those best qualified for promotion to the next higher grade. The composition of these boards, their duties, and the names of enlisted personnel to be considered for promotion are prescribed by the Commandant of the Marine Corps.

c. The following commanders are authorized to promote enlisted personnel to pay grades E-2, E-3, E-4, and E-5 in accordance with the qualification requirements and procedures established by the Commandant of the Marine Corps:

(1) Marine Corps commanders having authority to convene special courts-martial in accordance with Article 23 of the Uniform Code of Military Justice (10 USC 823).

(2) Commanders of Marine detachments ashore.

(3) Commanders of units of the Marine Corps Organized Reserve having custody of the service records of personnel under their command.

(4) Marine Corps commanders senior in the administrative chain of command to those specified above.

(5) Commanding officers of ships to which a Marine detachment is detailed for duty.

d. The Commandant shall prescribe qualification requirements for the promotion of enlisted personnel as necessary to maintain the high standards of proficiency, leadership, and character among enlisted grades that are required to ensure the continued combat readiness of the Marine Corps. Commanders shall ensure that all prescribed requirements have been met by personnel being considered for promotion and that all promotions are effected in accordance with the procedures established by the Commandant of the Marine Corps. Enlisted Marines shall not be promoted if, in the opinion of the commander, they are incapable of performing satisfactorily in the next higher grade even if all other requirements have been met. A commander shall withhold delivery of a certificate of appointment to pay grades E-6, E-7, E-8, and E-9 and report the circumstances to the Commandant if, in the opinion of the commander, the Marine is not qualified for promotion to that grade.

(d) Marine Corps Manual paragraph 1450:

1450 REDUCTION IN GRADE

1. *Nonpunitive reductions.* a. The Commandant of the Marine Corps may reduce enlisted Marines to any grade when necessary to reduce the total number of personnel in grade, and for incompetence in accordance with procedures prescribed by him.

b. Commanding generals may, for incompetence, reduce enlisted Marines under their administrative control to the next lower pay grade in accordance with the procedures prescribed by the Commandant of the Marine Corps.

c. Any commander may, for incompetence, reduce privates first class who are under his administrative control. Procedures to be followed in effecting these reductions will be prescribed by the Commandant of the Marine Corps.

2. *Reductions as nonjudical punishment.* a. Navy and Marine Corps commissioned officers who are authorized to administer nonjudicial punishment in accordance with Article 15 of the Uniform Code of Military Justice (10 U.S.C. 815) may reduce enlisted Marines under their command to the next inferior pay grade as nonjudicial punishment if the pay grade from which reduced is within the promotion authority of the commander or is within the promotion authority of an equivalent or lower command.

b. The Commandant of the Marine Corps retains promotion authority for promotion to pay grades E-9, E-8, E-7, and E-6. Reductions from these grades as nonjudicial punishment may be made only by the Commandant of the Marine Corps. Navy and Marine Corps commanders listed in paragraph 1430 have authority to promote to pay grades E-5, E-4, E-3, and E-2.

c. Statutory and regulatory provisions governing punitive reductions are contained in the Uniform Code of Military Justice, Manual for Courts-Martial, United States, 1951, and the Naval Supplement thereto. [The Naval Supplement has been superseded by the Manual of the Judge Advocate General, applicable provisions of which are reproduced in this part.] The Bureau of Naval Personnel Manual contains supplementary and implementing provisions regarding punitive reductions of enlisted Navy personnel. The Marine Corps Personnel Manual contains personnel procedures to be followed in effecting reductions of Marines.

§ 719.202 Appendix II—Applicable provisions of U.S. Navy Regulations dealing with accusations, replies and counter charges and with adverse matters in fitness reports and records of officers (referred to in §§ 719.102 and 719.117).

(a) U.S. Navy Regulations article 1404:

1404 ACCUSATIONS, REPLIES, AND COUNTER CHARGES

1. Whenever an accusation is made against an officer, either by report or by endorsement upon a communication, a copy of such report or endorsement shall be furnished him at the time.

2. Reports or complaints, and statements submitted in reply thereto or in explanation thereof, shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned.

3. Persons in the naval service to whom reports or complaints are submitted for statement shall not reply by making counter charges.

(b) U.S. Navy Regulations article 1701.8 dealing with adverse matters in fitness reports and records of officers:

8(a) Adverse matter shall not be placed in an officer's record without his knowledge. It shall be first referred to the officer reported upon for such official statement as he may choose to make in reply. If the officer reported upon desires to make no statement, he shall so state officially in writing.

(b) When a report of fitness containing adverse matter, or any correspondence relating thereto, is sent to an officer, it shall be sent direct, addressed in his name. The officer concerned shall return any communication so received, together with his statement in reply to the Chief of Naval Personnel (Commandant of the Marine Corps) via the officer by whom the original report was completed and via the officer or officers through whom such report was forwarded.

§ 719.203 Appendix III—Applicable provisions (sections 044018 and 044019) of the Navy Comptroller Manual dealing with time not creditable in computing cumulative years of service (referred to in § 719.111).

044018 SERVICE NOT CREDITABLE, GENERAL

The following types of service may not be counted for basic pay purposes:

1. Emergency Officers Retired List;

2. Inactive National Guard;

[1] These limitations on the term "commanding officer" apply specifically in matters of advancement, reduction or change in rate or rating of Navy personnel.

3. State, home, or territorial guard:
4. Army and Navy Reserve Officers' Training Corps and Citizens Military Training Corps;
5. time spent in a fraudulent enlistment when such enlistment is so specified in discharge authority.

044019 SERVICE NOT CREDITABLE, TIME LOST

1. *Time lost defined*—a. *General.* The periods of absence defined in subpars. b through e are considered as time lost and will not be included in determining cumulative years of enlisted service for basic pay purposes. Under 10 U.S. Code 972, time lost by an enlisted member must be added to the period served before such absence or absences to complete the term for which enlisted or inducted. Prior laws required only that time lost on account of sickness misconduct must be made up and that other absences might be made up.

b. *Unauthorized absence, AWOL.* Unauthorized absence is defined as a period of absence in excess of one day (24 consecutive hours) without leave or liberty, over leave, or over liberty, unless such absence is excused as unavoidable.

c. *Sickness misconduct, SKMC.* Sickness misconduct is defined as a period of absence from duty in excess of one day (24 consecutive hours) because of a member's intemperate use of alcoholic liquors or habit forming drugs or because of disease or injury resulting from his own misconduct.

d. *Nonperformance of duty (civil arrest), NPDI*—(1) *Prior to 24 July 1956.* Nonperformance of duty (civil arrest) is defined as a period of absence in excess of one day (24 consecutive hours) while in custody of civil authorities, unless the member is acquitted or released without trial and without making restitution or reparation.

(2) *On or after 24 July 1956.* Nonperformance of duty (civil arrest) is defined as a period in excess of one day (24 consecutive hours) of nonperformance of duty while confined under sentence or while confined awaiting and during trial by civil authority if the member is convicted under the laws of the state or government concerned. If the member is released without trial or after trial and acquittal, or if the conviction is later set aside on legal grounds as distinguished from clemency, the absence will be considered as unavoidable and not as time lost, unless the member is released upon his agreement to make reparation for the offense for which he was committed or is subsequently convicted by a court-martial on the same facts.

(3) *Member released without trial.* If the member is released without trial, or without being convicted, upon his agreement to make restitution or reparation of the alleged offense for which he was taken into custody, the period of civil arrest is creditable only if his commanding officer or other competent authority determines that his absence will be excused as provided in par. 044253–1 (forfeiture of bond will not in itself constitute reparation or admission of guilt).

(4) *Periods of authorized leave.* A period of authorized leave is not included in NPDI. See par. 044253–1.

e. *Nonperformance of duty (confinement), NPDI*—(1) *Prior to 24 July 1956.* Confinement is defined as a period of absence in excess of one day (24 consecutive hours) while in confinement under general court-martial sentence and while in confinement awaiting trial (and during trial) which results in conviction and sentence by general court-martial to confinement and to a total loss of pay and allowances. Nonperformance of duty because of confinement does not include time spent in confinement awaiting trial (and during trial) by other than general court-martial, nor time spent in confinement after such trial. It also does not include time in confinement awaiting trial by general court-martial if such trial results in acquittal. Further, it does not include time in confinement awaiting trial (and during trial) by general court-martial or time spent in confinement after such trial provided the court-martial is subsequently wholly remitted or set aside by competent authority. See subpar. (2) for confinement commencing before and extending beyond 24 July 1956.

(2) *On or after 24 July 1956.* Confinement is defined as a period in excess of one day (24 consecutive hours) spent in confinement either under sentence adjudged by any court-martial or while awaiting and during trial by any court-martial which results in conviction. Any confinement prior to the actual award of a court-martial in connection with an offense for which confined is to be considered as confinement "while awaiting trial" within the meaning of 10 U.S. Code 972(3). Members placed in confinement before 24 July 1956 will be required to make up only time spent in confinement on or after 24 July 1956. Confinement awaiting trial and during trial or under sentence will be regarded as absence from duty pending final action in each case in accordance with the Manual for Courts-Martial. No period of confinement will be counted as lost time if the individual is acquitted of the charges involved or the sentence is set aside and the charges dismissed by competent authority.

2. *Time Lost, Computation*—a. *General.* In computing the time lost to be made good at the expiration of enlistment, the computation will be made on a day for day basis, including the thirty-first day of any month. The time served for the purpose of making good any time lost will be computed in the same manner. When computing cumulative years of service for pay purposes, time lost will be computed in the manner prescribed in pars. 044250–044255 for computing unauthorized absence for pay purposes. Care must be exercised to insure that the definition applicable at the time of occurrence is considered in computing cumulative service for the purpose of basic pay, retirement, and transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

b. *Commencement of absence.* The first day of confinement or unauthorized absence (including the day on which leave, liberty, or authorized travel time expires if prior to 2400) or the day on which a member is admitted to the sick list as a result of his own misconduct will be considered a day of absence. When leave, liberty, or authorized travel time expires at 2400, the unauthorized absence will be considered to commence the following day.

EXAMPLES

In all examples, 10 days leave was granted; the member departed at 1200 on 1 April and returned at 0700 on 13 April.

Example A. When expiration of leave is specified in leave papers as 0800 on 12 April—Absence without leave commences at 0800 on 12 April; member absent for 23 hours; no time lost; no checkage of pay.

Example B. When expiration of leave is specified in leave papers as 2400 on 11 April—Absence without leave commences at 2400 on 11 April even when administrative regulations permit delay in reporting to duty station until working hours of the following day; man absent for 31 hours; 12 April is a day of time lost and loss of pay; 13 April is a day of duty.

Example C. When expiration of leave is specified in leave papers as 11 April (no hour indicated)—Same as Example B.

Example D. When expiration of leave is not specified in leave papers (leave stated in terms of number of days only)—Since regulations permit a Navy member to delay in reporting to duty until 0900 of the morning following the last day of leave, absence without leave commences at 0900 on 12 April; member is absent for 22 hours; no time lost and no loss of pay. (This example is equally applicable to Marine Corps members except that the hour of required reporting will be determined from the Marine Corps Manual, Volume I.) Absence at the expiration of authorized travel time is computed in the same manner, except that Navy members reporting in compliance with change of station orders must report not later than 2400 of the last day of travel time (see Bureau of Naval Personnel Manual).

c. *Termination of absence.* The day on which a member is released from confinement, returned to jurisdiction of the armed forces, or is discharged from the sick list will be considered a day of duty.

§ 719.204 Appendix IV—Navy Comptroller Manual, Volume 4, Chapter 4, Part B, Section VIII, dealing with effect on pay of sentences of courts-martial (referred to in § 719.113).

SECTION VIII: SENTENCES OF COURTS-MARTIAL, EFFECT ON PAY

044270 FORFEITURE OF PAY, COURT-MARTIAL

1. *General.* To be effective, any forfeiture of pay must be adjudged in express terms, that is, in dollars or dollars and cents and not in days pay. A sentence of forfeiture of pay may not be applied to an enlisted member's savings deposits or to the interest thereon.

2. *Effective date.* When a sentence of a court-martial includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture will apply to pay or allowances becoming due on and after the date such sentence is approved by the convening authority, unless the convening authority, at the time he approves the sentence, suspends execution of the forfeiture or defers the application of such forfeiture pending completion of appellate review or for other appropriate reason. All other sentences to forfeiture become effective on the date the sentence is ordered executed. Except in the case of a new trial, the convening authority at the time of approval of any sentence may order its execution if, as approved by him, it does not involve a general or flag officer, a sentence of death or dismissal, or an unsuspended sentence of dishonorable discharge, bad conduct discharge, or confinement for one year or more as such a sentence may not be executed unless and until affirmed upon appellate review. A diary entry or Military Pay Order (DD Form 114) submitted to the disbursing officer by the commanding officer will specify the date forfeiture of pay will commence or will advise that the application of the forfeiture has been deferred until the sentence is ordered into execution. In addition, for Navy members a Court Memorandum (NavCompt Form 516), specifying the reason for the court-martial, will be submitted to the disbursing officer by the commanding officer. (See the Manual for Courts-Martial, United States, 1951, pars. 88, 98, and 126h(5), and the Bureau of Naval Personnel Manual, art. B–2316.) In appropriate cases, a Supplementary Court Memorandum (NavPers 601/NavCompt 516A) or DD Form 114 submitted to the disbursing officer by the commanding officer will give further instructions, such as may be necessary upon completion of appellate review or upon vacation of suspension.

3. *Pay record entry.* A forfeiture of pay will be described in item 28 of the Military Pay Record (DD Form 113) by use of the abbreviation describing the type of court-martial followed by the effective date, the total amount forfeited, and the monthly amount and number of months over which such forfeiture is to be liquidated; for example, SCM 12/10/51 TFP $60 (20 x 3).

4. *Substantiating vouchers.* A diary entry or DD Form 114 will be used by the disbursing officer to substantiate entries on a member's pay record. When the pay record order indicates that unauthorized absence has been the reason for the court-martial sentence, pay records and microfilm will be examined to insure that proper checkage of pay and allowances for the period of absence has been entered in the account. In addition to the foregoing, for Navy members, a NavCompt Form 516 also will be submitted as a voucher to further substantiate the pay record adjustment and for Marine Corps members, if the sentence of a general court-martial adjudges confinement and forfeiture of pay and allowances, the commanding officer also will submit two certified copies of the approved sentence to the disbursing officer.

5. *Liquidation.* Beginning with the effective date of the sentence, the forfeiture of pay will be checked against the member's account until the entire amount adjudged and approved has been checked except as otherwise provided in subpar. 7 or until further execution of the sentence is stopped by action of proper authority. In making a checkage for a fractional part of a month, one-thirtieth of the monthly rate of forfeiture will be checked for each day, treating each month as if it had 30 days. The periods during which a member is in a nonpay status will be excluded in computing the period during which the member's pay is forfeited pursuant to a court-martial sentence. When two court-martial sentences decree forfeitures of pay for periods which run concurrently, the amount stated in each sentence will be forfeited only for the specified period mentioned in each and if the total amount of forfeitures during any period the sentences run concurrently exceeds the two-thirds limitation provided in the Manual for Courts-Martial, United States, 1951, par. 126h(2), only two-thirds of the member's pay will be forfeited during such period. After the concurrent period has expired, pay is forfeited under the one remaining sentence only at the rate and for the time remaining in that sentence.

6. *Amounts due.* Any money due and unpaid on the day preceding that on which the sentence of forfeiture of pay is effective or ordered executed and pay subsequently due which is not forfeited by the sentence may be used to offset charges for allotments and clothing issues or may be paid to the member in the usual manner. Each member may be permitted to draw $5 a month (not cumulative) for necessary expenses irrespective of a sentence of a court-martial not involving total forfeiture of pay and allowances.

7. *Loss of pay unliquidated.* If a sentence involving forfeiture of pay has not been liquidated completely by the date of separation from active service, death, or desertion, by the effective date of a voluntary extension of enlistment, or by the date of expiration of enlistment of a member who is detained in a disciplinary nonpay status after the expiration of enlistment (see par. 044204–4), only the proportionate checkage will be accomplished. The forfeiture will not be interrupted by an involuntary extension of enlistment. When a deserter is returned to a pay status, checkage of the forfeiture will be resumed.

8. *Sentence disapproved, suspended, or set aside*—a. *Issuance of administrative discharge in lieu of bad conduct or dishonorable discharge awarded by court-martial.* If a previously executed sentence of dishonorable or bad conduct discharge is not sustained on a new trial and the Secretary of the Navy substitutes therefor a form of discharge authorized for administrative issuance, the member is entitled to the pay and allowances which would have been received had the bad conduct or dishonorable discharge not been executed until the date of the actual issuance of the administrative discharge or normal date of expiration of enlistment, whichever is earlier. In such a case, the member concerned will be advised to submit a claim for the pay and allowances involved to the General Accounting Office via the Navy Finance Center (Central Accounts Department) or the Commandant of the Marine Corps (Code CDB), accompanied with all pertinent documents.

b. *Remission of discharges awarded by courts-martial and procedures for resuming pay.* If a previously executed sentence of dishonorable or bad conduct discharge is not sustained on a new trial and the member is required to serve the remainder of his enlistment, he will receive the pay and allowances to which he would have been entitled if the bad conduct or dishonorable discharge had not been executed, that is, to the date of return to duty or normal date of expiration of enlistment, whichever is earlier. When the member's enlistment has not expired, the disbursing officer of the activity to which the member reports will open a pay record and commence proper credit of pay and allowances as of the date the member returns to duty on the basis of the letter stating that the member is to serve the remainder of his enlistment and an Order to Enter Account (NavCompt Form 511 or DD Form 114). The disbursing officer will notify the Navy Finance Center or the Commandant of the Marine Corps (Code CDB) by letter of the circumstances in the case and the fact that the member has been returned to a duty status and will request that an adjustment voucher be issued to cover any erroneous payments made on the date of the voided discharge. The member will be advised of his right to submit a claim to the General Accounting Office via the Comptroller of the Navy or the Commandant of the Marine Corps (Code CDB) for pay and allowances for the period between the date of execution of the bad conduct or dishonorable discharge and the date of return to duty or the normal date of expiration of enlistment.

c. *Action to be taken when sentence involving reduction in rating or forfeiture of pay is set aside in order to provide for new hearing.* When the sentence of a court-martial is set aside or disapproved, the member will have restored to him the forfeiture of pay and allowances effected by an executed portion of the sentence unless a new trial or rehearing is ordered and such executed portion is included in a sentence imposed upon the new trial or rehearing, approved and declared effective or ordered executed. This also applies to a sentence affecting pay and allowances indirectly as by means of reduction to an inferior grade as well as to sentences affecting pay and allowances explicitly.

d. *Computing of the period and amount of forfeiture of a sentence awarded upon a rehearing.* If a forfeiture of pay is approved and ordered executed under a new sentence incident to a rehearing, the member will be credited with the amount of any forfeiture of pay actually effected under the former sentence prior to the time such sentence was disapproved or set aside, unless the latter sentence provides otherwise.

e. *Reductions in rating as a court-martial sentence.* In the case of an enlisted member of other than pay grade E–1 sentenced by court-martial to reduction in rating, the effective date of the reduction will be specified in the pay record ordered submitted to the disbursing officer by the commanding officer of the member. In appropriate cases, a NavCompt Form 516A or a DD Form 114 submitted to the disbursing officer by the commanding officer of the member will give further instructions, such as may be necessary upon completion of appellate review or upon vacation of suspension. In all cases, the rate of pay of a member reduced in rating will be commensurate with his length of service.

f. *Remission of previous forfeitures of pay by reason of sentence involving total forfeitures of pay.* On the effective date of a general court-martial sentence involving confinement and forfeiture of all pay and allowances, any unliquidated portion of forfeiture of pay under a previous sentence of court-martial automatically is remitted. When a general court-martial sentence involving confinement and forfeiture of all pay and allowances afterwards is set aside, such action automatically will nullify from the beginning the remission of forfeiture of pay. This subparagraph does not apply to new trials pursuant to section 12 of the Act of May 5, 1950 (64 Stat. 147; 50 U.S. Code 740). (Manual for Courts-Martial, United States, 1951, Appendix 2.)

g. *Substantiating vouchers.* A certified copy of the letter or any other document causing the action will be submitted as a substantiating voucher.

044271 DETENTION OF PAY, COURT-MARTIAL

1. *General.* To be effective, any detention of pay must be adjudged in express terms, that is, in dollars or dollars and cents and not in day's pay.

2. *Effective date.* The effective date of the sentence will be indicated on the Court Memorandum (NavPers 601/NavCompt 516) or Military Pay Order (DD Form 114) submitted to the disbursing officer by the commanding officer of the member. Detailed instructions relative to the effective date of sentence involving forfeiture of pay are in the Manual for Courts-Martial, United States, 1951, par. 126h(5).

3. *Pay record entries.* A sentence of a court-martial involving detention of pay will be entered on the Military Pay Record (DD Form 113) in the same manner as a sentence involving forfeiture of pay, except that the letters "TDP" will be used in lieu of "TFP"; for example, SCM 6/3/51 TDP $120 (20x6). When checkage of the entire amount of detention pay has been accomplished, the disbursing officer will notify the commanding officer in writing of such fact, filing a copy of such notification as a pay record voucher. The commanding officer will enter and attest a notation on page 13 of the member's Enlisted Service Record (NavPers Form 601) showing the amount of pay detained, the type of court-martial, and the date of approval of sentence.

4. *Substantiating vouchers.* The NavCompt Form 516 or DD Form 114 modified to show that detention pay is involved will be submitted to substantiate detention pay entries on the member's pay record.

5. *Liquidation.* The provisions of par. 044270–5 relating to forfeiture of pay will be applicable to detention of pay.

6. *Payments.* Each member may be permitted to draw $5 a month (not cumulative) for necessary expenses irrespective of a sentence of a court-martial involving detention of pay.

7. *Repayment*—a. *General.* Upon discharge (except by reason of a fraudulent or illegal enlistment), voluntary extension of an enlistment, or release from active duty, any amount of pay detained in accordance with the terms of a court-martial sentence will be paid to the member except that such amount is available for liquidation of overpayments or other authorized checkages at separation. If the member dies while in active naval service, the pay detained will be paid to the person who is entitled to the amount found due under statutory provisions regarding the settlement of accounts of deceased personnel in accordance with 10 U.S. Code 2771. A mark of desertion, if not removed, will serve to forfeit all amounts of pay detained prior to the date of desertion. The execution of a sentence of forfeiture of all pay and allowances does not encompass pay detained under the terms of a previous sentence.

b. *Pay record entry.* Upon repayment in accordance with subpar. a, the total amount of pay detained will be credited on the pay record opposite the notation "DET PAY (enter type of court-martial and date of approval of sentence)." Such credit entry will be substantiated by one of the following pay record orders submitted by the commanding officer for the purpose of notifying the disbursing officer of the member's separation, voluntary extension of enlistment, or death:

1. Record of Discharge, Release from Active Duty, or Death (NavCompt Form 512);
2. Agreement to Extend Enlistment (NavPers 601A/NavCompt 513);
3. Military Pay Order (DD Form 114);
4. Separation orders.

The pay record order will direct the disbursing officer to recredit the total amount of pay detained as shown by the member's service record. When repayment prior to completion of the sentence involving detention is made, no substantiating voucher will be required to credit the amount detained.

8. *Sentence disapproved, suspended, or set aside.* The provisions of par. 044270–8 relating to forfeiture of pay will be applicable to detention of pay.

044272 FINES, COURTS-MARTIAL

1. *General.* To be effective, any fine imposed by a court-martial must be adjudged in express terms, that is, in dollars or dollars and cents and not in day's pay. A fine may not be applied to an enlisted member's saving deposits or to the interest accumulated thereon.

2. *Effective date.* The effective date of the fine will be indicated on the diary entry, Military Pay Order (DD Form 114), or Court Memorandum (NavPers 601/NavCompt 516) submitted to the disbursing officer by the commanding officer.

3. *Pay record entry.* If the member consents to checkage, a fine may be entered immediately in item 28 of the Military Pay Record (DD Form 113). The fine will be liquidated strictly in accordance with the terms of the member's consent, who may request either a onetime checkage or liquidation in stated monthly installments. The checkage entry will indicate by abbreviation the type of court-martial, the date the provision for the fine in the sentence was ordered executed, the word "Fine," the amount of the fine, and installment information (if any), for example: SCM 1/19/56, Fine $50 ($10 x 5) CHKD ------ BAL ---------. If the member does not consent to checkage, the applicable information plus the notation "Non-consent" will be entered in item 40 of the pay record. This notation will be carried forward to item 40 of all succeeding pay records until such time as the fine is liquidated (see subpar. 6).

4. *Substantiating vouchers.* The diary entry, DD Form 114, or NavCompt Form 516 modified to show that a fine is involved will be submitted to substantiate the proper entry on the member's pay record.

5. *Deposits to offset fines.* The disbursing officer will accept and credit on the pay record of the member any amount which the member may wish to deposit to offset the fine. Such a deposit will be described in item 4 of the pay record opposite the notation "DEPOSIT-FINE." Such deposits will be taken up by the disbursing officer on a Cash Collection Voucher (DD Form 1131) as a credit to the appropriation to which the member's pay is properly chargeable.

6. *Fine unliquidated.* Any amount of the fine unpaid at the time of the separation of the member from active service will be set off against any pay due and unpaid at that time.

7. *Sentence disapproved, suspended, or set aside.* The provisions of par. 044270–8 relating to forfeiture of pay are applicable to fines.

044273 FORFEITURE OF PAY, COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT

The provisions of par. 044270 relating to forfeiture of pay by sentence of court-martial are applicable to forfeiture of pay imposed as a nonjudicial punishment by a commanding officer exercising general court-martial jurisdiction. Such commanding officer will authorize and direct the disbursing officer carrying the member's Military Pay Record (DD Form 113) to make an appropriate entry on the pay record involved. A diary entry or Military Pay Order (DD Form 114) will be used for such authorization and will be submitted as a substantiating voucher. Such a forfeiture will be entered on the pay record in the manner prescribed in par. 044270–3 except that the abbreviation "COP" will be used to describe the type of disciplinary action involved.

044274 CHECKAGE FOR LOSS OR DAMAGE TO PRIVATE PROPERTY

1. *General.* Checkages for assessment of damages made under sec. 0511, Naval Supplement to the Manual for Courts-Martial (superseded by Part 755 of this chapter), will be entered in item 28 of the member's Military Pay Record (DD Form 113) opposite the notation "PRIVATE PROP." Such an entry will be substantiated by a Military Pay Order (DD Form 114) directing the checkage. In liquidating such a checkage, the disbursing officer will compute the member's net pay per month by adding the basic pay and sea and foreign duty pay (if applicable) and, if applicable, subtracting the amount of the member's mandatory contribution to a class Q allotment. If the amount of the checkage exceeds one-half of the member's net pay as computed herein, the disbursing officer will set up an installment liquidation of the checkage. Such installment liquidation will provide that the checkage will be liquidated at the rate of one-half of the member's net pay per month as computed herein for the number of months necessary to accomplish the checkage and will be entered on the pay record in the same manner as an installment liquidation of an advance of pay. An extension of enlistment or separation from active service does not relieve the member from his liability and the disbursing officer then will use all available funds to liquidate the balance. If sufficient funds are not available upon separation from active service or extension of enlistment to offset the entire amount of the checkage, the unliquidated portion will be checked upon a subsequent reentry on active service or during the period of the extension.

2. *Payment to claimant.* When the checkage has been liquidated, the disbursing officer carrying the pay record of the member at the time the liquidation is accomplished will be responsible for making payment to the claimant of the amount so checked. This payment will be expended on a Public Voucher for Purchases and Services Other than Personal (Standard Form 1034) and charged to the appropriation to which the member's pay was properly chargeable at the time the deduction was made. If the checkage extends over two fiscal years, the appropriations will be shown separately on the public voucher. The public voucher will contain an endorsement by the disbursing officer to the effect that the checkage has been entered on the pay record of the member by order of the commanding officer and has been completely liquidated. If a member extends his enlistment or is discharged and immediately reenlists and does not have sufficient funds to offset the entire amount of the checkage, the disbursing officer will not make payment to the claimant until the entire amount has been checked in the ensuing period of reenlistment or extension. If a member is discharged and does not immediately reenlist or is otherwise separated from the service and does not have sufficient funds to offset the entire amount of the checkage, the disbursing officer will pay to the claimant only the amount that actually has been checked on the pay record of the member.

§ 719.205 Appendix V—Secretary of the Navy Instruction 5815.3 on policy and procedures concerning clemency relative to certain courts-martial (referred to in §§ 719.122 and 719.127).

SECNAV 5815.3
Pers—F3
MarCorps—DK
H138:THR:lh
4 March 1958

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
Washington 25, D.C.

SECNAV Instruction 5815.3 [with changes 1 and 2 incorporated]

From: Secretary of the Navy.
To: All Ships and Stations.
Subj: Clemency relative to certain courts-martial cases; policy and procedures concerning
Encl: (1) Retention on active duty by extension of enlistment for purpose of serving probation

1. *Purpose.* To restate and clarify the policy and procedures to be followed in submitting to the Secretary of the Navy requests for clemency from persons undergoing certain courts-martial sentences.

2. *Cancellation.* This Instruction cancels SECNAV Instruction 5810.6B.

3. *Definitions.* a. "Clemency," as used herein, is the residual clemency exercised by the Secretary of the Navy or his designees and is defined as that action, other than correction of a legal error, which results in the mitigation, remission, or suspension of the whole, or any part, of the unexecuted portion of a sentence, restoration to duty, and when applicable, the full or partial restoration of grade.

b. The term "unsuspended punitive discharge," as used herein, is defined as a punitive discharge, not the result of vacation of suspension proceedings, which is to be executed upon completion of confinement or appellate review.

4. *Applicability.* This Instruction applies to all persons, other than warrant officers and commissioned officers, convicted by courts-martial, whose sentences include confinement for 8 months or more, and to those whose sentences include an unsuspended punitive discharge, with or without confinement.

5. *Policy.* It is the policy of the Secretary of the Navy that persons within the purview of paragraph 4 of this Instruction, who are suitable, and evince a desire therefor (including such persons whose normal dates of expiration of enlistment might otherwise act as a bar to normal probationary action), be restored to duty upon completion of confinement, or a portion thereof, to the end that they may show, by their conduct and performance of duty during a probationary period, that they are entitled to have the suspended portion of their sentences remitted; and that those persons not suited for, or not desiring retention in the naval service, may be accorded such clemency as may be in the best interests of the naval service and the individual concerned.

6. *Naval Clemency Board.* To implement this policy, the Naval Clemency Board was established by the Secretary of the Navy to make appropriate recommendations in the cases of Navy and Marine Corps personnel eligible for clemency consideration. The Board bases such recommendations on the background of the individual concerned, his civil and military history, his adjustment in confinement, or while awaiting completion of appellate review if not confined, motivation for future service, the nature and circumstances of the current offense(s), the recommendation of the commanding officer, and the recommendation of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

7. *Periods of review.* Courts-martial sentences will be reviewed by the Naval Clemency Board as follows:

Sentence	*Initial clemency requests to be submitted*	*Subsequent clemency requests to be submitted*
Less than 8 months' confinement and punitive discharge.	30 days prior to release date, assuming full credit for good time, if applicable, will be earned.	Not applicable.
8 months' to (but not including) 2 years' confinement.	Not earlier than 4 nor later than 6 months of confinement.	Every 8 months thereafter.
2 years' or more confinement	Not earlier than 6 nor later than 8 months of confinement.	Annually thereafter.

c. Notwithstanding the limitations with regard to period of confinement established on eligibility for review in paragraphs 4 and 7 a and b above, in especially deserving cases of individuals serving sentence of court-martial and when deemed appropriate by the commanding officer, a special request may be submitted at any time prior to completion of confinement or execution of discharge. (In the event such case does not meet the court-martial order promulgation requirements of 1955 NS MCM, section 0118a(4)(c)5 (superseded by § 719.18(a)(5)(iii)(*e*)), one copy of the court-martial promulgating order will be forwarded with the clemency request and progress report.)

(1) This type of request normally should be reserved for cases where bona fide information is received relative to humanitarian or hardship problems which can be alleviated only through clemency, or in cases where information not previously considered becomes known that would alter a previous recommendation, or in those cases where it is obvious that further confinement would serve no useful purpose either to the naval service or the individual.

(2) In the event of any emergency wherein the requirement for clemency action is considered by the commanding officer to be of an immediate nature, commanding officers may submit recommendations by message or speedletter to the Naval Clemency Board, copy to the Commandant of the Marine Corps, or the Chief of Naval Personnel, as appropriate. Such recommendations shall contain substantiating information.

d. When directed by the Senior Member, Naval Clemency Board, by the Chief of Naval Personnel, or by the Commandant of the Marine Corps.

8. *Procedure for submission of requests.* Requests and recommendations shall be forwarded, notwithstanding the status of appellate review or status of the person's enlistment, by the commanding officer to the Secretary of the Navy (Naval Clemency Board) via the Chief of Naval Personnel (Attn: Pers–F31) or the Commandant of the Marine Corps (Attn: Code DK), as appropriate.

a. Unsuspended punitive discharges may be executed, upon completion of confinement, without referring cases to the Secretary of the Navy for clemency review, under the following circumstances:

(1) When the provisions of 1955 NS, MCM, section 0122 [superseded by § 719.128], have been complied with, or

(2) In cases where the individual executes a Waiver of Restoration (NavPers 3049), has less than 2 months' confinement remaining to be served on the date of execution of such waiver, does not have a dishonorable discharge pending, no form of clemency is requested by the individual or recommended by the local clemency board or commanding officer, has been served with the Board of Review decision, and the right of appeal to the United States Court of Military Appeals has been or, at the time of discharge, will have been foreclosed by expiration of the prescribed 30-day period.

In such cases, the original and one copy of the Waiver of Restoration (NavPers 3049) will be forwarded, with a statement that the discharge is to be executed without further clemency action in compliance with this paragraph. In the event an individual executes a request or waiver, which is a change from one previously executed, upon which clemency review has not been completed, notification shall be made immediately to the Secretary of the Navy (Naval Clemency Board) and no final action shall be taken pending receipt of the determination made by the Secretary of the Navy.

b. In the cases of those individuals confined at places other than retraining commands and of those sentenced to an unsuspended punitive discharge without confinement, who do not come within the purview of subparagraph a above, the original and six copies of the Court-Martial Progress Report (NavPers 3047), together with the original and six copies of the Request for Restoration (NavPers 3048), or, alternatively, the Waiver of Restoration (NavPers 3049), shall be forwarded.

(1) In addition, the original and six copies of a neuropsychiatric evaluation of the individual shall be included by those commands to whom the services of a naval psychiatrist may be made reasonably available. In the event a naval psychiatrist cannot be made reasonably available, this fact will be stated in the progress report and the requirement will be waived.

(2) Paragraph 10b of the Court-Martial Progress Report (NavPers 3047) shall, in all cases, contain the commanding officer's recommendation, with adequate substantiating information.

(3) Generally, the commanding officer referred to in paragraph 10(b) of the Court-Martial Progress Report (NavPers 3047), and the officer considered responsible for submission of the report, is the commanding officer on whose rolls the individual is carried. However, in the case of personnel serving sentence in Marine brigs, the commanding officer referred to in paragraph 10(b) of NavPers 3047, and the officer considered responsible for submission of the report, is the commanding officer of the brig, who will forward the report via the commanding officer on whose rolls the individual is carried.

c. In the cases of those individuals confined at retraining commands, who do not come within the purview of subparagraph a above, requests and recommendations will be submitted as in subparagraph b except that the initial progress report will be prepared using appropriate DD forms. In subsequent reports, form NavPers 3047 may be used, when it proves adequate for the information to be presented.

d. Subsequent reports submitted in accordance with subparagraph b and subparagraph c will emphasize what changes have been observed since the previous recommendation was submitted.

9. *Clemency recommendations.* a. When considered appropriate, the commanding officer may recommend no action, or one or more of the following forms of clemency:

(1) Restoration to duty on probation.

(2) Reduction in period of confinement or forfeitures. These recommendations should ordinarily be reserved for cases involving verified severe hardship or exceptionally meritorious service in confinement.

(3) Mitigation of the discharge to one less severe.

(4) Full or partial restoration of grade in especially deserving cases.

b. In connection with clemency recommendations, the following factors have general or specific applicability:

(1) Nature of offense.
(2) Previous record of service.
(3) Adjustment in confinement.
(4) Sincerity of motivation.
(5) Potential value to the service.
(6) Value to the service as a petty officer or a noncommissioned officer.

c. Ordinarily, an individual is considered to be *not* restorable who:

(1) Was convicted of an offense involving moral turpitude, including larceny.
(2) Was convicted of a vicious, violent, or other felonious offense.
(3) Has a record or criminal acts or incorrigibility.
(4) Has a record of numerous military offenses.
(5) Is mentally or physically unfit for duty.
(6) Is a probation violator.

10. *Probationary periods.* a. Restoration to duty on probation may be granted to persons who have sufficient time remaining in their current enlistments to serve an appropriate probationary period on active duty.

b. In the case of an individual who does not have sufficient time remaining in his current enlistment, as extended under paragraph 11 below, he may likewise be granted restoration to duty on probation if he consents in writing to an extension of his enlistment for the period of his probation, in accordance with the procedures set forth in enclosure (1).

c. The probationary period will normally be for a period of 6 months.

11. *Making good lost time*—a. *Mandatory.* Paragraph 4 of SECNAV Instruction 1626.4 prescribes the conditions under which enlisted personnel of the Navy and Marine Corps and Reserve components thereof are required to make up time lost in order to complete the full term of their enlistments or other periods of obligated service. It will be noted that only periods of unauthorized absence, confinement, and nonperformance of duty (civil arrest), as defined in paragraph 5 of that Instruction and occurring on or after 24 July 1956, must be made good under the conditions prescribed, but that all sickness misconduct, as defined therein, must be made good under the conditions prescribed regardless of whether occurring before, on, or after that date.

b. *Voluntary.* When an enlisted member has insufficient time remaining in which to serve a probationary period on active duty during his normal enlistment or enlistment as extended under paragraph 4b of SECNAV Instruction 1626.4, for the purpose of mandatorily making good time lost, he may, in appropriate cases and in accordance with

pertinent instructions, make application to make good on a voluntary basis the time he lost from his enlistment by reason of unauthorized absence, confinement, and nonperformance of duty (civil arrest), which occurred before 24 July 1956. For the purpose of determining the time remaining in which to serve a probationary period, time is computed from the recommended restoration date to the date of expiration of enlistment or enlistment as extended under that Instruction. To be valid, it is required that the voluntary application be made and approved on or before the date of expiration of enlistment. Since retention on or return to active duty for the purpose of mandatorily making good lost time involuntarily extends the enlistment, a voluntary application which is made and approved before or during the period in which the member is mandatorily making good lost time pursuant to SECNAV Instruction 1626.4, meets this requirement, and pertinent instructions shall be so construed. If the application is approved, time lost before 24 July 1956 commences to be made good, with entitlement to pay and allowances, on the date immediately following the date of expiration of enlistment, enlistment as involuntarily extended, or return to duty status, whichever is the latest date. Time lost before 24 July 1956 by reason of unauthorized absence, confinement, and nonperformance of duty (civil arrest) will be computed in accordance with the provisions of paragraph 044019, NavCompt Manual.

12. *Notification of the Secretary of the Navy's action.* The individual shall be notified as soon as practicable after receipt of any action by the Secretary of the Navy that affects his sentence. A copy of the letter promulgating the action, or a certified true extract therefrom shall be filed in the individual's service record. In addition, an entry of the Secretary's action shall be made in the service record, clearly stating the date and conditions of the action and the authority therefor. In cases of restoration to duty, such entry shall include the specified date thereof, the period of probation, and the total unexecuted portion of the sentence(s) remaining to be executed in the event of vacation of suspension. In cases where the person has completed the period of confinement and is placed on probation relative only to the discharge, the fact should be clearly stated (i.e., ". . . no confinement remains to be served on this sentence.").

13. *Authority to withhold action.* a. Unsatisfactory conduct on the part of an individual or information which becomes known to the commanding officer after submission of the progress report, may be cause to withhold any clemency action directed by the Secretary of the Navy. To accomplish this, the commanding officer is designated as having the authority to exercise so much of the power vested in the Secretary of the Navy under article 74, Uniform Code of Military Justice, as is necessary for this purpose.

b. The commanding officer shall normally withhold the clemency if the person's offense is sufficiently serious to be made a matter of official record, and shall take such action in every case where the offense involves escape or attempted escape, or results in the forfeiture of good conduct time in confinement. Once the action of the Secretary has been withheld, the commanding officer may not thereafter execute any part of the clemency, nor may he execute a punitive discharge, except in consonance with 1955 NS, MCM, section 0122 (superseded by § 719.128), until final determination has been made by the Secretary.

c. Where the action of the Secretary of the Navy is withheld by the commanding officer as provided above, an immediate report to that effect, with the commanding officer's recommendation as to final determination, shall be forwarded direct to the Secretary of the Navy (Naval Clemency Board). A service-record entry shall be made stating the reasons the clemency was withheld.

14. *Liaison.* Coordination with Naval Clemency Board in exercise of clemency authority delegated by 1955 NS, MCM, section 0113 [superseded by § 719.122].

a. Officers who take action to remit or suspend any part or amount of the unexecuted portion of any sentence which includes a punitive discharge or 8 months or more of confinement pursuant to authority delegated by 1955 NS, MCM, section 0113 (superseded by § 719.122), will insure that one copy of the official action is forwarded, without delay, to the Senior Member, Naval Clemency Board, with copy to BuPers or MarCorps as appropriate.

b. In order that inconsistent or conflicting clemency actions may be avoided, prior to taking clemency action as described in a above, the officer contemplating such action will determine whether or not the progress report of the individual concerned has been forwarded to the Secretary of the Navy (Naval Clemency Board) for clemency review.

(1) In the event the progress report has not been forwarded to the Secretary of the Navy (Naval Clemency Board) for review, the officer may exercise such clemency as he deems appropriate.

(2) In the event the progress report has been forwarded to the Secretary of the Navy (Naval Clemency Board) for review, the officer will inform the Naval Clemency Board of his contemplated clemency action. The Naval Clemency Board will then inform the officer:

(a) He may take clemency action; and/or

(b) What clemency action, if any, has been taken by the Secretary of the Navy. (The fact that the Secretary of the Navy has taken no clemency action does not prohibit the officer from taking clemency action. Also, the fact that the Secretary of the Navy has taken clemency action does not prohibit the officer from taking further clemency action if circumstances in a particular case so indicate.)

15. *Discharge.* a. Persons sentenced to an unsuspended punitive discharge will not be discharged until receipt of the Secretary of the Navy's action regarding clemency, and receipt of appellate review action, except those who have requested immediate release and in whose cases the provisions of 1955 NS, MCM, section 0122 [superseded by § 719.128], and subparagraph 8a of this Instruction have been complied with. When transfer for discharge has been effected, service-record entries will clearly indicate the status of clemency requests, the Secretary of the Navy's action thereon, and appellate review action.

b. Notwithstanding any provision herein, no person shall be discharged with a punitive discharge if at the time thereof he has previously forwarded a communication to the effect that he desires to petition the Court of Military Appeals for a grant of review. Should this be the case and the person desires to withdraw his petition for grant of review, no action will be taken until the Court of Military Appeals has duly made and promulgated its order authorizing such withdrawal.

16. *Other uses of progress reports.* Copies of progress reports, requests of individuals concerned, recommendations thereon, and other relevant correspondence and information are included in a permanent file in each case. These data may become especially significant in the event of a subsequent petition by the individual to the Navy Discharge Review Board or the Board for Correction of Naval Records.

RICHARD JACKSON,
Assistant Secretary of the Navy
(Personnel and Reserve Forces)

Distribution:
SNDL Parts 1 and 2
Marine Corps List 7
Additional copies may be obtained from:
NSC, Norfolk, Va.
Supply Dept., NWP, Washington, D.C.

ENCLOSURE (1)

RETENTION ON ACTIVE DUTY BY EXTENSION OF ENLISTMENT FOR PURPOSE OF SERVING PROBATION

1. *Procedure.* a. In the case of an individual falling within the purview of paragraph 10b of this Instruction, he shall be informed that in order to become eligible for probation he must have sufficient obligated active service remaining in his enlistment as will enable him to serve a reasonable period of probation. Otherwise, if he desires to obligate himself for the requisite period of active service, he is privileged to submit for consideration an agreement in the following form:

I understand that in order that the unexecuted portion of my sentence may be suspended for the purpose of enabling me to be restored to active duty on probation, I must be obligated to serve on active duty for sufficient time in which to serve a reasonable period of probation. I further understand that, pursuant to Public Law 780, 84th Congress (reenacted, 10 U.S.C. 972), and implementing directives, I shall be required to make up the period of _____ days I lost from my enlistment, unless I am sooner discharged. [Omit preceding sentence if the individual has not lost time which must be made good under that law.] Accordingly, I hereby agree to being retained on active duty for the period of my probation, such period not to exceed 1 year. I understand that the time remaining in my enlistment, as involuntarily extended for the purpose of making good time lost, will be included in this period. [Omit preceding sentence if not applicable.] I further understand that this suspension may be vacated, in accordance with paragraph 97b, Manual for Courts-Martial, 1951, in which event the unexecuted portion of my sentence shall be executed.

b. The request shall be signed in duplicate by the individual. The original shall be retained in the individual's service record and the duplicate original, together with six copies, shall be forwarded with the Request for Restoration (NavPers 3048).

c. No voluntary agreement to make up lost time under paragraph 11b of this Instruction is to be used in connection with this request.

d. Upon receipt of notification that the Secretary of the Navy has suspended the unexecuted portion of the sentence for purposes of probation, the service-record entry required by paragraph 12 of this Instruction shall include the following:

---------- is being retained in the public
(Name)
interest for convenience of the Government in an active-duty status under an extension of enlistment prescribed by the Secretary of the Navy for the period of probation, unless sooner discharged. ---------- has
(Name)
agreed to such retention.

§ 719.206 Appendix VI—Secretary of the Navy Instruction 1050.3 on leave pending appellate review (referred to in § 719.126).

SECNAV 1050.3
Pers—F3L—de
24 September 1959

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON 25, D.C.

SECNAV Instruction 1050.3

From: Secretary of the Navy.
To: All Ships and Stations.
Subj: Navy and Marine Corps personnel not in confinement while awaiting appellate review of sentences which include punitive discharge or dismissal; permissible procedures for granting leave to.
Ref: (a) SECNAVINST 5810.6C of 4 Mar 1958 (renumbered 5815.3 and reproduced in § 719.205).
(b) BuSandA Manual, Vol. IV.
(c) BuMed Manual.
(d) MarCorps Manual.
(e) BuPers Manual.

1. *Purpose.* To authorize leave for certain persons awaiting completion of appellate review of their court-martial cases in which the sentences include unsuspended punitive discharge or dismissal.

2. *Suspension.* The provisions of SECNAV Instruction 1626.4, BuPers Manual, MarCorps Manual, BuSandA Manual, and NavCompt Manual which are inconsistent with this Instruction are held in abeyance pending modification thereof.

3. *Applicability.* This Instruction is applicable to Navy and Marine Corps personnel who have been tried by court-martial and sentenced to punitive discharge or dismissal which has not been suspended for the purpose of serving probation and to whom the following elements apply:

a. The sentence does not include confinement or the sentence to confinement has been completed;

b. The case is awaiting completion of appellate review by a board of review or the Court of Military Appeals; and

c. If the individual is an enlisted member, the Court-Martial Progress Report has been submitted, and the member has either executed a Waiver of Restoration (NavPers 3049) or has requested and been denied suspension of his punitive discharge and restoration to duty by the Secretary of the Navy acting through the Naval Clemency Board pursuant to reference (a).

4. *Action.* In the event the commanding officer is of the opinion that the services of an individual under his command who falls within the category specified in paragraph 3 cannot be economically utilized and/or the best interests of the service and the individual would be served by granting him leave while awaiting completion of appellate review, the commanding officer, in the absence of a request from the Department to the contrary, may utilize the procedure outlined herein. This procedure is primarily intended for personnel (1) who are in a nonpay status because of expiration of active-obligated service or of unsuspended sentence to forfeiture of all pay and allowances or (2) whose cases are subject to indefinite or prolonged delay in completion of appellate review. This procedure, however, should not be used in the case of an individual who is unable to provide his own transportation to his home or other place selected as his leave address. A commanding officer who does not have facilities for effecting separations may transfer to a separation activity an individual who is to be granted leave under this Instruction.

a. Advise the individual that he is privileged to make a signed request for leave (as specified in subparagraph 4b) while awaiting completion of appellate review. The request of an enlisted member shall be made a matter of record on the administrative remarks page of the service record as prescribed in paragraph 5 hereof. The request of an officer or warrant officer shall be submitted in signed duplicate in a form adapted from that prescribed in paragraph 5. One such signed copy shall be retained by the commanding officer with the personnel records of the officer or warrant officer concerned. All pertinent provisions of this procedure should be explained to the individual.

b. Should such a request be made and approved, the individual will be granted the leave appropriate to his case pending completion of appellate review:

(1) If the individual has no leave to his credit as of the current date or is in a nonpay status (e.g., his enlistment has expired or he is serving a sentence which includes unsuspended, forfeiture of all pay and allowances) he will be granted leave without pay and allowances.

(2) If the individual has earned leave to his credit and is in a pay status he will be granted leave with pay and allowances to the extent leave has been earned as of the current date. However, if the individual is serving a sentence which includes unsuspended, partial forfeiture of pay, he will be paid only that part of his pay and allowances which is not forfeited.

(3) Leave with full or partial pay and allowances, when exhausted, will continue as leave without pay and allowances.

The leave authorization shall reflect the kind of leave granted and shall contain no indication that the individual is to report to his station upon expiration of leave. He shall be paid accrued pay and allowances; but no mileage or transportation in kind is authorized by law for members granted leave for this purpose. If an enlisted member, he shall be permitted to retain one uniform, one overcoat—if needed, and, in the case of Navy personnel, the clothing listed in paragraph 42701 of reference (b). Pay and allowances will terminate as of date of departure or date of expiration of earned leave, as applicable. On the date his pay and allowances are terminated, the member's allotments will be stopped in the same manner that such stoppages are made upon discharge. Prior to his departure, the individual shall be given a thorough physical examination as prescribed in articles 15–48 or 15–49 of reference (c), as appropriate. Form DD–214 shall be filled out to the extent possible and signed by the individual. He shall be informed that he is subject to orders of competent naval authority while on such leave, and that he must keep the commanding officer apprised of his current address.

c. Upon completion of appellate review, copies of the decision of the board of review or Court of Military Appeals, as appropriate, together with related papers, shall be forwarded to the individual by registered mail, return receipt requested. (If a board of review decision with the endorsement required by paragraph 100, MCM, cannot be delivered to the accused because he has changed his address without notifying the commanding officer, constructive service shall be made corresponding to that prescribed in section 0121, 1955 NS MCM [superseded by § 719.126], for cases of unauthorized absence.) If the punitive discharge of a warrant officer or enlisted member is upheld by the board of review and the individual does not petition for a grant of review by the Court of Military Appeals within a period of 30 days after the decision of the board of review has been delivered to the individual's address, or if the punitive discharge is upheld by the Court of Military Appeals, the punitive discharge shall be executed and other separation processing completed without requiring his presence. The commanding officer may address an inquiry directly to the Judge Advocate General of the Navy to determine whether a petition for grant of review has been duly filed. A sentence extending to dismissal of an officer, if upheld upon appellate review and approved by the Secretary of the Navy, shall also be executed and separation processing completed without requiring the officer's presence. The individual shall be paid by check for such amount as is found standing to his credit after making checkage for reenlistment bonus when applicable. No cash allowance under paragraph 10313 of reference (d) (see § 730.109 of this chapter) or article C–10315(5) of reference (e) (§ 730.16(e) of this chapter) shall be paid, nor shall civilian clothing be furnished under article C–10315 (3) of reference (e) (§ 730.16(c) of this chapter).

d. In the event that the findings and sentence are set aside and a rehearing may be ordered, the convening authority shall determine in accordance with law whether a rehearing is practicable; if he finds a rehearing impracticable, he shall dismiss the charges (provided the findings as well as the sentence were set aside).

e. If the sentence of an enlisted member is set aside and charges dismissed, he shall, as appropriate, be discharged for the convenience of the Government or for expiration of enlistment with the type of discharge warranted by his service record, and the separation processing completed without requiring his presence. The recommendation for reenlistment will be based upon current criteria dealing with the subject. Where applicable, entry shall be made in the service record to the effect that the discharge terminates the additional service obligation acquired under section 4(d)(3), Universal Military Training and Service Act, as amended, 50 U.S.C. App. 454(d)(3), 10 U.S.C. 651. The individual shall be paid by check for such amount as is found standing to his credit. The payment shall include compensation for any leave credit unused at the time of the discharge. If the sentence of an officer or warrant officer is set aside and the charges dismissed, or if the findings of guilty are affirmed and the sentence is set aside, the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, will upon notification thereof, direct the action to be taken.

5. *Service-record entries.* Requests by enlisted personnel for leave under this Instruction shall be made in substantially the following form on the administrative remarks page of the service record, signed by the individual, and approved by an officer authorized to sign such entries:

(Date.)

I hereby request that I be granted (leave without pay) (leave including leave without pay) pending completion of appellate review of my (General) (Special) court-martial case. I understand that:

a. While on such leave I am subject to orders of competent naval authority.

b. I must keep the commanding officer advised of my current address.

c. If the sentence in my case is affirmed upon appellate review, I shall be discharged with a (bad conduct discharge) (dishonorable discharge).

d. If the sentence to (bad conduct discharge) (dishonorable discharge) is set aside and no rehearing is to be held, I shall be discharged with the type of discharge warranted by my service record.

e. If a rehearing is ordered, I am liable to be returned to naval custody for the purpose of further court-martial proceedings.

(Signature of Individual)

Approved: ----------

6. *Reports required.* The commanding officer shall submit to the Chief of Naval Per-

sonnel (Attn: Pers–F3) a report setting forth the circumstances of each case in which this permissible leave procedure is not utilized in regard to a member of the Navy or Naval Reserve who falls in the category described in paragraph 3. The report shall include the reason why the leave procedure was not utilized, the nature of the member's present duties, normal number of hours performed daily, kind of restraint imposed, if any, pay status, date of expiration of enlistment as extended for purpose of making up lost time, and the commanding officer's evaluation of the individual.

RICHARD JACKSON,
Assistant Secretary of the Navy
(Personnel and Reserve Forces)

Distribution:
SNDL Parts 1 and 2.
Marine Corps List 7.
Additional copies may be obtained from:
NSC, Norfolk, Va.
GSD, NSC, Oakland, Calif.
Supply Dept., NWP, Washington, D.C.

§ 719.207 Appendix VII—Applicable provisions of the Department of the Navy Security Manual for Classified Information, Chapter 9, Section 3 (referred to in § 719.133).

DISCLOSURE THROUGH JUDICIAL PROCEEDINGS

0916. GENERAL COURTS-MARTIAL

By law every person who has been tried by general court-martial is entitled to a copy of the record of the proceedings of the court, whether he was acquitted or convicted. Frequently, such copy is delivered to civilian counsel for use as a basis for legal attack upon the conviction. Such records may be introduced into evidence in civilian courts, thereby becoming, in their entirety, public records. It is important, therefore, that every precaution be taken by convening authorities of general courts and by courts, law officers, and trial counsel to protect the security of classified information. It is, therefore, directed that officers who are authorized to convene general courts-martial shall make every effort to have all information to be introduced as evidence declassified.

1. If the trial of a case involves classified information, and the convening authority finds that the trial would be warranted except for the fact that it would probably be detrimental to the prosecution of a war or inimical to national security he shall, without dismissing the charges, forward the case to the officer exercising general court-martial jurisdiction over the command for disposition. If the latter officer concurs in the determination, he shall forward the case through channels to the Secretary of the Navy who may, in time of war, certify to the President that trial would be detrimental to the prosecution of the war or inimical to national defense. In such event, the applicable statute of limitations is extended to 6 months after termination of hostilities as proclaimed by the President or by joint resolution by Congress. Any officer exercising general court-martial jurisdiction has the authority to determine whether security considerations are paramount to trial, and he may, in appropriate cases, dismiss the charges or authorize their trial instead of forwarding them to the Secretary.

2. If classified information is required for prosecution and the trial is authorized, the officer exercising general court-martial jurisdiction shall be governed by the following procedures:

a. Grant appropriate personnel security clearances in accordance with chapter 15 of this manual to all members of the court, members of the prosecution and defense, and the court reporters.

b. If the accused is represented by civilian defense counsel, such counsel must likewise have been cleared before classified information may be disclosed to him. In no case shall a clearance of a civilian defense counsel be based on investigation action less than a National Agency Check.

c. Sessions of the court-martial shall be closed to the public whenever necessary to prevent dissemination of classified information to other than authorized persons.

d. The original record of trial shall be properly classified.

e. If the copy of the record prepared for the accused contains information requiring security protection, the trial counsel, unless otherwise directed by the convening authority, shall forward the accused's copy to the convening authority. The latter shall excise or withdraw from the accused's copy any information requiring security protection and will, thereafter, cause expurgated copy to be delivered to the accused together with a certificate to the effect that certain information has been deleted or withdrawn from the accused's copy of the record for reasons of national defense and that the original record of trial may be inspected in the files of the Judge Advocate General of the Navy under such regulations as may be prescribed by the Secretary of the Navy.

f. The certificate shall list:

(1) The pages from which information has been deleted.

(2) The pages which have been removed in their entirety.

(3) The exhibits which have been withdrawn.

A copy of this certificate, together with a statement signed by the accused acknowledging receipt of an expurgated copy of the record of trial, or a certificate of delivery of same, shall be attached to the original record of trial.

g. If the necessity for assigning classification is determined subsequent to delivery of a copy to the accused, the copy shall be recovered by proper authority and returned to the convening authority for expurgation.

0917. PRODUCTION OF OFFICIAL RECORDS IN CIVIL COURTS

1. Classified information shall not be released for introduction into civil courts.

2. • • • (See § 701.2 of this chapter.)

3. Where official records are desired for use in a matter not in litigation, and where the records are not classified or of a privileged status as described in article 1251, Navy Regulations, a written request for said records by the parties in interest or their counsel shall be sent to the Secretary of the Navy (Judge Advocate General), Department of the Navy, Washington, D.C. When the purpose for which the records are desired is in the judgment of the Secretary of the Navy (Judge Advocate General) sufficient to justify compliance with the request and the interests of the Government would not be prejudiced thereby, the Secretary of the Navy (Judge Advocate General) may release such of the official records as he may determine to be appropriate under the circumstances.

0918. CLAIMS AGAINST THE UNITED STATES

No person in the Naval Establishment other than in the discharge of his official duties shall disclose any information whatever, whether classified or unclassified, or whether obtained from official records or within the immediate knowledge of the relator, which might be of aid or assistance in the prosecution or support of any claim against the United States (18 U.S.C. 283).

0919. COLLISION CASES

In those cases wherein a naval ship was involved in collision, an opportunity for survey of the naval ship shall not be permitted if such survey will invoke possible disclosure of classified information. In such cases, the representatives of the other ship, craft, or structure shall be advised that in the interests of national defense an opportunity for survey of the naval ship will not be afforded.

§ 719.208 Appendix VIII—Secretary of the Navy Instruction 5605.3A on court-martial forms (referred to in § 719.134).

SECNAV 5605.3A
JAG:212:dd
13 March 1959

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
Washington 25, D.C.

SECNAV INSTRUCTION 5605.3A

From: Secretary of the Navy.
To: All Ships and Stations.

Subj: Forms used in courts-martial proceedings; requisitioning of.

Ref:
(a) FPSOINST 5600.1B of 15 June 1958, Subj: Index of Forms and Publications, Cognizance Symbol "I" (superseded by NAVSANDA Publication 2002, Requisitioning Guide and Index of Forms and Publications, Cognizance Symbol "I").
(b) Marine Corps Order 4235.7A (or revision thereof).

1. *Purpose.* This Instruction describes the availability of forms used in courts-martial proceedings.

2. *Cancellation.* This Instruction supersedes and cancels SECNAV Instruction 5605.3 of 13 June 1953 and JAG Instruction 5605.2 of 1 March 1956.

3. *Availability of forms.* a. The forms listed below are used in courts-martial by the naval service:

DD 453 Subpoena for Civilian Witness.
DD 454 Warrant of Attachment.
DD 455 Report of Proceedings to Vacate Suspension.
DD 456 Interrogatories and Depositions.
DD 457 Investigating Officer's Report.
DD 458 Charge Sheet.
DD 490 Verbatim Record of Trial (Front cover only—use of the Chronology Sheet on the reverse of the front cover is no longer required—NAVJAG 420(6–58) should be substituted therefor in accordance with JAG Instruction 5810.20A of 24 September 1958).
DD 491 Summarized Record of Trial.
DD 494 Court-Martial Data Sheet (The use of this form was made optional by JAG Notice 5810 of 6 August 1953).
NAVJAG 420(6–58) Court-Martial Chronology/Prisoner Data Form.
NAVJAG 425 Statistical Report (Summary courts-martial only).

b. The above-designated forms are available from the forms and publications segment of the Navy Supply System as cognizance symbol "I" material and may be obtained in accordance with the instructions contained in reference (a). Marine Corps activities will requisition forms in accordance with instructions contained in reference (b).

c. Where forms are prescribed by the *Manual for Courts-Martial, 1951,* but are not included in the above listing, convening authorities should improvise as necessary, using the manual and appendixes thereto as guides.

F. A. BANTZ,
Assistant Secretary of the Navy
(Material).

Distribution:
SNDL Parts 1 and 2.
Marine Corps List 7.
Additional copies may be obtained from:
NSC, Norfolk, Va.
GSD, NSC, Oakland, Calif.
Supply Dept., NGF, Washington, D.C.

§ 719.209 Appendix IX—U.S. Navy Regulations article 1901 on the meaning of the term "Accountable Officer" (referred to in § 719.137).

1901 "ACCOUNTABLE OFFICER" CONSTRUED.

The term "accountable officer" as used in these regulations shall be construed to mean an officer detailed to duty involving pecuniary responsibility for Government funds and property in his custody.

§ 719.210 Appendix X—Applicable provisions of Navy Comptroller Manual paragraphs 043201 and 044443 on collection of debts due the United States from military personnel (referred to in § 719.137).

(a) Navy Comptroller Manual paragraph 043201–1:

1. *Military personnel.* Initial collection action for debts due the United States by military personnel is the responsibility of the commanding officer of the ship or station where the member is currently assigned for duty. Collection by checkage against the member's pay is authorized in certain cases as explained in pars. 044443–28, 044596–3c, and 044598. In general, involuntary checkage is authorized when the indebtedness is the result of an erroneous payment made to the member or on his behalf, or when a credit is disallowed or a charge raised by the General Accounting Office in the accounts of a disbursing or certifying officer. For indebtedness of a nature where checkage is not authorized without the member's consent, the commanding officer is responsible for calling the member's attention to his liability and for taking all reasonable efforts to encourage the member to arrange satisfaction of the debt either by voluntary remittance or written consent to checkage of pay.

(b) Navy Comptroller Manual paragraph 044443–28a:

a. *General.* Checkages will be entered in item 28 of Navy and Marine Corps member's pay records only when credit is made to Navy or Marine Corps appropriations. If requested by another Government department or agency to enter a checkage on the pay record of a member, the request will be processed in accordance with par. 044598. Checkage entries on pay records of Navy members, other than those involving subhead .2216 of Military Personnel, Navy, and subhead .2231 of Reserve Personnel, Navy, appropriations which have not lapsed, will show the appropriation or fund symbol with proper subhead, object class, expenditure account, bureau control activity number, and bureau control number from which the checkage originally was charged. The symbol number of the disbursing office requesting the checkage and a brief descriptive notation or explanatory note also will be entered in item 28 or item 40 if additional space is needed. For pay records of Marine Corps members, each checkage entry which involves an appropriation other than the appropriation to which the pay of the member is being charged at the time the entry is made, will include the applicable appropriation or fund symbol with the proper subhead, object class, and expenditure account number from which the checkage originally was charged. The symbol number of the disbursing office requesting the checkage and a brief descriptive notation or explanatory note also will be entered in item 28 or item 40 if additional space is needed. Except for authorized withholding tax entries, all other checkages will be entered in item 28 commencing with line 61 and progressing upward. Authorized withholding tax entries will be entered commencing on line 50 and progressing downward. Checkage may be entered on the pay record only for:

1. Items involving appropriations authorized for the payment of a member's pay and allowances;
2. Excess cost of shipment of household goods;
3. Erroneous payments, overpayments, or excess cost of transportation of the member or dependents;
4. Expenses incurred incident to return of absentee or deserter to naval jurisdiction, except when the amount of checkage is less than $1 (see par. 046380–12e);
5. Hospital rations;
6. Deposits for savings;
7. Clothing and small stores which are properly chargeable against the account of the member;
8. Voluntary consent to checkage for loss or damage to government property;
9. Any other checkage which may be specifically authorized in this volume.

The amount of each checkage will be entered in item 19. If an agreement has been signed by the member authorizing checkage of his pay record for an indebtedness (for example, unpaid charges for rent, utilities, etc., included in a lease agreement of a member occupying rental housing), the disbursing officer will request the commanding officer to direct the member to make payment by direct remittance to the officer requesting the checkage. If such an agreement has been signed and the member has refused, or is unavailable, to make direct remittance, the disbursing officer will enter the checkage appropriately in item 28 of the member's pay record and, subject to the provisions and limitations set forth in par. 044596–3c(1), the procedures of par. 044596–3c(2) and (3) will apply. When the checkage is to be liquidated by installments, the disbursing officer currently carrying the pay record of the member involved will be responsible for making payment(s) to the claimant in the amount(s) so liquidated. The payment(s) will be expended on a Public Voucher for Purchases and Services Other than Personal (Standard Form 1034) and charged to the appropriation to which the member's pay was properly chargeable at the time the deduction was made. When installment liquidation extends over more than one pay record period, a Standard Form 1034 and a check payable to the "Treasurer of the United States" will be prepared at the end of each pay record period in the amount liquidated on the closed pay record. The check will be forwarded with a copy of the Standard Form 1034 to the claimant requesting collection. Each Standard Form 1034 prepared will make reference to the document requesting collection and to the account number, case number, or similar numerical reference which will identify the remittance with the account of the member and will further make reference that this is a partial payment. Appropriate information concerning such partial payment will be entered in item 40 of the member's closed pay record and such information will be carried forward to each succeeding pay record as long as installment liquidation continues. When the liquidation by installment checkage is finally accomplished, prior to final discharge or ultimate release from active duty, a final Standard Form 1034 and a check payable to the "Treasurer of the United States" will be prepared in the amount of the final payment and such check will be forwarded with a copy of the Standard Form 1034 to the claimant requesting collection. The same information referenced on the Standard Form 1034 for partial payments will be inserted on this final Standard Form 1034 except that reference will be made as to final payment instead of partial payment. If a member is discharged and does not immediately reenlist or is otherwise separated from the service and does not have sufficient funds to offset the balance of the installment checkage from his final pay and allowances, the disbursing officer will make payment to the claimant requesting checkage only in the amount available for checkage. The Standard Form 1034 will make reference to the same information required for partial payments with additional information appropriately inserted as to the reason for not checking the entire amount of the indebtedness. Collection action for overpayments upon final discharge or ultimate release from active duty is provided for in par. 044455–3. When the checkage may be liquidated immediately and not by installments, the disbursing officer will prepare a Standard Form 1034 in the entire amount of the indebtedness which will be charged to the appropriation to which the member's pay is properly chargeable at the time the deduction is made and a checkage entry will be made in item 28 of the member's pay record showing the public voucher number and the amount. A check payable to the "Treasurer of the United States" will be prepared in the amount of the indebtedness and forwarded with a copy of the Standard Form 1034 to the claimant requesting collection with appropriate information referenced thereon. If such an agreement has not been signed by the member authorizing checkage of his pay record for an indebtedness which is for ultimate credit to an appropriation or fund under the cognizance of the Naval Establishment, the disbursing officer will request the commanding officer to direct the member to make payment voluntarily by direct remittance to the officer requesting the collection. However, if the member refuses to make such direct remittance or disputes the indebtedness, the debt will be noted in the member's service record or jacket and appropriate action will be taken to collect from the final pay and allowances due the member upon discharge or release from active duty. When checkage of pay for an indebtedness is to be liquidated by installments or when the indebtedness is to be noted in the member's service record or jacket for appropriate collection action upon discharge or release, notification of such action being taken will be forwarded to the claimant requesting collection.

§ 719.211 Appendix XI—Secretary of the Navy Instruction 7220.38A on remission of indebtedness of enlisted personnel (referred to in § 719.137).

SECNAV 7220.38A
JAG:134.1:PEH:am
19 January 1961

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON 25, D.C.

SECNAV Instruction 7220.38A

From: Secretary of the Navy.
To: All Ships and Stations.

Subj: Remission of indebtedness of enlisted Navy and Marine Corps members on active duty.

Ref:
(a) 10 U.S.C. 6161.
(b) NavCompt Manual, par. 044597–4.

1. *Purpose.* This Instruction delegates the authority of the Secretary of the Navy to remit the indebtedness of certain enlisted members and furnishes information and instructions for the submission of applications for remission of enlisted members' indebtedness.

2. *Cancellation.* This Instruction cancels and supersedes SECNAV Instruction 7220.38 of 14 July 1960.

3. *Information.* Reference (a) authorizes the Secretary of the Navy, if he considers it in the best interest of the United States, to remit or cancel any part of an enlisted member's indebtedness to the United States or any of its instrumentalities remaining un-

paid before, or at the time of, that member's honorable discharge. This provision of law provides the Secretary of the Navy with the same statutory authority as the Secretaries of the other military departments have had for remitting enlisted members' indebtedness.

4. *Scope.* Any debt which was incurred as an incident to the service and over which the Department of the Navy has jurisdiction, except indebtedness due to a court-martial sentence of fine or forfeiture, may be considered for remission under the procedures of this Instruction. However, an indebtedness resulting from overpayment of basic allowance for quarters or "Q" allotment under the Dependents Assistance Act of 1950 will normally be subject to relief under the waiver authority as prescribed in reference (b).

5. *Limitation.* Indebtedness may not be remitted or canceled after the enlisted member has been discharged, unless he has reenlisted. The provisions of this Instruction are not applicable to retired members, members of the Fleet Reserve or Fleet Marine Corps Reserve and reservists not on active duty. Applications should be submitted in the course of an enlistment and, in any event, far enough in advance of anticipated discharge, release from active duty, or transfer to the retired or retainer rolls to permit the processing and issuance of a determination by the Chief of Naval Personnel or Commandant of the Marine Corps prior to the member's discharge, release, retirement, or transfer. If an indebtedness has not been remitted while a member is still on active duty, there is no further recourse for remission under this authority. A debt or part of a debt collected may not be remitted or canceled and the collected amount may not be refunded.

6. *Delegation.* The authority to carry out the intent of this statute is delegated by the Secretary of the Navy to the Chief of Naval Personnel for cases of enlisted members of the Navy and to the Commandant of the Marine Corps for enlisted members of the Marine Corps. Remissions of indebtedness shall be in accordance with the guidelines contained in this Instruction which the Secretary of the Navy has determined to be in the best interest of the United States.

7. *Guidelines.* Remission or cancellation will be granted only when it is determined that such action is in the best interest of the United States. In making this determination, the following are among the factors which will be considered:

a. *Injustice.* Remission or cancellation of the indebtedness may be granted in order to correct obvious wrongs or misrepresentations on the part of the Government which are caused by individuals acting in an official capacity. When an enlisted person has received an overpayment in good faith without fault or knowledge on his part but because of errors on the part of the Government, the enforced collection of this indebtedness may amount to an injustice if there is additional evidence that the repayment would involve some element of hardship. Injustice, however, will not in itself be the basis for granting remission or cancellation.

b. *Hardship.* Hardship will be a factor whenever the repayment of indebtedness will cause a service member or his family to suffer grossly thereby. In establishing hardship, the enlisted person must support his statement by evidence in detail substantiated by the commanding officer. Additionally, the following data as appropriate will be considered:

(1) The number of dependents;

(2) The varying costs for the support and education of children;

(3) The availability of service facilities such as commissaries, post exchanges, medical care, etc.;

(4) Unusual expenses which may have been incurred by the serviceman due to medical or dental expenses not payable by the Government or to loss of personal or private property; and

(5) Other legitimate indebtedness incurred before the Government indebtedness became known.

c. *Checkage of pay causing a deterioration of morale.* A partial remission is appropriate whenever, because of the size of a checkage or the extent of the period over which the checkage must be applied in order to recover the indebtedness, the entire amount should not be recovered in order to avoid hardship or injustice.

d. *Member's value to the service.* In connection with the determination of any of the above factors, it is appropriate to consider the value of the enlisted member to the service. The investment in the training of the serviceman, his technical skills and knowledge, and any scarcity of personnel with his skills, his performance as evidenced by fitness marks, decorations, letters of commendation, etc., will be evaluated. Whenever any evidence of hardship or injustice exists, the value to the service will be given special consideration.

8. *Application.* Application for remission or cancellation of indebtedness will be made in letter form and may be initiated either by the enlisted member concerned or by his superior commissioned officer.

a. *Navy member.* Applications will be submitted via the member's commanding officer and the Comptroller of the Navy to the Chief of Naval Personnel. The commanding officer shall notify the disbursing officer when a request is forwarded. Where the disbursing officer is not a part of the command, request will be forwarded via the disbursing officer. The Comptroller of the Navy will determine the validity of the indebtedness. The case will be coordinated by the Chief of Naval Personnel with other interested bureaus and offices as necessary.

b. *Marine Crops member.* Application will be submitted via the member's commanding officer and disbursing officer to the Commandant of the Marine Corps (Code CD).

c. *Substantiation.* The application will be substantiated with the following documents and evidence as applicable:

(1) Copy of the document establishing the indebtedness if available (Pay Adjustment Authorization (DD Form 139); GAO Notice of Exception (Standard Form 1100); or other document establishing indebtedness) accompanied by a complete narrative statement of the background. If the indebtedness is a property charge, a copy of the survey report will also accompany the application.

(2) Amount previously collected (any amount withheld from the member's pay for application against the indebtedness will be considered as collected).

(3) Amount for which remission is requested.

(4) Date of expiration of member's current enlistment, release from active duty, or anticipated transfer to the retired or retainer rolls, and a statement of his total prior service.

(5) An itemized statement of member's monthly pay, allowances and allotments together with an itemized statement of total monthly living expenses of member's family.

(6) If application is based on extreme hardship being caused the enlisted member, evidence indicating the specific nature and degree of hardship, including the number and relationship of dependents with ages of children, and any unusual factors or obligations which affect the member's financial affairs.

d. *Commanding officer's action.* The commanding officer's endorsement will contain the following information:

(1) Verification of statements made by the enlisted member, particularly those relating to hardship, to the extent feasible.

(2) Brief statement concerning the member's efficiency and conduct including any significant matters of record, favorable or unfavorable, pertaining to him.

(3) Appropriate recommendation. If favorable action is recommended, statement as to how remission would serve the best interests of the Government.

9. *Action by disbursing officer.* The disbursing officer will furnish such information as prescribed under paragraph 8 which is available from the member's pay accounts, upon the request of the member's commanding officer, to be used in connection with application for remission of indebtedness. Upon receipt of evidence that a request for remission has been forwarded by the member's commanding officer, the disbursing officer will suspend collection of the remaining indebtedness. The checkage entry in item 28 will be prorated and extended through the date prior to date remission application is submitted and suspense entry made in item 39 for the unliquidated balance of the indebtedness, which will be carried forward to each succeeding pay record until the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, notification of determination is received. If all or part of the indebtedness is remitted or canceled, the fact will be entered in item 39 and the suspense entry lined out, but not obliterated. The notices of remission of indebtedness or of denial thereof issued by the Chief of Naval Personnel and the Commandant of the Marine Corps will be retained as group "R" pay record vouchers for Navy personnel and group "B" pay record vouchers for Marine Corps personnel. In the event remission notification has not been received at time of member's discharge or release from active duty (unless member immediately reenlists), checkage for the full amount of the suspended indebtedness will be entered in item 28 and collected to the extent permitted from member's final pay. In the event remission is denied, wholly or in part, the disbursing officer will resume or commence checkage from the date of receipt of the notice of denial.

10. *Reporting.* The Comptroller of the Navy for Navy members and the Commandant of the Marine Corps for Marine Corps members will submit to the Secretary:

a. Monthly and cumulative totals of dollar amount and number of cases remitted;

b. Monthly and cumulative totals of dollar amount and number of cases which were not remitted; and

c. Monthly and cumulative totals of dollar amount and number of the remitted portion of cases which were partially remitted and the same information for the portion which was not remitted.

The foregoing shall be broken down by major categories, which the Comptroller of the Navy may establish, such as reenlistment payments, travel and TAD, diving pay, longevity, etc. A copy of the final action taken by the Chief of Naval Personnel in each case will be furnished the Comptroller of the Navy.

11. *Implementation.* Such additional or amplifying instructions, as may be required by the Commandant of the Marine Corps, the Chief of Naval Personnel, and Comptroller of the Navy to implement, refine, or modify guidelines and criteria, shall be submitted to the Secretary for approval.

RICHARD JACKSON,
Assistant Secretary of the Navy
(Personnel and Reserve Forces)

Distribution:
SNDL Parts 1 and 2.
Marine Corps List 7.
Additional copies may be obtained from:
NSC, Norfolk, Va.
Supply Dept., NWP, Washington, D.C.

§ 719.212 Appendix XII—Bureau of Naval Personnel Instruction 1640.5B on designation of places of confinement (referred to in § 719.138).

BUPERS 1640.5B
Pers-F4a-jbs
MarCorps DK
7 March 1960

DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
HEADQUARTERS, U.S. MARINE CORPS
WASHINGTON 25, D.C.

BUPERS INSTRUCTION 1640.5B

From:
Chief of Naval Personnel.
Commandant of the Marine Corps.
To: All Ships and Stations.
Subj: Criteria for designation of places of confinement for naval courts-martial prisoners.
Ref:
(a) Brig Manual 1956 (NavPers 15825 Rev).
(b) BUPERSINST 7312.5.
Encl: (1) Extract from art. 805, Brig Manual.

1. *Purpose.* To announce the criteria for designation of a confinement facility for personnel who are convicted by courts-martial.

2. *Cancellation.* This Instruction cancels BUPERS Instruction 1640.5A.

3. *Background.* This Instruction provides a scheduled cessation of prisoner input at the U.S. Naval Retraining Command, Camp Elliott, San Diego, California, which is to be disestablished on 30 September 1960. When fully implemented, it provides for confinement at the U.S. Naval Retraining Command, Portsmouth, New Hampshire, of nearly all prisoners who will be discharged and confinement in local brigs of nearly all who will return to duty.

4. *Definitions.* As used hercin the following definitions govern:

a. A restoree is a prisoner whose approved sentence does not include a discharge or, if included, it has been suspended.

b. A dischargee is a prisoner whose sentence as approved includes an unsuspended discharge. It also includes those prisoners for whom final authority has been received to discharge for reasons of unsuitability, unfitness, or misconduct.

c. The normal release date is the date on which the full term of the sentence(s), as reduced by the number of days good conduct time earned, will expire. Good conduct time is computed in accordance with enclosure (1).

d. Minimum time to serve as used herein is 2 months of actual confinement, after allowing full credit for good conduct time, remaining to be served following arrival at a retraining command.

5. *Designation before transition period (until 1 May 1960)—Restoree or dischargee.* A retraining command (Portsmouth, New Hampshire—eastern area, or Camp Elliott, San Diego, California—western area) shall be designated as the place of confinement when the prisoner will have at least the minimum time to serve.

6. *Designation during transition period—a. Restoree.* On and after 1 May 1960 a brig shall be designated as the place of confinement or temporary custody for restorees whose normal release date is on or after 1 September 1960. Restorees with minimum time to serve will be transferred to a retraining command provided their normal release date is before 1 September 1960. Input of restorees to both retraining commands ceases 1 July 1960 except as noted in paragraph 8.

b. *Dischargee.* On and after 1 May 1960 the U.S. Naval Retraining Command, Camp Elliott, San Diego, California, will be designated as the place of confinement or temporary custody for dischargees in the western area with minimum time to serve whose normal release date falls on or before 15 September 1960. U.S. Naval Retraining Command, Portsmouth, New Hampshire, will be designated as the place of confinement for all other dischargees with minimum time to serve. Input of dischargees to Camp Elliott ceases 15 July 1960.

7. *Designation after transition period—a. Restoree.* After 1 July 1960, except as noted in paragraph 8 below, a brig will be designated as the place of confinement of all restorees.

b. *Dischargee.* After 15 July 1960 the U.S. Naval Retraining Command, Portsmouth, New Hampshire, will be designated as the place of confinement or temporary custody for dischargees provided: (1) the sentence involves at least 4-months' confinement, (2) the minimum time to serve after arrival at Portsmouth is at least 2 months after allowing full credit for good conduct time.

8. *Exceptions.* When the foregoing instructions are considered inapplicable or inappropriate, requests for designation of place of confinement or temporary custody other than the normal one shall be forwarded to the Chief of Naval Personnel (Pers F4). These requests shall give specific reasons for desiring exception to the procedure outlined above and include a recommendation as to the confinement facility to be used. After 1 May 1960 the Portsmouth Retraining Command should be designated as the place of confinement or temporary custody of a restoree with a sentence to confinement of more than 6 months.

9. *Officers.* Officers sentenced to confinement shall normally be retained at the place of trial until the sentence is ordered executed under such degree of restraint as the commanding officer considers necessary in each case. Where physical confinement is considered absolutely necessary and local facilities are inadequate for this purpose, requests for designation of a place of temporary custody shall be forwarded to the Chief of Naval Personnel (Pers F4). These requests must provide specific justification to warrant exception to the general procedures outlined herein.

10. *Redesignation.* Commanding officers operating brigs which receive prisoners for further transportation to a retraining command shall redesignate that brig as the place of confinement or temporary custody when the prisoner no longer meets the time-to-serve criterion (see paragraph 4d).

11. *Records and reports.* When a retraining command has been designated as a place of temporary custody or confinement, the transfer shall not be made until the required records and reports are available and complete. The following records and reports, except as noted below, shall accompany every prisoner at the time of transfer:

a. Service record;
b. Health record;
c. Pay account;
d. Three certified true copies of the court-martial order;
e. One copy of the review of the legal officer;
f. One copy of the Prisoner Data Card (NavPers 1521 Rev.), if available;
g. One copy of the Prisoner Conduct Record (NavPers 1385).

In special courts-martial cases, items d and e above shall be forwarded to the retraining command by the supervisory authority immediately upon promulgation.

12. *Transfer.* It is not considered practicable, in view of the requirements of the Navy and Marine Corps Correction Programs, to retain in a brig a prisoner whose sentence as approved by the convening authority includes an unsuspended discharge and confinement of 4 months or more. Accordingly, notwithstanding subparagraph 89(c)(6), Manual for Courts-Martial, an eligible prisoner shall be transferred to the place of confinement or temporary custody designated in that action as soon as practicable. Designation of a retraining command as the place of confinement or temporary custody constitutes authority to effect the transfer of a prisoner and to issue temporary additional duty orders to prisoner escorts required to deliver the prisoner. Chapter 4 of reference (a) prescribes the procedure for such transfers.

13. *Travel authorizations—a. Prisoner Escorts.* The travel expenses of Navy and Marine Corps military personnel assigned to escort prisoners convicted by general or special courts-martial to places of confinement are chargeable to allotments held by commandants of naval districts and river naval commands. Authority to charge and applicable accounting data must be obtained from the commandant of the local naval district or river naval command in advance of issuance of orders to prisoner escorts. In cases involving transfer from overseas, the necessary authority and accounting data will be obtained from the commandant of the naval district in which the designated place of confinement is located.

b. *Navy prisoner.* The following accounting data should be inserted in the permanent change of station orders chargeable to the appropriation "Military Personnel, Navy" for travel of a convicted Navy prisoner:

Appropriation symbol and subhead: For the fiscal year in which the member will be detached from duty station.

Month and year of detachment code: As required by reference (b).

Bureau control activity number, bureau control number, and purpose identification code: 22/31600.170 (CONUS); 22/31600.171 (Overseas).

Customer identification code if travel is to be performed by MATS: Constructed in accordance with reference (b).

c. *Marine prisoner.* (1) The following accounting data should be inserted in the permanent change of station orders chargeable to the appropriation "Military Personnel, Marine Corps" for travel of a convicted Marine prisoner:

Appropriations symbol and subhead: For fiscal year in which member will be detached from duty station.

Bureau control activity number: 27.

Bureau control number: 41690.

Object class: 029.

Expenditure accounting number officer travel: 74120.

Expenditure accounting number enlisted travel: 74121.

Customer identification code if travel is to be performed by MATS: Constructed in accordance with current Marine Corps order.

(2) Commands will forward to Commandant of the Marine Corps (Code DFF) a copy of all orders issued for transfer of Marine prisoners to a naval retraining command including a copy of modification of orders when local brig facilities are redesignated for prisoners received from overseas forces or forces afloat.

14. *General information.* It is the policy of the Navy Department to transfer certain serious offenders (nonrestorable felons) to Federal penal and correctional institutions. Such transfers are subject to the approval of the Chief of Naval Personnel and acceptance by the Director, Bureau of Prisons. Such transfers will ordinarily be made from a

retraining command in accordance with article 406.3 of reference (a).

ALMON E. LOOMIS,
Deputy Chief of Naval Personnel.

A. LARSON
By direction.

Distribution:
SNDL Parts 1 and 2.
Marine Corps List 7.
Additional copies may be obtained from:
NSC, Norfolk, Va.
GSD, NSC, Oakland, Calif.
Supply Dept, NWP, Washington, D.C.

ENCLOSURE (1)

EXTRACT FROM ARTICLE 805 OF THE BRIG MANUAL

805 EARNING AND COMPUTING GOOD CONDUCT TIME

1. As a reward for satisfactory conduct during confinement, a prisoner who is serving a sentence to confinement for a definite term, other than for life, shall be credited monthly with a reduction in the time to be served in confinement. A prisoner may earn and forfeit good conduct time whether or not his sentence has been ordered executed. The rate of earning good conduct time is:

Five days for each month of the sentence, if the sentence is less than 1 year.

Six days for each month of the sentence, if the sentence is not less than 1 year, and is less than 3 years.

Seven days for each month of the sentence, if the sentence is not less than 3 years, and is less than 5 years.

Eight days for each month of the sentence, if the sentence is not less than 5 years, and is less than 10 years.

Ten days for each month of the sentence, if the sentence is 10 years or more.

NOTE: Good conduct time is not creditable on periods of confinement imposed under article 15, UCMJ, and is not granted on other sentences involving less than 1 month (30 days) confinement.

---

2. Subchapter E is amended by insertion of the following new Part 755:

PART 755—CLAIMS FOR INJURIES TO PROPERTY UNDER ARTICLE 139 OF THE UNIFORM CODE OF MILITARY JUSTICE

Sec.
755.1 Statutory authority.
755.2 Scope.
755.3 Claims not cognizable.
755.4 Limitations of applications.
755.5 Complaint by injured party.
755.6 Investigation.
755.7 Action to be taken by commanding officer and higher authority where offenders are members of one command.
755.8 Action to be taken by commanding officer and higher authority where offenders are members of different commands.
755.9 Reconsideration.
755.10 Effect of court-martial proceedings.

AUTHORITY: §§ 755.1 to 755.10 issued under R.S. 161, secs. 831, 939, 5031, 70A Stat. 48, 78, 278, E.O. 10214 (3 CFR 1949–1953 Comp. page 408), as amended; 5 U.S.C. 22, 10 U.S.C. 831, 939, 5031.

NOTE: The Uniform Code of Military Justice (10 U.S.C. 801–940) is referred to in this part as "the Code." E.O. 10214, prescribing the Manual for Courts-Martial, United States, 1951, with amendments, is referred to in this part as "Manual for Courts-Martial" or "MCM 1951."

§ 755.1 Statutory authority.

This part outlines procedures for administrative settlement of claims when property is willfully damaged or wrongfully taken by members of the armed forces. (Article 139 of the Code.)

§ 755.2 Scope.

Claims for damage, loss or destruction of property caused by a person or persons in the naval service, subject to the limitations in this section, are within the provisions of article 139 of the Code, only if such damage, loss, or destruction is caused by riotous conduct, acts of depredation, or acts showing such reckless and wanton disregard of the property rights of others that a willful damage or destruction is implied. Acts of the type punishable under article 109 of the Code are cognizable under article 139. However, redress for damages resulting from such acts is not to be confused with disciplinary action under article 109 or any other article of the Code. See § 755.10. Charges against pay under this part shall be made against the pay of persons shown to have been principal offenders or accessories. Membership in a certain organization or detachment and presence at the scene, alone, at the time the damages were sustained, are not sufficient in themselves to make a person a principal or an accessory. There must be some evidence of active or passive participation.

§ 755.3 Claims not cognizable.

The following claims are not payable under this part.

(a) *Claims payable under other regulations.* Claims for damage, loss, or destruction of property which are payable by the Government under the provisions of General, Personnel, Admiralty, and Foreign Claims Regulations set forth in Parts 750, 751, 752, and 753 of this chapter. No charge will be made under this part against the pay of any person in the naval service to reimburse the claimant or the Government for payments warranted under other regulations or other statutes.

(b) *Claims resulting from simple negligence.* Claims for damage, loss, or destruction of property resulting from simple negligence, whether or not within the scope of employment.

(c) *Claims of subrogees.* Any portion of a loss covered by insurance, whether carried by the offender, the claimant, or a third party.

(d) *Claims for personal injury or death.*

(e) *Acts or omissions within the scope of employment.* Claims for damage, loss, or destruction of property resulting from acts or omissions, while the offender is acting within the scope of his employment.

(f) *Absence of riotous, violent and disorderly conduct.* Claims arising from larceny, wrongful appropriation, forgery or deceit, where the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by riotous, violent, or disorderly conduct; or claims for damages arising from breach of contract.

(g) *Government property.* Reimbursement for damage, loss, or destruction of property of the United States.

§ 755.4 Limitations of applications.

(a) *Time limitations.* In order to be cognizable under article 139 of the Code, a claim must be submitted within 30 days of the date of the incident out of which the claim arose.

(b) *Aliens.* Claims of aliens under article 139 of the Code, in addition to the exclusionary limitations of this part, are subject to all laws and regulations controlling payments to aliens in effect at the time of action on the claim. If the claimant is a national of a country at war with the United States, or an ally of such foreign country, the claim will not be approved unless it be determined that the claimant is friendly to the United States.

(c) *Limitation of amount of assessment.* No assessment exceeding the amount of $250.00 will be made against the pay of any offender under the provisions of article 139 of the Code for any single act or incident.

(d) *Acts of property owner.* When the acts or omissions of the owner, his lessee, or his agent were a proximate contributing factor to the loss or damage of the property involved, assessment will not be made against any offender in excess of that amount for which he is found to be directly and solely responsible.

(e) *Only direct damages considered.* Assessment will be made only for direct physical damages. Indirect, remote, or inconsequential damage will not be considered.

§ 755.5 Complaint by injured party.

(a) *Ordering investigation.* Whenever a complaint is made to a commanding officer that willful damage has been done to property or that property has been wrongfully taken by members of the naval service, and the nature of the damage or wrongful taking is within the purview of article 139 of the Code, the commanding officer, if he has authority to convene special courts-martial and if an alleged offender is a member of his command, shall order an investigation of the matter. If the alleged offender is not a member of his command, he shall forward the complaint and all evidence which can be obtained locally, to the commanding officer of the alleged offender. If the command of an alleged offender is not known, the complaint and all evidence which can be obtained locally, shall be sent to the Chief of Naval Personnel or the Commandant of the Marine Corps, whichever is appropriate, for forwarding. If the commanding officer of an alleged offender does not have authority to convene special courts-martial, he shall forward the complaint to his superior with such authority, who shall, for the purposes of article 139, be considered the commanding officer of the offender. At the request of the commanding officer of an alleged offender, the commanding officer of any other naval activity shall investigate the matter as required by article 139 of the Code and this part. Upon completion of such an investigation, the record shall be forwarded to the commanding officer who requested the investigation, for the action required by § 755.7. Where more than one offender or more than one command is involved, the matter shall be handled by one investigation, if it is possible. In this connection, see § 755.8.

(b) *Claimant.* In order for a claim to be cognizable under article 139 of the Code, the claimant must be within the provisions of § 750.30(a) of this chapter.

(c) *Content of a claim.* A claim shall be presented, if practicable, in triplicate. It should contain a statement setting forth the amount of the claim, insurance coverage, and available detailed facts and circumstances surrounding the incident from which the claim arose. When there is more than one claimant as a result of a single incident, each such claimant must file a claim separately and individually. The claim shall be personally signed by the claimant or his duly authorized agent or representative. The appropriate portions of § 750.32 of this chapter set forth additional information and evidence which ordinarily should be supplied by a person making claim for damage or loss of property.

§ 755.6 Investigation.

(a) *General.* The procedure for redress of injuries to property (article 139 of the Code) is accomplished by the use of a one officer investigation, a board of investigation or a court of inquiry. The claim is the subject of inquiry by one of these bodies. Accordingly, the rules governing the appropriate type of investigation are applicable.

(b) *Fact-finding body.* The body appointed to investigate a complaint under article 139 of the Code shall consist of from one to three commissioned officers. (Article 139(a) of the Code.) Where the need exists for a court of inquiry or a board of investigation (§ 719.151 of this chapter), the complaint shall be investigated by a court of inquiry or an investigation comprised of not more than three commissioned officers, in conjunction with such other pertinent and related matters as are directed in the appointing order. See paragraph (h) of this section. Subject to the provisions of this part, see the pertinent portions of §§ 750.37 and 750.38 of this chapter for the matters to be ascertained in investigating property damage. The claim of the owner or custodian of the property involved shall be made an enclosure to the record of proceedings of the fact-finding body.

(c) *Statutory requirements and powers.* Under the authority of article 139 of the Code, witnesses may be summoned to testify at the investigation in the same manner as for courts-martial. See MCM 1951 par. 115. However, when an investigation is convened to inquire into other matters in addition to investigating a complaint under article 139, the power of subpoena shall not be used to compel the attendance of witnesses whose testimony is not directly related to the article 139 complaint. Witnesses before such investigations shall be examined on their oath or affirmation. Depositions, documents, and other evidence may be received.

(d) *Rights of an alleged offender.* An alleged offender shall, if practicable, be accorded the rights of a party. See §§ 719.154 through 719.160 of this chapter. If such rights are not accorded an alleged offender, and such rights have not been waived by him, he shall, prior to any charge being made against his pay, be afforded the opportunity to inspect the record of proceedings or a copy thereof. He shall, in such a case, submit a signed statement in regard thereto or to the effect that he does not desire to make a statement. If, by reason of unauthorized absence or other factors, the rights of a party can not be afforded to an alleged offender, a full and complete report of the reasons therefor shall be included in the record of proceedings. If, at the time of the convening of an article 139 investigation, the identity of the offending party is unknown, the investigation shall proceed with the subject matter of the inquiry. However, as soon as the identity of the offender becomes known, such person shall be called before the investigation (unless such action is impractical by reason of unauthorized absence or other factors), designated as a party to the investigation and advised of his rights as such. Such proceedings and any waiver on the part of the offender shall be recorded verbatim. For rights against compulsory self-incrimination, see §§ 719.157 through 719.159 of this chapter. A person in an unauthorized absence or desertion status shall, while in such status, be considered as having waived his rights as a party to the investigation. Upon termination of the unauthorized absence or desertion, such person shall, if practicable, be accorded the rights of a party as to any portion of the investigation which has not been completed.

(e) *Measure of damages.* The inquiry or investigation is to be guided by the General Claims Regulations (Part 750 of this chapter) in determining the measure of damage as a basis for recommending assessment.

(f) *Findings.* The investigation shall make findings of fact as to the necessary elements set forth in this part pertaining to the validity of the claim under consideration and shall state its findings of fact or opinion, as appropriate, as to the person responsible for the damage upon which the claim is based. It shall further, using the appropriate measure of damage, determine the amount of damage incurred by the property owner.

(g) *Recommendations.* The fact-finding body shall make recommendations as to the amount to be assessed and charged against the pay of the responsible party. If more than one person is found to be responsible, recommendations shall be made as to the amount to be assessed against each offender.

(h) *Consolidation of investigations.* An investigation made under article 139 of the Code may be combined with an investigation required for any other reason.

§ 755.7 Action to be taken by commanding officer and higher authority where offenders are members of one command.

(a) *Action by commanding officer.* When there is one offender or, if more than one, all of the offenders are members of the command of the officer who has ordered the investigation, such officer shall determine, in taking action on the record of such investigation, whether the claim is within the provisions of article 139 of the Code and this part. If he finds that the claim is within such provisions, he will fix the amount to be assessed against an offender. Subject to the limitations of § 755.4, charges totaling the amount of damages assessed and approved shall be fixed in such proportion as may be deemed just upon the pay of those shown to have been principals or accessories.

(b) *Review.* If the commanding officer has authority to convene a general court-martial, no additional review is required as to redress of injuries to property. If the commanding officer does not have general court-martial jurisdiction, the original of the investigation, with the commanding officer's action thereon approving or disapproving the claim, will be forwarded to the officer exercising general court-martial jurisdiction over the command. A copy of the report will be filed at the command concerned. Upon receipt by the officer exercising general court-martial jurisdiction, the report, as approved or disapproved, will be reviewed. Such reviewing authority shall place his action on the record and return the record to the commanding officer who, after noting his order or other actions thereon, will forward it to the Judge Advocate General via any other appropriate commands. The final action of a commanding officer directing a charge against the pay of an offender, or in the denial of a claim, shall be consistent with the reviewing authority's action. The claimant and offender or offenders shall be informed of such final order. Any determination that the claim is invalid, or that no members of the command were pecuniarily responsible, will be promptly communicated to the claimant.

(c) *Charge against pay.* The amount ordered by the commanding officer shall, as provided in the Navy Comptroller Manual (par. 044274, quoted in § 719.204 of this chapter), be charged against the pay of the offender and the amounts so collected will be paid to the claimant. The amount charged in any single month against the pay of an offender under article 139 of the Code shall not exceed one-half of the basic pay of the offender. The basic pay of an offender shall be as defined in paragraph 126h(2), Manual for Courts-Martial. The action by the commanding officer in ordering the assessment against the pay of an offender will be conclusive on any disbursing officer for payment by him to the claimant of the damages assessed, approved, charged, and collected.

§ 755.8 Action to be taken by commanding officer and higher authority where offenders are members of different commands.

(a) *Action by common superior.* Where the offenders are members of different commands, the investigation or investigations conducted under article 139 of the Code shall be forwarded, if practicable, to the common superior who exercises general court-martial jurisdiction. In such circumstances, a commanding officer who ordered an investigation shall not make charges against the pay of an offender, but shall make recommendations in this regard. If an alleged offender was neither accorded the rights of a party nor subsequently afforded the right to inspect the investigative report and make a statement thereon, a copy of the report will be forwarded to such offender for his inspection prior to his making a statement regarding the incident or to the effect that he does not desire to make a statement. This statement will be forwarded to the superior exercising general court-martial jurisdiction who is to adjudicate the claim. No action shall be taken by such superior against any alleged offender until he has been given a hearing. The common superior commander shall fix the amount, if any, to be assessed against an offender and direct the appropriate commanding officers to take action accordingly. See § 755.7 (b), (c). The common superior shall forward the record, with his action and all statements appended, to the Judge Advocate General via appropriate commands.

(b) *Forwarding to SECNAV (JAG).* Where it is not practicable or possible to carry out the procedure prescribed in paragraph (a) of this section, the investigation or investigations shall be forwarded to the Secretary of the Navy (Judge Advocate General) who will take action in the matter. Commanding officers, in such a situation, are not to make charges against the pay of an offender until directed by the Secretary of the Navy (Judge Advocate General).

§ 755.9 Reconsideration.

In the absence of newly-discovered evidence, an adjudication pursuant to this part shall be final except as to the Secretary of the Navy (Judge Advocate General). In the event of newly-discovered evidence deemed sufficient to warrant reopening the matter, further investigation shall be conducted by the commanding officer and acted upon in accordance with the provisions of this part.

§ 755.10 Effect of court-martial proceedings.

Administrative action under this part is separate and distinct from and is not affected by any disciplinary action against the offender; consequently, a person may be tried and punished for violation of the Code without regard to proceedings under this part. The two proceedings, one disciplinary and the other administrative, are legally independent of each other and action in one proceeding is not determinative in the other; the court-martial is of a criminal nature and the assessment of damages is of a civil nature. Acquittal or conviction of the alleged offender by court-martial is evidence but is without independent controlling effect upon the proceedings under article 139 of the Code or approval or denial of a claim thereunder.

(R.S. 161, secs. 936, 5031, 70A Stat. 77, 278; 5 U.S.C. 22; 10 U.S.C. 936, 5031)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 1, 1961.

[F.R. Doc. 61-11606; Filed, Dec. 7, 1961; 8:45 a.m.]

PART 765—RULES APPLICABLE TO THE PUBLIC

Insignia To Be Worn on Uniform by Persons Not in the Service

Scope and purpose. Paragraphs (a), (b), (c), and (e) of § 765.13 are revised in order to conform with changes in the statutory law cited therein.

Paragraphs (a), (b), (c), and (e) of § 765.13 are revised to read as follows:

§ 765.13 Insignia to be worn on uniform by persons not in the service.

(a) Under Title 10, United States Code, section 773, members of military societies composed of persons discharged honorably or under honorable conditions from the United States Army, Navy, Air Force or Marine Corps, regular or reserve, may, when authorized by regulations prescribed by the President, wear the uniform duly prescribed by such societies to be worn by the members thereof.

(b) The law cited in paragraph (a) of this section further provides that instructors and members of duly organized cadet corps at certain institutions of learning may wear the uniform duly prescribed by the authorities of such institutions.

(c) The law cited in paragraph (a) of this section further provides that the uniform worn by members of the military societies or by members and instructors of the cadet corps referred to in paragraph (a) of this section shall include some distinctive mark or insignia prescribed by the Secretary of the military department concerned to distinguish such uniforms from the uniforms of the Army, Navy, Air Force, or Marine Corps.

* * * * *

(e) Within the meaning of paragraph (a) of this section, the occasions when members of the military societies may wear the uniform of their respective society are official functions which such a member attends in his capacity as a war veteran or as a member of such military society.

(R.S. 161, secs. 773, 5031, 70A Stat. 35, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 773, 5031)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 1, 1961.

[F.R. Doc. 61-11605; Filed, Dec. 7, 1961; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

Miscellaneous Amendments

1. Section 29.6 is amended by striking all material after paragraph (a) and inserting in lieu thereof the following:

§ 29.6 Disability retirement.

* * * * *

(b) (1) Each disability annuitant who has not attained age 60 shall be examined annually under direction of the Commission. Where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, the Commission may waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired. If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

(2) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered, the annuity shall be discontinued at the expiration of one year from the date of such medical examination. If the annuitant is reemployed in the Government service within the one year, the annuity shall be discontinued from the date of such reemployment.

(3) If the recovered disability annuitant is not reemployed in a position subject to the Civil Service Retirement Act and, based on current medical examination, is found by the Commission to have again become totally disabled before reaching age 62 due to recurrence of the disability for which originally retired, his disability annuity of the same type and at the rate last payable shall be reinstated from the date of such medical examination or January 1, 1962, whichever is later. A current medical examination means any acceptable medical examination made not more than 90 days prior to its receipt in the Commission.

(c) (1) Each disability annuitant who has not attained age 60 shall be required to report annually, in such detail as may be required by the Commission, his income from wages and self-employment for any period after retirement. If an annuitant fails to submit such report, the Commission may suspend annuity payments until entitlement to continuance of annuity is satisfactorily established.

(2) If, in each of two succeeding calendar years, the disability annuitant has received income from wages and self-employment equaling at least 80 percent of the current rate of compensation of the position from which he retired, the annuity shall be discontinued at the expiration of one year from the end of the two-year period. If the annuitant is reemployed in the Government service within the one year, the annuity shall be discontinued from the date of such reemployment. Receipt of such income will be presumed in respect to any calendar year for which the disability annuitant fails to make income report.

(3) If the restored disability annuitant is not reemployed in a position subject to the Civil Service Retirement Act, has not medically recovered from the disability for which retired, and is found by the Commission to have again lost his earning capacity before reaching age 62, his disability annuity of the same type and at the rate last payable shall be reinstated from the first of the year following the calendar year in which earning capacity was lost or January 1, 1962, whichever is later. Earning capacity shall be deemed lost if during any complete calendar year after 1960 the individual's income from wages and self-employment is less than 80 percent of the current rate of compensation of the position from which he retired.

(d) Reinstatement of a disability annuity shall, from reinstatement date, terminate the right to any non-disability annuity which the annuitant may be receiving or entitled to receive based on the same service, unless the annuitant elects in writing to retain instead the non-disability annuity. If the annuitant is in Government employment not subject to the Civil Service Retirement Act on the date disability annuity is reinstated, payment thereof shall be suspended until separation occurs.

2. The first sentence of § 29.9(a) is amended. As amended paragraph (a) reads as follows:

§ 29.9 Military service.

(a) Periods of honorable active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service, or, after June 30, 1961, as a commissioned officer of the Coast and Geodetic Survey shall, after the employee has completed 5 years' civilian service, be credited under the retirement law. No credit for any military service shall be allowed if the employee is receiving retired pay awarded for reasons other than (1) service-connected disability incurred in combat with an enemy of the United States, (2) service-connected disability caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in Chapter 11 of Title 38, U.S.C.), or (3) under Chapter 67, Title 10, U.S.C.

3. Section 29.16(c)(3) is amended by adding a sentence at the end thereof. As amended, paragraph (c)(3) will read as follows:

§ 29.16 Appeals.

* * * * *

(c) * * *

(3) In case of a disability annuitant who is found upon medical examination to have recovered, or is determined to have been restored to earning capacity, the time allowed for filing an appeal shall be not later than 90 days from the date of final notice of proposed discontinuance of annuity. In the case of a former disability annuitant denied reinstatement of disability annuity, the time allowed for filing an appeal shall be not later than 90 days from the date of final notice of the denial.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11640; Filed, Dec. 7, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment) Department of Agriculture

[Amdt. 3]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATES AND NORMAL HARVEST COMPLETION DATES

The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are issued (1) to amend the final dates for the disposal of excess wheat acreage, effective for the 1962 and subsequent crops of wheat, in the States of Alabama, Arizona, California, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, West Virginia, Wisconsin and Wyoming; and (2) to amend the dates on which harvest is normally substantially completed effective for the 1961 and subsequent crops of wheat in the States of Washington and West Virginia, and effective for the 1962 and subsequent crops of wheat in the State of Arizona. The list of dates on which harvest is normally substantially completed in counties in the State of Washington, as published in the FEDERAL REGISTER of May 30, 1961 (26 F.R. 4722-23), prescribed a definite date for each county in the State, followed by the date of August 15 for all counties. The date of August 15 was intended to be applicable to all counties in the State of West Virginia and not to any county in the State of Washington, but the designation of the State of West Virginia was inadvertently omitted. For this reason, the clarification of the list of dates for the States of Washington and West Virginia is made effective for the 1961 and subsequent crops of wheat. Since many producers have seeded their winter wheat for 1962 and are signing their intentions to participate in the 1962 wheat stabilization program, it is important that State and county committees be notified of the amendments herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final dates for utilization of such excess acreage as wheat cover crop and of the final dates for the adjustment of any farm marketing excess. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the amendments shall become effective upon publication in the FEDERAL REGISTER, as hereinafter provided.

1. In § 728.1145(b), the list of established dates in wheat-producing counties for the disposal of excess wheat as wheat cover crop is amended for the States of Alabama, Arizona, California, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, West Virginia, Wisconsin and Wyoming, effective with respect to the 1962 and subsequent crops of wheat, to read as follows:

ALABAMA

April 25: Baldwin, Barbour, Butler, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, Pike, Washington.

May 1: Autauga, Bibb, Bullock, Chambers, Chilton, Choctaw, Clay, Coosa, Dallas, Elmore, Greene, Hale, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pickens, Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Wilcox.

May 15: All other counties.

ARIZONA

(Winter Wheat)

April 25: Maricopa, Pima, Pinal, Santa Cruz, Yuma.

May 15: Cochise, Gila, Graham, Greenlee.

June 1: Mohave (south of Colorado River), Yavapai.

June 10: Apache, Coconino, Mohave (north of Colorado River), Navajo.

(Spring Wheat)

August 1: Coconino, Navajo.

CALIFORNIA

April 1: Imperial, Riverside (For Palo Verde).

April 15: San Benito (For Panoche).

May 1: Butte, Colusa, Fresno, Glenn, Kern (except for Tehachapi), Kings, Madera, Mariposa, Merced, Nevada, Orange, Placer, Riverside (except for Palo Verde), Sacramento, San Bernardino, San Diego, San Joaquin, Solano, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yolo, Yuba.

May 15: Alameda, Amador, Calaveras, Contra Costa, Eldorado, Lake, Los Angeles,

Marin, Monterey, Napa, San Benito (except for Panoche), San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta (for Anderson and Cottonwood), Sonoma, Tuolumne.

June 1: Alpine, Inyo, Kern (for Tehachapi), Mono.

June 15: Mendocino, Siskiyou (for Shasta Valley).

June 20: Humboldt.

July 1: Lassen, Modoc (except Durum Wheat), Plumas, Shasta (except for Anderson and Cottonwood), Sierra, Trinity.

July 15: Modoc (for Durum Wheat), Siskiyou (except for Shasta Valley).

INDIANA

May 20: Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Knox, Lawrence, Martin, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Vanderburgh, Washington, Warrick.

June 1: Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Jefferson, Jennings, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Ohio, Owen, Parke, Putnam, Randolph, Ripley, Rush, Shelby, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Vigo, Warren, Wayne.

June 10: All other counties.

KANSAS

May 10: Allen, Anderson, Barber, Barton, Bourbon, Butler, Chase, Chautauqua, Cherokee, Clark, Coffey, Commanche, Cowley, Crawford, Dickinson, Douglas, Edwards, Elk, Ellsworth, Ford, Franklin, Geary, Grant, Gray, Greenwood, Harper, Harvey, Haskell, Hodgeman, Jefferson, Johnson, Kingman, Kiowa, Labette, Leavenworth, Linn, Lyon, McPherson, Marion, Meade, Miami, Montgomery, Morris, Morton, Neosho, Osage, Pawnee, Pratt, Reno, Rice, Rush, Saline, Sedgwick, Seward, Shawnee, Stafford, Stanton, Stevens, Sumner, Wabaunsee, Wilson, Woodson, Wyandotte.

May 20: All other counties.

KENTUCKY

May 15: All counties.

MISSISSIPPI

May 10: All counties.

MISSOURI

May 15: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Scott, St. Francois, Ste. Genevieve, Stoddard, Wayne.

May 25: Barry, Barton, Bates, Benton, Boone, Callaway, Camden, Carter, Cass, Cedar, Christian, Cole, Cooper, Crawford, Dade, Dallas, Dent, Douglas, Franklin, Gasconade, Greene, Henry, Hickory, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Laclede, Lafayette, Lawrence, Lincoln, Maries, McDonald, Miller, Moniteau, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Pettis, Phelps, Polk, Pulaski, Reynolds, Ripley, Saline, St. Charles, St. Clair, St. Louis, Shannon, Stone, Taney, Texas, Vernon, Warren, Washington, Webster, Wright.

June 1: All other counties.

NEW MEXICO

(Winter Wheat)

May 10: Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otera, Sierra.

May 20: Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Socorro.

June 5: Bernalillo, Catron, Harding, McKinley, Sandoval, San Juan, Santa Fe, Torrance, Union, Valencia.

June 15: Colfax, Mora, Rio Arriba, San Miguel, Taos.

(Spring Wheat)

June 20: Bernalillo, Catron, McKinley, Sandoval, San Juan, Santa Fe, Torrance, Valencia.

July 1: Colfax, Mora, Rio Arriba, San Miguel, Taos.

OKLAHOMA

May 1: All counties.

OREGON

County	Area or type of wheat	Dates
Baker	Winter wheat	July 15
	Spring wheat	Aug. 1
Benton	Winter wheat	June 15
	Spring wheat	July 1
Clackamas	Winter wheat	June 15
	Spring wheat	July 1
Clatsop	Winter wheat	June 15
	Spring wheat	July 1
Columbia	Winter wheat	June 15
	Spring wheat	July 1
Coos	Winter wheat	June 15
	Spring wheat	July 1
Crook	All wheat	Aug. 1
Curry	Winter wheat	June 15
	Spring wheat	July 1
Deschutes	Winter wheat	July 15
	Spring wheat	Aug. 1
Douglas	Winter wheat	June 15
	Spring wheat	July 1
Gilliam	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Grant	Under 2,000 feet	Do.
	Over 2,000 feet	Aug. 15
Harney	All wheat	Aug. 1
Hood River	Winter wheat	June 15
	Spring wheat	July 1
Jackson	Winter wheat	June 15
	Spring wheat	July 1
Jefferson	Nonirrigated	July 20
	Irrigated	Aug. 1
	Warm Springs area	Do.
Josephine	Winter wheat	June 15
	Spring wheat	July 1
Klamath	Nonirrigated	Aug. 1
	Irrigated	Aug. 15
Lake	Nonirrigated	July 20
	Irrigated	Aug. 5
Lane	Winter wheat	June 15
	Spring wheat	July 1
Lincoln	Winter wheat	June 15
	Spring wheat	July 1
Linn	Winter wheat	June 15
	Spring wheat	July 1
Malheur	Under 3,000 feet	Do.
	Over 3,000 feet	July 15
Marion	Winter wheat	June 15
	Spring wheat	July 1
Morrow	Under 2,000 feet	July 1
	Over 2,000 feet	Do.
Multonomah	Winter wheat	June 15
	Spring wheat	July 1
Polk	Winter wheat	June 15
	Spring wheat	July 1
Sherman	Under 2,000 feet	July 1
	Over 2,000 feet	July 15
Tillamook	Winter wheat	June 15
	Spring wheat	July 1
Umatilla	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Union	Winter wheat	July 1
	Spring wheat	July 15
Wallowa	Winter wheat	July 20
	Spring wheat	Aug. 20
Wasco	Winter wheat	June 15
	Spring wheat	July 15
	Warm Springs area	Aug. 1
Washington	Winter wheat	June 15
	Spring wheat	July 1
Wheeler	All wheat	Aug. 1
Yamhill	Winter wheat	June 15
	Spring wheat	July 1

PENNSYLVANIA

June 7: Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, York.

June 21: All other counties.

SOUTH CAROLINA

May 5: Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, Williamsburg.

May 15: All other counties.

TEXAS

May 1: All counties.

VIRGINIA

June 1: Accomack, Albemarle, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, York.

June 15: All other counties.

WASHINGTON

County	Area or type of wheat	Dates
Adams	Winter wheat	June 30
	Spring wheat	July 20
Asotin	All wheat:	
	Area 1 and 4	July 30
	Area 2	July 1
	Area 3	July 20
	Area 5	Aug. 15
Benton	Winter wheat	June 30
	Spring dryland	Do.
	Spring irrigated	July 15
Chelan	Area A:	
	Winter wheat	Aug. 25
	Spring wheat	Sept. 1
	Area B:	
	Winter wheat	July 20
	Spring wheat	Aug. 5
Clallam	All wheat	July 15
Clark	do	Do.
Columbia	Area 1:	
	Winter wheat	June 20
	Spring wheat	June 30
	Area 2:	
	Winter wheat	July 5
	Spring wheat	July 15
	Area 3:	
	Winter wheat	July 20
	Spring wheat	July 30
Cowlitz	All wheat	July 15
Douglas	Winter wheat	July 10
	Spring wheat	Aug. 1
Ferry	Winter wheat	Do.
	Spring wheat	Aug. 20
Franklin	Winter wheat	June 30
	Spring wheat	July 10
Garfield	Area 1:	
	Winter wheat	June 20
	Spring wheat	July 1
	Area 2:	
	Winter wheat	July 15
	Spring wheat	July 25
	Area 3:	
	Winter wheat	July 30
	Spring wheat	Aug. 10
Grant	Area 1: all wheat	July 15
	Area 2: all wheat	June 30
	Area 3: all wheat	Aug. 10
Grays Harbor	All wheat	July 15
Island	do	Do.
Jefferson	do	Do.
King	do	Do.
Kitsap	do	Do.
Kittitas	do	Aug. 10
Klickitat	Area 1:	
	Spring wheat, west of Rock Creek and west of Goodnoe Hills area.	July 30
	Winter wheat	July 10
	Area 2: Goodnoe Hills area and east of Rock Creek except north of area 2 miles south of the dividing line between townships 4 and 5 in ranges 19, 20, and 21:	
	Winter wheat	June 30
	Spring wheat	July 10
	Area 3: area north of line 2 miles south of dividing line between townships 4 and 5 in ranges 19, 20, and 21:	
	Winter wheat	Do.
	Spring wheat	July 25

WASHINGTON—Continued

County	Area or type of wheat	Dates
Lewis	All wheat	July 20
Lincoln	North Lincoln:	
	Winter wheat	July 10
	Spring wheat	Aug. 1
	South Lincoln:	
	Winter wheat	June 30
	Spring wheat	Aug. 1
Mason	All wheat	July 15
Okanogan	Area 1:	
	Winter wheat	Aug. 1
	Spring wheat	Aug. 20
	Area 2:	
	Winter wheat	July 10
	Spring wheat	Aug. 1
Pacific	All wheat	July 15
Pend Oreill	do	Aug. 20
Pierce	do	July 15
San Juan	do	Do.
Skagit	do	Do.
Skamania	do	Do.
Snohomish	do	Do.
Spokane	Winter wheat	July 10
	Spring wheat	Aug. 1
Stevens	Winter wheat	Do.
	Spring wheat	Aug. 20
Thurston	All wheat	July 15
Wahkiakum	do	Do.
Walla Walla	All wheat:	
	Above 1205 feet	Aug. 1
	Below 1205 feet	July 1
Whatcom	All wheat	July 15
Whitman	Winter:	
	Western	July 10
	Eastern	July 25
	Spring:	
	Western	July 20
	Eastern	Aug. 15
Yakima	All wheat	July 15

WEST VIRGINIA

June 15: All counties.

WISCONSIN

July 5: Barron, Brown, Burnett, Calumet, Chippewa, Clark, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Polk, Price, Rusk, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Wood.

July 15: Ashland, Bayfield, Douglas, Iron.

June 20: All other counties.

WYOMING

(Winter Wheat)

June 30: Goshen, Laramie, Platte.

July 5: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.

July 20: Big Horn, Fremont, Hot Springs, Park, Washakie.

August 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

(Spring Wheat)

June 30: Goshen, Laramie, Platte.

July 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

August 1: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

2. In § 728.1152(a), the list of established dates in wheat-producing counties on which wheat harvest is normally substantially completed is amended for the States of Washington and West Virginia, effective with respect to the 1961 and subsequent crops of wheat, to read as follows:

WASHINGTON

August 25: Franklin.

August 31: Garfield, King.

September 1: Adams, Clark, Columbia, Cowlitz, East Ferry, Klickitat, Lincoln, Thurston, Walla Walla.

September 10: Grant, Douglas.

September 15: Asotin, Benton, Chelan, West Ferry, Spokane, Whitman.

September 20: Jefferson, Lewis, Mason.

September 30: Grays Harbor, Pierce, Skagit, Snohomish.

October 1: Okanogan, Pend Oreille, Yakima, Stevens.

October 15: Clallam, Island, Kittitas, San Juan, Whatcom.

WEST VIRGINIA

August 15: All counties.

3. In § 728.1152(a), the list of established dates in wheat-producing counties on which wheat harvest is normally substantially completed is amended for the State of Arizona, effective with respect to the 1962 and subsequent crops of wheat, to read as follows:

ARIZONA

(Winter Wheat)

June 25: Maricopa, Pima, Pinal, Santa Cruz, Yuma.

July 15: Cochise, Gila, Graham, Greenlee.

August 1: Apache, Coconino, Mohave, Navajo, Yavapai.

(Spring Wheat)

September 15: Coconino, Navajo.

(Secs. 374, 375, 52 Stat. 65, as amended, 66, as amended, 68 Stat. 904, 7 U.S.C. 1374, 1375)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 4, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11617; Filed, Dec. 7, 1961; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 252—LANDING OF ALIEN CREWMEN

PART 253—PAROLE OF ALIEN CREWMEN

Requirements for Admission and Parole of Alien Crewmen

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of November 3, 1961 (26 F.R. 10358), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there were set out in full the terms of the proposed rules pertaining to the requirements for admission and parole of alien crewmen. No representations were received concerning the proposed rules. The published rules have not been amended. The rules as set out below are adopted.

1. Paragraph (c) of § 252.1 is amended to read as follows:

§ 252.1 Examination of crewmen.

* * * * *

(c) *Requirements for admission.* Every alien crewman applying for landing privileges in the United States must make his application in person before an immigration officer, present a passport issued by the country of his nationality, valid for the period set forth in section 212(a)(26) of the Act, and a valid unexpired visa if his name does not appear on the crew list visaed by a consular officer, and establish to the satisfaction of the immigration officer that he is not subject to exclusion under any provision of the law and is entitled clearly and beyond doubt to landing privileges in the United States.

2. Paragraph (d) is amended and paragraphs (e) and (f) are added to § 253.1 to read as follows:

§ 253.1 Parole.

* * * * *

(d) *Medical treatment or observation.* Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1(d)(1) of this chapter is revoked may, upon the request of the master or agent, be paroled into the United States under the provisions of section 212(d)(5) of the Act in the custody of the agent of the vessel or aircraft and at the expense of the transportation line for medical treatment or observation.

(e) *Crewman alleging persecution.* Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1(d)(1) of this chapter is revoked who alleges that he cannot return to a Communist, Communist-dominated, or Communist-occupied country because of fear of persecution in that country on account of race, religion, or political opinion may be paroled into the United States under the provisions of section 212(d)(5) of the Act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

(f) *Other crewmen.* Any alien crewman not within the purview of paragraphs (a) through (e) of this section may for other emergent reasons or for reasons deemed strictly in the public interest be paroled into the United States under the provisions of section 212(d)(5) of the Act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rules are to require that alien crewmen applying for landing privileges in the United States present passports issued by the countries of their nationality and that certain alien crewmen alleging persecution abroad may be paroled into the United States.

This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

Dated: December 5, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-11649; Filed, Dec. 7, 1961; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Effective January 1, 1962, § 217.6 (Supplement to Regulation Q) is amended to read as follows:

§ 217.6 Maximum rates of interest payable on time and savings deposits by member banks.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Maximum rate of 4 percent.* No member bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On that portion of any savings deposit that has remained on deposit for not less than 12 months,

(2) On any time deposit having a maturity date 12 months or more after the date of deposit or payable upon written notice of 12 months or more,

(3) On that portion of any postal savings deposit which constitutes a time deposit that has remained on deposit for not less than 12 months.

(b) *Maximum rate of 3½ percent.* No member bank shall pay interest accruing at a rate in excess of 3½ percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On any savings deposit, except as otherwise provided in paragraph (a)(1), of this section,

(2) On any time deposit having a maturity date less than 12 months and not less than 6 months after the date of deposit or payable upon written notice of less than 12 months and not less than 6 months,

(3) On any postal savings deposit which constitutes a time deposit, except as otherwise provided in paragraph (a)(3) of this section.

(c) *Maximum rate of 2½ percent.* No member bank shall pay interest accruing at a rate in excess of 2½ percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 6 months and not less than 90 days after the date of deposit or payable upon written notice of less than 6 months and not less than 90 days.

(d) *Maximum rate of 1 percent.* No member bank shall pay interest accruing at a rate in excess of 1 percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

2a. The purpose of the amendment is to increase the maximum permissible rates of interest which member banks of the Federal Reserve System may pay on savings deposits and on certain time deposits, either certificates or open accounts.

b. The notice and public procedure described in section 4(a) and 4(b) of the Administrative Procedure Act, and the prior publication described in section 4(c) of such act, are not followed in connection with this amendment for the reasons and good cause found, as stated in section 2(e) of the Board's rules of procedure (12 CFR 262.2(e)), and especially because in connection with this liberalizing amendment such procedures would prevent the action from becoming effective as promptly as is desirable for the convenience of the banks.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i)) [Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-11656; Filed, Dec. 7, 1961; 8:49 a.m.]

Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Maximum Rates of Interest Payable on Time and Savings Deposits

1. Effective January 1, 1962, § 329.6 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6) is amended to read as follows:

§ 329.6 Maximum rates[12] of interest payable on time and savings deposits by insured nonmember banks.

(a) *Maximum rate of 4 percent.* No insured nonmember bank shall pay interest accuring at a rate in excess of 4 percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed:

(1) On that portion of any savings deposit that has remained on deposit for not less than 12 months,

(2) On any time deposit having a maturity date 12 months or more after the date of deposit or payable upon written notice of 12 months or more.

(3) On that portion of any postal savings deposit which constitutes a time deposit that has remained on deposit for not less than 12 months.

(b) *Maximum rate of 3½ percent.* No insured nonmember bank shall pay interest accruing at a rate in excess of 3½ percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed:

(1) On any savings deposit, except as otherwise provided in paragraph (a)(1) of this section,

(2) On any time deposit having a maturity date less than 12 months and not less than 6 months after the date of deposit or payable upon written notice of less than 12 months and not less than 6 months,

(3) On any postal savings deposit which constitutes a time deposit, except as otherwise provided in paragraph (a)(3) of this section.

(c) *Maximum rate of 2½ percent.* No insured nonmember bank shall pay interest accruing at a rate in excess of 2½ percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 6 months and not less than 90 days after the date of deposit or payable upon written notice of less than 6 months and not less than 90 days.

(d) *Maximum rate of 1 percent.* No insured nonmember bank shall pay interest accruing at a rate in excess of 1 percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

2. The purpose of the amendment is to increase the maximum permissible rates of interest which insured nonmember banks may pay on savings deposits and on certain time deposits, either certificates or open account.

3. The notice and public participation described in section 4 of the Administrative Procedure Act and Part 302 of the Corporation's rules and regulations (12 CFR Part 302) and the deferral of the effective date of this amendment are found to be unnecessary because this amendment does not diminish but enlarges the rights of depositors and insured nonmember banks and such deferral would prevent the amendment from becoming effective as promptly as is desirable for the convenience of the banks.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819) [Interprets or applies sec. 18, 64 Stat. 891; 12 U.S.C. (1828)]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 61-11641; Filed, Dec. 7, 1961; 8:47 a.m.]

[1] The maximum rates of interest payable by member banks of the Federal Reserve System on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia.

[2] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals, provided that the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

[13] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals, provided that the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Maneb

A petition was filed with the Food and Drug Administration by E. I. duPont de Nemours and Company, Inc., Wilmington 98, Delaware, requesting the establishment of a tolerance for residues of maneb (manganese ethylenebisdithiocarbamate) in or on pumpkins at 7 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.110 (21 CFR 120.110; 26 F.R. 2594) a tolerance for residues of maneb on pumpkins. As amended, the item "7 parts per million" is changed to read as follows:

§ 120.110 Tolerances for residues of maneb.

* * * * *

7 parts per million in or on apples, beans (dry form), carrots (roots), carrots (tops), cranberries, cucumbers, eggplants, figs, grapes, melons, onions, peppers, pumpkins, summer squash, sweet corn (kernels plus cob with husks removed), tomatoes, turnip roots, winter squash.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11647; Filed, Dec. 7, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Toxaphene

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington, Delaware, requesting the establishment of a tolerance for residues of toxaphene in or on lint-bearing cottonseed at 5 parts per million.

Data in the petition show that residues in cottonseed at the tolerance level will not be concentrated at a higher level in cottonseed oil or flour prepared for human consumption. The data also show that residues in cottonseed meal and hulls from such cottonseed, when fed to livestock, do not result in residues in meat and milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3, 120.138; 26 F.R. 1465, 8071) are amended as set forth below:

1. Section 120.3 is amended by adding to paragraph (d) a new subparagraph (3) reading as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * * *

(d) * * *

(3) Where tolerances are established for both terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65 percent-66 percent chlorine) and toxaphene (chlorinated camphene containing 67 percent-69 percent chlorine) on the same raw agricultural commodities, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine.

2. Section 120.138 is amended by adding thereto the following new tolerance:

§ 120.138 Tolerances for residues of toxaphene.

* * * * * *

5 parts per million, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine, in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11648; Filed, Dec. 7, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROPYLENE OXIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dried Fruit Association of California, 478 West San Carlos Street, San Jose, California, and other relevant material, has concluded that the following regulation should issue in conformance with section 409

of the Federal Food, Drug, and Cosmetic Act with respect to the food additive propylene oxide as a package fumigant on dried prunes and glacé fruit. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetics Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1076 Propylene oxide.

The food additive propylene oxide may be safely used in or on dried fruits in accordance with the following prescribed conditions:

(a) It is used or intended for use in or on dried prunes and glacé fruit as a package fumigant.

(b) It is used in accordance with directions registered with the United States Department of Agriculture, and so used that residues of propylene glycol present from such application shall not exceed 700 parts per million.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C 348(c)(1))

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11646; Filed, Dec. 7, 1961 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

REINFORCED WAX

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Milprint, Inc., 4200 North Holton Street, Milwaukee, Wisconsin, and other relevant material, has concluded that the following regulation should issue with respect to reinforced wax in contact with cheese products. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2530 Reinforced wax.

Reinforced wax may be safely used as an article or component of articles intended for use in producing, manufacturing, packing, processing, transporting, or holding food subject to the provisions of this section.

(a) Reinforced wax consists of petroleum wax to which have been added certain optional substances required in its production, or added to impart desired physical or technical properties.

(b) The quantity of any optional adjuvant substance employed in the production of or added to reinforced wax does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation provided in this section.

(c) Any substance employed in the production of reinforced wax, including any optional substance, that is the subject of a regulation in Subpart F of this part, conforms with any specifications in such regulation, and any substance that is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by a current order extending the effective date of the statute for such substance as an indirect additive to food.

(d) The substances and optional adjuvant substances employed in the production of or added to reinforced wax include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction for use in reinforced wax and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to any limitations provided therein:

List of substances	*Limitations*
Copolymer of isobutylene modified with isoprene	----
Petroleum wax, Type I and Type II	----
Polyethylene	----

(e) Reinforced wax conforming with the specifications in this paragraph is used as provided in subparagraph (2) of this paragraph.

(1) The chloroform-soluble portion of the water extract obtained by exposing reinforced wax to demineralized water at 70° F. for 48 hours shall not exceed 0.5 milligram per square inch of food-contact surface.

(2) It is used as a packaging material or component of packaging materials for cheese and cheese products.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11636; Filed, Dec. 7, 1961; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Allegheny Refining Company, Plum Street, Verona, Pennsylvania and Harry Miller Corporation, Fourth and Bristol Streets, Philadelphia 40, Pennsylvania, and other relevant material, has concluded that the following regulation should issue with respect to food additives resulting from the use of surface lubricants in the manufacture of metallic articles that contact food. Under the prescribed conditions of use, substances permitted for use in the lubricants are not expected to become components of food in any significant amount. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

Surface lubricants may be safely used in the manufacture of metallic articles that contact food, in accordance with the following prescribed conditions:

(a) The surface lubricants are used to facilitate the rolling, drawing, stamping, and forming of metallic articles.

(b) The quantity used shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact, accomplish any effect in the food itself; and

(1) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed 2 milligrams per square foot of metallic food-contact surface.

(2) The use of the lubricants in the manufacture of any article which is the subject of a regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the finished form of the article.

(c) Subject to any prescribed limitations, substances permitted to be used in surface lubricants used in the manufacture of metallic articles include substances subject to prior sanction or approval for such use and employed under the conditions of use prescribed by such sanction or approval, substances generally recognized as safe for use in food, and the following substances:

Dipropylene glycol.
Mineral oil.
Oleic acid.

(d) Any substance employed in the production of surface lubricants used in the manufacture of metallic articles which is the subject of a regulation in Subpart F of this part conforms with any specifications in such subpart; and any substance which is not the subject of a regulation in such subpart conforms with the specification, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11637; Filed, Dec. 7, 1961; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended as follows:

1. Section 141a.5 is amended by changing paragraph (b) to read as follows:

§ 141a.5 Sodium penicillin, calcium penicillin, potassium penicillin.

* * * * *

(b) *pH.* Dilute the sample to be tested with carbon-dioxide-free distilled water so that the resulting solution contains 30 milligrams per milliliter. Determine the pH of this solution at 25° C. using a pH meter equipped with a glass and a calomel electrode.

§ 146a.24 [Amendment]

2. In § 146a.24 *Sodium penicillin* * * *, paragraph (a)(6) is changed to read as follows:

(6) Its pH in aqueous solution of 30 milligrams per milliliter is not less than 5.0 and not more than 7.5.

§ 146a.48 [Amendment]

3. In § 146a.48 *Ephedrine penicillin* * * *, paragraph (a)(6) is changed to read as follows:

(6) Its pH in aqueous solution of 30 milligrams per milliliter is not less than 5 and not more than 7.5.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments provide more efficient tests and methods of assay for penicillin preparations in order to assure accurate and reliable analyses of the drugs to establish compliance with applicable standards of strength, quality, and purity.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11635; Filed, Dec. 7, 1961; 8:46 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 141c.231, 146a.15, 146c.224) are amended as follows:

1. In § 141c.231 *Capsules tetracycline and oleandomycin phosphate* * * *, paragraph (d) is amended by adding thereto the following new subparagraph (7):

(7) *Crystallinity.* Proceed as directed in § 141a.5(c) of this chapter.

2. In § 146a.15 *Dimethoxyphenyl penicillin sodium (sodium-2, 6-dimethoxyphenyl penicillin)*, paragraph (d)(3)(i) is changed to read as follows:

(i) For all tests except sterility: Nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

3. In § 146c.224 *Tetracycline hydrochloride-nystatin capsules* * * *, paragraph (b) is amended to read as follows:

(b) In addition to the labeling prescribed for tetracycline hydrochloride capsules or tetracycline phosphate complex capsules, each package shall bear on its label or labeling the number of units of nystatin in each capsule of the batch. Its expiration date shall be the date that is 18 months after the month during which the batch was certified, except that the date may be one of the longer dates permitted in § 146c.204 if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are editorial in nature and serve only to simplify existing regulations.

Effective date. This order shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11634; Filed, Dec. 7, 1961; 8:45 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Correction

In F.R. Doc. 61-11214, published in the FEDERAL REGISTER of November 28, 1961 (26 F.R. 11211), the amendatory language to amendment 2 is corrected to read as follows:

2. By deleting from paragraph (d) subparagraphs (1) through (6), inclusive, and substituting therefor the following tabulation:

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C 357)

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11633; Filed, Dec. 7, 1961; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

Excise Taxes Not at Retail Level

Pursuant to the Fair Labor Standards Act of 1938 (secs. 1-19, 52 Stat. 1060, as amended; 75 Stat. 65-75; 29 U.S.C. 201-219), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, § 799.265 of Part 779 of the Code of Federal Regulations, as recently revised (26 F.R. 8333-8370), is hereby amended by adding thereto two sentences illustrating the application of its provisions.

The amendment shall become effective upon publication in the FEDERAL REGISTER. The amendment is interpretative. Therefore, the procedural and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

As amended, 29 CFR 779.265 (26 F.R. 8351) reads as follows:

§ 779.265 Excise taxes not at the retail level.

There are also a wide variety of taxes levied at the manufacturer's or distributor's level and not at the retail level. It should be noted, however, that the circumstances surrounding the levying and collection of taxes must be carefully considered. In some cases these circumstances may reflect that despite the fact that such taxes may be levied upon the manufacturer or distributor, nevertheless they may be, in practical operation, taxes at the retail level and may be so regarded for the purpose of this provision. For example, the circumstances surrounding the levying and collection of the federal excise taxes on gasoline reflect that, although they are listed under the title of "Manufacturers Excise Taxes", they are, in practical operation, taxes "at the retail level." Federal excise taxes on gasoline, when "separately stated", may therefore be excluded in computing the annual gross volume of sales of a gasoline service establishment for the purpose of determining coverage under section 3(s)(5) of the Act.

(Secs. 1-19, 52 Stat. 1065; as amended; 75 Stat. 65-75; 29 U.S.C. 201-219)

Signed at Washington, D.C., this 4th day of December 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-11650; Filed, Dec. 7, 1961; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

Miscellaneous Amendments

1. Sections 7.0 and 7.1 are revoked.

§ 7.0 Form of application for benefits. [Revoked]

§ 7.1 Form of report by insurer. [Revoked]

2. Section 7.20 is revised to read as follows:

§ 7.20 The insured.

The term "insured" includes any person on active duty with the military, air and naval forces of the United States (including Coast Guard), whose life is insured under and who is the owner and holder of and has an interest in a policy as defined in § 7.21.

(a) The phrase "person in military service" as used in section 400(c) includes any member of the Army of the United States, the United States Air Force, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army, Air Force or the Navy and the term "military service" as hereinafter used shall mean service in the Army of the United States, the United States Air Force, the United States Navy, the Marine Corps, and the Coast Guard. A statement over the signature of the Commanding Officer or a commissioned officer of equal or higher rank than the insured, on the application by the insured, may be accepted as a certification that the insured is a person in the military service will be procured by the Veterans Administration from the service department.

3. In § 7.26 paragraphs (b), (c), and (d) are amended to read as follows:

§ 7.26 Application.

* * * * *

(b) The form of application for benefits is prescribed as VA Form 9-380 (as revised). An informal application will be supplemented by an application on the prescribed form. The original of the application for benfits will be mailed or delivered to the insurer at its principal office or to the office or agency to which the last premium on the policy has been paid. The copy of the application for benefits will be mailed or delivered to the Veterans Administration at Washington 25, D.C.

(c) When an application for benefits is received by an insurer, a report thereof will be made within 30 days to the Veterans Administration at Washington D.C., on the form prescribed for that purpose, VA Form 9-381 (as revised). The insurer may submit with the report a statement setting forth any additional information deemed necessary to the adjudication of the application, and any facts and reasoning as to why the policy should or should not be protected under the act.

(d) Upon receipt of a report from the insurer on VA Form 9-381, the Manager, Veterans Benefits Office, District of Columbia, will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

4. in § 7.29, paragraph (e) is amended to read as follows:

§ 7.29 Maturity.

* * * * *

(e) The statement of account will show the amount of indebtedness by reason of the premiums with interest and the credits, if any, then available and will be subject to audit and approval by the Manager, Veterans Benefits Office, District of Columbia. The statement of account will include the rate of interest charged on all indebtedness, the dates of debit and credit entries, and such other information as may be deemed necessary in making an audit of the account. If there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective December 7, 1961.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 61-11638; Filed, Dec. 7, 1961; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Mount Desert Narrows, Maine

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.4 governing the operation of the highway bridge across Mount Desert Narrows, Trenton, Maine, is hereby revoked effective on publication in the FEDERAL REGISTER since the bridge has been removed, as follows:

§ 203.4 Mount Desert Narrows, Maine; highway bridge between the mainland and Thompson Island at Trenton, Maine. [Revoked]

[Regs., November 21, 1961, 285/91 (Mount Desert Narrows, Maine)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11620; Filed, Dec. 7, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2545]

[Oregon 010623]

OREGON

Withdrawing Lands for Protection of the Galice Creek Timber Access Road

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described Revested Oregon and California Railroad grant lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874), and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for protection of the Galice Creek Timber Access road:

WILLAMETTE MERIDIAN

T. 35 S., R. 8 W.,
Sec. 3, SW¼ of lot 9, S½S½SE¼ of lot 9, NE¼ of lot 11, N½N½NW¼ of lot 11, N½SW¼SE¼, S½NW¼SE¼SE¼, and SW¼SE¼SE¼.

Containing approximately 60 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[F.R. Doc. 61-11628; Filed, Dec. 7, 1961; 8:45 a.m.]

[Public Land Order 2547]

[1926430]

COLORADO

Revoking Public Land Order No. 61 of November 18, 1942, Which Reserved Minerals Belonging to the United States for War Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 61 of November 18, 1942, which reserved the minerals belonging to the United States in the following-described lands within the exterior boundaries of the Arapaho National Forest, under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 75 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½S½;
Sec. 31, N½N½.

The areas described, including both national forest and patented lands, aggregate 366.57 acres.

The mineral resources released from withdrawal by this order are hereby restored to the operation of the mining and mineral leasing laws of the United States beginning at 10:00 a.m. on January 9, 1962.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[F.R. Doc. 61-11629; Filed, Dec. 7, 1961; 8:45 a.m.]

[Public Land Order 2548]

[Fairbanks 026761]

ALASKA

Reserving Lands in Bethel Townsite for Use of Bureau of Indian Affairs

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to existing valid rights, the following described lands in the Townsite of Bethel are hereby withdrawn from sale or disposal and reserved for use of the Bureau of Indian Affairs as an administrative site:

U.S. SURVEY 3230 A AND B

Block 11: lots 4, 5, 6, and 7.

Containing 1.29 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[F.R. Doc. 61-11630; Filed, Dec. 7, 1961; 8:45 a.m.]

[Public Land Order 2549]

[New Mexico 075121]

NEW MEXICO

Modification of Grazing District Boundaries, New Mexico Grazing District No. 6

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315 et seq.), as amended, known as the Taylor Grazing Act, it is ordered as follows:

The following-described lands are hereby added to and made a part of New Mexico Grazing District No. 6, as heretofore established and modified:

NEW MEXICO PRINCIPAL MERIDIAN

T. 7 S., R. 17 E.,
Sec. 1;
Sec. 2, E½, NW¼, and E½SW¼;
Secs. 11 to 14, incl.;
Sec. 23, N½N½, SE¼NE¼, W½SW¼, NE¼SW¼, and SE¼;
Secs. 24 and 25;
Sec. 26, NE¼, S½NW¼, and S½;
Sec. 35.

The areas described aggregate approximately 6,728 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[F.R. Doc. 61-11631; Filed, Dec. 7, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Proposed Designation of Pennsylvania as Eradication Area

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 123, 125), it is proposed to amend § 74.3(a)(1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the entire State of Pennsylvania to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in this State. The entire State of Pennsylvania is now included in the infected areas as sheep scabies is known to exist in this State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of December 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-11632; Filed, Dec. 7, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 18, 43]

[Regulatory Docket No. 984; Draft Release No. 61-26]

PERFORMANCE OF MAINTENANCE BY AN AIR CARRIER ON OTHER THAN AIR CARRIER AIRCRAFT

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 18 and 43 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C., on or before February 8, 1962. Thereafter, such comments will be available in the Docket Section to all interested persons. After examination of the original comments received, interested persons may submit such additional comments in response thereto as they may desire. Such additional comments must be submitted on or before March 12, 1962. (Photostatic copies of comments on file in the Docket Section may be obtained upon payment of the cost of such copies.) All original comments and additional comments in response thereto received by the dates specified for receipt thereof will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received.

Persons engaged in executive flying activities operating large transport type piston- and turbine-powered aircraft are experiencing difficulty in obtaining continuing maintenance support for their aircraft throughout the country in a manner they believe to be essential to safety. While there are several qualified certificated repair stations throughout the states, which can perform the necessary maintenance at a fixed location, such agencies are not always able to provide continuing maintenance support during the time the aircraft is being operated away from such fixed location.

There are a number of air carrier main base and en route maintenance facilities located throughout the country which are equipped to handle the transport type aircraft being used in executive operations. The use of these facilities together with the facilities of certificated repair stations could provide the maintenance support, including progressive inspections, needed by the executive operators. However, under the currently effective provisions of Part 18 of the Civil Air Regulations, appropriately certificated air carriers are not authorized to perform maintenance work on other than air carrier aircraft. Furthermore, the regulations do not authorize such air carriers to perform 100-hour, periodic, or progressive inspections on aircraft requiring these services. In order to do this type of work, air carriers are required to obtain repair station certificates in accordance with Part 52 of the Civil Air Regulations. While some air carriers have obtained repair station certificates to work on other than air carrier aircraft, others have not. This may be due to the fact that an air carrier is not required to hold a repair station certificate to work on his own or another air carrier's aircraft, and until recently, transport-type aircraft were operated almost exclusively by air carriers. The maintenance requirements contained in Parts 40, 41, 42, and 46 of the Civil Air Regulations presently require air carriers to establish maintenance facilities, organizations, and practices which, in effect, are comparable to those required of a certificated repair station. Additionally, it appears that nothing significant in the way of safety or improved maintainence would be achieved by requiring an air carrier to obtain a repair station certificate to conduct maintenance on any aircraft of a type for which it is equipped and approved to maintain under its air carrier operating certificate. However, it appears that safety would be promoted if the facilities of air carriers also could be made available as a supplement to those facilities now provided by repair stations for maintaining transport type aircraft operated by persons other than air carriers.

The rules proposed herein would authorize an appropriately certificated air carrier to perform maintenance, repairs, and alterations on aircraft of a type operated by the air carrier and maintained under its approved continuous airworthiness maintenance and inspection program. Such authorization would include performance of the required 100-hour, periodic, and progressive inspections. In order to implement this proposal, it would be necessary to make concurrent amendments to the provisions of §§ 18.21–1, 18.22–2, 18.23–1, 18.30–18, 18.30–19, and 43.22–2 to insert the words "air carrier" where appropriate.

In consideration of the foregoing, it is proposed to amend Parts 18 and 43 of the Civil Air Regulations as follows:

1. By amending § 18.10(e) of Part 18 by adding a new sentence at the end thereof to read as follows: "In addition, an appropriately certificated air carrier who has the proper equipment and facilities may perform maintenance, repairs, and alterations on other aircraft or aircraft components, including propellers and appliances, if such aircraft, aircraft components, propellers, and appliances are of a type operated and maintained by the air carrier under its approved maintenance and inspection program."

2. By amending § 18.12 (a), (b), and (c) by adding new subparagraphs (4) to read as follows:

(4) An appropriately certificated air carrier if the aircraft is of a type operated and maintained by the air carrier under its approved maintenance and inspection program.

3. By deleting the note at the end of § 18.12.

4. By amending §§ 18.21–1 and 18.22–2 by deleting the phrases "certificated repair station or the manufacturer", "repair station or manufacturer", and "certificated repair stations and manufacturers" as they appear in these sections and inserting in lieu thereof the phrases "certificated repair station, air carrier, or the manufacturer", "repair station, air carrier, or manufacturer", and "certificated repair stations, air carriers, and manufacturers", respectively.

5. By amending §§ 18.23–1, 18.30–18, and 18.30–19 by deleting the phrases "mechanic, repair station, or aircraft manufacturer", "mechanic, repair station or manufacturer", "mechanic, repair station or the manufacturer", "repair station's or manufacturer's", and "certificated mechanic, or repair station, or the manufacturer" as they appear in these sections and inserting in lieu thereof the phrases, "mechanic, repair station, air carrier, or aircraft manufacturer", "mechanic, repair station, air carrier or manufacturer", "mechanic, repair station, air carrier or the manufacturer", "repair station's, air carrier's or manufacturer's", and "certificated mechanic, or repair station, or air carrier, or manufacturer", respectively.

6. By amending § 43.22–2 of Part 43 by deleting the phrase, "mechanic, and airframe repair station, or the manufacturer" as it appears in this section and inserting in lieu thereof the phrase, "mechanic and airframe repair station, air carrier, or the manufacturer".

These amendments are proposed under the authority of sections 313(a), 601, 605 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1425).

Issued in Washington, D.C., on December 1, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11621; Filed, Dec. 7, 1961; 8:45 a.m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13822, 13823; FCC 61M–1897]

BI-STATES CO. (KHOL–TV) AND TOPEKA BROADCASTING ASSOCIATION, INC. (WIBW–TV)

Order Continuing Hearing Conference

In re applications of Bi-States Co. (KHOL–TV), Kearney, Nebr., Docket No. 13822, File No. BPCT–2718; Topeka Broadcasting Association, Inc., (WIBW–TV), Topeka, Kans., Docket No. 13823, File No. BPCT–2743; for construction permits for new transmitter sites.

The hearing examiner having under consideration the informal written request of Bi-States Co. dated November 29, 1961, requesting that the further prehearing conference in the above-entitled matter scheduled for December 1, 1961 be continued for a period of 60 days to allow further engineering investigations to be made that might alleviate further proceedings; and

It appearing, that counsel for the other applicant and the Broadcast Bureau are agreed that a grant of the requested continuance would be in order and that good cause exists therefor;

It is ordered, This 1st day of December 1961 that the request of Bi-States Co. for a continuance, be, and the same is, hereby granted; and that the further prehearing conference presently scheduled for December 1, 1961, be, and the same is, hereby continued to February 1, 1962 at 9:30 a.m.

Released: December 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11652; Filed, Dec. 7, 1961; 8:49 a.m.]

[Docket No. 14406; FCC 61M–1887]

LAKE SHORE BROADCASTING CO., INC. (WDOE)

Order Scheduling Hearing

In re application of Lake Shore Broadcasting Co., Inc. (WDOE), Dunkirk, N.Y., Docket No. 14406, File No. BML–1943; for modification of license.

It is ordered, This 29th day of November 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 1, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, January 5, 1962.

Released: December 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–11653; Filed, Dec. 7, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–13218]

LONE STAR PRODUCING CO.

Findings and Order Severing Docket, Vacating Certificate of Public Convenience and Necessity and Permitting Withdrawal of Related Rate Schedule

DECEMBER 1, 1961.

On May 22, 1961, Lone Star Producing Co. (Lone Star) filed a motion to vacate so much of the Commission's order accompanying Opinion No. 315 issued September 4, 1958, as granted a certificate of public convenience and necessity to Lone Star in Docket No. G–13218 authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corp. (Transco) from certain acreage in the Hahnville area, in St. Charles Parish, La., dedicated under Lone Star's FPC Gas Rate Schedule No. 62.

It appears that the single gas well completed on the subject acreage was incapable of producing gas in commercial quantities, that two additional wells drilled on said acreage were dry and that no gas has ever been produced and delivered as contemplated by the certificate outstanding in this docket.

The subject Docket No. G–13218 is presently included in the pending consolidated proceedings designated as Docket Nos. AR61–2 et al.

The Commission finds:

(1) Lone Star Producing Co., an independent producer, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order accompanying Opinion No. 315 issued September 4, 1958 (Docket Nos. G–13143 et al., 20 FPC 264).

(2) It is appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the proceeding designated as Docket No. G–13218 be severed from the pending consolidated proceedings designated as Docket Nos. AR61–2 et al., and that so much of the Commission's order accompanying Opinion No. 315 issued September 4, 1958, as granted a certificate of public convenience and necessity to Lone Star in said Docket No. G–13218 be vacated, as hereinafter ordered.

(3) The related filed Lone Star Producing Co.'s FPC Gas Rate Schedule No. 62 should be permitted to be withdrawn.

The Commission orders:

(A) The proceeding designated as Docket No. G–13218 be and the same is hereby severed from the pending consolidated proceedings designated as Southern Louisiana Area Rate Proceeding et al., Docket Nos. AR61–2 et al.

(B) So much of the Commission's order accompanying Opinion No. 315 issued September 4, 1958, as granted a certificate of public convenience and necessity to Lone Star Producing Co. in Docket No. G–13218 be and the same is hereby vacated.

(C) The rate filing designated as Lone Star Producing Co.'s FPC Gas Rate Schedule No. 62 is hereby permitted to be withdrawn.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11623; Filed, Dec. 7, 1961; 8:45 a.m.]

[Docket No. E–7016]

GULF STATES UTILITIES CO.

Notice of Application

DECEMBER 1, 1961.

Take notice that on November 27, 1961, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Co. (Applicant), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at 285 Liberty Avenue, Beaumont, Tex., seeking an order authorizing the issuance of unsecured promissory notes to commercial banks in an aggregate principal amount of up to $20,000,000. Applicant proposes to issue the aforesaid notes to the Irving Trust Co. and the Chase Manhattan Bank, both of New York City, under agreements dated November 20, 1961, under which the Applicant may borrow or reborrow at any time and from time to time during the period December 29, 1961 to December 31, 1962, inclusive, up to an aggregate principal amount of $20,000,000 on unsecured notes which mature on December 31, 1962. The interest rate on the aforesaid notes will be the lender's prime rate in effect at the time of each borrowing. Applicant states that the aforesaid promissory notes will be issued and sold so that Applicant may carry forward its construction program in 1962 and provide for other corporate requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of December 1961 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11624; Filed, Dec. 7, 1961; 8:45 a.m.]

[Docket Nos. RI62–196—RI62–205]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 1, 1961.

Sunray Mid-Continent Oil Co., Docket No. RI62–196; J. Ray McDermott & Co., Inc. (Operator), Docket No. RI62–197; Ben F. Brack Oil Co., Inc. (Operator) et al., Docket No. RI62–198; The Atlantic Refining Co. (Operator) et al., Docket No. RI62–199; Cities Service Petroleum Co. Operator et al., Docket No. RI62–200; Cities Service Petroleum Co., Docket No. RI62–201; Gulf Oil Corp. (Operator) et al., Docket No. RI62–202; Gulf Oil Corp., Docket No. RI62–203; The Pure Oil Co., Docket No. RI62–204; J. M. Huber Corp., Docket No. RI62–205.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62–199...	The Atlantic Refining Co. (Operator), et al., P.O. Box 2819, Dallas 21, Tex.	175	4	Northern Natural Gas Co. (McKinney Field, Clark and Meade Counties, Kans.).	$8,525	11–3–61	1–1–62	6–1–62	[2] 14.0	[3] 15.0	----------
RI62–200...	Cities Service Petroleum Co. (Operator), et al., Cities Service Building, Bartlesville, Okla.	97	4	Panhandle Eastern Pipe Line Co. (Light Field, Beaver County, Okla.).	951	11–3–61	1–1–62	6–1–62	[2] 15.0	[3] 16.0	----------
RI62–201...	Cities Service Petroleum Co., Cities Service Building, Bartlesville, Okla.	127	2	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	7,390	11–3–61	1–1–62	6–1–62	[2] 15.0	[3] 16.0	----------
RI62–202...	Gulf Oil Corp. (Operator), et al., P.O. Drawer 2100, Houston 1, Tex.	93	5	Texas Gas Transmission Corp. (South Bell City Field, Calcasieu Parish, La.) (South Louisiana).	14,802	11–6–61	1–1–62	6–1–62	[2] 18.75	[3] 19.75	----------
RI62–203...	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	152	2	Texas Gas Transmission Corp. (Grand Lake Field, Cameron Parish, La.) (South Louisiana).	2,677	11–6–61	1–1–62	6–1–62	[2] 18.75	[3] 19.75	----------
RI62–196...	Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla.	20	14	United Gas Pipe Line Co. (North McFaddin Field, Victoria County, Tex.) (R.R. District No. 2).	40,139	11–1–61	12–2–61	5–2–62	[2] 13.1348	[4] 14.6	----------
		53	14	United Gas Pipe Line Co. (Keeran and North Keeran Fields, Victoria County, Tex.) (R.R. District No. 2).	3,783	11–1–61	12–2–61	5–2–62	[2] 9.1024	[4] 14.6	----------
RI62–197...	J. Ray McDermott & Co., Inc. (Operator), Houston Club Building, Houston, Tex.	11	6	Texas Eastern Transmission Corp. (May Field, Kleberg County, Tex.) (R.R. District No. 4).	18,652	11–3–61	12–4–61	5–4–62	[2] 15.0	[3] 15.2	RI61–105
RI62–198...	Ben F. Brack Oil Co., Inc. (Operator), et al., c/o Dale M. Stucky, attorney, 901 First National Bank Building, Wichita 2, Kans.	1	1	Cities Service Gas Co. (W. Medicine Lodge Field, Barber County, Kans.).	1,146	11–3–61	12–4–61	5–4–62	[2] 12.0	[4] 13.0	----------
RI62–204...	The Pure Oil Co., 200 East Golf Road, Palatine, Ill.	70	14	Texas Eastern Transmission Corp. (Vienna Field, Lavaca County, Tex.) (R.R. District No. 2).	732	11–6–61	12–7–61	5–7–62	[2] 15.0	[4] 15.2	----------
RI62–205...	J. M. Huber Corp., 2401 East Second Avenue, Denver 6, Colo.	36	2	Northern Natural Gas Co. (McKinney Field, Meade County, Kans.).	4,515	11–9–61	1–1–62	6–1–62	[2] 14.0	[3] 15.0	----------

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] The pressure base is 14.65 psia.
[3] The pressure base is 15.025 psia.
[4] Renegotiated increase.
[5] Periodic increase by contract.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 16, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11625; Filed, Dec. 7, 1961; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. CP61–107]

UNITED FUEL GAS CO. ET AL.

Order Approving Adjournment

DECEMBER 1, 1961.

United Fuel Gas Co., Amere Gas Utilities Co., Atlantic Seaboard Corp.; Docket No. CP61–107.

At the hearing herein on November 14, 1961, Cincinnati Gas & Electric Co., by its counsel, requested the presiding examiner to adjourn the hearing until December 11, 1961, to allow it time to prepare its case for presentation. Said counsel stated that the information upon which it planned to predicate its case had not been available until November 8, 1961.

The presiding examiner has stated that prior commitments preclude any further hearings herein during the weeks of December 11 or December 18, 1961, and for that reason a recess was taken until January 9, 1962. Upon inquiry, there was no objection by any of the participants to the recess until January 9, 1962.

Arrangement was made for the service of proposed testimony in written form upon all parties of record on or before December 20, 1961, so that the case may proceed directly to cross-examination upon reconvening.

The Commission finds: Good cause has been shown for the adjournment of the hearing herein until January 9, 1962.

The Commission orders: The adjournment of the hearing herein by the presiding examiner until January 9, 1962, be and the same is hereby approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11626; Filed, Dec. 7, 1961; 8:45 a.m.]

[Docket No. CP61-332]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

DECEMBER 5, 1961.

Take notice that on June 19, 1961 Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed an application, as supplemented on August 23, 1961, in Docket No. CP61-332, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of measuring and regulating facilities and the delivery of firm and interruptible volumes of natural gas to the Brockway Glass Co., Inc. (Brockway), for use in Brockway's new manufacturing plant located near Rosemount, Minn., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement, dated May 23, 1961, Northern by October 1962, will sell and deliver, through its Peoples Division, to Brockway, and Brockway shall purchase 1,600 Mcf of firm gas per day. All gas purchased over and above the daily contract demand will be sold as interruptible volumes.

The combined firm and interruptible sales are estimated to total 351,600 Mcf in the first year and 619,300 Mcf in the second and third years.

Brockway will pay to Peoples Division a demand charge of $4.25 per Mcf of contract demand per month in addition to a commodity charge of 30.5 cents per Mcf of gas delivered.

The application shows that the proposed service will provide Brockway with a direct natural gas supply for use as a fuel in two furnaces producing both flint and amber glass. The application indicates that firm gas is required because the high degree of control necessary in glass production does not lend itself to the interruption required by conversion to a standby fuel.

The cost of Applicant's proposed facilities is estimated to be $23,600 which cost will be financed from general funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11642; Filed, Dec. 7, 1961; 8:47 a.m.]

[Docket No. CP62-78]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

DECEMBER 4, 1961.

Take notice that on September 26, 1961, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed an application in Docket No. CP62-78, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the delivery of natural gas on a firm basis to Minnesota Mining & Manufacturing Co. (Minnesota), an existing interruptible customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Minnesota manufactures chemicals, lithograph plates and reflective tapes at its Chemolite Plant in Washington County, Minn. The application shows that Minnesota has several different heating processes that require closely controlled combustion conditions, and that firm service would be more advantageous than interruptible service since Applicant's curtailment procedure would result in a change of fuels many times during a heating season and would affect the efficiency of fuel use as well as plant operation if the heating processes were not closely controlled.

Pursuant to a gas sales agreement, dated September 11, 1961, Applicant will deliver, through its Peoples Division, up to 720 Mcf per day of firm gas to Minnesota.

Applicant states that Minnesota will continue to purchase small volumes of interruptible gas when the same are available.

The combined firm and interruptible annual sales to Minnesota are estimated to be 196,600 Mcf; of that amount 4,600 Mcf are interruptible.

Minnesota will pay Applicant's Peoples Division a demand charge of $4.25 per Mcf of contract demand per month in addition to a commodity charge of 34 cents per Mcf.

No new facilities will be required to render the proposed service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 26, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11643; Filed, Dec. 7, 1961; 8:47 a.m.]

[Docket Nos. G-19040, etc.]

NORTHERN NATURAL GAS CO. ET AL.

Notice Reconvening Hearing

DECEMBER 5, 1961.

On June 24, 1961, the Presiding Examiner recessed the hearing in the above-designated matters.

Take notice that the hearing in this matter will be reconvened at 9:30 a.m., December 13, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11644; Filed, Dec. 7, 1961; 8:47 a.m.]

[Docket No. RI61-532 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Approving Continuance

DECEMBER 5, 1961.

Pan American Petroleum Corp. (Operator) et al., Docket No. RI61-532; J. M. Huber Corp. et al., Docket No. RI61-533; Kansas Natural Gas, Inc., Kansas Natural Gas, Inc. (Operator) et al., N. Appleman Co. et al., Graham-Michaelis Drilling Co. (Operator) et al., William Graham Oil Co. (Operator) et al., Northern Pump Co. (Operator) et al.; John B. Hawley, Jr., John B. Hawley, Jr., Trustee, G. S. and Norma D. Davidson, G. A. Kane et al., W. L. Hartman (Operator) et al., Salmon Corp., W. E. Bakke Oil Co. (Operator) et al., National Associated Petroleum Co. et al., W. J. Coppinger (Operator) et al., The PWC Corp. et al., Austin Brady, Petroleum, Inc., Graham-Michaelis Drilling Co., Walter F. Kuhn et al., Docket No. RI62-100.

On November 15, 1961, Cities Service Gas Co., an intervener, orally moved that the hearing in the above-entitled consolidated proceedings be recessed until January 9, 1962. There were no objections by any party to Cities Service's motion. The presiding examiner granted the motion subject to the Commission's approval as provided in § 1.13(e) of the Commission's rules of practice and procedure. On November 16, 1961, the presiding examiner certified the record to the Commission for its consideration of this ruling.

The Commission finds: Good cause has been shown for approving the continuance of hearing in the above-entitled proceedings to January 9, 1962.

The Commission orders: The ruling of the presiding examiner made on the record in the above-entitled proceedings on November 15, 1961, granting a continuance herein to January 9, 1962, is hereby approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11645; Filed, Dec. 7, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Extending Time for Acquisition of Voting Shares of Richmond Bank and Trust Co.

In the matter of the application of The First Virginia Corp. for prior approval of acquisition of voting shares of Richmond Bank and Trust Co., Richmond, Va.

Whereas, there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by The First Virginia Corp., Arlington, Va., for approval of the acquisition of 80 percent or more of the voting shares of Richmond Bank and Trust Co.; and said application has been granted by order of the Board dated September 5, 1961 and published in the FEDERAL REGISTER (26 F.R. 8499), which order included a proviso that such acquisition be completed within three months from the date thereof; and

Whereas, The First Virginia Corp. has applied to the Board for a 90-day extension of the period prescribed by said proviso, and it appears to the Board that such an extension would not be inconsistent with the public interest;

It is hereby ordered, That the time within which said acquisition shall be completed is extended to March 5, 1962.

Dated at Washington, D.C., this 4th day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-11627; Filed, Dec. 7, 1961; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR — Page

PROCLAMATIONS:
3401 — 11714
3440 — 11714

EXECUTIVE ORDERS:
2711 — 11746
10977 — 11471
10978 — 11714

5 CFR
6 — 11347, 11483, 11671
29 — 11794

7 CFR
722 — 11472, 11481
728 — 11795
750 — 11725
775 — 11672
776 — 11347, 11407
914 — 11417
933 — 11417–11419
937 — 11725
938 — 11725
953 — 11419
958 — 11483

PROPOSED RULES:
911 — 11495
914 — 11435
953 — 11363
982 — 11498

8 CFR
252 — 11797
253 — 11797

PROPOSED RULES:
242 — 11363

9 CFR
83 — 11483

PROPOSED RULES:
74 — 11804

10 CFR
25 — 11726

12 CFR
4 — 11353
217 — 11798
329 — 11798

13 CFR
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
288 — 11483
507 — 11672
555 — 11672
600 — 11357, 11484, 11485, 11674, 11726, 11727
601 — 11485, 11674, 11675, 11726–11728
602 — 11729
608 — 11729, 11730

PROPOSED RULES:
18 — 11804
43 — 11804

14 CFR—Continued Page

PROPOSED RULES—Continued

302 ... 11685
600 ... 11435, 11494, 11734
601 ... 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734.
603 ... 11435, 11494

15 CFR

201 ... 11357
230 ... 11360

16 CFR

13 ... 11360, 11486, 11675, 11730

17 CFR

239 ... 11730

PROPOSED RULES:

270 ... 11738

18 CFR

PROPOSED RULES:

2 ... 11459

19 CFR

3 ... 11362
5 ... 11420
21 ... 11362
54 ... 11731

PROPOSED RULES:

10 ... 11683

21 CFR

20 ... 11676
120 ... 11731, 11799
121 ... 11677, 11799, 11800
141a ... 11801
141c ... 11801
146a ... 11801
146c ... 11801
147 ... 11802

PROPOSED RULES:

1 ... 11734
120 ... 11684
121 ... 11684, 11735
141a ... 11684
146 ... 11684
146a ... 11684
147 ... 11684

24 CFR

201 ... 11731

25 CFR

PROPOSED RULES:

221 ... 11734

26 CFR

1 ... 11486, 11677

28 CFR

15 ... 11420

29 CFR

403 ... 11678
408 ... 11678
670 ... 11420
678 ... 11420
779 ... 11802

29 CFR—Continued Page

PROPOSED RULES:

545 ... 11735

30 CFR

222 ... 11487

32 CFR

577 ... 11679
701 ... 11715
710 ... 11716
719 ... 11763
720 ... 11722
755 ... 11792
765 ... 11680, 11794
2011 ... 11421

33 CFR

203 ... 11803
210 ... 11732
212 ... 11421

36 CFR

PROPOSED RULES:

1 ... 11363

38 CFR

6 ... 11680
7 ... 11802
8 ... 11680

39 CFR

1—204 ... 11513

PROPOSED RULES:

201 ... 11426
202 ... 11431
203 ... 11432
204 ... 11432

41 CFR

9–7 ... 11488

43 CFR

PROPOSED RULES:

192 ... 11493
200 ... 11493

PUBLIC LAND ORDERS:

61 ... 11803
842 ... 11361
2543 ... 11361
2544 ... 11361
2545 ... 11803
2546 ... 11361
2547 ... 11803
2548 ... 11803
2549 ... 11803

44 CFR

151 ... 11425

46 CFR

PROPOSED RULES:

201 ... 11738
206 ... 11738
221 ... 11738
298 ... 11738
299 ... 11738

47 CFR

10 ... 11422, 11681
16 ... 11423

PROPOSED RULES:

3 ... 11458, 11495
7 ... 11369

47 CFR—Continued Page

PROPOSED RULES—Continued

8 ... 11369
14 ... 11369

49 CFR

170 ... 11732
174a ... 11492

50 CFR

32 ... 11733
33 ... 11733

Checklist

CFR SUPPLEMENTS

(As of January 1, 1961)

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) $3.75; Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) $6.25; Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75); General Index ($1.00).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

DEC 19 1961

MAIN READING ROOM

Pages 11811–11848

FEDERAL REGISTER

VOLUME 26 NUMBER 237

Washington, Saturday, December 9, 1961

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Fruit grown in Arizona and California; handling limitations:
Lemons ... 11818
Navel oranges ... 11817

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in Greater Kansas City marketing area; recommended decision and opportunity to file written exceptions on proposed amendments to tentative agreement and order ... 11839
Sugar in Hawaii and Puerto Rico; requirements for 1962 and quotas for six-month period ending June 30, 1962 ... 11838
RULES AND REGULATIONS:
Determination of acreage and performance; miscellaneous amendments ... 11813
Peanuts, 1959 and subsequent crops; allotment and marketing quota regulations ... 11816
Sugar requirements and quotas, Puerto Rico; calendar year 1961 ... 11817

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
Technical standards for transport of radioactive materials; request for comments ... 11845

Civil Aeronautics Board

NOTICES:
Flying Tiger Line, Inc.; proposed reduction of freight rates; investigation and suspension ... 11845
PROPOSED RULE MAKING:
Rules of practice in economic proceedings, and statements of general policy; hearing priorities and dismissal of stale route proceedings ... 11841
RULES AND REGULATIONS:
Construction, publication, filing, and posting of tariffs of air carriers and foreign air carriers; posting dates, and complaints against tariffs ... 11819
Rules of practice in economic proceedings; complaints requesting suspension of tariffs, and requests to prevent foreign air carrier tariffs from taking effect ... 11820

Civil Service Commission

RULES AND REGULATIONS:
Defense Department; exceptions from competitive service ... 11813

Commerce Department

See International Programs Bureau; Maritime Administration.

Defense Department

RULES AND REGULATIONS:
Basic research:
Administration and support ... 11830
Policy on grants and title to equipment purchased under grants ... 11831

Federal Aviation Agency

RULES AND REGULATIONS:
Airworthiness directives:
Cessna Models 120, 140, and 140A aircraft ... 11821
Douglas DC–8 aircraft ... 11821
Federal airways; designation, alteration, and revocation of segments ... 11822
Federal airway and associated control areas; alteration ... 11824
Federal airways, associated areas, and reporting points; alteration ... 11823
Federal airway, associated control areas, reporting points, and control area extensions; alteration ... 11822
Federal airway and associated control areas, revocation; and designation and alteration of control area extensions and designation of reporting points ... 11823
Reporting points; revocation ... 11825

Federal Communications Commission

RULES AND REGULATIONS:
Frequency allocations and radio treaty matters ... 11833

Federal Power Commission

NOTICES:
Southern California Edison Co., Tule River Project; modification of land withdrawal ... 11846

Federal Trade Commission

RULES AND REGULATIONS:
Administrative interpretations; guides for advertising fallout shelters ... 11826
Prohibited trade practices:
Hoffman Truss Corp. et al ... 11825
Modern Studios ... 11825

Fish and Wildlife Service

RULES AND REGULATIONS:
Sport fishing in individual wildlife refuge areas:
Illinois; Chautauqua ... 11836
Michigan; Seney ... 11836
Nebraska:
Crescent Lake ... 11836
North Platte ... 11837

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petitions (3 documents) ... 11841
RULES AND REGULATIONS:
Food additives:
Fatty acids and salts; food for human consumption ... 11829
Methyl esters of higher fatty acids; animal feed and supplements ... 11828
Resinous and polymeric coatings for paper and paperboard; in contact with containers or equipment, and otherwise affecting food ... 11830

(*Continued on next page*)

Health, Education, and Welfare Department
See Food and Drug Administration; Social Security Administration.

Immigration and Naturalization Service
RULES AND REGULATIONS:
Exclusion and deportation of aliens in U.S. ---- 11818

Interior Department
See Fish and Wildlife Service.

International Programs Bureau
NOTICES:
Vanderveken, Louis, et al.; order temporarily denying export privileges ---- 11844

Interstate Commerce Commission
RULES AND REGULATIONS:
Trains or ferries; petitions for discontinuances or changes of operation or service ---- 11835

Justice Department
See Immigration and Naturalization Service.

Maritime Administration
NOTICES:
American Export Lines, Inc.; application and hearing ---- 11844

Post Office Department
PROPOSED RULE MAKING:
Signature requirement for cashing money orders ---- 11838
RULES AND REGULATIONS:
International mail; individual countries ---- 11832

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
Atlas Corp ---- 11846
Pacific Finance Corp ---- 11847

Social Security Administration
RULES AND REGULATIONS:
Federal old-age, survivors and disability insurance; representative payee ---- 11827

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 ---- 11813

7 CFR
718 ---- 11813
729 ---- 11816
812 ---- 11817
914 ---- 11817
953 ---- 11818
PROPOSED RULES:
812 ---- 11838
913 ---- 11839

8 CFR
237 ---- 11818
243 ---- 11819
299 ---- 11819

14 CFR
221 ---- 11819
302 ---- 11820
507 (2 documents) ---- 11821
600 (5 documents) ---- 11822–11824
601 (6 documents) ---- 11822–11825
PROPOSED RULES:
302 ---- 11841
399 ---- 11841

16 CFR
13 (2 documents) ---- 11825
14 ---- 11826

20 CFR
404 ---- 11827

21 CFR
121 (3 documents) ---- 11828–11830
PROPOSED RULES:
121 (3 documents) ---- 11841

32 CFR
272 ---- 11830
273 ---- 11831

39 CFR
168 ---- 11832
PROPOSED RULES:
61 ---- 11838

47 CFR
2 ---- 11833

49 CFR
43 ---- 11835

50 CFR
33 (4 documents) ---- 11836, 11837

1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (15) of paragraph (a) of § 6.304 is amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* • • •

(15) One Deputy Assistant Secretary (Security Policy), Office of the Assistant Secretary of Defense (Manpower).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–11691; Filed, Dec. 8, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

Miscellaneous Amendments

Basis and purpose. These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Soil Bank Act (7 U.S.C. 1601 et seq.), and the Agricultural Act of 1961 (P.L. 87–128, approved August 8, 1961) for the purpose of: (1) Including the requirement that reliance on a previously determined acreage shall be based on an acreage previously determined and recorded for the identical area in question; (2) prescribing the effect of the planting pattern on the determination of acreage diverted from production under the provisions of the wheat stabilization and feed grain programs; (3) expanding the provisions governing the limited service authorized under premeasurement to include programs other than acreage allotment and soil bank; (4) prescribing the conditions under which sled rows may be deducted in determining the acreage of flue-cured tobacco; (5) providing that an entire field or subdivision may be disposed of in adjusting excess acreage without regard to the minimum area otherwise imposed; (6) prescribing the conditions governing the acceptance of a certification of acreage and land use signed by the farm operator in lieu of a visit to the farm for the purpose of inspection and measurement; (7) requiring that "within" notices be mailed to farm operators participating in the wheat stabilization and feed grain programs regardless of deviations approved for other crops; (8) extending the administrative variance provision to include barley, diverted acreage, marketing quota exemption acreage, and the acreage of an agricultural conservation program practice; (9) implementing Public Law 86–553, approved June 30, 1960, with respect to charges to be made for second and subsequent farm visits to a farm to determine the final acreage of wheat or peanuts; (10) prescribing the conditions under which an adjustment of acreage for barley, corn, or grain sorghums may be authorized; (11) prescribing the conditions under which an adjustment in the acreage diverted from the production of barley, corn, grain sorghums, or wheat may be authorized; (12) expanding the provision authorizing measurement of acreage prior to adjustment to include diverted acreage; (13) rewording the provision relative to the extension of time for disposition of excess to provide for the adjustment of the acreage regardless of whether excess or deficiency is involved; (14) expanding the provision governing further adjustment after remeasurement or initial disposition to include barley, corn, grain sorghums, and diverted acreage; (15) amending the Table of Sections Affected by State Committee Determinations Pursuant to §§ 718.10(a) and 718.15(a) for the States of Kansas, Minnesota, and Ohio.

1. Section 718.5 (d) (24 F.R. 4223), (e) (7) (26 F.R. 7259), (f) (3) (25 F.R. 12166), (g) (3) (ii) (24 F.R. 4223), and (h) (3) (25 F.R. 2385) is amended to read as follows:

§ 718.5 Methods of measurement.

• • • • •

(d) *Reliance on previously determined acreages.* (1) An acreage determined and recorded for any area in a prior year which is found to be incorrect shall be corrected. In all such cases, the county office manager shall notify the farm operator in writing, giving him the correct acreage for the area involved and calling his attention to the fact that the old acreage figure is not to be relied on in future years. If the farm operator has not been so notified and he has relied, for planting and program purposes, on an acreage previously determined and recorded for the identical area in question, the acreage on which he relied shall stand for that program year only.

(2) When photography from a new flight is put into use and acreages determined previously will no longer be considered as official, except for designated conservation reserve areas, appropriate notice should be given. The county office manager may elect to notify all farm operators by letter that acreages determined previously are not to be relied on for future planting or program purposes. If appropriate notice has not been given and a farm operator has relied, for planting and program purposes, on an incorrect acreage previously determined and recorded for the identical area in question, the acreage on which he relied shall stand for that program year only. The county office manager shall notify him immediately by letter that the corrected acreage for that area will apply in the future.

(e) *Effect of planting pattern on determination of acreage.* • • •

(7) *Areas diverted under the wheat stabilization and feed grain programs.* The area(s) identified by the farm operator as being diverted from the production of wheat, corn, grain sorghums, or barley under the wheat stabilization and feed grain programs must be whole fields or areas of reasonable size within fields for which the acreage can be readily determined. Strips in skip-row planting patterns will not qualify as diverted acreage.

(f) *Premeasurement service.* • • •

(3) *Limited service authorized.* The State committee may authorize premeasurement of an acreage less than a commodity allotment, the permitted acreage of soil bank base crops, or the acreage limitation for any other program and on a producer-allotment basis in producer-allotment States. The acreage premeasured under this provision shall be considered as an official acreage for compliance purposes if the producer requests such a service and pays the cost thereof as determined by the county committee: *Provided, however,* That compliance with the farm acreage allotment, the soil bank permitted acreage, or the acreage limitation for any other program shall not be guaranteed unless the premeasurement service is requested and performed for the full commodity allotment or permitted acreage established for the farm.

(g) *Deduction.* • • •

(3) *Deductions for tobacco.* • • •

(ii) The area included in sled (slide box) rows shall be deducted from the acreage of flue-cured tobacco: *Provided,* That the sled row is at least one normal row in width and there is not more than one sled row for each four rows of tobacco, except that where an acceptable sled row pattern has been followed in the field, a sled row nearest one edge of the field may be deducted even though it serves less than four rows. The area in all eligible sled rows may be combined and deducted without regard to the three-hundredths (0.03) acre minimum.

(h) *Adjustment credit.* • • •

(3) *For other crops.* The minimum area which may be disposed of in adjusting excess acreage shall be one-tenth (0.1) acre: *Provided, however,* That an entire field or subdivision may be disposed of in adjusting excess acreage: *And provided further,* That where the minimum has been increased pursuant to § 718.15 and the total excess determined for the farm is less than the minimum so established, the minimum shall be the amount of the excess.

2. Section 718.8(b)(1) (25 F.R. 12166) is amended to read as follows:

§ 718.8 Report of acreage.

* * * * *

(b) *Obtained by certification.* Notwithstanding other provisions of these regulations requiring farm inspection and measurement, a certification of the acreage and land use, made on a form prescribed for such use and signed by the farm operator, may be accepted in lieu of such farm inspection and measurement, subject to the provision of § 718.12, under the conditions prescribed in subparagraphs (1), (2), and (3) of this paragraph. A separate certification may be required for each allotment crop and for each conservation reserve contract.

(1) *For wheat on a farm not participating in the 1962 wheat stabilization program.* When the farm operator certifies that:

(i) The acreage of wheat on the farm does not exceed the smaller of 13.5 acres or the highest number of acres actually planted to wheat on the farm for harvest as grain in any one of the calendar year 1959, 1960, or 1961, or

(ii) The entire acreage of wheat on the farm will be utilized for uses other than as harvest for grain.

3. Section 718.10 (a) (25 F.R. 1743) and (c) (24 F.R. 4223, 26 F.R. 7259) is amended as follows:

§ 718.10 Notice to farm operators.

(a) *General.* After the determination of the acreages for the farm which are relevant in determining compliance with the allotment for an allotment crop or compliance with respect to any program, a written notice of such acreages shall be mailed to the farm operator by the county office manager or by an employee of the county office on behalf of the county office manager: *Provided, however,* That the State committee may elect not to mail notices to farm operators in cases where the acreage determined for the farm is within the allotment or within the soil bank permitted acreage for the farm: *And provided further,* That notwithstanding the foregoing proviso, "within" notices shall be mailed to farm operators for wheat on farms participating in the wheat stabilization program and for corn, grain sorghums, and barley on farms participating in the feed grain programs. The notice shall be on a form prescribed by the Deputy Administrator for the particular commodity or program, and the mailing of the notice to the farm operator shall constitute notice to each producer on the farm. In States where the foregoing option is exercised, a farm operator who does not receive notice of excess acreage on the farm through error shall be deemed to have received notice that his farm had no excess acreage for the purpose of the erroneous notice provision of this § 718.10(b).

* * * * *

(c) *Administrative variance.* * * *

(2) *Other allotment crops.* For all other allotment crops except sugar, if the acreage determined for the farm does not exceed the applicable acreage allotment or marketing quota exemption acreage for an allotment crop by more than the larger of one-tenth (0.1) acre or two percent not to exceed nine-tenths (0.9) acre, the farm acreage for that crop shall not be considered in excess of the allotment or marketing quota exemption acreage and the allotment or marketing quota exemption acreage, whichever is applicable, shall be the acreage of that crop for the current year for all program purposes. If the acreage determined for the crop exceeds the allotment or marketing quota exemption acreage by more than this amount, the farm shall be considered in excess. If the producer elects to dispose of the excess acreage, the acreage disposed of shall not be less than the total excess acreage computed in acres and tenths.

(3) *Feed grains.* If the total acreage of corn and grain sorghums or the acreage of barley determined for the farm does not exceed the maximum permitted acreage of these crops for price support and payment purposes by more than the larger of one-tenth (0.1) acre or two percent not to exceed nine-tenths (0.9) acre, the maximum permitted acreage shall be considered as the corn and grain sorghum or the barley acreage for the farm. If the total acreage of corn and grain sorghums or the acreage of barley determined for the farm exceeds the maximum permitted acreage by more than this amount, the farm shall be considered in excess. If the producer elects to dispose of such excess, the acreage disposed of shall not be less than the total excess computed in acres and tenths.

(4) *Diverted acreage.* (i) If the acreage in the areas identified as diverted from the production of barley, corn and grain sorghums, or wheat on the farm does not fall below the minimum diversion to conservation use required, for producers to be eligible to participate in the respective program, by more than the larger of one-tenth (0.1) acre or two percent not to exceed nine-tenths (0.9) acre, the minimum diversion required shall be considered as the diverted acreage for the farm. If the diverted acreage computed for the farm falls below the minimum acreage requirement by more than this amount, the farm shall be considered as deficient in diverted acreage. If the producer elects to designate additional eligible acreage to meet the diverted acreage minimum, the additional acreage designated shall not be less than the total diverted acreage deficiency computed in acres and tenths.

(ii) The administrative variance provision shall apply to the minimum diverted acreage required for each program if the diverted acreage for each program is designated separately. If such acreage is not designated separately for each program, the administrative variance provision shall apply to the total minimum diverted acreage required for all programs for which acreages are determined at the same time if the total acreage on the farm diverted from the production of the applicable crops to conservation use under the wheat and feed grain programs does not fall below the sum of the minimums required for price support and payment purposes by more than the variances prescribed in subdivision (i) of this subparagraph.

(5) *Agricultural conservation program practice.* In any case where the farm operator reports the acreage of an agricultural conservation program practice and the acreage is subsequently measured, in accordance with the standards prescribed in § 718.5 of this chapter, for spot check purposes, the acreage as reported by the farm operator will apply unless the acreage measured differs from that reported by more than the larger of one-tenth (0.1) acre or two percent not to exceed nine-tenths (0.9) acre.

4. Section 718.13 (a) (25 F.R. 12588, 26 F.R. 7259), (b) (26 F.R. 2552), (c) (24 F.R. 4223, 25 F.R. 12166), and (d) (24 F.R. 4223) is amended as follows:

§ 718.13 Determination and adjustment of acreage.

(a) (1) *General.* If the farm operator or other producer on the farm elects to dispose of excess acreage or otherwise adjust a previously determined acreage in accordance with the applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions prescribed in this section. Unless the requirements for the measurement of an adjusted acreage are met by the farm operator or other producer on the farm, the acreage as determined prior to such adjustment shall be considered as the acreage for the farm in determining whether the applicable farm allotment has been exceeded or whether the applicable acreage requirements for any other program have been met. When the producer must pay the cost of determining the adjusted acreage, the amount required shall be as determined by the county committee with the approval of the State committee.

(2) *Peanuts.* (i) If the total acreage planted to peanuts on the farm exceeds the effective farm allotment solely because of an acreage of peanuts identified at the time of the initial visit to the farm as peanuts planted for hogging purposes, the first revisit to determine the final peanut acreage shall be at the expense of the ASCS county office. In all other cases, if the farm operator elects to adjust the acreage, he must file a timely request and pay the cost of any second or subsequent visit to the farm to determine the final peanut acreage. A revisit to the farm to determine the final peanut acreage is not required when the total acreage planted to peanuts on the farm is determined to be one (1.0) acre or less and no producer on the farm is interested in an acreage of peanuts planted on any other farm or when the total acreage was reported as planted for hogging purposes.

(ii) Notwithstanding the provisions prescribed in subdivision (i) of this subparagraph, a visit or revisit may be made to any farm at the expense of the ASCS county office for the purpose of determining the final peanut acreage if the county committee or county office manager has reason to believe that the farm may be involved in a violation of the allotment, marketing quota, or price support provisions.

(3) *Wheat.* If the total acreage of wheat determined for the farm exceeds the allotment, the smaller of 13.5 acres or the highest number of acres actually planted to wheat on the farm for harvest as grain in any one of the calendar years 1959, 1960, or 1961, or the intended acreage, based on the farm operator's statement of intention to participate in the 1962 Wheat Stabilization Program, solely because of volunteer wheat, wheat in a specific area identified at the time of the initial visit to the farm as wheat for uses other than as wheat for grain, or a mixture of wheat seeded with other grains in approved wheat-mixture counties, the farm shall be revisited at ASCS county office expense. In all other cases, if the farm operator elects to adjust the acreage, he must file a timely request and pay the cost of any second or subsequent visit to the farm to determine the final wheat acreage. A revisit to the farm to determine the final wheat acreage is not required when the total acreage of wheat on the farm was reported for uses other than for harvest as wheat for grain.

* * * * *

(6) *Feed grains.* The adjustment of acreage under the feed grain program is permissive and is contingent upon a determination by the county committee that the producer concerned attempted in good faith to comply with the provisions of the program. Adjustments authorized shall be made within 15 days from the date of the notice or by the established disposition date, whichever is later, and shall be subject to the following conditions:

(i) *Corn and grain sorghums.* If the producer elects to adjust the acreage by disposition, the farm shall be revisited for the purpose of determining the adjusted acreage upon timely receipt of a request and payment of the cost.

(ii) *Barley.* If the total acreage of barley determined for the farm exceeds the intended acreage, based on the farm operator's statement of intention to participate in the feed grain program for barley, solely because of volunteer barley, barley for uses other than for harvest as silage or grain, or a mixture of barley seeded with other grain not classified as barley at the time of the initial visit to the farm, the farm shall be revisited to determine the final barley acreage at the expense of the ASCS county office. In all other cases, if the producer elects to adjust the acreage, he must file a timely request and pay the cost of any second or subsequent visit to the farm to determine the final barley acreage.

(7) *Diverted acreage.* If the producer elects to adjust the acreage diverted from the production of barley, corn and grain sorghums, or wheat by the designation of additional acreage in case of deficiency, the farm shall be revisited for the purpose of determining the adjusted acreage if he files a request within 15 days from the date of the notice of acreage and pays the cost. Diverted acreage in excess of that required for compliance with the farm operator's statement of intention shall be released at any time upon receipt of a request and payment of the cost of determining the adjusted acreage. After the final acreage determination for a commodity has been made, diverted acreage in excess of the actual acreage diverted from the crop shall be released upon receipt of a request and payment of the cost by the farm operator.

(b) *Measurement of acreage prior to adjustment.* The county committee may provide for the measurement of an acreage prior to adjustment and for the verification of the disposition of excess, when applicable, if the farm operator files a timely request for the service and pays the cost. The charge for this service shall cover the cost of determining the acreage and of verifying the disposition if excess acreage is involved. Reporters may compute such acreages in the field. To qualify for this service, the farm operator must request the service and pay the cost as prescribed below:

(1) For crops other than peanuts and tobacco, prior to the disposition date specified on the notice of acreage.

(2) For tobacco, prior to the date specified on the notice of acreage for declaration of intention with respect to disposition.

(3) For peanuts, the date Form MQ–92—Peanuts is executed if such form is used, and prior to the issuance of the marketing card.

(4) For diverted acreage, prior to the adjustment date specified on the notice of acreage.

(c) *Extension of time for adjustment of acreage*—(1) *By county.* If the producers on the farm are unable to adjust the acreage, or to notify the ASCS county office of intention to adjust, where applicable, within the time limit prescribed on the notice of acreage because of conditions beyond their control, a request in writing for additional time may be filed at the ASCS county office not later than the date specified on the notice of acreage by any producer on the farm who has an interest in the crop or program involved. If the county committee, or the county office manager on behalf of the county committee, determines from the reasons stated that the producers were unable to adjust the acreage, or notify of intention to adjust, where applicable, within the prescribed time limit because of conditions beyond their control, the date for adjustment may be extended to not more than 30 days from the date of the initial notice of acreage in instances where the mailing date of the notice establishes the disposition date or to not more than 15 days beyond the published disposition date, whichever is applicable. A revised notice shall be mailed to the farm operator showing the extended final date. If an extension of time is denied, the farm operator shall be notified by letter.

(2) *By State.* If the producers on the farm were or will be unable to adjust the acreage, or to notify of intention to adjust, where applicable, within the time limit otherwise prescribed due to conditions beyond their control, any producer on the farm who has an interest in the crop or program involved may file a written request with the ASCS county office, prior to or subsequent to expiration of the established time limit, requesting that the State committee, or the State executive director on behalf of the State committee authorize the county office to grant an extension of time. This request must state the reasons why the producer was unable to comply with the date of which he was notified. If the State committee, or the State executive director on behalf of the State committee, determines from the information submitted in his request that the producer was in fact unable to comply by the date of which he was notified because of conditions beyond his control, an extension or further extension of time may be authorized. Upon receipt of such authorization, the county committee, or the county office manager on behalf of the county committee, shall extend the date to provide the producers a reasonable opportunity to adjust the acreage. A revised notice shall be mailed by the county office manager to the farm operator showing the extended final date. If an extension is denied, the farm operator shall be notified by letter.

(d) *Further adjustment after remeasurement or initial adjustment*—(1) *Remeasurement.* If the determination made as a result of the remeasurement of an adjusted acreage reveals that the acreage is still in excess or is deficient in case of diverted acreage, a revised notice of acreage shall be mailed to the farm operator providing for the disposition of the remaining excess or for the designation of the additional diverted acreage required within 7 days from the date of such notice in case of corn, grain sorghums, cotton, or diverted acreage and within 7 days from the date of such notice or by the applicable disposition date, whichever is later, in case of barley, wheat, rice, or other soil bank base crops.

(2) *Initial disposition.* If the acreage remains in excess or is deficient in case of diverted acreage after the initial adjustment and the county committee, or the county office manager on behalf

of the county committee, determines that the producer made an honest effort to meet the acreage adjustment requirements, a revised notice of acreage shall be mailed to the farm operator providing for the disposition of the remaining excess or the designation of the additional diverted acreage required within 7 days from the date of such notice in case of corn, grain sorghums, cotton, or diverted acreage and within 7 days from the date of such notice or by the applicable established disposition date, whichever is later, in case of barley, wheat, rice, or other soil bank base crops.

§ 718.15 [Amendment]

5. The table of sections affected by State committee determinations pursuant to §§ 718.10(a) and 718.15(a) (26 F.R. 2552) is amended for the States of Kansas, Minnesota, and Ohio to read as follows:

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)

State	718.2(j)	718.5(a)		718.5(b)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Kansas	For sugar beets, 20 inches.	0.1 A			0.5 A. for all crops except sugar beets. Areas to be destroyed must be of regular shape with not more than 4 sides except that the crop in an entire field may be destroyed regardless of the shape of the field.		
Minnesota	For sugar beets, 20 inches.	0.1 A. for tobacco and sugar beets; 0.25 A. for all other crops. Minimum widths: (1) Around perimeter of field, 10 links; (2) within planted area, 10 links.	Minimum combined area of 0.25 A. established. Minimum width, 10 links.	0.1 A. Minimum width, 10 links.	0.25 A. Minimum width, 10 links.	"Within" notices will not be mailed to farm operators.	
Ohio	For sugar beets and horticultural crops, 28 inches.	0.3 A. for all crops except tobacco and for areas around the perimeter of the field. For areas around the perimeter of the field, 0.1 A. Minimum widths: (1) Around the perimeter of the field, 9 links; (2) Within the planted area, 15 links for all crops except tobacco. For tobacco, 2 rows.	Minimum width, 15 links.	Minimum widths, (1) Along side of field, one row; (2) at end of field, 9 links; (3) within planted area, 2 rows.	0.3 A. Minimum widths, (1) Along field boundary, 9 links; (2) Within the planted area, 4 rows for row crops; 18 links for close-sown crops. Areas to be destroyed within the planted area, must be rectangular in shape.		0.1 A. for tobacco.

(Sec. 16d, 75 Stat. 302, sec. 105c, 75 Stat. 301, secs. 334, 335, 336, 374, 375, 52 Stat. 54, 65, 66, 72 Stat. 79, 75 Stat. 296, 297, 298, 299, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 16 U.S.C. 590p, 7 U.S.C. 1334, 1335, 1336, 1374, 1375, 1421, 1441, 1153, 1812)

Effective date. Since farmers are now engaged in farming operations for fall-seeded crops and in planning the use of cropland on the farm pursuant to the provisions of Public Law 87–128 pertaining to the total acreage to be devoted to soil-conserving uses in 1962, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that all provisions included in this amendment, except § 718.13(a)(2), shall become effective upon publication in the FEDERAL REGISTER. The provisions of § 718.13(a)(2) shall become effective beginning with the determination of performance for the 1962 crop of peanuts.

Signed at Washington, D.C., on December 5, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–11678; Filed, Dec. 8, 1961; 8:47 a.m.]

[Amdt. 12]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for Peanuts of 1959 and Subsequent Crops

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209) to amend, (1) § 729.1011(e)(2) as amended, and (2) § 729.1057(b)(5) to announce the change of addresses of some State ASCS offices and Inspection Service offices.

(b) As the only purpose of this amendment is to announce changes of addresses, it is hereby determined and found that compliance with the public notice, procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), is impractical and contrary to the public interest and this amendment shall be effective upon the publication of this document in the FEDERAL REGISTER.

II. Section 729.1011(s)(2), as amended, is hereby amended to read as follows:

(2) "ASCS State Office" means the office of the Agricultural Stabilization and Conservation State committee. The addresses of the ASCS State offices of the peanut-producing States are:

Old Post Office Building, Montgomery, Ala.
Room 6008, Federal Building, 230 North First Avenue, Phoenix 25, Ariz.
387 Federal Office Building, P.O. Box 2781, Little Rock, Ark.
2020 Milvia Street, Berkeley 4, Calif.
412 Northeast 16th Avenue, Gainesville, Fla.
Old Post Office Building, P.O. Box 1552, Athens, Ga.
528 Monroe Street, Alexandria, La.
P.O. Box 1251, 420 Milner Building, 200 South Lamar Street, Jackson 5, Miss.
I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo.
Federal Office Building, 517 Gold Avenue SW., P.O. Box 1706, Albuquerque, N. Mex.
1330 St. Mary's Street, Raleigh, N.C.
Agricultural Center Office Building, Stillwater, Okla.
P.O. Box 660, Seventh Floor, Associates Building, 901 Sumter Street, Columbia 1, S.C.
Room 579, U.S. Courthouse, Nashville 3, Tenn.
U.S.D.A. Building, College Station, Tex.
900 North Lombardy Street, Richmond 20, Va.

III. Section 729.1057(b)(5) is hereby amended to read as follows:

(5) The original of each Form MQ–93—Peanuts or a copy of the buyers own form executed in connection with the purchase of peanuts which are not inspected by the inspection service shall be transmitted to the Inspection Service. This may be done by delivering the forms direct to an Inspection Service employee at the buying point or by mailing the forms daily to the Inspection Service Office serving the State in which the buyers business is located. Such offices are listed below:

STATE AND CITY

Alabama: Federal-State Inspection Service, Post Office Box 1368, Dothan, Ala.
Florida and Georgia: Federal-State Inspection Service, Post Office Box 851, Albany, Ga.
Arizona, California, Louisiana, Mississippi, and Texas: Federal-State Inspection Service, Post Office Box 111, Harlingen, Tex.
Oklahoma, Arkansas, and Missouri: Mr. Chester Dotson, 122 State Capitol Building, Oklahoma City 5, Okla.
South Carolina: Mr. C. H. Langford, Post Office Box 9504, Columbia 1, S.C.
New Mexico: Mr. E. S. Kelsay, Post Office Box 457, University Park, N. Mex.
North Carolina, Federal-State Inspection Service, Post Office Box 709, Williamston, N.C.
Tennessee: Federal-State Inspection Service, 406 State Office Building, Nashville 3, Tenn.
Virginia: Federal-State Inspection Service, Post Office Box 538, Suffolk, Va.

If the peanut buyers business is located in a State not listed above, Forms MQ–93–Peanuts or copies of the buyers own form shall be submitted to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

(Secs. 358, 359, 375, 55 Stat. 88, 90 as amended, 52 Stat. 66 as amended; 7 U.S.C. 1358, 1359, 1375)

Effective date: Date of publication.

Signed at Washington, D.C., on December 15, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–11679; Filed, Dec. 8, 1961; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 812, Amdt. 2]

PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

Puerto Rico; Calendar Year 1961

Basis and purpose. The revised determination of sugar requirements and the revised sugar quota for Puerto Rico set forth below have been made and established pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter called the "Act"). The Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that the requirements for Puerto Rico for the calendar year 1961 will exceed the amount provided for in the determination which became effective April 1, 1961. The purpose of this revision is to make the determination and the quota related thereto conform to the requirements presently indicated on the basis of the applicable factors specified in section 203 of the Act.

Sugar needed for local consumption in 1961 in Puerto Rico is greater than the 120,000 short tons, raw value, determined to be needed in Amendment 1 to Sugar Regulation 812 (26 F.R. 2775). In order to effectively carry out the purposes of the Sugar Act, it is necessary that the revision in the determination and quota be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

Pursuant to the provisions of the Sugar Act of 1948, as amended, § 812.2 is hereby amended to read as follows:

§ 812.2 Sugar requirements and quotas, Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1961 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, for the calendar year 1961 is hereby established for Puerto Rico for local consumption.

STATEMENT OF BASES AND CONSIDERATION

In Amendment 1 to Sugar Regulation 812, effective April 1, 1961 (26 F.R. 2775), the quantity of sugar needed for local consumption in Puerto Rico in 1961 was determined to be 120,000 short tons, raw value. Marketings by processors for local consumption for the first ten months of 1961 were approximately 117,000 short tons, raw value. Marketings for local consumption during the last two months of 1960 were approximately 8,200 tons. Thus, marketings by processors during the twelve-month period ended October 31, 1961, exceeded 125,000 short tons, raw value, which was substantially in excess of a year previous. Such higher rate of marketings may continue during the remainder of 1961. In order to provide an adequate quantity of sugar for local consumption a quota of 130,000 short tons, raw value, is needed for Puerto Rico for the calendar year 1961. Circumstances prevailing in the utilization of quota for local consumption in Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1961 local quota is not completely filled. The consumption requirements and quota for Hawaii remain unchanged at the quantity established in Sugar Regulation 812, as amended, effective April 1, 1961.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1120; Pub. Law 87–15, approved March 31, 1961)

Done at Washington, D.C., this 6th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–11696; Filed, Dec. 8, 1961; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 218]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.518 Navel Orange Regulation 218.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to ef-

fectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 7, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 10, 1961, and ending at 12:01 a.m., P.s.t., December 17, 1961, are hereby fixed as follows:

(i) District 1: 700,000 cartons;
(ii) District 2: 150,000 cartons;
(iii) District 3: 100,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 8, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11772; Filed, Dec. 8, 1961; 11:39 a.m.]

[Lemon Reg. 929]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1036 Lemon Regulation 929.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 5, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 10, 1961, and ending at 12:01 a.m., P.s.t., December 17, 1961, are hereby fixed as follows:

(i) District 1: 27,900 cartons;
(ii) District 2: 102,300 cartons;
(iii) District 3: 55,800 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 6, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11694; Filed, Dec. 8, 1961; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

EXCLUSION AND DEPORTATION OF ALIENS IN THE UNITED STATES

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of October 20, 1961 (26 F.R. 9858), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out the terms of proposed amendments to Parts 242, 243, 245, 249, and 299 of Chapter I, Title 8, Code of Federal Regulations, pertaining to applications for discretionary benefits. One representation which was received concerning the proposed rules has been considered. The proposed rules, insofar as they relate to Part 243, have been amended to assure a deportable alien of receiving not less than 72 hours' advance notice in writing of the time and place of his surrender for deportation; to except a request for withholding of deportation pursuant to section 243(h) of the Act from the stay of deportation provisions; to provide that an alien ordered deported may be permitted to depart at his own expense; and to provide for notice to the transportation line responsible for the expenses of an alien's deportation and for special care and attention for such alien when required. In addition, the first sentence of § 237.2, which relates to the deportation of excluded aliens, has been amended to provide for the voluntary surrender of such an alien to the custody of the Service for deportation at any time prior to his receiving written notice to surrender himself for deportation; the citation "243.11" in the last sentence of § 237.5 was changed to conform to the amendments to Part 243, and § 299.1 was amended by the addition of three forms. The amendatory regulations, as set out below, are hereby adopted.

PART 237—DEPORTATION OF EXCLUDED ALIENS

Section 237.2 is amended to read as follows:

§ 237.2 Notice to surrender for deportation.

An alien who has been finally ordered excluded pursuant to Part 236 of this chapter may, at any time prior to receipt of written notice to surrender, voluntarily surrender himself to the custody of the Service for deportation and shall be required to surrender himself for deportation upon not less than 72 hours' advance notice in writing of the time and place of his surrender. Upon his failure to comply with such notice, the Service shall promptly take the alien into custody for deportation. An alien in foreign contiguous territory shall be informed that he may remain there in lieu of surrendering to the Service, but that he will be deemed to have acknowledged the execution of the order of exclusion and deportation in his case upon failure to surrender at the time and place prescribed.

Section 237.5 is amended to read as follows:

§ 237.5 Notice to transportation line of alien's exclusion.

An excluded alien shall, immediately or as promptly as the circumstances permit, be offered for deportation to the master, commanding officer, purser, person in charge, agent, owner, or consignee of the vessel or aircraft on which the alien is to be deported, as determined by the district director, with a written notice specifying the cause of exclusion, the class of travel in which such alien arrived and is to be deported, and with the return of any documentation which will assist in effecting his deportation. If special care and attention is required, the provisions of § 243.6 of this chapter shall apply.

Part 243 is amended to read as follows:

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Sec.
243.1 Warrant of deportation.
243.2 Expulsion.
243.3 Stay of deportation.
243.4 Self-deportation.
243.5 Notice to transportation line.
243.6 Special care and attention for aliens.

AUTHORITY: §§ 243.1 to 243.6 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 243, 66 Stat. 212; 8 U.S.C. 1253.

§ 243.1 Warrant of deportation.

A warrant of deportation based upon the final administrative order of deportation in the alien's case shall be issued by a district director. The district director shall exercise the authority contained in section 243 of the Act to determine at whose expense the alien shall be deported and whether his mental or physical condition requires personal care and attendance en route to his destination.

§ 243.2 Expulsion.

Once the warrant of deportation is issued an alien, if not in the physical custody of the Service, shall be given not less than 72 hours' advance notice in writing of the time and place of his surrender completely ready for deportation. If the alien fails to surrender as directed, he shall be deported without further notice when located. Notwithstanding the filing of an application for a stay of deportation, an alien shall surrender as directed unless he shall receive notice prior to the surrender date that a stay has been granted.

§ 243.3 Stay of deportation.

Any request by an alien under a final administrative order of deportation for a stay of deportation, except a request for withholding of deportation pursuant to section 243(h) of the Act, shall be filed on Form I–246 with the district director having jurisdiction over the place where the alien is at the time of filing. The district director, in his discretion, may grant a stay of deportation for such time and under such conditions as he may deem appropriate. Written notice of the disposition of the alien's request shall be served upon him, but neither the making of the request nor the failure to receive notice of the decision thereon shall relieve or excuse the alien from presenting himself for deportation at the time and place designated for his deportation. Denial by the district director of a request for a stay is not appealable but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in Part 3 of this chapter.

§ 243.4 Self-deportation.

A district director may permit an alien ordered deported to depart at his own expense to a destination of his own choice. Any alien who has departed from the United States while an order of deportation is outstanding shall be considered to have been deported in pursurance of law.

§ 243.5 Notice to transportation line.

When a transportation line is responsible for the expenses of an alien's deportation, notification shall be made to such line on Form I–284, when applicable, and Form I–288. If special care and attention is required, notification to this effect shall be placed on Form I–288.

§ 243.6 Special care and attention for aliens.

When a transportation line is responsible for the expenses of an alien's deportation, the alien shall be delivered to the master, commanding officer, or the officer in charge of the vessel or aircraft on which the alien will be deported, who shall be given Forms I–287, I–287A, and I–287B. The reverse of Form I–287A shall be signed by the officer of the vessel or aircraft to whom the alien has been delivered and immediately returned to the immigration officer effecting delivery. Form I–287B shall be retained by the receiving officer and subsequently filled out by the agents or persons therein designated and returned by mail to the district director named on the form. The transportation line shall at its own expense forward the alien from the foreign port of disembarkation to the final destination specified on Form I–287. The special care and attention shall be continued to such final destination, except when the foreign public officers decline to allow such attendant to proceed and themselves take charge of the alien, in which case this fact shall be recorded by the transportation line on the reverse of Form I–287B. If the transportation line fails, refuses, or neglects to provide the necessary special care and attention or comply with the directions of Form I–287, the district director shall thereafter and without notice employ suitable persons, at the expense of the transportation line, and effect such deportation.

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding the following forms and references thereto:

Form No.	Title and description
I–246	Application for stay of deportation.
I–284	Notice to transportation line regarding deportation and detention expenses of detained alien.
I–288	Notice to transportation line regarding deportation expenses of nondetained alien.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to provide for the voluntary surrender of an excluded alien to the custody of this Service for deportation at any time prior to his receiving written notice to surrender himself for deportation and to provide that a deportable alien will receive not less than 72 hours' advance notice in writing of the time and place of his surrender for deportation.

This order shall become effective on January 2, 1962. Compliance with the requirements of section 4(c) of the Administrative Procedure Act relating to delayed effective date is unnecessary and would serve no useful purpose in this instance because the rules prescribed by the order relieve restrictions and confer benefits upon persons affected thereby and such persons will not require additional time to prepare for the effective date of the regulations.

Dated: December 6, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61–11693; Filed, Dec. 8, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–343]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Posting Dates, and Complaints Against Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of December 1961.

A supplemental notice of proposed rule making was published in the FEDERAL REGISTER on September 13, 1961 (26 F.R. 8567) and circulated to the industry as Docket 10964, dated September 8, 1961, proposing certain amendments to Part 302 of the Procedural Regulations and Part 221 of the Economic Regulations which would allow a filing carrier to place a "posting date" upon a tariff that is filed with the Board more than 30 days prior to its effective date. As to tariffs containing such "posting dates", all complaints thereto would have to be filed within 15 days after said "posting date". Such a rule would allow the filing carrier to choose those tariffs as to which it seeks early knowledge of their being opposed and would provide the Board with more time for completing action on any complaints against these tariffs.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Comments were received from two air carriers. One air carrier was in complete agreement with the proposal. The other made two suggestions. The first was that the Board assume an obligation to act well in advance of the effective date of a tariff filed on more than thirty days' notice. Though it is contemplated that earlier action on the part of the Board will be a result of adoption of this amendment the Board finds it unnecessary to so state within the regulation. The second suggestion dealt with a matter outside the scope of the notice of proposed rule making. The Board, therefore, has adopted the amendments as proposed in the notice.

A further amendment to Part 221 is herein promulgated in conjunction with an amendment to Subpart E of Part 302 of the Board's Procedural Regulations wherein a method of filing requests to prevent tariffs of foreign air carriers from taking effect is described.

In preparation of that amendment, it was realized that nowhere in the Board's Economic Regulations, and in particular its basic tariff regulation Part 221, is there any reference made to Subpart E of Part 302 of the Board's Procedural Regulations which deals with complaints against tariffs.

It appears to the Board that Part 221 should be amended to make reference to said Subpart E. This would accommodate persons seeking instructions concerning complaints against tariffs since they would probably first refer to the basic tariff regulation for such rules.

Since the amendment concerning requests to prevent tariffs of foreign air carriers from taking effect is not a substantive rule but one of agency procedure, notice and proceedings hereon are not required.

The related amendments to Part 302 of the Procedural Regulations are promulgated simultaneously herewith.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221) effective January 8, 1962, as follows:

§ 221.22 [Amendment]

a. By amending § 221.22(b)(4) to read as follows:

(4) In the lower left corner:

(i) The issued date of the page; or,

(ii) The posting date of the page. (See § 221.31(a)(10).)

§ 221.31 [Amendment]

b. By amending § 221.31(a)(10) to read as follows:

(10) *Issued date or posting date.* The date on which the tariff is issued shall be shown in the lower left-hand portion of the title page in the following manner:

Issued: ----------, 19--
(Show month, date, and year in full, using no abbreviations)

Provided, however, That a posting date may be set forth in the lower left-hand portion of the title page in lieu of an issued date. Notwithstanding the notice provisions of § 221.160 and the posting periods required by § 221.171, any tariff on which a posting date is shown must be received by the Board on or before the designated posting date; must be posted by each carrier party thereto at its stations, terminals or offices on or before the designated posting date; and must contain a posting date that is more than thirty (30) days earlier than the designated effective date of the tariff. The posting date and accompanying "Note" shall be set forth as follows:

Posting date: ----------, 19--
(Show month, date, and year in full, using no abbreviations)

NOTE: In accordance with § 302.505(b) of this chapter (CAB Procedural Regulations) any complaints as to this tariff must be filed within 15 days after this date.

§ 221.112 [Amendment]

c. By amending § 221.112(b)(7) to read as follows:

(7) *Issued date or posting date.* The date on which the supplement is issued, or a posting date, shall be shown in the lower left-hand portion of the title page. (See § 221.31(a)(10).)

d. By adding a new Subpart V to read as follows:

Subpart V—Complaints Against Tariffs

§ 221.250 Complaints against tariffs.

All complaints against any air carrier's or foreign air carrier's tariffs, requests to prevent any foreign air carrier's tariffs from taking effect, and matters arising subsequent thereto, shall be governed by Subpart E of the part and the other pertinent provisions of Part 302 of this chapter.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 403, 1001; 72 Stat. 758, 788; 49 U.S.C. 1373, 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11700; Filed, Dec. 8, 1961; 8:50 a.m.]

[Reg. No. PR-56]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Complaints Requesting Suspension of Tariffs; Requests To Prevent Foreign Air Carrier Tariffs From Taking Effect

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of December 1961.

A supplemental notice of proposed rule making was published in the FEDERAL REGISTER on September 13, 1961 (26 F.R. 8567), and circulated to the industry as Procedural Regulations Docket 10964, dated September 8, 1961, proposing certain amendments to Part 302 of the Procedural Regulations and Part 221 of the Economic Regulations which would permit carriers to place a "posting date" upon a tariff that is filed with the Board more than 30 days prior to its effective date. In the case of tariffs containing such "posting dates", all complaints relating thereto would have to be filed within 15 days after said "posting date". Such a rule would allow the filing carrier to choose those tariffs as to which it seeks early knowledge of their being opposed and would provide the Board with more time for completing action on any complaints against these tariffs.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Comments were received from two air carriers. One air carrier was in complete agreement with the proposal. The other made two suggestions. The first was that the Board assume an obligation to act well in advance of the effective date of a tariff filed on more than thirty day's notice. Though it is contemplated that earlier action on the part of the Board may often result from this amendement the Board does not find that it should so state in the regulation. The second suggestion dealt with a matter outside the scope of the Notice of proposed rule making. The Board, therefore, has adopted the amendments as proposed in the notice.

In addition, it has been noted by the Board that there is presently no regulation setting forth the manner in which requests to prevent tariffs of foreign air carriers from taking effect are to be filed with the Board. Though the Board has no express statutory power to stop any air carrier or foreign air carrier from placing into effect in foreign air transportation any rate, fare, or practice it elects, a practice has developed which makes promulgation of such a regulation necessary.

Under the Federal Aviation Act, any new rate proposed by a foreign air carrier must be filed with the Board thirty days before it is to become effective. Under the Bermuda Agreement and most outstanding bilateral agreements, if this government is dissatisfied with the proposed new rate, it must so notify the government of the foreign air carrier within the first fifteen days of the thirty-day period. The two governments then endeavor to reach agreement on the appropriate rates.

Since no regulation exists which provides the manner in which interested persons may request that a component of our government take steps to prevent a foreign air carrier's tariffs from taking effect, the practice has developed among U.S. carriers of complaining to the Board and following § 302.505(b) of the Board's Procedural Regulations in such cases. That Section states that a complaint requesting suspension of any tariff filed under the Act ordinarily will not be considered unless filed with the Board at least fifteen days before the effective date of the tariff. The Board has followed the practice of accepting such complaints.

It will be noted, therefore, that requests to prevent a tariff of a foreign air carrier from taking effect have been deemed acceptable if filed with the Board right up to, and including, the last day of the period during which our government is required to notify the government of the foreign air carrier of any dissatisfaction with the tariff.

In order to require more timely protests, Part 302 will be hereby amended so that requests to prevent foreign air carrier tariffs from taking effect must be filed with the Board at least twenty (20) days before the effective date of such tariffs. This would assure the United States Government of at least a five-day period in which to review and evaluate said protests before the respective foreign government need be notified of any dissatisfaction with the tariff.

Since the amendment concerning requests to prevent tariffs of foreign air carriers from taking effect is not a substantive rule but one of agency procedure, notice and public proceedings thereon are not required.

The related amendments of Part 221 of the Economic Regulations are promulgated simultaneously herewith.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) effective January 8, 1962, by:

1. Amending § 302.505 (b) and (c) to read as follows:

§ 302.505 Complaints requesting suspension of tariffs.

* * * * *

(b) A complaint requesting suspension of any tariff filed under the Act ordinarily will not be considered unless made in conformity with this section and filed with the Board at least fifteen (15) days before the effective date of the tariff, or, in the event that a "posting date" is printed upon a tariff, unless the complaint is filed within fifteen (15) days after said "posting date."

NOTE: See § 221.31(a)(10) of Part 221 of this chapter (Board's Economic Regulations) for description of the manner in which "posting date" is placed upon a tariff.

(c) In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the publishing carrier or agent stating the grounds relied upon, but such a telegraphic complaint must immediately be confirmed by complaint filed and served in accordance with this section.

2. By adding a new § 302.507 to read as follows:

§ 302.507 Requests to prevent foreign air carrier tariffs from taking effect.

Requests, addressed to the Board, that tariffs and amendments to existing tariffs of foreign air carriers be prevented from going into effect shall be filed not later than twenty (20) days before the effective date of such tariffs or amendments. Such requests will not be docketed and no formal Board proceeding will be instituted thereon.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 403, 1001; 72 Stat. 758, 788; 49 U.S.C. 1373, 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11701; Filed, Dec. 8, 1961; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 988; Amdt. 376]

PART 507—AIRWORTHINESS DIRECTIVES

Cessna Models 120, 140 and 140A Aircraft

There have been several reported instances of failure of the main gear of Met-Co-Aire tricycle landing gear conversions on Cessna Models 120, 140, and 140A aircraft. As such failures are likely to occur on other aircraft with the tricycle gear installation, an airworthiness directive requiring inspection and rework of the gear is necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6459), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CESSNA. Applies to all Models 120, 140, and 140A aircraft, on which a Met-Co-Aire tricycle landing gear (STC SA4-916) has been installed.

Compliance required as indicated.

To correct an unsafe condition in the main gear the following shall be accomplished:

(a) Within 20 hours' time in service after the effective date of this AD and at periods thereafter not to exceed 100 hours' time in service:

(1) Tighten and torque to 50-70 inch-pounds the four AN 4 bolts (two on each side) which extend through the Cessna main gear wedges and the Met-Co-Aire support plate, P/N RD-1001C-11. Care should be taken to insure that the AN 365 stop nuts have not bottomed on the bolt threads before adequately tightening the wedge in place as specified above; use metal washers under the nut or bolt heads as necessary.

(2) Conduct a close visual inspection for cracks in the corners of the slots in the support plate, P/N RD-1001C-11, and in the attach plate. Parts exhibiting evidence of cracks shall be replaced with Met-Co-Aire P/N RD-1001C-6 or FAA approved equivalent. When a new part is installed, the repetitive inspection prescribed in this subparagraph may be discontinued.

(b) Within 20 hours' time in service after the effective date of this AD:

(1) Inspect the attachment of the top flanges of the bulkheads in the landing gear attachment box and perform such work as necessary to assure that all rivets which secure the box to the floor structure are properly installed. Refer to Met-Co-Aire installation instructions dated August 29, 1959, as revised January 1, 1961, for description and location of necessary rivets.

(2) If installed, remove the adapter plates, Cessna P/N 0441147, which may have been used to extend the main gear wheels forward.

(Met-Co-Aire Service Directive SD-1003 covers this same subject.)

This amendment shall become effective December 20, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 4, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11657; Filed, Dec. 8, 1961; 8:45 a.m.]

[Reg. Docket No. 987; Amdt. 375]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Aircraft

As a result of several incidents of wing flap actuating cylinder failures on Douglas DC-3 aircraft, an airworthiness directive requiring removal and replacement of all flap actuating cylinders is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-8 aircraft, Serial Numbers 45252-45289, 45291-45306, 45376-45393, 45408-45413, 45416-45419, 45421-45431, 45433-45437, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45616-45622, 45624-45627, 45636.

Compliance required as indicated.

To remove from service certain wing flap inboard actuating cylinders which, because of design characteristics, have failed in service and caused airplane operating difficulties, to remove adverse corrosion from any of the wing flap actuating cylinders, and to incorporate increased protection against corrosion for all flap actuating cylinders, the following shall be accomplished:

(a) Remove all wing flap inboard actuating cylinder assemblies Douglas P/N 3715408-5001 or 3764264-5001 identified as having been manufactured by the Clary Corporation as follows:

(1) Cylinder assemblies with more than 5,000 hours' time in service shall be removed within 375 hours' time in service after the effective date of this AD.

(2) Cylinder assemblies with less than 4,625 hours' time in service shall be removed within 750 hours' time in service after the effective date of the AD.

(3) Cylinder assemblies with total time in service between 4,625 and 5,000 hours shall be removed prior to reaching a total time in service of 5,375 hours.

(b) Replace each cylinder assembly removed per (a), with an assembly which has been inspected for freedom from cracks and for proper heat treatment, modified as necessary and reidentified, all in accordance with the instructions in Paragraph 2, section entitled Kit D and/or Kit C, of Douglas DC-8 Service Bulletin No. 27-118, Revision No. 1 to Reissue No. 1 or later, or with an FAA approved equivalent new part.

(c) All inboard cylinder assemblies (Clary or otherwise) which have been replaced in accordance with (b), shall be identified with a single band of green paint near the aft end of the barrel or with other suitable markings which will permit ready determination that an acceptable cylinder assembly is installed in the airplane.

(d) Within 900 hours' time in service following the effective date of this AD, replace all wing flap actuating cylinder assemblies (6 per airplane) with cylinder assemblies in which the barrels have been inspected for evidence of internal corrosion, cleaned and treated or replaced as necessary, and sealed, all in accordance with the instructions in Paragraph 2, section entitled Kits A, B, C, D, or E, of Douglas DC-8 Service Bulletin No. 27-118, Revision No. 1 to Reissue No. 1 or later, or with FAA approved equivalent new parts. Each of these modified or replacement cylinder assemblies shall be marked with two bands of green paint near the aft end of the barrel, or with other acceptable identifying markings. In those cases where a single band of green paint has been used to identify compliance of inboard cylinder assemblies with the provisions of paragraph (b) and such cylinder assemblies are determined

to be eligible for reinstallation in accordance with this paragraph, only one additional band of green paint shall be added.

(Douglas DC-8 Service Bulletin No. 27-118 covers this same subject.)

This amendment shall become effective December 9, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 5, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11658; Filed, Dec. 8, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-68]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Federal Airway, Associated Control Areas and Reporting Point; Alteration of Control Area Extensions

On September 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8257), stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 185, and its associated control areas between Augusta, Ga., and Asheville, N.C., to revoke the associated reporting point, and to alter the Greenwood, S.C., control area extension (§ 601.1010) and the Atlanta, Ga., control area extension (§ 601.1052). It was also stated that the vertical extent of the control areas associated with this segment of Victor 185 would remain as designated pending review of the adjacent controlled airspace.

The Air Transport Association of America concurred with the proposed amendments. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6185 [Amendment]

1. In the text of § 600.6185 (14 CFR 600.6185) "Augusta, Ga., VOR; Spartanburg, S.C., VOR; Asheville, N.C., VOR, including a west alternate from the Augusta VOR to the Asheville VOR via the INT of the Augusta 345° radials and the Greenville ILS localizer south course, the Greenville ILS localizer, and the INT of the Greenville ILS localizer north course and the Asheville VOR 189° radial;" is deleted and "Augusta, Ga., VOR; Greenwood, S.C., VOR; Asheville, N.C., VORTAC;" is substituted therefor.

§ 601.6185 [Amendment]

2. The text of § 601.6185 (14 CFR 601.6185) is amended to read:

All of VOR Federal airway No. 185 including east and west alternates and excluding the airspace between the main airway and its east alternate from the Asheville, N.C., VORTAC to the Knoxville, Tenn., VORTAC.

§ 601.7001 [Amendment]

3. In § 601.7001 (14 CFR 601.7001) the following is deleted:

Honea Intersection: The intersection of the Royston, Ga., omnirange 074° True radial and the Greenville, S.C., ILS localizer south course.

§ 601.1010 Control area extension (Greenwood, S.C.)

4. The text of § 601.1010 (14 CFR 601.1010) is amended to read:

That airspace beginning at latitude 34°10'40" N, longitude 82°04'05" W.; thence NE to latitude 34°19'00" N, longitude 81°38'00" W.: thence NW to latitude 34°24'45" N., longitude 81°42'00" W.; thence W along the S boundary of the Greenville, S.C. (Greenville-Charlotte-Greensboro), control area extension (§ 601.1014) to the E edge of VOR Federal airway No. 185, thence along the E edge of VOR Federal airway No. 185 to the point of beginning.

§ 601.1052 [Amendment]

5. In the text of § 601.1052 (14 CFR 601.1052) "and the Greenwood, S.C., control area extension (§ 601.1010)" is deleted and "VOR Federal airway No. 185" is substituted therefor.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 4, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11659; Filed, Dec. 8, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-24]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation, Alteration and Revocation of Segments of Low Altitude VOR Federal Airways

On July 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6603), stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 505 and its associated control areas from Helena, Mont., to Great Falls, Mont., to extend low altitude VOR Federal airway No. 187, and its associated control areas, from Billings, Mont., to Great Falls, and to revoke the segment of low alititude VOR Federal airway No. 19 west alternate, and its associated control areas, from Billings to Lewistown, Mont.

The Air Transport Association of America concurred with the proposal. The Department of the Air Force offered no objection. No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following section is added:

§ 600.6505 VOR Federal airway No. 505 (Helena, Mont., to Great Falls, Mont.).

From the Helena, Mont., VOR via the INT of the Helena VOR 089° and the Great Falls, Mont., VOR 180° radials; to the Great Falls VOR.

2. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.6505 VOR Federal airway No. 505 control areas (Helena, Mont., to Great Falls, Mont.).

All of VOR Federal airway No. 505.

§ 600.6187 [Amendment]

3. In § 600.6187 (14 CFR 600.6187, 26 F.R. 8626) the following changes are made:

a. In the caption "(Albuquerque, N. Mex., to Billings, Mont.)." is deleted and "(Albuquerque, N. Mex., to Great Falls, Mont.)." is substituted therefor.

b. In the text "to the Billings, Mont., VOR." is deleted and "Billings, Mont., VORTAC; INT of the Billings VORTAC 317° and the Great Falls, Mont., VOR 122° radials; to the Great Falls VOR." is substituted therefor.

§ 601.6187 [Amendment]

4. In § 601.6187 (14 CFR 601.6187, 26 F.R. 8626) the following change is made: In the caption "(Albuquerque, N. Mex., to Billings, Mont.)." is deleted and "Albuquerque, N. Mex., to Great Falls, Mont.)." is substituted therefor.

§ 600.6019 [Amendment]

5. In § 600.6019 (14 CFR 600.6019) the following change is made: In the text "including a W alternate from the Billings omnirange direct to the Lewistown omnirange station;" is deleted.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 4, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11660; Filed, Dec. 8, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-93]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways Associated Control Areas, and Reporting Points

The purpose of these amendments to the regulations of the Administrator is to change the name of the Rock River, Wyo., VOR to the Medicine Bow, Wyo., VOR wherever it appears in §§ 600.6006, 600.6085, 600.6100, 600.6118, 600.6138, 600.6168, 600.6810, 600.6854, 600.1508, 600.1529, 600.1668, 601.6085, 601.6100, 601.6118, 601.6138, and 601.6168, and to include the Medicine Bow VOR in the list of low altitude VOR reporting points appearing in § 601.7001. This action is taken due to misunderstandings resulting from the similarity in the names Rock River and Rock Springs.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

§ 600.6006 [Amendment]

1. In the text of § 600.6006 (14 CFR 600.6006) "Rock River, Wyo., omnirange station, including a north alternate; intersection of the Rock River omnirange 108° True and the Sidney omnirange 292° True radials; Sidney, Nebr., omnirange station;" is deleted and "Medicine Bow, Wyo., VOR, including a north alternate; INT of the Medicine Bow, Wyo., VOR 108° and the Sidney, Nebr., VOR 292° radials; Sidney VOR;" is substituted therefor.

2. Section 600.6085 (14 CFR 600.6085) is amended to read:

§ 600.6085 VOR Federal airway No. 85 (Medicine Bow, Wyo., to Casper, Wyo.).

From the Medicine Bow, Wyo., VOR to the Casper, Wyo., VORTAC, including a W alternate via the INT of the Medicine Bow VOR 336° and the Casper VORTAC 216° radials.

3. Section 600.6100 (14 CFR 600.6100) is amended to read:

§ 600.6100 VOR Federal airway No. 100 (Medicine Bow, Wyo., to Detroit, Mich.).

From the Medicine Bow, Wyo., VOR via the Chadron, Nebr., VOR; O'Neil, Nebr., VORTAC; Sioux City, Iowa, VORTAC; Fort Dodge, Iowa, VOR; Waterloo, Iowa, VORTAC; Dubuque, Iowa, VOR; Rockford, Ill., VORTAC; Northbrook, Ill., VORTAC; INT of the Northbrook VORTAC 093° and the Keeler, Mich., VOR 271° radials; Keeler VOR; Jackson, Mich., VOR; INT of the Jackson VOR 084° and the Salem, Mich., VORTAC 254° radials; to the Salem VORTAC.

4. Section 600.6118 (14 CFR 600.6118) is amended to read:

§ 600.6118 VOR Federal airway No. 118 (Medicine Bow, Wyo., to Cheyenne, Wyo.).

From the Medicine Bow, Wyo., VOR via the Laramie, Wyo., VOR; to the Cheyenne, Wyo., VORTAC.

5. Section 600.6138 (14 CFR 600.6138) is amended to read:

§ 600.6138 VOR Federal airway No. 138 (Medicine Bow, Wyo., to Fort Dodge, Iowa).

From the Medicine Bow, Wyo., VOR via the Cheyenne, Wyo., VORTAC including a N alternate via the INT of Medicine Bow VOR 108° and the Cheyenne VORTAC 323° radials; to the Sidney, Nebr., VOR, including a S alternate. From the Grand Island, Nebr., VOR via the INT of the Grand Island VOR 099° and the Raymond, Nebr., VORTAC 267° radials; Raymond VORTAC; INT of the Raymond VORTAC 040° and the Neola, Iowa, VORTAC 251° radials; Neola VORTAC; to the Fort Dodge, Iowa, VOR.

6. Section 600.6168 (14 CFR 600.6168) is amended to read:

§ 600.6168 VOR Federal airway No. 168 (Medicine Bow, Wyo., to O'Neill, Nebr.).

From the Medicine Bow, Wyo., VOR via the Scotts Bluff, Nebr., VORTAC; to the O'Neill, Nebr., VORTAC.

§ 600.6810 [Amendment]

7. In the text of § 600.6810 (26 F.R. 21) "Rock River, Wyo., VOR;" is deleted and "Medicine Bow, Wyo., VOR;" is substituted therefor.

§ 600.6854 [Amendment]

8. In the text of § 600.6854 (26 F.R. 21, 5868) "Rock River, Wyo., VOR;" is deleted and "Medicine Bow, Wyo., VOR;" is substituted therefor.

§ 600.1508 [Amendment]

9. In the text of § 600.1508 (26 F.R. 1079, 8628, 10427) "Rock River, Wyo., VOR;" is deleted and "Medicine Bow, Wyo., VOR;" is substituted therefor.

§ 600.1529 [Amendment]

10. In the text of § 600.1529 (26 F.R. 1079) "Rock River, Wyo., VOR;" is deleted and "Medicine Bow, Wyo., VOR;" is substituted therefor.

11. Section 600.1668 (26 F.R. 1079) is amended to read:

§ 600.1668 VOR Federal airway No. 1668 (Medicine Bow, Wyo., to Chadron, Nebr.).

From the Medicine Bow, Wyo., VOR to the Chadron, Nebr., VOR.

§ 601.6085 [Amendment]

12. In the caption of § 601.6085 (14 CFR 601.6085) "Rock River, Wyo.," is deleted and "Medicine Bow, Wyo.," is substituted therefor.

§ 601.6100 [Amendment]

13. In the caption of § 601.6100 (14 CFR 601.6100) "Rock River, Wyo.," is deleted and "Medicine Bow, Wyo.," is substituted therefor.

§ 601.6118 [Amendment]

14. In the caption of § 601.6118 (14 CFR 601.6118) "Rock River, Wyo.," is deleted and "Medicine Bow, Wyo.," is substituted therefor.

§ 601.6138 [Amendment]

15. In the caption of § 601.6138 (14 CFR 601.6138) "Rock River, Wyo.," is deleted and "Medicine Bow, Wyo.," is substituted therefor.

§ 601.6168 [Amendment]

16. In the caption of § 601.6168 (14 CFR 601.6168) "Rock River, Wyo.," is deleted and "Medicine Bow, Wyo.," is substituted therefor.

§ 601.7001 [Amendment]

17. In § 601.7001 (14 CFR 601.7001) "Medicine Bow, Wyo., VOR." is added.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on December 4, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11661; Filed, Dec. 8, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway and Associated Control Areas; Designation and Alteration of Control Area Extensions; Designation of Reporting Points

On September 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8598) stating that the Federal Aviation Agency proposed the following actions:

1. Alter the Anchorage Oceanic Control Area.

2. Redesignate the King Salmon control area extensions (§§ 601.1400 and 601.1401).

3. Designate a control area extension from Bethel, Alaska, to the Anchorage Oceanic Control Area boundary.

4. Designate a control area extension from King Salmon to the Anchorage Oceanic Control Area boundary.

5. Revoke Green Federal airway No. 8 from Cold Bay, Alaska, to King Salmon, Alaska.

6. Designate the following reporting points at all altitudes and flight levels:

a. Fluke INT.
b. Gar INT.
c. Herring INT.
d. King Crab INT.

Formal action with the International Civil Aviation Organization to modify the Anchorage, Alaska, Oceanic Control Area has been accomplished.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendment.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1400 (14 CFR 601.1400) Control area extension (King Salmon, Alaska) is amended to read:

§ 601.1400 Control area extension (King Salmon, Alaska).

That airspace within 5 miles either side of a line bearing 263° from the King Salmon RR extending from the RR to the INT of the 263° bearing and the E boundary of the Anchorage Oceanic Control Area, including the additional area between lines diverging at a five degree angle from the King Salmon 263° bearing extending W from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, and excluding the airspace below 2,000 feet MSL which lies outside the United States.

2. Section 601.1401 (14 CFR 601.1401) Control area extension (King Salmon, Alaska) is amended to read:

§ 601.1401 Control area extension (King Salmon, Alaska).

That airspace within 5 miles either side of a line bearing 248° from the King Salmon RR extending from the RR to the INT of the 248° bearing and the E boundary of the Anchorage Oceanic Control Area, including the additional area between lines diverging at a five degree angle from the King Salmon 248° bearing extending W from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, and excluding the airspace below 2,000 feet MSL which lies outside the United States.

3. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.1483 Control area extension (Bethel, Alaska).

That airspace within 5 miles either side of a line bearing 239° from the Bethel, Alaska, RR extending from the RR to the INT of the 239° bearing and the E boundary of the Anchorage Oceanic Control Area, including the additional area between lines diverging at a five degree angle from the 239° bearing extending SW from the Bethel RR to the E boundary of the Anchorage Oceanic Control Area, and excluding the airspace below 2,000 feet MSL which lies outside the United States.

4. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.1484 Control area extension (King Salmon, Alaska).

That airspace within 5 miles either side of a line bearing 227° from the King Salmon RR extending from the RR to the INT of the King Salmon 227° bearing and the E boundary of the Anchorage Oceanic Control Area, including the additional area between lines diverging at a five degree angle from the King Salmon 227° bearing extending SW from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, and excluding the airspace below 2,000 feet MSL which lies outside the United States.

§ 600.18 [Amendment]

5. Section 600.18 (14 CFR 600.18, 26 F.R. 8375) the following changes are made:

(a) In the caption *"Cold Bay, Alaska"* is deleted and *"King Salmon, Alaska"* is substituted therefor.

(b) In the text "From the Cold Bay, Alaska, radio range station via the King Salmon, Alaska, radio range station;" is deleted and "From the King Salmon, Alaska, RR via" is substituted therefor.

6. Section 601.18 (14 CFR 601.18) is amended to read:

§ 601.18 Green Federal airway No. 8 control areas (King Salmon, Alaska, to Northway, Alaska).

All of Green Federal airway No. 8.

§ 601.4018 [Amendment]

7. In § 601.4018 (14 CFR 601.4018) the following change is made: In the caption *"Cold Bay, Alaska"* is deleted and *"King Salmon, Alaska"* is substituted therefor.

8. In the text of § 601.5001 (14 CFR 601.5001) add the following:

Fluke, Alaska INT: INT of a line bearing 239° from the Bethel RR and a line bearing 311° from the Cape Newenham, Alaska, RBN.
Gar, Alaska INT: INT of a line bearing 263° from the King Salmon RR and a line bearing 131° from the Cape Newenham RBN.
Herring, Alaska INT: INT of a line bearing 248° from the King Salmon RR and a line bearing 131° from the Cape Newenham RBN.
King Crab, Alaska INT: INT of a line bearing 227° from the King Salmon RR and a line bearing 314° from the Port Heiden, Alaska, RBN.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on December 5, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11662; Filed, Dec. 8, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-47]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3538), stating that the Federal Aviation Agency proposed to extend low altitude VOR Federal airway No. 494 from Elko, Nev., to Malad City, Idaho, and to designate the control areas associated with this segment of Victor 494 to extend upward from at least 1200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitude, when established, to the base of the continental control area.

On July 29, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6816), amending the original Notice. The supplemental notice proposed that the control areas associated with this segment of Victor 494 extend upward from 700 feet above the surface to the base of the continental control area until such time as Amendment 60-21 to Part 60 of the Civil Air Regulations could be applied to the control areas associated with the other airways in the vicinity of Elko and Malad City.

The Department of the Air Force offered no objection to the proposals set forth in the notice and supplemental notice. No other comments were received on the proposals.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated in the notice and supplemental notice, the following actions are taken:

1. Section 600.6494 (14 CFR 600.6494) is amended to read:

§ 600.6494 VOR Federal airway No. 494 (Sacramento, Calif., to Malad City, Idaho).

From the Sacramento, Calif., VORTAC via the INT of the Sacramento VORTAC 038° and the Lake Tahoe, Calif., VOR 249° radials; Lake Tahoe VOR; INT of the Lake Tahoe VOR 078° and the Fallon, Nev., VOR 244° radials; Fallon VOR; Mount Moses, Nev., VOR; Elko, Nev., VORTAC; Wells, Nev., VOR; to the Malad City, Idaho, VORTAC, excluding the airspace within R-4802.

§ 601.6494 [Amendment]

2. In the caption of § 601.6494 (14 CFR 601.6494) "Elko, Nev." is deleted and "Malad City, Idaho." is substituted therefor.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 4, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11663; Filed, Dec. 8, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-216]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Reporting Points

The purpose of these amendments to §§ 601.7001 and 601.5001 of the regulations of the Administrator is to revoke designated reporting points. Flight progress reports over designated locations, automatically initiated by pilots, will facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus, the actions taken herein reflect this changing need on the part of air traffic control.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.7001 (14 CFR 601.7001), the following reporting points are deleted:

Calvert INT: The INT of the Crestview, Fla., VOR 300° True and the Mobile, Ala., VOR 049° True radials.

Sonora INT: The INT of the San Angelo, Tex., VOR 191° True and the San Antonio, Tex., VORTAC 300° True radials.

Taylor INT: The INT of the San Antonio, Tex., VORTAC 290° True and the San Angelo, Tex., VOR 191° True radials.

2. In the text of § 601.6001 (14 CFR 601.5001), the following reporting points are deleted:

Sonora Intersection: The INT of a line bearing 201° True from the Abilene, Tex., RR and line bearing 299° True from the San Antonio, Tex., RBN.

Galveston, Tex.: RBN.

Pellston, Mich.: Pellston RBN.

Cleveland, Ohio: Cleveland—Hopkins Airport ILS OM.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 4, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11664; Filed, Dec. 8, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8365 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hoffmann Truss Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service:* § 13.170-22 *Corrective, orthopedic, etc.;* § 13.190 *Results;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hoffman Truss Corporation et al., Minneapolis, Minn., Docket 8365, Sept. 20, 1961]

In the Matter of Hoffman Truss Corporation, a Corporation, and H. L. Hoffman and Lola Hoffman, Individually and as Officers of Said Corporation

Consent order requiring Minneapolis distributors of their "Hoffman Shield" trusses to cease making a variety of misrepresentations in advertising the effectiveness of their said devices, as in the order below in detail set forth.

Said order is as follows:

It is ordered, That Respondents Hoffmann Truss Corporation, a corporation, and its officers, and H. L. Hoffmann and Lola Hoffmann, individually and as officers of said corporation, doing business as Hoffmann Surgical Appliance Company, or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of devices known as Hoffmann Shield, or any device of substantially similar construction or design, whether sold under said name, or any other name, do forthwith cease and desist, directly or indirectly, from:

1. Disseminating or causing to be disseminated any advertisement by means of United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication, that:

(a) Said devices will retain or hold ruptures or hernias, unless limited to reducible ruptures or hernias;

(b) Said devices will correct a hernial defect or cure ruptures or hernias;

(c) Said devices will retain or hold ruptures under all conditions of activity or strain;

(d) Said devices cause a forming of tissue or restore the hernial ring to its normal status;

(e) Said devices are not trusses;

(f) Respondents' devices will afford results that are different from those afforded by all other trusses;

(g) Said devices are a more effective treatment in the relief, correction or curing of hernia than surgery;

(h) Surgery is not effective in the correction or curing of hernia;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 20, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11667; Filed, Dec. 8, 1961; 8:45 a.m.]

[Docket 8383 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Modern Studios and Bill Jordan

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.185 *Refunds, repairs, and replacements;* § 13.200 *Sample, offer or order conformance.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bill Jordan, an individual trading as Modern Studios, Dallas, Tex., Docket 8388, Sept. 20, 1961]

In the Matter of Bill Jordan, an Individual Trading as Modern Studios

Consent order requiring an individual in Dallas, Tex., engaged in the sale of photographs, particularly to mothers of new babies, to cease failing to honor his so-called "free portrait gift" offer; delivering finished pictures which were inferior to samples displayed; failing to deliver additional pictures or making only partial delivery of orders paid for, and delaying deliveries unduly; and failing to re-photograph children whose

parents were dissatisfied, or to refund money paid in advance, in accordance with offer.

The order to cease and desist is as follows, including proviso requiring report of compliance therewith:

It is ordered, That respondent Bill Jordan, an individual trading as Modern Studios, or under any other name, and respondent's representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist:

1. Representing, directly or indirectly, that respondent will give to the parent of a child, or to any other person solicited, a free picture of a child or other subject to be photographed by respondent, unless such picture is in fact delivered and furnished without charge.

2. Representing, directly or indirectly, that pictures to be delivered to parents or other persons solicited will be equal in appearance, quality or workmanship to samples displayed, unless the pictures delivered are in fact equal in appearance, quality or workmanship to such samples; or otherwise misrepresenting the appearance, quality or workmanship of photographs to be delivered.

3. Utilizing any sales plan or method which involves the use or display of sample pictures of a kind or quality superior to those which the respondent actually delivers.

4. Representing, directly or indirectly, that in the event of customer dissatisfaction with delivered pictures respondent will make a refund, or that he will rephotograph a subject, unless, when notified of dissatisfaction, he makes such refund or takes additional photographs and delivers pictures satisfactory to the purchaser; or misrepresenting in any way the manner in which he will perform in the event of customer dissatisfaction with delivered pictures.

5. Failing to deliver or ship pictures to customers within the period or time specified by respondent to such customers, or misrepresenting in any manner the time within which merchandise will be delivered or shipped.

6. Failing to deliver any pictures for which delivery has been promised.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 20, 1961.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11668; Filed, Dec. 8, 1961; 8:45 a.m.]

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides for Advertising Fallout Shelters

These guides have been adopted and issued by the Commission to assist manufacturers and other sellers of fallout shelters in avoiding questionable advertising claims and in the interest of protecting the public from being victimized by deceptive advertising of shelters.

The guides are intended to encourage voluntary compliance with the law by those whose practices are subject to the jurisdiction of the Commission. Proceedings to enforce the requirements of law set forth in the guides may be brought under the Federal Trade Commission Act (15 USC, secs. 41-58). Briefly stated, that act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce."

The guides were prepared on the basis of technical information furnished by the Office of Civil Defense of the Department of Defense, and in cooperation with that Office and the Federal Housing Administration of the Housing and Home Finance Agency. They are effective upon publication.

§ 14.5 Guides for advertising fallout shelters.

(a) *Definitions.*—(1) *Fallout Shelter.* (i) A structure which, when properly installed, has a protection factor against fallout gamma radiation of at least 100.

(ii) Protection factor is the relative reduction in the amount of radiation that would be received by a person in a shelter compared with the amount which he would receive if unprotected. For example, an unprotected person would receive 100 times more radiation than a person in a shelter with a protection factor of 100.

(2) *Blast-resistant or limited blast-resistant shelter.* (i) A structure which qualifies as a fallout shelter and, in addition, is capable of affording a certain minimum amount of protection against the effects of a blast overpressure and associated nuclear and thermal radiation. To qualify as a "blast-resistant shelter" a structure must be capable of withstanding an overpressure of at least 30 pounds per square inch (psi). To qualify as a "limited blast-resistant shelter" a structure must be capable of withstanding an overpressure of at least 5 psi.

(ii) For example, 5 psi overpressure would occur at a range of about 8½ miles from a 10 megaton, and about 18 miles from a 100 megaton explosion.

(iii) 30 psi overpressure would occur at a range of about 2½ miles from a 10 megaton, and about 5 miles from a 100 megaton explosion.

NOTE: These definitions are based upon the minimum technical requirements established by the Office of Civil Defense, Department of Defense.

(b) *Fallout and blast protection.* (1) A structure shall not be described or designated as a "fallout shelter," or by any other term of like implication, nor shall any representation be made that a structure affords protection against radioactive fallout, unless such structure meets the minimum requirements set forth in the foregoing definition of a "fallout shelter."

(2) A structure shall not be described or designated as a "blast shelter" or by any other term of like implication, unless it meets the applicable minimum requirements set forth in these Guides.

(3) A structure shall not be described or designated as a "blast-resistant shelter" or a "limited blast-resistant shelter," or by any other term of like implication, unless it meets the applicable minimum requirements set forth in these Guides.

(4) No representation, express or implied, shall be made that a structure affords protection against nuclear blast unless such structure meets the minimum requirements of a "limited blast-resistant shelter."

(5) No advertisement for, or representation as to the characteristics or capabilities of, any structure designated as a "fallout shelter," "blast-resistant shelter," "limited blast-resistant shelter," or any other term of like implication, shall be used without the inclusion of an affirmative disclosure, in clear and conspicuous terms, of the limits of the protection provided by such structure.

Example 1. With reference to a fallout shelter which does not qualify as a "limited blast-resistant shelter," the advertisement should disclose that the structure has not been designed to afford protection against blast or other related hazards.

Example 2. If the structure qualifies as a "limited blast-resistant shelter" or a "blast-resistant shelter," the advertisement should disclose that the structure, when properly installed, will protect its occupants from a blast of a stated force (such as 10 megatons) occurring an approximate number of miles distant, as set forth in paragraph (a) (1) and (2) of this section.

(6) If a structure meets the minimum requirements for a "fallout shelter," factual and nondeceptive representations may be made as to the degree and nature of fallout protection afforded. Claims that the fallout protection afforded exceeds the requirements shall not be used, however, unless the protection so afforded exceeds the prescribed minimum to a significant degree.

(7) Claims, express or implied, of absolute or complete protection from fallout or blast under any and all conditions shall not be used.

(c) *Installation.* (1) Any advertisement offering a shelter shall disclose affirmatively that the structure must be properly installed before it can provide protection as a shelter.

(2) No representation shall be made that a shelter can be installed in one day or in any other period of time, unless the installation can in fact be completed within the stated period.

(3) Statements which deceptively exaggerate the ease or economy with which a shelter can be installed shall not be used.

(d) *Affirmative disclosures as to capacity.* (1) Whenever any representation is made which conveys any implication as to the size or capacity of the advertised shelter, the advertisement must clearly and conspicuously disclose the number of persons the shelter will protect.

(2) Advertisements containing pictures, a quoted price, the use of the word "family," are examples of the type of representations which are subject to the above requirement.

(3) Minimum standard requirements of the Office of Civil Defense in effect at the time the advertised offer is made will be applied in determining the number of persons that the shelter can protect. These requirements take into account the floor space, the air space (cubic volume of the shelter), and the quantity of fresh air required by each person occupying the shelter.

(e) *Pictorial and other misrepresentations.* (1) No advertisement shall be used which would mislead prospective buyers, through pictorial representations, or in any other manner, as to the protection afforded by a shelter or as to the size, composition, construction, design, capacity, quality, cost or manner of installation, fire or water-resistant properties, location, or utility of a shelter or any part thereof, or which would be misleading in any other material respect.

(2) All construction items featured in a pictorial representation must be included in the price stated in the advertisement.

Example 1. Picturizations of fallout shelters which imply protection against blast effects but which are not capable of providing this protection shall not be used.

Example 2. An advertisement shall not feature the picture of a higher-priced shelter in conjunction with the price of a lower-priced shelter, thus leading consumers to believed the higher-priced model can be purchased at the lower price.

(f) *Deceptive prices.* (1) No statement, expressed or implied, shall be used which misrepresents prices or savings in any manner.

(2) Claims that the price offer is for a limited time only or that there will be an increase in price shall not be used unless in fact true.

(3) Advertised or quoted prices shall include the cost of all parts of the structure which are essential to its functioning as a shelter.

(4) Advertised or quoted prices also shall include all charges for the delivery and installation of the shelter, unless the advertisement clearly and conspicuously discloses that delivery or installation charges are not included.

NOTE: The guides against deceptive pricing furnish guidance respecting other pricing representations and are to be considered as supplementing this guide.

(g) *Financial terms.* (1) Installment purchase plans shall not be misrepresented in any manner nor shall an advertiser claim that loans from any lending institution are available, or that such loans may be insured by the Federal Housing Administration, unless such is the fact.

(2) Down payments shall not be quoted in such a manner as to imply that the down payment constitutes the entire price.

(3) If a shelter is offered at a quoted price under an installment plan which requires additionally the payment of carrying charges, the fact that carrying charges are to be added to the advertised price must be disclosed.

(4) If an interest rate is quoted, it must be simple interest per annum calculated on the basis of the unpaid balance due as reduced after crediting installments as paid.

(h) *Guarantees.* A guarantee shall not be used in such a manner as to constitute a misrepresentation of a material fact. For example, "guaranteed fallout proof" is a representation that complete protection against fallout is afforded under all conditions. This would constitute a misrepresentation of a material fact, contrary to the provisions of Guide 1.

NOTE: The guides against deceptive advertising of guarantees furnish guidance respecting other guarantee representations and are to be considered as supplementing this guide.

(i) *Government connection, approval or endorsement.* If a shelter design meets the minimum requirements of the Office of Civil Defense, the advertiser may reveal this fact in advertising. Even though the shelter design meets the aforementioned requirements, however, an advertiser shall not represent that the shelter has been approved or endorsed by the Government or is being offered by an agency of the Government. Thus, the use of seals, insignia, trade or brand names, or any other term or symbol implying Government connection, approval, or endorsement shall not be used in advertising.

(j) *Maintenance or repairs.* No statement shall be made which misrepresents the extent to which maintenance, repairs or replacement of a shelter or parts thereof may be required.

(k) *Custom made, custom built, etc.* Claims that a shelter is "custom made," "custom built," or representations of similar import, shall not be used unless the shelter is to be designed and built specially for the particular purchaser.

(l) *Model shelters.* An advertiser shall not claim that prospective purchasers' homes have been selected for the installation of "model shelters," or that the owners thereof will receive any amount of money, a reduction in price or other thing of value conditioned upon the sale to others of similar shelters, when such is not the fact.

(m) *Combination or dual-purpose shelters.* Claims to the effect that a shelter serves a combination or dual purpose shall not be used unless factually true. If a shelter can in fact be utilized for other purposes which would not interfere with its use as a shelter, factual and nondeceptive representations as to such other utilization may be made.

(n) *Bait advertising.* An advertiser shall not offer a shelter for sale unless such offer is made in good faith for the purpose of selling the advertised shelter. Insincere offers to sell, made for the purpose of contacting prospective purchasers and switching them to a shelter other than the shelter advertised, are not to be used.

(o) *Lottery schemes.* Sales promotional plans involving lottery or other schemes of chance shall not be used.

(p) *Scare tactics.* Scare tactics, such as the employment of horror pictures calculated to arouse unduly the emotions of prospective shelter buyers, shall not be used.

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Adopted: December 5, 1961.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11712; Filed, Dec. 8, 1961; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950——)

Representative Payee

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. A new Subpart Q is added to Part 404 to read as follows:

Subpart Q—Representative Payee

Sec.
404.1601 Payments on behalf of an individual.
404.1602 Submission of evidence by representative payee.
404.1603 Responsibility of representative payee.
404.1604 Use of benefits for current maintenance.
404.1605 Conservation and investment of payments.
404.1606 Use of benefits for beneficiary in an institution.
404.1607 Support of legally dependent spouse or child.
404.1608 Claims of creditors.
404.1609 Accountability.

AUTHORITY: §§ 404.1601 to 404.1609 are issued under secs. 205, 207, 1102, 53 Stat. 1368, 49 Stat. 624, 647, sec. 5, Reorg. Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 407, 1302.

§ 404.1601 Payments on behalf of an individual.

When it appears to the Administration that the interest of a beneficiary entitled to a payment under Title II of the Act would be served thereby, certification of payment may be made by the Administration, regardless of the legal competency or incompetency of the beneficiary entitled thereto, either for direct payment to such beneficiary, or for his use and benefit to a relative or some other person as the "representative payee" of the beneficiary. If appointment of a legal guardian, committee or other legal representative for a beneficiary, may otherwise be proper, the Administration may, at any time, withhold certification of payment to a beneficiary or to a relative or other person on behalf of a beneficiary until a guardian, committee, or other legal representative who is duly authorized to receive payments on behalf of such beneficiary, has been appointed.

§ 404.1602 Submission of evidence by representative payee.

Before any amount shall be certified for payment to any relative or other person as representative payee for and on behalf of a beneficiary, such relative or other person shall submit to the Administration such evidence as it may require of his relationship to, or his responsibility for the care of, the beneficiary on whose behalf payment is to be made, or of his authority to receive such payment. The Administration may, at any time thereafter, require evidence of the continued existence of such relationship, responsibility or authority. If any such relative or other person fails to submit the required evidence within a reasonable period of time after it is requested, no further payments shall be certified to him on behalf of the beneficiary unless for good cause shown, the default of such relative or other person is excused by the Administration, and the required evidence is thereafter submitted.

§ 404.1603 Responsibility of representative payee.

A relative or other person to whom certification of payment is made on behalf of a beneficiary as representative payee shall, subject to review by the Administration and to such requirements as it may from time to time prescribe, apply the payments certified to him on behalf of a beneficiary only for the use and benefit of such beneficiary in the manner and for the purposes determined by him to be in the beneficiary's best interest.

§ 404.1604 Use of benefits for current maintenance.

Payments certified to a relative or other person on behalf of a beneficiary shall be considered as having been applied for the use and benefit of the beneficiary when they are used for the beneficiary's current maintenance—i.e., to replace current income lost because of the disability, retirement, or death of the insured individual. Where a beneficiary is receiving care in an institution (see § 404.1606), current maintenance shall include the customary charges made by the institution to individuals it provides with care and services like those it provides the beneficiary and charges made for current and foreseeable needs of the beneficiary which are not met by the institution.

§ 404.1605 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 404.1607, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association if the account is either Federally insured or is otherwise insured in accordance with State law requirements.

§ 404.1606 Use of benefits for beneficiary in institution.

Where a beneficiary is confined in a Federal, State or private institution because of mental or physical incapacity, the relative or other person to whom payments are certified on behalf of the beneficiary shall give highest priority to expenditure of the payments for the current maintenance needs of the beneficiary, including the customary charges made by the institution (see § 404.1064) in providing care and maintenance. It is considered in the best interests of the beneficiary for the relative or other person to whom payments are certified on the beneficiary's behalf to allocate expenditure of the payments so certified in a manner which will facilitate the beneficiary's earliest possible rehabilitation or release from the institution or which otherwise will help him live as normal a life as practicable in the institutional environment.

§ 404.1607 Support of legally dependent spouse or child.

If current maintenance needs of a beneficiary are being reasonably met, a relative or other person to whom payments are certified as representative payee on behalf of the beneficiary, may use part of the payments so certified for the support of the legally dependent spouse or a legally dependent child of the beneficiary.

§ 404.1608 Claims of creditors.

A relative or other person to whom payments under title II of the Act are certified as representative payee on behalf of a beneficiary may not use such payments to discharge an indebtedness of the beneficiary which was incurred before the first month for which payments are certified to a relative or other person on the beneficiary's behalf.

§ 404.1609 Accountability.

A relative or other person to whom payments are certified as representative payee on behalf of a beneficiary shall submit a written report in such form and at such times as the Administration may require, accounting for the payments certified to him on behalf of the beneficiary unless such payee is a court-appointed fiduciary and, as such, is required to make an annual accounting to the court, in which case a true copy of each such account filed with the court may be submitted in lieu of the accounting form prescribed by the Administration. If any such relative or other person fails to submit the required accounting within a reasonable period of time after it is requested, no further payments shall be certified to him on behalf of the beneficiary unless for good cause shown, the default of such relative or other person is excused by the Administration, and the required accounting is thereafter submitted.

§§ 404.902, 404.903 [Deletion]

2. Sections 404.902 and 404.903 of Subpart J of this part are deleted and pertinent material therein is incorporated in §§ 404.1601 and 404.1602, respectively.

3. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JOSEPH H. MEYERS,
Acting Commissioner of Social Security.

DECEMBER 4, 1961.

Approved: November 29, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-11688; Filed, Dec. 8, 1961; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

METHYL ESTERS OF HIGHER FATTY ACIDS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Emery Industries, Inc., 4300 Carew Tower, Cincinnati 2, Ohio, and other relevant material has concluded that the following regulation should issue with respect to the food additive methyl esters of higher fatty acids as a source of fat in animal feeds. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart C of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.224 Methyl esters of higher fatty acids.

The food additive methyl esters of higher fatty acids may be safely used in animal feeds in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reaction of methyl alcohol with vegetable oil or tallow and consists of not less than 70 percent methyl esters of the following straight-chain monocarboxylic acids: Myristic acid, palmitic acid, stearic acid, oleic acid, and linoleic acid, and lesser amounts of the associated acid esters.

(b) The food additive meets the following specifications:

(1) Free methyl alcohol not to exceed 150 parts per million.

(2) Unsaponifiable matter not to exceed 2 percent.

(3) Free on chick-edema or other toxic factor.

(4) For the purposes of this regulation:

(i) Unsaponifiable matter shall be determined by the method described in section 26.049, Official Methods of Analysis of the Association of Official Agricultural Chemists, Ninth Edition (1960).

(ii) The chick-edema factor bioassay method described in the Journal of the Association of Official Agricultural Chemists, Volume 44, page 146 (1961), shall be employed. The presence of chick-edema factor shall be determined by a comparison between the mean log of the pericardial fluid volumes of a test group and of a concurrent negative control group. The significance of the difference in pericardial fluid volumes between the test group and the negative control group is determined by calculating a "t" value according to the formula:

$$t=\frac{\bar{x}_t-\bar{x}_c}{\sqrt{\frac{s_t^2}{n_t}+\frac{s_c^2}{n_c}}}$$

where:

$\bar{x}_t$ and $\bar{x}_c$ are the means of the logs of the pericardial fluid volumes of the test and control groups, respectively;
n_t and n_c are the number of chicks in the respective groups;
s_t^2 and s_c^2 are the variances of the test and control groups, respectively.

The variances are calculated as follows:

$$s^2=\frac{n(\Sigma x^2)-(\Sigma x)^2}{n(n-1)}$$

where:

Σx is the sum of the logs of the pericardial fluid volumes;
Σx^2 is the sum of the squares of the logs of the pericardial fluid volumes for either the test t or control c group data.

The test sample is judged to contain chick-edema factor if the calculated "t" exceeds ± 1.3 and the mean log of the pericardial fluid volume obtained from the negative control group multiplied by 100 is less than 1.1461.

(c) It is used or intended for use as a supplementary source of fat for animal feed.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label and labeling of the additive and any premix thereof shall bear:

(i) The name of the additive.

(ii) The designation "feed grade" in juxtaposition with the name and equally as prominent.

(2) The label or labeling of the additive and any premix thereof shall bear adequate directions for use.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 5, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11686; Filed, Dec. 8, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FATTY ACIDS; SALTS OF FATTY ACIDS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Fatty Acid Producers' Council, 295 Madison Avenue, New York 17, New York, has concluded that the following regulations should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additives fatty acids and salts of fatty acids as named in this order, for use in food and food components. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new sections:

§ 121.1070 Fatty acids.

The food additive fatty acids may be safely used in food and in the manufacture of food components in accordance with the following prescribed conditions:

(a) The additive consists of one or any mixture of the following straight-chain monobasic carboxylic acids and their associated fatty acids derived from the edible fats and oils capric acid, caprylic acid, lauric acid, myristic acid, oleic acid, palmitic acid, and stearic acid.

(b) The food additive contains not more than 2 percent of unsaponifiable matter and is free of chick-edema or other toxic factor.

(c) For the purposes of this section:

(1) Unsaponifiable matter shall be determined by the method described in section 26.049 of the Official Methods of Analysis of the Association of Official Agricultural Chemists, Ninth Edition (1960).

(2) Chick-edema factor shall be determined by the bioassay method described in the Journal of the Association of Official Agricultural Chemists, Volume 44, page 146 (1961). The presence of chick-edema factor shall be determined by a comparison between the mean log of the pericardial fluid volumes of a test group and of a concurrent negative control group. The significance of the difference in pericardial fluid volumes between the test group and the negative control group is determined by calculating a t value according to the formula:

$$t=\frac{\bar{x}_t-\bar{x}_c}{\sqrt{\frac{s_t^2}{n_t}+\frac{s_c^2}{n_c}}}$$

where:

$\bar{x}_t$ and $\bar{x}_c$ are the means of the log of the pericardial fluid volumes of the test and control groups, respectively;
n_t and n_c are the number of chicks in the respective groups;
s_t^2 and s_c^2 are the variances of the test and control groups, respectively.

The variances are calculated as follows:

$$s^2=\frac{n\Sigma x^2-(\Sigma x)^2}{n(n-1)}$$

where:

Σx is the sum of the logs of the pericardial fluid volumes;
Σx^2 is the sum of the squares of the log of the pericardial fluid volumes for either the test t or control c group data.

The test sample is judged to contain chick-edema factor if the calculated t exceeds ± 1.3 and the mean log of the pericardial fluid volume obtained from the negative control group multiplied by 100 is less than 1.1461.

(d) It is used or intended for use as follows:

(1) In foods as a lubricant, binder, and as a defoaming agent in accordance with good manufacturing practice.

(2) As a component in the manufacture of other food-grade additives.

(e) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The common or usual name of the acid or acids contained therein.

(2) The words "food grade," in juxtaposition with and equally as prominent as the name of the acid.

§ 121.1071 Salts of fatty acids.

The food additive salts of fatty acids may be safely used in food and in the manufacture of food components in accordance with the following prescribed conditions:

(a) The additive consists of one or any mixture of two or more of the aluminum, calcium, magnesium, potassium, and sodium salts of the fatty acids conforming to § 121.1070.

(b) The food additive is used or intended for use as a binder, emulsifier, and anticaking agent in food in accordance with good manufacturing practice.

(c) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The common or usual name of the fatty acid salt or salts contained therein.

(2) The words "food grade," in juxtaposition with and equally as prominent as the name of the salt.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FED-

ERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 5, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11687; Filed, Dec. 8, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS FOR PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Can Manufacturers Institute, Inc., 821 15th Street NW., Washington 5, D.C., and other relevant material, has concluded that the following regulation should issue with respect to resinous and polymeric coatings for paper and paperboard used in contacting food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2526 Resinous and polymeric coatings for paper and paperboard.

Resinous and polymeric coatings may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) The coating is applied as a continuous film over paper or paperboard and is characterized by one of the following descriptions:

(1) Coatings cured by oxidation.

(2) Coatings cured by polymerization, condensation, and/or cross-linking without oxidation.

(3) Coatings prepared from prepolymerized substances.

(b) The coatings are formulated from substances identified in § 121.2514(b), with the exception of paragraph (b)(3)(xxxi) and (xxxii) of that section.

(c) The coating in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of its intended use as determined from Tables 1 and 2 of this paragraph, shall yield net chloroform-soluble extractables corrected for zinc as zinc oleate not to exceed 0.5 milligram per square inch.

TABLE 1—TYPES OF RAW AND PROCESSED FOODS

I. Nonacid, aqueous products; may contain salt or sugar or both (pH above 5.0).

II. Acidic, aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low or high fat content.

III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low or high fat content.

IV. Dairy products and modifications:
- A. Water-in-oil emulsions, high or low fat.
- B. Oil-in-water emulsion, high or low fat.

V. Low-moisture fats and oils.

VI. Beverages:
- A. Containing alcohol.
- B. Nonalcoholic.

VII. Bakery products.

VIII. Dry solids with the surface containing no free fat or oil (no end test required).

IX. Dry solids with the surface containing free fat or oil.

TABLE 2—*Test procedures with time-temperature conditions for determining amount of extractables from resinous or polymeric coatings, using solvents simulating types of foods and beverages*

Condition of use	Types of food (see table 1)	Extractant: Water	Extractant: Heptane [1] [2]	Extractant: 8% alcohol
		Time and temperature	*Time and temperature*	*Time and temperature*
A. High temperature heat-sterilized (e.g., over 212° F.).	I, IV-B	250° F., 2 hr.		
	III, IV-A, VII	250° F., 2 hr.	150° F., 2 hr.	
B. Boiling water sterilized	II	212° F., 30 min.		
	III, VII	212° F., 30 min.	120° F., 30 min.	
C. Hot filled or pasteurized above 140° F.	II, IV-B	Fill boiling, cool to 100° F.		
	III, IV-A	Fill boiling, cool to 100° F.	120° F., 15 min.	
	V		120° F., 15 min.	
D. Hot filled or pasteurized below 140° F.	II, IV-B, VI-B	150° F., 2 hr.		
	III, IV-A	150° F., 2 hr.	100° F., 30 min.	
	V		100° F., 30 min.	
	VI-A			150° F., 2 hr.
E. Room temperature filled and stored (no thermal treatment in the container).	I, II, IV-B, VI-B	120° F., 24 hr.		
	III, IV-A	120° F., 24 hr.	70° F., 30 min.	
	V, VII, IX		70° F., 30 min.	
	VI-A			120° F., 24 hr.
F. Refrigerated storage (no thermal treatment in the container).	III, IV-A, VII	70° F., 48 hr.	70° F., 30 min.	
	I, II, IV-B, VI-B	70° F., 48 hr.		
	VI-A			70° F., 48 hr.
G. Frozen storage (no thermal treatment in the container).	I, II, III, IV-B, VII	70° F., 24 hr.		
H. Frozen or refrigerated storage: Ready-prepared foods intended to be reheated in container at time of use:				
1. Aqueous or oil-in-water emulsion of high or low fat.	I, II, IV-B	212° F., 30 min.		
2. Aqueous, high or low free oil or fat.	III, IV-A, VII	212° F., 30 min.	120° F., 30 min.	

[1] Heptane extractant not to be used on containers overcoated with wax.
[2] Heptane extractability results must be divided by a factor of five in arriving at the extractability for a food product having water-in-oil emulsions or free oil or fat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11684; Filed, Dec. 8, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 272—ADMINISTRATION AND SUPPORT OF BASIC RESEARCH BY THE DOD

The Secretary of Defense approved the following on October 26, 1961:

Sec.
272.1 Purpose.
272.2 Definition of basic research.
272.3 Background.
272.4 Principles.
272.5 Policy.
272.6 Implementation.

AUTHORITY: §§ 272.1 to 272.6 issued under R.S. 161, sec. 2202; 5 U.S.C. 22. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; secs. 1–3, 72 Stat. 1793; 10 U.S.C. 2301–2314, 42 U.S.C. 1891–1893; E.O. 10521 (19 F.R. 1499, as amended by sec. 6(b), E.O. 10807 (24 F.R. 1899).

§ 272.1 Purpose.

This part states the policy of the Department of Defense on the administration and support of basic research.

§ 272.2 Definition of basic research.

Basic research is that type of research which is directed toward increase of knowledge in science. It is research where the primary aim of the investigator is a fuller understanding of the subject under study.

§ 272.3 Background.

(a) E.O. 10521, as amended, "Administration of Scientific Research by Agencies of the Federal Government," (19 F.R. 1499) provides broad guidelines for administration of basic scientific research by Federal agencies. These guidelines state that while the National Science Foundation shall be increasingly responsible for providing Federal support for general purpose basic research, the conduct and support by other Federal agencies of basic research in areas which are closely related to their missions is recognized as important and desirable and shall continue.

(b) The Director of Defense Research and Engineering is responsible to the Secretary of Defense for the review and direction of the basic research program of the military departments and other agencies of the Department of Defense authorized to conduct or support basic research, and shall ensure that this program is executed according to the provisions of E.O. 10521. This review will be of maximum effectiveness if all elements of the Department adhere to the same fundamental principles in their conduct and support of basic research.

§ 272.4 Principles.

(a) Basic research is essential to the development of military power.

(b) Continuity is essential to successful basic research. Therefore, long-term planning and funding of basic research will be employed to the maximum possible extent.

(c) Basic research may be conducted by competent scientists in universities and non-profit institutions, industry, military laboratories, or elsewhere.

(d) Sustained support of basic research will result in increased effectiveness and economies in military programs.

(e) Free and effective communication among scientists is important to basic research.

§ 272.5 Policy.

(a) It is the policy of the Department of Defense:

(1) To conduct and support a broad and continuing basic research program to provide fundamental knowledge, with emphasis on that related to the needs of the Department of Defense; and

(2) To assure full utilization of our scientific resources and to extend those resources in those areas of science relevant to the mission of the Department of Defense; and

(3) To maintain, through such a program, effective communication among the scientists of the Department of Defense and the scientists of the universities and industry; and

(4) To coordinate this program of basic research with the National Science Foundation; and

(5) To encourage the support of basic research by other government and private agencies.

§ 272.6 Implementation.

(a) It is the responsibility of the Director of Defense Research and Engineering to produce, on a continuing basis, a sound basic research program through the coordination and integration of the elements of the program among the military departments and other agencies of the Department of Defense authorized to conduct or support basic research.

(b) The Department of Defense provides support of basic research by:

(1) *Support of in-house laboratories.* Basic research in laboratories of the Department of Defense or in laboratories of other government agencies, best qualified for such work in particular areas, should be encouraged.

(2) *Grants to and contracts with educational and nonprofit institutions.* In situations appropriate for grants under the provisions of Part 273, of this chapter the grant instrument is the preferred method of supporting basic research by educational and other nonprofit institutions.

(3) *Contract with industry.* Contracts specifically for basic research may be made with industrial contractors (including small businesses) which have a recognized special competence in a given area. In the administration of the provisions of Part 15 of this chapter, which relate to the allowability of a contractor's independent research costs under certain Department of Defense contracts, favorable consideration should be given to independent basic research.

(c) The military departments and other agencies of the Department of Defense authorized to conduct or support basic research will provide the Director of Defense Research and Engineering with such information as he may require in order to carry out his responsibilities under this part, including annual reports through established administrative and fiscal channels of the following, by contract or grant and dollar value:

(1) Basic research performed in government laboratories.

(2) Basic research grants to educational and nonprofit institutions.

(3) Basic research contracts to educational and nonprofit institutions.

(4) Basic research contracts to industrial contractors, including small business.

(5) Independent basic research recognized as an allowable cost in an advance agreement under the provisions of Part 15 of this chapter. Such costs shall be reported via the Assistant Secretary of Defense (Installations and Logistics).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-11676; Filed, Dec. 8, 1961; 8:46 a.m.]

PART 273—POLICY ON BASIC RESEARCH GRANTS AND TITLE TO EQUIPMENT PURCHASED UNDER GRANTS

The Secretary of Defense approved the following:

Secs.
273.1 Authority and purpose.
273.2 Scope and applicability.
273.3 Definitions.
273.4 Background and objectives.
273.5 Policy.
273.6 Grant agreements.
273.7 Administration of grants.
273.8 Delegation.

AUTHORITY: §§ 273.1 to 273.8 issued under R.S. 161, sec. 2202; 5 U.S.C. 22; secs. 1–3, 72 Stat. 1793; 42 U.S.C. 1891–1893.

§ 273.1 Authority and purpose.

Pursuant to Public Law 85–934, "An Act to Authorize the expenditure of Funds through Grants for Support of Scientific Research and for Other Purposes," Approved September 6, 1958, this part:

(a) Establishes uniform DOD policy for (1) granting funds to nonprofit institutions or organizations to conduct basic research and (2) vesting in the name of such an institution or organization the title to equipment purchased with the grant funds;

(b) Delegates authority for carrying out the responsibilities of the Secretary of Defense under Public Law 85–934.

§ 273.2 Scope and applicability.

This part applies to the Military Departments and agencies of the Department of Defense; it covers the expenditure of funds for grants for the purposes set forth in § 273.1. The Policy for the vesting of title to equipment purchases with contract funds is excluded from the scope of this part and will be subject to the Armed Services Procurement Regulation, Subchapter A of this chapter.

§ 273.3 Definitions as used herein.

(a) "Grant" means an award of funds included in a written agreement executed by a grantor agency of the Department of Defense through its contracting activities under the authority of Public Law 85–934.

(b) "Grantor agency" means a Military Department or other agency within the Department of Defense that is authorized, pursuant to § 273.4 below, to make grants in support of basic research.

(c) "Basic research" means the type of research that is directed toward the increase of knowledge in science. It is

research wherein the primary aim of the investigator is to gain a fuller knowledge or understanding of the subject under study.

(d) "Educational or other nonprofit organization" means any corporation, foundation, trust, or institution operated for educational or primarily, scientific purposes, not organized for profit, no part of whose net earnings inures to the profit of any private shareholder or individual.

§ 273.4 Background and objectives.

(a) As stated in Part 272 of this chapter, the Department of Defense is responsible for assuring that basic research necessary to the discharge of its statutory responsibilities is given adequate support.

(b) In the past, when the services of an educational or other non-profit organization were desired, the Department of Defense was limited to the use of a research contract. Public Law 85–934 authorizes grants to these organizations for the purpose of supporting basic research and also gives to the Department of Defense discretionary authority to vest title to equipment purchased with grant funds in the institution or organization conducting the research.

(c) Flexibility in carrying out the responsibility of the Department of Defense under Part 272 of this chapter will be increased through the use of the authority given in Public Law 85–934.

§ 273.5 Policy.

(a) It is the policy of the Department of Defense to encourage the use of grants (in lieu of contracts) to educational or other nonprofit organizations in support of basic research when it is determined that this action would further the objectives of the Department of Defense.

(1) Determination in favor of a grant in lieu of a contract shall be made only after full consideration is given to the nature of the proposed research, as well as the magnitude and extent of the support. In general, grants shall not be made for an initial period of more than five years. This determination may depend on, but is not restricted to, the following factors:

(i) *Support of a broad area of science.* It may be desirable for the grantee to carry out investigations in a general area of science rather than to be restricted to the solution of specific problems.

(ii) *Payment.* It may be desirable that the grantee have the greater flexibility provided by the grant form of payment than the contract form offers.

(iii) *Simplicity and economy in execution and administration.* It may be desirable to minimize detailed supervision by the supporting agency, as well as the need for periodic progress reports by the investigator. The factor of economy resulting from the elimination of accounting and auditing procedures applicable to research contracts should also be a consideration.

(iv) *Cost sharing.* It may be desirable that the Department of Defense support specific portions of the direct costs of a definite program of basic research to which other agencies authorized to make grants and nongovernmental groups are also contributing.

(2) Title to all or any part of the equipment purchased with basic research grant funds may be vested in the organization or institution that has conducted or will conduct the research. This vesting of title may be effected in the grant agreement and may be inclusive or specific. Prior to the vesting of title, it must be determined that such action furthers the objectives of the Department of Defense. This determination may be based on, but is not restricted to, factors such as these:

(i) The retention of title in the Department of Defense creates an administrative burden not warranted by the value of the equipment.

(ii) The administration and keeping of records by the educational or other nonprofit organization becomes prohibitively complicated or expensive.

(iii) The expense involved in redistributing or relocating particular equipment exceeds the value of the equipment.

(b) Research-, development-, test-, and evaluation-type appropriations of the Department of Defense shall be available for making grants in accordance with the policy set forth in paragraph (a) of this section.

(c) The services of the Armed Services Technical Information Agency will be available to Department of Defense grantee institutions in the same manner that these services are provided to Department of Defense contractors and according to the same procedures.

§ 273.6 Grant agreements.

The grant agreement shall be brief in format, containing only those provisions necessary to protect the fundamental interest of the Government, including matters such as reserving to the Government an irrevocable, royalty-free, nonexclusive license for patentable inventions arising out of the research and providing for the revocation of the grant if necessary after agreement between the grantee institution and the grantor.

§ 273.7 Administration of grants.

(a) A grant will be considered as generally falling outside the scope of procurement regulations. However, in fixing the total amount of a grant before it is awarded, the applicable cost principles of Subparts B and C, as appropriate, of Part 15 of the Armed Services Procurement Regulation, Subchapter A, will be used as a guide. Section 30.3 of this chapter will also provide guidance in the handling of property supplies in connection with a grant to which the Government retains title.

(b) In no case shall an indirect cost rate used for determining grant amounts exceed in equivalence the indirect cost rate that has been most recently determined under applicable procedures at the grantee institution for comparable research contracts of the Department of Defense.

(c) Except in the case of revocation, grant amounts as determined at the time of the award will not be adjusted.

(d) In addition, grantor agencies will use Department of Defense Instruction 3210.3, "Administration of Basic Research Grants," as a guide in the detailed administration of grants pursuant to the policies set forth in this part.

§ 273.8 Delegation.

The authority vested in the Secretary of Defense pursuant to sections 1 and 2 of Public Law 85–934 is hereby delegated to the Secretaries of the Army, the Navy, and the Air Force, the Director of Defense Research and Engineering, and the Director of the Advanced Research Projects Agency (ARPA) for grants of $1,000,000 or less. Grants in excess of this amount will require approval of the Secretary of Defense. This authority may be redelegated to research activities whose responsibilities include the support of basic research at educational or other nonprofit institutions for grants of $500,000 or less. Grants exceeding $500,000, but of $1,000,000 or less will require approval of the Secretary of the Department concerned or the Director of Defense Research and Engineering or the Director of ARPA, as the case may be.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61–11677; Filed, Dec. 8, 1961; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL REGULATIONS

Individual Country Regulations

The regulations of the Post Office Department in § 168.5 *Individual country regulations*, as published in the FEDERAL REGISTER of September 19, 1961, at pages 8725–8805, are amended as follows:

I. In the country "Somalia" make the following changes as a result of the establishment of "Somali Republic" as an independent country formed by the merger of former "Somalia" and "Somaliland Protectorate."

A. Amend the country heading to read: "Somali Republic".

I. Southern Region (Territory of former "Somalia")

B. Add immediately after the last item of the new country headed "Somali Republic" the following:

II. Northern Region (Territory of former "Somaliland Protectorate")

POSTAL UNION MAIL

Surface rates, classifications, weight limits and dimensions. See § 168.1.

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 11 cents each.
Aerogrammes, 11 cents each.
Other articles 50 cents first 2 ounces; 30 cents each additional 2 ounces or fraction.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological material accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes. International form. See § 61.2(g) of this chapter.

Prohibitions. Manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

Articles prohibited as parcel post are prohibited in the postal union mail.

PARCEL POST

Surface parcel rates. Two pounds or less, 90 cents; each additional pound or fraction, 35 cents.

Air parcel post. No service.

Weight limit: 22 pounds.
Sealing: Optional.
Group shipments: Yes.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Indemnity. No provision.

Observations. Parcels are accepted for any place, but delivery is confined to Berbera, Borama, Burao, Erigavo, Hargeisa, Sheikh, and Zeilah.

Prohibitions. Arms of all kinds, parts of arms, military stores, except for Government service or under Government license.

Lighters and refills containing butane gas.

II. Delete the country "Somaliland Protectorate" as a result of the foregoing amendment.

III. In the country "Surinam", as amended by 26 F.R. 9224, under Parcel Post, add "1 Form 2972" under "Postal forms required" in the tabular information following the item "Air parcel rates."

IV. In "Places Not Included In Alphabetical List Of Countries", as amended by 26 F.R. 9857, insert the following in proper alphabetical order therein:

Somalia (Somali Republic)
Somaliland (Somali Republic or French Somaliland

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–11681; Filed, Dec. 8, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

The Commission having under consideration the desirability of making certain editorial changes in § 2.601 and of deleting in its entirety § 2.602 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issuer pursuant to authority contained in sections 4(i), (5)(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's statement of organization, delegations of authority, and other information:

It is ordered, This 20th day of November 1961, that, effective December 11, 1961, § 2.601 is amended as set forth below and § 2.602 is deleted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 Treaties and other international agreements relating to radio.

(Corrected to November 15, 1961. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.)

(a) The applicable international treaties and other international agreements in force relating to radio and to which the United States of America is a party, are listed below:

Date	Citations [1]	Subject
1925	IV Trenwith 4248 IV Trenwith 4250 IV Trenwith 4251 TS 724-A	Bilateral arrangements between the United States and the following: Great Britain. Canada. Newfoundland. Effected by exchange of notes signed September and October 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925.
1928 and 1929	1929 For. Rel., vol. II, p. 114. TS 767-A.	Arrangement between the United States and the Dominion of Canada governing radio communications between private experimental stations. Effected by exchange of notes signed Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This arrangement is continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787 TS 777-A.	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland).
1934	48 Stat. 1876 EAS 62.	Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes Apr. 23 and May 2 and 4, 1934. Entered into force on May 4, 1934.
1934	49 Stat. 3555 EAS 66.	Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16 and May 23, 1934. Entered into force May 23, 1934.
1934	49 Stat. 3667 EAS 72.	Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576 TS 988.	Inter-American Radio Communications Convention between the United States and other powers. Signed at Havana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939. Part II of the convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958.
1938	54 Stat. 1675 TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and other powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939.
1938	53 Stat. 2092 EAS 142.	Agreement between the United States and Canada concerning radio communications. Effected by exchange of notes signed in June, July, August, September, October, November, and December 1938. Entered into force Aug. 1, 1938.
1939	53 Stat. 2157 EAS 143.	Arrangement between the United States and Canada concerning the use of radio for civil aeronautical services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939.
1940	54 Stat. 2483 EAS 196.	Agreement between the United States and Mexico with regard to broadcasting. Effected by exchange of notes signed Aug. 24 and 28, 1940. Entered into force Mar. 29, 1941.
1946	60 Stat. 1696 TIAS 1527.	Agreement between the United States and the Union of Soviet Socialist Republics on organization of commercial radio teletype communication channels. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (3) 3131 TIAS 1652.	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning telecommunication standardization of distance measuring equipment. Signed at Washington, D.C., Oct. 13, 1947. Entered into force Oct. 13, 1947.
1947	61 Stat. (4) 3416 TIAS 1676.	Agreement between the United States and the United Nations relative to headquarters of the U.N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States representative to the United Nations and the Secretary General of the U.N. (The provisions of this agreement were also made Public Law 357 of the 80th Cong., approved Aug. 4, 1947.)
1947	61 Stat. (4) 3800 TIAS 1726.	Agreement between the United States and Canada providing for frequency modulation broadcasting in channels in the f.f. band 88–108 Mc. Effected by exchange of notes signed at Washington, D.C., Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947		Agreement between the United States and the Republic of the Philippines concerning the use of radio facilities in the Philippines. Signed at Manila, Sept. 4, 1947. Entered into force on the date of its signature as a modus vivendi pending ratification by the senate of the Philippines.

See footnote at end of table.

Date	Citations [1]	Subject
1956	7 UST 3159. TIAS 3694.	Agreement between the United States and Nicaragua concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Managua, Oct. 8 and 14, 1956. Entered into force Oct. 16, 1956.
1957	TIAS 4177.	Agreement between the United States and Mexico regarding radio broadcasting in the standard broadcast band. Signed at Mexico, Jan. 29, 1957. Entered into force June 9, 1961.
1958	9 UST 1091 TIAS 4080.	Agreement between the United States and Mexico regarding allocation of ultrahigh frequency channels to land mobile and television stations. Effected by exchange of notes signed at Mexico, July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423. TIAS 4380.	Telegraph Regulations (Geneva revision, 1958) annexed to the International Telecommunication Convention. Signed at Geneva, Nov. 29, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1449. TIAS 4295.	Arrangement between the United States and Mexico concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Mexico, July 31, 1959. Entered into force Sept. 30, 1959.
1959 and 1960	11UST 257. TIAS 4442.	Arrangement between the United States and Honduras concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes dated at Tegucigalpa, Oct. 20, 1959, and Feb. 17, 1960, with related note dated Feb. 19, 1960. Entered in to force Mar. 17, 1960.
1959	10 UST 3019. TIAS 4394.	Arrangement between the United States and Venezuela concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Caracas, Nov. 12, 1959. Entered into force Nov. 22, 1961.
1959	2 UST (1) 683. TIAS 2223.	International Telecommunication Convention. Signed at Geneva, Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961.
1959	3 UST (3) 3787. TIAS 2508.	International radio regulations annexed to the International Telecommunication Convention. Signed at Geneva, Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961.
1960	11 UST 1 TIAS 4390.	Arrangement between the United States and Haiti concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Port-au-Prince, Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	11 UST 2229. TIAS 4596.	Agreement between the United States and Paraguay concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes dated at Asuncion, Aug. 31 and Oct. 6, 1960. Entered into force Nov. 5, 1962.
1961	49 Stat. 2393 TS 867.	Agreement between the United States and Bolivia concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at La Paz, Oct. 23, 1961. Entered into force Nov. 22, 1961.

[1] Tranwith—Treaties, conventions, international acts, protocols, and agreements between the United States of America and other powers, 1923-37 (compiled under S. Res. 192, 75th Cong., 1st sess.).
For. Rel.—Papers relating to the foreign relations of the United States, 1929.
Stat.—U.S. Statutes at Large.
UST—Treaties and other international agreements.
TS—Treaty series.
EAS—Executive agreement series.
TIAS—Treaties and other international acts series.

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound by the older agreement with respect to its relations with those particular countries. These include the following:

Date	Citations [1]	Subject
1912	38 Stat. 1672. TS 581.	International Radiotelegraph Convention, final protocol, and service regulations. Signed at London, July 5, 1912. Entered into force Jan. 1, 1913.
1927	45 Stat. 2760. TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington, D.C., Nov. 25, 1927. Entered into force Jan. 1, 1929.
1932	49 Stat. 2393 TS 867.	International Telecommunication Convention, general radio regulations annexed to the International Telecommunication Convention. Signed at Madrid, Dec. 9, 1932. Entered into force for the United States June 12, 1934.

See footnote at end of table.

Date	Citations [1]	Subject
1948	9 UST 621. TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva, Mar. 6, 1948. Entered into force Mar. 17, 1958.
1948	3 UST (3) 3450. TIAS 2495.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London, June 10, 1948. Entered into force Nov. 19, 1952.
1949	3 UST (2) 2686. TIAS 2435.	Agreement between the United States and certain British commonwealth governments regarding telecommunications. Signed at London, Aug. 12, 1949. Entered into force Jan. 1, 1950. This agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	3 UST (3) 3064. TIAS 2489.	Inter-American radio agreement between the United States and Canada and other American Republics. (Fourth Inter-American radio conference.) Signed at Washington, D.C., July 9, 1949. Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1950	3 UST (2) 2672. TIAS 2433.	Arrangement between the United States and Ecuador concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950	11 UST 413. TIAS 4460.	North American Regional Broadcasting Agreement (NARBA) and final protocol. Signed at Washington, D.C., Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, and Dominican Republic. (Not ratified by United Kingdom of Great Britain and Northern Ireland for Territories in the North American region (Bahama Islands and Turks and Caicos Islands) and Jamaica.)
1950 and 1951	2 UST (1) 683. TIAS 2223.	Agreement between amateur stations on behalf of third parties. Effected by exchange of notes signed at Monrovia, Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	3 UST (3) 3787. TIAS 2508.	Treaty with Canada relating to mutual recognition by the United States and Canada of certain radio station and operator licenses issued in either country. Signed at Ottawa, Feb. 8, 1951. Entered into force May 15, 1952.
1951	2 UST (2) 2500. TIAS 2366.	Agreement between the United States and Mexico which assigns certain frequency channels to cities within 250 miles of the United States-Mexico border. Effected by exchange of notes signed at Mexico Aug. 10 and Sept. 20, 1951. Entered into force Sept. 26, 1951. (TIAS 2366 is amended by TIAS 2654 which was signed at Mexico City, June 4 and 25, 1952.)
1951	3 UST (2) 2860. TIAS 2459.	Agreement between the United States and Cuba concerning the control of electromagnetic radiation. Effected by exchange of notes signed at Havana, Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951 and 1952	3 UST (3) 2892. TIAS 2520.	Agreement between the United States and Cuba regarding radio communications between amateur stations on behalf of third parties. Effected by exchange of notes dated at Havana, Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	3 UST (3) 4413. TIAS 2594.	Agreement between the United States and Canada which assigns television frequency channels to cities within 250 miles of the United States-Canadian border. Effected by exchange of notes dated at Ottawa, Apr. 23, 1952, and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 4823. TIAS 2654.	Amendment to TIAS 2366. Amends the agreement between the United States and Mexico on the allocation of television channels along the United States-Mexican border. Signed at Mexico, June 4 and 25, 1952. Entered into force Aug. 25, 1952.
1952	3 UST (4) 4926. TIAS 2666.	Agreement between the United States and Canada for the purpose of promoting safety on the Great Lakes by means of radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (4) 5140. TIAS 2705.	London revision (1952) of the London telecommunications agreement (1949) between the United States and Canada and certain British commonwealth governments. Signed at London, Oct. 1, 1952. Entered into force Jan. 1, 1953. This amends the agreement contained in TIAS 2435 signed at London, Aug. 12, 1949.
1953	5 UST (3) 2840. TIAS 3138.	Understanding between United States and Canada relating to the sealing of mobile radio transmitting equipment. Effected by exchange of notes signed at Washington, D.C., Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179. TIAS 3617.	Agreement between the United States and Panama concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Panama, July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2939. TIAS 3665.	Agreement between the United States and Costa Rica concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Washington, D.C., Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.

See footnote at end of table.

Date	Citations [1]	Subject
1937	54 Stat. 2514. EAS 200.	Inter-American arrangement concerning radiocommunications and annex. Signed at Havana, Dec. 13, 1937. Entered into force for the United States July 18, 1938. This arrangement was replaced by the Inter-American agreement concerning radiocommunications signed at Santiago, Jan. 26, 1940 (EAS 231).
1938	54 Stat. 1417. TS 948.	General radio regulations (Cairo revision, 1938) and final radio protocol (Cairo revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Entered into force Sept. 1, 1939. Superseded by the radio regulations (Atlantic City, 1947) annexed to the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 1901).
1940	55 Stat. 1482. EAS 231.	Inter-American radiocommunications agreement between the United States, Canada, and other American Republics. (Second Inter-American Radio Conference.) Signed at Santiago, Jan. 26, 1940. Entered into force with respect to the United States June 26, 1941. Replaced by the inter-American radio agreement signed at Washington, D.C., July 9, 1949 (TIAS 2489).
1947	63 Stat. (2) 1399. TIAS 1901.	International Telecommunication Convention. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention signed at Buenos Aires, Dec. 22, 1952 (TIAS 3266).
1947	63 Stat. (2) 1581. TIAS 1901.	International radio regulations annexed to the International Telecommunication Convention, Buenos Aires, 1952. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those radio regulations enumerated in article 47 which were implemented by the provisions of the agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951 (TIAS 2753). Superseded by the international radio regulations annexed to the International Telecommunication Convention signed at Geneva, Dec. 21, 1959.
1949	2 UST (1) 17. TIAS 2175.	Telegraph regulations (Paris revision, 1949) annexed to the International Telecommunication Convention. Signed at Paris, Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950. Superseded by the telegraph regulations (Geneva revision, 1958) annexed to the International Telecommunication Convention signed at Geneva, Nov. 29, 1958 (TIAS 4390).
1951	3 UST (4) 5520. TIAS 2753.	Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the table of frequency allocations and other provisions of the radio regulations (Atlantic City, 1947) not brought into force Jan. 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force Mar. 1, 1952. Abrogated by the international radio regulations annexed to the International Telecommunication Convention signed at Geneva, Dec. 21, 1959.
1952	6 UST 1213. TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires, Dec. 22, 1952. Entered into force with respect to the United States, June 27, 1955. Superseded by the International Telecommunication Convention signed at Geneva, Dec. 21, 1959.

[1] Stat.—U.S. Statutes at Large.
TS—Treaty series.
EAS—Executive agreement series.
TIAS—Treaties and other international acts series.

(c) The following agreement has been signed by the United States and is included because of its importance:

Date	Subject
1960	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London, June 17, 1960. This convention will enter into force 12 months after the date on which not less than 15 acceptances, including 7 by countries each with not less than 1 million gross tons of shipping, have been deposited in accordance with article X. Subject to ratification procedure in the United States.

(d) There are, in addition to the foregoing, certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Citations [1]	Subject
1944	61 Stat. (2) 1180. TIAS 1591.	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]
1946		ICAO Communications Division, 2d session, Montreal.[2]
1949		ICAO Communications Division, 3d session, Montreal.[2]
1951		ICAO Communications Division, 4th session, Montreal.[2]
1954		ICAO Communications Division, 5th session, Montreal.[2]
1957		ICAO Communications Division, 6th session, Montreal.[2]
1958		ICAO Communications Division, special session, Montreal.[2]

[1] Stat.—U.S. Statutes at Large.
TIAS—Treaties and other international acts series.
[2] Available from the Secretary General of ICAO, International Aviation Building, 1080 University Street, Montreal, Canada.

2. Part 2 is further amended as follows:

§ 2.602 [Deletion]

Section 2.602 is deleted in its entirety.

[F.R. Doc. 61-11654; Filed, Dec. 8, 1961; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex. Parte No. 217]

PART 43—DISCONTINUANCE OR CHANGE OF OPERATION OR SERVICE

Petition; Trains or Ferries

Amendments to existing rules relating to proposed discontinuances or change of the operation or service of trains or ferries by carriers subject to Part I of the Interstate Commerce Act.

At a general session of the Interstate Commerce Commission, held at its office at Washington, D.C., on the 28th day of November A.D. 1961.

It appearing, that the order of the Commission in this proceeding dated November 12, 1959, in amending, among other things, § 43.5 of the above-described rules of the Commission to add a new paragraph (i) to said section and to change the existing paragraph (i) to (j) inadvertently neglected to amend § 43.6 of said rules to reflect the change in § 43.5;

It further appearing, that, inasmuch as the amendment of § 43.6 contemplated herein is directed only to correction of an obvious error in failing to give effect to an amendment to the preceding section, further notice and public procedure thereon are unnecessary; and good cause therefor appearing:

It is ordered, That the introductory paragraph of said § 43.6 be, and it is hereby, amended to read as follows:

§ 43.6 Petition.

Petitions for authority to effect a discontinuance or change of the operation or service of a train or ferry shall contain in the body thereof or in exhibits attached thereto and referred to therein, the information required by paragraph (b) of § 43.4 of this part, that required by § 43.5 excepting paragraph (j) thereof, and in addition the following:

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12; sec. 5, Public Law 85-625)

It is further ordered, That, this order shall become effective on the date hereof and shall continue in effect until further order of this Commission; and

It is further ordered, That as hereby amended and as amended on November 12, 1959, the order of the Commission of August 14, 1958 (49 CFR Part 43) shall remain in full force and effect and that notice of this amendment be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing with the Director

of the Federal Register, Washington, D.C.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-11689; Filed, Dec. 8, 1961; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Chautauqua National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Sport fishing on the Chautauqua National Wildlife Refuge, Illinois, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,700 acres or 100 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth and smallmouth bass, and other minor species as permitted by state regulations.

(b) Open season: From 4:00 a.m. to 9:00 p.m., Central Standard Time, each day during the periods from January 1 through March 14, 1962, in the open area of Lake Chautauqua; from January 1 through September 30, 1962, in the open area of Liverpool Lake; from March 15 through September 30, 1962, in all waters of Lake Chautauqua; and from October 1 through December 31, 1962, in designated waters of Lake Chautauqua.

(c) Daily creel limits: Largemouth and smallmouth bass—10 of each species; creel limits for other species as prescribed by State regulations.

(d) Methods of fishing:

(1) The use of boats, including boats powered by motors not to exceed six (6) horsepower, is permitted in the waters of Lake Chautauqua. The use of boats and motors, without limitation on horsepower rating of motors, is permitted in the waters of Liverpool Lake and the refuge borrow ditch adjacent to the main dike outside of Lake Chautauqua. Illinois Boat Registration and Safety Act regulations must be adhered to.

(2) The use of seines or other devices for taking minnows or other bait is prohibited.

(3) Sport fishing with pole and line, bank pole and line, throwline, trot line, or buoyed ganging devices not exceeding fifty (50) hooks in the aggregate is permitted. Trot lines shall be tagged with a weatherproof tag indicating owner's name and permanent address. Trot lines may be attended by the owner or members of his immediate family only.

(4) The use of live boxes is prohibited, except that owners of cottages on the lake may utilize them.

(5) Boats, equipment and other fishing gear may be hauled or taken across dikes only at pull-overs designated by suitable posting by the refuge officer in charge.

(6) No person shall enter upon, cross over, or fish from any dike, water control structure, or shoreline within the refuge except as follows: Sport fishing shall be permitted from that part of the main dike that extends for approximately 700 feet easterly from the inlet gate to the main shore at Boatyard No. 3, and from the shoreline within a distance of 660 feet at each of the established boatyards; these areas are delineated by suitable posting by the refuge officer in charge.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 4, 1961.

[F.R. Doc. 61-11669; Filed, Dec. 8, 1961; 8:46 a.m.]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Michigan, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 5,700 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, and other minor species as permitted by State regulations.

(b) Open season: January 1, 1962, through February 28, 1962; daylight hours only.

(c) Daily creel limits: Northern pike and walleyed pike—5 singly or combined; minimum size limit for northerns is 20 inches, for walleyes, 13 inches; creel limits for other species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Two lines, having a total of not more than 4 hooks on all lines, may be used for still fishing, ice fishing, casting or trolling if under immediate supervision. All hooks, single, double or treble pointed, attached to a manufactured artificial bait counted as one hook.

(2) Minnows may be used for bait only in the Manistique River.

(3) Spearing through the ice is permitted, subject to State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 4, 1961.

[F.R. Doc. 61-11670; Filed, Dec. 8, 1961; 8:46 a.m.]

PART 33—SPORT FISHING

Crescent Lake National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,330 acres or 32 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, crappies, bullheads and other minor species as permitted under state regulations.

(b) Open season: January 1, 1962, through September 30, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—6, crappies and bullheads—50 each; creel limits for other species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used, except that in ice fishing not more than five hooks on a line or 15 hooks in the aggregate may be used. One hook means a single, double or treble pointed hook and all hooks attached to an artificial bait are counted as one hook.

(2) Boats, without motors, may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any seine or net for capturing minnows.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 4, 1961.

[F.R. Doc. 61-11671; Filed, Dec. 8, 1961; 8:46 a.m.]

PART 33—SPORT FISHING

North Platte National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres or 90 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, crappies, bullheads and other minor species as permitted under state regulations.

(b) Open season: January 1, 1962, through September 30, 1962.

(c) Daily creel limits: Northern pike—6, crappies and bullheads—50 each; creel limits for other species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used, except that in ice fishing not more than five hooks on a line or 15 hooks in the aggregate may be used. One hook means a single, double or treble pointed hook and all hooks attached to an artificial bait are counted as one hook.

(2) Boats, motorboats and other floating craft may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 4, 1961.

[F.R. Doc. 61-11672; Filed, Dec. 8, 1961; 8:46 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 61]

SIGNATURE REQUIREMENT FOR CASHING MONEY ORDERS

Notice of Proposed Rule Making

It is proposed to amend the Department's regulations with respect to signature requirements for cashing money orders in § 61.3(c) of Title 39, Code of Federal Regulations, by adding a new subparagraph (6) to provide that money orders completed by purchaser showing more than one firm or person as payee may be paid to any one of them.

Although this proposed change relates to a proprietary function of the government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the proposed change. Accordingly, such written views may be submitted to the Finance Officer, Bureau of Finance, Post Office Department, Washington 25, D.C., at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

In § 61.3, paragraph (c) is amended by adding a new subparagraph (6) to read as follows:

§ 61.3 Cashing money orders.

* * * * *

(c) *Signature requirements.* * * *

(6) *More than one payee.* Money orders completed by purchaser to show more than one firm or person as payee may be paid to any of them.

NOTE: The corresponding proposed Postal Manual section is 171.336.

(R.S. 161 as amended; 5 U.S.C. 502, 39 U.S.C. 501, 507, 5101–5105)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–11690; Filed, Dec. 8, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 812]

SUGAR IN HAWAII AND PUERTO RICO

Proposed Requirements for 1962 and Quotas for Six-Month Period Ending June 30, 1962

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering the determination of sugar requirements for local consumption in Hawaii and Puerto Rico for the calendar year 1962 and the establishment of quotas for the six-month period ending June 30, 1962.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) all persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 10 days after publication of this notice in the FEDERAL REGISTER.

The proposed determination of sugar requirements for Hawaii and Puerto Rico for 1962 and quotas for the six-month period ending June 30, 1962, set forth in form and language appropriate for issuance if adopted by the Secretary, is as follows:

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine during December 1961 sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas for the six-month period ending June 30, 1962, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1962.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amounts of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1962 is 50,000 short tons, raw value, and a quota of 25,000 short tons, raw value, is hereby established for Hawaii for local consumption for the six-month period ending June 30, 1962.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1962 is 130,000 short tons, raw value, and a quota of 65,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the six-month period ending June 30, 1962.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the six-month period ending June 30, 1962, all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the six-month period ending June 30, 1962, has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and processors marketings for local consumption in Puerto Rico during the twelve-month period ended October 31, 1961, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The official estimate of the total population for Hawaii as of July 1, 1960, is approximately 642,000 and for Puerto Rico 2,361,000 Compared to official estimates of 1959 population, this represents small increases for both Puerto Rico and Hawaii. No official estimate for either of these areas for 1961 or 1962 is available.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand varies enough to make it a significant factor in the total sugar requirements. Recent trends and year-to-year variations suggest the possibility that requirements may be higher in 1962 than in the twelve months ended October 31, 1961, when distribution was approximately 43,500 short tons, raw value. In view of the distribution for local consumption in Hawaii during the twelve-month period ended October 31, 1961, and after making allowance for consumption increases in 1962 resulting from possible population increases it is expected that 50,000 short tons, raw value, may be needed to meet requirements for local consumption in Hawaii.

In Puerto Rico for the twelve-month period ending October 31, 1961, marketings by processors for local consumption totaled approximately 125,000 short tons, raw value, consisting of approximately 2,200 tons lost in refining, approximately 107,000 tons delivered for local consumption, and approximately 16,000 tons held as increased refiners' stocks charged to the quota and available for local market distribution.

In view of the increase in marketings by processors and the increase in refiners' stocks noted above, and after making allowance for consumption increases in 1962 resulting from possible population increases, it is expected that 130,000 short tons, raw value, may be needed to meet the requirements for local consumption in Puerto Rico in 1962.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1962 local quota is not completely filled. It is, therefore, desirable to establish the 1962 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1962 have been determined to be 50,000 and 130,000 short tons, raw value, respectively. Pursuant to Public Law 87–15 approved March 31, 1961, the quotas for local consumption in Hawaii and Puerto Rico for the six-month period ending June 30, 1962, have been established at one-half of the determined local consumption requirements for 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1120; Sec. 1, Pub. Law 87–15)

Done at Washington, D.C., this 6th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–11695; Filed, Dec. 8, 1961; 8:50 a.m.]

[7 CFR Part 913]

[Docket No. AO–23–A22]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri on October 31, 1961, pursuant to notice thereof which was issued October 10, 1961 (26 F.R. 9717) and a supplemental notice issued October 18, 1961 (26 F.R. 9946).

The material issues on the record of the hearing relate to:

1. Marketing area definition,
2. Class I pricing formula, and
3. Definition of a fluid milk product.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area definition.* The marketing area definition should be expanded to include all of Geary County, Kansas and Fort Riley which is in Geary and Riley Counties, Kansas.

The territory proposed for inclusion in the marketing area is bounded on the north and the south by portions of the present marketing area. Three handlers sell fluid milk products in the area. Two of these handlers are regulated by the Kansas City order. Their sales comprise 30 percent of the total sales in Geary County exclusive of Fort Riley. The remainder of the sales in Geary County and Fort Riley are made by the handler who proposed the area expansion. The Fort Riley contract is presently supplied by this handler but handlers now regulated under the Kansas City order are potential alternative suppliers.

The handler who proposed addition of this territory to the marketing area disposes of 98 percent of his entire fluid milk product sales within this territory at the present time. However, during the period January–June 1961 he made sales in the Greater Kansas City marketing area and because of such sales his plant was a regulated plant under the Kansas City order. The sales in the marketing area during that period were military contract sales. The handler expects to bid on these contracts again and if he obtains such contracts would again be regulated under the Kansas City order. The handler testified that both he and the producers who supply him desire to be affiliated on a continuing basis with the Kansas City market rather than have the plant regulated briefly and then become unregulated. There is also a possibility that the plant might become regulated under the Wichita order by reason of some sales in the Wichita area.

This handler receives 30 percent of his supply directly from producers and 70 percent from a plant regulated under the St. Joseph, Missouri order. A representative of producers supplying this handler stated that producers were desirous of having the plant regulated continuously by the Kansas City order so that they would have continuity in the type of base-excess plan under which they are paid.

Since this territory is closely related geographically to the present marketing area and handlers already regulated make substantial sales in the area, the addition of this territory will promote orderly marketing throughout the area. The extension of regulation will establish minimum uniform prices for milk purchased by handlers for sales in the Geary County and Fort Riley areas thus removing incentives to uneconomic shifts in sales arising from differences in prices paid producers.

There was no opposition to the proposed area extension.

2. *Class I pricing formula.* The Class I pricing formula should be revised as follows:

1. Change from one to one-half cent the adjustment associated with each percentage deviation from the normal supply-sales relationship.

2. Include milk receipts and Class I sales in the St. Joseph, Missouri market in computing the supply-demand adjustment percentage.

3. Reduce the Class I differential from $1.49 (August–March) and $1.18 (April–July) to $1.40 and $1.10, respectively, to maintain the present price level with the smaller supply-demand adjustment resulting from changes 1 and 2.

Representatives of producers and handlers testified in favor of some limitation on the amount of adjustment in the price which is brought about by the supply-demand adjuster. Producers proposed a limiting device which was related to the amount of price change from the previous year in the Kansas City market versus changes in surrounding markets. Three handlers favored an absolute limit in the adjuster of 30 cents per hundredweight. One handler proposed a limit of 23 cents.

Both producers and handlers find it difficult to make good business decisions due to the uncertainty of prospective prices which may change rapidly under the mechanics of the present supply-demand adjuster. Sometimes military contracts which the market could supply are lost because handlers are reluctant to bid in the face of possible erratic variations in the Class I price.

One alternative suggested to curb the activity of the adjuster was to limit the amount of adjustment for each percentage deviation from the norm to one-half cent rather than one cent. This alternative is more appropriate than an absolute limit on the adjuster because it will continue to signal necessary price adjustments regardless of the level of supply versus sales. It is preferable to the limit based on price changes in other markets since that scheme could make accurate price predictions even more difficult.

Although the supply-demand adjuster has produced variable prices, it has accomplished some needed reductions in the Class I price level. The adjuster has reduced the Class I price in each month, except May and June 1960, since August 1959. During this period the average price reduction has been 14.6 cents. In spite of this reduction in price, milk receipts have been increasing relative

to Class I sales. In 1959, 72 percent of producer milk was used as Class I. In 1960 the percentage dropped to 71. During the first nine months of 1961 only 66 percent of producer milk was used in Class I as compared to 71 percent in the same period last year.

Since the existing price structure has resulted in an adequate supply of milk for the market, the net Class I price level should not be increased as a result of the limitations placed on the supply-demand adjuster. To compensate for the smaller adjustments due to the proposed change in the rate of adjustment the Class I price differential should be reduced six cents. The average amount of adjustment during the period August 1959–November 1960 was 14.6 cents. The average adjustment at the one-half cent rate would have been 8.4 cents.

The receipts from producers and the Class I sales in the St. Joseph, Missouri market should be included with receipts and sales in the Kansas City market in computing the utilization percentage for the supply-demand adjuster. The St. Joseph market is contiguous to the Kansas City market on the north and routes of handlers in the two markets are interspersed to some extent. Since marketing conditions are similar in the two markets, the Class I price in the St. Joseph market is directly related to the Kansas City Class I price.

Failure to include the St. Joseph market receipts and sales would distort the utilization percentage particularly when military contracts shift from one market to the other. As discussed in connection with marketing area, the addition of Fort Riley would add to the Kansas City market the Class I sales of the handler who supplies that military installation. It would not add 70 percent of the supply of that handler which is producer milk under the St. Joseph order.

The inclusion of the St. Joseph receipts and sales will result in a percentage of producer milk used in Class I in the two markets which is somewhat larger than the Kansas City figure. In September 1961 the combined market use of producer milk in Class I was 75 percent as compared to 73 percent in Kansas City alone. With the larger percentage of producer milk in Class I in the two markets combined, the supply-demand adjustments would be smaller. It is difficult to estimate precisely from the limited data available the amount of price adjustment which would offset this factor. A reduction of 3 cents in the Class I differential would offset a reduction in the supply-demand adjustment resulting from a decrease of 2 points in the current ratio of receipts to Class I sales.

In order to maintain about the same average Class I price level as has existed in the market, the Class I differentials should be $1.40 in the months August through March and $1.10 in the months April through July. The reduction of approximately nine cents from present differentials will offset the net effect of the proposed changes in the supply-demand adjuster (6 cents to compensate for the lower rate of adjustment and 3 cents for the inclusion of the St. Joseph, Missouri, receipts and sales).

3. *Definition of a fluid milk product.* The definition of a fluid milk product should not be changed.

A handler proposed to change the definition to assure that a product he called milk shake mix be excluded from the fluid milk product definition when it is sold in large containers. The purpose of the proposed amendment was to make it clear that a product which is marketed in liquid form to be frozen commercially and sold as "ice milk mix" (the legal term) and which is not subject to the fluid milk product ordinance is excluded from the fluid milk product definition. The market administrator has been classifying such ice milk products in Class II.

Milk shake mixes of the type which are sold to consumers in liquid form without freezing are required to be made from Grade A milk. Such products are clearly identified as Class I fluid milk products.

Since the "ice milk" product which is marketed in the area and in which the proponent is interested is recognized by the market administrator as a Class II item under the present definition and milk shake mixes are recognized as Class I, there is no reason to change the definition.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 913.6 delete the phrase "Riley County, Kansas, exclusive of the Fort Riley military reservation." and substitute therefor: "Geary and Riley counties, Kansas, including the Fort Riley military reservation."

2. In the portion of § 913.51(a) preceding § 913.51(a)(1) delete "$1.18" and "$1.49" and substitute therefor "$1.10" and "$1.40", respectively.

3. Delete § 913.51(a)(1) and substitute therefor the following:

(1) Divide the amount computed pursuant to subdivision (i) of this subparagraph by the amount computed pursuant to subdivision (ii), multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(i) Add to the total receipts of producer milk in the second and third months preceding, the total receipts of producer milk reported for the same months by handlers regulated under the St. Joseph, Missouri Federal milk order.

(ii) Add to the total gross volume of Class I milk at pool plants in the second and third months preceding, the total gross volume of Class I milk during the same period at pool plants under the St. Joseph, Missouri Federal milk order. Interhandler transfers which duplicate Class I sales are excluded from the total gross volume in each market and for the two markets.

4. In § 913.51(a)(3) change "one cent" to "one-half cent" in each place it appears and add a subdivision (iv):

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

Signed at Washington, D.C., on December 6, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-11697; Filed, Dec. 8, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 539) has been filed by Corn States Laboratories, Inc., 1124 Harney Street, Omaha 2, Nebraska, proposing the issuance of a regulation to provide for the safe use of tylosin with vitamins in drinking water for swine as an aid in the prevention or treatment of swine dysentery, at a level of 250 milligrams of tylosin (base activity) per gallon of water for from 3 to 10 days and to be withdrawn 48 hours prior to slaughter.

Dated: December 4, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11682; Filed, Dec. 8, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 525) has been filed by Lake States Yeast and Chemical Division of St. Regis Paper Company, Rhinelander, Wisconsin, proposing the issuance of a regulation to provide for the safe use of dried torula yeast in food to enhance the flavor and as a component of special dietary foods.

Dated: December 4, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11683; Filed, Dec. 8, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 633) has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the amendment of §§ 121.2502, 121.2503, and 121.2504 to provide for the safe use of 66 nylon resin, 610 nylon resin, and 66/610 nylon resin in the packaging of food. The petitioner also proposes the issuance of a regulation to provide for the safe use of 6/66 nylon resin in the packaging of food.

Dated: December 5, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11685; Filed, Dec. 8, 1961; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 302, 399]

[Procedural Regs. Policy Statements Docket No. 13250]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS AND STATEMENTS OF GENERAL POLICY

Hearing Priorities and Dismissal of Stale Route Applications; Notice of Proposed Rule Making

DECEMBER 5, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of the rules of practice in Economic Proceedings (14 CFR Part 302) and of the Statements of General Policy (14 CFR Part 399) which would, respectively, prescribe general standards for determining hearing priorities for all route and other docketed matters and also provide for the dismissal, without prejudice, of any application of a certificate of public convenience and necessity, under section 401 of the Act, which has not been noticed for hearing or heard within a period of three years from the date of its filing.

The principal features of the proposed amendments are explained in the Explanatory Statement below and the proposed amendments are set forth in the proposed rule below. These amendments are proposed under authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958 (72 Stat. 743, 788; 49 U.S.C. 1324, 1481), and sections 6 and 7 of the Administrative Procedure Act (60 Stat. 240, 241; 5 U.S.C. 1005, 1006).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before January 8, 1962, will be considered by the Board before taking final action on the proposed rules. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

EXPLANATORY STATEMENT

In recent months, the Board, as part of its general effort to improve its procedures, has had under study action that might be taken to improve the handling of its docket, particularly applications for certificates of public convenience and necessity under section 401. One outgrowth of this was the promulgation on July 3, 1961, of Amendment No. 28 to Part 302 which provides that in those instances in which a part of an application is set for hearing and the remaining portion of the application is severed, the severed portion will be dismissed, without prejudice to the right of the applicant to refile.

As a further step, the Board now proposes the formal abandonment of what has been described as its customary practice of setting applications for hearing in the order in which they are filed. In lieu thereof, the Board would adopt in Part 399 of its regulations a policy of determining the order in which pending applications shall be heard on the basis of the overall public interest under the policies and objectives of the Act. Priority of filing would no longer be considered the norm, from which exceptions may be made in particular cases, but would become only one of a number of considerations to be weighed in making the determination. Concurrently, the Board would amend Part 302 of its regulations to provide for the dismissal of any application for a certificate of public convenience and necessity three years after the date of its filing unless prior to the expiration of such prescribed period the application has been noticed for hearing or hearing thereon has commenced. The dismissal action, and the closing of the applicable docket, would be without prejudice to the right of the applicant to file a new application seeking all or any part of the route authority requested by the application which has been dismissed.

The reasons for the proposed actions are set forth below.

Since the large number of applications filed with the Board under the Act, and the complex and time-consuming proceedings which they give rise to, make it impossible for the Board to set new applications for hearing immediately upon filing, one of the problems that has confronted the Board through the years has been that of determining the order in which such applications shall be assigned for hearing. Section 401(c) provides that an application for a certificate "shall be set for a public hearing, and the Board shall dispose of such application as speedily as possible." Apart from this provision, the Act gives no specific guidance as to the order in which the Board shall hear applications. Section 1001 of the Act, which relates to procedure, merely specifies that the Board, subject to the provisions of the Act and the Administrative Procedure Act, may conduct its proceedings "in such manner as will be conducive to the proper dispatch of business and to the ends of justice." Thus, the ordering of the docket is left largely to the discretion of the Board.

In the past, the Board, in theory at least, has assigned applications for hearing in the order in which they were filed. If all other things were equal, such a practice would be sound, for if

there are no public interest considerations which dictate that one application be heard before another, it is fair that the application which is first filed be first heard.

As a practical matter, it is only rarely that a situation will arise in which priority of filing can be deemed to be the only, or even the most important, consideration. The Act charges the Board with the responsibility of insuring the development of an air transportation system adequate to meet the needs of the commerce, the Postal Service, and the national defense. Just as this requires the Board in reaching its substantive decision at the close of a formal proceeding to do so on the basis of the overall public interest rather than the private interests of the parties, it likewise requires the Board in assigning matters for hearing to do so in the light of the broad objectives of the Act.

Even from a standpoint of the private interests of the applicants, it is doubtful that rigid adherence to priority of filing as the criterion for determining priority of hearing would constitute a satisfactory procedure. On occasion, interested persons have formally requested the Board to rely on priority of filing in determining the order in which applications shall be heard. However, the number of requests for adherence to the priority of filing rule has been small as compared with those for a departure from the rule. Motions for expedited hearing have been commonplace. Further, these requests for a hearing "out of turn" have sought priority for a particular application not only over older applications of some person other than the moving party, but frequently over older, undisposed of applications of the movant itself.

Although the Board has never formally abandoned the announced practice of assigning applications for hearing in the order in which they are filed, considerations such as those set forth above have resulted in priority of filing being accorded progressively less weight and overall public interest considerations more weight in determining order of hearing, so that today the priority of filing "rule" is honored more in the breach than in the observance. Thus, the Board as a routine matter affords certain classes of applications, e.g., applications under section 408 for approval of acquisitions of control and mergers, priority over applications of other types, and even as between applications of the same general type looks principally to the relative need for prompt hearing in order to carry out the objectives of the Act in noticing the various applications for hearing.

Despite criticism in specific cases of the manner in which the Board has assigned applications for hearing, the general procedure for ordering the Board's docket that has evolved has not been seriously questioned and, presumably, the Board could continue to assign applications as it has in the past without taking formal action. However, it is inherently unsound to leave in being a policy which the passage of time has converted largely into a fiction and which has become the exception rather than the rule. More important, as long as there is outstanding a practice which purports to make priority of filing a critical consideration in determining the order in which applications will be heard, the holding of a low docket number will continue to be a valuable right which interested parties may be expected to seek and cling to.

It seems clear that the continued existence, if only on paper, of what purports to be a practice of assigning applications for hearing in the order in which they are filed has tended to encourage unnecessary filings and to create understandable resistance to efforts of the Board to clear the docket of "deadwood" applications. That this is so is illustrated by the practice that has grown up of repeatedly amending applications on file in an effort to retain the low docket number of the original application, even to the point where in some instances the most recently filed amendment bears only slight resemblance to the original application. The result has been the retention on the docket of a large number of applications which the applicants may have no present desire to prosecute, and which serve not only to give a distorted picture of the true state of the docket but also to impede efforts to improve the processing of applications.

Formal abandonment of the priority of filing rule, by removing the need for a plethora of filings and amendments as a protective measure, should enable the Board to dismiss stale applications without harm to the applicants. This in turn should impart greater meaning to the current docket, with resultant benefits to the Board, its staff, and interested members of the public.

It is not the Board's intention to inhibit the right to file applications and to seek hearing thereon. Therefore, the dismissal of an undisposed of application at the end of three years will be without prejudice to the right of the applicant to file a new application seeking all or part of the relief requested in the application that was dismissed. Moreover, to the extent that the age of the application may be cited as a ground for setting a proposal for hearing, the applicant may urge that the Board should look to the date of filing of the original application in which the proposal was made. While the procedure will impose on applicants the burden of refiling, that burden is not great. In any event, we find it reasonable to require applicants to indicate by this means a continued interest in prosecuting a proposal, and also believe that any burden that might result from the procedure is more than justified by the benefits that will accrue therefrom. In determining whether an application should be dismissed under the proposed regulation, amendments to applications will be deemed to have been filed as of the date of the basic application to which they relate.

As previously indicated, abandonment of the priority of filing rule will not involve a departure from the procedures that the Board has actually followed, under which relative priority has been determined on the basis of comparative public interest. Thus, the Board will continue to give priority in the ordinary situation to applications under section 408, to compliance proceedings under section 1002, to applications for foreign air carrier permits where there is in existence a bilateral agreement, etc. As to other applications, such as those seeking new or amended certificates of public convenience and necessity, it obviously is impossible to set forth an all-embracing rule that can be applied mathematically in determining the order in which the requests should be set for hearing. The large number of considerations that enter into the determination of public interest, the infinite variations in the factual situations that may arise, and the dynamic and rapidly changing nature of the industry and its problems, make this impossible. However, among other things, the Board will take into account the impact that a proposal may have on subsidy; whether an application proposes new or duplicating service; the volume of traffic that might be affected by the grant or denial of the proposal; the period that has elapsed since the Board heard the same or related proposals; the time that would be required to dispose of the particular application; and the availability of necessary staff members of the carriers, communities, and the Board in the light of other proceedings already in progress to handle the processing of the case. As in the past, applicants will be free to urge upon the Board such considerations as they belive should lead it to accord a particular application a hearing priority different from that which the Board has given it.

Accordingly, the Civil Aeronautics Board proposes to amend proposed Subpart J of Part 302 of the Procedural Regulations and to amend Part 399 of the Policy Statements, respectively, as follows:

§ 302.1030 Dismissal of stale applications.

(a) An application for a certificate of public convenience and necessity under section 401 shall be dismissed three years after the date of filing of such application unless prior to the expiration of said period the application has been noticed for hearing or hearing thereon has commenced. The three-year period will be calculated from the date of the original filing of such application, and the dates of any subsequently filed amendments thereto will be disregarded.

(b) Dismissal of applications pursuant to this section will be without prejudice to the right of the applicant to file a new application seeking all or any part of the route authority requested by the application which has been dismissed. Such new application will be assigned a new docket number.

(c) For the purposes of this section, an application shall be deemed to have been noticed for hearing when:

(1) Such application has been designated in a written notice of prehearing conference issued under § 302.23(a);

(2) Such application has been designated for hearing in an order of consolidation issued under § 302.12; or

(3) Such application has been designated for hearing in an order of the Board instituting proceedings under § 302.1015(a), or an order disposing of pleadings filed in response to an order issued under § 302.1015(b).

§ 399.36 Standards for determining priorities of hearing.

(a) *General.* This policy statement describes the general standards which will be used by the Board in determining the order in which it will designate for hearing those matters on its docket which are to be decided after notice and hearing. Among such matters are applications for certificates of public convenience and necessity or for foreign air carrier permits; applications under section 408 of the Act for approval of consolidations or acquisitions of control; complaint cases; and various rate-making proceedings.

(b) *Standards.* Matters will be assigned for hearing in accordance with the degree of relative priority which each matter is entitled to on the basis of the comparative public interest involved therein. Among other things, the Board will take into account (1) statutory requirements for preference or statutory limitations on the time within which the Board shall act; (2) the impact of delay on the public or particular persons; (3) the need for promptly securing compliance with the provisions of the Act; (4) the time for which the matter has already been pending and which would be required to dispose thereof; (5) whether the application requests renewal of an existing temporary authorization; and (6) in matters relating to operating authority (i) the impact that a proposal may have on subsidy; (ii) whether an application proposes new or duplicating service; (iii) the volume of traffic that might be affected by the grant or denial of the proposal; (iv) the period that has elapsed since the Board considered the service need of the places or areas involved; and (v) the availability of necessary staff members of the carriers, communities, and the Board in the light of other proceedings already in progress to handle the processing of the case. Interested persons may urge upon the Board such considerations as they believe should lead it to accord a particular application a priority different from that which the Board has given it.

[F.R. Doc. 61-11699; Filed, Dec. 8, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 24-31]

LOUIS VANDERVEKEN ET AL.

Order Temporarily Denying Export Privileges

In the matter of Louis Vanderveken Minexi S.P.R.L., Societe Commerciale d'Afrique (SOCODA), Volhardingstraat 27, Antwerp, Belgium, and Yvon Lecoq, O173 Rue Paul Bert, Lens 9, France, respondents; File 24-31.

The Director, Investigations Staff, Bureau of International Programs, U.S. Department of Commerce, has applied to the Compliance Commissioner, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), for an order temporarily denying all United States export privileges to the respondents above-named pending the continued investigation of the export transactions giving rise to the application herein and the final disposition of administrative compliance proceedings which are about to be instituted against them.

The Compliance Commissioner has reviewed the said application, together with the evidence presented in support thereof, and has recommended that it be granted as hereinafter provided. Upon consideration of the recommendation and application, I find that the evidence submitted therewith reasonably supports the conclusion that the above-named respondents have been, and are, engaged in the business of procuring goods of U.S. origin for transshipment to unauthorized destinations in violation of the U.S. export control law. I find further that, unless export privileges are temporarily denied, the respondents will probably continue to obtain U.S. origin goods and thereafter cause them to be transshipped in contravention of the export control law. I also find that the evidence reasonably establishes that the respondent Louis Vanderveken is related by ownership, affiliation, control, position of responsibility or other connection in the conduct of trade or related services, to E.M.M. (Equipment et Materiaux Modernes) and Programm-Automation, both of which firms have the same business address as the said Louis Vanderveken at Volhardingstraat 27, Antwerp, Belgium, and that, in order to prevent evasion, it is necessary that these companies be made subject to the terms of this temporary denial order as related parties. An order temporarily denying such priviliges is therefore reasonably necessary to protect the public interest and national security. For these reasons it is ordered as follows:

(1) Respondents Louis Vanderveken, Minexi S.P.R.L., Societe Commerciale d'Afrique (SOCODA), their respective officers, directors, agents and employees, and Yvon Lecoq, his agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application or any document to be submitted therewith; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, storing, using or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting or other servicing of exports from the United States;

(2) Such denial of export privileges shall apply not only to the parties set forth in paragraph (1) hereof, but also to E.M.M. (Equipement et Materiaux Modernes) and Programm-Automation, the two companies aforementioned, their respective officers, directors, agents and employees, and to any other person, firm, corporation, or business organization with which any of them may now or hereafter be related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith;

(3) This order shall take effect forthwith and shall remain in effect pending the final disposition of the administrative compliance proceedings aforementioned unless it is hereafter amended, modified, or vacated in accordance with the provisions of the Export Regulations;

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from, the Bureau of International Programs, U.S. Department of Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(5) A certified copy of this order shall be served upon each of the respondents and the related parties named in this order.

(6) In accordance with the provisions of Section 382.11(c) of the Export Regulations, the respondents and related parties may move at any time to vacate or modify this temporary denial order by filing with the Compliance Commissioner, Bureau of International Programs, U.S. Department of Commerce, Washington 25, D.C., an appropriate motion for such relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the said Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: December 1, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 61-11675; Filed, Dec. 8, 1961; 8:46 a.m.]

Maritime Administration

[Docket No. S-131]

AMERICAN EXPORT LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of American Export Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act of 1936, as amended, 46 U.S.C. 1223, so that it, any holding company, subsidiary, associate or affiliate may own and operate tanker vessels in the domestic, intercoastal or coastwise services or own interests directly or indirectly in persons owning and operating such vessels. The operations under such permission would be limited to the carriage of petroleum and its products. This application may be inspected by interested parties in the Office of the Secretary, Maritime Administration.

A hearing on the application has been set for December 20, 1961, at 9:30 a.m., e.s.t., in Room 3059, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on December 15, 1961, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on December 15, 1961, will not be granted in this proceeding.

Dated: December 7, 1961.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-11731; Filed, Dec. 8, 1961; 8:56 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13203; Order E-17806]

FLYING TIGER LINE, INC.

Reduced Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of December 1961.

By tariff revisions marked to become effective December 8 and 15, 1961, The Flying Tiger Line Inc. (Tiger) proposes to reduce rates on selected commodities eastbound from major west coast to important midwest and east coast points. The commodities involved in a number of markets are electronic equipment and instruments, fresh fruits and vegetables, florist and nursery stock, decorative evergreens, and cloth piece goods. Reductions in one or two markets are proposed on office and business machines, gift packages of food, and cut flowers. The rates proposed would effect significant decreases below Tiger's current specific commodity rates or below its class rates in those markets where commodity rates are not quoted. The proposals vary significantly in the weight breaks for which rates are to be published. For fruits and vegetables, lower rates are proposed at the 10,000 pound weight break only. For several other commodities, rates are maintained at 100 pounds and are proposed to be decreased at higher weight breaks up to 10,000 pounds, while for still other products rates at 100 and 10,000 pound weight breaks are canceled, a new (lower) rate introduced at 500 pounds, and rates at higher weight breaks decreased.

American Airlines, Inc. has filed a complaint requesting investigation and suspension. In summary, the complaint alleges that the proposed rates are unreasonably low on the basis of cost, that they cannot be justified on competitive grounds since they undercut rates of other carriers, and that they cannot be supported as a method of developing additional air traffic since they apply to commodities now moving in large volume by air. Tiger claims that the level of rates proposed is compensatory on an out-of-pocket cost basis since the traffic is to be accommodated in unutilized aircraft capacity. It presents estimates, obtained "through research with the industries involved," purporting to show that the reductions proposed would significantly increase the volume of its traffic.

Upon consideration of the matters of record, the Board finds that the rates proposed by Tiger to apply to the commodities listed in the Appendix[1] may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. The foregoing rates undercut all competition and are at low levels, averaging 9.5 cents per ton-mile, with some as low as 6.6 cents. We have recently permitted Tiger to introduce a new rate structure based in part upon density of commodities and effecting significant reductions. We have permitted other carriers to meet Tiger's rates on comparable commodities but have suspended proposals by such carriers, as well as by Tiger, involving further reductions below competitive levels where made without adequate justification. When we revoked minimum rates applicable to domestic air freight (Order E-17370 dated August 28, 1961), we stated that "We do not intend to permit air freight rates to fall below economic levels. Neither will we tolerate an incipient return to the domestic rate practices which originally necessitated the issuance of minimum rate orders." The Board views with some concern the succession of rate reductions at low levels recently proposed by various carriers. Unsupported statements by carriers that proposed rates are compensatory and that they will develop large volumes of traffic do not appear adequate justification of reductions of the magnitude herein involved. In view of the dilution of carrier revenues which might ensue from the application of the proposed rates as set forth in the Appendix[1] hereto and the absence of sufficient support for the reductions, the Board has concluded to suspend those portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A[1], are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A[1] hereto are suspended and their use deferred to and including March 7, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The complaint of American Airlines, Inc. in Docket 13203 is dismissed except to the extent granted herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon American Airlines, Inc., and The Flying Tiger Line Inc. which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11698; Filed, Dec. 8, 1961; 8:50 a.m.]

[1] Filed as part of the original document.

ATOMIC ENERGY COMMISSION

DRAFT TECHNICAL STANDARDS FOR TRANSPORT OF RADIOACTIVE MATERIALS

Notice Inviting Comment

Notice is hereby given that a document entitled "Discussion Draft of Technical Standards to be Used as a Basis for Preparation of Regulations for the Safe Transport of Radioactive Materials" is available from the Atomic Energy Commission for review and comment. These draft technical standards have been prepared by the Interagency Committee on the Transportation of Radioactive Materials which is comprised of representatives from the Interstate Commerce Commission, Federal Aviation Agency, Coast Guard, Post Office Department, Bureau of Explosives of the American Association of Railroads, and the Atomic Energy Commission.

The draft standards include many of the principles contained in the proposed regulation for safe transport of radioactive materials issued by the International Atomic Energy Agency in 1960.

The draft standards set forth a technical basis for ultimate, possible adoption for transport safety regulations which the Interagency Committee considers could serve as a foundation for revision of existing Federal regulations governing the transport of radioactive materials.

Copies of the draft standards for transport of radioactive materials are available for examination in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. Interested parties may obtain copies for review and comment by writing to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Comments regarding the technical standards should be submitted prior to January 31, 1962, to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C.

Dated at Germantown, Md., this 4th day of December 1961.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 61-11692; Filed, Dec. 8, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 372]

CALIFORNIA; SOUTHERN CALIFORNIA EDISON CO., TULE RIVER PROJECT

Notice of Modification of Land Withdrawal

DECEMBER 5, 1961.

On December 12, 1923, this Commission gave notice to the General Land Office (now the Bureau of Land Management) of the reservation of 1,313 acres of land of the United States, pursuant to the filing of an application for license for Project No. 372. By Commission letter of April 22, 1940, notice was given that on January 20, 1940, the Southern California Edison Company, Ltd. (now the Southern California Edison Company) had filed an amendatory application showing the project as constructed. The original withdrawal notice of December 12, 1923, was thereby modified and superseded and the area of United States lands reserved was reduced to approximately 201.36 acres.

On July 13, 1942, the Licensee filed an application for amendment to exclude the Strathmore Substation site (private land). This was so ordered by the Commission on December 15, 1942. On September 7, 1948, the Licensee filed another application for amendment to exclude portions of the transmission line and telephone line from the Springville Substation to the Strathmore Substation (private lands). This was so ordered on June 1, 1949. These filings are noted and the maps submitted therewith are to be forwarded with current maps depicting United States lands, in order to complete and update project records.

On September 29, 1961, the Licensee filed an application for amendment to cover replacement of a flume and ditch in T. 20 S., R. 30 E., with a steel pipe (double barrel siphon) and construction of an access road thereto which affect Government lands. This application for amendment adds certain lands and eliminates others for a total overall reduction of 13.37 acres of United States lands. The area of United States lands now withdrawn for Project No. 273 is 187.99 acres.

Therefore, in accordance with section 24 of the Federal Power Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 372. Under said section 24 these lands are from date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following described subdivisions, lying within the project boundary as delimited on the K-2-1 and K-3-1 map exhibits (FPC Nos. 372-47 and 48) entitled "Detail Map of Tule Project, Southern California Edison Company, Los Angeles, September 20, 1961, California," filed in the Federal Power Commission on September 28, 1961, superseding K-2 and 3 (FPC Nos. 372-17 and 18):

T. 20 S., R. 30 E.,
Sec. 28: S½NE¼, SE¼NW¼, N½SW¼;
Sec. 29: S½NE¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 30: Lots 1 and 2, E½SW¼, SE¼.

This notice modifies and supersedes that given on April 22, 1940, insofar as it refers to the K-2 and 3 exhibits (FPC Nos. 372-17 and 18). The area of United States lands reserved for this project has by this notice been reduced to 187.99 acres, all of which have been previously reserved by Power Site Classification No. 144, Project No. 372, or Project No. 1333. The reserved lands are within the Sequoia National Forest.

Copies of the J exhibit (FPC No. 372-46) and K exhibits (FPC Nos. 372-24, 25, 41, 47, and 48) have been forwarded to the Bureau of Land Management, Geological Survey, and Forest Service.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11665; Filed, Dec. 8, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1451]

ATLAS CORP.

Notice of Filing of Application

DECEMBER 4, 1961.

Notice is hereby given that Atlas Corporation ("Atlas"), New York, N.Y., a Delaware corporation and a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an amended application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed tender at a price of $10 per share to The Hidden Splendor Mining Company ("Hidden Splendor"), a majority owned subsidiary of Atlas, of 135,745 shares of the 6 percent Cumulative Preferred Stock, $11 par Value, ("Preferred Stock") of Hidden Splendor owned by Atlas pursuant to a general invitation to tender shares to be extended to all holders of its Preferred Stock by Hidden Splendor.

The amended application contains the following representations:

Atlas owns 135,745 shares, or 21 percent of the Preferred Stock and 4,275,768 shares or 92 percent of the common stock of Hidden Splendor. Hidden Splendor is a Delaware corporation, operating mining and oil interests in certain western states. In November, 1961, Hidden Splendor concluded the sale to Sabre Pinon Corporation, a non-affiliate, of certain uranium mining properties in the Ambrosia Lake area of New Mexico, together with the interest of Hidden Splendor in the Homestake-New Mexico Partners mill. The Board of Directors of Hidden Splendor has determined that it would be in the best interests of Hidden Splendor to use up to $1,600,000 of the $3,000,000 received from the sale of such properties for the purchase of outstanding shares of Preferred Stock.

The Preferred Stock of Hidden Splendor has a par value of $11 per share, a cumulative dividend preference of 66 cent annually, and is entitled upon redemption (other than for the sinking fund) or voluntary liquidation to $11.55 per share, and upon involuntary liquidation to $11 per share, plus accrued dividends in each case. The Preferred Stock is also entitled to the benefits of a sinking fund under which Hidden Splendor is required to retire 182,000 shares of such Preferred Stock during each year commencing with October 1960. The sinking fund requirement may be satisfied by the retirement of shares converted into common stock of Hidden Splendor during the period (now expired) during which such Preferred Stock was convertible, or by redemption of shares at a price of $11 per share plus accrued dividends; 272,720 shares of Preferred Stock were converted into an equal number of shares of common stock during the period when the Preferred Stock was convertible. By reason of such conversion, the sinking fund requirement has been satisfied for the twelve-month period ended October 1961 and approximately 90,000 shares of such converted stock may be applied against the requirement for the twelve-month period ending October 1962. It is anticipated that the proposed transaction will enable Hidden Splendor complete its sinking fund requirement for such period. Dividends at the rate of respect to the outstanding shares of 6 percent per annum (16½ cents per quarter) have been regularly paid with respect to the outstanding shares of Preferred Stock since the date of issuance thereof, the last quarterly dividend having been declared in November 1961, payable December 15, 1961, to stockholders of record December 1, 1961.

The stock is traded in the over-the-counter market and during the year 1961 to October 31 the month end quotations ranged from a low bid price of 9⅞ to a high asked price of 10½. On November 30, 1961, such prices ranged from 10 to 10¾. The shareholders will determine the price of which their shares will be tendered, subject to a minimum price of $10 per share and a maximum price of $11 per share, but no shares will be redeemed prior to Commission action on the Atlas application. In the event the application by Atlas for exemption from section 17(a) of the Act is not granted by the Commission, all stockholders who have tendered shares will be so advised; and given an opportunity to withdraw their tenders. It is proposed that tender offers will be accepted on a basis of lowest prices first, and in the event offers to sell at the same price should exceed the amount available for expenditure at such price, a pro rata allocation will be made among such identical offers.

Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act.

Notice is further given that any interested person may, not later than December 21, 1961 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11673; Filed, Dec. 8, 1961; 8:46 a.m.]

[File No. 1-1712]

PACIFIC FINANCE CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

SEPTEMBER 28, 1961.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Only about 46,000 shares are held by others than Transamerica Corporation.

Upon receipt of a request, on or before October 13, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-11674; Filed, Dec. 8, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR (Page)
PROCLAMATIONS:
3401 ... 11714
3440 ... 11714
EXECUTIVE ORDERS:
2711 ... 11746
10977 ... 11471
10978 ... 11714

5 CFR
6 ... 11347, 11483, 11671, 11813
29 ... 11794

7 CFR
718 ... 11813
722 ... 11472, 11481
728 ... 11795
729 ... 11816
750 ... 11725
775 ... 11672
776 ... 11347, 11407
812 ... 11817
914 ... 11417, 11817
933 ... 11417-11419
937 ... 11725
938 ... 11725
953 ... 11419, 11818
956 ... 11483
PROPOSED RULES:
812 ... 11838
911 ... 11495
913 ... 11839
914 ... 11435
953 ... 11363
982 ... 11498

8 CFR (Page)
237 ... 11818
243 ... 11819
252 ... 11797
253 ... 11797
299 ... 11819
PROPOSED RULES:
242 ... 11363

9 CFR
83 ... 11483
PROPOSED RULES:
74 ... 11804

10 CFR
25 ... 11726

12 CFR
4 ... 11353
217 ... 11798
329 ... 11798

13 CFR
122 ... 11353

14 CFR
40 ... 11354
41 ... 11355
42 ... 11356
221 ... 11819
288 ... 11483
302 ... 11820
507 ... 11672, 11821
555 ... 11672
600 ... 11357, 11484, 11485, 11674, 11726, 11727, 11822-11824.

14 CFR—Continued (Page)
601 ... 11485, 11674, 11675, 11726-11728, 11822-11825.
602 ... 11729
608 ... 11729, 11730
PROPOSED RULES:
18 ... 11804
43 ... 11804
302 ... 11685, 11841
399 ... 11841
600 ... 11435, 11494, 11734
601 ... 11364-11368, 11435, 11436, 11438, 11440-11443, 11445, 11446, 11448, 11449, 11451, 11453-11456, 11494, 11686, 11734.
608 ... 11435, 11494

15 CFR
201 ... 11357
230 ... 11360

16 CFR
13 ... 11360, 11486, 11675, 11730, 11825
14 ... 11826

17 CFR
239 ... 11730
PROPOSED RULES:
270 ... 11738

18 CFR
PROPOSED RULES:
2 ... 11459

19 CFR Page

3 ... 11362
5 ... 11420
21 ... 11362
54 ... 11731
PROPOSED RULES:
10 ... 11683

20 CFR

404 ... 11827

21 CFR

20 ... 11676
120 ... 11731, 11799
121 ... 11677, 11799, 11800, 11828–11830
141a ... 11801
141c ... 11801
146a ... 11801
146c ... 11801
147 ... 11802
PROPOSED RULES:
1 ... 11734
120 ... 11684
121 ... 11684, 11735, 11841
141a ... 11684
146 ... 11684
146a ... 11684
147 ... 11684

24 CFR

201 ... 11731

25 CFR

PROPOSED RULES:
221 ... 11734

26 CFR

1 ... 11486, 11677

28 CFR

15 ... 11420

29 CFR

403 ... 11678
408 ... 11678
670 ... 11420

29 CFR—Continued Page

678 ... 11420
779 ... 11802
PROPOSED RULES:
545 ... 11735

30 CFR

222 ... 11487

32 CFR

272 ... 11830
273 ... 11831
577 ... 11679
701 ... 11715
710 ... 11716
719 ... 11763
720 ... 11722
755 ... 11792
765 ... 11680, 11794
2011 ... 11421

33 CFR

203 ... 11803
210 ... 11732
212 ... 11421

36 CFR

PROPOSED RULES:
1 ... 11363

38 CFR

6 ... 11680
7 ... 11802
8 ... 11680

39 CFR

1—204 ... 11513
168 ... 11832
PROPOSED RULES:
61 ... 11838
201 ... 11426
202 ... 11431
203 ... 11432
204 ... 11432

41 CFR

9–7 ... 11488

43 CFR Page

PROPOSED RULES:
192 ... 11493
200 ... 11493
PUBLIC LAND ORDERS:
61 ... 11803
842 ... 11361
2543 ... 11361
2544 ... 11361
2545 ... 11803
2546 ... 11361
2547 ... 11803
2548 ... 11803
2549 ... 11803

44 CFR

151 ... 11425

46 CFR

PROPOSED RULES:
201 ... 11738
206 ... 11738
221 ... 11738
298 ... 11738
299 ... 11738

47 CFR

2 ... 11833
10 ... 11422, 11681
16 ... 11423
PROPOSED RULES:
3 ... 11458, 11495
7 ... 11369
8 ... 11369
14 ... 11369

49 CFR

43 ... 11835
170 ... 11732
174a ... 11492

50 CFR

32 ... 11733
33 ... 11733, 11836, 11837

OF MICHIGAN
DEC 19 1961
MAIN
READING ROOM

Pages 11849–11884

FEDERAL REGISTER

VOLUME 26 NUMBER 238

Washington, Tuesday, December 12, 1961

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Fruit grown in California and Arizona; handling limitations:
Lemons 11851
Navel oranges 11851
Potatoes grown in Colorado; shipments limitation 11852

Agricultural Research Service

PROPOSED RULE MAKING:
Purebred animals; recognition of breeds and books of records 11870
RULES AND REGULATIONS:
Scabies in sheep; interstate movement 11852
Screwworm; miscellaneous amendments 11853

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Cotton acreage allotments, 1962 crops; corrections:
Extra long staple 11851
Upland 11851

Agriculture Department

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Alien Property Office

NOTICES:
Intention to return vested property:
Antal, Laszlo 11882
State of the Netherlands and Johannes Nicolaas Gerard van Taack Tra Kanen 11882
ten Cate, Herman Andries 11882

Atomic Energy Commission

NOTICES:
Consolidated Edison Company of New York, Inc.; extension of completion date 11878
Ocean Transport Co.; proposed amendment of byprdouct, source and special nuclear material license 11878
Walter Reed Army Institute of Research; extension of completion date 11878

Civil Aeronautics Board

NOTICES:
Piedmont Aviation, Inc., et al.; purchase of certain aircraft; order granting exemption and tentative approval 11879

Civil Service Commission

RULES AND REGULATIONS:
Air Force Department; exception from competitive service 11852

Coast Guard

NOTICES:
Equipment, installations, or materials:
Approvals 11876
Approvals and terminations of approvals 11875
RULES AND REGULATIONS:
Identification credentials for persons requiring access to waterfront facilities or vessels; U.S. Coast Guard port security cards 11862
Undocumented vessels; Connecticut system of numbering approved 11864

Commodity Credit Corporation

NOTICES:
Certain commodities; December sales list 11872

Defense Department

See Navy Department.

Federal Aviation Agency

NOTICES:
Proposed radio antenna structures; determination of no hazard to air navigation 11880
PROPOSED RULE MAKING:
Airworthiness directive; Lycoming VO–540 Series engines 11870
RULES AND REGULATIONS:
Control area extension; alteration 11856
Control area extension, alteration; and alteration and designation of transition areas 11857
Control area extensions, alteration; and designation of transition areas (3 documents) 11854, 11855, 11857
Control area extensions, designation and alteration; and designation and alteration of control zones, and designation of reporting points 11859
Control area extension, revocation; and designation of transition area and alteration of control zone and restricted areas 11859
Control area extensions and transition area; alteration 11856
Control area extension and transition area, alteration; and designation of transition area 11855
Control zone, alteration; and revocation of control area extention and designation of transition area 11858
Federal airway, control zone, and control area extension; alteration 11853
Restricted areas; modification of revocation 11861

Federal Communications Commission

NOTICES:
Hearings, etc.:
Community Service Broadcasters, Inc., et al 11880
Dakota Microwave Co 11880
Flower City Television Corp. and Genesee Valley Television Co., Inc 11881
Huber, Don L., and Bartell Broadcasters, Inc. (WOKY) 11881
La Fiesta Broadcasting Co. and Mid-Cities Broadcasting Corp. 11881
Raritan Valley Broadcasting Co., Inc. (WCTC) 11881
PROPOSED RULE MAKING:
FM broadcast rules 11870

(*Continued on next page*)

Federal Power Commission

NOTICES:
Placer County Water Agency, California; correction 11881

Federal Reserve System

NOTICES:
First Bancorporation of Florida, Inc.; receipt of application for approval of acquisition of shares of bank 11881

Fish and Wildlife Service

RULES AND REGULATIONS:
Sport fishing for individual wildlife refuge areas:
Illinois and Iowa; Mark Twain National Wildlife Refuge 11869
Illinois, Iowa, Minnesota and Wisconsin; Upper Mississippi River Wildlife and Fish Refuge 11868

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petition 11870

Health, Education, and Welfare Department

See Food and Drug Administration.

Indian Affairs Bureau

NOTICES:
Functions relating to funds and fiscal matters; pro rata share payments; redelegation of authority 11879

Interior Department

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

Internal Revenue Service

RULES AND REGULATIONS:
Estate and gift taxes; general powers of appointment 11861

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief 11882
St. Johnsbury & Lamoille County Railroad; rerouting and diversion of traffic; vacation 11882

Justice Department

See Alien Property Office.

Land Management Bureau

NOTICES:
Arizona; small tract clasification 11879

RULES AND REGULATIONS:
Public land orders:
Alaska 11863
Idaho 11863

Navy Department

RULES AND REGULATIONS:
Nonjudicial punishment, naval courts, and certain fact-finding bodies; authority to administer oaths and to act as notary 11862

Post Office Department

RULES AND REGULATIONS:
Undeliverable mail; procedure for handling and disposal 11864

Securities and Exchange Commission

NOTICES:
Apex Minerals Corp.; order summarily suspending trading 11872

Treasury Department

See also Coast Guard; Internal Revenue Service.

NOTICES:
Supervision of bureaus and performance of functions 11877

Veterans Administration

RULES AND REGULATIONS:
Education and training of World War II veterans and vocational rehabilitation; miscellaneous amendments 11862

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR

6 11852

7 CFR

722 (2 documents) 11851
914 11851
953 11851
958 11852

9 CFR

74 11852
83 11853

PROPOSED RULES:
151 11870

14 CFR

600 11853
601 (11 documents) 11853–11859
608 (2 documents) 11859, 11861

PROPOSED RULES:
507 11870

21 CFR

PROPOSED RULES:
121 11870

26 CFR

20 11861
25 11861
45 11861

32 CFR

719 11862

33 CFR

125 11862

38 CFR

21 11862

39 CFR

13 11864
31 11864
47 11864
48 11864

43 CFR

PUBLIC LAND ORDERS:
1238 (revoked in part by PLO 2550) 11863
2550 11863
2551 11863

46 CFR

171 11864

47 CFR

PROPOSED RULES:
3 11870

50 CFR

33 (2 documents) 11868, 11869

Announcing first

5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Upland Cotton

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE'S SHARE OF NATIONAL RESERVE AND FROM STATE RESERVE; AND REMAINDER OF STATE RESERVE

Correction

In F.R. Doc. 61–11387, appearing at page 11472 of the issue for Tuesday, December 5, 1961, the following changes should be made:

1. On page 11472, in the table for Alabama, under column (7), the figure "6" for Walker County should read "0".

2. On page 11476, in the table for Mississippi, under column (1), the figure "5,124" for Jefferson County should read "5,214".

3. On page 11479, in the table for Tennessee, in the first column, the name "Benten" should read "Benton".

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Extra Long Staple Cotton

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE RESERVE, AND REMAINDER OF STATE RESERVE

Correction

In F.R Doc. 61–11388, appearing at page 11481 of the issue for Tuesday, December 5, 1961 the following change should be made.

On page 11482 under the table for Puerto Rico, the figure "2" appearing between "11" and "2,192" for items b. and c. should be deleted.

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Conversion Factors

Notice is hereby given of the approval of an amendment, hereinafter set forth, to the rules and regulations (7 CFR 914.100 et seq.; Subpart—Rules and Regulations) of the Navel Orange Administrative Committee, currently in effect pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment revises conversion factors which are to be used in converting to carton equivalents for reporting purposes, the volume of oranges handled in bulk or in specified containers other than cartons.

Notice that such action was being considered was published in the FEDERAL REGISTER issue of November 22, 1961 (26 F.R. 10933). No written data, views, or arguments pertaining thereto were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Navel Orange Administrative Committee (established pursuant to the said amended marketing agreement and order to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended.

It is hereby further found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the specification of factors for converting to carton equivalents oranges handled in bulk, or in containers other than in cartons, is necessary to facilitate the reporting, on a uniform basis, of orange shipments by handlers, as well as the utilization of the information by the committee; (2) the shipment of navel oranges is currently in progress and subject to allotment, and handlers are required to render to the committee daily and weekly reports of such shipments for use, among other things, in connection with allotment; and (3) the amendment does not require any special preparation for compliance therewith which cannot be completed by the effective time thereof.

The amendment is as follows:

Revise § 914.139 *Conversion factors* (24 F.R. 2355) to read as follows:

§ 914.139 Conversion factors.

Unless otherwise specified in the particular report form, information with respect to volume of oranges required to be submitted under this part shall be reported in terms of cartons. For shipments of oranges, other than in cartons, the volume of such oranges shall be converted to cartons on the basis of 40 pounds net weight per carton: *Provided*, That the following conversion factors may be used:

(a) One standard 2-compartment California wood box, loose packed, equals 1.6 cartons.
(b) Twenty 2-lb. bags equals 1 carton.
(c) Thirteen 3-lb. bags equals 1 carton.
(d) Ten 4-lb. bags equals 1 carton.
(e) Eight 5-lb. bags equals 1 carton.
(f) Seven 6-lb. bags equals 1 carton.
(g) Six 7-lb. bags equals 1 carton.
(h) Five 8-lb. bags equals 1 carton.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 7, 1961, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11714; Filed, Dec. 11, 1961; 8:45 a.m.]

[Lemon Reg. 928, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.1035 (Lemon Regulation 928; 26 F.R. 11419) are hereby amended to read as follows:

(ii) District 2: 125,550 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 7, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11713; Filed, Dec. 11, 1961; 8:45 a.m.]

[958.337 Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 2

Findings. (a) Pursuant to Marketing Order No. 58, as amended (7 CFR Part 958), regulating the handling of potatoes grown in Area No. 2 defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Area No. 2 Committee (San Luis Valley) established pursuant to § 958.50 of said order, as amended, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. In § 958.337 (26 F.R. 7760), delete paragraphs (a) and (g) and substitute in lieu thereof new paragraphs (a) and (g) as set forth below.

§ 958.337 Limitation of shipments.

* * * * * *

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, with 80 percent U.S. No. 1 quality, or better, grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 6 ounces minimum weight, or U.S. No. 1, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

* * * * * *

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Order No. 58, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 7, 1961, to become effective December 13, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 61–11733; Filed, Dec. 11, 1961; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Air Force

Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.207 as set out below.

§ 6.207 Department of the Air Force.

* * * * *

(c) Not to exceed January 1, 1963, not more than 35 positions of Intergroup Relations Specialists at grades GS–12 through GS–15.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–11721; Filed, Dec. 11, 1961; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) That portion of South Dakota, lying west of the Missouri River;

(3) The following counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) All counties in New Mexico except that portion of Eddy County bounded on the north by the Chaves-Eddy County line road (FAS 1215), on the south by State Highway 83 (FAS 1200), on the east by U.S. Highway 285, and on the west by Range Line 24E; and except that portion of Chaves County bounded on the north by Township 15S, on the south by the Chaves-Eddy County line road (FAS 1215), on the east by U.S. Highway 285, and on the west by Range Line 24E.

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Hawaii, Illinois, New Jersey, New York, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick and Sumner, and all counties in the State of Kansas lying west thereof;

(4) All counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(5) That portion of Eddy County in New Mexico bounded on the north by the Chaves-Eddy County line road (FAS 1215), on the south by State Highway 83 (FAS 1200), on the east by U.S. Highway 285, and on the west by Range Line 24E; and that portion of Chaves County in New Mexico bounded on the north by Township 15S, on the south by the Chaves-Eddy County line road (FAS 1215), on the east by U.S. Highway 285, and on the west by Range Line 24E;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add the State of New Jersey to the eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The State of New Jersey is presently included in the infected areas as sheep scabies is known to exist in such States. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to this State. Notice of rule making with respect to this addition was published in the FEDERAL REGISTER on September 29, 1961 (26 F.R. 9173) and due consideration has been given to all relevant material submitted in connection with the proposal.

The amendments also add a specified part of the State of North Dakota to the list of free areas and delete such part from the list of infected and eradication areas as sheep scabies is no longer known to exist in such part. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to the specified part of this State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments also delete specified parts of Chaves and Eddy Counties in New Mexico from the list of free areas and add such specified parts to the list of infected and eradication areas, as sheep scabies is known to exist in the specified parts of these counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to the specified parts in sheep and they also relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purposes in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of December 1961.

M. R. CLARKSON,
Acting Administrator, Agriculture Research Service.

[F.R. Doc. 61–11735; Filed, Dec. 11, 1961; 8:48 a.m.]

PART 83—SCREWWORMS

Miscellaneous Amendments

Pursuant to sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121), the regulations designated "Screwworms", appearing in Part 83, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (c) of § 83.2 is deleted.

2. Paragraph (b) of § 83.5 is amended by deleting the designation "or § 83.8a".

3. Wherever in § 83.6, § 83.7, and § 83.8, the words "and subject to the further restrictions of § 83.8a" appear, such words are deleted.

4. Section 83.8a is deleted.

5. Paragraph (a) of § 83.9 is amended by deleting the designation "§ 83.8a (b) or (d)".

6. Paragraph (b) of § 83.9 is amended by deleting the designation "§ 83.8a (a) or (c)".

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U.S.C. 111–113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117. 19 F.R. 74, as amended)

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 5th day of December 1961.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 61–11736; Filed, Dec. 11, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–LA–99]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway, Control Zone, and Control Area Extension

On July 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6602), stating that the Federal Aviation Agency proposed to alter the segment of low altitude VOR Federal airway No. 21 between the Pocatello, Idaho, VOR and the Dubois, Idaho, VOR; redesignate the Idaho Falls, Idaho, control zone; and redesignate the Idaho Falls control area extension. On November 10, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER amending the original notice by adding to the description of the proposed Idaho Falls control area extension additional controlled airspace to accommodate revised holding pattern procedures.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and supplemental notice, the following actions are taken:

§ 600.6021 [Amendment]

1. In the text of § 600.6021 (14 CFR 600.6021, 26 F.R. 8882), "Pocatello, Idaho, omnirange station; intersection of the Pocatello omnirange 033° True and the Dubois 170° True radials; Dubois, Idaho, omnirange station;" is deleted and "Pocatello, Idaho, VOR; Idaho Falls, Idaho, VOR; Dubois, Idaho, VOR, including an E alternate via the INT of the Idaho Falls VOR 030° and the Dubois VOR 155° radials;" is substituted therefor.

§ 601.1984 [Amendment]

2. § 601.1984 (14 CFR 601.1984) is amended by deleting "Idaho Falls, Idaho: Fanning Field.".

3. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2501 Idaho Falls, Idaho, control zone.

Within a 5-mile radius of Fanning Field (latitude 43°31'05'' N., longitude 112°04'05'' W.), within 2 miles either side of the Idaho Falls VOR 030° and 223° radials extending from the 5-mile radius zone to 15 miles NE and 12 miles SW of the VOR, and within a 1-mile radius of the Rigby, Idaho, Airport (latitude 43°38'45'' N., longitude 111° 55'45'' W.).

4. Section 601.1198 (14 CFR 601.1198) is amended to read:

§ 601.1198 Control area extension (Idaho Falls, Idaho).

The area bounded on the N by VOR Federal airway No. 298, on the E by a line 9 miles SE of and parallel to the Idaho Falls, Idaho, VOR 030° and 210° radials, on the S by Lat. 43°14'00'' N., and on the W by VOR Federal airway No. 257.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D.D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11797; Filed, Dec. 11, 1961; 8:51 a.m.]

[Airspace Docket No. 61-WA-190]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On November 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10605), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the New York, N.Y., Air Route Traffic Control Center area.

No adverse comments were received regarding the proposed amendments. However, the Air Transport Association of America, although concurring with the action proposed, suggested that implementation of transition areas with floors of 700 feet and 1,200 feet not be effected until such time as the method of charting has been resolved. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of the additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. Accordingly, action is taken herein to effect the additions in controlled airspace as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

Editorial changes are included in the actions taken herein for the purpose of simplifying the description of controlled airspace without altering the dimensions proposed in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.1055 (14 CFR 601.1055) Control area extension (Elmira, N.Y.) is amended to read:

§ 601.1055 Control area extension (Elmira, N.Y.).

Within a 15-mile radius of the Elmira, N.Y., VOR; including the airspace SE of Elmira bounded on the E by a line 8 miles E of and parallel to the Elmira VOR 166° radial, on the S by VOR Federal airway No. 116, and on the W by VOR Federal airway No. 31.

2. Section 601.1224 (14 CFR 601.1224) Control area extension (Philipsburg, Pa.) is amended to read:

§ 601.1224 Control area extension (Philipsburg, Pa.).

Within a 15-mile radius of the Philipsburg, Pa., VORTAC; including the airspace E of Philipsburg bounded on the NW by VOR Federal airway No. 58, on the NE by VOR Federal airway No. 170 and on the S by VOR Federal airway No. 30; and the airspace SE of Philipsburg bounded on the N by VOR Federal airway No. 30, on the SE by VOR Federal airway No. 106 and on the SW by VOR Federal airway No. 33.

3. Section 601.1270 (14 CFR 601.1270) Control area extension (Harrisburg, Pa.) is amended to read:

§ 601.1270 Control area extension (Harrisburg, Pa.).

Within a 15-mile radius of the Harrisburg, Pa., VORTAC; including the airspace N of Harrisburg bounded on the N by VOR Federal airway No. 276, on the E by VOR Federal airway No. 31, and on the SW by VOR Federal airway No. 33; the airspace NE of Harrisburg bounded on the N by VOR Federal airway No. 30, on the E by the arc of a 125-mile radius circle centered at the Idlewild, N.Y., VORTAC, on the S and SE by VOR Federal airway No. 162, and on the W by VOR Federal airway No. 31; the airspace SE of Harrisburg bounded on the N by VOR Federal airway No. 474, on the SE by VOR Federal airway No. 251, and on the SW by VOR Federal airway No. 31; and the airspace NW of Harrisburg bounded on the NW by VOR Federal airway No. 106, on the NE by VOR Federal airway No. 33, on the S by VOR Federal airway No. 12, and on the W by VOR Federal airway No. 501.

4. Part 601 (14 CFR Part 601, 26 F.R. 1908) is amended by adding the following sections:

§ 601.10910 Williamsport, Pa., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Williamsport, Pa., VORTAC 127° and 307° radials extending from 9 miles SE to 20 miles NW of the VORTAC; within 10 miles S and 7 miles N of the Hughesville, Pa., RBN 271° and 091° bearings extending from 9 miles W to 20 miles E of the Hughesville RBN; within 10 miles N and 7 miles S of the Milton, Pa., VORTAC 094° and 274° radials extending from 20 miles E to 9 miles W of the VORTAC; and within 12 miles S and 8 miles N of the Williamsport VORTAC 281° radial extending from 9 miles W to 41 miles W of the VORTAC.

§ 601.10911 Salisbury, Md., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Salisbury, Md., VOR 027° and 207° radials extending from 9 miles SW to 20 miles NE of the VOR, excluding the portion which coincides with R-4006.

§ 601.10912 Lancaster, Pa., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the West Chester, Pa., VORTAC 288° radial extending from 9 miles NW to 41 miles NW of the VORTAC.

§ 601.10913 Shenandoah, Pa., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the Selinsgrove, Pa., VORTAC 083° radial extending from 10 miles E to 43 miles E of the VORTAC, excluding the portion which coincides with the Williamsport, Pa., transition area (§ 601.10910).

§ 601.10914 Stonyfork, Pa., transition area.

The airspace extending upward from 1,200 feet above the surface within 11 miles SE and 7 miles NW of the Stonyfork, Pa., VORTAC 029° and 209° radials extending from 4 miles NE to 26 miles SW of the VORTAC and within 10 miles S and 7 miles N of the Stonyfork VORTAC 278° and 098° radials extending from 9 miles W to 20 miles E of the VORTAC excluding the portion which coincides with the Williamsport, Pa., transition area (§ 601.10910).

§ 601.10915 Montrose, Pa., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Wilkes-Barre, Pa., VOR 325° radial extending from 13 miles NW to 46 miles NW of the VOR.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11790; Filed, Dec. 11, 1961; 8:49 a.m.]

[Airspace Docket No. 61-WA-163]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On November 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10779), stating that the Federal Aviation Agency proposed to alter the control area extensions at New Orleans, La., Alexandria, La., Lafayette, La., and Crestview, Fla., and to designate transition areas at Woodville, La., Yarbo, Ala., Hattiesburg, Miss., Evergreen, Ala., and Andalusia, Ala.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1025 (14 CFR 601.1025) is amended to read:

§ 601.1025 Control area extension (New Orleans, La.).

The airspace NE of New Orleans bounded by a line beginning at the New Orleans VORTAC 357° radial at latitude 31°00'00'' N., thence E along latitude 31°00'00'' N. to longitude 89°00'00'' W., thence N along longitude 89°00'00'' W., to latitude 31°15'00'' N., thence E along latitude 31°15'00'' N. to longitude 88°-00'00'' W., thence S along longitude 88°00'00'' W. to the arc of a 25-mile circle centered on the Brookly AFB (latitude 30°37'40'' N., longitude 88°-04'15'' W.), Mobile, Ala., thence counterclockwise via the Brookly 25-mile radius to the N boundary of VOR Federal airway No. 20, thence along V-20 to the arc of a 25-mile circle centered on the Keesler AFB RBN (latitude 30°27'07'' N., longitude 88°53'26'' W.) Biloxi, Miss., thence counterclockwise via the Keesler 25-mile radius to a line 12 miles S of and parallel to the New Orleans VORTAC 070° radial, thence W along this line to the New Orleans VORTAC 177° radial, thence N via the New Orleans VORTAC 177° and 357° radials to the point of beginning; including the airspace within the United States SW, S, and SW of New Orleans bounded by a line beginning at a point on the S boundary of VOR Federal airway No. 20 at longitude 91°05'00'' W., thence E along V-20 to the S boundary of VOR Federal airway No. 22; thence E along V-22 to 3 NM E of the shoreline at longitude 89°07'00'' W.; thence clockwise along a line 3 NM offshore to longitude 90°15'00'' W.; thence N to latitude 29°15'00'' N., longitude 90°15'00'' W.; thence W to latitude 29°15'00'' N., longitude 91°05'00'' W.; thence N to the point of beginning; including the area NW of New Orleans within a 35-mile radius of the New Orleans VORTAC extending clockwise from the N boundary of VOR Federal airway No. 20 to the W boundary of VOR Federal airway No. 9; excluding the area between VOR Federal airway No. 20 and VOR Federal airway No. 20 N, bounded on the SW by the N shoreline of Lake Pontchartrain and on the E by longitude 89°18'30'' W.

2. Section 601.1128 (14 CFR 601.1128) is amended to read:

§601.1128 Control area extension (Alexandria, La.).

The airspace within a 40-mile radius of the Alexandria VOR, including the airspace S of Alexandria bounded on the NE by VOR Federal airway No. 114, on the SE by VOR Federal airway No. 222, on the S and SW by the Lake Charles La., control area extension (§ 601.1006), and on the NW by a line 5 miles NW of and parallel to the Alexandria VOR 232° radial; including the airspace E of Alexandria within 12 miles NE and 8 miles SW of the Alexandria VOR 105° radial extending from the 40-mile radius area to 55 miles SE of the VOR; excluding the portion which coincides with R-3803 and R-3804. The portion of this control area extension that coincides with R-3801 shall be used only after obtaining prior approval from appropriate authority.

3. Section 601.1335 (14 CFR 601.1335) is amended to read:

§ 601.1335 Control area extension (Lafayette, La.).

The airspace bounded on the NE by VOR Federal airway No. 114, on the S by VOR Federal airway No. 20, on the SW by VOR Federal airway No. 20 N and on the NW by VOR Federal airway No. 222.

4. Section 601.1407 (14 CFR 601.1407) is amended to read:

§ 601.1407 Control area extension (Crestview, Fla.).

Within 12 miles W and 8 miles E of the Crestview VOR 004° and 184° radials extending from 20 miles N to 8 miles S of the VOR; within 10 miles N and 7 miles S of the Crestview VOR 091° radial extending from the VOR to 35 miles E of the VOR, excluding the portion of the control area extension which coincides with R-2914 and R-2915.

5. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10822 Woodville, La., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the McComb, Miss., VOR 251° radial extending from 48 miles to 80 miles SW of the McComb VOR.

§ 601.10823 Yarbo, Ala., transition area.

That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the INT of the Evergreen, Ala., VOR 268° and the Mobile, Ala., VOR 005° radials.

§ 601.10824 Hattiesburg, Miss., transition area.

That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Hattiesburg VOR, excluding the portion which coincides with R-4401.

§ 601.10825 Evergreen, Ala., transition area.

That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Evergreen VOR.

§ 601.10826 Andalusia, Ala., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles W and 8 miles E of the Crestview, Fla., VOR 013° radial extending from 22 miles N to 10 miles S of the INT of the Crestview VOR 013° and the Evergreen, Ala., VOR 114° radials.

These amendments shall become effective 1000 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11791; Filed, Dec. 11, 1961; 8:50 a.m.]

[Airspace Docket No. 61-NY-90]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension and Transition Area and Designation of Transition Area

On October 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10101), stating that the Federal Aviation Agency proposed to alter a control area extension and transition area and designate a transition area in the Pittsburgh, Pa., Air Route Traffic Control Center area.

No adverse comments were received regarding the proposed amendments. However, the Air Transport Association of America, although concurring with

the action proposed, suggested that implementation of transition areas with floors of 700 feet and 1,200 feet not be affected until such time as the method of charting has been resolved. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the Notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of the additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. Accordingly, action is taken herein to effect the additions in controlled airspace as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and the due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1256 (14 CFR 601.1256) is amended to read:

§ 601.1256 Control area extension (Pittsburgh, Pa.).

Within a 75-mile radius of the Pittsburgh VORTAC, excluding the portion which coincides with the Youngstown, Ohio, control area extension (§ 601.1140); the airspace NE of Carrolltown, Pa., bounded on the NW by a line 14 miles N of and parallel to the Carrolltown VOR 059° radial, on the NE by VOR Federal airway No. 6, on the SE by VOR Federal airway No. 58, and on the W by the 75-mile radius area; the airspace NE of Grantsville, Md., bounded on the N by VOR Federal airway No. 474, on the SE by VOR Federal airway No. 162, on the SW by VOR Federal airway No. 8, and on the W by the 75-mile radius area; and the airspace E of Grantsville bounded on the NE by VOR Federal airway No. 8, on the S by VOR Federal airway No. 44, on the SW by VOR Federal airway No. 92, and on the NW by VOR Federal airway No. 162.

2. Section 601.10402 (14 CFR 601.10402, 26 F.R. 3300) is amended to read:

§ 601.10402 Clarksburg, W. Va. (Benedum Airport), transition area.

The airspace extending upward from 700 feet above the surface within 10 miles NW and 7 miles SE of the Clarksburg RBN 036° and 216° bearings extending from 9 miles NE to 20 miles SW of the RBN.

3. Part 601 (14 CFR Part 601, 26 F.R. 1908) is amended by adding the following section:

§ 601.10806 St. Thomas, Pa., transition area.

The airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the St. Thomas VOR 251° and 067° radials extending from 20 miles SW to 20 miles NE of the VOR. The portions of this transition area which coincide with R–5801 and 5803 are excluded during the time of designation of the restricted area.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11792; Filed Dec. 11, 1961; 8:50 a.m.]

[Airspace Docket No. 61–NY–94]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On October 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9785), stating that the Federal Aviation Agency proposed to alter the Norfolk, Va., control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1149 (14 CFR 601.1149) is amended to read:

§ 601.1149 Control area extension (Norfolk, Va.).

Within a 55-mile radius of latitude 36°57'44" N., longitude 76°24'44" W., including the area extending from the 55-mile radius area bounded on the S by VOR Federal airway No. 266, and on the NW by a line 8 miles W of and parallel to the Hopewell, Va., VORTAC 199° radial, but excluding the portion below 2,000 feet MSL which lies beyond the shoreline, the portion which coincides with R–4006, R–6603, and R–6609, and the portions which coincide with warning areas. The portions which coincide with R–5309 and R–6606 are excluded during the time of designation of the restricted areas. The portion which coincides with R–6610 shall be used only after obtaining prior approval from appropriate authority.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11793; Filed, Dec. 11, 1961; 8:50 a.m.]

[Airspace Docket No. 61–WA–164]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Transition Area

On November 4, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10451), stating that the Federal Aviation Agency proposed to alter the Corpus Christi, Tex., control area extension, redesignate the Cotulla, Tex., and Lufkin, Tex., control area extensions and redesignate the McAllen, Tex., transition area.

No adverse comments were received regarding the proposed amendments within the allotted time.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. Section 601.1029 (14 CFR 601.1029) is amended to read:

§ 601.1029 Control area extension (Corpus Christi, Tex.).

The airspace N of Corpus Christi bounded on the SE by VOR Federal airway No. 20, on the SW by VOR Federal airway No. 68, on the NW by the arc of 60-mile circle centered on the San Antonio, Tex., RBN, on the N by latitude 29°00'00" N., and on the NE by the arc of a 25-mile circle centered at a point of latitude 28°51'00" N., longitude 96°55'00" W.; including the airspace SE of Corpus Christi bounded on the NW by VOR Federal airway No. 20, on the E by longitude 97°14'00" W., on the SE by the N boundary of R–6301, and on the W by the arc of a 35-mile circle centered on the Alice, Tex., RR.

2. Section 601.1361 (14 CFR 601.1361) is amended to read:

§ 601.1361 Control area extension (Cotulla, Tex.).

Within 13 miles SW and 8 miles NE of the 140° and 320° bearings from the Cotulla RBN extending from VOR Federal airway No. 17 to 20 miles NW of the RBN; including the airspace N of Cotulla bounded on the W by VOR Federal airway No. 77, on the N by the arc of a 60-mile circle centered on the San Antonio, Tex., RBN, and on the E by VOR Federal airway No. 17.

3. Section 601.1363 (14 CFR 601.1363) is amended to read:

§ 601.1363 Control area extension (Lufkin, Tex.).

Within a 25-mile radius of the Lufkin VOR; including the airspace S of Lufkin bounded on the W by VOR Federal airway No. 13 E, on the S by VOR Federal airway No. 222 N, and on the E by VOR Federal airway No. 289.

4. Section 601.10002 (26 F.R. 5391) is amended to read:

§ 601.10002 McAllen, Tex., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 26°30'00" N., on the E by longitude 98°00'00" W., on the W by longitude 98°30'80" W. and on the S by the United States/Mexican border.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11794; Filed, Dec. 11, 1961; 8:50 a.m.]

[Airspace Docket No. 61–LA–87]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension; Alteration and Designation of Transition Areas

On November 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10602), stating that the Federal Aviation Agency proposed to alter a control area extension and a transition area, and designate transition areas in the Great Falls, Mont., Air Route Traffic Control Center area to provide additional controlled airspace for the protection of aircraft executing revised holding pattern procedures.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10021 Bozeman, Mont., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Bozeman VOR 278° and 098° radials extending from 9 miles E to 20 miles W of the VOR.

§ 601.10022 Cut Bank, Mont., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Cut Bank VOR 151° and 331° radials extending from 9 miles NW to 20 miles SE of the VOR.

§ 601.10023 Lewistown, Mont., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lewistown VOR 289° and 109° radials extending from 9 miles E to 20 miles W of the VOR.

§ 601.10812 Whitehall, Mont., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Whitehall VOR 096° and 276° radials extending from 9 miles W to 20 miles E of the VOR.

§ 601.10813 Butte, Mont., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials extending from 9 miles S to 20 miles N of the VOR.

2. Section 601.1038 (14 CFR 601.1038) is amended to read:

§ 601.1038 Control area extension (Great Falls, Mont.).

Within a 45-mile radius of the Great Falls, Mont., VOR; within 12 miles NW and 8 miles SE of the Great Falls VOR 074° radial extending from the 45-mile radius area to 61 miles NE of the VOR; within 12 miles S and 8 miles N of the Great Falls VOR 271° radial extending from the 45-mile radius area to 56 miles W of the VOR; the airspace extending from the 45-mile radius area bounded on the E by a line 6 miles W of and parallel to the Great Falls VOR 180° radial, on the S by VOR Federal airway No. 2, and on the W by a line 8 miles NW of and parallel to the Great Falls VOR 222° radial; and the airspace extending from the 45-mile radius area bounded on the NE by a line 5 miles NE of and parallel to the Lewistown VOR 308° radial and on the S by VOR Federal airway No. 19.

3. Section 601.10004 (14 CFR 601.10004, 26 F.R. 7543) is amended to read:

§ 601.10004 Missoula, Mont., transition area.

That airspace extending upward from 1,200 feet above the surface NW of Missoula within a 35-mile radius of the Missoula VOR bounded on the SW by VOR Federal airway No. 2 and on the NE by VOR Federal airway No. 231; within 10 miles SW and 7 miles NE of the Missoula VOR 298° and 118° radials extending from 9 miles SE to 20 miles NW of the VOR; and within 5 miles either side of the Missoula VOR 180° radial extending from VOR Federal airway No. 2 to 12 miles S of the VOR.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11795; Filed, Dec. 11, 1961; 8:50 a.m.]

[Airspace Docket No. 61–WA–206]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions; Designation of Transition Areas

On November 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10778), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas at selected locations in Alaska to provide additional controlled airspace for the protection of aircraft executing revised holding pattern procedures.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1114 (14 CFR 601.1114) is amended to read:

§ 601.1114 Control area extension (Bettles, Alaska).

Within 16 miles E and 25 miles W of the 337° and 157° bearings from the Bettles, Alaska, RR extending from 25 miles N to 42 miles S of the RR.

2. Section 601.1307 (14 CFR 601.1307) is amended to read:

§ 601.1307 Control area extension (Minchumina, Alaska).

Within 6 miles SW and 8 miles NE of the 332° bearings from the Minchumina, Alaska, RR extending from the RR to 7 miles NW, including the airspace SE of Red Federal airway No. 39 within a 25-mile radius of the Minchumina RR.

3. Section 601.1308 (14 CFR 601.1308) is amended to read:

§ 601.1308 Control area extension (Gustavus, Alaska).

Within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the

Gustavus, Alaska, RR extending from 16 miles NW to 48 miles SE of the RR.

4. Section 601.1467 (14 CFR 601.1467) is amended to read:

§ 601.1467 Control area extension (Bethel, Alaska).

Within a 30-mile radius of the Bethel, Alaska, VOR.

5. Section 601.1473 (14 CFR 601.1473) is amended to read:

§ 601.1473 Control area extension (Kenai, Alaska).

Within a 42-mile radius of the Kenai, Alaska, VOR, excluding that portion which coincides with the Anchorage, Alaska, control area extension (§ 601.1398).

6. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10024 Aniak, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the 050° and 230° bearings from the Aniak, Alaska, RR extending from 9 miles NE to 20 miles SW of the RR.

§ 601.10025 Farewell, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles S and 8 miles N of the 110° and 290° bearings from the Farewell, Alaska, RR extending from 13 miles W to 13 miles E of the RR.

§ 601.10026 Galena, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within a 32-mile radius of the Galena, Alaska, RR.

§ 601.10027 Gulkana, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles W and 8 miles E of the 171° and 351° bearings from the Gulkana, Alaska, RR extending from 13 miles N to 13 miles S of the RR.

§ 601.10028 Iliamna, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 6 miles W and 8 miles E of the 016° and 196° bearings from the Iliamna, Alaska, RR extending from 7 miles N to 13 miles S of the RR.

§ 601.10029 McGrath, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 13 miles SW and 7 miles NE of the 115° and 295° bearings from the McGrath, Alaska, RR extending from 13 miles NW to 20 miles SE of the RR.

§ 601.10030 Northway, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway, Alaska, RR extending from 22 miles SE to 42 miles NW of the RR.

§ 601.10031 Summit, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 25 miles W and 16 miles E of the 187° and 007° bearings from the Summit, Alaska, RR extending from 22 miles S to 42 miles N of the RR.

§ 601.10032 Talkeetna, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Talkeetna, Alaska, RBN extending from 40 miles N to 15 miles S of the RBN.

§ 601.10033 Tanana, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 6 miles NE and 10 miles SW of the 314° and 134° bearings from the Tanana, Alaska, RR extending from 7 miles NW to 13 miles SE of the RR.

§ 601.10814 Five Finger, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles W and 7 miles E of the 170° and 350° bearings from the Five Finger, Alaska, RBN extending from 13 miles N to 12 miles S of the RBN.

§ 601.10815 Kukaklek, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 9 miles SE and 6 miles NW of the 056° and 236° bearings from the Int of the NE course of the King Salmon, Alaska, RR and the S sourse of the Iliamna, Alaska, RR, extending from 8 miles NE to 19 miles SW of the INT.

§ 601.10816 Portage, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 15 miles SW and 23 miles NE of the 122° and 302° bearings from the Portage, Alaska, RBN extending from 20 miles NW to 40 miles SE of the RBN.

§ 601.10817 Rocky Point, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the 255° bearing from the Kodiak, Alaska, RR extending from 18 miles E to 8 miles W of the INT of the 255° bearing from the Kodiak RR and the 132° bearing from the King Salmon, Alaska, RR.

§ 601.10818 Skwentna, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 15 miles S and 23 miles N of the 100° and 280° bearings from the Skwentna, Alaska, RR extending from 40 miles W to 13 miles E of the RR.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11796; Filed, Dec. 11, 1961; 8:51 a.m.]

[Airspace Docket No. 60-LA-29]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On September 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8599), stating that the Federal Aviation Agency proposed to revoke the Miles City control area extension; designate a transition area and redesignate the Miles City, Mont., control zone. On November 3, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10363), stating that the Federal Aviation Agency proposed to increase the size of the Miles City transition area over that originally proposed in order to provide sufficient controlled airspace for the new aircraft holding pattern procedures to become effective January 1, 1962.

No adverse comments were received regarding these proposals.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended as follows:

§ 601.1340 [Revocation]

a. Section 601.1340 is revoked.

b. Section 601.10020 is added as follows:

§ 601.10020 Miles City, Mont., transition area.

That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Miles City, Mont., VORTAC extending clockwise from the 254° radial to the 156° radial, within 35-mile radius of the VORTAC extending clockwise from the 156° radial to the 236° radial, and within a 40-mile radius of the VORTAC extending clockwise from the 236° radial to the 254° radial.

§ 601.1983 [Amendment]

2. In § 601.1983 (14 CFR Part 601) "Miles City, Mont., Miles City Municipal Airport" is deleted.

3. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2500 Miles City, Mont., control zone.

Within a 5-mile radius of the Miles City, Mont., Airport (latitude 46°25'40" N., longitude 105°53'08" W.), including the area within 2 miles either side of the SW course of the Miles City RR, extending from the 5-mile radius zone to 8 miles SW of the RR and within 2 miles either side of the Miles City VORTAC 225° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11798; Filed, Dec. 11, 1961; 8:51 a.m.]

[Airspace Docket No. 60-AN-28]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Alteration of Control Area Extensions; Designation and Alteration of Control Zones, and Designation of Reporting Points

On June 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4891), stating that the Federal Aviation Agency (FAA) proposed to alter the Cold Bay, Alaska, control area extension; alter the Cold Bay, Alaska, control zone; designate a control area extension at Shemya, Alaska; designate the Shemya, Alaska, control zone; designate the Cold Bay, Alaska, and the Adak, Alaska, radio ranges, and the Shemya, Alaska, radio beacon as reporting points.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Aircraft Owners and Pilots Association (AOPA) objected to the designation of a control zone extension for Cold Bay, Alaska, based on the Cold Bay ILS outer marker which would extend beyond the outer marker. AOPA recommended that the instrument approach procedure be altered to obviate the need for such an extension.

Subsequent to publication of the notice, the Agency has further reviewed the instrument approach procedures for Cold Bay. It appears that the ADF and ILS instrument approach procedures can be altered to the degree that the control zone extension for these procedures will not be required to extend beyond the ILS outer marker. However, the instrument approach procedures based on the radio range station will require a control zone extension to extend from the 5-mile radius control zone to 8 miles north of the radio range. Such action is taken herein to terminate the control zone extension required for the ADF and ILS approach procedures at the ILS outer marker and the extension for the radio range approach at a point 8 miles north of the radio range. However, should the revised instrument procedures prove unsatisfactory, the Agency will take the necessary action to alter the control zone and extensions as required.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.1414 (14 CFR 601.1414) is amended to read:

§ 601.1414 Control area extension (Cold Bay, Alaska).

The airspace within a 50-mile radius of the Cold Bay, Alaska, RR.

2. Section 601.2444 (14 CFR 601.2444) is amended to read:

§ 601.2444 Cold Bay, Alaska, control zone.

Within a 5-mile radius of the Cold Bay Airport (latitude 55°12'30" N., longitude 162°42'45" W.), within 2 miles either side of the N course of the Cold Bay RR extending from the 5-mile radius zone to 8 miles N of the RR, and within 2 miles either side of the ILS localizer course extending from the 5-mile radius zone to the ILS OM.

3. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.1058 Control area extension (Shemya, Alaska).

Within a 50-mile radius of the Shemya Airport (latitude 52°43'10" N., longitude 174°06'05" E.) excluding the portion which coincides with the Shemya Restricted Area (R-2204).

4. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.2488 Shemya, Alaska, control zone.

Within a 5-mile radius of the Shemya Airport (latitude 52°43'10" N., longitude 174°06'05" E.), within 2 miles either side of a line bearing 104° from the Shemya RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of a line bearing 284° from the Shemya RBN extending from the 5-mile radius zone to 12 miles W of the RBN, excluding the portion which coincides with the Shemya Restricted Area (R-2204).

5. In the text of § 601.5001 (14 CFR 601.5001) add the following:

Adak, Alaska, RR.
Shemya, Alaska, RBN.
Cold Bay, Alaska, RR.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order No. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11799; Filed, Dec. 11, 1961; 8:51 a.m.]

[Airspace Docket No. 60-KC-24]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Revocation of Control Area Extension, Designation of Transition Area and Alteration of Control Zone and Restricted Areas

On January 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 919) stating that the Federal Aviation Agency (FAA) proposed to alter the Salina, Kans., control area extension and designate the FAA as controlling agency for the Manhattan, Kans., Restricted Area (R-3602) and the Brookville, Kans., Restricted Area (R-3601). On September 28, 1961, an alteration of the proposal was published in the FEDERAL REGISTER (26 F.R. 9137) stating that the FAA proposed to revoke the Salina control area extension; designate a transition area at Salina and alter the Salina control zone. On November 16, 1961, an additional alteration of proposal was published in the FEDERAL REGISTER stating that the FAA proposed to establish the control areas associated with the VOR Federal airways within the proposed Salina 25-mile radius transition area at 1,200 feet above the surface so as to coincide with the floor of this portion of the proposed transition area.

In response to the notice, comments were received from the Aircraft Owners and Pilots Association (AOPA) and the Air Transport Association of America (ATA). The AOPA concurred with the proposal but recommended that the floor of the Salina transition area proposed at 3,500 feet MSL be raised to 10,000 feet MSL and that the radius of the control zone at Schilling Air Force Base be reduced to a 7-nautical mile radius.

The ATA recommended that the Agency adopt the actions as proposed with the exception of the establishment of floors at 1,200 feet above the surface for the control areas associated with the VOR Federal airways within the 25-mile radius transition area. The Association particularly objected to any increase of the minimum enroute altitude (MEA) on VOR Federal airway No. 4 east and west of Salina which will be required if the control area associated with Victor 4 is established at 1,200 feet above the surface. In addition, the ATA requested information pertaining to the revision of any instrument approach

procedures at Salina and MEAs on airways within the Salina transition area and recommended that future proposals to implement Amendment 60–21, Part 60, Air Traffic Rules, contain pertinent changes in MEAs, transition altitudes and instrument approach procedures that are planned as a result of such proposals. Moreover, the Association expressed concern as to the charting methods that would be used to portray the various floors of controlled airspace, as outlined in the proposal.

With regard to the AOPA's comments, a 3,500 feet MSL floor on the transition areas north and south of Salina are necessary to provide controlled airspace for the departure and arrival of high speed jet aircraft based at Schilling AFB. Standard instrument departure and arrival procedures have been developed whereby these aircraft ascend or descend in holding patterns off airways within the proposed transition area, to and from the continental control area. Therefore, a 10,000 foot MSL floor will not provide the necessary controlled airspace for these procedures. In regard to the recommendation of AOPA that the radius of the Schilling AFB control zone be reduced to not over 7 nautical miles, this appears to be a misunderstanding on the part of the AOPA since the Proposal stated that the radius of the Schilling control zone would be 8 statute miles which is the equivalent of 7 nautical miles.

As to the ATA comments, the FAA must reaffirm and recognize a responsibility to the needs of both the VFR and IFR airspace user. In recognizing this responsibility the FAA had adopted the policy, with regard to en route traffic, of establishing MEAs at 1,700 feet above the terrain or 500 feet above the designated MSL floor of control area which ever is higher. Therefore, in some instances, when the control areas associated with airways are established at 1,200 feet above the surface it may be necessary to raise the MEAs. Otherwise, the intent of 60–21 will not be accomplished. In this particular case, it appears from map studies that the present MEA of 3,000 feet on Victor 4 east and west of Salina will be raised to 3,600 feet between Russell, Kans., and Salina and 3,100 feet between Salina and the Fort Riley, Kans., Intersection. Information regarding approach procedures, MEA, and transition altitudes are available to the ATA field representatives, as well as any other Agency, from the FAA regional headquarters concerned. This procedure of making such information available to interested persons will be continued throughout the period during which proposals to implement Amendment 60–21 are processed. A method of charting for this particular area has been developed and will appear on aeronautical charts subsequent to the effective date of these amendments.

No other adverse comments were received regarding the proposed amendments within the allotted time.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12502) and for the reasons stated herein and in the notice, the following actions are taken:

§ 601.1108 [Revocation]

1. Part 601 (14 CFR Part 601) is amended by revoking § 601.1108 *Control area extension (Salina, Kans.)*.

2. Section 601.2213 (14 CFR 601.2213) is amended to read:

§ 601.2213 Salina, Kans., control zone.

Within a 5-mile radius of the Salina Municipal Airport (latitude 38°49'10" N., longitude 97°34'00" W.), and within an 8-mile radius of the Schilling AFB (latitude 38°47'30" N., longitude 97°38'45" W.). The portion of this control zone which coincides with R–3601 shall be used only after obtaining prior approval from appropriate authority.

3. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10016 Salina, Kans., transition area.

Within a 25-mile radius of Schilling AFB (latitude 38°47'30" N., longitude 97°38'45" W.), extending upward from 1,200 feet above the surface; and upward from 3,500 feet MSL in the area N of Salina, bounded on the NE by a line extending from latitude 39°52'15" N., longitude 96°48'00" W.; to latitude 39°40'45" N., longitude 96°35'00" W., on the E by the 346° radial of the Emporia, Kans., VORTAC, on the S by the N boundary of VOR Federal airway No. 4 E of the Salina VORTAC and VOR Federal airway No. 108 W of the Salina VORTAC, on the W by longitude 98°-30'00" N., and on the N by VOR Federal airway No. 216 W of the Mankato, Kans., VOR and VOR Federal airway No. 216 S alternate E of the Mankato VOR; and the area S of Salina bounded on the E by longitude 97°00'00" W., on the S by VOR Federal airway No. 280 E of the Hutchinson, Kans., VORTAC and VOR Federal airway No. 132 W of the Hutchinson VORTAC, on the W by longitude 98°45'00" W., and on the N by VOR Federal airway No. 4 W of the Salina VORTAC and VOR Federal airway No. 4 S alternate E of the Salina VORTAC, excluding the portion within 25 miles of the Hutchinson, Kans., RR. The portion of the transition area that coincides with R–3601 and R–3602 shall be used only after obtaining prior approval from the appropriate authority.

§ 601.6073 [Amendment]

4. In the text of § 601.6073 (14 CFR 601.6073) "All of VOR Federal airway No. 73." is deleted and "All of VOR Federal airway No. 73, but excluding the airspace below 1,200 feet above the surface which lies within the 25-mile radius circle of the Salina, Kans., transition area (§ 601.10016)." is substituted therefor.

§ 601.6004 [Amendment]

5. In the text of § 601.6004 (14 CFR 601.6004, 26 F.R. 3275, 10588) "Seattle, Wash., omnirange station and the Yakima, Wash., omnirange station." is deleted and "Seattle, Wash., VORTAC and the Yakima, Wash., VOR and also excluding the airspace below 1,200 feet above the surface which lies within the 25-mile radius circle of the Salina, Kans., transition area (§ 601.10016)." is substituted therefor.

§ 601.6108 [Amendment]

6. In the text of § 601.6108 (14 CFR 601.6108, 26 F.R. 8626) "All of VOR Federal airway No. 108 including south alternates." is deleted and "All of VOR Federal airway No. 108 including south alternates, but excluding the airspace below 1,200 feet above the surface which lies within the 25-mile radius circle of the Salina, Kans., transition area (§ 601.10016)." is substituted therefor.

§ 608.36 [Amendment]

7. In § 608.36 Kansas, R–3601 Brookville, Kans., Restricted Area (26 F.R. 10965) is amended to read:

R–3601 Brookville, Kans.

Boundaries. Beginning at latitude 38°45'20" N., longitude 97°47'00" W; to latitude 38°39'20" N., longitude 97°47'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°53'22" W.; to latitude 38°45'20" N., longitude 97°53'22" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.

Using agency. Commander, 802d Air Division, Schilling AFB, Kans.

8. In § 608.36 Kansas (26 F.R. 7194) R–3602, Manhattan, Kans., Restricted Area is amended to read:

R–3602 Manhattan, Kans.

Boundaries. Beginning at latitude 39°13'00" N., longitude 96°49'42" W., thence to latitude 39°13'00" N., longitude 96°42'35" W.; thence to latitude 39°12'17" N., longitude 96°40'55" W.; thence to latitude 39°10'43" N., longitude 96°40'55" W.; thence to latitude 39°09'23" N., longitude 96°43'00" W.; thence to latitude 39°04'24" N., longitude 96°47'30" W.; thence to latitude 39°04'24" N., longitude 96°52'22" W.; thence to latitude 39°07'54" N., longitude 96°49'42" W.; thence to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.

Using agency. Commanding General, Fort Riley, Kans.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11789; Filed, Dec. 11, 1961; 8:49 a.m.]

[Airspace Docket No. 61–LA–8]

PART 608—SPECIAL USE AIRSPACE

Revocation of Restricted Area; Modification of Amendment

On October 25, 1961, Federal Register Document 61–10115 which was an amendment to § 608.48 of the regulations of the Administrator was published in the FEDERAL REGISTER (26 F.R. 9986) and revoked the Black Rock Desert, Nev., Restricted Area R–4801.

In citing the section of the regulations to be amended, "§ 608.45 *Nevada*" was used which is in error. The section number assigned to Nevada is 608.48. Action is taken herein to correct this error.

Since this modification of amendment corrects an error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 61–10115 (26 F.R. 9986) is modified by deleting "§ 608.45" and substituting therefor "§ 608.48".

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11800; Filed, Dec. 11, 1961; 8:51 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6582]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 45—MISCELLANEOUS STAMP TAXES

Estate and Gift Tax Regulations Amended With Regard to General Powers of Appointment

In order to conform the Estate Tax Regulations (26 CFR Part 20) and the Gift Tax Regulations (26 CFR Part 25) to the decision of the United States Court of Appeals for the Eighth Circuit in United States v. Winifred H. Turner, Exrx., 287 F. 2d 821, filed March 8, 1961, relating to general powers of appointment, and in order to correct a typographical error in paragraph (f)(7) of § 45.4894–1 of the Miscellaneous Stamp Tax Regulations (26 CFR Part 45), the following regulations are prescribed:

PARAGRAPH 1. Paragraph (e) of § 20.2041–1 is amended to read as follows:

§ 20.2041–1 Powers of appointment; in general.

* * * * * *

(e) *Time of creation of power.* A power of appointment created by will is, in general considered as created on the date of the testator's death. However, section 2041(b)(3) provides that a power of appointment created by a will executed on or before October 21, 1942, is considered a power created on or before that date if the testator dies before July 1, 1949, without having republished the will, by codicil or otherwise, after October 21, 1942. A power of appointment created by an inter vivos instrument is considered as created on the date the instrument takes effect. Such a power is not considered as created at some future date merely because it is not exercisable on the date the instrument takes effect, or because it is revocable, or because the identity of its holders is not ascertainable until after the date the instrument takes effect. However, if the holder of a power exercises it by creating a second power, the second power is considered as created at the time of the exercise of the first. The application of this paragraph may be illustrated by the following examples:

Example (1). A created a revocable trust before October 22, 1942, providing for payment of income to B for life with remainder as B shall appoint by will. Even though A dies after October 21, 1942, without having exercised his power of revocation, B's power of appointment is considered a power created before October 22, 1942.

Example (2). C created an irrevocable inter vivos trust before October 22, 1942, naming T as trustee and providing for payment of income to D for life with remainder to E. T was given the power to pay corpus to D and the power to appoint a successor trustee. If T resigns after October 21, 1942, and appoints D as successor trustee, D is considered to have a power of appointment created before October 22, 1942.

Example (3). F created an irrevocable inter vivos trust before October 22, 1942, providing for payment of income to G for life with remainder as G shall appoint by will, but in default of appointment income to H for life with remainder as H shall appoint by will. If G died after October 21, 1942, without having exercised his power of appointment, H's power of appointment is considered a power created before October 22, 1942, even though it was only a contingent interest until G's death.

Example (4). If in example (3) above G had exercised his power of appointment by creating a similar power in J, J's power of appointment would be considered a power created after October 21, 1942.

PAR. 2. Paragraph (e) of § 25.2514–1 is amended to read as follows:

§ 25.2514–1 Transfers under power of appointment.

* * * * * *

(e) *Time of creation of power.* A power of appointment created by will is, in general, considered as created on the date of the testator's death. However, section 2514(f) provides that a power of appointment created by a will executed on or before October 21, 1942, is considered a power created on or before that date if the testator dies before July 1, 1949, without having republished the will, by codicil or otherwise, after October 21, 1942. A power of appointment created by an inter vivos instrument is considered as created on the date the instrument takes effect. Such a power is not considered as created at some future date merely because it is not exercisable on the date the instrument takes effect, or because it is revocable, or because the identity of its holders is not ascertainable until after the date the instrument takes effect. However, if the holder of a power exercises it by creating a second power, the second power is considered as created at the time of the exercise of the first. The application of this paragraph may be illustrated by the following examples:

Example (1). A created a revocable trust before October 22, 1942, providing for payment of income to B for life with remainder as B shall appoint by deed or will. Even though A dies after October 21, 1942, without having exercised his power of revocation, B's power of appointment is considered a power created before October 22, 1942.

Example (2). C created an irrevocable inter vivos trust before October 22, 1942, naming T as trustee and providing for payment of income to D for life with remainder to E. T was given the power to pay corpus to D and the power to appoint a successor trustee. If T resigns after October 21, 1942, and appoints D as successor trustee, D is considered to have a power of appointment created before October 22, 1942.

Example (3). F created an irrevocable inter vivos trust before October 22, 1942, providing for payment of income to G for life with remainder as G shall appoint by will, but in default of appointment income to H for life with remainder as H shall appoint by will. If G died after October 21, 1942, without having exercised his power of appointment, H's power of appointment is considered a power created before October 22, 1942, even though it was only a contingent interest until G's death.

Example (4). If in example (3) above G had exercised by will his power of appointment, by creating a similar power in J, J's power of appointment would be considered a power created after October 21, 1942.

PAR. 3. Paragraph (f)(7) of § 45.4894–1 is amended to read as follows:

§ 45.4894–1 Abatement or refund of tax attributable to profits realized in course of regular business.

* * * * * *

(f) *Hedges against sales from necessary inventory.* * * *

(7) *Rules applicable to foreign corporate subsidiary of affiliate.* Silver owned by a foreign corporation subsidiary to or affiliated with the taxpayer may at the option of the taxpayer (with the written consent of such foreign corporation) be included in the inventory of the taxpayer; in which case all transfers by such foreign corporation shall be deemed to be transfers by the taxpayer, and as such shall be taxable to the taxpayer, and replacement silver acquired by such foreign corporation shall be included as replacement silver acquired by the taxpayer, but transfers as between the corporations shall not be deemed to be transfers of interests in silver bullion, within the meaning of § 45.4892 and paragraph (b) of § 45.4892–1; and the silver so transferred shall be deemed to have been acquired by the transferee otherwise than for a valuable consideration, within the meaning of paragraph

(a)(3) of § 45.4892–1. The election to include a foreign corporate subsidiary or affiliate may be revoked by an instrument in writing signed by the taxpayer and by such foreign corporation and filed with the district director, in accordance with the provisions of § 45.6091–2, and shall be effective as of the close of the calendar month in which it is filed. Any silver acquired by such foreign corporation after the effective date of the revocation provided in the preceding sentence shall not be deemed to be replacement silver. If, on the effective date of the revocation, the amount of silver owned by such foreign corporation which formed a part of the necessary inventory, does not exceed the amount so owned by it at the time of the election to include such foreign corporation, transfers by the foreign corporation after such revocation are taxable only in accordance with §§ 45.4891–1 and 45.4896–1; and if it does exceed the amount so owned by it at the time of the election to include the foreign corporation, the next succeeding transfers aggregating the amount of such excess shall be deemed to be transfers from the inventory of the taxpayer and as such shall be taxable to the taxpayer. In determining such amounts, transfers between the taxpayer and the foreign corporate subsidiary or affiliate, whether for spot or future delivery, shall be considered as transfers, but the cost of silver so transferred shall be determined in accordance with paragraph (a) of § 45.4892–1.

Because this Treasury decision prescribes rules favorable to taxpayers, and because it merely corrects a typographical error, it is deemed unnecessary to issue it with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of such Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: December 6, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–11727; Filed, Dec. 11, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Authority to Administer Oaths and to Act as Notary

Scope and purpose. Section 719.139 is revised to incorporate therein the substance of Secretary of the Navy Instruction 5520.1 dealing with the authority of Naval Intelligence agents to administer oaths in the course of their investigative duties.

1. Section 719.139 is revised to read as follows:

§ 719.139 Authority to administer oaths and to act as notary.

(a) *Authority under article 136 (a)(7) and (b)(6).* Article 136 of the Code, entitled "Authority to administer oaths and to act as notary," lists several categories of persons who are granted authority as set forth in subsections (a) and (b) of the article. Subsections (a)(1) through (6) and (b)(1) through (5) list specific categories, and (a)(7) and (b)(6) provide that additional persons may be designated by regulations of the Armed Forces or by statute to exercise authority under the article.

(1) In accordance with the provisions of article 136(a)(7) the following officers of the Navy and Marine Corps on active duty, including retired and reserve officers, are authorized to administer oaths for the purpose of military administration, including military justice, and shall have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by members of the Armed Forces, wherever they may be; by persons serving with, employed by, or accompanying the Armed Forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands; and by other persons subject to the Code outside the United States:

(i) Officers certified by the Judge Advocate General of the Navy under articles 26 and/or 27 of the Code; and

(ii) Officers of the grade of Lieutenant Commander and Major, or above.

(2) The following officers of the Navy and Marine Corps on active duty, including retired and reserve officers, are authorized in accordance with the provisions of article 136(b)(6) of the Code to administer oaths necessary in the performance of their duties: Officers designated as Casualty Assistance Calls Program Officers while so acting.

(b) *Authority of Naval Intelligence agents to administer oaths under article 136(b)(4) and R.S. 183 as amended (5 U.S.C. 93).* Those military and civilian personnel accredited by the Director of Naval Intelligence or his designee as Agents or Special Agents, duly evidenced by the issuance of appropriate credentials, are authorized to administer oaths or take sworn statements in the performance of their official investigative duties. Their authority is statutory and included in article 136(b)(4) of the Code (10 U.S.C. 936(b)(4)) and Revised Statutes, section 183 as amended (5 U.S.C. 93).

(R.S. 161, 183, secs. 936, 5031, 70A Stat. 77, 279, as amended; 5 U.S.C. 22, 93, 10 U.S.C. 936, 5031)

Dated: December 5, 1961.

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 61–11710; Filed, Dec. 11, 1961; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER L—SECURITY OF WATERFRONT FACILITIES

[CGFR 61–54]

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

U.S. Coast Guard Port Security Cards

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest since this amendment of 33 CFR Part 125 is to give effect to Executive Order 10173, as amended, and in the public interest should be placed in effect as soon as possible.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Executive Order 10173, as amended, § 125.55 is amended to read as follows; and shall become effective upon date of publication in the FEDERAL REGISTER:

§ 125.55 Outstanding port security card applications.

A person who has filed an application for a Coast Guard Port Security Card and who did not receive such a document prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

(40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp.; E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp.; E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: December 5, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61–11725; Filed, Dec. 11, 1961; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MISCELLANEOUS AMENDMENTS

1. Section 21.111 is revised to read as follows:

§ 21.111 Subsistence allowance concurrently with domiciliary or hospital care.

When a veteran has been determined to be eligible for domiciliary care under existing laws and regulations, he may receive domiciliary care coincident with either vocational rehabilitation training under Chapter 31, Title 38, United States Code or education or training under part VIII, Veterans Regulation 1(a), as amended, and as saved from repeal by section 12(a) of Public Law 85–857. The payment of subsistence allowance to a veteran while he is receiving domiciliary care would constitute a duplication of benefits which may not be legally authorized. A veteran temporarily hospitalized while in leave status under Chapter 31 or the savings provision of section 12(a), may receive subsistence allowance only while in such leave status.

2. In § 21.112, paragraphs (a) and (b)(1) are amended to read as follows:

§ 21.112 Payment of subsistence allowance to persons in the military, naval, or air service.

(a) Veterans who have reentered active military, naval, or air service are being furnished subsistence, medical care, uniforms, pay, etc., out of funds appropriated by the Congress. Therefore, veterans who are in active military, naval, or air service, as distinct from those who are on training duty, are not entitled to subsistence allowance while in such service.

(b) The various types of military service are set forth in subparagraphs (1) through (8) of this paragraph together with statements of policy governing the payment of subsistence allowance:

(1) Persons on terminal leave or hospitalized pending final discharge from the active military, naval, or air forces may not receive subsistence allowance in any amount by reason of the specific prohibition of section 1507, Public Law 346, 78th Congress, as added by Public Law 268, 79th Congress, and as saved from repeal by section 12(a) of Public Law 85–857.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective December 12, 1961.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 61–11722; Filed, Dec. 11, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2550]

[Fairbanks 07357]

ALASKA

Withdrawal for Airport Purposes; Vacating Air Navigation Site No. 186

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Federal Aviation Agency for airport purposes:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 18, NW¼NE¼, S½NE¼, N½SE¼;
Those portions of lots 1 and 2 described as follows:
Beginning at the Northwest corner of section 18; thence by metes and bounds, N. 89°54' E., 933.24 feet along the North line of said section to the Northeast corner of lot 1; thence Southerly 460.53 feet along the East boundary of lot 1; thence S. 38°02'30" W., 1,520.00 feet, more or less to a point on the West line of section 18; thence North, 1,651.6 feet to the point of beginning.
T. 1 S., R. 2 W.,
Sec. 13, W½SW¼SW¼;
Sec. 23, lot 1 and NE¼NE¼;
Sec. 24, W½NW¼NW¼.

The areas described aggregate 337.21 acres.

2. Public Land Order No. 1238 of October 19, 1955, and departmental orders of December 23, 1942, and August 15, 1942, so far as they withdrew the following described lands for airport purposes or for maintenance of aids to navigation, are hereby revoked:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 16, lots 1, 2, 3, 4, NW¼NE¼, S½NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, and 3.
T. 1 S., R. 2 W.,
Sec. 13, S½S½;
Sec. 23, lot 1 and NE¼NE¼, E½SE¼;
Sec. 24.

The areas described aggregate 1,583.21 acres.

3. Most of the lands described in paragraph 2 of this order, to the extent that they are not included in paragraph 1, have been disposed of, except the S½SE¼ of sec. 18, T. 1 S., R. 1 W.

4. The S½SE¼ of sec 18, T. 1 S., R. 1 W., is hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m., on March 8, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

5. The lands will be open to location under the United States mining laws and to settlement under the homestead laws beginning at 10:00 a.m., on March 8, 1962.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 6, 1961.

[F.R. Doc. 61–11708; Filed, Dec. 11, 1961; 8:45 a.m.]

[Public Land Order 2551]

[Idaho 012065]

IDAHO

Revoking Certain Stock Driveway Withdrawals (Stock Driveway Withdrawal Nos. 48 and 24)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. All departmental and Bureau of Land Management orders, including those of December 20, 1918; November 4, 1922, October 13, 1924, and August 18, 1955, reserving lands for stock driveways, under the provisions of the act of December 29, 1916, supra, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 2 N., R. 12 E.,
Sec. 35.
T. 1 N., R. 16 E.,
Sec. 4;
Sec. 9, W½NE¼, E½NW¼, NW¼NW¼, and W½SE¼;
Sec. 27, NE¼.
T. 2 N., R. 16 E.,
Secs. 28 to 33, incl.
T. 8 S., R. 18 E.,
Sec. 5, N½SE¼NE¼.

The areas described aggregate approximately 5,603 acres.

2. The lands are situated in the Shoshone District. Topography ranges from slightly undulating to steep and rough. Soils are mainly a sandy, silt loam of lava origin, very shallow on the higher, steeper lands and quite deep on the more level areas.

3. The lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m., on June 7, 1962, the State of Idaho shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to mineral leasing and mining location.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 6, 1961.

[F.R. Doc. 61–11709; Filed, Dec. 11, 1961; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 61–56]

PART 171—STANDARDS FOR NUMBERING

Connecticut System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on November 24, 1961, approved the Connecticut system for the numbering of motorboats.

As provided in this approval, the Connecticut system shall be operative on or after January 1, 1962. On that date the authority to number motorboats principally used in the State of Connecticut will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered by the Coast Guard after December 31, 1961, shall continue to display that number. To avoid duplicating numbers awarded by the Coast Guard prior to January 1, 1962, none of the numbers issued under the Connecticut system are to be assigned the suffixes "A", "B", or "C".

On and after January 1, 1962, all reports of "boating accidents" which involve motorboats numbered in Connecticut and presently required to be reported to the Coast Guard will be reported to the Boating Safety Commission, Department of Agriculture and Natural Resources, Hartford 15, Conn., pursuant to Connecticut Public Act No. 506, approved June 20, 1961, and implementing regulations adopted on October 20, 1961, by the Connecticut Boating Safety Commission.

Because the amendments to § 171.10–1 (a) and (b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed:

Subpart 171.10—Application for Number

In § 171.10–1 *To whom made*, paragraph (a) is amended by deleting the name "Connecticut" in the list of States in which the Coast Guard numbers motorboats; and paragraph (b) is amended by inserting in the list of States having approved numbering systems the name "Connecticut" to follow after the State of "Colorado."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: December 5, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 61–11726; Filed, Dec. 11, 1961; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 47—FORWARDING MAIL

PART 48—UNDELIVERABLE MAIL

Procedure for Handling and Disposal of Undeliverable Mail

The present procedure for handling third- and fourth-class mail which is undeliverable as addressed is complicated and costly. In order to simplify the procedure and reduce the cost, the Department deems it necessary to (1) discontinue the use of Form 3547, "Notice To Sender Of Addressee's New Address"; (2) provide that the payment of forwarding postage may no longer be pledged by the mailer; (3) provide that third-class mail of no obvious value will not be forwarded; (4) dispose of as waste undeliverable pieces of no obvious value for which return is not requested.

In addition, the new regulations as set forth below, among other things, provide that mailers may indicate by the prescribed endorsement "Return Requested" that they desire the return of undelivered second-, third-, or fourth-class mail marked with the new address of the addressee, if known, or with the reason for nondelivery.

A charge of eight cents or the return postage at the applicable single piece rate whichever is higher will be collected when third- and fourth-class pieces are returned.

Also the charge for the notice to the publisher of undeliverable second-class matter on Form 3579, "Undeliverable Second-Class Matter", is increased to 10 cents, or when an undeliverable second-class publication marked "Return Requested" is returned, a charge of 10 cents or the transient second-class rate, whichever is higher, will be charged.

These amendments as set forth below relate to matter which is exempt from the rulemaking requirement of the Administrative Procedure Act (5 U.S.C. 1002). Although the Department customarily observes the rulemaking requirement voluntarily, the Department finds that good cause exists for not following this procedure under the circumstances, and that the regulations be made effective January 10, 1962.

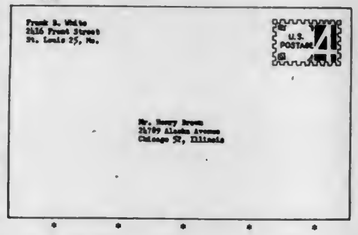
Accordingly, the amendments are as follows:

I. In Part 13, Addresses, as published in 26 F.R. 11520–11524, make the following changes:

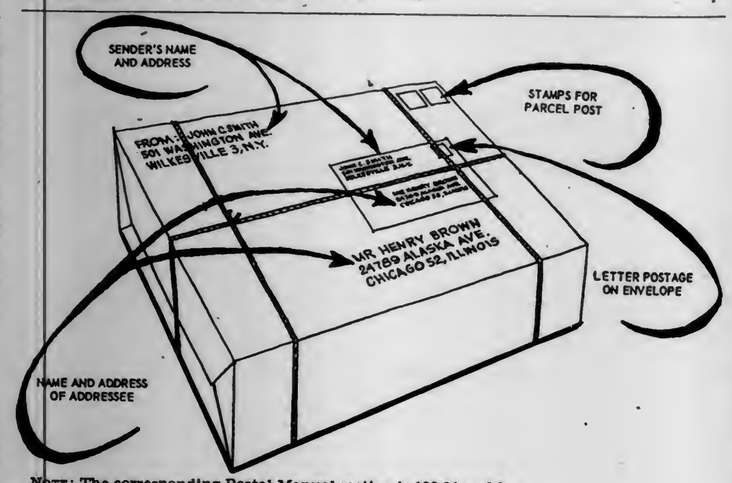
A. In § 13.2 the illustrations of paragraphs (a) and (c) are amended, effective January 10, 1962, to read as follows:

§ 13.2 Arrangement of address.

(a) • • •



(c) • • •

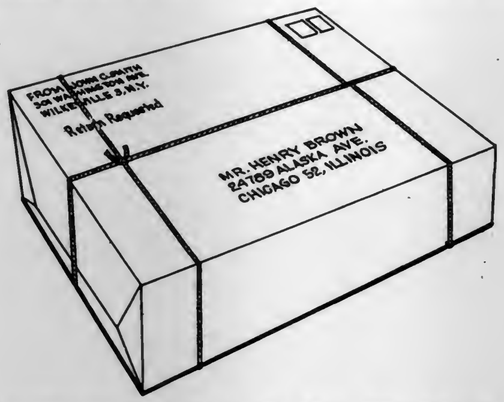


NOTE: The corresponding Postal Manual section is 123.21 and 3.

B. Section 13.3 is amended, effective January 10, 1962, to read as follows:

§ 13.3 Where to put request for return of mail.

Place the words "Return Requested" below the return address of the sender as illustrated.



NOTE: The corresponding Postal Manual section is 123.3.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4103)

§ 31.3 [Amendment].

II. In § 31.3 *Printed stamped envelopes (special requests)*, as published in 26 F.R. 11560–11561, make the following changes in paragraph (c) *Return address requirements:*

A. In subparagraph (2), subdivision (i) is amended, effective January 10, 1962, to read as follows:

(i) A request to return after a specified number of days (not less than 3 and not more than 30). If return request is included on envelopes for third-class mail the words "Return Requested" must be used.

NOTE: The corresponding Postal Manual section is 141.332a.

B. In subparagraph (4) the first style illustration in subdivision (ii) is amended, effective January 10, 1962, to read as follows:

(ii) For third class mail:

After 5 days, return to—
RICHARD ROE
1234 Ninth Avenue
Chicago 2, Ill.
Return Requested

(If sender desires return of undeliverable mail only of obvious value.)

NOTE: The corresponding Postal Manual section is 141.334b.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4105)

III. In Part 47, Forwarding Mail, as published in 26 F.R. 11583–11584, make the following changes:

A. In § 47.1 paragraph (a) is amended effective January 10, 1961, to read as follows:

§ 47.1 Order to change address.

(a) *Ordinary mail—(1) Forwarding instructions.* To have first-, second-, or fourth-class mail, or third-class mail of obvious value delivered to a new address, file Form 3575, "Change of Address Order", which is available at any post office, or from any carrier. A written and signed order or a telegram is acceptable. The order or telegram must be sent by the patron, his agent, or the person in whose care the mail will be accepted. The older and new addresses must always be furnished and the classes of mail to forwarded shall be specified.

(2) *Pledge to pay forwarding postage.* The order to forward mail constitutes the pledge of the addressee to pay forwarding postage. See § 47.3. When an addressee who has pledged to pay forwarding postage refuses to pay the postage due, the postmaster must send Form 3546, "Notice to Change Forwarding Order", to the postmaster at the old address requesting him to discontinue forwarding mail of the class refused. The payment of forwarding postage may not be pledged by the mailer.

NOTE: The corresponding Postal Manual section is 157.11.

B. In § 47.1, subparagraph (4) of paragraph (b) is amended, effective January 10, 1962, by deleting the last sentence therein. As so amended, subparagraph (4) reads as follows:

(b) *Registered, certified insured, and COD mail.* • • •

(4) COD mail may have written or printed on it a request that it be forwarded to a new addressee. The name and address of the new adressee must be shown in a bordered space with instructions that the mail be delivered either with or without the collection of COD charges.

NOTE: The corresponding Postal Manual section is 1571.11 and 2.

§ 47.3 [Amendment].

C. In § 47.3 *Postage for forwarding*, make the following changes:

1. Paragraph (a) is amended, effective January 10, 1962, to read as follows:

(a) *Change in local address.* If a change is made to an address served by the same post office, all first-, second-, and fourth-class mail and third-class mail of obvious value will be delivered as directed and additional postage will not be required. (See § 25.2(b)(4) of this Chapter for local delivery.)

2. In paragraph (b), subparagraphs (2), (3) and (4) are amended, effective January 10, 1962, to read as follows:

(b) *Change in local address.* • • •

(2) *Second-class mail.* Second-class mail when forwarding postage is guaranteed by the addressee, will be charged with postage due at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 22.1(c) of this chapter.)

(3) *Controlled circulation publications.* Controlled circulation publications (see Part 23 of this chapter) are subject to additional postage for forwarding at the single-piece third- or fourth-class rate according to weight. These publications are forwarded only when the addressee has guaranteed forwarding postage. See § 48.2(c) of this chapter.

(4) *Third-class mail.* Third-class mail is subject to collection of additional postage for forwarding at the single-piece rate, when forwarded. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value. Mail of no obvious value will be disposed of as undeliverable mail (See § 48.2(d) of this chapter).

NOTE: The corresponding Postal Manual section is 157.31 and 2.

D. Effective January 10, 1962, § 47.7 is deleted and §§ 47.4, 47.5 and 47.6 are amended to read as follows:

§ 47.4 Address changes of persons in U.S. service.

All first-, second-, and fourth-class mail and third-class mail of obvious value addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Second-, obvious value third-, and fourth-class mail and air parcel post so forwarded is endorsed by the forwarding office "Change of Address Due to Official Orders." This provision for free forwarding from one post office to another applies to mail for the accompanying members of the families of persons in the United States service. (Exceptions: Second-class mail will not be forwarded from the United States to overseas APO addresses. Copies of publications addressed to Army or Air Force personnel transferred to overseas assignments will be endorsed by military personnel "Forwarding prohibited, addressee assigned overseas effective ----------", and returned to the post office for disposition. See § 48.2(b) of this chapter.) See § 47.2 regarding time limit of orders filed with the post office.

§ 47.5 Forwarding due to change in post office service.

(a) *Addressed to a discontinued post office.* All first-, second-, and fourth-

class mail and third-class mail of obvious value addressed to a discontinued post office may be forwarded to any other post office designated by the addressee without additional charge when the office to which such mail is ordered sent by the Department is not convenient for the addressee.

(b) *Forwarded due to change in rural delivery service.* Patrons of any office who, on account of the establishment of or a change in rural delivery service, receive their first-, second-, and fourth-class mail and third-class mail of obvious value from the rural carrier of another office may have their mail sent to the latter office and delivered by rural carrier without a new prepayment of postage, provided they first file with the postmaster at the former office a written request to that effect.

(c) *Time limit.* Time limit for forwarding is same as for order to change address. See § 47.2.

§ 47.6 Reforwarding.

The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-class mail, third-class mail of obvious value, or fourth-class mail, and airmail weighing over 8 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

NOTE: The corresponding Postal Manual sections are 157.4, 157.5 and 157.6.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4102, 4105)

IV. Part 48, Undeliverable Mail, as published in 26 F.R. 11584–11587 is amended, effective January 10, 1962, to read as follows:

Sec.
48.1 Description.
48.2 Treatment by classes.
48.3 Return address required.
48.4 Retention periods.
48.5 Disposal of undeliverable mail.
48.6 Directory service.
48.7 Dead mail.

AUTHORITY: §§ 48.1 to 48.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4101–4110, 5008.

§ 48.1 Description.

Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable. This includes nixie mail which is mail not transmissible because of illegible or insufficient address. Refused mail is that which is refused at time delivery is attempted; and that returned to the mail unopened by addressee and marked refused. Mail properly delivered and opened by the addressee will not be reaccepted without payment of new postage. Undelivered mail returned to the sender should not again be mailed unless enclosed in a new envelope or wrapped with a correct address and new postage paid.

§ 48.2 Treatment by classes.

(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's request for return, are returned, and postage at the card rate is collected on delivery to the sender. Mail paid at the drop-letter rate is returned to the sender at the same post office without additional charge. If the sender is at another post office, additional postage for the difference between the amount prepaid and total postage computed at the first-class rate is collected on delivery. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the request of the sender for return. The words "local address" as used in this paragraph mean any address served by the city, village, rural, or star carriers of any specific post office or a post office box or general-delivery address at the post office. Form 3578, "Change of Address Notice to Publisher," shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address on Form 3579, "Undeliverable Second-Class Matter", which shall then be affixed to the copies, envelopes, or wrappers, near but not over, the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope or wrapper which bears both the old address and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 10 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period each complete copy shall be returned to the sender marked to show a charge computed at the transient rate (see § 22.1 (c) of this chapter) on each individually addressed copy or package of unaddressed copies, or 10 cents whichever is higher.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see subparagraph (1) (i) of this paragraph) the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If the copies do not bear the request of the sender for return the notice shall be mailed to the sender in the manner prescribed by subparagraph (1) (ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy beginning with the first one which is undeliverable as addressed, shall be returned to the sender marked to show the change as provided by subparagraph (1) (ii) of this paragraph.

(3) *Pledge of addressee to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1) (i) of this paragraph) and the addressee has filed a written guarantee either on Form 3575, "Change of Address Order," or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1) (i) of this paragraph. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the request of the sender for return, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1) (ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due as provided in subparagraph (1) (ii) of this paragraph.

(4) *Manner in which the request of the sender shall be shown.* The words, "Return Requested", shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested on Form 3538, "Irregular Handling of Undeliverable Second Class or Controlled Circulation Publication", to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See §§ 47.4 and 47.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

(c) *Controlled circulation publications.* Undeliverable copies bearing the sender's request for return will be returned to the sender, and return postage at the single-piece third-class rate or fourth-class rate or 10 cents (see paragraph (b) (1) (ii) of this section) which ever is applicable, will be collected on delivery. Other undeliverable copies mailed by a publisher will be treated as described in paragraph (b) (1) through (4) of this section.

(d) *Third-class mail.* Undeliverable third-class mail having obvious value or bearing the words "Return Requested" will be returned to the sender, and a charge of 8 cents or postage at the single-piece third-class rate, whichever is higher, will be collected on delivery. Third-class mail returned to sender will be marked with the new address of the addressee, if known, or if there is no new address, the reason for nondelivery.

(e) *Fourth-class mail.* Undeliverable fourth-class mail having obvious value or bearing the words "Return Requested" will be returned to the sender, and a charge of 8 cents or postage at the applicable single-piece fourth-class rate, whichever is higher, will be collected on delivery. Fourth-class mail returned to sender will be marked with the new address of the addressee, if known, or if there is no new address, the reason for nondelivery.

(f) *Airmail.* Airmail weighing 8 ounces or less will be returned by the same transportation as first-class mail at no additional charge. Airmail weighing more than 8 ounces will be returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it will be returned at the airmail rate to be collected on delivery to the sender.

(g) *Registered, certified, insured, and COD*—(1) *Registered, certified, and insured.* When registered, certified, and insured mail is undeliverable as addressed, a notice is sent to the mailer on Form 3858 "Notice of Undelivered or Abandoned Mail", showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail, but not registration, insured or certified fees, will be collected from the mailer.

EXCEPTION. When registered, certified, and insured mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer. Registered and insured nixie mail shall be returned immediately to sender.

(2) *COD.* A request to receive a notice that COD mail has not been delivered may be written or printed on a parcel by the mailer. The request may include directions to send the notice to the mailer or to his representative. When the mailer's representative is designated, the representative's name and local or nearby address must be shown in a bordered space with instructions reading: "Do not deliver to mailer's designated representative without collecting COD charges, or deliver without collecting COD charges to mailer's designated representative."

(h) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry, that cannot be delivered or returned within 60-hours after hatching, if salable will be disposed of by the postmaster through competitive bidding. Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 25 cents), to the mailer, by postal money order with an explanation of the action taken. The postal money order fee will be deducted.

(i) *Foods, drugs, and cosmetics.* (1) Undeliverable packages containing food or drugs will be destroyed. They will not be sold, donated or retained as dead parcel post.

(2) Undeliverable packages containing cosmetics such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, after-shave lotions and deodorant sticks or pastes which bear no statements claiming medicinal properties will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

§ 48.3 Return address required.

The return address of the sender must be shown on the address side of mail to secure its return. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On second class mail and third and fourth class mail of no obvious value the sender must place "Return Requested" below the return address.

(b) The sender may in his return address request that mail (other than registered, insured, and certified) be held for not less than 3 days or more than 30 days. (See § 48.4(b) for registered, insured and certified mail retention periods.) Examples:

Return in 3 days to—
FRANK B. WHITE
2416 Front Street
St. Louis 25, Mo.

Return in 30 days to—
FRANK B. WHITE
2416 Front Street
St. Louis 25, Mo.
Return requested.

(c) Requests to lengthen or shorten retention periods specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not addressee's request.

§ 48.4 Retention periods.

(a) *Ordinary mail.* (1) Mail returnable under paragraphs (a) through (f) of § 48.2 is:

(i) Returned immediately if refused by addressee.

(ii) Returned immediately if undeliverable when specifically addressed to a street, building, rural or star route, or post office box; except that when a patron moves without leaving a change of address, the mail will be held for 10 days awaiting a forwarding order and, if no order is received in that time, the mail will then be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 48.3(b).

(iii) Returned immediately, if undeliverable, when incompletely, illegibly, or incorrectly addressed and addressee is unknown. See subdivisions (iv) and (v) of this subparagraph.

(iv) Retained in general delivery not to exceed 30 days, at the request of sender, if addressed in manner to indicate addressee is expected to call for mail.

(v) Retained as follows when not specifically addressed or when sender does not specify a retention period:

(*a*) Five days if for delivery by village, rural or star route carrier.

(*b*) Ten days if intended for general delivery service at an office having city carrier service.

(*c*) Fifteen days if intended for general delivery service at an office not having city carrier service.

(2) Perishable items not marked to abandon that cannot be delivered before spoiling or day old poultry that cannot be delivered within 60 hours after hatching are returned immediately, provided return to sender can be made prior to spoilage or within the 60-hour period. (See paragraph (h) of § 48.2.)

(3) Mail addressed and deliverable to a post office box, except registered, certified, insured, COD, and perishable, will not be returned until box is declared vacant.

(b) *Registered, insured, COD, and certified mail.* (1) Registered mail is held up to 60 days if the sender so requests by endorsement on the mail. If the sender names no specific period, the mail will be held for 10 days before return. Exception: If the postmaster believes he will be able to make delivery if the mail is held longer than 10 days, it may be held up to 60 days if written permission is obtained from the sender. (See also § 48.2(g) (1).)

(2) Insured and certified mail is held a maximum of 15 days. It is held a lesser number of days if the sender so specifies. If no retention period is specified on refused insured mail, it will be returned immediately. (See also § 48.2 (g) (1).)

(3) COD mail is held a maximum of 30 days. It is held a lesser number of days if the sender so specifies. COD mail not bearing specific instructions will be returned immediately when:

(i) Addressee is not found.

(ii) Address does not exist.

(iii) Addressee is deceased and delivery cannot be made to an authorized person.

(c) *Special delivery and special handling mail.* Special delivery and special handling articles are held for the period specified in paragraph (a) or (b) of this section except that requests for immediate return of special delivery mail will be honored.

§ 48.5 Disposal of undeliverable mail.

Mail undeliverable at the last office of address is disposed of as follows:

(a) Postal and post cards, or samples of merchandise are destroyed or sold immediately.

(b) Printed matter, including greeting cards and second-class mail, obviously without value is disposed of as waste paper without examination of contents. This mail will not be torn or mutilated except when necessary to prevent improper use.

(c) Domestic, ordinary, insured, or COD articles bearing sender's instructions to abandon are disposed of immediately after expiration of the periods stated in § 48.4.

(d) Third-class mail of no obvious value and without sender's request for return is disposed of as waste.

(e) Insured and COD articles, bearing senders' instructions to destroy will be destroyed.

(f) Packages containing medicine, perishable articles, liquids, or articles likely to injure other mail or to attract pests are destroyed as soon as they are known to be undeliverable.

(g) Letters from Canada or Mexico with return addresses are returned to the postmaster at the post office of origin.

(h) Mail addressed to a deceased person is delivered to the executor or administrator of the estate or if there is no executor or administrator, to the widow or widower or other claimants, except that U.S. Government pension mail is returned to the mailing Federal agency.

(i) Unclaimed franked mail from a Member of Congress and unclaimed official mail including official reports and bulletins sent by State agricultural colleges and experiment stations is returned to the postmaster at the office of origin if it is known. If office of origin is not known, the mail is sent to the post office at Washington, D.C. Undeliverable mail bearing return card of the White House, the Senate, or the House of Representatives, with or without postage stamps, is returned to the post office at Washington, D.C.

(j) Santa Claus letters, with postage fully prepaid (or local unpaid or partly paid), with no idenification of person for whom they are intended, are sent to institutions or persons who may request them to use for exclusively philanthropic purposes. If there is no voluntary request, they are sent to the dead-mail office.

(k) An undeliverable letter bearing the return address of a hotel, motel, school, college, or other public institution printed on the envelope as an advertisement is sent to a dead letter branch for disposition unless the return address also includes the name or title of an individual or a printed or written request for return.

(l) Other mail, including first-class and airmail, bearing no return address is sent to a dead letter or dead parcel post branch for final disposition.

§ 48.6 Directory service.

Directory service is not generally available, but at carrier offices where a directory is available, directory service is given to registered, certified insured, COD, special delivery, and special handling mail; to perishable matter and parcels of obvious value; and to international mail, except circulars. Incorrectly or incompletely addressed mail from overseas Armed Forces is given directory service and is not returned to the sender until every effort is made to deliver it. See part 4 for directory service in connection with natural disasters.

§ 48.7 Dead mail.

(a) *Definition.* Dead mail is matter deposited in the mails which is or becomes undeliverable, or is unmailable, and which cannot be returned to the sender.

(b) *Treatment*—(1) *At last office of address.* At the end of retention periods specified in § 48.4 mail is declared dead and is disposed of locally or forwarded to dead letter or dead parcel post branches for final disposition.

(2) *At dead mail offices.* (i) Mail is examined and opened when necessary to find the name and address of the sender or addressee.

(ii) A fee of 10 cents is charged for delivery to sender or addressee of each letter and first class parcel opened in the dead mail office.

(iii) If the sender or addressee cannot be identified, the following retention periods are observed:

(*a*) Letters of domestic origin with enclosures of value, 1 year.

(*b*) Other letters, none.

(c) Letters containing merchandise, and third- and fourth-class mail containing valuables (including first-class mail not in the form of a letter, addressed to another country), 60 days: if posted in violation of law or treaty, 6 months.

(iv) Dead mail that cannot be delivered to addressee or sender is destroyed or sold.

NOTE: The corresponding Postal Manual part is 158.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-11746; Filed, Dec. 11, 1961; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 125,000 acres or 100 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, sauger, largemouth and smallmouth bass, and other minor species as permitted by the States' regulations.

(b) Open season: January 1, 1962, through December 31, 1962; subject further to applicable States' seasons.

(c) Daily creel limits:

ILLINOIS

Northern pike—5, size limit 20 inches; walleyed pike and saugers—8 aggregate; largemouth bass—10; smallmouth bass—10; creel limits for other minor species are as prescribed by State regulations.

IOWA

Northern pike—5, size limit 24 inches (in natural lakes only); walleyed pike and sauger—10 aggregate; largemouth and smallmouth bass—10 aggregate; creel limits for other minor species are as prescribed by State regulations.

MINNESOTA AND WISCONSIN

Northern pike—5; walleyed pike and sauger—6 aggregate; largemouth and smallmouth bass—5 aggregate; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

ILLINOIS

(1) It is unlawful to take fish through the ice by use of more than two poles and lines at any one time or with more than one hook attached to each line; or from any hole cut in the ice that is larger than 12 inches in diameter.

(2) It is unlawful to use any pole and line, or rod and line device to which more than two (2) hooks have been attached; to use more than 50 hooks in the aggregate; (Trotline may be used under separate license in excess of 50 hooks.)

(3) It is unlawful to use any trot line, throw line or similar device, having hooks spaced at intervals less than 24 inches.

(4) It is unlawful to leave unattended any trot line without a tag indicating name and address of owner.

(5) See applicable State regulations for additional details.

IOWA

(1) No person shall at any time take from the waters of the State any fish, except as otherwise provided in this chapter, except with hook, line and bait, nor shall any person use more than two (2) lines with one (1) hook on each line in still fishing or trolling, and in fly fishing not more than one (1) fly may be used on one (1) line and in trolling and bait casting not more than one (1) trolling spoon or artificial bait may be used on one (1) line. No person shall leave such fish line or lines and hooks in the water unattended or take or attempt to take any fish by snagging or to purposely hook them in any other part than in the mouth. One (1) hook shall mean a single, double or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one (1) hook.

(2) It shall be unlawful for any person to use, in the Mississippi River, more than one (1) throw or trot line having more than twenty-five (25) hooks.

(3) See applicable State regulations for additional detail.

MINNESOTA

(1) It is unlawful to use more than two lines with one hook attached to each or more than two poles with one line attached to each, except that fly fishermen may use two flies on each line.

(2) It is unlawful to spear game fish at any time.

(3) See applicable State regulations for additional detail.

WISCONSIN

(1) It is unlawful to take, catch, or kill fish or fish for fish of any variety with more than 2 lines or 2 poles with 1 line attached to each pole and with 1 hook or bait to each line except any fisherman fishing with not more than 1 line or pole with 1 line attached thereto may have attached to such line not more than 2 lures or 2 hooks or 2 baits and any fisherman fishing through the ice with hook and line in Lake Winnebago may fish with not more than 3 lines with not more than 1 hook attached to each line and in the Wisconsin-Iowa boundary waters of the Mississippi River may use 5 lines with one bait to each line for fishing through the ice.

(2) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 4, 1961.

[F.R. Doc. 61-11705, Filed, Dec. 11, 1961; 8:45 a.m.]

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge, Illinois and Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS AND IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois and Iowa, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 5,300 acres or 100 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, sauger, largemouth and smallmouth bass, and other minor species as permitted by the States' regulations.

(b) Open season:

ILLINOIS

In the Calhoun and Batchtown Units of the Mark Twain National Wildlife Refuge the fishing season is open from January 1, 1962, through October 14, 1962.

In the Gardner and Keithsburg Units of the Mark Twain National Wildlife Refuge the fishing season is open from April 1, 1962, through September 30, 1962.

IOWA

In the lower Louisa Unit of the Mark Twain National Wildlife Refuge the fishing season is open from January 1, 1962, through September 30, 1962.

In the Upper Louisa Unit of the Mark Twain National Wildlife Refuge the fishing season is open from April 1, 1962, through September 30, 1962.

(c) Daily creel limits:

ILLINOIS

Northern pike—5, size limit 20 inches; walleyed pike and saugers—8 aggregate; largemouth bass—10; smallmouth bass—10; creel limits for other minor species are as prescribed by State regulations.

IOWA

Northern pike—5, size limit 24 inches (in natural lakes only); walleyed pike and sauger—10 aggregate; largemouth and smallmouth bass—10 aggregate; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

ILLINOIS

(1) It is unlawful to take fish through the ice by use of more than two poles and lines at any one time or with more than one hook attached to each line; or from any hole cut in the ice that is larger than 12 inches in diameter.

(2) It is unlawful to use any pole and line, or rod and line device to which more than two (2) hooks have been attached; to use more than 50 hooks in the aggregate. (Trotline may be used under separate license in excess of 50 hooks.)

(3) It is unlawful to use any trotline, throw line or similar device, having hooks spaced at intervals less than 24 inches.

(4) It is unlawful to leave unattended any trotline without a tag indicating name and address of owner.

(5) See applicable State regulations for additional details.

IOWA

(1) No person shall at any time take from the waters of the State any fish, except as otherwise provided in this chapter, except with hook, line, and bait, nor shall any person use more than two (2) lines with one (1) hook on each line in still fishing or trolling, and in fly fishing not more than one (1) fly may be used on one (1) line and in trolling and bait casting not more than one (1) trolling spoon or artificial bait may be used on one (1) line. No person shall leave such fish line or lines and hooks in the water unattended or take or attempt to take any fish by snagging or to purposely hook them in any other part than in the mouth. One (1) hook shall mean a single, double or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one (1) hook.

(2) It shall be unlawful for any person to use, in the Mississippi River, more than one (1) throw or trotline having more than twenty-five (25) hooks.

(3) See applicable State regulations for additional detail.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 15, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 4, 1961.

[F.R. Doc. 61-11732; Filed, Dec. 11, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), it is proposed to amend the opening paragraph of § 151.9(b)(1), Title 9, Code of Federal Regulations, governing the recognition of breeds and books of record of purebred animals and the certification of purebred animals from Canada under said paragraph 1606 of the Tariff Act, to read as follows:

§ 151.9 Recognized breeds and books of record.

* * * * *

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: *Provided,* That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Division to be of the same breed: *Provided further,* That no Dexter cattle, Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle Horse, Arabian, Canadian, Shetland Pony, Standardbred or Welsh Pony and Cob breed in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

The proposed change in § 151.9(b)(1) would add the Standardbred to the list of breeds of horses in Canada which will not be certified by the Animal Inspection and Quarantine Division of the Agricultural Research Service, Department of Agriculture, as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for such animal.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within thirty days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of December 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-11734; Filed, Dec. 11, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 328) has been filed by Dr. Kurt Herberts and Company, Post Office Box 44, Wuppertal-Barmen, Federal Republic of Germany, proposing the issuance of an amendment to § 121.2514 of the food additives regulations to provide for the inclusion of the adjuncts aluminum butylate and ethyl acetoacetate and the elastomer natural rubber.

Dated: December 6, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11729; Filed, Dec. 11, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 989]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of hydraulic valve tappet bodies and plunger assemblies which are subject to failure on Lycoming VO-540 Series engines, with newly designed improved parts.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 11, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LYCOMING. Applies to all VO-540 Series engines.

Compliance required as indicated.

To preclude failures of the hydraulic valve tappet body and plunger assembly, an improved hydraulic tappet body and plunger assembly has been provided.

Unless already incorporated, install a Lycoming P/N 72876 plunger assembly and a Lycoming P/N 73061 tappet body at the next engine overhaul after the effective date of this AD.

(Lycoming Service Instruction No. 1011 covers this same subject.)

Issued in Washington, D.C., on December 5, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11703; Filed, Dec. 11, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14185; RM-94]

RADIO BROADCAST SERVICES

Proposed Revision of FM Broadcast Rules; Allocation and Technical Standards

In the matter of revision of FM Broadcast Rules, particularly as to allocation and technical standards; petition of FM Unlimited, Inc., for changes in FM Station assignment rules.

1. In a petition, filed December 5, 1961, the Association of Federal Communications Consulting Engineers requests a 45-day extension of time in which to file reply comments in the above-captioned proceeding. Reply comments are now due on or before December 11, 1961.

2. The Association states that the present closing date for reply comments does not give its Rules and Standards Committee sufficient time to study the comments filed and to make recommendations to its Executive Committee and the membership. It also states that the extension of time it requests is necessary because of the workload of Committee members and other members of the Association in connection with other rule making proceedings and because of holidays in December. It urges that the grant of its request will permit parties to file more complete reply comments.

3. Last week we denied a similar request of a consulting engineering firm for an extension of time for reply comments, being of the view that no overall extension was warranted. We are persuaded by the subject petition, however, that the time needed for technical studies for use in the preparation of reply comments by many parties is greater than we had anticipated and that without some extension of time for reply comments parties may not be able to submit complete and meaningful reply comments. In light of this consideration, as well as the upcoming holidays, we have decided that the public interest would be served by extending the closing date for reply comments an additional 30 days. We believe this additional time gives all parties a reasonable and sufficient opportunity to prepare and file thorough and helpful replies to comments and that an extension of time for filing replies beyond January 10, 1962, is not warranted on the basis of petitioner's showing.

4. In view of the foregoing: *It is ordered,* This 5th day of December 1961, that the Petition for Extension of Time for filing Reply Comments of the Association of Federal Communications Consulting Engineers is granted, in part; and that the time for filing reply comments in this proceeding is extended from December 11, 1961, to January 10, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11745; Filed, Dec. 11, 1961; 8:49 a.m.]

Notices

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

DECEMBER 6, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corp.; File No. 1-3848.

The common stock, $1.00 par value, of Apex Minerals Corp., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 7, 1961, to December 16, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11711; Filed, Dec. 11, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

December Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during December 1961, were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, rice (rough), corn, oats, barley, rye, grain sorghums, and gum turpentine.

Tung oil has been dropped from the list for December because all CCC stocks have been sold.

Until further notice, all CCC sales of corn and grain sorghums for unrestricted use (domestic or export) will be in redemption of 1961 Feed Grain Program certificates.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (Pearl rough), wheat, corn, rye, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for December 1961 are 3½ percent for periods up to six months, 4 percent for periods from over six and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right, (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of, (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use; announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use; announced prices under LD-29 as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of upland cotton for unrestricted use). Under this Announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges or (b) the market price for such cotton, as determined by CCC. Export—CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of cotton for export under credit sales program) and NO-C-17 (sale of upland cotton (for credit sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of, (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of, (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Wheat (commercial area)[2] Bushel	22	18	Chicago	No. 1 RW	$2.27
			Minneapolis	No. 1 DNS	2.34
			Kansas City	No. 1 HW	2.27
			Portland	No. 1 SW	2.17

	Export: (1) Under Announcement GR-345 (revised June 30, 1960), as amended for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced, and (3) as wheat under Announcement GR-261 (revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Corn, bulk	Domestic and export: Redemption of 1961 feed grain program certificates: Until further notice CCC dispositions of corn for domestic unrestricted use and for export excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by sealed certificates under the 1961 Feed Grain Program. Sueh redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other Export Sales: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Commodity	Sales price or method of sale
Barley (continued).....	Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area. Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents 10	*Cents* 7	Minneapolis.....	No. 2 or better (or No. 3 on TW only).	$1.28
Rye..... Bushel.....					

Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC, through the ASCS Commodity Offices indicated above.
Export:
Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.
Domestic, unrestricted use:
Redemption of 1961 feed grain program certificates: Until further notice CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at the applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary.
Available: From bin sites through ASCS Commodity Office.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on the preceding page.
Domestic:
Storable: A. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents 8	*Cents* 10	Chicago.....	No. 3.....	$0.85½
Oats..... Bushel.....					

Available: At bin sites through ASCS County Offices. In States in which CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary.
Available from ASCS Commodity Office.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on the preceding page.
Barley, bulk.....
Storable: A. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents 9	*Cents* 7	Minneapolis.....	No. 2 or better.....	$1.28
Barley..... Bushel.....					

Available: At bin sites through ASCS County Offices. In certain States in which emergency areas have been designated bin sites storable feed barley is available from bin sites only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry. At other locations through the ASCS Commodity Offices indicated on the preceding page.
B. Redemption of 1961 feed grain program certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of barley for such redemption, at any location whenever such action is deemed necessary.
As available: From bin sites through ASCS County Offices in the Minneapolis area and at other locations through the Minneapolis and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.

Commodity	Sales price or method of sale
Rye, bulk.....	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents 10	*Cents* 7	Minneapolis.....	No. 2 or better (or No. 3 on TW only).	$1.28
Rye..... Bushel.....					

Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC, through the ASCS Commodity Offices indicated above.
Export:
Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.
Domestic, unrestricted use:
Redemption of 1961 feed grain program certificates: Until further notice CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at the applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of grain sorghums for such redemption, at any location whenever such action is deemed necessary. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.
Other Export Sales: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Grain sorghums, bulk.....
Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1961 support price for the class, grade, and quality of the grain shown below applicable to the type of carrier involved.
Export:
As milled or brown under Announcement GR-899 (revision 1, Feb. 1, 1961) as amended, Rice Export Program—Payment-in-kind, and under GR-379, (revision 1, May 1, 1961), for approved credit sales. California Pearl rice only for application to approved barter contracts under GR-379.
Paddy, brokens, and starches of rough rice available from Dallas and Portland ASCS Offices, and Stuttgart Commodity Office.
Peanuts, shelled (as available).....
Domestic, unrestricted use: Market price but not less than 105 percent of the 1961 support price (adjusted for milling) plus reasonable carrying charges, under Peanut Announcement 3.
Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1959), as amended.

Commodity	Sales price or method of sale
Oats, bulk.....	Domestic: Storable: A. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the amount shown below applicable to the storage point involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents 8	*Cents* 10	Chicago.....	No. 3.....	$0.85½
Oats..... Bushel.....					

Available: At bin sites through ASCS County Offices. In States in which CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary.
Available from ASCS Commodity Office.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on the preceding page.
Barley, bulk.....
Storable: A. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents 9	*Cents* 7	Minneapolis.....	No. 2 or better.....	$1.28
Barley..... Bushel.....					

Available: At bin sites through ASCS County Offices. In certain States in which emergency areas have been designated bin sites storable feed barley is available from bin sites only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry. At other locations through the ASCS Commodity Offices indicated on the preceding page.
B. Redemption of 1961 feed grain program certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of barley for such redemption, at any location whenever such action is deemed necessary.
As available: From bin sites through ASCS County Offices in the Minneapolis area and at other locations through the Minneapolis and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.

See footnotes at end of table.

Commodity	Sales price or method of sale
Gum turpentine (bulk in tanks)...	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB-21-61 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored at other than the point of production.
[4] Includes paid-in freight from Woodford County, Ill.
[5] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored outside the area of production.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on December 5, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-11680; Filed, Dec. 11, 1961; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61-49]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from October 9, 1961, through October 11, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of items of equipment as listed in Part II, such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Approval No. 160.035/87/1, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by general arrangement and construction dwg. No. 49R-1412, dated August 20, 1950, revised October 30, 1950, approved for use on vessels in Great Lakes, Bays, Sounds and Lakes, and River service, as well as for use on certain coastwise tank barges; if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant; manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N.Y., effective October 11, 1961. (It reinstates and extends Approval No. 160.035/87/1 dated October 4, 1956 and published in the FEDERAL REGISTER December 4, 1956.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/402/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minn., effective October 9, 1961. (It supersedes Approval No. 160.047/402/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/403/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minn., effective October 9, 1961. (It supersedes Approval No. 160.047/403/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/404/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minn., effective October 9, 1961. (It supersedes Approval No. 160.047/404/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/466/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago 36, Ill., effective October 9, 1961. (It supersedes Approval No. 160.047/466/0 dated November 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/467/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago 36, Ill., effective October 9, 1961. (It supersedes Approval No. 160.047/467/0 dated November 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/468/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago 36, Ill., effective October 9, 1961. (It supersedes Approval No. 160.047/468/0 dated

November 23, 1960, to show change of name and address of manufacturer.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/131/0, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., effective October 11, 1961. (It supersedes Approval No. 160.052/131/0 dated July 12, 1961, to show change of address of manufacturer.)

Approval No. 160.052/132/0, Type II, Model "M", child unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., effective October 11, 1961. (It supersedes Approval No. 160.052/132/0 dated July 12, 1961, to show change of address of manufacturer.)

Approval No. 160.052/133/0, Type II, Model "S", child unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., effective October 11, 1961. (It supersedes Approval No. 160.052/133/0 dated July 12, 1961, to show change in address of manufacturer.)

Approval No. 160.052/150/0, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Mfg. Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective October 11, 1961.

Approval No. 160.052/151/0, Type II, Model "M", child unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Mfg. Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective October 11, 1961.

Approval No. 160.052/152/0, Type II, Model "S", child unicellular plastic form buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Mfg. Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective October 11, 1961.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/124/0, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20-oz. kapok, dwg. dated May 22, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., effective October 1, 1961. (Approved in FEDERAL REGISTER September 27, 1958. Terminated October 1, 1961, due to change in specification.)

Termination of Approval No. 160.048/136/0, special approval for 15" x 15" x 2" rectangular kapok. buoyant cushion, with heat-sealed seams, 20-oz. kapok, Atlantic-Pacific Manufacturing Corp. dwg. dated May 22, 1958, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective October 1, 1961. (Approved in FEDERAL REGISTER March 14, 1959. Terminated October 1, 1961, due to change in specification.)

Termination of Approval No. 160.048/146/0, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20-oz. kapok, dwgs. C–19 and A–100 dated November 19, 1958, manufactured by The American Pad & Textile Co., Greenfield, Ohio, effective October 1, 1961. (Approved in FEDERAL REGISTER June 20, 1959. Terminated October 1, 1961, due to change in specification.)

Termination of Approval No. 160.048/160/0, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20-oz. kapok, The American Pad & Textile Co. dwgs. C–19 and A–102, dated November 19, 1958, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective October 1, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated October 1, 1961, due to change in specification.)

Termination of Approval No. 160.048/169/0, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20-oz. kapok, dwgs. 883A and 883B, dated October 8, 1959, manufactured by Crawford Manufacturing Corp., Inc., Third and Decatur Streets, Richmond 12, Va., effective October 1, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated October 1, 1961, due to change in specification.)

Termination of Approval No. 160.048/189/0, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20-oz. kapok, Crawford Manufacturing Co., Inc. dwgs. 883A and 883B, dated October 8, 1959, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective October 1, 1961. (Certificate of Approval dated August 29, 1960. Published in FEDERAL REGISTER October 25, 1960. Terminated October 1, 1961, due to change in specification.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.049/30/0, special approval for 18" x 18" x 2" rectangular unicellular plastic foam buoyant cushion with heat-sealed seams, dwg. No. 721, dated August 25, 1958, manufactured by Deitz Plastic Formers, Inc., 185 Goffe Road, Hawthorne, N.J., effective October 1, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated October 1, 1961, due to change in specification.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Termination of Approval No. 162.015/42/0, Model No. 9302556 backfire flame arrester for carburetors, dwg. No. SK-9302556–1, flame arrester assembly, dated November 20, 1959, manufactured by Purolator Products, Inc., 3927 Fourth Street, Wayne, Mich., effective October 12, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated October 12, 1961. Item contained in larger component.)

Termination of Approval No. 162.015/43/0, Model No. 9302481 backfire flame arrester for carburetors, dwg. No. SK-9302481–1, flame arrester assembly, dated November 20, 1959, manufactured by Purolator Products, Inc., 3927 Fourth Street, Wayne, Mich., effective October 12, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated October 12, 1961. Item contained in larger component.)

Dated: December 5, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61–11723; Filed, Dec. 11, 1961; 8:47 a.m.]

[CGFR 61–50]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from October 12, 1961, through October 31, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/517/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Pad & Textile Co., Greenfield, Ohio, for Bob Erath Co., 603 East Washington Street, South Bend 22, Indiana, effective October 25, 1961.

Approval No. 160.047/518/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Pad & Textile Co., Greenfield, Ohio, for Bob Erath Co., 603 East Washington Street, South Bend 22, Indiana, effective October 25, 1961.

Approval No. 160.047/519/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Pad & Textile Co., Greenfield, Ohio, for Bob Erath Co., 603 East Washington Street, South Bend 22, Indiana, effective October 25, 1961.

Approval No. 160.047/520/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Liberty Distributors, 4300 North Fifth Street, P.O. Box 95, Philadelphia 5, Pa., effective October 31, 1961.

Approval No. 160.047/521/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Liberty Distributors, 4300 North Fifth Street, P.O. Box 95, Philadelphia 5, Pa., effective October 31, 1961.

Approval No. 160.047/522/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Liberty Distributors, 4300 North Fifth Street, P.O. Box 95, Philadelphia 5, Pa., effective October 31, 1961.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/209/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per table 160.048–4(c)(1)(i), manufactured by American Pad & Textile Co., Greenfield, Ohio, for Bob Erath Co., 603 East Washington Street, South Bend 22, Indiana, effective October 25, 1961.

Approval No. 160.048/210/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per table 160.048–4(c)(1)(i), manufactured by Crawford Manufacturing Co., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Liberty Distributors, 4300 North Fifth Street, P.O. Box 95, Philadelphia 5, Pa., effective October 31, 1961.

BOILERS (HEATING)

Approval No. 162.003/117/0, Model M–800 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25033, dated July 19, 1951, approved for a maximum design pressure of 30 p.s.i., 268,800 B.t.u. per hour or 269 pounds per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pa., effective October 12, 1961. (It is a reinstatement and extension of Approval No. 162.003/117/0 dated October 4, 1956, and published in the FEDERAL REGISTER December 4, 1956.)

Approval No. 162.003/118/0, Model M–1200 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25034, dated July 17, 1951, approved for a maximum design pressure of 30 p.s.i., 420,000 B.T.U. per hour or 420 pounds per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pa., effective October 12, 1961. (It is a reinstatement and extension of Approval No. 162.003/118/0 dated October 4, 1956 and published in the FEDERAL REGISTER December 4, 1956.)

Approval No. 162.003/119/0, Model M–1500 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25035, dated July 19, 1951, approved for a maximum design pressure of 30 p.s.i., 504,000 B.T.U. per hour or 504 pounds per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pa., effective October 12, 1961. (It is a reinstatement and extension of Approval No. 162.003/119/0 dated October 4, 1956 and published in the FEDERAL REGISTER December 4, 1956.)

Dated: December 4, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61–11724; Filed, Dec. 11, 1961; 8:47 a.m.]

Office of the Secretary

[Treasury Department Order No. 190; Rev. 1]

SUPERVISION OF BUREAUS AND PERFORMANCE OF FUNCTIONS IN THE TREASURY DEPARTMENT

1. The following bureaus, offices, and staff assistants shall be under the direct supervision of the Secretary and the Under Secretary:

Internal Revenue Service
Assistant to the Secretary (congressional relations)
Assistant to the Secretary (public affairs)
Special Assistants to the Secretary
Director, Executive Secretariat

2. The following bureaus, offices, and other organizational units shall be under the general supervision of the Secretary and the Under Secretary and under the direct supervision of the officials indicated:

A. Under Secretary for Monetary Affairs:
Deputy Under Secretary for Monetary Affairs:
Office of Financial Analysis
Office of Domestic Gold and Silver Operations.

The Assistant Secretary (international finance) and the Fiscal Assistant Secretary to the extent of their responsibilities for international and domestic monetary and fiscal policies
Assistant to the Secretary (debt management): Office of Debt Analysis
Office of the Comptroller of the Currency
U.S. Savings Bonds Division
B. General Counsel: Legal Division
C. Assistant Secretary:
Bureau of Customs
Bureau of Engraving and Printing
Bureau of Narcotics
Office of Law Enforcement Coordination
U.S. Coast Guard
D. Assistant Secretary (international finance): Office of International Finance (including Foreign Assets Control)
E. Assistant Secretary (tax policy):
Office of Tax Legislation
Office of Tax Analysis
Office of International Tax Affairs
F. Fiscal Assistant Secretary:
Bureau of Accounts
Bureau of the Public Debt
Office of the Treasurer of the United States
Office of Defense Lending
G. Administrative Assistant Secretary:
Office of Administrative Services
Office of Budget
Office of Management and Organization
Office of Personnel
Office of Security
H. Assistant to the Secretary:
Bureau of the Mint
U.S. Secret Service

3. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, the Assistant Secretaries, and the Assistant to the Secretary in 2–H above, are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which action should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

4. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence of sickness shall cease:

A. Under Secretary
B. Under Secretary for Monetary Affairs
C. General Counsel
D. Presidentially appointed Assistant Secretaries in the order in which they took the oath of office as Assistant Secretary

5. Treasury Department Order No. 190 is rescinded.

Dated: December 1, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–11728; Filed, Dec. 11, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–20]

OCEAN TRANSPORT CO.

Notice of Proposed Amendment of Byproduct, Source, and Special Nuclear Material License

Take notice that Ocean Transport Co., holder of License No. 4–5668–1 which authorizes the receipt, possession, packaging and disposal of byproduct, source and special nuclear material in the Pacific Ocean and by transfer to AEC designated sites for land burial, has applied for a license amendment to include the following:

1. Authorize the receipt and ocean disposal of waste in additional types of containers as described below. Each of the proposed containers will have an average density in excess of 10 pounds per gallon. The design and construction of the containers assure that they will remain intact and prevent loss of radioactive material in descending to a depth of at least 1,000 fathoms.

(a) 30 gallon drums filled with solidified liquid and other noncompressible material and surrounded with concrete inside 55 gallon drums. These are essentially solid packages containing no voids. No single package contains more than 2.7 curies of radioactive material.

(b) 55 gallon drums in which a minimum of 4 inches of concrete are poured as a bottom layer. Material containing radioactive waste is contained in the drum to within 4 inches of the top. Concrete is poured in and around the waste materials with rodding to reduce compressibles and voids. The top 4 inches of concrete serves as a cap. No single package contains more than 10 millicuries of radioactive material.

The AEC has reviewed the application for amendment and proposes to grant the amendment, subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing is filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter 1, Part 2, "Rules of Practice". Various types of sea disposal containers have been tested under actual disposal conditions by Pneumo Dynamics Corp. under contract with the Atomic Energy Commission. Among the containers tested were fifty-nine 55-gallon drums which were randomly selected from those which will be disposed of by Ocean Transport Co. These tests demonstrated that the drums can withstand the handling normally incident to transportation and retain the radioactive waste material in descending to at least 1,000 fathoms. All of the drums in the current inventory prepared by the Lawrence Radiation Laboratory, University of California, have been individually weighed and found to be in excess of the required minimum of 550 pounds each. None of the drums has a radioactive content or associated radiation levels which exceed the limits of 2.7 curies, 200 milliroentgens per hour at the surface, and 10 milliroentgens per hour at one meter.

For further details see the application submitted by Ocean Transport Co. on file at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Germantown, Md., December 4, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61–11666; Filed, Dec. 11, 1961; 8:45 a.m.]

[Docket No. 50–3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to February 15, 1962, the latest completion date specified in Construction Permit No. CPPR–1 for the construction of the 163,000 kilowatt (electrical) pressurized water nuclear reactor to be located at Indian Point, New York.

Copies of the Commission's order and of the application by Consolidated Edison Company of New York, Inc., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 4th day of December 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61–11737; Filed, Dec. 11, 1961; 8:49 a.m.]

[Docket No. 50–135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to May 1, 1962, the latest completion date specified in Construction Permit No. CPRR–48 for the construction of the homogeneous solution type, Atomics International Model L–54 nuclear reactor to be located on the Walter Reed Army Medical Center site in Washington, D.C.

Copies of the Commission's order and of the application by Walter Reed Army Medical Center are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 4th day of December 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61–11738; Filed, Dec. 11, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 76]

PRO RATA SHARE PAYMENTS

Redelegation of Authority

Order 551, as amended, is further amended by addition of a new section under the heading "Functions Relating to Funds and Fiscal Matters", to read as follows:

SEC. 273. *Pro rata share payments.* The approval of applications of individual Indians for their pro rata shares of tribal trust funds pursuant to the act of March 2, 1907 (34 Stat. 1221, as amended; 25 U.S.C. 121), and the provisions of 25 CFR, Part 102.

PHILLEO NASH,
Commissioner.

[F.R. Doc. 61–11706; Filed, Dec. 11, 1961; 8:45 a.m.]

Bureau of Land Management

[Classification No. 80]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 40 acres in Maricopa County, Ariz., as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 2 E.,
Sec. 26: SW¼NW¼.

Containing 40.00 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated: December 4, 1961.

FRED J WEILER,
State Director.

[F.R. Doc. 61–11707; Filed, Dec. 11, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 13206, 13207; Order No. E–17807]

PIEDMONT AVIATION, INC., ET AL.

Order Granting Exemption and Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of December 1961.

In the matter of purchase by Piedmont Aviation, Inc. from Trans World Airlines, Inc. of certain aircraft, Docket 13206; in the matter of the purchase by Charlotte Aircraft Corporation from Piedmont Aviation, Inc. of certain aircraft, Docket 13207.

By application filed November 22, 1961 (Docket 13206), Piedmont Aviation, Inc. (Piedmont), and Trans World Airlines, Inc. (TWA), jointly request the Board to rule that section 408 of the Federal Aviation Act of 1958, as amended (the Act), is not applicable to the acquisition by Piedmont of seventeen Martin 404 aircraft and related spare parts from TWA at a cost of $3,250,000, or to exempt the parties from the provisions of the Act to the extent necessary to permit consummation of the transaction, or to approve the transaction without hearing pursuant to the provisions of section 408 of the Act.

By a related application, also filed November 22, 1961, Charlotte Aircraft Corporation (Charlotte), a corporation engaged in buying, selling and overhauling aircraft and aircraft parts, and Piedmont jointly request the Board to rule that section 408 of the Act is not applicable to the acquisition by Charlotte of fourteen DC–3 aircraft and related spare parts from Piedmont at a cost of $1,000,000, or to exempt the parties from the provisions of the Act to the extent necessary to permit consummation of the transaction, or to approve the transaction without hearing pursuant to the provisions of section 408 of the Act.

In support of the applications, the parties state that Piedmont will use the Martin 404 aircraft to replace obsolescent DC–3 equipment with which it presently provides service over route 87, and that the Martin 404's have been retired by TWA in connection with its jet re-equipment plans.

Since seventeen aircraft are involved, the acquisition of Martin 404 aircraft by Piedmont does not qualify for the blanket exemption from section 408 provided by Part 299 of the Board's Economic Regulations. The Board earlier concluded, in a similar instance where the limitations of Part 299 were exceeded, that an individual authorization under, or exemption from, section 408 is required.[1] In the present instance, there does not appear to be any question of undesirable combination, restraint of competition or jeopardy to another air carrier not a party to the transaction. For these reasons, and in view of the fact that the contract, by its terms, is conditional upon Board authorization by December 8, 1961, the Board finds that enforcement of the provisions of section 408, insofar as they would otherwise preclude consummation of the transaction would be an undue burden on Piedmont by reason of the limited extent of, and unusual circumstances affecting its operations and is not in the public interest. The Board therefore will exempt Piedmont pursuant to section 416(b) of the Act from the provisions of section 408 of the Act to the extent necessary to permit it to complete the transaction with TWA. This action does not constitute a finding as to the reasonableness of the transaction for rate-making purposes.

The Board further finds that the fourteen DC–3 aircraft to be purchased by Charlotte constitute a substantial portion of the properties of Piedmont within the meaning of section 408 of the Act, amounting to 56 percent of the number of aircraft currently owned by the carrier.[2] Accordingly, the Board in this instance will not grant the requested disclaimer of jurisdiction; nor is the requested exemption appropriate since Charlotte, against whom the prohibitions in section 408 run in this transaction, is not an air carrier and hence may not be exempted pursuant to section 416 of the Act. However, the Board has concluded tentatively that the purchase of aircraft by Charlotte from Piedmont does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing.

While the fourteen DC–3's presently constitute a substantial portion of Piedmont's aircraft fleet, their importance to the carrier will obviously decrease with the acquisition, as herein contemplated, of a greater number of Martin-404's having superior speed, range and capacity. It would therefore appear that approval of the transaction would not be inconsistent with the public interest.

In view of the foregoing, the Board tentatively finds that the acquisition of fourteen DC–3 aircraft and related spares by Charlotte from Piedmont, Docket 13207, should be approved and intends to approve it under section 408 without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

Therefore, it is ordered:

1. That Piedmont be and it hereby is exempted, pursuant to section 416(b), from the provisions of section 408 of the Act to the extent necessary to permit it to consummate the transaction described in Docket 13206;

2. That this order be published in the FEDERAL REGISTER;

3. That the Attorney General be furnished a copy of this order within one day of its publication; and

[1] Lease of aircraft by Capital Airlines, Inc., from Pan American World Airways, Inc., Order E–15876, Oct. 4, 1960 (Docket 11079).

[2] The Board considers Charlotte to be a person engaged in a phase of aeronautics.

4. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 13207; [3] and

5. That the action herein shall not be deemed to be a determination for rate-making purposes of the reasonableness of the transactions.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-11730; Filed, Dec. 11, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-CE-71]

PROPOSED RADIO ANTENNA STRUCTURES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Woodward Broadcasting Co., Detroit, Mich., proposes to construct an array of nine radio antenna structures near Wyandotte, Mich., with the center of the array at latitude 42°09'09" N., longitude 83°11'00" W. The structures would be arranged in the form of a parallellogram, 1,389.6 feet by 386 feet, with the longitudinal axis of the parallelogram on a line bearing 085.5° true. The overall height of the proposed structures would be 1,110 feet above mean sea level (520 feet above ground).

Objections were made in response to the circularization and at the FAA Kansas City Regional Airspace Meeting, by the Department of the Navy, Air Line Pilots Association, Michigan Department of Aeronautics and the Department of the Air Force based upon the conclusion of the objectors that the proposed structures would require an increase in the GCA minimums to runway 17 of the Grosse Ile NAS, Grosse Ile, Mich., would exceed the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, the criteria contained in section B.2 of this Agency's TSO-N18, and would be a hazard to Visual Flight Rules operations to runway 17/35 of the Grosse Ile NAS. At the Washington Informal Airspace Meeting, the Department of the Navy, Department of the Air Force, ALPA, AOPA, National Pilots Association and the Air Transport Association of America objected on the bases that the proposed structures would exceed the criteria of the JIGTSC and this Agency's TSO-N18.

The proposed structures would be located approximately 3.5 miles north-northwest of the airport reference point of the Grosse Ile NAS, Grosse Ile, Mich. The Agency study disclosed that the proposed structures would have no effect upon the current GCA minimums to runway 17 of the Grosse Ile NAS. The Department of the Navy confirmed this finding and withdrew its objection based upon change in GCA minimums. In addition, the Agency study further disclosed that although the proposed structures would penetrate this Agency's TSO-N18 and JIGTSC criteria, these factors would have no substantial adverse effect upon VFR operations at the Grosse Ile NAS.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structures.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structures, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that these structures would not be a hazard to air navigation, provided that the structures be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on December 1, 1961.

OSCAR W. HOLMES, *Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 61-11702; Filed, Dec. 11, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14085 etc., FCC 61M-1903]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; et al., Docket Nos. 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14294, 14295, 14296, 14298, 14299, 14300, 14301, 14303, 14304, 14305, 14306; for construction permits.

The Hearing Examiner having under consideration oral request of Storer Broadcasting Company for a prehearing conference herein;

It is ordered, This 4th day of December, 1961, that the request is granted; and a prehearing conference is scheduled herein for December 15, 1961, at 9:00 a.m.

Released: December 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11739; Filed, Dec. 11, 1961; 8:49 a.m.]

[Docket No. 14315; FCC 61M-1906]

DAKOTA MICROWAVE CO.

Memorandum Opinion and Order Re Procedural Dates

In re application of Dakota Microwave Company, Turkey Ridge, South Dakota, Docket No. 14315, File No. 1046-C1-R-61; for renewal of the license for Station KAQ71, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

PRELIMINARY STATEMENT

1. Pursuant to order of the Examiner herein, released November 22, 1961, a consolidated preliminary conference was held at the Offices of the Commission in Washington, D.C., on November 27, 1961, to discuss appropriate steps which might be taken to bring about the prompt and orderly disposition of several proceedings involving issues similar to those designated for hearing herein.

BACKGROUND

2. The applicant herein, an unincorporated entity owned by a Mr. Harmes, had indicated that, while it would not be represented by counsel, it intended to participate in the proceedings herein. In view of this and the fact that applicant was located in South Dakota, informal inquiry was made by long distance telephone as to whether applicant would be represented at the aforementioned preliminary conference. Mr. Harmes, advised that he had just been released from the hospital after a serious illness and could not make the trip to Washington, D.C., at this time. He was informed that, under the circumstances, his failure to appear would not be treated as a default but that he would, of course, be bound by any order which might issue as a result of the preliminary conference.

3. In the course of the preliminary conference, various procedural matters were discussed. It became apparent that, in the absence of the applicant, it would not be feasible to make definitive determinations with respect to such applicant. Accordingly, at the request of the examiner made on the record, Common Carrier Bureau counsel undertook to communicate with Mr. Harmes to inquire whether or not he desired a further prehearing conference, and, if so, at what date, or whether, in view of the expense, distance and health factors involved, he desired to proceed directly to hearing. The Examiner further requested that he be furnished with a memorandum of such conversation.

4. The Examiner is in receipt of a memorandum from Bureau counsel in which he advised that Mr. Harmes stated he did not desire a prehearing conference, and would be prepared to have the hearing herein commence on February 26, 1962, which date is also satisfactory to Bureau counsel. Mr. Harmes reserved the right to file any pleadings or other documents which he felt appropriate in the intervening period.

5. In addition, the Examiner is advised that Mr. Harmes inquired whether it would be permissible for his son, who is not an attorney, to represent him. The Examiner, of course, has no official request regarding this matter before him. However, in order that there may be no misunderstanding with respect to this matter, the attention of the applicant is called to the provisions of §§ 1.21 through 1.23 of the rules (47 CFR 1.21 through 1.23) which govern the question of representation before this Commission. (See also Memorandum Opinion and Order, in re Applications of Charles P. B. Pinson, Inc., Docket Nos. 13579 through 13587, FCC 60-1107, released September 22, 1960). Should the applicant desire to seek a waiver of the rules, it should, of course, file an appropriate pleading with the Commission sufficiently in advance of the designated hearing date so that a ruling thereon may reasonably be expected in light of the Commission's normally heavy workload.

Accordingly it is ordered, This 5th day of December 1961, that the prehearing conference heretofore scheduled for December 12, 1961, is cancelled, and that the hearing herein, heretofore scheduled to commence on January 9, 1962, is postponed to February 26, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: December 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11740; Filed, Dec. 11, 1961; 8:49 a.m.]

[Docket Nos. 14394, 14395; FCC 61M-1904]

FLOWER CITY TELEVISION CORP. AND GENESEE VALLEY TELEVISION CO., INC.

Order Continuing Hearing Conference

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Genesee Valley Television Co., Inc., Rochester, New York, Docket No. 14395, File No. BPCT-2944; for construction permits for new Television Broadcast Stations (Channel 13).

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 4th day of December 1961, on the Hearing Examiner's own motion, that the prehearing conference now scheduled for December 27, 1961, is continued until January 5, 1962, at 10:00 a.m.

Released: December 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11741; Filed, Dec. 11, 1961; 8:49 a.m.]

[Docket Nos. 14413, 14414; FCC 61M-1911]

DON L. HUBER AND BARTELL BROADCASTERS, INC. (WOKY)

Order Scheduling Hearing

In re applications of Don L. Huber, Madison, Wisconsin, Docket No. 14413, File No. BP-13625; Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, Docket No. 14414, File No. BP-13652; for construction permits.

It is ordered, This 5th day of December 1961, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 5, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, January 4, 1962.

Released: December 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11742; Filed, Dec. 11, 1961; 8:49 a.m.]

[Docket Nos. 14411, 14412; FCC 61M-1910]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Scheduling Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

It is ordered, This 5th day of December 1961, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 12, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, January 3, 1962.

Released: December 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11743; Filed, Dec. 11, 1961; 8:49 a.m.]

[Docket No. 14415; FCC 61M-1912]

RARITAN VALLEY BROADCASTING CO., INC. (WCTC)

Order Scheduling Hearing

In re application of Raritan Valley Broadcasting Company, Inc. (WCTC), New Brunswick, New Jersey, Docket No. 14415, File No. BP-14494; for construction permit.

It is ordered, This 5th day of December 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 7, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, January 10, 1962.

Released: December 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11744; Filed, Dec. 11, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2079]

PLACER COUNTY WATER AGENCY

Mount Diablo Meridian California; Amendment of Land Withdrawal

DECEMBER 6, 1961.

Notice of additional land withdrawal dated November 2, 1961, appearing in the FEDERAL REGISTER issued Wednesday, November 8, 1961 (26 F.R. 10524) column 2, under T. 14 N., R. 11 E., Sec. 31: should read E½SW¼ instead of W½SW¼.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-11715; Filed, Dec. 11, 1961; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANCORPORATION OF FLORIDA, INC.

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by First Bancorporation of Florida, Inc., Orlando, Fla., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of all the voting shares of The Barnett National Bank of Jacksonville, Jacksonville, Fla.; The First National Bank of Miami, Miami, Fla.; The First National Bank of Orlando, Orlando, Fla.; and The Exchange National Bank of Tampa, Tampa, Fla.

In determining whether to approve this application, the Board is required by said act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the

[3] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C. this 6th day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 61-11704; Filed, Dec. 11, 1961; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOHANNES NICOLAAS GERARD VAN TAACK TRA KANEN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of The Netherlands for the benefit of: Johannes Nicolaas Gerard van Taack Tra Kanen, of Paris, France; L.S. Claim No. 1037; $1,725.42 in the Treasury of the United States; Vesting Order No. 18521; Netherlands, Embassy, Office of the Financial Counselor, 1470 Euclid Street NW., Washington, D.C.

Executed at Washington, D.C., on November 30, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61-11718; Filed, Dec. 11, 1961; 8:46 a.m.]

HERMAN ANDRIES TEN CATE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herman Andries ten Cate, Adm. De Ruyterweg, 31 Amsterdam, The Netherlands; Claim No. 66990; 10 Corporate Trust Shares Accumulative Series (Modified), evidenced by Certificate No. 17300, acquired by the Attorney General pursuant to Vesting Order No. 18521, dated September 27, 1951.

Executed at Washington, D.C., on November 30, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61-11719; Filed, Dec. 11, 1961; 8:46 a.m.]

DR. LASZLO ANTAL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Laszlo Antal, Daniel Street, 19 Bat Yam, Israel; Claim No. 63764; Vesting Order No. 3367; $385.01 in the Treasury of the United States.

Executed at Washington, D.C., on December 6, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61-11720; Filed, Dec. 11, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 7, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37462: *Starch and dextrine from Muscatine, Iowa.* Filed by Illinois Freight Association, agent (No. 152), for interested rail carriers. Rates on starch, dextrine, and related articles, in carloads and tank-car loads, from Muscatine, Iowa, to Baton Rouge, Burnside, Gramercy, New Orleans, Reserve, and Zee, La., also Mobile, Ala. Grounds for relief: Market competition. Tariff: Supplement 210 to Illinois Freight Association tariff I.C.C. 776.

FSA No. 37463: *Class Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 36), for itself and interested carriers. Rates on various commodities moving on truckload and volume class rates, loaded in trailers and transported over joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Delaware, on the one hand, and points in Florida, on the other. Grounds for relief: Motor-truck competition. Tariff: Supplement 1 to Sea-Land Service, Inc., tariff I.C.C. 6.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11716; Filed, Dec. 11, 1961; 8:46 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order No. 138-A]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 138 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 138 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., December 5, 1961.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 5, 1961.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 61-11717; Filed, Dec. 11, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR (Page)
PROCLAMATIONS:
3401 — 11714
3440 — 11714
EXECUTIVE ORDERS:
2711 — 11746
10977 — 11471
10978 — 11714

5 CFR
6 — 11347, 11483, 11671, 11813, 11852
29 — 11794

7 CFR
718 — 11813
722 — 11472, 11481, 11851
728 — 11795
729 — 11816
750 — 11725
775 — 11672
776 — 11347, 11407
812 — 11817
914 — 11417, 11817, 11851
933 — 11417–11419
937 — 11725
938 — 11725
953 — 11419, 11818, 11851
958 — 11483, 11852
PROPOSED RULES:
812 — 11838
911 — 11495
913 — 11839
914 — 11435
953 — 11363
982 — 11498

8 CFR
237 — 11818
243 — 11819
252 — 11797
253 — 11797
299 — 11819
PROPOSED RULES:
242 — 11363

9 CFR
74 — 11852
83 — 11483, 11853
PROPOSED RULES:
74 — 11804
151 — 11870

10 CFR
25 — 11726

12 CFR
4 — 11353
217 — 11798
329 — 11798

13 CFR
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
221 — 11819
288 — 11483
302 — 11820
507 — 11672, 11821
555 — 11672
600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853.

14 CFR—Continued (Page)
601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859.
602 — 11729
608 — 11729, 11730, 11859, 11861
PROPOSED RULES:
18 — 11804
43 — 11804
302 — 11685, 11841
399 — 11841
507 — 11870
600 — 11435, 11494, 11734
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734.
608 — 11435, 11494

15 CFR
201 — 11357
230 — 11360

16 CFR
13 — 11360, 11486, 11675, 11730, 11825
14 — 11826

17 CFR
239 — 11730
PROPOSED RULES:
270 — 11738

18 CFR
PROPOSED RULES:
2 — 11459

19 CFR
3 — 11362
5 — 11420
21 — 11362
54 — 11731
PROPOSED RULES:
10 — 11683

20 CFR
404 — 11827

21 CFR
20 — 11676
120 — 11731, 11799
121 — 11677, 11799, 11800, 11828–11830
141a — 11801
141c — 11801
146a — 11801
146c — 11801
147 — 11802
PROPOSED RULES:
1 — 11734
120 — 11684
121 — 11684, 11735, 11841, 11870
141a — 11684
146 — 11684
146a — 11684
147 — 11684

24 CFR
201 — 11731

25 CFR
PROPOSED RULES:
221 — 11734

26 CFR
1 — 11486, 11677
20 — 11861

26 CFR—Continued (Page)
25 — 11861
45 — 11861

28 CFR
15 — 11420

29 CFR
403 — 11678
408 — 11678
670 — 11420
678 — 11420
779 — 11802
PROPOSED RULES:
545 — 11735

30 CFR
222 — 11487

32 CFR
272 — 11830
273 — 11831
577 — 11679
701 — 11715
710 — 11716
719 — 11763, 11862
720 — 11722
755 — 11792
765 — 11680, 11794
2011 — 11421

33 CFR
125 — 11862
203 — 11803
210 — 11732
212 — 11421

36 CFR
PROPOSED RULES:
1 — 11363

38 CFR
6 — 11680
7 — 11802
8 — 11680
21 — 11862

39 CFR
1—204 — 11513
13 — 11864
31 — 11864
47 — 11864
48 — 11864
168 — 11832
PROPOSED RULES:
61 — 11838
201 — 11426
202 — 11431
203 — 11432
204 — 11432

41 CFR
9–7 — 11488

43 CFR
PROPOSED RULES:
192 — 11493
200 — 11493
PUBLIC LAND ORDERS:
61 — 11803
842 — 11361
1238 — 11863
2543 — 11361
2544 — 11361
2545 — 11803
2546 — 11361
2547 — 11803

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
2548 ... 11803
2549 ... 11803
2550 ... 11863
2551 ... 11863

44 CFR
151 ... 11425

46 CFR
171 ... 11864
PROPOSED RULES:
201 ... 11738
206 ... 11738
221 ... 11738
298 ... 11738
299 ... 11738

47 CFR Page
2 ... 11833
10 ... 11422, 11681
16 ... 11423
PROPOSED RULES:
3 ... 11458, 11495, 11870
7 ... 11369
8 ... 11369
14 ... 11369

49 CFR
43 ... 11835
170 ... 11732
174a ... 11492

50 CFR
32 ... 11733
33 ... 11733, 11836, 11837, 11868, 11869

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

OF MICHIGAN

DEC 19 1961

MAIN READING ROOM

Pages 11885–11934

FEDERAL REGISTER

VOLUME 26 NUMBER 239

Washington, Wednesday, December 13, 1961

Contents

Agricultural Marketing Service
RULES AND REGULATIONS:
Navel oranges grown in Arizona and designated part of California; handling limitation ... 11890

Agricultural Research Service
NOTICES:
Identification of carcasses of certain humanely slaughtered livestock; supplemental list of humane slaughterers ... 11915

Agricultural Stabilization and Conservation Service
RULES AND REGULATIONS:
Cotton acreage allotments, 1962 crops:
Extra long staple; county reserves ... 11887
Upland; revision of allocation from State reserve for Kentucky and county reserves for all States ... 11887

Agriculture Department
See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission
NOTICES:
Long Island Nuclear Service Corp.; order designating place for hearing ... 11914

Civil Aeronautics Board
RULES AND REGULATIONS:
Exemption and approval of certain interlocking relationships ... 11890

Coast Guard
RULES AND REGULATIONS:
Passenger vessels:
Fire protection equipment ... 11909
Watertight subdivision ... 11908
Public nautical school ships; lifesaving equipment ... 11909
Reports of accidents, repairs, and unsafe equipment; fusible plugs:
Cargo and miscellaneous vessels ... 11909
Operations ... 11909
Tank vessels; fire-fighting equipment ... 11908
Vessel inspection and certification ... 11908

Commerce Department
NOTICES:
Changes in financial interests:
Dugan, Edmund W ... 11932
Magnussen, Henry G ... 11932

Federal Aviation Agency
NOTICES:
Proposed television antenna structure; determination of no hazard to air navigation ... 11914
RULES AND REGULATIONS:
Control area extensions; alteration and revocation ... 11894
Federal airway; alteration ... 11893
Federal airways and associated control areas:
Alteration ... 11893
Modification of amendment ... 11893
Labor standards in construction contracts ... 11904
Restricted area; modification of alteration ... 11894

Federal Communications Commission
NOTICES:
Moody, Eugene M.; show cause order ... 11915
PROPOSED RULE MAKING:
Maritime mobile and maritime radiodetermination operations; correction ... 11912
Standard broadcast stations on regional Class III channels; pre-sunrise operation ... 11911
RULES AND REGULATIONS:
Practice and procedure; designation for hearing, local notice, and conditional grant ... 11909

Federal Maritime Commission
NOTICES:
Oahu Railway and Land Co. et al.; agreements filed for approval ... 11915

Federal Power Commission
NOTICES:
Hearings, etc.:
Forest Oil Corp. et al ... 11916
Lake Shore Pipe Line Co. et al ... 11916
Leland D. Heckert Lease et al ... 11917
RULES AND REGULATIONS:
Revision of annual report forms for:
Class A and B electric utilities and others ... 11897
Class A and B natural gas companies ... 11900

Federal Trade Commission
RULES AND REGULATIONS:
Prohibited trade practices:
Central Career Service and William H. Fenner ... 11895
Scherer, Bildner & Allen, et al ... 11895

Fish and Wildlife Service
RULES AND REGULATIONS:
Sport fishing; Crab Orchard National Wildlife Refuge, Illinois ... 11909

Interior Department
See Fish and Wildlife Service; Land Management Bureau; National Park Service.

Interstate Commerce Commission
NOTICES:
Fourth section applications for relief ... 11931
Motor carrier:
Alternate route deviation notices ... 11930
Applications and certain other proceedings ... 11917
Transfer proceedings ... 11930

(Continued on next page)

Land Management Bureau

NOTICES:
Oregon; sale of town lots, Siletz townsite 11914
Wyoming; redelegation of authority by Land Office manager 11914

PROPOSED RULE MAKING:
Oil and gas leasing; description of lands in offer 11911

RULES AND REGULATIONS:
Montana; revocation of certain stock driveway withdrawals and public water reserves 11906

National Park Service

RULES AND REGULATIONS:
Dogs and cats; prohibitions 11903

CONTENTS

Post Office Department

RULES AND REGULATIONS:
Miscellaneous amendments:
Metered stamps 11903
Official mail 11903
Parcels addressed to certain military post offices overseas 11903

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Continental Insurance Co. et al 11917
Martin-Marietta Corp 11917
Universal Pictures Co., Inc 11917

RULES AND REGULATIONS:
Exemption for local offerings from registration; interpretation 11896

Small Business Administration

NOTICES:
Delegations of authority:
Branch manager, Anchorage, Alaska 11931
Branch manager, Boise, Idaho 11932
Branch manager, Columbia, S.C 11932
Chief, Financial Assistance Division, Cleveland Regional Office 11932
Chief, Procurement and Technical Assistance Division, Denver Regional Office 11932

Treasury Department

See Coast Guard.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
Nov. 10, 1917 (revoked in part by PLO 2552) 11906
Apr. 8, 1919 (revoked in part by PLO 2552) 11906
June 14, 1921 (revoked in part by PLO 2552) 11906

7 CFR

722 (2 documents) 11887
914 11890

14 CFR

287 11890
600 (3 documents) 11893
601 (3 documents) 11893, 11894
608 11894

16 CFR

13 (2 documents) 11895

17 CFR

231 11896

18 CFR

141 11897
260 11900

36 CFR

1 11903

39 CFR

17 11903
27 11903
33 11903

41 CFR

2-12 11904

43 CFR

PROPOSED RULES:
192 11911

PUBLIC LAND ORDERS:
2552 11906

46 CFR

2 11908
35 11908
75 11908
76 11909
78 11909
97 11909
167 11909

47 CFR

1 11909

PROPOSED RULES:
3 11911
8 11912

50 CFR

33 11909

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Extra Long Staple Cotton

COUNTY RESERVES

The purpose of this amendment is to establish county reserves. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of extra long staple cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7967) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.566(g)(2) of the regulations pertaining to acreage allotments for the 1962 crop of extra long staple cotton (26 F.R. 9975) is amended to read as follows:

(2) *County reserves.* There are set forth below the county reserves established for each county:

ARIZONA

County	County reserve (acres)	County	County reserve (acres)
Cochise	9.7	Pinal	22.6
Gila	.0	Santa Cruz	.0
Graham	225.3	Yuma	4.8
Maricopa	45.5	State total	312.7
Pima	4.8		

CALIFORNIA

Imperial	2.8
Riverside	14.9
State total	17.7

FLORIDA

County	County reserve (acres)	County	County reserve (acres)
Alachua	0.0	Putnam	0.0
Bradford	.0	Seminole	.0
Hamilton	.0	Sumter	.0
Jefferson	.0	Suwannee	.0
Lake	.0	Union	.2
Madison	.0	Volusia	2.0
Marion	.1	State total	2.3

GEORGIA

Berrien	17.0
Cook	5.1
Lanier	.6
State total	22.7

NEW MEXICO

County	County reserve (acres)	County	County reserve (acres)
Dona Ana	2,870.5	Otero	0.1
Eddy	9.9	Sierra	31.5
Luna	.0	State total	2,912.0

TEXAS

Brewster	1.0	Pecos	6.0
Culberson	2.9	Presidio	2.1
El Paso	9.2	Reeves	2.8
Hudspeth	4.9	Ward	.0
Loving	.0	State total	28.9

PUERTO RICO

North	38.2
South	3.6
Total	41.8

(Secs. 344, 347, 375, 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 8, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11785; Filed, Dec. 12, 1961; 8:51 a.m.]

[Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Upland Cotton

REVISION OF ALLOCATION FROM STATE RESERVE FOR KENTUCKY AND COUNTY RESERVES FOR ALL STATES

The purpose of this amendment is (1) to revise the allocation from the State reserve for small farms and inequities and hardships for Fulton County, Kentucky, and (2) to establish county reserves for all States. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of upland cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7968) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section. 722.516(h)(1) of Amendment 1 (26 F.R. 11472) of the regulations pertaining to allocations to counties from the State reserve for small farms and to correct inequities and prevent hardships is amended as follows: For Fulton County, Kentucky, the allocation of 13 acres in column (6) for small farms is reduced to zero and the allocation of 15 acres in column (7) for inequity and hardship cases is increased from 15 acres to 28 acres. Corresponding revisions are made in the State totals.

Section 722.516(h)(2) of the regulations pertaining to acreage allotments for the 1962 crop of upland cotton (26 F.R. 9966) is amended to read as follows:

(2) *County reserve.* There are set forth below the county reserves established for each county:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	34.2	Geneva	55.6
Baldwin	11.2	Greene	34.5
Barbour	74.0	Hale	22.7
Bibb	29.2	Henry	98.6
Blount	150.7	Houston	33.6
Bullock	200.3	Jackson	93.6
Butler	446.4	Jefferson	605.7
Calhoun	148.7	Lamar	45.4
Chambers	63.4	Lauderdale	171.4
Cherokee	24.2	Lawrence	59.9
Chilton	209.5	Lee	39.6
Choctaw	737.5	Limestone	38.3
Clarke	778.9	Lowndes	28.2
Clay	21.1	Macon	81.1
Cleburne	62.1	Madison	77.3
Coffee	65.6	Marengo	30.6
Colbert	242.6	Marion	44.3
Conecuh	11.9	Marshall	5.3
Coosa	23.9	Mobile	25.3
Covington	39.5	Monroe	66.7
Crenshaw	251.0	Montgomery	84.3
Cullman	111.0	Morgan	49.3
Dale	334.2	Perry	66.8
Dallas	21.9	Pickens	74.1
DeKalb	15.8	Pike	77.7
Elmore	81.2	Randolph	48.5
Escambia	8.5	Russell	48.5
Etowah	167.5	St. Clair	98.3
Fayette	262.6	Shelby	42.7
Franklin	91.2	Sumter	241.5

ALABAMA—Continued

County	County reserve (acres)	County	County reserve (acres)
Talladega	98.3	Washington	50.9
Tallapoosa	73.3	Wilcox	164.4
Tuscaloosa	43.4	Winston	55.7
Walker	134.2	State total	7,829.6

ARIZONA

Cochise	16.1	Pima	15.1
Gila	.0	Pinal	54.5
Graham	8.5	Santa Cruz	4.9
Greenlee	1.7	Yavapai	.0
Maricopa	61.0	Yuma	55.0
Mohave	2.2	State total	219.0

ARKANSAS

Arkansas	11.3	Lee	60.7
Ashley	4.3	Lincoln	10.4
Baxter	5.0	Little River	1.6
Benton	.0	Logan	4.9
Boone	2.0	Lonoke	12.4
Bradley	14.0	Marion	.0
Calhoun	13.2	Miller	3.9
Chicot	8.5	Mississippi	24.3
Clark	31.1	Monroe	7.2
Clay	12.4	Montgomery	1.0
Cleburne	19.8	Nevada	9.7
Cleveland	7.0	Newton	3.1
Columbia	30.0	Ouachita	22.0
Conway	9.7	Perry	2.3
Craighead	19.1	Phillips	6.1
Crawford	3.0	Pike	4.6
Crittenden	22.0	Poinsett	13.3
Cross	5.4	Polk	7.7
Dallas	9.0	Pope	10.9
Desha	15.7	Prairie	14.1
Drew	45.7	Pulaski	9.2
Faulkner	30.3	Randolph	9.8
Franklin	4.5	St. Francis	6.4
Fulton	2.7	Saline	3.4
Garland	.2	Scott	2.0
Grant	43.0	Searcy	11.3
Greene	13.4	Sebastian	30.1
Hempstead	14.3	Sevier	6.0
Hot Spring	9.5	Sharp	21.6
Howard	2.5	Stone	.9
Independence	6.1	Union	21.2
Izard	10.1	Van Buren	10.1
Jackson	10.1	Washington	.0
Jefferson	26.2	White	61.7
Johnson	10.1	Woodruff	8.5
Lafayette	18.1	Yell	3.2
Lawrence	9.6	State total	924.5

CALIFORNIA

Fresno	858.8	San Benito	0.0
Imperial	28.0	San Bernardino	10.1
Kern	228.6	San Diego	1.8
Kings	217.6	Stanislaus	.0
Los Angeles	2.1	Tulare	529.9
Madera	376.5	State total	2,401.8
Merced	124.1		
Riverside	24.3		

FLORIDA

Alachua	24.6	Lafayette	42.4
Baker	.3	Leon	163.7
Bay	3.7	Levy	.0
Calhoun	110.3	Liberty	2.1
Clay	.0	Madison	324.5
Columbia	40.4	Nassau	.0
Dixie	.0	Okaloosa	257.2
Duval	.0	Putnam	.0
Escambia	250.6	Santa Rosa	735.3
Gadsden	34.7	Suwannee	113.7
Gilchrist	.7	Taylor	4.9
Hamilton	200.2	Union	2.2
Holmes	445.4	Walton	386.2
Jackson	567.5	Washington	152.7
Jefferson	137.7	State total	4,001.0

GEORGIA

Appling	222.6	Baldwin	40.8
Atkinson	100.1	Banks	98.4
Bacon	215.4	Barrow	201.0
Baker	19.9	Bartow	72.0

GEORGIA—Continued

County	County reserve (acres)	County	County reserve (acres)
Ben Hill	71.1	Lamar	132.7
Berrien	117.4	Lanier	92.2
Bibb	50.3	Laurens	78.0
Bleckley	23.1	Lee	16.0
Brantley	3.4	Liberty	13.9
Brooks	76.4	Lincoln	83.5
Bryan	19.6	Long	35.5
Bulloch	496.2	Lowndes	232.4
Burke	3,629.8	Lumpkin	2.2
Butts	94.5	McDuffie	398.8
Calhoun	7.3	McIntosh	.6
Camden	.1	Macon	37.0
Candler	171.7	Madison	679.3
Carroll	303.9	Marion	26.4
Catoosa	174.3	Meriwether	199.8
Charlton	1.0	Miller	95.4
Chatham	3.3	Mitchell	43.6
Chattahoochee	11.0	Monroe	49.1
Chattooga	132.7	Montgomery	27.0
Cherokee	54.6	Morgan	249.4
Clarke	200.7	Murray	43.1
Clay	34.1	Muscogee	10.5
Clayton	51.6	Newton	127.1
Clinch	2.4	Oconee	300.9
Cobb	73.3	Oglethorpe	399.7
Coffee	265.0	Paulding	99.5
Colquitt	142.4	Peach	24.5
Columbia	169.6	Pickens	34.9
Cook	153.2	Pierce	355.0
Coweta	153.1	Pike	40.4
Crawford	45.2	Polk	270.4
Crisp	22.7	Pulaski	26.7
Dade	63.0	Putnam	75.3
Dawson	27.3	Quitman	15.2
Decatur	145.5	Randolph	48.9
De Kalb	40.0	Richmond	29.4
Dodge	43.9	Rockdale	101.5
Dooly	50.6	Schley	40.6
Dougherty	20.0	Screven	164.8
Douglas	69.7	Seminole	25.2
Early	150.3	Spalding	182.4
Echols	2.0	Stephens	113.0
Effingham	68.4	Stewart	51.3
Elbert	225.8	Sumter	32.9
Emanuel	224.3	Talbot	79.9
Evans	197.6	Taliaferro	20.4
Fayette	148.7	Tattnall	126.9
Floyd	159.2	Taylor	61.9
Forsyth	76.8	Telfair	56.5
Franklin	299.9	Terrell	60.3
Fulton	58.7	Thomas	38.9
Gilmer	.0	Tift	50.8
Glascock	76.9	Toombs	40.7
Gordon	249.7	Treutlen	25.6
Grady	57.0	Troup	76.8
Greene	100.5	Turner	31.2
Gwinnett	300.4	Twiggs	35.8
Habersham	30.4	Upson	55.6
Hall	150.8	Walker	98.4
Hancock	132.6	Walton	148.1
Haralson	30.3	Ware	50.9
Harris	20.0	Warren	585.2
Hart	105.7	Washington	105.9
Heard	41.1	Wayne	122.9
Henry	474.0	Webster	28.9
Houston	40.6	Wheeler	76.4
Irwin	30.4	White	29.5
Jackson	404.8	Whitfield	284.1
Jasper	126.1	Wilcox	202.2
Jeff Davis	138.5	Wilkes	100.4
Jefferson	1,764.8	Wilkinson	22.5
Jenkins	347.7	Worth	51.8
Johnson	495.8	State total	22,704.7
Jones	15.2		

ILLINOIS

Alexander	100.2
Massac	.6
Pulaski	61.2
State total	162.0

KANSAS

Cowley	0.0
Montgomery	.0
State total	.0

KENTUCKY

County	County reserve (acres)	County	County reserve (acres)
Ballard	2.4	Hickman	63.3
Calloway	16.0	McCracken	0.6
Carlisle	8.8	Marshall	9.7
Fulton	9.1	State total	139.0
Graves	29.1		

LOUISIANA

Acadia	1,347.2	Morehouse	166.0
Allen	69.6	Natchitoches	3,503.2
Ascension	10.2	Orleans	.0
Assumption	.0	Ouachita	59.3
Avoyelles	3,413.2	Pointe Coupee	1,495.5
Beauregard	25.4	Rapides	2,152.0
Bienville	724.2	Red River	1,594.6
Bossier	2,799.5	Richland	66.1
Caddo	4,950.4	Sabine	155.9
Calcasieu	15.0	St. Helena	327.2
Caldwell	274.9	St. James	.0
Cameron	1.3	St. John the Baptist	.1
Catahoula	384.5	St. Landry	4,905.2
Claiborne	993.1	St. Martin	1,217.4
Concordia	179.5	St. Mary	.0
De Soto	636.3	St. Tammany	51.4
East Baton Rouge	105.8	Tangipahoa	209.6
East Carroll	171.2	Tensas	2,668.2
East Feliciana	458.5	Union	852.5
Evangeline	1,478.3	Vermillion	482.2
Franklin	689.4	Vernon	110.9
Grant	524.3	Washington	786.6
Iberia	15.2	Webster	978.2
Iberville	44.8	West Baton Rouge	166.0
Jackson	158.6	West Carroll	259.4
Jefferson	.0	West Feliciana	341.5
Jefferson Davis	38.2	Winn	143.8
Lafayette	1,915.9	State total	44,687.1
Lafourche	.0		
LaSalle	50.7		
Lincoln	487.0		
Livingston	9.4		
Madison	22.7		

MARYLAND

Caroline	0.0
State total	.0

MISSISSIPPI

County	County reserve (acres)	County	County reserve (acres)
Adams	322.5	Jefferson	
Alcorn	195.1	Davis	448.4
Amite	263.8	Jones	1,116.6
Attala	361.1	Kemper	526.0
Benton	139.8	Lafayette	350.4
Bolivar	7.0	Lamar	44.3
Calhoun	265.9	Lauderdale	550.1
Carroll	250.8	Lawrence	731.2
Chickasaw	353.9	Leake	291.4
Choctaw	178.0	Lee	203.5
Claiborne	235.0	Leflore	11.8
Clarke	452.5	Lincoln	370.5
Clay	716.5	Lowndes	622.8
Coahoma	9.0	Madison	720.6
Copish	429.2	Marion	1,222.1
Covington	740.1	Marshall	137.4
DeSoto	108.6	Monroe	167.3
Forrest	165.8	Montgomery	160.8
Franklin	34.8	Neshoba	913.1
George	101.4	Newton	925.6
Greene	21.6	Noxubee	2,335.6
Grenada	411.0	Oktibbeha	47.1
Hancock	.3	Panola	957.5
Harrison	.3	Pearl River	9.9
Hinds	2,549.3	Perry	172.7
Holmes	24.7	Pike	198.3
Humphreys	9.1	Pontotoc	410.9
Issaquena	1.1	Prentiss	373.9
Itawamba	488.2	Quitman	39.7
Jackson	8.7	Rankin	1,130.6
Jasper	665.4	Scott	997.9
Jefferson	278.6	Sharkey	6.0

MISSISSIPPI—Continued

County	County reserve (acres)	County	County reserve (acres)
Simpson	512.4	Warren	247.6
Smith	1,121.8	Washington	15.7
Stone	8.7	Wayne	838.2
Sunflower	9.5	Webster	179.8
Tallahatchie	26.1	Wilkinson	195.2
Tate	33.6	Winston	595.0
Tippah	341.6	Yalobusha	13.4
Tishomingo	130.7	Yazoo	53.9
Tunica	15.7	State total	31,543.0
Union	202.4		
Walthall	1,018.6		

MISSOURI

Bollinger	4.0	Oregon	3.0
Butler	60.0	Ozark	.0
Cape Girardeau	1.1	Pemiscot	27.6
Carter	.5	Ripley	5.0
Dunklin	18.6	Scott	2.9
Howell	1.0	Stoddard	14.4
Jefferson	.9	Vernon	.0
Mississippi	25.0	Wayne	.6
New Madrid	38.7	State total	203.3

NEVADA

Clark	0.0
Nye	.0
State total	.0

NEW MEXICO

County	County reserve (acres)	County	County reserve (acres)
Bernalillo	0.0	Lea	325.8
Chaves	2,025.0	Luna	14.2
Curry	36.0	Otero	12.8
DeBaca	11.9	Quay	49.9
Dona Ana	11.5	Roosevelt	71.9
Eddy	3,988.9	Sierra	166.4
Grant	.7	Socorro	65.5
Guadalupe	.0	Valencia	4.0
Hidalgo	19.0	State total	6,803.5

NORTH CAROLINA

Alamance	2.4	Lenoir	13.1
Alexander	94.2	Lincoln	338.8
Anson	10.7	Martin	13.9
Beaufort	22.1	Mecklenburg	837.5
Bertie	12.5	Montgomery	7.2
Bladen	24.7	Moore	6.3
Brunswick	7.7	Nash	18.7
Burke	17.3	New Hanover	3.9
Cabarrus	176.5	Northampton	11.8
Caldwell	8.9	Onslow	58.9
Camden	29.4	Orange	14.1
Carteret	6.8	Pamlico	4.2
Catawba	77.2	Pasquotank	5.7
Chatham	56.0	Pender	10.3
Chowan	5.6	Perquimans	15.5
Cleveland	45.8	Person	.3
Columbus	10.3	Pitt	25.0
Craven	8.5	Polk	25.8
Cumberland	30.2	Randolph	17.0
Currituck	10.3	Richmond	48.2
Davidson	72.3	Robeson	35.2
Davie	168.5	Rockingham	1.0
Duplin	13.5	Rowan	272.5
Durham	5.4	Rutherford	25.5
Edgecombe	5.9	Sampson	46.4
Forsyth	24.3	Scotland	10.4
Franklin	14.1	Stanly	198.5
Gaston	379.6	Stokes	4.1
Gates	15.9	Surry	94.4
Granville	2.4	Tyrrell	10.0
Greene	12.7	Union	25.8
Guilford	2.3	Vance	15.5
Halifax	10.2	Wake	16.2
Harnett	55.3	Warren	25.8
Hartford	15.7	Washington	2.8
Haywood	18.3	Watauga	8.6
Henderson	1.9	Wayne	1.2
Hertford	50.0	Wilkes	8.6
Hoke	50.6	Wilson	2.8
Hyde	2.5	Yadkin	3,865.3
Iredell	17.7	State total	
Johnston	322.2		
Jones	55.2		
Lee	207.4		

OKLAHOMA

County	County reserve (acres)	County	County reserve (acres)
Adair	0.0	Lincoln	85.7
Atoka	52.0	Logan	23.3
Beaver	.0	Love	49.8
Beckham	166.0	McClain	17.0
Blaine	163.2	McCurtain	121.1
Bryan	38.2	McIntosh	87.1
Caddo	72.8	Major	8.1
Canadian	23.6	Marshall	79.5
Carter	1.7	Mayes	1.4
Cherokee	.8	Murray	1.4
Choctaw	480.8	Muskogee	128.5
Cleveland	15.0	Noble	121.0
Coal	24.5	Nowata	18.8
Comanche	9.2	Okfuskee	10.2
Cotton	84.5	Oklahoma	63.8
Craig	12.0	Okmulgee	68.6
Creek	12.9	Osage	89.4
Custer	131.7	Pawnee	37.6
Dewey	91.8	Payne	86.4
Ellis	7.2	Pittsburg	54.5
Garfield	12.3	Pontotoc	77.0
Garvin	16.9	Pottawatomie	62.8
Grady	47.1	Pushmataha	16.0
Grant	.0	Roger Mills	49.8
Greer	65.8	Rogers	2.8
Harmon	156.9	Seminole	152.1
Harper	.0	Sequoyah	4.5
Haskell	2.0	Stephens	141.6
Hughes	29.0	Texas	.0
Jackson	85.7	Tillman	200.6
Jefferson	2,035.5	Tulsa	.2
Johnston	36.6	Wagoner	83.4
Kay	39.5	Washington	.0
Kingfisher	261.5	Washita	341.7
Kiowa	83.5	Woodward	16.7
Latimer	.0	State total	6,674.1
LeFlore	111.5		

SOUTH CAROLINA

Abbeville	453.6	Hampton	20.8
Aiken	42.0	Horry	145.8
Allendale	20.0	Jasper	263.4
Anderson	1,491.2	Kershaw	204.8
Bamberg	26.0	Lancaster	339.0
Barnwell	28.0	Laurens	327.9
Beaufort	148.0	Lee	70.0
Berkeley	302.5	Lexington	22.7
Calhoun	30.0	McCormick	167.0
Charleston	204.0	Marion	20.1
Cherokee	746.2	Marlboro	70.0
Chester	132.6	Newberry	85.0
Chesterfield	146.1	Oconee	973.2
Clarendon	68.0	Orangeburg	69.2
Colleton	28.0	Pickens	802.9
Darlington	63.0	Richland	178.3
Dillon	44.0	Saluda	448.8
Dorchester	201.6	Spartanburg	1,998.3
Edgefield	54.0	Sumter	70.0
Fairfield	279.8	Union	173.7
Florence	64.0	Williamsburg	66.0
Georgetown	63.3	York	217.8
Greenville	1,931.8	State total	13,567.0
Greenwood	264.6		

TENNESSEE

Bedford	153.2	Haywood	422.5
Benton	30.5	Henderson	55.2
Bradley	39.6	Henry	102.3
Cannon	4.8	Hickman	3.4
Carroll	110.0	Humphreys	1.9
Chester	42.5	Lake	22.4
Coffee	191.4	Lauderdale	20.4
Crockett	48.6	Lawrence	73.4
Cumberland	.0	Lewis	45.5
Davidson	.1	Lincoln	88.1
Decatur	6.8	Loudon	.2
DeKalb	5.1	McMinn	40.0
Dyer	62.7	McNairy	46.1
Fayette	343.8	Madison	607.4
Franklin	407.7	Marion	37.0
Gibson	17.5	Marshall	56.1
Giles	69.1	Maury	32.1
Grundy	24.2	Meigs	24.6
Hamilton	15.5	Monroe	25.9
Hardeman	54.5	Moore	12.4
Hardin	322.2	Obion	20.8

TENNESSEE—Continued

County	County reserve (acres)	County	County reserve (acres)
Perry	15.4	Van Buren	5.4
Polk	23.6	Warren	84.7
Rhea	.3	Wayne	14.8
Roane	.0	Weakley	97.3
Robertson	.0	White	7.4
Rutherford	16.1	Williamson	17.7
Shelby	52.5	Wilson	4.0
Tipton	515.4	State total	4,542.1

TEXAS

Anderson	99.2	Foard	7.2
Andrews	4.0	Fort Bend	11.3
Angelina	120.6	Franklin	55.7
Aransas	.7	Freestone	76.0
Archer	12.8	Frio	12.1
Armstrong	16.4	Gaines	103.7
Atascosa	125.2	Galveston	5.1
Austin	26.7	Garza	19.5
Bailey	19.8	Gillespie	55.4
Bandera	.0	Glasscock	2.5
Bastrop	1,636.7	Goliad	60.2
Baylor	11.8	Gonzales	55.9
Bee	18.8	Gray	11.8
Bell	40.1	Grayson	45.4
Bexar	62.0	Gregg	78.9
Blanco	5.1	Grimes	143.6
Borden	15.2	Guadalupe	158.3
Bosque	331.8	Hale	12.2
Bowie	98.9	Hall	45.1
Brazoria	11.9	Hamilton	101.4
Brazos	100.1	Hansford	17.9
Brewster	3.0	Hardeman	29.3
Briscoe	32.0	Hardin	8.1
Brooks	22.2	Harris	11.4
Brown	172.0	Harrison	198.9
Burleson	335.5	Hartley	10.0
Burnet	67.6	Haskell	42.9
Caldwell	51.3	Hays	102.0
Calhoun	29.0	Hemphill	6.1
Callahan	24.0	Henderson	94.7
Cameron	58.7	Hidalgo	270.7
Camp	52.5	Hill	302.8
Carson	15.7	Hockley	36.1
Cass	69.4	Hood	87.5
Castro	40.3	Hopkins	49.7
Chambers	5.6	Houston	297.5
Cherokee	505.5	Howard	404.6
Childress	54.8	Hudspeth	4.3
Clay	106.7	Hunt	95.8
Cochran	23.8	Irion	2.8
Coke	49.8	Jack	80.8
Coleman	90.8	Jackson	51.0
Collin	97.8	Jasper	79.8
Collingsworth	21.9	Jeff Davis	3.0
Colorado	24.2	Jefferson	.1
Comal	21.3	Jim Hogg	16.7
Comanche	733.0	Jim Wells	46.5
Concho	40.2	Johnson	73.2
Cooke	63.1	Jones	61.7
Coryell	126.5	Karnes	73.6
Cottle	2.3	Kaufman	95.6
Crockett	.0	Kendall	6.6
Crosby	10.5	Kent	9.5
Culberson	5.8	Kerr	1.2
Dallam	6.0	Kimble	29.9
Dallas	81.3	King	2.6
Dawson	28.3	Kinney	12.1
Deaf Smith	32.4	Kleberg	50.2
Delta	51.2	Knox	50.9
Denton	63.7	Lamar	138.9
DeWitt	82.3	Lamb	26.4
Dickens	60.7	Lampasas	35.6
Dimmit	21.3	LaSalle	149.7
Donley	10.1	Lavaca	135.2
Duval	32.3	Lee	117.6
Eastland	101.8	Leon	63.2
Ector	.9	Liberty	20.6
Ellis	63.8	Limestone	51.4
El Paso	55.2	Live Oak	22.3
Erath	80.4	Llano	28.5
Falls	98.7	Loving	1.9
Fannin	55.2	Lubbock	41.8
Fayette	1,154.4	Lynn	98.6
Fisher	20.7	McCulloch	135.6
Floyd	49.3	McLennan	71.6
		McMullen	49.2
		Madison	49.6

TEXAS—Continued

County	County reserve (acres)	County	(acres)
Marion	29.4	Schleicher	1.9
Martin	19.9	Scurry	40.3
Mason	49.0	Shackelford	59.8
Matagorda	5.1	Shelby	13.8
Maverick	100.5	Smith	280.3
Medina	128.9	Somervell	48.4
Menard	41.4	Starr	85.1
Midland	20.4	Stephens	13.7
Milam	54.0	Sterling	10.1
Mills	71.3	Stonewall	17.8
Mitchell	27.6	Sutton	.0
Montague	262.3	Swisher	32.0
Montgomery	67.0	Tarrant	75.3
Moore	47.4	Taylor	33.6
Morris	40.3	Terrell	.0
Motley	21.0	Terry	20.0
Nacogdoches	71.2	Throckmorton	40.9
Navarro	97.4	Titus	39.3
Newton	50.2	Tom Green	203.0
Nolan	40.6	Travis	100.8
Nueces	90.6	Trinity	45.3
Ochiltree	24.9	Tyler	10.2
Oldham	2.0	Upshur	43.0
Palo Pinto	69.3	Upton	.1
Panola	99.2	Uvalde	9.0
Parker	97.6	Val Verde	1.0
Parmer	35.3	Van Zandt	75.8
Pecos	6.6	Victoria	26.3
Polk	115.6	Walker	81.5
Potter	2.9	Waller	26.7
Presidio	29.9	Ward	4.4
Rains	169.3	Washington	598.1
Randall	46.0	Webb	23.0
Reagan	5.0	Wharton	18.0
Real	.0	Wheeler	28.0
Red River	65.1	Wichita	51.8
Reeves	4.5	Wilbarger	60.5
Refugio	17.5	Willacy	17.9
Roberts	2.0	Williamson	61.2
Robertson	52.5	Wilson	241.2
Rockwall	42.1	Winkler	.0
Runnels	119.6	Wise	58.5
Rusk	275.9	Wood	29.0
Sabine	141.2	Yoakum	12.8
San Augustine	106.2	Young	291.2
San Jacinto	51.3	Zapata	25.7
San Patricio	104.1	Zavala	50.1
San Saba	172.4	State total	19,176.8

VIRGINIA

Accomack	0.0	Lunenburg	35.2
Appomattox	.0	Mecklenburg	32.1
Brunswick	141.3	Nansemond	152.4
Caroline	.0	Norfolk	4.2
Charlotte	1.5	Patrick	.0
Chesterfield	.3	Prince Edward	.0
Cumberland	.1	Prince George	1.6
Dinwiddie	32.8	Princess Anne	.0
Franklin	.0	Southampton	224.0
Greensville	23.8	Surry	1.5
Halifax	.1	Sussex	119.2
Hanover	.0	State total	809.6
Henrico	.0		
Isle of Wight	39.5		

(Secs. 344, 375; 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the FEDERAL REGISTER.

Signed at Washington, D.C., on December 8, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11786; Filed, Dec. 12, 1961; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 217, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(iii) of § 914.517 (Navel Orange Regulation 217, 26 F.R. 11417) are hereby amended to read as follows:

(iii) District 3: 150,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 8, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-11802; Filed, Dec. 12, 1961; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-344]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1961.

In a notice of proposed rule making published in the FEDERAL REGISTER on July 19, 1961, 26 F.R. 6479, and circulated to the industry as EDR–29, dated July 13, 1961, Docket 12783, the Board proposed the adoption of a new Part 287 of the Economic Regulations which would exempt direct and indirect air carriers from the provisions of section 409(a) of the Act in respect of certain classes of interlocking relationships having little or no regulatory significance and would also approve in advance pursuant to that Section the participation of individuals in such specified classes of interlocking relationships.

Paragraphs (d) of §§ 287.2 and 287.3 of the notice each provided that the exemptions respectively accorded to direct and indirect air carriers by such paragraphs should not extend to interlocking relationships with any common carrier or person engaged in a phase of aeronautics which is, either directly or indirectly, affiliated with any air carrier. In consideration of various comments filed with respect to these provisions of the proposed rule, the Board has decided to make certain amendments relating thereto. Thus, this exclusion from the scope of the exemptions conferred has been made applicable to each of the separate exemptions contained in the paragraphs (a) through (e) of § 287.2 and (a) through (d) of § 287.3. Also, § 287.1 has been amended by the addition of a definition of the term "affiliated" in order to insure that the limitation on the exemption will be confined to situations where the affiliated enterprises and persons are, or may be, commonly controlled, and to grant the exemption in situations where such affiliation is of minimal significance. Furthermore, the provisions thus limiting the exemption conferred have been revised so that the exemption will not be withdrawn when the affiliation involved has been specifically authorized by the Board, either by an order of approval under section 408 of the Act or by an exemption therefrom under section 416 of the Act.[1] This liberalization of the proposed regulation reflects the fact that an interlocking relationship lacks regulatory significance where the enterprises and persons involved are commonly controlled and the Board has specifically found such control to be consistent with the public interest in a section 408 proceeding or by exemption from section 408, but all interested persons are reminded that any augmented degree of control, reduced competition or other significant consequences which may flow from such interlocking relationships may require redetermination of the status of the control relationship.

Paragraphs (d) of §§ 287.2 and 287.3 of the notice limited the exemptions respectively conferred thereby to interlocking relationships with a person engaged in a phase of aeronautics by excluding therefrom certain specified classes of such persons. One such excluded class comprises persons whose principal business is ownership or control of any other person engaged in a phase of aeronautics. Under the terms of the notice the latter class of persons would be excluded even when their business was the holding of stock in, or control of an air taxi operator, indirect surface common carrier or direct surface common carrier whose own interlocking relationships with the air carrier involved would fall within the scope of the granted exemption. Since such exclusion does not serve any valid regulatory purpose, paragraphs (d) of §§ 287.2 and 287.3 have been further amended so that the limitation on the exemption applies only when the owned or controlled enterprise is one to which the exemption provided by paragraph (d) does not apply.

The exemption afforded by proposed § 287.2 to indirect air carriers has been broadened to include any surface common carrier which is engaged only in pipeline or communications operations or in the transportation of passengers. This action has been taken to make the scope of the exemptions afforded indirect air carriers comparable, in this respect, to that afforded direct air carriers whose interlocking relationships with pipeline or communication companies have been exempted. Furthermore, since indirect air carriers are engaged only in the transportation of cargo, there is no danger of a conflict of interest between such enterprises and direct surface common carriers engaged only in the transportation of passengers. For this reason, § 287.2 has also been liberalized to encompass an exemption in this situation by the addition of new paragraph (e).

Section 287.2(b) of the notice proposed to exempt all interlocking relationships between indirect air carriers and indirect surface common carriers. One of the comments received objected to this proposed blanket exemption because a number of indirect surface carriers are directly or indirectly controlled by direct surface carriers, engaged in long-haul operations by railroad or motor vehicle. In order to obviate any danger of potential restraint or competition or conflict of interest due to such situations, § 287.2 (b) has been amended to limit this exemption to those indirect surface common carriers which are not affiliated with any direct surface common carrier unless the latter carrier would itself be exempt under § 287.2(c) if it had an interlocking relationship with an indirect air carrier.

Section 287.3(c) of the notice proposed to exempt interlocking relationships between any direct air carrier and any surface common carrier engaged only in the local or regional transportation of cargo which either does not serve any point in common with such air carrier or serves such point only on a route which can be encompassed within the geographic area of any arbitrarily centered circle with a maximum radius of 50 miles. By way of contrast, paragraph (b) of § 287.3 of the notice proposed to exempt interlocks between direct air carriers and surface common carriers engaged only in local transit operations for passengers if the certificated routes of such surface carrier could be encompassed within the geographic area of any arbitrarily centered circle with a maximum radius of 50 miles. It is believed that administration of the rule would be substantially simpler if proposed § 287.3 (c) were amended to limit its exemption to those surface common carriers engaged only in the transportation of cargo which operates only intrastate routes or have certificated interstate routes which can be encompassed within the geographic area of any arbitrarily centered circle with a maximum radius of 50 miles.

The notice contemplated that the newly created exemption embodied in this part would be applicable only to interlocking relationships arising after its effective date. One air carrier has suggested that a number of interlocking relationships which have been approved by the Board in the past require the submission of periodic reports by the parties thereto which are burdensome for the carriers to prepare and for the Board to review so that it is desirable to extend the applicability of the new Part to such previously approved interlocking relationships. This proposal appears to be meritorious and has been adopted in new § 287.7. That section provides, however, that this Part will become applicable to existing interlocking relationships which are otherwise eligible for the exemption only if, and when, the air carrier furnishes written notice to the Board of its election to seek such relief and 90 days have elapsed since the date of such notice during which period the Board has not exercised an option of notifying the air carrier concerned that the exemption will not be made retroactively effective with respect to the particular interlocking relationship involved.

The exemption and approval conferred by this new part is entirely permissive in nature. It does not confer immunity from the antitrust law for the interlocking relationships which it makes permissible. Persons who wish to obtain immunity from the antitrust laws may request the issuance of a Board order approving any such relationship under sections 409 and 414 of the Act.

The Board finds that enforcement of section 409(a) of the Act insofar as it would require the individual and air carrier parties to a prohibited interlocking relationship to obtain Board approval thereof by filing an application for such approval, pursuant to Part 251 of the Economic Regulations, would be an undue burden on such air carriers by reason of the limited extent of, or unusual circumstances affecting, their operations and would not be in the public interest. The Board further finds that to the extent that any individual party to such a relationship would, without the prior approval of the Board, be in violation of any provision of that section by reason of any interlocking relationship which has been exempted with respect to the participation of an air carrier party thereto, under this regulation, such relationship will not adversely affect the public interest.

Interested persons have been afforded an opportunity to participate in the formulation of this new part, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby promulgates new Part 287 of the Economic Regulations (14 CFR Part 287) effective December 13, 1961, to read as follows:

287.1 Definitions.
287.2 Exemption of indirect air carriers with respect to certain interlocking relationships.
287.3 Exemption of direct air carriers with respect to certain interlocking relationships.
287.4 Approval of certain interlocking relationships.
287.5 Termination of exemptions and approvals.
287.6 Effect of exemption on antitrust laws.
287.7 Effect of exemption on existing interlocking relationships.

AUTHORITY: §§ 287.1 to 287.7 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 409 and 416, 72 Stat. 737, 768 and 771; 49 U.S.C. 1301, 1379 and 1387.

§ 287.1 Definitions.

For the purposes of this part:

(a) "Indirect air carrier" means any air carrier not engaged directly in the operation of aircraft in air transportation which comes within the classification of "Air Freight Forwarders" and "Cooperative Shippers Associations," established by Part 296 of this chapter or within the classification of "International Air Freight Forwarders" established by Part 297 of this chapter.

(b) "Direct air carrier" means any air carrier directly engaged in the operation of aircraft, pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, or pursuant to exemption authority conferred under section 416(b) (other than air carriers under Part 298 of this chapter) or pursuant to interim operating authority under Public Law 86–661, dated July 14, 1960.

(c) "Interlocking relationship" means any of the relationships set forth in section 409(a) of the Act which are set forth in Appendix I of this part.

(d) "Aircraft manufacturer" means any person engaged in the design and final fabrication of an integrated, major assembly or subassembly who:

(1) Makes civil aircraft, or engines and propellers for use therewith, or

(2) Makes any appliances (as that term is defined in section 101(11) of the Federal Aviation Act of 1958, as

[1] Thus, a control relationship which antedated the enactment of the Civil Aeronautics Act of 1938 and has never been specifically authorized by the Board would not come within the purview of this exception to the limitation on the exemptions conferred upon nonaffiliated enterprises and persons.

amended) for use aboard civil aircraft and whose sales of such appliances to any air carrier with whom it has an interlocking relationship exceed $100,000 at any time during a calendar year.

(e) "Affiliated" means a relationship wherein a person engaged in a phase of aeronautics or a common carrier directly or indirectly (1) is controlled by an air carrier; (2) controls an air carrier; (3) is under common control with an air carrier; or (4) where the power to exercise such control presently exists.

§ 287.2 Exemption of indirect air carriers with respect to certain interlocking relationships.

Subject to the other provisions of this part, indirect air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of this chapter with respect to any interlocking relationship between any such air carrier and, respectively:

(a) Air taxi operators as defined in Part 298 of this chapter;

(b) Any indirect surface common carrier not affiliated, directly or indirectly, with any direct surface common carrier except those covered by paragraph (c) of this section;

(c) Any direct surface common carrier who operates only intrastate routes or whose certificated interstate routes can be encompassed within the geographic area of any arbitrarily centered circle having a radius of 50 miles or less which can be drawn; and

(d) Any person engaged in a phase of aeronautics otherwise than as an air carrier, but not

(1) Foreign air carriers,

(2) Persons engaged in either private or common carriage by air for compensation or hire, who are not subject to Board regulation as statutory "air carriers," and

(3) Persons whose principal business is the holding of stock in, or control of, any other person engaged in any phase of aeronautics to whom the exemption provided by this paragraph does not apply.

(e) Any surface common carrier which is engaged only in pipeline or communications operations or in the transportation of passengers.

Provided, however, That no exemption conferred by this section shall extend to a relationship with respect to any common carrier or person engaged in a phase of aeronautics which is, directly or indirectly, affiliated with any air carrier unless such affiliation has previously been expressly authorized by the Board by approval under section 408 of the Act, or by exemption therefrom, and is currently so authorized.

§ 287.3 Exemption of direct air carriers with respect to certain interlocking relationships.

Subject to the other provisions of this part, direct air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of the Economic Regulations with respect to any interlocking relationship between any such air carrier and, respectively:

(a) Any surface common carrier which is engaged only in pipeline or communications operations;

(b) Any surface common carrier which is engaged only in local transit operations by providing street, railway or bus transportation (except for airport limousines) for passengers and has certificated or franchised routes which can be encompassed within the geographic area of any arbitrarily centered circle having a radius of 50 miles or less which can be drawn;

(c) Any surface common carrier which is engaged only in the transportation of cargo by motor vehicle, rail or water and which operates only intrastate routes or whose certificated interstate routes can be encompassed within the geographic area of any arbitrarily centered circle having a radius of 50 miles or less which can be drawn; and

(d) Any persons engaged in any phase of aeronautics otherwise than as an air carrier, except

(1) Foreign air carriers, travel or ticket agents,

(2) Aircraft manufacturers,

(3) Persons engaged in private or common carriage by air, for compensation or hire, who are not subject to Board regulation as statutory "air carriers", and persons whose principal business is the holding of stock in, or control of, any other person engaged in any phase of aeronautics to whom the exemption provided by this paragraph does not apply.

Provided, however, That no interlocking relationship shall be exempted under this paragraph if the transactions between the air carrier and the person engaged in any phase of aeronautics involved exceed $100,000 at any time during a calendar year, excluding transactions involving the furnishing of transportation service by an air carrier pursuant to tariff rates duly filed with the Board and published. For the purpose of determining whether the qualifying conditions specified in paragraphs (a), (b), and (c) of this section are met, both the operations of the surface carrier's own system and those of its subsidiaries or parent companies shall be considered. Furthermore, any direct air carrier, which has been exempted under the provisions of this paragraph, shall use reasonable diligence in determining when the $100,000 limit specified in § 281.1(d) or § 287.3(d) has been exceeded.

Provided, further, That no exemption conferred by this section shall extend to a relationship with respect to any common carrier or person engaged in a phase of aeronautics which is, directly or indirectly, affiliated with any air carrier unless such affiliation has previously been expressly authorized by the Board by approval under section 408 of the Act, or by exemption therefrom, and is currently so authorized.

§ 287.4 Approval of certain interlocking relationships.

To the extent that any officer, director or member of an air carrier, or stockholder holding a controlling interest in an air carrier (or the representative or nominee of any such person) would, without prior approval of the Board, be in violation of any provision of section 409(a) of the Act, by reason of any interlocking relationship directly involving such air carrier which has been exempted under this part, such relationship is hereby approved for the duration of such exemption.

§ 287.5 Termination of exemptions and approvals.

Any exemption and approval granted by this part may be terminated by the Board at any time, after notice and opportunity to submit written views and data, when the Board finds that the continuance of such exemption and approval will adversely affect the public interest.

§ 287.6 Effect of exemption on antitrust laws.

The exemption and approval granted herein shall not constitute an order made under section 409(a) of the Act within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Federal Aviation Act of 1958, as amended) with respect to any interlocking relationship otherwise within the purview of said section 409(a).

§ 287.7 Effect of exemption on existing interlocking relationships.

The exemption and approval granted by this Part shall supersede any approval (including any conditions thereto) previously granted by the Board in respect to a specific interlocking relationship when the following conditions obtain:

(a) The air carrier concerned has furnished written notice to the Board of its election to invoke the provisions of this section with respect to such interlocking relationship, and

(b) The circumstances surrounding such interlocking relationship fully meet the conditions specified in this part, and

(c) A period of 90 days after the date of such written notice has elapsed during which the Board has not notified the air carrier concerned, in writing, that it does not wish to make the exemption and approval conferred by this part retroactively effective with respect to such interlocking relationship.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 409 and 416, 72 Stat. 737, 768 and 771; 49 U.S.C. 1301, 1379 and 1387)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX I

SEC. 409. [72 Stat. 768, 49 U.S.C. 1379]. (a) It shall be unlawful, unless such relationship shall have been approved by order of the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby—

(1) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(2) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(3) For any person who is an officer or director of an air carrier to hold the position of officer, director or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(4) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(5) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(6) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

[F.R. Doc. 61-11801; Filed, Dec. 12, 1961; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-28]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On August 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7971), stating that the Federal Aviation Agency was considering the extension of intermediate altitude VOR Federal airway No. 1727 from Buffalo, N.Y., to Boston, Mass.

No adverse comments were received regarding the proposed alteration.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 600.1727 (26 F.R. 1092) the following changes are made:

1. In the caption "(Rosewood, Ohio, to Buffalo, N.Y.)" is deleted and "(Rosewood, Ohio, to Boston, Mass.)" is substituted therefor.

2. In the text "to the Buffalo VOR." is deleted and "Buffalo VOR; INT of the Buffalo VOR 098° and the Georgetown, N.Y., VOR 272° radials; Georgetown VOR; INT of the Georgetown VOR 093° and the Albany, N.Y., VOR 270° radials; to the Albany VOR; thence 14-mile wide airway via the INT of the Albany VOR 094° and the Boston, Mass., VOR 287° radials; to the Boston VOR. The portion of this airway within R-4108 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11750; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 61-NY-26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On August 30, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8117), stating that the Federal Aviation Agency proposed to extend low altitude VOR Federal airway No. 39 northward from Presque Isle, Maine, to the United States-Canadian border and to designate the control areas associated with this segment of Victor 39 to extend upward from 700 feet above the surface to the base of the continental control area.

The Air Transport Association of America concurred with the proposed amendment. The Department of the Air Force offered no objection. No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 600.6039 (14 CFR 600.6039, 26 F.R. 643, 1855) the following changes are made:

a. In the caption "Presque Isle, Maine" is deleted and "the United States-Canadian Border" is substituted therefor.

b. In the text "to the Presque Isle, Maine VOR." is deleted and "Presque Isle, Maine, VOR; to the INT of the Presque Isle VOR 359° radial with the United States-Canadian border." is substituted therefor,

2. In the caption of § 601.6039 (14 CFR 601.6039) "Presque Isle, Maine" is deleted and "United States-Canadian Border" is substituted therefor.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11749; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification

On July 16, 1960, there were published in the FEDERAL REGISTER (25 F.R. 6753), amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, among other actions, designated low altitude VOR Federal airway No. 475 and its associated control areas from Deer Park, N.Y., to Putnam, Conn., via VORs to be commissioned near Deer Park, N.Y., and New Haven, Conn., and extended low altitude VOR Federal airway No. 140, and its associated control areas, from Idlewild, N.Y., to Deer Park. These amendments were originally to become effective April 6, 1961. However, this date was subsequently changed to January 11, 1962 (26 F.R. 2219), due to the postponement of the commissioning dates of the New Haven and Deer Park VORs.

On April 25, 1961, Airspace Docket No. 60-WA-140 was published in the FEDERAL REGISTER (26 F.R. 3521), which, in part, designated a segment of Victor 475 and its associated control areas from Coyle, N.J., to Deer Park, N.Y., effective October 19, 1961.

On September 15, 1961, Airspace Docket No. 60-NY-34 was published in the FEDERAL REGISTER (26 F.R. 8629) in which the Federal Aviation Agency withdrew the actions regarding Victor 475 and its associated control areas from Airspace Docket No. 60-WA-140 and incorporated them with those outstanding actions regarding Victor 475 in Airspace Docket No. 60-NY-34. This action was taken due to the postponement of the commissioning date of the Deer Park VOR. The effective date of all actions contained in Airspace Docket No. 60-NY-34 is January 11, 1962.

Revised traffic control procedures in the New York Metropolitan area have obviated the requirement for the segment of Victor 475 between Coyle and Deer Park, and the segment of Victor 140 between Idlewild and Deer Park. Furthermore, it has now been deter-

mined that the New Haven, Conn., VOR will not be commissioned until approximately July 26, 1962. Accordingly, action is taken herein to alter Airspace Docket No. 60–NY–34, as amended, by deleting the segment of Victor 475 between Coyle and Deer Park; and the segment of Victor 140 between Idlewild and Deer Park, and by postponing the effective date of the designation of the segment of Victor 475 between Deer Park and Putnam and the revocation of Victor 463 between Norwich and Putnam until July 26, 1962.

Since thirty days will elapse from the time of publication of these amendments as modified herein to the new effective date, these changes are in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–NY–34 (25 F.R. 2753, 26 F.R. 2219, 8629) is altered as follows:

1. Items No. 1 and No. 4 are deleted.
2. Item No. 3 is amended to read:

§ 600.6475 VOR Federal airway No. 475 (Deer Park, N.Y., to Putnam, Conn.).

From the Deer Park, N.Y., VOR via the New Haven, Conn., VOR; to the Putnam, Conn., VORTAC, including an E alternate via the Norwich, Conn., VORTAC.

3. Item No. 6 is amended to read:

§ 601.6475 VOR Federal airway No. 475 control areas (Deer Park, N.Y., to Putnam, Conn.).

All of VOR Federal airway No. 475 including an east alternate.

4. "Effective 0001 e.s.t., January 11, 1962.", is deleted and "Effective 0001 e.s.t., July 26, 1962.", is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11751; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 60–NY–43]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Revocation of Control Area Extensions

On November 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11185), stating that the Federal Aviation Agency (FAA) proposed to alter the Bangor, Maine, control area extension (§ 601.1047) and to revoke the Bar Harbor, Maine, (§ 601.1346) and the Rockland, Maine, (§ 601.1345) control area extensions.

The Aircraft Owners and Pilots Association (AOPA) and the National Aviation Trades Association (NATA) objected to the designation of airspace, of any large size, with floors of 700 feet above the surface.

At the time the notice was published, no regulatory provision existed providing for variations in the base of control area. In accordance with Part 601 of the regulations of the Administrator, control area was to be designated upward from 700 feet above the surface. Subsequent to publication of the notice, Amendment 60–21 was adopted providing for the designation of transition areas to extend upward from 1200 feet or higher above the surface when designated to complement control zones.

It is recognized that implementation of 60–21 in the Bangor area would result in considerable changes being made to the controlled airspace proposed in the notice. Due to the magnitude of the task of implementing Amendment 60–21, however, the review of the controlled airspace in the Bangor area which is required before this implementation can be accomplished has not been completed. Since the requirement by Air Traffic Service for the additional controlled airspace proposed in the notice can no longer be deferred, the FAA finds it necessary to designate the control area extension proposed in the notice. When the Amendment 60–21 study of the Bangor area is completed, separate airspace action will be initiated to convert the Bangor control area extension to a transition area with an appropriate controlled airspace floor assignment.

No other adverse comments were received regarding the proposed amendments.

In the notice, it was proposed that the Bangor control area extension be bounded on the northwest by the eastern boundary of VOR Federal airway No. 39 between the Augusta and Millinocket VORs. Subsequent to publication of the notice, this segment of Victor 39 was realigned to the west leaving a small amount of uncontrolled airspace between the realigned airway and the boundary originally proposed in the notice. To provide continuity of controlled airspace, action is taken herein to include it within the control area extension.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.1047 (14 CFR 601.1047, 26 F.R. 3464) Control area extension (Bangor, Maine) is amended to read:

§ 601.1047 Control area extension (Bangor, Maine).

That airspace bounded on the E by the United States/Canadian Border and a line extending from latitude 45°37'30" N., longitude 67°39'00" W., via latitude 44°45'00" N., longitude 67°30'00" W., to latitude 44°25'00" N., longitude 67°-30'00" W.; on the SE by a line extending from latitude 44°25'00" N., longitude 67°30'00" W., via latitude 44°18'00" N., longitude 68°00'00" W., to latitude 43°-45'00" N., longitude 69°15'00" W.; on the SW by the Brunswick, Maine, control area extension (§ 601.1324); and on the W and NW by VOR Federal airway No. 39 SW of the Millinocket VOR and VOR Federal airway No. 471 from the Millinocket VOR to the United States/Canadian Border. The portion of this control area extension which coincides with R–3901 is excluded during the time of designation of the restricted area. The portion of this control area extension which coincides with R–3903 shall be used only after obtaining prior approval from appropriate authority.

§ 601.1345 [Revocation]

2. Section 601.1345 Control area extension (Rockland, Maine) is revoked.

§ 601.1346 [Revocation]

3. Section 601.1346 Control area extension (Bar Harbor, Maine) is revoked.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 7, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11748; Filed, Dec. 12, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–126]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area; Modification of Amendment

On November 25, 1961, there was published in the FEDERAL REGISTER (26 F.R. 11048), an amendment to § 608.29 of the regulations of the Administrator. This amendment altered the Jacksonville West, Fla., Restricted Area R–2903D.

Upon publication of the FEDERAL REGISTER on November 25, 1961, an error was noted in a geographical coordinate included in the description of R–2903D. Therefore, action is taken herein to correct this error.

Since this amendment corrects an error and imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61–WA–126 (26 F.R. 11048) is hereby modified as follows:

In the description of the Jacksonville, Fla., Restricted Area R–2903D, "counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'30" N., longitude 82°00'-25" W.;" is deleted and "counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°-53'20" N., longitude 82°00'25" W.;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–11752; Filed, Dec. 12, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8384 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Central Career Service and William H. Fenner

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service:* § 13.115–20 *Government;* § 13.-125 *Limited offers or supply;* § 13.143 *Opportunities;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, William H. Fenner doing business as Central Career Service, Duluth, Minn., Docket 8384, Sept. 20, 1961]

In the Matter of William H. Fenner, an Individual Doing Business as Central Career Service

Consent order requiring a Duluth, Minn., seller of a correspondence course on civil service preparation to cease representing falsely in advertising and through salesmen that a person completing his course was qualified for and assured of a U.S. Civil Service position, and in the area of his choice, that such openings were available, that he would notify the student of examinations to be held, that the time in which his course could be purchased was limited, etc.

The order to cease and desist is as follows:

It is ordered, That Respondent, William H. Fenner, individually and doing business under the name of Central Career Service, or under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in the connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent offers employment when, in fact, employment is not offered;
2. Completion of respondent's course of study will qualify persons for United States Civil Service Positions;
3. Any position in the United States Civil Service is open, unless such be a fact at the time the representation is made;
4. Any position in the United States Civil Service is open in any particular locality or section of the United States, unless such be a fact at the time the representation is made;
5. Respondent notifies the student when and where Civil Service examinations will be held;
6. Respondent's offer of sale of his course of study is limited as to time;
7. Completion of respondent's course of study assures or guarantees the person completing it a position in the United States Civil Service.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 20, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–11753; Filed, Dec. 12, 1961; 8:45 a.m.]

[Docket 8414 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Scherer, Bildner & Allen, et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act:* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act:* § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Abraham Scherer et al. trading as Scherer, Bildner & Allen, New York, N.Y., Docket 8414, Sept. 20, 1961]

In the Matter of Abraham Scherer, Charles Bildner and Daniel Allen, Individually and as Copartners Trading as Scherer, Bildner & Allen

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices the true animal name of the fur used in a fur product and that the fur was dyed, and to disclose on labels that a product was composed of bellies, and failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Abraham Scherer, Charles Bildner and Daniel Allen, individually and as copartners trading as Scherer, Bildner & Allen or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible, all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

2. Setting forth on labels affixed to fur products:

a. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

b. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by: Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

C. Furnishing false guarantees that any fur or any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 20, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–11754; Filed, Dec. 12, 1961; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4434]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Exemption for Local Offerings From Registration

The meaning and application of the exemption from registration provided by section 3(a)(11) of the Securities Act of 1933, as amended, have been the subject of court opinions, releases of the Securities and Exchange Commission (Release Nos. 33-1459 (1937) and 33-4386 (1961)), and opinions and interpretations expressed by the staff of the Commission in response to specific inquiries. This release is published to provide in convenient and up-to-date form a restatement of the principles underlying section 3(a)(11) as so expressed over the years and to facilitate an understanding of the meaning and application of the exemption.[1]

General nature of exemption. Section 3(a)(11), as amended in 1954, exempts from the registration and prospectus requirements of the Act:

> Any security which is a part of an issue offered and sold only to persons resident within a single State or Territory, where the issuer of such security is a person resident and doing business within, or, if a corporation, incorporated by and doing business within, such State or Territory.

The legislative history of the Securities Act clearly shows that this exemption was designed to apply only to local financing that may practicably be consummated in its entirety within the State or Territory in which the issuer is both incorporated and doing business. As appears from the legislative history, by amendment to the Act in 1934, this exemption was removed from section 5(c) and inserted in section 3, relating to "Exempted Securities", in order to relieve dealers of an unintended restriction on trading activity.[2] This amendment was not intended to detract from its essential character as a transaction exemption.[3]

"Issue" concept. A basic condition of the exemption is that the entire issue of securities be offered and sold exclusively to residents of the state in question. Consequently, an offer to a nonresident which is considered a part of the intrastate issue will render the exemption unavailable to the entire offering.

Whether an offering is "a part of an issue", that is, whether it is an integrated part of an offering previously made or proposed to be made, is a question of fact and depends essentially upon whether the offerings are a related part of a plan or program. Unity Gold Corp., 3 S.E.C. 613, 625 (1938); Peoples Securities Co., SEA Release No. 6176, February 10, 1960. Thus, the exemption should not be relied upon in combination with another exemption for the different parts of a single issue where a part is offered or sold to nonresidents.

The determination of what constitutes an "issue" is not governed by State law. Shaw v. U.S., 131 F. 2d 476, 480 (C.A. 9, 1942). Any one or more of the following factors may be determinative of the question of integration: (1) Are the offerings part of a single plan of financing; (2) do the offerings involve issuance of the same class of security; (3) are the offerings made at or about the same time; (4) is the same type of consideration to be received, and (5) are the offerings made for the same general purpose.

Moreover, since the exemption is designated to cover only those security distributions, which, as a whole, are essentially local in character, it is clear that the phrase "sold only to persons resident", as used in section 3(a)(11) cannot refer merely to the initial sales by the issuing corporation to its underwriters, or even the subsequent resales by the underwriters to distributing dealers. To give effect to the fundamental purpose of the exemption, it is necessary that the entire issue of securities shall be offered and sold to, and come to rest only in the hands of residents within the state. If any part of the issue is offered or sold to a nonresident, the exemption is unavailable not only for the securities so sold, but for all securities forming a part of the issue, including those sold to residents. Securities Act Release No. 201 (1934); Brooklyn Manhattan Transit Corp., 1 S.E.C. 147 (1935); S.E.C. v. Hillsborough Investment Corp., 173 F. Supp. 86 (D.N.H. 1958); Hillsborough Investment Corp. v. S.E.C., 276 F. 2d 665 (C.A. 1, 1960); S.E.C. v. Los Angeles Trust Deed & Mortgage Exchange et al., 186 F. Supp. 830, 871 (S.D. Cal., 1960), aff'd 285 F. 2d 162 (C.A. 9, 1960). It is incumbent upon the issuer, underwriter, dealers and other persons connected with the offering to make sure that it does not become an interstate distribution through resales. It is understood to be customary for such persons to obtain assurances that purchases are not made with a view to resale to nonresidents.

Doing business within the State. In view of the local character of the section 3(a)(11) exemption, the requirement that the issuer be doing business in the State can only be satisfied by the performance of substantial operational activities in the State of incorporation. The doing business requirement is not met by functions in the particular State such as bookkeeping, stock record and similar activities or by offering securities in the State. Thus, the exemption would be unavailable to an offering by a company made in the State of its incorporation of undivided fractional oil and gas interests located in other States even though the company conducted other business in the State of its incorporation. While the person creating the fractional interests is technically the "issuer" as defined in section 2(4) of the Act, the purchaser of such security obtains no interest in the issuer's separate business within the State. Similarly, an intrastate exemption would not be available to a "local" mortgage company offering interests in out-of-State mortgages which are sold under circumstances to constitute them investment contracts. Also, the same position has been taken of a sale of an interest, by a real estate syndicate organized in one State to the residents of that State, in property acquired under a sale and leaseback arrangement with another corporation organized and engaged in business in another State.

If the proceeds of the offering are to be used primarily for the purpose of a new business conducted outside of the State of incorporation and unrelated to some incidental business locally conducted, the exemption should not be relied upon. S.E.C. v. Truckee Showboat, Inc., 157 F. Supp. 824 (S.D. Cal. 1957). So also, a section 3(a)(11) exemption should not be relied upon for each of a series of corporations organized in different States where there is in fact and purpose a single business enterprise or financial venture whether or not it is planned to merge or consolidate the various corporations at a later date. S.E.C. v. Los Angeles Trust Deed & Mortgage Exchange et al., 186 F. Supp. 830, 871 (S.D. Cal. 1960), aff'd 285 F. 2d 162 (C.A. 9, 1960).

Residence within the State. Section 3(a)(11) requires that the entire issue be confined to a single State in which the issuer, the offerees and the purchasers are residents. Mere presence in the State is not sufficient to constitute residence as in the case of military personnel at a military post. S.E.C. v. Capital Funds, Inc. No. A46-60, D. Alaska, 1960. The mere obtaining of formal representations of residence and agreements not to resell to nonresidents or agreements that sales are void if the purchaser is a nonresident should not be relied upon without more as establishing the availability of the exemption.

An offering may be so large that its success as a local offering appears doubtful from the outset. Also, reliance should not be placed on the exemption for an issue which includes warrants for the purchase of another security unless there can be assurance that the warrants will be exercised only by residents. With respect to convertible securities, a section 3(a)(9) exemption may be available for the conversion.

A secondary offering by a controlling person in the issuer's State of incorporation may be made in reliance on a section 3(a)(11) exemption provided the exemption would be available to the issuer for a primary offering in that State. It is not essential that the controlling person be a resident of the issuer's State of incorporation.

Resales. From these general principles it follows that if during the course of distribution any underwriter, any distributing dealer (whether or not a member of the formal selling or distributing group), or any dealer or other person purchasing securities from a distributing dealer for resale were to offer or sell such securities to a nonresident, the exemption would be defeated. In other words, section 3(a)(11) contemplates that the exemption is applicable only if the entire issue is distributed pursuant to the statutory conditions. Consequently, any offers or sales to a nonresident in connection with the distribution of the issue would destroy the exemption as to all securities which are a part of that issue, including those sold to residents regardless of whether such sales are made directly to nonresidents or indirectly through residents who as part of the distribution thereafter sell to nonresidents. It would furthermore be immaterial that sales to nonresidents are made without use of the mails or instruments of interstate commerce. Any such sales of part of the issue to nonresidents, however few, would not be in compliance with the conditions of section 3(a)(11), and would render the exemption unavailable for the entire offering including the sales to residents. Petersen Engine Co., Inc., 2 S.E.C. 893, 903 (1937); Professional Investors, 37 S.E.C. 173, 175 (1956); Universal Service, 37 S.E.C. 559, 563-564 (1957); S.E.C. v. Hillsborough Investment Corp., 173 F. Supp. 86 (D.N.H. 1958); Hillsborough Investment Corp., v. S.E.C. 276 F. 2d 665 (C.A. 1, 1960).

This is not to suggest, however, that securities which have actually come to rest in the hands of resident investors, such as persons purchasing without a view to further distribution or resale to nonresidents, may not in due course be resold by such persons, whether directly or through dealers or brokers, to nonresidents without in any way affecting the exemption. The relevance of any such resales consists only of the evidentiary light which they might cast upon the factual question whether the securities had in fact come to rest in the hands of resident investors. If the securities are resold but a short time after their acquisition to a nonresident this fact, although not conclusive, might support an inference that the original offering had not come to rest in the State, and that resale therefore constituted a part of the process of primary distribution; a stronger inference would arise if the purchaser involved were a security dealer. It may be noted that the nonresidence of the underwriter or dealer is not pertinent so long as the ultimate distribution is solely to residents of the State.

Use of the mails and facilities of interstate commerce. The intrastate exemption is not dependent upon nonuse of the mails or instruments of interstate commerce in the distribution. Securities issued in a transaction properly exempt under this provision may be offered and sold without registration through the mails or by use of any instruments of transportation or communication in interstate commerce, may be made the subject of general newspaper advertisement (provided the advertisement is appropriately limited to indicate that offers to purchase are solicited only from, and sales will be made only to, residents of the particular State involved), and may even be delivered by means of transportation and communication used in interstate commerce, to the purchasers. Similarly, securities issued in a transaction exempt under section 3(a)(11) may be offered without compliance with the formal prospectus requirements applicable to registered securities. Exemption under section 3(a)(11), if in fact available, removes the distribution from the operation of the registration and prospectus requirements of section 5 of the Act. It should be emphasized, however, that the civil liability and antifraud provisions of sections 12(2) and 17 of the act nevertheless apply may give rise to civil liabilities and to other sanctions applicable to violations of the statute.

Conclusion. In conclusion, the fact should be stressed that section 3(a)(11) is designed to apply only to distributions genuinely local in character. From a practical point of view, the provisions of that section can exempt only issues which in reality represent local financing by local industries, carried out through local investment. Any distribution not of this type raises a serious question as to the availability of section 3(a)(11). Consequently, any dealer proposing to participate in the distribution of an issue claimed to be exempt under section 3(a)(11) should examine the character of the transaction and the proposed or actual manner of its execution by all persons concerned with it with the greatest care to satisfy himself that the distribution will not, or did not, exceed the limitations of the exemption. Otherwise the dealer, even though his own sales may be carefully confined to resident purchasers, may subject himself to serious risk of civil liability under section 12(1) of the act for selling without prior registration a security not in fact entitled to exemption from registration. In Release No. 4386, we noted that the quick commencement of trading and prompt resale of portions of the issue to nonresidents raises a serious question whether the entire issue has, in fact, come to rest in the hands of investors resident in the state of the initial offering.

The Securities Act is a remedial statute, and the terms of an exemption must be strictly construed against one seeking to rely on it. S.E.C. v. Sunbeam Gold Mining Co., 95 F. 2d 699, 701 (C.A. 9, 1938). The courts have held that he has the burden of proving its availability. Gilligan, Will & Co. v. S.E.C. 267 F. 2d 461, 466 (C.A. 2, 1959); S.E.C. v. Ralston Purina Co., 346 U.S. 119, 126 (1954); S.E.C. v. Culpepper, 270 F. 2d 241, 246 (C.A. 2, 1959).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 6, 1961.

[F.R. Doc. 61-11764; Filed, Dec. 12, 1961; 8:48 a.m.]

[1] Since publication of the 1937 release, the Investment Company Act of 1940 was enacted, and under section 24(d) thereof, the section 3(a)(11) exemption for an intrastate offering is not available for an investment company registered or required to be registered under the Investment Company Act.

[2] H.R. Report No. 1838, 73d Cong., 2d sess. (1934), p. 40.

[3] See Report of the Securities and Exchange Commission to the Committee on Interstate and Foreign Commerce, dated Aug. 7, 1941, on Proposals for Amendments to the Securities Act of 1933 and the Securities Exchange Act of 1934 where in referring to sections 3(a)(1), 3(a)(9), 3(a)(10) 3(a)(11) and 3(b) of the Securities Act of 1933, it was said: ". . . Since these are in reality transaction exemptions, the Commission proposes and representatives of the securities' industry agree that they should be redesignated as transaction exemptions and transferred to Section 4. . . ." (p. 24).

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-198; Order No. 238]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revision of Annual Report Form for Class A and B Electric Utilities, Licensees, and Others

DECEMBER 7, 1961.

This Commission has under consideration in this proceeding the revision of its F.P.C. Form No. 1, Annual Report Form Prescribed for Class A and Class B Electric Utilities, Licensees and Others Subject to the Provisions of the Federal Power Act and § 141.1, Part 141, Subchapter D, Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations (CFR), prescribing F.P.C. Form No. 1. That Report Form, as revised, is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and thereafter.

The various schedules comprising F.P.C. Form No. 1 now prescribed in § 141.1 (18 CFR 141.1) of Part 141, Title 18, correspond to, and appear as unnumbered and numbered pages 1–103, 701–718 of the Commission's F.P.C. Form No. 1 Electric Utilities and Licensees, initially prescribed by Order of August 6, 1937, and amended by Order of October 12, 1937; by Order of October 22, 1938 (3 F.R. 2582, October 29, 1938); by Order of October 17, 1939 (4 F.R. 4369, October 26, 1939); by Order No. 75 of September 24, 1940 (5 F.R. 3859, October 1, 1940); by Order No. 142 of October 6, 1948 (13 F.R. 6315, October 28, 1948); by Order No. 161 of October 30, 1951 (16 F.R. 11766, November 21, 1951); by Order No. 168 of January 6, 1954 (19 F.R. 214, January 12, 1954); by Order No. 176 of November 24, 1954 (19 F.R. 7872, December 1, 1954); by Order No. 199 of March 17, 1958 (23 F.R. 1888, March 21, 1958); by Order No. 204 of May 29, 1958 (23 F.R. 4160, June 12, 1958); and by Order No. 207 of August 7, 1958 (23 F.R. 6238, August 14, 1958). Section 141.1, Part 141, Subchapter D, Approved Forms, Federal Power Act was

contained in the codification and reissuance of the Commission's general rules promulgated by Order No. 141 of December 11, 1947 (12 F.R. 8592, December 19, 1947).

This proceeding was commenced by notice of proposed rule making served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on June 9, 1961 (26 F.R. 5180). As proposed, the subject matters and revisions in § 141.1, and the General Instructions and other Schedules comprising F.P.C. Form No. 1 were set forth in narrative form in the notice or set forth in the form of proposed revised Schedules including as a part thereof the General Instructions. Copies of the proposed revised Schedules including the General Instructions were served upon the aforesaid interested parties as a part of the notice of proposed rule making as well as being filed as a part of the notice as submitted to the FEDERAL REGISTER for publication (26 F.R. 5180).

The notice of proposed rule making afforded a period of 30 days for the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 1 and Part 141. Numerous responses were received and all are now before the Commission for consideration. As pointed out hereinafter the conclusions expressed in certain of the data, views, comments and suggestions are adopted and others rejected. F.P.C. Form No. 1, as revised and promulgated herein, is as set forth in the attached Appendix A[1] which shows the changes adopted herein in typed or handscript form rather than the printed form in which those changes will ultimately appear. Copies of F.P.C. Form No. 1, as revised and promulgated herein, will be available in printed format at a later date from the Commission or the Superintendent of Documents, United States Government Printing Office. The intervening period will afford time for complete familiarization with the Report Form as finally adopted and promulgated herein by all personnel of the reporting parties charged with responsibility for its preparation prior to the close of the current reporting year and the date for filing the revised form of report.

Overall, the revisions or changes and improvements to be found in the revised F.P.C. Form No. 1, as prescribed herein, are designed to coordinate the Commission's Report Form for Classes A and B electric utilities, licensees and others with the accounting classifications and procedures prescribed as a part of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B) effective January 1, 1961.[2] Additionally, the format of F.P.C. Form No. 1 has been revised so as to facilitate its coordinate use in reporting to this Commission and to State regulatory authorities. This is accomplished through sectionalized numbering of schedule pages to allow integration of operating and statistical schedules for non-electric utility departments of reporting parties which are subject to reporting requirements prescribed by various State regulatory bodies.

Where the revisions or changes and improvements reflected in the revised F.P.C. Form No. 1 elicit data currently reported in different form or additional information they reflect two basic considerations. The general revision of the Commission's Uniform System of Accounts for Public Utilities and Licensees creates new accounts, deletes certain accounts and consolidates other accounts. This in turn makes necessary corresponding revisions in the format of numerous schedules of the Commission's Report Form since those schedules generally reflect the accounting classifications and procedures of the Commission's Uniform System of Accounts. More important or noteworthy among the schedule revisions of this type are: Comparative Balance Sheet; Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion; Statement of Income for the Year; Statement of Earned Surplus; Nonutility Property; Investments; Special Funds; Special Deposits; Notes and Accounts Receivable; Accounts Receivable; Materials and Supplies; Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock; Other Paid-in Capital; Particulars Concerning Certain Other Income Accounts; Particulars Concerning Certain Income Deduction and Interest Charges Accounts; Common Utility Plant and Expenses; Electric Plant in Service; Construction Work in Progress and Completed Construction not Classified—Electric; Accumulated Provisions for Depreciation of Electric Plant; Electric Operating Revenues; Electric Operation and Maintenance Expenses: Joint Expenses, Debit and Credit; Construction Overheads Electric; Depreciation and Amortization of Electric Plant; Generating Station Statistics; Transmission Line Statistics; and Electric Distribution Meters and Line Transformers. The foregoing are all as more fully set forth in Appendix A together with other revisions or changes and improvements of this general type reflected in the revised Report Form as prescribed herein.

Secondly, the Commission's experience and certain developments in the electric utility industry over past years have shown the reporting of additional financial and operating data not presently reported to be necessary for the carrying out of the purposes intended to be served by the Federal Power Act. Information of the latter type or amplification of data previously reported would be solicited in the revised Report Form chiefly through the following Schedules: Notes to Balance Sheet; Notes to Income Statement; Prepayments; Reconciliation of Reported Net Income with Taxes; Accumulated Deferred Income Taxes; Taxable Income for Federal Income Taxes; Transmission of Electricity For or By Others; and Miscellaneous General Expenses. These Schedules are all as more fully set forth in Appendix A.

Prior developments in the electric utility industry giving rise to this needed additional information include, among others, increased power and energy exchange operations among electric utilities; the impact of income tax requirements when applied to electric utility operations; activities of electric utilities in research and development programs, especially nuclear operations; and considerations arising from the collection of operating revenues subject to future administrative determination in rate or other proceedings as well as the payment of purchased power and energy costs subject to similar administrative determinations.

Under the wording of § 141.1, Part 141, Subchapter D, Approved Forms, Federal Power Act, prescribing F.P.C. Form No. 1, as revised herein, the size classifications for Class A and Class B Public Utilities and Licensees prescribed in the Commission's Uniform System of Accounts, effective January 1, 1961, are adopted and made applicable to reporting parties except "municipalities" as defined in section 3 of the Federal Power Act. The Report Form, as revised and promulgated herein is not applicable to municipalities.[3] Similar revisions appear in the wording of the General Instructions to the Report Form as prescribed herein.

Other of the revisions or changes and improvements reflected in the various schedules (including as a part thereof the General Instructions) of the revised F.P.C. Form No. 1 are more particularly of a clarifying or an editorial nature. As in the case of the previously-mentioned revisions or changes and improvements they are shown upon the revised F.P.C. Form No. 1 set forth in Appendix A.

The revised F.P.C. Form No. 1 adopted herein was developed by this Commission's staff in collaboration with inter alia the Committee on Accounts and Statistics of the National Association of Railroad and Utilities Commissioners as was the existing Report Form to be superseded.[4]

Subsequent to the general public notice of rule making in this proceeding on June 9, 1961 (26 F.R. 5180), comments and suggestions were filed by the following classes of respondents:

State Public Service Commission (Colorado)	1
State Auditors (Washington)	1
Electric Utilities	71
Holding Company Service Companies	1
Utility Service Companies	1
Total	75

A number of the responses received by the Commission present factual and policy considerations in support of suggested technical changes in the Report Form as noticed. In some instances specific language or format was presented in substitution. Certain of the suggested changes are adopted in the Report Form as set for in Appendix A hereto. See, for example, the Schedule of Transmission Line Statistics which has been modified to provide for separate grouping of investment and operating costs of transmission facilities of 110 kv or over rather than 66 kv, as proposed in the notice of rule making.

However, by far the greater number of all responses received are intended to present objections to the increased reporting requirements of the following Schedules as noticed: Schedule of Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes; Schedule of Accumulated Deferred Income Taxes; Schedule of Taxes Charged During Year; Notes to Balance Sheet; and Notes to Statement of Income. The bases of the tendered objections range from factual or policy considerations to legal arguments. In some instances this class of response proffers alternative suggested means for accomplishing the objectives sought to be achieved by the Schedules and Notes as presented in the notice of rule making herein. However, in most instances, they do not. In this respect, they are negative in character. Nevertheless, accommodation of the various considerations and arguments raised in the responses has been effected in the Report Form as prescribed herein to the maximum extent possible without undue sacrifice of the basic considerations of the Federal Power Act which necessitate and authorize the reporting of the additional information called for. Generally speaking, these further revisions have resulted in several changes as respects the Notes to Balance Sheet and Notes to Statement of Income and the Schedule of Taxes Charged During Year from the form thereof as set forth in the notice of rule making herein. The specific nature of these and the previously mentioned changes may be seen from a comparison of F.P.C. Form No. 1 as set forth in Appendix A hereto and the notice of rule making.

Additionally, an electric utility through an untimely filing raises a series of challenges to Commission adoption, as a part of the revised F.P.C. Form No. 1, of the Schedule of General Instructions as attached to the notice of rule making in this proceeding. The arguments advanced in support of these challenges misconceive the nature of this proceeding. The matter here before the Commission is the adoption and promulgation of a revised Report Form, F.P.C. Form No. 1, to be filed hereafter. Our action in that respect, as set forth herein, is within the statutory authority conferred upon this Commission both under the Federal Power Act and the Administrative Procedure Act. The statutory findings and conclusions which we reach authorize the revised F.P.C. Form No. 1 adopted and promulgated by this order. The objections which the protesting company advances all spring from an allegation that copies of this Commission's F.P.C. Form No. 1 filed by it for a number of years prior to the present time are in whole or in part unauthorized and invalid Report Forms.

Following the conclusion of the period afforded for the submission of written responses to the notice of rule making herein, the staff of this Commission again correlated its activities with those of the NARUC Committee on Accounts and Statistics at a conference held on August 15, and 16, 1961. The staff recommends Commission adoption of the revised Report Form as set forth in the annexed Appendix A as this Commission's F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

In view of the Commission's revision of its Uniform System of Accounts for Public Utilities and Licensees, any continuation of the Commission's F.P.C. Form No. 1 as presently constituted would be unduly burdensome and expensive for reporting parties. Moreover, the Commission is of the opinion that the physical burden and monetary cost involved in connection with the transition from the present to the revised Report Form will be minor especially when viewed in relation to the immediate and future benefits to be derived from the revised Report Form, as prescribed herein.

The Commission further finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, suggestions and arguments in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act. Opportunity for further hearing in this matter would serve no useful purpose in view of the foregoing and is therefore unnecessary.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that:

(a) The revised Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) Sections 141.1 (a), (b), (c), and (d), Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Federal Power Act, as amended, particularly sections 3(13), 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (16 U.S.C. 796 (13), 797 (a), (b), (c), 825 (a), 825a, 825c, 825h, and 825j) orders:

(A) The revised Report Form as set forth in annexed Appendix A is hereby adopted and promulgated as this Commission's F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

(B) Section 141.1 (a), (b), (c), and (d), Part 141, Subchapter D—Approved Forms, Federal Power Act of Chapter I of Title 18 of the Code of Federal Regulations are hereby amended to read as follows:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

(a) The form of Annual Report for Classes A and B electric utilities, licensees and others, designated herein as F.P.C. Form No. 1 is prescribed for the year 1961 and thereafter.

(b) (1) Each Class A electric utility, licensee, and others; i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $2,500,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated F.P.C. Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified: *Provided*, That with the exception of the following schedules: viz., Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization and Depletion, Statement of Income for the Year, Notes to Statement of Income, Statement of Earned Surplus, and Electric Operating Revenues, the filing of the complete report, which shall include the above excepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization by the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(2) This report form is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the

[1] Filed as part of original document.

[2] Commission Order No. 218 issued June 7, 1960, 25 F.R. 5013, 23 FPC 772.

[3] As pointed out in the notice of proposed rule making in this proceeding, the Commission contemplates promulgation at a later date of a separate report form for use by municipalities in reporting financial and statistical data to this Commission.

[4] Prior to the general public notice of rule making a number of communications were received and are contained in the formal files of the Commission.

laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(c) (1) Each Class B electric utility, licensee, and others; i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than $1,000,000 but less than $2,500,000, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated F.P.C. Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified: *Provided*, That with the exception of the following schedules: viz., Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization and Depletion, Statement of Income for the Year, Notes to Statement of Income, Statement of Earned Surplus, and Electric Operating Revenues, the filing of the complete report, which shall include the above excepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization from the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(2) This report form is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(d) This annual report contains the following schedules:

Identification.
General Instruction.
General Information.
Control Over Respondent.
Corporations Controlled by Respondent.
Officers.
Directors.
Security Holders and Voting Powers.
Important Changes During the Year.
Comparative Balance Sheet—Statement A.
Notes to Balance Sheet—Statement A (Continued).
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization, and Depletion—Statement B.
Statement of Income for the Year—Statement C.
Notes to Statement of Income—Statement C (Continued).
Statement of Earned Surplus—Statement D.
Nonutility Property.
Accumulated Provision for Depreciation and Amortization of Nonutility Property.
Investments.
Special Funds.
Special Deposits.
Notes and Accounts Receivable.
Accumulated Provision for Uncollectible Accounts—Cr.
Notes Receivable.
Accounts Receivable.
Receivables from Associated Companies.
Materials and Supplies.
Plant Materials and Operating Supplies.
Production Fuel and Oil Stocks.
Prepayments.
Miscellaneous Current and Accrued Assets.
Extraordinary Property Losses.
Unamortized Debt Disc. and Exp. and Unamort. Premium on Debt.
Preliminary Survey and Investigation Charges.
Clearing Accounts.
Miscellaneous Deferred Debits.
Deferred Regulatory Commission Expenses.
Capital Stock.
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock.
Other Paid-in Capital.
Discount on Capital Stock.
Capital Stock Expense.
Long-Term Debt.
Securities Issued or Assumed and Securities Refunded or Retired During the Year.
Notes Payable.
Payables to Associated Companies.
Accrued and Prepaid Taxes.
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.
Miscellaneous Current and Accrued Liabilities.
Customer Advances for Construction.
Other Deferred Credits.
Operating Reserves.
Contributions in Aid of Construction.
Accumulated Deferred Income Taxes.
Income from Utility Plant Leased to Others.
Income from Merchandising, Jobbing, and Contract Work.
Particulars Concerning Certain Other Income Accounts.
Particulars Concerning Certain Income Deduction and Interest Charges Accounts.
Common Utility Plant and Expenses.
Taxes Charged During Year.
Regulatory Commission Expenses.
Charges for Professional Services.
Distribution of Salaries and Wages.
Electric Plant in Service.
Electric Plant Leased to Others.
Electric Plant Held for Future Use.
Construction Work in Progress and Completed Construction not Classified—Electric.
Electric Plant Acquisition Adjustments and Accumulated Provision for Amortization of Electric Plant Acquisition Adjustments.
Accumulated Provisions for Depreciation of Electric Plant.
Electric Operating Revenues.
Sales of Electricity—By Communities.
Sales for Resale.
Sales of Electricity by Rate Schedules.
Sales to Railroads and Railways and Interdepartmental Sales.
Rent from Electric Property and Interdepartmental Rents.
Sales of Water and Water Power.
Miscellaneous Service Revenues and Other Electric Revenues.
Electric Operation and Maintenance Expenses.
Number of Electric Department Employees.
Rents Charged to Electric Operating Expenses.
Purchased Power.
Interchange Power.
Transmission of Electricity for or by Others.
Franchise Requirements.
Miscellaneous General Expenses.
General Description of Construction Overhead Procedure.
Construction Overheads—Electric.
Depreciation and Amortization of Electric Plant.
Electric Energy Account.
Monthly Peaks and Output.
Generating Station Statistics (Large Stations).
Generating Station Statistics (Small Stations).
Changes Made or Scheduled to be Made in Generating Station Capacities.
Steam Generating Stations.
Hydroelectric Generating Stations.
Combustion Engine and Other Generating Stations.
Transmission Line Statistics.
Transmission Lines Added During Year.
Substations.
Conduit, Underground Cable and Submarine Cable.
Electric Distribution Meters and Line Transformers.
Verification.

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-11777; Filed, Dec. 12, 1961; 8:49 a.m.]

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R-201; Order No. 239]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Revision of Annual Report Form For Class A and B Natural Gas Companies

DECEMBER 7, 1961.

This Commission has under consideration in this proceeding the revision of its F.P.C. Form No. 2, Annual Report Form Prescribed for Class A and Class B Natural Gas Companies[1] Subject to the Provisions of the Natural Gas Act and § 260.1, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations (CFR), prescribing F.P.C. Form No. 2. That Report Form, as revised is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and thereafter.

The various schedules comprising F.P.C. Form No. 2 now prescribed in § 260.1 (18 CFR 260.1) of Part 260, Title 18, correspond to, and appear as unnumbered and numbered pages 1-121 of the Commission's F.P.C. Form No. 2, Natural Gas Companies initially prescribed by Commission Order No. 100 of November 24, 1942 (7 F.R. 10045, December 3, 1942); and amended by Order No. 113 of December 21, 1943 (8 F.R. 17338, December 28, 1943); by Order No. 162 of October 30, 1951 (16 F.R. 11767, November 21, 1951); by Order No. 167 of January 6, 1954 (19 F.R. 215, January 12, 1954); by Order No. 171 of April 21, 1954 (19 F.R. 2450, April 27, 1954); by Order No. 177 of November 30, 1954 (19 F.R. 8012, December 4, 1954); by Order No. 185 of February 8, 1956 (21 F.R. 1485, March 8, 1956); by Order No. 200 of March 17, 1958 (23 F.R. 1890, March 21, 1958); by Order No. 203 of May 29, 1958 (23 F.R. 4164, June 12, 1958) and by Order No. 208 of August 7, 1958 (23 F.R. 6239, August 14, 1958). Section 260.1, Part 260, Subchapter G, Approved Forms, Natural Gas Act was contained in the codification and reissuance of the Commission's general rules promulgated by Order No. 141 of December 11, 1947 (12 F.R. 8658, December 19, 1947).

This proceeding was commenced by notice of proposed rule making served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on June 9, 1961 (26 F.R. 5182). As proposed, the subject matters and revisions of § 260.1, Part 260 and the various schedules comprising F.P.C. Form No. 2 were set forth in narrative form in the notice or set forth in form of proposed revised schedules. Copies of the proposed revised schedules were served upon the aforesaid interested parties as a part of the notice of proposed rule making as well as being filed as a part of the notice as submitted to the FEDERAL REGISTER for publication (26 F.R. 5183).

The notice of proposed rule making, afforded a period of 30 days for the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 2 and Part 260. Numerous responses were received and all are now before the Commission for consideration. As pointed out hereinafter the conclusions expressed in certain of the data, views, comments and suggestions are adopted and others rejected. F.P.C. Form No. 2, as revised and promulgated herein, is as set forth in the attached Appendix A[2] which shows the changes adopted herein in typed or handscript form rather than the printed form in which those changes will ultimately appear. Copies of F.P.C. Form No. 2, as revised and promulgated herein, will be available in printed format at a later date from the Commission or the Superintendent of Documents, United States Government Printing Office. The intervening period will afford time for complete familiarization with the Report Form as finally adopted and promulgated herein by all personnel of the reporting parties charged with responsibility for its preparation prior to the close of the current reporting year and the date for filing the revised form of report.

Overall, the revisions or changes and improvements to be found in the revised F.P.C. Form No. 2, as prescribed herein, are designed to coordinate the Commission's Report Form for Classes A and B natural gas companies with the accounting classifications and procedures prescribed as a part of the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class A and Class B) effective January 1, 1961.[3] Additionally, the format of F.P.C. Form No. 2 has been revised so as to facilitate its coordinate use in reporting to this Commission and to State regulatory authorities. This is accomplished through sectionalized numbering of schedule pages to allow integration of operating and statistical schedules for nongas utility departments of reporting parties which are subject to reporting requirements prescribed by various State regulatory bodies.

Where the revisions or changes and improvements reflected in the revised F.P.C. Form No. 2 elicit data currently reported in different form or additional information they reflect two basic considerations. The general revision of the Commission's Uniform System of Accounts for Natural Gas Companies creates new accounts, deletes certain accounts and consolidates other accounts. This in turn makes necessary corresponding revisions in the format of numerous schedules of the Commission's Report Form since those schedules generally reflect the accounting classifications and procedures of the Commission's Uniform System of Accounts. More important or noteworthy among the schedule revisions of this type are Comparative Balance Sheet; Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion; Statement of Income for the Year; Statement of Earned Surplus; Nonutility Property; Investments; Special Funds; Special Deposits; Notes and Accounts Receivable; Accounts Receivable; Materials and Supplies; Gas Stored Underground; Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock; Other Paid-in Capital; Particulars Concerning Certain Other Income Accounts; Particulars Concerning Certain Income Deduction and Interest Charges Accounts; Common Utility Plant and Expenses; Gas Plant in Service; Construction Work in Progress and Completed Construction not Classified—Gas; Accumulated Provisions for Depreciation of Gas Plant; Accumulated Provision for Amortization of Underground Storage Land and Land Rights; Accumulated Provisions for Amortization of Other Gas Plant in Service, Amortization and Depletion of Gas Plant Leased to Others, Amortization of Other Gas Plant Held for Future Use; Gas Operating Revenues; Gas Operation and Maintenance Expenses; Gas Purchases; Exchange Gas Transactions; Other Gas Supply Expenses; Joint Expenses, Debit and Credit; Construction Overheads—Gas; Depreciation, Depletion and Amortization of Gas Plant. The foregoing are all as more fully set forth in Appendix A together with other revisions or changes and improvements of this general type reflected in the revised Report Form as prescribed herein.

Secondly, the Commission's experience and certain developments in the natural gas industry over past years have shown the reporting of additional financial and operating data not presently reported to be necessary for the carrying out of the purposes intended to be served by the Natural Gas Act. Information of the latter type or amplification of data previously reported would be solicited in the revised Report Form chiefly through the following Schedules: Notes to Balance Sheet; Notes to Income Statement; Prepayments; Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes; Accumulated Deferred Income Taxes; Miscellaneous General Expenses; Natural Gas Reserves; and Changes in Estimated Natural Gas Reserves. These Schedules are as more fully set forth in Appendix A. Prior developments in the natural gas industry giving rise to this needed additional information include, among others, increased gas exchange operations among gas utilities; development and utilization of underground storage; the impact of income tax requirements when applied to gas utility operations; activities of natural gas companies in research and development programs; and considerations arising from the collection of operating revenues subject to future administrative determination in rate or other proceedings as well as the payment of purchased gas costs subject to similar administrative determinations.

Under the wording of § 260.1, Part 260, Subchapter G, Approved Forms, Natural Gas Act, prescribing F.P.C. Form No. 2, as revised herein, the size classifications for Class A and Class B Natural Gas Companies prescribed in the Commission's Uniform System of Accounts, effective January 1, 1961, are adopted and made applicable to natural gas companies.

Other of the revisions or changes and improvements reflected in the various schedules (including as a part thereof the General Instructions) of the revised F.P.C. Form No. 2 are more particularly of a clarifying or an editorial nature. As in the case of the previously mentioned revisions or changes and improvements they are shown upon the revised F.P.C. Form No. 2 set forth in Appendix A.

The revised F.P.C. Form No. 2 adopted herein was developed by this Commission's staff in collaboration with inter alia the Committee on Accounts and Statistics of the National Association of Railroad and Utilities Commissioners as was the existing Report Form to be superseded.[4]

---

[1] It should be noted that this Commission's Order No. 174-B of December 16, 1954 (19 F.R. 8807, December 23, 1954, 13 FPC 1576), waived the application of the Commission's Uniform System of Accounts to independent producers of natural gas. Pursuant to this Commission's Order No. 231 of December 21, 1960 (25 F.R. 13882, December 29, 1960, 24 FPC 1117) and 18 CFR 260.5 as prescribed by that order, independent producers of natural gas are presently required to file annually a Statement of Sales and Revenues.

[2] Filed as part of original document.

[3] Commission Order No. 219 issued June 21, 1960, 25 F.R. 5615, 23 FPC 825.

[4] Prior to the general public notice of rule making a number of communications were received and are contained in the formal files of the Commission.

Subsequent to the general public notice of rule making in this proceeding on June 9, 1961[5] (26 F.R. 5182), comments and suggestions were filed by the following classes of respondents:

State Public Service Commissions (Kansas)	1
Natural Gas Companies	32
Utility Districts	1
Natural Gas Associations	1
Holding Company Service Companies	1
Utility Service Companies	1
Total	37

A number of the responses received by the Commission present factual and policy considerations in support of technical changes in the Report Form as noticed. In some instances, specific language or format was presented in substitution. Certain of the suggested changes are adopted in the Report Form as set forth in Appendix A hereto.

However, by far the greater number of all responses received were intended to present objections to the increased reporting requirements of the following Schedules as noticed: Schedule of Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes; Schedule of Accumulated Deferred Income Taxes; Schedule of Taxes Charged During Year; Notes to Balance Sheet; and Notes to Statement of Income. The bases of the tendered objections range from factual or policy considerations to legal arguments. In some instances, this class of response proffers alternative suggested means for accomplishing the objectives sought to be achieved by the Schedules and Notes as presented in the notice of rule making herein. However, in most instances, they do not. In this respect they are negative in character. Nevertheless, accommodation of the various considerations and arguments raised in the responses has been effected in the Report Form as prescribed herein to the maximum extent possible without undue sacrifice of the basic considerations of the Natural Gas Act which necessitate and authorize the reporting of the additional information called for. Generally speaking, these further revisions have resulted in several changes as respects the Notes to Balance Sheet and Notes to Statement of Income and the Schedule of Taxes Charged During Year from the form thereof as set forth in the notice of rule making herein. The specific nature of these and the previously-mentioned changes may be seen from a comparison of F.P.C. Form No. 2 as set forth in Appendix A hereto and the notice of rule making.

Following the conclusion of the period afforded for the submission of written responses to the notice of rule making herein, the staff of this Commission again correlated its activities with those of the NARUC Committee on Accounts and Statistics at a conference held on August 15 and 16, 1961. The staff recommends Commission adoption of the revised Report Form as set forth in the annexed Appendix A as this Commission's F.P.C. Form No. 2 effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

In view of the Commission's revision of its Uniform System of Accounts for Natural Gas Companies any continuation of the Commission's F.P.C. Form No. 2 as presently constituted would be unduly burdensome and expensive for reporting parties. Moreover, the Commission is of the opinion that the physical burden and monetary cost involved in connection with the transition from the present to the revised Report Form will be minor especially when viewed in relation to the immediate and future benefits to be derived from the revised Report Form, as prescribed herein.

The Commission further finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, suggestions and arguments in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in Section 4 of the Administrative Procedure Act. Opportunity for further hearing in this matter would serve no useful purpose in view of the foregoing and is therefore unnecessary.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Natural Gas Act that:

(a) The revised Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 2 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) Sections 260.1 (a), (b), and (c), Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 (15 U.S.C. 717g, 717h(b), 717i, and 717o) orders:

(A) The revised Report Form as set forth in annexed Appendix A is hereby adopted and promulgated as this Commission's F.P.C. Form No. 2 effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

(B) Section 260.1 (a), (b), and (c), Part 260, Subchapter G, Approved Forms, Natural Gas Act, of Chapter I of Title 18 of the Code of Federal Regulations, are hereby amended to read as follows:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

(a) The form of Annual Report for Classes A and B natural gas companies, designated herein as F.P.C. Form No. 2 is prescribed for the year 1961 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes A or B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961, if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year an original and such number of conformed copies of the above-designated F.P.C. Form No. 2 as are indicated in the General Instructions set out in that Form, all properly filled out and verified: *Provided*, That with the exception of the following schedules; viz., Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization and Depletion, Statement of Income for the year, Notes to Statement of Income, Statement of Earned Surplus, and Gas Operating Revenues, the filing of the complete report, which shall include the above excepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization from the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Control Over Respondent.
Corporations Controlled by Respondent.
Officers.
Directors.
Security Holders and Voting Powers.
Important Changes During the Year.
Comparative Balance Sheet—Statement A.
Notes to Balance Sheet—Statement A (Continued).
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization, and Depletion—Statement B.
Statement of Income for the Year—Statement C.
Notes to Statement of Income—Statement C (Continued).
Statement of Earned Surplus—Statement D.
Nonutility Property.
Accumulated Provision for Depreciation and Amortization of Nonutility Property.
Investments.
Special Funds.
Special Deposits.
Notes and Accounts Receivable.
Accumulated Provision for Uncollectible Accounts—Cr.
Notes Receivable.
Accounts Receivable.
Receivables from Associated Companies.
Materials and Supplies.
Gas Stored Underground.
Plant Materials and Operating Supplies.
Production Fuel and Oil Stocks.
Prepayments.
Miscellaneous Current and Accrued Assets.
Extraordinary Property Losses.
Unamortized Debt Disc. and Exp. and Unamort. Premium on Debt.
Preliminary Survey and Investigation Charges.
Clearing Accounts.
Miscellaneous Deferred Debits.
Deferred Regulatory Commission Expenses.
Capital Stock.
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock.
Other Paid-in Capital.
Discount on Capital Stock.
Capital Stock Expense.
Long-Term Debt.
Securities Issued or Assumed and Securities Refunded or Retired During the Year.
Notes Payable.
Payables to Associated Companies.
Accrued and Prepaid Taxes.
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.
Miscellaneous Current and Accrued Liabilities.
Customer Advances for Construction.
Other Deferred Credits.
Operating Reserves.
Contributions in Aid of Construction.
Accumulated Deferred Income Taxes.
Income from Utility Plant Leased to Others.
Income from Merchandising, Jobbing, and Contract Work.
Particulars Concerning Certain Other Income Accounts.
Particulars Concerning Certain Income Deduction and Interest Charges Accounts.
Common Utility Plant and Expenses.
Taxes Charged During Year.
Regulatory Commission Expenses.
Charges for Professional Services.
Distribution of Salaries and Wages.
Gas Plant in Service.
Gas Plant Leased to Others.
Gas Plant Held for Future Use.
Construction Work in Progress and Completed. Construction not Classified—Gas.
Accumulated Provisions for Depreciation of Gas Plant.
Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights.
Accumulated Provision for Amortization of Underground Storage Land and Land Rights.
Accumulated Provisions for Amortization of Other Gas Plant in Service, Amortization and Depletion of Gas Plant Leased to Others, Amortization of Other Gas Plant Held for Future Use.
Accumulated Provision for Abandoned Leases.
Gas Plant Acquisition Adjustments and Accumulated Provision for Amortization of Gas Plant Acquisition Adjustments.
Gas Operating Revenues.
Sales of Natural Gas by Communities.
Residential and Commercial Space Heating Customers.
Interruptible, Off Peak, and Firm Sales to Distribution System Industrial Customers.
Main Line Industrial Sales of Natural Gas.
Sales for Resale—Natural Gas.
Interdepartmental Sales—Natural Gas.
Rent from Gas Property and Interdepartmental Rents.
Revenue from Transportation of Gas of Others—Natural Gas.
Sales of Products Extracted from Natural Gas.
Revenues from Natural Gas Processed by Others.
Incidental Gasoline and Oil Sales and Other Gas Revenues.
Gas Operation and Maintenance Expenses.
Number of Gas Department Employees.
Rents Charged to Gas Operating Expenses.
Exploration and Development Expenses.
Abandoned Leases.
Gas Purchases.
Exchange Gas Transactions.
Exchange Gas Accounting.
Gas Used in Utility Operations—Credit.
Other Gas Supply Expenses.
Transmission and Compression of Gas by Others.
Franchise Requirements.
Miscellaneous General Expenses (Gas).
General Description of Construction Overhead Procedure.
Construction Overheads—Gas.
Depreciation, Depletion, and Amortization of Gas Plant.
Natural Gas Land Acreage.
Natural Gas Reserves.
Changes in Estimated Natural Gas Reserves.
Natural Gas Reserves Available from Purchase Agreements.
Natural Gas Production Statistics.
Products Extraction Operations—Natural Gas.
Compressor Stations.
Number of Gas and Oil Wells.
Field and Storage Lines.
Underground Gas Storage.
Transmission Lines.
Manufactured Gas Production Statistics.
Liquefied Petroleum Gas Operations.
Transmission System Peak Deliveries.
Auxiliary Peaking Facilities.
Gas Account—Natural Gas.
Service Interruptions and Property Damage.
System Map.
Verification.

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-11776; Filed, Dec. 12, 1961; 8:49 a.m.]

[5] All parties were given to and including July 5, 1961, later extended to and including July 20, 1961 (26 F.R. 6001, July 4, 1961), to submit data, views, comments and suggestions in writing concerning the aforesaid proposed revision in the Commission's F.P.C. Form No. 2.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Dogs and Cats

On page 9173 of the FEDERAL REGISTER of September 29, 1961, there was published a notice and text of a proposed amendment to Part 1 of Title 36 Code of Federal Regulations. The purpose of the amendment is to authorize superintendents to prohibit dogs, cats, and other pets from being taken into eating establishments and grocery stores in national parks and monuments. This amendment is in accord with public health and sanitation measures and one which is enforced universally.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

DECEMBER 7, 1961.

A new subparagraph (1) is added to paragraph (a) of § 1.13 to read as follows:

§ 1.13 Dogs and cats.

(a) • • •

(1) Under no conditions are dogs, cats, or other pets permitted in eating establishments or any food stores in the national parks or monuments.

[F.R. Doc. 61-11760; Filed, Dec. 12, 1961; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 27—OFFICIAL MAIL

PART 33—METERED STAMPS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 17.1 [Amendment]

I. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as published in 26 F.R. 11535–11536, make the following changes:

A. Insert in proper numerical order the following military APO number with its accompanying data:

699 ---------- X X[1] X ---------- ----------

B. Amend footnote 8 to read as follows:

[8] This prohibition does not apply to gift shipments of cigarettes, tobacco, and tobacco products donated by tobacco companies to hospitalized military personnel when addressed to the commanding officer of a military hospital, nor to parcels addressed to Exchange or Special Services Offices at APO's when endorsed "For Military Agency."

NOTE: The corresponding Postal Manual part is 127.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C 501, 505)

§ 27.2 [Amendment]

II. In § 27.2 *Executive and Judicial Officers*, as published in 26 F.R. 11554–11555, amend subdivision (ii) of paragraph (c)(1) by inserting in proper alphabetical order therein the following additional departments and agencies which are authorized to use the indicia "Postage and Fees Paid":

Department of Defense or (D.O.D.).
Federal Deposit Insurance Corporation.
Federal Maritime Commission.
National Cultural Center.
Office of Civil Defense.
Office of Emergency Planning.
Peace Corps.
President's Railroad Commission.
U.S. Customs Court.
U.S. General Accounting Office.
U.S. Soldiers' Home.

NOTE: The corresponding Postal Manual section is 137.231b.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4151, 4152)

III. In § 33.3 *Use of meter*, as published in 26 F.R. 11563, subparagraph (2) of paragraph (b) is amended to show that local postmasters may set a meter for use in paying postage on all classes of mail to be presented at another post office under the conditions stated in subparagraph (2) therein. As so amended, subparagraph (2) reads as follows:

§ 33.3 Use of meter.

* * * * *

(b) *Payment of postage.* * * *

(2) Local postmasters may set a meter for use in paying postage on mail to be presented at another post office under the following conditions:

(i) A meter license must be obtained from the post office where the mailing is to be presented. (See § 33.2(a).) When the license is received, it must be presented to the local post office with the meter for setting. The license will be returned to the licensee.

(ii) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(iii) Payment for each meter setting must be made by certified check payable to the postmaster at the post office where mailings will be made. The check must be presented to the local post office when the meter is set.

(iv) The mail may not be consigned to the post office in bulk by freight, express, or other carrier. It must be presented at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the articles until they are actually accepted in the mail. See Part 42 of this chapter concerning the carriage of letters outside the mail.

(v) Matter sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose.

(vi) When the use of a meter is discontinued, it must be presented to the post office where it was set for checking out of service. Any postage adjustment will be made by the postmaster where the packages have been mailed.

NOTE: The corresponding Postal Manual section is 143.322.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4052, 4053)

LOUIS J. DOYLE,
General Counsel.

[FR. Doc. 61-11778; Filed, Dec. 12, 1961; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2–12—LABOR

Part 2–12 is supplemented as follows:

Subpart 2–12.4—Labor Standards in Construction Contracts

Sec.
2–12.450 Scope of subpart.
2–12.451 Statutory requirements.
2–12.451–1 Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a).
2–12.451–2 Copeland Act (Act of June 13, 1934, as amended, 18 U.S.C. 874; 40 U.S.C. 276c).
2–12.451–3 Eight-hour law (Act of June 19, 1912, as amended, 40 U.S.C. 321–326).
2–12.451–4 Department of Labor regulations.
2–12.452 Applicability.
2–12.452–1 Noncoverage (Davis-Bacon and Copeland Acts).
2–12.452–2 Noncoverage (Eight-hour law).
2–12.453 Penalties (Davis-Bacon and Copeland Acts, and Eight-hour law).
2–12.454 Contract clauses.
2–12.454–1 Clauses for general use.
2–12.454–2 Contracts for $2,000 or less.
2–12.454–3 Contracts with a State or political subdivision.
2–12.455 Administration and enforcement.
2–12.455–1 Scope.
2–12.455–2 Responsibilities.
2–12.455–3 Delegation of authority by contracting officer.

Subpart 2–12.6—Walsh-Healey Public Contracts Act

2–12.602–2 Department of Labor regulations and interpretations.
2–12.650 Designation of responsibility.

AUTHORITY: §§ 2–12.450 through 2–12.650 issued under secs. 303, 313, 72 Stat. 747, 752; U.S.C. 1344, 1354.

Subpart 2–12.4—Labor Standards in Construction Contracts

§ 2–12.450 Scope of subpart.

This subpart deals with the labor standards for construction contracts as prescribed by the statutes and regulations set forth in this section, and defines the authority and responsibilities of the contracting officer and his representative in the area of labor standards; and provides instructions for assuring labor standards compliance, routine enforcement activities, special investigations, and for reporting violations.

§ 2–12.451 Statutory requirements.

§ 2–12.451–1 Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a).

All construction contracts in excess of $2,000, executed by FAA, under which laborers or mechanics are employed directly upon the site of the work, are subject to the Davis-Bacon Act which provides for:

(a) Payment of laborers or mechanics not less often than once a week;

(b) Payment of wages in accordance with the prevailing minimum wage rates prescribed by the Secretary of Labor;

(c) Payment of wages without deductions except as authorized by law;

(d) Posting of wage rates and Form SOL–155 at the job site in a prominent place during construction;

(e) Withholding from contractors of amounts considered necessary to pay laborers or mechanics any discrepancies between the amounts received and the amounts due (SF–1093); and

(f) Termination of work for failure to pay required minimum wages.

§ 2–12.451–2 Copeland Act (Act of June 13, 1934, as amended, 18 U.S.C. 874; 40 U.S.C. 276c).

The Copeland (Anti-Kickback) Act makes it illegal for anyone to make unauthorized deductions, or to exact rebates from, the wages of any person employed in a construction project that is financed in whole or in part by loans or grants from the United States. Further, it requires the Secretary of Labor to make reasonable regulations for contractors and subcontractors engaged in such work, including provisions that each such contractor shall furnish a weekly statement with respect to the wages paid each employee during the preceding week.

§ 2–12.451–3 Eight-hour law (Act of June 19, 1912, as amended, 40 U.S.C. 321–326).

The Eight-hour law provides that all contracts to which the United States is a party, except supply contracts covered by the Walsh-Healey Public Contracts Act and other exclusions set forth in § 2–12.452–2, shall contain a provision making it illegal for the contractor or subcontractor to employ laborers or mechanics, on the work contemplated by the contract, more than 8 hours in one day unless all hours in excess of this limit be compensated at least one and one-half times the basic rate of pay.

§ 2–12.451–4 Department of Labor regulations.

Pursuant to the foregoing statutes and also the Reorganization Plan No. 14 of 1950 (15 F.R. 3176), the Secretary of Labor has issued two sets of regulations relating to the administration and enforcement of these statutes: (1) Regulations, Part 3, Title 29, Subtitle A, Code of Federal Regulations (Copeland Act); and (2) Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations (Davis-Bacon Act). These regulations are contained in the FAA Labor Standards Handbook.

§ 2–12.452 Applicability.

The requirements set forth in § 2–12.451 are applicable to construction contracts. Construction contracts include work that involves the construction, alteration or repair, including painting and decorating of public buildings or public works. The statutes and regulations are applicable irrespective of whether the contract was entered into as a result of formal advertising or negotiation, or whether it is a fixed-price or cost-reimbursement type contract. The requirements under the Davis-Bacon Act apply only to work performed in the United States, while the Eight-Hour laws and the Copeland Act apply not only to such work but also to work

in other areas over which the United States has direct legislative control.

§ 2–12.452–1 Noncoverage (Davis-Bacon and Copeland Acts).

(a) The requirements set forth in § 2–12.451 in respect to the Davis-Bacon and Copeland Acts do not apply to the following:

(1) Contracts for furnishing supplies and equipment, including installation, where the installation requires only an incidental amount of work (as defined in (b) below) that would otherwise be considered construction, alteration and/or repair of a public building or work.

(2) Contracts for servicing or maintenance work in an existing plant, including installation or movement of machinery or other equipment, and plant rearrangement which involve only an incidental amount of work (as defined in (b) below) that would otherwise be considered construction, alteration and/or repair.

(3) Contracts for demolition, except where indispensable and preliminary to schedule new construction.

(4) Contracts with a state or political subdivision thereof (although the requirements do apply, and the contract must so provide, to a subcontract thereunder with a private person or firm which involves the construction, alteration and/or repair of public buildings or public works).

(b) As used in (a)(1) and (a)(2) above, "an incidental amount of work" is defined as work directly related to the installation, movement or rearrangement of equipment or machinery, relatively small in amount, and which does not include changes in a facility affecting its architectural or structural strength, stability, safety, size, or function as a public work.

§ 2–12.452–2 Noncoverage (eight-hour law).

The requirements set forth in § 2–12.451 in respect to the eight-hour law do not apply to the following:

(a) Contracts with a state or political subdivision thereof (although the requirement does apply, and the contract must so provide, to a subcontract thereunder with a private person or firm);

(b) Contracts (or portions thereof) for materials or articles usually bought in the open market, other than armor or armor plate, or for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(c) Contracts to which the provisions of the Walsh-Healey Public Contracts Act are clearly applicable for the complete performance of the contract;

(d) Contracts for transportation by land or water; and

(e) Contracts for transmission of intelligence.

§ 2–12.453 Penalties (Davis-Bacon and Copeland Acts, and eight-hour law).

(a) Violations under the Davis-Bacon Act are punishable in the following ways:

(1) Termination of the contractor's right to proceed with the work or such part of the work where there has been a failure to pay the required wages, with the contractor and his sureties being liable to the Government for any excess completion costs occasioned the Government thereby.

(2) Withholding of funds for direct payment of required wages to underpaid employees by the Comptroller General. (See GAO Policy & Procedures Manual, 4 G.A.O. 4500 and 7 G.A.O. 3530. The procedures set forth in the GAO Manual supersede the Comptroller General's letter A–34106 of February 28, 1936, cited in Department of Labor regulations.)

(3) Ineligibility for Government contracts for 3 years. (For reporting procedures see GAO Policy and Procedures Manual, 4 G.A.O. 4500 and 7 G.A.O. 3530.)

(4) Suits against the contractor by employees to recover unpaid portion of wages due them where insufficient funds have been withheld to pay required wages. (See Section 3, Davis-Bacon Act, 40 U.S.C. 276a.)

(b) Violations under the Copeland Act are punishable in the following ways:

(1) The weekly compliance statement is subject to Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure) which provides, among other things, that any false, fictitious or fraudulent statement is subject to a $10,000 fine or five years imprisonment, or both.

(2) Anyone who unlawfully exacts rebates is subject to a $5,000 fine or five years imprisonment, or both.

(c) Violations under the eight-hour law are punishable in the following ways:

(1) Government officials, contractors, or subcontractors that employ, direct, or control any laborer or mechanic in connection with dredging or rock excavation in any river or harbor in the United States are subject to a $1,000 fine or six months imprisonment, or both.

(2) For each violation in every applicable contract, a penalty of $5 is imposed for each laborer or mechanic for each day in which he shall be required or permitted to work more than eight hours without overtime pay.

§ 2–12.454 Contract clauses.

§ 2–12.454–1 Clauses for general use.

Except as provided in § 2–12.454–3 every construction contract in excess of $2,000 within the United States shall include the Labor Standards provisions appearing in Standard Form 19A. (See § 1–16.901–19A.)

§ 2–12.454–2 Contracts for $2,000 or less.

Except as provided in § 2–12.454–3, every construction contract for $2,000 or less within the United States shall include the Labor Standards Provisions appearing as clause 10 on page 2 of Standard Form 19. (See § 1–16.901–19.)

§ 2–12.454–3 Contracts with a state or political subdivision.

In the case of contracts with a state, or political subdivision thereof, which involves construction, the contract clauses required by Standard Form 19, or Standard Form 19A, as applicable, shall be inserted therein, and such clauses shall be prefaced by the following provision: "The contractor agrees to insert the following in all subcontracts hereunder with private persons or firms".

§ 2–12.455 Administration and enforcement.

§ 2–12.455–1 Scope.

The following subsections list the specific details of procedures and responsibilities of the contracting officer in regard to the statutes and regulations summarized in § 2–12.451.

§ 2–12.455–2 Responsibilities.

(a) The responsibilities of the contracting officer in the discharge of duties relative to labor standards are the following:

(1) Secure wage determinations from the Secretary of Labor and include them in the appropriate contract documents whenever work subject to the coverage of the Davis-Bacon Act is to be performed. The substitution of a blanket provision, in specifications, that contractors shall pay minimum wage rates, regardless of whether the wage rate determination is received before or after award, is not permitted.

(i) Requests for wage determinations should be made on Form DB–11, directly to the Secretary of Labor at least 30 days before advertisement of specifications or the beginning of negotiations for the contract for which the determination is sought.

(ii) In urgent cases, the Department of Labor will act immediately to compile a determination on a telephonic or telegraphic request. Such a request should be followed with a confirmation on Form DB–11. The use of this privilege should be kept to a minimum.

(iii) If a construction program in a given area requires that several contracts be awarded within a 90-day period, a blanket wage determination may be secured to cover all contracts. Such an exception, however, requires the approval of the Solicitor of Labor and must be adequately justified. (See § 2–12.455–2(a)(8)(iv).)

(iv) In general, the Davis-Bacon Act rates applicable to a contract at the time it is awarded continue in effect during its term regardless of whether it is a fixed-price or cost-type contract. Any substantial addition to a properly awarded contract, made more than 90 days from the date of the determination being used, requires a new determination for such additional work. If the wage determination expires before award of a contract, a current determination shall be secured.

(v) In the event any class of laborers or mechanics are employed which are not listed in the wage determination, the contracting officer, contractor, and employee (or union as the case may be) shall agree on the classification or reclassification. The report of the administrative action taken, or notice of dispute with recommendation, shall be submitted directly to the Secretary of Labor. (29 CFR 5.6(c).)

(2) Provide to the contractor posters (SOL–155) with appropriate information

inserted together with copies of the wage determinations.

(3) Obtain from the contractor certification of compliance or of the existence of an honest dispute. (29 CFR 5.6(a).)

(4) Obtain and examine payrolls and preserve them 3 years from date of completion of contract. (29 CFR 5.6(d).) Form SOL–184 and the continuation sheet SOL–185, available to the contractor at the Government Printing Office, are recommended for use. In checking the payroll reports, the contracting officer should:

(i) Look for violation of the Copeland Act, bearing in mind that payroll deductions may be made only in accordance with § 3.5 of regulations of Secretary of Labor, Part 3. (29 CFR 3.5.)

(ii) Determine if any employee who worked more than 8 hours in any one day was duly compensated for such work in accordance with the eight-hour law.

(iii) Determine the correctness of job classifications and payment according to the Secretary of Labor's determinations. A review of the job classifications, with knowledge of the construction involved, may reveal misassignment of employees or incorrect payment.

(iv) Determine whether apprentices are duly registered and whether the number employed is disproportionate to the journeymen. According to the Solicitor of Labor's letter of May 23, 1956, "The duties of the contracting officer do not extend beyond the establishment of bona fide registration. In other words, the contracting officer has no responsibility to determine whether or not the apprentice is receiving the training called for by the program under which he is registered." (See also 29 CFR 5.6(e).)

(5) Make investigations for compliance with labor standards, stipulations and applicable laws. On-the-job investigations, including observation of the work and employee interviews, shall be made as necessary to insure compliance. Full-scale investigations shall be made on a selective basis, or when the Agency is put on notice of any violations which are not readily adjustable or are of a serious nature. Full-scale investigations should also be made when requested by the Secretary of Labor. (29 CFR 5.6(e).) For full-scale investigation procedure, see Part II, Investigation and Enforcement Manual With Respect to Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction Pursuant to Regulations, Part 5, of the Secretary of Labor.

(6) Cooperate with any representative of the Secretary of Labor making an authorized inspection. (29 CFR 5.10(a).)

(7) Deal with the appropriate Regional office of the Department of Labor in the day-to-day administration and enforcement of labor standards provisions. Cases not involving the consideration of ineligibility or criminal sanctions should be processed to completion on a local basis.

(8) Submit to the Materiel Policy Division, Office of Management Services, the following:

(i) Reports of violations including findings and recommendations on cases involving the consideration of ineligibility or criminal sanctions. (29 CFR 5.6(b), 5.7 and 5.9(b).)

(ii) Recommendations for a hearing by the Secretary of Labor. (29 CFR 5.10(b).)

(iii) Requests for rulings or interpretations by the Secretary of Labor. (29 CFR 5.11.)

(iv) Requests for initial approval for the use of blanket wage determinations. (§ 2–12.455–2(a)(1)(iii).)

(b) The responsibilities of the Materiel Policy Division, Office of Management Services, in coordinating the activities under this subpart are the following:

(1) Establishment and maintenance of controls for the application and enforcement of the Davis-Bacon Act.

(2) Maintenance of liaison with the Department of Labor, and with national employer and employee organizations as required.

(3) Submission of requests to the Department of Labor for rulings, interpretations, hearings, etc.

§ 2–12.455–3 Delegation of authority by contracting officer.

(a) Pursuant to Agency Practice 4–4, the contracting officer is permitted to delegate to technical personnel various responsibilities in connection with contract administration, one of which is the checking of labor standards compliance on the job site. In this connection, the contractor shall be informed that the representative is empowered to interview employees, to observe the work, and to secure and review the payrolls, including spot checking original time books or time cards.

(b) The contracting officer shall issue more detailed instructions to guide personnel charged with checking labor standards compliance. The following letter and form are suggested:

(1) Suggested letter of instruction:

In order to determine if a contractor is complying with the labor standards provisions of this contract, you should check the following:

1. The posting of Form SOL–155 and minimum wage determination sheet in prominent and readily accessible view of the employees.

2. The correctness of job classification or reclassification. Are the employees performing the work designated under their job classifications? (Example of violation: a laborer doing the work of a plumber or electrician.)

3. The contractor's weekly payroll, and spot check the original time books or time cards, to ascertain if wages being paid agree with payroll data submitted to the contracting officer.

4. The registration of apprentices with the Department of Labor's Bureau of Apprenticeship or similar State agency.

Reports shall be made to the contracting officer at least once in each thirty (30) day period. The report should contain a description of each failure to comply with the labor standards under the representative's jurisdiction and any documents, records of interviews, or other material relevant to each violation. Large-scale violations (misclassification of workers, manipulation or understatement of hours) shall be reported immediately to the contracting officer. A negative report shall be submitted if no violations have been found.

Subpart 2–12.6—Walsh-Healey Public Contracts Act

§ 2–12.602–2 Department of Labor regulations and interpretations.

The regulations and interpretations compiled by the Secretary of Labor entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations, No. 3" are included in FAA Labor Standards Handbook.

§ 2–12.650 Delegation of responsibility.

(a) It shall be the responsibility of the contracting officer to institute procedures to assure compliance with the requirements of § 1–12.603 (a) through (d) of this title.

(b) Violations shall be reported by the contracting officer concerned to the Materiel Policy Division, Office of Management Services, who will take appropriate steps for reporting the violation to the Department of Labor.

Effective date: These regulations are effective December 15, 1961.

Dated: December 8, 1961

PHILIP I. RYTHER,
Acting Director of Management Services.

[F.R. Doc. 61–11784; Filed, Dec. 12, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2552]

[Montana 043540]

MONTANA

Revoking Certain Stock Driveway Withdrawals and Public Water Reserves

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of August 15, 1924, and June 15, 1938, and any other order or orders reserving lands for stock driveways under the act of December 29, 1916, supra, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN

T. 5 N., R. 3 W.,
Sec. 6, Lots 3, 4, 5, and SE¼NW¼.
T. 7 S., R. 2 W.,
Sec. 7, lots 1, 2, 3, 4, and NE¼NW¼;
Sec. 17, S½NE¼ and SE¼;
Sec. 19, E½E½;
Secs. 20 and 29;
Sec. 30, E½E½;
Sec. 31, E½NE¼ and NE¼SE¼;
Sec. 32.

T. 6 S., R. 3 W.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 2, lots 1, 2, S½NE¼, and SE¼;
Sec. 7, lot 5;
Sec. 9, lots 11, 12, 13, 14, 15, and NE¼NE¼;
Sec. 10, N½ and N½SE¼;
Sec. 13, NE¼NW¼, N½SE¼, and NE¼;
Sec. 14, N½, and SE¼;
Sec. 18, lots 1, 2, 3, 4, SE¼NE¼, N½SE¼, and E½SW¼;
Sec. 24, lot 1, NE¼, and E½NW¼.
T. 10 S., R. 5 W.,
Sec. 3, lots 2, 3, and 4;
Sec. 4, lots 1, 2, 3, and 4;
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6 lots 1, 2, 3, and 4.
T. 8 S., R. 6 W.,
Sec. 5, lots 3, 4, and S½NW¼;
Sec. 6, lot 1 and S½NE¼.
T. 10 S., R. 6 W.,
Sec. 1, lots 1, 2, 3, and 4;
Sec. 34, S½.
T. 12 S., R. 6 W.,
Sec. 5, lot 3 and SE¼NW¼.
T. 8 S., R. 7 W.,
Sec. 1, lots 2, 3, 4, and SW¼;
Sec. 2, lot 1, S½NE¼, and N½SE¼;
Sec. 11, SE¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 14, N½NE¼, SW¼NE¼, NW¼, S½SW¼, and SW¼SE¼;
Sec. 23, W½NE¼, SE¼NE¼, and NW¼.
T. 13 S., R. 7 W.,
Sec. 8, NE¼NE¼;
Sec. 9, N½NW¼ and SE¼NW¼.
T. 7 S., R. 10 W.,
Sec. 4, N½SW¼.
T. 14 S., R. 10 W.,
Sec 27, SE¼SE¼.
T. 1 S., R. 14 W.,
Sec. 4, lots 1, 2, 3, and 4.
T. 12 S., R. 14 W.,
Sec 1, N½N½;
Sec. 2, N½NE¼, SW¼NE¼, N½SW¼, and NW¼SE¼;
Sec. 3, W½NE¼, NW¼, and N½SE¼;
Sec. 4, N½.

The areas described aggregate approximately 9,852 acres, of which approximately 1,989 acres are patented or withdrawn for other purposes.

2. The Executive orders of November 10, 1917, April 8, 1919, and June 14, 1921, which established Public Water Reserve Nos. 51, 62, and 78, respectively, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN

T. 7 S., R. 11 W.,
Public Water Reserve No. 62:
Sec. 7, SE¼SE¼.
Public Water Reserve No. 51:
Sec. 18, NW¼NE¼.
Public Water Reserve No. 78:
Sec. 19, SE¼NW¼ and NE¼SW¼.

The areas described aggregate 160 acres of patented lands.

3. The lands are situated in Beaverhead, Jefferson, and Madison Counties. Their physical characteristics are rugged and mountainous. Vegetative cover consists of native grass, sagebrush, and coniferous and deciduous trees.

4. The public lands released from withdrawal by paragraph 1, of this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals: *Provided*, That until 10:00 a.m., on June 7, 1962, the State of Montana shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the regulations in 43 CFR 185.35–185.36.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 6, 1961.

[F.R. Doc. 61–11759; Filed, Dec. 12, 1961; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 61–52]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Procedures regarding inspection and certification of vessels, margin lines for passenger vessels, fusible plug reports, portable radio apparatus on nautical school ships, and amendments to prior document.

The procedures applicable to the public with regard to inspection and certification of vessels are amended to agree with the revised vessel inspection regulations previously prescribed and published in 46 CFR Chapter I. The changes in 46 CFR 2.01–1 bring up-to-date the text describing procedures for submitting applications for inspection and certification of various types of vessels as required by various inspection laws. The changes in 46 CFR 2.01–5 bring up-to-date the text describing various certificates issued by the Coast Guard in connection with vessel inspections performed. The changes in 46 CFR 2.01–25 bring up-to-date the text describing various certificates required by the 1948 Convention for the Safety of Life at Sea.

The definition of "margin line" for certain passenger vessels in 46 CFR 73.–05–6(b) is used in determining watertight subdivision. When determining the reserve of buoyancy and stability required for certain types of passenger vessels under damaged condition assumptions, the use of this definition for passenger vessels having no sheer presents an illogical situation when such vessels are compared with vessels having defined acceptable sheer. Therefore, the amendment to 46 CFR 73.05–6(b) in this document changes the definition of "margin line" in order to provide a more equitable effective sheer when determining the placement of the margin line for vessels having little or no sheer.

Since 1960 the revised regulations in 46 CFR 52.70–40 in the Marine Engineering Regulations provide for a letter to be used in reporting the renewal of fusible plugs in fire tube boilers rather than requiring the use of the Coast Guard Form CG–945, Report of Renewal of Fusible Plugs. Subsequently, this Form CG–945 was canceled and is no longer printed. The regulations as set forth in 46 CFR 2.20–40 and 52.70–40 regarding submittal of a letter report when renewing fusible plugs are considered adequate. Therefore, the regulations designated 46 CFR 78.33–15 and 97.30–15, regarding the use of Coast Guard Form CG–945, are canceled.

The current regulation in 46 CFR 167.35–70, regarding portable radio apparatus provided on nautical school ships, is incomplete and does not reflect administrative practices followed. The regulation is unsatisfactory because it does not specify (1) that the portable radio apparatus shall comply with the requirements of the Federal Communications Commission; (2) where the portable radio apparatus shall be stowed on the nautical school ship; and (3) that such portable radio apparatus need not be carried when at least one lifeboat on each side of the school ship is fitted with a fixed radio installation. The amendment to 46 CFR 167.35–70 in this document is intended to correct these deficiencies, and is similar in wording to the regulation governing passenger vessels in 46 CFR 75.55–1(a).

The Coast Guard document CGFR 61–15 (F.R. 61–9356) contained miscellaneous amendments to the vessel inspection regulations and was published as Part II of the FEDERAL REGISTER dated September 30, 1961 (26 F.R. 9253–9304). In the printing of these changes several mistakes occurred which are corrected by this document. For convenience in checking these corrections in the regulations, appropriate amendments are also set forth in this document under the sections affected. In the amendment designated 46 CFR 34.10–15(c), regarding piping—T/ALL (26 F.R. 9257, 3d column), the word "values" in the first line is changed to "valves." In the revised Table 76.05–1(a) in 46 CFR 76.05–1 (26 F.R. 9285), regarding fire detecting systems, the requirements for "service spaces" designated as "motion picture booths and film lockers" were not changed to agree with the new requirements designated 46 CFR 78.75–1 (26 F.R. 9287, 3d column), for motion picture film and equipment or those in 46 CFR 72.05–10 (26 F.R. 9274–9276) for type, location, and construction of fire control bulkheads and decks for new vessels. Therefore, Table 76.05–1(a) is corrected as follows: (1) Opposite "Motion picture booths and film lockers" (the 3d item in the 1st column under centerheading "Service spaces") in the 2d column ("Detecting Systems") change the phrase "Automatic sprinkling [1 2]" to read "Electric, pneumatic, or automatic sprinkling [2]", and in the 3d column ("Fixed extinguishing systems") change the phrase "Automatic sprinkling [1]" to read "None required [1]"; and (2) correct footnote 2 by deleting the last sentence so that it will read: "[2] Sprinkler heads may be attached to sanitary system provided electrical or pneumatic detecting is installed." In the instruction numbered "2" under Subpart 92.07 in Part 92 (26 F.R. 9288, 2d column), the reference to the insertion to be after "§ 92.05–10" is corrected by changing the section number to "§ 92.05–15" because this new subpart should follow § 92.05–15 rather than precede it.

Because the amendments to the regulations in this document are changes in procedures, or changes considered to be editorial in nature, or clarification of practices and administration, or corrections of a prior document, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements thereof) is impracticable and unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.01—Inspecting and Certificating of Vessels

1. Section 2.01-1 is amended to read as follows:

§ 2.01-1 Applications for inspections.

(a) *Application forms.* (1) Applications for the inspections of vessels required to be inspected by the Coast Guard by 46 U.S.C. 362, 363, 367, 390a, 391, 391a, 392, 395, 404, 405, 526, 1333, or 50 U.S.C. 198, shall be made by the master, owner or agent on the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local Marine Inspection Office, U.S. Coast Guard:

(i) CG-833—Application for Inspection of Vessel.

(ii) CG-986—Application for Inspection of Foreign Vessel.

(iii) CG-3752—Application for Inspection of Small Passenger Vessel.

(2) These applications require information on name and type of vessel, nature of employment and route in which to be operated, and place where and date when the vessel may be inspected.

(b) *To whom submitted.* The completed form shall be submitted to the Officer in Charge, Marine Inspection, in the Marine Inspection Office located in, or nearest, the port at which the inspection is to be made. The applicant will be advised in writing of the time when the inspection will be made.

(c) *New vessels.* Applications for inspection of new vessels shall be preceded by the submission of applicable drawings or prints in accordance with the specific requirements in Subchapters D (Tank Vessels), E (Load Lines), F (Marine Engineering), H (Passenger Vessels), I (Cargo and Miscellaneous Vessels), J (Electrical Engineering), and/or T (Small Passenger Vessels) of this chapter applicable to that particular type of vessel and/or type of service in which the vessel is proposed to be operated.

2. Section 2.01-5 is amended by revising subparagraph (3) and adding a new subparagraph (5) in paragraph (a), by revising subparagraphs (1) and (2) in paragraph (b), and by revising paragraph (d) to read as follows:

§ 2.01-5 Certificate of inspection.

(a) * * *

(3) CG-989—Certificate of Examination for Foreign Passenger Vessel.

* * * * *

(5) CG-3753—Certificate of Inspection (for small passenger vessel).

(b) *Vessels issued certificates.* (1) All domestic vessels shall be issued a Temporary Certificate of Inspection (CG-854) and a Certificate of Inspection (CG-841) or Certificate of Inspection (for small passenger vessel) (CG-3753).

(2) Foreign passenger vessels of countries signatory to the International Convention for the Safety of Life at Sea, 1948, shall be issued a Certificate of Examination for Foreign Passenger Vessel (CG-989).

* * * * *

(d) *Amending certificates.* Where by reason of a change in the character of a vessel or in her route, equipment, etc., the vessel will not comply with the requirements of the certificate of inspection previously issued, a certificate amending such certificate may be issued at the discretion of the Officer in Charge, Marine Inspection, to whom request is made, on Coast Guard Form CG-858—Certificate of Inspection Amendment.

3. Section 2.01-25 is amended by revising paragraphs (d), (e), and (f) to read as follows:

§ 2.01-25 International Convention for the Safety of Life at Sea, 1948.

* * * * *

(d) *CG-969—Notice of Receipt of Application for Safety Certificate.* Upon receipt of an application for a safety certificate, the Officer in Charge, Marine Inspection, will issue to the ship a completed Form CG-969. In the event the completion of the certification of any passenger vessel cannot be effected prior to the sailing of the ship on a foreign voyage, or in any case where the safety certificate is not received from the Commandant before the ship sails, this letter (Form CG-969) may be exhibited in explanation of the failure of the ship to have on board a current safety certificate.

(e) *Exempted vessel.* (1) A vessel may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him. In such case the exemptions are stated in the exemption certificate, which is issued by the Commandant through the appropriate Officer in Charge, Marine Inspection.

(2) The exemption certificates which modify the safety radiotelephony certificates or the safety radiotelegraphy certificates are issued by the Federal Communications Commission.

(f) *Foreign flag vessels.* At the request of the government of a country in which is registered a vessel engaged in international voyages, such a vessel may be issued the applicable certificate or certificates listed in paragraph (a) of this section. The certificate will be issued only after inspection has been made of the vessel and the vessel is found to comply with the requirements of the Convention.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER D—TANK VESSELS

PART 34—FIRE-FIGHTING EQUIPMENT

Subpart 34.10—Fire Main System, Details

Section 34.10-15(c) published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9257), is corrected by changing the word "values" to "valves" so that it reads as follows:

§ 34.10-15 Piping—T/ALL.

* * * * *

(c) All distribution valves shall be marked as required by § 35.40-10 of this subchapter.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416)

SUBCHAPTER H—PASSENGER VESSELS

PART 73—WATERTIGHT SUBDIVISION

Subpart 73.05—Definitions

Section 73.05-6(b) is amended to read as follows:

§ 73.05-6 Margin line.

* * * * *

(b) In the case of vessels with continuous bulkhead decks, where the average value of the sheer at bow and stern is less than 12 inches, a modified margin line 3 inches below the top of deck at the ends but lowered amidships to the position indicated in Table 73.05-6(b) is to be used.

TABLE 73.05-6(b)

Average value of sheer at bow and stern (inches)	Required position of margin line below top of deck, at side, amidships (inches)
12	3
6	6
0	9

(1) Interpolation is required for intermediate values not shown in Table 73.05-6(b).

(2) The modified margin line shall be parabolic through the midship and end points indicated in this paragraph. Margin lines so determined are based upon the assumption that the bulkhead deck is continuous and has existing parabolic sheer. Where this is not the case, the margin line shall be such as to give at least a standard of safety equivalent to the standard described in this paragraph.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

Subpart 76.05—Fire Detecting and Extinguishing Equipment, Where Required

§ 76.05-1 [Amendment]

Table 76.05-1(a) in § 76.05-1(a) *Fire detecting systems*, published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9285), is corrected as follows:

In Table 76.05-1(a) the requirements for "service spaces" designated as "motion picture booths and film lockers" in the first column are corrected as follows:

(1) Opposite "Motion picture booths and film lockers" (the 3d item in the 1st column under centerheading "Service spaces") in the 2d column ("Detecting Systems") change the phrase "Automatic sprinkling [1, 2]" to read "Electric, pneumatic, or automatic sprinkling [1, 2]", and in the 3d column ("Fixed extinguishing systems") change the phrase "Automatic sprinkling [1]" to read "None required [1, 2]".

(2) Correct footnote 2 at the end of the table by deleting the last sentence so that it will read: "[2] Sprinkler heads may be attached to sanitary system provided electrical or pneumatic detecting is installed."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 78—OPERATIONS

Subpart 78.33—Reports of Accidents, Repairs, and Unsafe Equipment

§ 78.33-15 [Cancellation]

Section 78.33-15 *Fusible plugs* is canceled. (Section 52.70-40 in Subchapter F—Marine Engineering of this chapter requires a letter to be used in reporting the renewal of fusible plugs.)

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

Subpart 97.30—Reports of Accidents, Repairs, and Unsafe Equipment

§ 97.30-15 [Cancellation]

Section 97.30-15 *Fusible plugs* is canceled. (Section 52.70-40 in Subchapter F—Marine Engineering of this chapter requires a letter to be used in reporting the renewal of fusible plugs.)

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.35—Lifesaving Equipment

Section 167.35-70 is amended to read as follows:

§ 167.35-70 Portable radio apparatus.

(a) Each nautical school ship shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission, unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. The apparatus shall be so designed that it may be used by an unskilled person.

(b) The portable radio apparatus shall be kept in the radio room, chart room, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1-22, 54 Stat. 163-167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406-412, 239, 481, 489, 363, 367, 526-526u, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: December 6, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 61-11788; Filed, Dec. 12, 1961; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Designation for Hearing; Local Notice; Conditional Grant

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of December 1961;

The Commission having under consideration § 1.362 of its rules of practice and procedure, which pertains, among other things, to the conditional grant of applications for broadcast facilities; and

It appearing, that it may in certain cases serve the public interest to authorize a group of applicants competing for the same television assignment to construct and operate a station pending operation by the successful applicant under the terms of a regular authorization; and

It further appearing, that § 1.362 should be amended to reflect this additional basis for making a conditional grant; and

It further appearing, that the amendment adopted herein pertains to matters of procedure and hence that section 4 of the Administrative Procedure Act is inapplicable; and

It further appearing, that the amendments herein are issued pursuant to authority contained in sections 4(i), 303(r), and 309 of the Communications Act of 1934, as amended,

It is ordered, Effective December 18, 1961, that § 1.362 of the rules of practice and procedure is amended as set forth below.

Released: December 8, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 1.362(i) is added as follows:

§ 1.362 Designation for hearing; local notice; conditional grant.

* * * * *

(i) When two or more applications for the same television assignment have been designated for hearing, the Commission may, if the public interest will be served thereby, make a conditional grant to a group composed of any two or more of the competing applicants, such grant to terminate when the successful applicant commences operation under the terms of a regular authorization. No conditional grant will be made unless all of the competing applicants have been afforded a reasonable opportunity to participate in the group seeking the conditional grant. In its application, the group shall include a special showing as to the need for the service pending operation by the successful applicant under the terms of a regular authorization; the effect, if any, of a grant on the position of any applicant which is not a member of the group; and any other factors which are deemed pertinent to the public interest judgment.

[F.R. Doc. 61-11804; Filed, Dec. 12, 1961; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Illinois, is per-

mitted only on the areas designated by signs as open to fishing. These open areas, comprising 8800 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, largemouth and smallmouth bass, and other minor species as prescribed by State regulations.

(b) Open season: January 1 through December 31, 1962 in areas designated on map as I and III; March 15 through September 30, 1962, daylight hours only, in area designated on map as II.

(c) Daily creel limits: Northern pike—5, size limit 20 inches; walleyed pike, sauger—8 (singly or aggregate); largemouth bass—10; smallmouth bass—10; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) It is unlawful to take fish through the ice by use of more than two poles and lines at any one time or with more than one hook attached to each line; or from any hole cut in the ice that is larger than 12 inches in diameter.

(2) It is unlawful to use any pole and line, or rod and line device to which more than two (2) hooks have been attached; to use more than 50 hooks in the aggregate. (Trotline may be used under separate license in excess of 50 hooks.)

(3) It is unlawful to use any trot line, throw line or similar device, having hooks spaced at intervals less than 24 inches.

(4) It is unlawful to leave unattended any trot line without a tag indicating name and address of owner.

(5) See State regulations for additional details.

(6) The use of boats is permitted, except no boat with motor larger than six (6) horsepower is permitted on Little Grassy Lake and no motors are permitted on Devils Kitchen Lake.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 5, 1961.

[F.R. Doc. 61-11755; Filed, Dec. 12, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASING REGULATIONS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181 et seq.), it is proposed to amend 43 CFR Part 192 as set forth below. The purpose of these amendments is to permit oil and gas lease offers to be filed for, and assignments to be made out of leases, for portions of protracted sections when full protracted sections are not available for such leasing or assignments.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 192.42a(c) is amended to read as follows:

§ 192.42a Description of lands in offer.

* * * * *

(c) When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all offers to lease lands shown on such protracted surveys, filed on or after such effective date, must, except as provided below, include only full sections described according to the section, township, and range shown on the approved protracted surveys.

(1) An offer may include less than a full protracted section where only a portion of a protracted section is available for lease. When an offer includes less than a full protracted section, it must include all of the land available for lease within that section, and the land must be described by subdivisional parts thereof in the same manner as provided in paragraph (a) of this section for officially surveyed lands.

Section 192.140 is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 192.140 Assignments or transfers of leases or interests therein.

(b) Only full protracted sections may be assigned out of leases covering lands described on the basis of protracted surveys. However, if a lease includes less than a full protracted section, such entire lesser area may be assigned.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 7, 1961.

[F.R. Doc. 61-11758; Filed, Dec. 12, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14419 (RM-268); FCC 61-1446]

STANDARD BROADCAST STATIONS ON REGIONAL (CLASS III) CHANNELS

Pre-Sunrise Operation; Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed June 16, 1961 by Storer Broadcasting Company to amend § 3.87 of the Commission's rules to provide that all regional (Class III) stations operating with their daytime facilities during pre-sunrise hours shall give advance notice of such operation to the Commission and to all co-channel unlimited time stations in the United States or Puerto Rico, and that the determination of whether objectionable interference results from such operation shall be made on the basis of the standard broadcast Technical Standards.

3. Petitioner asserts the requested amendments are limited in scope as they would apply only to regional (Class III) channels on which pre-sunrise conditions have become the most chaotic and that they would not operate to preclude or terminate any pre-sunrise operations since the burden of making complaints and appropriate interference showings would still lie upon the unlimited time station.

4. Storer states that the Commission has consistently terminated pre-sunrise operations found to cause objectionable interference, as defined by the rules, within the protected nighttime service areas of unlimited time stations; that the prescribed method of preparing and processing complaints requires that the aggrieved station must conduct early morning listening tests to determine the presence of actual interference inside its protected nighttime contour; that it must identify the offending station or stations and submit the information in verified form to the Commission whose staff then determines, using the skywave propagation curves contained in Figure 2, § 3.190 of the rules, whether the alleged interference exists and, if so, the offending station is notified that its pre-sunrise operation must be discontinued; that this procedure was not unreasonable in 1941, when the rule was adopted, as there were few stations on the air at that time and therefore it was not too difficult to determine by listening, whether objectionable interference was being caused and to identify the offending station; that since 1941, owing to the increase in the number of stations, particularly on the regional channels, interference conditions between the various stations together with the vagaries of nighttime propagation conditions, which vary from minute to minute, night to night and month to month, make it impossible to identify individual stations so as to clear the channel within a reasonable time; and that as a result it might take a period of several years for any one unlimited time station to vindicate its license rights.

5. Storer claims that its petition presents methods for overcoming two of these obstacles, the first being inability to identify stations operating before sunrise which can be removed by requiring advance notification of all pre-sunrise operations by Class III stations, using their daytime facilities, to the Commission and to the relatively few unlimited time stations on the particular channel. Such notification would provide the aggrieved station the basic data necessary for policing its channel, and would also supply the Commission with information as to the number of stations operating under the pre-sunrise provisions of the rules, which information it does not now have. The second obstacle, Storer states, can be removed by eliminating the present practice of conducting listening tests by specifying that the determination of objectionable interference shall be made on the basis of the Technical Standards of the rules.

6. WBEN, Inc., licensee of Station WBEN, Buffalo, New York, on July 18, 1961, filed a statement supporting the petition and stating that its adoption should result in improvement of the ability of full time regional stations to protect themselves against improper invasion of their pre-sunrise interference-free contours.

7. Topeka Broadcasting Association, Inc., licensee of Station WIBW, Topeka, Kansas, on July 24, 1961, filed a statement supporting the proposal of Storer; however, it also requests that for the purposes of the proposed rule the term "unlimited time stations" should include sharetime stations which together occupy a Class III channel full time.

8. On July 26, 1961, Hocking Valley Broadcasting Corporation, licensee of Station WHOK, Lancaster, Ohio, filed opposition to the Storer petition claiming that the community is dependent on Station WHOK for local service during pre-sunrise hours; that it provides weather news to schools, Conelrad alerts and similar services to the local community and county during these hours; that the Storer request would impose on all Class III operations a burden which

is unwarranted and contrary to public interest considerations; that there is no showing in the Storer petition that the present procedure is inadequate; and that the matter of pre-sunrise operation can best be handled on an individual basis without requiring justification generally for such action.[1]

9. Opposition was also filed by Fetzer Broadcasting Company, licensee of Station WKZO, Kalamazoo, Michigan on July 25, 1961, for essentially the same reasons advanced by Hocking Valley.[1]

10. In 1941 there were 882 standard broadcast stations of which 60 were daytime. Now we have 3,805 stations of which 1,486 are daytime. There has been a vast increase in both the number of stations licensed to operate during the pre-sunrise hours and in those not now licensed but nevertheless, initially at least, permitted to operate under the permissive provisions of § 3.87. The cumulative effect of the use of daytime facilities during early morning hours is thus quite different from that obtaining in 1941. We are now proposing to terminate § 3.87 except as it may apply to regional assignments made previous to the effective date of any order resulting from this notice of proposed rule making.

11. It also appears desirable to amend § 3.87 to require that stations now operating with their daytime facilities during pre-sunrise notify the Commission they are so operating. This would provide the Commission with a list of stations operating under the rule, which information is not now readily available. While petitioner's suggestion that licensees seeking to avail themselves of the rule individually notify all co-channel unlimited time stations would appear to be unduly burdensome, it is believed that single notices (available for public inspection in the Commission's Broadcast Reference Room as part of the notifying station's license records) would be sufficient for the purpose intended.

12. Additionally, it is proposed that the existing practice of requiring the complaining station to conduct listening tests be abandoned, and that the complainant be required only to submit a showing of interference based on skywave interference calculations made under the standard broadcast Technical Standards. This is consistent with previous Commission decisions holding that the skywave propagation curves are conclusive for the purpose of determining pre-sunrise interference.

13. Because of treaty and interference protection considerations, the pre-sunrise operating privilege conferred by § 3.87 is generally limited to Class III stations operating on regional channels. Accordingly, it is proposed that references to other classes of stations in the existing rule be deleted.

14. Since the recent decision of the United States Court of Appeals in WBEN, Inc. v. F.C.C., 290 F. (2d) 743, the Commission has followed the policy of conditioning Class III daytime grants where pre-grant objections filed by unlimited time stations show that objectionable interference would result from any pre-sunrise operation on the part of the grantee. Inasmuch as paragraph (d) of existing § 3.87 is inconsistent with this policy, its deletion appears to be indicated.

15. The Commission is of the view that rule making should be instituted on this proposal in order that all interested parties may submit their views and relevant data.

16. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended.

17. Pursuant to applicable procedure set out in § 1.213 of the Commission's rules, interested persons may file comments on or before February 8, 1962, and reply comments on or before February 19, 1962. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

18. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: December 6, 1961.

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

It is proposed to amend Part 3—Radio Broadcast Services—as indicated below:

Amend § 3.87 to read as follows:

§ 3.87 Program transmissions prior to local sunrise.

(a) Notwithstanding other provisions of this chapter, standard broadcast stations authorized to provide regular program service on any regional channel (as specified in § 3.26) on or before _____, 1962, may operate with their authorized daytime facilities between 4 a.m. local standard time and local sunrise: *Provided, however,* That licensees meeting this requirement and electing to initiate or continue pre-sunrise operation shall, within 30 days from the date indicated, file a notice with the Commission specifying the hours during which pre-sunrise operation occurs.

(b) Notifications required by paragraph (a) of this section will be associated with the stations' records and will be available for public inspection in the Commission's Broadcast Reference Room.

(c) Licensees who apply for and obtain authority to operate on a different regional channel but who are unable to commence regular program operation on the new frequency on or before _____, 1962, are precluded from engaging in pre-sunrise operation under paragraph (a) of this section, as are new stations commencing regular program operation after that date.

(d) Any unlimited time station operating on any regional channel (as specified in § 3.26) during any part of the period between 4 a.m. local standard time and local sunrise with its nighttime facilities and receiving objectionable interference within its nighttime normally protected service area or present RSS limited contour, whichever is higher, from any station on the same channel commencing operation with its daytime facilities prior to local sunrise, may submit a showing of interference and request the Commission to issue a notice to the offending station to refrain from pre-sunrise operation with its daytime facilities.

(e) The showing required by paragraph (d) of this section shall be based upon skywave interference calculations made under the Standard Broadcast Technical Standards of this subpart. In evaluating interference complaints submitted under paragraph (d) of this section, the skywave propagation curves contained in Figure 2, § 3.190 and other applicable technical standards of this subpart shall be considered as conclusive.

(f) Any station receiving notice from the Commission that objectionable interference is being caused shall refrain from pre-sunrise operation with its daytime facilities pending further notice from the Commission, and shall immediately return to licensed hours of operation.

(g) Shared time stations which together occupy a single Class III channel full time may submit pre-sunrise interference complaints under paragraph (d) of this section on the same basis as a single unlimited time station.

(h) Time devoted to pre-sunrise operation shall not be included in determining compliance with the minimum operation schedule set forth in § 3.71.

[F.R. Doc. 61-11805; Filed, Dec. 12, 1961; 8:53 a.m.]

[1] Both the Hocking Valley and Fetzer oppositions were filed later owing to reproduction difficulties; however, as good cause has been shown for such delay, these oppositions are being accepted.

[2] Concurring statement of Chairman Newton N. Minow filed as part of the original document.

§ 8.132 Authorized classes of emission.

(a) * * *

(1) Stations using telegraphy:	
100 to 160 kc	A1, and for brief testing A0.
160 to 515 kc	A1, A2,[3] A2a,[3] A2b,[3] and for brief testing A0.
2065 to 2070 kc and 2080 to 25,000 kc.	A1, and for brief testing A0, except for survival craft stations which, in addition, may use class A2 emission.
2070 to 2080 kc	Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.
(2) Stations using telephony:	
1600 kc to 30 Mc [3]	A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
30 to 50 Mc	A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
121.5 Mc	A3 for ship stations and any amplitude modulated emission for survival craft stations.
156 to 174 Mc	F3; and for brief operating signals F1 and F2; also for brief testing F0.
For other frequencies or frequency bands.	As designated in the station authorization.

[47 CFR Part 8]

[Docket No. 14375, FCC 61-1343]

MARITIME MOBILE AND MARITIME RADIODETERMINATION OPERATIONS

Implementation of Certain Requirements of the Geneva Radio Regulations (1959); Notice of Proposed Rule Making

Correction

In F.R. Doc. 61-11290, appearing at page 11369 of the issue for Friday, December 1, 1961, proposed amendment B.18 is corrected to read as follows:

18. Section 8.132 is amended by revising items (1) and (2) of the table in paragraph (a) to read:

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Order Designating Place for Hearing

On November 30, 1961, the Commission issued a Notice of Hearing designating January 16, 1962, as the date for hearing on the application filed by Long Island Nuclear Service Corporation and provided that the hearing would be held in a courtroom to be assigned in Riverhead, New York.

In accordance with that provision, the courtroom for the hearing to convene at 10:00 a.m., on January 16, 1962, is designated as the Surrogate's Court, County Center, Riverhead, New York.

Issued: December 5, 1961, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 61-11787; Filed, Dec. 12, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 011921]

SILETZ TOWNSITE, OREGON

Sale of Town Lots

NOVEMBER 29, 1961.

1. *Statutory authority.* The remaining lots in the Townsite of Siletz, Oregon will be disposed of under sections 2380 and 2381 United States Revised Statutes (43 U.S.C. 711, 712) and regulations contained in 43 CFR Part 255. The lots to be disposed of by sale at public auction are designated on official plats of survey of Siletz Townsite approved December 18, 1913 and supplemental plat of T. 10 S., R. 10 W., accepted May 23, 1951.

2. *Lots, areas and minimum prices.* The lots and the appraised prices, which are the minimum amounts at which the lots will be offered, are listed as follows:

Lot	Acreage	Appraisal
	Acres	
Tract A	0.258	$85
Tract B	0.408	185
Tract C	0.646	385
Tract D	1.049	620
Lot 1, block 7	0.107	190
Lot 2, block 7	0.168	225

3. *Public sale.* The lots will be offered for sale by the Manager, Land Office, Portland, Oregon, or his representative at public outcry to the highest bidder at the City Hall, Siletz, Oregon on January 9, 1962, beginning at 1 p.m. The sale will continue until all the lots have been offered.

4. *Payments.* No offering will be sold for less than the appraised price. Payment in full must be made on the day of sale, and may be in the form of cash, personal check, certified check, bank draft or money order payable to the Bureau of Land Management. The payment must be tendered to the officer in charge before the close of business on the day of the sale.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to make a showing or to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Oregon.

6. *Manner of sale.* Bids and payments will be made in person or by agent, but may not be made by mail or at any time or place other than fixed by this notice. Any bidder may purchase any number of lots for which he is successful bidder. No bids will be made in increments of less than $10.00.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be closed.

8. *Disposal of lots after sale has been closed.* Lots remaining unsold at close of the sale and lots which may be forfeited by any high bidder for any reason, will be subject to private sale for cash by the Manager, Land Office, Portland, Oregon.

9. *Reservations.* Patents for the lots, when issued, will contain a reservation of rights-of-way for ditches or canals in accordance with the act of August 30, 1890 (26 Stat. 391). Patents, when issued for Lots 1 and 2, Block 7 of Townsite of Siletz, also will contain a reservation of the oil and gas in accordance with the provisions of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. sections 121-123).

10. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U.S.C. 1860.

VIRGIL O. SEISER,
Manager.

[F.R. Doc. 61-11756; Filed, Dec. 12, 1961; 8:46 a.m.]

WYOMING

Redelegation of Authority By Land Office Manager

DECEMBER 6, 1961.

By authority contained in section 2.1, Bureau Order 684 of August 28, 1961 (26 F.R. 8216), I hereby redelegate to the Chief, Minerals Section, authority to take action for the Manager on all matters listed in section 2.6, Part II, of said order, and to the Chief, Lands Section, authority to take action for the Manager on all matters listed in section 2.9, Part II, effective as of August 28, 1961.

THOMAS H. FLOYD, JR.,
Land Office Manager.

Approved: December 6, 1961.

ED PIERSON,
Wyoming State Director.

[F.R. Doc. 61-11757; Filed, Dec. 12, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-WE-20]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Southern Nevada Radio and Television Co., Las Vegas, Nev., proposes to construct a television antenna structure near Henderson, Nev., at latitude 36°-07'50" N., longitude 115°05'06" W. The overall height of the structure would be 2,320 feet above mean sea level (510 feet above ground). This structure would replace an existing television antenna structure at the same location with an overall height of 2,149 feet MSL.

This proposal was originally circularized specifying an overall height of 2,466 feet MSL (656 feet above ground). Objections were received in response to the circularization from the Department of the Air Force and the Department of the Navy on the basis that a structure at this location above 2,149 feet MSL in overall height would adversely affect VOR approaches at Nellis Air Force Base, Nev.; and by the Air Transport Association of America on the basis that the proposed structure would adversely affect instrument approach procedures at McCarran Airport, Las Vegas, Nev. Because of these objections, the sponsor amended the overall height of the proposed structure to 2,320 feet MSL. In view of the reduced overall height, which would result in no adverse effect upon instrument approach procedures at McCarran Airport, the ATA withdrew its objection.

The proposed structure would be located approximately 8 miles south southwest of Nellis Air Force Base and approximately 4.5 miles northeast of McCarran Airport. The Agency study disclosed that the proposed structure would have no adverse effect upon VOR instrument approach procedures to Nellis Air Force Base. Following FAA/Department of the Air Force discussions, the Department of the Air Force withdrew its objection to the proposed structure.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation provided that the structure is obstruction marked and lighted in accordance with Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on December 1, 1961.

OSCAR W. HOLMES,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 61-11747; Filed, Dec. 12, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (26 F.R. 11742) for November and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine
Armour and Co.	28D	(*)	(*)	(*)	(*)	(*)
Swift and Co.	37	(*)	(*)			
Lykes Bros., Inc.	8B	(*)				
Montana Packing Co., Inc.	37	(*)	(*)			
Alpine Packing Co.	412	(*)	(*)	(*)		(*)
Swift and Co.	608	(*)				
Colville Meat, Inc.	679	(*)				(*)
Pioneer Provision Co.	742	(*)	(*)			(*)
South Philadelphia Willowbrook, Inc.	923	(*)	(*)			
Perretta Packing Co., Inc.	571	(*)				

Done at Washington, D.C., this 6th day of December 1961.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-11803; Filed, Dec. 12, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14417]

EUGENE M. MOODY

Order To Show Cause

In the matter of Eugene M. Moody, 2345 16th Avenue, Vero Beach, Fla., Docket No. 14417; order to show cause why there should not be revoked the license for Radio Station 7W2223 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's Rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Communications Act of 1934, as amended, and of the Commission's rules made pursuant thereto was served upon the above-named licensee as follows:

Commission letter dated August 11, 1961, to the licensee alleging a violation of section 310(b) of the Communications Act of 1934, as amended, and of § 19.17 of the Commission's rules in that said licensee had been permitting others, who were operating unlicensed radio equipment, to identify their radio transmissions by use of the call sign 7W2223, authorized by the Commission for said licensee's Citizens radio station.

It further appearing, that the above-named licensee received the Commission's letter but did not reply thereto; whereupon the Commission by letter dated September 26, 1961, and sent by Certified Mail—return receipt requested (Cert. No. 97002) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days of its receipt, stating the measures which had been taken or were being taken, in order to bring the operation of the radio station into compliance with the Communications Act and the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, A. Weidman, on September 27, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 7th day of December 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—return receipt requested to the said licensee.

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11806; Filed, Dec. 12, 1961; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

OAHU RAILWAY AND LAND CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8475-1, between Oahu Railway and Land Co. (OR & L), Oahu Railway and Terminal Warehousing Co., Ltd. (OR & TW), and Matson Navigation Co. (Matson) modifies the basic agreement between OR & L and Matson which grants Matson priority

right to use certain piers and terminal property at Honolulu, Hawaii. The purpose of the modification is to transfer to OR & TW all properties, rights and obligations of OR & L under the basic agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 8, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-11783; Filed, Dec. 12, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-75, CI62-333]

LAKE SHORE PIPE LINE CO. AND PAUL L. BRITTON, JR.

Notice of Applications and Date of Hearing

DECEMBER 6, 1961.

Lake Shore Pipe Line Company, Docket No. CP62-75; Paul L. Britton, Jr., Operator, et al., Docket No. CI62-333.

Take notice that on September 22, 1961, Lake Shore Pipe Line Company (Lake Shore), 1717 East Ninth Street, Cleveland 14, Ohio, and Paul L. Britton, Jr., Operator et al. (Britton), Linesville, Pennsylvania, filed, respectively, applications, pursuant to section 7(c) of the Natural Gas Act, for certificates of public convenience and necessity authorizing: (1) Lake Shore in Docket No. CP62-75 to construct and operate approximately 2,700 feet of 4½-inch and 1,450 feet of 3½-inch field lines, a meter station, and appurtenant facilities to enable Lake Shore to purchase and receive natural gas produced by Paul L. Britton, Jr., Operator et al., from the Clinton Sand formation in Conneaut Township, Erie County, Pennsylvania; and (2) Britton in Docket No. CI62-333 to make the above-described sale to Lake Shore from 137 acres (2 producing wells) in Conneaut Township, Erie County, Pennsylvania, pursuant to a gas sales contract dated September 5, 1961.

The proposals of Lake Shore and Britton are more fully set forth in their respective applications which are on file with the Commission and open to public inspection.

Lake Shore's proposedlines will extend from the wells operated by Britton to a point of connection with the facilities of East Ohio Gas Company (East Ohio) in Monroe Township, Ashtabula County, Ohio, at which point the proposed meter station will be constructed. The gas transported through said facilities will be sold and delivered to East Ohio under Lake Shore's existing Rate Schedule E-1 as "excess gas." The estimated cost of the subject facilities is $18,555, to be financed from cash on hand.

The contract between Lake Shore and Britton provides for an initial rate of 27.0 cents per Mcf at 15.025 psia.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 11, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 29, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11773; Filed, Dec. 12, 1961; 8:49 a.m.]

[Docket No. G-19940, etc.]

FOREST OIL CORP. ET AL.

Order Conditionally Accepting Rate Filing Requiring Additional Agreements and Undertakings and Redesignating Rate Schedule and Proceedings

DECEMBER 6, 1961.

Forest Oil Corporation (Operator), et al., Docket Nos. G-19940, RI61-186 and RI62-68.

On October 19, 1961, Forest Oil Corporation (Forest) tendered for filing, as a supplement to its FPC Gas Rate Schedule No. 2, an instrument of assignment by which it acquired on October 1, 1961, interests of a co-owner in a jurisdictional sale of gas to United Fuel Gas Company from Bourg Field, Terrebonne and Lafourche Parishes, Louisiana. On November 2, 1961, the co-owner, Cities Service Production Company (Cities Service), filed, as a supplement to its corresponding FPC Gas Rate Schedule No. 1, an affidavit confirming the sale of said interests to Forest, but also noting the assignment back to Cities Service of interests in the subject properties below the "Krumbhar Sand".

The same rate is in effect under Forest's rate schedule, subject to refund in Docket No. RI61-186, and under Cities Service's rate schedule, subject to refund in Docket No. RI61-164. Therefore, no change in rate will be effected by the transfer of interests.

The parties have agreed that Forest will become the operator in place of Cities Service.

The Commission finds:

(1) Forest's above-described supplement should be conditionally accepted for filing to be effective as of October 1, 1961, subject to the approval of service from the acquired interests in the certificate proceeding in Docket No. G-2798 and further subject to Forest's submitting an additional filing to show the reassignment to Cities Service of interests in the subject properties below the Krumbhar Sand.

(2) The interests acquired by Forest should be made subject to Forest FPC Gas Rate Schedule No. 2 and to the above-designated rate proceedings concerning Forest's said rate schedule, for the period from and after October 1, 1961.

(3) Forest should file additional agreements and undertakings in the proceedings in Docket Nos. G-19940 and RI61-186 to cover its additional sale of gas under rates in effect subject to refund in said proceedings.

(4) Forest's FPC Gas Rate Schedule No. 2 and the above rate proceedings should be redesignated from "Forest Oil Corporation" to "Forest Oil Corporation (Operator) et al."

The Commission orders:

(A) The above-described supplement to Forest's FPC Gas Rate Schedule No. 2 is accepted for filing to be effective as of October 1, 1961, subject to the approval of service from the acquired interests in the certificate proceeding in Docket No. G-2798 and further subject to Forest's submitting an additional filing to show the reassignment to Cities Service of interests in the subject properties below the Krumbhar Sand.

(B) Subject to Paragraph (A), the interests acquired by Forest shall be covered by its FPC Gas Rate Schedule No. 2 and shall be subject to the rate proceedings in Docket Nos. G-19940, RI61-186 and RI62-68, for the period from and after October 1, 1961.

(C) Forest shall execute and file with the Secretary of the Commission additional agreements and undertakings in the proceedings in Docket Nos. G-19940 and RI61-186 to cover the additional sale of gas under rates in effect subject to refund in said proceedings. Unless Forest is advised to the contrary within 15 days after filing such agreements and undertakings, they shall be deemed to have been accepted.

(D) Forest's FPC Gas Rate Schedule No. 2 and the above rate proceedings are hereby redesignated from "Forest Oil Corporation" to "Forest Oil Corporation (Operator) et al."

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11774; Filed, Dec. 12, 1961; 8:49 a.m.]

[Docket No. G-18856 etc.]

LELAND D. HECKERT LEASE ET AL.

Notice of Severance

DECEMBER 7, 1961.

Leland D. Heckert Lease et al., Docket No. G-18856 et al.; Jerome A. Cararas, Docket No. CI61-229; Robert F. Brooks and Allen L. Roberts, Docket No. CI61-231; Lone Star Producing Company, Docket No. CI61-918; Callery Properties, Inc. et al., Docket No. CI61-921; Sun Oil Company, Docket No. CI61-1101; United Producing Company, Inc., Docket No. CI61-1182; American Petrofina Company of Texas, Docket No. CI61-1418.

Notice is hereby given that the above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on December 12, 1961, in the consolidated proceedings entitled Leland D. Heckert Lease, et al., in Docket Nos. G-18856 et al., are severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11775; Filed, Dec. 12, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2205 etc.]

CONTINENTAL INSURANCE CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 7, 1961.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Continental Insurance Company, File 7-2205.
Fairchild Camera & Instrument Corp., File 7-2206.
First Charter Financial Corporation, File 7-2207.
Harvey Aluminum Incorporated, File 7-2208.
Louisville & Nashville Railroad Co., File 7-2209.
Mesabi Trust, Units of Beneficial Int., File 7-2210.
Pacific Telephone & Telegraph Co., File 7-2211.
San Diego Imperial Corporation, File 7-2212.

Upon receipt of a request, on or before December 22, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11761; Filed, Dec. 12, 1961; 8:47 a.m.]

[File 7-2202]

MARTIN-MARIETTA CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 7, 1961.

In the matter of application of the Cincinnati Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Martin-Marietta Corporation, File 7-2202.

Upon receipt of a request, on or before December 22, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11762; Filed, Dec. 12, 1961; 8:47 a.m.]

[File No. 1-3207]

UNIVERSAL PICTURES CO., INC.

Notice of Application to Strike from Listing and Registration and of Opportunity for Hearing

DECEMBER 7, 1961.

In the matter of Universal Pictures Company, Inc., common stock, 4¼ percent Cumulative Preferred Stock, File No. 1-3207.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The stocks have limited distribution and limited public interest. Shares in public hands are shown at 34,300 preferred and 109,909 common. Holders of 100 share lots or more are shown at 88 for the preferred and 214 for the common shares.

Upon receipt of a request, on or before December 22, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11763; Filed, Dec. 12, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 410]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 8, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and

211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 199) (Amendment), filed September 11, 1961, published FEDERAL REGISTER issue November 29, 1961, amended December 5, 1961, republished as amended this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between Sierra Ordnance Depot, Herlong, Calif., and Travis Air Force Base near Fairfield, Calif., and points within twenty-five (25) miles of Travis Air Force Base, on the one hand, and, on the other, missile site locations in the defense area of Washington within a 50-mile radius of Seattle and Spokane, Wash.

NOTE: *Applicant states* "it controls Pacific and Atlantic Shippers, Inc., a freight forwarder holding Permit No. FF-52 and related subs. It is noted that the purpose of this amendment is to include the note above also to add "Travis Air Force Base and points within 25 miles thereof", as shown above.

HEARING: Remains as assigned January 17, 1962, at the Federal Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 1117 (Sub-No. 7), filed November 3, 1961. Applicant: M. G. M. TRANSPORT CORPORATION, 798 Main Street, Paterson, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in Appendix II to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from Paterson, N.J. and points in Fairfield County, Conn. to points in Connecticut, Rhode Island and points in Berkshire, Hampshire, Hampden and Franklin Counties, Mass.

NOTE: Applicant states the proposed operation will be restricted to shipments having a prior movement by rail or truck. Applicant further states no duplicating authority is sought. Carrier now has authority from Paterson, N.J., to points in Fairfield County, Conn., and for uncrated new furniture from points in Passaic County, N.J., to points in Connecticut, Massachusetts and Rhode Island. Applicant controls Metropolitan Furniture Forwarders Co. Inc.

HEARING: January 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 2202 (Sub-No. 221), filed October 11, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between the junction of U.S. Highway 52 and North Carolina Highway 66 north of Winston-Salem, N.C., and junction North Carolina Highway 66 and U.S. Highway 311 north of High Point, N.C., from junction U.S. Highway 66 and North Carolina Highway 52 north of Winston-Salem, over U.S. Highway 66 to junction U.S. Highway 66 and North Carolina Highway 311 north of High Point, and return over the same route, serving no intermediate or off-route points, and with service at the termini and all junction points for the purpose of joinder only; and (2) Between Winston-Salem, N.C., and High Point, N.C., from Winston-Salem over U.S. Highway 311 to High Point, and return over the same route, serving no intermediate or off-route points, and with service at the termini and the junction of U.S. Highway 311 and North Carolina Highway 66 for the purpose of joinder only.

HEARING: January 26, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 8957 (Sub-No. 5), filed November 13, 1961. Applicant: GLENN H. BROWER, R.D. No. 1, Lewistown, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders, insecticides, pesticides* and *herbicides* from Baltimore, Md. to points in Snyder, Northumberland, Lycoming, Montour, Centre, Mifflin, Blair, Union, Clinton, and Bedford Counties, Pa.

HEARING: January 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 10761 (Sub-No. 113), filed November 16, 1961. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 N. Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat by-products and packing house products*, and *refused and rejected shipments*, serving San Angelo, Tex., as an off-route point in connection with applicant's present authorized regular-route operations between Dallas, Tex., and Oklahoma City, Okla.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 77.

No. MC 22167 (Sub-No. 16), filed October 10, 1961. Applicant: CONSOLIDATED COPPERSTATE LINES, a corporation, 1220 West Washington Boulevard, Montebello, Calif. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, (1) Between Abilene, Tex., and Odessa, Tex., over U.S. Highway 80, serving the intermediate points of Sweetwater, Colorado City, Big Spring, and Midland, Tex.; (2) Between Fredericksburg, Tex., and Comfort, Tex., and junction U.S. Highways 290 and 80 near Kent, Tex., (a) from Fredericksburg over U.S. Highway 290 to its junction with U.S. Highway 80 near Kent, Tex., serving the intermediate points of Sonora, Ozona, Sheffield, Iraan, and Ft. Stockton, Tex., and (b) from Comfort, Tex., over Texas Highway 27 to its intersection with U.S. Highway 290, thence over U.S. Highway 290 to its intersection with U.S. Highway 80 near Kent, Tex., and return over the same route, serving no intermediate points; (3) Between Junction U.S. Highway 290 and Texas Highway 349 near Sheffield, Tex., and Iraan, Tex., over Texas Highway 349, serving no intermediate points; and (4) Between Austin, Tex., and Columbus, Tex., over Texas Highway 71 via La Grange, Smithville, and Bastrop, Tex., but serving no intermediate points between Austin and Columbus, Tex.

NOTE: Common control may be involved.

HEARING: January 22, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Wm. N. Culbertson.

No. MC 25798 (Sub-No. 57), filed November 16, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610—1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen citrus products* from points in Cameron, Hidalgo and Willacy Counties, Texas, to points in Washington, Oregon, Nevada, Idaho, Utah, Montana, Wyoming, Colorado, North Dakota, South Dakota, Tennessee (except Memphis on straight truckload shipments), Alabama, Florida, Georgia, North Carolina, South Carolina, Pennsylvania (except Pittsburgh on straight truckload shipments), West Virginia, Virginia, Maryland and the District of Columbia; and (2) *Citrus products*, not canned and not frozen, from points in Cameron, Hidalgo and Willacy Counties, Tex., to points in the United States except Alaska and Hawaii.

HEARING: January 25, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Wm. N. Culbertson.

No. MC 35890 (Sub-No. 16), filed November 13, 1961. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piano cases* or *cabinets* from Grand Rapids, Mich., to Cincinnati, Ohio, and *returned shipments* on return.

HEARING: January 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 36949 (Sub-No. 1), filed September 28, 1961. Applicant: T. W. MAYTON TRANSFER COMPANY, INCORPORATED, 252 East Bank Street, Petersburg, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, Thirteenth and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business*, from Norfolk, Va., to Virginia Beach, Williamsburg, Franklin, and Suffolk, Va., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: January 22, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 108.

No. MC 39300 (Sub-No. 4), filed September 22, 1961. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Chicago, Ill., and junction U.S. Highways 41 and 24 near Kentland, Ind., from Chicago over Illinois Highway 1A to junction Illinois Highway 1, thence over Illinois Highway 1 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 41 near Kentland, Ind., connecting with applicant's present routes, and return over the same route, serving all intermediate points; and (2) serving the plant site of Nachman Corporation near Milford, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations.

HEARING: January 22, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 41984 (Sub No. 18), filed September 28, 1961. Applicant: BLANTON TRUCKING COMPANY, INCORPORATED, Milford, Va. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Roanoke Rapids, N.C., to Richmond, Va.; and (2) *Such commodities that are used in or useful for the manufacture and distribution of paper and paper products*, from Richmond, Va., to Roanoke Rapids, N.C.

NOTE: Applicant states it seeks to tack the authority requested in (1) and (2) above with applicant's presently authorized operations between Richmond, Va., on the one hand, and, on the other, points north thereof presently authorized to be served in applicant's present Certificates of Public Convenience and Necessity, and to remove any implied restriction in applicant's present Certificates against tacking the authority requested in (1) and (2) above with applicant's existing authority.

HEARING: January 22, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 42487 (Sub-No. 532), filed November 20, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins, synthetic*, in bulk, in tank vehicles, from Anaheim, Calif., to Sand Springs, Okla.

NOTE: Common control may be involved.

HEARING: January 23, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 43475 (Sub No. 48), filed September 29, 1961. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 212 and Minnesota Highway 5 near Norwood, Minn., and junction Minnesota Highway 5 and Minnesota Highway 22 at Gaylord, Minn.; from junction U.S. Highway 212 and Minnesota Highway 5 near Norwood, over Minnesota Highway 5 to junction Minnesota Highway 5 and Minnesota Highway 22 at Gaylord, and return over the same route, serving the intermediate points of Hamburg, Green Isle and Arlington, Minn.

HEARING: February 1, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South 4th Street, Minneapolis, Minn., before Joint Board No. 145.

No. MC 50069 (Sub-No. 250), filed November 13, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lockport, Ill. and points within five (5) miles thereof, to points in Michigan north and east of a line beginning at Lake Michigan and extending along an unnumbered highway via North Muskegon to junction of U.S. Highway 31; thence along U.S. Highway 31 to Muskegon; thence along Michigan Highway 46 to St. Louis; thence along U.S. Highway 27 to Lansing; thence along U.S. Highway 127 to junction of U.S. Highway 223; and thence along U.S. Highway 223 to the Michigan-Ohio state line.

HEARING: January 23, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73.

No. MC 52314 (Sub-No. 4), filed November 6, 1961. Applicant: KARL A. SCHMOECKEL, Box 224, Stillwater, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Such commodities as are dealt in by wholesale grocery and produce business houses*; (1) serving the points of Eau Galle, Erin, Jewett, Olivet, Plum City, Prescott, Rock Elm, and Waverly, Wis., as off-route points in connection with applicant's authorized regular route operations in Certificate MC 52314 (Sub-No. 2); and (2) serving Cumberland, Wis., and all points on U.S. Highway 63 from junction Wisconsin Highway 64 and U.S. Highway 63 to Cumberland, Wis., as intermediate points, and the off-route points of Almena, Amery, Arland, Bone Lake, Danbury, Eldon, Farm Hill, Fox Creek, Horseshoe Lake, Huntington, Indian Creek, Johansberg, Siren, Star Prarie, Twin Town, and Webster, Wis., in connection with applicant's authorized regular route operations in Certificate MC 52314 (Sub-No. 3).

HEARING: January 30, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 52669 (Sub-No. 7), filed October 25, 1961. Applicant: CARGOCARE TRANSPORTATION COMPANY, INCORPORATED, 522 Nance Street, Rocky Mount, N.C. Applicant's attorney: Milton P. Fields, P.O. Box 725, Rocky Mount, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, between Norfolk, Portsmouth, Suffolk, Hopewell, Va., and points within ten (10) miles of each, and points in North Carolina.

HEARING: February 2, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 58212 (Sub-No. 24), filed November 13, 1961. Applicant: MAAS TRANSPORT, INC., U.S. No. 2 and 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, from Rapid City, S. Dak. and points within ten (10) miles thereof, to Hettinger, New England, Mott, and Bowman, N. Dak., and points within 35 miles of each said point, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: January 24, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 59759 (Sub-No. 18), filed September 18, 1961. Applicant: JONES TRUCKING CO., a corporation, 500 West Edgar Road, Linden, N.J. Applicant's

representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and*, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between Philadelphia, Pa., and New York, N.Y.

NOTE: Applicant states that the proposed service will be restricted to service to be performed under contract with Food Fair Stores, Inc.

HEARING: January 19, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 69742 (Sub No. 1), filed November 20, 1961. Applicant: W.O.D., INC., 2932 West 79th Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chicago, Ill., on the one hand, and, on the other, Woodstock, Ill.

HEARING: January 26, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 87532 (Sub-No. 3), filed October 26, 1961. Applicant: CLAY PRODUCTS TRANSPORT, INC., Box 149, Route 2, Dover, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, such as are usually transported in dump trucks, and can be unloaded by dumping, between East Liverpool, Ohio, on the one hand, and, on the other, points in Ohio.

HEARING: January 18, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 89299 (Sub No. 2), filed September 18, 1961. Applicant: MICHAEL J. SCHIAVO, doing business as SCHIAVO BROTHERS, 7105 Grays Avenue, Philadelphia, Pa. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery waste, and bakery products, and materials unfit for human consumption*, in bulk, in dump trailers equipped with automatic hoists, from Philadelphia, Pa., to New York, N.Y., and (2) *refuse* in bulk, in dump trailers equipped with automatic hoists, from New York, N.Y., to Philadelphia, Pa.

NOTE: Applicant states the proposed operation is for the account of American Feed Company.

HEARING: January 19, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 96889 (Sub-No. 2), filed September 25, 1961. Applicant: E-B TRUCKING COMPANY, INCORPORATED, P.O. Box 518, Battleboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags, between points in Virginia and points in North Carolina.

NOTE: Applicant conducts operations under the second proviso of section 206(a)(1) of the Interstate Commerce Act No. MC 96889 (Sub-No. 1).

HEARING: January 23, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 99990 (Sub-No. 1), filed November 3, 1961. Applicant: LIVERPOOL EXPRESS INC., 16th and Nevada Streets, P.O. Box 282, Wellsville, Ohio, Applicant's attorney: Thomas W. Maxson, 30 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities of unusual value, and Classes A and B explosives), between East Liverpool, Ohio on the one hand, and, on the other, points in Ohio, points in Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Taylor, Ritchie, Tyler, Wetzel, and Wood Counties, W. Va., and points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa.

NOTE: Applicant states the proposed operation will be restricted to transportation having a prior or subsequent movement by barge. Applicant conducts operations under the second proviso of section 206(a)(1) by virtue of a Form BMC 75 Statement filed and assigned Docket No. MC 99990.

HEARING: January 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 105813 (Sub-No. 49), filed November 1, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery;* (2) *display racks, advertising and promotional material and premiums* for the commodities named in (1) above, from Bloomington, Rock Island, and Moline, Ill., and Davenport, Iowa, to points in Georgia and Florida.

HEARING: January 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffien.

No. MC 107012 (Sub-No. 38), filed October 24, 1961. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East, Fort Wayne, Ind. Applicant's attorney: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New voting machines and accessories*, uncrated, from Tulsa, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, and points in Alaska and Hawaii; and (2) *Returned and damaged shipments* of the commodities specified above, from the above-specified destination points to Tulsa, Okla.

NOTE: Common Control may be involved. Applicant states it is now authorized to transport new office furnishings (which applicant claims would include new voting machines) from Tulsa, Okla., to points in all the United States except those listed above. This application would extend that authority to all points in the United States.

HEARING: January 19, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner William N. Culbertson.

No. MC 107107 (Sub-No. 182), filed September 14, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, P.O. Box 65 Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *dairy products*, as defined by the Commission, from New York, N.Y., to Dillon and Florence, S.C.

HEARING: January 22, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 107496 (Sub-No. 215), filed November 9, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Princeton, Inc., and points within ten (10) miles thereof, to points in Illinois.

NOTE: Applicant states it "is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois Corporation, which also operates as a common carrier by motor vehicle in interstate commerce for the transportation of petroleum and other products, in bulk, by authority of certificates issued by the I.C.C. and by various state regulatory commissions." Applicant holds contract authority under MC 119136 and subs thereunder, therefore, dual operations may be involved.

HEARING: January 25, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 107515 (Sub-No. 375), filed November 16, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–17 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (2) *Chilled citrus products and*, (3) *chilled citrus juice*, in bulk, in tank trucks, from Weslaco, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, and Tennessee. RESTRICTION: With the authority to be performed herein to be subject to the restriction that shipments to Memphis, Tenn., shall be restricted to those for partial unloading and subsequent delivery at destinations in the other states named.

NOTE: J. L. LAWHON, President of Refrigerated Transport and owner of ½ of the stock holds permits as a contract carrier, which authorize the transportation of carbonated beverages.

HEARING: January 26, 1962, at the Baker Hotel, Dallas, Tex., before Examiner William N. Culbertson.

No. MC 108207 (Sub-No. 84), filed October 16, 1961. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, 273, and 766, from Amarillo, Tex., to points in Ohio, Minnesota, and Indiana.

HEARING: January 23, 1962, at the Baker Hotel, Dallas, Tex., before Examiner William N. Culbertson.

No. MC 108207 (Sub-No. 85), filed October 19, 1961. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Houston, Tex., to points in Texas, Oklahoma, Arkansas, Kansas, Nebraska, Iowa, Illinois, Missouri, Wisconsin, and Minnesota.

HEARING: January 24, 1962, at the Baker Hotel, Dallas, Tex., before Examiner William N. Culbertson.

No. MC 109435 (Sub-No. 19), filed October 27, 1961. Applicant: ELLSWORTH BROS. TRUCK LINE, Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Pryor, Okla. to points in Shannon and Oregon Counties, Mo.

HEARING: January 15, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner William N. Culbertson.

No. MC 109435 (Sub-No. 20), filed October 27, 1961. Applicant: ELLSWORTH BROS. TRUCK LINE, Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt* and *road oils*, in bulk and in tank vehicles, from Cushing, Stroud, and Tulsa, Okla., to points in Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states it will surrender any duplicating authority that it holds from Stroud and Cushing to points in Missouri within 150 miles of Fort Smith, Ark., and under the Sub 6 from Tulsa, Okla., within 200 miles of Fort Smith, Ark.

HEARING: January 16, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 254, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 112017 (Sub-No. 3), filed September 29, 1961. Applicant: HARRY PROBO, 31 Stegman Place, Jersey City 5, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, including *school, church, theatre, hospital and stadium furniture; radio receiving sets* and *talking machines; truck and bus seats;* and *folding chair hand trucks*, crated and uncrated, between points in New Jersey, New York City, N.Y., and Nassau, Suffolk, Westchester, Putnam, and Rockland Counties, N.Y. RESTRICTIONS: (a) Under contract with American Seating Company of Grand Rapids, Mich. and (b) restricted to shipments having a prior interstate movement.

NOTE: Applicant states that he holds a permit to transport school, church and theatre furniture between points in New Jersey within 100 miles of Jersey City, and that all duplicating authority is to be cancelled.

HEARING: January 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 112020 (Sub-No. 139), filed November 3, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats*, and *naval stores*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE: Applicant states it is owned by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: January 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 112020 (Sub-No. 140), filed November 3, 1961. Applicant: COMMERCIAL OIL TRANSPORT, Inc., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in California, to points in Illinois, Iowa, Kansas, Missouri, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin (restricted against the movement of coconut oil from Wilmington, Calif., to Dallas and Forth Worth, Tex.).

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma, Inc., and Oklahoma Corporation.

HEARING: January 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112020 (Sub-No. 143), filed November 7, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., a Texas corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats*, and *blends and products of said commodities*, in bulk in tank vehicles, (1) from Jacksonville, Ill. and Sherman, Texas to points in the United States, except Alaska and Hawaii, but including the District of Columbia, and (2) from points in the United States, except Alaska and Hawaii, but including the District of Columbia, to Jacksonville, Ill., and Sherman, Tex. Applicant states that it is controlled and owned by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma corporation.

HEARING: January 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 112750 (Sub-No. 82), filed November 13, 1961. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film* (except motion picture film used primarily for commercial theatre and television exhibition) and *incidental dealer handling supplies and advertising literature moved therewith*, (1) between Aurora, Ill., and Milwaukee, Wis.; (2) between Aurora and Chicago, Ill., points in Jefferson County, Ky., and points in Indiana on and south of U.S. Highway 40, and (3) between Findlay, Ohio, on the one hand, and, on the other, points in Adama, Delaware, Henry, Randolph, Steuben, Wayne, and Wells Counties, Ind.

HEARING: January 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 113168 (Sub-No. 8), filed October 18, 1961. Applicant: PARK TRUCKING AND SUPPLY, INC., 3850 North Rose Street, Franklin Park, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chicago, Ill., to points in Indiana and Wisconsin.

HEARING: January 24, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 114019 (Sub-No. 69), filed November 1, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, insecticides, deodorants, massage creams, moth balls and tooth brushes, in mixed shipments with soap, soap powder, washing powder, washing compound, toilet preparations, glycerine, and related advertising matter and premiums*, from the plant site of the Colgate-Palmolive Company at Clarksville, Ind., to points in Wisconsin, Illinois, and the lower peninsula of Michigan, points in Allegheny, Beaver, Butler, Erie, Fayette, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa., and points in Ohio (except Cincinnati).

NOTE: It is noted that the applicant and Midwest Transfer Company of Illinois are commonly controlled and managed.

HEARING: January 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 114045 (Sub-No. 77), filed October 19, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Miami, Okla., and Carthage, Mo., to points in New York, New Jersey, Maryland, Delaware, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Virginia, West Virginia, Kentucky, Ohio, and Washington, D.C.

HEARING: January 18, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner William N. Culbertson.

No. MC 114098 (Sub-No. 25), filed November 7, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, on flat trailers, from Farmville, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois (except points in the Chicago Commercial Zone as defined by the Commission), Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland (except Baltimore), Massachusetts, points in Michigan north of U.S. Highway 21, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey (except points within 35 miles of New York, N.Y., and except points within 25 miles of Philadelphia, Pa.), New York (except points in the New York, N.Y., Commercial Zone as defined by the Commission), North Carolina, Oklahoma, Pennsylvania (except Philadelphia and points within 25 miles thereof and except Easton and York), Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and *pallets and stringers* on return.

HEARING: January 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 114569 (Sub-No. 41), filed November 6, 1961. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Underwear and components parts thereof*, and *material therefor*, used in the manufacture of underwear, from Pine Grove, Pa., to Tucson, Ariz.

HEARING: January 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 114835 (Sub-No. 10) (Amendment), filed October 16, 1961, published FEDERAL REGISTER issue of November 15, 1961, amended December 8, 1961, and republished as amended, this issue. Applicant: SOO LINE RAILROAD COMPANY, a corporation, 800 Soo Line Building, Minneapolis 40, Minn. Applicant's attorney: C. Harold Peterson, Soo Line Railroad, Law Department, 1427 Soo Line Building, P.O. Box 530, Minneapolis 40, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in substituted motor-for-rail service which is auxiliary to or supplemental of applicant's rail service; (1) Between Shawano, Wis. and Gladstone, Mich., from Shawano over Wisconsin Highway 47 to Junction County Trunk Highway A, thence over County Trunk Highway A to Junction County Trunk Highway G, thence over County Trunk Highway G to junction with Wisconsin Highway 47 southeast of Neopit, Wis., thence over Wisconsin Highway 47 to junction with Wisconsin Highway 55 near Keshena, Wis., thence over Wisconsin Highway 55 to Argonne, Wis., thence over U.S. Highway 8 from its junction with Wisconsin Highway 55 near Crandon, Wis., to junction U.S. Highway 2 at Norway, Mich., thence over U.S. Highways 2 and 41 to Gladstone, and return over the same route, serving the intermediate and off-route points of Gresham, Neopit, White Lake, Lily, Crandon, Argonne, Leona Junction, Armstrong Creek, Goodman and Pembine, Wis., and Hermansville and North Escanaba, Mich., (2) Between Crandon, Wis., and Rhinelander, Wis., from Crandon over U.S. Highway 8 to Rhinelander, and return over the same route, serving the off-route point of Starks, Wis., (3) Between Shawano, Wis., and Leona, Wis., from Shawano over Wisconsin Highway 47 to Antigo, Wis., thence over Wisconsin Highway 52 to junction with Wisconsin Highway 32, thence over Wisconsin Highway 32 to Leona, and return over the same route, as an alternate route, serving no points not a station on its line of railroad; (4) Between Junction Wisconsin Highway 64 and Wisconsin Highway 52 near Antigo, Wis., and Junction Wisconsin Highway 64 and Wisconsin Highway 55 near Langlade, Wis., from Junction Wisconsin Highway 64 and Wisconsin Highway 52, over Wisconsin Highway 64 to Junction Wisconsin Highway 55, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; (5) Between Junction County Trunk Highway M and Wisconsin Highway 55 at Markton, Wis. and Junction County Trunk Highway M and Wisconsin Highway 64 near Langlade, Wis., from Junction County Trunk Highway M and Wisconsin Highway 55, over County Trunk Highway M to Junction Wisconsin Highway 64, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; (6) Between Junction County Trunk Highway G and Wisconsin Highway 55 at Argonne, Wis., and Junction County Trunk Highway G and Wisconsin Highway 8 near Laona Junction, Wis., from Junction County Trunk Highway G and Wisconsin Highway 55, over County Trunk Highway G to junction Wisconsin Highway 8, and return over the same route, as an alternate route, serving no point not a station on its line of railroad; and (7) Between Pembine, Wis. and Powers, Mich., from Pembine over U.S. Highway 141 to Junction County Trunk Highway Z, thence over County Trunk Highway Z to the Wisconsin-Michigan State line, thence over Menominee County (Michigan) Highway 577 to Junction U.S. Highway 41, thence over U.S. Highway 41 to Powers, and return over the same route, as an alternate route, serving no point not a station on its line of Railroad; and (8) Between junction U.S. Highway 8 and U.S. Highway 45 at Monico, Wis., and junction County Trunk Highway C and U.S. Highway 8, near Rhinelander, Wis., from Monico over U.S. Highway 45 to junction County Trunk Highway C, near Gagen, Wis., thence over County Trunk Highway C to junction with U.S. Highway 8 near Rhinelander, and return over the same route, as an alternate route, serving no point not a station on its line of Railroad.

NOTE: In connection with (1) through (8) above, applicant states it shall not serve any point not a station on its line of Railroad. The purpose of this republication is to add Routes (2) and (8) above.

HEARING: Remains as assigned January 9, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 115841 (Sub-No. 86), filed November 16, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen french fried onion rings, frozen potato products*, and *cooked squash, in mixed shipments with frozen fruits and vegetables*, (1) from Seabrook, N.J., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Massachusetts and Tennessee, and Chester and Hartford, Conn., Cleveland, Ohio, Providence, R.I., Burlington, Vt., and Charleston, W. Va., (2) from Baltimore, Md., to Birmingham, Ala., Atlanta, Ga., Memphis, Tenn., and New Orleans, La., and (3) from Philadelphia, Pa., to Louisville, Ky., and Charleston, W. Va.

HEARING: January 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 116200 (Sub-No. 2), filed November 21, 1961. Applicant: UNITED PARCEL SERVICE, INC., 331 East 38th Street, New York 16, N.Y. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, that part of Pennsylvania located in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa., that part of Vermont on and south of Vermont Highway 9, that part of New Hampshire on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along the Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Booth Bay Harbor, Maine, including points on the highway boundary lines in Pennsylvania, Vermont, New Hampshire, and Maine.

NOTE: Applicant states that in performing the above-described service that part of Pennsylvania located in Monroe, Pike, Wayne, Wyoming, and Susquehanna Counties, Pa., will be traversed. (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (b) No service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores, or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. No duplicating authority is sought. (Applicant is a wholly owned subsidiary of United Parcel Service of America Inc., which also owns and controls United Parcel Service of Pennsylvania, Inc., Philadelphia, Pa., United Parcel Service, Inc., Cincinnati, Ohio, and indirectly owns and controls United Parcel Service of Portland, Portland, Oreg.) Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 63063 and subs thereunder, therefore dual operations may be involved.

PREHEARING CONFERENCE: January 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding. At the prehearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 116434 (Sub-No. 14), filed October 16, 1961. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving and roofing materials*, from Wilmington, Ill., to points in Missouri.

HEARING: January 22, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 135.

No. MC 117119 (Sub-No. 23), filed September 13, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fayetteville, Fort Smith, Dardanelle, Clarksville, Johnson, Berryville, Bentonville, Little Rock, Rogers, Siloam Springs, and Springdale, Ark., and Carthage and Marionville, Mo., to points in South Dakota, North Dakota, Montana, Wyoming, and Utah, and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: January 31, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC 117119 (Sub-No. 24), filed September 25, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Grape Juice*, in quantities not to exceed 10,000 pounds when moving as part of a pool truck shipment of frozen fruits, frozen berries and frozen vegetables, from Prosser, Wash., to St. Joseph, Kansas City, Moberly, Carthage, Springfield, and Joplin, Mo., and Topeka, Manhattan, Smith Center, and Hutchinson, Kans.

HEARING: February 1, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC 117119 (Sub-No. 31), filed October 20, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and packing-house products*, as listed in Appendix I, sub-headings A and C, Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, in mechanically refrigerated vehicles, from Booneville, Miss., to points in Colorado, Idaho, Montana, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, Wyoming, and Dubuque, Waterloo, Des Moines, and Davenport, Iowa, and Topeka, Kans.

NOTE: Applicant states the motor carrier properties of Pellham Transportation Co., Inc., including the operating authorities of Pellham, have been leased temporarily to it pursuant to authority granted by the Commission under section 210a(b) of the Interstate Commerce Act in MC–F–7816. The temporary authority was granted to Willis Shaw Frozen Express, Inc. by order dated March 28, 1961. Willis Shaw Frozen Express, Inc., commenced operation under the lease of the motor carrier properties of Pellham on April 17, 1961. There is pending before the Commission an application by Willis Shaw Frozen Express for authority under section 5 of the Interstate Commerce Act to acquire the motor carrier properties of Pellham, including all operating authorities.

HEARING: February 2, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC 117344 (Sub-No. 80), filed October 25, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and mortar*, and (2) *empty containers* or *other such incidental facilities* (not specified), used in transporting the specified commodities, between points in Ohio.

HEARING: January 19, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 117427 (Sub-No. 21) (AMENDMENT), filed June 14, 1961, published issue of June 28, 1961, amended August 21, 1961, republished as amended this issue. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Virginia on and west of U.S. Highways 11 and 220 to points in North Carolina.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116145; therefore dual operations may be involved. The purpose of this republication is to delete "and West Virginia", and designate the proper Joint Board in lieu of an Examiner, as previously published.

HEARING: January 18, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC–118260 (Sub-No. 3), filed September 1, 1961. Applicant: PAUL CHERRY, P.O. Box 306A, Route 1, Springdale, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Springfield, Mo., and Pittsburg and Coffeyville, Kans.

HEARING: January 29, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC–118260 (Sub No. 4), filed September 22, 1961. Applicant: PAUL CHERRY, P.O. Box 306–A, Route 1, Springdale, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., Gulfport, Miss., and New Orleans, La., to Tulsa, Okla.

HEARING: January 29, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William N. Culbertson.

No. MC–119367 (Sub-No. 5), filed September 19, 1961. Applicant: JOSEPH M. ANTONA, Box 315, Washingtonville, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, in open top trailers and dump trailers, from Ellenville and Newburgh, N.Y., to Port Newark, Jersey City, Harrison, New Brunswick, Carteret, and South Amboy, N.J. RESTRICTION: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract with Ellenville Scrap Iron and Metal Co. of Ellenville, N.Y. and Newburgh Scrap Co. of Newburgh, N.Y.

NOTE: All duplicating authority to be canceled.

HEARING: January 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123067 (Sub-No. 11), filed September 27, 1961. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground pulverized slate*, in bulk, from points in North Carolina to points in South Carolina and Virginia; and (2) *clay and kaolin*, in bulk, from points in Aiken County, S.C., to points in North Carolina and Virginia.

NOTE: Applicant states that its president controls Hennis Freight Lines, Inc., operating under MC 64994 and subs thereunder.

HEARING: January 24, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 123304 (Sub-No. 5), filed November 13, 1961. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moved therewith* (except motion picture film used primarily for commercial theatre and television exhibition), under a continuing contract or contracts with the Eastman Kodak Company, between Dallas, Tex., on the one hand, and, on the other, points in Montgomery County, Kans., points in McDonald County, Mo., and points in Oklahoma.

NOTE: Applicant states that it is "controlled by Arthur DeBevoise, who also controls Armored Carrier Corporation, under Docket No. MC 112750."

HEARING: January 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 123325 (Sub-No. 3), filed September 20, 1961. Applicant: WRIGHT MOTOR LINES, INC., Koon Development, Asheville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk and in bags, from Greenville, S.C., to points in Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Transylvania, Swain, and Yancey Counties, N.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: January 23, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 123641 (Sub-No. 2), filed October 9, 1961. Applicant: NORBERT GEIGER, Dorchester, Wis. Applicant's attorney: Frank L. Nikolay, Colby, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds*, from Hastings and Red Wing, Minn., to Dorchester and Auburndale, Wis.

HEARING: January 29, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 123780 (Sub-No. 1), filed September 28, 1961. Applicant: SAMUEL PRICE, 631 Mountain Avenue, Springfield, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, and *equipment and supplies used in the installation thereof*, from Union, N.J., to New York, N.Y., and points in Delaware, Dutchess, Nassau, Orange, Putnam, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Wayne, and Wyoming Counties, Pa., and *returned* and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states the proposed operation is for the account of the American Marietta Company.

HEARING: January 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123790 (Sub-No. 2), filed August 22, 1961. Applicant: WHITEHURST PAVING COMPANY, INCORPORATED, 2800 Deep Water Terminal Road, Richmond, Va. Applicant's attorney: George G. Grothan IV, Mutual Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt products*, from Richmond, Va. and points within ten (10) miles thereof, to points in North Carolina, on, and east, of U.S. Highway 21, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: January 19, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 123871 (Sub-No. 2), filed November 13, 1961. Applicant: SLATER PARCEL DELIVERY, INC., 152 Hunts Avenue, Pawtucket, R.I. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), in packages or parcels not exceeding 75 pounds each, in retail delivery service, from Attleboro, Mass., to points in Rhode Island, restricted to shipments having a prior movement by freight forwarder; and *returned or damaged shipments of above-described commodities* on return, restricted to shipments having a subsequent movement by freight forwarder.

HEARING: January 26, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 123888, filed August 21, 1961. Applicant: CANA TRANSPORT CO., INC., 1700½ Watson Boulevard, Endicott, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of shoes; materials, supplies* and *equipment*, used in connection therewith, between Johnson City, Endicott, Binghamton, and Owego, N.Y., on the one hand, and on the other, Archbald, Forest City, Mildred, Scranton, and Tunkhannock, Pa.

NOTE: Applicant states the proposed operation will be restricted to service to be performed under a continuing contract or contracts with Endicott-Johnson Shoe Corp. of Endicott, N.Y.

HEARING: January 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123899, filed August 28, 1961. Applicant: THERESE LEITNER AND IRMA ZIRKLER, a partnership, doing business as L & M TRANSPORTATION CO., 558 West 44th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities dealt in by retail variety stores*, and (2) *returned and rejected merchandise*, between New York, N.Y., on the one hand, and, on the other, Stamford, Conn., and Hackensack and Newark, N.J.

NOTE: Applicant states proposed service will operate between shippers warehouse and stores, under contract with M. H. Lamston, Inc., New York, N.Y.

HEARING: January 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 123973, filed October 9, 1961. Applicant: FENTON N. GOSS, doing business as GOSS TRANSFER & TRUCKING COMPANY, 2312 Fenwick Avenue, Eau Claire, Wis. Applicant's attorney: Darrell O. Hibbard, S.A.F. Building, Eau Claire, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood, plastic, and fiber building materials*, from Eau Claire, Wis., to points in Minnesota bounded on the East by the Minnesota-Wisconsin boundary and Lake Superior, on the North by U.S. Highway 2, on the West by U.S. Highway 169, and on the South by the Minnesota-Iowa boundary, including points within the city or village limits of municipalities along the above-described boundary lines, and *rejected shipments* of the above-specified commodities, on return.

HEARING: January 29, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 123987, filed October 9, 1961. Applicant: JEWETT S. SCOTT, JR., 320 West Tyler, Mangum, Okla. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick and structural facing tile*, glazed and unglazed, from points in that part of Texas beginning at the Texas-Oklahoma State line near Odell (Wilbarger County), Tex., and extending along U.S. Highway 283 to Brady, Tex., thence along U.S. Highway 87 to Fredericksburg, Tex., thence along U.S. Highway 290 to Brenham, Tex., thence along Texas Highway 90 to Madisonville, Tex., thence along Texas Highway 21 to the Texas-Louisiana State line; and from Hope, Ark., to points in that part of Oklahoma on and west of U.S. Highway 81, including points on the indicated portions of the highways specified.

HEARING: January 17, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 15, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 123990 (CORRECTION), filed October 18, 1961, published issue of November 29, 1961, corrected December 6, 1961, and republished as corrected this issue. Applicant: LELAND F. MARXSEN, doing business as MARXSEN GARAGE & TRANSFER, 1920 North Irving, Fremont, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, (2) *machinery and implements used or useful in processing agricultural commodities*, (3) *fans and beach cleaners*, and (4) *parts and accessories*, for the commodities named in (1), (2) and (3) above when moving with such commodities, from Gering, Nebr., to points in the United States (except Hawaii and Alaska), and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

NOTE: The purpose of this republication is to add the word "with" between moving and such in item (4) above.

HEARING: Remains as assigned January 11, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Lyle C. Farmer.

No. MC 124051, filed November 15, 1961. Applicant: BROADWAY PURE OIL CO., 815 Broadway, Fargo, N. Dak. Applicant's attorney: Lyle W. Selbo, 504 Black Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and stolen motor vehicles, buses, tractors, trailers, trucks and tractors for replacement of wrecked or disabled tractors and the transportation of the cargo being hauled by the wrecked, disabled, repossessed or stolen trucks, buses, tractors, trailers and motor vehicles*, between points in North Dakota, South Dakota, and Minnesota.

HEARING: January 24, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 143.

No. MC 124010, filed October 27, 1961. Applicant: L. W. SNITKER, Lansing, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, and *empty containers or other such incidental facilities* used in transporting beer, between Milwaukee, Wis., and Lansing, Iowa.

NOTE: Applicant states the proposed service will operate between Pabst Brewing Company, Milwaukee, Wis., and Wild Distributing Company, Lansing, Iowa.

HEARING: January 30, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 202.

No. MC 124029, filed November 3, 1961. Applicant: T. H. RYAN CARTAGE COMPANY, a corporation, 1501 North 25th Avenue, Melrose Park, Ill. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, from Portage, Ind., to plant sites of Production Steel Company at Chicago, Ill. RESTRICTION: Applicant states "the above specified commodities are to be transported for the Production Steel Company under continuing contract with that company".

HEARING: January 24, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 124055, filed November 20, 1961. Applicant: GEO. F. CALLAHAN, 811 Walnut Street, Goodland, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in trailers, from points in Kansas and Oklahoma to points in Kansas, Colorado, and Nebraska, as follows: (1) From Stano and Hickok, Kans., to Colby, Goodland and St. Francis, Kans., Burlington, Colo., and Benkelman, Nebr.; (2) from Tyrone, Okla., to Colby, Goodland and St. Francis, Kans., Burlington, Colo., and Benkelman, Nebr.; (3) from Rago, Kans., to Colby, Goodland, and St. Francis, Kans., Burlington, Colo., and Benkelman, Nebr.

NOTE: Applicant indicates that the transportation will involve movement of empty containers from its locations at Goodland, Kans., to Stano, Hickok, and Rago, Kans., and Tyrone, Okla., and that the operations will be under contract with Caldwell's, Inc., distributors of gas and electrical appliances using that company's trailers.

HEARING: January 23, 1962, at the Motel Pick-Kansas, Topeka, Kans., before Examiner E. Riggs McConnell.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 33), filed November 17, 1961. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Rutherford, N.J., and Milford, Pa.; from junction New Jersey Highways 17 and 3 in Rutherford, thence over New Jersey Highway 3 and access roads to junction with U.S. Highway 46 in Clifton, N.J.; thence over U.S. Highway 46 and access roads to junction with Interstate Highway 80 in Parsippany-Troy Hills, N.J.; thence over Interstate Highway 80 and access roads to junction with New Jersey Highway 15, thence over New Jersey Highway 15 to its junction with U.S. Highway 206, thence over U.S. Highway 206 to its junction with U.S. Highway 209 in Pennsylvania, and thence over U.S. Highway 209 to Milford, Pa., and return over the same route, serving no intermediate points.

HEARING: January 29, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 67.

No. MC 3647 (Sub-No. 313) (amendment), filed September 12, 1961, published FEDERAL REGISTER, issue December 6, 1961, and republished as amended this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip sightseeing and pleasure tours, beginning and ending at Jersey City, N.J., and Bayonne, N.J., and extending to points in Florida.

NOTE: The purpose of this republication is to add Bayonne, N.J., to the above territory.

HEARING: Remains as assigned January 16, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Examiner Samuel C. Shoup.

No. MC 3647 (Sub-No. 314), filed October 27, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Newark and Clifton, N.J.; from junction Broad and Clay Streets, Newark, N.J., over Clay Street to junction New Jersey Highway 21 (McCarter Highway), thence over New Jersey Highway 21 to junction New Jersey Highway 3, in Clifton, and return over the same route, serving all intermediate points between Broad and Clay Streets and junction of Clay Street with New Jersey Highway 21, including the latter. No intermediate point service is sought north of the latter junction.

HEARING: January 25, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 61599 (Sub-No. 126), filed October 6, 1961. Applicant: QUEEN CITY COACH COMPANY, a corporation, 417 West Fifth Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers; (1) Between Savannah, Ga., and the junction of U.S. Highways 15 and 301 south of Santee, S.C., from Savannah over U.S. Highway 17A to its junction with U.S. Highway 17 north of Savannah, thence over U.S. Highway 17 to its junction with South Carolina Highway 170 south of Hardeeville, S.C., thence over South Carolina Highway 170 to its junction with U.S. Highway 21 at Burton, S.C., thence over U.S. Highway 21 to Beaufort, S.C., thence over U.S. Highway 21 to its junction with U.S. Highway 17 at Gardens Corner, S.C., thence over U.S. Highway 17 to its junction with U.S. Highway 17A north of Pocataligo, S.C., thence over U.S. Highway 17A to its junction with U.S. Highway 15 at Walterboro, S.C., thence over U.S. Highway 15 to its junction with U.S. Highway 301 south of Santee, and return over the same route, serving all intermediate points; and (2) Between Charleston, S.C., and Gardens Corner, S.C., from Charleston over U.S. Highway 17 to Gardens Corner, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is a member of the National Trailways Bus System, Inc., and owns one-half of the stock of Smokey Mountain Stages, Inc., MC 61598, and two-thirds of the stock of Georgia-Florida Coaches, Inc.

HEARING: January 31, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

No. MC 66582 (Sub-No. 25), filed October 18, 1961. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: William E. Rubin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Fort Lee, N.J., and Weehawken, N.J.: from the junction of Fletcher Avenue and access roads to Interstate Highway 95 in Fort Lee; thence along access road and Interstate Highway 95 to the junction of New Jersey Turnpike in Ridgefield Park; thence along New Jersey Turnpike to the junction of New Jersey Turnpike Interchange Road 17; thence along New Jersey Turnpike Interchange Road 17 to the junction of New Jersey Highway 3 in Secaucus; thence along New Jersey Highway 3 to the Lincoln Tunnel Plaza in Weehawken, and return over the same route, serving no intermediate points.

HEARING: January 23, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 96007 (Sub-No. 14), filed November 13, 1961. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: C. Leo Moriarty, 519 School Street, Belmont, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at Medford, Malden, Somerville, Cambridge, Arlington, Stoneham, Reading, Wakefield, Danvers, Lynn, Peabody, and Salem, Mass., and extending to Manchester, Portsmouth, Exeter, and Salem, N.H.

NOTE: Applicant states Kenneth Hudson, President, owns all of the stock of Kenneth Hudson, Inc., Lewiston, Maine (a Maine corporation) and McIntire Bus Lines, Inc., and 50 per cent of the stock of Canton and Blue Hills Bus Lines, Inc.

HEARING: January 26, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 103210 (Sub-No. 1), filed September 26, 1961. Applicant: ORIENTA BUS LINES, INC., 43 Water Street, White Plains, N.Y. Applicant's attorney: Anthony Sansone, 169 Mount Pleasant Avenue, Mamaroneck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers only*, between the Westchester Airport, located in the city of White Plains, on New York Highway 120A, in Westchester County, N.Y., and Greenwich, Conn., a distance of approximately one and one-half (1½) miles, over Connecticut Highway 120, serving no intermediate points.

HEARING: January 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Henry A. Cockrum.

No. MC 109312 (Sub-No. 34), filed October 25, 1961. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney; James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Clifton, N.J., and Belleville, N.J.; (1) In Clifton, N.J., from the junction of New Jersey Highway 3 and New Jersey Highway 21 Interchange Road, thence along New Jersey Highway 21 Interchange Road to junction of New Jersey Highway 21, thence along New Jersey Highway 21 to the junction of New Jersey Highway 21 Interchange Road, thence along New Jersey Highway 21 Interchange Road in Belleville, thence along New Jersey Highway Interchange Road to the junction of Main Street, thence along Main Street to the junction of Rutgers Street, and return over the same route, serving all intermediate points, (2) In Nutley, N.J., from the junction of New Jersey Highway 21 and New Jersey Highway 21 Interchange Road, thence along New Jersey Highway Interchange Road to the junction of River Road, thence along River Road to the junction of Park Avenue, and return from the junction of Park Avenue and New Jersey Highway 21 Interchange Road, thence along New Jersey Highway 21 Interchange Road to the junction of New Jersey Highway 21, serving all intermediate points.

HEARING: January 15, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 109598 (Sub-No. 24), filed October 19, 1961. Applicant: CAROLINA SCENIC STAGES, a corporation, 217 North Converse Street, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers; (1) Between junction South Carolina Highway 46 and South Carolina Highway 170, and Summerville, S.C., from junction South Carolina Highways 46 and 170, over South Carolina Highway 170 to junction South Carolina Highway 462, thence over South Carolina Highway 462 to junction U.S. Highway 17, thence over U.S. Highway 17 through Coosawhatchie and Pocotaligo, S.C., to junction U.S. Highway 17A, thence over U.S. Highway 17A through Yemassee, S.C., to junction U.S. Highway 21, thence over U.S. Highway 21 to junction South Carolina Highway S15–28, thence over South Carolina Highway S15–28 to junction South Carolina Highway S15–172, thence over South Carolina Highway S15–172 to junction South Carolina Highway S15–114, thence over South Carolina Highway S15–114 to junction South Carolina Highway S15–193, thence over South Carolina Highway S15–193 to junction South Carolina Highway 63, thence over South Carolina Highway 63 to junction U.S. Highway 17A, thence over U.S. Highway 17A through Walterboro, Round O and Cottageville, to Summerville, and return over the same route, serving all intermediate points; (2) Between junction U.S. Highway 17A and South Carolina Highway 642, and junction South Carolina Highways 642 and 165, from junction U.S. Highway 17A and South Carolina Highway 642, over South Carolina Highway 642 to junction South Carolina Highway 165, and return over the same route, serving all intermediate points; (3) Between junction South Carolina Highways 46 and 462, and junction South Carolina Highways 462 and 170, from junction South Carolina Highways 46 and 462, over South Carolina Highway 462 to junction South Carolina Highway 170, and return over the same route, serving all intermediate points; (4) Between junction South Carolina Highways 462 and 170, and Beaufort, S.C., from junction South Carolina Highways 462 and 170, over South Carolina Highway 170 to junction South Carolina Highway 281, thence over South Carolina Highway 281 to Beaufort, and return over the same route, serving all intermediate points.

NOTE: (1) Applicant states the routes described above duplicate in part those described in its application under MC 109598 (Sub-No. 23), however applicant does not seek duplicating rights over the described routes which were included in each application as a part of the over-all service. (2) Applicant states it is under common control with Coastal Stages Corp., MC 110595 and Gray Line of Charleston, MC 77780.

HEARING: January 29, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 118552 (Sub-No. 1), filed September 28, 1961. Applicant: PIEDMONT COACH LINES, INC., P.O. Box 4082, 4537 Circle Drive, Winston-Salem, N.C. Applicant's attorney: J. Ruffin Bailey, Seventh Floor Raleigh Building, P.O. Box 1773, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers* and *baggage*, in the same vehicle with passengers, between Winston-Salem, N.C., and Stuart, Va.; from Winston-Salem over North Carolina Highway 8 to the North Carolina-Virginia state line, thence over Virginia Highway 8 to Stuart, and return over the same route, serving all intermediate points, including Germantown, Meadows, Danbury, and Hanging Rock State Park, N.C.

HEARING: January 25, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123996, filed October 19, 1961. Applicant: BUCKINGHAM LIVERY, INC., 349 East 76th Street, New York 21, N.Y. Applicant's attorney: Arthur Wagner, 32 Broadway, New York 4, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New York International Airport (Idlewild, N.Y.), La Guardia Airport (Flushing, Long Island, N.Y.), the Belmont Plaza Hotel (New York, N.Y.), and the Newark Metropolitan Airport (Newark, N.J.).

HEARING: January 12, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12773, filed October 25, 1961. Applicant: EDNA DELLINGER HOUSER, doing business as HOUSER TOURS, 309 South Elm Street, Cherryville, N.C. For a license (BMC 5), to engage in operations as a *broker* at Cherryville, N.C., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in charter operations, in round trip all expense tours, beginning and ending at points in Rutherford, Cleveland, Gaston, Lincoln, and Catawba Counties, N.C., and extending to points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: February 2, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 12774, filed October 25, 1961. Applicant: SAMUEL JOHNSON ANDERSON, doing business as ANDERSON TRAVEL SERVICE, 778 Rosegarden Drive NE., Warren, Ohio. Applicant's representative: John R. Meeks, P.O. Box 1389, Akron 9, Ohio. For a license (BMC 5), to engage in operations as a broker, at Warren, Ohio, in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, between points in Ashtabula and Trumbull Counties, Ohio, on the one hand, and, on the other, points in the United States east of the Mississippi River.

HEARING: January 17, 1962, at the Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 12778, filed November 3, 1961. Applicant: VIRGIL P. ROSS AND MARY E. ROSS, a partnership, doing business as ROSS TOURS, R.F.D. No. 5, Cambridge, Ohio. Applicant's attorney: Charles L. Moore, Central National Bank Building, Cambridge, Ohio. For a license (BMC 5), to engage in operations as a *broker*, at Cambridge, Ohio, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in all-expense tours, between points in Muskingum, Tuscarawas, Noble, Coshocton, and Guernsey Counties, Ohio, and points in the United States including Hawaii and Alaska.

HEARING: January 15, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 12779, filed November 13, 1961. Applicant: LAKE COUNTRY TRAVEL SERVICE, INC., 15 North Third Avenue West, Duluth, Minn. Applicant's attorney: Joseph B. Johnson, 811 First American National Bank Building, Duluth 2, Minn. For a license (BMC 5) to engage in operations as a *broker* at Duluth, Minn., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in escorted tours, beginning and ending at Duluth, Minn., and extending to points in Minnesota, Wisconsin, and Michigan, including Ports of Entry on the International Boundary between the United States and Canada located in the above-specified states.

HEARING: January 15, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 125), filed November 30, 1961. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston 14, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value; Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the junction of FM Highway 627 and Texas Highway 80 and the site of the Shell Plant near Harmony (Karnes County), Tex.; over FM Highway 627 a distance of approximately six (6) miles, and return over the same route, serving all intermediate points.

NOTE: Applicant states The Southern Pacific Transport Company is a wholly owned subsidiary of the Southern Pacific Company.

No. MC 52460 (Sub-No. 63), filed December 4, 1961. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote*, in bulk, in tank vehicles, from Granite City, Ill., to Cricket, Ark.

No. MC 71642 (Sub-No. 4), filed November 25, 1961. Applicant: N. S. DESHONG, P.O. Box 311, Wilmington 99, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre and insulating materials (laminated plastics), and containers and parts thereof*, between Wilmington, Newark, and Yorklyn, Del., and Kennett Square, Pa., on the one hand, and, on the other Hartwell, Ga.

NOTE: Applicant states the proposed service will be performed for the account of National Vulcanized Fibre Company, Wilmington, Del.

No. MC 112750 (Sub-No. 80) (CORRECTION), filed November 6, 1961, published FEDERAL REGISTER, issue November 22, 1961, and republished as corrected this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition) between (1) Pittsburgh, Pa., on the one hand, and, on the other, points in Marshall, Wetzel, Monongalia, Marion, Harrison, Tyler, Pleasants, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio; (2) between Cleveland, Ohio, on the one hand, and on the other, points in Brooke, Hancock, Ohio, and Marshall Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio; and (3) between Ashland, Ky., and Findlay, Ohio.

NOTE: Service under the above authority is to be performed under a continuing contract with Eastman Kodak Company. The purpose of this republication is to correctly set forth route (2) above, inadvertently shown in previous publication.

No. MC 113751 (Sub-No. 6), filed December 4, 1961. Applicant: HAROLD F. DUSHEK, 406 Lake Street, Waupaca, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen cranberries* (whole and chopped, with or without sugar and coloring added) and (2) *Frozen cranberry relish* (cranberry with orange, with sugar and coloring added), from Ripon, Wis., to points in Iowa, Minnesota, Illinois, Missouri, Indiana, Ohio, Michigan, Kansas, Oklahoma, and Kentucky, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 252), filed December 4, 1961. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, Eastern Greyhound Lines, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at Lewiston, Brunswick, and Portland, Maine, and extending to Rochester and Somersworth, N.H.

NOTE: Applicant states the proposed operations are restricted to the transportation of passengers who at the time are traveling from the origin points to the designated destinations, and return, for the purpose for participating in games commonly referred to as beano or bingo games.

No. MC 13027 (Sub-No. 21), filed November 30, 1961. Applicant: SHORT WAY LINES, INC., 49 North Erie Street, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, package express, newspapers and mail*, in the same vehicle with passengers; (A) Between Rome Center, Mich., and junction U.S. Highways 223 and 127, from Rome Center over U.S. Highway 223 to junction with U.S. Highway 127, and return over the same route, serving all intermediate points; (B) Between junction U.S. Highway 223 and Michigan Highway 52 and junction U.S. Highway 223 and U.S. Highway 223 Business Route (Adrian, Mich. Bypass), from junction U.S. Highway 223 and Michigan Highway 52, over U.S. Highway 223 to junction U.S. Highway 223 Business Route, and return over the same route, serving all intermediate points; (C) Between junction U.S. Highway 127 and Interstate Highway 94 (U.S. Highway 12) and junction U.S. Highway 127 and Michigan Highway 50, (Jackson, Mich., Bypass), from junction U.S. Highway 127 and Interstate Highway 94 (U.S. Highway 12), over U.S. Highway 127 to junction Michigan Highway 50, and return over the same route, serving all intermediate points; (D) Between Flint, Mich., and junction of new U.S. Highway 23 (Interstate Highway 75) and Silver Lake Road, near Fenton, Mich., from Flint over City streets to Flint City Limits on Miller Road (Michigan Highway 78), thence over Miller Road (Michigan Highway 78) to junction new U.S. Highway 23 (Interstate Highway 75), thence over new U.S. Highway 23 (Interstate Highway 75) to junction with Silver Lake Road, and return over the same route, serving all intermediate points; (E) Between junction Michigan Highway 50 and new U.S. Highway 23 near Dundee, Mich., and junction new U.S. Highway 23 and U.S. Highway 223 at Sylvania, Ohio, from junction Michigan Highway 50 and new U.S. Highway 23 over new U.S. Highway 23 to junction with U.S. Highway 223 at Sylvania, and return over the same route, serving all intermediate points; (F) Between Stockbridge, Mich., and Ann Arbor, Mich., from Stockbridge over Michigan Highway 92 through Chelsea, Mich., to junction Interstate Highway 94 (U.S. Highway 12), thence over Interstate Highway 94 (U.S. Highway 12) to Ann Arbor, and return over the same route, serving all intermediate points. (G) Between Lansing, Mich., and junction Michigan Highway 100 and U.S. Highway 16, from Lansing over City streets to Lansing City Limits on Grand River Avenue, thence over Grand River Avenue (U.S. Highway 16) to junction Grand River Avenue (U.S. Highway 16) and Michigan Highway 100 (Grand Ledge Corners), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations.

NOTE: Applicant states it proposes to tack the above-described routes with its existing certificated routes at the termini.

No. MC 30608 (Sub-No. 9), filed November 30, 1961. Applicant: SOUTHERN KANSAS GREYHOUND LINES, INC., 319 South Cincinnati Avenue, Tulsa, Okla. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers*, in the same vehicle with passengers, between Ottawa, Kans., and Kansas City, Kans.; from Ottawa over Kansas Highway 68 to junction with Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations between Kansas City, Kans., and Tulsa, Okla.

NOTE: Applicant states it is owned and controlled by Transcontinental Bus System, Inc., Dallas, Tex., and The Greyhound Corporation, Chicago, Ill.

No. MC 114271 (Sub-No. 7), filed November 28, 1961. Applicant: CONTINENTAL CRESCENT LINES, INC., 435 Bolton Avenue, P.O. Box 4407, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage of passengers*, in the same vehicle with passengers, or in a separate vehicle, and in the same vehicle with passengers, *express, mail*, and *newspapers*, between Anniston, Ala., and Austell, Ga.; from Anniston over U.S. Highway 431 to Junction U.S. Highways 431 and 78, thence over U.S. Highway 78 to Austell, and return over the same route, for operating convenience only, serving no intermediate points.

NOTE: Applicant states it is owned by Transcontinental Bus System, Inc.

No. MC 116005 (Sub-No. 4) (AMENDMENT), filed October 20, 1961, published in the FEDERAL REGISTER, issue of November 1, 1961, amended November 24, 1961, republished, as amended, this issue. Applicant: ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers; (1) Between Syracuse, N.Y., and Fairmount, N.Y., from Syracuse over New York Highway 5 to Fairmount, and return over the same route, serving all intermediate points; (2) Between Junction New York Highway 96A and U.S. Highway 20 east of Geneva, N.Y., and Geneva, N.Y., from Junction New York Highway 96A and U.S. Highway 20, over U.S. Highway 20 to Geneva, and return over the same route, serving all intermediate points; (3) Between Port Byron, N.Y., and Syracuse, N.Y., from Port Byron over New York Highway 31 to Junction New York Highway 173, thence over New York Highway 173 through Warners, N.Y., to Fairmount, N.Y., thence over New York Highway 5 to Syracuse, and return over the same route, serving all intermediate points; (4) Between Port Byron, N.Y., and Auburn, N.Y., from Port Byron over New York Highway 38 to Auburn, and return over the same route, serving all intermediate points; (5) between Fairmount, N.Y., and Junction New York Highway 96A and U.S. Highway 20, east of Geneva, N.Y., from Fairmount over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to Junction New York Highway 96A, and return over the same route, serving all intermediate points; (6) Between Junction Howlett Hill Road and Kasson Road located in Onondaga County, N.Y., and Syracuse, N.Y., from the junction of Howlett Hill Road and Kasson Road, over Kasson Road to Junction New York Highway 5 and Kasson Road, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations; (7) Between Onondaga Hill, N.Y., and Syracuse, N.Y., from Onondaga Hill over New York Highway 173 to Junction New York Highway 5 and New York Highway 173, thence over New York Highway 5 to Syracuse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations.

NOTE: The amendment broadens the scope of the application by adding the proposed operation renumbered as (5) above.

No. MC 117173 (Sub-No. 2), filed December 4, 1961. Applicant: BEAVER VALLEY MOTOR COACH COMPANY, a corporation, P.O. Box 238, New Brighton, Pa. Applicant's attorney: Daniel M. Evans, Beaver Falls, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (a) between East Liverpool, Ohio, and Rochester, Pa.; from East Liverpool over Ohio Highway 39 to the Pennsylvania State line, thence over Pennsylvania Highway 68 through Glasgow, Midland, Industry, Vanport, Beaver, and Bridgewater, Pa., to Rochester, and return over the same route, serving all intermediate points, and (b) between Sewickley, Pa., and Pittsburgh, Pa.; from Sewickley over Beaver Road to Glen Osborne, and Haysville, Pa., thence over Pennsylvania Highway 65 (formerly 88) through Glenfield, Emsworth, Ben Avon, Avalon, and Bellevue, Pa., to Pittsburgh (also from Sewickley along Pennsylvania Highway 65 through Glenfield, Emsworth, Ben Avon, Avalon, and Bellevue, Pa., to Pittsburgh) and return over the same route, serving all intermediate points.

No. MC 124068, filed November 27, 1961. Applicant: MAURICE ABRAHAM, 6313 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in limousine service, limited to six (6) passengers (excluding driver), from Washington, D.C., to Charlestown and Shenandoah race tracks located in West Virginia, Laurel, Bowie, Pimlico, Hagerstown, Cumberland, Bel Air, Timonium (Towson), and Marlboro race tracks and Rose Croft (Oxen Hill), Laurel, and Baltimore raceways located in Maryland, Stanton Park race track and Brandywine raceway located in Delaware, and Garden State (Camden) and Atlantic City race tracks located in New Jersey, and return.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7925 (JONES MOTOR CO., INC.—CONTROL—MUNDY MOTOR LINES), published in the July 26, 1961, issue of the FEDERAL REGISTER on page 6687. Amendment filed December 6, 1961, JONES MOTOR CO., INC., seeks authority to acquire all of the capital stock of MUNDY MOTOR LINES and with concurrent merger of MUNDY MOTOR LINES into JONES MOTOR CO., INC.

No. MC-F-8013. Authority sought for control by FRANK J. BROWN, 2645 Nevin Avenue, Los Angeles 11, Calif., of UNITED EXPRESSWAYS, INC., 2501 South Alameda Street, Los Angeles 58, Calif. Applicants' attorney: Theodore W. Russell, Russell & Schureman, 1010 Wilshire Boulevard, Los Angeles 17, Calif. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a)(1), of the Interstate Commerce Act, in the State of California, covering the transportation *of general commodities*, with certain exceptions, as a *common carrier*, between points in the Los Angeles Basin Area, on the one hand, and, on the other hand, points in the San Diego Territory, and between the Los Angeles Basin Area, on the one hand and, on the other hand, the San Francisco Territory, serving intermediate and off-route points, as more specifically described in No. MC-120700. FRANK J. BROWN, holds no authority from this Commission. However, he is in control of A & B GARMENT DELIVERY, 2645 Nevin Avenue, Los Angeles 11, Calif., and A & B GARMENT DELIVERY OF SAN FRANCISCO, 2277 Shafter Avenue, San Francisco 24, Calif., through ownership of their stock, which are authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8015. Authority sought for lease by JERRY K. MARCUS, an individual, doing business as W. & M. TRANSPORTATION COMPANY, Clearbrook, Va., of a portion of the operating rights of HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicants' representative: C. F. Germelman, P.O. Box 81, Winchester, Va. Operating rights sought to be leased: *Canned goods*, as a *common carrier* over irregular routes from Berryville and Front Royal, Va., to points in Florida; and, *empty containers*, used in transporting the commodities specified above, from points in Florida to Berryville and Front Royal, Va. Vendee is authorized to operate as a *common carrier* in Virginia, West Virginia, Pennsylvania, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8017. Authority sought for purchase by WOODROW EVERETTE, an individual, doing business as W. EVERETT TRUCK LINE, P.O. Box 145, Washington, N.C., of a portion of the operating rights of JAMES L. BOWMAN, an individual, doing business as BOWMAN TRUCKING CO., Stephens City, Va. Applicants' attorney: Philip P. Godwin, Gatesville, N.C. Operating rights sought to be transferred: *Lime and Limestone Products* (other than open hearth), as a *common carrier* over irregular routes from Middletown, Va., and points within six miles thereof, to points in North Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Virginia, Delaware, New Jersey, New York, Alabama, Georgia, Mississippi, Tennessee, Maryland, Pennsylvania, Connecticut, Ohio, Florida, Kentucky, Massachusetts, New Hampshire, West Virginia, Louisiana, Rhode Island, Maine, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8018. Authority sought for purchase by RICHARD TRUCKING CO., INC., P.O. Box 277, Bradley Beach, N.J., of the operating rights of RICHARD SEABOARD DELIVERY SERVICE, 105 Clinton Avenue, Eatontown, N.J., and for acquisition by LAWRENCE STERN, P.O. Box 277, Bradley Beach, N.J., of control of such rights through the purchase. Applicants' representatives: Bert Collins, 140 Cedar Street, New York, N.Y., and James Farrell, 201 Montague Place,

South Orange, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Newark, N.J., on the one hand, and, on the other, points in Middlesex, Monmouth, and Ocean Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Maryland, and Virginia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8016. Authority sought for purchase by THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 12 James Street, East Hartford 8, Conn., of a portion of the operating rights of THE CONNECTICUT COMPANY, 470 James Street, New Haven, Conn., and for acquisition by DOMINICK T. BISESTI, 48 Converse Street, Longmeadow, Mass., and ALFRED S. DAVENPORT, 8 Frew Terrace, Thompsonville, Mass., of control of such rights through the purchase. Applicants' attorney: John L. Collins, 49 Pearl Street, Hartford 3, Conn. Operating rights sought to be transferred: *Passengers* and their baggage, as a *common carrier* over irregular routes in charter operations, from all points in Windham County (including Willimantic) and from those points in Tolland County (including the township of Mansfield) bounded by those points on or east of Highway Route 32, the whole bounded on the north by the Massachusetts State line, on the east by the Massachusetts and Rhode Island State lines, on the south by the Windham-New London County lines, and on the west by those points on and east of Highway Route 32 to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, and the District of Columbia; and, in special operations from all points described above to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Connecticut, Rhode Island, New Hampshire, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11779; Filed Dec. 12, 1961; 8:49 a.m.]

[Notice 189]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 8, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1494 (Deviation No. 1), GROSS COMMON CARRIER, INC., 660 West Grand Avenue, Wisconsin Rapids, Wis., filed November 24, 1961. Attorney Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison 3, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Milwaukee, Wis., over Wisconsin Highway 30 to junction Interstate Highway 90 east of Madison, thence over Interstate Highway 90 to junction U.S. Highway 16 west of Wisconsin Dells, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Milwaukee over U.S. Highway 16, via Portage and Wisconsin Dells, Wis., to La Crosse, Wis., and return over the same route.

No. MC 17481 (Sub-No. 2) (Deviation No. 3), MOORE MOTOR FREIGHT LINES, INC., 2901 Kasota Avenue, St. Paul 14, Minn., filed November 30, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Eau Claire, and Madison, Wis., over Interstate Highways 90 and 94, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Eau Claire, over U.S. Highway 12 to Madison, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11780; Filed, Dec. 12, 1961; 8:50 a.m.]

[Notice 576]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 8, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64560. By order of December 5, 1961, the Transfer Board approved the transfer to O. T. Adams, doing business as Mike Adams, Eagle Grove, Iowa, of the operating rights in Certificate No. MC 114109, issued February 9, 1956, to R. W. Bradburn, doing business as Humboldt Transfer, Humboldt, Iowa, authorizing the transportation, over regular routes, of livestock, wagons, and agricultural implements and parts thereof, from and to specified points in Iowa and Minnesota, varying with the commodities transported, and over irregular routes, seed corn, farm implements and machinery and parts thereof, twine, and rope, livestock, farm products, household goods, and emigrant movables, from, to, and between specified points in Iowa, Minnesota, and Illinois, varying with the commodities transported. William A. Landau, 1307 East Walnut Street, Des Moines 6, Iowa, representative for applicant.

No. MC–FC 64577. By order of December 5, 1961, the Transfer Board approved the transfer to S. Hochhauser Trucking Corp., New York, N.Y., of Certificate No. MC 60252, issued November 27, 1940, to Leon Michelini, doing business as Michelin Trucking Co., New York, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Morris, Union, and Essex Counties, N.J. Louis B. Bruman, 120 Liberty Street, New York 6, N.Y., attorney for applicants.

No. MC–FC 64591. By order of December 5, 1961, the Transfer Board approved the transfer to Donald L. Williams, Springfield, S. Dak., of Certificates Nos. MC 14716 and MC 14716 Sub 2, issued November 10, 1955 and November 3, 1960, respectively, in the name of Owen J. Schmoll, Springfield, S. Dak., authorizing the transportation of: Livestock and farm products, from Springfield, S. Dak., and points in South Dakota within 20 miles of Springfield, S. Dak., to Sioux City, Iowa; and farm implements and machinery, millfeed and tankage, from Sioux City, Iowa, to Springfield, S. Dak., and points in South Dakota within 20 miles of Springfield, S. Dak.; livestock and poultry feed, in sacks and in bulk, from Norfolk Feed Mill, Norfolk, Nebr., to Vermillion, S. Dak.; prefabricated chimneys, soil pipe, fiber pipe, carlon-D pipe and lumber from Sioux City, Iowa, to Springfield, S. Dak., and points in Bon Homme County, S. Dak. Don A. Bierle, 308 Walnut Street, Yankton, S. Dak., attorney for applicants.

No. MC–FC 64651. By order of December 5, 1961, the Transfer Board approved the transfer to Elwood V. Eccles, doing business as Plum City Feed Mill, Plum City, Wis., Certificate No. MC 105035 issued June 14, 1949, to Archie S. Metcalf, Plum City, Wis., authorizing the transportation of agricultural commodities from points in the towns of Durand, Frankfort, Waterville, and Pepin, Pepin County and the town of Union, Pierce County, Wis., to South St. Paul, St. Paul, Minneapolis, Red Wing and White Bear, Minn.; supplies, to farms, from South St. Paul, St. Paul, Minneapolis, Red Wing and White Bear, Minn., to points in the above-specified Wisconsin towns; livestock, between points in the towns of Union, Maiden Rock, Salem and Rock Elm, in Pierce County, Wis., and Frankfort and Waterville, in Pepin County, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn.; and feed, from Minneapolis, St. Paul, South St. Paul, Newport and Hastings, Minn., to Plum City, Wis., and points in the towns of Union, Maiden Rock, Salem, Rock Elm, Frankfort, and Waterville, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

No. MC–FC 64655. By order of December 5, 1961, the Transfer Board approved the transfer to Matthew Ferrizz, Inc., Hempstead, N.Y., of Permit No. MC 74817 issued June 5, 1953, to Harry Habeck, New York, N.Y., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points within the territory bounded by a line beginning at Stoneco, N.Y., and extending northeasterly to Dover Plains, N.Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown, Conn., to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County, N.Y., line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N.Y., thence along the west boundary of Richmond County to the intersection of Richmond County line with that of Middlesex-Union County, N.J., line at a point directly east of Carteret, N.J., thence along the boundary lines and including the counties of Union, Essex, and Passaic, N.J., to New Jersey-New York State line at a point three miles northwest of Lakeside, N.J., thence in a southeasterly direction along the New Jersey-New York State line to the Hudson River, thence across the Hudson River to Hastings, N.Y., and thence north along the east bank of the Hudson River to Stoneco, including the points named. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., representative for applicants.

No. MC–FC 64661. By order of December 5, 1961, the Transfer Board approved the transfer to Bonville Bros., Inc., Montville, Conn., of Permits Nos. MC 7327 and MC 7327 Sub 1, issued February 13, 1942 and May 29, 1943, to Dennis C. Bonville doing business as Bonville Brothers, Montville, Conn., authorizing the transportation of paperboard and waste paper, over irregular routes, between Montville and Versailles, Conn., on the one hand, and, on the other, Pawtucket and Providence, R.I., Bloomfield, Harrison, Paterson, and Ridgefield Park, N.J., Beacon and New York, N.Y., and Beverly, Boston, Brockton, Cambridge, Chelsea, Clinton, Everett, Fitchburg, Framingham, Gardner, Leominster, Lynn, Lowell, Malden, Medford, New Bedford, Milford, Randolph, Salem, Somerville, Spencer, Thorndike, Walpole, West Fitchburg, West Hanover, Weymouth, and Worcester, Mass.; paperboard, from Montville and Versailles, Conn., to points in Rhode Island except Pawtucket and Providence, and to those in that part of Massachusetts east of the Connecticut River except Springfield, Beverly, Boston, Brockton, Cambridge, Chelsea, Clinton, Everett, Fitchburg, Framingham, Gardner, Leominster, Lynn, Lowell, Malden, Medford, New Bedford, Milford, Randolph, Salem, Somerville, Spencer, Thorndike, Walpole, West Fitchburg, West Hanover, Weymouth and Worcester; and waste paper from the above-specified destination points to Montville and Versailles, Conn.; and skids, from points in Rhode Island, and those in Massachusetts east of the Connecticut River except Springfield, to Montville and Versailles, Conn. Samuel A. Cooper, 10 Shetucket Street, P.O. Box 623, Norwich, Conn., public accountant representing applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11782; Filed, Dec. 12, 1961; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 8, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37464: *Sulphuric acid from LeMoyne, Ala.* Filed by O. W. South, Jr., Agent (No. A4143), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from LeMoyne, Ala., to Atlanta and East Point, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 24 to Southern Freight Association tariff I.C.C. S–162.

FSA No. 37465: *Substituted service—Erie-Lackawanna for Eazor Express, Inc.* Filed by Middle Atlantic Conference, Agent (No. 36), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Sharon, Pa., and Jersey City, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Middle Atlantic Conference tariff I.C.C. 16, MF–I.C.C. A–1230.

FSA No. 37466: *Substituted service—SAL for Roadway Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 71), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Detroit, Mich., and Atlanta, Ga., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Central and Southern Motor Freight Tariff Association tariff MF–I.C.C. 246.

FSA No. 37467: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 424), for interested rail carriers. Rates on cement and related articles, lime, and pipe or tubing, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 20 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE OF INTERMEDIATES

FSA No. 37468: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 425), for interested rail carriers. Rates on cement and related articles, lime, and pipe or tubing, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 20 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–11781; Filed, Dec. 12, 1961; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–XIII–7 (Rev. 2), Amdt. 1]

BRANCH MANAGER, ANCHORAGE, ALASKA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30–XIII–7 (Revision 2), (26 F.R. 7557), is hereby amended by deleting Subsection I.A.1. and substituting in lieu thereof the following new Subsection I.A.1.:

1. To approve and decline participation loans in which SBA's share does not exceed $15,000.

Effective date: November 22, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-11765; Filed, Dec. 12, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-XIII-17 (Rev. 1, Amdt. 1)]

BRANCH MANAGER, BOISE, IDAHO

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority 30-XIII-17 (Revision 1), (26 F.R. 7558), is hereby amended by deleting Subsection I.A.1 and substituting in lieu thereof the following new Subsection I.A.1:

1. To approve and decline participation loans in which SBA's share does not exceed $15,000.

Effective date: November 22, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-11766; Filed, Dec. 12, 1961; 8:48 a.m.]

[Delegation of Authority 30-IV-20 (Rev. 3), Amdt. 1]

BRANCH MANAGER, COLUMBIA, SOUTH CAROLINA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Delegation of Authority No. 30-IV-20 (Revision 3) 25 F.R. 9082 is hereby amended by deleting Section II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may not be redelegated, except I.A.5 and I.B. which may be redelegated.

Effective date: November 20, 1961.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 61-11767; Filed, Dec. 12, 1961; 8:48 a.m.]

[Delegation of Authority 30-VI-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance Functions

Delegation of Authority, No. 30-VI-1 (22 F.R. 7005) is hereby amended by deleting Subsection II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may be redelegated, with the exception of Subsection I. B. 1, 2, 3, 4, 5 and 13, which may not be redelegated.

Effective date: November 17, 1961.

JAMES G. GARWICK,
Regional Director,
Cleveland Regional Office.

[F.R. Doc. 61-11768; Filed, Dec. 12, 1961; 8:48 a.m.]

[Delegation of Authority 30-XI-2 (Rev. 1)]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

Delegations Relating to Procurement and Technical Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Chief, Procurement and Technical Assistance Division, the authority:

A. *Procurement and technical assistance.* 1. To (a) determine joint setasides for Government procurement and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedure for implementing established interagency policy agreements.

2. To make original determinations and determinations upon reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements. This authority is limited to the P&TA programs.

B. *Administrative.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The specific authority delegated in subsections I. A. 2 and I. B. 1 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Procurement and Technical Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Procurement and Technical Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 18, 1961.

HIROLD R. SMETHILLS,
Regional Director,
Denver Regional Office.

[F.R. Doc. 61-11769; Filed, Dec. 12, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EDMUND W. DUGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of December 1, 1961.

Dated: December 4, 1961.

EDMUND W. DUGAN.

[F.R. Doc. 61-11770; Filed, Dec. 12, 1961; 8:48 a.m.]

HENRY G. MAGNUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Aluminum Corp. of America.
B. Additions: None.

This statement is made as of November 25, 1961.

Dated: December 2, 1961.

HENRY G. MAGNUSSEN.

[F.R. Doc. 61-11771; Filed, Dec. 12, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR — Page

PROCLAMATIONS:
3401 — 11714
3440 — 11714
EXECUTIVE ORDERS:
Nov. 10, 1917 — 11906
Apr. 8, 1919 — 11906
June 14, 1921 — 11906
2711 — 11746
10977 — 11471
10978 — 11714

5 CFR
6 — 11347, 11483, 11671, 11813, 11852
29 — 11794

7 CFR
718 — 11813
722 — 11472, 11481, 11851, 11887
728 — 11795
729 — 11816
750 — 11725
775 — 11672
776 — 11347, 11407
812 — 11817
914 — 11417, 11817, 11851, 11890
933 — 11417–11419
937 — 11725
938 — 11725
953 — 11419, 11818, 11851
958 — 11483, 11852
PROPOSED RULES:
812 — 11838
911 — 11495
913 — 11839
914 — 11435
953 — 11363
982 — 11498

8 CFR
237 — 11818
243 — 11819
252 — 11797
253 — 11797
299 — 11819
PROPOSED RULES:
242 — 11363

9 CFR
74 — 11852
83 — 11483, 11853
PROPOSED RULES:
74 — 11804
151 — 11870

10 CFR
25 — 11726

12 CFR
4 — 11353
217 — 11798
329 — 11798

13 CFR
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
221 — 11819
287 — 11890
288 — 11483
302 — 11820
507 — 11672, 11821
555 — 11672
600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893.
601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894
602 — 11729
608 — 11729, 11730, 11859, 11861, 11894
PROPOSED RULES:
18 — 11804
43 — 11804
302 — 11685, 11841
399 — 11841
507 — 11870
600 — 11435, 11494, 11734
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734.
608 — 11435, 11494

15 CFR
201 — 11357
230 — 11360

16 CFR
13 — 11360, 11486, 11675, 11730, 11825, 11895
14 — 11826

17 CFR
231 — 11896
239 — 11730
PROPOSED RULES:
270 — 11738

18 CFR
141 — 11897
260 — 11900
PROPOSED RULES:
2 — 11459

19 CFR
3 — 11362
5 — 11420
21 — 11362
54 — 11731
PROPOSED RULES:
10 — 11683

20 CFR
404 — 11827

21 CFR
20 — 11676
120 — 11731, 11799
121 — 11677, 11799, 11800, 11828–11830
141a — 11801
141c — 11801
146a — 11801
146c — 11801
147 — 11802
PROPOSED RULES:
1 — 11734
120 — 11684
121 — 11684, 11735, 11841, 11870
141a — 11684
146 — 11684
146a — 11684
147 — 11684

24 CFR
201 — 11731

25 CFR
PROPOSED RULES:
221 — 11734

26 CFR
1 — 11486, 11677
20 — 11861
25 — 11861
45 — 11861

28 CFR
15 — 11420

29 CFR
403 — 11678
408 — 11678
670 — 11420
678 — 11420
779 — 11802
PROPOSED RULES:
545 — 11735

30 CFR
222 — 11487

32 CFR
272 — 11830
273 — 11831
577 — 11679
701 — 11715
710 — 11716
719 — 11763, 11862
720 — 11722
755 — 11792
765 — 11680, 11794
2011 — 11421

33 CFR
125 — 11862
203 — 11803
210 — 11732
212 — 11421

36 CFR
1 — 11903
PROPOSED RULES:
1 — 11363

38 CFR
6 — 11680
7 — 11802
8 — 11680
21 — 11862

39 CFR
1—204 — 11513
13 — 11864
17 — 11903
27 — 11903
31 — 11864
33 — 11903
47 — 11864
48 — 11864
168 — 11832
PROPOSED RULES:
61 — 11838
201 — 11426
202 — 11431
203 — 11432
204 — 11432

41 CFR
2–12 — 11904
9–7 — 11488

43 CFR — Page

PROPOSED RULES:
192 — 11493, 11911
200 — 11493

PUBLIC LAND ORDERS:
61 — 11803
842 — 11361
1238 — 11863
2543 — 11361
2544 — 11361
2545 — 11803
2546 — 11361
2547 — 11803
2548 — 11803
2549 — 11803
2550 — 11863
2551 — 11863
2552 — 11906

44 CFR
151 — 11425

46 CFR
2 — 11908
34 — 11908
73 — 11908
76 — 11909
78 — 11909
97 — 11909

46 CFR—Continued — Page
167 — 11909
171 — 11864

PROPOSED RULES:
201 — 11738
206 — 11738
221 — 11738
298 — 11738
299 — 11738

47 CFR
1 — 11909
2 — 11833
10 — 11422, 11681
16 — 11423

PROPOSED RULES:
3 — 11458, 11495, 11870, 11911
7 — 11369
8 — 11369, 11912
14 — 11369

49 CFR
43 — 11835
170 — 11732
174a — 11492

50 CFR
32 — 11733
33 — 11733, 11836, 11837, 11868, 11869, 11909

Pages 11935–12020

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 26 NUMBER 240

Washington, Thursday, December 14, 1961

OF MICHIGAN
DEC 19 1961
MAIN READING ROOM

Contents

THE PRESIDENT

Executive Order

President's Award for Distinguished Federal Civilian Service; amendment of order of establishment — 11937

Proclamation

Immigration quotas — 11937

EXECUTIVE AGENCIES

Agricultural Marketing Service

PROPOSED RULE MAKING:
Grapefruit grown in Indian River District in Florida; handling; decision on proposed marketing agreement and order — 11982
Grapes for crushing, from central California; handling; extension of time for receipt of comments — 11982
Packers and stockyards; extension of time for filing comments — 11988

RULES AND REGULATIONS:
Potatoes grown in California; shipments limitation — 11970

Agricultural Research Service

NOTICES:
Brucellosis; specific approval of stockyards and slaughtering establishments — 11992

RULES AND REGULATIONS:
Scabies in sheep; designation of free, infected, and eradication areas — 11970
Tuberculosis in cattle; modified accredited areas — 11971

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Sugar:
Beets; fair and reasonable prices, 1961 crop — 11968
For six-month period ending June 30, 1962:
Continental requirements and area quotas — 11963
Requirements relating to non-quota purchase sugar — 11965

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
Aerojet-General Nucleonics; issuance of construction permit — 12013
National Aeronautics and Space Administration; order of extension of completion date — 12013

Civil Aeronautics Board

NOTICES:
Walts, C. E., and Hi-Plains Airways; application for certificate of public convenience and necessity — 12014

Commerce Department

See National Bureau of Standards.

Federal Aviation Agency

RULES AND REGULATIONS:
Standard instrument approach procedures (4 documents) — 11939, 11946, 11951, 11960

PROPOSED RULE MAKING:
Control area extension, control zone and restricted area; alteration — 11988

Federal Communications Commission

NOTICES:
Jones, Marshall W.; show cause order — 12014
Study of radio and television network broadcasting — 12014
Hearings, etc.:
Catskills Broadcasting Co. et al — 12014
Community Service Broadcasters, Inc., and Geneco Broadcasting, Inc — 12015
Higson-Frank Radio Enterprises and SBB Corp — 12015
Levitt, Neil N — 12016
Little Joe Enterprises (WJOE) and Sarasota-Charlotte Broadcasting Corp — 12016
MIA Enterprises, Inc. (KWBE) — 12016
Quincy Valley Broadcasters — 12016
Town and Country Broadcasting Co., Inc. (WREM) — 12017
Western TV Relay, Inc — 12017

PROPOSED RULE MAKING:
Table of assignments, television broadcast stations; proposed changes:
Florida — 11990
Indiana; Bloomington-Indianapolis — 11989

RULES AND REGULATIONS:
Frequency allocations and radio treaty matters; correction — 11978
Land transportation and citizens radio services; definition of terms — 11978
Practice and procedure; revision of FM broadcast rules — 11977
Public safety radio services; microwave operation — 11978

Federal Reserve System

RULES AND REGULATIONS:
Maximum interest rates on deposits; explanatory statement — 11971

Federal Trade Commission

RULES AND REGULATIONS:
P & G Textile Corp. et al.; prohibited trade practices — 11938

Fiscal Service

RULES AND REGULATIONS:
Availability of records; fees for copying, certifying, and search of records — 11938

Fish and Wildlife Service

RULES AND REGULATIONS:
Scallops, frozen fried; U.S. standards for grades — 11979

Food and Drug Administration

PROPOSED RULE MAKING:
Identity standards:
Peaches, canned — 11988
Potatoes, canned — 11988

Foreign Assets Control

NOTICES:
Importation of certain merchandise directly from Taiwan; available certifications by Government of Republic of China — 12011

(Continued on next page)

Health, Education, and Welfare Department

See Food and Drug Administration; Social Security Administration.

Interior Department

See Fish and Wildlife Service; Land Management Bureau; Oil Import Administration; Reclamation Bureau.

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief ---------- 12018
Motor carrier transfer proceedings ---------- 12018

Land Management Bureau

NOTICES:
Oregon; order providing for opening of public lands ---------- 12012
Small tract classifications; amendments:
Colorado ---------- 12011
Nevada ---------- 12012
Wyoming; proposed withdrawal and reservation of lands ---------- 12012

RULES AND REGULATIONS:
Federal Range Code for Grazing Districts:
Advisory boards ---------- 11975
Issuance of licenses and permits ---------- 11975
Trespass procedures ---------- 11975

National Bureau of Standards

RULES AND REGULATIONS:
Standard samples and reference standards, weights and fees; standard rubbers and rubber compounding materials ---------- 11972

Oil Import Administration

RULES AND REGULATIONS:
Allocations ---------- 11973

President's Committee on Equal Employment Opportunities

RULES AND REGULATIONS:
Nondiscrimination in Government employment; opportunity for hearing and review; interpretation ---------- 11938
Obligations of Government contractors and subcontractors ---------- 11974

Reclamation Bureau

NOTICES:
Yuma Irrigation Project, Arizona-California Reservation Division, California; annual operation and maintenance charges and water rental charges ---------- 12012

Renegotiation Board

RULES AND REGULATIONS:
Exemption of common carriers and public utilities from renegotiation ---------- 11972
Filing of financial statements, information and requests by contractors ---------- 11972

Securities and Exchange Commission

NOTICES:
Black Bear Industries, Inc.; order summarily suspending trading ---------- 12017

Small Business Administration

NOTICES:
Applications for loans in excess of $200,000; necessity for certificate as defense-oriented small business concern ---------- 12017

Social Security Administration

RULES AND REGULATIONS:
Federal old-age, survivors and disability insurance; representative payee; correction ---------- 11938

Tariff Commission

NOTICES:
Spring clothespins; report to the President ---------- 12018

Treasury Department

See also Fiscal Service; Foreign Assets Control.

NOTICES:
Surety companies acceptable on Federal bonds:
Atlantic Insurance Co ---------- 12011
Gulf Insurance Co ---------- 12011
Select Insurance Co ---------- 12011

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PROCLAMATIONS:
3298 (amended by Proc. 3441) ---- 11937
3441 ---- 11937
EXECUTIVE ORDERS:
10717 (amended by EO 10979) ---- 11937
10979 ---- 11937

5 CFR

401 ---- 11938

7 CFR

811 ---- 11963
820 ---- 11965
871 ---- 11966
958 ---- 11970
PROPOSED RULES:
1026 ---- 11982
1028 ---- 11982

9 CFR

74 ---- 11970
77 ---- 11971
PROPOSED RULES:
201 ---- 11988

12 CFR

217 ---- 11971

14 CFR

609 (4 documents) ---- 11939, 11946, 11951, 11960
PROPOSED RULES:
601 ---- 11988
608 ---- 11988

15 CFR

230 ---- 11972

16 CFR

13 ---- 11938

20 CFR

404 ---- 11938

21 CFR

PROPOSED RULES:
27 ---- 11988
51 ---- 11988

31 CFR

270 ---- 11938

32 CFR

1453 ---- 11972
1470 ---- 11972
1472 ---- 11972

32A CFR

OIA (CH. X):
OI Reg. 1 ---- 11973

41 CFR

60–1 ---- 11974

43 CFR

161 (2 documents) ---- 11975

47 CFR

1 ---- 11977
2 ---- 11978
10 ---- 11978
16 ---- 11978
19 ---- 11978
PROPOSED RULES:
3 (2 documents) ---- 11989, 11990

50 CFR

270 ---- 11979

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3441

IMMIGRATION QUOTAS

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the said Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS the State of Kuwait, the former Sheikhdom of Kuwait, has been extended *de jure* recognition by the United States; and

WHEREAS on June 1, 1961, the northern part of the former British Cameroons, a United Nations Trust Territory, united with the Federation of Nigeria; and

WHEREAS on October 1, 1961, the southern part of the former British Cameroons, a United Nations Trust Territory, united with the former Republic of Cameroun to form the Federal Republic of Cameroon; and

WHEREAS the Syrian Arab Republic was extended *de jure* recognition by the United States on October 10, 1961; and

WHEREAS, under the provisions of section 202(e) of the Immigration and Nationality Act, as amended, the annual quota of any newly established quota area shall be not less than the sum total of quotas in effect immediately preceding the change in boundaries, change of administrative arrangements, or other political change requiring a change in the list of quota areas; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the four immigration quotas hereinafter set forth:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quotas of the quota areas hereinafter designated have been determined in accordance with the law to be, and shall be, as follows:

Quota Area	*Quota*
Cameroon	151
Kuwait	100
Nigeria	149
Syria	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the abolishment of the immigration quotas established for British Cameroons, Cameroun and Nigeria and by the addition of the immigration quotas established by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of December in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61–11889; Filed, Dec. 12, 1961; 1:31 p.m.]

Executive Order 10979

AMENDMENT OF EXECUTIVE ORDER NO. 10717,[1] ESTABLISHING THE PRESIDENT'S AWARD FOR DISTINGUISHED FEDERAL CIVILIAN SERVICE

By virtue of the authority vested in me by the Government Employees' Incentive Awards Act (68 Stat. 1112), and as President of the United States, it is ordered that Executive Order No. 10717 of June 27, 1957, be amended by substituting for section 2, 7, and 8 thereof the following:

"SEC. 2. (a) The President's Award for Distinguished Federal Civilian Service shall be presented by the President to civilian officers or employees of the Federal Government for the best achievements having current impact in improving Government operations or serving the public interest. These achievements shall exemplify one or more of the following:

(1) Imagination in developing creative solutions to problems of government.

(2) Courage in persevering against great odds and difficulties.

(3) High ability in accomplishing extraordinary scientific or technological achievement, in providing outstanding leadership in planning, organizing, or directing a major program of unusual importance and complexity, or in performing an extraordinary act of credit to the Government and the country.

(4) Long and distinguished career service.

"(b) The importance of the achievements to the Government and to the public interest shall be so outstanding that the officer or employee is deserving of greater public recognition than that which can be accorded by the head of the department or agency in which he is employed. Generally, not more than five awards shall be made in any one year. Presentation of the award shall be made at such times as the President may determine.

"SEC. 7. The Board is authorized to prescribe the method and form for making nominations for this award, but the Board shall not recommend a nominee for the award without the concurrence of the head of the agency in which the nominee was employed at the time of the achievement for which the award is recommended.

"SEC. 8. The Board shall be guided in the performance of its functions by the provisions of subsections (b) and (c) of section 304 of the Government Employees' Incentive Awards Act, and by any additional criteria established by the Board. Persons appointed by the President shall not be eligible for this award unless, in the opinion of the Board, they are currently serving in a career position."

JOHN F. KENNEDY

THE WHITE HOUSE,
December 12, 1961.

[F.R. Doc. 61–11910; Filed, Dec. 12, 1961; 4:57 p.m.]

[1] 22 F.R. 4632; 3 CFR, 1957 Supp., p. 80.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter IV—The President's Committee on Equal Employment Opportunity

PART 401—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

Opportunity for Hearing and Review; Interpretation

Pursuant to Executive Order 10925 of March 6, 1961 (26 F.R. 1977), the President's Committee on Equal Employment Opportunity hereby amends Part 401 of Title 5 of the Code of Federal Regulations by adding § 401.19a as set out below. This amendment becomes effective upon publication in the FEDERAL REGISTER.

§ 401.19a Interpretation of § 401.19.

Section 401.19 shall be construed as providing the complainant, upon request, with the right to receive a concise and accurate summary of the facts pursuant to his complaint, and upon which the agency relied in reaching a decision, together with a statement of the reasons for the agency action in denying the claim of the complainant. The agency may, in lieu of a summary statement, make available to the complainant the entire investigative report of the agency. In cases in which the complainant or his agent is provided with such summary statement, the Executive Vice Chairman or his representative shall have the right, upon request, to examine the entire record in such a case, including all data gathered pursuant to an investigation of the complaint.

Signed at Washington, D.C., this 11th day of December 1961.

JERRY R. HOLLEMAN,
Executive Vice Chairman.

[F.R. Doc. 61-11839; Filed, Dec. 13, 1961; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8415 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

P & G Textile Corp. and Ben Perman

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–90 *Wool Products Labeling Act:* § 13.1900–90(a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, P & G Textile Corporation et al., New York, N.Y., Docket 8415, Sept. 20, 1961]

In the Matter of P & G Textile Corporation, a Corporation, and Ben Perman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City distributor to cease violating the Wool Products Labeling Act by such practices as labeling as "100% Wool", pieces of fabric or remnants which contained substantially less wool than so represented, and failing to show on labels of wool products the true generic name and the percentage of the constituent fibers, the name of the manufacturer, etc.

The order to cease and desist is as follows:

It is ordered, That respondents P & G Textile Corporation, a corporation, and its officers, and Ben Perman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool remnants or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 20, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 11808; Filed, Dec. 13, 1961; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 270—AVAILABILITY OF RECORDS

Fees for Copying, Certifying and Search of Records

Paragraph (b), § 270.3, Part 270, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America, is hereby revised to read as follows:

(b) For furnishing special fiscal data that have not been published at the time of request, $6.00 per hour, with a minimum charge of $3.00. This item will be applicable primarily to special repetitive reports requested at frequent intervals by publishers and compilers of economic data. Where individuals make occasional requests for published data or for unpublished data where the cost of compilation is not significant, no charge will be made.

Notice of the proposed issuance of the foregoing revision was published in the FEDERAL REGISTER on March 17, 1961 (26 F.R. 2254), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003).

The revision shall become effective upon the expiration of thirty days after the date of its publication in the FEDERAL REGISTER.

(R.S. 161, 5 U.S.C. 22; 65 Stat. 290, 5 U.S.C. 140)

Dated: December 8, 1961.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-11830; Filed, Dec. 13, 1961; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950———)

Representative Payee

Correction

In F.R. Doc. 61-11688, appearing at page 11827 of the issue for Saturday, December 9, 1961, the parenthetical citation in § 404.1606 which reads "(see § 404.1064)" should read "(see § 404.1604)".

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 964; Amdt. 246]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Shuttle North crs 322° Outbnd, 142° Inbnd, 3700′ within 20 mi.				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side N crs, 322° Outbnd, 142° Inbnd, 3700′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 142—2.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles, climb to 9500′ on South crs (142°) within 20 miles.
NOTE: Final approach from holding pattern at Gulkana LFR not authorized. Procedure turn required.

City, Gulkana; State, Alaska; Airport Name, Gulkana; Elev., 1578′; Fac. Class., SBRAZ; Ident., GKN; Procedure No. 1, Amdt. 5; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 4; Dated, 12 Apr. 55

Shuttle below 2700′ not authorized				T-dn	300–1	300–1	200–½
				S-dn	NA	NA	NA
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

After crossing range on initial, proceed outbnd on East crs not below 2700′ for two minutes before starting descent to procedure turn altitude.
Procedure turn South side of E crs, 069° Outbnd, 249° Inbnd, 1500′ within 20 miles.
Minimum altitude on final approach, 500′, descend to 500′ immediately after completion of procedure turn.
If visual contact not established upon descent to 500′, turn left, climb to 3600′ on 196° heading to intercept.
South crs (159°) Moses Point LFR within 20 miles. VFR flight required from missed approach point to airport.
Crs and distance, facility to airport, 057°—2.8 mi.
NOTES: 1. ADF approach NA. 2. Final approach from holding pattern at Moses Point LFR NA. Procedure turn required.
CAUTION: (1) Terrain 1705′ 3 mi NW and 975′ 2.2 miles West, rising to 1360′ 3 miles West of Moses Point LFR. (2) No maneuvering authorized North through Southwest of Moses Point LFR.

City, Moses Point; State, Alaska; Airport Name, Moses Point; Elev., 14′; Fac. Class., BMRLZ; Ident., MOS; Procedure No. 1, Amdt. 5; Eff. Date, 9 Dec. 61; Sup. Amdt No. 4; Dated 5 Mar. 55

Nashville VOR	LFR	Direct	2000	T-dn	300–1	300–1	200–½
Lebanon Int	LFR	Direct	2000	C-dn	400–1	500–1	500–1½
Brentwood HW (LOM)	LFR	Direct	2000	S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes: 346°–195° within 10 miles, 2000′; 346°–195° within 10–25 miles, 2500′; 195°–346° within 25 miles, 3000′. All bearings and distances are from radar site with sector azimuths progressing clockwise.
Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 249°—2.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, climb to 3000′ on SW crs within 15 miles.
CAUTION: 2049′ tower 11 miles SW of airport.
Other changes: Deletes transitions from Mount Juliet FM and Walter Hill FM.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605′; Fac. Class., SBRAZ; Ident., BA; Procedure No. 1, Amdt. 9; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 8; Dated, 7 Jan. 56

PROCEDURE CANCELLED, EFFECTIVE 9 DECEMBER 1961, OR UPON DECOMMISSIONING OF FLATBUSH FM.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20′; Fac. Class., SABRAZ; Ident., LA; Procedure No. 2, Amdt. 7; Eff. Date, 18 Nov. 61; Sup. Amdt. No. 6; Dated, 27 Feb. 60

Reno VOR	RO LFR	Direct	9000	T-dn	1000–2	1000–2	1000–2
Pyramid Int	RO LFR	Direct	9000	C-dn	2000–2	2000–2	2000–2
Mustang Int	RO LFR	Direct	9000	A-dn	2500–3	2500–3	2500–3
Churchill Int	RO LFR	Direct	9000				
Verdi Int	RO LFR	Direct	9000				

Procedure turn E side N crs, 341° Outbnd, 141° Inbnd, 8700′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 6800′.
Crs and distance, facility to airport, 161°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make an immediate right turn and climb to 8700′ on N crs of RO-LFR within 15 miles.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.
CAUTION: High terrain surrounding airport.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class., SBRA; Ident., RO; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 Dec. 61; Sup. Amdt. No. None

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 9 DECEMBER 1961.

City, Cincinnati; State, Ohio; Airport Name, Lunken; Elev., 488'; Fac. Class., MHW; Ident., LKA; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Apr. 61

DEN-VOR	AUR RBn	Direct	7600	T-dn	300-1	300-1	200-½
DEN ILS/LOM	AUR RBn	Direct	7600	C-dn	500-1	500-1	500-1½
Bennett Int	AUR RBn	Direct	7600	S-dn-35	500-1	500-1	500-1
Titan Int	AUR RBn	Direct	7600	A-dn	800-2	800-2	800-2
Parker Int	AUR RBn	Direct	7700				
Stlo Int	AUR RBn	Direct	8000				
DN LFR	AUR RBn	Direct	7600				

Radar transitions and vectoring authorized in accordance with approved patterns and sector altitudes.
Procedure turn East side of crs, 164° Outbnd, 344° Inbnd, 7600' within 10 mi.
Minimum altitude over facility on final approach crs, 6300'.
Crs and distance, facility to airport, 344—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 6600' on crs of 348° from AUR RBn within 20 miles or, when directed by ATC, climb to 6600' on East crs DN LFR within 20 miles, or climb to 6600' on DEN-VOR R-210 and proceed direct to DEN-VOR.
Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 5521' msl tower 1.5 mi North of AUR RBn at Lowry AFB.
Other changes: Transitions from Franktown FM and Englewood FM deleted.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class., HW; Ident., AUR; Procedure No. 2, Amdt. 7; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 6; Dated, 26 Dec. 59

FI LFR	LOM	Direct	4000	T-dn	300-1	300-1	200-½
Wood River Int	LOM	Direct	4000	C-dn	1200-2	1200-2	1200-2
Chena Int	LOM	Direct	4000	S-dn-19	1200-2	1200-2	1200-2
Alder RBn	LOM	Direct	4000	A-dn	1200-2	1200-2	1200-2
Fox RBn	LOM (Final)	Direct	2300				
				If simultaneous ADF tracking on LOM and LMM utilized, the following minimums apply:			
				C-dn	700-1	700-1	700-1½
				S-dn-19	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				If 3.3 mi radar fix received, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-19	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions to final approach course authorized.
Radar transitions and vectoring using Fairbanks Radar authorized in accordance with approved radar patterns.
Procedure turn West side of crs, 009° Outbnd, 189° Inbnd, 4000' within 15 miles.
Procedure turn authorized on either Fox RBn or LOM.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 189°—6.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, turn left, climb to 2400', proceeding direct to FI-LFR. Continue on East crs of LFR to Chena Int or, when directed by ATC, climb to 4000' on South crs Fairbanks ILS within 20 miles.
CAUTION: 1. All maneuvering East of airport, 800' terrain 1.7 miles West rising to 1000' at 2 miles West. 2. 1300' hill 1.6 miles West of LOM.

City, Fairbanks; State, Alaska; Airport Name, Fairbanks International; Elev., 434'; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 6; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 5; Dated, 30 Apr. 60

MW-LFR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Racine Int	LOM	Direct	2300	C-dn	600-1	600-1	600-1½
MKE-VOR	LOM	Direct	2600	S-dn-1	500-1	500-1	500-1
Cardinal Int***	LOM	Direct	2700	A-dn	800-2	800-2	800-2
Wind Lake Int	LOM	Direct	2300				
Pike Int	LOM	Direct	2300				
Big Bend Int	LOM	Direct	2300				
Oakwood Int*	LOM (Final)	Direct	1700				
Franksville Int**	Oakwood Int*	Direct	2300				

Procedure turn East side of crs, 186° Outbnd, 006° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 006°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi after passing LOM, climb to 2700' on 006° brng from LOM, proceed direct to Cardinal Int or, when directed by ATC, climb to 2600' and proceed to MKE-VOR via MKE R-110.
*Oakwood Int: Int MKE VOR R-136 and Brg 006° to LOM.
**Franksville Int: Int JVL VOR R-073 and Brg 003° to LOM.
***Cardinal Int: Int MKE VOR R-086 and Brg 186° to LOM.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 698'; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 15; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 14; Dated, 2 Sept. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Minneapolis LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Minneapolis VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Farmington VOR	Gray Cloud Int*	Direct	2200	S-dn-29L	400-1	400-1	400-1
Gray Cloud Int*	LOM (Final)	Direct	2000	A-dn	800-2	800-2	800-2
Prior Int	LOM	Direct	2200				
St Paul Int	LOM	Direct	2500				
Farmington VOR	LOM	Direct	2200				
Radar Transitions as directed by ATC	Radar site	Within 20 mi	2500				

Procedure turn East side of crs, 115° Outbnd, 295° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 295°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 2500' on crs of 295° to Loretto Int or, when directed by ATC, (1) Make left climbing turn, climb to 2500' on crs of 241° within 22 miles or (2) Make left climbing turn, climb to 2200' and return to LOM.
CAUTION: Tower 1223' MSL 6 miles Southeast of Outer Marker (LOM-MS).
*Gray Cloud Int: Int R-035 Farmington VOR and 115° brng from MS LOM.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 4; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 3; Dated, 25 Feb. 61

Nashville LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Nashville VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Knob Int	LOM	Direct	2500	S-dn-21L	400-1	400-1	400-1
Franklin Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: 346°-195° within 10 miles, 2000'; 340°-195° within 10-25 miles, 2500'; 195°-346° within 25 miles, 3000'. All bearings and distances are from radar site with sector azimuths progressing clockwise.
Procedure turn East side of crs, 195° Outbnd, 015° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 015°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on crs of 015° within 15 miles of airport or, when directed by ATC, turn right, climb to 2500' on NE crs of BNA LFR within 15 miles.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605'; Fac. Class., LOM (HW); Ident., BWX; Procedure No. 1, Amdt. 11; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 10 (ADF portion Comb. ADF-ILS); Dated, 20 July 57

PROCEDURE CANCELLED, EFFECTIVE 9 DECEMBER 1961.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411'; Fac. Class., HB; Ident., RO; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Oct. 61, or upon com. of "H" fac.

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600' on crs of 170° within 20 miles of RBN.
CAUTION: 947' MSL Radio Tower 3.0 miles 170° from airport. 780' MSL elevator 2.2 miles W of airport.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667'; Fac. Class., BMH; Ident., MBS; Procedure No. 1, Amdt. 9; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 8; Dated, 23 Sept. 61

SAT-VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
SAT-RBn	LOM	Direct	2200	C-dn	400-1	500-1	*500-1½
Wetmore Int	LOM	Direct	2200	S-dn-3	400-1	400-1	400-1
Losoya Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2
Collins Int	LOM (Final)	Direct	2000				

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045 to 150, 0-25 mi 2000'.
150 to 230, 0-10 mi 2200', 10-25 mi 2000'.
230 to 045, 0-10 mi 2200', 10-15 mi 2500', 15-20 mi 3000'.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049' MSL 10 mi SE, 1241' MSL 5 mi SSE, 1190' MSL 10 mi SE, 1107' MSL 3.5 mi SE of airport.
Procedure turn East side of crs, 211° Outbnd, 031° Inbnd, 2200' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 031°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi of LOM, turn left, proceed direct to SAT RBn, climb to 2500' on 354° crs within 20 miles of SAT RBn or, when directed by ATC, climb to 2500' on crs of 031° within 20 miles of SAT LOM.
*Runway 17-35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 19; Eff. Date, 9 Dec 61; Sup. Amdt. No. 18; Dated, 7 Oct. 61

SAT-VOR	SAT RBn	Direct	2600#	T-dn	300-1	300-1	200-½
SAT-VOR	SAT RBn (Final)	Direct	1700#%	C-dn	400-1	500-1	*500-1½
				S-dn-17	400-1	400-1	*NA
				A-dn	800-2	800-2	*800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150°, 0-25 mi—2000'.
150° to 230°, 0-10 mi—2200', 10-25 mi 2000'.
230° to 045°, 0-10 mi—2200', 10-15 mi 2500', 15-20 mi 3000'.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049' MSL 10 mi SE, 1241' MSL 5 mi SSE, 1190' MSL 10 mi SE, 1107' MSL 3.5 mi SE of airport.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2500' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, #1700'.
Crs and distance, SAT RBn to airport, 175°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 3000' on 175° brng from SAT RBn within 20 miles.
#If passage of SAT-VOR on final approach course is not determined, minimum altitude over SAT RBn is 1900' and straight-in-minima NA.
%Maintain 2600' MSL until south of SAT-VOR on final approach.
*Runway 17-35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., BHZ; Ident., SAT; Procedure No. 2, Amdt. 3; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 2; Dated, 7 Oct. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SAT-VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
SAT RBn	LOM	Direct	2500	C-dn	400-1	500-1	*500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150°, 0–25 mi, 2000'.
150° to 230°, 0–10 mi, 2200', 10–25 mi, 3000'.
230° to 045°, 0–10 mi, 2200', 10–15 mi, 2500', 15–20 mi, 3000'.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049' MSL 19 mi SE, 1241' MSL 5 mi SSE, 1190' MSL 10 mi SE, 1107' MSL 3.5 mi SE of airport.
Procedure turn West side of NW crs, 303° Outbnd, 123° Inbnd, 3000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM on final approach crs, 2000'.
Crs and distance, facility to airport, 123°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, intercept and climb to 3000' on 174° brng from SAT RBn within 20 miles or, when directed by ATC, turn right, climb to 3000' on SAT VOR R-158 within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., LOM; Ident., AN; Procedure No. 3, Amdt. 4; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 3; Dated, 7 Oct. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pyramid Int	RNO VOR	Direct	9000	T-dn	2000-2	2000-2	2000-2
Wadsworth Int	RNO VOR	Direct	9500	C-dn	2500-2	2500-2	2500-2
RO LFR	RNO VOR	Direct	9000	A-dn	2500-3	2500-3	2500-3
Verdi Int	RNO VOR	Direct	9000				
Bingo Int	RNO VOR	Direct	9000				
Truckee Int	RNO VOR	Direct	10,000				
Steamboat Int	RNO VOR	Direct	9000				
Mustang Int (Final)	RNO VOR	Direct	7900				

Procedure turn S side crs, 049° Outbnd, 229° Inbnd, 9000' within 10 mi. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 7900'.
Crs and distance, facility to airport, 229°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi, turn right, climb to 9000' on R-049 within 10 mi.
CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411'; Fac. Class., BVDR; Ident., RNO; Procedure No. 1, Amdt. 9; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 8; Dated, 25 Nov. 61

SAT RBn	SAT-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Berghelm Int	SAT-VOR (Final)	Direct	2600	C-dn	400-1	500-1	*500-1½
				S-dn-17°	400-1	400-1	NA
				A-dn	800-2	800-2	*800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150° 0–25 mi 2000'.
150° to 230° 0–10 mi 2200', 10–25 mi 2000'.
230° to 045° 0–10 mi 2200', 10–15 mi 2500', 15–20 mi 3000'.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049' MSL 19 mi SE, 1241' MSL 5 mi SSE, 1190' MSL 10 mi SE, 1107' MSL 3.5 mi SE of airport.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2600' within 10 mi. Beyond 10 mi NA.
Minimum altitude over SAT-VOR, 2600'; over SAT RBn, 1500'.
(Descent below 1500' NA if position over SAT RBn not determined.)
Crs and distance, SAT-VOR to airport, 175°—6.3 mi; SAT-RBn to airport, 175°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 mi, turn left, climb to 3000' on R-158 within 20 miles, or, when directed by ATC, turn left and climb via SAT ILS NE crs to 2500' within 20 mi, or climb via R-174 to 2500' within 20 mi.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., BVORTAC; Ident., SAT; Procedure No. 1, Amdt. 10; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 9, Dated, 7 Oct. 61

				T-dn	300-1	300-1	
				C-d	600-1	600-1	
				C-n	600-2	600-2	
				A-dn	NA	NA	

Procedure turn West side of crs, 333° Outbnd, 153° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2800'.
Crs and distance, facility to airport, 153°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles of Milwaukee VOR, make right turn climb to 2900' and proceed to MKE VOR.

City, Waukesha; State, Wis.; Airport Name, Waukesha-County; Elev., 904'; Fac. Class., BVORTAC; Ident, MKE; Procedure No. 1, Amdt. 1; Eff. Date, 9 Dec. 61; Sup Amdt. No. Orig.; Dated, 2 Sept. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSV VOR	DCU VOR	Direct	2200	T-dn	300-1	300-1	300-1
MSL VOR	DCU VOR	Direct	2000	C-d	400-1	500-1	500-1½
Harlselle Int	DCU VOR	Direct	2000	C-n	600-2	600-2	600-2
				S-dn-18#	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 2000' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, #1000'; over R-250 HSV VOR, 1200'.
Facility on airport; R-250 HSV VOR to airport, 3.8 mi.
Crs and distance, breakoff point to approach end of Runway 18, 176°—1.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on R-174 within 10 miles.
#If R-250 HSV-VOR not received, descent below 1200' NA.
*Alternate minima authorized for air carriers only; *Provided*, Such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.

City, Decatur; State, Ala.; Airport Name, Pryor Field; Elev., 593'; Fac. Class., BVOR; Ident., DCU; Procedure No. TerVOR-18, Amdt. 1; Eff. Date, 9 Dec. 61; Sup. Amdt. No. Orig.; Dated, 14 Oct. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MW-LFR	LOM	Direct	2300	T-dn**	300-1	300-1	200-½
Big Bend Int	LOM	Direct	2300	C-dn	600-1	600-1	600-1½
Racine Int VHF	LOM	Direct	2300	S-dn-1*	200-½	200-½	200-½
Cardinal Int VHF	LOM	Direct	2700	A-dn	600-2	600-2	600-2
MKE-VOR	LOM	Direct	2600				
Wind Lake Int	LOM	Direct	2300				
Pike Int	LOM	Direct	2300				
Oakwood Int	LOM (Final)	Direct	2000				
Franksville Int	Oakwood Int	Direct	2300				

Procedure turn East side S crs, 186° Outbnd, 006° Inbnd, 2300' within 10 mi.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1877'—3.6 mi; at MM, 929'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' on 006° brng from LMM and proceed direct to the Cardinal Int or, when directed by ATC, make left climbing turn to 2600' and intercept R-110 MKE-VOR and proceed to MKE-VOR.
*Runway visual range 2600' is also authorized for landing on Runway 1; *Provided*, That all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators, and all related airborne equipment, are operating satisfactorily. Descent below 903' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600' also authorized for takeoff on Runway 1 in lieu of 200-½ when 200-½ authorized, providing high intensity runway lights are operational.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 698'; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-1, Amdt. 15; Eff. Date, 9 Dec. 61; Sup Amdt. No. 14; Dated, 23 Sept. 61

Nashville LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Nashville VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Knob Int	LOM	Direct	2500	S-dn-2L*	200-½	200-½	200-½
Franklin Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2

Radar terminal area transition altitudes: 346°–195° within 10 miles, 2000'; 346°–195° within 10–25 miles, 2500'; 195°–346° within 25 miles, 3000'. All bearings and distances are from radar site with sector azimuths progressing clockwise.
Procedure turn E side S crs, 195° Outbnd, 015° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2100'.
Altitude of glide slope and distance to approach end of Runway at OM, 2100'—5.1 mi; at MM, 817'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on N crs ILS (015°) within 15 miles of airport or, when directed by ATC, turn right, climb to 2500' on NE crs of BNA LFR within 15 miles.
* 400-¾ required when glide slope not utilized.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605'; Fac. Class., ILS; Ident., I-BNA; Procedure No. ILS-2L, Amdt. 11; Eff. Date 9 Dec. 61; Sup Amdt. No. 10 (ILS portion Comb. ILS-ADF); Dated, 24 July 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Mustang Int	Sparks RBn	Direct	9000	T-dn#	800-1½	800-1½	800-1½
Pyramid Int	Sparks RBn	Direct	9000	C-dn	1000-2	1000-2	1000-2
Verdi Int	Sparks RBn	Direct	10,000	S-dn-16*	1000-2	1000-2	1000-2
Wadsworth Int	Sparks RBn	Direct	10,000	A-dn	1500-3	1500-3	1500-3
Steamboat Int	Sparks RBn	Direct	9000				
RNO VOR	Sparks RBn	Direct	9000				
RO LFR	Sparks RBn	Direct	9000				
Truckee Int	Sparks RBn	Direct	10,000				

Procedure turn West side crs, 342° Outbnd, 162° Inbnd, 9000′ within 10 mi Sparks RBn. NA beyond 10 mi.
Minimum altitude over facilities and intersection, and distance to approach end Rnwy 16 on final approach: Sparks RBn, 8000′—11.1 mi; Int N crs ILS and RNO-VOR R-306, 7150′—8.4 mi; OM, 6300′—5.8 mi; MM/LFR, 5400′—2.3 mi.
If visual contact not established at the MM/LFR, climb to 6000′ on S crs ILS within 5 mi MM/LFR, then right climbing turn and return to MM/LFR. Shuttle climb to 9000′ on N crs ILS between MM/LFR and Sparks RBn (all shuttle turns East side N crs ILS) or, when directed by ATC, climb on S crs ILS to cross Steamboat Int at 8000′ or above, continue climb to 9000′ within 15 mi of MM/LFR, turn left and return to VOR at 9000′.
CAUTION: All provisions of this procedure must be strictly adhered to. Precipitous terrain all quadrants. Do not proceed beyond the MM/LFR on final approach unless landing is assured.
AIR CARRIER NOTE: Sliding scale not authorized.
#Authorized for Rnwys 16, 34 and 25. All other runways require 1000-2.
*No approach lights or glide slope. All other components of ILS are required for this procedure, except that the Int of the N crs ILS and RNO-VOR R-312 may be substituted for the Sparks RBn for aircraft equipped to receive ILS and VOR simultaneously.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class, ILS; Ident., I-RNO; Procedure No. ILS-16, Amdt. 4; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 3; Dated, 25 Nov. 61

San Antonio VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
San Antonio RBn	ILS SW crs	174—3.3	2200	C-dn	400-1	500-1	*500-1½
Wetmore Int	LOM	Direct	2200	S-dn-3#	200-½	200-½	200-½
San Antonio RBn	LOM	Direct	2200	A-dn	600-2	600-2	600-2
Losoya Int	LOM	Direct	2200				
Collins Int	LOM (Final)	Direct	2100				

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150° 0-25 mi 2000′.
150° to 230° 0-10 mi 2200′, 10-25 mi 2000′.
230° to 045° 0-10 mi 2200′, 10-15 mi 2500′, 15-20 mi 3000′.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, 1107′ MSL 3.5 mi SE of airport.
Procedure turn East side of SW crs, 211° Outbnd, 031° Inbnd, 2200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at O.S. int inbnd, 2100′.
Altitude of O.S. and distance to approach end of rny at OM 2050—3.8, at MM 1000—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, proceed direct to SAT VOR climbing to 2500′ on R-353 within 20 miles of SAT VOR or, when directed by ATC, turn right and climb to 3000′ on R-158 within 20 miles of SAT VOR, or climb to 2500′ on NE crs of SAT ILS within 20 miles of SA LOM.
*Runway 17-35 restricted to 2-engine aircraft and smaller.
#400-¾ required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS-3, Amdt. 19; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 18; Dated, 7 Oct. 61

SAT-VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
SAT RBn	LOM	Direct	2500	C-dn	400-1	500-1	*500-1½
				S-dn-12	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150° 0-25 mi 2000′.
150° to 230° 0-10 mi 2200′, 10-25 mi 2000′.
230° to 045° 0-10 mi 2200′, 10-15 mi 2500′, 15-20 mi 3000′.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, 1107′ MSL 3.5 mi SE of airport.
Procedure turn West side of NW crs, 303° Outbnd, 123° Inbnd, 3000′ within 10 mi., Beyond 10 mi NA.
Altitude of glide slope and distance to approach end of Rnwy at LOM, 2600′—5.9 mi; at LMN, 1028′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 3000′ on SAT-VOR R-158 within 20 miles.
*Runway 17-35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS-12, Amdt. 4; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 3; Dated, 7 Oct. 61

SAT-VOR	Wetmore Int	Via R-143	2500	T-dn	300-1	300-1	200-½
SAT RBn	Wetmore Int	Via Crs 084°	2500	C-dn	400-1	500-1	*500-1½
				S-dn-21	400-1	400-1	400-1
Bracken Int#	Wetmore Int (Final)#	Direct	1800	A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150° 0-25 mi 2000′.
150° to 230° 0-10 mi 2200′, 10-25 mi 2000′.
230° to 045° 0-10 mi 2200′, 10-15 mi 2500′, 15-20 mi 3000′.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, 1107′ MSL 3.5 mi SE of airport.
Procedure turn W side NE crs, 031° Outbnd, 211° Inbnd, 2500′ within 10 mi of Wetmore Int. Beyond 10 mi NA.
Minimum altitude over Wetmore Int 1800.
No glide slope, no outer marker, distance Wetmore Int to rny 21, 3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi after passing Wetmore Int, turn left, climb to 3000′ via R-158 within 20 mi or, when directed by ATC, turn right and climb to 2500′ via R-353 within 20 mi.
*Runway 17-35 restricted to 2-engine aircraft and smaller.
#Maintain 2500′ msl until Southwest of Bracken Int on final approach.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS-21, Amdt. 12; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 11; Dated, 7 Oct. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
346°	195°	10 mi	2000				
346°	195°	10-25 mi	2500	T-dn	300-1	300-1	200-½
195°	346°	25 mi	3000	C-dn-2L, 31 and 13.	400-1	500-1	500-1½
				C-dn-20R	600-1	600-1	600-1½
				S-dn-2L, 31 and 13#.	400-1	400-1	400-1
				S-dn-20R	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 2L: Climb to 2000′ on N crs ILS or on crs 015° from LOM (HW) within 15 miles of airport.
Runway 31: Make right turn and climb to 3000′ on R-335 of BNA-VOR within 20 miles.
Runway 13: Climb to 2500′ and proceed direct to BNA-VOR and hold SE on R-121, left turns 1 minute.
Runway 20R: Climb to 2500′ on S crs ILS or on crs 195° to LOM (HW) within 15 miles of airport.
#Maintain 3000′ until 8 miles from end of runway on approach to Runway 13.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605′; Fac. Class., Nashville; Ident., RADAR; Procedure No. 1, Amdt. 3; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 2; Dated, 5 Mar. 60

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.		2-engine or less		More than 2-engine, more than 65 knots
														Condition	65 knots or less	More than 65 knots	
045	150							25	2000					Surveillance approach			
150	230	10	2200	15	2000	20	2000	25	2000								
230	045	10	2200	15	2500	20	3000							T-dn	300-1	300-1	*200-½
														C-dn	400-1	500-1	*500-1½
														S-dn	400-1	400-1	*400-1
														A-dn	800-2	800-2	*800-2

Bearings are from radar antenna site with sector azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, and 1107′ MSL 3.5 mi SE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1. Runways 12, 17, and 21: Climb to 2500′ via SAT R-158 within 20 miles or, when directed by ATC, climb to 2500′ on brng 174° from SAT RBn within 20 miles.
2. Runways 3, 30, and 35: Climb to 2500′ on R-353 SAT-VOR within 20 miles or, when directed by ATC, climb to 2500′ on brng 355° from SAT RBn within 20 miles.
*Runway 17-35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808; Fac. Class., San Antonio; Ident., RADAR; Procedure No. 1, Amdt. 3; Eff. Date, 9 Dec. 61; Sup. Amdt. No. 2; Dated, 7 Oct. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on November 6, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-10797; Filed, Dec. 13, 1961; 8:45 a.m.]

[Reg. Docket No. 968; Amdt. 247]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn-10	300–1	300–1	300–1
				T-dn-28	500–1	500–1	500–1½
				C-dn	700–1	700–1	700–1½
				S-dn	NA	NA	NA
				A-dn	900–2	900–2	900–2

Procedure turn S side SW crs, 209° Outbnd, 029° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 085°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing Aniak LFR, turn right climbing to 2300′ on SW crs 209° Outbnd within 20 miles.
NOTES: 1. ADF approach NA. 2. Final approach from holding pattern at Aniak LFR NA. Procedure turn required.
CAUTION: 1000′ terrain 2.1 miles North of Aniak LFR.

City, Aniak; State, Alaska; Airport Name, Aniak; Elev., 84′; Fac. Class., BMRLZ; Ident., ANI; Procedure No. 1, Amdt. 5; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 4; Dated, 2 July 55

SJ-LFR	EVE-LFR	Direct	2000	T-dn	300–1	300–1	200–½
Port Gamble Int	EVE-LFR	Direct	2500	C-dn	600–1	600–1	600–1½
				S-dn	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 157° Outbnd, 337° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 326°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, climb on the N crs EVE LFR to 2500′ within 10 mi; or when directed by ATC, turn left, climb to 3000′ on the W crs EVE LFR to Port Gamble Int.
CAUTION: Numerous jet aircraft activities conducted from airport and in immediate surrounding area.

City, Everett; State, Wash.; Airport Name, Paine Field; Elev., 603′; Fac. Class., MRLWZ; Ident., EVE; Procedure No. 1, Amdt. 1; Eff. Date, 16 Dec. 61; Sup. Amdt. No. Orig.; Dated, 17 Dec. 55

PROCEDURE CANCELLED, 16 DECEMBER 1961 OR UPON DECOMMISSIONING OF FACILITY.

City, Las Vegas; State, N. Mex.; Airport Name, Las Vegas; Elev., 6866′; Fac. Class., SBMRAZ; Ident., LVS; Procedure No. 1, Amdt. 1; Eff. Date, 10 Nov. 56

Lubbock VOR	LX-LFR	Direct	4500	T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–1½	700–1½	700–2
				A-dn	800–2	800–2	800–2

Procedure turn North side of W crs, 258° Outbnd, 078° Inbnd, 5000′ within 10 mi. Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to airport, 075°—10.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.1 mi, climb to 4500′ on E crs (079°) within 20 mi.
NOTE: This procedure not approved for ADF approach.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class., SBMRLZ; Ident., LX; Procedure No. 1, Amdt. 11; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 10; Dated, 25 Feb. 61

PROCEDURE CANCELLED, EFFECTIVE 16 DECEMBER 1961.

City, Merced; State, Calif.; Airport Name, Merced; Elev., 155′; Fac. Class., MRAWZ; Ident., CSL; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Dec. 60

PROCEDURE CANCELLED, EFFECTIVE 16 DECEMBER 1961.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 698′; Fac. Class., SBRAZ; Ident., MW; Procedure No. 1, Amdt. 13; Eff. Date, 1 July 61; Sup. Amdt. No. 12; Dated, 20 Feb. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Brunswick VOR	SSI-RBn	Direct	1100	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side 226° Outbnd, 046° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 1300 on crs of 226 within 20 miles.
NOTE: To provide separation from Navy Glynco traffic.

City, Brunswick; State, Ga.; Airport Name, Malcolm McKinnon; Elev., 20′; Fac. Class., BMH; Ident., SSI; Procedure No. 1, Amdt. 6; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 5; Dated, 1 Sept. 55

Wright-Patterson LFR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
W crs Columbus LFR and brg. 236° to LOM.	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Liberty Int	LOM	Direct	3000	S-dn-6	400–1	400–1	400–1
Dayton VOR	LOM	Direct	2200	A-dn	800–2	800–2	800–2

Radar transition and vectoring authorized in accordance with approved radar patterns.
Procedure turn West side of SW crs, 236° Outbnd, 056° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 056°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 2300′ on 360° crs from Tipp City RBn within 10 miles.
Other change: Deletes transition from West Alexandria Int.

City, Dayton; State, Ohio; Airport Name, Dayton Municipal; Elev., 1008′; Fac. Class., LOM; Ident., DA; Procedure No. 1, Amdt. 16; Eff. Date, 16 Dec. 61; Sup. Amdt No. 15; Dated, 24 Dec. 60

HUF RBn	LOM	Direct	2200	T-dn	300–1	300–1	200–½
HUF VOR	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
LEU VOR	LOM	Direct	2200	S-dn-5	400–1	400–1	400–1
Fairbanks Int	LOM (Final)	Direct	2100	A-dn	800–2	800–2	800–2
Sanford Int	LOM	Direct	2200				
Clinton Int	LOM	Direct	2200				
Spencer Int	LOM	Direct	2200				

Procedure turn South side of crs, 225° Outbnd, 045° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 045°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed direct to HUF RBn, climbing to 2200′ or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU-VOR.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., HU; Ident., LOM; Procedure No. 2, Amdt. Orig.; Eff. Date, 16 Dec. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	800–1	800–1	800–1
				C-d	1000–2	1000–2	1000–2
				S-d	NA	NA	NA
				A-d	NA	NA	NA

Procedure turn East side of crs, 208° Outbnd, 028° Inbnd, 4600′ within 10 miles of PSK VOR.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 028°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, make a right (South) climbing turn and return to PSK VOR at 4600′. Hold SW PSK VOR R-208, 028° inbnd crs, 1 minute, right turns.
NOTE: Runway lights not installed.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., BVOR; Ident., PSK; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 Dec. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 072° Outbnd, 252° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 252°—6.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles, turn left, climb to 1500′ returning to the LCH VOR.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 18′; Fac. Class., BVOR; Ident., LCH; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 Dec. 61, or on com. of airport

Lubbock LFR	LBB-VOR	Direct	4500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-12	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 291° Outbnd, 111° Inbnd, 4500′ within 10 miles. Nonstandard due to ATC requirement. •
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to airport, 111°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, climb to 4500′ on R-111 within 20 miles, or turn right, climb to 5100′ on the I-LBB ILS S crs within 20 miles.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3250′; Fac. Class., BVORTAC; Ident., LBB; Procedure No. 1, Amdt. 5; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 4; Dated, 25 Feb. 61

				T-dn	300–1	300–1	300–1
				C-d	500–1	500–1	600–1½
				C-n	500–2	500–2	600–2
				S-d-23	500–1	500–1	500–1
				S-n-23	500–2	500–2	500–2
				A-dn	NA	NA	NA

Procedure turn East side of crs, 046° Outbnd, 226° Inbnd, 1500′ msl within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 234°—6.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles, climb to 1000′ straight ahead, make a right turn and return to Sea Isle VOR at 1300′.
NOTE: Instrument clearance and void time obtained by telephone with Millville Radio or Atlantic City Approach Control. Close flight plan by telephone with Millville Radio or Atlantic City Approach Control.

City, Wildwood; State, N.J.; Airport Name, Cape May County; Elev., 22′; Fac. Class., M-VORW; Ident., SIE; Procedure No. 1, Amdt. 1; Eff. Date, 16 Dec. 61; Sup. Amdt. No. Orig.; Dated, 18 Nov. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OAK VOR	SJC VOR	Direct	3000	T-dn*	300–1	300–1	300–1
Saratoga Int	SJC VOR	Direct	4500	C-dn	700–1	700–1	700–1½
Sunol Int	SJC VOR	Direct	5000	S-dn-12R	600–1	600–1	600–1
SFO VOR	Int OSI R-064 and SJC R-308	Direct	2000	A-dn	800–2	800–2	800–2
Int OSI R-064 and SJC R-308	SJC-VOR (Final)	Direct	700				
Lick Int	SJC VOR	Direct	3000				

Radar transitions and vectoring using Moffett Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 1600′ within 10 miles. NA beyond 10 miles. Shuttle on SJC VOR R-120 to 2500′ in 1-minute, left turn holding pattern.#
Facility on airport.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, breakoff point to Runway 12R, 122°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2500′ in a left turn, 1-minute holding pattern on R-120.#
CAUTION: 4100′ MSL terrain 12 miles South of VOR (3 miles SW of missed approach area). 375′ MSL tower 1.7 mi SE of Apt. 404′ MSL tower 3 miles E. of airport.
NOTE: Sliding scale not authorized.
#All turns W. side of R-120.
*500–1 required when taking off on Runways 12 R–L.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 62′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-12R, Amdt. 1; Eff. Date, 16 Dec. 61; Sup. Amdt. No. TerVOR-12L, Orig.; Dated, 2 Sept. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SNS-VOR	Lick Int	Direct	4500	T-dn*	300–1	300–1	300–1
Morgan Int	Lick Int	Direct	4000	C-dn	700–1	700–1	700–1½
SJC-VOR	Lick Int	Direct	4000	A-dn	800–2	800–2	800–2
Lick Int	Int R-120 SJC-VOR and 043° brng to EVG RBn or EVG FM (Final).	Direct	2000				
Int SJC-VOR R-120 and 043° brng to EVG RBn or EVG FM.	SJC-VOR (Final)	Direct	700				

Radar transitions and vectoring using Moffett Radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 4000′ within 10 miles of Lick Int. NA beyond 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 700′; over Int SJC-VOR R-120 and 043° brng to EVG RBn or EVG FM, 2000′.
Crs and distance, Int SJC-VOR R-120 and 043° brng to EVG RBn or EVG FM to airport, 300°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to 2500′ in a left turn, 1-minute holding pattern on R-120 of SJC-VOR.
CAUTION: 4100′ MSL terrain 3 mi West of W boundary procedure turn area. 375′ MSL tower 1.7 mi SE of airport. 404′ MSL tower 3 mi E of airport.
NOTES: Sliding scale NA. Aircraft may not depart Lick Int. below 4000′ when inbound on final approach to airport.
*500–1 required for takeoff on Runway 12.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 62′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-30, Amdt. 1; Eff. Date, 16 Dec. 61; Sup. Amdt. No. Orig., formerly designated TerVOR (R-120); Dated, 6 May 61

Springfield MHW	DCA-VOR	Direct	1800	T-dn	300–1	300–1	200–½
Herndon VOR	DCA-VOR	Direct	1800	C-dn	700–1	700–1	700–1½
Andrews LFR	DCA-VOR	Direct	1600	S-dn-15#	600–1	600–1	600–1
Washington LFR	DCA-VOR	Direct	1600	A-dn	800–2	800–2	800–2

Radar transition altitudes: 1500′ in the E, W, and S quadrants of the Washington LFR and 1800′ in the N quadrant within 25 mi of the Washington National Airport; 2500′ in all quadrants within 40 mi exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown.
Procedure turn S side, 320° Outbnd, 140° Inbnd, 1800′ within 10 miles of Georgetown MHW.
Minimum altitude over *Roslyn Int. on final approach crs 1300′. Descend to landing minimums after passing *Roslyn Int on crs 140°.
Crs and distance, breakoff point to app end rny 15, 150°—0.6 mi; *Roslyn Int to breakoff point, 140°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1000′ on crs 150°, make a right turn and proceed to Washington LFR at 1500′.
CAUTION: Standard clearance not provided over obstructions within circling area of airport.
*Roslyn Int: Int. 230° bearing GTN RBn and R-320 DCA VOR.
#Radar monitoring required during final approach when ceiling reported below 900′ or visibility is 1½ miles or less.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., VOR-MHW; Ident., DCA-GTN; Procedure No. Ter VOR-15, Amdt. 5; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 4; Dated, 8 Jan. 55

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DAL VOR	Fair Park Int	Direct	2000	T-dn	800–1	300–1	200–½
DAL RBn	Ross Ave. Int	Direct	2000	C-dn	400–1	500–1	500–1½
Trinity Fork Int	Fair Park Int	Direct	2000	S-dn-31*	400–1	400–1	400–1
Fair Park Int	Ross Ave. Int (Final)	Direct	1400	A-dn	800–2	800–2	800–2
Duncanville RBN	Fair Park Int	Direct	2000				

Radar terminal area transition altitude: 2000** within 20 mi.
Procedure turn S side SE crs, 127° Outbnd, 307° Inbnd, 2000′ within 10 mi of Ross Ave. Int. NA beyond 10 mi.
Altitude over Ross Ave. Int., 1400′; over DDA RBn or Tank Fix,# 1000′.*
Crs and distance, Ross Ave. Int. to Rnwy 31, 307°—3.2 mi; DDA RBn or Tank Fix# to Rnwy 31, 307°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi of Ross Ave. Int., climb to 2000′ on NW crs ILS within 20 mi or, when directed by ATC, turn right, proceed direct to DAL VOR climbing to 2000′ or, when under positive radar contact, climb to 2000′** on crs, as directed by ATC within 20 mi.
CAUTION: 695′ MSL tank 1.7 mi from approach end of Runway 31. 1044′ building 0.7 mile SE of Ross Ave. Int. on centerline.
NOTE: No glide slope. Back course unusable for automatic approaches.
*Descent below 1000′ MSL NA unless position over DDA RBn or Tank fix determined.
**Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when within 3–5 miles of radio towers—1108 msl 20 mi N; 1221 msl 10 mi WNW; and TV tower 2349 msl 17 mi SSW of airport.
#Tank fix is Tank FM or Int. R-210 DAL VOR SE crs ILS.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class. & Ident., ILS-IDAL; Procedure No. ILS-31, Amdt. 7; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 6; Dated, 21 Oct. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Int R-180 RSD-VOR and ILS NE crs	TPC RBn (Final)	Direct	2200	T-dn	300-1	300-1	200-½
Dayton VOR	TPC RBn	Direct	2200	C-dn	400-1	500-1	500-1½
Springfield RBn	TPC RBn	Direct	2300	S-dn-24	400-1	400-1	400-1
Wright-Patterson LFR	TPC RBn	Direct	2200	A-dn	800-2	800-2	800-2
Urbana Int	TPC RBn (Final)	Via 215° heading to NE crs DAY ILS.	2200				

Radar transition sand vectoring authorized in accordance with approved radar patterns.
Procedure turn N side NE crs (back crs ILS) 056° Outbnd, 236° Inbnd, 2200' within 10 mi of Tipp City RBn.
No glide slope or markers.
Altitude over Tipp City RBn, 2200'. Distance, Tipp City to Rny 24, 4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2200' on SW crs ILS within 10 miles.
NOTE: Provision for inoperative ILS components not applicable.

City, Dayton; State, Ohio; Airport Name, Dayton; Elev., 1008'; Fac. Class., ILS; Ident., I-DAY; Procedure No. ILS-24, Amdt. 5; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 4; Dated, 21 Jan. 61

HUF RBn	LOM	Direct	2200	T-dn	300-1	300-1	200-½
HUF VOR	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
LEU VOR	LOM	Direct	2200	S-dn-5	400-1	400-1	400-1
Fairbanks Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2
Sanford Int	LOM	Direct	2200				
Int R-248 LEU-VOR and HUF ILS SW crs.	Prairie Creek Int*	Direct	2700				
Prairie Creek Int*	LOM (Final)	Direct	2100				
Spencer Int	LOM	Direct	2200				
Clinton Int	LOM	Direct	2200				

Procedure turn South side crs, 225° Outbnd, 045° Inbnd, 2100' within 10 mi.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 045°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, climb to 2100' on NE crs HUF ILS within 16 miles or, when directed by ATC, make climbing right turn to 2200' and proceed direct to LEU-VOR.
NOTE: No glide slope. No approach lights.
*Prairie Creek Int: Int HUF ILS SW crs and LEU R-270.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585'; Fac. Class., ILS; Ident., I-HUF; Procedure No. ILS-5, Amdt. Orig.; Eff. Date, 16 Dec. 61

IND VOR	Carbon Int#	Via R-259 IND and NE Crs HUF ILS.	2700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
Int HUF R-009 and SCJ R-339	Carbon Int#	Via SCJ R-339	2200	A-dn	800-2	800-2	800-2
Carbon Int#	HUF RBn (Final)	Direct	1300				
Carbon Int#	HUF VOR (Final)	Direct	1300				
Clinton Int	HUF VOR or HUF RBn	Direct	2200				
Spencer Int	HUF VOR or HUF RBn	Direct	2200				
Sandford Int	HUF VOR or HUF RBn	Direct	2200				
Fairbanks Int	HUF VOR or HUF RBn	Direct	2200				
Manhatton Int	HUF VOR or HUF RBn	Direct	2200				
LEU VOR	HUF VOR or HUF RBn	Direct	2200				
HUF LOM	HUF VOR or HUF RBn	Direct	2200				

Procedure turn North side localizer crs, 045° Outbnd, 225° Inbnd, 2200' within 10 miles of HUF RBn* or HUF VOR.**
Minimum altitude abeam HUF RBn, 1300'; abeam HUF VOR, 1300'.
Crs and distance, HUF RBn to airport, 225°—4 mi; HUF VOR to airport, 225°—3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing HUF RBn or 3 mi after passing HUF VOR, climb to 2200' Southwestbound on SW or HUF ILS to Prairie Creek Int## or, when directed by ATC, make climbing left turn to 2200' and proceed direct to LEU VOR.
NOTES: 1. No glide slope. 2. No approach lights. 3. This procedure not authorized unless aircraft equipped to receive ILS and ADF or ILS and VOR simultaneously.
#Carbon Int: Int NE crs HUF ILS and LEU R-015.
##Prairie Creek Int: Int HUF ILS SW crs and LEU R-270.
*HUF RBn located approximately 1100' NW of localizer course.
**HUF VOR located approximately 1200' SE of localizer course.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585'; Fac. Class., ILS; Ident., I-HUF; Procedure No. ILS-23, Amdt. Orig.; Eff. Date, 16 Dec. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All sectors	Radar site	Within 25 mi	2800	Surveillance approach			
180° clockwise to 260°	Radar site	Within 16 mi	2300				
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-1, 19, and 7R	400-1	400-1	400-1
				S-dn-13	500-1	500-1	500-1
				S-dn-25L and 31	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 1—climb to 2700' on N crs MW-LFR within 20 mi.
Runway 19—climb to 2000' on localizer crs to LOM.
Runways 7R-13—right turn climb to 2300' and proceed to the LOM.
Runways 25L-31—left turn climb to 2300' and proceed to LOM.
CAUTION: TV towers 1685' MSL 7.8 NM N of airport, 1735' MSL 9.2 NM N of airport, and 1746' MSL 15.2 NM N of airport.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 698'; Fac. Class and Ident., Milwaukee Radar; Procedure No. 1, Amdt. 6; Eff. Date, 16 Dec. 61; Sup. Amdt. No. 5; Dated, 15 July 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on November 13, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-10939; Filed, Dec. 13, 1961; 8:45 a.m.]

[Reg. Docket No. 970; Amdt. 248]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 14 DECEMBER 1961.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789'; Fac. Class., SBRAZ; Ident., CO; Procedure No. 1, Amdt. 11; Eff. Date, 19 Aug. 61, Sup. Amdt. No. 10; Dated, 30 June 60

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort George Is FM or Radar fix over Fort George Is FM.	JX-LFR (Final)		600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Jacksonville VOR	JX-LFR		1200	S-dn-27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitude 1500′ within 25 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio antenna towers 995′ MSL, 7.1 mi and 1003′ MSL, 6.3 mi S of radar antenna, 615′ MSL, 10.3 mi SW of radar antenna, and also must provide separation from restricted area R-161A.
Procedure turn North side of E crs, 090° Outbnd, 270° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 270°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 1500′ on West crs within 20 miles of JX-LFR.
CAUTION: 194′ tank between LFR and airport.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52′; Fac. Class., SABRAZ; Ident., JX; Procedure No. 1, Amdt. 10; Eff. Date, 23 Dec. 61; Sup. Amdt. No. 9; Dated, 4 June 55

PROCEDURE CANCELLED, EFFECTIVE 23 DECEMBER 1961.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52′; Fac. Class., SABRAZ; Ident., JX; Procedure No. 2, Amdt. 5; Eff. Date, 2 Nov. 57; Sup. Amdt. No. 4; Dated, 4 June 55

Pittsburgh VOR	PT-LFR	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of SW crs, 224° Outbnd, 044° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 065°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles, climb 3000′ on SE crs within 10 miles.
Other change: Deletes transition from Int SW crs PT-LFR and NW crs MG-LFR.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class., SBRAZ; Ident., PT; Procedure No. 1, Amdt. 8; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 7; Dated, 1 Feb. 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of W crs, 254° Outbnd, 074° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 106°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing Yakutat LFR, climb to 1500′ on SE crs (111° Outbnd) within 20 miles.

City, Yakutat; State, Alaska; Airport Name, Yakutat; Elev., 37′; Fac. Class., SBRAZ; Ident., YK; Procedure No. 1, Amdt. 6; Eff. Date, 23 Dec. 61; Sup. Amdt. No. 5; Dated, 2 July 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CLE LFR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
Vermilion Int	LOM	(#)	3000	C-dn	400-1	500-1	500-1½
Mentor Int	LOM	(##)	3000	S-dn-5L and R	400-1	400-1	400-1
CLE VOR	LOM	Direct	3000	A-dn	800-2	800-2	800-2
CLE VOR	Louis Int. (Final)*	Direct	3000				
Louis Int*	LOM (Final)	Direct	2200				

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn South side of crs, 234° Outbnd, 054° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 054°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn to 3000′ on STG VOR R-360 to R-284 CXR VOR and proceed to Crib Int.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of airport.
Other changes: Deletes transitions from Fairview Int, Berea Int, CLE-VOR to Int 054° brg to LOM, and Int CLE R-102 and 054° brg. to LOM.
*Louis Int.: Int CLE VOR R-141 and CLE ILS 5L front course.
#This transition via the STG VOR R-309 and the CLE ILS 5L front course.
##This transition via the CLE VOR R-072 and the CLE ILS 5L localizer course.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., LOM; Ident., CL; Procedure No. 1, Amdt. 2; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 1; Dated, 30 June 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CLE LFR	Stadium RBn	Direct	3000	T-dn	300-1	300-1	200-½
Vermilion Int	Stadium RBn	(#)	3000	C-d	700-1½	700-1½	700-1½
Sharon Int	Stadium RBn	(##)	3000	C-n	700-2	700-2	700-2
Mentor Int	Stadium RBn	Direct	3000	A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn North side of crs, 054° Outbnd, 234° Inbnd, 3000′ within 10 miles of Stadium RBn.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 234°—6.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles, make right climbing turn to 3000′ direct to CLE VOR.
CAUTION: TV towers approximately 1970′ approximately 6 mi ESE of airport.
Other changes: Deletes transitions from Euclid Int, Fairview Int, Berea Int, and Ascot Int.
#This transition is via CLE LFR.
##This transition is via STG VOR R-183 and the STG VOR R-036.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., MHW; Ident., SUM; Procedure No. 2, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated, 30 June 60

PROCEDURE CANCELLED, EFFECTIVE 14 DECEMBER 1961.

City, Cleveland; State, Ohio; Airport Name, Hopkins; Elev., 789′; Fac. Class., LOM; Ident., CL; Procedure No. 3, Amdt. Orig.; Eff. Date, 12 Aug. 61

Mentor Int	Cuyahoga County RBn	Direct	3000	T-dn	300-1		
Perry RBn	Cuyahoga County RBn	Direct	3000	C-dn	600-1		
Fairport Int	Cuyahoga County RBn	Direct	3000	S-dn-23	500-1		
				A-dn	NA		

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 3000′ within 10 miles of *Chagrin River Int.
Minimum altitude over Chagrin River Int* on final approach crs, 1800′.
Crs and distance, Chagrin River Int* to airport, 240°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing *Chagrin River Int, turn left, climb to 3000′ on crs of 060° within 10 miles.
Return to CGF RBn. Hold in standard holding pattern 060° Outbnd, 240° Inbnd.
CAUTION: Airport bounded by trees East and Northeast.
NOTES: (1) No weather reporting service. (2) After 8 p.m. runway lights upon request through UNICOM or Cleveland Center. This procedure authorized only for aircraft equipped to receive COF RBn and CXR-VOR simultaneously. Facility owned and operated by Cuyahoga County Airport.
*Chagrin River Int: Int 240° brng to CGF RBn and R-300 CXR-VOR.

City, Cleveland; State, Ohio; Airport Name, Cuyahoga County; Elev., 874′; Fac. Class., MHW; Ident., CGF; Procedure No. 1, Amdt. 1; Eff. Date, 14 Dec. 61; Sup. Amdt. No. Orig.; Dated, 21 May 60

Mentor Int	Cuyahoga County RBn	Direct	3000	T-dn	300-1		
Perry RBn	Cuyahoga County RBn	Direct	3000	C-dn	1000-1		
Fairport Int	Cuyahoga County RBn	Direct	3000	A-dn	NA		

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 3000′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of COF RBn, turn left, climb to 3000′ on crs of 060° within 10 miles. Return to COF RBn. Hold in standard holding pattern 060° Outbnd, 240° Inbnd.
CAUTION: Airport bounded by trees East and Northeast.
NOTES: (1) No weather reporting service. (2) After 8 p.m. runway lights upon request through UNICOM or Cleveland Center. Facility owned and operated by Cuyahoga County Airport.

City, Cleveland; State, Ohio; Airport Name, Cuyahoga County; Elev., 874′; Fac. Class., MHW; Ident., COF; Procedure No. 2, Amdt. 2; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 1; Dated, 27 Aug. 60

Imperial VOR	McKeesport RBn	IRL R-116	3000	T-dn	300-1	300-1	200-½
Scottdale Int	McKeesport RBn	Direct	3100	C-dn	500-1	500-1	500-1½
Butler RBn	McKeesport RBn	Direct	3000	S-dn-27	400-1	500-1	500-1
River RBn	McKeesport RBn	Direct	3000	A-dn	800-2	800-2	800-2
Pittsburgh VOR	McKeesport RBn	Direct	3000				
Latrobe Int	McKeesport RBn (Final)	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 096° Outbnd, 275° Inbnd, 3000′ within 10 miles. Nonstandard due to traffic.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 275°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing McKeesport RBn, climb to 3000′ proceeding to Cecil RBn. Hold West left turns, one minute pattern, 085° Inbnd.
Other changes: Deletes transition from Mount Pleasant Int.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class., MHW; Ident., MKP; Procedure No. 1, Amdt. 9; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 8; Dated, 13 Sept. 58

Clinton RBn	Cecil RBn	Direct	3000	T-dn	300-1	300-1	200-½
Butler RBn	Cecil RBn	Direct	3000	C-dn	500-1	500-1	500-1½
River RBn	Cecil RBn	Direct	3000	S-dn-9	400-1	500-1	500-1
Pittsburgh VOR	Cecil RBn	Direct	3000	A-dn	800-2	800-2	800-2
McKeesport RBn	Cecil RBn	Direct	3000				
Old Concord Int	Cecil RBn	Direct	3100				
Imperial VOR	Cecil RBn	Direct	3000				
Wheeling VOR	Cecil RBn (Final)	Direct	3000				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 266° Outbnd, 085° Inbnd, 3000′ within 10 miles of Cecil MHW.
Minimum altitude over facility on final approach crs, 3000′ over Cecil MHW, 1900′ Inbnd over Pittsburgh LFR.
Crs and distance, facility to airport, from Cecil MHW to Pittsburgh LFR 085°—8.9 miles. Pittsburgh LFR to airport 085°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing Pittsburgh LFR, climb to 3000′ on 095° crs to McKeesport MHW. Hold East left turns, one minute pattern, 275° Inbnd.
NOTE: This ADF procedure predicated on the combined use of Cecil MHW and Pittsburgh LFR. Both facilities must be operational.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class., MHW-SABRAZ; Ident., CEU-PT; Procedure No. 2, Amdt. 2; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 1; Dated, 4 Feb. 56

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Highland Int	River RBn (Final)	Direct	3000	T–dn	300–1	300–1	200–½
Imperial VOR	River RBn	Direct	3000	C–dn	500–1	500–1	500–1½
				S–dn–28	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of E crs, 097° Outbnd, 277° Inbnd, 3000' within 10 miles of River RBn.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 277°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing River RBn, climb to 3000 on 277° crs to Clinton RBn. Hold West right turns, one minute pattern, 097° Inbnd.
NOTE: Radar may be used to position aircraft to final approach course inbound within 10 miles of LOM (River RBn) with the elimination of a procedure turn.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class., MHW; Ident., RER; Procedure No. 1, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated, 13 Dec. 58

Spring Int	Clinton RBn (Final)	Direct	3000	T–dn	300–1	300–1	200–½
Imperial VOR	Clinton RBn	Direct	3000	C–dn	500–1	500–1	500–1¼
				S–dn–10	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of West crs, 277° Outbnd, 097° Inbnd, 3000' within 10 miles of Clinton RBn.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 097°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Clinton RBn, climb to 3000' on 097° crs to River RBn. Hold East right turns, one minute pattern, 277° inbnd.
NOTE: Radar may be used to position aircraft to final approach course inbound within 10 miles of Clinton RBn with the elimination of a procedure turn.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class., MHW; Ident., GHW; Procedure No. 2, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated 13 Dec. 58

PROCEDURE CANCELLED, EFFECTIVE 23 DECEMBER 1961, CONCURRENT WITH PUBLICATION OF PROC. NO. 1, ORIG., UTILIZING AV LOM.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class., MHW; Ident., CYE; Procedure No. 1, Amdt. 1; Eff. Date, 21 Oct. 61; Sup. Amdt. No. Orig.; Dated 10 Sept. 60

Thornhurst VOR	LOM	Direct	3500	T–dn*	600–1	600–1	600–1
				C–d	1200–1	1200–1½	1200–2
				C–n	1300–2	1300–2	1300–2
				S–dn	NA	NA	NA
				A–d	1400–2	1400–2	1400–2
				A–n	1600–3	1600–3	1600–3

Procedure turn West side of crs, 223° Outbnd, 043° Inbnd, 3500' within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 043°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing AV LOM, climb to 3500' on crs 043°, then make a left turn, proceed to Wilkes-Barre LOM at 3500'. Hold SW on inbnd crs 043°, **one-minute left-hand turns or, when directed by ATC, climb to 3500' on crs 043°, proceed direct to AVP-VOR, maintain 4000'. Hold East one-minute right turn inbnd crs 266°.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or day with day minimums below 1 mile for 65 knots or less air carrier and 1½ miles for more than 65 knots air carrier.
CAUTION: High terrain to East, Southeast, and South of airport within 2.5 miles.
*Takeoff Runway 10 and 16, Day 600–2, Night 800–2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from Hazelton traffic.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class, LOM; Ident., AV; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 Dec. 61

Chardon VOR	Lost Nation RBn	Direct	3000	T–dn	300–1	300–1	300–1
Mentor Int	Lost Nation RBn	Direct	3000	C–dn*	600–1	600–1	600–1½
Perry RBn	Lost Nation RBn	Direct	3000	S–dn–27*	500–1	500–1	500–1
Fairport Int	Lost Nation RBn	Direct	3000	A–dn	NA	NA	NA

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 092° Outbnd, 272° Inbnd, 3000' within 10 miles of Falstaff Int.#
Minimum altitude over Falstaff Int# on final approach crs, 1800'.
Crs and distance, Falstaff Int# to airport, 272°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of Falstaff Int,# make left climbing turn to 3000' on crs of 272° within 10 mi and return to LNN RBn and hold West.
CAUTION: Stack 920' MSL 1.7 miles WSW of airport. High lines along east boundary of airport.
NOTES: Voice communications and weather on 122.8 available 24 hours a day. Contact Cleveland approach control for ATC. Runway lights east/west runway only. Facility owned and operated by Lost Nation Airport.
Other change: Deletes transition from County Int.
*Authorized only for aircraft equipped to receive ADF and VOR simultaneously. If Chardon VOR not received, 1200–1 minimums will apply.
#Falstaff Int: Int 272° inbnd crs LNN RBn and R–335 Chardon VOR.

City, Willoughby; State, Ohio; Airport Name, Lost Nation; Elev., 626'; Fac. Class., MHW; Ident., LNN; Procedure No. 1, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated, 8 July 61

Mentor Int	Lost Nation RBn	Direct	3000	T–dn	300–1	300–1	300–1
Chardon VOR	Lost Nation RBn	Direct	3000	C–dn	800–1	800–1	800–1½
Fairport Int	Lost Nation RBn	Direct	3000	A–dn	NA	NA	NA
Perry RBn	Lost Nation RBn	Direct	3000				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 272° Outbnd, 092° Inbnd, 3000' within 10 miles. Nonstandard due to ATC.
Minimum altitude over facility on final approach crs, 1400'.
Facility located on the airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 3000' and return to RBn and hold West.
CAUTION: Stack 920' MSL 1.7 miles WSW of airport. High lines along east boundary of airport.
NOTES: Voice communications and weather on 122.8 available 24 hours a day. Contact Cleveland approach control for ATC. Runway lights east/west runway only. Facility owned and operated by Lost Nation Airport.
Other change: Deletes transition from County Int.

City, Willoughby; State, Ohio; Airport Name, Lost Nation; Elev., 626'; Fac. Class., MHW; Ident., LNN; Procedure No. 2, Amdt. 1; Eff. Date, 14 Dec. 61; Sup. Amdt. No. Orig.; Dated, 5 July 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
AMA VOR	ARO VOR	Direct	5000	T–dn	300–1	300–1	NA
TDW RBn	ARO VOR	Direct	5000	C–dn	500–1	500–1	NA
				A–dn	NA	NA	NA

Procedure turn East side of crs, 183° Outbnd, 003° Inbnd, 5000' within 10 miles.
Minimum altitude over facility on final approach crs, 4700'.
Crs and distance, facility to airport, 003°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing ARO VOR, turn left, climb to 6000' on R–241 AMA VOR within 20 miles.
CAUTION: Towers 3929' and 3904' MSL 2.1 mi NE of airport. Silver painted water tower approximately 3800' MSL 2 mi NW.
NOTES: Radar vectoring authorized. No weather service at airport. Air carrier use NA.

City, Amarillo; State, Tex.; Airport Name, Tradewind; Elev., 3642'; Fac. Class., VOR; Ident., ARO; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 Dec. 61, or on com. of facility

CLE LFR	Strongsville VOR	Direct	3000	T–dn	300–1	300–1	200–½
CLE VOR	Strongsville VOR	Direct	3000	C–dn	400–1	500–1	500–1½
Vermillion Int	Strongsville VOR	Direct	3000	S–dn–36	400–1	400–1	400–1
Mentor Int	Strongsville VOR	Direct	3000	A–dn	800–2	800–2	800–2
Sharon Int	Strongsville VOR	Direct	3000				
Brunswick Int#	Strongsville VOR (Final)	Direct	1700				

Radar transition and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 5 miles of Brunswick Int is required.
Procedure turn East side of crs, 195° Outbnd, 015° Inbnd, 3000' within 10 miles of STG VOR.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 015°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after STG VOR, make left climbing turn to 3000' direct to CLE VOR.
CAUTION: TV towers approximately 1970' approximately 6 miles ESE of airport.
Other changes: Deletes transitions from Berea Int. and Medina Int.
#Brunswick Int: Int CLE VOR R–123 and Strongsville VOR R–195.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789'; Fac. Class., BVOR; Ident., STG; Procedure No. 1, Amdt. 2; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 1; Dated, 4 Nov. 61

Jacksonville LFR	JAX–VOR	Direct	1200	T–dn	300–1	300–1	200–1½
Radar terminal area transition altitude	Radar site	Within 25 mi	1500	C–dn	400–1	500–1	500–1¼
				S–dn–23	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3–5-mile (inclusive) radius of radio antenna towers 995' MSL, 7.1 mi and 1003', 6.3 mi South of radar antenna 615' MSL, 10.3 mi SW of radar antenna and also must provide separation from restricted area R161A.
Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 249°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, climb to 1500' on R–249 within 15 miles of JAX VOR or, when directed by ATC, climb to 1500' on R–275 within 20 miles.*
CAUTION: 194' tank between VOR and airport.
*Restricted area 161A located 15 miles SW of JAX VOR.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., BVORTAC; Ident., JAX; Procedure No. 1, Amdt. 8; Eff. Date, 23 Dec. 61; Sup. Amdt. No. 7; Dated, 1 Apr. 61

				T–dn*	300–1	300–1	200–½
				C–dn*	600–1	600–1	600–1¼

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 2400' within 10 mi.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 108°—6.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 mi., climb to 2400' on R–108, turn right and return to LaGrange VOR.
NOTE: Weather information not available.
Other change: Deletes alternate minimums.
*Night operations authorized on Runway 13–31 only.

City, La Grange; State, Ga.; Airport Name, Callaway; Elev., 700'; Fac. Class., BVOR; Ident., LGC; Procedure No. 1, Amdt. 5; Eff. Date, 23 Dec. 61; Sup. Amdt. No. 4; Dated, 24 Dec. 61

				T–dn	300–1	300–1	200–½
				C–dn	600–1	700–1	700–1¼
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 052°—6.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles, climb to 3000' on crs of 072° within 10 miles of Pittsburgh VOR.
Other change: Deletes transition from Washington Int to PIT–VOR (Final).

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252'; Fac. Class., BVORTAC; Ident., PIT; Procedure No. 1, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated 12 Nov. 55

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Astoria Int	AST VOR	Direct	2200	T-dn C-dn A-dn	300–1 1200–1 1200–2	300–1 1200–1 1200–2	200–½ 1200–1½ 1200–2

Procedure turn W side crs, 306° Outbnd, 126° Inbnd, 2300' within 10 mi. NA beyond 10 mi. Facility on airport.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, breakoff point to approach end of Runway 13, 132°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 2300' on R-306 within 10 mi.

City, Astoria; State, Oreg.; Airport Name, Clapsop County; Elev., 11'; Fac. Class., BVOR; Ident., AST; Procedure No. Ter VOR-13, Amdt. Oreg.; Eff. Date, 23 Dec. 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15 mi fix R-259	8 mi fix R-259	Direct	6800	T-dn	300–1	300–1	200–½
8 mi fix R-259	0 mi fix R-259	Direct	5200	C-dn	400–1	500–1	500–1½
10 mi fix R-079	5 mi fix R-079	Direct	5500	S-dn-26	400–1	400–1	400–1
5 mi fix R-079	0 mi fix R-079	Direct	#4800	A-dn	800–2	800–2	800–2
0 mi fix R-259	4.6 mi fix R-259 (Final—26)	Direct	4300				

Procedure turn S side R-079, 6500' within 10 miles. When authorized by ATC, DME may be used within 10 mi between radials 325 clockwise to 200 at 7300' to position aircraft for final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to heading of 125°, climb to 5200', intercept and proceed on R-151 within 20 mi.
#5500' without DME, in which case procedure turn is required.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., BVORTAC; Ident., ELP; Procedure No. VOR-DME-26, Amdt. 5; Eff. Date, 23 Dec. 61; Sup. Amdt. No. 4; Dated, 21 Oct. 61

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition			Ceiling and visibility minimums				
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CLE LFR	LOM	Direct	3000	T-dn**	300–1	300–1	200–½
Vermillion Int	LOM	(@)	3000	C-dn	400–1	500–1	500–1½
Louis Int$	LOM (Final)	Direct	2200	S-dn-5L%*	200–½	200–½	200–½
Mentor Int	LOM	(##)	3000	A-dn	600–2	600–2	600–2
CLE VOR	Louis Int (Final)	Direct	3000				

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn S side of SW crs, 234° Outbnd, 054° Inbnd, 3000' within 10 miles.
Minimum altitude at G.S. int inbnd, 2200'.
Altitude of G.S. and distance to approach end of Rnwy at OM, 2080'—3.9 mi; at MM, 1020'—.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 3000' on STG VOR R-360, proceed to Crib Int.
CAUTION: TV towers approximately 1970' approximately 6 mi ESE of airport.
Other changes: Deletes transitions from Fairview Int, Berea Int, CLE-VOR, and Int CLE-VOR R-102 and SW crs ILS.
*400–¾ required with glide slope inoperative.
@This transition via the STG VOR R-309 and the ILS 5L front course.
##This transition via the CLE VOR R-072 and the ILS 5L localizer course.
$Louis Int: Int CLE VOR R-141 and CLE ILS 5L front course.
%Runway Visual Range 2600' also authorized for landing on Runway 5L, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 989' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600' also authorized for takeoff on Runway 5L in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789'; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-5L, Amdt 19; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 18; Dated, 24 June 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CLE LFR	Stadium RBn	Direct	3000	T-dn	300–1	300–1	200–½
Vermillion Int	Stadium RBn	(@)	3000	C-dn*	400–1	500–1	500–1½
Sharon Int	Stadium RBn	(##)	3000	S-dn-23R*	400–1	400–1	400–1
Mentor Int	Stadium RBn	Direct	3000	A-dn#	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn N side NE crs, 054° Outbnd, 234° Inbnd, 3000' within 10 miles of Stadium RBn.
No glide slope or markers. Minimum altitude over Stadium RBn Inbnd final—3000'. Minimum altitude over 4-mile radar fix inbnd final—1800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing radar fix or 6.9 mi after RBn, make right climbing turn to 3000' direct to CLE VOR.
CAUTION: TV towers approximately 1970' approximately 6 miles ESE of airport.
NOTE: Four-mile radar fix not normally provided by ATC unless weather is 1000 1½ or below.
Other changes: Deletes Euclid Int, Fairview Int, Berea Int, and Ascot Int.
#When radar fix not available, 1000–1½ minimums will apply. Alternate minimums will be 1000–2.
*Descend to landing minimum after passing 4-mile radar fix.
@This transition is via CLE LFR.
##This transition is via STG VOR R-183 and the STG VOR R-036.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789'; Fac Class., ILS; Ident., I-CLE; Procedure No. ILS-23R, Amdt. 10; Eff. Date, 14 Dec. 61; Sup Amdt. No. 9; Dated, 30 June 60

Chagrin Falls Int	Brecksville RBn	Direct	3000	T-dn	300–1	300–1	200–½
Vermillion Int	Brecksville RBn	(@)	3000	C-dn	400–1	500–1	500–1½
Sharon Int	Brecksville RBn	(##)	3000	S-dn-27R*	300–¾	300–¾	300–¾
Cleveland VOR	Brecksville RBn	(###)	3000	A-dn	600–2	600–2	600–2
Mentor Int	Brecksville RBn	Direct	3000				

Radar transition and vectoring authorized in accordance with approved radar patterns. When used in lieu of a procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn North side of crs, 097° Outbnd, 277° Inbnd, 3000' within 10 mi of Brecksville RBn.
Minimum altitude at glide slope interception inbnd, 3000'.
Altitude of glide slope and distance to approach end of Runway at OM, 2230—4.3 mi; at MM, 1030'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of OM, make left climbing turn to 3000' direct to CLE VOR.
CAUTION: TV towers approximately 6 mi ESE of airport, approximately 1970'.
Other changes: Deletes transitions from Ascot Int, Euclid Int, and Penfield Int.
*400–1 required with glide slope inoperative.
#This transition is via the CLE LFR.
##This transition is via the STG VOR R-183 and the STG VOR R-061.
###This transition is via the CLE VOR R-084.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789 ; Fac. Class., ILS; Ident., I-CEE; Procedure No. ILS-27R, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated, 8 July 61

Houston VOR	LOM	Direct	1200	T-dn**	300–1	300–1	200–½
Houston RBn	LOM	Direct	1200	C-dn	400–1	500–1	500–1½
Houston FM	LOM	Direct	1600	S-dn-3*	200–½	200–½	200–½
Arcola Int	LOM (Final)	Direct	1300	A-dn	600–2	600–2	600–2
Fairbanks Int	LOM	Direct	1800				
Radar vectoring position	LOM (Final)	Direct	1300				

Radar terminal transition altitude 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3 to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5½ mi NW, 610' structure 7 mi NE of airport.
Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 1600' within 10 mi.
Minimum altitude at G.S. int inbnd, 1300.
Altitude of G.S. and distance to appr end of rny at OM 1260'—4.2 mi, at MM 250°—0.6 mi.
CAUTION: 1232' MSL TV tower approximately 9 mi SE of LOM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600' on NE crs ILS within 20 mi or, when directed by ATC (1) turn left, climb to 1800' on R-306 HOU VOR, or (2) turn left, climb to 2000' on R-282 HOU VOR, or (3) turn right, climb to 1500' on R-105 HOU VOR, or (4) turn right, climb to 2200' on R-171 HOU VOR all within 20 mi HOU VOR.
**Runway Visual Range 2600' also authorized for takeoff on Runway 3 in lieu of 200–½ when 200–½ authorized; provided high intensity runway lights are operational.
*Runway Visual Range 2600' also authorized for landing on Runway 3; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 250' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., ILS; Ident., I-HOU; Procedure No. ILS-3, Amdt. 21; Eff. Date, 23 Dec. 61; Sup. Amdt. No. 20; Dated, 16 Sept. 61

Latrobe Int	McKeesport RBn (Final)	Direct	3000	T-dn	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C-dn	500–1	500–1	500–1½
Butler RBn	McKeesport RBn	Direct	3000	S-dn-27%	300–¾	300–¾	300–¾
River RBn	McKeesport RBn	Direct	3000	A-dn*	600–2	600–2	600–2
McKeesport RBn	ILS OM (Final)	Direct	2600				
Imperial VOR	McKeesport RBn	IRL R-116	3000				
Pittsburgh VOR	McKeesport RBn	Direct	3000				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000' within 10 miles. Nonstandard due to traffic.
Minimum altitude at G.S. int inbnd, 2600'. Glide slope may be intercepted at 3000' over MKP-RBn or 2600' between MKP-RBn and the ILS-OM.
Altitude of G.S. and distance to appr end of rny at OM, 2510—4.2; at MM, 1460'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' proceeding to Cecil RBn. Hold West left turns, one minute pattern, 085° Inbnd.
NOTE: Radar may be used to position aircraft to final approach course inbnd (275°) within 10 miles of McKeesport RBn with the elimination of a procedure turn.
Other change: Deletes transition from Mount Pleasant LFR.
*All installed components of the ILS must be operating, otherwise alternate minimums of 800–2 will apply.
%400–¾ with glide slope inoperative.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252'; Fac. Class., ILS; Ident., I-AGC; Procedure No. ILS-27, Amdt. 9; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 8; Dated 13 Sept. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Imperial VOR	Spring Int	IRL R-277	3000	T-dn	300-1	300-1	200-½
Ellwood City VOR	Spring Int	EWC R-218	3000	C-dn	500-1	500-1	500-1½
Wheeling VOR	Spring Int	HLG R-019	3000	S-dn-10	400-1	400-1	400-1
Pittsburgh VOR	Spring Int	PIT R-307	3000	A-dn	800-2	800-2	800-2
Spring Int	Clinton RBn (Final)	Direct	2000				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of W crs, 277° Outbnd, 097° Inbnd, 3000′ within 10 miles of Clinton RBn.
No glide slope, outer marker, or middle marker. Minimum altitude over Clinton RBn Inbnd, 2000′.
Crs and distance, Clinton RBn to Runway 10, 097°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Clinton RBn, climb to 3000′ on E crs of ILS to River RBn (LOM). Hold East right turns, one-minute pattern, 277° Inbnd.
NOTE: Radar may be used to position aircraft to final approach course inbound within 10 miles of Clinton RBn with the elimination of a procedure turn.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168′; Fac. Class., ILS; Ident., I-GPB; Procedure No. ILS-10, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated, 13 Dec. 58

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Imperial VOR	Highland Int	IRL R-097	3000	T-dn**	300-1	300-1	200-½
Ellwood City VOR	Highland Int	EWC R-153	3000	C-dn	500-1	500-1	500-1½
Pittsburgh VOR	Highland Int	PIT R-027	3000	S-dn-28*/**	200-½	200-½	200-½
Highland Int	River RBn (Final)	Direct	3000	A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 097° Inbnd, 3000′ within 10 miles of River RBn.
Minimum altitude at G.S. int inbnd, 3000′.
Altitude of G.S. and distance to appr end of rnwy at OM, 3000′—5.6 mi; at MM, 1390′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on West crs of ILS to Clinton RBn. Hold West right turns, one-minute pattern, 097° Inbnd.
NOTES: Radar may be used to position aircraft to final approach course inbound within 10 miles of LOM (River RBn) with the elimination of a procedure turn.
*400–¾ required with glide slope inoperative.
†Runway Visual Range 2600′ also authorized for landing on Rnwy 28, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 1368′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 28 in lieu of 200–½ when 200–½ is authorized, providing high intensity runway lights are operational.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168′; Fac. Class., ILS; Ident., I-GPB; Procedure No. ILS-28, Amdt. 6; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 5; Dated, 19 Aug. 61

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Weatogue Int	LOM (Final)	Direct	1700	T-dn**	300-1	300-1	200-½
Int R-015 HFD and NE crs ILS	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Int R-015 HFD and R-092 POU	LOM	Direct	2500	S-dn-6*/†	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2300′ within 10 mi.
Minimum altitude at glide slope int inbnd final, 2300′.
Altitude of G.S. and distance to approach end of rnwy at OM 1650–4.5; at MM 415–0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on NE crs ILS within 15 miles from LOM or, when directed by ATC, make a climbing right turn to LOM at 2500′.
NOTE: Standard clearance not provided for straight-in minimums over ridge approx 1 mi N of OM.
IFR departure via Hartford VOR: Turn to magnetic heading of 090° after takeoff to intercept R-015 of the Hartford VOR, thence via R-015 to the Hartford, Conn. VOR–2000′ MEA authorized (departure route only).
CAUTION: Unlighted hills 2.4 mi NW of airport approx 768′ MSL.
*400–¾ required with glide slope inoperative.
†Runway Visual Range 2600′ also authorized for landing on Runway 6; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 373′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 6 in lieu of 200–½ when 200–½ authorized; provided high intensity runway lights are operational.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-6, Amdt. 13; Eff. Date, 23 Dec. 61; Sup. Amdt. No. 12; Dated, 26 Aug. 61

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
0°	360°	Within 30 mi	3000	Precision approach			
				S-dn-5L	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C/S-dn-all	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished R/W 9 make left climbing turn to 3000′ on STG R-360 to CXR R-284 and proceed to Crib Int.
All other runways, make climbing turn to 3000′, direct to CLE VOR.
CAUTION: TV towers approximately 1970′ approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class and Ident., Cleveland Radar; Procedure No. 1, Amdt. 7; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 6; Dated, 30 June 60

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All quadrants	Radar site	0–20 mi	3000	Surveillance approach			
All quadrants	Radar site	20–30 mi	4000				
All quadrants	Radar site	30–40 mi	5000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Missed approach to runways 5, 10, and 14; climb to 3000′ and proceed to River RBN. Hold East right turns, one-minute pattern, 277° inbnd.
Missed approach to runways 23, 28, and 32; climb to 3000′ and proceed to Clinton RBn. Hold West right turns, one-minute pattern, 097° inbnd.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168; Fac. Class and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. 3; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 2; Dated, 13 Dec. 58

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All sectors		20 mi	3000′									Rnwy 28		Precision approach			
												Rnwy 28					
												Rnwy 28		T-dn	300-1	300-1	200-½
												Rnwy 28		C-dn	500-1	500-1	500-1½
														S-dn	200-½	200-½	200-½
														A-dn	600-2	600-2	600-2

Transitions to final approach area by ASR vector or procedure turn North side of GPB ILS localizer crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on crs 277° to Clinton RBn. Hold West right turns, one-minute pattern, 097° Inbnd.
CAUTION: 2049′ tower 8.5 mi East of airport.
NOTE: PAR approach to Runway 28 is coincident to ILS approach to Runway 28.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168′; Fac. Class., and Ident., Pittsburgh Radar; Procedure No. 2, Amdt. 1; Eff. Date, 14 Dec. 61; Sup. Amdt. No. Orig.; Dated, 17 Sept. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on November 15, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-11046; Filed, Dec. 13, 1961; 8:45 a.m.]

[Reg. Docket No. 977; Amdt. 249]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MRB-VOR	MB-LFR	Direct	3000	T-dn* C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2

Procedure turn E side SW crs, 215° Outbnd, 035° Inbnd, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 033°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles, make a right climbing turn to 2800′, hold SW on MB LFR, 035° Inbnd, one-minute right turns.
*Make right turn after takeoff on runway 35 to avoid hills to the NW.
City, Martinsburg; State, W. Va.; Airport Name, Martinsburg; Elev., 556′; Fac. Class., SBMRLZ; Ident., MB; Procedure No. 1, Amdt. 3; Eff. Date, 30 Dec. 61; Sup. Amdt. No. 2; Dated, 29 May 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSV-VOR	LOM	Direct	3000	T-dn	800-1	300-1	200-½
Gurley Int	LOM	Direct	3000	C-d#	800-1½	900-1½	900-1
Hobbs Island Int	LOM	Via R-158 HSV-VOR and brng 358° to LOM.	3000	C-n#	800-2	900-2	900-2
				S-d-18	800-1	800-1	800-1
				S-n-18	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2
Princeton Int	LOM	Direct	3000				

Procedure turn West side of crs, 358° Outbnd, 178° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 177°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi of LOM, climb to 3000′ on R-158 HSV-VOR within 15 miles or, when directed by ATC, climb to 3000′ on crs of 177°, turn right and return direct to LOM.
CAUTION: #Circling approaches, avoid high terrain 1.3 mi E of airport.
City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., LOM; Ident., HS; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Dec. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SAT-VOR	STN-VOR	Direct	2300	T-dn	300-1	300-1	NA
McCoy Int	STN-VOR	Direct	2300	C-dn	500-1	500-1	NA
Losoya Int	STN-VOR	Direct	2300	A-dn	800-2	800-2	NA

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 337°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, turn left, climb to 2300′ on R-174 SAT-VOR to Losoya Int. (Losoya holding pattern—hold south on R-174 SAT-VOR, right turns, one-minute, 2300′.)
NOTES: Night operations authorized Runway 14-32 only. Control tower operates only between 0700 and 2300 CST. Control zone effective 0700-2300 CST.
CAUTION: 2049′ TV tower 11 mi ESE of Stinson Field.
Other change: Deletes straight-in minima.
City, San Antonio; State, Tex.; Airport Name, Stinson Field; Elev., 567′; Fac. Class., VORW; Ident., STN; Procedure No. 1, Amdt. 1; Eff. Date, 30 Dec. 61; Sup. Amdt. No. Orig.; Dated, 4 Nov. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hampton Int	ELD-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 1500′* within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 230°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, return to the ELD-VOR climbing to 1500′.
*Do not descend below 1500′ until well established on final approach radial.
City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277′; Fac. Class., VOR; Ident., ELD; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 30 Dec. 61

GRI-LFR	GRI-VOR	Direct	3200	T-dn	300-1	300-1	200-½
OBH-VOR	GRI-VOR	Direct	3200	C-dn	500-1½	500-1½	500-1½
				S-d-12#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 295° Outbnd, 115° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach course, 2300′; over Evers Int,* 2300′.
Crs and distance, breakoff point to Runway 12, 120°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR or within 5.4 mi after passing Evers Int,* climb to 3200′ on R-115 and return to GRI-VOR.
CAUTION: Runway 12-30 unlighted.
*Evers Int: Int R-176 Wolbach VOR and R-295 Grand Island VOR.
#400-1 minimums authorized for aircraft having dual operating VOR receivers and the Evers Int is identified in passing.
City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1846′; Fac. Class., BVOR; Ident., GRI; Procedure No. TerVOR-12, Amdt. Orig.; Eff Date, 30 Dec. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Asheville VOR	Broad River Int	Direct	5500	T–dn*	500–1	500–1	500–1
Owen Int	Broad River Int	Direct	5000	C–d**	1000–2	1000–2	1000–2
Spartanburg VOR	Int R–214 AVL–VOR and AVL ILS localizer.	Direct	5000	C–n	NA	NA	NA
				S–dn–34#	500–1	500–1	500–1
Int R–214 AVL–VOR and AVL ILS localizer.	Broad River Int (Final)	Direct	5000	A–d	1000–2	1000–2	1000–2
				A–n	NA	NA	NA

Procedure turn East side of crs, 162° Outbnd, 342° Inbnd, 5000′ within 10 mi of Broad River Int.
Minimum altitude over Broad River Int on final approach crs, 5000′.
Crs and distance, Broad River Int to LOM (HW), 342°—5.2 mi.
Minimum altitude at glide slope interception Inbnd, 5000′ (Broad River Int).
Altitude of glide slope and distance to approach end of runway at OM, 3519′—4.7 mi; at MM, 2329′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb on crs of 342° to Owen Int and continue climb, if necessary, in holding pattern south of Owen Int (right turns, one minute) to 5000′ or higher as directed by ATC before returning to Broad River Int or continuing climb on course or, when directed by ATC, climb on crs of 342° from LOM (HW) to 8000′ within 20 miles before proceeding on course.
NOTES: No approach lights. This procedure is authorized only for aircraft having an operating VOR receiver in addition to the normal ADF/ILS equipment.
*IFR Departure Procedures: Takeoffs to the North will comply with missed approach procedure when climbing to altitude. Takeoffs to the South will climb on crs of 162° over the LOM (HW) and continue on crs of 162° to Broad River Int at 5000′ or higher as directed by ATC before proceeding on course.
**CAUTION: Terrain rises rapidly 2.0 miles West of airport. All maneuvering for circling approach must be accomplished East of airport.
#800–1 required when glide slope not utilized.

City, Asheville; State, N.C.; Airport Name, Asheville Municipal; Elev., 2161′; Fac. Class., ILS; Ident., I–AVL; Procedure No. ILS–34, Amdt. Orig.; Eff. Date, 30 Dec. 61, or on com. of facility

GJT–VOR	GJT HW	Direct	8100	T–dn	400–1	400–1	300–1
Loma Int	GJT HW (Final)	Direct	8000	C–dn#	600–1½	600–2	600–2
Int GJT–VOR R–047 and NW crs ILS*	GJT–HW	Direct	8000	S–dn–11**	400–1	400–1	400–1
Int GJT–VOR R–303 and NW crs ILS*	Int GJT–VOR R–320 and NW crs ILS.	Direct	10,000	A–dn	1000–2	1000–2	1000–2
Int GJT–VOR R–320 and NW crs ILS*	Loma Int	Direct	8000				
Whitewater Int	Grand Junction "HW"	Direct	10,000				

Shuttle to 8000′ in a standard right hand holding pattern at GJT HW, 110° Inbnd, 290° Outbnd.
Procedure turn South side NW crs, 290° Outbnd, 110° Inbnd, 8000′ within 10 mi of GJT HW.
Minimum altitude at G.S. Int. Inbnd, 8000′.
Minimum altitude over GJT HW on final approach crs, 8000′.
Altitude of G.S. and distance to approach end of rnwy at OM, 6060′—3.9 mi; at MM, 5065′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a right climbing turn, climb to 8000′ on NW crs of ILS within 10 mi NW of GJT HW.
*Simultaneous reception of GJT–VOR and ILS required for these transitions.
#All maneuvering to South of airport; high terrain North.
**500–1 required with any component of the ILS inoperative.

City, Grand Junction; State, Colo.; Airport Name, Walker Field; Elev., 4858′; Fac. Class., ILS; Ident., I–GJT; Procedure No. ILS–11, Amdt. 16; Eff. Date, 30 Dec. 61; Sup. Amdt. No. 15; Dated, 26 Aug. 61

HSV VOR	LOM	Direct	3000	T–dn	300–1	300–1	200–½
Gurley Int	LOM	Direct	3000	C–dn#	800–1½	900–1½	900–2
Hobbs Island Int	LOM	Via R–158 HSV–VOR and brng 358° to LOM.	3000	S–dn–18*	400–¾	400–¾	400–¾
				A–dn	1000–2	1000–2	1000–2
Princeton Int	LOM	Direct	3000				

Procedure turn West side of crs, 358° Outbnd, 178° Inbnd, 2600′ within 10 mi.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2590′—6.2 mi; at MM, 830′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on R–158 HSV–VOR within 15 miles or, when directed by ATC, climb to 3000′ on crs of 178°, turn right and return direct to LOM.
NOTE: No approach lights.
#CAUTION: Circling approaches, avoid high terrain 1.3 mi E of airport.
*700–1 required when glide slope not utilized.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., ILS; Ident., I–HSV; Procedure No. ILS–18, Amdt. Orig.; Eff. Date, 30 Dec. 61

RST–VOR	Ellie Int*	Direct	2500	T–dn	300–1	300–1	200–½
Bell Int	Ellie Int*	Direct	2500	C–dn	400–1	500–1	500–1½
RS LOM	Ellie Int*	Direct	2500	S–dn–13	400–1	400–1	400–1
Byron Int**	Ellie Int (Final)	Direct	2000	A–dn	800–2	800–2	800–2
Pine Island Int	Byron Int**	Direct	2500				

Procedure turn South side of crs, 307° Outbnd, 127° Inbnd, 2500′ within 10 mi of Ellie Int*.
Minimum altitude over Ellie Int* on final approach crs, 2500′.
Crs and distance, Ellie Int* to airport, 127°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing Ellie Int*, climb to 2600′ on SE crs ILS to RS LOM or, when directed by ATC, make right climbing turn to 3000′, proceed direct to RST–VOR.
*Ellie Int: Int NW crs ILS and RST–VOR R–000.
**Byron Int: Int NW crs ILS and RST–VOR R–351.

City, Rochester; State, Minn.; Airport Name, Rochester Municipal; Elev., 1310′; Fac. Class., ILS; Ident., I–RST; Procedure No. ILS–13, Amdt. Orig.; Eff. Date, 30 Dec. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rochelle Int*	LOM (Final)	Direct	2000	T–dn	300–1	300–1	200–½
PLL–VOR	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
RFD–VOR	LOM	Direct	2000	S–dn–36	@300–¾	300–¾	300–¾
Belvedere Int**	LOM	Direct	2000	A–dn	600–2	600–2	600–2
JVL–VOR	LOM	Direct	***2500				
Malta Int	LOM	Direct	2000				

Procedure turn East side of crs, 182° Outbnd, 002° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude at glide slope and distance to approach end of runway at LOM, 1966′—4.5 mi; at LMM, 923′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 2500′, proceed direct to RFD–VOR or, when directed by ATC, (1) climb to 2500′ on 002° crs from LMM within 15 miles, (2) make left climbing turn to 2000′ direct to LOM.
NOTE: Outer compass locator must be operating and utilized throughout transition and approach.
*Rochelle Int: Int PLL–VOR R–085 and S crs ILS.
**Belvedere Int: RFD–VOR R–090 and JVL–VOR R–150.
***2000′ after passing RFD–VOR R–090.
@400–1 required with approach lighting system inoperative.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 735′; Fac. Class., ILS; Ident., I–RFD; Procedure No. ILS–36, Amdt. 2; Eff. Date, 30 Dec. 61; Sup. Amdt. No. 1; Dated, 20 May 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
0°	360°	30 mi	2000	Surveillance approach			
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of the 1629′ and 1625′ towers 18 mi NE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 7: Make climbing right turn to 2000′, proceed to Waterville VOR, hold SE on R–150 one-minute left turns.
Runway 16: Make climbing left turn to 2000′, proceed to Waterville VOR, hold SE on R–150, one-minute left turns.
Runway 25: Climb straight ahead to 2000′, proceed to Toledo LOM, hold SW 069° Inbnd, one-minute right turns.
Runway 34: Make climbing left turn to 2000′, proceed to Toledo LOM, hold SW 069° Inbnd, one-minute right turns.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class and Ident., Toledo Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Dec. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on November 27, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–11390; Filed, Dec. 13, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Six-Month Period Ending June 30, 1962

On pages 9051, 9052, and 9053 of the FEDERAL REGISTER of September 26, 1961, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for the continental United States for the calendar year 1962 and establishing quotas for the six-month period ending June 30, 1962. Interested persons were given until November 20, 1961, to submit written data, views or arguments for consideration in connection with the proposed regulation.

In the Statement of Basis and Purpose accompanying the proposed regulation, it was stated that distribution of sugar during the 12-month period ending October 31, 1961, was estimated to be about 9,450,000 short tons, raw value. Preliminary data now available indicates that distribution during the 12-month period ending October 31, 1961, was 9,455,000 short tons, raw value.

All data, views and comments received relative to the proposed regulation were thoroughly considered.

The proposed regulation is hereby adopted without change.

Effective date. The regulations adopted hereby shall become effective January 1, 1962, as it is found to be necessary that the sugar quotas established therein be in effect on such date.

Issued at Washington, D.C., this 11th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

Basis and purpose. The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 87–15, approved March 31, 1961 (hereafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1962 and to establish sugar quotas for the six-month period ending June 30, 1962, for supplying areas except Cuba in terms of short tons of sugar, raw value. Section 408(b) of the act directs the President to determine the sugar quotas for Cuba. This regulation establishes quotas for the six-month period ending June 30, 1962, for domestic areas and for foreign countries other than Cuba pursuant to the provisions of section 202 of the act and also establishes for domestic areas and foreign countries other than Cuba the amounts of certain quotas that may be filed by direct-consumption sugar pursuant to section 207 of the act. Further, this regulation establishes liquid sugar quotas for foreign countries other than Cuba pursuant to section 208.

Section 201 of the act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determinations and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the 10-month period ended August 31, 1961, distribution of sugar for consumption in the continental United States totaled 7,795,000 short tons, raw value. Considering the quantity of sugar distributed in September and October of recent years and prevailing factors affecting current rates of distribution, it is estimated that distribution during September and October 1961, will bring total distribution for the 12-month period ending October 31, 1961, to about 9,450,000 short tons, raw value. Based on expected distribution during that 12-month period and allowing only for increased consumption due to the normal increases in population and for refining losses, the quantity of sugar needed in the calendar year 1962 is expected to be not less than 9,700,000 short tons, raw value.

Refiners inventories of quota sugar at the end of 1961 are expected to be higher than those held at the end of many recent years. However, in view of current geographic and other relevant circumstances affecting raw sugar supplies, larger inventories in the hands of refiners are appropriate to adequately assure a continuing flow of supplies for consumers.

Prices for sugar declined during July and August. A general weakness in prices also has been reflected in the quotations on the New York Coffee and Sugar Exchange for contracts for delivery in the early months of 1962. Thus, it appears desirable to limit 1962 supplies somewhat below anticipated minimum needs in order to achieve prices which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

Accordingly, the quantity of sugar needed to meet the requirements of consumers in the continental United States during the calendar year 1962 is herein determined to be 9,500,000 short tons, raw value.

In accordance with section 408(b) of the "act" the sugar and liquid sugar quotas for Cuba are not established by this order. Accordingly, the quotas established herein for the six-month period ending June 30, 1962, the current expiration date of the Sugar Act, total only 3,175,378 short tons, raw value. Additional supplies of sugar can be made available to the extent needed during the first half of the calendar year 1962 in accordance with section 408(b) which provides in part as follows:

• • • (1) The President shall determine notwithstanding any other provisions of title II, the quota for Cuba for the period ending June 30, 1962, in such amount or amounts as he shall find from time to time to be in the national interest: *Provided, however,* That in no event shall such quota at any time exceed such amount as would be provided for Cuba under the terms of title II in the absence of the amendments made herein, and such determinations shall become effective immediately upon publication in the FEDERAL REGISTER of the President's proclamation thereof:

(2) For the purposes of meeting the requirements of consumers in the United States, the President is thereafter authorized to cause or permit to be brought or imported into or marketed in the United States, at such times and from such sources, including any country whose quota has been so reduced, and subject to such terms and conditions as he deems appropriate under the prevailing circumstances, a quantity of sugar, not in excess of the sum of any reductions in quotas made pursuant to this subsection: • • •

The determination made herein has been based insofar as is required in section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government.

Sugar quotas, the amounts thereof that may be filled by direct-consumption sugar, and liquid sugar quotas for the six-month period ending June 30, 1962, are established by applying the procedures prescribed and the levels specified in sections 202, 207 and 208 of the act and dividing the result obtained in each instance by two.

Section 411 of the act provides for the issuance of regulations to carry out Article 7 of the International Sugar Agreement. Article 7 requires limiting the total importations from non-participating countries as a group to the total quantity imported from such countries in any one of the years 1951, 1952 or 1953. All of the countries from which sugar was imported into the continental United States during the years 1951, 1952 and 1953 are now participants in the International Sugar Agreement. Accordingly, this regulation provides that no sugar except sugar for livestock feed, the production of livestock feed or for the distillation of alcohol may be authorized for importation from countries not participating in the International Sugar Agreement. Sugar imported for livestock feed or for the production of livestock feed or for the distillation of alcohol is now regarded to be excluded from the definition of sugar set forth in Article 2, paragraph 3, of the International Sugar Agreement and, thus is not subject to the limitations of Article 7 of that Agreement.

Sec.
811.1 Sugar requirements, 1962.
811.2 Quotas for domestic areas.
811.3 Quotas for foreign countries.
811.4 [Reserved].
811.5 [Reserved].
811.6 Liquid sugar quotas for foreign countries.
811.7 Applicability of quotas.
811.8 Restrictions on importations and marketings within quotas.
811.9 International Sugar Agreement import limitations.

AUTHORITY: §§ 811.1 to 811.9 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 201, 202, 204, 207, 208, 209, 210, 212 and 411; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, 928, as amended, 929, as amended, 933, as amended; 7 U.S.C. 1111, 1112, 1114, 1117, 1118, 1120, 1122. P.L. 87–15, approved March 31, 1961.

§ 811.1 Sugar requirements, 1962.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1962 is hereby determined to be 9,500,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a) For the six-month period ending June 30, 1962, quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in Column (1) and the amounts of such quotas for offshore domestic areas that may be filled by direct-consumption sugar are established in Column (2), as follows:

Area	Short tons, raw value	
	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	1,032,931	(1)
Mainland cane sugar	317,843	(1)
Hawaii	576,476	16,229
Puerto Rico	602,780	70,342
Virgin Islands	8,220	0

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 63,016 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 Quotas for foreign countries.

For the six-month period ending June 30, 1962, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in Column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in Column (2), as follows:

Country	Short tons, raw value	
	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	490,000	29,960
Peru	49,928	5,114
Dominican Republic	43,204	4,560
Mexico	34,954	8,282
Nicaragua	7,300	5,461
Haiti	3,612	3,500
Netherlands	1,900	1,900
China	1,842	1,842
Panama	1,842	1,842
Costa Rica	1,837	1,837
Canada	316	316
United Kingdom	258	258
Belgium	91	91
British Guiana	42	42
Hong Kong	2	2
All other countries	0	0

§ 811.4 [Reserved]

§ 811.5 [Reserved]

§ 811.6 Liquid sugar quotas for foreign countries.

For the six-month period ending June 30, 1962, quotas for liquid sugar to be imported into the continental United States for consumption therein are hereby established as follows:

Country:	*Liquid sugar, wine gallons* [1]
Dominican Republic	415,447
British West Indies	150,000
Other foreign countries	0

[1] 72 percent total sugar content.

§ 811.7 Applicability of quotas.

The provisions of §§ 811.1 to 811.6 shall apply to all sugar and liquid sugar brought or imported into or marketed in the continental United States during the six-month period ending June 30, 1962, except as provided in secs. 211, 212, and 408(b) of the act and subject to the provisions of the regulations in this chapter, which prescribe the time, manner, and conditions under which quotas are filled by the marketing or importation of sugar.

§ 811.8 Restrictions on importations and marketings within quotas.

With respect to any sugar or liquid sugar which is subject to the provisions of §§ 811.1 to 811.6 as provided in § 811.7, or is subject to any quotas established by or pursuant to Presidential Proclamation issued pursuant to section 408(b) of the Act, all persons are prohibited during the six-month period ending June 30, 1962, from bringing or importing into or marketing in the continental United States any of such sugar or liquid sugar in excess of or after the applicable quota has been filled, or any of such sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

§ 811.9 International Sugar Agreement import limitations.

To give effect to Article 7 of the International Sugar Agreement, no sugar except sugar for livestock feed, the production of livestock feed or for the distillation of alcohol may be authorized for importation from non-participating countries.

[F.R. Doc. 61–11821; Filed, Dec. 13, 1961; 8:48 a.m.]

[Sugar Reg. 820]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE SIX-MONTH PERIOD ENDING JUNE 30, 1962

Sec.
820.20 Basis and purpose, and persons affected.
820.21 Definitions.
820.22 Non-quota purchase of sugar authorized.
820.23 Requirements relating to importing non-quota purchase sugar.
820.24 Application by importer.
820.25 Release by a Collector of Customs.
820.26 Specific authorization for release.
820.27 Determination of quantities and time of effect.
820.28 Records and reports.
820.29 Delegation of authority.

AUTHORITY: §§ 820.20 to 820.29 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Pub. Law 87–15, approved March 31, 1961. Presidential Proclamation 3440 (26 F.R. 11714).

§ 820.20 Basis and purpose, and persons affected.

(a) The regulations in this part are issued under the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 87–15, approved March 31, 1961, and the authority delegated under Presidential Proclamation 3440. These regulations establish and set forth for the period January 1, 1962, through June 30, 1962, (1) the amounts of non-quota purchase sugar which may be imported into the continental United States (including Alaska) for consumption therein from individual foreign countries and (2) the procedures applicable to importing such sugar.

(b) Persons affected by the provisions of this part include importers, mainland refiners, shipping companies engaged in the transportation of sugar to ports in the continental United States, and persons otherwise engaged in the movement of sugar in interstate or foreign commerce.

(c) In H.R. Report No. 79 of the 87th Congress 1st Session accompanying H.R. 5463 which was enacted as Public Law 87–15 approved March 31, 1961, the suggestion was made by the Committee on Agriculture that measures be taken in administering the purchase of non-quota sugar under section 408(b) of the Act to assure that such sugar is produced from sugarcane or sugar beets grown in the supplying country, and to avoid such sugar being made available by the importation of Cuban sugar into the country supplying non-quota purchase sugar. By reference to the statistical Bulletins of the International Sugar Council and other official records of the Department, Canada and the United Kingdom have been identified as net importing countries which have purchased and imported Cuban sugar in 1960 and 1961. Thus, any supplies of refined sugar available for export to the United States from these countries could be said to have been made available for export by the importation of Cuban sugar. No sugarcane or sugar beets are produced in Hong Kong for the production of sugar. Accordingly, no authorizations for the purchase of non-quota purchase sugar from Canada, United Kingdom and Hong Kong may be made.

(d) In order for the supplying countries to make necessary arrangements for the sale and shipment of sugar and, thus, provide for an orderly and adequate flow of sugar in the early months and throughout the six-month period ending June 30, 1962, it is necessary that the quantities of non-quota sugar which are herein authorized for purchase and importation during such period be made effective as early as possible. Accordingly, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and this part shall become effective on January 1, 1962.

§ 820.21 Definitions.

As used in this part:

(a) The term "Act" means the Sugar Act of 1948, as amended (61 Stat. 922, as amended).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Division" means the Sugar Division of the Agricultural Stabilization and Conservation Service of the Department, Washington 25, D.C., or any other organizational unit within the Department to which administration of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the Collector of Customs, U.S. Bureau of Customs, for the District in which the port of entry is located or any officer of the Bureau of Customs designated to act in his stead.

(g) The terms "import," "importation," and "importing" mean the act of bringing sugar into the continental United States (including Alaska) from a foreign country.

(h) The term "importer" means any person who brings or imports sugar into the continental United States (including Alaska), including but not limited to the owner, consignor, consignee, transferee or purchaser of such sugar or the broker acting on behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar to processes as provided in Part 810 of this subchapter.

(j) The terms "sugars," "sugar," "raw sugar" and "direct-consumption sugar" have the meanings ascribed to each in section 101 (b), (c), (d), and (e), respectively, of the Act subject to the provisions of Part 810 of this subchapter which are hereby made applicable to non-quota purchase sugar.

(k) The term "non-quota purchase sugar" means sugar purchased pursuant to the provisions of section 408(b) of the Act.

§ 820.22 Non-quota purchases of sugar authorized.

(a) Non-quota purchases of sugar, in accordance with section 408(b) of the Act, are authorized to be made in accordance with the provisions of this part. Such non-quota purchases must be made from the producer of such sugar or from a citizen, partnership, corporation, or other legal entity, or Government agency, of the country in which the sugar was produced, for shipment to the United States, or after shipment to the United States.

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3440 established the amount of the quotas for sugar and for liquid sugar for Cuba for the six-month period ending June 30, 1962, at zero. At a level of consumption requirements for consumers in the United States of 9,500,000 short tons, raw value of sugar for 1962, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the six-month period ending June 30, 1962, are 1,574,622 short tons, raw value of sugar and 3,985,279 wine gallons of liquid sugar, 72 percentum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the six-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraph (c) of this section a total of 869,013 short tons, raw value of non-quota purchase sugar is authorized for purchase from foreign countries with which the United States is in diplomatic relations. This authorized quantity is based upon a proration, in accordance with section 408 (b) (2) of the Act, of 1,185,000 short tons, raw value, to foreign countries for which quotas have been established pursuant to section 202 of the Act. Of the 1,185,000 tons, the proration for the Dominican Republic of 315,987 short tons, raw value, is not authorized for purchase at this time. Of the 869,013 short tons, raw value, authorized for purchase, 769,013 tons are authorized for purchase from countries for which quotas have been established pursuant to section 202 of the Act. Peru and Nicaragua will be unable to supply 85,096 and 10,691 short tons, raw value, respectively, of their prorations. The prorations for Canada of 2,311 tons, for the United Kingdom of 1,887 tons and for Hong Kong of 15 tons may not be authorized for the reasons set forth in § 820.20(c). A total of 100,000 short tons, raw value, which represents the sum of the prorations for Canada, the United Kingdom and Hong Kong and the portions of the prorations which Peru and Nicaragua will be unable to supply is authorized for purchase from India, Brazil and the Republic of China in accordance with the proviso in section 408(b)(2)(iii) of the Act. In accordance with the proviso in section 408(b)(2)(iii) of the Act, in authorizing the purchase of non-quota sugar from Brazil, the Republic of China and India, special consideration was given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities. Of the total 1,574,622 short tons, raw value, which may be authorized for purchase during the six-month period ending June 30, 1962, 389,622 short tons, raw value, is not prorated or authorized for purchase at this time, in addition to the proration for the Dominican Republic of 315,987 tons which is not being authorized for purchase at this time. Also, the 3,985,279 wine gallons of liquid sugar are not allocated or authorized for purchase at this time.

(c) The amounts of non-quota purchase sugar permitted to be imported into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962, through June 30, 1962, are as follows:

Country:	*Short tons, raw value*
Haiti	1,388
Netherlands	3,100
Republic of China	23,158
Panama	3,158
Costa Rica	3,163
Republic of the Philippines	175,655
Peru	280,070
Mexico	255,648
Nicaragua	42,700
Belgium	666
British Guiana	307
Brazil	30,000
India	50,000
Total	869,013

The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named herein as is necessary to meet United States consumption and market requirements, or to reflect each such country's ability to supply sugar consistent with United States market requirements. Also, quantities may be established for countries or groups of countries which are not named herein if it later appears that supplies from any country or countries named herein will not be forthcoming at any time in a manner that meets market requirements or if additional supplies are needed to meet consumption and market requirements.

(d) It is hereby found that raw sugar is not reasonably available in sufficient quantity to supply our requirements during the six-month period ending June 30, 1962. Accordingly, non-quota purchase sugar testing in excess of 99 degrees polarization is authorized for importation to be further refined or improved in quality in the United States, in accordance with the requirements of § 810.3 of Part 810 of this chapter, and non-quota purchase sugar imported from any country for which the total permitted quantity of non-quota purchase sugar, as established in paragraph (c) of this section, is 5,000 short tons, raw value, or less may be released for direct consumption.

§ 820.23 Requirements relating to importing non-quota purchase sugar.

(a) Notwithstanding the provisions of Part 817 of this chapter, non-quota purchase sugar may be imported from the country where produced in accordance with the provisions of this part. The provisions of this part apply only to non-quota purchase sugar.

(b) Non-quota purchase sugar shall be imported only at Customs ports of entry.

(c) A copy of the ship's manifest, bills of lading, or other shipping documents covering all sugar in a shipment must be submitted to the Collector within 72 hours after the beginning of unlading of the sugar.

(d) The Collector shall take custody of such sugar and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 820.25. In taking and retaining custody pursuant to these regulations, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 to 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein.

§ 820.24 Application by importer.

(a) A separate application must be submitted as specified in paragraph (c) of this section on appropriate copies of a form prescribed by the Secretary entitled "Sugar Quota Clearance Record," with the changes hereinafter specified, not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar to be delivered to a single refinery or importer from each cargo:

(1) *Port and date of arrival.* If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar.

(2) Name of the vessel or other specific identification of the carrier.

(3) Name of the producing area, the port of lading and the date the carrier is expected to depart from such port.

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted to the Sugar Division, this information must be supplied before a Collector will be authorized to release the sugar.

(5) Quantities, in pounds, to be imported as shown on the application; if in bags, identified by marks, quantities should be shown separately for each mark. The designation of separate quantities within the total to be imported which are identified by separate marks shall be shown on the report required pursuant to paragraph (f) of this section, if such information cannot be shown at the time the application is submitted.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the vessel or carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such vessel or carrier as the expected departure date, or (ii) the date the shipper expects the vessel to depart based on the date the vessel or carrier will be available for loading as specified by the Master, Owner or Agent of such vessel or carrier plus the normally required loading time.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Division for the issuance of an authorization by the Secretary to the appropriate Collector for the release of sugar as provided in § 820.25.

(d) The specified authorization by the Secretary required pursuant to § 820.25 may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record" provided all of the information required pursuant to paragraphs (a) and (e) of this section is transmitted to the Sugar Division by telegram and such advance authorization is necessary to avoid delay in the delivery of the sugar.

(e) To give effect to the requirement that non-quota purchase sugar be produced from sugar beets or sugarcane grown in the country from which such sugar is imported into the United States and the requirement that non-quota sugar be purchased from the producer of such sugar or from a citizen, partnership, corporation or other legal entity or government agency of the country in which the sugar was produced, for shipment to the United States, any application made pursuant to this section shall contain over the signature of the applicant the following certification:

This application is made under Sugar Regulation 820 for importing non-quota purchase sugar and is subject to all of the provisions of such regulation. The applicant certifies that the sugar was produced from sugarcane or sugar beets grown in the country in which the sugar was produced as identified in the application and that he (1) is the producer of the sugar, or (2) is a citizen, partnership, corporation, or other legal entity, or government agency, of the country in which the sugar is produced, or (3) has purchased such sugar from _____, the producer of such sugar, or from _____, a citizen, partnership, corporation, or other legal entity, or government agency, of the country in which the sugar was produced, for exportation to the United States.

(f) Within 30 days after release of the sugar by the Collector pursuant to § 820.25 the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Division on the applicable copy of the "Sugar Quota Clearance Record" or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

§ 820.25 Release by a Collector of Customs.

A Collector of Customs may release sugar imported from any country for any purpose only pursuant to Part 817 of this chapter or upon specific authorization by the Secretary pursuant to § 820.26 with respect to each application required under § 820.24.

§ 820.26 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause, and shall be cancelled only if mistakenly issued, a misrepresentation was made, the shipment does not depart within 3 days of the date stated on the application, or importation does not occur during the period specified. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the Collector until all the information required by paragraph (a) of § 820.24 is received in the Sugar Division.

(b) *Order of eligibility for authorization.* An application on file with the Sugar Division for the release of sugar shall become eligible for authorization at 12:01 a.m., on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of suar from the country of origin or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release of sugar by the Collector within the unfilled portion of the amount of non-quota purchase sugar authorized to be imported from a country in the same order in which the applications pertaining to such country become eligible for authorization: *Provided*, That, if two or more applications pertaining to the same country become eligible for authorization at the same time, such applications shall be authorized in the order of their stated date of departure (earliest first), and in such case if two or more such applications have the same date of departure and the quantity which may be authorized within the unfilled amount of non-quota purchase sugar assigned to such country is less than the sum of the applied-for quantities, the quantity authorized for each application shall be in the same proportion to the quantity which may be authorized within the unfilled portion as the quantity requested on each such application is to the sum of the quantities requested on all such applications.

(c) *Extent of authorizations.* No authorization shall be issued when the quantity of non-quota purchase sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations issued hereunder but not yet released, equals the amount of non-quota purchase sugar assigned to the country.

(d) *Denial of authorizations.* Authorizations on applications otherwise eligible may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported.

§ 820.27 Determination of quantities and time of effect.

(a) Non-quota purchase sugar imported shall be subject to the amount authorized to be imported from the country in which the sugar was produced.

(b)(1) Each quantity authorized for release pursuant to § 820.26 shall be effective for filling the amount of non-quota purchase sugar at the time the applicable authorization is issued. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipment from the same country and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 820.24(f) covering an application initially given effect pursuant to subparagraph (1) of this paragraph, the quantity effective for filling the amount of non-quota purchase sugar shall be the quantity of sugar imported pursuant to the authorization to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter.

§ 820.28 Records and reports.

(a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2), or (3) of section 101(h) of the Act, applicable to the crystalline sugar so converted. Liquid sugar for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of two years following the end of the calendar year in which the sugar was imported into the continental United States, an accurate record of the receipt, processing and movement of such sugar and of all tests and weights pertaining thereto, and docu-

mentation substantiating the representations made by the importer in the certification required by § 820.24. Upon request by any authorized employee of the Department, such records and documentation shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU-73, Form SU-74, or Form SU-75.

§ 820.29 Delegation of authority.

The Director, or Deputy Director, of the Sugar Division, or the Chief or Acting Chief of the Quota and Allotment Branch thereof, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 820.20 to 820.28.

Done at Washington, D.C., this 11th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

Concurred in for the Secretary of State by:

ROBERT F. WOODWARD,
Assistant Secretary.

[F.R. Doc. 61-11822; Filed, Dec. 13, 1961; 8:48 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 871.14]

PART 871—SUGAR BEETS

Fair and Reasonable Prices—1961 Crop

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of evidence presented at public hearings held in December 1960, and at a reopened hearing held at Sacramento, California, in October 1961, the following determination is hereby issued.

§ 871.14 Fair and reasonable prices for the 1961 crop of sugar beets.

A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for all sugar beets of the 1961 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* The price for sugar beets shall be not less than that required to be paid pursuant to the 1961-crop sugar beet purchase contract between the processor and the producer for sugar beets delivered and processed from the acreage specified in such contract, without deduction on account of any beets which may have been delivered from acreage in excess of the specified acreage, subject to the following provisions of subparagraphs (1) and (2) of this paragraph.

(1) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory-site bulk sugar storage facilities owned by the processor, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the cost of the facilities, including improvements, have been fully recovered such deduction shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto.

(2) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall be not less than the weighted average quoted basis price, less customary allowances, and plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to nonaffiliated purchasers.

(b) *Reporting requirements.* The information required to be reported in accordance with this paragraph shall be submitted in substantially the form shown on Schedule A, Schedule A-1, and Schedule A-2, which schedules shall be added as an appendix by amendment to this determination. The processor shall submit to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the close of the sales period specified in the sugar beet purchase contract an itemized statement, for each settlement district, certified by an independent accountant showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A: *Provided*, That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A-1, to supplement the information submitted in accordance with Schedule A. *Provided Further*, That, if the processor, in determining net proceeds makes a deduction for factory-site bulk sugar storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses per 100 pounds used in determining such deduction shall be reported in substantially the form shown on Schedule A-2, to supplement the information submitted in accordance with Schedule A.

(d) *Subterfuge.* The processor shall not reduce returns to producers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugar beets of the 1961 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1961 fair price determination.* The processor shall be deemed to have complied with the fair price provisions of the act if he has paid, or contracted to pay, prices for all sugar beets processed at not less than those determined pursuant to the applicable 1961-crop purchase contract with producers, except that (1) such prices shall not be subject to any deduction in the nature of a penalty on account of beets having been delivered from acreage in excess of the number of acres specified in the contract; (2) the deduction made for factory-site bulk sugar storage facilities owned by the processor is to be limited to amortization, maintenance, and operating costs; and (3) the average gross sales price of beet sugar marketed to affiliate companies or used by the processor shall, for the purpose of computing net proceeds pursuant to the contract, be not less than the weighted average quoted basis price, less customary allowances, plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to non-affiliated purchasers. The reporting requirements of the determination are being expanded to provide for the furnishing of data deemed necessary to reflect changes in computing net proceeds under the purchase contracts; such data to be submitted in accordance with schedules to be added by published amendment to this determination.

At the public hearings held in December 1960, a representative of the Nyssa-Nampa Beet Growers Association stated that since the 1961 crop of sugar beets would not be restricted, unit marketing costs would increase because of the larger volume of marketings, and returns to growers would probably be lower than for the 1959 or 1960 crops. He pointed out that in their negotiations with the processor for the last three crops, producers had been unable to obtain any increase in the scale of payments for sugar beets. A representative of the Mountain States Beet Growers Marketing Association of Colorado testified that on the basis of initial payments to growers for 1960-crop beets the payment for a ton of beets containing 16 percent sucrose would be about 60 cents less than in 1959, and that because increased sugar production in 1961 would have to be sold in more distant markets requiring higher freight absorptions, the grower's return per ton of 1961-crop sugar beets would decline. Witnesses from the Red River Valley of Minnesota and North Dakota testified that processors and producers had negotiated their 1961-crop purchase contracts with only minor changes from the 1960-crop contracts.

The California Beet Growers Association requested the Department to reopen the hearing to permit the presentation of additional testimony with respect to certain contracts issued by one or more processors in California subsequent to the hearing held in Berkeley, California, on December 19, 1960. At the reopened hearing the witness for the Association recommended that the Department investigate the equities involved in the charges proposed for company-owned bulk sugar storage facilities as provided in 1961-crop purchase contracts issued by two of the companies, and if such charge were deemed equitable, appropriate conditions and limitations should be specified; that the Department determine whether producers are entitled to share in the profits of a new product known as vitamin or mineral fortified sugar manufactured by the processor from beet sugar; that if beet sugar is used in the manufacture of the new product such sugar should be priced at not less than the average gross sales price for all sugar marketed during the entire sales year less appropriate marketing expenses applicable to the sugar used; that contract provisions for a lengthened harvest season in the Imperial Valley be studied for possible adverse effects on returns to producers and that provision be made for offsetting compensation to producers; and that the freight escalator clause for transporting sugar beets from the Imperial Valley be eliminated. The witness pointed out that some of the provisions of the 1961 contracts were not negotiated with the accredited representatives of the Association, and that the Association had not been able to obtain full information regarding specific changes in the contracts. He stated that the directors of the Association had considered the matter of the processor making a charge for company-owned bulk storage bins in determining net proceeds and that they did not approve, in principle, of producers' participation in the cost of financing a capital asset of a sugar processing company.

The representative of the Holly Sugar Corporation recommended approval of its 1961-crop contracts in its California districts. The witness testified that the Imperial Valley contract provides for a deduction, as a marketing expense, of 3 cents per hundredweight of beet sugar sold during the settlement period in the event the company decides that it is in the interest of the producers and the company to construct factory-site bulk sugar storage bins; that such deduction would be made until the aggregate amount deducted equalled the cost of the bins including interest, taxes, insurance, and maintenance costs properly applicable thereto, and, thereafter, a deduction would be made for the costs incurred for taxes, insurance, and maintenance of such bins; that the company had given careful consideration to the economies which could be accomplished by constructing such bins in lieu of using public storage facilities and, based upon estimates of relative costs, it was indicated that there would be an immediate increase in net returns of about 3 cents per hundredweight of sugar; and that the majority of producers in the Imperial Valley had signed 1961 contracts which included the bulk sugar storage bin provision. A statement filed by the company subsequent to the hearing pointed out that "Actually the proposed bulk bin is designed to improve—not reduce—the growers' net returns".

The representative of the Union Sugar Division, Consolidated Foods Corporation, recommended approval of (1) a charge of 10 cents per 100 pounds for sugar stored in the company's bulk sugar facility as provided in the 1961 contracts, with the stipulation that such charge would be limited to 800,000 hundredweight of sugar in any 12-month period, and when converted to an average charge to all producers would amount to about 4.4 cents per hundredweight on all sugar sold during the sales year; (2) the provision of the 1961 contract for the Imperial Valley relating to the pricing of beet sugar used by the company in the production of vitamin or mineral fortified sugar and that the term "competitive allowance" in the contract be qualified by the word "open"; and (3) the freight escalator provision of the 1961 contract for the Imperial Valley. The witness stated that the substitution of company-owned factory located bulk sugar bins for outside commercial storage facilities would reduce marketing costs and thereby increase net returns by about 10 cents per hundredweight of sugar; that the company is taking the risk of substantial losses if the new fortified sugar product does not gain public acceptance and that the pricing basis for the beet sugar used would be related to published price announcements and not subject to manipulation by the company; and that the freight escalator provision of the contract established a ceiling on the company's cost of freight on sugar beets and has in the past resulted in a substantial decrease in freight costs to producers as well as the recent increase of 3 cents per ton of beets. With respect to the provision in the contract for a charge to producers to cover part of the cost of receiving and loading equipment in the Antelope Valley, the witness stated the company contracted for a small acreage of beets in that region on an experimental basis and for this reason could not enter the area and make the investment necessary for loading facilities.

The Spreckels Sugar Company submitted a brief subsequent to the reopened hearing supporting in principle the method of financing the construction of bulk sugar storage facilities proposed by Holly Sugar Corporation whereby the capital investment would be amortized over a reasonable period of time through a deduction from the gross selling price of sugar. The company contended that testimony presented at the hearing demonstrated that a method similar to that proposed would result in substantial savings in marketing expenses by the reduction in costs incurred in connection with off-site storage of sugar. The company recommended that the method of computing net returns as provided in its 1961 contract be approved and that the proposal of Holly Sugar Corporation with respect to financing bulk sugar storage facilities also be approved as fair and reasonable.

Examination of 1961-crop purchase agreements indicates that in most respects the major provisions relating to payments for sugar beets conform to those applicable to the 1960 crop. However, the 1961-crop contracts of two eastern processing companies provide that producers will receive, in addition to the payment otherwise provided in the contract, a payment equal to fifteen percent of the amount by which the average net proceeds from the sale of sugar produced per ton of beets exceeds $7.50 but not more than $10.00 per hundred pounds, but such additional payment will not be made if the average sugar content of beets is less than 14 percent. The 1960 contracts of this processor provided for similar additional participation by producers in net returns, but at levels ranging from $6.70 to $9.00, and payable without regard to the average sucrose content of beets. The 1961 contracts of an eastern processor operating two factories provide that payments for beets will be related to the sucrose content of beets delivered by producers at each factory instead of being related to the combined average sucrose content for beets processed at both factories as in 1960. One company which has suffered losses at its Colorado factory, reduced the scale of payments in its 1961-crop contract and changed the basis of payment from the cossette test (average sucrose of all beets sliced) to the individual test (average sucrose of beets delivered by each producer). At similar average levels of net returns and sucrose content, these changes will result in a reduction of about 10 percent in payments for beets. The contract of one processor provides a penalty in the nature of a substantial deduction from the price otherwise required by the contract, in the event the producer delivers beets from acreage in excess of the contracted acreage. Several companies provide for a charge, in computing net proceeds, for company-owned bulk sugar storage facilities at factory sites in lieu of comparable storage in commercial facilities. The contracts for three factory districts, provide for a charge for bulk sugar storage facilities if the processor elects to build factory-site bulk sugar bins. Other changes in some of the 1961 contracts include, increased producer participation in the costs of transporting beets to the factory, decreased allowances to producers for hauling beets to receiving stations or

to the factory, a charge to producers as a contribution to the cost of beet receiving equipment, and the pricing of beet sugar on a quoted basis price for quantities used by the processor in the production of mineral or vitamin fortified sugar.

Consideration has been given to the recommendations made at the public hearings, to changes in the purchase contracts, to the comparative operating results of producers and processors obtained by field study for a recent crop and recast in terms of prospective conditions for the 1961 crop, and to other pertinent factors. In those regions where the 1961 contracts provide for reductions in payments for sugar beets, the analysis of the sharing of returns and costs supported the changes.

Representatives of producers in California opposed in principle any charge by processors for bulk sugar storage facilities erected by the company. These representatives contended that under such an arrangement producers would pay the major part of the capital cost of such facilities and that historically the processor had the responsibility for providing factory storage at no cost to producers. The representative of one of the California processors contended that by substituting a new but smaller marketing cost for a larger marketing cost incurred through reliance on outside commercial facilities, the average net proceeds would be increased somewhat above what they otherwise would be during the first years after the facility is constructed, and by a substantial amount at the end of about the fifth or sixth year, with absolutely no cost to growers. The representative of another processor in discussing the contract provision for a charge for storage in its own facility contended that such a charge was simply in lieu of public storage cost that the company would be compelled to pay were it not for the bulk facility completed a year ago at its factory location. He also indicated that without such a facility sugar would be stored in public warehouses at an average cost of about 22 cents per 100 pounds. It was also pointed out that under the participating type purchase contracts producers receive about 75 percent of the savings in marketing costs and that the remaining share, after taxes, would not justify the processor making the large capital outlay for new storage facilities.

Although processors have customarily provided at their expense factory storage for varying quantities of bagged sugar, and in some instances bulk sugar, the trend is rapidly toward bulk and liquid sugar and new types of storage facilities are needed to meet users demands. It is essential that processors, as well as producers, utilize every opportunity to develop more efficient methods of production and marketing. An analysis of the proposals to substitute a charge for factory-site company-owned storage facilities in computing net proceeds pursuant to the contracts, for public storage costs, indicates that savings should result. Arrangements embodying this concept, but with variations, have been in effect in some other regions of the sugar beet area for a number of years where the processors have obtained agreement with producers to modify their customary accounting systems in computing net proceeds for sugar marketed so as to include a charge for factory-site company-owned bulk storage facilities.

Accordingly, this determination provides that the processor may make a deduction from the gross sales price for beet sugar, in determining net proceeds, for factory-site bulk sugar storage facilities owned by the processor. However, such charge may not exceed an amount to cover amortization over a reasonable period, interest at prevailing rates, taxes, insurance, maintenance, and operating costs. This applies to all processors who make a deduction for such storage facilities regardless of the time the arrangement was begun. After the costs of the facilities have been recovered, the charge is to be limited to taxes, insurance, maintenance, and operating costs.

In determining net proceeds pursuant to the contract the gross sales price to be applicable to beet sugar sold by a processor to an affiliate company or business entity, or used by the processor, shall be not less than the weighted average quoted basis price less customary allowances, and plus prepays and package differentials which would have been applicable to such sugar had it been marketed to non-affiliated purchasers. One processor plans to produce a fortified sugar product and another has marketed beet sugar to an affiliated company which produces this specialty product. In such circumstances it is essential that no competitive pricing advantage accrue to the processor by virtue of sales to himself or to an affiliated company as compared with sales to other purchasers where normal marketing practices prevail.

The representative of the California Beet Growers Association made certain recommendations or suggestions which are not adopted. Some latitude on the part of the processor regarding time of harvest is unavoidable. The freight escalator clause is a convenient method of implementing the principle, embodied in purchase contracts for a number of years, that producers who are located at an unusually great distance from the factory may reasonably be expected to bear a portion of the costs of transporting their beets to the factory. A small number of producers in the Antelope Valley (California), a semi-desert area, entered into a supplemental agreement with the processor providing for a deduction of 80 cents per ton of beets from the price payable under the contract as a contribution towards the cost of sugar beet receiving equipment. Such an arrangement is a departure from the well established principle that the processor has the responsibility for providing processing and receiving facilities for beets purchased.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131)

Signed at Washington, D.C., on December 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-11823; Filed, Dec. 13, 1961; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[958.337, Cancellation of Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments—Area No. 2

In accordance with recommendations and information submitted by the Area No. 2 (San Luis Valley, Colorado) Potato Committee, established pursuant to § 958.50 of this part, Amendment 1 to § 958.337, issued December 7, 1961, to become effective December 13, 1961, is hereby cancelled and § 958.337, *Limitation of Shipments*, published August 19, 1961 (26 F.R. 7760) remains in effect.

Findings. It is hereby found that it is unnecessary to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) this action relieves restrictions, (2) this action will not require any special preparation on the part of handlers affected thereby, and (3) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 12, 1961, to become effective as of this date.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-11904; Filed, Dec. 13, 1961; 9:20 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Free, Infected, and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, are hereby amended to read respectively, as follows:

§ 74.2 **Designation of free and infected areas.**

(a) Notice is hereby given that sheep in the following States, Territories, and District, and parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington and Wyoming;

(2) That portion of South Dakota lying west of the Missouri River;

(3) The following counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) All counties in New Mexico except that portion of Eddy County bounded on the north by the Chaves-Eddy County line road (FAS 1215), on the south by State Highway 83 (FAS 1200), on the east by U.S. Highway 285, and on the west by Range Line 24E; and except that portion of Chaves County bounded on the north by Township 15S, on the south by the Chaves-Eddy County line road (FAS 1215), on the east by U.S. Highway 285, and on the west by Range Line 24E;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary;

(6) The following counties in Kansas: Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche, and all counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories, and parts of States not designated as free areas in paragraph (a) of this section and they are hereby designated as infected areas.

§ 74.3 **Designation of eradication areas.**

(a) Notice is hereby given that sheep in the following States, Territories, and parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are herby designated as eradication areas:

(1) Arkansas, Hawaii, Illinois, New Jersey, New York, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following counties in Kansas: Barber, Barton, Cloud, Ellsworth, Harper, Harvey, Kingman, Lincoln, McPherson, Mitchell, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Russell, Sedgwick, Smith, Stafford, and Sumner Counties;

(4) All counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux and Scottsbluff;

(5) That portion of Eddy County in New Mexico bounded on the north by the Chaves-Eddy County line road (FAS 1215), on the south by State Highway 83 (FAS 1200), on the east by U.S. Highway 285, and on the west by Range Line 24E; and that portion of Chaves County in New Mexico bounded on the north by Township 15S, on the south by the Chaves-Eddy County line road (FAS 1215), on the east by U.S. Highway 285, and on the west by Range Line 24E;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds a specified part of the State of Kansas to the list of free areas and deletes such part from the list of infected and eradication areas as sheep scabies is no longer known to exist in such part. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to the specified part of this State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of December 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-11859; Filed, Dec. 13, 1961; 8:51 a.m.]

PART 77—TUBERCULOSIS IN CATTLE

Modified Accredited Areas

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a **Modified accredited areas.**

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii, and Calhoun and Jackson Counties in Michigan.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended; 21 U.S.C. 111-113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon issuance.

The amendment restores Scioto County in the State of Ohio to the areas designated as modified accredited areas because such county now meets the qualifications of such an area as set out in § 77.3.

The amendment relieves certain restrictions presently imposed and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of December 1961.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61-11860; Filed, Dec. 13, 1961; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Maximum Interest Rates

§ 217.122 **Explanatory statement regarding maximum interest rates on deposits.**

(a) A number of inquiries have been received by the Board regarding the

interpretation of the Board's action, announced on December 1, 1961, increasing the maximum permissible rates of interest that may be paid by member banks on time and savings deposits effective January 1, 1962. The following comments are intended to provide guidance in answering such inquiries.

(b) Although the maximum rate on savings deposits will depend upon the length of time that the deposit has remained with the bank, the maximum rate on time deposits (certificates and time open accounts) will continue as heretofore to be dependent upon the stated maturity of the certificate or the prescribed period of notice of withdrawal and not upon the length of time the deposit has remained in the bank. For example, the maximum permissible rate on a 6-months certificate of deposit would be 3½ percent even though, because of renewals, the deposit remains in the bank 12 months or more.

(c) Time certificates issued prior to January 1, 1962, may be amended, if desired, to bear interest up to the applicable increased maximum rates for the period subsequent to that date. Thus, a certificate dated July 1, 1961, maturing July 1, 1962, may be amended to bear interest up to 4 percent for the period subsequent to January 1, 1962.

(d) Any savings deposit that has remained on deposit continuously for 12 months or more prior to January 1, 1962, may bear interest at any rate up to 4 percent for the period following that date but not for any period prior thereto. After any savings deposit, whether made before or after January 1, 1962, has remained continuously on deposit for 12 months, interest may be paid at any rate up to 4 percent for the period subsequent to January 1, 1962. Where interest is paid at a rate of 3½ percent or less for a period subsequent to January 1, 1962, when the deposit has been in the bank for less than 12 months, but where the deposit continues in the bank for 12 months, the bank may then pay such additional interest for the period subsequent to January 1, 1962, as will not cause the rate for such period to exceed 4 percent. For example, if $1,000 is deposited March 1, 1962, and the bank thereafter credits 3½ percent interest, and if that amount remains on deposit until March 1, 1963, the bank may then credit an additional ½ of 1 percent on that amount from March 1, 1962, so that interest for the 12 months would be at a rate of 4 percent.

(e) In determining the maximum permissible rate on savings deposits, the portion of any such deposit that has "remained on deposit for not less than 12 months" is the minimum balance in the account at any time during such period.

(f) It should be emphasized that the above interpretations relate to the maximum permissible rates of interest and do not preclude member banks from paying less than such maximum interest by reason of lower rates or computation procedures.

(g) Notwithstanding the Board's action, it should be borne in mind that State member banks, as well as national banks under section 24 of the Federal Reserve Act, may not pay interest on time or savings deposits at any rate in excess of that authorized by or pursuant to State law for State banks or trust companies.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 7th day of December 1961.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-11807; Filed, Dec. 13, 1961; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards with Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

1. In § 230.11 *Descriptive list*, paragraph (p) *Standard rubbers and rubber compounding materials* is amended by the revision of sample number 370a to read as follows:

Sample No.	Name	Approximate weight of sample (in grams)	Price per sample
370b	Zinc oxide	2,000	$3.25

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 61-11829; Filed, Dec. 13, 1961; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Exemption of Common Carriers and Public Utilities

Paragraph (d) *Common carriers by water*, of § 1453.3, is amended by striking out the period at the end of subdivision (i) (*a*) of subparagraph (2) and inserting the following: "before August 12, 1961, or by the Federal Maritime Commission on or after August 12, 1961."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: December 11, 1961.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 61-11831; Filed, Dec. 13, 1961; 8:48 a.m.]

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

PART 1472—CONDUCT OF RENEGOTIATION

Filing of Financial Statements, Information, and Requests by Contractors

1. Section 1470.3 *Filing of financial statements* is amended in the following respects:

a. The third sentence of paragraph (a) is deleted in its entirety and the following is inserted in lieu thereof: "For fiscal years ending on or before June 30, 1956, the Standard Form of Contractor's Report is composed of two parts (RB Form 1 and RB Form 1B). See § 1470.90 (a) and (b). For fiscal years ending after June 30, 1956, the Standard Form of Contractor's Report is composed of RB Form 1 only. See § 1470.90(c)."

b. The first sentence of subparagraph (2) of paragraph (d) is changed to read as follows: "Except as otherwise provided in § 1467.31(d) of this subchapter with respect to fiscal years ending after June 30, 1956, every contractor who is required to file a financial statement for any such fiscal year shall file the Standard Form of Contractor's Report (RB Form 1 as set forth in § 1470.90(c)) on or before the first day of the fifth calendar month following the close of such fiscal year, whether or not any specific request for filing has been made.

2. Section 1472.6 *Filing of information and requests by contractor* is amended by striking out "Office of Assignments and Statistics" in paragraph (d) (2) and inserting in lieu thereof "Office of Assignments."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: December 11, 1961.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 61-11832; Filed, Dec. 13, 1961; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 2) Amdt. 8]

ALLOCATIONS

1. Section 10 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 5396) is further amended to read as follows:

Sec. 10. Allocations of crude oil and unfinished oils—Districts I–IV.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in Districts I–IV for the allocation period January 1, 1962 through June 30, 1962 shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1961 and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	11.6
10–20,000	10.7
20–30,000	9.7
30–60,000	8.7
60–100,000	7.7
100–150,000	6.7
150–200,000	5.7
200–300,000	4.7
300,000 plus	3.8

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 72.8 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 72.8 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

2. Section 11 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 5396) is further amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

(a) The quantity of imports of crude oil determined to be available for allocation in District V for the allocation period January 1, 1962 through June 30, 1962, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1961 and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	39.6
10–20,000	30.8
20–30,000	22.4
30–60,000	13.2
60–100,000	10.7
100–150,000	9.7
150–200,000	8.7
200,000 plus	6.9

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 65.9 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 65.9 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) Allocations made pursuant to this section shall not permit the importation of unfinished oils in excess of 10 percent of the permissible imports of crude oil. With respect to any allocation made pursuant to this section, the Administrator upon request shall issue a license permitting the importation of unfinished oils in an amount not in excess of 10 percent of the allocation. If the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude oils, the Administrator may to that extent increase the percentage amount of unfinished oils specified in licenses of persons who request such increases.

Each person making such a request shall receive an increase in the proportion that his allocation bears to the total of allocations made to all persons requesting increases. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs.

The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period, if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the amendment making such change.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

3. Section 15 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 5397) is further amended to read as follows:

Sec. 15. Allocation of crude oil and unfinished oils—Puerto Rico.

(a) For the allocation period January 1, 1962 through June 30, 1962, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico quantities of imports of crude oil and unfinished oils in proportion to the applicant's average barrels daily of refinery input (adjusted by the Administrator for downtime) in Puerto Rico during the months of July, August, and September of the year 1958.

(b) In the event that the maximum levels of imports of crude oil and unfinished oils are increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of crude oil and unfinished oils.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 16 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 5397) is further amended to read as follows:

Sec. 16. Allocations of finished products—Puerto Rico.

(a) For the allocation period January 1, 1962, through June 30, 1962, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products during the last 6 months of the calendar year 1958. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel is increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel, respectively.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Because allocations must be made and licenses issued for the allocation period beginning January 1, 1962, it is impracticable to give notice of proposed rule making on, or to delay the effective date of, this amendment. Accordingly, this amendment shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 11, 1961.

[F.R. Doc. 61-11888; Filed, Dec. 13, 1961; 12:46 p.m.]

Title 41—PUBLIC CONTRACTS

Chapter 60—The President's Committee on Equal Employment Opportunity

PART 60–1—OBLIGATIONS OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

Miscellaneous Amendments

Pursuant to Executive Order 10925 of March 6, 1961 (26 F.R. 1977), the President's Committee on Equal Employment Opportunity hereby amends Part 60–1 of Title 41 of the Code of Federal Regulations by making miscellaneous changes in §§ 60–1.2, 60–1.3, 60–1.5, and 60–1.62. The amendments are set forth below.

1. Section 60–1.2 is amended by making changes in paragraphs (g) and (h) and by adding paragraphs (m) and (n). As amended § 60–1.2 reads as follows:

§ 60–1.2 Definitions.

* * * * *

(g) "Contract modification" means any written alteration in the terms and conditions of a contract accomplished by bilateral action of the parties to the contract, including such bilateral actions as supplemental agreements and amendments.

(h) "Subcontract or purchase order" mean, respectively, any agreement made or purchase order executed by a prime contractor or a subcontractor where a material part of the supplies or services covered by such agreement or purchase order is being obtained for use in the performance of a contract subject to the Order.

* * * * *

(m) "United States" as used herein shall include the Commonwealth of Puerto Rico, the Panama Canal Zone and the possessions of the United States.

(n) "Standard commercial supplies" means an article:

(1) Which in the normal course of business is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial dealer for the marketing of such article; or

(2) Which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

2. Section 60–1.3 is amended by revising paragraph (b) thereof. As amended § 60–1.3(b) reads as follows:

§ 60–1.3 Contract agreements; exemptions.

* * * * *

(b) *Exemptions*—(1) *Specific contracts, sub-contracts, or purchase orders.* The Executive Vice Chairman may exempt a contracting agency from requiring the inclusion of the contract provisions set forth in section 301 of the Order in any specific contract, subcontract, or purchase order when he deems that special circumstances in the national interest so require. Exemptions may also be granted to groups or categories of contracts of the same type where it is impracticable to act upon each request individually, or group exemptions will contribute to convenience in the administration of the Order. Requests for such exemptions may be submitted in accordance with § 60–1.62.

(2) *Transactions of $10,000 or under.* Contracts, purchase orders, and other transactions not exceeding $10,000, other than government bills of lading, are exempt from the requirements of section 301 of the Order.

(3) *Standard commercial supplies and raw materials.* Contracts, subcontracts and purchase orders not exceeding $100,000 for standard commercial supplies or raw materials are exempt from the requirements of section 301 of the Order, except that the Executive Vice Chairman may from time to time by order provide that specified articles or raw materials shall be subject to the Executive Order and rules and regulations promulgated pursuant thereto, when he finds that the inclusion thereof is necessary or appropriate to achieve the purposes of the Order. Contracting officers shall not procure, or approve the procurement of, supplies in less than usual quantities in order to avoid application of the Order to any transaction which would normally be subject to its provisions.

(4) *Government bills of lading.* Government bills of lading in any amount are subject to the Order, and the nondiscrimination provisions may be incorporated therein by reference. When acting pursuant to such bills of lading, carriers shall be exempt from complying with paragraphs 3 through 7 of the contract clauses contained in section 301 of the Order unless otherwise specifically ordered by the contracting agency or the Executive Vice Chairman.

(5) *Contracts outside the United States.* Contracts, purchase orders and other transactions are exempt from the requirements of section 301 of the Order where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved. The provisions of section 301 of the Order shall nevertheless be applicable to the extent that work pursuant to such contracts is done within the limits of the United States.

(6) *Sales contracts.* Contracts and other transactions providing for the sale of Government real and personal property where no appreciable amount of work is involved are exempt from the requirements of section 301 of the Order.

(7) *Withdrawal of exemption.* When any contract or subcontract subject to the Order is of a class exempted under this section, the Executive Vice Chairman may withdraw the exemption for a specific contract or group of contracts when in his judgment such action is necessary or appropriate to achieve the purposes of the Order.

(8) *Effect of exemption.* Notwithstanding the inclusion in any contract of the provisions set forth in section 301 of the Order, the contractor shall be exempt from compliance therewith if the contract containing such provisions of the Order is exempt under any exemption contained in the rules, regulations and relevant orders issued by the Committee.

(9) *Review of exemptions.* The Executive Vice Chairman shall report periodically to the Committee for its review any exemptions of a specific contract or class of contracts granted pursuant to these rules and regulations.

3. Section 60–1.5 is amended by revising paragraph (a) thereof. As amended § 60–1.5(a) reads as follows:

§ 60–1.5 Compliance reports.

(a) *Requirements for contractors and subcontractors*—(1) *General.* The contracting agency shall require each contractor having a contract containing the provisions prescribed in section 301 of the Order to file, and each contractor shall cause each of its first-tier subcontractors not exempted by § 60–1.3 to file compliance reports in accordance with instructions attached to the official compliance report form. Such compliance reports shall be filed within 30 days after the award of the contract or at such other times as may be required by the form, or by order of the Executive Vice Chairman. Such forms may be obtained from the contracting agency or the prime contractor. Subsequent compliance reports shall be filed at such regular intervals as may be indicated upon the prescribed forms or at such other times as the Executive Vice Chairman may direct. Among other things, the forms shall provide that whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or other representative of employees, information shall be furnished as to the labor union or other workers' representative's practices and policies affecting compliance, and in connection therewith, shall request the union or workers' representative for any necessary data within its possession. Where such information is within the exclusive possession of a labor union or other workers' representative and the labor union or other workers' representative shall fail or refuse to furnish such information, the contractor or subcontractor shall so certify in his report and shall set forth what efforts he has made to obtain such information. When such failure or refusal is certified to a contracting agency, it shall immediately advise the Executive Vice Chairman. The contracting agency, with the approval of the Executive Vice Chairman, may, in appropriate cases, extend the time for the filing of compliance reports.

(2) *When required on other current contracts.* Whenever a contractor or subcontractor is currently engaged in the performance of any part or all of another contract with any contracting agency subject to the Order and these regulations, and has filed, within a current reporting period, a compliance report covering the plants, facilities and activities which are involved in the performance of a new contract, the requirements of subparagraph (1) of this paragraph may be satisfied by the contractor or subcontractor filing a statement showing the date of filing of such report, the employer identification number under which filed, and the predominant interest agency at the time of the filing of such prior report (unless the contracting agency shall direct that more current compliance reports be filed).

4. Section 60–1.62 is amended by the addition of a new sentence thereto. As amended § 60–1.62 reads as follows:

§ 60–1.62 Requests for exemptions.

The head of the contracting agency may request an exemption of any specific contract, subcontract, or purchase order from the requirements of the provisions of section 301 of the Order. Similar requests may be made for the exemption of groups or categories of contracts of the same type where it is impracticable to act upon each request individually, or group exemption will contribute to convenience in the administration of the Order. Any such request shall be directed to the Executive Vice Chairman, who shall rule upon the request in accordance with paragraph (b) of § 60–1.3.

Effective date. Because these amendments are within the public contracts exception to section 4 of the Administrative Procedure Act, and because of the desirability of prompt implementation of the provisions of Executive Order 10925, these amendments become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 11th day of December 1961.

JERRY R. HOLLEMAN,
Executive Vice Chairman.

[F.R. Doc. 61–11838; Filed, Dec. 13, 1961; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING

[Circular 2070]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Issuance of Licenses and Permits

On page 9136 of the FEDERAL REGISTER of September 28, 1961, there were published proposed amendments to § 161.6, Code of Federal Regulations, providing new procedures applicable to imposing reductions on grazing use that may permit a licensee or permittee to carry the difference between the actual grazing capacity of a range and the potential capacity on a nonuse basis. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

Comments and recommendations submitted by the public and the National Advisory Board Council favor adoption. Accordingly the amendments are adopted without change. The amendments shall become effective at the beginning of the 30th calendar day following date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 7, 1961.

1. Section 161.6 is amended by the revision of paragraph (e) (3) and by adding subparagraph (5) to paragraph (f) as follows:

§ 161.6 Issuance of licenses and permits.

* * * * *

(e) *Terms and conditions.* * * *

(3) No license or permit will confer grazing privileges in excess of the grazing capacity of the Federal range to be used, as determined by the district manager, except as may be allowed under paragraph (f) (3) and (5) of this section.

* * * * *

(f) *Reduction.* * * *

(5) When the district manager determines that the potential grazing capacity, with improvements, of a Federal range area is significantly greater than the present grazing capacity, he may, after obtaining advice from the advisory board, issue a current license for active use not to exceed the animal unit months of forage presently available, and issue a non-use license for the difference between the use allowable by the limits of the present grazing capacity and the potential. This difference will be held in a suspense status as reflected in the non-use portion of the license, provided that the aggregate of active and non-use priveleges shall not exceed the extent of the base property qualifications of the licensee or permittee. Thereafter, when the district manager determines that a significant portion of the potential grazing capacity has been attained, he may increase the active authorized use under the license or permit to that extent.

[F.R. Doc. 61–11809; Filed, Dec. 13, 1961; 8:45 a.m.]

[Circular 2071]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Miscellaneous Amendments

On page 8418 of the FEDERAL REGISTER of September 7, 1961, there were published proposed amendments to §§ 161.12 and 161.13, Code of Federal Regulations. Regulations for simplifying trespass procedures are provided in § 161.12. Amendments to § 161.13 provide regulations which will serve to broaden the representation on State advisory boards and the National Advisory Board Council to include, in addition to grazing and wildlife, other interests in the use, management, conservation, and disposal of the national land reserve; clarification of procedures for the conduct of meetings is also provided. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments or objections have been received from the public regarding the proposed amendment to § 161.12; however, minor modifications of § 161.12 (b), (c) (2), and (e) are made to add clarity. The proposed amendment to § 161.13 generated considerable comment most of which urged adoption. The primary objections raised reflected a desire to include both cattle and sheep representation on the National Advisory Board Council and also voiced opposition to proposed procedures that would have restricted the participation of advisory board and Council chairmen and members in the formulation of the agenda and the conduct of meetings. After carefully considering the many comments and recommendations concerning representation on the State advisory boards and the National Advisory Board Council, modification of the applicable proposals have been made.

Accordingly, the proposed amendments with the following modifications are adopted and are set forth below:

1. The first sentences of paragraphs § 161.12(b) and § 161.12(e) are amended to add the word "grossly" preceding the word "negligent."

2. The last sentence in subparagraph § 161.12(c)(2) is amended as follows: "Where the trespass grazing is not deemed to be clearly wilful the forage value shall be computed at the rate of $2 per animal unit month, or at the commercial rate if such rate is the higher; if the district manager deems the trespass grazing to be clearly wilful, grossly negligent, or repeated he shall compute the forage value at $4 per animal unit month, or at twice the commercial rate if such amount is the higher."

3. The proposed revision of § 161.13(d) is deleted and the existing paragraph as shown in 43 CFR 161 continues in effect.

4. Section 161.13 (f), (g), and (h) are revised.

The amendments shall become effective at the beginning of the 30th calendar day following date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 7, 1961.

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a–315r), as amended and supplemented, it is proposed to amend and revise the regulations issued under the said act as set forth below. The main purpose for these changes is to provide for expanded representation of interests of all resources, their management and use, other than grazing and wildlife, on State Advisory Boards and the National Advisory Board Council by amending § 161.13 (d), (f), (g), and (h). In addition, trespass procedures will be simplified by amending § 161.12 (b), (c), (d), and (e).

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amend-

ments to the Bureau of Land Management, Washington 25, D.C., within thirty days of publication of this notice in the FEDERAL REGISTER.

§ 161.12 [Amendment]

1. Section 161.12 is amended as indicated below:

a. Paragraph (b) is amended to read as follows:

(b) *Violations clearly willful; special circumstances.* Whenever it appears to the district manager that a violation is clearly wilful, grossly negligent, or repeated, or when the public health, safety, or interest requires, or when disciplinary action is advisable, the district manager will refer the matter directly to the State Director for further action under paragraph (c) or (e) of this section, whichever is appropriate.

b. The caption of paragraph (c) is amended and new subparagraphs (2) and (4) are added, as follows. The present subparagraph (2) is revised and renumbered (3). The present subparagraph (3) is renumbered (5).

(c) *Unlawful grazing on the Federal range; determination of damages; removal of livestock; impoundment.* * * *

(2) Where the owner of the trespassing livestock, or his representative, is known, the district manager shall make a determination of the damage to the Federal range and other property of the United States and shall make a demand for payment upon the alleged violator, setting forth the foregoing values including the value of the forage consumed. Where the trespass grazing is not deemed to be clearly wilful the forage value shall be computed at the rate of $2 per animal unit month, or at the commercial rate if such rate is the higher; if the district manager deemes the trespass grazing to be clearly wilful, grossly negligent, or repeated he shall compute the forage value at $4 per animal unit month, or at twice the commercial rate if such amount is the higher.

(3) In any case where neither the owner of the trespassing livestock, or his representative, is known, or where conservation of the Federal range and of the forage thereon requires it, the district manager, when so authorized by written order of the State Director, may take steps to remove the trespassing livestock by such methods and by such means not inconsistent with legislation which prohibits the use of airborne or motor-driven vehicles in the gathering of horses or burros, as may be necessary, and to dispose of them by sale or otherwise within not less than five (5) days after public notice of his intention to make such disposition, subject to the right of any owner or registered lienholder of such trespassing livestock to redeem the livestock within such nondisposal period upon payment of:

(i) The damage to the Federal range and other property of the United States.

(ii) The cost of such impoundment and removal.

(iii) The value of any forage consumed as determined in accordance with subparagraph (2) of this paragraph.

(4) If the amounts found to be due the United States in accordance with subparagraph (3), subdivisions (i), (ii), and (iii) of this paragraph are contested by the owner of the livestock, his representative, or lienholder, the trespassing livestock may be redeemed by the posting of a cash or corporate surety bond in lieu of immediate payment. Such bond will be adequate to insure full satisfaction of the claims made. A hearing will then be scheduled before an examiner of the Bureau of Land Management. The hearing will be conducted so far as practicable in the same manner as other hearings before an examiner. The evidence will be confined to the determination of the amount of damages, value of the forage consumed, and any other amounts considered to be due the United States as a result of said trespass. The examiner will render a written decision assessing the amounts due.

c. Paragraph (d) is amended to read as follows:

(d) *Amicable settlement of civil cases involving unauthorized use of the Federal range or damage to Federal property.* Offers of settlement for the value of the forage consumed in trespass as determined in accordance with paragraph (c) (2) of this section and for damage to Federal range or to other property of the United States resulting from an alleged violation of any provisions of the act or of the Federal Range Code for Grazing Districts in the amount of $2,000 or less may be accepted by the district manager. Offers of settlement in excess of $2,000 will be transmitted to the State Director for appropriate action. An offer of settlement will not constitute satisfaction of civil liability for the consumed forage and damage involved until finally accepted by the district manager or the State Director. Satisfaction of civil liability does not relieve the alleged violator of any criminal liability under Federal law. No license or permit will be issued or renewed until payment of any amount found to be due the United States under this section has been offered.

d. Subparagraphs (1) and (2) of paragraph (e) are amended to read as follows:

(e) *Disciplinary action for violations; show cause.* (1) Whenever it appears to the State Director that disciplinary action is advisable because of a wilful, grossly negligent, or repeated violation, he shall cause a written notice to be served upon the licensee or permittee. The notice shall set forth the act or acts complained of, specifically referring to the terms, conditions, or provisions of the license or permit and the section or sections of the Federal Range Code for Grazing Districts, or of the Act alleged to have been violated, and an estimate of the amount of damages resulting therefrom, including the value of the forage consumed, as determined in accordance with paragraph (c) (2) of this section. The notice will cite the license or permittee to appear before an examiner of the Bureau of Land Management at a designated time and place to show cause why his license, permit, or base property qualifications should not be reduced or revoked or renewal thereof denied and satisfaction of damages made.

(2) The hearing upon the order to show cause will be conducted so far as practicable in the same manner as other hearings before an examiner. The evidence shall be confined to the commission of the acts charged and the amount of damages, including the value of any forage consumed, due the United States. If the alleged violation is established to the satisfaction of the examiner, or upon the failure, without proper excuse satisfactory to the examiner, of the person named in the notice or his representative to appear at the hearing, the examiner will render a written decision assessing the amount of damages, including the value of any forage consumed, as determined in accordance with paragraph (c) (2) of this section, and directing the district manager to suspend, reduce, or revoke the license, permit, or base property qualifications or to deny renewal, if the facts so warrant.

2. Paragraphs (f), (g), and (h) of § 161.13 are amended to read as follows:

§ 161.13 Grazing district advisory boards.

* * * * *

(f) *State Advisory Boards.* The livestock members of each grazing district advisory board shall select from their number at the first meeting of the board after each election, two members and two alternates to serve on a State advisory board for the State in which the district is located; where the district advisory board has representation for cattle and horses, and sheep and goats, then only one representative and one alternate representing each class shall be selected. The wildlife members of the advisory boards within each State will select one of their number and one alternate to serve as a wildlife member on the State advisory board. In addition, the State advisory board will have one or more additional members, but not exceeding seven, who will represent other interests such as forestry, minerals, soil conservation, outdoor recreation, urban and suburban development, county government, and State government. Such additional members and their alternates will be selected by the State Director from nominations made by State or local government officers or organizations reflecting nonlivestock interests in the management or disposition of public lands. The time and place for meetings of the State advisory board shall be set by the State Director. The board shall select from its members one member to be chairman of the board. The co-chairman of the board shall be the State Director.

(g) *National Advisory Board Council.* The livestock members of each State advisory board shall select from their number, at its first meeting of each new term, one representative and one alternate representing cattle and horses, and one representative and one alternate representing sheep and goats, to serve on a National Advisory Board Council. The elected wildlife member or his alternate on each State advisory board will serve on the National Advisory Board Council as the State representative on wildlife matters. The State Director from each of the ten Western States with organized grazing districts shall submit a list of nominees, selected from the nonlivestock and nonwildlife membership on the State board, to the Secretary of the Interior or his authorized representative for consideration in the selection of nonlivestock and nonwildlife representatives on the Council. Such nonlivestock and nonwildlife membership on the Council shall not exceed ten in number. In addition to the above membership, one representative from each of the States of Alaska and Washington will be selected by the Secretary of the Interior or his authorized representative from a list submitted by the respective State Directors pursuant to nominations made by State or local government officers or organizations reflecting interests in grazing or other uses of public lands. The Council shall select from its members one member to be chairman of the Council. The co-chairman of the Council shall be an official of the Department of the Interior appointed by the Secretary of the Interior who shall set the time and place for such meetings of the National Advisory Board Council.

(h) *Functions and duties of State advisory boards and National Advisory Board Council.* The State advisory boards shall consider and make recommendations on grazing, wildlife, forestry, outdoor recreation, minerals, soil conservation, urban and suburban development, and any other resource administration policies or problems affecting the State as a whole. Similarly, the National Advisory Board Council shall consider and make recommendations on policies and problems of a national scope related to all natural resource use and management. The operations of the State boards and the National Council, including their meetings, shall conform to the committee management requirements of the Secretary of the Interior as set forth in the Departmental Manual.

[F.R. Doc. 61-11810; Filed, Dec. 13, 1961; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14185 (RM-94); FCC 61-1447]

PART 1—PRACTICE AND PROCEDURE

Revision of FM Broadcast Rules

In the matter of revision of FM Broadcast Rules, particularly as to allocation and technical standards, Docket No. 14185; petition of FM Unlimited, Inc., RM-94, for changes in FM Station Assignment Rules.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of December 1961;

The Commission having under consideration the proceedings in the above-captioned matter; and

It appearing, that, on June 28, 1961, the Commission adopted a notice of inquiry and a notice of proposed rule making, looking toward a complete revision of the FM broadcast rules; and that the matters and considerations involved are complex and require careful study and evaluation before finalization of new rules for the FM service; and

It further appearing, that an undertaking of this magnitude must necessarily reflect the best available engineering information and a careful evaluation of all material factors having a bearing on the rules to be adopted; and that, in this connection, the Commission extended the time for filing comments and reply comments to November 10, 1961, and January 10, 1962, respectively, to afford interested parties a full opportunity to study the plan set out in the referenced notices and to file comments that would be of assistance to the Commission in reaching a final determination in this matter; and

It further appearing, that continued processing of applications for FM facilities and authorization of additional FM stations under the existing FM rules will make it difficult to revise the rules in accordance with the objectives and public interest considerations set forth in the June 28, 1961, notices; that, in this regard, it is important to reserve maximum flexibility in areas of decisional significance to permit the Commission to adopt new rules which will foster and expedite the development and growth of FM broadcasting in this nation; that, on the other hand it is not believed that total suspension of the processing of FM applications is necessary at this time, particularly in those instances in which authorizations can be made that will not materially prejudice or limit the Commission in reaching a final determination in this matter consistent with the announced purposes of this proceeding; and that, in view of the foregoing, the Commission is of the opinion that the interim procedure set out below would best conduce to the public interest, convenience, and necessity; and

It further appearing, that the interim procedure set forth below relates to practice and procedure before the Commission and, therefore, proposed rule making in accordance with the provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for adoption of the interim procedures is contained in sections 4(i) and 303(r) of the Communications Act of 1034, as amended:

It is ordered, That, effective December 6, 1961, § 1.356 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[1] Statement of Commissioner Cross concurring in part and dissenting in part, filed as part of the original document.

Section 1.356 is amended to add the following to this section:

§ 1.356 Processing of FM and noncommercial educational FM broadcast applications.

* * * * *

NOTE: Pending further consideration of the matters and issues in Docket No. 14185 and RM-94, pertaining to the revision of the FM Broadcast Rules, requests for FM broadcast authorizations will be considered in accordance with the following procedure, notwithstanding any provision of the FM broadcast rules to the contrary.

(a) Applications for new FM broadcast stations or for modification of existing FM broadcast facilities on the frequencies and channels assigned to the FM Broadcast Service, set forth in § 3.201 of this chapter (including those previously designated for hearing), will be acted upon by the Commission where:

(1) The station, operating as proposed, will not receive interference from any existing or proposed station within its predicted 1 mv/m (60 db/u) contour and will not cause interference to any existing or proposed station within the existing or proposed station's 1 mv/m (60 db/u) contour.

(2) The coverage of the proposed facility will not be more than the equivalent of an FM broadcast station operating with 20 kilowatts (13 db/k) effective radiated power and antenna height of 500 feet above average terrain: *Provided, however,* The effective radiated power requested may not be greater than 20 kilowatts (13 db/k). (For the purpose of determining equivalent coverage, the 1 mv/m (60 db/u) contour should be used.)

(3) The directional antenna system, if any, is designed to radiate no more than 20 kilowatts (13 db/k) effective radiated power in any direction.

(b) Applications for FM broadcast facilities now pending before the Commission (including those in hearing status) will be reviewed to determine whether the proposals are consistent with the interim criteria set out in paragraph (a) of this note. Where the proposal is consistent with interim criteria, the subject application will be processed and appropriate action taken. Where the proposal is not consistent with the interim criteria, the applicant will be so notified and the subject application retained in the Commission's files pending finalization of rule making in Docket 14185 and RM-94. Applications tendered for filing after December 6, 1961, which are not consistent with the interim criteria will be returned to the applicant. Any person may amend a pending application to bring it into conformity with the interim criteria, and thereafter, the subject proposal will be considered and processed in accordance with the procedure set forth in this note.

(c) In predicting the distance to the service contour of an FM broadcast station, pursuant to the provisions of Paragraph (a) of this note, the F (50, 50) field intensity curve[2] (published with the Commission's order, FCC 61-1447, adopted December 6, 1961, instituting the interim procedures set out in this note) shall be used. The F (50, 50) curve shall also be used in computing equivalent coverage pursuant to the provisions of paragraph (a) (2) of this note. In predicting the distance to the interfering contour, the F (50, 10) field intensity curve[2] (published with the F (50, 50) curve above referenced) shall be used: *Provided, however,* The F (50, 50) field intensity curve shall be used in predicting second and third adjacent channel interference. The subject curves are based on an effective power of one kilowatt radiated for a half-wave dipole in free space, which produces an unattenuated field

[2] Graphs filed as part of the original documents.

strength at one mile of about 103 db above one microvolt per meter (137.6 millivolts per meter).

(d) The ratio of desired to undesired signals set out in paragraph (b) of § 3.313 of this chapter shall be used in determining interference. However, the desired and undesired signals shall be taken from the F (50, 50) and F (50, 10) curves in accordance with the provisions of paragraph (c) of this note.

(e) The interim criteria and procedures provided in this note shall not apply to construction permits or other FM broadcast station authorizations heretofore issued by the Commission or to applications for non-commercial educational FM Broadcast Stations: *Provided, however,* In determining service and interference for such educational facilities, the provisions of paragraph (c) of this note shall apply.

[F.R. Doc. 61-11861; Filed, Dec. 13, 1961; 8:52 a.m.]

[Docket 12404, 13928]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In the matter of amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations to align that part with the Geneva (1959) Radio Regulations to the extent practicable, Docket No. 13928; Allocation of Frequencies, Amendment of Part 2 of the Commission's rules and regulations, Docket No. 12404; petition filed by Lorac Service Corporation, Tulsa, Oklahoma, May 1, 1959, RM-116; petition filed by Hastings-Raydist, Inc., Hampton, Virginia, September 22, 1959, RM-139;

Correction

The Second Memorandum Opinion and Order (FCC 61-1235) in the above-entitled matter, adopted by the Commission on October 18, 1961, is hereby corrected as follows:

1. On page 10671 of the FEDERAL REGISTER for November 15, 1961, change the entry in Column 10, "72.02-72.08 (NG 33)", to read "72.02-72.98 (NG33)".

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11842; Filed, Dec. 13, 1961; 8:50 a.m.]

PART 10—PUBLIC SAFETY RADIO SERVICES

Microwave Operation; Correction

In the matter of amendment of Part 10, Public Safety Radio Services, of the Commission's rules for the purpose of making editorial changes therein concerning Microwave Operation.

The Commission's Order of November 29, 1961, in the above-entitled matter (26 F.R. 11422) is corrected to change instruction 1 to include the entire text of § 10.101(a) to read as follows:

§ 10.101 Frequencies.

(a) Frequencies other than those shown in the applicable subpart of this part are not available for assignment except as provided in paragraphs (b), (d), (f), (h), and (j) of this section, and except that licensees holding a valid authorization on June 30, 1958, may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the Public Safety Radio Services. All applicants for, licensees of, stations in the services in this part shall cooperate in the selection and use of the designated frequencies to minimize interference and to make effective use of the frequencies assigned. Frequencies listed in this part will not be assigned exclusively to any one applicant. The use of any frequency at a given geographical location may be denied when in the judgment of the Commission its use in that location is not in the public interest; the use of any frequency may be restricted to one or more geographical areas.

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11843; Filed, Dec. 13, 1961; 8:50 a.m.]

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

Miscellaneous Amendments

In the matter of amendment of Part 16—Land Transportation Radio Services and Part 19—Citizens Radio Service for the purpose of making editorial changes therein.

The Commission having under consideration the amendment of Part 16—Land Transportation Radio Services and Part 19—Citizens Radio Service, to effect the editorial changes described below; and

It appearing, that the Commission by Second Memorandum Opinion and Order in Docket Nos. 13928 and 12404 (FCC 61-1235) which was published in the FEDERAL REGISTER November 15, 1961 (26 F.R. 10655), adopted certain amendments to Subparts A and B of Part 2 of the Commission's rules and regulations; and

It further appearing, that these amendments aligned, insofar as practicable, Subparts A and B of Part 2 of the Commission's rules and regulations with the Geneva (1959) Radio Regulations; and

It further appearing, that the public interest would be served by amending Parts 16 and 19 of the Commission's rules to conform with these changes as herein ordered; and

It further appearing, that the amendments adopted herein are editorial in nature, thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section 4(c) of the Administrative Procedure Act is not required; and

It further apearing, that the authority for issuance of this order is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended and section 0.341(a) of the Commission's Statement of Delegation of Authority;

It is ordered, This 8th day of December 1961, that, effective December 18, 1961, Parts 16 and 19 are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 16.6, paragraph (a) is amended by deleting the definition "Radiopositioning Service" and inserting new definitions set forth below; paragraph (b) is amended by deleting the definitions "Base station", "Land radiopositioning station", "Land station", and "Mobile radiopositioning station" and inserting new definitions set forth below; paragraph (c) is amended by deleting the definitions "Harmful interference" and "Radiopositioning" and inserting definitions set forth below:

§ 16.6 Definition of terms.

* * * * *

(a) * * *

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land transportation radio services. Any private service of radiocommunication essential to the conduct of certain land transportation activities, the transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

* * * * *

Radiolocation service. A radiodetermination service involving the use of radiolocation.

* * * * *

Safety service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

(b) * * *

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

* * * * *

Radiolocation land station. A station in the radiolocation service not intended to be used while in motion.

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(c) * * *

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or other safety service or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

* * * * *

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

In § 19.2, paragraph (c) is amended by deleting the definition "Harmful interference" and inserting the following new definition in alphabetical order.

§ 19.2 Definitions.

* * * * *

(c) * * *

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with applicable laws, treaties, and regulations.

[F.R. Doc. 61-11844; Filed, Dec. 13, 1961; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 270—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED SCALLOPS

On page 6518 of the FEDERAL REGISTER of July 20, 1961, there was published a notice and text of a proposed new part 270 of Title 50, Code of Federal Regulations. The purpose of the new part is to issue United States Standards for Grades of Frozen Fried Scallops under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

Interested persons were given until August 19, 1961, to submit written comments, suggestions or objections with respect to the proposed new part. One objection was received and considered and the proposed new part is hereby adopted without change and is set forth below. This part shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: December 8, 1961.

JAMES K. CARR,
Acting Secretary of the Interior.

PART 270—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED SCALLOPS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.
270.1 Product description.
270.2 Styles of frozen fried scallops.
270.3 Grades of frozen fried scallops.

FACTORS OF QUALITY

Sec.
270.11 Ascertaining the grade.
270.12 Evaluating the unscored factor of flavor and odor.
270.13 Evaluating and rating the scored factors of appearance, uniformity, absence of defects and character.
270.14 Appearance.
270.15 Uniformity.
270.16 Absence of defects.
270.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

270.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

270.25 Tolerances for certification of officially drawn samples.

AUTHORITY: §§ 270.1 to 270.21 issued under 16 U.S.C. 742e.

PRODUCT DESCRIPTION AND GRADES

§ 270.1 Product description.

Frozen fried scallops are prepared from wholesome, clean, adequately drained, whole or cut adductor muscles of the sea scallop (Placopecten magellanicus), or scallop units cut from a block of frozen sea scallops, that are coated with wholesome batter and breading and pre-cooked in oil or fat. They are packaged and frozen according to good commercial practice and are maintained at temperatures necessary for preservation. Frozen fried scallops contain a minimum of 60 percent by weight of scallop meat.

§ 270.2 Styles of frozen fried scallops.

The styles of frozen fried scallops include:

(a) *Style I Random pack.* Scallops in a package are reasonably uniform in weight and/or shape. The weight or shape of individual scallops are not specified.

(b) *Style II Uniform pack.* Scallops in a package consist of uniform shaped pieces which are of specified weight or range of weights.

§ 270.3 Grades of frozen fried scallops.

(a) "U.S. Grade A" is the quality of frozen fried scallops that possess good flavor and odor; and for those factors of quality which are rated according to the scoring system outlined in this part, the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen fried scallops that possess at least reasonably good flavor and odor; and for those factors of quality which are rated according to the scoring system outlined in this part, the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried scallops that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 270.11 Ascertaining the grade.

The grade of frozen fried scallops is determined by examining the product in the frozen and cooked states. Factors of quality evaluated in ascertaining the grade of the product are flavor and odor, appearance, uniformity, absence of defects, and character.

(a) Flavor and odor are rated directly by organoleptic evaluation. Score points are not assessed (see § 270.12).

(b) Appearance, uniformity, absence of defects, and character are rated numerically on a scale of 100. The maximum number of points that may be given each of these factors are:

Factors:	Points
Appearance	[1] 25
Uniformity	[1] 20
Absence of defects	40
Character	[1] 15
Total possible score	100

[1] Frozen fried scallops which receive the maximum number of deduction points for any of these factors shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

§ 270.12 Evaluating the unscored factor of flavor and odor.

(a) "Good flavor and odor" (essential requirements for a Grade A product) means that the cooked product has flavor and odor characteristics of good scallop meat and of the breading and is free from staleness and off-flavors and off-odors of any kind.

(b) "Reasonably good flavor and odor" (minimum requirements of a Grade B product) means that the cooked product is lacking in good flavor and odor, but is free from objectionable off-flavors and off-odors of any kind.

(c) "Substandard flavor and odor" (Substandard grade) means that the flavor and odor fails to meet the minimum requirements of "reasonably good flavor and odor."

§ 270.13 Evaluating and rating the scored factors of appearance, uniformity, absence of defects, and character.

Point deductions are allotted for each degree or amount of quality variation within each of the factors that are scored. The net score for each quality factor is obtained by subtracting the deduction-points assessed for that factor from the maximum points allotted to that factor. The total score for the product is the sum of the net scores for the four individually scored factors.

§ 270.14 Appearance.

(a) Appearance refers to the condition of the package and ease of separation in the frozen state and continuity and color in the cooked state.

(1) "Condition of the package" refers to freedom from packaging defects and the presence in the package of oil, and/or loose breading, and/or frost. Deduction points are based on the degree of the improper condition as small or large.

(2) "Ease of separation" refers to the difficulty of separating scallops that are frozen together after the frying operation and during freezing.

(3) "Continuity" refers to the completeness of the coating of the product in the cooked state. Lack of continuity is exemplified by breaks, ridges and/or lumps of breading. Each 1/16 square inch area of any break, ridge, or lump of breading is considered an instance of lack of continuity. Individual breaks, ridges, or lumps of breading measuring less than 1/16 square inch are not con-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

sidered objectionable. Deduction points are based on the percentage of the scallops within the package that contain small and/or large instances of lack of continuity.

(4) "Color" refers to reasonably uniform color which is characteristic of the product in the cooked state.

Deviations in color are visually measured as "small" and "large". A "small" instance of deviation in color means that the scallop varies noticeably from the predominating color of the package. A "large" instance of deviation in color means that the scallop varies markedly from the predominating color of the package. The deduction points assessed are based on the degree of deviation as small or large and the percentage by count of the scallops affected in the package.

(b) For the purpose of rating the factor of appearance, the schedule of deduction points in Table I applies. Frozen fried scallops which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN APPEARANCE

Appearance subfactors	Method of determining subfactor score	Percent of scallops affected: Over—	Percent of scallops affected: Not over—	Deduction points
	Degree of condition of the package			
Condition of the package in the frozen state.	(a) Small (moderate amount of free oil, and/or loose breading, and/or frost, and/or packaging defects).			2
	(b) Large (excessive amount of free oil, and/or loose breading, and/or frost, and/or packaging defects).			5
	Degree of ease of separation			
Ease of separation of the scallops in frozen state.	Moderate (scallops separated by hand with difficulty).	0	30	1
		30	70	2
		70	----------	4
	Severe (scallops separated only by use of knife or other instrument).	0	30	3
		30	70	10
		70	----------	15
Continuity of the scallops in the cooked state.	Lack of continuity (breaks, ridges, and lumps).[1]	0	20	2
		20	50	4
		50	70	6
	Small (1 to 3 instances per scallop)	70	----------	10
		0	20	4
	Large (over 3 instances per scallop)	20	50	8
		50	70	12
		70	----------	25
	Deviation from predominating color of fried scallops in cooked state			
Color of the scallops in the cooked state.	Small instance of deviation in color means that the scallop varies noticeably from the predominating color of the package after cooking.	0	10	0
		10	30	2
		30	----------	4
	Large instance of deviation in color means that the scallop varies markedly from the predominating color of the package after cooking.	0	10	4
		10	30	10
		30	----------	25

[1] Each 1/16 square inch is considered an instance.

§ 270.15 Uniformity.

(a) Uniformity refers to the degree of freedom from undesirably small pieces and to the degree of uniformity of the weights of the frozen fried scallops within the package.

(1) For Style I, deduction points are assessed for (i) undesirable small pieces as determined by the percent by count of pieces passing through a sieve with 3/4 inch openings, and (ii) uniformity of size of the scallops remaining in the sieve as determined by the ratio of the weight of the 15 percent largest scallops (minimum three) divided by the 15 percent smallest scallops (minimum three). The number constituting this percentage shall be the closest approximation of 15 percent, determined by count.

(2) For Style II, deduction points are based on the percentage by count of small or large scallops deviating from the average weight within the package.

(b) For the purpose of rating the factor of uniformity, the schedules of deduction points in Table II apply. Frozen fried scallops which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE II—SCHEDULE OF POINT-DEDUCTIONS FOR UNIFORMITY

Factor	Method of determining subfactor score	Percent of scallops affected: Over—	Percent of scallops affected: Not over—	Deduction points
	A. Style I (Random pack)			
Uniformity of size and weight of scallops in frozen state.	(a) Undesirable small pieces which pass through a sieve with 3/4 inch openings.	0	10	3
		10	20	6
		20	----------	10
		Ratio		
		Over—	Not over—	
	(b) Weight ratio of scallops remaining in the sieve. The 15 percent largest scallops (minimum three) divided by the 15 percent smallest scallops (minimum three). The 15 percent to be determined by count.	----------	2.0	0
		2.0	2.5	1
		2.5	2.9	3
		2.9	3.3	6
		3.3	----------	10
	B. Style II (Uniform pack)	Percent of scallops affected		
	Deviation from average weight	Over—	Not over—	
	(a) Small (scallops deviating ±10 to 20 percent from average weight).	0	30	3
		30	70	5
		70	----------	10
	(b) Large (scallops deviating over ±20 percent from average weight).	0	30	6
		30	70	10
		70	----------	20

§ 270.16 Absence of defects.

(a) Absence of defects refers to the degree of freedom from doubled and misshaped scallops, pieces of shell fragments and extraneous material. The defects of doubled and misshaped scallops are determined by examining the frozen product, whereas the defects of shell fragments and extraneous materials are determined by examining the product in the cooked state. Deduction points are based on the percentage by count of the scallops affected within the package, or the relationship between the number of defect instances and the number of scallops within the package.

(1) *Doubled scallops.* Two or more scallops that are joined together during the breading and/or frying operations.

(2) *Misshaped scallop.* Elongated, flattened, mashed or damaged scallop meats.

(3) *Extraneous material.* An instance of extraneous material refers to an occurrence or group of occurrences of extraneous material in a scallop. Extraneous material consists of sand, grit, intestines, seaweed and substances foreign to the scallop meat, except for shell fragments.

(4) *Piece of shell fragment.* The presence in the scallops of any fragment of the scallop shell regardless of size.

(b) For the purpose of rating the factor of absence of defects the schedules of deduction points in Tables III and IV apply.

TABLE III—SCHEDULE OF POINT-DEDUCTIONS FOR ABSENCE OF DEFECTS SUBFACTORS MISSHAPED OR DOUBLED SCALLOPS AND SHELL FRAGMENTS

Defect subfactors	Method of determining subfactor score	Percent of scallops affected: Over—	Percent of scallops affected: Not over—	Deduction points
Misshaped or doubled scallops in the frozen state.	Misshaped scallops (elongated, flattened, mashed or damaged scallop meats).	0	10	3
		10	20	7
	Doubled scallops (two or more scallops joined together during breading and/or frying operation).	20	—	15
Shell fragments in the cooked state.	Each piece of shell fragment is considered an instance.	0	5	15
		5	10	30
		10	—	40

TABLE IV—SCHEDULE OF POINT-DEDUCTIONS FOR ABSENCE OF DEFECTS SUBFACTOR OF EXTRANEOUS MATERIAL

Number of scallops per 7 ounces	Number of instances of extraneous material: 0	1	2	3	4	5	6	7	8 or more
	Deduction points								
10 or less	0	7	15	25	40	----	----	----	------
11	0	6	15	25	40	----	----	----	------
12	0	5	13	25	40	----	----	----	------
13	0	5	11	25	40	----	----	----	------
14	0	4	10	15	28	40	----	----	------
15	0	4	9	15	25	40	----	----	------
16	0	3	8	13	25	40	----	----	------
17	0	3	8	12	20	30	40	----	------
18	0	2	7	10	18	28	40	----	------
19	0	2	6	9	15	25	40	----	------
20 or more	0	2	5	8	12	20	30	40	------

§ 270.17 Character.

(a) Character refers to the texture of the scallop meat and of the coating and the presence of gristle in the cooked state. Deduction points are based on the degree of variation in the texture attributes of the coating and scallop meat or the relationship between the number of instances and the number of scallops within the package.

(1) *Gristle.* An instance of gristle refers to an occurrence of the tough elastic tissue usually attached to the scallop meat.

(2) *Texture* refers to the firmness, tenderness, and moistness of the cooked scallop meat and to the crispness and tenderness of the coating of the cooked product. The texture of the scallop meat may be classified as a degree of mushiness, toughness, and fibrousness. The texture of the coating may be classified as a degree of pastiness, toughness, dryness, mushiness, or oiliness.

(b) For the purpose of rating the factor of character, the schedules of deduction points in Table V and VI apply. Frozen fried scallops which receive 15 deduction points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCHEDULE OF POINT-DEDUCTIONS FOR CHARACTER SUBFACTOR OF TEXTURE

Character subfactors	Method of determining subfactor score	Deduction points
	Texture of the coating	
Texture in the cooked state.	Firm or crisp but not tough, pasty, mushy, or oily	0
	Moderately tough, pasty, mushy, or oily	5
	Excessively tough, pasty, mushy, or oily	15
	Texture of the scallop meat	
	Firm, but tender and moist	0
	Moderately tough, dry, and/or fibrous or mushy	5
	Excessively tough, dry, and/or fibrous or mushy	15

TABLE VI—SCHEDULE OF POINT-DEDUCTIONS FOR CHARACTER SUBFACTOR OF GRISTLE

Number of scallops per 7 ounces	Number of instances of gristle: 0	1	2	3	4	5	6	7	8 or more
	Point deductions								
10 or less	0	2	4	6	8	10	----	----	------
11	0	2	4	6	8	10	----	----	------
12	0	2	4	6	8	10	----	----	------
13	0	1	3	5	8	10	----	----	------
14	0	1	3	5	7	9	10	----	------
15	0	1	2	4	6	8	10	----	------
16	0	1	2	4	6	8	10	----	------
17	0	1	2	4	6	8	10	----	------
18	0	1	2	3	4	6	8	10	------
19	0	1	2	3	4	6	8	10	------
20 or more	0	1	2	3	4	6	8	10	------

DEFINITIONS AND METHODS OF ANALYSIS

§ 270.21 Definitions and methods of analysis.

(a) *Percent of scallop meat* refers to percent, by weight, of scallop meat in a sample as determined by the following method:

(1) *Equipment needed.* (i) Water bath (3 to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch with second hand.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(2) *Procedure.* (i) Weigh all scallops in the sample while still in a hard frozen condition.

(ii) Place each scallop individually in the water bath which is maintained at 63° to 86° F. and allow the scallop to remain until such time as the breading becomes soft and can easily be removed from the still frozen meat (between 10 to 30 seconds for scallops held in storage at 0° F.).

NOTE: Several dry runs are necessary to determine the exact dip time required for "debreading" the scallops in a lot sample. For dry runs only, a saturated solution of copper sulfate (500 grams of copper sulfate in 2 liters of tap water) is necessary. The correct dip time is the minimum time required to dip the scallops in the (copper sulfate) solution so that the breading can easily be scraped off; provided that (1) the "debreaded" scallop is still solidly frozen, and (2) only a slight trace of blue color is visible on the surface of the "debreaded" scallop meat.

(iii) Remove the scallop from the bath; blot lightly with double thickness paper toweling; and scrape off or pick out coating from the scallop meat with the spatula or nut picker.

(iv) Weigh all "debreaded" scallop meats.

(v) Calculate the percent of scallop meat in the sample by following formula:

$$\text{Percent scallop meat} = \frac{\text{Weight of scallop meats (iv)}}{\text{Weight of frozen fried scallops (i)}} \times 100$$

(b) *Cooked state.* Cooked state shall mean that the product shall be cooked in accordance with the instructions accompanying the product. If specific instructions are lacking, the product for inspection shall be cooked as follows: Spread the frozen scallops on a foil covered baking sheet or a shallow pan. Place sheet or pan and frozen contents at the mid point of a properly ventilated oven pre-heated to 400 degrees Fahrenheit until thoroughly cooked, 15 to 20 minutes.

(c) *Definitions.* (1) "Moderate" refers to a scored condition that is readily noticeable but is not seriously objectionable.

(2) "Excessive" refers to a condition that is very noticeable and is seriously objectionable.

(3) "Instance" refers to an occurrence of an individual scored subfactor on a scallop.

LOT CERTIFICATION TOLERANCES

§ 270.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter (Regulations Governing Processed Fishery Products, Vol. 25 F.R. 8431, Sept. 1, 1960.)

[F.R. Doc. 61-11811; Filed, Dec. 13, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1026]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Further Extension of Time for Receipt of Written Data, Views, or Arguments

On November 22, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 10933), that the time for receipt of written data, views, or arguments with respect to (1) the proposed establishment of handler charges, notice of which was published in the FEDERAL REGISTER November 8, 1961 (26 F.R. 10516), and (2) the proposed Subpart—Administrative Rules and Regulations including conversion factors and a shrinkage allowance, notice of which was published in the FEDERAL REGISTER November 17, 1961 (26 F.R. 10772), pursuant to Marketing Agreement No. 133 and Order No. 126 (26 F.R. 7797), was extended, for both notices, to 5:00 p.m., e.s.t., December 15, 1961. These extensions were made so as to afford interested persons additional time to consider said proposals. A further extension has been requested to afford interested persons further additional time to consider these proposals.

Notice is hereby given that the time for the receipt by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., of such written data, views, or arguments with respect to said notices, is further extended to 5:00 p.m., e.s.t., January 4, 1962.

Dated: December 8, 1961.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-11825; Filed, Dec. 13, 1961; 8:48 a.m.]

[7 CFR PART 1028]

[Docket No. AO-333]

HANDLING OF GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Decision with Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Vero Beach, Florida, August 30 and 31, 1961, after notice thereof published in the FEDERAL REGISTER (26 F.R. 7347, 7778), on a proposed marketing agreement and order for regulating the handling of grapefruit grown in the Indian River District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed, on November 20, 1961, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 61-11171; 26 F.R. 11062).

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 61-11171; 26 F.R. 11062) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the time prescribed, by Mr. George Heath, Attorney, Vero Beach, Florida, on behalf of Smith Enterprises, Inc., d/b/a Sefco, a handler of grapefruit grown in the Indian River District in Florida. Such exceptions were carefully and fully considered, in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision.

Exception is taken to the findings and conclusions of the recommended decision, and the effectuating provisions set forth in the proposed order, pertaining to the specification of the prorate bases of handlers. It is contended that, as a new handler, Sefco is unable to determine the manner in which it would receive its pro rata share of the limited quantity of fruit permitted to be shipped under the proposed regulations. However, as stated in the proposed order, a new handler is any person who made no shipments of grapefruit during the season preceding that for which the prorate bases of handlers are being established. According to the exception filed, Sefco is, and for at least the past two seasons has been, a handler of grapefruit. As specifically provided in paragraph (d) of § 1028.48 of the proposed order, the prorate base for a handler who is not a new handler is the average weekly quantity of grapefruit shipped by such handler in the specified January–April period of the immediately preceding three marketing seasons. Such handler's pro rata share of the total quantity of grapefruit permitted to be shipped during a particular week for which the Secretary has fixed such quantity would be computed by the Indian River Grapefruit Committee in accordance with § 1028.49 of the proposed order. Such section requires that each handler's pro rata share of the total quantity of grapefruit that may be shipped during a particular week shall be equal, in relation to all handlers, to the relationship between his prorate base and those of all handlers. Thus, a handler having a prorate base equal to one percent of the prorate bases of all handlers would be given an allotment to ship one percent of the total quantity of grapefruit which, as fixed by the Secretary, may be shipped during the particular week.

The provisions of the proposed order relating to the computation of handler allotments when regulations are in effect, do not differ materially from those of the proposal on which the hearing was held; and such provisions appeared to be well understood by persons who participated in the hearing. Additionally, the recommended decision has discussed this matter and further clarification of such provisions does not appear warranted.

It is also alleged in the exceptions that, under section 23 of the proposed order, the initial members and alternate members of the Indian River Grapefruit Committee "shall be prescribed by the Secretary as well as their respective terms of office" and information is requested as to what consideration will be given to the selection of this committee and whether Sefco or another handler of similar background may be considered as a member. It is apparent that the reference to section 23 relates to the proposal (contained in the notice of hearing (26 F.R. 7347, 7778)) upon which the hearing was held as no such section designation is used in connection with the proposed order which was a part of the recommended decision. §§ 1028.20 through 1028.33 of such proposed order set forth provisions concerning the establishment, composition, powers, duties, maintenance, and operations of the committee; and such provisions are adequately discussed in paragraph (b) of the findings and conclusions of the recommended decision. Briefly, the committee would be composed of 12 members—6 growers and 6 handlers—each of whom would have an alternate. One-half of the grower members and their alternates and one-half of the handler members and their alternates would be affiliated with cooperative marketing associations and the remainder would not be so affiliated. Grower and handler meetings would be held as soon as practicable following the effective date of the proposed order for the purpose of electing nominees for the members and alternate members positions on the initial committee. The initial members and alternate members would serve on the committee during the initial term of office ending July 31, 1962, and until their successors are selected and have qualified.

To the extent that any exception filed is at variance with the findings and conclusions contained herein, such exception is denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exception refers.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Grapefruit Grown in the Indian River District in Florida," and "Order Regulating the Handling of Grapefruit Grown in the Indian River District in Florida," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement, and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1960, through July 31, 1961 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the Indian River District in Florida, in the production of grapefruit for market to ascertain whether such producers favor the issuance of the said annexed order regulating the handling of grapefruit grown in the Indian River District of Florida. Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 19, Lakeland, Florida, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35).

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: December 11, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] *Regulating the Handling of Grapefruit Grown in the Indian River District in Florida*

Sec.
1028.0 Findings and determinations.

DEFINITIONS

1028.1 Secretary.
1028.2 Act.
1028.3 Person.
1028.4 Fruit or grapefruit.
1028.5 Producer or grower.
1028.6 Handler or shipper.
1028.7 Handle or ship.
1028.8 Standard packed box.
1028.9 Fiscal period.
1028.10 Committee.
1028.11 Central marketing organization.
1028.12 Regulation area.
1028.13 Indian River District or district.

ADMINISTRATIVE BODY

1028.20 Establishment and membership.
1028.21 Term of office.
1028.22 Nomination of grower members of Indian River Grapefruit Committee.
1028.23 Selection of grower members of Indian River Grapefruit Committee.
1028.24 Nomination of handler members of Indian River Grapefruit Committee.
1028.25 Selection of handler members of Indian River Grapefruit Committee.
1028.26 Failure to nominate.
1028.27 Acceptance of membership.
1028.28 Inability of members to serve.
1028.29 Powers of the Indian River Grapefruit Committee.
1028.30 Duties of the Indian River Grapefruit Committee.
1028.31 Compensation and expenses of committee members.
1028.32 Procedure of committee.
1028.33 Funds.

EXPENSES AND ASSESSMENTS

1028.40 Expenses.
1028.41 Assessments.
1028.42 Handler accounts.

REGULATION

1028.45 Marketing policy.
1028.46 Recommendations for volume regulation.
1028.47 Issuance of volume regulations.
1028.48 Prorate bases.
1028.49 Allotments.
1028.50 Overshipments.
1028.51 Undershipments.
1028.52 Allotment loans.
1028.53 Inspection and certification.

REPORTS

1028.60 Reports.

MISCELLANEOUS PROVISIONS

1028.65 Fruit not subject to regulation.
1028.66 Compliance.
1028.67 Right of the Secretary.
1028.68 Effective time.
1028.69 Termination.
1028.70 Proceedings after termination.
1028.71 Duration of immunities.
1028.72 Agents.
1028.73 Derogation.
1028.74 Personal liability.
1028.75 Separability.

AUTHORITY: §§ 1028.0 to 1028.75, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1028.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Florida, August 30–31, 1961, upon a proposed marketing agreement and a proposed marketing order regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of grapefruit grown in the Indian River District in Florida in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistantly with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carryout the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of grapefruit grown in the said Indian River District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1028.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1028.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1028.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1028.4 Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus grandis, Osbeck, grown in the Indian River District.

§ 1028.5 Producer or grower.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Indian River District and who has a proprietary interest in the grapefruit so produced.

§ 1028.6 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit for another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be handled

§ 1028.7 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

§ 1028.8 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

§ 1028.9 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31 of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

§ 1028.10 Committee.

"Committee" means Indian River Grapefruit Committee.

§ 1028.11 Central marketing organization.

"Central marketing organization" means any organization which markets grapefruit for more than one handler pursuant to a written contract between such organization and each such handler.

§ 1028.12 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 1028.13 Indian River District or district.

"Indian River District" or "district" means that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett. Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County; thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 1028.20 Establishment and membership.

There is hereby established an Indian River Grapefruit Committee consisting of twelve members, each of whom shall have an alternate who shall be nominated and selected in the same manner, and who shall have the same qualifications, as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Six of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations.

§ 1028.21 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for one year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited.

§ 1028.22 Nomination of grower members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of a meeting or meetings of producers to be held not later than July 10th of each year, for the purpose of making nominations for grower members and alternate members of the committee: *Provided*, That the initial nomination meeting or meetings shall be held as soon as practicable following the effective date of this part.

(b) The Secretary shall prescribe uniform rules to govern such meeting or meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nomination made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 1028.23 Selection of grower members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 1028.22, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such members and their alternates shall not be so affiliated.

§ 1028.24 Nomination of handler members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of meetings of handlers to be held not later than July 10th of each year, for the purpose of making nominations for handler members and alternate members of the committee: *Provided*, That the initial nomination meetings shall be held as soon as practicable following the effective date of this part. Separate meetings shall be held for bona fide cooperative marketing organizations and for other handlers.

(b) The Secretary shall prescribe uniform rules to govern such meetings and the balloting thereat. In voting for nominees each handler shall be entitled to cast but one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period: *Provided*, That each such vote cast at the meetings to nominate the initial members and alternate members shall be weighted by the volume of fruit handled by such handler during the preceding fiscal period. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nominations made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 1028.25 Selection of handler members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 1028.24, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such members and their alternates shall not be so affiliated.

§ 1028.26 Failure to nominate.

In the event nominations for a member or an alternate member of the committee are not made pursuant to the provisions of § 1028.22 or § 1028.24 the Secretary may select such member or alternate member without regard to nominations.

§ 1028.27 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 1028.28 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this subpart as to nominations.

§ 1028.29 Powers of the Indian River Grapefruit Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as herein specifically provided, shall have power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 1028.30 Duties of the Indian River Grapefruit Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

§ 1028.31 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

§ 1028.32 Procedure of committee.

(a) Except as provided in paragraph (b) of this section, eight members of the committee shall constitute a quorum and any decision or action of the committee shall require at least eight concurring votes.

(b) For any decision or recommendation with respect to regulations to be effective during any calendar week except a week during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April, twelve members shall constitute a quorum and twelve concurring votes shall be required. The same quorum and voting requirements shall be necessary to make a recommendation for regulation for any week immediately following three or more continuous weeks of regulation. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(c) The votes of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(d) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate for any other member selected by a majority of the committee present, may serve in the place and stead of the absent member and his alternate: *Provided*, That, to the extent practical, the representation provided in §§ 1028.23 and 1028.25 shall be maintained.

(e) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 1028.33 Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 1028.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and necessary to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 1028.41.

§ 1028.41 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 1028.42 Handler's accounts.

If, at the end of a fiscal period, it shall be determined that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him.

REGULATION

§ 1028.45 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of grapefruit in the district, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of grapefruit during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The commitee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 1028.46 Recommendations for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That such regulations shall not be recommended during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April after regulations during such period have limited the volume of grapefruit handled during 10 weeks.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for grapefruit; (2) supply of grapefruit on track at, and en route to, the principal markets; (3) supply, maturity, and condition of grapefruit in the production area; (4) market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 1028.47, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 1028.47 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 10 weeks of the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 1028.48 Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 1028.49.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, be the average weekly quantity of grapefruit shipped by him in all of the weeks in the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April during the immediately preceding three marketing seasons.

(e) If an applicant for a prorate base is a new handler, the committee shall compute a prorate base based upon his prior shipments of grapefruit, if any, packinghouse facilities, grapefruit under contract, trade outlets, and other factors which, in the judgment of the committee, are relevant and proper to be used in arriving at an equitable prorate base for such handler. Any person who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are established shall be considered a new handler.

§ 1028.49 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 1028.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

§ 1028.51 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 1028.47, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 1028.52 Allotment loans.

(a) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and obtain the committee's approval of the agreement. Each such agreement shall specify that such loan is to be repaid from the borrower's allotment the next succeeding week or, if such borrower's allotment for such week is insufficient to repay all of such loan, that he will repay the balance of such loan as soon thereafter as he has allotment available to him.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

§ 1028.53 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to § 1028.47, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS

§ 1028.60 Reports.

Upon request of the committee, made with approval of the Secretary, each handler shall maintain such records and furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 1028.65 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1028.47 through 1028.53 and the regulations issued thereunder, ship grapefruit for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; and (e) in such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 1028.66 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to § 1028.47 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

§ 1028.67 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1028.68 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1028.69.

§ 1028.69 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1028.70 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharge by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 1028.41, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 1028.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 1028.72 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1028.73 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1028.74 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 1028.75 Separability.

If any provision of this part is declared invalid, or the applicability

thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F.R. Doc. 61-11858; Filed, Dec. 13, 1961; 8:51 a.m.]

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Extension of Time

On October 18, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9780), a notice of a proposal to amend section 201.42 (9 CFR 201.42) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), relating to Custodial Accounts for Shippers' Proceeds and Buyers' Funds, and a notice of a proposal to promulgate a regulation to be designated as section 201.98 (9 CFR 201.98) of the regulations under said Act, relating to commission, yardage and service charges collected by packers and dealers from livestock sellers. Interested persons were given a period of 60 days within which to file written data, views, or arguments concerning such proposals.

The Department has received various requests for an extension of the period of time within which to file written data, views, or arguments. These requests appear to be reasonable. Accordingly, notice is hereby given of an extension, until January 5, 1962, of the period of time within which any person may submit written data, views, or arguments concerning the above-mentioned proposals. Any such written data, views, or arguments should be filed with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Done at Washington, D.C., this 11th day of December 1961.

F. R. BURKE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-11824; Filed, Dec. 13, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Peaches; Proposed Amendment of Identity Standard

Notice is given that a petition has been filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., proposing the amendment of the standard of identity for canned peaches (21 CFR 27.2) to raise the maximum limit for corn sirup and/or glucose sirup from one-fourth to one-third, on a solids basis, of the total saccharine ingredients used in the preparation of the optional packing media.

In § 27.2 *Canned peaches* * * *, paragraph (c)(2) provides for a maximum of one-fourth corn sirup or glucose sirup, on a solids basis, of the total saccharine ingredients used in preparing the packing media. It is proposed that paragraph (c)(2) be amended to provide for a maximum of one-third corn sirup or glucose sirup, on a solids basis, of the total saccharine ingredients used in preparing the packing media.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the sixtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 8, 1961.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 61-11820; Filed, Dec. 13, 1961; 8:47 a.m.]

[21 CFR Part 51]

CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Potatoes; Proposed Amendment of Standard

Notice is given that a petition has been filed by Idaho Canning Company, Payette, Idaho, proposing amendments of the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to permit using higher levels of calcium salts in canned potatoes and to add "French fry cut" to the list of optional forms of potatoes. The amendments would be effected as follows:

By amending § 51.990 *Canned vegetables other than those specifically regulated* * * * in the following respects:

1. By changing the item "Potatoes" in the table in paragraph (b) to read as follows:

I	II	III
Name or synonym of canned vegetable	Source	Optional forms of vegetable ingredient
* *	*	* *
Potatoes.....	Tuber of the potato plant.	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne; French fry cut.

2. By changing paragraph (c)(3)(i) to read:

(i) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in any such salt or mixture is more than 0.2 percent of the weight of the finished food.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 8, 1961.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F. R. Doc. 61-11819; Filed, Dec. 13, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 601, 608]

[Airspace Docket No. 61-NY-34]

CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Alteration of Control Area Extension, Control Zone and Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1066, 601.2269 and 608.50 of the regulations of the Administrator, the substance of which is stated below.

Airspace Docket No. 59-WA-391 was published in the FEDERAL REGISTER December 14, 1960, and redesignated the altitudes of the Fort Dix, N.J., Restricted

Area R-5001 from the surface to 8,000 feet MSL through February 8, 1962, and from the surface to 4,000 feet MSL thereafter.

The Federal Aviation Agency has under consideration a proposal submitted by the Department of the Army to retain the present 8,000 feet MSL ceiling for a portion of R-5001 to accommodate 81mm mortar firing being conducted in this area. This firing is conducted east of a line drawn from latitude 40°02'45" N., longitude 74°-31'25" W. to latitude 39°58'45" N., longitude 74°31'25" W. Therefore, it is proposed to continue the present designated altitude of surface to 8,000 feet MSL for that portion east of this line, and to designate the area west of this line from the surface to 4,000 feet MSL. The Department of the Army also proposes reductions in the northwestern and southwestern corners of R-5001 and further agrees to joint use of the entire area with the Federal Aviation Agency, New York ARTC Center designated as the controlling agency.

It is further proposed to alter the description of the New York, N.Y., control area extension (§ 601.1066) and the Fort Dix, N.J., control zone (§ 601.2269) to permit use of those portions of the control area extension and the control zone within R-5001 only after obtaining prior approval from appropriate authority.

Therefore, the following actions are proposed:

1. The Fort Dix, N.J., Restricted Area R-5001, would be redesignated as follows:

Boundaries. Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 39°58'45" N., longitude 74°25'40" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to point of beginning.

Designated altitudes. Surface to 8,000 feet MSL east of and surface to 4,000 feet MSL west of a line drawn from latitude 40°02'45" N., longitude 74°31'25" W.; to latitude 39°58'45" N., longitude 74°31'25" W.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

Using agency. Commanding General, First United States Army, Governor's Island, N.Y.

2. The description of New York, N.Y., control area extension would be amended to permit use of the portion within R-5001 only after obtaining prior approval from appropriate authority.

3. The description of Fort Dix, N.J., control zone would be amended to permit use of the portion within R-5001 only after obtaining prior approval from appropriate authority.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on December 12, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11936; Filed, Dec. 13, 1961; 11:26 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14420, RM-287; FCC 61-1450]

TELEVISION BROADCAST STATIONS, BLOOMINGTON-INDIANAPOLIS, IND.

Proposed Changes in Table of Assignments

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration a petition, filed October 18, 1961, by Sarkes Tarzian, Inc., licensee of Station WTTV at Bloomington, Indiana (Channel 4), requesting rule making on a proposal to shift Channel 4 from Bloomington to Indianapolis, Indiana, as follows:

City	Channel No.	
	Present	Proposed
Bloomington, Ind.....	4, *30-, 36	*30-, 36
Indianapolis, Ind.....	6, 8-, 13-, *20, 39, 67-	4, 6, 8-, 13-, *20, 39, 67-

3. An opposition to Sarkes Tarzian's rule making request and proposals was filed by WIBC, Inc.[1] on November 20, 1961. On November 29, 1961, Sarkes Tarzian, Inc., requested that the time for filing a reply to this opposition be extended from December 5, 1961, to December 19, 1961.

4. Petitioner also requests that it be directed to show cause why its outstanding authorization for operation on Channel 4 at Bloomington should not be modified to specify operation on Channel 4 at Indianapolis.

5. The Commission also has before it a letter from the Citizens' Committee for Educational Television for Greater Indianapolis, filed October 24, 1961, urging that it would be desirable to reserve one of the four VHF channels assigned to the Indianapolis-Bloomington area for educational use. It requests that the television situation in this area be reviewed with this objective in mind at this time, particularly in light of Sarkes Tarzian's subject proposal.

6. Station WTTV is Bloomington's only local television outlet. The station has been on the air at Bloomington since 1949, operating on Channel 10 prior to 1952 and on Channel 4 since that time. No authorizations are outstanding for the UHF assignments. However, on June 12, 1961, The Trustees of Indiana University filed an application for the Channel 30 educational assignment.

7. Commercial stations operate on the three VHF assignments at Indianapolis (WFBM-TV on Channel 6; WISH-TV on Channel 8; WLWI on Channel 13). The UHF assignments are unoccupied, and no applications are on file for them.

8. The Indianapolis and Bloomington areas rely upon the three Indianapolis stations for a choice of network and other programming fare and upon Station WTTV at Bloomington for an independent program service. Indianapolis lies partially within the principal city contour of the Bloomington station, which operates from a transmitter site approximately 25 miles south of Indianapolis and the same distance north of Bloomington. Bloomington is within the Grade B contours of the Indianapolis stations. The Indianapolis stations operate from transmitter sites which are less than 10 miles north of the center of Indianapolis. If the subject proposal is adopted, petitioner plans to move Station WTTV's transmitter site to the vicinity of the Indianapolis stations. The site contemplated is within 0.7 miles of the southwest corner of the Indianapolis antenna farm and 169.8 miles from the co-channel station at Columbus, Ohio (WLWC). Bloomington would be within the Grade B contour of Station WTTV if operating with maximum facilities at this site.

9. In support of its proposal, Sarkes Tarzian contends that the Bloomington area cannot support a local television outlet in light of the competition from the Indianapolis stations in the much larger nearby Indianapolis market to

[1] In the Indianapolis Channel 13 proceeding (Docket Nos. 8908 and 10948), the Commission adopted a decision on October 27, 1961, granting the application of WIBC, Inc., for a construction permit for a Channel 13 station at Indianapolis; denied the application of Crosley Broadcasting Corporation for the same facility; and terminated Crosley's temporary authority to operate Station WLWI on Channel 13, effective November 30, 1961. By Order, adopted November 1, 1961, the Commission stayed the effective date of its October 27th decision to 3 a.m., e.s.t., on a date 30 days after final decision on a petition for reconsideration to be filed by Crosley within the statutory period allowed.

the north [2] and Cincinnati, Louisville, and Terre Haute stations in the area to the south of Bloomington. It claims that unless the competitive television situation in the Indianapolis-Bloomington area is equalized by permitting Station WTTV to move to Indianapolis the public in this area stands to lose its Channel 4 service. Petitioner states that, despite every effort to improve the economic position of Station WTTV, the station has continuously operated at a loss since it lost its network affiliation in 1957, and that its operating deficit for the last four years totalled $1,176,000. It asserts that Station WTTV, with no network revenue, must depend upon local and regional Indianapolis business for substantially all nonnational financial support since that available from Bloomington advertisers is small, totalling only $3,318 in fiscal 1960 and $2,751 in fiscal 1961.

10. Petitioner argues that Station WTTV is hampered in competing with the three Indianapolis stations for audience and business, not only because they have network affiliations and it does not, but because the picture quality of their signals is markedly superior to those of Station WTTV in the Indianapolis area unless viewers use outdoor antennas. It states that the majority of homes in Indianapolis and Marion County have not installed outdoor antennas since they get fine reception from the Indianapolis network stations with indoor antennas. Petitioner urges that relocation of Station WTTV's transmitter in Indianapolis would alleviate this competitive disadvantage of its station in the Indianapolis area and improve its opportunities there for competing for an audience for its independent program service and for economic support. It also urges that it would serve and compete with the Indianapolis stations in the area to the north of Indianapolis where the Indianapolis stations now have unduplicated coverage and greater opportunities for economic support than are available in the area to the south of Bloomington where Station WTTV now has competition from Cincinnati, Louisville, and Terre Haute stations.

11. In opposition to Sarkes Tarzian's rule making request and proposal, WIBC urges that it would violate section 307(b) of the Communications Act and would be contrary to the public interest and Commission policy to provide Indianapolis with a fourth local VHF television service by deleting the only VHF assignment and local outlet at Bloomington. It argues that Indianapolis does not need a fourth commercial television service; and that, in any event, Station WTTV's alleged economic situation cannot be a controlling consideration for the proposed shift of Channel 4 from Bloomington to Indianapolis.

12. WIBC also argues that Sarkes Tarzian's economic argument is fallacious because there is no basis for an assumption that Station WTTV's economic plight would be corrected by making it an Indianapolis station, where it would not have a network affiliation as the fourth station. It urges that Bloomington is not too small to support a local station; that Station WTTV's economic plight is attributable to its successive moves toward Indianapolis; and that its economic problems could be solved by moving its transmitter south and away from Indianapolis where it could continue to be a local outlet for Bloomington and have a service area warranting a network affiliation. WIBC also charges that the proposed location for Station WTTV as an Indianapolis station would violate the multiple ownership rules (§ 3.636) since petitioner also is the licensee of UHF stations at Lafayette (WFAM-TV, Ch. 18) and at Roanoke, near Fort Wayne, Indiana (WPTA, Ch. 21), and there would be about a 11-mile overlap of the Grade A contours of Station WTTV and WFAM-TV and about a 60-mile overlap of their Grade B contours.

13. In February of 1959, we denied Sarkes Tarzian's request for rule making on a proposal to reassign Channel 4 from Bloomington to Indianapolis which did not envisage a change in the transmitter site for Station WTTV as an Indianapolis Channel 4 station.[3] In June of the same year we also denied a request of Indiana Central University at Indianapolis for rule making on a proposal to reserve Channel 13 at Indianapolis for educational use.[4] We were not then satisfied by the showings of the parties that rule making was warranted on either proposal.

14. We are now persuaded by the subject pleadings that it would be helpful in reaching a final decision on the merits of Sarkes Tarzian's present proposal to hold rule making on it. We also believe it desirable to explore in the same proceeding the question of whether more than three VHF commercial services are needed in the Indianapolis-Bloomington area and whether it would better serve the public interest and enable more effective use of VHF assignments in this area to reserve one of them for educational use.

15. The Commission is therefore of the view that rule making should be instituted in this matter, and interested parties are invited to submit their views and relevant data.

16. If the Commission decides to adopt the rule amendment proposed by Sarkes Tarzian or to otherwise change the Channel 4 assignment at Bloomington, we will take such further action as may be appropriate with respect to Sarkes Tarzian's outstanding authorization for Channel 4. We, accordingly, defer action upon its request for issuance of an order to show cause.

17. Since we have decided to institute rule making on petitioner's proposal on the basis of the pleadings now before us, it is unnecessary to delay its inauguration pending receipt of an additional pleading from petitioner in support of its rule making request. Its request for an extension of time to reply to the opposition pleading of WIBC, Inc., is, therefore, denied. Petitioner may, of course, however, file comments in the proceeding on any matters raised in the WIBC pleading which it believes would be helpful in our evaluation of its proposal.

18. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before January 10, 1962, and reply comments on or before January 25, 1962. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

20. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: December 6, 1961.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11845; Filed, Dec. 13, 1961; 8:50 a.m.]

---

[2] Bloomington, about 40 miles southwest of Indianapolis, had a population of 31,357 in 1960. Monroe County, in which Bloomington is situated, had a population of 59,225. Indianapolis, the capital and largest city in the State of Indiana, had a population of 476,258. Metropolitan Indianapolis (coextensive with Marion County, of which Indianapolis is the county seat) ranks as the 33rd standard metropolitan statistical area in the country with a population of 687,567.

[3] Memorandum Opinion and Order (FCC 59-136), adopted February 18, 1959, 18 Pike & Fischer RR 1539. (See also Memorandum Opinion and Order, FCC 59-830, adopted July 29, 1959, 18 Pike & Fischer RR 1541, denying Sarkes Tarzian's petition for reconsideration of our February decision.)

[4] Memorandum Opinion and Order (FCC 59-553), adopted June 10, 1959, 18 Pike & Fischer RR 1673.

Location	Delete	Add
Bradenton	28-	*28-
Ocala	15+	*15+
Marianna	17+	*17+
Palatka	17	*17
Leesburg	26-	*26-
Lake City	33+	*33+
Boca Raton	None	*25
New Smyrna Beach	None	*18
Cocoa	None	*14
Madison	None	*21+
Fort Pierce	None	*31+
Fort Myers	None	*16+
Orlando	18	63
Lakeland	16+	55
Lake Wales	14	42
Fort Lauderdale	39	43

This would introduce additional educational television channels into twelve Florida communities.

3. In support of its request, petitioner submits the Florida statute creating on June 13, 1957, the Florida Educational Television Commission, whose purpose is "to provide through educational television a means of extending the powers of teaching in public education and of raising living and educational standards of the citizens and residents of the state." Said Commission is directed to establish a television network connecting such communities or stations as may be designated by the State Board of Education. Petitioner states it has determined that the broadcast method of transmission is the most economical and efficient method of providing such a network.

4. All five VHF television channels assigned and reserved for educational use in Florida are now on the air: WTHS, Channel 2, Miami; WEDU, Channel 3, Tampa-St. Petersburg; WUFT, Channel 5, Gainsville; WJCT, Channel 7, Jacksonville; WFSU-TV, Channel 11, Tallahassee.

5. Petitioner states that approximately 300,000 students at all levels of education are now receiving credit courses of instruction from the existing television stations. However, several areas of substantial and increasing population are outside the effective service areas of these stations and a few community colleges which are within their coverage areas need additional broadcast service for their own instructional and community programs.

6. Petitioner submits that additional educational channels, over and above the four UHF channels presently reserved are necessary to carry out its statutory duties and to the furnishing of educational television service to the cities of Florida.

7. In Docket No. 14229 the Commission is considering measures which would enhance the opportunities for successful use of the UHF television channels. Included in the proposals made in that proceeding is one which would eliminate the present television Table of Assignments for UHF and substitute a system in which applicants would apply for the lowest available UHF channel without antecedent rule making. It is at the same time proposed to establish a "pool" of UHF channels reserved for existing VHF stations and for educational purposes. Thus, the entire matter of UHF assignments is under study in that proceeding.

8. Until the matter of overall allocation policy can be decided we believe it would be inappropriate to reserve large blocks of channels such as requested by the petitioner, particularly since immediate construction is not contemplated. We are, however, mindful of the needs for additional channels for educational television in Florida and believe that a sufficient showing has been made to warrant rule making concurrently with that in Docket 14229. This will allow consideration of the request for reservation of UHF channels in the 12 communities named in light of the decisions made in the overall UHF proceeding.

9. Authority for the adoption of the amendments under consideration is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in §1.213 of the rules, interested persons may file comments on or before February 5, 1962 and reply comments on or before March 9, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

11. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: December 6, 1961.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11846; Filed, Dec. 13, 1961; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 14421, RM-235; FCC 61-1451]

TELEVISION BROADCAST STATIONS, STATE OF FLORIDA

Proposed Changes in Table of Assignments

1. Notice is hereby given of proposed rule making in the UHF channel assignments discussed below.

2. The Commission has before it for consideration a petition filed on February 17, 1961, by the Florida Educational Television Commission, requesting rule making to amend § 3.606 of the rules and regulations to provide for the following changes in the UHF assignments in the State of Florida and that the channels designated by an asterisk be reserved for educational use:

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

BRUCELLOSIS

Notice of Specific Approval of Stockyards and Slaughtering Establishments

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*Atmore Truckers Association, Inc., Atmore.
*Early Livestock Co., Samson.
*East Alabama Stockyards, Opelika.
*Farmers Cooperative Market, Frisco City.
*Farmers Cooperative Stockyards, Opp.
*Florence Trading Post, Florence.
*Geneva Stockyard, Geneva.
*Hartford Livestock Co., Hartford.
*Henry County Livestock Association, Inc., Abbeville.
*Hooper Stockyards, Montgomery.
*King and Mewbourn Stockyards, Florence.
*Livingston Stock Yard, Livingston.
*Madison County Stockyards, Huntsville.
Monroe Livestock Market, Monroeville.
*Montgomery Auction Market, Montgomery.
*Perry County Stock Yards, Marion.
*Ramsey and Sons Stockyards, Dothan.
*Roanoke Stockyards, Roanoke.
*Robertsdale Livestock Auction, Inc., Robertsdale.
*Selma Stockyards, Selma.
*Stokes Stock Yards, M. V., Andalusia.
*Tri-County Stockyards, Hurtsboro.
*Triple S Stockyards, Montgomery.
*Union Stock Yards, Eufaula.
*Valley Stockyard, Decatur.
*West Alabama Stockyard, Eutaw.
*White and Sons Livestock Commission Co., Birmingham.

ARIZONA

Arizona Livestock Auction, Phoenix.
*Casa Grande Livestock Auction Co., Casa Grande.
Wentz Brothers Livestock Auction, Tucson.
Yuma Livestock Auction Co., Yuma.

ARKANSAS

*Ash Flat Sale Barn, Ash Flat.
*Beebe Auction Co., Beebe.
*Bentonville Community Sales, Bentonville.
*Brown Brothers Livestock Commission Co., Hope.
*Camden Stockyards, Camden.
*Carroll County Livestock Auction, Berryville.
*Chaney Sales Barn, Roy, Morrilton.
*Clark County Livestock Auction, Arkadelphia.
*Clarksville Auction Co., Clarksville.
*Corning Sales Co., Corning.
*County Line Sale, Ratcliff.
*Crawford County Livestock Auction, Van Buren.
*DeQueen Livestock Auction, DeQueen.
*Drew County Auction Co., Monticello.
*Eudora Sales Barn, Eudora.
*Farmers Auction Co., Marianna.
*Farmers Livestock Auction, Harrison.
*Farmers Livestock Auction, Springdale.
*Flippin Sales Co., Flippin.
*Gentry Sales Barn, Gentry.
*Glenn Edgar Livestock Commission Co., Batesville.
*Glenwood Livestock Exchange, Glenwood.
*Glover Livestock Commission Co., Pine Bluff.
*Gravette Community Sales, Gravette.
*Harrison Sales Co., Harrison.
*Hartford Community Sale, Hartford.
*Huntsville Livestock Auction, Huntsville.
*Jonesboro Stockyards, Jonesboro.
*Kelly and Holmes Auction Sale, Heber Springs.
*Lafayette County Auction, Lewisville.
*Liles Brothers Livestock Commission Co., Searcy.
*Magnolia Livestock Auction, Magnolia.
*Major Lewis Auction, Conway.
*Malvern Commission Co., Malvern.
*Mammoth Spring Sale Barn, Mammoth Spring.
*Montgomery County Auction, Mt. Ida.
*Morrilton Livestock Auction, Morrilton.
*Mountain Home Livestock Auction, Mountain Home.
*Nettleton Stockyards and Auction Co., Jonesboro.
*Newport Auction, Newport.
*North Arkansas Livestock Auction, Green Forest.
*Ola Auction Sale, Ola.
*Ozark Livestock Auction, Ozark.
*Polk County Auction, Mena.
*Randolph County Sale Co., Pocahontas.
*Rector Auction, Rector.
*Russellville Livestock Sales, Russellville.
*Salem Livestock Auction, Salem.
*Scott County Livestock Auction, Waldron.
*Searcy County Auction Co., Marshall.
*Siloam Springs Sale Barn, Siloam Springs.
*Stone County Auction Company, Mountain View.
*Van Buren County Auction Sale, Clinton.
*Wall's Sales Barn, Hiram, Booneville.
*Washington County Sale Barn, Fayetteville.
*White County Auction, Searcy.
*Yellville Sale Barn, Yellville.

CALIFORNIA

*Bakersfield Livestock Auction Co., Bakersfield.
*Farm Bureau Sales Yard, Visalia.
*Los Angeles Livestock Market, City of Industry.
*Modoc Auction Yards, Alturas.
*Oakdale Livestock Auction Yard, Oakdale.
*Producers Livestock Marketing Association, Artesia Dairy Valley.
*Stockton Union Stockyards, Stockton.
*Red Bluff Farm Bureau Sales Yard, Red Bluff.
*Roseville Livestock Auction Yard, Roseville.

COLORADO

*Alsbury Sales Pavilion, Glenwood Springs.
*Arkansas Valley Sales Co., Lamar.
*Basin Livestock Commission Co., Durango.
*Brush Livestock Commission Co., Brush.
*Burlington Livestock Sales Co., Burlington.
*Cortez Sales Barn, Cortez.
*Craig Livestock Auction, Craig.
*Delta Sales Yard, Delta.
*Elizabeth Livestock Auction, Elizabeth.
*Farmer and Rancher Commission Co., Fort Collins.
*Fort Collins Sales Yard, Fort Collins.
*Fowler Auction Co., Fowler.
*Grand Junction Livestock Auction, Grand Junction.
*Haxtun Co-op Livestock Exchange, Haxtun.
*Hess Livestock Commission Co., Pueblo.
*La Junta Livestock Commission Co., La Junta.
*Limon Livestock Commission Co., Limon.
*Longmont Sales Yard, Longmont.
*Palmer Livestock Commission Co., Trinidad.
*Rifle Sales Yard, Rifle.
*Salida Livestock Commission Co., Inc., Salida.
*Shultz Sales Yard, Grand Junction.
*Sterling Livestock Commission Co., Sterling.
*Stratton Sale Barn, Stratton.
*Sunset Sales Yard, Greeley.
*Valley Livestock Auction Co., Grand Junction.
*Weld County Livestock Commission Co., Greenley.
*Western Slope Livestock Commission, Co., Montrose.
*Winter Livestock Commission Co., La Junta.
*Wray Livestock Commission Co., Wray.
*Yuma Livestock Auction, Yuma.

DELAWARE

*Carroll Sales Co., Dover.
*Goldinger Bros., Inc., Dupont Highway.
*Harris Sales Corp., Odessa.
*Rudnick Live Stock Sales Co., Dover.

FLORIDA

*Jay Livestock Auction Market, Jay.
*Paxton Livestock Cooperative Market, Florala (Stella Route).
*Tindel-Williams Livestock Auction Market, Graceville.

GEORGIA

*Augusta Livestock Market, Augusta.
*Bainbridge Stockyards, Bainbridge.
*Bartow Livestock Commission Co., Cartersville.
*Capital Livestock Auction Co., Inc., Atlanta.
*Carroll County Livestock Sales Barn, Carrolton.
*Chandler Livestock Market, Metter.
*Chatham County Stockyard, Savannah.
*Columbus Stockyard Co., Columbus.
*Coffee County Livestock Co., Douglas.
*Cordele Livestock Co., Cordele.
*Dublin Livestock Commission Co., Dublin.
*Duvall-Wheeler Livestock Co., Greensboro.
*Farmer's Livestock Auction, Sylvania.
*Flint River Livestock Auction, Bainbridge.
*Georgia Livestock Terminal Market, Macon.
*Georgia Farm Products Sale Corp., Thomaston.
*Hudson Livestock Auction, Fitzgerald.
*Jepeway-Craig Commission Co., Dublin.
*Jesup-Wayne County Livestock Market, Jesup.
*La Grange Stockyards, Inc., La Grange.
*McClure-Burnett Commission Co., Rome.
*McClure-Burnett Commission Co., Atlanta.
*Metter Livestock Auction, Metter.
*Mitchell County Livestock Co., Camilla.
*Moultrie Livestock Co., Moultrie.
*Muscogee Livestock Co., Columbus.
*Northeast Georgia Livestock Auction, Inc., Athens.
*Pelham Livestock Co., Pelham.
*Peoples Livestock Market, Inc., Duthbert.
*Pulaski Stockyard, Hawkinsville.
*Queen City Livestock Auction Co., Gainesville.
*Ragsdale-Long Commission Co., Quitman.
*Seminole Livestock Auction Market, Donalsonville.
*Shuman Stockyards, Hagan.
*Smith Stock Yard Company No. 3, Thamson.
*Sumter Livestock Association, Inc., Americus.
*Sutton Livestock Co., Sylvester.
*Sylvania Stockyards, Sylvania.
*Toccoa Livestock Auction, Toccoa.
*Tri-County Livestock Co., Social Circle.
*Union Stock Yards, Albany.
*Valdosta Livestock Co., Inc., Valdosta.
*Waycross Livestock Market, Waycross.
*Wilkes County Stockyard, Washington.

IDAHO

*Blackfoot Livestock Commission Co., Blackfoot.
*The Bonners Ferry Livestock, Bonners Ferry.
*Burley Livestock Commission Co., Inc., Burley.
*Cache Valley Livestock Auction, Preston.
*Cattlemen's Livestock Auction, Inc., Nampa.
*Coeur d'Alene Livestock Commission Yards, Coeur d'Alene.
*Cottonwood Sales Yard, Cottonwood.
*Emmett Livestock Commission Co., Emmett.
*Gooding Livestock Commission Co., Gooding.
*Jerome Livestock Commission Co., Jerome.
*Meridian Salesyard, Meridian.
*Nampa Livestock Commission Co., Nampa.
*Pocatello Livestock Auction Co., Inc., Pocatello.
*Rexburg Livestock Auction, Inc., Rexburg.
*Salmon River Livestock Auction, Salmon.
*Salmon Sales Yard, Salmon.
*Sandpoint Livestock Auction Co., Sandpoint.
*Shoshone Salesyard, Inc., Shoshone.
*Stockgrowers Commission Co., Twin Falls.
*Twin City Salesyards, Lewiston.
*Valley Livestock Commission Co., Rupert.
*Weiser Livestock Commission Co., Weiser.

ILLINOIS

Carthage Community Sale Co., Carthage.
Dameron Livestock Auction, Vienna.
Danville Livestock Commission Co., Danville.
Decker's Milford Sales and Commission Co., Milford.
DeWane's Livestock Exchange, Belvidere.
Kankakee County Livestock Marketing Center, Bourbonnais.
La Salle County Livestock Marketing Center, Ottawa.
Paris Livestock Sales Co., Paris.
*Peoria Union Stock Yards, Peoria.
Price's Livestock Marketing Co., Shelbyville.
Rock Island Auction Sales, Inc., Rock Island.
Schrader Consignment Sale, Dakota.
Souders Stockyards, Brookport.
*Springfield Stockyards, Springfield.
Sullivan Sale Barn, Sullivan.
West Kankakee Livestock Sale, Kankakee.
Winslow Marketing Center, Winslow.
Woodford County Livestock Sale, Inc., El Paso.

INDIANA

*Boswell Livestock Commission, Boswell.
*Fort Wayne Livestock Auction, Fort Wayne.
*Fountain County Livestock Commission, Veedersburg.
*Montpelier Sale Barn, Inc., Montpelier.
*Producers Marketing Association, Centerville.
*Producers Marketing Association, Terre Haute.
*Producers Marketing Association, Vincennes.
*Reynolds Sales Barn, Reynolds.
*Shipshewana Livestock Auction, Shipshewana.
*Valparaiso Community Sale, Valparaiso.

IOWA

Ackley Sales Pavilion, Ackley.
Adel Sales Pavilion, Adel.
Albia Sales Co., Albia.
Anita Auction Co., Anita.
Algona Sale Co., Algona.
Ankeny Sales Pavilion, Ankeny.
Aplington Sales Pavilion, Aplington.
Avoca Auction Co., Avoca.
Baxter Sale Co., Baxter.
Belle Plaine Livestock Commission Co., Belle Plaine.
Bingley Sales Co., Knoxville.
Boone Sales Co., Boone.
Bowman Cattle Co., Maquoketa.
Carroll Livestock Sales, Carroll.
Cedar Valley Livestock Exchange, Vinton.
Centerville Sales Co., Centerville.
Central City Livestock Auction, Central City.
Chariton Sales Co., Chariton.
Cherokee Livestock Auction Co., Inc., Cherokee.
Clear Lake Auction Co., Clear Lake.
Coggon Livestock Sales Co., Coggon.
DeVries Auction Co., Buffalo Center.
Donnellson Community Exchange, Donnellson.
Dunlap Sale Co., Dunlap.
Eldora Livestock Sales, Eldora.
Farm Bureau Livestock Marketing Center, Waukon.
Farmers Sale Co., Carroll.
Garner Sales Co., Garner.
Grinnell Livestock Exchange, Grinnell.
Hampton Auction, Inc., Hampton.
Hampton Sales Co., Hampton.
Hawkeye Livestock Auction, Fairfax.
Harlan Auction Co., Harlan.
Hi-Dollar Sales Co., Sigourney.
Hillcrest Auction Co., Knoxville.
Humboldt Livestock Auction, Humboldt (Dakota City).
Humeston Sale Barn, Humeston.
Kalona Sales Barn, Kalona.
Keosauqua Sales Co., Inc., Keosauqua.
Knickman Livestock Sales Co., Council Bluffs.
Lamoni Sale Corp., Lamoni.
Le Mars Sales Co., Le Mars.
Livestock Auction Co., Denison.
Madison County Auction, Winterset.
Marengo Livestock Commission Co., Marengo.
Marshalltown Livestock Auction, Marshalltown.
Marvel Sales Co., Webster City.
McCreary Sale Co., Centerville.
Middletown Auction Sales, Inc., Middletown.
Moorhead Sale Barn, Moorhead.
Mount Ayr Livestock Market, Mount Ayr.
Northeast Iowa Sales Commission, Decorah.
Northside Sales Co., Sibley.
North West Iowa Livestock Exchange, Alta.
Northwood Sales Co., Inc., Northwood.
O'Neill Livestock Auction, Eldora.
Ossian Livestock Exchange, Ossian.
Pella Sales Co., Pella.
Perry Sales Pavilion, Perry.
Rock Valley Sales Co., Rock Valley.
Russell Sales Co., Russell.
Sales Co. of Hawarden, Hawarden.
Sheldon Sales Co., Sheldon.
Shenandoah Livestock Auction, Shenandoah.
Sioux Center Sales Co., Sioux Center.
Spencer Livestock Sales, Spencer.
Spencer North Y. Auction, Inc., Spencer.
Storm Lake Auction Co., Storm Lake.
Story City Auction Sales, Story City.
Thompson Livestock Commission Co., Lamoni.
Traer Sales Co., Traer.
Tripoli Sales Co., Tripoli.
Troutman Auction Sales, Bonaparte.
Wapello Livestock Auction, Inc., Wapello.
*Waukon Sales Commission, Waukon.
Waverly Sales Co., Waverly.
Winneshiek Coop Sales Commission, Decorah.
Witthauer Auction, Council Bluffs.

KANSAS

*A. C. Sale Co., Arkansas City.
*Abilene Livestock Sales Co., Abilene.
*Allen County Livestock Auction, Gas City.
*Anderson County Sale Co., Garnett.
*Anthony Livestock Co., Anthony.
*Ashland Sales Co., Ashland.
*Atchison County Auction Co., Atchison.
*AT and SF Stockyards, Emporia.
*Atwood Sale Barn, Atwood.
*Belleville Sale Co., Belleville.
*Bronson Community Sale, Bronson.
*Caldwell Community Sale, Caldwell.
*Cedar Vale Sales Co., Cedar Vale.
*Central Livestock Sales Co., S. Hutchinson.
*Chandler Sales Co., Smith Center.
*Chanute Sale Pavilion, Chanute.
*Clay Center Sale Co., Clay Center.
*Cloud County Livestock Commission Co., Concordia.
*Coffeyville Livestock Commission Co., Coffeyville.
*Colby Sale Barn, Inc., Colby.
*Coldwater Sales Co., Coldwater.
*Concordia Sales Co., Concordia.
*Council Grove Livestock Auction, Council Grove.
*Dighton Livestock Market, Dighton.
*Dodge City Livestock Commission Co., Inc., Dodge City.
*Douglas Livestock Commission Co., Douglas.
*Downs Sales Co., Downs.
*Dumler Bros. Livestock Commission Co., Russell.
*Effingham Auction Co., Effingham.
*El Dorado Sales, El Dorado.
*Emporia Livestock Sale Co., Emporia.
*Eureka Auction Sale, Eureka.
*Flint Hills Livestock Sales, Inc., Florence.
*Ft. Scott Sale Co., Fort Scott.
*Frankfort Community Sale, Frankfort.
*Franklin County Sales Co., Ottawa.
*Fredonia Livestock Sales Co., Fredonia.
*Garden City Sale Co., Garden City.
*Gassaway Sale Co., Plainville.
*Giger Sales Co., Emporia.
*Goodland Livestock Commission Co., Goodland.
*Hansen Livestock Auction, Beloit.
*Harper Livestock Sale Co., Harper.
*Hays Livestock Community Sales, Hays.
*Herington Livestock Auction Co., Herington.
*Hiawatha Livestock Auction, Hiawatha.
*Hill City Sale Barn, Hill City.
*Holton Community Sale, Holton.
*Holton Livestock Exchange, Holton.
*Hoxie Livestock Sale, Hoxie.
*Hugoton Livestock Commission Co., Hugoton.
*Hutchinson Livestock Sale Pavilion, Hutchinson.
*Kinsley Livestock Sales Co., Kinsley.
*Kiowa Sales Co., Kiowa.
*Koenig Sale Barn, Manhattan.
*Lawrence Livestock Sales Co., Lawrence.
*Leavenworth Community Sale, Leavenworth.
*Lenexa Community Sale, Lenexa.
*Leoti Livestock Sales Co., Leoti.
*Liberal Livestock Sales Co., Liberal.
*Lincoln Sales Co., Lincoln.
*Lindsborg Livestock Commission, Lindsborg.
*Lyons Sale Pavilion, Lyons.
*Mankato Sales Co., Mankato.
*Marysville Livestock and Commission Co., Marysville.

•McKinley-Winter Livestock Commission Co., Dodge City.
•Meade Livestock Commission Co., Meade.
•Medicine Lodge Sales Co., Inc., Medicine Lodge.
•Minneapolis Sales Pavilion, Minneapolis.
•Natoma Sale Co., Natoma.
•Ness Livestock, Inc., Ness City.
•Newton Livestock Auction Co., Newton.
•Norton Livestock Commission Co., Norton.
•Oakley Livestock Sales Co., Oakley.
•Oberlin Livestock Commission Co., Oberlin.
•Osage City Livestock Sale, Osage City.
•Osborne Livestock Commission Co., Osborne.
•Ottawa Market Sale, Ottawa.
•Overbrook Livestock Sale Co., Overbrook.
•Paola Market Sale, Paola.
•Phillipsburg Sales Co., Inc.
•Pratt Livestock Commission Co., Pratt.
•Quinter Livestock Commission, Quinter.
•Rush County Sales Co., La Crosse.
•S and J Livestock Commission Co., Inc., Norton.
•St. Francis Livestock Commission Co., St. Francis.
•Salina Livestock Commission Co., Salina.
•Southeastern Kansas Sales Co., Stockton.
•Stockton Livestock Commission Co., Stockton.
•Stockyards Commission Co., Great Bend.
•Sylvan Sales Co., Sylvan Grove.
•Syracuse Sale Co., Syracuse.
•Tri-State Sale, Elkhart.
•Valley Falls Livestock Auction, Valley Falls.
•WaKeeney Livestock Commission Co., WaKeeney.
•Washington Sale Barn, Washington.
•Wellington Sales Co., Wellington.
•Wilson Livestock Auction, Salina.
•Zima Livestock Sales Co., Emmett.

KENTUCKY

Adair County Stockyards, Columbia.
•Albany Stockyards, Albany.
•Berry and Son Stockyards, R. B., Clinton.
Berry and Whitford Stockyard, Mayfield.
•Blue Grass Stockyards Co., Lexington.
•Bowling Green Livestock Market, Inc., Bowling Green.
•Boyle County Stockyards Co., Danville.
•Brown and Whayne Stockyards, Clinton.
•Burkesville Stockyards, Burkesville.
•Carlisle Stockyards, Carlisle.
•Catlettsburg Live Stock Sales Co., Catlettsburg.
•Christian County Livestock Market, Inc., Hopkinsville.
•Clay-Gentry, Lexington.
•Cynthiana Stockyards, Cynthiana.
•Edmonton Livestock Market, Edmonton.
•Farmers Commission Co., Inc., Tompkinsville.
•Farmers Livestock Co., Mayfield.
•Farmers Livestock Market, Inc., Somerset.
•Farmers Livestock Market, London.
Farmers Livestock Market, Lodisa.
•Farmers Stockyard, Flemingsburg.
•Farmers Stockyards Co., Inc., Mt. Sterling.
•Franklin Livestock Market, Inc., Franklin.
•Garrard County Stockyards, Lancaster.
•Glasgow Livestock Market, Glasgow.
Green County Stockyards, Greensburg.
Hopkinsville Livestock Co., Hopkinsville.
Horse Cave Stockyard, Horse Cave.
•Hutcherson Livestock Market, Glasgow.
•Kentucky-Tennessee Livestock Market, Guthrie.
•Knox County Stockyards, Barbourville.
•Laurel Sale Barn, London.
•Lebanon Stockyards, Inc., Lebanon.
Lincoln County Stockyards, Inc., Stanford.
•Logan County Livestock Co., Inc., Russellville.
•Madison Sales Co., Richmond.
•Maysville Stockyards, Maysville.
•Middlesboro Auction Co., Middlesboro.
•Monticello Stockyards, Monticello.
Murray Livestock Co., Murray.
•O.K. Stockyard, Maysville.
•Olive Hill Livestock Co., Olive Hill.
•Paducah Livestock Auction, Paducah.
Paintsville Livestock Market, Paintsville.
•Paris Stockyards, Paris.
•Richmond Livestock Market Corp., Richmond.
Russell County Stockyards, Russell.
•Science Hill Stockyards, Science Hill.
•Sparta Stockyards Co., Sparta.
•Thompkinsville Livestock Market, Thompkinsville.
Vasseur Sale Barn, Paducah.
•Watwood Stockyards, Bardwell.
•Winchester Stockyards, Winchester.

LOUISIANA

•Abbeville Commission Co., Abbeville.
•Amite Livestock Auction, Inc., Amite.
•Avoyelles Livestock Commission, Mansura.
•Bastrop Livestock Auction, Bastrop.
•Brabham Livestock Commission Market, Leesville.
•Brown Alsbrooks Stockyards, Inc., Baton Rouge.
•Brown-Alsbrooks Stockyards, Inc., Marksville.
•Brown Alsbrooks Stockyards, Inc., Opelousas.
•Brown, Sam, Auction Co., Inc., Mansfield.
•Clark Commission Co., Benton.
•Coltharp's Livestock Market, De Ridder.
•Delhi Livestock Auction, Delhi.
•Dominique's Cow Palace, Bossier City.
•Dominique's Inc., Opelousas.
•Dominique's Livestock Auction, Alexandria.
•Dominique's Stockyards, Baton Rouge.
•Dominique's Stockyards, Lafayette.
•Eunice Stockyards, Eunice.
•Farmer and Stockman Auction, Clarence.
•Franklin Livestock Auction, Winnsboro.
•Franklinton Stock Yards, Inc., Franklinton.
•Hodges and Co., W. H., Crowley.
•Hodges and Co., W. H., Alexandria.
•Hodges and Co., W. H., New Roads.
•Hodges and Co., W. H., Tallulah.
•Homer Livestock Auction, Homer.
•Kentwood Stockyard, Kentwood.
•Lum Brothers Stockyards, Inc., Ferriday.
•Micelle's Commission Yard, Lake Charles.
•Micelle's Commission Yard, Lacassine.
•Minden Livestock Commission Co., Minden.
•New Orleans Stockyards, Inc., Arabi.
•Oak Grove Livestock Auction, Oak Grove.
•Lake Charles Commission Co., Lake Charles.
•Raceland Stockyards, Raceland.
•Rayville Livestock Market, Inc., Rayville.
•Red River Livestock Auction, Coushatta.
•Ruston Stockyards, Inc., Ruston.
•Tate Commission Barn, Joe, Ville Platte.
•Voiron's Stockyards, Thibodaux.
•Welsh Stockyards, Welsh.
•West Monroe Livestock Auction, West Monroe.
•Zachary Stockyards, Zachary.

MARYLAND

•Aberdeen Sales Co., Aberdeen.
•Caroline Sales Co., The, Denton.
•Cumberland Stock Yard, Inc., Cumberland.
•Eyler's Live Stock Market, Thurmont.
•Farmers Live Stock Exchange, Inc., Boonsboro.
•Four States' Livestock Sales, Inc., Hagerstown.
•Frederick Livestock Auction, Inc., Frederick.
•Friend Stock Yard, Inc., Accident.
•Grantsville Community Sale, Grantsville.
•Rudnick Live Stock Sales, Harry, Galena.
West Nottingham Livestock Market, Inc., West Nottingham.
•Western Maryland Stock Yards, Inc., Westminster.
•Woodsboro Livestock Sale, Inc., Walkersville.

MASSACHUSETTS

•Brighton Stock Yards Co., Brighton.
Deveno Livestock Commission, Southwick.
•Michelson's Cattle Auction, South Easton.
•Northampton Coop. Auction, Northampton.

MICHIGAN

•Adrian Livestock Auction, Adrian.
•Cass Livestock Sale, Cassopolis.
•Coldwater Livestock Auction, Coldwater.
•Dundee Livestock Auction, Dundee.
•Fullmer Stock Yards, Inc., Sandusky.
•Howell Livestock Auction, Howell.
•Linsmeier Livestock Auction, Menominee.
•Marlette Livestock Approved, Marlette.
•Michigan Live Stock Exchange, Battle Creek.
•Napoleon Livestock Auction, Napoleon.
•Sturgis Livestock Auction Market, Sturgis.

MISSISSIPPI

•Alcorn County Stockyard, Corinth.
•Amory Commission Co., Amory.
•Batesville Livestock Sales Co., Batesville.
•Billingsley Auction Sale, Doc, Senatobia.
•Booneville Commission Co., Booneville.
•Bryan Brothers Stockyards, West Point.
•Case Stock Yards, Bude.
•Chickasaw Commission Co., Houston.
•Clarksdale Livestock Sales Co., Clarksdale.
•Clay County Stockyards, Inc., West Point.
•Columbus Livestock Commission Co., Columbus.
•Corinth Livestock Auction Co., Corinth.
•Decatur Stockyard, Decatur.
•Deer Creek Stockyards, Hollandale.
•Dixie Stockyard, Meridian.
•Felders Livestock Sales Co., Summit.
•George County Stock Yards, Lucedale.
•Graves Livestock Co., Winona.
•Grenada Livestock Exchange, Grenada.
•Gulfport Stockyards, Gulfport.
•Hattiesburg Stockyards, Inc., Hattiesburg.
•Henderson Sale Co., Philadelphia.
•Hernando Auction Co., Hernando.
•Hinds County Livestock Auction, Edwards.
•Hodges and Sons, W. H., Liberty.
•Jefferson County Stock Yards, Fayette.
•Laurel Stock Yards, Laurel.
•Leake County Commission Co., Carthage.
•Lexington Sales Co., Lexington.
•Lincoln County Livestock Commission Co., Brookhaven.
•Lipscomb Commission Co., Como.
•Livestock Producers Association, Tylertown.
•Lum Bros. Stockyards, Natchez.
•Lum Commission Co., Vicksburg.
•Meridian Stockyards, Inc., Meridian.
•Mid-South Order Buyers, Inc., Jackson.
•Mississippi Livestock Producers Association (North Yard), Jackson.
•Mississippi Livestock Producers Association (South Yard), Jackson.
•Moore and Woods Commission Co., Macon.
•New Albany Sales Company, New Albany.
•Olive Branch Sales Co., Oliva.
•Owen Bros. Stockyard, Meridian.
•Owen Bros. Stockyards, Hattiesburg.
•Peelers Livestock Sales, Kosciusko.
•Peeler's Sale Barn Number 2, Kosciusko.
•Pontotoc Livestock Commission Co., Pontotoc.
•Prentiss Auction Sale, Prentiss.
•Richton Stock Yards, Richton.
•Ripley Sales Co., Ripley.
•Shaw and Gray Commission Co., Oxford.
•Spicer Brothers, Tupelo.
•Starkville Livestock Commission Co., Starkville.
•Stiles Livestock Commission Co., Sturgis.
Stringer Sale Barn, Columbia.
•Tri-State Stock Yards, Inc., Greenville.
•Tupelo Livestock Auction, Tupelo.
•Union Stock Yards, Jackson.
•Walnut Sale Co., Walnut.
•Waynesboro Livestock Yards, Waynesboro.
•Winston County Community Sales, Louisville.

MISSOURI

Adair County Sale Barn, Kirksville.
Alton Sales Co., Alton.
Arnett and Son Livestock Auction, Warrensburg.
Ava Sales Co., Ava.
Baker, Roy Sales Co., Butler.

Bethany Livestock Auction, Bethany.
Bowling Green Auction Co., Bowling Green.
Brunswick Sale Co., Brunswick.
Buffalo Sale Barn, Buffalo.
Butler Community Sale, Butler.
Cabool Livestock Market, Cabool.
Callaway Stock Sales Association, Fulton.
Carrollton Livestock Auction, Carrollton.
Cassville Livestock Auction, Cassville.
Central Missouri Livestock Auction, Mexico.
Central Missouri Sales Co., Sedalia.
•Charleston Auction Co., Charleston.
Clark County Sales Co., Kahoka.
Clinton Community Sale, Clinton.
Columbia Livestock Auction, Inc., Columbia.
Cox Auction Sale, Noel, Ozark.
Crocker Sales Barn, Crocker.
Davis-Johnston Patrick's Sales and Commission Co., Boonville.
Doniphan Auction Sales Co., Doniphan.
Douglas County Livestock Auction, Ava.
Drexel Community Sale, Drexel.
Edina Sale Co., Edina.
El Dorado Sales Co., El Dorado.
Fairground Sale Co., Maryville.
Fairplay Sales Co., Fairplay.
Farmers and Traders Commission Co., Inc., Palmyra.
Farmington Auction Co., Inc., Farmington.
Fraley Sale Pavilion, Chillicothe.
Fredericktown Auction Co., Inc., Fredericktown.
Gainesville Sale Barn, Gainesville.
Gallatin Livestock Auction, Gallatin.
Goodman Auction Market, Goodman.
Graham Auction, Mansfield.
Grant City Sale Barn, Grant City.
Green City Auction Co., Green City.
Halsey-Riley Sales Co., Inc., Marshall.
Hannibal Sale Co., Inc., Hannibal.
Hinds Sale Co., Memphis.
Joplin Friday Sales Day, Joplin.
Kennett Sales Co., Inc., Kennett.
Kirksville Community Sale, Kirksville.
Lamar Community Sale, Lamar.
Lewis County Auction Co., Lewistown.
Lexington Livestock Auction, Lexington.
Licking Auction Sales Co., Licking.
Linn County Auction Co., Brookfield.
Lockwood Community Sales, Inc., Lockwood.
Lolli Sales Pavilion, Macon.
Malden Sale Co., Malden.
Marshfield Auction Sale, Marshfield.
Maryville Auction Co., Maryville.
Mexico Stockyards Co., Mexico.
Milan Auction Co., Milan.
Moberly Livestock Auction, Moberly.
Monett Sale Co., Monett.
Montgomery County Auction Co., Wellsville.
Mountain Grove Livestock Auction, Mountain Grove.
Mountain View Auction, Mountain View.
Munn Sale Barn, New Cambria.
Neosho Community Sale, Neosho.
Nevada Sale Co., Nevada.
New Palmyra Sale Co., Palmyra.
Odessa Community Sale, Odessa.
Olean Sale Co., Olean.
Oregon Livestock Sale Co., Oregon.
P and M Cattle Auction, Sikeston.
Pasley Auction Co., C. M., Osceola.
Payne Auction Sales, Lebanon.
Platte County Sales Co., Platte City.
Poplar Bluff Sales Co., Poplar Bluff.
Potosi Auction Co., Potosi.
Princeton Sale Co., Princeton.
Robert's Brothers Auction, Bolivar.
Robertson's Community Sale, Bethany.
Rockport Sales Pavilion, Inc., Rockport.
Rolla Auction Co., Rolla.
Salem Auction Co., Salem.
Schuyler Sales Association, Lancaster.
Sebaugh, Dale D., Auction Barn, Sedgewickville.
Seneca Community Sale, Inc., Seneca.
Shelbina Auction Co., Shelbina.
Sikeston Auction Co., Sikeston.
St. James Auction Co., St. James.
Steelville Auction Market, Steelville.
Stewart's Sales Pavilion, Cameron.
Summersville Auction Sale, Summersville.
Taney County Auction Barn, Forsyth.
Thayer Sales Co., Thayer.
Trenton Livestock Market, Trenton.
Troy Sales Company, Troy.
Unionville Auction Co., Unionville.
Van Meter Auction Co., Kingsville.
Vernon County Sales Co., Nevada.
Warsaw Sales Co., Warsaw.
Welty Sales Pavilion, Nevada.
Wentzville Auction Co., Wentzville.
West Plains Livestock Auction, West Plains.
Windsor Auction Co., Windsor.

MONTANA

•Billings Livestock Commission Co., Billings.
•Glendive Auction Co., Inc., Glendive.
•Schnell's Miles City Livestock Auction Co., Miles City.
•Yellowstone Livestock Commission Co., Sidney.

NEBRASKA

•Ainsworth Sale Yard, Ainsworth.
•Albion Sales Pavilion, Albion.
•Alliance Livestock Commission Co., Alliance.
•Alma Sale Barn, Alma.
•Arnold Livestock Commission Co., Arnold.
•Ashland Sale Barn, Ashland.
•Atkinson Livestock Market, Atkinson.
•Augustin Brothers Sale Yard, Shelby.
•Bassett Livestock Sales Co., Bassett.
•Beatrice Sales Pavilion, Beatrice.
•Beaver Valley Sale Barn, Beaver City.
•Benkelman Sales Co., Benkelman.
•Blue Hill Sales Co., Blue Hill.
•Burwell Livestock Market, Burwell.
•Butte Livestock Market, Butte.
•Bloomfield Community Market, Bloomfield.
•Central Nebraska Commission Co., Broken Bow.
•Chadron Sales Co., Chadron.
•Chappell Livestock Commission Co., Chappell.
•Christensen Livestock Commission Co., Fullerton.
•Columbus Sales Pavilion, Columbus.
•Community Sale, Central City.
•Crawford Sales Co., Inc., Crawford.
•Creighton Livestock Market, Creighton.
•Deshler Livestock Commission Co., Deshler.
•Dooley Auction Market, Wahoo.
•Dovel Sale Barn, Auburn.
•Elkhorn Valley Cattle Co., Norfolk.
•Ericson Livestock Market, Ericson.
•Ewing Livestock, Ewing.
•Fairbury Livestock Co., Fairbury.
•Falls City Auction Co., Falls City.
•Farmers Livestock Sales Co., Benkelman.
•Friend Sale Barn, Friend.
•Geneva Salesbarn, Geneva.
•Gordon Sales Co., Gordon.
•Grand Island Livestock Auction, Inc., Grand Island.
•Grant Sales Co., Grant.
•Hebron Livestock Commission Co., Hebron.
•Imperial Sales Co., Imperial.
•Kearney Livestock Commission Co., Kearney.
•Leigh Shipping Association, Leigh.
•Lexington Livestock Commission Co., Lexington.
•Lincoln Livestock Commission Co., Lincoln.
•Lockwood Livestock Auction Co., South Sioux City.
•McCook Livestock Commission Co., McCook.
•McKee Sales Co., Superior.
•Minden Livestock Sales Co., Minden.
•Morrison Livestock Commission Co., Scottsbluff.
•Neligh Livestock Commission Co., Neligh.
•Newman Grove Sales Co., Newman Grove.
•Nebraska City Sales Barn, Nebraska City.
•Nebraska Livestock Commission Co., Hastings.
•Nebraska Livestock Sales, Inc., Lincoln.
•Nollett Livestock Sales, Valentine.
•Norfolk Livestock Sales Co., Norfolk.
•North Bend Auction Co., North Bend.
•O and O Commission Co., Kearney.
•O'Neill Livestock Market, O'Neill.
•Ogallala Livestock Commission Co., Ogallala.
•Ord Livestock Market, Ord.
•Oshkosh Livestock Commission Co., Oshkosh.
•Oxford Livestock Commission Co., Oxford.
•Pawnee Livestock Co., Pawnee City.
•Pender Livestock Sales Co., Pender.
•Plattsmouth Sale Barn, Plattsmouth.
•Ravenna Livestock Commission Co., Ravenna.
•Red Cloud Sales Co., Red Cloud.
•Republican Valley Livestock Auction, Franklin.
•Schuyler Livestock Pavilion, Schuyler.
•Seward Sales Barn, Seward.
•Sheridan Livestock Commission Co., Rushville.
•Sioux County Auction Co., Harrison.
•Spalding Livestock Market, Spalding.
•Stickelman Livestock Commission Co., Gothenburg.
•Superior Sales Co., Inc., Superior.
•Sutton Sales Pavilion, Sutton.
•Syracuse Sales Pavilion Co., Syracuse.
•Tecumseh Livestock Market, Tecumseh.
•Thedford Livestock Sales Co., Thedford.
•Third City Livestock Commission Co., Grand Island.
•Tilden Livestock Market, Tilden.
•Tri-State Livestock Commission Co., McCook.
•Union Livestock Commission Co., Scottsbluff.
•Valentine Livestock Auction Co., Valentine.
•Verdigre Livestock Auction Market, Inc., Verdigre.
•Wayne Sales Co., Wayne.
•Wells Commission Co., Fremont.
•West Point Sales Co., West Point.
•Western Livestock Auction Co., North Platte.
•Wisner Livestock Sales Co., Wisner.
•York Livestock Commission Co., York.
•Zimmerman Stockyards, Blair.

NEVADA

•Elko Livestock Sales Co., Elko.
•Midwest Livestock Commission Co., Fallon.
•Nevada Livestock Commission Co., Sparks.

NEW JERSEY

•Community Livestock Auction, Woodstown.
•Flemington Auction Market, Flemington.
•Harris Sales Co., Woodstown.
•Jaeger's Auction Market, Sussex.
•Livestock Cooperative Auction Market Association, of North Jersey, Inc., Hackettstown.
•Ziotkin Auction, Henry, Freehold.

NEW MEXICO

•Albuquerque Livestock Auction, Albuquerque.
•Monroe Branding and Cattle Co., Clovis.
•New Mexico Livestock Exchange, Inc., Albuquerque.
•Portales Livestock Commission Co., Portales.
•Valley Livestock Auction, Inc., Roswell.
•Williams-Bokey Cattle Co., Clovis.

NEW YORK

Adams Commission Sales, Spike, Granville.
Amsterdam Livestock Sales, Inc., Amsterdam.
Burton Livestock Exchange, Vernon.
Cambridge Valley Livestock Market, Cambridge.
Chambers and Sons, Inc., D.R., Unadilla.
Chatham Area Auction Coop., Inc., Chatham.
DiBello Commission Sales, Ben, Hannibal.
Dupont's Commission Auction, Little Falls.
Dupont's Commission Auction, Fort Plain.
Empire Livestock Marketing Cooperative, Inc., Bath.
Empire Livestock Marketing Cooperative, Inc., Bullville.
Empire Livestock Marketing Cooperative, Inc., Caledonia.

Empire Livestock Marketing Cooperative, Inc., Dryden.
Empire Livestock Marketing Cooperative, Inc., Gouverneur.
Empire Livestock Marketing Cooperative, Inc., Greene.
Empire Livestock Marketing Cooperative, Inc., Lancaster.
Empire Livestock Marketing Cooperative, Inc., Oneonta.
Empire Livestock Marketing Cooperative, Inc., Watertown.
Empire Livestock Marketing Cooperative, Inc., West Winfield.
Farmer's Livestock Market, Bath.
Gentner Livestock Commission Market, Raymond, Springville.
Hillsdale Farmers Auction, Inc., Hillsdale.
Horseheads Livestock Market, Horseheads.
Hudson Valley Live Stock Market, Waterford.
N. Johncox Sons Livestock Auction, Palmyra.
Kaplan and Son, Inc., J. M., Millerton.
Kimball Stand Commission Sales, Jamestown.
Luthers' Livestock Commission Market, Wassaic.
Maplehurst Livestock Market, Hinsdale.
Milford Commission Sales Stables, Inc., Milford.
Miller's Livestock Market, Argyle.
Neverett, H. L., and Sons, Chazy.
Neverett, H. L., and Sons, Malone.
Norvel Reed, Sherman.
Norwich Commission Sale, Norwich.
Owego Livestock Sales, Owego.
Peters Livestock Exchange, Jeffersonville.
Southern Cayuga Commission Sales, Moravis.
Southern Tier Livestock Market, Whitney Point.
Stilson Tweedie, Walton.
Sullivan Bros., Utica.
Sunny Acres Livestock Market, Bombay.
Wallkill Livestock Market, Walden.
Warwick Auction Market, Warwick.
Welch Livestock Market, Inc., West Edmeston.
Wickham's Commission Auction, Ovid.

NORTH CAROLINA

Powell Livestock, Inc., Rowland.
Union County Livestock Auction, Inc., Mineral Springs.
Morris Livestock Co., Charlotte.

NORTH DAKOTA

•Beulah Livestock Auction Sales, Beulah.
•Dobler Livestock Sales Co., Ashley.
•Edgeley Livestock Sales Co., Edgeley.
•Ellendale Livestock Sales Co., Ellendale.
•Harrington Bros., Mayville.
•Harrington Bros., Minot.
•Harvey Livestock Sales Pavilion, Harvey.
•Hettinger Livestock Sales Co., Hettinger.
•Home Base Auction Co., Bowman.
•Jamestown Sales Co., Jamestown.
•J. K. L. Cattle Co., Williston.
•Kamrath Sales Pavilion, Mott.
•Lake Region Livestock Auction Co., Devil's Lake.
•Linton Livestock Sales Co., Linton.
•Mandan-Bismarck Livestock Commission Co., Mandan.
•Minot Livestock Auction, Minot.
•Missouri Slope Auction Sales, Inc., Bismarck.
•Napoleon Livestock Auction, Inc., Napoleon.
•Park River Livestock Sales Co., Park River.
•Rugby Livestock Sales, Rugby.
•Schnell Livestock Auction, Dickinson.
•Stanley Sales Ring, Stanley.
•Stockmen's Livestock Auction, Ellendale.
•Turtle Lake Livestock Auction, Turtle Lake.
•Valley City Livestock Auction Market, Valley City.
•Western Livestock Co., Inc., Dickinson.
•Williston Livestock Commission Co., Williston.
•Wishek Livestock Market, Wishek.

OHIO

•Athens Livestock Sales Co., Athens.
•Bloomfield Livestock Auction, North Bloomfield.
•Canfield Livestock Auction, Canfield.
•Carrollton Livestock Auction, Carrollton.
•Creston Livestock Sales, Creston.
•Damascus Livestock Auction, Damascus.
•Delta Livestock Auction, Delta.
•Dorset Livestock Auction, Dorset.
•Elkton Auction, Elkton.
•Farmers' Livestock Auction, Inc., Marietta.
•Geauga Livestock Commission, Middlefield.
•Gibsonburg Livestock Auction, Gibsonburg.
•Kenton Farmers Marketing Co., Kenton.
•Kidron Auction Co., Kidron.
•Lugbill Bros., Inc., Archbold.
•Lugbill Brothers, Inc., Columbus Grove.
•Marietta Livestock Market, Inc., Marietta.
•Ohio Valley Livestock Co., Gallipolis.
•Peoples Livestock Exchange, Greenville.
•Pickaway Livestock Co-op Association, Circleville.
•Producers Livestock Association, Bucyrus.
•Producers Livestock Association, Chillicothe.
•Producers Livestock Association, Columbus.
•Producers Livestock Association, Coshocton.
•Producers Livestock Association, Findlay.
•Producers Livestock Association, Hicksville.
•Producers Livestock Association, Hillsboro.
•Producers Livestock Association, Lancaster.
•Producers Livestock Association, Marion.
•Producers Livestock Association, Mt. Vernon.
•Producers Livestock Association, Wapakoneta.
•Producers Livestock Association, Washington C.H.
•Producers Livestock Association, Wilmington.
Siekkinen, Harold W., Williamsfield.
•Tiffin Livestock Sales Co., Tiffin.
•Union Stockyards, Hillsboro.
•Washington C.H. Union Stockyards, Washington C.H.
•Western Ohio Livestock Exchange, Celina.

OKLAHOMA

•Beaver Livestock Sale, Beaver.
•Buffalo Livestock Commission Co., Buffalo.
•Community Auction Sale, Vinita.
•Cornwell-Ochsner Commission Sale, Yukon.
•Durant Livestock Commission Co., Durant.
•El Reno Livestock Auction Sale, El Reno.
•Farmers Livestock Commission Co., Enid.
•Grove Sales Co., Grove.
•Guymon Livestock Commission Co., Guymon.
•Holton Brothers Stockyards, Hugo.
•Hominy Sale Co., Hominy.
•Hugo Sales Commission Co., Hugo.
•Idabel Livestock Commission Co., Idabel.
•Jay Sale, Jay.
•Locust Grove Sale, Locust Grove.
•Looper Auction, Stillwater.
•Maxon Sales Co., Inc., South Coffeyville.
•Maxon Sales Co., Inc., Welch.
•Pawhuska Auction, Pawhuska.
•Perkins Y Livestock Auction, Perkins.
•Perry Auction Sale, Perry.
•Pope, Raymond Livestock Sale Pavilion, Vinita.
•Pryor Livestock Commission Co., Pryor.
•Ranchers Livestock Commission Co., Antlers.
•Selling Sales Association, Inc., Selling.
•Shawnee Sale Barn, Shawnee.
•Stigler Livestock Auction, Stigler.
•Texhoma Livestock Commission Co., Inc., Texhoma.
•Waurika Auction Sale, Waurika.
•Woodward Livestock Commission Co., Woodward.

OREGON

•Coos-Curry Livestock Auction, Bandon.
•Dalles Livestock Commission, The Dalles.
•Douglas Livestock Market, Wilbur.
•Enterprise Livestock Auction Co., Enterprise.
•Hermiston Livestock Commission Co., Hermiston.
•Klamath Cattle Sales, Klamath Falls.
•Klamath Stockmen's Commission, Inc., Klamath Falls.
•Madras Livestock Auction Market, Madras.
•McMinnville Auction Yard, McMinnville.
•Midway Auction Co., Medford.
•Northwestern Livestock Commission Co., Hermiston.
•Redmond Auction Yard, Redmond.
•Schricker and Inda Livestock Auction, Sutherlin.
•Valley Livestock Sale, Lebanon.

PENNSYLVANIA

Avondale Livestock Auction, Avondale.
Belknap Auction Sales, Dayton.
Belleville Livestock Market, Inc., Belleville.
Carlisle Livestock Market, Carlisle.
Chambersburg Livestock Sales, Chambersburg.
Chesley's Livestock Market, North East.
Clinton Auction, Inc., Mill Hall.
Coudersport Livestock Market, Coudersport.
Danville Livestock Market, Inc., Danville.
Dewart Livestock Market, Dewart.
Eighty-four Auction Sales, Inc., Eighty-four.
Enon Valley Community Sales, Enon Valley.
Farmers Livestock Market, Ephrata.
Farmers' Tri-County Auction, Scenery Hill.
Fayette Stockyard Co., Uniontown.
Gilbertsville Sales Stables, Gilbertsville.
Greencastle Livestock Market, Greencastle.
Greenville Livestock Market, Inc., Greenville.
Hatfield Livestock Market, Inc., Hatfield.
Hickory Auction and Sales, Hickory.
Indiana Livestock Market, Inc., Homer City.
Jamestown Livestock Market, Jamestown.
Knoxville Sales, Inc., Knoxville.
Lebanon Valley Livestock Market, Inc., Fredericksburg.
Leesport Livestock Market, Leesport.
Lycoming Livestock Market, Williamsport.
Mason-Dixon Livestock Market, Inc., Stewartstown.
Meadville Livestock Auction, Saegerstown.
Middleburg Auction Sales, Inc., Middleburg.
Montague Livestock Auction, Union City.
Morrison Cove Livestock Market, Martinsburg.
New Holland Sales Stables, Inc., New Holland.
New Wilmington Livestock Auction, New Wilmington.
Nicholson Sales Co., Nicholson.
Penns Valley Sales Barn, Centre Hall.
Pennsylvania Livestock Auction, Inc., Waynesburg.
•Pennsylvania Stockyards Co., Philadelphia.
Perkiomenville Sales Stables, Perkiomenville.
Quakertown Livestock Sale, Quakertown.
Showalter's Live Stock Exchange, Duncansville.
Silver Springs Livestock Market, Mechanicsburg.
Tri-County Livestock Auction, Brockway.
Troy Sales Cooperative, Troy.
Valley Stock Yards, Inc., Athens.
Vintage Sales Stables, Inc., Paradise.
Wayne County Livestock Exchange, Inc., Honesdale.
Westmoreland Auction Barn, Norvelt.
Whitford Sales Co., Whitford.
Wyalusing Sales Co., Wyalusing.
York Livestock Market, Inc., Thomasville.

SOUTH CAROLINA

•Bruce and Co., P. L., Greenville.
•Chesnee Livestock Co., Chesnee.
•Conder Co., J. W., Columbia.
•Edgefield County Stock Yards, Edgefield.
•Florence Auction Market, Florence.
•Greenwood Stock Yard, Greenwood.
•Harper Livestock Co., Estill.
•Herndon Stock Yards, Ehrhardt.
•Hutto Stock Yard, Inc., Holly Hill.
•Johnston Stockyard, Honea Path.

•Lenox Stock Yards, Bennettsville.
•Neeses Livestock Market, Neeses.
•Pageland Livestock Barn, Pageland.
•Peoples Livestock Market, Orangeburg.
•Pickens Auction Market, Pickens.
•Rock Hill Sales Barn, Rock Hill.
•Saluda County Stockyard, Inc., Saluda.
•Smith Stock Yard Co. No. 2, Columbia.
•Spartansburg Livestock Yards, Spartansburg.
•Springfield Stockyards, Springfield.
•Taylor Stockyards, John C., Anderson.
•Union County Stock Yard, Union.
•Walterboro Stockyards Co., Walterboro.
•Williams Livestock Yard, Tabor City.
•York County Stockyards, Inc., York.

SOUTH DAKOTA

•Aberdeen Livestock Sales Co., Aberdeen.
•Anderson Livestock Sales Yard., Yankton.
•Belle Fourche Livestock Exchange., Belle Fourche.
•Burke Livestock Auction Co., Burke.
•Britton Sales Pavilion, Inc., Britton.
•Campbell County Livestock Auction, Herreid.
•Canton Livestock Sales Co., Canton.
•Chamberlain Livestock Sales., Inc., Chamberlain.
•Cresbard Sales Co., Cresbard.
•Edgemont Livestock Sales Co., Inc., Edgemont.
•Eureka Livestock Sales Co., Inc., Eureka.
Faith Livestock Co., Faith.
•Hamann Livestock Co. (Uecker Yards), Hettinger.
•Hub City Livestock Sales Pavilion, Aberdeen.
•Kimball Livestock Auction, Kimball.
•Lemmon Livestock Sales Co., Lemmon.
•Leola Livestock Sales Co., Leola.
•Madden's Livestock Market, Inc., St. Onge.
•Martin Livestock Sales, Inc., Martin.
•McLaughlin Commission Co., McLaughlin.
•Philip Livestock Auction, Philip.
•Sisseton Livestock Sales Co., Sisseton.
•Sioux Falls Livestock Auction Co., Sioux Falls.
•Stockmans Commission Co., Inc., Rapid City.
•Sturgis Livestock Exchange, Inc., Sturgis.
•Timber Lake Livestock Sales Co., Timber Lake.
•Webster Livestock Exchange, Inc., Webster.
•Yankton Livestock Sales, Inc., Yankton.

TENNESSEE

•Beasley Community Auction, Franklin.
•Botts-Evans Livestock Co., Union City.
•Boyce Brothers Stockyards, Unionville.
•Bryan Brothers Livestock Market, Decherd.
•Chattanooga Union Stockyards, Chattanooga.
•Clinton Livestock Market, Clinton.
•Clarksville Livestock Market, Clarksville.
•Cleveland Livestock Auction, Cleveland.
•Coffee County Livestock Market, Manchester.
•Collierville Auction Co., Collierville.
•Cookeville Livestock Co., Cookeville.
•Covington Sales Barn, Covington.
•Crockett County Sales Co., Inc., Maury City.
•Cross Roads Sales Barn, Middleton.
•Cumberland City Auction Co., Cumberland City.
•Davis and Son Stockyard, W. B., South Fulton.
•Davis Livestock Auction, Hartsville.
•Dayton Livestock Co., Dayton.
•De Kalb County Commission Co., Alexandria.
•Farmers Auction Co., Fayetteville.
•Farmers Commission Co., Carthage.
•Farmers Livestock Commission Co., Camden.
•Farmers Livestock Exchange, Union City.
•Farmers Livestock Market, Greeneville.
•Farmers Stockyard, Newport.
•Fayetteville Stockyards, Fayetteville.
•Franklin Auction Market, Franklin.
•Gallatin Livestock Market, Gallatin.
•Giles County Stockyard, Pulaski.
•Greeneville Livestock Co., Greeneville.
•Halls Stockyards, Inc., Crossville.
•Hardin County Stockyards, Savannah.
•Henderson Sale Co., Henderson.
•Jackson Packing Co., Jackson.
•Jackson County Commission Co., Gainesboro.
•Jamestown Stockyards, Jamestown.
•Johnson City Livestock Market, Johnson City.
•Kennetth-Murray-Latta, Fulton.
•Kingsport Livestock Market, Kingsport.
•Kirk Livestock Auction, Athens.
•Lawrence County Stockyards, Lawrenceburg.
•Lewis County Stockyards, Hohenwald.
•Lexington Livestock Sales Co., Lexington.
•Lincoln County Livestock Market, Fayetteville.
•Logan and Hicks, South Fulton.
•Logan and Hicks, Union City.
•Macon County Livestock Market, Lafayette.
•Madisonville Livestock Auction Co., Madisonville.
•Middle Tennessee Livestock Sale, Lawrenceburg.
•Mid-South Livestock Commission Co., Columbia.
•Morristown Stockyards, Morristown.
•Murfreesboro Livestock Market, Murfreesboro.
•Newbern Sales Co., Newbern.
•Newport Livestock Auction Co., Newport.
•New Tazewell Stockyards, New Tazewell.
•Nichols Brothers Livestock Market, Thompson Station.
•O'Neal Auction, Sam, Chattanooga.
•Paris Livestock Commission Co., Paris.
•Peoples Livestock Co., Cookeville.
•Pulaski Stockyards, Pulaski.
•Richardson Livestock Co., E. L., Dyer.
•Rogersville Livestock Market, Rogersville.
•Scotts Hill Auction Co., Scotts Hill.
•Sevier County Livestock Auction Co., Seymore.
•Shelbyville Livestock Market, Shelbyville.
•Smith County Commission Co., Carthage.
•Smithville Stockyards, Smithville.
•Southern Livestock Auction Co., Columbia.
•Southwestern Sales Co., Huntington.
•Sparta Livestock Market, Sparta.
•Thompson Livestock Co., Obion.
•Thompson and Oliver Livestock Dealers, Union City.
•Trenton Livestock Sales Co., Trenton.
•Tri-County Stockyards, McKenzie.
•Trousdale County Livestock Market, Hartsville.
•Union Livestock Yards, Knoxville.
•Viola Livestock Co., Viola.
•Warren County Livestock, McMinnville.
•West Tennessee Auction Co., Martin.
•White County Livestock Co., Sparta.
•Wilson County Livestock Market, Lebanon.
•Wilson's Livestock Market, Lewisburg.

TEXAS

•Abilene Livestock Auction, Abilene.
•Amarillo Livestock Auction Co., Amarillo.
•Arlington Livestock Commission Co., Arlington.
•Blanco Livestock Commission Co., Inc., Blanco.
•Bonham Livestock Commission Co., Bonham.
•Brownwood Cattle Auction, Brownwood.
•Carthage Auction Sales, Carthage.
•Dalhart Auction Co., Dalhart.
•Decatur Auction Co., Decatur.
•Eads and Cole Commission Co., Brownwood.
•Farmers and Ranchers Livestock Commission Co., Paris.
•Farmers and Ranchers Livestock Exchange, Shamrock.
•Gainesville Livestock Auction Co., Gainesville.
•Graham Livestock Commission Co., Graham.
•Gillespie County Livestock Sales Co., Fredericksburg.
•Greenville Livestock Commission Co., Greenville.
•Heart of Texas Commission Co., Inc., Menard.
•Johnson County Commission Sales, Burleson.
•Lampasas Auction, Inc., Lampasas.
•Lometa Commission Co., Lometa.
•Mansfield Commission Co., Mansfield.
•Marshall Livestock Commission, Marshall.
•McDougal Livestock Auction Barn, Comanche.
•Menard County Commission Co., Menard.
•Matthews Livestock Commission Co., San Saba.
•Olney Livestock Auction, Olney.
•Owen Brothers Livestock Commission Co., Texarkana.
•Paris Livestock Commission Co. No. 1, Paris.
•Paris Livestock Commission Co. No. 2, Paris.
•Perryton Livestock Auction Co., Perryton.
•Producers Livestock Auction Co., San Angelo.
•Quanah Livestock Commission Co., Quanah.
•Ranchers and Farmers Auction Co., Midland.
•Ranchers and Farmers Commission Co., Abilene.
•Runnels County Auction, Ballinger.
•San Angelo Livestock Auction Co., San Angelo.
•Seymour Livestock Commission Co., Seymour.
•Sulphur Springs Livestock Commission Co., Sulpher Springs.
•Vernon Stockyards Co., Vernon.
•Wichita Falls Stockyards, Wichita Falls.

UTAH

•Delta Livestock Auction Co., Delta.
•Richfield Auction Market, Richfield.
•Salina Auction, Salina.
•Spanish Fork Livestock Auction Co., Spanish Fork.
•Smithfield Livestock Auction, Inc., Smithfield.
•Southern Utah Auction, Cedar City.
•Uintah Sales Barn, Roosevelt.
•Utah Valley Auction, Spanish Fork.
•Vernal Livestock Auction Co., Vernal.

VERMONT

•East Thetford Commission Sale, East Thetford.
•Gallerani Commission Sale, Bradford.
•Vergennes Livestock Commission Sale, Vergennes.

VIRGINIA

•Abingdon Livestock Market, Abingdon.
•Bedford Livestock Market, Inc., Bedford.
•Christiansburg Livestock Market, Inc., Christiansburg.
•Covington Stockyards, Inc., Covington.
•Farmers Livestock Exchange, Winchester.
•Farmers Livestock Market, Ewing.
•Farmers Livestock Market, Inc., Bristol.
•Front Royal Livestock Market, Front Royal.
•Galax Livestock Market, Galax.
•Giles County Stockyards, Inc., Narrows.
•Highland County Livestock Market, Inc., Monterey.
•Lee Farmers Livestock Market, Inc., Jonesville.
•Loudoun County Livestock Market, Leesburg.
•Lynchburg Stockyards, Inc., Lynchburg.
•Norton Livestock Market, Norton.
•Orange Livestock Market, Orange.
•Phenix Livestock Market, Phenix.
•Pulaski Livestock Market, Dublin.
•Roanoke Livestock Market, Inc., Roanoke.
•Rockbridge Livestock Market, Inc., Buena Vista.
•Rockingham Livestock Sales, Inc., Harrisonburg.
•Shenandoah Valley Livestock Market, Inc., Harrisonburg.
•Smithfield Livestock Market, Inc., Smithfield.
•South Boston Livestock Market, South Boston.
•South Hill Stockyards, South Hill.

•Southside Stockyards, Petersburg.
•Staunton Livestock Market, Inc., Staunton.
•Staunton Union Stockyards, Inc., Staunton.
•Tazewell Livestock Market, Tazewell.
•Virginia Livestock Market, Winchester.
•Woodstock Livestock Market, Inc., Woodstock.
•Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

•Colville Auction Co., Colville.
•Davenport Livestock Auction, Davenport.
•Grange Commission and Livestock Co., Auburn.
•Grange Interstate Livestock Co., Moses Lake.
•Pasco Central Stockyards, Pasco.
•Prosser Sales Yard, Inc., Prosser.
•Toppenish Sales Yard, Toppenish.
•Twin City Sale, Centralia.
•Walla Walla Livestock Commission Co., Walla Walla.
•Wink-Goldendale Sale Yard, Inc., Goldendale.

WEST VIRGINIA

•Alderson Livestock Market, Alderson.
•Bluegrass Market, Inc., Lewisburg.
•Blueridge Livestock Sales, Inc., Charles Town.
•Bridgeport Live Stock Sales Co., Inc., Bridgeport.
•Buckhannon Stockyards, Buckhannon.
•Evans, E. S. Stockyard, Inc., Terra Alta.
•Evans Stock Yards, Inc., Elkins.
•Gassaway Livestock Market, Inc., Gassaway.
•Greenbrier Valley Stock Yards, Inc., Ronceverte.
•Hess Livestock Market, Inc., Andy, Morgantown.
•Huntington Livestock Sales Co., Huntington.
•Morgantown Livestock Sales, Inc., Morgantown.
•Moundsville Livestock Auction Co., Moundsville.
•New River Livestock Market, Inc., Beckley.
•West Alexander Livestock Auction Market, West Alexander.
•Weston Livestock Sales Co., Inc., Weston.
•Jackson County Livestock Market, Inc., Ripley.
•Pt. Pleasant Livestock Co., Point Pleasant.
•Pocahontas Producers Cooperative Association, Inc., Marlinton.
•South Branch Stockyard, Inc., Moorefield.
•Spencer Live Stock Exchange, Inc., Spencer.
•Union Livestock Sales Co., Parkersburg.

WISCONSIN

•Drees Livestock Pavilion, Peshtigo.
•Equity Co-op Livestock Sales Association, Bonduel.
•Kuehne, R. and Sons Livestock Market, Seymour.

WYOMING

Gillette Livestock Auction Co., Gillette.
•Greybull Livestock Commission Co., Greybull.
•Lusk Livestock Commission Co., Lusk.
•Torrington Livestock Commission Co., Torrington.
•Lander Livestock Commission Stockyards, Lander.
•Powell Auction Market, Powell.
•Riverton Auction-Kemp Brothers, Riverton.
•Sheridan Livestock Commission Co., Sheridan.
•Wheatland Livestock Commission Co., Wheatland.
•Worland Livestock Commission Co., Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of slaughtering establishment and location

ALABAMA

Bartel's Frozen Foods, Atmore.
•Beesley Packing Co., Andalusia.
•Bird Packing Co., Inc., Midland City.
•Brewton Abattoir, Brewton.
Brock-Mosley Packing Co., Loxley.
•Blue Bell Packing Co., Decatur.
•East Alabama Frozen Foods and Provision Co., Opelika.
Florence Packing Co., Florence.
Florence Frozen Foods, Florence.
Fort Payne Locker and Storage Plant, Fort Payne.
Greensboro Packing Co., Inc., Greensboro.
•Hass-Davis Packing Co., Inc., Mobile.
Hinote Packing Plant, Loxley.
•Leeds Packing Co., Inc., Leeds.
Morgan Packing Co., Tuscaloosa.
Valley Pride Packing Co., Inc., Huntsville.
Williams Packing Co., Gadsden.
•Zeigler, Inc., R. L., Selma.
•Zeigler, Inc., R. L. Tuscaloosa.

ARIZONA

Arizona Meat Packers, Tucson.
Beverly Meat Co., Tucson.
C and C Packing Co., Phoenix.
•Herseth Meat Packing Co., Phoenix.
Maricopa Packing Co., Phoenix.
•OK Wholesale Meat Co., Phoenix.
Paramount Packing Co., Casa Grande.
Safford Packing Co., Safford.
Southwest Meat Co., Yuma.
Stone and Randall Meat Company., Mesa.
•Tempe Meat Packing Co., Inc., Tempe.

ARKANSAS

Adams Market, Dewitt.
Barnetts Slaughter House, Crossett.
Boswell Wholesale and Retail, R. O., Camden.
Brawner Packing Co., Wynne.
Broadway Packing Co., Jonesboro.
Brown Calhoun General Merchandise, Monticello.
•Brown Wholesale Meats, Kelton, Little Rock.
•Brown Packing Company, Inc., Little Rock.
•Burton Wholesale Meats, Roy, North Little Rock.
Butcher Wholesale Meats, Camden.
Carroll Packing Co., Paragould.
Charleston Frozen Foods, Charleston.
Columbia Packing Co., Magnolia.
•Cooper Packing Co., Melbourne.
Drew County Frozen Foods, Monticello.
•Dumas Packing Co., El Dorado.
Dunn Slaughter House, De Queen.
Finks Meat Co., Springdale.
Finn Slaughter House, Rogers.
Fletcher Beef Company, Jim, Fayetteville.
Frey and Son, Philip, Ivan.
Gude Packing Co., Blytheville.
•Heim Bros., Little Rock.
Hoover's Slaughter House, Jack, Murfreesboro.
Hot Springs Packing Company, Inc., Hot Springs.
Huber Slaughter Plant, Subiaco.
Huckaby Super Market, Benton.
•Hughes Sausage Co., North Little Rock.
Hunt, Leo, Pine Bluff.
Hylton Slaughter, Springdale.
Kents Wholesale Meats, Hamburg.
Kindervater and Sons Market, R., Little Rock.
Kranc Meat Market, Ozark.
•Kruse Packing Co., Alexander.
Lawton Wholesale Meats, Warren.
•Little Rock Packing Co., Little Rock.
Linaker Co., C. A., McGehee.
Lowell Packing Co., Lowell.
•Lowery Bros., North Little Rock.
•Malone Packing Co., Texarkana.
•Malvern Meat Co., Malvern.
Malvern Slaughtering Establishment, Malvern.
McKeiver's Wholesale Meats, Monticello.
•Meacham Meat Market, Batesville.
Mhoon Beef Co., Fayetteville.
Morrilton Packing Co., Morrilton.
Morris Packing Co., Hope.
Newport Packing Co., Newport.
•North Side Packing Co., North Little Rock.
•Northwest Arkansas Packing Co., Rogers.
Owens Wholesale Butcher and Slaughtering, O. E., Pearcy.
Paragould Food Locker, Paragould.
•Person Provision Co., Jacksonville.
Phillips Packing Co., Magnolia.
Pitchford Market, Hartford.
Polk County Locker Plant, Mena.
Prairie Grove Locker Plant, Prairie Grove.
•Prickett Packing Co., Batesville.
Pruett Meat Market, Batesville.
•Quality Packing Co., Trumann.
•Ralph Montgomery Grocery and Market, Hope.
Ranch House Market, Van Buren.
Redd Slaughter House, Harrisburg.
•Reed Packing Co., Pine Bluff.
Reeder Meat Co., Arkadelphia.
Riggan Brothers Locker Plant, Sheridan.
Robertson Packing Co., Booneville.
Rogers Packing Co., Jonesboro.
Russellville Packing Co., Russellville.
•Ryburn and Glover Meat Co., Pine Bluff.
Saint Scholastica, Fort Smith.
Scheile Slaughter House, Paris.
Southwestern Packing Co., Hope.
Stafford's Quality Meats, Walnut Ridge.
•Steed Packing Co., Judsonia.
Taylor Bros. Wholesale Meats, Gurdon.
Turners Grocery and Market, Rison.
Ward Packing Co., Stamps.
•Webb Packing Co., Helena.
•Western Meat Packers, Inc., Little Rock.
•White County Packing Co., Search.
Whites Slaughter House, Warren.
Williams Slaughter, Nashville.

CALIFORNIA

•Allen's Meat Products, San Francisco 24.
•Arnopole Meat Co., Modesto.
•Atwater Meat Co., Atwater.
•Auburn Meat and Livestock Co., Auburn.
•Avila Meat Co., Newman.
•Brennan Meat Co., Tulare.
•Christie, A. W., Blue Lake.
•Circle Bar Meat Farm, Elk Grove.
•Crum Meat Co., McArthur.
•Cuyamaca Meats, Inc., El Cajon.
•Elk Grove Meat Co., Elk Grove.
•Evart Meat Co., Thomas G., Healdsburg.
•Felder and Son, Joe, Sonoma.
•Ferrara Meat Co., San Jose.
•Hill Top Meat Co., Roseville.
•Hohener, Ernest, San Leandro.
•Holland Meat Products Co., Oakdale.
•Keller Bros. Meat Co., St. Helena.
•Kern Valley Packing Co., Bakersfield.
•Klubnikin Packing Co., Los Angeles 58.
•Langer and Kretner, Eureka.
•Lewis and McDermott, Berkeley.
•Modesto Meat Co., Modesto.
•Moller and Sons, H., Pleasanton.
•Pacific Packing Co., Gazelle.
•Palace Market, Fresno.
•Panizzera, C. V., Occidental.
•Prime Meat Products, Ukiash.
•Rosen Meat Package Co., Inc., Vernon.
•Santa Ana Packing Co., Santa Ana.
•Scotia Packing Co. and Locker, Scotia.
•Sebastopol Meat Co., Petaluma.
•Smith Packing Co., San Bernardino.
•Sonoma Meat Co., Sonoma.
•Stoeven Bros., Dixon.
•Taafe, William A., Co., Inc., San Francisco.
•Talone Packing Co., Escondido.
•Temecula Meat Packing Co., Temecula.
•Walnut Creek Meat Co., Walnut Creek.
•Wright Packing Co., National City.

•Yettner Bros., Fort Bragg.
•Zeff & Co., B., Modesto.

COLORADO

•A and C Packing Co., La Salle.
•Altburger, Louis, Denver.
•Arvada Packing Co., Arvada.
Basin Livestock Commission Co., Durango.
•Colorado Packing Co., Inc., La Junta.
Cortez Packing Co., Cortez.
•Loveland Packing Co., Inc., Loveland.
Mountain Packing Co., Dolores.
Ovid Locker Plant, Ovid.
Pavetti Sausage Co., Trinidad.
•Samett Packing Co., Denver.

CONNECTICUT

Andrychowski, Emil and John, Willimantic.
•Belt Bros., Norwich.
Block, Benjamin, Shelton.
•Bridgeport Municipal Abattoir, Bridgeport.
•Clark, L. W., Danbury.
•Connecticut Packing Co., Bloomfield.
Dan-Brook Packing Co., Brookfield.
•Double A Packing Co., Beacon Falls.
•Forte, J. F., Branford.
•Freeman, Myer, New London.
Goldberg, Daniel, Colchester.
•Hartford Provision Co., Hartford.
Hazardville Slaughterhouse, Hazardville.
•Hertz Bros., Norwich.
•Home Pride Provisions Co., Stafford Springs.
•Longhi, Edward, Torrington.
New Britain Slaughter House, New Britain.
•Novak, Abe, Danbury.
•Omaha Beef Co., Danbury.
•Shore Line Packing Co., East Haven.
•Silk City Packing Co., Manchester.
Southington Packing Co., Southington.
•Waterbury Butchering Co., Waterbury.
•Zeffiro, Frank, New Hartford.

DELAWARE

Goldberg Bros., Inc., Wilmington.
Hendler, Sidney, Wilmington.
Kemps Meats, Wyoming.
Kosters Frozen Food Lockers, Laurel.
Messina, Anthony G., Wilmington.
Platt, Isadore, Wilmington.
Poore's Meat Market, Smyrna.
Torbert Bros., Felton.
Townsend Locker Plant, Townsend.
White Packing Co., Lewes.
Woerner and Souder, New Castle.

FLORIDA

•Beesley Packing Co. of Florida, Pensacola.
•Central Packing Co., Center Hill.
•Copeland Sausage Co., Inc., Alachua.
•Dirr Gold Seal Meats, Inc., Miami.
•Florida Sausage Co., Pensacola.
•Gold Merit Packing Co., Inc., Jacksonville.
•Gotham Provision Co., Inc., Miami Springs.
•Hawkins Wholesale Meats, E. M., East Palatka.
•Hickory Hill Meat Packers, Inc., Tampa.
•Jackson Packing Co., Marianna.
•Jones-Chambliss Co., Jacksonville.
•Loeb and Gottfried, Hialeah.
•Lykes Bros., Inc., Tampa.
•Meat Supply Co., Pensacola.
Register Meat Co., Establishment No. 6, Cottondale.
Suwannee Packing Co., Live Oak.
•Tinsley Meat Slaughtering Establishment, Jacksonville.
•Tobias Packing Co., Chipley.

GEORGIA

Akridge Sausage Co., Rome.
Avera Provision Co., Augusta.
Bearden Provision Co., Calhoun.
•Beavers Packing Co., Newman.
Brooks County Packing Co., Inc., Quitman.
Bullard's Sausage Plant, Summerville.
Carroll Packing Co., Valdosta.
•City Abattoir, Albany.
•Cochran Provision Co., Dublin.
Dalton Slaughter House, Dalton.
Duffey Sausage Co., Inc., Carrollton.
Evans Locker Plant, Evans.
Grady Packing Co., Cairo.
Harrell Sausage Co., Bainbridge.
Levinson Bros., Rome.
•Lowell Packing Co., Fitzgerald.
•Meddin Packing Co., Savannah.
•McEver Packing Co., R. H., Talmo.
•Moree Packing Co., Albany.
Rome Provision Co., Inc., Rome.
•Scott Meat Packers, Augusta.
Quitman Abattoir, Quitman.
•Shores Packing Co., Savannah.
•Southern Foods, Inc., Columbus.
•United Butchers Abattoir, Inc., Atlanta.
Union Provision Co., Dalton.
Valdosta Abattoir, Valdosta.
Wiggers Packers, Columbus.

IDAHO

Anketell Slaughterhouse, Nampa.
•Boise Valley Packing Co., Eagle.
Bratcher Meat Pack, Payette.
•Bryant Packing Co., Burley.
•Carter Packing Co., Buhl.
Carter Packing Co., Greenleaf.
City Meat Market, Wallace.
•City Packing Co., Salmon.
Custom Packing Co., Twin Falls.
•Custom Meat Co., Boise.
Dahmen Food Lockers, Lewiston.
•Davis Packing Co., Boise.
•Goodby and Sons Meat Co., Sandpoint.
•Grimes Packing Co., Nampa.
•Idaho Falls Meat Co., Idaho Falls.
Ideal Slaughtering Establishment, Eagle.
•Independent Meat Co., Inc., Twin Falls.
Independent Meat Co., Weisser.
•Johnson Packing Co., Blackfoot.
Johnston Bros., Caldwell.
•Knudson Packing Co., Preston.
•Kooken Slaughter Plant, Pocatello.
•Liberty Meat Packers, Eagle.
•Miller Packing Co., Douglas, Rupert.
•McKibben Custom Butchering, Idaho Falls.
Meridian Meat Packers, Meridian.
•Moscow Meat Co., Moscow.
•Nampa Packing Co., Nampa.
•Owyhee Meat Packers, Homedale.
Penguin Lockers, New Plymouth.
•Peoples Market Plant, Pocatello.
•Taylor Meat Co., Idaho Falls.
Valley Packing Co., Rexburg.
•Wallace Meat Co., Wallace.
Williams Custom Service, Council.
•Y-J Packing Co., Coeur d'Alene.
•York Packing Co., Twin Falls.
•Zweigart Packing Corp., Pocatello.

ILLINOIS

Al's Packing Plant, Warrenville.
Bartlow Bros., Inc., Rushville.
Behrman Market, Okawville.
Bergman Meat Packing Co., Inc., Pittsfield.
Brighton Locker Plant, Brighton.
Burnside and Sons, L., Marengo.
Calihan and Co., Peoria.
Chrisman Food Lockers, Chrisman.
Covemaker Packing Co., Moline.
Cowperthwaite Super Market, Bushnell.
Curby's Butcher Shop, Beaverville.
Dintelmann's Wye Market, Marissa.
Ducey and Son, Mike, Pittsfield.
DuQuoin Packing Co., DuQuoin.
Eckert Orchard Association, Belleville.
Edgar County Locker Service, Paris.
Elmwood Locker Service, Elmwood.
Eversgerd, Henry J., Germantown.
Foremost Packing Co., East Moline.
Goble, Howard, Danville.
Hamilton Locker Service, Hamilton.
Hansen's Meat Processing Plant, Freeport.
Hartrich Meat Processing Plant, St. Maries.
Hauffe's Meat Market, Lincoln.
Hill Packing Co., Danville.
Houchlei Meat Market, Sorento.
Humphrey Packing Co., Lawrenceville.
Ingalls Frozen Food Center, Milford.
Jones, Marshall E., Springfield.
Jones Packing Co., Harvard.
Johannes Market, Quincy.
Kabrick Locker Plant, Plainville.
Knab Meat Market, New Athens.
Kunkel Packing and Provision Co., C., Quincy.
L and M Slaughter House, Georgetown.
Landolt, Harold, Alhambra.
Lewistown Locker, Lewistown.
Lord, C. R., Olney.
Lyetta Meats, Inc., Coulterville.
Madison Packing Co., Madison.
Magelli Bros., Inc., Marseilles.
Margolin Packing Co., Danville.
McLain's Locker Plant, Warren.
Metamora Abattoir, Metamora.
Mounds Locker Service, Mounds.
Noble Locker, Noble.
Pasquo Podeschi, Taylorville.
Parks Processing Plant, Warren.
Petroff Packing Co., Benton.
Quincy Beef and Veal Co., Quincy.
Raber Packing Co., Peoria.
Raleigh Packing Co., Raleigh.
Richard Locker and Processing Plant, Homer.
Rock River Provision Co., Rock Falls.
Rocke's Cold Storage, Morton.
Rossville Food Lockers, Rossville.
Ruff Locker Service, Quincy.
Shanks Packing Co., Mattoon.
Smith Packing Co., Harrisburg.
Streck Packing Co., Belleville.
Stone Meat Packing, Chicago Heights.
Ursa Cooperative Locker Service, Ursa.
Virginia Packing Co., Virginia.
Wessel Bros., Inc., Belleville.
West Frankfort Packing Co., West Frankfort.
Weyhaupt Brothers Packing Co., Belleville.
Wunderlich Packing Co., Sharon.
Tuscola Locker Service, Tuscola.
Y and T Packing Co., Springfield.
Young's Packing Co., Inc., Decatur.

INDIANA

Albany Frozen Food Locker, Albany.
All Valley Meat Supply, Terre Haute.
Allen's Monticello Packing Co., Monticello.
Amo Meat Processing, Amo.
B and B Packing, Gary.
B and B Processing Plant, Boonville.
Berne Locker Storage, Berne.
Betulius Slaughterhouse, Haubstadt.
Blinzinger's Market, Tell City.
Bloomington Packing Co., Inc., Bloomington.
Boone County Packing Co., Lebanon.
Bowman's Butchering House, Peru.
Boyer Lockers, New Washington.
Brook Locker Plant, Brook.
Clark and Moore Processing Plant, Monticello.
Cole Packing Company, Mark, Sharpsville.
Collins, Raymond, Poland.
Corbin Food Lockers, Brownsburg.
Coussens, Camiel, Granger.
Covington Food Lockers, Covington.
Daniels Bros., Inc., Columbus City.
Denny and Barker, Inc., Huntington.
Dewig Brothers Packing Co., Haubstadt.
Dishman, Felix, Peru.
Ditzler Locker Co., Peru.
Eel River Packing Co., Jamestown.
Elkhart Packing Corp., Elkhart.
Fender, Russell Ted, Spencer.
Fisher Packing Co., Portland.
Fitzsimons Market, Roachdale.
Frankfort Provision Co., Frankfort.
Franklin Slaughter House, Wabash.
Freeman and Son Locker Plant, Worthington.
Frozen Food Service, Inc., Salem.
Fults and Sons, E. C., Indianapolis.
Gilbert Slaughter House, Van Buren.
Godfrey's Plant, R. R. 3, Brazil.
Goff, Inc., Pendleton.
Grater Meats, Connersville.
Greenfield Abattoir, Inc., Greenfield.
Greenwood Food Lockers, Greenwood.
Green Valley Slaughterhouse, Brownsburg.
Grundhoefer and Sons Packing Co., Dale.
Gustin Slaughter House, Antwerp.
Gutzweiler Packing Co., Jasper.
Hamilton Locker Plant, Hamilton.
Hand Slaughter House, Kenneth, Angola.

Hand's Market, Angola.
Harris Packing Co., Sam, Crawfordsville.
Hastings Slaughter House, Martinsville.
Helm Market, Forest, Winchester.
Hickory Hills Processing Plant, Spencer.
Hill Top Packing Co., Huntingburg.
Hitch Packing Co., Princeton.
Hockney Packing Co., Thayer.
Hollar Market, Nappanee.
*Hoosier Abattoir, Indianapolis.
Ingram's Meatland, Goshen.
Janert Packing Co., Inc., Indianapolis.
Johnson County Farm Bureau Co-op Association, Inc., Franklin.
Jones Custom Butchering, Zionsville.
Kaiser Meat Market, Cedar Grove.
Kentland Locker Plant, Kentland.
Klinedinst Packing Co., Walkerton.
Knight's Frozen Food Locker, Edinburg.
Kucan Food Shop, Gary.
Kuiper Packing, Christ, Lowell.
Laurents Packing Co., Guy, Fort Wayne.
Lengerich Slaughter House, Monroe.
Lennons Custom Butchering, Hartford City.
Lester Packing Co., Linton.
Livengood Meat Shop, Lebanon.
Lutz Packing Co., Indianapolis.
Marburger Abattoir, Peru.
Merkely and Sons, Inc., Jasper.
Mishler Packing Co., Lagrange.
Miller's Monon Locker Plant, Monon.
Moore Packing, Gary.
Mooresville Locker Plant, Mooresville.
Mooresville Packing Co., Mooresville.
Ness and Sons Packing Plant, J. E., North Judson.
Ossian Locker Plant, Ossian.
Parrot Packing Co., Fort Wayne.
Price's Abattoir, Walter, Plymouth.
Rahe and Sons, William J., Muncie.
Riverside Packing Co., Goshen.
Rockville Packing Co., Rockville.
Roos Packing Co., Indianapolis.
Rose City Packing Co., Inc., New Castle.
Rowe and Sons, A., Terre Haute.
Roy's Packing Plant, Elkhart.
Sanitary Main Meat Market, Brookville.
Schmitt Packing Co., H. P., Decatur.
Schnelker Slaughter House, New Haven.
Schuler Packing Co., Ferdinand.
Sellersburg Locker Co., Sellersburg.
Schackelford, W. E., Owensville.
Sievers, Lester, Vincennes.
Sievers, Louis, Vincennes
Snelly's, Angola.
Sniders Country Market, Muncie.
Snyders Market, Angola.
South Side Butchers, Indianapolis.
Stahley's Slaughterhouse, Milan.
Standard Packing Co., Kokomo.
Straub and Smith Packing Co., Indianapolis.
Summers Packing Co., North Liberty.
Vale City Packing Co., Valparaiso.
Valentine Co., Inc., Terre Haute.
Van Wagner, Dick, Orland.
Vetter Meat Co., Kokomo.
Vietti Bros. Packing Co., Clinton.
*Wabnitz and Deters, Indianapolis.
Warrick County Frozen Food Lockers, Boonville.
Weiler Packing Co., Batesville.
Wenning Packing Co., Inc., New Salisbury.
West's Locker and Slaughter House, Amo.
Whisler and Sons, Inc., J. L., Elkhart.
Wilcox Bros., North Liberty.
Williams and Son, Inc., J. B., Walkerton.
Wolf Meat Market, New Albany.
Wright Packing Co., Chandler.
Wyatt Packing Co., Wyatt.
Young Bros. Market, Ladoga.
Young Packing Co., Noblesville.
Zaring Processing Plant, Greencastle.

Iowa

Besse Packing Co., Cincinnati.
Carstensen Meats and Procurement Service, Lake Park.
Centerville Meat and Provision Co., Centerville.
City Meat Locker, Little Rock.
D and H Storage Co., Sibley.
Falk Lockers, Ocheyedan.
Farmington Lockers, Farmington.
Ford Lockers, Spirit Lake.
Forest City Locker Co., Forest City.
Frozen Foods Center, Akron.
Hawkeye Pack, Sioux City.
Inwood Lockers, Inwood.
Johnsons Market and Lockers, Rake.
Karzlarich Pack, Rathburn.
Keosauqua Locker, Keosauqua.
Lansing Lockers, Lansing.
Larchwood Locker, Larchwood.
Ledyard Lockers, Ledyard.
Lime Springs Locker, Lime Springs.
Links Locker Service, Fort Madison.
Long's Locker, Spirit Lake.
Manufacturers Surplus Outlet, West Burlington.
Marshalltown Packing Co., Marshalltown.
Martin Meat Processing Co., Underwood.
Meyer Packing Co., Sioux City.
Milton Locker Service, Milton.
Moulton Locker, Moulton.
New Albin Locker Plant, New Albin.
Nissen and Son Packing Co., Inc., G. B., Webster City.
Northwood Locker Service, Northwood.
Otranto Locker, Otranto.
Pierce Lockers, Armstrong.
Pulaski Lockers, Pulaski.
Puritan Ice Cream Co., Cresco.
Riceville Locker, Riceville.
Richard and Sons, Inc., C. W., Muscatine.
Rock Rapids Cooperative Creamery Association, Rock Rapids.
Romann and Liebbe Co., Inc., Muscatine.
Scarville Food Market, Scarville.
Sergeant Bluffs Produce Co., Sergeant Bluffs.
Smit and Son, Inc., Boyden.
Smith Packing Co., Sioux City.
Steele Packing Co., George H., Centerville.
Swea City Locker, Swea City.
Thompson's Processing Service, Bloomfield.
Valley Locker Service, Rock Valley.
Verschoor Packing Co., Hospers.
Wageman's Locker Service, Stacyville.
White's Locker, Estherville.
Younie Processing Plant, Hawarden.

Kansas

A and H Butchers, Arkansas City.
*Abilene Packing Co., Abilene.
*Adams Bros. Packing Plant, Coby.
Addington Slaughtering Establishment, Elkhart.
Anthony Meat, Anthony.
Ayers Packing Plant, Greenleaf.
Ball Lockers, Baxter Springs.
Barnes Dressed Beef Co., Parsons.
Beattie Lockers, Beattie.
Beverly Meat and Locker, Inc., Salina.
Bicelmeyer Slaughterhouse, Kansas City.
Brooks Locker Service, Blue Rapids.
Burd Locker and Grocery, Atwood.
Butcher Packing Co., Coffeyville.
Cody Slaughtering Establishment, Claude, Osborne.
*Colby Locker, Colby.
Coldwater Lockers, Coldwater.
Columbus Wholesale and Retail Meats, Columbus.
Comanche Meat Co., Wichita.
Community Locker Service, Medicine Lodge.
Cramer Food Bank, Washington.
Davenport Meat Plant, Lawrence.
DeGraeve Slaughtering Establishment, Lorene, Bucyrus.
*Dunn Packing Co., Wichita.
Dye Slaughterhouse, Meade.
Economy Lockers, Sharon Springs.
Emporia Packing Co., Emporia.
*Fanestil Packing Co., Emporia.
Fisher Grocery and Locker, Bird City.
*Fredonia Packing Co., Fredonia.
*Fort Scott Packing Co., Fort Scott.
*Gallagher Processing Co., Concordia.
Garden City Packing Co., Garden City.
Gardner Packing Co., Hutchinson.
Gettle and Sons Lockers, Wichita.
Glenn's Frozen Food Service, Dighton.
*Griffith Provision Co., Inc., Downs.
Grinnell Locker, Grinnell.
Haag Locker Plant, Fairview.
Haddam Locker, Haddam.
Harrell Packing Co., Hugoton.
Herrmann Locker, Waterville.
Hentzler Packing Co., Topeka.
Herndon and Sons, Syracuse.
Hoseney's Dressed Beef, Coffeyville.
Howard Packing Co., Howard.
Howell's Market, St. Francis.
Independent Slaughter Establishment, Salina.
Jesco Meat Packers, Caldwell.
Jones Packing Co., Dodge City.
K-12 Meat Co., Baxter Springs.
Kanes Packing Plant, Meade.
Katches Packing Co., Wichita.
Kaw Valley Packing Co., Kansas City.
Kier Grocery and Market, Mankato.
Kimmal Packing Co., Norton.
Kiowa Locker System, Kiowa.
Liberal Packing Co., Liberal.
Louis' Zero Lockers, Girard.
*M and M Packing Co., Iola.
Mathes Meat Co., W. A., Kansas City.
*McArthur Meats, Inc., Hutchinson.
McFerron Bros. Wholesale Meats, Lawton.
Menghini Packing Co., Frontenac.
*McLeon Packing Co., Valley Falls.
Miller Locker System, Erie.
Miller Packing Co., Wilson.
Modern Market and Lockers, Winona.
*Moore's Packing House Market, Parsons.
*O. K. Packing Co., Gooding.
Oberlin Locker, Oberlin.
Old Fashioned Meat Market, De Soto.
Palace Market, St. Francis.
*P and B Packing Co., Hays.
Phillips Slaughterhouse, Hill City.
Phillipsburg Lockers, Phillipsburg.
Pratt Frozen Food Locker, Pratt.
Ragsdale Slaughtering Establishment, Liberal.
Rindt Slaughtering Co., Galena.
Schnelle's Wholesale Meats, Greensburg.
Snow's Locker Plant, Kansas City.
Stoney Bros. Slaughterhouse, Herndon.
*Sunflower Packing Co., Wichita.
Swim Lockers Service, Marysville.
Synovec Grocery and Locker, Morrowville.
*Thies Packing Co., Great Bend.
Tonganoxie Frozen Foods Locker, Tonganoxie.
Valley Vista Locker Service, Topeka.
Vlach and Sons, Joseph, Hanover.
Washburn Packing Co., Hutchinson.
Welch's Frozen Food Center, Frankfort.
Wiley and Green Packing Co., Leavenworth.
Wilkerson Meat Co., Pittsburg.
*Winchester Packing Co., Hutchinson.
Winkler's Slaughterhouse, Liberal.
*Woody's Wholesale Meats, St. Marys.

Kentucky

Alford and Son, J. W., Alexandria.
Ashland Meat Co., Ashland.
Boone's Abattoir, Bardstown.
Brown Thompson's and Son, Fancy Farm.
Campbell Co., S. M., Gray.
*Dawson-Apatz Packing Co., Inc., Louisville.
Eckert Packing Co., Henderson.
Emory Gillum Wholesale Meats, Inc., Ashland.
Field Packing Co., Bowling Green.
*Field Packing Co., Inc., Owensboro.
*Fleischaker Co., Louisville.
Frosty Foods Locker, Taylorsville.
Henderson Slaughtering, Henderson.
Jones Packing Co., Paducah.
*Klarer Provision Co., Louisville.
*Koch Beef Co., Louisville.
Langley's, Joe, Farms, Inc., Clarkson.
*Louisville Beef Co., Louisville.
Metzger Bros., Paducah.
*Mount Sterling Packing Co., Mount Sterling.
*Quality Packing Co., Lexington.
Rice Packing Co., C., Covington.
Riddell Meat Market, Warsaw.
Riverside Packing Co., Paducah.
Robb Packing Co., Lexington.

Schneider and Son, Inc., J. F., Middlesboro.
Shroat Meat Market, Murray.
Waldrup Packing Co., Blackey.
*Spring Packing Co., Louisville.
Wiman Packing Co., Madisonville.

Louisiana

Adams' Slaughter House, Amite.
Allen Super Market, Kentwood.
*Angola Packing House, Angola.
*Arabi Packing Co., Inc., Arabi.
*Austin Packing Co., Inc., Houma.
Bahm's Meat Plant, Wallace, Loranger.
*Barnes Packing Co., R. L., Lake Charles.
*Berry Slaughter House, H. O., Bastrop.
Bobby's Market and Slaughter House, Sulphur.
Bossier Frozen Foods, Bossier City.
*Britt Packing Co., Shreveport.
Brown-Edwards Packing Co., Alexandria.
Brown and Son Packing House, C., Ragley.
Byrd and Son, Joseph W., Many.
*C and L Packing Co., Tallulah.
*Caldwell Packing Company, West Monroe.
Caroll Slaughter House, Wisner.
Catalano's Meat Market, Independence.
Chasson Meat Market, Arthur, Lockport.
Chesson Slaughter House, Vinter.
*City Abattoir, Inc., Baton Rouge.
Coleman Slaughter House, Fields.
Courville Slaughter House, Lafayette.
Crawford's Super Market, Covington.
Crain Slaughter House, J. A., Franklinton.
Crain Slaughter House, L. V., Varnado.
Crumpler's Packing House, DeRidder.
Cutrer's Slaughter House, Frank, Kentwood.
Davis Slaughter House, John A., Nonesville.
Delcambre Slaughter House, E. J., New Iberia.
*DeRidder Locker Plant, Inc., DeRidder.
Dufrene Slaughter and Packing Co., Allemands.
*Ferriday Packing Plant, Ferriday.
*Fontenot Sausage Kitchen, Frank, Villa Platte.
*Frey and Sons, Inc., L. A., Lafayette.
*Fuselier Packing Plant, Ville Platte.
Fontenot Slaughter House, Wilson, Ville Platte.
Green Slaughterhouse, Edward, Bastrop.
Goodman Slaughter House, Winnsboro.
Grant Slaughter House, Kurthwood.
Guillet, Arthur J., Inc., Slidell.
Guy Merchandise and Market, H and H, Angie.
*H and S Packing Co., Baton Rouge.
*Harris and Co., Ed, Ferriday.
Hyde's Slaughter House, Jessie, Robert.
Jagneaux Sausage Kitchen, Opelousas.
*Johnson's Wholesale Meats, Opelousas.
Kennedy Bros. Meat Products, Bogalusa.
Knight Slaughter House, S. A., Bogalusa.
Knight Slaughter House, W. E., Franklinton.
Knight Slaughter House, W. W., Franklinton.
*Ledoux Slaughter House, Layton, Opelousas.
Ledoux Slaughter House, Boo, Eunice.
Lee's Meat Plant, Independence.
Liste's Meat Market, Patterson.
*Luke Packing Co., Centerville.
*McManus Abattoir and Market, Eunice.
*Micelle Packing Plant, Lake Charles.
*Monroe Packing Co., Monroe.
Morris Slaughter House, Kentwood.
Mougeot Slaughter House, New Roads.
Nash Slaughter House, DeRidder.
*New Orleans Butchers Abattoir, New Orleans.
Northside Packing House, Lake Charles.
*Peltier Packing Co., Inc., Thibodaux.
*Old South Packing Co., Baton Rouge.
*Port City Packing Plant, Scotandville.
Olla Meat Co., Olla.
Pickett's Slaughter House, Delhi.
Pizzolatto Slaughter House, Lewis, Crowley.
Prather's City Abattoir, Crowley.
*Prejean Wholesale Meat, Carencro.
Quin Packing Co., T. R., Osyka.
Ravia's Slaughter House, Sulphur.
*Rapides Packing Co., Alexandria.
Rodrigue's Meat Market, Allen, Thibodaux.
Sances Slaughter House, Ned, Bogalusa.
*Shreveport Packing Co., Inc., Shreveport.
Stanley Locker Plant, Logansport.
*Stevens Meat Co., Inc., Gonzales.
*Strohe Slaughter House, Welsh.
*Tallulah Slaughter House, Tallulah.
Thigpen Packing Co., R. E., Mansfield.
*Theriot and Daigle, Houma.
Veasey Slaughter House, Abbeville.
Walker Slaughter House, White Castle.
Watson Slaughter House, Jonesboro.
Wesley Market, Amite.
Wiggins Wholesale and Retail Meats, Winnsboro.
Wiltz Robichaux Slaughter House, Crowley.
Womack's Slaughter House, Greensburg.
Wood Slaughter House, L. E., Franklintown.
Up-to-Date Market and Slaughter House, Sulphur.

Maine

Augusta Abattoir, Augusta.
Boston Bros., North Berwick.
Boynton, Lawrence, Bridgton.
Chasse and Son, Ralph, Sanford.
Hansen and Smith, Inc., St. Albans.
Penley, E. W., Auburn.
Stearns, Inc., Auburn.

Maryland

Barcus Meat Market, Centreville.
Bauerlien, Edward C., Hampstead.
Benson Meat Products Co., Fallston.
Blessing, Frank I., Deymar.
Bollingers Meat Market, Emmitsburg.
Boyle, B. H., Emmitsburg.
Burger, Samuel B., Williamsport.
Brewer's, H. W., Williamsport.
Brook Meadow Provision Co., Hagerstown.
Bullock, G. Winston, Westminster.
Cecil Provision Co., Elkton.
Clopper, Charles W., Clear Spring.
County Butchers, Inc., Granite.
Crystal Ice and Cold Storage Co., Cambridge.
*Dutterer's of Manchester, Inc., Manchester.
Eby, Irvin E., Hagerstown.
Fraley, J. Austin, Thurmont.
Frozen Food Lockers, Chestertown.
Gaithersburg Locker Service, Gaithersburg.
Gladhill Meat Market, Damascus.
Glosser, John E., Hagerstown.
*Hahn Bros., Inc., Westminster.
Harden's Meat Market, Eckart Mines.
Harsch, M. D., Sr., Williamsport.
*Heil, Henry, Baltimore.
Hemp and Sons, R. D., Jefferson.
Hoffman and Son, Roy L., Hagerstown.
Holsinger, C. M., Hagerstown.
Howard County Meat Mart, Inc., Ellicott City.
Hurd and Son, C. G., Hagerstown.
*Joska, Anthony, Baltimore.
Late, Howard F., Thurmont.
Lotz's Wholesale Meats, Frostburg.
Main and Sons, C. F., Middletown.
Martin and Son, Edward T., Joppa.
*Maryland Beef and Provision Co., Baltimore.
Metz, Walter M., Williamsport.
*Meyers, William F. and Sons, Westminster.
Miller, Charles, Manchester.
Montgomery Bros., Rising Sun.
Moser, Weaver F., Boonsboro.
Mt. Airy Locker Co., Mount Airy.
Nichols and Smith Meat Market, Federalsburg.
*Reid, George L., Baltimore.
*Ruppersberger and Sons., George G., Baltimore.
Ryan's Butcher Shop, Fallston.
*Schmidt, A. W. and Son, Inc., Baltimore.
*Schmidt and Company, Charles J., Baltimore.
Shallcross, H. E., Rising Sun.
Shaum, F. E., Taneytown.
Shuff, Harry William, Thurmont.
*Stapf, August E., Baltimore.
Sudlersville Frozen Food Lockers, Inc., Sudlersville.
Thompson's Food Market, Maryland Line.
Treuth and Sons., J. W., Catonsville.
Welty's Market, Emmitsburg.
Weston Farms Inc., Knoxville.
Whitehall Lockers, Gambrills.
Will, Weldon W., Sykesville.
Wolfe's Slaughter House, Cumberland.
Yingling Brothers, Union Bridge.
Yoders Locker Plant, Grantsville.

Massachusetts

Arena and Sons, A., Hopkinton.
Axler, Abraham (Hatfield Beef Co.), Hatfield.
Bickford's, Cheshire.
Blood and Son, E. L., West Groton.
Bonanno and Sons, Rocco, Methuen.
Budnick and Son, E., Boxford.
Cohen Beef Co., Inc., Jacob, Brighton.
Cook, Edric, Hyden.
Cramers, Louis, North Adams.
Goldberg, Morris, Great Barrington.
Grasso, Angelo, Agawam.
Harris Slaughterhouse, George A., Winchendon.
Hurlburt Slaughterhouse, Ronald, West Orange.
Independent Packing Co., Brockton.
Johnson, Lewis, Templeton.
Judkins, F. H., Athol.
Kabatchnick, Mark Sidney, Chester.
Levine, Louis, Great Barrington.
Mason, Frank F., Williamstown.
McAdoo, Harold A., Bolton.
Pekarski, T. Walter, South Deerfield.
Rellim Packing Co., Milford.
Reynolds Slaughterhouse, Shelburne.
Robbins, Richard, Ashby.
Santos Company, Charles, Tewksbury.
Scibelli, Anthony J., Southwick.
Sciebelli, George A., Southwick.
Sheinhit, Jacob, Peabody.
Stearns, Ed, Charlton.
Streeter Slaughter House, Bernardston.
Strycharz Slaughterhouse, Blackstone.
Suprenant, Peter, Leverett.
Szala Slaughtering Establishment, Hadley.
Wiegert Company, George, Worcester.
Wilbur, Joseph H., South Easton.
Wohrle's, Inc., Pittsfield.

Michigan

Allen Packing Co., Charlotte.
*Allendale Beef Co., Allendale.
Anderson Packing Co., Inc., J. S., Muskegon.
*Arensen Packing Co., Grand Rapids.
Besbris and Sons, Inc., Max, Kalamazoo.
*Bettinger and Barnett Beef Co., Detroit.
Bluska Packing Co., Port Huron.
Burgess Meat Co., Hillsdale.
*Christie Packing Co., Schoolcraft.
Clare Packing Co., Clare.
*Cohen and Levenberg, Detroit.
Cole, E. C., North Adams.
*Costello Packing Co., Detroit.
Cox Slaughterhouse, Hudson.
Detroit Veal and Lamb, Inc., Detroit.
*Dykstra Bros., Grand Rapids.
Edson, Inc., Lee, Hudsonville.
Feldman Brothers, Detroit.
Fillmore Beef Co., Holland.
Fishler Packing Co., Benton Harbor.
41 Super Market, Menominee.
Forsyth and Hohner, Troy.
Foster's Market, Quincy.
*Gemmen and Son, Albert, Allendale.
Gerding Wholesale Meats, Davison.
Haarer's Meat Processing Plant, Saline.
Hazekamp and Sons, Bert, Muskegon.
Heaters Fresh Meat, Dowagiac.
Hess, Earl J., Slaughter House, Ceresco.
Hillsdale County Meats, Hudson.
Holt Packing Co., Holt.
Hudson Locker Service, Hudson.
*Huler Abattoirs, Inc., Detroit.
Independent Packing Co., Menominee.
*Johnson Slaughtering Establishment, Carl R., Kalamazoo.
Kalamazoo Packing Co., Vicksburg.
Kappler Packing Co., Ann Arbor.
Kiebler, A. M. and Sons, Clinton.
Kirby Packing Co., Detroit.
Lengel Meat Packers, Inc., Temperance.
*Loewnstein and Son, S., Detroit.

Lytle and Sons, W. E., Coldwater.
Marshall Packing Co., Bruce T., Bay City.
*Merritt Packing Co., Carrollton.
Meyer Provision Co., Iron River.
Midway Farm Market, Cassopolis.
*Midway Packing Co., Wayland.
*Monarch Packing Co., Detroit.
Moor Slaughtering Establishment, Don, Homer.
*Morris Snow and Co., Detroit.
Myaards Meats, Hudsonville.
*Nathan Rubin, Inc., Detroit.
Newsom Slaughter House, Niles.
Park-Way Meat Co., Flatrock.
Parsell Beef Co., Flint.
Paul, Leo, Slaughtering Establishment, Coldwater.
Paulsen and Son, Inc., Max, Muskegon.
*Peet Packing Co., Bay City.
*Peet Packing Co., Chesaning.
*Peet Packing Co., Grand Rapids.
Perry Packing Co., J., Hart.
Pleasant Valley Packing Co., Schoolcraft.
Primeat Packing Co., Detroit.
Quincy Locker Co., Quincy.
Reznik Packing Plant, South Haven.
Richmond Packing Co., Richmond.
Riverside Packing Co., Jackson.
*Rochester Packing Co., Rochester.
Rountree Packing Co., Hanover.
Schmidt Packing Co., Niles.
Shaw Wholesale Meats, R. I., Casanovia.
Simpson's Country Market, Galien.
*Smallegan, Arthur, Forest Grove.
Smith Packing Co., Hubert H., Muskegon.
Smith Packing Plant, H. A., Fort Huron.
*Standard Beef, Inc. (east), Detroit.
*Standard Beef, Inc. (west), Detroit.
Steeb Bros., Ann Arbor.
Stone's Meat Packing Co., South Haven.
*Tamaren Beef Co., Isaac, Detroit.
*Tannehill and De Young, Inc., Traverse City.
Telfer Packing Co., Owosso.
Terrill Super Market, Marcellus.
Thompson Beef Co., Hamtramck.
Thorne's Custom Butchering, Belleville.
Van Alstine, William, East Lansing.
*Vander Boon Bros., Ada.
*Victory Beef Co., Detroit.
*Vogt Packing Co., Flint.
*Wall Packing Co., Sturgis.
*Wayne Packing Co., Detroit.
Weeks, Ray and Sons, Co., Inc., Richmond.
Weiss, George J., Custom Slaughtering Establishment, Detroit.
Wolverine Packing Co., Detroit.
*Zandbergen Slaughterhouse, Grandville.

MINNESOTA

Caldwell Packing Co., Windom.

MISSISSIPPI

Archer, B. F., Mathieston.
B & B Packing Co., Byram.
Barnett Sausage Co., North Biloxi.
Belmont Packing Co., Belmont.
Betbeze Bros. Packing Co., Meridian.
Brumfield, A. J., Tylertown.
Bryant's Super Market, Winona.
Burks Slaughter House, Carriere.
*Central Packing Co., Hattiesburg.
Cochran Frozen Food Locker, Waynesboro.
Columbus Packing Co., Columbus.
Columbus Provisior Co., Columbus.
Counce Curing Plant, H. R., Corinth.
*Delta Packing Co., Clarksdale.
Davis Bros., West Point.
*Dedeaux Packing Co., Gulfport.
Delta and Pineland Co., Scott.
Dunn, B. T., Slaughter House, Walnut.
Fortenberry, Ben, Carriere.
Fortenberry, Kearney E., Sandy Hook.
*Gilbert Slaughter House, B. J., McComb.
Happy Acres, Petal.
*Hickman, H. J., Gulfport.
Isbell and Sons Meat Curing Plant, A. H., Corinth.
Isbell Distributing Co., Corinth.
Jackson Packing Co., Jackson.
*John R. Bounds Slaughtering Establishment, Picayune.
Jones, Ruby, Slaughter House, Summit.
Jones Slaughter House, Brookhaven.
Lamey's Slaughter House, Biloxi.
Lauderdale Cold Storage, Meridian.
*Mallett, F. S., North Biloxi.
McBride Curing Plant, Iuka.
Michel Packing Co., C., Meridian.
Orman's Sausage Co., Ellisville.
*Owen Bros. Packing Co., Meridian.
Ole Hickory Sausage Plant, Magnolia.
Passbach Slaughtering House, Natchez.
*Pioneer Provisions Co., Grenada.
Robinson Bros. Packing Co., Batesville.
Sam's Slaughter House, Waynesboro.
Stringer Slaughter House, Columbia.
*Valley Farm Packing Co., Laurel.
Van Norman Slaughtering Establishment, McComb.
Vicksburg Packing Co., Vicksburg.
Waller Slaughter House, Waynesboro.
*West Packing Co., Indianola.
Wise and Wise Packing Co., Greenville.

MISSOURI

Alewel Bros. Locker Plant, Concordia.
Anderman Slaughter Establishment, Edward, Hickman Mills.
Asel's Slaughter House, Washington.
Baker Packing Co., Mexico.
Barton County Packing Co., Inc., Lamar.
Bouchaert Packing Co., St. Louis.
Central Packing Co., Cape Girardeau.
*Cloud Packing Co., Ned, Springfield.
Coleman Packing Plant, Holden.
Copes' Slaughter Co., Palmyra.
Crandal's Frozen Food Lockers, Warrensburg.
Cummins Custom Butchery, Webb City.
Delaloye and Sons, Troy.
Dexter Packing Co., Dexter.
Evans and Sons Slaughtering Establishment, E. S., Carthage.
Frick's Super Market, Inc., Washington.
Frick Slaughter Service, Union.
Grand Packing Co., Imperial.
Grote, T. J., Imperial.
Herrod Packing Co., Inc., Joplin.
Hester Packing Co., A. L., Bernie.
Kornbelt Packing Co., St. Louis.
Lebanon Packing Co., Lebanon.
*Le Duc Packing Co., Springfield.
Liberty Locker Co., Liberty.
M. F. A. Packing Division, Springfield.
*Manning Dressed Beef, Springfield.
Maryville Packing Co., Maryville.
McGee's Home Killed Meats, Mexico.
Moberly Packing Plant, Moberly.
Modlin, Jack, Webb City.
Mueller's Meat Market, Altenburg.
Nenninger Packing Co., Cape Girardeau.
Ogden Slaughtering Establishment, Cottle P., Vandalia.
Paris Lockers and Abattoir, Inc., Paris.
Pemiscot Packing Co., Wardell.
Pipkin, Boyd Neal Packing Co., Cape Girardeau.
Poplar Bluff Packing Co., Poplar Bluff.
Raders, Inc., Columbia.
Roseville Packing Co., Springfield.
Salem Auction Co., Salem.
Sikeston Food Lockers, Sikeston.
Stanley Meat Co., St. Louis.
Twin City Packing Co., Festus.
United Meat Co., Inc., St. Louis.
Urbana Locker, Urbana.
*Welsh Packing Co., Springfield.
Westerman, John, Troy.
Wuestling Packing Co., St. Louis.
Yontz Packing Co., Tipton.

MONTANA

Blastock Wholesale Meats, Butte.
Miles City Packing Co., Miles City.
City Meat Co., Wolf Point.
*Montana Meat Co., Helena.
New Butte Butchering Co., Butte.
Ojar Meat Co., Glendive.
Rahr, John, Glendive.
Sidney Locker and Creamery Co., Sidney.
Valley Meat Co., Sidney.

NEBRASKA

Brauer Packing Co., Chappell.
Bridgmon Wholesale, Tecumseh.
Community Locker Center, Fullerton.
Consumers Packing Co., Superior.
Custom Pack, Hastings.
Deerson Meat Packing Plant, Elkhorn.
Dundy County Processors, Benkelman.
F and S Sausage Co., Cozad.
Farmers Union Co-op Gas and Oil Co., Big Springs.
*Flicker Packing Co., Scottsbluff.
Ford Packing Co., Grand Island.
H and B Packing Co., Scottsbluff.
*Hersch Packing Co., Scottsbluff.
Hollstein's Packing Co., Rushville.
Ideal Market, Gordon.
Jurgens Meat Service, Big Springs.
Kauf Packing Co., Hastings.
Nebraska Ice and Locker Service, Falls City.
North Platte Packing, Inc., North Platte.
Osborn's I. G. A. Store, Hay Springs.
Red Cloud Packing Co., Red Cloud.
Roode Packing Co., Inc., Fairbury.
Roman Packing Co., Norfolk.
Sanitary Market, Mitchell.
Saum Lockers, Davenport.
Shald Market, Gordon.
Snyder Packing Co., Red Cloud.
Standard Market, Hebron.
Sterling Packing Co., Sidney.
Superior Locker, Superior.
Swayze Packing Co., S. E., Edison.
*Vanderheiden's Slaughter House, Valentine.

NEVADA

Bybee Slaughtering Establishments, M. B., Ely.
Dangberg Meat Co., Gardnerville.
*Hecks Market, Fallon.
*Horloacher Meat Co., Fallon.
*Mori Slaughter House, Fallon.
*Mori Meat Co., Fallon.
*Nevada Meat Packing Co., Reno.
*People's Packing Co., Yerlington.
*Ruby Mountain Packing Co., Elko.

NEW HAMPSHIRE

Edwards, George, Walpole.
French Brothers Beef Co., Inc., Hooksett.
Hoffman, Fred, Hooksett.
Langelier, Lucien, Rochester.
Satzow, Samuel, Claremont.
Sherman's Market, Grantham.
Taylor, George, Dover.
Tri-City Beef and Pork Co., Somersworth.

NEW JERSEY

Brummel, Louis, Trenton.
Dealaman, George, Plainfield.
Delaware Packing Co., Trenton.
De Vries, John, Newton.
Carteret Abattoir, Carteret.
Dielmann, Fritz, Oak Ridge.
Earrusso, Joseph, Whippany.
Fisher Brothers, Bridgeton.
Haskell Packing Co., Haskell.
Mareska's, Stockton.
Monmouth County Abattoir, Asbury Park.
Moonlight Hog Farms, Flemington.
Mundy, Harry and Sons, Bound Brook.
Rome, Clarence, Sussex.
Russo Packing Co., Bound Brook.
Salem Packing Co., Salem.
Schein, Inc., Hopelawn.
Singer, Philip L., Sussex.
Tindnik Son's, John, Trenton.
Trenton Packing Co., Trenton.
Vineland Dressed Beef Co., Vineland.
Wagner Provision Co., Gibbstown.
Young, A. A., Phillipsburg.

NEW MEXICO

Addington Locker Plant, Clayton.
Aztec Locker Plant, Aztec.
Belen Locker and Slaughter Pen, Belen.
Ben's Slaughterhouse, Las Vegas.
Dean Wholesale Meat Co., T. M., Hobbs.
Deming Packing Co., Deming.
Dick's Slaughtering House, Clovis.

Glover Packing Co., Roswell.
Hatch Packing Co., Portales.
Houk's Custom Slaughter Service, Clovis.
Joe's Packing Co., Raton.
Las Cruces Meat Co., Las Cruces.
New Mexico Packing Co., Inc., Carlsbad.
Oliver Packing Co., Raton.
Palmer Packing Co., Albuquerque.
Rancho Packing Co., Clovis.
Rayjax Packing Co., Fort Sumner.
Rollins Packing Co., Inc., Clovis.
66 Packing Co., Tucumcari.
Snell Packing Co., Inc., Clovis.
Starkey Packing Co., Clovis.
Stephens Packing Co., Albuquerque.
Schwartzman Packing Co., Albuquerque.
Taos Locker Plant, Inc., Taos.
Tularosa Packing Co., Tularosa.
Valley Packing House, Albuquerque.
Valley Packing Co., Fairview.
Valley Packing Co., Farmington.
Williams Slaughter House, Socorro.
Wofford Slaughtering Establishment, Santa Fe.
Zero Locker Plant, Portales.

NEW YORK

Acer, Inc., Buffalo.
Ahl, Charles F., Warsaw.
Apthorpe, Charles F., Jamestown.
Archie and Sons, Inc., E. J., Buffalo.
Aronson and Milton Aronson, Jerome, Queensbury.
Aronson, William, Glens Falls.
Aust, A. J., Otto.
Baldwin Slaughterhouse, Orval W., Ripley.
Baxter's Boneless Beef, Buffalo.
Behr, Moritz, Catskill.
Bernacki Bros., Depew.
Berfch's Slaughter House and Meat Processing Plant, Almond.
Booth, Harry L., Freedom Plains.
Brennan, P., Buffalo.
C. J. D. Packing Co., Inc., Buffalo.
Conti Packing Co., Henrietta.
Cuomo, Neil, Schenectady.
Dembo's, Troy.
DeVita, James and Gino, Endicott.
Dover Plains Packing, Dover Plains.
Eckman, Albert M., Frewsburg.
F. K. and Son, Inc., Buffalo.
Fairbank Farms, Ashville.
Farber Meat Packing Corp., Liberty.
Farber, Murray, Goshen.
Fargnoli, Sam and John, Endicott.
Ford, E. D., West Valley.
Frank Bros., Poughkeepsie.
Goebel Packing Co., Buffalo.
Goshen Packing Co., Howells.
Hans, Edward, Buffalo.
Harrison, W.W., Corning.
Hokan's Slaughterhouse, Angola.
Horlein and Son, Inc., E. C., Buffalo.
Kamery, John Wendell, Olean.
Kingston Beef Corp., Kingston.
Kittle, Nicholas A., Hudson.
Klinck Brothers, Inc., Buffalo.
Klinck and Schaller, Inc., Buffalo.
Kross-Ahl, West Albany.
Legters Bros., Clymer.
Liepshutz Market, Hudson.
Ludington Bros., Maine.
Maple Brook Slaughterhouse, Binghamton.
Maple Grove Farms, Syracuse.
Marbot, Frank, Troy.
McGuire, Frank B., Granville.
Medina Provision Co., Inc., Medina.
Meat Packing Co., William G., Strykersville.
Morandi Packing Co., Hillsdale.
Neckers, Norman C., Clymer.
Owsowitz, Maurice and Son, Buffalo.
Parker's Slaughter House, Schaghticoke.
Polyniak, Victoria, Newark Valley.
Poughkeepsie Beef Co., Inc., Poughkeepsie.
Ralph Packing Co., Inc., East Syracuse.
Rausch and Son, Inc., Frank, Buffalo.
Rosenblum Bros., Cohoes.
Scott, Herbert R., Brocton.
Selected Meat Packers, Inc., Schenectady.
Shappee and Sheive, Pine City.
Shoemakers Market, Kanona.
Smith, Bernard G., Troy.
Smith, Harold J., Pine Plains.
Syracuse Packing and Provision Co., Camillus.
Staffeld and Sons, R. W., Buffalo.
Sussman, Louis, Cohoes.
Tog Packing Co., Inc., Buffalo.
Utica Veal Co., Inc., Marcy.
Valentine's Slaughtering Establishment, Kennedy.
Waldenmaier and Sons, George, Feura Bush.
Wallens Byrne Packing Corp., Buffalo.
Wieberg, James N., Pine City.
Ziff, Herbert M., Elmira.

NORTH CAROLINA

*Aberdeen Packing Co., Aberdeen.
Asheville Packing Co., West Asheville.
Boyd and Sons, John, Gastonia.
Bryant Packing Corp., Asheville.
Bulluck, Z. B., Rocky Mount.
Caldwell Packing Co., Cramerton.
*Carolina Packers, Smithfield.
Chadbourn Packing Co., Chadbourn.
Charlotte Abattoir, Charlotte.
Circle "F" Abattoir, Lexington.
Cook's Packing Co., Inc., Concord.
*Curtis Packing Co., Greensboro.
Draughon's Abattoir, Fayetteville.
Eckert Packing Co., Newark.
Edward's Abattoir, Leaksville.
*Elliott Packing Co., Inc., Goldsboro.
Fritz Packing Co., Inc., Lexington.
Greenville Packing Co., Greenville.
*Hickory Packing Co., Hickory.
*Jones Abattoir Co., Garner.
Land's Slaughterhouse, Spray.
Martin's Abattoir, Godwin.
McDaniel's Abattoir, Fayetteville.
Mecklenburg Abattoir, Charlotte.
Moricle Abattoir, Reidsville.
Mount Airy Abattoir, Mount Airy.
*New Bern Provision Co., New Bern.
Nivens, E. T., Charlotte.
Norris Packing Co., Shelby.
*Piedmont Packing Co., Hillsboro.
Randolph Packing Co., Asheboro.
Shelby Abattoir and Processing, Inc., Shelby.
Skeen Packing Co., High Point.
Statesville Packing Co., Inc., Statesville.
Stewart's Abattoir, Mount Airy.
Whicker Packing Co., William A., Mocksville.
White Packing Co., Inc., Salisbury.
Wilmington Packing Co., Inc., Wilmington.
Yadkin Valley Packers, Inc., Elkin.

NORTH DAKOTA

Bean, Lloyd, Williston.
Delaney Packing Co., Williston.
Williston Meat Co., Williston.

OHIO

Allen Brothers Food Market, Manchester.
Arnett's Packing House, Laura.
Barnes Provision, Inc., Alliance.
Berry S. P., Winchester.
Boll and Son, John, Ironton.
Braun Bros. Packing Co., Troy.
Buchy Packing Co., Charles G., Greenville.
Bussard Slaughter House, Germantown.
Busse and Sons, L. W., Fort Laramie.
Canton Provision Co., Canton.
*Ciralsky Packing Co., Toledo.
*Copley Packing Co., Copley.
Country Pork House, Cincinnati.
Crystal Slaughtering Establishment, Martin's Ferry.
*Davies, David, Inc. (616 West Mound St.), Columbus.
*Davies, David, Inc. (1340 Jackson Pike), Columbus.
*Davies, David, Inc., Zanesville.
Dayton Packing Co., Dayton.
De Luca Slaughtering Establishment, Rayland.
DiCilio and Sons, Inc., A., Cleveland.
Donelson Packing Co., Carey.
Duma Packing Co., Clinton.
*Eckert Packing Co., Defiance.
Egley's Slaughtering Establishment, Convoy.
*Evans Packing Co., Gallipolis.
Fairmount Provision Co., Alliance.
Falter, Herman Packing Co., Columbus.
Fehers Slaughtering Establishment, Martins Ferry.
Fidel Bros. Packing Co., Unionville.
Findlay Provision Co., Findlay.
Fink and Heine Co., Springfield.
Finley Packing Plant, Inc., McConnelsville.
Fletchner Bros. Packing Co., Inc., Fostoria.
Frame Slaughtering Establishment, Myron, Manchester.
Focke's Sons, William, Dayton.
Gils, K. C., Cleveland.
Goldsberry Slaughtering Establishment, Ripley.
*Hall Brothers, Inc., Olmsted Falls.
Hasselback and Son, E. E., Fremont.
*Henry Packing Co., Lime City.
Hermann, C., and Son Slaughtering Establishment, Portsmouth.
Hunt Meat Packer, Grove City.
Ideal Provision, Martins Ferry.
Jacoby, Hal C., West Unity.
Jenkins Food Market, Harrison.
Kent Provision Co., Inc., Kent.
Krugh's Slaughtering Establishment, Wren.
Liber and Co., John, Alliance.
Lloyd Packing Co., Youngstown.
Lorain Elyria Packing Co., Elyria.
Mahan Slaughtering Establishment, Bristolville.
*Marks and Sons, Inc., Cleveland.
Martin Farm Slaughter House, Fremont.
Matthews, J. H., and Son, Sardinia.
Meloni's Meat, Kinsman.
Montenery Provision, Tiltonsville.
Myers and Son, Archbold.
New Cooperative Co., Dillonvale.
Ohio Packing Co., Columbus.
*Pacer Packing Co., Toledo.
Parkman Packing Co., Parkman.
Peters Slaughter House, E. L., Lewisburg.
Piper and Son Provision, Dorset.
Pride of Lima Provision Co., Lima.
Rittenberger Bros., Zanesville.
Romer Slaughter House, Coldwater.
Ross Abattoir Co., Springfield.
*Routh Packing Co., Tiffin.
*Sandusky Dressed Beef, Sandusky.
*Schmidt Provision Co., Toledo.
Sear's Meat Market, Greenville.
Seaman Sons, A. C., Versailles.
Siekkinen, Harold W., Williamsfield.
Sigi Samuel Slaughter House, Jefferson.
Sturgis Packing Co., Kenton.
Sugardale Provision Co., Canton.
Superior Provision Co., Massillon.
Suter's Meat Market, Greenville.
*Tanks Meats, Elmore.
Teufel Co., Howard A., Cleveland.
Vonder Haar, A. F., Fort Recovery.
Walter and Sons, Wapakoneta.
Webb Beef Co., Cleveland.
Weber Packing Co., Marietta.
Werling, Eleanor, Slaughtering Establishment, Burkettsville.
Williman's Slaughtering Establishment, Van Wert.
Winner Sons, Robert F., Osgood.

OKLAHOMA

*Akins and Fincannon, Sand Springs.
Antler's Slaughter House, Antlers.
B and B Packing Co., Inc., Oklahoma City.
*Banfield Frozen Food Co., Tulsa.
Banfield Packing Co., Enid.
Big Pasture Packing Co., Grandfield.
Braden's Slaughtering Establishment, Ponca City.
*Brooks Packing Co., Tulsa.
*Brown's Slaughtering Establishment, Joe S., Tulsa.
Butcher Slaughtering Establishment, Bartlesville.
Butcher Packing Co., W. H., Oklahoma City.
*Canadien Valley Slaughtering Establishment, Oklahoma City.
*Central Packing Co., Muskogee.
City Packing Co., Shawnee.
Clarks Meats Slaughtering Establishment, Perry.
Cleveland Lockers, Cleveland.

Coly's, H. H., Boise City.
*Cones Packing Co., Miami.
*Cornett Slaughtering Establishment, Oklahoma City.
Crane, Ralph W., Slaughtering Establishment, Perkins.
Crosby and Crosby Slaughtering Establishment, Wright City.
Cushing Packing and Provision Co., Cushing.
*Custom Slaughtering, Inc., Tulsa.
*Daack Packing Co., Ponca City.
Douglas-Pierce Co., Norman.
Dudley Tucker Slaughter, Durant.
Elkins Market, Waurika.
*Enid Packing Co., Enid.
Fairfax Packing Co., Fairfax.
Fairview Packing Plant, Fairview.
Fraser Packing Co., Aline.
Fraser Wholesale Meat Co., Ardmore.
Germans Slaughtering Establishment, Rosston.
Grant, R. O., Slaughtering Establishment, Idabel.
Groceteria Slaughtering Establishment, Texhoma.
Halstead Slaughtering Establishment, Fairview.
Hamilton Slaughtering Establishment, Midford.
Harris Meat and Produce Co., Oklahoma City.
Harrison's Meat House, Oklahoma City.
Hominy Food Lockers, Hominy.
*Husband Brothers Slaughtering Establishment, Oklahoma City.
Hutchinson Slaughtering Establishment, W. R., Waynoka
Jackson Slaughtering Establishment, Earl, Pawhuska.
Jones Market, Madill.
*Lawton Meat Supply, Lawton.
*Little Dixie Packing Co., McAlester.
Manschreck Wholesale Meats, Krebs.
McCreary Packing Co., Enid.
*Miller Packing Co., Sapulpa.
Miller Slaughtering Establishment, Elmer, Covington.
Montgomery Bros., Hugo.
Morris Slaughtering Establishment, J. C., Stilwell.
*Oklahoma Packing Co., Oklahoma City.
*Okmulgee Packing Co., Okmulgee.
*O'Brien Meat Co., Tulsa.
*O. K. Packing Co., Tecumseh.
Ponca City Packing Co., Ponca City.
Puckett Packing Co., Sayre.
*Reeves Packing Co., W. E., Ada.
Riber Custom Slaughtering Establishment, Hominy.
Ridley Packing Co., Duncan.
*Santa Fe Packing Co., Muskogee.
*Shalloup Slaughtering Establishment, Alva.
*Southeastern Slaughtering Establishment No. 91, Durant.
Thomas, Earl C., Moore.
Tri-State Super Market, Guymon.
*Tulsa Beef and Provision Co., Tulsa.
Turner Bros., Nowata.
*Turvey, Inc., Oklahoma City.
*Turvey Packing Co., Blackwell.
Van Cleve, C. L., Tulsa.
Ward Slaughter Establishment, John, Woodward.
Willburn Meat Market, Madill.
Whitten Slaughter House, Broken Bow.
Whittet, Billy W., Dacoma.
*Wickham Packing Co., Ada.
*Wickham Packing Co., Sapulpa.
Wiley Brewer Slaughtering Establishment, Seiling.
Wolfe Processing Plant, Perry.
Woods, Lloyd; Westville.
Woodward Packing Co., Woodward.

OREGON

Ab's Slaughterhouse, Sherwood.
Alpine Meat Co., Grants Pass.
*Arrow Meat Co., Cornelius.
*Associated Meat Packers, Portland.
Bevins Packing Co., Madras.
Bond Bros., Lakeview.
Boston Beef House, Ontario.
Boyer Meat, Roseburg.
*Bruce Packing Co., Sublimity.
Cannon Meat Co., R. C., Salem.
Cedar Point Packing Co., Coquille.
Cinder Butte Packing Co., Redmond.
Clover Leaf Packing Co., Drain.
*Crooked River Meat Co., Prineville.
Dalles City Pack, Dalles.
Eldridge Packing Co., La Grande.
Erdman Packing Co., Bandon.
Farmers Packing Co., Medford.
Folett Meat Co., Hermiston.
Gardner Midway Meats, Donald R., Medford.
Garrison, R. O., Lebanon.
Grants Pass Provision Co., Grants Pass.
H and M Meat Co., Union.
Heppner Slaughter House, Heppner.
Hill Meat Co., Pendleton.
*Hopkin's Wholesale Meats, Nyssa.
Independent Meat Co., Ken and Thomas, Ashland.
Jacobmuhlen, John, Cornelius.
*Kenton Packing Co., Portland.
Lewis Bros. Secion Lime and Kine Road, Gresham.
Eastside Abattoir, Ashland.
Medford Meat Co., Medford.
Merrill Meat Co., Merrill.
*Midway Meat Co., Medford.
Montgomery's Killing Plant, Silverton.
Mount Angel Meat Co., Mount Angel.
Myers Cold Storage Lockers, Don, Elgin.
Myers Packing Co., Bend.
Myrtle Packing Co., Coquille.
*Nebergall Meat Co., Inc., D. E., Albany.
Ontario Meat Packing, Ontario.
*Pioneer Meat Packers, Ontario.
Rogue Valley Packing Co., Myrtle Creek.
*Silver Falls Packing Co., Portland.
Stanfield Meat, Stanfield.
Steen Bros., Albany.
Super Packing Co., Klamath Falls.
*T. P. Packing Co., Klamath Falls.
Troutman's Market, North Plains.
Van Dine Meat Co., Myrtle Creek.
Western Meats, Milton-Freewater.
Yocum Meat Co., Coos Bay.

PENNSYLVANIA

Ahrens and Sons, Inc., E. F., York.
Alba, Saverio, and William, Norristown.
Albert Packing Co., Washington.
Alfery's Sausage Co., Greensburg.
Alinikoff's and Son, Harry, Wilkes-Barre.
Aliquippa Packing Co., Aliquippa.
Anspach, Charles C., Womelsdorf.
Anderson, Roy, East Berlin.
Arena Dressed Beef Co., Norristown.
Attig Bros., Schrewsbury.
Baker's Meat Market, Biglerville.
Baker, Luther, Millville.
Balderston Bros., Newton.
Baringer, Wilmer, Richlandtown.
Barnes, T. William, Waynesburg.
Baum, Daniel S., Elizabethtown.
Baumgardner Packing Co., Finleyville.
Beatty Farm Meat Products, Turtle Creek.
Beaver Valley Packing Co., New Brighton.
Berks Welfare Farms, West Leesport.
Berwick Packing Co., Berwick.
Bethlehem Packing Co., Bethlehem.
Biderman and Moss, Inc., Philadelphia.
Bierer, Daniel R., Uniontown.
Bilski, Joseph, Waterford.
Bingman Packing Co., Berlin.
Bloomfield Packing Co., Pittsburgh.
Bonaccurso and Sons, S., Philadelphia.
Bonglorni Bros., Slovan.
Bonanno, Jake, Germantown.
Border, Carlos R., Dalmatia.
Boose, H. Melvin, Manheim.
Bovalina Packing Co., Inc., Slovan.
Bowders and Son, H. C., Waynesboro.
Bowman, Mark, Hegins.
Boyer, Kenneth L., Klingerstown.
Brand, William, Pipersville.
Breauchy, Harry H., Sharon.
Brenzovich's Meat Market, Jefferson.
Brillhart's Meat Market, Hanover.
Bristol Beef Co., Bristol.
Brown Brothers and Sons, Inc., Fairview.
Brown's Slaughter House, Smethport.
Brown, Victor, Port Allegany.
Bryan, John J., Dushore.
Bubbenmoyer, C. W., Bernville.
Burkee's Food Market, McSherrytown.
Burkholder Bros., Lebanon.
Bush, G. D., Jamestown.
Butler Packing Co., Butler.
Bull Run Packing Co., Homestead.
Cappuccio and Carbonaro, Philadelphia.
Carpenter Packing Co., Rex, Townville.
Carpenter, Simon T., Sheridan.
Cary, William L., Harrison Valley.
Castle Provision Co., Darraugh.
Charles Meat Market, Liverpool.
Clark Packing Co., Paxinos.
Clark, William A., Homer City.
Coffaro, Frank P., Sugargrove.
Cohick's Meat Market, Salladasburg.
Congens Aquilante, Berwyn.
Cowburn, Clark G., Ulysses.
Crissman Bros., Castanea.
Cunningham, R. P., Indiana.
Cunningham Turkey Farm, Sand Patch.
Daily and Sons, Vanderbilt.
Daisyfield Packing Co., Daisytown.
Danko, Matthew, Latrobe.
Darling, Lester W., La Plume.
Davidek, M. J., Breckenridge.
De Franco, Nick, Bangor.
De Franco, Philip, North Bangor.
Delfrate Packing Co., Slovan.
Delta Farm Products Co., Delta.
Denholm Packing Co., Pittsburgh.
Detwiler's Abattoir, Pottstown.
Devault Packing Co., Devault.
Ditzler Brothers Meat Market, Pine Grove.
Donnie's Food Market, East Berlin.
Dorshimer, David E., Brodheadsville.
Dressler, Paul, Exeter.
Dysinger and Son, B. C., Mifflintown.
East Carson Packing Co., Pittsburgh.
Ebling's Meat Market, Myerstown.
Elizabethville Abattoir, Elizabethville.
Engle Bros., Markleysburg.
Engle, Russell S., East Greenville.
Eremic, George N., Monroeville.
Esposito, Attilio, Philadelphia.
Falk, Karl, Erie.
Feder Co., M., Allentown.
Fehl Co., C. J., Blooming Glen.
Fetterolf, Joseph I., Hegins.
Fisher, Harry D., Lewisburg.
Fischer and Sons, Inc., J. Fred, York.
Fisher, W. J., Winfield.
Flagler, John, Raubsville.
Fox, Augustus, Soudertown.
Fox, Henry J., Mertztown.
Freed's Store, Gilbertsville.
Froehlich Packing Co., Johnstown.
Frigid-Freeze Lockers, Riegelsville.
Gajan, John, Coal Center.
Galvanek, Edward and Joseph, Freeport.
Gartner-Harf, Waterford.
Gashel, Lee, Claysville.
Gassert, John A., Myerstown.
Gehman, Warren B., Norwood.
Gensemer's, Bloomsburg.
Gentzler, Wilfert N., Dever.
George, Nathan T., Orefield.
Gertner, Joseph and Stephen, Easton.
Ginter, Gervase, St. Mary's.
Ginter, Urban, St. Mary's.
Giorgio, J., Philadelphia.
Giunta and Sons, Joseph L., Philadelphia.
Glick Bros., Packing Co., Mt. Pleasant.
Godfrey Bros., Felton.
Godfrey, M. Melvin, York.
Godshall, Marvin K., Talford.
Goetz, Robert M., Greencastle.
Goldberg Provision Co., Greensburg.
Good, Incorporated, Carl, Denver.
Good's Market, Quincy.
Gourley, James P., New Bethlehem.
Grande Brother Packing, Farrell.
Grecek, Frank, Portage.
Green and Son, A., Berwick.
Great Valley Meat Market, Howellville.
Green Valley Packing Co., Claysville.

Greenville Packing Co., Greenville.
Grettler's Market, Girard.
Grissinger Bros., McConnellsburg.
Gross Meats, Eureka.
Gum, Russell M., Pen Argyl.
Gurgacz, Mike P., New Castle.
Haas, Raymond, Weissport (East).
Hager's Meat Market, Quakertown.
Hahn Packing Co., Edward, Johnstown.
Haibach Bros., Erie.
Hale and Son, R. B., Halifax.
Hanover Provision Co., Hanover.
Hartman, Paul E., New Tripoli.
Hawkeye Meat Market, Scottdale.
Heckel and Ferlan, Pittsburgh.
Helm, Ralph E., Waynesboro.
Heinnickel, Sylvester and Alquin, Crabtree.
Herring, Paul A., Pitman.
Hershey Estates Abattoir, Hershey.
Hervitz Packing Co., Harrisburg.
Hess Meats, Bob G., Winfield.
*Hickory Packing Co., Scranton.
Hill-n-Dale Farm Meat Co., Dowington.
Hilltop Beef and Provision Co., Loyalhanna.
Hippey, Samuel W., Willow Street.
Hirsch, William R., Kossuth.
Hoffer, Frank L., Carlisle.
Hoffman Estate, J. E., Williamstown.
Hollinger, J. Lloyd, Lancaster.
Hollinger Meat Products, Inc., Mechanicsburg.
Homestead Provision and Packing Co., Pittsburgh.
Honsaker Bros., Roaring Springs.
Hooversville Supply Co., Hooversville.
Horne's Slaughterhouse, Marianna.
Hostoffer and Sons, E. B., Mount Pleasant.
Huffman, Ralph L., Latrobe.
Hunsberger, Joseph J., Royersford.
Hutchison's Custom Butchering, Hydetown.
Hurks and Check, Pittsburgh.
Hynes Abattoir, O. J., Cedars.
Imgrund, D. E., New Baltimore.
Imler, Roy S., Altoona.
Imperial Packing Co., Imperial.
Innerst Bros., Dallastown.
Ishman, Robert J., Worthington.
J. T. Provision Co., McKeesport.
Janke's Slaughtering Establishment, Winburne.
Johnson Wholesale Meats, H. T., Northumberland.
Joseph Packing Co., Connellsville.
Juniata Packing Co., Tyrone.
Keefer, C. F., Mercersburg.
Keeney, H. Z., Hungerford.
Kelso, C. W., Hickory.
Kelso, Fred E., Brookville.
Kesselring, J. R., Greencastle.
*Kessler, Inc., Lemoyne.
Kipp, Harvey A., Bethlehem.
Kirkpatrick's Meat Market, Scotland.
Kiski Valley Packing Co., Vandergrift.
Klein Provision Company, F. A., Pitcairn.
Kline Bros., Hollidaysburg.
Kling, Arthur C., Landisburg.
Knapp and Son, Lee, Albion.
Knepp, Albert A., Mifflintown.
Knight, Emerson, Penryn.
Kohn and Hendler, Philadelphia.
Kolansky, Abe, Wymart.
Kolb, Samuel, Spring City.
Kottcamp, Homer S., York.
Kovacevic Brothers, Sewickley.
Kratzer, Beulah M., Selinsgrove.
Kreisl Bros., Hazleton.
*Kreisl Brothers, Inc., Shamokin.
Kressler, Herbert H., Quakertown.
Kudasik, Andy, Central City.
Kuntz, Paul L., Punxsutawney.
Kunzler and Co., Inc., Lancaster.
Landis, Abram A., Harleysville.
Landis Brothers Slaughtering Establishment, Skippack.
Landis, Edgar M., Franconia.
Landis, T. M., Mainland.
Lawrence and Son, H. M., Albion.
Leali Bros. Meats, Sharon.
Lesnett's Green Top Farm, Greenville.
Lepidi and Sons, Inc., M., Jeannette.
Levchik, Mike, Hooversville.
Lichliter and Co., J. C., Salisbury.
Liddiard, Richard W., South Waverly.
Livezey, Merill, Sugar Grove.
Little and Son, L. D., Hanover.
Locustdale Packing Co., Locustdale.
Lofstead, Frank E., Beallsville.
Lonczynski, Thaddeus, Hazleton.
Lorditch, George J., Johnstown.
Loutsion Packing Co., Cannonsburg.
Lower's Store, Biglerville.
Luckenbill, Curtis T., Kutztown.
Lukon Meats, Burgettstown.
Lux, Joseph H., Jeannette.
Madrigale, Frank, Bristol.
Magdovitz Packing Co., Connellsville.
Mamula, Pete, Aliquippa.
Manbeck, Lloyd N., Bernville.
Manieri, Inc., Philadelphia.
Markle, Clair R., Hanover.
Martin, Charles G. and Leon, East Earl.
Martin, Ezra W., Lancaster.
Martin, John F., Stevens.
Marusco, Camilo, Boothwyn.
Marvin, Russell T., Covington.
Martocci, Anthony, Roseto.
McCall Packing Co., Rimersburg.
McClure Locker Plant, McClure.
McGee, G. Fred, Connellsville.
McLoughlin and Fickes, Fayetteville.
Meadow Valley Abattoir, Inc., Gettysburg.
*Medford's Inc., Chester.
Melvin, Arthur G., Greenville.
Meoli, Peter, Berwyn.
Milliron, Jess A., Cloe.
Miller, E. R., Hanover.
Miller, Eugene W., Knox.
Mitman, Vernon K., Nazareth.
Moccio and Son, Angelo J., Allentown.
Moore, Amos, Sr., Montgomeryville.
Mount Rose Food Market, York.
Mowry and McKean Super Market, Sandy Lake.
Moyer Bros., Reinholds.
Moyer, Company, C. D., Silverdale.
Moyer, Maurice J., Plowville.
Moxham Packing Co., Johnstown.
Munger's Locker Plant, North East.
Mutzabaughs Meat Market, Duncannon.
Myers Bros., Spring Mills.
Myers Meat Market, Codorus.
Nace, Melvin M., Hanover.
Nell, C. R. and W. M., East Berlin.
Ness, P. H., York.
New Castle Packing Co., New Castle.
New Holland Meat Market, New Holland.
Newman, Raymond H., Hanover.
Newman's Market, Fairfield.
Northside Packing Co., Pittsburgh.
Northup, Gerry C., North East.
Olijnyk, M., and Basilius, Harrison City.
Oswald and Hess Co., Pittsburgh.
P. S. Meat Co., Inc., Philadelphia.
Palgon Bros., Tarentum.
Patterson's Meat Market, Littlestown.
Pennsylvania State University, University Park.
Peluso, John M., New Castle.
People's Meat Market, Brackenridge.
Peters Brothers Meat Market, Lenhartsville.
Pettello, Charles A., Keiser.
Petruzzi's Abattoir, Drums.
Pezzner Bros., Ashley.
Pieniazek, Walter, Waterford.
Pierson, Leslie, Lewisville.
Pleasant Unity Packing Co., Pleasant Unity.
Price, B. J., Chester.
Prim Packing Co., McDonald.
Princz, August, Mars.
Pudliner, Charles John, Jr., Johnstown.
Putnak, Robert L., Monongahela.
Quality Meat Market, Johnsonburg.
Rebuck, J. E., Rebuck.
Reed, Jay, Latrobe.
Rehrig Slaugher House, Ashfield.
Reichelderfer and Sons, E. H., East Greenville.
Reichert, Melvin N., Bechtelsville.
Reimold, Ed, Transfer.
Reitz, Maynard M., Winfield.
Reliable Provision Co., Scranton.
Rendulic, Frank D., McKeesport.
Rhodes, Glen J., Martinsburg.
Rich Valley Cattle Co., Emporium.
Ritter, Charles D., Boyertown.
Riverside Meat Packing Co., New Castle.
Robie Meat Packing, Inc., Erie.
Rockhill's Meat Processing and Sales, Greenville.
Rook, B. A., Milroy.
Rosen, Max, Pittsburgh.
Rosen, Meyer, Creighton.
Roth and Son, C. R., Shiremanstown.
Roth, Ivan J., Shiremanstown.
Rothermel, Wellington A., Danville.
Rouman, Abram, Lansdale.
Rudy, Harry E., Landisville.
Rupert, Edgar B., Sr., Chambersburg.
Sabatasse Packing Co., Slovan.
Salsburg's Abattoir, Shillington.
Shaffer, Arthur L., New Cumberland.
Schrickram, Franklin, Port Clinton.
Schlegal, Irving J., Hegins.
Shaffer, Fred, Hooversville.
*Shamokin Packing Co., Shamokin.
Shaw Bros., Newry.
Shively Bros., Mifflinburg.
Shober, Roy L., Denver.
Sicilia, Frank, New Kensington.
Silver Lake Packing Co., Dunmore.
Silverberg Meats, Bradford.
Slagle's Packing House, Kittanning.
Smalstig, Fred, Pittsburgh.
Smelko Bros., Mt. Pleasant.
Smith, Wilbur, Blairsville.
Smith's Quality Super Market, Glen Rock.
Smithgall and Ging, Trout Run.
Snowberger, Bros., East Freedom.
Snyder, Lloyd J., Fleetwood.
Somerset Packing Co., Bentleyville.
Spidle's Meat Market, Lancaster.
Spitzler's Meat Products, Inc., Uniontown.
Sprecher, Chester A., Fleetwood.
Spungin's Abattoir, Inc., Harrisburg.
Stairs, James, Confluence.
Stambaugh's Food Market, Spring Grove.
Steely, Harry N., Lewisberry.
Stehle, Julius, Eightyfour.
Steinkirchner, George, Jennerstown.
Stepniak, William, Hop Bottom.
Sterner's Grocery, Inc., Hanover.
Stockdale, Paul and Eugene, Dayton.
Stockton's Wholesale Meats, Columbus.
Strunk Bros., Hereford.
Stuebgen's Meat Market, Saxonburg.
Swan's Super Market, Shade Gap.
Taddio, Fred, Monaca.
Taylor Company, J. V., Wyalusing.
Tavernini, Alex, Portage.
Thoma, Paul, Saxonburg.
Thomas and Diehl, Glen Rock.
Thompson Packing Co., Jersey Shore.
Thornton, Howard J., Erie.
Triolo Brothers Food Market, Philadelphia.
Troutman Bros., Klingerstown.
Troutman, N. S. and C. H., Freeburg.
Troy Meat Plant, Inc., South of Troy.
Union Provision and Packing Co., Pittsburgh.
United Home Dressed Meat Co., Altoona.
Utz, Raymond R., Hanover.
Varano-Troutman, Kulpmont.
Venezia, Carl, Conshohocken.
Venezia, Joseph, Norristown.
Venuto, Joseph, Philadelphia.
Waddington, Howard C., New Castle.
Waddington, R. L., Wampum.
Walborn, R. A., Hershey.
Waltman, Donald E., Allenwood.
War, Prosper, Conshohocken.
Warrington Packing Co., Inc., Chalfont.
Waynesburg Packing Co., Waynesburg.
Weaver Brothers, Wellsville.
Wehry, William S., Klingerstown.
Weiss, Milton, Large.
Weiss Packing Co., Donora.
*Weller and Sons, Frank, Plymouth Meeting.
Wenrich, Earl S., Sinking Spring.
Werry, H. W., Scottdale.
West Apollo Packing House, West Apollo.
Western Provision, Inc., Erie.
Weyandt, Hughey, Jr., Claysburg.
Wike, Mamie S., Robesonia.

Wilcox, Gilbert, Milan.
Wildasin's Meat Market, Hanover.
*Wilkes-Barre Abattoir, Wilkes-Barre.
*Williamson's, G.W., Turbotville.
Willrich and Son, Thomas B., Edinboro.
Winbrook Farms, Paul-Winnick, New Castle.
Winner Packing Co., Lock Haven.
Winters, Walter W., Mahoningtown.
Wisnieski, Steve, New Castle.
Wolfe, Thomas P. and Lawrence H., Herdon.
Worthington, Warren H., Pennsdale.
Wright, Sharp B., Fombell.
Yambrovich, Steve., Sharpsville.
Yakubik, Frank, New Castle.
Yoder, Kermit C., Hollsopple.
Yoder's Meat Market, Shoemakersville.
Yoder Sons, C. M., Telford.
York Springs Meat Market, York Springs.
Youndt, John E., Adamstown.
Youndt, Robert L., Denver.
Zeller, Alfred., Cedars.
Zitman, C. B., Mercersburg.

RHODE ISLAND

A. B. C. Beef and Veal Co., Johnston.
Braumberg Packing Co., Johnston.
Bruno's Slaughterhouse, Westerly.
Concord Dressed Beef and Veal Co., Pawtucket.
Cory's Slaughterhouse, Tiverton.
De Santis, John, Westerly.
Diamond Hill Packing Co., Cumberland.
Johnston Dressed Beef and Veal Co., Inc., Johnston.
Parrillo, Inc., Anthony, Johnston.
Rhody Trading Corp., Pawtucket.
Ricci Packing Co., J., Johnston.
Russo's Slaughterhouse, Bristol.
Sacco's Market, Westerly.

SOUTH CAROLINA

*Brown Packing Co., Greer.
*Carolina Abattoir, Columbia.
*Caughman's Meat Plant, Inc., Lexington.
Cheraw Packing Plant, Cheraw.
*Cherokee Packing Co., Inc., Gaffney.
Fairview Abattoir, Greenville.
Harmon Provision Co., Saluda.
*Harvin Packing Co., Sumter.
Hill Packing Co., Camden.
Hodges Sales Co., Abbeville.
Hughey's Market, Easley.
*Kimmerlins Wholesale Meat Packing Plant, Orangeburg.
Lancaster Frozen Foods, Inc., Lancaster.
Oconee Abattoir, Seneca.
*Old Fort Packing Co., Walterboro.
Rick's Meat Packers, Aiken.
*Roddey Packing Co., Inc., Columbia.
*Southland Provision Co., Orangeburg.
*Spartanburg Abattoir, Spartanburg.
*Sumter Frozen Foods, Inc., Sumter.
*Truesdale Wholesale Meat Co., West Columbia.
*Turner's Abattoir, T. M., Woodruff.

SOUTH DAKOTA

*Cimpl Packing Co., Yankton.
*Dean Packing Co., Vermillion.
*Flanery Sausage Co., Milbank.
Trumbull Packing Co., Sioux Falls.

TENNESSEE

*Baker's Processing Co., McKenzie.
Baltz Brothers Packing Co., Nashville.
Barnett's Grocery, Huntingdon.
Bill's Processing Plant, Dyersburg.
Brantley and Tillet, Shelbyville.
*Bridwell Packing Co., Kingsport.
Brothers Seafood, Winchester.
Bryson Packing Co., Somerville.
Carey Packing Co., Morristown.
Carthage Grocery and Locker, Carthage.
Castellaw's Slaughterhouse, Alamo.
Charlie's Slaughterhouse, Trenton.
*Chattanooga Sausage Co., Chattanooga.
Cook's Slaughterhouse, Dyersburg.
Cribb's Sausage Co., Memphis.
Dixie Sausage Co., Lebanon.
Duck River Sausage Co., Manchester.
Fayette Packing Co., Eads.
Fineberg Packing Co., Memphis.
*Fletcher Bros., Lenoir City.
Follis Slaughterhouse, Roy, Gadsden.
*Four Leaf Wholesale Meats, Lenoir City.
Foutch Grocery and Market, Cookeville.
Glasgow's Market, Dresden.
*Hackett's Meat Co., Carthage.
Hartsville Locker (McDonald Meats), Hartsville.
Hendon's Slaughterhouse, Milan.
Hickory Valley Packing Co., Hickory.
Hill's Wholesale Meats, Dayton.
Hyde, Ed., Gallatin.
*Jackson Packing Co., Jackson.
*Jacobs Packing Co., Nashville.
Lingo Packing Co., Jonesboro.
Lewis Benton Slaughter House, Hixon.
*Loomis Frozen Food Co., Inc., Sweetwater.
McMinnville Meat Co., McMinnville.
Moore, John L., Fayetteville.
Morrissey Meats and Provisions, Nashville.
*Morton Bros., Johnson City.
Napier, W. B., Celina.
*Norman's Packing Co., Covington.
Penn's Market, Trenton.
*Powell Wholesale Meats, Charles J., Chattanooga.
*Purity Packing Co., Powell.
Rakes Slaughterhouse, Watertown.
Randolph Produce Co., Crossville.
Savannah Process and Locker, Savannah.
Sell Meat Co., Johnson City.
Smith Packing Co., Nashville.
Smith's Market, Gallatin.
*Southern Provision Co., Chattanooga.
Stephen's Slaughter House, Savannah.
Summer's Slaughterhouse, Hollow Rock.
Sunnydale Meat Products, Inc., Nashville.
Tennessee Valley Packing Co., Columbia.
Thompson and Groce Provision Co., Fayetteville.
*Wade Bullo, Johnson City.
*Wells Processing Plant, Brighton.
Wilkerson Slaughter House, Selmer.

TEXAS

*Alice Meat Co., Alice.
A.B.C. Packing Co., Wichita Falls.
Alamo Braun Beef Co., San Antonio.
*Allen's Wholesale Meats, McKinney.
Amarillo Packing Co., Amarillo.
Anderson Slaughtering and Processing Plant, Sherman.
Apache Packing Co., San Antonio.
Auge Packing Co., Ed., San Antonio.
Azle Food Locker Corp., Azle.
Berryhill Packing Co., Inc., Levelland.
Big 4 Packing Co., Perryton.
*Braun, George, Packing Co., San Antonio.
Brown's Slaughter House, Annona.
Burliston Packing Co., Wichita Falls.
Burton Bros. Public Abattoir, Houston.
Cash Bros. Packing Co., Inc., Dallas.
Central Packing Co., Wichita.
Chief Packing Co., Quanah.
*City Custom Packing, Inc., Houston.
Collins Packing Co., Morton.
Columbia Packing Co., Dallas.
*Crow Packing Co., Pecos.
*Dallas City Packing Co., Dallas.
*Dixon Packing Co., Inc., Houston.
*Ehrdsman Bros. Packing Co., Plainview.
Estes Bros. Packing Co., Fort Worth.
*Freedman Packing Co., Houston.
Gee and Gafford Slaughter House, Phillips.
Glover Packing Co. of Amarillo, Amarillo.
Golden Spread Packing Co., Amarillo.
Graham Packing Co., Graham.
*H and R Meat Co., Vernon.
Haley's Food Locker, Crowley.
Hereford Meat Co., Hereford.
*High Grade Packing Co., Inc., Galveston.
Highland Packers, Inc., Booker.
Jackson Wholesale Meats, O. B., Plainview.
Jefferson Packing Co., Beaumont.
Lamesa Meat Co., Lamesa.
Locker, Floyd, Spearman.
Lubbock Packing Co., Lubbock.
*Montes Packing Co., El Paso.
Myers Meat Co., Muleshoe.
Nemecek Brothers Slaughtering Establishment, West.
*Newsom Packing Co., Mount Vernon.
*Newsom Packing Co., Mount Pleasant.
P and H Packing Co., Dallas.
*P and S Meat Co., Texarkana.
Pace Packing Co., Inc., Sweetwater.
Packing House Market, Orange.
Panhandle Packing Co., Inc., Pampa.
*Pen Meat Packers, McKinney.
Perryton Packing Co., Perryton.
Pickering Abattoir (P and S Meats), Texarkana.
Pinkney Packing Co., Inc., Amarillo.
Pitner and Hensley, Denton.
Plains Beef Co., Amarillo.
Plains Beef Co., Borger.
*Pratt Packing Co., Inc., Sulphur Springs.
Quality Packing Co., San Antonio.
Queen's Custom Slaughter, Bovina.
Richards Slaughter House, Bovina.
*Roberts Wholesale Beef, Van Horn.
Select Meat Co., San Antonio.
*Smith's Frozen Foods Plant, Atlanta.
*Southern Packing Co., Denison.
Steuernagel Packing Co., San Antonio.
Shamrock Slaughtering Plant, Shamrock.
Stratford Frozen Food Lockers, Stratford.
Swindell's Country Sausage Plant, Quanah.
*Texall Packing Co., Houston.
Texas Dept. of Corrections Packing Plant, Sugarland.
Texas Trail Meat Co., Hereford.
Tyler Packing Co., Tyler.
Watkins Packing Co., Dalhart.
*West Texas Packing Co., San Angelo.
Wickham Packing Co., Inc., Longview.
*W.R. Packing Co., Orange.
*Wilburn and Miller Wholesale Meats, Denison.
Wolff Meat Co., San Antonio.
*Wright Packing Co., Vernon.
Zuma Meat Co., Beaumont.

UTAH

*Blue Mountain Meats, Monticello.
*Ellis Packing Co., Brigham City.
*Granite Meat and Livestock Market, Murray.
*Langston Packing Co., Hurricane.
*Midvale Packing Co., Midvale.
*Ogden Dressed Meat Co., Ogden.
*Parke and Son, William C., Ogden.
*Tri-Miller Packing Co., Hyrum.

VERMONT

Delairs Slaughtering Establishment, East Montpelier.
Gibbs Slaughtering Establishment, John A., Bradford.
Quinn Slaughtering Establishment, T. Gerald, Poultney.

VIRGINIA

Corn Valley Packers, Inc., Danville.
Fleet & Co., Inc., Winchester.
*Green Hill, Inc., Elliston.
*Harrell Bros., St. Brides.
Harrisonburg Wholesale Meat Co., Harrisonburg.
Isom's Slaughter House, Galax.
*McKenna, Inc., Lynchburg.
*Orndorff, Charles, Abattoir, Winchester.
*Perlin Packing Co., Norfolk.
*Perry's Abattoir, Winchester.
Rhymer and Coleman, Bristol.
Rosenbaum Slaughterhouse, Clyde, Glade Springs.
Snodgrass Brothers, Inc., Pennington Gap.
*Southern Packing Corp., Norfolk.
*Suffolk Packing Co., Inc., Suffolk.
Union Abattoir, Richmond.
*Woodstock Wholesale Meats, Woodstock.

WASHINGTON

Chambers Packing Co., Tumwater.
Colfax Meat Co., Colfax.
*Curcio Packing No. 76, Walla Walla.
DeJong Packing Company No. 14, Lynden.
Evergreen Packing Co., Vancouver.
Farmers Meat Co. No. 50, Sumas.
*Federal Meat Co., Tacoma.

Federal Packing Co., Everett.
Ferry Bros., Inc., Ferndale.
Fischer Packing Co. No. 85, Issaquah.
Florence Packing Co. No. 6, East Stanwood.
*Grandview Packing Co., Grandview.
Gray's Harbor Meat Co., Hoquiam.
*Henry, James Packing No. 2, Seattle.
Johansen's Meats No. 41, Enumclaw.
Kenmore Packing Co., Bothell.
*Knight Packing Co. No. 21, Henry, Woodinville.
Kratzig Meat Co., Bellingham.
*Lewis River Meat Co. No. 118, Woodland.
*Longview Meat Co. No. 87, Longview.
McInroy Meat Co., Wilbur.
Methow Valley Meat Co., Twisp.
*Miller Packing Co., Seattle.
Monroe Packing Co., Monroe.
Mount Vernon Meat Co., Mount Vernon.
Moses Lake Meat Co., Moses Lake.
Norman Wirta No. 67, Chehalis.
*Pacific Meat Co., Puyallup.
Pasco Meat Packers, Inc., Pasco.
*Reichert's Meat Packing Co., No. 39, Longview.
Rosalia Packing Co., Rosalia.
Rice Meat Packing Co., No. 103, Veradale.
Schoner Meat Co. No. 30, Silverdale.
Shelton Meat Co., Shelton.
Sierk Meat Co., No. 55, Hams, Wenatchee.
Snohomish Packing Co., Snohomish.
*Valley Packing Co., Tacoma.
Weber and Rittner Co., Inc., No. 20, Sumner.
*Wenatchee Packing Co., Wenatchee.

WEST VIRGINIA

Balls Wholesale Meat Co., Kenova.
Bell Market, M. J., Blacksville.
Bluegrass Market, Inc., Lewisburg.
Camp Packing Co., Parkersburg.
Coleman, M. E., Packing Co., Oak Hill.
Crowgey Sausage Co., Kellysville.
Elm Grove Packing Co., Wheeling.
Ennis Slaughter House, Uffington.
Fancher, R. L., Shinnston.
Gamble and Son Market, Moundsville.
Gissel Packing Co., Inc., Huntington.
Hatton Wholesale Meat Co., Huntington.
Holz Sons Co., P. E., Charleston.
Independent Dressed Beef Co., Morgantown.
Jenkins, Frank M., Martinsburg.
Lambert and Beavers, Squire.
Lee's Modern Market, Osage.
Logan Packing Co., S. S., Huntington.
Mauk's Meat Market, Romney.
McCown and Sons Co., L. M., Charleston.
Miller Bros., Martinsburg.
Morlang, Henry, Inc., Parkersburg.
Niebergall and Martini, Inc., Wheeling.
Places Butchering Quarters, Martinsburg.
Smith Packing House, Parkersburg.
Smittle Packing, Paden City.
Solomon's Establishment, Frank, Fairview.
Staggs Meat Market, Burlington.
Stuart, Nate and Sons, Inc., Mt. Clare.
Thompson Bros. Packing Co., Bluefield.
Wade's Slaughter House, Mount Morris (Penna.)
Weimer Packing Co., Wheeling.
Wenzel Co., John, Wheeling.
Young and Stout, Inc., Clarksburg.
Rupert Meat and Poultry Supply, Rupert.

WISCONSIN

Bohrer's Packing Co., Muskego.
Born and Son, August, Milwaukee.
Bruhn's Freeze Meats, Barton.
Bruinsma, Casey, Union Grove.
Clinton Packing, Inc., Clinton.
Curless Meat Plant, Brodhead.
Falls Locker Service, Menominee Falls.
Faust and Sons, Hy, Mayville.
Goldberg Packing Co., Wentworth.
Green Bay Packing Co., Green Bay.
Holland's Food and Locker, Juda.
Jansen Meat Market, Oostburg.
Kenosha Packing Co., Kenosha.
Kress Packing Co., Inc., Waterloo.
Luck, Inc., M., Milwaukee.
Luedke Bros. Slaughtering Establishment, Sheboygan.
Marchant, Willard J., Brussels.
Meier Slaughtering, Alfred, Monroe.
Merridith Corrigan, Saxon.
*Midwest Packing Co., Milwaukee.
*Quality Packing House, New London.
*Richberg and Son, N., Manitowoc.
Sawyer and Walter, East Troy.
Schaefer Sausage Co., Inc., Oshkosh.
Schams Slaughtering, John, LaCrosse.
Seymour Locker Storage, Peshtigo.
Shubert Market, Oshkosh.
*South Side Packing Co., Milwaukee.
*Stoppenbach Sausage Co., Jefferson.
Sykes Packing Co., Canton.
Tarlton Co., Lyman, Athelstane.
*Thielman Sausage Co., Elkhart Lake.
Thomson Packing Co., West De Pere.
Townsend-Piller Packing Co., Cumberland.
*Valley Meat Service, Appleton.
Valley Packing Co., Kaukauna.
Van Vonderen, Fred, Seymour.
Weinstein Slaughter Establishment, Superior.
*Wolf River Sausage Co., Inc., Weyauwega.
Hagert's Locker, Siren.

WYOMING

K and B Cold Storage Co., Afton.
Ranchester Slaughtering Service, Ranchester.
*Rocky Mountain Packing Co., Casper.
*S and S Packing Co., Cheyenne.
Shy-Ann Packing Co., Cheyenne.
Torrington Packing Co., Inc., Torrington.
Triangle Packing Co., Worland.

The following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

Stockyards

ALABAMA

Arab Stockyard, Arab.
Limestone County Stockyard, Athens.
Washington County Stockyard, Chatom.

ARIZONA

Central Arizona Livestock Auction, Casa Grande.
Paynes Livestock Auction, Tucson.
Willcox Livestock Commission Co., Willcox.

ARKANSAS

Arkansas National Stockyards, North Little Rock.
Benton County Sales Co., Rogers.
Brewer Auction Co., Mountain View.
Brown and Lewis Sale Barn, Conway.
Cartwright Livestock Auction, Bruce, Magnolia.
Columbia County Livestock Auction, Magnolia.
Decatur Sales Co., Decatur.
Delta Livestock Auction, Pine Bluff.
El Dorado Sales Barn, El Dorado.
Eureka Springs Sales Co., Eureka Springs.
Green County Commission and Auction Co., Paragould.
Hensley Sale Barn, Fayetteville.
Izard County Sales Barn, Melbourne.
Magnolia Sales Barn, Magnolia.
McGehee Cattle Auction, McGehee.
Mena Auction Yards, Mena.
Moler Livestock Auction Sale, Danville.
Nevada County Livestock Auction, Prescott.
Nettleton Stockyards and Auction, Nettleton.
Northwest Arkansas Livestock Auction, Fayetteville.
Pocahontas Sales Co., Pocahontas.
Producers Stockyards, Inc., North Little Rock.
Searcy Auction Co., Searcy.
Sutton Livestock Commission Co., Hope.
Tri-County Auction Sale, Fordyce.
Union Stockyards, Pine Bluff.
Weldon Auction Sale Barn, Weldon.
Yell County Auction, Danville.

CALIFORNIA

Los Angeles Union Stockyards, Los Angeles.
Mariposa Commission Salesyard, Stockton.
South San Francisco Union Stockyards, San Francisco.
Stock Growers Commission Co., Stockton.
Zinn Brothers Livestock Commission Co., El Centro.

COLORADO

H and G Livestock Commission Co., Montrose.
Trinidad Livestock Commission Co., Trinidad.
Wray Sales Barn, Wray.
Farmers Livestock Commission Co., Wray.

DELAWARE

Sullivan Brothers, Inc., Townsend.

FLORIDA

Madison Stockyards, Madison.

GEORGIA

Byram Auction Company, G. N., Newnan.
Coosa Valley Livestock Co., Rome.
Bleckley Livestock Auction, Cochran.
Elberton Livestock Auction Barn, Elberton.
Fitzgerald Stockyards, Fitzgerald.
Gordon Roberts Livestock Co., Inc., Baxley.
Hasty Auction Co., Atlanta.
Jesup Stockyard, Jesup.
Hudson-Troup Livestock Auction, Fitzgerald.
Ragsdale-McClure Commission Co., Rome.
Smith Stockyard Co., No. 1, Augusta.
Swainsboro Stockyards, Swainsboro.
Troup Livestock Sales Co., Inc., LaGrange.

IDAHO

Bonner Ferry Salesyard, Bonner Ferry.
Davis Livestock Auction, Caldwell.
Hayes Salesyard, Nampa.
Shoshone Livestock Auction Co., Shoshone.
WIM Livestock Commission Co., Bonners Ferry.

ILLINOIS

Anderson, Winlow, Andover.
Antioch Sales and Commission, Antioch.
Arnold Livestock Co., Gibson City.
Arnold Cattle Co., Silvis.
Arthur Auction Co., Arthur.
Atkinson Livestock Co., Atkinson.
Bailey Stockyards, Claude, Princeton.
Bainbridge Cattle Co., Byron.
Barrick Cattle Co., Dixon.
Bloomington Livestock Sale Pavilion, Bloomington.
Bothe-Dickey Cattle Co., Woosung.
Breed's Livestock Sales, Elizabeth.
Brennan Cattle Co., Kirkland.
Brennan Company, J. P., Princeton.
Brennan Cattle Co., Lanark.
Bristol Livestock Sales, Bristol Station.
Brookville Consignment Sale, Polo.
Brown County Sales Association, Mt. Sterling.
Brown and Stripe Cattle Co., Little York.
Bruington Cattle Company, George, Monmouth.
Burnidge and Son, Stanley, Hampshire.
Bunting and Sons, Robert, Albion.
Carrollton Auction Sales, Carrollton.
Champaign County Livestock Marketing Association, Urbana.
Charleston Livestock Auction, Charleston.
Chaudoin, Joe, Wapella.
Chicago Producers Commission Association, Montgomery.
Chicago Producers Commission Association, Malta.
Chicago Producers Commission Association, Princeton.
Clinton Livestock Sales, Clinton.
Colchester Sales Association, Colchester.
D.B.D. Livestock Co., Lyndon.
Dalrumple and Son, W. P., El Paso.
Darling and Heller, Washington.
Davis Cattle Co., Loren, Elburn.
Drehman, Robert, Genesseo.
Duplan and Rowand Livestock Commission, Chicago.

Emge Packing Co., Palestine.
Farley, H. L., Leland.
Feller Livestock Sales, Cissna Park.
Flanagan Livestock Auction, Flanagan.
Failey Stock Farm, Ray, O'Fallon.
Franklin County Livestock and Commission Co., Sesser.
Freehill Cattle Co., Melvin.
Gast, Ervin, Earlville.
Genesseo Sales Co., Genesseo.
Genesseo Cattle Co., Genesseo.
Greentop Farm Cattle Sales, Milledgeville.
Gudema, Herman, Shannon.
Halbert Cattle Co., J. C., Carbon Cliff.
Hays Cattle Co., Polo.
Haack, Hilbert M., Forreston.
Hartwig, W. C., Rockford.
Hennessey and Smith, Paris.
Hilltop Sales Barn, Alton.
Howard Cattle Co., Peoria.
Hunter, Frank, DeKalb.
Hutchison and Obrecht Cattle Co., Cambridge.
Illinois Auction Commission Co., Paris.
Jefferson County Sale Barn, Mt. Vernon.
Jennings Sales Co., Macomb.
Johnson, Paul, Waterman.
Kays, John and Edith, Ottawa.
Kenyon and Sons, Jack, Maple Park.
Kearney, Kenneth, Mason.
Knoxville Community Sale Co., Inc., Knoxville.
Landes Cattle Co., Paris.
Lazarus, Sam, Polo.
Leuer and Sons, Peter, Sugar Grove.
Livestock Service, Inc., Ohio.
Ludwig Cattle Co., Genoa.
Ludwig Cattle Co., Sycamore.
Macon County Sales Barn, Decatur.
Mansholt, Allan, Staunton.
Mansholt, Chester, Alhambra.
Mendota Livestock Auction, Mendota.
Meredith, Les, Elburn.
Midwest Cattle Co., Forrest.
Mitchell Cattle Co., Earlville.
Montgomery, L. F., Somonauk.
Morgan, Armour, Tilton.
Morton Sales Barn, Morton.
Neal Livestock, Don, Paris.
Olney Livestock Commission Co., Inc., Olney.
Palmyra Sale Co., Palmyra.
Peoria Livestock Marketing Co., Peoria.
Pecatonica Livestock Exchange, Pecatonica.
Penfield Community Sale, Penfield.
Perry Livestock Sales, Lostant.
Peterson Sale Barn, Wyoming.
Phillips Livestock, Urbana.
Pittsfield Community Sales, Pittsfield.
Plowman, Kenneth, Lakewood.
Pontiac Livestock Sales, Pontiac.
Potomac Stockyards, Potomac.
Preston Brothers Livestock Dealers, Baldwin.
Pullin Auction, Metropolis.
Price Cattle Co., Shelbyville.
Princeton Sale Barn, Princeton.
Princeville Livestock Sales, Princeville.
Quincy Sales Co., Quincy.
Richardson, Leo, Earlville.
Richardson Cattle Co., Marshall.
Richardson Cattle Co., Sheldon.
Roe's Consignment Sale, Chana.
Rumle, Lavern, Burlington.
Russell Cattle Co., Tiskilaw.
Ryan, T. H., Martinsville.
Savanna Livestock Sales, Savanna.
Seward Livestock Co., Seward.
Sheldon Livestock Co., Sheldon.
Shoemaker Livestock, Colfax.
Simpson, Russell, Tower Hill.
Slater Sale Pavilion, Pana.
Smart, Max, and Krug, A. W., Ashton.
Smith Livestock Dealers, Walter, Wyoming.
Southwestern Cattle Co., Shirley.
Steele and Company, Henry, Montgomery.
Stephens Livestock, Hutsonville.
Stilley Livestock Co., Marion.
Stoutenborough Auction, Springfield.
Sullivan and Sons, Elburn.
Tallula Cattle Co., Tallula.
Vermilion County Livestock Marketing Association, Danville.
Viola Auction Co., Viola.
Waldee Order Buyer, Lloyd B., Waterman.
Walnut Sale Co., Walnut.
Warren and Sons, Russell, Ottowa.
Wertheimer Cattle Co., Inc., Galesburg.
Wertheimer Cattle Co., Montgomery.
Werthwein Cattle Sales, Burlington.
Western Cattle Co., Mendota.
Western Cattle Co., Elmwood.
White, Lyle, Washburn.
Wier Cattle Co., Galesburg.
Wilson Sale Co., Fairview.
Wolf and Sons, W. F., Canton.
Woodson Sale Barn, Woodson.
Worrell Cattle Co., Artie, Milledgeville.
Wyss, William, Danforth.

INDIANA

Marshall County Community Sale, Plymouth.

IOWA

Adams County Auction Co., Corning.
Allerton Sale Co., Allerton.
Ames Sales Co., Ames.
Anamosa Livestock Auction, Anamosa.
Armstrong Sale Co., Armstrong.
Atlantic Auction Co., Atlantic.
Audubon Auction Co., Audubon.
Belmond Sales Pavilion, Belmond.
Bonaparte Community Sale, Bonaparte.
Bradley Live Stock Auction, Red Oak.
Bull Cattle Co., Wilson, Clinton.
Charles City Livestock Exchange, Charles City.
Clarinda Auction Co., Clarinda.
Colfax Sales Co., Colfax.
Corning Auction Co., Corning.
Coryndon Sale, Coryndon.
Cowan Sale Co., Roy, Sioux City.
Cresco Livestock Market, Cresco.
Davis County Sales Co., Bloomfield.
Creston Auction Co., Creston.
Denison Sales Co., Denison.
DeWitt Sale Barn, DeWitt.
Dows Sale Pavilion, Dows.
Dyersville Sale Barn, Dyersville.
Eastern Iowa Livestock Commission Co., Mechanicsville.
Elkader Sales Barn, Elkader.
Emmetsburg Sales Co., Emmetsburg.
Estherville Auction Co., Estherville.
Fairfield Livestock Commission Co., Fairfield.
Farmers Livestock Exchange, Waukon.
Fonda Sales Barn, Fonda.
Forest City Auction Co., Forest City.
Henderson Auction, Henderson.
Holbert Cattle Co., J. C., Washington.
Hopkinton Sales Pavilion, Hopkinton.
Iowa City Sales Co., Iowa City.
Iowa Falls Sales Pavilion, Iowa Falls.
Iowa-Nebraska Sale Yards, Council Bluffs.
Independence Sales Co., Independence.
Jefferson Livestock Market, Jefferson.
Kimballton Auction Co., Kimballton.
Laurens Livestock Sales Co., Laurens.
LaPorte City Sale Barn, LePorte City.
Lawa Hill Livestock Sale Co., New Providence.
Lawton Sale Barn, Lawton.
Lenox Livestock Auction, Lenox.
Leon Sale, Leon.
Leonard's Auction Sale, Manchester.
Lizer's Sale, Gowrie.
Low Moor Sales Co., Low Moor.
Marengo Sales Barn, Marengo.
McDonald Sales Co., Sumner.
McIntosh Livestock Auction Co., Ida Grove.
Mahaska Sales Co., Oskaloosa.
Mapleton Sales Co., Inc., Mapleton.
Maquoketa Livestock Sales Co., Maquoketa.
Middletown Sale Co., Middletown.
Midway Sales Co., Columbus Junction.
Milford Livestock Exchange, Milford.
Montezuma Sales Pavilion Co., Montezuma.
New Liberty Sale Barn, New Liberty.
Newton Sale Co., Newton.
New Sharon Sale Co., Inc., New Sharon.
Nishna Valley Sales Co., Shenandoah.
Ogden Sale Barn, Ogden.
Osceola Sale Co., Osceola.
Oelwein Livestock Exchange, Oelwein.
Onawa Sale Barn, Onawa.
Orient Sale Co., Inc., Orient.
Oskaloosa Sales Co., Oskaloosa.
Oxford Sales Barn, Inc., Oxford.
Paulina Sale Co., Paulina.
Petersen Cattle Co., Clinton.
Petersen Cattle Co., Mount Vernon.
Petersen Cattle Co., Schaller.
Petersen Cattle Co., Spencer.
Petersen Cattle Co., Washington.
Peterson Sheep and Cattle Co., Des Moines.
Pocahontas Livestock Sales, Inc., Pocahontas.
Postville Co-op Sales Barn, Postville.
Riceville Sales Pavilion, Riceville.
Sac County Auction, Inc., Sac City.
St. Ansgar Sale Barn, St. Ansgar.
Selfried-Trenary, Pocahontas.
Spencer Dairy Cattle Sales, Spencer.
Stanton Auction Co., Stanton.
Strand and Son, Oswald, Manly.
Stuart Sales Co., Stuart.
Sweetland Sales Co., Muscatine.
Tabor Sales Barn, Tabor.
Tama Sale Co., Tama.
Uhlenhopp Sales, Aplington.
Umstead Livestock Auction, Eagle Grove.
Ute Sale Barn, Ute.
Wadena Livestock Exchange, Wadena.
Washington Livestock Sales Co., Washington.
Wehrheim Commission Firm, Webster City.
Wenger Sales Commission, West Union.
Wayland Sales Co., Inc., Wayland.
West Liberty Auction Co., West Liberty.
West Union Auction Exchange, West Union.
Westra Sales Co., Orange City.
Westrope Auction Co., Harlan.

KANSAS

Burdett Livestock Sales Co., Burdett.
Clemence-Morrison Livestock Commission Co., Salina.
Dickinson County Livestock Co., Abilene.
Fred Doll Livestock Sales, Larned.
Hesston Sale Co., Hesston.
McIntosh Auction, Peabody.
Rexford Livestock Commission Co., Meade.
Schooler and Son, Frankfort.
Winfield Community Sale Co., Winfield.

KENTUCKY

Graves County Stockyards, Mayfield.
Ratliff Stockyards, Mt. Sterling.
Walton Sale Barn, Walton.
Washington County Stockyards, Springfield.

LOUISIANA

B and M Auction, Inc., Mansfield.
Barnes Commission Co., Lake Charles.
Calhoun Livestock Auction, Mansfield.
Coltharp's Commission Barn, De Ridder.
Community Auction Barn, De Quincy.
DeQuincy Cattle Sales, Inc., DeQuincy.
Farmerville Livestock Auction, Farmerville.
Grand Cane Livestock Auction, Grand Cane.
Harris and Stutson Commission Co., Ferriday.
Jennings Commission Barn, Opelousas.
Jennings Stockyards, Baton Rouge.
Micelle's Commission Co., Lake Charles.
Miller and Dominique Stockyard, Lake Charles.
Miller and Dominique Stockyard, Elton.

MARYLAND

Grantsville Auction Market, Grantsville.

MASSACHUSETTS

Beverly Sales Stables, Inc., Seekonk.

MICHIGAN

Dixon Brothers Livestock Auction, Jackson.

MISSISSIPPI

Doc Billingsley Auction Sale, Walnut.
Henderson Sale Co., Corinth.
Jackson County Stockyards, Pascagoula.
Kosciusko Stockyards Co., Kosciusko.
L & S Community Sales, Columbia.
Marshall County Stockyards, Holly Springs.
Neshoba County Stockyards Co., Kosciusko.
North Mississippi Sales Co., Grenada.

Producer's Livestock Auction, Ruleville.
Raymond F. Stiles, Sturgis.
Southeastern Stockyards, Laurel.
Spicer-Lipscomb Commission Co., Senatobia.
State Line Auction Co., Walnut.
Wilson-Jackson Commission Co., Pontotoc.

MISSOURI

Beebe Brothers Livestock Sale, Warrensburg.
Clawson Auction Co., El Dorado Springs.
Excelsior Springs Sale Barn, Liberty.
Kelly and Holmes Auction Sale, Heber Springs.
McDonald County Auction Co., Goodman.
Perry Sales Barn, Inc., Perry.
Prairie Center Sale Co., King City.
Ray County Sale Company, Richmond.
Rhodes Commission Co., Advance.
St. Joseph Livestock Auction, St. Joseph.
Stone County Auction Co., Mountain View.
Thornton Sales and Auction Co., Springfield.
Van Buren County Auction Sale, Clinton.
Versailles Auction Co., Versailles.
Wheaton Sale Barn, Wheaton.

NEBRASKA

Aurora Sales Pavilion, Aurora.
Colorado-Montana Cattle Co., Lincoln.
Holdrege Livestock Commission Co., Holdrege.
Kimball Livestock Auction, Kimball.
Laurel Sales Co., Laurel.
Plainview Sales Pavilion, Plainview.
Sidney Livestock Sales Pavilion, Sidney.
Scottsbluff Livestock Commission Co., Scottsbluff.
Webb Livestock Commission Co., Grand Island.

NEVADA

B and M Livestock, Fallon.
Fallon Salesyard, Fallon.
Lovelock Livestock Commission Co., Lovelock.
Valley Livestock Marketing Association, Fallon.

NEW JERSEY

Boyer Sales, Inc., New Egypt.

NEW MEXICO

Clayton Cattle Auction, Inc., Clayton.
Clovis Branding Co., Clovis.
New Mexico Livestock, Inc., Artesia.
Pecos Valley Livestock Auction, Inc., Roswell.
Roswell Livestock Commission Co., Roswell.
South Second Street Commission Co., Albuquerque.

NEW YORK

Aggett and Law Commission Market, Ischua.
Apulia Station Livestock Sales, Apulia Station.
Cable's Cattle Market, Roxbury.
Dansville Commission Auction, Dansville.
Dryden Livestock Sales, Dryden.
Neverett, H. L. and Sons, Ellenburg Depot.
Kessler and Gentner, Springville.
Pavilion Livestock Market, Pavilion.
Sququoit Valley Livestock Exchange, Cassville.
Tully Valley Livestock Market, Aquila Station.

NORTH DAKOTA

Harrington Brothers, Valley City.
Harrington Bros. Livestock Market, Williston.

OHIO

Bowling Green Livestock Sales, Bowling Green.
Columbus Union Stockyards, Columbus.
Farmers Livestock Association, Wooster.
Muskingum Livestock Sales Co., Zanesville.
Oak Harbor Livestock Sales, Oak Harbor.
Orrville Livestock Auction, Orrville.
Putnam County Livestock Association, Columbus Grove.
Rothchild Livestock Co., Stony Ridge.
Sugar Creek Livestock Auction, Sugar Creek.
Warren County Sales Barn, Lebanon.
Union Stockyards, Dayton.
Wheelersburg Livestock Sales Co., Wheelersburg.
Zanesville Community Sales Co., Zanesville.

OKLAHOMA

Bluestem Sales, Incorporated, Dewey.
Elk City Livestock Sale, Elk City.
Cherokee Sales Co., Cherokee.
Muskogee Stockyards and Livestock Auction, Inc., Muskogee.
Osage County Sale Ring, Fairfax.
Roy Akard Commission Co., Idabel.
Sparkman Livestock Sale, Elk City.
Tahlequah Sale Barn, Tahlequah.
Tecumseh Community Sale, Tecumseh.
Vinita Community Auction Sale, Vinita.

OREGON

Brahs Auction Market, Corvallis.
Forest Grove Auction, Forest Grove.
Ontario Livestock Commission Co., Ontario.
Southern Oregon Livestock Auction Co., Medford.
Union Livestock Commission Co., Nyssa.
Vale Livestock Auction, Vale.

PENNSYLVANIA

Barnsley Sales, Oxford.
Exton Livestock Auction, Exton.
Farmers Market and Auction, Ephrata.
Greenfield Livestock Auction, Northeast.
Hatfield Fairgrounds Bazaar, Hatfield.
Hoskin Auction Barn, Turtle Creek.
Kennett Auction Co., Inc., Kennett Square.
Krumsville Livestock Auction, Krumsville.
Mt. Cobb Auction Sales, Lake Ariel.
Payne's Livestock Market, Jamestown.
Penn Central Livestock Market, Williamsport.
Showalter, G. Q., Duncansville.
Teel and Bunnell Auction Sales, Tunkhannock.

SOUTH DAKOTA

Bowdle Livestock Commission Co., Bowdle.
Herreid Livestock Commission Co., Herreid.
Mobridge Commission Co., Inc., Mobridge.
Selby Livestock Sales Co., Inc., Selby.
Tri-County Commisison Co., Inc., Faith.

TENNESSEE

Athens Stockyard, Athens.
Farmer's Livestock Exchange, Tiptonville.
Kirk Auction Co., Coltewah.
Patterson and McCaleb Auction Market, Bradford.
Tigret Stockyard, Tigret.
Troy Stockyards, Troy.

TEXAS

Floydada Livestock Co., Floydada.
Hereford Livestock Auction Co., Hereford.
Kerr County Commission Co., Kerrville.
Llano Sales Co., Llano.
Mason Auction Co., Mason.
Mid West Feed Yards, San Angelo.
Morriss Commission Co., J. C. (Po Boy), Douglassville.
North Texas Livestock Commission Co., Bonham.
Ranchers Commission Co., Junction.
Tate Brothers Livestock Auction, Midland.
Western Livestock Commission Co., San Angelo.

VERMONT

Chickering Livestock Corp., Westminster.

VIRGINIA

Big Stone Gap Stockyards, Big Stone Gap.
Culpeper Livestock Market, Culpeper.
Danville Auction Market, Danville.

WASHINGTON

Hank and Dans Livestock Commission Co., Cheney.
Columbia Basin Livestock Commisison Co., Moses Lake.

WEST VIRGINIA

Beckley Livestock Market, Beckley.

WISCONSIN

Mattes Livestock Auction Market, Thorp.

WYOMING

Gillette Livestock Exchange, Gillette.
Riverton Livestock Auction, Riverton.

Slaughtering establishments

ALABAMA

Hansen Packing Co., Whistler.
Kimbrell Slaughtering Establishment, Saraland.

ARIZONA

Crescent Packing Co., Scottsdale.
OK Wholesale Meat Co., Scottsdale.
Town and Country Packing Co., Mesa.

ARKANSAS

City Abattoir, Fort Smith.
Finkbeiner Packing Co., Pine Bluff.
Hi-Lo Provision Company, El Dorado.
Hightower Packing Co., Newport.
Klerre and Sons, North Little Rock.
Lawhon, C. I., Meat Co., North Little Rock.
Melbourne Locker Plant, Melbourne.
Mo-Ark Packing Co., Harrison.
Monroe Ryburn, Pine Bluff.
Nielsen Meat Co., Fayetteville.
Saline Packing Co., Benton.
Stephens Meat Co., Pine Bluff.
Sutherlan Slaughter House, Springdale.
Wards Packing Co., Herbert, Texarkana.

CALIFORNIA

Alpha Beta Packing Co., Huntington Beach.
Alta Meat Co., Dinuba.
Canziana, N., San Rafael.
Chico Meat Co., Inc., Chico.
Diamond Meat Co., Kerman.
Fresno Meat Packing Co., Fresno.
G and J Quality Dressed Beef Co., San Miguel.
Johnson, J. G., Inc., San Francisco.
K and E Meat Co., Auburn.
Klapp's Package House Market, Ontario.
Marysville Meat Packing Co., Marysville.
Naylor, S. E., Soledad.
Nelson Meat Co., Coyote.
Northwestern Packing Co., Cottonwood.
Orvis and Clinger, Inc., Stockton.
Palace Market, Gazelle.
Palo Verde Meat Packing House, Blythe.
Port Stockton Sausage Co., Oakdale.
Redwood Meat Co., Eureka.
Russ Meat Co., Eureka.
San Luis Meat Co., San Luis Obispo.
San Miguel Meat Co., San Miguel.
Santa Maria Meat Co., Santa Maria.
Sequoia Meat Co., Dinuba.
Sierra Dressed Meat Co., Auburn.
Stornetta Brothers, Point Arena.
Susanville Meat Co., Susanville.
Turlock Meat Co., Turlock.
Ventura Meat Packing Co., Saticoy.
Walker's Markets, Inc., Upland.
West Coast Meat Co., Alvarado.

CONNECTICUT

Manchester Beef Co., Manchester.
New Haven Rendering Co., West Haven.

DELAWARE

Harry Wessel, Wyoming.

FLORIDA

Brock and Burdeshaw Packing Co., Pensacola.
Carpenter Slaughter House, Bristol.
Farris and Co., Jacksonville.
Gertner Co., Harold R., Gainesville.
Hendry Brothers Packing Co., Inc., Tampa.
Hygrade Food Products Corp., Hialeah.
Oakland Meat Packing, Fort Lauderdale.

GEORGIA

Bainbridge Meat Co., Bainbridge.
Pioneer Provision Co., Atlanta.
Powell Meat Co., Bainbridge.
Simpson Provision Co., Fayetteville.
Wofford Abattoir, Gainesville.

IDAHO

B and M Packing Co., Burley.
Tiffany Meat Packers, Nampa.

ILLINOIS

Prairie Packing Co., Carlinville.
Prairie Packing Co., Marion.

INDIANA

Auburn Packing Plant, Auburn.
Bailey Slaughterhouse, Fort Wayne.
Beutler Locker Service, Otterbein.
Beckmeier and Son, Brookville.
Bobay Slaughterhouse, Ft. Wayne.
Buchanan Processing Plant, Mt. Vernon.
City Meat Market, Boonville.
Columbia Packing Co., Hammond.
DeKoch Super Market, DeMotte.
Denver Locker Plant, Denver.
Dimitt Packing Co., Kokomo.
Endres Packing Co., New Albany.
Frankton Provision Co., Inc., Frankton.
Gerber Super Market, Decatur.
Hunter Locker Plant, Converse.
Long's Custom Butchering, Winslow.
Ludwig's Food Town, Dunkirk.
Martin Bros., Meatland, Goshen.
Mast Market, Angola.
Mock, G. F., Leavenworth.
Morocco Locker Plant, Morocco.
Neal Packing Co., Crawfordsville.
Nicely's IGA, Fowler.
Orth Slaughterhouse, Mt. Vernon.
Puckett's Abattoir, Winchester.
Shinn Slaughterhouse, Mentone.
Stahl Packing Co., Evansville.
Quick Freeze Locker Service, Madison.
Van Wagner Brothers, Angola.
Westfield Frozen Food Lockers, Westfield.
Wolf Packing Co., LaPorte.
Zelmer Packing Co., Harlan.

IOWA

Bruhn's Freezer Meats of Cedar Rapids, Inc., Norway.
Bruhn's Freezer Meats of Davenport, Inc., Davenport.
Bruhn's Freezer Meats of Des Moines, Boonevile.
Hilleman's Packing Plant, Marshalltown.
Lamoni Packing Co., Lamoni.
Woodsworth Locker, Harris.

KANSAS

B and W Packing Plant, Colby.
Houlton Packing Co., Abilene.
Jarvis Slaughter House, Marion.
Wyler Packing Co., Howard.

KENTUCKY

Layer Packing Co., C. W., Louisville.

LOUISIANA

Cutrer's Grocery and Market, Ponchatoula.
Jennings Meat Products, Baton Rouge.
Port City Packing Co., Baton Rouge.
Smiley's Packing Co., Inc., Baton Rouge.
West and Ellender, Inc., Sulphur.

MARYLAND

Berlett and Sons, Edward G., Inc., Baltimore.
Eagle Meats and Sea Food, Knoxville.
Engle Brothers, Frostburg.
Fogle, Theodore A., New Windsor.
Hatfield's Meat Market, New Windsor.
Joska Brothers, Baltimore.
Kilsheimer Brothers, Inc., Washington, D.C.
Murphy, John G., Fallston.
Tiedman, Robert O., Owings Mills.

MASSACHUSETTS

Bowman Co., Frank B., Brighton.
Hutchinson's Slaughterhouse, Lunenburg.
Ira G. Miller and Son, Milford.
Shapiro Beef Co., A., Brighton.
Streeter, Herman, Bernardston.
U.S. Beef and Provision Corp., Pittsfield.

MICHIGAN

Double Jay Packing Corp., Dutton.
Goose, Jack and Co., Detroit.
Myaard and Son, J., Hudsonville.
Nichols-Foss Packing Co., Bay City.
Snyder Farms, Byron Center.
Young Bros., Hudson.

MISSISSIPPI

Beck Packing Co., Byram.
Hinds Packing Co., Byram.
Huff, Otis, Corinth.
Quin's Slaughtering House, Osyka.

MISSOURI

Baum, Dan, Packing Co., St. Louis.
General Meat Co., St. Louis.
Reinhardt Packing Co., St. Louis.
Reitz Meats Products, Rayston.
Schneider Packing Co., St. Louis.
Volz Packing Co., St. Louis.
Wick, Walter, Slaughter House, Pierce City.

NEVADA

B & L Packing Co., Elko.
Ramsey Packing Co., Elko.
Truckee Meadows Packing Co., Reno.

NEW JERSEY

Burtch, William L., Vineland.
Catskills Frosted Food Locker Plant, Elmer.
Gottlieb and Sons, Inc., Camden.
Hartman, J. H. and H. E., Trenton.
Ideil Packing Co., Monroeville.
Miller Bros., Camden.
Perth Amboy Packing, Perth Amboy.
Preziosi, George, New Village.
Struble, O. W., Newton.

NEW MEXICO

Frontier Packing Co., Albuquerque.
Kurler Packing Co., Albuquerque.
Raton Packing Co., Raton.

NEW YORK

Arm Packing, Buffalo.
Bieser, Frederick, Whitesville.
Bender, Elmer and Son, Buffalo.
Brown's Slaughterhouse, Otto.
Cheektowaga Packing Co., Depew.
Cukerstein, Sam and Son, Hudson.
Dean's Slaughter House, Goshen.
Dunning's Slaughterhouse, Howell.
Fear, LeRoy Carl, Endicott.
Golde Packing Co., Tonawanda.
Green Brothers Slaughterhouse, Schenectady.
Kusler, Benjamin, Elmira.
Kwiatskowski Bros., Buffalo.
Levine, Abraham, Slaughterhouse, Ellenville.
Malecki, Joseph, Inc., Buffalo.
Moses, Norbert, Norwich.
Norman's Wholesale Meats, Buffalo.
Seven Valley Beef Co., Cortland.
Obler and Sorensen, Horseheads.
Ocean Cold Storage Co., Inc., Olean.
Samiof, David and Sons (Dunn Bros.), Albany.
Schmitt, J. J. and Co., Inc., Buffalo.
Shapiro, M. Wholesale Meats, Jamestown.
Wand Co., Slate Hill.
West Company, R. B., Inc., Buffalo.

NORTH CAROLINA

City Abattoir, Shelby.
City of Winston-Salem Abattoir, Winston-Salem.
Morris Packing Co., Shelby.

OHIO

Arend, E. J., Toledo.
Folger Packing Co., Toledo.
Gerstenslager Meats, Inc., Creston.
Hostetler Meats, Apple Creek.
Hygrade Food Products, Corp., Youngstown.
Lima Packing Co., Lima.
McMahon Packing Co., Marysville.
Pioneer Sausage Co., Wheelersburg.
Redwine Slaughter House, Hugo.
Samler Packing Co., Dayton.
Sandusky Dressed Beef, Springfield.
Scioto Provision Co., Newark.
Springfield Meat, Springfield.
Summerside Packing Co., Cincinnati.
Waldock Packing Co., Sandusky.
Wellsville Packing Co., Wellsville.
Zeimmer Packing Co., Antwerp.

OKLAHOMA

Box, Durwood, Valliant.
Cone Wholesale Market, Miami.
Osage Packing Co., Fairfax.
Ross, Paul, Boswell.
Southeastern Packing Co., Durant.
Turner, Fred Slaughtering Establishment, Chandler.
Union Packing Co., Hartshorne.
White, E. W., Stigler.
Williams Packing and Storage Co., Miami.

OREGON

Community Market, Enterprise.
Culver Meat Plant, Bandon.
Culver Packing Co., Culver.
La Grande Market, La Grande.
Lamonta Packing Co., Prineville.
McVay, Archie, Brookings.
Peterson, Gerald, North Powder.
Polar Cold Co., Medford.
Roseburg Meat Co., Roseburg.
Valley Sausage Co., La Grande.

PENNSYLVANIA

Baum's Meat Packing Co., Lansdale.
Benzak, Anthony L., Bethlehem.
Blouse Meat Market, Glen Rock.
Brest Packing Co., Shamokin.
Brizer Beef Co., Dunmore.
Campo, James, Philadelphia.
Engle and Schantz, East Greenville.
Fried and Reineman Packing Co., Pittsburgh.
Gorski, Frank, Hatfield.
Greas Bros., Center Valley.
Hanas, George, Daisytown.
Hoffman, Dale D., Salisbury.
Huffman, H. N., Vandergrift.
Kern and Son, Lee G., Slatington.
Lancaster Packing Co., Lancaster.
Moatz, C. A. J., Topton.
Moyer and Sons, A. F. Souderton.
Nasers Home Dressed Meats, Greensburg.
Peters, William H., Harrisburg.
Quakertown Packing Co., Quakertown.
Schantz, Clifford G., East Greenville.
Shaffer Slaughter Shop, Guy, Hooversville.
Stoltz, Harvey L., Jr., Bernville.
West Branch Beef and Provision Co., Williamsport.
Weaver, M. C., Wellsville.
E. A. Koons, Millersburg.
Punxsutawney Beef and Provision Co., Punxsutawney.
Yost, C. B., Loganville.

RHODE ISLAND

Buchard's Slaughterhouse, Foster.
Pezza Slaughter House, Johnston.

TEXAS

Circle B Packing Co., Dallas.
Goode Slaughtering, Denison.

UTAH

Harper Packing Co., Brigham City.

VIRGINIA

Danville Meat Supply, Inc., Danville.

WASHINGTON

A and W Packing Co., Moses Lake.
Colfax Market, Colfax.
Excel Sausage and Meat Co., Spanaway.
H and H Packing Co., Yakima.
Hibbs Packing Co., Ellensburg.
Kelly Packing Co., Chehalis.
Martin's Meat and Livestock, Goldendale.
Meats, P. D. and J., Kent.
Newport Packing Co., Newport.
Pasco Central Stockyards, Pasco (added to stockyards).
Stolls Packing Plant, Rosalia.
Valley Meat Co., Chimacum.

WEST VIRGINIA

Bridwell Packing House, Bluefield.
Brumfield, Jake, Huntington.
Fischer and Fisher, Charleston.
Hoverson Heights Packing Co., Pollansbee.
Peerless Packing Co., Beckley.
Simmons and Sons, H. L., Moundsville.
Tabron, George, Shinnston.
United Packing Co., Wheeling.
Whitehall Packing Co., Watson.

WISCONSIN

Dalfin and Lloyd Janisee, Oostburg.
Dobratz Meat Market, Shawano.
Host Bros., Lake Geneva.
Muskego Packing Co., Muskego.
Vere Ferries, Ontario.
Polar Locker, LaCrosse.
Zitron Brothers, Inc., Milwaukee.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of December 1961.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61-11836; Filed, Dec. 13, 1961; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

Available Certifications by the Government of the Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional items: Miscellaneous handicraft items made in whole or in part of seagrass or jute.

The amended list of miscellaneous handicraft items for which certificates of origin are available reads as follows: Miscellaneous items made in whole or in part of shell, coral, fishbone, metal, buffalo horn, ramie, seagrass or jute.

MARGARET W. SCHWARTZ,
Acting Director, Foreign Assets Control.

[F.R. Doc. 61-11913; Filed, Dec. 13, 1961; 8:54 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 18]

GULF INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

DECEMBER 8, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $2,969,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Texas; Gulf Insurance Company; Dallas, Tex.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-11833; Filed, Dec. 13, 1961; 8:49 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 19]

ATLANTIC INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

DECEMBER 8, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $734,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Texas; Atlantic Insurance Company; Dallas, Tex.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-11834; Filed, Dec. 13, 1961; 8:49 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 17]

SELECT INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

DECEMBER 8, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $223,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Texas; Select Insurance Company; Dallas, Tex.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-11835; Filed, Dec. 13, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Small Tract Classification; Amendment

DECEMBER 7, 1961.

1. Effective December 6, 1961, Federal Register Document 24-3386 appearing in the issue of April 30, 1959, Classification No. 32—Colorado—B-26651, Small Tract Classification, is revoked as to the following described public land:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 10 S., R. 80 W.,
Sec. 27, NE¼SE¼.

The area described contains 40 acres.

2. The land described is located 8½ miles southerly from Leadville, Colorado, at an elevation of approximately 9,300 feet above sea level. The climate is rigorous with short, cool summers and long, cold winters and heavy snowfall, with an average growing season of 81

days. The soils on this tract are shallow and gravelly and are of immature, undeveloped granite parent material. Topography is moderate to steeply sloping.

3. The public land affected by this order is hereby restored as of 10:00 a.m. on January 11, 1962, to the operation of the public land laws subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 61-11841; Filed, Dec. 13, 1961; 8:50 a.m.]

[62-1]

OREGON

Order Providing for Opening of Public Lands

DECEMBER 5, 1961.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN, OREGON

THE DALLES 032191

T. 18 S., R. 23 E.,
Sec. 33: All
T. 19 S., R. 23 E.,
Sec. 21: All
Sec. 27: All
Sec. 33: All
Sec. 35: W½
T. 20 S., R. 22 E.,
Sec. 3: SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

The areas described aggregate 3,040 acres.

Mineral rights in the lands were not reconveyed to the United States. Further information as to reservations for rights-of-way, etc., in these lands is of record in the Land Office, Bureau of Land Management, 710 N.E. Holladay, Portland 12, Oregon.

The lands are located in southeastern Crook County, Oregon. They are arid in character, and are not suitable for farming.

The public lands by this order are hereby opened to operation of the public land laws, beginning at 10:00 a.m. on December 11, 1961, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals.

The lands are not open to applications and offers under the mineral leasing laws and to location under the United States mining laws since the mineral rights were not reconveyed to the United States.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, 710 Northeast Holladay, Portland 12, Oregon.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-11826; Filed, Dec. 13, 1961; 8:48 a.m.]

[Classification No. 169]

NEVADA

Small Tract Classification; Amendment

1. Effective December 6, 1961, paragraph 1 of Federal Register Document 59-406 appearing on page 400 of the issue of January 16, 1959, as amended by Federal Register Document 59-1020, is further amended to revoke the following lands:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 19 E.
Sec. 1, NW¼SE¼, E½SE¼.

The area described aggregates 120 acres.

2. The land is situated about 1 mile northwest of the city limits of Carson City, Nevada, at an elevation of approximately 5,200 feet above sea level. The climate is dry. The topography of the land varies from a sloping bench to a steep, rocky hillside. Soils are very shallow rocky soils to medium depth sands.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on January 11, 1962, to the operation of the public land laws subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, rules, and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

DECEMBER 6, 1961.

[F.R. Doc. 61-11812; Filed: Dec. 13, 1961; 8:46 a.m.]

[W-0150196]

WYOMING

Proposed Withdrawal and Reservation of Lands; Correction

DECEMBER 7, 1961.

The Notice of Proposed Withdrawal and Reservation of Lands in behalf of the Forest Service, U.S. Department of Agriculture, Serial Number Wyoming 0150196, published as F.R. Document 61-10422 on page 10309 of the FEDERAL REGISTER issued November 2, 1961 contained an error in land description.

Under Medicine Bow National Forest, Platte River Recreation Area, T. 14 N., R. 81 W., Sec. 36 the S½NE¼, NW¼ was shown. The correct description under Sec. 36 is S½NE¼NW¼.

The total area of the lands to be withdrawn was shown as 2717.98 acres. This was incorrect and the total area is 2747.98 acres.

ED PIERSON,
State Director.

[F.R. Doc. 61-11813; Filed Dec. 13, 1961; 8:46 a.m.]

Bureau of Reclamation

[No. 80]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges

NOVEMBER 21, 1961.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the Calendar Year 1962 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $10.75 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72 dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under public notice. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than one acre shall be $10.75.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1962, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the Calendar Year 1962 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: The minimum annual charge shall be $10.75 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Marine Corps Auxiliary Air Station, or mailed to Bureau of Reclamation, Bin 151, Yuma, Arizona.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

R. S. WELSH,
Acting Regional Director.

[F.R. Doc. 61-11814; Filed, Dec. 13, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-32]

AEROJET-GENERAL NUCLEONICS

Notice of Issuance of Construction Permit

Please take notice that the Atomic Energy Commission has issued Construction Permit No. CPRR-69, set forth below, which authorizes Aerojet-General Nucleonics to relocate its nuclear reactor Model AGN-201, Serial No. 103, from room 1B into room 1C, both of which are in Building 1 at Aerojet-General Nucleonics' plant site in San Ramon, California.

The Commission has found that relocation of the reactor in accordance with the construction permit will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this construction permit is not necessary in the public interest since relocation of the reactor in accordance with the construction permit would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the construction permit upon receipt of a request therefor from the permittee or a petition to intervene pursuant to § 2.705 of the rules of practice, (10 CFR Part 2) within 30 days after the issuance of the permit. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application dated November 6, 1961, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 7th day of December 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[Construction Permit No. CPRR-69]

1. License No. R-10 issued March 29, 1957, authorized Aerojet-General Nucleonics (hereinafter "the licensee") to operate a reactor Model AGN-201, Serial No. 103, (hereinafter "the reactor") at its plant site in San Ramon, California. By application amendment dated November 6, 1961, the licensee requested authorization to relocate and operate the reactor in the room designated Building 1C in Building 1 on the licensee's site in San Ramon. Previously the reactor had been located in the room designated Building 1B in Building 1.

2. The Atomic Energy Commission (hereinafter "the Commission") hereby finds that:

A. The licensee is financially qualified to relocate and operate the reactor at the new location in accordance with the regulations;

B. The licensee is technically qualified to relocate the reactor;

C. The licensee has submitted sufficient information to provide reasonable assurance that the reactor can be relocated and operated at the new location without undue risk to the health and safety of the public; and

D. The issuance of this construction permit will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to the licensee to relocate the reactor in the room designated Building 1C in Building 1 on the licensee's site in San Ramon, California, as specified in the amendment to the application dated November 6, 1961.

4. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of Title 10, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" and all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect and the additional following conditions:

A. Relocation of the reactor shall be completed no earlier than December 7, 1961, and no later than March 31, 1962.

B. The disassembly, movement, and reassembly of the reactor shall be under the supervision of a designated supervisor who is licensed to operate the reactor.

C. The handling of any special nuclear material or radioactive material, in connection with the relocation of the reactor, shall be conducted by the designated supervisor referred to in "B" above, assisted by at least one other licensed operator, or an experienced health physicist.

D. The procedures followed during relocation of the reactor shall conform substantially to those described in the following reports:

(1) "The AGN-201 Reactor Manual", dated July 1957, prepared by the licensee's staff. Particular reference is made to Section V "Mechanical Disassembly and Maintenance".

(2) "Hazards Summary Report for the AGN-201 Reactor" dated August 1956, prepared by the licensee's staff. Particular reference is made to Appendix E, Radiological Handling Procedures, Memorandum No. 3, dated July 1956.

5. Upon completion of the relocation of the reactor in accordance with the terms and conditions of this permit, upon the submission by the licensee of the information concerning the reactor's safety circuitry requested by the Commission's letter dated December 1, 1961, and upon finding that the reactor has been relocated and will operate in conformity with the application, as amended, and in conformity with the provisions of the Atomic Energy Act of 1954, as amended (the Act) and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license amendment would not be in accordance with the provisions of the Act, the Commission will issue a license amendment to the licensee pursuant to section 104.c. of the Act authorizing operation of the reactor in the room designated Building 1C in Building 1 at power levels up to 20 watts (thermal).

Date of issuance: December 7, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11815; Filed, Dec. 13, 1961; 8:46 a.m.]

[Docket No. 50-30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 1, 1962, the latest completion date specified in Construction Permit No. CPTR-3 for the construction of the Plum Brook Research and Testing Reactor Facility to be located at the National Aeronautics and Space Administration's site near Sandusky, Ohio.

Copies of the Commission's order and of the application by National Aeronautics and Space Administration are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 8th day of December 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-11816; Filed, Dec. 13, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12258]

C. E. WALTS AND HI-PLAINS AIRWAYS

Application for Certificate of Public Convenience and Necessity; Notice of Hearing

In the matter of the application of C. E. Walts, d/b/a Hi-Plains Airways for a certificate of public convenience and necessity.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is assigned for public hearing before the undersigned Examiner on January 9, 1962, at 10 a.m., local time, in the District Room of the Court House, North Platte, Nebraska. Without limiting the scope of the issues raised by the orders and pleadings in this proceeding, particular attention will be directed to the following matters:

(1) Whether the public convenience and necessity require air transportation by one or more carriers of persons, property, and mail over the routes encompassed by this proceeding.

(2) If the public convenience and necessity require the proposed air transportation, in whole or in part, which applicant or applicants should be authorized to perform the transportation?

(3) Whether the applicant or applicants are fit, willing, and able to perform such transportation properly and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

For further details concerning the issues involved in this proceeding interested persons are referred to the various orders and notices issued herein, the documents filed by the parties, the Examiner's report of Prehearing Conference served August 4, 1961, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before January 2, 1962, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., December 8, 1961.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 61-11840; Filed, Dec. 13, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14418]

MARSHALL W. JONES

Order To Show Cause

In the matter of Marshall W. Jones, Houston, Texas, Docket No. 14418; order to show cause why there should not be revoked the license for Radio Station 9Q0085 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on July 8, 1961, alleging that on June 24, 1961, Citizens Radio Station 9Q0085 was operated in violation of § 19.61 (a) and (g) of the Commission's rules by the transmission of messages which were not necessary to the exchange of substantive communications related to the business or personal affairs of the licensees concerned and which were directed to a point beyond the direct groundwave coverage range of the station being operated.

It further appearing, that, the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 8, 1961, brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, this 7th day of December 1961, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at 2907½ Albany, Houston, Texas.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11847; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket No. 12782; FCC 61-1456]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 8th day of December, 1961;

The Commission having before it a formal request dated December 5, 1961, from American Broadcasting Company, Columbia Broadcasting System, Inc., and National Broadcasting Company, Inc., for postponement of sessions of the above entitled proceedings now scheduled to begin on January 9, 1962; and

The Commission having considered the said request;

It is directed, That said proceeding before the Commission en banc shall begin at 10 o'clock a.m. on January 23, 1962, in Washington, D.C.

Released: December 11, 1961.

By direction of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11848; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket No. 13257; FCC 61-1438]

CATSKILLS BROADCASTING CO. ET AL.

Memorandum Opinion and Order

In re applications of Harry C. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz, and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; et al., for construction permits.

1. The Commission has before it for consideration a petition for intervention and for other relief, filed October 18, 1961, by Storer Broadcasting Company (WSPD), and pleadings properly filed in response thereto.

2. The instant proceeding involves, in part, the two mutually exclusive applications for new standard broadcasting station construction permits for 1370 kc, 500 w, D, at Ellenville, New York, of (a) Harry C. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz, and Philip Slutsky, d/b as Catskills Broadcasting Company, and (b) Jerome Z. Elkin, Charles W. Letter, Samuel Elkin, and Henry W. Weiss, d/b as Ellenville Broadcasting Company.

3. By its initial petition, Storer requests leave to intervene or in the alternative requests the Commission to condition any grant made to either of the foregoing applicants as follows: "To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission's rules is not applicable to this authorization, and such operation is prohibited."

4. By their filed opposition, neither applicant interposed objection to the intervention but they opposed the alternative relief requested submitting that "The suggested condition • • • is unwarranted under the rules of the Commission. Consequently, it is unacceptable to the applicants." By its filed Comments, the Broadcast Bureau supported the requested condition but urged that to it be added the phrase "unless WSPD, Toledo, Ohio, is also operating with its licensed daytime facility during these hours". Thereafter, Storer filed a supplement to its petition, alleging that the parties had reached agreement that a grant of either application referred to be subject to the following condition: "To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission's rules is not applicable to this authorization and such operation is prohibited; provided, however, that this condition shall be operative only when WSPD, Toledo, Ohio, is operating prior to sunrise with its licensed nighttime facility."

5. Petitioner shows that 47 CFR 3.87-(a) permits standard broadcast stations, subject to certain limitations not here applicable, to transmit programs with their authorized daytime facilities between 4 a.m. and local sunrise, and that in the absence of a specific condition to the license, the only limitation that would be applicable to the referenced proposed operation is contained in 47 CFR 3.87(b).

6. WSPD presently operates with its licensed nighttime facilities during the hours prior to local sunrise. By independent examination, pursuant to the procedure set forth in Reese Broadcasting Corp., 20 RR 1136 (1960), the Commission has determined that undue interference to such operation will be caused by presunrise operation of either of the applicants. It is evident then that intervention would serve no useful purpose, and the better procedure would be to amend the designation order herein to provide for a condition on any grant which may be made to an applicant for 1370 kc, WBEN, Inc. v. Federal Communications Commission, 290 F. 2d 743, 21 RR 2036 (1961). Such condition, however, should be limited to the language traditionally used by the Commission in such matters, as suggested by Storer in its initial petition. The Commission has specifically rejected enlargement of that condition as requested by Bureau, or as consented to by the parties, Lynne-Yvette Broadcasting Company, FCC 61-1351, November 20, 1961.

7. Contrary to the assertion of the applicants, the Commission's rules (47 CFR 3.87(b)) specifically contemplate the restriction as originally requested if undue interference is caused. Undue interference is determined by a precise and exact method, Reese, supra. The very nature of that test permits it to be applied to a proposal or an actual operation, there being no distinction between them in this regard. Thus, such a condition to an initial grant would be warranted under our rules if the proposal would cause undue interference, as is here the case.

Accordingly, it is ordered, This 6th day of December 1961, that the petition to intervene, filed by Storer Broadcasting Company, is granted to the extent indicated by the following ordering clause and in all other respects is denied; and

It is further ordered, That the designation Order in this proceeding, 26 F.R. 1673, is amended to add the following:

It is further ordered, That in the event of a grant of an application for 1370 kc, the construction permit of such applicant shall contain the following condition: "To the extent it permits operation with daytime facilities prior to local sunrise, 47 CFR 3.87(a) is not applicable to this authorization, and such operation is prohibited."

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11849; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket Nos. 14085, 14290; FCC 61-1440]

COMMUNITY SERVICE BROADCASTERS, INC. AND GENECO BROADCASTING, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Community Service Broadcasters Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Geneco Broadcasting, Inc., Marion-Jonesboro, Indiana, Docket No. 14290, File No. BP-13975; et al., for construction permits.

1. The Commission has before it for consideration (1) a petition for clarification and enlargement of issue filed November 1, 1961, by Geneco Broadcasting, Inc.; (2) an opposition to petition filed November 6, 1961, by Don F. Price, Battle Creek, Michigan (Docket No. 14289); (3) a reply to opposition filed November 14, 1961, by Geneco Broadcasting, Inc.; and (4) a comment of Commission's Broadcast Bureau filed November 15, 1961.

2. Included among the issues designated for hearing is an issue as to whether petitioner's application would comply with § 3.188(a)(1) of the rules. Petitioner now requests that this issue be modified or interpreted to permit consideration of whether there are any circumstances which would warrant waiver of this rule. Don F. Price, another applicant in this proceeding, opposes the request, and the Broadcast Bureau supports the request.

3. In an amendment to its application prior to designation for hearing, the petitioner stated: "The nighttime 25 mv/m contour will cover the Marion business district but will fall short of covering the Jonesboro business district, however in view of the population being 2,260, the proposed night 15 mv/m contour which would cover the Jonesboro business district would be considered adequate by the engineer preparing this report."

4. While the quoted language does not expressly request that a waiver provision be added, it is clear that the petitioner was contending that the application should be granted notwithstanding noncompliance with § 3.188(b)(1) of the rules. This, in our judgment, is tantamount to a request for waiver of the rule, and, in view of the facts therein alleged, constitutes an adequate showing to warrant the addition of a waiver provision. See KVFC, Inc., 29 FCC 741, 20 RR 843 (1960).

Accordingly, it is ordered, This 6th day of December 1961, that the petition of Geneco Broadcasting, Inc., for clarification or enlargement of issue filed November 1, 1961, is granted; and that Issue 17 is modified to read as follows: "To determine whether the instant proposal of Geneco Broadcasting, Inc., would provide coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section."

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11850; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket Nos. 14357, 14358; FCC 61M-1940]

HIGSON-FRANK RADIO ENTERPRISES AND SBB CORP.

Order Continuing Hearing Conference and Hearing

In re applications of James D. Higson and Peter Frank d/b as Higson-Frank Radio Enterprises, Houston, Texas, Docket No. 14357, File No.; BP-13809 SBB Corporation, Houston, Texas, Docket No. 14358, File No. BP-14632, for construction permits.

The Hearing Examiner having under consideration a joint "Motion for Continuance" filed on December 7, 1961, by counsel for the above-named applicants, requesting that the prehearing conference heretofore scheduled for December 14, 1961 in Washington, D.C., be continued to January 17, 1962, and that the hearing heretofore scheduled for January 17, 1962 in Washington, D.C., be continued to a date to be fixed at the prehearing conference;

It appearing, that the applicants are negotiating a settlement of the conflict between their applications but that their negotiations will not have been concluded sufficiently in advance of December 14 to permit the accomplishment of the necessary procedural steps required in connection with securing approval of any agreement reached; and

It further appearing, that counsel for respondent Station KGBC and for the Broadcast Bureau have informally consented to a grant of the instant motion and have also agreed to a waiver of the "4-day rule" (§ 1.43) so as to permit immediate consideration of this joint request; and

It further appearing, that good cause has been shown by movants for continuance of the procedural dates in question, and that no unreasonable delay in the proceeding will be occasioned by continuing these dates for the periods indicated above;

Accordingly, it is ordered, This 8th day of December 1961, that the joint "Motion for Continuance" filed by the applicants on December 7, 1961, is granted; that the prehearing conference is continued from December 14, 1961 to January 17,

1962, at 9:00 a.m.; and that the hearing is continued from January 17, 1962 to a date to be fixed at the prehearing conference.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11851; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket No. 14354; FCC 61M-1942]

NEIL N. LEVITT

Order Continuing Hearing Conference

In re application of Neil N. Levitt, Roswell, New Mexico, Docket No. 14354, File No. BP-13811; for construction permit.

The Hearing Examiner having under consideration an informal request from counsel for McAlister Broadcasting Company for a continuance of the prehearing conference now scheduled for December 12, 1961;

It appearing that the conference is scheduled for 9:00 a.m. on December 12 and the request is for a continuance to 9:30 a.m. on December 20; and

It further appearing that counsel has a conflict with another proceeding involving more parties than the present one and that the instant prehearing conference could be continued as requested without injury to the interest of any party and that the other parties have been notified of this request but have not voiced any objection;

It is ordered, This 8th day of December 1961, that the prehearing conference scheduled for December 12 at 9:00 a.m. is continued to December 20, 1961, at 9:30 a.m.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11852; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket Nos. 14275, 14276; FCC 61M-1929]

LITTLE JOE ENTERPRISES (WJOE) AND SARASOTA-CHARLOTTE BROADCASTING CORP.

Order Scheduling Prehearing Conference and Continuing Hearing

In re applications of Robert D. Sidwell, tr/as Little Joe Enterprises (WJOE), Ward Ridge, Florida, Docket No. 14275, File No. BP-14059; Sarasota-Charlotte Broadcasting Corporation, Englewood, Florida, Docket No. 14276, File No. BP-14211; for construction permits.

The Hearing Examiner has under consideration a petition filed on December 5, 1961, on behalf of Little Joe Enterprises (WJOE) and Sarasota-Charlotte Broadcasting Corporation requesting that the schedule of dates agreed to at the prehearing conference for the exchange of basic field engineering data and non-engineering exhibits be cancelled.

The reason for the above request arises from the fact that an engineering report from the consulting engineer for Little Joe Enterprises indicates the feasibility of specifying another frequency for the use of Station WJOE and an amendment to the WJOE application is contemplated. Negotiations are now proceeding with the expectation that an agreement will be executed by the parties which when presented to the Commission for approval will remove the conflict for the use of the freqeuncy 1530 kc now requested by both applicants.

The joint petition specifies that in the event negotiations have not reached fruition and have not received Commission approval by January 5, 1962, the applicants will jointly request new dates for the exchange of engineering and other exhibits.

Commission counsel has no objection to immediate favorable action upon the petition. Good cause for granting the petition has been shown.

It is ordered, This the 7th day of December 1961, that the joint petition is granted and the dates presently assigned for the exchange of field intensity measurements and non-engineering exhibits are cancelled;

It is further ordered, That in the event an agreement between the parties has not been reached and approved by the Commission on or before January 5, 1962, new dates for the exchange of field intensity measurements and non-engineering exhibits will be specified at a hearing conference which will be held on January 9, 1962;

It is further ordered, That the evidentiary hearing now scheduled to begin on Tuesday, January 9, 1962 is continued to a date to be announced at the conclusion of the further prehearing conference which, by this order, is scheduled for Tuesday, January 9, 1962, beginning at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11853; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket No. 14350; FCC 61M-1939]

MIA ENTERPRISES, INC. (KWBE)

Order Continuing Hearing Conference

In re application of MIA Enterprises, Inc. (KWBE), Beatrice, Nebraska, Docket No. 14350, File No. BP-13878; For Construction Permit

The Hearing Examiner having under consideration a motion filed November 28, 1961, on behalf of Mia Enterprises, Inc., requesting that the prehearing conference, presently scheduled for December 14, 1961, and the hearing, presently scheduled to commence on January 8, 1962, be each continued for a period of 60 days;

It appearing, that movant's consulting engineer is in the process of preparing the necessary engineering study to support a petition for leave to amend its application which will eliminate the necessity for hearing; and

It further appearing, that no opposition to the subject motion has been filed within the time prescribed therefor, that good cause has been shown for a grant and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 8th day of December 1961, that the subject motion is granted; that the prehearing conference, presently scheduled for December 14, 1961, is continued to 9:00 a.m., February 12, 1962; and that the hearing, presently scheduled to commence on January 8, 1962, is continued to March 9, 1962.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11854; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket No. 14279; FCC 61M-1930]

QUINCY VALLEY BROADCASTERS

Order Continuing Hearing Conference and Hearing

In re application of Donald R. Nelson, L. D. Adcox, Gene R. Johnsick and Richard C. Singleton, d/b as Quincy Valley Broadcasters, Quincy, Washington, Docket No. 14279, File No. BR-3607; for renewal of license of Station KPOR.

The Hearing Examiner has under consideration a pleading captioned "Motion to Dismiss" filed November 29, 1961, on behalf of Donald R. Nelson, a partner in Quincy Valley Broadcasters, licensee of Station KPOR, Quincy, Washington. Filed contemporaneously herewith were assignment forms and affidavits relating to the ownership and control of Station KPOR.

It appears from a reading of the "Motion to Dismiss" that in content and substance, it is a request that the Commission reconsider its order designating for hearing the application for the renewal of license of Station KPOR and to grant said application without hearing. Such request is addressed to and should be acted on by the Commission rather than the Hearing Examiner. While the "Motion to Dismiss" did not, in specific terms, request a continuance of the prehearing conference now scheduled for December 11, 1961 and the evidentiary hearing now scheduled for December 13, 1961, the content, as a whole, indicates that such a request is implied in the pleading.

Commission counsel has no objection to continuing the proceeding pending Commission action on the pleadings filed herein. Good cause for continuing the dates of the prehearing conference and evidentiary hearing has been shown.

It is ordered, This the 7th day of December 1961, that the prehearing conference now scheduled to be held on Monday, December 11, 1961, and the evidentiary hearing now scheduled to begin on Wednesday, December 13, 1961, be and the same are hereby continued to dates to be announced after the Commission has acted on the "Motion to Dismiss";

It is further ordered, That the "Motion to Dismiss" is referred to the Commission for appropriate action.

Released: December 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11855; Filed, Dec. 13, 1961; 8:50 a.m.]

[Docket No. 13049; FCC 61M-1932]

TOWN AND COUNTRY BROADCASTING CO., INC. (WREM)

Order Continuing Hearing

Town and Country Broadcasting Co., Inc. (WREM), Remsen, New York, Docket No. 13049, File No. BP-13104; for construction permit.

The Acting Chief Hearing Examiner, in the absence of the Hearing Examiner, has under consideration the applicant's petition respecting the rescheduling of certain dates;

It appearing, that good cause exists why said petition should be granted and the Broadcast Bureau, the only party herein, interposes no objection.

Accordingly, it is ordered, This 8th day of December 1961 that pertinent dates hereby are rescheduled as follows:

Furnishing proposed affirmative direct written case of applicant on non-engineering issues (applicant has already submitted written engineering case), from December 4, 1961 to December 29, 1961.

Receipt of notification of non-engineering witnesses desired for cross-examination, etc., from December 13, 1961 to January 5, 1962.

Hearing, from December 20, 1961 to January 8, 1962, 2:00 p.m. in the offices of the Commission, Washington, D.C.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11856; Filed, Dec. 13, 1961; 8:51 a.m.]

[Docket No. 14317; FCC 61M-1938]

WESTERN TV RELAY, INC.

Order Continuing Hearing Conference and Continuing Hearing

In re application of Western TV Relay, Inc., Weatherford, Oklahoma, Docket No. 14317, File No. 2985-C1-R-61; for renewal of the license for Station KLF85, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration a Motion for Continuance filed on December 7, 1961, by Western TV Relay, Inc. (Western);

It appearing, that at a consolidated preliminary conference herein held on November 27, 1961, it was stipulated among the parties that, if Western filed a petition for reconsideration and grant without hearing on or before December 7, 1961, the Hearing Examiner would entertain a petition that the prehearing conference herein now scheduled for December 15, 1961, and the hearing, now scheduled to commence on January 22, 1962, should each be postponed without date pending Commission action on the aforementioned petition for reconsideration and grant without hearing;

It further appearing, that on December 7, 1961, Western filed a Petition for Reconsideration and Grant without Hearing; and

It further appearing, that in view of the foregoing and in view of the pendency of the prehearing conference, the provisions of the Commission's rules (47 CFR 1.43) relating to the withholding of consideration for a four-day period may be waived, and that good cause has been shown for the grant of the Motion of Western;

It is ordered, This 8th day of December 1961, that the Motion for Continuance filed by Western TV Relay, Inc., is granted, that the prehearing conference now set for 1:30 p.m., December 15, 1961, and the hearing now scheduled to commence on January 22, 1962, are each postponed without date pending action by the Commission on the Petition for Reconsideration and Grant without Hearing.

Released: December 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11857; Filed, Dec. 13, 1961; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 8, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, par value 15 cents a share of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), File No. 1-3842.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 10, 1961, to December 19, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11817; Filed, Dec. 13, 1961; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

APPLICATIONS FOR LOANS IN EXCESS OF $200,000

Notice of Necessity for Certificate as Defense-Oriented Small Business Concern

Notice is hereby given that, effective immediately, applications for business loans in an amount exceeding $200,000 will not be accepted unless accompanied by a Certificate as a Defense-Oriented Small Business Concern issued by the Deputy Administrator for Procurement and Technical Assistance, attesting that the applicant is engaged in defense-oriented business activities. Requests for such Certificates shall be submitted on SBA Form 4F. The Deputy Director for Procurement and Technical Assistance shall certify a concern to be engaged in defense-oriented activities when he determines that it will use the proceeds of the loan for one or more of the following purposes:

1. The performance of contracts, as defined in Armed Services Procurement Regulation 1-201.4, or subcontracts, as defined in 50 U.S.C. App. section 1213(g), with the Department of Defense or any civilian executive agency whose activities support and are in furtherance of Federal or state defense or mobilization programs;

2. The production of goods or services essential for Government civil defense needs;

3. Export-import trade with foreign countries which has the effect of facilitating mutual assistance and related programs or the foreign policy of the United States; or

4. The production of goods or services which may be utilized in furtherance of the national defense effort.

Dated the 1st day of December 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-11818; Filed, Dec. 13, 1961; 8:47 a.m.]

TARIFF COMMISSION

SPRING CLOTHESPINS

Report to the President

DECEMBER 11, 1961.

The U.S. Tariff Commission today submitted to the President its third periodic report on developments in the trade in spring clothespins since the "escape clause" action, on December 10, 1957, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such clothespins classifiable under paragraph 412 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its report, the Commission advised the President that the conditions of competition between imported and domestic spring clothespins had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in spring clothespins do not warrant a formal inquiry into the question of whether a reduction in the duties on spring clothespins could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-11837; Filed, Dec. 13, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 11, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37469: *Soda ash from Westvaco, Wyo., to Minnesota points.* Filed by Western Trunk Line Committee, Agent, (No. A-2217), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in carloads, from Westvaco, Wyo., to Minneapolis, Minnesota Transfer, Rosemount, St. Paul and Valley Park, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 1 to Western Trunk Line tariff I.C.C. A-4411.

FSA No. 37470: *Animal or poultry feed—from, to and between points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8116), for interested rail carriers. Rates on animal or poultry feed or feed ingredients, ground or unground, in bulk or in bags, in carloads, between points in southwestern territory; between points in southwestern territory, on the one hand, and Mississippi River crossings, Memphis, Tenn., and south thereof, on the other; also between points in southwestern territory, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 107 and 126 to Southwestern Freight Bureau tariffs I.C.C. 4331 and 4330, respectively.

FSA No. 37471: *Cement from Dewey, Okla., to Missouri points.* Filed by Southwestern Freight Bureau, Agent (No. B-8117), for interested rail carriers. Rates on cement and related articles, in carloads, from Dewey, Okla., to Boston, Carytown, Irwin, Jasper, Lamar and Sheldon, Mo.

Grounds for relief: Carrier competition.

Tariff: Supplement 61 to Southwestern Freight Bureau tariff I.C.C. 4325.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11827; Filed, Dec. 13, 1961; 8:48 a.m.]

[Notice 577]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 11, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35368. By order of December 6, 1961, the Transfer Board approved the lease to W. Thurman Shayler, doing business as Warren G. Shayler, Oklahoma City, Okla., of Certificates Nos. MC 70380, MC 70380 Sub 1, and MC 70380 Sub 2, issued June 28, 1945, January 25, 1949, and May 25, 1951, respectively, to Warren G. Shayler, W. Thurman Shayler, guardian, Oklahoma City, Okla., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City, to St. Louis, Mo., and Chicago, Ill.; from St. Louis, Mo., to Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City; carbide, over irregular routes, from Keokuk, Iowa, to points in Oklahoma; general commodities excluding household goods, commodities in bulk, and other specified commodities, from Oklahoma City, Okla., and points in Oklahoma to points in St. Louis, Mo., East St. Louis, Ill., Commercial Zone, except St. Louis, Mo., and to points in Chicago, Ill., Commercial Zone, except Chicago, Ill.; from points in Indiana within the Chicago, Ill., Commercial Zone to points in Oklahoma; and returned empty carbide containers over irregular routes, from points in Oklahoma to Keokuk, Iowa. Max G. Morgan, 450 American National Building, Oklahoma City, Okla., attorney for applicants.

No. MC-FC 64514. By order of December 6, 1961, the Transfer Board approved the transfer to Ace Warehouse Forwarding Co., Inc., Brooklyn, N.Y., of Permit No. MC 91447, issued April 1, 1949, to Abe Kurtz and Irving Scheftler, doing business as Ace Forwarding Co., Brooklyn, N.Y., authorizing the transportation of: Confectionery, chocolate products, materials and supplies used in manufacture and distribution of confectionery and chocolate products, between Bethlehem, Pa., and points in the New York, N.Y. Commercial Zone. Albert E. Enoch, 556 Main Street, Bethlehem, Pa., representative for applicants.

No. MC-FC 64600. By order of December 6, 1961, the Transfer Board approved the transfer to G & K Truck Line, Incorporated, Somerset, Ky., of Certificates Nos. MC 115679 and MC 115679 Sub 1, issued August 14, 1956 and February 28, 1958, to Bill Smith, doing business as Smith Truck Line, Science Hill, Ky., authorizing the transportation of: Lumber, from points in Whitley and McCreary Counties, Ky., to Cincinnati, Ohio; mattress frames, from Science Hill, Ky., to Cincinnati, Ohio; feed, from Cincinnati, Ohio, to Pine Knot, Ky.; feed, seed, fertilizer, cement, and rock-wool insulation, in bags, from Cincinnati, Ohio, to Williamsburg, Ky.; roofing, from Franklin, Ohio, to Williamsburg, Ky.; agricultural machinery, implements, and parts, from Nashville, Tenn., to Science Hill, Ky.; fertilizer, from Cincinnati, Ohio to Science Hill, Ky.; frames for box spring mattresses, from Science Hill, Ky., to Nashville, Tenn.; unfinished lumber from Science Hill, Ky., to Cincinnati, Ohio, and Morristown, Tenn.; and feed from Cincinnati, Ohio, to Eubank, Ky. Fritz Krueger, Somerset, Ky., attorney for applicant.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11828; Filed, Dec. 13, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR — Page

PROCLAMATIONS:
3298 — 11937
3401 — 11714
3440 — 11714
3441 — 11937

EXECUTIVE ORDERS:
Nov. 10, 1917 — 11906
Apr. 8, 1919 — 11906
June 14, 1921 — 11906
2711 — 11746
10717 — 11937
10977 — 11471
10978 — 11714
10979 — 11937

5 CFR
6 — 11347, 11483, 11671, 11813, 11852
29 — 11794
401 — 11938

7 CFR
718 — 11813
722 — 11472, 11481, 11851, 11887
728 — 11795
729 — 11816
750 — 11725
775 — 11672
776 — 11347, 11407
811 — 11963
812 — 11817
820 — 11965
871 — 11968
914 — 11417, 11817, 11851, 11890
933 — 11417–11419
937 — 11725
938 — 11725
953 — 11419, 11818, 11851
958 — 11483, 11852, 11970

PROPOSED RULES:
812 — 11838
911 — 11495
913 — 11839
914 — 11435
953 — 11363
982 — 11498
1026 — 11982
1028 — 11982

8 CFR
237 — 11818
243 — 11819
252 — 11797
253 — 11797
299 — 11819

PROPOSED RULES:
242 — 11363

9 CFR
74 — 11852, 11970
77 — 11971
83 — 11483, 11853

PROPOSED RULES:
74 — 11804
151 — 11870
201 — 11988

10 CFR
25 — 11726

12 CFR
4 — 11353
217 — 11798, 11971
329 — 11798

13 CFR — Page
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
221 — 11819
287 — 11890
288 — 11483
302 — 11820
507 — 11672, 11821
555 — 11672
600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893.
601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894
602 — 11729
608 — 11729, 11730, 11859, 11861, 11894
609 — 11939, 11946, 11951, 11960

PROPOSED RULES:
18 — 11804
43 — 11804
302 — 11685, 11841
399 — 11841
507 — 11870
600 — 11435, 11494, 11734
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
608 — 11435, 11494, 11988

15 CFR
201 — 11357
230 — 11360, 11972

16 CFR
13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938.
14 — 11826

17 CFR
231 — 11896
239 — 11730

PROPOSED RULES:
270 — 11738

18 CFR
141 — 11897
260 — 11900

PROPOSED RULES:
2 — 11459

19 CFR
3 — 11362
5 — 11420
21 — 11362
54 — 11731

PROPOSED RULES:
10 — 11683

20 CFR
404 — 11827, 11938

21 CFR
20 — 11676
120 — 11731, 11799
121 — 11677, 11799, 11800, 11828–11830
141a — 11801
141c — 11801

21 CFR—Continued — Page
146a — 11801
146c — 11801
147 — 11802

PROPOSED RULES:
1 — 11734
27 — 11988
51 — 11988
120 — 11684
121 — 11684, 11735, 11841, 11870
141a — 11684
146 — 11684
146a — 11684
147 — 11684

24 CFR
201 — 11731

25 CFR

PROPOSED RULES:
221 — 11734

26 CFR
1 — 11486, 11677
20 — 11861
25 — 11861
45 — 11861

28 CFR
15 — 11420

29 CFR
403 — 11678
408 — 11678
670 — 11420
678 — 11420
779 — 11802

PROPOSED RULES:
545 — 11735

30 CFR
222 — 11487

31 CFR
270 — 11938

32 CFR
272 — 11830
273 — 11831
577 — 11679
701 — 11715
710 — 11716
719 — 11763, 11862
720 — 11722
755 — 11792
765 — 11680, 11794
1453 — 11972
1470 — 11972
1472 — 11972
2011 — 11421

32A CFR
OIA (CH. X):
OI Reg. 1 — 11973

33 CFR
125 — 11862
203 — 11803
210 — 11732
212 — 11421

36 CFR
1 — 11903

PROPOSED RULES:
1 — 11363

38 CFR

	Page
6	11680
7	11802
8	11680
21	11862

39 CFR

	Page
1—204	11513
13	11864
17	11903
27	11903
31	11864
33	11903
47	11864
48	11864
168	11832
PROPOSED RULES:	
61	11838
201	11426
202	11431
203	11432
204	11432

41 CFR

	Page
2–12	11904
9–7	11488
60–1	11974

43 CFR

	Page
161	11975
PROPOSED RULES:	
192	11493, 11911
200	11493
PUBLIC LAND ORDERS:	
61	11803
842	11361
1238	11863
2543	11361
2544	11361
2545	11803
2546	11361
2547	11803

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
2548	11803
2549	11803
2550	11863
2551	11863
2552	11906

44 CFR

	Page
151	11425

46 CFR

	Page
2	11908
34	11908
73	11908
76	11909
78	11909
97	11909
167	11909
171	11864
PROPOSED RULES:	
201	11738
206	11738
221	11738
298	11738
299	11738

47 CFR

	Page
1	11909, 11977
2	11833, 11978
10	11422, 11681, 11978
16	11423, 11978
19	11978
PROPOSED RULES:	
3	11458, 11495, 11870, 11911, 11989, 11990
7	11369
8	11369, 11912
14	11369

49 CFR

	Page
43	11835
170	11732
174a	11492

50 CFR

	Page
32	11733
33	11733, 11836, 11837, 11868, 11869, 11909
270	11970

Public Papers of the Presidents

✦

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

✦

Volumes for the following years are now available:

Truman:
1945 ..... $5.50

Eisenhower:
1953 ..... $6.75
1954 ..... 7.25
1955 ..... 6.75
1956 ..... 7.25
1957 ..... 6.75
1958 ..... 8.25
1959 ..... 7.00
1960–61 ..... 7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

OF MICHIGAN
DEC 19 1961
MAIN
READING ROOM

Pages 12021–12056

FEDERAL REGISTER

VOLUME 26 NUMBER 241

Washington, Friday, December 15, 1961

Contents

THE PRESIDENT

Proclamation

Human Rights Week, 1961 12023

EXECUTIVE AGENCIES

Agricultural Marketing Service

PROPOSED RULE MAKING:
Prunes produced in California; handling 12037
RULES AND REGULATIONS:
Expenses and assessment rates:
Carrots grown in South Texas .. 12030
Lemons grown in California and Arizona; 1961–62 fiscal year .. 12030

Agricultural Research Service

RULES AND REGULATIONS:
Importation of certain pine material from Canada 12029

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain marketing areas:
Austin-Waco and San Antonio, Texas; recommended decision and opportunity to file written exceptions on proposed amendments to tentative agreement and order 12037
Greater Boston, Southeastern New England, Springfield and Worcester marketing areas; hearing on proposed amendments to tentative agreement and order 12037

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
Texas Agricultural and Mechanical College System; issuance of facility license 12048

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
American Airlines, Inc., service to Akron 12049
New York-Florida renewal case .. 12049
Slick Airways, Inc 12049

Commerce Department

See also International Programs Bureau.

NOTICES:
Deputy Assistant Secretary for Administration; authority delegation 12044
Organization, function, and authority:
Assistant Secretary of Commerce for Administration and Public Affairs 12047
Assistant Secretary of Commerce for International Affairs 12047
International Business Operations Bureau 12046
International Programs Bureau 12046
National Defense Executive Reserve; establishment 12045
Zahn, Lawrence H.; changes in financial interests 12044

Emergency Planning Office

NOTICES:
Womack, W. Victor; statement of business interests 12051

Federal Aviation Agency

PROPOSED RULE MAKING:
Airworthiness directive; Navion .. 12042
RULES AND REGULATIONS:
Airworthiness directives:
Beech Model A45 aircraft 12032
Piaggio Models P.136–L1 and –L2 aircraft 12033
Restricted area; alteration 12033

Federal Communications Commission

NOTICES:
Show cause orders:
Colella, David 12049
Floyd Construction Co., Inc 12050
Hearings, etc.:
Jones, Clarence Everett, and Robert S. Taylor 12050
Radio-Active Broadcasting, Inc. (WATO) 12050
RULES AND REGULATIONS:
Radio broadcast services; table of assignments 12024

Federal Deposit Insurance Corporation

RULES AND REGULATIONS:
Assessments, and payment of deposits and interest thereon by insured nonmember banks; definitions, and classification of deposits 12031

Federal Power Commission

NOTICES:
Hearings, etc.:
Mississippi River Transmission Corp 12051
Nueces Co. et al 12051

Federal Reserve System

RULES AND REGULATIONS:
Savings deposits:
Payment of interest on deposits 12031
Reserves of member banks 12031

Federal Trade Commission

NOTICES:
Optical products industry; trade practice conference 12053
RULES AND REGULATIONS:
Prohibited trade practices:
Irving C. Katz Co., Inc., et al .. 12034
Sergeant & Nicholoy, Inc., et al. 12033

(*Continued on next page*)

Food and Drug Administration

RULES AND REGULATIONS:
Certification of antibiotics and antibiotic-containing drugs; animal feed containing streptomycin ---- 12035
Pesticide chemicals in or on raw agricultural commodities; tolerances for residues:
DDT ---- 12034
Dodine ---- 12034
Small arms ammunition; exemption from labeling requirement ---- 12035

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See Land Management Bureau.

International Programs Bureau

NOTICES:
Hydrocarbon Research, Inc.; temporary order denying certain export privileges ---- 12044

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief ---- 12054

Land Management Bureau

NOTICES:
California; proposed withdrawals and reservations of land (2 documents) ---- 12043
Idaho; proposed withdrawal and partial termination; correction ---- 12043
New Mexico; proposed withdrawal and reservation of lands ---- 12043

Securities and Exchange Commission

NOTICES:
Central and South West Corp.; notice of filing ---- 12053

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PROCLAMATIONS:
3442 ---- 12023

7 CFR

319 ---- 12029
953 ---- 12030
1032 ---- 12030
PROPOSED RULES:
904 ---- 12037
949 ---- 12037
952 ---- 12037
990 ---- 12037
993 ---- 12037
996 ---- 12037
999 ---- 12037

12 CFR

204 ---- 12031
217 ---- 12031
327 ---- 12031
329 ---- 12031

14 CFR

507 (2 documents) ---- 12032, 12033
608 ---- 12033
PROPOSED RULES:
507 ---- 12042

16 CFR

13 (2 documents) ---- 12033, 12034

21 CFR

120 (2 documents) ---- 12034
121 ---- 12035
146 ---- 12035
191 ---- 12035

47 CFR

3 ---- 12024

1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3442

HUMAN RIGHTS WEEK, 1961

By the President of the United States of America

A Proclamation

WHEREAS December 15, 1961, marks the one hundred and seventieth anniversary of the adoption of the first ten amendments to the Constitution of the United States, which are known as the Bill of Rights; and

WHEREAS December 10, 1961, marks the thirteenth anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights as a common standard of achievement for all nations and all peoples; and

WHEREAS the Universal Declaration of Human Rights gives fresh voice to the equal dignity and worth of every human being proclaimed in our own Declaration of Independence and in the Constitution of the United States; and

WHEREAS the strongest guarantee of liberty is the cooperation of independent nations in defense of peace and justice, each in support of its own freedom and the rights of its own citizens:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the period of December 10 to December 17, 1961, as Human Rights Week, and I call upon the citizens of the United States to honor our heritage by study of these great documents and thereby gain new strength for the long struggle against the forces of terror that threaten the freedoms which give meaning to human existence—the right to speak without fear and to seek the truth regardless of frontiers; the right to worship in accord with conscience and to share the strength and glory of religion with our children; the right to determine our own institutions of government and to vote in secret for the candidate of our choice; the right to justice under law and to protection against arbitrary arrest; the right to labor and to join in efforts to improve conditions of work; the right to unite with our fellows, without distinction as to race, creed, or color, in tearing down the walls of prejudice, ignorance, and poverty wherever they may be, and to build ever firmer the foundations of liberty and equality for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of December in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-11941; Filed, Dec. 13, 1961; 1:09 p.m.]

Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

Table of Assignments

Because of the number of outstanding amendments to § 3.606 since it was last printed in the FEDERAL REGISTER (December 30, 1958, at page 10470), § 3.606 is recapitulated as of October 30, 1961, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 3.606 Table of assignments.

(a) *General.* The following table of assignments contains the channels assigned to the listed communities in the United States, its Territories, and possessions. Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only. A station on a channel identified by a plus or minus mark is required to operate with its carrier frequencies offset 10 kc above or below, respectively, the normal carrier frequencies.

(b) *Table of assignments.*

	Channel No.
Alabama:	
Andalusia	*2—, *29
Anniston	70+
Auburn	*56
Bessemer	54
Birmingham	6—, *10—, 13—, 42+, *48
Brewton	23+
Clanton	77
Cullman	60+
Decatur	23—
Demopolis	*18
Dothan	4, *19—
Enterprise	40+
Eufaula	44
Florence	15, *21+
Fort Payne	19
Gadsden	37—
Greenville	49—
Guntersville	40—
Huntsville	31+
Jasper	17
Mobile	5+, 10+, *42, 48+
Montgomery	12, 20, *26+, 32
Munford	*7—, *24—
Opelika	*22—
Selma	8—, 58+
Sheffield	47—
Sylacauga	75
Talladega	64
Thomasville	27—
Troy	38—
Tuscaloosa	*14, 45, 51—
Tuskegee	16—
University	*74+
Alaska:	
Anchorage	2—, *7—, 11, 13—
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 8, 10
Ketchikan	2, 4, *9
Seward	4—, 9—
Sitka	13
Arizona:	
Ajo	19—
Bisbee	54
Casa Grande	18—
Clifton	25—
Coolidge	36+
Douglas	3—, 35
Eloy	24
Flagstaff	9, 13
Globe	34+
Holbrook	14
Kingman	6—
Mesa	12—
Miami	28+
Morenci	31
Nogales	16, 32, 44+
Phoenix	3+, 5—, *8+, 10—
Prescott	15
Safford	21
Tucson	4—, *6+, 9—, 13—
Williams	25
Winslow	16—
Yuma	11—, 13+, 22+, 60
Arkansas:	
Arkadelphia	34+
Batesville	30—
Benton	40
Blytheville	64+, 74
Camden	50
Conway	62
El Dorado	10—, 26—
Fayetteville	*13—, 41—
Forrest City	22+
Fort Smith	5—, *16, 22, 39
Harrison	24
Helena	54—
Hope	15—
Hot Springs	9+, 52+
Jonesboro	8—, 39+
Little Rock	*2—, 4, 7—, 11+, 17—, 23+
Magnolia	28+
Malvern	46
Morrilton	43—
Newport	28
Paragould	58—
Pine Bluff	36
Russellville	19
Searcy	33
Springdale	35—
Stuttgart	14+
California:	
Alturas	13+
Bakersfield	10—, 17, 29, *39+, 51—
Bishop	19
Blythe	34—
Brawley	16
Chico	12—
Corona	52
Delano	45—
El Centro	26—, 48
Eureka	3—, 6—, 13—
Fresno	*18—, 24, 30+, 47, 53
Hanford	21
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34
Madera	59
Merced	34—, 66
Modesto	14+, 58
Monterey. (*See* Salinas.)	
Napa	62
Oakland. (*See* San Francisco.)	
Oxnard	32
Palm Springs	19+
Petaluma	68
Pittsburg	16
Port Chicago	70
Porterville	55
Red Bluff	15
Redding	7, 9
Riverside	40, 46
Sacramento	3, *6, 10, 40—, 46+
Salinas-Monterey	8+, 35
San Bernardino	18, *24—, 30
California—Continued	
San Buenaventura	38—
San Diego	8, 10, *15+, 27, 39, 51
San Francisco-Oakland	2+, 4—, 5+, 7—, *9+, 20—, 26—, 32+, 38, 44—
San Jose	11+, 48, *54, 60
San Luis Obispo	6+
Santa Barbara	3—, 20, 26
Santa Cruz	56
Santa Maria	12+, 44
Santa Paula	16+
Santa Rosa	50
Stockton	13+, 36, *42, 64
Tulare	27+
Ukiah	18
Visalia	43, 49
Watsonville	22—
Yreka City	19
Yuba City	52—
Colorado:	
Alamosa	3—, 19+
Boulder	*12, 22+
Canon City	36
Colorado Springs	11, 13, *17+, 23+
Craig	19
Delta	24—
Denver	2, 4—, *6—, 7, 9—, 20, 26+
Durango	6+, 15
Fort Collins	44+
Fort Morgan	15+
Grand Junction	5—, 21+
Greeley	50
La Junta	24
Lamar	12—, 18—
Leadville	14+
Longmont	32
Loveland	38
Montrose	10+, 18
Pueblo	5, *8, 28+, 34—
Salida	25
Sterling	3, 25—
Trinidad	21—
Walsenburg	30—
Connecticut:	
Bridgeport	43—, 49—, *71
Hartford	3+, 18—, *24
Meriden	65—
New Britain	30+
New Haven	8+, 59+
New London	26+, 81
Norwalk. (*See* Stamford.)	
Norwich	57+, *63—
Stamford-Norwalk	55
Waterbury	20
Delaware:	
Dover	48—
Wilmington	12, *59—, 63+
District of Columbia:	
Washington	4—, 5—, 7+, 9, 14—, 20+, *26—, 50—
Florida:	
Belle Glade	27+
Bradenton	28—
Clearwater	32+, 50
Daytona Beach	2—, 53
De Land	44+
Fort Lauderdale	17—, 39
Fort Myers	11+
Fort Pierce	19
Gainesville	*5—, 20+
Jacksonville	4+, *7, 12—, 30+, 36—
Key West	14+, 20
Lake City	33+
Lakeland	16+, 22+
Lake Wales	14
Leesburg	26—
Marianna	17+
Melbourne	37—
Miami	*2, 4, 6, 7—, 10+, 23—, 33
Ocala	15+
Florida—Continued	
Orlando	6—, 9, 18, *24—, 47
Palatka	17
Panama City	7+, 13, *30, 36+
Pensacola	3—, 15—, *21, 46
Quincy	54+
St. Augustine	25+
St. Petersburg. (*See* Tampa.)	
Sanford	35+
Sarasota	34+
Tallahassee	*11—, 24, 51
Tampa-St. Petersburg	*3, 8—, 10—, 13—, 38
West Palm Beach	5, 12, *15, 21+
Georgia:	
Albany	10, 25
Americus	31
Athens	*8, 60—
Atlanta	2, 5—, 11+, *30, 36
Augusta	6+, 12+
Bainbridge	35—
Brunswick	28+, 34—
Cairo	45+
Carrollton	33
Cartersville	63—
Cedartown	53—
Columbus	3, 9+, *28, 34
Cordele	43
Dalton	25+
Douglas	32—
Dublin	15
Elberton	24+
Fitzgerald	53+
Fort Valley	18+
Gainesville	52
Griffin	39+
La Grange	50
Macon	13+, *41+, 47+
Marietta	57+
Milledgeville	51+
Moultrie	48—
Newnan	61+
Rome	59
Savannah	3+, *9—, 11
Statesboro	22
Swainsboro	20—
Thomasville	6, 27
Tifton	14—
Toccoa	35
Valdosta	37+
Vidalia	26
Waycross	8+, 16
Hawaii:	
Hilo, Hawaii	2, *4, 9, 11, 13
Honolulu, Oahu	2+, 4—, 9—, *11+, 13—
Lihue, Kauai	3+, *8—, 10+, 12—
Wailuku, Maui	3, 7, *10, 12
Idaho:	
Blackfoot	33
Boise	2, *4+, 7
Burley	15—
Caldwell	9—
Emmett	26—
Gooding	23
Idaho Falls	3, 8+
Jerome	17
Kellogg	36
Lewiston	3—
Moscow	12—, *15
Nampa	6, 12+
Payette	14+
Pocatello	6—, 10
Preston	41
Rexburg	27+
Rupert	21
Sandpoint	23—
Twin Falls	11, 13—
Wallace	27—
Weiser	20—
Illinois:	
Alton	48
Aurora	75
Belleville	54+
Bloomington	15—
Cairo	24—
Carbondale	*8, 34, 61—
Centralia	32+, 59+
Champaign-Urbana	3+, *12—, 21, 27, 33
Chicago	2—, 5, 7, 9+, *11, 20, 26, 32, 38, 44
Illinois—Continued	
Danville	24
Decatur	17, 23+
De Kalb	*67
Dixon	47+
Elgin	83
Freeport	23
Galesburg	77
Harrisburg	3, 22
Jacksonville	49—
Joliet	48+
Kankakee	14
Kewanee	60—
La Salle	35
Lincoln	53+
Macomb	61+
Marion	40
Mattoon	46—
Moline. (*See* Davenport, Iowa.)	
Mt. Vernon	38—
Olney	16—
Pekin	69+
Peoria	19, 25+, 31+, *37—, 43+
Quincy	10—, 21+
Rockford	13, 39+, *45+
Rock Island. (*See* Davenport, Iowa.)	
Springfield	20+, 26—, 36—, *66+
Streator	65—
Urbana. (*See* Champaign.)	
Vandalia	28—
Waukegan	79+
Indiana:	
Anderson	61, 83+
Angola	77
Bedford	68
Bloomington	4, *30—, 36
Columbus	42—
Connersville	38+
Elkhart. (*See* South Bend.)	
Evansville	7, *9+, 14—, 50—
Fort Wayne	15+, 21+, *27+, 33—, 69
Gary	50, *66
Hammond	56—
Indianapolis	6, 8—, 13—, *20—, 39, 67—
Jasper	19+
Kokomo	29+
Lafayette	18, *47, 59
Lebanon	79+
Logansport	51
Madison	66—
Marion	31
Michigan City	62+
Muncie	49, *55+, 71
Plymouth	34—
Princeton	44+
Richmond	26+
Shelbyville	58+
South Bend-Elkhart	16, 22, 28+, *52
Tell City	78
Terre Haute	2+, 10, *57+, 63—, 73+
Vincennes	52+
Washington	81
Iowa:	
Algona	37+
Ames	5, 25—
Atlantic	45—
Boone	19—
Burlington	32—, 38+
Carroll	39
Cedar Rapids	2, 9—, 20—, *26+
Centerville	31—
Charles City	18—
Cherokee	14
Clinton	64
Creston	43
Davenport-Rock Island-Moline, Ill.	4+, 6+, 8, *30+, 42—, 68
Decorah	44+
Des Moines	8—, *11+, 13—, 17+, 23—
Dubuque	56+, 62—
Estherville	24+
Fairfield	54
Fort Dodge	21
Fort Madison	50+
Grinnell	71
Iowa City	*12+, 24—
Keokuk	44—
Knoxville	33—
Marshalltown	49
Mason City	3+, 35—
Iowa—Continued	
Muscatine	58
Newton	65+
Oelwein	28
Oskaloosa	52+
Ottumwa	15+, 63
Red Oak	32+
Shenandoah	20+
Sioux City	4—, 9, *30, 36—
Spencer	42+
Storm Lake	34+
Waterloo	7+, 16—, *22—, 46+
Webster City	27
Kansas:	
Abilene	31+
Arkansas City	49
Atchison	60+
Chanute	50—
Coffeyville	33—
Colby	22—
Concordia	47—
Dodge City	6+, 23
El Dorado	55+
Emporia	39—
Fort Scott	27
Garden City	9, 11+
Goodland	10, 31
Great Bend	2, 28
Hays	7—, 20—
Hutchinson	12, 18
Independence	20
Iola	44+
Junction City	29+
Larned	15—
Lawrence	*11, 17—
Leavenworth	54—
Liberal	14
McPherson	26—
Manhattan	*8, 23+
Newton	14+
Olathe	52—
Ottawa	21—
Parsons	46—
Pittsburg	7+, 38—
Pratt	36+
Salina	34
Topeka	13+, 42, *48+
Wellington	24—
Wichita	3—, 10—, 16—, *22+
Winfield	43+
Kentucky:	
Ashland	59—
Bowling Green	13, 17+
Corbin	16
Danville	35+
Elizabethtown	23
Frankfort	43—
Glasgow	28+
Harlan	73+
Hazard	19—
Hopkinsville	20
Lexington	16+, 27—, 40+, *46+, 64
Louisville	3—, 11+, *15, 21—, 32—, 41—
Madisonville	26
Mayfield	63
Maysville	24+
Middlesborough	57, 63+
Murray	33—
Owensboro	56—, 62
Paducah	6+, 43, 72
Pikeville	14—
Princeton	45—
Richmond	80
Somerset	29—
Winchester	70+
Louisiana:	
Abbeville	27+
Alexandria	5, 62+, 74
Bastrop	53+
Baton Rouge	2, 9—, 18—, 28, *34, 40—
Bogalusa	69, 78
Crowley	76
De Ridder	70
Eunice	64—
Franklin	46+
Hammond	57
Houma	11, 30+
Jackson	59
Jennings	48
Lafayette	10, 38—, 67—

	Channel No.
Louisiana—Continued	
Lafayette-Lake Charles	3
Lake Charles	7−, *14, 25, 60+
Minden	30
Monroe	8+, *13, 43+
Morgan City	36+
Natchitoches	17+
New Iberia	15+
New Orleans	4+, 6+, *8, 12, 20−, 26, 32+, 61
Oakdale	54+
Opelousas	58
Ruston	20
Shreveport	3−, 12
Thibodaux	24
Winnfield	22−
Maine:	
Auburn	23+
Augusta	*10−, 29+
Bangor	2−, 5+, 7−, *16−
Bar Harbor	22−
Bath	65
Belfast	41−
Biddeford	59
Calais	20−
Dover-Foxcroft	18+
Fort Kent	17+
Foxcroft. (*See* Dover.)	
Houlton	24
Lewiston	8−, 17
Millinocket	14+
Orono	*12−
Portland	6−, 13+, *47−, 53+
Presque Isle	8, *10+, 19
Rockland	25−
Rumford	55−
Van Buren	15−
Waterville	35+
Maryland:	
Annapolis	53−
Baltimore	2+, 11−, 13+, 24+, *66, 72−
Cambridge	22+
Cumberland	17+, 30−
Frederick	62
Hagerstown	52, 68+
Salisbury	16+
Massachusetts:	
Amherst	*82
Barnstable	25+
Boston	*2+, 4−, 5−, 7+, 38, 44+, 56
Brockton	62
Easthampton	61
Fall River	46−, 68
Greenfield	32+, 58−
Holyoke. (*See* Springfield.)	
Lawrence	72
Lowell	78
New Bedford	6+, 28−, 34+
North Adams	19, *80+
Pittsfield	64+
Springfield-Holyoke	22, 40
Worcester	14, 27+
Michigan:	
Alma	41+
Alpena	*6, 11, 30−
Ann Arbor	*26−, 66−
Bad Axe	46−
Battle Creek	58−, 64−
Bay City	5−, 19+, 63−, *73+
Benton Harbor	40+
Big Rapids	39
Cadillac	9, 45
Calumet	5
Cheboygan	4+, 36+
Coldwater	24−
Detroit	2+, 4, 7−, 20+, 50−, *56
East Lansing	60+
East Tawas	21
Escanaba	3+, *49
Flint	12−, 16−, *22−, 28
Gladstone	40−
Grand Rapids	8+, 13+, *17+, 23−
Houghton	19, *25
Iron Mountain	8−, 27
Iron River	33−
Ironwood	12+, 31−
Jackson	48
Kalamazoo	3−, *46, 74
Lansing	6−, 54
Ludington	33
Manistee	15−
Manistique	14+
Marquette	6−, 13, 17, *35
Midland	25−
Mount Pleasant	*14, 47−
Muskegon	29−, 35+
Parma-Onondaga	10−
Petoskey	31
Pontiac	44+
Port Huron	62
Rogers City	24
Saginaw	51−, 57−
Sault Ste. Marie	8, 10+, 28−, *34
Traverse City	7+, 20−, *26+
West Branch	27+
Minnesota:	
Albert Lea	57−
Alexandria	7, 36
Appleton	*10−
Austin	6−, 51+
Bemidji	9, 24−
Brainerd	12−
Cloquet	44
Crookston	21−
Detroit Lakes	18+
Duluth-Superior, Wis	3, 6+, *8, 10+, 32, 38
Ely	16
Fairmont	40+
Faribault	20
Fergus Falls	16−
Grand Rapids	20−
Hastings	29+
Hibbing	13−
International Falls	11
Little Falls	14+
Mankato	12, 15−
Marshall	22+
Minneapolis-St. Paul	*2−, 4, 5−, 9+, 11−, 17, 23+
Montevideo	19
New Ulm	43−
Northfield	26
Owatonna	45
Red Wing	63−
Rochester	10, 55−
St. Cloud	33
St. Paul. (*See* Minneapolis.)	
Stillwater	39−
Thief River Falls	15
Virginia	26+
Wadena	27+
Willmar	31+
Winona	61
Worthington	32
Mississippi:	
Biloxi	13+, *44+, 50−
Brookhaven	37+
Canton	16
Clarksdale	32
Columbia	35+
Columbus	4−, 28−
Corinth	41
Greenville	21−, 27
Greenwood	6, 24+
Grenada	44
Gulfport	56−
Hattiesburg	17−
Jackson	3+, 12+, *19+, 25−, 47
Kosciusko	52−
Laurel	33−
Laurel-Pachuta	7
Louisville	46−
McComb	31−
Meridian	11−, 30−, *36−
Natchez	29+
Pachuta. (*See* Laurel-Pachuta.)	
Pascagoula	22
Picayune	14−
Starkville	34−
State College	*2+
Tupelo	9−, 38
University	*20+
Vicksburg	41+
West Point	56+
Yazoo City	49
Missouri:	
Cape Girardeau	12, 18+, 69
Carthage	56−
Caruthersville	27−
Chillicothe	14−
Clinton	49−
Columbia	8+, 16+, 22−
Farmington	52
Festus	25−
Fulton	24+
Hannibal	7−, 27+
Jefferson City	13, 33+
Joplin	12+, 30+
Kansas City	4, 5+, 9+, *19+, 25+, 65
Kennett	21
Kirksville	3−, 18
Lebanon	23
Marshall	40+
Maryville	26
Mexico	45
Moberly	35+
Monett	14
Nevada	18−
Poplar Bluff	15+
Rolla	46
St. Joseph	2−, 30−, *36
St. Louis	2, 4−, 5−, *9, 11−, 30, 42+
Sedalia	6−, 28+
Sikeston	37
Springfield	3+, 10, *26+, 32
West Plains	20−
Montana:	
Anaconda	2+
Billings	2, 8, *11
Bozeman	*9, 22−
Butte	4, 6+, *7−, 15+
Cut Bank	20+
Deer Lodge	25+
Dillon	20
Glasgow	16
Glendive	5+, 18−
Great Falls	3+, 5+, *23−
Hamilton	17+
Hardin	4+
Havre	9+, 11+
Helena	10+, 12
Kalispell	9−
Laurel	14+
Lewistown	13
Livingston	16−
Miles City	3−, *6, 10
Missoula	8−, *11−, 13−, 21+
Polson	18
Red Lodge	18+
Shelby	14−
Sidney	14
Whitefish	16+
Wolf Point	20−
Nebraska:	
Alliance	13−, 21
Beatrice	40
Broken Bow	14−
Columbus	49+
Fairbury	35
Falls City	38
Fremont	52
Grand Island	11−, 21+
Hastings	5−, 27−
Hay Springs	4+
Hayes Center	6
Kearney	13, 19
Lexington	23−
Lincoln	10+, *12−, 18+, 24
McCook	8−, 17
Nebraska City	50
Norfolk	33+
North Platte	2−, 9+
Omaha	3, 6+, 7, *16, 22, 28−
Scottsbluff	10−, 16+
York	15
Nevada:	
Boulder City	4+
Carlin	14
Carson City	37
Elko	10−
Ely	3−, 6+
Fallon	29−
Goldfield	5−
Hawthorne	31
Henderson	2−
Las Vegas	8−, *10+, 13−

	Channel No.
Nevada—Continued	
Lovelock	18+
McGill	8+
Reno	2, 4, *5, 8, 21+, 27−
Tonopah	9−
Winnemucca	7+
Yerington	33
New Hampshire:	
Berlin	52
Claremont	37
Concord	76
Durham	*11
Hanover	*20+, 26
Keene	45−
Laconia	43
Littleton	24−
Manchester	9−, 48+
Nashua	54
Portsmouth	15
Rochester	51
New Jersey:	
Andover	*69
Asbury Park	58
Atlantic City	46, 52+
Bridgeton	64−
Camden	*80
Freehold	*74
Hammonton	*70
Montclair	*77
Newark	13−
New Brunswick	*19−, 47+
Paterson	37+
Trenton	41+
Wildwood	40
New Mexico:	
Alamogordo	17
Albuquerque	4+, *5+, 7+, 13+
Artesia	21+
Atrisco-Five Points	18+
Belen	24+
Carlsbad	6−, 23
Clayton	27−
Clovis	12+, 35
Columbus	16−
Deming	14+
Farmington	12+, 17−
Five Points. (*See* Atrisco.)	
Gallup	3, *8−, 10
Hobbs	46
Hot Springs	19
Las Cruces	22−
Las Vegas	14−
Lordsburg	23+
Los Alamos	20−
Lovington	27
Portales	22+
Raton	46−, *52
Roswell	*3+, 8, 10−
Santa Fe	2+, *9+, 11−
Silver City	*10+, 12
Socorro	15+
Tucumcari	25+
New York:	
Albany-Schenectady-Troy	6, 13, *17+, 23−, 35, 41
Amsterdam	52−
Batavia	33−
Binghamton	12−, 40−, *46+, 56+
Buffalo	17, *23
Buffalo-Niagara Falls	2, 4−, 7+, 29+
Carthage	7−
Clymer	37
Cortland	72
Dunkirk	46
Elmira	18+, 24−, 30
Glens Falls	39+
Gloversville	29−
Hornell	50
Ithaca	*14+, 20−
Jamestown	58+
Kingston	66−
Lake Placid	5
Malone	47, *66
Massena	14−
Middletown	60
New York	2, 4, 5+, 7, 9+, 11+, *25, 31−
Niagara Falls. (*See* Buffalo-Niagara Falls.)	
Ogdensburg	24+
Olean	54+
Oneonta	62−
Oswego	31
Patchogue	75
Plattsburg	28+
Poughkeepsie	21−, *83
Rochester	8, 10+, 13−, 15−, *21, 27+
Rome. (*See* Utica.)	
Saranac Lake	18
Schenectady. (*See* Albany.)	
Syracuse	3−, 5−, 9−, *43+
Troy. (*See* Albany.)	
Utica-Rome	2−, *25+, 54−
Vail Mills	10−
Watertown	48
North Carolina:	
Ahoski	53
Albemarle	20
Asheville	13−, *56−, 62+, 78
Burlington	63
Burnsville	18
Chapel Hill	*4+
Charlotte	3, 9+, 36+, *42+
Durham	11+, *40−, 46+, 73−
Elizabeth City	31+
Fayetteville	18−, 54−
Gastonia	48
Goldsboro	34, 72
Greensboro	2−, *51−, 57−
Greensboro-High Point-Winston-Salem	8−
Greenville	9−
Henderson	52−
Hendersonville	27
Hickory	30−
High Point (*also see* Greensboro-High Point-Winston-Salem)	15+
Jacksonville	16
Kannapolis	59+
Kinston	45
Laurinburg	41−
Lumberton	21+
Mount Airy	55
New Bern	12+
Raleigh	5, *22−, 28−
Roanoke Rapids	30+
Rocky Mount	50+
Salisbury	80
Sanford	38
Shelby	39
Southern Pines	49
Statesville	64−
Washington	7
Wilmington	3−, 6, 29−, *35+
Wilson	56
Winston-Salem (*also see* Greensboro-High Point-Winston-Salem)	12, 26+, *32−
North Dakota:	
Bismarck	5, 12−, 18, *24
Bottineau	16+
Carrington	26−
Devils Lake	8+, 14−
Dickinson	2+, 4, *17
Fargo	6, 11+, *13, 34−, 40
Grafton	17
Grand Forks	*2, 10
Harvey	22+
Jamestown	7−, 42
Lisbon	23
Minot	*6+, 10−, 13−
New Rockford	20+
Pembina	12
Rugby	38−
Valley City	4−, 32−
Wahpeton	45+
Williston	8−, 11−, *34+
Ohio:	
Akron	49+, *55−, 61+
Ashtabula	15
Athens	*20, 62−
Bellefontaine	63
Bowling Green	*70
Cambridge	26
Canton	29
Chillicothe	56+
Cincinnati	5−, 9, 12, *48−, 54−, 74−
Cleveland	3, 5+, 8, 19, *25+, 65+
Columbus	4−, 6+, 10+, *34, 40−
Dayton	2, 7+, *16+, 22+
Defiance	43
Findlay	53
Fremont	59+
Gallipolis	72
Hamilton-Middletown	65
Lancaster	68−
Lima	35−, 73
Lorain	31−
Mansfield	36+
Marion	17−
Massillon	23+
Middletown. (*See* Hamilton.)	
Mount Vernon	58
Newark	*28−, 60−
Oxford	*14+, 44−
Piqua	30
Portsmouth	42+
Sandusky	52−, 76
Springfield	21−, 27, 33, 73−
Steubenville. (*See* Wheeling, W. Va.)	47+
Tiffin	11−, 13, *30+, 79
Toledo	67+
Warren	21−, 27, 33, 73−
Youngstown	45−
Youngstown, Ohio-New Castle, Pa	18−, 50+
Zanesville	
Oklahoma:	
Ada	10+, 50+
Altus	36
Alva	30
Anadarko	58−
Ardmore	12−, 55−
Bartlesville	62−
Blackwell	51−
Chickasha	64
Claremore	15
Clinton	32−
Duncan	39−
Durant	27−
Elk City	8+, 15+, 26+
El Reno	56+
Enid	5, 21, *27+
Frederick	44
Guthrie	48
Guymon	20+
Hobart	23+
Holdenville	14−
Hugo	21+
Lawton	7+, *28+, 34−
McAlester	47
Miami	58+
Muskogee	*45+, 66+
Norman	31−, *37−
Oklahoma City	4−, 9−, *13, 19+, 25−
Okmulgee	26
Pauls Valley	61
Ponca City	40−
Pryor Creek	54
Sapulpa	42−
Seminole	59
Shawnee	53−
Stillwater	29−, *69
Tulsa	2+, 6, 8−, *11−, 17+, 23
Vinita	28−
Woodward	35+
Oregon:	
Albany	55+
Ashland	14−
Astoria	30−
Baker	37+
Bend	15−
Brookings	8+
Burns	16
Coos Bay	11
Corvallis	*7−, 49−
Eugene	9+, 13, 20+, 26
Grants Pass	30
Klamath Falls	2−, 17
La Grande	13+
Lebanon	43+
McMinnville	46−
Medford	5, 10+
North Bend	16+
Pendleton	28
Portland	2, 6+, 8−, *10, 12, 21−, 27+
Roseburg	4+, 28+
Salem	3+, *18−, 24+, 66
Springfield	37−
The Dalles	32

	Channel No.
Pennsylvania:	
Allentown	39, 67
Altoona	10−, 25−
Bethlehem	51−
Bradford	80−
Butler	43−
Chambersburg	46−
Du Bois	31+
Easton	57−
Emporium	42−
Erie	12, 35+, *41−, 66+
Harrisburg	21+, 27−, 33+
Hazleton	63
Johnstown	6, 19+, 56−
Lancaster	8−, 55+
Lebanon	15+
Lewistown	75−
Lock Haven	32−
Meadville	62+
New Castle. (*See* Youngstown, Ohio.)	
Oil City	64
Philadelphia	3, 6−, 10, 17−, 23+, 29, *35−
Pittsburgh	2−, 4+, 11, *13−, *16, 22, 53+
Reading	61−
Scranton	16−, 22−, 44
Shamokin	65
Sharon	39+
Shinglehouse	60+
State College	*69+
Sunbury	38
Uniontown	14
Washington	63+
Wilkes-Barre	28, 34
Williamsport	26+
York	43, 49
Rhode Island:	
Providence	10+, 12+, 16, *36+
South Carolina:	
Aiken	54
Anderson	40, 58−
Camden	14
Charleston	2+, 4, 5+, *7−, 17+
Clemson	*68
Columbia	10−, 19+, 25−, *31−
Conway	23−
Florence	13+, 60
Georgetown	27−
Greenville	4−, 23+, *29
Greenwood	21−
Lake City	55+
Lancaster	67+
Laurens	45−
Marion	43−
Newberry	70
Orangeburg	44−
Rock Hill	61−
Spartanburg	7+, 17−, 74−
Sumter	47
Union	65−
South Dakota:	
Aberdeen	9−, 17+
Belle Fourche	23+
Brookings	*8, 25
Hot Springs	17+
Huron	12+, 15+
Lead	5−, 26
Madison	46
Mitchell	5+, 20−
Mobridge	27−
Pierre	10+, *22+
Rapid City	3+, 7+, 15−
Reliance	6−
Sioux Falls	11, 13+, 38+, *44−
Sturgis	20
Vermillion	*2+, 41
Watertown	3−, 35+
Winner	18−
Yankton	17−
Tennessee:	
Athens	14+
Bristol, Tenn.-Bristol, Va	5+, 75
Chattanooga	3+, 9, 12−, 43+, 49+, *55−
Clarksville	53
Cleveland	38+
Columbia	39−
Cookeville	24, *69
Crossville	*77
Covington	19−
Dyersburg	46+
Elizabethton	22+
Fayetteville	27+
Gallatin	48+
Harriman	67
Humboldt	25
Jackson	7+, 16+
Johnson City	11−, 34+
Kingsport	28
Knoxville	6, 10+, *20+, 26−
Lawrenceburg	50+
Lebanon	58
Lexington	*11
McMinnville	46
Maryville	51
Memphis	3−, 5+, *10+, 13+, 42−, 48−
Morristown	54+
Murfreesboro	18−
Nashville	*2−, 4+, 5, 8+, 30+, 36+
Oak Ridge	79
Paris	51+
Pulaski	44−
Shelbyville	56
Sneedville	*2+
Springfield	42
Tullahoma	68−
Union City	55
Texas:	
Abilene	9+, 33−
Alice	34+
Alpine	12−
Amarillo	*2−, 4, 7, 10
Athens	25+
Austin	7+, *18−, 24, 67
Ballinger	25
Bay City	33
Beaumont-Port Arthur	4−, 6−, 12−, 31+, *37
Beeville	38−
Big Spring	4−, 34+
Bonham	43
Borger	33
Brady	15−
Breckenridge	14+
Brenham	52−
Brownfield	15
Brownsville	26, 44
Brownsville-Harlingen-Weslaco [1]	4+, 5−
Brownwood	19
Bryan	54−
Bryan-College Station (*also see* College Station)	3+
Childress	40
Cleburne	57
Coleman	21−
College Station (*also see* Bryan-College Station)	*48−
Conroe	20+
Corpus Christi	3−, 6+, 10−, *16+, 22, 43
Corsicana	47+
Crockett	56
Crystal City	44+
Cuero	25−
Dalhart	16
Dallas	4+, 8, *13+, 23, 29, 73
Del Rio	16−, 52+
Denison	52
Denton	*2, 17
Eagle Pass	22−, 64
Edinburg	60
El Campo	27
El Paso	4, *7, 9, 13, 26+, 36, 50, 62
Falfurrias	52
Floydada	45
Fort Stockton	22
Fort Worth	5+, 11−, 20−, *26−
Gainesville	49−
Galveston	35−, 41−, *47−
Gonzales	64+
Greenville	69−
Harlingen (*also see* Brownsville-Harlingen-Weslaco)	23
Hebbronville	58
Henderson	42+
Hereford	19−
Hillsboro	63
Houston	2−, *8−, 11+, 13−, 23+, 29−, 39−
Huntsville	15
Jacksonville	36−
Jasper	49+
Kermit	14
Kilgore	59−
Kingsville	40
Lamesa	28
Lampasas	40−
Laredo	8, 13, *15+, 27−, 39
Levelland	38−
Littlefield	32
Longview	32, 38+
Lubbock	*5−, 11, 13−, 20, 26
Lufkin	9, 46−
McAllen	20−
McKinney	65−
Marfa	19+
Marshall	16−
Mercedes	66
Mexia	50−
Midland	2+, 18
Mineral Wells	38
Mission	70+
Monahans	9−
Mount Pleasant	35
Nacogdoches	19−, 40+
New Braunfels	62−
Odessa	7−, 24−
Orange	43−
Pampa	17−
Paris	33+
Pearsall	31
Pecos	16+
Perryton	22
Plainview	29+
Port Arthur. (*See* Beaumont.)	
Presidio	21
Quanah	42
Raymondville	64−
Rosenberg	17−
San Angelo	3−, 8+, 17+, *23−
San Antonio	4, 5, *9−, 12+, 35+, 41+
San Benito	48
San Marcos	75
Sequin	14−
Seymour	24+
Sherman	46+
Snyder	30+
Stephenville	32+
Sulphur Springs	41
Sweetwater	12
Taylor	58+
Temple	6, 16, 22+
Terrell	53
Texarkana	6+, *18, 24−
Tyler	7, 61+, 72
Uvalde	20
Vernon	18+
Victoria	19+
Waco	10+, *28−, 34
Waxahachie	45−
Weatherford	51
Weslaco. (*See* Brownsville-Harlingen-Weslaco.)	
Wichita Falls	3, 6−, *16+, 22−
Zapata	49
Utah:	
Brigham	36−
Cedar City	5
Logan	12−, 30, *46
Ogden	9+, *18−, *24
Price	6
Provo	11+, 22, *28
Richfield	13+
St. George	18+
Salt Lake City	2−, 4−, 5+, *7−, 20+, 26
Tooele	44
Vernal	3+
Vermont:	
Bennington	69−
Brattleboro	77+
Burlington	3, *16+, 22+
Montpelier	57

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen, and Weslaco.

	Channel No.
Vermont—Continued	
Newport	46
Rutland	49+
St. Albans	34−
St. Johnsbury	30
Virginia:	
Blacksburg	*60+
Bristol. (*See* Bristol, Tenn.)	
Charlottesville	*45+, 64+
Covington	44+
Danville	24−
Emporia	25+
Farmville	19
Fredericksburg	47
Front Royal	39−
Harrisonburg	3−, 34−
Lexington	54
Lynchburg	13, 16−
Marion	50
Martinsville	35−
Newport News. (*See* Norfolk-Portsmouth-Newport News.)	
Norfolk-Portsmouth	27
Norfolk-Portsmouth-Newport News	3+, 10+, 13−, 15, *21−, 33
Norton	52+
Petersburg	8, 41
Portsmouth (*See* Norfolk-Portsmouth and *also see* Norfolk-Portsmouth-Newport News.)	
Pulaski	37−
Richmond	6+, 12−, *23, 29+
Roanoke	7−, 10, 27+, *33−
South Boston	14+
Staunton	36
Waynesboro	42
Williamsburg	17
Winchester	28+
Washington:	
Aberdeen	58
Anacortes	34
Bellingham	12+, 18+, 24−
Bremerton	44, 50
Centralia	17
Clarkston	34+, 40+
Ellensburg	49, *65
Ephrata	16−, 43
Everett	22−, 28−
Grand Coulee	37
Hoquiam	52
Kelso	39
Kennewick	31
Kennewick-Richland-Pasco	*41
Longview	33
Moses Lake	33−
Okanogan. (*See* Omak.)	
Olympia	60
Omak-Okanogan	*35−
Pasco (*also see* Kennewick-Richland-Pasco)	19−
Port Angeles	16+
Pullman	*10−, 24
Richland (*also see* Kennewick-Richland-Pasco)	25
Seattle	4, 5+, 7, *9, 20, 26+
Spokane	2−, 4−, 6−, *7+
Tacoma	11+, 13−, *56, 62
Walla Walla	22, 44−, *50
Wenatchee	27, *45, 55
Yakima	23+, 29+, *47
West Virginia:	
Beckley	4, 21, 66
Bluefield	6−, 41+
Charleston	8+, *43+, 49−
Clarksburg	12+, 69−
Elkins	40+
Fairmont	35
Hinton	31
Huntington	3+, 13+, *53−
Logan	23−
Martinsburg	58−
Morgantown	*24
Parkersburg	15−
Welch	25
Weston	5, 32
Wheeling	*57+
Wheeling-Steubenville, Ohio	7, 9+, 51+
Williamson	17
Wisconsin:	
Adams	*58+
Appleton	42+
Ashland	15+
Beaver Dam	52−
Beloit	57
Chilton	*31+
Eau Claire	13+, *19+, 25+
Fond du Lac	54+
Green Bay	2+, 5+, 11+, 70+
Janesville	63+
Kenosha	61−
La Crosse	8+, *32+, 38−, 72
Madison	3, 15, *21−, 27−, 33+
Manitowoc	65
Marinette	32−, *38+
Milwaukee	4−, 6, *10+, 12, 18+, 24+, 30, *36
Oshkosh	48−
Park Falls	*18
Portage	17−
Prairie du Chien	34
Racine	49−, 55
Rhinelander	22
Rice Lake	21+
Richland Center	*66−, 76
Sheboygan	59−
Shell Lake	*30−
Sparta	50−
Stevens Point	20+, 26−
Sturgeon Bay	44−
Superior. (*See* Duluth, Minn.)	
Wausau	7−, 9, 16+, *46−
Wisconsin Rapids	14−
Wyoming:	
Buffalo	29
Casper	2+, 6+
Cheyenne	5+
Cody	24−
Douglas	14
Evanston	14−
Gillette	31−
Green River	16
Greybull	40
Lander	7, 17−
Laramie	*8+, 18+
Lovell	36+
Lusk	19−
Newcastle	28+
Powell	30+
Rawlins	11−
Riverton	10+
Rock Springs	13
Sheridan	9−, 12+
Thermopolis	15
Torrington	27
Wheatland	24+
Worland	34
U.S. Territories and Possessions	
Guam:	
Agana	8, 10
Puerto Rico:	
Arecibo-Aguadilla	12+
Caguas	11−
Fajardo	13+
Mayaguez	3+, 5−
Ponce	7+, 9−
San Juan	2+, 4−, *6+
Virgin Islands:	
Charlotte Amalie	10−
Christiansted	8+

[F.R. Doc. 61-11903; Filed, Dec. 14, 1961; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

REVISED ADMINISTRATIVE INSTRUCTIONS CONCERNING IMPORTATION OF CERTAIN PINE MATERIAL FROM CANADA

Pursuant to § 319.37-24 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-24), under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), administrative instructions designated as § 319.37-24a are hereby amended to read as follows:

§ 319.37-24a Administrative instructions concerning importation of certain pine material from Canada.

(a) (1) In accordance with § 319.37-24 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-24), the Director of the Plant Quarantine Division has determined that the States of California, Montana, Oregon, Utah, Washington, and Idaho, respectively, have taken action to suppress the European pine shoot moth, Rhyacionia buoliana Schiff, and have promulgated quarantines providing that trees with or without roots, and tree twigs or branches, of all Pinus species, native or introduced, shall not be moved from specified areas in the United States into the States of California, Montana, Oregon, Utah, and Washington, and shall not be moved from specified areas in the United States into the State of Idaho unless accompanied by a certificate issued by a duly authorized inspector of the State of origin stating that the material has been so treated as to eliminate European pine shoot moth infestation. In addition, all of the above-named States have respectively provided an exemption allowing the movement from specified areas in the United States into or through such States, during varying periods of the year, of cut pine trees, branches or twigs, when designated for use for ornamental purposes. It has also been determined that the European pine shoot moth is found in Canada and that this pest may be imported with such trees, twigs, and branches.

(2) There is at the present time no known treatment that will completely eliminate European pine shoot moth infestation without probable injury to pine material. Further, the States or California, Idaho, Montana, Oregon, Utah, and Washington have requested that the United States Department of Agriculture cooperate in the enforcement of their respective quarantines by restrict-

ing the importation from Canada of such pine material under conditions paralleling State restrictions on interstate movement.

(b) Pending the development of a treatment that will satisfactorily eliminate European pine shoot moth infestation from pine material, and under authority of § 319.37–24, notice is hereby given that import permits will be refused for trees with or without roots, and tree twigs or branches, of all Pinus species heretofore allowed to be imported from Canada, when destined for importation into the State of California, Idaho, Montana, Oregon, Utah, or Washington, except that, whenever one of the respective States named herein includes in its European pine shoot moth quarantine an exemption to allow the seasonal entry into such State, from specified areas in the United States, of certain otherwise prohibited pine material, a paralleling exemption shall be deemed to exist hereunder in respect to the importation from Canada, into such State, of the exempt material.

(Secs. 1, 5, 9, 37 Stat. 315–318, as amended; 7 U.S.C. 154, 159, 162; 7 CFR 319.37–24)

These administrative instructions shall become effective December 15, 1961, when they shall supersede administrative instructions designated as § 319.37–24a (7 CFR 319.37–24a), effective October 21, 1961.

The State of California has now promulgated an European pine shoot moth quarantine restricting the movement of pine material into the State from specified areas in the United States. In addition, all of the States concerned have revised their respective restrictions to provide an exemption allowing the movement into their particular jurisdictions, from specified areas in the United States, during varying winter periods, of cut pine trees, branches or twigs, when designated for use for ornamental purposes. Communications have been received from the States involved requesting that the United States Department of Agriculture cooperate by conforming its restrictions to those already adopted by the respective States. Therefore, in accordance with these requests, the administrative instructions relating to the importation from Canada, of trees with or without roots, and tree twigs or branches, of all Pinus species, are hereby amended. The amendment, in part, relieves restrictions by allowing seasonal importation from Canada of certain otherwise restricted pine material in cases where the State of destination similarly permits entry of such material from specified areas in the United States. In addition, the amendment imposes restrictions supplementary to the European pine shoot moth suppression program of the State of California. Restrictions on the importation from Canada into California of the prohibited pine material are necessary to prevent the entry of the moth with such material. The amendment should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of December 1961.

[SEAL] E. P. REAGAN,
Director, Plant Quarantine Division.

[F.R. Doc. 61–11907; Filed, Dec. 14, 1961; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment for 1961–62 Fiscal Year

On December 1, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11363) regarding the expenses and the fixing of the rate of assessment for the 1961–62 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 953.216 Expenses and rate of assessment for the 1961–62 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1962, will amount to $195,405.

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be 1½ cents ($0.0150) per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable lemons from the beginning of such year; and (2) the current fiscal year began on November 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable lemons beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 12, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11906; Filed, Dec. 14, 1961; 8:53 a.m.]

PART 1032—CARROTS GROWN IN SOUTH TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 142 and Order No. 132 (7 CFR Part 1032) regulating the handling of carrots grown in South Texas was published in the FEDERAL REGISTER, October 21, 1961 (26 F.R. 9911). This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the South Texas Carrot Committee, established under the said marketing agreement and order, it is hereby found and determined that:

§ 1032.202 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Carrot Committtee, established under Marketing Agreement No. 142, and this part, to enable the committee to perform its functions under the provisions of the marketing agreement and marketing order during the fiscal period August 1, 1961, through July 31, 1962, will amount to $34,000.00.

(b) The rate of assessment to be paid by each handler under Marketing Agreement No. 142 and this part shall be one-half cent ($0.005) per 50 pound sack (or crate) of carrots, or the equivalent quantity thereof packed in other containers, handled by him as the first handler thereof during said fiscal period.

(c) All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142 and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and order require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable carrots from the beginning of such period and (2) the current fiscal period began on August 1, 1961, and the rates of assessment herein fixed will automatically apply to all assessable carrots beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 12, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 61–11905; Filed, Dec. 14, 1961; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Savings Deposits

1. Effective January 15, 1962, paragraph (e) of § 204.1 is amended to read as follows:

§ 204.1 Definitions.

* * * * * *

(e) *Savings deposits.* The term "savings deposit" means a deposit:

(1) Which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit;[4] or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(2) With respect to which the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made.

2a. The purpose of this amendment is to conform the definition of "savings deposits" as contained in this part to the definition of "savings deposits" in Part 217 as amended effective January 15, 1962.

b. The amendment set forth herein was the subject of a notice of proposed rule making, published in the FEDERAL REGISTER (26 F.R. 8602), and was adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Sec. 11, 38 Stat. 261, as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat. 270, as amended, sec. 19, 48 Stat. 54, as amended; 12 U.S.C. 461, 462, 462b, 464, 465; Public Law 86–114, July 28, 1959)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F. R. Doc. 61–11911; Filed, Dec. 14, 1961; 8:54 a.m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Savings Deposits

1. Effective January 15, 1962, paragraph (e) of § 217.1 is amended to read as follows:

§ 217.1 Definitions.

* * * * * *

(e) *Savings deposits.* (1) The term "savings deposit" means a deposit:

(i) Which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit; or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(ii) With respect to which the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made.

(2) Subject to the provisions of subparagraph (3) of this paragraph, a member bank may permit withdrawals to be made from a savings deposit only through payment[5] to the depositor himself (but not to any other person whether or not acting for the depositor), except:

(i) Where the deposit is represented by a pass book, to any person presenting the pass book;[5]

(ii) To an executor, administrator, trustee, or other fiduciary holding the savings deposit as part of a fiduciary estate, or to a person, other than the bank of deposit, holding a general power of attorney granted by the depositor;

(iii) To any person, including the depository bank, that has extended credit to the depositor on the security of the savings deposit, where such payment is made in order to enable the creditor to realize upon such security;

(iv) Pursuant to the order of a court of competent jurisdiction;

(v) Upon the death of the depositor, to any person authorized by law to receive the deposit; or

(vi) With respect to interest paid to a third person pursuant to written instruction or assignment by the depositor accepted by the bank, and placed on file therein.

(3) Notwithstanding the provisions of subparagraph (2) of this paragraph, no withdrawal shall be permitted by a member bank to be made from a savings deposit after January 15, 1962, through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor (other than of interest on the savings deposit) if such payment or transfer is made pursuant to any advertised plan or any agreement, written or oral,

(i) Which authorizes such payments or transfers of credit to be made as a normal practice in order to cover checks or drafts drawn by the depositor upon the bank; or

(ii) Which provides that such payments or transfers of credit shall be made at daily, monthly, or other such periodic intervals, except where made to enable the bank, on the depositor's behalf and pursuant to his written instructions, to effect the payment of installments of principal, interest, or other charges (including taxes or insurance premiums) due on a real estate loan or mortgage.

(4) Where a savings deposit is evidenced by a pass book, every withdrawal made upon presentation of the pass book shall be entered in the pass book at the time of withdrawal, and every other withdrawal from such a deposit shall be entered in the pass book as soon as practicable after the withdrawal is made.

2a. The purpose of this amendment is (1) to prevent certain practices that facilitate the use of a savings deposit as a regular means for drawing checks on the depository bank, and (2) to add certain liberalizing provisions which would permit payment of a savings deposit to anyone holding title to the deposit in a fiduciary capacity or pursuant to court order, or as security for credit extended to the depositor.

b. The amendment set forth herein was the subject of a notice of proposed rule making, published in the FEDERAL REGISTER (26 F.R. 8602), and was adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61–11912; Filed, Dec. 14, 1961; 8:54 a.m.]

Chapter III—Federal Deposit Insurance Corporation

PART 327—ASSESSMENTS

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Savings Deposits

Effective January 15, 1962, the amendment of § 327.2(b)(4) and the amend-

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[5] Payment from a savings deposit or presentation of a pass book may be made over the counter, through the mails, or otherwise.

ment of § 329.1(e) of the rules and regulations of the Federal Deposit Insurance Corporation which were published in the FEDERAL REGISTER of September 14, 1961 (26 F.R. 8603), under notice of proposed rule making, are adopted with minor changes after consideration of all relevant matters presented by interested persons on the proposed amendments.

The amendments of the rules and regulations, as adopted, are as follows:

Effective January 15, 1962, § 329.1(e) of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.1(e)) is amended to read as follows:

§ 329.1 Definitions.

* * * * *

(e) *Savings deposits.* (1) The term "savings deposit" means a deposit:

(i) Which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit; [4] or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(ii) With respect to which the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made.

(2) Subject to the provisions of subparagraph (3) of this paragraph, an insured nonmember bank may permit withdrawals to be made from a savings deposit only through payment [5] to the depositor himself (but not to any other person whether or not acting for the depositor), except

(i) Where the deposit is represented by a pass book, to any person presenting the pass book; [5]

(ii) To an executor, administrator, trustee, or other fiduciary holding the savings deposit as part of a fiduciary estate, or to a person, other than the bank of deposit, holding a general power of attorney granted by the depositor;

(iii) To any person, including the depository bank, that has extended credit to the depositor on the security of the savings deposit, where such payment is made in order to enable the creditor to realize upon such security;

(iv) Pursuant to the order of a court of competent jurisdiction;

(v) Upon the death of the depositor, to any person authorized by law to receive the deposit; or

(vi) With respect to interest paid to a third person pursuant to written instruction or assignment by the depositor, accepted by the bank, and placed on file therein.

(3) Notwithstanding the provisions of subparagraph (2) of this paragraph, no withdrawal shall be permitted by an insured nonmember bank to be made from a savings deposit after January 15, 1962, through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor (other than of interest on the savings deposit) if such payment or transfer is made pursuant to any advertised plan or any agreement, written or oral:

(i) Which authorizes such payments or transfers of credit to be made as a normal practice in order to cover checks or drafts drawn by the depositor upon the bank; or

(ii) Which provides that such payments or transfers of credit shall be made at daily, monthly, or other such periodic intervals, except where made to enable the bank, on the depositor's behalf and pursuant to his written instruction, to effect the payment of installments of principal, interest, or other charges (including taxes or insurance premiums) due on a real estate loan or mortgage.

(4) Where a savings deposit is evidenced by a pass book, every withdrawal made upon presentation of the pass book shall be entered in the pass book at the time of withdrawal, and every other withdrawal from such a deposit shall be entered in the pass book as soon as practicable after the withdrawal is made.

Effective January 15, 1962, § 327.2(b)(4) of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 327.2(b)(4)) is amended to read as follows:

§ 327.2 Classification of deposits.

* * * * *

(b) * * *

(4) Savings deposits being deposits:

(i) Which consist of funds deposited to the credit of one or more individuals or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit, or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(ii) With respect to which the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made.

The purposes of the amendment to Part 329 are (1) to prevent certain practices that facilitate the use of a savings deposit as a regular means for drawing checks on the depository bank, and (2) to add certain liberalizing provisions with respect to withdrawals from savings deposits; and the purpose of the amendment to Part 327 is to conform the definition of the term "savings deposit" to the definition of a savings deposit under Part 329.

(Sec. 7, 74 Stat. 551, sec. 9, 64 Stat. 881; 12 U.S.C. 1817, 1819. Interpret or apply secs. 7 and 18, 74 Stat. 551, 64 Stat. 891; 12 U.S.C. 1817, 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION.

[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 61-11892; Filed, Dec. 14, 1961; 8:50 a.m.]

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[5] Payment from a savings deposit or presentation of a pass book may be made over the counter, through the mails, or otherwise.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 935; Amdt. 377]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Model A45 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of flexible oil pickup hoses on Beech Model A45 aircraft and replacement of deteriorated or defective hoses was published in 26 F.R. 10101.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to all Model A45 (converted T34A) airplanes.

Compliance required as indicated.

Deteriorated flexible oil pickup hoses located within the engine oil tank will allow air to be drawn into the engine oil supply line. This can cause serious engine and propeller overspeeds due to improper propeller governing or engine damage from inadequate lubrication. To preclude such occurrences, the following inspection is required within the next 25 hours' time in service after the effective date of this directive unless already accomplished within the last 100 hours' time in service and at intervals of not more than 100 hours' time in service. Visually inspect the flexible oil pickup hose for condition. This will require removal of the oil tank inspection plate, disconnection of the pickup hose at its upper end and removal of the hose from the oil tank for inspection. Examine the hose for deterioration with close attention directed to the hose corrugations for cracks or checks in the minimum diameter sections. Deteriorated or defective hoses are to be replaced.

If new flexible hoses are installed, the 100-hour inspections must be continued. If a rigid type oil pickup line (Beech Kit 45-327 or equivalent) is installed so as to properly supply oil from the bottom of the tank, no further special inspections are required. FAA approved Airplane Flight Manual Supplement dated August 14, 1961, prohibiting inverted flight maneuvers, is required with the rigid type oil pickup line.

(Beech Service Letter T34A, No. 3, dated September 1961, covers this same subject.)

This amendment shall become effective January 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 8, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11870; Filed, Dec. 14, 1961; 8:46 a.m.]

[Reg. Docket No. 936; Amdt. 378]

PART 507—AIRWORTHINESS DIRECTIVES

Piaggio Models P.136–L1 and –L2 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring rework of the fuel vent line so that no vent holes are located inside the hull on Piaggio Models P.136–L1 and P.136–L2 aircraft was published in 26 F.R. 10101.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIAGGIO. Applies to Models P.136–L1 and –L2 aircraft, Serial Numbers 196 through 242.

Compliance required within the next 25 hours of time in service after the effective date of this AD.

The existing fuel vent line is provided with vent holes that are located inside the hull to provide venting in the event of blockage of the external vent outlet by ice or other foreign matter. As a result, fuel and fuel vapor have been detected within the hull constituting a fire and explosion hazard. These vent holes must, therefore, be sealed and other vent anti-icing means provided as follows:

(a) Install one Mil H–5511 hose or equivalent, ¾-inch I.D. by ⅜-inch long, and one clamp, AN 737–TW38 or equivalent, over holes in the outboard end of the fuel vent line. Sleeve may be slit if necessary but slit must not be over any hole.

(b) Install one Piaggio fuel vent anti-icing "bump" or equivalent.

(c) Apply a nonfuel or water soluble, noncorrosive to aluminum sealing compound to the flange of the anti-icing "bump" and rivet "bump" to the skin forward of the fuel vent outlet using eight AN 470AD4–2, or equivalent, rivets. "Bump" flange should be about ⅛-inch forward of vent outlet flange. "Bump" longitudinal centerline must coincide with fuel vent outlet centerline and be level when aircraft is level. "Bump" must be oriented so that the thick end is forward.

This amendment shall become effective January 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 8, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11871; Filed, Dec. 14, 1961; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-11]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.41 of the regulations of the Administrator is to alter the No Man's Land Island, Mass., Restricted Area R–4105.

The Department of Navy has advised that the altitude limit of R–4105 should be reduced from "flight level 240" to "flight level 200", and the time of use be reduced from "continuous" to "0700 to 2400". Therefore, such action is taken herein.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon is unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the No Man's Land Island, Mass., Restricted Area R–4105 in § 608.41 *Massachusetts,* (26 F.R. 7187) is amended to read:

R–4105 No Man's Land Island, Mass.:

Boundaries. A circular area with a 3-mile radius centered at latitude 41°15'30" N., longitude 70°48'40" W.

Designated altitudes. Surface to flight level 200.

Time of designation. 0700 to 2400 e.s.t.

Controlling agency. Federal Aviation Agency, Quonset Approach Control.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R.I.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11872; Filed, Dec. 14, 1961; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8364 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Sergeant & Nicholoy, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent;* § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Sergeant & Nicholoy, Inc., et al., Butler, Wis., Docket 8364, Sept. 21, 1961]

In the Matter of Sergeant & Nicholoy, Inc., a Corporation, Little Farmer Foods, Inc., a Corporation, and Robert C. Engle, Individually and as an Officer of Both Corporations

Consent order requiring a corporate broker of canned and other food products, a corporate food wholesaler, and the individual controlling both, to cease accepting illegal brokerage payments from sellers on purchases by said broker for the account of said wholesaler, which amounted to the wholesaler's receiving brokerage on its own purchases for resale.

The order to cease and desist is as follows:

It is ordered, That respondents Sergeant & Nicholoy, Inc., a corporation, and its officers, and Robert C. Engle, individually and as an officer of Sergeant & Nicholoy, Inc., and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase or sale of canned goods or other food products, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of canned goods or other food products for their own account, or for the account of Little Farmers Foods, Inc., or any other buying organization, where, and so long as, any relationship exists between the brokerage organization and the buying organization either through ownership, control, or management by the individual respondent Robert C. Engle, or any other party, or where respondent Sergeant & Nicholoy, Inc., or respondent Robert C. Engle, individually or as an officer of Sergeant & Nicholoy, Inc., is the agent, representative, or intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer, including Little Farmer Foods, Inc.

It is further ordered, That respondents Little Farmer Foods, Inc., a corporation, and its officers, and Robert C. Engle, individually and as an officer of Little Farmer Foods, Inc., and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of canned goods or other food products, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or dis-

count in lieu thereof, upon or in connection with any purchase of canned goods or other food products for their own account, or on purchases made through the brokerage firm of Sergeant & Nicholoy, Inc., or any other brokerage organization, where, and so long as, any relationship exists between the brokerage organization and the buying organization either through ownership, control, or management by the individual respondent Robert C. Engle, or any other party.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11895; Filed, Dec. 14, 1961; 8:51 a.m.]

[Docket 8416 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Irving C. Katz Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* §13.1108–45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—goods: § 13.1647 *Guarantees:* §13.1647–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Irving C. Katz Co., Inc., et al., New York, N.Y., Docket 8416, Sept. 21, 1961]

In the Matter of Irving C. Katz Co., Inc., a Corporation, and Irving C. Katz and Morris Katz, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices that the fur in fur products was dyed and to show the country of origin of imported furs, and by stating falsely on invoices that they had a continuing guarantee on file with the Federal Trade Commission.

The order to cease and desist is as follows:

It is ordered, That Irving C. Katz Co., Inc., a corporation, and Irving C. Katz and Morris Katz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by: Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failure to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by representing directly or by implication that respondents have a continuing guarantee on file with the Federal Trade Commission when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-11877; Filed, Dec. 14, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of DDT

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington, Delaware, requesting the establishment of a tolerance for residues of DDT in or on lint-bearing cottonseed at 4 parts per million.

Data in the petition show that residues in cottonseed at the tolerance level will not be concentrated at a higher level in cottonseed oil or flour prepared for human consumption. The data also show that residues will not occur in cottonseed meal and hulls from such cottonseed in quantities which, when fed to livestock, will result in residues in meat and milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.147 (21 CFR 120.147) a new item, as follows:

§ 120.147 Tolerances for residues of DDT.

* * * * *

Four parts per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 11, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-11882; Filed, Dec. 14, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Dodine

A petition was filed with the Food and Drug Administration by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, requesting the establishment of a tolerance for residues of dodine in or on strawberries at 10 parts per million. The petitioner later amended the petition to request a tolerance of 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.172 (21 CFR 120.172) a tolerance for residues of dodine on strawberries. Paragraph designations are deleted to facilitate the insertion of new tolerances. As amended, § 120.172 reads as follows:

§ 120.172 Tolerances for residues of dodine.

Tolerances for residues of dodine (*n*-dodecylguanidine acetate) in or on raw agricultural commodities are established as follows:

Five parts per million in or on apples, pears, sour cherries, strawberries.

Zero in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 11, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-11883; Filed, Dec. 14, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed Containing Streptomycin

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the following amendment to § 121.210 of the Federal Food, Drug, and Cosmetic Act should issue with respect to lowering the minimum amount of streptomycin from 30 grams to 12 grams per ton when used in combination with penicillin in amprolium-medicated feeds. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.210(a)(1)(iii) is amended to read as follows:

§ 121.210 Amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).

* * * * *

(a) * * *

(1) * * *

(iii) A combination of penicillin and streptomycin: Not less than 2.4 grams of penicillin and not less than 12 grams of streptomycin and not more than 50 grams of the combination.

2. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146.26) are amended as follows:

§ 146.26 [Amendment]

In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b)(44)(i)(b)(3) is amended to read as follows:

(3) A combination of penicillin and streptomycin: Not less than 2.4 grams of penicillin and not less than 12 grams of streptomycin and not more than 50 grams of the combination drug; or

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 357, 348)

Dated: December 11, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 61-11884; Filed, Dec. 14, 1961; 8:49 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Small-Arms Ammunition; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs a petition requesting that sporting arms and rifle ammunition be exempted from the labeling requirements of the Federal Hazardous Substances Labeling Act. Ammunition, as that term is used to define finished shells for rifle, pistol, revolver, shotgun, or powder-actuated tools, meets the definition for substances that "generate pressure through decomposition, heat, or other means." Ammunition is responsible for some accidental injuries, but the consensus among experts in accident prevention is that such accidents occur when the ammunition is used in connection with a weapon. There is no evidence that "reasonably foreseeable handling or use" of ammunition, except in a device designed to explode it, may cause substantial injury. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (f), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(f) Small-arms ammunition packaged in retail containers is exempted from the labeling requirements of section 2(p)(1) of the act provided that such containers bear the following label statements:

(1) The common or usual name of the ammunition in the container.

(2) The statement: "Warning—keep out of the reach of children."

(3) The name and place of business of the manufacturer, packer, seller, or distributor.

The term "ammunition" as used in this paragraph includes small-arms ammunition and loads for powder-actuated tools in a form ready for use in a pistol, revolver, rifle, shotgun, or powder-actuated tool, including blank cartridges and shells, and shall also include empty primed shells and cases.

I find that because of the minor hazard involved, all the label statements required by section 2(p)(1) of the Federal Hazardous Substances Labeling Act are not necessary for small-arms ammunition, and that the public health and safety will be adequately protected by exempting such substances from part of the labeling statements required by section 2(p)(1) of the act. Therefore, notice and public procedure are not necessary prerequisites for the promulgation of this order, and I so find.

Effective date. This order shall be effective February 1, 1962.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: December 11, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11885; Filed, Dec. 14, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that the Secretary has under consideration an amendment of the Subpart—Administrative Rules and Regulations, operative pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment was recommended by the Prune Administrative Committee and would add a new paragraph (f) to § 993.150 *Disposition of prunes by handlers*, to provide for the disposition of pitted prunes for (1) human consumption as pitted prunes, and (2) use in prune products, on the basis of the quality of such prunes prior to pitting.

Consideration will be given to any written data, views, or arguments pertaining to the program action hereinafter set forth, which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received seven days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(f) *Pitted prunes*—(1) *For human consumption as such.* No handler shall ship or otherwise make final disposition of any lot of pitted prunes for human consumption as pitted prunes unless the lot, before pitting, met (i) the applicable minimum standards set forth in § 993.97 (Exhibit A), or as such standards may be modified, for standard prunes or standard processed prunes, and (ii) the requirements specified in § 993.50 (c) and (d).

(2) *For use in prune products.* Any lot of substandard prunes, whether natural condition or processed, if within the applicable tolerances prescribed in § 993.97 (II C (1), (2), and (3)), may be pitted for use and used in prune products for human consumption: *Provided*, That such prunes have lost their form and character as prunes to the satisfaction of the inspector and the committee. An inspection certificate on such lot shall not be issued until the inspector has determined that the prunes therein have lost their form and character as prunes. Disposition of pitted prunes by handlers for use in prunes products shall be in accordance with the applicable provisions of paragraph (e) of this section.

Dated: December 11, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 61-11881; Filed, Dec. 14, 1961; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 904, 990, 996, 999]

[Docket Nos. AO-14 A-32, AO-302 A-6, AO-203 A-14, and AO-204 A-14]

MILK IN GREATER BOSTON, SOUTHEASTERN NEW ENGLAND, SPRINGFIELD AND WORCESTER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Cape Cod Room, Hotel Essex, 695 Atlantic Avenue, Boston, Mass., beginning at 10:00 a.m., e.s.t., on December 20, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Boston, Mass., Southeastern New England, Springfield and Worcester marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Middlesex County House of Correction and others:

Proposal No. 1. Amend the "exempt milk" definition (§§ 904.4(j), 990.4(g), 996.4(j), and 999.4(j)) so as to include within that definition milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged fluid milk products is returned to the dairy farmer, if such dairy farmer is a public or private institution not engaged in the resale of any packaged fluid milk product.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 230 Congress Street, Room 403, Boston 10, Mass., the Market Administrator, 57 Eddy Street, Providence 3, R.I., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on December 12, 1961.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11909; Filed, Dec. 14, 1961; 8:54 a.m.]

[7 CFR Parts 949, 952]

[Docket Nos. AO 256-A6, AO 232-A10]

MILK IN AUSTIN-WACO AND SAN ANTONIO, TEXAS, MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Austin-Waco and San Antonio, Tex., marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders were formulated, was conducted at San Antonio, Texas, on

April 20, 1961, pursuant to notice thereof which was issued March 28, 1961 (26 F.R. 2751).

The material issues on the record of the hearing relate to:

1. Classification and accounting for dietary products and other fortified fluid milk products.

2. Modification of the conditions for pooling plants also meeting the pooling requirements of another Federal order.

3. Modification of the payment provisions of the San Antonio order.

4. Modification of the procedure for computing handler location adjustment credits under the San Antonio order.

5. The classification of skim milk and butterfat disposed of for animal feed under the San Antonio order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* Fortified fluid milk products, including dietary products, should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

Under the existing classification provisions of both the Austin-Waco and San Antonio orders the products included in Class I are those fluid milk products which are disposed of for fluid consumption and which are normally required to be made from locally approved milk supplies. Both orders presently provide for full skim milk equivalent accounting. When nonfat milk solids in the form of nonfat dry milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content of the finished product, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I.

The Austin-Waco order provides for individual-handler pooling and there is no provision for a compensatory payment on other source milk utilized in Class I. However, producer milk is given priority of assignment in Class I and hence, to the extent that skim milk in producer receipts is available, producer milk is credited as Class I utilization on the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used in fortification or reconstitution. The San Antonio order provides for marketwide pooling and, similar to the Austin-Waco order, priority of assignment in Class I is given to producer milk. Where Class I utilization exceeds producer receipts, a compensatory charge is provided for other source milk assigned to Class I and not classified and priced as Class I in any Federal order market. Under both orders the weight of any nonmilk additives such as flavoring, etc., is deducted before reconciliation of the pounds of skim milk and butterfat to be classified.

Proprietary handlers proposed that fluid milk dietary products be classified as Class II in lieu of the present Class I classification and that skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products placed them at a competitive disadvantage with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products and distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a lower classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. Their proposed changes, they suggested, would serve to facilitate the economic disposition of reserve supplies from these markets. They further contended that a Class I classification and pricing of the skim milk equivalent of nonfat milk solids used in the fortification of Class I products was unrealistic and resulted in an undue cost to handlers.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have an opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products are, or are not, required to be made from locally approved milk under the various health ordinances in effect in those marketing areas. Regardless of the intent of the ordinances it is apparent that the local health authorities are not interpreting them in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their full fluid milk requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortified fluid milk products customarily result from the addition of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

Nonfat dry milk and condensed skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume.

For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account for pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure when flavoring and other nonmilk additives are used for processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

The amendatory language of the respective orders as hereinafter set forth will implement these conclusions.

2. *Modification of the conditions for pooling plants also meeting the pooling requirements of another order.* No change should be made in the basic qualifications for pooling plants under the Austin-Waco and San Antonio orders. However, the provisions prescribing treatment of plants meeting the pooling requirements of more than one order should be clarified and modified to the extent of exempting from regulation, except for reporting and verification any plant which retains pooling status under another Federal order.

Under the present Austin-Waco order a packaging and distributing plant is subject to full regulation if Class I milk in an average amount of 500 pounds per day or 5 percent of Grade A receipts, whichever is less, is disposed of during the month on routes in the marketing area, unless such plant has greater disposition in another Federal order marketing area and would be fully regulated under the other order. A supply plant is subject to full regulation during any month of February through July if shipments are made to a distributing plant on four or more days during the month or if daily average shipments are not less than 3,300 pounds. In any month of August through January shipments must be made on 10 or more days or average not less than 8,300 pounds per day unless the plant was a supply plant in any month of February through July. In this situation the shipping requirement is identical to that for the month of February through July.

Under the present San Antonio order a distributing plant is pooled in any month in which route distribution in the marketing area equals 15 percent or more of receipts from pool plants and approved dairy farmers unless such plant disposed of a greater portion of its milk as Class I milk in another Federal order market in the current month as well as the two preceding months and would be subject to full regulation under such other order. A supply plant is pooled in any month in which not less than 50 percent of its receipts from approved dairy farms is shipped to pool distributing plants, except that if this requirement is met in each of the months of July through February the plant has automatic pooling status for the months of March through June unless nonpool status is elected.

A regulated handler under the North Texas order, operating packaging plants in both Fort Worth and Dallas and distributing milk in a number of the Texas Federal order markets, proposed that the Austin-Waco and San Antonio orders be amended to preclude the pooling of either of his plants under these orders unless its Class I sales in either of these markets should exceed its Class I sales in the North Texas market over an extended period of time. A similar proposal was made to amend each of the other Texas Federal orders.

While the handler's principal problem involves his sales as between the North Texas and Central West Texas markets, nevertheless, it was his position that a similar situation could develop involving either or both of these orders. It was pointed out that, when a handler has approximately equal sales under each of two Federal orders, minor shifts in the volume of sales in one market as compared to the other market could result in a shift in the regulation of the plant from one order to the other. Such a shift in sales could be inadvertent or the result of audit adjustments, whereas a shift in regulation was neither contemplated nor intended by the handler. It was proponents' position that such a shift would not be in the interest of orderly marketing and might have substantial adverse effect on producers involved.

The proposal was opposed by both regulated handlers and by producers. They pointed out that there was no existing situation of the nature described by proponent. They further pointed out that regulation of a plant under the Austin-Waco order, with individual handler pooling, where such plant did more business in another Federal order market could, under certain circumstances, provide the plant a significant competitive advantage.

A plant doing business in several Federal order markets generally should be regulated under that order which it does the greatest proportion of its business. This is the usual standard by which it is determined under which order a plant should be regulated. Nevertheless, a number of Federal orders, including the San Antonio order, contain a provision similar to that requested by proponent.

In recommending this provision the Assistant Secretary in his decision of November 16, 1960 (F.R. Doc. 60–10848), concluded as follows:

"Some handlers dispose of fluid milk products in the marketing areas of more than one Federal order. Such handlers are regulated under the order in the marketing area where they dispose of the greatest proportion of their milk. If a handler disposes of nearly equal amounts in two marketing areas, it is possible that the regulation of such handlers may periodically shift from one order to the other depending upon slight changes in Class I sales. These shifts in sales are sometimes not discovered until audits are made a month or two later. Periodic shifting of the pooling of such a handler's milk from one order to another tends to be disruptive to both orders. To forestall erratic month-to-month shifts from one order to another in the regulation of a handler, it is concluded that if a handler disposes of a greater portion of his milk as Class I milk in another Federal order marketing area for more than two consecutive months, and the handler would be subject to full regulation under such order if he were exempt from this order, such handler should not be regulated under this order after the second month, except to make reports as the market administrator may require and allow verification of such reports."

It is apparent that proponent was not aware of the present order provision since his proposal was essentially for such a provision. Notwithstanding, his supporting testimony was compatible with the above quoted conclusions of the Secretary and it is concluded that the intent of the existing provision should be retained. However, it is desirable that the provision be clarified and that it be recognized that similar provisions may be contained in other Federal orders. Accordingly, a plant should be exempted from regulation under the San Antonio order, even though it might distribute a greater proportion of its Class I milk in the local market, if it retains pooling status in another market.

Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus, providing reasonable time to permit adjustment of his business in cases where such change was not contemplated or desired. At the same time the principle is retained of regulating a plant under that order where the greater proportion of its business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that this provision will have any significant effect on the length of time in which a plant is pooled in a particular market where the change in proportion of business is the result of gaining or losing a government contract.

Supply plants performing under more than one order are normally pooled during the month under that order under which greater qualifying shipments are made. Since supply plants under the San Antonio order must meet a 50 percent shipping requirement to be eligible to pool no special direction is necessary to determine where a supply plant performing under two orders should be pooled.

It must be recognized that under the individual handler pooling arrangement in effect in the Austin-Waco market a handler might seek regulation under that order primarily for the purpose of a pricing advantage through the use of unpriced other source milk. It is possible, under certain circumstances that the inclusion of a provision, such as that herein recommended to be retained in the San Antonio order, whereby a plant most recently regulated under the Austin-Waco order but which subsequently disposed of a greater proportion of its milk in a marketwide pool market could profit by holding regulated status for several months under the individual handler pool. In any event there was no showing that such a provision would likely have any application in the market under existing circumstances and since its adoption was generally opposed by both regulated handlers and by producers it is concluded that the requested change should not be adopted on the basis of this record. Nevertheless, in view of the provision of the San Antonio order, as herein proposed to be amended, and the fact that a similar provision is under consideration in the North Texas and Central West Texas orders it is necessary to exempt from regulation under the Austin-Waco order any distributing plant meeting the requirements for full regulation, but which nevertheless, is fully regulated under another Federal order. Since Federal orders generally provide that distributing plants meeting the pooling requirements of more than one order shall be regulated under that order covering the marketing area in which the greater volume of Class I milk is disposed of, this modification could have

significance only under circumstances in which a plant retained pooling status under another order for a temporary period under a provision intended to give the operator reasonable time to make sales adjustments as between markets and thus avoid a change from one regulation to another if such change was not contemplated or intended.

The present Austin-Waco order provides no clear direction as to where a supply plant performing under two orders should be regulated. This deficiency can be corrected by providing that any plant meeting the requirements for regulation under this order and another Federal order shall be regulated under this order unless greater qualifying shipments are made during the month to plants regulated under another order or the plant retains automatic pooling status under such other order by virtue of performance in a previous period. During the flush production months, when milk of supply plants is least likely to be needed for fluid uses, many Federal orders provide automatic pooling status for supply plants which have been closely associated with the market in previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under another order to be regulated under this order during the flush months, on the basis of casual shipments could have an adverse effect on returns to dairy farmers delivering to such plant since their normal market would likely be operated under a marketwide pooling arrangement and regulation under an individual-handler pool (as provided in this order) would deny them a share of the Class I sales in the marketwide pool which they normally serve. It is therefore more appropriate to permit such a plant to retain pooling status during the flush production months in the market with which it had an established association and automatic pooling status.

3. *Modification of the payment provisions of the San Antonio order.* The payment provisions of the San Antonio order should be amended to provide that a handler shall pay a cooperative association for milk received from such cooperative association in its capacity as a handler on a twice a month basis.

The order presently provides that producers shall be paid twice monthly. On or before the last day of each month an advance payment must be made for milk received during the first 15 days of the month at not less than the Class II price for the preceding month. Final payment is due on the 15th day of each month for the full value of milk received from producers during the preceding month less advance payments previously made. Upon request of a cooperative association authorized to collect payments otherwise due its individual members the payments must be made to such cooperative on the 26th and 13th day of the month, respectively. However, where milk is purchased from a cooperative association in its capacity as a handler only one payment date is provided. On or before the 13th day of each month full payment is required for milk received from the cooperative during the preceding month.

The payments to a cooperative association are required a few days in advance of payments to individual producers in order that the cooperative may pay its members at the same time at which nonmembers are paid. In order that a cooperative may have the necessary funds to make an advance payment to producers by the last day of the month it is necessary that it receive advance payment from handlers for the milk which it delivered in its capacity as a handler as well as for the milk delivered in the names of its individual members. The order should be amended to require such payments. Producers proposed that the language of the payment provisions be further modified to clarify that the required payments be in the hands of the cooperative by the date specified. They suggested that handlers do not uniformly meet the payment schedules and that this seriously impedes their office work.

The uniform price is announced by the market administrator on the twelfth day of the month. Therefore, it would be impractical to require that handlers make final settlement to the association prior to the thirteenth day of the month. Under usual circumstances payments are made by mail and would ordinarily be received by the cooperative on the thirteenth or the fourteenth depending on time of mailing. Since earlier payment would necessarily be impractical except in situations where the uniform price was announced earlier than the date specified (and this would not normally be possible) the cooperative must adjust its operations to this schedule. On the other hand, any handler not mailing or delivering payments on the specified date is violating the order. Hence, no change in the order is needed in this regard.

Handlers proposed that the order be amended to eliminate some of the detail they are required to report regarding individual producer deliveries in making payments to a cooperative association. They suggested that the information was unnecessary and was not used by the cooperative in computing payments to its individual members. The cooperative on the other hand pointed out that all of the information now required was necessary in order to compute individual member payments. Since this is the identical information which is required to be reported in making payments to individual nonmember producers and it is needed by the cooperative in computing payments to its members, the proposal is denied.

The payment provisions should be further revised to make clear that each handler whose obligation is computed pursuant to § 949.70 is required to make payment to the producer-settlement fund by the 14th day of the month of any amount by which such obligation exceeds his required payment pursuant to § 949.80. This is clearly the intent of the present provision and no substantive change is intended. However, producers pointed out that the language was somewhat ambiguous and requested redrafting of § 949.84. Accordingly, the payments to the producer-settlement fund provisions has been revised.

4. *Modification of the procedure for computing handler location adjustment credits under the San Antonio order.* The handler location adjustment provision of the order should be modified to provide that for purposes of computing location adjustment credits direct receipts at a pool plant of milk from dairy farmers for which a cooperative association is the handler shall be considered as receipts from producers at such plant.

The order presently provides that location adjustment credits may be applicable to receipts from other plants only on that volume of milk representing the excess of Class I disposition over 95 percent of receipts from producers. Assignment of such Class I disposition to transferor plants is made in sequence beginning with plants having the lowest rate of adjustment credit. The order further provides that unless it elects otherwise a cooperative association shall be the responsible handler for bulk tank milk of its producers which is delivered directly from the farm to a pool plant in tank trucks owned and operated by or under control of the association. Such milk is deemed to have been received by the cooperative at a pool plant at the location of the pool plant to which it is delivered.

A proprietary handler receiving milk both from local producers and from a supply plant proposed the amendment herein recommended. He pointed out that the local cooperative was not presently acting as the responsible handler on bulk tank milk. Hence, if the cooperative were to become the handler on that milk, the result would be a reduction in the volume of supply plant milk for which location adjustment credits could be claimed.

Under the order a handler has freedom of choice as to his source of milk supply. However, if direct receipts at his pool plant are sufficient to cover his Class I requirements no location adjustment credits are allowed on receipts from supply plants. Milk in excess of the market's fluid requirements and which is received at country plants need not be transported to the city for Class II disposition. Accordingly, no location adjustment credits are applicable to Class II milk. The order does recognize, however, that a handler must have some milk in excess of his actual bottling requirements in his plant because of shrinkage, route returns, etc. Accordingly, location adjustment credits are applicable on that volume of milk represented by the amount by which actual Class I disposition exceeds 95 percent of direct producer receipts. The fact that the local cooperative association might elect to become the handler for its member milk delivered in bulk tanks directly from the farms would in no way change the proprietary handler's milk requirements. Hence, it is appropriate, for purposes of computing location differential credits to consider such receipts as direct receipts from producers.

5. *Classification of skim milk and butterfat disposed of for animal feed.* Skim milk and butterfat disposed of for animal feed under the San Antonio order should continue to be classified as Class II.

Producers proposed that the classification provisions be amended to limit the volume of skim milk and butterfat which a handler might dispose of for animal feed under a Class II classification to one-half of one percent of fluid milk products disposition and only under conditions where detailed requirements for reports and records are met. Proponents contended that the order provides a two percent shrinkage allowance and this in conjunction with a one-half of one percent maximum Class II disposition as animal feed would adequately cover normal shrinkage and losses from spoilage, etc., for which there is no use other than animal feed. Handlers, on the other hand, opposed any change in the classification of animal feed. They contended that disposition as livestock feed was costly to handlers and that such disposition was made only under circumstances where the milk involved could not be salvaged for other uses.

While producers seem to feel that some handlers in the market may be using livestock disposition to cover excess shrinkage or possibly even actual disposition in Class I uses it is apparent that they have no grounds for such a position. The market administrator has the authority under the order to require the necessary reports and records to permit satisfactory verification of any alleged livestock feed disposition and clearly he is exercising this authority. Hence, there can be no foundation for producers' position.

There is little or no prospect that a handler could realize a return over the order Class II price for milk disposed of for livestock feed. No handler is engaged in the manufacture of milk products into livestock feed. The only disposition for livestock feed is fluid milk and milk products which could not economically be otherwise used or which have deteriorated beyond the point of salvage. Since the market administrator requires specified reports and records which permit verification of such disposition to his own satisfaction, it must be concluded that any such reported disposition which cannot be verified to his satisfaction would not be permitted a Class II classification. Accordingly, there is no reason for any change in the existing provisions and the proposal is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective, marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Austin-Waco and San Antonio, Tex., marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended.

Austin-Waco Order Part 952:

§ 952.41 [Amendment]

1. Delete paragraph (a) of § 952.41 and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix or other frozen mixes, evaporated or condensed milk and any milk product contained in hermetically sealed containers): *Provided, however,* That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content, and (2) not accounted for as Class II milk.

2. Delete the word "and" at the end of subparagraph (3) of § 952.41(b).

3. Replace the period at the end of subparagraph (4) of § 952.41(b) with a semicolon, add the word "and" immediately thereafter and add a new subparagraph (5) to read as follows:

(5) Skim milk contained in any fortified product designed pursuant to paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph.

4. Delete § 952.61 and substitute therefor the following:

§ 952.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than is disposed of on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area.

(b) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) An approved supply plant which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, or (2) retains automatic pooling status under another Federal order.

San Antonio Order Part 949:

§ 949.41 [Amendment]

1. Substitute a colon in place of a semicolon at the end of subparagraph (1) of paragraph (a) of § 949.41 and add the following: "*Provided, however,* That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content;"

2. Add a new subparagraph (4) immediately following subparagraph (3) in § 949.41(b) to read as follows:

(4) Skim milk contained in any fortified product designated in subparagraph (a)(1) of this section in excess of the pounds of skim milk in such product

classified as Class I pursuant to such subparagraph.

§ 949.54 [Amendment]

2a. Delete the proviso in § 949.54 and substitute therefor the following: "*Provided*, That in calculating such adjustments, transfers to a pool plant at which a location adjustment is not applicable or at which it is less than at the transferor plant may be assigned to Class I only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers and a cooperative association(s) in its capacity as a handler pursuant to § 949.10(d) at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply."

3. Delete § 949.60 and substitute therefor the following:

§ 949.60 Handlers subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator, and, in the event he has disposed of on routes in the marketing area Class I milk which was neither classified nor priced under such other order or on which a compensatory payment was not made under any other order, shall pay to the market administrator on or before the 13th day of each month an amount computed by multiplying the total volume of such Class I milk disposed of on routes in the marketing area from such plant during the preceding month by the rate of compensatory payment computed pursuant to § 949.65.

(a) A plant meeting the requirements for pooling pursuant to § 949.8(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all of the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is fully regulated under such other order.

(b) A plant meeting the requirements for pooling pursuant to § 949.8(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area, but which plant is fully regulated under such other Federal order.

§ 949.80 [Amendment]

4. Delete paragraph (a) of § 949.80 and substitute therefor the following:

(a) Each handler shall pay to a cooperative association on or before the 13th day of the month, for milk received from it during the preceding month for which such association is a handler pursuant to § 949.10(d), the value of such milk at not less than the applicable class prices: *Provided, however*, That for each hundredweight of milk so received during the first 15 days of any month, such handler shall, upon written request of the cooperative association make an advance payment to such association by the 26th day of the month at not less than the Class II price of the preceding month, in which case the obligation of the handler otherwise payable on or before the 13th day of the following month shall be reduced by the amount of such advance payment.

§ 949.84 [Amendment]

5. Delete § 949.84 and substitute therefore the following:

§ 949.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 949.70, for such month exceeds the obligation pursuant to § 949.80(b) of such handler to producers for milk received during the month.

Signed at Washington, D.C., on December 11, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F. R. Doc. 61-11908; Filed, Dec. 14, 1961; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 996]

NAVION AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive which will supersede AD 50-24-1 (21 F.R. 9499) for Navion aircraft. The present directive requires replacement of the landing gear selector valve end fitting with a heat-treated fitting. Experience has shown that the replacement fittings also are subject to failure. To preclude further failures, a new directive is proposed requiring repetitive inspections of the gear actuating parts and replacement of defective parts.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communication received on or before January 16, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

NAVION. Applies to Navion, Navion A, B, D, E, F, and G aircraft.

Compliance required within the next 25 hours' time in service after the effective date of this AD and at each periodic inspection thereafter.

The landing gear selector valve end fitting P/N 145-58145-3 (heat treated and non-heat treated) has a service history of failure during attempts to extend the gear. To preclude further difficulties:

Inspect the gear actuating system in accordance with Navion Service Letter No. 81. Any defective parts found as a result of this inspection must be replaced prior to further flight.

This supersedes AD 50-24-1.

Issued in Washington, D.C., on December 8, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11869; Filed Dec. 14, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 6, 1961.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 064217 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for use by the Division of Beaches and Parks, Department of Natural Resources, State of California, for recreation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 4201 U.S. Court House and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TOIYABE NATIONAL FOREST

Molybdenite Recreation Area

T. 5 N., 23 E.,
Sec. 9: SE¼NE¼, E½SW¼NE¼, NE¼SE¼;
Sec. 10: W½NW¼SW¼.

The areas described aggregate 120.00 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-11879; Filed, Dec. 14, 1961; 8:48 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 8, 1961.

The Forest Service, Department of Agriculture, has filed an application, Serial Number NM 0225991, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining, but not the mineral leasing laws. The applicant desires the land for public recreation use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

Columbine Forest Camp

T. 28 N., R. 13 E. (unsurveyed),
Sec. 11, E½E½E½NE¼, excluding H.E.S. 101;
Sec. 12, W½W½NW¼, E½NW¼NW¼, NE¼SW¼NW¼.

The area described above aggregates 88 acres, more or less.

Junebug Forest Camp.

T. 29 N., R. 14 E. (partially unsurveyed),
Sec. 32, E½SE¼SE¼NE¼, E½NE¼NE¼SE¼, NE¼SE¼NE¼SE¼;
Sec. 33, S½S½NW¼, N½N½NW¼SW¼, SW¼NE¼NW¼SW¼, S½NW¼NW¼SW¼, NW¼SW¼NW¼SW¼.

The area described above aggregates 72.5 acres, more or less.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-11880; Filed, Dec. 14, 1961; 8:48 a.m.]

IDAHO

Notice of Correction of Proposed Withdrawal and Partial Termination

DECEMBER 8, 1961.

In Federal Register Document 61-3131, pages 3033-3039 of the issue for April 8, 1961, a Notice of Proposed Withdrawal and Partial Termination appeared. The notice is changed in part by correction of land descriptions, by additions, and by cancellations. The corrections under Part I are for those lands added by the April 8, 1961, publication and the corrections under Part II are for those lands eliminated.

BOISE MERIDIAN, IDAHO

PART I

Teton Highway F.H. No. 38

T. 3 N., R. 46 E.,
The land in Sec. 19 described as the NE¼NW¼ is corrected to read:
Sec. 19: NE¼SW¼.

Rock Creek Road F.H. No. 36

T. 9 N., R. 44 E.,
The land in Sec. 23 described as the NW¼SE¼ is corrected to read:
Sec. 23: SE¼SE¼.

The following described lands were omitted from the publication notice of April 8, 1961:

Yellowstone Park Highway U.S. 191

T. 10 N., R. 44 E.,
Sec. 30: NE¼SW¼.
T. 11 N., R. 43 E.,
Sec. 5: E½W½, W½SW¼.

Pine Basin Winter Sports Recreation Area

T. 2 N., R. 44 E.,
Sec. 7: NE¼SW¼.

The Narrows Recreation Area

T. 3 N., R. 14 E.,
Sec. 30: SE¼NE¼.

PART II

Referring to the items and headings in the original notice of termination the following corrections are made:

West Pine Creek Recreation Area

T. 3 N., R. 44 E.,
The land in Sec. 19 described as the S½NE¼ is corrected to read:
Sec. 19: S½SE¼.

Island Park Public Service Site

T. 12 N., R. 43 E.,
The land in Sec. 31 described as the NE¼ NW¼ is corrected to read:
Sec. 31: NE¼SW¼.

Yellowstone Park Highway U.S. 191

I. Reduction

T. 9 N., R. 43 E.,
The land in Sec. 6 described as Lots 4, 5, 6, 7, W½NW¼ is corrected to read:
Sec. 6: Lots 3, 4, 5, 6, 7, SE¼NW¼.

II. Termination

T. 13 N., R. 43 E.,
The land in Sec. 2 described as Lot 3, W½ SW¼ is corrected to read:
Sec. 2: Lot 3, W½SE¼.

Liberal Administrative Site

The total acreage of 110 acres is corrected to read 30 acres.

Pioneer Picnic Recreation Area

The total acreage of 20 acres is corrected to read 300 acres.

The following described lands were omitted from the publication notice of April 8, 1961:

The Narrows Recreation Area

T. 3 N., R. 14 E.,
Sec. 30: SW¼NE¼.

Decoster Administrative Site

T. 7 N., R. 45 E.,
Sec. 15: N½NE¼.

Yellowstone Park Highway U.S. 191

I. Reduction

T. 10 N., R. 42 E.,
Sec. 1: SW¼NW¼, W½SW¼;
Sec. 2: Lot 1;
Sec. 12: W½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 13: W½SE¼;
Sec. 24: N½NE¼, SE¼NE¼.
T. 13 N., R. 43 E.,
Sec. 2: Lot 2, SW¼NE¼, SE¼NW¼, E½ SW¼.

II. Termination

T. 9 N., R. 43 E.,
Sec. 6: E½SW¼.
T. 10 N., R. 43 E.,
Sec. 31: Lots 1, 2, 3, 4.
T. 11 N., R. 43 E.,
Sec. 17: SW¼SE¼;
Sec. 20: NE¼NE¼, SE¼NW¼, SW¼SE¼;
Sec. 33: Lot 2.

Teton Highway F.H. 38 (State Highway No. 33)

II. Termination

T. 3 N., R. 46 E.,
Sec. 30: W½NE¼NE¼.

Rock Creek Road F.H. No. 36 (Cave Falls Highway, Idaho, No. 47)

I. Reduction

T. 9 N., R. 45 E.,
Sec. 18: Lot 6;
Sec. 19: Lot 2.

The following land descriptions are hereby cancelled from the notice of termination:

Pioneer Picnic Recreation Area

T. 2 N., R. 14 E.,
Sec. 19: N½SE¼NW¼.

Lands presently under application, excluding the above, total 20 acres.

Pine Basin Winter Sports Recreation Area

T. 2 N., R. 44 E.,
Sec. 7: NE¼SW¼.

Rock Creek Road F.H. No. 36 (Cave Falls Highway, Idaho, No. 47)

II. Termination

T. 9 N., R. 45 E.,
Sec. 18: Lot 6;
Sec. 19: Lot 2.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-11886; Filed, Dec. 14, 1961; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 38-3]

HYDROCARBON RESEARCH, INC.

Temporary Order Denying Certain Export Privileges

The Temporary Order in this matter issued June 15, 1961, for a period of 90 days was extended by order dated September 8, 1961, for an additional 90 days. The order was issued in connection with an investigation instituted by the Investigations Staff, Bureau of Foreign Commerce, now the Bureau of International Programs, into the possible unauthorized use by respondent Hydrocarbon Research, Inc., 115 Broadway, New York 6, N.Y., of unpublished technical data of United States origin in the design, construction and operation of an oil refining and petrochemical plant in a Soviet bloc country.

The Director of the Investigations Staff, Bureau of International Programs, has requested that this order be extended for a further period of 45 days to enable the Investigations Staff to complete its investigation in this matter which has been carried on with all due diligence. During this further period the Investigations Staff expects to determine whether or not an administrative proceeding should be instituted against respondent and any other parties in violation of the Export Control Law. The Respondents have not applied for specific authorizations to engage in transactions covered by the temporary order during the past 90 days.

The Compliance Commissioner, being fully advised of these matters, has reported his recommendation to me that the present temporary order should be extended for 45 days in the public interest and is necessary for the effective enforcement of the law. I do so find. It is, therefore, ordered as follows:

(1) Hydrocarbon Research, Inc., its officers, directors, agents, and employees, as well as Hydrocarbon Mineraloel, G.m.b.H., Duesseldorf, Germany, and Hydrocarbon Engineering, S.a.r.l., Paris, France, their officers, directors, agents and employees, as well as any other person, firm, corporation or business organization with which respondent may be now or hereafter related by ownership, affiliation or control, whether located in the United States or abroad, shall submit to the Bureau of International Programs full and complete documentation of the transaction and obtain the Bureau's specific written authorization therefor, prior to engaging in any manner, form or capacity in any transaction which may involve, directly or indirectly, the exportation from the United States, or the re-exportation from another destination following exportation from the United States, to the Sino-Soviet bloc (including Poland) or Cuba of any commodity or of any published or unpublished technical data of U.S. origin or product thereof, as defined in the Export Regulations.

(2) No person, firm, corporation or other business organization, within the United States or elsewhere, without prior disclosure of the facts to, and specific written authorization from, the Bureau of International Programs, shall knowingly, directly or indirectly, in any manner, form or capacity, participate in any transaction within the scope of paragraph (1) of this order in which the respondent, its related persons or firms are involved.

(3) This order shall take effect forthwith and shall remain in effect for a period of forty-five (45) days from the date hereof, unless sooner vacated, or extended.

(4) A certified copy of this order shall be served upon the respondent and the named related firms.

Dated: December 7, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 61-11894; Filed, Dec. 14, 1961; 8:51 a.m.]

Office of the Secretary

LAWRENCE H. ZAHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: Miller-Wohlin.

This statement is made as of December 3, 1961.

LAWRENCE H. ZAHN.

DECEMBER 3, 1961.

[F.R. Doc. 61-11876; Filed, Dec. 14, 1961; 8:47 a.m.]

DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

The material appearing at 26 F.R. 7713 of August 17, 1961, is superseded by the following:

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, there is hereby delegated to the Deputy Assistant Secretary for Administration the authority to process policy issuances of the Department of Commerce for publication in the FEDERAL REGISTER.

Dated: December 5, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-11863; Filed, Dec. 14, 1961; 8:45 a.m.]

[Dept. Order 163 (Rev.)]

NATIONAL DEFENSE EXECUTIVE RESERVE

Establishment

The following order was issued by the Secretary of Commerce on November 7, 1961. The material appearing at 23 F.R. 8941-8942 of November 15, 1958, is superseded as follows:

SECTION 1. *Purpose.* The purpose of this order is to provide for the establishment and administration of the National Defense Executive Reserve in the Department of Commerce.

SEC. 2. *Legal basis.*

.01 *Statute.* Section 710(e) of the Defense Production Act of 1950, as amended, August 9, 1955 (69 Stat. 583; 50 U.S.C. App. 2160(e)), authorizes the the President to provide for the establishment and training of a nucleus Executive Reserve for employment in executive positions in Government during periods of emergency.

.02 *Executive order.* Executive Order 10660, of February 15, 1956, established the National Defense Executive Reserve; authorized the Director of the Office of Defense Mobilization to institute and adminster the Executive Reserve Program and to coordinate the activities of other agencies in establishing units of the Reserve; and authorized the heads of departments and agencies desigated by the Director of the Office of Defense Mobilization to establish units of the Executive Reserve and to select and designate persons to serve as members of the units.

03. *Defence mobilization order.* Defense Mobilization Order No. I-21 (Revised), dated May 19, 1958, provides among other things that departments and agencies of the Executive Branch having major mobilization responsibilities are authorized to establish national and regional units of the Executive Reserve, select and designate members of such units, and institute programs for their training.

.04 *Letter from Director, Office of Defense Mobilization.* A letter from the Director, Office of Defense Mobilization, dated February 24, 1956, designates the Department of Commerce as an agency authorized to establish a unit of the Reserve.

SEC. 3. *Definitions.*

.01 The Executive Reserve is an organization composed of persons selected from various segments of the civilian economy and from Government who are to be trained for assignment to executive positions in the Federal Government during periods of emergency.

.02 An Executive Reservist is a member of the National Defense Executive Reserve.

.03 The Department of Commerce Unit of the National Defense Executive Reserve shall consist of all units of the National Defense Executive Reserve established in the several primary organization units of the Department, including both national and regional Reserve units of the primary organization units.

SEC. 4. *Policy and delegation of authority.*

.01 It is the policy of the Department of Commerce to establish and maintain, where appropriate, an Executive Reserve unit as part of the manpower mobilization base for national security in each primary organization unit having major mobilization responsibilities. The head of each such primary organization unit is hereby delegated authority to establish an Executive Reserve unit, including a national unit and such regional units as may in his opinion be appropriate. In the Office of the Secretary this authority will be exercised by the Assistant Secretary of Commerce for Administration and Public Affairs.

.02 Each primary organization unit establishing a Reserve unit in the Department of Commerce shall establish a training program which shall include but not be limited to orientation sessions, continuous and up-to-date information on the Government organization and program planned in the event of mobilization, and information to keep the Reservist fully abreast of developments in his field which affect the capacity of the United States to mobilize its resources in an emergency. The training programs will be carried out at Washington and regional levels as appropriate and will include actual participation in the testing of mobilization plans at relocation sites to the extent feasible.

.03 Activities of persons by reason of designation to the Executive Reserve shall not include advising, consulting, or acting on any matter pending before any department or agency of the Government but shall be limited to receiving training for mobilization assignments under the Executive Reserve Program.

.04 The number of Executive Reservists will be limited to those for which there is a demonstrable need in the essential mobilization functions for which the primary organization unit is responsible.

.05 Members of these Reserve units shall be drawn, as appropriate, from all geographic areas and from all segments of the economy concerned with the major mobilization responsibilities of the primary unit. They may include persons now serving in Government on a full- or part-time basis.

.06 Specific qualification standards must be established by each primary organization unit for selection of Executive Reservists. Reservists shall be persons with broad experience in important functional and industry areas and shall be qualified to participate in an executive capacity in such areas in the event of an emergency. Candidates for the Executive Reserve will be selected on the basis of each individual's (a) qualifications to perform the duties and responsibilities of a contemplated mobilization assignment and (b) likelihood of being available in the event of full mobilization.

.07 Reservists will be chosen to serve in major functional and industry areas, e.g., priorities and directives, copper, lumber, metalworking equipment, etc., and will not as a rule be selected for specific positions. Exceptions to this principle would include cases where it is deemed desirable to have predesignated executive talent in depth to man top level administrative posts.

.08 Policies and procedures relating to the designation of members of national Reserve units shall be applicable to the designation of members of regional Reserve units.

SEC. 5. *Administration.*

.01 The Executive Reserve Program of the Department of Commerce shall be under the supervision of the Assistant Secretary for Administration and Public Affairs, who will be responsible for the conduct of the program.

.02 In order to carry out his responsibilities under this program, the Assistant Secretary for Administration and Public Affairs will utilize the services of such other personnel of the Department as may be necessary or desirable and will issue such regulations and instructions as he may deem appropriate for this purpose.

.03 The Assistant Secretary for Administration and Public Affairs, and the Administrator, Business and Defense Services Administration, shall each name a member of their respective staffs to serve as a member of the Inter-agency Executive Reserve Committee of the Office of Emergency Planning. The Assistant Secretary for Administration and Public Affairs shall coordinate all liaison with the Office of Emergency Planning relating to the Reserve Program.

.04 Each primary organization unit is authorized and directed to prescribe, after clearance with the appropriate Under Secretary or Assistant Secretary, such operating procedures and instructions not inconsistent with this order as may be necessary or desirable to execute the general purposes of this order in the light of their individual operating requirements.

.05 In the interest of practical operation as well as in the interest of economy, the program shall be set up in such a way that it functions automatically to the maximum extent possible, using existing material and information channels and existing staff. The administrative procedures involved in the program shall be integrated with the existing administrative procedures for current operations.

.06 Each primary organization unit establishing a unit in the Executive Reserve is responsible for avoiding the issuance of invitations to persons already in the Reserve and avoiding excessive Government demands on a single employer. To assist agencies in carrying out this objective, a central register of Reserve members will be maintained by the Civil Service Commission for reference. Each primary organization unit designating a person as a member of the Reserve must notify the Commission of

such designation. Each primary organization unit contemplating recruitment of a person into the Reserve shall first check with the Civil Service Commission to see whether the person has already been designated a member of the Reserve.

.07 Insofar as practicable, in order to maintain sound relationships with employers, the consent of a proposed Reservist's employer will be obtained prior to negotiations with the proposed Reservist himself, except for former employees of the National Production Authority or of the Business and Defense Services Administration.

.08 Prior to designation as a member of the Reserve, each proposed designee must submit a statement of understanding as to availability, with the formal concurrence of his employer.

.09 When the proposed Reservist has held a security clearance from this Department within the preceding year, the formal invitation to become a member and the designation as a member of the Reserve may be issued, if otherwise in order. When the proposed Reservist has not held a security clearance from this Department within the preceding year, no designation nor any commitment as to designation shall be made pending the receipt of such clearance.

.10 Designations as members of the Reserve will be made by the Secretary, on recommendation of the head of the primary organization unit concerned and the Assistant Secretary for Administration and Public Affairs.

.11 Under existing law Reservists are not, by reason of designation as such, subject to any requirement relating to filing or publication of statements of financial interests.

.12 With respect to training activities under the Reserve Program, as limited by Executive Order 10660 and stated in Section 4 of this order, Reservists who are not full-time Government employees shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99).

.13 Each Reservist will file an appropriate waiver of compensation in connection with or as a part of his statement of understanding.

.14 Members of the Executive Reserve who are not full-time Government employees may be authorized transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes or regular places of business for the purpose of participating in the Executive Reserve training program.

.15 Records and reports, the forms and procedures relating to designation of Reservists, and conducting liaison with the Civil Service Commission will be prescribed in instructions to be issued by or with the approval of the Assistant Secretary for Administration and Public Affairs.

SEC. 6. *Report.* Heads of the primary organization units will be responsible for the preparation of such reporting material as required by the Assistant Secretary for Administration and Public Affairs for inclusion in the annual report from the Secretary to the Director, Office of Emergency Planning, regarding the organization, training, and state of readiness of the Department of Commerce unit of the Executive Reserve, indicating its size, composition, and representation, together with recommendations thereon.

Effective date. November 7, 1961.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 61-11864; Filed, Dec. 14, 1961; 8:45 a.m.]

[Dept. Order 174, Amdt. 1]

BUREAU OF INTERNATIONAL BUSINESS OPERATIONS

Organization and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce on November 1, 1961. The material appearing at 26 F.R. 7982–7984 of August 25, 1961 is amended as follows:

Department Order No. 174 of August 8, 1961, is amended as follows:

1. In section 2.03.1 *Establishment and organization, Office of the Director,* a new subsection is added:

(3) Publications Staff.

2. In section 5 *Functions of the Office of the Director,* the following new subsections are added:

.04 The Publications Staff shall, for the Bureau of International Business Operations, and for the Bureau of International Programs as prescribed by section 5.06 of Department Order No. 173, as amended, plan and conduct an overall publication service for world traders, and an informational and promotional program to acquaint the trade community with the policies, activities, and services of these Bureaus in the field of foreign trade and investment, and shall:

1 Plan, direct and coordinate the scheduling, presentation and method of issuance of all publications and public information initiated by the Bureaus mentioned in Section 5.04 above, concerning trade promotion and investment; coordinate publication and information activities to insure conformity with overall policies of the Department and the Assistant Secretary for International Affairs;

2 Cooperate with all areas of the Department to provide the most informative and effective dissemination of world trade information through books, periodicals, pamphlets, and the mass media; and

3 Develop informational programs required to accomplish the promotional objectives of the Assistant Secretary for International Affairs.

.05 The conduct of all management and administrative activities for the Bureau of International Business Operations shall be the responsibility of the Office of Administration, Bureau of International Programs as prescribed in Section 5.05, as amended, of Department Order No. 173.

3. In section 11 *Transfer of personnel, funds, records and property,* insert the words "or Office of the Secretary," after the words "Bureau of Foreign Commerce."

Effective date. November 1, 1961.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 61-11865; Filed, Dec. 14, 1961; 8:45 a.m.]

[Dept. Order 173, Amdt. 1]

BUREAU OF INTERNATIONAL PROGRAMS

Organization and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce on November 1, 1961. The material appearing at 26 F.R. 7980–7982 of August 25, 1961, is amended as follows:

Department Order No. 173 of August 8, 1961, is amended as follows:

1. In section 2.031 *Establishment and Organization, Office of the Director,* a new subsection is added:

(4) Office of Administration.

2. In section 2.033 *Establishment and Organization, Office of Regional Economics,* (a) delete the phrase "—Near East" in subsection (4) so as to read: "(4) Africa Division;" (b) insert a new subsection (8) to read: "(8) Near East-South Asia Division;" and (c) renumber the current (8) as: "(9) International Trade Analysis Division."

3. In section 5 *Functions of the Office of the Director,* the following new subsections are added:

.05 The Office of Administration shall be responsible for the conduct of all management and administrative activities and the Director shall serve as the management officer for the Bureau of International Programs, and for the Bureau of International Business Operations as prescribed by Section 5.05 of Department Order No. 174, as amended, with primary responsibility to:

1 Provide leadership and direction in planning, organizing, developing, and executing comprehensive management and administrative programs for the two Bureaus mentioned in section 5.05 above;

2 Implement, coordinate, and integrate into the substantive operational programs of the two Bureaus the following major administrative-management functions:

(1) Management development; budget planning, preparation, and administration; fiscal management, including control of funds for these Bureaus; organization planning and staffing; personnel management; career development; training; office services, including records administration; correspondence control; continuity of essential functions; and security; and

3 Maintain continuing program appraisal to evaluate the effectiveness of administrative, management, personnel and training functions which support the technical programs of the two Bureaus.

.06 The conduct of all publication and information services for the Bureau of International Programs shall be the responsibility of the Publications Staff, Bureau of International Business Operations as prescribed in section 5.04 of Department Order No. 174, as amended.

4. In section 10 *Transfer of personnel, funds, records and property,* insert the words "or Office of the Secretary" after the words "Bureau of Foreign Commerce."

Effective date. November 1, 1961.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 61-11866; Filed, Dec. 14, 1961; 8:46 a.m.]

[Dept. Order 119 (Rev.)]

ASSISTANT SECRETARY OF COMMERCE FOR INTERNATIONAL AFFAIRS

Authority and Responsibilities

The following order was issued by the Acting Secretary of Commerce on November 1, 1961. The material appearing at 26 F.R. 8494–8495 of September 9, 1961, is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to define the authority and responsibilities of the Assistant Secretary of Commerce for International Affairs and to prescribe the method and channels through which these responsibilities are performed.

SEC. 2. *Authority.*

.01 The duties and responsibilities of the Assistant Secretary of Commerce for International Affairs described in this order are assigned pursuant to the authority vested in the Secretary of Commerce by law, including authority under Reorganization Plan No. 5 of 1950.

.02 All authority vested in and exercised by the Directors of the Bureau of International Programs and the Bureau of International Business Operations is hereby made subject to the policy direction and coordination of the Assistant Secretary of Commerce for International Affairs.

SEC. 3. *Objectives and responsibilities.*

.01 The Assistant Secretary of Commerce for International Affairs shall:

1 Administer the functions and authorities assigned to the Department of Commerce in the fields of international trade and investment and participate in the formulation of U.S. international policies and programs in order to accomplish national objectives for improving and expanding the economic strength and security of the United States;

2 Serve as the principal adviser to the Secretary on all international aspects of the Department's responsibilities and coordinate all international operations of the Department;

3 Exercise policy direction, coordination, and guidance, as may be appropriate, over the Bureau of International Programs, the Bureau of International Business Operations, the National Export Expansion Committee (NEEC), the Advisory Committee on Export Policy (ACEP), and shall advise the Secretary on policy issues coming before the Trade Policy Committee (TPC);

4 Represent the Department on the Advisory Committee on Export Policy of which he shall be the Chairman; the Board of the Foreign Service; the Interdepartmental Council on Technical Cooperation; and the Committee of Alternates, Foreign-Trade Zones Board, of which he shall be the Chairman; serve as the alternate to the Secretary of Commerce on the National Advisory Council on International Monetary and Financial Problems; and participate in activities of international organizations; and

5 Consult with the Under Secretary of Commerce, the Under Secretary of Commerce for Transportation, and the Assistant Secretary of Commerce for Domestic Affairs on matters of mutual interest.

.02 The Deputy Assistant Secretary of Commerce for International Affairs shall be the principal deputy to the Assistant Secretary for International Affairs and shall assume the full responsibilities of the Assistant Secretary during the latter's absence.

.03 The Deputy Assistant Secretary for Trade Policy, as the Assistant Secretary's principal assistant in the formulation of United States trade policy, shall assist and advise in the formulation of policies and programs in the fields of international trade, including international commodity arrangements, and shall give particular attention to the development of legislation on U.S. trade policy.

.04 The Deputy Assistant Secretary for Program Development shall advise and assist in the formulation of policies and programs to improve and expand the Department's international activities and relationships with the United States business community, Government agencies, and public organizations.

.05 The Special Assistant to the Assistant Secretary for International Affairs shall provide staff support to the Assistant Secretary in the discharge of his overall responsibilities; and, upon the Assistant Secretary's direction, shall: (a) Represent the Assistant Secretary, and (b) in the absence of a Deputy Assistant Secretary, take such actions as are necessary to assure continuity in the coordination and direction of activities within the purview of such absent Deputy Assistant Secretary.

SEC. 4. *Committee functions.*

.01 The Trade Policy Committee (TPC), established by Executive Order 10741, November 25, 1957, advises and assists the President in the administration of the reciprocal-trade program and recommends to the President basic policies for the administration of the Trade Agreements Act. The Committee consists of the Secretaries of State, Treasury, Defense, Interior, Agriculture, Commerce, and Labor; the Secretary of Commerce is its Chairman and the Assistant Secretary for International Affairs is Alternate Chairman. The Executive Secretary to the Committee is appointed by the Assistant Secretary for International Affairs.

.02 The National Export Expansion Committee (NEEC), initiated by the President in his message to the Congress on March 17, 1960, was established by the Secretary of Commerce to plan and organize a sustained effort by private industry to promote economic growth at home and abroad by enlisting the active support of existing national and local business groups, identify sectors with trade expansion potential, assist and encourage businessmen newly entering the export field, and strengthen contacts with business groups abroad. Members of the NEEC and its 33 Regional Export Expansion Committees include national business, educational and civic leaders. The NEEC Chairman and Vice Chairman are selected from the private industry representatives. The Office of the Assistant Secretary for International Affairs provides the Executive Secretary and staff support for the NEEC.

.03 The Advisory Committee on Export Policy (ACEP), established by the Secretary of Commerce October 5, 1950, advises the Secretary on export policies, programs and measures which are required from the standpoints of national security, foreign policy and short supply. The Export Policy Staff, Bureau of International Programs, provides technical staff and secretariat services as provided in Department Order No. 173.

Effective date: November 1, 1961.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 61-11867; Filed, Dec. 14, 1961; 8:46 a.m.]

[Dept. Order 134 (Rev.)]

ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION AND PUBLIC AFFAIRS

Authority and Responsibilities

The following order was issued by the Secretary of Commerce, effective October 11, 1961, and supersedes the material appearing at 19 F.R. 6169–6170 of September 25, 1954, and 26 F.R. 1671 of February 25, 1961 (corrected 26 F.R. 1849 of March 2, 1961).

SECTION 1. *Purpose.* The purpose of this order is to define the authorities, responsibilities, and duties of the Assistant Secretary of Commerce for Administration and Public Affairs.

SEC. 2. *Administrative Designation.* Pursuant to the authority vested in the Secretary of Commerce, the position of Assistant Secretary of Commerce, established by Section 304 of Public Law 471, 83rd Congress, 2nd Session, approved July 2, 1954, designated as Assistant Secretary of Commerce for Administration is hereby redesignated as Assistant Secretary of Commerce for Administration and Public Affairs.

SEC. 3. *Delegation of Authority.*

.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Assistant Secretary of Commerce for Administration and Public Affairs is hereby

authorized to perform the functions and to exercise the authority of the Secretary of Commerce on all matters of administration, management and public affairs within the Department of Commerce.

.02 The Assistant Secretary of Commerce for Administration and Public Affairs may redelegate the authority conferred herein, with such conditions and limitations as he deems appropriate, to any officer or employee of the Department of Commerce.

SEC. 4. *Organization of Office of Assistant Secretary of Commerce for Administration and Public Affairs.* The Office of the Assistant Secretary of Commerce for Administration and Public Affairs shall comprise:

Assistant Secretary of Commerce for Administration and Public Affairs.
Deputy Assistant Secretary of Commerce for Administration.
Office of Administrative Operations.
Office of Budget and Management.
Office of Personnel Management.
Office of Publications Management.
Office of Investigations and Security.
Office of Emergency Readiness Planning.
Office of Internal Audit.

The Appeals Board for the Department of Commerce shall, for administrative purposes, be deemed to be a part of the Office of the Assistant Secretary of Commerce for Administration and Public Affairs.

SEC. 5. *Duties and Responsibilities of the Assistant Secretary of Commerce for Administration and Public Affairs.*

.01 The Assistant Secretary of Commerce for Administration and Public Affairs is the principal deputy and adviser to the Secretary of Commerce on all matters of administration, management and public affairs and is the chief officer of the Department on such matters.

.02 The Deputy Assistant Secretary of Commerce for Administration shall be the principal assistant to the Assistant Secretary of Commerce for Administration and Public Affairs and with respect to all matters relating to Administration shall assume the full responsibility of the Assistant Secretary during the latter's absence.

.03 The Assistant Secretary of Commerce for Administration and Public Affairs shall:

1 Prescribe the Department's policies, regulations, and programs with respect to all administrative, management and public affairs activities and shall direct their execution;

2 Perform all other functions and exercise all other powers, authorities, and discretions vested in the Secretary with respect to administrative, management and public affairs matters as delegated to the Assistant Secretary of Commerce for Administration and Public Affairs by this or any other order;

3 Provide for the direction and supervision of all staff service offices in the Office of the Secretary except the Office of the General Counsel;

4 In collaboration with other Secretarial officers and officers of the primary organization units of the Department, define the basic objectives, programs, functions, relationships, and plans of organization of the Department;

5 Develop and carry out defense mobilization programs for Government continuity and civil defense; and

6 Carry out such other duties and responsibilities as the Secretary of Commerce may assign.

.04 More specifically, but not by way of limitation, the Assistant Secretary of Commerce for Administration and Public Affairs shall:

1 Prescribe the policies and programs and provide departmental leadership for the following major activities of the Department:

(1) Public affairs.
(2) Budget planning and administration.
(3) Management research and planning.
(4) Organization planning.
(5) Personnel administration.
(6) Internal audit program.
(7) Administrative operations and services.
(8) Publications program.
(9) Security program.
(10) Civil defense program.

2 Be responsible for and direct the evaluation of all the Department's programs and activities in terms of efficiency of management and economy of operations with a view to improving management and effecting economies in operations;

3 Be responsible for and direct all activities of the Department relating to interdepartmental coordination of administrative, management and public affairs matters;

4 Serve as the representative of and upon designation as the alternate to the Secretary of Commerce on all committees, boards, commissions, services, and organizations constituted with authority or responsibilities in the fields of administration, management and public affairs; and

5 Develop and provide for the execution of (1) plans to insure continuity of essential functions of the Department in event of attack upon the United States, and (2) civil defense plans and programs covering facilities and self-protection, and civil defense assistance.

SEC. 6. *Saving provision.*

.01 References in other orders to the title "Assistant Secretary of Commerce for Administration" or "Executive Assistant to the Secretary" shall be construed to mean Assistant Secretary of Commerce for Administration and Public Affairs.

.02 All orders, delegations of authority and other actions heretofore issued or taken by the Assistant Secretary of Commerce for Administration or Executive Assistant to the Secretary and in effect immediately prior to the effective date of this order shall remain in full force and effect until hereafter amended or revoked under appropriate authority.

Effective date: October 11, 1961.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 61-11868; Filed, Dec. 14, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-128]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Issuance of Facility License

Please take notice that the Atomic Energy Commission has issued Facility License No. R-83 which authorizes the Texas Agricultural and Mechanical College System to possess and operate, at power levels up to 100 kilowatts (thermal), its pool-type nuclear reactor located near College Station, Texas. The license is substantially as published in the FEDERAL REGISTER on March 30, 1961, 26 F.R. 2695, except that (1) the description of the reactor has been changed to authorize the use of boron-stainless steel control rods instead of boron carbide control rods, as described in the application amendments dated March 30, 1961, and April 28, 1961, (2) a condition has been added requiring visual inspection of the boron-stainless steel control rods at least once each calendar quarter and submission of written reports to the Commission describing the results of such inspections, and (3) a condition has been added regarding the procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity.

The Commission has reviewed the matter of the substitution of the boron-stainless steel control rods for boron carbide control rods and has concluded that operation of the reactor with the boron-stainless steel control rods in accordance with the terms and conditions of License No. R-83 will not present an undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

In view of the changes in the license from that which was published on March 30, 1961, the Commission will, in accordance with its rules of practice (10 CFR Part 2), direct the holding of a formal hearing on the matter of the issuance of License No. R-83 upon receipt of a request therefor from the licensee or a petition to intervene within 30 days after the issuance of the license. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by the Texas Agricultural and Mechanical College System and amendments thereto filed under Docket No. 50-128, and (2) a hazards analysis related to procedures when the reactor is shut down and use of the boron-stainless steel control rods prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both available for public inspection at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 7th day of December 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11890; Filed, Dec. 14, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12438]

AMERICAN AIRLINES, INC.; SERVICE TO AKRON

Notice of Hearing

In the matter of the application of American Airlines, Inc., for termination or suspension of authority to serve Akron, Ohio.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held January 3, 1962, at 10:00 a.m., e.s.t., in the Summit County Court House, Akron, Ohio, before the undersigned Examiner.

Dated at Washington, D.C., December 11, 1961.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 61-11896; Filed, Dec. 14, 1961; 8:51 a.m.]

[Docket No. 12285 etc.]

NEW YORK-FLORIDA RENEWAL CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 9, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before the undersigned Examiner.

Dated at Washington, D.C., December 12, 1961.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 61-11897; Filed, Dec. 14, 1961; 8:52 a.m.]

[Docket No. 12722; Order E-17818]

SLICK AIRWAYS, INC.

Application for Exemption; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1961.

By application filed on July 5, 1961, Slick Airways, Inc. (Slick), a certificated air carrier, seeks an exemption from the provisions of section 408, or such other relief as may be just and proper, authorizing its lease from Resort Airlines, Inc. (Resort) of three DC-4 aircraft for a period of one year terminating on June 30, 1962. The monthly rental is $6,000 per aircraft plus $5.00 per flight hour for an aircraft overhaul reserve and an engine differential rate of $5.00 per engine hour flown.

Slick contends, in support of its application, (1) that the three DC-4 aircraft leased from Resort are essential for the performance of its Quicktrans operations for the Navy Department; (2) that a last minute cancellation of another lease arrangement for suitable aircraft had forced it to proceed on a letter agreement basis with Resort in order for it to commence its Quicktrans operations, a service in the interests of national defense, on July 1, 1961;[1] that no competitive relationships exist between the two companies; and (3) that it would be impossible to obtain approval under the hearing process due to the last minute nature of the transaction and the immediate need for the aircraft.[2]

The Board, upon consideration of the application, concludes that the agreement involves the lease of a substantial part of Resort's properties, and that the transaction is subject to section 408(a)(3) of the Act.[3] The Board has further concluded, tentatively, that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly or tend to restrain competition and that no person disclosing a substantial interest in the transaction is currently requesting a hearing. Accordingly, it appears that approval of the lease agreement would not be inconsistent with the public interest.

In view of the foregoing, the Board tentatively finds that the transaction should be approved and intends to approve it pursuant to section 408(b) of the Act without hearing. Accordingly, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication, and

3. That interested persons be afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[4]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11898; Filed, Dec. 14, 1961; 8:52 a.m.]

[1] The Board has decided that exceptional circumstances exist with respect to the doctrine expressed in the Sherman Interlocking Relationships Case, 15 CAB 876 (1952), to the extent that it may be applicable in this case, and will consider the application on its merits.

[2] Slick's application is framed to seek relief in the form of an exemption from section 408. However, we have decided to consider the application under the third proviso of section 408(b) in response to Slick's general prayer for relief.

[3] Since Resort's certificate ceased to be effective on October 10, 1961, the Board considers, for the purpose of this proceeding, that it is a person engaged in a phase of aeronautics.

[4] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14410]

DAVID COLELLA

Order To Show Cause

In the matter of David Colella, 285 Blatchley Avenue, New Haven, Connecticut, Docket No. 14410; order to show cause why there should not be revoked the license for Radio Station 1A2170 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing that, pursuant to § 1.76 of the Commission's rules, the above-named licensee, by letter from the Commission dated May 23, 1961, and addressed to him at his mailing address of record, 288 West Ivy Street, New Haven, Connecticut, was called upon to explain certain alleged violations of the Commission's rules and of the Communications Act of 1934, as amended, in the operation of his Citizens radio station in that he appeared to have moved the station without authority from the Commission in violation of § 19.24 of the Commission's rules, and to have authorized others to operate radio transmitting apparatus using the call sign of his station in violation of section 310(b) of the Communications Act of 1934, as amended;

It further appearing that, although receipt of the Commission's letter on May 23, 1961, was acknowledged by the signature on May 29, 1961, of the licensee's agent, Mrs. David Colella, to a Post Office Department return receipt card, the licensee did not reply to that letter; and

It further appearing that, on July 19, 1961, another letter was sent by Certified Mail, return receipt requested, to the licensee at 288 West Ivy Street, New Haven, Connecticut, again calling his attention to this matter; stating that his failure to reply to the letter of May 23, 1961, violated § 1.76 of the Commission's rules, and requesting a reply within fifteen days. The licensee did not reply to this letter; and

It further appearing that, the Commission thereafter having received information indicating that the said licensee's mailing address had been changed to 285 Blatchley Avenue, New Haven, Connecticut, a further letter was sent (by Certified Mail, return receipt requested, Certified No. 97244) to the licensee at that address in which the Commission again brought this matter to the licensee's attention and requested that he reply within ten days. The licensee did not reply to this letter; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 11th day of December 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at 285 Blatchley Avenue, New Haven, Connecticut.

Released: December 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11899; Filed, Dec. 14, 1961; 8:52 a.m.]

[Docket No. 14422]

FLOYD CONSTRUCTION CO., INC.

Order To Show Cause

In the matter of Floyd Construction Co., Inc., P.O. Drawer 78, Savannah, Georgia, Docket No. 14422; order to show cause why there should not be revoked the licenses for Special Industrial Radio Stations KGH-627, KIL-448, and KE-6425.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio stations; and

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Communications Act of 1934, as amended, and of the Commission's rules was served upon the above-named licensee, as follows:

Commission letter dated June 21, 1961, alleging an unauthorized transfer of control of Special Industrial radio station KE-6425 in violation of section 310(b) of the Communications Act of 1934, as amended, and in violation of § 11.56(d) of the Commission's rules made pursuant thereto; and a violation of § 11.66 of the Commission's rules in respect to Special Industrial radio stations KE-6425, KGH-627, and KIL-448; and

It further appearing, that the above-named licensee received the Commission's letter but did not reply thereto, whereupon the Commission, by letter dated September 27, 1961, and sent by Certified Mail, Return Receipt Requested (Cert. No. 97090) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days of the date of its receipt, stating the measures which had been taken or were being taken in order to bring the operation of the radio stations into compliance with the Communications Act and the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station licenses; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, on October 2, 1961, to a Post Office Department return receipt; and

It further appearing, that although more than ten days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 8th day of December, 1961, pursuant to section 312(a)(4) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the licenses for the above-captioned radio stations should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—return receipt requested to the said licensee.

Released: December 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11900; Filed, Dec. 14, 1961; 8:52 a.m.]

[Docket Nos. 14256, 14257; FCC 61M-1947]

CLARENCE EVERETT JONES AND ROBERT S. TAYLOR

Order Continuing Hearing

In re applications of Clarence Everett Jones, St. George, South Carolina, Docket No. 14256, File No. BP-13022; Robert S. Taylor, Aiken, South Carolina, Docket No. 14257, File No. BP-13892; for construction permits.

The Hearing Examiner having under consideration a "Motion for Continuance of Hearing" filed December 7, 1961, by Robert S. Taylor, applicant herein, and

It appearing, that the Motion also requests continuances of the dates previously set for final exchange of exhibits, notification of witnesses, and hearing in this matter, and

It further appearing, that all parties agree to the continuances and that good cause exists for granting the motion.

It is ordered, This 11th day of December 1961, that Robert S. Taylor shall submit measurements by December 12, 1961; that the date for the final exchange of engineering and non-engineering exhibits heretofore set as December 11, 1961, is hereby changed to January 8, 1962; that the date for the notification of witnesses for cross-examination heretofore set as December 18, 1961, is changed to January 15, 1962; and that the date for the hearing heretofore set as December 27, 1961, is hereby changed to 10:00 a.m., January 22, 1962, in the Commission's offices in Washington, D.C.

Released: December 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11901; Filed, Dec. 14, 1961; 8:52 a.m.]

[Docket No. 14255; FCC 61M-1946]

RADIO-ACTIVE BROADCASTING, INC. (WATO)

Order

In re application of radio-active Broadcasting, Inc. (WATO), Oak Ridge, Tennessee, Docket No. 14255, File No. BP-13833; for construction permit.

The Hearing Examiner having under consideration a petition for extension of time, filed by the applicant herein on December 6, 1961, wherein it is requested that the dates set for the exchange of exhibits and notification of witnesses, as well as the date now set for the commencement of the hearing herein be postponed for approximately one month;

It appearing, that it is stated in said petition that the applicant herein is now studying the possibility of amending its application to provide for directional operation to eliminate or substantially reduce adjacent channel interference, and that it is anticipated that the 30-day postponement requested herein will be sufficient for a final determination of this matter;

It further appearing, that the applicant has alleged that it will dismiss its application if it is unable to obtain the satisfactory result from the investigation of the desirability and feasibility of proposing the aforementioned directional operation;

It further appearing, that counsel for the parties to the proceeding have consented to a grant of the requested extension of time and have agreed to a waiver of the Commission's rules (47 CFR 1.43), relating to the withholding of action on motions for a four-day period;

It further appearing, that, while good cause has been shown for a prompt grant of a postponement herein, commitments of the Examiner's calendar preclude him from rescheduling the hearing date to the one requested by applicant:

It is ordered, This 11th day of December 1961, that the petition for extension of time is granted as more fully provided herein below and otherwise is denied; and that the procedural dates heretofore set forth are modified as follows:

(1) Exchange of exhibits from December 11, 1961, to January 10, 1962;

(2) Exchange of revised engineering exhibits, if any, and notification of witnesses desired with respect to exhibits originally exchanged from December 22, 1961, to January 22, 1962;

(3) Notification of witnesses desired with respect to revised engineering exhibits from December 29, 1961, to January 26, 1962;

It is further ordered, That the hearing, heretofore scheduled to begin on January 4, 1962, is hereby rescheduled to commence on February 5, 1962, at 9:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: December 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11902; Filed, Dec. 14, 1961; 8:53 a.m.]

OFFICE OF EMERGENCY PLANNING

W. VICTOR WOMACK

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement (February 13, 1961) published March 22, 1961 (26 F.R. 2445).

Dated: August 14, 1961.

W. VICTOR WOMACK.

[F.R. Doc. 61-11862; Filed, Dec. 14, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-76]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application and Date of Hearing

DECEMBER 8, 1961.

Take notice that Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP62-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and sell natural gas on an interruptible basis to its two existing firm service (Rate Schedule CQ-1) customers, Laclede Gas Company (Laclede) and Illinois Power Company (Illinois). The proposed interruptible service would likewise be available to any additional customers whom Applicant is authorized to serve under Rate Schedule CQ-1 and who enter into an agreement with Applicant for service under said rate schedule.

The application states that under an agreement among Laclede and Illinois and Applicant dated April 22, 1960, Laclede and Illinois are entitled to purchase 63.75 percent and 11.25 percent respectively, of the gas available to Applicant for purchase on any day from Trunkline Gas Company (Trunkline) under Trunkline's Rate Schedule R-1 (interruptible).

Proportionate quantities, i.e., quantities bearing the same relationship to the respective maximum daily contract quantities under Rate Schedule CQ-1, would be allocated to other firm service customers out of the remaining 25 percent. The initial rate at which Applicant proposes to sell such gas is 36.7 cents per Mcf, which rate is identical to that contained in Trunkline's Rate Schedule R-1 under which interruptible gas would be purchased by Applicant.

The application states that Applicant does not anticipate that substantial volumes of gas will be available for interruptible service at times when its customers desire additional gas. Applicant asserts, nevertheless, that to the extent that such gas is available from time to time, it could be of assistance to Applicant's customers in meeting the peak winter loads on their systems.

Applicant states that the uncertainty both as to the needs of the customers and the availability of gas when those needs occur makes it impracticable to prepare a realistic estimate of sales and revenues.

The application proposes no additional facilities. Applicant states that deliveries of interruptible gas to Laclede and Illinois would be made by means of the same facilities that are now used to make firm deliveries to said customers. Authorizations for additional facilities needed for deliveries to new customers would be requested in future proceedings as and when required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 29, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11874; Filed, Dec. 14, 1961; 8:47 a.m.]

[Docket Nos. RI62-206—RI62-216]

NUECES CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 8, 1961.

The Nueces Company, Docket No. RI62-206; The Nueces Company (Operator), Docket No. RI62-207; Cabot Corporation (SW), Docket No. RI62-208; Peerless Oil & Gas Company, Docket No. RI62-209; The Pure Oil Company, Docket No. RI62-210; Placid Oil Company, Docket RI62-211; The Atlantic Refining Company, Docket No. RI62-212; General American Oil Company of Texas, Docket No. RI62-213; The F O Corporation, Docket No. RI62-214; The British-American Oil Producing Company (Operator), et al., Docket No. RI62-215; Sinclair Oil & Gas Company, Docket No. RI62-216.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-206...	The Nueces Co., P.O. Box 1253, Corpus Christi, Tex.	1	9	Tennessee Gas Transmission Co. (Agua Dulce Field, Nueces County, Tex.) (R.R. District No. 4).	$18,082	11- 9-61	12-10-61	12-11-61	14.38069	[2] [3] 14.85	
RI62-207...	The Nueces Co. (Operator)	3	7	El Paso Natural Gas Co. (Fort Stockton Field, Pecos County, Tex.) (R.R. District No. 8).	13,850	11- 9-61	12-10-61	12-11-61	17.0807	[2] [3] 17.4057	G-20412
RI62-208...	Cabot Corp. (SW) P.O. Box 1101, Pampa, Tex.	33	2	Panhandle Eastern Pipeline Co. (Morrow Field, Seward County, Kans.).	3,252	11-13-61	1- 1-62	6- 1-62	[4] 16.0	[5] 17.0	
		39	2	Northern Natural Gas Co. (Mocane Field, Beaver County, Okla.).	1,680	11-13-61	1- 1-62	6- 1-62	[4] 15.0	[2] [3] 16.0	
		51	3	United Gas Pipe Line Co. (St. Martinville Field, St. Martin Parish, La.) (South Louisiana).	5,880	11-13-61	1- 1-62	6- 1-62	20.0	[4] 22.0	
RI62-209...	Peerless Oil & Gas Co. 1670 Denver Club Building, Denver 2, Colo.	2	3	Hugoton Plains Gas and Oil Co. (Hugoton Field, Texas County, Okla.).	8,693	11-13-61	12-14-61	12-15-61	[6] [7] 8.0837	[2] [3] 18.9496	
RI62-210...	The Pure Oil Co., 200 East Golf Road Palatine, Ill.	34	6	Northern Natural Gas Co. (Harper Ranch Field, Clark and Comanche Counties, Kans.).	2,556	11-13-61	1- 1-62	6- 1-62	15.0	[5] 16.0	
	do	35	5		1,407	11-13-61	1- 1-62	6- 1-62	14.0	[5] 15.0	
RI62-211...	Placid Oil Co., 418 Market Street, Shreveport, La.	20	4	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	19,293	11-13-61	1- 1-62	6- 1-62	20.25	[4] 22.25	
RI62-212...	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	174	1	Northern Natural Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.).	897	11-13-61	1- 1-62	6- 1-62	[10] 15.0	[5] [10] 16.0	
RI62-213...	General American Oil Co. of Texas, Meadows Building, Dallas 6, Tex.	15	7	Panhandle Eastern Pipeline Co. (Beaver County, Okla.).	166	11-13-61	12-14-61	5-14-62	12.2828	[5] 13.1761	
		30	3	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.).	440	11-13-61	1- 1-62	6- 1-62	14.0	[5] 15.0	
RI62-214...	The F O Corp., Meadows Building, Dallas 6, Tex.	1	7	Texas Gas Transmission Corp. (Elton Field, Allen Parish, La.) (South La.).	9,227	11-13-61	1- 1-62	1- 2-62	11.7717	[4] 12.6714	G-17540 (Tax reimbursement only).
RI62-215	The British-American Oil Producing Co. (Operator), et al., P.O. Box 749, Dallas 21, Tex.	32	2	Kansas-Nebraska Natural Gas Co., Inc. (Armstrong Field, Logan County, Colo.).	1,800	11-14-61	12-15-61	5-15-62	12.8262	[4] 13.7424	
RI62-216...	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	226	2	Colorado Interstate Gas Co. (Hugoton Field, Grant and Kearney Counties, Kans.).	36,013	11-15-61	1- 1-62	6- 1-62	11.0	[5] 12.5	

[1] The proposed effective dates are the first days after expiration of the required thirty days' notice or, if later, the date requested by respondent.
[2] Based on the Texas dedicated reserve tax.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.
[5] Previously reported as 16.08 cents which included 0.08 cent Kansas Severance Tax which was subsequently invalidated.
[6] Subject to upward and downward Btu. adjustment.
[7] Includes 1.0 cent per Mcf for compression deducted by buyer.
[8] Corrected for super compressibility.
[9] Increase based on buyer's redetermined (by arbitration) resale rate (effective subject to refund in Docket No. RI60-102).
[10] Does not include upward Btu. price adjustment of 1.5 cents per Mcf.

The rate increases of Nueces Company and Nueces Company (Operator) reflect the incidence of the Texas Dedicated Reserve Gas Tax, HB 20, Chapter 24, Article VI, Acts First Special Called Session, 57th Legislature of Texas, passed on August 16, 1961. The increased 14.85 cents per Mcf and 17.4057 cents per Mcf rates exceed the respective ceilings of 14.0 cents per Mcf and 11.0 cents per Mcf for increased rates in Texas Railroad Commission Districts 4 and 8, respectively (Commission's Statement of General Policy No. 61–1, as amended). The current 17.0807 cents per Mcf rate is in effect subject to refund in Docket No. G–20412. In view of our experience with this type of legislation, we must recognize the possibility that the validity of the tax might be challenged. In order to protect all parties in the event the tax should be declared unconstitutional or otherwise held invalid by final judicial decision, the proposed increased rates should be suspended. However, in order to prevent undue hardship the suspension period is shortened to one day.

The proposed revenue-sharing rate increase of Peerless Oil & Gas Company is based upon the buyer's resale rate which is in effect subject to refund. The proposed rate exceeds the 11.0 cents per Mcf ceiling for increased rates in Oklahoma. Since the buyer is collecting its increased rate subject to refund in Docket No. RI60–102, the suspension period for Peerless' rate increase is shortened to one day.

The F O Corporation's proposed increased rate (periodic) of 12.67 cents per Mcf falls below the 14.0 cents per Mcf ceiling for increased rates in Southern Louisiana. However, its current 11.77 cents per Mcf rate is in effect subject to refund in Docket No. G–17540 with respect to questionable reimbursement for the Louisiana severance tax, the present proposed rate is subject to the same infirmity, and is herein suspended for one day.

The other producers' rate changes herein are periodic increases and exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Nueces Company, Nueces Company (Operator), Peerless Oil & Gas Company, and The F O Corporation, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 25, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11875; Filed, Dec. 14, 1961; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[21–409]

OPTICAL PRODUCTS INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Optical Products Industry will be held by the Federal Trade Commission in the Sherman Hotel, North Clark and West Randolph Streets, Chicago, Illinois, beginning at 9:00 a.m., c.s.t., on January 19, 1962. The Honorable A. Everette MacIntyre, a Commissioner of the Federal Trade Commission, will be in charge of the conference.

The purpose of the conference is to afford opportunity for members of the industry to cooperate with the Commission in formulating a set of rules which will supply guidance as to the requirements of laws administered by the Commission having application to trade practices in the industry. It is the first step in proceedings designed to eliminate and prevent, on an industry-wide basis, unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of such laws.

At the conference individual industry members and their representatives may propose rules, and may comment on, and advocate changes in, rules proposed by others. Rules will be submitted for conference discussion on the following subjects: Deception (General); False Advertising Of Contact Lenses; Prohibited Allowances Or Commissions For Referrals; Prohibited Discrimination; Deception As To Origin Or Place Of Manufacture; Misrepresenting Products As Conforming To A Standard; Misrepresentation As To Character Of Business; False Invoicing; Commercial Bribery; Procurement Of Competitors' Confidential Information; Defamation Of A Competitor Or Disparagement Of His Products; Imitation Of Trade Marks, Trade Names, Etc., Of Competitors; Unfair Threats Of Infringement Suits; and Prohibited Forms Of Trade Restraints (Unlawful Price Fixing, Etc.). Rules on other subjects may also be submitted for consideration.

Products of the industry consist of eyeglasses and contact lenses, which are designed to provide correction and improvement of eyesight, and parts and accessories therefor. Sunglasses, goggles and spectacles, which are designed for the protection of eyes or eyesight as distinguished from correction or improvement of eyesight, are not included; nor are precision lenses for telescopes, binoculars, etc., to be considered as included.

Members of the industry are persons, firms, corporations, or organizations engaged in the manufacture, sale, offering for sale, or distribution of industry products. Opticians, and those optometrists, ophthalmologists, and others who are licensed to prescribe eyeglasses and contact lenses, and who engage in the retail sale or dispensing of any kind of an industry product, whether done separately or in conjunction with any professional or technical services (such as eye examinations and tests for the purpose of determining visual defects and prescribing lenses for the relief or correction thereof), are to be regarded as industry members as are corporations and others so engaged who utilize the service of an optician, optometrist, ophthalmologist, or other person so licensed. It is to be understood, however, that ophthalmologists, optometrists, and others so licensed, who only engage in the rendering of professional or technical services (such as, in the case of an ophthalmologist, the treatment of a pathological condition of the eye, and, in the case of an ophthalmologist or optometrist, refractions of eyes, with the filling of the prescriptions and retail sale and dispensing of the lenses being done by an independent optician) are not to be regarded as industry members.

All industry members, as above defined, are invited to attend the conference and participate in the proceedings. Their several trade associations are also invited to have a representative attend and participate.

After the conference at Chicago on January 19, 1962, and before rules are finally approved by the Commission for the industry, a draft of proposed rules in appropriate form will be released by the Commission and a public hearing will be scheduled thereon. At such hearing all interested or affected parties, including members of the industry, will be afforded opportunity to present their views and suggestions respecting such proposed rules.

Issued: December 14, 1961.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–11914; Filed, Dec. 14, 1961; 8:54 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3998]

CENTRAL AND SOUTH WEST CORP.

Notice of Filing Regarding Proposal To Exchange Common Stock of Registered Holding Company for Common Stock of Nonaffiliate

DECEMBER 12, 1961.

Notice is hereby given that Central and South West Corporation ("Central"), 20 North Wacker Drive, Chicago 6, Illinois, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and has designated sections 6 (a), 7, 9(a), and 10 of the Act and Rule 50(a)(4) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Pursuant to a contract dated October 17, 1961, between Central and Oriole Oil Company ("Oriole"), a non-affiliated company not subject to the Act, Central proposes to issue to Oriole 9,500 shares of its authorized but unissued $2.50 par value common stock. Such shares are to be issued in exchange for all of the outstanding (100) shares of $100 par value common stock of Transok Pipe Line Company ("Transok"), a non-affiliated company.

Transok is an Oklahoma corporation engaged in the purchase, transmission, and sale, at wholesale to Public Service Company of Oklahoma ("Public Service"), a public-utility subsidiary of Central, in addition to another utility company, of natural gas within the State of Oklahoma pursuant to contractual arrangements to supply Public Service's steam-electric generating plants with natural gas for boiler fuel on a long term basis.

Transok's pipeline system consisting of 229 miles of pipeline was constructed with the proceeds derived from the issuance and sale of $10,000 of common stock and three series of first mortgage bonds aggregating $25,000,000 and due serially to 1980, and guaranteed by Public Service. (See Public Service Company of Oklahoma, 37 S.E.C. 456, 458–459, December 5, 1956.) At August 31, 1961, such bonds were outstanding in the aggregate principal amount of $21,675,000. The pipeline system originates in major gas and oil fields of Oklahoma and traverses and connects with the area of greatest oil and gas production in Oklahoma enroute to the electric generating stations of Public Service.

According to the filing, in April 1961, Oriole indicated a desire to sell the Transok stock and although the operation of Transok by Oriole had been and is eminently satisfactory to Public Service, neither that company nor Central deems it advisable to have the Tran-

sok stock in the hands of an unknown third party since such circumstances could substantially increase Transok's management and operating expenses and adversely affect the supply of low cost gas now available to Public Service. As at August 31, 1961, Transok had a deficit in its earned surplus account of $656,273 and the application-declaration, as amended, states that the proposed acquisition of Transok stock will permit the reduction of certain of Transok's operating and management expenses and will permit the capture of Transok's earnings which for the 12-months ended August 31, 1961, amounted to $333,273.

The application-declaration, as amended, states that it is the expectation of Central when requested either by the Commission or by Public Service subsequent to June 30, 1962, to make a voluntary contribution of all of Transok's capital stock to Public Service.

Central's investment in the common stock of Transok is to be recorded at a cost equal to the aggregate value of the Central common stock based on the market price thereof on the New York Stock Exchange (approximately $418,000) and to write-off to earned surplus the excess of such cost over $1.00.

The fees and expenses to be incurred by Central are estimated at $3,900 and it is stated in the application-declaration, as amended, that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 27, 1961, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, raised by the application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant, and proof of service (by affidavit, or in the case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-11893; Filed, Dec. 14, 1961; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 12, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37472: *Joint motor-rail rates between the east and west.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., Agent (No. 9), for interested carriers. Rates on various commodities moving on class and commodity rates, over joint routes of applicant rail and motor carriers, between points east of the Rocky Mountains, on the one hand, and points west of the Rocky Mountains, also points in Alberta and British Columbia, on the other.

Grounds for relief: Motor and rail competition.

Tariffs: 3d Revised Page 32 and 1st Revised Page 76 to Rocky Mountain Motor Tariff Bureau tariff MF-I.C.C. 132 and 17th Revised Page 53 to Rocky Mountain Motor Tariff Bureau tariff MF-I.C.C. 99.

FSA No. 37473: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8118), for interested rail carriers. Rates on iron or steel reinforcing bars, in carloads, subject to aggregate minimum weight of 420,000 pounds per shipment, from Chicago (and points grouped therewith), Joliet, Lemont and Sterling, Ill., to Houston, Tex.

Grounds for relief: Barge, rail-barge and motor-barge competition.

Tariff: Supplement 231 to Southwestern Freight Bureau tariff I.C.C. 4308.

AGGREGATE OF INTERMEDIATES

FSA No. 37474: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8119), for interested rail carriers. Rates on iron or steel reinforcing bars, in carloads, subject to aggregate minimum weight of 420,000 pounds per shipment, from Chicago (and points grouped therewith), Joliet, Lemont and Sterling, Ill., to Houston, Tex.

Grounds for relief: Maintenance of depressed rates published to meet water competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 231 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11887; Filed, Dec. 14, 1961; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR — Page

PROCLAMATIONS:
May 27, 1907 — 11746
3298 — 11937
3401 — 11714
3440 — 11714
3441 — 11937
3442 — 12023

EXECUTIVE ORDERS:
Nov. 10, 1917 — 11906
Apr. 8, 1919 — 11906
June 14, 1921 — 11906
2711 — 11746
10717 — 11937
10977 — 11471
10978 — 11714
10979 — 11937

5 CFR
6 — 11347, 11483, 11671, 11813, 11852
29 — 11794
401 — 11938

7 CFR
319 — 12029
718 — 11813
722 — 11472, 11481, 11851, 11887
728 — 11795
729 — 11816
750 — 11725
775 — 11672
776 — 11347, 11407
811 — 11963
812 — 11817
820 — 11965
871 — 11968
914 — 11417, 11817, 11851, 11890
933 — 11417–11419
937 — 11725
938 — 11725
953 — 11419, 11818, 11851, 12030
958 — 11483, 11852, 11970
1032 — 12030

PROPOSED RULES:
812 — 11838
904 — 12037
911 — 11495
913 — 11839
914 — 11435
949 — 12037
952 — 12037
953 — 11363
982 — 11498
990 — 12037
993 — 12037
996 — 12037
999 — 12037
1026 — 11962
1028 — 11982

8 CFR
237 — 11818
243 — 11819
252 — 11797
253 — 11797
299 — 11819

PROPOSED RULES:
242 — 11363

9 CFR
74 — 11852, 11970
77 — 11971
83 — 11483, 11853

9 CFR—Continued — Page

PROPOSED RULES:
74 — 11804
151 — 11870
201 — 11988

10 CFR
25 — 11726

12 CFR
4 — 11353
204 — 12031
217 — 11798, 11971, 12031
327 — 12031
329 — 11798, 12031

13 CFR
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
221 — 11819
287 — 11890
288 — 11483
302 — 11820
507 — 11672, 11821, 12032, 12033
555 — 11672
600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893.
601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894
602 — 11729
608 — 11729, 11730, 11859, 11861, 11894, 12033
609 — 11939, 11946, 11951, 11960

PROPOSED RULES:
18 — 11804
43 — 11804
302 — 11685, 11841
399 — 11841
507 — 11870, 12042
600 — 11435, 11494, 11734
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
608 — 11435, 11494, 11988

15 CFR
201 — 11357
230 — 11360, 11972

16 CFR
13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034.
14 — 11826

17 CFR
231 — 11896
239 — 11730

PROPOSED RULES:
270 — 11738

18 CFR
141 — 11897
260 — 11900

PROPOSED RULES:
2 — 11459

19 CFR — Page
3 — 11362
5 — 11420
21 — 11362
54 — 11731

PROPOSED RULES:
10 — 11683

20 CFR
404 — 11827, 11938

21 CFR
20 — 11676
120 — 11731, 11799, 12034
121 — 11677, 11799, 11800, 11828–11830, 12035
141a — 11801
141c — 11801
146 — 12035
146a — 11801
146c — 11801
147 — 11802
191 — 12035

PROPOSED RULES:
1 — 11734
27 — 11988
51 — 11988
120 — 11684
121 — 11684, 11735, 11841, 11870
141a — 11684
146 — 11684
146a — 11684
147 — 11684

24 CFR
201 — 11731

25 CFR
PROPOSED RULES:
221 — 11734

26 CFR
1 — 11486, 11677
20 — 11861
25 — 11861
45 — 11861

28 CFR
15 — 11420

29 CFR
403 — 11678
408 — 11678
670 — 11420
678 — 11420
779 — 11802

PROPOSED RULES:
545 — 11735

30 CFR
222 — 11487

31 CFR
270 — 11938

32 CFR
272 — 11830
273 — 11831
577 — 11679
701 — 11715
710 — 11716
719 — 11763, 11862
720 — 11722
755 — 11792

32 CFR—Continued Page

765 ..... 11680, 11794
1453 11972
1470 11972
1472 11972
2011 11421

32A CFR

OIA (CH. X):
OI Reg. 1 11973

33 CFR

125 11862
203 11803
210 11732
212 11421

36 CFR

1 11903

PROPOSED RULES:
1 11363

38 CFR

6 11680
7 11802
8 11680
21 11862

39 CFR

1—204 11513
13 11864
17 11903
27 11903
31 11864
33 11903
47 11864
48 11864
168 11832

39 CFR—Continued Page

PROPOSED RULES:
61 11838
201 11426
202 11431
203 11432
204 11432

41 CFR

2–12 11904
9–7 11488
60–1 11974

43 CFR

161 11975

PROPOSED RULES:
192 ..... 11493, 11911
200 11493

PUBLIC LAND ORDERS:
61 11803
842 11361
1238 11863
2543 11361
2544 11361
2545 11803
2546 11361
2547 11803
2548 11803
2549 11803
2550 11863
2551 11863
2552 11906

44 CFR

151 11425

46 CFR

2 11908
34 11908

46 CFR—Continued Page

73 11908
76 11909
78 11909
97 11909
167 11909
171 11864

PROPOSED RULES:
201 11738
206 11738
221 11738
298 11738
299 11738

47 CFR

1 ..... 11909, 11977
2 ..... 11833, 11978
3 12024
10 ..... 11422, 11681, 11978
16 ..... 11423, 11978
19 11978

PROPOSED RULES:
3 ..... 11458, 11495, 11870, 11911, 11989, 11990
7 11369
8 ..... 11369, 11912
14 11369

49 CFR

43 11835
170 11732
174a 11492

50 CFR

32 11733
33 ..... 11733, 11836, 11837, 11868, 11869, 11909
270 11979

OF MICHIGAN
DEC 19 1961
MAIN READING ROOM

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

Pages 12057–12101

VOLUME 26 NUMBER 242

Washington, Saturday, December 16, 1961

Contents

THE PRESIDENT

Executive Order

President's Commission on the Status of Women; establishment 12059

EXECUTIVE AGENCIES

Agricultural Marketing Service

RULES AND REGULATIONS:
Handling limitations:
Lemons grown in California and Arizona 12064
Navel oranges grown in Arizona and designated part of California 12063
Irish potatoes grown in Red River Valley of North Dakota and Minnesota; limitation of shipments 12063
Limes grown in Florida; quality and size regulation 12064
Navel oranges grown in Arizona and designated part of California; determination relative to expenses and fixing of rate of assessment for 1961–62 fiscal year 12062
Prohibitions of imports:
Grapefruit 12064
Limes 12065

Agricultural Research Service

RULES AND REGULATIONS:
Brucellosis in domestic animals; modified certified areas 12067

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Reconstitution of farms, farm allotments, and farm history and soil bank base acreages; pooled allotments 12060

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
Martin-Marietta Corp. and Martin Co.; transfer of licenses 12089
Sullivan, Mistrot M. d/b/a Southwestern Radiological Service Co.; order to show cause and order suspending license 12089

Civil Aeronautics Board

NOTICES:
American Airlines, Inc., et al.; transcontinental excursion and economy fares 12090
Flying Tiger Line, Inc.; reduced freight rates 12092

Civil Service Commission

RULES AND REGULATIONS:
Exceptions from the competitive service:
General Services Administration 12060
State Department 12060

Coast Guard

RULES AND REGULATIONS:
Construction of magazines, manning of inspected vessels, and able seamen 12082

Federal Aviation Agency

PROPOSED RULE MAKING:
Delegation option procedures for supplemental type certification; extension of time for comments 12085

RULES AND REGULATIONS:
Alteration of control area extensions and designation of transition area 12071
Alteration of control area extensions, and transition areas, and designation of transition areas 12071
Control area extensions; alteration 12073
Federal airways:
Alterations (2 documents) 12069
Designation and alteration 12070
Federal airways and associated control areas; alterations (2 documents) 12070
Minimum en route IFR altitudes; miscellaneous amendments 12074
Reporting points; revocation; correction 12074

Federal Communications Commission

NOTICES:
American Telephone and Telegraph Co.; TELPAK services and channels 12092
Mexican broadcast stations; list of changes, proposed changes, and corrections in assignments 12093

PROPOSED RULE MAKING:
Television broadcast services; memorandum opinion and order re reconsideration 12085

RULES AND REGULATIONS:
Radio broadcast services; classes of standard broadcast channels and stations 12083
Stations on land in maritime services; stations of shipboard in maritime services; and public fixed stations and stations of the maritime services in Alaska; miscellaneous amendments 12083

Federal Power Commission

NOTICES:
Diamond Lake Improvement Co.; notice of vacation of withdrawal; correction 12097
Hearings, etc.:
El Paso Natural Gas Co 12094
Houston Texas Gas and Oil Corp 12094
Texas Pacific Coal and Oil Co. et al 12095

Food and Drug Administration

RULES AND REGULATIONS:
Food additives permitted in animal feed and animal feed supplements; methyl esters of higher fatty acids; correction 12077

(Continued on next page)

Health, Education, and Welfare Department
See Food and Drug Administration.

Immigration and Naturalization Service
RULES AND REGULATIONS:
Termination of nonimmigrant status 12066

Interior Department
See also Land Management Bureau.
NOTICES:
Statements of changes in financial interests:
Bovier, Ralph F 12089
Clark, Lemore W 12089

Internal Revenue Service
PROPOSED RULE MAKING:
Income tax; taxable years beginning after December 31, 1953; notice of hearing 12085
Manufacturers excise tax on motor vehicles and parts or accessories therefor; notice of hearings 12085
RULES AND REGULATIONS:
Income tax; taxable years beginning after December 31, 1953; quartzite and clay used in production of refractory products; election for prior taxable years 12077

Interstate Commerce Commission
NOTICES:
Fourth section applications for relief 12098
Motor carrier transfer proceedings 12099

Justice Department
See Immigration and Naturalization Service.

Land Management Bureau
RULES AND REGULATIONS:
Public land orders:
Alaska; withdrawing lands for use of Public Health Service; partly revoking Public Land Order No. 2323 of April 5, 1961 12080
Arizona; withdrawing lands for use of Forest Service for experimental purposes; partly revoking Public Land Order No. 1058 of January 19, 1955 12082
California; withdrawing lands for use of Forest Service as campgrounds, administrative sites and recreations areas 12080
Colorado:
Withdrawing lands for use of Forest Service as picnic grounds, campgrounds, and administrative sites 12079
Withdrawing lands in national forests for use of Forest Service for administrative sites and recreation areas 12081
Montana; withdrawing lands for use of Forest Service as a recreation area 12080
Nevada; withdrawing lands for use of Coast and Geodetic Survey 12080

Securities and Exchange Commission
NOTICES:
Allegheny Power System, Inc.; notice of filing regarding acquisition of common stock of public-utility company 12097

Small Business Administration
NOTICES:
Applications for loans in excess of $200,000; notice of necessity for certificate as defense-oriented small business concern; correction 12098
Unitized Industries, Inc.; notice of withdrawal of request to operate as and participate in small business defense production pool 12098
RULES AND REGULATIONS:
Small business size standards; definitions 12069

Treasury Department
See also Coast Guard; Internal Revenue Service.
NOTICES:
Red cedar shingles and shakes from Canada; fair value consideration 12089

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR
EXECUTIVE ORDERS:
3797–A (see PLO 2557) 12080
10980 12059

5 CFR
6 (2 documents) 12060

7 CFR
719 12060
914 (2 documents) 12062, 12063
938 12063
953 12064
1001 12064
1068 12064
1069 12065

8 CFR
212 12066
214 12066

9 CFR
78 12067

13 CFR
121 12069

14 CFR
600 (5 documents) 12069, 12070
601 (6 documents) 12070, 12071, 12073, 12074
610 12074
PROPOSED RULES:
411 12085

21 CFR
121 12077

26 CFR
1 12077
PROPOSED RULES:
1 12085
48 12085

43 CFR
PUBLIC LAND ORDERS:
1058 (revoked in part by PLO 2559) 12082
2323 (revoked in part by PLO 2557) 12080
2553 12079
2554 12080
2555 12080
2556 12080
2557 12080
2558 12081
2559 12082

46 CFR
146 12082
157 12082

47 CFR
3 12083
7 12083
8 12083
14 12083
PROPOSED RULES:
3 12085

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10980

ESTABLISHING THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

WHEREAS prejudices and outmoded customs act as barriers to the full realization of women's basic rights which should be respected and fostered as part of our Nation's commitment to human dignity, freedom, and democracy; and

WHEREAS measures that contribute to family security and strengthen home life will advance the general welfare; and

WHEREAS it is in the national interest to promote the economy, security, and national defense through the most efficient and effective utilization of the skills of all persons; and

WHEREAS in every period of national emergency women have served with distinction in widely varied capacities but thereafter have been subject to treatment as a marginal group whose skills have been inadequately utilized; and

WHEREAS women should be assured the opportunity to develop their capacities and fulfill their aspirations on a continuing basis irrespective of national exigencies; and

WHEREAS a Governmental Commission should be charged with the responsibility for developing recommendations for overcoming discriminations in government and private employment on the basis of sex and for developing recommendations for services which will enable women to continue their role as wives and mothers while making a maximum contribution to the world around them:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I—ESTABLISHMENT OF THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

SEC. 101. There is hereby established the President's Commission on the Status of Women, referred to herein as the "Commission". The Commission shall terminate not later than October 1, 1963.

SEC. 102. The Commission shall be composed of twenty members appointed by the President from among persons with a competency in the area of public affairs and women's activities. In addition, the Secretary of Labor, the Attorney General, the Secretary of Health, Education and Welfare, the Secretary of Commerce, the Secretary of Agriculture and the Chairman of the Civil Service Commission shall also serve as members of the Commission. The President shall designate from among the membership a Chairman, a Vice-Chairman, and an Executive Vice-Chairman.

SEC. 103. In conformity with the Act of May 3, 1945 (59 Stat. 134, 31 U.S.C. 691), necessary facilitating assistance, including the provision of suitable office space by the Department of Labor, shall be furnished the Commission by the Federal agencies whose chief officials are members thereof. An Executive Secretary shall be detailed by the Secretary of Labor to serve the Commission.

SEC. 104. The Commission shall meet at the call of the Chairman.

SEC. 105. The Commission is authorized to use the services of consultants and experts as may be found necessary and as may be otherwise authorized by law.

PART II—DUTIES OF THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

SEC. 201. The Commission shall review progress and make recommendations as needed for constructive action in the following areas:

(a) Employment policies and practices, including those on wages, under Federal contracts.

(b) Federal social insurance and tax laws as they affect the net earnings and other income of women.

(c) Federal and State labor laws dealing with such matters as hours, night work, and wages, to determine whether they are accomplishing the purposes for which they were established and whether they should be adapted to changing technological, economic, and social conditions.

(d) Differences in legal treatment of men and women in regard to political and civil rights, property rights, and family relations.

(e) New and expanded services that may be required for women as wives, mothers, and workers, including education, counseling, training, home services, and arrangements for care of children during the working day.

(f) The employment policies and practices of the Government of the United States, with reference to additional affirmative steps which should be taken through legislation, executive or administrative action to assure nondiscrimination on the basis of sex and to enhance constructive employment opportunities for women.

SEC. 202. The Commission shall submit a final report of its recommendations to the President by October 1, 1963.

SEC. 203. All executive departments and agencies of the Federal Government are directed to cooperate with the Commission in the performance of its duties.

PART III—REMUNERATION AND EXPENSES

SEC. 301. Members of the Commission, except those receiving other compensation from the United States, shall receive such compensation as the President shall hereafter fix in a manner to be hereafter determined.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 14, 1961.

[F.R. Doc. 61–12014; Filed, Dec. 15, 1961; 11:27 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

1. Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (4) of paragraph (a) of § 6.102 are amended as set out below.

§ 6.102 Department of State.

(a) *Office of the Secretary.* • • •

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

2. Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (2) of paragraph (n) of § 6.302 are amended as set out below.

§ 6.302 Department of State.

• • • • • •

(n) *The Executive Secretariat.* (1) The Executive Secretary.

(2) Two Deputy Executive Secretaries.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11967; Filed, Dec. 15, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 6.333 is amended and subparagraph (15) is added as set out below.

§ 6.333 General Services Administration.

(a) *Office of the Administrator.* • • •

(5) Two Confidential Assistants to the Administrator.

• • • • •

(15) One Confidential Assistant to the Deputy Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11966; Filed, Dec. 15, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 17]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Pooled Allotments

This amendment to the regulations governing the Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages is issued pursuant to the authority contained in section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)) and section 124 of the Soil Bank Act (7 U.S.C. 1812). The principal purpose of this amendment is to revise § 719.12(d)(2) of the regulations to provide that a displaced owner requesting transfer of pooled allotment must present conclusive evidence of bona fide ownership of the farm for the purpose of reestablishing his farm operations and to state certain elements which would be conclusive evidence of bona fide ownership for such purpose. Notice of proposed amendment of § 719.12(d)(2) of the regulations was published in the FEDERAL REGISTER on November 16, 1961 (26 F.R. 10731) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data, views, and recommendations received in response to such notice have been duly considered.

A further purpose of this amendment is to reissue § 719.12 of the regulations with previous amendments consolidated, obsolete provisions eliminated, and minor language changes and relettering of paragraphs for greater clarity. Since farmers are making plans for 1962 farming operations and requests for transfers of pooled allotments are in process, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 719.12 of the regulations (23 F.R. 7693), as amended, is amended to read as follows:

§ 719.12 Pooling of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.

(a) *Definitions.* For purposes of this section unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) "Agency" means a Federal, State or other agency having the right of eminent domain which acquires a farm by exercise of such right of eminent domain or by negotiation provided that such right could have been exercised to acquire such farm.

(2) "Displaced owner" means a person whose farm is acquired by an agency.

(3) "Acquired farm" means the farm or part of the farm acquired by an agency.

(4) "Date of displacement" means the date the displaced owner voluntarily relinquishes his right to produce another crop of the commodity on the farm acquired from him by an agency or the date he is legally displaced. Legal displacement occurs when the displaced owner no longer retains the right to possession of the land on the acquired farm as owner or under a lease with the agency which follows immediately after his possession as owner: *Provided, however,* That if the displaced owner was displaced prior to April 9, 1960 and enters into a lease (written lease or written operating agreement) with respect to all or part of the acquired farm with the agency prior to April 9, 1962, displacement shall be deemed not to have occurred as to the leased land if the displaced owner files a copy of the lease with the county committee for the county in which the leased land is located as soon as practicable after execution of the lease but in any event prior to April 9, 1962 and if none of the allotment pooled for the acquired farm has been transferred to another farm.

(5) "Receiving farm" means the farm to which transfer of pooled allotment is requested by the displaced owner.

(6) "Receiving State and county committees" means the respective State and county committees for the State and county in which the receiving farm is located.

(7) "Transferring State and county committees" means the respective State and county committees for the State and county in which the acquired farm is located.

(b) *Limitations on applicability of this section.* This section shall not be applicable:

(1) To an acquired farm if the allotment for such farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report.

(2) To an acquired farm where the date of displacement was prior to 1950 in the case of upland cotton, extra long staple cotton, tobacco and peanuts; prior to 1954 in the case of wheat and corn; and prior to 1955 in the case of rice.

(3) If at the time an application for transfer of pooled allotment is being considered by the receiving county committee, there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm or by the displaced owner; or any of the commodity produced on the acquired farm has not been accounted for as required under applicable commodity regulations.

(4) If at the time an application for transfer of pooled allotment is being considered by the receiving county committee, there are no farm allotments for the commodity currently in effect for farms in such county and the receiving county committee determines that farms in such county are not suitable for the production of such commodity.

(c) *No pooled allotment where agency will continue production.* If any agency has authority to acquire a farm for the sole purpose of continuing production of an allotment crop and does so acquire a farm and files a written notice with the county committee of the county in which the farm is located within 30 days after the date of acquisition designating the allotment crops to be produced on the farm, there shall be no pooled allotment for such crops but farm allotments shall be established in accordance with applicable commodity regulations.

(d) *Pooled allotment where agency will not continue production.* If an agency acquires a farm and does not file a notice pursuant to paragraph (c) of this section, the allotment for the commodity shall be pooled upon the date of displacement. Pooled allotment shall be available only for use in providing equitable allotments for other farms owned or purchased by the displaced owner. The period of eligibility for making application for transfer of pooled allotment shall be three years from the date of displacement. During such period of eligibility, acreage allotments for the acquired farm shall be established in the pool in accordance with applicable commodity regulations and for purposes of establishing future allotments, such allotments shall be considered to have been fully planted.

(e) *Release of pooled allotment.* Notwithstanding the provisions of paragraph (d) of this section, during any year that the allotment is pooled and has not been transferred to another farm, the displaced owner may, in accordance with applicable commodity regulations, release for one year at a time any part or all of such pooled allotment to the county committee for reapportionment to other farms in the same county having allotments for such commodity. Such reapportionment shall be on the basis of the past acreage of the commodity, land, labor, equipment available for the production of the commodity, crop rotation practices, and soil and other physical facilities affecting the production of the commodity; and the allotment reapportioned shall, for purposes of establishing future farm allotments, not be regarded as planted on the farm to which the allotment was reapportioned.

(f) *Transfer of allotment from the pool—(1) Application by displaced owner.* The displaced owner shall file written application for transfer of allotment from the pool within three years after the date of displacement with the receiving county committee. The application shall contain a certification by the displaced owner that he has made no side agreement with any person for the purpose of obtaining an allotment from the allotment pool for a person other than himself. The displaced owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements; as for example, the deed of trust or mortgage, warranty deed, note, sales agreement, and lease.

(2) *Action by receiving county committee.* The receiving county committee shall consider each application and determine whether the transfer of allotment from the pool shall be approved. Before an application is acted upon by the receiving county committee, the displaced owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee and answer all pertinent questions bearing on the proposed transfer: *Provided, however,* That if the receiving State committee determines from facts presented to it on behalf of the displaced owner that such personal appearance would unduly inconvenience the displaced owner on account of illness or other good cause and such personal appearance would serve no useful purpose, the receiving State committee shall notify the receiving county committee that the displaced owner need not make such personal appearance. Any action by the receiving county committee shall be subject to the approval required under subparagraph (4) of this paragraph.

(3) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer of allotment only where the documents and other evidence presented by the displaced owner show conclusively that the displaced owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions: (i) Appropriate legal documents establishing title to the receiving farm; (ii) if the displaced owner was the operator (person in charge of the supervision and conduct of the farming operations on the entire farm) of the acquired farm at the date of displacement, such displaced owner shall personally operate and be the operator of the receiving farm for the first year that allotment is transferred; (iii) if the displaced owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing rent payment, such displaced owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment for the receiving farm shall be planted on the receiving farm for the first year; (iv) if the displaced owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such displaced owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that allotment is transferred; (v) the contractual arrangements between the displaced owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the selier nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment is transferred even though such contractual arrangements are silent as to any lease; and (vi) contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(4) *Receiving State committee approval.* The action of the receiving county committee under this paragraph in approving or disapproving an application shall be effective only upon approval of the receiving State committee or its representative.

(5) *Amount of allotment available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment notice under the applicable commodity regulations. The allotment to be transferred for a commodity shall be no greater than an amount required to establish an allotment comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor, and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided, however,* That the acreage transferred from the pool shall not exceed the allotment most recently established for the acquired farm and placed in the pool. When all or a part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the displaced owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments to have been planted on the receiving farm for which an allotment is established or increased under this section. If only a

part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the displaced owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(6) *Cancellation of transfers of allotments.* If an allotment is transferred under this paragraph and it is later determined by the receiving county or State committee, or the deputy administrator, that the transfer was obtained by misrepresentation by or on behalf of the displaced owner, or the conditions applicable under subparagraph (3) of this paragraph are not met, the allotment for the receiving farm shall be reduced by the amount of the transfer for each year the transfer purportedly was in effect and if the time for withdrawal from the pool has not expired, the amount of the reduction shall be returned to the pool. Any cancellation of transfer of allotment by the receiving county committee shall be subject to approval by the receiving State committee or its representative. The receiving county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(7) *Effect of release of pooled allotment.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the transferring county committee pursuant to paragraph (e) of this section, the application for transfer will be processed in the usual manner but action to effect the actual transfer of the allotment which is temporarily released shall be delayed until such time as the pooled allotment which was released for the current year is established for the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another, the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment for which the transfer is requested has been released to the transferring county committee for the current year.

(g) *Notice of displacement.* The displaced owner or the acquiring agency should notify the county committee of the county in which the acquired farm is located within thirty days after the date of acquisition of the expected date of displacement. Any displaced owner who voluntarily relinquishes possession of the acquired farm subsequent to its acquisition but prior to actual displacement shall be considered as having been displaced as of the date he voluntarily relinquishes possession.

(h) *Reconstitution where only part of a farm is acquired by an agency.* Where only a part of a farm is acquired by an agency, the acquired portion of the farm shall be constituted separately from that portion not so acquired whenever the date of displacement occurs: *Provided, however,* That no reconstitution shall be made in any case where the cropland acquired by an agency for nonfarming purposes is less than 15 percent of the total cropland on the farm, in which case, that portion of the allotment, history acreages, and other pertinent data attributable to that part of the farm so acquired shall be transferred to that part of the farm not so acquired.

(i) *Reconstitution where all or part of an acquired farm is leased to the displaced owner.* Where possession of all or part of an acquired farm is retained by the displaced owner by virtue of a lease with the agency and the conditions prescribed in paragraph (a)(4) of this section have been met, any portion of the acquired farm which is not leased by the displaced owner shall be constituted separately from the leased portion at the date of displacement. Leased land shall be reconstituted upon termination or expiration of the lease or upon voluntary displacement by the displaced owner.

(j) *Procedure in the event of death of the displaced owner or joint ownership of the acquired farm.* The displaced owner may at any time before or after acquisition by an agency, notify the county committee of the county in which the farm is located in writing of his designation of a beneficiary to make application for transfer of allotment to another farm owned by the beneficiary in the event of death of the displaced owner prior to a transfer of pooled allotment but after acquisition of the acquired farm by an agency. Such beneficiary shall be limited to the displaced owner's surviving spouse, mother, father, brothers, sisters, or children. The displaced owner may change his designation of beneficiary at any time by giving written notice to the county committee. In case of death of a displaced owner who owns or has acquired another farm prior to application for transfer of pooled allotment and where no designation of beneficiary was made by such displaced owner, application for transfer of pooled allotment may be made by the person who succeeds to the displaced owner's interest by reason of such displaced owner's death in any such farm owned by such deceased owner at the time of his death. Where an acquired farm is jointly owned, each joint owner may apply for transfer of pooled allotment to the extent of and in proportion to such joint owner's interest in the acquired farm.

(Sec. 375, 52 Stat. 66, as amended, 378, 72 Stat. 988, 124, 70 Stat. 198, 7 U.S.C. 1375, 1378, 1812)

Effective upon date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 12, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11964; Filed, Dec. 15, 1961; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1961–62 Fiscal Year

On December 2, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11435) regarding the expenses and rate of assessment for the 1961–62 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 914.209 Expenses and rate of assessment for the 1961–62 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the period November 1, 1961, through October 31, 1962, will amount to $160,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles oranges shall be 14 mills ($0.014) per carton of oranges handled by such handler as the first handler thereof during the 1961–62 fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable navel oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 13, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-11961; Filed, Dec. 15, 1961; 8:49 a.m.]

[Navel Orange Reg. 219]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.519 Navel Orange Regulation 219.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 14, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 17, 1961, and ending at 12:01 a.m., P.s.t., December 24, 1961, are hereby fixed as follows:

(i) District 1: 300,000 cartons;
(ii) District 2: 75,000 cartons;
(iii) District 3: 50,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12016; Filed, Dec. 15, 1961; 11:34 a.m.]

[938.303 Amdt. 2]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 938.303 (26 F.R. 6834, 11725) paragraphs (a), (e), and (h) are deleted and in lieu thereof new paragraphs (a), (e), and (h) are substituted as set forth below.

§ 938.303 Limitation of shipments.

* * * * *

(a) *Minimum grade and size requirements—(1) Round varieties.* U.S. No. 2, 75 percent U.S. No. 1 quality, or better, grade, 2 inches minimum diameter; or U.S. No. 2, 85 percent U.S. No. 1 quality except for dirt, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 6 ounces minimum weight, or U.S. No. 1, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

* * * * *

(e) *Safeguards.* (1) Each handler making special purpose shipments authorized by paragraph (c) of this section requiring compliance with the provisions of this paragraph, and

(2) Each handler making special purpose shipments, other than seed, shall comply with the following safeguards:

(i) Prior to making shipment, apply for and obtain from the committee an approved Certificate of Privilege, pursuant to § 938.120;

(ii) Obtain inspection and pay assessments on such shipments, except shipments for canning or freezing;

(iii) Furnish the committee such reports and documents as requested; and

(iv) Bill each shipment directly to the applicable processor or receiver.

(3) Compliance with the requirements of this section shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State taxes or assessments thereon.

* * * * *

(h) *Definitions.* (1) The terms "moderately skinned," "U.S. No. 1," "U.S. No. 2," means the same as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title) including the tolerances set forth therein. "U.S. No. 2, 85 percent U.S. No. 1 quality except for dirt" means the lot must meet U.S. No. 2 grade, and in addition 85 percent of the potatoes in each lot must meet all requirements, except for dirt, of U.S. No. 1 grade.

(2) Other terms in this section shall have the same meaning as when used in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 13, 1961, to become effective December 16, 1961.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–11962; Filed, Dec. 15, 1961; 8:49 a.m.]

[Lemon Reg. 930]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1037 Lemon Regulation 930.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 12, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 17, 1961, and ending at 12:01 a.m., P.s.t., December 24, 1961, are hereby fixed as follows:

(i) District 1: 27,900 cartons;
(ii) District 2: 102,300 cartons;
(iii) District 3: 51,150 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 13, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11959; Filed, Dec. 15, 1961; 8:48 a.m.]

[Lime Reg. 14; Lime Reg. 13 Terminated]

PART 1001—LIMES GROWN IN FLORIDA

Quality and Size Regulation

§ 1001.314 Lime Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the said act, that it is necessary to continue regulation of the handling of limes, as hereinafter provided, in order to avoid a disruption of the orderly marketing of the remainder of the current lime crop, and such regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this section relieves restrictions on the handling of limes grown in Florida.

(b) *Order.* (1) Lime Regulation 13 (26 F.R. 10587) is hereby terminated at 12:01 a.m., e.s.t., December 18, 1961.

(2) During the period beginning at 12:01 a.m., e.s.t., December 18, 1961, and ending at 12:01 a.m., e.s.t., April 1, 1962, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color;

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¾ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; or

(iv) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are smaller than 1⅞ inches in diameter which do not have an average juice content of at least 46 percent, by volume: *Provided,* That such juice content requirement shall not apply to containers of limes containing not in excess of 10 percent, by count, of limes smaller than 1⅞ inches in diameter.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 14, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12002; Filed, Dec. 15, 1961; 9:19 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Grapefruit Reg. No. 4; Grapefruit Reg. No. 3 Terminated]

PART 1068—GRAPEFRUIT

Importation

§ 1068.4 Grapefruit Regulation No. 4.

(a) On and after 12:01 a.m., e.s.t., December 23, 1961, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1, except that such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade and may have slightly rough texture caused only by speck type melanose, and be of a size not smaller than 3 15/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 1, except that such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade and may have slightly rough texture caused only by speck type melanose, and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Building Harlingen, Tex. (Telephone: Garfield 3-5644).	1 day.
	or	
	Norman E. Taylor, Room 204, U.S. Court House, El Paso, Tex. (Telephone: Keystone 3-9351, Ext. 340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Telephone: Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bertelson, Room 202, Trust Building, Nogales, Ariz. (Telephone: Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 Northwest 21 Terrace, Room 5, Miami, Fla. (Telephone: Newton 5-7967).	Do.
	or	
	Hubert S. Flynt, 775 Warner Street, Orlando, Fla. (Telephone: Garden 2-2447).	Do.
All California points.	Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles 21, Calif. (Telephone: Madison 2-8760).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Telephone: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;
(2) The name of the shipper, or applicant;
(3) The commodity inspected;
(4) The quantity of the commodity covered by the certificate;
(5) The principal identifying marks on the container;
(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and
(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this section, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those in effect for grapefruit grown in Florida (Grapefruit Regulation 347; § 933.1081 of this chapter, 26 F.R. 11417).

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms relating to grade, diameter, standard pack, and standard box shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163). Importation means release from custody of the United States Bureau of Customs.

Termination of Grapefruit Regulation No. 3. Grapefruit Regulation No. 3 (§ 1068.3; 26 F.R. 7077, 8505, 8880) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this section beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those in effect on domestic shipments of grapefruit under Grapefruit Regulation 347 (§ 933.1081; 26 F.R. 11417) and are the same as those currently in effect for imports of grapefruit; (c) this section merely incorporates the grade, size, and other requirements of said Grapefruit Regulation No. 3 with the requirements applicable to imports of grapefruit under the General Regulations Applicable to the Importation of Listed Commodities (7 CFR Part 1060); (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 13, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11960; Filed, Dec. 15, 1961; 8:49 a.m.]

[Lime Reg. 7; Lime Reg. 6 Terminated]

PART 1069—LIMES

§ 1069.7 Lime Regulation No. 7.

(a) On and after 12:01 a.m., e.s.t., December 18, 1961, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least the U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1¾ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; and

(4) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are smaller than 1⅞ inches in diameter have an average juice content of at least 46 percent by volume: *Provided,* That such juice content requirement shall not apply to containers of such limes containing not in excess of 10 percent, by count, of limes smaller than 1⅞ inches in diameter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of limes, is required on all imports of limes. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of limes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the limes will be imported:

Ports; Office; and Advance Notice

All Texas points; W. T. McNabb, 222 McClendon Building, Harlingen, Tex. (Telephone: Garfield 3-5644); 1 day, or Norman E. Taylor, Room 204, U.S. Court House, El Paso, Tex. (Telephone: Keystone 3-9351, Ext. 340); 1 day.

All New York points; Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Telephone: Rector 2-8000, Ext. 807); 1 day.

All Arizona points; R. H. Bertelson, Room 202, Trust Building, Nogales, Ariz. (Telephone: Atwater 7-2902); 1 day.

All Florida points; Lloyd W. Boney, 1200 N.W. 21 Terrace, Room 5, Miami, Fla. (Telephone: Newton 5-7967); 1 day. Hubert S. Flynt, 775 Warner Street, Orlando, Fla. (Telephone: Garden 2-2447); 1 day.

All California points; Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles 21, Calif. (Telephone: Madison 2-8756); 3 days.

All other points; E. E. Conklin, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington 25, D.C. (Telephone: Dudley 8-5870); 3 days.

(c) Inspection certificates shall cover only the quantity of limes that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any limes to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of limes which, in the aggregate, does not exceed 250 pounds, net weight, may be imported without regard to the restrictions specified herein.

(g) No provisions of this section shall supersede the restrictions or prohibitions on limes under the Plant Quarantine Act of 1912.

(h) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of limes for the purpose of making it eligible for importation.

(i) The terms relating to grade and diameter shall have the same meaning as when used in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016). Importation means release from custody of the United States Bureau of Customs.

(j) Termination of Lime Regulation No. 6. Lime Regulation No. 6 (26 F.R. 4327, 6808, 10587) is hereby terminated at 12:01 a.m., e.s.t., December 18, 1962.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this section beyond that herein specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those being made applicable to domestic shipments of limes under Lime Regulation 14 (§ 1001.314) which becomes effective December 18, 1961; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this section relieves restriction on the importation of Persian limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 14, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12001; Filed, Dec. 15, 1961; 9:19 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 214—NONIMMIGRANT CLASSES

Termination of Nonimmigrant Status

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on October 13, 1961 (26 F.R. 9677), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out the terms of proposed amendments to § 214.1 (a) and (b) pertaining to the termination of nonimmigrant status of certain aliens in the United States. One representation which was received concerning the proposed rules has been considered. The proposed rules, insofar as they pertain to Part 214, have not been amended; however, §§ 212.1(f) and 212.4 have been amended to indicate the officers of this Service who may revoke the waivers in question. The amendatory regulations, as set out below, are hereby adopted.

1. Paragraph (f) of § 212.1 is amended to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(f) *Unforeseen emergency.* A visa and a passport are not required of a nonimmigrant who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director at the port of entry (after consultation with and concurrence by the Director of the Visa Office of the Department of State) that, because of an unforseen emergency, he was unable to obtain the required documents, in which case a waiver application shall be made on Form I–193. The district director or the Assistant Commissioner, Examinations, may at any time revoke a waiver previously authorized pursuant to this paragraph and notify the nonimmigrant in writing to that effect.

2. Section 212.4 is amended to read as follows:

§ 212.4 Applications for the exercise of discretion under section 212(d)(3).

When a visa is not required, an application for the exercise of discretion under section 212(d)(3) of the Act shall be submitted on Form I–192 to the district director in charge of the applicant's intended port of entry prior to the applicant's arrival in the United States. (For Department of State procedure when a visa is required, see 22 CFR 41.95.) If the application is made at the time of the applicant's arrival to the district director at a port of entry, the applicant shall establish that he was not aware of the ground of inadmissibility and that it could not have been ascertained by the exercise of reasonable diligence, and he shall be in possession of appropriate documents or have been granted a waiver thereof. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal to the Board within 15 days after the mailing of the notification of decision in accordance with the provisions of Part 3 of this chapter. If denied, the denial shall be without prejudice to renewal of the application in the course of proceedings before a special inquiry officer under sections 235 and 236 of the Act and this chapter. When an appeal may not be taken from a decision of a special inquiry officer excluding an alien but the alien has applied for the exercise of discretion under section 212(d)(3) of the Act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.5(b) of this chapter. Pursuant to the authority contained in section 212(d)(3) of the Act, the ground of inadmissibility contained in section 212(a)(24) is waived for any nonimmigrant. The district director or the Assistant Commissioner, Examinations, may at any time revoke a waiver previously authorized under section 212(d)(3) of the Act and notify the nonimmigrant in writing to that effect.

3. The heading of § 214.1 *General requirements for admission, extension and maintenance of status* is amended, the existing text of this section is designated as paragraph (a) and a paragraph (b) is added to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

(a) *General.* * * *

* * * * *

(b) *Termination of status.* Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver previously authorized in his behalf under section 212(d)(3) or (4) of the Act or by the revocation and invalidation of his visa pursuant to section 221(i) of the Act.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to provide for certain officers of this Service to revoke waivers previously authorized under section 212(d)(3) and (4) of the Immigration and Nationality Act, thus terminating the nonimmigrant status of aliens affected in the United States, within the period of their initial admission or extension of stay; similarly, such nonimmigrant status will be terminated by the revocation or invalidation of the nonimmigrant aliens' visas pursuant to section 221(i) of the Immigration and Nationality Act.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4(c) of the Administrative Procedure Act (60 Stat 238; 5 U.S.C. 1003) relating to delayed effective date is unnecessary and would serve no useful purpose in this instance because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: December 12, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-11940; Filed, Dec. 15, 1961; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Modified Certified Brucellosis Areas

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Madison, Marshall, Morgan, Randolph, Russell, and Talladega Counties;

Arizona. The entire State;

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Drew, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Miller, Mississippi, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, Huerfano, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, Douglas, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Shelby, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Moran, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Audubon, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. Barton, Cheyenne, Clark, Clay, Decatur, Ford, Franklin, Geary, Gove, Gray, Greeley, Harper, Haskell, Jeffersqn, Johnson, Kearney, Kingman, Leavenworth, Logan, Marshall, Meade, Miami, Mitchell, Morris, Nemaha, Osage, Osborne, Pawnee, Rawlins, Reno, Rice, Rooks, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Crittenden, Cumberland, Edmonson, Elliott, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Hardin, Harrison, Hart, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Leslie, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Meade, Mercer, Metcalf, Morgan, Muhlenberg, Ohio, Oldham,

Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties;

Louisiana. Ascension, Assumption, Claiborne, St. Helena, St. John the Baptist, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, Clay, Desoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Andrew, Barry, Bates, Bollinger, Boone, Buchanan, Caldwell, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Charlton, Christian, Clark, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dent, Douglas, Dunklin, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Howard, Iron, Jasper, Jefferson, Johnson, Lafayette, Lawrence, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Moniteau, Montgomery, Morgan, New Madrid, Newton, Oregon, Ozark, Pemiscot, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Scott, Shelby, Stoddard, Stone, Taney, Texas, Vernon, Warren, Washington, Wayne, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Ponders, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Nettinger, McHenry, McKenzie, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Choctaw, Cimarron, Delaware, and Mayes Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Florence, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and York Counties;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee. The entire State;

Texas. Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Childress, Coke, Coleman, Concho, Cottle, Crane, Crockett, Culberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gillespie, Glascock, Hartley, Haskell, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mitchell, Motley, Nolan, Ochiltree, Oldham, Pecos, Presidio, Reagan, Real Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. Accomack, Alleghany, Amelia, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fluvanna, Franklin, Frederick, Giles, Gloucester, Greene, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Washington, Westmoreland, Wise, Wythe, and York Counties; city of Hampton, and city of Newport News;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

Puerto Rico. The entire area;

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Lauderdale and Talladega Counties in Alabama; Drew and Miller Counties in Arkansas; Huerfano County in Colorado; Hamilton, Polk, Winnebago, Woodbury, and Wright Counties in Iowa; Barton, Clay, Ford, Gove, Kingman, Logan, Meade, Miami, Mitchell, Osage, Pawnee, Rice, Rooks, Trego, and Wichita Counties in Kansas; Cumberland, Hardin, Hart, Knott, Knox, Laurel, Leslie, Marion, McCreary, Ohio, Washington, and Wayne Counties in Kentucky; Ascension Parish in Louisiana; Clark, Crawford, Dunklin, Lawrence, Madison, New Madrid, Pemiscot, and Taney Counties in Missouri; Chase and Perkins Counties in Nebraska; Florence and Kershaw Counties in South Carolina; Marshall County in South Dakota; Childress, Dawson, Haskell, Lipscomb, Ochiltree, and Oldham Counties in Texas; and Campbell, Roanoke, and Washington Counties in Virginia.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): St. Landry Parish in Louisiana; Butler, Franklin, Greene, Jackson, Monroe, Osage, Webster, and Worth Counties in Missouri; and McLean County in North Dakota.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of December 1961.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61–11963; Filed, Dec. 15, 1961; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 121—SMALL BUSINESS SIZE STANDARDS

[Amdt. 10; Rev. 2]

Definitions

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 10634), is hereby further amended by:

1. Adding the following new paragraphs (q), (r), and (s) to § 121.3–2 as follows:

(q) "Hospital" means a health facility duly licensed as hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(r) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(s) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

2. Redesignating § 121.3–10(j) as § 121.3–10(m).

3. Adding the following new paragraphs (j), (k), and (l) to § 121.3–10:

(j) A hospital is small if its capacity does not exceed 100 beds (excluding cribs and bassinets).

(k) A convalescent or nursing home is small if its annual receipts are $1,000,000 or less.

(l) A medical or dental laboratory is small if:

(1) It is operated in connection with an eligible proprietary hospital, or

(2) It is not operated in connection with an eligible proprietary hospital and has annual receipts of $1,000,000 or less.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

JOHN E. HORNE,
Administrator.

NOVEMBER 28, 1961.

[F.R. Doc. 61–11928; Filed, Dec. 15, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–102]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6857) stating that the Federal Aviation Agency proposed to realign the segment of intermediate altitude VOR Federal airway No. 1543 from the Truth or Consequences, N. Mex., VOR to the Alamosa, Colo., VOR, and designate intermediate altitude VOR Federal airway No. 1756 from Zuni, N. Mex., to Socorro, N. Mex.

The Air Line Pilots Association and the Air Transport Association submitted recommendations on this proposal. Basically, they recommended a more direct routing for the segment of Victor 1543.

After a review of the recommendations submitted, the Federal Aviation Agency has determined that the portion of Victor 1543 between Albuquerque, N. Mex., VOR and the Socorro, N. Mex., VOR should be designated as direct in lieu of via the Socorro VOR 115° and the Albuquerque VOR 160° True radials. This will eliminate the sharp turn in Victor 1543 between the Socorro VOR and the Albuquerque VOR. Other recommendations for a more direct routing of Victor 1543 will be considered in a future review of the airways and terminal procedures in the Albuquerque terminal area.

In addition to the above actions, the Federal Aviation Agency is also redesignating low altitude VOR Federal airway No. 83 from the Santa Fe, N. Mex., VOR direct to the Taos, N. Mex., VOR. This airway was initially dog-legged to avoid the Los Alamos, N. Mex., prohibited area. However, in Airspace Docket No. 60–WA–88 (25 F.R. 6946) the Los Alamos prohibited area was revoked and two smaller restricted areas, R–5101 and R–5102, were designated which would not conflict with the direct alignment of this segment of airway.

Since the changes associated with Victor 83 are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they are included in this action which refers to the same general area.

The substance of the proposed amendments to Victor 1543 and Victor 1756 having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 600.1543 (26 F.R. 1086) "INT of the Truth or Consequences VOR 017° and the Albuquerque, N. Mex., VOR 160° radials; Albuquerque VOR; Santa Fe, N. Mex., VOR; thence 10 mile wide airway to the INT of the Santa Fe VOR 010° and the Las Vegas, N. Mex., VOR 299° radials; thence via the INT of the Santa Fe VOR 010° and the Alamosa, Colo., VOR 183° radials;" is deleted and "Socorro, N. Mex., VOR; Albuquerque, N. Mex., VOR; Santa Fe, N. Mex., VOR; Taos, N. Mex., VOR;" is substituted therefor.

2. Part 600 (14 CFR Part 600) is amended to include:

§ 600.1756 VOR Federal airway No. 1756 (Zuni, N. Mex., to Socorro, N. Mex.).

From the Zuni, N. Mex., VOR via the INT of the Socorro, N. Mex., VOR 289° and the Albuquerque, N. Mex., VOR 229° radials; thence 10-mile wide airway to the Socorro VOR.

§ 600.6083 [Amendment]

3. In the text of § 600.6083 (14 CFR 600.6083) "INT of the Santa Fe VOR 010° T and the Taos VOR 182° T radials;" is deleted.

These amendments shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 13, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11953; Filed, Dec. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61–NY–39]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 9, 1961, a notice of proposed rule making was published in the FEDERAL REGSTER (26 F.R. 7149) stating that the Federal Aviation Agency proposed to redesignate a segment of intermediate altitude VOR Federal airway No. 1546.

The Department of the Air Force and the Air Transport Association offered no objection to the proposal contained in the notice. The Department of the Navy concurred with the proposal provided that no derogation of air traffic flow into NAS Oceana would result. Designation of Victor 1546 will not derogate air traffic flow into NAS Oceana, Va., in fact, it will improve air traffic procedures in this area by more clearly defining the airspace for air traffic transitioning between the Continental Control area and the offshore area and the airspace used for aircraft holding or maneuvering in the NAS Oceana area.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In § 600.1546 (26 F.R. 1079) the following changes are made:

(a) In the caption "Norfolk, Va." is deleted and "Elizabeth City, N.C." is substituted therefor.

(b) In the text "thence 10-mile wide airway to the INT of the Cofield VOR 046° and the Cape Charles, Va., VOR 200° radials." is deleted and "thence 10 mile wide airway to the INT of the Cofield VOR 101° and the Cape Charles, Va., 188° radials." is substituted therefor.

This amendment shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 13, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11951; Filed, Dec. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61-WA-93]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Alteration

On August 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6940) stating that the Federal Aviation Agency was considering an alteration to the segment of intermediate altitude VOR Federal airway No. 1704 between Redmond, Oreg., and Baker, Oreg. The alteration would redesignate this segment of Victor 1704 via the John Day, Oreg., VOR. In addition, under consideration was the designation of intermediate altitude VOR Federal airway No. 1755 from John Day, Oreg., to Seattle, Wash.

The Department of the Air Force interposed no objection to the proposal. The Air Transport Association agreed with the proposal, but objected to the designation of the John Day VOR as a compulsory reporting point.

The Federal Aviation Agency is cognizant of the position reporting requirements currently being imposed upon the users by the incorporation of additional NAVAIDS into the intermediate altitude system. A study is now being conducted to ease these requirements and, if appropriate, the results of this study will be the subject of separate airspace action.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Part 600 (14 CFR 600) is amended by adding the following:

§ 600.1755 VOR Federal airway No. 1755 (John Day, Oreg., to Seattle, Wash.).

From the John Day, Oreg., VOR via the Dalles, Oreg., VOR; INT of the Dalles VOR 352° and the Seattle, Wash., VOR 125° radials; to the Seattle VOR.

§ 600.1704 [Amendment]

2. In the text of § 600.1704 (26 F.R. 1092) "Baker, Oreg., VOR; to the McCall, Idaho, VOR." is deleted and "John Day, Oreg., VOR; Baker, Oreg., VOR; to the McCall, Idaho, VOR." is substituted therefor.

These amendments shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 13, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11952; Filed, Dec. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61-KC-24]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On August 15, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7552) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 233 from Springfield, Ill., to Cedar Rapids, Iowa, by realigning it from the Springfield VOR via the Peoria, Ill., VORTAC; the Cordova, Ill., VOR to the Cedar Rapids VOR, including an east alternate from the Springfield VOR to the Peoria VORTAC. In addition, it was proposed to alter low altitude VOR Federal airway No. 262 by extending it southwestwardly from the Bradford, Ill., VOR to the Peoria VORTAC.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6233 [Amendment]

1. The text of § 600.6233 (14 CFR 600.6233) is amended to read: "From the Springfield, Ill., VOR via the Peoria, Ill., VORTAC; including an E alternate from the Springfield VOR to the Peoria VORTAC via INT of the Springfield VOR 014° and the Peoria VORTAC 122° radials; Cordova, Ill., VOR; to the Cedar Rapids, Iowa, VOR."

2. § 600.6262 (14 CFR 600.6262) is amended to read:

§ 600.6262 VOR Federal airway No. 262 (Peoria, Ill., to Chicago, Ill.).

From the Peoria, Ill., VORTAC via the Bradford, Ill., VOR; the Joliet, Ill., VORTAC; to the Kedzie, Ill., RBN.

3. The caption of § 601.6262 (14 CFR 600.6262) is amended to read:

§ 601.6262 VOR Federal airway No. 262 control areas (Peoria, Ill., to Chicago, Ill.).

These amendments shall become effective 0001 e.s.t February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 12, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11937; Filed, Dec. 15, 1961; 8:46 a.m.]

[Airspace Docket No. 61-AN-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On August 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6859) stating that the Federal Aviation Agency proposed the alteration of low altitude VOR Federal airway No. 440 and its associated control areas.

No adverse comments were received regarding the proposed amendments during the allotted period.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions are taken:

§ 600.6440 [Amendment]

1. In § 600.6440 (26 F.R. 6618) the following changes are made:

a. In the caption "Skwentna, Alaska" is deleted and "Puntilla Lake, Alaska" is substituted therefor.

b. In the text "to the Skwentna, Alaska, RR excluding the airspace below 2,000 feet MSL outside the United States." is deleted and "to the Puntilla Lake, Alaska, RBN, including a N alternate from the Anchorage VOR to the Puntilla Lake RBN via the Skwentna, Alaska, RR. The portion of this airway below 2,000 feet MSL outside the United States is excluded." is substituted therefor.

2. § 601.6440 (26 F.R. 6618) is amended to read:

§ 601.6440 VOR Federal airway No. 440 control areas (Biorka Island, Alaska, to Puntilla Lake, Alaska).

All of VOR Federal airway No. 440 including a N and S alternate but excluding the airspace between the S alternate and the main airway.

These amendments shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 13, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11950; Filed, Dec. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61-NY-87]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Area

On November 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10883) stating that the Federal Aviation Agency proposed to alter control area extensions and designate a transition area in the Cleveland, Ohio, Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal with the exception of the designation of the floor of the Slate Run, Pa., transition area at 1,200 feet above the surface. The ATA cited the problem involved in charting the variance of floors of controlled airspace, and recommended that the floor of the proposed transition area be established at 700 feet above the surface until such time as the implementation of CAR Amendment 60-21 is undertaken. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the Notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In this instance, the Slate Run transition area is being established apart from the CAR Amendment 60-21 area study specifically for the holding of en route air traffic where there is no requirement to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the Slate Run transition area as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days' notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.1056 (14 CFR 601.1056) is amended to read:

§ 601.1056 Control area extension (Buffalo, N.Y.).

Within a 50-mile radius of the Greater Buffalo International Airport (latitude 42°56'25" N., longitude 78°43'50" W.), and within 12 miles NE and 8 miles SW of the Buffalo VORTAC 124° radial extending from the 50-mile radius area to 73 miles SE of the VORTAC, excluding the portion outside the United States. The portion which coincides with R-5203 is excluded during the time of designation of the restricted area.

2. Section 601.1158 (14 CFR 601.1158) is amended to read:

§ 601.1158 Control area extension (Cleveland, Ohio).

Within a 50-mile radius of the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41°24'30" N., longitude 81°51'-00" W.), excluding the portion outside the United States; within 8 miles N and 12 miles S of the Cleveland VORTAC 275° radial extending from the 50-mile radius area to 53 miles W of the VORTAC; the area extending from the 50-mile radius area bounded on the N by the United States-Canadian border, on the S by a line 8 miles N of and parallel to the Cleveland VORTAC 275° radial, and on the W by longitude 83°02'00" W., excluding the portion which coincides with R-5502; and the area extending from the 50-mile radius area bounded on the SE by VOR Federal airway No. 43 and on the NW by VOR Federal airway No. 443 E alternate.

3. Section 601.1225 (14 CFR 601.1225) is amended to read:

§ 601.1225 Control area extension (Erie, Pa.).

Within a 15-mile radius of the Erie, Pa., VORTAC, including the area extending from the 15-mile radius area bounded on the W by VOR Federal airway No. 37, on the N by the United States-Canadian border, on the NE by the arc of a 50-mile radius circle centered on the Greater Buffalo International Airport, Buffalo, N.Y. (latitude 42°56'25" N., longitude 78°43'50" W.), on the E by longitude 78°57'00" W., and on the S by VOR Federal airways Nos. 72 and 184.

4. Part 600 (14 CFR Part 601) is amended by adding the following section:

§ 601.10836 Slate Run, Pa., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Stonyfork, Pa., VORTAC 276° radial extending from 8 miles W to 40 miles W of the VORTAC.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 13, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11947; Filed, Dec. 15, 1961; 8:47 a.m.]

[Airspace Docket No. 61-WA-178]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions, and Transition Areas and the Designation of Transition Areas

On November 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10603), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the El Paso, Tex., Air Route Traffic Control Center area.

No adverse comments were received regarding the proposed amendments within the allotted time.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting

date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1137 (14 CFR 601.1137) is amended to read:

§ 601.1137 Control area extension (Big Spring, Tex.).

The airspace within a 35-mile radius of the Big Spring, Tex., VOR, including the airspace NW of the VOR bounded on the NE by VOR Federal airway No. 76 N alternate and on the W by VOR Federal airways No. 81 and No. 76, also including the airspace N of Big Spring within 12 miles W and 12 miles E of the Webb AFB TACAN 014° radial extending from the 35-mile radius area to 26 miles N. The portion of this control area extension which coincides with R–6308 and R–6309 shall be used only after obtaining prior approval from the appropriate authority.

2. Section 601.1171 (14 CFR 601.1171) is amended to read:

§ 601.1171 Control area extension (El Paso, Tex.).

Within 5 miles either side of the 008°, 165° and 302° radials of the El Paso, Tex., VORTAC extending from the VORTAC to 21 miles N, 20 miles SE and 37 miles NW, including the airspace bounded on the N by latitude 32°11'00'' N., on the E by longitude 105°17'00'' W., on the S by VOR Federal airway No. 16 and on the W by a line 5 miles E of and parallel to the 008° radial of the El Paso VORTAC, excluding the portion that coincides with R–5106, R–5103 and R–5107, and that portion outside the United States.

3. Section 601.1195 (14 CFR 601.1195) is amended to read:

§ 601.1195 Control area extension (San Angelo, Tex.).

Within a 35-mile radius of the San Angelo, Tex., VOR including the airspace NW of the VOR bounded on the NE by VOR Federal airway No. 76 on the SW by VOR Federal airway No. 68 and on the NW by the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR, and including the airspace SE of San Angelo within 11 miles SW and 7 miles NE of the San Angelo VOR 112° radial extending from the San Angelo VOR to 47 miles SE. The portion of this control area extension which coincides with R–6309 shall be used only after obtaining prior approval from the appropriate authority.

4. Section 601.1206 (26 F.R. 601.1206) is amended to read:

§ 601.1206 Control area extension (Midland, Tex.).

Within a 25-mile radius of the Midland, Tex., RR including the airspace SW of Midland bounded on the N by VOR Federal airway No. 16 S alternate, on the SW by VOR Federal airway No. 79 and on the SE by a line 5 miles SE of and parallel to the Midland ILS localizer SW course and including the airspace N of Midland bounded on the E by the E boundary of VOR Federal airway No. 81, on the W by longitude 102°13'30'' W. and on the N by latitude 33°06'00'' N. The portion of this control area extension that coincides with R–6305 and R–6307 shall be used only after obtaining prior approval from the appropriate authority.

5. Section 601.1209 (14 CFR 601.1209) is amended to read:

§ 601.1209 Control area extension (Columbus, N. Mex.).

The airspace bounded on the S by VOR Federal airway No. 16 N alternate E of Columbus, N. Mex., and No. 16 W of Columbus, on the W by longitude 108°-00'00'' W., on the N by latitude 32°36'00'' N., and on the E by longitude 106°43'00'' W.

6. Section 601.1239 (14 CFR 601.1239) is amended to read:

§ 601.1239 Control area extension (Lubbock, Tex.).

Within a 25-mile radius of the Lubbock, Tex., RR in the SW, NW, and NE quadrants of the RR and within a 40-mile radius of the RR in the SE quadrant of the RR; including the airspace within 12 miles N and 8 miles S of the Lubbock VORTAC 277° radial extending from the Lubbock VORTAC to 48 miles W; within 12 miles NW and 8 miles SE of the Lubbock VORTAC 261° radial extending from the Lubbock VORTAC to 52 miles SW and within 12 miles E and 12 miles W of the Lubbock VORTAC 008° radial extending from the Lubbock VORTAC to 51 miles N. The portion of this control area extension which coincides with R–6304, R–6305, and R–6308 shall be used only after obtaining prior approval from the appropriate authority.

7. Section 601.1367 (14 CFR 601.1367) is amended to read:

§ 601.1367 Control area extension (Wink, Tex.).

That airspace bounded on the S by a line extending from latitude 31°27'00'' N., longitude 103°02'00'' W., to latitude 31°27'00'' N., longtitude 103°30'00'' W., on the SW by a line extending from latitude 31°27'00''N., longitude 103°30'00'' W., to latitude 31°41'30'' N., longitude 103°30'00'' W., thence clockwise along the arc of a 20-mile radius circle centered on the Wink VOR to the S boundary of VOR Federal airway No. 16 S alternate E of Wink and on the SE by the E boundary of VOR Federal airway No. 79.

8. Section 601.1463 (14 CFR 601.1463) is amended to read:

§ 601.1463 Control area extension (Hudspeth, Tex.).

The airspace SE of Hudspeth, Tex., within a 20-mile radius of the Hudspeth VOR bounded on the NE by VOR Federal airway No. 198 and on the W by the Hudspeth VOR 177° radial, including the airspace SW of Hudspeth bounded on the E by the Hudspeth VOR 177° radial, on the S by the United States/Mexican border, on the W by a line 5 miles E of and parallel to the El Paso, Tex., VORTAC 165° radial and on the N by VOR Federal airway No. 66.

9. Section 601.10009 (26 F.R. 7874) is amended to read:

§ 601.10009 Carlsbad, N. Mex., transition area.

The airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Carlsbad, N. Mex., VOR, the airspace NE of Carlsbad within a 20-mile radius of the Carlsbad VOR bounded on the W by VOR Federal airway No. 83, on the SE by VOR Federal airway No. 94, the airspace S of Carlsbad bounded on the E by a line 5 miles E of and parallel to the 165° radial of the Carlsbad VOR, on the S by VOR Federal airway No. 16 N alternate, on the NW by VOR Federal airway No. 94; the airspace W of Carlsbad extending upward from 10,500 feet MSL within a 40-mile radius of the Carlsbad VOR bounded on the N by a line 5 miles N of and parallel to the 292° radial of the Carlsbad VOR, bounded on the E by the 10-mile radius of the Carlsbad VOR, and on the S by a line 5 miles S of and parallel to the 262° radial of the Carlsbad VOR.

10. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10807 Culberson, Tex., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles N and 7 miles S of the Culberson, Tex., VOR 089° and 269° radials extending from 20 miles W to 9 miles E of the VOR, and within 10 miles SW and 7 miles NE of the Culberson VOR 117° and 297° radials extending from 20 miles SE to 9 miles NW of the VOR.

§ 601.10808 Pinon, N. Mex., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Pinon, N. Mex., VOR 035° and 219° radials extending from 20 miles NE to 20 miles SW of the VOR, excluding the portion that coincides with R–5103.

§ 601.10045 Hobbs, N. Mex., transition area.

The airspace extending upward from 1,200 feet above the surface within the area bounded on the NE and E by a line extending from latitude 32°56'45'' N., longitude 102°46'15'' W., to latitude 32°44'45'' N., longitude 102°46'15'' W., thence SE to latitude 32°18'15'' N., longitude 102°18'50'' W.; bounded on the SE by VOR Federal airway No. 16, on the SW by a line extending from latitude 32°07'00'' N., longitude 102°48'40'' W., to latitude 32°32'00'' N., longitude 103°-12'00'' W., thence clockwise along the arc of a 15-mile radius circle centered on the Hobbs, N. Mex., VOR to latitude 32°-57'45'' N., longitude 103°08'20'' W., thence to the point of beginning. The portion of this transition area that coincides with R–6307 shall be used only after obtaining prior approval from the appropriate authority.

§ 601.10810 Matador, Tex., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Lubbock, Tex., VORTAC 063° radial extending from 10 miles SW to 22 miles NE of the INT of the Lubbock VORTAC 063° and the Guthrie, Tex., VOR 293° radials.

§ 601.10811 Fort Stockton, Tex., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Fort Stockton, Tex., VORTAC 097° and 274° radials extending from 20 miles E to 20 miles W of the VORTAC. The portion of this transition area which coincides with R–6306 shall be used only after obtaining prior approval from the appropriate authority.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 13, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11949; Filed, Dec. 15, 1961; 8:48 a.m.]

[Airspace Docket No. 61–WA–179]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions

On October 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10072), stating that the Federal Aviation Agency proposed to alter control area extensions in the Miami, Fla., Air Route Traffic Control Center area.

The Aircraft Owners and Pilots Association (AOPA) noted with concern the statement, in this and other actions concerned with holding pattern airspace, "time limitations imposed" prevent implementation of Amendment 60–21 to the Civil Air Regulations. The AOPA recommended that all airspace designated for holding patterns be established with floors of not less than 1,200 feet above the surface.

The purpose of the proposals contained in the notice and in many other recent notices of proposed rule making was to provide additional controlled airspace urgently required for the protection of aircraft maneuvering in holding patterns in compliance with revised criteria for holding pattern areas which become effective in January, 1962. The immediate need for this controlled airspace necessitated the processing of a great volume of amendments to Part 601 of the regulations of the Administrator in a comparatively short period of time, thereby precluding the type of study usually conducted when an airspace action proposing the implementation of Amendment 60–21 is initiated, and precluding adherence to an orderly and systematic method of accomplishing the amendments. In most cases where holding pattern areas were contained, in part, within existing control area extensions, notices were published proposing that the control area extension be altered to add the airspace needed to encompass the remainder of the pattern area. In other cases involving airspace more or less isolated from existing control area extensions, transition areas were proposed with floors of 1,200 feet above the surface. In pursuing this approach, the FAA has sought to minimize the number of amendments establishing relatively small and irregularly shaped portions of airspace with floors of 1,200 feet above the surface adjacent to control area extensions with floors of 700 feet above the surface, and to facilitate the impending task of implementing Amendment 60–21 on an area basis. Upon completion of the Amendment 60–21 review now underway, the controlled airspace floor assignments contained in these holding pattern dockets will be adjusted in relation to the type of operation being conducted.

No other adverse comments were received regarding the proposed amendments.

Editorial changes are included in the actions taken herein for the purpose of simplifying the description of controlled airspace without altering the dimensions proposed in the notice.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1138 (14 CFR 601.1138, 26 F.R. 870) is amended to read:

§ 601.1138 Control area extension (Orlando, Fla.).

The airspace bounded on the N by latitude 29°00'00'' N., on the E by VOR Federal airway No. 267 N of the Orlando, Fla., VOR and VOR Federal airway No. 159 E alternate S of the Orlando VOR, on the S by latitude 27°45'00'' N., and on the W by the arc of a circle with a 50-mile radius centered at latitude 27°-53'18'' N., longitude 82°29'29'' W., and VOR Federal airway No. 97; and the airspace W of Vero Beach, Fla., bounded on the N by latitude 27°45'00'' N., on the NE by VOR Federal airway No. 295, on the SE by VOR Federal airway No. 225, and on the W by VOR Federal airway No. 267.

2. Section 601.1325 (14 CFR 601.1325) Control area extension (Tampa, Fla.) is amended to read:

§ 601.1325 Control area extension (Tampa, Fla.).

The airspace within a 50-mile radius of latitude 27°53'18'' N., longitude 82°29'29'' W.; including the airspace NW of Tampa extending from the 50-mile radius area bounded on the NE by VOR Federal airway No. 97, on the S by the Grand Isle, La., control area extension (§ 601.1226) and on the W by a line 5 miles W of and parallel to the Cross City, Fla., VOR 207° radial; the airspace SE of Tampa extending from the 50-mile radius area bounded on the NE by VOR Federal airway No. 157, on the SE by VOR Federal airway No. 225 and on the SW by VOR Federal airway No. 35; the airspace W of Tampa bounded on the N by a line extending from latitude 28°06'35'' N., longitude 84°00'00'' W.; to latitude 28°10'00'' N., longitude 84°39'30'' W., on the E by a line 5 miles W of and parallel to the Cross City VOR 207° radial, and on the S by the Grand Isle control area extension; and the airspace N of La Belle, Fla., bounded on the NE by VOR Federal airway No. 267, on the SE by VOR Federal airway No. 225, on the SW by VOR Federal airway No. 157; and on the NW by a line extending from latitude 27°14'10'' N., longitude 81°31'00'' W., to latitude 27°22'00'' N., longitude 81°-08'00'' W., thence to latitude 27°45'00'' N., longitude 81°08'00'' W., excluding the portion which coincides with W–168 and the portion below 2,000 feet MSL outside the continental United States.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 13, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–11948; Filed, Dec. 15, 1961; 8:47 a.m.]

[Airspace Docket No. 61-WA-216]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Reporting Points

Correction

In F.R. Doc. 61-11664, appearing at page 11825 of the issue for Saturday, December 9, 1961, the amendatory language of item 2 should read as follows: "In the text of § 601.5001 (14 CFR 601.5001), the following reporting points are deleted:".

[Reg. Docket No. 999; Amdt. 82]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.101 *Amber Federal airway 1* is amended to delete:

From *Oceanside, Calif., LF/RBN; to Long Beach, Calif., LFR; MEA 4,000.
From Long Beach Calif., LFR; to *Los Angeles Calif., LF/RBN; MEA 1,600. *3,000—MCA Los Angeles, LF/RBN, northbound.
From Los Angeles, Calif., LF/RBN; to Valley INT, Calif.; MEA 4,000.
From Valley Int, Calif.; to Newhall, Calif., LFR; MEA 7,000.
From *Newhall, Calif., LFR; to Wheeler Ridge INT, Calif.; MEA 10,000. *7,000—MCA Newhall LFR, northbound.
From Castaic, Calif., FM; to Newhall, Calif., LFR; southbound only; MEA 8,000.
From Wheeler Ridge INT, Calif.; to *Bakersfield, Calif., LFR northbound, MEA 6,000; southbound, MEA 10,000. *7,000—MCA Bakersfield LFR, southbound.
From Bakersfield, Calif., LFR; to Fresno, Calif., LFR; MEA 3,000.
From Famosa, Calif., FM; to Fresno, Calif., LFR, northwestbound; MEA 2,000.
From Fresno, Calif., LFR; to Sacramento, Calif., LFR; MEA 5,000.
From Sacramento, Calif., LFR; to Red Bluff, Calif., LFR; MEA 4,000.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From East Cordova INT, Alaska.; to *Hinchinbrook, Alaska, LFR; MEA 3,100. *3,000—MCA Hinchinbrook LFR, westbound.

Section 610.108 *Amber Federal airway 8* is amended to read in part:

From *Whitmore, Calif., LFR; to Klamath Falls, Oreg., LFR; MEA 10,000. *7,000—MCA Whitmore LFR, northbound.

Section 610.287 *Red Federal airway 87* is amended to read in part:

From Honolulu, Hawaii, LFR; to *Maui, Hawaii, LFR; MEA 5,000. *10,000—MCA Maui LFR, southeastbound. *8,000—MCA Maui LFR, northbound.

Section 610.309 *Red Federal airway 109* is amended to delete:

From Trinidad INT, Wash.; to Ephrata, Wash., LFR eastbound only; MEA 4,000.

Section 610.626 *Blue Federal airway 26* is amended to read in part:

From Summit, Alaska, LFR; to *Wolf INT, Alaska; MEA 9,500. *6,000—MCA Wolf INT, southbound.
From Healy, Alaska, FM; to Wolf INT, Alaska, northbound only; MEA 6,500.
From Wolf INT, Alaska; to *Beaver INT, Alaska; MEA 3,000. *2,000—MCA Beaver INT, southwestbound.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Crest INT, Ga.; to Macon, Ga., LFR; MEA *2,500. *2,200—MOCA.
From Stockton, Calif., LFR; to Fremont, Calif., LF/RBN; MEA 5,000.
From Stockton, Calif., LFR; to Travis (AFB), Calif., LFR; MEA 2,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Wilmington, N.C., VOR; to Kinston, N.C., VOR; MEA *2,000. *1,500—MOCA.
From Wilmington, N.C., VOR, via W alter.; to Kinston, N.C., VOR, via W alter.; MEA *2,000. *1,500—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Utica, N.Y., VOR; to *Mariaville INT, N.Y.; MEA 3,000. *3,500—MRA.

Section 610.6003 *VOR Federal airway 3* is amended to delete:

From Brooke, Va., VORTAC: to McLean INT, Va.; MEA 1,800.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Jacksonville, Fla., VOR; to *St. Marys INT, Ga.; MEA 1,200. *2,500—MRA.
From Brooke, Va., VOR; to Springfield INT, Va.; MEA 1,900.
From Brunswick, Ga., VOR; to *Fairhope INT, Ga.; MEA 1,500. *3,000—MRA.
From Sea Island INT, Fla., via E alter.; to *Catherine INT, Ga., via E alter.; MEA 1,500. *4,000—MRA.

Section 610.6004 *VOR Federal airway 4* is amended to delete:

From Herndon, Va., VORTAC; to McLean INT, Va.; MEA 1,800.

Section 610.6004 *VOR Federal airway 4* is amended by adding:

From Herndon, Va., VOR; to Doncaster INT, Md.; MEA 1,500.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Nashville, Tenn., VOR; to *Cottontown INT, Tenn.; MEA 2,000. *3,000—MRA. **2,300—MCA Cottontown INT, northbound.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Dolphin INT, Calif.; to Ling INT, Calif.; MEA *3,000. *2,000—MOCA.
From Ling INT, Calif.; to Wilmington INT, Calif.; MEA 3,000.
From Wilmington INT, Calif.; to Long Beach, Calif., VOR; MEA 2,500.
From Martinsburg, W. Va., VOR; to Barnsville INT, Va.; MEA 3,200.
From Barnsville INT, Va.; to Glen INT, Va.; MEA 2,300.
From Glen INT, Va.; to Washington, D.C., VOR; MEA 2,100.
From Martinsburg, W. Va., VOR, via S alter.; to Haymarket INT, Va., via S alter.; MEA 3,400.
From Haymarket INT, Va., via S alter.; to Springfield INT, Va., via S alter.; MEA 2,700.
From Springfield INT, Va., via S alter.; to Washington, D.C., VOR, via S alter.; MEA 2,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Oklahoma City, Okla., VOR, via N alter.; to Guthrie INT, Okla., via N alter.; MEA 3,000.
From Erie, Pa., VOR, via N alter.; to Harborcreek INT, Pa., via N alter.; MEA 2,500. *3,500—MRA.
From Harborcreek INT, Pa., via N alter.; to Buffalo, N.Y., VOR, via N alter.; MEA 2,500.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Los Angeles, Calif., VOR; to La Habra INT, Calif.; MEA 3,000.
From La Habra INT, Calif.; to Ontario, Calif., VOR; MEA 4,000.
From Gordonsville, Va., VOR; to Int. 064 M rad Gordonsville VOR and 258 M rad Brooke VOR; MEA *2,000. *1,500—MOCA.
From Int. 064 M rad Gordonsville VOR and 258 M rad Brooke VOR; to *Locust Grove INT, Va.; MEA 1,500. *2,000—MRA.
From Big Spring, Tex., VOR, via S alter.; to *Lazy X INT, Tex., via S alter.; MEA **4,000. *4,400—MRA. **3,800—MOCA.
From Prosper INT, Tex., via N alter.; to Sulphur Springs, Tex., VOR, via N alter.; MEA *4,000. *1,900—MOCA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Austin, Tex., VOR, via E alter.; to *Hutto INT, Tex., via E alter.; MEA **2,700. *3,100—MRA. **2,100—MOCA.
From Hutto INT, Tex., via E alter.; to Tracy INT, Tex., via E alter.; MEA *2,700. *2,100—MOCA.
From Tracy INT, Tex., via E alter.; to Barclay INT, Tex., via E alter.; MEA *2,700. *1,800—MOCA.
From San Antonio, Tex., VOR, via W alter.; to Bergheim INT, Tex., via W alter.; MEA *2,700. *2,600—MOCA.
From Bergheim INT, Tex., via W alter.; to Spring Branch INT, Tex., via W alter.; MEA 2,800.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Eatonton INT, Ga.; to Sharon INT, Ga.; MEA *2,800. *1,900—MOCA.
From Sharon INT, Ga.; to Augusta, Ga., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Denver, Colo., VOR; to *Platte INT, Colo.; MEA 7,500. *9,000—MRA.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From Milford, Utah, VOR; to Delta, Utah, VOR; MEA 10,000.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Pacific INT, Calif.; to Wilmington INT, Calif.; MEA 3,000.
From Wilmington INT, Calif.; to Hermosa INT, Calif.; MEA 2,500.
From Hermosa INT, Calif.; to Los Angeles, Calif., VOR; MEA 2,000.
From Los Angeles, Calif., VOR; to Flounder INT, Calif.; MEA 2,000.
From Flounder INT, Calif.; to Eel INT, Calif.; MEA 3,000.
From *Red Bluff, Calif., VOR; to Klamath Falls, Oreg., VOR; MEA 11,000. *5,000—MCA Red Bluff VOR, southbound.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Los Angeles, Calif., VOR; to Flounder INT, Calif.; MEA 2,000.
From Flounder INT, Calif.; to Eel INT, Calif.; MEA 3,000.

Section 610.6030 *VOR Federal airway 30* is amended to read in part:

From Milwaukee, Wis., VOR, via S alter.; to *Pike INT, Wis., via S alter.; MEA 2,500. *4,000—MRA.

Section 610.6031 *VOR Federal airway 31* is amended to read in part:

From Fishers INT, N.Y.; to Rochester, N.Y., VOR; northwestbound, MEA 2,100; southeastbound, MEA 3,000.

Section 610.6031 *VOR Federal airway 31* is amended by adding:

From Golden Hill INT, Md.; to Nottingham, Md., VOR; MEA *1,500. *1,200—MOCA.

Section 610.6034 *VOR Federal airway 34* is amended to read in part:

From Rochester, N.Y., VOR; to Fishers INT, N.Y.; northwestbound, MEA 2,100; southeastbound MEA 3,000.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From *White Rock INT, S.C., via W alter.; to **Monticello INT, S.C., via W alter.; MEA ***1,800. *2,500—MRA. **2,500—MRA. ***1,700—MOCA.
From Monticello INT, S.C., via W alter.; to Ft. Mill, S.C., VOR, via W alter; MEA *2,500. *2,000—MOCA.
From Statesville INT, N.C.; to Pulaski, Va., VOR; MEA *6,000. *5,600—MOCA.

Section 610.6051 *VOR Federal airway 51* is amended to delete:

From Lafayette, Ind., VOR, via E alter.; to Newland INT, Ind., via E alter.; MEA 2,300.
From Newland INT, Ind., via E alter.; to Chicago Heights, Ill., VOR, via E alter.; MEA 2,000.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From *White Rock INT, S.C.; to **Monticello INT, S.C.; MEA ***1,800. *2,500—MRA. **2,500—MRA. ***1,700—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Murphy INT, Tenn.; to *Nottely INT, N.C.; MEA **8,500. *8,500—MRA. **7,500—MOCA.
From Nottely INT, N.C.; to *Rainbow INT, N.C.; MEA **8,500. *8,500—MRA. **7,500—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From *Jack INT, Tex.; to **Lazy X INT, Tex.; MEA ***7,200. *6,200—MRA. **4,400—MRA. ***3,500—MOCA.
From Prosper INT, Tex.; to Sulphur Springs, Tex., VOR; MEA *4,000. *1,900—MOCA.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From Shreveport, La., VOR; to *Cotton INT, La.; MEA 1,600. *2,000—MRA.
From Cotton INT, La.; to Homer INT, La.; MEA *1,600. *1,500—MOCA.
From Homer INT, La.; to *Gordon INT, La.; MEA 1,700. *3,000—MRA.
From Gordon INT, La.; to El Dorado, Ark., VOR; MEA 1,700.
From Shreveport, La., VOR, via W alter.; to *Cotton INT, La., via W alter.; MEA 1,600. *2,000—MRA.
From Cotton INT, La., via W alter.; to *Foster INT, La., via W alter; MEA **2,000. *3,000—MRA. **1,600—MOCA.
From Foster INT, La., via W alter.; to El Dorado, Ark., VOR, via W alter.; MEA *2,000. *1,600—MOCA.
From El Dorado, Ark., VOR; to *Hampton INT, Ark.; MEA 1,600. *5,000—MRA.
From Hampton INT, Ark.; to Pine Bluff, Ark., VOR; MEA 1,600.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Abilene, Tex., VOR, via E alter.; to *Woodson INT, Tex., via E alter.; MEA **3,800. *4,000—MRA. **3,100—MOCA.
From Oklahoma City, Okla., VOR, via E alter.; to Guthrie INT, Okla., via E alter.; MEA 3,000.

Section 610.6089 *VOR Federal airway 89* is amended to read in part:

From Denver, Colo., VOR; to *Platte INT, Colo.; MEA 7,500. *9,000—MRA.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Springfield INT, Va.; to Washington, D.C., VOR; MEA 2,000.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Deming, N. Mex., VOR; to *Morgan INT, N. Mex.; MEA 9,000. *10,000—MRA.
From Morgan INT, N. Mex., to Newman, Tex., VOR; MEA 9,000.
From Cisco INT, Tex.; to *Mill INT, Tex.; MEA **6,500. *3,500—MRA. **3,100—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Concord INT, Ga.; to Atlanta, Ga., VOR; MEA *2,500. *2,100—MOCA.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From *Red Lake INT, Ariz.; to **Tipton INT, Ariz.; MEA 10,000. *10,000—MRA. **8300—MCA Tipton INT, southeastbound.
From Tipton INT, Ariz.; to Las Vegas, Nev., VOR; MEA 8,000.

Section 610.6119 *VOR Federal airway 119* is amended to read in part:

From Henderson, W. Va., VOR; to *Reedsville INT, W. Va.; MEA 2,400. *3,000—MRA.
From Reedsville INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 2,400.

Section 610.6123 *VOR Federal airway 123* is amended to read in part:

From Washington, D.C., VOR; to Baltimore, Md., VOR; MEA 2,000.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From McCune INT, Kans., via S alter.; to *Waco INT, Mo., via S alter.; MEA 3,000. *2,900—MRA.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Casanova, Va., VOR; to Bower INT, Md.; MEA 2,400.
From Bower INT, Md.; to Washington, D.C., VOR; MEA 2,000.
From Washington, D.C., VOR; to Baltimore, Md., VOR; MEA 2,000.

Section 610.6143 *VOR Federal airway 143* is amended to delete:

From Front Royal, Va., VOR; to Dawsonville INT, Va.; MEA 4,000.

Section 610.6143 *VOR Federal airway 143* is amended to read in part:

From Ft. Mill, S.C., VOR; to High Rock INT, N.C.; MEA 3,000.
From High Rock INT, N.C.; to Greensboro, N.C., VOR; MEA 2,300.

Section 610.6144 *VOR Federal airway 144* is amended to read in part:

From Linden, Va., VOR; to Haymarket INT, Va.; MEA 4,000.
From Haymarket INT, Va.; to Springfield INT, Va.; MEA 2,700.
From Springfield INT, Va.; to Washington, D.C., VOR; MEA 2,000.

Section 610.6155 *VOR Federal airway 155* is amended by adding:

From Casanova, Va., VOR; to Georgetown INT, D.C.; MEA 2,700.
From Georgetown INT, D.C.; to Washington, D.C., VOR; MEA 2,100.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Wilmington, N.C., VOR; to Kinston, N.C., VOR; MEA *2,000. *1,500—MOCA.
From Washington, D.C., VOR; to Baltimore, Md., VOR; MEA 2,000.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Musky INT, Mich.; to South Bend, Ind., VOR; MEA 2,100.

Section 610.6174 *VOR Federal airway 174* is amended to read in part:

From Linden, Va., VOR; to Haymarket INT, Va.; MEA 4,000.
From Haymarket INT, Va.; to Springfield INT, Va.; MEA 2,700.
From Springfield INT, Va.; to Washington, D.C., VOR; MEA 2,000.

Section 610.6183 *VOR Federal airway 183* is amended to read in part:

From *Santa Barbara, Calif., VOR; to Maricopa INT, Calif.; MEA 9,000. *8,000—MCA Santa Barbara VOR, northeastbound.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Oswego, Kans., VOR; to *Waco INT, Mo.; MEA 3,000. *2,900—MRA.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Horlick, INT, Wis.; to *Pike INT, Wis.; MEA **3,000. *4,000—MRA. **2,000—MOCA.

Section 610.6193 *VOR Federal airway 193* is amended to read in part:

From White Cloud, Mich., VOR; to Traverse City, Mich., VOR; MEA 3,500.

Section 610.6193 *VOR Federal airway 193* is amended to delete:

From Keeler, Mich., VOR; to Pullman, Mich., VOR; MEA 2,100.

Section 610.6193 *VOR Federal airway 193* is amended by adding:

From Musky INT, Mich.; to Pullman, Mich., VOR; MEA 2,000.

Section 610.6201 *VOR Federal airway 201* is amended to read in part:

From Carp INT, Calif.; to Kingfish INT, Calif.; northeastbound; MEA 3,000; southwestbound MEA *4,000. *2,000—MOCA.

From Kingfish INT, Calif.; to *Los Angeles, Calif., VOR; MEA **3,000. *6,000—MCA Los Angeles VOR, northeastbound. **2,000—MOCA.

Section 610.6208 *VOR Federal airway 208* is amended to read in part:

From Los Angeles, Calif., VOR; to Bonita INT, Calif.; MEA 3,000.

From Bonita INT, Calif.; to Santa Catalina, Calif., VOR; southbound, MEA 4,000; northbound, MEA 3,000.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Dolphin INT, Calif.; to Los Angeles, Calif., VOR; MEA 3,000. *2,000—MOCA.

From *Los Angeles, Calif., VOR; to Alhambra INT, Calif., northeastbound, MEA 12,000; southwestbound, MEA 4,000. *9,000—MCA Los Angeles VOR, northeastbound.

From Alhambra INT, Calif.; to Hawkins INT, Calif.; northeastbound, MEA 12,500; southwestbound, MEA 9,000.

From Hawkins INT, Calif.; to Barstow INT, Calif.; MEA 12,500.

From *Barstow INT, Calif.; to Daggett, Calif., VOR; MEA 7,000. *8,500—MCA Barstow INT, southwestbound.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Myrtle Beach, S.C., VOR; to *Longwood INT, S.C.; MEA **1,800. *2,500—MRA. **1,200—MOCA.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From Franksville INT, Wis.; to *Pike INT, Wis.; MEA **4,000. *4,000—MRA. **2,000—MOCA.

Section 610.6222 *VOR Federal airway 222* is amended by adding:

From Gordonsville, Va., VOR; to Brooke, Va., VOR; MEA *2,000. *1,500—MOCA.

From Brooke, Va., VOR; to Nottingham, Md., VOR; MEA *1,500. *1,200—MOCA.

Section 610.6223 *VOR Federal airway 223* is amended to read:

From Herndon, Va., VOR; to Harrisburg, Pa., VOR; MEA 3,000.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Hanksville, Utah, VOR; to La Sal, Utah, VOR; MEA 12,000. *11,000—MCA Hanksville VOR, westbound.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From Los Angeles, Calif., VOR; to La Habra INT, Calif.; MEA 3,000.

From La Habra INT, Calif.; to Ontario, Calif., VOR; MEA 4,000.

Section 610.6265 *VOR Federal airway 265* is amended to delete:

From Linden, Va., VOR; to Herndon, Va., VORTAC; MEA 4,500.

From Herndon, Va., VORTAC; to Westminster, Md., VOR; MEA 1,800.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From Blairsville INT, Ga.; to *Nottely INT, N.C.; MEA 7,800. *8,500—MRA.

From Nottely INT, N.C.; to Fontana INT, N.C.; MEA 7,800.

From Clermont INT, Ga., via E alter.; to *Helen INT, Ga., via E alter.; MEA 6,000. *9,000—MCA Helen INT, northwestbound.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Dallas, Tex., VOR; to Tidwell INT, Tex.; MEA *2,100. *1,800—MOCA.

Section 610.6300 *VOR Federal airway 300* is amended by adding:

From Millinocket, Maine, VOR; to U.S.-Canadian Border; MEA 2,100.

Section 610.6300 *VOR Federal airway 300* is amended to read in part:

From U.S.-Canadian Border; to Millinocket, Maine, VOR; MEA 5,700.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From *Molokai, Hawaii, VOR; to **Kahului, Hawaii, VOR; MEA 7,000. *4,500—MCA Molokai VOR, eastbound; **8,000—MCA Kahului VOR, eastbound.

Section 610.6455 *VOR Federal airway 455* is amended to read in part:

From *Rose Hill INT, Miss., via W alter.; to Meridian, Miss., VOR, via W alter.; MEA **2,000. *3,000—MRA. **1,800—MOCA.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From Houston, Tex., VOR, via W alter.; to Fairbanks INT, Tex., via W alter.; MEA 1,800.

From Fairbanks INT Tex., via W alter.; to *Magnolia INT, Tex., via W alter.; MEA 2,000. *3,000—MRA.

Section 610.6489 *VOR Federal airway 489* is amended to read in part:

From Patterson INT, N.J.; to Clermont, N.Y., VOR; MEA 2,700.

Section 610.6507 *VOR Federal airway 507* is added to read:

From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 12,000.

From Sod House, Nev., VOR; to Rome, Oreg., VOR; MEA 10,500.

From Rome, Oreg., VOR; to Reynolds INT, Idaho; MEA 10,000.

From Reynolds INT, Idaho; to Boise, Idaho, VOR; southwestbound, MEA 10,000; northeastbound, MEA 8,000.

Section 610.6530 *VOR Federal airway 530* is added to read:

From Texico, N. Mex., VOR; to Childress, Tex., VOR; MEA *6,000. *5,200—MOCA.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Dallas, Tex., VOR; to Tidwell INT, Tex.; MEA *2,100. *1,800—MOCA.

From Gordonsville, Va., VOR; to Int. 064 M rad Gordonsville VOR and 258 M rad Brooke VOR; MEA *2,000. *1,500—MOCA.

From Int. 064 M rad Gordonsville VOR and 258 M rad Brooke VOR; to *Locust Grove INT, Va.; MEA 1,500. *2,000—MRA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Gordonsville, Va., VOR; to Int. 064 M rad Gordonsville VOR and 258 M rad Brooke VOR; MEA *2,000. *1,500—MOCA.

From Int. 064 M rad Gordonsville VOR and 258 M rad Brooke VOR; to *Locust Grove INT, Va.; MEA 1,500. *2,000—MRA.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Statesville INT, N.C.; to Pulaski, Va., VOR; MEA *6,000. *5,600—MOCA.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Atlanta, Ga., VOR; to Concord INT, Ga.; MEA *2,500. *2,100—MOCA.

Section 610.1503 *VOR Federal airway 1503* is amended to read in part:

From Jacksonville, Fla., VOR; to Charleston, S.C., VOR; MEA 18,000, MAA 24,000.

Section 610.1505 *VOR Federal airway 1505* is amended to read in part:

From Raleigh-Durham, N.C., VOR; to Richmond, Va., VOR; MEA 14,500, MAA 24,000.

Section 610.1506 *VOR Federal airway 1506* is amended to read in part:

From McCall, Idaho, VOR; to Dubois, Idaho, VOR; MEA 16,000, MAA 24,000.

From Dubois, Idaho, VOR; to Dunoir, Idaho, VOR; MEA 15,000, MAA 24,000.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Ogden, Utah, VOR; to Ft. Bridger, Wyo., VOR; MEA 14,500, MAA 24,000.

From Ft. Bridger, Wyo., VOR; to Rock Springs, Wyo., VOR; MEA 24,500, MAA 24,000.

Section 610.1512 *VOR Federal airway 1512* is amended to read in part:

From Kremmling, Colo., VOR; to Int. 067 M Kremmling VOR and 278 M rads Denver, VOR; MEA 16,000, MAA 24,000.

From Int .067 M Kremmling VOR and 278 M rads Denver VOR; to *Hotel INT, Colo.; MEA 16,500, MAA 24,000. *16,500—MRA.

Section 610.1528 *VOR Federal airway 1528* is amended to read in part:

From Stockton, Calif., VOR; to Coaldale, Nev., VOR; MEA 15,100, MAA 24,000.

Section 610.1530 *VOR Federal airway 1530* is amended to delete:

From Gordonsville, Va., VOR; to Herndon, Va., VOR; MEA 14,500, MAA 24,000.

Section 610.1531 *VOR Federal airway 1531* is amended by adding:

From Denver, Colo., VOR; to Int. 067 M Kremmling VOR and 278 M rads Denver VOR; MEA 16,000, MAA 24,000.

From Int. 067 M Kremmling VOR and 278 M rads Denver VOR; to Kremmling, Colo., VOR; MEA 16,000, MAA 24,000.

Section 610.1536 *VOR Federal airway 1536* is amended to read in part:

From Corona, N.Mex., VOR; to Texico, N.Mex., VOR; MEA 15,000, MAA 24,000.

Section 610.1627 *VOR Federal airway 1627* is amended by adding:

From Winslow, Ariz., VOR; to Farmington, N.Mex., VOR; MEA 14,500, MAA 24,000.

Section 610.1642 *VOR Federal airway 1642* is amended to read in part:

From Grand Junction, Colo., VOR; to Gunnison, Colo., VOR; MEA 14,500, MAA 24,000.

Section 610.1674 *VOR Federal airway 1674* is amended by adding:

From Albany, N.Y., VOR; to Cambridge, N.Y., VOR; MEA 14,500, MAA 24,000.

Section 610.1679 *VOR Federal airway 1679* is amended by adding:

From Gordonsville, Va., VOR; to Herndon, Va., VOR; MEA 14,500, MAA 24,000.

Section 610.1698 *VOR Federal airway 1698* is amended by adding:

From Binghamton, N.Y., VOR; to Huguenot, N.Y., VOR; MEA 14,500, MAA 24,000.

From Huguenot, N.Y., VOR; to Wilton, Conn., VOR; MEA 14,500, MAA 24,000.

Section 610.1717 *VOR Federal airway 1717* is amended by adding:

From Alamosa, Colo., VOR; to Denver, Colo., VOR; MEA 17,200, MAA 24,000.

Section 610.1727 *VOR Federal airway 1727* is amended by adding:

From Buffalo, N.Y., VOR; to Georgetown, N.Y., VOR; MEA 14,500, MAA 24,000.

From Georgetown, N.Y., VOR; to Albany, N.Y., VOR; MEA 14,500, MAA 24,000.

From Albany, N.Y., VOR; to Boston, Mass., VOR; MEA 14,500, MAA 24,000.

Section 610.1734 *VOR Federal airway 1734* is amended to read:

From Salt Lake City, Utah, VOR; to Ft. Bridger, Wyo., VOR; MEA 14,500, MAA 24,000.

Section 610.1736 *VOR Federal airway 1736* is amended to read:

From Provo, Utah, VOR; to Ft. Bridger, Wyo., VOR; MEA 14,500, MAA 24,000.

Section 610.1744 *VOR Federal airway 1744* is amended by adding:

From Portland, Oreg, VOR; to Newberg, Oreg., VOR; MEA 14,500, MAA 24,000.

From Newberg, Oreg., VOR; to John Day, Oreg., VOR; MEA 14,500, MAA 24,000.

From John Day, Oreg., VOR; to Boise, Idaho, VOR; MEA 14,500, MAA 24,000.

From Cherokee, Wyo., VOR; to Laramie, Wyo., VOR; MEA 15,500, MAA 24,000.

From Laramie, Wyo., VOR; to Denver, Colo., VOR; MEA 14,500, MAA 24,000.

Section 610.1749 *VOR Federal airway 1749* is added to read:

From Cleveland, Ohio, VOR; to U.S.-Canadian Border; MEA 14,500, MAA 24,000.

Section 610.1757 *VOR Federal airway 1757* is added to read:

From Hector, Calif., VOR; to Las Vegas, Nev., VOR; MEA 19,000, MAA 24,000.

Section 610.1758 *VOR Federal airway 1758* is added to read:

From Sante Fe, N. Mex., VOR; to Cimarron, N. Mex., VOR; MEA 15,500, MAA 24,000.

From Cimarron, N. Mex., VOR; to Tobe, Colo., VOR; MEA 14,500, MAA 24,000.

Section 610.1762 *VOR Federal airway 1762* is added to read:

From Eugene, Oreg., VOR; to Newberg, Oreg., VOR; MEA 14,500, MAA 24,000.

From Newberg, Oreg., VOR; to Olympia, Wash., VOR; MEA 14,500, MAA 24,000.

From Olympia, Wash., VOR; to Seattle, Wash., VOR; MEA 14,500, MAA 24,000.

Section 610.1764 *VOR Federal airway 1764* is added to read:

From North Bend, Oreg., VOR; to Newberg, Oreg., VOR; MEA 14,500, MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective January 11, 1962.

Issued in Washington, D.C., on December 11, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11891; Filed, Dec. 15, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal Feed Supplements

METHYL ESTERS OF HIGHER FATTY ACIDS

Correction

In F.R. Doc. 61-11686, appearing at page 11828 of the issue for Saturday, December 9, 1961, § 121.224(b)(3) should read as set forth below.

(3) Free of chick-edema or other toxic factor.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6583]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Quartzite and Clay Used in Production of Refractory Products; Election for Prior Taxable Years

On November 2, 1961, notice of proposed rule making with respect to the regulations under section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683), relating to the election for prior taxable years in the case of quartzite and clay used in the production of refractory products, was published in the FEDERAL REGISTER (26 F.R. 10283). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.9005-1, as set forth in the appendix to the notice of proposed rule making, is changed by revising paragraphs (b) and (c).

PAR. 2. Section 1.9005-3, as set forth in the appendix to the notice of proposed rule making is revised.

PAR. 3. Section 1.9005-4, as set forth in the appendix to the notice of proposed rule making, is changed by revising paragraph (b).

(Subsection (f) of sec. 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: December 13, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The regulations set forth below are hereby prescribed under section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683):

Sec.
1.9005 Statutory provisions; section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683).
1.9005-1 Election relating to the determination of gross income from the property for taxable years beginning prior to 1961 in the case of clay and quartzite used in making refractory products.
1.9005-2 Effect of election.
1.9005-3 Statutes of limitation.
1.9005-4 Manner of exercising election.
1.9005-5 Terms; applicability of other laws.

§ 1.9005 Statutory provisions; section 2 of the Act of September 26, 1961 (Public Law 87-321, 75 Stat. 683).

SEC. 2. *Election for quartzite and clay used in the production of refractory products*—(a) *Election for past years.* If an election is made under subsection (c), in the case of quartzite and clay used by the mine owner or operator in the production of refractory products, for the purpose of applying section 613 (c) of the Internal Revenue Code of 1954 (and corresponding provisions of the Internal Revenue Code of 1939) for each of the taxable years with respect to which the election is effective—

(1) The term "ordinary treatment processes" shall include crushing, grinding, and separating the mineral from waste, but shall not include any subsequent process; and

(2) The gross income from mining for each short ton of such quartzite or clay used in the production of all refractory products sold during the taxable year shall be equal to 87½ percent of the lesser of—

(A) The average lowest published or advertised price, or

(B) The average lowest actual selling price, at which, during the taxable year, the mine owner or operator offered to sell, or sold, such quartzite or clay (in the form and condition of such products after the application of only the processes described in paragraph (1) and before transportation from the plant in which such processes were applied). For purposes of this paragraph, exceptional, unusual, or nominal sales or selling prices shall be disregraded. If the mine owner or operator makes no sales of, or makes only exceptional, unusual, or nominal sales of, such quartzite or clay after application of only the processes described in paragraph (1), then in lieu of the price provided for in subparagraph (A) or (B) there shall be used the average lowest recognized selling price for the taxable year for such quartzite or clay in the marketing area of the mine owner or operator published in a trade journal or other industry publication.

(b) *Years to which applicable.* An election made under subsection (c) to have the provisions of this section apply shall be effective on and after January 1, 1951, for all taxable years beginning before January 1, 1961, in respect of which—

(1) The assessment of a deficiency,

(2) The refund or credit of an overpayment, or

(3) The commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on the date of the enactment of this Act by the operation of any law or rule of law. Such election shall also be effective on and after January 1, 1951, for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not

collected on or before the date of the enactment of this Act.

(c) *Time and manner of election.* An election to have the provisions of this section apply shall be made by the taxpayer on or before the 60th day after the date of publication in the FEDERAL REGISTER of final regulations issued under authority of subsection (f), and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations. Such election, if made, may not be revoked.

(d) *Statutes of limitations.* Notwithstanding any other law, the period within which an assessment of a deficiency attributable to the election under subsection (c) may be made with respect to any taxable year for which such election is effective, and the period within which a claim for refund or credit of an overpayment attributable to the election under such subsection may be made with respect to any such taxable year, shall not expire prior to one year after the last day for making an election under subsection (c). An election by a taxpayer under subsection (c) shall be considered as a consent to the application of the provisions of this subsection.

(e) *Terms; applicability of other laws.* Except where otherwise distinctly expressed or manifestly intended, terms used in this section shall have the same meaning as when used in the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939) and all provisions of law shall apply with respect to this section as if this section were a part of such Code (or corresponding provisions of the Internal Revenue Code of 1939).

(f) *Regulations.* The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section.

§ 1.9005–1 Election relating to the determination of gross income from the property for taxable years beginning prior to 1961 in the case of clay and quartzite used in making refractory products.

(a) *In general.* Section 2 of the Act of September 26, 1961 (Public Law 87–321, 75 Stat. 683), provides that certain taxpayers may elect to apply the provisions of such section to all taxable years beginning before January 1, 1961, with respect to which the election is effective. Section 2 of the Act prescribes special rules for the application of section 613(c) of the Internal Revenue Code of 1954 (and corresponding provisions of the Internal Revenue Code of 1939) in the case of quartzite and clay used by the mine owner or operator in the production of refractory products.

(b) *Election.* The election to apply the provisions of section 2 of the Act may be made only in the case of quartzite and clay used in the production of products generally recognized as refractory products by the refractories industry. Examples of such products are clay firebrick, silica brick, and refractory bonding mortars. The election may be made only by a taxpayer who both mined the clay or quartzite and used it in the production of refractory products. The election must be made in accordance with § 1.9005–4 on or before February 14, 1962 and the election shall become irrevocable on that date.

(c) *Years to which the election is applicable.* If the election described in paragraph (b) of this section is made by the taxpayer, the provisions of section 2 of the Act shall be effective on and after January 1, 1951, for all taxable years beginning before January 1, 1961, in respect of which the—

(1) Assessment of a deficiency,

(2) Refund or credit of an overpayment, or

(3) Commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

was not prevented on September 26, 1961, by the operation of any law or rule of law. The election is also effective on and after January 1, 1951, for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before September 26, 1961.

§ 1.9005–2 Effect of election.

(a) *In general.* If a taxpayer makes the election described in paragraph (b) of § 1.9005–1, he shall be deemed to have consented to the application of section 2 of the Act with respect to all the clay and quartzite described in that paragraph for all taxable years for which the election is effective whether or not the taxpayer is litigating the issue for any of such years. Thus, in applying section 613(c) of the Internal Revenue Code of 1954 (and corresponding provisions of the Internal Revenue Code of 1939) to those years—

(1) The term "ordinary treatment processes" shall include crushing, grinding, and separating the mineral from waste, but shall not include any subsequent process; and

(2) The gross income from mining for each short ton of quartzite or clay mined by the taxpayer and used by him in the production of all refractory products sold during the taxable year shall be equal to 87½ percent of the lesser of—

(i) The average lowest published or advertised price, or,

(ii) The average lowest actual selling price at which the mine owner or operator offered to sell or sold any such quartzite or clay during the taxable year.

(b) *Rules for applying paragraph (a) of this section.* (1) The price described in paragraph (a)(2) of this section and any price described in this paragraph shall be determined with reference to quartzite or clay in the form and condition of such products after the application of only the processes described in paragraph (a)(1) of this section and before transportation from the plant in which such processes were applied.

(2) If quartzite and clay were mined and used by the taxpayer in the production of refractory products, a separate price shall be used with respect to each mineral.

(3) There shall be used for each mineral the lowest price at which it was sold or offered for sale by the taxpayer during the taxable year. Thus, only one price shall be used with respect to each mineral regardless of variations in type or grade.

(4) For purposes of this paragraph, exceptional, unusual, or nominal sales of quartzite or clay shall be disregarded. Thus, for example, if the taxpayer made an accommodation sale during the taxable year at other than the regular price, such sale is to be disregarded.

(5) If the taxpayer made no sales during the taxable year of quartzite or clay in the form and condition described in subparagraph (1) of this paragraph, or if his sales were exceptional, unusual, or nominal, there shall be used the lowest recognized selling price for the taxpayer's marketing area for quartzite or clay (of the same grade and type as that used by him) which was published for the taxable year in a trade journal or other industry publication.

(6) If subparagraph (5) of this paragraph does not apply for the reason that there is no recognized selling price published in a trade journal or other industry publication for the taxpayer's marketing area, there shall be used the lowest price at which quartzite or clay comparable to that used by the taxpayer was sold or offered for sale during the taxable year in that area by other producers similarly circumstanced as the taxpayer or, if appropriate, the lowest price paid by the taxpayer for purchased quartzite or clay.

(7) If the lowest selling price otherwise applicable under the preceding provisions of this paragraph fluctuated during the taxable year, the two or more lowest selling prices shall be averaged according to the number of days during the taxable year that each such price was in effect.

(c) The provisions of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1).—(i) *Facts.* Taxpayer A, a calendar year taxpayer, mined quartzite and clay and used them in the production of recognized refractory products. During the taxable year, the lowest price for which A sold clay after the application of crushing and grinding was $13.75 per short ton. He also sold some ground clay of a different type at $20.00 per short ton. A sold quartzite after the application of crushing and grinding for various prices, depending upon type, ranging from $14.00 per short ton to $20.00 per short ton. During the taxable year, the prices for the various types of ground clay and quartzite did not change. None of the sales by A of ground clay or quartzite were exceptional, unusual, or nominal.

(ii) *Determination of gross income from mining.* If A makes the election described in paragraph (b) of § 1.9005–1, the gross income from mining per short ton of clay mined by A and used in the production of refractory products sold during the taxable year is $12.03 (87½ percent of $13.75), and the gross income from mining per short ton of quartzite mined by A and used in the production of refractory products sold during the taxable year is $12.25 (87½ percent of $14.00). To determine his gross income from mining, A must compute the sum of—

(*a*) $12.03 multiplied by the number of short tons of clay which were mined by A (whether or not during the taxable year) and which were used by A in the production of refractory products (refractory bonding mortar, fire brick, etc.) sold during the taxable year; plus

(*b*) $12.25 multiplied by the number of short tons of quartzite which were mined by A (whether or not during the taxable year) and which were used by A in the production of refractory products sold during the taxable year.

Example (2). Assume the same facts as in example (1) except that on October 1 of the taxable year A's lowest price for clay after the application of crushing and grinding increased to $14.40 per short ton. In this case, the average lowest price for which A sold ground clay during the taxable year must be determined by taking into account the price adjustment of October 1. Under these circumstances, the average lowest price for the ground clay would be $13.91, that is $\$13.75 \times \frac{273}{365}$ plus $\$14.40 \times \frac{92}{365}$.

(d) *Effect on depletion rates and other items.* The election shall have no effect on the applicable rate of percentage depletion for the taxable years for which the election is effective. In applying the election to the years affected there shall be taken into account the effect that any adjustments resulting from the election shall have on other items affected thereby, such as charitable contributions, foreign tax credit, net operating loss, and the effect that adjustments to any such items shall have on other taxable years. The provisions of section 2 of the Act are applicable with respect to taxable years subject to the Internal Revenue Code of 1939 for purposes of applying sections 450 and 453 of that Code. The election shall have no effect on the determination of the treatment processes which are to be considered as mining or on the determination of gross income from mining for any taxable year beginning after December 31, 1960.

§ 1.9005–3 Statutes of limitation.

Notwithstanding any provision of law to the contrary, the period within which the assessment of any deficiency attributable to the election may be made, or within which the credit or refund of any overpayment attributable to the election may be made, shall not expire sooner than one year after the last day for making the election. Thus, if assessment of a deficiency or credit or refund of an overpayment, whichever is applicable, was not prevented on September 26, 1961, the time for making assessment or credit or refund shall not expire for at least one year after the last day for making the election. Even though assessment of a deficiency was prevented on September 26, 1961, if commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954 may have been made on such date, then any deficiency resulting from the election may be assessed at any time within one year after the last day for making the election. If a taxpayer makes the election, he shall be deemed to have consented to the application of the provisions of section 2 of the Act extending the time for assessing a deficiency attributable to the election. Section 2 of the Act does not shorten the period of limitations otherwise applicable. An agreement may be entered into under section 6501(c)(4) of the Internal Revenue Code of 1954 and corresponding provisions of prior law to extend the period for assessment.

§ 1.9005–4 Manner of exercising election.

(a) *By whom election is to be made.* Generally, the taxpayer whose tax liability is affected by the election shall make the election. In the case of a partnership, or a corporation electing under the provisions of subchapter S, chapter 1 of the Internal Revenue Code of 1954, the election shall be exercised by the partnership or such corporation, as the case may be.

(b) *Time and manner of making election.* The election shall be made on or before February 14, 1962, by filing a statement with the district director with whom the taxpayer's income tax return for the taxable year in which the election is made is required to be filed. The statement shall include the following:

(1) A clear indication that an election is being made under section 2 of the Act, and

(2) The taxable years to which the election applies.

Amended income tax returns reflecting any increase or decrease in tax attributable to the election shall be filed for the taxable years to which the election applies. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the Internal Revenue Code of 1954, amended returns shall be filed by the partnership or electing small business corporation, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made, and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than May 31, 1962, unless an extension of time is granted under section 6081 of the Internal Revenue Code of 1954. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns. The amended returns shall be accompanied by payment of the additional tax (together with interest thereon) resulting from the election.

§ 1.9005–5 Terms; applicability of other laws.

All other terms which are not otherwise specifically defined shall have the same meaning as when used in the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) except where otherwise distinctly expressed or manifestly intended to the contrary. Further, all provisions of law contained in the Code (or the corresponding provisions of prior law) shall apply to the extent that they can apply. Thus, all the provisions of subtitle F of the Code (and the corresponding provisions of prior law) shall apply to the extent they can apply, including the provisions of law relating to assessment, collection, credit or refund, and limitations. For purposes of this section and §§ 1.9005–1 to 1.9005–4, inclusive, the term "Act" means the Act of September 26, 1961 (Public Law 87–321, 75 Stat. 683).

[F.R. Doc. 61–11979; Filed, Dec. 15, 1961; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2553]

[Colorado 033334]

COLORADO

Withdrawing Lands for Use of the Forest Service as Picnic Grounds, Campgrounds, and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described national forest lands in Colorado are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture, as picnic grounds, campgrounds, and administrative sites as indicated:

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

Stawberry Campground

T. 2 N., R. 75 W.,
Sec. 32, lots 5 and 6 and SW¼SE¼.
Totaling 112.82 acres.

Ruby Campground

T. 7 S., R. 78 W.,
Sec. 25, S½SE¼ (except patented land);
Sec. 36, N½NE¼ (except patented land).
Totaling 75.8 acres.

Horseshoe Campground

T. 2 S., R. 78 W., unsurveyed,

Beginning at corner No. 1, from which the section corner common to sections 13, 14, 23, and 24, T. 2 S., R. 78 W., 6th P.M., Colorado, bears S. 17°30' E., 11,400 feet.

From corner No. 1, by metes and bounds,
N. 78° W., 400 feet;
N. 25° W., 240 feet;
S. 65° E., 500 feet;
S. 1° W., 251 feet, to the point of beginning.
Containing 2.53 acres.

Trestle Campground

T. 2 S., R. 74 W., unsurveyed,

A tract of land in approximately the SW¼ of section 5; beginning at corner No. 1, from which the southeast corner of sec. 36, T. 1 S., R. 75 W., 6th P.M., Colorado, bears N 55° W., 70 chains.

From corner No. 1, by metes and bounds,
East, 32 chains;
South, 20 chains;
West, 32 chains;
North, 20 chains, the point of beginning.
Containing 64 acres.

GUNNISON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Pitkin Recreation Area

T. 50 N., R. 4 E.,
Sec. 10 lots 1, 2, 5, and 6;
Secs. 10 and 11, tract 37.
Totaling 196.61 acres.

SIXTH PRINCIPAL MERIDIAN

Cement Creek Administrative Site (Addition)

T. 14 S., R. 85 W.,
Sec. 23, NW¼NW¼SE¼.
Totaling 10 acres.

SIXTH PRINCIPAL MERIDIAN

SAN ISABEL NATIONAL FOREST

Bassam Park Organization Camp

T. 15 S., R. 77 W.,
Sec. 24, NW¼NW¼, W½NE¼NW¼, NW¼SE¼NW¼, and N½SW¼NW¼.
Totaling 90 acres.

NEW MEXICO PRINCIPAL MERIDIAN

SAN JUAN NATIONAL FOREST

Junction Creek Picnic Ground

T. 36 N., R. 10 W.,
Sec. 35, S½NE¼NE¼ and SE¼NE¼.
Totaling 60 acres.

Thompson Park Campground

T. 36 N., R. 12 W.,
Sec. 28, S½SW¼SW¼;
Sec. 29, SE¼SE¼SE¼;
Sec. 32, E½NE¼NE¼;
Sec. 33, NW¼NW¼.
Totaling 90 acres.

East Fork Campground

T. 36 N., R. 1 E.,
Sec. 7, E½ of lot 1 and E½ of lot 2.
Totaling 42.36 acres.

Cimarron Campground

T. 36 N., R. 3 W.,
Sec. 8, E½SW¼ and W½SE¼.
Totaling 160 acres.

First Fork Campground

T. 36 N., R. 4 W.,
Sec. 28, SE¼SW¼ and W½SW¼SE¼;
Sec. 33, N½NE¼NW¼ and NW¼NW¼NE¼.
Totaling 90 acres.

Little Brook Campground

T. 38 N., R. 3 W.,
Sec. 7, SE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.
Totaling 160 acres.

The areas total approximately 1,154 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 11, 1961.

[F.R. Doc. 61-11920; Filed, Dec. 15, 1961; 8:45 a.m.]

[Public Land Order 2554]

[Montana 032373]

MONTANA

Withdrawing Lands for Use of the Forest Service as a Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in the Lolo National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture as a recreation area:

PRINCIPAL MERIDIAN

Quartz Flat Recreation Area

T. 15 N. R. 25 W.,
Sec. 9, that part of the NW¼ lying east of the Northern Pacific Railway Company right-of-way.

Containing approximately 85 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 11, 1961.

[F.R. Doc. 61-11922; Filed, Dec. 15, 1961; 8:45 a.m.]

[Public Land Order 2556]

[Sacramento 047384]

CALIFORNIA

Withdrawing Lands for Use of the Forest Service as Campgrounds, Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in the Los Padres National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture, as campgrounds, administrative sites, and recreation areas:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 1 E.,
Sec. 27, lots 3 to 6, incl.;
Sec. 34, lot 1;
Sec. 35, lots 1 to 5, incl.;
Sec. 36, lot 5.
T. 19 S., R. 2 E.,
Sec. 25, NE¼NE¼SE¼ and SE¼NE¼;
Sec. 26, SE¼SW¼ and W½SE¼;
Sec. 30, lot 3.
T. 20 S., R. 2 E.,
Sec. 1, S½SE¼SE¼;
Sec. 12, N½NE¼NE¼.
T. 19 S., R. 3 E.,
Sec. 4, S½NW¼SE¼ and S½SE¼;
Sec. 9, N½NE¼NE¼;
Sec. 29, SW¼SE¼;
Sec. 30, NE¼SW¼;
Sec. 31, SE¼SE¼;
Sec. 32, SW¼SW¼.
T. 20 S., R. 3 E.,
Sec. 7, NE¼NW¼;
Sec. 11, E½SE¼;
Sec. 14, SE¼NE¼;
Sec. 22, S½NE¼.
T. 19 S., R. 4 E.,
Sec. 6, lots 2, 3, 4, 5, and NE¼SW¼;
Sec. 7, S½SE¼NE¼ and N½NE¼SE¼;
Sec. 36, NE¼NE¼, NW¼SE¼, and S½SE¼.
T. 20 S., R. 4 E.,
Sec. 35, S½SE¼.
T. 21 S., R. 4 E.,
Sec. 2, lots 1 and 2, N½ of lots 7 and 8.
T. 22 S., R. 4 E.,
Sec. 2, SW¼ of lot 1.
T. 21 S., R 5 E.,
Sec. 7, lot 3, SW¼NE¼, NE¼SW¼, E½SE¼SW¼, and W½W½SE¼;
Sec. 17, S½NE¼SW¼;
Sec. 18, N½NW¼NE¼.
T. 24 S., R. 6 E.,
Sec. 15, N½;
Sec. 30, SE¼NE¼SW¼.
T. 29 S., R. 12 E.,
Sec. 7, S½ of Lot 3, N½ of Lot 4.
T. 29 S., R. 15 E.,
Sec. 25, SW¼ of Lot 2 and NW¼;
Sec. 23, NW¼NE¼SE¼ and NE¼NW¼SE¼.
T. 29 S., R. 16 E.,
Sec. 33, Lots 2 and 3.
T. 30 S., R. 16 E.,
Sec. 3, W½ of Lot 5, E½ of Lot 8;
Sec. 25, NW¼NW¼NE¼.
T. 31 S., R. 16 E.,
Sec. 4, S½SW¼;
Sec. 9, NE¼NW¼;
Sec. 30, SW¼SE¼;
Sec. 31, N½NE¼;
Sec. 32, NW¼NW¼.

The areas described total in the aggregate 2,681.63 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 11, 1961.

[F.R. Doc. 61-11923; Filed, Dec. 15, 1961; 8:45 a.m.]

[Public Land Order 2557]

[Fairbanks 022930]

ALASKA

Withdrawing Lands for Use of the Public Health Service; Partly Revoking Public Land Order No. 2323 of April 5, 1961

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under the jurisdiction of the Public Health Service, Department of Health, Education and Welfare, for expansion of hospital facilities:

BARROW AREA

Beginning at a point identical with Corner No. 6 of Tract B, U.S. Survey Number 2244, the true point of beginning; thence,

S. 13°02' E., 459.89 feet;
S. 76°58' W., 272.91 feet;
N. 9°49' W., 461.01 feet to a point on the south boundary of U.S. Survey 2979;
N. 77°03' E., 20.00 feet to Corner No. 5 of said survey identical to Corner No. 5 of Tract B, U.S. Survey 2244;
N. 76°58' E., 227.04 feet to Corner No. 6, of said Tract B and the point of beginning.

Containing 2.75 acres.

2. Public Land Order No. 2323 of April 5, 1961, which withdrew lands under the jurisdiction of the Department of the Army for use of the Alaska National Guard for military purposes, is hereby revoked so far as it affects the lands described in paragraph 1 of this order.

3. The withdrawal made by this order shall be subject to that made by Executive Order No. 3797-A of February 27, 1923, for oil and gas as Naval Petroleum Reserve No. 4, and to the jurisdiction granted to the Department of the Navy over Naval Petroleum Reserves by the act of August 10, 1956 (70A Stat. 457-462; 10 U.S.C. 7421-7438).

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 11, 1961.

[F.R. Doc. 61-11924; Filed, Dec. 15, 1961; 8:45 a.m.]

[Public Land Order 2558]

[Colorado 048874]

COLORADO

Withdrawing Lands in National Forests for Use of the Forest Service for Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in the Rio Grande and Roosevelt National Forests are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture as administrative sites and recreation areas, as indicated:

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

Conejos Falls Campground

T. 35 N., R. 3 E.,
Sec. 16, S½SE¼SW¼, S½SW¼SE¼, SE¼SW¼SW¼;
Sec. 21, N½NW¼NE¼, N½NE¼NW¼, NE¼NW¼NW¼.

North Fork Conejos Campground

T. 35 N., R. 3 E.,
Sec. 9, N½NE¼, N½SW¼NE¼, N½SE¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼;
Sec. 10, W½NW¼NW¼, NW¼SW¼NW¼.

Three Forks Campground

T. 35 N., R. 3 E.,
Sec. 14, S½NW¼NE¼, S½NE¼NW¼, S½NW¼NW¼, N½SW¼NW¼, SE¼NW¼, N½SW¼NE¼.

Middle Forks Meadow Campground

T. 35 N., R. 3 E.,
Sec. 15, S½SE¼SE¼, SE¼SW¼SE¼;
Sec. 22, N½NW¼NW¼, NW¼NE¼NW¼.

Haskell Rincon Campground

T. 36 N., R. 3 E.,
Sec. 27, SW¼SE¼, SW¼SE¼SE¼;
Sec. 34, N½NE¼, N½SW¼NE¼, N½SE¼NE¼;
Sec. 35, NW¼SW¼NW¼.

Adam's Fork Campground

T. 36 N., R. 4 E.,
Sec. 31, lot 1.

Platora Picnic and Campground

T. 36 N., R. 4 E.,
Sec. 14, S½SW¼SW¼;
Sec. 15, S½SE¼SE¼; SE¼SW¼SE¼;
Sec. 22, NE¼NW¼NE¼, N½NE¼NE¼, SE¼NE¼NE¼;
Sec. 23, NW¼NW¼.

Rock Lake Campground

T. 36 N., R. 4 E.,
Sec. 36, SE¼SW¼.

Telluride Mountain Picnic Ground

T. 36 N., R. 4 E.,
Sec. 15, S½SW¼NE¼, NW¼SW¼NE¼, SE¼NW¼, N½NE¼SE¼, N½NW¼SE¼, SW¼NW¼SE¼.

Mix Lake Picnicground

T. 36 N., R. 4 E.,
Sec. 15, S½SW¼SW¼;
Sec. 16, SE¼SE¼SE¼;
Sec. 21, E½NE¼NE¼;
Sec. 22, NW¼NW¼.

Valdez Community Campground

T. 35 N., R. 4½ E.,
Sec. 13, W½NE¼SE¼, NW¼SE¼, E½NE¼SE¼, SE¼SW¼, SW¼SE¼, SE¼SE¼;
Sec. 24, NE¼NE¼NE¼, NW¼NE¼NE¼, SW¼NE¼NE¼, NW¼NE¼, E½NE¼NW¼, SW¼NE¼, W½SE¼NE¼.

Saddle Creek Campground

T. 35 N., R. 4½ E.,
Sec. 11, S½NE¼, N½NW¼SE¼, NW¼NE¼SE¼.

McEntyre Campground

T. 36 N., R. 4½ E.,
Sec. 1, All of lot 6, lot 11, W½ Lot 14, W½ Lot 19, Lot 20, N½SW¼NW¼;
Sec. 2, All of lot 13.

Fisher Gulch Organization Camp

T. 36 N., R. 4½ E.,
Sec. 23, SE¼SE¼SE¼;
Sec. 24, SW¼SW¼SW¼;
Sec. 25, SW¼NW¼NE¼, W½NW¼, S½SW¼NE¼, S½NE¼NW¼, N½NE¼SW¼, SE¼NW¼, N½NW¼SE¼, NW¼SW¼NE¼;
Sec. 26, lot 2, N½ lot 3, E½NE¼, N½NE¼SE¼.

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Caribou Picnic Ground

T. 1 S., R. 73 W.,
Sec. 5, lots 44 and 45.

Kelly-Dahl Campground Extension

T. 1 S., R. 72 W.,
Sec. 30, lots 15 and 16.

Lump Gulch Campground

T. 2 S., R. 72 W.,
Sec. 7, E½SW¼NE¼, SE¼NE¼.

Yankee Doodle Lake Campground

T. 1 S., R. 74 W.,
Sec. 27, W½NE¼NE¼, E½NW¼NE¼.

Todd Gulch Campground

T. 1 N., R. 72 W.,
Sec. 17, SE¼NW¼, N½NE¼SW¼.

Meadow Campground

T. 1 N., R. 72 W.,
Sec. 18, NW¼SE¼.

Boundary Campground

T. 1 N., R. 72 W.,
Sec. 10, SE¼SE¼.

Morrain Lake Ecological Study Area

T. 1 N., R. 72 W.,
Sec. 16, W½NW¼NW¼NE¼, E½NE¼NE¼NW¼.

Gordon Gulch Campground

T. 1 N., R. 72 W.,
Sec. 31, lots 1 and 2, W½E½NW¼.

Ward Picnic Ground

T. 1 N., R. 73 W.,
Sec. 13, S½N½NE¼.

Red Rock Lake Campground Extension

T. 1 N., R. 73 W.,
Sec. 2, lot 4;
Sec. 3, lots 1 and 6.

Glacier View Picnic Ground

T. 2 N., R. 72 W.,
Sec. 4, SE¼NW¼, NW¼SE¼.

Red Deer Lake Picnic Ground

T. 2 N., R. 73 W.,
Sec. 18, W½NW¼NE¼, NE¼NW¼.

Park Creek Recreation Area

T. 2 N., R. 73 W.,
Sec. 13, SW¼NE¼.

Manhattan Recreation Area

T. 9 N., R. 73 W.,
Sec. 17, S½N½SE¼SW¼, S½SE¼SW¼;
Sec. 20, NW¼NE¼, N½SW¼NE¼, NE¼NW¼, N½SE¼NW¼.

Dowdy Lake Recreation Area Extension

T. 10 N., R. 73 W.,
Sec. 27, SE¼NE¼.

West Lake Campground Extension

T. 10 N., R. 73 W.,
Sec. 33, SE¼NE¼, that part described as follows:

Beginning at corner No. 1, which is the northeast corner of the above subdivision; From corner No. 1,

N. 89°17' W., 179.4 feet;
S. 5°16' W., 119.1 feet;
S. 46°53' E., 257.6 feet;
N. 0°28' E., 292.5 feet; to the point of beginning.

Sec. 34, SW¼NW¼, that part described as follows:

Beginning at corner No. 1 which is the northwest corner of the above subdivision; From corner No. 1,

S. 0°28' W., 292.5 feet;
S. 48°27' E., 436.3 feet;
S. 59°49' E., 357.8 feet;
S. 79°04' E., 159.9 feet;
N. 82°08' E., 534.7 feet;
N. 0°28' E., 708.7 feet;
N. 89°30' W., 1,325.3 feet; to the point of beginning.

Sheep Creek Fish Habitat Study Area

T. 11 N., R. 74 W.,
Sec. 2, lot 17 and S½ lot 18.

Long Draw Campground

T. 6 N., R. 75 W.,
Sec. 1, W½SW¼NW¼, W½W½SW¼;
Sec. 2, SE¼NE¼, E½E½SE¼.

Chambers Lake Campground Extension

T. 7 N., R. 75 W.,
Sec. 7, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, S½NE¼NW¼.

Grace Creek Campground

T. 11 N., R. 77 W.,
Sec. 21, S½N½NW¼, N½S½NW¼.

The areas described aggregate 3,583.53 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 11, 1961.

[F.R. Doc. 61-11925; Filed, Dec. 15, 1961; 8:45 a.m.]

[Public Land Order 2559]

ARIZONA

Withdrawing Lands for Use of the Forest Service for Experimental Purposes; Partly Revoking Public Land Order No. 1058 of January 19, 1955

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the Coronado National Forest are hereby withdrawn from prospecting, location, entry and purchase under the United States mining laws and reserved for use of the Forest Service, Department of Agriculture, for experimental purposes:

(Arizona 030575)

GILA AND SALT RIVER MERIDIAN

MOUNT GRAHAM EXPERIMENTAL FOREST

T. 8 S., R. 24 E.,
Sec. 35, W½SE¼.

Containing 80 acres.

2. Public Land Order No. 1058 of January 19, 1955, which withdrew lands for use of the Forest Service, Department of Agriculture, for experimental purposes, is hereby revoked so far as it affects the following described lands:

[Arizona 06225]

GILA AND SALT RIVER MERIDIAN

MOUNT GRAHAM EXPERIMENTAL FOREST

T. 8 S., R. 24 E.,
Sec. 35, E½SE¼.

Containing 80 acres.

3. The lands released from withdrawal by paragraph 2, hereof, are national forest lands in the Coronado National Forest. At 10:00 a.m., on January 16, 1962, they shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 11, 1961.

[F.R. Doc. 61-11926; Filed, Dec. 15, 1961; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 61-57]

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBCHAPTER P—MANNING OF VESSELS

PART 157—MANNING REQUIREMENTS

Construction of Magazines, Manning of Inspected Vessels, and Able Seamen

The amendment to 46 CFR 146.09-2(c) regarding construction of magazines is to reinstate the requirements which were inadvertently canceled when the regulation was amended by Coast Guard document CGFR 61-11, Federal Register document 61-4077, which was published in the FEDERAL REGISTER of May 5, 1961 (26 F.R. 3924, 1st column). The intent of the amendment published in the FEDERAL REGISTER of May 5, 1961, was to amend the first sentence and to insert a new second sentence and to retain the balance of the text of the paragraph. The text of 46 CFR 146.09-2 as corrected is set forth in this document.

The purpose of the amendments to 46 CFR 157.01-10(b)(1) and 157.20-15(a)(1), is to include references to the exceptions set forth in the act of June 16, 1938 (46 U.S.C. 672b), which modified certain provisions with respect to unrigged vessels and able seamen on tugs and towboats operating on bays and sounds connected directly with the seas.

Because the amendments in this document are corrections to regulations and editorial in nature, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is impracticable and unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following correction and amendments are prescribed:

Subpart—Cargo Handling and Stowage Devices, U.S. Coast Guard Container Specifications

The instruction designated "9" in the Federal Register document CGFR 61-11 and Federal Register document 61-4077, published in the FEDERAL REGISTER of May 5, 1961 (26 F.R. 3924, 1st column), is corrected by stating that paragraph (c) is amended by changing the first sentence and by inserting a new second sentence. As corrected, § 146.09-2(c) reads as follows:

§ 146.09-2 Magazines, construction of.

* * * * *

(c) Magazine constructed of wood shall have the bulkheads forming the sides and ends constructed of commercial 1-inch lumber, of ¾-inch tongue and groove sheathing, or of ¾-inch plywood, secured to uprights of at least a 3- by 4-inch size, spaced not more than 18 inches apart and secured at top, bottom and center with horizontal bracing. When ¾-inch plywood is used, the uprights may be spaced on 24-inch centers. Uprights shall not be stepped directly onto a metal deck. A 2- by 4-inch bearer to carry the uprights shall be laid upon the metal deck. A 2- by 4-inch header shall be fitted against the underside of an overhead deck to receive the top of uprights. Top of uprights fitted against channel beams may be wedged directly to the beam with 2- by 4-inch spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boardings shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾-inch secured in place with nails or screws. All screws or nails used in the magazine for fastening shall be countersunk below the surface of the wood. Flooring of magazine shall be of not less than 1¼-inch commercial lumber, constructed on bearers. Such floor may be portable but tight to prevent movement. The door of the magazine shall be of substantial construction, fitted reasonably tight in its jamb and provided with a locking means of a tamper-proof type. The door shall be so located as to be easily accessible.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 157.01—Authority and Purpose

Section 157.01-10(b)(1) is amended to read as follows:

§ 157.01-10 Authority for regulations.

* * * * *

(b) *Manning of inspected vessels.* (1) The requirements regarding the manning of inspected vessels are set forth in various statutes with many qualifications as to their applications. The regulations interpret or apply, subject to various limitations contained in the laws, R.S. 4400, as amended, 4401, as amended, 4417a, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4453, as amended, 4463, as amended, 4477, as amended, 4488, as amended, 4551(j), as amended, sec. 2, 38 Stat. 1164, as amended, sec. 13, 38 Stat. 1169, as amended, sec. 1, 52 Stat. 753, as amended, sec. 2, 40 Stat. 549, as amended, 41 Stat. 305, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 7, 49 Stat. 1936, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 347, as amended, secs. 1 to 8, 62 Stat. 232-234, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675 (46 U.S.C. 362, 364, 391a, 399, 404, 405, 224, 224a, 435, 222, 470 481, 643(j), 673 672, 672b, 223, 363, 367, 689, 247, 526f, 526p, 1333, 229a-229h, 390b, and 50 U.S.C. 198).

Subpart 157.20—Computations

Section 157.20-15(a)(1) is amended to read as follows:

§ 157.20-15 Able seamen.

(a) *What vessels affected.* (1) The provisions of section 13 of the Seamen's Act of 1915, as amended (46 U.S.C. 672), relating to able seamen apply to all merchant vessels of the United States of 100 gross tons and upward except:

(i) Those vessels navigating rivers exclusively and the smaller inland lakes;

(ii) As provided in R.S. 4516, as amended (46 U.S.C. 569), such vessels may ship seamen to replace those lost by desertion or casualty without incurring the prescribed penalty;

(iii) Unrigged vessels (other than seagoing barges) (46 U.S.C. 672b);

(iv) Sail vessels of less than 500 net tons (46 U.S.C. 672-1), while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, established in accordance with section 2 of the Act of February 19, 1895, as amended (33 U.S.C. 151); and,

(v) Tugs and towboats on the bays and sounds connected directly with the seas (46 U.S.C. 672b).

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 2, 38 Stat. 1164, as amended, sec. 13, 38 Stat. 1169, as amended, sec. 7, 49 Stat. 1936, as amended, sec. 1, 52 Stat. 753, as amended, 55 Stat. 579; 46 U.S.C. 673, 672, 689, 672b, 672-1)

Dated: December 12, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 61-11933; Filed, Dec. 15, 1961; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

Classes of Standard Broadcast Channels and Stations

The Commission having under consideration the desirability of making certain editorial changes in § 3.21(c) of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 12th day of December 1961, that, effective December 26, 1961, § 3.21(c) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: December 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 3.21(c) is amended to read as follows:

§ 3.21 Classes of standard broadcast channels and stations.

* * * * *

(c) *Local channel.* A local channel is one on which several stations operate with powers no greater than provided in this paragraph. The primary service area of a station operating on any such channel may be limited to a given field intensity contour as a consequence of interference. Such stations operate with power no greater than 250 watts nighttime, and power daytime no greater than 1 kilowatt (or no greater than 250 watts if the station is located 100 kilometers (62 miles) or closer to the Mexican border, or in the area of the state of Florida south of 28 degrees north latitude and between 80 and 82 degrees west longitude).

(1) *Class IV station.* A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt, and not more than 0.25 kilowatt nighttime and 1 kilowatt daytime, and its service area is subject to interference in accordance with § 3.182.

NOTE 1: Under NARBA, the power ceiling for Class IV stations is 250 watts daytime as well as nighttime. The US-Mexican Agreement permits such stations to operate with up to 1 kilowatt power daytime if they are located further than 100 kilometers (62 miles) from the Mexican border. Pursuant to the US-Mexican Agreement and informal coordination with the other NARBA signatories, the Commission will consider applications for Class IV stations on local channels with daytime powers more than 250 watts, up to 1 kilowatt, if such station is to be located outside of the areas specified in paragraph (c) of this section, and if no objectionable interference would be caused (under the standards set forth in the pertinent international agreement) to a duly notified station in Mexico, Haiti, or any foreign country signatory to NARBA.

NOTE 2: All authorizations of new or changed Class I-B, Class II-B, Class II-D, Class III or Class IV facilities after October 30, 1961, are subject to whatever interference may be received from, or whatever overlap of 2.0 mv/m and 25 mv/m groundwave contours or overlap of 25 mv/m groundwave contours may be involved with, previously or subsequently authorized Class II-A facilities.

[F.R. Doc. 61-11957; Filed, Dec. 15, 1961; 8:48 a.m.]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Parts 7, 8, and 14 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, compliance with section 4(c) of the Administrative Procedure Act is not required; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's

Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 11th day of December 1961, that effective December 21, 1961, Parts 7, 8, and 14 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: December 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

1. The note following § 7.21(a) is amended to read as follows:

§ 7.21 Authorization required for construction and operation of station.

(a) * * *

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements; the extent of this exemption and related matters are set forth in Part 15, "Incidental and Restricted Radiation Devices", of this chapter. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, "Industrial, Scientific, and Medical Equipment", of this chapter.

2. The note following § 7.115 is amended to read as follows:

§ 7.115 Retention and availability of radio station logs.

* * * * *

NOTE: See Part 42 of this chapter concerning preservation of records of common carriers.

B. Part 8 is amended as follows:

1. The note following § 8.21 is amended to read as follows:

§ 8.21 Authorization required for operation of a radio station.

* * * * *

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements; the extent of this exemption and related matters are set forth in Part 15, "Incidental and Restricted Radiation Devices", of this chapter. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, "Industrial, Scientific, and Medical Equipment", of this chapter.

2. Section 8.41(c)(2)(ii) is amended to read as follows:

§ 8.41 Application for special temporary station authorization.

* * * * *

(c) * * *

(2) * * *

(ii) Address of agent, if application is made by an agent, in cases under § 1.503 of this chapter;

3. The note following § 8.115(a)(3) is amended to read as follows:

§ 8.115 Retention of radio station logs.

(a) * * *

NOTE: See Part 42 of this chapter concerning preservation of records of common carriers.

§ 8.321 [Amendment]

4. Section 8.321 is amended by deleting paragraph (c) in its entirety.

5. Section 8.330(a) is amended by changing the undesignated text following subparagraph (1)(v) to be the introductory text of subparagraph (2), as follows:

§ 8.330 Station records.

(a) * * *

(2) In addition, the log shall be maintained as follows:

§ 8.351 [Amendment]

6. The note following § 8.351(d)(9) is deleted in its entirety.

C. Part 14 is amended as follows:

1. The note following § 14.21(a) is amended to read as follows:

§ 14.21 Authorization required for operation of a radio station.

(a) * * *

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements; the extent of this exemption and related matters are set forth in Part 15, "Incidental and Restricted Radiation Devices", of this chapter. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, "Industrial, Scientific, and Medical Equipment", of this chapter.

[F.R. Doc. 61-11958; Filed, Dec. 15, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Hearing on Proposed Regulations

Proposed regulations under sections 1311 through 1314, 1341, and 1347 of the Code, relating to mitigation of effect of limitations; computation of tax where taxpayer restores substantial amount held under claim of right; and claims against the U.S. involving acquisition of property, were published in the FEDERAL REGISTER for October 28, 1961.

A public hearing on the provisions of these proposed regulations will be held on Thursday, January 11, 1962, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by January 8, 1962.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 61-11930; Filed, Dec. 15, 1961; 8:46 a.m.]

[26 CFR Part 48]

MANUFACTURERS EXCISE TAX ON MOTOR VEHICLES AND PARTS OR ACCESSORIES THEREFOR

Notice of Hearing on Proposed Regulations

Proposed regulations under sections 4061, 4062, and 4063 of the Code, relating to excise taxes on motor vehicles and parts or accessories therefor, were published in the FEDERAL REGISTER for November 10, 1961.

A public hearing on the provisions of these proposed regulations will be held on Thursday, January 18, 1962, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by January 15, 1962.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 61-11931; Filed, Dec. 15, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 411]

[Reg. Docket No. 967]

DELEGATION OPTION PROCEDURES FOR SUPPLEMENTAL TYPE CERTIFICATION

Notice of Proposed Rule Making

In the notice of proposed rule making on this subject published in the FEDERAL REGISTER on November 17, 1961 (26 F.R. 10776), it was stated that consideration would be given to all relevant comments received on or before December 19, 1961.

The Aerospace Industries Association has requested an extension of the deadline for comments. An extension to February 1, 1962, is being granted.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that the time within which comments will be received is extended to February 1, 1962. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

(Secs. 313(a), 314, 603, 604, 607, Federal Aviation Act of 1958; 72 Stat. 752, 754, 776, 778, 779; 49 U.S.C. 1354(a), 1355, 1423, 1424, 1427)

Issued in Washington, D.C., on December 12, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11918; Filed, Dec. 15, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13340 (RM-249; 282); FCC 61-1445]

TELEVISION BROADCAST SERVICES

Memorandum Opinion and Order re Reconsideration

In the matter of interim policy on VHF television channel assignments and amendment of Part 3 of the rules concerning television engineering standards, Docket No. 13340; and in the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Worcester, Massachusetts) (Orlando, Florida), RM-249; RM-282.

1. Reconsideration of the Commission's Report and Order[1] of August 3, 1961, has been requested by several parties in connection with our decision therein to limit to 10 specified markets the consideration of a short spaced, additional VHF channel assignment. Those now seeking reconsideration would, generally, add other cities to the list contained in the Report and Order. Columbia, South Carolina; Akron, Ohio; Portland, Maine; Milwaukee, Wisconsin; Toledo, Ohio; Saginaw-Flint-Bay City, Michigan; New Orleans, Louisiana; and Jackson, Mississippi are advanced as cities to which we should consider assigning an additional VHF channel at less than standard spacing. The Commission also has before it the petition of the Association of Maximum Service Telecasters, Inc. (AMST) requesting that the decision be set aside to the extent that any new VHF assignments are contemplated at short spacing, as well as the petition of Camellia Broadcasting Co., Inc., permittee of KLFY-TV, Channel 10, Lafayette, Louisiana, requesting that no consideration be given to the assignment of Channel 11 to Baton Rouge, Louisiana, at less than the required 60-mile adjacent channel spacing. The Commission also deems it apporpriate to consider at this time the requests to institute rule making to add a short spaced assignment to Worcester, Massachusetts and to add Channel 11 for non-commercial educational use at short spacing to Orlando, Florida.

2. We shall deal first with the contentions of AMST, which in essence repeat prior arguments that maintenance of the spacing requirements is necessary to protect existing service to the public and that even a limited number of substandard assignments is not in the public interest.

3. Our decision to go forward, while basic allocations revisions are under way, with a limited program of short spaced VHF assignments flows from the delicate balancing of conflicting circumstances. On one hand, unusual measures are indicated to provide in top markets sufficient competitive outlets for the requirements of a nationwide television structure, without opening the way to unwarranted derogation of the VHF service. At the same time, the number of markets must be so narrowed as to avoid substantial impediment to our commitment to the development of the UHF band. It now appears that the present television system will support at least three nationwide network services. With an urgent necessity for stimulating the full range of entertainment, information, and instruction which the existing networks can offer, only some 65 of the top television markets in the

[1] FCC 61-994 published Aug. 11, 1961, 26 F.R. 7288 (Sup. to Report and Order, FCC 61-1189, published Oct. 13, 1961, 26 F.R. 9681).

United States have available three or more competitive, local outlets. In some of these we are faced with the inescapable circumstance that in the present state of the art the operating commercial UHF stations cannot compete with VHF stations on anything like an equal basis.

4. Additionally, the artificial restraint on effective network competition brought about by a scarcity of VHF channels in large markets has an impact beyond the particular cities involved. In a commercial medium dependent upon advertiser support, the availability of adequate facilities in large markets benefits the entire public by encouraging a greater choice of program fare for all stations, not only from networks but from other program suppliers as well. Typically, network television advertisers insist upon the clearance of their programs in the major markets. Once they are able to justify their costs by acceptance of their programs in the large markets, smaller markets are then ordered to supplement the large core of viewers in the major markets. Similarly, independent producers and distributors of program fare are often unable to offer their product at competitive prices to smaller markets until they have been able to recover a major part of their costs through sales in substantial markets.

5. Maintenance of minimum spacing requirements to assure the efficient use of limited VHF channels and to provide wide area television service—at least pending development of UHF broadcasting—is generally necessary to the effectuation of a general allocation plan. Except in limited and unusual circumstances, the Commission has firmly adhered to its spacing rules. Our decision in this proceeding should not be considered a general departure from the spacing requirements or an indication that we will look favorably on other proposals which suggest assignments at less than the minimum separations provided for in the rules. It represents a less than ideal but necessary course of action to remedy, in this interim period, what we consider to be serious shortcomings in the television allocations structure. We have therefore limited our proposal to specific major communities where it is possible to add a meaningful VHF operation without causing undue interference, where the operation of two VHF stations effectively precludes the establishment of UHF service but leaves large numbers of people inadequately served, and where the addition of new VHF stations will not have a palpably adverse impact upon existing UHF operations in other communities.

6. The foregoing discussion—and the Report and Order under consideration—affirm that while we are prepared to make substandard assignments to the named cities, a strict limitation upon the number of such assignments must be maintained. Otherwise the danger of a mass proliferation of short spaced assignments would threaten—without concomitant benefit—the wide range of existing service and severely hamper our long range program to improve television service by increased use of the UHF band. Without derogating from the merit of bringing additional VHF service to other suggested cities—some of which have substantial populations—the Commission is convinced that the solution to the present shortage of spectrum space in these areas must depend upon utilization of the UHF band.

7. Accordingly, the requests to add less than standard spaced VHF assignments to Milwaukee, Wisconsin (which already is served by three commercial VHF stations), Columbia, South Carolina (which has only one VHF station and which, additionally, we are now considering for deintermixture to all UHF assignments in Docket No. 14245), Akron, Ohio (which does not have two local VHF stations and which presents the separate problem of "overshadowed" markets), Portland, Maine (which receives three competitive services from WCSH–TV and WGAN–TV in Portland and from WMTW in Poland Springs, Maine), Worcester, Massachusetts (which does not have two local VHF stations in operation) and Orlando, Florida (which is here being considered because of its reliance upon a short-spaced assignment, but which, like the request of Pennsylvania State University disposed of in our Report and Order released August 3, 1961 in this proceeding, does not, in suggesting special treatment for a particular local need, develop the nationwide urgency which Docket 13340 was interimly designed to relieve) must be denied for not fulfilling our interim allocation objectives, which are to provide a stronger basis for effective nationwide television competition by introducing new assignments to a limited number of major markets with two VHF stations in operation.

8. Nor are we able at this time to grant the requests to add Jackson, Mississippi, Toledo, Ohio, or Flint-Saginaw-Bay City, Michigan, to the named cities, even though the requested assignments would appear to satisfy some of the criteria for qualification.

9. In the case of Jackson, Mississippi, John M. McLendon has urged that the city cannot be distinguished from Baton Rouge, Louisiana. Both have two VHF assignments and the 1960 population of Jackson was 143,960 against a slightly higher count of 150,130 for Baton Rouge. Using the 1960 Standard Metropolitan Statistical Area data of the Census, it is clear that the Baton Rouge area is considerably larger than Jackson. This Official U.S. Government source attributes a population of 230,058 to the Baton Rouge metropolitan area and only 187,045 to Jackson. Irrespective of the method used to rank a market, however, it is apparent that in our determination to limit strictly the number of cities for substandard assignments, a line must be drawn at some point beyond which no further "squeeze-ins" will be permitted. In determining which cities to earmark for new VHF assignments it was necessary to judge at what point we had provided for a sufficient number of new outlets to satisfy, for the interim, some of the requirements of an effective nationwide competitive system without opening the door to a flood of substandard proposals. Although Jackson is a substantial market and the difference between it and Baton Rouge is only one of degree, we are convinced that no short spaced assignment should be authorized in this market.

10. The case for Toledo, Ohio, fails by reason of the unavailability at this time of Channel 5 which the petitioner would have us assign there. A third VHF assignment could be made to the city upon the deletion of Channel 12 from Erie, Pennsylvania, by shifting Channel 12 to Cleveland and Channel 5 from Cleveland to Toledo. The license of Station WEWS on Channel 5 at Cleveland would also have to be modified. Because the proposal is necessarily dependent upon the deintermixture of Erie, we take no action at this time looking toward the reassignment of Channels 5 and 12. The removal of Channel 12 from Erie is the subject of rule making in Docket 14242, and if it should be determined to deintermix Erie, the Commission will then consider the possible reassignment of Channel 12.

11. The request of Lake Huron Broadcasting Company to assign Channel 11 to Flint-Bay City-Saginaw must also be denied. Lake Huron has suggested the use of Channel 11 north of Bay City 40.4 miles from the transmitter of WJRT, Channel 12, in Flint, in order to provide a third VHF service to the market. The prior deletion of Channel 11 from Alpena, Michigan, would be required and the assignment of Channel 13 to Alpena is suggested as a replacement for Channel 11. The Commission cannot agree, however, that the use of Channel 11 would provide a third competitive service to the Flint-Bay City-Saginaw area, because of the adjacency to Channel 12 in Flint.

12. The request of Lake Huron is premised upon the assumption that the Flint-Saginaw-Bay City area considered as a combined market is 40th in rank. With 2 operating VHF stations, WNEM-TV and WJRT, they argue that the market qualifies for consideration under the criteria of the Report and Order. The assignment of Channel 11 as proposed would not provide a third VHF service to this area. The Sixth Report and Order concluded that adjacent channel interference becomes objectionable at the point where the undesired signal exceeds the desired signal, i.e., there would be no disruptive interference if the desired and undesired signals were of equal strength. TASO findings indicated that the undesired signal could be somewhat stronger than the desired signal without causing objectionable interference, although there was no general agreement as to how much stronger the undesired signal could be. In any case, even with the —10 db ratio between desired and undesired signal and reduced aural power suggested by the petitioner the adjacent channel signal cannot provide interference-free service to the entire area. At best, an adjacent channel drop-in provides an additional service over an ill-defined area between it and the existing station and a substitute service in the area surrounding the new station. In the situation under consideration a new station on Channel 11 north of Bay City would provide an additional service over a limited area around Saginaw and a substitute for the present WJRT service to Bay City and the surrounding area. Since the use of Channel 11 from the proposed site would not serve Flint, the objective of this proceeding, to provide a third service to the market area, could not be achieved and the request of Lake Huron is therefore denied.

13. Camellia Broadcasting Co. in its petition for reconsideration has raised the point that Channel 11 may be located at Baton Rouge, Louisiana, and still meet the standard 60-mile adjacent channel separation to Station KLFY in Lafayette, Louisiana, while providing a third service to Baton Rouge. In the rule making in Docket No. 14233 where the assignment of Channel 11 to Baton Rouge is being specifically considered, we noted the possibility of a short spacing to KLFY, depending upon the site selected for Channel 11. Though the possibility of slight departure from minimum separation requirements is not fatal to the proposed assignment, there is considerable merit to Camellia's contention that standard spacings should be met wherever possible. The question of the assignment of Channel 11 to Baton Rouge is now the subject of rule making in Docket 14233, however, and that is the proper proceeding for discussion of whether, and upon what conditions, the assignment of an additional VHF channel should be made to Baton Rouge. Camellia may, therefore, pursue in that proceeding the question of where a Channel 11 station serving Baton Rouge should be located.

14. New Orleans Television Corporation, which operates Station WVUE, Channel 13 in New Orleans under special temporary authorization, has requested the addition of New Orleans to the list of named cities to permit a less than standard spaced use of already assigned Channel 12 in New Orleans. A construction permit for Channel 12 has been granted after hearing to Coastal Television Company which plans to assign the permit to New Orleans Television Corporation, Coastal's corporate counterpart. The temporary operation on Channel 13, must cease upon the commencement of regular service on Channel 13 from Biloxi, Mississippi or the start of operations on Channel 12 in New Orleans. The instant request to permit the short spaced use of Channel 12 is based on the purported inability of the channel to provide a third competitive service to the city of New Orleans at standard spacings. The two existing commercial stations broadcast from the same general area some 7 miles southeast of the city center. Channel 12 at standard spacings would be required to locate some 35 miles south of the center of the city. FAA air space clearance for an antenna 1320 feet above average terrain was obtained on October 6, 1961 for the Chanel 12 site meeting the spacing rules.

15. As we indicated in the Report and Order this proceeding has been directed toward the assignment of a third VHF channel at short spacing to those major markets where a standard spaced assignment cannot be made. Although Channel 12 is assigned to New Orleans, it is persuasively argued that this factor presents no substantial reason why New Orleans should be treated differently than the other named cities since the station is not yet built. Rather New Orleans Television Corp. contends that the objectives of this proceeding to provide three competitive services for the major markets cannot be achieved unless the short spaced use of Channel 12 is permitted. The 1960 population of New Orleans was 627,525—nearly 300,000 people more than Birmingham, the largest city listed in the Report and Order for a short spaced assignment—and is generally ranked about the 28th largest market.

16. Since the deintermixture of New Orleans in 1957 the location of the Channel 12 station has been the subject of considerable controversy before the Commission. Until the present time a determination of where the station should be built had to take account of our adherence to the spacing rules, the hazard to air navigation of a high antenna structure at the standard spaced sites, and the practical difficulty involved in adequately and competitively serving a major center of population from a distance of 35 miles. Channel 12 may now be utilized at the required 190 miles separation to co-channel Station WJTV, Jackson, Mississippi, and, under our rules, provide a signal of required strength to the city of New Orleans. Nevertheless, the Commission is of the opinion that considering the size of the market, the objective of this proceeding to strengthen nationwide competitive television, and the less than optimum benefits to be derived from the use of Channel 12, 35 miles from the city, there is sufficient warrant to consider use of the channel at short spacing with equivalent protection provided to WJTV. We therefore add New Orleans to the list of cities contained in the Report and Order for which a short spaced VHF channel—in this instance Channel 12—will be considered. Since the channel is already assigned, no further rule making is required. But the Commission will entertain an application to modify the outstanding construction permit for Channel 12 and interested parties may respond to the application.

17. AMST has raised one additional technical matter with respect to directional transmitting antennas. In the Report and Order the Commission did not specify the exact means which would be required to prove the performance of directional transmitting antennas used to protect existing stations. We anticipated that some of the proposed antennas would produce a predictable pattern that would require no proof and that with the more complex arrays a proof would be required only when the performance was questionable. AMST points out that it may be impractical to install a reference antenna after the regular transmitting antenna has been designed and installed because of the possibility of the added reference antenna modifying the original pattern of the directional antenna. They recommend that we require the installation of a suitable reference antenna as a part of the original installation. We find merit in the AMST recommendation and hereby modify our original decision.

18. Where a directive transmitting antenna is proposed to be used to provide the required protection to one or more existing stations, the transmitting antenna shall be designed to incorporate a rotatable reference antenna designed and mounted so as to minimize coupling to the main antenna elements, the tower structure and guy wires. The reference antenna shall be designed to operate on the visual, color sub-carrier, and aural frequencies. The reference antenna may be driven by the TV transmitter at full power or at reduced power or by a separate low power test transmitter. Provision shall be made for coupling the transmitter output either to the reference antenna or to the main transmitting antenna and suitable means shall be available for accurately determining and maintaining the relative power inputs to the main and reference antennas. Appropriate controls shall be available for rotating the reference antenna to any required orientation. If a stationary, omni-directional reference antenna can be developed, incorporating all of the requirements specified for a rotatable antenna and having an operational pattern that can be shown to be free from variations or irregularities when mounted at its intended location on the TV antenna or its supporting structure, consideration will be given to the use of such an antenna in lieu of a rotatable reference antenna.

19. Two other matters raised by AMST remain to be disposed of. The first deals with the claimed destruction or degradation of existing service by new co-channel and adjacent channel assignments. AMST urges again that there is nothing in this proceeding to indicate that the new short spaced assignments are justified in light of the loss of existing service which will result. Preliminary analysis indicates to us that, considering the weight to be given the objectives of this proceeding and the availability of other services in the interference areas, institution of the individual rule makings is justified. In any event, no assignments have been finalized and the entire subject of new interference can be thoroughly examined in the individual proceedings. With respect to adjacent channel interference, the Commission did not specify that equivalent protection be provided to adjacent channel stations. Requiring such protection would in certain cases reduce the service area of the new stations drastically and substantially handicap their usefulness for providing the third competitive service which has been the goal of this proceeding. Moreover, adjacent channel interference involves at most the substitution of one service for another in the interference areas, does not result in a net loss of service to the public, and therefore presents no serious obstacle to the proposed assignments.

20. Finally, AMST argues that the procedure used by the Commission to determine the markets for substandard assignments and the criteria selected will

[2] No helpful purpose would be served by granting the petitioner's request for oral argument.

not effectively limit the number of short spaced assignments. AMST urges again the use of a "Market Pre-Planning Case" approach in which no short spaced assignments would be authorized until all other proposals for short spacing had been submitted to the Commission. We have considered the contentions of AMST in this regard and are persuaded that the additional procedures suggested by them contain no necessary or desirable safeguards against additional short spaced assignments not provided by the procedure we have adopted.

21. In view of the foregoing: *It is ordered*, That the petition of New Orleans Television Corp. is granted; That all of the other above discussed petitions for reconsideration are denied; and the petitions for rule making of the Florida Educational Television Commission and Springfield Television Broadcasting Corp. are denied.

Adopted: December 6, 1961.

Released: December 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11956; Filed, Dec. 15, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-C]

RED CEDAR SHINGLES AND SHAKES FROM CANADA

Fair Value Determination

DECEMBER 12, 1961.

A complaint was received that red cedar shingles and shakes from Canada were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that red cedar shingles and shakes from Canada are not being, nor likely to be, sold at less than fair value within the meaning of section 210(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. All transactions were outright purchases; no relationships existing except that of seller and buyer. Sufficient volume was sold for home consumption in Canada to permit fair value comparison between purchase price and home market price.

In calculating home market price, deductions were made for cash discount, allowance for quantity differentials, and an allowance for the assumption by the seller of the purchaser's advertising costs. In calculating purchase price, cash discounts were deducted, and drawback was added where appropriate.

Purchase prices were found to be lower than home market prices in relation to a limited number of types or grades of shingles during the last quarter of 1960, in relation to which all importations had been appraised. As a result of revisions in prices, sales at less than home market price during the first part of 1961 were minimal, involving quantities and differences which were not more than insignificant. The devaluation of Canadian currency in the June 1961, eliminated any likelihood of future sales below home market price.

This determination and the statement of reasons therefore are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-11932; Filed, Dec. 15, 1961; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

RALPH F. BOVIER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Pennsylvania Electric Co., vice president, Saxton Nuclear Experimental Corp., vice president (both previously listed).
(2) General Public Utilities Corp. (previously listed); Investors Mutual Co. (previously listed); Glickman Co. (previously listed); Standard Pressed Steel Co. (previously listed); Lone Star Steel Co. (previously listed).
(3) None.
(4) None.

This statement is made as of December 6, 1961.

Dated: December 6, 1961.

RALPH F. BOVIER.

[F.R. Doc. 61-11934; Filed, Dec. 15, 1961; 8:46 a.m.]

LEMORE W. CLARK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) A. No deletions. B. Additions, General Electric Co., New York, N.Y.
(3) No changes.
(4) No changes.

This statement is made as of December 6, 1961.

Dated: December 6, 1961.

LEMORE W. CLARK.

[F.R. Doc. 61-11935; Filed, Dec. 15, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-38, etc.]

MARTIN-MARIETTA CORP. AND MARTIN CO.

Transfer of Licenses

Please take notice that the Atomic Energy Commission has consented to the transfer, from The Martin Company to Martin-Marietta Corporation, of Utilization Facility License No. CX-7 (Docket No. 50-38), Utilization Facility Construction Permit No. CPCX-17 (Docket No. 50-154), and Production Facility Construction Permit No. CPCSF-1 (Docket No. 50-181) and has issued Amendment No. 10 to Utilization Facility License No. CX-7, Amendment No. 2 to Utilization Facility Construction Permit No. CPCX-17, and Amendment No. 1 to Production Facility Construction Permit No. CPCSF-1 which respectively substitute as licensee Martin-Marietta Corporation for The Martin Company.

License No. CX-7 authorizes the licensee to possess and operate the two nuclear critical experiment facilities located at the licensee's site near Middle River, Maryland.

Construction Permit No. CPCX-17 authorizes the licensee to construct a liquid fluidized bed reactor critical experiments facility at its site near Middle River, Maryland, and Construction Permit No. CPCSF-1 authorizes the licensee to construct a production facility for processing multikilocurie quantities of irradiated material containing special nuclear material into forms suitable for isotopic power sources at a site it has leased in Quehanna, Pennsylvania.

The Martin Company and American-Marietta Company have consolidated to form the Martin-Marietta Corporation and the Commission has determined that Martin-Marietta Corporation is qualified to be the holder of the license and permits and that transfer of the license and permits is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the amendments upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the amendments. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see Dockets 50-38, 50-154, and 50-181 on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 8th day of December 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-11915; Filed, Dec. 15, 1961; 8:45 a.m.]

[Byproduct Material License No. 42-7236-1(G-63)]

MISTROT M. SULLIVAN AND SOUTHWESTERN RADIOLOGICAL SERVICE CO.

Order to Show Cause and Order Suspending License

I. Mistrot M. Sullivan, doing business as Southwestern Radiological Serv-

ice Company, 2121 Midlane, Houston, Texas, hereinafter referred to as "the licensee," is the holder of Byproduct Material License No. 42-7236-1(G-63) issued by the Atomic Energy Commission (hereinafter "The Commission") pursuant to Title 10, Code of Federal Regulations, Part 30 (10 CFR Part 30), "Licensing of Byproduct Material." The license as originally issued on March 22, 1961, authorized the licensee to possess Cobalt 60, Cesium 137, Iridium 192 and Strontium 90 contained in sealed sources for performing tests for leakage and/or contamination upon sealed sources and upon devices containing sealed sources. By Amendment No. 1 thereto, dated September 19, 1961, the licensee was authorized to possess 20 curies of Iridium 192 contained in a sealed source to be used for industrial radiography (hereinafter "the source"). The license, as amended, authorized such use of the source for radiography only at two specific locations, i.e., Transcontinental Gas Compressor Stations located at Malvern, Pennsylvania, and Stockbridge, Georgia by Mistrot M. Sullivan. On September 19, 1961, the date of issuance of Amendment No. 1 to License No. 42-7236-1(G-63), the conditions and limitations set forth in Amendment No. 1 were explained in detail to Mistrot M. Sullivan and Dalton L. James, Chairman of the Board of Directors of Interstate Inspection, Inc., by members of the Commission's staff, at a meeting held in the Commission's offices at Germantown, Maryland.

(c) On October 16, November 3, 4, and 10, 1961, to James L. Bunch and Jose Gutierrez for radiography at Cities Services Refining Company, West Lake Louisiana.

(d) On November 22, 1961, to James L. Bunch and C. G. Jones for radiography at the Field Erection and Welding Company, Houston, Texas.

(e) On October 30 and 31, November 1, 2, 3, 6, 7, 8, 9, 10, 15, 16, 17, 20, 21, 22, and 24, 1961, to James L. Bunch and Jose Gutierrez for radiography at the Gulf Coast Fabricating Company, Houston, Texas.

(f) On October 14 and 15, 1961, to James F. Holderby and Jack Cockren for radiography at the Master Tank and Welding Company, Dallas, Texas.

(g) On October 21, 1961, to James F. Holderby and Jack Cockren for radiography at Perry Equipment Corporation, Mineral Wells, Texas.

Mistrot M. Sullivan was not present during any of the uses of the source specified in this paragraph (2).

3. In willful violation of the Act, § 30.3 of the Commission's regulation (10 CFR Part 30), and the license, as amended, the licensee permitted persons not authorized to use the source to perform radiography therewith, in Sullivan's presence, as follows:

(a) James L. Bunch and Jose Gutierrez on October 24, 1961, at Field Erection and Welding Company, Houston, Texas.

(b) Jose Gutierrez on October 19, 20, 23, 24, 25, 26, and 27, 1961, at Gulf Coast Fabricating Company, Houston, Texas.

(c) James L. Bunch and Jose Gutierrez on November 24, 1961, at Gulf Coast Fabricating Company, Houston, Texas.

II. Based on investigations conducted during the period of November 20, 1961, through November 28, 1961, it appears that:

1. In willful violation of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), § 30.32 of the Commission's regulation (10 CFR Part 30) and the license, as amended, Mistrot M. Sullivan used the source to perform radiography at locations other than those authorized in the license, as amended, as follows:

(a) Gulf Coast Fabricating Company, Houston, Texas on October 19, 1961, October 20, 1961, October 23, 1961, October 24, 1961, October 25, 1961, October 26, 1961, October 27, 1961 and November 24, 1961.

(b) Field Erection and Welding Company, Houston, Texas on October 24, 1961.

2. In willful violation of the Act, § 30.3 of the Commission's regulation (10 CFR Part 30), and the license, as amended, the licensee transferred the source to employees of Interstate Inspection, Inc., Dallas, Texas, for use in performing radiography, which persons were not authorized to receive and use said source, as follows:

(a) On October 30 and November 9, 1961, to James L. Bunch and Jose Gutierrez for radiography at Ransome Company, Houston, Texas.

(b) On November 8, 9, and 20, 1961 to James L. Bunch and Jose Gutierrez for radiography at Robinson Orifice Fitting Company, Houston, Texas.

4. In violation of the Act and § 20.201(b) of the Commission's regulation (10 CFR Part 20), the licensee failed to conduct surveys to evaluate the radiation hazards during transfer of the source from its storage container to the Gamma Industries Model A camera and return to the storage container.

5. In violation of the Act and § 20.401(b) of the Commission's regulation (10 CFR Part 20), records of surveys conducted pursuant to § 20.201 (b) were not maintained as follows:

(a) The survey of the storage area at 6034 Long Drive, Houston, Texas; and

(b) the surveys of radiation levels created during use of the source while performing radiography.

III. It is hereby found that the violations described in paragraphs 1, 2, and 3 of Section II, above, were willful and that the protection of the health, interest and safety of the public, including the licensee's employees, require that this proceeding be instituted without prior notice to the licensee as provided in § 30.51, 10 CFR Part 30 and § 2.201(b), 10 CFR Part 2, and that paragraphs numbered 2, 3, 4, and 5 of the order set forth in Section IV, below, be effective immediately.

IV. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of Parts 2, 20, and 30, 10 CFR, *It is hereby ordered*, That:

1. The licensee may show cause why License No. 42-7236-1(G-63) should not be revoked at a hearing to be held in a room to be assigned in the United States District Court House, Houston, Texas, on January 22, 1962, at 10:00 a.m.;

2. Pending further order of the Commission or the Presiding Officer, License No. 42-7236-1(G-63) is suspended, effective immediately;

3. The licensee shall, immediately upon receipt of this order, cease and desist from further use of the byproduct material now in his possession;

4. The licensee shall within 5 days of the receipt of this order transfer any byproduct material received under this license to a Commission facility or to a licensee authorized by the Commission to receive such material; and

5. The licensee shall within 24 hours after such transfer notify the Commission of the facility, or the name, address and location of the licensee, to which the byproduct material has been transferred.

V. The issues to be considered at the hearing will include:

1. Whether the licensee violated the Atomic Energy Act of 1954, as amended, the Commission's regulations and Conditions of License No. 42-7236-1(G-63) as specified in Section II above; and

2. Whether License No. 42-7236-1 (G-63) should be revoked.

VI. The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner, Office of the Hearing Examiners, Atomic Energy Commission. The presiding officer will render a decision pursuant to § 2.751(a) of the Commission's "Rules of Practice."

VII. An answer shall be filed and served by the licensee pursuant to § 2.736 of the "Rules of Practice," 10 CFR Part 2, on or before December 22, 1961. Upon failure of the licensee to file and serve an answer within the time specified herein or to appear at the hearing, an Order revoking License No. 42-7236-1 (G-63) may be issued without further notice.

Dated at Germantown, Md., this 12th day of December 1961.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 61-11916; Filed, Dec. 15, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13275, etc.; Order E-17839]

AMERICAN AIRLINES, INC., ET AL.

Transcontinental Excursion and Economy Fares; Order of Investigation and Suspension

In the matter of transcontinental excursion and economy fares proposed by American Airlines, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Docket Nos. 13275, 13198, 13199, 13226, 13227, and 13228.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of December 1961.

Trans World Airlines, Inc. (TWA), by tariff marked to become effective December 15, 1961, proposes extension to March 15, 1962, of its round-trip excursion fares in coach service between various points on the East and West Coasts, respectively; addition of a new round trip jet coach excursion fare between Chicago and Los Angeles/San Francisco; addition of Saturday to the days of the week in which the fares are applicable; and cancellation of all transcontinental excursion fares applicable on propeller aircraft, and inauguration of piston aircraft economy fares. American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), and United Air Lines, Inc. (United), have filed competitive tariffs, effective December 15, 1961, December 27, 1961, and December 17, 1961, respectively, proposing excursion fares to new cities and extension to March 15, 1962, of existing fares. The proposed fares and provisions are similar to those proposed by TWA.[1]

The proposed excursion fares are $198.00 round trip for coast-to-coast jet travel to which the jet surcharge will not apply, and $160.00 round trip for travel in jet service between Chicago and West Coast cities. The fares are not subject to the children's discount. Travel at the excursion fares must be undertaken on weekday periods between midnight Sunday and midnight Thursday, and between midnight Friday and midnight Saturday. The return portion of the trip must be made not earlier than 13 days nor later than 30 days from the date of departure from point of origin. TWA's proposed economy fares are applicable between New York or Newark, Washington, Denver, Detroit, and Kansas City, on one hand, and San Francisco and Los Angeles, on the other, on flights designated as "Economy Flights" operated with 92-seat L-1049G aircraft. These fares range from 57 percent to 80 percent of piston first class fares. No food is served without charge.

American and United have filed complaints against TWA's tariff stating that their respective tariffs are defensive in nature, and requesting investigation and suspension thereof. Continental has filed complaints requesting investigation and suspension of these tariff proposals. In summary, the complaints allege that the excursion and economy fares would divert substantially from regular fare services and that there is serious doubt that the transcontinental vacation market will develop additional traffic in the amount necessary to compensate for the revenue loss occasioned by such diversion. American further contends that extension of these fares to March 15, 1962 would subject it to additional losses; that TWA's experiment has been unsuccessful and that this carrier has failed to justify continuation of such fares; that the transcontinental carriers' load factors on Saturday are among the highest of any day in the week; that extension of fare reductions to Saturday is unsound and would only serve to aggravate the industry's financial position; and that no useful purpose would be served by extending the experiment with excursion fares to additional times and markets. Continental states that the proposed piston economy fares are at the same level as Continental's economy fares recently suspended by the Board; that piston aircraft have higher unit costs and less public attraction than jets; that the break-even passenger load factor of the 92-seat L-1049G aircraft at the yields derived from the economy fares will be 115 percent; that TWA itself has acknowledged diversion from regular to lower fares; and that it cannot be established that the lower fares will produce an over-all improvement in revenues.

TWA contends that in its computations United overstates the number of new passengers required to recover the revenue loss caused by reduced fares; that data comparable to those submitted by United show that reduction of fares generated new traffic; that TWA's total transcontinental traffic between Los Angeles and San Francisco, on the one hand, and certain cities in the East, on the other hand, declined substantially in 1961; that the purposes of its proposed fares are twofold: (1) To conduct a limited experiment as to the ability of lower fares to attract traffic; and (2) to attempt at the same time to obtain proper utilization of equipment; that the proposed service has a lower value than regular service; that the time since the start of the fare experiment is too short to be conclusive; and that the low fare experiment should continue at least until March 15, 1962.

Upon consideration of the matters of record, the Board finds that the proposed transcontinental excursion and economy fares of TWA may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that the tariffs should be investigated.

There has been an opportunity to experiment with the transcontinental excursion fares and the evaluation of their merits has ranged from highly unfavorable to a mild support. There has been no showing to the Board of a demonstrated economic productivity of these fares based on recent results which would persuade us that there is sufficient generative potential in the fares to offset their diversionary impact.

TWA's proposed economy fares for piston powered equipment would effect a significant fare differential between piston and jet aircraft service based primarily upon the differences in equipment types. While the Board has permitted a differential in fares where agreeable to the operators of both the older and the newer equipment, it has not endorsed an equipment differential in the face of opposition by the operators of more modern equipment where it appears that the newer aircraft is no more costly to operate.[2] The proposed piston economy fares effect significant reductions in existing coach fare levels and are of questioned economic validity when considered from the viewpoint of the industry.

In view of the questionable economic validity of the TWA proposals, and the competitive impact these fares might have upon the industry, we have concluded to suspend the use of the excursion fares and the economy fares pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation be instituted to determine whether the proposals of American Airlines, Inc., on 1st Revised Title Page of its C.A.B. No. 149; Continental Air Lines, Inc., in its C.A.B. No. 36; Northwest Airlines, Inc., on 2d Revised Title Page of its C.A.B. No. 325; Trans World Airlines, Inc., on 1st Revised Title Page of its C.A.B. No. 67; and United Air Lines, Inc., in its C.A.B. No. 106 to continue round trip coach excursion fares and provisions for an additional period of time and/or to add new fares and provisions and the proposal of Trans World Airlines, Inc. to establish new economy fares on 1st, 2d and 3d Revised Pages 270-J of Agent C. C. Squire's C.A.B. No. 44 are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. Pending hearing and decision by the Board, the 1st Revised Title Page of C.A.B. No. 149 of American Airlines, Inc.; C.A.B. No. 36 of Continental Air Lines, Inc.; the 2d Revised Title Page of C.A.B. No. 325 of Northwest Airlines, Inc.; the 1st Revised Title Page of C.A.B. No. 67 of Trans World Airlines, Inc.; C.A.B. No. 106 and 1st Revised Pages 5, 7 and 10 thereto of United Air Lines, Inc.; and 1st, 2d and 3d Revised Pages 270-J of Agent C. C. Squire's C.A.B. No. 44, are suspended and their use deferred to and including March 14, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The complaints are dismissed except to the extent granted herein.

4. The complaints in Dockets 13198, 13199, 13226, 13227, and 13228, to the extent granted, are consolidated herein.

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariffs and shall be served upon American Airlines, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-11945; Filed, Dec. 15, 1961; 8:47 a.m.]

[1] Northwest has filed tariffs proposing extension of their competitive excursion fares to March 15, 1962. These tariffs provide joint fares between points in continental United States and points in Hawaii, and the Orient via Portland and Seattle.

[2] States Alaska Fare Case, 21 CAB 354 (1955).

[Docket No. 13272; Order E-17826]

FLYING TIGER LINE, INC.

Reduced Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of December 1961.

By tariff revisions marked to become effective December 15, 1961, The Flying Tiger Line Inc. (Tiger), proposes to reduce rates on electronic equipment and instruments from San Francisco to New York City and on other commodities eastbound from Los Angeles to several points.

Upon consideration of the matters of record, the Board finds that the rates proposed by Tiger to apply to electronic equipment and instruments from San Francisco to New York City may be unjust or unreasonable, or unduly discriminatory or unduly preferential, or unduly prejudicial, and should be investigated. The foregoing rates are significantly below those in effect for other carriers and are on a low level, without adequate justification therefor. We have, for the same reasons, recently set for investigation, as well as suspended, similar rates on the same commodities proposed by Tiger in numerous other markets. (Order E-17806, adopted December 5, 1961.) We likewise conclude to suspend the instant proposals on electronic equipment and instruments, as set forth in the tariff revisions described below and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the rates on 2d Revised Page 105 of Agent B. H. Smith's C.A.B. No. 24 from San Francisco, or Oakland, California to Newark, New Jersey or New York, New York for Commodity Group No. 3006 subject to minimum weights of 1,000, 2,000 and 5,000 pounds are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates on 2d Revised Page 105 of Agent B. H. Smith's C.A.B. No. 24 from San Francisco, or Oakland, California, to Newark, New Jersey, or New York, New York, for Commodity Group No. 3006 subject to minimum weights of 1,000, 2,000, and 5,000 pounds are suspended and their use deferred to and including March 14, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon The Flying Tiger Line Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-11946; Filed, Dec. 15, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14251; FCC 61-1431]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Remanding

In the matter of American Telephone and Telegraph Company; Docket No. 14251; regulations and charges for TELPAK Services and Channels.

1. The proceedings which constitute the subject matter of this order were instituted as a result of a motion filed September 29, 1961, by Motorola, Inc. (Motorola) requesting separation from the remainder of the proceedings for an expedited decision under certain factual assumptions the issue set forth in our order of investigation and suspension of September 7, 1961 (FCC 61-1039)[1] as to whether the suspended revised provisions of American Telephone and Telegraph Company's (A.T. & T.) Tariff F.C.C. No. 250 filed August 3, 1961, are, or will be, unjustly or unreasonably discriminatory within the meaning of section 202(a) of the Communications Act of 1934, as amended.

2. In granting this request, the Commission by Memorandum Opinion and Order of October 25, 1961 (FCC 61-1256)[2] provided that, assuming the suspended revised tariff charges are compensatory and competitively necessary, evidence would be taken before the Commission, en banc, as to:

(1) Whether services under the suspended revised tariff schedules are distinguishable in any material respects from services offered under Tariff F.C.C. Nos. 135, 140, 208, 220, 231, and 237; and

(2) Whether there are any material cost differences associated with furnishing a given number of channels to one customer as opposed to furnishing the same number of channels to as many customers.

The receipt of such evidence was had on November 13, 1961. On November 17, 1961, in accordance with the abovementioned Memorandum Opinion and Order of October 25, the Commission heard oral argument on the issue of whether, in the light of the evidence adduced, the TELPAK rates under the suspended revised tariff schedules are unlawfully discriminatory or preferential under Section 202(a) of the Act. The parties were also permitted to file briefs.[3]

3. The proponent of these separated proceedings, Motorola, has urged upon us the theory that under section 202(a) of the Act[4] a determination as to whether volume rates such as those provided for in the suspended revised tariff schedules are unlawfully discriminatory can be made if, supposing the non-volume and volume rates constitute a "like communication service," any one of the following questions is answered in the negative:

(1) Are the volume rates compensatory?

(2) Are the volume rates competitively necessary, but not destructive of competition?

(3) Are the volume rates "properly related" to the non-volume rates?

As mentioned previously, we assumed, for the purposes of these separated proceedings solely, that the answers to the first two questions are in the affirmative; i.e., that the revised TELPAK rates are compensatory and competitively necessary. Thus, the only question to be decided under the Motorola theory, after the problem of "like communication service" has been met, is whether the volume rates are properly related to the non-volume rates. Motorola maintains that in this case the relationships are clearly improper since the evidence does not show the requisite material cost savings to the telephone companies in furnishing the volume service.

4. What Motorola in effect is asking us to do is to hold that, in any case involving volume rates, the differential in rates must be correlated to a difference in cost of furnishing service, regardless of the degree of competitive necessity. This we do not believe is consonant with the holding of the Supreme Court in Eastern Central Motor Carriers Assn. v. U.S., 321 U.S. 194 (1944). In that case the court said at p. 210:

> Appellants' broadest contention must be rejected at this stage. It is, in effect, that as a matter of law, in the particular circumstances competitive necessity becomes the controlling consideration, and costs of operations, that is the requirement that minimum volume rates be geared to loading capacity, become immaterial. That view must be rejected for the same reason as requires rejection, on this record and until further buttressed, of the Commission's converse view that costs exclusively control and competition becomes immaterial. Conceivably particular circumstances might make one or the other factor predominant and, in such a situation, the choice would be for the Commission to make, upon a proper weighing of the facts and opposing policies possibly applicable.

Were we to assume, arguendo, the fact of competitive necessity and nonetheless hold TELPAK rates unlawful, as we are asked to do here, we would in effect be saying that competition is immaterial. This as the court has said in the above quotation we may not do. Nor do we think that as a matter of policy we are justified in making such a conclusion at this stage without full consideration of all pertinent factors. As the Interstate Commerce Commission said in Coal to New York Harbor Area, 311 I.C.C. 355, 371: "* * * the lawfulness of innovations of this kind must be determined based upon the controlling circumstances and conditions, including the material economic as well as the physical facts of record, in particular situations."

5. As the above shows, we are of the opinion that a decision on the ultimate question of unjust discrimination cannot be made at this time. It follows that there is no need for us to decide the questions subject to evidentiary showings under the October 25 order.

6. *Accordingly, it is ordered*, This 6th day of December 1961, that the questions raised by our Memorandum Opinion and Order of October 25 are remanded to the Presiding Examiner in the above-entitled matter for further evidentiary hearings and that these expedited proceedings are hereby terminated.

Released: December 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61-11954; Filed, Dec. 15 1961; 8:48 a.m.]

[1] Published Sept. 14, 1961, 26 F.R. 8607 (Errata published Sept. 16, 1961, 26 F.R. 8684).

[2] Published Nov. 2, 1961, 26 F.R. 10314.

[3] All parties of record, excepting the Common Carrier Bureau, were represented both on the briefs and in the argument; such parties being Motorola, A.T. & T., The Western Union Telegraph Company, National Association of Manufacturer's Committee on Manufacturers Radio Use, American Trucking Association, Bethlehem Steel Company, General Services Administration, Aeronautical Radio, Inc., and National Association of Motor Bus Owners.

[4] Section 202(a) of the Act provides that: "It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage."

[Mexican List 224]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

OCTOBER 16, 1961.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying the appendix containing assignments of Mexican broadcast stations (mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commence of operation
		690 kilocycles				
XETRA (change in call letters from XEAK).	Tijuana, Baja California.	50	DA-N	U	I-B	10-16-61.
		790 kilocycles				
XEQV (new)	Linares, Nuevo Leon	1	ND	D	III	4-16-62.
		810 kilocycles				
XEUX (originally notified for change to 820 kc/s; PO: 1340 kcs.).	Tuxpan, Nayarit	5	ND	D	II	4-16-62.
		820 kilocycles				
XEBA (PO: 840 kc, 1 kw, ND, D).	Guadalajara Jalisco	1	ND	D	II	4-16-62
		850 kilocycles				
XEWI (PO: 860 kc, 1 kw, ND, D).	Chapala, Jalisco	1	ND	D	II	4-16-62.
		860 kilocycles				
XEAL (originally notified for change to 850 kc; PO: 1490 kc).	Manzanillo, Colima	1	ND	D	II	4-16-62.
XETW (now in operation).	Tampico, Tamaulipas	0.500	ND	D	II	10-16-61.
XENL (Provisional operation 0.5 kw D/0.1 kw N, ND, U, II).	Monterrey, Nuevo Leon	5 D/2 N	DA-N	U	II	1-16-62.
		920 kilocycles				
XEXK (PO: 0.5 kw D).	Ensenada, Baja California.	2.5 D/0.200 N	ND	U	III-D, IV-N	1-16-62.
		970 kilocycles				
XEUG (now in operation).	Leon, Guanajuato	0.500	ND	D	III	10-16-61.
XEDF (provisional operation .5 kw D/0.5 kw N, ND, U, III).	Mexico, D.F.	10 D/2.5 N	DA-N	U	III	1-16-62.
		1010 kilocycles				
XEEB (PO: 1500 kc 0.25 kw, ND, D, II).	Esperanza, Sonora	0.25	ND	U	II	4-16-62.
		1080 kilocycles				
XEMI (now in operation on new frequency).	Minatitlan, Vera Cruz	0.500	ND	D	II	10-16-61.
		1170 kilocycles				
XEOV (correction in classification).	Orizaba, Vera Cruz	0.100	ND	D	II	10-16-61.
		1180 kilocycles				
XELV (new)	Sn. Luis de la Paz, Guanjuato.	0.500	ND	D	II	4-16-62.
		1190 kilocycles				
XEWK (provisional operation with 50 kw D/10 kw N, ND, U, I-B).	Guadalajara, Jalisco	50	DA-N	U	I-B	1-16-62.
XEDO (new)	Jojutla, Morelos	0.500	ND	D	II	4-16-62.
		1240 kilocycles				
XETC (now in operation).	Torreon, Coahuila	0.250	ND	U	IV	10-16-61.
XENG (PO: 1400 kc 0.250 kw, ND, U, IV).	Huauchinango, Puebla	1 D/.200 N	ND	U	IV	4-16-62.
		1290 kilocycles				
XEAP (correction of classification with respect to daytime operation).	Ciudad Obregon, Sonora.	1 D/.100 N	ND	U	III-D, IV-N	10-16-61.
		1420 kilocycles				
XEEW (PO: 1 kw, DA-1).	Matamoros, Tamaulipas.	5 D/2.5 N	DA-2	U	III	1-16-62.
		1450 kilocycles				
XETI (new)	Tampico, Tamaulipas	0.500	ND	D	III	4-16-62.
		1460 kilocycles				
XEPY (new)	Progreso, Yucatan	0.250	ND	U	IV	4-16-62.
XEXD (now in operation).	Atlixco, Puebla	0.500 D/.250 N	ND	U	IV	10-16-61.
		1460 kilocycles				
XEJT (now in operation at new location).	Altamira, Tamaulipas	1	ND	U	III	10-16-61.
XEJH (new)	Jalapa, Vera Cruz	1	ND	D	III	4-16-62.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		1470 kilocycles				
XEYA (new)	Irapuato, Guanajuato	1	ND	D	III	4-16-62.
XEAY	Parras de la Fuente, Coahuila.	1 D/0.25 N	ND	U	III-D, IV-N	4-16-62.
		1480 kilocycles				
XENS (provisional operation 0.5 kw, ND, D).	Navojoa, Sonora	1	DA-N	U	III	1-16-62.
XEDY (previously notified 1460 kc, 1 kw D/0.5 kwN).	Cuervos, Baja California.	0.500 D/0.100 N.	ND	U	III-D, IV-N	4-16-62.
		1490 kilocycles				
XEED (PO: 1490 kc 0.250 kw, ND, U, IV).	Ameca, Jalisco	1 D/0.25 N	ND	U	IV	1-16-62.
		1530 kilocycles				
XESD (new)	Silao, Guanajuato	1	ND	D	II	4-16-62.
		1590 kilocycles				
XEST (new)	San Miguel Allende, Guanajuato.	1	ND	D	III	4-16-62.
XETE (provisional operation 0.2 kw, ND, D).	Cd. Madero, Tamaulipas.	1	DA-D	D	III	1-16-62.
		1600 kilocycles				
XEMI (delete assignment; vide 1060 kc).	Minatitlan, Veracruz	0.250	ND	U	IV	10-16-61.
		800 kilocycles				
New (new)	Cd Juarez, Chihuahua	1 D/0.25 N	ND	U	II	1-18-62.
		980 kilocycles				
XEXK (increase in day power).	Ensenada, Baja California.	2.5 D/250 N	ND	U	III-D, IV-N	1-16-62.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11955; Filed, Dec. 15, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-296]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

DECEMBER 11, 1961.

Take notice that on May 22, 1961, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Texas, filed an application, as supplemented on August 28, 1961, in Docket No. CP61-296, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 8.2 miles of 34-inch diameter pipeline loop on the eastern end of its San Juan pipeline system near Applicant's Gallup Compressor Station, McKinley County, New Mexico, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows that Applicant presently operates, as part of its over-all system, a pipeline extending from the Permian Basin area of Texas to a point known as Valve City, near Gallup, south of the San Juan Basin, northwestern New Mexico; this pipeline is known as the San Juan Crossover. Applicant also operates a pipeline system connecting available gas supplies in the San Juan-Aneth area to Valve City; this system is known as the San Juan Mainline. Applicant proposes herein to loop a segment of the San Juan Mainline located between Gallup Compressor Station and Valve City.

Applicant states that the proposed facilities will allow full utilization of its existing production and gas treating facilities in the San Juan and Aneth areas and that said facilities will make available additional sources of supply in the event casinghead and residual gas supplies from the Permian Basin area become restricted. Further, the proposed facilities will make available additional sources of supply in the event of facility breakdown in other portions of the system.

The proposed facilities will increase the present transport capacity of Applicant's San Juan-Aneth area outlet facilities by approximately 100,000 to 109,000 Mcf of natural gas per day.

Applicant states that the proposed facilities will not increase the transmission or delivery capacity of its over-all transmission system.

The total estimated over-all cost of construction of the proposed facilities is $1,148,000, which cost will be financed from current working funds supplemented by short-term bank loans as required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulation and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 11, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 2, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11942; Filed, Dec. 15, 1961; 8:47 a.m.]

[Docket No. CP62-52]

HOUSTON TEXAS GAS AND OIL CORP.

Notice of Application

DECEMBER 12, 1961.

Take notice that on August 24, 1961, Houston Texas Gas and Oil Corporation (Applicant), P.O. Box 10400, St. Petersburg, Florida, filed in Docket No. CP62-52 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the increase in quantities of natural gas to be delivered to nine of its existing resale and direct sale customers above the volumes authorized to be delivered to said customers in Docket Nos. G-9262, et al., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed increases in deliveries would be under Applicant's preferred interruptible rate schedules and involve an additional 9,509,586 Mcf per year or an average of 26,000 Mcf per day. No additional facilities are proposed.

The proposed increased sales and deliveries are as follows:

Customer	Annual preferred interruptible service (Mcf)		
	Column (1) G-9262 Authorized volumes	Column (2) CP62-52 proposed increase	Column (1) plus column (2)
Resale:			
Peoples Gas System:			
West Coast Division [1]	113,000	1,438,000	1,551,000
Gulf Natural Gas Co.:			
Ocala Division [2]	53,436	137,946	191,382
Panama City Division [3]	346,093	801,162	1,147,255
The Houston Corp.:			
Orlando Division [4]	[5] None	73,250	73,250
Miami Division [6]	[5] None	49,640	49,640
Florida Public Utilities Co	330,000	216,900	546,900
Florida Home Gas Co	[5] None	14,600	14,600
Direct sale (power plants):			
City of Blountstown	3,324	58,676	62,000
City of Tallahassee	115,045	3,534,955	3,650,000
City of Lakeland	140,610	3,071,390	3,212,000
City of Starke	5,113	113,337	118,450
Total	1,106,621	9,509,856	10,616,477

[1] Formerly Tampa Gas Co.
[2] Formerly Ocala Gas Co.
[3] Formerly West Florida Gas and Fuel Co.
[4] Formerly South Atlantic Gas Co.
[5] These customers purchase gas from Houston under other service categories, i.e., firm, primary interruptible.
[6] Formerly Florida Power & Light Co.

Applicant states that in the cases of Peoples Gas System, Inc., West Coast Division, Gulf Natural Gas Company, both divisions, and Florida Public Utilities Company, industrial and commercial gas requirements have grown far beyond those existing as the time of the hearings in Docket Nos. G-9262, et al., similarly, in the cases of the Orlando and Miami divisions of The Houston Corporation and in the case of Florida Home Gas Company, requirements have developed that were not previously anticipated. Requirements of the four municipalities for gas for electric generation have increased as a result of the growth in population and industrial activity in their respective service areas, the application states.

Applicant proposes to make the additional deliveries possible as a result of (1) cancelling 194,063 Mcf per year of the preferred interruptible sales to the cities of Avon Park, Graceville, and Green Cove Springs, for which authorizations were revoked by the Commission's letter order dated May 11, 1961, and (2) upgrading of the remaining balance by reducing existing primary interruptible sales and correspondingly increasing the preferred interruptible service.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11954; Filed, Dec. 15, 1961; 8:47 a.m.]

[Docket No. G-14407 etc.]

TEXAS PACIFIC COAL AND OIL CO., ET AL.

Notice of Applications and Date of Hearing

DECEMBER 12, 1961.

Texas Pacific Coal and Oil Company, Docket No. G-14407; John L. Welsh, Jr., Operator, et al., Docket No. G-15705; Sun Oil Company, Docket No. G-18910; J. C. Williamson, Operator, et al., Docket No. CI61-214; Dixilyn Drilling Corporation, Operator, Docket No. CI61-394; Prior Oil & Gas Company, Docket No. CI61-395; A. R. Dillard, Operator, et al., Docket No. CI61-402; Southwest Natural Production Company, Docket No. CI61-409; David W. Law, et al., Docket No. CI61-410; Roy Heidelberg II, Docket No. CI61-414; M. J. Moran, Docket No. CI61-415; St. Clair Oil Company, Docket No. CI61-420; St. Clair Oil Company, Docket No. CI61-421; Bert Fields, Docket No. CI61-422; Harvey Gas Company, Docket No. CI61-430; Brannon Gas Company, Docket No. CI61-431; Edward Starcher No. 1 Well, Docket No. CI61-442; Philip Lemon, et al., Docket No. CI61-443; Tomlinson-Kathol, Inc., Operator, et al., Docket No. CI61-606; K. Baker, Receiver for Curtis Hickey, et al., Docket No. CI61-902; Inco 3, Inc., Docket No. CI61-928; W. R. Nohe, Docket No. CI61-935; Howard Olsen Development Company, Operator, Docket No. CI61-939; Maxwell Oil Company, Operator, et al., Docket No. CI61-995; The Pure Oil Company, Docket No. CI61-1071; Zephyr Oil Company, Docket No. CI61-1080; C. O. Bower, James H. Hall & Olin B. Wetzel, Docket No. CI61-1083; I. Nadel and Herbert Gussman, d.b.a., Nadel and Gussman, Docket No. CI61-1089; Frank Zickefoose, et al., Docket No. CI61-1120; C. I. West Virginia Corporation, Docket No. CI61-1126; J. Hiram Moore, Docket No. CI61-1135; Shell Oil Company, Operator, Docket No. CI61-1143; Cecil Meadows, et al., Docket No. CI61-1144; Highland Oil Company, Docket No. CI61-1149; Panhandle Development Co., Inc., Operator, et al., Docket No. CI61-1151; Prior Oil Company, Docket No. CI61-1155; Prior Oil Company, Docket No. CI61-1156; Kirby Production Company, et al., Docket No. CI61-1160; A. C. Glassell, Docket No. CI61-1164; Glen W. Roberts, Docket No. CI61-1170.

Monsanto Chemical Company, Docket No. CI61-1174; John A. Egan (Operator), et al., Docket No. CI61-1175; Humble Oil & Refining Company, Docket No. CI61-1177; Acco Oil & Gas Co. (Operator), et al., Docket No. CI61-1183; Ambassador Oil Corporation, Docket No. CI61-1190; Sam Y. Dorfman, Jr., et al., Docket No. CI61-1193; P. & J. Development Co., Inc., Docket No. CI61-1194; George T. Ritsos, Docket No. CI61-1198; John Franks, Milton Crow, Inc., Ralph R. Gilster, T. F. Hodge, and Sklar Oil Company, Docket No. CI61-1199; Philip Lemon, et al., Docket No. CI61-1200; Stekoll Panhandle Limited Partnership, Docket No. CI61-1203; Christie, Mitchell and Mitchell Co., et al., Docket No. CI61-1222; Jewel Daffin Rivers, et al., Docket No. CI61-1241; St. Clair Oil Company, F. L. Bott, et al., Docket No. CI61-1242; Sunnyside Oil and Gas Company, Docket No. CI61-1292; Hinkle Gas Company, Docket No. CI61-1298; Pace Bower Construction Company, Docket No. CI61-1299; Brannon 84-Acre Lease, Docket No. CI61-1305; Pan American Petroleum Corporation, Docket No. CI61-1307; Morris Cannan, Docket No. CI61-1310; West Branch, Docket No. CI61-1311; Harkins & Company, Operator, et al., Docket No. CI61-1320; George E. Brogan, Trustee for Edna W. Merrion Trusts Nos. 1, 2 and 3, Docket No. CI61-1324; Alfred-Villers Well No. 1, Docket No. CI61-1365; Panhandle Development Co., Inc. (Operator), et al., Docket No. CI61-1386; Southwest Natural Production Company, et al., Docket No. CI61-1396; George Jackson, Docket No. CI61-1410; Texas Gas Exploration Corporation (Operator), et al., Docket No. CI61-1427; The Atlantic Refining Company, Docket No. CI61-1439; El Paso Natural Gas Products Company, Docket No. CI61-1461; Backerhouse Oil & Gas Company, Docket No. CI61-1580; Woods Exploration & Producing Company, Inc., Docket No. CI61-1583; Texaco Seaboard Inc., Docket No. CI61-1589; Warner & Goebl, et al., Docket No. CI61-1601; R. Olsen, et al., Docket No. CI61-1602; Hopeful Oil and Gas Company, Docket No. CI61-1619; Delbert Goff, et al., Docket No. CI61-1668.

Joe Rubin & Sons, Docket No. CI61-1675; Floyd E. Emrick, et al., Docket No. CI61-1715; F & I Gas Company—Ayers No. 1, Docket No. CI61-1716; Southwest Gas Producing Company, Inc., Docket No. CI61-1731; Dominion Oil & Gas Company, Docket No. CI61-1732; Sutton Producing Co., et al., Docket No. CI61-1741; Vaughey and Vaughey, Docket No. CI61-1744; Pace Bower Construction Company, Docket No. CI61-1758; Brannon 16-Acre Lease, Docket No. CI61-1759; Texaco Seaboard Inc., Docket No. CI61-1760; Stonestreet Lands Company, Docket No. CI61-1763; Sinclair Oil & Gas Company, Docket No. CI61-1766; Panhandle Development Co., Inc., (Operator), et al., Docket No. CI61-1771; Southern Triangle Oil Company and J. M. L. Smith, Docket No. CI61-1776; Monsanto Chemical Company, Docket No. CI61-1778; Tidewater Oil Company, Docket No. CI61-1789; Skelly Oil Company, Docket No. CI61-1795; James I. Shearer, et al., Docket No. CI61-1805; W. H. Hudson, Docket No. CI61-1806; Northern Pump Company, Docket No. CI61-1807; David Law, Docket No. CI61-1814; Forest Oil Corporation, Docket No.

CI62–31; Gulf Oil Corporation, Docket No. CI62–47.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully represented in the respective applications, amendments and supplements thereto which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos.; Field and Location; Purchaser; Price per Mcf

G–14407; King Mountain Field, Upton County, Tex.; El Paso Natural Gas Co. and Hunt Oil Co.; 7.0 cents at 14.65 psia.
G–15705; North Willman Field, San Patricio County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.
G–18910 (as Supp.); Camrick S. E. Gas Pool, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.6 cents at 14.65 psia.
CI61–214; Willrode Field, Upton County, Tex.; El Paso Natural Gas Co. and Hunt Oil Co.; 8.0 cents at 14.65 psia.
CI61–394; Jack Herbert Field, Upton County, Tex.; El Paso Natural Gas Co.; 10.64175 cents at 14.65 psia.
CI61–395; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–402; Horizon Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
CI61–409; North Colquitt Field, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 12.554 cents at 15.025 psia.
CI61–410; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–414; Calhoun Field, Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.025 psia.
CI61–415; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–420; Collins Settlement and Skin Creek Districts, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–421; Hackers Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–422; South Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI61–430; Clear Fork District, Wyoming County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–431; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–442; Barnes Run Field, Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–443; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–606; S. W. Haynes Field, Stafford County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
CI61–902; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Co.; 12.0 cents at 14.65 psia.
CI61–928; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–935; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–939; Atoka Field, Eddy County, N. Mex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI61–995; Jack Herbert Field, Upton County, Tex.; El Paso Natural Gas Co.; 15.70925 cents at 14.65 psia.
CI61–1071; Calhoun Field, Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.025 psia.
CI61–1080; Henderson Field, Rusk County, Tex.; United Gas Pipe Line Co.; 10.128 cents at 14.65 psia.
CI61–1083; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1089; Wil Field, Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
CI61–1120; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1126; DeKalb District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1135; Eumont Pool, Lea County, N. Mex.; Permian Basin Pipeline Co.; 9.7432 cents at 15.025 psia.
CI61–1143; Siloam Field, Clay County, Miss.; Texas Eastern Transmission Corp.; 20.618 cents at 15.025 psia.
CI61–1144 (as Supp.); Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1149; North Donna Area, Hidalgo County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.
CI61–1151; South Kismet Field, Seward County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1155; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1156; Collins Settlement District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1160; Jacksonville Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.
CI61–1164; Calhoun Field, Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.025 psia.
CI61–1170; Burning Springs District, Wirt County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1174; Ada Field, Bienville Parish, La.; Arkansas Louisiana Gas Co.; 13.0033 cents at 15.025 psia.
CI61–1175; San Juan Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI61–1177; Cheniere Creek, Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.3333 cents at 15.025 psia.
CI61–1183; East Bernard Area, Wharton County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.
CI61–1190; Acreage in Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1193; Willow Springs Field, Gregg County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.
CI61–1194; Elk District, Kanawha County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1198; Acreage in McKean County, Pa.; United Natural Gas Co.; 27.5 cents at 15.325 psia.
CI61–1199; Calhoun Field, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI61–1200; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1203; Mocane Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI61–1222; South Slocum Field, Anderson County, Tex.; United Gas Pipe Line Co.; 10.128 cents at 14.65 psia.
CI61–1241; Calhoun Area, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI61–1242; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1292; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1298; Clearfork District, Wyoming County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1299; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1305; Washington District Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1307; Huerfano Gallup Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents 250# at 15.025 psia, 13.0 cents 500# at 15.025 psia.
CI61–1310; Kittle Field, Live Oak County, Texas Eastern; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.
CI61–1311; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1320; Albrecht Field, Goliad County Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.
CI61–1324; Devil's Fork Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI61–1365; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1386; Greenough Field, Beaver County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
CI61–1396; North Choudrant Field, Lincoln Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.025 psia.
CI61–1410; DeKalb District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1427; Cartwright Field, Jackson Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI61–1439; Cartwright Field, Jackson Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI61–1461; Patrick Draw Area, Sweetwater County, Wyo.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
CI61–1580; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1583; Marrs-McLean Field, Jefferson County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.
CI61–1589; Lassater Field, Marion County, Tex.; Arkansas Louisiana Gas Co.; 12.10965 cents at 14.65 psia.
CI61–1601; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1602; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.
CI61–1619; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1668; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1675; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1715; Spencer District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1716; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1731; Vixen Field, Caldwell Parish, La.; Arkansas Louisiana Gas Co.; 18.5 cents at 15.025 psia.
CI61–1732 (as Supp.); Salt Lick District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1741; Southeast Dilworth Area, McMullen County, Tex.; Transcontinental Gas Pipe Line Corp.; 14.189 cents at 14.65 psia.
CI61–1744; Basin Dakota and Blanco Mesaverde Fields, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI61–1758; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1759; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1760; Patrick Draw-Desert, Springs Area, Sweetwater County, Wyo.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
CI61–1763; Smithfield District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1766; Guyman-Hugoton Fields, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.8 cents at 14.65 psia.
CI61–1771; Acreage in Meade County, Kans.; Panhandle Eastern Pipe Line Co.; at 16.0 cents at 14.65 psia.
CI61–1776; West Union District Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1778; Hansford Field, Hansford County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI61–1789; Mercedes Field, Hidalgo County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.
CI61–1795; Eva Pool Area, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1805; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1806; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI61–1807; Mercedes Field, Hidalgo County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.
CI61–1814; Freemansburg District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–31; Patrick Draw Area, Sweetwater County, Wyo.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
CI62–47; Patrick Draw Area Sweetwater County, Wyo.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 16, 1962, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 5, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11944; Filed, Dec. 15, 1961; 8:47 a.m.]

[Project No. 955—Oregon]

DIAMOND LAKE IMPROVEMENT CO.

Notice of Vacation of Withdrawal; Correction

DECEMBER 12, 1961.

Notice of vacation of withdrawal under section 24 of the Federal Power Act issued by this Commission on May 24, 1960, and appearing in the FEDERAL REGISTER issued Saturday, May 28, 1960 (25 F.R. 4780–1) is corrected to read:

WILLAMETTE MERIDIAN, OREGON

T. 27 S., R. 6 E.,
Sec. 29: SW¼SW¼;
Sec. 30: lots 3, 4, 5, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 31: lots 1, 2, 3;
Sec. 32: lot 2, W½NW¼, NE¼NW¼.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–11919; Filed, Dec. 15, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3997]

ALLEGHENY POWER SYSTEM, INC.

Notice of Filing Regarding Acquisition of Common Stock of a Public-Utility Company

DECEMBER 11, 1961.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny") 320 Park Ave., New York 22, N.Y., a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and has designated sections 6(a), 7, 9(a), 10, and 12(c) of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Allegheny proposes to issue to Republic Service Corporation ("Republic"), an exempt holding company under the Act, 62,589 shares of its authorized but unissued $5 par value common stock, of which 9,276,000 shares are presently outstanding. Such shares are to be issued in exchange for (1) all of the oustanding shares of common stock of Cumberland Valley Electric Company ("Cumberland") consisting of 33,500 shares of $10 par value common stock and (2) 90-day U.S. Treasury bills in the principal amount of $217,500, less capital contributions, if any, made by Republic to Cumberland between the agreement date, October 4, 1961, and the closing date. For purposes of illustration, Allegheny has estimated such capital contributions at $85,000, thereby reducing the amount of Treasury bills to be received to $132,500.

The agreement provides that, promptly after the exchange, Republic will distribute the Allegheny shares to its stockholders, except for 2,000 of the Allegheny shares to be deposited with a bank as escrow agent for possible return to Allegheny, if, among other events, Allegheny should be subject to any liability because of a breach of Republic's representations in the agreement.

Republic and its subsidiary company, Cumberland, are Pennsylvania corporations and are not affiliated with Allegheny, a Maryland corporation. Negotiations between Allegheny and Republic with respect to the acquisition by Allegheny of the Cumberland stock began prior to 1960 and were resumed in the spring of 1961 resulting in the exchange agreement dated October 4, 1961.

Cumberland is an electric utility company purchasing all of its electric energy requirements from South Penn Power Company, an electric utility subsidiary company of The Potomac Edison Company, which, in turn, is an electric utility subsidiary company of Allegheny. Cumberland serves about 6,000 customers in a service area which is located in the northernmost part of, and is surrounded on the east, south, and west by the service area of The Potomac Edison Company and its subsidiary companies. The application-declaration, as amended, states that Cumberland is a natural geographical addition to the Allegheny System and has favorable possibilities of future development from the standpoint of electric power sales. Cumberland's present rate schedules will be continued and all Cumberland employees (except certain retiring officers) have been asked to remain.

At August 31, 1961, Cumberland's total utility plant, stated at original cost, amounted to $2,920,594 and the reserve for depreciation amounted to $595,333 or approximately 20 percent thereof. It has outstanding $776,000 principal amount of 3¼ percent first mortgage bonds, due July 1, 1970, and $350,000 principal amount of 5 percent promissory notes payable to a bank, due December 21, 1961. At August 31, 1961, the book value of the Cumberland stock, plus the $217,500 principal amount of treasury bills, aggregated $1,362,218. As at the same date the pro forma consolidated book value of the Allegheny shares of common stock to be issued was $1,190,756. For the twelve months ended August 31,

1961. Cumberland's net income was $125,368.

Allegheny estimates that an additional $13,000 of annual income will be received by it from additional investments in common stock of its subsidiary companies to be made by it from the proceeds of the treasury bills and the advances contributed by Republic to Cumberland after October 4, 1961. For purpose of illustration, Allegheny has estimated that $138,368 of net income would be applicable to the 62,589 shares of Allegheny common stock to be issued, or $2.21 per share. The consolidated net income of Allegheny for the twelve months ended August 31, 1961, was $21,954,768 or $2.367 per share on its presently outstanding 9,276,000 shares. On the basis of the 9,338,589 shares to be outstanding, the pro forma consolidated net income for the same period would amount to $22,093,333, or $2.366 per share.

Allegheny's investment in the common stock of Cumberland is to be recorded at a cost equal to the aggregate value of the Allegheny common stock to be issued (based on $45 per share, the closing sale price on the New York Stock Exchange on October 4, 1961) less the value of the U.S. Treasury bills received by Allegheny from Republic, plus estimated capitalized expenses of $16,000, or an aggregate cost of $2,700,005. The U.S. Treasury bills to be acquired will be recorded at principal amount.

The fees and expenses to be incurred by Allegheny, estimated at $16,000, consist of stock issue tax of $3,130, counsel fees of $9,500, independent accountants fees of $750, stock exchange listing fee of $250, transfer agent's and registrar's fees of $200, and miscellaneous expenses of $2,170.

The application-declaration, as amended, states that the Maryland Public Service Commission has jurisdiction over the proposed issue and sale of common stock by Allegheny and that an appropriate order of that Commission will be supplied by amendment.

Notice is further given that any interested person may, not later than December 27, 1961, request in writing that a hearing be held in respect of the application-declaration, as amended, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant, and upon Republic Service Corporation, 17 East Seminary Street, Mercersburg, Pa. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after such date the application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 promulgated under the Act; or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-11927; Filed, Dec. 15, 1961; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

UNITIZED INDUSTRIES, INC.

Notice of Withdrawal of Request To Operate as and Participate in a Small Business Defense Production Pool

The request to Unitized Industries, Inc., to operate as a small business defense production pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 25 F.R. 13252 (December 22, 1960) are hereby withdrawn.

The following letter of withdrawal was sent to Unitized Industries, Inc. on November 7, 1961:

This refers to the letter dated May 18, 1960, to you from the Administrator of the Small Business Administration, which approved Unitized Industries, Inc., as a small business defense production pool. Letters of the same date were also sent to the three applicant companies approving their membership in the pool.

Since that time, the pool has not obtained any prime or subcontracts on government defense work, which was the purpose in forming the organization. Furthermore, only two of the original three member companies accepted the request to participate in the program, and one of those two later withdrew from the pool. As a result, Bayou Industries, Inc., Galena Park, Texas, is the only member plant remaining in the pool. In effect, there is no pooling organization left, since by definition a pool is a group of small business concerns.

Our Regional Office in Dallas discussed this matter with you July 30, 1961, and suggested you try to obtain additional members for the pool. Inasmuch as there has been no indication from you since that date that you would be able to increase the membership, our Regional Office informed you by letter dated September 20, 1961, of our agency's intent to terminate the pool and requested your comments and concurrence. No reply to that letter has been received from you.

Consequently, this is to notify you that I have decided to dissolve the pool. In my opinion, the voluntary agreement and joint program of Unitized Industries, Inc. to operate as a small business defense production pool is no longer in the public interest as contributing to the national defense or furthering the objectives of the Small Business Act.

Sincerely,

JOHN E. HORNE, *Administrator.*

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said production pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

Dated: December 11, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-11929; Filed, Dec. 15, 1961; 8:46 a.m.]

APPLICATIONS FOR LOANS IN EXCESS OF $200,000

Notice of Necessity for Certificate as Defense-Oriented Small Business Concern; Correction

In the Notice of Necessity for Certificate as Defense-Oriented Small Business Concern, published at 26 F.R. 12017, the third sentence of the first paragraph beginning "The Deputy Director for Procurement and Technical Assistance shall certify a concern . . .", is corrected to begin as follows: "The Deputy Administrator for Procurement and Technical Assistance shall certify a concern . . .".

Dated the 15th day of December 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-12015; Filed, Dec. 15, 1961; 11:34 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 13, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37475: *Vinyl chloride to Pottstown, Pa., and Flemington, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-8120), for interested rail carriers. Rates on vinyl chloride, with or without inhibitor, in tank-car loads, from Freeport, Houston, Texas City, Tex., Baton Rouge, North Baton Rouge, and Plaquemine, La., to Pottstown, Pa., and Flemington, N.J.

Grounds for relief: Unregulated water-truck and market competition.

Tariffs: Supplements 5 and 25 to Southwestern Freight Bureau tariffs I.C.C. 4450 and 4435, respectively, also supplement 225 to Southern Freight Association tariff I.C.C. 452 (Marque series).

FSA No. 37476: *Salt from Michigan and Ohio to Memphis, Tenn.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2594), for interested rail carriers. Rates on salt, common (sodium chloride), as more fully described in the application, loose in bulk, or in bulk in 100-pound bags, in carloads, from Manistee, Mich., Akron, Barberton and Rittman, Ohio, to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 51 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4534.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11938; Filed, Dec. 15, 1961; 8:46 a.m.]

[Notice 578]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 13, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64309. By order of December 8, 1961, the Transfer Board approved the transfer to Conley Motor Express, Inc., Pittsburgh, Pa., of a portion of the operating rights in Certificate No. MC 37840, issued August 23, 1957, to Thomas C. Conley, doing business as Conley Motor Express, Pittsburgh, Pa., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, iron and steel products and scrap metal, petroleum, fish, vegetable oils and greases, synthetic resins, by-products and compounds of the above-indicated commodities, and empty containers therefor, seeds, and household goods, from, to, or between specified points in New Jersey, New York, Ohio, Pennsylvania, and West Virginia. Arthur J. Disken, 302 Frick Building, Pittsburgh 19, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-11939; Filed, Dec. 15, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

PROCLAMATIONS:
- May 27, 1907 — 11745
- 3298 — 11937
- 3401 — 11713
- 3440 — 11713
- 3441 — 11937
- 3442 — 12023

EXECUTIVE ORDERS:
- Nov. 10, 1917 — 11905
- Apr. 8, 1919 — 11905
- June 14, 1921 — 11905
- 2711 — 11745
- 3797–A — 12080
- 10717 — 11937
- 10977 — 11471
- 10978 — 11713
- 10979 — 11937
- 10980 — 12059

5 CFR

- 6 — 11347, 11483, 11671, 11813, 11852, 12060
- 29 — 11794
- 401 — 11938

7 CFR

- 319 — 12029
- 718 — 11813
- 719 — 12060
- 722 — 11472, 11481, 11851, 11887
- 728 — 11795
- 729 — 11815
- 750 — 11725
- 775 — 11672
- 776 — 11347, 11407
- 811 — 11963
- 812 — 11817
- 820 — 11965
- 871 — 11968
- 914 — 11417, 11817, 11851, 11890, 12062, 12063
- 933 — 11417–11419
- 937 — 11725
- 938 — 11725, 12063
- 953 — 11419, 11818, 11851, 12030, 12064
- 958 — 11483, 11852, 11970
- 1001 — 12064
- 1032 — 12030
- 1068 — 12064
- 1069 — 12065

PROPOSED RULES:
- 812 — 11838
- 904 — 12037
- 911 — 11495
- 913 — 11839
- 914 — 11435
- 949 — 12037
- 952 — 12037
- 953 — 11363
- 982 — 11498
- 990 — 12037
- 993 — 12037
- 996 — 12037
- 999 — 12037
- 1026 — 11982
- 1028 — 11982

8 CFR

- 212 — 12066
- 214 — 12066
- 237 — 11818
- 243 — 11819
- 252 — 11797
- 253 — 11797

8 CFR—Continued

- 299 — 11819

PROPOSED RULES:
- 242 — 11363

9 CFR

- 74 — 11852, 11970
- 77 — 11971
- 78 — 12067
- 83 — 11483, 11853

PROPOSED RULES:
- 74 — 11804
- 151 — 11870
- 201 — 11988

10 CFR

- 25 — 11726

12 CFR

- 4 — 11353
- 204 — 12031
- 217 — 11798, 11971, 12031
- 327 — 12031
- 329 — 11798, 12031

13 CFR

- 121 — 12069
- 122 — 11353

14 CFR

- 40 — 11354
- 41 — 11355
- 42 — 11356
- 221 — 11819
- 287 — 11890
- 288 — 11483
- 302 — 11820
- 507 — 11672, 11821, 12032, 12033
- 555 — 11672
- 600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070.
- 601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074.
- 602 — 11729
- 608 — 11729, 11730, 11859, 11861, 11894, 12033
- 609 — 11939, 11946, 11951, 11960
- 610 — 12074

PROPOSED RULES:
- 18 — 11804
- 43 — 11804
- 302 — 11685, 11841
- 399 — 11841
- 411 — 12085
- 507 — 11870, 12042
- 600 — 11435, 11494, 11734
- 601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
- 608 — 11435, 11494, 11988

15 CFR

- 201 — 11357
- 230 — 11360, 11972

16 CFR

- 13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034.
- 14 — 11826

17 CFR

- 231 — 11896
- 239 — 11730

PROPOSED RULES:
- 270 — 11738

18 CFR

- 141 — 11897
- 260 — 11900

PROPOSED RULES:
- 2 — 11459

19 CFR

- 3 — 11362
- 5 — 11420
- 21 — 11362
- 54 — 11731

PROPOSED RULES:
- 10 — 11683

20 CFR

- 404 — 11827, 11938

21 CFR

- 20 — 11676
- 120 — 11731, 11799, 12034
- 121 — 11677, 11799, 11800, 11828–11830, 12035, 12077.
- 141a — 11801
- 141c — 11801
- 146 — 12035
- 146a — 11801
- 146c — 11801
- 147 — 11802
- 191 — 12035

PROPOSED RULES:
- 1 — 11734
- 27 — 11988
- 51 — 11988
- 120 — 11684
- 121 — 11684, 11735, 11841, 11870
- 141a — 11684
- 146 — 11684
- 146a — 11684
- 147 — 11684

24 CFR

- 201 — 11731

25 CFR

PROPOSED RULES:
- 221 — 11734

26 CFR

- 1 — 11486, 11677, 12077
- 20 — 11861
- 25 — 11861
- 45 — 11861

PROPOSED RULES:
- 1 — 12085
- 48 — 12085

28 CFR

- 15 — 11420

29 CFR

- 403 — 11678
- 408 — 11678
- 670 — 11420
- 678 — 11420
- 779 — 11802

PROPOSED RULES:
- 545 — 11735

30 CFR

- 222 — 11487

31 CFR

- 270 — 11938

32 CFR

- 272 — 11830
- 273 — 11831
- 577 — 11679
- 701 — 11715
- 710 — 11716
- 719 — 11763, 11862
- 720 — 11722
- 755 — 11792
- 765 — 11680, 11794
- 1453 — 11972
- 1470 — 11972
- 1472 — 11972
- 2011 — 11421

32A CFR

OIA (CH. X):
- OI Reg. 1 — 11973

33 CFR

- 125 — 11862
- 203 — 11803
- 210 — 11732
- 212 — 11421

36 CFR

- 1 — 11903

PROPOSED RULES:
- 1 — 11363

38 CFR

- 6 — 11680
- 7 — 11802
- 8 — 11680
- 21 — 11862

39 CFR

- 1—204 — 11513
- 13 — 11864
- 17 — 11903
- 27 — 11903
- 31 — 11864
- 33 — 11903
- 47 — 11864
- 48 — 11864
- 168 — 11832

PROPOSED RULES:
- 61 — 11838
- 201 — 11426
- 202 — 11431
- 203 — 11432
- 204 — 11432

41 CFR

- 2-12 — 11904
- 9-7 — 11488
- 60-1 — 11974

43 CFR

- 161 — 11975

PROPOSED RULES:
- 192 — 11493, 11911
- 200 — 11493

PUBLIC LAND ORDERS:
- 61 — 11803

43 CFR—Continued

PUBLIC LAND ORDERS—Continued
- 842 — 11361
- 1058 — 12082
- 1238 — 11863
- 2323 — 12080
- 2543 — 11361
- 2544 — 11361
- 2545 — 11803
- 2546 — 11361
- 2547 — 11803
- 2548 — 11803
- 2549 — 11803
- 2550 — 11863
- 2551 — 11863
- 2552 — 11906
- 2553 — 12079
- 2554 — 12080
- 2555 — 12080
- 2556 — 12080
- 2557 — 12080
- 2558 — 12081
- 2559 — 12082

44 CFR

- 151 — 11425

46 CFR

- 2 — 11908
- 34 — 11908
- 73 — 11908
- 76 — 11909
- 78 — 11909
- 97 — 11909
- 146 — 12082
- 157 — 12082
- 167 — 11909
- 171 — 11864

PROPOSED RULES:
- 201 — 11738
- 206 — 11738
- 221 — 11738
- 298 — 11738
- 299 — 11738

47 CFR

- 1 — 11909, 11977
- 2 — 11833, 11978
- 3 — 12024, 12083
- 7 — 12083
- 8 — 12083
- 10 — 11422, 11681, 11978
- 14 — 12083
- 16 — 11423, 11978
- 19 — 11978

PROPOSED RULES:
- 3 — 11458, 11495, 11870, 11911, 11989, 11990, 12085.
- 7 — 11369
- 8 — 11369, 11912
- 14 — 11369

49 CFR

- 43 — 11835
- 170 — 11732
- 174a — 11492

50 CFR

- 32 — 11733
- 33 — 11733, 11836, 11837, 11868, 11869, 11909
- 270 — 11979

Checklist

CFR SUPPLEMENTS

(As of January 1, 1961)

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) $3.75; Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) $6.25; Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75); General Index ($1.00).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

THE UNIVERSITY OF MICHIGAN
JAN 3 1962
MAIN READING ROOM

Pages 12103–12152

FEDERAL REGISTER

VOLUME 26 NUMBER 243

Washington, Tuesday, December 19, 1961

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Barley grain standards 12132
RULES AND REGULATIONS:
Lemons grown in California and Arizona; handling limitation ... 12110
Meats, imported; grading, certification, and standards 12109

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in Central Illinois, Suburban St. Louis and Quad Cities-Dubuque marketing areas; hearing on proposed agreements and orders 12132
RULES AND REGULATIONS:
Milk in Louisville-Lexington, Ky., marketing area; order suspending certain provisions 12110
Wheat, durum; 1960 and subsequent crops; increased allotments, California 12109

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Alien Property Office:

NOTICES:
Barry, Edward, and Otto W. deBary; intention to return vested property 12147

Army Department

See Engineers Corps.

Atomic Energy Commission

NOTICES:
Westinghouse Electric Corp.; issuance of facility license amendment 12148

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Boise-Las Vegas service case ... 12148
New York-Jamaica nonstop case 12148
Service to Columbus, Nebr., investigation 12148
RULES AND REGULATIONS:
Exemption of air carriers for short notice military contracts 12114

Civil Service Commission

RULES AND REGULATIONS:
Annual leave; overseas employees . 12109

Commerce Department

See Maritime Administration.

Customs Bureau

NOTICES:
Crown Zellerbach Corp.; qualification as citizen of U.S 12147

Defense Department

See Engineers Corps; Navy Department.

Engineers Corps

RULES AND REGULATIONS:
Bridges; Pend Oreille, Idaho 12105
Fishing and hunting; Chesapeake Bay, Maryland and Virginia ... 12105
Public use of certain reservoir areas; Terminus and Hartwell reservoir projects 12122

Federal Aviation Agency

RULES AND REGULATIONS:
Public contracts; general policies, and procurement by negotiation 12126

Federal Communications Commission

NOTICES:
Hearings, etc.:
Letson, Andrew B. (WZRO) ... 12148
Wolverine Broadcasting Co. et al 12148
PROPOSED RULE MAKING:
Public safety radio service; signaling alarm 12145
Stations on land and shipboard in maritime services; use of certain frequencies 12144

Federal Housing Administration

RULES AND REGULATIONS:
Miscellaneous amendments 12116

Federal Power Commission

NOTICES:
Washington Public Power Supply System; modification of land withdrawal, State of Washington 12149

Federal Trade Commission

RULES AND REGULATIONS:
Prohibited trade practices:
20th Century Varieties, Inc., et al 12115
Winkelman Bros. Apparel, Inc. 12115

Fish and Wildlife Service

RULES AND REGULATIONS:
Game birds, fish and mammals; restoration 12128

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petitions (7 documents) 12143, 12144

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

See Federal Housing Administration.

Immigration and Naturalization Service

RULES AND REGULATIONS:
Applications for discretionary benefits; miscellaneous amendments 12110

Interior Department

See Fish and Wildlife Service; Land Management Bureau.

(*Continued on next page*)

Interstate Commerce Commission

NOTICES:
Prevention of rail-highway grade-crossing accidents involving railway trains and motor vehicles; continuance of hearing--- 12149

Justice Department

See Alien Property Office; Immigration and Naturalization Service.

Land Management Bureau

RULES AND REGULATIONS:
Coal, oil and gas lands---------- 12126

Maritime Administration

NOTICES:
American President Lines, Ltd., hearing---------- 12147

Navy Department

RULES AND REGULATIONS:
Board for Correction of Naval Records; miscellaneous amendments---------- 12121

Post Office Department

RULES AND REGULATIONS:
Miscellaneous amendments------ 12122
Postage stamps---------- 12125

Securities and Exchange Commission

NOTICES:
Equity Corp.; filing of application---------- 12149

Small Business Administration

NOTICES:
Louisiana; declaration of disaster area---------- 12150

Treasury Department

See Customs Bureau.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR

30---------- 12109

7 CFR

53---------- 12109
728---------- 12109
946---------- 12110
953---------- 12110
PROPOSED RULES:
26---------- 12132
944---------- 12132
947---------- 12132
1050---------- 12132

8 CFR

103---------- 12111
242---------- 12111
243---------- 12113
244---------- 12113
245---------- 12114
249---------- 12114

14 CFR

288---------- 12114

16 CFR

13 (2 documents)---------- 12115

21 CFR

PROPOSED RULES:
121 (7 documents)---------- 12143, 12144

24 CFR

220---------- 12116
221---------- 12118
233---------- 12120

32 CFR

723---------- 12121

33 CFR

203---------- 12105
206---------- 12105

36 CFR

311---------- 12122

39 CFR

2---------- 12122
4---------- 12122
15---------- 12122
31---------- 12125
41---------- 12122
42---------- 12122
44---------- 12122

41 CFR

2-1---------- 12126
2-3---------- 12126

43 CFR

61---------- 12126
64---------- 12126
66---------- 12126
81---------- 12126
102---------- 12126
192---------- 12126

47 CFR

PROPOSED RULES:
7---------- 12144
8---------- 12144
10---------- 12145

50 CFR

80---------- 12128

Public Papers of the Presidents

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

Volumes for the following years are now available:

Truman:
1945---------- $5.50

Eisenhower:
1953---------- $6.75
1954---------- 7.25
1955---------- 6.75
1956---------- 7.25
1957---------- 6.75
1958---------- 8.25
1959---------- 7.00
1960-61---------- 7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Pend Oreille Lake, Idaho

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.815 is hereby amended revoking the regulations governing the operation of the Spokane International Railway Company bridge across Clark Fork (Pend Oreille) River near Sandpoint, Idaho, changing the title thereof, and prescribing regulations to govern the operation of the Northern Pacific Railway Company bridge across Pend Oreille Lake near Sandpoint, Idaho, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.815 Pend Oreille Lake, Idaho; bridge of Northern Pacific Railway Company near Sandpoint.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 36 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at intervals frequent enough to assure that the machinery is in proper order for satisfactory operation.

[Regs., December 1, 1961, 285/91 (Pend Oreille Lake, Idaho)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11969; Filed, Dec. 18, 1961; 8:45 a.m.]

PART 206—FISHING AND HUNTING REGULATIONS

Chesapeake Bay, Maryland and Virginia

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), § 206.50 governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries is amended to change the limits of the areas under the supervision of the Baltimore and Norfolk Districts necessitated by the abolishment of the Washington District and to make other necessary minor revisions effective on publication in the FEDERAL REGISTER since the change in jurisdictional limits is already in effect as follows:

§ 206.50 Chesapeake Bay, Maryland and Virginia, and its navigable tributaries; fishing structures.

* * * * *

(c) *Fishing structures.* * * *

(2) *Crab pots.* Each crab pot shall be marked by a buoy made of cork or other buoyant material of such size and color as to be readily discernible from a distance of 200 feet under normal weather conditions. The line securing the buoy to the trap shall be rope of cotton or similar material and shall not exceed one-fourth inch in diameter.

* * * * *

(d) *Location*—(1) *Fishing structure limits.* The geographic positions of control points marking the established fishing structure limits are given in paragraphs (e) and (f) of this section, and the limits are shown on United States Coast and Geodetic Survey charts. Positions of intermediate points marking the fishing structure limits which are not given may be found by referring to the charts. The points listed are connected by straight lines unless otherwise indicated. Fishing structure buoys, which are special buoys painted with horizontal black and white stripes, have been placed to mark the fishing structure limits, and regular aids to navigation are used in conjunction with the fishing structure buoys where possible. Aids to navigation used as control points may be renumbered or shifted by the Coast Guard. In such cases the fishing structure limits do not change, and the location of the control point remains fixed at the geographic position indicated. The fishing structure buoys are numbered "1B" and "1N" in the Baltimore and Norfolk Districts, respectively.

* * * * *

(e) *Baltimore District*—(1) *West side of Chesapeake Bay north from Cove Point to Middle River.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point	38	23	09.8	76	22	33.8
Following line of 30-foot depth.						
"1B"	38	26	33.6	76	26	00.0
"2B"						
"3B"	38	31	07.8	76	28	58.8
"4B"						
"5B"	38	5	43.2	76	28	43.2
"6B"	38	38	30.0	76	29	12.0
"7B"	38	41	24.0	76	30	06.0
C 25	38	43	34.8	76	29	57.6
"8B"	38	45	12.0	76	30	00.0
No limit line.						
"9B"	38	46	06.7	76	29	43.1
"10B"	38	48	18.6	76	28	24.0
C 27	38	49	56.4	76	27	45.6
"32B"	38	51	50.1	76	27	01.1
C 1	38	52	11.7	76	28	54.2
No limit line.						
(Fl. R) "4"	38	54	04.6	76	28	38.4
N 2	38	53	43.9	76	27	53.4
"11B"	38	53	13.9	76	26	13.6
C 31	38	53	39.0	76	25	53.4
Following line of 25-foot depth to point 1,700 yards northerly of Sandy Point Light. (No limit line for a distance of 200 feet on either side of approach channel to Severn River.)						
No limit line.						
Baltimore Light.						
Unmarked Point	39	04	06.5	76	24	24.0
Do	39	06	42.0	76	24	24.0
Do	39	08	28.0	76	25	04.0
No limit line.						
Point bearing 329° 45′ true, 1,000 yards, from (Qk. Fl. R) "14K".						
"19B"						
"21B"	39	14	16.7	76	19	33.8
"40B"	39	15	00.0	76	18	15.0
(Fl. W) "1"	39	16	15.6	76	20	02.4

(2) *Fishing area southeast of mouth of Patapsco River.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point	39	04	39.0	76	23	17.0
Do	39	07	36.7	76	23	17.0
"34B"	39	09	59.0	76	25	02.0
"16B"						
"15B"	39	08	49.0	76	21	07.5
"14B"	39	08	03.0	76	20	22.0
"33B"						
"13B"	39	05	43.0	76	20	54.0
"12B"	39	04	39.0	76	22	24.0
Thence to point of beginning.						

(3) *Fishing area east of mouth of Patapsco River.*

	Latitude			Longitude		
	°	′	″	°	′	″
"35B"	39	10	46.0	76	25	00.0
"18B"						
"20B"						
N 2						
N "2A"	39	14	45.0	76	17	49.2
"22B"	39	16	13.5	76	14	23.0
"25B"	39	14	52.0	76	14	46.5
"39B"						
"26B"	39	12	45.0	76	15	48.0
"38B"						
C 5						
"37B"						
"36B"	39	09	23.5	76	20	21.0
"17B"						
Thence to point of beginning.						

(4) *Vicinity of Pooles Island.* (1) No fishing structure shall be placed or maintained within 1,000 yards of Pooles Island.

(ii) During the period from October 2 to May 19, inclusive, fishing structures will be permitted in the following-described area southwest and west of Pooles Island: Beginning at the southernmost tip of Pooles Island; thence to Pooles Island Bar Light; thence to "41B" (latitude 39°16'28.0", longitude 76°18'25.2"); thence to N 2 (latitude 39°17'14.0", longitude 76°20'15.0"); thence to N 4 (latitude 39°17'56.0", longitude 76°19'-54.0"); and thence to the point of beginning; excluding all waters within 1,000 yards of Pooles Island. During the period from May 20 to October 1, inclusive, no fishing structures shall be placed or maintained in this area.

(5) *Upper Chesapeake Bay and tributaries within Hartford and Cecil Counties.* (i) Within Hartford and Cecil Counties no fishing structures shall be placed or maintained more than 800 yards from shore or in water exceeding 18 feet in depth.

(ii) North of Rocky Point no fishing structure shall be placed or maintained within 200 feet of the buoyed channel to and in Northeast River.

(6) *East side of Chesapeake Bay south from Howell Point to Maryland-Virginia boundary line.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Howell Point Light	39 22 16.8	76 06 40.9
N "6P"	39 20 23.2	76 10 45.6
Bell (Fl. R) "4W"	39 19 46.2	76 11 33.0
"42B"		
"23B"	39 16 35.0	76 13 25.0
"24B"	39 14 54.5	76 13 59.0
Following line of 20-foot depth.		
Bell (Fl. R) "6"	39 11 00.0	76 16 47.4
Bell (1 R) "4"	39 09 37.2	76 18 11.4
Bell "2"	39 07 37.2	76 18 47.6
"27B"	39 05 00.0	76 16 18.0
No limit line.		
Point on line of 25-foot depth in vicinity of Bell "2" northeast of Love Point Light.		
Following line of 25-foot depth.		
N "20C"	38 56 07.6	76 22 54.0
Bloody Point Bar Light	38 50 00.7	76 23 31.2
No limit line.		
Point on line of 30-foot depth 4,500 yards northerly of N 20.		
Following line of 30-foot depth.		
N 20	38 45 27.0	76 25 07.8
"28B"	38 41 36.0	76 24 12.0
Bell (Fl. W) "7"	38 38 25.8	76 20 25.2
Following line of 21-foot depth.		
C 11	38 39 25.2	76 18 05.4
No limit line.		
Following line of 21-foot depth from Point "A" 1,550 yards northeast of C 11 to Point "B", 1,750 yards east of Point "A".		
No limit line.		
Following line of 21-foot depth from Point "C" 1,350 yards east of Point "B" to Point "D" southwest of Benoni Point.		
No limit line.		
Point of intersection of line ranging from C 11 to N 6 with line ranging from Bell (Fl. R) "10" to Bell (Fl. W) "7".		
N 6	38 36 35.4	76 20 13.8
C 1	38 33 55.2	76 20 28.8
No limit line.		
Point on line of 30-foot depth approximately 3,400 yards west of C 1.		
Following line of 30-foot depth to its intersection with southerly Red Sector line approximately 4,000 yards west by south of Bell (Fl. W) "1".		
Following southerly Red Sector line to its intersection with line of 18-foot depth in vicinity of Bell (Fl. W) "1".		
Following line of 18-foot depth to point 5,300 yards east by north of Bell (Fl. W) "1".		
No limit line.		
Point on line of 18-foot depth 800 yards southwest of N 2.		
Following line of 18-foot depth to point immediately south of Holland Island Bar Light.		
No limit line.		
On a line between Holland Island Bar Light and N 12, beginning at the southerly Red Sector line approximately 3,100 yards south from Holland Island Bar Light, and ending at Maryland-Virginia boundary line.		

(7) *Fishing area in vicinity of Sharps Island.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Point on line of 30-foot depth due west of C 3. Following line of 30-foot depth.		
"29B"	38 40 06.0	76 23 08.4
C 5	38 38 06.0	76 20 45.6
C 3	38 35 03.6	76 23 03.6
Thence due west to point of beginning.		

(8) *Pocomoke Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
White S "C"	37 54 45.0	75 48 03.6
C 9	37 56 08.4	75 44 32.4
White S "E"	37 57 00.0	75 43 33.0
Pocomoke Channel Light "1"	37 57 22.4	75 42 48.6
No line limit.		
Pocomoke Channel Bay Marker "2"	37 57 20.0	75 42 46.9
North End Point Light	37 56 18.5	75 43 42.5
Starling Creek Light "1"	37 55 27.0	75 44 07.8
S "30B"	37 54 30.0	75 46 15.0
(Fl. W) "6"	37 52 21.6	75 49 07.2

(9) *Potomac River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked point at the intersection of the Maryland-Virginia boundary line and a line between Smith Point Light and C 1.		
C 1	37 54 09.7	76 11 49.3
"43B"		
"44B"		
"45B"		
"46B"		
"47B"		
"48B"		
Unmarked Point	38 01 35.8	76 24 51.2
Do	38 00 05.9	76 27 02.8
Do	37 59 33.5	76 26 51.5
No limit line.		
Beacon (Fl. R)	37 59 37.0	76 27 11.2
Unmarked Point	38 00 00.0	76 27 19.2
Do	38 00 16.8	76 27 18.7
Do	38 01 45.2	76 25 08.7
Do	38 03 04.8	76 27 27.8
Do	38 02 06.8	76 29 55.3
Beacon (Fl.)	38 01 51.0	76 32 12.7
No limit line.		
Unmarked Point	38 02 10.2	76 32 15.1
Beacon (Fl.)	38 02 25.0	76 30 02.8
"49B"	38 03 17.8	76 27 50.2
"50B"		
(Fl.) "9"	38 07 06.9	76 33 19.7
"51B"	38 09 27.8	76 35 51.1
"52B"		
"53B"	38 11 05.9	76 44 33.5
No limit line.		
N "14"	38 12 05.0	76 44 36.1
Unmarked Point	38 12 12.3	76 43 49.0
C "1"	38 12 34.8	76 43 43.5
No limit line.		
Unmarked Point	38 12 37.5	76 43 24.0
Do	38 12 14.8	76 43 20.6
Do	38 12 23.6	76 42 11.2
N	38 12 38.2	76 42 12.9
No limit line.		
Unmarked Point	38 13 23.8	76 41 43.9
Do	38 12 29.5	76 41 35.2
"54B"	38 12 16.4	76 40 30.0
"55B"	38 11 26.9	76 35 49.0
"56B"		
Unmarked Point	38 08 26.7	76 32 58.9
Do	38 06 32.4	76 30 18.6
Do	38 04 31.6	76 26 01.9
Do	38 06 03.2	76 26 32.5
Do	38 06 46.6	76 27 37.5
No limit line.		
Unmarked Point	38 07 06.2	76 27 31.2
Do	38 06 33.0	76 26 41.8
Do	38 07 56.2	76 27 09.2
No limit line.		
Unmarked Point	38 08 03.5	76 26 40.6
Do	38 04 15.1	76 25 25.0
Do	38 03 50.7	76 24 33.1
Do	38 05 27.2	76 24 42.0
No limit line.		
N "2G P"	38 05 27.1	76 24 21.0
Unmarked Point	38 03 39.5	76 24 09.7
Bell "2"	38 01 25.9	76 19 23.4
"57B"	38 02 19.7	76 17 26.2

(10) *West side of Chesapeake Bay north from Point Lookout to Cove Point.*

	Latitude	Longitude
	° ′ ″	° ′ ″
"57B"	38 02 19.7	76 17 26.2
Point No Point Light	38 07 40.6	76 17 26.3
Unmarked Point	38 17 49.4	76 22 00.0
Following line of 30-foot depth.		
Unmarked Point	38 18 59.0	76 22 22.1
(Fl. W) "9"	38 19 03.8	76 23 56.0
No limit line.		
Drum Point Light	38 19 09.2	76 25 16.2
"31B"	38 20 48.7	76 21 51.1
Following line of 30-foot depth.		
Unmarked Point	38 23 09.8	76 22 33.8

(11) *Fishing area at mouth of Patuxent River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point	38 19 30.2	76 22 43.8
Following line of 30-foot depth.		
Unmarked Point	38 19 48.2	76 23 18.7
Do	38 20 31.6	76 21 48.8
Following line of 30-foot depth.		
Unmarked Point	38 19 56.9	76 21 47.4
Thence to point of beginning.		

(f) *Norfolk District—(1) South side of Chesapeake Bay between Cape Henry and Willoughby Spit.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 1	36 55 31.3	76 02 44.8
S "39N"	36 55 49.9	76 03 06.2
S "38N"		
S "37N"	36 55 30.1	76 04 35.3
Unmarked Point 2	36 54 51.1	76 04 21.9
No limit line.		
Unmarked Point 3	36 54 51.1	76 06 46.7
S "36N"	36 55 52.9	76 06 07.9
S "35N"	36 57 00.8	76 06 07.9
S "34N"	36 57 31.1	76 08 08.9
Unmarked Point 4	36 55 30.4	76 08 41.5
No limit line.		
Unmarked Point 5	36 55 49.6	76 11 03.7
S "29N"	36 58 05.9	76 10 27.0
S "27N"	36 59 09.4	76 14 39.8
S "25N"	36 59 03.4	76 17 43.2
Unmarked Point 6	36 58 07.1	76 17 43.4

(2) *Hampton Roads and James River—(i) From Craney Island Light to Jamestown Island (south side of river).*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 7	36 53 43.1	76 23 30.0
S "9N"	36 55 38.2	76 23 21.3
S "8N"	36 55 35.8	76 21 08.2
S "7N"	36 56 00.0	76 21 42.9
S "6N"	36 56 00.0	76 23 42.4
S "5N"		
Nansemond River Light	36 54 52.3	76 26 40.2
No limit line.		
S "4N"	36 55 03.0	76 26 46.5
S "3N"	36 56 06.1	76 24 41.8
S "2N"		
C "1"	36 57 53.5	76 26 42.0
C "3"	36 59 06.9	76 27 56.1
Unmarked Point 8	36 59 31.4	76 28 56.3
S "21N"	37 00 32.4	76 30 15.1
Unmarked Point 9	37 00 44.6	76 32 36.3
Unmarked Point 10	37 00 40.3	76 33 52.0
No limit line.		
Unmarked Point 11	37 00 45.0	76 33 52.4
Unmarked Point 12	37 00 49.3	76 32 36.7
S "20N"	37 00 49.5	76 31 09.0
S "20G"	37 01 50.2	76 33 21.2
S "19G"	37 02 50.9	76 35 33.5
S "19N"	37 02 58.0	76 36 57.2
S "18N"	37 02 57.1	76 38 31.5
S "17N"	37 03 09.0	76 39 06.9
S "16N"	37 03 59.3	76 39 29.6
C "2"	37 09 12.7	76 38 35.8
S "15N"	37 11 17.0	76 39 45.0
S "14N"	37 12 21.5	76 41 27.0
S "13N"	37 11 50.6	76 43 00.5
Unmarked Point 13	37 10 27.6	76 44 56.5
Unmarked Point 14		

(ii) *North side of James River from Jamestown Island to Newport News.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 15	37 11 14.0	76 45 25.0
Unmarked Point 16	37 10 59.3	76 44 25.2
Unmarked Point 17	37 11 56.6	76 43 05.2
Unmarked Point 18	37 12 51.7	76 40 21.8
Unmarked Point 19	37 12 47.4	76 39 40.4
Unmarked Point 20	37 12 29.7	76 39 12.1
Unmarked Point 21	37 11 59.1	76 38 33.2
Unmarked Point 22	37 11 31.1	76 38 05.2
Unmarked Point 23	37 10 45.8	76 37 50.0
Unmarked Point 24	37 09 56.1	76 37 57.1
Unmarked Point 25	37 09 57.4	76 37 29.4
No limit line.		
Unmarked Point 26	37 09 51.5	76 37 28.0
S "18N"	37 09 50.1	76 37 58.0
Deep Water Shoals Light	37 08 55.4	76 38 13.7
S "18S"	37 07 11.3	76 38 14.1
Unmarked Point 29	37 03 21.8	76 35 30.5
N "12"	37 03 12.0	76 34 45.0
(Fl. R) "10"	37 03 15.0	76 33 35.5
N "8"	37 01 44.0	76 31 12.0
Bell (Fl. R) "6"	37 01 13.5	76 30 17.5
Unmarked Point 30	37 00 14.0	76 28 03.0
Unmarked Point 31	36 59 34.5	76 26 54.5

(iii) *James River, fishing area northeast of Naseway Shoal.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "1N"	36 59 00.5	76 27 24.1
Unmarked point 32	36 59 36.3	76 28 52.0
S "2N"	37 00 31.5	76 30 03.1
Unmarked Point 33	37 00 07.0	76 28 14.4
Thence to S "1N".		

(iv) *James River, White Shoal fishing area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "213N"	37 00 46.0	76 29 54.5
S "210N"	37 00 46.7	76 30 40.7
S "207N"	37 01 26.0	76 32 06.3
S "205N"	37 02 05.3	76 33 31.9
S "201N"	37 02 45.9	76 35 00.2
S "202N"	37 03 00.2	76 34 59.9
S "203N"	37 03 02.0	76 34 18.0
S "204N"	37 02 51.0	76 33 29.5
S "208N"	37 01 33.0	76 31 23.0
Thence to S "213N".		

(v) *James River, Point of Shoals fishing area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "199N"	37 02 56.8	76 35 33.4
S "197N"	37 03 03.9	76 36 56.9
S "195AN"	37 03 03.0	76 38 30.0
S "194AN"	37 03 13.5	76 39 01.0
S "193N"	37 03 59.0	76 39 21.6
Unmarked Point 34	37 07 02.5	76 38 17.9
S "200N"	37 03 11.4	76 35 33.0
Thence to S "199N".		

(vi) *James River, fishing area northeast of Hog Island.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "186N"	37 09 48.0	76 38 43.3
S "179N"	37 11 22.6	76 39 36.0
S "176N"	37 12 25.8	76 41 15.8
S "177N"	37 12 44.5	76 40 19.8
Unmarked Point 35	37 12 40.7	76 39 43.9
S "180N"	37 12 24.5	76 39 17.8
S "181N"	37 11 54.4	76 38 39.6
Unmarked Point 36	37 11 27.9	76 38 13.1
S "182N"	37 10 45.3	76 37 58.8
S "185N"	37 09 47.4	76 38 07.1
Thence to S "186N".		

(vii) *James River, approach channel to Chickahominy River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "165N"	37 13 21.9	76 48 20.9
S "167N"		
S "160N"	37 14 07.0	76 50 21.4
S "171N"	37 14 03.3	76 51 41.5
S "173N"	37 14 10.7	76 52 28.0
No limit line.		
S "174N"	37 14 15.0	76 52 17.0
S "172N"	37 14 09.3	76 51 41.0
S "170N"	37 14 13.0	76 50 20.0
S "168N"		
S "166N"	37 13 25.0	76 48 11.7

(viii) *James River, area in vicinity of Jordan Point, fishing prohibited.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 37	37 18 15.7	77 12 19.3
Unmarked Point 38	37 18 18.0	77 12 17.0
Unmarked Point 39	37 18 56.8	77 13 18.1
Following line of 25-foot depth.		
Unmarked Point 40	37 18 19.5	77 14 54.2
Unmarked Point 41	37 17 47.2	77 14 46.8

(ix) *Hampton Roads, Newport News to Hampton Creek.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 42	36 58 08.5	76 24 29.3
S "23N"	36 57 36.2	76 24 34.0
S "20N"	36 57 51.0	76 22 31.0
S "19N"		
C "1"	37 00 11.5	76 20 31.4
Unmarked Point 43	37 00 47.4	76 20 31.0

(x) *Hampton Roads, Hampton Bar fishing area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "22N"	36 58 07.6	76 22 02.5
S "21N"		
S "17N"	37 00 11.3	76 20 16.6
Unmarked Point 44	37 00 02.2	76 19 24.4
N "14"	36 59 45.3	76 19 25.4
N "16"	36 59 16.1	76 20 21.6
N "18"	36 58 46.2	76 21 06.2
Thence to S "22N".		

(3) *West side of Chesapeake Bay north from Old Point Comfort to York River, including Back River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 45	37 00 30.0	76 18 05.0
Unmarked Point 46	37 00 38.0	76 17 42.0
Unmarked Point 47	37 01 00.0	76 17 15.0
S "40N"	37 01 00.0	76 16 19.5
S "41N"		
S "42N"		
S "43N"		
Gong (Fl. W) "1"	37 05 33.9	76 14 57.0
S "214N"	37 05 45.6	76 15 37.0
(Fl. W) "7"	37 06 21.9	76 16 17.1
(Fl. G) "9"	37 06 30.2	76 16 37.8
(Fl. W) "11"	37 06 35.8	76 17 26.8
Unmarked Point 48	37 06 32.7	76 17 34.2
Unmarked Point 49	37 06 21.8	76 17 16.5
No limit line.		
Unmarked Point 50	37 06 22.8	76 17 43.8
(Fl. G) "13"	37 06 29.3	76 17 42.4
Unmarked Point 51	37 06 19.1	76 18 12.6
Unmarked Point 52	37 06 16.1	76 18 24.8
Unmarked Point 53	37 06 13.4	76 18 46.7
Unmarked Point 54	37 06 10.6	76 19 05.8
Unmarked Point 55	37 06 09.8	76 19 41.0
Unmarked Point 56	37 05 21.3	76 20 01.8
(Fl. G) "29"	37 04 35.6	76 20 24.7
Unmarked Point 57	37 04 06.9	76 20 57.9
No limit line.		
Unmarked Point 58	37 05 11.0	76 20 21.9
Unmarked Point 59	37 05 17.6	76 20 11.0
Unmarked Point 60	37 05 23.1	76 20 07.5
Unmarked Point 61	37 05 58.3	76 19 52.5
Unmarked Point 62	37 05 54.2	76 20 12.1
Unmarked Point 63	37 05 38.1	76 20 35.0
No limit line.		
Unmarked Point 64	37 05 41.8	76 20 39.1
Unmarked Point 65	37 06 09.2	76 20 00.1
Unmarked Point 66	37 06 14.7	76 19 41.3
Unmarked Point 67	37 06 18.1	76 18 40.2
Unmarked Point 68	37 06 27.7	76 19 08.9
No limit line.		
Unmarked Point 69	37 06 37.0	76 19 00.0
Unmarked Point 70	37 06 20.4	76 18 30.4
Unmarked Point 71	37 06 23.8	76 18 14.5
(Fl. R) "10"	37 06 40.4	76 17 27.9
Unmarked Point 72	37 06 35.5	76 16 34.5
Unmarked Point 73	37 06 27.2	76 16 13.8
Unmarked Point 74	37 06 05.6	76 15 46.8
S "54N"	37 05 58.2	76 14 53.6
S "55N"		
S "56N"		
S "57N"		
S "58N"		
S "59N"	37 12 20.6	76 17 26.5
S "60N"	37 13 24.8	76 19 17.5
S "61N"	37 12 20.2	76 20 37.7
S "62N"	37 10 36.1	76 22 16.1
No limit line.		
S "76N"	37 10 43.3	76 22 27.9
S "77N"	37 12 28.0	76 20 48.9
S "78N"	37 13 31.3	76 19 30.3
S "79N"	37 13 56.5	76 21 10.4

(4) *Chesapeake Bay, fishing area southeast of mouth of Back River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "44N"	37 00 38.0	76 16 11.0
S "45N"		
S "46N"		
S "47N"		
S "48N"	37 05 29.8	76 14 43.0
S "49N"		
S "50N"	37 04 40.0	76 11 53.3
S "51N"		
S "52N"	37 02 21.8	76 12 24.4
S "53N"		
Thimble Shoal Light	37 00 51.7	76 14 25.1
Thence to S "44N".		

(5) *Chesapeake Bay, fishing area east of mouth of Back River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "65N"	37 05 53.0	76 14 36.0
S "66N"		
S "67N"		
S "68N"		
S "69N"		
S "70N"	37 12 06.5	76 17 05.4
S "73N"	37 08 52.5	76 12 12.5
S "74N"	37 07 48.8	76 12 05.7
S "75N"		
S "63N"	37 05 03.7	76 11 48.0
S "64N"		
Thence to S "65N".		

(6) *York River, above King Creek.*

	Latitude			Longitude		
	°	′	″	°	′	″
North end of L-shaped pier, King Creek	37	17	41.1	76	35	18.3
C "38"	37	19	22.9	76	36	03.6
C "37"	37	21	03.5	76	37	20.2
C "41"	37	22	20.3	76	38	42.2
C "43"	37	23	43.5	76	40	08.1
S "220N"	37	24	48.8	76	41	16.3
S "222N"	37	25	51.0	76	42	31.2
S "224N"	37	26	53.0	76	43	46.7
Bell "47"	37	28	48.3	76	44	57.1
Fillbates Creek Flats Light "51"	37	29	44.6	76	46	55.1
S "226N"	37	30	06.9	76	47	15.2
C "59"	37	30	52.5	76	47	41
Unmarked Point 75	37	32	01.7	76	48	29.6
No limit line.						
Unmarked Point 76	37	31	40.2	76	47	57.5
S "225N"	37	30	31.7	76	47	17.9
Unmarked Point 77	37	30	50.6	76	47	28.4
No limit line.						
Unmarked Point 78	37	31	43.9	76	47	19.3
N "54"	37	30	13.5	76	47	06.1
N "50"	37	29	50.5	76	46	39.3
Bells Rock Light	37	20	00.0	76	45	00.0
S "223N"	37	26	53.1	76	43	34.1
S "221N"	37	25	56.7	76	42	17.6
N "44"	37	25	11.4	76	41	25.0
Purtan Bay Light "42"	37	23	25.4	76	39	28.1
S "219N"	37	22	17.5	76	38	19.0
S "218N"	37	21	09.5	76	37	10.0
Pages Rock Light	37	18	39.2	76	35	12.9

(7) *Chesapeake Bay, fishing area southeast of mouth of York River.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "86N"	37	09	42.3	76	12	17.9
S "89N"	37	12	56.4	76	17	10.8
S "82N"	37	14	18.9	76	15	29.5
S "83N"						
S "84N"	37	11	28.0	76	12	29.3
Thence to S "86N"	37	09	42.3	76	13	17.9

(8) *Chesapeake Bay, fishing area east of mouth of York River.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "114N"	37	12	09.0	76	12	33.7
S "115N"						
S "116N"	37	14	35.9	76	15	08.7
S "117N"						
S "118N"						
S "119N"						
S "120N"	37	17	30.3	76	11	34.4
S "121N"						
S "122N"						
Thence to S "114N".						

(9) *West side of Chesapeake Bay north from York River to Wolf Trap Light, including Mobjack Bay.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point 79	37	15	07.0	76	22	42.0
S "80N"	37	14	35.4	76	20	56.6
S "81N"	37	14	03.9	76	19	11.2
S "89AN"	37	13	04.0	76	17	22.3
S "90N"	37	14	26.8	76	15	39.6
S "91N"						
S "92N"						
S "93N"						
S "94N"	37	17	49.9	76	10	12.6
S "95N"						
S "96N"	37	20	22.7	76	22	14.8
S "97N"	37	19	54.2	76	22	53.0
No limit line.						
S "98N"	37	19	55.9	76	23	17.9
S "99N"	37	20	29.4	76	22	33.0
S "100N"	37	21	22.5	76	24	56.4
No limit line.						
S "101N"	37	22	27.0	76	23	38.4
S "102N"	37	21	21.0	76	22	00.0
Pultz Bar Light	37	21	16.9	76	21	08.5
Pond Point Shoal Light	37	22	13.2	76	20	41.1
No limit line.						
Unmarked Point 80	37	22	05.8	76	20	21.4

	Latitude			Longitude		
	°	′	″	°	′	″
N "2"	37	21	32.5	76	20	40.3
Bell "6"	37	19	56.2	76	20	41.7
S "103N"						
S "104N"	37	18	05.3	76	18	49.9
S "105N"						
S "106N"						
S "107N"						
S "108N"	37	14	45.0	76	15	18.3
S "109N"						
S "110N"						
S "111N"						
C "9A"	37	17	50.2	76	11	30.7
S "112N"						
S "113N"						
C 11						
C 13	37	23	29.6	76	10	27.9

(10) *West side of Chesapeake Bay north from Wolf Trap Light to Maryland-Virginia State Border.*

	Latitude			Longitude		
	°	′	″	°	′	″
C "13"	37	23	29.6	76	10	27.9
S "124N"						
S "125N"						
S "127N"						
S "128N"						
S "129N"	37	32	15.8	76	11	30.1
S "130N"	37	33	34.8	76	13	25.0
S "131N"						
C "3"	37	31	46.9	76	18	20.0
No limit line.						
Unmarked Point 81	37	32	05.1	76	18	32.0
S "133N"						
S "134N"						
S "136N"	37	33	54.9	76	13	31.5
S "137N"						
Unmarked Point 82	37	35	26.2	76	21	20.6
No limit line.						
N "2"	37	36	06.8	76	21	20.6
S "139N"						
Unmarked Point 83	37	34	49.6	76	14	51.1
Unmarked Point 84	37	37	19.0	76	11	37.5
S "146N"						
S "148N"	37	40	46.7	76	11	29.9
S "150N"						
Unmarked Point 85	37	40	23.3	76	15	56.6
Unmarked Point 86	37	39	19.7	76	18	00.6
Following line of 18-foot depth.						
Unmarked Point 87	37	38	45.4	76	18	59.1
No limit line.						
Unmarked Point 88	37	38	51.0	76	19	04.8
Following line of 18-foot depth.						
Unmarked Point 89	37	39	13 9.	76	19	04.5
No limit line.						
Unmarked Point 90	37	39	19.8	76	19	01.5
Following line of 18-foot depth.						
Unmarked Point 91	37	40	07.2	76	18	16.0
No limit line.						
Unmarked Point 92	37	40	16.6	76	18	06.8
Following line of 18-foot depth.						
Unmarked Point 93	37	40	51.1	76	16	22.1
(Fl. W) "1"	37	42	43.3	76	16	56.1
No limit line.						
Unmarked Point 94	37	42	45.4	76	16	37.2
Unmarked Point 95	37	40	52.4	76	16	02.6
S "151N"						
S "153"	37	41	16.5	76	11	28.7
C "154N"						
S "156N"	37	46	58.2	76	12	13.0
C "3"	37	47	46.8	76	15	27.4
No limit line.						
Great Wicomico River Light	37	48	15.0	76	16	04.6
S "157N"	37	48	24.7	76	12	03.0
S "159"	37	50	51.3	76	11	06.2
Smith Point Light	37	52	47.1	76	11	02.8
C "1" on Maryland-Virginia State border	37	54	09.7	76	11	49.3

(11) *Chesapeake Bay, fishing area east of mouth of Rappahannock River.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "140N"	37	34	46.7	76	14	30.1
S "142N"						
S "145N"	37	36	58.3	76	11	38.7
S "143N"	37	34	12.8	76	11	44.9
Thence to S "140N".						

(12) *Rappahannock River in vicinity of Tappahannock.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point 96	37	49	28.7	76	43	56.5
C "19"	37	51	17.9	76	45	26.6
S "190N"	37	51	56.8	76	46	05.3
Unmarked Point 97	37	53	27.5	76	46	51.6
C "23"	37	53	40.3	76	47	05.1
(Fl. G) "29"	37	55	03.3	76	49	20.6
Unmarked Point 98	37	55	50.3	76	51	06.9
Unmarked Point 99	37	56	16.3	76	51	33.0
Unmarked Point 100	37	57	46.9	76	51	42.0
Unmarked Point 101	37	58	29.1	76	52	01.6
No limit line.						
Unmarked Point 102	37	58	30.6	76	51	54.0
Unmarked Point 103	37	57	46.1	76	51	33.6
Unmarked Point 104	37	56	19.3	76	51	26.9
S "160N"	37	55	52.8	76	50	57.2
S "161N"	37	55	09.6	76	49	18.0
S "187N"	37	53	37.9	76	46	48.4
Unmarked Point 105	37	51	59.7	76	55	58.4
S "191N"	37	51	24.3	76	45	22.5
Unmarked Point 106	37	49	31.6	76	43	48.6

(13) *Chesapeake Bay, fishing area in vicinity of Tangier Island.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked point 107 on Maryland-Virginia State Border	37	56	17.1	76	05	44.8
N "12"	37	47	03.6	76	05	42.0
N "71N"	37	44	24.0	76	02	42.0
Tangier Sound Light	37	47	16.6	75	58	26.7
NOTE: Prohibited area.						
A circle 1,000 yards in radius with its center at	37	47	54.0	76	03	48.0

(14) *East side of Chesapeake Bay south from Onancock Creek to Cape Charles.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "164N"	37	43	24.0	75	51	42.0
S "163N"						
S "162N"	37	43	40.8	75	54	57.0
S "158N"	37	38	23.2	75	57	12.1
Unmarked Point 109	37	38	23.4	75	56	30.0
No limit line.						
Unmarked Point 110	37	37	36.0	75	56	00.0
S "155N"	37	37	23.9	75	57	37.8
S "152N"	37	32	55.2	75	59	31.2
Unmarked Point 111	27	33	55.2	75	58	06.4
No limit line.						
Unmarked Point 112	37	32	10.2	75	58	24.0
S "149N"	37	31	39.6	75	59	54.6
S "147N"	37	28	30.7	76	00	40.6
Unmarked Point 113	37	28	15.0	75	59	06.0
No limit line.						
Unmarked Point 114	37	27	40.2	75	59	10.8
S "144N"	37	27	26.4	76	00	56.3
S "141N"	37	24	11.3	76	01	43.7
Unmarked Point 115	37	23	58.8	76	00	05.4
No limit line.						
Unmarked Point 116	37	23	07.2	76	00	21.6
S "138N"	37	23	05.5	76	01	59.7
S "135N"						
S "132N"	37	15	04.2	76	03	56.4
S "131N"	37	14	02.4	76	03	20.4
Unmarked Point 117	37	14	27.1	76	02	35.7
No limit line.						
Unmarked Point 118	37	14	07.4	76	02	06.0
S "128N"	37	13	35.1	76	03	04.6
S "126N"						
S "123N"	37	07	03.6	75	59	17.4

[Regs., Dec. 7, 1961, ENGCW-ON] (Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61—11917; Filed, Dec. 18, 1961; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Annual Leave; Overseas Employees

Section 30.302 is added to Subpart C as set out below.

§ 30.302 Maximum annual leave accumulation—overseas employees.

(a) The effective date on which an employee (otherwise eligible thereunder) will become subject to section 203(d) of the Act is the:

(1) Date of his entry on duty when he is employed locally; or

(2) Date of his arrival at a post of regular assignment for duty; or

(3) Date on which he begins to perform duty in an area outside the United States and the area of recruitment or from which transferred, when the employee is required to perform duty en route to his post of regular assignment for duty.

(b) When an employee is transferred or assigned to a position in which he is no longer subject to section 203(d) of the Act, the maximum amount of annual leave that may be carried forward into the next leave year shall, on the date prescribed by paragraph (c) of this section, be determined as follows:

(1) When the amount of the employee's accumulated and acorued annual leave is 30 days or less, the employee shall be subject to the accumulation limitation of 30 days prescribed by section 203(c) of the Act; or

(2) When the amount of the employee's accumulated and accrued annual leave is more than 30 days, but not more than 45 days, that amount may be carried forward into the next leave year as a maximum; or

(3) When the amount of accumulated and accrued annual leave is more than 45 days, no more than 45 days annual leave may be carried forward into the next leave year, unless the employee is entitled to a greater accumulation under the provisions of section 208 of the Act.

(c) The determination of the amount of annual leave which may be carried forward under the provisions of paragraph (b) of this section shall be made as of the end of the pay period which includes:

(1) The date on which the employee departs from his post of regular assignment for transfer or reassignment, except when the employee is required to perform duty en route in an area in which he would be subject to section 203 (d) of the Act if assigned there, it shall be the date on which he ceases to perform the duty; or

(2) The date on which final administrative approval is given to effect a change in the employee's duty station when he is on detail or on leave in the United States, or when he is on detail or on leave in an area (Commonwealth of Puerto Rico, or a possession of the United States) from which he was recruited or transferred.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11993; Filed, Dec. 18, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

Imported Meats

On September 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8597) a notice of proposed amendments of the Federal meat grading regulations in 7 CFR, Part 53, with respect to marking of imported meat offered for service under the regulations, under the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624).

After due consideration of all relevant matters presented with respect to the proposed amendments, and pursuant to said sections 203 and 205 of the Agricultural Marketing Act, §§ 53.5 and 53.13 of said regulations (7 CFR 53.5, 53.13) are hereby amended as follows:

1. Section 53.5 is amended by adding at the end thereof the following: "Service under the regulations will be furnished for imported meat only if it is marked in a manner approved by the Chief to show the name of the country of origin on each wholesale cut in such a way that the name of the country of origin appears on most of the major retail cuts. The mark of foreign origin shall be imprinted by roller brand or hand stamp and shall be applied so that the imprint is at least 2 inches from the backbone of lamb, 3 inches from the backbone of veal and calf, and 4 inches from the backbone of beef carcasses. The mark of foreign origin shall be repeated parallel to the backbone of the carcass so as to appear on each round, rump, full loin, rib, and chuck of each bovine and ovine carcass, in letters at least one-fourth of an inch high, but not more than one-half of an inch high, with no more than three-fourths of an inch space between each impression. Imprints of each such brand shall be submitted to the Chief for approval prior to use of the brand on meats offered for Federal grading. It shall be the responsibility of the applicant to notify the meat grader performing the service whenever imported meat is offered for grading."

2. Section 53.13 is amended by changing paragraph (a)(1)(i) to read: "(i) has knowingly made any misrepresentation or has knowingly failed to furnish any required information or has committed any other fraudulent or deceptive act or practice in connection with any application or request for service under the regulations."

The purpose of the amendments is to require identification of the foreign country of origin on imported meat offered for Federal grading.

The amendments differ in some respects from the proposal contained in the notice of rulemaking. The differences are due to changes for clarification and greater specificity of requirements with respect to foreign origin markings. It is believed that further notice of rulemaking and other public procedure on the amendments would not make additional information available to the Department. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further public rulemaking procedure is unnecessary.

The amendments shall become effective March 1, 1962. This will afford handlers of imported meat opportunity to arrange for suitable marking procedures.

Done at Washington, D.C., this 14th day of December 1961.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-12005; Filed, Dec. 18, 1961; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 15]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops

INCREASED DURAM WHEAT (CLASS II) ALLOTMENTS, CALIFORNIA

On pages 10484 and 10485 of the FEDERAL REGISTER of November 7, 1961, there was published a notice of proposed rule making to issue amendments to the regulations pertaining to farm acreage allotments for 1960 and subsequent crops of wheat to increase Duram Wheat (Class II) allotments for the Tulelake area in the counties of Siskiyou and Modoc, State of California. Interested persons were given 30 days in which to submit written data, views or recommendations with respect to the proposed amendments.

No data, views or recommendations have been received.

The proposed amendments are hereby adopted without change as set forth below.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

DECEMBER 12, 1961.

1. Section 728.1011(f)(6)(viii) is amended to read as follows:

(viii) For 1960, 1961, 1962, and 1963, for any farm in the Tulelake area of California to which the provisions of Public Laws 86–385 and 87–357 are applicable, the sum of the acreage determined as indicated in subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph based on the allotment, plus the special Durum Wheat (Class II) allotment determined for the farm under the provisions of Public Laws 86–385 and 87–357 as provided in § 728.1026.

2. Section 728.1026(a) is amended by adding at the end thereof a new sentence as follows: "Special acreage allotments shall be established under this section for the crop years 1960, 1961, 1962, and 1963."

3. Section 728.1026(f) is amended by changing the second sentence thereof to read as follows: "The special allotments under this section shall be in addition to national, State, and county wheat acreage allotments for the 1960, 1961, 1962, and 1963 crop years, and the acreage of Durum Wheat (Class II) on such special allotments shall be considered in establishing future State, county, and farm acreage allotments.

4. Section 728.1026 is amended by adding at the end thereof a new paragraph (h) as follows:

(h) The producers on any farm for which the 1962 wheat acreage allotment is increased pursuant to this section shall not be eligible to participate in the 1962 wheat stabilization program (7 CFR Part 776) with respect to such farm; and any provision of law providing for a general reduction in farm acreage allotments or for an acreage diversion program for the 1963 crop of wheat shall not apply to farms for which acreage allotments are increased under this section unless such provision of law is specifically made applicable to such farms.

[F.R. Doc. 61–11965; Filed, Dec. 18, 1961; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 46]

PART 946—MILK IN LOUISVILLE-LEXINGTON, KENTUCKY, MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Louisville-Lexington, Kentucky, marketing area (7 CFR Part 946), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the months of January, February, and March 1962:

In the language in § 946.51(a) preceding subparagraph (1) the words "• • • for each of the months of August through December 1961 • • •".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons effected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) A public hearing has been held on proposals to amend Federal Orders No. 46 and 124 regulating the handling of milk in the Louisville-Lexington and Ohio Valley marketing areas, respectively, including the consideration of a consolidation of the two orders.

(4) An amendment to the Louisville-Lexington order effective August 1, 1961 (26 F.R. 6836) provided that for the months of August through December 1961 the Class I price should not be less than the price of June 1961. Time required for review of the issues presented on the record of the September 18–27, 1961, hearing would prevent issuance of a consolidated order (if such is deemed desirable on the basis of the record) prior to the expiration of such minimum Class I price.

(5) It is necessary for the purpose of maintaining orderly marketing conditions that this same minimum price be continued for a period sufficient to allow completion of the consideration of the proposed consolidation of the two orders.

Therefore, good cause exists for making this order effective January 1, 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period January 1 through March 31, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1962.

Signed at Washington, D.C., on December 13, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61–11983; Filed, Dec. 18, 1961; 8:47 a.m.]

[Lemon Reg. 929, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 953.1036 (Lemon Regulation 929, 26 F.R. 11818) are hereby amended to read as follows:

(i) District 1: 32,550 cartons;
(ii) District 2: 125,550 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 14, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12004; Filed, Dec. 18, 1961; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

APPLICATIONS FOR DISCRETIONARY BENEFITS

Miscellaneous Amendments

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on October 20, 1961 (26 F.R. 9858), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out the terms of proposed amendments to Parts 242, 243, 245, 249, and 299 of Chapter I, Title 8, Code of Federal Regulations, pertaining to applications for discretionary benefits. Reference is also made to the rules published in the FEDERAL REGISTER on December 9, 1961 (26 F.R. 11818), concerning Parts 237, 243, and 299, pertaining to the exclusion and deportation of aliens in the United States, designated to become effective January 2, 1962, and which are now being made effective coextensive with the effective date of this order on January 22, 1962.

One representation which was received concerning the proposed rules of October 20, 1961, has been considered and those proposed rules have been amended in the following respects:

Section 103.5 has been amended to provide for reopening or reconsideration except as otherwise provided in Part 242; § 242.8(a) has been amended by deleting certain procedural material which has been repositioned in § 242.15; § 242.9(a) has been amended to broaden the examining officer's responsibilities and to adjust two cross references; § 242.15 is now being amended as a result of the amendment to § 242.8(a); § 242.17(a) has been amended to show that, in exercising his discretionary powers to grant or deny the applications enumerated therein, the special inquiry officer may consider and rely upon information not contained in the record only when the Commissioner has determined that it is in the interest of the national security and safety to do so, other material being repositioned in § 242.17(d); § 242.17(b) has been amended to show that the respondent may apply for voluntary departure pursuant to section 242(e) of the Act and Part 244 of this chapter; § 242.17(c), which has been added, substantially restates the provisions of § 242.17(b) and has been amended to provide that a determination under section 243(h) of the Act may be based upon information not of record if, in the opinion of the special inquiry officer or the Board, the disclosure of such information would be prejudicial to the interests of the United States; § 242.17(d), which has been added, restates certain provisions of § 242.17(a), and has been amended to point up that not more than one fee is required in connection with an application for the creation of the status of an alien lawfully admitted for permanent residence or for temporary withholding of deportation; § 242.18(a), which has been amended to provide that the special inquiry officer's decision include a discussion of the evidence, also eliminates the formal enumeration of findings of fact in his decision; § 242.18(b) has been amended to show that a summary decision may be rendered when deportability is determined on the pleadings and the respondent does not make an application under § 242.17; § 242.18(c), previously designated § 242.19, has been amended to provide for alternate orders by the special inquiry officer, the provisions of former § 242.18(c) being restated in § 242.17(a); § 242.19(a), previously designated § 242.20(a), has been amended by deleting the words "if any"; § 242.19(b), previously designated § 242.20(b), has been amended to provide for the furnishing of a typewritten copy of the oral decision at the request of the respondent or the examining officer; § 242.19(c), previously designated as § 242.20(c), has been amended to eliminate the words "two copies", and a cross reference was changed; § 242.20, previously designated § 242.21, has been amended by deleting the words "Part 103"; § 242.21, previously designated § 242.22, has been amended to provide that an appeal shall be taken within 10 days after the stating of an oral decision rather than after the mailing of the typewritten copy of such a decision; § 242.22 is new and sets forth the procedure for reopening or reconsideration in certain instances by a special inquiry officer; § 242.23 has not been amended; § 243.1 is new and is being added to show when an order of deportation becomes final, the provisions of Part 243 being renumbered herein; § 244.1 has been amended to show that an application for suspension shall be made on Form I–256A, this requirement having been contained in § 242.16(e) which is being revoked; § 245.1 has been amended to clarify the ineligible classes; § 245.2 has been amended to show that an application by an alien for section 245 benefits after he has been served with an order to show cause or a warrant of arrest shall be made and considered only in proceedings under Part 242 and that an appeal does not lie from the denial of a section 245 application by a district director, such denial being without prejudice if the application is renewed under Part 242; § 245.3 repositions material formerly in § 245.2; § 245.4 restates former § 245.3; § 245.5, in addition to restating former § 245.4, has been amended by changing a cross reference; § 249.1 has been substantially restated; § 249.2 has been amended to make clear that an application by an alien for section 249 benefits after he has been served with an order to show cause or a warrant of arrest shall be made and considered only in proceedings under Part 242 and that an appeal does not lie from the denial of a section 249 application by a district director, such denial being without prejudice if the application is renewed under Part 242.

In addition to the amendatory regulations which are set out below and are hereby adopted, determinations by district directors under section 243(a) of the Act, decisions by regional commissioners under sections 243(h), 245, and 249 of the Act, and decisions by district directors under sections 245 and 249 of the Act which have not been appealed or certified shall be final in all cases where (1) the determination or decision has been made prior to January 22, 1962, in accordance with the regulations then in effect, and (2) a finding of deportability has been made by a special inquiry officer prior to said date; and the alien shall not be entitled to have any such determination or decision by the district director or regional commissioner reconsidered in accordance with the amended provisions of Part 242 unless he can establish that he is in possession of evidence which is material and which by due diligence could not have been discovered and presented for consideration at the time of the prior adjudication.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

1. Section 103.5 is amended to read as follows:

§ 103.5 Reopening or reconsideration.

Except as otherwise provided in Part 242 of this chapter, a proceeding authorized under this chapter may be reopened or the decision made therein reconsidered for proper cause upon motion made by the party affected and granted by the officer who has jurisdiction over the proceeding or who made the decision. When the alien is the moving party, a motion to reopen or a motion to reconsider shall be filed in duplicate, accompanied by a supporting brief, if any, and the appropriate fee specified by and remitted in accordance with the provisions of § 103.7, with the district director in whose district the proceeding was conducted for transmittal to the officer having jurisdiction. When an officer of the Service is the moving party, a copy of the motion shall be served on the alien or other party in interest and the motion, together with proof of service, shall be filed directly with the officer having jurisdiction. The party opposing the motion shall have 10 days from the date of service thereof within which he may submit a brief, which period may be extended. If the officer who originally decided the case is unavailable, the motion may be referred to another officer. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. Rulings upon motions to reopen or motions to reconsider shall be by written decision.

2. A fee is added to the list of fees in paragraph (c) of § 103.7 so that when taken with the introductory material, it will read as follows:

§ 103.7 Records and fees.

• • • • • •

(c) *Additional fees.* In addition to the fees enumerated in sections 281 and 344 of the Act, the following fees and charges are prescribed:

• • • • • •

For filing application for temporary withholding of deportation under section 243(h) of the Act	$25.00

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. Paragraph (a) of § 242.8 is amended to read as follows:

§ 242.8 Special inquiry officers.

(a) *Authority.* In any proceeding conducted under this part the special inquiry officer shall have the authority to determine deportability and to make decisions, including orders of deportation as provided by section 242(b) of the Act; to reinstate orders of deportation as provided by section 242(f) of the Act; to determine applications under sections 244, 245, and 249 of the Act; to determine the country to which an alien's deportation will be directed in accordance with section 243(a) of the Act; to order temporary withholding of deportation pursuant to section 243(h) of the Act, and to make any other action consistent with applicable provisions of law and regulation as may be appropriate to the disposition of the case. Nothing contained in this part shall be construed to diminish the authority conferred on special inquiry officers by the Act.

2. Paragraph (a) of § 242.9 is amended to read as follows:

§ 242.9 Examining officer.

(a) *Authority.* When an additional immigration officer is assigned to a proceeding under this part to perform the duties of an examining officer, he shall present on behalf of the Government evidence material to the issues of deportability and any other issues which may require disposition by the special inquiry officer. The examining officer is authorized to appeal from a decision of the special inquiry officer pursuant to § 242.21 and to move for reopening or reconsideration pursuant to § 242.22.

3. Section 242.15 is amended to read as follows:

§ 242.15 Contents of record.

The hearing before the special inquiry officer, including the testimony, exhibits, applications and requests, the special inquiry officer's decision, and all written orders, motions, appeals, briefs, and other papers filed in the proceeding shall constitute the record in the case. The hearing shall be recorded verbatim except for statements made off the record with the permission of the special inquiry officer. In his discretion, the special inquiry officer may exclude from the record any arguments made in connection with motions, applications, requests, or objections, but in such event the person affected may submit a brief.

§ 242.16 [Amendment.]

4. Paragraph (e) *Application for discretionary relief* of § 242.16 *Hearing* is revoked.

5. Sections 242.17 through 242.23 are revoked and new §§ 242.17 through 242.23 are added to read as follows:

§ 242.17 Ancillary matters, applications.

(a) *Creation of the status of an alien lawfully admitted for permanent residence.* The respondent may apply to the special inquiry officer for suspension of deportation under section 244(a) of the Act, for adjustment of status under section 245 of the Act, or for creation of a record of lawful admission for permanent residence under section 249 of the Act; such applications shall be subject to the requirements contained in Parts 244, 245, and 249 of this chapter. The special inquiry officer shall inform the respondent of his apparent eligibility to apply for any of the benefits enumerated in this paragraph and shall afford him an opportunity to make application therefor during the hearing. In exercising discretionary powers to grant or deny an application under this paragraph, the special inquiry officer may consider and rely upon information not contained in the record, provided the Commissioner has determined that it is in the interest of the national security and safety to do so.

(b) *Voluntary departure.* The respondent may apply to the special inquiry officer for voluntary departure in lieu of deportation pursuant to section 244(e) of the Act and Part 244 of this chapter.

(c) *Temporary withholding of deportation.* The special inquiry officer shall notify the respondent that if he is finally ordered deported his deportation will in the first instance be directed pursuant to section 243(a) of the Act to the country designated by him and shall afford the respondent an opportunity then and there to make such designation. The special inquiry officer shall then specify and state for the record the country, or countries in the alternate, to which respondent's deportation will be directed pursuant to section 243(a) of the Act if the country of his designation will not accept him into its territory, or fails to furnish timely notice of acceptance, or the respondent declines to designate a country. The respondent shall be advised that pursuant to section 243(h) of the Act he may apply for temporary withholding of deportation to the country or countries specified by the special inquiry officer and may be granted not more than ten days in which to submit his application. The application shall consist of respondent's statement setting forth the reasons in support of his request. The respondent shall be examined under oath on his application and may present such pertinent evidence or information as he has readily available. The respondent has the burden of satisfying the special inquiry officer that he would be subject to physical persecution as claimed. The determination under section 243(h) of the Act may be based upon information not of record if, in the opinion of the special inquiry officer or the Board, the disclosure of such information would be prejudicial to the interests of the United States.

(d) *General.* An application under this section shall be made only during the hearing and shall not be held to constitute a concession of alienage or deportability in any case in which the respondent does not admit his alienage or deportability. The respondent shall have the burden of establishing that he is eligible for any requested benefit or privilege and that it should be granted in the exercise of discretion. The respondent shall not be required to pay a fee on more than one application within paragraphs (a) and (c) of this section. Nothing contained herein is intended to foreclose the respondent from applying for any benefit or privilege which he believes himself eligible to receive in proceedings under this part.

§ 242.18 Decision of special inquiry officer.

(a) *Contents.* The decision of the special inquiry officer may be oral or written. Except when deportability is determined on the pleadings pursuant to § 242.16(b), the decision of the special inquiry officer shall include a discussion of the evidence and findings as to deportability. The formal enumeration of findings is not required. The decision shall also contain a discussion of the evidence pertinent to any application made by the respondent under § 242.17 and the reasons for granting or denying the request. The decision shall be concluded with the order of the special inquiry officer.

(b) *Summary decision.* Notwithstanding the provisions of paragraph (a) of this section, in any case where deportability is determined on the pleadings pursuant to § 242.16(b) and the respondent does not make an application under § 242.17, or the respondent applies for voluntary departure only and the special inquiry officer grants the application, the special inquiry officer may enter a summary decision on Form I–38, if deportation is ordered, or on Form I–39, if voluntary departure is granted with an alternate order of deportation.

(c) *Order of the special inquiry officer.* The order of the special inquiry officer shall direct the respondent's deportation, or the termination of the proceedings, or such other disposition of the case as may be appropriate. When deportation is ordered, the special inquiry officer shall specify the country, or countries in the alternate, to which respondent's deportation shall be directed. The special inquiry officer is authorized to issue orders in the alternative or in combination as he may deem necessary.

§ 242.19 Notice of decision.

(a) *Written decision.* A written decision shall be served upon the respondent and the examining officer, together with the notice referred to in § 3.3 of this chapter. Service by mail is complete upon mailing.

(b) *Oral decision.* An oral decision shall be stated by the special inquiry officer in the presence of the respondent and the examining officer, if any, at the conclusion of the hearing. Unless appeal from the decision is waived, the respondent shall be furnished with Notice of Appeal, Form I–290A, and advised of the provisions of § 242.21. A typewritten copy of the oral decision shall be furnished at the request of the respondent or the examining officer.

(c) *Summary decision.* When the special inquiry officer renders a summary decision as provided in § 242.18(b), he shall serve a copy thereof upon the respondent at the conclusion of the hearing. Unless appeal from the decision is waived, the respondent shall be furnished with Notice of Appeal, Form I–290A, and advised of the provisions of § 242.21.

§ 242.20 Finality of order.

The order of the special inquiry officer shall be final except when the case is certified to the Board as provided in Part 3 of this chapter or an appeal is taken to the Board by the respondent or the examining officer.

§ 242.21 Appeals.

Pursuant to Part 3 of this chapter an appeal shall lie from a decision of a special inquiry officer under this part to the Board of Immigration Appeals. An appeal shall be taken within ten days after the mailing of a written decision, or the stating of an oral decision, or the service of a summary decision on Form I–38 or Form I–39. The reasons for the appeal shall be stated briefly in the Notice of Appeal, Form I–290A; failure to do so may constitute a ground for dismissal of the appeal by the Board.

§ 242.22 Reopening or reconsideration.

Except as otherwise provided in this section, a motion to reopen or reconsider shall be subject to the requirements of § 103.5 of this chapter. The special inquiry officer may upon his own motion, or upon motion of the examining officer or the respondent, reopen or reconsider any case in which he has made a decision, unless jurisdiction in the case is vested in the Board under Part 3 of this chapter. A motion to reopen will not be granted unless the special inquiry officer is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the hearing; nor will any motion to reopen for the purpose of providing the respondent with an opportunity to make an application under § 242.17 be granted if respondent's right to make such application was fully explained to him by the special inquiry officer and he was afforded an opportunity to do so at the hearing, unless circumstances have arisen thereafter on the basis of which the request is being made.

§ 242.23 Proceedings under section 242(f) of the Act.

(a) *Applicable regulations.* Except as hereafter provided in this section, all the provisions of §§ 242.8 to 242.22, inclusive, shall apply to the case of a respondent within the purview of § 242.6.

(b) *Deportability.* In determining the deportability of an alien alleged to be within the purview of § 242.6, the issues shall be limited solely to a determination of the identity of the respondent, i.e., whether the respondent is in fact an alien who was previously deported, or who departed while an order of deportation was outstanding; whether the respondent was previously deported as a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241(a) of the Act; and whether respondent unlawfully reentered the United States.

(c) *Order.* If deportability as charged pursuant to § 242.6 is established, the special inquiry officer shall order that the respondent be deported under the previous order of deportation in accordance with section 242(f) of the Act, or shall enter such other order as may be required for the appropriate disposition of the case.

(d) *Examining officer; additional charges.* When an examining officer is assigned to a proceeding under this section and additional charges are lodged against the respondent, the provisions of paragraph (b) of this section shall cease to apply.

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Part 243 is amended to read as follows:

Sec.
243.1 Final order of deportation.
243.2 Warrant of deportation.
243.3 Expulsion.
243.4 Stay of deportation.
243.5 Self-deportation.
243.6 Notice to transportation line.
243.7 Special care and attention for aliens.

AUTHORITY: §§ 243.1 to 243.7 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 242, 243, 66 Stat. 208, as amended, 212; 8 U.S.C. 1252, 1253.

§ 243.1 Final order of deportation.

Except as otherwise required by section 242(c) of the Act for the specific purposes of that section, an order of deportation, including an alternate order of deportation coupled with an order of voluntary departure, made by the special inquiry officer in proceedings under Part 242 of this chapter shall become final upon dismissal of an appeal by the Board of Immigration Appeals, upon waiver of appeal, or upon expiration of the time allotted for an appeal when no appeal is taken; or, if such an order is issued by the Board or approved by the Board upon certification, it shall be final as of the date of the Board's decision.

§ 243.2 Warrant of deportation.

A warrant of deportation based upon the final administrative order of deportation in the alien's case shall be issued by a district director. The district director shall exercise the authority contained in section 243 of the Act to determine at whose expense the alien shall be deported and whether his mental or physical condition requires personal care and attendance en route to his destination.

§ 243.3 Expulsion.

Once the warrant of deportation is issued an alien, if not in the physical custody of the Service, shall be given not less than 72 hours' advance notice in writing of the time and place of his surrender completely ready for deportation. If the alien fails to surrender as directed, he shall be deported without further notice when located. Notwithstanding the filing of an application for a stay of deportation, an alien shall surrender as directed unless he shall receive notice prior to the surrender date that a stay has been granted.

§ 243.4 Stay of deportation.

Any request by an alien under a final administrative order of deportation for a stay of deportation, except a request for withholding of deportation pursuant to section 243(h) of the Act, shall be filed on Form I–246 with the district director having jurisdiction over the place where the alien is at the time of filing. The district director, in his discretion, may grant a stay of deportation for such time and under such conditions as he may deem appropriate. Written notice of the disposition of the alien's request shall be served upon him, but neither the making of the request nor the failure to receive notice of the decision thereon shall relieve or excuse the alien from presenting himself for deportation at the time and place designated for his deportation. Denial by the district director of a request for a stay is not appealable but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in Part 3 of this chapter.

§ 243.5 Self-deportation.

A district director may permit an alien ordered deported to depart at his own expense to a destination of his own choice. Any alien who has departed from the United States while an order of deportation is outstanding shall be considered to have been deported in pursuance of law.

§ 243.6 Notice to transportation line.

When a transportation line is responsible for the expenses of an alien's deportation, notification shall be made to such line on Form I–284, when applicable, and Form I–288. If special care and attention is required, notification to this effect shall be placed on Form I–288.

§ 243.7 Special care and attention for aliens.

When a transportation line is responsible for the expenses of an alien's deportation, the alien shall be delivered to the master, commanding officer, or the officer in charge of the vessel or aircraft on which the alien will be deported, who shall be given Forms I–287, I–287A, and I–287B. The reverse of Form I–287A shall be signed by the officer of the vessel or aircraft to whom the alien has been delivered and immediately returned to the immigration officer effecting delivery. Form I–287B shall be retained by the receiving officer and subsequently filled out by the agents or persons therein designated and returned by mail to the district director named on the form. The transportation line shall at its own expense forward the alien from the foreign port of disembarkation to the final destination specified on Form I–287. The special care and attention shall be continued to such final destination, except when the foreign public officers decline to allow such attendant to proceed and themselves take charge of the alien, in which case this fact shall be recorded by the transportation line on the reverse of Form I–287B. If the transportation line fails, refuses, or neglects to provide the necessary special care and attention or comply with the directions of Form I–287, the district director shall thereafter and without notice employ suitable persons, at the expense of the transportation line, and effect such deportation.

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Section 244.1 is amended to read as follows:

§ 244.1 Application.

Pursuant to Part 242 of this chapter and section 244 of the Act, a special inquiry officer in his discretion may authorize the suspension of an alien's deportation, or authorize an alien to depart voluntarily from the United States in lieu of deportation if the alien establishes that he is willing and has the immediate means with which to depart promptly from the United States. An application for suspension of deportation shall be made on Form I–256A.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Part 245 is amended to read as follows:

Sec.
245.1 Eligibility.
245.2 Application.
245.3 Adjustment of status under section 13 of the Act of September 11, 1957.
245.4 Documentary requirements.
245.5 Medical examination.

AUTHORITY: §§ 245.1 to 245.5 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 204, 205, 212, 234, 242, 245, 247, 249, 66 Stat. 166, as amended, 179, 180, as amended, 182, as amended, 198, 208, as amended, 217, as amended, 218, 219, as amended; sec. 13, 71 Stat. 642; 8 U.S.C. 1101, 1154, 1155, 1182, 1224, 1252, 1255, 1255b, 1257, 1259.

§ 245.1 Eligibility.

An alien who on arrival in the United States was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon, or was not admitted or paroled following inspection by an immigration officer is not eligible for the benefits of section 245 of the Act. Pursuant to section 212(e) of the Act, an alien who has or has had the status of an exchange alien or of a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for the benefits of section 245 of the Act unless he has complied with the foreign-residence requirements of section 212(e) of the Act or has been granted a waiver thereof. An alien who has a nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of section 101(a) of the Act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101(a) of the Act is not eligible for the benefits of section 245 of the Act unless he first executes and submits with his application the written waiver required by section 247(b) of the Act and Part 247 of this chapter. A visa shall not be held to be available for an alien claiming a preference-quota status or a nonquota status under section 101(a)(27)(A) or (F) unless a petition to accord such status has been approved in accordance with Part 204 or Part 205 of this chapter. Except as provided in Part 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under sections 212(f), (g), and (h) of the Act, as amended September 26, 1961, insofar as they relate to the excludability of an alien in the United States.

§ 245.2 Application.

An application by an alien after he has been served with an order to show cause or warrant of arrest shall be made and considered only in proceedings under Part 242 of this chapter. In any other case, an alien who believes that he meets the eligibility requirements of section 245 of the Act and § 245.1 shall apply on Form I–485 to the district director having jurisdiction over his place of residence. The applicant shall be notified of the decision and if the application is denied of the reasons therefor. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew his application in proceedings under Part 242 of this chapter.

§ 245.3 Adjustment of status under section 13 of the Act of September 11, 1957.

An application for the benefits of section 13 of the Act of September 11, 1957, shall be filed on Form I–485 with the district director having jurisdiction over the applicant's place of residence. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 245.4 Documentary requirements.

The provisions of Part 211 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant under this part.

§ 245.5 Medical examination.

Upon acceptance of an application, the applicant shall be required to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a Board of medical officers of the United States Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to provide for the consideration of applications for discretionary benefits during the deportation hearing.

This order shall become effective on January 22, 1962.

Dated: December 14, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61–12021; Filed, Dec. 18, 1961; 8:49 a.m.]

PART 249—CREATION OF RECORDS OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

Part 249 is amended to read as follows:

Sec.
249.1 Waiver of inadmissibility.
249.2 Application.

AUTHORITY: §§ 249.1 and 249.2 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret and apply secs. 212, 249, 66 Stat. 182, as amended, 219, as amended; 8 U.S.C. 1182, 1259.

§ 249.1 Waiver of inadmissibility.

In conjunction with an application under section 249 of the Act, an otherwise eligible alien who is inadmissible under paragraph (9), (10), or (12) of section 212(a) of the Act may request a waiver of such ground of inadmissibility pursuant to the provisions of section 212(g) of the Act.

§ 249.2 Application.

An application by an alien after he has been served with an order to show cause or warrant of arrest shall be made and considered only in proceedings under Part 242 of this chapter. In any other case, an alien who believes that he meets the eligibility requirements enumerated in section 249 of the Act shall apply on Form I–485 to the district director having jurisdiction over his place of residence. The applicant shall be notified of the decision and if the application is denied of the reasons therefor. If the application is granted, a Form I–151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall not be issued until the applicant surrenders any other document in his possession evidencing compliance with the alien-registration requirements of former or existing law. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew an application in proceedings under Part 242 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to provide for the consideration of applications for discretionary benefits during the deportation hearing.

This order shall become effective on January 22, 1962.

Dated: December 14, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61–12021; Filed, Dec. 18, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

[Docket No. 13039; Order No. E–17839]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Order Denying Motion for Stay and Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of December 1961.

On December 11, 1961, Riddle Airlines, Inc. (Riddle) filed a motion for stay of Amendment 1 to Part 288 of the Economic Regulations (14 CFR Part 288; ER–342, 26 F.R. 11483), whose effective date is December 15, 1961, and a petition for reconsideration thereof, insofar as such Amendment would permit calculation of the charges for transportation from Travis Air Force Base, California, to Tachikawa, Japan, via Anchorage, Alaska, for flights actually taking the mid-Pacific route via Honolulu, Hawaii.

It appearing to the Board, upon consideration of Riddle's motion and petition, that these documents do not set forth sufficient facts and reasons to justify the relief requested,

It is ordered, That the aforesaid Motion and Petition be, and they hereby are, denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–12010; Filed, Dec. 18, 1961; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8437 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

20th Century Varieties, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(e) *Imported products or parts as domestic.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, 20th Century Varieties, Inc., et al., Bronx, N.Y., Docket 8437, Sept. 21, 1961]

In the Matter of 20th Century Varieties, Inc., a Corporation, and Benjamin Rothberg and Samuel Lambert, Individually and as Officers of Said Corporation

Consent order requiring a toy distributor in Bronx, N.Y., to cease such practices as selling toy handcuffs and goggles manufactured in Japan on cards stating "Made in U.S.A.", etc., and hiding the marking "Japan" on the articles by the method of packaging; and to disclose clearly the foreign origin of other toys such as plastic binoculars and whistles, which bore the names "Hong Kong" and "Japan", but in very small, raised letters of the same color as the items so as to be almost completely indistinguishable.

The order to cease and desist is as follows:

It is ordered, That respondents, 20th Century Varieties, Inc., a corporation, and its officers and Benjamin Rothberg and Samuel Lambert, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of toys or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, in advertising or in labeling that products manufactured in Japan or any other foreign country are manufactured in the United States;

2. Offering for sale or selling products which are, in whole or in substantial part, of foreign origin, without clearly and conspicuously disclosing on such products, and if the products are enclosed in a package or carton, on said package or carton, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 21, 1961.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–11975; Filed, Dec. 18, 1961; 8:46 a.m.]

[Docket 8439 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Winkelman Bros. Apparel, Inc.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(a) *Maker or seller;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Winkelman Bros. Apparel, Inc., Detroit, Mich., Docket 8439, Sept. 21, 1961]

Consent order requiring a Detroit furrier to cease violating the Fur Products Labeling Act by failing, on labels and invoices and in newspaper advertising, to show the true animal name of the fur used in a fur product and to disclose when fur in a fur product was dyed; failing, in labeling and advertising, to disclose the country of origin of imported furs; failing to show a qualified name or registered identification number on labels; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Winkelman Brothers Apparel, Inc., a corporation, and its officers and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products the name or names of any animal or animals other than the name or names provided for in section 4(2)(A) of the Fur Products Labeling Act.

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

D. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(3) The name of the country of origin of any imported furs contained in a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 21, 1961.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11976; Filed, Dec. 18, 1961; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220 Subpart B is revised to read as follows:

Subpart B—Contract Rights and Obligations—Homes

Sec.
220.251 Incorporation by reference.
220.252 Forbearance of foreclosure and assignment of mortgage.
220.253 Application for insurance benefits and accompanying fiscal data.
220.275 Payment of insurance benefits.

INSURED HOME IMPROVEMENT LOANS

220.350 Incorporation by reference.
220.355 Claim application and items to be filed.
220.360 Claim computation; items included.
220.365 Claim computation; items deducted.
220.450 Effective date.

AUTHORITY: §§ 220.251 to 220.450 issued under sec. 211, 52 Stat. 23, as amended, sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715b, 1715k.

§ 220.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act except the following provisions:

Sec.
203.340 Conditions of special forbearance relief.
203.341 Reimbursement for uncollected interest.
203.350 Assignment of defaulted mortgage—in general.
203.351 Application for debentures and fiscal data.
203.352 Title evidence upon assignment.
203.353 Certification by mortgagee.
203.400 Delivery of debentures.
203.402 Debenture computation—conveyed properties; items included.
203.405 Debenture interest rate.
203.406 Maturity of debentures.
203.407 Registration of debentures.
203.408 Denomination of debentures.
203.409 Redemption of debentures.
203.410 Issue date of debentures.
203.411 Cash adjustment.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.

(b) For the purpose of this subpart all references in Part 203 of this chapter to

(1) Section 203 of the Act shall be construed to refer to section 220 of the Act;

(2) The Mutual Mortgage Insurance Fund shall be construed to refer to the section 220 Housing Insurance Fund; and

(3) Debentures shall be construed to refer to payments either in cash or debentures as prescribed in § 220.275.

§ 220.252 Forbearance of foreclosure and assignment of mortgage.

All of the provisions of §§ 203.340, 203.341, 203.350, 203.352, and 203.353 of this chapter shall apply to mortgages insured under this subpart except that the provisions relating to forbearance of foreclosure and assignment of a defaulted mortgage shall be applicable only to a mortgage covering a property having not more than four dwelling units.

§ 220.253 Application for insurance benefits and accompanying fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for insurance benefits and the fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements as required by the fiscal data form, and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of mortgage, and if the original of the assignment is not available, a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(e) *Cash or property.* All property held by the mortgagee or to which it is entitled and, if payment is requested in debentures, all cash held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 220.275 Payment of insurance benefits.

(a) *Method of payment.* If the application for insurance benefits is acceptable to the Commissioner, payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash of the Section 220 Housing Insurance Fund.

(2) *Optional payment in debentures.* Payment shall be made in debentures of the Section 220 Housing Insurance Fund upon filing a written request with the application.

(b) *Special provisions—payment in cash.* Where payment is made in cash:

(1) All of the provisions of § 203.402 of this chapter, with the exception of paragraph (i), shall be applicable; and

(2) There shall be deducted from the cash payment the amount of all cash retained by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness.

(c) *Special provision—payment in debentures.* All of the provisions of §§ 203.405 through 203.411 of this chapter shall be applicable in connection with the payment in debentures of insurance benefits under this subpart.

INSURED HOME IMPROVEMENT LOANS

§ 220.350 Incorporation by reference.

(a) All of the provisions of §§ 203.440 et seq. of this chapter covering insured home improvement loans under section 203(k) of the Act shall apply to home improvement loans on one- to four-family dwellings under section 220(h) of the Act except:

Sec.
203.476 Claim application and items to be filed.
203.478 Debenture claim computation.
203.479 Debenture interest rate.
203.481 Maturity of debentures.
203.482 Registration of debentures.
203.483 Denomination of debentures.
203.484 Redemption of debentures.
203.486 Issue date of debentures.
203.487 Cash adjustment.

(b) For the purposes of this subpart, all references in §§ 203.440 et seq. to the section 203 Home Improvement Account shall be construed to refer to the section 220 Home Improvement Account.

§ 220.355 Claim application and items to be filed.

The claim for reimbursement on an insured loan shall be made upon an application form prescribed by the Commissioner. The application shall be accompanied by:

(a) The fiscal data pertaining to the loan transaction as required by the fiscal data form;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and the security held, assigned to the Commissioner without recourse or warranty, except that no act or omission of the lender shall have impaired the validity and priority of such security;

(d) Any hazard insurance policies held on property serving as security for the loan, together with a copy of the lender's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the holder of the security;

(e) The assignment to the Commissioner of all rights and interests arising under the loan, and all claims of the lender against the borrower or others arising out of the loan transaction;

(f) Any title evidence held by the lender;

(g) All property of the borrower held by the lender or to which it is entitled and, if payment is requested in debentures, all cash held by the lender or to which it is entitled, including deposits made for the account of the borrower and which have not been applied in reduction of the principal loan indebtedness;

(h) Any additional information or data which the Commissioner may require.

§ 220.360 Claim computation, items included.

(a) Upon acceptable assignment of the note and security instruments, the Commissioner shall pay the lender an amount equal to the unpaid principal balance of the loan, plus:

(1) Any accrued interest due as of the date of execution of the assignment of the loan to the Commissioner;

(2) Any advances made previously under the provisions of the loan instrument and approved by the Commissioner;

(3) Reimbursement for such reasonable collection costs, court costs and attorney's fees as may be approved by the Commissioner;

(4) Reimbursement for premiums paid on any hazard insurance policies held on the property.

(b) *Method of payment.* Payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash of the section 220 Home Improvement Account.

(2) *Optional payment in debentures.* Payment shall be made in debentures of the section 220 Home Improvement Account upon filing a written request with the application.

(c) *Special provision—payment in debentures.* All of the provisions of §§ 203.479 through 203.487 of this chapter shall be applicable in connection with the payment in debentures of insurance benefits under this subpart.

§ 220.365 Claim computation, items deducted.

If the lender is to receive payment in cash, there shall be deducted from the total of the added items in § 220.360 any cash held by the lender or to which it is entitled including deposits made for the account of the borrower and which have not been applied in reduction of the principal loan indebtedness.

§ 220.450 Effective date.

The provisions of this subpart are effective as to all loans and mortgages endorsed for insurance on or after July 7, 1961.

In Part 220 in Subpart D the Table of Contents is amended by adding new §§ 220.830 through 220.842, and renumbering §§ 220.824 and 220.825 as §§ 220.850 and 220.851 respectively as follows:

Subpart D—Contract Rights and Obligations—Projects

Sec.
220.830 Debenture interest rate.
220.832 Maturity of debentures.
220.834 Registration of debentures.
220.836 Denomination of debentures.
220.838 Redemption of debentures.
220.840 Issue date of debentures.
220.842 Cash adjustment.
220.850 Assignment of insured loan.
220.851 Amendment of regulations.

Section 220.755 is amended to read as follows:

§ 220.755 Insurance benefits requirement.

(a) *Payment in cash.* All of the provisions of § 207.258 of this chapter shall govern the payment in cash of insurance benefits on mortgages, including mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, except that the following items shall be held by the mortgagee and the total of such items shall be deducted from the cash settlement provided in § 220.760(a):

(1) Any balance of the mortgage loan not advanced to the mortgagor.

(2) Any cash held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor, and which have not been applied in reduction of the principal of the mortgage indebtedness.

(3) All funds held by the mortgagee for the account of the mortgagor and which were received pursuant to any other agreement.

(b) *Payment in debentures.* The provisions of paragraph (a) of this section shall not be applicable where payment is made in debentures and the provisions of § 207.258 shall govern.

Section 220.760 is amended to read as follows:

§ 220.760 Payment of insurance benefits.

(a) *Payment in cash.* All of the provisions of § 207.259 of this chapter shall govern the payment in cash of insurance benefits on mortgages, including mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, except that:

(1) In lieu of issuing debentures and making a cash adjustment, as provided in § 207.259 of this chapter, the Commissioner shall pay to the mortgagee in cash of the section 220 Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided for in § 207.259 of this chapter.

(2) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in this paragraph, shall be substituted for the face value of the debentures and the cash adjustment paid to the mortgagee.

(b) *Payment in debentures.* In lieu of the cash payment provided in paragraph (a) of this section, mortgagees filing claim for insurance benefits may upon filing a written request with the application for the payment of insurance benefits, receive payment in debentures of the section 220 Housing Insurance Fund issued in accordance with the provisions of § 207.259 of this chapter.

In § 220.821 paragrpah (g) is amended to read as follows:

§ 220.821 Items to be filed on submitting claim.

* * * * * *

(g) Any property held by the lender or its agents or to which it is entitled and, if payment is requested in debentures, any cash held by the lender or its agents or to which it is entitled, including deposits made for the account of the borrower, and which have not been applied in reduction of the principal of the mortgage indebtedness;

Section 220.822 is amended to read as follows:

§ 220.822 Claim computation; items included.

(a) *Assignment of loan.* Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in an amount equal to the unpaid principal balance of the loan plus:

(1) Any accrued interest due as of the date of execution of the assignment of the loan to the Commissioner.

(2) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(3) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(4) Reimbursement for premiums paid on any hazard insurance policies held on the property.

(b) *Method of payment.* Payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash of the section 220 Home Improvement Account.

(2) *Optional payment in debentures.* Payment shall be made in debentures of the section 220 Home Improvement Account upon filing a written request with the application.

In § 220.823 the introductory text is amended to read as follows:

§ 220.823 Claim computation; items deducted.

If the lender is to receive payment in cash, there shall be deducted from the total of the added items in § 220.822 the following:

In Part 220 new §§ 220.830 through 220.842 are added as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
3¼	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	

§ 220.832 Maturity of debentures.

Debentures shall mature 10 years from the date of issue.

§ 220.834 Registration of debentures.

Debentures shall be registered as to principal and interest.

§ 220.836 Denomination of debentures.

Debentures are available in denominations of $50, $100, $500, $1,000, $5,000, and $10,000. The Commissioner shall issue debentures in the largest available denominations unless otherwise requested by the lender.

§ 220.838 Redemption of debentures.

Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

§ 220.840 Issue date of debentures.

The debentures shall be issued as of the date of the execution of the assignment of the loan to the Commissioner.

§ 220.842 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

In Part 220 former §§ 220.824 and 220.825 are redesignated as §§ 220.850 and 220.851 respectively and the new § 220.851 is amended as follows:

§ 220.850 Assignment of insured loans.

§ 220.851 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221 Subpart B is revised to read as follows:

Subpart B—Contract Rights and Obligations—Low Cost Homes

Sec.
221.251 Incorporation by reference.
221.253 Application for insurance benefits and accompanying fiscal data.
221.255 Assignment option.
221.261 Application for insurance benefits and accompanying fiscal data.
221.275 Payment of insurance benefits.
221.450 Effective date.

AUTHORITY: §§ 221.251 to 221.450 issued under sec. 211, 52 Stat. 23, as amended, sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715b, 1715l.

§ 221.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to four-family dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
203.351 Application for debentures and fiscal data.
203.400 Delivery of debentures.
203.402 Debenture computation—conveyed properties; items included.
203.405 Debenture interest rate.
203.406 Maturity of debentures.
203.407 Registration of debentures.
203.408 Denomination of debentures.
203.409 Redemption of debentures.
203.410 Issue date of debentures.
203.411 Cash adjustment.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.

(b) For the purpose of this subpart all references in Part 203 of this chapter to:

(1) Section 203 of the Act shall be construed to refer to section 221 of the Act;

(2) The Mutual Mortgage Insurance Fund shall be construed to refer to the section 221 Housing Insurance Fund;

(3) Debentures shall be construed to refer to payments either in cash or debentures as prescribed in § 221.275.

§ 221.253 Application for insurance benefits and accompanying fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for insurance benefits and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of mortgage, and if the original of the assignment is not available, a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(e) *Cash or property.* All property held by the mortgagee or to which it is entitled and if payment is requested in debentures, all cash held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 221.255 Assignment option.

(a) The mortgagee has the option to assign, transfer and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date it was endorsed for insurance. When such option has been exercised, the obligation of the mortgagee to pay the premium charges shall cease.

(b) The mortgagee may exercise its assignment option within 1 year following the twentieth anniversary of the date the mortgage was endorsed for insurance.

(c) Upon the exercise of the assignment option the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

(d) The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

(e) The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8 to 12 year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively, shall be used.

(f) Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect on the issue date, a date which shall be established as provided in § 203.410 of this chapter. The interest rate shall be established by the Commissioner in an amount not in excess of the annual rate of interest which the Secretary of the Treasury shall specify as applicable to the 6-month period (consisting of January through June, or July through December) which includes the issuance date of such debentures, which applicable rate for each 6-month period shall be determined by the Secretary of the Treasury, at the request of the Commissioner, by estimating the average yield to maturity, on the basis of daily closing market bit quotations or prices during the calendar month next preceding the establishment of such rate of interest, on all outstanding marketable obligations of the United States having a maturity date of 15 years or more from the first day of such next preceding month, and by adjusting such estimated average annual yield to the nearest one-eighth of 1 per centum.

§ 221.275 Payment of insurance benefits.

(a) *Method of payment.* If the application for insurance benefits is acceptable to the Commissioner, payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash of the section 221 Housing Insurance Fund.

(2) *Optional payment in debentures.* Payment shall be made in debentures of the section 221 Housing Insurance Fund upon filing a written request with the application.

(b) *Special provisions—payment in cash.* Where payment is made in cash:

(1) All of the provisions of § 203.402 of this chapter, with the exception of paragraph (i), shall be applicable; and

(2) There shall be deducted from the cash payment the amount of all cash retained by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness.

(c) *Special provision—payment in debentures.* All of the provisions of §§ 203.405 through 203.411 of this chapter shall be applicable in connection with the payment in debentures of insurance benefits under this subpart.

§ 221.450 Effective date.

The provisions of this subpart are effective as to all loans and mortgages endorsed for insurance on or after July 7, 1961.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

In Part 221 Subpart D there is added to the Table of Contents two new sections as follows:

Subpart D—Contract Rights and Obligations—Moderate Income Projects

Sec.
221.762 Insurance benefits requirement.
221.766 Payment of insurance—market interest rate.

In Part 221 there is added a new § 221.762 as follows:

§ 221.762 Insurance benefits requirement.

(a) *Payment in cash.* All of the provisions of § 207.258 of this chapter shall govern the payment in cash of insurance benefits on mortgages, including mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, except that the following items shall be held by the mortgagee and the total of such items shall be deducted from the cash settlement provided in § 220.760(a) of this chapter:

(1) Any balance of the mortgage loan not advanced to the mortgagor;

(2) Any cash held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor, and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(3) All funds held by the mortgagee for the account of the mortgagor and which were received pursuant to any other agreement.

(b) *Payment in debentures.* The provisions of paragraph (a) of this section shall not be applicable where payment is made in debentures and the provisions of § 207.258 of this chapter shall govern.

Section 221.765 is amended to read as follows:

§ 221.765 Payment of insurance—special interest rate.

In the case of a mortgage bearing interest at the rate provided in § 221.518 (b), all of the provisions of § 207.259 of this chapter shall govern the payment of insurance, except that when the mortgagee elects to proceed in accordance with § 207.258(l) (1) of this chapter, the computation of the total face value of the debentures to be issued shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default; any amount the mortgagee may have paid for taxes, special assessments and water rates which are liens prior to the mortgage; any amount for hazard insurance on the property; and reasonable expenses for the completion and preservation of the property; less any amount received on account of the mortgage after such date, and any net income received by the mortgagee from the property after such date.

In Part 221 there is added a new § 221.766 as follows:

§ 221.766 Payment of insurance—market interest rate.

(a) *Payment in cash.* In the case of mortgages bearing interest at other than the rate provided in § 221.518(b), including mortgages endorsed for insurance on or after July 7, 1961 on the basis of commitments outstanding prior to July 7, 1961, all of the provisions of § 207.259 of this chapter shall govern the payment of insurance benefits on such mortgages, except that:

(1) In lieu of issuing debentures and making a cash adjustment, as provided in § 207.259, of the chapter, the Commissioner shall pay to the mortgagee in cash of the section 221 Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided for in § 207.259; and

(2) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in this paragraph shall be substituted for the face value of the debentures and the cash adjustment paid to the mortgagee.

(b) *Payment in debentures.* In lieu of the cash payment provided in paragraph (a), mortgagees filing claim for insurance benefits may upon filing a written request with the application for the payment of insurance benefits, receive payment in debentures of the section 221 Housing Insurance Fund issued in accordance with the provisions of § 207.259 of this chapter.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

In Part 233 Subpart B is revised to read as follows:

Subpart B—Contract Rights and Obligations—Homes

Sec.

233.251 Incorporation by reference.
233.253 Application for insurance benefits and accompanying fiscal data.
233.275 Payment of insurance benefits.
233.450 Effective date.

AUTHORITY: §§ 233.251 to 233.350 issued under sec. 211, 52 Stat. 23, sec. 233, 75 Stat. 158; 12 U.S.C. 1715b.

§ 233.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to four-family dwellings insured under section 233 of the National Housing Act except the following provisions:

Sec.

203.351 Application for debentures and fiscal data.
203.400 Delivery of debentures.
203.402 Debenture computation—conveyed properties; items included.
203.405 Debenture interest rate.
203.406 Maturity of debentures.
203.407 Registration of debentures.
203.408 Denomination of debentures.
203.409 Redemption of debentures.
203.410 Issue date of debentures.
203.411 Cash adjustment.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.
203.498 Applicability to outstanding loans and commitments.
203.499 Effective date.

(b) For the purpose of this subpart all references in Part 203 of this chapter to:

(1) Section 203 of the Act shall be construed to refer to section 233 of the Act;

(2) The Mutual Mortgage Insurance Fund shall be construed to refer to the Experimental Housing Insurance Fund; and

(3) Debentures shall be construed to refer to payments either in cash or debentures as prescribed in § 233.275.

§ 233.253 Application for insurance benefits and accompanying fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for insurance benefits and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of the mortgage and, if the original of the assignment is not available, a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(e) *Cash or property.* All property held by the mortgagee or to which it is entitled and, if payment is requested in debentures, all cash held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction; and

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 233.275 Payment of insurance benefits.

(a) *Method of payment.* If the application for insurance benefits is acceptable to the Commissioner, payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash of the Experimental Housing Insurance Fund.

(2) *Optional payment in debentures.* Payment shall be made in debentures of the Experimental Housing Insurance Fund, upon filing a written request with the application.

(b) *Special provisions—payment in cash.* Where payment is made in cash: (1) All of the provisions of § 203.402 of this chapter, with the exception of paragraph (i), shall be applicable; and (2) There shall be deducted from the cash payment the amount of all cash retained by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness.

(c) *Special provision—payment in debentures.* All of the provisions of §§ 203.405 through 203.411 of this chapter shall be applicable in connection with the payment in debentures of insurance benefits under this subpart.

§ 233.450 Effective date.

Unless otherwise specified, the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subpart D—Contract Rights and Obligations

Section 233.755 is amended to read as follows:

§ 233.755 Insurance benefits requirement.

(a) *Payment in cash.* All of the provisions of § 207.258 of this chapter shall govern the payment in cash of insurance benefits on mortgages except that the following items shall be held by the mortgagee and the total of such items shall be deducted from the cash settlement provided in § 220.760(a) of this chapter:

(1) Any balance of the mortgage loan not advanced to the mortgagor;

(2) Any cash held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor, and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(3) All funds held by the mortgagee for the account of the mortgagor and which were received pursuant to any other agreement.

(b) *Payment in debentures.* The provisions of paragraph (a) of this section shall not be applicable where payment is made in debentures and the provisions of § 207.258 of this chapter shall govern.

Section 233.760 is amended to read as follows:

§ 233.760 Payment of insurance benefits.

(a) *Payment in cash.* All of the provisions of § 207.259 of this chapter shall govern the payment in cash of insurance benefits on mortgages, except that:

(1) In lieu of issuing debentures and making a cash adjustment as provided in § 207.259 of this chapter, the Commissioner shall pay to the mortgagee in cash of the Experimental Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided for in § 207.259 of this chapter;

(2) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in this paragraph, shall be substituted for the face value of the debentures and the cash adjustment paid to the mortgagee.

(b) *Payment in debentures.* In lieu of the cash payment provided in paragraph (a), mortgagees filing claim for insurance benefits may upon filing a written request with the application for the payment of insurance benefits, receive payment in debentures of the Experimental Housing Insurance Fund issued in accordance with the provisions of § 207.259 of this chapter.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 158; 12 U.S.C. 1715x)

Issued at Washington, D.C., December 13, 1961.

[SEAL] NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-12000; Filed, Dec. 18, 1961; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 723—BOARD FOR CORRECTION OF NAVAL RECORDS [1]

Miscellaneous Amendments

1. The citation of authority is changed to read as follows:

AUTHORITY: §§ 723.1 to 723.11 issued under R.S. 161, secs. 1552, 5031, 70A Stat. 116, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 1552, 5031.

2. Section 723.1(b) is revised to read as follows:

§ 723.1 General provisions.

* * * * *

(b) *Authority.* Section 131 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190g) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of military or naval records, shall be received or considered in either the Senate or the House of Representatives. Section 207 of the same Act, as amended, and as re-enacted and codified in 10 U.S.C. 1552, provides:

(a) The Secretary of a military department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct an error or remove an injustice. Under procedures prescribed by him, the Secretary of the Treasury may in the same manner correct any military record of the Coast Guard. Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.

(b) No correction may be made under subsection (a) unless the claimant or his heir or legal representative files a request therefor before October 26, 1961, or within three years after he discovers the error or injustice, whichever is later. However, a board established under subsection (a) may excuse a failure to file within three years after discovery if it finds it to be in the interest of justice.

(c) The department concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be. If the claimant is dead, the money shall be paid, upon demand, to his legal representative. However, if no demand for payment is made by a legal representative, the money shall be paid—

(1) To the surviving spouse, heir, or beneficiaries, in the order prescribed by the law applicable to that kind of payment;

(2) If there is no such law covering order of payment, in the order set forth in section 2771 of this title; or

(3) As otherwise prescribed by the law applicable to that kind of payment.

A claimant's acceptance of a settlement under this section fully satisfies the claim concerned. This section does not authorize the payment of any claim compensated by private law before October 25, 1951.

(d) Applicable current appropriations are available to continue the pay, allowances, compensation, emoluments, and other pecuniary benefits of any person who was paid under subsection (c), and who, because of the correction of his military record, is entitled to those benefits, but for not longer than one year after the date when his record is corrected under this section if he is not reenlisted in, or appointed or reappointed to, the grade to which those payments relate. Without regard to qualifications for reenlistment, or appointment or reappointment, the Secretary concerned may reenlist a person in, or appoint or reappoint him to, the grade to which payments under this section relate.

(e) No payment may be made under this section for a benefit to which the claimant might later become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

3. Section 723.2(a) is revised to read as follows:

§ 723.2 Establishment, function, and jurisdiction of the Board.

(a) *Establishment and composition.* Pursuant to the foregoing statutory authority, the Board for Correction of Naval Records is established in the Office of the Secretary of the Navy. The Board consists of civilians of the executive part of the Department of the Navy in such number, not less than three, as may be appointed by the Secretary of the Navy. Three members present shall constitute a quorum of the Board. The Secretary of the Navy will designate one member as Chairman. In the absence or incapacity of the Chairman, an Acting Chairman chosen by the Board shall act as Chairman for all purposes.

4. Section 723.3 (a)(1), (b), (c), and (e) is revised to read as follows:

§ 723.3 Application for correction.

(a) *General requirements.* (1) The application for correction should be submitted on DD Form 149 (Application for Correction of Military or Naval Record) or exact facsimile thereof, and should be addressed to: The Secretary of the Navy (Board for Correction of Naval Records), Washington 25, D.C. Forms and explanatory matter may be obtained from: Board for Correction of Naval Records, Navy Department, Washington 25, D.C.

* * * * * *

(b) *Time limit for filing application.* A claimant, his heir, or legal representative, must file the application for correction of a record with the Secretary of the Navy within three years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of justice to do so. If the claimant, his heir or legal representative files an application more than three years after he discovers the error or injustice, he must include in his application his reasons why the Board should find it is in the interest of justice to excuse his failure to file his application within the time prescribed in this paragraph.

(c) *Exhaustion of other remedies.* No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

* * * * * *

(e) *Review of application.* Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason that the applicant has not exhausted all other effective administrative remedies available to him or for the reason that the applicant did not file his application within three years after he discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse his failure to file the application within the prescribed three years. In connection with any application which it considers, the Board may recommend to the Secretary that the records be corrected, as requested by the applicant, without a hearing. The Board may deny an application if it determines that insufficient evidence has been presented to indicate probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him that effective relief cannot be granted, or that the applicant did not file his application within three years after he discovered the alleged error or injustice and that insufficient evidence has been presented to warrant a finding that it would be in the interest of justice to excuse the failure to file within the prescribed three years. The Board will not deny an application on the sole ground that the record or records involved were made by or by direction of the President or the Secretary in connection with proceedings other than proceedings of a board for correction of military or naval records. If the application is denied, the applicant will be advised of the denial and that he is privileged to submit new and material evidence for consideration.

5. Section 723.4(c) is revised to read as follows:

§ 723.4 Entitlement to hearing; notice, counsel; witnesses; access to records.

* * * * * *

(c) *Counsel, definition of.* As used in this part, the term "counsel" will be construed to include members in good standing of the Federal Bar or the Bar of any State, accredited representatives of veterans organizations recognized by the Administrator of Veterans' Affairs under Title 38, U.S. Code, Sec. 3402, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

[1] Part heading formerly read "Board for the Correction of Naval Records." The word "the" is being omitted as it is not part of the official designation.

6. Section 723.8(e) is revised to read as follows:

§ 723.8 Staff action.

* * * * *

(e) After the Secretary of the Navy has taken action on the record, the applicant or his counsel is entitled upon request to inspect the Record of Proceedings and to receive a copy of the Board's findings, decision, and recommendations, unless the Chairman considers that granting the request would be detrimental to the public interest.

7. Section 723.10 (a)(1) and (b)(2) is revised to read as follows and § 723.10(d)(2) is deleted:

§ 723.10 Settlement of claims.

(a) *Authority.* (1) The Department of the Navy is authorized to pay claims in accordance with 10 U.S. Code 1552, which is quoted in § 723.1(b).

* * * * *

(b) *Application for settlement.* * * *

(2) In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the surviving spouse, heir or beneficiaries, in the order prescribed by the law applicable to that kind of payment; or if there is no such law covering order of payment, in the order set forth in 10 U.S. Code 2771; or as otherwise prescribed by the law applicable to that kind of payment.

8. Section 723.11 is amended by adding the following paragraph (d)

§ 723.11 Miscellaneous.

* * * * *

(d) *Publication in the "Federal Register."* These regulations and any amendments thereto will be published in the FEDERAL REGISTER.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, JR.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 13, 1961.

[F.R. Doc. 61-11980; Filed, Dec. 18, 1961; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Terminus and Hartwell Reservoir Projects

The Secretary of the Army having determined that the use of Terminus Reservoir Area, Kaweah River, California, and Hartwell Reservoir Area, Savannah River, Georgia and South Carolina, by the general public for boating, swimming, bathing, fishing and other

recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266), adding them to § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

CALIFORNIA

* * * * *

TERMINUS RESERVOIR AREA, KAWEAH RIVER

* * * * *

GEORGIA

* * * * *

HARTWELL RESERVOIR, SAVANNAH RIVER

* * * * *

SOUTH CAROLINA

* * * * *

HARTWELL RESERVOIR, SAVANNAH RIVER

[Regs., November 29, 1961, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11970; Filed, Dec. 18, 1961; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 2—DOMESTIC MAIL SERVICE

PART 4—INFORMATION ON POSTAL MATTERS

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 41—SERVICE IN POST OFFICES

PART 42—WHO MAY CARRY LETTERS

PART 44—CONDITIONS OF DELIVERY

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 2, as published in 26 F.R. 11513, insert "Commonwealth of" immediately following "Puerto Rico" where it appears in the alphabetical listing of places therein.

NOTE: The corresponding Postal Manual part is 112.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

II. In Part 4 as published in 26 F.R. 11513–11515, make the following changes:

§ 4.2 [Amendment]

A. In § 4.2 *General postal publications,* make the following changes:

1. Add to the first publication entitled "Postal Manual" the following:

Postal Manual. * * *

Chapters 3, Postal Procedure, and 7, Personnel	$3.50 *1.00

2. Delete the publication entitled "Postal Service News" and the accompanying data where it appears therein.

3. Amend the publication entitled "Cost Ascertainment Report 1959" by (1) striking out "1959" where it appears in the title and in the accompanying data and inserting in lieu thereof "1960"; and (2) amending the price of the publication to read "$1.00."

4. Under the publication entitled "First-Class Post Offices With Named Stations and Branches" amend the last sentence to read: "Prepared for use in mailing parcel post."

5. Opposite the publication entitled "Postal Laws" strike out "Varies with each issue" and insert in lieu thereof the price of "$1.25."

6. Amend the publication entitled "County List of Post Offices" to read as follows:

	Price
County List of Post Offices	$0.50

Lists of all post offices alphabetically by counties within States. Shows number of rural mailboxes served from post offices, number of boxes at those post offices that do not have city carrier service, and other pertinent information.

NOTE: The corresponding Postal Manual section is 114.2.

B. In § 4.3, paragraph (d) is amended to show that the release of certain changes of address information to Red Cross officials is permitted in times of natural disasters. As so amended, paragraph (d) reads as follows:

§ 4.3 Privileged matter.

* * * * *

(d) Names and addresses of post office patrons and former patrons, except when correcting mailing lists or when furnishing changes of address to election boards or registration commissions as provided in § 13.5 of this chapter. Information on change of address orders may be revealed to the American Red Cross during times of natural disaster pursuant to § 4.5.

NOTE: The corresponding Postal Manual section is 114.3.

C. In § 4.4 paragraph (d) is amended to show the proper office for addressing inquiries on complying with subpenas duces tecum. As so amended, paragraph (d) reads as follows:

§ 4.4 Available records.

* * * * *

(d) *Compliance with subpenas duces tecum.* Postmasters and other postal employees will comply with a proper subpena duces tecum issued by a court of record only after consulting with and getting approval of the General Counsel of the Post Office Department. Postmasters and others will address inquiries to the Assistant General Counsel, Opinions Division. When employees are authorized to comply with subpenas duces tecum, they will not leave the records themselves with the court but will leave copies prepared for that purpose.

NOTE: The corresponding Postal Manual section is 114.44.

D. Add a new § 4.5 to read as follows:

§ 4.5 Cooperation with Red Cross during natural disasters.

(a) *Application of these instructions.* This section applies only to natural disasters such as those caused by floods, tornadoes, hurricanes, earthquakes, fires, explosions, etc., and not to those caused by enemy action.

(b) *Objective of instructions.* Both the Post Office Department and the Red Cross realize the importance to the individual and the community of maintaining communication during times of disaster. These procedures will help maintain this essential communication.

(c) *Action by the Red Cross.* (1) The American National Red Cross is including Forms 3575, "Change of Address Order", as a standard item in its disaster supplies. The Red Cross has arranged to distribute these forms to disaster-displaced persons in all Red Cross field facilities concerned at times of natural disaster. The Red Cross chapter involved will deliver the completed forms to the proper post office for establishment of a postal locator file.

(2) The Red Cross has also included in its disaster supplies their Form 5263, "Safety Notification Card", which will be used by disaster-displaced persons to notify relatives and friends of the whereabouts and safety of the senders.

(3) The Red Cross has advised its 3,700 chapters of the instructions in this section and has urged them to include postmasters in their disaster preparedness planning. The Red Cross is responsible for disseminating necessary information on the procedures to disaster-stricken areas.

(d) *Action by the Post Office Department.* (1) The post offices receiving completed Forms 3575 following a disaster will maintain them as a central locator file to provide directory service whereby mail may be promptly forwarded to individuals and families displaced by the disaster. Postmasters may make this information available to Red Cross disaster workers for use in locating individuals and families, but solely to answer inquiries from relatives and friends concerning the whereabouts, safety, and welfare of residents of the disaster community.

(2) Regional Directors and Postal Inspectors in Charge are responsible for seeing that the post offices concerned implement these cooperative arrangements in disaster situations. Postmasters are encouraged to participate in community and Red Cross disaster preparedness planning.

(3) The instructions in this section serve as a broad framework within which field officials of both agencies may coordinate their facilities and resources. However, postal officials shall cooperate with Red Cross officials to the maximum feasible degree during times of natural disasters.

NOTE: The corresponding Postal Manual section is 114.5.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

III. In § 15.4, as published in 26 F.R. 11528, paragraph (c) is amended to include additional quarantine regulations of the States. As so amended, paragraph (c) reads as follows:

§ 15.4 Plant quarantines.

* * * * *

(c) *Terminal inspection for plants and plant products*—(1) *States and Territories requiring inspection.* Packages containing plants and plant products addressed to Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Idaho, Louisiana, Minnesota, Mississippi, Montana, Puerto Rico, Utah, and Washington must be examined by State inspectors at the places listed in § 15.4(e)(6). The packages must be plainly marked on the outside to show the exact nature of their contents.

(2) *Addressee must pay additional postage.* The addressee must pay postage to send the package to the inspection place and must arrange with the State plant inspector to pay postage to return the package to the office of address after inspection.

(3) *Packages addressed in care of State plant inspector.* Packages may be addressed in care of a State plant inspector at a place other than where the addressee lives. The addressee must arrange for the inspector to pay postage to forward the package to the addressee after inspection. If the sender prints "Forwarding Postage Guaranteed" under the return address, the package may be forwarded by the inspector without prepayment of postage, and the amount due will be collected from the addressee when the package is delivered.

(4) *Disposition of infected shipments.* When the inspector finds that plants or plant products are infested or infected with injurious insects or diseases and are incapable of satisfactory treatment, or they are found to have been moved in violation of a plant quarantine law or regulation of the U.S. Department of Agriculture or of the State of destination pertaining to such injurious pests, parcels will be returned to the sender and payment of postage for return collected on delivery. If the sender has marked the parcel to be abandoned, if undelivered, the package will be turned over to State authorities for destruction.

(5) *Information about quarantines.* The States of Alabama, Arizona, Arkansas, California, Florida, Mississippi, Montana, and Washington have arranged for enforcement of some State quarantines, and when regulated plants or plant products are found to have been mailed in violation of quarantines, delivery may be withheld. Summaries of those quarantines may be obtained from the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., or see 7 CFR Chapter III.

(6) *List of products and places of inspection*—(i) *Alabama.* Plants and Plant Products Subject to Inspection—All sweet potato roots, tubers, plants and vines, and parts thereof, which are not accompanied by a valid certificate tag issued by the Alabama Department of Agriculture and Industries; and other vines, trees, and shrubs, and cuttings and grafts thereof, and strawberry plants, which are not accompanied by a valid nursery inspection certificate of the State of origin.

Terminal inspection place—Birmingham.

(ii) *Arizona.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except vegetable and flower seeds.

Terminal inspection places:

Coolidge.	Kingman.
Cottonwood.	Parker.
Douglas.	Phoenix.
Ehrenberg.	Safford.
Fredonia.	Solomon.
Globe.	Tucson.
Holbrook.	Yuma.

(At the following places inspection may be had upon call only.)

Bisbee.	Lowell.
Bowie.	Mesa.
Casa Grande.	Nogales.
Chandler.	Prescott.
Duncan.	Tempe.
Eloy.	Warran.
Flagstaff.	Williams.
Florence.	Winslow.
Glendale.	

(iii) *Arkansas.* Plants and Plant Products Subject to Inspection—Sweet potatoes, sweet potato plants, vines, draws, and slips.

NOTE: Under a State quarantine on account of the sweet potato weevil, the articles named are prohibited entry into Arkansas unless accompanied by an inspection certificate issued by the State of origin showing the plants and plant products to be free of infestation. Parcels accompanied by a certificate will be delivered to the addresses without inspection. Parcels not accompanied with a certificate will be returned to the office of mailing endorsed: Unmailable—Not accompanied with required certificate. Postage will be collected for return.

(iv) *California.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products in the raw or unmanufactured state, and vegetable and flower seeds.

Terminal inspection places:

Ager.	Blythe.
Alameda.	Brawley.
Alturas.	Bryn Mawr.
Anaheim.	Burlingame.
Anderson.	Calexico.
Antioch.	Calipatria.
Arbuckle	Calistoga.
Arlington.	Camarillo.
Aromas.	Carpinteria.
Arvin.	Chico.
Atascadero.	Chino.
Auburn.	Chowchilla.
Bakersfield.	Clovis.
Banning.	Coachella.
Bard.	Colfax.
Barstow.	Colma.
Beaumont.	Colton.
Belmont.	Colusa.
Berkeley.	Concord.
Bieber.	Corning.
Biggs.	Corona.
Bloomington.	Cucamonga.

Cutler.	Oakland.
Daly City.	Oceanside.
Davis.	Ojai.
Death Valley.	Ontario.
Delano.	Orange.
Del Rosa.	Orland.
Diamond Springs.	Orosi.
Dinuba.	Oroville.
Dorris.	Oxnard.
Ducor.	Pacifica.
Earlimart.	Paradise.
East Highlands.	Paso Robles.
El Cajon.	Patterson.
El Centro.	Penryn.
El Dorado.	Perris.
Elsinore.	Pescadero.
Escalon.	Piru.
Escondido.	Pittsburg.
Etiwanda.	Pixley.
Eureka.	Placerville.
Exeter.	Pleasanton.
Fairfax.	Pomona.
Fairfield.	Porterville.
Farmersville.	Port Hueneme.
Fillmore.	Quincy.
Fontana.	Red Bluff.
Fort Bragg.	Redding.
Fowler.	Redlands.
Fresno.	Redwood City.
Fullerton.	Reedley.
Gazelle.	Rescue.
Gilroy.	Rialto.
Goshen.	Richgrove.
Gridley.	Richmond.
Gustine.	Ripon.
Half Moon Bay	Riverside.
Hanford.	Roseville.
Hayward.	Sacramento.
Healdsburg.	Saint Helena.
Hemet	Salinas.
Highland.	San Andreas.
Hollister.	San Anselmo.
Hollywood.	San Bernardino.
Holtville.	San Bruno.
Hopland.	San Carlos.
Hornbrook.	San Diego.
Hueneme.	San Fernando.
Hughson.	San Francisco.
Imperial.	Sanger.
Indio.	San Gregorio.
Irvington.	San Jose.
Ivanhoe.	San Leandro.
Jackson.	San Luis Obispo.
Jamestown.	San Mateo.
Kelseyville.	San Rafael.
King City.	Santa Ana.
Kingsburg.	Santa Barbara.
Lafayette.	Santa Cruz.
Lakeport.	Santa Maria.
Le Grand.	Santa Paula.
Lemon Cove.	Santa Rosa.
Lincoln.	Santa Susana.
Lindsay.	Saticoy.
Livermore.	Sausalito.
Livingston.	Selma.
Lodi.	Shafter.
Lompoc.	Shingle Springs.
Loomis.	Simi.
Los Angeles.	Somis.
Los Banos.	Sonora.
Los Molinos.	South San Francisco.
Madera.	Springville.
Manteca.	Stockton.
Martinez.	Strathmore.
Marysville.	Sultana.
McFarland.	Sunol.
Menlo Park.	Susanville.
Merced.	Tehachapi.
Millbrae.	Terra Bella.
Mill Valley.	Tipton.
Mission San Jose.	Tracy.
Modesto.	Tulare.
Montalvo.	Turlock.
Monterey.	Ukiah.
Moorpark.	Upland.
Napa.	Vacaville.
National City.	Vallejo.
Nevada City.	Ventura.
Newman.	Victorville.
Niles.	Visalia.
Novato.	Walnut Creek.
Oakdale.	Wasco.
Waterford.	Woodlake.
Watsonville.	Woodland.
Watts.	Yattem.
West Sacramento.	Yreka.
Williams.	Yuba City.
Willows.	Yucaipa.
Winters.	

(v) *District of Columbia.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products in the raw or unmanufactured state, except vegetable and flower seeds and succulent plants such as tomato, pepper, and cabbage.

Inspection place—Washington, D.C.

(vi) *Florida.* Plants and Plant Products Subject to Inspection—All florists' stock such as plants of dieffenbachia, dracaena, and philodendron; trees, shrubs, and vines of a woody nature such as rose bushes, hibiscus plants, grape and blackberry vines, and the cuttings, grafts, scions, and buds of all such plants; sweet potato and orchid plants.

NOTE: Inspection is not required of disease- and insect-free vegetable, field crop, strawberry, or flowering annual plants; lawn or pasture grass plants; seeds, corms, tubers, or bulbs; cut flowers, ferns, or foliage; or other plant material not intended for growing or propagation.

Terminal inspection places:

Gainesville.	Tampa.
Pensacola.	Miami.
Jacksonville.	West Palm Beach.

(vii) *Hawaii.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees and shrubs, and other plants and plant products in the raw or unmanufactured state, except vegetable and flower seeds.

Inspection place: Honolulu.

(viii) *Idaho.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products in the raw or unmanufactured state, except vegetable and flower seeds and succulent plants such as tomato, pepper, and cabbage; provided, that this list of plants and plant products shall not apply to plants and plant products shipped either under the certificate of the United States Department of Agriculture or of the Idaho State Department of Agriculture.

Terminal inspection places:

Blackfoot.	Parma.
Boise.[1]	Payette.[1]
Burley.	Pocatello.[1]
Caldwell.	Rexburg.
Emmett.[1]	Rupert.
Idaho Falls.[1]	Sandpoint.
Lewiston.[1]	Twin Falls.[1]
Nampa.[1]	

[1] Places to which parcels may be sent in care of a plant inspector for onward transmission to the ultimate address. Burley, Pocatello, and Rexburg terminal inspection points operate from September 15 through July 1 of each year. All other points operate on a year-round basis.

(ix) *Louisiana.* Plants and Plant Products Subject to Inspection. All seed sweet potatoes and sweet potato plants, if not accompanied by a certificate issued by an appropriate agricultural official of the State of origin declaring the true quality of the seed or plants contained in the shipment and showing the variety, lot number, and the year the sweet potatoes were grown. Certification by the State of origin shall be based on specific requirements of inspection standards in the appropriate Louisiana certified seed regulation. Shippers should tie sweet potato plants in bundles of approximately 100 with official tape issued by the official certification agency of the State of origin.

NOTE: All seed sweet potatoes and sweet potato plants from any place in the State of Alabama or Georgia, whether or not accompanied by a certificate are subject to terminal inspection.

Terminal inspection place: Monroe.

(x) *Minnesota.* Plants and Plant Products Subject to Inspection—All wild and cultivated trees, shrubs, and woody vines; perennial roots, such as peonies and iris; small-fruit plants, such as strawberries and raspberries; herbaceous perennials, such as hollyhocks and other hardy flowering plants; cuttings, buds, grafts, and scions for or capable of propagation.

Inspection place: St. Paul.

(xi) *Mississippi.* Plants and Plant Products Subject to Inspection—Sweet potatoes, sweet potato plants, vines, and cuttings; morning-glory vines and roots, and tomato plants: *Provided*, That this list of plants and plant products shall not apply to any of the above plants, roots, or tubers, the shipment of which originates within the State of Mississippi and are addressed to places within the State, when accompanied with a certificate of inspection issued by the State plant board of Mississippi. The importation of tomato plants from other States is prohibited.

NOTE: Sweet potato tubers, plants, vines, cuttings, draws, and slips and morning glory plants are regulated and will not be permitted entry from the States of Alabama and Georgia unless the duly authorized plant inspection official of the State of origin has filed with the State Plant Board of Mississippi a Certificate of Inspection certifying that it has been determined by competent, official survey that the regulated products were inspected during their growing period and were found to be free of the sweet potato mosaic and that this virus disease is not known to exist in the county or parish in which the products were grown or originated.

Terminal inspection places:

Aberdeen.	Leland.
Booneville.	Meridian.
Brookhaven.	Moss Point.
Grenada.	Poplarville.
Gulfport.	Senatobia.
Jackson.	Starkville.
Kosciusko.	State College.
Laurel.	Stoneville.

(xii) *Montana.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs and other plants and plant products in the raw or unmanufactured state, except vegetable and flower seeds and succulent plants such as tomato, pepper, and cabbage.

Terminal inspection places:

Billings.	Havre.
Butte.	Helena.
Culbertson.	Kalispell.
Glasgow.	Laurel.
Glendive.	Miles City.
Great Falls.	Missoula.

(xiii) *Puerto Rico.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products in the raw or unmanufactured state, including field, vegetable, and flower seeds; also cotton lint.

Inspection place: San Juan.

(xiv) *Utah.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products in the raw or unmanufactured state, except vegetable and flower seeds.

Terminal inspection places:

Brigham City.	Price.
Cedar City.[2]	Provo.[2]
Farmington.	Richfield.[2]
Logan.	Salt Lake City.[2]
Ogden.[2]	

(xv) *Washington.* Plants and Plant Products Subject to Inspection—All florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants, and plant products in the raw or unmanufactured state, except vegetable and flower seeds.

Terminal inspection places:

Bellingham.	Olympia.
Brewster.	Oroville.
Cashmere.	Pateros.
Chehalis.	Port Angeles.
Chelan.	Prosser.
Clarkston.	Puyallup.
Colville.	Seattle.
Dryden.	Spokane.
Ellensburg.	Vancouver.
Ephrata.	Walla Walla.
Everett.	Wenatchee.
Grandview.	White Salmon.
Kennewick.	Yakima.
Mount Vernon.	Zillah.
Okanogan.	

Shippers desiring Washington permits must make application direct to the Supervisor of Horticulture, State Department of Agriculture, Olympia, Wash.

NOTE: The corresponding Postal Manual section is 125.4

(R.S. 161, as amended; sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 18 U.S.C. 1716, 39 U.S.C. 501, 4001, 4058)

IV. In § 41.3, as published in 26 F.R. 11571–11573, paragraph (h) (4) is amended to show the proper office of the General Counsel to which reports must be addressed. As so amended, paragraph (h) (4) reads as follows:

[2] Places to which parcels may be sent in care of a plant inspector for onward transmission to the ultimate addressee.

§ 41.3 Post office boxes.

* * * * * * *

(h) *Restrictions.* * * *

(4) *Closing of box.* When a postmaster has reason to believe that a box is being used for a fraudulent, deceptive, or unlawful scheme, or for an immoral or improper purpose, or for the purposes of a lottery, or that the safety of the mail is endangered by its continued use, or that its use is for other than the receipt of mail or official postal notices, he will report the facts to the Assistant General Counsel, Mailability Division. If the General Counsel finds that the box is being used for any of said purposes, he shall have the right to order the box closed.

NOTE: The corresponding Postal Manual section is 151.384.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

V. In § 42.2, as published in 26 F.R. 11573–11574, paragraph (b) is amended to show the proper office of the General Counsel to which inquiries are addressed. As so amended, paragraph (b) reads as follows:

§ 42.2 What are letters.

* * * * * * *

(b) *Rulings on letters.* The examples set forth in this part do not comprise every type of matter that would fall either within or without the scope of letters covered by the postal monopoly. The sender or carrier of matter who has any doubt as to whether such matter is or is not a letter may obtain, upon request, a specific ruling from the General Counsel of the Post Office Department. Inquiries should be addressed to the Assistant General Counsel, Opinions Division.

NOTE: The corresponding Postal Manual section is 152.22.

(R.S. 161, as amended; sec. 1, 62 Stat. 777; 5 U.S.C. 22, 18 U.S.C. 1696, 39 U.S.C. 501)

VI. In § 44.7, as published in 26 F.R. 11578, paragraph (b) is amended to show the proper office of the General Counsel to which rulings are addressed. As so amended, paragraph (b) reads as follows:

§ 44.7 Conflicting orders by two or more parties for delivery of same mail.

* * * * * * *

(b) *Reference to General Counsel for ruling.* Where the disputing parties are unable to select a receiver, each party shall furnish the postmaster all available evidence on which he relies to exercise control over the disputed mail. If after receipt of such evidence the postmaster is still in doubt as to who should receive the mail, the postmaster will submit the case to the Assistant General Counsel, Opinions Division, Office of the General Counsel for a ruling.

NOTE: The corresponding Postal Manual section is 154.72.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–11995; Filed, Dec. 18, 1961; 8:47 a.m.]

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

Postage Stamps

The regulations of the Post Office Department in Part 31, as published in 26 F.R. 11559–11562, are amended as follows:

§ 31.1 [Amendment]

I. In § 31.1 *Stamps (Adhesive)*, make the following changes in the table in paragraph (a) *Adhesive stamps available.*

A. Under "Denomination and Prices" and opposite "Air Mail Postage" in "Single or Sheet" form, strike out "10" and insert in lieu thereof "13". 13 cent airmail stamps are now available at post offices.

B. Under "Denomination and Prices" and opposite "Postage due" in "Single or Sheet" form add the following immediately after the parenthetical phrase therein: "½ cent stamp will be discontinued when stocks become exhausted."

NOTE: The corresponding Postal Manual section is 141.11.

II. In § 31.2 make the following changes:

A. Amend the section heading of § 31.2 to read as follows:

§ 31.2 Plain envelopes, postal cards, and aerogrammes.

B. Paragraphs (b) and (c) are amended to reflect the new international postal rates which became effective July 1, 1961. As so amended, paragraphs (b) and (c) read as follows:

(b) *Postal cards available.*

Size No.	Kind	Selling price, each	Sheets: Number of cards per sheet	Sheets: Cards per case
		Cents		
4	Domestic air mail single (use for air mail only).	5		
6	Domestic reply (3 cents each half)	6	20 (4 x 5 cards)	5,000
8	Domestic single	3	40 (4 x 10 cards)	10,000
[1] 11	Foreign single	7		
[1] 12	Foreign reply (7 cents each half)	14		
[2] F	Foreign reply (3 cents each half)	6		

Postal cards in sheets, for use in printing, must be cut to regulation size, 3¼ x 5½ inches; however sizes 4 and 8 may be cut to 3 x 5 inches. Cases may be broken for sale to printers. Return addresses are not printed on postal cards by the Post Office Department. Precanceled postal cards are not available at a post office.

[1] Current stocks may be revalued by the affixing of 3-cent adhesive postage stamps.
[2] Current stocks being revalued by the affixing of 1-cent adhesive postage stamps.

(c) *Aerogrammes.* 11¢ each. See § 131.5 of this chapter.

NOTE: The corresponding Postal Manual section is 141.22

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 2501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-11994; Filed, Dec. 18, 1961; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2-1—GENERAL

Subpart 2-1.3—General Policies

PART 2-3—PROCUREMENT BY NEGOTIATION

Subpart 2-3.1—Use of Negotiation

USE OF LIQUIDATED DAMAGES PROVISIONS IN PROCUREMENT CONTRACTS, AND DISSEMINATION OF PROCUREMENT INFORMATION

1. Section 2-1.315 is revised to read as follows:

§ 2-1.315 Use of liquidated damages provisions in procurement contracts.

§ 2-3.315-2 Policy.

(a) Determination as to the use of liquidated damages provisions in a contract, and of the rate of such damages is solely the responsibility of the Contracting Officer. In making the determination, he shall obtain essential facts from the requisitioning office and be guided by a strict application of the criteria set forth in § 1-1.315-2 of this title, and by the following general policies:

(1) Liquidated damages provisions will not be used routinely in Agency contracts, but they may be used when failure to meet the completion or delivery schedule in a proposed facility or equipment contract will seriously delay established commissioning dates. They may also be used in other situations when failure to perform will likely cause the Agency to suffer substantial damages, the amount of which is difficult or impossible to determine.

(2) Liquidated damages provisions generally should not be used: (i) In contracts for supplies or services that are for administrative purposes; (ii) in contracts for standard commercial or "shelf" items; (iii) in any contract where the needs of the Agency can be met by termination and re-procurement if the initial contractor defaults; (iv) in small purchases (under $2,500); and (v) in study, experimental, developmental, or research contracts, including equipment contracts requiring developmental work.

(3) In transactions involving an item where only a portion of the quantity ordered is for immediate programs, and liquidated damages provisions would be applicable in accordance with prescribed policies, care should be taken to have the liquidated damages provisions apply only to the urgent quantity.

(4) A fixed formula, based on percentage of value, shall not be used to establish the rate of damages. Consideration shall be given to the following factors in establishing the rate of damages: (i) The importance of the item in relation to the facility or project for which it is intended; (ii) the number of facilities or projects involved; (iii) the relative importance of the facility or project in the over-all program of the Agency; (iv) the tightness of the contract schedule; and (v) any unusual damages that can be anticipated.

(5) Unless it is clear that partial delivery will proportionately reduce the extent of probable damages, rates shall not be applied to individual units of an item, but rather to quantities of an item, or to groups of items, which are required for delivery or completion at the same time. Rates should generally be expressed in terms of even dollars per day of delay with a minimum of one dollar.

Where rates are applied to quantities or groups, assessment of damages will not be prorated for delay of partial quantities.

(b) A statement justifying the use of liquidated damages provisions shall be included in the contract file, together with an explanation of how the rate of damages was determined.

(c) Positive follow-up on the contractor's performance and actions to eliminate delays in all contracts shall be maintained at all times. Serious consideration shall be given to termination of contracts which include liquidated damages provisions in any case where the accrued damages reach 15 percent of the contract value.

(d) Where liquidated damages provisions are used, they shall be strictly enforced. In making partial or progress payments, deductions for damages should be made on the basis of the actual number of days of delay multiplied by the rate. Exception may be made if the contractor has applied for an extension of time and provided sufficient information to permit a finding by the contracting officer, or if delays caused by the Government are clearly established. In such cases appropriate adjustments should be made and the contractor notified of the action taken. It is the contractor's responsibility to give notice of delays and to provide evidence to support any remission of damages or contract time extension.

(Secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

2. Section 2-3.103 is supplemented as follows:

§ 2-3.103 Dissemination of procurement information.

(a) Procurement information which is classified shall be released only in accordance with regulations prescribed by the Security Division, Office of Personnel and Training. See Chapter 14 of Agency Practice 6-3.

(b) The clause set forth in § 2-7.150-20 shall be included in contracts which are classified as "Confidential" or "Confidential-Modified Handling Authorized", or higher.

(Secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

Effective date: These regulations are effective December 22, 1961.

Dated: December 12, 1961.

JOHN R. PROVAN,
Director of Management Services.

[F.R. Doc. 61-11973; Filed, Dec. 18, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 2072]

SUBCHAPTER A—ALASKA

PART 61—CERTIFICATES AND SCRIP

PART 64—HOMESITES OR HEADQUARTERS

PART 66—ENTRIES ON COAL, OIL, AND GAS LANDS

PART 81—TRADE AND MANUFACTURING SITES

SUBCHAPTER B—APPLICATIONS AND ENTRIES

PART 102—AGRICULTURAL ENTRIES ON MINERAL LANDS

SUBCHAPTER I—MINERAL LANDS

PART 192—OIL AND GAS LEASES

In order to incorporate in the regulations the provisions of the act of August 2, 1956 (70 Stat. 954; 48 U.S.C. 357), and August 23, 1958 (72 Stat. 730; 48 U.S.C. 376), and August 17, 1961 (75 Stat. 384), portions of Subchapter A of Chapter I of 43 CFR are amended to read as set forth below. The provisions of 43 CFR 102.22 and 192.71(b) are amended as set forth below in order to obviate cancellation of entries and settlement claims where the lands have leasable mineral value.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1002), and although the Department of the Interior customarily observes the rule making requirements voluntarily, that procedure was not followed in this case since this change in the regulations is merely a reflection of the changes in the law and otherwise avoids forfeitures of entries. The provisions of the change in § 61.3, and §§ 64.1, 81.1, 64.5(h), 64.12(f), 81.6 (e) of this chapter, became effective August 23, 1958.

1. Section 61.3 is amended to read as follows:

§ 61.3 Coal, oil, or gas lands.

Lands in soldiers' additional rights applications that may be valuable for coal, oil or gas deposits are subject to the regulations of Part 66 of this chapter.

2. Sections 64.1, 64.5(h) and 64.12(f) are amended to read as follows:

§ 64.1 Statutory authority.

The act of March 3, 1927 (44 Stat. 1364; 48 U.S.C. 461), as amended, authorizes the sale as a homestead or headquarters of not to exceed five acres of unreserved public lands in Alaska at the rate of $2.50 per acre, to any citizen of the United States 21 years of age employed by citizens of the United States, association of such citizens, or by corporations organized under the laws of the United States, or of any State or Territory, whose employer is engaged in trade, manufacture, or other productive industry in Alaska, and to any such person who is himself engaged in trade, manufacture or other productive industry in Alaska. The lands must be nonmineral in character except that lands that may be valuable for coal, oil, or gas deposits are subject to disposition under the provisions of the act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376-377), as amended.

§ 64.5 Form and contents of applications.

* * * * *

(h) That no part of the land is valuable for mineral deposits other than coal, oil or gas, and that at the date of location no part of the land was claimed under the mining laws.

§ 64.12 Form and contents of application.

* * * * *

(f) That no part of the land is valuable for mineral deposits other than coal, oil or gas, and that at the date of location no part of the land was claimed under the mining laws.

3. Part 66 is revised to read as follows:

Sec.
66.1 Statutory authority.
66.2 Reservation of coal, oil, or gas to the United States; practice and procedure.
66.3 Rights of prior mineral permittees or lessees.
66.4 Obligations of subsequent mineral permittees or lessees; bonds for prospecting damages; bonds for mining damages.
66.5 Use of coal by the nonmineral claimant.

AUTHORITY: §§ 66.1 to 66.5 issued under 72 Stat. 730; 48 U.S.C. 376, 377.

§ 66.1 Statutory authority.

(a) The act of March 8, 1922 (42 Stat. 415), as amended August 23, 1958 (72 Stat. 730; 48 U.S.C. 376, 377), referred to in §§ 66.1 to 66.5 of this part as "the act of 1922," provides that (1) in Alaska, homestead, including soldiers' additional homestead, homesite, headquarters site, and trade and manufacturing site claims may be initiated by actual settlers on public lands which are known to contain workable coal, oil, or gas deposits or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn; (2) such claims initiated in good faith may be perfected under the appropriate public land laws and, upon satisfactory proof of full compliance with these laws, the claimant shall be entitled to patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land patented, together with the right to prospect for, mine, and remove the same; and (3) should it be discovered at any prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation referred to in subparagraph (2) of this paragraph.

(b) The act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357), permits, subject to the provisions of the act of 1922, homestead allotments to Indians, Aleuts, and Eskimos of vacant, unappropriated, and unreserved lands in Alaska that may be valuable for coal, oil, or gas deposits and the act of August 17, 1961 (75 Stat. 384), permits the Secretary of the Interior to sell under the provisions of section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended, lands in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are otherwise subject to sale under said section 2455, as amended, upon the condition that the patent issued to the purchaser thereof shall contain the reservation required by section 2 of the act of 1922. (See Part 250 of this Title.)

(c) Section 2 of the act of 1922 provides (1) the coal, oil, and gas deposits reserved under the act shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits, or coal, oil, or gas lands in Alaska, in force at the time of such disposal; (2) any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal, or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times[1] to enter upon the lands as provided by the act for the purpose of prospecting for coal, oil, or gas upon the approval, by the Secretary of the Interior, of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting; (3) any person who has acquired from the United States the coal, oil, or gas deposits in any such land or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking, in an action instituted in any competent court to ascertain and fix the said damages.

§ 66.2 Reservation of coal, oil, or gas to the United States; practice and procedure.

The act of 1922 extends to Alaska the principles of the acts of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), June 22, 1910 (36 Stat. 583; 30 U.S.C. 83-85), and July 17, 1914 (38 Stat. 509; 30 U.S.C. 121-123), which, among other things, govern agricultural entries on coal, oil, or gas lands in States other than Alaska. The general instructions under these acts relating to the reservation of coal, oil, or gas to the United States as set forth in Part 102 of this chapter will, therefore, be followed in matters of practice and procedure.

§ 66.3 Rights of prior mineral permittees or lessees.

If prior to the date of the initiation of a claim that is subject to the provisions of the act of 1922, the land was embraced in an oil and gas lease, or a coal permit or lease, or an application for or offer of such a lease or permit, the land will be subject to the right of such prior mineral permittee or lessee, or of such prior applicant for or offeror of a mineral permit or lease, to occupy and use so much of the surface of the lands as may be reasonably required for mineral leasing operations, without liability to the entryman, allottee, or patentee for crop and improvement damages resulting from such mineral activity.

§ 66.4 Obligations of subsequent mineral permittees or lessees; bonds for prospecting damages; bonds for mining damages.

(a) Any coal permit applicant or noncompetitive oil and gas lease offeror whose application or offer was filed subsequent to the date of the initiation of a claim that is subject to the provisions of the act of 1922 must file with the appropriate Land Office Manager a waiver from, or a consent of, the claimant, or a bond or undertaking on Form 4-1130 for coal applicants and Form 4-208g for oil and gas offerors for the payment of all damages to the crops and improvements on the lands caused by the prospecting.

(b) There must be filed with the bond or undertaking required by the preceding paragraph, evidence of service of a copy thereof upon the claimant. The bond must be executed by the prospector as principal and by a corporate surety which has been approved as required by section 1 of the act of July 30, 1947 (61 Stat. 646; 6 U.S.C. 1-15), in the sum of $1,000. Where surety bonds are tendered with individuals as sureties, they must be executed by not less than two qualified individual sureties. Each surety must execute a statement showing that he is worth $2,000 in real property not exempt from execution, over and above his just debts and liabilities and that he is either a resident of the same State or Territory and the United States Judicial District as the principal on the bond, or of the United States Judicial District in which the lands involved are located. There also must be furnished a certificate by a judge or clerk of a court of record, a United States Attorney, a United States Commissioner, or a United States Postmaster, as to the identity, signature, and financial competency of the sureties. The statement of justification required to be furnished by the sureties, and the certificate of competency must be on Form 4-215.

[1] After the issuance of, and pursuant to, a lease or permit therefor.

(c) Bonds or undertakings executed pursuant to the provisions of § 66.1(c)(3) must not be filed with the Bureau of Land Management. Such bonds or undertakings are to be arranged for as specified in that subparagraph.

§ 66.5 Use of coal by the nonmineral claimant.

A claimant under the act of 1922 may, at any time prior to the disposal by the United States of the coal deposits on his claim, make use of them for his domestic purposes and this may be done without the filing of any application therefor. This privilege does not, however, authorize the mining of the coal deposits for the purpose of barter or sale.

4. Section 81.1 and 81.6(e) are amended to read as follows:

§ 81.1 Statutory authority.

Section 10 of the act of May 14, 1898 (30 Stat. 413, as amended August 23, 1958 (72 Stat. 730; 48 U.S.C. 461), authorizes the sale at the rate of $2.50 per acre of not exceeding 80 acres of land in Alaska possessed and occupied in good faith as a trade and manufacturing site. The lands must be nonmineral in character, except that lands that may be valuable for coal, oil, or gas deposits are subject to disposition under the act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376–377), as amended, and the regulations of Part 66 of this chapter.

§ 81.6 Facts to be shown in application.

* * * * *

(e) That no part of the land is valuable for mineral deposits other than coal, oil or gas, and that at the date of location no part of the land was claimed under the mining laws.

5. Section 102.22 is amended to read as follows:

§ 102.22 Procedure on reports as to oil and gas, involving nonmineral entries, prior to proof, or after proof and prior to patent.

(a) Where the Geological Survey reports that land embraced in a nonmineral entry or claim on which final proof has not been submitted or which has not been perfected is in an area in which valuable deposits of oil and gas may occur because of the absence of reliable evidence that the land is affected by geological structure unfavorable to oil and gas accumulation, the entryman or claimant will be notified thereof and allowed a reasonable time to apply for reclassification of the land as nonmineral, submitting a showing therewith, and to apply for a hearing in event reclassification is denied, or to appeal. He must be advised that, if a hearing is ordered, the burden of proof will be upon him, and also that, if he shall fail to take one of the actions indicated, his entry or claim and any patent issued pursuant thereto will be impressed with a reservation of oil and gas to the United States.

(b) In a case where acceptable final proof has been submitted, or a claim has been perfected, and the Geological Survey thereafter makes report, as in the above or similar form, such report will not be relied upon as basis for a mineral reservation unless the Government is prepared to assume the burden of proving, prima facie, that the land was known to be of mineral character, at the date of acceptable final proof or when the claim was completed, according to the established criteria for determining mineral from nonmineral lands, among which may be those recognized by the Supreme Court in the case of United States v. Southern Pacific Company et al. (251 U.S. 1, 64 L. ed. 97). If the Government is thus prepared to assume such burden of proof, the Bureau of Land Management will notify the entryman of the mineral classification and that a hearing will be ordered if he manifests disagreement with the classification within a reasonable period. The entryman or claimant will be advised that in the event hearing is had, the burden of proof will be upon the Government; also, that, if he shall fail to make answer within the time allowed, the entry or claim and any patent issued pursuant thereto will be impressed with a reservation of oil or gas to the United States.

CROSS REFERENCE: For Geological Survey, classification of public coal lands, see 30 CFR Part 201.

6. Section 192.71(b) is amended to read as follows:

§ 192.71 Lands in entries or claims not impressed with a reservation of oil and gas.

* * * * *

(b) Should the land be found to be prospectively valuable for oil or gas, the entryman or settler will be notified thereof and allowed a reasonable time to apply for reclassification of the land as nonmineral, submitting a showing therewith, and to apply for a hearing in the event that reclassification is denied, or to appeal. If he does neither, or he is unsuccessful, the entry or settlement rights and any patent issued pursuant thereto will be impressed with a reservation of oil and gas to the United States. In such circumstances a lease will be granted to the offeror, all else being regular, unless the entryman or settler has a preference right. See § 102.22 of this chapter.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 12, 1961.

[F.R. Doc. 61-11978; Filed, Dec. 18, 1961; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—RESTORATION OF GAME BIRDS, FISH AND MAMMALS

On page 8103 of the FEDERAL REGISTER of August 30, 1961, there was published a notice and text of a proposed revision of Part 80, of Title 50, Code of Federal Regulations. The purpose of the revision is to facilitate administrative procedures, improve editorial construction and adjust the organizational arrangement of the sections.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revision. Several comments were received which were thoroughly considered. As a result of such consideration it has been determined to change paragraph (d) of § 80.11, Project Standards, to state clearly that Federal Aid projects may benefit fish or wildlife or both. Also, § 80.20, Personnel, has been changed to make it clear that this section applies only to personnel employed on Federal Aid projects. These changes, together with editorial changes that have been made to have the regulations conform with the provisions of the Federal Aid in Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917 et seq.) and the Federal Aid in Fish Restoration Act, as amended (64 Stat. 430 et seq.), are as follows:

In § 80.11(d) the wording "fish or wildlife or both" has been substituted for "fish or wildlife" and for "fish and wildlife."

In § 80.12(a), the following wording has been added after the clause "whichever is less": "provided that Federal Aid payments to the territorial areas of Guam and the Virgin Islands and the Commonwealth of Puerto Rico shall not exceed the amount specified in the project agreement and in no event shall they be required to pay an amount which will exceed 25 percent of the cost of any project."

In § 80.18, in the third sentence the words "unit of" have been deleted. This refers to the unit of property evaluated. Also the fourth sentence which reads: "A unit of property for the purposes of the preceding sentence is defined in the case of real property as a contiguous tract purchased by the State from one ownership." has been deleted.

In § 80.20 the words "Federal Aid" have been added to the first sentence immediately preceding "projects." Likewise "Federal Aid" has been added to the second sentence immediately preceding the first word.

This proposed revision, as changed, is hereby adopted as set forth above and shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 12, 1961.

Sec.
80.1 Definitions.
80.2 Apportionment and certification.
80.3 Notice of desire to participate.
80.4 Diversion of funds.
80.5 Participation by State subdivisions.
80.6 General information for the Secretary.
80.7 Hunting and fishing license information.
80.8 Preliminary project statement.
80.9 Plans, specifications and estimates.
80.10 Project agreement.
80.11 Project standards.
80.12 Federal Aid payments.
80.13 Prosecution of work.
80.14 Economy and efficiency.
80.15 Contracts.
80.16 Maintenance of completed projects.
80.17 Form of vouchers.
80.18 Credit for receipts.
80.19 Safety and accident prevention.
80.20 Personnel.
80.21 Nondiscrimination.
80.22 Statements and payrolls.
80.23 Officials not to benefit.
80.24 Inspection.
80.25 Samples of materials to be submitted.
80.26 Submission.
80.27 Records and reporting.
80.28 Records retention period.

AUTHORITY: §§ 80.1 to 80.28 issued under sec. 10, 50 Stat. 919, as amended; sec. 10, 64 Stat. 430, as amended, 16 U.S.C. 669i, 777i.

§ 80.1 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Federal Aid Act(s).* (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes," (50 Stat. 917, as amended; 16 U.S.C. sec. 669–669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," (64 Stat. 430, as amended; 16 U.S.C. sec. 777–777k), commonly referred to as the Dingell-Johnson Act.

(b) *State.* Any State of the United States, the territorial areas of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) *State Fish and Game Department.* Any department or division, or commission, or official, of a State empowered under its laws to exercise the functions ordinarily exercised by a State Fish and Game Department, the Commissioner of Agriculture and Commerce of Puerto Rico, or the Governor of Guam or the Virgin Islands.

(d) *Project.* An undertaking involving acquisition of areas of land or water or interests therein, for feeding, resting, or breeding places for fish or wildlife; restoration, rehabilitation, or improvement, by construction of necessary works or otherwise, of land and water areas for the benefit of fish or wildlife or both; maintenance of completed projects; management (exclusive of law enforcement and public relations) of fish or wildlife areas and resources; conduct of research into problems of fish or wildlife management, and the coordination of projects necessary to efficient administration affecting fish and wildlife resources.

(e) *Project segment.* Considering the nature, objectives and fiscal aspects of a project, when viewed as a completed project, a segment is an essential part, section, division or logical work unit.

(f) *Completed project.* A project will be considered completed when the area has been acquired or the work or capital improvements have been finished, inspected, and approved.

(g) *Fish and wildlife.* (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

§ 80.2 Apportionment and certification.

The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

§ 80.3 Notice of desire to participate.

Any State Fish and Game Department desiring to avail itself of the benefits of the Acts shall notify the Secretary within sixty days after it has received from him a certificate of apportionment of funds available to the State.

§ 80.4 Diversion of funds.

A diversion of funds occurs when a State Fish and Game Department, through legislative action or otherwise, loses control over the expenditure of any portion of its hunting license or sport fishing license revenues or expends such revenues for any purpose other than the administration of the State Fish and Game Department. When a diversion of funds occurs a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act(s) from the date the diversion occurs until:

(a) Action is taken to return the administration of hunting and sport fishing license fees to the State Fish and Game Department; and

(b) Hunting and sport fishing license fees used for purposes other than the administration of the State Fish and Game Department are replaced: *Provided, however,* That, where any projects were approved in compliance with the terms of the pertinent Act(s) prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefor until expended, without regard for the intervening period of the State's ineligibility under the Act(s).

§ 80.5 Participation by State subdivisions.

When any part of the cost of a project is to be furnished by a county or any other subdivision of a State, the plans, specifications and estimates shall be accompanied by a certified copy of each resolution or order, if any, of the appropriate local officials, or by such other showing as the Secretary may require. The plans, specifications and estimates shall show the funds that are made available, indicate the control of the money provided for paying such cost, and state whether the State, county, or other subdivision will own the lands and improvements; and state which agency shall have immediate responsibility for administration and maintenance after completion of the project.

§ 80.6 General information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration and management of fish or wildlife.

(a) *Document signature.* The Secretary of State of each State or an authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) *Program information.* The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the Acts.

§ 80.7 Hunting and fishing license information.

Certified information concerning the number of holders of paid hunting licenses and holders of paid fishing licenses of the State in the preceding fiscal year shall be furnished the Secretary by the Fish and Game Department of each State on or before December 15 of each year.

§ 80.8 Preliminary project statement.

A preliminary project statement shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project is substantial in character and design.

§ 80.9 Plans, specifications and estimates.

Plans, specifications and estimates shall be submitted for each project segment showing in prescribed form and detail the work to be performed and its estimated cost.

§ 80.10 Project agreement.

After the Secretary shall have approved a preliminary project statement and the plans, specifications and estimates of costs, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by a project agreement to be executed between the State Fish and Game Department and the Secretary for each such project or project segment.

§ 80.11 Project standards.

Standards for Federal Aid projects are:

(a) Sufficient funds must be available for expenditure by the State Fish and Game Department for the purpose of originally financing the cost of the projects.

(b) Projects must be substantial in character and design.

(c) Federal Aid participation in the cost of acquisition of lands under a project shall not exceed the amounts determined by the Secretary to be the fair and reasonable value of said lands.

(d) Projects for development, maintenance or management shall have as their objectives the improvement of conditions suitable for fish or wildlife, or both, the upkeep and repair of structures that have been acquired or constructed under either of the Acts or the management of fish or wildlife or both.

(e) Projects dealing with fish or wildlife research shall be concerned with basic studies and with problems having direct management application.

(f) With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Acts shall be limited to the extent of the benefits to fish or wildlife resulting from such projects.

(g) Each project agreement shall contain a provision as follows:

1. The State Fish and Game Department, its employees, operators, lessees, and sublessees in the operation of any structure or other facility acquired or constructed under the Acts, shall not:

(a) Publicize the facilities, accommodations, or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, creed, color, ancestry, or national origin;

(b) Discriminate, by segregation or other means, against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person the use of any accommodations, facilities, services, or privileges available to the general public.

2. The State Fish and Game Department shall post the following notice in such a manner where any facility is available as to insure that its contents will be conspicuous to any person seeking the use of any facility:

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility.

3. The State Fish and Game Department shall in all of its contracts or other forms of agreement require inclusion and compliance with provisions identical with those stated in 1 and 2 herein.

§ 80.12 Federal Aid payments.

Federal Aid payments under the Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made on any project unless the preliminary project statement, the plans, specifications and estimates, and all other documents that may be necessary or required in the administration of these Acts, shall have first been submitted to and approved by the Secretary.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a project or the amount specified in the project agreement, whichever is less: *Provided*, That Federal Aid payments to the territorial areas of Guam, the Virgin Islands and the Commonwealth of Puerto Rico shall not exceed the amount specified in the project agreement and in no event shall they be required to pay an amount which will exceed 25 percent of the cost of any project.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced, provided the work accomplished is substantial in character and design.

(c) A minimum of 10 percent Federal Aid payment of the cost of each project is required to qualify land acquisition and development projects for maintenance of capital improvements with Federal Aid funds.

§ 80.13 Prosecution of work.

(a) The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness. Should the funds provided the State for prosecution of a given project segment be insufficient to finish all work proposed in the preliminary project statement and in the plans, specifications, and estimates submitted and approved in connection therewith, additional project segments will be submitted and will be considered by the Secretary as additional funds become available, unless the State elects to complete the project with other than Federal Aid funds. Federal participation in the cost of acquisition of lands under a project segment shall not exceed 75 percent of the amounts determined by the Secretary to be the fair and reasonable value of said lands.

(b) All construction work will be performed by contract when practicable.

(c) Research work shall be continuously coordinated with other studies conducted by the State and other agencies in order to avoid unnecessary duplication.

(d) All work shall be performed in accordance with applicable State laws.

§ 80.14 Economy and efficiency.

No project shall be approved until the State has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to insure economy and efficiency in the completion of the project.

§ 80.15 Contracts.

Supply, service, equipment and construction contracts involving an expenditure of $2,500.00 or more entered into by a State for the execution of approved project activities shall be based upon free and open competitive bids. If a contract is awarded to other than the lowest responsible bidder, the Federal Aid payment shall be based on the lowest responsible bid, unless it is satifactorily shown that it was advantageous to the the project to accept a higher bid. Upon request, the State Fish and Game Department shall certify and promptly furnish to the Secretary a copy of each contract as executed.

§ 80.16 Maintenance of completed projects.

The State Fish and Game Department shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed project involving the acquisition, lease or development of lands or waters.

§ 80.17 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended on each project segment and the Federal Aid claimed to be due on account thereof, shall be submitted to the Secretary by the State Fish and Game Department, either after completion of each project segment or as the work progresses.

§ 80.18 Credit for receipts.

The Federal Aid program in the State shall be credited with the amount of any net income derived by the State from operation of a project or project segment to the extent of and in the same ratio that Federal Aid funds are used in the production of income. The Federal Aid program in the State shall be credited by reduction of Federal Aid payments with the amount of any net proceeds resulting from the disposal of real or personal property, including supplies and equipment to the extent of and in the same ratio that Federal Aid funds were utilized in the project or segment thereof for which the property was acquired. In no case, however, shall the amount of such credit exceed the amount of Federal Aid funds which were approved for use in the operation of the project or in the acquisition of the property involved. When property acquired with Federal Aid funds is used for non-Federal aid program purposes compensation shall be made in like manner as disposal of such property except that, in the case of temporary non-program use of equipment the Federal Aid program shall be credited on the basis of the established Federal Aid rental rates for the type of equipment concerned during the period of non-program use. All credits shall be applied to current year funds.

§ 80.19 Safety and accident prevention.

In the performance of each project, the State shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The State shall be responsible that all safeguards, safety devices and protective equipment are provided and will take any other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the plans, specifications and estimates.

§ 80.20 Personnel.

The State Fish and Game Department shall maintain an adequate and competent force of employees to initiate and carry Federal Aid projects through to satisfactory completion. Federal Aid personnel employed by a State Fish and Game Department shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

§ 80.21 Nondiscrimination.

Each project agreement shall contain the equal employment opportunity provision of section 301 of Executive Order 10925, dated March 6, 1961 (26 F.R. 1977).

§ 80.22 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U.S.C. 276c), and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this regulation by reference. The State will comply with these regulations and any amendments or modifications thereof and the State Prime Contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions.

§ 80.23 Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

§ 80.24 Inspection.

Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 80.25 Samples of materials to be submitted.

Whenever requested, suitable samples of materials to be used in construction work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 80.26 Submission.

Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of delivery to the Director of the Bureau of Sport Fisheries and Wildlife, or to the appropriate Regional Director of the Bureau.

§ 80.27 Records and reporting.

Progress and completion reports shall be furnished as requested by the Secretary. Cost records of the cost of land acquired, improvements made thereon, construction work, overhead costs, and of maintenance done by or on behalf of the State shall be kept separately for each project segment. The accounts and records, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.28 Records retention period.

The records, accounts, and supporting documents required to be maintained under the regulations in this part shall be retained by the State Fish and Game Department until such time as the Secretary shall have made a final audit of the project accounts and notified such department of the acceptability of project claims and accomplishments, and for a period of three years following the receipt of such notification.

NOTE: All record keeping and reporting requirements of the regulations in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 61-11977; Filed, Dec. 18, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

BARLEY GRAIN STANDARDS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) notice is hereby given that the United States Department of Agriculture has under consideration proposed changes in the Official Grain Standards of the United States for Barley (7 CFR 26.201-26.203) promulgated under the authority of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 74).

The Malting Barley Improvement Association is requesting that consideration be given to changing the barley standards so that the varietal type Betzes barley can be graded as malting barley. This Association is also requesting that the grade requirements for Betzes barley be the same as the present requirements for "Western Barley" rather than the requirements for the subclass "Malting Barley" under the class Barley. Betzes barley is a two-rowed barley. It is grown east of the Rocky Mountains and, therefore, would ordinarily not meet the class and grade requirements for Western Barley.

The barley growers in Alaska are requesting that barley grown in that State be classified as Barley rather than as Western Barley.

It is proposed to amend the introductory text of paragraphs (c) and (d) of § 26.201, and subparagraphs (4) and (5) of paragraph (g) of § 26.203 to read, respectively, as follows:

§ 26.201 Terms defined.

* * * * *

(c) *Barley.* The class Barley shall be any barley with white hulls which is grown east of the Rocky Mountains or in Alaska and may include not more than 10 percent of black barley or of barley of the class Western Barley, either singly or in any combination. This class shall be divided into the following three subclasses:

* * * * *

(d) *Western Barley.* The class Western Barley shall be any barley with white hulls which is grown west of the Great Plains area of the United States and may include not more than 10 percent of black barley or of barley of the class Barley, either singly or in any combination, except that barley grown in the State of Alaska shall not be classified as Western Barley. (See paragraph (c) of this section.)

* * * * *

§ 26.203 Grades, grade requirements, and grade designations.

* * * * *

(g) *Special grades, special grade requirements, and special grade designations for barley.* * * *

(4) *Choice Malting Two-rowed Barley*—(i) *Requirements.* Choice Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal type; which does not contain more than 3.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for grade No. 1 Western Barley except that the class requirements for Western Barley and the limitations on seeds of wild brome grasses shall be disregarded in determining the numerical grade; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semi-steely in mass; which does not contain more than 5.0 percent of thin barley; which does not contain more than 5.0 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

(ii) *Grade designation.* Choice Malting Two-rowed Barley shall meet the special grade requirements for choice malting two-rowed barley and shall be graded and designated according to the class and grade requirements of the standards applicable to such barley if it were not Choice Malting Two-rowed, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Choice Malting Two-rowed".

(5) *Malting Two-rowed Barley*—(i) *Requirements.* Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal type; which does not contain more than 5.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for any of the grades No. 1 to No. 3 Western Barley, inclusive, except that the class requirements for Western Barley and the limitation on seeds of wild brome grasses shall be disregarded in determining the numerical grade; which does not meet the requirements for the special grade Choice Malting Two-rowed Barley; which has a test weight per bushel of 50 pounds or more; which contains 70 percent or more of mellow kernels; which is not semi-steely in mass; which does not contain more than 10.0 percent of thin barley; which does not contain more than 10.0 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, blighted, smutty, garlicky, weevily, ergoty, or bleached: *Provided,* That Malting Two-rowed Barley of the grade No. 1 shall contain not less than 80 percent of mellow kernels; and may not contain more than 3.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna, or more than 7.0 percent of thin barley, or more than 7.0 percent of skinned and/or broken kernels.

(ii) *Grade designation.* Malting Two-rowed Barley shall be graded and designated according to the special grade requirements for malting two-rowed barley and to the class and grade requirements applicable to such barley if it were not Malting Two-rowed, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Malting Two-rowed".

Public hearings will not be held on this proposal to amend the Official Grain Standards of the United States for Barley, but all persons who desire may submit written data, views, or arguments in connection with the aforesaid proposal to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., to be received by him not later than January 15, 1962. All documents should be filed in duplicate. Consideration will be given to the written data, views, and arguments received by the Director and to other information available in the United States Department of Agriculture before a decision is made as to whether the proposed amendments shall be promulgated.

Done at Washington, D.C., this 14th day of December 1961.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-12003; Filed, Dec. 18, 1961; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 944, 947, 1050]

[Docket Nos. AO-339; AO-313-A3; AO-105-A14]

MILK IN CENTRAL ILLINOIS, SUBURBAN ST. LOUIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

Notice of Hearing on Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.),

and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held January 3, 1962, at the Holiday Inn, West Fayette Avenue, Effingham, Illinois, and at the Pere Marquette Hotel in Peoria, Illinois, beginning at 10:00 a.m., local time, on January 8, 1962, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Central Illinois marketing area and proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Suburban St. Louis and Quad Cities-Dubuque marketing areas.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the proposed Central Illinois marketing area and in the Suburban St. Louis and Quad Cities-Dubuque marketing areas and to the alternative possibilities of expanding the Suburban St. Louis and Quad Cities-Dubuque marketing areas or of issuing a separate order to regulate the handling of milk in the Central Illinois marketing area which might include all or a portion of the area proposed to be added to the Suburban St. Louis and Quad Cities-Dubuque marketing areas.

The public hearing is also for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed marketing agreement and order proposals herein set forth and any appropriate modifications thereof for the purpose of determining (1) whether the handling of milk in the additional area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in such additional area, and (3) whether the provisions specified in the proposed new order for the Central Illinois marketing area or in the proposals for amendment of the Suburban St. Louis and Quad Cities-Dubuque marketing areas or some other provisions appropriate to the terms of the Agricultural Marketing Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Danville Producers Dairy, Champaign County Milk Producers Association and Peoria Milk Producers, Inc.:

Proposal No. 1.

DEFINITIONS

§ 1050.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1050.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1050.3 Department.

"Department" means the United States Department of Agriculture.

§ 1050.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1050.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1050.6 Central Illinois marketing area.

"Central Illinois marketing area" (hereinafter called the marketing area) means all territory included within the perimeter boundaries of Champaign, De Witt, Fulton, Logan, Mason, Marshall, McLean, Piatt, Peoria, Tazewell, Vermilion, and Woodford Counties, all in Illinois.

§ 1050.7 Producer.

"Producer" means any person, except a producer handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority whose milk is:

(a) Received during the month at a pool plant; or

(b) Diverted from a pool plant by a handler to another pool plant or to a nonpool plant which is not a pool plant under the terms of another order issued pursuant to the Act for the account of the handler operating the pool plant or of a cooperative association, subject to the following conditions: The days of production of such person for which milk is diverted during the month may not exceed the days of production for which milk is received at a pool plant, otherwise such person will not be considered a producer with respect to any milk diverted. The milk so diverted to a nonpool plant shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1050.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a distributing plant or a supply plant;

(b) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant; or

(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and which is delivered in such tank truck to a pool plant: *Provided,* That such milk shall be deemed to have been received directly from producers at a pool plant at the location of the pool plant to which it is first delivered by the tank truck.

§ 1050.9 Producer-handler.

"Producer-handler" means any person who operates a distributing plant at which there is processed milk of such person's own farm production and at which there is received no milk from other dairy farmers and no other source milk in the form of fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that:

(a) The care and management of all the dairy animals and other resources used in such own farm production are the personal enterprise or at the personal risk of such person; and

(b) The operation of the processing and distribution facilities is the personal enterprise of and at the personal risk of such person.

§ 1050.10 Distributing plant.

"Distributing plant" means a plant at which approved milk is processed, packaged and disposed of during the month as Class I milk in the marketing area on routes.

§ 1050.11 Supply plant.

"Supply plant" means a plant from which approved milk is moved during the month to a distributing plant but from which no packaged Class I milk is disposed of in the marketing area on routes.

§ 1050.12 Pool plant.

"Pool plant" means:

(a) A distributing plant from which during the month not less than 50 percent of total receipts of approved milk from dairy farmers, supply plants, and cooperative associations in their capacity as handlers pursuant to § 1050.8(c) is distributed as Class I milk on routes and from which not less than 20 percent of such Class I distribution is in the marketing area on routes, or

(b) A supply plant from which during the month not less than 50 percent of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(c) is shipped to distributing pool plants: *Provided,* That if a supply plant qualifies as a pool plant pursuant to this section in each of the months of September through January such plant shall be a pool plant until the end of the following August, unless the plant operator requests in writing to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1050.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 1050.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk received:

(a) At a pool plant from producers including that diverted from a pool plant to another pool plant or to a nonpool plant; and

(b) By a cooperative association in its capacity as a handler pursuant to § 1050.8 (b) and (c).

§ 1050.15 Approved milk.

"Approved milk" means any skim milk and butterfat contained in milk, skim milk or cream which is approved by a duly constituted health authority for distribution as Grade A milk.

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, reconstituted milk or skim milk, yogurt, cream (sweet or sour) or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream, and cultured sour mixtures other than sour cream).

§ 1050.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; or

(3) Opening inventory;

(b) Products, other than fluid milk products, from any source, (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1050.18 Route.

"Route" means disposition of fluid milk products (including disposition through a vendor and sales from a plant or plant store) to a wholesale or retail stop other than to a pool or nonpool plant.

§ 1050.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1050.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1050.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1050.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1050.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1050.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who after the date on which he is required to perform such acts, has not made reports pursuant to § 1050.30 through § 1050.33 or payments pursuant to §§ 1050.80 through 1050.86.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary.

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part which do no reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of the following:

(1) The 6th day of each month, the Class I and Class II milk prices computed pursuant to § 1050.51 and butterfat differentials computed pursuant to § 1050.52 all for the preceding month; and

(2) The 11th day of each month, the uniform price computed pursuant to § 1050.71 and the producer butterfat differential, pursuant to § 1050.72, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1050.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, for each of his pool plants, and each cooperative association which is a handler pursuant to § 1050.8 (b) or (c) shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1050.8(c);

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section and inventories of fluid milk products on hand at the end of the month; and

(c) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1050.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) On or before the 7th day after the end of each month, each handler, except a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of during the month in the marketing area on routes shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall report the information required of handlers operating pool plants pursuant to § 1050.30 substituting receipts from dairy farmers for receipts from producers.

§ 1050.32 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator his producer payroll for that month, which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The days for which milk was received from such producer if less than the entire month;

(4) The average butterfat content of such milk;

(5) The net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions; and

(b) On or before the day prior to diverting producer milk pursuant to § 1050.7 each handler shall report to the market administrator his intention to divert such milk, the date or dates of such diversion and the plant to which such milk is to be diverted.

§ 1050.33 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1050.80(b) shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer on or before the 7th day of the following month:

(a) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk;

(b) The amount or rate and nature of any deductions to be made from payments; and

(c) The amount and nature of payments due pursuant to § 1050.84(c).

§ 1050.34 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning of and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursements of money so deducted.

§ 1050.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection herewith.

CLASSIFICATION OF MILK

§ 1050.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to §§ 1050.30 and 1050.31 shall be classified each month pursuant to the provisions of §§ 1050.41 through 1050.46.

§ 1050.41 Classes of utilization.

Subject to the conditions set forth in §§ 1050.42 through 1050.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3), (4), and (5) of this section except that fluid milk products, which have been fortified by the addition of nonfat solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content, and

(2) Not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form;

(4) Disposed of and used for livestock feed or dumped (skim milk portion only) subject to prior notification to and/or inspection (at his discretion) by the market administrator;

(5) Contained in that portion of fortified milk or skim milk not classified as Class I milk pursuant to paragraph (a)(1) of this section;

(6) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1050.47(b)(2) not to exceed the following:

(i) Two percent of that received from producers except that diverted to a nonpool plant, plus

(ii) One and one-half percent of that received from pool plants of other handlers in bulk tank lots, plus

(iii) One and one-half percent of the receipts direct from the farm in bulk tanks from a cooperative association which is a handler for the milk pursuant to § 1050.8(c) except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations the applicable percentage shall be two percent, less

(iv) One and one-half percent of that disposed of in bulk tank lots to other plants except that diverted to a nonpool plant; and

(7) In shrinkage of skim milk and butterfat, respectively, allocated to other source milk pursuant to § 1050.47(b)(1).

§ 1050.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1050.43 Transfers.

Skim milk and butterfat in fluid milk products transferred or diverted in bulk form from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1050.8 (b) and (c) shall be classified as follows:

(a) As Class I if transferred to a pool plant unless:

(1) The transferee and transferor-handlers claim Class II utilization in their reports submitted pursuant to § 1050.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions pursuant to § 1050.45(a)(4) and the corresponding subtractions pursuant to § 1050.45(b): *Provided*, That if the transferee and transferor plants receive other source milk, the classification of the skim milk and butterfat transferred results in the highest valued class utilization to milk of producers; and

(3) The transfer is by a cooperative association, in which case the skim milk and butterfat transferred shall be allocated pro rata to the quantity remaining in each class after making the computations pursuant to § 1050.45(a) (1) through (6) and the corresponding steps of § 1050.45(b).

(b) As Class I if moved to the plant of a producer-handler;

(c) As Class I (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) if moved to a nonpool plant which is not the plant of a producer-handler unless:

(1) The transferee plant is located less than 200 miles from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, by shortest highway distance as determined by the market administrator,

(2) The transferor-handler claims Farmer City, Illinois, by shortest high-classification of such skim milk and but-

terfat in Class II in his report submitted pursuant to § 1050.30, and

(3) The operator of the transferee plant maintains books and records which verify the claimed utilization of skim milk and butterfat to the satisfaction of the market administrator and which are made available if requested by the market administrator;

(d) As Class I (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) if moved to a nonpool plant to the extent of the following pro rata computation if the skim milk and butterfat is not classified as Class I milk pursuant to paragraph (c) of this section;

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this part applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) From the remaining amount of skim milk and butterfat, respectively, classified as Class I milk at such nonpool plant subtract any Class I milk received in consumer-type packages from a plant fully regulated by this or another Federal order issued pursuant to the Act; and

(3) Prorate the remaining Class I milk to bulk receipts at the nonpool plant from plants which are fully subject to the classification and pricing provisions of this and other Federal milk orders issued pursuant to the Act;

(e) As Class II milk if moved in fluid form as cream to a nonpool plant located more than 200 miles from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, if the following conditions are met:

(1) The transferor-handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

§ 1050.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1050.30, and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler, or in the case of a cooperative association, for that milk received pursuant to § 1050.8 (b) and (c): *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all the water originally associated with such solids.

§ 1050.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II milk pursuant to § 1050.41(b)(6);

(2) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(3) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are pooled but not priced as Class I under the provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are pooled and priced as Class I under the provisions of another order issued pursuant to the Act;

(5) Subtract the pounds of skim milk in fluid milk products received from other pool plants and from cooperative associations which are the handlers for the milk pursuant to § 1050.8(c) from the pounds of skim milk in the respective classes in which such skim milk is classified pursuant to § 1050.43(a);

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and pounds of butterfat remaining in producer milk in each class pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk in each class.

§ 1050.46 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1050.45(a)(5) and the corresponding step in § 1050.45(b) subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to § 1050.45 in:

(a) Producer milk, and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

§ 1050.47 Shrinkage.

The market administrator shall allocate shrinkage to each pool plant and to a cooperative association in its capacity as a handler pursuant to § 1050.8(c) as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Prorate the resulting amounts between (1) skim milk and butterfat in other source milk received in bulk fluid form, and (2) skim milk and butterfat in producer milk (excluding diverted milk) and in bulk fluid receipts from other pool plants and from cooperative associations in their capacity as handlers pursuant to § 1050.8(c).

Minimum Prices

§ 1050.50 Basic formula price.

The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the delivery period, adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1050.72 and rounded to the nearest full cent.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1050.51 Class prices.

Subject to the provisions of §§ 1050.52 and 1050.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* For the first 18 months, the Class I milk price each month shall be the basic formula price for the immediately preceding month plus $1.15: *Provided*, That such Class I price shall be adjusted by the same rate as is made for the same month under the Chicago, Illinois, Federal Order (Part 941 of this chapter).

(b) *Class II milk price.* The Class II milk price shall be the price computed pursuant to § 1050.50(a).

§ 1050.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1050.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.12.

§ 1050.53 Location differentials to handlers.

For producer milk received at a pool plant located outside the marketing area and 80 miles or more from the intersection of U.S. Highways 54 and 150 at Farmer City, whichever is nearer by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1050.51(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
80 miles but not more than 90	10.0
For each additional 10 miles or fraction thereof	1.5

Provided, That for the purpose of calculating such location differential, transfers of milk, skim milk and cream between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts from producers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(c), such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential would apply.

§ 1050.54 Rate of compensatory payments.

The rate of compensatory payment per hundredweight shall be calculated as follows: Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the Class I location differential rates set forth in § 1050.53 for the location of the plant at which the milk was received from farmers.

Application of Provisions

§ 1050.60 Producer-handler.

Sections 1050.40 through 1050.47, 1050.50 through 1050.53, 1050.61 through 1050.63, 1050.70 through 1050.74, and §§ 1050.80 through 1050.87 shall not apply to a producer-handler.

§ 1050.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1050.12(a) which disposes of a lesser volume of Class I milk in the Central Illinois marketing area than in a marketing area where the handling of milk is regulated pursuant to another part issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other part is exempted pursuant to this paragraph from regulation as a pool plant under this part, unless the Secretary determines otherwise;

(b) Any plant qualified pursuant to § 1050.12(b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 1050.62 Handlers operating nonpool distributing plants.

In lieu of payments required pursuant to §§ 1050.80 through 1050.85, each handler, other than a producer-handler or one exempt pursuant to § 1050.61, who operates, during the month, a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 1050.30, the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month in the marketing area on routes at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, the rates specified in § 1050.86 with respect to Class I milk disposed of in the marketing area on routes; or

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amounts specified in paragraph (a)(1) of this section, or any plus amount resulting from the following computations, whichever is less;

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1050.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Cross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 1050.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1050.86 had such plant been a pool plant.

Determination of Prices to Producers

§ 1050.70 Computation of the obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1050.53;

(b) In any month when producer receipts are at least 110 percent of Class I sales (excluding duplications), add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1050.45(a) (2) and (3) and (b) by the rate of compensatory payment as determined pursuant to § 1050.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products.

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1050.45 (a)(8) and (b) by the applicable class price; and

(d) Add (1) the amount obtained by multiplying the hundredweight of skim milk and butterfat subtracted pursuant to § 1050.46(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the amount obtained by multiplying the hundredweight of skim milk and butterfat remaining after the calculation pursuant to § 1050.46(b) by the rate of compensatory payments pursuant to § 1050.54.

§ 1050.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. marketing area as follows:

(a) Combine into one total the obligation computed pursuant to § 1050.70 for all handlers who submit reports prescribed in § 1050.30 and who are not in default of payments pursuant to § 1050.80 or § 1050.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to

§ 1050.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1050.73;

(d) Subtract for each month of April through July an amount obtained by multiplying the hundredweight of producer milk by 25 cents;

(e) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund, exclusive of amounts subtracted pursuant to paragraph (d) of this section;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1050.72 Butterfat differential to producers.

The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by an amount determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1050.52, dividing by the total butterfat in producer milk and rounding to the nearest tenth of a cent.

§ 1050.73 Location differential to producers.

The applicable uniform price to be paid for producer milk received at a pool plant located outside the marketing area and 80 miles or more from the intersection of U.S. highways 54 and 150 at Farmer City, Illinois, whichever is nearest by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rates set forth in § 1050.53.

§ 1050.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1050.30 and § 1050.31 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1050.71 and the butterfat differential computed pursuant to § 1050.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1050.62, 1050.82, 1050.85 or 1050.86 and the amount due such handler pursuant to § 1050.83.

PAYMENTS

§ 1050.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section, on or before the 15th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 1050.85;

(2) Plus or minus adjustments for errors made in previcus payments made to such producer; and

(3) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1050.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall, on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association.

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1050.8(c) at not less than the value of such milk at the applicable class prices.

§ 1050.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1050.62(a), § 1050.82, and § 1050.84 and out of which he shall make all payments pursuant to § 1050.83 and § 1050.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1050.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1050.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price adjusted by the producer butterfat and location differentials.

§ 1050.83 Payments out of the producer-settlement fund.

(a) On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation as computed pursuant to § 1050.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

(b) On or before the 13th day after the end of each month of October, November, and December the market administrator shall pay to (1) each handler on all milk for which payment is to be made to producers pursuant to § 1050.80 (a) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 1050.80 (b) or (c) for such month at the following rate per hundredweight: For each of the months of October and November divide one-third of the aggregate amount set aside in the producer-settlement fund pursuant to § 1050.71(d) for the immediately preceding months of April through July and for the month of December divide the balance remaining, by the hundredweight of producer milk received during the month, computed to the nearest cent per hundredweight.

§ 1050.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, accounts, or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall prompty notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1050.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1050.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deduction and the amount of milk for which such deduction is computed for each producer.

§ 1050.86 Expenses of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk, except producer milk received by a cooperative association as a handler pursuant to § 1050.8 (c);

(b) Milk received from a cooperative association as a handler pursuant to § 1050.8(c); and

(c) Other source milk allocated to Class I milk pursuant to § 1050.45 (a) (2) and (b).

A handler operating a distributing plant which is a nonpool plant shall pay administrative assessments pursuant to § 1050.62.

§ 1050.87 Adjustment of overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1050.82, 1050.83, 1050.85, or 1050.86 shall be increased one-half of one percent on the first of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1050.88 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market adminstrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1050.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1050.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1050.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendments thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1050.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1050.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1050.111 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposal No. 2. Consider also whether an individual handler pool might be more appropriate.

Proposed by Pure Milk Association:

Proposal No. 3. Include in § 1050.6 in the definition of marketing area the following counties: Bureau, Warren, Knox, Livingston, La Salle, Putnam, Stark, and Grundy.

Proposal No. 4. Define a supply plant, § 1050.11, as follows:

"Supply plant" means a plant from which approved milk is moved during the month to a distributing plant.

Proposal No. 5. Provide in § 1050.43 (c)(1) that transfers be classified in Class II under specified conditions if the transferee plant is located less than 200 miles from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois or 200 miles from the pool plant, by shortest highway distance as determined by the market administrator.

Proposal No. 6. Renumber § 1050.45, paragraph (a), subparagraphs (2) through (8) as (3) through (9) and provide a new subparagraph (2) as follows:

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in Class II products received in consumer packages and disposed of in the same packages, if such skim milk is subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That the same Class I products are not processed and packaged in containers of the same type and size in the plant during the month.

Proposal No. 7. Provide a basic formula price as follows:

§ 1050.50 Basic formula price.

The higher of the prices computed pursuant to paragraph (a) or (b) of this section rounded to the nearest whole cent shall be known as the basic formula price.

(a) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the delivery period, adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1050.72 rounded to the nearest full cent.

(b) The average of the prices per hundredweight reported to have been paid, or to be paid, for the delivery period next preceding, to farmers for milk containing 3.5 percent butterfat delivered at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Locations

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Proposal No. 8. Provide a § 1050.51(a) as follows:

(a) *Class I milk price.* For the first 18 months, the Class I milk price each month shall be the basic formula price for the immediately preceding month plus the following amounts for the delivery periods indicated:

August, September, October, and November	$1.54
December, January, February, and July	1.34
March, April, May, and June	1.14

Provided, That such Class I price shall be adjusted by the same rate as is made for the same month under the Chicago, Illinois, Federal order (Part 941 of this chapter).

Proposed by Beatrice Foods Company:
Proposal No. 8A. The marketing area should be defined as follows:

§ 1050.6 Central Illinois marketing area.

"Central Illinois marketing area" means all the territory, including any Federal, State or municipal institutions located partially or wholly within the counties of Bureau, Champaign, DeWitt, Ford, Fulton, Grundy, Henry, Iroquois, Kankakee, Knox, La Salle, Livingston, Logan, McDonough, McLean, Marshall, Mason, Mercer, Peoria, Piatt, Putnam, Stark, Tazewell, Vermilion, Warren, and Woodford, all located in the State of Illinois.

Proposed by the Borden Company:
Proposal No. 9.

§ 1050.6 Central Illinois marketing area.

The "Central Illinois marketing area" means the territory within the Illinois counties of Champaign, DeWitt, Fulton, Logan, Mason, Marshall, McLean, Piatt, Peoria, Tazewell, Vermilion, Knox, Woodford, Sangamon, Macon, Moultrie, Morgan, Coles, Christian and Shelby, including the territory within such boundaries that is occupied by government (Municipal, State or Federal) reservations, installations, institutions or other establishments.

Proposal No. 10.

§ 1050.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority whose milk is:

(a) Received during the month at a pool plant;

(b) Diverted for the account of the operator of a pool plant to another pool plant; or

(c) Diverted from a pool plant to a nonpool plant for the account of the operator of a pool plant or a cooperative association: *Provided,* That for each of the months of October through December diversion of the milk of any such person shall be limited to 18 days (9 days in the case of every-other-day delivery) during such month.

Proposal No. 11.

§ 1050.41 Classes of utilization.

Fluid milk products fortified with nonfat milk solids should be classified as Class I up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

Proposal No. 12. Section 1050.43(c) should read as follows:

(c) As Class I (except that contained in cream which is moved to a nonpool plant) if moved to a nonpool plant which is not the plant of a producer-handler unless:

(1) The transferee plant is located less than 400 miles from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, by shortest highway distance as determined by the market administrator.

(2) The transferor-handler claims classification of such skim milk and butterfat in Class II as in report; and

(3) The operator of the transferee plant maintains books and records which verify the claimed utilization to the satisfaction of the market administrator.

Proposal No. 13. Add a new subparagraph (2) to § 1050.45(a) and renumber subparagraphs (a) (2) through (8) as (a) (3) through (9).

(2) Subtract from the pounds of skim milk and butterfat in Class I the pounds of skim milk and butterfat in buttermilk, flavored milk, flavored milk drinks, cultured milk, cultured milk drinks, skim milk, skim milk drinks, fortified skim milk and cream drinks (sweet, sour and cultured), sour cream dips which are subject to pricing as Class I milk under another Federal order and received in consumer-type packages.

Proposal No. 14. Section 1050.51(a) should read as follows:

(a) The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus eighteen cents.

Proposal No. 15.

§ 1050.53 Location differentials to handlers.

For producer milk received at a pool plant located outside the marketing area and 140 miles or more from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, whichever is nearer by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price shall be reduced at the rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
140 but not more than 150	10.0
For each additional 10 miles or fraction thereof	1.5

Proposal No. 16.

§ 1050.73 Location differentials to producers.

The location differentials to producers to be at the same schedule as in "location differentials to handlers".

Proposed by Sunshire Dairy, Inc., and Senn-Solwedel Company:
Proposal No. 17.

§ 1050.6 Marketing area.

"Central Illinois marketing area" (hereinafter called the marketing area) means all territory included within the perimeter boundaries of Champaign, DeWitt, Logan, McLean, Piatt, Peoria, Tazewell, Vermilion, Woodford, Fulton, and Knox Counties, all in Illinois.

Proposal No. 18.

§ 1050.12 Pool plant.

"Pool plant" means a plant described in paragraph (a), (b), or (c) of this section except as provided in § 1050: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section:

(a) A distributing plant from which a volume of Class I milk not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area;

(b) A supply plant from which the volume of fluid milk products shipped during the month to plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of December through August, unless written application is filed with the market administrator on or before the 1st day of any of the months of December through August to be designated a nonpool plant for such month and for each subsequent month through August;

(c) A plant operated by a cooperative association from whose members the total pounds of producer milk received at the pool plants of other handlers during the month, or during the 12-month period immediately preceding such month, are more than the total pounds of Grade A milk received at its plant from dairy farmers during the corresponding period: *Provided,* That if written application is filed with the market administrator on or before the 5th day of any month such plant may be designated a nonpool plant for such month and for any subsequent months.

Proposal No. 19.

§ 1050.16 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (flavored or plain), concentrated milk, fortified milk or skim milk, cream (sweet or sour), and any mixture of milk skim milk or cream (except sterilized products packaged in hermetically sealed containers, eggnog, frozen dessert mixes, ice cream mixes, aerated cream, and cultured sour mixtures other than sour cream).

Proposal No. 20.

§ 1050.41 Classes of utilization.

Subject to the conditions set forth in § 1050.42 through § 1050.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except those classified pursuant to paragraph (b) (3), (4), and (5) of this section except that fluid milk products which have been fortified by the addition of nonfat solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content, and

(2) Not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Used for starter churning and disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form;

(4) Disposed of and used for livestock feed or dumped subject to prior notification to and an inspection (at his discretion) by the market administrator;

(5) Contained in that portion of fortified milk or skim milk not classified as Class I milk pursuant to paragraph (a) (1) of this section;

(6) In shrinkage of producer milk not in excess of 2 percent; and

(7) In shrinkage of other source milk.

Proposal No. 21.

§ 1050.53 Location differentials to handlers.

For producer milk received at a pool plant located outside the marketing area and 40 miles or more from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, whichever is nearer by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1050.51(a) shall be reduced at the rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
40 but not more than 50	10.0
For each additional 10 miles or fraction thereof	1.5

Provided, That for the purpose of calculating such location differential, transfers of milk, skim milk and cream between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts from producers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(c), such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential would apply.

Proposal No. 22.

§ 1050.73 Location differential to producers.

The applicable uniform price to be paid for producer milk received at a pool plant located outside the marketing area and 40 miles or more from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, whichever is nearest by shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, shall be reduced at the rates set forth in § 1050.53.

Proposed by Walther Dairy, Inc.:
Proposal No. 23.

§ 1050.53 Handler location allowance.

The handler location allowance for a supply plant located 150 miles or more from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, is as follows:

	Rate per hundredweight (cents)
Distance from Farmer City (miles):	
150 to 160 miles	10.0
For each additional 10 miles or fraction thereof	1.5

Proposal No. 24. Change the 200 mile transfer location adjustment in § 1050.43 (c) (1) to 375 miles from the intersection of U.S. Highways 54 and 150 at Farmer City, Illinois, or 150 miles from a supply plant or a pool plant.

Proposal No. 25. In § 1050.71(d) the twenty-five cent per hundredweight deduction in April, May, June and July should be reduced to ten cents per hundredweight.

Proposal No. 26. The producer location allowance (§ 1050.73) should be the same as "handler location allowance" (§ 1050.53).

PROPOSALS TO AMEND THE SUBURBAN ST. LOUIS MARKETING AREA

Proposed by Sanitary Milk Producers and Pure Milk Association:

Proposal No. 1. Amend § 947.6, marketing area, by including all of the territory in the County of Saline in the Base Zone and all of the territory in the Counties of Christian, Moultrie, Coles, Shelby, Macon, and Sangamon in the Northern Zone, all in the State of Illinois.

Proposal No. 2. Amend § 947.7 to read as follows:

§ 947.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer for other markets, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Delivered from a farm to a pool plant, or

(b) Diverted to a nonpool plant which is not a pool plant under the terms of another order issued pursuant to the Act:

(1) By a cooperative association in its capacity as a handler pursuant to § 947.9(c), any number of days during the months of March through July or for a period not in excess of 16 days production during each of the months of August through February; or

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided,* That milk so diverted pursuant to subparagraph (1) and (2) of this paragraph shall be deemed to have been received at the plant from which diverted, except that milk diverted from a pool distributing plant to a nonpool plant located more than 150 airline miles from the U.S. Post Office in Carlyle, Illinois, shall be deemed to have been received at a pool plant at the same location as the nonpool plant to which diverted.

Proposal No. 3. Delete § 947.41(a)(1) and substitute therefor the following:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, diet foods, cream (sweet or sour) and mixtures of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, sterilized products in hermetically sealed containers and cultured sour mixtures to which cheese or other food substance, other than a milk product, has been added and which contain butterfat equal to not more than 15 percent of the finished product).

Proposal No. 4. Amend § 947.41 (b) (2) by renumbering subparagraphs (3), (4), and (5) as (4), (5), and (6) and adding a new subparagraph (3) as follows:

(3) That portion of milk equivalent used to fortify diet foods.

Proposal No. 5. Delete renumbered subparagraph (6) of § 947.41(b) and substitute therefor the following:

(6) In actual shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of that received from dairy farmers excluding that which is diverted pursuant to § 947.7, plus

(ii) One and one-half percent of that contained in milk received in bulk tank lots, excluding that contained in milk received from dairy farmers, less

(iii) One and one-half percent of that contained in milk disposed of in bulk tank lots to other plants, excluding milk diverted pursuant to § 947.7: *Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata pursuant to this subparagraph to skim milk and butterfat, respectively, in approved milk received from producers and from other pool plants and in other source milk.

Proposal No. 6. Delete § 947.43(c) (1) and substitute therefor the following:

(1) Transferee plant is located less than 200 airline miles from the U.S. Post Office in Carlyle, Illinois, or less than 50 airline miles from transferor plant, as determined by the market administrator.

Proposal No. 7. Delete § 947.46.

Proposal No. 8. Delete § 947.51(a) and substitute therefor the following:

(a) *Class I price.* The price per hundredweight of Class I milk at plants located in the Base Zone shall be 10 cents less and at plants located in the Northern Zone shall be 15 cents less than the St. Louis Federal Milk Order (Part 903 of this chapter) Class I price effective at a pool plant located in the zero to 30 mile zone.

Proposal No. 9. Amend § 947.52 by deleting that portion of the section prior to the proviso and substituting therefor the following:

For producer milk which is received at a pool plant located 100 airline miles or more from the main U.S. Post Office in Carlyle, Illinois, as determined by the market administrator and which is classified as Class I milk the price specified in § 947.51 (a) for plants located in the Base Zone shall be reduced at the rate set forth in the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
More than 100 but less than 110	5.00
For each additional 10 miles or fraction thereof	1.5

Proposal No. 10. Delete § 947.55 and substitute therefor the following:

§ 947.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

Subtract the Class II price, adjusted by the Class II butterfat differential, from the applicable Class I price adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

Proposal No. 11. Amend § 947.62 by inserting immediately before § 947.62 (b) (1) (i) the following language:

Provided, That the payment shall not be less than the amount equal to the difference between the uniform price and the Class I price times the pounds of Class I disposed of in the area.

Proposal No. 12. Delete § 947.81 and substitute therefor the following:

§ 947.81 Butterfat differentials to producers.

In making payments for milk received from producers pursuant to § 947.80, the uniform price shall be adjusted by adding or subtracting for each one-tenth of one percent by which the average butterfat content of such milk is more or less, respectively, than 3.5 percent an amount equal to the butterfat differential computed pursuant to § 947.53(b).

Proposal No. 13. Delete § 947.82 and substitute therefor the following:

§ 947.82 Location differentials to producers.

In making payment for milk received from producers at a pool plant located 100 airline miles or more from the main U.S. Post Office in Carlyle, Illinois, as determined by the market administrator, the applicable uniform price shall be reduced at the rates set forth on the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
More than 100 but less than 110	5.00
For each additional 10 miles or fraction thereof	1.5

Proposed by Square Deal Milk Producers Association:

Proposal No. 14. Delete § 947.7 and substitute therefor the following:

§ 947.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer for other markets, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Delivered from a farm to a pool plant, or

(b) Diverted to a nonpool plant which is not a pool plant under the terms of another order issued pursuant to the Act:

(1) By a cooperative association in its capacity as a handler pursuant to § 947.9(c) any number of days during the months of March through July or for a period not in excess of 16 days production during each of the months of August through February; or

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided*, That milk so diverted pursuant to subparagraphs (1) and (2) of this paragraph, shall be deemed to have been received at the plant from which diverted, except that milk diverted from a pool distributing plant to a nonpool plant located more than 150 airline miles from the U.S. Post Office in Carlyle, Illinois, shall be deemed to have been received at a pool plant at the same location as the nonpool plant to which diverted.

Proposal No. 15. Delete § 947.55 and substitute therefor the following:

§ 947.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

Subtract the Class II price, adjusted by the Class II butterfat differential, from the applicable Class I price adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

Proposal No. 16. Delete § 947.81 and substitute therefor the following:

§ 947.81 Butterfat differentials to producers.

In making payments for milk received from producers pursuant to § 947.80, the uniform price shall be adjusted by adding or subtracting for each one-tenth of one percent by which the average butterfat content of such milk is more or less, respectively, than 3.5 percent an amount equal to the butterfat differential computed pursuant to § 947.53(b).

Proposal No. 17. Amend all of the necessary sections and paragraphs in the Suburban St. Louis Order No. 47 which have any concern with respect to distribution of proceeds to provide for the establishment of an individual-handler type of pooling instead of the market-wide pool which is now in effect.

Proposed by Prairie Farms of Southern Illinois:

Proposal No. 18. Amend § 947.45(a) by adding a new subparagraph (4) and (6) as follows; renumber subparagraph (4) as (5) and renumber subparagraphs (5) through (8) as (7) through (10):

(4) Subtract from the pounds of skim milk remaining in Class II an amount equal to the lesser of such remainder or the product obtained by multiplying by 0.05 the pounds of skim milk contained in receipts of producer milk and receipts from plants qualified pursuant to § 947.13 which were producer milk;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

Proposal No. 19. Amend § 947.70 by adding a new paragraph (3) as follows:

(3) With respect to a handler who transfers milk from a pool plant to a nonpool plant which is owned and operated by such handler and which milk or/a portion thereof is classified as Class I milk by Order No. 47, and which nonpool plant disposes of Class I milk in another marketing area which has been established by another Federal order, and which order requires that compensatory payments be paid by such nonpool plant for Class I milk sold in such marketing area,

Subtract the lesser of the following amounts:

(i) The amount of such compensatory payment paid by the handler who also operates the nonpool plant, or

(ii) An amount computed by multiplying the volume of milk classified as Class I milk, at the nonpool plant, which milk was transferred by the handler from a pool plant to such nonpool plant, by the applicable rate per hundredweight for computing the compensatory payment provided in the Federal order which regulates the handling of milk in the marketing area where such Class I milk was disposed of from the nonpool plant.

Proposal No. 20. Change the present order from a marketwide pool to an individual handler pool.

Proposed by Dressel Young Dairy Company:

Proposal No. 21. Amend § 947.43 to provide for the same method of classification of skim milk and butterfat in transfers of milk between pool plants under Order Nos. 47 and 3 as now provided for interhandler transfers under Order No. 47.

Proposed by Sullivan All Star Dairy Foods:

Proposal No. 22. Amend § 947.6 by including the counties of Moultrie, Shelby, Piatt, Douglas, Coles, Clark and Cumberland, all in the State of Illinois, in the definition of marketing area.

Proposed by Beatrice Foods Company:

Proposal No. 23. Amend § 947.6 to include the following counties, all located within the State of Illinois, together and including any Federal, State or Municipal institutions located partially or wholly within the proposed area: Christian, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Hamilton, Jasper, Lawrence, Macon, Morgan, Moultrie, Menard, Richland, Saline, Sangamon, Shelby, Wabash, Wayne, and White.

Proposal No. 24. Amend § 947.44 by deleting the proviso relative to accounting for milk solids in concentrated form on the milk equivalent basis and to make such other conforming changes in other necessary sections of the order that such accounting shall be made on an actual weight basis.

Proposal No. 25. Amend § 947.41(b) by inserting a new subparagraph (b) (2) as follows and renumbering the present subparagraphs (2) through (5) as (3) through (6), respectively.

(2) Disposed of to bakeries, candy manufacturing plants or to other commercial food processing plants.

Proposed by Mississippi Valley Milk Producers Association:

Proposal No. 25(a). Consider the inclusion of Mercer, Henry, Warren and Knox Counties, all in the State of Illinois, in the marketing area of Order No. 44, regulating the handling of milk in the Quad Cities-Dubuque marketing area.

Proposed by Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 26. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis 39, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on December 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-12006; Filed, Dec. 18, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 649) has been filed by American Key Products, Inc., 12 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of tamarind seed powder (tamarind seed gum) in the manufacture of paper and paperboard to be used in contact with food.

Dated: December 12, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11986; Filed, Dec. 18, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 271) has been filed by Gane's Chemical Works, Inc., 535 Fifth Avenue, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of dehydroacetic acid and/or its sodium salt as a preservative on prepeeled, cubed squash for commercial packing so that residues of the additive do not exceed 65 parts per million (0.0065 percent) in the food.

Dated: December 12, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11987; Filed, Dec. 18, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 637) has been filed by S. B. Penick and Company, 100 Church Street, New York 8, New York, to provide for the safe use of a mixture of not less than 3 grams of bacitracin methylene disalicylate and not less than 1 gram of procaine penicillin in amprolium-medicated feed for growth promotion, provided that the total antibiotic used does not exceed 50 grams per ton of finished feed.

Dated: December 12, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11988; Filed, Dec. 18, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 621) has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of procaine penicillin in feed for pheasants and quail (for growth promotion) at levels equivalent to 2.4 grams to 50 grams and 10 grams to 50 grams, respectively, of penicillin G master standard activity per ton of finished feed.

Dated: December 12, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11989; Filed, Dec. 18, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 610) has been filed by Merck and Company Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of a 9.6 percent

solution of amprolium in the drinking water of chickens to provide dietary levels of 0.006 percent to 0.024 percent amprolium for treatment of coccidiosis.

Dated: December 12, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11990; Filed, Dec. 18, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 645) has been filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, proposing the issuance of a regulation to amend § 121.1058 to permit additional methods of manufacturing colloidal silicon dioxide that provide a product of which at least 90 percent by weight will be particles 0.01 millimeters or less in size.

Dated: December 12, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11991; Filed, Dec. 18, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 638) has been filed by Chas. Pfizer and Company, Inc., 235 East Forty Second Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of stearyl monoglyceridyl citrate as an emulsion stabilizer in shortenings containing emulsifiers.

Dated: December 12, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-11992; Filed, Dec. 18, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 14423; FCC 61-1457]

STATIONS ON LAND AND ON SHIPBOARD IN THE MARITIME SERVICES

Proposed Use of Certain Frequency

In the matter of amendment of Parts 7 and 8 of the Commission's rules concerning use of the frequency 2003 kc/s for safety and operational communications between ship stations and limited coast stations at causeways, bridges, waterways and similar locations, and between ship stations and U.S. Coast Guard coast stations for port security communications, Docket No. 14423.

1. The Commission has received a petition for rule waiver to permit establishment of a limited coast station at a bridge near Hancock, Michigan. Direct communication in the 2 Mc/s frequency band between vessels in the vicinity of the bridge and a coast station is desired in order that there be safe and orderly routing and movement of vessels through the bridge waterway area to preclude property damage and protect life.

2. While a coast station has been in operation at the location using frequencies most suited for the purpose, that is in the VHF maritime mobile band, communication facilities in the 2 Mc/s band are indicated as being necessary to accommodate vessels transiting the bridge area that have 2 Mc/s radiotelephone equipment only.

3. The need for communication of the nature involved in the request can be expected to occur at other locations in the Great Lakes area. The Commission considers that such communications should be provided for in the rules as was recently done in the case of other areas involving the use of 2738 and 2830 kc/s (Docket No. 14160), rather than on a rule waiver basis. It, therefore, proposes in the interest of utilizing every means available for the protection and safety of life and property, to make the intership frequency 2003 kc/s available, upon appropriate showing of need, on a shared basis to limited coast stations at causeways, bridges, waterways and similar locations. Under the proposal, communications serving the safety and related navigational needs of all types of vessels would be permissible. In view of the safety aspect of permissible communication, no showing would be required by an applicant that harmful interference would not be caused to the intership use of 2003 kc/s.

4. As an additional matter, it is proposed to expand permissible communications on 2003 kc/s in the Great Lakes area between ship stations and government coast stations to include communications with the United States Coast Guard concerning that Organization's port security program. Such communications, under the direction of United States Coast Guard coast stations would be conducted on 2003 kc/s only in those cases where vessels are unable to use the frequency 2670 kc/s, or a suitable frequency in the 156 to 174 Mc/s band, for the purpose and would be on a non-interference basis to intership communications on the frequency.

5. The proposed amendments are issued under the authority contained in section 303 (b), (c), (f), (g), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 23, 1962 and reply comments on or before February 2, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: December 13, 1961.

Released: December 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

1. In § 7.365 the heading and paragraph (b) are amended to read as follows:

§ 7.365 Availability of 2003 kc/s, 2738 kc/s, 2830 kc/s and 2214 kc/s for limited coast stations.

* * * * *

(b) The frequencies 2003 kc/s, 2738 kc/s, 2830 kc/s are available for assignment on a shared basis to limited coast stations in the areas where they are available for intership use upon a showing that the use of such frequencies is necessary to fulfill the need for communications with ships relating to safety of navigation at bridges, waterways, causeways and similar locations. Communications between such coast stations and ships shall be conducted on the same working frequency. On an adequate showing of need, more than one frequency may be assigned. The maximum authorized transmitter power for such communications shall not exceed 50 watts.

B. Part 8 is amended as follows:

1. In § 8.358 paragraph (c) is revised and redesignated as paragraph (d) and a new paragraph (c) is added as follows:

§ 8.358 Frequencies below 3000 kc/s for safety purposes.

* * * * *

(c) The frequency 2003 kc/s is authorized for use by ship stations on the Great Lakes for communication with United States Coast Guard coast stations concerning port security when the vessel is not equipped to transmit on 2670 kc/s or a suitable frequency in the band 156 to 174 Mc/s. Such use is authorized on condition that harmful interference will not be caused to any ship-to-ship communications authorized in paragraph (a) of this section.

(d) The geographic limitations in paragraph (a) of this section:

(1) With respect to 2738 kc/s and 2830 kc/s, shall not apply in event of distress or emergency, and shall not prohibit ship-to-ship communication over any distance less than 200 statute miles when only one of the ship stations is within a geographic area in which use of the respective frequency is permissible.

(2) With respect to 2003 kc/s, 2738 kc/s and 2830 kc/s, shall not prohibit communications between a ship and a limited coast station on either or both frequencies where the limited coast station has been authorized under the provisions of § 7.365(b) of this chapter.

2. Section 8.362(c) is amended to read as follows:

§ 8.362 Frequencies below 3000 kc/s for business, operational and safety purposes.

* * * * *

(c) The frequencies 2003 kc/s, 2738 kc/s and 2830 kc/s may be used for safety and related navigational communication with limited coast stations authorized to engage in such communication: *Provided*, That use of these frequencies will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 7.365(b) of this chapter.

[F.R. Doc. 61-11998; Filed, Dec. 18, 1961; 8:48 a.m.]

[47 CFR Part 10]

[Docket No. 14424; FCC 61-1458]

PUBLIC SAFETY RADIO SERVICES

Proposed Signalling Alarm

In the matter of amendment of Part 10 of the Commission's rules governing the public safety radio services to provide for signalling alarm, Docket No. 14424.

1. On July 26, 1961 the Commission authorized the granting of ten land mobile units to the Village of Skokie, Illinois, to be used on its authorized police frequency, for intruder or burglar alarm use.

2. In view of this action, it appears that provision should be made in the rules setting forth the requirements for such operation in the Police, Fire and Local Government Radio Services. It should be noted that the proposed amendments are consistent with the action taken by the Commission with respect to the Village of Skokie application. Further, the proposed action herein is in accord with the Commission's SS-Bulletin 1011, October 1960 which enunciates the reasons why neither a separate service nor specific frequencies for alarms systems can be established.

3. It is proposed to permit the operation, strictly on a secondary basis, of low-powered transmitters emitting tone or impulse signals for short periods of time when actuated, on presently assigned and authorized frequencies above 25 Mc/s, in the aforementioned Public Safety Radio Services. The appropriate rule changes are set forth below.

4. Authority for the proposed amendments is contained in sections 303 and 4(i) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before March 1, 1962 and reply comments on or before March 12, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 13, 1961.

Released: December 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 10.254 is amended by the addition of a new paragraph (e) to read as follows:

§ 10.254 Station limitations.

* * * * *

(e) Tone or impulse signalling, for the purposes enumerated in subparagraph (1) of this paragraph, may be used on a secondary basis, to the extent provided in this Subpart on the mobile service frequencies above 25 Mc/s in the Police Radio Service, subject to the condition that harmful interference is not caused to the primary operations of any other licensee. All such secondary tone or impulse signalling shall be subject to the following limitations:

(1) Secondary tone or impulse signalling may be used only for the following purposes:

(i) Automatic indication of equipment malfunction; and

(ii) Actuation of a device to indicate the presence of an intruder on property under the protection of the licensee.

(2) Any one alarm or warning utilizing secondary tone or impulse signalling shall be limited to not more than five transmissions, not to exceed six seconds each.

(3) The bandwidth utilized for secondary tone or impulse signalling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signalling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile service system.

(5) A mobile service frequency may not be used exclusively for secondary tone or impulse signalling.

(6) The plate power input to the final radio frequency stage when transmitting tone or impulse signals shall not exceed 50 watts.

(7) Only A1, A2, F1 or F2 emissions will be authorized for tone or impulse signalling.

(8) Automatic means shall be provided to de-activate the transmitter in the event the carrier remains on for a period in excess of three minutes.

2. Section 10.304 is amended by the addition of a new paragraph (d) to read as follows:

§ 10.304 Station limitations.

* * * * *

(d) Tone or impulse signalling, for the purposes enumerated in subparagraph (1) of this paragraph, may be used, on a secondary basis, to the extent provided in this Subpart on the mobile service frequencies above 25 Mc/s in the Fire Radio Service, subject to the condition that harmful interference is not caused to the primary operations of any other licensee. All such secondary tone or impulse signalling shall be subject to the following limitations:

(1) Secondary tone or impulse signalling may be used only for the following purposes:

(i) Automatic indication of equipment malfunction; and

(ii) Actuation of a device to indicate the presence of a fire on property under the protection of the licensee.

(2) Any one alarm or warning utilizing secondary tone or impulse signalling shall be limited to not more than five transmissions, not to exceed six seconds each.

(3) The bandwidth utilized for secondary tone or impulse signalling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signalling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile service system.

(5) A mobile service frequency may not be used exclusively for secondary tone or impulse signalling.

(6) The plate power input to the final radio frequency stage when transmitting tone or impulse signals shall not exceed 50 watts.

(7) Only A1, A2, F1 or F2 emissions will be authorized for tone or impulse signalling.

(8) Automatic means shall be provided to de-activate the transmitter in the event the carrier remains on for a period in excess of three minutes.

3. Section 10.554 is amended by the addition of a new paragraph (c) to read as follows:

§ 10.554 Station limitations.

* * * * *

(c) Tone or impulse signalling, for the purposes enumerated in subparagraph (1) of this paragraph, may be used, on a secondary basis, to the extent provided in this subpart on the mobile service frequencies above 25 Mc/s in the Local Government Radio Service, subject to the condition that harmful interference is not caused to the primary operations of any other licensee. All such secondary tone or impulse signalling shall be subject to the following limitations:

(1) Secondary tone or impulse signalling may be used only for the following purposes:

(i) Automatic indication of equipment malfunction; and

(ii) Actuation of a device to indicate the presence of an intruder or fire on

property under the protection of the licensee.

(2) Any one alarm or warning utilizing secondary tone or impulse signalling shall be limited to not more than five transmissions, not to exceed six seconds each.

(3) The bandwidth utilized for secondary tone or impulse signalling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signalling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile service system.

(5) A mobile service frequency may not be used exclusively for secondary tone or impulse signalling.

(6) The plate power input to the final radio frequency stage when transmitting tone or impulse signals shall not exceed 50 watts.

(7) Only A1, A2, F1 or F2 emissions will be authorized for tone or impulse signalling.

(8) Automatic means shall be provided to de-activate the transmitter in the event the carrier remains on for a period in excess of three minutes.

[F.R. Doc. 61-11999; Filed, Dec. 18, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

EDWARD BARRY AND OTTO W. DEBARY

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Edward Barry, 777 Plandome Road, Manhasset, N.Y., Claim No. 59284; $15,151.97 in the Treasury of the United States and an undivided one-half interest in the securities described below, acquired by the Attorney General pursuant to Vesting Order No. 15904.

Otto W. deBary, Ricardo Palma 281, Lima-San Isidro, Peru, Claim No. 59285; $15,151.96 in the Treasury of the United States and an undivided one-half interest in the securities described below, acquired by the Attorney General pursuant to Vesting Order No. 15904.

Vesting Orders Nos. 252, 6215, 15904, 16948, 16949, 17607, and 19074; three-fourths interest in 195 shares General Electric Common Stock, held by Frederick & Co., New York, N.Y.; three-fourths interest in $50.62 Mexican Current Interest Scrip Receipts, held in safekeeping in the Office of Alien Property, Washington 25, D.C.; $7,275 Mexican Treasury 5% Bonds of 1913, Small 2nd Assented, held in safekeeping in the Office of Alien Property, Washington 25, D.C.; one-half interest in $1,000 National Railways of Mexico P/L 4½% Bond, due 10/1/26, held in safekeeping in the Office of Alien Property, Washington 25, D.C.

Executed at Washington, D.C., on December 12, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 61-11968; Filed, Dec. 18, 1961; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55530]

CROWN ZELLERBACH CORP.

Notice of Qualification as a Citizen of the United States

DECEMBER 13, 1961.

This is to give notice that pursuant to § 3.21, Customs regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), the Crown Zellerbach Corporation of 1 Bush Street, San Francisco, California, incorporated under the laws of the State of Nevada, did on September 28, 1961, file with the Commissioner of Customs in duplicate an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with the law and regulations, on December 13, 1961, issued to the Crown Zellerbach Corporation a certificate of compliance on customs Form 1262 as provided in § 3.21(l) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-11985; Filed, Dec. 18, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-132]

AMERICAN PRESIDENT LINES, LTD.

Notice of Hearing

Notice is hereby given that a public hearing will be held under section 605(c) of the Merchant Marine Act, 1936, as amended, upon an application of American President Lines, Ltd., for a modification of its subsidized Atlantic/Straits Service, Trade Route No. 17, and amendment of its Operating Differential Subsidy Agreement in accordance therewith (new areas to be served hereinafter italicized) to read as follows: Between United States Atlantic ports and California and (1) a port or ports in the Indonesia-Malaya-Singapore area and (2) a port or ports in *Japan* (via the Panama Canal in each direction), with permissive calls at Marshall Islands, Guam, the Philippines, Hong Kong, *China, U.S.S.R. in Asia,* Viet Nam, Cambodia, Thailand, Taiwan, *Korea, Okinawa* and Canadian Atlantic and St. Lawrence River ports not west of Montreal. Not more than 16 sailings per annum shall carry commerical cargo from California to Guam.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application with respect to the operations hereinabove described is one with respect to a vessel or vessels to be operated on service, route or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and in the accomplishment of the purposes and policy of the Act, additional vessels should be operated thereon; (2) Whether the application covering these operations is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of such an agreement would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines, and (3) Whether it is necessary to enter into an agreement covering said service modification in order to provide adequate service by vessels of United States registry.

The hearing will be before the Maritime Subsidy Board or an Examiner selected by said Board, at a time and place to be announced, in accordance with Maritime Administration/Maritime Subsidy Board's rules of practice and procedure and the Administrative Procedure Act, and a decision will be issued, said decision, if rendered by an Examiner, to be a recommended decision.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file notification thereof with the Secretary, Maritime Subsidy Board, Washington 25, D.C., in writing, in triplicate, by close of business on January 12, 1962.

By order of the Maritime Subsidy Board.

Dated: December 8, 1961.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-11972; Filed, Dec. 18, 1961; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

WESTINGHOUSE ELECTRIC CORP.

[Docket No. 50-87]

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. CX-11. The license authorizes Westinghouse Electric Corporation to operate its CES critical experiment facility located at the Westinghouse Reactor Evaluation Center near Waltz Mill, Pennsylvania.

The amendment provides an authorization to possess and use 32 grams of plutonium-239 contained in plutonium-beryllium sealed sources in connection with operation of the reactor. Previously the licensee had used a polonium-beryllium source in the reactor which has decayed and will be replaced by the plutonium-beryllium source.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's requests for amendment of the license, dated September 27 and 28, 1961, may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 12th day of December 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-11; Amdt. 4]

Paragraph (2)B. of License No. CX-11, as amended, issued to Westinghouse Electric Corporation is hereby amended to read as follows:

"(2)B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, 'Special Nuclear Material,' to receive, possess and use in connection with operation of the critical experiment facility 32 grams of plutonium-239 contained in plutonium-beryllium sources and up to 21 kilograms of contained uranium-235 as fuel."

Date of Issuance: December 12, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-11971; Filed, Dec. 18, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12778 etc.]

BOISE-LAS VEGAS SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 16, 1962, at 10:00 a.m. (local time) in the Court Room, United States Court House, Boise, Idaho, before the undersigned Examiner.

Any person not a party to the proceeding desiring to be heard in support of or in opposition to the proposed service (and who has not already done so) should file with the Examiner on or before January 12, 1962, notice to that effect and should state the matters he desires to advance at the hearing. Persons filing such a statement may appear in accordance with § 302.14 of the Board's rules of practice.

Dated at Washington, D.C., December 14, 1961.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 61-12007; Filed, Dec. 18, 1961; 8:49 a.m.]

[Docket 12817 etc.]

NEW YORK-JAMAICA NONSTOP CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on January 10, 1962, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., December 14, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-12008; Filed, Dec. 18, 1961; 8:49 a.m.]

[Docket 13122]

SERVICE TO COLUMBUS, NEBRASKA, INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 18, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 14, 1961.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 61-12009; Filed, Dec. 18, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14150; FCC 61M-1953]

ANDREW B. LETSON (WZRO)

Order Scheduling Prehearing Conference

In re application of Andrew B. Letson (WZRO), Jacksonville, Florida, Docket No. 14150, File No. BP-13353, for construction permit.

A further prehearing conference in the above-entitled proceeding will be held on Tuesday, December 19, 1961, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 12th day of December 1961.

Released: December 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11996; Filed, Dec. 18, 1961; 8:48 a.m.]

[Docket Nos. 14351-14353; FCC 61M-1956]

WOLVERINE BROADCASTING CO. ET AL.

Order re Procedural Dates

In re applications of John C. Lane, Elizabeth B. Barrett & Edward Fitzgerald, d/b as Wolverine Broadcasting Company, Wyoming, Michigan, Docket No. 14351, File No. BP-13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch, d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Michigan, Docket No. 14352, File No. BP-14039; Wayne Stebbins, tr/as Grand Valley Broadcasting Company, Saranac, Michigan, Docket No. 14353, File No. BP-14487; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter: *It is ordered,* This 12th day of December 1961:

1. Preliminary engineering exhibits will be exchanged February 13, 1962,
2. Lay exhibits will be exchanged February 13, 1962,
3. Notification of witnesses for cross-examination will be accomplished on or before March 6, 1962, and
4. The hearing heretofore scheduled for January 8, 1962 is hereby rescheduled to commence at 10:00 a.m., March 20, 1962 in the Commission's offices in Washington, D.C.

Released: December 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11997; Filed, Dec. 18, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2244]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Land Withdrawal Modification; Washington

DECEMBER 13, 1961.

By notice of land withdrawal issued June 30, 1958, this Commission gave notice of the reservation of approximately 2,569.84 acres of United States land pursuant to the filing on April 28, 1958, by the Washington Public Power Supply System, of an application for preliminary permit for this project (No. 2244).

On July 7, 1960 license for this project was issued by the Commission pursuant to the filing, on April 20, 1959, of application for license.

On December 22, 1960, the licensee filed application for amendment of license which included an additional area, for an access road right-of-way, not previously included in the land withdrawal.

Therefore in accordance with section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 2244 and are, from the date of filing of completed application for amendment of license, December 22, 1960, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

All portions of the following subdivisions lying within a strip 50 feet on either side of the Centerline Survey of the Access Road as delimited on maps designated "Exhibit K sheet 6A (FPC Nos. 2244-45)" entitled "Packwood Lake Project, Project Topography" (General Map of Road location) and Exhibits K sheets 25A, 26A, 27A, and 28A (FPC Nos. 2244-61 to 64 inclusive) and entitled "Packwood Lake Project Access Road," filed in the Commission December 20, 1960.

T. 13 N., R. 9 E.,
Sec. 23: SE¼;
Sec. 26: Lots 1, 2, 3, S½NE¼, SE¼NW¼.

The additional area reserved pursuant to the filing of this application for amendment of license is approximately 29.50 acres wholly within the Gifford Pinchot National Forest and has been heretofore reserved for power in connection with earlier applications for this project No. 2244 or project No. 2083.

Copies of project maps Exhibits K sheets 6A (FPC No. 2244-45) and 25A to 28A inclusive (FPC Nos. 2244-61 to 64 inclusive) are being transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11974; Filed, Dec. 18, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33440]

PREVENTION OF RAIL-HIGHWAY GRADE-CROSSING ACCIDENTS INVOLVING RAILWAY TRAINS AND MOTOR VEHICLES

Continuation of Oral Hearing

It appearing that at the oral hearing in the above-entitled proceeding it was understood among the parties that the hearing in this proceeding would be continued to a date in January 1962, and that an order to that effect would be entered, and good cause therefor appearing;

It is ordered, That hearing in the above-entitled proceeding be, and it is hereby, continued for hearing on January 23, 1962 at the office of the Interstate Commerce Commission, Washington, D.C., at 10:00 o'clock a.m., United States Standard Time, before Examiners Henry J. Vinskey and Robert R. Boyd, and before such representatives of the State Commissions as shall be designated under the Cooperative Agreement between the Interstate Commerce Commission and State Commissioners of May 3, 1922, as revised October 14, 1925, and as further supplemented and adopted as of August 31, 1937;

And it is further ordered, That notice of this order shall be given to respondents and to the general public by posting a copy thereof in the Office of the Secretary of the Commission in Washington, D.C., for public inspection and by filing a copy with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 7th day of December A.D. 1961.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11984; Filed, Dec. 18, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1467]

EQUITY CORP.

Notice of Filing of Application

DECEMBER 12, 1961.

Notice is hereby given that The Equity Corporation ("Applicant"), 103 Park Avenue, New York, N.Y., a corporation organized and existing under the laws of the State of Delaware, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a)(3) of the Act the making of loans by a bank controlled by Applicant to officers, employees, or directors of such controlled bank. All interested persons are referred to the application on file with the Commission for a complete statement thereof.

Applicant represents that it owns approximately 50 percent of the outstanding voting securities of Bell Intercontinental Corporation ("Bell"), and that Bell owns more than 50 percent of the outstanding voting securities of Central National Bank and Trust Company of Des Moines, Iowa ("Central Bank"), a National Banking Association organized under the laws of the United States. Applicant represents that it controls Central Bank within meaning of section 2(a)(9) of the Act.

By virtue of such control relationships, Applicant, Bell, and Central Bank would be "affiliated persons" of each other within the definition contained in section 2(a)(3) of the Act. Since officers, employees, and directors of Central Bank are by definition affiliated persons thereof, such persons would be affiliated persons of an affiliated person of Applicant. Section 17(a)(3) of the Act, with certain exceptions, prohibits an affiliated person of an affiliated person of a registered investment company from borrowing money from such registered company or from any company controlled by such registered company. Accordingly, section 17(a)(3) prohibits the making of loans by Central Bank to its officers, employees, or directors.

Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of a proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that such transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Since the application requests exemption for a designated class of transactions rather than for a specific transaction, the instant application is filed pursuant to section 6(c) rather than section 17(b). Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally any class of transactions from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the loans to be made would be reasonable and fair, would not involve overreaching on the part of any person, and would be consistent with its policy and with the general purposes of the Act.

Applicant submits the following as appropriate conditions to be imposed with

the granting of the requested order of exemption.

(1) The borrower shall not be affiliated directly or indirectly in any manner with The Equity Corporation or with any company controlled by it except as an officer, director or employee of Central Bank;

(2) The loans shall be made in accordance with applicable state or federal banking laws and any rules and regulations thereunder.

(3) The loans shall have been approved in writing by the board of directors of Central Bank not more than three months prior to the date on which the loan is made, or during such period shall have been approved in writing by the loan, discount or appropriate committee of Central Bank and ratified in writing by the board of directors of Central Bank;

(4) Central Bank shall require the borrower to file with it a statement of his financial condition at least once a year, unless the loan shall be secured by collateral having an ascertained market value of at least 15 percent more than the amount of the obligation; and

(5) The loan and the terms thereof shall be in accordance with the normal lending policies of the bank and shall not be inconsistent with any policy of Equity.

Notice is further given that any interested person may, not later than December 28, 1961, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–11981; Filed, Dec. 18, 1961; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 358]

LOUISIANA

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1961, because of the effects of certain disasters, damage resulted to residences and business property located in St. John the Baptist Parish in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Busines Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Parish and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about November 22, 1961.

Offices—
Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.
Small Business Administration Branch Office, Federal Office Building, Room 303, 610 South Street, New Orleans 12, La.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1962.

Dated: December 4, 1961.

C. R. LANMAN,
Deputy Administrator.

[F.R. Doc. 61–11982; Filed, Dec. 18, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

	Page
PROCLAMATIONS:	
May 27, 1907	11746
3298	11937
3401	11714
3440	11714
3441	11937
3442	12023
EXECUTIVE ORDERS:	
Nov. 10, 1917	11906
Apr. 8, 1919	11906
June 14, 1921	11906
2711	11746
3797–A	12080
10717	11937
10977	11471
10978	11714
10979	11937
10980	12059

5 CFR

6	11347, 11483, 11671, 11813, 11852, 12060
29	11794
30	12109
401	11938

7 CFR

53	12109
319	12029
718	11813
719	12060
722	11472, 11481, 11851, 11887
728	11795, 12109
729	11816
750	11725
775	11672
776	11347, 11407
811	11963
812	11817
820	11965
871	11968
914	11417, 11817, 11851, 11890, 12062, 12063
933	11417–11419
937	11725
938	11725, 12063
946	12110
953	11419, 11818, 11851, 12030, 12064, 12110
958	11483, 11852, 11970
1001	12064
1032	12030
1068	12064
1069	12065
PROPOSED RULES:	
26	12132
812	11838
904	12037
911	11495
913	11839
914	11435
944	12132
947	12132
949	12037
952	12037
953	11363
982	11498
990	12037
993	12037
996	12037
999	12037
1026	11982
1028	11982
1050	12132

8 CFR

103	12111
212	12066
214	12066
237	11818
242	12111
243	11819, 12113
244	12113
245	12114
249	12114
252	11797
253	11797
299	11819
PROPOSED RULES:	
242	11363

9 CFR

74	11852, 11970
77	11971
78	12067
83	11483, 11853
PROPOSED RULES:	
74	11804
151	11870
201	11988

10 CFR

25	11726

12 CFR

4	11353
204	12031
217	11798, 11971, 12031
327	12031
329	11798, 12031

13 CFR

121	12069
122	11353

14 CFR

40	11354
41	11355
42	11356
221	11819
287	11890
288	11483, 12114
302	11820
507	11672, 11821, 12032, 12033
555	11672
600	11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070.
601	11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074.
602	11729
608	11729, 11730, 11859, 11861, 11894, 12033
609	11939, 11946, 11951, 11960
610	12074
PROPOSED RULES:	
18	11804
43	11804
302	11685, 11841
399	11841
411	12085
507	11870, 12042
600	11435, 11494, 11734
601	11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
608	11435, 11494, 11988

15 CFR

201	11357
230	11360, 11972

16 CFR

13	11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115.
14	11826

17 CFR

231	11896
239	11730
PROPOSED RULES:	
270	11738

18 CFR

141	11897
260	11900
PROPOSED RULES:	
2	11459

19 CFR

3	11362
5	11420
21	11362
54	11731
PROPOSED RULES:	
10	11683

20 CFR

404	11827, 11938

21 CFR

20	11676
120	11731, 11799, 12034
121	11677, 11799, 11800, 11828–11830, 12035, 12077.
141a	11801
141c	11801
146	12035
146a	11801
146c	11801
147	11802
191	12035
PROPOSED RULES:	
1	11734
27	11988
51	11988
120	11684
121	11684, 11735, 11841, 11870, 12143, 12144
141a	11684
146	11684
146a	11684
147	11684

24 CFR

201	11731
220	12116
221	12118
233	12120

25 CFR

PROPOSED RULES:	
221	11734

26 CFR

1	11486, 11677, 12077
20	11861
25	11861
45	11861
PROPOSED RULES:	
1	12085
48	12085

28 CFR

15	11420

29 CFR — Page

403 — 11678
408 — 11678
670 — 11420
678 — 11420
779 — 11802
PROPOSED RULES:
545 — 11735

30 CFR

222 — 11487

31 CFR

270 — 11938

32 CFR

272 — 11830
273 — 11831
577 — 11679
701 — 11715
710 — 11716
719 — 11763, 11862
720 — 11722
723 — 12121
755 — 11792
765 — 11680, 11794
1453 — 11972
1470 — 11972
1472 — 11972
2011 — 11421

32A CFR

OIA (CH. X):
OI Reg. 1 — 11973

33 CFR

125 — 11862
203 — 11803, 12105
206 — 12105
210 — 11732
212 — 11421

36 CFR

1 — 11903
311 — 12122
PROPOSED RULES:
1 — 11363

38 CFR

6 — 11680
7 — 11802
8 — 11680
21 — 11862

39 CFR

1—204 — 11513
2 — 12122
4 — 12122
13 — 11864

39 CFR—Continued — Page

15 — 12122
17 — 11903
27 — 11903
31 — 11864, 12125
33 — 11903
41 — 12122
42 — 12122
44 — 12122
47 — 11864
48 — 11864
168 — 11832
PROPOSED RULES:
61 — 11838
201 — 11426
202 — 11431
203 — 11432
204 — 11432

41 CFR

2–1 — 12126
2–3 — 12126
2–12 — 11904
9–7 — 11488
60–1 — 11974

43 CFR

61 — 12126
64 — 12126
66 — 12126
81 — 12126
102 — 12126
161 — 11975
192 — 12126
PROPOSED RULES:
192 — 11493, 11911
200 — 11493
PUBLIC LAND ORDERS:
61 — 11803
842 — 11361
1058 — 12082
1238 — 11863
2323 — 12080
2543 — 11361
2544 — 11361
2545 — 11803
2546 — 11361
2547 — 11803
2548 — 11803
2549 — 11803
2550 — 11863
2551 — 11863
2552 — 11906
2553 — 12079
2554 — 12080
2555 — 12080
2556 — 12080

43 CFR—Continued — Page

PUBLIC LAND ORDERS—Continued
2557 — 12080
2558 — 12081
2559 — 12082

44 CFR

151 — 11425

46 CFR

2 — 11908
34 — 11908
73 — 11908
76 — 11909
78 — 11909
97 — 11909
146 — 12082
157 — 12082
167 — 11909
171 — 11864
PROPOSED RULES:
201 — 11738
206 — 11738
221 — 11738
298 — 11738
299 — 11738

47 CFR

1 — 11909, 11977
2 — 11833, 11978
3 — 12024, 12083
7 — 12083
8 — 12083
10 — 11422, 11681, 11978
14 — 12083
16 — 11423, 11978
19 — 11978
PROPOSED RULES:
3 — 11458, 11495, 11870, 11911, 11989, 11990, 12085.
7 — 11369, 12144
8 — 11369, 11912, 12144
10 — 12145
14 — 11369

49 CFR

43 — 11835
170 — 11732
174a — 11492

50 CFR

32 — 11733
33 — 11733, 11836, 11837, 11868, 11869, 11909
80 — 12128
270 — 11979

JAN 3 1962
MAIN READING ROOM

Pages 12153–12206

FEDERAL REGISTER

VOLUME 26 NUMBER 244

Washington, Wednesday, December 20, 1961

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Navel oranges grown in Arizona and designated part of California; handling limitation — 12156

Agricultural Research Service

NOTICES:
Handling of anti-hog-cholera serum and hog-cholera virus; order selecting members and alternate members of control agency — 12182
PROPOSED RULE MAKING:
Federal insecticide, fungicide, and rodenticide act; notice of proposal to declare certain forms of plant and animal life and viruses to be pests — 12167

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain designated marketing areas; decisions on proposed amendments to tentative marketing agreements and orders:
Connecticut — 12168
St. Louis, Missouri — 12167

Agriculture Department

See also Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.
NOTICES:
Alabama and Texas; designation of areas for emergency loans — 12182
Amendment of delegation of authority and assignment of functions — 12182
Under Secretary of Agriculture et al.; delegation of authority — 12182
RULES AND REGULATIONS:
Official records — 12155

Civil Aeronautics Board

NOTICES:
Empresa Guatemalteca De Aviacion, S.A. (Aviateca); notice of hearing — 12183
International Air Transport Association; agreement adopted relating to specific commodity rates — 12183
PROPOSED RULE MAKING:
Helicopter operators under exemption authorizations; amendmend of flight patterns — 12179
RULES AND REGULATIONS:
Construction, publication, filing and posting of tariffs of air carriers and foreign air carriers complaints against tariffs; correction — 12156

Civil Service Commission

RULES AND REGULATIONS:
Agriculture Department; exceptions from competitive service — 12155

Coast Guard

RULES AND REGULATIONS:
General duties and jurisdiction; law enforcement responsibilities on navigable waters of the United States — 12159

Commodity Credit Corporation

RULES AND REGULATIONS:
Montana; basic county support rates; loan and purchase agreement programs, 1961 crops:
Barley — 12157
Flaxseed — 12157
Rye — 12157
Wheat — 12157

Defense Department

See Navy Department.

Federal Communications Commission

NOTICES:
Dean, Elbert H., et al.; order re procedural dates — 12183
PROPOSED RULE MAKING:
Radio broadcast services; table of assignments, television broadcast stations, Fort Lauderdale and Miami, Florida — 12179
Standard broadcast stations; operating power for stations employing roof-top antennas — 12180
RULES AND REGULATIONS:
Radio broadcast services; table of television assignments, television broadcast stations, Brainerd-Walker, Minnesota — 12165

Federal Maritime Commission

NOTICES:
Agreements filed for approval:
Certain parties to Brazil/United States Coffee Agreement — 12187
Thos. & Jas. Harrison, Ltd. (Harrison Line) et al — 12186
Atlantic/Gulf Puerto Rico trade; investigations:
Increased rates on sugar, refined or turbinated, in bags — 12186
Rates and practices — 12185
Hawaiian rates; second general increase (1961) — 12183

Fish and Wildlife Service

RULES AND REGULATIONS:
Sport fishing; Carolina Sandhills National Wildlife Refuge, South Carolina — 12165

Food and Drug Administration

NOTICES:
Cream cheese deviating from identity standard; notice of issuance of temporary permit to cover market testing — 12183
PROPOSED RULE MAKING:
Food additives; notice of filing of petition — 12178

General Services Administration

NOTICES:
Secretary of Defense; authority to represent Federal Government in certain matters — 12187

(*Continued on next page*)

CONTENTS

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See also Fish and Wildlife Service; Land Management Bureau.

NOTICES:
Crude oil, unfinished oils and finished products; maximum levels of imports into Puerto Rico ---- 12182

Interstate Commerce Commission

NOTICES:
Commercial zone of Detroit, Michigan; petition to clarify and/or define ---- 12204
Motor carrier:
Alternate route deviation notices ---- 12187
Applications and certain other proceedings ---- 12188

RULES AND REGULATIONS:
Car service:
Appointment of embargo agent ---- 12166
Chicago and North Western Railway Co. authorized to operate over certain trackage of Chicago, Burlington & Quincy Railroad Co ---- 12166
Missouri-Illinois Railroad Co. authorized to operate over certain trackage of St. Louis-San Francisco Railway Co., St. Louis Southwestern Railway Co., Southern Illinois and Missouri Bridge Co. and Missouri Pacific Railroad Co ---- 12166

Land Management Bureau

RULES AND REGULATIONS:
Federal Range Code for grazing districts; miscellaneous amendments; correction ---- 12165

Navy Department

RULES AND REGULATIONS:
Disposition of property ---- 12158
Naval Reserve Officers Training Corps ---- 12158
Rules applicable to public ---- 12158

Securities and Exchange Commission

NOTICES:
Gamble-Skogmo, Inc.; notice of application to strike from listing and registration and of opportunity for hearing ---- 12204

Treasury Department

See Coast Guard.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 ---- 12155

6 CFR
421 (4 documents) ---- 12157

7 CFR
1 ---- 12155
914 ---- 12156
PROPOSED RULES:
362 ---- 12167
903 ---- 12167
1019 ---- 12168

14 CFR
221 ---- 12156
PROPOSED RULES:
376 ---- 12179

21 CFR
PROPOSED RULES:
121 ---- 12178

32 CFR
711 ---- 12158
736 ---- 12158
765 ---- 12158

33 CFR
2 ---- 12159

43 CFR
16 ---- 12165

47 CFR
3 ---- 12165
PROPOSED RULES:
3 (2 documents) ---- 12179, 12180

49 CFR
95 (3 documents) ---- 12166

50 CFR
33 ---- 12165

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraphs (14), (15), (16), and (17) are added to paragraph (a) of § 6.311 and paragraph (p), subparagraphs (1), (2), (3), and (4) are added as set out below.

§ 6.311 Department of Agriculture.

(a) *Office of the Secretary.* * * *

(14) One Assistant to the Secretary (Administrative Officer).

(15) One Assistant to the Secretary (Counsel on Consumer Interests).

(16) One Assistant to the Secretary (Defense Mobilization Planning).

(17) One Assistant to the Secretary (Intergroup Relations).

* * * * *

(p) *Office of Rural Areas Development.* (1) The Director.

(2) One Assistant Director.

(3) One private secretary to the Director.

(4) One private secretary to the Assistant Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-12039; Filed, Dec. 19, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

REVISION OF SUBPART

Subpart A of Part 1, Title 7, is revised to read as follows:

Sec.
1.1 Policy.
1.2 Request for examination or copy of records.
1.3 Authentication.
1.4 Restrictions on availability.
1.5 Disclosure of material.
1.6 Compulsory process.
1.7 Records in adjudication and formal rule-making proceedings.

AUTHORITY: §§ 1.1 to 1.7 issued under R.S. 161, as amended; 5 U.S.C. 22. Interprets or applies sec. 3, 60 Stat. 238; 5 U.S.C. 1002.

§ 1.1 Policy.

(a) *General.* It is the policy of this Department to make its official records available to the public to the maximum extent possible. This policy recognizes that, generally, knowledge of the affairs and activities of Government is a right of citizens and is in the public interest. Most records of the Department are available to the public for inspection. These comprise the great bulk of information acquired or developed by the Department in carrying out its varied program responsibilities. Such records are intended to be made available to representatives of public communications media, to organizations, individuals and Members of Congress, except where release is clearly prohibited by legal or other restrictions in the public interest.

(b) *Exceptions.* There are instances when by, direction of the President, the Congress or other authorities, the Department is required to withhold information from the public. The Department, also, in making vital information and records available, must do so in a manner that will protect the public welfare as well as avoid giving undue advantage to any person or to the representatives of special interests. As exceptions to the general policy, these regulations describe the records that are not to be made available, generally, for public inspection except as indicated.

§ 1.2 Request for examination or copy of records.

Request for examination of a record or for a copy thereof shall be made to the agency administering the program relating to the same. Examination of records, where examination is permitted, shall be at times and places and in a manner convenient to the public business; and copies or extracts, when available, shall be furnished and the recipient charged for the costs thereof, where appropriate.

§ 1.3 Authentication.

When a request is received for an authenticated copy of a document which is available to the party requesting same, the agency having custody thereof shall cause a correct copy to be prepared and sent to the Office of the General Counsel which shall certify the same and cause the seal of the Department to be affixed, except that the Judicial Officer, or the Hearing Clerk when directed by the Judicial Officer, may authenticate copies of documents in the records of the Hearing Clerk.

§ 1.4 Restriction on availability.

The following rules shall govern the availability for examination, or the furnishing of copies, of matters of official records of the Department:

(a) *Restricted by Presidential Directive, statute, or Records Security Regulations and other regulations.* The provisions of the applicable directives, statutes, or regulations of this Department or of other agencies govern the circumstances and extent of the restriction.

(b) *Administratively confidential.* The following records are administratively confidential and shall not be subject to examination except in the performance of official duties, nor shall copies thereof be furnished upon request except in proper cases from Federal official sources or as specifically provided:

(1) Blueprints of meat slaughtering or meat, poultry or dairy products processing plants and establishments.

(2) Producer's referendum or other ballots pursuant to law.

(3) Minutes of meetings (except resolutions extracted therefrom) of Boards of Directors of Corporations under administrative supervision of the Department of Agriculture; and minutes of meetings of advisory committees prior to public announcement of conclusions or recommendations in due course, or constituting a verbatim transcript or a full and complete record, or where the national security is involved.

(4) Audit records and reports, except (i) information with respect thereto which the head of an agency or the Board of Directors of a Corporation under administrative supervision of the Department of Agriculture authorizes to be made available; and (ii) audits in connection with contractual or cooperative relations under the jurisdiction of the Department which the agency head determines may be made available to the contractor, cooperator or other party whose activities form the basis of the audits.

(5) Information and reports furnished by dealers, manufacturers, associations or others covering quantities of commodities processed, purchased or sold during prescribed periods and the prices paid or received therefor.

(6) Individual personnel records, including (i) personnel investigative data of any type, whether relating to loyalty or to other aspects of an individual's record; (ii) information contained in personnel records, including medical records, except as authorized by the Director of Personnel to be made available.

(7) Investigation, inspection and accounting reports and supporting data pertaining to compliance with laws or regulations.

(8) Records of research, experimentation and physical analysis of samples and other materials, including patent records, prior to publication or release.

(9) Information furnished voluntarily by individuals or firms, relating to their farm or business operations, for use in making statistical analyses as a foundation for official estimates and reports.

(10) Records, reports and estimates of crops for consideration and release by Crop Reporting Board and analyses of

the Outlook and Situation Board prior to formal release; and listings, tabulations, charts, recommendations, notes and all other pertinent material for use in connection with such estimates and reports.

(11) Charges, complaints, and other processes in connection with, and prior to being filed in adjudicative proceedings.

(12) Research information and data involving research under cooperative agreements, contracts or grants, except as may be provided for in the agreement or contract.

(13) Information received in expressed or implied confidence in connection with a contract, loan, or other benefit or service, when release of the information would impair the legitimate interests of the person supplying the information.

(14) Papers, reports, or other information relating to dealings with foreign governments and execution of foreign programs, when disclosure of such information would interfere with the successful carrying out of policies, programs and actions of the United States Government.

(15) Data concerning products and formulations provided by industry for research purposes or in connection with the Department's registration and other regulatory functions.

(16) Section 6 (42 U.S.C. 175), section 32 (7 U.S.C. 612c), and Commodity Credit Corporation dockets, until the end of the period stated in the pertinent docket; information concerning proposed purchases and contracts under such dockets, until there has been official release to news media or other public dissemination of such information.

(17) Information obtained or received in confidence from individuals, cooperative associations or others for use in carrying out research, advisory service and educational activities with farmer cooperatives.

(18) Information relating to policy determinations or administrative decisions in program operations, advance disclosure of which would give an undue advantage to some, or disadvantage to others, or would improperly affect a pending action.

(19) Analyses, data, and other materials being prepared for release, prior to actual release.

§ 1.5 Disclosure of material.

(a) *Classified or restricted material.* Security information shall not be released as long as it remains classified under Records Security Regulations. Information restricted by Presidential directives, by statutes, or by regulations of other Government agencies will be released only in accordance with the provisions of the applicable directives, statutes, or regulations.

(b) *Administratively confidential material.* (1) Material which is administratively confidential under this part and other regulations of the Department will be released only in accordance with the provisions of the regulations. Where necessary in any case, release will be made with the agreement that the confidential nature of the material will be maintained. The material also may be released under compulsory process in accordance with § 1.6.

(2) Administratively confidential material should not be discussed with any other person except where official duties make such information a proper subject for discussion.

§ 1.6 Compulsory process.

In any case where it is sought by subpoena duces tecum or other compulsory process to require the production of any record or information of the Department which the head of agency has no discretion with respect to disclosure, the matter will be referred to the Secretary for final determination. In those cases where the Secretary determines it would be improper to comply with the subpoena duces tecum or other compulsory process, such officer or employee will appear in answer thereto and unless otherwise expressly directed by the Secretary, respectfully decline to produce the record or information specified therein on the ground that the disclosure is prohibited by this section.

§ 1.7 Records in adjudication and formal rule-making proceedings.

Records in adjudication and formal rule-making proceedings are on file in the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington 25, D.C., and shall be made available to persons having a proper interest therein.

Done at Washington, D.C., this 15th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12020; Filed, Dec. 19, 1961; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 218, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (iii) of § 914.518 (Navel Orange Regulation 218, 26 F.R. 11817) are hereby amended to read as follows:

(iii) District 3: 140,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12046; Filed, Dec. 19, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-343]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Subpart V—Complaints Against Tariffs

Correction

In F.R. Doc. 61-11700 appearing at page 11819 of the issue for Saturday, December 9, 1961, the sixth line appearing in § 221.250 is corrected by deleting the words "of the part".

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 5, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 7247, 7824, 6697, 7247, 7824, 8963, 10093 and containing the specific requirements for the 1961-crop wheat price support program are hereby amended as follows:

Section 421.147(b) is amended by increasing the following basic county support rates:

MONTANA

County	Rate per bushel	
	From—	To—
Broadwater	$1.58	$1.62
Carbon	1.58	1.62
Deer Lodge	1.55	1.57
Flathead	1.56	1.61
Gallatin	1.58	1.62
Granite	1.58	1.61
Jefferson	1.55	1.60
Lake	1.60	1.61
Lincoln	1.56	1.61
Madison	1.56	1.62
Mineral	1.62	1.64
Missoula	1.62	1.64
Park	1.58	1.62
Powell	1.57	1.59
Ravalli	1.59	1.61
Sanders	1.62	1.64
Silver Bow	1.55	1.58
Stillwater	1.58	1.62
Sweet Grass	1.58	1.62
Yellowstone	1.58	1.62

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 14, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-12054; Filed, Dec. 19, 1961; 8:50 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 5, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, 7572, 8097, 8559, 9308, and 11233, containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(b) is amended by increasing the following basic county support rates.

MONTANA

County	Rate per bushel	
	From—	To—
Blaine	$0.71	$0.73
Broadwater	.79	.81
Carbon	.70	.74
Cascade	.73	.81
Chouteau	.73	.78
Deer Lodge	.82	.83
Ferrus	.73	.76
Flathead	.82	.87
Glacier	.74	.80
Golden Valley	.72	.75
Granite	.83	.87
Hill	.73	.76
Judith Basin	.73	.77
Lake	.85	.87
Lewis and Clark	.73	.81
Liberty	.73	.77
Lincoln	.82	.87
Meagher	.73	.79
Mineral	.87	.89
Missoula	.87	.89
Musselshell	.72	.74
Park	.73	.79
Pondera	.73	.79
Powell	.83	.85
Ravalli	.85	.87
Sanders	.87	.89
Silver Bow	.82	.83
Stillwater	.72	.75
Sweet Grass	.73	.77
Teton	.73	.80
Toole	.73	.79
Wheatland	.73	.77
Yellowstone	.72	.74

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 14, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-12051; Filed, Dec. 19, 1961; 8:49 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5783, 9627, 6703, 9121, 9308 and containing the specific requirements for the 1961-crop rye price support program are hereby amended as follows:

Section 421.487(b) is amended by increasing the following basic county support rates:

MONTANA

County	Rate per bushel	
	From—	To—
Blaine	$0.78	$0.81
Broadwater	.88	.90
Carbon	.77	.82
Cascade	.80	.90
Chouteau	.80	.87
Deer Lodge	.91	.93
Fergus	.80	.84
Flathead	.91	.97
Glacier	.81	.89
Golden Valley	.79	.83
Granite	.93	.97
Hill	.80	.84
Judith Basin	.80	.86
Lake	.95	.97
Lewis and Clark	.80	.90
Liberty	.80	.85
Lincoln	.91	.97
Meagher	.80	.88
Mineral	.97	.99
Missoula	.97	.99
Musselshell	.79	.82
Park	.80	.88
Petroleum	.80	.81
Phillips	.74	.76
Pondera	.80	.88
Powell	.92	.94
Ravalli	.94	.97
Sanders	.97	.99
Silver Bow	.91	.93
Stillwater	.79	.83
Sweet Grass	.80	.85
Teton	.80	.89
Toole	.80	.88
Wheatland	.80	.85
Yellowstone	.79	.82

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 14, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-12053; Filed, Dec. 19, 1961; 8:50 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Flaxseed Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 4315 and 8413, containing the specific requirements for the 1961-crop flaxseed price support program are hereby amended as follows:

Section 421.583(c) is amended by increasing the following basic county support rates:

MONTANA

County	Rate per bushel	
	From—	To—
Broadwater	$2.45	$2.50
Carbon	2.45	2.50
Deer Lodge	2.40	2.43
Gallatin	2.45	2.50
Park	2.45	2.50
Stillwater	2.45	2.50
Sweet Grass	2.45	2.50

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 14, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-12052; Filed, Dec. 19, 1961; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

SUBCHAPTER G—MISCELLANEOUS RULES

MISCELLANEOUS AMENDMENTS TO CHAPTER

Scope and purpose. The amendments are intended to update (1) references to Marine Corps activities and regulatory publications, (2) provisions relating to disposal of property in accordance with current Department of Defense regulations, and (3) a section entitled "Commercial advertising" by supplementing its applicability to Marine Corps personnel and by adding a cross-reference to a Department of Defense regulation.

PART 711—NAVAL RESERVE OFFICERS TRAINING CORPS

Subpart H—Marine Corps

1. Section 711.802(d)(5) is revised to read as follows:

§ 711.802 Training.

* * * * *

(d) * * *

(5) *Clothing and equipment.* (i) Articles of Marine Corps clothing as outlined in Marine Corps Individual Clothing Regulations (Marine Corps Order P10120.28) will be issued by the Marine Corps for the duration of summer training.

(ii) Equipment required for the training of all NROTC students at summer P10120.28) will be issued by the Marine Corps training activity and accounted for as prescribed by current directives.

2. Section 711.804(b) is revised to read as follows:

§ 711.804 Clothing.

* * * * *

(b) *Issuance of Marine Corps clothing.* (1) Prior to graduation and acceptance of appointment in the Marine Corps or Marine Corps Reserve, Marine Corps candidates will be issued gratuitously, from stock, those items of uniforms listed in Marine Corps Individual Clothing Regulations (MCO P10120.28) for NROTC students, as appropriate to the season when commissioned. This issue will be in addition to any uniform gratuity received. Accounting instructions relative to the issue of in-kind clothing, as provided herein, are contained in the aforementioned publication.

(2) Marine Officer Instructors will submit, via the Professor of Naval Science, at least thirty days in advance of time the clothing is required, requisitions for required clothing to:

Commanding General, Marine Corps Supply Activity, 1100 South Broad Street, Philadelphia 45, Pa.

or

Commanding General, Marine Corps Supply Center, Barstow, Calif.

(3) Requisitions should show the names of the individuals to whom the clothing is to be issued and specify sizes required. In the event any individual cannot be fitted from stock sizes listed in the Catalog of the Marine Corps Stock List, Special List, Single Manager Clothing and Textile Items, a special clothing requisition form, DD Form 358, will be prepared covering the articles which cannot be supplied from stock. All requisitions submitted pursuant hereto will make reference to this section. Upon receipt of the clothing from the Marine Corps Stock Account, it will be issued to the individuals concerned in order to permit sufficient time prior to graduation for any required alterations.

PART 736—DISPOSITION OF PROPERTY

1. Section 736.1(c) is revised to read as follows:

§ 736.1 General.

* * * * *

(c) The Navy Property Redistribution and Disposal Regulations and directives issued by the Department of the Navy cover the disposition of all property of the Department, including disposition under the Federal Property Act. The Bureau of Supplies and Accounts Manual and the Marine Corps Supply Manual contain information and operating instructions for the guidance of field personnel in disposing of personal property at Navy and Marine Corps installations, respectively. The Material Inspection Service Administration Manual contains similar information applicable to the disposition of contractor inventory. These publications are available for inspection at the Office of Naval Material, Washington 25, D.C.; at the offices of the Commandants of the several Naval Districts and River Commands; at the several Navy and Marine Corps installations; or at offices of the Supervising Inspectors of Naval Material.

2. Section 736.3(b) is revised to read as follows:

§ 736.3 Sale of personal property.

* * * * *

(b) Sales by the activities listed in paragraph (a) of this section are by competitive sealed bid, by spot bid, by auction, or negotiated method. A deposit, generally 20 percent of the amount bid, is required of each bidder. The National Bidders Control Center, United States Air Force, San Antonio, Texas, maintains bidders lists used by all authorized selling activities in soliciting invitations to bid. The National Bidders Control Center, also has the responsibility for all printing of sales invitations, flyers, and brochures required by all authorized sales activities. The authorized selling activities listed in paragraph (a) of this section sell property for all non-selling activities located within certain geographical boundaries, regardless of service affiliation.

3. Section 736.5(f)(1)(i) is revised to read as follows:

§ 736.5 Disposition of real and personal property under special statutory authority.

* * * * *

(f) *Donations and loans of personal property.* (1) * * *

(i) Schools such as maritime academies or military, naval, Air Force or Coast Guard preparatory schools, designated by the Secretary of Defense as educational activities of special interest to the armed services.

PART 765—RULES APPLICABLE TO THE PUBLIC

1. Section 765.17 (b)(3)(vi) and (e) is revised, and (f) is added, to read as follows:

§ 765.17 Commercial advertising.

* * * * *

(b) * * *

(3) * * *

(vi) Names and pictures of naval personnel shall not be used for advertising purposes without first obtaining the permission of the personnel in question and without submission of the advertisement, in completed form, to the Office of Information, Navy Department, Washington 25, D.C., or district, fleet or force commanders for review and clearance prior to publication. When the naval personnel in question are Marines, the advertisement, in completed form, should be submitted to the Commandant of the Marine Corps (Director of Information), Headquarters Marine Corps, Washington 25, D.C.

* * * * *

(e) When there is doubt as to the propriety of the copy of photographs, reference should be made to the Office of Information, Navy Department, Washington 25, D.C., or to the Commandant of the Marine Corps (Director of Information), Headquarters Marine Corps, Washington 25, D.C., if the advertising pertains to the Marine Corps.

(f) See also § 137.12 of this title.

(R.S. 161, sec. 203, 63 Stat. 385, sec. 202, 63 Stat. 580, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 171a, 10 U.S.C. 5031, 40 U.S.C. 484)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 15, 1961.

[F.R. Doc. 61-12055; Filed, Dec. 19, 1961; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 61-53]

PART 2—GENERAL DUTIES AND JURISDICTION

Law Enforcement Responsibilities on Navigable Waters of the United States

The primary duties of the Coast Guard as set forth in section 2 of Title 14, United States Code, read as follows:

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research on the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

In addition, the Commandant of the Coast Guard has responsibility for the administration of inspection laws under section 372 of Title 46 (Shipping), United States Code, as well as general superintendence of the commercial marine and merchant seamen of the United States so far as such vessels and seamen are not under other laws subject to the supervision of any other officer of the Federal Government under section 2 of Title 46, United States Code.

The Federal Boating Act of 1958 (46 U.S.C. 527–527h) recognizes the increased use of navigable waters for all purposes. Section 9 states the Congressional policy and provides for cooperation between the several states and the Federal Government for the enforcement of specific laws. This Congressional declaration of policy reads as follows:

It is declared to be the policy of Congress to encourage uniformity of boating laws, rules, and regulations as among the several States and the Federal Government to the fullest extent practicable, subject to reasonable exceptions arising out of local conditions. In the interest of fostering the development, use, and enjoyment of all the waters of the United States it is further declared to be the policy of the Congress hereby to encourage the highest degree of reciprocity and comity among the several jurisdictions. The Secretary, acting under the authority of section 141 of Title 14 (United States Code) shall to the greatest possible extent enter into agreements and other arrangements with the States to insure that there shall be the fullest possible cooperation in the enforcement of both State and Federal Statutes, rules, and regulations relating to recreational boating.

The purpose for this document is to describe the Coast Guard's general duties and jurisdiction with respect to the administration and enforcement of various navigation and vessel inspection laws, rules and regulations on the navigable waters of the United States. This document establishes 33 CFR Part 2 and sets forth general statements of policy, interpretive rulings and description of practices intended to clarify questions presented regarding such duties and jurisdiction. The information in this part is intended also to further the development, use and enjoyment of all the navigable waters of the United States and to clarify responsibilities with respect to laws, rules and regulations intended to promote safety of life and property on these waters.

Because the regulations in this part are general statements of policy, interpretive rules, procedures or practices, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 25, 1955 (20 F.R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall be in effect on and after the date of publication in the FEDERAL REGISTER:

Subpart 2.01—General Provisions

Sec.
2.01-1 Scope.
2.01-5 Assignment of functions.
2.01-10 Penalties and violations.

Subpart 2.05—Coast Guard Functions and Powers

2.05-1 Primary duties assigned by law.
2.05-5 Law enforcement.

Subpart 2.10—Definitions

2.10-1 High seas.
2.10-5 Navigable waters of the United States.
2.10-10 Waters subject to the jurisdiction of the United States.
2.10-15 State waters.

Subpart 2.15—Availability of Determinations

2.15-1 Coast Guard determinations.
2.15-5 Determinations made by other Federal Agencies.
2.15-15 Procedures for making determinations.
2.15-20 Availability of determinations.

Subpart 2.20—Navigable Waters of the United States—General

2.20-1 Listings.
2.20-5 Navigable waterways generally.

Subpart 2.21—Navigable Waters of the United States—Alabama

2.21-1 Chattahoochee River.

Subpart 2.23—Navigable Waters of the United States—Arizona

2.23-1 Colorado River.

Subpart 2.24—Navigable Waters of the United States—Arkansas

Sec.
2.24-1 Current River.
2.24-5 Norfork Lake.
2.24-10 Ouachita River.
2.24-15 White River.

Subpart 2.25—Navigable Waters of the United States—California

2.25-1 Colorado River.
2.25-5 Lake Tahoe.

Subpart 2.30—Navigable Waters of the United States—Florida

2.30-1 Chattahoochee River.
2.30-5 Rainbow Springs.
2.30-10 Withlacoochee River.

Subpart 2.31—Navigable Waters of the United States—Georgia

2.31-1 Chattahoochee River.
2.31-5 Flint River.
2.31-10 Savannah River.

Subpart 2.33—Navigable Waters of the United States—Hawaii

2.33-1 Huleia River.
2.33-5 Wailua River.

Subpart 2.34—Navigable Waters of the United States—Idaho

2.34-1 Lake Coeur D'Alene.
2.34-5 Pend Oreille Lake.
2.34-10 Priest Lake.
2.34-15 Snake River.

Subpart 2.36—Navigable Waters of the United States—Indiana

2.36-1 Maumee River.

Subpart 2.37—Navigable Waters of the United States—Iowa

2.37-1 Missouri River.

Subpart 2.38—Navigable Waters of the United States—Kansas

2.38-1 Missouri River.

Subpart 2.39—Navigable Waters of the United States—Kentucky

2.39-1 Cumberland River.

Subpart 2.40—Navigable Waters of the United States—Louisiana

2.40-1 Ouachita River.

Subpart 2.41—Navigable Waters of the United States—Maine

2.41-1 Taunton Bay.

Subpart 2.42—Navigable Waters of the United States—Maryland

2.42-1 Susquehanna River.

Subpart 2.44—Navigable Waters of the United States—Michigan

2.44-1 Clam Lake.
2.44-5 Hamlin Lake.
2.44-10 Kent Lake.
2.44-15 Lake Macatawa.
2.44-20 Tahquamenon River.
2.44-25 Torch Lake.

Subpart 2.45—Navigable Waters of the United States—Minnesota

2.45-1 Lake Bemidji.
2.45-5 Big Stone Lake.
2.45-10 Minnesota River.
2.45-15 Rainy Lake.
2.45-20 Lake Traverse.
2.45-25 Vermilion Lake.
2.45-30 Lake of the Woods.

Subpart 2.46—Navigable Waters of the United States—Mississippi

2.46-1 Little Tallahatchie River.

Subpart 2.47—Navigable Waters of the United States—Missouri

Sec.
2.47–1 Current River.
2.47–5 Missouri River.
2.47–10 Norfolk Lake.
2.47–15 Osage River.
2.47–20 White River.

Subpart 2.48—Navigable Waters of the United States—Montana

2.48–1 Missouri River.

Subpart 2.49—Navigable Waters of the United States—Nebraska

2.49–1 Missouri River.

Subpart 2.50—Navigable Waters of the United States—Nevada

2.50–1 Colorado River.
2.50–5 Lake Tahoe.

Subpart 2.52—Navigable Waters of the United States—New Jersey

2.52–1 Greenwood Lake.

Subpart 2.54—Navigable Waters of the United States—New York

2.54–1 Greenwood Lake.
2.54–5 Keuka Lake.
2.54–10 New York State Barge Canal System.
2.54–15 Onondaga Lake.
2.54–20 Seneca Lake.

Subpart 2.55—Navigable Waters of the United States—North Carolina

2.55–1 Dan River.
2.55–5 Great Pee Dee River.
2.55–10 Little Pee Dee River.
2.55–15 Little Tennessee River.
2.55–20 Roanoke River.
2.55–25 Yadkin River.
2.55–30 Waccamaw River.
2.55–35 Wateree-Catawba River.

Subpart 2.56—Navigable Waters of the United States—North Dakota

2.56–1 Missouri River.

Subpart 2.57—Navigable Waters of the United States—Ohio

2.57–1 Maumee River.

Subpart 2.58—Navigable Waters of the United States—Oklahoma

2.58–1 Lake Texoma.

Subpart 2.59—Navigable Waters of the United States—Oregon

2.59–1 Columbia River.
2.59–5 Snake River.

Subpart 2.60—Navigable Waters of the United States—Pennsylvania

2.60–1 Allegheny River.
2.60–5 Susquehanna River.
2.60–10 West Branch, Susquehanna River.

Subpart 2.63—Navigable Waters of the United States—South Carolina

2.63–1 Congaree River.
2.63–5 Cooper River.
2.63–10 Great Pee Dee River.
2.63–15 Little Pee Dee River.
2.63–20 Santee River.
2.63–25 Savannah River.
2.63–30 Waccamaw River.
2.63–35 Wateree-Catawba River.
2.63–40 Lumber River.

Subpart 2.64—Navigable Waters of the United States—South Dakota

Sec.
2.64–1 Big Stone Lake.
2.64–5 Minnesota River.
2.64–10 Missouri River.
2.64–15 Lake Traverse.

Subpart 2.65—Navigable Waters of the United States—Tennessee

Sec.
2.65–1 Clinch River.
2.65–5 Cumberland River.
2.65–10 French Broad River.
2.65–15 Holston River.
2.65–20 Little Tennessee River.
2.65–25 South Holston Lake.

Subpart 2.66—Navigable Waters of the United States—Texas

2.66–1 Colorado River.
2.66–5 Rio Grande River.
2.66–10 San Jacinto River.
2.66–15 Lake Texoma.

Subpart 2.69—Navigable Waters of the United States—Virginia

2.69–1 Clinch River.
2.69–5 Dan River.
2.69–10 New River.
2.69–15 Occoquan Creek.
2.69–20 Roanoke River.
2.69–25 Smith River.
2.69–30 South Holston Lake.

Subpart 2.71—Navigable Waters of the United States—Washington

2.71–1 Columbia River.
2.71–5 Ross Lake.
2.71–10 Sammamish River.
2.71–15 Snake River.

Subpart 2.72—Navigable Waters of the United States—West Virginia

2.72–1 New River.
2.72–5 Tygart River.

Subpart 2.73—Navigable Waters of the United States—Wisconsin

2.73–1 Wisconsin River.

Subpart 2.99—Non-Navigable Waters of the United States

2.99–1 General.
2.99–20 Arkansas.
2.99–25 California.
2.99–35 Connecticut.
2.99–45 District of Columbia.
2.99–55 Georgia.
2.99–80 Indiana.
2.99–90 Kansas.
2.99–100 Louisiana.
2.99–110 Maryland.
2.99–120 Michigan.
2.99–130 Mississippi.
2.99–140 Montana.
2.99–145 Nebraska.
2.99–190 Oklahoma.
2.99–215 South Carolina.
2.99–225 Tennessee.
2.99–255 Washington.
2.99–265 Wisconsin.
2.99–270 Wyoming.

AUTHORITY: §§ 2.01–1 to 2.99–270 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633.

Subpart 2.01—General Provisions

§ 2.01–1 Scope.

(a) The rules and regulations in this part are statements of policy, interpretive rulings, or descriptions of practices with respect to the general duties and jurisdiction of the Coast Guard in the administration and enforcement of navigation and vessel inspection laws.

(b) The primary duties of the Coast Guard are described in section 2 of Title 14 (Coast Guard), U.S. Code, and sections 2 and 372 of Title 46 (Shipping), U.S. Code.

§ 2.01–5 Assignment of functions.

(a) The Secretary of the Treasury by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 25, 1955 (20 F.R. 4976), delegated to the Commandant, United States Coast Guard, authority to prescribe rules and regulations as necessary to carry out the provisions of any law administered by the Coast Guard. The general statements of policy, interpretive rules, and descriptions of practices are prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and section 633 of Title 14, U.S. Code, in the act of August 4, 1949.

§ 2.01–10 Penalties and violations.

(a) The regulations in this part are "interpretive rules, general statements of policy, rules of agency organization, procedure, or practice" as described in subsection 4(a) of the Administrative Procedure Act (5 U.S.C. 1003 (a)). The failure to comply with any law as interpreted by a regulation in this part will be considered as a violation of such law and a penalty may be assessed.

(b) The reports of violations of navigation and vessel inspection laws, as well as the assessment, collection, mitigation or remission of penalties authorized by law shall be in accordance with 46 CFR Subpart 2.50 (Subchapter A—Procedures Applicable to the Public).

Subpart 2.05—Coast Guard Functions and Powers

§ 2.05–1 Primary duties assigned by law.

(a) Section 2 of Title 14 (Coast Guard), U.S. Code, states the primary duties of the Coast Guard as follows:

> The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research on the high seas and in water subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

(b) Section 2 of Title 46 (Shipping), U.S. Code, states certain duties of the Coast Guard as follows:

> The Commandant of the Coast Guard and the Commissioner of Customs shall have general superintendence of the commercial marine and merchant seamen of the United States so far as vesssels and seamen are not under existing laws subject to the supervision of any other officer of the Government. • • •

(c) Section 4403 of the Revised Statutes, as amended (46 U.S.C. 372), states administrative duties of the Coast Guard with respect to inspections as follows:

> The Commandant of the Coast Guard shall superintend the administration of the steamboat-inspection laws, and produce a correct and uniform administration of the inspection laws, rules, and regulations.

(d) The regulations in 46 CFR Chapter I, and in this chapter have been prescribed to implement various laws administered or enforced by the Coast Guard, which laws are described in or with the applicable regulations.

§ 2.05–5 Law enforcement.

(a) Section 89 of Title 14 (Coast Guard), U.S. Code, states the law enforcement duties of the Coast Guard as follows:

> The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.
>
> The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:
>
> be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and
>
> be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.
>
> The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.

(b) Subsection 8(c) of the Federal Boating Act of 1958 (46 U.S.C. 527e), states the enforcement duties of the Coast Guard as follows:

> Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this act at any time such vessel is found upon the navigable waters of the United States, its Territories and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this subchapter, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such vessel for compliance with this Act, the Act of April 25, 1940, as amended, and the applicable rules of the road.

(c) As a Service within the Treasury Department, Subsection 1581(b) of Title 19, U.S. Code, the Coast Guard's enforcement duties with respect to navigation laws are:

> Officers of the Department of the Treasury and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

(d) Section 5294 of the Revised Statutes, as amended (46 U.S.C. 7), describes authority of the Commandant with respect to penalties for violations of certain laws and their remission or mitigation as follows:

> The Commandant of the Coast Guard • • •, may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture provided for in laws relating to vessels or discontinue any prosecution to recover penalties or relating to forfeitures denounced in such laws, excepting the penalty of imprisonment or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Commandant's • • • powers of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction prior to the application for the remission of the the penalty or forfeiture; and the Commandant • • • shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper.

Subpart 2.10—Definitions

§ 2.10–1 High seas.

(a) For the purposes of describing Coast Guard jurisdiction generally in section 2, Title 14, U.S. Code, the act of May 10, 1956 (46 U.S.C. 390), and other laws relating to navigation, navigable waters, or vessel inspection, the term "high seas" shall be considered to be those parts of a sea or ocean which are not included in the territorial sea or in the internal waters of a nation.

(b) For the purposes of the Rules of the Road as contemplated by section 2 of the act of February 19, 1895 (33 U.S.C. 151), or enforcement of R.S. 4438a, as amended (46 U.S.C. 224a), the Coastwise Load Line Act, as amended (46 U.S.C. 88), the act of June 20, 1936, as amended (46 U.S.C. 367), and other laws referring to the act of February 19, 1895, the term "high seas" shall be construed to be the waters upon which the "Rules of the Road—International" shall apply. (See section 82.1 of this chapter.)

(c) For the purpose of describing Coast Guard jurisdiction with respect to criminal offenses under Title 18, U.S. Code, the term "high seas" as defined in section 7 of Title 18, U.S. Code, includes the territorial sea as well as the seas beyond the territorial sea which are "out of the jurisdiction of any particular state". In some instances, individual sections of Title 18 cover offenses committed on both the high seas and on navigable waters of the United States within a State. Of course, criminal jurisdiction on the high seas outside the territorial sea is restricted to American-flag vessels.

§ 2.10–5 Navigable waters of the United States.

(a) As used in the Federal Boating Act of 1958 (46 U.S.C. 527a and 527e), the act of April 25, 1940, as amended (46 U.S.C. 526u), the act of May 10, 1956 (46 U.S.C. 390b), and other laws, the term "navigable waters of the United States" shall be construed to mean those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States, or to or from foreign nations. A stream which otherwise conforms with the above definition would not change its navigable character because of the existence of natural or artificial obstructions such as falls, shallows, rapids, dams, or bridges.

(b) The Federal Government has the power to improve the navigable capacity of streams and declare such waters to be navigable waters of the United States in order to regulate the use thereof and navigation thereon. The erection of dams or other structures on navigable waters would not change their navigable character unless a clear intent to do so was manifested by the Congress under its authority to regulate commerce among the several States and with foreign nations. Statutory declarations by Congress and decisions pronounced by the Federal courts as to the navigability of specific waters are binding upon the Coast Guard.

§ 2.10–10 Waters subject to the jurisdiction of the United States.

(a) As used in section 2 of Title 14, U.S. Code, the term "waters subject to the jurisdiction of the United States", for the purpose of enforcement of navigation and vessel inspection laws and regulations administered by the Coast Guard, means the navigable waters of the United States, and the navigable public waters of its territories and possessions.

§ 2.10–15 State waters.

(a) As contemplated by section 13 of the Federal Boating Act of 1958 (46 U.S.C. 527h), if State waters are navigable waters of the United States, the laws administered or enforced by the Coast Guard will also be enforced on such waters.

Subpart 2.15—Availability of Determinations

§ 2.15–1 Coast Guard determinations.

(a) In the administration and enforcement of laws enacted by Congress the Coast Guard is frequently called upon to make determinations with respect to jurisdiction. It should be understood that such determinations represent the Coast Guard's views until the status of the waters is determined conclusively through judicial or legislative proceedings.

(b) Where no federal judicial proceeding or act of Congress has declared specific waters to be navigable waters of the

United States or non-navigable waters of the United States, the Coast Guard when necessary will make a determination to ascertain its jurisdiction. When determining such jurisdiction incident to determining whether or not a particular body of water is a part of the navigable waters of the United States, the Coast Guard will apply the legal principles usually followed by Federal Courts, as set forth by the Supreme Court in such cases as The Daniel Ball (10 Wall. 55), 77 U.S. 557, The Montello (20 Wall. 430), 87 U.S. 431, the Economy Light and Power Company v. U.S. (256 U.S. 113) and U.S. v. Appalachian Electric Power Co. (311 U.S. 377).

§ 2.15–5 Determinations made by other Federal Agencies.

(a) Determinations made by other Federal Agencies for the purpose of defining the extent of their jurisdiction over a specific body of water or a segment thereof will be considered by the Coast Guard and given great weight in determining whether or not the Coast Guard has jurisdiction over such waters. Such determinations made by other Federal Agencies are not considered as binding on the Coast Guard.

§ 2.15–15 Procedures for making determinations.

(a) When a question arises as to whether or not a particular body of water or segment of a body of water is subject to Coast Guard jurisdiction in the administration and enforcement of navigation and vessel inspection laws, the matter will be determined by the Commandant, United States Coast Guard.

(b) The Coast Guard District Commander in whose district the body of water is located will submit to the Commandant (MVI) information as to the physical characteristics of the waterway under consideration, the nature and extent of its use, and a recommendation as to whether or not it should be considered as coming within the jurisdiction of the Coast Guard in the administration of the navigation and vessel inspection laws.

(c) After considering administrative determinations made by other Federal Agencies with respect to the body of water in question, and where necessary, after consulting with such agencies, the Commandant will determine whether or not such waterway is subject to Coast Guard jurisdiction.

§ 2.15–20 Availability of determinations.

(a) The Coast Guard records setting forth determinations describing waters subject to Coast Guard jurisdiction are considered to be public records and the information will be made available upon oral or written request. The determinations made by the Commandant are available at Coast Guard Headquarters, and, for particular waters within a specific Coast Guard district, will be made available at the office of the Coast Guard District Commander. The application shall clearly state or describe the information desired, identify the applicant, set forth the interest of the applicant in the subject matter, the purpose for which the information is desired and whether or not the information is intended for use in prosecuting a claim against the United States.

Subpart 2.20—Navigable Waters of the United States—General

§ 2.20–1 Listings.

(a) The listing of navigable waters of the United States in this part does not purport to be a complete listing of such waters. There are numerous waterways which historically have been considered navigable waters of the United States and their listing in this part would serve no useful purpose. The waters listed are internal waters of the United States which have been the subject of determinations by the Coast Guard.

§ 2.20–5 Navigable waterways generally.

(a) The waters of the Atlantic and Pacific Oceans which comprise the territorial waters of the United States, the Mississippi River, the Potomac River, the Great Lakes, and many other prominent waterways are unquestionably navigable in fact and navigable in the constitutional sense. Therefore, such waters are by common knowledge considered to be navigable waters of the United States. All tidewaters whether salt or fresh which are navigable in fact are as a matter of law navigable waters of the United States.

(b) Sections 1–12 of Title 33, U.S. Code, set forth Acts of Congress regarding navigable waters of the United States, and in the same sections in the United States Code Annotated are references to court decisions designating specific waters to be navigable waters. The Acts of Congress and Federal Court decisions contained in these references are binding on the Coast Guard.

(c) Navigable waters of the United States which have been the object of special determinations by the Coast Guard are enumerated in Subparts 2.21 et seq. The non-navigable waters of the United States which have been the object of special determinations by the Coast Guard are enumerated in Subpart 2.99. Lakes and reservoirs which may be situated on those waters are included in the determinations but are not necessarily listed separately.

Subpart 2.21—Navigable Waters of the United States—Alabama

§ 2.21–1 Chattahoochee River.

The Chattahoochee River to West Point, Georgia, a distance of 201.1 miles.

Subpart 2.23—Navigable Waters of the United States—Arizona

§ 2.23–1 Colorado River.

The Colorado River to and including Lake Mead.

Subpart 2.24—Navigable Waters of the United States—Arkansas

§ 2.24–1 Current River.

The Current River to Van Buren, Missouri.

§ 2.24–5 Norfork Lake.

Norfork Lake.

§ 2.24–10 Ouachita River.

The Ouachita River to Arkadelphia, Arkansas, at mile 417.

§ 2.24–15 White River.

The White River to Branson, Missouri, at mile 520.

Subpart 2.25—Navigable Waters of the United States—California

§ 2.25–1 Colorado River.

The Colorado River to and including Lake Mead.

§ 2.25–5 Lake Tahoe.

Lake Tahoe.

Subpart 2.30—Navigable Waters of the United States—Florida

§ 2.30–1 Chattahoochee River.

The Chattahoochee River to West Point, Georgia, a distance of 201.1 miles.

§ 2.30–5 Rainbow Springs.

Rainbow Springs, also known as Blue Springs Run.

§ 2.30–10 Withlacoochee River.

Withlacoochee River to Dobes Hole, a distance of 115 miles.

Subpart 2.31—Navigable Waters of the United States—Georgia

§ 2.31–1 Chattahoochee River.

The Chattahoochee River to West Point, Georgia, a distance of 201.1 miles.

§ 2.31–5 Flint River.

The Flint River for a distance of 100 miles, including Lake Blackshear.

§ 2.31–10 Savannah River.

The Savannah River to Augusta, Georgia.

Subpart 2.33—Navigable Waters of the United States—Hawaii

§ 2.33–1 Huleia River.

Huleia River, Kauai, for a distance of 5 miles.

§ 2.33–5 Wailua River.

Wailua River, Kauai, a distance of 3 miles.

Subpart 2.34—Navigable Waters of the United States—Idaho

§ 2.34–1 Lake Coeur D'Alene.

Lake Coeur D'Alene.

§ 2.34–5 Pend Oreille Lake.

Pend Oreille Lake.

§ 2.34–10 Priest Lake.

Priest Lake.

§ 2.34–15 Snake River.

The Snake River to Guffey Dam Site near Murphy and Melba, Idaho.

Subpart 2.36—Navigable Waters of the United States—Indiana

§ 2.36–1 Maumee River.

Maumee River, in its entirety.

Subpart 2.37—Navigable Waters of the United States—Iowa

§ 2.37–1 Missouri River.

The Missouri River to a point 263 miles upriver from Fort Benton, Montana.

Subpart 2.38—Navigable Waters of the United States—Kansas

§ 2.38–1 Missouri River.

The Missouri River to a point 263 miles upriver from Fort Benton, Montana.

Subpart 2.39—Navigable Waters of the United States—Kentucky

§ 2.39–1 Cumberland River.

The Cumberland River for a distance of 517 miles, to and including Wolf Creek Reservoir.

Subpart 2.40—Navigable Waters of the United States—Louisiana

§ 2.40–1 Ouachita River.

The Ouachita River to Arkadelphia, Arkansas, at mile 417.

Subpart 2.41—Navigable Waters of the United States—Maine

§ 2.41–1 Taunton Bay.

Taunton Bay.

Subpart 2.42—Navigable Waters of the United States—Maryland

§ 2.42–1 Susquehanna River.

The Susquehanna River to mile 273.5 above Athens, Pennsylvania.

Subpart 2.44—Navigable Waters of the United States—Michigan

§ 2.44–1 Clam Lake.

Clam Lake.

§ 2.44–5 Hamlin Lake.

Hamlin Lake.

§ 2.44–10 Kent Lake.

Kent Lake.

§ 2.44–15 Lake Macatawa.

Lake Macatawa.

§ 2.44–20 Tahquamenon River.

The Tahquamenon River to the lower falls.

§ 2.44–25 Torch Lake.

Torch Lake.

Subpart 2.45—Navigable Waters of the United States—Minnesota

§ 2.45–1 Lake Bemidji.

Lake Bemidji.

§ 2.45–5 Big Stone Lake.

Big Stone Lake.

§ 2.45–10 Minnesota River.

The Minnesota River in its entirety.

§ 2.45–15 Rainy Lake.

Rainy Lake.

§ 2.45–20 Lake Traverse.

Lake Traverse.

§ 2.45–25 Vermilion Lake.

Vermilion Lake.

§ 2.45–30 Lake of the Woods.

Lake of the Woods.

Subpart 2.46—Navigable Waters of the United States—Mississippi

§ 2.46–1 Little Tallahatchie River.

The Tallahatchie River, to and including Sardis Reservoir.

Subpart 2.47—Navigable Waters of the United States—Missouri

§ 2.47–1 Current River.

The Current River to Van Buren, Missouri.

§ 2.47–5 Missouri River.

The Missouri River to a point 263 miles upriver from Fort Benton, Montana.

§ 2.47–10 Norfork Lake.

Norfork Lake.

§ 2.47–15 Osage River.

The Osage River to and including Lake of the Ozarks.

§ 2.47–20 White River.

The White River to Branson, Missouri, at mile 520.

Subpart 2.48—Navigable Waters of the United States—Montana

§ 2.48–1 Missouri River.

The Missouri River to a point 263 miles upriver from Fort Benton, Montana.

Subpart 2.49—Navigable Waters of the United States—Nebraska

§ 2.49–1 Missouri River.

The Missouri River to a point 263 miles upriver from Fort Benton, Montana.

Subpart 2.50—Navigable Waters of the United States—Nevada

§ 2.50–1 Colorado River.

The Colorado River to and including Lake Mead.

§ 2.50–5 Lake Tahoe.

Lake Tahoe.

Subpart 2.52—Navigable Waters of the United States—New Jersey

§ 2.52–1 Greenwood Lake.

Greenwood Lake.

Subpart 2.54—Navigable Waters of the United States—New York

§ 2.54–1 Greenwood Lake.

Greenwood Lake.

§ 2.54–5 Keuka Lake.

Keuka Lake.

§ 2.54–10 New York State Barge Canal System.

The New York State Barge Canal System.

§ 2.54–15 Onondaga Lake.

Onondaga Lake.

§ 2.54–20 Seneca Lake.

Seneca Lake.

Subpart 2.55—Navigable Waters of the United States—North Carolina

§ 2.55–1 Dan River.

The Dan River to Madison, North Carolina.

§ 2.55–5 Great Pee Dee River.

The Great Pee Dee River for a distance of 167 miles.

§ 2.55–10 Little Pee Dee River.

The Little Pee Dee River for a distance of 104 miles.

§ 2.55–15 Little Tennessee River.

The Little Tennessee River to a point above Bushnell, North Carolina, including Lake Fontana.

§ 2.55–20 Roanoke River.

The Roanoke River to the mouth of Pigg River, Virginia, a distance of 308.5 miles.

§ 2.55–25 Yadkin River.

The Yadkin River to and including High Rock Reservoir.

§ 2.55–30 Waccamaw River.

The Waccamaw River for a distance of 92 miles.

§ 2.55–35 Wateree-Catawba River.

Wateree-Catawba River to and including Lake Wylie (formerly known as Lake Catawba).

Subpart 2.56—Navigable Waters of the United States—North Dakota

§ 2.56–1 Missouri River.

The Missouri River to a point 263 miles upriver from Fort Benton, Montana.

Subpart 2.57—Navigable Waters of the United States—Ohio

§ 2.57 Maumee River.

The Maumee River in its entirety.

Subpart 2.58—Navigable Waters of the United States—Oklahoma

§ 2.58–1 Lake Texoma.

Lake Texoma.

Subpart 2.59—Navigable Waters of the United States—Oregon

§ 2.59–1 Columbia River.

The Columbia River in its entirety in the United States.

§ 2.59–5 Snake River.

The Snake River to Guffey Dam Site near Murphy and Melba, Idaho.

Subpart 2.60—Navigable Waters of the United States—Pennsylvania

§ 2.60–1 Allegheny River.

The Allegheny River as far up as the point where the river first crosses the Pennsylvania-New York State line.

§ 2.60–5 Susquehanna River.

The Susquehanna River to mile 273.5 above Athens, Pennsylvania.

§ 2.60–10 West Branch, Susquehanna River.

The West Branch of the Susquehanna River to Lock Haven, Pennsylvania.

Subpart 2.63—Navigable Waters of the United States—South Carolina

§ 2.63–1 Congaree River.

The Congaree River to Columbia, South Carolina.

§ 2.63–5 Cooper River.

The Cooper River to its division into East and West Branches, a distance of 10 miles.

§ 2.63–10 Great Pee Dee River.

The Great Pee Dee River for a distance of 167 miles.

§ 2.63–15 Little Pee Dee River.

The Little Pee Dee River for a distance of 104 miles.

§ 2.63–20 Santee River.

The Santee River in its entirety.

§ 2.63–25 Savannah River.

The Savannah River to Augusta, Georgia.

§ 2.63–30 Waccamaw River.

The Waccamaw River for a distance of 92 miles.

§ 2.63–35 Wateree-Catawba River.

The Wateree-Catawba River to and including Lake Wylie (formerly known as Lake Catawba).

§ 2.63–40 Lumber River.

The Lumber River for a distance of 12 miles.

Subpart 2.64—Navigable Waters of the United States—South Dakota

§ 2.64–1 Big Stone Lake.

Big Stone Lake.

§ 2.64–5 Minnesota River.

The Minnesota River in its entirety.

§ 2.64–10 Missouri River.

The Missouri River to a point 263 miles upriver from Fort Benton, Montana.

§ 2.64–15 Lake Traverse.

Lake Traverse.

Subpart 2.65—Navigable Waters of the United States—Tennessee

§ 2.65–1 Clinch River.

The Clinch River for a distance of 202 miles, to a point one mile north of the Tennessee-Virginia state line.

§ 2.65–5 Cumberland River.

The Cumberland River for a distance of 517 miles, to and including Wolf Creek Reservoir.

§ 2.65–10 French Broad River.

The French Broad River for a distance of 75 miles, to the upper limits of Douglas Lake.

§ 2.65–15 Holston River.

The Holston River for a distance of 142.2 miles.

§ 2.65–20 Little Tennessee River.

The Little Tennessee River to a point above Bushnell, North Carolina, including Lake Fontana.

§ 2.65–25 South Holston Lake.

South Holston Lake.

Subpart 2.66—Navigable Waters of the United States—Texas

§ 2.66–1 Colorado River.

The Colorado River for a distance of 21 miles, to a point near Buckeye, Texas.

§ 2.66–5 Rio Grande River.

The Rio Grande River for the entire distance where it forms the international boundary, to a point near El Paso, Texas.

§ 2.66–10 San Jacinto River.

The San Jacinto River to and including Lake Houston.

§ 2.66–15 Lake Texoma.

Lake Texoma.

Subpart 2.69—Navigable Waters of the United States—Virginia

§ 2.69–1 Clinch River.

The Clinch River for a distance of 202 miles, to a point one mile north of the Tennessee-Virginia state line.

§ 2.69–5 Dan River.

The Dan River to Madison, North Carolina.

§ 2.69–10 New River.

The New River to the vicinity of Radford, Virginia.

§ 2.69–15 Occoquan Creek.

The Occoquan Creek to Occoquan, Virginia, a distance of approximately 5½ miles.

§ 2.69–20 Roanoke River.

The Roanoke River to the mouth of Pigg River, Virginia, a distance of 308.5 miles.

§ 2.69–25 Smith River.

The Smith River to and including Philpott Reservoir.

§ 2.69–30 South Holston Lake.

South Holston Lake.

Subpart 2.71—Navigable Waters of the United States—Washington

§ 2.71–1 Columbia River.

The Columbia River in its entirety in the United States.

§ 2.71–5 Ross Lake.

Ross Lake.

§ 2.71–10 Sammamish River.

The Sammamish River in its entirety, including Sammamish Lake.

§ 2.71–15 Snake River.

The Snake River to Guffey Dam Site near Murphy and Melba, Idaho.

Subpart 2.72—Navigable Waters of the United States—West Virginia

§ 2.72–1 New River.

The New River to the vicinity of Radford, Virginia.

§ 2.72–5 Tygart River.

The Tygart River to the slack water dam at mile 7.

Subpart 2.73—Navigable Waters of the United States—Wisconsin

§ 2.73–1 Wisconsin River.

The Wisconsin River in its entirety.

Subpart 2.99—Non-Navigable Waters of the United States

§ 2.99–1 General.

(a) The listing of non-navigable waters of the United States in this part does not purport to be a complete listing of those waters. The waters have been so declared in connection with the Coast Guard's determinations of its operational responsibilities.

(b) Sections 21–59b of Title 33, U.S. Code, and the notes preceding section 1 of that Title in the United States Code Annotated set forth Acts of Congress and court decisions, respectively, designating specific waters to be non-navigable waters. The Acts of Congress and Federal Court decisions contained in these references are binding upon the Coast Guard.

§ 2.99–20 Arkansas.

(a) Nimrod Lake.

§ 2.99–25 California.

(a) Fallen Leaf Lake.
(b) Salton Sea.

§ 2.99–35 Connecticut.

(a) Bantam Lake.

§ 2.99–45 District of Columbia.

(a) Chesapeake and Ohio Canal.

§ 2.99–55 Georgia.

(a) Allatoona Reservoir.

§ 2.99–80 Indiana.

(a) White River, West Branch, in Marion County.

§ 2.99–90 Kansas.

(a) Neosha River (also known as Grand River).

§ 2.99–100 Louisiana.

(a) False River (also known as Fausse River).

§ 2.99–110 Maryland.

(a) Chesapeake and Ohio Canal.

§ 2.99–120 Michigan.

(a) Leelanau Lake.

§ 2.99–130 Mississippi.

(a) Arkabutla Lake.

§ 2.99–140 Montana.

(a) Flathead Lake.

§ 2.99–145 Nebraska.

(a) North Platte River.

§ 2.99–190 Oklahoma.

(a) Neosha River (also known as Grand River).

§ 2.99–215 South Carolina.

(a) Lake Moultrie.
(b) Saluda River.

§ 2.99–225 Tennessee.

(a) South Fork, Holston River.
(b) Wautauga Lake.

§ 2.99–255 Washington.

(a) Chelan River.
(b) Diablo Lake.

§ 2.99–265 Wisconsin.

(a) Lake Geneva.

§ 2.99–270 Wyoming.

(a) North Platte River.

Dated: December 12, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 61–12026; Filed, Dec. 19, 1961; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING

[Circular 2071]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Miscellaneous Amendments

Correction

In F.R. Doc. 61–11810, appearing at page 11975 of the issue for Thursday, December 14, 1961, correction is made to delete the two paragraphs immediately following the signature and date.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14271 (RM–272); FCC 61–1481]

PART 3—RADIO BROADCAST SERVICES

Table of Television Assignments; Television Broadcast Stations, Brainerd-Walker, Minnesota

1. The Commission has before it for consideration its notice of proposed rule making released September 15, 1961, proposing to delete television Channel 12 from Brainerd, Minnesota, and to assign it to Walker, Minnesota.

2. Petitioner, Central Minnesota Television Company, is the licensee of television Station KCMT, Channel 7, Alexandria, Minnesota. It sought the same change in a petition filed January 17, 1958. Rule making was initiated pursuant to that request, and on July 23, 1958, the Commission adopted a Report and Order in Docket No. 12336 denying the requested change. Petitioner now asserts that such rejection of the proposal was due largely to representations that an application was soon to be filed for Channel 12 at Brainerd. It contends that, since no such application has been filed after a lapse of three years, the channel should be assigned to Walker.

3. A station on Channel 12 at Brainerd would need to be located at least 24 miles north of Brainerd in order to meet the required 190-mile spacing from the co-channel station (KEYC–TV) operating at Mankato. Petitioner's proposed site is located approximately 10 miles south-southeast of Walker. Thus a station assigned either to Walker or Brainerd and meeting mileage separation requirements of the Rules could provide service to the same general area. As a Brainerd station petitioner would be required to provide a principal city signal to that city. Operating as a Walker station, petitioner states that while Brainerd would not be provided with a principal city signal it would still receive excellent television service.

4. One of the reasons Channel 12 was assigned to Brainerd by the Sixth Report and Order in 1952, was the expectation that such community would support a television station and provide service to the North Central Minnesota area. No application has yet been filed for the use of this assignment, despite the representations in Docket No. 12336 that the filing of an application therefor would be forthcoming. Petitioner states that if the requested channel change is made it will file an application for the channel and that a Walker station operating as proposed would provide over 100,000 persons with a first Grade B or better service.

5. The only comments filed were those of petitioner who points out that essentially all of the area which would be served by the proposed station at Walker is a "white area" being unserved by any existing television station, and that the adoption of its proposal would bring a first service to cities such as Brainerd, Walker, Bemidji, Cass Lake, Park Rapids, Crosby, Aitkin, Deep River, and Grand Rapids, all of which would receive a Grade B or better signal. With its comments petitioner attached copies of letters from Crow Wing Co-Operative Power and Light Company, Brainerd, Minnesota, Walker Chamber of Commerce, Park Rapids Chamber of Commerce, and Village of Park Rapids, all supporting the proposal. No other interest has been expressed in the channel and no party opposed the proposal. The proposed channel change was subject to objection by the Canadian Government under the Canada-USA television agreement. On October 5, 1961, the Department of Transport of Canada advised it has no objection to the proposed assignment. For the reasons recited in support of the proposal, the Commission finds that adoption is in the public interest.

6. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered,* That effective January 22, 1962, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, with respect to the community named, to read as follows:

City:	Channel No.
Walker, Minn.	12—

and by deleting the entry for Brainerd, Minnesota.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: December 13, 1961.

Released: December 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–12044; Filed, Dec. 19, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Carolina Sandhills National Wildlife Refuge, South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 64 acres or 0.0014 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bluegill, bream, black bass, jackfish (Eastern pickerel), catfish and other minor species permitted by State regulations.

(b) Open season: Martins Pond, March 15 through October 15; Twin Lakes, Triple Lakes, Lakes 12, 16, and 17, February 15 through November 30. Daylight hours only. Fishing on Sunday prohibited.

(c) Daily creel limits:

Black bass—8.
Game fish other than bass—20.
No creel limit on catfish.
Other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Pole and line, rod and reel, artificial and live baits permitted.

2. Row boats and canoes permitted. Gasoline powered motors prohibited; electric motors permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to December 1, 1962.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1961.

[F.R. Doc. 61-12011; Filed, Dec. 19, 1961; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 934, Amdt. 3]

PART 95—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Certain Trackage of Chicago, Burlington and Quincy Railroad Co.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 12th day of December A.D. 1961.

Upon further consideration of Service Order No. 934 (25 F.R. 6760; 25 F.R. 13633; 26 F.R. 5761), and good cause appearing therefor: *It is ordered*, That:

Section 95.934 (a) *The Chicago and North Western Railway Company authorized to operate over certain trackage of the Chicago, Burlington and Quincy Railroad Company*, of Service Order No. 934, be and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof.

(f) *Expiration date.* This section shall expire at 11:59 p.m., June 30, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1961.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended: 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Nebraska State Railway Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12024; Filed, Dec. 19, 1961; 8:46 a.m.]

[S.O. 935, Amdt. 1]

PART 95—CAR SERVICE

Appointment of Embargo Agent

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 12th day of December A.D. 1961.

Upon further consideration of Service Order No. 935 (25 F.R. 6760), and good cause appearing therefor: *It is ordered*, That:

Section 95.935 *Appointment of embargo agent*, Service Order No. 935, be and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof.

(f) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1961.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12025; Filed, Dec. 19, 1961; 8:46 a.m.]

[S.O. 937, Amdt. 1]

PART 95—CAR SERVICE

Missouri-Illinois Railroad Co. Authorized To Operate Over Certain Trackage of St. Louis-San Francisco Railway Co. et al.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 12th day of December A.D. 1961.

Upon further consideration of Service Order No. 937 (26 F.R. 6433), and good cause appearing therefor: *It is ordered*, That:

Section 95.937(a) *The Missouri-Illinois Railroad Company authorized to operate over certain trackage of the St. Louis-San Francisco Railway Company, the St. Louis Southwestern Railway Company, the Southern Illinois and Missouri Bridge Company and the Missouri Pacific Railroad Company*, of Service Order No. 937, be and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof.

(d) *Expiration date.* This section shall expire at 11:59 p.m., March 31, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1961.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Missouri Public Service Commission, Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12026; Filed, Dec. 19, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Notice of Proposal to Declare Certain Forms of Plant and Animal Life and Viruses To Be Pests

Notice is hereby given pursuant to sections 2 and 6.a. of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135, 135d.a) and section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture proposes to declare each of the following forms of plant and animal life and viruses to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, articles, or substances, for the purpose of classifying as "economic poisons" or "devices" subject to regulation under the Act, substances and mixtures of substances which are not now regulated under the Act and are intended for preventing, destroying, repelling, or mitigating such forms of life and viruses, and certain instruments and contrivances which are not now regulated under the Act and are intended for trapping, destroying, repelling, or mitigating such forms of life and viruses, as provided in the Act:

Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;

Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;

Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;

Amphibians and reptiles, including but not limited to poisonous snakes;

Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;

Roots or other plant parts growing where not wanted;

Viruses, other than those on or in living man or other animals.

This declaration is not intended to affect formulations and articles for the control of insects, rodents, nematodes, fungi or weeds, which are already regulated under the Act. Further, this declaration is not intended to imply that the forms of life and viruses listed are pests under all conditions. However, in the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, Department officials have received information concerning formulations or articles intended for preventing, destroying, repelling or mitigating these forms of life or viruses, or have been informed of research to develop such formulations or articles, and are currently unable to provide any public protection through regulation to assure safety, effectiveness, and proper labeling, because the formulations and articles are not now subject to the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. Since such formulations and articles are usually merchandised in the same channels of trade as economic poisons and devices now under the law, and since their modes of action are similar to those of economic poisons and devices, it seems appropriate in the public interest for these products to be subjected to the same regulatory controls.

Any interested person who wishes to submit data, views or arguments concerning the proposal set forth above may do so by filing them with the Director of the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of December 1961.

B. T. SHAW,
Administrator, Agricultural Research Service.

[F.R. Doc. 61-12048; Filed, Dec. 19, 1961; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 903]

[Docket No. AO-10-A26]

MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Louis, Missouri, on November 28, 1961, pursuant to notice thereof issued on November 14, 1961 (26 F.R. 10810).

The material issues on the record of the hearing relate to:

1. Reducing the amount of milk which a country plant must ship to a city plant(s) to retain its pool status; and

2. The existence of an emergency situation and the need for making an amendment effective at the earliest possible date.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The percentage of its receipts which a country plant must ship to a city plant(s) to retain its pool status should be reduced from 50 percent to 20 percent.

The order now provides that a country plant, to maintain pool status, must ship an amount of milk equal to at least 50 percent of its receipts of approved milk from dairy farmers and cooperative associations. If the city plant receives approved other source milk, the shipping requirement of the country plant is increased accordingly but it shall not exceed 75 percent of the receipts of approved milk at the country plant. A plant which qualifies as a pool plant in each of the months of September through February, retains pool status during the following months of March through August regardless of the amount of the shipments.

In September and October of this year most of the country plants (some of which have been pool plants for many years) were unable to meet the above requirements and it became necessary for the Secretary to suspend certain provisions of the order in these months to permit these plants to retain pool status. While all country plants apparently were able to meet the present requirements in November, the month of shortest production, it seems unlikely that they will all be able to make the necessary shipments in December. It is quite possible that none will be able to meet the present standards in January or February.

Several factors have contributed to the present situation. Most important is a substantial increase in production without a corresponding increase in Class I sales. Next most important is the rapid shift from can to bulk tank handling on the farms.

Production per farm is running far ahead of a year ago while the number of producers remains fairly constant. In both September and October total receipts from producers were approximately 4½ million pounds greater than the corresponding month a year ago. In each month Class I sales were slightly less than a year ago. Virtually all of the increase in production has been received at city plants.

This has occurred not because nearby producers have increased production relative to more distant producers, but because of the increased mobility of the country supply which moves to market in bulk tanks. When milk left the farm in cans it had to pass through a country plant for assembling and cooling. Now when it leaves the farm in a bulk tank much of it is in a position to be moved to a city plant as readily as to a country plant. In some cases where back hauls may be involved in getting to a country plant, direct movement to a city plant may result in a substantial saving to the producer.

A further indication of the shift of milk from country plants to direct city delivery is found in the market statistics which show that in no month in 1959 were direct receipts at city plants equal to Class I sales. In 1960 in only two months were Class I sales less than direct receipts in the city but in six of the first ten months in 1961 receipts at city plants exceeded Class I sales on the market.

Since the market must still rely on country plants to furnish a substantial volume of milk to meet its requirements in the fall months, it is not feasible to continue in the order performance standards which such plants are unable to meet and which result in their being unable to participate in the marketwide pool under the order.

It is necessary, therefore, that new standards be adopted for determining a country plant's association with the market. As noted above, experience in recent months clearly points up the need for a sharp reduction in the standards. The reserve supply of the market in farm bulk tanks, during the period of short production, in large measure bypasses the country plants and moves directly to the city plants. Under these changed conditions some country plants clearly associated with the market and which, in the flush months, handle a substantial proportion of the market's reserve supply are able to move no more than 20 percent of their receipts to city plants even during months of short production. Accordingly it is concluded that a country plant which ships 20 percent of its receipts of approved milk to city plants should be considered to have sufficient association with the market to be designated as a pool plant and share in the marketwide pool under the order.

2. To avoid the issuance of further suspension orders and to afford country plants immediate knowledge of the requirements they must meet it is imperative that the amendment be made effective at the earliest possible date. Accordingly, it is hereby found upon the basis of the hearing record that the due and timely execution of the Secretary's function imperatively and unavoidably requires the omission of the recommended decision and the opportunity for the filing of exceptions thereto.

All parties of record supported the issuance of the recommended amendment at the earliest possible date. No opposition was offered to it.

No briefs or proposed findings and conclusions were filed in this proceeding.

General findings. (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of October 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the St. Louis, Missouri, marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 15, 1961.

JOHN P. DUNCAN, JR.,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

§ 903.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 903.10(b) by deleting "50 percent" wherever it appears therein and substituting "20 percent" in lieu thereof.

[F.R. Doc. 61-12050; Filed, Dec. 19, 1961; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing the proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1019]

[Docket No. AO-305-A4]

MILK IN CONNECTICUT MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Hartford, Connecticut on April 26-28, 1961 pursuant to notice thereof issued on April 4, 1961 (26 F.R. 2988).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on October 5, 1961 (26 F.R. 9591; F.R. Doc. 61-9736) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Modification of the diversion provisions.
2. Revision of the producer-handler definition.
3. Revision of the producer-milk definition.
4. Revised application of the allocation and zone price differentials sections of the order.
5. Revising the classification of, and the basis of accounting for, dietary and fortified milk products.
6. Modification of the seasonal adjustment in the Class II milk price differentials.
7. Revision of the pool plant definition.
8. Elimination of the dumped milk report.
9. Extension of the territory within which the nearby farm location differential applies.
10. Changes in order language for clarification and administrative purposes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The producer definition should not be amended to allow milk to be diverted between pool plants. It should be amended to increase the number of days on which milk may be diverted to a nonpool plant during the months of July through September.

Distributing plant operators normally receive milk from the same producers from day to day. Occasionally, some of such milk is not needed for fluid purposes. At such times it is convenient to move, temporarily, such milk directly from farms to other pool plants or to nonpool plants where it can be utilized effectively.

Such movements of milk may occur readily under the present provisions of the order. The order provides, however, that any milk so moved is producer milk at the plant where physically received, or from which diverted. This necessitates keeping separate producer payrolls at each plant where milk is received from producers. Except for milk caused to be delivered to the handler by a cooperative association, it requires prompt notification to the market administrator by handlers when producers stop delivery to one pool plant, and start delivery to another pool plant.

A proposal was made to allow milk to be temporarily diverted between pool plants. At the same time, the proposal would eliminate, or in the alternative continue, the present limitations on milk diverted from pool plants to nonpool plants.

Proponent testified that temporary diversions (referred to at the hearing as "transfers") between pool plants should be allowed without the detailed record keeping, including the "stop and start" notices, now required by the order. The proposal would place the responsibility for maintaining all producer payrolls on the handler who normally receives the milk from the producers whose milk would be involved in such transfers.

There was no testimony from proprietary handlers that this administrative feature of the order is causing them hardship. Also, the order specifically exempts the handler from filing individual stop and start notices when the milk is moved between plants by a cooperative association. A handler is required only to make a monthly report of such transactions. There was no showing that the proposed change would represent an improvement in current administrative practice.

On the basis of exceptions submitted, it is apparent that the objections raised at the hearing concerning stop and start notices are not intended to apply exclusively to proposals concerning milk diverted between pool plants.

The major concern in the recommended decision was that the deletion of such notices was intended to place the responsibility for maintaining payrolls for all producers on the handler who "normally" receives their milk. By this, proponents meant milk received on more than half the delivery days of the month. From this standpoint, the testimony concerning stop and start notices was deemed to be related specifically to the proposals to allow milk to be diverted between pool plants. If such proposals were adopted, the deletion of stop and start notices might be considered as an appropriate conforming change. No proposal was considered at the hearing dealing exclusively with stop and start notices. Therefore, no change in the order is provided for herein.

Another aspect of the proposal concerns the provisions of the present order which permit diversions from pool plants to nonpool plants on a limited basis in certain months, and on an unlimited basis in other months. It was contended that diversions to nonpool plants would be less necessary if diversions between pool plants were provided for in the order, and other complementary changes were adopted, to encourage the processing of all reserve supplies for the market at the plant of a cooperative association at Hartford.

Proponent submitted an exception to the above finding on the basis that no such contention was made, and that proposals relating to diversion between pool plants and those relating to diversions between pool and nonpool plants were discussed separately at the hearing.

In context, the testimony of proponent on these points is that the Connecticut market should be rationalized in such a way that the surplus manufacturing facilities located there should be utilized in preference to other outlets.

Some reserve milk, which is part of the necessary supply for the market, is located at points from which it may be handled more economically by diversion to nonpool plants than by delivery to the center of the marketing area for processing. The proposal would not provide a fully satisfactory method of surplus disposal for all supply plants associated with the market.

In view of the above, the proposal is denied.

There were two proposals to increase the number of days during the months of July through September on which milk may be diverted from pool plants to nonpool plants. Proponents would provide for diversions on 12 days from July through November, and establish no limit on the number of days of diversion during the months of December through June.

The order presently provides that milk may be diverted for 12 days during the months of October through March. During the months of April through June there is no such limit. These provisions should not be changed. The number of days on which diversion is permitted should be revised to 10 days (5 days for every-other-day delivery) during any of the months of July through September. The order presently limits diversions during such months to 8 days (4 for every-other-day delivery). July through September are the months when supplies of milk are lowest in relation to Class I sales. During the period October through March, supplies of milk are more plentiful in relation to Class I sales, and a greater incidence of diversion may be necessary.

Although milk regularly associated with the market should be available for fluid purposes if needed, the order provisions should not require handlers to move producer milk physically through a pool plant where it is not needed merely to assure that the dairy farmers regularly supplying such plant will retain their producer status under the order. The order should provide sufficient latitude for diversions to permit producer milk not needed for bottling purposes on such occasions as weekends or holidays to be diverted to nonpool plants.

It is customary for handlers to operate distributing plants on only 5 days a week. On weekends, producer milk associated with such plants must be moved to plants where it can be manufactured. Restricting diversions to 8 days (4 days for every-other-day delivery) has not facilitated fully the economical disposition of such producer milk.

Expanding the diversion privilege during the months of July through September in the manner proposed should be sufficient to allow handlers to economically dispose of producer milk not needed for fluid purposes, and at the same time adequately protect the regulated market from "pool riding".

Proposals to allow unlimited diversions during the months of December through March are denied. Unlimited diversions are provided during the months of April through June to assure the market of an outlet for producer milk during those months when reserve supplies are heaviest. There is no evident basis for providing unlimited diversions except during these months of peak production.

To prevent abuses of the diversion privilege during the months of April through June, the order provides that producer milk may be diverted to nonpool plants during any of those months only if the dairy farmer producing such milk held producer status at a plant in the same zone location as the plant from which diversion is claimed during the entire two months immediately preceding the month in which the diversion is

claimed. It was proposed that this provision be extended to all months of the year.

Such a provision is necessary during the months of unlimited diversion to deter the association of milk with a pool plant for a brief period for the purpose of drawing the blended price for the entire period, and to deter the association of milk of upcountry plants with plants in the marketing area to benefit from the higher marketing area price. Without this restriction in the April–June period it would be necessary to associate the milk of a dairy farmer with a pool plant on but one day to establish producer status and thereby qualify for unlimited diversions for the entire period. However, with the restrictions provided on the days of diversion during the other months of the year, it would be necessary to associate milk with a pool plant on about 60 percent of the days in any such month in order to draw the Connecticut blended price for the entire month. The present provision provides a satisfactory safeguard against such abuses in these months and accordingly the proposal need not be adopted.

The diversion privilege should be extended only to dairy farmers who are genuinely associated with the Connecticut market. To make the producer definition clear in this regard, it should be provided that movements of milk to a nonpool plant directly from a farm during the July through March period are to be considered a diversion only when the dairy farmer producing such milk held producer status during the preceding month or delivered milk to a pool plant earlier in the month. The order already provides that before his milk can be diverted to a nonpool plant during the months of April through June, a dairy farmer shall have had producer status during the two immediately preceding months. There was no proposal to change this provision of the order.

The order need not contain a definition of "diverted milk". The proposed amendments included in the suggested diverted milk definition have been discussed above, and those amendments adopted are more appropriately a part of the "producer" definition.

Alternatives to the various proposals included in the hearing notice would further restrict the days of diversion and would change the point of pricing of diverted milk. There were no specific problems presented which the proposals were designed to correct. Although proponent stated that the present diversion provisions could be subject to abuse, there were no instances pointed out to substantiate this contention.

In any case, point of pricing as it relates to diverted milk was not specifically proposed for consideration at the hearing. Proponent's major proposals concerned diversion of milk between pool plants in the same zone price location or one nearer Hartford, and that transfers of producers between handlers be established on a different basis than currently prevails. These proposals have no specific relation to the point of pricing for milk diverted from pool plants to nonpool plants. Thus, a modification of proposals 1 and 4 in this regard is not appropriate.

(2) The producer-handler definition should be amended to clarify the effect on "producer-handler" status, of purchases of fluid milk products in packages from nonpool sources, which are delivered to customers, or outlets, without first being received at the producer-handler's plant.

Two proposals were considered at the hearing. One would limit the amount and sources of milk a producer-handler may purchase over and above his own herd production, while maintaining exempt status. It would exempt any producer-handler if his own farm production does not exceed a daily average during the month of 1,075 pounds, and purchases from pool plants in the form of packaged fluid milk products do not exceed more than five percent of his own farm production. The current regulation contains no limitation on own farm production or on purchases from pool plants.

The other proposal would regard, as a receipt, any fluid milk products the producer handler purchases from a nonpool source, but which he delivers directly to wholesale or retail outlets such as plant stores and vending machines. Receipts of this kind would result, under the proposal, in the loss of the producer-handler's exempt status under the order.

Both proposals would continue complete exemption from pricing and pooling for any person whose sole source of milk is his own farm production.

The question raised by the first proposal and supporting testimony is whether dairy farmers, who operate processing plants, and who receive no milk from other dairy farmers, but rely on milk purchases from pool sources, should continue to be exempt from pricing and pooling as handlers. Proponent contended that when producer-handlers are permitted to purchase unlimited amounts of milk from pool sources, it is a relatively simple matter for them to completely balance their operations out of the pool. In this circumstance, producers supplying milk to regulated handlers carry the reserve supply needed to service the producer-handlers' Class I sales, which do not have to be shared with other producers through the pool.

The order extends a significant benefit to the producer-handler. It allows him to realize a Class I return on virtually all his own milk production, while relying on pool sources for balancing his total needs and keeping his surplus to a minimum. Other producers, whose milk is pooled, receive the uniform blended price and share with each other the lower return realized from milk in excess of the fluid requirements of the market.

In April 1959, at the inception of the regulation, there was a total of 50 producer-handlers designated under the order. The daily average of their "own production" was just over 1,000 pounds. For the month of March 1961 there were 70 producer-handlers in the market, with a daily average production of about 1,300 pounds. There has been a steady increase both in numbers and in volume of own farm production.

In January of this year, producer-handlers averaged 571 quarts per day from own production. An additional 23 quarts per day on the average were purchased from pool plants in packaged form. An average of 300 quarts was purchased in bulk from pool plants. Generally, producer-handlers purchase an amount of milk from pool plants approximating their own farm production, or less. A few purchase from pool plants significantly larger amounts of milk than they produce.

Producer-handler witnesses testified that they intended to increase herd size and purchases from pool plants. To the present, however, the growth rate of producer-handlers as a whole has not exceeded, greatly, the growth of the total Class I market. If the own farm production of producer-handlers were included in the pool at this time, Class I utilization would be increased by less than one percent, as compared with the early months of the order.

Producer-handlers exercise control over their milk from production to ultimate marketing to consumers. The pricing and pooling provisions of the order do not apply to producer-handlers. Whether or not the prevailing competitive situation in a market is such to provide sufficient reason for full regulation of producer-handlers must be appraised, however, in the light of certain facts. Buying advantages gained over fully regulated handlers, the extent to which the burden of carrying the reserve supply associated with Class I sales shifts to other producers, incentives for producers to become producer-handlers, and administrative convenience in granting exemption, are some of the considerations involved in such an appraisal.

There is no substantial indication at this time that producer-handlers are a significant disrupting factor in this market, or that their operations have changed since the inception of the order to an extent that warrants the proposed limitations on their operations. The major producer association testified that producers are not being disadvantaged by producer-handlers to an extent warranting a greater degree of regulation under the order. However, considering the apparent intentions of some producer-handlers to expand, it may be necessary at some future date to reappraise the basis for exemption of producer-handlers in this market. It is concluded that the proposed amendment should not be adopted.

The second proposal considered would clarify the effect on the status of the producer-handler of purchases of packaged fluid milk products, from nonpool sources, which are delivered for the account of the producer-handler to wholesale or retail outlets, without first being received physically at the producer-handler's plant.

The market administrator has interpreted the order to the effect that the acquisition and sale of packaged milk, in the manner described, causes the producer-handler to lose his exemption from full regulation as a regular handler.

The proposal would clarify the language of the producer-handler definition in line with current application of the order. Thus, if a producer-handler supplies packaged fluid milk products, originating at nonpool sources, to plant stores or to vending machines in the manner described, such operation would result in his loss of status as a producer-handler under the order and require the pooling of his milk as a fully regulated handler.

In the absence of such provision, economic incentive would exist for a producer-handler to use nonpool sources of milk, in order to balance his varying needs for milk while maintaining exempt status. Use of a nonpool source of supply in this type of transaction deprives the pool of a Class I sale, and producers are not compensated for the loss of sale. When a producer-handler relies on such supplemental supplies to operate his business, the underlying basis for the exemption from full regulation for producer-handlers is circumvented to an extent that affects returns to other producers adversely. If a producer-handler were to undertake to operate his processing operation in this manner, there would be substantial reason for applying the order in the same way it is applied to any other handler.

The provision that such person may obtain supplemental milk from pool sources, without losing exemption, recognizes specific marketing characteristics in the area, which warrant continuation of the practice at this time. In a decision for this market issued by the Assistant Secretary on April 28, 1961 (26 F.R. 3815), of which official notice is hereby taken, it was stated that producer-handlers are often the only convenient sources of supply for the smaller towns and rural areas. Such operators customarily have purchased their supplemental supplies from pool plant sources. While it is clear that producer-handlers utilize pool sources to balance their operations, the prevailing size and scope of producer-handler operations in the market does not necessitate changing the provision at this time. It is concluded that the language of the present producer-handler definition be clarified as proposed.

Another consideration raised at the hearing concerns the status of a producer-handler with respect to milk received at such person's plant as milk having been diverted from a pool plant.

The provisions concerning diversion are an accommodation to the market. They allow milk to be disposed of for manufacturing without the need to transport it to the market. The economic implication, in this instance, is that such milk is utilized as Class II. Producer-handlers, on the other hand, enjoy exempt status on the basis that their own production is utilized entirely in Class I. To retain that exemption such operations should have no other nonpool source of supply, or receive milk from other dairy farmers. If the milk is received at a producer-handler's plant direct from farms by diversion from pool plants, there is no distinction between this and direct receipts from dairy farmers. The exempt status held by producer-handlers distinguishes their operations from those of pool plants. The accommodation afforded the market in allowing diversions to nonpool plants is not appropriate in the case of producer-handlers.

It is concluded that the producer-handler definition should be clarified to provide that the supplemental supplies that producer-handlers receive from pool plants are obtained by transfers from such plants, and not by diversion.

(3) The producer milk definition should be amended.

Proposals were presented which would specify more clearly a handler's (including any cooperative association which is a handler) responsibility for bulk tank milk. Particularly at issue was the financial responsibility of the handler in the event milk is accidently destroyed while being transported by an independent hauler. It was contended that whether such a hauler is employed by the producers of the milk, or by the handler receiving the milk, the handler must designate the hauler as his agent for the purpose of determining weights and tests of the milk at the farm, and to accept the milk for his account.

The weight, butterfat test and quality of bulk tank milk are determined at the farm. When milk is pumped into a tank truck at the farm, the producer is no longer able to identify his milk, nor does he have any control over its ultimate disposition. From then until the milk enters a plant, the handler or cooperative association taking the milk exercises complete control over such milk.

Under these conditions, bulk tank producers should not be expected to accept financial responsibility in the event their milk is accidently destroyed before it enters a plant. Accordingly, the producer milk definition should be amended to include any bulk tank milk which is lost or destroyed enroute to a plant. Any such milk should be considered as a receipt by the handler at the pool plant where producer milk customarily is received from the same farm during the month. When bulk tank milk is lost or destroyed enroute to a pool plant, the handler accepting such milk from producers should be accountable to the marketwide pool, and for payment to the producer, for such milk.

No proposal was considered at the hearing to change the point of pricing of such bulk tank milk from an f.o.b. market basis, and no evidence exists that the problems posed would justify any other than the present basis for pricing such milk.

Another problem presented involved the time of delivery of producer milk. When milk is delivered in tank trucks, it is not always received at a plant on the same day that it is picked up at the farm. In such cases it is considered that the time of receipt by the handler is when such milk enters the plant. Bulk tank milk picked up at the farm on the last day of a month, but not received at a pool plant until the first day of the following month, is accounted for and priced under the order as a receipt during the following month. This situation misleads producers as to appropriate payment therefor, and in some cases could work temporary hardship on producers who had anticipated prompt payment for all milk produced during the month.

Consideration under the order of all milk of bulk tank producers subsequently delivered to a pool plant, or diverted within the prescribed limitations, as a receipt of producer milk on the day it is picked up at the farm, will alleviate this problem, and will make the order provisions in this respect consistent with those of the other New England orders.

(4) The allocation and zone price differential provisions of the order should be amended.

It was proposed that: (1) The order be amended to change the percentage of producer milk that may be allocated to Class II before allocation of fluid milk products received in bulk and priced under another Federal order, (2) the zone price differential provisions be changed to allow a greater amount of Class I utilization to be assigned to supply pool plants for calculating the Class I zone price differential, and (3) the zone price differential provisions be amended so that all milk moved to the market in fluid form, regardless of the use made of it, would receive the Class I zone price differential.

Proposal (1) would amend the allocation provisions to provide that for the months of July and August up to 15 percent of producer milk could continue to be allocated to Class II before the allocation of receipts of fluid milk products received in bulk and priced under another Federal order. Under the proposal, the percentage factor would be reduced from 15 to 10 during the months of September through November.

At the present time, the order provides that during the months of July through November, the lesser of 15 percent of producer receipts, or the remaining pounds of available Class II use at that point in allocation, be assigned to Class II. This provision allows up to 15 percent of producer milk to be allocated to Class II milk during each of the months of July through November before allocation to such class of supplies of bulk fluid milk products from plants regulated by another Federal milk order.

By setting aside up to 15 percent of producer receipts for Class II allocation in the manner described, the order allows handlers to buy supplemental milk during certain periods without having such purchases assigned wholly to Class II. The effect of this is to modify the customary priority of Class I allocation of producer milk at times when reserves of milk on a marketwide basis may be short in relation to fluid requirements.

At the inception of the order, the decision of the Assistant Secretary in 24 F.R. 1058, of which official notice is hereby taken, stated the propriety of providing for a limited allocation of supplemental bulk milk from other Federal orders to Class I milk. It was found that handlers who rely primarily on milk supplies from local producers, may find it necessary, because of variations in day-to-day receipts or sales, to purchase supplemental bulk milk from another Federal order market, particularly dur-

ing the period July through November. This finding recognized marketing conditions which indicated that local producer milk might not be available in sufficient quantity during those months.

The need to facilitate the procurement of supplemental supplies, during the months of potentially inadequate market reserves, has been reduced somewhat since the inception of the order. Considering the size and structure of the market, the possibility still exists, however, that supplemental bulk milk from other Federal orders may be needed by handlers to cope with emergency situations during the July through November period.

The months of shortest supply in relation to Class I sales continue to be the July through November period, but no pattern exists so that two or three consecutive months during the period can be identified conclusively as being more in need of milk than the others. It is concluded, therefore, that the percentage of producer milk that may be allocated to Class II before allocating receipts of bulk fluid milk products priced under another Federal order to such class should continue to be 15 percent for each of the months in the period July through November. The proposal to alter the percentage figure therefore is denied.

A corollary problem concerning the allocation, transfer and zone pricing provisions was raised at the hearing. It was alleged that the order should not create a situation in which milk from other Federal order markets is a more attractive purchase for this marketing area than milk from pool supply plants which are the principal sources of supply when direct-shipped milk is insufficient to meet fluid needs.

During the months of July through November, when supplemental milk is purchased from plants regulated by another Federal order it may be allocated, in the manner previously described, to Class I prior to the allocation of milk from pool supply plants. Milk shipped to city plants from pool supply plants, likewise primarily intended for Class I use, may be allocated to Class II use. When this occurs, the milk does not carry the Class I zone price differential whereas the other Federal order milk is priced on a zone basis.

To place pool milk at country plants on a substantially similar basis as other Federal order milk brought into the market as to zone pricing, it is concluded that the sequence of the allocation provisions of the order should be revised and corollary changes made in the transfer and location adjustment provisions. As modified, the zone location adjustment will be applied at a point in the allocation sequence which will allow the handler a Class I zone price differential on an increased quantity of milk shipped from pool supply plants during such five-month period. In other months the Class I zone location differential will continue to apply as currently provided in the order, limiting the application of such differential to a quantity equal to 5 percent of the handler's Class I utilization or his Class II milk volume, whichever is less.

Proposal (2), offered as a corollary proposal to proposal (1) listed above, would increase the quantity of milk on which the Class I zone price differential applies at supply plants. The objective of this proposal is accomplished through changes made in connection with proposal (1). No further revision is deemed necessary.

The remaining proposal on zone pricing would amend the zone price differential provision to provide that all milk moved to the market in fluid form, regardless of the use made of it shall receive the Class I zone price differential. Under such proposal, only nonfluid milk products moving to the market would carry the Class II zone price differential.

The proposal was supported on the basis that country plants are a necessary adjunct to the market and that the present method of assigning zone price differentials jeopardizes their continued association with the market.

The decision to associate a supply plant with any market rests primarily with the operator of the plant. The order contains standards to identify the association when it occurs. The pooling standard for supply plants does not specify the extent to which that association with the market must be reflected in Class I sales, but it is recognized that the primary function of a supply plant associated with a fluid market is to furnish supplies of milk to area plants for fluid use as needed. Administrative safeguards are necessary in the order to assure producers that the pool will not bear the cost of transporting unlimited quantities of milk to the market for Class II use. Because its effect would be to encourage unduly large quantities of fluid milk to move to the market for Class II use at the expense of all producers, it is concluded that the proposed amendment should not be adopted.

A proposal to amend the inventory reclassification provisions was included in the hearing notice. No testimony bearing directly on it was presented at the hearing to substantiate the need for changing them. Testimony concerning inventory reclassification was presented in connection with the proposals to amend the allocation and zone price differential provisions. The amendments recommended elsewhere herein will alleviate the problem to which this proposal was related.

5. The classification of dietary fluid milk products should not be changed to Class II. Nonfat dry milk or condensed skim milk, when used in fortified milk and skim milk and dietary fluid milk products, should continue to be classified as Class I milk to the extent of the actual weight of product added rather than on the basis of the "skim milk equivalent" as presently provided.

Proposals made would classify dietary fluid milk products as Class II, provide for a definition of "Liquid Dietary Food", classify nonfat dry milk or condensed milk in Class II when added to fortified milk or skim milk, and discontinue the practice of accounting for such added products on the basis of their "skim milk equivalent".

One proponent supported a Class II classification for dietary fluid milk products on the grounds that (1) they are a food product, not a fluid milk product, (2) the product competes with non-milk dietary products, the prices of which are being constantly reduced, and (3) the characteristics of the dietary product are more like those of ice cream than like "fluid milk products" as defined in the order.

At the present time, dietary fluid milk products are classified in Class I as flavored milk drinks. Similar classification prevails in the other New England Federal milk orders.

The dietary products are purported to be a food product rather than a fluid milk product. They are used in lieu of other food intake during the diet period. It is reasonable to expect some displacement not only of fluid whole milk, but also of other dairy products as well during the period of the diet.

The specialized nature of the product does not alter the fact that it is comprised principally of milk, skim milk, nonfat dry milk and cream. The principal whole milk sources for the product are under the inspection of the local health authorities involved. While the local health authorities do not specifically require inspected milk in their preparation, very little, if any, uninspected milk is available in the New England area for use in either dietary fluid milk products or fortified skim milk. It is significant that the products are marketed in fresh, fluid form, intended for consumption in this form, and that freshness is one of the marketing attributes.

Additional solids contained in both dietary fluid milk products and fortified skim milk are derived from milk. When contained in the fluid milk products cited, they are indistinguishable either in form or use from the major portion of milk solids in those products, which are derived primarily from producer milk. The products disposed of in this market are processed primarily in Connecticut pool plants and in Boston pool plants. The fresh skim milk contained in them is derived from pool milk. Proponent testified that it was unlikely that skim milk from unapproved sources would ever be used because of the quality considerations involved.

The use of nonfat dry milk or condensed skim milk in fortified fluid milk products (including dietary products) improves their palatability. This may be compared with the product palatability resulting from the presence of butterfat in other fluid milk products. The use of nonfat milk products, however, increases the protein content of the product while reducing the fat content. This substitution forms the basis for consumer acceptibility and is an integral part of these relatively new products, which are comparable in use and form to fluid milk. There is no significant basis for distinguishing between liquid dietary products, flavored milk drinks, and fortified skim milk. They are not marketed as manufactured products such as ice cream or cottage cheese. Rather, their distinguishing marketing characteristic is the fresh, fluid form in which they are intended for consumption. Processing and handling of these products are similar to, if not identical with, those of other fluid milk products.

One other consideration raised concerning dietary milk products involves the nature of their competition with similar products marketed in hermetically sealed cans. For some, the nonfat solids are derived from soya flour, in others from nonfat dry milk. Some are in fluid form, some are not. Indications are that a significant competitive distinction exists as between the fresh, fluid dietary products and the canned products. The canned products have marketing characteristics similar to evaporated milk and packaged nonfat dry milk.

It is concluded that the fresh, fluid milk products fortified with nonfat dry milk, or condensed skim milk should continue to be classified as Class I in order that producers may be properly reimbursed for milk so used in the same manner, and for substantially the same reasons, as for whole milk disposed of in fluid form.

No definition of a dietary product is needed. There is no evidence that applicable health authorities have defined such products. The dairy ingredients contained in them are the same as those cited in the fluid milk products definition and in the classification provisions.

Another proponent requested that the skim milk equivalent provision no longer be applied to nonfat milk solids when used to fortify milk or skim milk, or in preparing dietary milk products. The proposal resulted from problems posed by differing accounting techniques contained in the Connecticut and Boston Federal milk orders.

The Boston, Springfield, and Worcester orders (sometimes referred to as the three older orders) use identical accounting techniques, with no provision for converting nonfat milk solids to their "skim milk equivalent". The two more recent orders (Southeastern New England and Connecticut) use "butterfat and skim" accounting with provisions for computing the "skim milk equivalent" of nonfat dry milk. The two methods, which produce quite different results, from an accounting standpoint, in the classification of milk used in certain products, have created intermarket problems. This is particularly applicable to dietary products made from milk priced under the Boston order and disposed of in the Connecticut marketing area. Under the order for Connecticut, the application of the "skim milk equivalent" accounting technique provides for additional payments to be made to producers through the pool.

Under the present order, the skim milk equivalent provision applies to all nonfat solids in concentrated form for use both in processing reconstituted or recombined milk and in preparing fortified fluid milk products.

Fortified fluid milk products customarily result from the addition of nonfat milk solids to milk or skim milk in fluid form to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

It is essential, of course, that proper safeguards be provided in the order to assure that current receipts of producer milk will not be displaced in the regulated market by unpriced milk or milk which was not classified and priced in a comparable class under another Federal milk order. One such safeguard is the skim equivalent accounting and pricing as applied to condensed skim milk or nonfat dry milk used in producing fluid milk products.

Nonfat dry milk and condensed milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from uninspected milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of solids to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demands of consumers and thereby to maintain or even increase Class I sales. Until recently, fortified fluid milk products represented a very small proportion of total fluid milk sales. The increased emphasis on low fat diets, and the high nutritional value of nonfat solids, in relation to their weight, are the most often cited reasons for the recent and rapid increase in the demand for added nonfat solids in fluid milk products.

When the skim milk equivalent provision is applied to the fortified milk products, it inflates, significantly, the utilization and disposition of Class I milk. The added cost to handlers, with respect to nonfat dry milk used in the fortification of dietary products, approximates six cents per quart of product. This is in addition to the cost at which the handler obtained the nonfat dry milk.

The order should give proper recognition to the role played by fortified fluid milk products in the orderly marketing of producer milk in this market. The development of new fluid milk products in which producer milk may be utilized has had no evident adverse effect on the total Class I market even if in some instances they may represent for consumers a substitute for other fluid milk products with established markets. To the extent that such products add to the total demands for all fluid milk products, returns to producers are improved through the resulting higher Class I utilization.

Current receipts of producer milk are not utilized entirely for Class I purposes and any excess must be manufactured into lower-valued, storable milk products. The development of new fluid milk products, in which such excess milk may be effectively utilized, assists in the orderly disposition of producer milk. The use of nonfat solids in fortified fluid milk products represents an outlet of increasing importance in this regard. Pricing the fluid skim milk equivalent of nonfat solids at the Class I price tends to inhibit their use in such products, and thus in the long run may well have an adverse effect on producer returns.

It is concluded that the skim milk equivalent provision should not be applied to fluid milk products which have been fortified with nonfat dry milk or condensed skim milk. Such products would include dietary milk products containing fresh, fluid milk or skim milk, milk or skim milk and buttermilk from producer milk, which are fortified with nonfat milk solids.

No specific method was proposed for determining precisely the identity of producer milk utilized in a fortified milk product as compared with reconstituted milk. The order, however, authorizes the market administrator to ascertain and verify the use and classification of the milk products marketed by handlers under the order. The records compiled in the processing of dairy products are available to the market administrator for examination, study, evaluation and verification. Continued application of the skim equivalent provision in instances of reconstitution or recombining is justified. The integrity of the regulation can be safeguarded, in this manner, from the adverse effects of an unreported or misrepresented utilization.

Likewise, if a handler has nonfat dry milk in inventory, and fails to account in Class II utilization for some portion of it which disappears from inventory, some method must be provided in the order to account for the subsequent disposition of the entire product. In such instances, it is appropriate for the fluid skim equivalent of the nonfat milk or condensed skim milk, as contrasted with their actual weight, to be accounted for by the handler. No suggestion was made at the hearing that this practice, now in effect, be altered.

There was no proposal to alter the accounting or classification of so-called concentrated milk. It is marketed with the intent that the water removed in the processing may be added by the consumer. The principal handler witness testified that the skim equivalent technique applied to concentrated milk is appropriate.

A subordinate problem raised at the hearing concerned the need to devise, administratively, weight conversion factors for the products under consideration that more nearly represent their weights for given volumes, and that will produce reasonable uniformity of treatment under the various New England orders. It is concluded that the development of appropriate conversion factors for these products properly may be

handled as a responsibility of the market administrator. Due regard should be given, in this connection, to the objective of reasonable uniformity with other markets in the application of such factors. Thus, no action in this respect is taken herein.

(6) The recommended decision denied proposals to amend the seasonality pattern of the Class II milk price for Order 1. Proponent took strong exception to such denial on the basis that it is not appropriate to defer action in the matter pending disposition of the proceeding heard June 19–August 2, 1961 at New York City. The purpose of that hearing was to receive evidence with respect to all matters pertaining to surplus milk pricing in ten Northeastern milk orders, including Connecticut (26 F.R. 5075). Official notice is here taken of such joint hearing.

Inasmuch as the exceptor is one of the largest handlers of Class II milk in the market and is prepared to market milk at the Class II prices adjusted seasonally herein, it is appropriate that the recommendation to defer action on Class II milk pricing be reconsidered in the light of the vigorous exception taken.

Proponent seeks to obtain a more desirable seasonal pattern of blend prices to producers. This would be accomplished under its proposal by increasing the Class II milk price during the months of June through October and decreasing it during the months of November through May.

By increasing Class II milk prices from June through October, handlers will have less price incentive to use Class II milk during those months. As demand on the pool supply for Class II milk is diminished, more milk will become available for Class I disposition.

During the months of June through October, and particularly in July and August, milk is used primarily in higher-valued Class II milk products such as bottled fluid cream, ice cream, thinning cream and cottage cheese. During these months, the market can sustain a higher value for Class II milk. At the same time, during the months of November through May, when Class II milk is more plentiful relative to sales, a lower value will facilitate its disposition, particularly by the major cooperative association in the market.

It should be emphasized, however, that proponent has acknowledged that inter-market relationships of surplus milk prices in the Northeast are a most important consideration.

Consequently, conclusions reached as a result of the joint hearing previously cited may bear significantly on what is ultimately appropriate for Order 119 insofar as Class II milk pricing is concerned since such subsequent hearing necessarily considered the level of the Connecticut Class II price and its relationship, seasonal and otherwise, to surplus milk prices in all other Northeastern orders. Thus, to the extent that the conclusion contained herein may be in conflict with the evidence adduced at the later hearing, such conclusion necessarily is subordinate to decisions reached on the evidence of the later hearing.

The seasonal Class II milk price adjustments contained herein will result in the same weighted annual average Class II milk price as is presently provided for in the order.

It is concluded that the Class II milk price should be adjusted seasonally.

7. The pool plant definition should be amended. Proposed amendments would establish (a) automatic pooling status under the Connecticut order in the months of flush production for any plant that (i) qualifies for pooling during at least three of the five months of July through November under the Connecticut order, and (ii) qualifies as a pool plant under the New York-New Jersey order for the balance of such period, (b) automatic pool status in all months for any plant pooled since the inception of the order and with 95 percent of its receipts of milk from farms located in the nearby farm location differential area, and (c) a "unit" or system basis for qualifying plants for pooling.

The shorter pool plant qualifying period for Connecticut, in lieu of the presently designated five-month period, was supported on the basis that the order should provide greater certainty that supply plants presently associated with the market can continue that association and thus remain eligible for pooling. It was contended that a similarity exists between proposal (a) above and the pool qualification provisions for all the New England orders contained in a final decision issued in August, 1960 (25 F.R. 7819). The subsequent amendments, of which official notice is taken, provided among other things, automatic pooling under any New England order during December through June for plants previously qualified during July–November. Thus, the amendment provided more uniform shipping requirements in the New England orders, greater flexibility for plants to meet the needs of the several markets with interchangeable supplies, and the assurance of pooling status under a particular New England order during the flush production period for any plant that met the delivery requirements for pool status under such order, but was actually pooled under one of the other orders, in each of the short production (pool qualifying) months.

The pool plant provisions contained in the order, and in other New England orders, are based on "flexible" plant shipping requirements, which allow plants to shift among those markets under certain conditions. They retain, however, the concept that pool plant status should be based on the delivery performance of a plant in relation to the market in which pooling is effected.

The proposal for this hearing was aimed, however, at establishing a continuing association with the Connecticut market for certain pool supply plants. The proposal would reduce the number of months during which a supply plant must qualify as a pool plant under Order No. 119, in order to achieve automatic pool plant status under it for the months of December through June. Although delivery to the New York-New Jersey market would be counted, under the proposal, as qualifying performance for pooling in Connecticut, it did not provide reciprocity features of pooling between Order No. 27 and No. 119. In fact, proponent testified that it would be inappropriate to amend the New York-New Jersey order because supply conditions in that area allegedly do not warrant changes to accommodate differences in pool plant standards between the markets. Thus, the comparison made in proponent's testimony between the proposal and the pooling standards of the New England orders does not support the adoption of the suggested revision.

It is concluded that the proposal should not be adopted since it would reduce the pool supply plant shipping requirements of the Connecticut order, without a showing that a lesser delivery performance requirement for the Connecticut market is appropriate under current supply conditions.

Another amendment proposed would extend automatic pool status to a plant operated by any cooperative association which qualified continuously as a pool plant from the inception of the order, if 95 percent of its producer milk receipts are from farms located in the nearby farm location differential area. It was supported on the basis that the particular plants to be pooled serve as balancing plants for handlers regulated by the order, and should be afforded permanent pool status for having performed that function.

There are at least two cooperatives in the market operating supply type pool plants. Milk is received at these plants either as reserve milk for manufacturing, for sale to proprietary plants for Class I use as needed, or for other disposition.

The purpose of the pooling provisions is to make distinctions between types of plants and their relation to a particular market. The standards contained in the order determine which plants and what milk constitute the regular and normal supplies for the Connecticut market. These provisions distinguish between plants not meeting a reasonable standard of regular and customary service to the market, and those which should become fully regulated. In effectuating such standards, it is important that they apply uniformly to plants wherever located. The proposal to establish automatic pooling qualifications is not in accord with the pooling concept applicable in the Connecticut and other New England markets. There was no contention that the pooling standards contained in the order are not performing this proper function or that they are unreasonable. It is concluded that automatic pooling of certain plants should not be adopted.

A third amendment proposed by a cooperative association would pool as a "unit" two or more plants operated by the same handler if combined shipments from such plants meet the percentage requirements now contained in the order. Proponent supported the unit system of pooling for the stated purpose of promoting marketing efficiency at its two pool plants by keeping transportation and hauling costs at a minimum.

The proposal is intended to maintain pool status for specified plants by obviating the need to move milk to the market from each of such plants in order to meet the pooling provisions in force. Support for the proposal was presented by proponent primarily in terms of internal efficiency. It would reduce the hauling necessary to pool plants individually. Pooling the plants would be accomplished by treating them as a unit for determining their delivery performance.

Proponent's two plants have been operated as supply plants for the market continuously since the inception of the order. Although the market as a whole does not have a history of strong reliance on supply plant milk, nevertheless there has been continuing need for such supplies in certain months, and at least four such plants have been, and are, qualified for pooling. At the proponent's supply plants, milk has been received from producers and supplied from there with regularity to city plants.

Supply plants should continue to be qualified on the basis of performance in shipping milk to city distributing plants as the best means of establishing an association with the market. At the same time, the achievement of the economies previously described should be permitted. To attain this objective, the order should provide that two supply plants of a handler may be pooled on the basis of shipments from either or both plants provided that, in combination, the shipments are not less than the aggregate of amounts necessary to qualify the plants separately.

Qualifying supply plants on such a "system" basis will not change the quantity of milk or number of plants which can qualify for pooling. Under the present order, any handler or group of handlers can restrict, to a certain extent, shipments from one plant as needed to ease the qualification of a second supply plant.

The principle of combining plants for maintaining pool qualification should cover only plants from which a particular handler is responsible for marketing milk. While such system method of qualifying country plants will provide for economic handling of present supplies of milk, it should not have the effect of encouraging handlers to add to the pool milk which will be used mainly for manufacturing purposes. There was no showing in the record that a system basis of pooling a wider application is necessary to insure adequate milk supplies.

It should be emphasized that the handling economies intended to be obtained by unit pooling relate specifically to plant performance in the Connecticut market. A plant that is included in a unit system, and does not individually meet the pool plant performance requirements of the order, may not at the same time qualify for regulation under another Federal order and remain part of a unit system in this market.

In the event that the system does not meet the delivery performance standard required, the individual plants may regain pool plant status on the basis of shipments as presently provided in the order. They shall not, however, regain pool status as part of a system until the next following August through November period.

It is concluded that a system basis of pooling for two-plant combinations will facilitate orderly marketing and should be adopted.

(8) The reports section of the order should not be amended with respect to reports concerning dumped milk.

A handler proposed that the order provisions be amended to permit handlers to maintain only those monthly summary records with respect to skim milk and certain other fluid items dumped, which would indicate the quantities of skim milk and butterfat contained in such milk and claimed for Class II classification. The significant question raised by the proposal is whether the current order provisions are creating an unjustifiable hardship on handlers submitting the reports required.

Ordinarily dumped milk is that minor portion of a handler's receipts which he cannot process with his own facilities, is not sufficient in volume to be transported economically to another location for processing and therefore is disposed of by dumping Current order provisions require a report to the market administrator within 48 hours after certain fluid milk products are dumped, if Class II utilization is claimed, and the market administrator or his representative has not witnessed the dumping. This is in addition to advance notice, if requested by the market administrator, of any such disposition contemplated. The proponent handler contended that such reporting requirement is an unnecessary burden that does not necessarily contribute to an accurate accounting of the items disposed of in this manner.

The requirement that the market administrator be advised in advance, when dumping is contemplated, is one of the necessary provisions. If the dumping cannot, for some reason, be actually witnessed by the market administrator or his agent, a report is required within 48 hours following each dumping. This procedure assists in preventing manipulation of reports at the end of an accounting period when a handler could, if he chose to do so, estimate excess shrink otherwise allocable to Class I and claim some or all of it as dumped milk in Class II.

Proponent testified that dumped milk originates primarily as the result of route returns. For the most part, these amounts are quite small in his operations. In many instances, the butterfat is recovered, or the products re-used. Dumping is limited to instances when this is not possible. The amounts involved in the dumping operations have been so minor that the handler's allowable shrinkage in Class II has been sufficient in most months to absorb the necessary dumpage, thus assuring a Class II classification.

Proponent testified that the handler must submit a report within 48 hours of all dumping. This is an incorrect view. The report is prescribed if the handler wishes to assure himself of Class II utilization pursuant to § 1019.21(b)(3).

The proposal was supported only by the proponent handler. No additional supporting testimony was given by other handlers although during the past year as many as 55 regulated handlers in the market filed dumpage reports.

It is concluded that the reporting provisions do not create an unjustifiable burden on handlers, and should not be amended.

(9) The 23-cent nearby farm location differential area should be extended to include that portion of Berkshire County, Massachusetts north of the Massachusetts Turnpike.

The present provisions of the order provide for the deduction from the pool of sufficient funds to return to producers in specified nearby areas 46 and 23 cents, respectively, in excess of the basic uniform price. The present 46-cent nearby location differential area includes the States of Connecticut and Rhode Island, that portion of New York State lying east of the Hudson River and south of the Berkshire Section of the New York State Thruway, and that portion of Massachusetts (including part of Berkshire County) lying south of the Massachusetts Turnpike. The present 23-cent nearby location differential area includes that portion of New York State east of the Hudson River, north of the Berkshire Section of the New York Thruway and south of the northern boundaries of North Greenbush, Sand Lake and Stephentown Townships in Rensselaer County, New York.

The proposal to include the northern portion of Berkshire County, Massachusetts, in the 23-cent differential area was supported by certain milk producers whose farms are located in such area. These producers were not supplying the Connecticut market at the time of the hearing on which the present nearby farm location differentials areas were defined. Therefore, the northern portion of Berkshire County was not given consideration for inclusion in the nearby farm location differential area at that time.

The portion of Berkshire County not now included in the nearby farm location differential area is contiguous to that portion of Rensselaer County, New York, where producers currently receive a nearby location differential. Berkshire County producers for the Connecticut market are generally located closer to the market than other producers located in Rensselaer County. Milk from producers' farms in the northern part of Berkshire County is delivered to a city plant at Hartford, Connecticut in tank trucks that first pick up milk from farms in the 23-cent differential area in Rensselaer County.

The only testimony presented in opposition to this proposal contended that such an extension of the nearby farm location differential area would disrupt the normal supplies associated with local, unregulated fluid markets in Berkshire County. These markets also provide outlets for farms located in the area herein proposed for the Connecticut nearby farm location differential.

The hearing evidence does not substantiate this contention, however. The weighted average (blended) price for milk of 3.7 percent butterfat to dairy

farmers located in Berkshire County and supplying local fluid outlets was $6.12 per hundredweight for the 24-month period ending March 1961. The uniform prices payable to Connecticut producers in the 23-cent nearby farm location differential for this same period averaged $5.59 per hundredweight (including the 23-cent nearby differential) for milk of 3.7 percent butterfat content.

Extension of the 23-cent nearby farm location differential to milk received from producers in that portion of Berkshire County north of the Massachusetts Turnpike will reduce somewhat the differences existing in Berkshire County between Connecticut order blended prices and blended prices to dairy farmers supplying the local unregulated fluid markets, thus aiding in the maintenance of orderly marketing conditions. This change should not interfere, however, with the ability of local markets to obtain needed supplies since Connecticut market prices in this area will still be somwhat below local market prices as established by State regulation.

(10) A clarifying change should be made in the transfer provisions to make them conform more closely with related provisions in the accounting and allocation sections of the order. The transfer provisions establish rules to determine the classification of fluid milk products transferred in bulk between pool plants. Such transfers are currently classified as Class I unless a Class II classification is requested jointly by the plants involved in the transfer. It can develop, however, that such classification may be impeded as a result of first allocating exempt milk, receipts of packaged milk from other Federal orders and other source milk. The order should provide that Class II classification shall not exceed the remaining use in such class available at the transferee plant after the allocation of bulk milk from other Federal orders.

Several other changes should be made in the order concerning word substitutions and punctuation as indicated in the hearing notice.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Connecticut Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Connecticut Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Connecticut marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1961 is hereby determined to be the representative period for the conduct of such referendum.

Mr. D. O. Hammerberg is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on December 15, 1961.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Connecticut Marketing Area

§ 1019.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Delete § 1019.2(e) and substitute the following:

(e) "Producer" means any dairy farmer (except a producer-handler under any Federal order, a dairy farmer with respect to exempt milk delivered, or a dairy farmer who is a producer under another Federal order) who produces milk which is received during the month at a pool plant, or is diverted by a pool handler from a pool plant to a nonpool plant in accordance with subparagraph (1), (2), or (3) of this paragraph, if such pool handler, in filing the report required pursuant to § 1019.30, reports such milk as received from a producer at such pool plant: *Provided,* That any dairy farmer whose milk is diverted during any month of July through March, inclusive, on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(1) To a nonpool plant (except a plant of a producer-handler) during any month of July through September on not more than 10 days (5 days in the case of every-other-day delivery) during such month: *Provided,* That the dairy farmer producing such milk delivered milk to a pool plant earlier in such month, or held producer status during the immediately preceding month.

(2) To a nonpool plant (except a plant of a producer-handler) during any month of October through March on not more than 12 days (6 in the case of every-other-day delivery) during such month: *Provided,* That the dairy farmer producing such milk delivered milk to a pool plant earlier in such month, or held producer status during the immediately preceding month.

(3) To a nonpool plant (except a plant of a producer-handler) during any month of April through June if the dairy farmer producing such milk held producer status throughout the two months immediately preceding such month and delivered all his pool milk to a pool plant(s) in the same zone location as the plant from which diversion is claimed: *Provided,* That this requirement, or the requirements set forth in the provisos of subparagraphs (1) and (2) of this paragraph, shall not be applicable in the case of a dairy farmer whose milk is moved from the farm in a tank truck in which it is commingled with milk from other producers, the majority of which meet such requirement.

2. Delete the periods at the end of § 1019.2 (g) and (h), insert commas, and add the following to each such paragraph; "or with respect to the milk of any producer lost or destroyed by such association under the conditions set forth in 1019.4(f)".

3. In § 1019.2(i) insert the word "transferred" after the word "products" where it appears for the second time before the first proviso.

4. Add prior to the second proviso in § 1019.2(i), the following: *"Provided further,* That any fluid milk product which such person, his agent, partner or other associate acquired or purchased from a nonpool source, which was not physically received at his plant, and which such person distributed to or caused to be delivered at retail or wholesale outlets, including vending machines, in any Federal milk order marketing area, shall be included in such person's nonpool source of supply of milk products:"

5. Add a new § 1019.3(c)(2)(v) as follows:

(v) Any two receiving plants each of which meets the pooling requirements of this subparagraph for at least one of the months of July through November, and which are operated by the same handler, or for which one handler is responsible for the movement of milk to pool plants described in subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant other than a pool plant, may, during the remaining months of August through November, be considered as a unit for the single purpose of having shipments therefrom to plants described in such subparagraph (1), of this paragraph, to a producer-handler or to a regulated plant other than a pool plant combined for determining pool plant status pursuant to this subparagraph: *Provided,* That the operator of such plants submits written notice to the market administrator on or before the 15th day of the month for which such status is first intended to apply specifying the plants to be considered as a unit and the period during which such consideration should apply. A receiving plant that is a pool plant as part of a unit pursuant to this subparagraph may be a nonpool plant if the operator of such plant submits a written request to the market administrator to withdraw such plant from pool plant status, and shall be a nonpool plant if fully regulated under another Federal order pursuant to § 1019.47. Such request shall be submitted on or before the 15th day of the month to which such nonpool status is to apply. Such nonpool status shall be effective until the receiving plant requalifies as a pool plant on the basis of shipments as provided in this section. Such plant shall not be included in a unit prior to the next following August: *And provided also,* That if such combined shipments of the unit are less than would be required to qualify each of the plants separately under this subparagraph, the individual plants may regain pool plant status on the basis of shipments as provided in this section, but shall not be included in a unit prior to the next following August.

6. Delete § 1019.4(e) and substitute:

(e) "Fluid milk product" means milk, skim milk, flavored milk or flavored skim milk (including that marketed as a liquid dietary weight control product), cultured skim milk, buttermilk, concentrated milk in fluid form, and any mixture in fluid form of milk, skim milk and cream containing less than 12 percent of butterfat (except eggnog, yogurt, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skim milk (plain or sweetened), and sterilized products in hermetically sealed containers).

7. Delete 1019.4(f) and substitute therefor the following:

(f) "Producer milk" means only that skim milk and butterfat contained in milk which during the month was (1) received at a pool plant directly from producers, or (2) diverted from a pool plant in accordance with the conditions set forth in § 1019.2(e): *Provided,* That milk which is moved from the farm in a tank truck and which is subsequently received at a pool plant or diverted in accordance with the conditions set forth in § 1019.2(e) shall be considered as having been received as of the date the milk was taken into the truck: *And provided further,* That in instances where it can be established, to the satisfaction of the market administrator, that milk was transferred by a handler (including a cooperative association) or his agent from the producer's farm tank into a tank truck during the month, and such milk was not delivered to any plant because of loss or destruction by accident or faulty equipment enroute to the plant, such milk shall be accounted for (i) as a receipt of producer milk at the pool plant of the handler where milk from the same farm was received as producer milk during the month whenever the milk was transferred from the producer's farm tank by that handler or his agent, or (ii) as a receipt of producer milk by the cooperative association of producers (at the same plant zone location as the pool plant at which milk from the same farm was received as producer milk during the month) whenever the milk was transferred from the producer's farm tank by the cooperative association of producers.

8. Delete § 1019.4(h)(1) and substitute the following:

(1) receipts (including any Class II milk product produced in the handler's plant during a prior month), in a form other than fluid milk products, which are reprocessed, converted or combined into another product during the month, including any disappearances of nonfat milk products not otherwise accounted for, and

9. Delete § 1019.22(a)(2) and substitute the following:

(2) As Class I milk if transferred in bulk from a pool plant to another pool plant and a Class II use is not indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided,* That the skim milk or butterfat classified in either class shall not exceed the remainder of use in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1019.24(b)(8), and the comparable steps in § 1019.24(c): *And provided also,* That in the case of transfers from a plant subject to a zone price differential, the quantity classified as Class II milk shall be the quantity on which the Class II zone price differential is applicable pursuant to § 1019.42(b).

10. Delete the proviso in § 1019.24(a) and substitute the following: *"Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed

from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that for dietary weight control products and milk, skim milk and buttermilk fortified, the actual weight of any such products shall be included in computing the total product weight; and"

11. Delete § 1019.24(b) (1) through (15) and substitute the following:

(1) Subtract from the pounds of skim milk in Class I milk, the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk received during the month in packaged fluid milk products from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk shrinkage allocated pursuant to § 1019.21(b)(5).

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(5) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in other source milk in the form of fluid milk products received during the month from other than fully regulated plants under the provisions of another Federal order.

(6) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(7) During the months of July through November, subtract from the remaining pounds of skim milk in Class II milk, a quantity equal to such remainder or 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(8) Subtract from the remaining pounds of skim milk in Class II milk, a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(9) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class.

(10) Add to the pounds of skim milk remaining in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (7) of this paragraph.

(11) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(12) Add to the remaining pounds of skim milk in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(13) Subtract from the remaining pounds of skim milk in each class beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (8) of this paragraph.

(14) Add to the pounds of skim milk in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph.

(15) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in the producer milk of such handler, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in sequence beginning with Class II milk.

12. Amend § 1019.33(a) by adding a comma between the words "receipts" and "movements."

13. Delete § 1019.42(b) and insert the following:

(b) The zone price differentials for each plant shall be those applicable to its zone location as shown in the table at the end of this paragraph. For the purpose of applying such zone price differentials, transfers of fluid milk products in bulk between pool plants shall be first assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1019.24(b)(8), and the comparable step in (c): *Provided*, That where the transferee plant is not subject to a zone price differential such remaining Class II milk shall be reduced, during each of the months of December through June, by an amount equal to five percent of Class I utilization at such plant or remaining Class II use, whichever is less, and any amount so subtracted shall be assigned to available direct receipts of producer milk at such transferee-plant and then to transferor plants in sequence beginning with the plants nearest to Hartford. The assignment of remaining Class II milk to transferor-plants shall be made in sequence according to the zone price differential applicable at each plant beginning with the plant most distant from Hartford.

14. Delete the references to §§ 1019.24 (b)(9) and (b)(11) in § 1019.50(d), and substitute the following, respectively: "§ 1019.24(b)(11)" and "§ 1019.24(b)(13)".

15. Amend § 1019.51(a) by deleting the word "were" and substituting "was".

16. Delete § 1019.63(b) and substitute:

(b) In making payments to producers for milk received from a farm located outside the area described in paragraph (a) of this section, but within that portion of New York State east of the Hudson River and south of the northern boundaries of North Greenbush, Sand Lake and Stephentown townships in Rensselaer County, and that portion of Berkshire County, Massachusetts north of the Massachusetts Turnpike, there shall be added 23 cents per hundredweight.

17. In § 1019.3(c)(2) change the words "subdivision (i) through (iv)" to "subdivision (i) through (v)".

18. In § 1019.46(c) change the numeral "(11)" to "(13)".

19. In the preamble of § 1019.30(a) insert the following immediately after the reference to "§ 1019.2(e)": "or lost or destroyed pursuant to § 1019.4(f),"

20. To § 1019.30(a)(1) add the following:

(vi) The quantity of milk that was lost or destroyed under conditions set forth in § 1019.4(f).

21. In § 1019.40(b)(3) delete the table and substitute the following:

Month:	*Amount*
January and February	$0.701
March and April	.751
May and June	.7785
July	.526
August and September	.591
October, November, and December	.626

22. In § 1019.40(c)(2) delete the table and substitute the following:

Month:	*Amount*
January	+$0.094
February	+.094
March	−.006
April	−.056
May	−.081
June	−.006
July	+.344
August	+.344
September	+.244
October	+.219
November	+.219
December	+.194

[F.R. Doc. 61–12049; Filed, Dec. 19, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 586) has been filed by the American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the issuance of a regulation to establish a tolerance of 50 parts per million (0.005 percent) for residues of malathion in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to bagged citrus pulp during storage.

Dated: December 14, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61–12035; Filed, Dec. 19, 1961; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 376]

[Docket No. 13279]

HELICOPTER OPERATORS UNDER EXEMPTION AUTHORIZATIONS

Proposed Amendment of Flight Pattern Rules

DECEMBER 14, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed regulation which would amend Part 376 of the Board's Special Regulations (14 CFR Part 376) so as to expedite the procedures incident to the amendment of flight patterns of helicopter operators under exemption authorizations.

The principal features of the proposed regulation are explained below in the Explanatory Statement and the proposed regulation is set forth below in the rule. This regulation is proposed under authority of sections 204(a), 405, 416, 1001, and 1005 of the Federal Aviation Act of 1958 (72 Stat. 743, 771, 788, 794; 49 U.S.C. 1324, 1386, 1481, 1485).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before January 18, 1962, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 376 of the regulations currently provides, in pertinent part, that a certificated helicopter operator wishing to amend its flight pattern relative to operations conducted under exemption authority must file an appropriate application with the Board; that, if such application contemplates suspension of property and mail services, endorsement of the Post Office Department is necessary; that if such application contemplates suspension of passenger services, notice and a copy of the amended flight pattern must be served on the local governments where service is to be suspended; that such civic interests may file statements of positions with the Board; and that operations under a proposed amended flight pattern with reference to passenger service shall be conducted only after express approval by the Board.

This part has been effective for approximately a year.[1] In the light of experience the Board has concluded that it should be amended in certain respects to expedite proceedings and to lighten the burden which it casts upon the Board and upon the helicopter operators.

Section 376.4 now requires that an application for flight pattern amendments shall be filed not later than 45 days prior to the desired effective date, and allows civic interests to file statements of position within 20 days of service upon them of the application. The Board proposes to reduce the 45-day period to 20 days and the 20-day period to 10 days. Further, in the absence of inhibiting action by the Board during the 20-day period, proposed flight pattern amendments would be permitted to become operative on the effective date proposed in the application, whether or not they include the carriage of passengers. These reduced periods appear to be long enough to enable affected persons to comment to the Board and to enable the Board to take such action as it might believe necessary with respect thereto. The elimination of the requirement of express Board approval in the case of passenger carriage would not affect the Board's function hereunder.

Section 376.5(e) now requires that if property and mail service is involved, the endorsement of the Post Office Department shall be affixed to each copy of the schedules filed with an application for flight pattern amendments. This procedure has proved cumbersome, and in the opinion of the Board, a priori approval by the Post Office Department is unnecessary. The same result can be attained by providing for notice to the Post Office Department, as in the case of local governments, with the same opportunity for the filing of a statement of position. The proposed regulation would modify §§ 376.4 and 376.5 to that effect.

§ 376.4 [Amendment]

1. Amend § 376.4 as follows:

(a) Amend the first sentence to read: "Applications for flight pattern amendments shall be filed with the Docket Section of the Board not later than 20 days prior to the desired effective date."

(b) Interpolate a new third sentence to read: "If the flight patterns involve property and mail carriage, such service shall also be made upon the Postmaster General, marked for the attention of the Second Assistant Postmaster General."

(c) Change the words "within 20 days" in the third sentence (which will become the fourth sentence by this amendment) to read "within 10 days."

(d) Delete the last sentence.

§ 376.5 [Amendment]

2. Amend § 376.5(e) by the deletion of the sentence in parentheses following the first sentence.

3. Revise § 376.10 to read as follows:

§ 376.10 Operations pursuant to proposed amended flight patterns.

Except as provided in § 376.11, a certificated helicopter carrier may conduct operations pursuant to an amended flight pattern filed with the Board in accordance with the provisions of this Part on and after the effective date thereof unless and until such proposed flight pattern is suspended, modified or disapproved by the Board. When a proposed amended flight pattern becomes effective without Board action, the docket relating thereto shall be deemed closed.

4. Revise § 376.12 to read as follows:

§ 376.12 Board authority over flight patterns.

The Board may in its discretion and without hearing:

(a) Approve, disapprove, suspend or modify in whole or in part any flight pattern or amendment thereof filed with the Board. In those cases where all persons entitled to notice file waivers and recommendations pursuant to the proviso to § 376.4, the Board may act without regard to any time limitations provided in § 376.4; and

(b) Withdraw in whole or in part, or modify previous approval of any flight pattern. *Provided, however*, That no current flight pattern with respect to the carriage of passengers will be withdrawn or modified on the Board's own initiative until the carrier and the persons named in § 376.4 have been notified of the proposal and have been allowed 10 days within which to file with the Board and serve upon the carrier statements of their positions concerning such proposed action.

[F.R. Doc. 61–12038; Filed, Dec. 19, 1961; 8:48 a.m.]

[1] Part 376 was adopted on October 17, 1960, and became effective on December 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14448 (RM–284); FCC 61–1480]

RADIO BROADCAST SERVICES

Proposed Table of Assignments, Television Broadcast Stations, Fort Lauderdale and Miami, Florida

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration a petition, filed October 2, 1961, by The Board of Public Instruction of Dade County, Florida, requesting rule making on a proposal to shift Channel 17 from Fort Lauderdale to Miami and to reserve the channel for noncommercial educational use at Miami. The proposal would amend the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Fort Lauderdale, Fla.	17−, 39	39
Miami, Fla.	*2, 4, 6, 7−, 10+, 23−, 33	*2, 4, 6, 7−, 10+, *17−, 23−, 33

3. Petitioner holds a construction permit for Station WSEC–TV on Channel 17 at Fort Lauderdale.[1] Petitioner is also

[1] Station WITV formerly operated on Channel 17 at Fort Lauderdale but ceased operation in May of 1958. The application of Gerico Investment Co., for renewal of license for Station WITV and the conflicting appli-

the licensee of Station WTHS–TV, an educational station which operates on the Channel 2 educational reservation at Miami.

4. Petitioner states that its Miami educational station cannot alone fully satisfy the educational television needs of the Miami area for both in-school and general community programming and that it plans to establish an educational station on Channel 17 to alleviate this problem. It urges that the channel shift proposed would enable it to use Station WTHS–TV's main studio in Miami as the main studio for a Channel 17 station and would place it in a better position to offer adequate in-school and general community educational programming to Miami, Fort Lauderdale and surrounding areas.

5. Both the proposed transmitter site and main studio of petitioner's authorized Fort Lauderdale Channel 17 operation are located in the Miami antenna farm at the transmitter site of its Miami Channel 2 station. No change in transmitter site is proposed. Petitioner would, however, maintain only an auxiliary studio at the transmitter site.

6. The Commission is of the view that a rule making proceeding should be instituted in order that all interested parties may submit their views and relevant data on the proposal of The Board of Public Instruction of Dade County, Florida.

7. If the Commission decides to adopt the rule amendments proposed herein, we will take such further action as may be appropriate with respect to the petitioner's outstanding authorization for Channel 17 at Fort Lauderdale.

8. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to the applicable procedures set out in Section 1.213 of the Commission's rules, interested persons may file comments on or before January 19, 1962, and reply comments on or before February 2, 1962. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: December 13, 1961.

Released: December 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–12043; Filed, Dec. 19, 1961; 8:48 a.m.]

cation of the subject petitioner for a new station on Channel 17 were considered in an adjudicatory hearing held in Dockets 14121–14122. By decision, adopted September 18, 1961, the Commission denied the application of Gerico for renewal of license, for failure to prosecute, and granted the application of The Board of Public Instruction of Dade County for Channel 17.

[47 CFR Part 3]

[Docket No. 14447 (RM–221); FCC 61–1478]

STANDARD BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

The proposal. 2. The Commission has before it the petition of the Association of Federal Communications Consulting Engineers (hereinafter referred to as the Association) filed December 22, 1960, which requests the institution of rule making looking toward amendment of § 3.188(d) of the rules and regulations of the Commission to increase from 500 to 1,000 watts the operating power permitted to be used by standard broadcast stations employing roof-top antennas.

3. Section 3.188(d) presently reads in full as follows:

(d) Particular attention must be given to avoiding cross-modulation. In this connection, attention is invited to the fact that it has been found very unsatisfactory to locate broadcast stations so that high signal intensities occur in areas with overhead electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. These areas are usually found in the older or poorer sections of a city. These conditions give rise to cross-modulation interference due to the nonlinear conductivity characteristics of contacts between wiring, plumbing, or other conductors. This type of interference is independent of the selectivity characteristics of the receiver and normally can be eliminated only by correction of the condition causing the interference. Cross-modulation tends to increase with frequency and in some areas it has been found impossible to eliminate all sources of cross-modulation, resulting in an unsatisfactory condition for both licensee and listeners. The Commission will not authorize, (1) new stations, (2) increased facilities to existing stations, or (3) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas, when the operating power would be in excess of 500 watts.

Reasons supporting the proposal. 4. In support of the petition the Association states that it is a non-profit professional society consisting of members specializing in the practice of professional radio engineering before the Federal Communications Commission. It is indicated that at meetings of the Association the matter of increased power for stations using roof-top antennas was discussed and that it was the unanimous opinion of the members present that increase to 1,000 watts would not result in significant cross-modulation problems.

5. In addition, the Association states that a questionnaire was mailed to its membership asking that members submit information and experience concerning external cross-modulation, and that replies thereto were received from numerous members, all of whom stated that no serious cross-modulation problems had been experienced as the result of stations employing roof-top antennas. Copies of typical replies accompanied the petition. Some of these replies stated that the respondents had no definite experiences with cross-modulation problems in connection with roof-top antennas. Others set forth experiences encountered in connection with cross-modulation problems with roof-top antennas which indicated that such antennas had not created cross-modulation problems. Some also expressed the opinion that increasing the permitted power from 500 to 1,000 watts would have no noticeable effect with regard to cross-modulation problems.

History of the rule which it is proposed to revise. 6. Present § 3.188(d) derives from a portion of Section 4 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (hereinafter referred to as the Standards). This portion of the Standards (as of approximately 7 years ago) was identical in wording with the present § 3.188(d) with one exception, namely: The last sentence of the portion of the Standards referred to read as follows: "Broadcast station transmitters will not be permitted to be located in these areas even though the population is within the requirements of Table A, unless the licensee assumes full responsibility for and it appears it can adjust all complaints satisfactorily." [1]

In contrast with this, the last sentence of present § 3.188(d) reads: "The Commission will not authorize, (1) new stations, (2) increased facilities to existing stations, or (3) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas, when the operating power would be in excess of 500 watts."

7. By Report and Order adopted December 2, 1953 (FCC 53–1595), the sentence from the Standards quoted in paragraph 6 above was deleted and replaced by a sentence identical with the last sentence of present § 3.188(d). The pertinent portion of the Standards thus amended ultimately became the present § 3.188(d).[2]

8. In our notice of proposed rule making (FCC 53–876) adopted on July 15, 1953, that culminated in the above-mentioned Report and Order (FCC 53–1595), we stated in paragraph 10 that "The Standards discourage locating broadcast stations so that high signal intensities occur in areas with overhead electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. It is pointed out in the Standards that these conditions result in cross modulation interference. The Standards presently provide that broadcast station transmitters will not be permitted to be located in these areas unless the licensee assumes full responsibility for adjusting complaints and it appears it can adjust all complaints satisfactorily. In the light of our experience we have concluded that the foregoing criterion is inadequate to limit the location of broadcast station transmitters so as to prevent cross modulation interference. • • • Accordingly, we propose to amend the Standards to state that future authorizations will not be made to stations of more than 500 watts operating power which propose to use roof-top antennas or which are to be located in areas conductive to cross modulation."

Experience of the FCC under the present rule. 9. The criterion of 500 watts has proved to be a satisfactory one for controlling the cross-modulation problem. But other considerations also pertain: Since July 7, 1958, the effective date of the Report and Order in Docket No. 12064 (FCC 58–513) which amended Part 3 of the rules to authorize daytime power of 1 kilowatt for Class IV stations, numerous waivers of § 3.188(d) have been granted for Class IV stations with roof-top antennas permitting them to increase power to 1 kilowatt. Such waivers have not been granted unless a record of no cross-modulation problems existed for the station at the lower power. Under this policy of granting waivers, the Commission is not cognizant of any substantial increase in cross-modulation problems caused by increases in power.

Experience of FCC leads to proposed rule making differing from that suggested by petitioner. 10. The experience of the Commission with regard to waivers of the rule as indicated in paragraph 9 above leads us to the conclusion that an increase in power from 500 to 1,000 watts for roof-top antennas might be desirable in appropriate cases in view of the increased service resulting therefrom. However, we still find the reasoning which led to the original establishing of the 500 watt limit (quoted partially above in paragraph 8) to be compelling, and we feel it desirable to provide for adjustments of any cross-modulation problems caused by operation at an increased power. For this reason, rather than grant the petition for rule making submitted by petitioner herein, we invite comments upon a proposed amendment to section 3.188(d) which will allow power of 1 kilowatt while at the same time providing the safeguard of prior operation at a lower power with a history of few or no cross-modulation problems, and which provides for adjustment of any complaints which might be caused by operation at a higher power. This amendment appears in paragraph 12 below.

11. The experience of the Commission in the use of § 3.188(d) has also revealed that the rule does not prevent the removal of a non-roof-top antenna of an operating station with more than 500 watts power in an area of the type under consideration to a roof-top in the same area. The proposed amendment is also designed to prevent this and similar situations.

12. In accordance with the foregoing, comments and reply comments are invited on the following proposal to amend § 3.188(d) of the rules by deleting the last sentence thereof and substituting therefor the following: "The Commission will not authorize, (1) new stations, (2) increased facilities to existing stations, or (3) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas, when the operating power would be in excess of 500 watts: *Provided, however,* That after one year of operation of facilities located in such an area or utilizing roof-top antennas at a power less than 1,000 watts, the Commission may authorize their operation with a power not in excess of 1,000 watts if there is no history of serious problems of cross-modulation at a lesser power: *Provided, further,* That the licensee shall be responsible for the satisfactory adjustment of all reasonable complaints of cross-modulation interference at the increased power: *Provided, further,* That holders of construction permits or licenses for stations with power in excess of 500 watts will not be authorized to change location of facilities while retaining operating power of over 500 watts if the change will result in locating the facilities in such an area or in utilizing a roof-top antenna; this shall apply regardless of whether the existing facilities are located within or without such an area and regardless of whether they are presently using or not using roof-top antennas."

Filing of comments and authority for this action. 13. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before January 22, 1962, and reply comments on or before February 2, 1962. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

15. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: December 13, 1961.

Released: December 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–12042; Filed, Dec. 19, 1961; 8:48 a.m.]

[1] "Table A" referred to was a table in the Standards which was offered as a general guide to be used in determining the approximate site of broadcast transmitters.

[2] By Report and Order adopted November 3, 1955 (FCC 55–1097), and effective January 2, 1956, Section 4 of the Standards was codified and redesignated as § 3.188 of the rules and regulations of the Commission which appeared in Title 47 of the Code of Federal Regulations.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PUERTO RICO

Adjustments in Maximum Levels of Imports

The maximum levels of imports into Puerto Rico of crude oil, unfinished oils and finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279 (24 F.R. 1781) are modified pursuant to paragraph (d) of section 2 of the Proclamation to permit, during the period January 1, 1962 through June 30, 1962, 93,796 barrels per day in imports of crude oil and unfinished oils, and 3,347 barrels per day in the imports of finished products, other than residual fuel oil to be used as fuel, to meet the increased demand in Puerto Rico.

Increases in allocations of finished products, pursuant to this authorization, will be granted to those eligible importers who have satisfactorily demonstrated an increased need for these oils.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 12, 1961.

[F.R. Doc. 61-12012; Filed, Dec. 19, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Order Selecting Members and Alternate Members of Control Agency Pursuant to Marketing Agreement and Marketing Order Regulating Handling

Pursuant to the provisions of the marketing agreement and the marketing order regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131), effective under the provisions of Public Law 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.), the following persons are hereby selected to serve as members and alternates on the Control Agency established pursuant to the said marketing agreement and to the said marketing order:

To represent manufacturers marketing their products principally through veterinarians:

1. John O. Gwin, as member, and K. R. Peterson as his alternate.
2. M. F. Wallace, as member, and Frank Jacobs as his alternate.
3. E. A. Cahill, as member, and John Todd as his alternate.
4. Edward Buesking, as member, and Lewis E. Harris as his alternate.
5. D. A. Peterson, as member, and E. L. Boley as his alternate.

To represent manufacturers marketing their products principally through other channels:

6. A. R. Glasier, as member, and T. B. Huff as his alternate.
7. Henry Carpenter, as member, and T. B. Huff as his alternate.
8. Majon Huff, as member, and O. D. Snow as his alternate.
9. Vernon Witt, as member, and O. D. Snow as his alternate.
10. B. M. Zillman, as member, and O. D. Snow as his alternate.

To represent distributors marketing their products principally through veterinarians:

11. H. N. Holmes, as member, and William A. Butler as his alternate.

To represent distributors marketing their products principally through other channels:

12. V. A. Haring, as member, and E. F. Dreppard as his alternate.

Each person hereby selected as a member or alternate member of the Control Agency shall be notified of his selection and shall begin serving on the date that such person qualifies by filing a written acceptance of his appointment with the Secretary, and each such person shall serve, after having qualified as aforesaid, until December 31, 1962, and in the event that the respective person's successor has not been selected and has not qualified by December 31, 1962, such person shall serve until his successor has been selected and has qualified.

Done at Washington, D.C., this 15th day of December 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-12047; Filed, Dec. 19, 1961; 8:48 a.m.]

Office of the Secretary

ALABAMA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the States of Alabama and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Cullman.	Sumter.
Franklin.	Winston.
Morgan.	

TEXAS

Hill.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12017; Filed, Dec. 19, 1961; 8:45 a.m.]

AMENDMENT OF DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22), and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 109a *Federal-States relations*, is amended by adding thereto the following:

Cooperative State Experiment Station Service.

Section 200 is amended by deleting the present subsection e and inserting the following new subsection e.

e. Administration of the Virgin Islands agricultural research and extension service program (48 U.S.C. 1409m-1409o).

The following caption and section 600 are inserted after section 501:

COOPERATIVE STATE EXPERIMENT STATION SERVICE, ASSIGNMENT OF FUNCTIONS

SEC. 600. *Assignment of functions.* The following assignment of functions is made to the Cooperative State Experiment Station Service, subject to the coordination of research activities by the Administrator, Agricultural Research Service.

a. The administration of the Agricultural Experiment Stations Act of August 11, 1955 (Hatch Act of 1887, as amended—7 U.S.C. 361a-361i).

b. Payments under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623) to State agricultural experiment stations.

Done at Washington, D.C., on December 15, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12018; Filed, Dec. 19, 1961; 8:45 a.m.]

UNDER SECRETARY OF AGRICULTURE ET AL.

Delegation of Authority

Pursuant to the authority vested in me by Reorganization Plan No. 2 of 1953,

paragraph b of the delegation of authority dated November 18, 1953 (18 F.R. 7498), as amended, is amended as follows:

The following agency is added to paragraph b(1):

Cooperative State Experiment Station Service.

Paragraph b(5) is amended to read as follows:

(5) The Director of Agricultural Economics shall exercise general direction and supervision of the following agencies, and also shall be responsible for coordinating all statistical and related economic analysis work of the Department:

Economic Research Service Statistical Reporting Service.

Done at Washington, D.C., on December 15, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12019; Filed, Dec. 19, 1961; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CREAM CHEESE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to The Borden Company to cover interstate marketing tests of whipped cream cheese with sorbic acid added to inhibit mold growth. This article differs from the cream cheese meeting the requirements of the standard of identity (§ 19.515 of Title 21), in that it is whipped and contains sorbic acid. It is to be labeled in part, "Whipped Cream Cheese * * * Sorbic Acid Added As A Preservative." This permit expires August 31, 1962.

Dated: December 12, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12034; Filed, Dec. 19, 1961; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 12471, 12472]

EMPRESA GUATEMALTECA DE AVIACION, S.A. (AVIATECA)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 30, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 15, 1961.

WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 61-12036; Filed, Dec. 19, 1961; 8:48 a.m.]

[Docket No. 11879; Order No. E-17842]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of December 1961.

In the matter of an agreement adopted by Joint Conferences 3-1 and 1-2-3 of the International Air Transport Association relating to specific commodity rates, Docket 11879; Agreement C.A.B. 16015.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 3-1 and 1-2-3 of the International Air Transport Association (IATA). The agreement was adopted at the fifth meeting of the San Francisco Commodity Rates Board held on November 28, 1961.

The agreement extends the validity of certain specific commodity rates presently in effect pursuant to unprotested cable notices under commodity items, as follows:

Item 0007	From Auckland to Honolulu.
Item 2199	From Sydney to West Coast.
Item 9470	From Melbourne and Sydney to West Coast.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof shall be subject to the condition hereinafter ordered. Accordingly: *It is ordered:*

1. That Agreement C.A.B. 16015 is approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-12037; Filed, Dec. 19, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14181, 14182; FCC 61M-1957]

ELBERT H. DEAN AND B. L. GOLDEN AND GLOMOR MUSIC BROADCASTERS, INC. (KHOT)

Procedural Dates

In re applications of Elbert H. Dean and B. L. Golden, Lemoore, California, Docket No. 14181, File No. BP-12811; Glomor Music Broadcasters, Inc. (KHOT) Madera, California, Docket No. 14182, File No. BP-14294; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on December 13, 1961, in the above-entitled proceeding concerning the future conduct of this proceeding:

It is ordered, This 13th day of December 1961, that:

Exhibits shall be exchanged on January 23, 1962;
Reply or rebuttal exhibits shall be exchanged on February 1, 1962;
Notification of witnesses February 8, 1962; and
Hearing presently continued without date is hereby scheduled for February 19, 1962.

Released: December 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12041; Filed, Dec. 19, 1961; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 960]

HAWAIIAN RATES; SECOND GENERAL INCREASE (1961)

Notice of Supplemental Orders

The Federal Maritime Commission entered the following First, Second, Third and Fourth Supplemental Orders to the original order in this proceeding dated November 6, 1961, on the dates indicated below:

FIRST SUPPLEMENTAL ORDER

(Dated Nov. 30, 1961)

It appearing, that by the original order in Docket No. 960 served November 6, 1961, the Commission instituted an investigation into and concerning the reasonableness and lawfulness of the rates, fares, charges, rules, classifications, regulations and practices contained in cer-

tain schedules between Pacific Coast ports and ports in Hawaii, as well as from Hawaiian ports to Atlantic and Gulf ports and suspended for the full statutory period of four months; and

It further appearing, that said original order provides in part that no change shall be made in matter thereby suspended nor in the matter continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It further appearing, that on November 16, 1961, Matson Navigation Company filed special permission application No. 83, seeking authority to publish, post and file, on 30 days' notice, a consecutively numbered revised page 30 to Freight Tariff No. 15, FMB–F No. 110 in order to amend Special Rule No. 101 thereon in the following manner:

Now reads:

Except as otherwise provided herein, when charges on a shipment moving between Container Freight Station or Container Yard under class rates, named in this section may be reduced by assessing a charge of 60 cents per cubic foot, the latter charges shall apply in lieu of class rates.

(a) The aforementioned provisions shall not apply on goods measuring less than 2 cubic feet per 100 pounds.

(b) When shippers exercise the aforementioned option dock receipt must show the cubic measurement of the shipments as well as the gross weight, otherwise normal class rates shall apply.

Change to read:

Except as otherwise provided in this tariff, when charges on a shipment moving from either the Container Freight Station or the Container Yard under class rates named in Section 2 can be reduced by assessing a charge of 60 cents per cubic foot or $1.20 per 100 pounds, whichever yields the greater revenue, such latter charge will apply in lieu of class rates.

(a) When shippers exercise the aforementioned option dock receipt must show the cubic measurement of the shipment as well as the gross weight, otherwise regular class rates will apply; and

It further appearing, that the Commission having found good cause therefor has on November 30, 1961, granted special permission authority to publish such change on thirty days' notice, under special permission No. 3959;

Now therefore it is ordered, That the original order herein is modified to the extent necessary to permit the publication and filing of the change covered by such special permission No. 3959; and

It is further ordered, That any rate, fare, charge, rule, classification, regulation and practice set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rate, fare, charge, rule, classification, regulation and practice under the schedule cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Commission's determination as to the lawfulness of the rate established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Office of Regulations of the Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

SECOND SUPPLEMENTAL ORDER

(Dated Nov. 30, 1961)

It appearing, that there is currently pending in this proceeding an investigation of an increase in rates between Pacific west coast ports of the United States and ports of the State of Hawaii, and from Hawaiian ports to Atlantic and Gulf ports, which said rates have been suspended and are now to become effective on March 9, 1962; and

It further appearing, that there has been filed with the Federal Maritime Commission a new tariff schedule to which American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Inc. (Lykes Oriental Line), Matson Navigation Company, United States Lines Company (American Pioneer Line), and Waterman Steamship Corporation are parties, naming increases in freight rates from Atlantic and Gulf ports to ports in Hawaii to become effective on December 20, 1961, designated as Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, Freight Tariff No. 15, FMB–F No. 22; and

It further appearing, that upon consideration of the said schedule, there is reason to believe that the said schedule, if permitted to become effective, would result in rates, charges, classifications, rules, regulations, tariffs, or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new schedule and the new rates, charges, classifications, rules, regulations, tariffs, and practices contained therein should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said schedule should be suspended, pending such investigation;

Now therefore, it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the rates, charges, classifications, rules, regulations, tariffs, and practices contained in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said schedule be, and it is hereby, suspended and that the use of the said schedule be, and it is hereby, deferred to and including April 19, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedule, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation but shall include all matters and issues with respect to the lawfulness of the said schedule and of all other freight schedules of the carriers named herein from Atlantic and Gulf ports of the United States to ports in the Hawaiian Islands under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It is further ordered, That there shall be filed immediately with the Commission by the Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, a consecutively numbered supplement to the aforesaid suspended schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended schedule is described, and shall state that the aforesaid schedule is suspended and that the rates, fares, charges, classifications, rules, regulations, and practices therein stated may not be used until the 20th day of April, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedule, shall remain in effect during the period of suspension, and neither the matter hereby suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Office of Regulations of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) the American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Inc. (Lykes Oriental Line), Matson Navigation Company, United States Lines Company (American Pioneer Line), Waterman Steamship Corporation and Walter R. Greiner, Agent, Atlantic and Gulf/Hawaii Conference, be, and are hereby, made respondents herein; (III) a copy of this order shall forthwith be served upon the said respondents and all protestants and intervenors herein; (IV) the said respondents, protestants, and intervenors be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

THIRD SUPPLEMENTAL ORDER

(Dated Dec. 4, 1961)

It appearing, that by the original order in Docket No. 960 served November 6, 1961, the Commission instituted an investigation into and concerning the reasonableness and lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in certain schedules between Pacific Coast ports and ports in Hawaii, as well as from Hawaiian ports to Atlantic and Gulf ports and suspended such schedules for the full statutory period of four months; and

It further appearing, that said original order provides in part that no change shall be made in matter thereby suspended nor in the matter continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It further appearing, that on November 22, 1961, Matson Navigation Company filed special permission application No. 84, seeking authority to publish, post and file, on less than statutory notice, a consecutively numbered supplement to Freight Tariff No. 3–0, FMB–F No. 119 in order to provide for the elimination of the expiration date of items Nos. 93 and 152 therein; and

It further appearing, that the Commission having found good cause therefor has on December 4, 1961, granted special permission authority to publish such change on not less than 21 days' notice, under special permission No. 3960;

Now therefore it is ordered, That the original order herein is modified to the extent necessary to permit the publication and filing of the change covered by such special permission No. 3960; and

It is further ordered, That any rate, fare, charge, rule, classification, regulation and practice set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rate, fare, charge, rule, classification, regulation, and practice under the schedule cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Commission's determination as to the lawfulness of the rate established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein; and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

FOURTH SUPPLEMENTAL ORDER

(Dated Dec. 7, 1961)

It appearing, that by the original order in Docket No. 960 served November 6, 1961, the Commission instituted an investigation into and concerning the reasonableness and lawfulness of the rates, fares, charges, rules, classifications, regulations and practices contained in certain schedules between Pacific Coast ports and ports in Hawaii, as well as from Hawaiian ports to Atlantic and Gulf ports and suspended such schedules for the full statutory period of four months; and

It further appearing, that said original order provides in part that no change shall be made in matter thereby suspended nor in the matter continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It further appearing, that on November 22, 1961, Matson Navigation Company filed special permission application No. 85, seeking authority to publish, post and file, on 30 days' notice, a consecutively numbered revised page 31 to Freight Tariff No. 1–0, FMC–F No. 121 in order to amend certain provisions thereon, which amendments will have the effect of making current "container" rates on certain categories of "feed or meal" and "flour, in bulk" applicable to unitized loads on pallets; and

It further appearing, that the Commission having found good cause therefor has on December 7, 1961, granted special permission authority to publish such change on thirty days' notice, under special permisison No. 3961;

Now therefore it is ordered, That the original order herein is modified to the extent necessary to permit the publication and filing of the change covered by such special permission No. 3961; and

It is further ordered, That any rate, fare, charge, rule, classification, regulation and practice set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rate, fare, charge, rule, classification, regulation and practice under the schedule cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Commission's determination as to the lawfulness of the rate established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: December 15, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–12029; Filed, Dec. 19, 1961; 8:46 a.m.]

[Docket No. 954 (Sub-1)]

INVESTIGATION OF RATES AND PRACTICES IN THE ATLANTIC-GULF/PUERTO RICO TRADE

Notice of Supplemental Order

On November 27, 1961, the Federal Maritime Commission entered the following First Supplemental Order to the original order in this proceeding dated November 13, 1961.

It appearing, that there is currently pending an investigation into and a hearing concerning certain reduced rates and practices from Atlantic and Gulf coast ports of the United States to ports in the Commonwealth of Puerto Rico which became effective on November 14, 1961, and on various dates thereafter; and

It further appearing, that Alcoa Steamship Co., Inc. (Alcoa), has been named a respondent in the said proceeding; and

It further appearing, that on July 21, 1961, Alcoa filed with the Federal Maritime Commission (Commission) that certain tariff schedule designated second revised page No. 40 to Alcoa's Outward Freight Tariff No. 2, which became effective October 30, 1961, which said schedule published a new increased or revised commodity rate on asphalt, road; and

It further appearing, that the Commission is of the opinion that the said Alcoa schedule and the rates, charges, classifications, rules, regulations, tariffs and practices contained therein should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the aforementioned rate increase or revision indicates the existence of unstable conditions in the aforementioned trade, which said conditions may result not only from the said rate increase or revision but also from its relationship to the rates charged by all carriers in the aforementioned trade for transportation of the aforementioned commodity;

Now therefore it is ordered, That, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation of and a hearing concerning, the lawfulness under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, of the rates, rate reductions, increases, revisions, rules, conditions, charges, tariffs, regulations,

or practices stated in the aforementioned Alcoa schedule, as well as those stated with respect to the aforementioned commodity in schedules heretofore filed on various dates by American Union Transport, Inc. (AUT), A. H. Bull Steamship Company (Bull), Lykes Bros. Steamship Company, Inc. (Lykes), Sea-Land Service, Inc., Puerto Rican Division (Sea-Land), TMT Trailer Ferry, Inc. (TMT), and Waterman Steamship Corporation of Puerto Rico (Waterman), as follows:

AUT Southbound Freight Tariff No. 6, FMB–F No. 6, 1st revised page 18.
Bull Outward Freight Tariff No. 1, FMB–F No. 1, original page 34.
Sea-Land Outward Freight Tariff No. 2, FMB–F No. 3, 1st rev. page 34.
U.S. Atlantic & Gulf-Puerto Rico Outward Freight Tariff No. 1, FMB–F No. 1, Richard Kinsella, agent, Lykes and Waterman being participating carriers named therein, original page 43.
TMT Freight Tariff No. 3, FMB–F No. 3, 5th revised page 46.

It is further ordered, That all subsequent revisions, cancellations, amendments, reissues, or replacements of the said schedules by other schedules subsequently filed by the respondents in this proceeding, shall be, and they are hereby, placed under investigation in this proceeding; and

It is further ordered, That copies of this order shall be filed in the Office of Regulations of the Federal Maritime Commission with the tariff schedules hereby placed under investigation; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence which will provide an adequate record for proper disposition of the issues, and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon Alcoa, AUT, Bull, Lykes, Sea-Land, TMT, Waterman, the United States Atlantic and Gulf-Puerto Rico Conference, and Richard Kinsella, agent of the said conference, all heretofore named respondents herein; (III) the said respondents be duly notified of the time and place of the hearing herein ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: December 15, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–12031; Filed, Dec. 19, 1961; 8:47 a.m.]

[Docket No. 954 (Sub. 2)]

SUGAR, REFINED OR TURBINATED, IN BAGS IN THE ATLANTIC/GULF PUERTO RICO TRADE

Investigation of Increased Rates

On December 7, 1961, the Federal Maritime Commission entered the following Order:

It appearing that on November 7, 1961 the United States Atlantic & Gulf Puerto Rico Conference, Richard Kinsella, Agent, (Conference) filed with the Federal Maritime Commission (Commission) a tariff schedule designated third revised page No. 33 to the Conference's Homeward Freight Tariff No. 1, FMB–F No. 2, to become effective December 8, 1961, which said schedule published an increased commodity rate on sugar, refined or turbinated, in bags; and

It further appearing, that Lykes Bros. Steamship Co., Inc., and Waterman Steamship Corporation of Puerto Rico are members of said conference; and

It further appearing, that protests have been received petitioning the Commission to suspend said increased rate; and

It further appearing, that upon consideration of the said rate and protests thereto, there is reason to believe that the rate would, if permitted to become effective, result in a rate which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new rate on sugar, refined or turbinated, in bags named in said schedule should be made the subject of a public investigation and hearing to determine whether it is just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the effective date of the said rate should be suspended pending such investigation;

Now, therefore it is ordered, That an investigation be, and it is hereby instituted into and concerning the lawfulness of the increased rate on sugar, refined or turbinated, in bags named in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said rate be, and it is hereby, suspended and that the use of the said rate be, and it is hereby, deferred to and including April 7, 1962, unless otherwise authorized by the Commission, and that the rate heretofore in effect, and which was to be changed by the suspended rate, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by the Conference a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rate is suspended and may not be used until April 8, 1962, unless otherwise authorized by the Commission, and that the rate heretofore in effect, and which was to be changed by the suspended rate, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) United States Atlantic & Gulf Puerto Rico Conference, Richard Kinsella, Agent, Lykes Bros. Steamship Co., Inc., Waterman Steamship Corporation of Puerto Rico be, and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon said respondents and protestants herein; (IV) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's Rules of Practice and Procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: December 15, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–12030; Filed, Dec. 19, 1961; 8:47 a.m.]

THOMAS & JAMES HARRISON LTD., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8714, between Thos. & Jas. Harrison Ltd. (Harrison Line) and Torm Tramping Company A/S and Transatlantic & Pacific Steamship Lines, Inc. (carriers comprising the Peralta Line joint service, operating under approved joint service Agreement 8620), covers an arrangement for the scheduling of sailings in the trade between U.S. Gulf ports and ports in the United Kingdom.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 15, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–12032; Filed, Dec. 19, 1961; 8:47 a.m.]

CERTAIN PARTIES TO BRAZIL/UNITED STATES COFFEE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8505–1, between the parties to the Brazil/United States Coffee Agreement, except as noted below, The Northern Pan-America Line, A/S (NOPAL) and Van Nievelt, Goudriaan & Co.'s Steemvaart Maatschappij N.V. (Holland Pan-American Line), modifies the basic coffee Agreement (8505) in the trade from Brazilian ports south of and including Victoria to United States Atlantic and Gulf ports. The purpose of the modification is to: (1) admit NOPAL and Holland Pan-American Line as parties at stipulated pool percentages and minimum sailings, (2) revise the pool percentages of the existing parties, (3) cancel the accounting period for the Gulf division from August 29, 1960 to November 22, 1960 and to designate the period from November 23, 1960 to August 28, 1961, as the first accounting period, (4) increase the deduction per bag from gross freight money, (5) revise the amount of coffee excluded from the pool which may be carried by Delta Line passenger vessels, (6) define a single voyage to both Atlantic and Gulf ports as one sailing for the purpose of minimum sailing requirements, (7) provide that net freight derived from coffee carriage to ports in a division for which the carrier has no allotted percentage must nevertheless be pooled and shall only be apportioned among the parties with pool percentages in that division, (8) provide for meetings of the parties, voting procedures, and maintenance of minute records, (9) establish arbitration procedures, and (10) provide for suspension of the agreement in event of force majure. Rederiet Svend Hellesen, (Scansa Line), a party to the basic coffee pool agreement who is now reported to be inactive in this trade, has not signed this modification.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 15, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–12033; Filed, Dec. 19, 1961; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 404]

SECRETARY OF DEFENSE

Authority To Represent Interests Regarding Investigation Into Production, Storage, Conservation, Reserves, Transportation, Transmission and Sale of Natural Gas in California; California Public Utilities Commission

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Investigation Into the Production, Storage, Conservation, Reserves, Transportation, Transmission and Sale of Natural Gas in California, before the California Public Utilities Commission, Case No. 7132, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective November 28, 1961.

BERNARD L. BOUTIN,
Administrator.

DECEMBER 14, 1961.

[F.R. Doc. 61–12045; Filed, Dec. 19, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 190]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 15, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 29), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed December 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Muskegon and Grand Rapids, Mich., over Interstate Highway 196, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Grand Rapids over U.S. Highway 16 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route.

No. MC 66788 (Deviation No. 2), RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway NE., Minneapolis, Minn., filed December 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehilce, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Minneapolis-St. Paul, Minn. over Interstate Highway 94 to junction U.S. Highway 12, four miles west of Eau Claire, Wis., (B) from the junction of Interstate Highway 90 and U.S. Highway 12 at Wisconsin Dells, Wis., over Interstate Highways

90 and 94 to junction U.S. Highways 12, 51, and Interstate Highway 90, just south of Madison, Wis., (C) from the junction of U.S. Highways 12, 18, 51, and Interstate Highway 90, just south of Madison, Wis., over U.S. Highway 51 to junction U.S. Highways 14 and 51 near Janesville, Wis., (D) from the junction of U.S. Highways 14, 51, and Interstate Highway 90 near Janesville, Wis., over Interstate Highway 90 to Chicago, Ill., and (E) from the junction of U.S. Highway 14 and Illinois Highway 23, two miles south of Harvard, Ill., over Illinois Highway 23 to junction U.S. Highway 20 at Marengo, Ill., thence over (present authorized route) U.S. Highway 20 to junction Interstate Highway 90, near Harmony, Ill., thence over Interstate Highway 90 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Minneapolis-St. Paul over U.S. Highway 12 to junction Interstate Highway 90 and U.S. Highway 12 at Wisconsin Dells over Interstate Highway 12 to junction U.S. Highways 18, 51, and Interstate Highway 90, just south of Madison; from the junction of U.S. Highways 12 and 14 south of Madison over U.S. Highway 14 to junction U.S. Highway 51 near Janesville; from the junction of U.S. Highways 14, 51, and Interstate Highway 90 near Janesville, over U.S. Highway 14 to Chicago; and from the junction of U.S. Highway 14 and Illinois Highway 23 two miles south of Harvard over U.S. Highway 14 to Chicago, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 28462 (Deviation No. 1), DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., Travel Center, Building, 17th and Broadway, Denver, Colo., filed December 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the Monson Junction Interchange over Interstate Highway 25 to the Ludlow Junction Interchange and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 85 to Trinidad, Colo., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12022; Filed, Dec. 19, 1961; 8:45 a.m.]

[Notice 411]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 15, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 134), filed October 30, 1961. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, (1) from points in Washington, Oregon, and Idaho on the one hand, and, on the other, points in Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, Wisconsin, and the Upper Peninsula of Michigan, (2) from points in Idaho on the one hand, and, on the other, points in Oregon and Washington and (3) from points in Oregon on the one hand, and, on the other, points in Washington and Idaho.

NOTE: Applicant states that on September 29, 1961, in Docket Nos. MC-F-7152 and MC-F-7195 it received authority to acquire and merge into Garrett Freightlines, Inc., Inland Motor Freight, Pacific Highway Transport, Inc., Northwest Freight Lines, Inc. and Flathead Transportation Co.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 1124 (Sub-No. 180), filed November 20, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cottondale, Fla., in connection with applicant's authorized regular-route between Jacksonville, Fla., and New Orleans, La.

NOTE: Applicant states that Cottondale, Fla., will be served as a point of joinder only for the interchange of freight with its connecting line.

HEARING: January 30, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 2229 (Sub-No. 108), filed October 23, 1961. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard (P.O. Box 10837), Dallas 7, Tex. Applicant's attorney: Charles D. Mathews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *potato products*, not frozen, between Denver, Colo., on the one hand, and, on the other, points in Texas, Oklahoma, Arkansas, Louisiana, Alabama, Mississippi, Tennessee, and Georgia.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 7228 (Sub No. 24), filed August 5, 1959. Applicant: HOME TRANSFER & STORAGE CO., a corporation, P.O. Box 1056, West Sacramento, Calif. Applicant's attorney: J. M. Hickson, Failing Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen foods*, all kinds, between points in Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Colorado, Utah, New Mexico, and Texas. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: February 21, 1962, at the Federal Office Building, Seattle, Wash., before Examiner Donald R. Sutherland.

No. MC 7555 (Sub-No. 41), filed October 20, 1961. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 7, Ellerbe, N.C. Applicant's attorney: Reuben G. Crimm, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil shortening, cooking or salad oil*, in packages, in insulated vans, from points in Chatham County, Ga., to points in Maine, Massachusetts, Rhode Island, Connecticut, New York (except the New York City Commercial Zone), and Pennsylvania (except Philadelphia, Pa., Commercial Zone).

HEARING: January 29, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Alton R. Smith.

No. MC 7920 (Sub-No. 4), filed August 11, 1961. Applicant: HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio. Applicant's attorney: Robert N. Krier, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic materials or products, such as plastic flakes, granules, lumps and powders*, in premounted collapsible and stackable containers protected from heat and cold, in insulated trailers or protected by heaters, and *empty collapsible and stackable containers*, between North Tonawanda, N.Y., and Chicago, Ill.; from North Tonawanda over New York Highway 384 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Pennsylvania Highway 89, thence over Pennsylvania Highway 89 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Ohio Highway 84, thence over Ohio Highway 84 to junction unnumbered County Road (Johnny Cake Road), thence over Johnny Cake Road to junction U.S. Highway 20 near Painesville, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 6, and thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over the same route, serving no intermediate points.

NOTE: Applicant states it is presently authorized under Certificate No. MC 7920 to conduct operations over regular routes between North Tonawanda, N.Y., and Chicago, Ill., transporting general commodities (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). This application is filed to obtain specific authority to transport plastics, as above stated, premounted in collapsible or stackable containers, whether or not such movement may ultimately be determined to be movement of commodities in bulk.

HEARING: February 1, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 14345 (Sub-No. 2), filed November 20, 1961. Applicant: FRANK CHISHOLM, doing business as CHISHOLM TRUCK LINES, Amery, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible travel trailers*, in truckaway service, in initial movements, from Grantsburg, Wis. to points in the United States, other than in Alaska and Hawaii, and *damaged, defective or returned shipments of the above described equipment* on return.

HEARING: February 8, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 22254 (Sub-No. 32), filed October 6, 1961. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, musical instruments*, and *parts* thereof and *accessories* thereto and *damaged and rejected shipments* of the above-specified commodities, (1) between Holly Springs and Corinth, Miss. on the one hand, and, on the other, points in the United States, including Alaska. RESTRICTION: The authority described above may not be used to transport crated articles, except when such articles are transported in the same vehicle with uncrated articles.

NOTE: Applicant states the authority it now holds includes the right to transport "pianos and organs, uncrated", from Corinth, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Kentucky, Oklahoma, South Carolina, Tennessee, and Texas. It is not the intention of applicant here to seek overlapping rights relative to Corinth, but rather a broader scope of operations, both with respect to commodities and geographic area. Applicant also states it holds a one-third interest in T.E.K. Van Lines, Inc.

HEARING: January 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 26570 (Sub-No. 1), filed November 2, 1961. Applicant: FRANK ZIKA, 2011 Parkwood Drive, Scotch Plains, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *White mineral oil*, in bulk, in tank vehicles, from Belleville, N.J., to Wilmington, Del., Baltimore and Cambridge, Md., and Indian Orchard and Leominster, Mass., and (2) *Refused, returned and damaged shipments* of the above-specified commodity, from the above-specified destination points, to Belleville, N.Y.

HEARING: January 19, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Samuel C. Shoup.

No. MC 29988 (Sub-No. 81), filed October 12, 1961. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, other than frozen, from Denver, Colo., to points in Illinois, Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 33641 (Sub-No. 48), filed November 27, 1961. Applicant: INTER-STATE MOTOR LINES, INC., 235 West Third South Street, Salt Lake City 1, Utah. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, from points in Oregon, Idaho, and Utah to points in Illinois, Iowa, Kansas, and Missouri.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 42261 (Sub-No. 50) (REPUBLICATION), filed April 10, 1961, published FEDERAL REGISTER, issue of April 26, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. A Decision and Order by the Commission, division 1, dated November 30, 1961, served December 8, 1961, authorizes the transportation as follows: Irregular routes: *Silica flour* (ground or pulverized sand), in bulk, in tank or covered hopper vehicles equipped for unloading by pneumatic devices, from the plant site of the Pennsylvania Glass Sand Corporation, near Newport, N.J., and from Milville, N.J., to Havre de Grace, Md. The purpose of this republication is to advise that any person or persons who may have been prejudiced by the notice of filing of the application as originally published in the FEDERAL REGISTER to locate the Pennsylvania Glass Sand Corporation plant near Newport, N.J., may, within 30 days from the date of this republication in the FEDERAL REGISTER, file a petition for further hearing.

NOTE: This proceeding was handled with MC 106965 (Sub-No. 155).

No. MC 42261 (Sub-No. 60), filed December 8, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Daniel J. Sweeney, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *zinc oxide*, dry, in bulk, in special equipment, from Josephtown, Pa., to points in New Jersey on and north of New Jersey Highway 33, and New York, N.Y., and *returned and rejected shipments* of the above-specified commodity, on return.

HEARING: January 11, 1962, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC 42487 (Sub-No. 529), filed November 8, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, (1) from points in Idaho, Oregon, and Washington, to points in Nevada, Arizona, Utah, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Iowa, Nebraska, Kansas, Missouri, Ohio, and Louisville, Ky.; and (2) from points in Oregon and Washington, to points in California.

NOTE: Common control may be involved.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 42487 (Sub-No. 530), filed November 13, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Portland, Oreg., to Lewiston, Idaho.

NOTE: Common control may be involved.

HEARING: February 13, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 6, or, if the Joint Board waives its right

to participate, before Examiner Donald R. Sutherland.

No. MC 42487 (Sub-No. 531), filed November 13, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Eugene T. Liipfert, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid apoxy resin*, in bulk, in tank vehicles, from Riverview (Marietta), Ohio, to the site of the Thiokol installation near Brigham City, Utah.

NOTE: Common control may be involved.

HEARING: January 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 47323 (Sub-No. 11), filed November 6, 1961. Applicant: TAJON TRUCKING CO., a corporation, Route 5, Mercer, Pa. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are usually transported in bulk, in dump vehicles*, and *dry commodities in bulk, in pneumatic tank trailers*, between points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

HEARING: January 26, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Joseph A. Reilly.

No. MC 52709 (Sub-No. 142) (CORRECTION), filed October 20, 1961, published FEDERAL REGISTER, issue of December 6, 1961, and republished as corrected, this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Wayne E. Lucore (same address as applicant). Notice of the filing of the above-numbered application, published in the FEDERAL REGISTER, issue of December 6, 1961, indicated applicant's attorney as Donald L. Stern, in error. Applicant's representative is Mr. Lucore, as shown above.

HEARING: Remains as assigned January 18, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lyle C. Farmer.

No. MC 52709 (Sub-No. 150), filed November 24, 1961. Applicant: RINGSBY TRUCK LINES, INC., a Nebraska corporation, 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Salt Lake City and Ogden, Utah, and points in Idaho to points in Colorado, Nebraska, Iowa, Kansas, Missouri, Illinois, Indiana, and Ohio, and points in Wisconsin on and south of U.S. Highway 8.

NOTE: Applicant states that it "controls United Freight, Inc. (Docket FF 155), and Inter State Express, Inc. (Docket FF 102), both of which are wholly-owned by applicant; Arizona Pacific Tank Lines (MC-103684); Fortier Transportation Company under Temporary Management (MC-108398); and Colonial & Pacific Frigidways, Inc. (MC-111138), Temporary."

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 59680 (Sub-No. 133), filed October 9, 1961. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) Between Ware, Ill., and Bloomington, Ill., from Ware over Illinois Highway 146 to junction with U.S. Highway 51 at Anna, Ill., thence over U.S. Highway 51 to Bloomington, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; (2) Between Ware, Ill. and Detroit, Mich., from Ware over Illinois Highway 146 to Anna, Ill., thence over U.S. Highway 51 to Vandalia, Ill., thence over U.S. Highway 40 to Springfield, Ohio, thence over U.S. Highway 68 to junction U.S. Highway 25, thence over U.S. Highway 25 and 68 to Toledo, Ohio, thence over U.S. Highway 25 to Detroit, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (3) Between Memphis, Tenn., and Bloomington, Ill., from Memphis over U.S. Highway 51 to intersection with U.S. Highway 66 at Bloomington, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

HEARING: February 5, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 66562 (Sub-No. 1854), filed October 25, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Suite 1220, The Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Classes A and B explosives*, moving in express service, between Atlanta, Ga., and Shannon, Ga., from Atlanta over U.S. Highway 78 to Austell, Ga., thence over Georgia Highway 6 to Rockmart, Ga., thence over Georgia Highway 101 to Rome, Ga., thence over Georgia Highway 53 to Shannon, and return over the same route, serving the intermediate and off-route points of Chattahoochee, Mableton, Austell, Powder Springs, Dallas, Aragon, Hiram, and Lindale, Ga.; and (2) *General commodities, including Classes A and B explosives*, moving in express service, to and from Rome, Ga., and Rockmart, Ga. as additional intermediate points on applicant's present Certificate MC 66562 (Sub-No. 873) between Atlanta, Ga., and Shannon, Ga., over the highways described in (1) above. RESTRICTIONS: The service to be performed by applicant shall limited to service which is auxiliary to, or supplemental of railway or air express service. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, railway or air express service.

NOTE: Applicant states it presently holds authority in Certificate MC 66562 (Sub-No. 873) to transport general commodities, except dangerous explosives, moving in express service, between Atlanta, Ga., and Shannon, Ga., over the same highways and serving the same points as those described in (1) above. In connection with (2) above, applicant states that its present Certificate does not specifically provide for service at the intermediate point of Rockmart, and is restricted against service to Rome, Ga. Any duplication with present authority to be eliminated.

HEARING: January 31, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate before Examiner Alton R. Smith.

No. MC 66562 (Sub-No. 1862), filed November 16, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Cocoa, Fla., and Melbourne, Fla.; from Cocoa over U.S. Highway 1 to Melbourne, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed shall be limited to that which is auxiliary to or supplemental of railway express or air service. Shipments transported shall be limited to those moving on a through bill of lading or express receipt. Such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of railway express or air service.

HEARING: February 7, 1962, at the Angebilt Hotel, Orlando, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 67137 (Sub-No. 4), filed November 27, 1961. Applicant: RALPH F. MORGAN, doing business as K AND Y MOTOR LINES, P.O. Box 702, Candler, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials;* from Columbia and Greenville, S.C., to Asheville, N.C., and points in North Carolina within 125 miles of Asheville, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: (1) Applicant presently holds authority in Certificate No. MC 67137 to transport fertilizer from Anderson and Spartanburg, S.C., to the destination territory as described above, and from Columbia and Greenville, S.C., to Asheville, Biltmore, East Flat Rock, Henderson and Waynesville, N.C., all located within above-said territory. (2) Applicant also holds certain contract authority in Permit No. MC 32486.

HEARING: February 14, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 78786 (Sub-No. 238), filed November 21, 1961. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 110 Market Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Klamath Falls, Oreg., and Ashland, Oreg.; from Klamath Falls over U.S. Highway 97 to junction Oregon Highway 66, thence over Oregon Highway 66 to Ashland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations. RESTRICTIONS: (1) the service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, railroad service of Southern Pacific Company; (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading, covering, in addition to movement by applicant, a prior or subsequent movement by rail; (3) All contractual arrangements between applicant and Southern Pacific Company shall be reported to the Commission and shall be subject to revision, if the Commission finds it necessary in order that arrangements shall be fair and equitable to the parties; (4) Such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, the rail service of the railroad.

NOTE: Applicant states it is wholly owned by Southern Pacific Company.

HEARING: February 12, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 83745 (Sub-No. 2), filed October 19, 1961. Applicant: STEEL CITY TRANSPORT, INC., 2034 Chateau Street, Pittsburgh 33, Pa. Applicant's attorney: Ernie Adamson, Middleburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick and related articles, steel and machinery*, (1) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland, and (2) between Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania within 25 miles of Pittsburgh.

HEARING: January 23, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Joseph A. Reilly.

No. MC 84739 (Sub-No. 10), filed September 25, 1961. Applicant: SEVERSON TRANSPORT, INC., R. 1, Box 163, Edgerton, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Clyman, Wis., to Sharon and Harrisburg, Pa., and (2) from Sun Prairie, Poynette, Waunakee, DeForest, Merrill, Stratford, and Cobb, Wis., to Butler, Greenville, and Philadelphia, Pa., and to Buffalo, N.Y.

HEARING: January 24, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Joseph A. Reilly.

No. MC 86687 (Sub-No. 62), filed October 27, 1961. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Hamlet, Raleigh, Wilmington, Charlotte and Henderson, N.C., and Columbia, S.C., over regular routes presently authorized in Certificate MC 86687, at sheets 1, 2, and 5, of said Certificate, serving the intermediate and off-route points named therein.

NOTE: The above-named points are designated as key points. The purpose of this application is to remove the key point requirement, however applicant is agreeable to the condition that the proposed operations will be auxiliary and supplemental of rail service.

HEARING: January 29, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 86687 (Sub-No. 63), filed November 2, 1961. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* (1) Between Winter Haven, Fla. and Wildwood, Fla., from Winter Haven over U.S. Highway 17 to junction with Florida Highway 544, thence over Florida Highway 544 to junction with Florida Highway 559, thence over Florida Highway 559 to junction with Florida Highway 33, thence over Florida Highway 33 to junction with Florida Highway 50, thence over Florida Highway 50 to junction with Florida Highway 469, thence over Florida Highway 469 to junction with Florida Highway 48, thence over Florida Highway 48 to junction with Florida Highway 471, thence over Florida Highway 471 to junction with U.S. Highway 301 at Sumterville, Fla., thence over U.S. Highway 301 to Wildwood, and return over the same route, serving the intermediate points of Auburndale, Polk City and Center Hill, Fla.; and (2) Between Wildwood, Fla. and Lake Charm, Fla., from Wildwood over Florida Highway 44 to Leesburg, Fla., thence over U.S. Highway 441 to Orlando, Fla., thence over Florida Highway 50 to junction with Florida Highway 15A, thence over Florida Highway 15A to junction with Florida Highway 426 at Goldenrod, Fla., thence over Florida Highway 426 to Lake Charm, and return over the same route, serving the intermediate and off-route points of Oviedo, Apopka, Plymouth, Zellwood, Lake Jem, Ellsworth, Tavares, Leesburg, and Orlando, Fla.

NOTE: Applicant states that interstate shipments originating at points on the above-described routes will be transported by applicant by its motor vehicle equipment to Wildwood for loading on flat cars and movement beyond. Interstate shipments destined to points in this area will be handled to Wildwood in trailer-on-flat-car service and beyond to destination by applicant's motor vehicle equipment.

HEARING: February 6, 1962, at the Angebilt Hotel, Orlando, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 87231 (Sub-No. 15), filed November 24, 1961. Applicant: BAY AND BAY TRANSFER CO., INC., 315 Ninth Avenue North, Minneapolis, Minn. Applicant's attorney: Earl Hacking, 1121 South Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds* (*manufactured fertilizers*), dry, in paper bags and in bulk; *urea*, in paper bags and in bulk; *ammonium nitrate fertilizer*, in paper bags and in bulk; *superphosphate* (not defluorinated) and *superphosphate* (not feed grade superphosphate, dry, in paper bags and in bulk; from Port Cargill, Minn., and points within one mile thereof, to points in Iowa, North Dakota, South Dakota and Wisconsin.

HEARING: February 6, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 94350 (Sub-No. 19), filed October 13, 1961. Applicant: TRANSIT HOMES, INC., Anderson Building, P.O. Box 273, Anderson, S.C. Applicant's attorney: John S. Fessenden, Suite 618, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Florida (except from Clearwater, Boca Raton, Jasper, Ocala, Sebring, Tampa, Lake City, and points within five (5) miles thereof), and (except from the plant site of General Coach Works, Inc.,

near Tavares, Fla.), to points in the United States.

HEARING: February 9, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner James H. Gaffney.

No. MC 95627 (Sub-No. 38), filed November 16, 1961. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods*, in vehicles equipped with mechanical refrigeration, and which require refrigeration in transit, from Alexandria, Va. to points in Georgia, Florida, North Carolina, and South Carolina.

HEARING: January 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 95627 (Sub-No. 39), filed November 16, 1961. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, crates* and *hampers* between Portsmouth and Suffolk, Va., and Murfreesboro, Ahoskie, Woodland, and Weldon, N.C., on the one hand, and on the other, points in New Jersey, Delaware, Maryland, Virginia, West Virginia, Pennsylvania, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Louisiana, Arkansas, and Texas.

HEARING: January 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 102806 (Sub-No. 13), filed October 13, 1961. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, 701 East Davis Street, Gastonia, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from Spartanburg, S.C., and points within 15 miles thereof to points in Eastern Tennessee bounded on the west by a line beginning at the intersection of U.S. Highway 129 and the western boundary of North Carolina, northerly along U.S. Highway 129 to its intersection with U.S. Highway 411; northerly along U.S. Highway 411 to its intersection with Tennessee Highway 73; northerly along Tennessee Highway 73 to and including Knoxville; thence northerly along U.S. Highway 11W, through and including Kingsport and Bristol, Tenn., to the Virginia Line; including the cities of Maryville, Alcoa, Knoxville, Kingsport, and Bristol, Tenn.

HEARING: January 24, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Alton R. Smith.

No. MC 103051 (Sub-No. 120), filed November 22, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sizing emulsified petroleum*, in bulk, in tank vehicles, from points in Fulton County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned by R. L. Walker of Waycross, Ga. Mr. Baggett is President of both applicant and Gasoline Transport, Inc.

HEARING: February 5, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Alton R. Smith.

No. MC 103378 (Sub No. 218), filed October 2, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk from points in Sumter and Macon Counties, Ga., to points in Russell County, Ala.

HEARING: January 30, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate before Examiner Alton R. Smith.

No. MC 103378 (Sub-No. 220), filed November 22, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Pensacola, Fla., to points in Alabama within 175 mile radius of Pensacola, Fla.

HEARING: February 1, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 103378 (Sub-No. 221), filed November 29, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum by-products* and *nitrogen solutions*, in bulk, in tank vehicles, from points in Bradford County, Fla., to points in Florida and Georgia.

HEARING: January 31, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 103378 (Sub-No. 222), filed December 4, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and ground silica sand*, in bulk, from points in Thomas and Effingham Counties, Ga., to points in Alabama, Florida, and South Carolina.

HEARING: February 1, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner James H. Gaffney.

No. MC 103493 (Sub-No. 4), filed November 20, 1961. Applicant: ROBINSON TRANSFER COMPANY, INC., 103 North Front Street, La Crosse, Wis. Applicant's attorney: Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials and supplies used in the conduct of such business*, (1) between La Crosse, Wis., on the one hand, and, on the other, points in Goodhue, Rice, Steele, and Freeborn Counties, Minn., and points in Mitchell, Floyd, and Bremer Counties, Iowa, and (2) from points in Allamakee, Chickasaw, Delaware, Dubuque, Clayton, Fayette, Howard, and Winneshiek Counties, Iowa, and points in Dodge, Fillmore, Houston, Mower, Olmsted, Wabasha, and Winona Counties, Minn., to La Crosse, Wis.

HEARING: January 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 181.

No. MC 103494 (Sub-No. 8), filed October 20, 1961. Applicant: EASLEY HAULING SERVICE, INC., North First Avenue and Quince Street, Yakima, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Freezing and cannery equipment and supplies, including but not limited to empty cans and lids, fiber cartons, paper boxes, labels, salt, sugar; and used and new cannery and freezing machinery and machinery parts, etc.*, between points in Yakima, Walla Walla, Skagit, Snohomish, Whatcom, Columbia, Cowlitz, Clark, King, and Pierce Counties, Wash., and points in Multnomah, Hood River, Wasco, Umatilla, Marion, and Washington Counties, Oreg.

HEARING: February 19, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 103654 (Sub-No. 65), filed December 4, 1961. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, One Thousand First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, fertilizer, fertilizer ingredients, tallows, lards, greases, animal oils, vegetable oils*, and *flour*, liquid and

dry, in bulk, between points in Minnesota.

HEARING: February 13, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darstadter.

No. MC 103993 (Sub-No. 156), filed October 9, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Florida (except from Clearwater, Boca Raton, Jasper, Ocala, Sebring, Lake City, Fla., and points within five (5) miles of Lake City, and the plant site of General Coach Works, Inc., near Travares, Fla.), to points in the United States, including, Alaska, but excluding Hawaii.

HEARING: February 9, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner James H. Gaffney.

No. MC 105813 (Sub-No. 46), filed October 16, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products*, and *frozen foods*, (1) from Harrisburg, Chester and Scranton, Pa., Wilmington, Del., Baltimore, Md., Savannah, Ga., Charleston, S.C. and Norfolk, Va. to points in North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, and Oklahoma, and (2) from Tampa, Fla., to points in Maryland, Virginia, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, Oklahoma, and Washington, D.C.

HEARING: February 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 105813 (Sub-No. 54), filed November 20, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff, frozen or unfrozen*, in mechanically refrigerated vehicles, and *containers or other incidental facilities* used in transporting such commodities, between points in Florida. RESTRICTION: Against any through service under a combination of the operating rights granted herein and that already held by carriers to transport butter, cheese, and eggs from points in Wisconsin, to Miami, Fla.

NOTE: Applicant already holds the authority above described with certain restrictions. The purpose of this application is to eliminate the restriction in the certificate of handling shipments having an immediately prior or subsequent movement by water.

HEARING: February 12, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 105813 (Sub-No. 55), filed November 22, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *citrus products, not canned and not frozen*, from points in Florida to points in Illinois (except Chicago) and points in Missouri (except St. Louis).

HEARING: February 13, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner James H. Gaffney.

No. MC 106398 (Sub-No. 189), filed October 23, 1961. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: W. R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, from points in Florida (except Tavares, Sebring, Tampa, Clearwater, Lake City, Boca Raton, Jasper, and Ocala to points in the United States (except Hawaii), and (2) *campers and camper coaches*, designed for installation on pickup trucks, in initial movements, in towaway and truckway method, from points in Florida to points in the United States (except Hawaii), and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

HEARING: February 8, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner H. Gaffney.

No. MC 106965 (Sub-No. 155) (REPUBLICATION), filed December 30, 1960, published FEDERAL REGISTER, issue of March 1, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. A Decision and Order by the Commission, division 1, dated November 30, 1961, served December 8, 1961, authorizes the transportation as follows: Irregular routes: *Silica flour* (ground or pulverized sand), in bulk, in tank or covered hopper vehicles equipped for unloading by pneumatic devices, from the plant site of the Pennsylvania Glass Sand Corporation near Newport, N.J., and from Millville, N.J., to Baltimore and Havre de Grace, Md. The purpose of this republication is to advise that any person or persons who may have been prejudiced by the notice of filing of the application as originally published in the FEDERAL REGISTER to locate the Pennsylvania Glass Sand Corporation plant near Newport, N.J., may, within 30 days from the date of this republication in the FEDERAL REGISTER, file a petition for further hearing.

NOTE: This proceeding was handled with MC 42261 (Sub-No. 50).

No. MC 106965 (Sub-No. 183), filed November 20, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from St. Marys, W. Va., to points in the District of Columbia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states it is under common control and management with O'Boyle Tank Lines, Incorporated, a Virginia corporation.

HEARING: January 24, 1962, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 107107 (Sub-No. 184), filed September 14, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 NW. 46th Street, P.O. Box 65, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scouring and washing compounds;* (2) *soap and soap powder;* and (3) *insecticides* and *insect repellents*, from Chicago, Ill., to points in Florida.

HEARING: January 30, 1962, at The Palmer House, Chicago, Ill., before Examiner Henry C. Darmstadter.

No. MC 107107 (Sub-No. 191), filed November 27, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami, 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Alabama to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Kansas, Kentucky, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: February 8, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Alton R. Smith.

No. MC 107276 (Sub-No. 2), filed November 15, 1961. Applicant: VERA E. BENNETT, JAMES K. GLENN, J. K. GLENN, INC., CORINNA J. BENNETT, LOUISE G. GLENN, JOE H. GLENN (WACHOVIA BANK AND TRUST COMPANY, TRUSTEE), AND JAMES K. GLENN (WACHOVIA BANK AND TRUST COMPANY, TRUSTEE), a partnership, doing business as QUALITY OIL TRANSPORT, Winston-Salem, N.C. Ap-

plicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils*, from Wilmington, N.C., to points in Virginia.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 107295 (Sub-No. 71), filed August 7, 1961. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduits and pipe, cement* and *asbestos fiber*, including necessary *connections*, from Rootstown, Ohio, and points within five (5) miles thereof, to points in the United States on, and east, of U.S. Highway 85.

HEARING: January 31, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 108449 (Sub-No. 133), filed September 20, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds* (manufactured fertilizers), dry, *urea, ammonium nitrate fertilizer, superphosphate*, not defulorinated superphosphate nor feed grade superphosphate, dry, in bulk, and in paper bags, from Port Cargill, Minn., and points within one mile thereof, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and *returned and rejected shipments* of the above-specified commodities on return.

HEARING: February 5, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 108523 (Sub-No. 4), filed October 13, 1961. Applicant: DUANE POLMAN, doing business as POLMAN TRANSFER, 1122 Second Street SE., Wadena, Minn. Applicant's attorney: James F. Greenstein, Twin City Federal Building, 112 East Sixth Street, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, precut building materials and sections, sectionalized and panelized buildings, precut, assembled or partially assembled units, including fixtures*, from Wadena, Minn., and points within twenty-five (25) miles therefrom, to points in Iowa, that part of Illinois (on and North of U.S. Highway 6), that part of Montana (on and East of U.S. Highway 87 from the point where U.S. Highway 87 intersects the Southern border of Montana, North along U.S. Highway 87 to the Junction of U.S. Highway 87 and Montana Highway 19, on and East of Montana Highway 19 from the Junction of Montana Highway 19 and U.S. Highway 87 to the Junction of Montana Highway 19 and U.S. Highway 2, on and East of Montana Highway 242 from the Junction of U.S. Highway 2 and Montana Highway 19 to the Northern border of Montana), points in the Upper Peninsula of Michigan, Wisconsin, North Dakota, and South Dakota, and *rejected and damaged shipments* of the above-specified commodities, on return.

NOTE: Applicant holds common authority in MC 116227.

HEARING: February 15, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Henry C. Darmstadter.

No. MC 108736 (Sub No. 8), filed October 5, 1961. Applicant: A. H. VIETOR, doing business as ALBERT LEA TRANSFER CO., 423 Adams Avenue, Albert Lea, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* from Streator, Ill., to points in Bigstone, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Pope, Redwood, Renville, Rice, Rock, Scott, Sibley, Stearns, Steele, Stevens, Swift, Wabasha, Waseca, Watonwan, Winona, Wright, and Yellow Medicine Counties, Minn., points in Buena Vista, Butler, Cerro Gordo, Cherokee, Clay, Dickinson, Emmet, Floyd, Franklin, Hancock, Humboldt, Kossuth, Mitchell, O'Brien, Osceola, Palo Alto, Pocahontas, Winnebago, Worth, and Wright Counties, Iowa, and points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn Counties, Wis.

HEARING: February 7, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 108880 (Sub No. 4), filed September 29, 1961. Applicant: ALLMEN TRANSFER & MOVING COMPANY, a corporation, 1931 West 112th Street, Cleveland 2, Ohio. Applicant's representative: J. J. Kuhner, 11621 Detroit Avenue, Cleveland 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Portland cements*, from Middlebranch, Ohio, to points in Chautauqua County, N.Y., those in Cambria, Clearfield, Elk, Fayette, Indiana, Jefferson, McKean, Somerset, and Westmoreland Counties, Pa. (except points in that part of Pennsylvania on and west of a line commencing at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Du Bois, Pa., and thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line), and those in Calhoun, Gilmer, Harrison, Jackson, Lewis, Marion, Mason, Monongalia, Roane, and Taylor Counties, W. Va. (except points in that part of West Virginia on and west of U.S. Highway 19 from the West Virginia-Pennsylvania State line to Weston, W. Va., and on, west, and north of U.S. Highway 33 from Weston to the West Virginia-Ohio State line); and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting Portland Cements from the above-specified destination points to Middlebranch, Ohio.

NOTE: Applicant also has common carrier authority under MC 34325 (Sub No. 1). Dual authority and common control (the latter through MC-F 5677) may be involved.

HEARING: January 31, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 109421 (Sub-No. 19), filed November 13, 1961. Applicant: CARTER TRUCKING CO., INC., doing business as COASTAL REFRIGERATED SERVICE, P.O. Box 1689, Tampa, Fla. Applicant's attorney: William A. Roberts, Continental Building, 14th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Connecticut, Rhode Island and Massachusetts to points in Florida.

HEARING: February 15, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Way, Miami, Fla., before Examiner James H. Gaffney.

No. MC 110098 (Sub-No. 28), filed December 4, 1961. Applicant: ZERO REFRIGERATED LINES, a corporation, Station A, Box 4066 (815 Merida Street), San Antonio 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, unfrozen, in straight and in mixed shipments, with *Frozen fish, frozen fruits, frozen berries and frozen vegetables*, (1) from points in Idaho and Utah to points in Arizona, Arkansas, California, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin, and (b) from points in Oregon and Washington to points in Arizona, California, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 110420 (Sub-No. 298), filed October 31, 1961. Applicant: QUALITY CARRIERS, INC., Calumit Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint products, paint ingredients and varnish*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Michigan, Minnesota, Missouri, Georgia, and Pennsylvania.

NOTE: Applicant states, it "controls Bulk Transport Co. and Beaver Transport Co."

HEARING: February 7, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 110525 (Sub-No. 462), filed September 14, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Providence, R.I., to points in Rhode Island, points in Connecticut east of Connecticut Highway 32 and points in Massachusetts east of Massachusetts Highway 32, and *rejected shipments* of the above-specified commodity, on return.

NOTE: Applicant holds contract authority in MC 117507 and Subs thereunder, therefore, dual operations may be involved. Applicant states common control may be involved.

HEARING: January 19, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 134, or, if the Joint Board waives its right to participate before Examiner John L. York.

No. MC 110525 (Sub-No. 472), filed November 16, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement* (1) from the Borough of West Conshohocken, Pa., to points in Maryland; points in Rockland and Orange Counties, N.Y.; and points in Virginia (except that part in and north of King George, Stafford, Spotsylvania, Orange, Greene, and Rockingham Counties); and (2) from Evansville, Pa., to points in Rhode Island; points in New York (except in Nassau, Suffolk, and Westchester Counties, and New York City, N.Y.); and points in Virginia (except that portion in and north of King George, Stafford, Spotsylvania, Orange, Greene, and Rockingham Counties).

NOTE: Applicant holds contract authority under 117507 so dual operations may be involved.

HEARING: January 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 110525 (Sub-No. 473), filed November 16, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from St. Marys, W. Va., to points in the District of Columbia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant holds contract authority under MC 117507 and Subs thereunder, therefore, dual authority may be involved.

HEARING: January 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 110698 (Sub-No. 191), filed November 15, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils*, from Wilmington, N.C., to points in Virginia.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown, Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 111045 (Sub-No. 21), filed November 16, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa 1, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Linseed oil*, in bulk, in tank vehicles, from Jacksonville, Fla., to points in Georgia.

HEARING: January 29, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if, the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC-111398 (Sub-No. 2), filed August 4, 1961. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Conduit and pipe*, and *attachments, parts*, and *fittings therefor*, from Ravenna, Ohio, and a radius of four (4) miles of Ravenna, to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, and (b) *Containers, racks, dividers, skids, pallets*, and *other shipping and protection devices*, used in connection with outbound transportation of conduit and pipe, and attachments, parts and fittings therefor, from the destination states mentioned in (a) above, to Ravenna, Ohio, and points within four (4) miles of Ravenna, and (c) *Returned, damaged and rejected shipments* of conduit, and pipe, and attachments, parts and fittings therefor, from the destination states mentioned in (a) above, to Ravenna, Ohio, and points within four (4) miles of Ravenna.

NOTE: Applicant is now a contract carrier, but proceedings to convert applicant to the status of common carrier are now pending in Docket No. MC 108446 (Sub-No. 17), and if said conversion proceedings are not concluded at the time this application comes on for hearing, applicant seeks an interim contract permit to perform the above described operation, which interim contract permit will be replaced by a corresponding common carrier certificate upon applicant's conversion to common carrier status.

HEARING: January 31, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 111398 (Sub No. 5), filed September 28, 1961. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities or merchandise as is manufactured, processed or dealt in by rubber or rubber products manufacturers*, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business; from Medina, Ohio, and points within three (3) miles thereof to Clarksville, Tenn., points in Massachusetts, Connecticut, New Jersey, and Rhode Island and points in that part of New York on and east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N.Y., thence along New York Highway 12 through Watertown and Utica to Binghampton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, and those in that part of Pennsylvania on and east of a line extending along U.S. Highway 111 from the Maryland-Pennsylvania State line to Harrisburg, Pa., thence along U.S. Highway 11 through Scranton, Pa., to the Pennsylvania-New York State line.

HEARING: February 2, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 111398 (Sub-No. 6), filed September 29, 1961. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies, used in the manufacture of rubber products*, from the plant site of B. F. Goodrich Company, approximately 13 miles east of Fort Wayne, Ind., in Milan Township, Allen County, Ind., to points in Ohio, Kentucky, Michigan, Illinois, Massachusetts, Connecticut, Rhode Island, New Jersey, those in New York, on and east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N.Y., thence along New York Highway 12 to Binghamton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State Line, and those in Pennsylvania on and south of U.S. Highway 22 and on and east of U.S. Highway 11, and to Clarksville, Tenn., and St. Louis, Mo.

NOTE: Applicant holds contract authority in MC 108446 and subs thereunder, therefore, dual operations may be involved.

HEARING: February 1, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 111740 (Sub-No. 11) (CORRECTION), filed October 13, 1961, published FEDERAL REGISTER issue of December 6, 1961, and republished as corrected this issue. Applicant: OIL TRANSPORT COMPANY, a corporation, East Highway 80, P.O. Box 2031, Abilene, Tex. Applicant's attorney: Jerry Prestridge, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, (1) between points in New Mexico, on the one hand, and, on the other, points in

Arizona, Colorado, Kansas, Oklahoma, Utah, and points in Texas *on and west* of U.S. Highway 81, (2) between points in Texas on and west of U.S. Highway 81, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, and Oklahoma, (3) from points in Texas on and west of U.S. Highway 81 (except Hockley, Crane, and Ector Counties, Tex.), to points in Utah, and (4) from points in Crane, Hockley, and Ector Counties, Tex., to points in Utah (except San Juan County, Utah).

NOTE: The purpose of this republication is to correct item (1) as shown above.

HEARING: Remains as assigned January 16, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Dallas B. Russell.

No. MC 111812 (Sub-No. 141), filed November 17, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to Bismarck, N. Dak., Salt Lake City, Utah, Denver, Colo., and points in Oregon and Washington.

HEARING: January 30, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 111812 (Sub-No. 143), filed November 24, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux City, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato products*, other than frozen, when moving with frozen foods, from points in Idaho, Oregon, and Washington, to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, and Illinois. (2) *Frozen foods and potato products*, other than frozen, when moving with frozen foods, from points in Washington, Oregon, and Idaho, to points in Wyoming, Montana, Michigan, Indiana, and Kansas.

NOTE: Applicant states that if this application is granted, applicant will surrender certificate in MC 111812 Sub-No. 27, which provides for frozen foods, from all points in Washington to all points in Montana.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 112020 (Sub-No. 141), filed November 7, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, acids*, and *petroleum* and *petroleum products*, in bulk, (1) from points in Oklahoma, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Florida, and Georgia, to points in California, Washington, and Oregon, (2) from points in Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Florida, and Georgia, to points in Arizona, New Mexico, Utah, Nevada, Idaho, Montana, and Wyoming and (3) from points in California, Washington, and Oregon to points in Oklahoma, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Florida, and Georgia.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma corporation.

HEARING: February 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer. This assignment is for applicant's presentation only. A continued hearing is contemplated at a point to be selected by the presiding examiner after considering the request of the parties.

No. MC 112223 (Sub-No. 57), filed November 24, 1961. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1121 South Seventh Street, Minneapolis, Minn. Applicant's attorney: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds* (manufactured fertilizers) dry, in paper bags and in bulk, *urea*, in paper bags and in bulk, *ammonium nitrate fertilizer*, in paper bags and in bulk, *superphosphate*, (not defluorinated superphosphate, nor feed grade superphosphate), dry, in paper bags and in bulk, from Port Cargill, Minn., and points within one (1) mile thereof, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and *rejected shipments* of the above-specified commodities, on return.

HEARING: February 6, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 112304 (Sub-No. 3), filed December 5, 1961. Applicant: ACE-DORAN HAULING & RIGGING CO. CORP. 312 Lock Street, Cincinnati, Ohio. Applicant's attorney: Ernie Adamson, Box 62, Middleburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick on pallets, and refractory products*, between points in Ohio, Pennsylvania, Kentucky, Indiana, West Virginia, Illinois, New Jersey, New York, and Michigan.

HEARING: January 22, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Joseph A. Reilly.

No. MC 112330 (Sub-No. 6), filed October 30, 1961. Applicant: A. G. OGDEN, 27340 South Federal Highway, Naranja, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, insecticides, fungicides, herbacides*, between points in Florida.

HEARING: February 5, 1962, at the Angebilt Hotel, Orlando, Fla., before Joint Board No. 205, or if, the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 112520 (Sub-No. 71), filed November 29, 1961. Applicant: MC KENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and petroleum by-products, and nitrogen solutions*, in bulk, in tank vehicles, from points in Bradford County, Fla., to points in Florida and Georgia.

HEARING: January 31, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or if, the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 112696 (Sub-No. 16), filed November 13, 1961. Applicant: HARTMANS, INCORPORATED, P.O. Box 468, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, leather, rubber heels* and *soles*, and *supplies* and *equipment* used in a shoe factory, (1) from East Berlin, Pa., to Gettysburg, Pa., (2) between Littlestown, Pa., and Taneytown, Md., (3) between Boston, Mass., and Elizabethtown, Pa., and (4) between Harrisburg, Pa., and Boston, Mass.

HEARING: January 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 113255 (Sub-No. 34) (AMENDMENT), filed August 23, 1961, published FEDERAL REGISTER issue September 7, 1961, as an application in which handling without oral hearing was requested, amended November 22, 1961, and republished as amended this issue. Applicant: MILK TRANSPORT, INC., Box 398, New Brighton, Minn. Applicant's attorney: Val M. Higgins, One Thousand National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrolatum and white oil*, in bulk, in tank vehicles, from Karns City, Pa., to points in Illinois and Wisconsin, and *exempt commodities*, on return.

NOTE: The purpose of this republication is to reflect the amended commodity description to include white oil, and enlarge the destination territory.

HEARING: February 9, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 113267 (Sub-No. 48), filed October 13, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, and *agricultural commodities exempt from economic regulation under Section (B)(6) of the Act*, when transported with bananas, from Atlanta, Ga., to points in Michigan, Wisconsin, and Ohio.

NOTE: Applicant has pending contract authority MC 50132 Sub-No. 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of Passengers: Vandalia Bus Lines Inc. MC 2698, Industrial Bus Lines, Inc. MC 114168, In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc. MC 110845.

HEARING: January 29, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Alton R. Smith.

No. MC 113539 (Sub-No. 3), filed November 28, 1961. Applicant: PORTER TRANSPORTATION COMPANY, a corporation, St. Bernard Street, Fitchburg, Mass. Applicant's attorney: Milton E. Diehl, 1383 National Press Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Carteret, N.J., to points in Aroostook County, Maine.

HEARING: January 19, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Samuel C. Shoup.

No. MC 114019 (Sub-No. 63), filed September 25, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Burlington, Ky., to points in Kansas, Michigan, Minnesota, Missouri, Tennessee, West Virginia, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Alabama, and Georgia.

NOTE: Common control may be involved.

HEARING: January 29, 1962, at the Palmer House, Chicago, Ill., before Examiner Henry C. Darmstadter.

No. MC 114019 (Sub-No. 65), filed October 16, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 700 South Pulaski Road, C, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, Packing house products* and *frozen foods*, from Harrisburg, Chester, and Scranton, Pa., Wilmington, Del., Baltimore, Md., Savannah, Ga., Charleston, S.C., and Norfolk, Va., to points in Maryland, Virginia, Delaware, West Virginia, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, and Washington, D.C.

NOTE: Applicant states it "is in control of LITTLE AUDREY'S TRANSPORTATION CO., INC., MC-F-7351."

HEARING: February 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 114021 (Sub No. 19), filed October 5, 1961. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduits and pipe made of cement and asbestos fibre, including the necessary sealing and adhesive materials, connections and fittings thereof;* from Ravenna, Ohio and points within a radius of four (4) miles of Ravenna, to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, and *containers, backs, dividers, skids, pallets, or other shipping devices* used in connection with outbound transportation of the above-described commodities and *returned, damaged or rejected shipments of conduits and pipe made of cement and fibre*, on return.

HEARING: January 31, 1962, at the Palmer House, Chicago, Ill., before Examiner Henry C. Darmstadter.

No. MC 114084 (Sub-No. 3), (AMENDMENT), filed September 25, 1961, published FEDERAL REGISTER issue October 25, 1961, amended November 20, 1961, republished as amended this issue. Applicant: S AND S TRUCKING COMPANY, a corporation, 118 South Oakland Avenue, Statesville, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory and technical furniture, fixtures, equipment, material and supplies*, uncrated from points in Iredell County, N.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and *rejected and refused shipments* from destination points listed above to point of origin.

NOTE: The purpose of this republication is to include fixtures, in the commodity description and also to show applicant's attorney.

HEARING: January 23, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Alton R. Smith.

No. MC 114098 (Sub-No. 26), filed November 13, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Front and rear mount winches, service bodies, side boxes, sleeper cabs, 3-way dump bodies, maintenance and personnel bodies, utility line construction bodies, hydraulic derricks and diggers*, on flat trailers, from Houston, Tex., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: February 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 114098 (Sub-No. 27), filed November 13, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit, pipe* and *fittings*, on flat trailers, between Charlotte, N.C., on the one hand, and on the other, points in Pennsylvania, except Philadelphia and points within 25 miles thereof.

HEARING: February 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 114098 (Sub-No. 28), filed November 13, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, wallboard, building board* and *building insulation board*, on flat trailers, from Tarboro, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois (except points in the Chicago Commercial Zone as defined by the Commission), Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland (except Baltimore), Massachusetts, points in Michigan north of U.S. Highway 21, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey (except points within 35 miles of New York, N.Y., and except points within 25 miles of Philadelphia, Pa.), New York (except points in the New York, N.Y., Commercial Zone as defined by the Commission), North Carolina, Oklahoma, Pennsylvania (except Philadelphia and points within 25 miles thereof and except Easton and York), Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: February 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114098 (Sub-No. 29), filed November 17, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed, precast and reinforced concrete products*, namely, *piling*,

beams, columns, girders, slabs and *wall panels*, on flat trailers, between Charlotte, N.C. on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Tennessee, West Virginia, Delaware, Georgia, Florida, Alabama, and Kentucky.

HEARING: January 25, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Alton R. Smith.

No. MC 114098 (Sub-No. 30), filed November 20, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast reinforced concrete fallout shelters*, on flat trailers, from Charlotte, N.C. to points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, West Virginia, Delaware, Virginia, South Carolina, Tennessee, Kentucky, Alabama, Georgia, and Florida.

HEARING: January 26, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Alton R. Smith.

No. MC 114098 (Sub-No. 31), filed November 17, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, and reinforced concrete products*, namely, *piling, beams, columns, girders, slabs and wall panels*, on flat trailers, between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina and Virginia.

HEARING: January 30, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 114835 (Sub-No. 9) (CORRECTION), filed July 13, 1961, and republished as corrected, this issue. Applicant: SOO LINE RAILROAD COMPANY, a corporation, 800 Soo Line Building, Minneapolis 40, Minn. Applicant's attorney: G. Harold Peterson, Soo Line Railroad, Law Department, 1427 Soo Line Building, P.O. Box 530, Minneapolis 40, Minn. Notice of the filing of the subject application was published in the FEDERAL REGISTER, issue of December 6, 1961. By letter dated December 12, 1961, applicant advises of the following corrections: Paragraph (6) of the published notice in the FEDERAL REGISTER of December 6, 1961, the word "Donneybrook" should read "Donnybrook". Paragraph (13) the words "River Forest" should read "Forest River". The off-route list of stations under paragraph (13) should have inserted the town of "Greene" after the town of Grano.

HEARING: Remains as assigned January 24, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 115946 (Sub-No. 12), filed September 27, 1961. Applicant: CHARLES C. GAY, doing business as GAY TRUCKING COMPANY, P.O. Box 7055, Savannah, Ga. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, namely, *compounds* (manufactured fertilizer), *dry ammonium nitrate fertilizer and urea having value for fertilizer purposes only*, and *fertilizer compound* (manufactured fertilizer) *dry ammonium nitrate limestone*, from points in Chatham County, Ga. to points in North Carolina and South Carolina.

HEARING: February 5, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate before Examiner Alton R. Smith.

No. MC 116434 (Sub-No. 16), filed October 27, 1961. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Apple cider and vinegar*, in containers in cartons, from Alton and Olney, Ill., to points in Arkansas, Indiana, Kansas, Kentucky, Missouri, Nebraska and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 6, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 116514 (Sub-No. 13), filed October 12, 1961. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hogsheads, hogshead material and boxes (wood, fibreboard and paper) and components thereof*, between points in South Carolina on the one hand, and, on the other, points in North Carolina.

HEARING: February 13, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 117025 (Sub-No. 11) (AMENDMENT), filed September 18, 1961, published FEDERAL REGISTER issue of November 29, 1961, amended December 8, 1961, and republished as amended this issue. Applicant: LeROY HILT, 3751 Sumner Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, I.B.M. Building, 12th and J Streets, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and *malt beverages*, from Omaha, Nebr., and Pueblo, Colo., to points in Colorado, Wyoming, and Nebraska, and *empty malt beverage containers*, on return.

NOTE: The purpose of this republication is to include Pueblo, Colo., as an origin point, and Nebraska as a destination State.

HEARING: Remains as assigned January 23, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffien.

No. MC 117367 (Sub No. 1), filed September 2, 1959. Applicant: PACIFIC EASTERN REFRIGERATED LINES, INC., Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen foods* (of all kinds), between points in Washington, Oregon, Idaho, California, Wyoming, Minnesota, Illinois, Nevada, Arizona, Montana, Colorado, Utah, New Mexico, Texas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Wisconsin, Michigan, Ohio, Indiana, Kentucky, Pennsylvania, New York, Massachusetts, and Florida. Applicant is authorized to conduct operations in South Dakota, Washington, California, and Nevada.

HEARING: February 21, 1962, at the Federal Office Building, Seattle, Wash., before Examiner Donald R. Sutherland.

No. MC 117427 (Sub-No. 26), filed September 26, 1961. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated and sun-cured alfalfa meal and pellets*, from points in Lucas County, Ohio, to points in Pennsylvania, New York, and Maryland.

NOTE: Applicant also holds contract carrier authority under No. MC 116145.

HEARING: February 2, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 117823 (Sub-No. 4), filed November 30, 1961. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 California Avenue, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, (1) from points in Idaho, south of the south boundary of Idaho County, to points in Oregon, Washington, California, Wyoming, Nevada, Utah, Arizona, and Denver, Colo., and (2) from points in Idaho south of the south boundary of Idaho County and Ogden, Salt Lake City, and Provo, Utah, to points in Oregon, Washington, California, Wyoming, Nevada, Utah, Arizona, and Denver, Colo., and (3) from points in Oregon to points in Utah, Wyoming, and Idaho.

HEARING: February 5, 1962, at the Public Utilities Commission. State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118168 (Sub-No. 4), filed November 20, 1961. Applicant: MARQUIS REFRIGERATED LINES, INC., Findley and Beltline Road, Irving, Tex. Applicant's attorney: M. Ward Bailey, 807 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, cooked and uncooked, from points in Oregon, Idaho, and Utah to points in New Mexico, Texas, Louisiana, Arkansas, and Oklahoma, and *exempt commodities*, on return.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118838 (Sub-No. 5), filed September 5, 1961. Applicant: GABOR TRUCKING, INC., Detroit Lakes, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients*, from Cedar Rapids and Fort Dodge, Iowa, to the Ports of Entry on the International Boundary line between the United States and Canada at or near Noyes, Minn., Portal, N. Dak., and Sweetgrass, Mont.

HEARING: February 7, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 119531 (Sub-No. 10), filed October 30, 1961. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* and *materials, equipment* and *supplies* used in the manufacture, sale and distribution of metal containers, between Cincinnati, Ohio, and points in Anderson Township (Hamilton County), on the one hand, and on the other, Adrian, Blissfield, and Dundee, Mich., Dupont, Austin, and Rising Sun, Ind., and also points in Indiana on and north of U.S. Highway 50 and on and south of U.S. Highway 30.

HEARING: February 13, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 119895 (Sub-No. 4) (AMENDMENT), filed September 28, 1961, published issue of November 29, 1961, amended December 13, 1961, and republished as amended this issue. Applicant: INTERCITY EXPRESS, INC., P.O. Box 1055, Fort Dodge, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, packing-house products*, and *commodities used by packing houses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, (a) From Fort Dodge, Iowa, to Springfield, Mo., and Fort Smith and Little Rock, Ark.; (b) From Springfield, Mo., to Fremont, Nebr., Fort Dodge, Iowa, and Austin and Owatonna, Minn.; (c) From Fremont, Nebr., to Fort Dodge, Iowa, and Austin and Owatonna, Minn.; and (d) From Fort Dodge, Iowa, to Fremont, Nebr.; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to their respective origin points.

NOTE: The purpose of this republication is to add the point of Owatonna, Minn., as a destination in Part (c) of the application.

HEARING: Remains as assigned January 25, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffien.

No. MC 123681 (Sub-No. 1), filed November 24, 1961. Applicant: WIDING TRANSPORTATION, INC., 3347 Northwest St. Helens Road, Portland 10, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 SW. 5th Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-nickel* pigs, from the plant site of Hanna Nickel Smelting Co., at or near Riddle, Oreg., to Portland, Oreg., and *liquid petroleum products*, in bulk, on return.

HEARING: February 13, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 123840 (Sub-No. 1), filed October 26, 1961. Applicant: S. E. PRINCE, Highway 62, Lincoln, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment used in, or in connection with the poultry breeding and raising industry*, for the account of The Buckeye Incubator Company of Springfield, Ohio, from Springfield, Ohio, to points in Arkansas.

HEARING: February 1, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123920, filed September 11, 1961. Applicant: ELDON H. RIECK, Bay City, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand* (processed and unprocessed), *machinery* and *supplies*, used in the processing of such sand, from Bay City, Wis., to points in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, and Illinois, and (2) *empty containers or other such incidental facilities* (not specified) and *such machinery as may be needed and oil and chemicals*, used in treating of sand, on return.

HEARING: February 12, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 123968, filed October 5, 1961. Applicant: J & J MOTOR SERVICE, INC., 2316 South Indiana Avenue, Chicago, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Displays, display booths, display equipment and materials, exhibition booths, exhibition equipment and materials*, crated and uncrated, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities between Chicago, Ill., Milwaukee, Wis., St. Louis, Mo., Detroit, Mich., Philadelphia and Pittsburgh, Pa., Minneapolis, Minn., Las Vegas, Nev., San Francisco and Los Angeles, Calif., Atlantic City, N.J., New York, N.Y., and Washington, D.C.

NOTE: Applicant states the above-specified commodities are to be transported to or from conventions, trade shows and exhibitions.

HEARING: February 1, 1962, at the Palmer House, Chicago, Ill., before Examiner Henry C. Darmstadter.

No. MC 123980, filed October 9, 1961. Applicant: MANDUS R. OLSON, doing business as M. R. OLSON, 735 Springen, Fergus Falls, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, in bulk and in bags, from points in Iowa to points in Minnesota, North Dakota, and South Dakota. (2) *Bags, fertilizer and fertilizer materials*, in bulk and in bags, between points in Minnesota, South Dakota, and North Dakota.

HEARING: February 14, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Henry C. Darmstadter.

No. MC 123984, filed October 12, 1961. Applicant: COPEY TRAILERS, INC., 606 Board of Trade Building, Indianapolis, Ind. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in and on trailers, between Sharon, Pa. and Leavittsburg, Ohio (a railroad point within the Commercial Zone of Warren, Ohio) on the one hand, and, on the other, points in Sharon, Sharpsville, Transfer, Greenville, Kennard, Atlantic, Farrell, Wheatland, West Middlesex, Pulaski, Nashua, New Castle, and Orangeville, Pa. and Hubbard, Doughton's, Youngstown, Girard, Niles, Warren, Leavittsburg, Phalanx, Mahoning, Orangeville, Johnsons, Cortland, North Warren, Braceville, Atlas, Windham, Freedom, Depot, Apco, Ravenna, Mineral Ridge, West Austintown, Canfield, Marquis, Greenford, Washingtonville, Leetonia, and Lisbon, Ohio (stations on the Erie-Lackawanna Railroad Company's lines). RESTRICTION: All movements under the foregoing authority will have had a prior or subsequest movement in piggyback service.

NOTE: (1) Applicant states the proposed operation is for Erie-Lackawanna Railroad Company moving on railroad bills of lading. (2) Applicant states George Copenhaver, Dba Copey's Transfer, located at 379 Penn Avenue, Sharon, Pa., holds authority under Docket No. MC 85613 to transport household goods, office furniture and fixtures between Farrell, Pa., and points within ten (10) miles thereof, on the one hand, and, on the other, points and places in Ohio, West Virginia, Maryland, New Jersey, New York, and Pennsylvania. Accordingly, there may be a question of control of two carriers involved.

HEARING: January 29, 1962, at the Old Post Office Building, Public Square

and Superior Avenue, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 123986, filed October 13, 1961. Applicant: MONTE TRUCKING, INC., 390 North Lake Street, Amherst, Ohio. Applicant's attorney: George S. Maxwell, 1032 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, concrete block, pre-stressed concrete structural members, flexicore roofing and similar concrete products* and *such materials as are used in the above-specified commodities, such as steel wire, sheet steel and cement*, between Amherst, Dayton, Columbus, and Kent, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, and Pennsylvania.

HEARING: January 30, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123991, filed October 17, 1961. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 1028 West Rayen Street, Youngstown, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut homes and buildings*, from Niles, Ohio to points in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Pennsylvania, and West Viriginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant holds common carrier authority in MC 14552 and subs thereunder, therefore dual operations may be involved.

HEARING: January 29, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123994, filed October 19, 1961. Applicant: JOHN MARSHALL, 500 Jefferson Avenue, Windber, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Utica, Rochester and Staten Island, N.Y., Cumberland, Md., Jersey City, N.J., Cleveland, Ohio, and Detroit, Mich., to Windber, Beaverdale, and Johnstown, Pa., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

HEARING: January 25, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Joseph A. Reilly.

No. MC 123999, filed October 20, 1961. Applicant: J. ROBERT DAVIS, doing business as DAVIS TRUCK LINE, Main Street, Centre, Ala. Applicant's attorney: Oscar M. Smith, Third Avenue at East First Street, Rome, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cottonseed; cottonseed products; cotton; burlap and paper bags; bagging and ties new, used and scrap; insecticides; fertilizers and fertilizer materials; defoliants; soybeans and soybean products*, and (2) *exempt commodities*, moving at the same time in the same vehicle with non-exempt commodities, between points in Alabama, on the one hand, and, on the other, points in Georgia.

NOTE: Applicant states it does not seek the right to transport any of said commodities in liquid form.

HEARING: January 30, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate before Examiner Alton R. Smith.

No. MC 124027, filed November 3, 1961. Applicant: MIDWEST BULK, INCORPORATED, Route 1, Box 472, Neenah, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Coke* from Milwaukee, Wis., to points in Illinois, Indiana, and the Upper Peninsula of Michigan, and (b) *pig iron* from Chicago, Ill., to points in Wisconsin and the Upper Peninsula of Michigan.

HEARING: February 6, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 124028, filed November 2, 1961. Applicant: TAVARES AND GULF RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Ocoee, Fla., and Clermont, Fla., from Ocoee over Florida Highway 438 to junction Florida Highway 455 at Killarney, Fla., thence over Florida Highway 455 to junction Florida Highway 50, thence over Florida Highway 50 to Clermont, and return over the same route, serving all intermediate points, and serving Orlando, Fla., as an off-route point, (2) between Killarney and Tavares, Fla., from Killarney over Florida Highway 455 to junction Florida Highway 561, thence over Florida Highway 561 to junction Florida Highway 19, thence over Florida Highway 19 to Tavares, serving all intermediate points, and serving Orlando, Fla., as an off-route point, (3) between Clermont, Fla., and junction Florida Highways 19 and 561, from Clermont over Florida Highway 50 to junction U.S. Highway 27, thence over U.S. Highway 27 to Junction Florida Highway 561, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE: Applicant states "Interstate shipments originating at points on the above described route will be transported by applicant by motor vehicle to Tavares, Fla., for handling beyond by the said Seaboard Air Line Railroad Company. Interstate shipments destined to points in this area will be received from the Seaboard Air Line Railroad Company at Tavares and handled by motor vehicle to destination." Applicant further states, "The Tavares and Gulf is a wholly owned subsidiary of the Seaboard Air Line Railroad Company."

HEARING: February 2, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or if, the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 124033, filed November 6, 1961. Applicant: CHARLES E. LANCASTER, doing business as S & L TRANSFER COMPANY, West Bright Street, P.O. Box 4, Raleigh, N.C. Applicant's attorney: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer material*, in truck loads, from Norfolk, Va., and points in the commercial zone thereof, to points in Lenoir County, N.C., furnishing no transportation except for exempt commodities on return.

HEARING: February 1, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 124050, filed November 16, 1961. Applicant: NATHAN T. FLOWERS AND NELSON R. JONES, a partnership, doing business as FLOWERS & JONES TRUCKING CO., Route 3, Smithfield, N.C. Applicant's attorney: John Kerr, Jr., Warrenton, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Norfolk, Va., to Oxford, N.C., and points in North Carolina east of U.S. Highway 15, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

HEARING: February 1, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 124059, filed November 20, 1961. Applicant: REJER TRANSPORT, INC., 212 Pike Street, Marietta, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig Iron*, in dump vehicles, from points in Waterford Township (Washington County), Ohio, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Delaware, Pennsylvania, Wisconsin, and Ohio, and *scrap metals, wood chips, coke* and *lime*, on return.

NOTE: Applicant states R. O. Wetz, president and shareholder, also is a carrier holding authority in Docket No. MC 31438.

HEARING: January 30, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 124071, filed November 29, 1961. Applicant: MARTIN TRUSHENSKI, doing business as TRUSHENSKI TRUCKING, 511 Wilson Avenue, St. Cloud, Minn. Applicant's attorney: Gordon Rosenmeier, 72 Broadway, Little Falls, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats in shipper-owned refrigerated semitrailers*, from St. Cloud, Minn., to Detroit, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 12, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 315), filed December 1, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Public Service Coordinated Transport, Law Department, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within the city of Newark, N.J., from the Newark Airport Passenger Terminal located on Port Street, Newark, N.J., over Port Street and Terminal Street to the Port of New York Authority Marine Terminal, Port Newark, N.J., and return over the same route, serving all intermediate points.

HEARING: January 31, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3700 (Sub-No. 47) (AMENDMENT), filed September 14, 1961, published issue December 6, 1961, amended December 11, 1961, and republished as amended this issue. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Route 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip sightseeing and pleasure tours beginning and ending at Jersey City and Bayonne, N.J., and extending to points in Florida.

NOTE: The purpose of this republication is to include the city of Bayonne.

HEARING: Remains as assigned January 16, 1962 at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Examiner C. Shoup.

No. MC 52475 (Sub-No. 11), filed December 7, 1961. Applicant: POTOMAC MOTOR LINES, INC., 119 W. Franklin Street, Hagerstown, Md. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express, mail and newspapers*, in the same vehicle with passengers, between Hagerstown, Md., and Greencastle, Pa., from Hagerstown, over U.S. Highway 11 to Greencastle, thence return over the same route, serving all intermediate points.

HEARING: January 23, 1962, at the Federal Building, Hagerstown, Md., before Joint Board No. 74, or, if the Joint Board waives its right to participate before Examiner James C. Cheseldine.

No. MC 61016 (Sub-No. 14), filed October 2, 1961. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, beginning and ending at Chicopee, Easthampton, Holyoke, Northampton, Springfield, Sunderland, Whately, and Willimansett, Mass., and extending to Ashuelot and Winchester, N.H.

NOTE: Applicant states the proposed operation will be restricted to the transportation of passengers, who, at the time, are traveling from the designated origin points to the designated destination points, and return, for the purpose of participating in games commonly referred to as "Beano" or "Bingo" games.

HEARING: January 18, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 109598 (Sub-No. 23), filed October 19, 1961. Applicant: CAROLINA SCENIC STAGES, a corporation, 217 North Converse Street, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers; (1) Between Orangeburg, S.C., and junction South Carolina Highways 170 and 46, from Orangeburg over U.S. Highway 601 to junction South Carolina Highway 49, thence over South Carolina Highway 49 to junction South Carolina Highway 36, thence over South Carolina Highway 36 to Bamberg, S.C., thence over U.S. Highway 601 through Ehrhardt to Hampton, S.C., thence over South Carolina Highway 28 through Varnville to Almeda, S.C., thence over South Carolina Highway 128 through Grays, Gillisonville, and Ridgeland, S.C., to junction South Carolina 462, thence over South Carolina Highway 462 to junction South Carolina Highway 170, thence over South Carolina Highway 170 to junction South Carolina Highway 46, and return over the same route, serving all intermediate points; (2) Between junction South Carolina Highways 46 and 462, and junction South Carolina Highways 462 and 170, from junction South Carolina Highways 46 and 462, over South Carolina Highway 462 to junction South Carolina Highway 170, and return over the same routes, serving all intermediate points; (3) Between junction South Carolina Highways 462 and 170 and Beaufort, S.C., from junction South Carolina Highways 462 and 170, over South Carolina Highway 170 to junction South Carolina Highway 281, thence over South Carolina Highway 281 to Beaufort, and return over the same route, serving all intermediate points.

NOTE: (1) Applicant states the routes described above duplicate in the part those described in its application under MC 109598 (Sub-No. 24), however applicant does not seek duplicating rights over the described routes which were included in each application as a part of the over-all service. (2) Applicant states it is under common control with Coastal Stages Corp., MC 110595 and Gray Line of Charleston, MC 77780.

HEARING: February 5, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 109598 (Sub-No. 25), filed November 6, 1961. Applicant: CAROLINA SCENIC STAGES, a corporation, 217 North Converse Street, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, newspapers, express, mail* and *baggage* of passengers, in the same vehicle with passengers, between Myrtle Beach, S.C., and Supply, N.C.; from Myrtle Beach over South Carolina Highway 73 to U.S. Highway 17, thence over U.S. Highway 17 to South Carolina Highway 9, thence over South Carolina Highway 9 to South Carolina Highway 57, thence over South Carolina Highway 57 to the North Carolina-South Carolina State line at which point the number changes to North Carolina Highway 1303, thence over North Carolina Highway 1303 to U.S. Highway 17, thence over U.S. Highway 17 to Supply, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is under common control with Coastal Stages Corp., MC 110595 and The Gray Line of Charleston, MC 77780.

HEARING: February 7, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 123577 (Sub-No. 4), filed November 28, 1961. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *newspapers and express*, in the same vehicle with passengers, between the junction of Paterson and Hamburg Turnpike and Church Lane, Wayne Township, N.J., and junction Church Lane and Douglas Way, Wayne Township, N.J.; from junction Paterson and Hamburg Turnpike and Church Lane, over Church Lane to junction Church Lane and Douglas Way, and return over the same route, serving all intermediate points.

NOTE: Applicant states that at the present time it has authority to operate over Church Lane with closed doors in connection with its express service to New York. Applicant requests that its existing restriction on Church Lane at the junction of Douglas Way be lifted for the purpose of segmenting the proposed route with its existing route.

HEARING: January 30, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 8964 (Sub-No. 18), filed December 4, 1961. Applicant: WITTE TRANSPORTATION COMPANY, a corporation, 2481 North Cleveland Avenue, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor

vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Farmington, Minn., and Owatonna, Minn., from Farmington over Minnesota Highway 218 to junction U.S. Highway 65, thence over U.S. Highway 65 to Owatonna, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations; (2) Between Red Wing, Minn. and Zumbrota, Minn., from Red Wing over Minnesota Highway 58 to Zumbrota, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations; (3) Between Red Wing, Minn., and Weaver, Minn., from Red Wing over U.S. Highway 61 to Weaver, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations; and (4) Between Kellogg, Minn., and Plainview, Minn., from Kellogg over Minnesota Highway 42 to Plainview, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations.

No. MC 13367 (Sub-No. 4), filed December 8, 1961. Applicant: ROBERT MERLEY, Box 1312, New Carlisle, Ind. Applicant's representative: William L. Carney, 2248 Parkview Place, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, tankage*, and *dried blood* from Milwaukee, Wis., to points in Ohio, Illinois, Indiana and the lower peninsula of Michigan.

No. MC 80504 (Sub-No. 10), filed December 6, 1961. Applicant HERMAN SHEIN, HOWARD M. SHEIN, JULES Y. SHEIN, PHILLIP SHEIN, AND SAMUEL SHEIN, a partnership, doing business as SHEIN'S EXPRESS, 1225 Calhoun Street, Trenton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) Between Buffalo, N.Y., and junction of New York Highway 5 and U.S. Highway 20, from Buffalo over U.S. Highway 20 to junction New York Highway 5, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations; (2) Between Auburn, N.Y., and junction of U.S. Highway 20 and U.S. Highway 11, from Auburn, over U.S. Highway 20 to junction U.S. Highway 11, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations; (3) Between Binghampton, N.Y., and Philadelphia, Pa., from Binghampton over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Philadelphia, and return over the same route, serving no intermediate points, as an alternate route for operation convenience only in connection with applicant's present regular route operations; (4) Between Junction U.S. Highway 611 and U.S. Highway 46 near Columbia, N.J., and Junction New Jersey Highway 3 and New Jersey 17 near Rutherford, N.J., from Junction U.S. Highways 611 and 46, east over U.S. Highway 46 to Junction New Jersey Highway 3, thence over New Jersey Highway 3 to Junction New Jersey Highway 17, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations; (5) Between Junction U.S. Highway 46 and New Jersey Highway 69 and Trenton, N.J., from Junction U.S. Highway 46 and New Jersey Highway 69, over New Jersey Highway 69 to Trenton, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular route operations.

No. MC 110525 (Sub-No. 481), filed December 6, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representative: Robert K. Maslin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Neville Island, Pa., to Beckley, W. Va.

No. MC 113908 (Sub-No. 87), filed December 6, 1961. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa Street, Springfield, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements*, in bulk, in tank vehicles, from Springfield, Mo., to Frankford, Del.

No. MC 114493 (Sub-No. 3), filed December 7, 1961. Applicant: NEW HOPE MOTOR SERVICE, INC., P.O. Box 446, New Hope, Pa. Applicant's representative: Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel*, and *stone*, from the site of the quarry of New Hope Crushed Stone & Lime Co., at New Hope, Pa., to points in New Jersey (except Lakehurst and except those in Burlington, Camden, Hunterdon, Mercer, and Salem Counties).

No. MC 123992 (Sub-No. 1) (CORRECTION), filed November 15, 1961, published in the FEDERAL REGISTER, issue of November 29, 1961, corrected December 6, 1961, republished as corrected, this issue. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *mortar;* (1) from West Winfield, Pa., to points in Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Harrison, Belmont, Geauga, Lake, Portage, Stark, Tuscarawas, Guernsey, Cuyahoga, Summit, Wayne, Holmes, Coshocton, Muskingum, Lorain, Medina, Ashland, Knox, Licking, Fairfield, Noble, Perry, Erie, Huron, Crawford, Morrow, Hocking, Morgan, Monroe, Washington, Athens, Meigs, Richland and Carroll Counties, Ohio, Garrett, Allegany, Washington, Frederick, and Carroll Counties, Md., and Hancock, Brooke, Ohio, Marshall, Wetzel, Monogalia, Preston, Marion, Tyler, Taylor, Pleasants, Wood, Ritchie, Doddridge, Harrison, Barbour, Tucker, Mineral, Grant, Hardy, Hampshire, Morgan, Berkeley, Jefferson, Writ, Gilmer, Lewis, Upshur, Randolph, Pendleton, Jackson, Calhoun, Roane, Braxton, Clay, Nicholas, Webster, and Pocahontas Counties, W. Va.; and (2) from Universal, Pa., to points in Ohio, Maryland, and West Virginia within 175 miles of Universal.

NOTE: (1) Applicant presently holds authority to perform the above-described operations as a contract carrier in Permit No. MC 111624. This is an application to convert its existing contract authority, as pertains to cement, to common carrier authority, and constitutes the election provided in report of the Commission, in No. MC 27817 (Sub-No. 35), H. C. Gabler, Inc., Extension—Cement, from Maryland and Pennsylvania Counties, decided July 19, 1961. (2) This republication corrects the second word of line 22 of previous publication to read "Md." instead of Ohio, and the words following in line 22 are corrected to read "and Hancock, Brooke," in lieu of "Garrett and Allegany". In line 25 of previous publication the word preceding "Harrison" is corrected to read "Doddridge".

No. MC 124079, filed December 5, 1961. Applicant: JACK BOWER, doing business as BOWER'S TOWING, 376 East Cuyahoga Falls Avenue, Akron, Ohio. Applicant's attorney: Harold M. Wilson, First National Tower, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Any motor or other highway vehicle designed for general highway transportation, which are dead, wrecked, disabled, abandoned, repossessed, stolen* and *embezzled*, with and without cargo, by wrecker equipment only, (2) *dollies*, where said vehicles are in such condition that the vehicle cannot be towed and (3) *replacement vehicles* and *equipment for wrecked and disabled vehicles*, by wrecker service only, between points in Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE: Applicant states the proposed operation is restricted to exclude abandoned, embezzled, repossessed and stolen mobile homes and house trailers.

MOTOR CARRIERS OF PASSENGERS

No. MC 123916 (Sub-No. 2), filed December 11, 1961. Applicant: BRENTON B. HOLTER AND DALLAS L. SHULL, a partnership, doing business as GROVE CITY BUS LINES, R.D. No. 4, Grove City, Pa. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers; (1) Between Youngstown, Ohio and Zelienople, Pa., from Youngstown over U.S. Highway 422 to New Castle, Pa., thence over Pennsylvania Highway 88 to Ellwood City, Pa., and thence over Pennsylvania Highway 288 to Zelienople, (also from the Ohio-Pennsylvania State line over unnumbered highway formerly U.S. Highway 422 to New Castle, Pa.), and return over the same routes, serving all intermediate points; (2) Between Sharon, Pa. and New Castle, Pa., from Sharon over Pennsylvania Highway 18 to New Castle, and return over the same route, serving all intermediate points; (3) Between Pittsburgh, Pa. and New Castle, Pa., from Pittsburgh over U.S. Highway 19 to Zelienople, Pa., thence over Pennsylvania Highway 288 to Ellwood City, Pa., thence over Pennsylvania Highway 88 to Energy, Pa., thence over Pennsylvania Highway 388 to Junction U.S. Highway 422, thence over U.S. Highway 422 to New Castle, and return over the same route, serving all intermediate points; and (4) Between Meadville, Pa. and Youngstown, Pa., from Meadville over U.S. Highway 322 to Jamestown, Pa., thence over Alternate U.S. Highway 322 to Greenville, Pa., thence over Pennsylvania Highway 18 to the intersection of Pennsylvania Highways 18 and 518, thence over Pennsylvania Highway 518 to Sharon, Pa., thence over U.S. Highway 62 to Youngstown, and return over the same route, serving all intermediate points.

NOTICE OF FILING OF PETITIONS

No. MC 118808 (Sub-No. 2) (PETITIONS TO AMEND PERMIT), filed October 18, 1961, and October 31, 1961. Petitioner: ABC EXPRESS COMPANY, a corporation, Philadelphia, Pa. Petitioner's attorney: William O. Turney, 2001 Massachusetts Avenue, NW., Washington 6, D.C. By two separate petitions filed October 18, and October 31, 1961, petitioner seeks authority to add additional shippers to petitioner's presently-authorized Permit No. MC 118808 (Sub-No. 2) covering the transportation, over irregular routes of: "New furniture and new home furnishings, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey. RESTRICTION: The transportation service authorized above is restricted so as to exclude the performance of any service to and from Chester, Pa. Such commodities as are dealt in by department stores, between Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, Delaware Township, and Trenton, N.J., and Wilmington, Del. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: John Wanamaker, Philadelphia, Inc., Philadelphia, Pa., Strawbridge and Clothier, Philadelphia, Pa., Lit Brothers, Philadelphia, Pa., Snellenburg, Philadelphia, Pa." The petition filed October 18, 1961, seeks to add Gimbel Bros., Philadelphia, Pa., as shipper, and the petition filed October 31, 1961, seeks to add Bamberger's Department Store, Cherry Hill, Delaware Township, N.J. as a shipper. Any person or persons desiring to oppose the additions sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8021. Authority sought for purchase by ROBIDEAU'S EXPRESS, INC., 460 Oregon Avenue, Philadelphia 48, Pa., of a portion of the operating rights of JOSEPH H. SMITH, WILLIAM H. SMITH, and JAMES J. SMITH, a partnership, doing business as JOSEPH H. SMITH & COMPANY, 1027 Marlborough Street, Philadelphia, Pa., and for acquisition by VINCENT D'ANELLA, SR., 1101 Gerritt Street, Philadelphia, Pa., MARY MELSO, 1127 Cross Street, Philadelphia, Pa., and LOUIS D'ANELLA, 2505 South Lambert Street, Philadelphia, Pa., of control of such rights through the purchase. Applicants' representative: Charles H. Trayford, Room 3001, 220 East 42d Street, New York, N.Y. Operating rights sought to be transferred: *Groceries* and *canned goods*, as a *common carrier* over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, Washington, D.C., and Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Delaware and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8022. Authority sought for merger into UNITED SHIPPING CO., 2601 Broadway Road, Minneapolis 13, Minn., of the operating rights and property of ADVANCED-UNITED EXPRESSWAYS, INC., 1006 South Barclay Street, Milwaukee 4, Wis., and RED TRUCK LINE, INC., 2601 Broadway Road, Minneapolis 13, Minn., and for acquisition by FRED B. WINES, also of Minneapolis, Minn., of control of such rights and property through the transaction. Applicants' attorney: Thomas E. Sands, Johnson & Sands, 2000 First National Bank Building, Minneapolis 2, Minn. Operating rights sought to be merged: (ADVANCE) *General commodities*, excepting, among others, household goods and commodities in bulk as a *common carrier* over regular routes between Bristol, Wis., and Minneapolis, Minn., serving the intermediate points of Milwaukee, Wis., restricted to traffic moving to or from Minneapolis and South St. Paul, Minn., and to traffic moving from points between Milwaukee and Minneapolis; points between Milwaukee and Minneapolis restricted to southbound traffic only; and points between Bristol and Milwaukee restricted to pick-up on northbound traffic and delivery on southbound traffic; and the off-route points of Racine and Kenosha, Wis., restricted to truckload lots only; Franksville, Cudahy, Granville, Carrollville, South Milwaukee, and West Allis, Wis., restricted to pick-up on northbound traffic and delivery on southbound traffic; and South St. Paul, unrestricted, serving various intermediate and off-route points in connection with regular-route operations, and over several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, in Mounds View Township, Ramsey County, Minn., and the site of the Northern Pump Company at Fridley, Minn., serving certain intermediate or off-route points in connection with carrier's existing operations; (RED TRUCK) *General commodities*, excepting, among others, Class A & B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes between St. Paul, Minn., and Grand Forks, N. Dak., serving certain intermediate and off-route points; *groceries*, between Duluth, Minn., and Grand Forks, N. Dak., serving the intermediate point of Fargo, N. Dak., and over various alternate routes for operating convenience only; *general commodities*, with the above-specified exceptions, over irregular routes, between Minneapolis, St. Paul, South St. Paul, and Newport, Minn.; *general commodities*, excepting, among others, household goods and commodities in bulk, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn., *canned goods*, from Cumberland, Wis., and points in Wisconsin within 50 miles of Cumberland, to Moorhead and Thief River Falls, Minn., and Fargo and Grand Forks, N. Dak., *malt beverages*, from LaCrosse and Milwaukee, Wis., to Moorhead, Minn., and Fargo, N. Dak., and *empty malt beverage containers* from Moorhead, Minn., and Fargo, N. Dak., to LaCrosse and Milwaukee, Wis. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8023. Application of NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J., to purchase the operating rights of SEASHORE TRANSPORTATION COMPANY, INC., 303 North Second Street, Vineland, N.J., and for acquisition by REBA SHUMAN, 57 West Park Avenue, Vineland, N.J., of

control of such rights through the purchase. Applicants' attorney: Homer S. Carpenter, 618 Perpetual Building, Washington 4, D.C. The application seeks authority under section 5, for the purchase of vendor's operating rights, by vendee which was accomplished pursuant to authority granted in No. MC-FC 61622, by order of November 28, 1958, by The Transfer Board. In No. MC-2860 Sub-3, a certificate was issued to vendee, NATIONAL FREIGHT, INC., under its former corporate name of Victory Transportation, Inc., covering the rights, which authorize the transportation of *general commodities*, excluding household goods and other specified commodities, as a *common carrier*, over a regular route, between Malaga, N.J., and Philadelphia, Pa., serving all intermediate points on the route, except Camden, N.J., and the off-route point of Pitman, N.J. The proceeding in No. MC-FC 61622 was reopened for hearing on June 21, 1961, by Division 3 at which time it entered an investigation order under section 5(7) in No. MC-F-7908, Bernard Brown—Investigation of Control—National Freight, Inc. (formerly Victory Transportation, Inc.), NATIONAL FREIGHT, INC., is also authorized to operate in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Maine, Michigan, Minnesota, Missouri, Indiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8019. Authority sought for purchase by CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C., of the operating rights of JOHN W. PATTERSON, Hilton Head, S.C., and for acquisition by HAMISH TURNER, 217 North Converse Street, Spartanburg, S.C., of control of such rights through the purchase. Applicants' attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Operating rights sought to be transferred: *Passengers* and their baggage, as a *common carrier*, over regular routes between all points on Hilton Head Island, S.C., and Savannah, Ga., serving all intermediate points except those intermediate to Savannah and the junction of South Carolina Highways 46 and 170. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8020. Authority sought for purchase by CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C., of a portion of the operating rights and certain property of SOUTHERN COACH COMPANY, 1300 East Pettigrew Street, Durham, N.C., and for acquisition by HAMISH TURNER, also of Spartanburg, S.C., of control of such rights and property through the purchase. Applicants' attorney: Wilmer A. Hill, Ames, Hill and Ames, Transportation Building, Washington, D.C. Operating rights sought to be transferred: *Passengers* and their baggage, as a *common carrier* over regular routes from Jacksonville, N.C., to Wilmington, N.C., and between Wilmington, N.C., and Southport, N.C., serving all intermediate points. RESTRICTION: The authority granted herein over the separate routes between Wilmington, N.C., and Southport, N.C., shall be construed as conferring a single operating right, not servable by sale or otherwise. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, and Georgia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8024. Authority sought for purchase by McGINN BUS CO., INC., 55 Kilby Street, Boston, Mass., of the operating rights and property of MARGUERITE E. McGINN, an individual, doing business as McGINN BUS COMPANY, 99 Cottage Street, Lynn, Mass., and for acquisition by RICHARD W. ANZUONI, JOHN F. ANZUONI, JAMES G. ANZUONI, GEORGE S. ANZUONI, ALBERT A. ANZUONI, and LAWRENCE A. ANZUONI, all of 55 Kilby Street, Boston, Mass., of control of such rights and property through the purchase. Applicants' attorney: Louis J. Ferrari, 73 Tremont Street, Boston 8, Mass., and Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Operating rights sought to be transferred: *Passengers* and their baggage, during the respective racing seasons only, as a *common carrier* over regular routes between Lynn, Mass., and Salem, N.H., and between Lynn, Mass., and Pawtucket, R.I.; *passengers*, in round-trip special operations, during the racing season at Lincoln Downs race track, over irregular routes between Lynn, Mass., and Lincoln Downs race track at Lincoln, R.I.; *passengers* and their baggage, in charter operations, from Lynn, Mass., and points within 25 miles of Lynn, to Graymoor and New York, N.Y., points in Westchester County, N.Y., and those in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, and Massachusetts; passengers, in special round trip operations, restricted to the transportation of passengers, who at the time are traveling from the designated origin points to the designated destinations and return, for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at Lynn and Reading, Mass., and extending to Derry and Hudson, N.H., and beginning and ending at Lynn, Salem, Peabody, Reading, and Marblehead, Mass., and extending to Pelham, N.H., and beginning and ending at Lynn, Marblehead, Salem, Peabody, and Danvers, Mass., and extending to St. Joseph Parish Hall, in Salem, N.H., serving no intermediate points; and *passengers* and their baggage, in round-trip special operations, during the harness racing seasons, only, beginning and ending at Lynn, and Salem, Mass., and extending to Salem, N.H. Vendee holds no authority from this Commission. However, its controlling stockholders are affiliated with (1) Service Bus Line, Inc., 851 Broadway, Revere, Mass., and (2) Plymouth and Brockton Street Railway Co., 112-114 Sandwich Street, Plymouth, Mass., which are authorized to operate as *common carriers* in (1) Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut, and (2) Massachusetts, Rhode Island, New Hampshire, and Maine. Application has been field for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12023; Filed, Dec. 19, 1961; 8:46 a.m.]

[Ex Parte No. MC-37 (Sub-No. 3)]

PETITION TO CLARIFY AND/OR DEFINE THE COMMERCIAL ZONE OF DETROIT, MICHIGAN, FOR PURPOSE OF SECTION 203(b)(8) OF THE INTERSTATE COMMERCE ACT

DECEMBER 15, 1961.

Petitioners' attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Notice of the filing of a petition to clarify and/or define the Commercial Zone of Detroit, Mich., under Section 203(b)(8) of the Interstate Commerce Act, tendered by 39 carriers named in the prior publication, was published in the FEDERAL REGISTER issue of August 9, 1961. For purposes of specifically identifying the subject matter, the proceeding has been reassigned as shown above to include a subsequent filing docket number under Ex Parte No. 37. The matter has been assigned for hearing January 12, 1962, at the Detroit Leland Hotel, Detroit, Mich., before Examiner James Anton.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12027; Filed, Dec. 19, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3578]

GAMBLE-SKOGMO, INC.

Notice of Application to Strike From Listing and Registration and of Opportunity for Hearing

DECEMBER 14, 1961.

In the matter of Gamble-Skogmo, Inc., Common Stock, File No. 1-3478.

Midwest Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities and Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: This application is made with the approval of the issuer and is based on inactivity on the Exchange. The stock remains listed on New York Stock Exchange.

Upon receipt of a request, on or before December 29, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12013; Filed, Dec. 19, 1961; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR (Page)

PROCLAMATIONS:
May 27, 1907 — 11746
3298 — 11937
3401 — 11714
3440 — 11714
3441 — 11937
3442 — 12023

EXECUTIVE ORDERS:
Nov. 10, 1917 — 11906
Apr. 8, 1919 — 11906
June 14, 1921 — 11906
2711 — 11746
3797-A — 12080
10717 — 11937
10977 — 11471
10978 — 11714
10979 — 11937
10980 — 12059

5 CFR
6 — 11347, 11483, 11671, 11813, 11852, 12060, 12155.
29 — 11794
30 — 12109
401 — 11938

6 CFR
421 — 12157

7 CFR
1 — 12155
53 — 12109
319 — 12029
718 — 11813
719 — 12060
722 — 11472, 11481, 11851, 11887
728 — 11795, 12109
729 — 11816
750 — 11725
775 — 11672
776 — 11347, 11407
811 — 11963
812 — 11817
820 — 11965
871 — 11968
914 — 11417, 11817, 11851, 11890, 12062, 12063, 12156.
933 — 11417-11419
937 — 11725
938 — 11725, 12063
946 — 12110
953 — 11419, 11818, 11851, 12030, 12064, 12110
958 — 11483, 11852, 11970
1001 — 12064
1032 — 12030
1068 — 12064
1069 — 12065

7 CFR—Continued (Page)

PROPOSED RULES:
26 — 12132
362 — 12167
812 — 11838
903 — 12167
904 — 12037
911 — 11495
913 — 11839
914 — 11435
944 — 12132
947 — 12132
949 — 12037
952 — 12037
953 — 11363
982 — 11498
990 — 12037
993 — 12037
996 — 12037
999 — 12037
1019 — 12168
1026 — 11982
1028 — 11982
1050 — 12132

8 CFR
103 — 12111
212 — 12066
214 — 12066
237 — 11818
242 — 12111
243 — 11819, 12113
244 — 12113
245 — 12114
249 — 12114
252 — 11797
253 — 11797
299 — 11819

PROPOSED RULES:
242 — 11363

9 CFR
74 — 11852, 11970
77 — 11971
78 — 12067
83 — 11483, 11853

PROPOSED RULES:
74 — 11804
151 — 11870
201 — 11988

10 CFR
25 — 11726

12 CFR
4 — 11353
204 — 12031
217 — 11798, 11971, 12031
327 — 12031
329 — 11798, 12031

13 CFR (Page)
121 — 12069
122 — 11353

14 CFR
40 — 11354
41 — 11355
42 — 11356
221 — 11819, 12156
287 — 11890
288 — 11483, 12114
302 — 11820
507 — 11672, 11821, 12032, 12033
555 — 11672
600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822-11824, 11853, 11893, 12069, 12070.
601 — 11485, 11674, 11675, 11726-11728, 11822-11825, 11853-11859, 11893, 11894, 12070, 12071, 12073, 12074.
602 — 11729
608 — 11729, 11730, 11859, 11861, 11894, 12033
609 — 11939, 11946, 11951, 11960
610 — 12074

PROPOSED RULES:
18 — 11804
43 — 11804
302 — 11685, 11841
376 — 12179
399 — 11841
411 — 12085
507 — 11870, 12042
600 — 11435, 11494, 11734
601 — 11364-11368, 11435, 11436, 11438, 11440-11443, 11445, 11446, 11448, 11449, 11451, 11453-11456, 11494, 11686, 11734, 11988.
608 — 11435, 11494, 11988

15 CFR
201 — 11357
230 — 11360, 11972

16 CFR
13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115.
14 — 11826

17 CFR
231 — 11896
239 — 11730

PROPOSED RULES:
270 — 11738

18 CFR
141 — 11897
260 — 11900

18 CFR—Continued Page

PROPOSED RULES:
2 ... 11459

19 CFR
3 ... 11362
5 ... 11420
21 ... 11362
54 ... 11731
PROPOSED RULES:
10 ... 11683

20 CFR
404 ... 11827, 11938

21 CFR
20 ... 11676
120 ... 11731, 11799, 12034
121 ... 11677, 11799, 11800, 11828–11830, 12035, 12077.
141a ... 11801
141c ... 11801
146 ... 12035
146a ... 11801
146c ... 11801
147 ... 11802
191 ... 12035
PROPOSED RULES:
1 ... 11734
27 ... 11988
51 ... 11988
120 ... 11684
121 ... 11684, 11735, 11841, 11870, 12143, 12144, 12178.
141a ... 11684
146 ... 11684
146a ... 11684
147 ... 11684

24 CFR
201 ... 11731
220 ... 12116
221 ... 12118
233 ... 12120

25 CFR
PROPOSED RULES:
221 ... 11734

26 CFR
1 ... 11486, 11677, 12077
20 ... 11861
25 ... 11861
45 ... 11861
PROPOSED RULES:
1 ... 12085
48 ... 12085

28 CFR
15 ... 11420

29 CFR
403 ... 11678
408 ... 11678
670 ... 11420
678 ... 11420
779 ... 11802
PROPOSED RULES:
545 ... 11735

30 CFR
222 ... 11487

31 CFR
270 ... 11938

32 CFR
272 ... 11830
273 ... 11831

32 CFR—Continued Page
577 ... 11679
701 ... 11715
710 ... 11716
711 ... 12158
719 ... 11763, 11862
720 ... 11722
723 ... 12121
736 ... 12158
755 ... 11792
795 ... 11680, 11794, 12158
1453 ... 11972
1470 ... 11972
1472 ... 11972
2011 ... 11421

32A CFR
OIA (CH. X):
OI Reg. 1 ... 11973

33 CFR
2 ... 12159
125 ... 11862
203 ... 11803, 12105
206 ... 12105
210 ... 11732
212 ... 11421

36 CFR
1 ... 11903
311 ... 12122
PROPOSED RULES:
1 ... 11363

38 CFR
6 ... 11680
7 ... 11802
8 ... 11680
21 ... 11862

39 CFR
1—204 ... 11513
2 ... 12122
4 ... 12122
13 ... 11864
15 ... 12122
17 ... 11903
27 ... 11903
31 ... 11864, 12125
33 ... 11903
41 ... 12122
42 ... 12122
44 ... 12122
47 ... 11864
48 ... 11864
168 ... 11832
PROPOSED RULES:
61 ... 11838
201 ... 11426
202 ... 11431
203 ... 11432
204 ... 11432

41 CFR
2-1 ... 12126
2-3 ... 12126
2-12 ... 11904
9-7 ... 11488
60-1 ... 11974

43 CFR
61 ... 12126
64 ... 12126
66 ... 12126
81 ... 12126
102 ... 12126
161 ... 11975, 12165
192 ... 12126
PROPOSED RULES:
192 ... 11493, 11911
200 ... 11493

43 CFR—Continued Page
PUBLIC LAND ORDERS:
61 ... 11803
842 ... 11361
1058 ... 12082
1238 ... 11863
2323 ... 12080
2543 ... 11361
2544 ... 11361
2545 ... 11803
2546 ... 11361
2547 ... 11803
2548 ... 11803
2549 ... 11803
2550 ... 11863
2551 ... 11863
2552 ... 11906
2553 ... 12079
2554 ... 12080
2555 ... 12080
2556 ... 12080
2557 ... 12080
2558 ... 12081
2559 ... 12082

44 CFR
151 ... 11425

46 CFR
2 ... 11908
34 ... 11908
73 ... 11908
76 ... 11909
78 ... 11909
97 ... 11909
146 ... 12082
157 ... 12082
167 ... 11909
171 ... 11864
PROPOSED RULES:
201 ... 11738
206 ... 11738
221 ... 11738
298 ... 11738
299 ... 11738

47 CFR
1 ... 11909, 11977
2 ... 11833, 11978
3 ... 12024, 12083, 12165
7 ... 12083
8 ... 12083
10 ... 11422, 11681, 11978
14 ... 12083
16 ... 11423, 11978
19 ... 11978
PROPOSED RULES:
3 ... 11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7 ... 11369, 12144
8 ... 11369, 11912, 12144
10 ... 12145
14 ... 11369

49 CFR
43 ... 11835
95 ... 12166
170 ... 11732
174a ... 11492

50 CFR
32 ... 11733
33 ... 11733, 11836, 11837, 11868, 11869, 11909, 12165.
80 ... 12128
270 ... 11979

FEDERAL REGISTER

VOLUME 26 NUMBER 245

Pages 12207–12236

Washington, Thursday, December 21, 1961

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

THE UNIVERSITY OF MICHIGAN JAN 3 1962 MAIN READING ROOM

Contents

Agricultural Marketing Service
PROPOSED RULE MAKING:
Onions; U.S. standards for grades ... 12222
RULES AND REGULATIONS:
Lettuce; suitable shipping condition tolerance ... 12209
Pears, plums and peaches in California; expenses and assessment rates, 1961–62 season ... 12211
Potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County; expenses and assessment rate ... 12211

Agricultural Research Service
PROPOSED RULE MAKING:
Labeling of barbecued meats ... 12222

Agricultural Stabilization and Conservation Service
RULES AND REGULATIONS:
Wheat stabilization program, 1962; correction ... 12210

Agriculture Department
See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service; Federal Crop Insurance Corporation.

Atomic Energy Commission
NOTICES:
American Radiator and Standard Sanitary Corp.; issuance of utilization facility license amendment ... 12224
William Marsh Rice Institute; issuance of facility license amendment ... 12225

Canal Zone
RULES AND REGULATIONS:
Exclusion and deportation of persons; routes of travel by persons deported to Panama ... 12217

Civil Service Commission
RULES AND REGULATIONS:
Exceptions from competitive service:
Labor Department ... 12211
State Department ... 12211

Defense Department
See Navy Department.

Federal Aviation Agency
RULES AND REGULATIONS:
Airworthiness directives:
Canadair CL–44D4 aircraft ... 12213
Pratt & Whitney JT3D Series turbofan engines ... 12214
Control zone; designation ... 12215
Federal airways; alteration ... 12214
Restricted area; alteration; correction ... 12215
Transportation of explosives and other dangerous articles; special authority for operation including one or more flights ... 12213

Federal Communications Commission
NOTICES:
Hearings, etc.:
Bloomfield Non-Profit Television Association ... 12225
Mesa Microwave, Inc ... 12225
RULES AND REGULATIONS:
Radio broadcast services; table of assignments, certain television broadcast stations ... 12220

Federal Crop Insurance Corporation
RULES AND REGULATIONS:
Peaches; 1962 and succeeding crop years ... 12210
Peanuts; 1961 and succeeding crop years ... 12209

Federal Power Commission
NOTICES:
Hearings, etc.:
Alabama Power Co ... 12226
Houston Texas Gas and Oil Corp ... 12227
Humble Oil & Refining Co ... 12227
J. M. Huber Corp ... 12227

Federal Trade Commission
RULES AND REGULATIONS:
Prohibited trade practices:
A. Weiss & Bob Alderman Fur Corp. et al ... 12215
Usen Canning Co ... 12216

Immigration and Naturalization Service
RULES AND REGULATIONS:
Documentary requirements; consent to reapply for admission after deportation, removal, or departure at Government expense ... 12212
Nonimmigrant classes; special requirements for admission, extension, and maintenance of status; United Nations Headquarters District ... 12213
Petition for immigrant status as highly skilled person or as minister ... 12212
Powers and duties of service officers ... 12212

Interior Department
See Land Management Bureau.

Internal Revenue Service
RULES AND REGULATIONS:
Income tax; taxable years beginning after Dec. 31, 1953; general rule for methods of accounting ... 12216

Interstate Commerce Commission
NOTICES:
Fourth section applications for relief ... 12233
Motor carrier transfer proceedings ... 12232
Motor common carriers of property; routes and services; discontinuance of proposed rule making procedures ... 12234

(Continued on next page)

Justice Department

See Immigration and Naturalization Service.

Land Management Bureau

NOTICES:
Arizona; State Director and Land Office Manager; authority delegation ---------- 12224
Nevada; proposed withdrawal and reservation of lands ---------- 12224

Narcotics Bureau

PROPOSED RULE MAKING:
Narcotic drugs; norpethidine ---- 12222
RULES AND REGULATIONS:
Opiates; certain drugs ---------- 12216

Navy Department

RULES AND REGULATIONS:
Disposition of property ---------- 12217

Officer personnel; termination of commissions of women officers 12217
Protection of proprietary rights in technical information proposed for release to foreign governments ---------- 12217
Rules applicable to the public ---- 12217

Post Office Department

RULES AND REGULATIONS:
Highway and air transportation of mail ---------- 12218

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Alaska-North American Investment Co ---------- 12228
Apex Minerals Corp ---------- 12228
United Funds, Inc ---------- 12229

Small Business Administration

NOTICES:
Authority delegations:
Branch managers; financial assistance, procurement and technical assistance and administrative functions:
Arkansas; Little Rock ------ 12229
Louisiana; New Orleans ----- 12231
Texas:
Houston ---------- 12231
Lubbock ---------- 12230
San Antonio ---------- 12230
Oklahoma; Oklahoma City -- 12231
Managers of certain disaster field offices in Texas; recision of delegations:
Bay City ---------- 12232
Galveston ---------- 12232
Port Arthur ---------- 12232
Port Lavaca ---------- 12232

Treasury Department

See Internal Revenue Service; Narcotics Bureau.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR

6 (2 documents) ---------- 12211

7 CFR

46 ---------- 12209
401 ---------- 12209
403 ---------- 12210
776 ---------- 12210
936 ---------- 12211
959 ---------- 12211
PROPOSED RULES:
51 ---------- 12222

8 CFR

103 ---------- 12212
204 ---------- 12212
212 ---------- 12212
214 ---------- 12213

9 CFR

PROPOSED RULES:
17 ---------- 12222

14 CFR

49 ---------- 12213
507 (2 documents) ---------- 12213, 12214
600 ---------- 12214
601 ---------- 12215
608 ---------- 12215

16 CFR

13 (2 documents) ---------- 12215, 12216

21 CFR

305 ---------- 12216
PROPOSED RULES:
307 ---------- 12222

26 CFR

1 ---------- 12216

32 CFR

714 ---------- 12217
736 ---------- 12217
744 ---------- 12217
765 ---------- 12217

35 CFR

10 ---------- 12217

39 CFR

94 ---------- 12218
96 ---------- 12218

47 CFR

3 ---------- 12220

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Suitable Shipping Condition Tolerance for Lettuce

On May 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4368) regarding a proposed revision in the regulations, other than rules of practice (7 CFR 46.1–46.41) effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.). On August 11, 1961, an extension of time was published in the FEDERAL REGISTER (26 F.R. 7282) extending the time for trade comments to November 15, 1961.

After consideration of all relevant matters presented, the following amendments to the definition of "suitable shipping condition" and "good delivery" standards for lettuce are hereby promulgated pursuant to the authority contained in sec. 15, 46 Stat. 537, as amended; 7 U.S.C. 499o:

1. Section 46.41, paragraph (j) is amended to read as follows:

(j) "Suitable shipping condition", in relation to direct shipments, means that the commodity, at time of billing, is in a condition which, if the shipment is handled under normal transportation service and conditions, will assure delivery without abnormal deterioration at the contract destination agreed upon between the parties. If a good delivery standard for a commodity is set forth in § 46.42, and that commodity at the contract destination contains deterioration in excess of any tolerance provided therein, it will be considered abnormally deteriorated. The seller has no responsibility for any deterioration in transit if there is no contract destination agreed upon between the parties.

2. The following new section is added after § 46.41:

GOOD DELIVERY STANDARDS

§ 46.42 Good delivery.

Unless otherwise agreed to between the contracting parties, "Good Delivery" in connection with f.o.b. contracts of purchase and sale means that the commodity meets the requirements of the contract at time of loading or sale and, if the shipment is handled under normal transportation service and conditions, will meet the following additional requirements on delivery at the contract destination:

(a) *Lettuce.* (1) If the contract specifies a U.S. grade, the lettuce may contain an average of not more than 3 percent condition defects, including not more than 2 percent decay affecting any portion of the head exclusive of wrapper leaves in excess of the destination tolerances provided for the applicable grade in the U.S. Standards for Grades of Lettuce. (For example, the U.S. No. 1 grade provides a 12 percent tolerance for damage at destination. If a lot contains 5 percent damage by permanent grade factors, 7 percent of the tolerance can be applied to damage by condition factors. The additional 3 percent Good Delivery tolerance would then allow a total of 10 percent damage by condition factors in this shipment at destination.)

(2) If the contract does not specify a U.S. grade or percentage of condition defects, the lettuce at destination may contain a maximum of 15 percent, by count, of the heads in any lot which are damaged by condition defects, including therein not more than 9 percent serious damage of which not more than 5 percent may be decay affecting any portion of the head exclusive of wrapper leaves. Sales made on a percentage of a U.S. grade, without specifying the percentage of condition defects separately from the permanent defects, fall under this provision, and the lettuce may not contain more than a total of 15 percent condition defects at destination. However, if the condition defects are specified, provision No. 3 will apply.

(3) If the contract specifies a percentage of individual or combined condition defects, the lettuce at destination may contain either of the following, whichever is greater:

(i) One and one-half times the specified percentage of damage or serious damage by condition defects provided that, if serious damage is not specified, one-half of the allowance at destination may be serious damage, including therein not more than one-quarter of the total allowance may be decay affecting any portion of the head exclusive of wrapper leaves. (For example, a lot sold as "16 percent tipburn" could have a total of 24 percent damage by tipburn at destination, including not more than 12 percent serious damage of which not more than 6 percent may be decay affecting any portion of the head exclusive of wrapper leaves.) or

(ii) Up to 15 percent, by count, of the heads in any lot which are damaged by condition defects, including therein not more than 9 percent serious damage of which not more than 5 percent may be decay affecting any portion of the head exclusive of wrapper leaves.

Unless otherwise agreed to by the parties, condition defects will be considered to be damage as defined in the U.S. Standards for Lettuce.

(4) If the contract clearly indicates by descriptive terms that the lettuce is of inferior quality, larger allowances for damage by condition defects than those specified above will be applied.

(5) If the buyer and the seller agree to percentages for defects at destination, higher or lower than those specified above, such percentages will determine whether good delivery is made.

These amendments shall become effective on March 1, 1962.

Done at Washington, D.C., this 18th day of December 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12096; Filed, Dec. 20, 1961; 8:49 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 25]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

PEANUTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year for peanuts in the following respects:

1. The table following paragraph (a) of § 401.3 of this chapter is amended effective beginning with the 1962 crop year for peanuts by adding the following insertion immediately below that portion of the table showing a closing date for peaches:

Peanuts	April 30

2. The following section is added:

§ 401.36 The peanut endorsement.

The provisions of the peanut endorsement for the 1962 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado and any other unavoidable causes of loss due to adverse weather conditions, subject, however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth on the county actuarial table.

2. *Insured crop.* Insurance shall not be considered to have attached on (a) any acreage on which it is determined by the Corporation that the peanuts were destroyed for the purpose of conforming with any other program administered by the Secretary of Agriculture, (b) any acreage not planted to peanuts for the purpose of digging, maturing, and marketing as farmers stock peanuts, (c) any acreage not planted to a type of peanuts shown on the county actuarial table as insurable, or (d) any acreage on any

farm for which an acreage allotment for an insurable type of peanuts is not established.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the peanuts are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than January 15 immediately following the calendar year in which the peanuts are normally harvested.

4. *Amount of insurance per acre.* The provisions of subsection 3(b) of the policy shall not be applicable with respect to amounts of insurance per acre under this endorsement. The amount of insurance per acre for each crop year shall be the applicable pounds per acre of peanuts established by the Corporation by area, classification, group, or other designation for the insured acreage and shown on the county actuarial table multiplied by the support price per pound for the insured type for the crop year under the peanut price support program administered by the United States Department of Agriculture.

5. *Notice of loss or substantial damage.* (a) In lieu of the provisions of section 8(a) of the policy, if, during the growing season, or after harvest but before threshing, the insured crop on any insurance unit is damaged to the extent that the insured does not expect to further care for the crop or he wants the consent of the Corporation to put the acreage to another use, the insured shall promptly give written notice of such damage to the Corporation at the county office.

(b) In lieu of the provisions of section 8(b) of the policy, if an insured loss occurs on any insurance unit the insured shall give written notice to the Corporation at the county office within 15 days after completion of selling, or otherwise disposing of the insured crop is completed on the insurance unit, or the calendar date for the end of the insurance period, whichever is earlier.

6. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereinafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of peanuts on the unit by the applicable amount of insurance per acre, (2) subtracting therefrom the value (determined in accordance with subsection (b) of this section) of the total production to be counted for the unit, and (3) multiplying the remainder by the insured interest: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage but, in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately. The total production to be counted for any unit shall include the value of all threshed production and the value of any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That, the value of the total production to be counted for any acreage not harvested nor considered as harvested within the meaning of the term "harvested" shall be not less than 20 percent of the amount of insurance for such acreage.

(b) In determining any loss under the contract, production shall be valued as follows: (1) the gross receipts, or the fair market value as determined by the Corporation taking into consideration the support price, whichever is the higher, of any peanuts sold, (2) the fair market value, as determined by the Corporation, taking into consideration the support price, of peanuts harvested and threshed but not sold, and (3) the fair market value of any unharvested or unthreshed peanuts determined by the Corporation as if such peanuts had been harvested and threshed. Any appraisals of production made for poor farming practices or uninsured causes of loss shall be valued at the support price per pound for the crop year under the peanut price support program for the insured type. The value of the total production to be counted for acreage abandoned or put to another use without the consent of the Corporation shall be the dollar amount of insurance provided for such acreage.

(c) To enable the Corporation to determine the fair market value of any peanuts for which a United States Department of Agriculture "Inspection Certificate and Sales Memorandum" has not been issued, the Corporation shall be given the opportunity to have such peanuts inspected and graded before they are disposed of by the insured. If the insured disposes of any production without giving the Corporation the opportunity to have the peanuts inspected and graded, such production shall be valued at the support price per pound for the crop year under the peanut price support program for the insured type.

7. *Meaning of terms.* For purposes of insurance on peanuts the terms:

(a) "Harvest" or "harvested" as to any acreage means the digging of peanuts for threshing where the peanut crop has not been destroyed. For the purpose of determining any loss under the contract, any acreage shall not be considered as harvested unless the Corporation determines that at the time of harvest the production realized had an actual or potential value of at least 20 percent of the amount of insurance for such acreage.

(b) "Insurance unit", notwithstanding section 21(g) of the policy, means the insurable acreage of a crop of peanuts in the county planted on a farm for which a single farm acreage allotment for the insurable type of peanuts is established in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop.

8. *Cancellation, termination for indebtedness, and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For the 1962 crop year only the discount date shall be December 31, 1962.

9. *Partial insurance.* The insured may elect for any crop year a percentage of the applicable amount of insurance per acre if such percentage is shown on the county actuarial table on file in the county office. In any case where such an election is made the amount of premiums (subject to section 5 of the policy) and any indemnities payable under the contract shall be adjusted accordingly. For the first crop year of peanut crop insurance the election must be made in writing at the time the application for insurance is filed. For any subsequent crop year, an election may be made, changed or rescinded by notifying the county office in writing on or before the applicable termination date for indebtedness for the crop year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on December 11, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 18, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12105; Filed, Dec. 20, 1961; 8:51 a.m.]

[Amdt. 1]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1962 and Succeeding Crop Years

CAUSES OF LOSS INSURED AGAINST

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respects:

Section 2 of the application and the policy shown in § 403.6 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

2. *Causes of loss insured against.* The insurance provided is against unavoidable damage or loss resulting from frost, freeze, hurricane, tornado, hail, windstorm, when accompanied by hail, or a number of hours of chilling temperatures insufficient to effectively break the dormant period, subject, however, to any exceptions, exclusions or limitations with respect to such causes of loss as are set forth on the county actuarial table.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on December 11, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 18, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12106; Filed, Dec. 20, 1961; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Wheat Stabilization Program, Supp. 1]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

Correction

In F.R. Doc. 61-11295, appearing at page 11407 of the issue for Saturday, December 2, 1961, the following correction is made in the tabular material for Nebraska under § 776.52: For Cass County, the entry for 1959-60 adjusted average yield (bushels) should read "29.4" instead of "2.4".

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Determination Relative to the Expenses and Fixing of Rates of Assessment for 1961-62 Season

Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the expenses for the maintenance and functioning of such committee and the respective commodity committees, established, pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(a) *Expenses.* • • •
(4) Elberta peaches, $14,000.

It is, therefore, ordered, That paragraph (a) of § 936.216 Expenses and rates of assessment for the 1961-62 season (26 F.R. 5218) is hereby amended by deleting therefrom in subparagraph (4) the amount $13,499.22 and substituting in lieu thereof the amount $14,000. As amended paragraph (a) of § 936.216 reads as follows:

(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1961-62 season beginning March 1, 1961, and ending February 28, 1962, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $18,202.06;
(2) Early varieties of plums, $20,253.12;
(3) Late varieties of plums, $22,210.60; and
(4) Elberta peaches, $14,000.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The increase in the budget set forth above does not involve an increase in the rates of assessment heretofore established by the Secretary (26 F.R. 5218); (2) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular fiscal period shall be applicable to all assessable fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches from the beginning of such period and such rate of assessment shall be sufficient to provide funds for the payment of committee expenses; and (3) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated December 18, 1961, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12102; Filed, Dec. 20, 1961; 8:51 a.m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959) regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all Counties in Oregon except Malheur County, was published in the FEDERAL REGISTER, November 18, 1961 (26 F.R. 10809). This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Oregon-California Potato Committee, established under the said amended marketing agreement and order, it is hereby found and determined that:

§ 959.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, and Order No. 59, both as amended, to enable such committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period beginning July 1, 1961, and ending June 30, 1962, will amount to $20,650.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 114, and Order No. 59, both as amended, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said amended marketing agreement and order require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period and (2) the current fiscal period began on July 1, 1961, and the rates of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 18, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12103; Filed, Dec. 20, 1961; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, § 6.213, paragraphs (a)(1) and (b)(1), is added to Schedule B as set out below.

§ 6.213 Department of Labor.

(a) *Bureau of Apprenticeship and Training.* (1) Not to exceed January 1, 1963, not more than 5 positions of Industrial Training Adviser (Minorities) at grades GS-11 and 12.

(b) *Bureau of Employment Security.* (1) Not to exceed January 1, 1963, one position of Employment Adviser (Minorities).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-12094; Filed, Dec. 20, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added

to paragraph (l) of § 6.302 as set out below.

§ 6.302 Department of State.

• • • • •

(l) *Bureau of Inter-American Affairs.*

• • •

(8) Two secretary and personal assistants to the U.S. Representative to the Council of the Organization of American States.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-12095; Filed, Dec. 20, 1961; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

1. Paragraphs (f) and (g) of § 103.1 are amended to read as follows:

§ 103.1 Delegations of authority.

• • • • •

(f) *District directors.* Under the executive direction of a regional commissioner (except district directors outside the United States who operate under the executive direction of the Assistant Commissioner, Special Projects), the grant or denial of any application or petition submitted to the Service or the initiation of any authorized proceeding in their respective districts. District directors outside the United States have all appellate jurisdiction specified in this chapter not reserved to the Board of Immigration Appeals for matters arising in their respective districts.

(g) *Officers in charge.* The supervision of inspection at ports of entries and the authorizations of extensions of nonimmigrant admission periods and of voluntary departure prior to the commencement of deportation hearings. Officers in charge in Districts 33, 34, and 35 have the same powers with respect to petitions and applications submitted by citizens or aliens residing in their respective areas as are conferred on district directors in the United States.

2. Section 103.2 is amended to read as follows:

§ 103.2 Formal applications and petitions.

Every formal application or petition shall be filed in accordance with the instructions contained thereon, such instructions being hereby incorporated into the particular section of the regulations requiring its submission. A parent, guardian, or other adult having a legitimate interest in a person who is under 14 years of age may file on such a person's behalf, and a guardian of a mentally incompetent person may file on such a person's behalf. Any required oath may be administered by an immigration officer or person generally authorized to administer oaths. The decision-rendering Service officer may, in his discretion, require the submission of additional evidence, including blood tests, may require the taking of testimony, and may direct the making of any necessary investigation. Any allegations made in addition to, or in substitution for, those originally made shall be made under oath and filed in the same manner as the original application or petition or noted on the original application or petition and acknowledged under oath thereon. Formal applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and shall be regarded as filed when so stamped unless returned because they are improperly executed. Foreign language documents submitted shall be accompanied by certified English translations. A document executed abroad which was not issued by the authorized custodian of the official records of a government agency, church, university, or college on the basis of information contained in such records shall be executed by a person having personal knowledge of the facts stated in the document and shall be acknowledged by such person before the nearest American consular officer.

PART 204—PETITION FOR IMMIGRANT STATUS AS A HIGHLY SKILLED PERSON OR AS A MINISTER

Part 204 is amended to read as follows:

Sec.
204.1 Petition.
204.2 Clearance order.
204.3 First-preference petition validity.
204.4 Changed employment prior to entry.

AUTHORITY: §§ 204.1 to 204.4 issued under secs. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 203, 204, 66 Stat. 166, as amended, 178, as amended, 179; 8 U.S.C. 1101, 1153, 1154.

§ 204.1 Petition.

The petition required by section 204 of the Act shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by a fee of $10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 204.2 Clearance order.

A United States Employment Service clearance order shall be attached to every submitted first-preference petition unless the petitioner has been informed by the office having jurisdiction over the place where the beneficiary's services are to be performed that a clearance order for the beneficiary's occupation is not required. A single clearance order for a specified number of first-preference petitions may be used to support the identical number of such petitions filed by the same petitioner in behalf of beneficiaries who will do the work described in the clearance order.

§ 204.3 First-preference petition validity.

If an individual clearance order from the United States Employment Service is required to be submitted, the period of the first-preference petition's validity shall not exceed one year from the endorsement date placed on the clearance order by the Washington office of that Service. When an individual clearance order is not required, the period of validity of the first-preference petition shall not exceed one year from the date of the petition's approval.

§ 204.4 Changed employment prior to entry.

When a first-preference, or a nonquota-minister beneficiary of an approved petition who is outside the United States intends to accept, or has accepted, employment in the United States other than with the petitioner, absent an approved petition filed by the intended or actual employer, formal revocation proceedings shall be instituted under § 206.3 of this chapter unless the original petitioner, after being appropriately informed, files a written withdrawal of his petition.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Section 212.2 is amended to read as follows:

§ 212.2 Consent to reapply for admission after deportation, removal, or departure at Government expense.

An application for permission to reapply for admission to the United States after deportation or removal and to remove the bar to admissibility contained in paragraph (16) or (17) of section 212 (a) of the Act shall be filed on Form I-212 with the director of the district in which the deportation or removal proceedings were held or with the immigration officer in charge stationed abroad having jurisdiction over the place where the applicant is residing if the application is filed in connection with a request for a waiver under section 212 (g) or (h) of the Act. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which relate to agency procedure and management, relieve restrictions and confer benefits upon persons affected thereby.

Dated: December 14, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-12092; Filed, Dec. 20, 1961; 8:49 a.m.]

PART 214—NONIMMIGRANT CLASSES

Immediate Vicinity of the United Nations Headquarters District

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Subparagraph (2) of paragraph (c) of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows:

(c) *Transits.* • • •

(2) *United Nations Headquarters District.* An alien of the class defined in section 101(a)(15)(C) of the Act, whose visa is limited to transit to and from the United Nations Headquarters District, if otherwise admissible, shall be admitted on the additional conditions that he proceeds directly to the immediate vicinity of the United Nations Headquarters District, and remains there continuously, departing therefrom only if required in connection with his departure from the United States, and that he has a document establishing his ability to enter some country other than the United States following his sojourn in the United Nations Headquarters District. The immediate vicinity of the United Nations Headquarters District is that area lying within a twenty-five mile radius of Columbus Circle, New York City, New York.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on January 1, 1962. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits upon the person affected thereby.

Dated: December 14, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-12091; Filed, Dec. 20, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1004; Amdt. 49-2; Supp. 4]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Special Authority for an Operation Including One or More Flights

Regulations governing the air transportation of explosives were originally promulgated in 1942 and expanded to cover "other dangerous articles" in 1944. These rules have been revised several times since then to permit the carriage of additional articles as the experience gained showed that a greater variety and quantity of these materials could be transported with safety.

Section 49.2 presently authorizes deviations for a particular flight in an emergency situation, or when other forms of transportation are impractical. This requires an individual authorization for each flight and this has proved to be a cumbersome procedure for both the aircraft operators and the Administrator when the total amount of material cannot be carried on one flight. Repeated issuance for each flight can be so time-consuming that it can cause serious delays in an air carrier's operation and may create critical commercial and industrial shortages of material and economic loss to the user. Experience gained under these deviations over the years has proved that repeated individual flights have been operated under the same terms and conditions without adverse effect on safety and it now appears reasonable to apply the deviation to an overall operation rather than to a particular flight.

Adequate control over these operations is provided for in the authorization since each operation must be conducted under such terms, conditions, and limitations as are found necessary in the interest of safety in air commerce.

Since this amendment imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 49 of the Civil Air Regulations (14 CFR Part 49, as amended) is hereby amended as follows, effective December 21, 1961:

1. By amending § 49.2(a)(1) to read as follows:

§ 49.2 Special authority.

(a) • • •

(1) Authority to deviate from any of the provisions of this part for a particular operation, involving one or more flights, may be issued by an authorized representative of the Administrator subject to such terms, conditions, and limitations as he finds necessary in the interest of safety in air commerce.

2. By amending the introductory paragraph of § 49.2-1 to read as follows:

§ 49.2-1 Authority to deviate from the provisions of this part (FAA policies which apply to § 49.2(a)).

Authority to deviate from the provisions of Part 49 for a particular operation may be issued to cover the cases described in paragraph (a) or (b) of this section.

3. By amending § 49.2-2(d) to read as follows:

§ 49.2-2 Conditions and limitations (FAA policies which apply to § 49.2).

• • • • •

(d) The authorization is limited to the particular operation and to the articles for which the authorization is requested, and it will specify the point or points of origin where the articles are to be placed aboard the aircraft and the point or points of destination where such articles are to be removed from the aircraft.

(Secs. 313(a), 601, 604, 902; 72 Stat. 752, 775, 778, 784; 49 U.S.C. 1354(a), 1421, 1424, 1472)

Issued in Washington, D.C., on December 15, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-12040; Filed, Dec. 20, 1961; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 1002; Amdt. 379]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft

As a result of an investigation of a fire in the tail heater compartment on a Canadair CL-44D4 aircraft, a fuel leak was found in the line to the upper heater. Accordingly, repetitive inspections are necessary to preclude further such incidents until incorporation of an approved modification is accomplished.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all CL-44D4 aircraft. Compliance required as indicated.

As a result of a fuel leak found in the line to the upper heater, the following inspection must be accomplished within the next 25

hours' time in service after the effective date of this AD unless already accomplished within the last 40 hours' time in service and at intervals of 65 hours' time in service thereafter.

With full fuel pressure in the tail heater fuel lines, inspect all fuel lines and fittings in the tail heater compartment for leaks and security of attachment. Loose lines shall be properly secured, and defective lines and fittings replaced prior to further flight.

The special inspections required by this airworthiness directive may be discontinued after incorporation of the Canadian Department of Transport and FAA approved modification.

Upon request of the operator an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, Washington 25, D.C., may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective December 21, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 14, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-12058; Filed, Dec. 20, 1961; 8:45 a.m.]

[Regulatory Docket No. 1003; Amdt. 380]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT3D Series Turbofan Engines

There have been several recent inflight fires on JT8D Series turbofan engines, resulting from fuel leakage at the fuel transfer points where the fuel pressurizing and dump valve attaches to the engine. To correct this unsafe condition, an airworthiness directive requiring replacement of the valve seals every 300 hours' time in service and rework to incorporate metal chevron type seals no later than the first overhaul after March 1, 1962, is necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all JT3D-1, JT3D-1-MC6, JT3D-1-MC7, and JT3D-3 turbofan engines.

Compliance required as indicated.

Due to recent inflight engine fires resulting from fuel leakage occurring at the fuel transfer points where the fuel pressurizing and dump valve attaches to the engine, the following is required:

(a) All Pratt & Whitney aircraft JT3D-1, JT3D-1-MC6, JT3D-1-MC7, and JT3D-3 turbofan engines installed in Boeing aircraft.

Compliance required within the next 100 hours' time in service unless already accomplished within the last 200 hours' time in service and every 300 hours' time in service thereafter until metal chevron type seals are incorporated.

Replace the P/N's 443098, 379644, 371339, or 367444 fuel pressurizing and dump valve seals with new seals of the same part numbers where the pressurizing and dump valve assembly attaches to the fuel manifold inlet distributor assembly.

(Pratt & Whitney Aircraft telegraphic message dated September 28, 1961, covers the same subject.)

(b) All Pratt & Whitney aircraft JT3D-1, JT3D-1-MC6, JT3D-1-MC7, and JT3D-3 turbofan engines installed in Boeing and Douglas aircraft.

Compliance required not later than the first engine overhaul after March 1, 1962.

Rework the engine in accordance with Pratt & Whitney Aircraft Turbojet Engine Service Bulletin No. 274 which provides for metal chevron type seals.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective December 21, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 14, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-12059; Filed, Dec. 20, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6858) stating that the Federal Aviation Agency was considering amendments to §§ 600.1510, 600.1512, 600.1551, 600.1553, 600.1654, and 600.1738 of the regulations of the Administator.

No adverse comments were received regarding the proposed amendments.

The Air Transport Association did, in their comments, suggest that the dual route concept be extended westward to the San Francisco Bay area. They also requested that certain of the navigational facilities along the affected airway segments be eliminated as compulsory reporting points.

A proposal is now under study to extend the dual route structure to the Crockett, Calif., VHF intersection. If the results of the study are favorable, separate airspace action will be initiated.

The Federal Aviation Agency is cognizant of the position reporting requirements currently being imposed upon the user by the incorporation of additional NAVAIDs into the intermediate altitude system. A study is now being conducted to alleviate this condition and the results of the study will be the subject of separate airspace action.

The Federal Aviation in re-evaluating the proposal has determined that a reduction in the airway width of Victor 1738 from 10 miles, as proposed, to eight miles in the vicinity of the Fallon, Nev., VOR would enhance terminal operating procedures at Fallon, Nev.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 600.1510 (26 F.R. 1082, 4052, 8628) "From the San Francisco, Calif., VOR via the INT of the San Francisco, Calif., VOR 304° and the Sacramento, Calif., VOR 233° radials; Sacramento VOR; thence 10-mile wide airway to the INT of the Sacramento VOR 055° and the Reno, Nev., VOR 233° radials; thence to the Reno VOR; thence 10-mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10-mile wide airway via the INT of the Battle Mountain VOR 062° and the Wells, Nev., VOR 256° radials; to the Wells VOR; thence to the Lucin, Utah, VOR; thence 10-mile wide airway to the Ogden VOR;" is deleted and "From the San Francisco, Calif., VOR 10-mile wide airway to the INT of the San Francisco VOR 304° and the Sacramento, Calif., VOR 233° radials; thence to the INT of the Sacramento VOR 233° and the Linden, Calif., VOR 269° radials; thence 8-mile wide airway to the Sacramento VOR; thence 10-mile wide airway to the INT of the Sacramento VOR 038° and the Lake Tahoe, Calif., VOR 261° radials; thence to the INT of the Sacramento VOR 038° and the Reno, Nev., VOR 257° radials; thence 10-mile wide airway via the Reno VOR; Lovelock, Nev., VOR; Battle Mountain, Nev., VOR; INT of the Battle Mountain VOR 062° and the Wells, Nev., VOR 256° radials; Wells VOR; Lucin, Utah, VOR; to the Ogden, Utah, VOR;" is substituted therefor.

2. Section 600.1738 (26 F.R. 1093) is amended as follows:

a. In the caption "Reno, Nev." is deleted and "Elko, Nev." is substituted therefor.

b. In the text "From the Sacramento, Calif., VOR via the INT of the Sacramento VOR 040° and the Reno, Nev., VOR 257° radials; to the Reno VOR." is deleted and "From the Sacramento, Calif., VOR 10-mile wide airway via the INT of the Sacramento VOR 038° and the Lake Tahoe, Calif., VOR 249° radials; Lake Tahoe VOR; INT of the Lake Tahoe VOR 078° and the Fallon, Nev., VOR 244° radials; to the INT of the Fallon VOR 244° and Reno, Nev., VOR 099° radials; thence 8-mile wide airway via the Fallon VOR; to the INT of the Fallon VOR 061° and the Lovelock, Nev., VOR 202° radials; thence 10-mile wide airway via the Mount Moses, Nev., VOR; to the Elko, Nev., VOR." is substituted therefor.

3. In the text of § 600.1551 (26 F.R. 1087) "thence 10-mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10-mile wide airway via the INT of the Battle Mountain VOR 062° and the Wells, Nev., VOR 256° radials;" is deleted and "thence 10-mile wide airway via the Lovelock, Nev., VOR; Battle Mountain, Nev., VOR; INT of the Battle Mountain VOR 062° and the Wells, Nev., VOR 256° radials;" is substituted therefor.

4. In the text of § 600.1512 (26 F.R. 1082) "From the INT of the Sacramento, Calif., VOR 232° and the Linden, Calif., VOR 269° radials; thence 10-mile wide airway via the Linden VOR; INT of the Linden VOR 046° and the Reno, Nev., VOR 208° radials; thence to Reno VOR; thence 10-mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10-mile wide airway via the Elko, Nev., VOR;" is deleted and "From the San Francisco, Calif., VOR 10-mile wide airway to the INT of the San Francisco VOR 304° and the Sacramento, Calif., VOR 233° radials; thence to the INT of the Sacramento VOR 233° and the Linden, Calif., VOR 269° radials; thence 10-mile wide airway via the Linden VOR; INT of the Linden VOR 046° and the Reno, Nev., VOR 208° radials; thence to the Reno VOR; thence 10-mile wide airway via the Lovelock, Nev., VOR; Battle Mountain, Nev., VOR; Elko, Nev., VOR;" is substituted therefor.

5. Section 600.1553 (26 F.R. 1087) is amended as follows:

a. In the caption "Sacramento, Calif.," is deleted and "San Francisco, Calif.," is substituted therefor.

b. In the text "From the Sacramento, Calif., VOR 10-mile wide airway to the INT of the Sacramento VOR 055° and the Reno, Nev., VOR 233° radials; thence to the Reno VOR; thence 10-mile wide airway via the Lovelock, Nev., VOR;" is deleted and "From the Oakland, Calif., VOR 8-mile wide airway via the INT of the Oakland VOR 039° and the Sacramento, Calif., VOR 212° radials; to the Sacramento VOR; thence 10-mile wide airway via the Lake Tahoe, Calif., VOR; Reno, Nev., VOR; Lovelock, Nev., VOR;" is substituted therefor.

6. In the text of § 600.1654 (26 F.R. 1089) "to the Reno, Nev., VOR." is deleted and "to the INT of the Sacramento, Calif., VOR 038° and the Reno, Nev., VOR 257° radials; thence 10-mile wide airway to the Reno VOR." is substituted therefor.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 14, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-12061; Filed, Dec. 20, 1961; 8:45 a.m.]

[Airspace Docket No. 61-FW-69]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On August 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6942), stating that the Federal Aviation Agency (FAA) proposed to designate a control zone at Plainview, Texas.

The Departments of the Army and Air Force voiced no objections to the establishment of the Plainview control zone. The Air Transport Association endorsed the establishment of the control zone but recommended that an extension be established to protect aircraft executing special instrument approach procedures authorized for Central Airlines. These approach procedures are based on a privately operated radio beacon and are authorized for only one segment of the aviation activity at Plainview. Since the procedures are not available for public use, designation of a control zone extension would not be in the public interest. A VOR facility is programmed for installation at Plainview. After development of suitable public use instrument approach procedures, appropriate alteration of the control zone will be proposed.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 601.1983 (14 CFR 601.1983) the following is added: "Plainview, Texas: Hale County Airport (latitude 34°10'10'' N., longitude 101°43'00'' W.)."

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 14, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-12060; Filed, Dec. 20, 1961; 8:45 a.m.]

[Airspace Docket No. 60-KC-24]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

Correction

In F.R. Doc. 61-11789, appearing at page 11859 of the issue for Tuesday, December 12, 1961, in the boundaries description under item 8, the following material should be inserted immediately preceding the first occurrence of "latitude 39°04'24'''': "Latitude 39°06'20'' N., longitude 96°43'00'' W.; thence to".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8372 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. Weiss & Bob Alderman Fur Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, A. Weiss & Bob Alderman Fur Corp. et al., New York, N.Y., Docket 8372, Sept. 22, 1961]

In the Matter of A. Weiss & Bob Alderman Fur Corp., a Corporation, and Abraham Weiss and Robert Alderman, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling and invoicing fur products falsely to show that artificially colored fur contained therein was natural, and by failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That respondent A. Weiss & Bob Alderman Fur Corp., a corporation, and its officers, and Abraham Weiss and Robert Alderman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication, on labels that furs or fur prod-

ucts are natural, when such is not the fact;

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication, on invoices that furs or fur products are natural, when such is not the fact;

B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 22, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-12067; Filed, Dec. 20, 1961; 8:46 a.m.]

[Docket 8313 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Usen Canning Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Usen Canning Company, Boston, Mass., Docket 8313, Sept. 22, 1961]

In the Matter of Usen Canning Company, a Corporation

Consent order requiring a Boston, Mass., distributor of cat food to cease violating section 2(d) of the Clayton Act by discriminating among competing purchasers; for example, paying $250 to a Jacksonville, Fla., retail grocery chain for promoting its products while not making allowances available on proportionally equal terms to all other competing customers.

The order to cease and desist, including proviso requiring report of compliance therewith, is as follows:

It is ordered, That respondent Usen Canning Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the sale of cat food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for sale, or sale of cat food products manufactured, sold, or offered for sale by respondent, unless such payment or consideration is offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 22, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-12066, Filed, Dec. 20, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 65]

PART 305—OPIATES

Finding of Certain Drugs To Be Opiates

On October 31, 1961, a notice was published in the FEDERAL REGISTER (26 F.R. 10173), stating that the Commissioner of Narcotics pursuant to the provisions of section 4731(g) of the Internal Revenue Code of 1954 (26 U.S.C. 4731(g)), as amended by section 4(b) of the Narcotics Manufacturing Act of 1960 (74 Stat. 57), and pursuant to 21 CFR 305.1, proposed that a finding be made that the drug known as Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate) and the drug known as Ethyl 1 - (2 - carbamylethyl) - 4 - phenyl - 4 - piperidinecarboxylate and their salts possess an addiction-forming or addiction-sustaining liability similar to morphine or are capable of conversion into drugs having an addiction-forming or addiction-sustaining liability similar to morphine with relative technical simplicity and degree of yield as to create a risk of improper use, and are opiates.

After due notice and opportunity for public hearing and after consideration of all relevant matters presented, the substances referred to in the proposed finding as so published are hereby proclaimed as opiates.

Accordingly, § 305.2 is amended to read as follows:

§ 305.2 **Chronological list of findings.**

The following is a chronological list of the drugs or other substances proclaimed to be opiates by the Commissioner of Narcotics. Drugs or other substances listed include any salts thereof.

August 8, 1961

Betamethadol (B-4,4-diphenyl-6-dimethylamino-3-heptanol or B-6-dimethylamino-4,4-diphenyl-3-heptanol).
Etoxeridine (1 - [2 - (2 - hydroxyethoxy) - ethyl] - 4 - phenylpiperidine-4-carboxylic acid ethyl ester) (Atenorax, Atenos, Carbetidine).
Levomoramide (1-3-methyl-2,2-diphenyl-4-morpholino-butyryl-pyrrolidine).
Racemoramide (d,l-3-methyl-2,2-diphenyl-4-morpholino-butyryl-pyrrolidine).
Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine) (Promedol).
Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

October 5, 1961

Noracymethadol (α-dl-3-acetoxy-6-methylamino-4,4-diphenyl heptane).

December 21, 1961

Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate).
Ethyl 1-(2-carbamylethyl)-4-phenyl-4-piperidinecarboxylate.

Because this amendment of § 305.2 merely supplies appropriate introductory material to the chronological list and lists the drugs or other substances proclaimed by the Commissioner of Narcotics as opiates, it is hereby found that it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

Effective date. This Treasury Decision shall become effective upon its filing for publication in the FEDERAL REGISTER.

(26 U.S.C. 4731(g), as amended by sec. 4(b), Pub. Law 86-429 (74 Stat. 57); sec. 17, Pub. Law 86-429 (74 Stat. 67))

[SEAL] HENRY L. GIORDANO, *Acting Commissioner of Narcotics.*

Approved: December 14, 1961.

A. GILMORE FLUES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 61-12071; Filed, Dec. 20, 1961; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6584]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

General Rule for Methods of Accounting

In order to amend the Income Tax Regulations (26 CFR Part 1) to require the use of Form 3115 by taxpayers requesting permission to change their method of accounting under section 446(e) of the Internal Revenue Code of 1954, paragraph (e)(3) of § 1.446-1 of such regulations is hereby amended to read as follows:

§ 1.446-1 **General rule for methods of accounting.**

* * * * * * *

(e) *Requirement respecting the adoption or change of accounting method.*

* * *

(3) In order to secure the Commissioner's consent to a change of a taxpayer's method of accounting, the taxpayer must file an application on Form 3115 with the Commissioner of Internal Revenue, Washington 25, D.C., within 90 days after the beginning of the taxable year in which it is desired to make the change. The taxpayer shall, to the extent applicable, furnish all information requested on such form, disclosing in detail all classes of items which would be treated differently under the new method of accounting and showing all amounts which would be duplicated or omitted as a result of the proposed change. The Commissioner may require such other information as may be necessary in order to determine whether the proposed change will be permitted. Permission to change a taxpayer's method of accounting will not be granted unless the taxpayer and the Commissioner agree to the terms, conditions, and adjustments under which the change will be effected. See section 481 and the regulations thereunder, relating to certain adjustments required by such changes, section 472 and the regulations thereunder, relating to changes to and from the last-in, first-out method of inventorying goods, and section 453 and the regulations thereunder, relating to certain adjustments required by a change from an accrual method to the installment method.

Because this Treasury decision merely changes the procedure for the submission of certain information, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective dated limitation of section 4(c) of said Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: December 15, 1961.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

[F.R. Doc. 61-12093; Filed, Dec. 20, 1961; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 714—OFFICER PERSONNEL

Termination of Commissions of Women Officers

1. Section 714.1(b) is redesignated as § 714.1(b)(1) and the following is added as § 714.1(b)(2):

(2) The statutory provisions cited in paragraphs (a) and (b)(1) of this section and a further statutory provision (ch. 457, 2d proviso 66 Stat. 155-156) have been consolidated in sec. 6393, 70A Stat. 410 (10 U.S.C. 6393).

(R.S. 161, secs. 5031, 6393, 70A Stat. 278, 410, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6393)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr., *Rear Admiral, United States Navy, Acting Judge Advocate General of the Navy.*

DECEMBER 15, 1961.

[F.R. Doc. 61-12100; Filed, Dec. 20, 1961; 8:50 a.m.]

SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

SUBCHAPTER G—MISCELLANEOUS RULES

MISCELLANEOUS AMENDMENTS TO CHAPTER

PART 736—DISPOSITION OF PROPERTY

1. Section 736.4 is revised to read as follows:

§ 736.4 **Disposition of real property.**

In general, real property determined to be excess to the needs of the Department of Defense is reported to the General Services Administration for disposition under the Federal Property Act. In the case of real property outside the United States, Puerto Rico and the Virgin Islands; real property worth less than $1,000 in the United States, Puerto Rico and the Virgin Islands; certain leaseholds and improvements on Government-owned lands and in other special cases, surplus real property not available for donation under the Federal Property Act is disposed of by the Bureau of Yards and Docks Division Directors, or District or Area Public Works Officers. Sales are generally by competitive bid, but may be negotiated in special cases. Under certain circumstances, the Federal Property Act authorizes allocation of surplus real property for transfer by the General Services Administration to appropriate State agencies for distribution to educational activities which are of special interest to the Armed Services, such as maritime academies or military, naval, Air Force or Coast Guard preparatory schools.

(R.S. 161, 63 Stat. 377, sec. 202(f), 63 Stat. 580-581, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 171a(f), 10 U.S.C. 5031, 40 U.S.C. 471-514)

PART 744—POLICIES AND PROCEDURES FOR THE PROTECTION OF PROPRIETARY RIGHTS IN TECHNICAL INFORMATION PROPOSED FOR RELEASE TO FOREIGN GOVERNMENTS

1. The citation of authority is revised to read as follows:

AUTHORITY: §§ 744.1 to 744.8 issued under R.S. 161, secs. 5031, 6011, 70A Stat. 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6011. Interpret or apply the Mutual Security Act of 1954 (68 Stat. 832) as amended, 22 U.S.C. 1750 et seq., and Act of Sept. 4, 1961 (Public Law 87-195, 75 Stat. 424), 22 U.S.C. 2151-2406 (2351, 2356).

2. Section 744.1 is revised to read as follows:

§ 744.1 **Purpose.**

This part implements Part 264 of this title and the Technical Property Interchange Agreements between the United States and foreign governments which agreements are designed to facilitate the interchange of patent rights and technical information for defense purposes.

3. The introductory paragraph of § 744.3(a) is revised to read as follows:

§ 744.3 **Background.**

(a) Pursuant to the provisions of the Mutual Security Act of 1954, as amended, and of predecessor legislation superseded by that Act, the United States has entered into agreements for the Interchange of Patent Rights and Technical Information to further the common defense of the United States and friendly nations. Agreements are now in effect with Australia, Belgium, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom. These agreements, among other things, are intended to facilitate the interchange of technical information by:

PART 765—RULES APPLICABLE TO THE PUBLIC

§§ 765.7, 765.8, 765.16 [Deletion]

1. Sections 765.7, 765.8, and 765.16 are deleted.

(R.S. 161, secs. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr., *Rear Admiral, United States Navy, Acting Judge Advocate General of the Navy.*

DECEMBER 15, 1961.

[F.R. Doc. 61-12072; Filed, Dec. 20, 1961; 8:50 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 10—EXCLUSION AND DEPORTATION OF PERSONS

Routes of Travel by Persons Deported to Panama

Effective upon publication in the FEDERAL REGISTER, § 10.35 of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 10.35 **Routes of travel by persons deported to Panama.**

The deported person referred to in § 10.34 may pass through the Canal Zone only over the following routes, and only

by the following means or modes of travel where specified:

(a) Between the cities of Panama and Colon: By train of the Panama Railroad with access to or egress from the Colon Railroad Station (in Cristobal) via 11th Street and Front Street and access to or egress from the Panama Railroad Station (in Ancon) via Frangipani Street, Gaillard Highway and Roosevelt Avenue.

(b) Between ports of the Republic of Panama: By vessel transiting the Panama Canal.

(c) Between the city of Panama and west interior points in the Republic of Panama: By vehicle via Balboa Road and La Boca Road, or Shaler Road and Roosevelt Avenue, Thatcher Ferry and Thatcher Highway, to the boundary line at Arraijan.

(d) Between interior points in the Republic of Panama bordering on Madden Road and the Madden Lake area: Via Madden Road.

(e) Between interior points in the Republic of Panama bordering on the Madden Road/Madden Lake area and the cities of Panama and Colon: By vehicle via Madden Road to an intersection with Boyd-Roosevelt Highway.

(f) Between interior points in the Republic of Panama bordering on the Madden Road/Madden Lake area and west interior points in the Republic of Panama: By vehicle via Madden Road, Gaillard Highway, Miraflores Bridge, Bruja Road, and Thatcher Highway to the boundary line at Arraijan.

(g) Between west interior points in the Republic of Panama and the city of Colon or intermediate points in the Republic of Panama: By vehicle via Thatcher Highway to Bruja Road, Miraflores Bridge, Gaillard Highway and Madden Road to its first intersection with Boyd-Roosevelt Highway.

(h) Between any points in Panama involving use of the Colon Corridor: Over Randolph Road at its intersection with Colon Corridor.

(2 C.Z. Code § 142, as amended, 55 Stat. 804)

[SEAL] W. A. CARTER, *Governor.*

DECEMBER 8, 1961.

[F.R. Doc. 61-12075; Filed, Dec. 20, 1961; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 94—HIGHWAY TRANSPORTATION

PART 96—AIR TRANSPORTATION

Mail Transportation Regulations

The regulations of the Post Office Department are amended as follows:

I. In Part 94—Highway Transportation, as published in 26 F.R. 11624–11637, make the following changes:

Subpart A—Star Route

§ 94.3 [Amendment]

A. In § 94.3 *Contracts* make the following changes:

1. In paragraph (d)(6), subdivision (iv) is amended to show that bids may be rejected on which there appears as surety the name of a person who is not responsible. As so amended, subdivision (iv) reads as follows:

(d) *Award of contracts.* • • •

(6) *Reservations.* • • •

(iv) Reject bids accompanied by bonds on which there appears as surety the name of a person who is not responsible or who is barred from bidding for any reason.

NOTE: The corresponding Postal Manual section is 521.346d.

2. In paragraph (e)(7), subdivision (iii)(*d*) is amended by striking out "Trucklines which" and inserting in lieu thereof "Large trucking concerns that". As so amended, subdivision (iii)(*d*) reads as follows:

(e) *Contractor's responsibilities.* • • •

(7) *For providing carriers* • • •

(iii) *Oaths.* • • •

(*d*) Large trucking concerns that have contracts to carry mail.

NOTE: The corresponding Postal Manual section is 521.357c(4).

B. In § 94.8 paragraph (c) is amended by redesignating subparagraphs (7) and (8) as subparagraphs (8) and (9) respectively, and by amending subparagraph (5) and inserting a new subparagraph (6) therein, to add regulations on the inspection of star routes and the use of POD Forms 5406 and 5407. As so amended, the subparagraphs read as follows:

§ 94.8 Routes under administration of postmasters.

• • • • • •

(c) *Responsibilities and duties of postmasters.* • • •

(5) Make an annual inspection during the month of March of box delivery routes. Report inspection on Form 5406, "Box Delivery Star Route Inspection Report." Prepare in triplicate, send original to transportation requirements and procurement officer and a copy to delivery services officer, and keep a copy.

(6) Make inspection of non-box delivery star routes when directed to do so by the transportation requirements and procurement officer. Report inspection on Form 5407, "Survey of Star Route Service." Prepare in duplicate, submit original to transportation requirements and procurement officer, and keep a copy.

(7) Review contractor's request for readjustment of pay. See Subpart F of this part.

(8) Certify service performed at end of each accounting period to the transportation requirements and procurement officer, on Form 5400, "Report of Service on Star Route." See § 94.7 (b). Include all omitted service and reasons therefor even though previously reported on Form 5177, "Delay to Transit Mail."

NOTE: The corresponding Postal Manual section is 521.83 (e) through (h).

Subpart B—Mail Messenger Service

C. In § 94.13, subparagraph (1) of paragraph (b) is amended to show more clearly the issuance of and posting time of advertisements for mail messenger service. As so amended, subparagraph (1) reads as follows:

§ 94.13 Establishing service.

• • • • • •

(b) *Advertising for service.* (1) When a regular designation is necessary, the transportation requirements and procurement officer will prepare advertisements and forward them to the postmaster at the post office where service is needed. Advertisements will allow at least 10 days posting from the date of receipt until the closing date for bids.

NOTE: The corresponding Postal Manual section is 522.221.

Subpart F—Contract Pay Adjustments

D. § 94.44 is amended for the purpose of clarification to read as follows:

§ 94.44 Requests for adjustment.

The written request must be by the contractor or subcontractor hereafter stated as the requester. It is unlawful for a Government official to encourage such claim. The postmaster shall forward all requests to the distribution and traffic manager.

NOTE: The corresponding Postal Manual section is 526.2.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C 501, 6101, 6351–6355, 6401–6403, 6411, 6412, 6419, 6426)

II. In Part 96—Air Transportation, as published in 26 F.R. 11638–11653, make the following changes:

Subpart A—Domestic Air Transportation

A. § 96.1 is amended, among other things, to include an alternate method for computing normal mail load and to clarify existing regulations therein. As so amended, § 96.1 reads as follows:

§ 96.1 Air carriers responsibilities.

(a) *For transporting mail.* Air carriers are required to transport and transfer mail as ordered on dispatch documents and related coding on pouch labels.

(b) *For giving mail priority.* Air carriers are required to give the following priority to mail:

(1) From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for the transportation of mail. The normal mail load for each trip is determined, at the option of the air carrier, for each day of the week on (i) the basis of the mail dispatched to that trip in the same day of the week for the 5 previous weeks or (ii) basis of the weight of mail carried by the trip on Tuesday, Wednesday, Thursday, and Friday of the preceding week. When a holiday occurs on one of those days, the same day of the second previous week is to be substituted. In either method of computing the average, exclude mail dispatched under unusual conditions. When an air carrier elects to use one of the two methods of computing the average, it must continue to use the selected method on all Forms 2760, "Refusal and/or Removal of Air Mail."

(2) If additional fuel is necessary for a particular trip, the air carrier must allow for its weight when booking other traffic for that trip. No part of the mail load must be displaced by the additional fuel.

(3) Mail in excess of normal must be given priority over all other traffic except revenue passengers with space confirmed prior to knowledge that additional mail would be available. Mail aboard a plane must not be reduced below normal to accommodate local boarding passengers.

(4) Air carriers in the Alaskan Service must provide adequate weight space on all flights to accommodate the normal or expected volume of mail.

(5) In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representative, mail must be given preference over all other cargo (including baggage).

(c) *For protecting mail.* (1) Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. Every precaution must be taken to protect the mail from fire. Mail handlers must be identified by badges or by distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn the pouch in to the first possible postal unit for repouching and redispatch. Form 2734, "Airmail Exception Record," must accompany the damaged pouch to the postal unit.

(d) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(e) *For providing quarters*—(1) *At air stops.* Air Carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from planes. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the distribution and traffic manager in the area concerned.

(f) *For obtaining routing from postal unit*—(1) *Interrupted transportation.* When the planned routing of mail is interrupted, the air carrier having possession of the mail will contact the postal unit and obtain routing instructions.

(2) *Overload situations.* When all available mail cannot be transported on the intended flight, the air carrier confronted with the overload situation must promptly inform postal personnel at the airport mail facility or air stop post office and obtain instructions concerning the priority to be given in loading the mail that can be accommodated. Potential overload situations should be anticipated as much in advance of flight time as possible. Off-loading of mail already on board in order to carry mail for destinations of greater postal service advantage will not be required if this would entail unreasonable delay in the departure of the flight.

(g) *For preparing and submitting schedules*—(1) *Preparation.* Air carriers shall prepare schedules as follows:

(i) Schedules shall be arranged north to south and east to west, with flights listed in chronological order left to right.

(ii) All restrictions on the transportation of mail shall be shown on related schedules and when an air carrier holds certificates for more than one route with parallel service between certain points, any restrictions which apply against one route and not the other must be so identified.

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Washington 25, D.C., not less than 10 days prior to effective date. The date of filing will be the date of receipt by the Air Transportation Branch, Bureau of Transportation, Washington 25, D.C.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(*a*) Three copies to Air Transportation Branch, Bureau of Transportation, Post Office Department, Washington 25, D.C.

(*b*) One copy to distribution and traffic manager in each region concerned.

(*c*) States-Alaska and Intra-Alaska air carriers must send one copy to the Distribution and Traffic Manager, Post Office Department, Seattle 24, Washington.

(3) *Designation of service.* The Regional Director will advise the Air Transportation Branch, Bureau of Transportation, of local service carrier flights that are not needed for the transportation of mail. The Air Transportation Branch will notify the air carriers of flights designated for transportation of the mail, by publishing Post Office Department schedules.

(h) *For answering correspondence.* Air carriers must answer promptly all correspondence from officials of the Postal Service. Correspondence concerning the operation of the Alaskan airmail service must be channeled through the Regional Director, Post Office Department, Seattle 24, Washington.

NOTE: The corresponding Postal Manual section is 531.3.

§ 96.5 [Amendment]

B. In § 96.5 *Submission of claims* make the following changes:

1. Delete paragraph (b) and redesignate paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

2. In redesignated paragraph (c) make the following changes:

a. In the list of regional controllers in subparagraph (1), amend the address of the Regional Controller opposite "Region Number 15" to read "Box 3700, Federal Office Building, Seattle 24, Washington;" and add "Alaska" to the list of states thereunder.

b. Amend subparagraph (3) to read as follows:

(3) *Alaska, Hawaii, Puerto Rico, and Virgin Islands.* Air carriers and those carrying "First Class Mail by Air" will submit Form 2703 and necessary supporting documents for this service to the regional controllers, Post Office Department, designated below:

Paying regional controller	Route No.	Carrier
Atlanta	8	Delta.
	31	National.
	59	Caribbean-Atlantic.
	98	Southern.
	121	AAXICO.
Boston	27	Northeast.
Cincinnati	88	Lake Central.
Dallas	9	Braniff.
	81	Central.
	82	Trans-Texas.
	101	Slick.
Denver	1	United.
	29	Continental.
	73	Frontier.
Minneapolis	3	Northwest.
	86	North Central.
New York	4	American.
Philadelphia	94	Mohawk.
St. Louis	2	Trans World.
	107	Ozark.
San Francisco	13	Western.
	33	Hawaiian.
	76	Pacific.
	84	Los Angeles.
	99	Aloha.
	100	Flying Tiger.
	105	Bonanza.
Seattle	77	West Coast.
	128	Alaska (Intra Alaska).
	138	Alaska (States Alaska).
	122	Alaska Coastal (Intra Alaska).
	124	Cordova (Intra Alaska).
	125	Ellis (Intra Alaska).
	141	Kodiak.
	126	Northern Consolidated (Intra Alaska).
	142	Pacific Northern (Intra Alaska).
	139	Pacific Northern (States Alaska).
	20	Pan American (States Alaska and first-class mail by air).
	127	Reeve Aleutian (Intra Alaska).
	143	Western Alaska (Intra Alaska).
	123	Wien (Intra Alaska).
Washington (regional controller, Richmond, Va.)	5	Eastern.
	87	Piedmont.
	97	Allegheny.
	120	Riddle.

NOTE: Each air carrier must file with the appropriate regional controller the name of the person or persons authorized to sign the Form 2703.

NOTE: The corresponding Postal Manual section is 531.7.

C. In § 96.7 amend subparagraph (b) for the purpose of clarification to read as follows:

§ 96.7 Correspondence concerning air service.

• • • • • •

(b) *Regional matters.* Correspondence to and from air carriers relating to policy matters, airline schedules, opera-

tional matters, fining procedures, quarters, mileages and transport rates, irregularities and changes in dispatch billing procedures and forms, omissions and failures of carriers to perform required service, division of mail between carriers, service requirements, actions involving CAB orders and rulings, first-class mail by air, and other matters of regional nature shall be conducted by the distribution and traffic managers within the scope of regional delegations. Only those matters of these types that are of interregional impact or of departmental concern as specified elsewhere in regulations and those matters which the distribution and traffic manager considers will require departmental decision shall be forwarded to the Post Office Department.

NOTE: The corresponding Postal Manual section is 531.9.

Subpart C—Forms and Procedures for Dispatching Airmail

§ 96.19 [Amendment]

D. In § 96.19 *Form 2729, Airmail Dispatch Record* make the following changes:

1. In paragraph (b)(2), subdivision (v), is amended to clarify the use of origin codes for satellite offices. As so amended, subdivision (v) reads as follows:

(b) *Preparation* • • •

(2) *Trip identification* • • •

(v) *Origin code.* Enter the official airline code of the airport from which the mail is due to be dispatched. When more than one postal unit prepares Form 2729 for dispatch through the same airport, refer to Official Airmail Index for airport codes to be used by each office.

2. In paragraph (b)(3), subdivision (i)(c) is amended to provide for bulk weighing and bulk listing of airmail on dispatch documents. As so amended, subdivision (i)(c) reads as follows:

(b) *Preparation* • • •

(3) *Routing*—(i) *Destination.* • • •

(c) Enter under the proper destination mail which is labeled to that point, mail which is scheduled to continue from that point by surface transportation, and mail for another air carrier when the transfer is to be effected through the airport mail facility. Use the individual actual weights indicated on the labels of pouches, sacks, and outside parcels except where permission has been granted to bulk weigh mail on platform scales direct to the air carrier. Where bulk weighing has been approved, or where bulk entries are to be listed (for example, the recording on the form of a consolidated entry of an accumulation of pieces listed on preliminary work sheets), it is necessary only that the *total* pieces and weight be entered in the space provided at the bottom of the respective "destination" column. Do not identify pouches, sacks, outside parcels, or register as such on this form.

3. In paragraph (d), subparagraph (3) is amended to eliminate the requirement for entering departure time on POD Form 2729. As so amended, subparagraph (3) reads as follows:

(d) *Distribution of copies.* • • •

(3) *Fourth copy.* This is the dispatching file copy.

4. Paragraphs (e) and (f) are added to include additional instructions to read as follows:

(e) *Corrections to Form 2729.* Any corrections to Form 2729 shall be made prior to separating and distributing the four parts of the form. Neither postal nor air carrier personnel shall make corrections on any part of Form 2729 after the form has been separated and distributed.

(f) *Departure Time.* Postal units shall spot check actual departure time against Mail Ready time on Form 2729 to assure that unreported delays are not occurring.

NOTE: The corresponding Postal Manual section is 533.1.

E. In § 96.22, a new paragraph (f) is added to prescribe the procedure for reviewing Forms 2734. As so added, paragraph (f) reads as follows:

§ 96.22 Form 2734, Airmail Exception Record.

• • • • • •

(f) *Review of Forms 2734.* (1) Postal units shall carefully review all Forms 2734 and, in questionable cases, shall make prompt inquiry to determine that information on the form is complete and that instructions are being followed by air carriers.

(2) When reviewing Forms 2734 postal units shall note recurring irregularities, such as missed connections, and report repetitive irregularities to distribution and traffic manager. When reporting missed connections, postal units shall show origin of the mail, route and trip numbers of delivering trip and route and trip number of the schemed connection.

NOTE: The corresponding Postal Manual section is 533.46.

F. In § 96.24, a new paragraph (c) is added to read as follows:

§ 96.24 Form 2753–a—Mail Delivery Receipt.

• • • • • •

(c) *Review.* The receiving clerk on each tour shall review the time shown under Form 2753–A headings "TRIP ARR" and "MAIL TO AMF" to insure that air carriers are observing the local delivery time limit and prepare Form 2759, "Report of Irregular Handling of Airmail," when required.

NOTE: The corresponding Postal Manual section is 533.63.

G. In § 96.26, delete paragraph (c) and amend paragraph (b) for the purpose of clarification to read as follows:

§ 96.26 Applicability of forms and procedures.

• • • • • •

(b) *Emergency first-class mail by air.* In the dispatch of first-class mail by air under emergency conditions, the forms described in this Subpart C will be used.

NOTE: The corresponding Postal Manual section is 533.8.

(R.S. 161, as amended, secs. 405, 406, 72 Stat. 760, 763; 5 U.S.C. 22, 39 U.S.C. 501, 6301–6304, 49 U.S.C. 1375, 1376)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–12076; Filed, Dec. 20, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14274 (RM–278); FCC 61–1479]

PART 3—RADIO BROADCAST SERVICES

Certain Television Broadcast Stations; Table of Assignments

In matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations, (Binghamton and Ithaca, New York, and Wilkes-Barre, Pennsylvania), Docket No. 14274; RM–278.

1. The Commission has before it its notice of proposed rule making (FCC 61–1141), adopted September 20, 1961. The proposal, of Alfred E. Anscombe,[1] would substitute Channel 34 for Channel 56 at Binghamton, New York, by deleting unapplied for UHF assignments at Ithaca, New York, and at Wilkes-Barre, Pennsylvania, as follows:

City	Channel No.	
	Present	Proposed
Binghamton, N.Y.	12–, 40–, *46+, 56+	12–, 34, 40–, *46+
Ithaca, N.Y.	*14+, 20–	*14+
Wilkes-Barre, Pa.	28, 34	28

2. The petitioner is of the view that changing the frequency of Station WBJA–TV from Channel 56 to Channel 34 would significantly aid the station in bringing a third competitive television service to the Binghamton area at this time. He urges that Channel 34 may be assigned to Binghamton now without prejudice to the outcome of the Binghamton deintermixture proceeding in Docket No. 14243, where a proposal to substitute Channel 24 for Channel 12 at Binghamton is under consideration.

3. WBJA–TV, Inc., and American Broadcasting Company filed comments supporting the instant proposal. No opposing comments were received. WBJA–TV assures that if the proposal is adopted and its authorization for Station WBJA–TV is changed to specify Channel 34 instead of Channel 56, it will proceed to inaugurate a new television service in Binghamton at the earliest possible date. It plans to affiliate with ABC. ABC also states that it plans to affiliate with WBJA–TV and make its full network schedule available to the new station. It mentions that at the present time 44 programs offered by the ABC Television Network are not carried in the Binghamton market and 12 others are carried on a delayed basis.

4. This proposal to assign Channel 34 to Binghamton poses no technical or other problem. The Canadian Government has no objection to the proposal, and it conforms domestically with all minimum spacing and other technical requirements. Unless an active interest is manifested we find it desirable in the public interest to defer action on making available substitute channels at Ithaca and Wilkes-Barre until decisions are reached in Docket 14229 concerning the future methods of assigning stations on UHF channels. The proposal does not conflict with the UHF deintermixture proposal which we are considering for Binghamton in Docket No. 14243 to enhance opportunities for more effective competitive television services in this important market.

5. The Commission has consented to the reassignment of lower UHF channels to communities in order to encourage the establishment of additional UHF service. We are of the view that the adoption of the instant proposal would facilitate the establishment of a needed third television service in the Binghamton market at this time and serve the public interest.

6. In the interest of expediting the establishment of a third television service to the public in the Binghamton area, we also believe that Station WBJA–TV's operating frequency should be changed from Channel 56 to Channel 34. Since WBJA–TV has requested that its authorization for Station WBJA–TV be so modified, it becomes unnecessary to issue a show cause order, its request constituting consent to the modification.

7. The actions herein are taken pursuant to authority found in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered,* Effective January 22, 1962, that the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities names are concerned to read as follows:

City	Channel No.
Binghamton, N.Y.	12–, 34, 40–, *46+
Ithaca, N.Y.	*14+
Wilkes-Barre, Pa.	28

9. *It is further ordered,* That the construction permit of WBJA–TV, Inc., for Station WBJA–TV, Binghamton, New York, is modified to specify Channel 34 instead of Channel 56+, subject to the condition that WBJA–TV, Inc., shall submit to the Commission by March 8, 1962, all necessary information for the preparation of a modified permit for Channel 34.

10. *It is further ordered,* That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1032, 1033; 47 U.S.C. 303, 307; and sec. 316, 66 Stat. 711, 47 U.S.C. 153)

Adopted: December 13, 1961.

Released: December 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–12099; Filed, Dec. 20, 1961; 8:50 a.m.]

[1] Alfred E. Anscombe holds a controlling interest in WBJA–TV, Inc., which is authorized to construct Station WBJA–TV on Channel 56 at Binghamton. We originally granted Anscombe a construction permit for a new station on Channel 56 at Binghamton on April 19, 1961. On October 10, 1961, we granted his application for voluntary assignment of the construction permit to WBJA–TV, Inc. (BAPCT–309).

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U.S. STANDARDS FOR BERMUDA-GRANEX TYPE ONIONS [1] AND U.S. STANDARDS FOR GRADES OF ONIONS (OTHER THAN BERMUDA-GRANEX AND CREOLE TYPES) [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–27), is considering a proposal that would make the United States Standards for Bermuda-Granex type onions (7 CFR 51.3195 to 51.3209) applicable to Grano type onions. The Grano variety has previously been covered by the United States Standards for grades of onions (other than Bermuda-Granex and Creole types) (7 CFR 51.2830–51.2850, 26 F.R. 2817).

Statement of considerations leading to the proposed change. Many industry members have recommended that Granex and Grano types of onions be covered by the same grade standards. Present regulations require these varieties to be handled under separate standards which unnecessarily complicates the handling and marketing of the Granex-Grano onion crop. Production of Granex and Grano onions occurs primarily in the same areas requiring functions of harvesting, grading, inspection, regulation and marketing to be constantly performed on the basis of two different standards by the same individuals.

In view of the similarity of the Granex and Grano types, as to varietal characteristics, areas of production, growing conditions, shipping seasons and marketing problems, the proposal, if adopted, should contribute to the orderly grading, inspection and marketing of the Grano variety.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same not later than January 25, 1962 with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C.

The proposal, if adopted, will be effectuated by:

1. Amending the heading in the subpart applicable to the United States Standards for Bermuda-Granex type onions (7 CFR 51.3195 to 51.3209), to read as follows:

Subpart—United States Standards for Grades of Bermuda-Granex-Grano Type Onions

2. Amending the heading in the subpart applicable to the United States Standards for Grades of Onions (other than Bermuda-Granex and Creole Types) (7 CFR 51.2830 to 51.2850, 26 F.R. 2817) to read as follows:

Subpart—United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types)

Dated: December 18, 1961.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61–12101; Filed, Dec. 20, 1961; 8:50 a.m.]

Agricultural Research Service

[9 CFR Part 17]

LABELING

Proposed Amendment Relating to Barbecued Meats

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96) and section 306(b) of the Tariff Act of 1930 (19 U.S.C. 1306(b)), it is proposed to amend § 17.8 of the Meat Inspection Regulations (9 CFR 17.8 as amended) as follows, in order to prevent the sale of meat products under false or deceptive names:

1. Paragraph 17.8(c) would be amended by adding a new subparagraph to read:

(58) Barbecued meats shall be cooked by the direct application of dry radiant type heat, the source of which may include the burning of hard wood, hot coals resulting from the burning of hard wood, the burning of charcoal, or the use of electronic devices designed to produce heat primarily in the infrared range. The product shall be cooked for a sufficient period of time to assume the usual characteristics of a barbecued article, which includes the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The barbecued meat shall not exceed 70 percent by weight of the fresh uncooked meat. When a sauce is added to the finished barbecued meat and the product is to be labeled as "Pork with Barbecue Sauce" or "Beef with Barbecue Sauce," the product shall comply with subparagraph (48) of this paragraph, in addition to this subparagraph.

A request has been received to use the term "barbecued" in connection with labeling material for meat that has been cooked by the direct application of heat, the source of which is an electric unit that produces infrared heat. This is the same infrared type of heat produced by glowing hard wood coals and it has the same temperature. The use of electronically controlled units makes it possible to produce a more uniform finished product.

Examination of meat cooked by electronically produced infrared heat revealed the product to compare favorably with that cooked over glowing coals.

The purposes of the proposed amendment are to include infrared heat produced by electronic devices with other previously approved cooking methods and to bring into the regulations requirements imposed by the label control program regarding methods of cooking, standards of composition and labeling for barbecued meats.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of December 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61–12104; Filed, Dec. 20, 1961; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Part 307]

NORPETHIDINE (ETHYL 4-PHENYL-4-PIPERIDINECARBOXYLATE)

Proposal To Add to Existing List of the Basic Classes of Narcotic Drugs

Upon the application of Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis 7, Missouri, and Merck Chemical Division, Merck & Co., Inc., Rahway, New Jersey, notice is hereby given pursuant to section 6 of the Narcotics Manufacturing Act of 1960 (74 Stat. 61, 21 U.S.C. 504) and 21 CFR 307.71–307.72 that the Commissioner of Narcotics, having determined that it would be consistent with the law and the public health and safety to do so, proposes to add Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate) and its salts, which heretofore have been determined to be narcotic drugs as defined in 26 U.S.C. 4731, as amended, to the list of basic classes of narcotic drugs provided in section 3(g) of the Narcotics Manufacturing Act of 1960.

Consideration will be given to any written data, views or arguments pertaining to the proposed addition to the list of basic classes of narcotic drugs which are received by the Commissioner of Narcotics prior to January 23, 1962. Any person desiring to be heard on the proposed addition will be accorded the opportunity of a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m. January 23, 1962, provided that such person furnishes written notice of his desire to be heard to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: December 14, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–12070; Filed, Dec. 20, 1961; 8:46 a.m.]

---

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 690]

ARIZONA STATE DIRECTOR AND THE LAND OFFICE MANAGER

Delegation of Authority With Respect to Issuance of Patents

DECEMBER 14, 1961.

Pursuant to the authority contained in section 1.5 of Order 2583 of the Secretary of the Interior, the Arizona State Director and the Arizona Land Office Manager are authorized to issue patents or their equivalent in the name of the United States for grants of land under the authority of the Government except patents and other conveyances which require the approval or signature of the President of the United States. This delegation shall become effective January 2, 1962.

KARL S. LANDSTROM,
Director.

[F.R. Doc. 61-12068; Filed, Dec. 20, 1961; 8:45 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 11, 1961.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial Number Nevada 057944 for the withdrawal of the lands described below, from all forms of appropriation including the mining, but not the mineral leasing laws nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for the establishment of the Railroad Valley Wildlife Management Area, which will be administered by the Nevada Fish and Game Commission.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 7 N., R. 55 E., unsurveyed,
Secs. 1, 2, 3;
Secs. 9 to 16, inclusive;
Secs. 21 to 24, inclusive;
Secs. 27 and 28.
T. 8 N., R. 55 E.,
Sec. 1, SE¼;
Sec. 11, SE¼SW¼, SE¼;
Sec. 12, NE¼, S½;
Sec. 13;
Sec. 14, E½, NE¼NW¼, S½SW¼;
Secs. 22 to 27, inclusive;
Secs. 34, 35 and 36.
T. 8 N., R. 56 E.,
Secs. 1 to 30, inclusive.
T. 9 N., R. 56 E.,
Sec. 25;
Sec. 32, S½NE¼, S½SW¼, SE¼;
Secs. 33 to 36, inclusive.
T. 8 N., R. 57 E.,
Sec. 2, Lots 3 and 4, S½NW¼, N½SW¼, SW¼SW¼;
Secs. 3 to 10, inclusive;
Sec. 11, N½NW¼, SW¼NW¼;
Sec. 15, W½NE¼, W½, S½SE¼;
Secs. 16 to 22, inclusive;
Sec. 27, N½NE¼, NW¼, W½SW¼;
Secs. 28, 29 and 30.
T. 9 N., R. 57 E.,
Secs. 31 to 35, inclusive.

The area described contains approximately 57,093.80 acres.

DANIEL P. BAKER,
Acting State Director.

[F.R. Doc. 61-12069; Filed, Dec. 20, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-189]

AMERICAN RADIATOR AND STANDARD SANITARY CORP.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R-82. The amendment provides an authorization to American Radiator and Standard Sanitary Corporation to modify its UTR Test Reactor located at Mountain View, California, and certain operating procedures as described in its applications for license amendment dated November 6, 1961, and November 21, 1961. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room 1717 H Street, Washington, D.C. For further details see (1) the applications for license amendment dated November 6, 1961 and November 21, 1961, submitted by American Radiator and Standard Sanitary Corporation, and (2) a hazards analysis of the proposed operation prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 13th day of December 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-82; Amdt. 1]

License No. R-82, issued to American Radiator and Standard Sanitary Corporation, is hereby amended as below to authorize the changes described in the applications for license amendment dated November 6, 1961, and November 21, 1961:

Paragraph 1 is amended to read as follows:

1. This license applies to the fifteen watt graphite and light water-moderated, nuclear reactor (hereinafter referred to as "the reactor") designated as the "UTR Test Reactor" of the UTR-1 series, which is owned by American Radiator and Standard Sanitary Corporation (hereinafter "American-Standard") and located at Mountain View, California, and described in the application dated June 29, 1961, and amendments thereto dated June 30, 1961, July 15, 1961, September 18, 1961, November 6, 1961, and November 21, 1961 (hereinafter collectively referred to as "the application").

This amendment is effective as of the date of issuance.

Date of issuance: December 13, 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-12056; Filed, Dec. 20, 1961; 8:45 a.m.]

[Docket No. 50-114]

WILLIAM MARSH RICE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-54. The license authorizes William Marsh Rice University to operate its nuclear reactor Model AGN-211, Serial No. 101, located on its campus in Houston, Texas. The amendment adds conditions to the license regarding the responsibilities of the Reactor Supervisor pertaining to operation of the reactor.

The Commission has found that operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's letter dated November 8, 1961, advising that the addition of the conditions to the license is satisfactory may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., this 14th day of December 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-54; Amdt. 4]

License No. R-54, which authorizes William Marsh Rice University to operate its nuclear reactor Model AGN-211, Serial No. 101, located on the University's campus in Houston, Texas, is hereby amended by adding the following additional conditions thereto:

1. The reactor shall not be operated unless William Marsh Rice University has a Reactor Supervisor, or alternate, who has been approved by the Commission.

2. The reactor shall be operated only in accordance with instructions from the Reactor Supervisor or his designated alternate.

This amendment is effective as of the date of issuance.

Date of issuance: December 14, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-12057; Filed, Dec. 20, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13907-13909; FCC 61-1461]

BLOOMFIELD NON-PROFIT TELEVISION ASSOCIATION

Order; Reconsideration

In re applications of Bloomfield Non-Profit Television Association, Bloomfield, New Mexico, Docket No. 13907, File No. BTR-436; Docket No. 13908, File No. BTR-437; Docket No. 13909, File No. BTR-438; for temporary authority to operate three VHF Television Broadcast Repeater Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of December 1961;

The Commission having under consideration a petition for reconsideration filed on behalf of John P. Cole, Jr., on May 3, 1961, and a brief filed by the Federal Communications Bar Association on October 24, 1961;

It appearing, that petitioner seeks reconsideration of a Commission Memorandum Opinion and Order released April 3, 1961 (FCC 61-406 [1]; Mimeo. No. 2411) insofar as said Memorandum Opinion and Order struck a pleading filed by Mr. Cole as attorney for Aztec Community TV, Inc., and admonished him from any repetition of pleadings containing similar material; and

It further appearing, that insofar as petitioner requests reconsideration of the striking of his pleading, his request has been rendered moot by virtue of the denial of the applications herein and the termination of the proceeding in a manner consistent with the objectives sought by Aztec; [2] and

It further appearing, that, upon reconsideration, it would have been preferable to deal with possible admonishment of counsel or other disciplinary action separately from disposition of the pleadings then before us; and

It further appearing, that the ends of justice and sound administrative procedure would, in this instance, be satisfied by the expunging from the Memorandum Opinion and Order of April 3, 1961, the admonitory language toward which the subject petition is directed:

[1] Published 4-6-61, 26 F.R. 2881 (also see FCC 60-1555, published 1-5-61, 26 F.R. 54).

[2] Initial Decision released June 29, 1961 (Mimeo. No. 7052), which Initial Decision has subsequently become final.

Accordingly, it is ordered, That, to the extent hereinbefore indicated, the petition for reconsideration filed by John P. Cole, Jr., on May 3, 1961, is granted.

Released: December 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12097; Filed, Dec. 20, 1961; 8:50 a.m.]

[Docket No. 14334 etc., FCC 61M-1974]

MESA MICROWAVE, INC.

Order Following Further Prehearing Conference

In re applications of Mesa Microwave, Inc., Docket No. 14334, File No. 2843-C1-R-61, for renewal of the license for Station KLH35, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Silverton, Texas; Docket No. 14335, File No. 2844-C1-R-61; for renewal of the license for Station KLH36, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Memphis, Texas; Docket No. 14347, File Nos. 3664-C1-P-61, 3665-C1-P-61, for construction permits to establish stations in the Point-to-Point Microwave Radio Service at Pledger and Rhodes Ranch, Texas.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference in the above-entitled matter held on December 14, 1961, and the agreements of the parties as approved by the Examiner;

It apearing, that counsel for Mesa Microwave, Inc. (Mesa), has advised that his client is taking certain steps which may obviate the need for formal hearing procedures herein, and that he expects to be in a position to file appropriate pleadings and applications with respect thereto no later than January 15, 1962;

It further appearing, that all parties to the proceeding have agreed that, if appropriate pleadings and applications are filed and are deemed acceptable as tendered, it would be appropriate to postpone the hearings herein until such time as the Commission has acted upon the pleadings and applications, but that counsel for the Common Carrier Bureau feels that a period of a few days is essential to afford the Commission's staff sufficient time to review the applications and determine whether they are suitable for acceptance as tendered; and

It further appearing, that should the applicant not be in a position to file proper pleadings or applications this matter should proceed to hearing and decision:

It is ordered, This 14th day of December 1961, that:

(1) The direct case of Mesa, insofar as it is to be presented in the form of sworn written exhibits shall be furnished to the other parties and the Hearing Examiner by February 1, 1962;

(2) Insofar as the direct case of Mesa shall be presented through oral testimony of witnesses, counsel for Mesa

shall, no later than February 1, 1962, advise the other parties and the Examiner of the number of such witnesses and the issues with respect to which each of them will offer oral testimony;

(3) If any of the parties desire to make any motion with respect to the written exhibits of Mesa, they shall advise all other parties and the Examiner in writing no later than February 14, 1962, specifying the exhibit involved and the nature of the motion they propose to make; and

(4) Each of the other parties shall, by February 14, 1962, notify Mesa in writing of the names of the witnesses who have prepared sworn written exhibits whom they desire to cross-examine, with copies of such notification to the Examiner, and Mesa shall make such witnesses available for cross-examination at the hearing:

It is further ordered, That the hearing, heretofore scheduled to commence on January 17, 1962, is hereby rescheduled to commence on March 1, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.;

It is further ordered, That should Mesa, no later than January 15, 1962, file appropriate pleadings and applications for modification of its current authorizations, the purpose and effect of which might be to obviate the need for formal hearing procedures herein, the Examiner will, unless advised by counsel for the Common Carrier Bureau, no later than January 22, 1962, that the applications as tendered are not acceptable for filing, upon appropriate motion issue an order postponing the hearing scheduled herein to commence on March 1, 1962, without date pending action by the Commission on such applications and pleadings; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the further prehearing conference which, to this extent, is incorporated by reference herein.

Released: December 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12098; Filed, Dec. 20, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 2146, 618, 82, and 2203]

ALABAMA POWER CO.

Order Supplementing Order To Show Cause, Denying Motion To Dismiss and Denying Oral Argument or a Hearing

DECEMBER 13, 1961.

By order issued September 1, 1961, the Commission requested that Alabama Power Company (the Company) show cause, if any there be: (1) Why the Company should not accept and comply with the Commission's orders of August 4, 1960, as modified on rehearing by Commission orders of September 16, 1960 in Project Nos. 2146 and 618; and (2) why the application of the Company for license for Project No. 2203 should not be dismissed without further proceedings. A reply was filed by the Company on October 2, 1961, in which it moved for dismissal of the show cause order and requested an oral argument or a hearing.

In that reply, the Company stated: "It is the Company's opinion, as is set forth in documents heretofore filed by it with the Commission, that the developments provided for in such amendments were and are not economically feasible because the amendments do not provide the necessary assurance of continued use of waters required for the economic operation of Jordan No. 2 development during the duration of the license under which it was to be included." Although the Company states that it is willing to "negotiate," it did not submit with its reply any proposal for the assurance of continued use of water which it alleges is required for the economic operation of the Jordan No. 2. In order for such proposal to be acceptable it must, of course, include a proposal which would make the Jordan No. 1 development economic as a source of dependable capacity in the system of the Company and in other systems of the area in the event another entity should take over and operate that development under the provisions of section 14 or 15 of the Federal Power Act.

By Order issued August 4, 1960 the Commission authorized amendment of the license for the Mitchell Project No. 82 of Alabama Power Company, so as to permit the installation of concrete buttresses, piers and additional spillway gates in the existing dam, the raising of the power pool from elevation 312 feet to 317 feet, the increasing of the spillway capacity from 248,000 cfs to 500,000 cfs and the construction of a powerhouse addition at the existing dam with an additional generating unit of 65,000 kw installed capacity. In its order the Commission stated that the capital investment for the above changes in the project works of Project No. 82 is estimated to be $10,256,000 and the net annual benefits are estimated to amount to $293,000 (24 FPC 115, 116). The redevelopment proposed for Mitchell Project No. 82 would increase the dependable capacity of the project from 70,500 to 133,000 kw or an increase of 62,500 kw of dependable capacity. It would increase the annual energy from 399.4 to 518.6 million kilowatt hours, or an increase of 119.2 million kilowatt hours.

The license for Project No. 82 expires in 1971. In its application for rehearing on the August 4, 1960 order, the Company stated, among other things, that it would not be economically feasible for it to accept the amendment because it would have only a short period of assured enjoyment of the substantial investment it would be required to make in the proposed redevelopment. In its order of September 16, 1960, the Commission granted the application for rehearing in Project No. 82 and stayed its order issued August 4, 1960 pending further order of the Commission.

The Commission has not undertaken to amend the licenses for Project Nos. 2146, 618, and 82 without the consent of the Company. See, Alabama Power Co., v. FPC, 291 F. 2d 558. However, it appears that the request of the Company for an oral argument or a hearing is inconsistent with its theory that the licenses could be amended only with the consent of the Company, in that neither an oral argument nor a hearing is an appropriate place to "negotiate" for an amendment of a license. Moreover, the Company has not shown good cause for a dismissal of the order to show cause issued September 1, 1961.

The Commission finds: It is appropriate and in the public interest that this proceeding be supplemented to include Mitchell Project No. 82, that the Company be given further opportunity to submit a plan or proposal for the operation of the Jordan No. 1 and Jordan No. 2 developments, and that the aforesaid motion for dismissal of the show cause order of September 1, 1961 and request for oral argument or hearing be denied.

The Commission orders:

(A) The aforesaid motion for dismissal of the Show Cause order issued September 1, 1961 and for oral argument or hearing, is denied.

(B) Alabama Power Company shall, within thirty (30) days from the date of issuance of this order, show cause, if any there be (1) why and to what extent the aforesaid estimated net annual benefits in the amount of $293,000 resulting from the aforesaid changes in Project No. 82, are erroneous, and (2) why and to what extent it would not otherwise be economically feasible for it to accept the amendment of license for Project No. 82 provided in the order of August 4, 1960.

(C) The Company is requested to file, within thirty (30) days from issuance of this order, a plan or proposal for the assurance of continued use of water required for the economic operation of Jordan No. 2 development, which if adopted, would make the Jordan No. 1 development economic as a source of dependable capacity in the system of the Company and in other systems in the area in the event some other entity should take over and operate the latter development in accordance with the provisions of section 14 or 15 of the Act.

(D) Further action by the Commission in this proceeding will be held in abeyance pending the filing of data as provided in paragraphs (B) and (C) of this order and pending consideration of such data by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12062; Filed, Dec. 20, 1961; 8:45 a.m.]

[Docket No. CP62-74]

HOUSTON TEXAS GAS AND OIL CORP.

Notice of Application and Date of Hearing

DECEMBER 15, 1961.

Take notice that on September 22, 1961, Houston Texas Gas and Oil Corporation (Applicant), Post Office Box 10400, St. Petersburg 33, Florida, filed an application, as supplemented on November 2, 1961, in Docket No. CP62-74, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain gas pipeline facilities in order to sell and deliver natural gas on a firm and interruptible basis to two new direct industrial customers in the Port Tampa area, Florida, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 6.1 miles of 4-inch lateral pipeline extending from a point of interconnection with its 8-inch lateral, serving the Bartow Plant of the Florida Power Corporation, Pinellas County, Florida, and across Old Tampa Bay to the industrial plants of National Gypsum Company (Gypsum) and Tiffany Tile Corporation (Tiffany), together with metering and regulating facilities. Applicant states that Gypsum will use natural gas in the processes of drying and calcining of gypsum rock and in the drying of gypsum board, and that Tiffany will use natural gas for firing kilns in the process of manufacturing glazed ceramic tile. The application shows that both Gypsum and Tiffany prefer natural gas in their manufacturing processes because of fuel economy, improved quality of finished products and increased plant productivity.

Pursuant to contracts entered into with the two industrial customers, Applicant will sell and deliver the following maximum daily quantities of natural gas:

	Therms
Gypsum, preferred interruptible	35,800
Tiffany:	
Firm	820
Preferred interruptible	5,860

The estimated cost of the proposed construction of facilities is $300,000, which cost, Applicant states, will be financed from internally generated funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 11, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 5, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12063; Filed, Dec. 20, 1961; 8:45 a.m.]

[Docket No. CI62-627]

HUMBLE OIL & REFINING CO.

Order To Show Cause and Fixing Date for Hearing

DECEMBER 13, 1961.

It has come to the attention of the Commission (through published reports in various journals of the oil and gas industry) that Humble Oil & Refining Company (Humble), a natural-gas company heretofore found subject to the jurisdiction of the Federal Power Commission (14 FPC 1193), has announced a plan to acquire the assets of Olin Oil & Gas Corporation (Olin Oil & Gas) through an exchange of stock for the assets of the latter company. It appears that a vote by the stockholders of Olin Oil & Gas to consummate the proposed transfer of assets to Humble is imminent.

Olin Oil & Gas Corporation is a Delaware corporation with its principal place of business at 1700 Commerce Building, New Orleans, Louisiana. On December 29, 1953, Olin Oil & Gas acquired the entire capital stock of Olin Interstate Corporation, a natural-gas transmission company (17 FPC 686), which subsequently changed its name to Olin Gas Transmission Corporation (Olin Gas Transmission). Olin Gas Transmission is engaged in the interstate transportation and sale of natural gas subject to the jurisdiction of the Federal Power Commission and is a wholly-owned subsidiary of Olin Oil & Gas. (17 FPC 697.)

Section 7(c) of the Natural Gas Act provides that "No natural-gas company • • • shall engage in the transportation or sale of natural gas, subject to the jurisdiction of the Commission, or undertake the construction or extension of any facilities therefor, or acquire or operate any such facilities • • • unless there is in force with respect to such natural-gas company a certificate of public convenience and necessity." The proposed acquisition by Humble of the facilities of Olin Gas Transmission through the purchase of the assets of Olin Oil & Gas may be subject to the Commission's jurisdiction under section 7(c) of the Act.[1]

Humble has not filed any application pursuant to Section 7 of the Natural Gas Act for permission to acquire the facilities of Olin Gas Transmission, which acquisition will result from the exchange of stock between Humble and Olin Oil & Gas.

The Commission finds: It is necessary and appropriate in the public interest and for the purpose of carrying out the provisions of the Natural Gas Act, particularly section 7 thereof, that proceedings be instituted by the Commission, on its own motion, requiring Humble Oil & Refining Company to show cause, if any there be, why it should not be required to comply with the provisions of the Natural Gas Act and why it should not file an application pursuant to section 7(c) thereof to acquire by stock ownership the facilities of Olin Gas Transmission.

The Commission orders:

(A) Humble Oil & Refining Company shall show cause, if any there be, at the hearing directed in paragraph (B) hereof, why it should not be required forthwith to comply with all of the provisions of the Natural Gas Act, including, particularly, section 7(c) thereof and why it should not file an application for a certificate of public convenience and necessity to acquire by stock ownership the facilities of Olin Gas Transmission.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 14, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing March 27, 1962 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in this proceeding, as set forth in paragraph (A) hereof.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12065; Filed, Dec. 20, 1961; 8:45 a.m.]

[Docket No. RI62-217]

J. M. HUBER CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 13, 1961.

On November 13, 1961, J. M. Huber Corporation (Huber) [2] tendered for filing a proposed change in its presently effective rate schedule for sale of natural

[1] Cf., People of the State of California v. F.P.C. and El Paso Natural Gas Company (No. 15667 in USCA, DC) decided March 30, 1961.

[2] Address: 2401 East Second Avenue, Denver 6, Colo.

gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 10, 1961.
Purchaser and producing area: Northern Natural Gas Co. (W. Panhandle Field, Hutchinson and Carson Counties, Tex.) R.R. District No. 10).
Rate schedule designation: Supplement No. 8 to Huber's FPC Gas Rate Schedule No. 2.
Effective date: December 14, 1961 (stated effective date is the effective date proposed by Huber).
Proposed rate: 11.54161 cents per Mcf.
Effective rates: 11.0 cents per Mcf.
Annual increase: $9,424.
Pressure base: 14.65 psia.

The proposed rate exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61–1 and the amendments thereto.

The proposed increased rate may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 8 to Huber's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Huber's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 14, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 2, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–12064; Filed, Dec. 20, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1470]

ALASKA-NORTH AMERICAN INVESTMENT CO.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During Underwriting

DECEMBER 14, 1961.

Notice is hereby given that the Alaska-North American Investment Company ("Applicant") (1816 Jefferson Place NW., Washington, D.C.), has filed an application pursuant to section 10(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 10(f) of the Act, the proposed purchase by the Applicant of 1,000 shares of common stock of the United Servomation Corp. ("USC") which is a portion of a 355,000 share offering of $1.00 par value capital stock expected to be offered to the public as soon as the registration statement on Form S–1 filed on September 22, 1961, of USC shall be made effective pursuant to the Securities Act of 1933.

Auchincloss, Parker & Redpath is a member of the underwriting group which is offering the securities on a firm commitment basis. Milton Lyons is a partner of that firm and he is also a director of Applicant.

The exemption contained in Rule 10f–3 promulgated under the Act may not be available since the sales commission applicable to the offering may exceed 7 percent of the public offering price. Applicant will pay the public offering price in effect on the first full day of the offering. The price has not been fixed but it is expected that it will not exceed $18.00 per share.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since one of the Applicant's directors is an affiliated person of a firm in the group offering the stock, the purchase thereof by Applicant is subject to the provisions of section 10(f) of the Act.

The application states that the proposed investment in USC would be a desirable and suitable investment for the Applicant, that the purchase will be made through non-affiliated members of the underwriting group, that the amount proposed to be purchased will not exceed 3 percent of the total common stock being offered by USC and that the amount paid will not exceed 3 percent of Applicant's total assets.

Notice is further given that any interested person may, not later than December 29, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–12077; Filed, Dec. 20, 1961; 8:47 a.m.]

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

DECEMBER 15, 1961.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 17, 1961, to December 26, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–12078; Filed, Dec. 20, 1961; 8:47 a.m.]

[File No. 812–1468]

UNITED FUNDS, INC.

Notice of Filing of Application for Order for Exemption To Permit Purchase of Securities During Underwriting

DECEMBER 14, 1961.

Notice is hereby given that United Funds, Inc. ("Applicant") (20 West Ninth Street, Kansas City 6, Mo.), has filed an application pursuant to section 10(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 10(f) of the Act and Rule 10f–3 thereunder, the proposed purchase by the Applicant of up to 20,000 outstanding shares of Common Stock of Russell Stover Candies, Inc. ("Russell Stover"), which is a portion of a secondary 130,000 share offering of $1.00 par value capital stock expected to be offered to the public as soon as the registration statement, Form S–1, filed November 1, 1961, of Russell Stover shall be made effective pursuant to section 8(a) of the Securities Act of 1933.

Harriman Ripley & Co., Incorporated and Stern Brothers & Co. are the principal underwriters of the issue on a firm commitment basis. Paulen E. Burke, affiliated with Barret Fitch North & Company, one of the underwriters, is also a director of the Applicant.

The exemption provided by Rule 10f–3 of the rules and regulations promulgated under the Act is unavailable since the proposed purchase of 20,000 shares of the 130,000 shares offering will be in excess of the said Rule's limitation of exempted purchases to 3 percent of the amount of the offering. The price to be paid will be equal to the public offering price in effect on the first full day of the offering.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since one of the Applicant's directors is an affiliated person of one of the underwriters offering the stock, the purchase thereof by the Applicant is subject to the provisions of section 10(f) of the Act.

The Applicant in support of its application asserts that the proposed investment in Russell Stover is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in Russell Stover securities or for the purpose of relieving the underwriters of securities otherwise unmarketable, that the terms of the purchase, if consummated, are fair and reasonable, that the amount paid will not exceed 3 percent of the Applicant's total assets, and that, except for the 3 percent limitation of Rule 10f–3(d), the purchase will meet all requirements of said rule.

Notice is further given that any interested person may, not later than December 29, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–12079; Filed, Dec. 20, 1961; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–X–8 (Rev. 3)]

BRANCH MANAGER, LITTLE ROCK, ARKANSAS

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30–X–19, Revision 1, dated October 13, 1961, (26 F.R. 10717), there is hereby redelegated to the Branch Manager, Little Rock Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in an amount not exceeding $20,000.

2. To approve or decline participation business loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans in an amount not exceeding $50,000.

4. To approve or decline limited loan participation loans.

5. To approve or decline Simplified Bank Loan Participation loans in an amount not exceeding $150,000.

6. To approve or decline Small Loans in an amount not exceeding $12,000.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

9. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Branch Manager.

10. To cancel, reinstate, modify and amend authorizations for business or disaster loans (within the above amount standards).

11. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

12. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

13. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

14. To take all necessary actions to effect the servicing, administration and collection of all current loans having an outstanding balance not in excess of $100,000.

B. *Procurement and technical assistance.* (1) To: (a) Determine joint set-asides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

C. *Administrative.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

(4) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The specific authority delegated in I.A. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Little Rock, Arkansas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 13, 1961.

JAMES R. WOODALL,
Deputy Regional Director, Small Business Administration, Region X.

[F.R. Doc. 61-12080; Filed, Dec. 20, 1961; 8:47 a.m.]

[Delegation of Authority No. 30-X-18 (Rev. 2)]

BRANCH MANAGER, LUBBOCK, TEXAS

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, Revision 1, dated October 13, 1961 (26 F.R. 10717), there is hereby redelegated to the Branch Manager, Lubbock Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in an amount not exceeding $20,000.

2. To approve or decline participation business loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans in an amount not exceeding $50,000.

4. To approve or decline limited loan participation loans.

5. To approve or decline Simplified Bank Loan Participation loans in an amount not exceeding $150,000.

6. To approve or decline Small Loans in an amount not exceeding $12,000.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

9. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Branch Manager.

10. To cancel, reinstate, modify and amend authorizations for business or disaster loans (within the above amount standards).

11. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

12. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

13. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

14. To take all necessary actions to effect the servicing, administration and collection of all current loans having an outstanding balance not in excess of $100,000.

B. *Procurement and technical assistance.* (1) To: (a) Determine joint setasides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

C. *Administrative.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

(4) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The specific authority delegated in I.A. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Lubbock, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 13, 1961.

JAMES R. WOODALL,
Deputy Regional Director, Small Business Administration, Region X.

[F.R. Doc. 61-12081; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-9, (Rev. 3)]

BRANCH MANAGER, SAN ANTONIO, TEXAS

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, Revision 1, dated October 13, 1961 (26 F.R. 10717), there is hereby redelegated to the Branch Manager, San Antonio Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in an amount not exceeding $20,000.

2. To approve or decline participation business loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans in an amount not exceeding $50,000.

4. To approve or decline limited loan participation loans.

5. To approve or decline Simplified Bank Loan Participation loans in an amount not exceeding $150,000.

6. To approve or decline Small Loans in an amount not exceeding $12,000.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

9. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Branch Manager.

10. To cancel, reinstate, modify and amend authorizations for business or disaster loans (within the above amount standards).

11. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

12. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

13. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

14. To take all necessary actions to effect the servicing, administration and collection of all current loans having an outstanding balance not in excess of $100,000.

B. *Procurement and technical assistance.* (1) To: (a) Determine joint setasides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

C. *Administrative.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

(4) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The specific authority delegated in I.A. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, San Antonio, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 13, 1961.

JAMES R. WOODALL,
Deputy Regional Director, Small Business Administration, Region X.

[F.R. Doc. 61-12082; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-5 (Rev. 3)]

BRANCH MANAGER, HOUSTON, TEXAS

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, Revision 1, dated October 13, 1961 (26 F.R. 10717), there is hereby redelegated to the Branch Manager, Houston Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in an amount not exceeding $20,000.

2. To approve or decline participation business loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans in an amount not exceeding $50,000.

4. To approve or decline limited loan participation loans.

5. To approve or decline Simplified Bank Loan Participation loans in an amount not exceeding $150,000.

6. To approve or decline Small Loans in an amount not exceeding $12,000.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

9. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Branch Manager.

10. To cancel, reinstate, modify and amend authorizations for business or disaster loans (within the above amount standards).

11. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

12. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

13. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

14. To take all necessary actions to effect the servicing, administration and collection of all current loans having an outstanding balance not in excess of $100,000.

B. *Procurement and technical assistance.* (1) To: (a) Determine joint setasides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Administrative.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

(4) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The specific authority delegated in I.A. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Houston, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 13, 1961.

JAMES R. WOODALL,
Deputy Regional Director, Small Business Administration, Region X.

[F.R. Doc. 61-12083; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-6 (Rev. 3)]

BRANCH MANAGER, NEW ORLEANS, LA.

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, Revision 1, dated October 13, 1961 (26 F.R. 10717) there is hereby redelegated to the Branch Manager, New Orleans Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in an amount not exceeding $20,000.

2. To approve or decline participation business loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans in an amount not exceeding $50,000.

4. To approve or decline limited loan participation loans.

5. To approve or decline Simplified Bank Loan Participation loans in an amount not exceeding $150,000.

6. To approve or decline Small Loans in an amount not exceeding $12,000.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

9. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Branch Manager.

10. To cancel, reinstate, modify and amend authorizations for business or disaster loans (within the above amount standards).

11. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

12. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

13. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

14. To take all necessary actions to effect the servicing, administration and collection of all current loans having an outstanding balance not in excess of $100,000.

B. *Procurement and technical assistance.* (1) To: (a) Determine joint setasides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Administrative.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

(4) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The specific authority delegated in I.A. may *not* be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, New Orleans, La., is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 13, 1961.

JAMES R. WOODALL,
Deputy Regional Director, Small Business Administration, Region X.

[F.R. Doc. 61-12084; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-7 (Rev. 4)]

BRANCH MANAGER, OKLAHOMA CITY, OKLA.

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, Revision 1, dated October 13, 1961 (26 F.R.

10717), there is hereby redelegated to the Branch Manager, Oklahoma City Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in an amount not exceeding $20,000.

2. To approve or decline participation business loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans in an amount not exceeding $50,000.

4. To approve or decline limited loan participation loans.

5. To approve or decline Simplified Bank Loan Participation loans in an amount not exceeding $150,000.

6. To approve or decline Small Loans in an amount not exceeding $12,000.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

9. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Branch Manager.

10. To cancel, reinstate, modify and amend authorizations for business or disaster loans (within the above amount standards).

11. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

12. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

13. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

14. To take all necessary actions to effect the servicing, administration and collection of all current loans having an outstanding balance not in excess of $100,000.

B. *Procurement and technical assistance.* (1) To: (a) Determine joint setasides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Administrative.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

(4) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The specific authority delegated in I. A. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority degelated by the Regional Director to the Branch Manager, Oklahoma City, Oklahoma, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 13, 1961.

JAMES R. WOODALL,
Deputy Regional Director, Small Business Administration, Region X.

[F.R. Doc. 61-12085; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-29]

MANAGER, DISASTER FIELD OFFICE, BAY CITY, TEXAS

Delegation Rescission

Notice is hereby given that this delegation (26 F.R. 10084) is rescinded in its entirety.

(Disaster Field Office closed effective December 15, 1961)

Effective date: December 15, 1961.

JAMES R. WOODALL,
Acting Regional Director, Dallas Regional Office.

[F.R. Doc. 61-12086; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-28]

MANAGER, DISASTER FIELD OFFICE, GALVESTON, TEXAS

Delegation Rescission

Notice is hereby given that this delegation (26 F.R. 10084) is rescinded in its entirety.

(Disaster Field Office closed effective December 8, 1961)

Effective date: December 8, 1961.

JAMES R. WOODALL,
Acting Regional Director, Dallas Regional Office.

[F.R. Doc. 61-12087; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-27]

MANAGER, DISASTER FIELD OFFICE, SBA, PORT ARTHUR, TEXAS

Delegation Rescission

Notice is hereby given that this delegation (26 F.R. 10083) is rescinded in its entirety.

(Disaster Field Office closed November 28, 1961)

Effective date: November 28, 1961.

JAMES R. WOODALL,
Acting Regional Director, Dallas Regional Office.

[F.R. Doc. 61-12088; Filed, Dec. 20, 1961; 8:48 a.m.]

[Delegation of Authority No. 30-X-30]

MANAGER, DISASTER FIELD OFFICE, PORT LAVACA, TEXAS

Delegation Rescission

Notice is hereby given that this delegation (26 F.R. 10084) is rescinded in its entirety.

(Disaster Field Office closed effective December 8, 1961)

Effective date: December 8, 1961.

JAMES R. WOODALL,
Acting Regional Director, Dallas Regional Office.

[F.R. Doc. 61-12089; Filed, Dec. 20, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 579]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 18, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64390. By order of December 8, 1961, the Transfer Board approved the transfer to Harry Egbert, doing business as Egbert Messenger Service, Philadelphia, Pa., of Permit in No. MC 101737 Sub 2, issued February 23, 1956, to Lavon Battle, doing business as Interstate Messenger Service, Philadelphia, Pa., authorizing the transportation of: Type for advertisements, cuts of illustrations, advertising plates, press advertising paper mats, proofs and reprints of advertisements, and other articles of graphic arts and advertising matters when used in making advertising proof, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Wilmington, Del., Baltimore, Md., and Washington, D.C., and from New York, N.Y., to Wilmington, Del., and Baltimore, Md. William E. Zeiter, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa., attorney for applicants.

No. MC-FC 64410. By order of December 12, 1961, the Transfer Board approved the transfer to Lakehead Freightways Limited, Port Arthur, Ontario, Canada, of Certificate in No. MC 101291, issued March 24, 1960, to Jack H. Edwards Transportation Limited, Fort Frances, Ontario, Canada, authorizing

the transportation of: Wrapping paper, paper cores, general commodities, household goods, lumber, and rejected or refused shipments of lumber from, to, or between the boundary of the United States and Canada at International Falls, Minn., and specified points in Minnesota. Alan Foss, 502 First National Bank Building, Fargo, N. Dak., attorney for applicants.

No. MC-FC 64426. By order of December 8, 1961, the Transfer Board approved the transfer to Lewis Trucking Co., Inc., Wallington, N.J., of Permit in No. MC 30239, issued October 9, 1958, to John W. Lewis, Wilbur W. Lewis, and Robert S. Lewis, a partnership, doing business as Lewis Trucking, Wallington, N.J., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in a specified part of New Jersey, Pennsylvania, and New York, and fruits, vegetables, farm products, poultry, and sea food, from points in Ulster County, N.Y., and points in Hunterdon County, N.J., to points in a specified part of New Jersey, New York, and Pennsylvania. John M. Zachara, P.O. Box 2860, Paterson 28, N.J., representative for applicants.

No. MC-FC 64487. By order of December 11, 1961, the Transfer Board approved the transfer to Garrison Van & Warehouse Corp., Inc., 5529 First Avenue, South, Birmingham, Ala., of Certificate No. MC 60787, issued July 3, 1953, to O. J. Garrison, Jr., doing business as Hood-Garrison Van & Storage Co., Birmingham, Ala., authorizing the transportation of: household goods, between Birmingham, Ala., and points within 20 miles thereof, on the one hand, and, on the other, points in Florida, and between points in Alabama and Florida, on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Michigan, Texas, Oklahoma, Arkansas, New York, New Jersey, and the District of Columbia.

No. MC-FC 64525. By order of December 8, 1961, the Transfer Board approved the transfer to Ida C. Andersen, Kenneth G. Andersen, Thomas R. Andersen, Dorothy E. Carvelli, Marjorie E. Nelsen, and Robert O. Andersen, Paul Andersen, and Janice Andersen, Marcella Anderson, Guardian, doing business as North St. Paul Transfer, 2460 East 13th Avenue, North St. Paul, Minn., of the operating rights in Certificate No. MC 26789, issued May 2, 1941, to Otto S. Anderson, doing business as North St. Paul Transfer, 2460 East 13th Avenue, North St. Paul, Minn., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over irregular routes, between points in Minneapolis and St. Paul, Minn., on the one hand, and, on the other, North St. Paul, Minn., and points in Minnesota within 15 miles of North St. Paul.

No. MC-FC 64581. By order of December 8, 1961, the Transfer Board approved the transfer to Ford's Express and Transfer Co., Inc., Lyndhurst, N.J., of Certificate No. MC 67141, issued February 3, 1959, to Michael James Bianculli and Patrick Ralph Biancully, Jr., a partnership, doing business as Ford's Express and Transfer Co., Lyndhurst, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y. Bowes and Millner, 1060 Broad Street, Newark 2, N.J., attorneys for applicants.

MC-FC 64614. By order of December 8, 1961, the Transfer Board approved the transfer to Harrison Dispatch Co., Inc., Lynn, Mass., of Certificate No. MC 42758, issued May 21, 1941, to Yolanda M. Reid, doing business as Bee Line Express, Danvers, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Boston, Cambridge, Somerville, Everett, Chelsea, Revere, Lynn, Salem, Beverly, Peabody and Danvers, Mass. John M. Fogarty, 23 Central Avenue, Lynn, Mass., attorney for applicants.

MC-FC 64668. By order of December 8, 1961, the Transfer Board approved the transfer to Jessie's Inc., Opelousas, La., of Certificates Nos. MC 116339 and MC 116339 Sub 3, issued December 16, 1958, and August 22, 1960, to J & M Enterprises, Inc., Opelousas, La., authorizing the transportation, over irregular routes, of salt (other than table salt), from Jefferson Island, Avery Island, and Weeks Island, La., to points in Alabama, Georgia, and Florida; animal and poultry feed, from Chicago, Ill., to points in Florida, Georgia, and Alabama (except Birmingham, Ala., and points within 65 miles thereof); from Lexington, Ky., to points in Alabama, Florida, and Georgia; and from Cartersville, Ga., to points in Florida and Alabama (except Birmingham, Ala., and points within 65 miles thereof); and, pepper, in mixed truckloads with salt (including table salt), and table salt, in packages or containers, from Jefferson Island, Avery Island, and Weeks Island, La., to points in Alabama, Georgia, and Florida. Jessie J. Quebedeaux, 1403 West Landry, Opelousas, La., attorney for applicants.

No. MC-FC 64677. By order of December 8, 1961, the Transfer Board approved the transfer to William Jacobs, Hammonton, N.J., of Certificate No. MC 8543 issued April 7, 1942, to William H. Gardiner doing business as Gardiner's Express, Hammonton, N.J., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes between Hammonton, N.J., and Philadelphia, Pa., with service authorized to and from all intermediate points and the off-route points within 5 miles of Hammonton, N.J.; and household goods, over irregular routes, between Hammonton and Elwood, N.J., on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., and those in Pennsylvania east of U.S. Highway 111. Samuel A. Curcio, attorney for transferee, 243 Bellevue Avenue, Hammonton, N.J.

No. MC-FC 64704. By order of December 15, 1961, the Transfer Board approved the transfer to Louise M. Spencer, doing business as Richard L. Spencer, Cambridge, Mass., of Permit No. MC 48589, issued June 12, 1943, to Richard L. Spencer, Cambridge, Mass., authorizing the transportation of such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points within the territory bounded by a line beginning at Boston, Mass., and extending along the Atlantic Coast to Hampton Beach, N.H., thence west through Hampton to Manchester, N.H., thence in a southwesterly direction through New Boston and Peterboro to East Jaffrey, N.H., thence south through Winchendon, Mass., to East Templeton, Mass., thence in a southeasterly direction to East Princeton, Mass., thence south through Holden, Worcester, Auburn, North Oxford, and Oxford to Webster, Mass., thence east through Douglas to Mansfield, Mass., thence in a southeasterly direction through Taunton to New Bedford, Mass., and thence along the Atlantic Coast to Boston, including the points named and points on Cape Cod; and between points in the above-specified territory, on the one hand, and, on the other Springfield, Mass., Providence, R.I., and Portland, Maine. Thomas R. Mylott, Jr., administrator and representative of applicants, 106 Larchwood Drive, Cambridge 38, Mass.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12090; Filed, Dec. 20, 1961; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 18, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37477: *Dry silicate of soda to South Jacksonville, Fla.* Filed by O. W. South, Jr., Agent (No. A4144), for interested rail carriers. Rates on sodium (soda), silicate of, dry, in bulk, in carloads, from Chester, Pa., to South Jacksonville, Fla.

Grounds for relief: Destination rate relationship.

Tariff: Supplement 218 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1079.

FSA No. 37478: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 37), for itself and interested carriers. Rates on various commodities moving on less-than-truckload class rates loaded in trailers and transported over joint motor-water, water-motor and motor-water-motor routes of applicant

motor carriers and Sea-Land Service, Inc., between Baton Rouge, La., Amarillo, Lubbock, Wichita Falls, Tex., and points taking same rates, on the one hand, and points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, on the other.

Grounds for relief: Rail-water freight forwarder competition.

Tariff: Supplement 8 to Sea-Land Service, Inc., tariff I.C.C. 3.

FSA No. 37479: *Newsprint paper from points in Canada to Colorado common points.* Filed by Western Trunk Line, Committee, Agent (No. A–2215), for interested rail carriers. Rates on newsprint paper, in carloads, from Fort Frances, Fort William, Kenora, Pine Falls, Port Arthur, Sault Ste. Marie, Sioux Lookout, and West Fort William, Ont., Canada.

Grounds for relief: Market competition.

Tariffs: Supplement 14 to Western Trunk Line tariff I.C.C. A–4389 and supplement 46 to Canadian Pacific Railway tariff I.C.C. W–1043.

FSA No. 37480: *Iron and steel articles from official territory to WTL territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2592), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in official (not including Illinois) territory, to points in western trunk-line territory.

Grounds for relief: Market competition.

Tariff: Supplement to Traffic Executive Association-Eastern Railroads tariff I.C.C. C–134.

FSA No. 37482: *Tapioca flour and starch from Gulf ports to Mead, Ga.* Filed by O. W. South, Jr., Agent (No. A145), for interested rail carriers. Rates on flour, tapioca and starch, in carloads, from Pensacola, Fla., Mobile, Ala., Gulfport and Pascagoula, Miss., New Orleans and Baton Rouge, La. (Import rates), to Mead, Ga.

Grounds for relief: Rate relationship.

Tariff: Supplement 117 to Southern Freight Association tariff I.C.C. S–87.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37481: *Iron and steel articles from official territory to WTL territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2593), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in official (not including Illinois), to points in western trunk-line territory.

Grounds for relief: Maintenance of present through one-factor rates from and to points in the same or other territories without observing market competitive rates from official (not including Illinois) territory to western trunk-line territory as factors in constructing lower combination rates.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–12073; Filed, Dec. 20, 1961; 8:47 a.m.]

[Ex Parte No. MC–55]

MOTOR COMMON CARRIERS OF PROPERTY

Routes and Services

DECEMBER 5, 1961.

On January 19, 1959, the Commission instituted the above-entitled rule making proceeding with a view toward the possible adoption of proposals which would have allowed motor common carriers of property to operate between authorized service points over any available highway without adhering to their regular service routes, in the case of regular-route carriers, or without observing gateways, in the case of irregular-route carriers; and which would further have had the effect of eliminating the distinction between the types of service which may be performed by regular-route and irregular-route motor common carriers of property (24 F.R. 1820). Representations in favor of or in opposition to the proposed rules were filed by numerous persons; a proposed report of an examiner was served January 6, 1960, in which it was recommended that the proceeding be discontinued; and exceptions to the proposed report and replies to exceptions were filed by certain parties. On December 5, 1961, the Commission, division 1, to which the matter had been referred for disposition, issued its report in this proceeding in which it found that no affirmative action on the proposals advanced, or any part of them, is warranted at this time, and that the proceeding should be discontinued. An order was entered discontinuing the proceeding.

Copies of the report and order of division 1 may be obtained by any interested person upon request of the Secretary, Interstate Commerce Commission, Washington 25, D.C.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–12074; Filed Dec. 20, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

	Page
PROCLAMATIONS:	
May 27, 1907	11746
3298	11937
3401	11714
3440	11714
3441	11937
3442	12023
EXECUTIVE ORDERS:	
Nov. 10, 1917	11906
Apr. 8, 1919	11906
June 14, 1921	11906
2711	11746
3797–A	12080
10717	11937
10977	11471
10978	11714
10979	11937
10980	12059

5 CFR

6	11347, 11483, 11671, 11813, 11852, 12060, 12155, 12211.
29	11794
30	12109
401	11938

6 CFR

421	12157

7 CFR

1	12155
46	12209
53	12109
319	12029
401	12209
403	12210
718	11813
719	12060
722	11472, 11481, 11851, 11887
728	11795, 12109
729	11816
750	11725
775	11672
776	11347, 11407, 12210
811	11963
812	11817
820	11965
871	11968
914	11417, 11817, 11851, 11890, 12062, 12063, 12156.
933	11417–11419
936	12211
937	11725
938	11725, 12063
946	12110
953	11419, 11818, 11851, 12030, 12064, 12110
958	11483, 11852, 11970
959	12211
1001	12064
1032	12030
1068	12064
1069	12065
PROPOSED RULES:	
26	12132
51	12222
362	12167
812	11838
903	12167
904	12037
911	11495
913	11839

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
914	11435
944	12132
947	12132
949	12037
952	12037
953	11363
982	11498
990	12037
993	12037
996	12037
999	12037
1019	12168
1026	11982
1028	11982
1050	12132

8 CFR

103	12111, 12212
204	12212
212	12066, 12212
214	12066, 12213
237	11818
242	12111
243	11819, 12113
244	12113
245	12114
249	12114
252	11797
253	11797
299	11819
PROPOSED RULES:	
242	11363

9 CFR

74	11852, 11970
77	11971
78	12067
83	11485, 11853
PROPOSED RULES:	
17	12222
74	11804
151	11870
201	11988

10 CFR

25	11726

12 CFR

4	11353
204	12031
217	11798, 11971, 12031
327	12031
329	11798, 12031

13 CFR

121	12069
122	11353

14 CFR

40	11354
41	11355
42	11356
49	12213
221	11819, 12156
287	11890
288	11483, 12114
302	11820
507	11672, 11821, 12032, 12033, 12213, 12214
555	11672
600	11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070, 12214.

14 CFR—Continued

	Page
601	11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074, 12215
602	11729
608	11729, 11730, 11859, 11861, 11894, 12033, 12215.
609	11939, 11946, 11951, 11960
610	12074
PROPOSED RULES:	
18	11804
43	11804
302	11685, 11841
376	12179
399	11841
411	12085
507	11870, 12042
600	11435, 11494, 11734
601	11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
608	11435, 11494, 11988

15 CFR

201	11357
230	11360, 11972

16 CFR

13	11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115, 12215, 12216.
14	11826

17 CFR

231	11896
239	11730
PROPOSED RULES:	
270	11738

18 CFR

141	11897
260	11900
PROPOSED RULES:	
2	11459

19 CFR

3	11362
5	11420
21	11362
54	11731
PROPOSED RULES:	
10	11683

20 CFR

404	11827, 11938

21 CFR

20	11676
120	11731, 11799, 12034
121	11677, 11799, 11800, 11828–11830, 12035, 12077.
141a	11801
141c	11801
146	12035
146a	11801
146c	11801
147	11802
191	12035
305	12216

21 CFR—Continued Page

PROPOSED RULES:
1 11734
27 11988
51 11988
120 11684
121 11684, 11735, 11841, 11870, 12143, 12144, 12178.
141a 11684
146 11684
146a 11684
147 11684
307 12222

24 CFR
201 11731
220 12116
221 12118
233 12120

25 CFR
PROPOSED RULES:
221 11734

26 CFR
1 11436, 11677, 12077, 12216
20 11861
25 11861
45 11861
PROPOSED RULES:
1 12085
48 12085

28 CFR
15 11420

29 CFR
403 11678
408 11678
670 11420
678 11420
779 11802
PROPOSED RULES:
545 11735

30 CFR
222 11487

31 CFR
270 11938

32 CFR
272 11830
273 11831
577 11679
701 11715
710 11716
711 12158
714 12217
719 11763, 11862
720 11722
723 12121
736 12158, 12217
744 12217
755 11792
765 11680, 11794, 12158, 12217
1453 11972
1470 11972
1472 11972
2011 11421

32A CFR
OIA (CH. X):
OI Reg. 1 11973

33 CFR Page
2 12159
125 11862
203 11803, 12105
206 12105
210 11732
212 11421

35 CFR
10 12217

36 CFR
1 11903
311 12122
PROPOSED RULES:
1 11363

38 CFR
6 11680
7 11802
8 11680
21 11862

39 CFR
1—204 11513
2 12122
4 12122
13 11864
15 12122
17 11903
27 11903
31 11864, 12125
33 11903
41 12122
42 12122
44 12122
47 11864
48 11864
94 12218
96 12218
168 11832
PROPOSED RULES:
61 11838
201 11426
202 11431
203 11432
204 11432

41 CFR
2–1 12126
2–3 12126
2–12 11904
9–7 11488
50–1 11974

43 CFR
81 12126
84 12126
86 12126
91 12126
102 12126
181 11975, 12165
192 12126
PROPOSED RULES:
192 11493, 11911
200 11493
PUBLIC LAND ORDERS:
61 11803
842 11361
1058 12082
1238 11863
2323 12080
2543 11361

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
2544 11361
2545 11803
2546 11361
2547 11803
2548 11803
2549 11803
2550 11863
2551 11863
2552 11906
2553 12079
2554 12080
2555 12080
2556 12080
2557 12080
2558 12081
2559 12082

44 CFR
151 11425

46 CFR
2 11908
34 11908
73 11908
76 11909
78 11909
97 11909
146 12082
157 12082
167 11909
171 11864
PROPOSED RULES:
201 11738
206 11738
221 11738
298 11738
299 11738

47 CFR
1 11909, 11977
2 11833, 11978
3 12024, 12083, 12165, 12220
7 12083
8 12083
10 11422, 11681, 11978
14 12083
16 11423, 11978
19 11978
PROPOSED RULES:
3 11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7 11369, 12144
8 11369, 11912, 12144
10 12145
14 11369

49 CFR
43 11835
95 12166
170 11732
174a 11492

50 CFR
32 11733
33 11733, 11836, 11837, 11868, 11869, 11909, 12165.
80 12128
270 11979

THE UNIVERSITY OF MICHIGAN
JAN 3 1962
MAIN READING ROOM

Pages 12237–12272

FEDERAL REGISTER

VOLUME 26 NUMBER 246

Washington, Friday, December 22, 1961

Contents

Agricultural Marketing Service
RULES AND REGULATIONS:
Lettuce grown in Lower Rio Grande Valley of South Texas; shipments limitation 12241
Limes; correction 12242

Agricultural Stabilization and Conservation Service
RULES AND REGULATIONS:
Milk in certain designated marketing areas:
Greater Boston, Southeastern New England and Connecticut 12239
Northeastern Ohio 12240

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Air Force Department
RULES AND REGULATIONS:
Aid of civil authorities and public relations; miscellaneous amendments 12249

Alien Property Office
NOTICES:
Intentions to return vested properties:
Cimolai, Maria, et al 12270
Powell, Stephen, et al 12270

Civil Aeronautics Board
NOTICES:
Capital Airlines, Inc. and Competitive Trunkline Service Investigation; order of investigation and consolidation 12258
RULES AND REGULATIONS:
Delegations and review of action under delegation; nonhearing matters 12242

Civil Service Commission
RULES AND REGULATIONS:
Commerce Department; exceptions from competitive service 12239

Commerce Department
See National Bureau of Standards.

Commodity Credit Corporation
RULES AND REGULATIONS:
Barley, corn, grain sorghums, oats, rye, and wheat; 1961-crop reseal loan programs; correction 12239

Comptroller of the Currency
NOTICES:
National Bank of Detroit and Bank of Livonia; notice of hearing 12258

Customs Bureau
RULES AND REGULATIONS:
Vessels in foreign and domestic trades; special tonnage tax and light money 12248

Defense Department
See Air Force Department.

Federal Aviation Agency
PROPOSED RULE MAKING:
Certain Marvel-Schebler carburetors; airworthiness directive 12256
RULES AND REGULATIONS:
Alteration of control area extensions; designation of transition areas 12246
Control area extension; alteration 12247

Federal Communications Commission
NOTICES:
Hearings, etc.:
Alkima Broadcasting Co. et al 12259
Boyd, Ralph M 12261
Community Service Broadcasters, Inc 12261
Larson, Jack E 12261
Mawson, Russell D 12261
WNOW, Inc. (WNOW) and Radio Associated, Inc. (WEER) 12262

Federal Maritime Commission
RULES AND REGULATIONS:
Licensing of independent ocean freight forwarders 12252

Federal Power Commission
NOTICES:
Hearings, etc.:
Central Illinois Public Service Co 12262
General American Oil Company of Texas 12262
Maguire, Russell, et al 12263
Texas Eastern Transmission Corp. and Texas Gas Transmission Corp 12265
U.S. Oil of Louisiana, Inc., et al 12265
Trunkline Gas Co. and Texas Eastern Transmission Corp 12264

Federal Reserve System
NOTICES:
Elyria Savings and Trust Co.; order approving consolidation of banks 12265

Food and Drug Administration
PROPOSED RULE MAKING:
Alimentary pastes; enriched vegetable macaroni products, enriched vegetable noodle products; definitions and standards of identity 12256
Food additives; notice of filing of petitions (2 documents) 12256
RULES AND REGULATIONS:
Food additives; miscellaneous amendments 12249
Inorganic bromides; tolerance for residues 12249

Health, Education, and Welfare Department
See Food and Drug Administration.

(Continued on next page)

Immigration and Naturalization Service

RULES AND REGULATIONS:
Proceedings to determine deportability of aliens in U.S.; apprehension, custody, hearing, and appeal; special inquiry officers; correction 12242

Interior Department

See Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Motor carrier transfer proceedings 12265
Motor vehicle chasses with generators from Stamford, Conn., to Brooklyn, N.Y.; directing modified procedure 12266

Justice Department

See Alien Property Office; Immigration and Naturalization Service.

Land Management Bureau

PROPOSED RULE MAKING:
Public sales 12254

CONTENTS

RULES AND REGULATIONS:
Public land orders:
Arizona; withdrawing lands for use of Forest Service as administrative site 12251
Montana; withdrawing lands in Deer Lodge National Forest; partly revoking Public Land Order No. 1843 12251
South Dakota and Arizona; partly revoking Public Land Order No. 1744 of October 6, 1958, which withdrew lands for use of Forest Service for recreation areas and administrative sites; correcting Public Land Order No. 2458 of August 10, 1961 12251
Utah:
Withdrawing lands for use of U.S. Fish and Wildlife Service additional to those withdrawn by Public Land Order No. 1942 of August 12, 1959, for Fish Springs National Wildlife Refuge 12251
Withdrawing lands within Manti-Lasal National Forest for use of Forest Service as administrative sites 12251

National Bureau of Standards

RULES AND REGULATIONS:
Standard samples and reference standards with schedule of weights and fees; descriptive list 12248

President's Committee on Equal Employment Opportunities

RULES AND REGULATIONS:
Obligations of government contractors and subcontractors; correction 12250

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
General Public Utilities Corp. 12266
One William Street Fund, Inc. (2 documents) 12268
Southwestern Electric Power Co 12269

Treasury Department

See also Comptroller of the Currency; Customs Bureau.

NOTICES:
Acoustical tile from Canada; fair value determination 12258
Mutual Boiler and Machinery Insurance Co.; surety companies acceptable on Federal bonds 12258

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 12239

6 CFR
421 12239

7 CFR
904 12239
975 12240
990 12239
1019 12239
1034 12241
1069 12242

8 CFR
242 12242

14 CFR
385 12242
601 (2 documents) 12246, 12247
PROPOSED RULES:
507 12256

15 CFR
230 12248

19 CFR
4 12248

21 CFR
120 12249
121 12249
PROPOSED RULES:
16 12256
121 (2 documents) 12256

32 CFR
804 12249
1008 12249
1012 12249
1013 12249
1016 12249
1054 12249
1057 12249

41 CFR
60–1 12250

43 CFR
PROPOSED RULES:
250 12254
PUBLIC LAND ORDERS:
1744 (revoked in part by PLO 2562) 12251
1843 revoked in part by PLO 2560) 12251
1942 (see PLO 2563) 12251
2400 (modified by PLO 2564) 12251
2458 (corrected by PLO 2562) 12251
2560 12251
2561 12251
2562 12251
2563 12251
2564 12251

46 CFR
510 12252

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (d) of § 6.312 is amended as set out below.

§ 6.312 Department of Commerce.

* * * * * * *

(d) *Business and Defense Services Administration.* * * *

(5) Three Confidential Assistants to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-12137; Filed, Dec. 21, 1961; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Reseal Loan Bulletin (Correction)]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Reseal Loan Programs for Barley, Corn, Grain Sorghums, Oats, Rye, and Wheat

Correction

The 1960-crop reseal loan program for barley, corn, grain sorghums, oats, rye and wheat, published in 26 F.R. 3879, May 4, 1961, is corrected as follows: Section numbers 421.5551 through 421.5563 are changed to 421.5601 through 421.5613. The correction to the reseal bulletin published in 26 F.R. 5859, June 30, 1961, and Amendment 1, published in 26 F.R. 7863, August 24, 1961, are also changed accordingly.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178; 15 U.S.C. 714c; 7 U.S.C. 1441, 1442, 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 18, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-12124; Filed, Dec. 21, 1961; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Orders Nos. 4, 90, 119]

PART 904—MILK IN GREATER BOSTON MARKETING AREA

PART 990—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

PART 1019—MILK IN CONNECTICUT MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Greater Boston, Southeastern New England and Connecticut marketing areas (7 CFR Parts 904, 990, and 1019), it is hereby found and determined that:

(a) The following provisions of the orders, no longer tend to effectuate the declared policy of the Act:

(1) Section 904.41 (a), (b), and (c) and that part of § 904.41(d) preceding subparagraph (1) thereof and the words "for the applicable month" and all of the table contained in subparagraph (2) thereof except the word "cents" in the second column and the figure "+08".

(2) Section 990.40(b) (1), (2), (3); that portion of § 990.40(b)(4) preceding subdivision (i) thereof; and the words "for the applicable month" and all of the table contained in subdivision (ii) of such subparagraph (b)(4) except the figure "$0.138".

(3) Section 1019.40(b) (1), (2), (3); that portion of § 1019.40(c) preceding subparagraph (1) thereof; and the words "for the applicable month" and all of the table contained in subparagraph (2) of such paragraph (c) except the figure "$0.138".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas.

(3) This suspension action will result in decreases in the five New England order Class II milk prices of nine, five and four cents per hundredweight for the remainder of December 1961 and January and February 1962, respectively. Class II prices in the Worcester and Springfield, Massachusetts orders are tied directly to the Greater Boston order Class II price and this action will automatically adjust such Class II prices by the indicated amounts also.

This action is necessary to insure that customary handling of the current supplies of reserve milk under the New England orders may be maintained during this period and to provide a reasonable alignment of New England order Class II milk prices with Class III milk prices under the New York-New Jersey milk order. The Boston order Class II price was 18 cents over the New York-New Jersey Class III price in November 1961 and it is estimated that this difference will be even greater during the winter months. The Boston Class II price for 1961, on a weighted average basis is estimated to approximate eight cents over the New York-New Jersey Class III price.

(4) This suspension action was requested by 18 cooperative associations representing a substantial majority of the producers on the New England order markets and handling a large proportion of the Class II milk under the respective orders. A survey of handlers in all five regulated markets indicated no opposition to the requested suspension.

(5) A public hearing was conducted at New York City during the period June 19–August 2, 1961 at which evidence was received on the appropriate level and relationship of all Northeast Federal order reserve milk prices. Time does not permit completion of the procedures necessary for appropriate action on the basis of this hearing record.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period from the effective date hereof through February 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: December 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12185; Filed, Dec. 21, 1961; 8:50 a.m.]

[Milk Order No. 75]

PART 975—MILK IN THE NORTHEASTERN OHIO MARKETING AREA

Order Amending Order

§ 975.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than January 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued September 22, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued November 21, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER.

(Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Northeastern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

§ 975.8 [Amendment]

1. Delete § 975.8(d) and substitute:

(d) A plant located less than 40 miles from the Public Square in Cleveland, Ohio, or less than 27.5 miles from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, operated by a cooperative association, or associations, if one-half or more of the milk (exclusive of that received at pool plants described in paragraphs (b) and (c) of this section) delivered during the immediately preceding six-month period by producers who are members of such association(s) including amounts transferred from the plant of the cooperative association, was received at the pool plants of other handlers:

2. Delete § 975.12 and substitute:

§ 975.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed cans; and cream and mixtures of cream and milk or skim milk, but not including the following: frozen or sour cream, aerated cream products, eggnog, ice cream and frozen dessert mixes or milk shake mix.

3. Delete § 975.18 and substitute:

§ 975.18 Reload point.

"Reload point" means a location which is both more than 40 miles from the Public Square in Cleveland, Ohio, and more than 27.5 miles from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, at which facilities approved by the appropriate health authority in the marketing area for transfer of milk from one tank truck to another and for washing of tank trucks are maintained, and at which milk moved from the farm in a tank truck is commingled with other such milk before entering a milk plant. All reloading operations on the premises of a pool plant shall be considered to be a part of such pool plant's operation. Otherwise the operations at a reload point shall be considered to be a part of the operation of the pool plant to which the major portion of the milk moved from farms to the reload point normally moves, except for the application of location adjustments pursuant to §§ 975.55 and 975.81.

§ 975.22 [Amendment]

4. Delete § 975.22 (j) and (l) and substitute:

(j) On or before the dates specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II and Class III milk prices, and the Class II and Class III butterfat differentials all for the preceding month; and

(2) The 14th day of each month the uniform price computed pursuant to § 975.71 and the butterfat differential computed pursuant to § 975.82; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

5. Delete § 975.41 and substitute:

§ 975.41 Classes of utilization.

Subject to the conditions set forth in §§ 975.43 through 975.46, the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (c)(2), (3) and (8) of this section, except that fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content, and

(2) Not specifically accounted for as Class II or Class III;

(b) *Class II.* Class II shall be all skim milk and butterfat:

(1) Used to produce cottage cheese; and

(2) Disposed of as sour cream for consumption as such; and

(c) *Class III.* Class III shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product or a Class II product;

(2) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(4) In frozen cream;

(5) In inventory of fluid milk products or sour cream on hand at the end of the month;

(6) In shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat, respectively, in producer milk, plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants;

(7) In shrinkage of other source milk; and

(8) Contained in that portion of "fortified" fluid milk products not classified as Class I milk pursuant to paragraph (a)(1) of this section.

§ 975.43 [Amendment]

6. Delete § 975.43(d)(3) and substitute:

(3) The Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers who constitute its source of supply. If the Class I utilization at the nonpool plant exceeds such receipts, allocate the skim milk and butterfat so transferred to Class I to the extent remaining, except that if receipts from plants which are pool plants under this and other Federal orders exceed the amount remaining, the amount of such transferred skim milk and butterfat allocated to Class I shall be determined by prorating the remaining Class I utilization in accordance with the receipts from all such plants at the nonpool transferee plant.

§ 975.50 [Amendment]

7. Delete § 975.50(a) and substitute:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated, below:

PRESENT OPERATOR AND LOCATION
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

and

§ 975.51 [Amendment]

8. Delete the opening paragraph of § 975.51(a) and substitute:

(a) Add to the basic formula price for the preceding month the following amount for the period indicated:

Delivery period:	Amount
April through July	$1.35
All others	1.80

and add or subtract a "supply-demand adjustment" computed as follows:

9. Delete § 975.51(a) (1) and (2) and substitute:

(1) Divide the total quantity of milk received from producers defined in § 975.10 and in § 995.12 of the order regulating the handling of milk in the North Central Ohio marketing area during the second and third months preceding by the gross quantity of milk utilized as Class I (adjusted for intermarket and interhandler transfers) at pool plants defined in § 975.8 and in § 995.9 of the order regulating the handling of milk in the North Central Ohio marketing area in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Months for which the price is being computed:	Standard utilization percentage
January	126
February	125
March	125
April	126
May	127
June	128
July	137
August	145
September	138
October	124
November	122
December	124

10. Delete § 975.53 and substitute:

§ 975.53 Class III milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III, shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the Department of Agriculture for the month adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 975.54(c) and rounded to the nearest full cent but in no event shall the Class III price exceed the price computed pursuant to § 975.50(b) plus 10 cents.

§ 975.55 [Amendment]

11. Delete the opening paragraph of § 975.55 and substitute:

For producer milk received at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, the respective class prices for Class I and Class II utilization pursuant to §§ 975.51 and 975.52 shall be reduced at the rate specified below for the location of such plant or reload point except that in no case shall the adjustment to Class II utilization exceed 30 cents per hundredweight. For purposes of this limitation with respect to Class II utilization, separate assignments in sequence shall be made pursuant to paragraphs (b) and (c) of this section with respect to Class I and Class II so that location adjustments associated with Class II shall be allocated to the most distant plants to which assignments are made.

12. Delete § 975.55(d) and substitute:

(d) The rates of location adjustment credit shall be as follows, based on the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

Distance:	Cents per hundredweight
40.1–60 miles	13
60.1–70 miles	20

plus one cent per hundredweight for each 10 miles or fraction thereof in excess of 70 miles.

13. Delete § 975.81 and substitute:

§ 975.81 Location adjustments to producers.

In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct with respect to all milk received from producers at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton, or the City Hall in Ashtabula, Ohio, by the shortest highway distance as determined by the market administrator, at the rates specified in § 975.55 based on mileage measured from the Public Square in Cleveland, Ohio.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1962.

Signed at Washington, D.C., on December 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12149; Filed, Dec. 21, 1961; 8:49 a.m.]

PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

[1034.304 Amdt. 1]

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of

shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of lettuce in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 1034.304 (26 F.R. 10793, 11236) delete paragraph (c) and in lieu thereof substitute new paragraph (c) as set forth below.

§ 1034.304 Limitation of shipments.

* * * * *

(c) *Container.* Lettuce shall be handled only if packed in one of the following containers:

(1) A carton with inside dimensions of 10 inches x 14¼ inches x 21$^{5}/_{16}$ inches (designated as carrier container No. 7303).

(2) A carton with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container No. 7306).

(3) A crate with inside dimensions of 10 inches x 14¼ inches x 21½ inches (designated as carrier container No. 3822 modified for lettuce).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 19, 1961, to become effective December 26, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12123; Filed, Dec. 21, 1961; 8:45 a.m.]

PART 1069—LIMES

Lime Regulation No. 7; Correction

In Federal Register Document 61–12001 appearing at page 12065 of the issue of Saturday, December 16, 1961 (26 F.R. 12065), the date "December 18, 1962" appearing in paragraph (j) of § 1069.7 is corrected to read "December 18, 1961."

Dated: December 19, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12148; Filed, Dec. 21, 1961; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Special Inquiry Officers

Correction

In F.R. Doc. 61–12021, appearing at page 12110 of the issue for Tuesday, December 19, 1961, the following correction is made in § 242.8(a): In the last clause of the first sentence the word "make" should read "take".

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION

[Reg. No. OR-1]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of December 1961.

Reorganization Plan No. 3 of 1961 confers upon the Board authority to delegate "by published order or rule" any of its functions to any of its employees. Among the categories of functions which the Board thus may delegate are those which may be performed without notice and hearing and need not be based on an evidentiary record. Part 385 has been adopted by the Board to implement this aspect of the Reorganization Plan.

Part 385 consists of three subparts. Subpart A contains general provisions applicable to delegations; Subpart B contains the delegations; and Subpart C contains provisions governing the procedures on Board review of action under delegated authority. Though such a regulation could be issued as a final regulation without public notice, the Board deemed it desirable to solicit comments with respect to Subpart C—Procedure on Review of Staff Action, and issued proposed Subpart C as a notice of proposed rule making, Docket 13021, dated September 7, 1961, published in the FEDERAL REGISTER (26 F.R. 8567) on September 13, 1961. Comments thereon were received and due consideration has been given to all relevant matter presented.

Though comments received covered a wide range of matters dealing with delegated authority, the paramount concern pertained to the procedural rights of the individuals having a substantial interest in the staff action. Questions were raised whether such persons would be aware of the staff action taken or would have sufficient time within which to prepare petitions and answers; and whether or not the staff might be able to discharge its authority in such a manner as to render useless the discretionary right of review by the Board.

The public and interested parties will be made aware of the staff action taken under delegated authority in the same manner as if the Board itself had acted. The basic period within which petitions for review and answers are to be filed will be ten days. The Board feels that such periods will provide sufficient time as to the majority of staff action taken The staff may, in its discretion, extend or shorten such period.

When the staff member finds that the public interest so requires, or that there will be insufficient time for discretionary Board review of his decision upon petition as provided in Subpart C, he shall, in lieu of exercising the delegated authority, submit the matter to the Board for decision.

Decisions by the Board upon review of staff action will be final and will not be subject to petitions for reconsideration. Thus in any case where the staff takes action to dispose of a non-hearing matter and interested persons have been made aware of such action, the action shall be subject to no more than one subsequent consideration by the Board upon request of an interested party, and any further requests for a reconsideration will be dismissed.

Several comments sought a broadening of the basis upon which review of staff action could be sought. Upon review of these suggestions, the Board finds that the four limits proposed should be expanded to include a fifth, namely, where staff action is substantially deficient on its face (e.g., omission of necessary findings, failure to dispose of issues, etc.).

Section 385.51 as proposed, stated that petitions could not exceed 10 pages in length. It is felt that the staff should have authority to allow for greater length where they deem it necessary, and the section has been altered accordingly.

Proposed § 385.55 permitted the staff member to reconsider his action upon the filing of a petition for review by the applicant. Upon consideration of comments, this provision was extended to petitions by opponents to the application (§ 385.53).

In promulgating new Part 385, the Board hereby establishes a new Subchapter E, Organization Regulations, and changes the designation of present Subchapter E to F.

In consideration of the foregoing, the Civil Aeronautics Board hereby enacts new Part 385 of the Organization Regulations (14 CFR Part 385) effective January 20, 1962, to read as follows:

Subpart A—General Provisions

Sec.
385.1 Definitions.
385.2 Applicability.
385.3 Scope of staff action.
385.4 Form of staff action.
385.5 Procedures prescribed in other regulations.
385.6 Referral to the Board.
385.7 Exercise of authority by superiors or the Board.
385.8 Exercise of authority in "acting" capacity.
385.9 Effective date of delegations and procedures.

Subpart B—Delegation of Functions to Staff Members

385.10 Delegation to the Chief Examiner, Bureau of Hearing Examiners.
385.11 Delegation to the Hearing Examiners, Bureau of Hearing Examiners.
385.12 Delegation to the Director, Bureau of Economic Regulation.
385.13 Delegation to the Chief, Routes and Agreements Division, Bureau of Economic Regulation.
385.14 Delegation to the Chief, Rates Division, Bureau of Economic Regulation.
385.15 Delegation to the Chief, Tariffs Section, Rates Division, Bureau of, Economic Regulation.
385.16 Delegation to the Chief, Subsidy Division, Bureau of Economic Regulation.
385.17 Delegation to the Alaska Liaison Representative, Bureau of Economic Regulation.
385.18 Delegation to the Chief, Office of Carrier Accounts and Statistics.
385.19 Delegation to the Chief, Regulations and Reports Division, Office of Carrier Accounts and Statistics.
385.20 Delegation to the General Counsel.
385.21 Delegation to the Associate General Counsel, Rules and Legislation.
385.22 Delegation to the Director, Bureau of Enforcement.

Subpart C—Procedure on Review of Staff Action

385.50 Persons who may petition for review.
385.51 Petitions for review.
385.52 Effective date of staff action.
385.53 Review by the staff.
385.54 Decision by the Board.

AUTHORITY: §§ 385.1 to 385.54 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481, and Reorganization Plan No. 3 of 1961, 26 F.R. 5989.

Subpart A—General Provisions

§ 385.1 Definitions.

Board means the Civil Aeronautics Board.

Petition for review means a petition asking the Board to exercise its discretionary right of review of staff action.

Staff action means the exercise of a function of the Board by a staff member pursuant to delegation under this part.

Staff members means officers and employees of the Board who receive delegated authority under this part.

§ 385.2 Applicability.

This part describes the organization of the Board insofar as, pursuant to authority conferred on it by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, the Board has delegated any of its functions of making orders or other determinations which are not required to be made on an evidentiary record upon notice and hearing, and the Chairman has assigned Board personnel to perform such functions. The delegations set forth herein do not apply in instances where applicable law or due process requires that decision be based on a record made at an evidentiary hearing. This part also sets forth the procedures governing discretionary review by the Board of action taken under such delegations.

§ 385.3 Scope of staff action.

Applications for relief which, pursuant to this part, may be granted by staff members under delegated authority, and proceedings on such requests shall be governed by applicable rules in the same manner as if no delegation had been made, (see § 385.5). In such proceedings, each staff member may determine any procedural matters which may arise, including, inter alia, service of documents on additional persons; filing of otherwise unauthorized documents; waivers of procedural requirements; requests for hearing; requests for additional information; dismissal of incomplete or otherwise defective applications; and extensions of time. Such determinations, except those which would terminate the matter, shall be subject to review only in connection with Board review of the staff member's decision on the merits. The dismissal of incomplete or otherwise defective applications under authority set forth in this part shall be without prejudice except where under otherwise applicable law the time for making application has run out or where the defect is not corrected within a reasonable time fixed by the staff member. Under the authority delegated to the staff as set forth in this part to approve, disapprove, grant or deny, relief may be granted or denied in part and grants may be made subject to lawful and reasonable conditions. Moreover, where applicable, the authority to grant relief also includes authority to renew or extend an existing authorization.

§ 385.4 Form of staff action.

Unless otherwise specified in the delegation, staff action shall be by order or informal writing (letters, telegrams, decision marked on copy of application form, etc.). Such orders or informal writings shall contain a recital that action is taken pursuant to delegation; shall, in cases where there are "parties or interveners," contain a brief reference to the right of aggrieved parties to petition the Board for review pursuant to applicable procedural rules, including a statement of the time within which petitions must be filed (§ 385.51); and shall be signed by the person exercising the delegated function. They shall contain all findings, determinations and conclusions which would be required or appropriate if they were issued by the Board. Orders or informal writings so issued which have become the action of the Board (§ 385.52) shall be published in the same manner as if they had been issued by the Board in the first place, and upon request the Secretary shall attest thereon that they constitute the action of the Board.

§ 385.5 Procedures prescribed in other regulations.

Procedures set forth in this part shall not supersede procedures applicable to matters on which decision has been delegated unless otherwise specifically provided herein: *Provided, however,* That any provisions in other regulations which provide for reconsideration of non-hearing determinations made by the Board shall not be applicable to decisions made under authority delegated herein or to Board decisions made upon review thereof.

§ 385.6 Referral to the Board.

When the staff member finds that the public interest so requires, or that there will be insufficient time for discretionary Board review of his decision upon petition as provided in Subpart C of this part, he shall, in lieu of exercising the delegated authority, submit the matter to the Board for decision.

§ 385.7 Exercise of authority by superiors or the Board.

Any delegation of authority to a staff member below the rank of Bureau or Office Head shall also be deemed to be made, severally, to each of such staff member's superiors in the respective Bureau or Office. In accordance with the Board's principle of management responsibility in the Bureau or Office Head, the superior may choose to exercise the delegated power himself in any case. Moreover, the Board may at any time itself exercise any authority delegated herein.

§ 385.8 Exercise of authority in "acting" capacity.

Unless the delegation provides otherwise, staff members serving in an "acting" capacity may exercise the authority delegated to the staff members for whom they are acting.

§ 385.9 Effective date of delegations and procedures.

The delegations and procedures set forth in this part shall be effective thirty days after publication in the FEDERAL REGISTER.

Subpart B—Delegation of Functions to Staff Members

§ 385.10 Delegation to the Chief Examiner, Bureau of Hearing Examiners.

The Board hereby delegates to the Chief Examiner, Bureau of Hearing Examiners, the authority to:

(a) Consolidate, upon recommendation of the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), into one proceeding cases involving the investigation of a

tariff or of complaints concerned with related tariffs.

(b) With respect to matters to be decided after notice and hearing: Dismiss applications or complaints (except those falling under Part 302, of this chapter), (Subpart B of the Procedural Regulations) when such dismissal is requested or consented to by the applicant or complainant, or where such party has failed to prosecute such application or complaint; and dismiss proceedings upon his finding that the proceeding has become moot or that no further basis for continuation exists.

§ 385.11 Delegation to the Hearing Examiners, Bureau of Hearing Examiners.

The Board hereby delegates to the Hearing Examiners, Bureau of Hearing Examiners, the authority to take the following actions in matters to which they are respectively assigned:

(a) Grant or deny intervention in formal proceedings.

§ 385.12 Delegation to the Director, Bureau of Economic Regulation.

The Board hereby delegates to the Director, Bureau of Economic Regulation, the authority to:

(a) Approve or deny applications of certificated route air carriers for exemptions to serve a point certificated on one segment of its route in place of a point certificated on another segment of its route whenever no substantial competition to other lines will result, and to perform single flights outside the authority contained in the certificate.

§ 385.13 Delegation to the Chief, Routes and Agreements Division, Bureau of Economic Regulation.

The Board hereby delegates to the Chief, Routes and Agreements Division, Bureau of Economic Regulation, the authority to:

(a) Approve or disapprove Airport Notices which indicate an intention to serve regularly a point through any airport not regularly used by a holder of a certificate of public convenience and necessity; and grant or deny requests for an effective date earlier than 30 days subsequent to filing such Airport Notice.

(b) Approve or disapprove nonstop notices which indicate an intention to inaugurate a scheduled nonstop service between any two points nonconsecutively named in the certificate of public convenience and necessity; and grant or deny requests for an effective date earlier than 20 days subsequent to the filing of such Nonstop Notice. Approval may be granted if such nonstop service is not found: (1) To be adverse to the public interest; or (2) to involve a substantial deviation from the shortest course between such points as determined by the route described in the certificate; or (3) to involve a schedule designated for the transportation of mail where the inauguration of such service on such dates would be prohibited pursuant to the provisions of section 405(b) of the Act.

(c) Approve or disapprove issuance of foreign aircraft permits provided for in §§ 375.41, 375.42, and 375.70 of this chapter (Special Regulations).

(d) Approve or disapprove applications for operating authority filed pursuant to Parts 296 and 297 of this chapter (Economic Regulations).

(e) Approve or deny applications for approval of relationships prohibited by §§ 296.45 and 297.36 of this chapter (Economic Regulations).

(f) Cancel any operating authority upon the filing by a domestic or international Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

(g) Approve or disapprove interchange schedules. Approvals may be granted when such schedules appear to conform to the service plan contemplated by the Board's orders approving the basic interchange agreements.

(h) Approve or deny applications for authorization to conduct off-route charter trips filed pursuant to Part 212 of this chapter.

(i) Approve or disapprove applications of certificated helicopter carriers requesting amendments of Flight Patterns operated under the carriers' area exemption authorizations.

(j) Issue revised operating authorizations, Letters of Registration, and Exemption Orders when revisions thereof are made necessary due to a change in name of the carrier specified in the document, provided that no issue of substance concerning the operating authority of a carrier is involved.

(k) In respect of service patterns: (1) Approve or disapprove all applications filed under § 202.4 of this chapter (Economic Regulations) by local service carriers for authority to effect temporary or seasonal changes in service patterns; (2) revoke, modify, or renew, prior approval of temporary or seasonal changes in service patterns; (3) dismiss applications for changes in service patterns when such dismissal is requested by the applicant, or when such application is moot.

(l) In respect of temporary suspension of service: (1) approve or disapprove applications filed under Part 205 of this chapter (Economic Regulations) for authority to temporarily suspend service; (2) revoke or modify orders authorizing the temporary suspension of service; (3) dismiss applications to temporarily suspend service when such dismissal is requested by the applicant, or when such application is moot.

(m) With respect to section 412 Contracts and Agreements: (1) Approve or disapprove any contract or agreement, or modification, termination, or cancellation thereof, filed by air carriers under section 412 of the Act, except the following:

(i) Contracts or agreements involving (*a*) the establishment of rates, fares, or charges; (*b*) standardization of equipment; (*c*) schedules; (*d*) substantial limitations on competition; or (*e*) interchange of equipment and "Trackage rights."

(ii) Contracts or agreements which are industrywide or substantially industrywide in effect, other than those on which there are Clear Board precedents, or which do not involve substantial questions of policy.

(2) Dispose, without action, of contracts and agreements which, prior to review thereof, have expired, been terminated, or been superseded.

(n) With respect to interlocking relationships: (1) Grant or deny applications for approval of interlocking relationships filed under section 409(a) of the Act; (2) Dismiss applications for approval of interlocking relationships where the termination of the interlocking relationship in question has been effected.

(o) Upon application, grant or deny exemptions from section 408 of the Act.

(p) Grant or deny an air carrier authority to conduct a specific charter operation, other than a MATS operation, in overseas or foreign air transportation, imposing such conditions as exclusion of one-way passengers or limitations on payments for labor in arranging the charter; and approve or disapprove minor changes prior to flight date in charters previously authorized by order (e.g., changes regarding flight dates, departure or landing points, aircraft, persons authorized for one-way passage, intermingling of passengers, or substituting another carrier in cases of emergency).

§ 385.14 Delegation to the Chief, Rates Division, Bureau of Economic Regulation.

The Board hereby delegates to the Chief, Rates Division, Bureau of Economic Regulation, the authority to:

(a) In the absence of a protest from a person disclosing a substantial interest, effect issuance of final orders with respect to International Air Transport Association (IATA) agreements filed with the Board pursuant to section 412 of the Act or pursuant to Board Order E–9305 of June 15, 1955, as follows:

(1) Disclaiming jurisdiction with respect to IATA agreements which do not affect air transportation within the policy set forth in Order E–12304, dated March 31, 1958.

(2) Disposing of IATA agreements relating to specific commodity rates as follows:

(i) Approving or disapproving agreements within an area which name additional rates under commodity descriptions for which rates are currently in effect in that area and have been approved by the Board.

(ii) Approving or disapproving agreements which readopt rates which are currently in effect and which have been approved by the Board, except where revalidation of the basic commodity rate structure is proposed.

(iii) Approving, disapproving, or approving subject to condition to insure proper tariff publication, agreements which amend commodity descriptions under which rates are currently in effect, consistent with Part 221 of this chapter (Economic Regulations).

(iv) Approving or disapproving agreements which name rates under commodity descriptions not currently in effect where the description does not conform to Part 221 of this chapter (Economic Regulations).

(3) Approving or disapproving amendatory agreements which do not directly affect air transportation, involving adjustment in agreed fares and rates or specification of additional fares and rates to be integrated into the previously approved overall structure.

(4) Approving or disapproving agreements reached by unprotested notice pursuant to the following creative fares resolutions: Resolution 084 (TC1, JT23), and Resolution 084a (JT31).

(5) Approving or disapproving agreements adopted by unprotested notices pursuant to the provisions of Resolutions 014a and 014b, which prescribe the construction rules for passenger fares and cargo rates respectively.

(6) Approving or disapproving agreements proposing delays in inaugurals.

(b) Grant or deny air carriers authority to conduct MATS charter operations in overseas and foreign air transportation, and air transportation between the 48 contiguous States on the one hand and the States of Hawaii or Alaska on the other hand, imposing conditions.

§ 385.15 Delegation to the Chief, Tariffs Section, Rates Division, Bureau of Economic Regulation.

The Board hereby delegates to the Chief, Tariffs Section, Rates Division, Bureau of Economic Regulation, the authority to:

(a) Reject any tariff, supplement, or revised page which is filed by any United States air carrier or by any foreign air carrier, and which is subject to rejection because it is not consistent with section 403 of the Act or with Part 221 of this chapter (Economic Regulations).

(b) Approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 221.190 of this chapter (Economic Regulations).

(c) Approve or disapprove applications made pursuant to Subpart Q of Part 221 of this chapter (Economic Regulations) for waiver of the provisions of Part 221 of this chapter.

(d) Permit cancellation of a tariff in instances when an investigation of a tariff is pending, or the tariff is under suspension, or when a complaint requesting investigation or suspension of a tariff has been filed.

(e) In instances when an investigation of a tariff is pending, or the tariff is under suspension, or where a complaint requesting investigation or suspension of a tariff has been filed, dismiss the investigation or complaint, or terminate the suspension, provided the tariff to which such investigation, complaint or suspension relates has been canceled, ordered canceled, modified so as to remove the grounds for the investigation or complaint, or has expired.

(f) Institute an investigation of, or institute an investigation and suspend the effectiveness of, a tariff or change in a tariff which:

(1) Is substantially similar to a prior tariff under investigation or suspension; and

(2) Is filed by or on behalf of one or more of the carriers party to the prior tariff; and

(3) Is filed within 90 days after the expiration, modification or cancellation of the prior tariff, or within 90 days after the effective date of an order requiring its cancellation or modification.

(g) Extend the period of suspension of a tariff under suspension when the proceedings concerning the lawfulness of such tariff cannot be concluded before the expiration of the existing suspension period, provided that the aggregate of such extensions may not be for a longer period than permitted under section 1002(g) of the Act.

(h) Approve or disapprove applications filed under section 403(b) of the Act and § 223.8 of this chapter (Economic Regulations) for permission to furnish free or reduced rate air transportation in overseas or foreign air transportation.

(i) Grant or deny to a certificated all-cargo air carrier an exemption, pursuant to section 416(b)(1), from the provisions of sections 401 and 403(b) insofar as said sections would prevent such carrier from providing transportation to persons between points in its certificate on regularly scheduled cargo flights for the purpose of collecting data for preparation of feature news, pictorial, or like articles provided that:

(1) The transportation is limited to the writer, journalist or photographer engaged in the preparation of data for use in feature news, pictorial, or like articles which are to appear in newspapers or trade magazines and which will publicize the regularly scheduled cargo operations of the carrier;

(2) The exemption shall be granted only upon the condition that the all-cargo air carrier shall collect from each person transported not less than the lowest fare in effect by carriers authorized to transport persons in regularly scheduled passenger service between the points involved.

(j) Grant or deny to a carrier an exemption and/or one extension thereof, pursuant to section 416(b)(1), from the provisions of section 403(b) insofar as the latter section would prevent the carrier from providing free transportation for the purposes of engaging in technical in-flight observations necessary or desirable for meteorological purposes or in other cases substantially similar to cases previously acted upon by the Board; provided that:

(1) The free transportation is limited to technical personnel regularly engaged in duties directly related to the purposes for which the free transportation is authorized and is provided only when they are engaged in the specific technical in-flight activity and does not include other transportation;

(2) The exemption or the subsequent single extension thereof shall be for a period not to exceed six months; and

(3) The exemption shall be granted only upon the condition that the carrier file with the Board, within ten days after the close of each month, during which the exemption is in force, the name of each person provided free transportation thereunder, his company affiliation and the dates, flights and points between which such free transportation was provided.

§ 385.16 Delegation to the Chief, Subsidy Division, Bureau of Economic Regulation.

The Board hereby delegates to the Chief, Subsidy Division, Bureau of Economic Regulation, the authority to:

(a) Issue letters approving or disapproving waivers of provisions in guaranteed loan agreements; approval to be granted in cases where it is believed that the grant of such approval will not adversely affect the obligation of the Board under the guarantee and will not increase the risk that the Board will have to make payment on the guarantee.

§ 385.17 Delegation to the Alaska Liaison Representative, Bureau of Economic Regulation.

The Board hereby delegates to the Alaska Liaison Representative, Bureau of Economic Regulation, the authority cited in § 385.15 (a), (b), and (g) insofar as it relates to Alaskan Air Carriers.

§ 385.18 Delegation to the Chief, Office of Carrier Accounts and Statistics.

The Board hereby delegates to the Chief, Office of Carrier Accounts and Statistics, the authority to:

(a) Waive any of the accounting, reporting and record-retention requirements as warranted, to meet temporary or local conditions.

(b) Interpret the Board's accounting, reporting, and record-retention requirements.

(c) Establish detailed standard accounting, reporting and record-retention practices required to achieve conformance with regulations promulgated by the Board.

(d) Grant or deny with the concurrence of the General Counsel and the Director, Bureau of Economic Regulation, requests for confidential treatment of preliminary year-end financial reports.

(e) Grant or deny individual requests by air carriers for permission to use their own continuous-feed machine reporting forms, where Board approval for the use of such forms is required by the Economic Regulations.

(f) Establish classification of aircraft types for reporting financial data and traffic capacity statistics.

(g) Prescribe, in specific instances, different passenger weight standards to approximate variations in actual experience, for reporting passenger ton-miles and available ton-miles.

§ 385.19 Delegation to the Chief, Regulations and Reports Division, Office of Carrier Accounts and Statistics.

The Board hereby delegates to the Chief, Regulations and Reports Division, Office of Carrier Accounts and Statistics, the authority to take any or all of the following actions in administering the accounting report or record-retention regulation of Part 249 of this chapter (Economic Regulations):

(a) Extend, with the concurrence of the Director, Bureau of Enforcement, the time period for the preservation of records relating to errors, oversales, irregularities and delays in handling of passengers § 249.13(f) of this chapter (Category No. 303(a) of the Schedule

of Records to Part 249 of the Economic Regulations).

§ 385.20 Delegation to the General Counsel.

The Board hereby delegates to the General Counsel the authority to grant or deny by letter requests submitted under § 302.11(b)(1)(i) and (ii) of this chapter (Procedural Regulations) by persons who have been formerly associated with the Board, for interpretations of facts under § 302.11(b)(1)(i) of this chapter and for leave to represent a party to a proceeding or matter before the Board under § 302.11(b)(1)(ii) of this chapter.

§ 385.21 Delegation to the Associate General Counsel, Rules and Legislation.

The Board hereby delegates to the Associate General Counsel, Rules and Legislation Division, the authority to:

(a) In accordance with the provisions of Part 311 of this chapter (Board's Procedural Regulations) approve or disapprove requests for testimony of Board employees, with respect to their participation in the investigation of aircraft accidents.

(b) Grant or deny any motion made by an air carrier association pursuant to § 263.3 of this chapter (Economic Regulations) for leave to participate in a Board proceeding in which no formal hearing is held.

§ 385.22 Delegation to the Director, Bureau of Enforcement.

The Board hereby delegates to the Director, Bureau of Enforcement, the authority to:

(a) Compromise civil penalties being imposed for violation of the Board's Safety Investigation Regulations when the penalty does not exceed $100.

Subpart C—Procedure on Review of Staff Action

§ 385.50 Persons who may petition for review.

Petitions for review may be filed by the applicant; by persons who have availed themselves of the opportunity, if any, to participate in the matter at the staff action level; and by persons who have not had an opportunity to so participate or who show good and sufficient cause for not having participated: *Provided*, That such persons disclose a substantial interest which would be adversely affected by the respective staff action.

§ 385.51 Petitions for review.

(a) *Time for filing.* Petitions for review shall be filed and served within ten (10) days after the date of the staff action to which they relate, but a different period may be fixed in such staff action consistent with effective preservation of the right to petition for discretionary Board review.

(b) *Contents.* Petitions for review shall demonstrate that (1) a finding of material fact is clearly erroneous; (2) a legal conclusion is contrary to law, Board rules, or precedent; (3) a substantial and important question of policy is involved; (4) a prejudicial procedural error has occurred; or (5) the staff action is substantially deficient on its face. The petition shall briefly and specifically state the alleged grounds for review and the relief sought. If persons who participated at the staff action level set forth any new facts, arguments, or other new matter, an explanation must be furnished as to why said matter was not previously adduced at the staff action level. In the absence of a valid explanation, the Board may disregard such new matter.

(c) *Form and filing.* Petitions shall comply with the form and filing requirements of §§ 302.3 (a), (b), and (c), and 302.4 of this chapter (Board's rules of practice in Economic Proceedings). Petitions shall not exceed 10 pages in length. A greater length, however, may be specified in the staff action taken. The petitions shall be accompanied by proof of required service. However, persons who seek review of a civil penalty proposed by the Director, Bureau of Enforcement pursuant to § 385.22(a) may submit their request therefor by letter to the Board, with a copy to the Director, Bureau of Enforcement, and need not comply with the above form and filing requirements.

(d) *Service.* A petition filed by a person other than the applicant shall be served on the applicant. Petitions shall also be served on any persons who have served documents on the petitioner at the staff action level, and on such other persons as may be directed by the Board or the staff member who took the action to be reviewed.

(e) *Answers.* The applicant and such other persons as disclose a substantial interest which would be adversely affected by the relief sought in the petition may, within ten (10) days after filing the petition, file an answer thereto. A different period for the filing of answers may be fixed in the staff action. Such answers shall comply with the form and filing requirements applicable to petitions and shall be served on the applicant and any other person who has theretofore served a document in the matter on such respondent.

§ 385.52 Effective date of staff action.

Unless, within the time provided by or pursuant to this regulation, a petition for review is filed or the Board gives notice that it will review on its own motion, staff action shall, without further proceedings, be effective and become the action of the Board upon the expiration of such period. A timely petition for review filed in accordance with the provisions of this section, or notice given by the Board of review on its own motion, shall stay the staff action pending disposition by the Board, unless the Board determines otherwise. However, in cases where the Board's regulations provide that permissions or approvals are granted, or that other legal effects result, within a stated period from the filing with the Board of a prescribed document, unless the Board gives notice to the contrary or takes other action within said period, such notice given or action taken by a staff member under delegated authority shall toll the running of such period.

§ 385.53 Review by the staff.

Where a petition for review is duly filed, the staff member may, upon consideration of all documents properly filed, reverse his decision. In such cases the petition for review will not be submitted to the Board. This staff action shall be subject to petition for Board review as any other staff action.

§ 385.54 Decision by the Board.

(a) *Decline of right to review.* If the Board declines its right to exercise discretionary review, its order will determine the effective date of the staff action stayed by the petition for review.

(b) *Exercise of right to review.* The Board will exercise its discretionary right of review either upon petition or on its own motion if two or more Board Members so desire. The Board may by order provide for interlocutory relief pending its decision on the merits and may limit the issues on review. It may affirm, modify or set aside the staff action, may order the matter remanded, or may order further submittals or other proceedings before making its decision on the merits. Decisions by the Board under this part are final and will not be subject to petitions for reconsideration.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-12136; Filed, Dec. 21, 1961; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-161]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions; Designation of Transition Areas

On November 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10489) stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Fort Worth, Tex., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60-21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60-21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However as stated in the notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60-21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days' notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1360 (14 CFR 601.1360) is amended to read:

§ 601.1360 Control area extension (Abilene, Tex.).

Within a 35-mile radius of the Abilene, Tex., VOR including the airspace N of Abilene bounded on the E by VOR Federal airway No. 77, on the N by VOR Federal airway No. 278 E of Guthrie, Tex., VOR and VOR Federal airway No. 102 W of Guthrie VOR, on the W and SW by VOR Federal airway No. 62, including the airspace NW of Abilene 8 miles SW of and 5 miles NE of the Abilene VOR 327° radial extending from the VOR to 69 miles NW of the VOR; the airspace SE, S and SW of Abilene bounded on the N by VOR Federal airway No. 94, on the E by VOR Federal airway No. 163, on the S and SW by VOR Federal airway No. 76N alternate, excluding the portion that coincides with the arc of a 35-mile radius circle centered at the San Angelo, Tex., VOR and on the NW by VOR Federal airway No. 66; including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered at the Big Springs, Tex., VOR. The portion of this control area extension that coincides with R-6308 shall be used only after obtaining prior approval from the appropriate authority.

2. Part 601 (14 CFR 601) is amended by adding the following sections:

§ 601.10819 Dierks, Ark., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Texarkana, Ark., VORTAC 355° True radial extending from 10 miles N to 22 miles S of the INT of the Page, Okla., VOR 144° and the Texarkana VORTAC 355° radials.

§ 601.10820 Pike, Ark., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles SE and 8 miles NW of the Texarkana, Ark., VORTAC 033° radial extending from 10 miles NE to 22 miles SW of the INT of the Texarkana VORTAC 033° and the El Dorado, Ark., VOR 317° radials.

§ 601.10821 Marthaville, La., transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles NE and 12 miles SW of the Alexandria, La., VOR 300° radial extending from 10 miles NW to 22 miles SE of the INT of the Shreveport, La., VORTAC 164° and the Alexandria VOR 300° radials.

3. Section 601.1330 (14 CFR 601.1330) is amended to read:

§ 601.1330 Control area extension (Sherman, Tex.).

Within a 70-mile radius of Perrin AFB, Sherman, Tex., bounded on the S by VOR Federal airway No. 16, and on the W and NW by VOR Federal airway No. 15, including the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace NE of Sulphur Springs, Tex., bounded on the N by VOR Federal airway No. 278, on the SE by VOR Federal airway No. 16N, and on the W by the Perrin 70-mile radius area; including the airspace NE of Sherman bounded on the E by a line 5 miles E of and parallel to a straight line from the Sulphur Springs VOR to the McAlester, Okla., VORTAC, extending from the 70-mile radius area to the McAlester VORTAC, and on the NW by the Tulsa, Okla., control area extension (§ 601.1241).

4. Section 601.1240 (14 CFR 601.1240) is amended to read:

§ 601.1240 Control area extension (Tyler, Tex.).

Within a 25-mile radius of the Tyler, Tex., RBN, including the airspace N of Tyler bounded on the N by VOR Federal airway No. 16, on the SE and E by VOR Federal airway No. 289, on the S by a line 13 miles S of and parallel to the centerline of VOR Federal airway No. 94 and on the W by the Dallas, Tex., control area extension (§ 601.1323); and within 10 miles NE and 7 miles SW of the Tyler ILS localizer SE course extending from the Tyler 25-mile radius area to 34 miles SE of the localizer.

5. Section 601.1323 (14 CFR 601.1323) is amended to read:

§ 601.1323 Control area extension (Dallas, Tex.).

That airspace bounded on the E by a line 5 miles E of and parallel to the 133° radial of the Dallas, Tex., VORTAC, and the 353° and 140° radials of the Leona, Tex., VOR and the 353° radius of the Houston, Tex., VORTAC and VOR Federal airway No. 20; on the S and SW by VOR Federal airway No. 180, on the NW by VOR Federal airway No. 17 from Austin, Tex., VORTAC to Waco, Tex., VORTAC and by VOR Federal airway No. 15 from the Waco VORTAC to the Dallas VORTAC; including the airspace SE of Dallas extending from 44 miles N to 76 miles N of the Leona VOR bounded on the E by a line 12 miles E of and parallel to the Leona VOR 353° radial and on the W by the Leona 353° radial.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-12134; Filed, Dec. 21, 1961; 8:47 a.m.]

[Airspace Docket No. 60-NY-16]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10777) stating that the Federal Aviation Agency proposed to alter the Plattsburgh, N.Y., control area extension (§ 601.1395).

The National Aviation Trades Association objected to the designation of large areas of controlled airspace with floors of 700 feet above the surface.

At the time the notice was published, no regulatory provision existed providing for variations in the base of control area. In accordance with Part 601 of the Regulations of the Administrator, control area was to be designated upward from 700 feet above the surface. Sub-

sequent to publication of the notice, Amendment 60–21 was adopted providing for the designation of transition areas to extend upward from 1200 feet or higher above the surface when designated to complement control zones.

It is recognized that implementation of 60–21 in the Plattsburgh area would result in considerable changes being made to the controlled airspace proposed in the notice. Due to the magnitude of the task of implementing Amendment 60–21, however, the review of the controlled airspace in the Plattsburgh area which is required before this implementation can be accomplished has not been completed. Since the requirement by Air Traffic Service for the additional controlled airspace proposed in the Notice can no longer be deferred, the FAA finds it necessary to designate the control area extension proposed in the notice. When the Amendment 60–21 study of the Plattsburgh area is completed, separate airspace action will be initiated to convert the Plattsburgh control area extension to a transition area with an appropriate controlled airspace floor assignment.

The Air Transport Association objected to the location of the proposed southern boundary of the Plattsburgh control area extension because controlled airspace would not be provided for the protection of aircraft navigating on off-airway route from Glens Falls, N.Y., direct to Saranac Lake, N.Y.

The proposed alteration of the Plattsburgh control area extension was to provide additional controlled airspace for the protection of aircraft executing instrument approach and departure procedures at the Plattsburgh AFB, Plattsburgh Municipal Airport and the Burlington, Vt., Municipal Airport and to provide controlled airspace for radar vector service within the surveillance range of the Burlington Radar Approach Control Facility. The designation of control area extensions for the protection of off-airway routes is contrary to Agency policy.

The notice stated that the airspace east of Plattsburgh was to be bounded on the east by VOR Federal airway No. 447, but, since Victor 447 does not extend to the United States/Canadian Border, it is necessary to include a bearing from the Newport, Vt., radio beacon to complete this eastern boundary to the United States/Canadian Border. Action is taken herein to reflect this change.

No other adverse comments were received regarding the proposed amendment within the allotted time.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated herein and in the Notice, the following action is taken:

Section 601.1395 (14 CFR 601.1395) Control area extension (Plattsburgh, N.Y.) is amended to read:

§ 601.1395 Control area extension (Plattsburgh, N.Y.).

That airspace E of Plattsburgh bounded on the E by VOR Federal airway No. 447 and a line 5 miles W of and parallel to the 032° bearing from the Newport, Vt., RBN, on the S by VOR Federal airway No. 151, on the W by VOR Federal airway No. 91E alternate, and on the N by the United States/Canadian Border: the airspace S of Plattsburgh bounded on the NE and E by VOR Federal airway No. 91, on the S by latitude 40°00'00" N., and on the W by VOR Federal airway No. 431; and the airspace W and SW of Plattsburgh bounded on the E and NE by VOR Federal airways Nos. 91 and 431, on the S by latitude 44°00'00" N., on the W and NW by VOR Federal airways Nos. 203 and 282, and on the N by the United States/Canadian Border. The portion of this control area extension which coincides with R–6501 is excluded during the time of designation of the restricted area.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 18, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–12109; Filed, Dec. 21, 1961; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST; IRONS AND MELTING-POINT STANDARDS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (b) *Irons* is amended by the revision of sample number 107a to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
107b	Nickel - chromium - molybdenum iron.	150	$7.50

2. Paragraph (k) *Melting-point standards* is amended by the revision of sample number 45c to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
45d	Copper, freezing point....	450	$6.00

(Sec. 9, Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 61–12129; Filed, Dec. 21, 1961; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55534]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money

Section 4.22, Customs Regulations, relating to vessels of nations exempted from payment of special tonnage tax and light money, amended.

The Department of State has notified this Department that Egypt is now officially known as the United Arab Republic. To reflect this change, § 4.22 of the Customs Regulations which lists Egypt as a country the vessels of which are exempted under authority of section 4228 of the Revised Statutes (46 U.S.C. 141) from payment of special tonnage tax and light money is amended by deleting the name of "Egypt" from the list of countries set forth therein and inserting "United Arab Republic" after "Union of Soviet Socialist Republics" and preceding "Uruguay" in that section. That Department has further noted that Syria is now an independent state and is no longer included within the United Arab Republic.

(R.S. 161, 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: December 15, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–12131; Filed, Dec. 21, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides; Tolerance for Residues

No comments were received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of November 7, 1961 (26 F.R. 10487), with reference to establishing a tolerance of 50 parts per million for residues of inorganic bromides in or on cabbage, and no request was received for referral of the proposal to an advisory committee. After consideration of all available data, the Commissioner has concluded that the tolerance established in this order will protect the public health.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.123 the following new tolerance:

§ 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

* * * * *

50 parts per million in or on cabbage from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408 (b), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (b), (e))

Dated: December 15, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–12142; Filed, Dec. 21, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

MISCELLANEOUS AMENDMENTS

§ 121.7 [Amendment]

1. In § 121.7 *Food additives or pesticide chemicals for which new-drug applications are required*, paragraph (b) is amended by changing "New Drug Branch" in the second and third sentences to read "Division of New Drugs".

2. The following sections of Title 21 are obsolete and are revoked effective as of the date of the publication of this order in the FEDERAL REGISTER:

§ 121.85 Statement of policy with reference to effective date of food additives amendment.

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

§ 121.88 Extension of effective date of statute for uses of certain sources of radiation in food processing.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371)

Dated: December 15, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–12141; Filed, Dec. 21, 1961; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are issued to this chapter:

In Part 804—Relations with Agencies of Public Contact, the heading for § 804.501 *Responsibility of the contractor* is amended to read "§ 804.501 *Contract food service attendants.*"

In Part 1008—Termination of Contracts, Subpart B—Definition of Terms:

1. In § 1008.209–7, paragraphs (c)–(e) are amended to read as follows:

§ 1008.209–7 Settlement by determination.

* * * * * *

(c)–(e) See § 8.209–7 (c)–(e) of this title.

§ 1008.209–53 [Amendment]

2. In § 1008.209–53 *Closing and distribution*, in paragraph (a) *"Closing,"* the words "according to § 1008.205–52" are deleted.

In Subpart E—Disposition of Termination Inventory:

§ 1008.507–514 [Deletion]

1. Delete § 1008.507–514.

§ 1008.510–50 [Amendment]

2. In § 1008.510–50 *Duties of the local plant clearance officer*, delete the reference "§ 1008.611–53" in the last sentence of paragraph (a).

§ 1008.513–53 [Amendment]

3. In § 1008.513–53, *Supervision of referred cases*, delete the parenthetical phrase therein.

In Subpart F—Termination for Default:

§ 1008.601–50 [Amendment]

1. In § 1008.601–50 *Contractor appeal rights*, the reference in the last line is amended to read "(see § 1001.314–54)."

§ 1008.602–3 [Amendment]

2. In § 1008.602–3(d), subparagraph (5) is deleted and reserved.

§ 1008.652 [Amendment]

3. In § 1008.652 *procedure for handling termination for breach of contract with contracts not over $2,500, that do not contain default clauses*, delete the parenthetical phrase "(see Subpart E, Part 1054 of this chapter)" in paragraph (a)(2).

In Part 1012—Labor, Subpart D—Labor Standards in Construction Contracts:

§ 1012.404–7 [Amendment]

1. In § 1012.404–7, *Investigations*, delete the first sentence in subparagraph (4) of paragraph (c).

§ 1012.404–9 [Amendment]

2. In § 1012.404–9 *Suspensions and deductions of contract payments*, delete the parenthetical phrase in paragraph (e).

In Part 1013—Government Property, Subpart X—Facility Expansion Procedure:

§ 1013.2403–2 [Amendment]

In § 1013.2403–2, paragraph (s) is deleted and reserved.

In Part 1016—Procurement Forms, Subpart E—Special Contract and Order Forms:

Section 1016.504 is amended to read as follows:

§ 1016.504 Order for paid advertisements (Standard Forms 1143 and 1143a).

See § 1.1005 of this title.

In Subpart H—Miscellaneous Forms:

§ 1016.853 [Amendment]

1. In § 1016.853 *Supplemental agreement forms*, delete the words "as § 1016.-815–2."

§ 1016.854 [Amendment]

2. In § 1016.854 *Change order forms*, delete the words "as § 1016.815–1."

In Part 1054—Contract Administration, Subpart A—Administration of AF Contracts by Contracting Officers:

1. In § 1054.102, paragraphs (b) and (c) are revised to read as follows:

§ 1054.102 Application.

* * * * *

(b) Base procurement as defined in § 1001.201–54 of this chapter.

(c) Action under contract provisions for advance payments. Administration of such provisions is covered by Subpart AA, of this part and § 1030.5, Appendix E, Part IV of this chapter.

In Subpart C—Contract Change Notifications:

In § 1054.302, paragraph (a) is amended to read as follows:

§ 1054.302 Definitions.

(a) *Change order.* See § 1001.201–1 of this chapter.

In Subpart G—Contract Change Releases:

§ 1054.704 [Amendment]

In § 1054.704(a)(5), the letters "CCM" are amended to read "IM."

In Subpart I—Wage and Salary Acceptance:

1. Section 1054.903 is amended to read as follows:

§ 1054.903 Accepting authority.

The ACO is designated as the authority for accepting costs resulting from wages and salaries initially established and from increases thereto. His acceptance will be based on: (a) His judgment that costs resulting from wages and salaries are fair and reasonable after first obtaining adequate justification when deemed necessary; (b) review of the contractor's rate system; (c) review of the contractor's policy for wage and salary increases, in relation to that of the industry and area concerned (see § 15.205–6 of this title); and (d) such considerations as the size and type of Government contracts held by the contractor, the nature of the services rendered by the employee, former rates of compensation, the frequency and amounts of increases, changes in scope and extent of services rendered by the employee, and any other pertinent facts.

2. In § 1054.911, paragraph (c) is amended to read as follows:

§ 1054.911 Policy regarding elimination of incentive pay and excessive per diem for work or services at AF test bases.

* * * * *

(c) Contractors' wage and salary structures should adequately reflect total compensation for services without addition of per diem or incentive pay. Per diem will be limited to travel and relocation circumstances. Contracting officers will carefully screen contractors' wage and salary schedules to assure that former incentive or per diem rates are not included as part of the overall pay structure. Such inclusion merely causes the basic rates to become unreasonable and the former inequalities in pay to continue.

In Subpart K—Reporting Contractors Involved in Bankruptcy, Receivership, Assignment for the Benefit of Creditors, Other Types of Insolvency Proceedings and Probate Proceedings:

§ 1054.1103 [Amendment]

In § 1054.1103, the reference in the introductory paragraph is amended to read "§ 1054.1102."

In Subpart V—Debts Owed by Contractors; Deferred payments:

In § 1054.2206, paragraph (b) is amended to read as follows:

§ 1054.2206 Deferred payments; 90 days or less.

* * * * *

(b) Prior to approval of a deferred payment arrangement, the Financial Branch (MCPMF) will request information according to appropriate instructions contained in §§ 163.27 and 163.28, Subchapter E of this title which supports an analysis of the contractor's financial condition, existing or available credit arrangements, production and purchasing schedules, defense contract backlog, cash resources and /projected cash receipts and requirements, and the effect of full immediate payment on the contractor's operation.

In Subpart AA—Special Bank Accounts for Advance Payments:

§ 1054.2707 [Amendment]

In § 1054.2707 "Use of advance payments under terminated contracts", amend the parenthetical phrase in paragraph (a) to read: "(see Subpart B, Part 8 of this title)."

In Subpart DD—Administration of Base Procurement Contracts:

§ 1054.3004 [Amendment]

In § 1054.3004(a), amend subdivision (iv) of subparagraph (1) to read as follows:

(iv) On bona fide contracts (other than Requests against Blanket Purchase Agreements or Purchase Orders on DD Form 1155 where acceptance has not been received), if the contractor fails to make delivery or take action to cure the delinquency as a result of this initial notification and has not adequately justified such delay (for example: Delinquent delivery being wholly due to contractor's fault or negligence), then the contracting officer will immediately take the action required to either: (*a*) Terminate for default when the default clause is included in the contract; or (*b*) terminate for Breach of Contract when a default clause is not included in the contract (see § 1008.652 of this chapter). See subparagraph (2)(i) of this paragraph for appropriate action for delinquent Requests against Blanket Purchase Agreements and subparagraph (2)(ii) of this paragraph for delinquent purchase orders on DD Form 1155 where acceptance has not been received.

In Part 1057—Reports, Subpart KK—Financial Management Report:

§ 1057.3706–1 [Amendment]

1. The flow chart following § 1057.3706 should be numbered § 1057.3706–1, preceding the title, which is "Flow chart of financial management data and reports."

§ 1057.3706–2 [Amendment]

2. The second flow chart should be numbered § 1057.3706–2, preceding the title which is "Flow chart of financial management."

By order of the Secretary of the Air Force.

CARROLL W. KELLY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61–12107; Filed, Dec. 21, 1961; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 60—The President's Committee on Equal Employment Opportunity

PART 60–1—OBLIGATIONS OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

Correction

In F.R. document 61–11838 published in the FEDERAL REGISTER issue of Thursday, December 14, 1961 (26 F.R. 11974), in which the President's Committee on Equal Employment Opportunity amended Part 60–1 of Title 41 of the Code of Federal Regulations, the word "subcontracts" was inadvertently omitted from subparagraphs (2) and (5) of § 60–1.3(b). These subparagraphs, as corrected, read as follows:

§ 60–1.3 Contract agreements; exemptions.

* * * * *

(b) *Exemptions—* * * *

(2) *Transactions of $10,000 or under.* Contracts, subcontracts, purchase orders, and other transactions not exceeding $10,000, other than government bills of lading, are exempt from the requirements of section 301 of the Order.

* * * * *

(5) *Contracts outside the United States.* Contracts, subcontracts, purchase orders and other transactions are exempt from the requirements of section 301 of the Order where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved. The provisions of section 301 of the Order shall nevertheless be applicable to the extent that work pursuant to such contracts is done within the limits of the United States.

Effective date. These corrections are effective December 14, 1961.

Signed at Washington, D.C., this 21st day of December 1961.

JERRY R. HOLLEMAN,
Executive Vice Chairman.

[F.R. Doc. 61–12233; Filed, Dec. 21, 1961; 11:33 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2560]

[Montana 012788]

MONTANA

Withdrawing Lands in Deer Lodge National Forest; Partly Revoking Public Land Order No. 1843

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to existing valid rights, the following described lands in the Deer Lodge National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States for use of the Forest Service as the Squaw Rock Campground and Administrative Site:

MONTANA PRINCIPAL MERIDIAN

T. 7 N., R. 16 W.,
Sec. 21, lots 2, 3, 4, 5, 6, 8, 9, and 10.

Aggregating 143.93 acres.

2. Public Land Order No. 1843 of May 4, 1959, as far as it withdrew the following described lands for use of the Forest Service as the Squaw Creek Campground and Administrative Site, is hereby revoked:

MONTANA PRINCIPAL MERIDIAN

DEER LODGE NATIONAL FOREST

T. 4 N., R. 16 W.,
Sec. 21, S½.

Containing 320 acres.

3. At 10:00 a.m. on January 20, 1962, the lands described in paragraph 2 of this order shall become subject to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 15, 1961.

[F.R. Doc. 61–12117; Filed, Dec. 21, 1961; 8:45 a.m.]

[Public Land Order 2561]

[Arizona 030567]

ARIZONA

Withdrawing Lands for Use of the Forest Service as an Administrative Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described lands in the Coronado National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, for use of the Forest Service, Department of Agriculture, as an administrative site:

GILA AND SALT RIVER MERIDIAN

PALISADES ADMINISTRATIVE SITE

T. 12 S., R. 16 E. (unsurveyed),
Sec. 4, S½S½SE¼SW¼ and S½SE¼SW¼ SW¼;
Sec. 9, N½NE¼NW¼ and NE¼NW¼NW¼.

Containing approximately 45 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 15, 1961.

[F.R. Doc. 61–12118; Filed, Dec. 21, 1961; 8:45 a.m.]

[Public Land Order 2562]

SOUTH DAKOTA AND ARIZONA

Partly Revoking Public Land Order No. 1744 Which Withdrew Lands for Use of the Forest Service for Recreation Areas and Administrative Sites; Correcting Public Land Order No. 2458

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1744 of October 6, 1958, which withdrew lands in the Black Hills National Forest, South Dakota, for use of the Forest Service as recreation areas, ranger stations, and for other public purposes, is hereby revoked so far as it affects the following-described lands:

[Montana 024808 (SD)]

[Montana 025762 (SD)]

BLACK HILLS MERIDIAN

SOUTH CASTLE CREEK RECREATION AREA

T. 1 S., R. 2 E.,
Sec. 10, S½NW¼NW¼ and N½SW¼NW¼.

Containing 40 acres.

2. At 10:00 a.m. on January 20, 1962, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

[Arizona 028146]

3. In Federal Register Doc. 61–7874, appearing as Public Land Order No. 2458 at Page 7700 in the issue of August 17, 1961, that part of the land description reading "E½NE¼" in Section 34, T. 23 N., R. 7 E.", is hereby corrected to read "W½NE¼".

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 15, 1961.

[F.R. Doc. 61–12119; Filed, Dec. 21, 1961; 8:45 a.m.]

[Public Land Order 2563]

[Utah 049496]

UTAH

Withdrawing Lands for Use of United States Fish and Wildlife Service Additional to Those Withdrawn by Public Land Order No. 1942 of August 12, 1959, for Fish Springs National Wildlife Refuge

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the United States Fish and Wildlife Service as an addition to the Fish Springs National Wildlife Refuge:

SALT LAKE MERIDIAN

Beginning at the quarter corner common to sections 23 and 26, T. 11 S., R. 14 W.; thence north one-half mile; west one-fourth mile; south three-fourths mile; east one-fourth mile; north one-fourth mile, to the place of beginning which, when surveyed, will probably be:

T. 11 S., R. 14 W.,
Sec. 23, E½SW¼;
Sec. 26, NE¼NW¼.

Containing 120 acres.

2. The withdrawal made by this order shall not interfere with the continued use of the lands for stock watering and stock driveway purposes, and for trailing purposes while being moved from range to range, and no improvements shall be constructed on the lands as will interfere with such continued use.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 15, 1961.

[F.R. Doc. 61–12120; Filed, Dec. 21, 1961; 8:45 a.m.]

[Public Land Order 2564]

[Utah 010062]

UTAH

Withdrawing Lands Within the Manti-LaSal National Forest for Use of Forest Service as Administrative Sites

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands within the Manti-LaSal National Forest, Utah, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture, as administrative sites, as indicated:

SALT LAKE MERIDIAN

MANTI-LA SAL NATIONAL FOREST

Pinchot Administrative Site

T. 19 S., R. 3 E.,
Sec. 32, E½W½SW¼, E½SW¼, N½SE¼, and N½S½SE¼.

Mt. Baldy Administrative Site

T. 19 S., R. 4 E.,
Sec. 19, E½SE¼;
Sec. 20, W½SE¼.

Ollerton Administrative Site

T. 11 S., R. 5 E.,
Sec. 26, N½NW¼ and N½S½NW¼.

Stevens Creek Administrative Site

T. 19½ S., R. 5 E.,
Sec. 36, S½S½NW¼, NW¼SW¼, and N½NE¼SW¼.

Lake Administrative Site

T. 14 S., R. 6 E.,
Sec. 28, NE¼NW¼, N½SE¼NW¼, W½NW¼NE¼, and NW¼SW¼NE¼.

Park Administrative Site

T. 18 S., R. 6 E.,
Sec. 5, S½ of lot 5, S½ of lot 6, SE¼NW¼, and NE¼SW¼.

Stuart Administrative Site

T. 15 S., R. 7 E.,
Sec. 8, E½E½SE¼;
Sec. 9, NW¼SW¼, W½NE¼SW¼, NE¼NE¼SW¼, SE¼SE¼NW¼, SW¼NE¼, NW¼SE¼NE¼, and S½NE¼NE¼.

Gooseberry Administrative Site

T. 34 S., R. 20 E., unsurveyed,
Sec. 18, NW¼.

Indian Creek Administrative Site

Unsurveyed T. 34 S., R. 22 E.,
Sec. 9, S½NW¼ and N½SW¼.

Pack Creek Administrative Site

T. 27 S., R. 23 E.,
Sec. 24, SE¼SW¼ and SW¼SE¼;
Sec. 25, N½NE¼NW¼ and N½NW¼NE¼.

Grayson Administrative Site

T. 35 S., R. 23 E.,
Sec. 8, S½S½NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½SE¼SW¼, and SE¼SE¼SW¼;
Sec. 17, NE¼NW¼, W½NW¼NE¼, E½SE¼NW¼, and NW¼SW¼NE¼.

The areas described total in the aggregate approximately 1,640 acres.

Public Land Order No. 2400 of June 8, 1961, is hereby modified to the extent necessary to permit disposal of the following described lands in the Cache National Forest in aid of an exchange under the act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485) or other applicable national forest exchange law.

SALT LAKE MERIDIAN

T. 14 N., R. 3 E.,
Sec. 23, SE¼SE¼;
Sec. 25, NW¼;
Sec. 26, E½NE¼.
T. 14 N., R. 3 E.,
Sec. 25, E½NW¼;
Sec. 36, SE¼NW¼.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 15, 1961.

[F.R. Doc. 61-12121; Filed, Dec. 21, 1961; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Notice of proposed rulemaking appeared in the FEDERAL REGISTER issue of November 22, 1961 (26 F.R. 10941). Consideration was given to comments received relative to the proposed rules. The rules published as aforesaid have been adopted without substantive change as set forth below:

SUBPART A—GENERAL

Sec.
510.1 Scope.
510.2 Definitions.
510.3 Licenses, when required.
510.4 Licenses, when not required.
510.5 Requirements for licensing.
510.6 Publication of applications.
510.7 Investigation of applicants.
510.8 Issuance or denial of licenses.
510.9 Revocation or suspension of licenses.

AUTHORITY: §§ 510.1 to 510.9 issued under secs. 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766); sec. 204 of the Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114).

§ 510.1 Scope.

This subpart sets forth regulations providing for the licensing as independent ocean freight forwarders of persons, including individuals, corporations, partnerships, and associations, desiring to carry on the business of forwarding, the procedure for applying for licenses, the qualifications required of the applicants, and the grounds for revocation or suspension of licenses.

§ 510.2 Definitions.

(a) An "independent ocean freight forwarder" is a person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or purchaser of shipments to foreign countries, nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.

(b) The term "carrying on the business of forwarding" means the dispatching of shipments by any person on behalf of others, by oceangoing common carriers in commerce from the United States, its Territories, or possessions to foreign countries, or between the United States and its Territories or possessions, or between such Territories and possessions, and handling the formalities incident to such shipments.

(c) The term "freight forwarding service or dispatching of shipments" means a service rendered by an independent ocean freight forwarder on behalf of other persons in the process of dispatching or facilitating an export shipment as authorized by such persons. Such service includes, but is not limited to, the following: Examining instructions and documents received from shippers; ordering cargo to port; preparing or processing export declarations; booking cargo space; preparing or processing delivery orders and dock receipts; preparing instructions to truckmen or lightermen, or arranging for, or the furnishing of trucks and lighters; preparing and processing ocean bills of lading; preparing or processing consular documents and arranging for their certification; arranging for or furnishing warehouse storage when necessary; arranging for insurance when so instructed; clearing shipments in accordance with United States Government regulations; preparing advice notices of shipments and sending copies thereof to banks, shippers, or consignees as required; sending completed documents to shippers, banks, or consignees as directed; advancing necessary funds in connection with the foregoing; providing supervision in the coordination of services rendered to shipments from origin to vessel; rendering special services on unusual shipments or when difficulties in transit arise; and giving expert advice to exporters as regards letters of credit, licenses, inspections.

(d) The term "person" includes individuals, corporations, partnerships, associations, and other legal entities existing under or authorized by the laws of the United States, or any State, Territory, District or possession thereof, or the Commonwealth of Puerto Rico, or of any foreign country.

(e) The term "Commission" means the Federal Maritime Commission.

§ 510.3 Licenses, when required.

(a) No person shall engage in carrying on the business of forwarding as defined herein unless such person holds a license issued by the Federal Maritime Commission to engage in such business. A license to carry on the business of forwarding may be granted by the Commission upon application submitted in accordance with the regulations in this part.

(b) In order to comply with section 44(b), of the Shipping Act, 1916, as amended (P.L. 87-254, approved September 19, 1961), a freight forwarder who on September 19, 1961, held a valid certificate of registration, issued pursuant to 46 CFR Part 244 (General Order 72 (15 F.R. 3153)) must file an application on Form FMC-18,[1] prescribed herein, on or before midnight January 17, 1962, in order to continue in the business of forwarding pending action of the Commission on such application.

(c) Application for a license as an independent ocean freight forwarder shall be made on Form FMC-18 (Application for a License as an Independent Ocean Freight Forwarder), copies of which may be obtained from the Secretary, Federal Maritime Commission, Washington 25, D.C.

[1] Form filed as part of original document.

§ 510.4 Licenses, when not required.

(a) Any person whose primary business is the sale of merchandise may dispatch such merchandise without a license.

(b) An employee of a licensed independent ocean freight forwarder is not required to be licensed in order to act solely for his employer; but each licensed independent ocean freight forwarder will be held strictly responsible for the acts or omissions of his employees.

§ 510.5 Requirements for licensing.

(a) A forwarder's license shall be issued to any qualified applicant therefor if it is found that the applicant is, or will be, (1) an independent ocean freight forwarder as defined herein, (2) fit, willing, and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules, and regulations of the Commission issued thereunder, and (3) that the proposed forwarding business is, or will be, consistent with the national maritime policies declared in the Merchant Marine Act, 1936; otherwise such application shall be denied.

(b) A person desiring to engage in carrying on the business of forwarding shall submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., an application in triplicate, executed on Form FMC-18, hereby prescribed for this purpose. Such application shall be accompanied by an application fee of $100.00 by money order, certified or cashier's check, made payable to the Federal Maritime Commission. The application fee is not refundable.

(c) Each applicant for a license and each independent ocean freight forwarder to whom a license has been issued, shall submit to the Commission each change of business address, and any other changes in the facts called for in Form FMC-18, within 30 days after such changes occur, and any other additional information required by the Commission.

(d) The applications received will be assigned application numbers and each applicant will be informed as to the number assigned to his application.

(e) In the case of applicants who may continue in the business of forwarding under section 44(b), Shipping Act, 1916, as amended, each such applicant shall, pending issuance of his license, conduct his ocean freight forwarding operations under the registration number previously assigned him under the provisions of 46 CFR Part 244 (General Order 72) and the application number. After a license number has been assigned, such operations shall be conducted under that number only. Such license number shall be set forth on the licensee's letterhead, invoices and shipping documents.

(f) Prior to the issuance of a license to an independent ocean freight forwarder such forwarder shall file with the Commission, a bond in such form and amount as the Commission by rule may require. The said bond shall be kept in effect as long as the license remains effective.

§ 510.6 Publication of applications.

After application has been filed, the Commission shall cause to be published in the FEDERAL REGISTER a notice of the filing of each application, stating the name and address of the applicant and if the applicant is a corporation, association, or partnership, the names of the officers or members thereof. Parts 1 and 2 of the application shall be public information and available for inspection at the office of the Commission in Washington, D.C.

§ 510.7 Investigation of applicants.

All applicants shall be investigated and such investigation shall seek information relevant to the applicant's qualifications for a license, including (a) the correctness of the statements made in the application, (b) the business integrity and financial responsibility of the applicant, (c) the character and experience of the applicant, officers or members of the corporation or partnership as the case may be, and (d) such further evidence of the fitness, willingness, and ability of the applicant properly to carry on the business of forwarding as the Commission may require.

§ 510.8 Issuance or denial of licenses.

(a) After evaluation of the results of the investigation, the Commission will issue a license to an applicant found to be qualified within the provisions of applicable statutes and the requirements, rules, and regulations of the Commission thereunder, otherwise such application shall be denied. Prior to the denial of a license the Commission shall advise the applicant of its intention to do so and state the reasons therefor. If the applicant within 20 days after the receipt of such advice requests a hearing on his application, such hearing shall be granted by the Commission pursuant to its rules of practice and procedure.

(b) The Commission will issue licenses only in the name of the person applying therefor. Where such person is a partnership, association, corporation or similar legal entity, the license will be issued in the legal name thereof. Licenses will not be issued to partnerships unless all partners execute the application.

(c) Only one license shall be issued to any person, regardless of the number of names under which such person may be doing business. Where two or more persons are owned or controlled by substantially the same interests, they shall be treated as one entity for the purpose of licensing and only one license shall be issued.

(d) Licenses shall not be transferrable without the prior approval of the Commission.

§ 510.9 Revocation or suspension of licenses.

A license may be revoked, suspended, or modified after notice and hearing for any of the following reasons:

(a) Violation of any provision of the Shipping Act, 1916, as amended, or of any other statute related to carrying on the business of forwarding.

(b) Failure to respond to any lawful inquiries, or to comply with any lawful rules, regulations, or orders of the Commission.

(c) Making any wilfully false statement to the Commission in connection with an application for a license or its continuance in effect.

(d) Change of circumstances whereby the licensee no longer qualifies as an independent ocean freight forwarder.

(e) Such conduct as the Commission shall find renders the licensee unfit or unable to carry on the business of forwarding.

Effective date: The rules in this part shall be effective upon publication in the FEDERAL REGISTER.

Dated: December 18, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-12147; Filed, Dec. 21, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 250]

PUBLIC SALES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 2455 of the Revised Statutes (43 U.S.C. 1171) as amended and supplemented, and section 2478 of the Revised Statutes (43 U.S.C. 1201) it is proposed to revise 43 CFR, Part 250, as set forth below. The regulations are proposed to modernize requirements and to eliminate internal procedural details from existing regulations. The proposed regulations (1) specifically provide that lands will be sold for not less than their fair market value; (2) contain a clear provision for vacating sales found not to be in the public interest; (3) require an application service charge of $10 which is not returnable and an additional sum of $50 to defray the cost of publication which is returnable in certain circumstances; (4) authorize publication of notice by the Bureau of Land Management, thus simplifying reimbursement provisions; (5) introduce additional criteria for consideration in making allocations among preference-right claimants tending to lessen speculative activity; (6) eliminate specific time requirements for submittal of preference-right proof; and (1) treat attorneys' title certificates as permissible preference-right proof.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Part 250 is revised in its entirety to read as follows:

Sec.

250.1 Statutory authority.
250.2 Definitions.
250.3 Application.
250.4 Land subject to sale as isolated tracts.
250.5 Land subject to sale as mountainous or too rough for cultivation; qualifications of applicant.
250.6 Mineral lands.
250.7 Publication.
250.8 The bidding; place for sale.
250.9 Preference rights.
250.10 Citizenship.
250.11 Appeals.

§ 250.1 Statutory authority.

The sale at public auction of isolated or disconnected tracts of public land not exceeding 1,520 acres, and tracts not isolated, of not exceeding 760 acres, the greater parts of which are mountainous or too rough for cultivation, is authorized by section 2455 of the revised Statutes (43 U.S.C. 1171 et seq.), as amended and supplemented.

§ 250.2 Definitions.

When used in this part:

(a) "Manager" means the manager of the land office for the district in which the land is situated. When there is no land office in a State, it means the officer who has been authorized to perform the functions of the manager for sales under this part of public lands in that State.

(b) "Applicant" or "purchaser" includes an individual, a partnership, an association, or a corporation.

(c) "Land office" means the land office for the district in which the lands are situated.

§ 250.3 Application.[1]

(a) Applications to have tracts ordered into the market under the regulations of this part must be made on Form 4–008e and filed, in duplicate, in the proper land office or for land in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that applications for lands in North Dakota or South Dakota, must be filed in the land office at Billings, Montana; for lands in Nebraska or Kansas in the land office at Cheyenne, Wyoming, and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

(b) Each application must be accompanied by a nonrefundable application service charge of $10 and by an additional sum of $50 to defray the costs of publication. This $50 deposit will be returned to the applicant if the authorized officer declines to offer the lands at public sale, vacates the sale, or after the sale, sells all the land offered for sale to persons other than the applicant. Where the authorized officer sells only a part of the lands offered for sale to the applicant, and part to one or more other persons, he will return to the applicant such portion of the deposit as the officer deems equitable.

(c) The filing of an application in conformity with the regulations in this part will not segregate the lands applied for from other applications under the public land laws, or defeat a prior valid right initiated under any such law. However, until the issuance of a cash certificate, the authorized officer, in the public interest, may at any time determine not to offer the lands for sale or to vacate the sale, if held, and the applicant or any bidder has no contractual or other rights as against the United States, and no action taken will create any contractual or other obligation of the United States.

[1] 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

§ 250.4 Land subject to sale as isolated tracts.

(a) There is no limitation as to the number of isolated-tract applications which may be filed, nor as to the amount of such land which may be applied for or purchased by any one person or group. An application may include several incontiguous tracts, but it may not embrace an aggregate area in excess of 1,520 acres, and tracts with an area over 1,520 acres will not be ordered into the market.

(b) As a general rule, no tract will be deemed isolated unless it is completely surrounded by lands held in nonfederal ownership, or is so effectively separated from other federally owned lands by some permanent withdrawal or reservation as to make its use with such lands impracticable. A tract is considered isolated if the contiguous tracts are all patented, even though there are other public lands cornering upon the tract.

§ 250.5 Land subject to sale as mountainous or too rough for cultivation; qualifications of applicant.

(a) Legal subdivisions not exceeding 760 acres, the greater part of which is mountainous or too rough for cultivation, may be offered for sale only upon the application of any person who owns land or holds a valid entry on lands adjoining such tract and regardless of the fact that such tract may not be actually isolated.

(b) An applicant for sale of a tract which is mountainous or too rough for cultivation must show that he is the owner of the whole title, that is, the fee owner, of land adjoining the land applied for, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law. A showing that the applicant owns cornering land or holds a valid entry of a cornering tract would not qualify him.

(c) An application under this section may not embrace more than 760 acres. An applicant may file any number of applications provided the land applied for together with such land previously purchased does not exceed 760 acres in area. The limitation under this section relates only to applications under this section. In acting on applications for rough or mountainous tracts, regard will be had to the character of each subdivision applied for. An entire tract composed of more than one legal subdivision will not be offered upon the ground that the greater part of the tract is mountainous or too rough for cultivation, if taken as a whole.

§ 250.6 Mineral lands.

(a) Mineral lands may not be sold except under specific statutory authority which exists for the sale of lands valuable for certain minerals with a reservation of those minerals to the United States. The regulations relating to applications for the surface of such lands are contained in Part 102 of this chapter. They must be complied with whenever an application is filed for land, withdrawn, classified, or valuable for such minerals, where such land is embraced by mineral permits or leases, or applications for such permits or leases, or where the land lies within the geological structure of a producing oil or gas field.

(b) The notice of sale for publication will provide that the land will be sold subject to reservations to the United States of the appropriate minerals, and in accordance with the provisions of the applicable act or acts which authorize the making of the reservation. The cash certificate and patent will provide for such reservation and will refer to such act or acts.

§ 250.7 Publication.

(a) When the authorized officer determines that lands shall be sold under the regulations in this part pursuant to an application or upon the motion of the authorized officer, he will have a notice of sale on the prescribed form published for five consecutive weeks in an appropriate newspaper in accordance with § 106.14 of this chapter.

(b) Where lands are sold pursuant to a notice prescribed in paragraph (a) of this section, the purchaser or purchasers of the lands will be required to pay the cost of publication and posting of the notice. Where more than one purchaser is involved in a transaction, the costs will be shared in such proportions as the authorized officer deems equitable.

§ 250.8 The bidding; [2] place for sale.

(a) The land will be offered for sale at public auction, at not less than its appraised fair market value, at the time and place fixed in the public notice. The land will be offered for sale at the land office of the district in which the land is situated, if there is a land office in the State. If there is no land office in the State, the sale may be held at an appropriate place to be designated by the authorized officer.

(b) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(c) Bids sent by mail will be considered only if received at the place and prior to the hour fixed in the notice of the sale. These bids must be accompanied by certified checks, post office money orders, bank drafts or cashier's checks made payable to the Bureau of Land Management for the amounts of the bids plus the cost of publication and posting (see § 250.7 of this part) and must be enclosed in sealed envelopes which must be marked as prescribed in the notice of sale. In the event the valid bids of two or more persons sent by mail are the same in amount and are the highest offered, the first received, as shown by the hour and date noted on the envelope, will be accepted by the manager.

[2] 18 U.S.C. 1860 prohibits unlawful combination or intimidation of bidders.

§ 250.9 Preference rights.

(a) Upon the close of bidding and receipt at the sale from the highest bidder of an amount equal to his bid plus the cost of publication (see § 250.7 of this part), the manager will withhold action to declare the purchaser until after the expiration of the preference period provided for in paragraph (b) of this section.

(b) The owners of contiguous lands have a preference right, for a period of 30 days after the date of the sale to elect to purchase the land offered for sale at the highest bid price or at three times the appraised fair market value if three times such appraised value is less than the highest bid price. Such preference right may also be asserted at any time prior to the commencement of such period. Such preference right is not extended to the owner or owners of cornering lands. Failure of a preference-right claimant to submit to the manager before the termination of the 30-day period mentioned in this paragraph of an amount equal to the highest bid price or three times the appraised fair market value of the lands, whichever is the lesser, plus the cost of publication (see § 250.7 of this part), will cause the preference right to be lost as to the particular public sale.

(c) Preference-right claimants must, upon request from the manager, submit proof of the claimant's ownership of the whole title to the contiguous lands (that is, he must show that he had the whole title in fee). Such proof must consist of (a) a certificate of the local recorder of deeds, or (b) an abstract of title or a certificate of title prepared and certified by a title company or by an abstracting company, or a duly qualified attorney authorized to practice in the State, showing that the claimant owns adjoining land in fee simple at or within 30 days after the date of the sale. However, if the preference-right claimant does not own adjoining land at the close of the preference-right period, his preference-right claim will be lost. After a case has been closed, the data filed pursuant to this section may be returned by the manager.

(d) Where there is a conflict between two or more persons claiming a preference right of purchase provided for in paragraph (b) of this section, the manager will allow them such period as he deems reasonable from receipt of notice within which to agree among themselves upon a division of the tracts by subdivisions. In the absence of an agreement, an equitable division of the land will be made taking into consideration such factors as (1) the equalizing of the number of acres which each claimant will be permitted to purchase, (2) desirable land use, based on topography, land pattern, location of water, proper development of the lands, and similar factors, (3) legitimate historical use, including construction and maintenance of authorized improvements, and (4) extent of contiguity and duration of ownership of adjacent lands. If equitable considerations dictate, all of the subdivisions may be awarded to one of the claimants. Where only one subdivision is offered for sale and it adjoins the lands of two or more preference right claimants, it will, in the absence of equitable considerations requiring otherwise, be awarded to the applicant for the sale if he is a qualified preference-right claimant, and if he is not, to the first qualified person who properly assets such a preference right within or prior to the 30-day preference-right period.

§ 250.10 Citizenship.

(a) Successful bidders must, upon request from the authorized officer, file with the manager a statement of his citizenship, or if a partnership, a statement of the citizenship of its members. If the purchaser is an unincorporated association, a statement must be filed showing the citizenship of each member. A corporation is required to file a certified copy of its articles of incorporation showing that it is organized under the laws of the United States, or of some State or possession thereof, and that it is authorized to acquire and hold real estate in the State in which the land is situated, and it must furnish a statement showing the percentage of each class of its stock, and the percentage of all of its stock, which is owned or controlled by or on behalf of persons whom the corporation knows to be or has reason to believe are aliens, or who have addresses outside of the United States, indicating which classes of stock have voting rights. If more than 10 percent of the voting stock, or of all of the stock, is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each, and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person.

(b) If the successful bidder is an alien individual, a partnership a member of which is an alien, an unincorporated association any appreciable number of the members of which are aliens, or a corporation, any appreciable percentage of the stock of which is held by aliens, and if the sale to such bidder has not previously been approved by the authorized officer, the manager will not issue the cash certificate until such approval has been given. Such bidder must submit a statement of reasons why the declaration should be approved despite the question of citizenship.

§ 250.11 Appeals.

An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of any officer of the Bureau of Land Management.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 18, 1961.

[F.R. Doc. 61–12116; Filed, Dec. 21, 1961; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 16]

ALIMENTARY PASTES

Enriched Vegetable Macaroni Products, Enriched Vegetable Noodle Products; Proposed Definitions and Standards of Identity

Notice is given that a petition has been filed by National Macaroni Manufacturers Association, 156 Chambers Street, New York 7, New York, proposing standards of identity for enriched vegetable macaroni products and enriched vegetable noodle products providing for the use of the optional vegetable ingredients permitted in vegetable macaroni products (§ 16.5) and vegetable noodle products (§ 16.8), except carrots. The proposed standards read as follows:

§ 16.11 Enriched vegetable macaroni products; identity; label statement of optional ingredients.

(a) Enriched vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f); vegetable macaroni products by § 16.5; and enriched macaroni products by § 16.9. The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched ---------- macaroni product," the blank being filled in with the name whereby the vegetable used is designated, or, alternatively, the name is "Enriched ---------- macaroni," "Enriched ---------- spaghetti," or "Enriched ---------- vermicelli," when the units of food comply with the requirements prescribed by § 16.1 (b), (c) and (d), the blank in each instance being filled in with the name of the permitted vegetable.

§ 16.12 Enriched vegetable noodle products; identity; label statement of optional ingredients.

(a) Enriched vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.1 (a) and (g), for vegetable noodle products by § 16.8, and for enriched noodle products by § 16.10. Carrots, because of their yellow-orange color, are not permitted as optional ingredients. The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched ---------- noodle product" or "Enriched ---------- egg noodle product," the blank being filled in with the name whereby the vegetable used is designated, or, alternatively, the name is "Enriched ---------- noodles" or "Enriched ---------- egg noodles," "Enriched ---------- egg macaroni," "Enriched ---------- egg spaghetti," "Enriched ---------- egg vermicelli," as the case may be, when the units of food comply with the requirements prescribed by § 16.8 (b), (c), (d), and (e), the blank in each instance being filled in with the name of the permitted vegetable.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 18, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-12140; Filed, Dec. 21, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 568) has been filed by Norda Essential Oil and Chemical Company, 601 West 26th Street, New York, New York, proposing the issuance of a regulation to provide for the safe use of 200 parts per million (0.2 percent) of diethylpyrocarbonate in wine and beer as a preservative.

Dated: December 18, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-12138; Filed, Dec. 21, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 417) has been filed by Charles Pfizer and Company, 235 East Forty-second Street, New York 17, New York proposing the issuance of a regulation to provide for the safe use of Vitamin B_{12} adsorbed on a cation-exchange resin (copolymer of methacrylic acid and divinylbenzene) for use in dietary supplements.

Dated: December 18, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-12139; Filed, Dec. 21, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1008]

AIRWORTHINESS DIRECTIVES

Certain Marvel-Schebler Carburetors; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of solder safetied float bracket attaching screws and float valve assemblies in Marvel-Schebler carburetors with parts incorporating nylon inserts.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 23, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

MARVEL-SCHEBLER. Applies to all aircraft equipped with Marvel-Schebler MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA carburetors used on various models of Franklin (Aircooled), Continental, Lycoming, and Ranger engines.

Compliance required at the next carburetor replacement or overhaul of either the carburetor or engine, whichever occurs first, after the effective date of this AD.

Failure of the solder safety on the two Marvel-Schebler P/N A15-A21 screws which secure the float bracket to throttle body of the carburetor allows the screws to back out, thus causing loosening of the float bracket and loss of normal needle valve action resulting in reduction of engine power, and complete engine stoppage at reduced throttle settings. To preclude this, the following shall be accomplished:

Replace all solder safetied float bracket attaching screws, P/N A15-A21, with "Long-Lok" safety screws incorporating nylon inserts, and replace all solder safetied float valve assemblies with "Long-Lok" matched float valves and float valve seats, in the manner described in Marvel-Schebler Service Bulletins Nos. 9-60 and 15-60.

(Marvel-Schebler Service Bulletins Nos. 9-60 and 15-60 cover this same subject)

Issued in Washington, D.C., on December 18, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-12108; Filed, Dec. 21, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

NATIONAL BANK OF DETROIT AND BANK OF LIVONIA

Notice of Hearing

A hearing will be held at the request of the National Bank of Detroit relative to the application filed with the Office of the Comptroller of the Currency for permission to merge the Bank of Livonia, Livonia, Michigan, with and into the National Bank of Detroit, Detroit, Michigan. The hearing will be held on January 5, 1962, at 9:30 a.m., in Room 4121 of the Treasury Department, Main Treasury Building, Washington, D.C.

Any person desiring to submit views with respect to this application, either orally or in writing, is invited to do so. All such statements will be included in the record.

Dated: December 18, 1961.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 61-12130; Filed, Dec. 21, 1961; 8:46 a.m.]

Office of the Secretary

[AA 643.3-C]

ACOUSTICAL TILE FROM CANADA

Fair Value Determination

DECEMBER 18, 1961.

A complaint was received that acoustical tile from Canada was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that acoustical tile from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Home market price of such or similar merchandise was used as the basis for fair value comparison with import purchase price. Home market price was calculated on a weighted-average basis. Allowance was made for the assumption by the seller of the purchasers' advertising costs. During a time when home market price was based on sales of similar merchandise appropriate adjustment was made for production cost differential. Purchase price was determined to be the selling price, less a cash discount, and less duty, entry fee, and delivery costs, where applicable.

Purchase price was found to be less than home market price during the entire period of the investigation for one type of product, and for a very brief period for another type product. The differences were due, in part, to the currency exchange differential. That part of any difference in prices has been eliminated by the recent devaluation of Canadian currency. The producer involved has adjusted his prices to eliminate any sales, or likelihood of sales, at less than fair value, and has given assurance that he will hereafter maintain a price relationship accordingly.

The quantity imported and the difference in price, which existed prior to the price adjustments, are considered to be not more than insignificant.

This determination and the statement of reasons therefore are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-12132; Filed, Dec. 21, 1961; 8:47 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 20]

MUTUAL BOILER AND MACHINERY INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

DECEMBER 18, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $1,036,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Massachusetts; Mutual Boiler and Machinery Insurance Company; Waltham, Massachusetts.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-12133; Filed, Dec. 21, 1961; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11582 etc.; Order No. E-17851]

CAPITAL AIRLINES, INC., AND COMPETITIVE TRUNKLINE SERVICE INVESTIGATION

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of December 1961.

In the matter of the applications of Capital Airlines, Inc., Dockets 11582, 11583, 11584, 11585; for amendments of certificates of public convenience and necessity under section 401 of the Federal Aviation Act of 1958, as amended. In the matter of Competitive Trunkline Service Investigation, Docket 13296; on segments 1, 2 and 3 of United's Route 51.

On June 30, 1960, Capital Airlines, Inc. (Capital), filed four applications requesting deletion and/or suspension of various intermediate points between Atlanta and New York/Newark. Therein, Capital seeks, under section 401 of the Act, certificate amendments for route 51 as follows:

In Docket 11582(a) elimination from route 51 of that part of segment 3 between the coterminal points New York, N.Y., and Newark, N.J., and the intermediate points Philadelphia, Pa., Baltimore, Md., Washington, D.C., Norfolk, Va., and Newport News-Hampton-Warwick, Va., or the suspension thereof, and concurrently therewith (b) the redesignation of Norfolk, Va., as a terminal point on segment 3;

In Docket 11583, deletion from route 51 of the intermediate points Raleigh-Durham, N.C., Greensboro-High Point, N.C., Winston-Salem, N.C., and Charlotte, N.C., or the suspension thereof;

In Docket 11584, deletion from route 51 of the intermediate point Baltimore, Md., or the suspension thereof; and

In Docket 11585, (a) deletion from route 51 of the intermediate point Richmond, Va., or the suspension thereof, and concurrently therewith (b) the designation of Richmond, Va., as a terminal point on route 14, on a new segment of that route beyond the intermediate point Washington, D.C., to the terminal point Richmond.

Petitions for leave to intervene have been duly granted, answers filed, and certain motions entertained in behalf of interested air carriers, communities and industry associations in each of the foregoing proceedings instituted by Capital. Following Capital's merger with United Air Lines, Inc. (United),[1] by letter filed in June 1961 in each of the above dockets, United advised the Board that it is the desire and intention of United, the successor of Capital, to continue to serve as part of its total system the cities for which Capital had requested deletions or suspensions. Each letter further requested that permission be granted to withdraw or that the Board dismiss the applications filed by Capital.

Answers and replies have been received from the interested parties and intervenors in support of and/or opposition to United's request for leave to withdraw or dismissal by the Board of the applications filed by Capital.

[1] Merger approved by Order E-16605, adopted April 3, 1961, United-Capital Merger Case, Docket 11699.

In the course of the United-Capital Merger Case, both Delta Air Lines and Eastern Air Lines requested that the Board's approval of the merger be conditioned on the simultaneous institution of an investigation under section 401(g) of the Act to determine whether any or all of the certificates of Capital were required to be altered, amended, modified or suspended under the requirements of the public convenience and necessity. Special emphasis was placed on the necessity for hearings on the matters contained in the dockets consolidated herein. In our order approving the merger of United and Capital,[2] it was stated at page 25, footnote 52 that "* * * on balance, we conclude that those proceedings which involved Capital's applications for termination of authority to serve certain points which antedated the merger agreement should be set down for an early hearing and that such a procedure is the appropriate means for resolving this problem."

The Board has become increasingly aware of the need for a review of multiple trunkline competition in various areas of the domestic trunkline route structure. Therefore, the issues in the dockets filed by Capital will not be considered apart from a review of all trunkline authorizations between New Orleans and the northeast via Atlanta, and between Memphis and the northeast.[3]

This investigation will encompass a review of the services of American, Braniff and United between Memphis and the northeast, and the services of Delta, Eastern and United between New Orleans, Birmingham and Atlanta and the northeast. In addition, the investigation will include a review of all trunkline service as authorized between the points named on the pertinent portions of segments 1, 2, and 3 of United's route 51.

With the issues framed in accordance with the foregoing, there is a possibility that direct trunkline service between Huntsville, Alabama, and Washington/New York could be eliminated. In view of the importance of such service to the requirements of national defense, consideration will be given to the substitution of new trunkline service for that of United should its authorization be terminated. No other requests for consideration of applications for new or additional services will be considered in this proceeding.

Finally, we find that Capital's applications in Dockets 11582, 11583, 11584, and 11585 can most appropriately be considered and decided with the proceeding instituted herein. Consequently, these dockets will be consolidated. Accordingly: *It is ordered:*

1. That an investigation, to be known as The Competitive Trunkline Service Investigation, Docket 13296, be and it hereby is instituted, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require the alteration, amendment, modification, suspension, or deletion of competitive trunkline authorizations between the following points named on segments 1, 2, and 3 of United Air Lines' route 51—(1) Memphis, Huntsville, Chattanooga, Knoxville, and Asheville, on the one hand, and Washington, Baltimore, Philadelphia, New York and Newark, on the other; and (2) New Orleans, Mobile, Birmingham and Atlanta, on the one hand, and Washington, Baltimore, Philadelphia, New York and Newark on the other;

2. That, in addition to the issues in paragraph 1, above, the applications of Capital Airlines, Inc., in Dockets 11582, 11583, 11584 and 11585, filed June 30, 1960, prior to its merger with United Air Lines, Inc., be consolidated in the proceeding hereby instituted;

3. That no consideration will be given to new or additional service authorizations, except as may be determined to be required to continue trunkline service between Huntsville, Alabama, and Washington/New York if United's authorization should be discontinued;

4. That United Air Lines, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and National Airlines, Inc., be and they hereby are made parties to this proceeding;

5. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-12135; Filed, Dec. 21, 1961; 8:47 a.m.]

[2] See footnote 1.

[3] The northeast points to be considered are Washington, Baltimore, Philadelphia and New York/Newark.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12414 etc.; FCC 61-1462]

ALKIMA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Remanding

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Delaware, Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pennsylvania, Docket No. 12712, File No. BP-12208; for standard broadcast construction permits.

1. The Commission has before it for consideration the Joint Petition for Reconsideration or Rehearing filed July 26, 1961, by Alkima Broadcasting Company and Howard Wasserman, directed to the Commission's Decision in the above-entitled proceeding granting the application of Herman Handloff for a new standard broadcast station at Newark, Delaware. Handloff and the Commission's Broadcast Bureau filed oppositions to the joint petition, to which petitioners made reply.

PRELIMINARY STATEMENT

2. The Commission, by a Decision adopted June 21, 1961 (30 FCC 932, 21 RR 732), granted the application of Herman Handloff for a new standard broadcast station at Newark, Delaware, and denied, on section 307(b) grounds, the competing applications of Alkima Broadcasting Company and Howard Wasserman, each of which proposed a new station at West Chester, Pennsylvania. The bases of the Decision were as follows:

a. Newark and West Chester have a "substantially equal need for a first local service", West Chester's greater population (15,705 vs. Newark's 11,404: 1960 Census) being offset by Newark's greater growth rate (26.7 percent since 1957 vs. West Chester's 3.5 percent since 1950) and by Newark's having fewer reception services available to it (five vs. seven for West Chester).

b. A "modest preference for the efficiency of the Newark proposal" was awarded on the basis of its serving 144,580 persons in 1,069 square miles, compared to 128,400 persons in 840 square miles to be served by the more efficient of the West Chester applicants.

c. Handloff is entitled to a "substantial preference" for serving a total white area population of 4,480 (1,140 in Newark's business and factory area which is currently without a 10 mv/m signal necessary—according to § 3.182(f) of the rules—to constitute service to such area in communities of over 10,000 persons; 3,340 persons receiving a first 2 mv/m signal in Elkton, Maryland) while the West Chester applicants would serve a white area in the West Chester business and factory area of 2,591 persons. In arriving at the white area population figures, the Commission (1) considered 10 percent of Newark's total population to be a reasonable estimate of those living in its business and factory areas, which had not been delineated on the record; (2) accepted Handloff's predicated antenna resistance of 0.5 ohm (rejecting petitioners' claim that such was unreasonably low), and his prediction as to the location of his 2.0 mv/m contour in Elkton which was dependent thereon (rejecting petitioners' measurement data showing the conductivity between Newark and Elkton to be less than shown on the soil map, as an unjustified departure from an earlier stipulation as to Handloff's proposed coverage); and (3) dismissed the contention of Alkima and Wasserman that 4,500 persons reside in the West Chester business and factory area, as based on an inconsistent calculation, and substituted the 2,591 figure on the basis of an assumption that the population of West Chester was uniformly distributed.

JOINT PETITION FOR RECONSIDERATION OR REHEARING

3. Alkima and Wasserman request that the Commission either grant one of the West Chester applications or remand the proceeding to the Examiner for the reception of additional evidence. In support thereof, they urge that (a) the Commission improperly took judicial notice of 1960 population data; (b) West

Chester's need for a first local service is greater than that of Newark; (c) the Commission "committed the most flagrant violation" of the rights of Alkima and Wasserman in finding a white area in Newark, since the record contains no evidence of a Newark business and factory area and Handloff neither suggested nor sought to demonstrate that such existed; (d) the rejection of measurement data "probably more accurate" than a stipulated contour, and acceptance of estimates of Elkton's white area population based on the figure earlier stipulated does violence to the public interest; (e) the reduction of the estimated population within the West Chester business and factory white area is without basis and contrary to past Commission practice in counting population; and (f) the "modest preference" accorded Handloff for slightly greater coverage must fall because of the improbability of his achieving the low antenna resistance and high radiation predicted.

4. Petitioners' contentions regarding use of the 1960 Census data are without merit. The 1960 population of West Chester and Newark are facts which, having been determined and made public by an agency of the United States Government, are clearly susceptible to being officially noticed. Petitioners do not seek "an opportunity to show the contrary", as permitted by section 7(d) of the Administrative Procedure Act, but urge that by using the 1960 figures, the Commission "redefined" Newark, which had been enlarged to its present boundaries in 1951. In this regard, Handloff filed his application for Newark in 1958, and it would be unreasonable to conclude that he was applying for Newark as it existed eight years previously.

5. Petitioners' argument that West Chester is an integrated, independent community while Newark, although "separate" from Wilmington for assignment purposes, is dependent upon the latter for many services such as passenger trains, public libraries, and hospitals, was adequately discussed in our Decision and requires no elaboration here.

6. As noted in paragraph 2, supra, the Commission refused to permit petitioners to withdraw from a stipulation as to the location of the Handloff 2.0 mv/m contour in Elkton, Maryland, and the amount of "white area" service dependent thereon, in order to show, by measurement data taken on a test transmitter, a lower conductivity between Newark and Elkton. P. Lorillard v. Federal Trade Commission, 186 F. 2d 52 (1950), cited by petitioners for the proposition that the Commission has the duty to ignore stipulations where they appear to be contrary to fact, is not controlling. Therein, the Court held that the Federal Trade Commission could rescind a stipulation of fact entered into between its counsel and respondent to a cease and desist order where the Commission belatedly realized that the facts stipulated failed to provide a basis for its findings and order. The Court stated that "• • • the Commission is not a private party, but a body charged with the protection of the public interest; and it is unthinkable that the public interest should be allowed to suffer as a result of inadvertence or mistake *on the part of the Commission or its counsel*, where this can be avoided • • •" (italics supplied). Clearly, the "inadvertence or mistake" in entering into a stipulation in the instant proceeding was not "on the part of the Commission or its counsel", but rather on the part of counsel for the petitioners. As stated in the Decision, we are of the view that the public interest considerations in favor of processing cases with reasonable dispatch and safeguarding the stipulation procedure from abuse generally outweigh the desirability of ascertaining facts with such an extreme degree of precision. However, in view of our decision hereinafter to remand the proceeding to the Examiner in order to elicit all relevant facts, the parties may consider themselves no longer bound by the stipulation.

7. As noted in paragraph 2, supra, the populations of the business and factory areas of West Chester and Newark, which lack other primary service due to the absence of a 10 mv/m signal, are of major significance.[1] Petitioners contend that the record contains no evidence of business and factory areas in Newark, and offer to prove that such areas contain but 213 persons, rather than 1,140 persons as assumed by the Commission. Similarly, they urge that the Commission's reduction of the population estimated as living in West Chester's business and factory area from the figure calculated by petitioners was arbitrary, inasmuch as petitioners' method was in accord with the accepted practice of determining populations of areas cutting across Census enumeration districts. Handloff, on the other hand, contends that the Commission either (a) should have ignored the business and factory white areas, for lack of proof by petitioners that such areas actually produced such noise levels as to require a 10 mv/m signal to constitute primary service; or (b) should have assumed that 10 percent of West Chester's total population resides in its business and factory areas, as was assumed for Newark.

8. Upon a review of the record and after thorough consideration, the Commission is of the view that the record is insufficient to permit a sufficiently accurate determination of the white area populations of the business and factory areas of Newark and West Chester, and that the proceeding must be remanded to the Hearing Examiner for the taking of further evidence on these matters. We recognize that delineation of the business and factory areas is not a simple task. Among pertinent factors to be considered are zoning regulations and actual usage. In determining the populations residing in such areas, we think that the significance of this matter to our Decision warrants consideration of utilization of a method more accurate than estimates based on Census districts. In view of the relatively small areas and populations involved, the use of house counts would appear to be feasible and is encouraged.

9. Petitioners renew their contention that Handloff's technical proposal cannot reasonably be expected to achieve an efficiency of 158 mv/m and an antenna loss resistance of only 0.5 ohm. As stated in our Decision, petitioners failed at hearing to affirmatively demonstrate the unreasonableness of Handloff's assumptions. However, since we are remanding the proceeding for other reasons, we shall add an issue directed to this matter with the burden of proof upon petitioners. The Commission considers that once evidence challenging a proposal on technical grounds has been received, the parties, including the Broadcast Bureau, should adduce, and the Examiner require, factual engineering evidence (including mathematical computations) supporting the contentions presented. Such evidence, rather than bare opinion evidence as to the "unreasonableness" of the proposal, is desired in the instant proceeding.

10. We recognize that, depending on the evidence adduced under the following issues, facts and conclusions in our Decision regarding other aspects of the proceeding may require revision, and we urge that the Examiner make such corrections, reevaluate the respective showings of the parties under the 307(b) issue, and, as suggested in our Decision (footnote 2), fully resolve the standard comparative issue specified as to the Alkima and Wasserman proposals. The grant of Handloff's application will be stayed pending determination of the foregoing matters.

Accordingly, it is ordered, This 13th day of December 1961, that the Decision of June 21, 1961 (30 FCC 932), is stayed, and the above-entitled proceeding is remanded to the Hearing Examiner for further proceedings upon the following additional issues:

1. To determine, within the meaning of § 3.182 (f) and (g) of the Commission's rules, the "business and factory areas" of West Chester, Pennsylvania, and Newark, Delaware, and the populations thereof;

2. To determine whether the antenna system proposed by Herman Handloff can be expected to achieve a radiation efficiency of 158 mv/m, and, if not, what efficiency may be expected from the proposal;

It is further ordered, That the Joint Petition for Reconsideration or Rehearing filed July 26, 1961, by Alkima Broadcasting Co. and Howard Wasserman, is granted to the extent herein indicated, and in all other respects is denied.

Released: December 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12150; Filed, Dec. 21, 1961; 8:50 a.m.]

[1] Additionally, the Commission has before it the "Statement of Herman Handloff" filed December 11, 1961, in which Handloff points out that no October 25, 1961, the Commission granted the application of Brandywine Broadcasting Corporation for a new standard broadcast station at Media, Pennsylvania (BP-11856; Docket No. 13466). Handloff contends, offering a supporting engineering affidavit, that the Media operation will place a 10 mv/m signal over all of the West Chester business and factory area, thus curing the white area there and leaving Handloff with a clear preference for serving white areas in Elkton, Maryland, and Newark, Delaware. The Commission considers that the extent of service to West Chester by the new Media station is more properly a matter for proof in the remanded proceeding than for official notice.

[Docket No. 14449]

RALPH M. BOYD

Order To Show Cause

In the matter of Ralph M. Boyd, Springfield, Massachusetts, Docket No. 14449; order to show cause why there should not be revoked the license for Radio Station 1W1324 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was sent to the above-named licensee as follows: Official Notice of Violation mailed on February 4, 1960, alleging that on January 16, 1960, Citizens radio station 1W1324 was observed operating in violation of §§ 19.1 and 19.61(c) of the Commission's rules in that communications were being transmitted beyond the normal ground wave range of the radio station; the transmissions contained communications that were not purposeful or substantive to the licensee's personal need; and the length of the communications exceeded practical transmission time; and

It further appearing, that the licensee did not reply to the above-mentioned Official Notice of Violation, whereupon a letter dated April 13, 1960, was sent to the licensee by Certified Mail—Return Receipt Requested (Certified No. 125095), again calling his attention to the violations and stating that his failure to reply to the Official Notice of Violation violated § 1.61 (now renumbered 1.76) of the Commission's rules, and requesting a reply within fifteen days. The licensee did not reply to this letter; and

It further appearing, that in view of the foregoing the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This fifteenth day of December 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at 330 Chapin Terrace, Springfield, Massachusetts.

Released: December 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12151; Filed, Dec. 21, 1961; 8:50 a.m.]

[Docket No. 14085 etc.; FCC 61M-1979]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Group II, Docket Nos. 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14294, 14295, 14296, 14298, 14299, 14300, 14301, 14303, 14304, 14305, 14306; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on December 15, 1961, regarding date for hearing;

It is ordered, This 15th day of December 1961, that the hearing now scheduled for March 5, 1962, is continued to April 16, 1962, at 10:00 a.m.

Released: December 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12152; Filed, Dec. 21, 1961; 8:50 a.m.]

[Docket No. 14451]

JACK E. LARSON

Order To Show Cause

In the matter of Jack E. Larson, Chester, Pennsylvania, Docket No. 14451; order to show cause why there should not be revoked the license for Radio Station 3W4505 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on April 8, 1961, alleging that on April 15, 1961, Citizens Radio Station 3W4505 was operated in violation of § 19.61 (a) and (c) of the Commission's rules, by the transmission of messages which were not necessary to the exchange of substantive communications related to the business or personal affairs of the licensee concerned; and

It further appearing, that the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 13, 1961, and sent by Certified Mail—Return Receipt Requested (6511561), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee on July 14, 1961, to a Post Office Department return receipt; and

It further appearing, that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 15th day of December 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at 1125 Thomas Street, Chester, Pennsylvania.

Released: December 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12153; Filed, Dec. 21, 1961; 8:50 a.m.]

[Docket No. 14450]

RUSSELL D. MAWSON

Order To Show Cause

In the matter of Russell D. Mawson, Hallandale, Florida, Docket No. 14450, order to show cause why there should not be revoked the license for Radio Station 7W0437 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens Radio Station 7W0437;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Vio-

lation mailed on May 18, 1961, alleging that on May 15, 1961, Citizens Radio Station 7W0437 was observed in violation of the Commission's Rules, viz; § 19.17—transfer of license privileges without first obtaining authorization from the Commission; § 19.72(a)—failure to post the station license or a photocopy thereof at the location of the fixed transmitter; § 19.92—failure to maintain control of transmitters being operated under the call sign 7W0437; and § 19.102—failure to make provision for receipt of Conelrad radio alerts;

It further appearing, that the above-named licensee received the Official Notice of Violation, but did not make satisfactory reply thereto, whereupon the Commission by letter dated June 20, 1961, and sent by Certified Mail—return receipt requested (Certified No. 877928) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt, stating the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the station license; and

It further appearing, that although more than fifteen days have elapsed since the mailing of the Commission's letter, no response was made thereto; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 18th day of December 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee, at 411 SW. 10th Terrace, Box 709, Hallandale, Florida.

Released: December 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12154; Filed, Dec. 21, 1961; 8:50 a.m.]

[Docket Nos. 14402, 14403; FCC 61-1474]

WNOW, INC. (WNOW) AND RADIO ASSOCIATES, INC. (WEER)

Order Amending Designation Order

In re applications of WNOW, Inc. (WNOW), York, Pennsylvania, Docket No. 14402, File No. BP-13793, Has: 1250 kc, 1 kw, D, Req: 1250 kc, 5 kw, DA-D; Radio Associates, Inc. (WEER), Warrenton, Virginia, Docket No.-14403, File No. BP-14802, Has: 1570 kc, 500 w, D, Req: 1250 kc, 1 kw, D; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of December 1961;

The Commission having under consideration (1) the above-captioned and described applications which were designated for hearing by Order of the Commission (FCC 61-1394) on November 21, 1961; and (2) a "Petition under Section 309(d)(1)" of the Communications Act of 1934, as amended, filed on July 27, 1961, by WCAE, Inc., licensee of Station WRYT, Pittsburgh, Pennsylvania.

It further appearing, that the petition of WCAE, Inc., supported by engineering affidavit, contends that undue interference would be caused to WRYT by WNOW if operated with its proposed facilities prior to local sunrise; that such presunrise operation by WNOW would result in a modification of the WRYT license within the meaning of section 316 of the Communications Act; that the WNOW application should be designated for hearing with WCAE, Inc., a party to the proceeding or, in the alternative, any grant of the WNOW, Inc., application should be on condition that § 3.87(a) of the Commission's rules which permits presunrise operation with daytime facilities under certain circumstances is not applicable to any authorization that may be granted to WNOW, Inc.; and

It further appearing, that by independent examination, the Commission has determined that undue interference to WRYT would be caused by the operation WNOW proposed herein; during presunrise hours; and

It further appearing, that intervention by WCAE, Inc., would serve no useful purpose and that the better procedure would be to condition any construction permit granted to WNOW, WBEN, Inc. v. FCC (290 F. 2d 743, 21 RR 2036, May 4, 1961);

It is ordered, That the petition to intervene or for alternative relief, filed by WCAE, Inc., is granted to the extent indicated by the following ordering clause and in all other respects is denied; and

It is further ordered, That the designation Order in this proceeding (FCC 61-1394) is amended to add the following:

It is further ordered, That in the event of a grant of the application of WNOW, Inc., the construction permit shall contain the following condition: To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission rules is not applicable to this authorization, and such operation is prohibited.

Released: December 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12155; Filed, Dec. 21, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-105]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Application

DECEMBER 15, 1961.

Take notice that on October 23, 1961, Central Illinois Public Service Company (Applicant), 432 Maine Street, Quincy, Illinois, filed in Docket No. CP62-105 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its facilities with those which Applicant proposes to construct, and to sell and deliver natural gas to Applicant for resale and distribution in the City of Windsor, Shelby County, Illinois, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 4 miles of 4-inch lateral pipeline extending from Natural's existing transmission line to the City of Windsor, and the necessary distribution facilities in the area to be served.

Applicant's estimated gas requirements under this application are as follows:

Year	Requirements in Mcf	
	Peak day	Annual
1	512	53,300
2	656	67,700
3	720	74,100

The gas will be used for residential and commercial purposes.

On November 3, 1961, Natural advised the Commission that it has no objection to rendering proposed service to the Applicant and that it has the capacity and pipeline facilities to do so.

The estimated cost of Applicant's facilities to receive natural gas and to render the proposed service is $160,200 which will be defrayed from internal funds.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 12, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12110; Filed, Dec. 21, 1961; 8:45 a.m.]

[Docket Nos. G-19875, G-19924]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

Orders Substituting Respondent and Redesignating Proceedings

DECEMBER 15, 1961.

General American Oil Company of Texas, formerly John W. Mecom, d/b/a Mecom Petroleums, Docket Nos. G-19875 and G-19924.

On July 14, 1960, General American Oil Company of Texas (General American) and John W. Mecom, d/b/a Mecom Petroleums (Mecom), filed a joint motion to substitute General American as Respondent in the proceeding in Docket No. G-19924. The movants, in support of the aforesaid motion, state that General American acquired the assets and working interest of Mecom covered by Mecom's FPC Gas Rate Schedule No. 3. This proceeding relates to a proposed rate increase filing designated as Supplement No. 3 to the rate schedule aforesaid, which supplement was suspended until April 1, 1960, by Commission order issued October 23, 1959. On March 29, 1960, Mecom filed its motion to make said supplement effective and its agreement and undertaking in accordance with § 154.102 of the Commission's regulations under the Natural Gas Act.

Concurrently with the aforesaid joint motion of July 14, 1960, which requests not only the substitution described above, but dismissal of Mecom from this proceeding and withdrawal of the latter's agreement and undertaking, General American filed a certificate adopting Mecom's FPC Gas Rate Schedule No. 3 as supplemented. By letter dated June 5, 1961, the adoption was accepted for filing to be effective as of April 1, 1960, and Mecom's FPC Gas Rate Schedule No. 3, as supplemented, was redesignated as General American's FPC Gas Rate Schedule No. 39, as supplemented. General American also filed its agreement and undertaking to comply with § 154.102 of the Commission's regulations under the Natural Gas Act.[1]

On August 11, 1960, General American and Mecom filed another joint motion to substitute General American as Respondent in the proceeding in Docket No. G-19875. The movants in support of this motion state that General American acquired the working interest of Mecom covered by Mecom's FPC Gas Rate Schedule No. 2. This proceeding relates to a proposed rate increase designated as Supplement No. 3 to said rate schedule, which supplement was suspended until April 1, 1960, by Commission order issued October 23, 1959. On March 29, 1960, Mecom filed a motion requesting that the suspended rate be made effective as of April 1, 1960, and also filed its agreement and undertaking in accordance with § 154.102 of the Commission's regulations.

Concurrently with the filing of the joint motion to substitute in Docket No. G-19875, which also requested the dismissal of Mecom therefrom and the withdrawal of its aforesaid agreement and undertaking, General American filed with the Commission a certificate adopting Mecom's FPC Gas Rate Schedule No. 2, as supplemented. By the aforementioned letter dated June 5, 1961, said adoption was also acepted to be effective as of April 1, 1960, and Mecom's FPC Gas Rate Schedule No. 2 as supplemented was redesignated General American's FPC Gas Rate Schedule No. 41, as supplemented. On the same date the joint motion was filed, General American filed its agreement and undertaking to comply with § 154.102 of the Commission's regulations.[1]

The Commission finds: Good cause has been shown for permitting the substitution of General American as Respondent in the proceedings in Docket Nos. G-19924 and G-19875, for redesignating the proceedings accordingly, for dismissal of Mecom from these proceedings and for permitting Mecom to withdraw its agreements and undertakings therein.

The Commission orders:

(A) General American is hereby substituted for Mecom as Respondent in the proceedings in Docket Nos. G-19924 and G-19875 and these proceedings are accordingly redesignated.

(B) Mecom is hereby dismissed from the proceedings in Docket Nos. G-19924 and G-19875 and its agreements and undertakings therein are hereby permitted to be withdrawn.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12111; Filed, Dec. 21, 1961; 8:45 a.m.]

[Docket Nos. RI62-218—RI62-225]

RUSSELL MAGUIRE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [2]

DECEMBER 14, 1961.

Russell Maguire (Operator), et al., Docket No. RI62-218; Ashland Oil & Refining Company, Docket No. RI62-219; Pan American Petroleum Corporation, Docket No. RI62-220; Gulf Oil Corporation (Operator), et al., Docket No. RI62-221; Amerada Petroleum Corporation, Docket No. RI62-222; Humble Oil & Refining Company (Operator), et al., Docket No. RI62-223; Humble Oil & Refining Company, Docket No. RI62-224; Socony Mobil Oil Company, Inc., Docket No. RI62-225.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date[1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-218	Russell Maguire (Operator), et. al., 2110 Republic National Bank Building, Dallas 1, Tex.	2	8	Texas Eastern Transmission Corp. (Alco-Mag Field, Harris County, Tex.) (R.R. District No. 3).	$4,200	11-16-61	12-17-61	5-17-62	[3] 15.0	[3] 15.2	RI61-20
		4	6	Texas Eastern Transmission Corp. (Barb-Mag(Field, Fort Bend County, Tex.) R.R. District No. 3).	240	11-16-61	12-17-61	5-17-62	[3] 15.0	[3] 15.2	RI61-20
RI62-219	Ashland Oil & Refining Co., P.O. Box 9695, Oklahoma City 18, Okla.	59	2	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	13,629	11-16-61	1-1-62	6-1-62	[3] 15.0	[3] 16.0	----------
RI62-220	Pan American Petroleum Corp., P.O. Box 3092, Houston, Tex.	297	1	United Gas Pipe Line Co. (Gibson Field, Terrebonne Parish, South La.).	4,849	11-17-61	12-18-61	5-18-62	[3] 20.25	[3] 23.30	----------
RI62-221	Gulf Oil Corp. (Operator), et al., P.O. Drawer 2100, Houston 1, Tex.	102	8	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	1,202	11-17-61	1-27-62	6-27-62	[3] 14.1344	[3] 14.6392	----------
RI62-222	Amerada Petroleum Corp., P.O. Box 2040, Tulsa 2, Okla.	65	7	United Gas Pipe Line Co. (South Elton Field, Jefferson Davis Parish, South La.).	10,244	11-20-61	1-1-62	6-1-62	[3] 20.25	[3] 22.25	G-14421
		90	1	Texas Gas Transmission Corp. (Bayou Chevreuil Field, Lafourche and St. John the Baptish Parishes, South La.).	5,775	11-20-61	1-1-62	6-1-62	[3] 21.75	[3] 23.25	----------
RI62-223	Humble Oil & Refining Co. (Operator), et al., P.O. Box 2180, Houston 1, Tex.	198	1	Panhandle Eastern Pipe Line Co. (Greenough Field, Beaver County, Okla.).	866	11-20-61	12-21-61	5-21-62	[3] 12.2828	[4] 16.0	----------
RI62-223	Humble Oil & Refining Co. (Operator), et al.	199	1	----do----	1,024	11-20-61	12-21-61	5-21-62	[3] 12.2828	[4] 16.0	----------

See footnotes at end of table.

[1] Separate notification from the Secretary as to the action on Mecom's motion to make the increased rate effective in which General American is substituted and as to General American's Agreement and Undertaking will be given.

[2] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-224...	Humble Oil & Refining Co.	206	3	Panhandle Eastern Pipe Line Co., (Light Field, Seward County, Kans.).	$1,014	11-20-61	12-21-61	5-21-62	[3] 12.2828	[4] 16.0	----------
		205	1	Panhandle Eastern Pipe Line Co. (Greenough-Light Field, Beaver County, Okla.).	289	11-20-61	12-21-61	5-21-62	[3] 12.2828	[4] 16.0	----------
RI62-225...	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	100	3	Cities Service Gas Co. (South Glenwood Field, Beaver County, Okla.).	183	11-20-61	12-21-61	5-21-62	[3] 12.0	[4] 13.0	----------

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] The pressure base is 14.65 psia.
[3] The pressure base is 15.025 psia.
[4] Renegotiated increase.
[5] Periodic increase by contract.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commissioner orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 2, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12112; Filed, Dec. 21, 1961; 8:45 a.m.]

[Docket Nos. CP62-41, CP62-120]

TRUNKLINE GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Applications and Date of Hearing

DECEMBER 14, 1961.

Take notice that on August 17, 1961, as supplemented on September 21, 1961, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston 1, Texas, filed in Docket No. CP62-41, and on November 13, 1961, as supplemented on December 1, 1961, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1189, Houston, Texas, filed in Docket No. CP62-120, respectively, applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity, authorizing the construction and operation of facilities to establish an interconnection between the pipelines of the applicants in Hidalgo County, Texas, and the sale of natural gas through said facilities by Trunkline to Texas Eastern, all as more fully set forth in the applications as supplemented which are on file with the Commission and open to public inspection.

Trunkline seeks authorization to construct and operate approximately 491 feet of 4-inch O.D. pipeline and a metering station to interconnect its facilities with those of Texas Eastern in Hidalgo County, Texas. Trunkline also seeks authorization to make a short-term sale of natural gas through said facilities to Texas Eastern on an interruptible basis up to a maximum daily contract quantity of 30,000 Mcf. The application states that Trunkline has urgent need to commence the sale to Texas Eastern immediately in order to alleviate a temporary take-or-pay situation. Trunkline states that this situation is due to the delay in certificate authority in Docket No. CP62-22 (Phase Two). As of the end of the year 1961, Trunkline estimates that it will have incurred liability for payment for accumulated prepaid gas purchase volumes amounting to approximately 28,000,000 Mcf.

Texas Eastern seeks authorization to construct and operate a main line tap and related facilities on its 30-inch McAllen-Vidor pipeline in Hidalgo County, Texas, to receive the aforementioned short-term supply of gas from Texas Eastern. The application states that Texas Eastern will be able to cut back corresponding volumes of gas under long term purchase agreements if it is authorized to construct and operate the facilities to take gas from Trunkline in this proceeding. Trunkline states that this will enable it to conserve its own long term supply for future use.

The estimated cost of the facilities in Docket No. CP62-41 is $15,000, and in Docket No. CP62-120, $5,900. Both applicants will finance their respective facilities from funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 15, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 5, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12113; Filed, Dec. 21, 1961; 8:45 a.m.]

[Docket No. CP62-6]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Order Remanding Proceeding to the Presiding Examiner for Formal Hearing

DECEMBER 14, 1961.

This proceeding involves the joint application, as supplemented, of Texas Eastern Transmission Corporation (Texas Eastern) and Texas Gas Transmission Corporation (Texas Gas) (sometimes hereinafter referred to jointly as Applicants) requesting a certificate of public convenience and necessity authorizing: (a) Texas Gas to sell up to 6,000 Mcf of natural gas per day to Ohio Valley Gas Corporation (Ohio Valley) for resale in Connersville, Indiana and environs, and (b) the delivery, for a temporary period, of natural gas by Texas Eastern to Ohio Valley for the account of Texas Gas in exchange for the delivery of equivalent volumes of gas by Texas Gas to Texas Eastern. Coincident with the commencement of the proposed sale by Texas Gas to Ohio Valley, Texas Eastern requests permission and approval to abandon natural gas service presently rendered by it to Ohio Valley. Upon the termination of the proposed temporary exchange of gas, Texas Eastern also requests permission and approval to abandon the meter facilities presently used to effect such service. Upon such termination Texas Gas would render service directly to Ohio Valley from its existing system.

The proposed sale by Texas Gas to Ohio Valley is to be made in lieu of the presently authorized sale by Texas Eastern to Ohio Valley.

Applicants' proposed exchange of natural gas is to enable Texas Gas to make the proposed sale to Ohio Valley until the latter can extend its facilities to connect directly with those of Texas Gas.

The proposal to deliver natural gas to Ohio Valley through the facilities of Texas Eastern under Texas Gas' filed rate schedules may be discriminatory against other customers of Texas Eastern served in the same rate zone.

Pursuant to the Secretary's notice of application and date of hearing dated October 25, 1961, an abridged hearing was held in this proceeding on November 30, 1961.

The Commission finds: The public interest and proper administration of the Natural Gas Act require that this proceeding be remanded to the presiding examiner for formal hearing with respect to the following questions:

(i) Whether or not the proposal whereby Texas Eastern would make deliveries of natural gas to Ohio Valley at the effective and filed rates of Texas Gas may be discriminatory against other customers of Texas Eastern served in the same rate zone;

(ii) Whether or not the public convenience and necessity requires that service be rendered to Ohio Valley by Texas Gas rather than Texas Eastern, the present supplier of natural gas to Ohio Valley.

The Commission orders:

(A) The proceeding in Docket No. CP62-6 is hereby remanded to the presiding examiner for formal hearing for the specific purposes set forth in the above findings, such remanded hearing to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing February 7, 1962, at 10:00 a.m., e.s.t.

(B) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 12, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12114; Filed, Dec. 21, 1961; 8:45 a.m.]

[Docket No. G-19874]

U.S. OIL OF LOUISIANA INC. (OPERATOR), ET AL.

Order Substituting Respondent and Redesignating Proceeding

DECEMBER 15, 1961.

On March 29, 1960, U.S. Oil of Louisiana Inc. (Operator), (U.S. Oil) filed a motion to be substituted as Respondent in lieu of John W. Mecom (Operator), et al. (Mecom) in the proceeding in Docket No. G-19874. U.S. Oil, in support of its motion to substitute, states that effective February 1, 1960, it acquired Mecom's interest in the oil, gas and mineral leases covered by Mecom's FPC Gas Rate Schedule No. 5, to which the subject proceeding relates.

Concurrently with the filing of its motion, U.S. Oil filed its Certificate of Adoption of Rate Schedule (notice of succession) covering Rate Schedule No. 5 and Supplement Nos. 1 through 3 thereto. By letter dated August 25, 1960, the adoption was accepted for filing to be effective as of February 1, 1960, and Mecom's FPC Gas Rate Schedule No. 5, as supplemented, was redesignated as U.S. Oil's FPC Gas Rate Schedule No. 2, as supplemented.

By order issued October 23, 1959, in Docket No. G-19874, a proposed increase in rate designated as Supplement No. 3 to Mecom's FPC Gas Rate Schedule No. 5 was suspended until April 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

On March 29, 1960, concurrently with its motion to substitute, U.S. Oil, pursuant to § 154.102 of the Commission's regulations, filed its motion to place the proposed rate into effect subject to refund and its agreement and undertaking to assure refund of excess charges, if any. Separate notification as to the action thereon will be given.

The Commission finds: Good cause has been shown for permitting the substitution of U.S. Oil for Mecom as Respondent in accordance with the above and for redesignating the subject proceeding as hereinabove captioned.

The Commission orders: U.S. Oil is hereby substituted for Mecom as Respondent in the proceeding in Docket No. G-19874 and the proceeding is redesignated as indicated in the caption hereof.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12115; Filed, Dec. 21, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

ELYRIA SAVINGS AND TRUST CO.

Order Approving Consolidation of Banks

In the matter of the application of The Elyria Savings and Trust Company for approval of consolidation with The First Wellington Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application for the Board's prior approval of the consolidation of The Elyria Savings and Trust Company, Elyria, Ohio, with The First Wellington Bank, Wellington, Ohio, under the charter and title of the former.

Pursuant to said section 18(c), notice of the proposed consolidation in a form approved by the Board of Governors has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice, and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement [1] of this date, that said consolidation be, and hereby is, approved, provided that said consolidation shall be consummated within not less than seven calendar days nor more than three months from the date of this order.

Dated at Washington, D.C., this 18th day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-12156; Filed, Dec. 21, 1961; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 580]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 19, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64358. By order of December 13, 1961, the Transfer Board approved the transfer to De Spagna Trucking Service Co., Inc., 142 Front Street, New York 5, N.Y., of Certificate No. MC 37076, issued October 3, 1944, to John P. De Spagna, doing business as De Spagna Motor Service Co., 142 Front Street, New York 5, N.Y., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities, in bulk, between points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665.

No. MC–FC 64382. By order of December 13, 1961, the Transfer Board approved the transfer to George H. Smedley, Inc., New Britain, Conn., of Certificate No. MC 75503, issued August 11, 1954, to George H. Smedley, New Britain, Conn., authorizing the transportation of: Household goods, between New Britain, Conn., and points in Connecticut within 25 miles of New Britain on the one hand, and, on the other, points in Rhode Island, Massachusetts, New York, New Jersey, and Pennsylvania. Leonard W. Dorsey, 259 Main Street, New Britain, Conn., attorney for applicants.

No. MC–FC 64434. By order of December 13, 1961, the Transfer Board approved the transfer to Jesco Motor Express, Inc., Mount Vernon, Ohio, of Permits Nos. MC 17211, MC 17211 Sub 2, and MC 17211 Sub 4, issued September 29, 1950, September 29, 1950, and March 27, 1958, respectively, to J. E. Servais, doing business as Jesco Motor Express, Mount Vernon, Ohio, authorizing the transportation of: Empty glass containers, rejected or damaged shipments of empty glass containers, and cullet, from Mount Vernon, Ohio, and specified points in Kentucky, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. Richard H. Brandon, 79 East State Street, Columbus 15, Ohio, attorney for applicants.

No. MC–FC 64619. By order of December 13, 1961, the Transfer Board approved the transfer to William J. Paxton, Jr., doing business as Poteat Moving & Storage, Route 4, South Main Street, Extension, Danville, Va., of Certificates Nos. MC 71517, MC 71517 Sub 2, and MC 71517 Sub 3, issued September 13, 1957, December 9, 1958, and October 15, 1959, to Charlie Otis Poteat, doing business as Poteat Moving & Storage, Route 4, South Main Street, Extension, Danville, Va., authorizing the transportation of household goods, as defined by the Commission, between Danville and Schoolfield, Va., on the one hand, and, on the other, points in Georgia, Kentucky, Tennessee, and West Virginia; between Danville and Schoolfield, Va., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, and the District of Columbia; between points in Henry, Pittsylvania and Halifax Counties, Va., and points in Rockingham, Caswell, and Person Counties, N.C., on the one hand, and, on the other, points in Alabama, Maryland, Florida, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, West Virginia, Virginia, and the District of Columbia; and livestock, lumber, sand, and stone, between Danville and Schoolfield, Va., on the one hand, and, on the other, points in Virginia and North Carolina within 20 miles of Danville, Va.

No. MC–FC 64620. By order of December 13, 1961, the Transfer Board approved the transfer to R. W. Jones Trucking Co., a corporation, P.O. Box 291, Vernal, Utah, of Certificates Nos. MC 95350 and MC 95350 Sub 3, issued December 16, 1949 and October 14, 1959, to Robert W. Jones and Wilma A. Jones, a partnership, doing business as R. W. Jones Trucking Co., Vernal, Utah, authorizing the transportation of: Livestock between points in Uintah, Duchesne, and Daggett Counties, Utah, on the one hand, and, on the other, Rock Springs and Green River, Wyo., Craig, Colo., and ranches in various specified counties in Colorado, wool, used machinery, and household goods between points in the above-described Utah territory, on the one hand, and, on the other, Rock Springs and Green River, Wyo., Craig, Colo., and various ranches in Colorado; coal, lumber, and mining timbers, between the above-described Utah territory, on the one hand, and, on the other, Rock Springs and Green River, Wyo., Craig, Colo., and various ranches in Colorado; building materials, between points in the above-described Utah territory, on the one hand, and, on the other, Rock Springs and Green River, Wyo., Craig, Colo., and ranches in Moffatt County, and Grand Junction, Colo.; livestock foods, between points in the above-described Utah territory on the one hand, and, on the other, Rock Springs and Green River, Wyo., and Craig, Colo., and ranches in Moffatt County, Colo.; liquid carbon dioxide, in bulk, in specially constructed tank vehicles, from Wellington, Utah, to oil and gas fields in Wyoming, Colorado and New Mexico.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–12125; Filed, Dec. 21, 1961; 8:46 a.m.]

[No. 33947]

MOTOR VEHICLE CHASSIS WITH GENERATORS

Request for Declaratory Order To Determine Proper Rating and Classification

Motor vehicle chassis with generators (NC–5s)—from Stamford, Conn. to Brooklyn, N.Y.: In the matter of directing modified procedure:

Present: Howard G. Freas, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

By petition filed November 30, 1961, the Porto Transport, Inc., requests the issuance of a declaratory order pursuant to section 5(d) of the Administrative Procedure Act, to determine the proper rating and classification of certain motor vehicle chassis combined with generators, commonly called NC–5s; and that suit has been filed in the U.S. District Court for the Southern District of New York, which suit has been stayed pending administrative determination by the Commission of the issues to be presented by said petition.

It is ordered, That this proceeding be handled under modified procedure; that petitioner and any interested person (subsequently permitted to intervene) herein comply with §§ 1.45 to 1.54, inclusive, of the Commission's General Rules of Practice, the filing and service of pleadings to be as follows: (a) Not later than January 22, 1962, opening statement of facts and argument by any party supporting an affirmative answer to the legal question above stated; (b) 30 days thereafter statement of facts and argument by any party supporting a negative answer to the said legal question, or taking a neutral position with respect thereto; and (c) 10 days thereafter reply by party described in (a).

It is further ordered, That any pleadings, filed responsive to this order shall be served upon all parties subsequently permitted to intervene herein, and also upon—

Sturm & Perl, Esqs., Attorneys for Eur-Pac Corporation, 150 Broadway, New York, N.Y.

Mr. Joseph M. Cohen, 36 West 44th Street, New York 36, N.Y.

Hays, Algase, Feurer, Porter & Spanier, Esqs., Attorneys for Consolidated Diesel Electric Corporation, 39 Broadway, New York, N.Y.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register.

Dated at Washington, D.C., this 12th day of December A.D. 1961.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–12126; Filed, Dec. 21, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3990]

GENERAL PUBLIC UTILITIES CORP.

Notice of Filing of Amended Application-Declaration

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York 5, New York, a registered holding company, has filed an amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transactions. Notice of the filing of the original application was issued by this Commission on September 13, 1961 (Holding Company Act Release No. 14516).

All interested persons are referred to the amended application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

GPU proposes to acquire letters of credit issued by banks as consideration for the sale by GPU of all its holdings of the securities of its subsidiary company, Manila Electric Company ("Manila"), a public-utility company organized and operating under the laws of the Republic of the Philippines, to Meralco Securities Corporation ("MSC"), a nonaffiliated Philippine corporation. All of the outstanding shares of Manila common stock and all of the outstanding shares of preferred stock (except 9 qualifying shares held by Manila's directors, which shares are included in the proposed sale) are owned by GPU. In addition, GPU owns 8,000,000 pesos principal amount of Manila's first mortgage bonds and $3,355,431 face amount of its unsecured notes payable serially to 1968 in U.S. dollars.

The sale price of the securities is the sum of $46,000,000 plus the dollar equivalent of the undistributed earnings of Manila from January 1, 1961, to the closing date, which dollar equivalent will be determined on the basis of the so-called "free-market rate" for the exchange of pesos for dollars prevailing on the closing date. The present "free-market rate" is 3 pesos for $1. Subject to a later verification, the dollar equivalent of such undistributed earnings of Manila is estimated at approximately $6,500,000.

Payment of the purchase price is being effected through two irrevocable letters of credit. The first of these letters of credit has been opened for the account of MSC by 16 Philippine banks through The First National City Bank of New York ("First National") and provides for (i) on the closing date, the immediate payment to GPU in U.S. dollars of approximately 10 percent of the sale price, and (ii) the payment to GPU in U.S. dollars, in five annual installments commencing one year after the date of the payment in (i) above, of approximately 10 percent of the sale price each year, plus interest at 3 percent per annum on the unpaid balance. The obligation of the Philippine bank syndicate for the immediate initial payment and for the above five annual installments (including accrued interests) has been confirmed by a syndicate of 10 U.S. banks and, by reason of such confirmation, will be the direct obligation of such U.S. banks. The portion of the purchase price thus guaranteed by U.S. banks is $31,500,000 plus interest thereon. The second letter of credit has been opened by the syndicate of 16 Philippine banks through First National and provides for the payment of GPU in U.S. dollars in four annual installments (commencing one year after the last of the five installments mentioned above) of approximately 10 percent of the sale price each year, plus interest at 3 percent per annum on the unpaid balance. The obligation of the Philippine bank syndicate for such four annual installments (including accrued interest) has not been confirmed by U.S. banks, but MSC has undertaken to use its best efforts to obtain confirmation by U.S. banks of such obligation in full (or, if that is not possible, from time to time in part) at the earliest possible date. The balance of the purchase price not guaranteed by U.S. banks is thus $21,000,000. A letter or letters of credit will be opened for the excess of the actual undistributed earnings of Manila over the estimate thereof of $6,500,000 used for making arrangements for the sale.

Under an escrow agreement among GPU, MSC, and First National, as escrow agent, the above-described securities of Manila and the two letters of credit have been deposited by GPU and MSC, respectively, with First National pending final consummation of the sales agreement. Upon satisfaction of the conditions of the escrow agreement (including, among others, approval of the proposed transactions by this Commission) the letters of credit and the Manila securities will be delivered, respectively, to GPU and MSC. The escrow agreement provides that the transactions set forth therein shall be consummated on or before January 31, 1962; until such consummation, the property deposited under the escrow agreement will remain the property of the respective depositors.

In conection with the transactions described above, GPU also proposes to guarantee certain indebtedness of Manila to Export-Import Bank of Washington ("Eximbank"). Under credit agreements entered into in 1958 and 1960 between Manila and Eximbank, Manila is presently indebted to Eximbank in the amount of $12,836,000, and expects to borrow an additional $387,100—increasing to $13,223,100 its total indebtedness to Eximbank. These loans, which are repayable in U.S. dollars, mature in the amount of $950,400 in 1962 and $1,260,400 each year thereafter through 1970, at which time the unpaid balance (payable through 1972) will be approximately $2,190,000. In connection with these borrowings, GPU had agreed that so long as any portion thereof remained unpaid it would not, without Eximbank's consent, dispose of its controlling interest in Manila. Eximbank has advised GPU that such consent would not be granted unless, among other things, GPU would guarantee the payment to Eximbank of each installment of principal and interest on Manila's borrowings at its stated maturity date; and that unless Manila shall have prepaid by December 31, 1970, the above-mentioned $2,190,000 balance falling due after that date GPU would itself prepay that amount on January 1, 1971.

Subject to approval by this Commission, GPU has agreed to the foregoing guaranties and, in consideration thereof, has obtained Eximbank's consent to the proposed sale by GPU of its controlling interest in Manila. In connection with its undertaking as guarantor, GPU has entered into an ancillary agreement with MSC providing that, as between GPU and MSC, the latter shall be primarily liable as guarantor of Manila's indebtedness to Eximbank; and Manila will be caused by MSC to amend its credit agreements with Eximbank so as to provide among other things, for semi-annual prepayments, commencing January 1, 1967, of Manila's indebtedness to Eximbank originally stated to mature after December 31, 1970.

At the present time, GPU is unable to determine whether the maximum probable net realization for GPU's stockholders as a result of its acquisition of the above-mentioned letters of credit can be achieved by (1) the sale of such letters of credit in whole or in part (or of drafts drawn thereunder) or (2) borrowings secured by the deposit as collateral of such letters of credit (and/or such drafts), the maturities of such borrowings to be identical with the maturities under the letters of credit so deposited as collateral. Within a period of not more than one year after the date of acquisition of the letters of credit, GPU will submit to the Commission a program for such sale and/or borrowings.

The Philippine Public Service Commission has approved the transfer on Manila's books of its outstanding common and preferred stock from GPU to MSC. The Monetary Board of the Central Bank of the Philippines has authorized MSC to acquire the securities of Manila held by GPU and has guaranteed the availability of the necessary foreign exchange. Application has been made to the Central Bank of the Philippines for authorization of Manila's prepayment to Eximbank, during the period 1967–70, of the installments which were originally payable after December 31, 1970. No State or Federal regulatory body, other than this Commission, has jurisdiction over the proposed transactions. A statement of fees and expenses incident to the proposed transactions is to be filed by amendment.

Notice is further given that any interested person may, not later than January 2, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as amended or as further amended, may be granted and permitted to become ef-

fective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12143; Filed, Dec. 21, 1961; 8:48 a.m.]

[File No. 812-1463]

ONE WILLIAM STREET FUND, INC.

Notice of Filing of Application for Exemption

DECEMBER 15, 1961.

Notice is hereby given that One William Street Fund, Inc. ("William Street") One William Street, New York 4, New York, a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act proposed issuance of its shares at net asset value for substantially all of the cash and securities of the Homart Foods, Inc. ("Homart").

Shares of William Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of October 20, 1961, the net assets of William Street amounted to $300,899,499 and 20,026,579 shares of its stock were outstanding.

Homart, an Illinois corporation, is a personal holding company with four stockholders which has engaged in the business of investing and reinvesting its funds since 1952. Homart is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between William Street, Homart and the latter's stockholders, substantially all of the cash and securities owned by Homart, with a total value of $440,101 as of October 20, 1961, will be transferred to William Street in exchange for shares of stock of William Street. The number of shares of William Street to be delivered to Homart will be determined by dividing the net asset value per share of William Street in effect at the close of business on the day preceding the closing date into the value of the Homart assets to be exchanged. The shares acquired by Homart are to be distributed immediately to its shareholders who have agreed to take such shares for investment.

The value of the Homart assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of William Street's shares. Since the exchange will be tax free for Homart and its shareholders, William Street's cost basis for tax purposes for the assets acquired from Homart will be the same as for Homart, rather than the price actually paid by William Street for the assets. Of the assets to be acquired from Homart, William Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of October 20, 1961 of $246,745 including unrealized appreciation of $14,225. William Street intends to sell shortly after acquisition, securities having a market value of $73,356 including unrealized appreciation of $11,619. As of October 20, 1961, William Street had unrealized appreciation of approximately $65,277,352 and undistributed realized gains of $9,930,333.

Because William Street may acquire securities from Homart at a tax-cost basis less than the price actually paid therefor, their sale after acquisition could result in artificial capital gains and consequent tax liability thereon to the present shareholders of William Street. Thus an adjustment is to be made to the value of the Homart assets which takes into account possible tax consequences of the exchange.

There shall be deducted from the assets of Homart the aggregate of the following to the extent that it is greater than 0:

(i) 12½ percent of the net unrealized appreciation on those Portfolio Securities which William Street shall have advised Homart that it is William Street's intention to sell on acquisition; (as of October 20, 1961 the derived figure amounted to a positive amount of $1,452).

(ii) Plus 12½ percent of that amount which would have to be subtracted from, or less 12½ percent of that amount which would have to be added to, the net unrealized appreciation or net unrealized depreciation on the remaining Portfolio Securities in order to make the resulting figure divided by the market value of such remaining Portfolio Securities equal to the net unrealized appreciation on William Street's securities divided by their market value; (as of October 20, 1961 the derived figure amounted to a negative $4,914).

(iii) Less 12½ percent of William Street's net realized capital gains multiplied by the fraction whose numerator is the value of the Homart Assets to be transferred to William Street and whose denominator is such value plus the total net assets of the William Street (as of October 20, 1961 the derived figure amounted to a negative $1,812).

If the transaction had taken place on October 20, 1961, under the Agreement, the above-described adjustment would have been 0, and Homart would have received approximately 29,280 shares of William Street.

The application recites that the terms of the entire transaction including the adjustment described above were arrived at through arm's-length bargaining between the officers of William Street and Homart. The application further states that there is no affiliation or relationship of any kind between the officers and directors of William Street and the officers, directors, and stockholders of Homart, and that Lehman Brothers, the investment adviser of William Street, has never acted as investment adviser to Homart.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of William Street are to be issued to Homart at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2½ percent for sales from $250,000 to $500,000.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, and transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 28, 1961, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of any attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12144; Filed, Dec. 21, 1961; 8:48 a.m.]

[File No. 812-1464]

ONE WILLIAM STREET FUND, INC.

Notice of Filing of Application for Exemption

DECEMBER 15, 1961.

Notice is hereby given that One William Street Fund, Inc. ("William Street") One William Street, New York 4, New York, a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of Section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of the Wuertz Holding Corporation ("Wuertz").

Shares of William Street, a Maryland Corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of October 20, 1961, the net assets of William Street amounted to $300,899,499 and 20,026,579 shares of its stock were outstanding.

Wuertz, a New York corporation, is a personal holding company with six stockholders which engages in the business of investing and reinvesting its funds since 1926. Wuertz is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between William Street, Wuertz and the latter's stockholders, substantially all of the cash and securities owned by Wuertz, with a total value of $725,776 as of October 20, 1961 will be transferred to William Street in exchange for shares of stock of William Street. The number of shares of William Street to be delivered to Wuertz will be determined by dividing the net asset value per share of William Street in effect at the close of business on the day preceding the closing date into the value of the Wuertz assets to be exchanged. The shares acquired by Wuertz are to be distributed immediately to its shareholders who have agreed to take such shares for investment.

The value of the Wuertz assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of William Street's shares. Since the exchange will be tax free for Wuertz and its shareholders, William Street's cost basis for tax purposes for the assets acquired from Wuertz will be the same as for Wuertz, rather than the price actually paid by William Street for the assets. Of the assets to be acquired from Wuertz, William Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of October 20, 1961, of $414,877 including unrealized appreciation of $276,823. William Street intends to sell shortly after acquisition, securities having a market value of $272,605 including unrealized appreciation of $151,325. As of October 20, 1961, William Street had unrealized appreciation of approximately $65,277,352 and undistributed realized gains of $9,930,333.

Because William Street may acquire securities from Wuertz at a tax-cost basis less than the price actually paid therefor, their sale after acquisition could result in artificial capital gains and consequent tax liability thereon to the present shareholders of William Street. Thus an adjustment is to be made to the value of the Wuertz assets which takes into account possible tax consequences of the exchange.

With respect to the Wuertz securities that William Street proposes to retain in its portfolio, if the percentage of the value of these securities representing unrealized appreciation is greater than the percentage of the value of William Street's portfolio securities representing unrealized appreciation, there will be deducted from the values of Wuertz's assets 12½ percent of the amount of such excess unrealized appreciation. With respect to the Wuertz securities that William Street intends to sell immediately upon acquisition, there will be added to the above deduction 12½ percent of the net unrealized appreciation of these securities. The above adjustments are intended to safeguard the present shareholders of William Street from bearing a greater capital gains tax on any subsequent sale by William Street of the Wuertz securities than they would bear on the sale of the securities presently in its portfolio, and to protect the present shareholders of William Street from bearing an increased tax burden as a consequence of the sale of certain securities immediately upon their acquisition.

As an offset to the above adjustments, there will be subtracted from the foregoing deductions 12½ percent of the amount of undistributed realized capital gains of William Street which the shareholders of Wuertz will assume upon becoming shareholders of William Street. The application states that this offset was made in recognition that Wuertz's acquisition of William Street shares will benefit the present shareholders of William Street by relieving them of a proportionate share of the tax liability on undistributed realized capital gains.

The application states that since the average capital gains tax rate that would have to be paid by William Street's shareholders cannot be exactly calculated the figure of 12½ percent used for adjustment purposes was arrived at as a fair compromise between 0 and the maximum long-term capital gains tax of 25 percent.

If the transaction had taken place on October 20, 1961, under the Agreement, the above described adjustment would have been $39,400 and Wuertz would have received approximately 44,120 shares of William Street.

The application recites that the terms of the entire transaction including the adjustment of 12½ percent were arrived at through arm's-length bargaining between the officers of William Street and Wuertz. The application further states that there is no affiliation or relationship of any kind between the officers and directors of William Street and the officers, directors, and stockholders of Wuertz, and that Lehman Brothers, the investment adviser of William Street, has never acted as investment adviser to Wuertz.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of William Street are to be issued to Wuertz at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2 percent for sales from $500,000 to $1,000,000.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 28, 1961, at 12:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12145; Filed, Dec. 21, 1961; 8:49 a.m.]

[File No. 70-4000]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Modification of Indenture by Public-Utility Subsidiary Company

DECEMBER 15, 1961.

Notice is hereby given that Southwestern Electric Power Company ("Southwestern"), 428 Travis Street, Shreveport 2, Louisiana, a registered holding company and public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rules 20, 22, 23 and 24 promulgated thereunder.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the proposed transaction which is summarized as follows:

Southwestern proposes to execute a supplemental indenture modifying certain provisions contained in its Indenture dated February 1, 1940, to City National Bank and Trust Company of Chicago and Arthur T. Leonard, as Trustees and succeeded by Continental Illinois National Bank and Trust Company of Chicago and R. Emmett Hanley, as Trustees and as now supplemented by various supplemental indentures. The proposed modification would (a) increase from $100,000,000 to $300,000,000 the aggregate principal amount of all bonds of all series which may at any one time be outstanding under and secured by the Indenture, and (b) provide that such aggregate principal amount of bonds may be further increased, at any time or from time to time, to such an amount as shall be determined by the Board of Directors of the company to be necessary or desirable. No change is made or proposed in any of the other provisions of the Indenture relating to or restricting the issue and authentication of bonds.

The declaration states that the $100,000,000 limitation was placed in the Indenture solely for the purpose of complying with the Civil Code of Louisiana, which in the opinion of Southwestern's Louisiana counsel requires a mortgage to state the maximum amount of bonds which may be outstanding thereunder in order to be valid in Louisiana.

The estimated fees and expenses to be paid or incurred by Southwestern are $11,000 including: printing costs of $300; recording fees of $300; Trustees' fees of $3,500; attorneys' fees of $5,950; and miscellaneous expenses of $950.

The declaration states that the Arkansas Public Service Commission and the Corporation Commission of Oklahoma have jurisdiction over the proposed transaction and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Copies of the orders of these State commissions are to be filed by amendment.

Notice is further given that any interested person may, not later than January 11, 1962, request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for the request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarants, and proof of service (by affidavit, or in the case of an attorney-at-law by certificate) filed contemporaneously with the request. At any time after that date, the declaration, as filed or amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12146; Filed, Dec. 21, 1961; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STEPHEN POWELL ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Stephen Powell, 1 Alicia Street, Hampton 37, Victoria, Australia; $2,558.35 in the Treasury of the United States.

John Peter Powell, 2 Victoria Street, Sandringham, S. 8, Victoria, Australia; $2,558.35 in the Treasury of the United States.

Andrew de Balogh, 45 East 85th Street, New York 28, N.Y.; $852.39 in the Treasury of the United States.

Peter de Balogh, 140 West 58th Street, New York 19, N.Y.; $852.39 in the Treasury of the United States.

Livia Leopold, Vermezo Ut 4, Budapest 1, Hungary; Claim No. 42904; Vesting Order No. 2097; Stephen Powell et al.; Claim No. 42904; Vesting Order No. 2097; An undivided 42.86 percent interest to Livia Leopold, undivided 21.43 percent interest to Stephen Powell, undivided 21.43 percent interest to John Peter Powell, undivided 7.14 percent interest to Andrew de Balogh, undivided 7.14 percent interest to Peter de Balogh in all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature relating to the non-dramatic performance for profit of any and all musical compositions of Victor Jacobi, deceased, to the extent owned by him or his successors in interest immediately prior to the vesting thereof by Vesting Order No. 2097, including the right to receive in the aforesaid respective proportions, all monies and amounts, by way of royalties, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise with respect to any or all of the foregoing.

Executed at Washington, D.C., on December 15, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61-12127; Filed, Dec. 21, 1961; 8:46 a.m.]

MARIA CIMOLAI ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Cimolai (now Maria Martinelli), Monteforte d'Alpone, Verona, Italy; Claim No. 44047; $75.83 in the Treasury of the United States.

Umberto (Alberto) Cimolai, Terrossa di Ronca, Verona, Italy; Claim No. 44048; $75.83 in the Treasury of the United States.

Aurelia (Adelia) Cimolai, Terrossa di Ronca, Verona, Italy; Claim No. 44049; $75.82 in the Treasury of the United States.

Maddalena Cimolai, Terrossa di Ronca, Verona, Italy; Claim No. 44050; $75.82 in the Treasury of the United States.

Gioantonio Framarin, a/k/a Giovanni Pasca, Cambellara, Vincenza, Italy; Claim No. 44053; Vesting Order No. 1421; $454.98 in the Treasury of the United States.

Executed at Washington, D.C., on December 15, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 61-12128; Filed, Dec. 21, 1961; 8:46 a.m.]

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

PROCLAMATIONS:
- May 27, 1907 — 11746
- 3298 — 11937
- 3401 — 11714
- 3440 — 11714
- 3441 — 11937
- 3442 — 12023

EXECUTIVE ORDERS:
- Nov. 10, 1917 — 11906
- Apr. 8, 1919 — 11906
- June 14, 1921 — 11906
- 2711 — 11746
- 3797-A — 12080
- 10717 — 11937
- 10977 — 11471
- 10978 — 11714
- 10979 — 11937
- 10980 — 12059

5 CFR

- 6 — 11347, 11483, 11671, 11813, 11852, 12060, 12155, 12211, 12239.
- 29 — 11794
- 30 — 12109
- 401 — 11938

6 CFR

- 421 — 12157, 12239

7 CFR

- 1 — 12155
- 46 — 12209
- 53 — 12109
- 319 — 12029
- 401 — 12209
- 403 — 12210
- 718 — 11813
- 719 — 12060
- 722 — 11472, 11481, 11851, 11887
- 728 — 11795, 12109
- 729 — 11816
- 750 — 11725
- 775 — 11672
- 776 — 11347, 11407, 12210
- 811 — 11963
- 812 — 11817
- 820 — 11965
- 871 — 11968
- 904 — 12239
- 914 — 11417, 11817, 11851, 11890, 12062, 12063, 12156.
- 933 — 11417–11419
- 936 — 12211
- 937 — 11725
- 938 — 11725, 12063
- 946 — 12110
- 953 — 11419, 11818, 11851, 12030, 12064, 12110
- 958 — 11483, 11852, 11970
- 959 — 12211
- 975 — 12240
- 990 — 12239
- 1001 — 12064
- 1019 — 12239
- 1032 — 12030
- 1034 — 12241
- 1068 — 12064
- 1069 — 12065, 12242

PROPOSED RULES:
- 26 — 12132
- 51 — 12222
- 362 — 12167
- 812 — 11838

7 CFR—Continued

Page

PROPOSED RULES—Continued
- 903 — 12167
- 904 — 12037
- 911 — 11495
- 913 — 11839
- 914 — 11435
- 944 — 12132
- 947 — 12132
- 949 — 12037
- 952 — 12037
- 953 — 11363
- 982 — 11498
- 990 — 12037
- 993 — 12037
- 996 — 12037
- 999 — 12037
- 1019 — 12168
- 1026 — 11982
- 1028 — 11982
- 1050 — 12132

8 CFR

- 103 — 12111, 12212
- 204 — 12212
- 212 — 12066, 12212
- 214 — 12066, 12213
- 237 — 11818
- 242 — 12111, 12242
- 243 — 11819, 12113
- 244 — 12113
- 245 — 12114
- 249 — 12114
- 252 — 11797
- 253 — 11797
- 299 — 11819

PROPOSED RULES:
- 242 — 11363

9 CFR

- 74 — 11852, 11970
- 77 — 11971
- 78 — 12067
- 83 — 11483, 11853

PROPOSED RULES:
- 17 — 12222
- 74 — 11804
- 151 — 11870
- 201 — 11988

10 CFR

- 25 — 11726

12 CFR

- 4 — 11353
- 204 — 12031
- 217 — 11798, 11971, 12031
- 327 — 12031
- 329 — 11798, 12031

13 CFR

- 121 — 12069
- 122 — 11353

14 CFR

- 40 — 11354
- 41 — 11355
- 42 — 11356
- 49 — 12213
- 221 — 11819, 12156
- 287 — 11890
- 288 — 11483, 12114
- 302 — 11820
- 385 — 12242
- 507 — 11672, 11821, 12032, 12033, 12213, 12214
- 555 — 11672

14 CFR—Continued

Page

- 600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070, 12214.
- 601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074, 12215, 12246, 12247.
- 602 — 11729
- 608 — 11729, 11730, 11859, 11861, 11894, 12033, 12215.
- 609 — 11939, 11946, 11951, 11960
- 610 — 12074

PROPOSED RULES:
- 18 — 11804
- 43 — 11804
- 302 — 11685, 11841
- 376 — 12179
- 399 — 11841
- 411 — 12085
- 507 — 11870, 12042, 12256
- 600 — 11435, 11494, 11734
- 601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
- 608 — 11435, 11494, 11988

15 CFR

- 201 — 11357
- 230 — 11360, 11972, 12248

16 CFR

- 13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115, 12215, 12216.
- 14 — 11826

17 CFR

- 231 — 11896
- 239 — 11730

PROPOSED RULES:
- 270 — 11738

18 CFR

- 141 — 11897
- 260 — 11900

PROPOSED RULES:
- 2 — 11459

19 CFR

- 3 — 11362
- 4 — 12248
- 5 — 11420
- 21 — 11362
- 54 — 11731

PROPOSED RULES:
- 10 — 11683

20 CFR

- 404 — 11827, 11938

21 CFR

- 20 — 11676
- 120 — 11731, 11799, 12034, 12249
- 121 — 11677, 11799, 11800, 11828–11830, 12035, 12077, 12249.
- 141a — 11801
- 141c — 11801
- 146 — 12035
- 146a — 11801

21 CFR—Continued Page

146c 11801
147 11802
191 12035
305 12216
PROPOSED RULES:
1 11734
16 12256
27 11988
51 11988
120 11684
121 11684, 11735, 11841, 11870, 12143, 12144, 12178, 12256.
141a 11684
146 11684
146a 11684
147 11684
307 12222

24 CFR

201 11731
220 12116
221 12118
233 12120

25 CFR

PROPOSED RULES:
221 11734

26 CFR

1 11436, 11677, 12077, 12216
20 11861
25 11861
45 11861
PROPOSED RULES:
1 12085
48 12085

28 CFR

15 11420

29 CFR

403 11678
408 11678
670 11420
678 11420
779 11802
PROPOSED RULES:
545 11735

30 CFR

222 11487

31 CFR

270 11938

32 CFR

272 11830
273 11831
577 11679
701 11715
710 11716
711 12158
714 12217
719 11763, 11862
720 11722
723 12121
736 12158, 12217
744 12217
755 11792
765 11680, 11794, 12158, 12217
804 12249
1008 12249
1012 12249
1013 12249
1016 12249
1054 12249
1057 12249
1453 11972
1470 11972

32 CFR—Continued Page

1472 11972
2011 11421

32A CFR

OIA (CH. X):
OI Reg. 1 11973

33 CFR

2 12159
125 11862
203 11803, 12105
206 12105
210 11732
212 11421

35 CFR

10 12217

36 CFR

1 11903
311 12122
PROPOSED RULES:
1 11363

38 CFR

6 11680
7 11802
8 11680
21 11862

39 CFR

1—204 11513
2 12122
4 12122
13 11864
15 12122
17 11903
27 11903
31 11864, 12125
33 11903
41 12122
42 12122
44 12122
47 11864
48 11864
94 12218
96 12218
168 11832
PROPOSED RULES:
61 11838
201 11426
202 11431
203 11432
204 11432

41 CFR

2-1 12126
2-3 12126
2-12 11904
9-7 11488
60-1 11974, 12250

43 CFR

61 12126
64 12126
66 12126
81 12126
102 12126
161 11975, 12165
192 12126
PROPOSED RULES:
192 11493, 11911
200 11493
250 12254
PUBLIC LAND ORDERS:
61 11803
842 11361
1058 12082
1238 11863
1744 12251
1843 12251
1942 12251

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
2323 12080
2400 12251
2458 12251
2543 11361
2544 11361
2545 11803
2546 11361
2547 11803
2548 11803
2549 11803
2550 11863
2551 11863
2552 11906
2553 12079
2554 12080
2555 12080
2556 12080
2557 12080
2558 12081
2559 12082
2560 12251
2561 12251
2562 12251
2563 12251
2564 12251

44 CFR

151 11425

46 CFR

2 11908
34 11908
73 11908
76 11909
78 11909
97 11909
146 12082
157 12082
167 11909
171 11864
510 12252
PROPOSED RULES:
201 11738
206 11738
221 11738
298 11738
299 11738

47 CFR

1 11909, 11977
2 11833, 11978
3 12024, 12083, 12165, 12220
7 12083
8 12083
10 11422, 11681, 11978, 12083
14 11423, 11978
16 11978
19 11978
PROPOSED RULES:
3 11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7 11369, 12144
8 11369, 11912, 12144
10 12145
14 11369

49 CFR

43 11835
95 12166
170 11732
174a 11492

50 CFR

32 11733
33 11733, 11836, 11837, 11868, 11869, 11909, 12165.
80 12128
270 11979

UNIVERSITY OF MICHIGAN
JAN 3 1962
MAIN READING ROOM

Pages 12273–12316

FEDERAL REGISTER

VOLUME 26 NUMBER 247

Washington, Saturday, December 23, 1961

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Irish potatoes grown in Maine; proposed expenses and assessment rate 12294
RULES AND REGULATIONS:
Import prohibitions:
Avocados 12281
Potatoes 12280
Lemons grown in California and Arizona; handling limitations (2 documents) 12279, 12280
Lettuce grown in Lower Rio Grande Valley of South Texas; shipments limitation 12280

Agricultural Stabilization and Conservation Service

NOTICES:
Sugar:
California sugar beets, 1962 crop; hearing on wage rates and designation of presiding officers 12306
Hawaiian sugarcane; hearing on prices and designation of presiding officers 12306

Agriculture Department

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Federal Crop Insurance Corporation.
NOTICES:
Arkansas; designation of areas for emergency loans 12306

Civil Aeronautics Board

NOTICES:
New York-Jamaica nonstop case; postponement of oral argument 12307

Commerce Department

See Maritime Administration.

Defense Department

NOTICES:
Director of Federal Assistance and regional directors; delegation of authority for operation of program for donation of surplus property for civil defense purposes 12305

Emergency Planning Office

NOTICES:
Renz, Oscar F.; statement of business interests 12312

Federal Aviation Agency

PROPOSED RULE MAKING:
Facilitation of experiments with exterior lighting system; proposed termination of special civil air regulations 12294
RULES AND REGULATIONS:
Air traffic:
Operation at airports 12283
Special airport traffic area rules and traffic patterns 12283
Control area extensions; alteration 12284
Control area extensions and transition area, alteration; and designation of transition areas 12285
Control area extensions, alteration; and revocation of control area extension and designation of transition area 12286
Control area extensions, alteration; and designation of transition areas (3 documents) 12287–12289
Control zone; designation 12290
Federal airway and control area extension, alteration; and designation and alteration of restricted areas 12283
Restricted area; alteration 12290

Federal Communications Commission

NOTICES:
Hearings, etc.:
Miller, Saul M., et al 12307
Veterans Broadcasting Co., Inc., et al 12309

Federal Crop Insurance Corporation

RULES AND REGULATIONS:
Endorsements, 1961 and succeeding crop years:
Barley 12279
Irrigated grain sorghum 12279

Federal Housing Administration

RULES AND REGULATIONS:
Delegations of basic authority and functions; Director of General Services Division and Deputy 12291

Federal Maritime Commission

NOTICES:
A. H. Bull Steamship Co.; frieight rates, Puerto Rico; investigation and hearing 12311
PROPOSED RULE MAKING:
Tariffs; filing by common carriers by water in foreign commerce of U.S., and by carrier conferences 12294

Federal Power Commission

NOTICES:
Hearings, etc.:
Frio-Tex Oil and Gas Co 12311
Tenneco Corp. and Tennessee Gas Transmission Co 12311
PROPOSED RULE MAKING:
Certificate applications, rate filings, pipeline quality gas standards, delivery conditions and certain price adjustments; statements of general policy; extension of time for filing comments 12304

Federal Reserve System

NOTICES:
Orders for public proceedings:
Chase Manhattan Bank 12312
Chemical Bank New York Trust Co 12312
Whitney Holding Corp 12312

(*Continued on next page*)

Federal Trade Commission

RULES AND REGULATIONS:
Livigen Laboratory Sales Corp. et al.; prohibited trade practices-- 12291

General Accounting Office

RULES AND REGULATIONS:
Claims:
Deceased civilian officers and employees; procedures for settlement of accounts----- 12275
Deceased members of Armed Forces and National Guard; procedures for settlement of accounts----- 12275
Deceased public creditors generally; claim settlement procedures----- 12276
Transportation:
Passenger and freight transportation services for account of U.S.; miscellaneous amendments----- 12277
Passenger and freight transportation services furnished for account of U.S., and claims against U.S. relating to transportation----- 12278

Health, Education, and Welfare Department

NOTICES:
Statement of organization and delegation of authority; Social Security Administration----- 12307

Housing and Home Finance Agency

See Federal Housing Administration.

Immigration and Naturalization Service

RULES AND REGULATIONS:
Deportation of aliens----- 12282

Indian Affairs Bureau

NOTICES:
Colville public domain allotments and homesteads land records; transfer to Portland Land Office----- 12305

Interior Department

See also Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau.

NOTICES:
Procurement and contracting; authority delegation; correction-- 12306

Justice Department

See Immigration and Naturalization Service.

Land Management Bureau

NOTICES:
New Mexico; proposed withdrawal and reservation of lands----- 12305

RULES AND REGULATIONS:
Public land orders:
Montana; withdrawal of lands for reclamation purposes, Clark Canyon Project----- 12292
Nevada; transfer of lands from Air Force Department to Atomic Energy Commission-- 12292
New Mexico; revocation of order withdrawing lands for use of Air Force Department, Guadalupe Gunnery Range-- 12292
Washington; withdrawal of public lands for reclamation purposes, Columbia Basin Project----- 12292
Wyoming; withdrawal of lands for use of Forest Service for recreation sites----- 12292

Maritime Administration

NOTICES:
American President Lines, Ltd.; application; extension of time-- 12307

RULES AND REGULATIONS:
Documentation, transfer, or charter of vessels; exceptions to approvals----- 12293

Reclamation Bureau

NOTICES:
Powell Townsite, Shoshone Project, Wyoming; sale of lots----- 12305

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Black Bear Industries, Inc---- 12312
Incorporated Investors----- 12313

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
8578 (see PLO 2568)----- 12292

4 CFR

33----- 12275
34----- 12275
35----- 12276
51 (2 documents)----- 12277, 12278
52 (2 documents)----- 12277, 12278
54----- 12278

7 CFR

401 (2 documents)----- 12279
953 (2 documents)----- 12279, 12280
1034----- 12280
1066----- 12280
1067----- 12281

PROPOSED RULES:
970----- 12294

8 CFR

242----- 12282

14 CFR

60 (2 documents)----- 12283
600----- 12283
601 (8 documents)----- 12283–12290
608 (2 documents)----- 12283, 12290

PROPOSED RULES:
3----- 12294
4b----- 12294
6----- 12294
7----- 12294
40----- 12294
41----- 12294
42----- 12294

16 CFR

13----- 12291

18 CFR

PROPOSED RULES:
2----- 12304

24 CFR

200----- 12291

43 CFR

PUBLIC LAND ORDERS:
629 (revoked by PLO 2569)----- 12292
2565----- 12292
2566----- 12292
2567----- 12292
2568----- 12292
2569----- 12292

46 CFR

221----- 12293

PROPOSED RULES:
CH. IV----- 12294

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER C—CLAIMS; GENERAL

PART 33—DECEASED CIVILIAN OFFICERS AND EMPLOYEES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Miscellaneous Amendments

1. Section 33.1 is revised to read:

§ 33.1 Scope of part.

(a) *Accounts covered by this part.* This part prescribes forms and procedures for the prompt settlement of accounts of deceased civilian officers and employees of the Federal Government and of the government of the District of Columbia (including wholly-owned and mixed-ownership Government corporations), as contemplated by the act of August 3, 1950, as amended, 5 U.S.C. 61f–61k. The term "deceased employees" as used in this part includes former civilian officers and employees who die subsequent to separation from the employing agency.

(b) *Exceptions.* The procedures prescribed by this part do not apply to:

(1) Accounts of deceased officers and employees of the Federal land banks, Federal intermediate credit banks, production credit corporations, or regional banks for cooperatives. See 5 U.S.C. 61k.

(2) Payment of unpaid balance of salary or other sums due deceased Senators or officers of employees of the Senate. See 2 U.S.C. 36a.

(3) Payment of unpaid balance of salary or other sums due deceased Members of the House of Representatives. See 2 U.S.C. 38a. (See § 33.6 for settlement of accounts of deceased officers and employees of the House of Representatives.)

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 3, 64 Stat. 396, as amended; 5 U.S.C. 61h)

2. Section 33.2 is revised to read:

§ 33.2 Definitions.

The term "unpaid compensation," as defined in the act and when used in this part, means the pay, salary, or allowances, or other compensation due on account of the services of the decedent for the Federal Government or the government of the District of Columbia. It shall include, but not be limited to, (a) all per diem in lieu of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses which are incurred in connection with the travel and for which reimbursement is due; (b) all allowances upon change of official station; (c) all quarters and cost-of-living allowances and overtime or premium pay; (d) amounts due for payment of cash awards for employees' suggestions; (e) amounts due as refund of salary deductions for United States Savings bonds; (f) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave; (g) the amounts of all checks drawn in payment of such compensation which were not delivered by the Government to the officer or employee during his lifetime or of any unnegotiated checks returned to the Government because of the death of the officer or employee.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 3, 64 Stat. 396, as amended; 5 U.S.C. 61h)

3. Section 33.5(d), is revised to read:

§ 33.5 Designation of beneficiary.

* * * * * * *

(d) *Effective period of a designation.* A designation of beneficiary, properly executed and filed in the agency of employment, will be effective so long as employment by the same agency continues or until changed or revoked. Should an employee resign and be reemployed, or voluntarily transfer to another agency, and desire the unpaid compensation to be paid to a designated beneficiary, another designation of beneficiary form must be executed as directed in this section. A new designation of beneficiary is not required as to an employee whose agency or site function, records, equipment, and personnel are absorbed by another agency.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 3, 64 Stat. 396, as amended; 5 U.S.C. 61h)

4. Section 33.6 is revised to read:

§ 33.6 Claims settlement jurisdiction.

(a) *Administrative agencies.* Claims for unpaid compensation due deceased employees of the government of the District of Columbia, of the Canal Zone Government on the Isthmus of Panama, and of wholly owned and mixed-ownership Government corporations will be paid by those agencies. See 5 U.S.C. 61h. Except as otherwise provided in paragraph (b) of this section, claims for unpaid compensation due deceased employees of other agencies of the Federal Government, including officers and employees of the House of Representatives, may be paid by those agencies under any of the provisions of 5 U.S.C. 61f.

(b) *General Accounting Office.* Except as provided in paragraph (a) of this section, claims for unpaid compensation due deceased employees of the Federal Government will be paid only upon settlement by the Claims Division of the General Accounting Office in the following cases:

(1) When doubt exists as to the amount or validity of the claim.

(2) When doubt exists as to the person(s) properly entitled to payment.

(3) When the claim involves uncurrent checks. Unnegotiated and/or undelivered checks for unpaid compensation due the decedent which are drawn on designated depositaries and have not been paid prior to the close of the fiscal year next following the fiscal year in which the checks were issued are uncurrent. Claims for the proceeds of such checks must be submitted to the Claims Division of the General Accounting Office for settlement pursuant to the provisions of section 1(b) of the act of August 28, 1957, Public Law 85–183, 31 U.S.C. 132. The checks, if available, should accompany the claims.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 3, 64 Stat. 396, as amended; 5 U.S.C. 61h)

5. Section 33.8 is revised to read:

§ 33.8 Claims involving minors or incompetents.

(a) If a guardian or committee has been appointed for a minor or incompetent appearing entitled to unpaid compensation, the claim should be supported by a short certificate of the court showing the appointment and qualification of the claimant in such capacity.

(b) If no guardian or committee has been or will be appointed, the initial claim should be supported by a statement showing (1) claimant's relationship to the minor or incompetent, if any; (2) the name and address of the person having care and custody of the minor or incompetent; (3) that any moneys received will be applied to the use and benefit of the minor or incompetent; and (4) that the appointment of a guardian or committee is not contemplated.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 3, 64 Stat. 396, as amended; 5 U.S.C. 61h)

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 61–12196; Filed, Dec. 22, 1961; 8:48 a.m.]

PART 34—DECEASED MEMBERS OF THE ARMED FORCES AND NATIONAL GUARD; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Revision of Part

Part 34 is revised in its entirety to authorize the various branches of the armed forces to settle the accounts of deceased members, including those not designating beneficiaries, if no doubtful questions of law or fact are involved.

Sec.
34.1 Scope of part.
34.2 Forms for filing claims.
34.3 Jurisdiction.

Sec.
34.4 Furnishing forms and assistance to claimants.
34.5 Claims involving minors or incompetents.
34.6 Claims for unnegotiated Government checks.
34.7 Applicability of general claim procedures.

AUTHORITY: §§ 34.1 to 34.7 issued under sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply 10 U.S.C. 2771; 32 U.S.C. 714; sec. 3, 70A Stat. 619, as amended, 33 U.S.C. 857a(b); and sec. 4, 70A Stat. 619, as amended, 42 U.S.C. 213a(b).

§ 34.1 Scope of part.

(a) This part prescribes forms and procedures for the prompt settlement of the accounts of:

(1) Deceased members of the Armed Forces (including deceased commissioned officers of the Public Health Service and the Coast and Geodetic Survey) pursuant to 10 U.S.C. 2771, as amended by Public Law 86–641, approved July 12, 1960, 74 Stat. 473.

(2) Deceased members of the National Guard pursuant to 32 U.S.C. 714, as amended by Public Law 87–46, approved June 16, 1961, 75 Stat. 92.

(b) The term "deceased members" as used in this part includes former members who die subsequent to discharge or separation from the service.

(c) The payment provisions of 10 U.S.C. 2771 and 32 U.S.C. 714 are effective only when the member's death occurs on or after January 1, 1956. Claims relating to the accounts of members dying before such date are for consideration by the Claims Division of the General Accounting Office.

(d) The term "pay and allowances" when used in this part includes any amount due a decendent from the service of which he was a member, exclusive of amounts payable administratively pursuant to other specific authority.

§ 34.2 Forms for filing claims.

The following standard forms are prescribed for use in the settlement of accounts to which this part relates:

SF 1174—Claim of Designated Beneficiary for Unpaid Pay and Allowances of Deceased Member of the Armed Forces.
SF 1175—Claim for Unpaid Pay and Allowances of Deceased Member of the Armed Forces (No Designated Beneficiary).

§ 34.3 Jurisdiction.

(a) *Administrative agencies.* Except as otherwise provided in paragraph (b) of this section, pay and allowances due deceased members shall be paid as follows:

(1) *Deceased members of the armed forces.* Amounts payable under any of the clauses establishing the order of precedence as set forth in 10 U.S.C. 2771 (a) shall be paid by the department or military service concerned.

(2) *Deceased members of the National Guard.* Amounts payable under any of the clauses establishing the order of precedence as set forth in 32 U.S.C. 714(a) shall be paid by the department concerned.

(b) *General Accounting Office.* Payments shall be made only upon settlement by the Claims Division of the General Accounting Office in the following cases:

(1) When doubt exists as to the amount or validity of the claim.

(2) When doubt exists as to the person(s) properly entitled to payment.

(3) When the claim involves uncurrent checks. Unnegotiated and/or undelivered checks for pay and allowances due the decedent which are drawn on designated depositaries and have not been paid prior to the close of the fiscal year next following the fiscal year in which the checks were issued are uncurrent. Claims for the proceeds of such checks must be submitted to the Claims Division of the General Accounting Office for settlement pursuant to the provisions of section 1(b) of the act of August 28, 1957, Public Law 85–183, 31 U.S.C. 132. The checks, if available, should accompany the claims.

§ 34.4 Furnishing forms and assistance to claimants.

As soon as practicable after death of a member, the department under which the member was serving at date of death will furnish the designated beneficiary or beneficiaries Standard Form 1174, Claim of Designated Beneficiary for Unpaid Pay and Allowances of Deceased Member of the Armed Forces, for use in filing claim for any unpaid pay or allowances that may be due the decedent. If there is no designated beneficiary, the department will furnish the person or persons next in order of precedence, in accordance with 10 U.S.C. 2771(a) or 32 U.S.C. 714(a), SF 1175, Claim for Unpaid Pay and Allowances of Deceased Member of the Armed Forces (No Designated Beneficiary). Any assistance deemed necessary for the proper execution of the forms will be furnished to all claimants by the departments concerned.

§ 34.5 Claims involving minors or incompetents.

(a) If a guardian or committee has been appointed for a minor or incompetent appearing entitled to unpaid amounts, the claims should be supported by a short certificate of the court showing the appointment and qualification of the claimant in such capacity.

(b) If no guardian or committee has been or will be appointed, the initial claim should be supported by a statement showing (1) claimant's relationship to the minor or incompetent, if any; (2) the name and address of the person having care and custody of the minor or incompetent; (3) that any moneys received will be applied to the use and benefit of the minor or incompetent; and (4) that the appointment of a guardian or committee is not contemplated.

§ 34.6 Claims for unnegotiated Government checks.

Unnegotiated U.S. Government checks drawn to the order of the decedent by the service of which he was a member should be returned to the department concerned for consideration in connection with the settlement of the member's account. Claimants should be advised that all other unnegotiated U.S. Government checks drawn to the order of the decedent should be returned to the agency from which received with request for further instructions from that agency.

§ 34.7 Applicability of general claim procedures.

When not in conflict with this part, the provisions of Part 32 of this subchapter, relating to procedures applicable to claims generally, are also applicable to the settlement of accounts of deceased members.

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 61–12197; Filed, Dec. 22, 1961; 8:48 a.m.]

PART 35—DECEASED PUBLIC CREDITORS GENERALLY, CLAIM SETTLEMENT PROCEDURES

Miscellaneous Amendments

1. Section 35.1 is revised to read:

§ 35.1 Scope of part.

This part relates to the settlement of claims for amounts alleged to be due the estates of deceased individual public creditors, except when such claims are within the jurisdiction of administrative agencies pursuant to specific authority. The claims coming within the scope of this part include, among others, claims for amounts due deceased contractors (whether under terminated or continuing contracts) and other deceased public creditors for supplies furnished and services rendered.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U.S.C. 71)

2. A new § 35.5 is added, as follows:

§ 35.5 Claims involving minors.

(a) If a guardian has been appointed for a minor appearing entitled to unpaid amounts the claim should be supported by a short certificate of the court showing the appointment and qualification of the claimant in such capacity.

(b) If no guardian has been or will be appointed the initial claim should be supported by a statement showing (1) claimant's relationship to the minor, if any; (2) the name and address of the person having care and custody of the minor; (3) that any moneys received will be applied to the use and benefit of the minor; and (4) that the appointment of a guardian is not contemplated.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U.S.C. 71)

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 61–12198; Filed, Dec. 22, 1961; 8:49 a.m.]

SUBCHAPTER D—TRANSPORTATION

PART 51—PASSENGER TRANSPORTATION SERVICE FOR THE ACCOUNT OF THE UNITED STATES

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Miscellaneous Amendments

1. Section 51.31 is revised to read:

§ 51.31 Disposition of spoiled or canceled transportation requests.

Any SF 1169 spoiled in preparation, canceled for any reason, or prepared for issuance but which will not be used shall be endorsed "Canceled" across the face and shall be forwarded immediately, through the official who furnished it, to the administrative office keeping the accountability records. General Records Schedule 9 of the General Services Administration provides instructions for the disposal of these forms.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

2. Section 51.57 is revised to read:

§ 51.57 Disposition of recovered lost transportation request.

Under no circumstances shall transportion requests which have been reported as lost or stolen be subsequently used to obtain transportation or accommodations if such documents are found or recovered. Subsequently recovered transportation requests which were previously reported lost or stolen, whether blank or partially or completely filled out, shall be promptly transmitted to the issuing officer who shall endorse the documents "Canceled" and then forward them through administrative channels to the office keeping the accountability records. General Records Schedule 9 of the General Services Administration provides instructions for the disposal of these forms.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

3. Section 52.6a is added, as follows:

§ 52.6a Disposition of unused bills of lading.

Obsolete Government bill of lading forms and current forms spoiled in preparation, prepared for issuance but which will not be used, or canceled for any other reason will be returned to the office keeping the acountability records. General Records Schedule 9 of the General Services Administration provides instructions for the disposal of these forms.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

4. Section 52.19 is revised to read:

§ 52.19 Preliminary requirements for conversion.

Every precaution should be taken to guard against the shipment of property for the account of the United States on a commercial bill of lading or commercial express receipt, since payment to the carrier of the transportation charges will not be made by the Government on such commercial document alone. If, however, property for the account of the United States unavoidably moves on a commercial bill of lading or commercial express receipt, the words "To Be Converted to a Government Bill of Lading" must be placed on the original commercial document and on all copies thereof in a conspicuous manner. The original commercial document must be immediately forwarded by the shipper to the Government official who authorized the shipment or may, by agreement with the carrier receiving such shipment, be surrendered to the carrier, or its agent, to accompany the shipment or, at the discretion of the carrier, to be transmitted to destination by such other means as the carrier may elect.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

5. That portion of § 52.20 which precedes paragraphs (a) and (b) is revised to read:

§ 52.20 Procedure.

The procedure to be followed by the shipper, by the Government official who authorized the shipment, and by the consignee in connection with the shipment of property for the account of the United States which unavoidably moves on a commercial bill of lading or commercial express receipt is as follows:

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

6. That portion of § 52.21 which precedes paragraphs (a) and (b) is revised to read:

§ 52.21 Procedures for conversion to U.S. Government bill of lading.

If the commercial bill of lading or commercial express receipt on which property for the account of the United States was unavoidably shipped becomes lost or destroyed, the following procedures will apply:

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

7. Section 52.31 is revised to read:

§ 52.31 Transit records; processing and disposition.

(a) *Section 22 quotation and tariff requirements.* Government installations should handle transit shipments in accordance with the provisions of the quotations issued under section 22 of the Interstate Commerce Act, as amended, 49 U.S.C. 22, or of the carriers' tariffs providing for the transit privileges.

(b) *Outbound application of transit tonnage.* Inbound transit tonnage should be utilized in the best interests of the Government, consistent with agency requirements. SF 1131, U.S. Government Transit Bill of Lading, should be used in billing outbound transit shipments. All inbound transit information should be entered accurately in the portion of the SF 1131 marked Transit Reshipping Certificate-Inbound Billing References.

(c) *Action by the paying office.* Where specific arrangements are in effect between agencies and the General Accounting Office, the paying office should verify, enter, or correct the information shown in the portion of the SF 1131 marked Transit Reshipping Certificate-Inbound Billing References.

(d) *Furnishing transit certificates.* Government installations notified that the paying office has arranged to verify, enter, or correct the inbound information shown on each SF 1131 are not required to prepare and furnish to the General Accounting Office documents showing the record of transit tonnage and application. Installations which have not been notified of such arrangements should furnish transit certificates (recording documents) to the General Accounting Office as follows:

(1) One copy to be furnished at the time of recording the inbound tonnage; and

(2) One copy to be furnished at the time of each reshipment, partial reshipment, or cancellation.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

8. Section 52.32 is revised to read:

§ 52.32 Free or surrendered Government bill of lading.

Where the transportation charges to the transit station equal or exceed the through transportation charges plus the transit charge, the outbound bill of lading properly accomplished should be listed on and attached to a SF 1113, Public Voucher for Transportation Charges. The SF 1113, bearing the carrier's bill number, should be surrendered to the administrative office of the agency for which the service was performed, accompanied by the carrier's check for any amount due the United States. The agency should annotate its records in conformity with its fiscal procedures. The information shown in the portion of the SF 1131 marked Transit Reshipping Certificate-Inbound Billing References should be verified, entered, or corrected as provided in § 52.31(c). Agencies not party to the specific arrangements with the General Accounting Office should enter the D.O. voucher number, date of payment, and the disbursing office symbol number and show bureau voucher number, if any. SF's 1113, together with the surrendered bills of lading and notices of any refunds, should be forwarded to the Transportation Division, General Accounting Office, separately from any other documents.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

9. Section 52.33 is revised to read:

§ 52.33 Separate billing for transit shipments.

To enable the General Accounting Office to segregate transit items and to audit them more expeditiously, the word "Transit" should be typed under "Serial No., including Symbol" on each SF 1113, Public Voucher for Transportation Charges, covering transit traffic. A separate bill should be used for each outbound shipment.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 61-12199; Filed, Dec. 22, 1961; 8:49 a.m.]

PART 51—PASSENGER TRANSPORTATION SERVICE FOR THE ACCOUNT OF THE UNITED STATES

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

PART 54—CLAIMS AGAINST THE UNITED STATES RELATING TO TRANSPORTATION SERVICES

Miscellaneous Amendments

1. Section 51.9 is revised to read:

§ 51.9 Unused ticket redemption form.

SF 1170, Redemption of Unused Tickets, is a 4-part, snap-out, carbonized set consisting of an original and three copies. The original and the last copy are on punched card stock and the other copies are on white paper stock. The agency name and address may be preprinted on the form when there is volume use and arrangements have been made in advance with the General Services Administration.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

2. Section 51.10 is revised to read:

§ 51.10 Passenger billing voucher forms.

The original of Public Voucher for Transportation of Passengers, SF 1171, is printed on white paper and is 8½ by 14$^{3}/_{16}$ inches over-all including an 8½ by 3$^{3}/_{16}$ inch tear-off slip which is to be used by the disbursing office in mailing the check covering payment of the voucher. Carriers may request approval of proposed changes in format to conform to machine billing. SF 1171a is printed on yellow paper in the same size as the original without the tear-off slip.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

3. Section 51.49 is revised to read:

§ 51.49 Processing of "Redemption of Unused Tickets" form by Government agencies.

SF 1170 shall be processed by the agencies of the Government as follows:

(a) All copies shall be properly and completely executed as to the required detail; if unused tickets or portions thereof are not involved, the essential facts on which the refund claim is based should be included on SF 1170;

(b) The original and the duplicate copy shall be forwarded to the carrier together with any involved unused tickets or portions thereof;

(c) The triplicate and quadruplicate copies may be retained by the administrative office for accounting control purposes.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

4. Section 51.50 is revised to read:

§ 51.50 Processing of "Redemption of Unused Tickets" form by carriers.

The carrier shall insert on the original of the SF 1170, in the designated spaces, the amount being credited on each ticket as well as the total amount being refunded and return such original with the covering remittance. If no refund is due, the carrier should furnish an explanation on the returned original. If the amount refunded is not consistent with the information shown on the SF 1170, the carrier should furnish an explanation of the refund computation either on the returned original or on an accompanying memorandum.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

5. Section 51.51 is revised to read:

§ 51.51 Processing of refunds by Government agencies.

(a) Upon receipt in the administrative agency of the refund and the returned original SF 1170, agency records shall be annotated in conformity with its fiscal procedures and the original SF 1170, together with any advice received from the carrier as to the basis of the refund, shall be dispatched promptly to the Transportation Division, U.S. General Accounting Office, Washington 25, D.C.

(b) Voluntary refunds made by carriers to administrative agencies for a difference in class of service furnished to travelers or for a transportation service not furnished should be reported to the Transportation Division of the U.S. General Accounting Office. This report should be made by the agency on an original SF 1170 and should show essential information in the designated spaces, including the amount of the refund.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

6. Section 51.65 is revised to read:

§ 51.65 Execution of carrier billing forms.

(a) SF 1171 shall show the complete serial number of each billed transportation request and opposite thereto the applicable charges; those for transportation in the column headed "Transportation" and those for accommodations, such as Pullman, air berth, or stateroom, in the column headed "Accommodations." Entries in these respective columns should correspond with the totals shown under "Auditor's Value" in the "For Carriers Use Only" area on each listed SF 1169, with a separate total for each column and a grand total shown in the designated spaces. SF 1171 is designed to permit a machine tabular listing of transportation requests though such is not a requirement. Carriers are requested to make a special effort, when the charges are to be billed to the same office, to include as many transportation requests as may be itemized on one SF 1171. Such practice will reduce the number of billings as well as the number of Government checks issued, and materially facilitate payment and audit processes.

(b) In the preparation of SF 1171, the carrier must properly execute the "Payee's Certificate" and the tear-off slip. A copy of SF 1171a may not be substituted for the tear-off slip.

(c) The carrier will furnish to the department or establishment billed only one memorandum copy, SF 1171a, with each voucher form unless specifically authorized in advance by the General Accounting Office to furnish additional copies.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

7. Section 52.1 is revised to read:

§ 52.1 Scope of part.

This part prescribes standard forms and regulations for the procurement of and billing for freight or express transportation services by rail, highway, water, or air, furnished for the account of the United States, and specifies certain information to be furnished in connection therewith. U.S. Government bill of lading forms should be utilized to procure these services except as otherwise provided herein or as specifically authorized in writing by the Comptroller General of the United States.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

8. A new § 52.7a is added, as follows:

§ 52.7a Exceptions to the use of U.S. Government bill of lading forms.

U.S. Government bill of lading forms are not to be utilized to procure local storage, drayage, and hauling services.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

9. Section 52.24 is revised to read:

§ 52.24 Size and color.

The original Public Voucher for Transportation Charges, SF 1113, should be printed on white paper and be 8½ by 11 inches in size with the addition of an 8½ by 3$^{3}/_{16}$ inch tear-off slip which is to be used by the disbursing office in mailing the check covering payment of the voucher. The memorandum of the voucher, SF 1113a, should be printed on yellow paper in the same size as the original without the tear-off slip.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

10. Section 52.25 is revised to read:

§ 52.25 Use of public voucher for transportation charges.

Public Voucher for Transportation Charges, SF 1113, and memorandum copy, SF 1113a, will be used by carriers as the standard forms on which to bill their charges against all branches of the U.S. Government service for freight or express transportation furnished under the regulations in this part.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

11. Section 52.26 is revised to read:

§ 52.26 Preparation by carriers of Public Voucher for Transportation Charges.

(a) The arrangement of the voucher form requires the listing of the complete serial number and amount of each subvoucher (bill of lading, etc.); it does not provide for descriptive details of the service rendered. Except as provided in § 52.33, carriers are requested to make a special effort, when the charges are to be billed to the same office, to include as many subvouchers as possible on each voucher form, since such practice will materially reduce the number of forms used and the number of Government checks issued, and will expedite the payment and audit of transportation charges.

(b) In the preparation of SF 1113, the carrier must properly execute the "Payee's Certificate" and the tear-off slip. A copy of SF 1113a may not be substituted for the tear-off slip.

(c) The carrier will furnish to the department or establishment billed only one memorandum copy, SF 1113a, with each voucher form unless specifically authorized in advance by the General Accounting Office to furnish extra copies.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

12. Section 54.1 is revised to read:

§ 54.1 Scope of part.

This part contains the general procedures applicable to the presentation, settlement, reconsideration, and review of claims against the United States relating to freight and passenger transportation services.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

13. Section 54.2 is revised to read:

§ 54.2 Definition.

The word "claims" as used in this part means:

(a) Requests by claimants for amounts not included in the original billing,

(b) Requests by claimants for amounts deducted or set off by the Government,

(c) Requests by claimants for amounts previously refunded by carriers, or

(d) Unpaid original bills requiring direct settlement by the General Accounting Office.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 61-12200; Filed, Dec. 22, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 27]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

BARLEY ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respect:

Section 8 of the barley endorsement shown in § 401.17 of this chapter is deleted effective beginning with the 1962 crop year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on December 11, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: December 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12186; Filed, Dec. 22, 1961; 8:47 a.m.]

[Amdt. 26]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

IRRIGATED GRAIN SORGHUM ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respect:

Section 2 of the irrigated grain sorghum endorsement shown in § 401.35 is amended effective beginning with the 1962 crop year to read as follows:

2. *Insured crop.* The crop insured under this endorsement shall be only combine type grain sorghum planted for harvest as grain as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the sorghum is (a) a forage sorghum or thick planted sorghum for silage or fodder purposes, or (b) planted for the development of hybrid seed.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on December 11, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: December 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12187; Filed, Dec. 22, 1961; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Lemon Reg. 931]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1038 Lemon Regulation 931.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 19, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 24, 1961, and ending at 12:01 a.m., P.s.t., December 31, 1961, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 111,600 cartons;

(iii) District 3: 46,500 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 20, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12204; Filed, Dec. 22, 1961; 8:50 a.m.]

[Lemon Reg. 930, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 953.1037 (Lemon Regulation 930, 26 F.R. 12064) are hereby amended to read as follows:

(i) District 1: 32,550 cartons;
(ii) District 2: 125,550 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 20, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12205; Filed, Dec. 22, 1961; 8:50 a.m.]

[1034.304, Amdt. 2]

PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of lettuce in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 1034.304 (26 F.R. 10793, 11236, 12241) delete the introductory paragraph and in lieu thereof substitute a new introductory paragraph as set forth below.

§ 1034.304 Limitation of shipments.

During the period December 4, 1961, through March 31, 1962, no person shall: (1) Package lettuce on any Sunday or on Christmas Day, December 25, 1961; or (2) handle any lot of lettuce grown in the production area unless the lettuce meets the grade requirements of paragraph (a), of this section, one of the sizing and pack requirements of paragraph (b) of this section, and the container requirements of paragraph (c) of this section, or unless the lettuce is handled in accordance with the provisions of paragraphs (d), (e), and (f) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 21, 1961, to become effective December 23, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12250; Filed, Dec. 22, 1961; 8:50 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1066—IRISH POTATOES

Import Regulations

Section 1066.1 (7 CFR Part 1066) issued pursuant to the provisions of section 608e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), is hereby revised to include certain provisions of Part 1060 (7 CFR Part 1060) heretofore incorporated by reference, to delete requirements relative to supplying the name of the importer in paragraph (g), to renumber certain paragraphs to conform to such changes, and to read as follows:

§ 1066.1 Import regulations.

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 38 (Part 938 of this chapter), No. 57 (Part 957 of this chapter), No. 58 (Part 958 of this chapter), No. 59 (Part 959 of this chapter), No. 70 (Part 970 of this chapter), and No. 92 (Part 992 of this chapter);

(ii) During the past several years grade, size, quality and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by two seasonal categories, namely, first, fall or winter potatoes usually marketed during the months of October through the following June, with the great bulk of such marketings being out of storage, and, second, potatoes marketed during July through September, with the great bulk of such marketings being made as the potatoes are harvested;

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of red skinned round type potatoes during the months of October through the following June are in most direct competition with the marketing of the same type potatoes produced in the area covered by Order No. 38 (Part 938 of this chapter);

(ii) Imports of all other round type potatoes during the months of October through the following June are in most direct competition with the marketing of the same type potatoes produced in the area covered by Order No. 70 (Part 970 of this chapter);

(iii) Imports of all round type, including red skinned round type of potatoes, during the months of July through September are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57 (Part 957 of this chapter);

(iv) Imports of long type potatoes during each month of the marketing year are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57 (Part 957 of this chapter).

(b) *Grade, size, quality and maturity requirements.* On and after the effective date hereof importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements.

(1) For the period July 1 through September 30 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 57 (Part 957 of this chapter), applicable to potatoes of the long or round types, including round type red skinned, shall be the respective grade, size, quality and maturity requirements for imported potatoes of the long or round types, including round type red skinned potatoes.

(2) For the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 57 (Part 957 of this chapter), applicable to long type potatoes and the grade, size, quality and maturity requirements of Marketing Order No. 38 (Part 938 of this chapter), applicable to red skinned round type potatoes, and the grade, size, quality, and maturity requirements of Marketing Order No. 70 (Part 970 of this chapter), for all other round varieties shall be the respective grade, size, quality, and maturity requirements for potatoes imported.

(3) The grade, size, quality, and maturity requirements as provided for in this paragraph shall apply to imports of similar types of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, as provided in this paragraph or three days following publication of such regulation or amendment in the FEDERAL REGISTER, whichever is later.

(c) *Minimum quantities.* Any importation which in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed.* Certified seed potatoes shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Research Branch, Canada Department of Agriculture.

(f) *Designation of governmental inspection services.* The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are hereby designated as governmental inspection services for the purpose of certifying the grade, size, quality and maturity of Irish potatoes that are imported, or to be imported, into the United States under the provisions of Section 8e of the act.

(g) *Inspection and official inspection certificates.* An official inspection certificate certifying the potatoes meet the United States import requirements for Irish potatoes under section 8e (7 U.S.C. 608e) issued by a designated governmental inspection service applicable to a particular shipment of potatoes is required on all imports of potatoes other than certified seed.

(1) (i) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title), and each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(ii) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified Irish potatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below, prior to the time the Irish potatoes would be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Building, Harlingen, Tex. (Telephone: Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 305 American Avenue, Nogales, Ariz. (Telephone: Atwater 7-2002).	Do.
All California points.	Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles 21, Calif. (Telephone: Madison 2-8750).	3 days.
Northeast and Atlantic points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Telephone: Rector 2-8000, Ext. 807).	1 day.
Gulf points....	Pascal J. Lamarca, 5027 Federal Office Building, 701 Loyola Avenue, New Orleans 12, La. (Telephone: 529-2411, Ext. 6741).	Do.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Telephone: Dudley 8-5870).	3 days.

(2) In the event the required inspection is performed prior to the arrival of the potatoes at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such potatoes for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(3) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;
(ii) The name of the shipper, or applicant;
(iii) The commodity inspected;
(iv) The quantity of the commodity covered by the Certificate;
(v) The principal identifying marks of the containers;
(vi) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and
(vii) The following statement if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of Irish potatoes for the purpose of making it eligible for importation under the act.

(i) *Definitions.* (1) For the purpose of this part potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and U.S. No. 2 grade, respectively, and the tolerances for size, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive of this title) may be used.

(2) "Importation" means release from custody of the United States Bureau of Customs.

It is hereby found that good cause exists for not giving preliminary notice, engaging in public rule making procedure, and postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) compliance with this amendment will not require any special preparation on the part of importers, (2) importers are now operating under and are familiar with the requirements of § 1066.1, and (3) this amendment does not impose any restrictions not now effective in § 1066.1 or (7 CFR Part 1060).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 20, 1961, to become effective December 29, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12207; Filed, Dec. 22, 1961; 8:50 a.m.]

[Avocado Reg. 9, as Amended, Revision]

PART 1067—AVOCADOS

Importation

Section 1067.9 (7 CFR Part 1067) issued pursuant to the provisions of section 608e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), is revised to include certain provisions of section 1060 (7 CFR Part 1060) heretofore incorporated by reference, to delete certain requirements because the period during which they were effective has passed, and to renumber certain paragraphs to conform to such changes and to read as follows:

§ 1067.9 Avocado Regulation No. 9, as amended.

(a) On and after the effective time of this section, the importation into the

United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period beginning at 12:01 a.m., e.s.t., December 27, 1961, and ending at 12:01 a.m., e.s.t., April 30, 1962, shall grade not less than U.S. No. 2.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Building, Harlingen, Tex. (Telephone: Garfield 3-5644), or Norman E. Taylor, Room 204, U.S. Court House, El Paso, Tex. (Telephone: Keystone 3-9351, Ext. 340).	1 day.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Telephone: Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bertelson, Room 202, Trust Building, Nogales, Ariz. (Telephone: Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 Northwest 21 Terrace, Room 5, Miami, Fla. (Telephone: Newton 5-7967), or Hubert S. Flynt, 775 Warner Street, Orlando, Fla. (Telephone: Garden 2-2447).	Do. Do.
All California points.	Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles 21, Calif. (Telephone: Madison 2-8750).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Telephone: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Nothwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section comply with the grade, size, quality, and maturity requirements applicable, prior to the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, if used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title). Importation means release from custody of the United States Bureau of Customs.

It is hereby found that good cause exists for not giving preliminary notice, and engaging in rule making procedure, or postponing the effective date of this revision until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) compliance with this revision will not require any special preparation on the part of importers, (2) importers are now operating under and are familiar with the requirements of § 1067.9, and (3) this revision does not impose any restrictions not now effective in § 1067.9 or § 1060 (7 CFR Part 1060).

Dated, December 20, 1961, to become effective December 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12206; Filed, Dec. 22, 1961; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES; APPREHENSION, CUSTODY, HEARING, AND APPEAL

Deportation Proceedings Under Section 242(f) of the Act

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on December 1, 1961 (26 F.R. 11363), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out the terms of proposed amendments to §§ 242.6 and 242.22. Representations which were received concerning the proposed rules have been considered and the proposed rules have been amended in the following respects:

Section 242.23, aside from being renumbered, has been amended to point up that the procedures contained in § 242.17, which were published in the FEDERAL REGISTER on December 19, 1961 (26 F.R. 12110), effective January 22, 1962, shall not be available to a respondent who is prima facie deportable under the provisions of section 242(f) of the Act; and § 242.23 has also been amended to permit the special inquiry officer to direct such a respondent's deportation to the country to which the respondent was returned under the previous order of deportation or, if that is impracticable, to any country that is willing to accept him into its territory.

§ 242.6 [Revocation]

1. Section 242.6 *Aliens deportable under section 242(f) of the Act* is revoked.

2. Section 242.23 is amended to read as follows:

§ 242.23 Proceedings under section 242 (f) of the Act.

(a) *Order to show cause.* In the case of an alien within the provisions of section 242(f) of the Act, the order to show cause shall charge him with deportability under section 242(f) of the Act. The prior order of deportation and evidence of the execution thereof, properly identified, shall constitute prima facie cause for deportability under this section.

(b) *Applicable procedure.* Except as otherwise provided in this section, proceedings under section 242(f) of the Act shall be conducted in general accordance with the rules prescribed in this part.

(c) *Deportability.* In determining the deportability of an alien alleged to be within the purview of paragraph (a) of this section, the issues shall be limited solely to a determination of the identity of the respondent, i.e., whether the respondent is in fact an alien who was previously deported, or who departed while an order of deportation was outstanding; whether the respondent was previously deported as a member of any of the classes described in paragraphs (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241(a) of the Act; and whether respondent has unlawfully reentered the United States. The procedures contained in § 242.17 shall not be available to a respondent who is prima facie deportable under the provisions of section 242(f) of the Act.

(d) *Order.* If deportability as charged in the order to show cause is established, the special inquiry officer shall order that the respondent be deported under the previous order of deportation in accordance with section 242 (f) of the Act. The special inquiry officer shall direct respondent's deportation to the country to which respondent was returned under the previous order of deportation or, if that is impracticable, to any country that is willing to accept him into its territory.

(e) *Examining officer; additional charges.* When an examining officer is assigned to a proceeding under this section and additional charges are lodged against the respondent, the provisions of paragraphs (c) and (d) of this section shall cease to apply.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to provide that the procedures contained in § 242.17, which become effective January 22, 1962, shall not be available to a respondent who is prima facie deportable under the provisions of section 242(f) of the Act and to facilitate such a respondent's deportation.

This order shall become effective on January 22, 1962.

Dated: December 22, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-12213; Filed, Dec. 22, 1961; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 531; Amdt. 60-26]

PART 60—AIR TRAFFIC RULES

Operation at Airports

Civil Air Regulations Amendment 60–24, as published on September 27, 1961 (26 F.R. 9069), amends Part 60, § 60.18 *Operation on and in the vicinity of an airport.* As revised, § 60.18(c)(3) establishes certain communications requirements for aircraft operating to or from an airport not served by a control tower, but at which an operative Federal Aviation Agency Flight Service Station (FSS) is located, and so depicted on the current appropriate Sectional Aeronautical Chart of the U.S. Coast and Geodetic Survey.

At the present time, Sectional Aeronautical Charts are not published for the State of Alaska, the Virgin Islands and certain Pacific Ocean islands. Therefore, until such Sectional Charts are published, it will be necessary to depict Flight Service Stations in these areas on appropriate World Aeronautical Charts. Such depictions will be accomplished no earlier than May 1962.

The notice of proposed rule making on this subject, Draft Release 60–17, published October 7, 1960 (25 F.R. 9868), had proposed application of this requirement to each airport not served by a control tower but having an FSS, without regard to the FSS being appropriately charted.

Since this amendment is within the scope of the original notice, further compliance with the notice and public procedures requirements of the Administrative Procedure Act is unnecessary. The amendment will be made effective at least thirty days after publication.

In consideration of the foregoing, Part 60, § 60.18(c)(3) is hereby amended to read as follows:

(3) *Communications.* Aircraft being operated to or from an airport not served by a control tower, but at which an operative Federal Aviation Agency Flight Service Station is located and so depicted on the current appropriate Sectional Aeronautical Chart of the U.S. Coast and Geodetic Survey, or World Aeronautical Chart in the case of an area for which a Sectional Chart is not published, shall be operated in accordance with the following:

(i) Pilots of aircraft having radio equipment permitting two-way radio communications with the Flight Service Station shall maintain such communications when within 5 statute miles of the uncontrolled airport for purposes of receiving airport advisory information: *Provided,* That for instrument flight rules operations, air traffic control may require otherwise.

(ii) Pilots of aircraft having radio equipment permitting reception only from the Flight Service Station shall maintain a listening watch on the appropriate frequency when within 5 statute miles of the uncontrolled airport for purposes of receiving airport advisory information.

This amendment shall become effective January 23, 1962.

(Sec. 307, Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-12193; Filed, Dec. 22, 1961; 8:48 a.m.]

[Reg. Docket No. 531; Amdt. 60-27]

PART 60—AIR TRAFFIC RULES

Special Airport Traffic Area Rules and Traffic Patterns; Revocation

Civil Air Regulations Amendment 60–24 (26 F.R. 9069), issued in Washington, D.C., on September 22, 1961, to be effective December 26, 1961, amends § 60.18 of Part 60 of the Civil Air Regulations by revising the general air traffic rules applicable to all aircraft operations conducted on and in the vicinity of an airport.

The principal objectives of Amendment 60–24 are to standardize flight procedures at controlled airports and, to the extent practicable, to provide for the uniform application of traffic pattern rules which would enhance the safety of airport flight operations and abate aircraft noise as it affects adjacent communities. To satisfy these objectives, this amendment establishes, among other things, an airport traffic area, aircraft speed restrictions, communications requirements, airport traffic area altitudes, traffic pattern direction, final approach and departure criteria, and provision for the establishment of detailed operating procedures for departures which will be developed by the Federal Aviation Agency on a local basis. Since the provisions currently contained in § 60.18–4, La Guardia and Newark Airports, and § 60.18–8, Teterboro Airport, can either be sustained or readily modified to achieve greater over-all effectiveness under the provision of Amendment 60–24, no further requirement exists for the retention of these special rules.

Inasmuch as this action imposes no additional burden on any person, compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, §§ 60.18–4 and 60.18–8 of Part 60 of the Civil Air Regulations are hereby rescinded.

This revocation shall become effective on December 26, 1961.

(Sec. 307, Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 20, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-12194; Filed, Dec. 22, 1961; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-AN-7]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airway and Control Area Extension; Designation and Alteration of Restricted Areas

On October 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9785), stating that the Federal Aviation Agency proposed to alter the Big Delta Restricted Area R–2202, designate the Fort Greely Restricted Area R–2208, alter Blue Federal airway No. 25 and alter

the Fairbanks control area extension (§ 601.1275).

On December 2, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11435), stating that the Federal Aviation Agency proposed to further alter the Fairbanks control area extension and designate a controlling agency for the Yukon, Alaska, Restricted Area R–2205.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the notices, a determination was made to extend the time of designation of the Clear, Alaska, Restricted Area R–2206, beyond the termination date of December 31, 1961. Therefore, the description of the Fairbanks control area extension herein will reflect this change by excluding that portion within R–2206.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 608.22 [Amendment]

1. In § 608.22 *Alaska* (26 F.R. 7189) the following changes are made:

A. R–2202 Big Delta, Alaska, is amended to read:

R–2202 Big Delta, Alaska:

Boundaries. Beginning at latitude 64°14'-45" N., longitude 146°43'15" W.; to latitude 64°02'30" N., longitude 146°07'10" W.; to latitude 63°59'27" N., longitude 146°10'51" W.; to latitude 63°55'50" N., longitude 145°56'25" W.; to latitude 63°43'00" N., longitude 145°54'52" W.; to latitude 63°42'40" N., longitude 146°00'27" W.; to latitude 63°-42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'-30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning.

Designated altitudes. Surface to 60,000 feet MSL.

Time of designation. October 1 through March 31.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using agency. President, U.S. Army Arctic Test Board, Fort Greely, Alaska.

B. R–2205 Yukon, Alaska, is amended to read:

R–2205 Yukon, Alaska:

Boundaries. Beginning at latitude 64°45'-30" N., longitude 146°47'20" W.; counterclockwise along the arc of a 25-mile radius circle centered at latitude 64°50'13" N., longitude 147°36'46" W.; to latitude 64°46'-12" N., longitude 146°46'40" W.; to latitude 64°46'10" N., longitude 146°11'15" W.; to latitude 64°35'18" N., longitude 146°11'15" W.; to latitude 64°33'24" N., longitude 146°-18'30" W.; to latitude 64°33'25" N., longitude 146°25'00" W.; to the point of beginning.

Designated altitudes. Surface to 80,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using agency. Commanding General, United States Army Alaska, Fort Richardson, Alaska.

C. R–2208 Fort Greely, Alaska, is added to read:

R–2208 Fort Greely, Alaska:

Boundaries. Beginning at latitude 64°02'-30" N., longitude 146°07'10" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°-50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°43'00" N., longitude 145°54'52" W.; to latitude 63°55'-50" N., longitude 145°56'25" W.; to latitude 63°59'27" N., longitude 146°10'51" W.; to the point of beginning.

Designated altitudes. Surface to 23,000 feet MSL.

Time of designation. October 1 through March 31.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using agency. President, U.S. Army Arctic Test Board, Fort Greely, Alaska.

2. Section 600.625 (14 CFR 600.625) is amended to read:

§ 600.625 Blue Federal airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).

From the INT of the SW course of the Hinchinbrook, Alaska, RR and a direct line between the Whittier, Alaska, FM and the Middleton Island, Alaska, RBN via the Hinchinbrook RR; INT of the NE course of the Hinchinbrook RR and the S course of the Gulkana, Alaska, RR; Gulkana RR; to the Big Delta, Alaska, RR, excluding the airspace within R–2208.

3. Section 601.1275 (14 CFR 601.1275) is amended to read:

§ 601.1275 Control area extension (Fairbanks, Alaska).

Within a 55-mile radius of the Fort Wainwright AAB, Alaska (latitude 64°50'15" N., longitude 147°36'45" W.), extending clockwise from the S edge of Green Federal airway No. 7, W of Fairbanks, to the SW edge of Amber Federal airway No. 2, SE of Fairbanks; within a 70-mile radius of Fort Wainwright AAB extending clockwise from the SW edge of Amber Federal airway No. 2, SE of Fairbanks, to the S edge of Green Federal airway No. 7, W of Fairbanks; within 20 miles SW and 35 miles NE of lines bearing 299° and 119° from the Big Delta, Alaska, RR, extending from 27 miles NW to 55 miles SE of the RR; within 20 miles N and 26 miles S of the Nenana, Alaska, VORTAC 285° radial extending from the VORTAC to 46 miles W, excluding the airspace within R–2206. The portion of this control area extension within R–2202, R–2205, R–2207 and R–2208 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–12166; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–206]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11454), stating that the Federal Aviation Agency proposed to alter the Billings, Mont., control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendements effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1432 (14 CFR 601.1432) is amended to read:

§ 601.1432 Control area extension (Billings, Mont.).

Within a 25-mile radius of the Billings, Mont., VORTAC extending clockwise from VOR Federal airway No. 2 W of Billings to VOR Federal airway No. 19 SE of Billings; within 12 miles W and 8 miles E of the Billings VORTAC 347° radial extending from the 25-mile radius area to 46 miles N of the VORTAC; and within 12 miles SW and 8 miles NE of the Billings VORTAC 301° radial extending from VOR Federal airway No. 2 and the 25-mile radius area to 53 miles NW of the VORTAC; including the area bounded on the N by VOR Federal airway No. 2, on the E by VOR Federal airway No. 187, and on the SW by a line extending from the S edge of VOR Federal airway No. 2 through latitude 45°43'00" N., longitude 108°48'00" W., and latitude 45°42'30" N., longitude 108°44'00" W., to the W edge of VOR Federal airway No. 187.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–12159; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–160]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Transition Area; Designation of Transition Areas

On December 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11365), stating that the Federal Aviation Agency proposed to alter control area extensions, transition area and designate transition areas in the Memphis, Tenn., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60–21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60–21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60–21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1035 (14 CFR 601.1035, 26 F.R. 8416) is amended to read:

§ 601.1035 Control area extension (Little Rock, Ark.).

Within a 50-mile radius of the Little Rock, Ark., RR; including the airspace SW of Little Rock extending from the 50-mile radius area bounded on the NW by VOR Federal airway No. 54 and on the SE by VOR Federal airway No. 16; the airspace S of Pine Bluff, Ark., within 10 miles E and 7 miles W of the 177° bearing from the Pine Bluff RBN extending from the 50-mile radius area to 20 miles S of the RBN; the airspace W of Hot Springs, Ark., within 7 miles NW and 10 miles SE of the Hot Springs VOR 076° and 256° radials extending from the 50-mile radius area to 20 miles SW of the VOR; and the airspace N of Little Rock within 11 miles W and 7 miles E of the Little Rock AFB TACAN 341° radial extending from the 50-mile radius area to 44 miles NW of the TACAN. The portion of this control area extension which coincides with R–2403 shall be used only after obtaining prior approval from the appropriate authority.

2. Section 601.1086 (14 CFR 601.1086) is amended to read:

§ 601.1086 Control area extension (Memphis, Tenn.).

Within a 50-mile radius of the Memphis, Tenn., RR in the SE, SW, and NW quadrants of the RR and within an arc of a 45-mile radius circle centered on the Memphis NAS RR bounded on the W and NW by VOR Federal airway No. 11 and on the SE by VOR Federal airway No. 16; including the airspace N of Memphis bounded on the N by VOR Federal airway No. 140, on the SE by VOR Federal airway No. 11, and on the W by the Blytheville, Ark., VOR 186° and 006° radials; the airspace NE of Memphis bounded on the NW by VOR Federal airway No. 11 E alternate, on the E by longitude 88°45'00" W., and on the S by VOR Federal airway No. 16; the airspace SE of Memphis extending from the 50-mile radius area bounded on the E by longitude 89°22'00" W., on the S by latitude 34°08'00" N., and on the W by VOR Federal airway No. 9 E alternate; the airspace SW of Memphis extending from the 50-mile radius area bounded on the SE by VOR Federal airway No. 16, on the W by VOR Federal airway No. 69, and on the N by VOR Federal airway No. 54; and the airspace NW of Memphis bounded on the E by VOR Federal airway No. 9, on the S by VOR Federal airway No. 54 N alternate, on the W by VOR Federal airway No. 69, and on the N by VOR Federal airway No. 140.

3. Section 601.1297 (14 CFR 601.1297, 26 F.R. 6847) is amended to read:

§ 601.1297 Control area extension (Paducah, Ky.).

Within 10 miles SE and 7 miles NW of the 040° and 220° bearings from the Barkley Field (latitude 37°03'40" N., longitude 88°46'20" W.), Paducah, Ky.; extending from 9 miles NE to 20 miles SW of the airport.

4. Section 601.1318 (14 CFR 601.1318) is amended to read:

§ 601.1318 Control area extension (Muscle Shoals, Ala.).

Within 8 miles E and 12 miles W of the Muscle Shoals, Ala., VOR 002° radial extending from 7 miles N to 39 miles N of the VOR, and within 5 miles either side of the Muscle Shoals VOR 112° and 292° radials extending from the VOR to 20 miles SE and NW.

5. Section 601.1365 (14 CFR 601.1365) is amended to read:

§ 601.1365 Control area extension (Walnut Ridge, Ark.).

Within 10 miles SE and 7 miles NW of the Walnut Ridge, Ark., VOR 064° and 244° radials extending from 9 miles NE to 20 miles SW of the VOR.

6. Section 601.10405 (14 CFR 601.-10405, 26 F.R. 5287) is amended to read:

§ 601.10405 Malden, Mo., transition area.

That airspace extending upward from 700 feet above the surface within 5 miles either side of the Malden, Mo., VOR 300° radial extending from the VOR to 11 miles NW; within 8 miles NE and 5 miles SW of the Malden VOR 120° radial extending from the VOR to 17 miles SE; and within 10 miles W and 7 miles E of the Malden VOR 167° and 347° radials extending from 9 miles S to 20 miles N of the VOR.

7. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10853 Cape Girardeau, Mo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the 035° and 215° bearings from the Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.),

extending from 9 miles NE to 20 miles SW of the airport.

§ 601.10854 Graham, Tenn., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Graham, Tenn., VOR 253° and 073° radials extending from 9 miles NE to 20 miles SW of the VOR.

§ 601.10855 Camden, Ark., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the 352° and 172° bearings from Harrell Field, Ark., (latitude 33°37'05'' N., longitude 92°46'00'' W.), extending from 9 miles S to 20 miles N of the airport.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12160; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-162]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions, Revocation of Control Area Extension, and Designation of Transition Area

On December 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11364), stating that the Federal Aviation Agency proposed to alter control area extensions, revoke a control area extension and designate a transition area in the Jacksonville, Fla., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60-21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60-21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60-21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Editorial changes are included in the actions taken herein for the purpose of simplifying the description of controlled airspace without altering the dimensions proposed in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1016 (14 CFR 601.1016) is amended to read:

§ 601.1016 Control area extension (Augusta, Ga.).

That airspace bounded by a line beginning at the INT of the S boundary of VOR Federal airway No. 454 and a line 8 miles E of and parallel to the Augusta, Ga., VOR 359° radial; thence S along this line to its INT with a line 13 miles E of and parallel to the Augusta VOR 348° radial; thence SE along this line to the N boundary of VOR Federal airway No. 70; thence SW along the N boundary of VOR Federal airway No. 70 to a line passing through points at latitude 32°47'00'' N., longitude 82°10'00'' W. and latitude 33°02'00'' N., longitude 82°30'00'' W.; thence NW along this line to longitude 82°30'00'' W., thence N along longitude 82°30'00'' W. to the N boundary of VOR Federal airway No. 18; thence W along the N boundary of VOR Federal airway No. 18 to longitude 82°54'00'' W.; thence N along longitude 82°54'00'' W. to latitude 33°48'00'' N.; thence E along latitude 33°48'00'' N. to longitude 82°24'00'' W.; thence N along longitude 82°24'00'' W. to the S boundary of VOR Federal airway No. 454 to point of beginning, excluding the portions which coincide with R-3004 and Prohibited Area P-378. The portion of this control area extension which coincides with R-3003 is excluded during the time of designation of the restricted area.

2. Section 601.1369 (14 CFR 601.1369) is amended to read:

§ 601.1369 Control area extension (Myrtle Beach, S.C.).

That airspace within a 25-mile radius of the Myrtle Beach, S.C., AFB (latitude 33°40'45'' N., longitude 78°55'45'' W.) bounded on the SE by W-177; including the airspace W and N of Myrtle Beach extending from the 25-mile radius area bounded on the N by a line 5 miles N of and parallel to the 096° radial of the Florence, S.C., VOR, on the SE by VOR Federal airway No. 1, and on the W by VOR Federal airway No. 437; and that airspace lying within the United States NE of Myrtle Beach within 5 miles NW and 12 miles SE of the Myrtle Beach VOR 053° radial extending from the 25-mile radius area to 40 miles NE of the VOR.

3. Section 601.1125 (14 CFR 601.1125) is amended to read:

§ 601.1125 Control area extension (Tallahassee, Fla.).

That airspace bounded on the N by VOR Federal airway No. 22 N alternate, on the E by VOR Federal airway No. 159 W alternate, and on the S and SW by VOR Federal airway No. 7 W alternate, and the airspace N of Tallahassee, Fla., within 12 miles W and 8 miles E of the Tallahassee VORTAC 354° radial extending from the S boundary of VOR Federal airway No. 22 N alternate to 40 miles N of the VORTAC.

4. Section 601.1011 (14 CFR 601.1011) is amended to read:

§ 601.1011 Control area extension (Daytona Beach, Fla.).

That airspace within 10 miles W and 7 miles E of the Daytona Beach, Fla., VOR 357° and 177° radials extending from 9 miles S to 20 miles N of the VOR and within 5 miles either side of the Daytona Beach VOR 244° radial extending from the VOR to 20 miles SW excluding the portion outside the United States.

5. Section 601.1156 (14 CFR 601.1156) is amended to read:

§ 601.1156 Control area extension (Albany, Ga.).

That airspace within 5 miles either side of the W course of the Albany, Ga., RR extending from the RR to 25 miles W; within 5 miles either side of the 335° radial of the Albany VOR extending from the VOR to 20 miles NW; and within 12 miles SW and 8 miles NE of the Albany VOR 294° radial extending from the VOR to 40 miles NW.

6. Part 601 (14 CFR Part 601, 26 F.R. 1908) is amended by adding the following section:

§ 601.10944 Columbia, S.C., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Columbia, S.C., VOR 329° radial extending from 9 miles NW to 41 miles NW of the VOR.

7. Part 601 (14 CFR Part 601) is amended by revoking the following section:

§ 601.1009 (14 CFR 601.1009) Control area extension (Augusta, Ga.). [Revoked]

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Tir Traffic Services.

[F.R. Doc. 61-12161; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-165]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11367), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Albuquerque, N. Mex., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concured with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60-21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60-21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the Notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon that Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60-21 area studies specifically for the holding of en route air traffic where there are no requirements tc designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent cuplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1115 (14 CFR 601.1115) is amended to read:

§ 601.1115 Control area extension (Dodge City, Kans.).

Within 10 miles SW and 7 miles NE of the Dodge City, Kans., VOR 161° and 341° radials extending from 20 miles NW to 9 miles SE of the VOR, and the airspace within 5 miles either side of the Dodge City VOR 161° and 341° radials extending from 20 miles to 25 miles NW of the VOR and from 9 miles to 25 miles SE of the VOR.

2. Section 601.1202 (14 CFR 601.1202) is amended to read:

§ 601.1202 Control area extension (Tucumcari, N. Mex.).

Within 5 miles either side of the Tucumcari, N. Mex., RR N and S courses extending from 25 miles N to 25 miles S of the RR, and within 11 miles N and 8 miles S of the Tucumcari VOR 267° and 087° radials extending from 7 miles E to 24 miles W of the VOR.

3. Section 601.1362 (14 CFR 601.1362) is amended to read:

§ 601.1362 Control area extension (Dalhart, Texas).

The airspace within 10 miles SW and 7 miles NE of the Dalhart, Tex., VORTAC 324° radial extending from the VORTAC to 20 miles NW of the VORTAC; within 10 miles W and 7 miles E of the Dalhart VORTAC 002° radial extending from the VORTAC to 20 miles N of the VORTAC; and within 10 miles NE and 7 miles SW of the 132° and 312° bearings from the Dalhart RBN extending from 20 miles SE to 9 miles NW of the RBN.

4. Section 601.1444 (14 CFR 601.1444) is amended to read:

§ 601.1444 Control area extension (Truth or Consequences, N. Mex.).

Within 10 miles E and 7 miles W of the Truth or Consequences, N. Mex., VOR 013° and 193° radials extending from 20 miles N to 9 miles S of the VOR; within 10 miles NE and 7 miles SW of the Truth or Consequences VOR 143° radial extending from the VOR to 23 miles SE of the VOR.

5. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10827 Alamosa, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Alamosa, Colo., VOR 336° and 156° radials extending from 20 miles NW to 9 miles SE of the VOR.

§ 601.10828 Cortez, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the 306° and 126° bearings from the Montezuma County Airport, Cortez, Colo. (latitude 37°18'15'' N., longitude 108°37'35'' W.), extending from 20 miles NW and to 9 miles SE of the airport.

§ 601.10829 Durango, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the 298° and 118° bearings from the La Plata Airport, Durango, Colo. (latitude 37°09'15'' N., longitude 107°45'00'' W.), extending from 20 miles SE to 9 miles NW of the airport.

§ 601.10034 Farmington, N. Mex., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Farmington, N. Mex., VORTAC 094° and 274° radials extending from 20 miles E to 9 miles W of the VORTAC.

§ 601.10830 Gallup, N. Mex., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the 253° and 073° bearings from McKinley County Airport, Gallup, N. Mex. (latitude 35°30'35'' N., longitude 108°47'00'' W.), extending from 20 miles W to 9 miles E of the airport.

§ 601.10831 Guyman, Okla., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the 360° and 180° bearings from the Guyman Airport, Guyman, Okla. (latitude 36°40'50'' N., longitude 101°30'15'' W.), extending from 20 miles N to 9 miles S of the airport.

§ 601.10832 Lamar, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lamar, Colo., VOR 099° and 279° radials extending from 20 miles E to 9 miles W of the VOR.

§ 601.10035 Las Vegas, N. Mex., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles SE and 8 miles NW of the Las Vegas, N. Mex., VORTAC 035° and 215° radials extending from 20 miles NE to 14 miles SW of the VORTAC.

§ 601.10833 Liberal, Kans., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Liberal, Kans., VOR 022° and 202° radials extending from 20 miles N to 9 miles S of the VOR.

§ 601.10834 Socorro, N. Mex., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Socorro, N. Mex., VORTAC 189° and 009° radials extending from 20 miles S to 9 miles N of the VORTAC, excluding the portion that coincides with R–5107.

§ 601.10835 Texico, Texas, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Texico, Texas, VOR 093° and 273° radials extending from 20 miles E to 9 miles W of the VOR.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12162; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–194]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Area

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11438), stating that the Federal Aviation Agency proposed to alter control area extensions and designate a transition area in the Indianapolis, Ind., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal, with the exception of the designation of the floor of the Daley, Ky., transition area at 1,200 feet above the surface. The ATA cited the problem involved in charting the variance of floors of controlled airspace, and recommended that the floor of the proposed transition area be established at 700 feet above the surface in order to provide continuity and to aid in the charting problem. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronuatical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In this instance, the Daley transition area is being established specifically for the holding of the en route air traffic where there is no requirement to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the Daley transition area as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10926 Daley, Ky., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the London, Ky., VORTAC 083° radial extending from 31 miles E to 63 miles E of the VORTAC.

2. Section 601.1022 (14 CFR 601.1022) is amended to read:

§ 601.1022 Control area extension (Bluefield, W. Va.).

Within the area bounded on the N by VOR Federal airway No. 478, on the E by VOR Federal airway No. 59, on the S by a line 9 miles S of and parallel to the Bluefield, W. Va., VOR 264° and 084° radials, and on the W by the Blackford, Va., VOR 344° radial, including the area NE of the Beckley, W. Va., VOR within a 13-mile radius of the VOR bounded on the W by VOR Federal airway No. 59 and on the SW by VOR Federal airway No. 258.

3. Section 601.1067 (14 CFR 601.1067, 26 F.R. 2220) is amended to read:

§ 601.1067 Control area extension (Lexington, Ky.).

Within a 40-mile radius of the Lexington, Ky., VORTAC; excluding the portion N of a line 12 miles N of and parallel to the Lexington VORTAC 060° radial and E of VOR Federal airway No. 97E alternate; the area E of Lexington extending from the 40-mile radius area bounded on the N by VOR Federal airway No. 4, on the SE by VOR Federal airway No. 119, and on the S by a line 8 miles S of and parallel to the Lexington VORTAC 081° radial; the area SE of Lexington within 12 miles NE and 8 miles SW of the Lexington VORTAC 129° radial extending from the 40-mile radius area to 52 miles SE of the VORTAC; and the area NE of Lexington extending from the 40-mile radius area bounded on the NW by a line 12 miles N of and parallel to the Lexington VORTAC 060° radial, on the NE by VOR Federal airway No. 478, and on the S by VOR Federal airway No. 493.

4. Section 601.1080 (14 CFR 601.1080) is amended to read:

§ 601.1080 Control area extension (Louisville, Ky.).

Within a 35-mile radius of Standiford Field, Louisville, Ky. (latitude 38°10'33'' N., longitude 85°44'12'' W.); the area extending from the 35-mile radius area bounded on the N by latitude 38°49'00'' N., on the E by longitude 85°19'00'' W., on the S by latitude 38°22'00'' N., on the W by longitude 86°42'00'' W., and on the NW by a line extending from latitude 38°38'00'' N., longitude 86°42'00'' W., to latitude 38°49'00'' N., longitude 86°00'00'' W.; the area extending from the 35-mile radius area bounded on the N by VOR Federal airway No. 44, on the E by VOR Federal airway No. 97W alternate, on the SE by VOR Federal airway No. 502, and on the NW by VOR Federal airway No. 5; the area extending from the 35-mile radius area bounded on the E by the arc of a 40-mile radius circle centered on the Lexington, Ky., VORTAC, and on the SE by VOR Federal airway No. 178; and the area extending from the 35-mile radius area bounded on the E by a line 10 miles E of and parallel to the New Hope, Ky., VOR 163° and 343° radials, on the S by a line 20 miles S of and parallel to the New Hope VOR 070° radial, and on the W by VOR Federal airway No. 51.

§ 601.1089 [Amendment]

5. In the text of § 601.1089 (14 CFR 601.1089) "boundary.", is deleted and "boundary, and the area southwest of Cincinnati extending from the 35-mile radius area bounded on the S by VOR Federal airway No. 44, and on the NW by VOR Federal airway No. 47." is substituted therefor.

6. Section 601.1229 (14 CFR 601.1229) is amended to read:

§ 601.1229 Control area extension (Atterbury, Ind.).

Within the area bounded on the NE by VOR Federal airway No. 128, on the E by the arc of a 35-mile radius circle centered on the Greater Cincinnati Airport, Covington, Ky. (latitude 39°02'56'' N., longitude 84°39'41'' W.), on the S by a line extending from latitude 39°01'00'' N., longitude 85°18'45'' W. to latitude 39°08'00'' N., longitude 86°21'00'' W., on the W by VOR Federal airway No. 227, and on the NW by VOR Federal airway No. 12S alternate. The portion within R–3401 shall be used only after obtaining prior approval from appropriate authority.

7. Section 601.1244 (14 CFR 601.1244) is amended to read:

§ 601.1244 Control area extension (Terre Haute, Ind.).

Within a 15-mile radius of the Terre Haute, Ind., VOR; within 7 miles N and 11 miles S of the Terre Haute VOR 256° radial extending from the 15-mile radius area to 34 miles W of the VOR; and within 8 miles E and 12 miles W of the Lewis, Ind., VOR 347° radial extending from the 15-mile radius area and a line 7 miles N of and parallel to the Terre Haute VOR 256° radial to the arc of a 25-mile radius circle centered on the Chanute AFB, Rantoul, Ill. (latitude 40°17'40'' N., longitude 88°08'20'' W.), and the arc of a 15-mile radius circle centered on the Danville, Ill., VOR.

8. Section 601.1246 (14 CFR 601.1246) is amended to read:

§ 601.1246 Control area extension (Evansville, Ind.).

Within a 15-mile radius of the Evansville, Ind., VORTAC; within 5 miles either side of the 038° and 218° bearings from the Evansville ILS OM extending from the 15-mile radius area to 25 miles NE of the OM; within 8 miles NE and 12 miles SW of the Evansville VORTAC 309° radial extending from the 15-mile radius area to 45 miles NW of the VORTAC; within 12 miles SE and 8 miles NW of the Evansville VORTAC 227° radial extending from the 15-mile radius area to 30 miles SW of the VORTAC; the area N of Evansville bounded on the N by latitude 38°42'00'' N., on the E by VOR Federal airway No. 11, and on the W by VOR Federal airway No. 7; and the area NE of Evansville bounded on the N by VOR Federal airway No. 44, on the E by VOR Federal airway No. 243, on the S by VOR Federal airway No. 4N alternate, and on the W by VOR Federal airway No. 11 E alternate. The portion within R–3701 is excluded during time of designation of the restricted area.

9. Section 601.1353 (14 CFR 601.1353, 26 F.R. 2526) is amended to read:

§ 601.1353 Control area extension (Charleston, W. Va.).

Within a 35-mile radius of Kanawha County Airport, Charleston, W. Va. (latitude 38°22'21'' N., longitude 81°35'35'' W.); the area N and NW of the Kanawha County Airport bounded on the E by VOR Federal airway No. 133, on the S by VOR Federal airway No. 4 and on the NW by VOR Federal airways No. 493 and No. 44; the area N of Charleston extending from the 35-mile radius area bounded on the NW by VOR Federal airway No. 119, and on the SE by VOR Federal airway No. 115; the area SW of Charleston extending from the 35-mile radius area bounded on the N by VOR Federal airway No. 4 and on the SW by VOR Federal airway No. 478.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12163; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–205]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11441), stating that the Federal Aviation Agency proposed to alter control area extensions, and designate transition areas at selected locations in Alaska.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1032 (14 CFR 601.1032) is amended to read:

§ 601.1032 Control area extension (Kotzebue, Alaska).

Within 10 miles NW and 9 miles SE of the Kotzebue, Alaska, RBN 048° and 228° bearings extending from 10 miles SW to 25 miles NE of the RBN.

2. Section 601.1309 (14 CFR 601.1309) is amended to read:

§ 601.1309 Control area extension (Kodiak, Alaska).

Within 15 miles NW and 23 miles SE of the Kodiak, Alaska, RR 045° and 225° bearings extending from 25 miles NE to 40 miles SW of the RR.

3. Section 601.1333 (14 CFR 601.1333) is amended to read:

§ 601.1333 Control area extension (Nome, Alaska).

Within a 30-mile radius of the Nome, Alaska, RR.

4. Section 601.1397 (14 CFR 601.1397) is amended to read:

§ 601.1397 Control area extension (Cordova, Alaska).

Within 12 miles SW and 22 miles NE of the Hinchinbrook, Alaska, RR 120° and 300° bearings extending from 10 miles NW to 57 miles SE of the RR.

5. Section 601.1402 (14 CFR 601.1402) is amended to read:

§ 601.1402 Control area extension (Middleton Island, Alaska).

Within 8 miles either side of the Middleton Island VOR 037° and 217° radials extending from 29 miles NE to 8 miles SW of the VOR.

6. Section 601.1403 (14 CFR 601.1403) is amended to read:

§ 601.1403 Control area extension (Yakataga, Alaska).

Within 10 miles SE and 7 miles NW of the Yakataga RR 242° bearing extending from the RR to 45 miles SW and within 5 miles either side of the Yakataga RR 152° bearing extending from the RR to the NE boundary of Amber Federal airway No. 1.

7. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10036 Annette Island, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 22 miles SW and 17 miles NE of the Annette Island RR 142° and 322° bearings extending from 40 miles NW of the RR southeastward to a line 3 miles N of and parallel to the United States/Canadian border.

§ 601.10839 Darby, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Unalakleet, Alaska, RR 290° bearing extending from 32 miles to 52 miles W of the RR.

§ 601.10037 Homer, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 5 miles N and 9 miles S of the Homer RR 265° bearing extending from the RR to 50 miles W.

§ 601.10038 Moses Point, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Moses Point RR 088° and 268° bearings extending from 9 miles W to 20 miles E of the RR.

§ 601.10039 King Salmon, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°-38'55" W.) and within 47 miles SW and 15 miles NE of the King Salmon RR 312° bearing extending from the RR to 85 miles NW.

§ 601.10840 Shuyak, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles W and 8 miles E of the Shuyak RBN 167° and 347° bearings extending from 13 miles N to 14 miles S of the RBN.

§ 601.10040 Unalakleet, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Unalakleet RR 290° and 110° bearings extending from 24 miles W to 9 miles E of the RR.

§ 601.10041 Yakutat, Alaska, transition area.

That airspace extending upward from 1,200 feet above the surface within 20 miles N and 22 miles S of the Yakutat VORTAC 092° and 272° radials extending from 19 miles E to 45 miles W of the VORTAC.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Secs. 307(a), 1110, 72 Stat. 749 and 800, 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-12164; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61-FW-60]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On June 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5529) stating that the Federal Aviation Agency proposed to designate a control zone at Sarasota, Fla.

The Departments of the Army and Air Force interposed no objection to the proposal. The Air Transport Association of America (ATA) recommended that the Sarasota control zone be designated without excluding the Lowe airport because of its proximity to departing aircraft, and that the control zone extension to the northwest be designated to the limit of the instrument approach procedure turn area.

Subsequent to publication of the notice, Lowe Airport was abandoned. This fact renders unnecessary the basis for the exclusion described in the Notice, and the full 5-mile radius zone is therefore being designated herein.

With regard to the ATA's second recommendation, coordination between offices of the FAA has resulted in revisions to the instrument approach procedures at Sarasota-Bradenton Airport to provide for a procedure turn maneuvering altitude of 1,500 feet above the surface. It is the policy of the Agency to provide control zone protection to a point seven nautical miles outbound from the approach fix in those instances where the procedure turn is executed at or above 1,500 feet above the surface within 10 nautical miles of the approach fix, and the final approach fix crossing altitude is less than 1,500 feet above the surface. Accordingly, action is taken herein to designate the control zone extension as described in the notice. However, the notice described the extension as being 7 statute miles long whereas it should have been 8 statute miles long, which is the equivalent of 7 nautical miles. Therefore this error is corrected herein and the extension is being designated to extend to eight (statute) miles northwest of the Sarasota-Bradenton VOR.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2489 Sarasota, Fla., control zone.

Within a 5-mile radius of the Sarasota-Bradenton Airport (latitude 27°23'-47" N., longitude 82°33'15" W.) and within 2 miles either side of the 305° radial of the Sarasota-Bradenton VOR extending from the 5-mile radius zone to 8 miles NW of the VOR. This control zone shall be effective from 0700 to 2300 e.s.t. daily.

This amendment shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-12165; Filed, Dec. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-236]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.22 of the regulations of the Administrator is to extend the time of designation of the Clear, Alaska, Restricted Area R-2206 from "Continuous, January 1, 1961, to December 31, 1961", to "Continuous January 1, 1961, to June 30, 1962"; and to change the using agency from "Commander, Alaskan Air Command, Elmendorf AFB, Alaska" to "Commander, Air Defense Command, Ent Air Force Base, Colorado".

R-2206 encompasses 37 square miles of airspace from the surface to 5,000 feet MSL and was originally designated for a period of one year, so as to allow the Air Force time to determine what, if any, radiation hazard is caused by the Ballistic Missile Early Warning System (BMEWS) at Clear Air Force Station, Alaska.

The Department of the Air Force has conducted tests during the past year which indicate that the levels of radiation at the periphery of R-2206 are in reasonable agreement with the computed values used in establishing the restricted area. However, tests to establish the validity of the criteria recommended by the Air Force for use in determining the dimensions of the restricted area have not been completed. A preliminary flight test of R-2206 was conducted by the Federal Aviation Agency and radiation interference of a minor nature was noted in electronic equipment operating in the ultra-high frequency spectrum. Therefore, in order to provide additional time in which to conduct more comprehensive tests, action is being taken herein to extend the time of designation of R-2206.

The Department of the Air Force has advised that effective January 1, 1962, the using agency of R-2206 will be changed from "Commander, Alaska Air Command, Elmendorf AFB, Alaska" to "Commander, Air Defense Command, Ent AFB, Colorado". Accordingly action is taken herein to reflect this change.

In view of the foregoing, the Administrator finds that a condition exists which requires expeditious action in the interest of safety and that notice and public procedure hereon are impracticable and contrary to the public interest and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority granted to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.22 *Alaska* (26 F.R. 7189), R-2206 Clear, Alaska, is amended to read:

R-2206 Clear, Alaska.

Boundaries. The airspace within a radius of 30,000 feet of latitude 64°17'16" N., longitude 149°10'58" W., extending clockwise from a bearing of 235° to a bearing of 005° and within a radius of 500 feet, extending clockwise from a bearing of 005° to a bearing of 235°.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous, January 1, 1961, to June 30, 1962.

Using agency. Commander, Air Defense Command, Ent AFB, Colorado.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-12191; Filed, Dec. 22, 1961; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7469]

PART 13—PROHIBITED TRADE PRACTICES

Livigen Laboratory Sales Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-52 *Medicinal, therapeutic, healthful, etc.;* § 13.-170-76 *Rejuvenating.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Max Laserow, Malmo, Sweden, with mailing address at Philadelphia, Pa., Docket 7469, Sept. 23, 1961]

In the Matter of Livigen Laboratory Sales Corp., a Corporation, Biotex, Ltd., a Corporation, and David L. Ratke, Individually and as an Officer of Said Corporation, and Max Laserow, Individually and as an Officer of Livigen Laboratory Sales Corp.

Order requiring the inventor of "Livigen" cream to cease representing falsely, in advertisements in newspapers, magazines, etc., that the product "is a super-powerful skin food concentrate that * * * renourishes and replenishes skin tissues and glands".

Proceedings as to all other respondents were terminated Aug. 22, 1961, by a consent order (26 F.R. 8634, Sept. 15, 1961).

The order to cease and desist is as follows:

It is ordered, That respondent Max Laserow, individually and as an officer of Livigen Laboratory Sales Corp., and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Livigen", or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said preparation:

(a) Is a skin food;

(b) Will rejuvenate the skin of the user thereof.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, any advertisement which contains any of the representations prohibited in Paragraph 1 above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Max Laserow, individually and as an officer of Livigen Laboratory Sales Corp., shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 22, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-12173; Filed, Dec. 22, 1961; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

DIRECTOR OF GENERAL SERVICES DIVISION AND DEPUTY

In § 200.71 the introductory text and paragraph (b) are amended to read as follows:

§ 200.71 Director of the General Services Division and Deputy.

To the position of Director of the General Services Division and under his general supervision to the position of Deputy Director of the General Services Division, and with respect to paragraph (b) of this section to the position of Chief of the Procurement and Property Section there is delegated the following basic authority and functions:

* * * * *

(b) To execute all contracts, incur obligations, and authorize expenditures for services and procurement, including broker contracts, contracts for performance on a fee basis of technical or professional consulting services and contracts for materials, equipment and services for the maintenance and operation of acquired properties.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., December 18, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-12190; Filed, Dec. 22, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2565]

[Wyoming 061130]

[Wyoming 066672]

WYOMING

Withdrawing Lands for Use of Forest Service for Recreation Sites

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described lands in the Black Hills National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, for use of the Forest Service, Department of Agriculture, for recreation sites, as indicated:

SIXTH PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Bear Lodge Picnic Ground

T. 54 N., R. 62 W.,
Sec. 20, SW¼SW¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, SE¼NE¼SW¼, and NW¼NW¼SE¼.

North Redwater Campground

T. 53 N., R. 63 W.,
Sec. 14, lot 1.

Togus Springs Campground

T. 53 N., R. 63 W.,
Sec. 33, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼;
Sec. 34, W½NW¼NW¼ and NW¼SW¼NW¼.

The areas described total in the aggregate 209.63 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 19, 1961.

[F.R. Doc. 61-12176; Filed, Dec. 22, 1961; 8:46 a.m.]

[Public Land Order 2566]

[Montana 039301]

MONTANA

Withdrawing Lands for Reclamation Purposes (Clark Canyon Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Clark Canyon Project:

PRINCIPAL MERIDIAN

T. 9 S., R. 10 W.,
Sec. 11, lots 3, 5, and 6;
Sec. 31, lots 6 and 7;
Sec. 32, N½NE¼ and SE¼SE¼;
Sec. 33, SW¼NW¼ and W½SW¼.
T. 10 S., R. 10 W.,
Sec. 5, SW¼NE¼ and N½SE¼;
Sec. 6, SE¼NW¼ and NE¼SW¼;
Sec. 19, NW¼SW¼ and S½SW¼.
T. 10 S., R. 11 W.,
Sec. 11, lot 3.

The areas described aggregate 797.31 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 19, 1961.

[F.R. Doc. 61-12177; Filed, Dec. 22, 1961; 8:46 a.m.]

[Public Land Order 2567]

[Washington 03305]

[Washington 03387]

WASHINGTON

Withdrawing Public Lands for Reclamation Purposes (Columbia Basin Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to existing valid rights, the following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation in connection with the Columbia Basin Project:

WILLAMETTE MERIDIAN

T. 39 N., R. 25 E.,
Sec. 1, lot 1.
T. 40 N., R. 26 E.,
Sec. 7, lot 7.
T. 17 N., R. 28 E.,
Sec. 22, SW¼NW¼NW¼.
T. 37 N., R. 37 E.,
Sec. 1, lots 6 and 7.

The areas described aggregate approximtely 100 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 19, 1961.

[F.R. Doc. 61-12178; Filed, Dec. 22, 1961; 8:46 a.m.]

[Public Land Order 2568]

[Nevada 050936]

[Nevada 054663]

NEVADA

Transferring Land From Department of the Air Force to Atomic Energy Commission

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The public lands within the following described boundaries reserved by Executive Order No. 8578 of October 29, 1940, for use of the War Department as an aerial bombing and gunnery range, now a part of the Nellis Air Force Range, are hereby transferred from the jurisdiction of the Department of the Air Force to the jurisdiction of the Atomic Energy Commission for use in connection with its Nevada Test Site, for test facilities, roads, utilities, and safety distances.

MOUNT DIABLO MERIDIAN

Beginning at the southwest corner of the Atomic Energy Commission Installation known as the Nevada Test Site, latitude 36°40'22.391", longitude 116°13'27.751"; Westerly, 20,346.77 feet to a point on the east boundary of T. 15 S., R. 50 E.; Southerly, 1,002.93 feet, along said boundary to the southeast corner of Sec. 1, T. 15 S., R. 50 E.; Westerly, 6 miles, approximately, along the south boundary of Secs. 1, 2, 3, 4, 5, and 6, to the corner of Secs. 1, 6, 7, and 12, T. 15 S., Rgs. 49 and 50 E.; Westerly, 2½ miles, approximately, along the south boundary of Secs. 1, 2, and 3, to the quarter corner of Secs. 3 and 10, T. 15 S., R. 49 E.; Northerly, along the centerline of Sec. 3 to the independently resurveyed quarter corner of Secs. 3 and 34, Tps. 14 and 15 S., R. 49 E.; Northerly, 6 miles, approximately, to the independently resurveyed quarter corner of Secs. 3 and 34, Tps. 13 and 14 S., R. 49 E.; North, 33¼ miles, approximately; East, 12½ miles, approximately, to the northwest corner of the Nevada Test Site; Southerly, 40 miles, approximately, along the west boundary of the Nevada Test Site to the point of beginning.

The area described contains approximately 318,000 acres of public land.

The Department of the Interior shall retain jurisdiction of the mineral resources and mineral and vegetable materials of the lands.

Upon request of the Secretary of the Interior at the time of the termination of the jurisdiction transferred by this order, the Atomic Energy Commission shall make the lands, or such portions thereof as he may specify, safe for use under the public land laws as near as may be practicable by neutralizing areas contaminated by activity from the explosion of fissionable materials or from other activities whatsoever. In the absence of such decontamination or at the request of the Atomic Energy Commission, the Secretary of the Interior may continue the withdrawal under laws and regulations then existing.

Authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way but excluding permits revocable at will, is reserved to the Secretary of the Interior or his delegate.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 19, 1961.

[F.R. Doc. 61-12179; Filed, Dec. 22, 1961; 8:46 a.m.]

[Public Land Order 2569]

[1969385]

[New Mexico 0141063]

NEW MEXICO

Revoking Public Land Order No. 629 of January 13, 1950, Which Withdrew Lands for Use of Department of Air Force (Guadalupe Gunnery Range)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 629 of January 13, 1950, withdrawing lands in New Mexico for use of the Department of the Air Force as a bombing and gunnery range, which has hereto been revoked in part, is hereby revoked in its entirety. The following-described lands are affected by this order:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 15 E.,
Secs. 25, 26, and 27;
Sec. 34, E½, E½W½, and NW¼NW¼;
Secs. 35 and 36.
T. 24 S., R. 15 E.,
Secs. 1 and 2;
Sec. 3, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 10, E½ and E½W½;
Secs. 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, and 27;
Sec. 28, E½SE¼;
Sec. 33, E½E½;
Secs. 34, 35, and 36.
T. 25 S., R. 15 E.,
Secs. 1, 2, and 3;
Sec. 4, lot 4, SE¼NE¼ and E½SE¼;
Sec. 9, E½E½;
Secs. 10, 11, 12, 13, and 14;
Sec. 15, E½ and NW¼.
T. 23 S., R. 16 E.,
Secs. 25 to 36, incl.
T. 24 S., R. 16 E.,
Secs. 1 to 36, incl.
T. 25 S., R. 16 E.,
Secs. 1 to 18, incl.
T. 23 S., R. 17 E.,
Secs. 25 to 36, incl.
T. 24 S., R. 17 E.,
Secs. 1 to 36, incl.
T. 25 S., R. 17 E.,
Secs. 1 to 12, incl.;
Sec. 13, N½;
Sec. 14, N½, SW¼, W½SE¼, and NE¼SE¼;
Secs. 15, 16, 17, and 18.
T. 23 S., R. 18 E.,
Secs. 25 to 36, incl.
T. 24 S., R. 18 E.,
Secs. 1 to 36, incl.
T. 25 S., R. 18 E.,
Secs. 1 to 12, incl.;
Sec. 15, NW¼;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, N½.
T. 26 S., R. 18 E.,
Sec. 22, W½ and E½SE¼.
T. 23 S., R. 19 E.,
Sec. 26, SW¼NW¼ and SW¼;
Secs. 27 to 35, incl.
T. 24 S., R. 19 E.,
Secs. 1 to 36, incl.
T. 25 S., R. 19 E.,
Secs. 1 to 10, incl.;
Sec. 11, N½ and N½S½;
Sec. 12, N½.
T. 24 S., R. 20 E.,
Sec. 7, lots 1, 2, 3, 4, SE¼NW¼ and E½SW¼;
Sec. 18, lots 1, 2, 3, 4, W½NE¼, E½W½, and SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, and W½SE¼;
Sec. 30, lots 1, 2, 3, 4, and E½NW¼.
T. 25 S., R. 20 E.,
Sec. 6, lots 5, 6, 7, E½SW¼ and W½SE¼;
Sec. 7, lots 1, 2, W½NE¼ and E½NW¼.

The areas described aggregate 182,883.26 acres, of which 154,472.36 acres are federally-owned.

2. The lands are located in southern Otero County, New Mexico. Topography varies from level to rolling to extremely rough. Vegetation ranges from grass type to desert browse. The soils are deep silt loams and clay loams in the valleys to very rocky on the hills and bluffs. The valley known as Crow Flats area runs north and south through the eastern part of the range.

3. The public lands released from withdrawal by this order except as provided in Paragraph 5 hereof, are hereby restored to the operation of the public land laws, subject to any valid existing rights, equitable claims if confirmed and allowed, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m. June 19, 1962, the State of New Mexico shall have a preferred right to apply to select the lands in accordance with subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. Applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on June 19, 1962, will be considered as simultaneously filed as of that date and hour. The lands except as provided in Paragraph 5 hereof, will also be open to mining location at that date and hour.

5. The following-described lands have been used as impact areas:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 16 E.,
Sec. 15, SW¼SE¼, SE¼SW¼, and SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, NE¼NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 22, NW¼NE¼, SW¼NE¼, NW¼SW¼, NE¼SW¼, and NW¼SE¼.
T. 24 S., R. 17 E.,
Secs. 12, 13, 29, and 30.
T. 23 S., R. 18 E.,
Secs. 27, 34, and 35.
T. 24 S., R. 18 E.,
Secs. 7, 18, 25, 26, and 34.

The Department of the Army has completed explosive contamination surveys of the areas and has cleared them of all explosive materials reasonably possible to detect, although it is possible that subsurface ordnance remains undetected. The lands, therefore, are not opened by this order to any form of appropriation under the public land laws, including the mining and mineral leasing laws, but shall be restricted to surface use only under Federal ownership. They shall, however, be subject to application for selection by the State.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 19, 1961.

[F.R. Doc. 61-12180; Filed, Dec. 22, 1961; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Gen. Order 58, 3d Rev., Amdt. 2]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Effective at 12:01 a.m., December 19, 1961, paragraph (c) of § 221.5 is hereby amended to read as follows:

§ 221.5 Exceptions to approvals granted by § 221.4.

. . . . . .

(c) Any transaction involving the transfer of the ownership, possession, or control of any vessel, or of any interest therein (including charters) to nationals of, or citizens of the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, Communist China, the Communist-controlled area of Viet Nam, or Cuba, if such alien does not reside within the United States, its districts, territories, or possessions.

Dated: December 19, 1961.

DONALD W. ALEXANDER,
Maritime Administrator.

[F.R. Doc. 61-12228; Filed, Dec. 22, 1961; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

IRISH POTATOES GROWN IN MAINE

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, issued under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.209 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and this part to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending August 31, 1962, will amount to $40,544.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 122 and this part, shall be $1.25 per railroad car, $1.00 per truckload of 25,000 pounds or over, and $0.50 (fifty cents) per truckload of less than 25,000 pounds, or the respective equivalent quantities, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 20, 1961.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–12184; Filed, Dec. 22, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b, 6, 7, 40, 41, 42]

[Reg. Docket No. 1010; Draft Release No. 61–27]

TERMINATION OF SPECIAL CIVIL AIR REGULATION; FACILITATION OF EXPERIMENTS WITH EXTERIOR LIGHTING SYSTEMS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405), notice is hereby given that the Federal Aviation Agency has under consideration the termination of Special Civil Air Regulation No. SR–392B (22 F.R. 1272).

Special Civil Air Regulation SR–392B, which terminates on February 15, 1962, permits experimental exterior lighting equipment which does not comply with the relevant specifications contained in the Civil Air Regulations to be installed and used on aircraft under certain conditions for the purpose of experimentation intended to improve exterior lighting.

In connection with the foregoing, the following arguments have been advanced in support of the position that SR–392B should not be extended:

(1) The widespread private experimentation permitted by SR–392B has necessarily introduced some degree of ambiguity and confusion in night operations, which was justified in the past on the basis that the experiments would contribute to the development of improved safety rules dealing with exterior lighting. Five years of experimentation under this special regulation, however, have failed to produce any substantial body of sound objective evidence that revision of the currently effective lighting rules is necessary. The "experiments" often involved no more than the solicitation of observer comment on a newly devised lighting system, but without the use of controls to insure some measure of validity to the observations.

(2) Federal Aviation Agency's Aviation Research and Development Service is prepared to undertake evaluation of any new exterior lighting system which might be presented, to determine its effectiveness relative to the system prescribed by the Civil Air Regulations. Evaluation by FAA (as opposed to evaluation by private experimenters) has the virtue of impartiality and the further advantage that modern test facilities, trained personnel, and advanced know-how can be applied to the task.

(3) Termination of SR–392B would not prevent private lighting experimentation since such experiments could still be performed under the terms of an experimental airworthiness certificate. This procedure is relatively burdensome, but no more so than similar procedures applicable to all other classes of aircraft experiments.

On the other hand, the Agency is also aware of the argument that SR–392B should be extended because it has given a needed stimulus to the development of new lighting systems which, it is claimed, outperform the standard prescribed system.

In order that the Agency may have the benefit of the views of interested persons in determining whether or not to extend the provisions of SR–392B, all such persons are invited to submit such written data, views or arguments on this matter as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All comments received prior to January 22, 1962 will be given due consideration.

(Secs. 313a, 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on December 19,1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–12192; Filed, Dec. 22, 1961; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Foreign Tariff Circular 1]

[Docket No. 964]

FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Notice of Proposed Rule Making

Notice is hereby given in accordance with provisions of section 4; Administrative Procedure Act (5 U.S.C. 1003) and sections 18(b) (5) and 43 of the Shipping Act, 1916 (75 Stat. 764; 75 Stat. 766), that the Federal Maritime Commission is considering promulgation of the regulations set forth hereinafter covering the filing of tariffs by common carriers by water in the foreign commerce of the United States, and by conferences of such carriers.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and ten copies of written statements, data, views, or arguments pertaining thereto, to the Federal Maritime Commission, Washington 25, D.C. All relevant matters and communications must be submitted for consideration by the Commission by the close of business on January 24, 1962.

Dated: December 14, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

Preamble. Every common carrier by water in foreign commerce and every conference of such carriers is required by section 18(b) of the Shipping Act, 1916, to file with the Federal Maritime Commission, and keep open to public inspection tariffs showing all their rates and charges for transportation to and from United States ports and foreign ports between points on its own routes and on any through route which is established. It is further required that such tariffs shall plainly show the places between which freight will be carried, and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the carrier or conference which is granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates, or charges, and shall include specimens of any bill of lading, contract of affreightment or other document evidencing the transportation agreement. Copies of such tariffs shall be made available to any person, and a reasonable charge may be made therefor.

All tariffs and modifications thereof which are filed subject to section 18(b) of the Shipping Act, 1916, shall, on and after the effective date of this circular, conform to the rules contained herein. The requirements of that section and these rules are not applicable to cargo loaded and carried in bulk without mark or count: *Provided, however,* That if a conference agreement approved pursuant to section 15 of the Shipping Act, 1916, requires the filing of tariff rates applicable to such cargo, the rules of this tariff shall be applicable.

Tariff changes which result in an increase in cost to the shipper, or new or initial rates, shall become effective not earlier than thirty days after date of publication and filing, except where the Federal Maritime Commission may, for good cause, grant permission to file on less notice. All other tariff modifications may become effective upon publication and filing. Filing as used in this tariff circular means receipt by the Federal Maritime Commission in Washington, D.C.

Tariff publications which fail to provide the required notice, or which fail to comply with the provisions of section 18(b) of the Shipping Act, 1916, or with the provisions of this tariff circular, may be rejected by the Federal Maritime Commission.

A common carrier by water in foreign commerce may comply with the tariff filing requirements of section 18(b) of the Shipping Act, 1916, and with this tariff circular by filing its own individual tariffs, or by participating in a conference tariff filed pursuant to authorization contained in an agreement approved by the Federal Maritime Commission under section 15 of the Shipping Act, 1916. No such carrier or conference of such carriers may concur or participate in the tariff of any other such carrier or conference, except as authorized by the terms of an agreement approved by the Federal Maritime Commission under section 15 of the Shipping Act, 1916.

DEFINITIONS

The following definitions of terms used in this tariff circular shall apply unless the context indicates otherwise.

Person. The term "person" includes individuals, firms, partnerships, corporations, companies, associations, joint stock associations, trustees, receivers, assignees, or personal representatives.

Carrier. The term "carrier" means a common carrier by water in foreign commerce as defined in section 1 of the Shipping Act, 1916.

Conference. For the purposes of this tariff circular only, the term "conference" means any association of common carriers by water, in the foreign commerce of the United States, which is permitted, pursuant to an agreement approved by the Commission under section 15 of the Shipping Act, 1916, to file a tariff stating rates and charges and rules and regulations governing such rates and charges for the common carriers who are members of the approved conference.

Local rates. The term "local rates" means rates or charges for transportation over the line of a single water carrier (or participating carrier in conference tariffs) which is not conditioned upon any prior or subsequent movement of the cargo, or the point of origin or ultimate destination thereof.

Joint rates. The term "joint rates" means rates or charges for joint transportation over the lines of two or more carriers.

Proportional rates. The term "proportional rates" means rates or charges of a carrier, on traffic conditioned upon cargo having originated at and/or been destined beyond the ports between which such rates, or charges apply.

Commodity rates. The term "commodity rates" means rates applying on a commodity or on commodities specifically named or described in the tariff in which the rate or rates are published.

Class rates. The term "class rates" means rates for carrier transportation applying on any one or more of various articles according to the class rating to which they are assigned in the classification or exceptions thereto governing the class rate tariff, or in the class rate tariff itself.

Open rates. The term "open rates" means those rates published when an approved conference publishes a tariff pursuant to these rules and relinquishes rate making authority, in whole or in part, on one or more commodities, thereby permitting each individual carrier member of the conference to fix his own rates on such commodities.

Dual rates. The term "dual rates" means the rates offered by a carrier or conference of such carriers in the foreign commerce of the United States, of two rates, the lower rate applicable a shipper or consignee who agrees to give all or any fixed portion of his patronage to such carrier or conference, and the higher rate applicable to shippers who have not so agreed.

Tariff. The term "tariff" means a publication containing the actual rates, charges, classifications, rules, regulations, and practices of a carrier or conference of carriers for transportation by water.

Tariff publication. The term "tariff publication" means a schedule, tariff, supplement to, or revised or amended page of, a schedule or tariff.

Classification. The term "classification" means a tariff publication governing class rate tariffs and containing a list of articles or commodities and the class ratings to which they are assigned, and the governing rules and regulations.

Commission. The term "Commission" means the Federal Maritime Commission.

Rule 1. Filing of tariffs.

(a) Where used in this tariff circular, the words "filing", "filed" or "file" when used with respect to time of filing with the Commission shall mean actual receipt by the Federal Maritime Commission at its offices in Washington, D.C., United States of America.

(b) All tariff publications shall be filed by the proper officer of the carrier, or if a conference tariff, by the proper officer of the conference. Publication and filing may be accomplished through an agent authorized to act for such carrier or conference under power of attorney as provided in Rule 15: *Provided, however,* That the authority of such agent cannot extend to the actual fixing of rates or charges or changing of substantive rules and regulations in tariffs, but must be limited solely to the handling of tariff filing matters with the Commission.

(c) All tariff publications published in a foreign language or monetary unit shall be accompanied, when submitted for filing with the Commission, by two certified true copies translated into the English language with all rates stated in United States dollars and cents.

(d) A carrier that grants authority to an agent to publish and file its rates shall not publish rates which duplicate or conflict with those which are published by such authorized agent.

(e) All tariff publications filed with the Commission shall be accompanied by a letter of transmittal of one sheet 8½ by 11 inches in size, in form substantially as follows:

(Name of carrier, or conference in full)

(General Freight Department)

(Post Office Address)

(Include agent's name if any)

----------, 19--.

Transmittal No. ------ (Optional use of carrier),
Federal Maritime Commission,
Washington 25, D.C.

Accompanying schedule is sent you for filing in compliance with the requirements of the Shipping Act 1916, as amended, issued by (name of carrier or agent) and bearing FMC No. ------; Supplement No. ------ to FMC No. ------; Revised Page No. ------.

All reductions or increases in charges or rates, changes, modifications or amendments made in the tariff publication(s) submitted herewith are designated as such by the use

of the appropriate symbol as required by Rule 4(h) of Foreign Tariff Circular No. 1.

(Signature)

(Title)

A separate letter may accompany each publication or the form may be modified to provide for filing as many publications as can conveniently be entered upon one letter. The letter of transmittal shall be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

(f) (1) Carriers and conference shall transmit to the Commission two copies of each tariff, supplement, revised page, classification, or other publication to be filed, all copies to be included in one package and under one letter of transmittal.

(2) No tariff, revised page, or supplement will be received by the Commission unless it is delivered to it free from all charges, including claims for postage.

(3) Tariffs sent for filing shall be addressed:

Federal Martime Commission,
Washington 25, D.C.

(4) Tariff publications received for filing will not be returned unless rejected because of failure to give lawful notice of changes, or for other valid reason.

(g) The Shipping Act, 1916, as amended, requires that all new or initial rates or changes in rates, charges, rules or other provisions that result in an increase in cost to the shipper shall be published and filed with the Commission to become effective not earlier than 30 days after the publication and filing date with the Commission. Any change in rates, charges, rules or other provisions which result in decreased cost to the shipper or which result in no change in charges to the shipper will become effective upon the publication and filing with the Commission.

(h) The law affirmatively imposes upon each carrier the duty of filing with the Commission and keeping open for public inspection all of its tariffs and amendments thereto in the manner prescribed in the law and in regulations promulgated by the Commission. A penalty is provided for failure to do so, or for using any rate which is not contained in its lawfully published and filed tariffs. The receipt and acceptance for filing of a tariff publication by the Commission does not relieve carriers from liability for violation of the act or of regulations issued thereunder.

(i) (1) Except as provided herein, each carrier subject to the provisions of the Shipping Act, 1916, shall publish and keep open for public inspection at each of its offices all of the tariffs containing rates, charges, classifications, and rules or other provisions applying from, or at, such offices.

(2) Except as provided herein, each of such carriers shall also maintain at its principal or general office a complete file of all tariffs issued by it or by its agents, including those tariffs in which it participates.

(3) Where carriers are participants in a conference tariff this does not relieve such individual carriers from the necessity of complying with the Commission's regulations with regard to keeping tariffs open for public inspection. Tariffs issued under such authority must be kept open for public inspection as required by these regulations.

(4) Each file of tariffs shall be kept in complete and accessible form. Employees of the carriers' conferences shall be required to give any desired information contained in such tariffs and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire.

(5) The obligation of a common carrier to file tariffs pursuant to section 18(b) of the Shipping Act, 1916, and these rules must be carried out by each such carrier filing its own tariff or tariffs in full compliance with these rules, or by being a participating carrier in a conference as defined in this tariff circular. Concurrence or participation by a carrier or conference in a tariff filed by another carrier or conference where such concurrence or participation has not been approved by the Commission pursuant to section 15 of the Shipping Act, 1916, will not be permitted.

(j) (1) An tariff or schedule, tendered for filing, which fails to conform with section 18(b) of the Shipping Act, 1916, or with the provisions of this Tariff Circular, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, telegram or cablegram, of such rejection, and will return the rejected tariff or schedule to such carrier or agent.

(2) Upon receipt of notice of rejection the carrier or conference shall immediately remove such rejected tariff publication from the effective tariff, and shall immediately notify all subscribers to such tariff that the rejected tariff publication is void and must be removed from the tariff.

(k) The number assigned to a tariff publication which has been rejected may not again be used. The rejected tariff publication may not be referred to in any subsequent tariff publication as having been canceled, amended or withdrawn, except that the tariff publication which is published in its stead must bear the following notation:

Issued in lieu of (here identify the rejected tariff publication), rejected by the Commission.

(l) The requirements named herein shall not be applicable to cargo loaded and carried in bulk without mark or count; except that if a conference agreement approved pursuant to section 15 of the Shipping Act, 1916, requires the filing of tariff rates applicable to such cargo, the rules of this tariff shall be applicable.

(m) Copies of all tariffs, subsequent revisions and changes, identical in form with those submitted to the Commission, shall be made available to any person and a reasonable charge may be made therefor.

Rule 2. Form and Preparation of Tariffs.

(a) All tariffs shall be in loose-leaf form of size 8½ by 11 inches, and shall be plainly printed, mimeographed, multilithed, or prepared by other similar permanent process on durable paper of good quality. Typewritten or proof sheets shall not be used. All tariff publications which are filed and kept open for public inspection shall be clear and legible. Book, pamphlet or bound tariff publications are prohibited.

(b) The type used shall be of size not less than 8 point bold or full face, except as provided in Rule 3 and except that 6 point bold or full face type may be used for explanation of reference marks and for column headings. No alteration in writing or erasure shall be made in any tariff publication.

(c) A margin of not less than five-eighths of an inch, without any printing thereon, shall be allowed at the binding edge of each tariff publication.

(d) When rates or numerals are shown in tables, the tables shall be ruled from top to bottom. When not more than three figures or letters, including reference characters, are employed, the columns shall be not less than one-fourth of an inch in width with a correspondingly greater width when more than three figures or letters, including reference characters, are employed. Such tables shall not contain more than six horizontal lines without a break in the printed matter by a ruled line or at least one blank space across the page.

(e) Tariff pages shall be printed on thin paper of strong texture, on one side only, must be consecutively numbered in the upper right-hand corner and designated as "Original Page 1", "Original Page 2," etc. Each page must show at the top of the page the name of the carrier, conference or agent, the page number, and the FMC number of the tariff. At the bottom of the page shall be shown the date of issue, the effective date, and the name, title, and street address of the officer or agent issuing the tariff publication as provided in Rule 3(h).

Rule 3. Title page.

The top cover of every tariff shall consist of durable but flexible paper of sufficient weight and strength to withstand hard usage and shall be prepared as a title page containing the following information in the order named:

(a) On the upper right-hand corner an FMC number in prominent bold face type, which shall, on printed tariffs, be not less than 12 point. Numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs shall have been issued pursuant to section 18(b) of the Shipping Act, 1916, then the first tariff so filed shall be FMC No. 1. Immediately under this number there shall be shown the FMC number or numbers of the tariff or tariffs canceled or other identification when FMC No. 1 is filed.

(b) On the upper central portion of the title page shall be shown the name of the issuing conference carrier or joint service. When an individual carrier, a partnership or joint service operates under a trade name, the individual name or names shall precede the trade name.

(c) There shall be shown a statement indicating whether the rates are: (1) Local, (2) joint, (3) proportional; whether class or commodity or both. Where a carrier or conference publishes a tariff including dual rates, as permitted by Rule 5(n), the title page of the tariff shall clearly show that such rates are included.

(d) A brief but reasonably complete statement of the ports or range of ports from, to, or between which the rates or other provisions apply shall be given.

(e) Reference to the item or rule of the tariff containing a statement of the publications governing the tariff in substantially the following form:

For reference to governing classification or other governing publications see Item No. ------ or Rule -------.

(f) The date on which the rates, charges or other provisions will become effective shall be shown on the lower right-hand side except as provided for in the following paragraph of this rule. The date on which the publication is issued shall be on the lower left-hand side.

(g) Every publication which contains rates, charges, rules, or other provisions effective upon a date different from the general effective date of such publication shall show thereon a notation in substantially the following form:

Effective ----------, 19-- (except as otherwise provided herein) or (except as provided in Item ------) or (except as provided on Page ------).
Issued on ------ days' notice under authority of (show the authority) of the Federal Maritime Commission, ------ No. ------ dated ----------.

(h) (1) The name, title, and address of the person issuing the tariff shall be shown near the bottom of the title page. When the tariff is issued by a conference the name, title and address of the official of such conference who has been appointed by the conference to handle all tariff matters with the Commission shall be shown at the bottom of the title page.

(2) Where a carrier or conference authorizes an agent other than an officer or employee of such carrier or conference to handle tariff matters with the Commission as authorized in Rule 15, the name, title and address of such agent shall be shown in lieu of the official in (h) (1) above.

(i) If the entire tariff publication is to expire with a specified date, the notation shall be placed near the bottom of the title page.

(j) A conference tariff shall indicate on the title page the names of all participating carriers, or refer specifically to a rule, item or page in the tariff which identifies all such carriers.

Rule 4. Contents of tariffs.

Tariffs shall contain in the order named:

(a) A table of contents containing a full and complete statement, in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) The complete partnership, individual or corporate names of each participating carrier, with city and country in which its principal office is located, alphabetically arranged. If the carrier or carriers consist of an individual or individuals operating under a trade name or a joint service, the trade name may precede the name of the individual operator or names of partners or names of carriers making up a joint service, or the name of the individual operator or names of partners or names of carriers making up a joint service, may precede the trade name, provided the trade name is shown in alphabetical sequence and in a prominent manner with the individual name or names being indented.

(c) Alphabetical lists of the ports, or as applicable, places, anchorages and roadsteads from, and to which rates, or charges and other provisions apply, showing in connection with each, the name or names of the carrier or carriers serving each port. Where practicable the alphabetical list of ports, places, anchorages, and roadsteads shall appear on the title page, or in the tariff, with reference as to where they may be found therein indicated on the title page.

(d) The application of the rates, charges, rules, or regulations where restricted to particular ports, piers, docks or wharves, and such application must be specifically set forth.

(e) A complete index, alphabetically arranged, of all articles upon which commodity rates are named therein, together with reference to each item (or page) where a particular article is shown. When nouns are not sufficiently explicit, articles shall be indexed also under the names of descriptive adjectives. All of the entries relating to different kinds or species of the same commodity shall be grouped together. For example, "Paper, building; paper, printing; paper, wrapping; provided, however, if all of the commodity rates to each destination in a general commodity tariff or a combined class and commodity tariff are arranged in alphabetical order by commodities, the index of commodities may be omitted from that tariff.

(f) Whenever articles are grouped together in one list under a generic heading, a generic name in the index, and opposite thereto a reference to each item (or page) where such generic term is used. Each article in the generic list must be shown separately in its proper alphabetical order in the index, together with reference to each item (or page) where such article is shown by name, but when such article appears only in a generic list, reference to the items (or pages) containing rates may be omitted, provided reference is given to the generic name as it appears in the index.

(g) An explanation of symbols, reference marks, and abbreviations of technical terms used in the tariff. If the explanation of a reference mark or symbol does not appear on the page on which it is used, the particular page on which the character is used shall show where the explanation is given.

(h) The following symbols shall be used for the purpose indicated, and shall not be used for any other purpose in any tariff:

- ↓ or (R) to denote reduction.
- ↑ or (A) to denote increase.
- ▲ or (C) to denote changes in wording which result in neither increase nor reduction in charges.
- ● or (E) to denote an exception to a general change (see Rule 6(b)).
- □ or (N) to denote reissued matter.

(i) An item containing reference by name of the carrier or conference and FMC number to any separately published classification, tariff of classification exceptions, tariff of rules, tariff of bills of lading or similar publication affecting the provisions of the tariff shall be shown in substantially the following form:

This tariff is governed, except as otherwise provided herein, by ------ Classification FMC No. ------ issued by ----------, by exceptions thereto ---------- FMC No. ------, issued by ----------, by Rules Circular, FMC No. ------ and by supplements to or subsequent issues of these publications.

A rate tariff may not refer to another rate tariff for classification ratings, exceptions to the classification, rules, or other governing provisions.

(j) In a separate section under the heading "Exceptions to the Governing Classification" or "Exceptions to the Governing Classification and Tariffs or Exceptions Thereto," exceptions to classification ratings or rules which apply only in connection with the rates published in a single tariff. Classification exceptions when published in a rate tariff are subject to the provisions of Rule 12(d).

(k) Such explanatory statements as may be necessary to remove all doubt as to the proper application of the rates and rules contained in the tariff. When rates are published for account of any carrier under authority of a power of attorney, there shall be included in the tariff an explicit statement clearly indicating to what extent the published rates apply for account of such carrier. Only such specific statements as are required to indicate the application with respect to particular carriers shall be included in this section. General rules relating to the application of the rates shall be published under section (1) of this rule.

(l) Rules and other provisions which govern the tariff:

(1) Under this head all of the rules or provisions stating conditions which in any way affect the rates named in the tariff shall be entered, except as provided in this section or in section (k) of this rule, and shall include specimens of any bill of lading, contract of affreightment or other document or condition evidencing the transportation or agreements, except as provided in Rule 12(g) herein. A special rule affecting a particular item or rate must be specifically referred to in such item or in connection with such rate, except that pro-

visions affecting more than one but not all of the rates contained in the tariff or applying to only a portion of the carriers for whom the rates are published may be included in the explanatory statements authorized in section (1) of this rule provided that reference is made thereto in such a way as to leave no doubt as to the application of the rates.

(2) Each rule or similar provision shall be given a separate number. Such rules or provisions may, if desired, be designated "items" in which event numbers shall be in the same series as those of other items and amendments shall be made as provided in Rule 10(d).

(3) No rule or other provision shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff, a rate found in any other tariff, or a rate made up by means of a combination of rates.

(4) Where it is not desirable or practicable to include the governing rules and regulations or bills of lading in the rate tariff, such rules and regulations or bills of lading may be separately published in tariffs filed by carrier or an agent, provided specific reference is made in the rate tariff to such separate publication in the manner set forth in Rule 12(g).

(5) Tariffs which contain rates for the transportation of explosives, inflammable or corrosive materials, or other dangerous articles shall also contain the rules and regulations of the carrier or conference governing the transportation thereof, and if possible bear reference to publications which contain such rules and regulations.

(6) Where a carrier or conference uses a dual rate system pursuant to Rule 5(n), there shall be a rule fully and clearly explaining the application of the dual rate system, and shall include a true copy of the approved shipper's dual rate contract.

(7) Where a conference opens rates, see Rule 5(O)(1), there shall be a rule fully and clearly explaining the extent to which the rates have been opened. The degree of any limitation on the right of participating carriers to fix their own rates on such items and the extent to which applicable rules and regulations of the conference will continue to govern the rates filed and charged by each individual line shall be stated. Such rule shall, if possible, also state the manner in which the rates or tariff items to be fixed for each member line will be filed as required by Rule 5(O)(3).

(m) A statement of rates applicable for transportation of the articles or class of articles on which rates are named therein shall be arranged as set forth in Rule 5.

(n) Every tariff publication in which rate increases or new or initial rates contained therein are made effective on less than 30 days' notice under authority granted by the Commission shall bear a notation in substantially the following form:

Issued on ------ days' notice under authority of (show the authority) of the Federal Maritime Commission, ---------- No. ------ dated ----------

Rule 5. Statements of rates.

(a) All rates shall be clearly and explicitly stated per 100 pounds, per cubic feet, per ton of 2,000 pounds, per ton of 2,240 pounds, or other clearly defined unit, together with the names or other proper designation of the places from and to which they apply. If all rates are stated in the same unit, that fact shall be indicated on the title page in connection with the application of the tariff.

(1) All rates must be arranged in a simple and systematic manner.

(2) Complicated plans or ambiguous terms must not be used.

(3) Insofar as possible rates shall be subdivided into small sections (by items, index numbers, or similar method) to each of which shall be assigned an identifying number to facilitate reference thereto.

(4) It must be clearly shown whether the named rates apply from, to, or between the named ports, or range of ports.

(b)(1) Where rates are stated in amounts per package, the term package must be defined. Method of packing with definite specifications showing size, capacity, and/or weight of the packages on which such rates apply must be shown.

(2) Where rates vary depending upon whether cargo is packed or unpacked, crated or uncrated, palletized, bundled, strapped, loose, or otherwise prepared or delivered for shipment, there shall be a rule clearly and specifically governing the application of such rates, including a clear definition of all terms used.

(c) A tariff may provide rates from or to designated ports by the addition or deduction of arbitraries or differentials from or to rates shown therein from or to ports, but provisions for the addition or deduction of arbitraries or differentials shall be shown either in connection with the base rate or in a separate item which must specifically name the port and clearly and definitely state the manner in which such arbitraries or differentials shall be applied.

(d) When articles are made subject to percentages of class rates (for example, 110 percent of first class, 83⅓ percent of fifth class, etc.), whether in a tariff of rates, a classification, or exceptions thereto, the rates applicable under such provisions must be shown in the class tariffs as if those precentages were additional numbered or lettered classes, or reference must be made to an appropriate table, published in the tariff containing the class rates or in a governing publication which shows in one column the class rates and in succeeding columns the actual rates representing the various specified percentages of class rates. Unless one of these methods is used, specific commodity rates must be published.

(e) A commodity item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such commodity item contains reference to an item (not a rate item) in the tariff which contains a complete list of such articles, or contains reference to the FMC number of a separate rate tariff (not a rate tariff) containing such a list of articles.

EXAMPLE.

Packing house products, as described in Item ------- or successive issues thereof, or

Packing house products, as described under heading "Packing house products" in FMC No. --------, or successive issues thereof.

Such reference to a separate item or tariff may not be made unless a definite and complete list of the articles under the same generic term is shown in the item or tariff to which reference is thus made.

(f) A separate tariff, not containing rates, may be filed by a carrier or conference, showing lists of the commodities and minimum quantities, on which rates published by reference to generic terms will apply, and rate tariffs shall be made subject thereto as provided above. The title page of such separate publication shall contain the following:

(a) In large type the words—

List of commodities upon which rates are provided in tariffs making reference hereto,

and

(b) In small type—

This tariff may be used in connection with tariffs making specific reference hereto by FMC number.

In the separate publication, the generic terms shown must be the same as those used in the tariffs making reference thereto and under each heading the different commodities shall be alphabetically arranged. Except as provided in Rule 12(f) a separate publication issued for the purpose of publishing generic lists shall contain no information other than that authorized in this rule. Only one such publication may be in effect at any time in a carrier's conference's, or agent's file and it shall list only generic terms which refer to 10 or more commodities, otherwise the tariff or rates shall specify each commodity upon which the rates therein apply. A tariff of rates may not refer to another tariff of rates for lists of commodities.

(g) When commodity rates are established, the description of the commodity must be specific and the rates thereon may not be applied to analogous articles. As far as possible uniform commodity descriptions shall be used in all tariffs.

(h) If a commodity rate is published, such commodity rate, except as otherwise provided in these rules, is the applicable rate and the only rate that may be applied from and to the same ports to which the commodity rate applies, even though a class rate (except as provided in this rule) may make a lower or higher charge. Where rates are published on a weight or measurement basis the statement shall be specific that the basis providing the greater (or lesser) as the case may be will apply.

(i)(1) Cargo N.O.S. or similar catch-all items may not be included in the commodity section of a tariff. Cargo N.O.S. may be included in the alphabetical list of commodities but must under the rate column make reference to a class tariff or class section of a tariff for rates.

(2) The class section of a tariff may contain a single class rate called "Cargo N.O.S." or other appropriate name, appropriate name, provided, that there is a clear explanation that such rate applies to cargo which does not have an applicable rate in the commodity section of the tariff.

(j) A tariff naming rates on a single commodity, or a group of related commodities, shall contain all of the commodity rates on the same commodity or commodities published to apply for the same carriers from and to the same ports.

(k) A general commodity tariff or a combined class and commodity tariff shall contain reference to any other tariffs published by the same carrier, conference or agent in which rates on other commodities are published from any port to any other port named therein. Such reference shall include the FMC number or numbers of such other tariff or tariffs with a description of the commodities or ports of origin and of destination. The reference shall be shown in a separate list arranged alphabetically by commodities immediately following the table of contents. For example:

For rates on textiles from ---------- to ----------, see FMC No. ------ of ----------, Agent.

(l) The publication of class or commodity rates which duplicate or conflict with the rates published in the same or any other tariff is not permissible, and except as otherwise authorized in these rules, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with the rates published therein, is hereby prohibited.

(m)(1) Tariffs containing proportional rates must clearly and definitely show the application thereof. If a proportional rate is intended for use on traffic destined to a restricted territory, such territory shall be clearly defined. If the application of a proportional rate is not restricted, such proportional rate will be usable in connection with any other applicable rates from or to the proportional rate point. It is not permissible to include a provision in a tariff to the effect that proportional rates will be stated percentages of other rates.

(2) A separate tariff may be published for the publication of specimen bills of lading, contract of affreightment and other documents evidencing the transportation agreement.

(n)(1) Where a conference or carrier uses a dual rate system approved by the Federal Maritime Commission and states in its tariff two rates pursuant to such system, the rates shall be published as follows: Each item in the tariff subject to dual rates shall state in two columns either vertically or horizontally designated, "Contract Rates" and "Non-Contract Rates" the two rates applicable under the dual rate system. Each tariff page containing such a dual rate item shall specifically refer to a rule in the tariff governing the application of dual rates. Where a tariff contains dual rates the title page thereof shall so indicate in the section identifying the rates contained in the tariff. (See Rule 4(1)(6).)

(2) Where a carrier or conference tariff employs a single uniform percentage spread between contract and non-contract rates, in lieu of stating both rates throughout the tariff as set forth above, the rates shown in the tariff may be the contract rates, and an appropriate rule may provide that the rates applicable to non-contract shippers shall be a stated percentage higher than the published contract rates. Where this is done, each page publishing a rate or rates on dual rated items shall thereon make specific reference to such rule.

(o)(1) Where a conference tariff states only a single level of rates applicable to all shippers, and does not state contract and non-contract dual rates, and the conference opens any or all such rates, each tariff item so opened shall be amended to indicate the word "open" in place of the previous stated rate, and shall indicate a reference to a published rule in the tariff governing the application of open rates. (See Rule 4(1)(7))

(2) Where a conference has an approved dual rate system and the tariff publishes two levels of rates thereunder and such conference then opens any or all such rates, the following will apply: If such opening of rates results in the termination of the application of the dual rate system to any such commodity, then such opening can only be accomplished after 90 days advance notice in the tariff, and 90 days notice to each shipper who is signatory to a dual rate contract. If such opening of rates does not result in a termination of the application of the dual rate system to any such commodity, then no such 90 day advance notice is required. In the event a carrier or conference opens dual rates, each tariff item so opened shall be amended to indicate the word "open" in place of the previous stated rate, and shall indicate a reference to a published rule in the tariff.

(3) Where a conference opens rates pursuant to (1) or (2) above, each individual participating carrier must on or before the effective date of such rate opening have on file a proper tariff covering such item as required by these rules. This may be accomplished by each individual carrier filing a complete tariff pursuant to these rules, or by the official or tariff filing agent of the conference filing in a separate section at the end of the conference tariff a page or pages indicating the rates which will be charged by each individual carrier and the governing rules and provisions of the conference tariff which will apply to each carrier.

(p) If only a portion of the published rates or other provisions will expire with a specified date, a notation shall be shown in connection with the particular item, rate or other provision which will expire in such a way as to clearly indicate the matter affected thereby.

Rule 6. Amendments.

(a)(1) And change in or addition to a tariff shall be known as an amendment. Amendments to a tariff shall be made by pages as provided in section (f) of this rule. (See also Rule 14.)

(2) When an amendment is made in a numbered item such item shall be published in its entirety as amended. When rates or other provisions are published in numbered items, cancelation shall be made as prescribed in Rule 10(d).

(3) Rates or rules when published in numbered units other than items shall specifically provide for the cancelation of such matter by reference to the page of the tariff and number of the rule or other unit which it cancels.

(4) In any instance where matter is not published in a numbered unit, the changed provision shall be published in its entirety and reference shall be made to the page or pages of the tariff on which the matter to be canceled is shown clearly indicating the matter which is canceled. If the matter to be amended has been amended previously, specific cancelation shall be made of the corresponding matter in the "tariff as amended" and specific reference shall be made by number to the page or pages containing the matter to be changed, and, when corresponding matter originally was effective in the tariff, to the page or pages of the tariff formerly containing the matter amended.

(b)(1) All tariff publications shall indicate changes made in existing rates, charges, classifications, rules or other provisions by use of the following uniform symbols in connection with such change:

↓ or (R) to denote reductions.
♦ or (A) to denote increases.
▲ or (C) to denote changes in wording which result in neither increases nor reductions in charges.

Explanation of such symbols shall be provided (see Rule 4(i)) in the publication in which they are used, and these symbols shall not be used for any other purpose.

(2) When a change of the same character is made in all or in substantially all rates in a tariff or supplement, or a page thereof, that fact and the nature of such change shall be indicated in distinctive type at the top of the title page of such issue, or at the top of each revised page, in the following manner: "All rates in this issue are increases"; or "All rates on this page are reductions"; or there may be added, when appropriate, "except as otherwise provided in connection with particular rates." In complying with this paragraph, a bold-faced dot "●" or "(E)" shall be used to symbolize a rate or other provision in which no change has been made and the proper symbol shall be used for the purpose of denoting any other change not indicated by the general statement referred to above.

(c) When a tariff publication canceling a previous issue omits port of origin or destination, routes, rates, ratings, rules, or other provisions contained in the previous issue, the new tariff publication shall indicate the cancelation in the manner prescribed in section (a) of this rule, and if such omission effects changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in section (b) of this rule.

(d) Every tariff publication which consists partly but not wholly of matter

established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on ------ day's notice under authority of (here give specific reference to the special permission, decision, order, rule, or other authority).

(e) Increased rates brought forward without change from a tariff page which has not been in effect 30 days shall be designated "Reissued" in distinctive type and shall show the original effective date and the number of the tariff page from which it is reissued.

(f) Amendment of tariffs shall be made by reprinting the page upon which a change or addition is made, and such changed page shall be designated as a revised page.

For example:

First Revised Page 1
cancels
Original Page 1
or
Second Revised Page 2
cancels
First Revised Page 2, etc.

When a revised title page is issued, the following notation shall be shown in connection with and immediately under the effective date:

Original tariff effective (here show effective date of the original tariff).

(g) If, on account of expansion of matter on any page, it becomes necessary to add an additional page in order to take care of the additional matter, such additional page (except when it follows the final page) shall be given the same number with a letter suffix; for example, "Original Page 4–A", "Original Page 4–B", etc. If it is necessary to change matter on original page 4–A, it may be done by issuing first revised page 4–A, which shall indicate the cancelation of original page 4–A.

(h) When a revised page is issued which omits rates, rules, or other provisions previously published on the page which it cancels, and such rates, rules, or provisions are published on a different page, the revised page shall make specific reference to the page on which the rates, rules, or provisions will be found, and the page to which reference is made shall contain the following notation in connection with such rates, rules, or other provisions, etc.:

For (here insert rates, rules, other provisions, etc., as case may be) in effect prior to the effective date hereof see page-----.

Subsequently revised pages of the same number shall omit this notation insofar as this particular matter is concerned.

(i) If, after a tariff has been filed with the Commission, it is desired to file additional pages at the end of the tariff they shall be numbered consecutively with the last page of the tariff, and shall be designated as original pages. For example, when the tariff as filed has 150 pages, page 151 when filed shall not be designated as an "Additional" page but shall be designated as "Original Page 151". Such a page may be filed only for the purpose of adding new provisions which do not change the rates, rules, or provisions on other pages of the tariff.

(j) (1) The following method shall be used in identifying and checking revised pages filed for the purpose of amending tariffs.

(2) When the original tariff is filed, the page next to the title page shall be designated "check sheet". As pages of the tariff are revised or when new pages are added the check sheet shall be correspondingly revised to reflect the amended or added pages.

(3) The check sheet shall contain correction numbers which shall be in consecutive numerical order beginning with the number one (1), with a blank space provided with each correction number. A correction number will be placed in the lower left-hand corner of each revised page, and the revised page number will be inserted in the blank space beside the corresponding correction number on the check sheet. When such correction is received this will provide a cross reference and a permanent record of all corrections made to the original tariff and a method of determining the current applicable revised pages.

Rule 7. Supplements.

(a) Supplements may be used only to cancel a tariff in its entirety; reproduce an order of the Commission; publish seasonal discontinuance and restoration of service contracts; and announce adoptions, as defined in Rule 14.

(b) The first supplement to a tariff shall be designated on the upper right hand corner of the first page as follows:

Supplement No. 1
to
F.M.C. No.------

(c) Subsequent supplements shall be numbered consecutively in like manner. Each supplement shall specify immediately under the supplement number and FMC number of the tariff supplemented, the publications which the supplement cancels and shall indicate the effective date in the same manner as a revised page.

(d) This rule does not waive the requirements of Rule 14.

Rule 8. Applications for Special Permission.

(a) The Shipping Act, 1916 authorizes the Commission in its discretion and for good cause shown to permit increases in rates or issuance of new or initial rates on less than statutory notice, and also to permit departure from these regulations. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Where correction of clerical or typographical errors would result in a rate increase, Rule 1 hereof would require such correction to become effective not earlier than 30 days after filing with the Commission. Under these circumstances clerical or typographical errors will be considered to constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff publication.

(b) When a formal order of the Commission requires publication on a stated number of days' notice, a request addressed to the Commission for authority to file on less notice will not be granted. In any such instance a petition for modification of the order should be filed on the formal docket.

(c) Applications for permission to establish increased rates on less than statutory notice, or for waiver of the provisions of this Tariff Circular must be made by the carrier or conference that holds authority to file the proposed publication.

(d) (1) Two copies of applications (including amendments thereto and exhibits made a part thereof) shall be sent to the Federal Maritime Commission, Washington, D.C.

(2) Application shall be made on paper 8½ by 11 inches, shall be in substantially the form shown hereinbelow, and shall give all the information required by this rule together with any other pertinent facts. They shall be numbered consecutively and must bear the signature of the carrier or conference or authorized agent.

(Address)

(Date)

To the Federal Maritime Commission,
Washington, D.C.

Application No. ------
---, by
(Name of carrier or conference)

(Name of officer or agent specifying title)

for and on behalf of all carriers parties to its Tariff FMC No. ------, does hereby petition the Federal Maritime Commission that he (it) be permitted, under section 18 of the Shipping Act, 1916, as amended, to put into effect the following tariff provisions to become effective ------ days after the filing thereof with the Federal Maritime Commission:

(Here show matter as directed by section (e), paragraph (1) of this rule.)

Your petitioner further represents that the said: [state whether rates, charges, classification ratings, or other provisions] above mentioned will be published in [here show matter as directed by section (e), paragraph (2) of this rule].

1. (Here state matter as directed by section (e), paragraph (3) of this rule.)

2. (Here show justification as directed by section (e), paragraph (4) of this rule.)

(Name of carrier)

By ---
(Name and title)

Verification:

The above statement was subscribed and sworn to before me this ---- day of ----------, 19---.

(Notary public)

(3) When the publication is made by an agent, appropriate change should be made in the introductory and closing paragraphs of this form.

(e) Applications shall show the following information:

(1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as "Exhibit A," and so referred to in the application. If the proposed provisions consist of rates, all ports of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(2) The application shall show the tariffs and FMC numbers of the publications in which the proposed rates, ratings, rules, or other provisions will be published. If publication is to be made in supplements to tariffs already referred to, this fact shall be shown.

(3) The application shall set forth the rates or tariff provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by FMC number or page number to the tariffs publication in which rates or provisions to be superseded are published. If such provisions are published in numbered items or other units, reference shall be made thereto by number, or, if not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which cancellations will be made must be definitely indicated.

(4) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested permission together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. The petitioner shall state why the proposed provisions could not have been established upon 30 days' notice.

(f) If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in the order granting special permission. If it is not desired to use all of the authority granted and less or more extensive or different authority is desired, a new application complying with the provisions of this rule in all respects and referring to the previous permission must be filed.

Rule 9. Tariff Changes Ordered by Commission.

(a) Whenever the Commission directs by order that a carrier or conference change any tariff publication, such carrier or conference shall duly publish and file such change and notice shall be furnished to the Commission that its order in Docket No. --- has been complied with in Item ------, Page --- of ---------- tariff FMC No. ------. Unless otherwise specified in the order such changes shall be made in accordance with the provisions of this tariff circular.

(b) (1) When an entire tariff is issued in compliance with an order of the Commission, whether made effective on less than statutory notice under special authority granted in the order or upon statutory notice, such tariff publication shall bear on its title page the following notation:

In compliance with the order of the Federal Maritime Commission in Docket No. ------.

(When possible, the volume and page number of the report of the Federal Maritime Commission should be shown.)

(2) If the order of the Commission affects only portions of the tariff or supplement, the above notation shall be shown in connection with each portion so affected.

Rule 10. Transfer of rates: item adjustment.

(a) If a tariff publication is issued which cancels another tariff in part only, such tariff publication shall specifically state the portion of such other tariff which is thereby canceled, and the tariff to be canceled in part shall at the same time be correspondingly amended, effective on the same date, by amending the specific revised page or pages. Such revised page of the tariff canceled in part shall state where rates will thereafter be found and shall be filed at the same time and in connection with the tariff publication which contains the new rates. Cancelation notice on the title page of the new issue shall read substantially as follows:

Cancels FMC No. ---, to the extent shown in Supplement No. --- thereto.

(b) (1) If a tariff is canceled in full by another tariff, the cancelation notice may be printed in the canceling tariff, or the cancelation may be accomplished by issuing a supplement to the tariff to be canceled. When a tariff is canceled by a supplement under this rule, such supplement shall refer to the FMC number of the tariff in which the rates or other provisions will thereafter be found. The new issue and the cancelation supplement shall be made effective on the same date, and the new issue shall contain a cancelation notice reading substantially as follows:

Cancels FMC No. ---, to the extent shown in Supplement No. --- thereto.

(2) When a tariff is canceled in full by another tariff which does not contain all of the rates superseding those formerly in the canceled tariff, the canceling tariff shall show where rates not appearing therein will thereafter be found, or what rates thereafter will apply. For example:

Rates formerly published in FMC No. --- and not appearing herein are published in FMC No. --- of ----------,

or it may be stated that such rates are canceled and that "Class rates will apply," or "Combination will apply." (See Rule 6(c).)

(3) When the rates which are not brought forward in the canceling issue are transferred to another tariff or tariffs, such publication or publications shall show directly in connection with the rates appearing therein for the first time where such rates were formerly published, and shall state that such formerly published rates were canceled by FMC No. ------, effective -------. (Here show reference to the tariff which canceled the rates.)

(4) When a tariff is canceled in full and numerous rates are transferred to two or more other issues, cancelation of the superseded issue may be made by supplement thereto, in which event each of the superseding issues shall show the notation in paragraph (a) of this rule and the canceling supplement shall specifically indicate the rates or provisions thereafter to be published in each of the superseding issues, and shall state that the issue supplemented thereby is canceled in full.

(c) (1) If a tariff is canceled with the purpose of discontinuing the rates named therein, or when, through error or omission, a tariff failed to cancel the previous issue and such previous tariff is canceled for the purpose of perfecting the records, the cancelation notice shall not be given a new FMC number, but shall be issued as a supplement to the tariff which it is desired to cancel.

(2) When any tariff is canceled in whole or in part by a supplement thereto, the supplement shall show where the rates will thereafter be found or what rates will thereafter apply.

(3) A tariff canceling more than one tariff in whole or in part shall include a brief description of such tariffs.

(d) (1) The rates, rules, regulations, or other provisions of a tariff shall be divided into relatively small and distinct portions which shall be given individual numbers and designated "Items." The numbers of items as published in an original tariff shall run in regular sequence but need not be consecutive; for example, items may be numbered 5, 10, 15, 20, etc. Only one series of item numbers may be used.

(2) When any rate or provision contained in an item designated by an item number is amended, resulting in the cancelation of all or a portion thereof, the canceled matter shall not be reproduced in the new item effecting the cancelation except to the extent necessary to identify the item.

(e) If an item is withdrawn in its entirety, or expires by its own term, leaving no rates or provisions in effect in that item, a statement of the cancelation or expiration shall be brought forward in a subsequent revised page, bearing the same item number.

(f) (1) If the matter in an item or any part thereof is transferred to another tariff or another portion of the same tariff, the original item shall be revised in order to show the revised provision or, when no effective provision is contained in the item, to indicate cancelation of the item, and also to show where the transferred rates or provisions will thereafter be found. For example:

Rates formerly appearing in Item ------, but now shown herein will be found in Item ------ (or in FMC No. ------).

(2) When the provisions of an item have been eliminated by cancelation or expiration they may not be reinstated except by republication in a revised item bearing a new number.

(g) When any rate or other provision in a tariff has been amended, resulting in a decreased cost to the shipper, such amended rate or other provisions may not be reinstated or otherwise increased except as provided in Rule 1(g).

Rule 11. Terminal Rules, Charges and Allowances.

(a) Every common carrier by water or conference of carriers subject to these regulations shall publish, and file in its rate tariffs in a definite and specific form each terminal privilege or facility under

the control of the carrier which is included in the port-to-port rates, and charges of such carrier or conference. If these services are performed by an outside company and the carrier collects or absorbs all or part of the charges such charges or absorptions must also be published in the tariff.

(b) Provisions for the payment of allowances to shippers or consignees in lieu of the privileges, facilities, or services referred to herein must be published and filed with particularity as to the specific privilege, facility, or service involved, the amount of the specific allowance to be made and the rules applying to the making of each allowance.

(c) Increases in terminal rates, charges, and provisions based upon the rates, charges or provisions of terminal operators over which the carrier has no control may be published and filed to become effective not less than 10 days after filing. Tariffs or schedules establishing such changes must bear the following notation in connection with the effective date thereof:

Effective ---------- 19--. Issued to become effective on not less than 10 days after filing under authority of Rule 11 of Foreign Tariff Circular No. 1 of the FMC.

(d) Where a carrier absorbs, pays, assumes or agrees to assume all or any part of terminal or other services the amount of payment to be made or absorbed and the conditions upon which the payment is predicated shall be published, by rule, in the tariff.

Rule 12. Classification, Exceptions, Rules and Bill of Lading Tariff.

(a) A tariff may be filed containing a classification of the articles or commodities upon which the rates named in other tariffs making reference thereto will apply. The various articles or commodities shall be listed in the classification in an orderly manner and a rating indicating the class rate to be applied shall be shown in connection with each item or items containing a description of the articles. Such a tariff shall contain an alphabetically arranged index of all of the articles or commodities so listed. It is not permissible to state that the rating or rate on any article will be that applying upon another article. For example:

The classification may not state that "Fire clay, crude or ground," will take "Fire-brick rates." If it is intended that fire clay take the same rating as is designated for fire brick, the same rating shall be shown in connection with the item listing fire clay.

(b) Each classification shall contain the following rule:

The establishment of a commodity rate removes the application of the class rate on the same article between the same ports.

(c) Rules which have a general application in specifically identified trades, may be published in a classification tariff. Such rules must precede the list of articles shown in the classification and must be consecutively numbered and separately indexed.

(d) A separate tariff may be filed containing exceptions to the classification for application in connection with tariffs or rate making reference thereto. Each classification exceptions tariff shall contain the rule above provided for a classification tariff. Exceptions published therein must not be restricted to a small number of points in order to avoid the publication of commodity rates between such points. One rate tariff may be governed for account of any one carrier by not more than one tariff of exceptions to each classification governing the tariff, published either individually or by an agent. A tariff of exceptions may not contain any matter which is not in fact an exception to a rule, rating, or other condition published in a classification, except as provided in section (f) of this rule, nor will it be permissible to state that the rating or rate on any article will be that applying to another article. When tariffs naming joint rates make reference to separate publications containing exceptions to the classification, the tariff of exceptions must be concurred in by all of the carriers participating in the joint rates.

(e) The matter in a tariff of exceptions shall be arranged in the same order as in the classification and separate and complete alphabetical indexes of the rules and of the articles listed therein shall be shown. Each general rule published in the exceptions to the classification shall be given a number and shall refer to the rule in the classification to which it is an exception. The following notation shall be shown on the title page of each tariff of exceptions:

Applicable only in connection with tariffs making reference to the FMC number hereof.

(f) Rules and regulations covered by Rule 4(i) may be included in the same publication with classification exceptions. In such cases, the classification exceptions tariff will be counted in applying the provisions of section (g) of this rule. List of commodities authorized in Rule 5(f) may also be included with classification exceptions, in which case carriers may not have other tariffs publishing commodity lists exclusively. Where classification exceptions are published in the same tariff rules, or commodity lists, the publication shall be divided into sections, the first containing the classification exceptions, the second containing the rules and similar provisions, and the third containing the lists of articles. Such a publication shall contain a complete index.

(g) If it is not desirable or practicable to include the governing rules, bills of lading or contracts of affreightment and similar provisions in the rate tariff, such rules and similar provisions may be separately published in tariffs filed by an individual carrier or by an agent. Except as noted below, any carrier may not apply more than two such governing rules tariffs. The following tariffs will not be counted in applying the provisions of this section: tariffs containing exclusively rules and charges applying to the special services covered by Rule 11; classification and classification exceptions tariffs authorized by sections (a) and (d) of this rule; tariffs containing rules and regulations governing the transportation of explosives and other dangerous articles; and tariffs including specimens of bills of lading, contracts of affreightment, or other documents evidencing the transportation agreement.

(h) When rules, regulations, bills of lading or other governing provisions are thus separately published, rate tariffs may be made subject thereto only by specific FMC reference in the rate tariff. This reference shall be made in substantially the following form:

Governed, except as otherwise provided herein, by rules (or regulations) shown in FMC No. ------ supplements thereto or successive issues thereof.

(i) Tariffs which name rates for the transportation of explosives, inflammable or corrosive materials, or other dangerous articles shall contain as required by Rule 4(1)(5) the rules and regulations of the carrier or conference governing the transportation of such articles or if possible bear reference to a separate publication where such publication is available to the general public.

(j) All carriers parties to tariffs making reference to separate publications for classification ratings, exceptions thereto, rules, bill of lading, or other provisions affecting the rates or the services rendered, except such carriers as indicated by restrictions published in the tariffs making reference to such separate publications that they will not apply the provisions therein, shall also be participating carriers in such separate governing publications.

Rule 13. Seasonal discontinuance and restoration of transportation service.

Tariffs naming rates applicable via routes closed to navigation during a part of the year may expire, or may be canceled at the close of navigation and republished at the opening of navigation each year, or may provide for discontinuance and restoration of service in the manner prescribed in sections (a) to (f), inclusive, of this rule.

(a) The following notation shall appear on the title page of the tariff.

Transportation service via (here insert name of carrier) is subject to discontinuance at close of navigation and restoration upon opening of navigation as provided in Rule ------ page ------ of this tariff.

(b) When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined the following rule shall be published in the tariff under the heading "Application of Rates".

Shipments will be accepted by this company (or by carriers parties to this tariff) during the period from (here show earliest date upon which shipments will be accepted for transportation) to (here show last date upon which shipments will be accepted for transportation, allowing sufficient time for vessel to reach destination before close of navigation of each year).

No supplements shall be issued to this tariff announcing the date of discontinuance of restoration of transportation service.

(c) When definite dates for restoration and discontinuance of transportation services for each season of navigation cannot be determined, the following rule shall be published under the heading of "Application of Rates":

Shipments will be accepted by this company (or by carriers parties to this tariff) during the period each year from which restoration of transportation service is announced until discontinuance of transportation service is announced, by supplements to this tariff.

(d) Supplements announcing discontinuance or restoration of service under this rule may be filed with the Federal Maritime Commission, and kept open for public inspection at ports from which the rates apply, upon not less than ten days' notice. It shall contain no other matter except that a supplement announcing discontinuance of service shall contain a statement that service will be restored on (Date), unless restored at an earlier date.

(e) Tariffs containing rates subject to section (c) of this rule may be amended or reissued at any time, but if made effective subsequent to the dates of discontinuance of service shall contain a statement that transportation service was discontinued (Date); as announced by Supplement No. ------ to FMC No. ------ (Former tariff) (or as announced by Supplement No. ------ to this tariff), that further supplement announcing discontinuance of services will not be filed, and that service will be restored on (Date) unless restored by supplement at an earlier date.

(f) The tariff rule relating to discontinuance of service shall contain provisions covering the handling of shipments which may arrive at carrier's port of embarkation after the date on which the service is discontinued.

Rule 14. Transfer of operations; changes in name and control.

(a)(1) When the name of a common carrier which has an individual tariff on file with the Federal Maritime Commission is changed, or when its operating control is transferred to another common carrier, the carrier which will thereafter operate the properties shall file with the Federal Maritime Commission and keep open to public inspection as required in Rule 1 an adoption notice in the form of a tariff numbered in its FMC series and containing substantially the following:

(Name, also trade name, if any, of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Federal Maritime Commission by, or heretofore adopted by (name and trade name, if any, of former carrier) prior to (date).

(2) In addition to the above adoption notice the adopting carrier shall immediately file with the Federal Maritime Commission as required in Rule 7 a consecutively numbered supplement to each of the effective tariffs issued or adopted by its predecessor, reading as follows:

Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of (name and trade name, if any, of the adopting carrier) as stated in its adoption notice, F.M.C. No. -------.

(3) Subsequent revised pages shall show in connection with the FMC number that the number is in the series of the former carrier.

(4) New tariffs reissuing or superseding adopted tariffs shall be numbered in the FMC series of the adopting carrier. The adopting carrier, when canceling any tariff issued or adopted by the old carrier, shall identify such tariff in the cancellation notice by reference to its FMC number, by reference to the name of the carrier that issued it, and, when tariffs have been published by the old carrier in more than one series, by reference to the particular series in which that tariff was published.

(b) Tariffs issued by a conference participated in by a carrier whose name is changed or which is absorbed, taken over, or operated by another carrier, shall be amended to eliminate from the list of participating carriers the name of the old carrier and to add thereto the name of the new carrier.

Rule No. 15. Power of attorney.

(a)(1) A carrier or conference may grant authority to a person, not an officer or employee of such carrier or conference, as agent to act for such carrier or conference in the issuance of all tariff publications pursuant to this tariff circular. The authority granted by such power of attorney shall not permit the agent to publish or file any tariff publication in the name of the agent, but only in the name of the carrier or conference itself, and only to the extent the carrier or conference itself could make such filings. The agent's authority may not extend to the actual fixing or changing of rates or charges, or the establishment or changing of any rules, regulations or provisions of the carrier or conference tariff publication. The authority must be limited solely to the mechanical handling of tariff publications filed with the Commission pursuant to this tariff circular.

(2) The power of attorney shall be in substantially the following form:

PA No. ------
Cancels PA No. ------

(Name of carrier or conference)

(Post office address)

Date: ----------, 19--

Know all men by these presents:

That the (name of carrier or conference) had made, constituted and appointed, and by these presents does make, constitute, and appoint (name of agent), its true and lawful attorney and agent, in its name, to file the following specifically named tariffs and classifications, and supplements thereto and revised pages thereof as required of common carriers by water in foreign commerce and conferences of such carriers, by the Shipping Act, 1916, as amended, and by regulations established by the Federal Maritime Commission pursuant to the provisions of said Act,

(Here specifically identify the tariff publications which agent is authorized to file)

And the said (name of carrier or conference) does hereby give and grant unto its said attorney and agent full power and authority to file with the Federal Maritime Commission the above identified tariffs and all amendments thereto but only as specifically authorized and directed by (name of carrier or conference). This authority is limited solely to the mechanical filing of such tariffs and amendments thereto and does not grant any authority to such attorney and agent to file any tariff or amendment thereto without specific instructions directing such filing, and does not permit such attorney and agent on its own to fix or change any rates or charges or in any manner establish or change any rules and regulations or provisions in such tariff.

The authority herein granted shall continue until canceled, or revoked.

In witness whereof the said (name of carrier or conference) has caused these presents to be signed in its name by its ---------- President and to be duly attested under its corporate seal by its ---------- Secretary, at ---------- on this ------ day of ---------- 19--.

By: ----------
(Name of carrier)

Attest:

(Secretary)

(Corporate seal if any)

(b) Powers of attorney shall be issued in the correct and complete name of the carrier or conference. When issued by an association, individual, or by a firm, they shall be signed by the owner or owners and when issued by an incorporated company shall be signed by a duly authorized official thereof and attested by its secretary under corporate seal. Powers of attorney filed by each carrier or conference shall be numbered consecutively in the carrier's or conference's series beginning with number PA 1.

(c) A carrier or conference may also grant authority to a person as an alternate agent to file tariff publications in the case of temporary or permanent absence of the agent. In such case the power of attorney form shall contain a provision reading substantially as follows:

And further, that the (name of carrier or conference) constituted and appointed and by these presents does make, constitute, and appoint (name of alternate agent) its true and lawful attorney and agent in its name in case of temporary or permanent absence of the said agent (name of agent) to do and perform the same acts and exercise the same authority, as herein above granted to (name of agent).

(d) An alternate agent may act only during the temporary or permanent absence of the agent. Tariff publications filed by an alternate agent during the temporary absence of the agent, shall indicate this fact in the following form:

Effective ---------- 19--.
Issued by ---------- Agent,
per ----------.

(e) In the event of separation, permanent disability, or death of the principal agent a new power of attorney shall be filed within 90 days canceling the effective power of attorney and naming the principal and alternate thereafter to serve.

(f) A power of attorney may be revoked by a revocation notice or canceled by a new power of attorney. A revocation notice must bear an effective date, which must be not earlier than the date of receipt by the Commission for filing. A power of attorney, canceling a previous issue, will become effective upon date of receipt by the Commission for filing. A

revocation notice shall not be given a serial number, but shall specify the number of the power of attorney to be revoked and the name of the agent and alternate agent in whose favor it was executed, and shall be executed in the same manner as the instrument to which it is directed. It shall be in the following form:

REVOCATION NOTICE

(Name of carrier or conference)

(Post office address)

Date ----------, 19--

Know all men by these presents:

Effective ----------, 19--, Power of Attorney PA No. ------ issued by (name of issuing carrier or conference) in favor of (show names of agent and alternate agent in whose favor power of attorney was executed) is hereby canceled and revoked.

(Name of carrier or conference)

By ----------

Its ----------

---------- Executed

(g) Power of attorney and revocation notices directed thereto shall be issued in triplicate, 8½ x 11 inches in size. The original shall be printed or typewritten on paper of good quality and shall be filed with the Commission; the duplicate shall be furnished to the agent in whose favor the instruments are executed; and the triplicate shall be retained by the issuing carrier.

(h) Powers of attorney will become effective upon the date of receipt by the Commission.

(i) (1) When a new agent is appointed, or when an alternate agent, in the case of permanent absence of the agent, assumes the duties of the agent, the new agent, upon receipt of necessary authority, or the alternate agent, in the case of permanent absence of the agent, shall immediately issue a revised title page of the effective tariffs issued by the agent superseded, effective on one day's notice, showing such change.

(2) Amendments filed pursuant to this paragraph must bear the notation: "Issued on not less than one day's notice, authority of Rule 15(i) of Foreign Tariff Circular No. 1".

(3) Thereafter, filings by such new agent must indicate the new agent's name.

(j) An employee or officer of a carrier or conference may file tariff publications for such carrier or conference as provided in Rule 1(b) without execution of a power of attorney.

[F.R. Doc. 61-12188; Filed, Dec. 22, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-200]

ADDITIONS TO COMMISSION'S STATEMENTS OF GENERAL POLICY AS TO CERTIFICATE APPLICATIONS, RATE FILINGS, PIPELINE QUALITY GAS STANDARDS, DELIVERY CONDITIONS AND CERTAIN PRICE ADJUSTMENTS

Notice of Extension of Time

DECEMBER 18, 1961.

Upon consideration of the request filed December 14, 1961, by Counsel for Pan American Petroleum Corporation for an extension of time within which to file further comments to the notice issued November 28, 1961, in the above-designated matter;

An extension is hereby granted to and including January 4, 1962, within which all interested persons may submit data, views or comments concerning matters referred to in said notice issued November 28, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12167; Filed, Dec. 22, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

DIRECTOR OF FEDERAL ASSISTANCE AND REGIONAL DIRECTORS

Delegation of Authority for Operation of the Program for Donation of Surplus Property for Civil Defense Purposes

REFERENCES: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others; (b) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8604); (c) Civil Defense Functions Transferred to the Secretary of Defense Interim Administration, filed August 23, 1961 (26 F.R. 7840).

The following redelegations of authority are hereby approved:

1. *Director of Federal Assistance.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), there is redelegated to the Director of Federal Assistance, Office of Civil Defense, the following authority and functions:

(a) To determine whether surplus property is usable and necessary for civil defense, including the authority to revise, from time to time, the representative lists of categories of such property (presently contained in the Office of Civil Defense Adminstrative Manual AM-7), and to issue the same.

(b) To determine, on an individual case basis, surplus property which does not so appear in the representative lists of categories of property referred to in subparagraph 1(a) of this Delegation of Authority, to be unable and necessary for the civil defense program of a specific proposed donee.

(c) To give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having an original, single item acquisition cost of Two Thousand Five Hundred Dollars ($2,500) or more, in advance of the time limitations set forth in the Office of Civil Defense Regulations contained in Title 32, Part 1702—Surplus Property, and to prescribe the terms and conditions of each such disposal, including, without limtation, the release of any restrictions.

2. *Regional Directors.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), there is redelegated to the Regional Directors, Office of Civil Defense, to be exercised and performed by them within their respective regions, the following authority and functions:

(a) To give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having an original, single item acquisition cost of Two Thousand Five Hundred Dollars ($2,500) or more but less than Fifty Thousand Dollars ($50,000), in advance of the time limitations set forth in the Office of Civil Defense Regulations contained in Title 32, Part 1702—Surplus Property, and to prescribe the terms and conditions of each such disposal.

(b) To determine, on an individual case basis, surplus property having an original, single item acquisition cost of less than Fifty Thousand Dollars ($50,000), which does not so appear in the representative lists of categories of property referred to in subparagraph 1(a) of this Delegation of Authority, to be usable and necessary for the civil defense program of a specific proposed donee.

3. The authority and functions herein delegated may not be redelegated.

4. The authority and functions herein delegated shall be exercised in accordance with Office of Civil Defense Regulations, Part 1702—Surplus Property, and other applicable Office of Civil Defense administrative issuances governing the program for donation of Federal surplus property for civil defense purposes.

5. The Delegations of Authority contained in Reference (c) with respect to the Surplus Property Program are hereby revoked.

6. This Redelegaton of Authority is effective immediately.

Dated this 18th day of December 1961.

STEUART L. PITTMAN,
Assistant Secretary of Defense, Civil Defense.

DECEMBER 20, 1961.

[F.R. Doc. 61-12195; Filed, Dec. 22, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

COLVILLE PUBLIC DOMAIN ALLOTMENTS AND HOMESTEADS LAND RECORDS

Transfer to Portland Area Office

DECEMBER 15, 1961.

In accordance with 25 CFR Part 120, notice is hereby given that all title source documents and land records pertaining to trust or restricted Indian-owned lands designated as Colville Public Domain Allotments and Homesteads in the State of Washington have been transferred from the City of Washington to the Portland Area Office, Bureau of Indian Affairs, 1001 Northeast Holliday Street, Portland 8, Oregon.

Effective December 8, 1961, the Portland Area Office will be the office for the maintenance of records for all trust and restricted lands so designated.

PHILLEO NASH,
Commissioner.

[F.R. Doc. 61-12174; Filed, Dec. 22, 1961; 8:46 a.m.]

Bureau of Land Management

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 14, 1961.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial Number NM 0214761 for the withdrawal of the lands described below, from all forms of appropriations, including the general mining, but not the mineral leasing laws. The applicant desires the land for an administrative site and recreational purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN
LINCOLN NATIONAL FOREST
Indian Wells Recreation Area

T. 16 S., R. 10 E.,
Sec. 15, S½NE¼NE¼, SE¼NE¼.

The area described aggregates 60 acres.

Sacramento Side Camp Administrative Site

T. 18 S., R. 12 E.,
Sec. 30, Lots 1, 2, 3, 4, 5, and 6 (NW¼).

The area described above aggregates 205.79 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-12175; Filed, Dec. 22, 1961; 8:46 a.m.]

Bureau of Reclamation

POWELL TOWNSITE, SHOSHONE PROJECT, WYOMING

Sale of Lots

1. *Statutory authority.* Certain lots in the townsite of Powell, Wyoming, identified in Par. 2 below, will be dis-

posed of in accordance with the acts of April 16 and June 27, 1906 (34 Stat. 116, 519).

2. *Description, area, and appraised value.* T. 55 N., R. 99 W., 6th P.M., Powell Townsite, Wyoming; Lots 8 and 9 of Block 50, containing 56,000 sq. ft., having an appraised value of $39,000.00.

3. *Public sale.* On December 27, 1961, at 2:00 p.m., at the Project Office, Shoshone and Heart Mountain Irrigation Districts, Powell, Wyoming, said lots will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States or have declared their intention to become a citizen of the United States, and there will be reserved to the United States rights-of-way and minerals to the same extent as patents issued under the homestead laws. The owner of any improvements located on any of the lots may remove the same up to but not later than 180 days from the date the lots are sold. F. Duffy Murry, Irrigation Division, Regional Office, Bureau of Reclamation, Billings, Montana, has been designed as superintendent of sale, and Robert M. Fagerberg, Project Manager, Shoshone and Heart Mountain Irrigation Districts, Powell, Wyoming, will be the auctioneer, or in the event that they, or either of them are or is unable to act, the duly appointed designee of the Regional Director, Region 6, Bureau of Reclamation, Billings, Montana, will act in their, or his, behalf.

4. *Terms of sale.* Full payment for the lots must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids, and to suspend, adjourn, and postpone the sale to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. Any lot remaining unsold will be subject to private sale by the Manager, Land Office, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming, excepting that the Commissioner, Bureau of Reclamation, or his delegated representative, may cancel this sale order at any time with the concurrence of the State Supervisor, Bureau of Land Management.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

Approved: November 29, 1961.

BRUCE JOHNSON,
Regional Director.

[F.R. Doc. 61-12212; Filed, Dec. 22, 1961; 8:50 a.m.]

Office of the Secretary

PROCUREMENT AND CONTRACTING

Delegation of Authority

Correction

In F.R. Doc. 61-11570, appearing at page 11748 of the issue for Thursday, December 7, 1961, paragraph 205.11.1A should begin with the words "The head of each bureau" rather than with the words "The head of such bureau".

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1962 CROP OF SUGAR BEETS IN CALIFORNIA

Notice of Hearing on Wage Rates and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(1) of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price and wage proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in San Francisco, California, in the Forest Service Room 539, Appraisers Building, 630 Sansome Street, on January 15, 1962, beginning at 10 a.m.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining pursuant to the provisions of section 301(c)(1) of the Act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of sugar beets for the 1962 crop in California on farms with respect to which applications for payments under the Act are made.

The hearing after being called to order at the time and place mentioned herein may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

To obtain the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matters.

Tom O. Murphy, A. A. Greenwood, and Ward S. Stevenson, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on December 19, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-12209; Filed, Dec. 22, 1961; 8:50 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Arkansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Ashley.	Lincoln.
Chicot.	Monroe.
Conway.	Phillips.
Craighead.	Poinsett.
Crittenden.	Prairie.
Independence.	St. Francis.
Jackson.	Woodruff.
Lee.	Yell.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12210; Filed, Dec. 22, 1961; 8:50 a.m.]

HAWAIIAN SUGARCANE

Notice of Hearing on Prices and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Company, Ltd., Kilauea Avenue, on January 8, 1962, beginning at 9:00 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices or rates for the 1962 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matters.

Tom O. Murphy, A. A. Greenwood, Ward S. Stevenson, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on December 19, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-12208; Filed, Dec. 22, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application; Extension of Time

Notice is given that the time "by close of business on December 20, 1961" set forth in notice appearing in the FEDERAL REGISTER issue of December 6, 1961 (26 F.R. 11688), within which "any person, firm or corporation having an interest" in the above subject application may request a hearing on issues pertinent to sec. 605(c), Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), is hereby extended to "by close of business on January 2, 1962."

Dated: December 20, 1961.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 61-12158; Filed, Dec. 22, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATION OF AUTHORITY

Social Security Administration; Amendment

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is hereby amended in the following respect:

1. Subsection 8.40(c) is amended to read as follows:

(c) Each Regional Director, and each Regional Representative of the Bureau of Old Age and Survivors Insurance, is authorized during the period of December 16 through 31 each year to enter into modifications with States within their respective regions which amend previous agreements between the State and the Department of Health, Education, and Welfare pursuant to section 218 of the Social Security Act, as amended. Whenever such period ends on a Saturday, Sunday, or legal holiday, or on any other day all or part of which is declared to be a nonwork day for Federal employees by statute or Executive Order, then such modifications may be entered into on the first day thereafter which is not a Saturday, Sunday, or legal holiday or any other day all or part of which is declared to be a nonwork day for Federal employees by statute or Executive Order. Each such modification shall contain the following clause:

"It is further agreed that this modification is executed subject to ratification by the Director, Deputy Director, or Assistant Director, Division of Claims Policy, Bureau of Old Age and Survivors Insurance of the Social Security Administration."

(Sec. 6, Reorg. Plan No. 1 of 1953; sec. 216(j), 218, 49 Stat. 620, as amended; 42 U.S.C. 416(j), 418)

Dated: December 18, 1961.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-12181; Filed, Dec. 22, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12817 etc.]

NEW YORK-JAMAICA NONSTOP CASE

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceeding now assigned to be heard on January 10 is postponed to January 12, 1962, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., December 19, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-12203; Filed, Dec. 22, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14425-14442; FCC 61-1473]

SAUL M. MILLER ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Saul M. Miller, Kutztown, Pennsylvania, Requests: 1510 kc, 250 w, Day, Docket No. 14425, File No. BP-13844; Hudson Broadcasting Corp., Reading, Pennsylvania, Requests: 1510 kc, 1 kw, Day, Docket No. 14426, File No. BP-13848; Russell H. Morgan, Chestertown, Maryland, Requests: 1530 kc, 250 w, Day, Docket No. 14427, File No. BP-13906; Arnold Katinsky and Martin Pinsker d/b as Main Line Broadcasters, Radnor, Pennsylvania, Requests: 1510 kc, 250 w, Day, Docket No. 14428, File No. BP-13951; Voice of Cape Henlopen, Inc., Rehoboth Beach, Delaware, Requests: 1520 kc, 250 w, Day, Docket No. 14429, File No. BP-13985; Patapsco Broadcasting Corporation, Sykesville, Maryland, Requests: 1520 kc, 250 w, Day, Docket No. 14430, File No. BP-14118; VIP Broadcasting Corporation (WFYI), Mineola, New York, Has: 1520 kc, 10 kw, DA-D, Req: 1520 kc, 50 kw, DA-D, Docket No. 14431, File No. BP- 14328; Charles Shapiro, Maple Shade, New Jersey, Requests: 1510 kc, 500 w, DA-D, Docket No. 14432, File No. BP-14389; John D. Worthington, Lee L. Case, Samuel Miller, Arthur A. Snowberger, LeRoy Stokes, and George W. Truelove d/b as Bel Air Broadcasting Company, Bel Air Maryland, Requests: 1520 kc, 250 w, Day, Docket No. 14433, File No. BP-14816.

Chandler W. Drummond and E. Theodore Mallyck d/b as Bi-States Broadcasters, Ocean City-Somers Pt., New Jersey, Requests: 1520 kc, 1 kw, DA-D, Docket No. 14434, File No. BP-14817; Radio Haddonfield, Inc., Haddonfield, New Jersey, Requests: 1510 kc, 250 w, Day, Docket No. 14435, File No. BP-14821; Pennland Broadcasting Co., Inc., McSherrystown, Pennsylvania, Requests: 1520 kc, 250 w, Day, Docket No. 14436, File No. BP-14855; C. J. Luczak tr/as Penn. Public Service, West Chester, Pennsylvania, Requests: 1520 kc, 250 w, Day, Docket No. 14437, File No. BP-14885; Paul W. Stoneburner tr/as Salem County Radio, Salem, New Jersey, Requests: 1510 kc, 250 w, Day, Docket No. 14438, File No. BP-14887; Austin E. Harkins tr/as Cornwall Broadcasting Company, Lebanon, Pennsylvania, Requests: 1510 kc, 1 kw, Day, DA, Docket No. 14439, File No. BP-14889; Chandler W. Drummond and E. Theodore Mallyck d/b as Bi-States Broadcasters, Annville-Cleona, Pennsylvania, Requests: 1510 kc, 5 kw, Day, DA, Docket No. 14440, File No. BP-14890; Edgar G. Shelton, Jr., West Chester, Pennsylvania, Requests: 1520 kc, 250 w, Day, Docket No. 14441, File No. BP-14916; Chandler W. Drummond and E. Theodore Mallyck d/b/a Bi-States Broadcasters, Quakertown, Pennsylvania, Requests: 1520 kc, 250 w, Day, Docket No. 14442, File No. BP-14919; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of December 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues set forth below, each of the subject applications possesses the necessary qualifications to construct and operate its proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals involve varying degrees of interlinking interference.

2. As indicated in Issue Number 4, infra, six of the subject proposals appear to involve problems of interference to existing stations.

3. It cannot be determined, on the basis of information submitted, that the following applicants are financially qualified to construct and operate their respective proposals:

(A) *Saul M. Miller, (BP-13844).* A total of $19,662 is required to meet the down payment on equipment, cost of

buildings, miscellaneous expenses, and initial working capital. Mr. Miller's balance sheet indicates liquid assets (cash plus surrender value of life insurance), of only $16,570.

(B) *Voice of Cape Henlopen, Inc. (BP–13985).* The subject application fails to include copies of stock subscription agreements for its five existing stockholders who are each said to have subscribed to an additional $3,000 worth of stock in the applicant corporation. The balance sheets of the stockholders indicate that they would be able to meet these commitments.

(C) *Patapsco Broadcasting Corporation (BP–14118).* An analysis of the balance sheets of stock subscribers Janet and John C. Cotton, Douglas L. Woodward, and James Mulligan indicates that these subscribers—representing a potential voting interest of 56.4 percent in the applicant corporation—do not have sufficient liquid assets available to meet their commitments. "Stocks and Bonds" listed in the Cottons' balance sheet are not described so as to provide a basis for their valuation.

(D) *Charles Shapiro (BP–14389).* The applicant requires initial capital of $21,794 to meet down payment on equipment, miscellaneous expenses, and working capital for three months. An additional unspecified amount will be necessary to meet costs of leasing land and buildings. An analysis of Mr. Shapiro's personal balance sheet does not reveal adequate liquid assets to meet both current liabilities listed and the expenditures for the proposed new station.

(E) *C. J. Luczak tr/as Penn. Public Service (BP–14885).* The applicant's financial plan depends, in part, upon a personal loan of $10,000 from Mrs. C. L. Crockett. Mrs. Crockett states that $4,500 of this amount is to be obtained from "securities." However, these securities are not described and no basis is provided for their valuation.

(F) *Edgar G. Shelton, Jr. (BP–14916).* $32,555 is required to meet initial cost plus the costs of the first three months of operation. Mr. Shelton's personal balance sheet fails to indicate sufficient liquid assets to meet these expenses and no loan agreements have been submitted to indicate the source of additional funds.

4. Measurement data (made on Station WTOP) is necessary to establish that there would be no overlap of 2 and 25 mv/m contours between the existing operation of Station WTOP, Washington, D.C., and the subject proposal of Patapsco Broadcasting Corporation (BP–14118).

5. It has not been determined whether the proposed antenna system of Salem County Radio (BP–14887) would constitute a menace to air navigation.

6. Further measurement data (taken from the proposed site) is necessary to establish that there would be no overlap of 2 mv/m and 25 mv/m contours between the existing operation of Station WBCB, Levittown—Fairless Hills, Pennsylvania, and the subject proposal of Charles Shapiro (BP–14389).

7. The present hearing order necessarily provides for a determination, pursuant to section 307(b) of the Communications Act of 1934, as amended, as to which of the subject applications would best provide a fair, efficient, and equitable distribution of radio service among the several states and communities. As set forth more fully in the Commission's Memorandum Opinion and Order adopted November 15, 1961, re the applications of Kent-Ravenna Broadcasting Company, et al. (FCC 61–1350), the section 307(b) determination encompasses numerous factors. It appears appropriate to consider the class and power of the proposals involved; the proposed service areas; the status of the requested station locations as distinct communities for purposes of section 307(b); the interference caused to and received by each proposal; the number of existing services both in the proposed service area and at the proposed station location of each proposal; and such other factors as may appear to be of decisional significance in the section 307(b) determination.

8. The present hearing order also provides for a standard comparative determination in the following instances:

(a) Between the two applicants for West Chester, Pennsylvania, should that community be favored pursuant to the section 307(b) determination; and

(b) In the event that considerations with respect to section 307(b) are found to be inapplicable as between any competing applicants in this proceeding or in the event a necessary choice between competing applicants cannot reasonably be based upon section 307(b) considerations.

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for new stations and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WFYI and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the following proposals would cause objectionable interference to the existing stations indicated, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Subject Proposal and Existing Station

BP–13848—WRAN, Dover, N.J.
BP–14118—WTOP, Washington, D.C.
BP–14389—WBCB, Levittown-Fairless Hills, Pa.
BP–14816—WTOP, Washington, D.C.
BP–14817—WJMJ, Philadelphia, Pa.
BP–14821—WRAN, Dover, N.J.
WBCB, Levittown, Pa.
BP–14889—WGAL, Lancaster, Pa.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the following applicants are financially qualified to construct and operate their proposed stations:

(a) Saul M. Miller (BP–13844)

(b) Voice of Cape Henlopen, Inc. (BP–13985)

(c) Patapsco Broadcasting Corporation (BP–14118)

(d) Charles Shapiro (BP–14389)

(e) C. J. Luczak tr/as Penn. Public Service (BP–14885)

(f) Edgar G. Shelton, Jr. (BP–14916)

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Paul W. Stoneburner tr/as Salem County Radio, would constitute a menace to air navigation.

8. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Charles Shapiro, (BP–14389) and the existing operation of Station WBCB, Levittown, Pennsylvania in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Patapsco Broadcasting Corporation (BP–14118), and the existing operation of Station WTOP, Washington, D.C., in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

11. To determine, in the event it is concluded that a necessary choice between any two or more instant applications cannot be made on the basis of considerations relating to section 307(b) of the Communications Act of 1934, as amended, which of the latter applications would better serve the public interest in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

12. To determine, in the event it is concluded pursuant to issue Number 9 that one of the proposals for West Chester, Pennsylvania should be favored, which of the two proposals for that city would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

13. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Lion Broadcasting Co., Inc., The Washington Post Company, O'Keefe Broadcasting Company, Inc., WJMJ Broadcasting Corporation, and WGAL, Inc., licensees of Stations WRAN, WTOP, WBCB, WJMJ and WGAL, respectively, are made parties to the proceeding.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application of Pennland Broadcasting Company, Inc., such action shall be without prejudice to any future action the Commission may deem appropriate in view of circumstances surrounding the operation of Station WETT, Ocean City, Maryland by James L. O'Connor, Jr., and David W. Beck, controlling stockholders in Pennland Broadcasting Company, Inc.

It is further ordered, That in the event of a grant of the application of Main Line Broadcasters, BP–13951, Arnold Katinsky shall submit evidence that he has severed connections with Station WIP, Philadelphia, Pennsylvania, prior to issuance of program test authority.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules. Such notice shall be given within the time and in the manner prescribed in the rule, except that the provisions of § 1.362(e) shall apply only to the extent that each applicant must publish:

(1) The name of the applicant publishing notice and the fact that the applicant has been designated for consolidated hearing with other applicants.

(2) The call letters, if any, of the publishing applicant and the frequency on which the station is operating or proposes to operate.

(3) The time and place of the hearing.

(4) All issues in this order specifically applicable to the publishing applicant, provided that all applicants herein designated for hearing shall publish Issues 3, 5, 9, and 11.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–12201; Filed, Dec. 22, 1961; 8:50 a.m.]

[Docket No. 14367 etc.; FCC 61–1477]

VETERANS BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Veterans Broadcasting Company, Inc., Syracuse, New York, Docket No. 14367, File No. BPCT–2912; Syracuse Television, Inc.,,Syracuse, New York, Docket No. 14368, File No. BPCT–2924; W.R.G. Baker Radio and Television Corporation, Syracuse, New York, Docket No. 14369, File No. BPCT–2930; Onondaga Broadcasting, Inc., Syracuse, New York, Docket No. 14370, File No. BPCT–2931; Wage, Inc., Syracuse, New York, Docket No. 14371, File No. BPCT–2932; Syracuse Civic Television Association, Inc., Syracuse, New York, Docket No. 14372, File No. BPCT–2933; for construction permits for new television broadcast stations.

In re applications of Ivy Broadcasting Company, Inc., Syracuse, New York, Docket No. 14443, File No. BPCT–2949; Six Nations Television Corporation, Syracuse, New York, Docket No. 14444, File No. BPCT–2957; Salt City Broadcasting Corporation, Syracuse, New York, Docket No. 14445, File No. BPCT–2958; George P. Hollingbery, Syracuse, New York, Docket No. 14446, File No. BPCT–2968; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of December 1961.

The Commission having under consideration the above captioned applications, Ivy Broadcasting Company, Inc. (BPCT–2949), Six Nations Television Corporation (BPCT–2957), Salt City Broadcasting Corporation (BPCT–2958), George P. Hollingbery (BPCT–2968), each requesting a construction permit for a new television broadcast station to operate on Channel 9 assigned to Syracuse, New York; and

It appearing, that on November 8, 1961, the Commission designated for hearing six applications each requesting a construction permit for Channel 9 in Syracuse, New York (FCC 61–1336, Docket Nos. 14367 through 14372); and

It further appearing, that the above captioned applications (BPCT–2949, BPCT 2957, BPCT–2958, BPCT–2968) were on file on November 7, 1961, the day preceding the date on which the prior applications were designated for hearing, and are mutually exclusive and entitled to comparative consideration therewith; and

It further appearing, that Six Nations Television Corporation proposes facilities which appear to contravene the provisions of the Working Arrangement for Allocation of VHF Television Broadcast Stations under the Canadian-U.S.A. Television Agreement of 1952; that, therefore, it is necessary to refer this proposal to the Canadian Government for its comments; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) *The proposal of Ivy Broadcasting Company, Inc., (BPCT–2949).* (1) The applicant has pending an application (BPCT–2963) for a construction permit for a new television broadcast station to operate on Channel 13 in Rochester, New York. In the event both applications were to be granted, it appears that substantial overlap would result. Consequently, under such circumstances and assuming a grant of the Rochester application, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the

programming that the stations will present with particular reference to the particular needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.636(a)(1) of the Commission's rules.

(2) Based on information contained in the application, it appears that cash in the approximate amount of $1,169,000 will be required for the construction and initial operation of the proposed station. Applicant proposes to finance the construction and operation by means of a bank loan of $1,000,000 and existing capital of $75,000. However, it cannot be determined that existing capital in the amount indicated is available, since the balance sheet shows that current assets exceed current liabilities by only $10,000. Moreover, it appears that current liabilities are understated, since Commission records show that the current portion of long term debts has not been included as a current liability. Accordingly, it cannot be determined that Ivy Broadcasting Company, Inc. is financially qualified to construct and operate the proposed station.

(3) Applicant's antenna center of radiation and stated gain do not correspond with data filed by the manufacturer with the Commission. Therefore, the correct antenna electrical center, antenna and power distribution between the upper and lower sections of the antenna cannot be determined.

(4) No determination has yet been made as to whether the proposed antenna system and site would constitute a menace to air navigation.

(b) *The proposal of Six Nations Television Corporation (BPCT–2957).* The physical dimensions for the proposed antenna as stated in the application do not agree with those filed with the Commission by the manufacturer.

(c) *The proposal of Salt City Broadcasting Corporation (BPCT–2958).* No determination has yet been made as to whether the proposed antenna system and site would constitute a menace to air navigation.

(d) *The proposal of George P. Hollingbery (BPCT–2968).* (1) It appears that cash in the approximate amount of $586,500 will be required for construction and initial operation of the proposed station. Applicant proposes to finance the construction and operation of the proposed station from assets stated to be in excess of $1,000,000. However, applicant has failed to describe the assets relied upon in sufficient detail. Consequently, it cannot be determined that George P. Hollingbery is financially qualified to construct and operate the proposed television broadcast station.

(2) No determination has yet been made as to whether the proposed antenna system and site would constitute a menace to air navigation.

It further appearing, that upon due consideration of the above captioned applications (BPCT–2949, BPCT–2957, BPCT–2958 and BPCT–2968), the Commission finds that Ivy Broadcasting Company, Inc., is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issues "3" and "4" specified below, and otherwise qualified except with respect to issues "1" and "2" below; that Six Nations Television Corporation is legally and financially qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "5" below; that Salt City Broadcasting Corporation is legally and financially qualified to construct, own and operate the proposed television broadcast station, and is technically qualified except with respect to issue "6" below; and that George P. Hollingbery is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "8" below and otherwise qualified except with respect to issue "7" below.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications (BPCT–2949, BPCT–2957, BPCT–2958 and BPCT–2968) are designated for hearing and consolidated with the pending proceeding in Docket Nos. 14367 through 14372 at a time and place to be specified in a subsequent order upon the following issues:

1. To determine, assuming a grant of Ivy Broadcasting Company's application (BPCT–2963) for Channel 13, Rochester, New York, whether a grant of the subject application would contravene the provisions of § 3.636 of the Commission's rules.

2. To determine whether Ivy Broadcasting Company, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine the correct antenna electrical center, the antenna gain and the power distribution between the upper and lower sections of the antenna specified by Ivy Broadcasting Company, Inc.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Ivy Broadcasting Company, Inc., would constitute a menace to air navigation.

5. To determine the physical dimensions for the antenna proposed by Six Nations Television Corporation.

6. To determine whether there is a reasonable possibility that the tower height and location proposed by Salt City Broadcasting Corporation would constitute a menace to air navigation.

7. To determine whether George P. Hollingbery is financially qualified to construct, own and operate the proposed television broadcast station.

8. To determine whether there is a reasonable possibility that the tower height and location proposed by George P. Hollingbery would constitute a menace to air navigation.

9. To determine on a comparative basis which of the operations proposed in the above-captioned applications and those previously designated for hearing in Docket Nos. 14367 through 14372 (FCC 61–1336) would better serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-mentioned applications.

10. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That issues "9" and "10" of this Order shall supersede issues "6" and "7" specified in the Commission's Order of November 8, 1961 (FCC 61–1336) in Docket Nos. 14367 through 14372.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the FAA is hereby made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein and the applicants previously designated for hearing in Docket Nos. 14367 through 14372 shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: December 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12202; Filed, Dec. 22, 1961; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 963]

A. H. BULL STEAMSHIP CO.

Proposed Increases in Rates on "Freight, All Kinds", in Mixed Van Loads in the Puerto Rican Trade; Notice of Investigation and of Hearing

On December 14, 1961, the Federal Maritime Commission entered the following order:

It appearing, that there have been filed with the Federal Maritime Commission various tariff schedules naming increases in freight rates from and to United States Atlantic and Gulf ports and ports in Puerto Rico, to become effective December 15, 1961, and later, designated as follows:

A. H. Bull Steamship Co. (Outward Freight Tariff No. 1) FMB–F No. 1:
On Fourth Revised Page No. 84, the freight, all kinds rate and provisions;
On Fifth Revised Page No. 84, the freight, all kinds rate and provisions;
Third Revised Page No. 84–A;
Third Revised Page No. 85;
A. H. Bull Steamship Co. (Homeward Freight Tariff No. 1) FMB–F No. 2:
Third Revised Page No. 29;
Third Revised Page No. 29–A;
Third Revised Page No. 30;

and

It further appearing, that protests have been received petitioning the Commission to suspend said increases; and

It further appearing, that upon consideration of the said schedules, statements in support thereof, and protests made thereto, there is reason to believe that the said schedules, if permitted to become effective, would result in rates, charges, classifications, regulations, tariffs, or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new rates, charges, classifications, regulations, tariffs, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the effective date of the said schedules should be suspended, pending such investigation;

Now, therefore, it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said schedules be, and they are hereby, suspended and that the use of the said schedules be, and it is hereby, deferred to and including April 14, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That (I) there shall be filed immediately with the Commission by the A. H. Bull Steamship Co. consecutively numbered supplements to the aforesaid suspended schedules which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended schedules are described, and shall state that the aforesaid schedules are suspended and that the rates, charges, classifications, regulations, tariffs, and practices therein stated may not be used until the 15th day of April 1962, unless otherwise authorized by the Commission; and (II) the rates, charges, classifications, regulations, tariffs, and practices hereby deferred may not be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension, and neither the matter hereby suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; (II) A. H. Bull Steamship Company, be, and it is hereby, made respondent in this proceeding; (III) a copy of this order shall be forthwith served upon the said respondent and protestants herein; (IV) respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: December 20, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-12189; Filed, Dec. 22, 1961; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-195]

FRIO-TEX OIL AND GAS CO.

Order for Hearing and Suspending Proposed Change in Rate, and Allowing Increased Rate To Become Effective; Correction

DECEMBER 14, 1961.

In the Order for Hearing and Suspending Proposed Change in Rate, and Allowing Increased Rate To Become Effective, issued November 22, 1961 and published in the FEDERAL REGISTER on November 30, 1961 (F.R. Doc. 61–11305; 26 F.R. 11310): In the first column delete the words "(gravity Gas)" in statement of proposed and effective rate levels.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12168; Filed, Dec. 22, 1961; 8:45 a.m.]

[Docket No. CI61-1272, etc.]

TENNECO CORP. AND TENNESSEE GAS TRANSMISSION CO.

Order Approving Recess of Hearing for More Than Thirty Days

DECEMBER 19, 1961.

Tenneco Corporation, Docket Nos. CI61–1272, CI61–1273, CI61–1475; Tennessee Gas Transmission Company, Docket No. CP61–264.

At the hearing on December 5, 1961, the Commission Staff Counsel requested the Presiding Examiner to adjourn the hearing until March 1, 1962, to allow time to prepare its case for presentation. Staff Counsel stated that the contemplated presentation entailed the construction of a cost of service study based upon the applicants' books of account.

Arrangement was made for the service of the proposed study, with accompanying testimony in written form, upon all parties of record on or before February 5, 1962, so that the case may proceed directly to cross-examination when the hearing is reconvened on March 1, 1962.

It is also noted, that a motion to dismiss the above-captioned applications was filed on December 8, 1961 by Staff Counsel. The instant order approving

the adjournment is not intended, either expressly or inferentially, to dispose of any issue raised by such motion.

The Commission finds: Good cause has been shown for the adjournment of the hearing herein until March 1, 1962.

The Commission orders: The adjournment of the hearing herein by the Presiding Examiner until March 1, 1962, be and the same hereby is approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12169; Filed, Dec. 22, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CHASE MANHATTAN BANK

Order for Public Proceeding

In the matter of the application of The Chase Manhattan Bank, New York, New York, for prior approval of proposed merger with Hempstead Bank, Hempstead, New York.

The Chase Manhattan Bank, New York, New York, has filed an application under the provisions of section 18(c) of the Federal Deposit Insurance Act, as amended, for the Board's prior approval of the merger of the Hempstead Bank, Hempstead, New York, into The Chase Manhattan Bank, under the charter and title of the latter. Notice of the filing of this application was published by the applicant pursuant to the requirements of section 18(c).

It now appears to the Board to be in the interest of the public, as well as the applicant, to afford an opportunity for the expression of views and opinions by persons in a public proceeding before the Board.

Accordingly, it is hereby ordered, That a public proceeding before the Board be held commencing at 2 p.m. on January 19, 1962, at the offices of the Board of Governors, Washington, D.C.

It is further ordered, That any person desiring to appear before the Board at this proceeding should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington 25, D.C., on or before January 5, 1962, a written request setting forth a brief statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

Dated at Washington, D.C., this 19th day of December, 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-12170; Filed, Dec. 22, 1961; 8:46 a.m.]

CHEMICAL BANK NEW YORK TRUST CO.

Order for Public Proceeding

In the matter of the application of Chemical Bank New York Trust Company, New York, New York, for prior approval of proposed merger with Long Island Trust Company, Garden City, New York.

Chemical Bank New York Trust Company, New York, New York, has filed an application under the provisions of section 18(c) of the Federal Deposit Insurance Act, as amended, for the Board's prior approval of the merger of the Long Island Trust Company, Garden City, New York, into the Chemical Bank New York Trust Company, under the charter and title of the latter. Notice of the filing of this application was published by the Applicant pursuant to the requirement of section 18(c).

It now appears to the Board to be in the interest of the public, as well as the Applicant, to afford an opportunity for the expression of views and opinions by persons in a public proceeding before the Board.

Accordingly, it is hereby ordered, That a public proceeding before the Board be held commencing at 10 a.m. on January 19, 1962, at the offices of the Board of Governors, Washington, D.C.

It is further ordered, That any person desiring to appear before the Board at this proceeding should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington 25, D.C., on or before January 5, 1962, a written request setting forth a brief statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

Dated at Washington, D.C., this 19th day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-12171; Filed, Dec. 22, 1961; 8:46 a.m.]

WHITNEY HOLDING CORP.

Order for Public Proceeding

In the matter of the application of Whitney Holding Corporation, New Orleans, Louisiana, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

Whitney Holding Corporation, New Orleans, Louisiana, has filed an application, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, for prior approval by the Board of Governors of action whereby Whitney Holding Corporation would become a bank holding company by acquiring substantially all of the stock of (1) the Crescent City National Bank, New Orleans, Louisiana (a proposed new bank), into which would be consolidated the existing Whitney National Bank of New Orleans, under the latter title, and (2) the Whitney National Bank in Jefferson Parish, Louisiana (a proposed new bank). Notice of this application was published in the FEDERAL REGISTER affording interested persons an opportunity to sumbit written views and comments (26 F.R. 6792).

It now appears to the Board to be in the interest of the public, as well as the Applicant, to afford further opportunity for the expression of views and opinions by interested persons in a public proceeding before the Board.

Accordingly, *it is hereby ordered,* That a public proceeding before the Board be held commencing at 10 a.m. on January 17, 1962, at the offices of the Board of Governors, Washington, D.C.

It is further ordered, That any person desiring to appear before the Board at this proceeding should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington 25, D.C., on or before January 3, 1962, a written request setting forth a brief statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

Dated at Washington, D.C., this 19th day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-12172; Filed, Dec. 22, 1961; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

OSCAR F. RENZ

Appointee's Statement of Changes of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published July 13, 1961 (26 F.R. 6285).

Dated: December 11; 1961.

OSCAR F. RENZ.

[F.R. Doc. 61-12157; Filed, Dec. 22, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 19, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 20, 1961, to December 29, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-12182; Filed, Dec. 22, 1961; 8:47 a.m.]

[File No. 812-1461]

INCORPORATED INVESTORS

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than Public Offering Price in Exchange for Assets of Non-Affiliated Company

DECEMBER 18, 1961.

Notice is hereby given that Incorporated Investors ("Incorporated"), 200 Berkeley Street, Boston, Mass., a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Christjane Corporation ("Christjane").

Shares of Incorporated, a Massachusetts corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of September 29, 1961, the net assets of Incorporated amounted to $320,743,204 and 37,277,297 of its shares were outstanding.

Christjane, a Delaware corporation, is a personal holding company with thirty-four shareholders which engages in the business of investing and reinvesting its funds. Christjane is exempt from registration under the Act by reason of the provisions of section 3(c)(1). Pursuant to an agreement between Incorporated and Christjane, substantially all of the securities and other assets owned by Christjane, with a total value of approximately $8,586,275 as of September 29, 1961, will be transferred to Incorporated in exchange for shares of stock of Incorporated. The application states that the portfolio securities of Christjane to be retained by Incorporated meet its investment objectives, and that, subject to its right to dispose of such securities in the event of unforeseen changes of circumstances, Incorporated intends to retain these securities as investments. The shares of Incorporated acquired by Christjane are to be distributed immediately to its shareholders who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Incorporated to be delivered to Christjane will be determined by dividing the net asset value per share of Incorporated in effect at the close of business on the day preceding the closing date into the value of the Christjane assets to be exchanged, subject to an adjustment as described below.

The value of the assets of Christjane will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Incorporated's shares. Since the exchange will be tax free for Christjane and its shareholders, Incorporated's cost basis for tax purposes on the assets acquired from Christjane will be the same as for Christjane, rather than the price actually paid by Incorporated for the assets. The unrealized appreciation on the assets to be acquired from Christjane exceeds proportionately the unrealized appreciation on Incorporated's present assets. Thus, Incorporated will acquire securities from Christjane at a tax-cost basis less than the price actually paid therefor, and if any of the acquired assets are sold in the future, artificial capital gains may be realized and Incorporated's present shareholders will be subject to tax liability thereon.

To provide against the tax consequences of the sale of certain securities immediately upon acquisition and the possible unfavorable tax consequence of a future sale of the other assets acquired from Christjane, Incorporated proposes to adjust the aggregate market value of the acquired assets by deducting from such value an amount to be determined by the parties at the closing date. The adjustment shall consist first of an amount equivalent to 12½ percent of unrealized taxable long term capital gain on securities to be sold by Incorporated immediately upon acquisition. The balance of the amount to be deducted shall represent an amount equal to 12½ percent of the increase in the amount of unrealized appreciation allocable to the present shareholders of Incorporated, giving effect to the acquisition of Christjane on a pro forma basis and making allowance for the amount of Incorporated's realized undistributed gains allocable to Christjane.

As of September 29, 1961, the net unrealized appreciation on the portfolio securities of Christjane was approximately $6,252,107, or approximately 72.8 percent of the value of such securities, as compared with net unrealized appreciation of Incorporated's portfolio securities of $111,476,763, or approximately 35 percent of the value of such securities; the net unrealized appreciation on the securities Incorporated intends to sell immediately was $759,395; and the undistributed realized capital gains of Incorporated amounted to approximately $13,064,475. If the transaction had been consummated on September 29, 1961, there would have been a deduction of approximately $357,277 from the value of the assets to be acquired by Incorporated.

The application recites that the terms of the entire transaction were arrived at through arms'-length bargaining between officers of Incorporated and Christjane. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Incorporated and the Parker Corporation (Incorporated's investment adviser) and the officers and directors of Christjane.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Incorporated are to be issued to Christjane at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1¾ percent for sales of $500,000 and over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 2, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-12183; Filed, Dec. 22, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

	Page
PROCLAMATIONS:	
May 27, 1907	11746
3298	11937
3401	11714
3440	11714
3441	11937
3442	12023
EXECUTIVE ORDERS:	
Nov. 10, 1917	11906
Apr. 8, 1919	11906
June 14, 1921	11906
2711	11746
3797–A	12080
8578	12292
10717	11937
10977	11471
10978	11714
10979	11937
10980	12059

4 CFR

33	12275
34	12275
35	12276
51	12277, 12278
52	12277, 12278
54	12278

5 CFR

6	11347, 11483, 11671, 11813, 11852, 12060, 12155, 12211, 12239.
29	11794
30	12109
401	11938

6 CFR

421	12157, 12239

7 CFR

1	12155
46	12209
53	12109
319	12029
401	12209, 12279
403	12210
718	11813
719	12060
722	11472, 11481, 11851, 11887
728	11795, 12109
729	11816
750	11725
775	11672
776	11347, 11407, 12210
811	11963
812	11817
820	11965
871	11968
904	12239
914	11417, 11817, 11851, 11890, 12062, 12063, 12156.
933	11417–11419
936	12211
937	11725
938	11725, 12063
946	12110
953	11419, 11818, 11851, 12030, 12064, 12110, 12279, 12280.
958	11483, 11852, 11970
959	12211
975	12240
990	12239

7 CFR—Continued

	Page
1001	12064
1019	12239
1032	12030
1034	12241, 12280
1066	12280
1067	12281
1068	12064
1069	12065, 12242
PROPOSED RULES:	
26	12132
51	12222
362	12167
812	11838
903	12167
904	12037
911	11495
913	11839
914	11435
944	12132
947	12132
949	12037
952	12037
953	11363
970	12294
982	11498
990	12037
993	12037
996	12037
999	12037
1019	12168
1026	11982
1028	11982
1050	12132

8 CFR

103	12111, 12212
204	12212
212	12066, 12212
214	12066, 12213
237	11818
242	12111, 12242, 12282
243	11819, 12113
244	12113
245	12114
249	12114
252	11797
253	11797
299	11819
PROPOSED RULES:	
242	11363

9 CFR

74	11852, 11970
77	11971
78	12067
83	11483, 11853
PROPOSED RULES:	
17	12222
74	11804
151	11870
201	11988

10 CFR

25	11726

12 CFR

4	11353
204	12031
217	11798, 11971, 12031
327	12031
329	11798, 12031

13 CFR

121	12069
122	11353

14 CFR

	Page
40	11354
41	11355
42	11356
49	12213
60	12283
221	11819, 12156
287	11890
288	11483, 12114
302	11820
385	12242
507	11672, 11821, 12032, 12033, 12213, 12214
555	11672
600	11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070, 12214, 12283.
601	11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074, 12215, 12246, 12247, 12283–12290.
602	11729
608	11729, 11730, 11859, 11861, 11894, 12033, 12215, 12283, 12290.
609	11939, 11946, 11951, 11960
610	12074
PROPOSED RULES:	
3	12294
4b	12294
6	12294
7	12294
18	11804
40	12294
41	12294
42	12294
43	11804
302	11685, 11841
376	12179
399	11841
411	12085
507	11870, 12042, 12256
600	11435, 11494, 11734
601	11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
608	11435, 11494, 11988

15 CFR

201	11357
230	11360, 11972, 12248

16 CFR

13	11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115, 12215, 12216, 12291.
14	11826

17 CFR

231	11896
239	11730
PROPOSED RULES:	
270	11736

18 CFR

141	11897
260	11900
PROPOSED RULES:	
2	11459, 12304

19 CFR

	Page
3	11362
4	12248
5	11420
21	11362
54	11731
PROPOSED RULES:	
10	11683

20 CFR

404	11827, 11938

21 CFR

20	11676
120	11731, 11799, 12034, 12249
121	11677, 11799, 11800, 11828–11830, 12035, 12077, 12249.
141a	11801
141c	11801
146	12035
146a	11801
146c	11801
147	11802
191	12035
305	12216
PROPOSED RULES:	
1	11734
16	12256
27	11988
51	11988
120	11684
121	11684, 11735, 11841, 11870, 12143, 12144, 12178, 12256.
141a	11684
146	11684
146a	11684
147	11684
307	12222

24 CFR

200	12291
201	11731
220	12116
221	12118
233	12120

25 CFR

PROPOSED RULES:	
221	11734

26 CFR

1	11436, 11677, 12077, 12216
20	11861
25	11861
45	11861
PROPOSED RULES:	
1	12085
48	12085

28 CFR

15	11420

29 CFR

403	11678
408	11678
670	11420
678	11420
779	11802
PROPOSED RULES:	
545	11735

30 CFR

222	11487

31 CFR

270	11938

32 CFR

272	11830
273	11831
577	11679

32 CFR—Continued

	Page
701	11715
710	11716
711	12158
714	12217
719	11763, 11862
720	11722
723	12121
736	12158, 12217
744	12217
755	11792
765	11680, 11794, 12158, 12217
804	12249
1008	12249
1012	12249
1013	12249
1016	12249
1054	12249
1057	12249
1453	11972
1470	11972
1472	11972
2011	11421

32A CFR

OIA (CH. X):	
OI Reg. 1	11973

33 CFR

2	12159
125	11862
203	11803, 12105
206	12105
210	11732
212	11421

35 CFR

10	12217

36 CFR

1	11903
311	12122
PROPOSED RULES:	
1	11363

38 CFR

6	11680
7	11802
8	11680
21	11862

39 CFR

1—204	11513
2	12122
4	12122
13	11864
15	12122
17	11903
27	11903
31	11864, 12125
33	11903
41	12122
42	12122
44	12122
47	11864
48	11864
94	12218
96	12218
168	11832
PROPOSED RULES:	
61	11838
201	11426
202	11431
203	11432
204	11432

41 CFR

2-1	12126
2-3	12126
2-12	11904
9-7	11488
60-1	11974, 12250

43 CFR

	Page
61	12126
64	12126
66	12126
81	12126
102	12126
161	11975, 12165
192	12126
PROPOSED RULES:	
192	11493, 11911
200	11493
250	12254
PUBLIC LAND ORDERS:	
61	11803
629	12292
842	11361
1058	12082
1238	11863
1744	12251
1843	12251
1942	12251
2323	12080
2400	12251
2458	12251
2543	11361
2544	11361
2545	11803
2546	11361
2547	11803
2548	11803
2549	11803
2550	11863
2551	11863
2552	11906
2553	12079
2554	12080
2555	12080
2556	12080
2557	12080
2558	12081
2559	12082
2560	12251
2561	12251
2562	12251
2563	12251
2564	12251
2565	12292
2566	12292
2567	12292
2568	12292
2569	12292

44 CFR

151	11425

46 CFR

2	11908
34	11908
73	11908
76	11909
78	11909
97	11909
146	12082
157	12082
167	11909
171	11864
221	12293
510	12252
PROPOSED RULES:	
201	11738
206	11738
221	11738
298	11738
299	11738
Ch. IV	12294

47 CFR

1	11909, 11977
2	11833, 11978
3	12024, 12083, 12165, 12220

47 CFR—Continued

	Page
7	12083
8	12083
10	11422, 11681, 11978
14	12083
16	11423, 11978
19	11978
PROPOSED RULES:	
3	11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7	11369, 12144
8	11369, 11912, 12144
10	12145
14	11369

49 CFR

43	11835
95	12166
170	11732
174a	11492

50 CFR

32	11733
33	11733, 11836, 11837, 11868, 11869, 11909, 12165.
80	12128
270	11979

Announcing first

5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

THE UNIVERSITY OF MICHIGAN

JAN 3 1962

MAIN READING ROOM

Pages 12317–12545

FEDERAL REGISTER

VOLUME 26 NUMBER 248

Washington, Wednesday, December 27, 1961

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Raisins produced from grapes grown in California; handling... 12520

RULES AND REGULATIONS:
Navel oranges grown in Arizona and designated part of California; handling limitation... 12494

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia; hearing regarding proposed amendment of agreement and order... 12528

RULES AND REGULATIONS:
Milk in St. Louis, Mo., marketing area; order amending order... 12494
Sugar quota allotments; domestic sugar beet area, 1961... 12493

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Air Force Department

RULES AND REGULATIONS:
Contract clauses... 12386
General provisions... 12319
Procurement by:
Formal advertising... 12354
Negotiation... 12361
Termination of contracts... 12468

Atomic Energy Commission

NOTICES:
Babcock & Wilcox Co.; issuance of construction permit... 12539
Navy Department, Naval Radiological Defense Laboratory; proposed amendment of byproduct material license... 12539

Commerce Department

See also International Programs Bureau.

NOTICES:
Public Roads Bureau; organization and functions... 12536

Defense Department

See Air Force Department.

Federal Aviation Agency

RULES AND REGULATIONS:
Control area extensions, alterations; and designations of transition areas (10 documents)... 12501, 12502, 12504, 12505, 12507, 12508, 12510, 12513, 12514, 12516.
Control area extension, alteration and revocation; and designation of transition area... 12512
Control area extension, alteration and designation; and alteration of transition area and revocation of control area extension... 12503

Federal Communications Commission

NOTICES:
Hearings, etc.:
Melody Music, Inc. (WGMA)... 12540
Veterans Broadcasting Co., Inc., et al... 12540

RULES AND REGULATIONS:
Coast and ship stations; Alaska and Mississippi River... 12519

Federal Power Commission

NOTICES:
Secure Trust et al.; hearings, etc... 12540

Federal Reserve System

RULES AND REGULATIONS:
Practice and procedure, information, submittals, and requests... 12495

Federal Trade Commission

RULES AND REGULATIONS:
Prohibited trade practices:
Perfection Gear Co... 12518
Silverstein, Irving, and Silverstein Brothers... 12517

Food and Drug Administration

PROPOSED RULE MAKING:
Pesticide chemicals in or on raw agricultural commodities; filing of petition for tolerances... 12533

RULES AND REGULATIONS:
Informal statements of general policy or interpretation; statement of dosage on prescription drug labels... 12518

Health, Education, and Welfare Department

See Food and Drug Administration.

International Programs Bureau

NOTICES:
Orders temporarily denying export privileges:
Lores, Francisco Femenias, et al... 12534
Rodriguez, Victor Hernandez, et al... 12534
Transcontinental, S.A., et al... 12535

Interstate Commerce Commission

NOTICES:
Motor carrier transfer proceedings... 12541

Post Office Department

RULES AND REGULATIONS:
Procurement regulations... 12519

Securities and Exchange Commission

NOTICES:
Union Electric Co.; proposed acquisition of common stock and income debentures... 12542

Tariff Commission

NOTICES:
Baseball and softball gloves, including mitts; report to the President... 12542

(Continued on next page)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

7 CFR

813 12493
903 12494
914 12494
PROPOSED RULES:
983 12528
989 12520

12 CFR

261 12495
262 12497
263 12498

14 CFR

601 (12 documents) .. 12501–12505, 12507, 12508, 12510, 12512–12514, 12516

16 CFR

13 (2 documents) 12517, 12518

21 CFR

3 12518
PROPOSED RULES:
120 12533

32 CFR

1001 12319
1002 12354
1003 12361
1007 12386
1008 12468

41 CFR

39–1 12519

47 CFR

7 12519
8 12519
14 12519

1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

PART 1001—GENERAL PROVISIONS

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

PART 1003—PROCUREMENT BY NEGOTIATION

PART 1007—CONTRACT CLAUSES

PART 1008—TERMINATION OF CONTRACTS

Republication

Because of numerous amendments to certain parts of Chapter VII of Title 32, the following parts are republished to include those amendments with no substantive changes: Part 1001, Part 1002, Part 1003, Part 1007, and Part 1008, Subparts G and H.

Subpart A—Introduction

Sec.	
1001.101	Purpose of subchapter.
1001.102	Applicability of subchapter.
1001.104	Content of instruction.
1001.105	Amendments.
1001.107	Effective date.
1001.108	Air Force Procurement Circulars.
1001.109	Deviations from Armed Services Procurement Regulation or a Department of Defense Directive.
1001.109–2	Deviations affecting one contract or transaction.
1001.109–3	Deviations affecting more than one contract or contractor.
1001.109–4	Conflicts between Government-to-Government agreements with ASPR.
1001.109–50	Deviations from AFPI or AFPC.
1001.109–51	Deviations, contract clauses.
1001.111	Reports of suspected criminal conduct and noncompetitive practices.
1001.111–1	Suspected criminal conduct.
1001.111–2	Non-competitive practices.

Subpart B—Definition of Terms

1001.201	Definitions.
1001.201–1	Change orders.
1001.201–3	Contracting officer.
1001.201–18	Sources of supplies.
1001.201–50	Contract change notification.
1001.201–51	Contractor.
1001.201–52	Chief officer responsible for procurement.
1001.201–53	Appropriated funds.
1001.201–54	Base procurement.
1001.201–55	Central procurement.
1001.201–56	Base procurement activity.
1001.201–57	Foreign base procurement activity.
1001.201–58	AMC field procurement activities.
1001.201–59	Foreign central procurement activity.
1001.201–60	Oversea commands.
1001.201–61	Continental United States (ConUS).
1001.201–62	Contract management regions (CMR'S).
1001.201–71	Title I and Title II Architect-Engineer Services.

Subpart C—General Policies

1001.302	Sources of supplies.
1001.302–1	Government agencies.
1001.302–2	Sources outside the Government.
1001.302–3	Production and research and development pools.
1001.302–4	Foreign purchases.
1001.302–50	Contracts between the Government and its employees, proposed subcontracts between Government prime contractors and Government employees.
1001.305	Time of delivery or performance.
1001.305–1	Scope.
1001.305–2	General.
1001.305–3	Terms.
1001.305–4	Time of delivery clauses.
1001.305–50	Maximum delivery schedules.
1001.305–51	Establishment of delivery schedules on open contracts.
1001.305–52	Amendment of delivery schedules in supply or research and development contracts.
1001.306	Approval signatures.
1001.307	Priorities, allocations, and allotments.
1001.309	Solicitations for information or planning purposes.
1001.310	Liquidated damages.
1001.312	Voluntary refunds.
1001.312–50	Other than voluntary refunds.
1001.313	Procurement of parts.
1001.313–50	Initial procurement.
1001.313–51	Replenishment procurement.
1001.313–52	Priorities.
1001.314	Contracting officer's decision under the disputes clause.
1001.314–50	Appeals.
1001.314–51	Processing.
1001.314–52	Contractor's compliance and withdrawal after appeal is filed.
1001.314–53	Assistance in connection with pretrial conference and hearings.
1001.314–54	Suggested format; decision in accordance with disputes clause.
1001.314–55	Alternative suggested format; to be used when a termination for convenience dispute is involved.
1001.314–56	Delegation of authority to process contract appeals.
1001.314–57	Staff Judge Advocate, Hq AMC.
1001.350	Forward purchasing policy.
1001.351	Policy on establishment of secondary sources of aircraft production.
1001.352	Individuals authorized to initiate purchase requests.
1001.353	Utilization of funds.
1001.354	Discount expedite.
1001.355	Relations between GAO and Air Force personnel.
1001.356	Tests of contractor manufactured equipment.
1001.357	Use of new contracts for follow-on procurements.
1001.358	Policy regarding the consideration of loyalty of scientific researchers on unclassified research contracts.
1001.359	Contracting with architect-engineer firms for construction work.
1001.360	Requests from foreign entities for information as to acquisition of production and sales rights to United States military end items.
1001.361	Hospitalization and medical care for contractor's employees at oversea installations.

Subpart D—Procurement Responsibility and Authority

1001.401	Responsibility of each procuring activity.
1001.402	General authority of contracting officers.
1001.450	Secretary.
1001.451	Representatives of contracting officers.
1001.452	Designation of contracting officers and representatives of contracting officers.
1001.453	Delegations of authority.
1001.454	Authority to designate contracting officers and representatives thereof.
1001.455	General procurement authority.
1001.456	Authorities of the sole "head of a procuring activity."
1001.457	Authority to enter into, execute and approve contracts.
1001.458	Manual approval of contracts for services of experts and consultants.
1001.459	Manual approval of architect-engineer contracts.
1001.460	Priorities authority; DO and DX ratings; allotments, and rescheduling deliveries.
1001.461	Contracts for public utility services extending beyond current fiscal year or including a connection charge in excess of $5,000.
1001.462	Approval of certain PR's and MIPR's.
1001.464	Delegation to Commander, Air Training Command.
1001.465	Release of program data and procurement information.
1001.466	Participation by airlines representatives in flights of commercially adaptable USAF aircraft.
1001.480	Guide—delegations of Air Force procurement authority.
1001.480–2	Redelegation of AF procurement authorities by the Commander, AMC, and the Director of Procurement and Production, Hq AMC.

Subpart E—Contingent or Other Fees

1001.506	Representation and agreement required from prospective contractors.
1001.507	Use of Standard Form 119.
1001.507–1	Statement in lieu of forms.
1001.508	Enforcement.
1001.508–1	Failure or refusal to furnish Standard Form 119.
1001.508–2	Misrepresentations or violations of the covenant against contingent fees.
1001.550	Responsibility for protecting information contained in completed Standard Forms 119.

Subpart F—Debarred, Ineligible, and Suspended Bidders

Sec.
1001.600 Scope of subpart.
1001.601 Establishment and maintenance of a list of firms or individuals debarred or ineligible.
1001.601–1 General.
1001.601–2 Information contained in Departmental lists.
1001.601–3 Joint consolidated list.
1001.601–4 Protection of lists.
1001.602 Limitation.
1001.603 Grounds for listing and treatment to be accorded listed concerns.
1001.603–50 Security clearances.
1001.604 Clauses and conditions under which departments may debar contractors.
1001.604–1 Causes for debarment.
1001.604–2 Period of debarment.
1001.604–3 Notice of debarment.
1001.605 Suspension of bidders.
1001.605–3 Restrictions during period of suspension.
1001.605–4 Notice of suspension.
1001.610 Use of overseas lists within the United States.
1001.650 Reporting violations.
1001.651 Supplemental lists.
1001.651–1 General.
1001.651–3 Letter contract, price redetermination and contract change notification delinquency list.

Subpart G—Small Business Concerns

1001.700 Scope of subpart.
1007.701 Definitions.
1001.701–1 Small business concern.
1001.704 Small business officials.
1001.704–1 Director for small business.
1001.704–2 Departmental small business advisors.
1001.704–3 Small business specialists.
1001.705 Cooperation with the Small Business Administration.
1001.705–1 General.
1001.705–2 SBA representatives.
1001.705–3 Screening of procurements.
1001.705–4 Access to bidders' lists and other information.
1001.705–5 Joint SBA-Defense small business set-aside program.
1001.705–6 Certificates of competency.
1001.705–7 Performance of contract by SBA.
1001.706 Set-asides for small business.
1001.706–1 General.
1001.706–2 Review of SBA set-aside proposals.
1001.706–3 Withdrawal or modification of set-asides.
1001.706–4 Reporting for Department of Commerce Procurement Synopsis.
1001.706–5 Total set-asides.
1001.706–6 Partial set-asides.
1001.706–7 Automatic dissolution of set-asides.
1001.706–8 Contract authority.
1001.706–9 Maintenance of records.
1001.707 Subcontracting.
1001.707–1 General policy.
1001.707–2 Required clause.
1001.707–3 Defense subcontracting in small business programs.
1001.707–4 Responsibility for reviewing subcontracting program.
1001.707–50 Air Force-industry small business program.

Subpart H—Labor Surplus Area Concerns

1001.800 Scope of subpart.
1001.801 Definitions.
1001.801–1 Labor surplus area concern.
1001.801–2 Labor surplus area.
1001.801–3 Small business concern.
1001.802 General policy.
1001.803 Application of policy.
1001.804 Partial set-asides for labor surplus area concerns.
1001.804–1 General.
1001.804–2 Set-aside procedures.
1001.804–3 Withdrawal of set-asides.
1001.804–4 Contract authority.
1001.804–50 Clause.
1001.805 Subcontracting.
1001.805–1 General policy.
1001.805–2 Required clause.
1001.806 Depressed industries.
1001.806–1 General.
1001.806–2 Apparel industry (notification No. 53).
1001.806–3 Petroleum and petroleum products industry (notification No. 58).
1001.806–4 Shipbuilding industry (notification No. 57).
1001.806–5 Textile industry (notification No. 38).

Subpart I—[Reserved]

Subpart J—Publicizing Procurement Actions

1001.1001 General policy.
1001.1002 Availability of invitations for bids and requests for proposals.
1001.1002–50 Active reference files.
1001.1002–51 Distribution of invitations for bid and requests for proposals.
1001.1004 Synopsis of contract awards.
1001.1004–1 Preparation and transmittal.
1001.1005 Paid advertising.
1001.1005–3 General.
1001.1005–5 Authority and delegation.
1001.1005–6 Requests for authority to place advertisement.
1001.1005–7 Preparation of advertisement.
1001.1005–8 Insertions.
1001.1005–9 Rates.
1001.1005–10 Proof of publication.
1001.1005–11 Forms.
1001.1005–12 Payment.

Subpart K—Qualified Products

1001.1101 General.
1001.1102 Justification for establishment of a qualified products list.
1001.1102–50 Qualification requirements in specifications.
1001.1103 Qualification of products.
1001.1103–1 Opportunity to qualify.
1001.1103–2 Testing of product.
1001.1103–3 Notification to manufacturer.
1001.1103–50 Waivers of qualification requirement.
1001.1104 Qualified products lists.
1001.1104–4 Distribution of list, notice of qualification, and other information.
1001.1104–50 Extension of qualification.

Subpart L—Specifications, Plans, and Drawings

1001.1201 General.
1001.1202 Mandatory specifications.
1001.1203 Availability of specifications, plans, and drawings.
1001.1206 Purchase descriptions.
1001.1207 Alternate articles or quantities.

Subpart M—Transportation

1001.1301 General.
1001.1302 Place of delivery.
1001.1302–3 Shipments originating outside the United States.
1001.1305 Delivery terms.
1001.1305–1 F.o.b. origin or destination.
1001.1305–2 F.o.b. destination.
1001.1305–3 F.o.b. origin.
1001.1306 Consignment and marketing instructions.
1001.1307 Scheduling of deliveries to permit consolidation of shipments.

Subpart N—Preference for United States-Flag Privately Owned Ocean Carriers

Sec.
1001.1405 Responsibilities.
1001.1405–1 Military departments.

Subparts O Through S—[Reserved]

Subpart T—Ethical Standards of Procurement Personnel

1001.2003 Restrictions on present personnel.
1001.2003–1 Unauthorized receipt of compensation.
1001.2003–2 Dealings on behalf of the Government with individuals or firms as to which private interests exist.
1001.2003–3 Private activities in conflict with Government interest.
1001.2003–4 Conduct of procurement activities.
1001.2004 Restrictions on former personnel.
1001.2004–1 Former civilian personnel: Reserve and National Guard officers not on active duty.
1001.2004–2 Air Force and other retired regular officers.
1001.2004–3 Format of affidavit.
1001.2004–4 Filing affidavit.
1001.2004–5 Letter of clearance.
1001.2005 Action on suspected violations of standards of conduct.
1001.2005–2 Violation of the gratuities clause.
1001.2005–3 Action by the gratuities board.
1001.2005–4 Action on approved findings.

Subpart U—Industry Advisory Committees

1001.2100 Scope of subpart.
1001.2102 Statement of position.
1001.2103 Limitations.
1001.2105 Responsibility.

AUTHORITY: §§ 1001.101 to 1001.2105 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Introduction

§ 1001.101 Purpose of subchapter.

The Air Force Procurement Instruction is issued by the Commander, Air Materiel Command, by authority of the Secretary of the Air Force, delegated through the Deputy Chief of Staff, Materiel, Hq USAF. It implements the Armed Services Procurement Regulation (ASPR), Subchapter A, Chapter 1 of this title, and establishes for the Air Force uniform policies and procedures for the procurement of supplies and services under the authority of Chapter 137, Title 10 of the United States Code or other laws.

§ 1001.102 Applicability of subchapter.

The Air Force Procurement Instruction applies to all procurements of supplies or services which obligate appropriated funds (including contract authorizations). If a particular part, subpart, or section has a limited application, it will so state.

§ 1001.104 Content of instruction.

The Air Force Procurement Instruction will contain all policies, procedures, and instructions relating to procurement of supplies and services within the Air Force, except those contained in the Armed Services Procurement Regulation (Chapter 1, Subchapter A of this title), and those contained in AFR 70–1 (Procurement Publications). It will include all policies and procedures prescribed by the Secretary, Chief of Staff, USAF, Deputy Chief of Staff, Materiel, USAF, as well as all operating policies, procedures, and instructions prescribed by the Commander, Air Materiel Command, within the scope of his authority as sole head of a procuring activity.

§ 1001.105 Amendments.

The Air Force Procurement Instruction will be amended from time to time by publication of revised or additional pages, subparts, or parts. Each revised or additional page will bear, at the top, the date of the change. The Air Force Procurement Instruction will also be amended from time to time by Air Force Procurement Circulars pending issuance of revised pages.

§ 1001.107 Effective date.

Compliance with an amendment to Air Force Procurement Instructions will be permissible with the date of issuance thereof and will be mandatory effective 30 days thereafter, except:

(a) As otherwise prescribed in such amendment.

(b) Use of new or revised Air Force Procurement Instruction contract clauses, whether issued by page revisions or by an AFPC, shall, unless otherwise specified, be mandatory 90 days after date of issuance. However, procurements initiated after receipt of the new or revised clauses by the purchasing activity should, to the maximum practicable extent include such clauses prior to the mandatory date. If, in the following situations, compliance with the mandatory date is impracticable, procurements may be completed on the basis initiated: When, prior to the mandatory date for use of the new or revised clause: (1) DD Forms 746 and 746–1 have been issued, and the award is to be made by means of DD Form 746–2, (2) Invitations for Bids have been issued, or (3) bilateral contractual documents have been submitted to contractors and introduction of the new or revised clause may delay the procurement.

§ 1001.108 Air Force Procurement Circulars.

Air Force Procurement Circulars will be issued from time to time for the purpose of announcing changes, additions, and deletions to the Armed Services Procurement Regulations and Air Force Procurement Instruction pending publication of revised pages. Air Force Procurement Circulars will be numbered consecutively for the calendar year, beginning with No. 1.

§ 1001.109 Deviations from Armed Services Procurement Regulation or a Department of Defense Directive.

§ 1001.109–2 Deviations affecting one contract or transaction.

Deviations from Armed Services Procurement Regulations or a Department of Defense directive which affect one contract only for a single transaction in connection with one contract, will be made only by and with the prior approval of: Director of Procurement and Production, Deputy Chief of Staff/Materiel, Hq USAF, Deputy Director of Procurement and Production, Deputy Chief of Staff/Materiel, Hq USAF, or Chief, Procurement Policy Division, Directorate of Procurement and Production, Deputy Chief of Staff/Materiel, Hq USAF, after coordination as to form and legality by the Office of the General Counsel, USAF. Requests for authority to make such deviations will be sent through channels, including the Commander, Air Materiel Command, attn: Office of Procurement Committee, Directorate of Procurement and Production. Written notice to the Assistant Secretary of Defense (Supply and Logistics) and the other military departments will be made by the Directorate of Procurement and Production, Hq USAF.

§ 1001.109–3 Deviations affecting more than one contract or contractor.

Deviations from Armed Services Procurement Regulation or a Department of Defense directive which affect more than one contract or contractor will be made by the Director of Procurement and Production, DCS/M, Hq USAF, after coordination as to form and legality by the Office of the General Counsel, USAF, consultation with the Office of the Assistant Secretary of the Air Force (Materiel), and prior approval of the Assistant Secretary of Defense (Supply and Logistics). Requests for authority to make such deviations will include complete justification and will be sent through channels, including the Commander, AMC, attn: MCPC.

§ 1001.109–4 Conflicts between Government-to-Government agreements with ASPR.

Requests for deviation requiring consideration of ASPR Committee under § 1.109–4 of this title, will be forwarded directly to Director of Procurement and Production, Hq USAF, attn: AFMPP–PR–1, with information copy to Commander, AMC, attn: MCPC.

§ 1001.109–50 Deviations from AFPI or AFPC.

(a) Except for deviations from Subpart F, Part 1003 of this chapter, deviations from Air Force Procurement Instructions (AFPI) or Air Force Procurement Circulars (AFPC) will be made only by the Procurement Committee (MCPC), Hq AMC. Requests for authority to make such deviations will include complete justification and will be forwarded through channels to MCPC. Deviations which would involve major policy questions will be made only after coordination with the Director of Procurement and Production, DCS/M, Hq USAF. Deviations from Subpart F, Part 1003 of this chapter will be made only by and with the approval of one of the individuals authorized to approve ASPR deviations as set forth in § 1001.109–2. Requests for deviations from Subpart F, Part 1003 of this chapter will be forwarded to Hq USAF through AMC (MCPC).

(b) A record of each deviation from Air Force Procurement Instructions or Air Force Procurement Circular will be maintained by MCPC, Hq AMC. In addition a file will be retained by MCPC on each deviation setting forth the reasons why a deviation was granted.

§ 1001.109–51 Deviations, contract clauses.

(a) *Policy.* Contracts will consist solely of prescribed clauses to the greatest extent practicable. It is recognized, however, that special situations may arise which will make deviations necessary. Deviations from prescribed clauses will be held to a minimum and will not be included in contracts except with approval as set forth in §§ 1001.109–2, 1001.109–3 or 1001.109–50 (a).

(b) *Definitions.* For the purpose of this section:

(1) The term "deviation" includes:

(i) The use of any prescribed clause not in conformance to the rules of application for such clause.

(ii) The omission of any prescribed clause.

(iii) Any addition to, deletion from, or modification of language in a prescribed clause.

(iv) Any collateral provision which, although not included in a prescribed clause, has the effect of altering the prescribed clause or changing the application.

(v) Any contractual provision not included in the foregoing which has not been specifically authorized for use in contracts, except as provided in subparagraph (2) of this paragraph.

(2) The term "deviation" does not include:

(i) Provisions which describe the supplies or services being procured, or the supplies or material being furnished to a contractor.

(ii) Provisions establishing the time, place, or method of furnishing supplies and services, or paying for the same, unless such provision brings it within the purview of subparagraph (1) (iv) of this paragraph.

(3) The term "prescribed clause" means any contract clause prescribed by ASPR or AFPI, as well as any contract clause prescribed by Hq USAF or Hq AMC.

§ 1001.111 Reports of suspected criminal conduct and non-competitive practices.

§ 1001.111–1 Suspected criminal conduct.

Policies and procedures with respect to the debarment, ineligibility, and suspension of bidders are set forth in Subpart F of this part, and Subpart F, Part 1 of this title.

§ 1001.111–2 Non-competitive practices.

(a) See § 1.111–2(a) of this title.

(b) Reports of non-competitive practices will be forwarded through channels, including AMC (MCPP), to the Director of Procurement and Production, DCS/Materiel, Hq USAF, for submission to the Secretary.

(c) See § 1.111–2(c) of this title.

Subpart B—Definition of Terms

§ 1001.201 Definitions.

See § 1.201 of this title.

§ 1001.201–1 Change orders.

AMC field procurement activities, AMFEA, and Air Defense Command will not use Change Orders (AFPI Forms

of 13 series) when the criteria of § 1001.201–50 and Part 1054, Subpart C of this chapter, concerning Contract Change Notifications (AFPI Forms 35) are applicable. This restriction applies only to central procurement activities.

§ 1001.201–3 Contracting officer.

In addition to the personnel set forth in § 1.201–3 of this title, the term "officer" is defined to include senior noncommissioned officers who: (a) Hold AFSC 65170 or 65080, (b) are in supervisory positions prior to appointment, and (c) have the requisite procurement experience and other qualifications (see § 1001.452); provided the authority of individuals so appointed is limited to executing purchase and delivery orders (and amendments) within the monetary limitation of $2,500 and under.

§ 1001.201–18 Sources of supplies.

(a) The following definition applies to contracts for supplies which will be manufactured and furnished outside the United States, its Territories, Puerto Rico, or the Virgin Islands. The term "sources of supplies" includes:

(1) Manufacturers,

(2) Construction contractors,

(3) Regular dealers in the supplies to be procured, as defined in § 1.201–18(b) (2) of this title.

(4) Intermediaries, provided such sources are not prohibited by local foreign law. An intermediary will be deemed to be any one of the following:

(i) A person (or firm) who owns, operates, or maintains a place of business, regularly engaged in performing certain services which directly or indirectly increase the value of the materials, supplies, articles, or equipment being procured (services to consist of such functions as the recovery from consignees and redistribution to manufacturers and producers of containers and packing materials; the receiving, storing, repacking, and reshipping of items being procured; the collection, consolidation, assembling, packing, and shipping of items being procured, etc.; and not the functions of mere soliciting of business, taking of orders, rendering assistance to manufacturers or producers by the preparation of receiving payment documents, arranging for transportation facilities, etc.).

(ii) A person (or firm) who owns, operates, or maintains a place of business, regularly engaged in the importing and exporting business, provided the items being procured are not to be imported from within the United States, its Territories, Puerto Rico, or the Virgin Islands.

(iii) Agencies or instrumentalities of a foreign government.

§ 1001.201–50 Contract change notification.

Contract Change Notification is a written order signed by the contracting officer directing the making of changes of the kind authorized by the provisions of the contract in the supplies or services called for thereunder, and usually containing an estimated price or cost for such changes. Following such a written order, the necessary revisions in other provisions of the contract which are brought about by such order will be made by a supplemental agreement which will establish the firm price or cost. CCN's will be used according to Subpart C, Part 1054 of this chapter.

§ 1001.201–51 Contractor.

The term "contractor" means any person, partnership, company, or corporation (or any combination of these) which is a party to a contract with the United States.

§ 1001.201–52 Chief officer responsible for procurement.

The term "chief officer responsible for procurement" means the Commander, Air Materiel Command as sole head of a procuring activity within the Air Force.

§ 1001.201–53 Appropriated funds.

The term "appropriated funds" comprises all such funds, including funds allocated to, as distinguished from appropriated to, the Department (including available contract authorizations); but does not include organization, unit, or similar funds.

§ 1001.201–54 Base procurement.

The term "base procurement" means the authorized purchase with appropriated funds, of materials, supplies, and services by an AF installation (normally a base) for its own use or the use of a logistically supported activity. Base procurement is not limited to the immediate geographical area in which the base is located. Pending revision of the Air Force Procurement Instructions, wherever the term "local purchase" is used, it will be deemed to refer to "base procurement."

§ 1001.201–55 Central procurement.

The term "central procurement" means the procurement of consolidated Air Force requirements of materials, supplies or services effected by designated agencies, namely the Air Materiel Command, the Department of the Army, Department of the Navy, Armed Services Medical Procurement Agency, and Armed Services Petroleum Purchasing Agency.

§ 1001.201–56 Base procurement activity.

The term "base procurement activity" means any AF installation that is engaged in base procurement and is located within the United States, its Territories or possessions. Pending revision of the Air Force Procurement Instructions, wherever the term "local purchase activity" is used it will be deemed to refer to "base procurement activity."

§ 1001.201–57 Foreign base procurement activity.

The term "foreign base procurement activity" means any AF installation that is engaged in base procurement and is located outside the United States, its Territories and possessions and the Commonwealth of Puerto Rico. The term includes air attachés and AF foreign missions.

§ 1001.201–58 AMC field procurement activities.

"AMC field procurement activities" means the purchasing activities (excluding base procurement) of AMC centers, air materiel areas located in the ConUS, Dayton AF Depot, and 2709th Vehicle Control Group.

§ 1001.201–59 Foreign central procurement activity.

"Foreign Central Procurement Activity" means any AMC installation that is engaged in central procurement and is located outside the United States, its Territories or possessions and the commonwealth of Puerto Rico.

§ 1001.201–60 Oversea commands.

"Oversea commands" includes major air commands located in territories and possessions of the United States, as well as those in foreign countries, and major commands located in Alaska and Hawaii.

§ 1001.201–61 Continental United States (ConUS).

"Continental United States (ConUS)" means the forty-eight states contiguous to each other and the District of Columbia but does not include Alaska and Hawaii.

§ 1001.201–62 Contract management regions (CMR's).

"Contract management regions (CMR's)" means the activity exercising command responsibility over AFPRO's, APD's, and Test Site Offices.

§ 1001.201–71 Title I and Title II Architect-Engineer Services.

(a) Title I Architect-Engineer Services means any services required to be furnished by an architect-engineer in connection with the preparation, coordination, and approval of preliminary and final designs, drawings, specifications, estimates of cost, and other technical documents and data essential to the development of advance and master plans, military construction projects (including family housing projects) and the maintenance, alteration and repair of constructed facilities. Title I may include reviewing, checking, coordinating and recommending approval of shop drawings and material samples submitted by construction contractors to assure that they conform to the requirements and intent of the approved construction contract drawings and specifications when no Title II contract is to be let.

(b) Title II Architect-Engineer Services means any services required to be furnished by an architect-engineer in connection with the general supervision and detailed field inspection of the construction of a project to ensure that all phases of the construction work are performed in strict compliance with the intent and requirements of the approved construction contract documents, and the furnishing of such other technical services during the construction period as may be required and specified. Title II includes post construction architect-engineers services, such as: assisting in final inspection, preparing "as built" drawings, supervising operating and other tests, and preparing operating and maintenance instructions.

Subpart C—General Policies

§ 1001.302 Sources of supplies.

§ 1001.302–1 Government agencies.

See § 1.302–1 of this title.

§ 1001.302–2 Sources outside the Government.

See § 1.302–2 of this title.

§ 1001.302–3 Production and research and development pools.

See § 1.302–3 of this title.

(a) Description: See § 1.302–3(a) of this title.

(b) General rule: A pool designated by the administrator of the SBA as a "small business pool" is subject to the policies and procedures set forth in Subpart G, Part 1 of this title and Subpart G of this part.

(c) Ascertainment of status: In any case where the award of a contract to a group reporting itself as a production or research and development pool is contemplated, the contracting officer will request the small business specialist in the APD within whose geographical boundaries the pool is located to obtain from the SBA for forwarding to the contracting officer the following:

(1) A copy of the SBA or OCDM notification of approval of the pool.

(2) A list of the member companies of the pool and a statement regarding the type of organization and plan of operation of the pool.

(d) and (e) See § 1.302–3 (d) and (e) of this title.

§ 1001.302–4 Foreign purchases.

See Part 6 of this title and Part 1006 of this chapter.

§ 1001.302–50 Contracts between the Government and its employees, proposed subcontracts between Government prime contractors and Government employees.

(a) *Procurement contracts.* Procurement contracts between the Government and its employees or business organizations substantially owned or controlled by Government employees will not be entered into except for the most compelling reasons. Proposed subcontracts or purchase orders between prime contractors and Government employees will not be approved except for the most compelling reasons.

(b) *Sales contracts.* Surplus property may not be sold to military personnel on active duty, to civilian employees of the Armed Forces, including the Department of Defense, or to the immediate families, dependents, or agents of the foregoing except as provided for in AFM 67–1, volume 6, chapter 11, paragraph 3a(2).

(c) In certain instances contracts between the Government and its employees may be subject to the limitations of the dual compensation statutes. Questions with regard to these laws should be referred to the local staff judge advocate.

(d) *Administrative approval of AF contracts.* Even though a contracting officer has reason to believe that the award of a contract would not violate the policy expressed in paragraph (a) of this section, an administrative approval of such contract will be obtained prior to award from one of the following, as appropriate:

(1) Hq AMC, by the Deputy for Procurement: The request for approval will be forwarded through the Procurement Division (MCPP), to the Deputy for Procurement.

(2) AMC field procurement activities and Centers as required by their commanders.

(3) Base procurement activities, foreign procurement activities, and major command central procurement activities, as required by the commander of the major command.

(4) Air Research and Development Command, as required by the Commander, ARDC.

(5) AMC base procurement activities not under the jurisdiction of an AMA or AF depot, as required by the commander of the activity concerned.

(e) *Administrative approval of subcontracts.* When an administrative contracting officer has reason to believe that the approval of a proposed subcontract or purchase order would violate the policy, approval will be obtained from the head of the activity responsible for the administration of the contract prior to any other required approval of such subcontract or purchase order.

§ 1001.305 Time of delivery or performance.

§ 1001.305–1 Scope.

See § 1.305–1 of this title.

§ 1001.305–2 General.

(a) See § 1.305–2(a) of this title.

(b) See § 1.305–2(b) of this title and § 1001.310.

(c) See § 1.305–2(c) of this title.

§ 1001.305–3 Terms.

(a) See § 1.305–3(a) of this title.

(1) See § 1.305–3(a)(1) of this title.

(2) It is AF policy to avoid the use of this paragraph whenever practical.

(3) See § 1.305–3(a)(3) of this title.

(b) to (d) See § 1.305–3 (b) to (d) of this title.

(e)(1) All contractual documents with the exception of DD Form 1155 and those with "required" delivery forwarded to AF contractors, will be accompanied by AFPI Form 29, "Contractual Document Transmittal—Receipt Card." This procedure will establish a specific date for the delivery of supplies or services as set forth in § 1.305–3 of this title and this section.

(2) When the "required" delivery provision is inserted in an IFB or RFP, the resulting written notice of award or fully executed and binding contract, except for orders placed on DD Form 1155, will be forwarded to the contractor by certified mail, return receipt requested. In such cases, the buyer will attach to the contract file appropriate notification to that effect.

(3) Use of AFPI Form 29. The purchasing activity will:

(i) Prepare AFPI Form 29 for transmittal to the contractor with the written notice of award or other contractual document, as follows:

(*a*) One copy will be addressed for return to the activity responsible for the distribution of the contract.

(*b*) One copy will be addressed for return to the APD, AFPRO, or other office responsible for administration of the contract, if the contract is to be administered by some office other than the contracting office making the award or contract.

(*c*) Both copies will contain the contractor's name and address as well as a listing of documents transmitted.

(ii) File AFPI Form 29 in the official contract file upon receipt of the form from the contractor.

(f) See § 1.305–3(f) of this title.

§ 1001.305–4 Time of delivery clauses.

(a) See paragraphs (d) and (e) of this section.

(b) and (c) See § 1.305–4 (b) and (c) of this title.

(d)(1) If the buyers desire to specify a rate of delivery as well as a date for completion of delivery, they may specify the delivery schedule in a delivery provision similar to the following.

At the rate of _____ per month to be completed _____ days after the receipt of (insert "written notice of award" or "written notice of award or a fully executed and binding contract," as appropriate).

(2) In negotiated procurements where definitive delivery schedules can be set forth for supplies such as aircraft, engines, etc., the buyers may specify a delivery provision similar to the following:

(i) The contractor shall deliver the supplies called for hereunder to the Government in accordance with the following schedule:

Item	1959			1960			
	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.
1	2	7	4				
2			3	5	6	6	9

(ii) Buyers will specify in the delivery provision whether or not an accelerated delivery rate will be acceptable to the Government.

(e) In contracts (including contracts on DD Forms 1155) covering MIPR requirements, buyers will include each claimant's portion of like items as a separate contract line item; and buyers will include a separate delivery schedule for each claimant. Where an allocation system is utilized for GFAE items, an allocation schedule will be established for each Requiring Department in lieu of the separate delivery schedule required in paragraph (d) of this section. The delivery schedule will normally be that set forth in the MIPR, if realistic, or as agreed to between the buying activity and the originator of the MIPR. (Existing contracts will not be amended for this purpose.) An example of the delivery schedule contemplated by this paragraph follows:

Item	Department	Total Quantity	30 days [1]	60 days [1]	90 days [1]	120 days [1]	150 days [1]
I–A	USAF	850	200	200	150	150	150
I–B	Navy	500	100	100	100	100	100
I–C	Army	300	100	50	50	50	50

[1] After receipt of written notice of award or of a fully executed and binding contract.

NOTE: The preceding example does not apply to delivery schedules specified in DD Forms 1155. The delivery schedule for each claimant's portion on a DD Form 1155 contract will be stated in terms of specific dates on or before which delivery is to be made (see § 1016.303–2(b)(4) of this chapter).

§ 1001.305–50 Maximum delivery schedules.

Appropriations carrying a fiscal year designation as the final year of availability are available for obligation up to and including June 30 of that fiscal year and are available for expenditure for 2 additional years unless otherwise advised. For example, 1959 annual appropriations are available for obligation through June 30, 1959, and for expenditure through June 30, 1961. Accordingly, maximum delivery schedules will be controlled by the foregoing legal requirement for expenditure of appropriated funds. Contracting officers will assure that delivery requirements are in strict accordance with the foregoing and all contract reviewing authorities will assure that strict conformance with the requirements of this section have been met.

§ 1001.305–51 Establishment of delivery schedules on open contracts.

(a) The following procedures will be followed when the contractor cannot meet the desired delivery schedule set forth in the Production List (§ 1007.2606 of this chapter), and it becomes necessary to establish a new delivery schedule. At such time, according to § 1007.2606 of this chapter, the contractor will set forth its best delivery schedule on two copies of the Approved Production List and forward them to the administrative contracting officer (ACO).

(b) The ACO will:

(1) Review the contractor's schedule with production personnel at the APD or AFPRO, as appropriate.

(2) If the contractor's proposed delivery schedule is within 60 days of the original desired schedule, not coordinate further with supply personnel at the end article prime depot, the initiating contracting officer, or buyer.

(3) If the contractor's proposed delivery schedule is more than 60 days later than the original desired schedule, coordinate with supply personnel at the end article prime depot to assure that the revised delivery schedule is consistent with AF needs and requirements. When necessary, negotiate with the contractor to establish a delivery schedule which is acceptable to both the Government and the contractor. No coordination need be effected with the initiating contracting officer or buyer.

(4) When the contractor's proposed delivery schedule is approved and accepted by the ACO, according to the procedures set forth in subparagraphs (1), (2), and (3) of this paragraph, or when the contractor takes no exception to the desired schedule originally set forth in the Production List, inform the contractor relative to including the delivery schedule in the Proposed Price Exhibit or SPCR, pursuant to § 1007.2606–3 of this chapter. Also, inform, in writing, supply personnel at the end article prime depot of the definitive delivery schedule approved and accepted under either subparagraph (2) or (3) of this paragraph; this notification will be prior and in addition to any notification that may be brought about by the prescribed distribution.

(5) Restrict coordination time with supply personnel at the end article prime depot to minimum periods with appropriate followup by the ACO in each particular case.

§ 1001.305–52 Amendment of delivery schedules in supply or research and development contracts.

(Not applicable to base procurement contracts.)

(a) Contracts having unrealistic delivery schedules may be changed if the best interests of the Government will be furthered by such action, and contracts having delinquent delivery schedules may be amended if the best interests of the Government will not be jeopardized by such action. Delinquent delivery schedules will be held to a minimum at all times consistent with the preceding sentence. If the facts surrounding an individual contract warrant such action, the ACO or the procuring contracting officer (PCO), if the contract is administered by the procuring activity, will, immediately upon determination or notification that a contractor will not be able to complete deliveries on schedule, take affirmative steps to initiate an amendment of the delivery schedule according to instructions in subparagraphs (1) to (4) of this paragraph. If the contractor is delinquent, the ACO or the PCO, if the contract is being administered by the procuring activity, may initiate an amendment of the delivery schedule according to instructions in subparagraphs (1) to (4) of this paragraph, or the ACO or PCO may recommend termination of the contract according to Part 1008 of this chapter. Extensions of delivery schedules may be effected without approval from higher Headquarters in the following instances: (For the division of responsibilities between the ACO and PCO see paragraphs (c) and (d) of this section.)

(1) *When the amendment is supported by legal consideration:* This occurs when the contractor offers a price reduction or other benefits in consideration for an extension of delivery schedule and the Air Force's or other Armed Services interest will not be prejudiced by such extension.

(2) *Pursuant to changed Government requirements:* Such a case would be where extension of the delivery schedule is dictated by an authenticated revised delivery requirement of the Air Force or the other armed services. Every effort will be made to obtain from the contractor an agreement whereby the Government will obtain the benefits of any savings to the contractor on account of the revised delivery schedule.

(3) *Pursuant to specific, standard ASPR or AFPI contractual clauses:* Such clauses include the Changes Clause, the Default Clause, particularly the excusable delay portion, the Government-Furnished Property Clause, the Government Property Clause, and the Excusable Delays Clause.

(4) *Pursuant to special contract provisions:* These are provisions, other than standard ASPR or AFPI clauses, made a part of a contract and agreed to by the parties thereto.

(b) Prior to issuing a contractual modification, the ACO or PCO, whoever makes the determination to amend the delivery schedule, will effect coordination with his staff judge advocate for legality. In all cases the staff judge advocate will determine whether or not legal consideration exists. The staff judge advocate's determination will be final concerning the existence of legal consideration. The adequacy or amount of consideration will be the responsibility for determination by the ACO and PCO together or by either the ACO or PCO alone.

(c) *Responsibilities of the ACO.* (1) The ACO, according to the conditions contained herein but without coordination with the PCO or buyer (except where investigation indicates that there may be a basis for default termination), will accomplish and issue contractual modifications to amend only delivery schedules that pertain to:

(i) Approved price spare parts change requests (SPCRs) and approved price exhibits (§ 1007.2603–3 of this chapter), to open contracts covered by Subpart Z, Part 1007 of this chapter.

(ii) Spare parts exhibits (MCP 71–673, MCP 71–666, MCP 71–666A, MCP 71–669, and MCP 71–670), special support equipment exhibits (MCP 71–671), training parts exhibits (MCP 71–610), and ground support equipment exhibits (MCP 71–650) whenever the exhibits are made a part of a contract by means of a supplemental agreement signed by the ACO. See Subparts C and D, Part 1055 of this chapter.

(2) When a contractor alleges delinquent performance due to causes beyond his control and without his fault or negligence, the ACO, if he is administering the contract, will investigate the allegations and make a finding of fact as to the conditions found to exist.

(3) Upon determination or notification that a contract under his administration is delinquent or almost delinquent and if he believes that a revision to the delivery schedule is warranted, the ACO will:

(i) When authorized to amend the delivery schedule, forward his findings, recommendations, and other information deemed pertinent to his staff judge advocate for a determination of the legality of the proposed revision. Furnish the staff judge advocate with the address, including code, of the production activity at the APD or AFPRO concerned with the contract. The original copy of the staff judge advocate's opinion, either affirmative or negative, will be returned directly to the ACO with a copy to the aforementioned production activity.

(ii) In all other instances, forward his findings, recommendations, and other information deemed pertinent to the PCO. If he is recommending a new, revised delivery schedule, furnish the PCO with the address, including code, of the production activity at the APD or AFPRO concerned with the contract.

(iii) Regardless of whether the preceding subdivision (i) or (ii) of this subparagraph is involved, furnish the appropriate production activity with a copy of the foregoing findings, recommendations, and other pertinent information.

(4) Upon receipt of a DD Form 375, "Monthly Production Progress Report," marked "Action Document," the ACO will indorse thereon his approval or disapproval. If approved and if circumstances indicate that the contractor will not meet the contract schedule within a reasonable period, the action described in subparagraph (3) of this paragraph, will be immediately taken by the ACO. What constitutes a reasonable period requires sound judgment by the ACO and diligence must be exercised so as not to waive the existing contract delivery schedule (see Part 1008 of this chapter.) If disapproval of any proposed schedule change is indicated by the ACO, reasons for such position will be stated on the DD Form 375. The ACO will then sign the reproducible DD Form 375 and forward to the production activity for distribution. Contracts containing liquidated damages clause require extra vigilance. When the ACO has reason to believe that a contract containing a liquidated damages clause will become delinquent as to deliveries, he will promptly notify the production activity for initiation of a DD Form 375. The ACO will process inadequate DD Form 375 reports to the production activity for correction and clarification.

(5) After complying with the requirements specified in this section, the ACO, when authorized, will accomplish and issue, within 30 work days after receiving supply (prime AMA or depot) and/or AMC Aeronautical Systems Center (LMES) (in the case of GFAE) coordination, a contractual modification revising the delivery schedule.

(6) Where investigation shows that grounds for a default termination may exist, the ACO will proceed according to the appropriate instructions set forth below and in paragraph (d) of this section and Subpart F, Part 1008 of this chapter.

(d) *Responsibilities of the PCO.* (1) Upon determination or notification that a contract under the administration of the PCO is delinquent or almost delinquent and if the PCO believes that a revision to the delivery schedule is warranted, the PCO will try to amend the delivery schedule by obtaining the necessary staff judge advocate and supply (prime AMA or depot) and/or LMES, AMCASC (in the case of GFAE) coordination.

(2) Within 5 days after receipt of a DD Form 375 marked "Action Document," the PCO will review the forecast, narrative and recommendations to determine impact on the affected program and will reply to the ACO and the production activity. The reply will indicate concurrence or nonconcurrence of the action recommended on the DD Form 375.

(i) When concurrence is indicated and the administrative offices (production and ACO) have recommended delivery schedule changes, the PCO will, within 10 work days, forward the findings, etc., to the AMA staff judge advocate for an opinion as to the legality of the proposed amendment. The original of the staff judge advocate's opinion will be returned directly to the PCO with copies to the ACO and to the production activity. When the ACO has recommended default termination, signed copies of the PCO's proposed action will also be forwarded to the cognizant local readjustment activity and to AMC (MCPK). When the ACO has not concurred in proposed action, justification for proposed action by the PCO will be included in notification to the administrative offices and will cover the reasons advanced by the ACO.

(ii) When the PCO does not agree with the action proposed on the DD Form 375 marked "Action Document," he will furnish the administrative offices, local readjustment offices and AMC (MCPK), when default termination has been recommended, a statement of reasons for rejecting the recommended action.

(3) After complying with the requirements specified in this section, the PCO will accomplish and issue, within 30 work days after receiving prime depot and/or LMES, AMCASC, coordination, a contractual modification revising the delivery schedule.

(e) *End article prime AMA or depot and/or LMES, AMCASC, coordination.* With the exception of the revision of an unrealistic delivery schedule on a contract, where the originator of the PR–MIPR requirement initiates the request for an extension of delivery schedule, the concurrence of the end article prime depot or in the case of GFAE, LMES, AMCASC, will be obtained in all cases. When other service MIPRs are involved, coordination will be effected with the originator of the other service MIPR.

(f) In all other cases, neither the PCO nor the ACO is authorized to amend the delivery schedule without approval from higher headquarters. If the contractor elects, he may file a claim under Public Law 85–804, as implemented by Executive Order No. 10789. The contractor's claim will be processed according to Part 17 of this title.

(g) Any amendment of contract delivery schedules will conform strictly with the requirements of § 1001.305–50.

§ 1001.306 Approval signatures.

See § 1.306 of this title.

§ 1001.307 Priorities, allocations, and allotments.

See § 1.307 of this title and § 1001.460.

§ 1001.309 Solicitations for informational or planning purposes.

Requests for quotations (including letter requests) for informational or planning purposes relating to weapon systems, subsystems, components, or support equipment, or developments leading to such items, and price and availability studies applicable to Military Assistance Program (Grant Aid only) may be issued only when completely justified to and with the prior approval of the Commander, or his designee, of the cognizant AMC procuring activity, i.e., AMC centers, AMAs and depot. All other requests will be submitted to AMC (MCPP) for prior approval of the Director of Procurement and Production, Hq AMC.

§ 1001.310 Liquidated damages.

(a) (1) Liquidated damages provisions may be used only after prior approval of the following officials (as applicable) and the respective staff judge advocates: (i) The commanders, AMC centers, (ii) the directors of procurement and production of AMC field procurement activities, (iii) Commanders, Topeka and Shelby AF Depots, (iv) Chief, Electronics Defense Systems Division, (v) the Director of Procurement, Hq ARDC, and (vi) within the other major air commands, at not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. Requests for approval will be made in writing. Oral requests will not be accepted. The following information will be furnished: (*a*) Identification number of the contemplated procurement (PR No. IFB No., and/or contract number); (*b*) data which will adequately substantiate the need for strict compliance with the delivery schedule and reflect the estimated damage that will result if the delivery schedule is not met; (*c*) the dollar amount of the contemplated procurement, the amount of competition available, the amount of estimated damages to be assessed, and the formula used to arrive at such estimate; (*d*) type and form of contract contemplated and the required delivery schedule to be met; (*e*) the AF technical personnel's written comment relative to the estimate of damages.

(2) The clause set forth below will be placed in the schedule when the clause in § 7.105–5 of this title is used and may be placed in the schedule when the clause in § 8.709 of this title is used:

"Liquidated damages will be assessed at the rate of (dollar amount) per day in accordance with the provisions of paragraph f. of the Default Clause."

NOTE: In construction contracts insert the phrase "the Termination for Default Damages for Delay-Time Extension Clause" in lieu of, "paragraph f. of the Default Clause."

(3) The liquidated damages provision will not be used where the desired delivery is specified. (See § 1001.305.)

(4) Foreign procurement activities will not use liquidated damages provisions.

(b) To assure that the rate of assessment of liquidated damages is reasonable it is incumbent upon the

procuring contracting officer to obtain the advice of the AF technical personnel concerned with the requirement; e.g., in construction contracts, the installation engineering officer.

(c) If the supplies or services being procured can be reprocured readily from other sources in case of default, and the difference in price would represent the full measure of damages to the Government, liquidated damages provisions will not be used.

(d) Recommendations concerning remissions will be forwarded by the procuring contracting officer with appropriate documentation through MCPP, Hq AMC to AFMPP–PR, Hq USAF for submission to the Secretary.

§ 1001.312 Voluntary refunds.

Voluntary refunds and other refunds made by contractors by check will be made payable to the Treasurer of the United States. It is preferred that such checks be submitted to the cognizant contracting officer. In any event, the check will immediately be forwarded by its recipient to the nearest accounting and finance office. The accounting and finance office will furnish the recipient of the check a copy of the collection voucher. If the appropriate account to be credited cannot be readily determined, the check will be placed temporarily in a suspense account, and immediate steps will be taken to determine the account to be credited. When the appropriate account has been determined the cognizant PCO will be so notified, and the necessary supplementary contractual action will be taken to permit collection as an appropriation refund. Where the appropriate account cannot be identified, the refund will be transferred to the appropriate miscellaneous receipt account according to current accounting and financial procedures.

§ 1001.312–50 Other than voluntary refunds.

The following are examples of refunds and receipts of funds excluded from the definition of voluntary refunds as set forth in § 1.312 of this title and § 1001.312:

(a) Interim refunds made under fixed-price redeterminable and fixed-price incentive contracts (Subpart Z, Part 1054 of this chapter).

(b) Debts owed by contractors and deferred payments (Subpart V, Part 1054 of this chapter).

(c) Adjustment of funds under active AF contracts (Subpart C, Part 1053 of this chapter).

(d) Refund of overpayments disclosed by voluntarily reopened repricing negotiations (Comp. Gen. Dec. B–130534, April 30, 1957).

(e) Other contractual provisions or agreements between the contracting parties requiring such refunds (tax refunds, rebates, etc.).

§ 1001.313 Procurement of parts.

See § 1.313 of this title.

§ 1001.313–50 Initial procurement.

Initial quantities of spare parts, with the exception of military, industry, and contractor standard items, will normally be procured from the end item manufacturer. These parts may be procured through provisioning procedures, when appropriate, utilizing authorized spare parts provisioning documents (Part 1055 of this chapter). Any deviations to established contractual provisioning documents must be coordinated with the Management Concept Branch (MCSRO), Hq AMC, prior to obtaining approval of Hq AMC, MCPC, according to § 1001.109–50.

§ 1001.313–51 Replenishment procurement.

Spare parts required for stock replenishment purposes will normally be procured from the commodity industry. Competition will be secured to the maximum extent practicable. It is very important that parts which can be procured on an open competitive basis without compromising the requisite safety, dependability, and effective operation of equipment, be so procured.

§ 1001.313–52 Priorities.

Spare parts will be procured using the DO or DX rating (§ 1001.460) assigned to the end item being supported.

§ 1001.314 Contracting officer's decision under the disputes clause.

This section deals with preparing decisions and processing appeals under the Disputes clause by contracting officers. The application of the following instructions are limited to cases where the Disputes clause contained in § 7.103–12 of this title is used. Where the Disputes clause of § 1007.4205–8 of this chapter is used, the oversea command staff judge advocate rather than the Staff Judge Advocate, Hq AMC, will be the source of advice regarding proposed decisions and will be the channel for forwarding data relating to appeals (also see the instructions preceding the clause in § 1007.4205–8 of this chapter).

(a) *Preparation of decision.* Where mutual agreement on a question of fact proves impossible, a findings and decision must be prepared by the contracting officer. This single document in the format set forth in §§ 1001.314–54 and 1001.314–55 should contain a simple and concise statement of: (1) The claim, (2) the decision, (3) the findings of fact which support the decision, and (4) the reference to the Disputes clause contained in the format. The factual determination must be relevant to the issues and supported by documents or oral statements.

(b) *Legal advice by Staff Judge Advocate, Hq AMC.* All written findings and decisions, except termination for defaults and assessment of excess costs, will, prior to transmittal to the contractor, be referred for comment to the Staff Judge Advocate, Hq AMC, together with pertinent documents and summaries of anticipated testimony of all Government witnesses. Default and excess costs findings and decisions will be submitted to the appropriate field staff judge advocate. When referrals to the staff judge advocate are made, the accompanying file will be complete in all respects. The file should contain: (1) Copy of the contract, and all applicable amendments, specifications and drawings; (2) communications relative to the subject matter of the dispute; and (3) any additional information.

(c) *Transmittal to contractor.* After the referral described in paragraph (b) of this section has been accomplished, the findings and decisions will be reexamined by the contracting officer in the light of the advice and comments proffered by the appropriate staff judge advocate. If, in the judgment of the contracting officer, re-examination reveals the propriety of modifications or additions, he will make the appropriate changes. After such re-examination, and changes if appropriate, he will transmit the findings and decision to the contractor in person, obtaining a receipt therefor, or by certified mail, return receipt requested.

(d) *Amendment after transmittal to contractor.* After a timely appeal has been taken to the Armed Services Board of Contract Appeals, the contracting officer who has rendered findings and a decision, or his successor, may for good cause recommend that the findings and decision be corrected or amended. Such recommendation will be forwarded to the Staff Judge Advocate, Hq AMC, together with the file required by paragraph (b) of this section as supplemented to support the recommended correction or amendment.

§ 1001.314–50 Appeals.

See Appendix A, § 30.1 of this title, for Rules of the Armed Services Board of Contract Appeals.

§ 1001.314–51 Processing.

(a) When a notice of appeal in any form has been received by the contracting officer from whose findings and decision the appeal is taken, he will comply with Rule 4, Part II, Appendix A, § 30.1 of this title. The envelope in which the notice of appeal was received will be promptly forwarded with the original copy of the notice, to the Board. As soon as practical thereafter he will send the Staff Judge Advocate (MCJ), Hq AMC, a copy of the notice and other pertinent documents (in duplicate) as required by Rule 4. The Staff Judge Advocate should in all cases be advised of the postmark on the envelope or date of receipt of the notice of appeal if otherwise transmitted.

(b) If AF personnel other than the contracting officer involved receive the notice of appeal, they will:

(1) Note on all copies of the notice of appeal the date of mailing or the date of receipt if otherwise transmitted.

(2) Promptly forward to the Board the original notice of appeal together with the envelope in which the notice of appeal was received or any other documentary evidence of mailing or receipt of such notice.

(3) Notify the Staff Judge Advocate (MCJ), Hq AMC, or oversea command staff judge advocate if applicable, that the notice of appeal has been forwarded to the Board. If two or more copies of the notice of appeal are furnished all copies other than the original will be forwarded to MCJ. Otherwise, a copy of the notice of appeal should be made for MCJ, if practical. If no copies are available or legible copies cannot be made, the number of the contract and the name of the contractor should be furnished MCJ.

(c) Attention is invited to the note in ASBCA Rule 4 which reads as follows:

> Attention is invited to Rule 31, below, providing an Optional Accelerated Procedure for cases involving $5,000 in amount or less. It is the duty of the contracting officer to advise the contractor of the Optional Accelerated Procedure in connection with an appeal involving $5,000 in amount or less.

The contracting officer will so advise the contractor when it appears that the monetary amount in issue is less than $5,000.

(d) Upon receipt of information that a notice of appeal has been filed, the Staff Judge Advocate, Hq AMC, will request the contracting officer to furnish the information required in paragraph (a) of this section. Two copies of all requested documents will be furnished MCJ.

§ 1001.314–52 Contractor's compliance and withdrawal after appeal is filed.

Whenever the contractor, subsequent to filing an appeal with the Armed Services Board of Contract Appeals, elects nevertheless to accept fully the findings and decision from which appeal was taken or any amendment thereof, and gives written notification of such acceptance to the contracting officer concerned, the contracting officer will be responsible for promptly sending the contractor's notice of acceptance to the Staff Judge Advocate, Hq AMC. Upon receipt of the notice the Staff Judge Advocate in collaboration with the contractor will prepare and submit a joint motion of withdrawal to the Board. Similar action will be taken by the contracting officer in instances where the contractor, after filing an appeal with the Armed Services Board of Contract Appeals, in writing signifies partial acceptance with the findings and decision of the contracting officer.

§ 1001.314–53 Assistance in connection with pretrial conference and hearings.

At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Staff Judge Advocate, Hq AMC. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Staff Judge Advocate, Hq AMC, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pretrial conference and the hearing.

§ 1001.314–54 Suggested format; decision in accordance with disputes clause.

_____
(Date of findings and decision)

Subject: Decision Disallowing Request of _____
(Name of contractor)
Under Contract No. _____ Date _____
To: _____
(Name and address of contractor)

1. In accordance with the provisions of the above-numbered contract, the undersigned contracting officer has duly considered your request for (insert factual description of the request to identify clearly its nature and scope.)

2. The undersigned contracting officer has decided that your request as set forth above, is disallowed (in whole or in part, according to the fact) for the following reasons:

(Insert the findings of fact upon which the disallowance is based.)

3. The "Disputes" clause of the contract provides that within 30 days from the date of receipt hereof the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Air Force. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decision from which the appeal is taken and be signed by appellant or an officer of appellant organization or by a duly authorized representative or attorney. Within 30 days after receipt of notice of docketing of the appeal by the Board, the appellant shall file with the Board a complaint setting forth simple, concise and direct statements of each claim showing entitlement to relief.

§ 1001.314–55 Alternative suggested format; to be used when a termination for convenience dispute is involved.

Subject: Findings Pertaining to Termination Claim _____
(Name of contractor)
Under Contract No. _____ Date _____
To: _____
(Name and address of contractor)

1. Your claim for (insert factual description of the claim to identify clearly its nature and scope) in connection with the above cited contract has been duly considered by the undersigned contracting officer.

2. In accordance with the provisions of Clause _____ (insert the title of the pertinent termination clause) of the contract, the undersigned contracting officer finds as follows: (Insert all pertinent factual data, such as, date of termination of contract, date of submission of settlement proposal, items and amounts allowed and disallowed, together with reasons therefor).

3. The "Disputes" clause of the contract provides that within 30 days from the date of receipt hereof, the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Air Force. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decision from which the appeal is taken and be signed by appellant or an officer of appellant organization or by a duly authorized representative or attorney. Within 30 days after receipt of notice of docketing of the appeal by the Board, the appellant shall file with the Board a complaint setting forth simple, concise and direct statements of each claim showing entitlement to relief.

§ 1001.314–56 Delegation of authority to process contract appeals.

The Commander, AMC, has been delegated authority to process all contract appeals directly to the Armed Services Board of Contract Appeals and the Appeal Board, Office of Contract Settlement. The Commander, AMC, has further delegated this authority to the Staff Judge Advocate, Hq AMC, with power of redelegation.

§ 1001.314–57 Staff Judge Advocate, Hq AMC.

The Staff Judge Advocate, Hq AMC, is the duly designated trial attorney to represent the Government in the defense of appeals before the Armed Services Board of Contract Appeals or the Appeal Board, Office of Contract Settlement. Decisions of the Armed Services Board of Contract Appeals by the Staff Judge Advocate, Hq AMC, will be transmitted to the appropriate contracting officer for action according to the Board's decision. When the Chief Trial Attorney determines that the best interest of the Air Force will be served, a motion for reconsideration of an adverse decision will be filed.

§ 1001.350 Forward purchasing policy.

The primary objective of the forward purchasing policy is to attain and maintain on a continuing basis an Air Force in a maximum state of readiness to perform its combat mission within approved force structures, with a minimum cost impact on the United States economy. The control of expenditures through employment of efficient inventory control procedures and purchasing methods, are indispensable prerequisites to the achievement of this objective. The Air Force must demonstrate continually increased efficiency in its current operations in addition to developing sound programs directed towards greater efficiencies in the future. Consistent with this objective, the following requirements are established:

(a) Procurements will not be placed earlier than necessary to meet requirements and/or maintain continuity of production.

(b) All procurement will be according to the latest production reserve policy. This applies to both prime contractor and subcontractor complexes of aircraft and to all manufacturers of related equipment.

(c) No new contract is to be placed until the price, delivery, and quality elements of the purchase have been carefully reviewed and analyzed.

(d) Where contractors have delayed without justifiable cause or failed to negotiate in good faith prompt contract formalization, price redetermination, and target reset or final price revision under incentive contracts, and it is determined, after suitable review, that such delinquencies exist, no new contracts are to be placed with the contractors involved until the delinquencies have been corrected.

(e) Careful consideration is to be given to tightening the terms and conditions of new contracts and to insure that obligations undertaken by contractors are clearly stated and enforced. Increasing emphasis is to be placed on fixed-price contracts, and wider use of incentive type contracts where it can be anticipated that lower over-all cost will result.

(f) Reasonable administrative controls or other assurances will be used to insure that AF contractors maintain minimum inventories required for production consistent with sound business practices.

§ 1001.351 Policy on establishment of secondary sources of aircraft production.

As an integral part of the policy of broadening the industrial base during a period of national emergency, it is necessary for the Air Force to create supplementary sources for the production of aircraft and related equipment normally obtained from the original designer-manufacturer and to provide the supplementary sources with engineering help and technical assistance from such original sources. The Air Force recognizes the contributions made by the primary suppliers of aircraft and related equipment to the advanced state of the art and the importance of maintaining the industry in strong financial condition. To that end, it is essential that the aircraft industry be adequately compensated for its creative efforts and its overall contributions to the national defense. The policies set forth herein are designed to recognize the respective contributions and responsibilities of industry and Government toward the maintenance of an aviation industry of sufficient strength to provide the air power needed for national security.

(a) *Determination of need for supplementary sources.* It will be the prerogative of the Air Force to determine whether one or more supplementary sources are needed, and to make the final selection of secondary suppliers. Nevertheless, it will be AF policy to consult with the primary source prior to the selection and establishment of each supplementary source to obtain the benefit of the experienced advice and judgment of the primary source and also with a view toward obtaining a competent supplementary supplier, who will operate in harmony with the primary source. It is expected that, after the establishment of each supplementary source, the primary source will cooperate in furnishing technical assistance to the supplementary source and in entering into licensor-licensee agreements. When establishing a supplementary source, consideration will be given to the cost of the production facilities that the Government may have to provide such supplementary source.

(b) *Proration of procurement between primary and supplementary sources.* In determining the extent to which procurement will be prorated between the primary source and the supplementary source or sources, it will be AF policy to give prior consideration to the primary source, subject always to the Government being assured of deliveries of the needed equipment within the time required and at a reasonable price. In determining the amount of procurement to be placed with the supplementary source or sources, consideration will be given to amortizing the cost of any facilities the Government may have provided or will provide the supplementary source, as well as maintaining an expansible base in event of mobilization, but there also will be taken into account the investment in production facilities made by the primary source. Due recognition will be given to the available capacity of the primary source, and in scheduling production programs it will be AF policy to maintain such production with the primary source as is consistent with the foregoing. It will be the prerogative of the Air Force to determine the proration of business between the primary and supplementary sources.

(c) *Reimbursement of primary source for technical assistance.* For technical assistance the primary contractor will be reimbursed by the Government on a basis which will fairly reflect the contractors' "out-of-pocket" cost plus a fair profit.

(d) *Compensation of primary source for helping establish supplementary sources.* The establishment of a supplementary source generally involves some proprietary rights of the original designer-manufacturer other than patent rights which are not considered as being within the purview of this policy statement. These proprietary rights will be given appropriate recognition on a case by case basis. The supplying of engineering know-how and technical and other assistance by the primary source is materially beneficial to the supplementary source and to the Government, in reduced costs and effort in furnishing supplies. The amount and nature of the engineering assistance and know-how supplied by the primary contractor will be an important consideration in the negotiation of profit allowances for supplies procured by the Government from the primary contractors as well as in the negotiation of profit allowances for the supplies procured by the Government from the supplementary sources with the engineering and technical assistance furnished by the primary contractor.

§ 1001.352 Individuals authorized to initiate purchase requests.

(Not applicable to base procurement activities supporting oversea bases according to AMCR 23–6, e.g., USAF logistic control groups and SMAMA.) A list of all individuals authorized to initiate Purchase Requests will be obtained and maintained by each base procurement office. In addition, a specimen signature on DD Form 577 "Signature Card," will be filed for each individual on the list.

§ 1001.353 Utilization of funds.

By law, funds are required to be used only for the purpose for which they were appropriated and no other. Moreover, obligations must not be incurred unless funds are available. Where essentially similar items are procured, whether on one or more contracts, the same funds must be cited. Similarly, where contracts are amended, as, for example, to make changes or additions to work called for under a construction contract, which changes are essentially the same character of work, only construction funds should be used. This is not intended to preclude the citation of different, but appropriate, funds for different supplies or services in the same contract where such supplies or services are properly being procured under one contract.

§ 1001.354 Discount expedite.

The words "Discount-Expedite" will be stamped prominently by the initiating office on the original and copies of all purchase instruments when a cash discount is involved; furthermore, the discount terms will be underscored or circled in red.

§ 1001.355 Relations between GAO and Air Force personnel.

It is the policy of the Air Force to require full cooperation between its personnel and the General Accounting Office in their relationship with contractors concerning that agency's examination of contractor's records and supporting data, pursuant to the contractual clause of each contract emanating from the statutory right provided by the Congress. Where adequate cooperation cannot be obtained from the contractor by the GAO and the local AF representative, the matter will be referred to AMC (MCGL) for advice, assistance, and resolution.

§ 1001.356 Tests of contractor manufactured equipment.

Only personnel designated by the Government and the contractor whose products are being tested should be permitted to witness such tests. Such contractor may designate others not in his organization to attend provided such request is in writing and approved by the Government.

§ 1001.357 Use of new contracts for follow-on procurements.

(a) All follow-on procurements (adding articles in the prosecution of subsequent fiscal year programs) will be accomplished on a separate and distinct contractual instrument as opposed to a supplement to an existing contract.

(b) Commanders or deputy commanders of AMA's, AF Depots, AMC centers, AMFPA, AMFEA, with power of redelegation, may authorize exceptions to the policy in the case of individual procurements when the best interests of the Government will be served. This authority will be exercised only where compliance with policy is not practicable. The procurement file will include a statement by the contracting officer of approval and justification.

(c) Exceptions not requiring authorization:

(1) Contractual coverage for preproduction expenses, e.g., engineering changes, facility expansions, and/or tools relating to initial release of production quantities.

(2) Follow-on procurements for pilotless aircraft when requirement is released on a partial basis, such as purchases of materials, fabrication of materials, and assembly.

(3) Supplemental agreements for additional quantities within the same fiscal year.

(4) CPFF contracts; but see subparagraph (6) of this paragraph.

(5) Indefinite delivery, open and call procurement contracts.

(6) Research and development contracts where the period of performance will not exceed 3 years from the date of the initial contract.

(7) Instances where the Government exercises its rights under the option clause of a contract.

§ 1001.358 Policy regarding the consideration of loyalty of scientific researchers on unclassified research contracts.

(a) The problems of security and possible unauthorized release of classified information do not arise under unclassified scientific research contracts. The major consideration regarding the individuals involved should be their scientific integrity and ability. The only consideration relating to the loyalty of individual scientists engaged in work under Government contracts is the principle that it would appear to be against the national interest to give aid and comfort to a person disloyal to the United States. In conformance with this principle, the following policy has been adopted:

(1) The policy of the Air Force in considering proposals for contracts in support of unclassified research not involving security considerations is to assure that, in appraising the merit of a proposal submitted by or on behalf of a scientist, his experience, competence and integrity are always taken carefully into account. Purchasing activities will not knowingly award or continue a contract in support of research for one who is:

(i) An acknowledged Communist or anyone established as being a Communist by a judicial proceeding, or anyone who advocates change in the United States Government by other than constitutional means.

(ii) An individual who has been convicted of sabotage, espionage, sedition, subversive activity under the Smith Act, or a similar crime involving the Nation's security.

(b) Whenever any purchasing activity has reason to believe that the policies described in paragraph (a) (1) of this section applies to a scientific researcher whose services will be utilized in a proposed contract, or whose services are being used in an existing contract, all pertinent information will be forwarded through the Commander, AMC, attn: MCPP, to the Deputy Chief of Staff, Materiel, Hq USAF, attn: AFMPP, for resolution.

(c) Where a purchasing activity receives information indicating that a potential or an actual scientific researcher may have violated a Federal statute, an immediate report will be made in the manner prescribed for reporting the commission of suspected crimes.

§ 1001.359 Contracting with architect-engineer firms for construction work.

(a) Air Force policy prohibits the award of a contract for professional architect-engineer services for a particular facility, and the award of a contract for the related construction work to the same firm, its subsidiaries or affiliates. Professional architect-engineer services, as referred to herein, means: (1) Those architectural and engineering services furnished in connection with developing designs, drawings, specifications and other documents prerequisite and essential to the construction of a facility, and (2) those technical and other services furnished by an architect-engineer, on behalf of the Government, in connection with the supervision and inspection of the work performed and materials supplied by the construction contractor. This policy, adopted in an effort to prevent the development of conflicts of interest which might tend to prevent architect-engineer contractors from furnishing the best professional services of which they are capable and from rendering unbiased decisions during the design and construction periods, is in keeping with similar policies followed by other major governmental construction agencies.

(b) Certain firms possess both architectural-engineering and construction capabilities, either within their own organizations or through subsidiaries or affiliates. In the event such firms, their subsidiaries or affiliates, are selected as prospective contractors for professional architect-engineer services, they will be clearly informed of the above policy prior to the initiation of architect-engineer contract negotiations. At that time such firms will have the option of either: (1) Withdrawing from further architect-engineer contract negotiation to compete for the construction contract, or (2) continuing with contract negotiations for the architect-engineer contract under the condition that if such negotiations are successful, that firm, its subsidiaries or affiliates, will be ineligible to compete for the related construction contract. Accordingly, bids for the construction of a facility will not be solicited from the firm, its subsidiaries or affiliates, which furnished, or will furnish professional architect-engineer services for that facility.

(c) *Exceptions.* The above policy is not applicable: (1) In those few cases where the Secretary of the Air Force specifically authorizes the use of cost-plus-fixed-fee contracting with a firm or group of firms for both the design and construction of a specialized facility, nor (2) in those cases where contracts are awarded based on requirements specifications, for the production, delivery and/or erection of multiple units of preengineered structures and such contracts require the successful contractors to furnish construction drawings, specifications, or site adaption drawings of the structures. In neither of the above excepted cases will the firm that prepared the drawings and specification be engaged to supervise, on behalf of the Government, the construction of the facility involved.

§ 1001.360 Requests from foreign entities for information as to acquisition of production and sales rights to United States military end items.

(a) This section provides instructions for processing a request of a foreign entity for information concerning acquisition of production and sales rights to United States military end items.

(b) This section applies to AMC field procurement activities assigned prime class procurement, all major oversea commands, AMFPA, and AMFEA.

(c) It is AF policy to assist potential foreign producers of AF military end items to identify the United States qualified production sources. Whenever a foreign production source (either a friendly foreign government or a private entity of a friendly foreign government) requests information on the appropriate procedure to be followed in acquiring production or patent rights to an AF military end item, it is deemed essential that AF personnel provide a complete list of United States military department sources, together with addresses, as expeditiously as possible.

(d) AF personnel initially contacted by the foreign entity will assist the inquirer in identifying each AF item by stock number and nomenclature designation. In addition, the offshore unit will determine the AF activity which has procurement responsibility of each item and advise the inquirer to write directly to the director of procurement and production of that activity.

(e) Upon receiving such requests, the appropriate AF activity within the continental United States will:

(1) Secure a complete list of United States Military sources together with addresses presently on record at that activity for the item involved.

(2) Send this list directly to the foreign entity and advise the foreign potential producer to contact the United States source(s) direct. This letter will be substantially as follows:

Forwarded herewith according to your request is a list of United States military sources presently on record at this activity as United States manufacturer of ----------
(Item)

Inasmuch as the ultimate decision insofar as patent rights and technical assistance arrangements are concerned, rests with the owner of the patents which may be involved and the United States producers of the item, no commitment is made on behalf of the United States Government.

If further information is desired, it is requested that the attached list be utilized for contacting the United States manufacturers direct.

(3) No other information will be released to a foreign entity without the approval and coordination of the local office of the staff judge advocate.

(f) At the same time the list is forwarded, each United States producer whose name has been included on the list will be advised of the inquiry. Since the ultimate decision, insofar as patent rights and technical assistance are concerned, rests with the owner of the patents which may be involved and the United States producer(s) of the item, no position will be taken in this respect and no commitments made on behalf of the United States Government. This letter will be substantially as follows:

It is the policy of the Department of the Air Force to assist potential foreign producers of Air Force military end items to identify the United States qualified production sources.

Pursuant to this policy your company's name has been forwarded to ----------
----
(Foreign entity's name and address)
according to their request as a producer of

(Item description)

Inasmuch as the ultimate decision, insofar as patent rights and technical assistance arrangements are concerned, rests with the owner of the patents which may be involved

and the United States producers of the items, no commitments can be or were made on behalf of the United States Government.

No further action on this matter will be taken by this activity. However, it is hoped that the Air Force has been of some assistance to you in establishing contact between your own concern and a potential foreign source of _____.
(Item)

(g) If a request is received from a foreign entity which contemplates production in other than a friendly country or if the AF item is classified, the request will be referred with recommendations to Hq USAF (AFMPP).

(h) The AF policy is to lend every assistance in identifying the interested parties and to aid United States private entities in processing an application to the United States Department of State or Commerce for export license or approval of a contemplated production and sales program abroad. The procedures outlined in this section afford the Department of the Air Force ample opportunity at Hq USAF to make recommendations to the Department of Defense which, after review, forwards the Department of Defense recommendations to the Department of State. The Department of State is the established and solely authorized United States Government instrumentality for final determination in respect to release of United States military end items for production and sale outside the continental United States by foreign entities.

§ 1001.361 Hospitalization and medical care for contractor's employees at oversea installations.

The following policy contained in DOD Directive 6310.4, will be followed by all procurement activities.

(a) Under existing statutes and procurement regulations, the Military Departments have the authority, under certain circumstances, to contract for the hospitalization and medical care of employees of contractors with the United States at oversea locations, as a part of the consideration for such contracts.

(b) During the present shortage of medical personnel, all practical means should be employed to reduce the workload of the medical departments of the services and to make the most efficient use of available personnel. Accordingly, in negotiating such contracts, it is requested that all procurement authorities in the military departments be instructed to avoid conditions which would place upon the services the responsibility of providing medical and dental care and hospitalization for contractor's employees; except when isolation and lack of civilian facilities for hospitalization or economic advantage to the Government become overriding factors of importance.

(c) This policy does not apply to preventive medical functions overseas, which remains the responsibility of the military departments.

Subpart D—Procurement Responsibility and Authority

§ 1001.401 Responsibility of each procuring activity.

(a) The Commander, Air Materiel Command, as sole "head of a procuring activity," is responsible for the procurement of supplies and services assigned to the procurement cognizance of the Department of the Air Force, except for the supplies and services assigned to the procurement cognizance of a jointly-staffed and financed procuring activity established under the provisions of Part 5, Chapter I, of this title. This responsibility includes the authority to issue appropriate delegations of authority, to impose limitations upon the authority delegated, and to require such business clearance and approval as he may prescribe in procuring activity instructions (Air Force Procurement Instruction). This responsibility and authority extends over all activities of the Air Force, including oversea commands, air attachés, and AF foreign missions.

(b) Except as specifically limited or prohibited herein, by Subchapter A, Chapter I, of this title, or by law, the authorities vested in the heads of procuring activities by Subchapter A, Chapter I, of this title, or in the Commander, AMC, by this subchapter may be delegated and redelegated.

§ 1001.402 General authority of contracting officers.

(a) According to the provisions of Subchapter A, Chapter I, of this title and this subchapter, any contracting officer is hereby authorized to enter into contracts on approved forms for supplies and services on behalf of the Government and in the name of the United States of America, whether by formal advertising or by negotiation. Unless otherwise specifically provided, the words "the contracting officer" when used in Subchapter A, Chapter I of this title, this subchapter, or in any contract, supplemental agreement, or change order, are construed to include any contracting officer, acting within the scope of the written orders designating him a contracting officer, his duly designated successor, or authorized representative. Purchases will be made only by individuals duly designated as contracting officers, except (1) petty cash purchases, which will be made according to § 1003.604 of this chapter, (2) emergency purchases of fuel, oil, repairs, etc., which will be made according to current pertinent regulations and (3) emergency purchases of medical supplies and equipment, which will be made by the medical officer, followed by the issuance of a confirmatory purchase order by the contracting officer.

(b) The contracting officer has only such powers as are given him by delegations of authority and the instrument by which he was designated. Acts exceeding those powers do not bind the Government. By reason of the situation, the contracting officer may be personally liable for acts in excess of his authority. Base commanders and others having administrative supervision over contracting officers will bear this in mind and will refrain from directing contracting officers to take action which might expose the contracting officer to serious consequences. The office of the contracting officer should be placed, in the local organization, at a level which will protect it from intraorganizational pressure which might lead the contracting officer to perform improper acts exposing him to personal risk and the Air Force to criticism.

(c) There have been cases where personnel other than contracting officers have issued oral orders to contractors which resulted in the contractors performing work not in accord with their contractual obligations and often at added expense to the contractors. Commanders will emphasize to personnel under their jurisdiction that only contracting officers are authorized to commit the Air Force in dealing with contractors.

(d) Contracting officers must comply with all requirements of applicable laws and regulations in exercising their contractual authority.

(e) Contracting officers will neither act as nor perform the duties of a contracting officer with respect to any contractual instrument obligating only nonappropriated funds. However, contracting officers may act in an advisory capacity with respect to the aforementioned instruments. In connection with a construction contract which will be paid for with a combination of appropriated and nonappropriated funds, the entire procurement will be accomplished in the same manner as an appropriated funds procurement except that prior to award, the contracting officer will insure that nonappropriated funds sufficient to cover the nonappropriated portion of the procurement have been deposited with the AF accounting and finance officer who will be designated to make payment under the contract.

§ 1001.450 Secretary.

The Secretary establishes policies for, and directs and supervises, the Department's activities with respect to procurement and related matters. The General Counsel, as his legal advisor, is the final authority on all legal questions relating thereto. By delegation of authority from the Secretary, policies established by him are implemented and other appropriate instructions are issued to lower echelons by the Chief of Staff, USAF, through the Deputy Chief of Staff, Materiel.

§ 1001.451 Representatives of contracting officers.

(a) The designating authority (see § 1001.454) may designate, according to § 1001.452, any officer (including warrant officer) or civilian official, or any airman who is classified either a Procurement Superintendent (65190), Procurement Supervisor (65170), or a Procurement Specialist (65150) and whose primary duty is in the contracting office, to act as representative of the contracting officer or his duly designated successor.

(b) A designation so authorized will be made by written instructions referring to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. A representative by virtue only of his designation as such will not be empowered to execute any contract or supplemental agreement on behalf of the United States.

(c) A person assigned to and performing his primary duty within a procurement office, who is operating in the capacity of a buyer (i.e., soliciting quotations, opening RFP's, negotiating with contractors, placing calls against Blanket Purchase Agreements (§ 3.606–2(a) of this title), etc.) does not require a written warrant designating him a representative of the contracting officer. Such a person is considered to be in effect an employee of the contracting officer, acting in his behalf and as such has the inherent authority to perform the acts enumerated above.

(d) This section will not be interpreted as prohibiting the designation in a contract of a Government agency or position (by title but not an individual by name) to perform specified functions under the contract. Persons acting pursuant to such contractual provisions are not considered representatives of the contracting officer within the meaning thereof.

§ 1001.452 Designation of contracting officers and representatives of contracting officers.

To maintain a high degree of efficiency and effect the most economical management and organization of base procurement activities, AF policy is to centralize all functions of purchasing and contracting, in a consolidated office at all AF installations authorized to make base procurement from appropriated funds.

§ 1001.453 Delegations of authority.

(a) The exercise of the delegated authorities will be subject to the applicable provisions of Chapter I, of this title, this chapter, and other directives issued by proper authority, except that emergency procurements in combat areas will be accomplished in the manner prescribed by the commander of the combat theatre. The provisions of Chapter I, of this title and this chapter apply to procurement in oversea areas for Government and Relief in Occupied Areas (GARIOA) chargeable to annual appropriations for such purposes.

(b) All redelegations of authority, as well as withdrawals or rescissions thereof will be made in writing over the personal signature and title of the person vested with the authority. Delegations and redelegations will be made to official positions and not to individuals by name, except in the case of designations of contracting officers and representatives of contracting officers.

(c) Delegations of authority do not affect the authority of the delegator to exercise any of the authority delegated or to issue instructions concerning the exercise of such authority.

(d) Authorities delegated by the Director of Procurement and Production, Hq AMC, may not be redelegated except as expressly provided in individual authorizations.

(e) Delegations of authority to air attachés may be exercised only by air attachés on duty in foreign countries. Delegations of authority to chiefs of AF foreign missions or chiefs of AF sections of joint military missions may be exercised only when the missions are not operating under the jurisdiction of an oversea command.

(f) Procurement authorities vested in commanders, major air commands are likewise vested in the Commander, Military Air Transport Service. Procurement authorities vested in commanders, oversea commands are likewise vested in the Commander, Military Air Transport Service, and the Commander-in-Chief, Strategic Air Command, with respect to areas outside the continental United States and not within the jurisdiction of a major air command.

(g) [Reserved]

(h) In the absence of a person occupying a position to which authority has been delegated, the authority may be exercised by the person who is occupying the position in an "acting" capacity. "Absence" refers to absence from the installation on leave or temporary duty travel. In cases of extreme emergency, "absence" may be construed to mean absence from the office regardless of whereabouts, except approval of contracts or redelegations of authority which must be accomplished by the person occupying the position to which authority has been delegated.

(i) Approval of awards and manual approval of contracts authorized by delegations of authority will be made in person by the individual occupying the position to which the authority has been delegated. Execution of such approval by one individual for, or over the signature of, another is unauthorized. Persons serving in an acting capacity will execute authority, as delegated, over their own name as acting chief, deputy chief, etc. Awards and contractual instruments in excess of the contracting officer's authority which require approval by higher authority will be reviewed by competent persons prior to manual approval.

(j) In the event that a person acts without the requisite authority, his actions may, under certain circumstances, be later ratified. When such ratification is proposed, review and approval of the proposed ratification should be obtained from the appropriate Staff Judge Advocate.

(k) Authority to make awards and execute or approve contracts applies only when such documents include all prescribed clauses approved for use by Director of Procurement and Production, Hq AMC, or higher authority.

(l) When contracting authority is limited as to dollar amount, the limitation includes:

(1) Any contractual instrument initially involving a sum in excess of the dollar limitation considering the aggregate of obligated and committed funds.

(2) Contracts firmly negotiated for the total cost of the program, as stated therein, but which are funded for less than the total cost of the program as firmly negotiated.

(3) Requirements and indefinite quantity contracts as defined in § 3.405–5 of this title and § 1003.405–5 of this chapter and call procurement arrangements as defined in § 1003.405–51 of this chapter when maximum requirements are set forth (in such cases the maximum requirements will be contained in the call procurement arrangements as the estimated dollar amount of supplies or services to be procured during the contract period), even though no funds are committed or obligated thereby.

(4) Any contractual instrument in excess of the dollar limitation that increases the allotment of funds for reimbursement under a cost-reimbursement or time-and-materials type of contract.

(5) Any contractual instrument, regardless of total contract consideration, which accomplishes a change that would increase the cost to the Government by more than the dollar limitation were there not offsetting credits provided in the same contractual instrument.

(6) Except as otherwise authorized, any supplemental agreement definitizing contract change notifications when the contract change notifications being definitized accomplished a change which increased the cost to the Government by more than the dollar limitation regardless of whether there are offsetting credits provided in the same supplemental agreement.

(m) When contracting authority is limited as to dollar amount, the limitation does not include:

(1) Contractual instruments which do no more than commit funds for engineering changes or provisioning items, whether or not there was any previous commitment for such items.

(2) Contractual instruments increasing fund obligations under partially funded contracts (see paragraph (l) (2) of this section) when not exceeding the firmly negotiated total cost of the program as stated in the prime contract.

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 1003.405–5(b) of this chapter), indefinite quantity contracts (§ 1003.405–5(c) of this chapter), or call procurement arrangements (§ 1003.405–51 of this chapter).

(4) Contract change notifications issued according to Subpart C, Part 1054 of this chapter.

(5) Contractual instruments which obligate funds for provisioning items where the approved contract contained an item for provisioning spares, ground handling and support equipment, etc.

(n) Authorities vested in chiefs of AF foreign missions are likewise vested in AF sections of joint military missions.

(o) Requirements aggregating more than the dollar amount of the contracting authority delegated will not be broken down into more than one purchase transaction for the purpose of avoiding authority limitations.

(p) Authorities vested in Deputy Directors of Procurement and Production are likewise vested in Technical Associates performing procurement and production functions at comparable level.

§ 1001.454 Authority to designate contracting officers and representatives thereof.

(a) Contracting officers, as defined in § 1.201–3 of this title, will be those designated by the persons listed in this section, or by persons who are authorized in writing by the persons listed in this section to designate contracting officers within the meaning of that term as used throughout Chapter I of this title and this chapter.

(1) Secretary of the Air Force.
(2) Chief of Staff, USAF.
(3) Vice Chief of Staff.
(4) Deputy Chief of Staff, Materiel.
(5) Director of Procurement and Production, Office of the Deputy Chief of Staff, Materiel.
(6) Sole head of a procuring activity (Commander, AMC).

(b) The authority of the Commander, AMC, with respect to designating contracting officers and representatives of contracting officers, as set forth in § 1.401 of this title and paragraph (a) of this section, has been delegated to the Director of Procurement and Production, Hq AMC, with power of redelegation. Authority to designate includes authority to terminate designations.

(c) The authority referred to in paragraph (b) of this section has been redelegated by the Director of Procurement and Production, Hq AMC, to the officials listed in this paragraph. Except as specified, exercise of the authority is limited to the designation of persons under the jurisdiction of the designating authority.

(1) Commanders of major air commands with power of redelegation not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command at numbered Air Force or ARDC center level.

(2) Air attachés and chiefs of AF foreign missions.

(3) Commanders and deputy commanders, contract management regions, who may also designate persons not under the jurisdiction of the designating authority, including persons under the jurisdiction of other AF commands, as representatives of contracting officers.

(4) Commanders and deputy commanders of air materiel areas who may also designate persons not under the jurisdiction of the designating authority, including persons under the jurisdiction of other AF commands, as representatives of contracting officers. Commander and Deputy Commander, Rome Air Materiel Area (ROAMA), may redelegate to the Commander and Deputy Commander, Ground Electronics Engineering Installation Agency (GEEIA), with power of further redelegation to commanders, GEEIA regional offices, for the purpose of executing communications service authorizations only.

(5) Commanders and deputy commanders of AF depots.

(6) Commanders of separate AMC activities under the direct jurisdiction of the Commander, AMC.

(7) Deputy Directors of the Directorate of Procurement and Production, Hq AMC, who may also designate (i) as contracting officers, persons assigned to any Hq AMC activity, and (ii) as representatives of contracting officers, persons not under the jurisdiction of the designated authority, including persons under the jurisdiction of other AF commands.

(8) Commander and deputy commander, AMC centers.

(9) Director, Air Force Academy Construction Agency, who may also designate persons not under his jurisdiction as representatives of contracting officers.

(10) Commanders and Deputy Commanders, Air Materiel Forces, who may also designate persons under the jurisdiction of other AF commands as representatives of contracting officers. Further redelegation may be made to commanders of first echelons of command immediately subordinate to the AMF.

(11) Commander and Deputy Commander, 2709th AF Vehicle Control Group.

§ 1001.455 General procurement authority.

The delegation described in this section is a general one, and all other existing or future delegations, regulations, or directives issued by competent authority, to the extent to which they would, expressly or by reasonable implication, limit the scope of or impose conditions or restrictions upon the exercise of the general authorities set forth in this section, will be controlling over it.

(a) The Commander, AMC, has delegated, with power of redelegation, to the Director and Deputy Directors of Procurement and Production, Hq AMC, the authority to act for the Secretary of the Air Force or the Assistant Secretary of the Air Force (Materiel) in the following particulars:

(1) To enter into, approve, and take other action in respect to contracts, change orders, supplemental agreements, awards, letter contracts, leases, amendments of contracts, and other contractual instruments.

(2) To make, authorize, and approve sales or contracts for the sale of equipment, supplies, and materiel.

(3) Approve deviations from regulations, in respect to procurement, and deviations from approved forms of contracts; provided all deviations from Chapter I, of this title, this chapter, and Air Force Procurement Circulars will be effected in the manner provided in Subpart A of this part, as it may from time to time be amended or supplemented.

(b) There is specifically excepted from the delegation described above, all authority to take action under Public Law 85–804 (50 U.S.C. 1431 et seq), to make findings and exceptions under the Buy American Act (41 U.S.C. 10a–d), to approve contracts made pursuant to 5 U.S.C. 55a and Section 601 of the Department of Defense Appropriation Act, 1959 (and similar provisions in subsequent Appropriation Acts), to make the determinations required by Section 625 of the Department of Defense Appropriation Act, 1959 (and similar provisions in subsequent acts), to authorize leases pursuant to 10 U.S.C. 2667, and to do other things which by law, regulation, or other directive may not be delegated.

§ 1001.456 Authorities of the sole "head of a procuring activity."

(a) The Director of Procurement and Production, Hq AMC, has been authorized by the Commander, AMC, to issue delegations of the redelegable authorities that are vested in the Commander, AMC, as sole "head of a procuring activity." Any such delegations issued to oversea commands, air attachés, and foreign missions will be issued "by direction of the Commander, AMC."

(b) The Director of Procurement and Production, Hq AMC, has delegated to the persons listed in this section all redelegable powers vested in the head of a procuring activity by Chapter I of this title except as noted.

(1) Commanders of major air commands with power of redelegation not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. However, the powers set forth in §§ 3.303, 5.1105–3 and 7.103–12 of this title were withheld from the commanders of major air commands located within the United States, its Territories, and possessions, and the powers set forth in §§ 3.303 and 5.1105–3 of this title were withheld from commanders of oversea commands located outside the Territories and possessions of the United States.

(2) Air attachés and chiefs of AF foreign missions. However, the powers set forth in §§ 3.303 and 5.1105–3 of this title were withheld.

§ 1001.457 Authority to enter into, execute and approve contracts.

(a) The authority to enter into, manually execute or approve contracts has been delegated by the Director of Procurement and Production, Hq AMC, to the persons listed below. Awards made and contracts executed in excess of dollar limitations shown herein or as provided for in paragraph (b) of this section, and §§ 1001.458, 1001.459 and 1001.461, require approval of higher authority as set forth in Subpart E, Part 1053 of this chapter. In this respect, reference should be made to § 1001.480 which offers a ready guide to the delegations of AF procurement authority. Properly authorized letter contracts do not require manual approval, irrespective of dollar amount, except letter contracts for personal and professional services as described in § 1001.458 (See § 1003.405–3 of this chapter).

(1) *Commanders of major air commands within the continental United States except AMC and ARDC.* Authority is limited to making awards and manually approving contracts involving $100,000 or less except Commander, Military Air Transport Service, who has been authorized to make awards and manually approve contracts involving $350,000 or less. Commanders may delegate authority to manually approve contracts not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. Commanders may authorize contracting officers within the major air command to make awards and execute contracts involving $100,000 or less. Delegations of procurement authority to contracting officers must be uniform throughout the major air command. (See subparagraph (7) of this paragraph for ARDC.)

(2) *Commanders of major oversea commands.* Commanders may delegate authority to manually approve contracts not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. Commanders may authorize contracting officers within the major air command to make awards and execute contracts involving $100,000 or less. Delegations of procurement authority to contracting officers must be uniform throughout the major air command.

(3) *Air attachés and chiefs of AF foreign missions.* Authority is limited to making awards and approving contracts involving $100,000 or less, except Chief, Joint United States Military Group, Spain, who has been authorized to make awards and manually approve contracts involving $1,000,000 or less. May authorize contracting officers, designated by them, to make awards and execute contracts involving $100,000 or less.

(4) *Commander, 2709th AF Vehicle Control Group.* Authority is limited to: (i) Making awards and manually approving contracts involving $350,000 or less, and (ii) manually approving contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts. Authority may be redelegated to: (*a*) Chief, Procurement and Production Division, (*b*) Deputy Commander during absences of the Commander, and (*c*) contracting officers under his jurisdiction to make awards and execute contracts involving $30,000 or less, except that production lists or calls under open contracts and orders under provisioning documents for items already on contract may be issued (through administrative contracting officers) to contractors irrespective of dollar amount.

(5) *Commanders, air materiel areas and Dayton AF Depot.* Authority is limited to: (i) Making awards and manually approving contracts as a result of formal advertising or small business restricted advertising irrespective of dollar amount (authority to approve supplemental agreements amounting to more than $1,000,000 which result from the exercise of an option is excluded), (ii) making negotiated awards and manually approving contracts involving amounts of $1,000,000 or less, and (iii) manually approving contracts which do no more than obligate overruns on cost-plus-a-fixed-fee contracts. Authority may be redelegated to: (*a*) Directors of procurement and production, (*b*) deputy commanders during absences of the commander, (*c*) Director, USAF Logistic Control Group for amounts of $100,000 or less, and (*d*) contracting officers under their jurisdiction to make awards and execute contracts involving $30,000 or less, except that production lists or calls under open contracts and orders under provisioning documents for items already on contract may be issued (through administrative contracting officer) to contractors irrespective of dollar amount.

NOTE: The limiting authority up to $30,000 is not applicable to obligating funds previously committed (but not obligated) in the basic contract.

(6) *Commanders of separate AMC installations (excludes AMC field procurement activities and air materiel forces) under the direct jurisdiction of the Commander, AMC.* Authority is limited to making awards and manually approving contracts involving $100,000 or less. Commanders may authorize contracting officers under their jurisdiction to make awards and execute contracts involving $30,000 or less.

(7) *Commander, ARDC,* make awards and manually approve contracts, irrespective of dollar amount, with respect to research and development contracting matters including authority to: (i) Waive bid, payment, performance, or other bonds (other than for construction), (ii) administer patent matters incident to R&D contracts, (iii) approve insurance programs and pension and retirement plans of AF contractors, and (iv) approve repricing actions according to paragraph (b) of this section. The authority may be redelegated. A copy of all redelegations by the Commander, ARDC, of any of his research and development procurement authorities will be furnished to the AMC (MCPP). Limitations of the authority are shown below.

(*a*) This authority does not apply to procurement initiated by Wright Air Development Center (WADD), except for procurements of research and of armament development using 650 series funds. Procurements initiated by WADD for other than research or armament development in the 650 series (primarily development of experimental aircraft and aeronautical items) will be accomplished by WADD's preparing and forwarding a purchase request to AMC Aeronautical Systems Center, for necessary procurement action. Reassignments from WADD to any other component of ARDC of other-than-research responsibilities that involve procurement actions will be subject to prior coordination with the Director of Procurement and Production, Hq AMC.

(*b*) Supplemental agreements amounting to more than $1,000,000 resulting from the exercise of an option, require review and manual approval as set forth in (*d*) of this subdivision.

(*c*) Negotiated contracts, involving more than $1,000,000 for research are subject to review by the Office of the Procurement Committee (MCPC), Directorate of Procurement and Production, Hq AMC, before manual approval by an official duly authorized by the Commander, ARDC.

(*d*) Negotiated contracts, involving more than $1,000,000 for other than research (including base procurement) are subject to review by MCPC, Hq AMC, and manual approval by an official duly authorized by the Director of Procurement and Production, Hq AMC.

(*e*) Manually approve contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts.

(8) *Deputy Directors and the Assistant to the Director, of the Directorate of Procurement and Production, Hq AMC.* Normally, the authority with respect to manually approving contracts, involving $1,000,000 or less, that are subject to manual approval of a duly authorized official of the Directorate of Procurement and Production, Hq AMC, because of limitations on delegated authority, will be exercised by a Deputy Director or the Assistant to the Director, of the Directorate of Procurement and Production, Hq AMC. Such contracts involving more than $1,000,000 are normally approved by the Director of Procurement and Production, Hq AMC, but in his absence may be approved by one of the Deputy Directors or the Assistant to the Director, or by an individual officially designated as "Acting" in one of the above capacities. For the purpose of the dollar limitations in this section, acquisition cost on any industrial facilities to be furnished under a facilities contract will not be added to the amount of funds being obligated on that contract.

(9) *Commander, AMC centers.* Authority is limited to: (i) Making awards and manually approving contracts awarded as a result of formal advertising or small business restricted advertising irrespective of dollar amount (authority to approve supplemental agreements amounting to more than $1,000,000 which result from the exercise of an option, is excluded), (ii) making negotiated awards and manually approving contracts (including facilities contracts) involving amounts of $1,000,000 or less, (iii) manually approving contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts, (iv) manually approving supplemental agreements for engineering changes (this authority may be used in conjunction with other contractual actions which in themselves in the aggregate do not exceed the delegated dollar limitation without further approval), and (v) making awards and manually approving short form facilities contracts using MCP 71—663 contract provisions, irrespective of dollar amount. Authority may be redelegated.

(10) *Director, Air Force Academy Construction Agency.* Make awards and manually approve contracts and modifications thereto for supplies and services involving $350,000 or less. Contracts in excess of $350,000 will be subject to manual approval by duly authorized approving officials of the Directorate of Procurement and Production, Hq AMC. Contracting officers of the Air Force Academy Construction Agency are authorized to make awards and manually

execute contracts and modifications thereto involving $30,000 or less, without approval of higher authority, subject to such limitations as may be imposed by the Director, Air Force Academy Construction Agency.

(11) *Commanders and deputy commanders, air materiel forces,* for amounts of $350,000 or less, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the air materiel force. Contracting officers, under the jurisdiction of the air materiel force, may be authorized to make awards and execute contracts involving $100,000 or less. Administrative contracting officers under the jurisdiction of the air materiel force may be authorized to exercise the authority described in subparagraph (12) of this paragraph.

(12) *Administrative contracting officers.* Authority is limited to: (i) Issuing calls according to the provisions of AMCR 20–19; (ii) pricing and, where a price redetermination clause is applicable, repricing calls against indefinite quantity, indefinite price (open) contracts, and executing documents establishing such initial or revised prices after review and approval according to the provisions of Subpart F, Part 1055 of this chapter, subject to the requirements of paragraph (b) of this section; (iii) retroactive repricing of FPR–E type contracts and executing supplemental agreements establishing such revised prices, subject to the requirements of paragraph (b) of this section; (iv) pricing and, where a price redetermination clause is applicable and the procuring contracting officer specifically makes the assignment, repricing support items procured under a provisioning document concurrently with the end items to which they relate, and executing contractual documents establishing such initial or revised prices (estimated cost and fee) after review and approval as provided in Subpart F, Part 1055 of this chapter, subject to the requirements of paragraph (b) of this section; (v) executing orders for supplies and services pursuant to the terms of a contract that authorizes such action; and (vi) issuing POODs or similar documents to obligate funds previously committed when necessary to cover obligations arising from authorized contractual actions.

(b) All repricing actions, including but not limited to those under incentive type contracts, FPR–E, and old Form III's and IV's (but excluding those under contracts with escalation clauses) require manual approval as set forth below.

(1) The Director of Procurement and Production, Hq AMC, has limited the authority granted to Commander, ARDC, and AMC activities to execute and manually approve supplemental agreements resulting from repricing actions.

(i) This limitation provides that when the gross redeterminable amount is in excess of $1,000,000, the repricing action whether involving an increase or decrease will be reviewed by Office of the Procurement Committee (MCPC), Hq AMC, and manually approved by a duly authorized approving official within the Directorate of Procurement and Production, Hq AMC, according to paragraph (a)(8) of this section. The term "gross redeterminable amount" is defined as the maximum amount expendable under the contract and subject to the current repricing action.

(ii) When the gross redeterminable amount subject to current repricing action is not in excess of $1,000,000 regardless of the amount of increase or decrease brought about by the repricing action, manual approval is delegated to:

(a) Commanders, air materiel areas and Dayton AF Depot with power of redelegation to no lower than the director of procurement and production.

(b) Commander, ARDC, with power of redelegation.

(c) Commander and Deputy Commander, AMC centers, with power of redelegation.

(d) Commanders, air materiel forces with power of redelegation to no lower than the director of procurement and production in the first echelon of command immediately subordinate to the air materiel force, except that an increase in price in excess of $350,000 will be reviewed by MCPC, Hq AMC, and manually approved according to paragraph (a)(8) of this section.

(e) Commander, 2709th AF Vehicle Control Group, with power of redelegation to no lower than the Chief, Procurement and Production Division, except that an increase in price in excess of $350,000 will be reviewed by MCPC, Hq AMC, and manually approved by a duly authorized approving official within the Directorate of Procurement and Production, Hq AMC.

§ 1001.458 Manual approval of contracts for services of experts and consultants.

(a) Prior approval in the form of findings and determinations personally signed by the Secretary are required for contracts for the services of experts and consultants entered into by authority of Public Law 600 (79th Congress), act of August 2, 1946, section 15 (60 Stat. 810; 5 U.S.C. 55a), and the current implementing appropriation acts. If the Secretary has made the necessary findings required by law, he may direct others to manually approve contracts for such services. In his findings and determinations made in support of the contracts, the Secretary generally includes a statement that, by his direction, the contracts will be approved by the Commander, AMC, or his designee.

(b) Except for the particular classes covered in § 1001.459, contracts described in this section may be approved by the following persons pursuant to designations by the Commander, AMC;

(1) Director and Deputy Directors of Procurement and Production, Hq AMC.

(2) Commander, ARDC, or his designee for contracts entered into by ARDC. Designees of the Commander, ARDC, may not be other than a staff officer responsible for procurement within Hq ARDC, or within the headquarters of the first echelon of command immediately subordinate thereto.

§ 1001.459 Manual approval of architect-engineer contracts.

(a) The Commander, AMC, has been authorized to review and approve contracts involving $1,000,000 or less for architectural and engineering services when findings and determinations authorizing such contracts have been made by the Secretary. Except as otherwise authorized, the authority applies only to contracts written according to the format contained in Subpart QQ, Part 1007 of this chapter. Use of letter contracts is not authorized except as indicated in paragraph (b)(1)(ii) of this section.

(b) The authority described in paragraph (a) of this section has been delegated by the Commander, AMC, to the Director of Procurement and Production, Hq AMC, who has further delegated the authority, subject to limitations shown, to the following:

(1) For contracts involving $1,000,000:

(i) Commander in Chief, United States Air Force, Europe; Commander in Chief, Pacific Air Force; Commander, Alaska Air Command; and Commander, Caribbean Air Command; with power of redelegation to the vice commander and a major command staff officer responsible for procurement (not below the director of procurement within the major command headquarters). Commanders and vice commanders, and the major command staff officer responsible for procurement may further redelegate this authority to the commander of any AF base under their jurisdiction for contracts involving $5,000 or less.

(ii) Commander and Deputy Commander, AMC Ballistic Missiles Center (includes letter contracts).

(2) For contracts involving $500,000 or less that are authorized by an individual findings and determination, and for contracts involving $100,000 or less that are authorized by a blanket findings and determination:

(i) Commanders of major air commands, other than Air Materiel Command and those commands set forth in subparagraph (1)(i) of this paragraph, with power of redelegation to the vice commander and a major command staff officer responsible for procurement (not below the director of procurement within the major command headquarters). Commanders and vice commanders, and the major command staff officer responsible for procurement may further redelegate this authority to the Commander of any AF base under their jurisdiction for contracts involving $5,000 or less, except that Strategic Air Command may also redelegate to the Commander, 16th Air Force for contracts involving $50,000 or less.

(ii) Commander and Deputy Commander, AMC Aeronautical Systems Center and AMC Electronic Systems Center.

(iii) Commanders and deputy commanders, air materiel areas.

(iv) Commander and deputy commander, Dayton AF Depot.

(v) Commanders and deputy commanders, air materiel forces.

(3) Chief, Joint U.S. Military Group, Spain, for contracts involving $50,000 or less.

(4) For contracts involving $5,000 or less:

(i) Commander and Deputy Commander, 2709th AF Vehicle Control Group.

(ii) Commanders of activities subordinate to an air materiel force.

(iii) Commander, Wright-Patterson Air Force Base.

§ 1001.460 Priorities authority; DO and DX ratings; allotments, and rescheduling deliveries.

(a) The Commander, AMC has been delegated authority as described below with respect to: (1) DO rating program, (2) DX rating program for contracts and orders identifiable to programs of the highest national priority, and (3) allotting and rescheduling deliveries. These authorities are to be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established from time to time by proper authority (see § 1.307 of this title). Each person who redelegates the authority will maintain a record of such redelegation and limits placed thereon.

(i) Authority to apply or assign the right to apply DO and DX ratings to contracts and delivery orders to meet DOD programs authorized for priorities support by the Office of Civil and Defense Mobilization or designated by OCDM as eligible for priorities support through the Department of Defense.

(ii) Authority to apply or assign the right to apply DO and DX ratings to certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized programs of the Department of Defense or of such other specifically designated programs.

(iii) Authority to apply or assign the right to apply DO and DX ratings to certain contractors on orders for delivery of construction equipment for use on construction in Alaska, Hawaii, or outside the United States.

(iv) Authority to make allotments of controlled materials and to apply or assign to others the right to apply allotment numbers to ratable contracts and delivery orders within the allotment jurisdiction of the Department of Defense.

(v) Reschedule deliveries of materials which are required in support of the Aircraft (A1) program and the AF portion of the Missiles (A2) program. Such authority is limited to rescheduling deliveries on rated orders or authorized controlled materials orders which: (a) Bear the designated program identifications, and (b) were issued by or pursuant to the authority of the delegate, or, if not, that the rescheduling is requested or concurred in by the department or associated agency under whose authority they were issued. Rescheduling of delivery may be directed only if it requires no change in the production schedule of the person making the delivery.

(vi) Administer the DMS Audit Program of Selected Airframe and Aircraft Component Plants assigned to DOD under the Department of Defense—Department of Commerce Interagency Compliance Agreement.

(b) The authority has been redelegated by the Commander AMC, to the Director of Procurement and Production, Hq AMC. Further redelegation has been made by the Director of Procurement and Production, Hq AMC, as follows:

(1) All of the authority set forth in paragraph (a)(3) (i) to (vi) of this section to the Commander, AMC Aeronautical Systems Center with power of redelegation.

(2) The authority set forth in paragraph (a)(3) (i) to (iii) of this section to and through successive echelons of command to all contracting officers (including procuring and administrative) of the Air Force.

§ 1001.461 Contracts for public utility services extending beyond current fiscal year or including a connection charge in excess of $5,000.

(a) The Commander, AMC, has been authorized to enter into contracts for public utility services (power, gas, water but not communication services) for periods extending beyond the current fiscal year but not exceeding 10 years, under one or more of the following circumstances:

(1) Where there are obtained lower rates, larger discounts, or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year.

(2) Where connection or special facility charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced.

(3) The utility refuses to render the desired service except under a contract the firm term of which extends beyond a current fiscal year. The authority will be exercised according to the applicable provisions of the "Statement of Areas of Understanding Between the Department of Defense and General Services Administration-Procurement of Utility Services".

(b) The authority described in paragraph (a) of this section has been delegated by the Commander, AMC, to the Director and Deputy Directors of Procurement and Production, Hq AMC.

(c) The statute authorizing definite term utility service contracts for periods not exceeding 10 years is 40 U.S.C. 481(a)(3). This statute as well as 10 U.S.C. 2304(a)(10) will be cited on all definite term utility service contracts extending beyond the current fiscal year.

NOTE: Indefinite term utility service contracts contemplated in Subpart KK, Part 1007 of this chapter (which are in effect until terminated) do not impose any obligation on the Government except as the service is actually used and therefore, do not come within the purview of this section. Such contracts will be approved pursuant to §§ 1001.457 and 1007.3706 of this chapter and will cite only 10 U.S.C. 2304 (a)(10) as statutory authority.

(d) Any utility service contract involving a connection charge of $5,000 or more, including the agreed salvage value, will be submitted to the Commander, AMC, attn: MCPC.

§ 1001.462 Approval of certain PR's and MIPR's.

(Applicable to AMC only).

(a) AMA and AF depot commanders have been authorized by the Director of Procurement and Production, Hq AMC, to sign PR's and MIPR's that are initiated within the AMA or depot directorate of procurement and production and are supported by production program funds administered by that directorate. The authority has been granted without limitation as to dollar amount involved. AMA and AF depot commanders may further delegate the authority to the following persons, subject to the dollar limitations shown:

(1) Deputy commanders, during absences of the commander, without limitation as to dollar amount.

(2) AMA or AF depot director of procurement and production—PR's or MIPR's involving $1,000,000 or less.

(3) Contracting officers under the jurisdiction of the AMA or depot director of procurement and production—PR's or MIPR's involving $100,000 or less.

(b) Authority to sign PR's and MIPR's initiated within the Directorate of Procurement and Production, Hq AMC, has been delegated to division chiefs without limitation as to dollar amount.

(c) Commander and deputy commander, air materiel forces and AMC centers, have been authorized by the Director of Procurement and Production, Hq AMC, with power of redelegation, to sign PR's and MIPR's without limitation as to dollar amount.

§ 1001.464 Delegation to Commander, Air Training Command.

In addition to the authorities delegated to him as a commander of a major air command, the Commander, ATC, has been authorized by the Director of Procurement and Production, Hq AMC, to exercise the authorities described below. The authorities may be exercised only with respect to negotiated contracts for procurement of services for special training described in AFR 50–9, administration of resulting contracts will be assigned to the appropriate AMA of the Air Materiel Command, and procurement of services for primary pilot training.

(a) Authority to execute findings and determinations in support of cost or cost-plus-a-fixed-fee-type contracts, provided facts have been obtained which establish that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impracticable to secure services of the kind or quality required without the use of such type of contract.

The authority may be redelegated only to the staff officer responsible for procurement within Hq ATC, provided further that the authority may not be exercised by any person who is or will be the contracting officer for the procurements involved.

(b) Authority to authorize ATC contracting officers to enter into contracts containing any of the price redetermi-

nation clauses, provided facts have been obtained which establish that:

(1) It is impractical to secure services of the kind or quality required without the use of such a price redetermination clause.

(2) The conditions for use of the price redetermination clauses have been satisfied. The authority may be redelegated only to the staff officer responsible for procurement within Hq ATC.

(c) Authority to authorize ATC contracting officers to enter into master bailment agreements, bailment agreement, and amendments thereto for the loaning of Government property to AF contractors for some specific purpose in connection with AF contracts when it has been determined that:

(1) The bailment is necessary in the interest of the national defense.

(2) It will not adversely affect the competitive aspect of procurement.

(3) The property is not available to the contractor in the open market within the time requirements of the Air Force.

The authority may be redelegated not below the level of a staff officer responsible for procurement in the first echelon of command immediately subordinate to Hq ATC.

§1001.465 Release of program data and procurement information.

(a) Information concerning proposed procurement and purchases of supplies, including construction and maintenance projects, will not be released prior to the issuance of invitation for bids or requests for quotations. In the preparation of work projects estimates, local contractors often render invaluable aid to AF base personnel in supplying information concerning local wage rates, material costs, etc. The Air Force does not intend that such contracts be curtailed; however, preliminary or approved project estimates will not be discussed with prospective contractors or made a matter of public knowledge (except as provided in § 1.311(c) of this title) until after an award has been made, whether the contract is advertised or negotiated. The foregoing statement is particularly applicable to engineers and project estimators of AF installations or maintenance offices and to purchasing and contracting personnel.

(b) The Deputy Chief of Staff, Materiel, Hq USAF and the Commander, AMC, are authorized to release approved programming data when essential to prospective bidders, subbidders, contractors, or subcontractors in planning long-range production requirements or for insuring timely availability of their field engineers and technical representatives. The authority granted herein may be redelegated. Bidders, subbidders, contractors, or subcontractors requiring classified programming data must be properly cleared.

(c) Requests for programming data will be submitted to the appropriate Directorate, Hq USAF, Washington 25, D.C., or to the appropriate AMC organization as follows:

(1) For approved program data affecting production requirements, except as set forth in subparagraph (2) of this paragraph, to the appropriate AMC center.

(2) For approved program data affecting production requirements of items where the AMA or the AF depot is assigned prime class procurement responsibility, to the commander of the appropriate AMA or AF depot.

(3) For approved program data affecting use of technical representatives and contract technicians within AMC, to the Commander, AMC, attn: MCMT.

(4) For approved program data affecting use of technical representatives and contract technicians within major commands other than AMC, to the Director of Maintenance Engineering, Hq USAF, attn: AFMME–PD.

(5) For approved depot level maintenance program data affecting production requirements, to the Commander, AMC, attn: MCMP.

(6) For forecasts of industrial facilities deficiencies, to the Commander, AMC Aeronautical Systems Center, attn: LMBI.

(7) For approved program data pertaining to communications—electronic systems to the AMC Electronic Systems Center.

(8) For types of program and planning data not specifically listed above, to the Commander, AMC. The office of primary interest at Hq AMC, will contact the appropriate office in Hq USAF, for concurrence or approval, as appropriate.

(d) *Responsibility*—(1) *All AF personnel.* All AF military and civilian personnel will refrain from releasing to individual business concerns or their representatives any preknowledge that such personnel may possess concerning proposed procurements or purchases of supplies (including construction or maintenance projects) by any AF procuring activity. Such information will be released to all potential contractors at the same time, as nearly as possible, and only through duly designated agencies so that one potential contractor may not be given an unfair advantage over another. All dissemination of such information will be according to existing authorized procedures and only in connection with the necessary and proper discharge of official duties.

(2) *Approving activity.* The approving AF activity will insure that the release of programming data, as described in paragraph (b) of this section, to commercial sources is permitted only when thoroughly justified as providing necessary support to the assigned logistical responsibilities of the Air Force and when fully compatible with governing security regulations.

(e) The authority described in paragraph (b) of this section has been delegated by the Commander, AMC, to the following persons:

(1) *Director of Procurement and Production, Hq AMC.* The authority is limited to approval of release of program data affecting production requirements. The authority has been redelegated to the Commander, AMC Aeronautical Systems Center, and the Commander and Deputy Commander, AMC Electronics Systems Center, with power of redelegation.

(2) *Director and Deputy Director of Maintenance Engineering, Hq AMC.* The authority is limited to approval of release of program data affecting utilization of field engineers and technical representatives.

(3) *Commanders of AMA's and AF depots.* The authority is limited to approval of release of program data in those cases where the AMA or AF depot has been assigned prime class procurement responsibility. Release of program data affecting utilization of field engineers and technical representatives is not authorized. The authority may be redelegated to the AMA or AF depot director of procurement and production or to the deputy commander during the absence of the commander.

§ 1001.466 Participation by airlines representatives in flights of commercially adaptable USAF aircraft.

(a) The Commander, AMC, has been delegated authority to act on requests of contractors to permit participation by representatives of domestic or foreign commercial airlines, for demonstration purposes, in flights of commercially adaptable USAF aircraft, provided:

(1) No classified military information is revealed or discussed.

(2) Adequate measures are taken to indemnify the Government against any liability to personnel to whom the aircraft is being demonstrated.

(3) The proposed demonstration be limited to normal production test flights conducted by the contractor's test pilots in connection with contract performance prior to acceptance of the aircraft by the Government.

(4) No additional cost will accrue to the Government because of the demonstration.

(b) The authority described in paragraph (a) of this section has been delegated by the Commander, AMC, to the Director and Deputy Director of Procurement and Production, Hq AMC, without power of redelegation. The authority will be exercised on an individual basis only on requests of contractors that are submitted in writing through the AF representative responsible for local administration of the production contract.

§ 1001.480 Guide—delegations of Air Force procurement authority.

Authority for procurement actions within the Air Force stems from Federal Statutes, Presidential Executive Orders, and policy decisions by the Departments of Defense and Air Force. Authorities are initially vested in the Secretary of the Air Force who has, in turn, redelegated authority through his Assistant Secretary (Materiel), and Deputy Chief of Staff, Materiel, Hq USAF, to the Commander, Air Materiel Command. The Commander, AMC, has been delegated general procurement authorities and is designated sole "Head of a Procuring Activity" for the Air Force. The Commander, AMC, in turn, has redelegated all redelegable authorities to the Director of Procurement and Production, Hq AMC. Above delegating officials retain the right to exercise any of the authorities delegated or to issue instructions concerning the exercise of such authority.

(a) Redelegation of specific procurement authorities by the Commander, AMC, or the Director of Procurement and Production, Hq AMC, or higher authority, are reflected in charts, § 1001.480–2. These charts contain only authorities which are granted by written instruments of delegation issued by Director of Procurement and Production, Hq AMC, or higher authority. The charts are to be used only as a reference guide of Air Force delegations of authority reflected in ASPR and AFPI and in no way affect authorities vested in delegates or the limitations and conditions imposed on the exercise of authorities.

§ 1001.480–2 Redelegation of AF procurement authorities by the Commander, AMC and the Director of Procurement and Production, Hq AMC.

A Subject and reference	B Hq AMC	C AMA's, AF depots CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attachés and foreign missions
1. Designate contracting officers and representatives thereof (includes authority to terminate appointments. Reference: § 1001.454.)	Comdr, AMC. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited. DDoPP, as stated in § 1001.454(c)(7). Power to redelegate: None.	Comdr and D Comdr, AMA's as stated in § 1001.454(c)(4). Power to redelegate: None, except Rome as stated in § 1001.454(c)(4). Comdr and D Comdr, AF Depots. Power to redelegate: None. Comdr and D Comdr, AMC centers. Power to redelegate: None.	Comdr and D Comdr, AMF as stated in § 1001.454(c)(10). Power to redelegate: Comdrs of 1st echelons of command immediately subordinate to the AMF. Comdr, AMC separate activities under direct jurisdiction of Comdr, AMC. Power to redelegate: None.	Comdr. Power to redelegate: 1st echelon staff officers at numbered AF or ARDC center level. Director, AF Academy Construction Agency, as stated in § 1001.454 (c)(9). Power to redelegate: None.	Comdr, Oversea commands. Power to redelegate: 1st echelon staff officers at numbered AF level. Air attachés and Chiefs of AF foreign missions. Power to redelegate: None.
2. Issue letter contracts. Reference: § 3.405–3 of this title and § 1003.405–3 of this chapter.	DoPP and DDoPP. Power to redelegate: Unlimited.	Comdr AMA's, anticipate costs not exceed $1,000,000. Power to redelegate: DoPP. Comdr Dayton AF Depot, anticipate costs not exceed $1,000,000. Power to redelegate: DoPP. Comdr Memphis AF Depot, anticipate costs not exceed $350,000. Power to redelegate: DoPP. CBMC, no dollar limitation. Power to redelegate: DCBMC. CASC, DCASC, CESC and DCESC, anticipate costs not to exceed $1,000,000. Power to redelegate: Unlimited.	Comdr, AMF, no dollar limitation. Power to redelegate: 1st echelon staff officer.	Comdr, ARDC, with respect to R&D procurements, no dollar limitation. Power to redelegate: Unlimited. Comdr, Air Training Command, subject to prior authorization by MCPC, Hq AMC. Power to redelegate: 1st echelon staff officer.	Comdr, oversea commands, no dollar limitation. Power to redelegate: 1st echelon staff officer. Air attachés and Chiefs of AF foreign missions, no dollar limitation. Power to redelegate: None.
• • •	• • •	• • •	• • •	• • •	• • •
3. Enter into, execute, and approve contracts. Reference: § 1001.457. NOTE: Unless otherwise indicated, the authority vested in contracting officers is limited to making awards and executing contracts.	Comdr, AMC, no dollar limitation. Power to redelegate: Unlimited. DoPP, no dollar limitation. Power to redelegate: Unlimited. DDoPP, and the Ass't to the Director, normally manual approval $1,000,000 or less (see § 1001.457 (a)(8)). Power to redelegate: None.	Comdr AMA's and Dayton AF Depot, subject to § 1001.457(a)(5): Formal advertising—Unlimited; Negotiated—$1,000,000; Overruns on CPFF contracts—Unlimited. Power to redelegate: DoPP, Director of USAF LCG, $100,000 or less. D Comdrs during absences of Comdrs. AMC centers, subject to § 1001.457(a)(9): Formal advertising—Unlimited; Negotiated—$1,000,000; Overruns on CPFF contracts—Unlimited; Engineering changes—Unlimited; Short form facilities contracts—Unlimited. Power to redelegate: Unlimited.	Comdrs and D Comdrs AMF's, $350,000 or less. Power to redelegate: 1st echelon staff officers, CO's—$100,000 or less. ACO's, CMR's and AMF's (see § 1001.457 (a) (6) and (11) for specific authorities). Power to redelegate: None. Comdr, AMC separate instal. under the direct jurisdiction of the Comdr, AMC—$100,000 or less. Power to redelegate: CO's, $30,000 or less. Comdr, 2709th AF Vehicle Control Gr—$350,000 or less; Overruns on CPFF contracts — Unlimited. Power to redelegate: DoPP. D Comdrs during absences of Comdrs, CO's—$30,000 or less.	Comdr, $100,000 or less except Comdr MATS—$350,000 or less. Power to redelegate: 1st echelon staff officer (approval) and CO's—$100,000 or less. Comdr, ARDC, for R&D matters, no dollar limitation subject to: (a) Negotiated research contracts in excess of $1,000,000 require review by Hq AMC (MCPC) and manual approval by an ARDC approving official. (b) Negotiated contracts other than research in excess of $1,000,000 require review by Hq AMC (MCPC) and manual approval by an AMC approving official. (c) WADD, only for procurement of research and of armament development using 650 series funds. (d) Formal advertising—Unlimited (See § 1001.457(a)(7)). (e) Overruns on CPFF contracts—Unlimited. (See § 1001.457(a)(7)). Power to re-delegate: Unlimited. Director, AF Academy Construction Agency, $350,000 or less. Power to redelegate: None. Contracting Officers, AF Academy Construction Agency, $30,000 or less, subject to such limitations as may be imposed by the Director, AFACA. Power to redelegate: None.	Comdrs, oversea commands, no dollar limitation. Power to redelegate: 1st echelon staff officer (approval). Contracting officers for amounts of $100,000 or less. Air Attachés and Chiefs of AF foreign missions—$100,000 or less, except JUSMG — Spain — $1,000,000 or less. Power to redelegate: Contracting officers for amounts of $100,000 or less.

A Subject and reference	B Hq AMC	C AMA's, AF depots, CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attachés and foreign missions
4. Make determinations and findings in support of incentive-type, cost-type and CPFF-type contracts. Reference: § 1003.303 of this chapter.	Comdr, AMC. Power to redelegate: Unlimited. DoPP and DDoPP. Power to redelegate: Unlimited except to contracting officers for procurement involved.	Comdr, AMA's. Power to redelegate: Not below DDoPP. Comdr, AMC Centers. Power to redelegate: Unlimited. Comdr, Dayton AF Depot. Power to redelegate: Not below DDoPP.	Comdr, and D Comdr, AMF, as stated in § 1003.303(g) of this chapter. Power to redelegate: 1st echelon staff officer. Comdr 2709th AF Vehicle Control Group. Power to redelegate: Not below Deputy Chief, Proc and Prod Div.	Comdr, ARDC, for R&D (except base procurement). Power to redelegate: Unlimited. Comdr, Air Training Command as stated in § 1001.464. Power to redelegate: Staff officer responsible for procurement within Hq ATC. Director, AF Academy Construction Agency as stated in § 1003.303(e). Power to redelegate: None. Comdr, MATS, as stated in § 1003.303(c)(5) of this chapter. Power to redelegate: Not below Chief, Procurement Div Hq MATS.	
5. Make determinations—mistakes in bid prior to award pursuant to § 2.406 of this title. Reference: § 1002.406 of this chapter.	Staff Judge Advocate. Power to redelegate: None.				
6. Manual approval of contracts for services experts and consultants. Reference: § 1001.458.	Comdr, AMC subject to prior approval in form of Secretarial F&D. Power to redelegate: Unlimited. DoPP and DDoPP subject to § 1001.458. Power to redelegate: None.			Comdr, ARDC, subject to § 1001.458. Power to redelegate: Staff officer responsible for procurement within Hq ARDC; 1st echelon staff officers.	
7. Manual approval of Architect-engineer contracts. Reference: § 1001.459.	Comdr AMC and DoPP—$1,000,000 or less if secretarial F&D has been made. Power to redelegate: As stated in SAFO 640.5.	Comdr, and D Comdr, AMA's and Dayton AF Depot—$500,000 or less if individual secretarial F&D; $100,000 or less if blanket secretarial F&D. Power to redelegate: None. CMC and DCBMC—$1,000,000 or less (includes L/C) subject to § 1001.459. Power to redelegate: None. CASC, DCASC, CESC, and DCESC—$500,000 or less if individual secretarial F&D; $100,000 or less if blanket secretarial F&D. Power to redelegate: None.	Comdr, and D Comdr, AMF—$500,000 or less if individual secretarial F&D; $100,000 or less if blanket secretarial F&D. Power to redelegate: None. Comdr and D Comdr, activities under AMF's—$5,000 or less subject to § 1001.459. Power to redelegate: None. Comdr, Wright-Patterson AF Base—$5,000 or less subject to § 1001.459. Power to redelegate: None. Comdr and D Comdr, 2709th AF Vehicle Control Gr—$5,000 or less. Power to redelegate: None.	Comdr—$500,000 or less if individual secretarial F&D); $100,000 or less if blanket secretarial F&D. Power to redelegate: V Comdr and command staff officer responsible for procurement. Comdr, V Comdr and command staff officer responsible for procurement to any AF base under their jurisdiction—$5,000 or less subject to § 1001.459, except that SAC may also redelegate to Comdr, 16th Air Force for contracts involving $50,000 or less.	Comdr, oversea commands—$100,000 or less if secretarial F&D has been made. Power to redelegate: V Comdr and command staff officer responsible for procurement. Comdr V Comdr and command staff officer responsible for procurement to any AF base under their jurisdiction—$5,000 or less subject to § 1001.459. Chief, Joint US Military Group Spain—$50,000 or less if secretarial F&D has been made. Power to redelegate: None.
8. Contractor overtime approval, subject to circumstances in § 12.102–4(a) (1), (2), and (3) of this title. Reference: § 1012.102 of this chapter.	Comdr, AMC and D Comdr during temporary absence of Comdr. DoPP and DDoPP during temporary absences of Director. Power to redelegate: None.	Comdr AMA's, Dayton AF Depot and D Comdrs during temporary absences of Comdr. Power to redelegate: None. Comdr, AMC centers and D Comdrs during temporary absences of Comdr. Power to redelegate: None.	Comdr 2709th AF Vehicle Control Group and D Comdr during temporary absences of Comdr. Power to redelegate: None.	Comdr, ARDC and D Comdr during temporary absences of Comdr. Dir of Procurement Hq ARDC and DDoP during absences of the Director. Power to redelegate: None.	
9. Contracts for public utility services (power, gas and water) extending beyond current fiscal year. Reference: § 1001.461.	Comdr, AMC, no dollar limitation but subject to § 1001.461(a). Power to redelegate: Unlimited. DoPP and DDoPP, no dollar limitation. Power to redelegate: Unlimited.				
10. Make determinations under the "Buy American Act" based on nonavailability of supplies or materials. Reference: § 1006.103–2 of this chapter.	Comdr and D Comdr, AMC; DoPP and DDoPP, Div chiefs, DoPP. Power to redelegate: None may redelegate.	Comdr, D Comdr; DoPP—AMA's and AF Depots; Comdr and D Comdr, AMC Centers; Div Chiefs (or comparable level), AMC centers. Power to redelegate: None may redelegate.	Comdrs, D Comdr, Dir of Contract Adm, Chiefs, APD–CMR's. Power to redelegate: None. Comdr, D Comdr, Chief, Proc and Prod Div, 2709th AF Vehicle Control Group. Power to redelegate: None.	Comdr and D Comdr, ARDC. Director and Deputy Director of Procurement, Hq ARDC. Power to redelegate: None.	
11. Authorize publication of advertisements in newspapers. Reference: § 1001.1005.	Comdr, AMC, as stated in § 1001.1005–5(a): DoPP and DDoPP, Div Chiefs, DoPP. Power to redelegate: None may redelegate.	As stated in § 1001.1005–5(a), Comdr and D Comdr, AMC centers. Div Chiefs (or comparable level), AMC centers, DoPP, AMA's and AF Depots. As stated in § 1001.1005–5(b): Base commanders maintaining Central Civilian Personnel Office. Power to redelegate: None may redelegate.	As stated in § 1001.1005–5(a): DoPP, AMF's. Comdr, 2704th AS and DG, Comdr, W–P AFB, Comdr, 2709th AF Veh Control Group. As stated in § 1001.1005–5(b): Base Comdrs, maintaining Central Civilian Personnel Office. Power to redelegate: None may redelegate.	As stated in § 1001.1005–5(a): Comdr and V Comdr. As stated in § 1001.1005–5(b): Base Comdrs maintaining Central Civilian Personnel Office. Power to redelegate: None may redelegate.	As stated in § 1001.1005–5(a): Comdr and V Comdr of oversea commands. As stated in § 1001.1005–5(b): Base Comdrs maintaining Central Civilian Personnel Office. Power to redelegate: None may redelegate.
12. [Reserved]					

A Subject and reference	B Hq AMC	C AMA's, AF depots, CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attachés and foreign missions
13. Control Government-owned industrial property. a. Correct and adjust deficiencies. b. Grant exceptions to policy that contractors' records will be designated as official records. c. Appoint property administrators. Reference: § 1013.103 of this chapter.	Comdr, AMC. Power to redelegate: Unlimited. DoPP and DDoPP. Power to redelegate: Unlimited.	Comdr, D Comdr—AMC field procurement activities. Power to redelegate: 13b only and only as prescribed in § 1013.103(c)(3)(iv) of this chapter.	Comdr and D Comdr, AMF. Power to redelegate: Not below a 1st echelon staff officer. Comdr, D Comdr, AMC separate local purchase activities. Power to redelegate: 13b only and only as prescribed in § 1013.103(c)(3)(iv) of this chapter. Comdr and D Comdr—CMR's. Power to redelegate: 13b only and only as prescribed in § 1013.103(c)(4) of this chapter.	Comdr, V Comdr. Power to redelegate: Staff officers responsible for procurement within command headquarters and 1st echelon staff officer. Director, AF Academy Construction Agency. Power to redelegate: None.	Comdr, V Comdr. Power to redelegate: Staff officers responsible for procurement within command headquarters and 1st echelon staff officer. Air attachés and chiefs of foreign missions. Power to redelegate: None.
14. Enter into and execute leases of machine tools and other production equipment. Reference: § 1013.3002 of this chapter.	Comdr, AMC. Power to redelegate: Hq AMC—Not below a Chief or D. Chief Division, of DoPP, AMC centers and CMR's—not below directorate level. DoPP. Power to redelegate: Chief or D Chief Division, Hq AMC. AMC centers and CMR's—not below directorate level.	Comdr and D Comdr, AMC centers. Power to redelegate: Not below Directorate or comparable level.	Comdr and D Comdr—CMR's. Power to redelegate: Not below Directorate or comparable level.		
15. Approve expansion of industrial facilities (subject to qualification by § 1013.2401–1(a) of this chapter for certain facilities). Reference: § 1013.2401 of this chapter.	Comdr, AMC—$500,000 or less. Power to redelegate: DoPP. DoPP—$500,000 or less. Power to redelegate: None.	Comdr, AMC Centers—$500,000 or less. Power to redelegate: None.			
16. Approve transfers of machine tools and production equipment in "package plants" or standby lines. Reference: AFR 78–23.	Comdr, AMC. Power to redelegate: Not below level of DDoPP. DoPP and DDoPP. Power to redelegate: None.				
17, 18, and 19. [Reserved]					
20. Determine necessity for and approve locating nonseverable industrial facilities on land now owned or controlled by the Govt under circumstances of § 13.406–1 (a) and (b) of this title. Reference: § 1013.406 of this chapter.	Comdr, AMC and DoPP. Power to redelegate: Unlimited. DDoPP. Power to redelegate: None.	Comdr, BMC for ICBM and IRBM No. 1 Programs. Power to redelegate: None.			
21. Exercise authority of the Secy of the AF with respect to locating nonseverable industrial facilities on land not owned or controlled by the Govt pursuant to § 13.406–1(c) of this title, ICBM and IRBM No. 1 Programs only. Reference: § 1013.406 of this chapter.	Comdr, AMC. Power to redelegate: DoPP and CBMC. DoPP. Power to redelegate: None.	Comdr BMC. Power to redelegate: None.			
22. Terminate and settle contracts. a. Terminate for convenience of the Govt. b. Settle term claims and enter into settlement agreements. Reference: §§ 1008.200–50 through 1008.200–54 and § 1008.201.	Comdr, AMC, DoPP and Chief, Contract Management Division. Power to redelegate: Unlimited.	Comdr, AMA's and AF Depots—settlements involving $2,500 or less. Power to redelegate: Contracting officers. Comdr, AMC centers. Power to redelegate: Contracting officers.	Comdr, AMF's. Power to redelegate: Contracting officers.	Comdrs—$2,500 or less (as to settlements). Power to redelegate: Contracting officers. Comdr, ARDC and Dir of Procurement, Hq ARDC. Power to redelegate: Contracting officers.	Comdrs, oversea commands. Power to redelegate: Comdrs of 1st echelon commands with power to redelegate to contracting officers. Air attachés and Chiefs of AF foreign missions power to redelegate: Contracting officers.
23. Cancellation for default. Reference: § 1008.650.	Comdr, AMC and DoPP. Power to redelegate: Unlimited. Chief, Contract Management Division. Power to redelegate: Contracting officers specifically designated to perform that function.		Comdr, AMF's. Power to redelegate: Contracting officers specifically designated to perform that function. Comdr, Contract Management Regions. Power to redelegate: Contracting officers specifically designated to perform that function within the CMR readjustment div.	Director of Procurement, Hq ARDC. Power to redelegate: Equivalent staff officers, ARDC divisions with power to redelegate to contracting officers specifically designated to perform that function.	Contracting officers specifically designated to perform that function by their respective commanders.
24. Authorize contractors to conclude subcontractor term settlements between $2,500 and $10,000. Reference: § 8.208–4 of this title.	Comdr, AMC. Power to redelegate: Deputy or principal assistant for contract matters. DoPP and DDoPP. Power to redelegate: None.				

A Subject and reference	B Hq AMC	C AMAs, AF depots, CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attachés and foreign missions
25. Establish settlement review boards. Reference: § 8.211–1 of this title.	Comdr, AMC and DoPP. Power to redelegate: Unlimited. DDoPP. Chief and Deputy Chief, Contract Management Div. Power to redelegate: None.		Comdr and D Comdr, AMF. Power to redelegate: None.		Comdr and V Comdr, oversea commands. Power to redelegate: None.
26. Establish property disposal review boards. Reference: § 8.512–1 of this title.	Comdr, AMC and DoPP. Power to redelegate: Unlimited. DDoPP. Chief and Deputy Chief, Contract Management Div. Power to redelegate: None.		Comdr and D Comdr, AMF. Power to redelegate: None.	Comdr and V Comdr, ARDC. Power to redelegate: DoP—Boards within European Office, ARDC.	Comdr and V Comdr, oversea commands. Power to redelegate: None.
27. Make determination to require payment and performance bonds in connection with cost-type construction. Reference: § 1010.103–2(c) of this chapter.	Comdr, AMC and DoPP. Power to redelegate: Not below the level of a chief or deputy chief of a Division of the Directorate of Procurement and Production. DDoPP and Chief, Pricing and Negotiation Div. Power to redelegate: None.				
28. Extraordinary contractual actions (Public Law 85–804). (a) Process, deny, or approve contractual adjustments subject to Subpart B, Part 17 of this title. (b) Exercise residual powers subject to Subpart C, Part 17 of this title. Reference: Part 17 of this title and Part 1017 of this chapter.	Comdr, AMC. Power to redelegate: DoPP, 28(a) only to DDoPP and certain oversea officials. DoPP. Power to redelegate: 28(a) only to DDoPP and certain oversea officials. DDoPP. Power to redelegate: None.		Comdr and D Comdr, AMF's, 28(a) only. Power to redelegate: None.		28(a) only to: CIC and VCIC, USAFE, CIC, VCIC and C/S, Pacific AF. Comdr and D Comdr, Alaska Comdr and C/S, Caribbean. Power to redelegate: DoPP.
29. Approve and accept contract bonds, including legal sufficiency; require additional bond security; accept substitute security (not including release of original security). Reference: § 1010.108.	Comdr, AMC. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited. Staff Judge Advocate. Power to redelegate: Unlimited.				
30. Approve requests for "Unusual" progress payments as described in E–505, § 1030.5 of this chapter. Reference: E–505, § 1030.5 of this chapter.	Comdr, AMC. Power to redelegate: General Officers. DoPP. Power to redelegate: General officers. DDoPP. Power to redelegate: None.			Comdr, V. Comdr, and D Comdr for Resources, ARDC. Power to redelegate: None.	
31. Act as certifying officer with respect to executing certificates of eligibility—Defense contract financing (guaranteed loans). Reference: E–314.1, § 1030.5 of this chapter.	Comdr, AMC. Power to redelegate: Not below the level of Chief, Pricing and Negotiation Div. DoPP and DDoPP. Chief, Pricing and Negotiation Div. Power to redelegate: None.				
32. Execute duty-free entry certificates for emergency purchase of war materiel abroad. Reference: § 1006.602–6 of this chapter.	Comdr, AMC. Power to redelegate: Unlimited. Director of Transportation. Power to redelegate: Unlimited and including field transportation officers and administrative contracting officers.				
33. Release of program data and procurement information. Reference: § 1001.465.	Comdr, AMC (except for data affecting use of tech reps and contract technicians within other major commands. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited Director and D Director, Maintenance Engineering (limited to data affecting use of field engrs and tech reps within AMC). Power to redelegate: Unlimited.	Comdr, AMA's and AF Depots (limited to cases where AMA or Depot has been assigned prime class proc responsibility. Excludes release of data affecting use of field engrs and tech reps). Power to redelegate: DoPP. CASC and CESC. Power to redelegate: Unlimited.			
34. Participation by airlines representatives in flights of commercially adaptable USAF aircraft. Reference: § 1001.466.	Comdr, AMC. Power to redelegate: DoPP and DDoPP. DoPP and DDoPP. Power to redelegate: None.				

A Subject and reference	B Hq AMC	C AMA's, AF depots CONUS and AMC centers	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attaches and foreign missions
35. Appoint AF emergency facilities depreciation bd. Reference: § 1003.2103 of this chapter.	Comdr, AMC. Power to redelegate: DoPP and DDoPP. DoPP and DDoPP. Power to redelegate: None.				
36. Sign applications for permits to procure tax-free or specially denatured alcohol. Reference: § 1011.–204(b) of this chapter.	Comdr, AMC. DDoPP. Power to redelegate: None.	DoPP, MAAMA. Power to redelegate: None.			
37. Process appeals direct to ASBCA. Reference: § 1001.314–56.	Comdr, AMC. Power to redelegate: Unlimited. Staff judge advocate. Power to redelegate: Unlimited.				
38. Approve PR's and MIPR's. Reference: § 1001.462.	DoPP and DDoPP no dollar limitation. Power to redelegate: Unlimited. Chief or D Chief of Division, no dollar limitation. Power to redelegate: None.	Comdr, AMA's and AF Depots, no dollar limitation. Power to redelegate: DoPP $1,000,000 or less. Contracting officers, $100,000 or less. Comdrs, AMC Centers, no dollar limitation. Power to redelegate: Unlimited.	Comdr and D Comdr, AMF, no dollar limitation. Power to redelegate: Unlimited.		
39. Approve repricing actions. Reference: § 1001.457(b).	DoPP and DDoPP. Power to redelegate: Unlimited.	Comdr, AMA's and Dayton AF Depot as stated in § 1001.457(b)(1)(ii)(a). Power to redelegate: DoPP. Comdr, AMC centers as stated in § 1001.457(b)(1)(ii)(c). Power to redelegate: Unlimited.	Comdr, AMFs, as stated in § 1001.457(b)(1)(ii)(d). Power to redelegate: DoPP level. Comdr, 2709th AF Vehicle Control Group, as stated in § 1001.457(b)(1)(ii)(e). Power to redelegate: Chief, Procurement and Production Div.	Comdr, ARDC, as stated in § 1001.457(b)(1)(ii)(b). Power to redelegate: Unlimited.	
40. Priorities authority—DO ratings, DX programs, and scheduling. Reference: § 1001.460.	Comdr, AMC and DoPP. Power to redelegate: Unlimited.	Through successive echelons of command to contracting officers as stated in § 1001.460(a)(3) (i), (ii), and (iii). Power to redelegate: None. CASC, as stated in § 1001.460(a)(3) (i) through (vi). Power to redelegate: Unlimited.	Through successive echelons of command to contracting officers as stated in § 1001.460(a)(3) (i), (ii), and (iii). Power to redelegate: None.	Through successive echelons of command to contracting officers as stated in § 1001.460(a)(3) (i), (ii), and (iii). Power to redelegate: None.	Through successive echelons of command to contracting officers as stated in § 1001.460(a)(3) (i), (ii), and (iii). Power to redelegate: None.

LEGEND

Comdr	Commander.	CBMC	Commander, AMC Ballistic Missiles Center.
V Comdr	Vice Commander.	DCBMC	Deputy Commander, AMC Ballistic Missiles Center.
D Comdr	Deputy Commander.	CESC	Commander, AMC Electronics Systems Center.
DoPP	Director of Procurement and Production.	DCESC	Deputy Commander, AMC Electronics Systems Center.
DDoPP	Deputy Directors of Procurement and Production.	1st echelon staff officer	means the staff officer responsible for procurement within the hq of the first echelon of command immediately subordinate to the activity concerned.
CASC	Commander, AMC Aeronautical Systems Center.		
DCASC	Deputy Commander, AMC Aeronautical Systems Center.		

Subpart E—Contingent or Other Fees

§ 1001.506 Representation and agreement required from prospective contractors.

Every request for proposals (RFP), except as provided in § 1.507–2 of this title, and every invitation for bids (IFB) will contain the representation and agreement form prescribed by § 1.506 of this title.

§ 1001.507 Use of Standard Form 119.

Contractors will be required to submit Standard Form 119 (December 1952 Ed.) in duplicate, when the representation and agreement has been answered in the affirmative.

§ 1001.507–1 Statement in lieu of form.

Every request for proposal, except as provided in § 1.507–2 of this title, and every invitation for bids will contain the following:

If the bidder, by checking the appropriate box provided therefor in his bid, has represented that he has employed or retained a company or person (other than a full-time bona fide employee working solely for the bidder-contractor) to solicit or secure this contract, or that he has paid or agreed to pay any fee, commission, percentage, or brokerage fee to any company or person contingent upon or resulting from the award of this contract, he may be requested by the contracting officer to furnish a completed Standard Form 119, "Contractor's Statement of Contingent or Other Fees" (December 1952 Ed.). If a bidder has previously furnished a completed Standard Form 119 (December 1952 Ed.) to the office issuing this invitation for bids (request for quotations), he may accompany his bid with a signed statement, (a) indicating when such completed form was previously furnished, (b) identifying by number the previous invitation for bids or contract, if any, in connection with which such form was submitted, and (c) representing that the statement in such form is applicable to this bid.

§ 1001.508 Enforcement.

§ 1001.508–1 Failure or refusal to furnish Standard Form 119.

If the potentially successful bidder or contractor, upon request and prior to award, refuses to furnish a completed Standard Form 119 or a statement in lieu thereof as provided in § 1.507–1 of this title and § 1001.507–1 of this chapter, determination of whether the bid or offer will be rejected will be made as follows at:

(a) Hq AMC, by chiefs of the buying divisions of the Directorate of Procurement and Production.

(b) AMC centers, by those persons designated by the commander.

(c) AMC field procurement activities, by directors or deputy directors of procurement and production.

(d) Base procurement activities, by the chief, base procurement contracting office.

(e) ARDC, by those persons designated by Director of Procurement, Hq ARDC.

§ 1001.508–2 Misrepresentations or violations of the covenant against contingent fees.

(a) Determination of whether the bid or offer should be rejected will be made as set forth in § 1001.508–1.

(b) Action to enforce the covenant will be taken, only upon the written recommendation of the appropriate local staff judge advocate.

(c) Future eligibility will be established by forwarding a summary and statement of all pertinent facts of each case to AMC (MCPP), through channels with appropriate recommendation.

(d) **Final determination of whether the case should be referred to the Department of Justice according to § 1.111 of this title will be made by Hq AMC.** A summary and statement of all pertinent facts of each case will be submitted to AMC (MCPP), through normal channels with appropriate recommendation.

§ 1001.550 Responsibility for protecting information contained in completed Standard Forms 119.

Information contained in the completed Standard Forms 119 will be considered private and personal. Personnel having access to this information will not discuss or transmit the information gained by them to any other person not entitled or authorized to have access to the files in which it is maintained.

Subpart F—Debarred, Ineligible, and Suspended Bidders

§ 1001.600 Scope of subpart.

See § 1.600 of this title.

§ 1001.601 Establishment and maintenance of a list of firms or individuals debarred or ineligible.

§ 1001.601–1 General.

(a) An official publication entitled "Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors" will be published, maintained and distributed for the information and guidance of Air Force Contracting Officers and other concerned procurement personnel.

(b) The Deputy Chief of Staff, Materiel (DCS/M), Hq USAF, is the authorized representative of the Secretary of the Air Force for making final determinations respecting Air Force debarments and suspensions, including modifications and removals. The debarment or suspension of a firm or individual is an administrative determination within the discretion of the DCS/M, Hq USAF, and each case will be decided upon its individual merits. The seriousness of the offense, the civil satisfaction received by or available to the Government, and all mitigating factors will be considered in making such determinations. The placement of a firm or individual on the list will be for the purpose of protecting the interest of the Government and not for punishment.

§ 1001.601–2 Information contained in Departmental lists.

See § 1.601–2 of this title.

§ 1001.601–3 Joint consolidated list.

(a) *Changes.* Additions, deletions, or modifications to the Joint Consolidated List will be forwarded through the Procurement Division (MCPP), Hq AMC, to DCS/M, Hq USAF for transmittal to the Department of the Army. MCPP will recommend to DCS/M action to be taken.

(b) *Distribution.* Distribution of the Joint Consolidated List of Debarred, Ineligible and Suspended Contractors and periodic revisions thereto will be accomplished according to regular distribution procedures.

§ 1001.601–4 Protection of lists.

The list will be classified "For Official Use Only." Related correspondence will be similarly classified unless information therein warrants a security classification.

§ 1001.602 Limitation.

Pursuant to the authority granted to the Secretary concerned or his representatives as set forth in Subpart F, Part 1 of this title, the DCS/M, Hq USAF, will, upon the recommendation of the Procurement Division (MCPP), Hq AMC, determine whether a firm or individual will be administratively debarred or suspended and included in the list.

§ 1001.603 Grounds for listing and treatment to be accorded listed concerns.

(a) The DCS/M, Hq USAF, may, when appropriate, authorize exceptions to the restrictions imposed by Type A (iii) and Type D listings upon determination that such action is in the best interest of the Government. In such cases where it is considered necessary or advisable to award a contract, including sales contract, to a listed firm or individual, the contracting officer will submit a written determination to AMC (MCPP) citing complete and detailed justification for the proposed award. The determination will be based on such factors as: (1) Urgent delivery schedules or (2) inability to secure the supplies or services from other sources due to lead time, proprietary rights or lack of procurement data. MCPP will recommend to DCS/M, Hq USAF (AFMPP–PR) action to be taken in connection with individual requests for exceptions to restrictions when such action is deemed appropriate.

(b) DCS/M, Hq USAF, will determine, based on recommendations of MCPP, Hq AMC, whether it is in the best interest of the Air Force to terminate current contracts and/or withhold all or part of funds due firms and individuals appearing on the list. DCS/M, Hq USAF will request the Air Force Finance Center, Denver, Colorado, to notify all AF accounting and finance officers to withhold payments where such action is considered appropriate.

(c) If award of a subcontract to a listed firm or individual is considered in the best interest of the Government, the administrative contracting officer (ACO), prior to approving such award, will request an exception to restrictions according to the procedures outlined in paragraph (a) of this section. Approval may be granted by MCPP notwithstanding the fact that the firm or individual is carried on the list. Doubtful cases will be referred by MCPP to AFMPP–PR, Hq USAF, for review and determination. In the case of subcontracts already in effect, prime contractors will not be required by ACOs to terminate subcontracts with a listed firm or individual unless provisions of the prime contract reserve to the Government such control over subcontracts permitting the Government to require their termination. If the Government has such control, the ACO will decide whether termination of a subcontract would be detrimental to the interest of the Government. If the ACO finds that such detriment exists, he will forward his recommendations, with the facts in the case, to MCPP, Hq AMC, for review and advice as to further appropriate action.

§ 1001.603–50 Security clearances.

(a) Security clearances for facilities or individuals currently appearing on the debarred, ineligible, and suspended list will be initiated only after determination that the firm or individual concerned will be permitted to bid or submit quotations on classified Department of Defense contracts even though listed as suspended.

(b) If a facility has been issued a facility security clearance and subsequently is listed in the debarred, ineligible, and suspended contractor list, the commander of the major air command assigned security cognizance for that facility will reexamine the eligibility of the facility from a security viewpoint with a view to recommending revocation of such clearance.

§ 1001.604 Clauses and conditions under which departments may debar contractors.

§ 1001.604–1 Causes for debarment.

See § 1.604 of this title.

§ 1001.604–2 Period of debarment.

See § 1.604–2 of this title.

§ 1001.604–3 Notice of debarment.

The Deputy Chief of Staff, Materiel, Hq USAF, will furnish the notice required by § 1.604–3 of this title.

§ 1001.605 Suspension of bidders.

§ 1001.605–3 Restrictions during period of suspension.

(a) If award of a contract to a suspended firm or individual is considered to be in the best interest of the Government, the contracting officer, prior to approving such award, will request an exception to restrictions and the procedures outlined in § 1001.603(a) will be followed.

(b) See § 1.605–3(b) of this title.

§ 1001.605–4 Notice of suspension.

The DCS/M, Hq USAF, will furnish the notice of suspension required by § 1.605–4 of this title. All inquiries or correspondence from or in behalf of suspended contractors concerning their status, reasons for suspension action, etc., will be referred through command channels to AMC (MCPP) for appropriate action. MCPP will refer these matters to DCS/M, Hq USAF (AFMPP–PR) if review, advice, or action by that Headquarters is considered appropriate.

§ 1001.610 Use of overseas lists within the United States.

(a) *Determination of overseas listings*—(1) *Within the United States.* Prior to the award of a prime or subcontract (where the prime contract reserves the right of approval of subcontracts by the ACO) to an offshore supplier the cognizant U.S. procuring or administrative contracting officer will contact AMC (MCPP) in writing, to determine whether or not the firm or individual in question appears on any of the oversea lists.

(2) *Possessions.* AF procuring or administrative contracting officers located in United States possessions (see § 1.201–12 of this title) will contact whichever of the following activities is most conveniently located:

(i) CINCEUR; (ii) CINCPAF; (iii) CINCARIB; (iv) Air Materiel Force activities; (v) AMC (MCPP).

(3) The activity contacted will reply to the requesting activity within 2 working days by the most expeditious means of communication. If the firm or individual in question appears on an offshore consolidated list, the reply will include the information outlined in § 1.609–2 of this title and will be assigned a security classification commensurate with the information furnished.

(b) *Proposals regarding products of listed concerns.* Proposals by contractors to furnish products of a concern listed on an oversea list will be referred by the contracting officer to Hq USAF (AFMPP–PR) through AMC (MCPP).

§ 1001.650 Reporting violations.

All AF personnel will promptly report any indication of fraud or other violation of public trust for appropriate investigative action. Upon receipt of action copies of the investigative reports, the major command concerned will submit comments and recommendations as to debarment or suspension of the firms or individuals involved to the Deputy Chief of Staff, Materiel, Hq USAF, through Hq AMC (MCPP). Upon request, major commands will supply MCPP with a closing report of action taken in regard to the findings outlined in investigative reports.

§ 1001.651 Supplemental lists.

§ 1001.651–1 General.

Under department authority of § 1.905–1(b) of this title, all major commands are authorized to establish and maintain records and experience data relative to firms or individuals, and to maintain a list of such firms or individuals for the guidance of contracting officers in placing new procurements.

§ 1001.651–3 Letter contract, price redetermination and contract change notification delinquency list.

(See § 1001.350(d).) This section provides for the establishment and use of a list of contractors who, within the criteria listed in this section, are delaying without justifiable cause the definitization of letter contracts and contract change notifications, or the completion of repricing actions.

(a) *Criteria.* (1) A letter contract will be considered delinquent when the contractor unduly delays submission of adequate data required for definitizing the contract, or fails to negotiate in good faith. A letter contract cannot be considered delinquent until the Air Force is in possession of all the information required for definitization with the exception of necessary contractor-furnished information.

(2) Price redetermination, and target reset or final price revision under incentive contracts, will be considered delinquent when the contractor without justifiable cause fails to submit adequate information according to the time schedule and other terms of the contract, or fails to negotiate in good faith.

(3) A contract change notification (CCN) will be considered delinquent when the contractor, without justifiable cause (as determined by the administrative contracting officer), fails to submit a quotation covering the work directed by a CCN within 60 days after the issuance of a CCN. CCN's being held pending definitization of letter contracts, completion of price redetermination, or contract termination will be excluded from this report.

(b) *Review of reports.* The committee to review reports will be composed of the Deputy for Procurement (MCP–1), Hq AMC or Deputy for Production (MCP–2), Hq AMC; Chief, Pricing and Financial Division (MCPF), Hq AMC; Chief, Purchase Policy Division (MCPP), Hq AMC; Chief, Directorate of Contract Support (LMP), AMCASC and the Chief of the affected operating Directorate, AMC-ASC. Not later than the 10th of each month MCPPS will arrange a meeting of the committee to review the reports. Each reporting activity will be notified by the 14th of each month of the contractors covered by the activity's report which the committee proposes to place on the delinquency list. The reporting activity will request from each such contractor a statement of justification or corrective action, if any. Any contractor who does not show just cause within 10 days will be placed on the delinquency list by the committee. Statements received from contractors will be forwarded by the reporting activity to MCPPS. The names of contractors placed on the list will be consolidated by MCPPS and distributed to all AMC procurement activities.

(c) *Deletions.* When the conditions for which a contractor was originally reported delinquent have ceased to exist, it is imperative that the responsible reporting activity notify the MCPPS, Hq AMC, by electrically transmitted message within 24 hours. Upon receipt of such notification from the reporting activity, MCPPS will take immediate action to remove the contractor from the delinquency list.

Subpart G—Small Business Concerns

§ 1001.700 Scope of subpart.

This subpart implements Subpart G, Part 1 of this title, and sets forth the Air Force Small Business Program and its policies and procedures.

§ 1001.701 Definitions.

See § 1.701 of this title.

§ 1001.701–1 Small business concern.

(a) to (d) See § 1.701–1 (a) to (d) of this title.

(e) *Small business certificate.* **A Small Business Certificate as defined in § 1.701–1(e) is not to be confused with a Certificate of Competency which is issued by the SBA for a different purpose** and which is described in § 1.705–6 of this title.

§ 1001.704 Small business officials.

§ 1001.704–1 Director for small business.

See § 1.704–1 of this title.

§ 1001.704–2 Departmental small business advisors.

(a) The Small Business Advisor of the Air Force is the Chief, Office of Small Business, Deputy Chief of Staff, Materiel (AFMDC–1C). He is responsible for the further development of AF small business and labor surplus area policies; the development and revision of over-all programs and staff supervision of effectiveness of such programs; and serves as the focal point for activities relating to policy or programming.

(b) An Assistant for Small Business is assigned to the Directorate of Procurement and Production, Deputy Chief of Staff, Materiel (AFMPP–SB). He is responsible for the implementation, monitoring, and controlling of all operational functions of small business and labor surplus area policies and procedures pertaining to procurement and production; and, in the absence of the Chief of the Office of Small Business, acts for and assumes his duties and responsibilities.

(c) An Executive for Small Business is designated at the headquarters of each major command having purchasing offices in the United States, its Territories, possessions, and Puerto Rico. He serves as the focal point for small business activities within his command and performs staff supervision over small business matters. The Executive for Small Business, Directorate of Procurement and Production, Hq AMC, performs staff supervision and guidance pertaining to the small business functions of AF activities in the United States, its Territories, possessions, and Puerto Rico. Direct communication is authorized between the Executive for Small Business, Hq AMC, and executives for small business for other major commands.

§ 1001.704–3 Small business specialists.

Small business specialists are assigned to AMC field procurement activities, AMC contract management regions, air procurement districts or AFPRO's, Air procurement offices, ARDC centers and divisions, AF development field offices designated by Hq ARDC, and base procurement activities of all major commands in the United States. The chiefs of the small business offices at AMC field procurement activities will be appointed in writing by the head of the purchasing activity. The chiefs of small business offices at AMC contract management regions will be appointed in writing by the commander of the region. The chiefs of small business offices in APD's will be appointed in writing by the chief of the APD. The chief of each air procurement office will designate an individual as the small business specialist to carry out small business functions assigned to the office. The chiefs of small business offices that may be established in AFPRO's will be appointed in writing by the AFPR. Small business specialists

assigned to ARDC centers and divisions will be appointed in writing by the center or division director of procurement. Small business specialists assigned to AF development field offices will be appointed in writing by the Director of Procurement, Hq ARDC. Small business specialists will be appointed by the head of the purchasing office at each base procurement activity of all major commands within the scope of this subpart, other than AMC and ARDC. Small business specialists will: (a) Be responsible directly to the appointing authority, (b) serve as advisors to the appointing authority on matters pertaining to small business, and (c) be the focal point within the installations to which they are assigned on matters pertaining to small business. In addition to performing functions as indicated in subparagraphs (1) through (6) of this paragraph, small business specialists assigned to purchasing offices will review any reports, including DD Form 350, "Individual Procurement Action Report," concerning small business which originate at the purchasing office prior to submission of the reports to Hq AMC.

(1) *AMC field procurement activities.* Small business specialists assigned to AMC field procurement activities will assure the accomplishment of the following procedures on all individual procurement actions which are expected to involve an expenditure of $10,000 or more. The same procedures may be applied to individual procurement actions that are not expected to exceed $10,000 if the head of the purchasing activity approves.

(i) Procurement personnel will notify the small business specialists if, prior to the initiation of purchase requests, planning conferences are held for the purpose of considering potential sources for future procurements. At such discussions, potential sources suggested by the small business specialist will be given the same consideration as other potential sources that may be considered.

(ii) Buyers will coordinate with the small business specialist prior to the preparation of IFBs or RFPs. The buyer will furnish the small business specialist with a copy of the appropriate bidders mailing list. To assure that small concerns will be given adequate consideration (see § 1.702 of this title), the small business specialist may make recommendations concerning the procurement plan and will add names of small concerns to be solicited if he considers it is necessary. If an SBA representative has been assigned to the installation and has notified the small business specialist that he may wish to make recommendations in connection with the particular procurement under consideration, he may participate if available at the time of the coordination conference and will be furnished all available information upon which to base recommendations.

(iii) AFPI Form 46, "Small Business Coordination Record," will be completed and signed by the buyer and the small business specialist as evidence that coordination has been accomplished. The description of the supplies or services being procured will be entered in Item 7c, AFPI Form 46, when the procurement is to be synopsised (see § 1.1003–4 of this title). On such procurements a copy of AFPI Form 46 will be furnished to the unit responsible for transmittal of such information to the Department of Commerce. A signed copy of AFPI Form 46 will be furnished to the buyer and will become a permanent part of the procurement file for the information of authorities responsible for review and approval of contracts. Small business office records are filed by PR number rather than IFB/RFP number or contract number and AFPI Form 46C, "Small Business Cross Reference Card," will be used as a cross reference file.

(iv) If circumstances develop following this coordination meeting, but prior to the award of the contract, which make it necessary to deviate from the coordinated procurement plan the buyer will notify the small business specialist. If the small business specialist and the buyer do not reach agreement as to the method of handling the procurement at the coordination meeting, or if they can not agree to a deviation subsequently proposed by the buyer, a decision by the Director of Contract Support, AMCASC, or by the director of procurement/production at other AMC field procurement activities will be final.

(v) A copy of the abstract of bids or proposals will be furnished to the small business specialist and will serve as a guide in handling future procurements for the same supplies or services.

(vi) When award is to be made based on an engineering or laboratory evaluation such evaluation will be made available for the information of the small business specialist.

(2) *AMC contract management regions.* Small business specialists assigned to AMC contract management regions will:

(i) Exercise staff supervision over small business functions assigned to APD's and AFPRO's under the jurisdiction of the region.

(ii) Keep the commander of the CMR advised as to the effectiveness of the APD's and AFPRO's in their conduct of assigned small business functions.

(iii) Advise the commander of the CMR as to the impact of small business policies formulated by higher authority within DOD. He will also advise the commander of the effect on the over-all mission of the CMR of small business policies and procedures established by other Government agencies.

(iv) Provide guidance and assistance to contractors and contractor's representatives on problems relative to doing business with the Air Force.

(v) Represent the commander in relations with other Government agencies and civic organizations concerned with small business.

(vi) Carry out assigned responsibilities and monitor, for the Commander, DOD Industrial Assistance Events Program insofar as requests for exhibits or conferences are received from organizations within the boundaries of the region.

(3) *Air procurement districts and AF plant representatives offices.* Small business specialists assigned to APD's and AFPRO's will perform functions which will include the following:

(i) Advising the chief of the APD or the AFPR directly on all small business matters, and reporting directly to the chief or the AFPR any instances in which it appears a small concern is not receiving equitable treatment.

(ii) Maintaining liaison with other Federal, State, and local agencies and civic organizations with respect to small business matters.

(iii) Surveillance of Defense Subcontracting Small Business Programs which have been established by contractors within the geographical boundaries of the APD or the AFPRO (see §§ 1001.707–3 and 1001.707–4). The small business specialist will assist contractors in establishing as a part of their purchasing system an Air Force-Industry Small Business Program as described in § 1001.707–50.

(iv) Keeping current data on the existence and capabilities of small business concerns and on the subcontracting requirements of large defense prime contractors and major subcontractors within the boundaries of the APD or AFPRO. Such data will be made available to PCO's when advice and assistance is requested in connection with a contractor's "make or buy" program.

(v) Assisting small concerns to participate either as prime contractors or subcontractors in AF procurement. In this connection the small business specialist will process applications for bidders mailing list according to § 1016.810–50 of this chapter, and maintain information on current procurements (IFBs and RFPs).

(vi) Coordination on requests for facilities expansion. (See § 1013.2402(n) of this chapter.)

(vii) Participate in FCR review board meetings when an FCR on a small business concern is under consideration.

(viii) Carry out assigned responsibilities in connection with DOD Industrial Assistance Events Program.

(4) *Air procurement offices.* Small business specialists assigned to APO's will carry out the small business functions that are assigned to the office.

(5) *ARDC.* Small business specialists assigned to ARDC divisions, centers and AF development field offices will carry out procedures established by Hq ARDC in implementation of AF small business policy.

(6) *Base procurement offices.* Small business specialists assigned to base procurement activities will carry out procedures established by their command headquarters in implementation of AF small business policy and will be the focal point within the installation for matters pertaining to small business.

§ 1001.705 Cooperation with the Small Business Administration.

§ 1001.705–1 General.

See § 1.705–1 of this title.

§ 1001.705–2 SBA representatives.

When assigning representatives to contracting offices of the Air Force, SBA will give prior notice in each case to Hq USAF, attn: AFMPP–SB. Evidence of such representative's security clearance will be forwarded by SBA direct to the provost marshal at the base to which the representative is assigned.

§ 1001.705–3 Screening of procurements.

(a) *Individual set-asides.* (1) In applying the procedure set forth in § 1.705–3(a)(1) of this title, the contracting officer is responsible for determining whether the procurement action will probably result in a contract or contracts exceeding $10,000.

(2) See § 1.705–3(a)(2) of this title.

(b) *Class set-asides.* See § 1.705–3(b) of this title.

§ 1001.705–4 Access to bidders' lists and other information.

See § 1.705–4 of this title.

§ 1001.705–5 Joint SBA-Defense small business set-aside program.

See § 1.705–5 of this title.

§ 1001.705–6 Certificates of competency.

(a) When a certificate of competency is issued by SBA and the contracting officer has substantial doubt as to the certified firm's ability to perform he will refer the case with all pertinent information, in duplicate, outlining reason for substantial doubt, and indication of the degree or urgency, to Hq AMC (MCPM), for review prior to award. If, following review, Hq AMC concurs in the position of the contracting officer and doubts the ability of the firm to perform in strict accordance with the particular procurement requirements, the case and all pertinent documents, including Hq AMC concurrence and recommendation will be forwarded to the Director of Procurement and Production, DCS/M, Hq USAF.

(b)(1) When a Facility Capability Report (see § 1052.100 of this chapter) or a Special Source Survey (see § 1052.300 of this chapter) on a small business firm or a small business pool (see § 1.302–3 of this title) is negative as to capacity or credit and notification to SBA is required by § 1.705–6(b) of this title the procedures in Subpart A, Part 1052 of this chapter will be followed except for airlift or CRAF procurement by Hq MATS when Special Surveys are conducted in lieu of FCRs. Hq MATS will be responsible for giving appropriate SBA regional office opportunity to certify as to "capacity" or "credit" when the report is on a small business concern and the answer to questions corresponding to "One" or "Two" of the FCR is negative and the other questions are affirmative or not applicable.

(2) When no Facility Capability Report or Special Source Survey has been utilized and a small business firm or small business pool is being disqualified on a procurement due to insufficient capacity or credit (regardless of whether this action was taken by an evaluation board or arrived at independently by the contracting officer), the contracting officer must, upon receipt of such decision, furnish the AF small business specialist in the appropriate APD, air procurement office, or AFPRO all the information on which the disqualification was based. To assist the AF small business specialist in his transmittal to SBA in the same manner as when a negative FCR is received, this should include all the technical and financial information available. After furnishing the AF small business specialist with the required information, the contracting officer will follow the same procedures as if the negative determination had been based on a Facility Capability Report.

(3) If the contracting officer and the local SBA representative disagree as to whether a small business concern's unsatisfactory record of performance is attributable solely to a lack of capacity or credit the contracting officer will refer the matter with all pertinent information to AMC (MCPM), for decision.

(c) See § 1.705–6(c) of this title.

§ 1001.705–7 Performance of contract by SBA.

Whenever the SBA certifies it is competent to perform a specific contract but the contracting officer has doubts as to the advisability of awarding the contract to the SBA, the case, supported by all pertinent data including suitable recommendations, will be submitted to AMC (MCPM), for a decision before award is made.

§ 1001.706 Set-asides for small business.

§ 1001.706–1 General.

Items subject to "set-aside" under small business procedures will not be included on the same IFB or RFP with items not subject to "set-aside".

§ 1001.706–2 Review of SBA set-aside proposals.

(a)(1) If the contracting officer is notified that the Administrator of SBA has taken an appeal to the Secretary, the head of the purchasing activity will forward two copies of all pertinent documents and justification for his decision to Hq USAF (AFMPP–SB).

(2) through paragraph (c) See § 1.706–2(a)(2) through (c) of this title.

§ 1001.706–3 Withdrawal or modification of set-asides.

(a) See § 1.706–3(a) of this title.

(b)(1) If the contracting officer is notified that the Administrator of SBA has taken an appeal to the Secretary, the head of the purchasing activity will forward two copies of all pertinent documents and justification for his decision to Hq USAF (AFMPP–SB).

(2) and (3) See § 1.706–3(b) (2) and (3) of this title.

§ 1001.706–4 Reporting for Department of Commerce Procurement Synopsis.

See § 1.1003–4 of this title.

§ 1001.706–5 Total set-asides.

(a)(1) *Central procurement.* As to central procurement (distinguished from base procurement) which is accomplished at AMC field procurement activities, every procurement will be set aside either totally or partially for competition solely among small business concerns if records of previous procurements for the same item or the same service disclose that three or more small business concerns submitted responsive bids that were considered fair and reasonable. However, a partial set-aside may be appropriate where only two small business concerns appear to have the technical competence and productive capacity to furnish a portion of the procurement (see § 1.706–6(a) of this title). Deviations from this policy may be approved in specific cases at AMC centers by the chief of the division responsible for the procurement or his designee. At other AMC field procurement activities, deviations may be approved in specific cases by the director of procurement and production or his designee. The procurement file will contain a record of the approval of such deviation.

(2) *Base procurement.* (i) Base procurement, except proposed procurements for construction, in excess of $2,500 for which there are known to be two or more small business sources from whom fair and reasonable prices may be expected will be set-aside totally for competition among small business concerns exclusively. Deviations from this policy may be approved in specific cases by notation on the purchase request or other authorized requisition by the chief of the contracting office or his designee provided the designee is not the contracting officer or buyer for the particular procurement.

(ii) All proposed procurements for construction (except Capehart Housing Construction, see subparagraph (2)(iv) of this paragraph, in excess of $2,500 and under $500,000 including those for repair, maintenance, and alterations of structures will be individual total small business set-asides and such action will be considered as having been initiated by the SBA and reported as joint small business set-asides. The mandatory procedure for proposed construction procurements does not preclude the requirement of meeting the criteria for total set-asides as stated in subparagraph (2) of this paragraph for other base procurements. If this criteria is not met the procedures to be followed relative to disapproval, withdrawal, modification, or appeal of the set-aside will be according to § 1.706–2(a)(1) and (2), and § 1.706–3(b)(1), (2) and (3) of this title.

(iii) Proposed procurements for construction, amounting to $500,000 or more, will be considered on an individual procurement basis according to §§ 1.706–1 and 1.706–5(a) of this title.

(iv) Proposed procurements for Capehart Housing construction are not subject to unilateral set-asides procedures and set-asides will not be agreed to by the contracting officer if initiated by the SBA. Appeal procedures according to § 1.706–2(a)(1) and (2) of this title will be followed. The foregoing applies to both on-site and off-site Capehart-Rains projects.

(v) At bases where new family housing construction projects, other than Capehart-Rains, or family housing repair projects are to be constructed, the procedure below will be followed: if a unilateral set-aside on a housing procurement is being considered according to this section or if an SBA representative initiates a joint set-aside on a housing

procurement of $500,000 or more (subparagraph (2)(iii) of this paragraph) prior to agreeing or disagreeing to such action the contracting officer will advise USAF (AFOCE–H). SBA set-asides of housing procurement of $500,000 or less will be processed according to outstanding instructions without advising USAF (AFOCE–H).

(3) The provisions of subparagraphs (1) and (2) of this paragraph are not intended to limit the authority of SBA representatives, as set forth in §§ 1.705 and 1.706 of this title, to recommend set-asides and to appeal from the contracting officer's disapproval of such recommendations.

(b) Small Business Restricted Advertising will be considered the normal method of procurement with competitive negotiation to be used only where the contracting officer has determined that small business restricted advertising cannot be used. The contract file will be documented to support this determination.

(c) See § 1.706–5(c) of this title.

§ 1001.706–6 Partial set-asides.

See § 1.706–6 of this title.

§ 1001.706–7 Automatic dissolution of set-asides.

See § 1.706–7 of this title.

§ 1001.706–8 Contract authority.

See § 1.706–8 of this title.

§ 1001.706–9 Maintenance of records.

See § 1.706–9 of this title.

§ 1001.707 Subcontracting.

§ 1001.707–1 General policy.

See § 1.707–1 of this title.

§ 1001.707–2 Required clause.

See § 1.707–2 of this title.

§ 1001.707–3 Defense subcontracting in small business programs.

Small business specialists at APDs and AFPROs will maintain current information as to contractors within the geographical boundaries of the APD/AFPRO whose contracts contain the clause set forth in § 7.104–22 of this title.

(a) through (e) See § 1.707–3 (a) through (e) of this title.

(f) When a contractor has established a "Defense Subcontracting Small Business Program" according to § 1.707–3 of this title, and it has been determined according to § 1.707–4 of this title and § 1001.707–4 that the Air Force has responsibility for reviewing the contractor's program, the small business specialist in the appropriate APD or AFPRO will make reporting arrangements with the contractor, i.e., for the submission of semiannual reports on DD Form 1140 "Semiannual Report of Participating Companies" (Budget Bureau No. 22–R163.3, expires December 31, 1964) through the ACO to the small business specialist. The small business specialist will enter in the space between the form number and the general instructions on the face of all DD Forms 1140, the three digit Department of Defense procurement (claimant) code of the principal kind of military items or services being supplied by the reporting unit. After assuring the completeness of the reports, three copies of the completed DD Form 1140 received from each reporting unit will be forwarded by the APD or AFPRO to AMC (MCP–6), the July through December 6-month report will be forwarded to reach Hq AMC no later than March 5th and the January through June 6-month report will be forwarded to reach Hq AMC no later than September 5th. AMC (MCP–6) will assign to each reporting contractor a permanent reporting unit identification number to be entered in item 6a of DD Form 1140 prior to the submission of the report to Hq AMC.

§ 1001.707–4 Responsibility for reviewing subcontracting program.

(a) If § 1.707–4(a) and (b) of this title are not applicable, request according to § 1.707–4(c) of this title will be made by the small business specialist at the APD or the AFPRO to AMC (MCP–6).

(b) When the Purchase Methods Analyst (PMA) notifies the appropriate AF small business specialist according to § 1003.903–3(a)(1) of this chapter that an initial or follow-up survey of a contractor's purchasing system will be made, the following will apply:

(1) If the survey is to be conducted in a contractor's division or plant for which the Air Force is assigned responsibility according to § 1.707–4 of this title, the small business specialist and the purchase method analyst (PMA) will concurrently survey the program established by the contractor in compliance with the Defense Subcontracting Small Business Program clause in the contract as set forth in § 7.104–22 of this title. Particular attention will be given to the methods established to comply specifically with (a) (ii) and (iii) of the clause. If the contractor has adopted the program described in § 1001.707–50, or has established procedures for accomplishing equivalent results, a spot check of individual purchase actions will be made by the small business specialist. A consolidated report of such purchase actions which the contractor may maintain will not necessarily reflect the extent of the contractors implementation of paragraphs (a) (ii) and (iii) of the clause in the contract as set forth in § 7.104–22 of this title. The small business specialist will furnish the PMA a report in narrative form which will reflect his determination as to the adequacy of the contractor's Defense Subcontracting Small Business Program. The report will be in sufficient detail to establish the basis for the determination made by the small business specialist. A copy of the small business specialist's narrative report will be furnished by the small business specialist to AFLC (MCP–6) through the appropriate contract management region. The small business specialist's narrative report will be the basis of the comments of the PMA in the survey report (see § 1003.903–3 of this chapter) as to the adequacy of contractors implementation of the Defense Subcontracting Small Business Program clause in the contract.

(2) If the survey of the contractor's purchasing system is to be made in a contractor's division or plant for which another Military Department is assigned responsibility according to § 1.707–4 of this title, the AF small business specialist will request the cognizant Military Department to furnish him a determination as to whether the contractor has adequately implemented the "Defense Subcontracting Small Business Program" clause in the contract. The AF small business specialist will furnish the PMA a copy of the determination received from the cognizant Military Department with his own comments as deemed appropriate.

§ 1001.707–50 Air Force—industry small business program.

Specifically and only as to contractors whose Defense Subcontracting Small Business Programs are within AF responsibility for review and determination of adequacy (see § 1.707–4 of this title), the ACO will call the contractor's attention to formats as shown in the following Figures 1 and 2 which have been approved by the Bureau of the Budget (BOB No. 21–R.183) according to the Federal Reports Act of 1942, and inform the contractor that his use of these formats and making them available for review and appraisal by the ACO upon request would provide a ready means for determining the extent to which consideration is given to small business concerns. The contractor is authorized to reproduce the formats for his own use. The contractor's use of these formats will not be made a requirement by the ACO. Contractors who accept the use of these formats may discontinue such use at their own discretion at any time or upon a determination by the ACO that the objectives of the program are being achieved in consideration of the type, volume and timing of the work, and the extent of opportunity afforded small business to participate.

SUGGESTED QUARTERLY REPORT OF SMALL BUSINESS SUBCONTRACTING
AIR FORCE–INDUSTRY SMALL BUSINESS PROGRAM

BUDGET BUREAU APPROVAL NO. 21-R183 (Expires 31 December 1962)

1. DATE OF REPORT — 2. PERIOD OF REPORT (Check one) — CALENDAR YEAR: ☐ JAN THRU MAR ☐ APR THRU JUN ☐ JUL THRU SEP ☐ OCT THRU DEC

3. THE FOLLOWING STATISTICS WERE DEVELOPED FROM PROCUREMENTS MADE IN THE INTEREST OF ALL DEFENSE WORK BEING PERFORMED BY THIS ☐ PLANT ☐ DIVISION ☐ COMPANY

	NUMBER	VALUE ($)
4. AWARDS TO SMALL BUSINESS		
A. NUMBER AND VALUE OF PURCHASES OF LESS THAN $10,000 AWARDED TO SMALL BUSINESS		
B. NUMBER AND VALUE OF PURCHASES OF $10,000 OR MORE AWARDED TO SMALL BUSINESS AND:		
(1) 1 OR 2 SMALL BUSINESS FIRMS SOLICITED		
(2) 3 TO 5 SMALL BUSINESS FIRMS SOLICITED		
(3) 6 OR MORE SMALL BUSINESS FIRMS SOLICITED		
(4) TOTAL IN THIS SUBCATEGORY		
5. AWARDS TO LARGE BUSINESS		
A. NUMBER AND VALUE OF PURCHASES ON WHICH SMALL BUSINESS FIRMS WERE NOT SOLICITED BECAUSE:		
(1) NO KNOWN SMALL BUSINESS SOURCES		
(2) KNOWN SMALL BUSINESS SOURCES RULED OUT FOR TECHNICAL, QUALITY, DELIVERY OR OTHER JUSTIFIABLE REASONS		
(3) THIS IS ADDITIONAL FUNDING ON MAJOR SUBASSEMBLIES		
(4) FOLLOW-ON PROCUREMENTS		
(5) TOTAL IN THIS CATEGORY		
B. NUMBER AND VALUE OF PURCHASES FROM LARGE BUSINESS ON WHICH SMALL BUSINESS FIRMS WERE SOLICITED		
(1) 1 OR 2 SOLICITED		
(2) 3 TO 5 SOLICITED		
(3) 6 OR MORE SOLICITED		
(4) TOTAL IN THIS CATEGORY		
C. PURCHASES IN 5B ABOVE AWARDED TO LARGE BUSINESS BECAUSE:		
(1) NO SMALL BUSINESS FIRM BID		
(2) SMALL BUSINESS BIDS NOT LOW		
(3) SMALL BUSINESS BID LOW BUT DISQUALIFIED FOR JUSTIFIABLE REASONS		
(4) TOTAL IN THIS CATEGORY		

FIGURE 2.

SUGGESTED SMALL BUSINESS CHECKLIST
AIR FORCE–INDUSTRY SMALL BUSINESS PROGRAM

BUDGET BUREAU APPROVAL NO. 21-R183 (Expires 31 December 1962)

The information on this checklist is to be recorded by the company buyer immediately upon award of any subcontract or purchase made in the interest of defense contracts held by the company.

PURCHASE ORDER NO. — AMOUNT ($) — DATE

1. ☐ AWARD MADE TO SMALL BUSINESS AND AWARD LESS THAN $10,000 *(If checked, no further entries will be made)*

2. AWARD MADE TO SMALL BUSINESS AND AWARD $10,000 OR MORE, AND:

A. ☐ 1 OR 2 SMALL BUSINESS COMPANIES SOLICITED

B. ☐ 3 TO 5 SMALL BUSINESS COMPANIES SOLICITED

C. ☐ 6 OR MORE SMALL BUSINESS COMPANIES SOLICITED

3. AWARD MADE TO LARGE BUSINESS AND NO SMALL BUSINESS WAS SOLICITED BECAUSE:

A. ☐ NO KNOWN SMALL BUSINESS SOURCE

B. ☐ KNOWN SMALL BUSINESS SOURCES RULED OUT FOR TECHNICAL, QUALITY, DELIVERY OR OTHER JUSTIFIABLE REASONS

C. ☐ THIS IS ADDITIONAL FUNDING ON MAJOR SUBASSEMBLIES

D. ☐ FOLLOW-ON BUSINESS

4. AWARD MADE TO LARGE BUSINESS AND THE FOLLOWING NUMBER OF SMALL BUSINESS CONCERNS WERE SOLICITED:

A. ☐ 1 OR 2

B. ☐ 3 TO 5

C. ☐ 6 OR MORE

5. SMALL BUSINESS CONCERNS WERE SOLICITED AND AWARD WAS MADE TO LARGE BUSINESS BECAUSE:

A. ☐ NO BIDS RECEIVED FROM SMALL BUSINESS

B. ☐ SMALL BUSINESS BIDS NOT COMPETITIVE

C. ☐ SMALL BUSINESS BID WAS LOW BUT DISQUALIFIED FOR AUTHORIZED REASONS

BUYER'S SIGNATURE

FIGURE 1.

Subpart H—Labor Surplus Area Concerns

§ 1001.800 Scope of subpart.

See § 1.800 of this title.

§ 1001.801 Definitions.

§ 1001.801–1 Labor surplus area concern.

The term "perform substantially in a labor surplus area" as used in Subchapter A, Chapter I of this title, will be interpreted to mean that the prime contractor will perform at least 60 percent of the dollar value of the contract in a labor surplus area.

§ 1001.801–2 Labor surplus area.

See § 1.801–2 of this title.

§ 1001.801–3 Small business concern.

See § 1.801–3 of this title.

§ 1001.802 General policy.

The Executive for Small Business (MCP–6), Directorate of Procurement and Production, Hq AMC, will monitor the placement of contracts in areas of substantial labor surplus by maintaining staff surveillance of the functions of purchasing activities within the scope of this subpart. The AF small business specialist at the procuring activity will be responsible for determining the applicability of DMP No. 4 to a procurement.

§ 1001.803 Application of policy.

(a) (1) and (2). See § 1.803(a) (1) and (2) of this title.

(3) "Area Labor Market Trends" and "Directory of Important Labor Market Areas" and supplements thereto, which sets for the boundaries of each labor market area and lists communities included in each area, are distributed by the Department of Labor.

(4) See § 1.803(a) (4) of this title.

(5) Prior to the solicitation for bids or proposals, the contracting officer will furnish the AF small business specialist assigned to the purchasing activity a copy of the appropriate bidders mailing list. The AF small business specialist assigned to the purchasing activity is responsible for maintaining current labor market information. The small business specialist will indicate on the bidders mailing list, for use in solicitation and for documentation of the contract file, the concerns listed that are labor area surplus concerns.

(6) See § 1.803(a) (6) of this title.

(b) See § 1.803(b) of this title.

§ 1001.804 Partial set-asides for labor surplus area concerns.

§ 1001.804–1 General.

Notwithstanding the determination of the small business specialist regarding the applicability of DMP No. 4 to a procurement, the contracting officer is responsible for determining whether the application of a set-aside is appropriate and, if appropriate, determining the quantities to be set aside.

§ 1001.804–2 Set-aside procedures.

See § 1.804–2 of this title.

§ 1001.804–3 Withdrawal of set-asides.

See § 1.804–3 of this title.

§ 1001.804–4 Contract authority.

See § 1.804–4 of this title.

§ 1001.804–50 Clause.

Each contract for a "set-aside" quantity that is awarded due to preferential treatment under DMP No. 4 will contain the following clause:

It is understood that award of this contract was due to a set-aside under Defense Manpower Policy No. 4 whereby the contractor was given the opportunity of meeting the contract price for quantities not set aside. The contractor warrants that it will perform at least 60 percent of the dollar value of this contract in an area of substantial labor surplus.

§ 1001.805 Subcontracting.

See § 1.805 of this title.

§ 1001.805–1 General policy.

See § 1.805–1 of this title.

§ 1001.805–2 Required clause.

See § 1.805–2 of this title.

§ 1001.806 Depressed industries.

§ 1001.806–1 General.

See § 1.806–1 of this title.

§ 1001.806–2 Apparel industry (notification No. 53).

See § 1.806–2 of this title.

§ 1001.806–3 Petroleum and petroleum products industry (notification No. 58).

See § 1.806–3 of this title.

§ 1001.806–4 Shipbuilding industry (notification No. 57).

See § 1.806–4 of this title.

§ 1001.806–5 Textile industry (notification No. 38).

See § 1.806–5 of this title.

Subpart I—[Reserved]

Subpart J—Publicizing Procurement Actions

§ 1001.1001 General policy.

See § 1.1001 of this title.

§ 1001.1002 Availability of invitations for bids and requests for proposals.

The number of copies of each IFB and RFP to be maintained by the purchasing office will be consistent with the scope of the procurement involved. Once this supply has been exhausted, requesters will be advised of the nearest location where a copy of such IFB or RFP is available for examination. In addition, in the case of IFBs, requesters will be advised that letter bids are acceptable according to § 2.301 of this title.

§ 1001.1002–50 Active reference files.

(a) All AF activities which maintain bid rooms, including Contractor Relations Office (LMMA–1), AMCASC, will maintain files of IFBs and RFPs including data and specifications, for 60 days, for examination only by prospective bidders. APDs will retain IFB and RFP files for 60 days after the opening date for use by FCR team members.

(b) If the prospective bidder indicates a desire to bid, the AF procurement activity will immediately advise him to contact the issuing office for a complete set of RFP or IFB and any amendments or additions thereto. This procedure will be followed whether or not the prospective bidder contemplates submitting a letter bid as provided in § 2.301 of this title.

§ 1001.1002–51 Distribution of invitations for bid and requests for proposals.

(a) AMC central procurement activities and base procurement activities will effect distribution of unclassified IFBs and RFPs as follows, in addition to persons or firms on the appropriate bidders' mailing list (selected according to § 1002.205 of this chapter). Copies of IFBs will be supplied to additional sources upon submission of AFPI Form 2B, "Request for Bid Set."

(1) Each APD:

(i) Copies: Two copies of the IFB or RFP and two sets of data, or one copy of letter proposal and one set of data except when "pre-invitation notices" are used (see § 2.205–4(c) of this title and § 1002.205–4(a) of this chapter) and then only one copy of the IFB or RFP and one set of data will be furnished. Preinvitation notices will be mailed to APDs simultaneously with those sent to firms listed on the bidders' mailing list.

(ii) Applicability: All AMC central procurement IFBs and RFPs which have been synopsized.

(iii) Base procurement activities will furnish one complete set of IFBs and RFPs, which have been synopsized, together with data or specifications to the APD or air procurement office located in the local trading area of the activity.

(2) Procurement Information Center, Office of the Deputy Chief of Staff for Logistics, Department of Army, Room 732, Old Post Office Buiding, Washington 25, D.C.

(i) Copies: One copy of the IFB or RFP and one set of data, or one copy of letter proposal and one set of data.

(ii) Applicability: All AF IFBs; AMC central procurement RFPs which have been synopsized.

(3) Contractor relations office of the respective procurement activity and LMMA–1, AMCASC.

(i) Copies: Two copies of the IFB or RFP and one set of data, or one copy of letter proposal and one set of data.

(ii) Applicability: All AMC IFBs and RFPs which have been synopsized.

(4) Small Business Administration region and branch offices as designated by the SBA representative.

(i) Copies: One copy of IFB or RFP.

(ii) Applicability: All AMC IFBs and RFPs which have been synopsized.

(5) Additional copies of unclassified AF invitation for bids will be distributed to the following as applicable to the particular procurement:

(i) Bid sets will be furnished to Government-owned manufacturing establishments as applicable.

(ii) Copies of unclassified IFBs for construction projects may be furnished to trade journals for the construction field.

(iii) Copies of IFBs for both housing and off-site utility construction projects will be sent on the date issued to Hq USAF, Family Housing Division (AFCIE), Washington 25, D.C.

(b) *Classified IFBs.* See AFR 205–1 (Safeguarding Military Information) for instructions on distributing classified documents. In such cases, instead of sending a copy of the IFB to the Procurement Information Center, as set forth in paragraph (a) (2) of this section for unclassified invitations, a letter will be sent to that office, in substance as follows:

This office has issued Invitation for Bids No. ------ dated ----------, bids to be opened on ----------, under classified project No. -------.

(c) *Retention of extra sets of data mailed with IFBs.* Whenever data is required for inclusion with an IFB, three extra sets will be requested for the purpose of later mailing one set to the successful bidder and two sets to the administrative contracting officer. It will be the responsibility of the office requesting the data to periodically ascertain (not less than once a week) the contracts mailed covering the respective IFBs and then to send the pertinent data, by forwarding letters, to the successful bidder and the ACO, citing therein the applicable IFB and contract number.

(d) *Synopsized letter proposals.* Buyers will be responsible for furnishing to the unit making distribution of RFPs a sufficient number of each synopsized letter proposal to make the distribution set forth in paragraph (a) of this section. Each set will be comprised of one copy of the letter proposal and all accompanying data.

§ 1001.1004 Synopsis of contract awards.

RCS: AF–XDC–N2 is assigned to this report.

§ 1001.1004–1 Preparation and transmittal.

(a) In addition to transmitting the report to the U.S. Department of Commerce, copies will be furnished to the following offices:

(1) Procurement Information Center, Office of Deputy Chief of Staff for Logistics, Department of the Army, Room 732, Old Post Office Building, Washington 25, D.C.

(2) Information office at the activities preparing the synopsis.

(b) The synopsis of contract awards will contain the following information:

(1)—(6) See § 1.1004–1(b) (1) to (6) of this title.

§ 1001.1005 Paid advertising.

§ 1001.1005–3 General.

Paid advertisements in newspapers will be used in connection with the disposition of disposable property by sale, according to section 11, volume XIII, AFM 67–1. If time will permit, the publication of essential details of IFBs in newspapers and trade journals (paid advertisements) may be authorized as shown below. Paid advertisements in newspapers, magazines, and other publications for the purpose of recruiting civilian employees will be used according to paragraph 7, section 6, chapter X–1, AFM 40–1, and as authorized below.

§ 1001.1005–5 Authority and delegation.

(a) Authority to authorize the publication of advertisements, notices, or proposals in newspapers and trade journals in connection with the dissemination of procurement and sales information has been delegated by the Secretary to the:

(1) Commander, Air Materiel Command.

(2) Director and Deputy Directors of Procurement and Production, Hq AMC.

(3) Commander and Deputy Commander, AMC Ballistic Missiles Center.

(4) Commander and Deputy Commander, AMC Aeronautical Systems Center.

(5) Commander and Deputy Commander, AMC Electronics Systems Center.

(6) Chiefs of Divisions (or comparable level), Directorate of Procurement and Production, Hq AMC and AMC centers.

(7) Director of procurement and production, air materiel areas and AF depots.

(8) Directors of procurement and production, air materiel forces.

(9) Commanders and vice commanders of major air commands.

(10) Commander, Wright-Patterson AFB.

(11) Commander, 2704th AF Aircraft Storage and Disposition Group.

(12) Commander, 2709th AF Vehicle Control Group.

and, while he is so acting, to the person acting for the time being in any of the foregoing capacities. The above authority will not be redelegated.

(b) Authority to authorize the publication of paid advertisements for purposes of recruiting civilian employees has been delegated by the Secretary to:

(1) Commanders of major air commands.

(2) Secretary of the Air Staff, Hq USAF.

(3) Each base commander of an activity maintaining a central civilian personnel office.

The above authority will not be redelegated.

(c) All authority to advertise is granted to the office concerned, not to the officer.

(d) No advertisement, notice, or proposal will be published except in pursuance of written authority for such publication from the Secretary or the appropriate official named above; and no bill for any such advertising, or publication, will be paid unless there is presented, with such bill, a copy of such written authority.

§ 1001.1005–6 Requests for authority to place advertisement.

(a) Requests for authority to place advertisements in connection with dissemination of procurement and sales information will be made on AFPI Form 25, "Request for Authority to Advertise," according to § 1001.1005–11(c) except in case of emergency, the nature of which will be stated in the request, authority to advertise may be requested direct by telegraph to the proper official who will obtain the necessary coordination with others concerned.

(b) Requests for authority to place advertisements for the purpose of recruiting civilian employees will be submitted to the official named in § 1001.1005–5(b) for approval. The official will grant such authority to the contracting officer in writing, setting forth the extent of the duties involved and authorized to be performed by the contracting officer.

(c) In all cases, authority to advertise must be obtained in advance. Authority will not be granted retroactively.

§ 1001.1005–7 Preparation of advertisement.

Any unnecessary expense to the Government, resulting from failure to observe the requirements stated in § 1.1005–7 of this title, may be made a charge against the pay of the officer responsible therefor.

§ 1001.1005–8 Insertions.

(a) *Number of insertions.* See § 1.1005–8(a) of this title.

(b) *Limitations on time of publications.* See § 1.1005–8(b) of this title.

(c) Insertions, and limitations thereon, in connection with advertising for the purpose of recruiting civilian employees, will be according to paragraph 7, section 6, chapter X–1, AFM 40–1.

§ 1001.1005–9 Rates.

All advertising will be audited and paid at rates not higher than those charged the general public; however, lower rates may be obtained when the public interest requires it.

§ 1001.1005–10 Proof of publication.

See § 1.1005–10 of this title.

§ 1001.1005–11 Forms.

(a) *Advertising order.* See § 1.1005–11(a) of this title.

(b) *Public voucher.* See § 1.1005–11 (b) of this title.

(c) *Applications for authority to advertise.* AFPI Form 25, "Request for Authority to Advertise," will be used in applying for authority to advertise invitations for bids. Applications for authority to advertise for the purpose of recruiting civilian employees will be effected by letter. These instruments will be prepared in triplicate and sent through channels to the appropriate official to whom authority has been delegated to authorize such advertising (see § 1001.1005–5).

(1) The original of the instrument (AFPI Form 25 or letter) must be filed with the first voucher making payment thereunder. A copy will be filed with the duplicate voucher.

(2) Reference to the instrument will be made in the space provided on all subsequent advertising orders placed during the period covered in the authorization.

§ 1001.1005–12 Payment.

See § 1.1005–12 of this title.

Subpart K—Qualified Products

§ 1001.1101 General.

See § 1.1101 of this title.

§ 1001.1102 Justification for establishment of a qualified products list.

See § 1.1102 of this title.

§ 1001.1102–50 Qualification requirements in specifications.

AF specifications containing qualification requirements are coordinated by the Directorate of Procurement and Production at Hq AMC, AMA, AMC center or AF depot responsible for procurement of the item covered by the specification. The Production Engineering Division (MCPE), Hq AMC, is the central point for coordination within AMC on aeronautical specifications and related engineering data. That office will forward requests to the appropriate buying activities for a detailed review of the specification and a recommended approval or disapproval of the qualification requirement. This review will consist of, but not be limited to the following criteria.

(a) Is it anticipated that a sufficient number of sources are available and willing to submit their products for qualification so as to provide an adequate base of supply?

(b) Do one or more of the conditions set forth in § 1.1102 of this title apply? The conditions of § 1.1102(a) of this title concerning time required for testing will not be a basis for inclusion of an item on the Qualified Products List (QPL) unless the time required to perform any one test exceed 45 calendar days. Any series of two or more tests that must be performed in sequence will be considered as one test for the purpose of this condition.

(c) Is the wording of the QPL requirement in this specification sufficiently specific and clear to preclude misinterpretations by the prospective bidders?

Each buying activity will forward its specification reviews within 20 calendar days after receipt of specifications to AMC (MCPE), for approval and coordination with the activity responsible for the specification.

§ 1001.1103 Qualification of products.

§ 1001.1103–1 Opportunity to qualify.

(a) *Procedures leading to qualification.* (1) The Directorate of Engineering Standards, WADC (WCXPR), W-PAFB, Ohio, issues a Daily Activity Report which lists and identifies all specifications covering commodities requiring qualification testing which are used by the Air Force.

(2) The Daily Activity Report will be distributed to the appropriate services office at the AMC procurement activity.

(3) When a specification containing a qualification requirement appears on the Daily Activity Report for the first time, Contract Files and Distribution Branch (LMPMG), AMCASC, or the services activity within the AMA, depot, or other AMC procurement activities will obtain a current source list and notify all sources thereon by a letter, stating the AF policies on procurement of qualified products and encourage manufacturers to contact USAF Engineering Specifications and Drawings Branch, (EWBFE), Wright-Patterson AFB, Ohio, for copies of the QPL Summary Provisions Governing Applications for Military Qualified Products Lists and the specification for the product which they may wish to qualify.

(4) LMPMG will forward each specification number, nomenclature as listed in the Daily Activity Report together with the name and address of the organization to be contacted for copies of specifications to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago 7, Illinois, for publication in the daily "Synopsis of U.S. Government Proposed Procurements, Sales and Contract Awards." If a qualification testing requirement is deleted or a specification requiring qualification testing is canceled (the Daily Activity Report contains this information), LMPMG or the services office at the appropriate AMC procurement activity will notify all sources on the source list of the change in the specification.

(b) Unlisted manufacturers requesting to be added to the bidders' mailing list as manufacturers of products covered by a QPL will be informed by LMPMG or the applicable AMC procurement services activity of the AF policies on procurement of qualified products.

(c) A letter may be used in lieu of the notice in Subchapter A, Chapter I of this title, when notifying contractors of the issuance of a new specification containing QPL requirements.

§ 1001.1103–2 Testing of product.

See § 1.1103–2 of this title.

§ 1001.1103–3 Notification to manufacturer.

See § 1.1103–3 of this title.

§ 1001.1103–50 Waivers of qualification requirement.

The qualification requirement of a specification may be disregarded when no products have been approved for inclusion on a QPL. Waivers of the qualification requirement where products have been approved for inclusion on a QPL will be treated as deviations and processed according to § 1001.109–50. When the qualification requirement of the specification is not invoked, coordination of the responsible engineering activity, whose identity and address is normally set forth in the applicable specification, will be obtained as to the use of first article test procedures.

§ 1001.1104 Qualified products lists.

§ 1001.1104–4 Distribution of list, notice of qualification, and other information.

(a) The distribution of Air Force Qualified Products Lists will include the following:

Two copies: Director of Procurement and Production, Headquarters USAF, Washington 25, D.C.

Two copies: Bureau of Supplies and Accounts, Department of the Navy, Procurement Division, Attn: SPA, Washington 25, D.C.

Three copies: Chief, Purchase Branch, Procurement Division, Office, Asst. C/S, G–4, Washington 25, D.C.

(b) The "Index of Specifications and Related Publications (used by) U.S. Air Force" contains a listing of items and specifications on which Qualified Products Lists or AN Bulletins have been issued, setting forth the manufacturer. Copies of the foregoing publications may be obtained from AMC (MCSIF).

§ 1001.1104–50 Extension of qualification.

Unless qualification is extended as stated in this section, qualification will apply only to the product manufactured at the plant which produced the sample tested. The AF activity responsible for this qualification may extend it to the identical product made by other plants of the same manufacturer or by plants of his subcontractor, after it has ascertained either of the following:

(a) By inspection or test of this identical product, it is equal in all respects to the qualified product.

(b) Quality control and processing standards at these other plants are high enough to guarantee a product equal in all respects to the qualified product. This finding usually will be based upon inspection of these plants.

Subpart L—Specifications, Plans, and Drawings

§ 1001.1201 General.

(a) Specifications and purchase descriptions will be prepared with the presumption that the method of procurement will be advertising. The question whether specifications or purchase descriptions are unduly restrictive of competition goes to the essence of the contract and in the event of protest is subject to review by the General Accounting Office. (See § 1002.407–9 of this chapter.) However, in stating the actual minimum needs of the Government, specifications or purchase descriptions used for advertised procurements will not be unduly restrictive of competition if the product or equipment of one or more manufacturer does not meet these minimum requirements.

(b) Specifications must be carefully reviewed by contracting officer to assure that they are sufficiently specific to state positively the requirements of the IFB or RFP. If options exist as to types or grades of material, method of inspection, number or types of samples, test requirements, etc., the IFB or RFP must state specifically the basis upon which bids are to be submitted. Where approval requirements (preproduction sample approval, process or manufacturing specification, approval, etc.) are contained in the specifications, the IFB or RFP will contain a delivery schedule reflecting such requirements.

§ 1001.1202 Mandatory specifications.

(a) The following types of specifications are authorized for use in the order of preference listed in this paragraph. These specifications will be considered by all AF personnel as suitable for formally advertised procurement.

(1) *Federal specifications.* Examples: W–R–151, QQ–A–3562, PPP–B–601.

(2) *Fully coordinated military specifications.* Examples: MIL–C–823B, JAN 1–7, MIL–M–6176.

(3) *Limited coordination military specifications (ASG-Aeronautical Standards Group).* Examples: MIL–F–62188 (ASG), MIL–L–25336 (ASG).

(4) *Limited coordinated military specifications (USAF).* Examples: MIL–S–8750 (USAF), MIL–8–8743A (USAF).

(5) *Limited coordinated military specifications (other than USAF).* Examples: MIL–C–13664(ORD), MIL–C–13745 (Sig C), MIL–V–13612(CE), MIL–R–18059(Aer.), MIL–W–19583(Navy), MIL–L–18045(Ships).

(6) *Specifications of other Government agencies.* Examples: CAA–293, GSA–312.

(7) *Specifications of non-Government agencies.* These specifications are approved for general use only when listed in ANA Bulletin 147 or ANA Bulletin 343 or if specifically approved for a particular AF use by the appropriate engineering activity.

(b) Specifications or purchase descriptions are not required for spare parts, components, or materials required for existing stocks of material or for maintenance and operation of established installations, provided the item description used includes the sources' part number or drawing number and refers to the model designation and manufacturer's name and address of the equipment with which the item is to be used. The above items will be considered for formal advertising under the conditions described herein only when the items to be procured are predominantly commercial type items and two or more sources of supply are available for competition.

(c) See § 1.1202(c) of this title.

(d) Paragraph (a) of this section provides that the types of specifications listed therein will be considered by all AF personnel as suitable for formally advertised procurement. In the event the specification is proven inadequate by formal advertising with no responsive bids received, the contracting officer will obtain approval for the specific deviations involved from the engineering activity controlling the specification before further procurement action is taken.

§ 1001.1203 Availability of specifications, plans, and drawings.

At least one copy of each referenced drawing, plan, or specification will be on file at the AF installation which issues the IFB or RFP prior to such issuance.

§ 1001.1206 Purchase descriptions.

(a) Purchase descriptions should contain essential physical and functional characteristics of the item, such as:

(1) Kind of material.
(2) Electrical data, if any.
(3) Dimensions.
(4) Principles of operation.
(5) Restrictive or significant environmental conditions.
(6) If part of an assembly, the location within the assembly.
(7) Essential operating conditions.
(8) Special features, if any.
(9) Intended use.
(10) Operation to be performed.
(11) Equipment with which the item is to be used.

(b) See § 1.1206(b) of this title.

(c) The provision set forth in § 1.1206 (c)(2) of this title entitled "Brand Name or Equal" is not applicable to contracts for construction, rehabilitation and repair of buildings or structures.

§ 1001.1207 Alternate articles or quantities.

Alternate bids may be used where the Government wishes to have a certain quantity of work done or items delivered, but the cost of such work or items may be so high that the Government's interest will require procurement of a lesser quantity.

Subpart M—Transportation

§ 1001.1301 General.

In considering transportation factors, contracting officers should call upon transportation officers for advice and assistance as required.

§ 1001.1302 Place of delivery.

§ 1001.1302–3 Shipments originating outside the United States.

Instructions concerning place of delivery to be specified for materials procured in Europe or Japan, when water shipment is to be made, are contained in § 1006.651 of this chapter. In the absence of specific instructions, the contracting officer will request the advice of the local transportation officer in determining the most appropriate place of delivery to be specified in procurement involving shipments originating outside the United States.

§ 1001.1305 Delivery terms.

§ 1001.1305–1 F.o.b. origin or destination.

(This section is only mandatory in connection with central procurement requirements at AMC field procurement activities.) Each purchase request will have an AMC Form 354, "Transportation Data (PR or MIPR)," attached which sets forth transportation data to be considered by procurement personnel prior to issuing an IFB or RFP. The data set forth on the form will be carefully analyzed and the determination made as to which of the following will be included in the schedule of the IFB or RFP.

§ 1001.1305–2 F.o.b. destination.

Whenever the supplies are to be delivered f.o.b. specified destinations, the following will appear in the schedule:

F.o.b. point: Supplies shall be shipped direct by the Contractor to the specified destinations on commercial bill of lading at the expense of the Contractor.

§ 1001.1305–3 F.o.b. origin.

Whenever the supplies are to be delivered f.o.b. the plant or plants at which such supplies are to be finally inspected and accepted, or if the facilities for shipment by carrier's equipment are not available at the contractor's plant, f.o.b. the point or points that carrier service is available, the following will appear in the schedule:

F.o.b. point: Supplies shall be delivered to the Government f.o.b. carrier's equipment at the plant or plants at which such supplies are to be finally inspected and accepted, or if the facilities for shipment by carrier's equipment are not available at the Contractor's plant, f.o.b. the point or points nearest thereto that carrier service is available. Bidder to specify which of the following is applicable and designate the city and state of the f.o.b. point:

(1) F.o.b. carrier's equipment at the plant or plants at _____, _____, at
(City) (State)
which such supplies are to be finally inspected and accepted.

(2) F.o.b. _____, _____, which
(City) (State)
is the nearest point or points that carrier service is available to the plant or plants at which final inspection and acceptance are to be accomplished.

§ 1001.1306 Consignment and marketing instructions.

(a) All information on shipping addresses (except on GFAE and GFAE-type items) that is supplied with a purchase request (PR), a military interdepartmental purchase request (MIPR), or other document serving as an authorization for procurement, will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

(b) Shipping instructions for GFAE and GFAE-type items will not be incorporated in the contract, but all information on shipping addresses will be incorporated in the shipping instruction verbatim from the AFPI Form 44, "Request for Issuance of Shipping Instructions," that is processed according to §§ 1054.1503 and 1054.1505 of this chapter.

(c) The contract, purchase order, or delivery order number will be made a part of each shipping address as shown in the example below.

This will expedite identification of shipments received by a consignee: Transportation Officer, MOAMA, Brookley AFB, Ala., Marked for: AFD 2010, FSC 6740, Contract AF33 (600)–40919.

(d) Transportation appropriation data that is supplied with a MIPR or other document serving as an authorization for procurement will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

§ 1001.1307 Scheduling of deliveries to permit consolidation of shipments.

(a) AFPI Form 28A, "Transportation Data (IFB or RFP)": To enable the evaluation of competitive bids and to assist in routing shipments, each IFB or RFP which provides for delivery other than f.o.b. specified destinations will include AFPI Form 28A and the following clause, which may be reproduced locally.

WEIGHT OF SHIPMENTS

(1) Freight rates used in evaluating bids or quotations will be based on the shipping weight specified by the bidder. If a shipping weight is not specified by the bidder, the Government will evaluate the bid on the basis of carload or truckload transportation

rates (unless total quantity or delivery schedule does not permit). If an f.o.b. carrier's equipment contract results, the Contractor will be required to ship in quantities at least as large as those upon which evaluation was made. If excess cost to the Government results from Contractor's failure to do so, the Contracting Officer will issue a supplemental agreement evidencing a corresponding reduction in the contract price (unless specific delivery schedules called for lesser quantities than the minimum shipping weight, or final shipment on a specific order is for a lesser quantity than the minimum shipping weight, or noncompliance with the minimum shipping weight is due to an act or order of the Contracting Officer).

(2) In cases where the weight specified by the bidder is less than the minimum carload or truckload quantity, the Contractor will exert every reasonable effort to ship in carload or truckload quantities, subject to the provisions of delivery schedules.

(3) The Contractor, in any event, will consolidate all less-than-carload or -truckload shipments on the same day to a single consignee. The Contractor may be held responsible for any excess costs incurred if he fails to consolidate such shipments unless due to an act or order of the Contracting Officer.

(b) Where the contracting officer has received competitive bids on other than f.o.b. specified destinations and the procurement is in quantities which involve shipment(s) equal to or exceeding carload or truckload shipments, the contracting officer will complete items 1 through 7 of AFPI Form 28, "Freight Rate and/or Routing Request," attach AFPI Form 28A, "Transportation Data (IFB or RFP)," as submitted by the bidders and forward to the nearest transportation office for completion of the remainder of AFPI Form 28, to obtain transportation rates and routing information for use in bid or proposal analysis where transportation information may be a factor in making the award. Thereafter the contracting officer will insert completed copies of AFPI Form 28B (cut sheet) or AFPI Form 28C (offset master), "Transportation Data (Contract)," as appropriate, in the resultant contract.

(c) Where the contracting officer has requested transportation data (IFB or RFP) on AFPI Form 28A and it is not necessary to forward to the transportation office for evaluation of the freight rates, the contracting officer will complete AFPI Form 28B or AFPI Form 28C except for paragraphs 3 and 4, which will be furnished at the time routing information is furnished, and thereafter insert time, as appropriate, in the resultant contract.

Subpart N—Preference for United States-Flag Privately Owned Ocean Carriers

§ 1001.1405 Responsibilities.

§ 1001.1405–1 Military departments.

Pending issuance of further instructions, no report is required to be submitted. Transportation officers will maintain records of shipments and other data according to § 1.1405–1(a) of this title, in the event reporting is required at a later date.

Subparts O Through S—[Reserved]

Subpart T—Ethical Standards of Procurement Personnel

§ 1001.2003 Restrictions on present personnel.

§ 1001.2003–1 Unauthorized receipt of compensation.

(a) *Bribes.* Military and civilian personnel of the Air Force are prohibited from, and may subject themselves to criminal penalty by asking, accepting, or agreeing to receive as a bribe or graft, directly or indirectly, any money, contract, or other thing of value, with the intent to have any of their official decisions or actions influenced thereby, or for giving to, or procuring or aiding to procure for any person, a Government contract (62 Stat. 691, 694; 18 U.S.C. 202, 216).

(b) *Compensation for services in relation to proceedings in which the United States is interested.* Military and civilian personnel of the Air Force are prohibited from, and may subject themselves to criminal penalty by, receiving or agreeing to receive directly or indirectly, compensation for service rendered by themselves or another in relation to any proceeding or claim before any department or agency, where the United States is directly or indirectly interested in the proceeding or claim (62 Stat. 697; 18 U. S. C. 281).

(c) *Compensation from other sources in connection with Government services.* Military and civilian personnel are prohibited from, and may subject themselves to criminal penalty by, receiving from any sources other than the Government any compensation in connection with Government services (62 Stat. 793; 18 U. S. C. 1914). Inductees or reservists called into the Armed Services, however, may continue to receive income from their former employer (50 U. S. C., App. 454 (f)).

(d) *Payments in connection with mutual defense procurement.* Military and civilian personnel are prohibited from, and may subject themselves to criminal penalty by, soliciting, accepting, or offering to accept any commission, payment, or gift in connection with the procurement of equipment, materials, or services under the Mutual Defense Assistance Act of 1949, as amended (63 Stat. 720; 22 U.S.C. 1584).

(e) *Gifts, entertainment, and favors.* Military and civilian personnel must not accept from contractors or potential contractors gifts, entertainment, or favors, no matter how inconsequential, of a character that may create a sense of a personal obligation.

§ 1001.2003–2 Dealings on behalf of the Government with individuals or firms as to which private interests exist.

(a) *Pecuniary interest.* Military and civilian personnel of the Air Force are prohibited from, and may subject themselves to criminal penalty by, transacting business as officers or agents of the United States with any corporation, firm, or partnership in the profit of which they are directly or indirectly interested (62 Stat. 703; 18 U.S.C. 434).

(b) *Dealings with future employers or associates.* Where military or civilian personnel of the Air Force have arranged or are negotiating for their subsequent employment by, or association with, a firm or individual, they are disqualified from representing the Air Force in dealings with such firm or individual.

(c) *Dealings with former employers or associates.* (1) Military and civilian personnel of the Air Force will not be in direct charge of negotiation, or exercise authority for the final approval, of any contract with any firm or individual if at any time within the previous 2 years such personnel were employed by, or were engaged in substantial nongovernmental business dealings with, the firm or individual involved.

(2) The Secretary of the Air Force may make exceptions to the policy of this paragraph (c) where he considers the application of the policy impractical or as not serving the best interests of the Government. The personnel concerned will determine whether a need exists to apply for an exemption in their individual cases.

§ 1001.2003–3 Private activities in conflict with Government interest.

(a) *Prosecution of claims.* Military and civilian personnel of the Air Force may subject themselves to criminal penalty by acting as an agent or attorney in prosecuting any claim against the Government or assisting in the prosecution of any such claim other than in the proper discharge of official duties (62 Stat. 697; 18 U. S. C. 283).

(b) *Other conflicts of interest.* Military and civilian personnel of the Air Force must refrain from any other private business or professional activity which would place them in a position where there is a conflict between their private interest and the public interest of the United States. In particular, it is a general rule of public policy that the Government should not contract with its own personnel unless the needs of the Government cannot reasonably be met otherwise. The ownership of stock, bonds, indentures, or any other form of interest in any business organization by AF personnel, or by members of their immediate families is considered disqualifying AF personnel from representing the Air Force in dealings of any kind with such business entity. Unless such financial interest is terminated, the disqualification must be reported to the appropriate superior. Personnel charged with the administration of AFR 34–21 (Commercial Solicitation Controls), who own stock in; or are officers of, an insurance company, must scrupulously avoid negotiating with such company in respect to granting authorization to solicit sales. The same restriction will apply in the case of personnel having a financial interest in any other business enterprise which deals with AF personnel on an individual basis.

(c) *Capitalization of information.* Military and civilian personnel of the Air Force must not engage in any private activity which makes possible the improper capitalization of information gained through their AF position.

(d) *Civil employment of military personnel.* Officers of the Air Force may not be employed in civil works or internal improvements, nor be permitted to engage in the services of any corporation if such extra employment requires that he will be separated from his organization or interferes with the performance of military duty (70A Stat. 527; 10 U. S. C. 8544). No enlisted man in the active service of the United States in the Air Force may be detailed, ordered, or permitted to leave his post to engage in private pursuits for hire when the same will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, and professions.

§ 1001.2003–4 Conduct of procurement activities.

(a) *Off-installation contractual negotiations.* No matter of contractual negotiations will be conducted at hotels or at any points away from offices of the initiating or negotiating authority without permission of the chief of the branch or unit in the division or office concerned; and a memorandum will be made of the persons present and subjects discussed at such places.

(b) *Dealings with present or former personnel who are representing private interests.* AF procurement personnel will not knowingly deal with present personnel who are, or appear to be, violating the instructions of § 1001.2003–3, or with former personnel who are or appear to be violating the instructions in § 1001.2004. Further, if AF personnel have doubt about the propriety of dealing with former personnel whose conduct does not appear to be in violation of § 1001.2004, they may refer the matter to higher authority for decision.

(c) *Interpretation of "claim" and activities related to claims.* The term "claim," as used in §§ 1001.2003 and 1001.2004, refers to both monetary and nonmonetary claims, and includes the assertion of defenses against Government action as well as attempts to secure affirmative action from the Government. In deciding whether to deal with present or former personnel who are representing private interest(s) (see paragraph (b) of this section) AF personnel will not consider the restrictions in §§ 1001.2003 and 1001.2004 as extending to activities only remotely connected with the claims in question.

§ 1001.2004 Restrictions on former personnel.

All former personnel who wish to represent a private interest to the Air Force, are required to submit affidavits according to § 1001.2004–3 of this subpart.

§ 1001.2004–1 Former civilian personnel: Reserve and National Guard officers not on active duty.

Former civilian personnel of the Air Force, and Reserve and National Guard officers not on active duty are prohibited for a period of 2 years after their separation, from prosecuting or acting as counsel, attorney, or agent for prosecuting any claim against the United States which involves any such matter directly connected with which they were employed or performed duty. Former civilian personnel are also prohibited for a period of 2 years after their separation from soliciting, accepting, or offering to accept any commission, payment or gift in connection with the procurement of equipment, materials, or services under the Mutual Defense Assistance Act of 1949, as amended. (68 Stat. 862; 22 U. S. C. 1751.)

§ 1001.2004–2 Air Force and other retired regular officers.

(a) Retired regular officers are prohibited from taking part in the prosecution of a claim against the Government involving matters with which they were directly connected while on active duty.

(b) A retired regular officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard, or a retired officer of the Coast and Geodetic Survey or the Public Health Service, is subject to forfeiture of pay for the 2-year period following his retirement if, for himself or for others, he is engaged in selling, or in contracting or negotiating for the sale of supplies or war materials to any agency of the Department of Defense, the Coast and Geodetic Survey, or the Public Health Service. The statute in question (section 1309 of the Supplemental Appropriation Act, 1954, 57 Stat. 437; 5 U. S. C. 59c) is not a criminal statute, but it plainly shows that Congress intended to bar retired officers in the specified categories, during the first 2 years of their retirement, from selling supplies to any of the uniformed services. Such retired officers will, therefore, be regarded as prohibited from engaging in the activities described in this part for the first 2 years of their retirement.

(c) In addition to the foregoing, Air Force retired regular officers are prohibited from: (1) taking part in the prosecution of a claim against the Government involving the Air Force for a period of 2 years following retirement; and (2) contracting or negotiating for the sale of anything to the Air Force. With respect to paragraphs (b) and (c) (2) of this section, the prohibition extends beyond the mere bargaining which may precede the execution or the modification of a contract. It includes any direct participation in obtaining a contract with the Government on behalf of a prospective contractor. However, it is not the intent of this subchapter to preclude a retired officer from accepting employment with private industry solely because his employer is a contractor with the Government. Therefore, this subchapter should not be construed as applicable to activities which are only remotely connected with contractual matters.

§ 101.2004–3 Format of affidavit.

All affidavits will be prepared on AFPI Form 34, "Affidavit for Clearance to Represent Private Interests."

§ 1001.2004–4 Filing affidavit.

All affidavits and all inquiries pertaining thereto, will be sent directly to the Commander, AMC, for processing.

§ 1001.2004–5 Letter of clearance.

(a) *Consideration and decision.* The Procurement Division (MCPP), Hq AMC, will examine all affidavits to determine whether the affiant appears to be eligible to receive a clearance to represent a private interest in dealing with the Air Force, and, if necessary, will verify the information contained in the affidavit with the affiant's last duty station. MCPP will issue all letters of clearance for such representation. If there is doubt whether clearance should be granted, MCPP will submit the matter to Hq USAF for decision.

(b) *Scope of applicability.* Letters of clearance issued by MCPP will be honored at all AF installations. The letters will contain any restrictions imposed upon the former personnel and will be granted for the sole purpose of permitting them to represent a private interest to the Air Force. No such letter implies a right to enter any AF installation or to receive information on matters not directly connected with the purpose for which the clearance was granted.

§ 1001.2005 Action on suspected violations of standards of conduct.

§ 1001.2005–2 Violation of the gratuities clause.

AF personnel will promptly report according to AFR 124–8 (Violations of Public Trust in Contract, Procurement, and Disposal Matters), any indication that a gratuity was offered or given by a contractor, or any agent or representative of a contractor, to a Government officer or employee with a view toward securing a contract or securing favorable treatment with respect to any contract matter in violation of the Gratuities Clause. If appropriate, other rights and remedies will be pursued instead of, or in addition to, those provided under the Gratuities Clause. Nothing in this and the following sections is meant to affect or impair the pursuit of such rights and remedies. The following procedure governs action under the Gratuities Clause:

(a) A headquarters which receives an action copy of an investigative report of an alleged violation of the clause will review it with all other available information and when appropriate will initiate and forward through command channels to the Commander, AMC, a recommendation that the Air Force Gratuities Board be convened to consider the case.

(b) If the Commander, AMC, decides to convene the Board, all relevant information will be referred to it. The initiator of the case will be advised of the referral.

(c) If the Commander, AMC, decides not to convene the Board he will advise the initiator. He will also advise the Assistant Secretary of the Air Force (Materiel) through the Deputy Chief of Staff, Materiel, Hq USAF.

§ 1001.2005–3 Action by the gratuities board.

The Air Force Gratuities Board will follow the procedure set out in the Gratuities Clause and § 30.4 of this title. The Board will forward its findings and recommendations through the Commander, AMC, and the Deputy Chief of Staff, Materiel, Hq USAF, to the Assist-

ant Secretary of the Air Force (Materiel) for his decision.

§ 1001.2005–4 Action on approved findings.

The Commander, AMC will, by registered mail return receipt requested, advise the contractor of the Secretary's decision. When the decision is adverse to the contractor, the Commander, AMC, will comply with any Secretarial direction to terminate contracts and/or impose exemplary damages and will advise the Secretary of his actions through the Deputy Chief of Staff, Materiel, Hq USAF.

Subpart U—Industry Advisory Committees

§ 1001.2100 Scope of subpart.

This subpart states for all procurement activities of the Air Force the position of the Department of Justice on whether or not participation by members of industry in activities of industry advisory committees constitutes a violation of the antitrust laws of the United States.

§ 1001.2102 Statement of position.

As a general rule, decisions of the necessity for the formation of industry committees to advise a Government department and responsibility for formation of these committees rest with the department concerned. To minimize the possibility of antitrust law violations, the following requirements and criteria will be fulfilled in organization and operation of such committees:

(a) There must be statutory authority for the employment of such committees or there must be administrative findings that it is necessary to use such committees to perform certain statutory duties.

(b) Agenda for such committees and their meetings will be initialed and formulated only by the Government.

(c) Meetings to be held will be at the call of and under the chairmanship of full-time Government officials.

(d) Complete, comprehensive minutes of each meeting will be kept.

(e) All functions of such committees will be purely advisory and any resultant action to be taken will be determined solely by Government officials or their representatives.

§ 1001.2103 Limitations.

Activities maintained in strict compliance with all requirements of § 1001.2102 will not be viewed by the Department of Justice as constituting independent violations of antitrust laws. However, all participants in such activities will be notified that the Department of Justice retains the right:

(a) To institute proceedings, either civil or criminal, or both, in the event any particular plan or course of action resulting from organization or activities of any such advisory committee is used in accomplishment of unlawful private ends.

(b) To institute civil actions to enjoin continuance of any acts or practices in consequence of organization or activities of any such advisory committee, which are found not to be in the public interest and which persist or continue after notice to desist is issued by the Department of Justice.

§ 1001.2105 Responsibility.

The commander of every AF procurement and contracting activity will:

(a) Investigate the organization and activities of industry advisory committees currently sponsored or participated in by his activity, to determine their compliance with all requirements stated in this subpart.

(b) Notify all participating members of such industry advisory committees of rights reserved by the Department of Justice, as stated in § 1001.2103.

(c) Issue instructions which he deems necessary to insure compliance with all requirements of this subpart by personnel of his activity insofar as contemplated future industry advisory committees are concerned.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Sec.
1002.000 Scope of part.

Subpart A—Use of Formal Advertising

1002.102 Policy.
1002.102–1 General.
1002.104 Types of contracts.
1002.104–50 Firm fixed-price materials reimbursable contracts.

Subpart B—Solicitation of Bids

1002.201 Preparation of invitations for bids.
1002.202 Miscellaneous rules for solicitation of bids.
1002.202–1 Bidding time.
1002.203 Methods of soliciting bids.
1002.203–1 Mailing or delivering to prospective bidders.
1002.205 Bidders' mailing list.
1002.205–2 Removal of names from bidders' mailing lists.
1002.205–4 Excessively long bidders' mailing lists.
1002.205–51 Commodity class catalogs (commodity lists).
1002.206 Small business and labor surplus set-asides.
1002.209 Qualified products.
1002.250 Information to be furnished prospective bidders.
1002.251 Assistance not to be rendered.

Subpart C—Submission of Bids

1002.301 Responsiveness of bids.

Subpart D—Opening of Bids and Award of Contract

1002.402 Opening of bids.
1002.403 Recording of bids (Abstract of bids).
1002.404 Rejection of bids.
1002.404–1 Cancellation of invitation after opening.
1002.404–2 Rejection of individual bids.
1002.406 Mistakes in bids.
1002.406–3 Other mistakes.
1002.406–4 Disclosure of mistake after award.
1002.407 Award.
1002.407–5 Other factors to be considered.
1002.407–8 Purchases of patented items when a patent indemnity clause is to be included in the contract.
1002.407–9 Protests against award.
1002.408 Information to bidders.
1002.408–1 Unclassified awards.

Subpart E—Two-Step Formal Advertising

1002.500 Applicability of subpart.
1002.502 Conditions for use.
1002.503 Procedures.
1002.503–1 Step one.

Subparts F Through U—[Reserved]

Subpart V—Auctioneering Services

1002.2200 Scope of subpart.
1002.2201 Applicability of subpart.
1002.2202 Establishment and utilization of the "List of Auctioneers Qualified to Sell Government-Owned Personal Property."
1002.2202–1 General.
1002.2202–2 Changes.
1002.2202–3 Inactivation or debarment of auctioneers on the list.
1002.2203 Procurement of auctioneering services.
1002.2203–1 Formal advertising for auctioneering services.
1002.2203–2 Bids received from auctioneers not on the list.
1002.2203–3 Auctioneers compensation.
1002.2203–4 Special provision.

AUTHORITY: §§ 1002.000 to 1002.2203–4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1002.000 Scope of part.

See § 2.000 of this title.

Subpart A—Use of Formal Advertising

§ 1002.102 Policy.

§ 1002.102–1 General.

(a) The AF policy is to use formal advertising procedures whenever possible notwithstanding the existence of a negotiation authority under 10 U.S.C. 2304(a) and Subpart B, Part 3 of this title and Subpart B, Part 1003 of this chapter. Negotiation authority will be used only when the facts and circumstances of the procurement clearly indicate the need to use the authority. For example, 10 U.S.C. 2304(a)(9) authorizes the procurement of perishable subsistence supplies by negotiation. Milk is a perishable subsistence as defined in Rulings and Interpretations of the Walsh-Healey Public Contracts Act, but troop issue requirements are adequately covered by specifications and competition is generally available; accordingly, such procurements of milk should be advertised when estimated quantities are in excess of $2,500.

(b) Before the negotiation authority of § 3.202 or § 3.210 of this title is used, officials approving determinations and findings (see § 1003.306(b) of this chapter) will satisfy themselves that formal advertising procedures cannot be used without detriment to the Government, and that the facts and circumstances in justification of negotiation are clear and convincing.

§ 1002.104 Types of contracts.

See § 2.104 of this title.

§ 1002.104–50 Firm fixed-price materials reimbursable contracts.

(a) When it is desired to procure the repair and overhaul of items on the basis of a firm fixed-price for the services with reimbursement for cost of materials used, such procurement may be advertised when both of the following criteria are met:

(1) The cost of the direct materials to be used will be relatively small in relation to the total cost of the repair and overhaul services.

(2) It can be reasonably expected that the materials for which reimbursement is to be made are available to all bidders at basically the same price.

(b) The IFB and the resultant contract must:

(1) Adequately define the material for which reimbursement is to be made.

(2) Limit reimbursement to the contractor's actual cost of such reimbursable material (including cash and trade discounts, rebates, allowances, and commissions).

(3) Contain adequate controls to limit the purchase of reimbursable materials by the contractor.

The IFB will not require bidders to furnish estimated prices of materials the cost of which is reimbursable, nor will the cost of such materials be considered in the evaluation of bids.

(c) The clauses set forth in Subpart SS, Part 1007 of this chapter, will be used, provided the "Payments" clause includes the sentence prohibiting payment of profit on materials, as prescribed for use in formally advertised contracts in the note set forth in § 1007.4503–4 of this chapter.

Subpart B—Solicitation of Bids

§ 1002.201 Preparation of invitations for bids.

For forms discussed in this section see Part 1016 of this chapter.

(a) The following subparagraphs contain implementations of the corresponding subparagraphs of § 2.201(a) of this title for supply and service contracts, including construction.

(1) *Invitation number.* Each invitation issued will be assigned, and will contain in the space provided therefor, a number composed of: (i) The station number of the issuing office, followed by a dash, (ii) the last two numerals of the fiscal year in which the invitation is issued, followed by a dash, and (iii) the serial number of the invitation being issued. Only one series of numbers will be used under any one station number for each fiscal year, and the first invitation issued in each fiscal year will bear "1" as its serial number. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. Other numbers or letters will not be prefixed or suffixed to this number. Accordingly, the first invitation issued by the Base Procurement Office, Wright-Patterson AFB, in the fiscal year 1961 would be numbered 33–601–61–1.

(2)–(13) See § 2.201(a)(2)–(13) of this title.

(14) *Use of Government property in the bidder's possession.* (Applicable only to AMC central procurement IFBs.) Use of Government property in the bidder's possession under a facilities contract or other agreement independent of the IFB on a "no charge for use", "rent-free", or other no charge basis is not permitted. The following provision will be inserted in all AMC central procurement IFBs:

GOVERNMENT PROPERTY IN BIDDER'S POSSESSION

Bidder's may use, in performing the work bid upon, any items of Government property in the bidder's possession under a facilities contract or other agreement independent of this invitation for bids at the rental rates stipulated in such facilities contract or other agreement provided such facilities contract or other agreement authorizes such use. If the bidder plans to use such Government property, the bidder will so state in the bid. In such event the bidder agrees to furnish, upon request of the contracting officer, evidence that a facilities contract or other separate agreement authorizes the bidder to use each item of such Government property for performing the work bid upon. Bids submitted contingent upon the use of such property on a "no-charge for use", "rent-free" or other no charge basis will be considered nonresponsive to this invitation for bids and will be rejected. (See § 1002.407–5(b).)

(15)–(16) See § 2.201(a)(15)–(16) of this title.

(17) *Special provisions*—(i) *Liquidated damages.* See § 1.310 of this title.

(ii) *Buy American certificate.* See §§ 6.104–3 and 6.204–2 of this title and § 1006.104–3 of this chapter.

(iii) *Progress payments.* See § 163.73, Subchapter E of this title.

(a) Whenever it is intended that the contractor is to be reimbursed for progress payments to subcontractors, the clause set forth in § 163.79, Subchapter E of this title will be included in the schedule.

(b) Whenever the contracting officer determines that progress payments are not appropriate in connection with a particular procurement, according to the criteria set forth in § 163.73, Subchapter E of this title, the following statement will be included in the IFB:

Progress payments are not available under this invitation for bids and bids conditioned upon provision for progress payments will be considered nonresponsive. This does not preclude payments for partial deliveries as otherwise authorized in the General Provisions.

(iv) *Advance payments.* The policy and procedures for advance payment provisions are contained in § 163.23, and Subpart D, Subchapter E of this title.

(v) *Approval of resulting contracts.* IFBs covering procurements which may exceed the delegated authority of the issuing contracting officer for which the resulting contract may require approval of higher authority, will include the following provision:

APPROVAL

Any contract in excess of $ (insert amount of delegated contracting authority of contracting officer issuing the invitation for bids) awarded as a result of this invitation shall contain the following approval clause: This contract shall be subject to the written approval of the Secretary of the Air Force or his duly authorized representative and shall not be binding until so approved.

(vi) *Statement in lieu of Standard Form 119.* See § 1001.507–1 of this chapter (to be used in conjunction with § 1.506 of this title).

(vii) *Labor surplus "Set-asides."* See § 1001.804–2 of this chapter.

(viii) *Small business "Set-asides."* See §§ 1.706–5 and 1.706–6 of this title (as implemented by § 1001.706–6 of this chapter).

(ix) *Financial and technical ability.* See § 1052.103–2 of this chapter for applicable clause. Also, see Subpart C, Part 1052 of this chapter relative to requirements and procedures for Special Source Surveys.

(x) *DO ratings.* See § 1001.460 of this chapter.

(xi) *Classified information.* Classified information in invitations for bids will be handled according to AFR 205–4, "Armed Forces Industrial Security Regulations."

(xii) *Multiple awards.* IFBs which will be evaluated according to § 1002.407–5(a) will include the following statement:

NOTICE TO BIDDERS

Bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making multiple awards. For this purpose, the cost of issuing an advertised contract is estimated to be $50. Accordingly, where several items are included in an invitation for bid and, after opening bids, it is ascertained that no one responsible bidder submitted the lowest price on each of the items, the $50 factor of whether it will be to the best interest of the Government to make multiple awards will be considered, other factors being equal.

(xiii) *Percentage of subcontracting.* When a Facility Capability Report is contemplated as prescribed in Part 1052 of this chapter, the IFB will contain the following clause:

Bidder represents that the estimated percentage of subcontracting contemplated on this procurement is _____ percent.

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractor's selling price. "Subcontracting" means only contracts for the production or of work upon an item, component, or assembly and does not include: (1) Any purchase of a standard commercial or catalog item, (2) any purchase of a basic raw material, (3) any purchase of supplies or services for the general operation of the contractor's plant, or (4) any purchase from a parent, subsidiary, or affiliate of the contractor.

(xiv) *Notification of synopsis.* See § 1.1003–8 of this title.

(18) *General provisions or conditions.* (i) The IFB will include general provisions according to the appropriate part of Part 7 of this title and Part 1007 of this chapter, and any special conditions necessary to describe the Government's requirements fully.

(ii) When procurement is by formal advertising, price redetermination clauses (as distinguished from escalation clauses) will not be inserted in the IFB or in any resulting contract. (See § 1002.104.)

(iii) IFBs for sealed bid sales will be prepared according to instructions contained in paragraph 21, section 9, volume XIII, AFM 67–1, except that IFBs and contracts for the disposal of edible garbage will also contain the following provision:

Prior to award the bidder agrees to furnish a certificate from an Animal Disease Eradication Division representative of the U.S. Department of Agriculture that he possesses adequate and approved garbage sterilization

equipment. In the event of an acceptance of his bid by the Government, the bidder warrants that all garbage received under the contract will be sterilized not less than 30 minutes at 212° F. before being fed to livestock or poultry. The bidder agrees to permit representatives of Animal Disease Eradication Division of the U.S. Department of Agriculture to make inspections at any time without prior arrangements to determine that the garbage is heat-treated in accordance with this provision.

(19)–(25) See § 2.201(a) (19)–(25) of this title.

(b) The following subparagraphs contain implementations of the corresponding subparagraphs of § 2.201(b) of this title for supply and service contracts, excluding construction.

(1)–(11) See § 2.201(b) (1)–(11) of this title.

(12)–(20) [Reserved]

(21) *Special provisions*—(i) *Procurement of items containing wool (except mohair).* See § 6.304–2(c) of this title.

(ii) *Brand name or equal.* See § 1.1206 of this title.

(iii) *Shipping instructions.*

(iv) *First article approval.* See § 1007.4020 for sample provision. Where it is known that one or more sources have previously furnished to the Government the articles subject to first article approval, the schedule may provide for bids to be submitted on one of two basis as applicable: Bid "A" (First Article, Approval Required); Bid "B" (First Article, Approval Not Required). The following provisions will then be inserted in the IFB schedule following the § 1007.-4020 provision:

Bidders who have previously furnished to the Government the articles referred to in item ------ above shall submit bid on Bid "B" which does not include compliance with the above First Article provision.

Bids submitted under Bid "A" (First Article, Approval Required) or under Bid "B" (First Article, Approval Not Required) are equally acceptable to the Government, as applicable, and award will be made thereon with the best interest of the Government considered.

(v) *Production sample.* Where production samples are required, the provision in the IFB Schedule may be the same as a "first article" provision (see subdivision (iv) of this subparagraph) except that the term "production sample" will be used instead of "first article" and a Production Sample Test Clause (see § 1007.4021 of this chapter) will be used instead of a First Article Approval Clause.

(vi) *Special maintenance tools and test equipment.* Where a requirement for special maintenance tools and test equipment exists, a separate item in the schedule will be established similar to the following sample:

The contractor agrees to furnish special maintenance tools and test equipment for item ------ above, to be selected in accordance with ---------- dated ----------, incorporated herein by reference.

(vii) *Data requirements.* See § 1009.-202–1(a) of this chapter.

(viii) *Descriptive identification data.* See § 1007.4041 of this chapter.

(ix) *Descriptive identification data.* See § 1007.4041 of this chapter.

§ 1002.202 Miscellaneous rules for solicitation of bids.

§ 1002.202–1 Bidding time.

Where bidding time of less than 15 calendar days when procuring standard commercial articles or less than 30 calendar days when procuring other than standard commercial articles is contemplated, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production at AMC field procurement activities (Director or Deputy Director of Contract Support at AMCASC) or the chief or deputy chief of base procurement offices. The contract file will be documented accordingly.

§ 1002.203 Methods of soliciting bids.

§ 1002.203–1 Mailing or delivering to prospective bidders.

(a) See § 2.203–1 of this title.

(b) IFBs, when mailed, will be sent as first class mail.

§ 1002.205 Bidders' mailing list.

(a) *Basic policies*—(1) *Advertised procurement.* It is mandatory that the complete list be obtained by the contracting officer. The selection of sources from the list will be at the discretion of the contracting officer but will be in consonance with §§ 1.702(b)(2) and 1.803(a)(5) of this title.

(2) *Negotiated procurement.* It is mandatory that the complete list be obtained by the contracting officer for procurement of supplies and services estimated to cost $10,000 or more unless the procurement is to be placed on an authorized selected-source basis. The selection of sources from the list will be at the discretion of the contracting officer but will be in consonance with §§ 1.702(b)(2) and 1.803(a)(5) of this title.

(b) *Principles of maintaining bidders' mailing list.* Except as exempted by § 2.205 of this title, a bidders' mailing list (mechanized or otherwise) of firms who desire to be considered as sources of supply will be maintained by each purchasing office. After completion of a contract award, whether formally advertised or negotiated, the bidders' mailing list used for such procurement, together with the names added by the buyer, contracting officer, or small business specialists or those names added as a result of requests by firms or their representatives will be forwarded by the buying activity to the activity responsible for maintaining the bidders' mailing list so that such added names are recorded for future use. This bidders' mailing list will be supported by correspondence indicating "no bid", "inability to produce item but desire to be retained on the list", "requests for removal from the list", and "requests to be placed on the list for future procurement"; AFPI Form 2, "IFB Information," if applicable; and one copy of the abstract. The activity responsible for maintaining the bidders' mailing list will:

(1) Delete, according to the provisions of § 2.205–2 of this title, companies for appropriate item, if they fail to respond.

(2) Delete companies for appropriate items if they request deletion.

(3) Retain companies who cannot bid but request retention on the list.

(4) Contact any companies not in the mechanized system and invite them to become established as potential sources.

(c) *Augmenting lists*—(1) *Policy.* Contracting officers may add names and mailing addresses to the bidders' "list." AF small business specialists may add names and addresses to those selected by the contracting officer for solicitation, and such additions will include any that may be furnished by Small Business Administration (SBA) representatives.

(2) *Sources.* The bidders' mailing list may be augmented in special instances on new items of procurement from the following or similar sources:

(i) Records of previous purchases of similar requirements.

(ii) Trade directories.

(iii) Classified catalog files maintained in or available to the purchasing office.

(iv) Trade journals.

(v) The classified section of city or telephone directories.

(vi) The listings from other Federal agencies.

(3) *Procedure.* The names of additional suppliers will be placed on the bidders' mailing list from time to time in the manner specified in § 2.205 of this title, and this subchapter, and when circumstances justify, by listing, in advance of receipt of applications, such suppliers on the basis of information derived from sources of the type listed in subparagraph (2) of this paragraph. The supplier so listed in advance will be requested to confirm the listing by filing Standard Form 129, "Bidder's Mailing List Application." If the supplier fails to furnish the application requested, his name may be removed from the list.

(d) *Qualified products list.* The bidders' mailing list will include all names of suppliers who have been placed on a Qualified Products List for the items concerned, as furnished by the Directorate of Engineering Standards, WADD, according to Subpart K, Part 1001 of this chapter. See § 1.1104–8 of this title for the effect when suppliers' names appear on the list of debarred or ineligible bidders.

(e) *Identification of surplus dealers.* Whenever the name of a surplus dealer is placed on a bidders' mailing list, the words "Surplus Dealer" will be placed directly beneath the name of the firm.

§ 1002.205–2 Removal of names from bidders' mailing lists.

See § 2.205–2 of this title. Also see § 1002.205(b).

§ 1002.205–4 Excessively long bidders' mailing lists.

(a) *Pre-invitation notices.* See § 2.205–4 of this title. (AFPI Form 2, "IFB Information," will be attached to the description sheet or IFB schedule sheet mailed to the prospective suppliers.)

§ 1002.205–51 Commodity class catalogs (commodity lists).

(a) This section provides for the issuance, maintenance, and distribution of commodity class catalogs or commodity lists.

(b) This section applies to AMC field procurement activities assigned prime class procurement.

(c) AMC procurement activities assigned the central procurement responsibility of AF commodity classes will prepare, issue, maintain, and distribute commodity class catalogs or commodity lists. The purpose of such lists is to provide a medium whereby potential suppliers can easily identify and select items they are capable of furnishing to the purchasing office concerned. The lists will be revised when necessary and a periodic review will be made at least semiannually to insure that the lists are up to date. AFPI Form 24, "Commodity List Data," will be distributed with the commodity class catalog for use by the potential supplier to list the items selected.

(d) Commodity class catalogs or commodity lists will meet the following requirements:

(1) A "foreword" or introductory page will set forth a general index and descriptions of classes procured by the activity and such explanatory comments necessary to help potential suppliers identify and select items. The complete address of the procuring activity will be included. The telephone number of the base and appropriate extension may be included except that individual buyers will not be listed by name.

(2) Items for which procurement responsibility has been assigned to a procuring activity other than the Air Force will generally be excluded. However, those Federal Supply Class (FSC) and Management Aggregate Codes (MAC) where AF procurement could be accomplished in cases of emergency or unusual circumstances may be indicated by an asterisk with an explanatory note on the instruction page.

(3) Nomenclature used will be consistent with that appearing in the Air Force supply catalog or Federal classification system.

(4) Nomenclature of spare parts and components will be excluded when such items are normally furnished by the firm producing the end item.

(5) Closely related items will be consolidated into a single listing. However, consolidation will be limited to prevent the listing of a nomenclature so general as to encourage the selection of the item by a wide range of manufacturers some of whom would not in fact make the actual item.

(6) Listing of specification numbers will be excluded to prevent the possibility of wholesale and premature requests for material of this nature by the manufacturer.

(7) References to trade names and manufacturers' names, part numbers, or model numbers will be avoided.

(8) The resultant catalog will be restricted in size to permit distribution to all interested firms. Trim size of the page will not exceed 8½ by 11 inches.

(9) The use of mechanical reference numbers will be coordinated with the statistical activity in the comptroller organization.

(e) Each issuing activity will make automatic distribution of sufficient copies of each commodity class catalog or commodity lists and revisions thereto to small business specialists at APDs and air procurement offices and to contractors relations activities at AMC field procurement activities to facilitate servicing interested suppliers as provided in § 1002.205(b). In addition, two copies each will be sent to AMC (MCPPC), and to the AF–MIPR liaison offices listed in AMCM 170–1, as well as other distribution required.

§ 1002.206 Small business and labor surplus set-asides.

See Subparts G and H, Part 1 of this title and Subparts G and H, Part 1001 of this chapter.

§ 1002.209 Qualified products.

See Subpart K, Part 1 of this title and Subpart K, Part 1001 of this chapter.

§ 1002.250 Information to be furnished prospective bidders.

(a) Information regarding supplies or services for which bids have been invited will be furnished on application to all potential bidders desiring it, except that information concerning classified projects will be furnished only as authorized. (For information to bidders, see § 1002.-408.)

(b) The estimated cost of the supplies included in an invitation will neither be furnished to prospective bidders nor will such information be shown on any copy of the invitation.

(c) Except on classified projects, prospective bidders will be permitted to examine the standard samples at the place where deposited, will be furnished with or allowed to examine plans and specifications of all work on which they desire to bid (a deposit may be required, if necessary) and will be furnished with any information they need to enable them to act understandingly.

§ 1002.251 Assistance not to be rendered.

No person employed by or serving with the Department will render assistance to bidders in the preparation of bids.

Subpart C—Submission of Bids

§ 1002.301 Responsiveness of bids.

If telegraphic bids are permitted, any bidder who submits a telegraphic bid must complete the required forms if he is the successful bidder.

Subpart D—Opening of Bids and Award of Contract

§ 1002.402 Opening of bids.

The contracting officer whose duty it is to open bids will also personally serially number one copy of each bid received in the order in which the bids were read and will retain these numbered copies in his possession or under the immediate supervision of an official of the Government, as set forth in § 2.402–1(c) of this title, until the accuracy of the abstract of bids (see § 1002.403) has been verified.

§ 1002.403 Recording of bids (Abstract of bids).

(a) *Procedure.* An abstract of bids will be prepared on AFPI Form 37, "Abstract of Bids (Procurement)," and AFPI Form 37A, "Abstract of Bids Insert Sheet (Procurement)," for each IFB as soon as practicable after bids have been opened or as soon as it is decided to cancel the invitation before opening of bids. The abstract will set forth all qualifications to the IFB made by bidders and included in their bid. As soon as practicable after bid opening a preliminary abstract of bids will be made available for public examination in the procurement office or other appropriate location. The preliminary abstract will be replaced by the abstract prepared when award has been made or bids have been rejected.

(b) *Entries to be made.* (1) If the descriptions of the items are so long as to make preparations of the abstract burdensome, the descriptions may be omitted and a general category used, provided a copy of the IFB is securely attached to the abstract.

(2) If the invitation for bids is cancelled before the time set for the opening of bids, the Date Opened entry will not be made; all bids received will be returned unopened to the respective bidders with an explanation of the action taken, and the date of the cancellation will be entered and initialed in a space on the abstract as indicated below and the abstract will be distributed:

Invitation for bids cancelled on ----------, ----------
(Date) (Initials)

(3) If no bids were received, the person whose duty it is to open the bids will initial the following in a space on the abstract and distribute the abstract:

No bids were received on this invitation

(Initials)

(4) Additional instructions that should be followed in making entries on the abstract are as follows:

(i) *Additional information.* If the quoted price is not firm, or it is qualified in any manner, or is for an article not strictly according to the specifications or conditions of the invitation, an asterisk (*) will be made above the price and a brief explanatory note will be entered under "Notes" showing the qualification in the price or the deviation from the specifications or conditions. If a price is submitted for a unit or a quantity other than that specified a suitable entry to that effect will be made alongside the price.

(ii) *Alternate bid.* If the bidder indicates that his bid is to be considered an alternate bid, two asterisks will be placed in the unit price column and the information will be inserted on the abstract under the heading of "Notes," and identified by two asterisks (**).

(iii) *Multiple or lengthy f.o.b. points.* If the bidder indicates in his bid that there are several f.o.b. points, or the f.o.b. point is lengthy, three asterisks will be placed in the f.o.b. column, and the information will be inserted on the

abstract under the heading of "Explanatory Comments," and identified by three asterisks (***).

(iv) *Lengthy delivery schedules.* If the bidder includes in his bid a lengthy delivery schedule, four asterisks will be placed in the "Delivery" column, and the information will be inserted on the abstract under the heading of "Explanatory Comments," and identified by four asterisks (****).

(v) *Multiple or lengthy cash discount.* If the bidder inserts in his bid a lengthy or multiple cash discount provision, a plus will be placed in the "Cash Discount" column and the information will be inserted on the abstract under the heading of "Explanatory Comments," and will be identified by a plus (+).

(vi) *No bid.* If the IFB has been returned and no item bid upon, the no bid will not be entered on the abstract. If the bidder has submitted a bid on one or more items, but states no bid on the other item(s) or has inserted a statement indicating that "no bid" is the response to certain items of the IFB, then a dash will be inserted in the item column to which the no bid response pertains.

(vii) *Late acceptable bid.* If late bids received after the opening are acceptable, they will be entered on the abstract in the same manner as a bid received at the bid opening except an identifying mark (#) will be placed in front of the bid number assigned indicating that the bid was late and acceptable. Late acceptable bids will always be the last entries on the abstract.

(viii) *No charge or no cost.* If the bidder has indicated "No Charge" or made a statement indicative of a "No Charge" response, the letters N/C will be inserted in the item block to which the "No Charge" is applicable.

(ix) *Acceptable letter bid.* If a bidder has submitted a letter bid in lieu of a bid on the regular bid form and it is acceptable according to § 2.301 of this title, two pluses (++) will be inserted preceding the number of the bid indicating that the bid was in the form of a letter and was acceptable.

(5) If bids were opened and the awards are not to be made by the person who opened the bids, he will verify the accuracy of the abstract by comparing it with the numbered copies of the bids retained by him, and enter and sign the following certificate on the abstract:

I certify that I have personally opened and read all bids received, verified all entries on this abstract from those bids and find it correct.

(Signature and title)

(6) After bids have been considered and awards have been made or bids have been rejected, the following entries will be made:

(i) If award has been made on an item in the quantity called for on the invitation, the accepted price will be encircled or checked in Red (pencil or ink). If the quantity accepted as different from that called for on the invitation, the accepted quantity will be shown in Red (pencil or ink) alongside the encircled or checked price.

(ii) If an entire bid or the bid on any item is rejected and one at a higher price is accepted, the award will be indicated as in subdivision (i) of this subparagraph and the rejected bid or part thereof will be similarly indicated in Blue (pencil or ink), and the reason for rejection, in sufficient detail to permit intelligent action by higher authority, will be written on the abstract or furnished in the form of a certificate attached thereto. Care should be exercised in making the entries on the abstract. Information such as debarment, irresponsibility, or apparent collusion of bidders, which it is not desirable to publicize, will always be entered on a separate paper which may be detached from the abstract as appropriate.

(iii) If equal bids have been received, the award will be indicated as in subdivision (i) of this subparagraph and the entry "Award made as directed in ASPR 2-407.6" will be made in a suitable place if the directions of that regulation were followed in fact. If not followed, an explanation of the departure therefrom will be included.

(iv) If all bids received on all items or all bids received on any item are rejected, the entry "All bids received on this (invitation) (item) have been rejected—(purchase will not be made), (purchase will be readvertised)", or other suitable entry will be made on the abstract.

(v) If the award is being made to a bidder on which there is "Additional Information" inserted on the abstract (identified by an asterisk (*)), the buyer will insert opposite such comments a statement or statements sufficient to offset the comments and/or by showing that it is considered a clarification, that it is not a deviation, that it is acceptable, that it is in the best interest of the Government to make such an award, etc.

(7) When the abstract has been completed as indicated in subparagraph (6) of this paragraph, and except when the invitation was canceled or when no bids were received, the person whose duty it is to make the awards will enter and sign the following certificate on the abstract deleting (A) if the certificate in subparagraph (5) of this paragraph has been signed, and distribute the abstract.

I certify that:

(A) I have personally opened and read all bids received, verified all entries on this abstract extracted from those bids and find it correct.

(B) I have made the awards or rejected the bids as indicated on this abstract.

(Signature and title)

(8) Beneath the certification, all awards will be indicated by furnishing the information indicated below:

(i) Full name of the successful bidder.

(ii) All items and/or subitems including partial quantities awarded and including the choice made between optional items bid upon.

(iii) Total amount of award. In the event the total is computed in any manner other than totaling all of the items awarded, sufficient explanation will be shown on the abstract to indicate how the final total was ascertained, for example:

Brown and Green Company:	
Items 1, 10, 15, 18 through 40	$7,500.00
Less 10 percent reduction for award of all items bid upon	750.00
	$6,750.00

(9) *Distribution of bids and abstracts.*—(i) *Contracting officer.* The original of all rejected and unsuccessful bids, a copy of the accepted bid, and a copy of the abstract of bids will be retained by the contracting officer. All rejected bids will be kept available for inspection by the duly authorized representative of the General Accounting Office, and will be sent to that office upon request when required in individual cases.

(ii) *General Accounting Office.*—(a) *Accepted bid.* The original of the accepted bid will be attached to the signed number of the contract or purchase order intended for the General Accounting Office.

(b) *When bid accepted is bid lowest as to price.* When the lowest bid as to price is accepted, that is, where the selected bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of Standard Form 1034, "Public Voucher for Purchase and Services Other Than Personal," or Standard Form 1036, "Statement and Certificate of Award," as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract need be forwarded to the General Accounting Office with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is furnished to that office.

(c) *Acceptance of other than lowest bid as to price.* Where other than the lowest bid as to price is accepted, the General Accounting Office will be furnished, on Standard Form 1036, a detailed statement giving in full the reasons for the acceptance together with an abstract of all bids lower than the one accepted.

(iii) *Procurement information center.* Within 3 working days after bids have been opened and final action taken, or after it is decided to cancel the invitation before opening bids, a copy of the abstract will be mailed to the Procurement Information Center (see § 1001.1004–1 (a) (1) of this chapter for address).

§ 1002.404 Rejection of bids.

§ 1002.404–1 Cancellation of invitation after opening.

See § 2.404–1 of this title.

(a) See § 2.404–1(a) of this title.

(b) (1) Prior to cancellation of an IFB, review and approval will be obtained by the contracting officer from the director or deputy director of procurement and production at an AMC AMA depot, or center (Director or Deputy Director of Contract Support at AMCASC) or in the case of other major commands and WP-AFB the chief or deputy chief of the purchasing activity.

(i) This review and approval will be accomplished for:

(a) Determining whether the proposed cancellation is in fact required.

(b) Attempting to preclude cancellation.

(2) Prior to readvertising supplies or services previously detailed on canceled IFBs, review and approval will be secured as set forth in subparagraph (1) of this paragraph. This review and approval will be accomplished for insuring that readvertising actions are firm and complete.

(c) Failure to resolve the administrative difficulties and effect award of the contract(s) to the lowest responsible bidder prior to the expiration of the bid acceptance period (or any unqualified extensions thereto) will not be cause for rejection of all bids and readvertisement unless the delay in making award or the difference in price between the lowest responsive bid and the next lowest responsive bid is unreasonable.

§ 1002.404–2 Rejection of individual bids.

(a) (1) If a performance bond has been required and the bidder is able to furnish a satisfactory bond, the contracting officer will not reject the bid without the prior approval of the Director of Procurement and Production, Hq AMC, or in his absence the Deputy for Production, Hq AMC, or the Assistant to the Director, Hq AMC. Requests for approval will be forwarded to AMC (MCPM).

(2) When the lowest bid is from a firm which is not a manufacturer or regular dealer and it is considered desirable to reject such bid, request will be made to AMC (MCPP) for authority to reject this bid and to authorize the award to the next lowest bidder. In forwarding such requests, contracting officers will be careful to verify all statements contained therein which are given as the basis for rejection, so there may be no just cause for complaint.

§ 1002.406 Mistakes in bids.

§ 1002.406–3 Other mistakes.

(a) The data required by § 2.406–3(e) of this title will be submitted in the most expeditious manner to the AMC (MCJCR), marked "Immediate Attention—Mistake in Bid". Review Branch (MCJCR), Hq AMC, will evaluate the facts presented and prepare an administrative determination according to § 2.406–3(a) of this title.

(b) Doubtful mistakes in bids will not be submitted by contracting officers directly to the Comptroller General for advance decisions.

(c) If modification is authorized and award is made to the bidder alleging the mistake, a copy of the determination will be furnished to the accounting and finance officer to support payment. MCJCR, Hq AMC, will maintain the record required by § 2.406–3(g) of this title. At the end of each 6-month period, or more often if warranted, the Staff Judge Advocate will forward to the Procurement Division (MCPP), Hq AMC, the number of cases handled for the period by types, and his findings as to any pattern disclosed that may indicate the need for additional or revised procurement instructions or procedures. Following review of the findings a copy will be furnished by MCPP to Hq USAF together with a statement showing the action taken.

§ 1002.406–4 Disclosure of mistake after award.

(a) If correcting the mistake would make the contract less favorable to the Government, the Contracting Officer will refer the case to Hq AMC (MCPKA), after taking the appropriate action in accordance with Part 17 of this title and Part 1017 of this chapter concerning correction of mistakes in contracts.

(b) Correction of mistakes under paragraph (a) of this section, involving the sale of Government-owned surplus property, will be processed in accordance with Part Two, Chapter 7, Section C, AFM 177–101 (Basic Systems at Base Level).

§ 1002.407 Award.

§ 1002.407–5 Other factors to be considered.

(a) *Multiple awards.* Advantages or disadvantages to the Government that might result from making multiple awards will be considered if the "Notice to Bidders" specified in § 1002.201(a) (17) (xii) was included in the IFB. This factor will not be considered in bid evaluation if the reference notice was not included in the IFB. In evaluating bids where multiple award is appropriate the cost of issuing and administering an advertised contract will be considered to be $50. (The above procedures are inapplicable to disposal sales.) The following examples will serve as a guide:

(1) An award will be made to the lowest responsible bidder on each item except where a bidder is low by a total of $50 or less; in the excepted case, award will be made to the next low bidder receiving award on some other item.

Illustration No. 1—One award:	A	B	C
Item 1	$500	$515	$510
2	705	700	710
3	300	290	280
	1,505	1,505	[1,500]

In this illustration no bidder was low on any item by more than $50. Accordingly award would be made on the total number rather than by individual items.

Illustration No. 2—Two awards:	A	B	C
Item 1	[$450]	$615	$510
2	700	[640]	710
3	300	[290]	285
	1,450	1,545	1,505

In this illustration Bidder A was $60 low on Item 1 and Bidder B was $60 low on Item 2, so award will be as indicated on these items because the bids mentioned were lower for these items than the $50 contract cost differential to be considered. Since Bidder C was low on Item 3 in an amount of only $5 no award can be contemplated to be made to that low bidder because no bid was low by an amount less than the $50 contract cost differential. Accordingly award on this item should be made to that successful bidder on items 1 or 2 at the lowest cost to the Government, in this case Bidder B. When award is made in this manner, the reason for rejection of the low bid on item 3 will be stated on the abstract of bids and Standard Form 1036 as follows: "Low bid on Item 3 rejected as an additional award is not considered to be in the interest of the Government as contemplated by ASPR 2-407.5 (c)."

Illustration No. 3—Two awards:	A	B	C
Item 1	[$450]	$650	$510
2	700	[640]	710
3	300	[290]	285
4	-------	[120]	100
	1,450	1,660	1,605

In this illustration Bidder A was $60 low on item 1 and Bidder B was $60 low on item 2, so award will be indicated on these items because the bids mentioned were lower for these items than the $50 contract cost differential to be considered. Since Bidder C was low on item 3 by $5, low on item 4 by $20, and low on the total of items 3 and 4 by $25, no award can be contemplated to be made to that low bidder because his low bids were low by a total amount of less than $50 contract cost differential. Accordingly, award on these items should be made to that successful bidder on items 1 or 2 at the lowest cost to the Government, in this case Bidder B on both items. When the award is made in this manner, reason for rejection of the low bids on items 3 and 4 will be stated on the abstract of bids and Standard Form 1036 as follows: "Low bids on Items 3 and 4 rejected as additional awards are not considered in the interest of the Government as contemplated by ASPR 2-407.5(c)."

(b) *Government property in bidder's possession.* The contracting officer will verify the evidence furnished by the bidder pursuant to the clause set forth in § 1002.201(a)(14) when the FCR is requested.

§ 1002.407–8 Purchases of patented items when a patent indemnity clause is to be included in the contract.

See § 2.407–8 of this title.

§ 1002.407–9 Protests against award.

(a) *General.* See § 2.407–9(a) of this title.

(b) *Protests before award.* See § 2.407–9(b) of this title.

(1) See § 2.407–9(b)(1) of this title.

(2) See § 2.407–9(b)(2) of this title.

(i) If the written protest is received within the required time, the contracting officer will investigate the matter and decide whether the protest is, in his opinion, valid. It is the responsibility of the contracting officer in the first instance to decide, whenever possible, with the concurrence or advice of the local staff judge advocate, if necessary, whether the protest has any valid basis, and to take appropriate action on the protest. If his conclusion is affirmative, he will take necessary action to rectify the erroneous action. If his conclusion is negative or if he deems it desirable to obtain the views of the Office of Comptroller General, the contracting officer will make a written statement of his opinion in the matter, supported by copies of all pertinent papers. The contracting officer will submit the protest and statement through AMC (MCPP) to Hq USAF (AFMPP-PR-3) for decision.

The letter of transmittal should be forwarded by the most expeditious means and marked "Immediate Action-Protest Before Award". The letter of transmittal will include the following:

(*a*) Copy of the IFB or RFP.

(*b*) Copy of abstract of bids or proposals received.

(*c*) Copy of the low bid or proposal or copy of the bid or proposal of the successful bidder to whom award has been made or is proposed to be made.

(*d*) Copy of bid or proposal submitted by protestant, if any.

(*e*) Current status of award or contract, if award has been made, showing whether award action has been suspended or stop work order issued.

(*f*) Contracting officer's statement of facts and circumstances. The contracting officer will discuss the merits of the protest and support evaluation thereof by citations from appropriate ASPR or AFPI provisions or other authority.

(*g*) Contracting officer's conclusions and recommendations will be included and will be based upon the material discussed in the report. All facts brought out in the report will be supported by documentary evidence and will be included with the file and referenced in the report.

(*h*) The file will be assembled in an orderly fashion and will include an index of inclosures. Inclosures will be tabbed in alphabetical sequence.

Submission of protests to Hq USAF under this section may be dispensed with by the contracting officer if he is satisfied that the protest is without any reasonable degree of foundation or that it was made solely to obstruct and hinder the contracting officer or otherwise successful bidder. In such case except as modified in subdivisions (ii) and (iii) of this subparagraph, the contracting officer on his own responsibility, or after asking such advice as he may desire, may disallow the protest. In such case, the contracting officer should reply to the protester in writing making a timely and complete answer to the allegations of the protesting bidder. A copy of the correspondence and explanatory remarks will be forwarded to AMC (MCPP) for information.

(ii) Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination by the contracting officer to make award under § 2.407–9(b)(3) of this title must be approved by the director or deputy director of procurement and production at AMC field procurement activities (Director or Deputy Director of Contract Support at AMCASC) or at a level higher than the contracting officer at base procurement activities.

(iii) Notices of intent to make awards will be furnished to Hq USAF (AFMPP–PR–3) for forwarding to the Comptroller General. A copy of the notice of intent will be sent to AMC (MCPP). Hq USAF will advise the contracting officer forwarding the notice of intent of the current status of his case with the Comptroller General.

(3) See § 2.407–9(b)(3) of this title.

(c) *Protests after award.* All protests after award will be processed to Hq USAF (AFMPP–PR–3) through AMC (MCPP). The letter of transmittal will include the material listed in paragraph (b)(2)(i) of this section.

(d) *Protests against negotiated procurements.* Protests before or after award involving negotiated procurements will be processed according to the above procedures only when requested by Hq AMC or Hq USAF. Normally these protests will be handled by the procuring activity.

§ 1002.408 Information to bidders.

§ 1002.408–1 Unclassified awards.

(a) Generally, unsuccessful bidders should be notified in writing that their bid was not accepted. The letter should be similar to the following:

> Gentlemen: Receipt is acknowledged of your bid in response to our Invitation for Bid No. _____. This is to inform you that award was made to:
>
> Contractor _____
> City _____ State _____
> Item No. _____ Price _____
>
> Your interest in submitting a bid is appreciated by this activity; however, we are unable to award you a contract in this instance.
>
> Very truly yours,
>
> _____
> (Contracting Officer)

(b) When unsuccessful bidders are notified orally that their bid was not accepted, a memorandum to this effect setting forth date, place and individual notified will be placed in the contract file.

Subpart E—Two-Step Formal Advertising

§ 1002.500 Applicability of subpart.

This subpart applies to procurements accomplished by AMC field procurement activities.

§ 1002.502 Conditions for use.

(a) to (d) See § 2.502 (a) to (d) of this title.

(e) A production contract is contemplated as distinguished from a contract that would require development to advance the state of the art to meet AF requirements.

§ 1002.503 Procedures.

§ 1002.503–1 Step one.

It is necessary to obtain concurrence of the cognizant engineering activity before using this procedure. If the engineering activity concurs in using the two-step procedure, it will specifically state in writing the detailed requirements for the technical proposal to give all bidders an equal opportunity to submit the required data. The engineering activity will furnish to the buyer the criteria for technical proposals, cutoff date for receipt of technical proposals, and anticipated date evaluation of technical proposals will be completed. If the engineering activity does not concur in using this procedure for the procurement under consideration, the nonconcurrence will be signed at the level of the Chief of the Laboratory, or comparable level, and will be considered a final determination not to use this procedure. The reasons cited in the nonconcurrence will be considered in determining an alternate method of procurement.

(a) *Request for technical proposals.* The letter request for technical proposals will be identified as "Letter Request for Technical Proposals (add applicable purchase request number)." The IFB resulting from the request for technical proposals will be numbered in the normal manner. Distribution of request for technical proposals and data will be according to § 1001.1002–51(a) of this chapter.

(b) *Receipt and evaluation of technical proposals.* (1) to (3) See § 2.503–1(b)(1) to (3).

(4) Technical evaluation will be accomplished as set forth in joint AMCR 84–19/ARDCR 11–16. The engineering activity will submit recommendations to the buyer for negotiations with firms which submitted marginal proposals.

(5) Following any negotiations with the bidders, the engineering activity will give the buyer its final evaluation of each of the technical proposals. Acceptable proposals will be so designated. For unacceptable proposals, the engineering activity will give complete and detailed reasons why the proposal is not acceptable. Technical evaluations listing proposals which are unacceptable must clearly state whether rejection is based on the failure of the firm to furnish sufficient information or because of an unacceptable engineering approach. If the rejection is because of missing information, the evaluating activity must state specifically what information was not furnished. These evaluations are recommendations only and must be approved by the contracting officer, as selection of sources is his responsibility. However, any differences of opinion between the contracting officer and the engineering activity must be mutually resolved or decision will be made in writing by the chief or deputy chief of the buying division, of the AMC procurement activities, following discussion with the chief of the cognizant engineering activity.

(c) *Discontinuance.* See § 2.503–1(c) of this title.

(d) *Late technical proposals.* If technical proposals are received after the submission cutoff date, the contracting officer will refer a written recommended course of action to the appropriate officer listed in § 1003.804–2(b)(1) of this chapter for final decision.

Subparts F Through U—[Reserved]

Subpart V—Auctioneering Services

§ 1002.2200 Scope of subpart.

This subpart prescribes policies and procedures for: (a) The use of the "List of Auctioneers Qualified to Sell Government-Owned Personal Property," established by the General Services Administration, (b) the recommendation to the GSA for placement of auctioneers in an inactive status, (c) the debarment of auctioneers, and (d) the procurement of auctioneering services.

§ 1002.2201 Applicability of subpart.

This subpart applies to all AF activities concerned with auctioneer contracts in geographical areas covered in the "List of Auctioneers Qualified to Sell Government-Owned Personal Property."

§ 1002.2202 Establishment and utilization of the "List of Auctioneers Qualified to Sell Government-Owned Personal Property."

§ 1002.2202–1 General.

(a) The official publication of the "List of Auctioneers Qualified to Sell Government-Owned Personal Property" (referred to hereafter as the List), is published quarterly and maintained by the GSA. It will be used by all AF activities in the selection of auctioneers to sell Government-owned personal property. The List contains the names of auctioneers who are qualified from the standpoint of ability to conduct sales of Government-owned personal property and rating codes which indicate their qualifications. The rating code assignment to each auctioneer determines whether or not he is considered to be qualified to conduct the particular sale contemplated. The codes relate to the factors of experience (E or L), property categories (G or S), and geographical areas (U.S. I, II, etc.).

(b) GSA will furnish copies of the List and interim notices to Hq USAF (AFMPP–PR), Hq AMC (MCPP), and each AMA and AF depot for their use. The AMAs will provide a copy of the up-to-date List and interim notices to activities within their appropriate areas concurrently with the AMA approval to conduct an auction sale.

§ 1002.2202–2 Changes.

(a) Interim notices to the List will be issued by GSA whenever necessary to keep activities currently informed as to newly qualified, inactivated, debarred, and reinstated auctioneers. These notices will be distributed to the activities specified in § 1002.2202–1(b).

(b) Auctioneers requesting placement on the List will be advised to contact the Central or Regional Offices of the GSA to secure application forms.

§ 1002.2202–3 Inactivation or debarment of auctioneers on the list.

(a) Inactivation of auctioneers on the List will be accomplished by GSA. Recommendations for the inactivation of auctioneers from the List will be forwarded to AMC (MCPP) and will be based on the following criteria whenever:

(1) His local license is revoked for cause and not reinstated.

(2) He fails to maintain adequate financial responsibility.

(3) He fails to conduct his services according to recognized ethical standards.

(4) He performs services in a substandard or ineffective manner.

(5) He acts in a manner seriously prejudicial to the best interests of the Government.

(b) Hq AMC (MCPP) will forward recommendations for inactivation of auctioneers to the GSA through Hq USAF (AFMPP–PR). They will be sufficiently detailed to provide GSA with a sound basis for evaluation.

(c) All correspondence relating to the inactivation of auctioneers, except voluntary inactivation, will be identified "For Official Use Only" with a reference to AFR 11–30 (Custody, Use and Preservation of DOD Official Information Which Requires Protection in the Public Interest) in the identification unless the information therein warrants a security classification, in which case the correspondence should direct attention to the provisions of §§ 805.1 to 805.8 of this chapter and/or AFR 120–3 (Administrative Inquiries and Investigations).

(d) Placement of an auctioneer on the list of "Debarred, Ineligible and Suspended Contractors" will be accomplished according to § 1001.604 of this chapter. Inclusion of an auctioneer on the list of "Debarred, Ineligible and Suspended Contractors" will provide for automatic removal of an auctioneer from the List of Auctioneers Qualified to Sell Government-Owned Personal Property.

§ 1002.2203 Procurement of auctioneering services.

§ 1002.2203–1 Formal advertising for auctioneering services.

All auctioneering services will be procured through formal advertising. Bids must be solicited from all auctioneers qualified to conduct the particular sale contemplated, based on the rating code factors mentioned in § 1002.2202–1(a). Bids should not be solicited from those not qualified.

(a) A list of auctioneers from which bids should be solicited may be determined by the process of elimination. First, eliminate those who have not been assigned a code covering the GSA region in which the property is located. Then eliminate those assigned the "S" code unless all or a predominant portion of the property to be sold consists of the specialized categories. The remainder will be considered according to the size of the sale in relation to the gross proceeds anticipated. When the gross sales proceeds are anticipated to exceed $50,000, eliminate all auctioneers assigned code "L". However, when the gross sales proceeds are anticipated to be $50,000 or less circularize those auctioneers assigned both "E" and "L" codes. While codes "E" and "L" also indicate the number of years, the number of auctions, and size of sales based on the auctioneers' past experience, only the size of the sale in relation to anticipated gross sale proceeds need be considered.

(b) Contracts for auctioneering services will be awarded only to auctioneers who are on the list or who qualify prior to the bid opening.

§ 1002.2203–2 Bids received from auctioneers not on the List.

When a bid is received from an auctioneer whose name is not on the List, the activity will communicate directly by message with the Sales Division, Federal Supplies Service, GSA, Washington 25, D.C., to determine the qualification status of the bidder. The message will contain: (a) The bidder's name and address, (b) identification of the sale, (c) time and date of bid opening. If GSA notifies the activity prior to the time for opening bids that the bidder qualifies, the newly qualified auctioneer's bid will be considered. If GSA notifies that the auctioneer is not qualified or a notification is not received prior to the time for bid opening, the bidder will be considered unqualified and the bid will not be considered.

§ 1002.2203–3 Auctioneers compensation.

If the contractor's compensation under the IFB is to be based on a commission fee of the expected gross sales proceeds, all bidders will submit a single, flat percentage figure based on such gross proceeds.

§ 1002.2203–4 Special provision.

The following provision will be included in every IFB for auctioneering services:

NOTICE TO BIDDERS

The award of a contract under this Invitation for Bids will be made only to an auctioneer who is on the current official "List of Auctioneers Qualified to Sell Government-Owned Personal Property," at the time of bid opening.

NOTE: Application forms to qualify for such List may be obtained from the Central or Regional Offices of the General Services Administration.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

Sec.	
1003.101	Negotiation as distinguished from formal advertising.
1003.101–50	Requests for proposals (RFPs).
1003.101–51	Verification of the requirement.
1003.104	Aids to small business in negotiated procurement.
1003.105	Aids to labor surplus area concerns in negotiated procurement.
1003.106	Award information to unsuccessful offerors.
1003.110	Solicitations for informational or planning purposes.

Subpart B—Circumstances Permitting Negotiation

1003.200	Scope of subpart.
1003.201	National emergency.
1003.201–3	Limitation.
1003.202	Public exigency.
1003.202–3	Limitation.
1003.203	Purchases not more than $2,500.
1003.204	Personal or professional services.
1003.204–1	Authorization.
1003.204–2	Application.
1003.207	Medicines or medical supplies.
1003.207–2	Application.
1003.208	Supplies purchased for authorized resale.
1003.208–2	Application.
1003.208–3	Limitation.
1003.210	Supplies or services for which it is impracticable to secure competition by formal advertising.
1003.210–2	Application.
1003.210–3	Limitation.
1003.211	Experimental, developmental, or research work.
1003.211–2	Application.
1003.213	Technical equipment requiring standardization and interchangeability of parts.
1003.213–3	Limitation.
1003.215	Negotiation after advertising.

Sec.
1003.215–50 Application.
1003.217 Otherwise authorized by law.
1003.217–2 Application.
1003.250 Citation of law.

Subpart C—Determinations and Findings

1003.301 Nature of determinations and findings.
1003.303 Determinations and findings by the head of a procuring activity signing as "a Chief Officer responsible for procurement."
1003.306 Procedure with respect to determinations and findings.

Subpart D—Types of Contracts

1003.401 Types of contracts.
1003.402 Selection of contract types.
1003.402–50 Obligation of funds.
1003.403 Fixed-price type contracts.
1003.403–1 Firm fixed-price contract.
1003.403–2 Fixed-price contract with escalation.
1003.403–3 Fixed-price contract providing for the redetermination of price.
1003.403–4 Fixed-price incentive contracts.
1003.404 Cost-reimbursement type contracts.
1003.404–1 Cost contract (CR).
1003.404–2 Cost-sharing contract (CS).
1003.404–3 Cost-plus-a-fixed-fee contract (CPFF).
1003.404–4 Cost-plus-incentive-fee contract (CPIF).
1003.405 Other types of contracts.
1003.405–1 Time and materials contract (T—M).
1003.405–2 Labor-hour contract (L—H).
1003.405–3 Letter contract (LC).
1003.405–4 Basic agreement (BA).
1003.405–5 Indefinite delivery type contracts.
1003.405–50 Open contract (OC).
1003.405–51 Call procurement arrangements.
1003.406 Additional incentives.
1003.406–1 General.
1003.406–2 Performance-incentive contracts.
1003.406–3 Contracts with value engineering incentives.

Subpart E—Advance Payments

Subpart F—Small Purchases

1003.601 Purpose.
1003.604 Imprest funds (petty cash) method.
1003.604–1 Conditions for use.
1003.604–2 Documentation.
1003.604–4 Delivery of cash purchases by suppliers.
1003.605 Order-invoice-voucher method.
1003.606 Blanket purchase agreement method.
1003.606–1 General.
1003.606–2 Establishment of blanket purchase agreement.
1003.606–3 Conditions for use.
1003.607 Use of Department of Defense or departmental procurement forms.
1003.651 Credit cards.
1003.651–1 Applicability of section.
1003.651–2 General.
1003.651–3 Issuance of tax exemption certificates.
1003.651–7 U.S. Government national credit card.
1003.652 Procurement of contractual maintenance services aggregating no more than $500.
1003.652–1 Applicability of section.
1003.652–2 Conditions for use.
1003.652–3 Purchasing procedures.

Subpart G—Negotiated Overhead Rates

1003.703 Applicability.
1003.704 Contract clauses.
1003.704–1 Contracts with commercial concerns.
1003.704–2 Contracts with nonprofit and educational institutions.
1003.704–3 Instructions for completing contract clauses.
1003.705 Procedure.
1003.706 Coordination.
1003.707 Cost sharing rates.

Subpart H—Price Negotiation Policies and Techniques

1003.801 Basic policy.
1003.801–1 General.
1003.801–2 Responsibility of contracting officers.
1003.802 Preparation for negotiation.
1003.802–2 Selection of prospective sources.
1003.802–3 Requests for proposals.
1003.804 Conduct of negotiations.
1003.804–1 General.
1003.804–2 Late proposals.
1003.807 Pricing techniques.
1003.807–1 General.
1003.807–4 Cost analysis.
1003.807–5 Subcontracting.
1003.808 Profit or fee.
1003.808–1 General.
1003.808–2 Factors for determining fee or profit.
1003.808–5 Fee limitation for experimental, developmental or research work.
1003.809 Audit as a pricing aid.
1003.810 Exchange of information.
1003.811 Record of price negotiation.
1003.850 Special pricing instructions.
1003.850–1 Pricing of support items.
1003.850–2 Pricing changes to fixed-price and cost-reimbursement type contracts.
1003.850–3 Planning and coordination.
1003.850–4 Packaging costs.
1003.850–5 Prenegotiation conferences and briefings.
1003.850–6 Pricing of fixed-price type maintenance, overhaul, and modification contracts.
1003.850–7 Savings clauses.
1003.850–8 Preproduction or startup costs.
1003.850–9 Contractors' estimating systems.

Subpart I—Subcontracting Policies and Procedures

1003.900 Scope of subpart.
1003.901 General.
1003.902 Review of "Make or Buy" program.
1003.902–50 Implementation.
1003.902–51 Reports.
1003.903 Review of subcontracting and contractors' purchasing systems.
1003.903–1 Contract clauses.
1003.903–2 Consent to subcontracts.
1003.903–3 Approval of purchasing system.
1003.903–4 Review of individual subcontracts.
1003.903–50 Approval of subcontracts.
1003.903–51 Secondary administration.
1003.903–52 Employment agency or engineering service subcontracts.
1003.903–53 Disputes, provisions in subcontracts.
1003.903–54 Inclusion of statutory provisions.
1003.903–55 Use of audit personnel.
1003.903–56 Utilization of price analyst personnel.

Subparts J Through T—[Reserved]

Subpart U—Depreciation of Emergency Facilities

1003.2100 Scope of subpart.
1003.2101 Applicability of subpart.
1003.2102 Definitions.
1003.2103 Air Force emergency facilities depreciation board.
1003.2104 Procedures.
1003.2105 Duties and responsibilities.
1003.2106 Contractors' requests for determination of true depreciation.
1003.2106–1 List of contractor information.

AUTHORITY: §§ 1003.101 to 1003.2106–1 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Use of Negotiation

§ 1003.101 Negotiation as distinguished from formal advertising.

§ 1003.101–50 Requests for proposals (RFPs).

Requests for proposals will contain language, terms, and conditions necessary to obtain from prospective contractors the information needed to consider the appropriate factors set forth in § 3.101 of this title. Further, RFPs will:

(a) Contain the special provision in § 9.110(a)(2)(i) of this title on "Royalty Information" when conditions set forth therein are applicable.

(b) Contain the following clause when a pre-award survey is contemplated as prescribed in Subpart I, Part 1 of this title: "Offeror represents that the estimated percentage of subcontracting contemplated on this procurement is ---- percent."

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractors' selling price.

(c) Where the value of the competitive procurement is estimated to exceed $2,500, allow a minimum time of 30 days for submission of proposals or quotations. When less than 30 days is to be allowed, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production at AMC field procurement activities (Director or Deputy Director of Contract Support at AMCASC) or the chief or deputy chief of base procurement offices. The contract file will be documented accordingly.

§ 1003.101–51 Verification of the requirement.

During the course of negotiation, the contracting officer will verify the requirement with the initiating office to insure that only required supplies or services are procured. This is particularly important in those circumstances where negotiations have been prolonged, or the description of the item or delivery schedule is changed in negotiation.

§ 1003.104 Aids to small business in negotiated procurement.

See Subpart G, Part 1 of this title and Subpart G, Part 1001 of this chapter.

§ 1003.105 Aids to labor surplus area concerns in negotiated procurement.

See Subpart H, Part 1 of this title and Subpart H, Part 1001 of this chapter.

§ 1003.106 Award information to unsuccessful offerors.

(a) *Notice to unsuccessful offerors.* See § 3.106(a) of this title.

(b) *Additional information.* Replies pursuant to § 3.106(b) of this title will be signed by the chief or deputy chief of the concerned buying division or office.

(c) *Classified information.* See § 3.106(c) of this title.

§ 1003.110 Solicitations for informational or planning purposes.

See § 1.309 of this title and § 1001.309 of this chapter.

Subpart B—Circumstances Permitting Negotiation

§ 1003.200 Scope of subpart.

See § 3.200 of this title.

§ 1003.201 National emergency.

§ 1003.201–3 Limitation.

(a) Except in connection with contracts of the categories listed in § 3.201–2(b) of this title, the authority of 10 U.S.C. 2304(a)(1) will not be used for:

(1) Increase or decrease of funds obligated on contracts through supplemental agreements or contract amendments issued pursuant to provisioning procedures incorporated in the contract for concurrent spare parts or other accessorial equipment specified to be delivered under the contract.

(2) Supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to increase—decrease quantity options or extras.

(3) Supplemental agreements or contract amendments for concurrent spare parts or other accessorial equipment not originally provided for in the contract.

(4) Orders (which obligate funds) against contracts or agreements upon which funds were not obligated.

(b) The authority of the basic contract will be used for:

(1) Increase or decrease of funds obligated on letter contracts and cost-reimbursement type contracts; provided, such increase or decrease is not the result of a change in the scope of work or quantities to be delivered.

(2) Change orders, supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to changes, changed conditions, price escalation, price redetermination, incentive, termination for convenience, default, taxes, and variation in quantity caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes.

§ 1003.202 Public exigency.

§ 1003.202–3 Limitation.

Determinations and findings will be prepared, and approved. The contracting officer will require the initiating activity to furnish him such written justification of the circumstances of the exigency as he may feel essential in case he has not sufficient personal knowledge of the facts constituting the exigency. This justification will specifically include a statement of the injury that would be suffered by the Government, financially or otherwise, if the supplies or services were not furnished by a certain date.

§ 1003.203 Purchases not more than $2,500.

See § 3.203 of this title.

§ 1003.204 Personal or professional services.

§ 1003.204–1 Authorization.

(a) Section 15 of the act approved August 2, 1946 as amended (60 Stat. 810; 5 U.S.C. 55a), provides:

The head of any department, when authorized in an appropriation or other act, may procure the temporary (not in excess of 1 year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases each service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this act.

(b) Department of Defense Appropriations Act, 1961 (Public Law 86–601), states:

SEC. 601. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: Provided, That such contracts may be renewed annually.

§ 1003.204–2 Application.

The general authority contained in § 3.204–1 of this title will be used only with respect to contracts for personal or professional services which are otherwise specifically authorized by law, as in the preceding section. A determination by the Secretary is required by acts of Congress other than that set forth in Chapter 137, Title 10, U.S. Code and if such determination is obtained, no separate determinations and findings are required.

(a) *Services authorized.* The provisions of the Appropriation Act quoted in § 1003.204–1 (b) affect each contract for expert or consultant services (such as architectural, engineering, technical, or professional services) made with any individual or made with a firm or corporation which is engaged primarily in the business of furnishing such services, and each contract for the employment of services of accountants or other experts to assist in inaugurating new or changing old methods of transacting business of the Air Force. Except as stated above, the provisions do not apply to any contracts with firms or corporations for services related to the development, invention, design, procurement, production, repair or maintenance of supplies, material, or facilities, or to any other type of contract.

(b) *Citation of statutory authorities.* Each contract or supplemental agreement described in paragraph (a) above will cite as authority section 10 U. S. C. 2304 (a) (4), section 15 of the act approved August 2, 1946 (Public Law 600, 79th Cong.) (60 Stat. 810; 5 U. S. C. 55a), and the applicable section of the current appropriation act. If § 3.206–2 of this title applies to the services being procured, 10 U.S.C. 2304(a)(6) will be used instead of 10 U.S.C. 2304(a)(4).

§ 1003.207 Medicines or medical supplies.

§ 1003.207–2 Application.

(a) In addition to meeting the two requirements set forth in § 3.207–2 of this title, the proposed procurement must concern supplies which are authorized for local purchase or central procurement type items for which specific local purchase authority has been obtained.

(b) For procurements estimated to exceed $10,000, the requirement for "suitable advance publicity" will be deemed to be complied with if written requests for proposals are circulated to business concerns engaged in manufacture or sale of the supplies involved, including qualified dealers known to have current interest in selling such supplies to the Government.

§ 1003.208 Supplies purchased for authorized resale.

§ 1003.208–2 Application.

(a) In addition to meeting the requirements set forth in § 3.208–2 of this title, the proposed procurement must concern supplies which are authorized for base procurement by AFR 145–14 (List of Subsistence Supplies Authorized for Issue and Sale in Commissaries and Commissary Stores), AFR 145–11 (Acquisition, Sale, and Stockage of Subsistence Articles), or brand-name items selected by the Superintendent of the USAF Academy for resale in the Cadet Store.

(b) For procurements estimated to exceed $10,000, the requirement for "suitable advance publicity" will be deemed to be complied with if written requests for proposals are circulated to business concerns engaged in manufacture or sale of the supplies involved including qualified dealers known to have current interest in selling such supplies to the Government.

§ 1003.208–3 Limitation.

This authority will not be used in connection with purchases made pursuant to Purchase Notice Agreements published in Department of the Army Supply Bulletins.

§ 1003.210 Supplies or services for which it is impracticable to secure competition by formal advertising.

§ 1003.210–2 Application.

The title of § 3.210 of this title, in its implementation of 10 U.S.C. 2304(a)(10), adds the words "by formal advertising". Where more than one source exists, competitive negotiation will be accomplished wherever possible. Application of the circumstances with respect to which the authority may be used is identified by the corresponding paragraph in § 3.210–2 of this title:

(a) "When the supplies or services can be obtained from only one person or firm"—When considering determinations and findings, contracting officers and approving officials will exercise due

care before a determination is made that a particular item can be obtained from only one person or firm. Complete sole source substantiation must be included in the determination and finding. Merely citing this authority will not suffice.

(b) [Reserved]

(c) "When bids have been solicited pursuant to the requirements of Section II, and no responsive bid (a responsive bid is any bid which conforms to the essential requirements of the solicitation of bids) has been received from a responsible bidder."—This authority may be used only if the negotiation is for identical requirements of the Invitation for Bids. If specification deviations are authorized or the delivery requirements or quantities are changed, consideration must be given to advertising the revised requirements or negotiating under some other exception.

NOTE: Contracting officer may continue use of advertised forms (Standard Forms 19, 30 or 33) to consummate procurement by negotiation. If Standard Form 30 is used, a Standard Form 26 will be placed with it. The negotiation authority will be cited across the face of Standard Form 19, 26 or 33 as follows: "This negotiated contract is entered into pursuant to the provisions of 10 U.S.C. 2304(a)(10) and any required determination and findings have been made."

(d) to (l) [Reserved]

(m) "When it is impossible to draft, for a solicitation of bids, adequate specifications or any other adequately detailed description of the required supplies or services"—This authority will not be used for procurement of any item covered by an approved specification listed in § 1001.1202(a) of this chapter. When full and free competition can be obtained with the specifications, exhibits, or purchase description and award is contemplated to be made to the lowest responsible bidder, the procurement will be formally advertised. Cases of doubt will be resolved in favor of formal advertising. See § 1003.306(b)(5).

(n) to (p) [Reserved]

§ 1003.210–3 Limitation.

Determinations and findings will set forth the particular reasons why competition by formal advertising is impracticable, and will be approved as provided in § 1003.306(b). With respect to procurements exceeding $50,000 to be negotiated under the provision of § 3.210–2(m) of this title and § 1003.210–2(m), determinations and findings will be approved as provided in § 1003.306(b)(5).

§ 1003.211 Experimental, developmental, or research work.

§ 1003.211–2 Application.

(a) In procurements with more than one phase, where it is anticipated that more than one phase will be performed under the contract, the total estimated cost of all phases will determine the need for a determinations and findings regardless of the fact that the estimated cost of the first phase is $100,000 or less.

(b) In the case of procurements in which the total estimated cost is over $100,000 but which are partially financed by amount of $100,000, or less, the total estimated cost will determine the need for a determinations and findings.

§ 1003.213 Technical equipment requiring standardization and interchangeability of parts.

§ 1003.213–3 Limitation.

Where the Secretary has not previously authorized standardization upon items to be procured, a request for determinations and findings to negotiate pursuant to this authority will contain the information required by AFR 67–104 (Standardization and Procurement of Technical Commercial-Type Equipment) and will be processed according to that regulation. Such a request will generally be a request for a blanket determinations and findings covering all purchases of the item within the area for which the item is to be standardized, and subject to the time limitations for standardization expressed in AFR 67–104.

§ 1003.215 Negotiation after advertising.

§ 1003.215–50 Application.

The authority of 10 U.S.C. 2304(a)(15) can be invoked for all or only a portion of a specific procurement. Requests for determinations and findings to negotiate under this authority should state: (a) The range of bid prices received and reasons why these prices (or some of them) are deemed unreasonable, or (b) evidence that the bid prices have not been independently arrived at in open competition. The letter of transmittal will set forth the estimated cost of the proposed procurement.

§ 1003.217 Otherwise authorized by law.

§ 1003.217–2 Application.

(a) Except as indicated in paragraphs (b), (c), (d), and (e) of this section, contracts will be negotiated under authorities other than those set forth in this part, only upon the approval of the Secretary.

(b) Transportation services by common carriers will be negotiated under authority of section 321, Part III, Interstate Commerce Act, September 18, 1940, U.S.C. 65.

(c) Procurements negotiated pursuant to section 406 of Title IV of Public Law 345 (84th Congress).

(d) Blind-made supplies purchased through National Industries for the Blind as prescribed in § 5.504–2 of this title, will be negotiated under authority of the Act of 25 June 1938, c. 697, section 3, 52 Stat. 1196 (41 U.S.C. 48).

(e) Contracts for partial or total setasides for small business made pursuant to a joint determination by the Air Force and the Small Business Administration (including contracts entered into pursuant to "Small Business Restricted Advertising") will cite as authority 10 U.S. Code 2304(a)(17) and section 15, Small Business Act (Public Law 85–536). See § 1.706–8 of this title.

§ 1003.250 Citation of law.

All contracts made according to Part 3 of this title, and this part will refer specifically to the subsection in section 2304 (a) of Title 10, U.S. Code, under which the award or contract was negotiated.

Subpart C—Determinations and Findings

§ 1003.301 Nature of determinations and findings.

Determinations and findings, referred to throughout Part 3 of this title, may be made with respect to classes of purchases or contracts only by the Secretary. The policy of the Department of the Air Force is to make class determinations only under very exceptional circumstances and for a period normally not to exceed one year. In requesting class determinations and findings the supporting information with respect to each item of the class will be as detailed as the supporting information required for an individual determinations and findings under the particular section of the Act involved.

§ 1003.303 Determinations and findings by the head of a procuring activity signing as "a Chief Officer responsible for procurement."

(a) By § 3.303 of this title the Commander, AMC, is authorized to make determinations and findings required by 10 U.S.C. 2307, in support of incentive type and cost-reimbursement type contracts.

(b) The Director of Procurement and Production, Hq AMC, has been redelegated this authority, with power of redelegation, provided such determinations and findings will not, in any event, be made by the contracting officer for the procurement involved.

(c) The authority vested in the Director of Procurement and Production, Hq AMC, to make determinations and findings supporting the use of cost, cost-plus-a-fixed-fee, or cost-plus-incentive-fee contract, or a fixed-price incentive contract, has been redelegated to the following, subject to the provisions of paragraph (d) of this section.

(1) Deputy Directors of the Directorate of Procurement and Production, Hq AMC.

(2) Commander, AMC centers, with power of redelegation.

(3) Commanders of Air Materiel Areas, Dayton AF Depot, and 2709th Vehicle Control Group with power of redelegation not below the level of a deputy director of procurement and production or comparable level.

(4) Commander, ARDC, with respect to research and development procurement (excludes base procurement) with power of redelegation.

(5) Commander, Military Air Transport Service, with respect to cost and CPFF type contracts for services involving CRAF Senior Lodger and Working Group contracts only. Redelegation may not be made below the level of the Chief, Procurement Division, Hq MATS.

(d) The delegations set forth in paragraph (c) of this section are subject to the following limitations:

(1) No person will exercise the authority redelegated if he is himself the contracting officer in the procurement involved.

(2) The officials to whom authority is redelegated will exercise such authority only within the jurisdictional limits of their respective duty assignments.

(e) The Director of Procurement and Production, Hq AMC, has delegated to the Director, Air Force Academy Construction Agency, the authority to make determinations and findings supporting the use of cost and cost-plus-a-fixed-fee type contracts (except those for procurement of items in production quantities), and fixed-price incentive contracts, provided the delegee is not the contracting officer in the procurement involved.

(f) Delegation to the Air Training Command with respect to making determinations and findings supporting the use of a cost type or cost-plus-a-fixed-fee type contract is set forth in Subpart D, Part 1001 of this chapter.

(g) The Director of Procurement and Production, Hq AMC, has delegated authority to make findings and determinations supporting the use of cost-plus-a-fixed-fee type contracts for procurement of maintenance and overhaul services only to the Commander and Deputy Commander, AMFPA and AMFEA.

§ 1003.306 Procedure with respect to determinations and findings.

(a) *Contracting officer's determinations and findings; negotiated contracts.* There is no approved format for individual determinations and findings with respect to the negotiation of contracts under the authority of § 3.202 of this title but those set forth for the Secretarial determinations and findings may be used as a guide.

(b) *Approval of determinations and findings; negotiated contracts.* Determinations and findings under §§ 3.202 and 3.210 of this title (except § 3.210–2 (xiii) for procurements exceeding $50,000, see subparagraph (5) of this paragraph), requires contracting officer's signature and will be subject to the following written approvals.

(1) Buying Divisions, Hq AMC and AMC Centers:

(i) Branch Chiefs or their deputies—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Division Chiefs or their deputies—procurements initially estimated to be in excess of $50,000.

(2) AMC field procurement activities:

(i) Chiefs or deputy chiefs of divisions—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Directors or deputy directors of procurement and production—procurements initially estimated to be in excess of $50,000.

(3) Hq ARDC and ARDC centers and divisions.

(i) Chief or deputy chief of buying divisions—procurements initially estimated to be in excess of $50,000.

(4) Purchasing activities other than those stated in subparagraphs (1), (2), and (3) of this paragraph: Chief or deputy chief of the purchasing office—procurements initially estimated to be in excess of $10,000.

(5) Determinations and findings for procurements exceeding $50,000 to be negotiated under the provisions of § 3.210–2(m) of this title and § 1003.210–2(m) will be approved by the Director, Deputy Directors, or assistant to the Director of Procurement and Production, Hq AMC. Such determinations and findings will be prepared and signed by the contracting officer.

(c) *Limitation.* No person will exercise the authority redelegated in paragraph (b) of this section if he is the contracting officer in the procurement involved. This limitation does not apply to WSPO's at Hq AMC where the chief of the WSPO is the only contracting officer appointed for such WSPO. In these instances, the determination and finding will indicate that the person executing the determination and finding is both the contracting officer and the chief of the WSPO and no further approval of such determination and finding will be required.

(d) *AMC procedure for secretarial determinations and findings.* (1) Determinations and findings authorizing negotiation which require signature by the Assistant Secretary of the Air Force will be prepared on plain bond paper, undated, and without signature block. An original and nine carbon copies will be submitted with the letter of transmittal.

(2) Letters of transmittal will be prepared and submitted (an original and four copies) to AMC (MCPC), for review and forwarding to Hq USAF (AFMPP–PR). When considered necessary, these letters will include additional information to show compliance with the applicable Part of Subchapter A, Chapter 1 of this title.

(e) *ARDC procedure.* ARDC activities will process requests for approval of determinations and findings authorizing negotiation requiring signature by the Assistant Secretary of the Air Force through command channels directly to the Director of Procurement and Production, AFMPP–PR, Hq USAF.

(f) *Major commands other than ARDC.* Such activities will process requests for approval of findings and determinations authorizing negotiation requiring signature by the Assistant Secretary of the Air Force through command channels directly to the Commander, AMC, attn: MCPC, using procedure set forth in paragraph (d) of this section.

(g) *Quantitative change in requirements.* Whenever a quantitative increase in requirements occurs with respect to a Secretarial determination and finding prior to execution of the contract, the following policies will govern:

(1) Secretarial Determinations and Findings authorizing negotiation for research and development will be considered to authorize negotiation for increased requirements provided the dollar value of the increase in requirements, in the aggregate, does not exceed 20 percent of the dollar value of the quantity upon which the original D&F was based, or $500,000, whichever is less.

(2) Secretarial Determinations and Findings authorizing negotiation for other than research and development will be considered to authorize negotiation for increased requirements provided the increase in requirements, in the aggregate, does not exceed 10 percent of the quantity upon which the original D&F was based, or $350,000, whichever is less.

(3) If a change in requirements exceeds the limitations authorized above, the procurement will not be consummated until a new determination and finding covering the increase has been obtained according to the prescribed procedures.

(h) *Cancellation.* If total requirements are cancelled or if a signed Secretarial determinations and findings is cancelled or not used for any other reason, Hq USAF (AFMPP–PR) will be so notified through the same channels prescribed for submission of requests for determinations and findings. This notification will be made immediately after deciding that the determinations and findings will not be needed; and the determinations and findings will be marked "cancelled" and placed, together with a copy of the letter of notification, in the cancelled PR/MIPR case file.

Subpart D—Types of Contracts

§ 1003.401 Types of contracts.

See § 3.401 of this title.

§ 1003.402 Selection of contract type.

See § 3.402 of this title.

§ 1003.402–50 Obligation of funds.

The following rules will apply to obligation of funds under each type of contract:

(a) *Firm fixed-price contract.* Obligations will be for the total amount of the contract.

(b) *Fixed-price contract with an escalation, price redetermination or an incentive provision.* Obligations will be for amount of fixed price stated in contract, or target price in case of contract with an incentive clause. For any type of contract having both a target and a ceiling price, obligation will be in the amount of the target price.

(c) *Cost-reimbursement type contracts, time and material contracts, and labor-hour contracts.* Obligations will be for the amount of the total estimated costs or payments shown or provided for in the contract, but not in excess of the maximum current liability shown, including the fixed fee in the case of cost-plus-fixed-fee contracts and the target fee in the case of cost-plus-incentive-fee contracts.

(d) *Letter contracts.* (See § 1003.405–3.

(e) *Basic agreements.* Basic agreements do not create any monetary liability and require no obligation of funds.

(f) *Indefinite delivery type contracts.* Funds are obligated at the time of and to cover each call or order.

§ 1003.403 Fixed-price type contracts.

See § 3.403 of this title.

§ 1003.403–1 Firm fixed-price contract.

See § 3.403–1 of this title.

§ 1003.403–2 Fixed-price contract with escalation.

(a) *Description.* See § 3.403–2(a) of this title.

(b) *Applicability.* It is AF policy to avoid price escalation clauses and to use one only when a contractor insists

on unreasonable contingencies in his price. These clauses reduce incentive to control costs and expose the Government to possible price increase without any corresponding increase in total contract cost.

(c) *Limitation.* Escalation clauses, with statements of the conditions under which they may be used, are in § 7.106 of this title. These clauses may be used by AF procuring activities subject to the following additional limitations:

(1) Price escalation provisions will not be used: If reasonable firm fixed prices can be negotiated; if an authorized type of price redetermination contract is acceptable to contractor; when item is other than standard or semi-standard normally sold at "established" or "published" price commercially or other than an item contractor customarily offers for sale commercially, modified to contract specification; or if delivery will occur within 90 days from effective date of the contract.

(2) "Labor" and "material" escalation contracts are not authorized for use in AF procurement.

§ 1003.403–3 Fixed-price contract providing for the redetermination of price.

(a) *General*—(1) *Description.* A sixth type, price redetermination upon the happening of specified contingencies, is available for AF use as provided in paragraph (f) of this section pursuant to an authorized ASPR blanket deviation.

(2) *Applicability.* See § 3.403–3(a) (2) of this title.

(3) *Limitations.* The following restrictions also are imposed on the use of price redetermination by AF procuring activities.

(i) Price redetermination will never be used as a substitute for an intelligent initial analysis and negotiation of price.

(ii) No one price redetermination clause will be substituted for another, or be deleted from an existing contract or award, nor will a combination of any type (where price redetermination is involved) be used in any procurement, without the prior approval of the Office of the Procurement Committee (MCPC), Hq AMC.

(iii) Fixed-price contracts with provisions for price redetermination will not be used by foreign procurement activities except as noted below, and may be used by base procurement activities only if prior approval is obtained from MCPC, Hq AMC. Written requests should disclose that the conditions of use specified for the requested clause have been complied with and furnish reasons for requested use. Commanders and deputy commanders, Air Materiel Forces, have authority to approve use of Forms A and C price redetermination clauses with power of redelegation to not below the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to AMFEA or AMFPA. Authority for use of Forms D and E may be obtained only on a case-by-case basis according to paragraph (b) (4) (ii) and (5) (iii) of this section.

(iv) Retroactive price redetermination (Forms C, D, and E) will not be used if any other form, short of a cost-reimbursement type, can be applied reasonably. In AMC field procurement activities use of Form C requires prior approval of the staff officer in charge of procurement and production or his designated representative. Forms D and E require prior approval as outlined in paragraph (b) (4) (iii) and (5) (iii) of this section.

(b) *Types of price redetermination clauses*—(1) *Form A (FPR–A). Prospective periodic price redeterminations at stated intervals*—(i) *Description.* In one sense this form provides a series of short term fixed-price contracts. The price for the first period will be based on projections which do not extend beyond that period. The periods need not be of equal length. To encourage timely repricing, paragraph (c) of Form A Clause should call for experienced costs at the end of a contractor's normal accounting period in sufficient time to permit negotiation of prices in advance of the new pricing period.

(ii) and (iii): See § 3.403–3(b) (1) (ii) and (iii) of this title.

(iv) *Form A (FPR–A) clause.* Section 7.109–2 of this title applies.

(2) *Form B (FPR–B). Prospective price redeterminations on request*—(i) and (ii): See § 3.403–3(b) (2) (i) and (ii) of this title.

(iii) *Limitations.* The Form B clause is not authorized for use in AF procurement.

(3) *Form C (FPR–C). Retroactive and prospective price redetermination at a stated time prior to completion*—(i) *Description.* See § 3.403–3(b) (3) (i) of this title.

(ii) *Applicability.* This type contract is applicable where: (*a*) New and complex items are involved, (*b*) major specification changes are contemplated, or (*c*) untried labor force, plant facilities, or manufacturing methods are anticipated. The maximum points for redetermination in § 3.403–3(b) (3) (i) of this title are extreme limits. The general rule will be ahead of those points so that mandatory redetermination may take place at the earliest possible time. The blank space in paragraph (b) of the ASPR clause calling for submission of data should establish a date early enough to permit negotiation of the new prices in advance of the prospective period for which they are applicable.

(iii) *Limitations.* See § 3.403–3(b) (3) (ii) of this title.

(iv) *Form C (FPR–C) clause.* Section 7.109–4 of this title applies.

(4) *Form D (FPR–D). Retroactive and prospective price redetermination including further prospective redetermination upon request*—(i) *Description.* See § 3.403–3(b) (4) (i) of this title.

(ii) *Applicability.* This clause is appropriate, rather than Form C, only when the production schedule of the contract is of such length as to warrant a further look at prices subsequent to the mandatory redetermination.

(iii) *Limitations.* The use of this form of contract requires prior written approval of Pricing and Negotiation Division (MCPF), Hq AMC. The request for approval will be submitted by the buyer or contracting officer. It will contain:

(*a*) Name of proposed contractor.

(*b*) Statement that requirements of § 3.403–3(a) (3) of this title and paragraph (a) (3) of this section have been complied with.

(*c*) Brief description of supplies and services being procured.

(*d*) Unit and total prices, including both target and ceiling.

(*e*) Method of source selection; if competitive, state also unit and total prices proposed by rejected offerors including their proposals on ceilings, if any.

(*f*) Delivery schedule of supplies to be furnished under the contract, or scheduled date of completion of performance under contract for services.

(*g*) Reasons why no other form of contract is considered appropriate.

(*h*) A copy of the memorandum of price analysis, if any.

(iv) *Form D (FPR–D) Clause.* Section 7.109–5 of this title applies.

(5) *Form E (FPR–E). Retroactive price redetermination after completion*—(i) *Description.* See § 3.403–3(b) (5) (i) of this title.

(ii) *Applicability.* This type contract is intended primarily for use in buying R&D, supplies, or services where use and administration of any other price redetermination clause or a cost-reimbursement type contract is precluded. In return for the protection of a ceiling price in excess of target, the contractor should remove abnormal contingencies from his target price.

(iii) *Limitations.* Use of this form of contract requires prior written approval of Pricing and Negotiation Division (MCPF), Hq AMC. Request for approval submitted by the contracting officer will contain the same information required by paragraph (b) (4) (iii) of this section.

(iv) *Form E (FPR–E) Clause.* Section 7.109–6 of this title applies.

(6) *Form F (FPR–F). Modified retroactive and prospective price redetermination for follow-on contracts.* Section 7.109–7 of this title applies.

(7) to (23) [Reserved]

(24) *Form X (FPR–X)—Price redetermination upon happening of specified contingency*—(i) *Description.* This type contract provides for an equitable upward revision of prices upon the happening of a contingency specified in the clause as a "basic assumption".

(ii) *Applicability.* This form is appropriate when, except for the specified contingency, accurate cost estimates can be projected and firm, reasonable prices negotiated initially. Its purpose is to limit any upward revision to the identified contingency situation, which is beyond the contractor's control. It may be noted that this clause is similar in its operation to the approved types of escalation clauses; the major differences being that the Form F contemplates certain identifiable contingent situations.

(iii) *Limitations*—(*a*) This clause may be used only in motion picture production contracts.

(*b*) The contractor must warrant that there is not included in the price any charge for the specified contingency.

(*c*) The contingency must be such as to be outside the control of the contractor, i.e., weather, failure of Government to furnish equipment, etc.

(*d*) The clause is not authorized for use to cover any of the following contingencies: (*1*) Changes in taxes and duties, (*2*) changes in wage rates or employment conditions, (*3*) risks arising in relation to patents, (*4*) termination of contracts in whole or in part, and (*5*) changes in material costs.

(iv) *Form X (FPR–X) Clause.* Section 1007.109–50 of this chapter applies.

(c) *Ceiling price provision.* See § 3.403–3(c) of this title.

§ 1003.403–4 Fixed price incentive contracts.

(a) *Description.* The initial target incentive contract is identified by the symbol, FPIF. The successive targets contract is identified by the symbol, FPIS.

(b) *Applicability.* (1) Clause in § 7.108 of this title will be used for initial target (FPIF) contract.

(2) Clause in § 1007.108–50 of this chapter will be used for successive targets (FPIS) contract. Knowledge of probable cost of performance sufficient to permit negotiation of initial targets and formula for fixing the firm target profit usually can be gained from contractor's experience in development and manufacture of initial quantities under earlier cost-plus-fixed-fee (CPFF) and cost-plus-incentive-fee (CPIF) contracts, contractor's experience in manufacturing similar products and from cost experience and trends of other contractors in the same industry. This knowledge may not be sufficient to negotiate an FPIF contract if prior experience producing the particular item is lacking or is so negligible that Government and contractor are unwilling to assume responsibility to the degree normally associated with an initially firm target. Normal development lead times on new products are of such length that a contract for a quantity of an item will be placed before experience is available from a prior contract for the same item. Where the Government has previously ordered articles of a type similar to those subject to incentive price revision and there is not adequate cost or production experience upon which to negotiate firm target prices when the new contract is negotiated, time for negotiation of target prices and submission of data will be premised on delivery of a designated number of the articles to be delivered under the previous production contract. This designated number will be established to permit early repricing and reasonable risk on the undelivered portion of the new contract.

(c) *Limitations.* This type of contract is authorized for use only by AMC field procurement activities and ARDC. The finding and determination required to support use of these contracts will be made as outlined in §§ 1003.303. Successive targets contract will be negotiated only after written approval of Pricing and Negotiation Division (MCPF), Hq AMC.

(d) *Instructions.* (1) Maximum or ceiling price should be as low as possible under the circumstances, affording no protection to the contractor against extravagance and inefficiency. Profit ceilings will normally be specified as a percentage of target costs. Numerous combinations of target profit percentages, percentages of ceiling price above target price and varying "share" arrangements may be negotiated, depending on the circumstances. Sharing arrangements may be varied at different levels of cost, as costs become more difficult to control and reduce. The contracting officer can tailor these variables to suit the specific procurement.

(2) It is preferable to require segregation of costs between the end items and provisioned items such as spare parts, special tools, and ground handling equipment. Under unusual circumstances, this segregation may be waived.

(3) Prices of items added by contract modification, if otherwise meeting criteria for initial target prices, ordinarily will be target prices. Target price will indicate target cost and profit included therein, and contract target costs will be adjusted to reflect cumulative effect at time of final price revision. Where articles or services so added are priced on a fixed-price basis, they will be paid accordingly, and elements of cost and profit involved will be excluded from costs and profits considered in final price revision. Fixed-price items will only be added when the costs thereof can and will be segregated from all other contract costs.

(4) Prices established for contract changes on items subject to incentive pricing will be target prices, indicating target cost and profit included therein. Ceiling prices may be adjusted only for significant changes in required work. Contract target cost will be adjusted at the time of final price revision to reflect net effect of increases and decreases in target cost resulting from changes. However, under the clause in § 1007.108–50 of this chapter, target prices of any changes on items subject to incentive pricing directed prior to establishment of firm target price may be established when firm target price is negotiated.

(5) If contract is terminated, the paragraphs of the clause provide for settlement according to the termination clause of the contract, except that in an entire termination, prices for completed articles will be the subject of negotiations and in event of a partial termination, provisions of the clause will be revised as equitable under the circumstances. Such revisions should include, if termination is partial, an adjustment of target costs, target profits, ceiling, and other provisions if affected by the fact that deliveries are made during a different period and the unit cost may change due to the change in volume production.

(6) Paragraph entitled "Adjustment of Payments" makes it possible to negotiate upward or downward adjustment of prices at which articles delivered are being billed under invoices submitted by the contractor. If it appears at any time that final unit price or final contract price will be substantially less than billing or target price, the contracting officer will promptly negotiate to adjust downward the price at which those articles are being billed. In like manner, if it appears at any time that final unit price or final contract price will be substantially greater than billing price or target price prompt action shall be taken to increase the price at which articles are being billed. Any change in billing price will not affect either ceiling or target price or formula.

§ 1003.404 Cost-reimbursement type contracts.

(a) *Description.* A basic feature of cost-reimbursement type contracts is that little positive incentive is placed on the contractor to control costs incurred in performance of the contract. The main risk a contractor faces is the possibility of substantial cost disallowances in current audit by cognizant service audit agency, or in post audit by the General Accounting Office. However, experience considerably minimizes this possibilty.

(b) *Applicability.* See § 3.404(b) of this title.

(c) *Limitations.* Finding and determinations required to support the use of cost-reimbursement type contracts will be made according to the requirements of § 1003.303.

§ 1003.404–1 Cost contract (CR).

(a) and (b) See § 3.404–1 (a) and (b) of this title.

(c) *Limitations.* This type of contract is authorized for use by AMC field procurement activities, ATC, ARDC, and the Air Force Academy Construction Agency.

§ 1003.404–2 Cost-sharing contract (CS).

(a) and (b) See § 3.404–2 (a) and (b) of this title.

(c) *Limitations.* This type of contract is authorized for use by AMC field procurement activities, ATC, ARDC, and the Air Force Academy Construction Agency.

§ 1003.404–3 Cost-plus-a-fixed-fee contract (CPFF).

(a) *Description.* (1) The fixed fee is not a strong incentive to control cost. However, the fact that overrun of cost will result in a lower percentage return on actual incurred costs is some incentive.

(2) Unrealistic estimating accepted by the contracting officer complicates contract fundings and may result in unreasonable fee payments.

(b) *Applicability.* The dollar amount of procurement should be substantial enough to warrant the administrative costs involved. As example, this type of contract will rarely be employed in procurements amounting to less than $100,000 unless all work undertaken in the particular plant is under a CPFF basis.

(c) *Limitations.* (1) This type contract is authorized for use by AMC field procurement activities, ATC, ARDC, and the AF Academy Construction Agency. AMF's and MATS are allowed this type

contract for limited use as set forth in § 1003.303.

(2) Only in most unusual circumstances, usually those involving an outstanding contribution to the defense effort in relation to estimated cost, will authority be granted to exceed the fee percentages set forth in § 3.404–3(c) of this title. To obtain the approval of the Secretary to exceed the prescribed percentage for a fixed fee, the initiating agency will forward a request containing a full statement of facts and recommendations through AMC (MCPC) to the Director of Procurement and Production, Hq USAF. The request will contain information pertaining to the type of procurement (research or development, production, architectural or engineering, etc.) need for the supplies or services, estimated total costs, percentage of fixed fee proposed, fees on prior contracts for similar work with the same or other contractor, and all other pertinent information.

(3) For contracts placed by AMC field procurement activities, fees within the prescribed limits may be approved by those officials who have been authorized to make findings and determinations to support the use of this type of contract. (See § 1003.303.)

(4) See § 3.807–5 of this title for fee limitations on CPFF subcontracts.

(d) *Contractors' investment in work-in-process.* (1) [Reserved]

(2)(i) The clause contained in § 7.203–4 (a) or (b) of this title, appropriately modified, will be incorporated in all new contracts; new procurements effected by supplements, amendments or modifications of existing contracts; definitive contracts superseding letter contracts; and instruments effecting new procurements under basic or master agreements which provide for payments on a cost reimbursement basis. (This implementation does not apply to current procurement for which negotiations have reached a point where it would be impractical to reopen the negotiations.) The term "quantity production" is interpreted as including items acquired for experimentation and test. Section 7.203–4 (a) or (b) of this title, as applicable, shall be used in any research and development contract which calls for more than one item, including prototype or test, and shall apply to the entire contract.

(ii) The 20 percent withholding applies to all allowable costs incurred before completion of delivery of the end items governing liquidation of the gross withheld payments pool. After complete liquidation of the gross withheld payments pool, full reimbursement will be made according to the terms of the contract, exclusive of this clause. In administration of prime contracts incorporating this ASPR clause, every effort should be made to insure that prime contractors do not place an undue hardship on their subcontractors (and particularly small business) or restrict unduly subcontractors' abilities to continue production. The ASPR clause will not be added to existing contracts except upon direction of the Office of the Secretary of the Air Force. Requests for exception will be screened by the Financial Branch (MCPFF), Hq AMC. The request, if considered favorably by Hq AMC, must be forwarded through channels to the Assistant Secretary of the Air Force (Materiel) for decision.

§ 1003.404–4 Cost-plus-incentive-fee contract (CPIF).

(a) *Description.* See § 3.404–4(a) of this title.

(b) *Applicability.* This type of contract may be appropriate for use when the procurement involves a reasonably long performance period and there will be a substantial amount of development work.

(c) *Limitations.* (1) This type of contract is authorized for use by AMC field procurement activities and ARDC.

(2) See § 1003.404–3(c) (2), (3), and (4) for fee limitation.

(3) Normally the decision to use this type of contract will not be made until negotiations have progressed to a point where the contracting officer can determine that its use is feasible. If a determinations and findings to use a CPFF contract has been made prior to the decision to incorporate an incentive revision of fee clause, a second determinations and findings covering the incentive factor must be made.

(4) Estimated costs and fees for work that is added or deleted by each change order or supplement agreement will be the target costs and target fees for that work. These target fees usually will be the same percentage of target cost as the target fee for the basic articles or services being procured. The final contract fee is then determined by applying the incentive formula to the difference between the total actual cost for all work under the contract and the sum of target costs for all work.

(d) *Contractors' investment in work-in-process.* See § 1003.404–3(d).

(e) *Cost-plus-incentive-fee clause (CPIF).* Section 7.203–4(b) of this title applies.

§ 1003.405 Other types of contracts.

§ 1003.405–1 Time and materials contract (T–M).

(a) and (b) See § 3.405–1 (a) and (b) of this title.

(c) *Limitations.* (1) Use of this contract type is discouraged except under the most pertinent circumstances.

(2) Contractor's accounting system must be adequate for the determination of costs applicable to the materials portion of the contract and the hours expended in direct labor on the time portion of the contract.

(3) The determination that no other type of contract will suitably serve may be accomplished by the contracting officer placing the procurement if the total consideration is not in excess of $5,000. For contracts in excess of $5,000 the determination may be accomplished by the following, subject to the provisions of subdivision (iii) of this subparagraph:

(i) Staff officer in charge of procurement and production at the AMC field procurement activity concerned or staff officer responsible for procurement within AMFEA or AMFPA.

(ii) Contracts to be placed by all other AF procurement activities, including base procurement activities, require authorization of the commander of the major air command concerned (or a duly authorized representative not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command) except contracts to be placed outside the United States, its Territories and possessions may also be authorized by air attaches, and chiefs of AF foreign missions as appropriate.

(iii) The authority set forth in subdivision (ii) of this subparagraph is subject to the following limitations:

(*a*) No person will exercise the authority if he is himself the contracting officer in the procurement involved.

(*b*) The officials who have been authorized will exercise such authority only within the jurisdictional limits of their respective duty assignments.

(4) Any change in the concept of the time and materials contract described herein will be considered a deviation within the meaning of § 1001.109 of this chapter.

§ 1003.405–2 Labor-hour contract (L–H).

(a) *Limitations.* Limitations on the use of time and materials contracts (§ 1003.405–1(c)) apply also to labor-hour contracts except that specific provision will be made that there will be no direct reimbursement for any materials used or consumed in the performance of the labor-hour contract.

§ 1003.405–3 Letter contract (LC).

(a) *Description.* See § 3.405–3(a) of this title. Letters of Intent are not authorized within the Air Force.

(b) *Applicability.* See § 3.405–3(b) of this title.

(c) *Limitations.* (1) No letter contract may be issued prior to the execution of all Determinations and Findings necessary to authorize the intended subsequent definitive contract (see Subpart C, Part 3 of this title and Subpart C of this part). The determination required by § 3.405–3(c)(1) of this title that no other type of contract is suitable will be accomplished by the Director of Procurement and Production, Hq AMC, or by the appropriate official listed in subparagraph (2) (i), (ii), (iii), and (iv) of this paragraph. Except as provided in paragraph (e)(2) of this section, the approval of a request for authority to issue a letter contract will constitute the determination.

(2) The authority of the Director of Procurement and Production, Hq AMC, to issue letter contracts has been redelegated as indicated in subdivision (i), (ii), and (iii) of this subparagraph.

(i) Irrespective of dollar amount:

(*a*) Commander, Air Research and Development Command, with power of redelegation to not below the level of the Director of Procurement, Hq ARDC, with respect to research and development procurement.

(*b*) Commanders, Air Materiel Forces, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the Air Materiel Force.

(*c*) Commanders of oversea commands, air attaches, and chiefs of AF foreign missions. Oversea commanders may redelegate to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the oversea command.

(ii) Where the total cost of the subsequent definitive contract is estimated not to exceed $1,000,000:

(*a*) Commanders, AMC centers:

Authority may be redelegated to not below directorate level, excepting that further redelegation may be made to chiefs and deputy chiefs of buying divisions (or comparable level) for procurements where the total estimated costs are not anticipated to exceed $350,000.

(*b*) Commanders, air materiel areas, and Dayton AF depot. Authority may be redelegated only to directors of procurement and production. Deputy commanders may be authorized to exercise the authority during absence of the commander.

(iii) Where the total cost of the subsequent definitive contract is estimated not to exceed $350,000.

(*a*) Commander, AF 2709th Vehicle Control Group. Authority may be redelegated only to the Chief, Procurement and Production Division. The Deputy Commander may be authorized to exercise the authority during absences of the Commander.

(iv) Commander, Air Training Command, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to Air Training Command; provided that the letter contract has been authorized by the office of the Procurement Committee, Hq AMC, pursuant to paragraph (e) of this section.

(3) The amount obligated for each letter contract will be the amount estimated to cover the contractor's requirements for funds prior to definitization but will not exceed the limits imposed by § 3.405–3(c)(4) of this title. The date by which definitization is expected will not be established beyond the limits imposed by § 3.405–3(c)(3) of this title. If it becomes necessary to increase the amount obligated by later amendment, the personal approval of the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of MCPC, the official who requested permission to issue the letter contract) is required and will be sufficient without regard to the additional amount involved. If a definitive contract is not executed when expected, the contracting officer will inform the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of MCPC, the official who requested permission to issue the letter contract) as to the causes for the delay. Such official will establish a revised realistic date for definitization, and if deemed advisable by such official the letter contract will be amended accordingly. Prior to issuing an amendment which increases the amount obligated or the date of definitization beyond the limits imposed by § 3.405–3(c) (3) or (4) of this title the approving official will insure that the action is necessary and justifiable.

(d) *Content.* Each letter contract will be written according to Subpart Y, Part 1007 of this chapter.

(1) The date to be inserted in the last sentence of the clause set forth in §§ 1007.2504–4, 1007.2505–4, and 1007.2506–4 of this chapter will in no event be a date later than 180 days from the date of the letter contract.

(2) Contracting personnel will not offer progress payments under fixed price letter contracts. If requested by Contractors, Progress Payments may be made according to Part 163 of this title and § 1030.5, appendix E of this chapter.

(3) Contracting personnel will not offer current reimbursement under cost reimbursement-type-letter contracts, but same may be provided upon request by the contractor. The prescribed clause, and percentage of reimbursement is set forth in § 1007.4058 of this chapter.

(4) Where competitive proposals are received and price is the controlling factor for selecting the source, the letter contract will contain a provision which provides that the price (estimated cost and fee) of the definitive contract will be no higher than the quotation leading to the issuance of the letter contract.

(5) Properly authorized letter contracts do not require manual approval regardless of dollar amount, except letter contracts for personal and professional services procured under the authority of Public Law 600, 79th Congress (5 U.S. Code 55).

(6) Amendments to letter contracts to accomplish new procurements will be avoided to the greatest practical extent but may be used if the new procurement is so closely allied to the procurement covered by the existing letter contract as to be inseparable. Amendments to letter contracts to accomplish new procurements are subject to the same limitations and delegations as new letter contracts.

(e) *Procedure.* (1) No letter contract will be issued unless a request for authorization has been approved therefor.

(2) Request for authorization will be prepared by the procuring office and will be transmitted through command channels to AMC (MCPC), or to the applicable official listed in paragraph (c) (2) (i), (ii), or (iii) of this section for approval. The request to MCPC will be signed by one of the officials enumerated in paragraph (c) (2) (ii), (iii), or (iv) of this section, including delegatees as therein authorized; the request will constitute the determination required by § 3.405–3(c)(1) of this title. The same effect will be given to electrically transmitted messages to MCPC which conclude with the phrase "Signed by the (here insert the title of appropriate official)," as for example "Signed by Director Procurement and Production."

(f) Copies of the letter contract issued will be forwarded to AMC (MCPC) if the letter contract required MCPC approval for issuance, or if the definitive contract contemplated will require manual approval of the Director or Deputy for Procurement.

§ 1003.405–4 Basic agreement (BA).

(a) *Description.* (1) Basic agreements may be of the "Fixed Price" or "Cost Reimbursement" type. Both types can not be covered by the same basic agreement, although one, and only one, of each type may be entered into by the Air Force with the same contractor.

(b) *Applicability of basic agreements to procurement actions.* (1) Subject to limitations stated therein, basic agreements will be used to cover each new negotiated procurement placed with a contractor after the execution of the basic agreement if the basic agreement is of the proper type to cover the procurement (FP or CR). The applicable sections and clauses of the basic agreement, and supplements thereto, will be made a part of the procurement instrument by reference therein to the basic agreement by number. If the basic agreement has been amended, the reference will include specifically the numbers of all supplemental agreements thereto previously finalized. The reference to supplements must specifically state the number of the document referred to; the terminology "Basic Agreement No. ------ as amended," will not be used.

(2) Except as set forth below, if a proposed new procurement is to be covered by a supplemental agreement to an existing procurement contract, the supplemental agreement will amend the existing procurement contract to conform to the most recent basic agreement and supplements. This rule applies regardless of whether such existing procurement contract was entered into under the existing basic agreement prior to the latest supplemental agreement thereto, or under a basic agreement which at the time of the proposed new procurement is over-aged, expired, terminated, or superseded or was entered into without reference to a basic agreement. In such actions the terms of the most recent basic agreement may be made applicable to the entire procurement contract on and after the effective date of the procuring supplemental agreement, if it is determined to be in the interest of the Government to do so, or may be limited to the work added by such procuring supplemental agreement. The parties may agree to supplementing an existing procurement contract without incorporating the most recent basic agreement, as required above, if: (i) no clauses then required by statute or Executive Order are omitted, (ii) ASPR clauses are added or modernized to the same extent as would be required if a basic agreement did not exist, and (iii) permission to use any deviation involved has not been rescinded or expired by lapse of time.

(3) Supplemental agreements, negotiated solely pursuant to the terms of an existing procurement contract and not involving new procurement, need not, but may if determined to be in the interest of the Government, amend such exist-

ing contract to conform to a subsequently executed or supplemented basic agreement.

(4) Basic agreements are not necessarily all inclusive. Clauses covering subject matter not covered in the basic agreement and applicable to contracts of the type being negotiated, are subject to negotiation for inclusion in the procurement contract to the same extent as if no basic agreement existed; however, if a basic agreement, as amended, is less than one year old, clauses that have been changed after execution of the basic agreement should not be substituted for clauses in the basic agreement covering like matter, unless the revised clause is made mandatory by statute, Executive Order, or a specific statement to this effect in Subchapter A, Chapter I of this title.

(5) Pending the supplementing of an existing basic agreement, which is more than one year old, but which has not been superseded or terminated, such basic agreement may be used in the preparation of new procurement contracts if the clauses that would be required to make the procurement contract conform to current requirements of statute, Executive Order, ASPR, or AFPI are inserted or substituted in the proposed procurement contract. Deviations pertaining to clauses that require substitution may be made in the substituted clauses if the revision requiring the substitution is not related to the deviation.

(6) If a letter contract has been entered into under a basic agreement which thereafter was superseded by a new basic agreement, or amended by supplemental agreement, the contractual instrument which definitizes such letter contract will incorporate the superseding basic agreement, or the supplemental agreement as applicable. If the basic agreement in this situation has been terminated without being superseded, or has expired or has become over-age by failure to revise it as required, the definitive contract which supersedes the letter contract may incorporate the clauses of the basic agreement which were incorporated in the letter contract together with such additional clauses as have in the meantime become mandatory by statute, Executive Order or specific direction in ASPR.

(c) *Limitations.* (1) New procurement contracts will not incorporate the terms of superseded or terminated basic agreements.

(2) Portions only of the applicable terms of a current basic agreement will not be referred to in supplemental agreements to procurement contracts executed under superseded, expired, or terminated basic agreements, or in contracts prepared without reference to a basic agreement.

(d) *Procedure.* (1) Numbering: Each basic agreement will be numbered according to the established numbering system for contracts. For ease of identification, a separate block of numbers will be reserved therefor.

(2) If a contracting officer determines that a basic agreement with a contractor which does not have one is justified by the number of contracts being placed with such contractor and recurring substantial negotiating problems associated therewith, he may proceed with negotiations as authorized by subparagraph (3) of this paragraph.

(3) Authority to negotiate: ARDC is authorized to negotiate, write, and execute basic agreements with respect to research and development procurement only. Contracting officers of AMC field procurement activities and buying divisions, Hq AMC, are authorized to negotiate, write, and execute basic agreements. However, contracting officers of AMC field procurement activities and ARDC will not negotiate basic agreements with those concerns holding basic agreements executed by contracting officers of the AMC Aeronautical Systems Center.

(4) Approval: All basic agreements and amendments will be submitted to Commander, AMC, attn: MCPC, for review and administrative approval prior to submission to contractor for signature. Prior to submission to the office of the Procurement Committee (MCPC), Hq AMC, each proposed basic agreement, or supplement thereto, will be submitted to the staff judge advocate of the installation negotiating the basic agreement for review; and in addition, any coordination deemed necessary to insure that the contents of the basic agreement are adequate and suitable for the needs of the Air Force will be obtained.

(5) Amendment or supersession: The amendment of basic agreements will be accomplished by consecutively numbered supplemental agreements, negotiated and processed by the activity which negotiated and executed the basic agreement. The covering agreement of such supplements will contain a statement that it conforms with ASPR and AFPI as of revisions ------ and ------ respectively.

(i) *Annual review.* Such activity will be responsible also for establishing procedures to insure that basic agreements are reviewed and revised annually on a timely basis to conform to statutes, Executive Orders, ASPR, and AFPI. For the purpose of review, the term "anniversary of their effective date," (§ 3.405–4 (b)(2), of this title), means one year after the date of execution of the basic agreement and each year thereafter, however, if a basic agreement has been amended by supplemental agreement so that it contains all required ASPR clauses effective on the date of such supplement, the term means one year from the date of such supplement. If a basic agreement is reviewed and no revision is required, a statement to that effect will be made by the contracting officer.

(ii) *Need for amendment.* The term "conform with the current requirements of this regulation" as used in ASPR does not require reopening negotiations on use of a deviation which has been approved previously for the basic agreement unless the clause to which the deviation applies has been revised in such a manner as to affect the deviation. Failure to accomplish required revisions will result in an unauthorized ASPR or AFPI deviation insofar as ASPR or AFPI clauses which have been changed or added are concerned.

§ 1003.405–5 Indefinite delivery type contracts.

(a) *Definite quantity contracts (DQ)*—(1) *Description.* See § 3.405–5 (a)(1) of this title. This contract will provide only for firm fixed-prices or price escalation.

(2) *Applicability.* See § 3.405–5(a)(2) of this title.

(b) *Requirements contract (RC).* (1) Description: Estimated total quantity stated for information of prospective contractors will be in the contract as the estimated dollar amount of supplies or services to be procured during the contract period. This dollar amount will be the amount of the contract for purposes of determining the approval authority set forth in § 1001.457 of this chapter. Funds are obligated and delivery schedules and quantities are established by each call and not by the contract itself. Clause provided in § 1007.4028 of this chapter will also be a required clause. These contracts will provide only for firm fixed-prices or price escalation.

(2) Applicability: Requirement contracts are used in situations contemplated in Subparts FF, GG, and II, Part 1007 of this chapter, or for other commercial type supplies or services where requirements are indefinite in quantity and frequency. They also may be used where specific item requirements are not known but where requirements for similar supplies or services are anticipated and for minor repairs and alterations of buildings, roads, or other kinds of real property on AF bases. Foreign activities may add the clause in § 1007.4205–27.

(3) Limitations: Requirements contracts will be used only when contracting officer has, in contract file, statements signed by all activities authorized to make calls thereunder, that they will neither make a call on nor enter into a contract with any other contractor for delivery of specified supplies or services during the specified contract period; requirements recur frequently and are indefinite in quantity and occurrence; and amount of work is beyond local AF capability.

(4) In certain instances an AF activity may be able to perform a part of its entire estimated requirements in a given period for work of a type which, if contracted for, could be placed by a nonpersonal services contract. In such instances, a requirements contract may be used to purchase the requirements estimated to be in excess of the activity's capabilities to perform, provided all the following criteria are met:

(i) The requirements are for nonpersonal services (and supplies incidental to such services) and are otherwise authorized for procurement by a requirements contract pursuant to § 3.405–5(b) of this title.

(ii) There is a recurrent need for the services by the activity concerned.

(iii) No sharp increase or decrease in the activity's internal capabilities to perform the services is anticipated during the contract term.

(iv) Capabilities of AF activities other than that whose requirements are involved are not to be used to perform the services contracted for.

(v) It is determined that no other type of contract is as suitable for obtaining such services, on a timely basis, or without excessive administrative costs.

When pursuant to the foregoing, this type of contract is used, the clause set forth in § 1007.4028(a) of this chapter, amended as provided in § 1007.4028(b) of this chapter, will be inserted in the contract.

(c) *Indefinite quantity contract (IQ)*—(1) *Description.* Clause in § 1007.4039 of this chapter is required. Minimum quantity of supplies or services will be stated in terms of obligated dollars only and will be a part of the contract when executed. First call (order) on the contract may or may not be part of the original contract. The procuring contracting officer will decide which alternative is better. In addition to specific items in first call, contract may cover future calls for similar type supplies or services where recurring needs are anticipated, provided pricing for those calls can be effected by the same method used for the first call and is so specified in contract. Except for amount on contract, the Government is not obligated to order any supplies or services during the contract period. After liquidation of original obligated dollars by calls, all funds are obligated and delivery schedules and quantities are established by each call. Stated maximum quantity in contract will be the established dollar amount of similar supplies or services of the type involved to be procured during the contract period. This dollar amount will be considered the amount of the contract within the delegation of authority to make awards and execute or approve contracts set forth in § 1001.457 of this chapter. These contracts will provide only for firm fixed prices or price escalation.

(2) *Applicability.* After an indefinite quantity contract which includes the first call has been executed, this type of contract offers a means of expeditious contractual coverage where quantity, delivery, specific items, and price are not known but where recurring emergency requirements for similar supplies and services are anticipated. Foreign purchase activities may add the clause in § 1007.4205–27 of this chapter.

§ 1003.405–50 Open contract (OC).

(a) *Description.* Open Contracts do not obligate the Government to order any supplies or services but do contain either general or detailed descriptions of the supplies or services which the Government may order during a specified period of time. No prices are contained in the contract, but provision is made for the method by which pricing is to be effected. As in the case of call contracts, funds are obligated and quantities are established by each order and not by the contract itself.

(b) *Applicability.* An open contract offers a means of expeditious contractual coverage where quantity, delivery, specific items, and price are not presently known but where recurring emergency requirements for similar supplies and services are anticipated. This type of contract should not be used where firm requirements for future supply can be computed sufficiently in advance to permit a definite quantity contract.

(c) *Limitations.* (1) The open contract is not authorized for use by local purchase activities and foreign procurement activities. Further, the use of open contracts by AMC field procurement activities requires prior approval by the director of procurement and production at the respective AMC field procurement activity.

(2) Open contracts will be written for a period not exceeding 12 months; provided, however, in the case of open contracts expiring June 30 of any year, replacing open contracts may be written for either 15 or 18 months to avoid ending with a fiscal year; but thereafter the subsequent replacing contract will be written for a period not exceeding 12 months.

(3) Any order using 1 year funds will be supported by fiscal year funds in effect at the date of the order.

(d) *Contract clause.* See Subpart Z, Part 1007, of this chapter.

(e) *Standardized use of open contracts.* (1) AMA's (hereinafter called requiring AMA's) anticipating requirements for open contracts with contractors under the contract administration responsibility of other AMA's (hereinafter called administering AMA's) and AF depots anticipating requirements for open contracts will submit the following information to the AMA administering a potential contractor:

(i) Name of potential contractor with whom the open contract will be written. (When appropriate specify the particular division of the company involved.)

(ii) AF property class designation(s) of item(s) to be procured and general item description(s).

(iii) Estimated dollar value of FY requirements.

(iv) Information to support the necessary determination and finding according to the provisions of Subpart B of this part.

(2) When the information in subparagraph (1) of this paragraph indicates at least two requiring AMA's or AF depots anticipate the same contractor as a source of supply, the procuring contracting officer in the administering AMA will execute the determination and finding and write the open contract. Copies of the determination and finding will be distributed to the requiring AMA's/depots and will be used to support all orders placed under the contract. The open contract should not be executed in the first instance if there are not adequate factual circumstances to support all of the anticipated orders under the open contract.

(3) When an administering AMA determines that one of its contractors is anticipated as a source of supply by only one AMA or AF depot, it will authorize in writing the requiring AMA or AF depot to write and distribute its own open contract.

(4) Only those AMA's and depots for which a contract has been written under the provisions of subparagraph (2) of this paragraph are authorized to issue orders against that contract. Other AMA's and depots must request permission to issue orders from the administering AMA. In either event copies of the determination and finding must be obtained from the administering AMA to support the order(s) to be issued.

§ 1003.405–51 Call procurement arrangements.

(a) *Description.* A call procurement arrangement is an agreement containing a specific description of the supplies or services to be furnished but not containing specific quantities or delivery schedules. The arrangement, along with other terms, contains fixed prices and specifies the period during which calls may be made. The Government is under no obligation to call for any supplies or services during such period. Quantities and delivery schedules are established by each call.

(b) *Applicability.* A call procurement arrangement may be appropriate where quantity and delivery requirements are not presently known, but where recurring requirements are expected to arise in circumstances where—by the time such requirements become definitely known—time would not permit solicitation of bids or proposals, and fixed prices can be established at the outset for the supplies or services to be procured. Thus, a call procurement arrangement may be applicable where standby procurement coverage is required and circumstances will not permit firm contractual commitments by either the Government or the contractor, for example: in the procurement of the printing of technical data or oxygen.

(c) *Limitations.* (1) Call procurement arrangements will be written for a period not exceeding 12 months, but not necessarily on a fiscal year basis.

(2) Call procurement arrangements will not be used where the requisites for indefinite quantity contracts or requirements contracts can be met. The maximum efforts should be exerted to come up with minimum and maximum requirements. A call procurement arrangement should be used only when no other method of procurement can be used. The procurement file will contain a statement giving the reasons why the use of an Indefinite Quantity or Requirement Contract cannot be used and why a call arrangement is necessary.

(3) Any call using 1 year funds will be supported by fiscal year funds in effect at the date of the call.

(d) *Contract clause.* The appropriate clause for incorporating the call feature in a contract is set forth in § 1007.4040 of this chapter.

§ 1003.406 Additional incentives.

§ 1003.406–1 General.

See § 3.406–1 of this title.

§ 1003.406–2 Performance-incentive contracts.

(a) *Description.* Depending upon the type of cost incentive contract with

which the performance-incentive is linked, its identifying symbol will be CPIF–P, FPIS–P or FPIF–P.

(b) *Applicability.* See § 3.406–2(b) of this title.

(c) *Limitations.* Requests for approval to use a performance-incentive contract will be sent to Pricing and Negotiation Division (MCPF), Hq AMC, before final agreement is reached with contractor. Requests will be in writing and will explain the proposed arrangement fully.

§ 1003.406–3 Contracts with value engineering incentives.

(a) *Description.* See § 3.406–3 of this title.

(b) *Applicability.* The value engineering incentive provision in paragraphs (d) (1) and (2) of this section will be included in contracts involving the production or modification of supplies where there is reasonable assurance that value engineering may result in reduced contract cost. For development contracts, see paragraph (d) (3) of this section.

(c) *Limitations.* Requests for approval to use a value engineering incentive provision in contracts other than firm fixed price supply contracts (advertised or negotiated) will be submitted to AMC (MCPF). Coordination with the appropriate ARDC agency will be effected before an approval is made by MCPF. Requests will describe the procurement, the reason for having a value engineering incentive provision, and the proposed schedule provisions spelling out the extent of the value engineeering program and the percentage of contractor participation in any resulting saving.

(d) *Contract clauses.* (1) According to paragraph (b) of this section, a clause will be included in the schedule of contracts other than firm fixed price supply and development contracts which provides:

(i) That the contractor and to the extent practicable his subcontractors will establish and maintain throughout the term of the contract a value engineering program.

(ii) The nature and extent of the value engineering effort, including the manner in which the contractor will carry out such effort through employment of full-time engineering and other technical personnel, and by internal programs for the development of cost reduction improvements or techniques.

(iii) For the submission of value engineering proposals in the same manner as Engineering Change Proposals, utilizing the ECP format for submission of value engineering proposals through the established ECP review channels for approval.

(iv) The manner in which the price, targets, or fee will be adjusted if value engineering proposals are accepted. In negotiating sharing arrangements under value engineering incentive programs, consideration will be given to the extent to which the contractor assumes the cost of the value engineering effort (direct assumption of the cost by the contractor as distinguished from imposing such cost on the Government) and upon other factors involved. In any event contractor sharing will not exceed 50 percent of the net savings, nor the secretarial or legal limits of the contract including other contract incentives.

(v) That the Government does not have to adopt any value engineering proposal and failure to do so is not subject to the "disputes" clause of the contract.

(2) Firm fixed price supply contracts (advertised and negotiated) in excess of $500,000 where there is a reasonable assurance that value engineering studies and the adoption of value engineering proposals during the period of performance may result in reduced contract cost to the Government should contain a clause substantially as set forth in § 1007.4064 of this chapter. This clause encourages, but does not require the contractor to establish a value engineering program. It authorizes, however, equal sharing with the Government of the amount of cost reduction agreed upon. The clause will be inserted in IFBs and RFPs.

(3) *Value engineering in development contracts.* Development contracts in excess of $500,000 for complex supplies intended for future production where there is reasonable assurance of cost benefit will include a clause which provides that:

(i) The contractor will establish and maintain throughout the term of the contract a value engineering program.

(ii) The nature and extent of the value engineering effort, including the manner in which the contractor will carry out such effort through employment of full-time engineering and other technical personnel, and by internal programs for the development of cost reduction improvements or techniques.

Subpart E—Advance Payments

For a complete discussion on the policy and procedures covering advance payments see § 1030.5 of this chapter and Part 163, Subchapter E, of this title. For instructions relating to administration of advance payments see Subpart D, Part 163 of this title, Part IV, § 1030.5 of this chapter, and Subpart AA, Part 1054 of this chapter.

Subpart F—Small Purchases

§ 1003.601 Purpose.

To accomplish the objective cited in § 3.601 of this title, administrative requirements not contained in Chapter I of this title or this part for additional copies or wider distribution of small purchase contracts or the addition of certificates with regard to the use or purpose of items being purchased, required for accounting or other purposes, will *not* be observed by contracting officers. Any exceptions deemed necessary will be authorized in the future through the issuance of changes to this part.

§ 1003.604 Imprest funds (petty cash) method.

(a) *Policy.* (1) This section establishes procedures for making small purchases of supplies and services other than personal through the use of imprest funds. Imprest funds will be set up for designated cash purchasing officers who may use these funds to make otherwise authorized procurements with a minimum of accounting procedures. Cash purchasing is, however, just one of a number of simplified small purchase procedures prescribed by Subpart F, Part 3 of this title.

(2) Cash purchasing will be limited, to the greatest extent practicable, to the contracting office. Exceptions to this policy may be made only under unusual circumstances, such as at isolated activities where no contracting office is located, or where purchases will involve highly technical material like medical supplies, and then only with the prior written approval of the major air commander or a designated representative within his headquarters. See § 1003.604–1.

(3) The use of Standard Form 1094, "US Government Tax Exemption Certificate," will not be required for payments made in cash through the use of the imprest fund procedure. Cash purchases will be made on a basis inclusive of all taxes except where the vendor is permitted by local or state authorities to use the copy of AF Form 385a as evidence that a local or state tax was not included in the price to the Government (see § 1003.604–2(a)(3)).

(b) *Definitions.* For the purpose of this section, the following definitions will apply:

(1) "Base commander:" The officer, or in his absence his deputy, who has command over the installation and who is responsible to higher authority for the execution of the mission of the installation.

(2) "Cash Purchasing Officer." Any officer, warrant officer, airman (not below grade E–5), or civilian under the command or jurisdiction of the base commander who has been appointed cash purchasing officer (imprest fund cashier) and also appointed a cash purchasing agent by competent authority.

(3) "Accounting and Finance Officer." The individual who performs the duties described in paragraph 50318, AFM 170–6 (Functions and Responsibilities).

(4) "Accounting and Disbursing Agent." The individual who performs the duties described in paragraph 50322, AFM 170–6.

(5) "Subvoucher:" A receipt for authorized goods or services purchased and payments made.

§ 1003.604–1 Conditions for use.

See § 3.604–1 of this title.

(a) Purchases for each activity, i.e., air installations or base supply, will be considered separate transactions if based upon separate Purchase Requests or other authorized requisition forms used as purchase requests.

(b)–(d) See § 3.604–1(b)–(d) of this title.

(e) A cash purchasing officer has been appointed, is bonded, and has been intrusted with funds.

(f) The supplies or services to be procured are authorized for purchase by existing regulations or directives.

(g) The signature of the vendor or his agent can be obtained for each transaction over $3.

(h) The cost of the item is considered reasonable.

(i) No additional action following payment for the supplies or services and the signing of the receipt by the vendor is required to complete the procurement. Assigning a defense order rating or execution of a hand receipt by the vendor for equipment delivered to him for repair are not considered "additional action."

(1) *Limitation.* Imprest funds will not be used to pay for personal services, to pay transportation charges on bills of common carriers, to cash checks or other negotiable instruments, or for any other payment that is not for authorized small purchases contemplated by these instructions.

(2) *Cash purchasing procedure.* (i) *Requests for procurement.* (a) Requirements will be submitted to the contracting office (or Cash Purchasing Officer at isolated activities without a contracting office) as appropriate.

(b) If a cash purchasing officer who is assigned to a contracting office determines that cash purchase is not appropriate and that the requirement is chargeable against an obligation authority or may be purchased against a blanket purchase agreement, he will turn the requirement over to the contracting officer, who will process it by one of the other prescribed small purchase procedures. If the requirement cannot be charged to an obligation authority or purchased against a blanket purchase agreement or if a cash purchasing officer who is not assigned to a contracting office determines that cash purchase is not appropriate, the requirement will be returned to the initiating office for submission to the contracting officer as a funded purchase request.

(c) When a contracting officer receives a funded Purchase Request and determines that the supplies listed therein should be procured by cash, he will mark across the face of the Request "appropriate for cash purchase," and effect the procurement by cash if authorized to do so, or forward a copy of the request to a cash purchasing officer who will effect the procurement by cash on the basis of the information contained in the request.

(ii) *Effecting procurement.* (a) The contracting officer, or cash purchasing officer, upon receipt of the requirement, will make the determination, based on paragraph (a) of this section, as to whether the supplies will be purchased by cash. If he decides to purchase by cash, the contracting officer, or cash purchasing officer, will select a source (see § 3.603 of this title) and effect payment in cash upon delivery. At the time of payment, a signed receipt will be obtained from the vendor on AF Form 385, "Cash Purchase Receipt."

(b) At the discretion of the cash purchasing officer, quantities in excess of those requisitioned by the using activity may be procured if the standard unit pack of such item can be purchased more economically than the exact quantity requested. The full unit pack will be accepted by the requisitioning activity.

(3) *Cash purchasing officers*—(i) *Appointment and termination authority.* Any base commander is authorized to appoint any qualified officer, warrant officer, airman (not below Grade E–5), or civilian under his jurisdiction as a cash purchasing officer and to terminate such appointment whether made by him or a predecessor. However, before a base commander may appoint any individual who is not assigned to the contracting office as a cash purchasing officer, prior written approval for assigning cash purchasing functions outside the contracting office must be obtained. When it is necessary to appoint a cash purchasing officer in an activity of one major command which is assigned to a base of another major command for logistical support, but which is geographically located away from the base, such appointment will be made by the base commander of the base to which assigned for logistic support, after securing the necessary prior approval from his major air commander.

(ii) *Appointment and termination orders.* Each appointment and termination of appointment will be made by the base commander in writing, together with special orders or letter orders, which will: (*a*) Include designation as a cash purchasing officer (imprest fund cashier) and as a cash purchasing agent; (*b*) identify the name, installation, and accounting and disbursing station number of the accounting and finance officer or accounting and disbursing agent for whom the cash purchasing agent will act; (*c*) specify the duties and responsibilities related to the appointment and a statement that the position is covered by Air Force position schedule bond; and (*d*) cite the maximum amount of cash to be advanced to the cash purchasing officer.

(4) [Reserved]

(5) *Personal responsibility.* (i) Attention is directed to the following sections contained in Title 18, U.S. Code Annotated, crimes and criminal procedure, which provide:

(*a*) *Sec. 653, Disbursing officer misusing public funds.*

Whoever, being a disbursing officer of the United States, or any Department or agency thereof, or a person acting as such, in any manner converts to his own use, or loans with or without interest, or deposits in any place or in any manner, except as authorized by law, any public money intrusted to him; or, for any purpose not prescribed by law, withdraws from the Treasury or any authorized depositary, or transfers, or applies, any portion of the public money intrusted to him, is guilty of embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled or imprisoned not more than ten years, or both; but if the amount embezzled is $100 or less, he shall be fined not more than $1,000 or imprisoned not more than one year or both.

(*b*) *Sec. 1001, Statements or entries generally.*

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(*c*) *Sec. 2073, False entries and reports of moneys or securities.*

Whoever, being an officer, clerk, agent or other employee of the United States or any of its agencies, charged with the duty of keeping acounts or records of any kind, with intent to deceive, mislead, injure, or defraud, makes in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties; or

"Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, with like intent, makes a false report of such moneys or securities—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

(ii) The cash purchasing officer will be responsible for the legality of all payments made by him and personally accountable for any unauthorized payments he may make.

(iii) When the cash purchasing officer is in doubt as to the propriety of any particular purchase he may refer the matter to the base commander who, if he considers the purchase proper, will give specific approval in writing for the purchase before it is made.

(iv) The base commander will be responsible for insuring that sufficient surveillance of the cash purchasing system is maintained to assure that pertinent laws and regulations are observed.

(6) *Request for deviations and interpretations.* Deviations from the requirements of § 1003.604 will be made only by and with the prior approval of the Director of Procurement and Production, DCS/M, Hq USAF, who will be responsible for coordination and clearance of all proposed deviations within the Department of Defense. Requests for deviations or interpretations of § 1003.604 will be sent to Hq USAF through channels including Commander, AMC, attn: MCPC.

§ 1003.604–2 Documentation.

(a) *Cash purchase receipt.* AF Form 385, "Cash Purchase Receipt," and AF Form 385a, "Cash Purchase Receipt—Memorandum," April 16, 1956, are authorized for use in lieu of Standard Form 1165. AF Form 385 (original) is available in pads and AF Form 385a is available in pads with interleaved carbon.

(1) AF Form 385 and four copies of AF Form 385a will be prepared, except as provided in subparagraph (3) of this paragraph, using ballpoint pen, indelible pencil, or typewriter, to include the following:

(i) Date.

(ii) Receipt number: The receipt number will consist of the last two numbers of the fiscal year in which prepared, followed by a dash and then numbered serially for the fiscal year, beginning with the number 1. If more than one cash purchasing officer has been appointed at the installation, each officer will be assigned a letter (A, B, etc.) to be suffixed to the fiscal year symbol. (For example: 60A–1, 60A–2, etc.)

(iii) Station.

(iv) Deliver to (organization or unit). Enter delivery data.

(v) Reference number: Cross-reference to the voucher number on the Purchase Request or other authorized requisition form.

(vi) Name of dealer.

(vii) Location: Enter location of organization or unit to which delivery is to be made.

(viii) Account symbol: Enter stock record account symbol.

(ix) Address: Enter dealer's address.

(x) Work order, Property Class, or USAF Cost Code.

(xi) Organization Code or MPA Account Number. (Applicable only to installations.)

(xii) Description of items.

(xiii) Quantity.

(xiv) Unit.

(xv) Unit price.

(xvi) Amount: Enter dollar amount of each item.

(xvii) Applicable authority for purchase: Enter the authority for making the purchase cited on the Purchase Request or other authorized requisition form.

(xviii) Approved by: Enter the name of the person or office authorizing the purchase as it appears on the Purchase Request or other authorized requisition form.

(xix) Total: Enter the total dollar amount of Cash Purchase Receipt. Where purchase is made in foreign currency, the total will be inserted by the cash purchasing officer in United States dollar amounts, showing the rate of exchange.

(xx) Signature of Cash Purchasing Officer certifying that the purchase has been made according to § 1003.604–1.

(xxi) Name of Seller or Agent of Seller.

(xxii) Signature of Seller or Agent of Seller, on original AF Form 385 only, certifying that cash payment has been received: The total amount of the payment in words and figures will be inserted prior to payment. When purchase is made in foreign currency the words and figures will be inserted by the seller or his agent in terms of the foreign currency, and converted by the cash purchasing officer into United States dollar amounts as set forth in subdivision (xix) of this subparagraph. Where it is impossible to secure the seller's signature and the amount of the purchase does not exceed $3, the cash purchasing officer will note the fact on the Cash Purchase Receipt, delete the certification of receipt of payment made, and sign his own name in the place set forth for signature by the seller. See § 1003.604–4(a), authorizing the carrier to sign the receipt for the total cash received for a c.o.d. shipment.

(xxiii) Signature of consignee or receiver, certifying that the supplies have been received and accepted for intended use. The copy of AF Form 385 retained by the cash purchasing officer need not be signed by the consignee or receiver.

(xxiv) Organization or Unit of consignee or receiver.

(xxv) Receiving Report No. (To be assigned by consignee or receiver when appropriate.)

(2) If delivery of the supplies is made to central receiving, two completed copies of the AF Form 385a will be given to the receiver upon delivery. If delivery is made to an organization other than central receiving, the cash purchasing officer will forward to the base accountable supply officer or his designee two completed copies of the AF Form 385a not later than the morning following the date of delivery except, where the items procured are either supplies for resale, medical supplies, or nonpersonal services, in which case, the two copies of the AF Form 385a will be forwarded to the office which authorized the cash purchase. The accountable supply officer's voucher number will be inserted on the copies of the AF Form 385a and one of the completed copies will be forwarded to the Inventory Accounting (Monetary) Unit not later than the day following the day of delivery.

(3) A copy of AF Form 385a may be furnished to a vendor upon his request in every instance where such action will result in a saving to the Government. An example of a saving is a case where the vendor is permitted by local or state authorities to use the copy of AF Form 385a, as evidence that a local or state tax was not included in the price to the Government. In addition, when purchase is made against an "obligation authority" established by an AF depot or air materiel area, a copy of the AF Form 385a will be furnished to the appropriate AF depot or air materiel area for support of its obligation authority. Except when a copy of the Cash Purchase Receipt is required by the vendor or by an AF depot or air materiel area, only the original AF Form 385 and five copies of AF Form 385a will be prepared.

(4) All changes, alterations, and corrections made on AF Form 385 will be initialed by the cash purchasing officer.

Obsolete Form No. 1129—Rev. Proper prescribed by Comp. Gen., U. S. March 10, 1953 General Regulations No. 108

ATTACH SUPPORTING PAPERS HERE

REIMBURSEMENT VOUCHER

D.O. Vou. No. (For use of Accounting & Finance Officer)

Bur. Vou. No.

PAID BY

(For use by Accounting & Finance Office Only)

U.S. Air Force - Accounting & Finance
(Department, bureau, or establishment)

Payee's name John Doe, Cash Purchasing Agent

Mailing address Blank Air Force Base

(AF Form 385)

For payments made on account of official business as per attached subvouchers numbers (Insert Number) to (Insert Number), inclusive, for the period (Insert Date), 19....., to (Insert Date), 19....., and reclaimed subvouchers numbers (Insert Numbers)

STATUS OF FUND	DOLLARS	CENTS
This Voucher	(Insert Amt's.)	
Unpaid Reimbursement Voucher Dated		
Unscheduled Subvouchers		
Interim Receipts for Cash		
Cash on Hand		
TOTAL	(Total of Above)	

AMOUNT

DOLLARS	CENTS
(Insert Amt's.)	

Differences (For use of Accounting & Finance Officer or Accounting & Disbursing Agent Only)

Amount verified; correct for

(Signature or initials)

(For Administrative Use)

I certify that the disbursements claimed herein are correct and proper, that payment has not been received, and that the status of the imprest fund for which I am accountable is as stated above.

(Signature of Cash Purchasing Agent)

(Insert Date) (Date)

(Imprest Fund Cashier)

DOD GENERAL ONLY

Title (Cash Purchasing Agent)

Approved:

(Not to be completed)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

(For use of Accounting & Finance Officer or Accounting & Disbursing Agent)

(Date) *Authorized Certifying Officer.*

(DOD GENERAL ONLY)

Number of reimbursement checks desired .....

In the amounts of (Insert Amounts)

ACCOUNTING CLASSIFICATION (Appropriation symbol must be shown—other classification optional)

(To be completed by Comptroller's Office)

* Insert amount of voucher submitted to finance officer for which reimbursement has not as yet been received.

** Insert dollar and cents amount of AF Forms 385 on hand for which reimbursement has not been requested.

*** Insert amount of cash in hands of others for which interim receipts are being held.

**** Insert amount of cash and checks on hand.

Paid by check(s) on Treasurer of the United States in favor of payee named above No.(s)

(For use of Accounting & Finance Officer or Accounting & Disbursing Agent)

Paid by cash, $..... on (Date)

(For use of Accounting & Finance Officer or Accounting & Disbursing Agent)

Payee

(DOD GENERAL ONLY)

16—64564-8 ☆ U.S. GOVERNMENT PRINTING OFFICE: 1961—O-714479

(b) *Standard Form 1129, "reimbursement voucher."* Standard Form 1129 will be completed by cash purchasing officers in accordance with the sample form set forth in this section.

§ 1003.604–4 Delivery of cash purchases by suppliers.

(a) *C.O.D. shipments.* Local vendors should be encouraged to institute a free delivery service on a c.o.d. basis. Pickup service is costly and should be avoided whenever practicable. Vendors should be reminded that to ship c.o.d. will eliminate certain bookkeeping and invoicing procedures and place the Air Force in the same position as their many other cash customers. When supplies are not available in the local trade area and the total cost including delivery and c.o.d. charges will be less than $100, a cash purchasing officer who is also a contracting officer, or who is under the immediate jurisdiction of a contracting officer, or a cash purchasing officer assigned to an isolated activity where no contracting officer is located, may instruct the vendor to ship c.o.d. However, c.o.d. orders will be placed only in those instances where the supplies are or will be available for delivery within a period not to exceed 10 days from date ordered by the cash purchasing officer. When ordering supplies c.o.d. from out of town sources, prices will be solicited on the basis of net prices, f.o.b. source, with all charges, including transportation and c.o.d. charges, payable at destination. These instructions may be verbal or written, but will, in any event, represent an obligation against the imprest fund. Sufficient cash must be held in reserve in the imprest fund for all c.o.d. orders. At no time will the total amount of c.o.d. orders exceed the cash balance held by the cash purchasing officer who ordered the supplies. An appropriate notation will be made on the Purchase Request or other authorized requisition form or informal written request citing manner and date of shipping instructions. Government bills of lading will not be used. The Purchase Request or other authorized requisition form, or informal written request will be held with the cash and records of the cash purchasing officer pending receipt of the supplies. When supplies are received, the c.o.d. charges will be paid in cash. All delivery charges will be included in the cost of the supplies or entered as a separate item on the cash purchase receipt. A separate receipt will not be prepared for this purpose. The carrier (for parcel post, the postmaster or delivery clerk) may sign the receipt for the total cash received. The carrier's signature may be obtained on AF Form 385, or, where an original c.o.d. receipt is furnished, on the original c.o.d. receipt which will be attached to the original AF Form 385. The Comptroller General's decision B–114319, June 23, 1953 (32 C.G. 563), authorizes such payment prior to inspection.

(b) *Orders placed on a c.o.d. basis but received prepaid.* When the cash purchasing officer has placed an order on a c.o.d. basis to be shipped by parcel post, freight, express or other public carrier, and the shipment, through error, is not shipped c.o.d., it may not be paid under the cash purchasing procedure. Under such circumstances, a confirming purchase order (for instance a DD Form 1155) may be issued instructing vendor to submit a certified invoice to the accounting and finance officer, and payment may then be made by check.

§ 1003.605 Order - invoice - voucher method.

Standard Form 44, "Purchase Order-Invoice-Voucher," is available in seven-part, manifold snapout construction with interleaved carbon of light-weight paper which permits preparation by ballpoint pen or indelible pencil as well as typewriter.

§ 1003.606 Blanket purchase agreement method.

§ 1003.606–1 General.

The Blanket Purchase Agreement method will be used to the greatest extent practicable. All potential sources in the local trade area of the AF base will be given an equal opportunity to furnish supplies and/or services to the Government under the terms and conditions of the blanket purchase agreement (BPA) method. To accomplish the above and comply with § 3.606–1 of this title for equitable distribution of requests among different suppliers, the following procedure may be used where more than three sources are available for like items:

(a) Generally, not less than three nor more than four BPAs will be placed concurrently for like items.

(b) Requests exceeding $250 are placed after negotiation with each BPA holder.

(c) At the expiration of the period covered by these BPAs, a tabulation is made of all competitive requests placed against the BPA.

(d) The BPA sources receiving the largest monetary value of competitive requests are issued BPAs for the subsequent period; the other source(s) are rotated with other potential sources in the local trade area.

(e) The firms dropped from the BPA lists, because of low monetary volume of competitive requests during the preceding period, are notified of the reasons for this discontinuance and advised that further opportunity to compete for the Government's requirements on BPAs will be given when other non-BPA potential sources have been given an equal opportunity to compete.

§ 1003.606–2 Establishment of blanket purchase agreement.

Notwithstanding the monetary limitation imposed by § 16.303–2(b) of this title, DD Form 1155, "Order for Supplies or Services," will be used to establish the "Blanket Purchase Agreements." The agreement will be numbered according to § 1053.201 of this chapter. The schedule in each blanket purchase agreement will contain a statement to the effect that issuing individual requests against the BPA will be made under the authority of 10 U.S.C. 2304(a)(3), except blanket purchase agreements made by foreign base procurement activities will refer to 10 U.S.C. 2304(a)(6).

(a) See § 3.606–2(a) of this title.

(b) When individual requests are to be funded against existing obligation authorities, blanket purchase agreement will contain the statement: "Individual requests under this agreement will be charged to an existing obligation authority administered by the contracting officer."

(c) To facilitate placement of requests against blanket purchase agreements when vendors are located outside the local trade area of the AF base, the contracting officer may negotiate a prior understanding of pricing basis for noncompetitive orders (under $250). Usually this will be a matter of discount from some recognized list price which will allow for the pricing and placement of the request without prior contact with the vendor by telephone, telegram, or correspondence. Such pricing arrangement should be prepared as a memorandum for record and maintained in the BPA file. This memorandum need not be redrawn at the beginning of each BPA period, but should at all times represent the current understanding.

(d)—(f) See § 3.606–2 (d) through (f) of this title.

(g) In establishing blanket purchase agreements, contracting officers will attempt to induce vendors to provide delivery of supplies purchased thereunder. Vendors should not be expected to make multiple deliveries of small dollar value purchases. However, an agreement wherein vendors would deliver all purchases, in excess of a specified monetary value is considered feasible and advisable.

§ 1003.606–3 Conditions for use.

(a) See § 3.606–3(a) of this title.

(b) The maximum period of time covered by a BPA will not exceed 3 months or extend beyond the end of the fiscal quarter in which issued. The maximum aggregate amount of requests to be issued against one BPA will not exceed $15,000. When consolidated receiving reports are used, no requests will be placed against BPAs unless delivery can be accomplished within the effective period of the agreement.

§ 1003.607 Use of Department of Defense or departmental procurement forms.

Small purchases as defined in § 3.600 of this title will normally be accomplished on AF Form 385 and AF Form 385a, SF44, or DD Forms 1155 and 1155s. When DD Form 1155 and 1155s are used, they will be prepared and processed according to Subpart C, Part 16 of this title and Subpart C, Part 1016 of this chapter. When the procurement necessitates the addition of clauses covering the subject matter of any ASPR clause, other than those set forth on the reverse side of DD Form 1155 or on the face of DD Form 1155s, or in § 6.403 of this title, any appropriate authorized negotiated (two-signature) contract form (e.g., DD Form 1261) will be used.

§ 1003.651 Credit cards.

This section provides a procedure for processing payment invoices covering

service station purchases made on credit cards.

§ 1003.651–1 Applicability of section.

This section applies to AMC field procurement activities and AF base procurement activities.

§ 1003.651–2 General.

(a) All requests to oil companies for credit cards will be made according to Federal Supply Schedule classes 7 and 14 and by a properly appointed contracting officer who will be accountable for all such cards issued to the installation.

(b) The contracting officer will maintain a record of all credit cards received and issued and of the officer having responsibility for each card.

(c) Upon receipt of a written request, credit cards will be issued by the contracting officer to an officer responsible for vehicles (commander, motor vehicle squadron, base motor pool officer, etc.). Such officer will be responsible to the contracting officer for purchases made against credit cards issued to him.

(d) Whenever a purchase is made against a credit card, the individual making the purchase will secure from the service station attendant a copy of the delivery ticket and, immediately upon return from a trip, will turn in such delivery ticket to the officer responsible for the credit card.

(e) The officer responsible for the credit card will immediately review each delivery ticket to insure that it is correct and complete, including identification number of the vehicle and signature of the individual who made the purchase.

(1) If the responsible officer is authorized to hold the credit card for an indefinite period, he will accumulate these delivery tickets and submit them to the contracting officer on the first work day of each month, and, in addition, on the 15th day of June or the first work day thereafter.

(2) If the credit card has been issued for a specific trip, the responsible officer will submit delivery tickets to the contracting officer immediately upon return from the trip.

(f) Copies of delivery tickets will be held by the contracting officer, filed under the name of the appropriate Federal Supply Schedule contractor pending receipt of invoice.

(g) Oil companies will be instructed to submit all invoices for credit card purchases to the contracting office.

(h) To preclude overobligation of funds in connection with credit card purchases, the contracting officer will: (1) Utilize "obligation authorities," for all purchases made, billed, and processed for payment during the same fiscal year (appropriate action, as determined locally, will be taken to assure that sufficient funds of the obligation authority are available to cover credit card invoices), and (2) initiate action in the month of June of each year to require the accounting activity to record an obligation using AF Form 406 "Miscellaneous Obligation Document" (MOD) in an amount sufficient to cover all purchases made or anticipated to be made during the fiscal year but not billed for prior to the end of that fiscal year. The amount and period of the "MOD" will be governed by local conditions and practices. Factors to be considered are: (i) Uninvoiced delivery tickets, (ii) average monthly expenditures, (iii) average delay between date of purchase and date of billing, and (iv) average time required to process purchases made during a specific monthly period.

(i) Upon receipt of the invoice and supporting delivery tickets, the contracting officer will match the copies of delivery tickets in his suspense files with those attached to the invoice and verify the amount due. Upon verification of the amount due, the contracting officer will prepare a DD Form 1155, "Order for Supplies or Services," under the applicable Federal Supply Schedule contract. The order will cite the current Obligation Authority and proper allotment citation and, if appropriate (when invoice covers purchases made during the current and preceding fiscal years), the allotment citation, number and date of the Miscellaneous Obligation Document established by paragraph (h) of this section. The duplicate delivery tickets will be retained in the files of the contracting officer.

(j) Delivery orders prepared and issued as above will not:

(1) Itemize the supplies and services shown on the invoice, but will merely contain a reference to the contractor's invoice and amount, less State and local taxes, if any.

(2) Be written for a portion of the invoiced amount. (If a discrepancy is discovered, such an error in the amount of the invoice or of the tickets attached, or an unauthorized purchase, such discrepancies will be rectified prior to preparation of the order.)

(3) Be distributed to the contractor (order is for internal Air Force purposes).

(4) Be issued to such organizations as the National Credit Card Association (invoice must be submitted by the oil company concerned).

§ 1003.651–3 Issuance of tax exemption certificates.

Standard Form 1094, "U.S. Government Tax Exemption Certificates," will be issued by the contracting officer according to Part 1011 of this chapter.

§ 1003.651–7 U.S. Government national credit card.

Standard Form 149, "U.S. Government National Credit Card," developed by GSA for optional use in obtaining service station deliveries of supplies and services from Federal Supply Schedule Contractors, FSC Group 91, will not be procured or used by AF activities.

§ 1003.652 Procurement of contractual maintenance services aggregating no more than $500.

This section provides a procedure for obtaining contractual maintenance services not in excess of $500 per purchase action, when the development of a definite work statement and repair specifications are not considered economically feasible.

§ 1003.652–1 Applicability of section.

This section applies to all AF procurement activities.

§ 1003.652–2 Conditions for use.

The procedures contained herein will be used for the procurement of repair and/or maintenance services of commercial type equipment when the following conditions prevail:

(a) The aggregate amount of the procurement does not exceed $500. Requirements will not be "split" for the purpose of using this procedure.

(b) When it is not feasible to develop a definite work statement and repair specifications are not considered economical.

(c) A one-time or "sporadic" requirement is involved. For recurring or repetitious requirements for services on like or similar items, or for individual requirements estimated to exceed $500, procurement will be affected by one of the other approved types of contracts in ASPR and AFPI, as determined in the best interest of the Government.

(d) Where realistic competitive prices cannot be obtained for services without tear down and inspection of the equipment involved. In areas where commercial practice is to quote fixed prices for repair of commercial items without inspection (e.g., rewinding electric motors, repair of watches, small clocks and similar items) tear down and quote procedure of this paragraph need not be utilized.

§ 1003.652–3 Purchasing procedures.

(a) The maintenance activity will furnish, with the purchase request, a general statement as to work to be performed and, to the extent possible, a statement relative to the performance and peculiar operating characteristics encountered immediately prior to the equipment becoming inoperative.

(b) The purchase request will indicate the maximum expenditure authorized to repair the specific item.

(c) The contracting officer will select only one competent and reputable firm for the performance of the required service. To the extent possible, this firm will be selected in the following chronological order:

(1) Manufacturer of the equipment.

(2) Service points controlled and operated by the manufacturer.

(3) Authorized dealers of the manufacturer.

(4) Other sources established in the immediate area with known performance capabilities and established reputation for good workmanship at fair and reasonable prices.

(5) Where more than one firm of equal qualifications (price and other factors considered) is readily available, such purchases of services will be distributed equitably over a period of time among all qualified sources.

(d) Contracting officers, after selection of a source as outlined above, will proceed with the procurement action in the following manner:

(1) In order to determine that the repair cost does not exceed the allowable cost authorized for repair, and to insure that reasonable prices will be charged for the repair needed, fixed prices will be obtained from the vendor for the cost of: (i) tear down, inspection, and itemization of labor and material needed for repair; and (ii) tear down, inspection, itemization of labor and parts needed for repair, and reassembly. The purposes of the two prices is to provide a firm price for the return of the nonreparable item in an assembled or disassembled condition as determined appropriate.

(2) Instruct vendor to proceed with the tear down, inspection and quote. Vendor will be instructed that the resultant price quoted should include the cost to: (i) tear down, (ii) itemize labor and parts needed for repair, and (iii) repair and place in serviceable operating condition, including all replacement parts and labor.

(3) Upon receipt of the quotation for the service outlined in subparagraph (2) of this paragraph:

(i) Obtain from the maintenance activity a statement as to the reparability of the item in light of the prices quoted and the reasonableness of the price quoted for repairs contemplated.

(ii) If the item is not reparable, notify accordingly and accomplish the purchase action for services performed in either subparagraph (1) (i) or (ii) of this paragraph, as appropriate, by petty cash if under $100 or by confirmation DD Form 1155 or Standard Form 44 if over $100.

(iii) If item is reparable notify vendor to proceed with repair. This notification may be verbal for accomplishment under the Cash Purchasing or Blanket Purchase Agreement procedures, or by issuing a Purchase Order (DD Form 1155). Regardless of the method used in effecting the procurement, the purchase document will itemize the work to be performed as furnished by the vendor according to subparagraph (2) of this paragraph.

(iv) In the event the vendor's quotation exceeds the $500 limitation imposed for the use of this procedure, and it is determined that the services are still required, the breakdown submitted by the vendor may be used as a basis in soliciting competition for the requirement.

Subpart G—Negotiated Overhead Rates

§ 1003.703 Applicability.

This subpart applies to all AF procurement activities. Approval of Pricing and Financial Division (MCPF), Hq AMC, is required prior to incorporating the clauses in §§ 3.704–1 and 3.704–2 of this title in any basic agreement or contract with a contractor who is not presently on a negotiated overhead rate arrangement. It is not practical for a contractor to have a mixture of cost-reimbursement type contracts, some requiring negotiated final overhead rates, as provided in this subpart and others which omit the clauses in §§ 3.704–1 and 3.704–2 of this title and therefore requiring settlement of final overhead by audit determination.

§ 1003.704 Contract clauses.

§ 1003.704–1 Contracts with commercial concerns.

It is AF policy, not to incorporate provisional rates in contracts with commercial organizations. The contractor will be reimbursed on basis of billing overhead rates negotiated by the administrative contracting office as provided in the clause in § 3.704–1 of this title.

§ 1003.704–2 Contracts with nonprofit and educational institutions.

It is AF policy to incorporate provisional rates in contracts with colleges, universities and research institutes. Provisional overhead rates for succeeding periods will be negotiated by Hq ARDC as part of final overhead rate negotiations.

§ 1003.704–3 Instructions for completing contract clauses.

See § 3.704–3 of this title.

§ 1003.705 Procedure.

(a) The Pricing and Financial Division (MCPF), Hq AMC, will conduct or monitor all negotiated final overhead rates when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations as described under § 3.706 of this title.

(1) MCPF will conduct the negotiation of all final overhead rates established pursuant to § 3.704–1 of this title when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiation (§ 3.706 of this title) except with colleges, universities and research institutes as shown in subparagraph (2) of this paragraph. The contractor's proposal will be forwarded through the administrative contracting officer for distribution to MCPF or Hq ARDC and to the cognizant auditor. The audit report will be forwarded by the cognizant auditor to MCPF or Hq ARDC through the Auditor General, USAF, liaison activity nearest the office responsible for the negotiation, with copies provided to the administrative contracting officer. In addition to the auditor's responsibility to obtain the contractor's reaction to the costs question, it will normally be the standard procedure for one copy of the audit report, exclusive of narrative comments, to be furnished to the contractor. Doing this concurrently with the auditor's submission to MCPF will enable the contractor, in cooperation with the appropriate auditor to submit additional data or clarify facts prior to the negotiation meeting. Such data summarizing the contractor's position on each item not conceded in the audit report should be forwarded to reach MCPF at least 2 weeks prior to actual negotiations. These comments will aid MCPF in writing the negotiation memorandum and generally expedite the actual negotiation.

(2) MCPF will monitor the negotiation of all final overhead rates established pursuant to § 3.704–2 of this title when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations (§ 3.706 of this title) with colleges, universities and research institutes. The authority to conduct such negotiation has been delegated to Hq ARDC without redelegation authority.

(3) MCPF will monitor the negotiations of all final overhead rates established for fractional periods of time. ACOs are authorized to negotiate final overhead rates for any fractional periods less than 6 months necessary to close out a contract. ACOs may utilize either the rates negotiated for the immediate preceding period, the recommendation of the cognizant auditor based on limited review, or any other reasonable approach.

(b) Advisory audit reports will be used in all final overhead negotiations except where MCPF or Hq ARDC, as appropriate, decides that the amount of overhead involved is so small that the cost of auditing is not justified and the cognizant audit agency is so notified.

(c) and (d) See § 3.705 (c) and (d) of this title.

(e) MCPF Hq AMC or Hq ARDC as appropriate will distribute the negotiation report to all Air Force and other Military Departments buying activities holding affected contracts and the audit activity.

(f) See § 3.705(f) of this title.

§ 1003.706 Coordination.

Where one or more military departments, other than the Air Force, have cost-reimbursement type contracts with a contractor, MCPF, Hq AMC, will coordinate with the other military departments in determining the cognizant negotiating activity. Should the determination be made that the Air Force will be the cognizant negotiating activity, MCPF, Hq AMC, will (a) for negotiations pursuant to § 3.704–1 of this title schedule the negotiation meeting, notify the other interested services and conduct the negotiation, or (b) for negotiations pursuant to § 3.704–2 of this title notify Hq ARDC who will be responsible for scheduling the negotiation meeting, notifying the other interested services and conducting the negotiations.

§ 1003.707 Cost sharing rates.

See § 3.707 of this title.

Subpart H—Price Negotiation Policies and Techniques

§ 1003.801 Basic policy.

§ 1003.801–1 General.

The incentive approach, as distinguished from the incentive contract, will be followed in all negotiations; the opportunity to earn increased profit can be used to motivate contractors to control use of labor, materials, and plant.

§ 1003.801–2 Responsibility of contracting officers.

(a) See § 3.801–2(a) of this title.

(b)(1) Simple and routine requests for pricing assistance will be avoided so that price analysts can be used on more complex procurements. Each procurement activity will establish appropriate controls to assure timely completion of all pricing functions.

(2) All requests for pricing assistance will be specific as to the extent and kind of analysis required and will include all pertinent information. In the most demanding, complex procurement situations, the contracting officer may request the price analyst to lead in negotiation of price and pricing terms.

§ 1003.802 Preparation for negotiation.

§ 1003.802–2 Selection of prospective sources.

See Subparts G and H, Part 1 of this title and Subparts G and H, Part 1001 of this chapter.

§ 1003.802–3 Requests for proposals.

See § 3.802–3 of this title.

§ 1003.804 Conduct of negotiations.

§ 1003.804–1 General.

In scheduling a negotiation conference, contracting officer will give all members of the AF negotiating team as much time as possible for analysis of offeror's (or contractor's) proposal. As a rule, when only local personnel are involved, a minimum of 10 working days between receipt of a proposal and start of negotiations based on that proposal will be allotted for analysis. The contracting officer will adjust this period upward depending upon extent of analysis appropriate for the particular procurement, or whenever other than local personnel are involved. The chief of the procuring activity will see that this principle is observed.

§ 1003.804–2 Late proposals.

(a) See § 3.804–2(a) of this title.

(b) See § 3.804–2(b) of this title.

(1) Research and development procurements are exempt from procedure set forth in this and § 3.804–2(b)(2) of this title. On other procurements contracting officer will send recommendation to the appropriate officer for written decision: (i) Director or deputy director of procurement and production at AMC field procurement activities (other than AMC centers) for contracts to be written by that activity; (ii) commander, or his designee, of AMC centers; (iii) commander of the major air command concerned (or a duly authorized representative not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command).

(2) See § 3.804–2(b)(2) of this title.

§ 1003.807 Pricing techniques.

§ 1003.807–1 General.

Under fixed-price type contracts, including redeterminable types, prices are to be negotiated, not separate elements of cost plus profit. After thorough analysis of costs, product and prices, bargaining as to price and contract terms will be on the basis of unit or total price; there is no need to reach agreement on each cost element as a prelude to agreeing on the price for the goods or services being bought. This principle also applies to the cost portion of fixed price incentive type contracts where cost is negotiated as an aggregate and profit as a separate applied item.

§ 1003.807–4 Cost analysis.

(a) Extent of analysis required will determine amount and type of information needed; only pertinent and useful information will be requested from contractors. In large dollar or complex procurements, exact types of pertinent supporting information to be submitted will be the subject of agreement between Air Force and company with ACO the coordinator.

(b) (1) and (2) See § 3.807–4(b) (1) and (2) of this title.

(3) Review will be concentrated on those cost elements that are large in dollar amount or in relationship to total cost. If, as is often the case, material, labor, or both constitute 50 cents or more of the sales dollar, particular attention will be given those cost elements. Bills of material, engineering drawings, process sheets, and like basic information would be useful in many analyses, and this information usually is available to the analyst working with the ACO.

(4) and (5) See § 3.807–4(b) (4) and (5) of this title.

(c) to (d) See § 3.807–4 (c) to (d) of this title.

§ 1003.807–5 Subcontracting.

(a) Major subcontracts pose three interrelated problems: (1) Need to give prime contractor a positive incentive to make first award a sound one in terms of product and price; (2) need to encourage close pricing in sole source or limited competitive situations in follow-on buys; and (3) need to price prime contract at a level consistent with sound subcontract prices. Successful resolution of the third problem is vital to solution of the first two. One way this may be achieved is to negotiate initial prices with prime contractor before he has established firm prices with his major suppliers. To do this properly, ACO will need to give PCO the information contemplated by Subchapter A, Chapter 1 of this title. ACO will use pricing and technical specialists to review prices proposed for major subcontracts. Where appropriate, he also will use audit services provided by either the prime contractor's own auditors or by military audit agencies, depending upon circumstances. To protect the interests of a subcontractor, the contracting officer will use judgment in releasing to prime contractors information received from Department of Defense sources.

(b) See § 3.807–5(b) of this title.

(c) Subchapter A, Chapter 1 of this title anticipates situations when major redeterminable subcontracts will not have been repriced at time revision of prime contract price must be completed. Where it is possible to forecast ultimate prices of those subcontracts with reasonable assurance due to the availability of fairly definite cost data, AF procurement personnel may negotiate firm final prime contract prices. Alternate procedures of Subchapter A, Chapter 1 of this title will be used in those few instances when cost data on major subcontracts will be so indefinite as to preclude reasonable projection of revised subcontract prices. Occasion to use this procedure may come when establishing final prices of FPR–E, FPIF, and FPIS contracts and, conceivably, when establishing firm revised prices under FPR–C and FPR–D contracts.

(d) Requests for subcontract fees in excess of those stated in Subchapter A, Chapter 1 of this title, will be sent to the Secretary through the office of the Procurement Committee (MCPC), Hq AMC.

§ 1003.808 Profit or fee.

§ 1003.808–1 General.

Profit has two important aspects: (a) To induce a contractor to undertake performance of a contract by offering prospect of a monetary gain; and (b) to persuade him to perform more efficiently than he otherwise might by offering him the chance to earn more profit (the incentive approach).

§ 1003.808–2 Factors for determining fee or profit.

Across-the-board profit agreements with a contractor ignore type of contract used and particular procurement situation. Such agreements will not be made.

(a) to (i) See § 3.808–2 (a) to (i) of this title.

§ 1003.808–5 Fee limitation for experimental, developmental or research work.

Approval to exceed the administrative limitations of 10 percent for research and development work, up to the statutory limitation of 15 percent, will be obtained according to § 1003.404–3(c)(2).

§ 1003.809 Audit as a pricing aid.

(a) *General.* See § 3.809(a) of this title.

(b) *Application.* (1) For procedures to be followed when requesting audit assistance, see § 1003.850–3.

(2) Contract management activity (APD/AFPRO) will support auditor's requests to contractor for access to contractor records and data and will be responsible for furnishing auditor's comments or report to procuring activity, except for audit reports covering price revisions. Procuring activity will be responsible for inviting auditor attendance at principal negotiation conferences.

(c) *Conditions for use.* (1) Audit assistance will be requested (i) Prior to the award of a contract to a sole source, or definitization of a letter contract awarded to a sole source, where definitive price negotiations in excess of $350,000 are contemplated, or (ii) whenever a cost-reimbursement, incentive or redeterminable type contract is contemplated and compatibility of contractor's accounting system with the particular contract type is in doubt. In all other negotiations, the contracting officer (or price analyst reviewing the proposal at the contracting officer's request) will determine the need for requesting audit assistance after evaluation of the entire procurement situation including, but not limited to, the conditions discussed in Subchapter A, Chapter 1 of this title.

§ 1003.810 Exchange of information.

Pricing and Negotiation Division (MCPF), Hq AMC, will be the clearing house within the Air Force for information of a contract pricing nature.

§ 1003.811 Record of price negotiation.

Price negotiation process is divided into two distinct phases. If, as sometimes happens on relatively small dollar competitive procurements, the first phase, preliminary review, fact-finding, and analysis establishes reasonableness of contractor's proposal and makes the second phase, formal price negotiation conference including prenegotiation and review, unnecessary, report will be written at that time by the person who has conducted the analysis and evaluated the facts obtained. If, on the other hand, initial analysis establishes that a formal negotiation conference is necessary, the single pricing report will be written after completion of the conference.

(a) Pricing memoranda prepared by price analysts will be reviewed by a senior pricing supervisor to insure technical sufficiency, and general quality of work performed.

(b) Report of analysis or negotiation need not be lengthy. However, it must be sufficiently complete to permit rapid reconstruction of all major considerations of the particular price negotiation. Discussion will be in the following order (where a negotiation conference was not needed, the order may be modified slightly):

(1) Introductory summary showing type of pricing action involved and results.

(2) Particulars and a brief discussion of the procurement situation including brief item description, name and location of contractor, quantities, delivery dates, prices and contract type proposed and agreed upon, date and place of negotiation, names of conferees, and pertinent facts about competitive proposals, previous procurements, requirements, specifications, and production rate. If additional industrial facilities are to be furnished to contractor or existing Government facilities are to be used in contract performance, they should be identified. If contract is of cost-reimbursement type and special treatments for certain type costs were agreed upon, these agreements also should be included. This story can be told in one or several paragraphs and, because report is a summary, it should bring together bits of information otherwise scattered throughout the contract file.

(3) Summary of analysis or negotiations including all significant events that led to agreement upon price and, if a new procurement, type of contract. Extent to which technical specialists were used, and type of cost data developed and its sufficiency for projection purposes should be discussed. Report will discuss not only total price negotiated, but also will summarize the discussion and detailed evaluation of significant price elements in the AF price objective and the relative weight given new information developed in the negotiation.

(c) Reports of cost and price analysis performed by field contract management personnel at PCO's request are used to evaluate contractor's price proposal. Report furnished will include all relevant factors, the facts disclosed by analysis, use made of these facts, and conclusions reached. However, responsibility for determining reasonableness of price remains with the PCO.

(d) Whenever price analysis support has been furnished by a field contract management activity, procuring activity will insure that copy of price negotiation memorandum is sent to the contract management activity as soon as it is available. Copies of price negotiation memoranda distributed to field contract management activities pursuant to this requirement will be stamped "For Official Use Only (AFR 11–30)." In no event should specifics, such as labor or overhead rates included in the AF negotiation objective, be construed by contract management activities as being automatically approved for use in other negotiations with the contractor involved.

§ 1003.850 Special pricing instructions.

§ 1003.850–1 Pricing of support items.

(a) *General.* (1) By definition, "support items" includes spare parts, modification kits, technical data, ground support equipment, special tools, and test equipment. Where instructions obviously apply only to one of these categories, only that particular group will be cited.

(2) Support items should be bought using firm fixed-price contracts whenever feasible. Considering administrative time and cost of pricing and repricing exhibits, this policy is feasible whenever reasonably close prices can be established and contractor's accounting system will permit separate identification of support item cost.

(b) *Techniques.* (1) In general, pricing policies and methods of analyzing contractor's proposals outlined in preceding paragraphs also apply to negotiation of support item prices.

(2) One of the techniques of pricing spare parts and other support item exhibits is the formula technique. These formulas represent a systematic approach to pricing based upon projections of indirect expense and profit rates which are applied to projected material and labor costs to develop unit prices. Contractor relies upon averaging effect of formula application to give it reasonable profit for total productive effort and does not attempt to secure a reasonable profit from sale of each separate item. For this reason, price of any given item may be higher or lower than if a detailed estimate for item had been made.

(c) Support items, particularly spare parts, can be a volume workload, both from number of exhibits, production lists, work requests, etc., that must be reviewed and from number of line items on each document. Beside analysis, each document requires written record of analysis and negotiation. Therefore, ACO will: (1) Write description of method(s) used by contractor to price spare parts and other support items and by AF price analysts and auditors to analyze priced exhibits, (2) negotiate factors with contractor, if formula method is used, and write report of negotiations, (3) clear methods and negotiated factors with local AF management and then with cognizant CMR for understanding, adequacy, and acceptability and give principal PCOs and cognizant CMR copies of the write-ups, and (4) notify PCOs and cognizant CMR of any changes to methods or factors. Whenever standard analysis methods establish the reasonableness of the contractor's proposed prices, the supporting pricing record need only cite the applicable write-ups and state that standard analysis methods were followed. If the PCO has pricing responsibility, the ACO will, when submitting priced documents to the PCO for final action, include the original of this pricing record and recommend acceptance. If standard analysis methods fail to establish the reasonableness of the contractor's proposed prices, or if circumstances made it necessary to depart from standard methods or to use other factors, the supporting pricing records should include additional detail and support.

§ 1003.850–2 Pricing changes to fixed-price and cost-reimbursement type contracts.

(a) *General.* (1) Only rarely are contract changes made that do not affect the work and therefore the price or estimated cost and fee contemplated by the contract. The term "no cost change" can be a misnomer for a charge or credit will accrue to the Government from most changes.

(2) As a rule, all contract changes will be priced and contract price adjusted within a reasonable and specified time after change is authorized. (See §§ 1054.307 and 1054.308 of this chapter.)

(3) For procedures applicable to engineering changes resulting in termination claims or property disposal, see § 1008.254 of this chapter.

(b) *Responsibility.* See § 1054.307(b) of this chapter. To facilitate PCO evaluation of negotiation results, the ACO will include sufficient support information in his recommendation to indicate extent of the negotiation and to justify proposed actions. If negotiations have not been successful, ACO will send contractor's proposal together with report of findings and ACO's position in the unsuccessful negotiations to the PCO for further negotiation and resolution.

(c) *Procedures.* (1) Dollar value of any change is arrived at by considering the difference between the article or work deleted and the article or work added. Because dollar value of any change will be determined by negotiation with the contractor, tests of reasonableness and equity should guide every time.

(2) Knowledge of contractor's estimating system is of great importance in pricing changes and requirements of § 1003.850–9 will be considered.

(3) Price analyst and auditor will be used in reviewing change proposals as necessary. Every quotation requires some degree of price analysis regardless

of dollar value; the degree of price analysis and the need for audit assistance depends upon individual circumstances. The complexity of the change as well as its dollar value are factors governing the need for price analyst or auditor support. Complexity and dollar value, however, cannot be construed to be the only governing factors since a proposed no-cost change or a seemingly insignificant price adjustment may, in fact, result in a significant price decrease. Adequate review thus requires a knowledge and understanding of product and manufacturing processes involved in production as much as it does a knowledge and understanding of a contractor's cost estimating and accounting procedures.

(4) Evaluation of the profit factors under § 3.808–2 of this title is required when analyzing each change proposal. Profit patterns considered in establishing original negotiation objective will not be accepted automatically when pricing a change.

(d) See § 16.813 of this title for instructions regarding use of DD Form 1107 "Change Order Price Analysis." Exact types of pertinent supporting information to be submitted will be the subject of agreement between Air Force and contractor with ACO the coordinator.

§1003.850–3 Planning and coordination.

The team approach to pricing requires adequate planning and coordination to prevent duplication of effort or inadequate analysis.

(a) The following planning and coordination procedures are required prior to PCO award of a contract to a sole source, or definitization of a letter contract awarded to a sole source, where definitive price negotiations in excess of $350,000 are anticipated. In addition, these procedures are applicable in multi-source procurements or where definitive price negotiations not in excess of $350,000 are contemplated, provided the PCO (or price analyst) has first determined that the services of technical specialists in field contract management activities or audit field offices is required. Such determination will be made after consideration of the conditions set forth in § 3.809(c) of this title and § 1003.809 (c), and evaluation of such other factors as types and availability of cost and pricing data required for analysis, complexity of the procurement, contract type contemplated, and extent of price competition, if any, obtained.

STEP 1: This step applies only to sole source negotiations in excess of $350,000 (but see Step 2(iii)). Procuring activities will distribute two copies of each request for proposal to the APD/AFPRO. The request for proposal will include instructions that the contractor submit two copies of the proposal to the APD/AFPRO at the same time it furnishes the original proposal to the procuring activity. Upon receipt, the APD/AFPRO will distribute one copy of each request for proposal and of each proposal to the responsible field auditor.

STEP 2: The PCO (or price analyst) will prepare a single, detailed request for analysis support and send it to the APD/AFPRO.

(i) In sole source negotiations expected to exceed $350,000, inclusion of a request for audit assistance is mandatory, and an information copy of the request will be furnished to the Auditor General representative at the procuring activity.

(ii) In sole source negotiations under $350,000 and in multi-source negotiations, one copy each of the request for proposal(s) and the proposal to be analyzed will be attached to the request. If audit review is requested, an additional copy of each will be attached, and an information copy of the request will be furnished to the Auditor General representative at the procuring activity.

(iii) If a procuring activity negotiates repeatedly with the same source, agreements may be reached with the concerned APD/AFPRO as to types of sole source proposals under $350,000 requiring field analysis, if any, and the extent and areas of analysis required. Where these agreements exist and are applicable, this Step 2 may be omitted by the PCO unless audit review is desired; however, the procedures in Step 1 will be followed.

STEP 3: Upon receipt of a request for support analysis that includes a request for audit review, the designated representative of the APD chief/AFPR and the auditor will hold a pre-analysis review. This meeting may be as formal or informal as desired. The procurement situation and the procuring activity's request will be discussed and a mutually agreeable approach to analysis determined. If, during pre-analysis review, it is agreed that pertinent information requested by the PCO has been furnished in prior unclassified analysis and audit reports, that this information is still valid, and that neither the APD/AFPRO nor the auditor can contribute any other significant information, the APD/AFPRO representative will advise the PCO accordingly. In such cases, he will advise the PCO that a pre-analysis review was held with the auditor, will reference the earlier reports and, where the earlier reports were prepared for procuring activities other than the requesting activity, attach information copies.

STEP 4: If review of any subcontract cost estimate is necessary during AF field analysis of a prime proposal, efforts will be made by the APD/AFPRO to obtain the required support information from the prime before requesting assist analyses. However, if assist analyses are necessary, requests for and any followups required will be prepared by the APD/AFPRO representative and sent to the APD/AFPRO having cognizance over the subcontractor's facility. If the prime is a sole source and its proposal exceeds $350,000, or if a requirement for audit review of a subcontract proposal is included in the request for assist analysis, the request will be coordinated with and an information copy furnished to the audit activity located at or responsible for audit of the prime's facility. Upon receipt of a request for assist analysis that includes a request for audit review, the subcontractor's APD/AFPRO and the local auditor will follow the procedure outlined in Step 3.

§ 1003.850–4 Packaging costs.

USAF Packaging Cost Standards, covering direct material costs and direct labor for all of the packaging and preservation methods in Specification MIL–P–116 "Preservation, Methods of," are available to packaging specialists located in contract management activities (APDs/AFPROs) within the continental United States. By referring to the Cost Standard, packaging specialists can develop independent estimates in these direct cost areas. These estimates can be a useful tool in the overall evaluation and analysis of contractor posed direct packaging costs, and will be requested whenever appropriate. Requests will include sufficient information to permit the packaging specialist to make a proper appraisal of packaging effort required. As a minimum, information about the size and quantity of items being procured, and the methods of packaging and preservation required, will be included. Where the number of different items being procured is so large as to preclude development of individual estimates by the packaging specialist, a sampling of items should be considered. Following development of his estimate, the packaging specialist is available for additional study or assistance as indicated.

§ 1003.850–5 Prenegotiation conferences and briefings.

(a) When, in any procurement cycle, a meeting is held with the contractor to reach agreement upon terms and conditions of a proposed contract or upon adjusted price on an existing contract, meeting will be preceded by a prenegotiation conference of Government's pricing team. Purpose of this meeting will be to: (1) Discuss proposal in detail to achieve full understanding, (2) to express opinions and air problems that have developed during review and analysis of proposal, and (3) to determine unified negotiation objectives and a course of action to be followed during conference with contractor.

(b) Those to whom the authority to manually approve contracts has been delegated (§ 1001.457(a) of this chapter) by the Director of Procurement and Production, Hq AMC, will establish a system for briefings by AF negotiating team after negotiation objectives have been firmed but before conclusion of negotiation conference. Procedures and requirements for prenegotiation reviews will be determined locally. However, briefings will be appropriate in following situations:

(1) A new contract follows contract(s) where contractor's performance has been unsatisfactory.

(2) A new procurement substantially increases a contractor's annual sales and production volume.

(3) Costs have increased substantially beyond those originally estimated.

(4) Items procured have performed poorly and required modification and retrofit.

(5) Performance indicates justification for additional or reduced profit.

(6) The procurement obligates a significant portion of the AF budget.

§ 1003.850–6 Pricing of fixed-price type maintenance, overhaul, and modification contracts.

(a) In those maintenance, overhaul, and modification contracts where services and indirect materials are procured on a fixed-price basis and it is agreed that contractor will furnish, as needed, certain direct materials and parts on a cost-reimbursement basis, profit consideration on the fixed price negotiated will represent reasonable reward for total contract effort. Subsequent reimbursement for contractor-furnished direct materials or parts will be limited to direct material costs only (see § 1007.4503–4(b)(1) of this chapter for contract clause and § 15.205–22(e) of this title for discussion on pricing intercompany sales or transfers of materials).

(b) In sole source procurements and procurements where manufacturer of item being repaired is quoting in competition with contractor(s) who must procure parts from such manufacturer to perform, exception to procedure outlined in paragraph (a) of this section is appropriate if review and negotiation reveals that compliance would prohibit an award at lowest overall price to Government, all factors considered. Under these conditions only, it may be agreed in advance to reimburse contractor at a later date for profit considerations applicable to furnishing direct materials and parts, as well as costs. However, in multiple source situation described, all sources must first be given an opportunity to requote on revised basis. Whenever such prospective agreement is reached, care must be exercised to insure that contract clearly reflects intent of both parties.

(c) Paragraph (a) of this section does not apply to contract changes authorizing the contractor to procure or fabricate direct materials or parts that were previously designated as Government-furnished. Such a change increases contract scope originally contemplated and payment of additional profit is appropriate.

§ 1003.850–7 Savings clauses.

Contractual savings clauses identify specific cost elements not considered in negotiating price or estimated cost, but which may be recognized at some future date. It is AF policy to limit subsequent recoupment to costs only and all savings clauses will include a statement to this effect. Exception to this policy is appropriate only as follows:

(a) Where a savings clause was in existence before the effective date of this section and it can be firmly established that the original intent of both parties was to recognize profit consideration applicable to the excluded element, as well as the cost, at some later date.

(b) Where deviation approval has been received according to the procedures in § 1001.109–50 of this chapter.

§ 1003.850–8 Preproduction or startup costs.

(a) Preproduction costs are usually substantial in the initial procurement of complex items. These costs can be attributed to a particular production item, but they are not affected by any particular unit. The treatment afforded these costs in pricing is significant in price redeterminations and subsequent production runs and will be set forth in price negotiation memorandum. Unless these costs are segregated and allocated carefully as nonrecurring costs in the initial pricing negotiation, it will be difficult to price subsequently on a sound basis. Examples of startup costs are: (1) Design or product engineering, or both, (2) plant rearrangement and installation of equipment, (3) training of labor force, and (4) tools, dies, jigs, and fixtures.

(b) Preproduction costs may be treated as direct or indirect costs. They may be prorated to the units produced over one or more contracts, or to a portion of the units produced on one contract. These costs generally will be prorated to the units only and will not be an element of cost for spare parts or other support item procurement. If preproduction costs are prorated over an initial production quantity, care must be exercised in subsequent pricing to determine that no such costs are included in overhead. Care also must be exercised in determining reasonable overhead rates for the future, for the inclusion of such costs in overhead tends to increase such accounts temporarily. In the case of contracts calling for price redetermination prior to completion, extreme care must be exercised in identifying and segregating these costs if the balance of the work is to be properly priced. The assistance of a price analyst or auditor should be beneficial in this area.

§ 1003.850–9 Contractors' estimating systems.

Contractor's estimators perform a major role in developing projections and estimates of all elements of cost. To evaluate these elements, it is necessary to understand contractor's estimating system, including sources from which information is obtained by estimators, manner in which this information is used in developing estimates, extent of management review and revision, and controls exercised to insure realism of estimates. Where a continuing relationship exists with an AF supplier, estimating system surveys will be conducted by AF contract management activity. Because an understanding of a contractor's accounting system is necessary to determine its tie-in to cost estimating system, assistance of audit agency representatives usually will be obtained. Final reports of completed surveys will be sent to all interested AF procurement activities. Two copies of each report will be sent to AMC (MCPF). It is important to remember, however, that estimating is largely a judgment process and that it is the judgments, as much as the system, that must be evaluated to determine the realism of a contractor's proposed price.

Subpart I—Subcontracting Policies and Procedures

§ 1003.900 Scope of subpart.

See § 3.900 of this title.

§ 1003.901 General.

(a) "Make or buy" programs will be negotiated by the contractor and the procuring activity at the earliest practicable time. If possible, "make or buy" decisions will be made during performance of research and development or preproduction contracts which precede the request for a cost proposal on the end item. If the design status of the end item being procured is not sufficiently advanced to permit accurate precontract identification of all items that may be subject to "make or buy" decisions, the contractor will be notified that such items will be submitted, when identifiable, under the terms of the contract clause entitled "Changes to Make or Buy Program."

(b) Where a cost reimbursement, price redetermination, or incentive type contract is to be used, a review of the "make or buy" program should be made if there is a significant requirement for additional facilities to be furnished by contractor or the Government.

§ 1003.902 Review of "make or buy" program.

(a) The contractor will be informed that the program he submits should be confined to important items which, because of their complexity, quantity, cost, or requirement for additional Government facilities, normally would require company management review of the make or buy decision. Unimportant "detail parts" or "off-the-shelf" items should not be incorporated in a make or buy program.

(b) See § 3.902(b) of this title:

(1) Procuring activities will require prospective contractors to submit a "make or buy" program only on central procurements where cost reimbursement, price redetermination, or incentive type contracts are to be used except:

(i) A make or buy program will not be required when a proposed contract has a total estimated value of less than $1,000,000 unless the contracting officer specifically determines that a make or buy program is appropriate to the situation.

(ii) Research and Development contracts are exempt from the provisions of this Subpart unless it can reasonably be anticipated that follow-on quantities of the product will be procured.

(2) On all applicable procurements, the contractor will submit, with its proposal, a "make or buy" program of important items, as defined in § 3.902(a) of this title including, in addition to information required by § 3.902(b) of this title: (i) A description by which each such item can be readily identified, (ii) a recommendation to make or buy the item or defer the decision, (iii) the names of proposed subcontractors when feasible, and (iv) the important items to be made by the contractor, including a designation of the corporate entity where it is proposed the work will be performed.

(3) Prior to follow-on procurement, the procuring activity and the contractor will review the existing "make or buy" program to determine whether it should be revised.

(c) In all considerations relative to a "make or buy" program, the procuring activity will obtain the advice and assistance of resources and pricing personnel, the field production office, AF small business specialists, and any other AF personnel whose knowledge would contribute to adequate consideration of the factors established in § 3.902(c) of this title. Either prior to or during negotiation of a "make or buy" program, the cognizant AFPRO or APD will assist the procuring activity by reviewing the program and substantiating data to assure that it is adequate to permit intelligent evaluation of the applicable factors in § 3.902(c) of this title. When a "make or buy" program is negotiated with a

contractor, or there are changes or additions to a "make or buy" program, the consideration given each item on the "make or buy" program (§ 3.902(c) of this title) will be documented in the contract file.

(1)—(8) See § 3.902(e) (1) to (8) of this title.

(9) Consideration will also be given to whether the item or work has been subcontracted on this or previous contracts, and the contractor proposes to withdraw the item or work into his own plant.

(d) See § 3.902(d) of this title.

(1) The contract clause entitled "Changes to Make or Buy Program" (§ 3.902(d) of this title) will be incorporated in all contracts for which a "make or buy" program is required.

(2) On applicable contracts, the cognizant AFPRO or APD will establish a procedure with the contractor to insure timely compliance with the terms of the contract clause. This procedure will include provisions for processing changes to the established "make or buy" program and for obtaining "make or buy" decisions for items reserved for deferred decision or unidentified at the time of contract negotiation. The administrative contracting officer will receive requests from the contractor for changes or additions to the established "make or buy" structure. The ACO will evaluate the contractor's proposal and forward it, with his recommendations, to the appropriate procuring contracting officer.

(e) See § 3.902(e) of this title.

§ 1003.902–50 Implementation.

(a) A "make" item on a "make or buy" program is defined as any item that is produced, or work that is performed, in or with facilities owned or operated by the corporation whose affiliate, subsidiary, division, etc., has management responsibility for delivery of the end item. Change in the location of production or work on "make" items is subject to the change notification clause prescribed in § 3.902(d) of this title.

(b) In all considerations relative to a "make or buy" program the procuring activity will obtain the advice and assistance of resources and pricing personnel, the field production office, AF small business specialists, and any other AF personnel whose knowledge would contribute to adequate consideration of the factors established in § 3.902(c) of this title.

(c) If a contract (including supplemental agreements for new procurement) does not include the clause entitled "Changes to Make or Buy Program" (§ 3.902(d) of this title), the contracting officer will document the contract file with a written statement of facts to sustain and make clear the appropriateness of the determination not to include the clause. Such determination will be based on one of the following: (1) the contract is exempt under the provisions of § 1003.902(b) (1), (2), or (3), (2) the contract is not exempt but there are no items which can be identified as constituting a "make or buy" program as defined in § 3.902(a) of this title, or (3) a deviation has been approved pursuant to § 1001.109 of this chapter.

§ 1003.902–51 Reports.

The reporting requirements of §§ 1003.901 and 1003.902 have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942 and have been assigned BOB No. 21–R161 (which expires December 31, 1960).

§ 1003.903 Review of subcontracting and contractors' purchasing systems.

See § 3.903 of this title.

§ 1003.903–1 Contract clauses.

See § 3.903–1 of this title.

In determining the figure to be inserted in paragraph (b) (ii) and (iii) of the clause in § 3.903–1(a) of this title the contracting officer will apply the factors in § 3.903–1(c) of this title. Insert the $100,000 only where it has been determined that no one of the factors requires a lower dollar figure. When a lower dollar figure is determined to be necessary, insert $25,000.

§ 1003.903–2 Consent to subcontracts.

The contracting officer must check all approval requirements established by the prime contract. Source approvals normally will be limited to first-tier subcontracts. Clauses containing indemnity or "hold harmless" provisions which do not conform with standard provisions set forth in Subchapter A, Chapter I of this title or this subchapter will not be approved for use in subcontracts unless approval is accomplished according to procedures in § 1015.502(f) of this chapter.

§ 1003.903–3 Approval of purchasing system.

(a) While the approval of the system is the responsibility of the ACO, the purchase methods analyst (PMA) is responsible for conducting the initial and followup surveys.

(1) See Subparts G and H, Part 1 of this title and Subparts G and H, Part 1001 of this chapter regarding DOD and AF policy with respect to subcontracting with small business and labor surplus area concerns. The ACO in his continuous surveillance of the contractor's purchasing system will secure technical guidance and information from the cognizant AF small business specialist when making appraisal as to the effectiveness of the contractor's practices as required by AFPI Form 88, "Summary of Subcontracting Followup," check point 47, "consideration given to small business" (see paragraph (d) (2) of this section). The purchase methods analyst will advise the cognizant AF small business specialist when a survey is to be made and request the AF small business specialist, during the time of the survey to review in the contractor's plant the practices of the contractor in the Small Business Program (see paragraph (d) of this section). The findings and conclusions of the AF small business specialist will be incorporated in the survey report. A contractor's purchasing system will not be approved that does not meet objectives of the Small Business Program. The Contract Management Region Evaluation Panel during their re-evaluation of purchasing systems according to paragraph (d) of this section will determine whether small business concerns have been afforded an equitable opportunity to compete for subcontracts within their capabilities (see § 1.707 of this title and § 1001.707 of this chapter).

(2) Where the relationship or working arrangements between the contractor and subcontractor, or subcontractor and his supplier, are such as may deter arm's-length bargaining, the contracting officer shall insure that the Government's interest is protected before approving the subcontract or purchase order. (See also § 15.205–22(e) of this title.)

(b) Reliance upon the contractor's purchasing system where it has been determined to be efficient is preferable to checking and approving individual subcontracts.

(c) Approval of a contractor's purchasing system must be based upon its conforming to sound industrial procurement standards and its incorporation of pertinent AF purchasing principles.

(d) After approval of a contractor's purchasing system, there will be a re-evaluation (Followup Survey) of each purchasing system at least once each year by the purchase methods analyst. The "Followup Survey" comments and recommendations will be submitted to the Contract Management Region Evaluation Panel, to be used for their review and assistance in determining the continued adequacy of the contractor's purchasing system. All pertinent information and accepted recommendations will be forwarded to the ACO for necessary action. In addition, the ACO has the responsibility, between surveys made by the PMA, to make or cause to have made continual reviews to assure conformance with the contractor's approved purchasing system as follows:

(1) Specific surveillance techniques evaluation of purchasing system.

(i) Continuing review, with recorded comments, will be made on the policies, procedures, methods, and controls that are used in the various procurement areas.

(ii) Detailed individual case study will be made to certify that the systematic procedures and methods are followed. This should be accomplished: (a) By inspection of records, (b) by tactful discussions with personnel of the contractor's organization including the contractor's purchasing department, and (c) through careful and constant observations.

(iii) Reviews will be conducted and statistical analyses made as to effectiveness of the bidding process, use of cost analyses, size of order placed, type of contract used, reasons for making the award, and such other items as are pertinent.

(iv) See § 3.903–3(e) of this title and paragraph (e) of this section.

(v) Detailed selective investigation and special surveillance will be made on the bases specified by the ACO. Where subcontracts involve considerable sums and are for items for which there is no previous cost experience, they will be included in the review.

(2) The AFPR and chief of the APD have administrative responsibility to assure there is continual followup and sufficient data is maintained to determine whether the contractor is following the procurement procedures that were approved. AFPI Form 88, "Summary of Subcontracting Followup" will be used to reflect continual surveillance as set forth in subparagraph (1) of this paragraph. Guidelines for the checkpoints in the form are in this Subpart and Subpart H, Part 3 of this title and Subpart H of this part. After appraisal of each checkpoint has been made, record the dates of such appraisals on the form, and keep supporting work papers until they have been superseded by new and current information. Any checkpoint not applicable to a particular contractor will be so annotated. When a review reveals the existence of a deviation from good procurement practices, the contractor will be requested, in writing, to effect necessary corrective action. Progressive documental followup must be made to ensure that the plan of action has, in fact, been implemented. The contractor will not be required to establish any new reports to satisfy the requirements of AFPI Form 88.

(e) Where other Government personnel have performed checks, maximum use will be made of such reports thus avoiding duplication of effort. Also where the contractor's internal administrative controls assure reasonable system compliance, such controls will be used.

§ 1003.903–4 Review of individual subcontracts.

(a) (1) See § 3.903–4(a) (1) of this title.

(2) Whenever any subcontract which would require the acquisition of facilities at additional cost to the Government is submitted for approval, the ACO will follow the procedure in § 1013.2402(j) of this chapter.

(3) See § 3.903–4(a) (3) of this title.

(4) A proven procedure for contractor selection of CPFF subcontractors is the utilization of a formal Subcontract Selection Board in procurements of major assemblies, subassemblies, systems, subsystems, or for work of comparable complexity. The primary advantage of using a selection board is to insure that all pertinent factors pertaining to the procurement are considered by a qualified group of individuals. The board's decision, adequately documented, will have greater status than an individual's decision. When a contractor selection board is utilized, it is important that:

(i) The specific data to be analyzed in the proposal be established prior to issuing the Request for Proposal (RFP).

(ii) RFPs must ask for the specific data to be evaluated.

(iii) The completed RFPs be submitted to the board.

(iv) The selection criteria be established before the board reviews any proposals.

(v) An evaluation be made of the respective subcontractor's performance by also considering the effectiveness of the purchasing system, and the accounting system. The cognizant ACO, upon request by the prime contractor, will advise whether the subcontractor's systems have been approved by the Air Force.

(vi) The selection board be composed of individuals who have prestige and respect.

(vii) The minutes of the selection board be complete and document the decision of the board.

(5) through (8) See § 3.903–4(a)(5) through (8) of this title.

(b) The criteria set forth in §§ 3.405–1 (b) and 3.405–2(b) of this title should be applied by the ACO in reviewing time and material and labor-hour subcontracts respectively. Such subcontracts will not be approved unless the prime contractor provides adequate controls to insure proper pricing and prevent wasteful operations.

§ 1003.903–50 Approval of subcontracts.

(a) Source approval for subcontracts will conform with § 1.603(c) of this title and § 1001.603(c) of this chapter, with respect to the AMC Experience List.

(b) The provisions of Subpart F, Part 1001 of this chapter, "Debarred, Ineligible, and Suspended Bidders" will be complied with in source approvals.

(c) Situations involving the transfer of an active subcontract to another contract for performance will be handled according to instructions from higher authority, on a case-by-case basis.

(d) Where subcontracts for research and development are proposed to be placed with contractors located in the European area, the assistance and recommendations of the European Office, ARDC, Brussels, Belgium, will be obtained regarding the subcontractor's capability of performance.

(e) With respect to prime contracts under the terms of which "data" (as defined in § 9.201(a) of this title) is to be furnished by the prime contractor to the Government, no clause of any subcontract thereunder will be approved which by its terms has the effect of restricting whatever use the Government may make of such data under the terms of the prime contract.

(f) With respect to security requirements under classified subcontracts, see AFR 205–4 (Armed Forces Industrial Security Regulations) and AFR 205–1 (Safeguarding Military Information).

§ 1003.903–51 Secondary administration.

The prime contractor has the overall responsibility for performance according to the terms of his contract. This includes responsibility for managing all phases of the program, such as purchasing, production, and subcontract administration. The ACO at the prime contractor's plant is responsible for insuring that the contractor is not only performing the required functions, but also that he is performing efficiently and effectively. The ACO assigned to the prime contractor's plant will assign, as the particular circumstances dictate, the responsibility for secondary administration of subcontracts. Contracting officers assigned such secondary administration will execute their assignments with the same degree of care and comprehensiveness as required in the case of prime contract administration.

§ 1003.903–52 Employment agency or engineering service subcontracts.

Certain "engineering service companies" are in reality no more than employment agencies whose services may not be responsible or necessary in the performance of AF contracts. In reviewing proposed subcontracts with such companies, ACOs will determine the need for, and reasonableness of, the services involved.

§ 1003.903–53 Disputes provisions in subcontracts.

The ACO will not approve subcontracts containing any clause which would give the subcontractor the right of appeal to the Armed Service Board of Contract Appeals. The Air Force buys the contractor's management services, and this includes the adjustment of any disputes between the parties to the subcontract. Since there is no privity of contract between the Air Force and a subcontractor, the ACO will not participate in, or exert any influence with respect to, any dispute that may arise between the prime contractor and his subcontractors. The prime and his subcontractor may agree to arbitration to settle disputes; however, the results of such arbitration and the cost resulting therefrom are not binding on the ACO, but are subject to his independent review and approval. Arbitration provisions which would make the decision of the arbitrator binding on the ACO will not be approved. Since arbitration proceedings may be cumbersome and costly, such provisions should not be encouraged and should be consented to only in the more complicated subcontracts, such as those which would logically contain arbitration provisions if they were independent contracts between the parties, not involving Government work.

§ 1003.903–54 Inclusion of statutory provisions.

Subcontracts will contain all clauses required by law and the prime contract. They should also contain any clauses needed to carry out the requirements of the prime contract, even though there is no specific "flow-down" provision in the prime. For example, the ACO should require that subcontracts provide that title to special tooling and capital items fully paid for under the subcontract and remaining in the possession of the subcontractor will pass to the Government whenever the prime contract provides for the vesting of such title in the Government. On the other hand, care should be taken to avoid inclusion in the subcontract of restrictive prime contract provisions which are not applicable or material to the subcontract.

§ 1003.903–55 Use of audit personnel.

(a) Air Force or other Government audit personnel will be consulted as to the adequacy of the subcontractor's accounting system whenever such an appraisal has previously been accomplished. Furthermore, where a subcontract contains a price redetermination clause, and where the Auditor General (or any other Department of Defense audit agency) has performed a previous

audit of a subcontractor, the prime contractor's auditors may, where appropriate, consult with such Government audit personnel for information to preclude unnecessary duplication. Where the prime contractor is performing the audit of subcontracts, the audit program and cost principles used and the working papers and audit report prepared by his personnel should be made available to the Government auditor having audit responsibility for the prime contractor. If the Government auditor considers the contractor's audit program or audit report lacking in any respect, he will immediately notify the contracting officer of the deficiencies, so that the questionable areas may be resolved before final approval of revised prices.

(b) In particular situations, as exemplified below, it is normally advantageous to request Government audit personnel to perform necessary subcontract audits. This will insure consistent treatment of subcontractors' costs, reduce duplicate auditing, and reduce the costs incurred by the prime contractor in the performance of subcontract audits.

(1) Where a subcontractor objects to the audit of its cost records by a prime contractor, for competitive reasons.

(2) Where a military department has audit cognizance or is currently auditing other subcontracts or prime contracts at the subcontractor's plant.

(3) Where the subcontractor holds prime or subcontracts from two or more military departments or prime contractors, and it would be more economical and provide consistent audit treatment and orderly audit administration.

(4) Where the contractor has a substantial or controlling financial interest in the subcontractor.

(5) Where the contractor has subcontracted a substantial portion of his contract to one subcontractor, or the major portion of a contract is subcontracted to a very limited number of subcontractors.

§ 1003.903–56 Utilization of price analyst personnel.

ACOs will make full use of price analysts in reviewing subcontracts. In addition, where the contractor's purchasing system has been approved, price analysts should be used to make detailed investigations of selected individual subcontracts on the basis specified by the ACO.

Subparts J Through T—[Reserved]

Subpart U—Depreciation of Emergency Facilities

§ 1003.2100 Scope of subpart.

This subpart states policy, procedures, and responsibility governing recognition and determination of "true depreciation" in negotiated fixed-price and cost-reimbursement type contracts.

§ 1003.2101 Applicability of subpart.

This subpart applies to the Directorate of Procurement and Production, Hq AMC, AMC centers and field procurement activities, ARDC, AF base procurement activities in the continental United States and contract auditing personnel of the Auditor General, USAF.

§ 1003.2102 Definitions.

(a) The term "Board" as used herein means the "Air Force Emergency Facilities Depreciation Board" (MCPF) appointed by the Commander AMC, or his duly authorized representative, and located at Hq AMC.

(b) The term "normal depreciation" as used herein means depreciation rate currently approved by Internal Revenue Service for income tax purposes.

(c) The term "true depreciation" as used herein is defined in paragraph III of DOD Instruction 4105.34.

§ 1003.2103 Air Force emergency facilities depreciation board.

(a) *Authority.* The Commander, AMC is authorized to establish and has established and appointed a board designated the "Air Force Emergency Facilities Depreciation Board." The Board consists of three members, one of whom has been designated chairman. Any two members of the Board will constitute a quorum. The concurrence of any two members of the Board will be necessary in arriving at decisions of the Board. Authority to appoint members of the Board and to designate a chairman has been delegated to the Director of Procurement and Production, Hq AMC with power to redelegate such authority to the Deputy for Procurement, Hq AMC, without authority for further redelegation.

(b) *Application.* The determinations of the Board will be binding upon all AF purchasing and contract auditing activities and other military departments with respect to amount of true depreciation which will be used by such activities in computing and allocating depreciation costs of emergency facilities covered by Certificates of Necessity in pricing negotiated contracts. The Board has designated USAF (AFMPP–PR–2) as a liaison representative to act with representatives of the Department of the Army and Navy to perform coordinating functions as may be required.

(c) *Duties and responsibilities of board.* (1) The primary function of the Board is to determine, upon written request of contractors, amount of true depreciation of emergency facilities for which Defense Production Administration or Office of Civil and Defense Mobilization (OCDM) issues or has issued Certificates of Necessity. In making this determination the Board is authorized to rely upon the accuracy of information submitted by contractors according to § 1003.2106. The extent to which depreciation of emergency facilities is considered to be true depreciation will depend upon contractor's demonstration of loss of economic usefulness.

(2) To determine amount of true depreciation to be apportioned to the 5-year emergency period, the Board will consider, among other factors reason contractor planned its expansion program and depreciation policy followed by contractor in computing prices for commercial production.

NOTE: Effect of increased capital investments on contractor's financial structure should have no bearing in determining true depreciation.

(3) The Board's responsibility is limited to determinations on facilities covered by Certificates of Necessity.

(4) The Board will make separate determinations for each type of facility; e.g., buildings, machine tools, other equipment.

(5) The Board will keep minutes of its proceedings and maintain a permanent record of facts and other considerations entering into determinations made.

(6) The Board in special or unusual cases may request Defense Production Administration (DPA) to furnish available information which would be pertinent in determining true depreciation in those cases where DPA has previously issued a Certificate of Necessity.

(7) At its discretion, the Board may: (i) Hear oral presentations by contractors, (ii) arrange plant visits by its members or representatives, and (iii) develop by other means facts needed to make a determination.

(8) Inquiries concerning DOD Instruction 4105.34 should be sent to AMC (MCPF).

§ 1003.2104 Procedures.

(a) Contractors may request a determination of true depreciation by submitting all pertinent information to the Board through the administrative contracting officer. If contractors send request directly to the Board, the Board will provide administrative contracting officer with a copy of the request. To the extent practicable, contracts will include all certificates issued in connection with any individual plant or location which they desire to have considered for determination of true depreciation in connection with defense contracts, providing separate summary schedules of those certificates issued prior to and subsequent to December 10, 1952. Subcontractors may similarly request a determination of true depreciation by submitting all pertinent information to the cognizant prime contractor which in turn may refer request to its ACO for transmission to the Board. If more than one prime contractor is involved, subcontractor may submit the request to one prime contractor only. The administrative contracting officer will forward all requests promptly to the Board through the contract management region (CMR).

(b) Before reviewing a case, the Board will determine jurisdiction. Requests received by the Board, involving facilities for which Department of Army or Navy is responsible, will be forwarded to the Board of the Department responsible. A liaison committee, in addition to such other functions as may be assigned it by joint action of the three Boards, will assign doubtful cases and compile and maintain a master assignment list.

(c) Determination will be transmitted by the Board to contractor AF procurement activities concerned, the Auditor General, Headquarters Liaison Office, Wright-Patterson Air Force Base, Ohio, and the Boards of the Departments of the Army and Navy. The Board will make similar distribution of determinations received from Army and Navy Boards.

(d) On emergency facilities covered by certificates of necessity issued on or after July 1, 1954, whenever a major portion of the cost of facilities in substantial amount is to be reimbursed to a contractor as an element of product prices during a relatively short period, consideration will be given in negotiation to protecting, by appropriate agreement, the Government's interest in the continued availability of the facilities for defense use.

§ 1003.2105 Duties and responsibilities.

(a) Industrial Facilities Division (LMBI), AMC Aeronautical Systems Center: LMBI in reviewing need for defense facilities, will consider possible cost to the Government. If Air Force is prime sponsor, LMBI will notify OCDM of need for the facility and include required data and a statement of all factual information available that might help OCDM.

(b) AF buying personnel: Only after the Board has made a determination will true depreciation be considered an allowable element of cost. If a contract is being negotiated and the Board has not made a determination, one of the following clauses providing for later adjustment of price to reflect determination of true depreciation can be used if the contractor insists on it:

(1) For currently negotiated fixed-price contracts: Contractor warrants that the prices specified herein do not contain any element reflecting more than normal depreciation of the emergency facilities constructed or acquired by the Contractor under certificates of necessity. If the Contractor elects to file a request for determination of true depreciation within 12 months from date of approval of this contract, then within 6 months from the date of such determination made in accordance with DODI 4105.34 dated July 1, 1954, and applicable directives or such additional times as the Contracting Officer may approve, an equitable adjustment of contract prices for the supplies or services called for hereunder shall be negotiated and evidenced by an amendment to this contract.

(2) For currently negotiated final rates of overhead: Contractor warrants that the final rate of overhead specified herein for the period(s) ---------- do not contain any element reflecting more than normal depreciation of emergency facilities constructed or acquired by the Contractor under Certificates of Necessity. If the Contractor elects to file a request for determination of true depreciation within 12 months from date of approval of this contract, then within 6 months, or such additional time as the Contracting Officer may approve, from the date of such determination made in accordance with DODI 4105.34, dated July 1, 1954, and applicable directives, an equitable adjustment of final rate of overhead specified above shall be negotiated and evidenced by an amendment to this contract.

(3) For current price redetermination negotiations: Contractor warrants that the redetermined prices specified herein for the period(s) ---------- do not contain any element reflecting more than normal depreciation of emergency facilities constructed or acquired by the Contractor under Certificates of Necessity. If the Contractor elects to file a request for determination of true depreciation within 12 months from date of approval of this supplemental agreement, then within 6 months, or such additional time as the Contracting Officer may approve, from the date of such determination made in accordance with DODI 4105.34, dated July 1, 1954, and applicable directives, an equitable adjustment of contract prices for the supplies or services called for hereunder shall be negotiated and evidenced by an amendment to this contract.

(c) *Administrative contracting officers.* AF ACOs will send requests for determination of true depreciation to the Board through the CMR. Where the determination is clearly the responsibility of the AF Board, the ACO will keep one copy of the request, forward original and three copies of the request and three copies of the certificates, but take no other action except at specific request by the Board. CMR will keep one copy of request and certificates and forward the remainder to the Board. Where review and approval of subcontract prices is required, the ACO will approve no allowance for true depreciation unless the Board has made a determination.

§ 1003.2106 Contractors' requests for determination of true depreciation.

Requests will:

(a) Include information called for by § 1003.2106–1. Contractors are required to furnish five copies of the information, properly certified and three copies of the Certificate applications including supporting schedules.

(b) Be signed by a responsible official of the contractor.

(c) Contain the following certification by the official signing the request:

I hereby certify that the information contained in the foregoing request is true and correct to the best of my knowledge and belief.

§ 1003.2106–1 List of contractor information.

Information to be submitted by contractors to the board to support requests for determination of true depreciation on emergency facilities covered by certificates of necessity. The contractor will submit to the Army, Navy, or Air Force Emergency Facilities Depreciation Board (as appropriate), his request for a determination of true depreciation by an original and four copies of items other than item 2, and three copies for item 2. The request will contain the information indicated below. The contractor, to the extent practicable, will include all certificates issued in connection with any individual plant or location which he desires to have considered for determination of true depreciation in connection with the defense contracts. The responses to these questions may be in narrative or tabular form as the contractor deems best suited to his circumstances with such amplification as he considers necessary. If the contractor considers a given question to be inapplicable in his particular case, he should so state and give reasons therefor. The reporting and/or record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (AF Bul 51, 1951). (Bureau of the Budget No. 21–R060 (expiration—indefinite)).

1. (a) Name and address of contractor.
(b) Location of the facility or facilities.
(c) Summary of the cost of the facilities (segregated by individual necessity certificates) substantially as follows:

	Cost					
Land	Buildings and fixed installations	Equipment	Other	Total	Date completion	Percent certified

Necessity Certificate No. ------:
Location of Facilities -------- (City and State).

2. Photostats or similar facsimiles of Necessity Certificate(s) (Form ODM 78), and one copy of the application(s) (including supporting documentation) to the Defense Production Administration or the Office of Civil and Defense Mobilization therefor.

3. (a) When did you first authorize your expansion program in connection with the Necessity Certificate(s)?

(b) Why did you plan this expansion program?

4. What military contracts and subcontracts do you now have requiring the use of each facility? For each contract and subcontract furnish the following:
(a) Contract number.
(b) Total dollar value.
(c) Undelivered dollar value.
(d) Estimated completion date.
(e) Type of contract (CPFF fixed price, fixed price-redetermination, fixed price-incentive, etc.).

5. With which military departments or military contracts are you now negotiating or do you expect to negotiate for proposed new procurements? Indicate type of product, end item estimated dollar amount.

6. Have you requested a determination of "true depreciation" for other facilities from any other military department(s)?
(a) Yes or no.
(b) Department(s).
(c) Certificate file number(s).

7. State for each item or by groups or categories comprising similar type of items on Appendix A of Necessity Certificate(s):
(a)(1) Annual normal depreciation rate currently approved by the Bureau of Internal Revenue for income tax purposes.
(2) Rate at which item is being depreciated by you in your operating accounting records.
(3) Rate being used for military contract pricing.
(b) Is this item, group or category integrated in or isolated from the production process to the extent that special consideration should be given to it in determining true depreciation?
(c) Is this item, group or category convertible to your possible post-emergency operations?

(1) Fully or partially and percent of original cost not convertible.
(2) Estimate of useful remaining life in years.
(3) Not convertible.

(d) What plans do you have for the use or disposition of this facility, item, group or category after the emergency period?

(e) Explain to what extent, if any, the facility, item, group or category may cause prospective extraordinary obsolescence of preexisting facilities which are not, in fact, already obsolete.

(f) Describe briefly and state cost of any special construction features included in this facility, item, group, or category which were made necessary *exclusively by defense production requirements.*

8. State any additional information other than that submitted above which should be taken into consideration in making a determination of true depreciation for this facility, item, group, or category.

9. State your estimate of true depreciation for each facility, item, group, or category and your evaluation of the above facts to support such estimate.

PART 1007—CONTRACT CLAUSES

Subpart A—Clauses for Fixed-Price Supply Contracts

Sec.
1007.100 Scope of subpart.
1007.102 Applicability.
1007.103 Required clauses.
1007.103-2 Changes.
1007.103-4 Variation in quantity.
1007.103-8 Assignment of claims.
1007.103-22 Authorization and consent.
1007.104 Clauses to be used when applicable.
1007.104-12 Military security requirements.
1007.104-23 Subcontracts.
1007.104-25 Special tooling.
1007.104-28 Quality control system.
1007.104-50 Special clauses.
1007.105 Additional clauses.
1007.105-1 Alterations in contract.
1007.105-2 Approval of contract.
1007.105-4 Notice of shipments.
1007.105-5 Liquidated damages.
1007.105-7 Material inspection and receiving report.
1007.105-50 General.
1007.106 Price escalation clauses (established prices).
1007.108 Incentive price revision clause.
1007.108-50 Incentive price revision clause (successive targets).
1007.109 Price redetermination clauses.
1007.109-1 General.
1007.109-2 Prospective periodic price redetermination at stated intervals (Type A).
1007.109-3 Prospective price redetermination on request (Type B).
1007.109-4 Retroactive and prospective price redetermination at a stated time prior to completion (Type C).
1007.109-5 Retroactive and prospective price redetermination including further prospective redetermination on request (Type D).
1007.109-6 Retroactive price redetermination after completion (Type E).
1007.109-7 Modified retroactive and prospective price redetermination for follow-on contracts (Type F).
1007.109-50 Price redetermination upon happening of specified contingency (Type X).

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

1007.200 Scope of subpart.
1007.203 Required clauses.
1007.203-2 Changes.
1007.203-4 Allowable cost, fee and payment.
1007.203-23 Authorization and consent.
1007.204 Clauses to be used when applicable.
1007.204-12 Military security requirements.
1007.204-16 Negotiated overhead rates.
1007.204-50 Special clauses.
1007.204-52 Financial management report.
1007.205 Additional clauses.
1007.205-1 Alterations in contract.
1007.205-2 Approval of contract.
1007.205-6 Material inspection and receiving report.
1007.205-50 General.

Subpart C—Clauses for Fixed-Price Research and Development Contracts

1007.302 Required clauses.
1007.302-1 Definitions.
1007.302-25 Military security requirements.
1007.303 Clauses to be used when applicable.
1007.303-12 Subcontracts.
1007.303-50 Special clauses.
1008.303-52 Delay in delivery of data.
1007.303-53 Superseding specifications.
1007.303-54 Quality control specifications.
1007.303-55 Responsibility for supplies.
1007.304 Additional clauses.
1007.304-1 Changes.
1007.304-7 Reports of work.
1007.304-50 General.

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

1007.402 Required clauses.
1007.402-1 Definitions.
1007.402-24 Military security requirements.
1007.403 Clauses to be used when applicable.
1007.403-50 Special clauses.
1007.403-51 Approval of overtime and extra shifts.
1007.403-52 Delay in delivery of data.
1007.403-53 Superseding specifications.
1007.403-54 Financial management report.
1007.403-55 Limitation of Government's obligation.
1007.403-56 Quality control specification.
1007.404 Additional clauses.
1007.404-1 Changes.
1007.404-6 Reports of work.
1007.404-7 Shipments.
1007.404-50 General.

Subpart E—Clauses for Personal Services Contracts

1007.500 Scope of subpart.
1007.502 Applicability.
1007.503 Required clauses.
1007.503-7 Termination.
1007.503-50 Subcontracts.
1007.504 Clauses to be used when applicable.
1007.504-2 Data and copyrights.
1007.504-51 Filing of patent applications.
1007.504-52 Special clauses.
1007.505 Additional clauses.
1007.505-1 Alterations in contract.

Subparts F Through T—[Reserved]

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

1007.2102 Definitions.
1007.2103 Required clauses.
1007.2103-1 Definitions.
1007.2103-2 Changes.
1007.2103-3 Inspection.
1007.2103-4 Payments.
1007.2103-5 Assignment of claims.
1007.2103-6 Federal, State, and local taxes.
1007.2103-7 Default.
1007.2103-8 Disputes.
1007.2103-9 Notice and assistance regarding patent infringement.
1007.2103-11 Convict labor.
1007.2103-12 Eight-hour law of 1912.
1007.2103-13 Nondiscrimination in employment.
1007.2103-14 Officials not to benefit.
1007.2103-15 Covenant against contingent fees.
1007.2103-16 Termination for convenience of the Government.
1007.2104 Clauses to be used when applicable.
1007.2104-1 Walsh-Healey Public Contracts Act.
1007.2104-2 Utilization of concerns in surplus labor areas.
1007.2104-3 Military security requirements.
1007.2104-4 Government-furnished property.
1007.2104-5 Patents, data, and copyrights.
1007.2104-6 Subcontracts.
1007.2104-7 Utilization of small business concerns.
1007.2104-8 Notice to the Government of labor disputes.
1007.2104-9 Examination of records.
1007.2104-10 Buy American Act.
1007.2104-11 Gratuities.
1007.2104-12 Special clauses.
1007.2104-13 Priorities, allocations and allotments.
1007.2104-14 Approval of contract.
1007.2104-15 Alterations in contract.
1007.2104-16 Soviet-controlled areas.
1007.2104-17 Renegotiation.
1007.2104-18 Defense subcontracting small business program.
1007.2105 Additional clauses.
1007.2105-1 General.

Subpart V—Clauses for Technical Services Contracts

1007.2201 Limitation on use.
1007.2202 Definition.
1007.2203 Required clauses.
1007.2203-1 Definitions.
1007.2203-2 Changes.
1007.2203-3 Inspection.
1007.2203-4 Payments.
1007.2203-5 Assignment of claims.
1007.2203-6 Federal, State, and local taxes.
1007.2203-7 Default.
1007.2203-8 Disputes.
1007.2203-9 Convict labor.
1007.2203-10 Eight-hour law of 1912.
1007.2203-11 Nondiscrimination in employment.
1007.2203-12 Officials not to benefit.
1007.2203-13 Covenant against contingent fees.
1007.2203-14 Termination for convenience of the Government.
1007.2203-15 Subcontracts for work or services.
1007.2203-16 Inspection and audit.
1007.2203-17 Examination of records.
1007.2203-18 Gratuities.
1007.2203-19 Renegotiation.
1007.2203-20 Contractor personnel.
1007.2203-21 Period of performance.
1007.2203-22 Services furnished by the Government.
1007.2204 Clauses to be used when applicable.
1007.2204-1 Military security requirements.
1007.2204-2 Government-furnished property.
1007.2204-3 Capture and detention.
1007.2204-4 Data and copyrights.
1007.2204-5 Filing of patent applications.
1007.2204-6 Notice and assistance regarding patent infringements.
1007.2204-7 Reporting of royalties (foreign).
1007.2204-8 Approval of contract.
1007.2204-9 Alterations in contract.
1007.2204-10 Special clauses.
1007.2205 Additional clauses.
1007.2205-1 Effective date of contract.
1007.2205-2 Limitation of Government's obligation.
1007.2205-3 Overtime.
1007.2205-4 Option to increase services at same rates.
1007.2205-5 Option to extend services at provisional rates.
1007.2205-6 General.
1007.2205-7 Schedule provisions.

Subpart W—Clauses for Time and Materials Contracts

1007.2303 Required clauses.
1007.2303-1 Definitions.
1007.2303-2 Changes.
1007.2303-3 Inspection.
1007.2303-4 Payments.
1007.2303-5 Assignment of claims.
1007.2303-6 Excusable delays.
1007.2303-7 Disputes.
1007.2303-8 Records.
1007.2303-9 Subcontracts.
1007.2303-10 Convict labor.
1007.2303-11 Eight-hour law of 1912.
1007.2303-12 Walsh-Healey Public Contracts Act.
1007.2303-13 Nondiscrimination in employment.
1007.2303-14 Officials not to benefit.
1007.2303-15 Covenant against contingent fees.
1007.2303-16 Termination.
1007.2304 Clauses to be used when applicable.
1007.2304-1 Utilization of concerns in labor surplus areas.
1007.2304-2 Government property.
1007.2304-3 Military security requirements.
1007.2304-4 Patents, data and copyrights.
1007.2304-5 Authorization and consent.
1007.2304-6 Notice and assistance.
1007.2304-7 Buy American Act.
1007.2304-8 Gratuities.
1007.2304-9 Priorities, allocations and allotments.
1007.2304-10 Approval of contract.
1007.2304-11 Alterations in contract.
1007.2304-12 Soviet-controlled areas.
1007.2304-13 Limitation on withholding of payments.
1007.2304-14 Special clauses.
1007.2304-15 Defense subcontracting small business program.
1007.2304-16 Flight risk.
1007.2304-17 Notice to the Government of labor disputes.
1007.2304-18 Renegotiation.
1007.2305 Additional clauses.
1007.2305-1 General.
1007.2305-2 Materials and parts coded CP.

Subpart X—Clauses, Schedule Provisions, and Exhibits for Instruction of Military Personnel at Civilian Schools, Colleges, and Universities

1007.2400 Scope of subpart.
1007.2401 Limitation on use.
1007.2402 Definitions.
1007.2402-1 Contract for instruction of military personnel at civilian schools, colleges, and universities.
1007.2403 Required clauses.
1007.2403-1 Definitions.
1007.2403-2 Inspection.
1007.2403-3 Disputes.
1007.2403-4 Convict labor.
1007.2403-5 Eight-hour law of 1912.
1007.2403-6 Nondiscrimination in employment.
1007.2403-7 Officials not to benefit.
1007.2403-8 Covenant against contingent fees.
1007.2403-9 Termination.
1007.2403-10 Revised fees.
1007.2403-11 Change in curriculum.
1007.2403-12 Reports and withdrawal of students.
1007.2403-13 Gratuities.
1007.2403-14 Examination of records.
1007.2404 Clauses to be used when applicable.
1007.2404-1 Alterations in contract.
1007.2406 Schedule provisions.
1007.2406-1 Part I—Services to be furnished.
1007.2406-2 Part II—Consideration, payment and voucher.
1007.2407 Exhibits.
1007.2407-1 Exhibit for enrollment or continuation.
1007.2407-2 Exhibit for approving courses and allotment of funds.
1007.2408 Changes to be made for contracts issued under Air Force Regulation 34-8.

Subpart Y—Clauses and Arrangements for Letter Contracts

1007.2503 Arrangements for letter contracts.
1007.2503-1 Cover page.
1007.2503-2 Introduction.
1007.2503-3 Signatures and acceptance.
1007.2504 Required clauses for fixed-price letter contracts.
1007.2504-1 Introductory paragraph.
1007.2504-2 Direction to proceed.
1007.2504-3 Contract clauses for incorporation by reference.
1007.2504-4 Provision for definitizing contract.
1007.2504-5 Authority to obligate funds.
1007.2504-6 Termination.
1007.2504-7 Quality control specification.
1007.2504-8 Subcontracts.
1007.2504-9 Provision for execution.
1007.2505 Required clauses for cost-reimbursement letter contracts.
1007.2505-1 Introductory paragraph.
1007.2505-2 Direction to proceed.
1007.2505-3 Contract clauses incorporated by reference.
1007.2505-4 Provisions for definitizing contract.
1007.2505-5 Authority to obligate funds.
1007.2505-6 Termination.
1007.2505-7 Quality control.
1007.2505-8 Provision for execution.
1007.2506 Required clauses for facilities letter contracts.
1007.2506-1 Introductory paragraph.
1007.2506-2 Direction to proceed.
1007.2506-3 Contract clauses incorporated by reference.
1007.2506-4 Provisions for definitizing contract.
1007.2506-5 Authority to obligate funds.
1007.2506-6 Use charge.
1007.2506-7 Date for completion of work.
1007.2506-8 Termination.
1007.2506-9 Provision for execution.
1007.2507 Required clauses for letter contracts referencing a basic agreement.
1007.2507-1 Introductory paragraph.
1007.2507-2 Direction to proceed.
1007.2507-3 Reference to basic agreement.
1007.2507-4 Provisions for definitizing contract.
1007.2507-5 Authority to obligate funds.
1007.2507-6 Provision for execution.

Subpart Z—Clauses for Open Contracts for Equipment and Services

1007.2600 Scope of subpart.
1007.2601 Limitation on use.
1007.2603 Required clauses.
1007.2603-1 Additional tax provision.
1007.2603-2 Shipments.
1007.2603-3 Time for issuance of production lists.
1007.2603-4 Orders.
1007.2604 Clauses to be used when applicable.
1007.2605 Additional clauses.
1007.2605-1 Forms.
1007.2605-2 Sample production list.
1007.2605-3 Sample exhibit.
1007.2605-4 Sample spare parts change request.
1007.2605-5 Sample analysis of spare parts change.
1007.2605-6 General.
1007.2606 Schedule.
1007.2606-1 Articles and supplies to be furnished.
1007.2606-2 Design changes.
1007.2606-3 Procedure for pricing.

Subpart AA—Clauses for Facilities Contracts

1007.2702 Definition.
1007.2702-2 Facilities.
1007.2703-3 Subcontracts.
1007.2703-4 Utilization of small business concerns.
1007.2703-6 Cancellation of subcontracts.
1007.2703-7 Reimbursements.
1007.2703-8 Limitation of cost.
1007.2703-9 Records.
1007.2703-10 Assignment of claims.
1007.2703-11 Renegotiation.
1007.2703-12 Use and charges.
1007.2703-13 Termination.
1007.2703-14 Public liability, insurance.
1007.2703-15 Taxes and utilities.
1007.2703-16 Reports to be furnished.
1007.2703-17 Convict labor.
1007.2703-18 Eight-hour law of 1912.
1007.2703-19 Walsh-Healey Public Contracts Act.
1007.2703-20 Nondiscrimination in employment.
1007.2703-21 Officials not to benefit.
1007.2703-22 Covenant against contingent fees.
1007.2703-23 Disputes.
1007.2703-24 Reservation of rights.
1007.2703-25 Loading, blocking, and bracing requirements.
1007.2703-26 Notice to the Government of labor disputes.
1007.2703-27 Notice and assistance regarding patent infringement.
1007.2703-28 Reporting of royalties.
1007.2703-29 Authorization and consent.
1007.2703-30 Patent indemnity.
1007.2703-31 Changes.
1007.2703-32 Utilization of concerns in surplus labor areas.
1007.2704 Clauses to be used when applicable.
1007.2704-1 Labor standards for construction work.
1007.2704-2 Gratuities.
1007.2704-3 Negotiated overhead rates.
1007.2704-4 Military security requirements.
1007.2704-5 Priorities, allocations and allotments.
1007.2704-6 Approval of contract.
1007.2704-7 Alterations in contract.
1007.2704-8 Data and copyrights.
1007.2704-9 Soviet-controlled areas.
1007.2704-10 Buy American Act.
1007.2705 Additional clauses.
1007.2705-50 General.

Subpart BB—Clauses for Short-Form Facilities Contracts

1007.2801 Limitation on use.
1007.2802 Definition.
1007.2803 Required clauses.
1007.2803-1 Definitions.
1007.2803-2 Facilities to be furnished.
1007.2803-3 Reports to be furnished.
1007.2803-4 Use and charges therefor.
1007.2803-5 Taxes and utilities.
1007.2803-6 Access.
1007.2803-7 Property control records.
1007.2803-8 Termination.
1007.2803-9 Continuing plant clearance.
1007.2803-10 Disputes.
1007.2803-11 Convict labor.
1007.2803-12 Eight-hour law of 1912.
1007.2803-13 Nondiscrimination in employment.
1007.2803-14 Officials not to benefit.
1007.2803-15 Covenant against contingent fees.
1007.2803-16 Inspection and audit.

Sec.
1007.2803–17 Loading, blocking, and bracing requirements.
1007.2803–18 Title and possession.
1007.2803–19 Liability.
1007.2803–20 Maintenance.
1007.2803–21 Public liability, insurance.
1007.2803–22 Reservation of rights.
1007.2803–23 Cost for packing, shipment, or storage.
1007.2804 Clauses to be used when applicable.
1007.2804–1 Approval of contract.
1007.2804–2 Gratuities.
1007.2804–3 Alterations in contract.
1007.2804–4 Data and copyrights.

Subpart CC—Leases of Machine Tools and Other Production Equipment

1007.2903 Form of lease.
1007.2904 Cover page, introductory recitals, and signature page.
1007.2904–1 Cover page.
1007.2904–2 Introductory recitals.
1007.2904–3 Signature page.
1007.2905 Required clauses.
1007.2905–1 Leased property.
1007.2905–2 Term.
1007.2905–3 Delivery.
1007.2905–4 Disclaimer of warranty.
1007.2905–5 Use of leased property.
1007.2905–6 Rental.
1007.2905–7 Liability and risk of loss.
1007.2905–8 Maintenance.
1007.2905–9 Termination.
1007.2905–10 Disposition.
1007.2905–11 Location of leased property.
1007.2905–12 Title.
1007.2905–13 Reports to be furnished by the lessee.
1007.2905–14 Taxes.
1007.2905–15 Marking and identification.
1007.2905–16 Access to leased property.
1007.2905–17 Responsibility for damages.
1007.2905–18 Nondiscrimination in employment.
1007.2905–19 Officials not to benefit.
1007.2905–20 Covenant against contingent fees.
1007.2905–21 Eight-hour law of 1912.
1007.2905–22 Convict labor.
1007.2905–23 Disputes.
1007.2905–24 Definitions.
1007.2905–25 Approval.

Subpart DD—[Reserved]

Subpart EE—Clauses for Construction Contracts

1007.3103 Required clauses.
1007.3103–1 Alterations in contract.
1007.3103–2 Assignment of claims.
1007.3103–3 Federal, State and local taxes.
1007.3103–4 Termination for convenience of the Government.
1007.3103–5 Notice to the Government of labor disputes.
1007.3103–6 Government-furnished property.
1007.3103–8 Safety and accident prevention.
1007.3103–9 Bonds.
1007.3103–10 Gratuities.
1007.3103–11 Title to Government buildings and appurtenances.
1007.3103–12 Notice and assistance regarding patent infringement.
1007.3103–13 Authorization and consent.
1007.3103–14 Renegotiation.
1007.3104 Clauses to be used when applicable.
1007.3104–1 Examination of records.
1007.3104–2 Approval of subcontracts.
1007.3104–4 Military security requirements.
1007.3104–5 Utilization of small business concerns.
1007.3104–6 Approval of contract.
1007.3104–9 Rights in data.
1007.3104–10 Filing of patent applications.
1007.3104–11 Priorities, allocations and allotments.
1007.3104–12 Soviet-controlled areas.
1007.3105 Additional clauses.
1007.3105–1 Patent rights.
1007.3105–2 Superseding specifications.
1007.3105–3 Estimated requirements.
1007.3106 Required special provisions.
1007.3106–1 Description of work.
1007.3106–2 Scope of work.
1007.3106–3 Site investigation and representations.
1007.3106–4 Order of work.
1007.3106–5 Operations and storage areas.
1007.3106–6 Base lines and grades.
1007.3106–7 Progress charts, Sundays, holidays, and nights.
1007.3106–8 Standard test, quality, and guarantees.
1007.3106–9 Preservation of existing vegetation.
1007.3106–10 Protection of material and work.
1007.3106–11 Possession prior to completion.
1007.3106–12 Suspension of work.
1007.3106–13 Identification of employees.
1007.3106–14 Cleaning up.
1007.3106–15 Water.
1007.3106–16 Electricity.
1007.3106–17 Airfield safety precautions.
1007.3106–18 Shop drawings.
1007.3106–19 Final examination and acceptance relating to payment.
1007.3106–20 Domestic articles.
1007.3106–21 Rates of wages.
1007.3106–22 Protection of existing structures, utilities, and work.
1007.3107 Additional special provisions.

Subpart FF—Clauses for Bakery and Dairy Products Contracts

1007.3200 Scope of subpart.
1007.3202 Definitions.
1007.3202–1 Contracts for the procurement of bakery products.
1007.3202–2 Contracts for the procurement of dairy products.
1007.3203 Required clauses.
1007.3203–1 Definitions.
1007.3203–2 Inspection.
1007.3203–3 Responsibility for supplies.
1007.3203–4 Payments.
1007.3203–5 Assignment of claims.
1007.3203–6 Default.
1007.3203–7 Disputes.
1007.3203–8 Notice and assistance regarding patent infringement.
1007.3203–9 Buy American Act.
1007.3203–10 Convict labor.
1007.3203–11 Eight-hour law of 1912; overtime compensation.
1007.3203–12 Walsh-Healey Public Contracts Act.
1007.3203–13 Nondiscrimination in employment.
1007.3203–14 Officials not to benefit.
1007.3203–15 Covenant against contingent fees.
1007.3203–16 Termination for convenience of the Government.
1007.3203–17 Federal, State, and local taxes.
1007.3203–18 Utilization of small business concerns.
1007.3203–19 Gratuities.
1007.3203–20 Vehicles or conveyances.
1007.3203–21 Federal Food, Drug, and Cosmetic Act.
1007.3203–22 Sanitary inspection.
1007.3203–23 Preference for certain domestic commodities.
1007.3203–24 Renegotiation.
1007.3204 Clauses to be used when applicable.
1007.3204–1 Special clauses.
1007.3204–2 Estimated requirements.
1007.3204–3 Approval of contract.
1007.3204–4 Examination of records.
1007.3204–5 Alteration in contract.
1007.3204–6 Milk bottles.
1007.3204–7 Laboratory analysis.
1007.3204–8 Weight of containers.
1007.3204–9 Containers.
1007.3204–10 Price adjustments for subsidized ingredients.
1007.3205 Additional clauses.
1007.3205–1 General.

Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

1007.3302 Definitions.
1007.3302–1 Contracts for laundry or dry-cleaning services.
1007.3303 Required clauses.
1007.3303–1 Definitions.
1007.3303–2 Inspection.
1007.3303–3 Assignment of claims.
1007.3303–4 Default.
1007.3303–5 Disputes.
1007.3303–6 Convict labor.
1007.3303–7 Eight-hour law of 1912; overtime compensation.
1007.3308–8 Nondiscrimination in employment.
1007.3303–9 Officials not to benefit.
1007.3303–10 Covenant against contingent fees.
1007.3303–11 Termination for the convenience of the Government.
1007.3303–12 Federal, State and local taxes.
1007.3303–13 Renegotiation.
1007 3303–14 Gratuities.
1007.3303–15 Utilization of small business concerns.
1007.3303–16 Government-furnished property.
1007.3303–17 Count of articles.
1007.3303–18 Loss or damage.
1007.3303–19 Records of Government-owned property.
1007.3303–20 Storage and handling.
1007.3304 Clauses to be used when applicable.
1007.3304–1 Examination of records.
1007.3304–2 Approval of contract.
1007.3304–3 Alterations in contract.
1007.3304–4 Special clauses.
1007.3304–5 Estimated requirements.
1007.3305 Additional clauses.
1007.3305–1 General.

Subpart HH—[Reserved]

Subpart II—Clauses for Packing and Crating Contracts

1007.3502 Definitions.
1007.3502–1 Contracts for packing and crating of household goods.
1007.3503 Required clauses.
1007.3503–1 Definitions.
1007.3503–2 Inspection.
1007.3503–3 Responsibility for supplies.
1007.3503–4 Payments.
1007.3503–5 Assignment of claims.
1007.3503–6 Default.
1007.3503–7 Disputes.
1007.3503–8 Notice and assistance regarding patent infringement.
1007.3503–9 Buy American Act.
1007.3503–10 Convict labor.
1007.3503–11 Eight-hour law of 1912; overtime compensation.
1007.3503–12 Walsh-Healey Public Contracts Act.
1007.3503–13 Nondiscrimination in employment.
1007.3503–14 Officials not to benefit.
1007.3503–15 Covenant against contingent fees.
1007.3503–16 Termination for convenience of the Government.
1007.3503–17 Federal, State and local taxes.
1007.3503–18 Utilization of small business concerns.
1007.3503–19 Gratuities.
1007.3503–21 Weighing and marking.
1007.3503–22 Contractor's liabilities.
1007.3503–23 Renegotiation.
1007.3503–24 Government property.
1007.3504 Clauses to be used when applicable.
1007.3504–1 Special clauses.
1007.3504–2 Estimated requirement.

Sec.
1007.3504–3 Priorities, allocations and allotments.
1007.3504–4 Approval of contract.
1007.3504–5 Alterations in contract.
1007.3504–6 Examination of records.
1007.3504–7 Buy American Act.
1007.3505 Additional clauses.
1007.3505–1 General.

Subpart JJ—Contracts for Care of Remains

1007.3602 Definition.
1007.3603 Schedule.
1007.3604 General provisions.
1007.3604–1 Definitions.
1007.3604–2 Changes.
1007.3604–3 Inspection.
1007.3604–4 Payments.
1007.3604–5 Assignment of claims.
1007.3604–6 Federal, State, and local taxes.
1007.3604–7 Termination for convenience of the Government.
1007.3604–8 Default.
1007.3604–9 Disputes.
1007.3604–10 Estimated requirements.
1007.3604–12 Convict labor.
1007.3604–13 Eight-hour law of 1912.
1007.3604–14 Walsh-Healey Public Contracts Act.
1007.3604–15 Nondiscrimination in employment.
1007.3604–16 Officials not to benefit.
1007.3604–17 Covenant against contingent fees.
1007.3604–18 Subcontracts.
1007.3604–19 Renegotiation.
1007.3604–20 Gratuities.
1007.3604–21 Transportation.
1007.3604–22 Inconsistent provisions.
1007.3604–23 Advertising prohibited.
1007.3604–24 Professional requirements.
1007.3604–25 Facility requirements.
1007.3604–26 Coordination.
1007.3604–27 Time of delivery.
1007.3604–28 Preparation of remains at other than contractor's establishment.
1007.3604–29 Oversized casket.
1007.3604–30 Group interment.
1007.3604–31 Preparation history.
1007.3604–32 Major restorative art.
1007.3604–33 Passenger car.
1007.3605 Clauses to be used when applicable.
1007.3605–1 Approval of contract.
1007.3605–2 Government-furnished property.
1007.3605–3 Priorities, allocations and allotments.
1007.3605–4 Buy American Act.
1007.3606 Specifications.
1007.3606–1 Reprocessing remains at zone of interior.

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

1007.3700 Scope of subpart.
1007.3702 Definitions.
1007.3702–1 Negotiated utility service contract.
1007.3703 Required clauses and arrangements; contracts for $2,400 or less.
1007.3703–1 Gratuities.
1007.3704 Clauses to be used when applicable.
1007.3704–1 Alterations in contract.
1007.3704–2 Soviet-controlled areas.
1007.3705 Additional clauses.
1007.3705–1 General.
1007.3706 Required clauses and arrangements; contracts for more than $2,400.
1007.3706–1 Cover page.
1007.3706–2 Definitions.
1007.3706–3 Rates for services.
1007.3706–4 Application of most favorable rates.
1007.3706–5 Change in class of service.
1007.3706–6 Access.
1007.3706–7 Payments.
1007.3706–8 Liability of contractor.
1007.3706–9 Assignment of claims.
1007.3706–10 Disputes.
1007.3706–11 Termination.
1007.3706–12 Convict labor.
1007.3706–13 Nondiscrimination in employment.
1007.3706–14 Officials not to benefit.
1007.3706–15 Covenant against contingent fees.
1007.3706–16 Gratuities.
1007.3706–17 Conflicts.
1007.3706–18 Signature page.
1007.3707 Clauses to be used when applicable; contracts for more than $2,400.
1007.3707–1 Examination of records.
1007.3707–2 Multiple service locations.
1007.3707–3 Approval of contract.
1007.3707–4 Priorities, allocations and allotments.
1007.3707–5 Alterations in contract.
1007.3708 Additional clauses.
1007.3708–1 General.
1007.3709 Description of services.
1007.3709–1 Technical provisions.
1007.3709–2 Connection charge.
1007.3709–3 Specifications.

Subpart LL—Basic Agreement Provisions

1007.3800 Scope of subpart.
1007.3801 Issuance and use.
1007.3802 Definition.
1007.3802–1 Basic agreement.
1007.3803 Required provisions.
1007.3803–1 Covering agreement.
1007.3803–2 Index page.
1007.3803–3 Section A—general provisions.
1007.3803–4 Section B—special provisions.
1007.3803–5 Section C—letter contract provisions.
1007.3803–6 Section C—letter contract provisions.
1007.3803–7 Section D—research and development contract provisions.

Subpart MM—[Reserved]

Subpart NN—Special Clauses

1007.4003 Use of special clauses.
1007.4004 Shipments.
1007.4005 Delivery of spare parts schedule.
1007.4006 Delivery of aircraft.
1007.4007 Transportation charges.
1007.4008 Accelerated delivery.
1007.4009 Furnishing of materials or supplies by the Government at its option.
1007.4010 Government-furnished property to be returned in kind.
1007.4011 Recapture clause for equipment rental contracts.
1007.4012 Rental of gas cylinders.
1007.4013 Quality control system.
1007.4014 Certificate acceptance.
1007.4015 Additional inspection requirements.
1007.4016 Inspection requirements for experimental aircraft.
1007.4017 Sanitary inspection.
1007.4018 Vehicles or conveyances.
1007.4019 Federal Food, Drug, and Cosmetic Act.
1007.4020 First article approval.
1007.4021 Production sample test.
1007.4023 Inspection and audit.
1007.4024 Superseding specifications.
1007.4025 Changes.
1007.4026 Option for increased quantity.
1007.4028 Estimated requirements.
1007.4029 Guaranty clause for fixed-price contracts.
1007.4030 Subcontracts.
1007.4033 Contractual contents.
1007.4034 Discounts.
1007.4035 Prior instrument superseded.
1007.4036 Delay in delivery of data.
1007.4037 Inspection.
1007.4038 Price warranty.
1007.4039 Order clause under indefinite quantity contracts.
1007.4040 Call procurement arrangement.
1007.4041 Descriptive identification data to be furnished by Government suppliers.
1007.4043 Returnable containers.
1007.4044 Customary commercial warranties.
1007.4045 Payment of fixed fee.
1007.4046 Payments clause for fixed-price-type letter contracts.
1007.4047 Safety and accident prevention.
1007.4048 Ammunition and explosive material safety.
1007.4049 Warning labels for hazardous chemicals.
1007.4050 Government bill of lading.
1007.4051 Special provisions relating to Air Force equipment upon which work is to be performed.
1007.4052 Use of Government facilities on no-charge basis.
1007.4053 Notice of radioactive materials.
1007.4054 Limitation of Government's obligation.
1007.4055 Changes in fund allocations.
1007.4056 Domestically produced jewel bearings.
1007.4057 Training equipment.
1007.4058 Current reimbursement.
1007.4059 Procurement of liquid oxygen converters.
1007.4060 Humane slaughtering.
1007.4060–1 Applicability.
1007.4060–2 Definitions.
1007.4060–3 Provisions.
1007.4061 Material inspection and receiving report and price information.
1007.4062 Preparation of dangerous materials for shipment.
1007.4063 Program progress reporting requirements.
1007.4064 Value engineering.
1007.4065 Work requests.

Subpart OO—[Reserved]

Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

1007.4203 Special required clauses.
1007.4203–1 Inconsistency between English version and translation of contract.
1007.4203–2 Labor relations and standards.
1007.4205 Variations and omissions of clauses.
1007.4205–1 Definitions.
1007.4205–2 Changes.
1007.4205–3 Inspection.
1007.4205–4 Responsibility for supplies.
1007.4205–5 Assignment of claims.
1007.4205–6 Additional bond security.
1007.4205–7 Federal, State, and local taxes.
1007.4205–8 Disputes.
1007.4205–9 Patent and data clauses.
1007.4205–10 Buy American Act.
1007.4205–11 Convict labor.
1007.4205–12 Eight-hour law of 1912.
1007.4205–13 Walsh-Healey Public Contracts Act.
1007.4205–14 Nondiscrimination in employment.
1007.4205–15 Davis-Bacon Act.
1007.4205–16 Copeland Act.
1007.4205–19 Military security requirements.
1007.4205–21 Inspection and audit.
1007.4205–22 Examination of records.
1007.4205–23 Records.
1007.4205–24 United States officials not to benefit.
1007.4205–25 Preference for certain domestic commodities.
1007.4205–26 Payments for Mutual Defense Assistance Program contracts.
1007.4205–27 Price change.

Sec.
1007.4205–28 Soviet-controlled areas.
1007.4206 Construction contracts; cover sheet.
1007.4207 Construction contracts; general provisions.
1007.4207–1 Labor relations and standards.
1007.4207–2 Definitions.
1007.4207–3 Changes.
1007.4207–4 Changed conditions.
1007.4207–5 Inspection.
1007.4207–6 Payments to contractors.
1007.4207–7 Taxes.
1007.4207–9 Termination for default; damages for delay; time extensions.
1007.4207–10 Disputes.
1007.4207–11 United States officials not to benefit.
1007.4207–12 Covenant against contingent fees.
1007.4207–13 Termination for convenience of the United States Government.
1007.4207–14 Notice to the United States Government of labor disputes.
1007.4207–15 Specifications and drawings.
1007.4207–16 Materials and workmanship.
1007.4207–17 Superintendence by the contractor.
1007.4207–18 Permits and responsibility for work, etc.
1007.4207–19 Other contracts.
1007.4208 Construction contracts; general provisions to be used when applicable.
1007.4208–1 Inconsistency between English version and translation of contract.
1007.4208–2 Gratuities.
1007.4208–3 Reporting of royalties.
1007.4208–4 Examinations of records.
1007.4208–5 Government-furnished property.
1007.4208–6 Approval of subcontracts.
1007.4208–7 Soviet-controlled areas.
1007.4208–8 Safety and accident prevention.
1007.4209 Construction contracts; additional general provisions.
1007.4209–1 Assignment of claims.
1007.4209–2 Additional bond security.
1007.4210 Construction contracts—special provisions.

Subpart QQ—Clauses for Fixed-Price Architectural Engineering Service Contracts

1007.4301 Statutory authority and restrictions.
1007.4302 Definitions.
1007.4303 Required clauses.
1007.4303–1 Definitions.
1007.4303–2 Changes.
1007.4303–3 Default.
1007.4303–4 Disputes.
1007.4303–5 Termination for the convenience of the Government.
1007.4303–6 Officials not to benefit.
1007.4303–7 Assignment of claims.
1007.4303–8 Eight-hour law of 1912.
1007.4303–9 Convict labor.
1007.4303–10 Nondiscrimination in employment.
1007.4303–11 Covenant against contingent fees.
1007.4303–12 Renegotiation.
1007.4303–13 Gratuities.
1007.4303–14 Examination of records.
1007.4303–15 Subcontracts.
1007.4303–17 Rights in data.
1007.4303–19 Release of information.
1007.4303–20 Approval of contract.
1007.4304 Clauses to be used when applicable.
1007.4304–1 Alterations in contract.
1007.4304–2 Reports.
1007.4304–3 Preparation of specifications.
1007.4304–4 Military security requirement.
1007.4304–5 Buy American Act.
1007.4305 General.
1007.4306 Required schedule provisions.
1007.4306–1 Preliminary recitation (without title).
1007.4306–2 Part I—Statement of services.
1007.4306–3 Part II—Consideration and payment.
1007.4306–4 Part III—Period of performance.
1007.4306–5 Part IV—Inspection, delivery and acceptance.
1007.4307 Schedule provisions to be used when applicable.
1007.4307–1 Transportation reimbursement.
1007.4307–2 Option of inspection services.

Subpart RR—Clauses for Teacher Contracts

1007.4403 Required clauses.
1007.4403–1 Definitions.
1007.4403–2 Assignment of claims.
1007.4403–3 Disputes.
1007.4403–4 Officials not to benefit.
1007.4403–5 Covenant against contingent fees.
1007.4403–6 Termination for convenience of the Government.
1007.4403–7 Subcontracts.
1007.4403–8 Change in rate of pay.
1007.4404 Clauses to be used when applicable.
1007.4404–1 Alterations in contract.
1007.4405 Required schedule clauses for contracts with full-time teachers.
1007.4405–1 Part I—Statement of services.
1007.4405–2 Part II—Period of performance.
1007.4405–3 Part III—Leave of absence.
1007.4405–4 Part IV—Consideration and payment.
1007.4405–5 Part V—Qualifications.
1007.4405–6 Part VI—Renewal.
1007.4406 Required schedule clauses for contracts with substitute teachers.
1007.4406–1 Part I—Statement of services.
1007.4406–2 Part II—Period of performance.
1007.4406–3 Part III—Consideration and payment.
1007.4406–4 Part IV—Qualifications.
1007.4407 Required schedule clauses for contracts with principals.
1007.4407–1 Part I—Statement of services.
1007.4407–2 Part II—Period of performance.
1007.4407–3 Part III—Leave of absence.
1007.4407–4 Part IV—Consideration and payment.
1007.4407–5 Part V—Qualifications.
1007.4407–6 Part VI—Renewal.

Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts

1007.4500 Scope of subpart.
1007.4502 Definition.
1007.4503 Required clauses.
1007.4503–1 Definitions.
1007.4503–2 Changes.
1007.4503–3 Inspection and quality control.
1007.4503–4 Payments.
1007.4503–5 Assignment of claims.
1007.4503–6 Federal, State and local taxes.
1007.4503–7 Default.
1007.4503–8 Disputes.
1007.4503–9 Renegotiation.
1007.4503–10 Notice to the Government of labor disputes.
1007.4503–11 Eight-Hour Law of 1912.
1007.4503–12 Nondiscrimination in employment.
1007.4503–13 Officials not to benefit.
1007.4503–14 Covenant against contingent fees.
1007.4503–15 Termination for convenience of the Government.
1007.4503–16 Authorization and consent.
1007.4503–17 Notice and assistance regarding patent infringement.
1007.4503–18 Convict labor.
1007.4503–19 Gratuities.
1007.4503–20 Government-furnished property.
1007.4504 Clauses to be used when applicable.
1007.4505 Additional clauses.
1007.4505–1 Records.
1007.4505–2 Certificate acceptance.
1007.4505–3 Materials and parts coded CP.
1007.4505–4 General.

Subpart TT—Clauses for Cost-Reimbursement Type Maintenance, Overhaul and Modification Contracts

1007.4600 Scope of subpart.
1007.4602 Definition.
1007.4603 Required clauses.
1007.4603–1 Definitions.
1007.4603–2 Changes.
1007.4603–3 Limitation of cost.
1007.4603–4 Allowable cost, fixed fee and payment.
1007.4603–5 Inspection and quality control.
1007.4603–6 Assignment of claims.
1007.4603–7 Records.
1007.4603–8 Subcontracts.
1007.4603–9 Utilization of small business concerns.
1007.4603–10 Termination.
1007.4603–11 Excusable delays.
1007.4603–12 Disputes.
1007.4603–13 Notice and assistance regarding patent infringement.
1007.4603–15 Convict labor.
1007.4603–16 Eight-Hour Law of 1912.
1007.4603–17 Nondiscrimination in employment.
1007.4603–18 Officials not to benefit.
1007.4603–19 Covenant against contingent fees.
1007.4603–20 Government property.
1007.4603–21 Insurance; Liability to third persons.
1007.4603–22 Authorization and consent.
1007.4603–23 Gratuities.
1007.4603–24 Renegotiation.
1007.4603–25 Special provisions relating to Air Force equipment upon which work is to be performed.
1007.4603–26 Notice to the Government of labor disputes.
1007.4603–27 Utilization of concerns in surplus labor areas.
1007.4604 Clauses to be used when applicable.
1007.4604–1 Military security requirements.
1007.4604–2 Reporting of royalties.
1007.4604–3 Data and copyrights.
1007.4604–5 Filing of patent applications.
1007.4604–6 Patent indemnity.
1007.4604–7 Patent rights.
1007.4604–8 Negotiated overhead rates.
1007.4604–9 Superseding specifications.
1007.4604–10 Approval of overtime and extra shifts.
1007.4604–11 Priorities, allocations and allotments.
1007.4604–12 Shipments.
1007.4604–13 Delivery of aircraft.
1007.4604–14 Delay in delivery of data.
1007.4604–15 Flight risk.
1007.4604–16 Ammunition and explosive material safety.
1007.4604–17 Safety and accident prevention.
1007.4604–18 Alteration in contract.
1007.4604–19 Approval of contract.
1007.4604–20 Superseding specifications.
1007.4604–21 Soviet-controlled areas.
1007.4604–22 Buy American Act.
1007.4604–23 Walsh-Healey Public Contracts Act.
1007.4604–24 Limitation on withholding payments.
1007.4605 Additional clauses.
1007.4605–1 Supplies.
1007.4605–2 Certificate acceptance.
1007.4605–3 General.

Subpart UU—[Reserved]

Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFROTC Personnel at Civilian Colleges and Universities

Sec.
1007.4802 Definition.
1007.4803 Required clauses.
1007.4803–1 Definitions.
1007.4803–2 Inspection.
1007.4803–3 Disputes.
1007.4803–4 Convict labor.
1007.4803–5 Eight-hour law of 1912.
1007.4803–6 Nondiscrimination in employment.
1007.4803–7 Officials not to benefit.
1007.4803–8 Covenants against contingent fees.
1007.4803–9 Gratuities.
1007.4803–10 Examination of records.
1007.4803–11 Termination for the convenience of the Government.
1007.4803–12 Subcontracts for work or services.
1007.4803–13 Insurance.
1007.4803–14 Renegotiation.
1007.4804 Clauses to be used when applicable.
1007.4804–1 Reporting of royalties.
1007.4804–2 Approval of contract.
1007.4804–3 Alterations in contract.
1007.4805 Additional clauses.
1007.4806 Schedule provisions.

Subpart WW—Clauses for Basic Agreements for Communication Services

1007.4900 Scope of subpart.
1007.4901 Limitation on use of basic agreements.
1007.4902 Clauses for basic agreements when no special construction charges are expected.
1007.4902–1 Introductory recital.
1007.4902–2 Definitions.
1007.4902–3 Scope of services and facilities.
1007.4902–4 Payment.
1007.4902–5 Period of contract and termination.
1007.4902–6 Officials not to benefit.
1007.4902–7 Covenant against contingent fees.
1007.4902–8 Gratuities.
1007.4902–9 Disputes.
1007.4902–10 Convict labor.
1007.4902–11 Nondiscrimination in employment.
1007.4902–12 Examination of records.
1007.4902–13 Reporting of royalties.
1007.4902–14 Authorization and consent.
1007.4902–15 Notice and assistance.
1007.4902–16 Patent indemnity.
1007.4902–17 Approval of contract.
1007.4902–18 Access to facilities.
1007.4903 Clauses to be used when special construction charges are expected.
1007.4903–1 Direct charges for special construction.
1007.4903–2 Cancellation or termination.
1007.4903–4 Title to communications facilities.
1007.4903–5 Deferral or modification of requirements.
1007.4903–6 Relocation of communications facilities and equipment.

Subpart XX—Clauses for Food Service Contracts

1007.5000 Scope of subpart.
1007.5002 Definitions.
1007.5002–1 Contract for food services.
1007.5002–2 Contracts for food service attendants.
1007.5003 Required clauses.
1007.5003–1 Scope of work.
1007.5003–2 Contractual contents.
1007.5003–3 Contractor personnel.
1007.5003–4 Facilities and materials furnished by the Government.
1007.5003–5 Sanitary conditions.
1007.5003–6 Hours of operation.
1007.5003–7 Record and charge for meals served.
1007.5003–8 Manuals, regulations, technical orders, and specifications.
1007.5003–9 Definitions.
1007.5003–10 Changes.
1007.5003–11 Inspection.
1007.5003–12 Payments.
1007.5003–13 Assignment of claims.
1007.5003–14 Federal, State, and local taxes.
1007.5003–15 Default.
1007.5003–16 Disputes.
1007.5003–18 Convict labor.
1007.5003–19 Eight-Hour Law of 1912.
1007.5003–20 Nondiscrimination in employment.
1007.5003–21 Officials not to benefit.
1007.5003–22 Covenant against contingent fees.
1007.5003–23 Termination.
1007.5003–24 Subcontracts.
1007.5003–25 Utilization of small business concerns.
1007.5003–26 Notice to Government of labor disputes.
1007.5003–27 Safety and accident prevention.
1007.5003–28 Gratuities.
1007.5003–29 Renegotiation.
1007.5003–30 Estimated requirements.
1007.5003–31 Use, conservation and responsibility for Government property.
1007.5003–32 Insurance.
1007.5004 Clauses to be used when applicable.
1007.5004–1 Examination of records.
1007.5004–2 Approval of contract.
1007.5004–3 Alterations in contract.
1007.5005 Schedule clauses (not mandatory outside United States).
1007.5005–1 Changes in price based on variation from estimate.
1007.5006 Specifications.
1007.5006–1 Specifications for food services contracts.
1007.5006–2 Specification for food service attendants contracts.

Subpart YY—[Reserved]

Subpart ZZ—Clauses for Contracts for the Services of Auctioneers

1007.5200 Scope of subpart.
1007.5201 General instructions.
1007.5203 Schedule provisions.
1007.5203–1 Introduction.
1007.5203–2 Price for services.
1007.5203–3 Requirements.
1007.5203–4 General.
1007.5203–5 Payments.
1007.5204 Required clauses.
1007.5204–1 Definition.
1007.5204–2 Disputes.
1007.5204–3 Convict labor.
1007.5304–4 Eight-Hour Law of 1912; overtime compensation.
1007.5204–5 Nondiscrimination in employment.
1007.5204–6 Covenant against contingent fees.
1007.5204–7 Officials not to benefit.
1007.5204–8 Gratuities.
1007.5204–9 Inspection and audit.
1007.5204–10 Default.
1007.5204–11 Renegotiation.
1007.5204–12 Safety and accident prevention.
1007.5204–13 Termination for convenience of the Government.
1007.5204–14 Assignment of claims.
1007.5205 Additional clauses.
1007.5206 Terms of sale.

AUTHORITY: §§ 1007.100 to 1007.5206 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Clauses for Fixed-Price Supply Contracts

§ 1007.100 Scope of subpart.

This subpart sets forth clauses for use in fixed-price supply contracts entered into either by formal advertising or by negotiation.

§ 1007.102 Applicability.

This subpart does not apply to contracts exclusively for the procurement of repair or other services.

§ 1007.103 Required clauses.

See § 7.103 of this title. Standard Form 32, "General Provisions (Supply Contract)," will be used instead of reproducing the clauses contained therein. Any directed or authorized changes in Standard Form 32 will be set forth in the Alterations in Contract clause. The following additional instructions pertain to specific sections in Subpart A, Part 1 of this title.

§ 1007.103–2 Changes.

If considered desirable by the contracting officer, the period of 30 days within which any claim for adjustment must be asserted may be increased to 60 days.

§ 1007.103–4 Variation in quantity.

See § 7.103–4 of this title and § 1053.406–4 of this chapter.

§ 1007.103–8 Assignment of claims.

The last sentence of paragraph (a) of the Assignment of Claims clause is generally referred to as the "no setoff" provision. In special circumstances, where a contractor is indebted to the Government and another Government agency has so requested, or an authorized AF office so directs, the "no setoff" provision will be omitted from negotiated contracts. Also see Part VI, § 1030.5 of this chapter.

§ 1007.103–22 Authorization and consent.

Insert the clause set forth in § 9.102–1 of this title, except if the contract calls for both supplies and experimental, developmental, or research work the clause set forth in § 9.102–2 of this title may be inserted in lieu of the clause set forth in § 9.102–1 of this title.

§ 1007.104 Clauses to be used when applicable.

See § 7.104 of this title and the following specific instructions.

§ 1007.104–12 Military security requirements.

Contracts awarded in the United States to United States firms for performance outside the United States, its possessions or Puerto Rico for which no other Military Security Requirements clause is prescribed, will contain the following clause:

MILITARY SECURITY REQUIREMENTS (JAN. 1961)

The Contractor agrees that to the extent this contract involves access to information classified "Confidential" including "Confidential-Modified Handling Authorized," or higher, he will apply the principles of his

Security agreement (DD Form 441) for the purpose of safeguarding such classified information during his performance of this contract.

NOTE: Existing contracts which do not contain security requirements, substantially according to the foregoing clause, will be amended to include the clause.

§ 1007.104–23 Subcontracts.

According to the instructions set forth in § 3.903–1 of this title and § 1007.4030, insert the appropriate clause.

§ 1007.104–25 Special tooling.

See § 1013.504 of this chapter.

§ 1007.104–28 Quality control system.

The clause in § 7.104–28 of this title is supplemented by § 1007.4013. The latter clause will be used according to the instructions pertaining thereto.

§ 1007.104–50 Special clauses.

According to the instructions set forth in Subpart NN of this part, insert applicable clauses.

§ 1007.105 Additional clauses.

See § 7.105 of this title. The following instructions pertain to the use of such clauses.

§ 1007.105–1 Alterations in contract.

This clause will be used only for the purpose of describing additions, deletions, or changes to printed clauses, and will not be used to set forth additional clauses.

§ 1007.105–2 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title supplying the word "Secretary" in the blank space in that clause.

§ 1007.105–4 Notice of shipments.

This clause will not be used if the Shipments clause set forth in § 1007.4004 is used.

§ 1007.105–5 Liquidated damages.

According to § 1.310 of this title and § 1001.310 of this chapter insert the provision prescribed by § 7.105–5 of this title.

§ 1007.105–7 Material inspection and receiving report.

The clause in § 7.105–7 of this title will be included in all central procurement contracts which call for furnishing supplies to the Government. Service type contracts are exempt. See § 1007.4061 for additional instructions.

§ 1007.105–50 General.

Any other clauses authorized by Subchapter A, Chapter 1, of this title or this subchapter according to the instructions pertaining thereto may be used to cover the subject matter in such clause.

§ 1007.106 Price escalation clauses (established prices).

See § 7.106 of this title and § 1003.–403–2.

§ 1007.108 Incentive price revision clause.

§ 1007.108–50 Incentive price revision clause (successive targets).

When according to the provisions of § 3.403–4(a)(3) of this title a fixed-price incentive clause with successive targets is to be used insert the following clause in the contract:

INCENTIVE PRICE REVISION CLAUSE (SUCCESSIVE TARGETS)

(a) Definitions. As used in this clause, the following terms shall have the meanings set forth below:

(i) The term "initial target price" means the unit price of any supplies or services under this contract, which is subject to adjustment in accordance with the provisions of paragraph (g) of this clause, and is composed of "initial target cost" and "initial target profit".

(ii) The term "initial target cost" means that part of the initial target price which, at the time of its negotiation, was agreed to as the estimate of the unit cost of the supplies or services being procured.

(iii) The term "initial target profit" means that part of the initial target price which at the time of its negotiation, was agreed to as the unit target profit for furnishing the supplies or services if the target cost agreed upon in accordance with the provisions of paragraph (g) herein is equal to the initial target cost.

(iv) The term "total initial target price" means the sum of the initial target prices.

(v) The term "total initial target cost" means the sum of the initial target costs.

(vi) The term "total initial target profit" means the sum of the initial target profits.

(vii) The term "target price" means the unit price of any supplies or services under this contract, which is subject to adjustment in accordance with paragraph (i) of this clause, and is composed of "target cost" and "target profit".

(viii) The term "target cost" means that part of the target price which, at the time of its negotiation, is agreed to as the estimate of the unit cost of the supplies or services being procured.

(ix) The term "target profit" means that part of the target price which, at the time of its negotiation, is agreed to as the unit profit for furnishing the supplies or services at a cost equal to the target cost.

(x) The term "total target price" means the sum of the target prices.

(xi) The term "total target cost" means the sum of the target costs.

(xii) The term "total target profit" means the sum of the target profits.

(xiii) The term "total adjusted cost" means the final negotiated cost of all supplies or services which are subject to price revision under this clause.

(xiv) The term "total adjusted price" means the final contract price, as computed in accordance with this clause, for all supplies or services which are subject to price revision under this clause.

(xv) The term "price ceiling" means the maximum amount that the Government may be obligated to pay the Contractor for complete performance of this contract.

(b) General. The supplies or services identified in the Schedule as Items ------ are subject to price revision in accordance with the provisions of this clause. The prices of these items as shown in the Schedule are the initial target prices and include an initial target profit of ------ percent (------%) of initial target cost. Any supplies or services which are to be ordered separately under, or otherwise added to, this contract, and which are to be subject to price revision in accordance with the provisions of this clause, shall be identified as such in a modification to this contract.

(c) Submission of Data for Establishment of Target Price. Within ------ (------) days after the end of the month in which there is completion of ------,[1] and as otherwise provided in (iv) below, the Contractor shall submit:

(i) Proposed target prices for supplies delivered and to be delivered and services performed under this contract;

(ii) A statement of all costs incurred in the performance of this contract through the end of the month specified above, on DD Form 784 or in any other form on which the parties may agree, together with sufficient supporting data to disclose unit costs and cost trends for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(iii) An estimate of costs of all supplies delivered and to be delivered and all services performed and to be performed under this contract, using the statement of costs incurred plus an estimate of costs to complete performance, on DD Form 784 or in any other form on which the parties may agree, together with—

(A) Sufficient data to support the accuracy and reliability of such estimate and

(B) An explanation of the differences between such estimate and the original estimate used in establishing the initial unit prices set forth in this contract for the same supplies or services;

(iv) Supplemental statements of costs incurred subsequent to the end of the month specified in (ii) above for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary); as and to the extent that such information becomes available prior to the conclusion of negotiations establishing target prices; and

(v) Any other relevant data which may reasonably be required by the Contracting Officer.

(d) Submission of Data for Final Price Revision. Within (------) days after the end of the month in which the contractor has delivered the last unit of supplies and completed the services called for by those Items listed in paragraph (b) above, the Contractor shall submit, in such form as the Contracting Officer may require, (i) a detailed statement of all costs incurred up to the end of that month in performing all work under such items, and (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work with respect to such items.

(e) Records. (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. However, no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the cost data required to be furnished under (c) and (d) above are readily ascertainable therefrom. The Contractor shall segregate the costs of any supplies or services for which the price is fixed and not subject to revision under this clause. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis in connection with the furnishing of the supplies or services identified in paragraph (b) above as being subject to price revision (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of such subcontract and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts which are on other than a firm fixed-price basis.

(2) The Government may, at all reasonable times, until the expiration of 3 years after final payment under this contract, make such examination or audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence, pertinent to the performance of this contract.

(f) Certification. An authorized responsible official of the Contractor shall certify in such form as the Contracting Officer may reasonably require, on each statement of costs submitted to the Contracting Officer pursuant to paragraph (c) or (d) above that the incurred costs are based upon records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are complete and correct to the best of his knowledge and belief, and that the accompanying estimate of costs to complete is considered reasonable.

(g) Establishment of Target Price and Incentive Formula. Upon submission of the information required by paragraph (c) above, the Contractor and the Contracting Officer shall promptly negotiate to establish the total target cost, which when added to the total target profit determined as follows, shall constitute the total target price:

(1) If the total target cost is more than the total initial target cost the total initial target profit will be decreased, or if the total target cost is less than the total initial target cost, the total initial target profit will be increased, [by ------ percent of the difference between the total initial target cost and the total target cost][2] provided that in no event will the total target profit be less than ------ percent (------%) or more than ------ percent (------%) of the total initial target cost.

(2) The Contractor and the Contracting Officer shall further negotiate to establish the price and profit adjustment formula, and price and profit ceiling, expressed as percentages of the total target cost. However, in no event shall the price ceiling exceed ------ percent (------%) of the total initial target cost.

(3) The target cost, target profit and the terms of cost incentive sharing shall be evidenced by a modification to this contract signed by the Contractor and Contracting Officer.

(h) Subcontracts. (1) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage of cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve a total price in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may, at all reasonable times, until the expiration of 3 years after final payment under such subcontract, make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-price basis to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(i) Final Price Revision. Upon submission of the data required by paragraph (d) above, the Contractor and the Contracting Officer shall promptly establish the total adjusted price in accordance with the following:

(1) On the basis of the information required by paragraph (d) above, together with any other pertinent information, there shall be established by negotiation the total adjusted cost reasonably incurred or to be incurred for and properly allocable to the supplies delivered (or services performed) and accepted by the Government, which are subject to price revision under this clause.

(2) The total adjusted price shall be established by adding to the total adjusted cost an allowance for profit determined as follows:

When the total adjusted cost is—	The allowance for profit is—
Equal to the total target cost.	Total target profit.
Greater than the total target cost.	Total target profit less ------ percent (------%) of the amount by which the total adjusted cost exceeds the total target cost.
Less than the total target cost.	Total target profit plus ---- percent (------%) of the amount by which the total adjusted cost is less than the total target cost.

However, in no event shall (1) Total adjusted price exceed ------ percent of the total target cost, and (ii) the allowance for profit exceed ------ percent of the total target cost. The above incentive share percentages and limitation on total adjusted price and allowance for profit shall be negotiated at the time of establishment of target prices in accordance with paragraph (g) above.

(3) The final adjusted price of the items referred to in paragraph (b) shall be evidenced by a modification to this contract signed by the Contractor and Contracting Officer, and shall apply to such supplies delivered and to such services performed under this contract.

(j) Adjustment of Payment. Pending execution of the contract modification referred to in paragraph (i) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the initial target prices set forth in this contract, until target prices are established pursuant to paragraph (g) above; thereafter, the target prices shall be used for billing; provided, that if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (k)(3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in a modification to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the determination of the total adjusted price under paragraph (i) above. After execution of the contract modification referred to in paragraph (i) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the total adjusted price and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(k) Limitation on Payments. (1) This paragraph (k) shall not apply after final price revision to the full extent permitted by this contract.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to Contracting Officer a cumulative statement setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total target profit which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established, increased or decreased in accordance with the incentive profit formula set forth in (i)(2) above when the amount of costs stated under (ii) above differs from the aggregate target costs of such supplies or services; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) The cumulative total of any previous refunds or credits under this clause (exclusive of any tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(l) Disagreements. If the Contractor and the Contracting Officer fail to agree upon the total target price and cost incentive sharing or total adjusted price within 60 days after the date on which the date required by paragraphs (c) or (d) above are to be submitted, or within such further time as may be specified by the Contracting Officer, such failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes", and the Contracting Officer shall promptly issue a decision thereunder.

(m) Termination. If this contract is terminated prior to establishment of the total adjusted price, prices of supplies or services subject to price revision under this clause shall be established pursuant to this clause for (i) Completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, supplies and services which are not terminated. All

[1] The degree of completion may be based on units delivered to the Government, percentage of contract performance, or any other reasonable basis.

[2] The language within the brackets may be changed as necessary to set forth the negotiated adjustment pattern where the percentage figure to be used for adjustment of the initial target profit is not the same for all levels of cost variation.

other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

Where applicable, the following paragraph (n) shall be included.

(n) Spare Parts. Spare parts, other supplies, or services, which are to be furnished under this contract pursuant to a provisioning document or Government option, shall be subject to price revision in accordance with the provisions of this clause, and any prices established for such spare parts, other supplies, or services, pursuant to such provisioning document or Government option, shall be deemed to be initial target prices or target prices as agreed upon and stipulated in the pricing document supporting the provisioning or added items. Initial target or target cost and profit and final adjusted prices covering such spare parts, other supplies or services may be established either separately, in the aggregate, or in any combination thereof, as the parties may agree.

§ 1007.109 Price redetermination clauses.

§ 1007.109–1 General.

Description, applicability, and limitations of clauses are covered in § 3.403–3 of this title and § 1003.403–3 of this chapter.

§ 1007.109–2 Prospective periodic price redetermination at stated intervals (Type A).

See § 7.109–2 of this title.

§ 1007.109–3 Prospective price redetermination on request (Type B).

Not applicable for AF procurement.

§ 1007.109–4 Retroactive and prospective price redetermination at a stated time prior to completion (Type C).

See § 7.109–4 of this title.

§ 1007.109–5 Retroactive and prospective price redetermination including further prospective redetermination on request (Type D).

See § 7.109–5 of this title.

§ 1007.109–6 Retroactive price redetermination after completion (Type E).

See § 7.109–6 of this title.

§ 1007.109–7 Modified retroactive and prospective price redetermination for follow-on contracts (Type F).

See § 7.109–7 of this title.

§ 1007.109–50 Price redetermination upon happening of specified contingency (Type X).

(a) When, according to provisions of § 1003.403–3(b)(24) of this chapter, a price redetermination clause is to be used, insert the clause in paragraph (b) of this section in the contract.

(b) Clause:

Price redetermination upon happening of specified contingency (Type X)—(1) Basic assumption: The Contractor represents the prices under this contract are on a fixed price basis compiled on the shooting schedule set forth in the approved cost estimated breakdown upon which this contract is awarded and further based on the following assumption (hereinafter called the basic assumption):

(i) That no standby time will be required, which is beyond the control and without the fault or negligence of the Contractor, due to adverse weather conditions while on shooting location.

(ii) That no standby time will be required by the Contractor due to the unavailability of Government personnel and equipment or other act by the Government which is beyond the control and without the fault or negligence of the Contractor.

(2) In the event of the non-realization of the basic assumption, in whole or in part, and as a result the Contractor's shooting schedule is exceeded and there is an increased cost to the Contractor, the parties agree that an equitable adjustment shall be made in the contract price from the non-realization. It is expressly understood between the parties that the Government shall not pay for the cost of standby time incurred hereunder until the combined actual shooting time plus standby time incurred has exceeded the Contractor's shooting schedule; and that an adjustment shall be made for only that portion of increased time cost which (i) Exceeds the Contractor's approved shooting schedule, and (ii) was incurred as standby time hereunder.

(3) Immediately upon the occurrence of standby time or upon completion of the location photography phase, whichever is later, the Contractor shall submit a claim in writing for standby time occasioned by the non-realization of the basic assumption to the contracting officer through the Air Force Project Officer, consisting of three copies of an interim report as to the cause of delay, the number of personnel involved, the type of personnel involved and the time involved. The Air Force Project Officer shall attach a letter of transmittal to the Contractor's claim setting forth comments, recommendations and/or justification of the Contractor's claim. Then, within sixty (60) days after completion of the contract (or within such further period as the contracting officer may in writing allow before the date of final settlement of the contract), the Contractor shall submit to the Contracting Officer, through the Air Force Project Officer, three detailed copies compiling all claims which the contractor may then have for adjustment under this clause, setting forth the fact and extent of such nonrealization of the basic assumption together with three copies of a detailed cost breakdown consistent with the breakdown of estimated cost furnished by the Contractor in his Request for Proposal upon which this contract is based. The Air Force Project Officer shall attach a letter of transmission to the Contractor's final detailed claim setting forth comments and recommendations to the Contracting Officer.

(4) In the event of the non-realization of the basic assumption resulting in standby time while on location, in determining an equitable adjustment of the contract price, the Government shall allow only the additional direct costs incurred plus a fair and reasonable allowance for General and Administrative Costs.

(5) In the event of the non-realization of the basic assumption resulting in standby time in the Producer's Studio, in determining an equitable adjustment of the contract price, the Government shall allow only the additional direct costs incurred plus a fair and reasonable allowance for overhead.

(6) The parties agree to negotiate in good faith concerning any claims under this article as to the amount and terms of any equitable adjustment which should be made. If the parties fail to agree whether an equitable adjustment is required under this clause, or upon the terms or amount of such adjustment, the dispute shall be disposed of as a question of fact in accordance with Clause hereof entitled "Disputes."

(7) Nothing provided in this clause shall excuse the Contractor from proceeding with the contract in accordance with its terms and conditions.

(8) Nothing provided in this clause is intended to alter, restrict or limit the terms of Clause 2—Changes—of the General Provisions or the authority of the Contracting Officer thereunder.

(9) Warranty—The Contractor represents and warrants that there is not included in the fixed price hereunder any charge, allowance, or reserve for the possible non-realization, in whole or in part, of the basic assumption.

(10) Any adjustment hereunder shall be evidenced by a Supplemental Agreement to this contract, between the parties.

(11) The Contractor agrees not to incur any costs under this Clause which when added to all cost previously incurred under this contract will exceed the total allotted to the contract as set forth in Part I of the Schedule, as amended from time to time, except with the prior approval of the Contracting Officer.

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

§ 1007.200 Scope of subpart.

This subpart sets forth clauses for use in cost-reimbursement supply contracts.

§ 1007.203 Required clauses.

See § 7.203 of this title. DD Form 748, "General Provisions (Cost-Reimbursement Supply Contract)," will be used as prescribed in § 16.204 of this title instead of printing or reproducing the clauses contained therein. Any directed or authorized changes in DD Form 748 will be set forth in the Alterations in Contract clause. Clauses used in any contract in addition to those contained in DD Form 748 will be entitled "Additional General Provisions" and numbered consecutively. The following additional instructions pertain to specific sections of Subpart B, Part 2 of this title.

§ 1007.203–2 Changes.

If considered desirable by the contracting officer, the period of 30 days within which any claim for adjustment must be asserted may be increased to 60 days.

§ 1007.203–4 Allowable cost, fee and payment.

(a) See § 7.203–4(a) of this title.

(b) The alternate third sentence of paragraph (c)(1) prescribed by § 7.203–4(c)(3) of this title will be used when appropriate to the procurement involved, such as when the contract calls for more than one principal type of end item.

§ 1007.203–23 Authorization and consent.

Insert the clause set forth in § 9.102–1 of this title, except that if the contract calls for both supplies and experimental, developmental, or research work the clause set forth in § 9.102–2 of this title may be inserted in lieu of the clause set forth in § 9.102–1 of this title.

§ 1007.204 Clauses to be used when applicable.

Any of the following clauses included in DD Form 748 which are inapplicable to a contract may be deleted according to § 1007.105–1.

§ 1007.204–12 Military security requirements.

See § 1007.104–12.

§ 1007.204–16 Negotiated overhead rates.

See § 7.204–16 of this title. To determine whether negotiated rates are appropriate for use, contact AMC (MCPF).

§ 1007.204–50 Special clauses.

According to the instructions set forth in Subpart NN of this part, insert the applicable clauses.

§ 1007.204–52 Financial management report.

Insert the following clause in contracts of $25,000 or more:

(a) On or before the thirtieth day of the month following the end of each calendar year, until such time as the uninvoiced dollar amount of this contract is less than $25,000, the Contractor shall submit to the contracting officer, on DD Form 1097, dated November 29, 1959, or other authorized form calling for substantially the same information, furnished by the contracting officer, a report of the financial status of the contract, as of the end of such quarter. The Contracting Officer may extend the time for filing said report for a period not to exceed ten working days.

(b) This clause does not modify the obligations of the Contractor under the clause of this contract entitled ("Limitation of Cost").

§ 1007.205 Additional clauses.

The following clauses may be used when desirable or necessary to cover the subject matter contained in such clauses. Any of the following clauses included in DD Form 748 which are inapplicable to a contract may be deleted according to § 1007.105–1.

§ 1007.205–1 Alterations in contract.

According to instruction for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.205–2 Approval of contract.

Insert the clause set forth in § 7.105–2 of this title whenever the contract requires manual approval, other than by the contracting officer, before becoming effective.

§ 1007.205–6 Material inspection and receiving report.

See § 1007.105–7.

§ 1007.205–50 General.

Any other clauses authorized by Subchapter A, Chapter 1 of this title or this subchapter, according to instructions for use, may be used when necessary or desirable to cover the subject matter contained in such clauses.

Subpart C—Clauses for Fixed-Price Research and Development Contracts

§ 1007.302 Required clauses.

See § 7.302 of this title. The following additional instructions pertain to the specific sections of Subpart C, Part 7 of this title.

§ 1007.302–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title, and add the following paragraph (d):

(d) The term "contract work" means all work to be performed under this contract including without limitation any studies covering fundamental, theoretical, or experimental investigations; any extension of the investigative findings and theories of a scientific or technical nature into practical application; any tangible items, hereinafter referred to as "supplies," furnished to the Government; and any reports, data, computations, plans, drawings, and specifications with respect to any of the foregoing.

§ 1007.302–25 Military security requirements.

See § 1007.104–12.

§ 1007.303 Clauses to be used when applicable.

§ 1007.303–12 Subcontracts.

See § 7.303–12 of this title; also § 1007.4030.

§ 1007.303–50 Special clauses.

According to the instruction in Subpart NN of this part, as modified herein, insert the applicable clauses.

§ 1007.303–52 Delay in delivery of data.

Unless the contract is with a nonprofit institution or organization receiving no fee, insert the clause set forth in § 1007.-4036 according to the requirements of that section.

§ 1007.303–53 Superseding specifications.

Unless the contract is with a nonprofit institution or organization receiving no fee, insert the clause set forth in § 1007.-4024 according to the requirements of that section.

§ 1007.303–54 Quality control specifications.

The clause set forth in § 1007.4013 will be inserted in all contracts with commercial contractors, or other contractors receiving a fee. This clause need not be included in contracts with nonprofit institutions or organizations receiving no fee.

§ 1007.303–55 Responsibility for supplies.

If the primary contract objective is the delivery of end items other than designs, drawings, or reports insert the clause in § 7.103–6 of this title.

§ 1007.304 Additional clauses.

See § 7.304 of this title.

§ 1007.304–1 Changes.

The clause in § 7.304–1 of this title may be inserted in any contract and shall be inserted if supplies are to be delivered under the contract. If considered desirable by the contracting officer, the 30 day period for the submission of claims for adjustment may be increased to 60 days.

§ 1007.304–7 Reports of work.

See § 7.404–6 of this title and § 1007.404–6.

§ 1007.304–50 General.

Any other clause authorized by Subchapter A, Chapter 1 of this title and this subchapter may be used according to the instructions pertaining thereto to cover the subject matter contained in such clause.

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

§ 1007.402 Required clauses.

See § 7.402 of this title. The following additional instructions pertain to specific sections in Subpart D, Part 7 of this title.

§ 1007.402–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title and add the following paragraph (d):

(d) The term "contract work" means all work to be performed under this contract including without limitation any studies covering fundamental, theoretical, or experimental investigations; any extension of the investigative findings and theories of a scientific or technical nature into practical application; any tangible items, hereinafter referred to as "supplies," furnished to the Government; and any reports, data, computations, plans, drawings, and specifications with respect to any of the foregoing.

§ 1007.402–24 Military security requirements.

See § 1007.104–12.

§ 1007.403 Clauses to be used when applicable.

§ 1007.403–50 Special clauses.

According to the instruction in Subpart NN of this part, as modified herein, insert the applicable clauses.

§ 1007.403–51 Approval of overtime and extra shifts.

See § 12.102–3(c) of this title.

§ 1007.403–52 Delay in delivery of data.

Unless the contract is with a nonprofit institution or organization receiving no fee insert the clause set forth in § 1007.-4036 according to the requirements of that section.

§ 1007.403–53 Superseding specifications.

Unless the contract is with a nonprofit institution or organization receiving no fee, insert the clause set forth in § 1007.4024 according to the requirements of that section.

§ 1007.403–54 Financial management report.

Insert the clause set forth in § 1007.204–52 of this chapter in contracts in excess of $25,000, with commercial contractors and in excess of $100,000 if with nonprofit institutions.

§ 1007.403–55 Limitation of Government's obligation.

Subject to the conditions of § 1053.316 of this chapter, the clause set forth in § 1007.4054(b) may be inserted in the contract.

§ 1007.403–56 Quality control specification.

The clause set forth in § 1007.4013 will be inserted in all contracts with commercial contractors, or other contractors receiving a fee. This clause need not be included in contracts with nonprofit institutions or organizations receiving no fee.

§ 1007.404 Additional clauses.

§ 1007.404–1 Changes.

The Changes clause set forth in § 7.404–1 of this title will be inserted in all contracts with commercial contractors, or other contractors receiving a fee. This clause need not be included in contracts with nonprofit institutions or organizations receiving no fee. If considered desirable by the contracting officer, the 30-day period for the submission of claims for adjustment may be increased to 60 days.

§ 1007.404–6 Reports of work.

The clause set forth in § 7.404–6 of this title may be inserted in any contract and will be inserted where the primary contract objective is the delivery of no end items other than designs, drawings, or reports.

§ 1007.404–7 Shipments.

If supplies are to be delivered to the Government, the clause set forth in § 1007.4004 may be inserted. (Paragraph (i) of the clause may be deleted.)

§ 1007.404–50 General.

Any other clause authorized by Subchapter A, Chapter 1 of this title, or this subchapter may be used according to the instructions pertaining thereto to cover the subject matter contained in such clause.

Subpart E—Clauses for Personal Services Contracts

§ 1007.500 Scope of subpart.

This subpart sets forth clauses for use in personal service contracts.

§ 1007.502 Applicability.

See § 7.502 of this title.

§ 1007.503 Required clauses.

See § 7.503 of this title. The following additional instructions pertain to the specific sections in Subpart E, Part 7 of this title.

§ 1007.503–7 Termination.

Insert the clause set forth in § 1008.750 of this chapter, which includes § 7.503–7 of this title.

§ 1007.503–50 Subcontracts.

SUBCONTRACTS

No subcontract shall be made with any other party for furnishing any of the work or services provided for in this contract.

§ 1007.504 Clauses to be used when applicable.

§ 1007.504–2 Data and copyrights.

According to the instructions of Subpart B, Part 9 of this title and Subpart B, Part 1009 of this chapter, insert the appropriate clauses set forth therein.

§ 1007.504–51 Filing of patent applications.

According to the requirements of § 9.106 of this title, insert the clause set forth therein, but see § 9.106–1 of this title.

§ 1007.504–52 Special clauses.

According to the instructions set forth in Subpart NN of this part, insert applicable clauses.

§ 1007.505 Additional clauses.

The following clauses may be used when desirable or necessary to cover the subject matter contained in such clauses.

§ 1007.505–1 Alterations in contract.

According to instructions for use in § 1007.105–1, the clause set forth in § 7.105–1 of this title may be inserted.

Subparts F Through T—[Reserved]

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

§ 1007.2102 Definitions.

As used throughout this subpart, the term "nonpersonal service contract" means any contract for services other than kinds of services expressly provided for by Subpart E, Part 7 of this title, or by the other subparts of this part.

§ 1007.2103 Required clauses.

The following clauses will be inserted in all fixed price nonpersonal service contracts:

§ 1007.2103–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.2103–2 Changes.

Insert the clause set forth in § 1007.4025.

§ 1007.2103–3 Inspection.

Insert the clause set forth in § 1007.4037.

§ 1007.2103–4 Payments.

Insert the clause set forth in § 7.103–7 of this title.

§ 1007.2103–5 Assignment of claims.

Insert the clause forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.2103–6 Federal, state, and local taxes.

Insert the clause set forth in § 11.401 of this title.

§ 1007.2103–7 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.2103–8 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.2103–9 Notice and assistance regarding patent infringement.

Insert the clause set forth in § 9.104 of this title.

§ 1007.2103–11 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.2103–12 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.2103–13 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.2103–14 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.2103–15 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.2103–16 Termination for convenience of the Government.

Insert the following clause:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause, in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts; (5) settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause; (6) transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government; (7) use its best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer; *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest. At any time after expiration of the plant clearance period, as defined in Section VIII, Armed Services Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claims shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one year period or any extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c) and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done; provided that such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined.

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the Statement of Principles for Consideration of Costs set forth in Part 3 of Section VIII of the Armed Services Procurement Regulation, as in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit its claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause, there shall be deducted (1) all unliquidated advance or other unliquidated payments on account theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6% per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten (10) days after the date of such retention or disposition.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of six (6) years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor, but without direct charge to the Government, all its books, records, documents, and other evidence bearing on the costs and expenses, of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

§ 1007.2104 Clauses to be used when applicable.

§ 1007.2104–1 Walsh-Healey Public Contracts Act.

According to the requirements of § 12.602 of this title and § 1012.602 of this chapter, insert the clause set forth in § 12.604 of this title.

§ 1007.2104–2 Utilization of concerns in surplus labor areas.

According to the requirement of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.2104–3 Military security requirements.

According to the requirements of § 7.104–12 of this title, insert the clause set forth in that section.

§ 1007.2104–4 Government-furnished property.

According to the requirements of § 13.502 of this title, insert the clause set forth therein.

§ 1007.2104–5 Patents, data, and copyrights.

According to the instructions set forth in Part 9 of this title and Part 1009 of this chapter, insert the applicable clauses.

§ 1007.2104–6 Subcontracts.

Insert the clause set forth in § 1007.4030(b) or § 3.903–1 of this title according to the instructions therein.

§ 1007.2104–7 Utilization of small business concerns.

Insert the clause set forth in § 7.104–14 of this title according to instructions therein.

§ 1007.2104–8 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title in all contracts prepared under this subpart.

§ 1007.2104–9 Examination of records.

When the contract results from negotiation, insert the clause set forth in § 7.104–15 of this title. Contracts resulting from advertising will not contain this clause.

§ 1007.2104–10 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth therein.

§ 1007.2104–11 Gratuities.

Insert the clause set forth in § 7.104–16 of this title according to the instructions therein.

§ 1007.2104–12 Special clauses.

According to the instructions in Subpart NN of this part, insert the applicable clause.

§ 1007.2104–13 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause set forth in § 7.104–18 of this title.

§ 1007.2104–14 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.2104–15 Alterations in contract.

According to instructions for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.2104–16 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth in that section.

§ 1007.2104–17 Renegotiation.

According to the requirements of § 7.103–13 of this title, insert the appropriate contract clause set forth therein.

§ 1007.2104–18 Defense subcontracting small business program.

According to § 1.707–2(b) of this title, insert the clause set forth in § 7.104–22 of this title.

§ 1007.2105 Additional clauses.

The following clauses may be used when desirable or necessary to cover the subject matter contained in such clauses.

§ 1007.2105–1 General.

Any other clause authorized by Subchapter A, Chapter 1 of this title, or this subchapter, according to instructions for use, may be used when necessary to cover the subject matter contained in such clause.

Subpart V—Clauses for Technical Services Contracts

§ 1007.2201 Limitation on use.

Fixed-price contracts for technical services will be issued only by the following:

(a) AMC Aeronautical Systems Center as the central AF procurement agency for all USAF worldwide CTS requirements.

(b) Air Research and Development Command for nonstandard items of equipment to the extent authorized by AFM 66–18 (Contract Technical Services).

§ 1007.2202 Definition.

As used throughout this subpart, the term "fixed-price contract for technical services" means any definitive contract entered into on a fixed-price basis, exclusively for nonpersonal technician services to be furnished by a contractor through its technicians.

§ 1007.2203 Required clauses.

The following clauses will be inserted in all fixed-price contracts for technical services.

§ 1007.2203–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title, adding the following sentence to paragraph (b) thereof: "The Commander of the Air Force activity to which any contractor personnel may be assigned hereunder is hereby designated an authorized representative of the Contracting Officer with regard to contractor personnel so assigned." and add the following paragraphs:

(d) The terms "contractor employee" and "contractor personnel" as used throughout this contract shall be deemed to refer to all contract technical services personnel, including all of the specific types of technicians referred to in the Schedule, and shall be defined as persons, such as advisers, instructors, or technical specialists, obtained through the contractor to perform services pertaining to the operation and maintenance engineering of Air Force equipment. The terms include both:

(i) "Technical representatives" who are employees of a manufacturer furnishing end items of equipment to the Air Force, and furnishing services only in connection with such end items; and

(ii) "Contract technicians" who are employees of a commercial concern furnishing services to the Air Force at least a part of which are in connection with end items not manufactured by the contractor.

(e) The term "man month" as used herein shall be deemed to be the time devoted to the performance of services hereunder by one contractor employee during a period of one calendar month.

(f) The term "continental limits of the United States" as used herein means any place within the territorial limits of the 48 states and the District of Columbia.

(g) The term "domestic services" as used herein means services within the continental limits of the United States.

(h) The term "overseas" as used herein means any place outside the continental limits of the United States.

§ 1007.2203–2 Changes.

Insert the clause set forth in § 1007.4025.

§ 1007.2203–3 Inspection.

Insert the clause set forth in § 1007.4037.

§ 1007.2203–4 Payments.

PAYMENTS

(a) The Contractor shall be paid in monthly installments upon submission of properly certified invoices therefor for services rendered and accepted less deductions, if any, as herein provided.

(b) Any payments in reimbursement of the cost of any transportation furnished by the Contractor for which it is entitled to be reimbursed under paragraph (a) of the Clause hereof entitled "Services Furnished by the Government" shall be made upon the submission of properly certified invoices and other evidence satisfactory to the Contracting Officer covering the expenditures for which reimbursement is so sought.

(c) If this contract provides for overseas services, the domestic rates, if any, specified in the Schedule are applicable to that portion of the time necessary for travel between the Contractor's plant and the overseas site which is spent within the continental limits of the United States.

§ 1007.2203–5 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.2203–6 Federal, State, and local taxes.

Insert the clause set forth in § 11.401 of this title.

§ 1007.2203–7 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.2203–8 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.2203–9 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.2203–10 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.2203–11 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.2203–12 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.2203–13 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.2203–14 Termination for convenience of the Government.

Insert the clause set forth in § 1008.751 of this chapter.

§ 1007.2203–15 Subcontracts for work or services.

Insert the clause set forth in § 1007.4030(b).

§ 1007.2203–16 Inspection and audit.

Insert the clause set forth in § 1007.4023 of this chapter.

§ 1007.2203–17 Examination of records.

Insert the clause set forth in § 7.104–15 of this title.

§ 1007.2203–18 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.2203–19 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.2203–20 Contractor personnel.

CONTRACTOR PERSONNEL

(a) Subject to the provisions of Part II of the Schedule, the number of Contractor personnel and the number of man-months specified in the Schedule may be exceeded with the prior written approval of the Contracting Officer, but only to the extent necessary to provide continuous service in the event that a transfer, reassignment, or other cause would result in an interruption of service.

(b) Contractor personnel will normally be assigned to major air command headquarters. Such personnel shall perform services at such places within the command as the Contracting Officer may direct.

(c) The Contractor shall be responsible for selecting personnel who are well qualified to perform the required services for supervising techniques used in their work, and for keeping them informed of all improvements, changes and methods of operations.

(d) Contractor personnel, upon assignment, either within the continental limits of the United States or overseas, are subject to call 24 hours a day. Normally they will perform their assigned duties on the same daily and hourly basis as the personnel of the organization to which they are assigned. Holidays will be observed in accordance with the direction of the Commander of the air activity to which Contractor personnel are assigned. In the event that a Contractor employee is required to perform services hereunder on an observed holiday, reimbursement shall be made as provided in the Schedule.

(e) The Contractor shall be required to furnish a replacement for any Contractor personnel who may be returned to the Contractor's plant or become incapacitated or die or otherwise be unable to complete performance hereunder prior to the expiration of the period of performance, unless otherwise agreed upon by the parties hereto.

(f) The Contractor shall furnish all necessary equipment, salaries and wages of its personnel, all costs of subsistence and lodging, costs of passports, insurance, and any and all other costs in connection with the services to be rendered hereunder except as otherwise provided in the Clause hereof entitled "Services Furnished by the Government."

(g) The Contractor, promptly after receipt of official notice from the Contracting Officer that the services of Contractor personnel are required hereunder, shall furnish in writing to the Contracting Officer the name of each person assigned by the Contractor under this contract, his qualifications, his security clearance, and such other pertinent information as the Contracting Officer may request. The Contractor shall have the right to replace or transfer its personnel and to substitute other qualified personnel in lieu thereof; provided, however, that such transfers or reassignments will not be due cause for a break in services rendered and that such replacements or transfers have been coordinated with the Contracting Officer. Any transfers or reassignments for the convenience of the Contractor, including travel and training cost of replacement personnel, shall be at the Contractor's expense. Transfers and reassignments of personnel shall be construed as being for the convenience of the Contractor unless directed or approved by the Contracting Officer or his authorized representative. The selection of personnel by the Contractor shall be subject to approval of the Contracting Officer.

(h) The Contracting Officer may, if he finds it to be in the best interest of the Government, direct the Contractor to remove, and the Contractor shall remove, any employee from an assignment to perform services under this contract.

(i) The Contractor shall furnish to and file with the Contracting Officer such copies of the Employment Contracts, if any, entered into with Contractor personnel engaged in performing the services to be rendered under this contract, as may be required by the Contracting Officer.

(j) Personnel employed by the Contractor hereunder and sent overseas shall be accredited to the United States Air Force with a recognized status under the Hague Regulations and the Geneva Covenants, shall be given proper credentials and identification cards, shall wear a uniform when prescribed by the theater commander, shall be subject to appropriate recognition under the rules of war, and shall be subject to such regulations as have been or may hereafter be issued by the United States Air Force governing Contractor personnel serving with the United States Air Force in foreign theaters of operation.

§ 1007.2203–21 Period of performance.

PERIOD OF PERFORMANCE

(a) The services shall be performed during the period set forth in PART III of the Schedule, but the time of starting and ending performance and the number of Contractor personnel furnished at any time shall be as directed by the Contracting Officer.

(b) It is understood that time necessary for Contractor personnel to proceed from the plant or plants of the Contractor to the site or sites for the performance of services hereunder shall be considered as time spent in the performance of services hereunder. It is also understood that time necessary for the transfer of Contractor personnel between different sites for the performance of services hereunder and time necessary for the return of such personnel to the plant of the Contractor shall be considered as time spent in the performance of services hereunder.

§ 1007.2203–22 Services furnished by the Government.

SERVICES FURNISHED BY THE GOVERNMENT

In connection with services to be rendered hereunder, the Government shall furnish and supply to the Contractor the following facilities and services:

(a) Suitable transportation for Contractor personnel and their baggage and for any equipment to be furnished by the Contractor hereunder from the Contractor's plant to the site or sites of work, at any site of work while on official business, between sites of work, and return to the plant of the Contractor. In the event of failure by the Government to furnish suitable transportation, the Contractor shall furnish such transportation, and the Government will reimburse the Contractor for the actual and reasonable cost of such transportation, provided the same has been approved as provided in this paragraph. All travel of Contractor personnel will require prior approval from the Commander, Air Materiel Command, or the Commander of the major Air Command having operating responsibility in connection with this contract, except that prior approval of nonexpense travel in connection with the unit mission is not required.

(b) Use of Government communication facilities for the exchange of messages between Contractor personnel and the Contractor, where and when available if the Contractor is unable to procure commercial communication services; but the use thereof shall be subject to the regulations of the Representatives of the Government in charge thereof.

(c) Use of Government services and agencies in the transmittal of funds to Contractor personnel and as a medium of commercial exchange for said personnel when adequate commercial services and facilities are not available.

(d) Contractor personnel assigned to Air Force activities will be accorded the same privileges as military company grade officers with regard to bachelor officer quarters, local transportation and messing, when available. Emergency medical facilities may be furnished as prescribed by applicable regulations.

§ 1007.2204 Clauses to be used when applicable.

§ 1007.2204–1 Military security requirements.

According to the requirements of § 7.104–12 of this title, insert the clause set forth in that section.

§ 1007.2204–2 Government - furnished property.

According to the requirements of § 13.502 of this title, insert the clause set forth in § 13.502 of this title. Use the second alternative paragraph (f) thereof, deleting the following words found in lines 10 and 11: "The clause or clauses of"; "designated in the Schedule." Add the following paragraph (j):

(j) Such equipment, services, and facilities as are to be furnished and paid for by the Contractor under the provisions of the clause hereof entitled "Contractor Personnel," if not commercially available to the Contractor after the Contractor has made every effort to procure the same, may be furnished by the Government. Such equipment, services, and facilities, when supplied by the Government for the Contractor personnel shall be approximately of the same standard as supplied to military company grade officers of the United States Air Force. In the event that such equipment, services, and facilities are supplied by the Government, an equitable adjustment of the fixed price to be paid to the Contractor hereunder shall be made by the Contracting Officer and the contract amended accordingly. Such equipment and facilities shall be considered Government-furnished property and subject to the provisions of this clause.

§ 1007.2204–3 Capture and detention.

Insert the following clause if the contract calls for oversea services where capture and detention of contractor personnel is possible and if there will be additional cost to the Government without this clause:

CAPTURE AND DETENTION

In the event any Contractor personnel assigned to duty under this contract is found to be missing from his place of employment, whether or not such personnel then actually was engaged in the course of his employment, under circumstances supporting an inference that his absence was due to the action of a hostile force or the force of any power not allied with the United States in a common military effort, or is known to have been taken prisoner, hostage, or otherwise detained by a hostile force or the force of any power not allied with the United States in a common military effort, the time spent by such personnel during such detention (which shall be construed to include the period until such personnel is returned to his place of employment, or to the United States, or death in fact is established by a finding by the Federal Security Administrator (hereinafter referred to as "Administrator") or other Federal body having jurisdiction or by other evidence satisfactory to the Contracting Officer, or death can legally be presumed to have occurred) shall not be considered as time spent in the performance of services hereunder and the Government shall not be obligated to make any payment on account of such personnel except as provided in this paragraph. The Contractor is authorized to and shall enter into agreements with personnel hereunder to pay benefits to the extent not otherwise paid to such personnel in the event of, and during the time spent by such personnel during such detention, as construed above, which will equal the total wage due for such detention, as construed above, computed on the basis of wage rate being paid such personnel at the time of such detention. Claims for benefits shall be made under applicable law with the Administrator. In the event that the Contractor is obligated by agreements, authorized above, to pay and shall

have paid benefits in an amount not paid or payable by the Administrator on account of such detention of such personnel, the Government shall pay to the Contractor, in respect of such personnel during the period of such detention, as construed above, such amount which when added to the amount paid or to be paid in respect of such personnel by the Administrator, whether to the Contractor or otherwise, will equal the total wage due for such period of detention, as construed above, computed on the basis of wage rate being paid such personnel at the time of such detention. Subject to the availability of funds therefor, the obligation of the Government to make payments provided for by this paragraph shall continue in effect during the period of such detention, as construed above, and shall survive the earlier expiration or termination of this contract.

§ 1007.2204–4 Data and copyrights.

According to the instructions of Subpart B, Part 9 of this title and Subpart B, Part 1009 of this chapter, insert the appropriate clauses set forth therein. The paragraphs in §§ 9.203–2 and 9.203–4 of this title may be omitted.

§ 1007.2204–5 Filing of patent applications.

According to the requirements of § 9.106 of this title, insert the clause set forth therein, but see § 9.106–1 of this title.

§ 1007.2204–6 Notice and assistance regarding patent infringements.

According to the requirements of § 9.104 of this title, insert the clause set forth therein.

§ 1007.2204–7 Reporting of royalties (foreign).

According to the requirements set forth in § 9.110(b) of this title, insert the clause set forth therein.

§ 1007.2204–8 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.2204–9 Alterations in contract.

According to the requirements of § 1007.105–1 insert the clause set forth in § 7.105–1 of this title.

§ 1007.2204–10 Special clauses.

According to the instruction in Subpart NN of this part, as modified herein, insert the applicable clauses. The clauses in §§ 1007.4047 and 1007.4054 are not required.

§ 1007.2205 Additional clauses.

The following clauses may be used when desirable or necessary to cover the subject matter contained in such clauses.

§ 1007.2205–1 Effective date of contract.

EFFECTIVE DATE OF CONTRACT

This contract shall not become effective and binding on the parties unless and until written notification is furnished to the Contractor that funds have been appropriated and obligated for the contract. Since the requirements for each Command are set forth in separate Exhibits to the Contract, the written notification will consist of an appropriate form issued by the Administrative Contracting Officers of the using Commands. As to those Exhibits for which funds are not provided as hereinabove set forth, the Contract shall have no force or effect.

§ 1007.2205–2 Limitation of Government's obligation.

LIMITATION OF GOVERNMENT'S OBLIGATION

(a) This clause shall apply to the respective Exhibits individually, and the notices required by paragraph (c) of this clause shall segregate the required information by Exhibit. It is anticipated that from time to time funds for performance of work called for by the Exhibit for a specified period of time will be allotted to the Exhibit by an appropriate form issued by the Administrative Contracting Offices of the respective using Commands and that such allotments will be made until funds for the total fixed price plus reimbursable items of cost specified in the Exhibit have been allotted to the Exhibit.

(b) Upon receipt of an appropriate form allotting funds to an Exhibit, the Contractor agrees to perform or have performed work called for by the Exhibit up to the point at which, in the event of termination of work under the Exhibit pursuant to the clause hereof entitled "Termination for Convenience of the Government", the total amount payable by the Government (including amounts payable in respect to subcontracts and settlement costs) pursuant to paragraph (c) thereof, would in the exercise of reasonable judgment by the Contractor approximate the total amount at the time allotted to the Exhibit. The Contractor shall not be obligated to continue performance of the work beyond such point. The Government shall not be obligated, in any event, to pay or reimburse the Contractor in excess of the amount from time to time allotted to the Exhibit, anything to the contrary in the clause hereof entitled "Termination for Convenience of the Government" notwithstanding.

(c) In the event funds allotted to an Exhibit are considered by the Contractor to be inadequate to cover the work to be performed until the date specified in the applicable appropriate form allotting funds, or an agreed date, in substitution thereof, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days the work will reach a point which, in the event of termination of the work under the Exhibit pursuant to the clause hereof entitled "Termination for Convenience of the Government", the total amount payable by the Government (including amounts payable in respect of subcontracts and settlement costs) pursuant to paragraph (c) thereof, will approximate eighty-five percent (85%) of the total amount then allotted to the Exhibit. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance until the date specified in the appropriate form allotting funds, or an agreed substituted date. The Contractor shall, thirty (30) days prior to the date specified in the appropriate form allotting funds, or agreed substituted date, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required for the timely performance of the work under the Exhibit for a further period as may be specified in the Exhibit or otherwise agreed to by the parties. If after such latter notification, additional funds are not allotted by the date specified in the appropriate form allotting funds, or an agreed date in substitution thereof, the Contracting Officer will, upon request of the Contractor for the same, terminate the work under the Exhibit on such date or the date set forth in the request, whichever is later, pursuant to the provisions of the clause of this Contract entitled "Termination for Convenience of the Government".

(d) When additional funds are allotted from time to time for continued performance of the work under an Exhibit, the parties shall agree as to, and the applicable appropriate form allotting funds shall specify, the applicable period of performance under the Exhibit which shall be covered by such funds and the provisions of paragraphs (b) and (c) above shall apply in like manner to such additional allotted funds and substituted date pertaining thereto.

(e) If the Contractor incurs additional costs, or is delayed in the performance of the work under an Exhibit, solely by reason of the failure of the Government to allot additional funds in amounts sufficient for the timely performance of work under an Exhibit, and if additional funds are allotted, an equitable adjustment shall be made in the price or prices (including appropriate target, billing, and ceiling prices where applicable) for work under said Exhibit or in the time of performance or both. Failure to agree to any such equitable adjustment hereunder shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

(f) The Government may at any time prior to termination, and, with the consent of the contractor, after notice of termination, allot additional funds to the Exhibit.

(g) The provisions of this clause with respect to termination shall in no way be deemed to limit the rights of the Government under the clause hereof entitled "Default". The provisions of this clause are limited to the work on, and the allotment of funds for, the Exhibits to the Schedule. This clause shall become inoperative upon the allotment of funds for the total fixed price plus reimbursable items of cost specified in the Exhibit except for rights and obligations then existing under this clause.

§ 1007.2205–3 Overtime.

OVERTIME WORK

The rates for services set forth in the Exhibit or Exhibits to the Schedule are based on a normally scheduled 40 hour work week, consisting of five (5) eight (8) hour days per week. A week for the purpose of this clause is defined as a period of seven (7) consecutive days commencing on the first day of the normally scheduled work week. A reduced work week shall consist of 40 hours less the amount of time off for vacation leave, sick leave, or holidays not in excess of the amounts authorized in the contract, provided however, such time off occurs on a day which contractor employee normally works. Overtime work is:

1. Work in excess of 8 hours in one day, and

2. (i) Work in excess of 40 hours in one week not accounted for under 1 above, or

(ii) Work in excess of a reduced work week not accounted for under 1 above.

Time spent in travel shall in no event be considered overtime work. Overtime work will be held to an absolute minimum and in each instance must be justified and authorized by the Commander of the using Command or his authorized representative. Approval for overtime work must be specifically indicated on the Certificate of Services. Reimbursement of Contractors for authorized overtime work performed by contract technical services personnel will be made at the fixed hourly rates set forth in the Exhibit or Exhibits to the Schedule.

§ 1007.2205–4 Option to increase services at same rates.

OPTION TO INCREASE SERVICES AT SAME RATES

The Contractor grants to the Government the right to increase the number of man months and men under this Contract by no more than _____ additional man months of services and/or by no more than _____ additional Contractor employees at the same rates set forth in the Exhibits to the Schedule. Said increase may be applied in whole or, from time to time, in part to the Exhibit or Exhibits to the Schedule including any additional Exhibits added by an amendment to the basic contract. The Government shall exercise such option by an appropriate Change Order before the end of the period specified in the Exhibits to this contract and such additional services shall be performed during said period.

§ 1007.2205–5 Option to extend services at provisional rates.

OPTION TO EXTEND SERVICES AT PROVISIONAL RATES

The Government is granted the right and option of renewing or extending this Contract as to any or all items of services set forth in any Exhibit to this Contract for any additional periods of time but not to exceed a total additional period of _____. This option to extend the Contract will be exercised by a Change Order to this Contract. It is understood and agreed that the rates specified in each Exhibit to this Contract shall be considered as interim provisional rates for payment purposes applicable to the period of extension for that Exhibit pending the completion of the negotiation of rates which are to be mutually agreed upon for such extended period. Upon completion of negotiations, the rates mutually agreed upon for the additional period will be evidenced by an appropriate Supplemental Agreement or another Contract. Failure to agree upon rates shall be deemed to be a dispute concerning a question of fact and shall be disposed of in accordance with the clause entitled "Disputes". Nothing herein contained shall be construed as indicating that the provisional rates to be paid during the extension period are or are not fair and reasonable compensation to the Contractor for services rendered.

§ 1007.2205–6 General.

Any other clause authorized by Subchapter A, Chapter I of this title, or this subchapter, according to instructions for use, may be used when necessary to cover the subject matter contained in such clause.

§ 1007.2205–7 Schedule provisions.

Sample Schedule Provisions are available at AMC Acronautical Systems Center (LMEMS).

Subpart W—Clauses for Time and Materials Contracts

§ 1007.2303 Required clauses.

The following clauses will be inserted in all time and materials contracts.

§ 1007.2303–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title. The term "direct labor," as used in the Payment clause, will be defined in the schedule.

§ 1007.2303–2 Changes.

CHANGES

The Contracting Officer may at any time, by a written order, within the general scope of this contract, and without notice to any sureties, make changes in (i) drawings, designs, or specifications, (ii) direct the addition of work or services, (iii) make changes in method of shipping or packing, and (iv) make changes in place of delivery. If such changes require a change in the time of performance of the work called for hereunder, the contract shall be modified in writing accordingly. The hourly rate set forth in the schedule shall not be adjusted by reason of any change ordered under this clause.

§ 1007.2303–3 Inspection.

(a) If the contract calls for the maintenance, overhaul or modification of Government property, other than real property, insert the following clause.

INSPECTION

(a) The Contractor agrees that it will employ only qualified and competent employees in the performance of this contract, and that any items delivered under this contract will conform to the requirements of this contract and will not be defective in workmanship or material. The Contractor shall not be responsible for latent defects in Government Furnished Property.

(b) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the material, fabricating methods, and the work and services hereunder. Records of all inspection work by the Contractor shall be complete and available to the Government at all reasonable times during performance of this contract and for such longer period as may be specified in the contract. The Contractor shall inform the inspector or Contracting Officer when the work is ready for inspection. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when items are not ready at the time such inspection and test is requested by the Contractor.

(c) All services, material and workmanship shall be subject to inspection and test by the Government to the extent practicable at all times and places including the period of performance and in any event prior to final acceptance. Final inspection and acceptance by the Government of all the items (other than aircraft to be flown away, if any) to be furnished under this contract shall be at the plant or plants of the Contractor specified in the Schedule, or any other plant or plants approved for such purpose in writing by the Contracting Officer. The Contractor shall request any approval of such plant or plants as soon as practicable so as to permit the Government to make necessary arrangements for inspection and acceptance, and the Government is not obligated to make such final inspection and acceptance at any point so approved until a reasonable period after the date of such approval. The Contractor shall allow, at all reasonable times and places, Government inspectors and other personnel free access to the plant or plants and operations of the Contractor or any of its subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premise of the Contractor or a subcontractor, the Contractor without additional charge shall provide and shall require subcontractors to provide, all reasonable facilities and assistance as may be required for this work and for the safety and convenience of the Government personnel. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work.

(d) The Government shall have the right to reject any parts or materials which are not in conformity with the requirements of this contract, or are otherwise defective in workmanship or material, or which are unsuited for the purpose intended, and require correction or replacement thereof at no additional charge to the Government. Corrected item or items tendered as replacements shall be subject to the provisions of this clause in the same manner and to the same extent as items originally tendered, and shall not be tendered for acceptance unless the former rejection and requirement for correction or replacement is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such rejected items, the Government (i) may by contract or otherwise replace or correct such items and charge to the Contractor any increased cost occasioned the Government thereby, or (ii) terminate this contract for default as provided in the clause of this contract entitled "Termination."

(e) The inspection and test by the Government of any work or items does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to final acceptance. Except as otherwise provided in this contract, final acceptance shall be conclusive except as regards latent defects, fraud or such gross mistakes as amount to fraud.

(f) Acceptance of parts or materials acquired by the Contractor for the Government as provided in the Schedule for separate reimbursement may be deferred until final item inspection. Notwithstanding the provisions in paragraph (d) above, in the event of defects in the item due to such parts or materials, the Government will pay the cost of replacement parts or materials, but the Contractor will bear the cost of replacement.

The following provision may be added where appropriate.

(g) Unless otherwise provided herein, if any aircraft are required to be furnished to the Government hereunder and the same are to be flown away, such aircraft shall be finally inspected and accepted by the Government at a flying field or fields to be approved by the Contracting Officer in the vicinity of the Contractor's plant or plants specified in the Schedule or at such other point as may be requested by the Contractor and approved for such purpose in writing by the Contracting Officer.

(b) Insert the following clause if the clause set forth in paragraph (a) of this section is not applicable.

INSPECTION

(a) All material and workmanship shall be subject to inspection and test by representatives of the Government. For this purpose, the Contractor shall allow, at all reasonable times, inspectors and other Government personnel free access to the plant and operations and shall furnish such facilities as may be required for the work. The Contractor shall inform the inspector when the work is ready for inspection. The Government representative shall have the right to (i) require the replacement of parts which are not in accordance with applicable specifications, and (ii) require the correction of defects.

(b) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the inspection of the supplies and services furnished under this contract. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of the contract.

(c) The Contractor agrees that it will employ only qualified and competent employees in the performance of this contract and that the services performed will conform to the highest professional standards for the work involved.

(d) Prior to final acceptance by the Government, any correction of defects in supplies or services, or replacement of materials to make the item conform to contract requirements, which correction or replacement is made necessary by inferior workmanship or materials, shall be at no cost to the Government.

(e) Final acceptance by the Government shall be conclusive except as regards latent

defects, fraud, or such gross mistakes as amount to fraud. The Contractor shall, before or after final acceptance, remedy defects or failures due to such causes at no cost to the Government.

§ 1007.2303–4 Payments.

PAYMENTS

The Contractor shall be paid as follows upon the submission of properly certified invoices or vouchers approved by the Contracting Officer:

(a) Time Rate:

(i) The amounts computed by applying the appropriate time rate or rates set forth in the Schedule to the number of direct labor hours performed, which rates shall include wages, overhead, general and administrative expense and profit. Fractional parts of an hour shall be payable on a prorated basis. The Contractor will substantiate vouchers by evidence of actual payment and by individual daily job timecards, preferably signed by the workers performing the services. Payments will normally be made at Contractor's payroll intervals, but may be varied by the Contracting Officer if conditions so warrant.

(ii) Unless otherwise set forth in the Schedule, 10 percent of the amount due under this contract shall be withheld from each payment by the Contracting Officer but the total amount withheld shall not exceed $100,000. Such amounts withheld shall be retained until the execution and delivery of a release by the Contractor as provided in paragraph (f) hereof.

(iii) Unless provisions of the Schedule hereof otherwise specify, the hourly rate or rates set forth in the Schedule shall not be varied by virtue of the Contractor having performed work on an overtime basis. If the Schedule provides rates for overtime, the premium portion of those rates will be reimbursable only to the extent the overtime is approved in writing by the Contracting Officer.

(b) Materials (Including Subcontracts).

(i) Only the cost of direct materials shall be allowable costs hereunder and such costs shall be determined by the Contracting Officer in accordance with Part 2, Section XV, of the Armed Services Procurement Regulation in effect on the date of this contract. The Contractor shall support all material costs claimed by submitting paid invoices or storeroom requisitions. Except as otherwise provided in the Schedule direct materials as referenced by this clause are defined as those materials which enter directly into the end product or which are used or consumed directly in connection with the furnishing of such product. Costs of purchasing, inventory handling, or other indirect and administrative expenses will not be reimbursable as a cost of direct materials. The Contractor shall not be paid any profit in connection with direct materials.

(ii) The cost of subcontracts which are authorized pursuant to the clause hereof entitled "Subcontracts" shall be reimbursable costs hereunder, provided such costs are consistent with (iii) hereof. Reimbursable cost in connection with subcontracts shall be limited to the amounts actually required to be paid by the Contractor to the Subcontractor and shall not include any costs in connection with the letting, administration or supervision of performance of the subcontract.

(iii) The Contractor shall, to the extent of its ability, procure materials at the most advantageous prices available, with due regard to securing prompt delivery of satisfactory materials, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, bonifications, and when unable to take advantage of such benefits it shall promptly notify the Contracting Officer to that effect and the reason therefor. Credit shall be given to the Government for cash and trade discounts, rebates, allowances, credits, salvage, the value of resulting scrap, when the amount of such scrap is appreciable, commissions, and bonifications which have been accrued to the benefit of the Contractor or would have so accrued except for the fault or neglect of the Contractor. Such benefits lost through no fault, or neglect on the part of the Contractor or lost through fault of the Government, shall not be deducted from gross costs.

(c) It is estimated that the total cost to the Government for the performance of this contract will not exceed the amount set forth in the Schedule, and the Contractor agrees to use its best efforts to perform the work specified in the Schedule and all obligations under this contract within such amount. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding thirty (30) days, when added to all other costs previously incurred will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule, the Contractor shall notify the Contracting Officer to that effect giving its revised estimate of total cost for the performance of this contract. If at any time during the performance of this contract, the Contractor has reason to believe that the total obligations of the Government for the performance of this contract will be substantially greater or less than the then stated estimated cost thereof, the Contractor shall so notify the Contracting Officer, giving its revised estimate of total cost for the performance of this contract.

(d) The Government shall not be obligated to pay the Contractor any amount in excess of the estimated amount set forth in the Schedule and the Contractor shall not be obligated to continue performance by virtue of which the Government's obligation hereunder would exceed the estimated amount set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any expenses incurred by the Contractor in excess of such estimated cost prior to the increase shall be allowable to the same extent as if such expenses had been incurred after such increase in the estimated cost.

(e) At any time or times prior to final payment under this contract the Contracting Officer may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts included in the related invoice or voucher and statement of cost which are found by the Contracting Officer not to have been properly payable, and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers. Upon receipt of the voucher or invoice designated by the Contractor as the "completion voucher" or "completion invoice" and statement of cost which shall be submitted by the Contractor as promptly as may be practicable following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may, in his discretion, approve in writing) from the date of such completion, and following compliance by the Contractor with all provisions of this contract (including, without limitation, provisions relating to patents and the provisions of paragraphs (f) and (g) of this clause), the Government shall as promptly as may be practicable pay any balance due and owing the Contractor.

(f) The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, a release discharging the Government, its officers, agents, and employees of and from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(1) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the contractor.

(2) Claims, together with reasonable expense incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the contract, which are not known to the Contractor on the date of the execution of the release, and of which the Contractor gives notice in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier.

(3) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the contract relating to patents.

(g) The Contractor agrees that any refunds, rebates, or credits (including any interest thereon) accruing to or received by the Contractor or any assignee which arise out of the performance of this contract and on account of which the Contractor has received reimbursement shall be paid by the Contractor to the Government. The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, an assignment to the Government of refunds, rebates, or credits (including any interest thereon) arising out of the performance of this contract, in form and substance satisfactory to the Contracting Officer.

§ 1007.2303–5 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.2303–6 Excusable delays.

Insert the clause set forth in § 8.708 of this title.

§ 1007.2303–7 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.2303–8 Records.

Insert the clause set forth in § 7.203–7 of this title.

§ 1007.2303–9 Subcontracts.

SUBCONTRACTS

(a) No contract shall be made by the Contractor for the furnishing of any of the work herein contracted for without the written approval of the Contracting Officer. For the purposes of this clause, purchase of raw material or commercial stock items shall not be considered work.

(b) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-percentage-of-cost basis.

§ 1007.2303–10 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.2303–11 Eight-hour law of 1912.

Insert the clause set forth in § 12.303 of this title.

§ 1007.2303–12 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 12.604 of this title.

§ 1007.2303–13 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.2303–14 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.2303–15 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.2303–16 Termination.

Insert the clause set forth in § 1008.752 of this chapter.

§ 1007.2304 Clauses to be used when applicable.

§ 1007.2304–1 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.2304–2 Government property.

Insert the clause set forth in § 13.503 of this title, substituting the word "price" for "estimated cost, fixed-fee" in paragraph (a) and deleting the words "in whole or in the percentage prevailing by reason of the clause of the contract entitled 'Allowable Cost, Fixed Fee and Payment.'" in paragraph (b) (iii). Whenever any maintenance contract is initiated, awarded and administered at base level as distinguished from depot or air materiel area, the last sentence of paragraph (c) of § 13.503 of this title will be deleted.

§ 1007.2304–3 Military security requirements.

According to the requirements of § 7.104–12 of this title, insert the clause set forth in that section.

§ 1007.2304–4 Patents, data and copyrights.

According to the instructions in Part 9 of this title and Part 1009 of this chapter, as such instructions are hereinafter modified, insert the applicable contract clauses.

§ 1007.2304–5 Authorization and consent.

If the contractor is required to furnish supplies under the contract, insert the clause set forth in § 9.102–1 of this title, except if the contract calls for experimental, developmental, or research work, the clause set forth in § 9.102–2 of this title may be inserted in lieu of § 9.102–1 of this title.

§ 1007.2304–6 Notice and assistance.

If the contract calls for furnishing supplies, construction, or experimental, developmental or research work, insert the clause set forth in § 9.104 of this title.

§ 1007.2304–7 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth therein.

§ 1007.2304–8 Gratuities.

Insert the clause set forth in § 7.104–16 of this title, excepting those contracts excluded therein.

§ 1007.2304–9 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause set forth in § 7.104–18 of this title.

§ 1007.2304–10 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2.

§ 1007.2304–11 Alterations in contract.

According to the requirements of § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.2304–12 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth therein.

§ 1007.2304–13 Limitation on withholding of payments.

According to the requirements of § 7.104–21 of this title, insert the clause set forth therein.

§ 1007.2304–14 Special clauses.

Insert applicable clauses of Subpart NN of this part according to the instructions set forth therein.

§ 1007.2304–15 Defense subcontracting small business program.

According to § 1.707–2(b) of this title, insert the clause set forth in § 7.104–22 of this title.

§ 1007.2304–16 Flight risk.

If the contract calls for the modification, maintenance, or overhaul of aircraft (or otherwise involves the furnishing of aircraft by the Government) insert the clause set forth in § 10.404–2 of this title.

§ 1007.2304–17 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title in all contracts under this subpart.

§ 1007.2304–18 Renegotiation.

According to the requirements of § 7.103–13 of this title, insert the appropriate contract clause set forth therein.

§ 1007.2305 Additional clauses.

The following clauses may be used when desirable or necessary to cover the subject matter contained in such clauses.

§ 1007.2305–1 General.

Any other clause authorized by Chapter I of this title and this chapter, according to instruction for use, may be used when necessary to cover the subject matter contained in such clause.

§ 1007.2305–2 Materials and parts coded CP.

Section 1007.4505–3 is equally applicable to Time and Material contracts prepared under this subpart.

Subpart X—Clauses, Schedule Provisions, and Exhibits for Instruction of Military Personnel at Civilian Schools, Colleges, and Universities

§ 1007.2400 Scope of subpart.

This subpart sets forth clauses, schedule provisions, and exhibits for procuring instruction at civilian schools, colleges, and universities for military personnel.

§ 1007.2401 Limitation on use.

Contracts for instruction of military personnel as their full time duty assignment at civilian colleges and universities will be issued only by (a) the USAF Institute of Technology, Wright Patterson Air Force Base, and (b) Air Training Command for foreign language training. Contracts for instruction of military personnel at schools, colleges, and universities issued under the provisions of AFR 34–8 (The Education Services Program) may be issued by any authorized contracting office and if over $500 will contain the clauses set forth in §§ 1007.2403 through 1007.2407–2 as changed by § 1007.2408.

§ 1007.2402 Definitions.

§ 1007.2402–1 Contract for instruction of military personnel at civilian schools, colleges, and universities.

The term "contract for instruction of military personnel at civilian schools, colleges, and universities" means any contract for instruction of military personnel at an approved or accredited school, college, or university, paid for on a tuition, fee, or other type of charge basis.

§ 1007.2403 Required clauses.

The following clauses will be inserted in all contracts for instruction of military personnel at civilian colleges and universities.

§ 1007.2403–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title and add the following paragraph designated "(d)":

(d) In addition, the following terms and definitions shall govern for the purposes of this contract:

"Course"—A series of lectures and/or instructions and/or laboratory periods relating to one particular field of science or learning.

"Curriculum"—The course as selected by one student for his course of instruction.

§ 1007.2403–2 Inspection.

INSPECTION

The Contractor agrees to permit the Contracting Officer, or his duly authorized representative, to make inspections of the school facilities and courses offered.

§ 1007.2403–3 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.2403–4 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.2403–5 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title. If the contract is with a State or a political subdivision thereof, preface the clause as directed in § 12.303–2 of this title.

§ 1007.2403–6 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.2403–7 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.2403–8 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.2403–9 Termination.

TERMINATION

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever, (i) the Contracting Officer shall determine that any such termination is for the best interest of the Government, or (ii) the student voluntarily, or at the request of the Contractor, withdraws from any course or courses. Whenever termination is effected pursuant to (i) above, Contracting Officer shall deliver to the Contractor a written notice of termination specifying the extent to which performance of work under this contract shall be terminated and the effective date of such termination. Whenever termination is effected under (ii) above, the student, after receiving approval of the Commandant, USAF Institute of Technology, shall notify the Contractor and the Contracting Officer of the effective date of his withdrawal and upon receipt by the Contractor of any such notice, it shall, unless the Contracting Officer directs otherwise, discontinue all the work and activity specified by such notice at the time set forth therein.

(b) In the event of termination in whole or in part, the Contractor shall be paid (i) all fees then due and owing and theretofore unpaid, and (ii) all accrued fees, in accordance with the established policies of the Contractor if termination is effected during any period of instruction.

§ 1007.2403–10 Revised fees.

REVISED FEES

The consideration, as set forth in each exhibit issued hereunder, is based on the Contractor's standard fees on the date of such exhibit. The Contractor shall have the right to change any or all fees for any succeeding semester after the first semester or period of instruction upon written notice to the Government thirty (30) days prior to the commencement of such semester, but in no event to a greater amount than that charged for other students pursuing the same or similar course of instruction. In the event of such notice, the Government shall have the option to accept or refuse the revised fee basis. If the Government elects to refuse the revised fee basis, it may proceed to terminate the contract under the terms of the clause hereof entitled "Termination."

§ 1007.2403–11 Change in curriculum.

CHANGE IN CURRICULUM

The Contracting Officer may vary the curriculum as selected by the student, but shall not require nor make any change in any course as offered by the Contractor without the Contractor's consent.

§ 1007.2403–12 Reports and withdrawal of students.

REPORTS AND WITHDRAWAL OF STUDENTS

(a) The Contractor shall submit to the Contracting Officer at the end of each term or semester, and at such other times as the Contracting Officer may direct, a written report containing the progress and grades of each student and such other information as the Contracting Officer may require: *Provided*, That any report required by the Contracting Officer not regularly furnished other students pursuing the same or similar curriculum will be paid for by the Government at a rate agreed upon in advance either in an original exhibit or an amended exhibit.

(b) Any student who, in the opinion of the Contracting Officer, fails to maintain a satisfactory standing in the course in which he has been enrolled or whom the Contracting Officer, for any reason whatsoever, desires to remove from such course, may, at the option of the Contracting Officer, be withdrawn at any time. In such event, or in the event that the Contractor dismisses any student for breach of its regulations, the matter shall be treated as a partial termination and the tuition for such student shall be computed in accordance with the clause hereof entitled "Termination."

§ 1007.2403–13 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.2403–14 Examination of records.

Insert the clause set forth in § 7.104–15 of this title.

§ 1007.2404 Clauses to be used when applicable.

§ 1007.2404–1 Alterations in contract.

According to the requirements for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.2406 Schedule provisions.

The following provisions will be set forth in the schedule, and will be completed with appropriate information:

§ 1007.2406–1 Part I—Services to be furnished.

SERVICES TO BE FURNISHED

(a) The Contractor shall enroll and provide instruction during the period ---------- to ---------- for not more than ---------- students, who shall be military personnel of the United States Air Force selected by the Government and acceptable to and approved by the Contractor, in the course and for the respective periods of time determined as hereinafter provided.

(b) Requests by the Government for instruction shall be by delivery to the Contractor of an exhibit to this contract as hereinafter provided.

(c) The total number of students specified in paragraph (a) above will be divided into groups or classes. Classes will be consecutive unless otherwise mutually agreed upon. Each exhibit will be numbered and presented in quintuplicate by the Government to the Contractor to show the approved curriculum to be pursued by each student, the cost thereof and the total cost of all students in the particular class involved. The exhibit shall be then forwarded in quadruplicate to the Contracting Officer for approval. Upon approval by the Contracting Officer, a copy thereof, executed by the Contracting Officer, shall be returned to the Contractor.

(d) All students accepted by the Contractor shall be registered in the same manner as civilian students and shall be subject to the same academic regulations, and shall have the same privileges, including use of all facilities and equipment normally furnished by the Contractor to all students.

(e) In the event it is desired to amend an exhibit issued hereunder for any reason, an amended exhibit will be initiated by the Government and forwarded to the Contractor for completion and signature, who shall then process the same in the same manner as an original. Such amended exhibit shall bear the same number as the original exhibit in addition to the appropriate amendment number.

(f) Unless otherwise provided herein, all necessary textbooks, laboratory manuals, and other equipment required for use by individual students will be procured by said students at their own expense.

§ 1007.2406–2 Part II—Consideration, payment and voucher.

PART II—CONSIDERATION, PAYMENT AND VOUCHER

(a) The Government will pay to the Contractor, as compensation, the cost of the course of instruction of each student as set forth in the exhibit covering his enrollment, which cost will in no event be a greater amount than charged for other students pursuing the same or similar curriculum: *Provided*, That, if the Contractor regularly charges higher rates of tuition for students who are not residents of the state in which the Contractor is located, the Contractor may charge the Government not in excess of the lowest rates applicable to such nonresident students.

(b) The Government will pay the compensation stated in paragraph (a) above in advance as follows:

(1) For each class in which the students are enrolled, upon the receipt from the Contracting Officer of an approved copy of the exhibit as provided in paragraph (c) of Part I hereof, the Contractor will submit to the Contracting Officer a voucher in quintuplicate, covering each exhibit separately, for preaudit and forwarding through channels to the Disbursing Officer, USAF, indicated on the cover page of this contract. Said voucher shall include:

a. Contract number and period of instruction to which voucher pertains.

b. Names of all students covered by voucher.

c. Itemized statement of charge for each student.

d. Designation of voucher as "Final Billing for this semester (term)" or "Partial billing for this semester (term)" as appropriate.

e. A certificate reading as follows:

"I certify that the above bill is correct and just, and payment therefor has not been received."

(c) Final settlement of said exhibit will be made by presentation and payment of a voucher designated by the Contractor as "Final Voucher." Upon payment of such final voucher, the obligations of the parties with respect to said exhibit shall automatically cease and terminate, and final settlement shall be deemed accomplished.

(d) Advance payments to be made under the terms hereof are authorized by 31 U. S. C. 5291.

(e) Checks for refunds to the Government arising out of termination, or for other causes, shall be drawn in favor of Treasurer of the United States, and shall be sent by the Contractor to the Administrative Contracting Officer who will record the same and forward such checks to the proper Disbursing Officer, USAF.

§ 1007.2407 Exhibits.

§ 1007.2407–1 Exhibit for enrollment or continuation.

The following exhibit will be used for the enrollment or continuation of personnel:

HEADQUARTERS, AIR FORCE INSTITUTE OF TECHNOLOGY WRIGHT-PATTERSON AIR FORCE BASE, OHIO

---------- (Date) Exhibit No. ------ to Contract No. --------

PART I OF EXHIBIT

To:

1. A group of Air Force students is scheduled to enroll or be continued in a class at your institution in accordance with the terms of the contract cited above. As set forth in greater detail in Part II hereof, this group consists of ------ students for a course of instruction in ---------- beginning ------ and ending ----------.

2. Request that Part II of this Exhibit be executed in quadruplicate and returned as soon as practicable to the Contracting Officer, Hq, Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio. The copy marked "Advance Copy" may be retained by the Contractor for information purposes. The date of execution of this Exhibit must be provided immediately following the signature.

(Contracting Officer)

(Date)

PART II OF EXHIBIT

(Date)

To: Contracting Officer
Air Force Institute of Technology
Wright-Patterson Air Force Base, Ohio

1. The referenced group of Air Force students is to be or has been enrolled or continued in this institution to pursue the curriculum at the cost and for the time period as detailed.

2. It is certified that these charges are not greater than that charged for other students pursuing the same or similar curriculum.

3. The names of the students and the itemized charges due or to become due on account of such enrollment or continuation are as follows:

(Contractor)
By ---

(Title)
Date ---

(Address)

§ 1007.2407–2 Exhibit for approving courses and allotment of funds.

The following exhibit will be used for approving courses of instruction and allotment of funds:

PART III OF EXHIBIT

(Date)

Exhibit No. ------ to Contract No. --------

To:

The enrollment or continuation of the students in the courses of instruction enumerated above is approved.

The supplies or services to be obtained by this Exhibit are for the purposes set forth in, and are chargeable to, allotments, below enumerated, the available balances of which are sufficient to cover the cost hereof.

(Contracting Officer)

Date: ---

PART IV OF EXHIBIT

Administrative Data

Purchase Request No. ------
Price ---
Accounting and Appropriation Data

§ 1007.2408 Changes to be made for contracts issued under Air Force Regulation 34–8.

The following changes will be made in clauses set forth in §§ 1007.2403 through 1007.2407–2 in contracts which are issued pursuant to Air Force Regulation 34–8.

(a) All references to USAF Institute of Technology will be deleted and the title and address, where applicable, of the installation issuing the contract will be substituted therefor.

(b) In § 1007.2403–9, Termination, delete the words "after receiving approval of the Commandant, USAF Institute of Technology," paragraph (a). Insert the words "by the Government its proportionate share of" between the words "shall be paid" and "(i) all fees" in paragraph (b).

(c) In § 1007.2406–2, Part II—Consideration, Payment and Voucher, delete the first five lines of paragraph (a) and substitute therefor:

(a) The Government will pay to the Contractor, as compensation, ------ percent of the tuition cost of the course of instruction of each student as set forth in the exhibit covering his enrollment, the balance of all other costs being collected by the contractor from each student, which costs will in no event be great---------

(d) In § 1007.2407–1, Exhibit for Enrollment, add the following paragraph 4 to the exhibit addressed to the contracting officer to be signed by the contractor.

4. The tuition charges due or to become due on account of such enrollment for each class or other period of instruction, of which the Government is to pay -- percent, are as follows:

Subpart Y—Clauses and Arrangements for Letter Contracts

§ 1007.2503 Arrangements for letter contracts.

The following arrangements will be used for all letter contracts.

§ 1007.2503–1 Cover page.

The following will be used as the cover page for all letter contracts.

Contract No. ----------

LETTER CONTRACT

between

DEPARTMENT OF THE AIR FORCE

and

(Contractor)

Contract for: ---
Administrative Information:

(Insert designation and address of disbursing finance officer)

is designated as the officer to make payments, if any, in accordance with this contract.

The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

The office having overall administrative responsibility for this contract is:

Contractor's invoices or vendor's shipping documents used as invoices shall be made out to the accounting and finance officer designated to make payment hereunder, if any, and shall be sent by the Contractor to the Administrative Office for recording and forwarding to the Finance Officer for payment. Point of Inspection and Acceptance and F.O.B. Point:

Type Contract Contemplated:
Purchase Request No.:
Buyer:
Equipment Class:
Program:

This instrument has been negotiated pursuant to section 2304(a)( ) of Title 10 U.S. Code.

§ 1007.2503–2 Introduction.

The following will be used as an introduction to all letter contracts:

Contract No. ----------

NAME:
ADDRESS:
DEAR SIRS:

§ 1007.2503–3 Signatures and acceptance.

The following will be used at the end of all letter contracts for acceptance and execution thereof:

THE UNITED STATES OF AMERICA,
By ---

(Contracting officer)
Accepted ---, 19--

(Contractor)
By ---
(Name, official title)

NOTE. Type or print names under all signatures.

§ 1007.2504 Required clauses for fixed-price letter contracts.

The following clauses will be inserted in all letter contracts contemplating a fixed-price definitive contract. Clauses will be consecutively numbered. Any clause listed under § 1007.2504–3 which is inapplicable to a specific contract may be deleted from that contract. The list may be revised as necessary to keep current with ASPR revisions. Additional clauses, applicable to a specific contract (such as clauses in Subpart NN of this part) will be incorporated, to the extent required by the instructions pertaining to such clauses, by reference in Exhibit "A" to the contract.

§ 1007.2504–1 Introductory paragraph.

An order is hereby placed with the contractor for the furnishing to the Government of the supplies or services set forth in Exhibit "A" attached hereto and hereby made a part hereof.

§ 1007.2504–2 Direction to proceed.

Except as otherwise expressly provided to the contrary herein, the Contractor is directed, upon its acceptance of this order, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies or performance of the services called for herein, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed at the earliest practicable date.

§ 1007.2504–3 Contract clauses for incorporation by reference.

(a) The provisions of the contract clauses set forth in the following Sections

of Chapter I of this title (Armed Services Procurement Regulation) in effect on the date hereof and the additional clauses which are made a part of this Letter Contract in Exhibit "A" are hereby incorporated into this letter contract by reference with the same force and effect as though herein set forth in full:

Sections 7.103-1 (Definitions); 7.103-2 (Changes); 7.103-3 (Extras); 7.103-4 (Variation in Quantity); 7.103-5 (Inspection); 7.103-6 (Responsibility for Supplies); 7.103-8 (Assignment of Claims); 7.103-9 (Additional Bond Security); 7.103-12 (Disputes); 7.103-13 (Renegotiation); 6.104-5 (Buy American Act); 12.303-1 (Eight-Hour Law of 1912, Overtime Compensation); 12.604 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103-19 (Officials Not To Benefit); 7.103-20 (Covenant Against Contingent Fees); 7.104-12 (Military Security Requirements); 7.104-14 (Utilization of Small Business Concerns); 7.104-15 (Examination of Records); 7.104-16 (Gratuities); 7.104-18 (Priorities, Allocations and Allotments); 12.203 (Convict Labor); 9.103-1 (Patent Indemnity); 9.102-2 (Authorization and Consent; R & D); 9.104 (Notice and Assistance Regarding Patent Infringement); 9.106 (Filing of Patent Applications); 9.102-1 (Authorization and Consent); 9.107-2 (Patent Rights); 9.203-1, 9.203-2, 9.203-3, and 9.203-4 (Data); 13.502 (Government Furnished Property); 6.403 (Soviet Controlled Areas); 8.707 (Default); 7.104-4 (Notice to the Government of Labor Disputes); 7.104-20 (Utilization of Concerns in Labor Surplus Areas); 7.104-22 (Defense Subcontracting Small Business Program); and 12.102-3(c) (Payment for Overtime and Shift Premiums).

(b) Reference in any of the clauses enumerated in paragraph (a) of this section to contract prices or adjustments in contract prices and delivery schedules to the extent such are not specifically included in this Letter Contract, shall be inapplicable, except that any adjustments in amounts finally payable to the Contractor, or in time of performance required by such clauses, shall be made either at the time of settlement of Contractor's termination claims or shall be taken into account at the time of execution of the definitive contract contemplated herein.

§ 1007.2504–4 Provision for definitizing contract.

By the Contractor's acceptance hereof, it undertakes, without delay, to enter into negotiations with the Department of the Air Force looking to the execution of a definitive contract which will include the clauses enumerated above and such other clauses as may be mutually agreeable. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties which may or may not be at variance with the provisions of this order. It is expected that such definitive contract will be executed prior to _____ and will be a fixed-price-type contract.

§ 1007.2504–5 Authority to obligate funds.

The maximum amount for which the Government shall be liable if this contract is terminated is $_____, and any expenditure or obligation by the Contractor in excess of that amount, in furtherance of performance hereunder, shall be at the Contractor's own risk.

§ 1007.2504–6 Termination.

TERMINATION

(a) In case a definitive contract is not executed by the date specified in the clause hereof entitled "Provision for Definitizing Contract," because of the inability of the parties to agree upon a definitive contract, this order may be terminated in its entirety by either party by delivering to the other party a notice in writing specifying the effective date of termination, which date shall not be earlier than thirty (30) days after receipt of such notice. The rights and remedies of the parties hereto provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(b) The performance of work under this order may be terminated by the Government, in accordance with this clause, in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under this order is terminated, and the date upon which such termination becomes effective.

(c) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under this order on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under this order as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders or subcontracts so terminated; (5) settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts with the approval or ratification of the Contracting Officer to the extent he may require, which approval or ratification shall be final for all purposes of this clause; (6) transfer title to and deliver to the Government, in the manner, at the times and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination, (ii) the completed or partially completed plans, drawings, information, and other property which, if this order had been completed, would be required to be furnished to the Government; (7) use its best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provisions (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this order or shall otherwise be credited to the price or cost of work covered by this order or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary or as the Contracting Officer may direct, for the protection and preservation of the property related to this order which is in the possession of the Contractor and in which the Government has or may acquire an interest. At any time after expiration of the plant clearance period, as defined in Section VIII, Armed Services Procurement Regulation, or as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustments to correct the list as submitted shall be made prior to final settlement.

(d) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly, but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit a termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due the Contractor by reason of the termination, and shall thereupon pay to the Contractor the amount so determined.

(e) Subject to the provision of paragraph (d) hereof, and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. In the event of any termination pursuant to paragraph (a) hereof, such amount or amounts shall not include any allowance for profit or fee. In the event of any termination pursuant to paragraph (b) hereof, such amount or amounts may include a reasonable allowance for profit or fee, but only on work actually done in connection with the terminated portion of this order. Any such amount shall not exceed the amount set forth in the clause hereof entitled "Authority to Obligate Funds." Any such agreement shall be embodied in an amendment to this order and the Contractor shall be paid the agreed amount.

(f) If the Contractor and the Contracting Officer are not able to agree in whole or in part, as provided in Paragraph (e) hereof, as to the amount or amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer without duplication of any amounts agreed upon in accordance with the above-cited paragraph (e), shall subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract pay to the Contractor an amount determined in accordance with the applicable cost principles of the Armed Services Procurement Regulation. In the event of the termination of this order pursuant to paragraph (a) hereof, no allowance for fee or profit shall be included in the amount to be paid the Contractor.

(g) The Contractor shall have the right of appeal, under the clause entitled "Disputes" incorporated in this order by reference, from any determination made by the Contracting Officer under paragraph (d) or (f) above (including any dispute as to whether termination has in fact taken place pursuant to par. (a) hereof), except that if the Contractor has failed to submit a claim within the time provided in paragraph (d) hereof and has failed to request extension of such time, the Contractor shall have no such right of appeal. If any case where the Contracting Officer has made a determination of the amount due under paragraph (d) or (f) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due to the Contractor under this clause, there shall be deducted (1) all unliquidated advance or other unliquidated payments theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition.

(j) Unless otherwise provided in this contract or by applicable statute, the Contractor, from the effective date of termination and for a period of 3 years after final settlement under this order, shall preserve and make available to the Government, at all reasonable times at the office of the Contractor without direct charge to the Government, all books, records, documents, and other evidence bearing on the cost and expenses under this order and relating to the work terminated, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

§ 1007.2504–7 Quality control specification.

See § 1007.4013.

§ 1007.2504–8 Subcontracts.

See § 3.903–1 of this title, except that whenever the figure $100,000 appears therein it shall be changed to $25,000.

§ 1007.2504–9 Provision for execution.

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer. Such acceptance will constitute this order a contract on the terms set forth therein.

§ 1007.2505 Required clauses for cost-reimbursement letter contracts.

The following clauses will be inserted in all letter contracts contemplating a cost-reimbursement definitive contract. Clauses will be consecutively numbered. Any clause listed under § 1007.2505–3 which is inapplicable to a specific contract may be deleted from that contract. Additional clauses, applicable to a specific contract (such as added patent clauses), may be incorporated by reference in Exhibit "A" to the contract.

§ 1007.2505–1 Introductory paragraph.

Insert the clause set forth in § 1007.2504–1.

§ 1007.2505–2 Direction to proceed.

Insert the clause set forth in § 1007.2504–2.

§ 1007.2505–3 Contract clauses incorporated by reference.

(a) The provisions of the contract clauses set forth in the following sections of Chapter I of this title (Armed Services Procurement Regulation) in effect on the date hereof, and the additional clauses which are made a part of this letter contract in Exhibit "A" are hereby incorporated into this letter contract by reference, with the same force and effect as though herein set forth in full:

Sections 7.103-1 (Definitions); 7.203-2 (Changes); 7.203-5 (Inspection of Supplies and Correction of Defects); 7.103-8 (Assignment of Claims); 7.103-13 (Renegotiation); 7.203-7 (Records); 7.203-8 (Subcontracts); 7.104-14 (Utilization of Small Business Concerns); 7.103-12 (Disputes); 7.104-3 (Buy American Act); 12.203 (Convict Labor); 12.303-1 (Eight-Hour Law of 1912); 12.604 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103-19 (Officials Not To Benefit); 7.103-20 (Covenant Against Contingent Fees); 13.503 (Government Property); 7.203-22 (Insurance Liability to Third Persons); 7.104-12 as modified by 7.204-12 (Military Security Requirements); 7.104-16 (Gratuities); 7.104-18 (Priorities, Allocations and Allotments); 9.104 (Notice and Assistance Regarding Patent Infringement); 9.106 (Filing of Patent Applications); 9.102-1 (Authorization and Consent); 9.107-1 (Patent Rights); 9.203-1, 9.203-2, 9.203-3 and 9.203-4 (Data); 6.403 (Soviet Controlled Areas); 7.104-4 (Notice to the Government of Labor Disputes); 7.104-20 (Utilization of Concerns in Labor Surplus Areas); 7.104-21 (Limitation on Withholding of Payments); and 7.203-11 (Excusable Delays).

(b) Reference in any of the clauses enumerated above to contract costs or adjustments in fixed fee, if any, and delivery schedules to the extent such are not specifically included in this Letter Contract, shall be inapplicable, except that any adjustments in amounts finally payable to the Contractor, or in time of performance required by such clauses, shall be made either at the time of settlement of Contractor's termination claims or shall be taken into account at the time of execution of the definitive contract contemplated herein.

§ 1007.2505–4 Provisions for definitizing contract.

By the Contractor's acceptance hereof, it undertakes, without delay, to enter negotiations with the Department of the Air Force looking to the execution of a definitive contract which will include the clauses enumerated above and such other clauses as may be mutually agreeable. The definitive contract will also contain a detailed delivery schedule, estimated cost, fixed fee, if any, terms and conditions as agreed to by the parties which may or may not be at variance with the provisions of this order. It is expected that such definitive contract will be executed prior to _____, and will be a cost-reimbursement-type contract.

§ 1007.2505–5 Authority to obligate funds.

Insert the clause set forth in § 1007.2504–5.

§ 1007.2505–6 Termination.

Insert the clause set forth in § 1007.2504–6 of this chapter, but delete paragraph (b) and substitute the following:

(b) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, (1) whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of ten days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default, or (2) whenever for any reason the Contracting Officer, shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this contract for default under (1) above, it is determined that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the referenced clause of this contract relating to excusable delays, the Notice of Termination shall be deemed to have been issued under (2) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

Also substitute the following sentences for the second and third sentences of paragraph (e):

In the event of any termination pursuant to paragraph (a) or (b)(1) hereof, such amount or amounts shall not include any allowance for profit or fee. In the event of any termination pursuant to paragraph

(b) (2) hereof, such amount or amounts may include a reasonable allowance for profit or fee, but only on work actually done in connection with the terminated portion of this order.

§ 1007.2505–7 Quality control.

Insert the clause set forth in § 1007.-4013.

§ 1007.2505–8 Provision for execution.

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer. Such acceptance will constitute this order a contract on the terms set forth herein.

§ 1007.2506 Required clauses for facilities letter contracts.

The following clauses will be inserted in all letter contracts contemplating a definitive facilities contract. Clauses will be consecutively numbered. Any clause listed under § 1007.2506–3 which is inapplicable to a specific contract may be deleted from that contract. Additional clauses, applicable to a specific contract (such as added patent clauses), may be incorporated by reference in Exhibit "A" to the contract.

§ 1007.2506–1 Introductory paragraph.

It is expected that the Government will enter into a contract with the Contractor whereunder it will be furnished certain Government-owned machinery and equipment for use in the production of _____ in its plant at _____ in accordance with scheduled Air Force requirements and will be authorized to perform items of work as set forth in Exhibit "A," attached.

§ 1007.2506–2 Direction to proceed.

In anticipation of such contract the contractor is hereby authorized and directed, except as otherwise expressly provided herein to the contrary, (1) to accept such Government-owned machinery and equipment, and (ii) to perform the items of work specified in Exhibit "A," attached, subject to any prior written approvals required thereby. Normally, no item shall be authorized for manufacture or acquisition hereunder until it has been determined that a suitable like item cannot be furnished by the Government (Department of the Air Force) out of its Industrial Reserve; however, such requirement can be waived solely at the discretion of the Contracting Officer.

§ 1007.2506–3 Contract clauses incorporated by reference.

The provisions of the contract clauses set forth in the following sections of the Armed Services Procurement Regulation (Subchapter A, Chapter I, of this title) and the Air Force Procurement Instruction (this subchapter) in effect on the date hereof, and the additional clauses which are made a part of this letter contract in Exhibit "A" are hereby incorporated into this letter contract by reference with the same force and effect as though herein set forth in full:

(a) ASPR section: 7.103–1 (Definitions); 7.103–8 (Assignment of Claims); 7.203–7 (Records); 7.103–13 (Renegotiation); 7.104–14 (Utilization of Small Business Concerns); 7.103–12 (Disputes); 6.104–5 (Buy American Act); 7.104–18 (Priorities, Allocations and Allotments); 12.203 (Convict Labor); 12.303–1 (Eight-Hour Law of 1912; Overtime Compensation); 12.604 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not To Benefit); 7.103–20 (Covenant Against Contingent Fees); 7.104–16 (Gratuities); 9.104 (Notice and Assistance Regarding Patent Infringement); 9.102–1 (Authorization and Consent); 7.104–4 (Notice to the Government of Labor Disputes); 6.403 (Soviet Controlled Areas); 7.104–20 (Utilization of Concerns in Labor Surplus Areas); and 12.102–3(c) (Payment for Overtime and Shift Premiums).

(b) AFPI sections: 1007.2703–2 (Facilities); 1007.2703–6 (Cancellation of Subcontracts); 1007.2703–14 (Public Liability, Insurance); 1007.2703–15 (Taxes and Utilities); 1007.2703–16 (Report to be Furnished); 1007.2703–24 (Reservation of Rights); and 1007.2704–1 (Labor Standards for Construction Work).

§ 1007.2506–4 Provision for definitizing contract.

By acceptance hereof the Contractor undertakes, without delay, to enter into negotiations with the United States Air Force looking to the execution of a definitive contract which will include the clauses enumerated above and such other clauses as may be mutually agreeable. The definitive contract will also contain terms and conditions as agreed to by the parties which may or may not be at variance with the provisions of this letter contract. It is expected that such definitive contract will be executed prior to _____.

§ 1007.2506–5 Authority to obligate funds.

The Contractor is not authorized to expend or to obligate the Government in furtherance of its performance hereunder more than $_____ in the aggregate.

§ 1007.2506–6 Use charge.

It is anticipated that the definitive contract contemplated hereby will provide that the Contractor will pay a use charge for any use of the facilities provided hereunder for which legal consideration is not obtained by the Government through applicable Government prime contracts. Pending agreement upon the terms of such use charge the facilities provided hereunder may not be used for non-Government work and may be used only on that Government work for which provided.

§ 1007.2506–7 Date for completion of work.

It is agreed that the Contractor will use its best efforts to have the work or facilities provided hereunder completed, installed or otherwise prepared for use on or before _____.

§ 1007.2506–8 Termination.

TERMINATION

(a) In case the definitive contract is not executed by the date specified in the paragraph hereof entitled "Provisions for Definitizing Contract" because of the inability of the parties to agree upon a definitive contract, this letter contract, may be terminated in its entirety by either party by delivering to the other party a notice in writing specifying the effective date of termination, which date shall not be earlier than 30 days after receipt of such notice. Termination at the option of the Contractor shall not relieve the Contractor of any of its obligations or liabilities under any other Government contract.

(b) The Government may at any time terminate this letter contract in whole or in part for its convenience by giving the Contractor a written notice of such termination.

(c) The Contractor will promptly terminate work hereunder and any orders placed hereunder for facilities as may be directed or required by any termination hereunder.

(d) Upon termination, the Government will reimburse the Contractor in an amount or amounts to be agreed upon between the parties by negotiation, for the unreimbursed costs incurred or obligated in the performance of this letter contract or that portion hereof so terminated. The total reimbursements to be made under this paragraph (d) including any payments previously made hereunder shall not exceed the amount or amounts specified in the clause entitled "Authority To Obligate Funds" hereof. In the event of the failure of the parties to agree as to such amount or amounts, the Contracting Officer shall determine the amount or amounts of such cost under the "Disputes Clause" of this contract.

(e) It is agreed that upon any termination (either in whole or in part) becoming effective, the Contractor will dispose of the facilities subject to such termination as the Contracting Officer may direct, and the Contractor will be reimbursed for costs incurred with the approval of the Contracting Officer in connection with such disposal.

§ 1007.2506–9 Provision for execution.

The Contractor's acceptance of this contract will be indicated by affixing its signature to four copies of this letter and returning three of the executed copies forthwith to Headquarters, Air Materiel Command, Attention: Industrial Resources Division. Such acceptance will constitute this letter a contract on the terms set forth herein.

§ 1007.2507 Required clauses for letter contracts referencing a basic agreement.

The following clauses will be inserted in all letter contracts referencing a basic agreement.

§ 1007.2507–1 Introductory paragraph.

Insert the clause set forth in § 1007.-2504–1.

§ 1007.2507–2 Direction to proceed.

Insert the clause set forth in § 1007.-2504–2.

§ 1007.2507–3 Reference to basic agreement.

This contract incorporates all the provisions of Section "C" of Basic Agreement No. _____ and the following clauses of Section "B" of said Basic Agreement and additional clauses, if any, set forth in Exhibit "A."

§ 1007.2507–4 Provisions for definitizing contract.

It is anticipated that such definitive contract will be executed prior to _____ and will be a _____ type contract.

§ 1007.2507–5 Authority to obligate funds.

Insert the clause set forth in § 1007.-2504–5.

§ 1007.2507–6 Provision for execution.

Insert the clause set forth in § 1007.-2504–9.

Subpart Z—Clauses for Open Contracts for Equipment and Services

§ 1007.2600 Scope of subpart.

This subpart sets forth clauses for fixed price open contracts for spare parts, components, and modification kits for aircraft, aeronautical, and other equipment. This subpart may be used as a guide in preparing open contracts for services. Clauses appropriate for use in service contracts may be substituted for the equivalent supply contract clauses.

§ 1007.2601 Limitation on use.

The type of contract set forth in this subpart will be issued only by Hq AMC, AMC centers, and AMC field procurement activities and is only for use with major missile, aircraft, engine, and equipment contractors where firm requirements for emergency procurements or stock replenishment cannot be computed sufficiently in advance of required delivery so that a definite-quantity contract can be entered into.

§ 1007.2603 Required clauses.

The clauses set forth in Subpart A of this part, for fixed price supply contracts are equally applicable to fixed price type open contracts covered hereby, except that the modifications, substitutions and additions set forth in this subpart shall be used according to the respective instructions.

§ 1007.2603–1 Additional tax provision.

ADDITIONAL TAX PROVISION

The term "tax inclusive date" [if ASPR 11-401.2(b) is used, insert "contract date"] under the clause hereof entitled "Federal, State and Local Taxes" shall also be deemed to refer to the date of approval of the respective Exhibits or Spare Parts Change Requests submitted pursuant to this contract.

§ 1007.2603–2 Shipments.

Delete paragraph (e) of § 1007.4004 and substitute the following paragraph therefor.

(e) *Consignment instructions.* Requests for consignment instructions shall be made by the contractor to the initiating activity of the respective Production List.

§ 1007.2603–3 Time for issuance of production lists.

TIME FOR ISSUANCE OF PRODUCTION LISTS

No new Production List shall be issued under this contract after the date set forth in the Schedule unless such time is extended by written agreement of the parties hereto.

§ 1007.2603–4 Orders.

Orders will be issued under this contract in the form and manner set forth in the Schedule, provided, it is understood and agreed that this is not a requirements contract and that the Government has no obligation under the terms of this contract to issue such orders.

§ 1007.2604 Clauses to be used when applicable.

See § 7.104 of this title and § 1007.104.

§ 1007.2605 Additional clauses.

See § 7.105 of this title and § 1007.105 of this chapter.

§ 1007.2605–1 Forms.

FORMS

Attached hereto are samples of the format for Production Lists, Exhibits, Analysis of Spare Parts Changes and Spare Parts Change Requests to be used as a guide in preparing such instruments.

§ 1007.2605–2 Sample production list.

Attach to the contract a sample Production List in substantially the following format:

Production List No. _____ to Contract _____
Property Class: _____

From: _____ (Initiating agency)
To: _____ (Contractor)
Through: _____ (Administrative Contracting Officer)

Item No.	Class code	Part No.	Nomenclature	Quantity
Preservation, Packaging, Packing, and Markings.				
Delivery: Shipment of above parts is desired in March 1960.				

Approved _____, 196--
Allotment chargeable _____ _____
Signed _____ (Initiating Contracting Officer)

§ 1007.2605–3 Sample exhibit.

Attach to the contract a sample exhibit in substantially the following format:

(Proposed priced) Exhibit No. _____ To Contract _____
Property Class _____
Date _____

From _____ (Contractor)
To _____ (Initiating Agency)
Through _____ (Administrative Contracting Officer)

Item No.	Class code	Part No.	Nomenclature	Quantity	Unit price	Total price
1	6334	S–6724130	Afterburner	25	$5,420	$135,725
			Delivery: Shipment of above parts to be made in March 1960.			

Prices are fair and reasonable and this exhibit is hereby approved.
Allotment chargeable _____ $_____
Signed _____ (Administrative Contracting Officer)

Contractor warrants prices conform to the price formula in effect on date of this exhibit.
Signed _____ (Contractor)

§ 1007.2605–4 Sample spare parts change request.

Attach to the contract a sample Spare Parts Change Request in substantially the following format:

From: _____ (Contractor)
To: _____
Through: _____ (Administrative Contracting Officer)

Spare Parts Change Request No. _____
To Exhibit _____ of Contract _____
Property Class _____
Date _____

Remove					Replaced by—						
Item No. and change reference	Part No.	Quantity	Unit price	Total price	Part No.	Nomenclature	Quantity	Unit price	Total price	Increase	Decrease
ASPC No. 113:											
987	6715770	25	$5,421	$135,525							
998					S–6724130	Afterburner	25	$5,429	$135,725	$135,725	
					Net increase, $200.						
					Shipment for above parts to be made in March 1960.						

Prices are fair and reasonable and this SPCR is hereby approved.
Allotment chargeable _____ $_____
Signed _____ (Administrative Contracting Officer)

Contractor warrants prices do not include changeover, obsolescence, or termination charges and conform to pricing formula in effect on date of this SPCR.
Signed _____

§ 1007.2605–5 Sample analysis of spare parts change.

Attach to the contract a sample Analysis of Spare Parts Change in substantially the following format:

ANALYSIS OF SPARE PARTS CHANGE

From: .....
To: .....
Through: .....
(Administrative Contracting Officer)

ASPC No. ..... to Exhibit ..... of
Contract .....
Property Class: .....
Reference Change in Design Serial No. .....

1	2	3	4	5	6	7		8	9	10	11	12
Item No.	Superseded part No.	Superseding part No.	Quantity on order	Quantity shpd, sched. to eff. date	Balance on contract	Nomenclature	Code	Quantity per model	Equipment models	Quantity to remove	Quantity to add	Remark

CODE A—Interchangeable.
B—See explanation.
C—Not interchangeable.
D—Obsolete.

Date .....
Signed .....
(Contractor)

Explanation: Allotment Chargeable ..... $.....
Approved for production and delivery only.
.....
(Initiating contracting officer)

§ 1007.2605–6 General.

Any other clauses authorized by Chapter I of this title or this chapter not inconsistent with the clauses required in this subpart, according to instructions for use, may be inserted when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.2606 Schedule.

Open contracts, to be completed, must also contain a description of the articles and supplies to be furnished, the manner of establishing firm requirements procedures for effecting changes in requirements, and methods of pricing. Since these elements will vary from contract to contract, the establishment of standard clauses is not practicable. It is the responsibility of the Contracting Officer to negotiate with the Contractor special contract provisions which will accurately describe the procedures to be followed and which will adequately protect the interests of the Government. Set forth in §§ 1007.2606–1 to 1007.2606–3 are provisions which may be used. Any variation from, or addition to, these provisions will be the responsibility of the Contracting Officer, and, in addition, will have the concurrence of the office which will administer the contract.

§ 1007.2606–1 Articles and supplies to be furnished.

Set forth in this section is a sample clause establishing the scope of the contract and the procedures for fixing firm requirements. A similar provision covering, to the extent applicable, the subject matter below should be included in each contract.

ARTICLES AND SUPPLIES TO BE FURNISHED

(a) The Contractor shall furnish to the Government such spare parts, modification kits, components, and data for equipment of types which are being or may hereafter be manufactured by the Contractor as the Government may call for hereunder. Quantities of the supplies to be furnished shall be determined as hereinafter provided.

(b) From time to time the Government will furnish to the Contractor, through the Administrative Contracting Officer assigned to this contract (hereinafter referred to as the "ACO"), Production Lists numbered serially, suffixed by depot designation, setting forth the items which the Government desires to procure, together with the desired delivery schedule and preservation, packaging, packing, and marking requirements therefor. Each such Production List shall set forth therein the estimated dollar amount thereof and the allotments to be charged. Supplies of a critical nature in Production Lists shall be earmarked with an asterisk preceding the part number and the Contractor agrees to achieve earliest possible delivery of such items. The Contractor will promptly delete from said list any items rendered obsolete by design changes and insert in lieu thereof superseding and interchangeable items, if any, in the same or lesser quantities, as appropriate. After these deletions and insertion, the list will be an Approved Production List. The Contractor will immediately transmit six copies of the Approved Production List, together with any pertinent information concerning the superseded items and any superseding noninterchangeable items, through the ACO, to the initiating Contracting Officer, so that superseding part numbers can be procured on subsequent Production Lists. The Contractor will be obligated, subject to the fund limitation set forth in such list, to furnish the items in the quantities listed therein, and subject to its rights elsewhere specified in this contract, the Government will be obligated to take delivery of the items so furnished on an Approved Production List. Where Approved Production Lists do not contain a quantitative delivery schedule, the Contractor shall forward direct to the initiating Contracting Officer, an interim schedule indicating the estimated date of delivery of critical supplies. The Contractor is hereby authorized to make delivery in advance of the schedule appearing on any Approved Production List under this contract.

(c) The Contractor shall, if it cannot meet the desired delivery schedule, set forth its best delivery schedule for the items involved on two copies of the Approved Production List and submit them directly to the ACO. The delivery schedule set forth in an Approved Production List shall be subject to revision by negotiation between the ACO and the Contractor.

(d) If it appears to the Contractor at any time that the total price of the total quantity of items covered by an Approved Production List is likely to exceed the funds then allotted therefor, the Contractor shall notify the initiating Contracting Officer through the ACO of the amount of such excess. Within thirty (30) days after receipt of such notice, the Government will either notify the Contractor it has taken action to increase the funds allotted, or will notify the Contractor of the items or quantities to be deleted from such Approved Production List in order to bring it within the dollar amount thereof. If the Government fails to act within said thirty-day period, the Contractor shall submit to the initiating Contracting Officer through the ACO a recommendation of the parts to be deleted to bring the Approved Production List within said dollar amount and the initiating Contracting Officer shall approve or disapprove such recommendation within ten (10) days after receipt thereof. If the initiating Contracting Officer fails to act within said ten (10) day period the recommendation of the Contractor shall be deemed to have been approved and the Production Lists shall be modified accordingly. If the Government deletes items or quantities from an Approved Production List, such action shall be considered a partial termination under the clause hereof entitled Termination for Convenience of the Government.

§ 1007.2606–2 Design changes.

Set forth in this section is a sample clause describing the effect on this type of contract of changes made under related contracts. A similar provision covering, to the extent applicable, the subject matter in this section, should be included in each contract.

DESIGN CHANGES

(a) As used in this clause:

(i) "Government-approved production design change" or "changes in design" shall be deemed to include without limitation all engineering changes, improvements or substitutions as may be approved or coordinated by the Department of the Army, the Navy or the Air Force, as appropriate, or the authorized representative thereof;

(ii) "Interchangeable" shall be deemed to relate to (A) installational, functional or physical interchangeability of complete articles or subassemblies, or (B) physical or functional interchangeability of the detail parts within complete articles or subassemblies;

(iii) "Publication" shall mean the issuance by the Engineering Department of the Contractor to all parties concerned (including the Government) of specified directions to be used in making a change in design (called "Engineering Change Order No.");

(iv) "Analysis of Spare Parts Change" (hereinafter referred to as "ASPC") shall be deemed to relate to all parts, subassemblies or complete articles on order hereunder affected by a Government-approved production design change, and not merely to "parts."

(b) All Government-approved production design changes in parts, subassemblies or completed articles furnished or to be furnished by the Contractor directly or indirectly to the Department of the Air Force shall be deemed to affect the corresponding items ordered under this contract wherever the Contractor determines:

(i) performance or durability is affected to such an extent that superseded parts, subassemblies or complete articles must be discarded in service for reasons of safety or unsatisfactory functioning;

(ii) dimensions of parts, subassemblies or complete articles are affected to such an extent that the superseded or superseding parts, subassemblies or complete articles are not directly and completely interchangeable with respect to installation or performance; or

(iii) superseded parts are limited to use in specified articles or models of articles and the superseding parts are not so limited.

(c) When any Government-approved production design change affects items ordered hereunder, the Contractor shall submit one copy of each new or changed drawing not previously furnished and ten copies of an ASPC to the ACO within thirty working days from the date of publication by the Contractor of such change. The ACO shall transmit these drawings and ASPC's to the initiating Contracting Officer. ASPC's shall be numbered serially and suffixed by depot designation, and shall conform to the ASPC format attached hereto.

(d) An ASPC bearing the written approval of the initiating Contracting Officer and having set forth therein the estimated dollar amount and the allotments to be charged shall be forwarded to the Contractor through the ACO. Thereupon the obligations of the parties hereto shall be the same as set forth in the clause hereof entitled "Articles and Supplies to be Furnished" with respect to Approved Production Lists.

§ 1007.2606–3 Procedure for pricing.

Set forth in this section is a sample clause describing pricing procedures and method of payment. A similar provision covering, to the extent applicable, the subject matter in this section should be included in each contract.

PROCEDURE FOR PRICING

(a) As soon as possible after receipt by the Contractor from the ACO of a Production List or an Approved ASPC, but in no event more than sixty (60) days after such receipt, the Contractor shall prepare and submit to the ACO, as the case may be, (i) a Proposed Priced Exhibit, numbered the same as the Approved Production Lists with the unit and total prices and the delivery schedule covering the items shown thereon, or (ii) a Proposed Priced Spare Parts Change Request (hereinafter referred to as "SPCR") numbered the same as the Approved ASPC to which it pertains and consisting of the complete ASPC with the unit and total prices and the delivery schedule covering the items shown thereon. A reproducible original and at least fifteen (15) copies of the Proposed Priced Exhibit or the Proposed Priced SPCR, as the case may be, will be prepared and shall be delivered promptly by the Contractor to the ACO. The reproducible and three copies shall carry at the end thereof a certificate manually signed by an officer or other person authorized to bind the Contractor, stating that the prices therein represent a firm quotation. Each such Exhibit or SPCR shall require the written approval of the ACO, stating that the prices therein are fair and reasonable. Each such Exhibit or SPCR shall set forth therein the total dollar amount and the allotments to be charged.

(b) If the proposed Priced Exhibit or Proposed Priced SPCR is approved by the ACO, it shall be a numbered exhibit to the contract. If the ACO and the Contractor fail to agree on Prices in the Proposed Priced Exhibit or Proposed SPCR, the failure to agree shall be deemed a disagreement as to a question of fact which shall be disposed of in accordance with the clause hereof entitled "Disputes." The ACO shall reduce to writing by a Proposed Priced Exhibit or Proposed Priced SPCR his decision, containing prices he believes fair and reasonable. The prices decided by the ACO shall be paid upon all deliveries, pending final decision of the dispute.

(c) Upon approval of any Priced Exhibit or Priced SPCR, the ACO shall deliver a copy thereof to the Contractor and forward one copy thereof bearing his written approval to the Finance Officer designated to make payments under this contract. Upon the Government's acceptance of delivery of any of the items listed on any Approved Priced Exhibit or Approved Priced SPCR, the Contractor shall be entitled to be paid therefor at the prices shown on the Approved Priced Exhibit or Approved Priced SPCR.

(d) The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, monthly for partial deliveries accepted by the Government, or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50% of the total amount of this contract.

Subpart AA—Clauses for Facilities Contracts

§ 1007.2702 Definition.

As used throughout this subpart, the term "facilities contract" means any contract, other than a short form facilities contract, separate from any supply, service, or research and development contract, whereby industrial facilities, as defined in § 13.101–6 of this title and § 1013.101–6 of this chapter, are provided by the Air Force to contractors or subcontractors who may also be authorized to fabricate or acquire such facilities for the account, and at the expense, of the Government.

§ 1007.2703–2 Facilities.

(a) Subject to (b) below in the case of nonprofit research and development contractors, insert the following clause:

FACILITIES

(a) *Facilities to be provided.* (1) The Contractor shall, subject to the terms and conditions of this contract, promptly perform the work specified in the Schedule. The Contractor shall give the Contracting Officer notice in writing of the date on which any work for the design, fabrication, purchase, construction or other acquisition or the repair or rehabilitation of any item of industrial facilities is to commence or subcontract for such work is to be placed. Such notice shall be given at least thirty (30) days, or such longer period as possible, prior to commencement of such work or the placement of such subcontract. The Contracting Officer may, in writing, waive such notice or agree to a different period of notice as to any individual subcontract, or item or items of facilities work.

(2) The Government reserves the right to furnish to the Contractor, f. o. b. cars or carriers' equipment at the Contractor's plant or at the point nearest thereto that rail carrier service is available, any or all of the facilities to be provided by the Contractor hereunder in lieu of their manufacture or acquisition by the Contractor.

(3) The Government shall furnish to the Contractor the existing Government-owned facilities specified in the Schedule. Such facilities shall become subject to all the terms and conditions hereof upon receipt by the Contractor (unless otherwise specified in the Schedule). The Government makes no warranty, express or implied, as to the serviceability or fitness for use of the facilities so furnished; however, the Contractor shall have the right seasonably to inspect and reject such facilities for good and sufficient reason. All personal property included in the facilities furnished pursuant to this subparagraph (3), if not presently at the location specified in the Schedule, will be delivered to the Contractor, f. o. b. cars or carriers' equipment at such location or at the point nearest thereto that rail carrier service is available, transportation charges prepaid, as soon as practicable after the date of approval of this contract.

(4) The Government shall not be liable to the Contractor under this contract for damages or loss of profits by reason of nondelivery, or delay in delivery, of any or all of the facilities to be provided by the Government hereunder; however, a specific provision for an appropriate equitable adjustment, to include, without limitation, price and time of delivery, may be included in any supply, service, or research and development contract which may be affected by any such nondelivery or delay.

(5) Unless otherwise directed by the Contracting Officer or otherwise specified herein the Contractor shall perform this contract in accordance with sound industrial standards.

(b) *Title.* (1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. Except as otherwise specifically provided in this contract, the Contractor (i) shall not pledge, assign, or transfer title to any Government property, nor do or suffer anything to be done whereby any Government property may be seized, taken in execution, attached, destroyed or injured, and (ii) shall not remove or otherwise part with possession of, or permit the use by others of any Government property.

(c) *Property control records.* The Contractor shall maintain adequate property control records, a system of physical inventory, and a system of identification of the facilities provided hereunder in accordance with the provisions of the "Manual for Control of Government Property in the Possession of Contractors" (ASPR Appendix "B") in effect on the date of this contract. As regards stock listed items, the Contractor shall also carry out a written program approved by the Contracting Officer for the support of Air Force industrial equipment central inventory control procedures including the following actions: (i) the keeping of historical records of the condition and maintenance of stock listed items, and (ii) the preparation and maintenance of the Central Inventory Control Reports approved by the Bureau of the Budget. In formulating the foregoing program the Contractor shall use as a guide AMCM 78–1, "Control Procedures for the Industrial Equipment Production Support Inventory," and AMCM 69–1, (Part 6, Storage). Necessary changes to such program as required by changes in Air Force procedures may be negotiated with the Contractor from time to time.

(d) *Right of diversion.* The Government reserves the right, when the Air Force determines that the interests of the Government will be served thereby, to (i) direct the delivery of any or all of the Government property to locations other than those specified in the Schedule, and (ii) require the Contractor to assign to the Government, or to any designated third parties, subcontracts of the Contractor for any or all of the Government property to be acquired under this contract. Costs incurred by the Contractor in connection with such diverted property, including transportation costs, may be included by the Contractor in its statements of cost submitted pursuant to the Reimbursement clause of this contract.

(e) *Maintenance.* The Contractor shall maintain a program approved by the Contracting Officer for the proper maintenance, repair, protection, and preservation of Government property in accordance with sound industrial practice, including normal parts replacements and, with respect to machinery and equipment, necessary rebuilding and rehabilitation. The program shall include all necessary maintenance and repair exclusive of capital type rehabilitation, as referred to in "f" below, and items which result from damages from which the contractor has been relieved from liability under the provisions of the "Liability" paragraph hereof. Such maintenance program, with respect to industrial machinery and equipment will be consistent with AMC Manual 69–1, as amended and supplemented. As soon as practicable after the execution of this contract the Contractor shall submit to the Contracting Officer for approval a statement of the maintenance program proposed to be maintained under the requirements of this clause. Such statement shall be in sufficient detail to reveal the adequacy of the Contractor's maintenance program. Upon approval thereof by the Contracting Officer, the Contractor shall comply with such program unless thereafter otherwise authorized or directed by the Contracting Officer.

(f) *Capital type rehabilitation.* The Contractor shall maintain a program as approved by the Contracting Officer for reviewing and reporting the need for major repair, replacement, and other rehabilitation work for the Government real property provided hereunder, if any, which are of a capital type and as such excluded from the Maintenance program covered in paragraph (a) hereof. The performance of any such capital type work shall be as directed by the Contracting Officer with reimbursement for the cost thereof as provided in the Schedule, or by appropriate amendment thereof.

(g) *Liability.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from:

(i) the willful misconduct or lack of good faith of any director or officer of the Contractor or of any manager, superintendent, or equivalent representative of the Contractor who has supervision or direction of (*a*) all or substantially all of the Contractor's business, (*b*) all or substantially all of the Contractor's operations at any one plant or separate location in which the Government property is installed or located, or (*c*) any separate or complete major industrial operation in connection with which the Government property is used;

(ii) a failure on the part of any of the Contractor's directors, officers, or other representatives mentioned in (i) above, (*a*) to maintain and administer, in accordance with sound industrial practices, a program for maintenance, repair, protection, and preservation of the Government property as required by paragraph (e) of this clause, or (*b*) to take all reasonable steps to comply with any appropriate written instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Government property; provided that with respect to any such loss or damage caused by an excepted peril, while the property is on the Contractor's premises or on any other premises where the property may properly be located, or caused by removal of the property from such premises because of an excepted peril, the Contractor shall be liable under this subparagraph (ii) only where such failure of the Contractor's representative, as set forth herein, results from his willful misconduct or lack of good faith; the term excepted peril, as used herein, means:

fire; lightning; windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotions; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending, or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces, or by an agent of any such government, power, authority, or forces; or other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locale;

(iii) a risk expressly required to be insured under this contract, but only to the extent of the insurance so required, or to the extent of the insurance, actually procured and maintained, whichever is greater; or

(iv) a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

Provided, That if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) This clause shall not be construed as relieving a subcontractor from liability for loss or destruction of or damage to the Government property while in its possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear. The Contractor shall obtain from any subcontractor who is relieved of liability in accordance with this subparagraph (2) the same representations with respect to insurance covering loss, destruction or damage to Government property as the Government has obtained from the Contractor under provisions of this clause.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract. Notwithstanding the foregoing, however, the Contractor may, with the approval of the Contracting Officer, agree with subcontractors holding subcontracts for construction or installation work hereunder that Contractor, rather than such subcontractors, shall, in connection with such construction or installation, carry builder's risk insurance covering any property for which such subcontractors have not been relieved of liability under the provisions of (2) above, in which event the cost of such insurance shall be reimbursable hereunder to the extent provided in the schedule attached hereto.

(4) Upon the happening of loss or destruction of or damage to any Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of: (i) the lost, destroyed and damaged Government property, (ii) the time and origin of the loss, destruction or damage, (iii) all known interests in commingled property of which the Government property is a part, and (iv) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under this paragraph (f) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement.

(5) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property provided hereunder, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation in obtaining recovery (including the execution of instruments of assignment in favor of the Government and the prosecution of suit).

(6) If the Contracting Officer determines that the Contractor is not liable for damage to or destruction of facilities items provided hereunder and that it is in the best interests of the Government to effect their repair or replacement without delay he may require the Contractor to effect such repair or replacement, and the Contractor shall be reimbursed for the cost of performing such work to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement hereto.

(h) *Access.* The Government shall at all reasonable times have access to the premises where any of the Government property is located for the purpose of inspecting and inventorying the same, of removing all or any part of the same as authorized herein, or for determining compliance with the terms of this contract.

(i) *Continuing plant clearance.* (1) The Contractor shall notify the Contracting Officer whenever any Government property provided hereunder (i) is excess to the requirements of the using Government contracts, or (ii) is worn out, obsolete, damaged or otherwise unserviceable (whether or not under circumstances rendering the Contractor liable therefor). With respect to severable items in privately owned plants the Contracting Officer shall order the disposition of such items within 120 days of such notification if he determines that they would interfere with the Contractor's use of the plant. Otherwise items may be disposed of or allowed to remain with the Contractor under this contract at the option of the Contracting Officer. Disposition actions hereunder and reimbursement therefor will be effected as provided in the Schedule.

(2) The Contractor shall attempt to sell or may retain facilities to be disposed of under this paragraph (i) under the same conditions as provided in paragraph (e) of the Termination clause of this contract.

(3) Upon disposition, or other agreement with the Contracting Officer satisfactorily accounting for all of the property provided hereunder, this contract will be considered completed without further termination action.

(4) The Government may, but is not obligated to, replace any items disposed of pursuant to (1) above.

(b) If the facilities contract is with a nonprofit contractor performing only research and development type contracts, the following changes will be made in the Facilities clause set forth above:

(i) In paragraph (c), Property Control Records, the reference in the first sentence will be revised to read, "Manual for Control of Government Property in the Possession of Non-Profit Research and Development Contractors (ASPR Appendix C)".

(ii) In paragraph (g) (5) revise the parenthetical words to read, "(Including the execution of instruments of assignment in favor of the Government and assistance in the prosecution of suit)".

(iii) In paragraph (i) (1) revise (i) to read, "(i) has not been required for any use for sixty (60) days and will not be required for any known use during the next six months".

(iv) In paragraph (e) substitute the word "maintenance" for the word "industrial" appearing in the first sentence.

(v) In paragraph (g) (1) (ii) substitute the word "maintenance" for the word "industrial".

§ 1007.2703–3 Subcontracts

Insert the foliowing clause, except that (a) paragraph (g) of the clause will not be included in contracts with non-profit contractors, and (b) the words "which will cost in excess of $1,000." will be inserted after the words "any item of industrial facilities" in paragraph (b) (iii) of the clause in contracts with non-profit research and development institutions."

SUBCONTRACTS

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost or cost-plus-a-fixed-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5 percent) of the total estimated cost of this contract.

(b) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fixed-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5 percent) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time-and-material or labor-hour basis. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (b).

(c) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(d) The Contracting Officer may, in his discretion specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(e) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(f) The Contracting Officer may approve all or any part of the Contractor's purchasing system and from time to time rescind or reinstate such approval. Such approval shall be deemed to fulfill the requirements for obtaining the Contracting Officer's consent to subcontracts as prescribed in paragraph (b) above.

(g) Unless specifically agreed in writing to the contrary by the Administrative Contracting Officer at the time of placing a subcontract hereunder, the Contractor warrants that the items and work procured by subcontract hereunder if delivered or performed in accordance with the subcontract specifications will be suitable for the purpose for which procured. If such items or work conform to the subcontract specification, but are not suitable for the purpose for which procured, the cost thereof shall not be allowable; provided, however, if such items or work are modified so as to be made suitable for such purpose, the cost of the item or work, except the cost of modification, shall be allowable.

§ 1007.2703–4 Utilization of small business concerns.

Insert the clause set forth in § 7.104–14 of this title.

§ 1007.2703–6 Cancellation of subcontracts.

CANCELLATION OF SUBCONTRACTS

Without terminating this contract under the provisions of the clause entitled "Termination," the Contracting Officer may at any time, in writing, authorize or direct the Contractor to cancel in whole or in part any subcontract theretofore placed pursuant to this contract. Settlement and reimbursement of any claims resulting from such subcontract cancellations shall be effected in accordance with the applicable cost principles of Section VIII of the Armed Services Procurement Regulation. The Contractor shall notify the Contracting Officer whenever it determines that facilities on order under this contract are excess to the requirements of the Contractor's Government contracts and subcontracts.

§ 1007.2703–7 Reimbursements.

Insert the following clause, and see § 1007.2704–6. If the contract is with a nonprofit research and development contractor, change the reference in paragraph (a) of the clause from "Part 2" to "Part 3."

REIMBURSEMENT

(a) For the performance of this contract, the Government shall pay to the Contractor, upon inspection and acceptance by the Contracting Officer of the items or the work specified in the Schedule, the cost thereof, hereinafter referred to as "Allowable Cost," determined by the Contracting Officer to be allowable in accordance with the Schedule and with Part 2 of Section XV of the Armed Services Procurement Regulation, or Part 4 of Section XV in the case of any items of construction, as in effect on the date of this contract.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute Allowable Cost. Each statement of cost shall be certified by an officer or other responsible official of the Contractor authorized by it to certify such statements.

(c) As promptly as may be practical after receipt of each invoice or voucher and statement of cost, the Government shall, except as hereinafter provided, make payment thereon as approved by the Contracting Officer. Such payment may include progress payments made to subcontractors or suppliers for machinery and equipment and construction projects ordered hereunder in those cases where the subcontractor or supplier requires progress payment therefor and the subcontract or purchase agreement therefor contains a progress payments clause approved in writing by the Contracting Officer.

(d) At any time or times prior to final payment under this contract the Contracting Officer may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts included in the related invoice or voucher and statement of cost which are found by the Contracting Officer on the basis of such audit not to constitute Allowable Cost and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers. On receipt of the voucher or invoice designated by the Contractor as the "completion Voucher" or "completion invoice" and statement of cost, which shall be submitted by the Contractor as promptly as may be practicable following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may, in his discretion, approve in writing) from the date of such completion, and following compliance by the Contractor with all provisions of this contract (including, without limitations, provisions relating to patents and the provisions of paragraph (e) and (f) of this clause), the Government shall as promptly as may be practicable pay any balance of Allowable Cost. The Contractor shall repay to the Government, upon demand, any overpayment theretofore made.

(e) The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, a release discharging the Government, its officers, agents, and employees of and from all liabilities, obligations, old claims arising out of or under this contract, subject only to the following exceptions:

(1) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor.

(2) Claims, together with reasonable expenses incidental thereto, based upon the

liabilities of the Contractor to third parties arising out of the performance of the contract, which are not known to the Contractor on the date of the execution of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier.

(3) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the contract relating to patents.

(f) The Contractor agrees that any refunds, rebates or credits (including any interest thereon) accruing to or received by the Contractor or any assignee which arise out of the performance of this contract and on account of which the Contractor has received reimbursement shall be paid by the Contractor to the Government. The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, an assignment to the Government of refunds, rebates or credits (including any interest thereon) arising out of the performance of this contract, in form and substance satisfactory to the Contracting Officer. Reasonable expenses incurred by the Contractor for the purpose of securing any such refunds, rebates or credits shall constitute Allowable Cost when approved by the Contracting Officer.

(g) In securing facilities, parts, materials, and services required for the performance of this contract from other sources, the Contractor shall obtain competition to the maximum practical extent and shall take the most advantageous prices available with due regard to securing timely delivery of satisfactory facilities, parts, materials and services. When the other sources involved are other divisions or controlled or wholly owned subsidiaries no profit shall be allowed such other divisions or subsidiaries, except as may otherwise be provided in the Schedule of this contract.

(h) The Contractor represents that the costs to be incurred and for which it will be reimbursed under this contract are not and will not be included as an element of cost in any other contracts with the Government or suppliers of the Government; provided that the foregoing shall not be interpreted as prejudicing any rights that the Contractor may have to be reimbursed under other contracts between the parties hereto for the cost of performing obligations imposed by this contract and not made reimbursable hereunder.

(i) Except as otherwise provided in this contract, the cost of differential wage or overtime will be allowed as an item of cost hereunder only to the extent approved in writing by the Contracting Officer. Cost of overtime shall mean the entire cost thereof including both the straight time base and premium portions.

§ 1007.2703–8 Limitation of cost.

Insert the following clause:

LIMITATION OF COST

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use its best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule, or if at any time, the Contractor has reason to believe that the total cost to the Government for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

§ 1007.2703–9 Records.

Insert the clause set forth in § 7.203–7 of this title but revising paragraph (a) (1) of that clause to read as follows:

(a) (1) The Contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expenses of this contract and the use charges payable hereunder (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed, or use charges payable, under the provisions of this contract. The Contractor's accounting procedures and practices shall be subject to the approval of the Contracting Officer; provided, however, that no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the costs and use charges properly applicable to this contract are readily ascertainable therefrom.

§ 1007.2703–10 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title, but see § 1007.103–8 of this chapter.

§ 1007.2703–11 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.2703–12 Use and charges.

When facilities are to be provided for use in connection with supply, service, or research and development contracts or subcontracts, utilize the more appropriate of the clauses set forth in paragraph (a), (b), or (c) of this section:

(a) Insert the following clause when no charge use of the facilities is contemplated and it is also desirable to incorporate provisions for a charge (rental) use. See § 1013.407 of this chapter for right of contractor to use facilities and § 13.601–2 of this title for minimum rental charges.

USE AND CHARGES

(a) The Government facilities provided hereunder may be used only as provided in (b) and (c) hereof. Work authorized under (b) below will be on a no-charge basis. Work under (c) will be on a charge basis. No work shall be performed with such Government facilities which would interfere materially with the performance of Government contracts or subcontracts, and priority shall be given with due regard to existing commitments to Air Force contracts and subcontracts.

(b) The Contractor may use the Government facilities provided hereunder on a no-charge basis in the performance of Air Force prime and subcontracts held by the Contractor which specifically authorize such no-charge use and which subcontracts have also been manually approved by the Administrative Contracting Officer of the Air Force prime procurement contract. In addition, upon request of another Government agency or department for no-charge use of the Government facilities provided hereunder on designated prime or subcontracts of such agency or department, the Contracting Officer may authorize such use.

(c) The Contracting Officer may authorize the use of all or a part of the Government facilities provided hereunder on a charge basis for work other than on the contracts and subcontracts covered in (b) above. However, prior to the authorization of such use, the Contractor and the Contracting Officer shall agree in writing to the method of determining the amount of rentals to be paid in accordance with the following:

(1) The rental for the Government facilities provided to the Contractor under this contract shall be at the rates set forth in Exhibit "A".

(2) Such rates shall be applied to the acquisition cost of the facilities. Acquisition cost shall be the total cost of the facility item to the Government (including cost of transportation and installation thereof in place, if such cost is borne or reimbursed directly by the Government) as determined by the Contracting Officer.

(3) During the time that use on a rental basis is authorized, the rental charge shall be computed for rental periods of not less than one month, nor more than six months, as agreed to in advance by the Contracting Officer and the Contractor. The full charge for such rental period, determined by applying the applicable rates to the acquisition cost of the Government facilities, as provided in subparagraphs (1) and (2) above, shall be reduced by a credit for the amount of such rental which would be properly allocable to Government contracts and subcontracts on which the use of the facilities without charge is authorized. Such credit shall be computed by multiplying the full rental for the rental period by a fraction whose numerator is the amount of use during such period of the Government facilities by the Contractor on a no-charge basis, and whose denominator is the total amount of the use during such period of the Government facilities by the Contractor both on a rental and no-charge basis.

(4) The method of determining the amount of use of the Government facilities by the Contractor on a rental and a no-charge basis, for the purpose of allocating rental credit as provided above, shall be agreed to in writing in advance by the Contracting Officer and Contractor.

(d) A detailed written statement of the use made of the Government facilities by the Contractor for the purpose of computing rental as provided above, shall be submitted by the Contractor to the Contracting Officer within 90 days after the close of each such period. The detailed statement shall be supported by such records and data as are determined by the Contracting Officer to be necessary to insure the accurate computation of rental due. Upon submission of such statement, and supporting records and data as required, the Contracting Officer shall determine the proper charge for the use made of the facilities in accordance with the above provisions.

(e) If the Contractor fails to submit the statement, and supporting records and data required, within the time provided therefor, the Contractor shall, subject to paragraph (f) below, be liable for the full rental for such period.

(f) If any failure to submit such a statement, and supporting records and data as required, or any delay in such submission, arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant to the Contractor in writing a reasonable extension of time to make such submission, or where applicable, waive the delay in making such submission.

(g) If the Contractor uses the facilities, or any of them, without obtaining authority as provided herein, the Contractor shall be liable for the full monthly rental for such facility or facilities used for each month in which unauthorized use occurs; provided however, if such unauthorized use occurred notwithstanding the exercise of reasonable care by the Contractor to prevent such use, the Contractor shall only be liable for rental for such use in accordance with the method of determining rental as provided in (c) above based on monthly rental periods.

(h) The Contractor shall have a right of appeal under the clause of this contract entitled "Disputes" from any determination as to rental due made by the Contracting Officer.

(i) Payment of rental as determined by the Contracting Officer, shall be made promptly by the Contractor upon receipt of written notice of the rental amount due. Payment shall be made by check payable to the Treasurer of the United States, and shall be mailed or delivered to the Contracting Officer. (End of Clause)

NOTE: Attach as Exhibit "A" to the contract, the applicable rental rates.

(1) If the facilities contract is with a nonprofit research and development institution, the following language will be added to paragraph (b) of the clause prescribed by paragraph (a) of this section.

The facilities may also be used on a no-charge basis (i) in the performance of any Government cost-reimbursement type prime contract without fee or any cost-reimbursement type subcontract without fee under such Government cost-reimbursement type prime contract; or (ii) as approved by the Director of Research, Air Research and Development Command and subject to any conditions prescribed by him, in the performance of such work for research, developmental, and educational purposes as is directly or indirectly beneficial to the national security, provided that any such work not sponsored by either the Government or the Contractor shall be subject to the rental charges prescribed in paragraph (c) hereof.

As a minimum approval under (ii) above should be conditioned on the furnishing of a report by the Contractor with respect to the subject matter for which the facilities are provided without charge.

(b) When charges for the use of facilities provided are fixed, insert the following clause; the referenced Exhibit A will set forth the rental charges appearing in §§ 13.601 and 13.603 of this title:

USE AND CHARGES

(a) The Contractor may use the facilities provided hereunder for all legal purposes; provided that the Contractor shall not use such facilities, or any part thereof, for work which would interfere materially with the performance of Government contracts or subcontracts; and provided further that first priority shall be given, with due regard to existing commitments, to Air Force contracts and subcontracts.

(b) The Contractor shall pay a rental charge for the facilities provided hereunder at the rates set forth in Exhibit A attached hereto, based upon the acquisition cost of the facilities, unless otherwise provided in the Schedule.

The acquisition cost to be used for determining the foregoing rental charges shall be the price of the facility item charged the Government when the item was purchased, plus costs of transportation to, and costs of installation in, the place where the item will be used under this contract, if such costs are borne, or reimbursed directly, by the Government. Such acquisition cost shall be determined by the Contracting Officer in accordance with applicable Department of Defense regulations. The rental charge shall be by the month at the above rates regardless of actual use made, except that the Contractor shall not pay a rental charge for any facilities items for any calendar month in which that item is not used. A prorated charge shall be made for fractional calendar months (i) at the effective date of this contract or upon date of delivery of each such item to the Contractor, whichever is later and (ii) at the effective date of the total or partial termination of this contract or the reporting of an item as excess, worn out or obsolete under Continuing Plant Clearance Procedures, whichever is earlier. Notwithstanding the foregoing, the rental shall commence when the item is placed in a usable condition in those cases where an item is unusable as a result of need for repairs or parts replacement at the time when rental would otherwise begin. Payment of the monthly rental charges shall be due on the tenth of each calendar month for the preceding calendar month's use and shall be effected by mailing or delivering to the Contracting Officer a check payable to the Treasurer of the United States accompanied by a statement in triplicate explaining the computation of the amount. (End of Clause.)

NOTE: Attach as Exhibit "A" to the contract, the applicable rental rates.

(c) Insert the following clause when no-charge use of facilities is contemplated and it is not desirable to incorporate provisions for Charge (rental) Use.

USE AND CHARGES

The Contractor may use the facilities provided hereunder on a no-charge basis in the performance of Air Force prime and subcontracts held by the Contractor which specifically authorize such no-charge use and which subcontracts have also been manually approved by the Administrative Contracting Officer of the Air Force prime procurement contract. In addition, upon request of another Government agency or department for no-charge use of the facilities provided hereunder on designated prime or subcontracts of such agency or department, the Contracting Officer may authorize such use, however; first priority shall be given with due regard to existing commitments to Air Force contracts and subcontracts. Except as provided in this clause, no use shall be made of the facilities.

§ 1007.2703–13 Termination.

Insert the following clause:

TERMINATION

(a) This contract may be terminated by the Government as to all or any of the facilities provided hereunder: (i) whenever the Contracting Officer shall determine that the facilities to be so terminated are not necessary for the performance of Government contracts; (ii) whenever the Government has requested priority with respect to the use of the facilities to be provided hereunder for any specified purpose and the Contractor has failed or refused to give such priority; (iii) whenever a receiver or trustee has been appointed for the Contractor or its property; or the Contractor has made assignment for the benefit of creditors; or the Contractor has become insolvent; or a petition has been filed by the Contractor, or against the Contractor and not dismissed within sixty (60) days, pursuant to the United States Bankruptcy Act for the purpose of adjudicating the Contractor a bankrupt, or for a reorganization of the Contractor, or for the purpose of effecting a composition or a rearrangement with the Contractor's creditors; (iv) whenever the Contractor has violated any of the terms, conditions or covenants of this contract and has failed to cure such violation within thirty (30) days from the date of notice thereof by the Government to the Contractor; or (v) for any other reason by not less than sixty (60) days notice to the Contractor. Such termination shall be effected by delivery to the Contractor of a written notice of termination specifying the extent to which the contract is terminated, the reason therefor if under (i), (ii), (iii) or (iv) above, and the effective date of the termination.

(b) This contract may be terminated by the Contractor at any time, upon not less than sixty (60) days notice to the Government, as to all of the facilities provided hereunder. Such termination shall be effected by delivery by the Contractor to the Contracting Officer of a written notice of termination specifying the date on which termination shall become effective. The Contractor may also, by agreement with the Contracting Officer, effect a partial termination of this contract with respect to any portion of the facilities provided hereunder. Termination at the option of the Contractor shall not relieve the Contractor of any of its obligations or liabilities under any other Government contract.

(c) (1) Commencing within five (5) days after the effective date of a total or partial termination of this contract the Contractor shall promptly inspect and make a physical inventory of the property affected by the termination. The Contractor shall furnish the Contracting Officer a written report in the form and within the period specified by the Contracting Officer which shall account for such property, show the condition thereof, specify any items missing, and shall set forth any facts which may relieve the Contractor from liability for items which are missing or not in as good condition as when received or restored.

(2) The Contractor shall protect the property, and shall ship, place in storage, sell, or otherwise dispose of the property as directed or authorized by the Contracting Officer. Where property is to be shipped or placed in storage, it shall be prepared for shipment or storage in accordance with the applicable provisions of Military Specification MIL–P–4574A (USAF), as amended or supplemented from time to time. Any proceeds realized from the sale, retention or other disposition of the property shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or paid to the Government in the manner directed by the Contracting Officer.

(3) At any time after the expiration of the Plant Clearance period, as defined in Section VIII of the Armed Services Procurement Regulation, the Contractor may submit to the Contracting Officer a list, certified as to quantity and condition, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them.

Not later than fifteen (15) days thereafter the Government will remove such items or enter into a storage agreement covering the same; provided, that the list submitted shall be subject to verification by the Contracting Officer upon removal of the items or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement. The Government shall have a corresponding right, upon reasonable notice, to remove and place in storage for the work and the making of all further commitments thereon. The Contractor and the Contracting Officer shall negotiate an amount that will reasonably compensate the Contractor for the actual cost, if any, incurred by it with regard to such terminated items. If no such agreement is reached within thirty (30) days after the date of termination (or within such longer period as may at any time be mutually agreed upon), the Contractor shall be paid an amount if any, as determined by the Contracting Officer, which together with all sums previously paid by the Government on account of the items, shall be sufficient to reimburse the Contractor for expenses paid and the settlement of any obligations incurred by the Contractor thereon. In lieu of reimbursing the Contractor for the settlement of such obligations the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. In no event shall the aggregate of reimbursement on account of the items (and of all payments previously made) together with the amount of any obligations assumed, exceed the actual costs expended or incurred thereon up to the time of such termination. Upon payment to the Contractor pursuant to this paragraph (d) title to all materials, supplies, work in process and other things for which payment is made (except such property as may be sold or retained as provided in (c) (2) above) shall vest in the Government (if title thereto has not already vested in the Government). The Government shall also be entitled to any account of the Contractor any property, title to which is not in the Government, which has not been removed from any Government-owned plant or building provided hereunder at the time of the surrendering of possession thereof.

(4) Upon agreement with the Contracting Officer the Contractor may prepare and ship the terminated facilities in accordance with the Schedule and receive reimbursement as provided therein. For any allowable expenses (direct and indirect) incurred by the Contractor in the performance of (1), (2) and (3) above and not so reimbursed, the Contractor and the Contracting Officer shall negotiate settlement in an amount which will reimburse the Contractor for all such allowable expenses to the extent that performance was directed or authorized by the Contracting Officer.

(5) Unless specifically provided herein the Government shall not be under any obligation to restore or rehabilitate or repay the costs of restoration or rehabilitation of Contractor's plant or any portion thereof which is affected by the removal of any Government property provided under the terms of this contract.

(d) In the event any facilities are to be purchased or constructed hereunder by the Contractor on behalf of the Government, upon termination hereunder by the Government of any such purchased or constructed facilities prior to the completion thereof, the Contractor shall stop all further work and the making of all further commitments thereon. The Contractor and the Contracting Officer shall negotiate an amount that will reasonably compensate the Contractor for the actual cost, if any, incurred by it with regard to such terminated items. If no such agreement is reached within thirty (30) days after the date of termination (or within such longer period as may at any time be mutually agreed upon), the Contractor shall be paid an amount, if any, as determined by the Contracting Officer, which together with all sums previously paid by the Government on account of the items, shall be sufficient to reimburse the Contractor for expenses paid and the settlement of any obligations incurred by the Contractor thereon. In lieu of reimbursing the Contractor for the settlement of such obligations the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. Regardless of whether the amount to be reimbursed pursuant to this paragraph (d) is established by negotiation between the Contractor and the Contracting Officer or by determination of the Contracting Officer as hereinbefore provided, the aggregate of reimbursement on account of the item (and of all payments previously made), together with the amount of any obligations assumed shall not exceed the actual costs incurred thereon. Upon payment to the Contractor pursuant to this paragraph (d) title to all materials, supplies, work in process and other things for which payment is made (except such property as may be sold or retained as provided in (c) (2) above) shall vest in the Government (if title thereto has not already vested in the Government). The Government shall also be entitled to any rights under any commitment which it may assume or for the settlement of which it shall have reimbursed the Contractor.

(e) The Contractor shall if so directed by the Contracting Officer, use its best efforts to sell, in the manner, at the times, to the extent and at the price or prices authorized by the Contracting Officer, facilities or other property with respect to which the contract is terminated. The Contracting Officer may permit the Contractor to retain any of such property at prices or on terms agreed to by the Government. The proceeds of any such sale or retention less selling expense approved by the Contracting Officer shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or paid in any other manner as the Contracting Officer may direct.

§ 1007.2703–14 Public liability, insurance.

Insert the following clause:

LIABILITY, INSURANCE

(a) The Contractor shall hold the Government harmless against claims for injury to persons or damage to property of the Contractor or others arising from the Contractor's possession or use of the facilities provided hereunder, except that any claim arising out of or related to the performance of any contract between the Contractor and the Government for supplies or services, or any subcontract approved by the Government under any Government prime contract, and involving the possession and use of the facilities provided hereunder, shall be governed by the provisions of such contract or subcontract.

(b) If this contract calls for labor to be performed, the costs of which are reimburable hereunder, the Contractor shall carry workmen's compensation and public liability insurance and, to the extent applicable, automobile liability insurance, together with such other insurance as the Contracting Officer may direct.

§ 1007.2703–15 Taxes and utilities.

Insert the following clause:

TAXES AND UTILITIES

(a) The Contractor agrees to pay, when and as the same become due and payable, all taxes, assessments and similar charges which at any time prior to the final settlement of this contract are properly and legally taxed, assessed or imposed upon the Contractor's interest made or created pursuant to the provisions of this contract, with respect to part or all of the facilities provided hereunder or the use thereof.

(b) The Contractor agrees to pay all claims or charges for or on account of water, light, heat, power, and any other services or utilities furnished to or with respect to the site, buildings, machinery, and equipment, or any part thereof.

(c) (1) The Government agrees, upon request of the Contractor, to furnish a tax exemption certificate or other similar evidence of exemption with respect to any tax or duty upon the performance of the work called for by the attached Schedule for which the Contractor is entitled to be reimbursed under such Schedule; and the Contractor agrees, in the event of the refusal of the applicable taxing authority to accept such evidence of exemption, (i) promptly to notify the Contracting Officer of such refusal, (ii) to cause the tax or duty in question to be paid in such a manner as to preserve all rights to refund thereof, and (iii) if so directed by the Contracting Officer, to take all necessary action, in cooperation with and for the benefit of the Government, to secure a refund of such tax or duty.

(2) If, following the reimbursement of the Contractor for any tax or duty paid by him pursuant to the terms of this contract, the Contractor becomes entitled to a refund in whole or in part of such tax or duty, including interest, if any, the Contractor agrees to notify the Contracting Officer promptly of such fact and to pay over the amount of such refund to the Government or to credit such amount against amounts due from the Government under this contract; provided, that the Contractor shall not be required to apply for such refund unless so requested by the Contracting Officer.

§ 1007.2703–16 Reports to be furnished.

(a) In contracts with nonprofit research and development contractors, insert the following clause:

REPORTS TO BE FURNISHED

The Contractor shall periodically furnish to the Government, upon written request, AMC Form 87 properly completed to set forth the indicated information regarding the subject matter of this contract.

(b) In contracts with other than nonprofit research and development contractors, insert the following clause:

REPORTS TO BE FURNISHED

The Contractor shall periodically furnish to the Government, upon written request, AFPI Form 81, "Status of Facilities Contract," properly completed to set forth the indicated information regarding the subject matter of this contract, and, insofar as it is able, shall also furnish to the Government, upon written request, such reports, estimates and other information regarding the subject matter of this contract as the Contracting Officer finds necessary and reasonable, including records and data with respect to such facilities required by the Contracting Officer for industrial planning or other purposes. Requests for such reports, estimates and other information shall set forth the nature of the information sought and the form in which such information is to be furnished.

§ 1007.2703–17 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.2703–18 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.2703–19 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 12.604 of this title.

§ 1007.2703–20 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.2703–21 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.2703–22 Covenant against contingent fees.

Insert the following clause:

COVENANT AGAINST CONTINGENT FEES

The contractor warrants that no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to require the contractor to pay, in addition to rental or other consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 1007.2703–23 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.2703–24 Reservation of rights.

Insert the following clause:

RESERVATION OF RIGHTS

The failure of the Government to insist in any instance upon the performance of any of the terms, covenants, or conditions of this agreement shall not be construed as a waiver or a relinquishment of the future performance of any term, covenant, or condition, and the Contractor's obligations with respect to such performance shall continue in full force and effect.

§ 1007.2703–25 Loading, blocking, and bracing requirements.

Insert the following clause:

LOADING, BLOCKING, AND BRACING REQUIREMENTS

If this contract provides for shipment by rail of supplies being delivered to the Air Force or to an Air Force contractor for use in the performance of an Air Force contract, the Contractor shall observe as minimum requirements the methods for loading, blocking and bracing shipments in or on railroad cars as set forth in appropriate loading rules pamphlets of the Association of American Railroads, except that other methods in general use providing equivalent or superior protection may be substituted for recommendatory methods set forth in those pamphlets. The Contractor will secure Loading Rules Pamphlets from the Secretary, Loading Rules Committee, Association of American Railroads, 50 East Van Buren Street, Chicago 5, Illinois. If the Contractor desires to use carloading methods other than those prescribed by the Association of American Railroads which will provide adequate or superior protection, he will submit a full explanation of such method to and receive approval from the Contracting Officer before shipment.

§ 1007.2703–26 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

§ 1007.2703–27 Notice and assistance regarding patent infringement.

According to the requirements of § 9.104 of this title, insert the clause set forth in that section.

§ 1007.2703–28 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth therein.

§ 1007.2703–29 Authorization and consent.

According to the requirements of § 9.102–1 of this title, insert the clause set forth in that section.

§ 1007.2703–30 Patent indemnity.

Insert the following clause:

PATENT INDEMNITY

(a) If the amount of this contract is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States Letters Patent (except Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or component parts thereof, or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government, of such supplies, construction work, or component parts thereof, which supplies or component parts normally are or have been sold or offered for sale by the Contractor to, and which construction work is of a type normally performed by the Contractor for, the public in the open commercial market, or are such supplies, construction work, or component parts thereof with relatively minor modifications made thereto, or as to which the Contractor would customarily indemnify the purchaser.

(b) The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulation to participate in the defense thereof; and further such indemnity shall not apply if: (1) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered, or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (ii) the infringement results from the addition to, or change in, the supplies or components furnished or construction work performed, which addition or change was made by other than the Contractor subsequent to delivery or performance under this contract by the Contractor; or (iii) the claimed infringement is settled without the consent of the Contractor; unless required by final decree of a court of competent jurisdiction.

(c) The Contractor shall exert all reasonable efforts to negotiate for the inclusion in every subcontract hereunder of a Patent Indemnity clause subatantially the same as this clause. In the event of refusal by a subcontractor to accept this Patent Indemnity clause, the Contractor shall notify the Contracting Officer, or his designee, of such refusal and shall not proceed with the subcontract without the written authorization of the Contracting Officer. In the absence of such authorization, the Contractor shall cooperate with the Goverment in the negotiation with such subcontractor of an acceptable Patent Indemnity clause. In no event, shall a subcontractor be required by the Contractor to accept a Patent Indemnity clause, the provisions of which are more favorable to the Contractor than the provisions of the Patent Indemnity clause in this contract are to the Government.

§ 1007.2703–31 Changes.

Insert the following clause:

CHANGES

The Contracting Officer may at any time, by a written order and without notice to the sureties, if any, make changes within the general scope of this contract, in any one or more of the following, (i) the facilities items set forth in facilities expansion lists referenced by this contract for design, fabrication, purchase, construction, or other acquisition or repair or rehabilitation under this contract; (ii) the drawings, designs, or specifications of such facilities item; or (iii) the existing Government-owned facilities items to be furnished by the Government as set forth in facilities expansion lists referenced by this contract. If any such change causes any increase or decrease in the estimated cost of, or the time required for, performance of this contract, or otherwise affects any other provision of this contract, an equitable adjustment shall be made in (i) the estimated cost or schedule of target completion dates, or both; and (ii) such other provisions of the contract as may be so affected; and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within (60) days from the date of receipt by the Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree at any adjustment shall be a dispute concerning a question of fact within the meaning of the clause entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1007.2703–32 Utilization of concerns in surplus labor areas.

Insert the clause set forth in § 7.104–20 of this title.

§ 1007.2704 Clauses to be used when applicable.

§ 1007.2704–1 Labor standards for construction work.

If performance of the contract will involve any construction within the meaning of the statutes referred to in the clause below, the cost of which may be reimbursable by the Government, the following clause will be inserted:

LABOR STANDARDS FOR CONSTRUCTION WORK

(a) In the event that construction, alteration, or repair (including painting, and decorating) of public buildings or public works is to be performed hereunder, contractor shall, prior to commencing the work, request the determination of the Contracting Officer as to the applicability of the Davis-

Bacon and Copeland Acts and shall not perform any of said items hereunder without receipt of such determination.

(b) Upon determination that the Davis-Bacon Act is applicable to any item of work to be performed hereunder, Contractor shall submit a request for a predetermination of the prevailing wage rates to be made applicable to such work. Upon receipt of such request the Contracting Officer, shall, as soon as possible, obtain a predetermination of the applicable prevailing wage rates and publish such rates and incidental instructions in numbered exhibits to this contract. Upon publication thereof such exhibits shall be considered the wage determination decision of the Secretary of Labor referred to in paragraph (c) (1) (A) of this clause. Each such exhibit shall indicate to what work the rates set forth therein shall apply including the period of time within which subcontracts subject to such rates may be issued.

(c) Contractor shall in the performance of items of work so determined to be subject to the Davis-Bacon Act comply with the following statutory provisions and Department of Labor regulations:

(i) Davis-Bacon Act (40 U. S. C. 276a—276-a-7).

(A) All mechanics and laborers employed or working directly upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Act ("Anti-Kickback") Regulations (29 CFR, Part 3)) the full amounts due at time of payment, computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics; and a copy of the wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(B) In the event it is found by the Contracting Officer that any laborer or mechanic employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by subparagraph (1) (A) of this paragraph, the Contracting Officer may (1) by written notice to the Government Prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(C) Subparagraphs (1) (A) and (1) (B) of this paragraph shall apply to this contract to the extent that it is (1) a prime contract with the Government subject to the Davis-Bacon Act, or (2) a subcontract under such prime contract.

(ii) Eight-hour laws—Overtime compensation.

No laborer or mechanic doing any part of the work contemplated by this contract in the employ of the Contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than 8 hours in any 1 calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this subparagraph. The wages of every laborer and mechanic employed by the Contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of 8 hours per day and work in excess of 8 hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this subparagraph a penalty of $5 shall be imposed for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than 8 hours upon said work without receiving compensation computed in accordance with this subparagraph and all penalties thus imposed shall be withheld for the use and benefit of the Government: Provided, That this stipulation shall be subject in all respects to the exceptions and provisions of the Eight-Hour Laws as set forth in 40 U. S. C. 321, 324, 325, 325a, and 326, which relate to hours of labor and compensation for overtime.

(iii) Apprentices.

Apprentices will be permitted to work only under a bona fide apprenticeship program registered with the State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(iv) Payroll records and payrolls.

(A) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid. The Contractor will make his employment records available for inspection by authorized representatives of the Contracting Officer and the U. S. Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(B) A certified copy of all payrolls will be submitted weekly to the Contracting Officer. The Government Prime Contractor will be responsible for the submission of certified copies of the payrolls of all subcontractors. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the applicable rates contained in the wage determination decision of the Secretary of Labor attached to this contract, and that the classifications set forth for each laborer or mechanic conform with the work he performed.

(v) Copeland (Anti-Kickback) Act—Nonrebate of wages.

The regulations of the Secretary of Labor applicable to Contractors and subcontractors (29 CFR, Part 3), made pursuant to the Copeland Act, as amended (40 U. S. C. 276c), and to aid in the enforcement of the Anti-Kickback Act (18 U. S. C. 874) are made a part of this contract by reference. The Contractor will comply with these regulations and any amendments or modifications thereof and the Government Prime Contractor will be responsible for the submission of affidavits required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exceptions.

(vi) Withholding of funds to insure wage payment.

There may be withheld from the Contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the Contractor or any subcontractor the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic all or part of the wages required by this contract, the Contracting Officer may take such action as may be necessary to cause the suspension, until such violations have ceased, of any further payment, advance, or guarantee of funds to or for the Government Prime Contractor.

(vii) Subcontracts—Termination.

The Contractor agrees to insert the provisions of this paragraph (c) of this clause in all subcontracts and the Contractor further agrees that a breach of any of the requirements of this clause may be grounds for termination of this contract. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government Prime Contractor."

(d) Upon determination that the Copeland Act is applicable to items of work costing $2,000 or less, the Contractor shall comply with the provisions of subparagraphs (c) (ii), (v) and (vii) hereof, except that the first sentence of subparagraph (vii) shall be deemed for this purpose to refer only to the subparagraphs entitled "Eight-Hour Law—Overtime Compensation," "Copeland (Anti-Kickback) Act—Nonrebate of Wages," and "Subcontracts—Termination."

§ 1007.2704–2 Gratuities.

According to the requirements of § 7.104–16 of this title, insert the clause set forth in that section.

§ 1007.2704–3 Negotiated overhead rates.

Where negotiated overhead rates pursuant to Subpart G, Part 3 of this title are to be used, insert the clause set forth in § 7.204–16 of this title, deleting from the first sentence of that clause the words "Allowable Cost, Fixed Fee, and Payment" and inserting in lieu thereof the word "Reimbursement;" and inserting in paragraph (c) of that clause after "Part 2" the words: ", or Section XV, Part 4 in the case of any items of construction,". In the case of contracts with nonprofit research and development institutions, reference should be made to Subpart C of Part 15 of this title, rather than Subpart B.

§ 1007.2704–4 Military security requirements.

According to the requirements of § 7.104–12 of this title, insert the clause set forth in that section.

§ 1007.2704–5 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause set forth in § 7.104–18 of this title.

§ 1007.2704–6 Approval of contract.

Insert the clause set forth in § 1007.-105–2, whenever the contract requires manual approval, other than by the contracting officer, before becoming effective.

§ 1007.2704–7 Alterations in contract.

According to the requirements of § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.2704–8 Data and copyrights.

According to the instructions of Subpart B, Part 9 of this title, and Subpart B, Part 1009 of this chapter, insert the appropriate clauses set forth therein.

§ 1007.2704–9 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth in that section.

§ 1007.2704–10 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth in that section.

§ 1007.2705 Additional clauses.

The following clauses may be used when desirable or necessary to cover the subject matter contained in such clauses.

§ 1007.2705–50 General.

Any other clauses authorized by Subchapter A, chapter I of this title, according to instructions for use, may be used when necessary or desirable to cover the subject matter contained in such clauses.

Subpart BB—Clauses for Short-Form Facilities Contracts

§ 1007.2801 Limitation on use.

Short-form facilities contracts will be issued only by Hq AMC. If the short-form facilities contract is with a nonprofit contractor performing only research and development contracts, alterations to the clauses authorized for such contractors in Subpart AA of this part are authorized for the corresponding clauses in this subpart.

§ 1007.2802 Definition.

As used throughout this subpart, the term "short-form facilities contract" means a contract, separate from a supply, service, or research and development contract, whereby industrial facilities which constitute "Government-furnished property" as defined in § 13.101–2(a) of this title are provided to a contractor or subcontractor for use on a supply, service, or research and development contract or subcontract.

§ 1007.2803 Required clauses.

The following clauses will be inserted in all short-form facilities contracts:

§ 1007.2803–1 Definitions.

Insert paragraphs (a) and (b) of the clause set forth in § 7.103–1 of this title.

§ 1007.2803–2 Facilities to be furnished.

Insert the following clause:

FACILITIES TO BE FURNISHED

(a) The Government shall furnish to the Contractor the Government-owned facilities specified in the Schedule. Such facilities shall become subject to all the terms and conditions hereof upon receipt by the Contractor (unless otherwise specified in the Schedule). The Government makes no warranty, express or implied, as to the serviceability or fitness for use of the facilities so furnished; however, the Contractor shall have the right seasonably to inspect and reject such facilities for good and sufficient reason. All facilities furnished pursuant to this subparagraph (a), if not presently at the location specified in the Schedule, will be delivered to the Contractor, f. o. b. cars or carriers' equipment at such location or at the point nearest thereto that rail carrier service is available, transportation charges prepaid, as soon as practicable after the date of approval of this contract.

(b) The Government shall not be liable to the Contractor under this contract for damages or loss of profits by reason of nondelivery, or delay in delivery, of any or all of the facilities to be provided by the Government hereunder; however, a specific provision for an appropriate equitable adjustment, to include, without limitation, price and time of delivery, may be included in any supply, service, or research and development contract which may be affected by any such nondelivery or delay.

§ 1007.2803–3 Reports to be furnished.

Insert the clause set forth in § 1007.-2703–16(b).

§ 1007.2803–4 Use and charges therefor.

Insert the appropriate one of the clauses set forth in § 1007.2703–12 (a) or (b), adding the following paragraph with applicable letter designation.

( ) The Contractor shall maintain and make available records of the use of facilities hereunder in accordance with paragraph (e) Records, of the clause hereof entitled, "Cost for Packing, Shipment or Storage."

§ 1007.2803–5 Taxes and utilities.

Insert paragraphs (a) and (b) of the clause set forth in § 1007.2703–15.

§ 1007.2803–6 Access.

Insert paragraph (h) of the clause set forth in § 1007.2703–2(a).

§ 1007.2803–7 Property control records.

Insert paragraph (c) of the clause set forth in § 1007.2703–2(a).

§ 1007.2803–8 Termination.

Insert paragraphs (a), (b), (c)(1), (c)(2), (c)(3), (c)(5), and (e) of the clause set forth in § 1007.2703–13 and reletter the paragraphs as (a), (b), (c), (d), (e), (f), and (g), respectively.

§ 1007.2803–9 Continuing plant clearance.

Insert the following clause:

CONTINUING PLANT CLEARANCE

(a) The Contractor shall notify the Contracting Officer whenever any Government property provided hereunder (i) is excess to the requirements of the using Government contracts, or (ii) is worn out, obsolete, damaged or otherwise unserviceable (whether or not under circumstances rendering the Contractor liable therefor). Such property may be disposed of or allowed to remain with the Contractor under this contract at the option of the Contracting Officer, except that with respect to severable property in privately owned plants the Contracting Officer shall order the disposition of such property within 120 days of such notification if he determines that they would interfere with the Contractor's use of the plant.

(b) Any sale or retention by the Contractor of facilities to be disposed of under this clause shall be in accordance with paragraph (d) of the Termination Clause of this contract.

(c) Upon disposition, or other agreement with the Contracting Officer satisfactorily accounting for all of the property provided hereunder, this contract will be considered completed without further termination action.

(d) The Government may, but is not obligated to replace any property disposed of pursuant to (1) above.

§ 1007.2803–10 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.2803–11 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.2803–12 Eight-hour law of 1912.

Insert the clause set forth in § 12.203–1 of this title.

§ 1007.2803–13 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.2803–14 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.2803–15 Covenant against contingent fees.

Insert the following clause:

COVENANT AGAINST CONTINGENT FEES

The contractor warrants that no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to require the contractor to pay, in addition to rental or other consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 1007.2803–16 Inspection and audit.

Insert paragraph (a) of the clause set forth in § 1007.4023.

§ 1007.2803–17 Loading, blocking, and bracing requirements.

Insert the clause set forth in § 1007.2703–25.

§ 1007.2803–18 Title and possession.

Insert the following clause:

TITLE AND POSSESSION

Title to all property furnished by the Government shall remain in the Government. Title to the Government property shall be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. Except as otherwise specifically provided in this contract, the Contractor (i) shall not pledge, assign, or transfer title to any Government property, nor do or suffer anything to be done whereby any Government property may be seized, taken in execution, attached, destroyed or injured, and (ii) shall not remove or otherwise part with possession of, or permit the use by others of any Government property.

§ 1007.2803–19 Liability.

Insert paragraph (g) of the clause set forth in § 1007.2703–2(a) with the following revisions:

(a) Delete the second sentence of subparagraph (3) thereof.

(b) In the second sentence of subparagraph (4) thereof, delete the phrase

"paragraph (f)" and insert in lieu thereof the word "clause."

§ 1007.2803–20 Maintenance.

Insert paragraph (e) of the clause set forth in § 1007.2703–2(a), deleting from the second sentence thereof the phrase ", as referred to in 'f' below,".

§ 1007.2803–21 Public liability, insurance.

Insert paragraph (a) of the clause set forth in § 1007.2703–14.

§ 1007.2803–22 Reservation of rights.

Insert the clause set forth in § 1007.2703–24 and add, "It is agreed that nothing in this contract shall be interpreted as prejudicing any rights that the Contractor may have to be reimbursed under other contracts between the parties hereto for the cost of performing obligations imposed hereunder and not reimbursable hereunder."

§ 1007.2803–23 Cost for packing, shipment, or storage.

Insert the following clause:

COST FOR PACKING, SHIPMENT, OR STORAGE

The Government shall reimburse the Contractor for the cost incurred by the Contractor for such packing, shipping, or storage of facilities provided under this contract as the Contracting Officer may direct in writing, such reimbursement to be made subject to the following provisions:

(a) *Reimbursement.* Insert the clause set forth in § 1007.2703–7 according to the instructions contained therein, and with the following changes:

(1) Substitute the following paragraph (a) in lieu of paragraph (a) thereof:

(a) Costs for which the Contractor is entitled to be reimbursed under this contract, hereinafter referred to as "allowable costs" shall be determined by the Contracting Officer to be allowable in accordance with Part 2 of Section XV of the Armed Services Procurement Regulation as in effect on the date of this contract.

(2) Omit the second sentence in paragraph (c) thereof.

(3) Omit subparagraph (e) (3) thereof.

(b) *Limitation of costs.* Insert the clause set forth in § 1007.2703–8.

(c) *Subcontracts.* Insert the clause set forth in § 1007.2703–3 according to the instructions contained therein.

(d) *Cancellation of subcontracts.* Insert the clause set forth in § 1007.2703–6.

(e) *Records.* Insert the clause set forth in § 1007.2703–9 according to the instructions contained therein.

(f) *Assignment of claims.* Insert the clause prescribed by § 1007.2703–10.

(g) *Public liability, insurance.* Add paragraph (b) of the clause set forth in § 1007.2703–14 to the clause prescribed by § 1007.2803–21.

(h) *Government bills of lading.* Insert the following clause:

GOVERNMENT BILL OF LADING

Upon total or partial termination of this contract, any transportation of Government facilities from the place where such facilities are located, or the point nearest thereto that rail carrier service is available, shall be by Government Bill of Lading. The required number of such GBL's will be furnished to the Contractor by the cognizant transportation activity. The Contractor shall acknowledge receipt of these GBL's in the manner prescribed. As shipments are made, the Contractor shall prepare and distribute the applicable GBL's in accordance with AMC Form 232, "Instructions for Completing U. S. Government Bill of Lading." The Contractor also agrees that GBL's in excess of the requirements of this contract will be returned to the cognizant transportation activity within a reasonable time after final shipment.

(i) *Renegotiation.* Insert the clause set forth in § 7.103–13 of this title.

§ 1007.2804 Clauses to be used when applicable.

§ 1007.2804–1 Approval of contract.

Insert the clause set forth in § 7.105–2 of this title whenever the contract requires manual approval other than by the contracting officer before becoming effective.

§ 1007.2804–2 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.2804–3 Alterations in contract.

According to the requirements for use of § 1007.105–1 of this chapter insert the clause set forth in § 7.105–1 of this title.

§ 1007.2804–4 Data and copyrights.

According to the instructions of Subpart B, Part 9, of this title, and Subpart B, Part 1009 of this chapter insert the appropriate clauses set forth therein.

Subpart CC—Leases of Machine Tools and Other Production Equipment

§ 1007.2903 Form of lease.

All leases of machine tools and other production equipment will be in the following form. Deviations from this form are not authorized unless approved by the Assistant Secretary of the Air Force (Materiel).

§ 1007.2904 Cover page, introductory recitals, and signature page.

§ 1007.2904–1 Cover page.

The following will be the arrangement and provisions of the cover page for leases of machine tools and other production equipment.

Contract No. ------

FACILITIES LEASE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA (DEPARTMENT OF THE AIR FORCE (LESSOR) AND

(Lessee)

(Address)

Issuing office:
Address:
Contract for: Lease of Machinery and Equipment.
Administrative data: Office of USAF Administration: The ---
will have overall administrative responsibility for this lease.
This lease has been authorized under Section 2667, of Title 10, United States Code.

§ 1007.2904–2 Introductory recitals.

The following will be the introductory recitals for leases of machine tools and other production equipment.

GOVERNMENT-OWNED EQUIPMENT RENTAL AGREEMENT

This Agreement, entered into this ------ day of ---------- 19--, by the United States of America, hereinafter called the Government represented by the Contracting Officer executing this lease, and ----------, a corporation organized and existing under the laws of the state of ----------, and having its principal office at ----------, hereinafter called the lessee, WITNESSETH THAT:

Whereas the Government is the owner of certain machine tools and other items of production equipment under the control of the Department of the Air Force which are listed on Appendix "A" annexed hereto, herein sometimes designated as the "leased property";

Whereas it has been determined that such machine tools and other items of production equipment are not excess property, as defined by Section 472 of Title 40, United States Code, but are not for the time being needed for public use;

Whereas in the judgment of the Secretary of the Air Force the execution of this lease will promote the national defense and will be advantageous to the Government;

Whereas this lease is made under the authority of Section 2667 of Title 10, United States Code;

Now, therefore, the parties do mutually agree as follows:

§ 1007.2904–3 Signature page.

The following will be the arrangement and provisions of the signature page for leases of machine tools and other production equipment.

In witness whereof, the parties hereto have executed this lease as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ---
(Contracting Officer)

(Lessee)
By ---

(Business address)

NOTE. Type or print names under all signatures.

§ 1007.2905 Required clauses.

The following clauses, consecutively numbered with Roman numerals preceded by the word "Clause", will be inserted in all leases of machine tools and other production equipment.

§ 1007.2905–1 Leased property.

LEASED PROPERTY

The Government hereby leases and agrees to deliver to the lessee, and the lessee agrees to accept upon all the terms and conditions and for the purpose hereinafter set forth, the machine tools and other items of production equipment listed in Appendix "A", attached hereto and made a part hereof. The parties may, from time to time, by mutual agreement, include under this lease additional items of machine tools and other production equipment by amendment of Appendix "A".

§ 1007.2905–2 Term.

TERM

The term of this lease shall commence on the ---------- day of ----------, 19--, and shall end on the ---------- day of ----------, 19--, unless sooner terminated as herein provided.

§ 1007.2905–3 Delivery.

DELIVERY

As soon as practicable after the date of this lease, the leased property, to the extent not heretofore delivered to, or placed in custody of the lessee, shall, at the option of the Government, be delivered to the lessee FOB cars, lessee's plant at ----------, or on cars at a railroad siding nearest said plant, or FOB truck at lessee's plant.

§ 1007.2905–4 Disclaimer of warranty.

DISCLAIMER OF WARRANTY

The leased property is furnished without warranty, express or implied, on the part of the Government as to serviceability or fitness for use, provided however, that the lessee shall at any time not later than thirty days after delivery have the right to inspect and reject the same or any part thereof for good and sufficient reason relative to the condition of the leased property.

§ 1007.2905–5 Use of leased property.

USE OF LEASED PROPERTY

The lessee may use the leased property for all legal purposes, provided however, subject to the provisions of any other applicable priority system established by the Government, that the lessee shall not use the leased property, or any part thereof, for work which would interfere materially with the performance of Government contracts or subcontracts and provided further that first priority will be given, with due regard to existing commitments, to Air Force contracts and subcontracts.

§ 1007.2905–6 Rental.

RENTAL

(a) The lessee shall pay rent for the leased property at the monthly rental specified in the Appendix "A". Such rent shall begin with respect to said item at the beginning of the term of this lease as set forth in Clause II hereof or upon date of delivery of such item to the lessee whichever is later and shall continue to the date on which this lease expires or is terminated with respect to said item or items of leased property; provided, however, that such rental shall commence upon the date when the item is placed in a usable condition in those cases wherein an item is unusable as a result of need for repairs and/or parts replacements at the time when rental would otherwise begin. Rent accruing during the month of delivery of any item or items of leased property and the month in which such item or items of leased property are returned to the Government shall be prorated on the basis of a thirty-day month. Rental payments shall be made for rental due and owing for each calendar quarterly period during the term of this lease not later than the 10th day of the month following such calendar quarter. Said rental payment shall be made by check payable to the Treasurer of the United States and shall be mailed or delivered to the Contracting Officer or such other person as may be designated by the Contracting Officer for transmittal to the appropriate accounting officer, accompanied by a statement in triplicate explaining the amount of each payment.

(b) The lessee shall as soon as practicable notify the Contracting Officer of the date or dates upon which the items to be leased were or are received by it and will advise the Contracting Officer of any items that were or are not in a usable condition as a result of the need for repairs and/or parts replacement at the time of receipt and, subject to the provisions of Clause IV hereof, that such rehabilitation will be made. In this event the lessee agrees to undertake the rehabilitation thereof forthwith, and to notify the Contracting Officer of the date when the rehabilitation of each such item is completed. Such dates shall be subject to verification and approval by the Contracting Officer.

§ 1007.2905–7 Liability and risk of loss.

LIABILITY AND RISK OF LOSS

(a) The leased property shall be returned by the lessee to the Government in good operating condition, fair wear and tear excepted, provided however, that the lessee shall not be responsible for any loss, destruction, or damage to the leased property resulting from hostile or warlike action, including action in hindering, combating or defending against an actual, impending, or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces, or by any agent of any such government, power, authority, or forces.

(b) The lessee agrees to maintain such insurance, in such amounts and in such form, as the Contracting Officer may direct with respect to any risks or perils for which the lessee is responsible hereunder, and which is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the lessee or the prevailing practice of the industry in which the lessee is engaged with respect to similar property in the same general locale.

§ 1007.2905–8 Maintenance.

MAINTENANCE

The lessee shall preserve and maintain the leased property in good operating condition, including the making of repairs and replacement of parts, in accordance with sound industrial practice, except when loss, damage, or destruction is caused by or results from risks or perils for which the lessee is not liable under Clause VII of this lease. If the leased property is delivered in other than good operating condition, and not rejected as provided in Clause IV, the lessee shall place the leased property in good operating condition. The costs of such rehabilitation will be borne by the lessee except to the extent that such costs are otherwise reimbursable under a contract with the Government or a subcontract thereunder.

§ 1007.2905–9 Termination.

TERMINATION

(a) The lease may be terminated by the Government at any time, without advance notice to lessee, as to any or all of the leased property. The Government shall endeavor to furnish to the lessee thirty (30) days written notice of such termination. The lessee may terminate this lease in whole or part, at any time upon thirty (30) days notice, or without such notice, in whole, but not in part, in the event of partial termination by the Government as herein provided.

(b) The Government may terminate this lease for default of the lessee upon the failure of the lessee to perform any of the terms and conditions hereof, provided the Contracting Officer has given the lessee notice in writing specifying such failure and the lessee has not cured such failure within 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of such notice. Termination for default shall take effect immediately upon notice thereof to the lessee.

§ 1007.2905–10 Disposition.

DISPOSITION

(a) Immediately upon total or partial termination or expiration of this lease or upon notice to the Government of the rejection of any item or items of the leased property in accordance with Clause IV, lessee shall, at its own expense, inspect and prepare such item or items for shipment in accordance with specifications and instructions set forth in the attached schedule, as directed by the Contracting Officer. Within ninety (90) days after total or partial termination, expiration, or notice to the Government of rejection, the Government shall furnish the lessee instructions as to the place to which the item or items affected thereby shall be shipped, and the means of transportation thereto. Within ten (10) days thereafter or such longer time as the Contracting Officer may allow, the lessee shall, also at its own expense, ship the items in accordance with applicable provisions of the specifications and instructions set forth in the attached schedule. Transportation costs shall be borne by the Government, except as otherwise provided herein. In lieu of, or in addition to, the foregoing, the lessee shall perform such other work with respect to the aforesaid item or items of leased property as the Contracting Officer may direct: *Provided, however,* That the lessee shall be reimbursed by the Government for the cost of performance of such other work. If the lessee has received no instructions from the Government with respect to the disposition of the leased property within ninety (90) days after termination, expiration or rejection, as provided herein, the lessee shall maintain said property in good condition in storage at the lessee's plant or premises or at the nearest storage facility at the expense, or for the account, of the Government.

(b) In the event of termination for default, the lessee shall bear all the costs of transportation of the leased property from the plant or premises of the lessee to the Government at such place within the continental United States as shall be designated by the Contracting Officer.

§ 1007.2905–11 Location of leased property.

LOCATION OF LEASED PROPERTY

The leased property shall be located at ---------- Except as otherwise provided in Clause X of this lease and except for the purpose of protecting or repairing the leased property, the lessee shall not remove the leased property from the above-mentioned location.

§ 1007.2905–12 Title.

TITLE

Title to the leased property is and shall remain in the Government and title thereto shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such leased property or any part thereof be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The lessee shall not pledge, assign, transfer, lease, sublet or subcontract nor part with the possession of the property leased hereunder, in any manner whatsoever, either directly or indirectly; nor shall the lessee wilfully do or suffer anything whereby the leased property shall or may be seized, taken in execution, impounded, attached, damaged, or destroyed.

§ 1007.2905–13 Reports to be furnished by the lessee.

REPORTS TO BE FURNISHED BY THE LESSEE

The lessee, insofar as it is able, shall furnish the Government, upon written request therefor, such reports, estimates and other information regarding the property leased hereunder as the Contracting Officer finds necessary and reasonable, including such records and data with respect to such leased property as may be required by the Contracting Officer for industrial planning or other purposes. Requests for such reports, estimates and other information shall set forth

the nature of the information sought and the form in which such information is to be furnished.

§ 1007.2905–14 Taxes.

TAXES

The lessee agrees to pay to proper authority, when and as same become due and payable, all taxes, assessments and similar charges which are properly and legally taxed, assessed and imposed on the lessee's interest made or created pursuant to the provisions of this lease, with respect to part or all of the leased property provided hereunder, or the use thereof.

§ 1007.2905–15 Marking and identification.

MARKING AND IDENTIFICATION

The lessee shall maintain adequate property control records and a marking and identification system in accordance with the provisions set forth in the "Manual for Control of Government Property in Possession of Contractors" and shall comply with the provisions of said Manual. The Government shall have the right to enter the lessee's premises at reasonable times to inspect the records and identifications required under this clause.

§ 1007.2905–16 Access to leased property.

ACCESS TO LEASED PROPERTY

The Government shall at all times have access to the place or places wherein the leased property is located for the purpose of inspection and inventory of the leased property, or for the purpose of removing such property in the event of the lessee's failure to return such property to the Government as may be required under the terms of this lease.

§ 1007.2905–17 Responsibility for damages.

RESPONSIBILITY FOR DAMAGES

The Government shall not be responsible for damages to property of the lessee or of other persons or for personal injury to or death of the lessee's officers, agents, servants, or employees, or any other person, arising from or incident to the possession and use of any of the property leased herein, from any cause whatever, and the lessee shall save the Government harmless from such claims; *provided*, that nothing in this clause shall be deemed to affect any liability of the Government to its own employees.

§ 1007.2905–18 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.2905–19 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.2905–20 Covenant against contingent fees.

Insert the following clause:

COVENANT AGAINST CONTINGENT FEES

The lessee warrants that no person or agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the lessee for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this lease without liability or in its discretion to require the lessee to pay, in addition to the rental or other consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 1007.2905–21 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.2905–22 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.2905–23 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.2905–24 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.2905–25 Approval.

Insert the clause set forth in § 7.105–2 of this title.

Subpart DD—[Reserved]

Subpart EE—Clauses for Construction Contracts

§ 1007.3103 Required clauses.

All construction contracts, excepting those for which Subpart D, Part 16 of this title or Subpart D, Part 1016 of this chapter, prescribes another form, will consist of Standard Form 23, "Construction Contract," the clauses contained in Standard Form 23A, "General Provisions (Construction Contracts)" (see Subpart D, Part 16 of this title and Subpart D, Part 1016 of this chapter), and the following additional general provisions which will be serially numbered beginning with the number 27 to follow the numbering of Standard Form 23A.

§ 1007.3103–1 Alterations in contract.

Insert the clause set forth in § 7.105–1 of this title and specify therein which of the printed clauses of Standard Form 23A or other printed part of the contract have been deleted, added to or changed and refer to the respective substituted clauses (see § 7.105–1 of this title). The substituted clauses will be the current ASPR or AFPI clause covering the deleted subject matter.

§ 1007.3103–2 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title.

§ 1007.3103–3 Federal, State and local taxes.

Insert the clause set forth in § 11.401–1 of this title.

§ 1007.3103–4 Termination for convenience of the Government.

Insert the clause set forth in § 8.703 of this title.

§ 1007.3103–5 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

§ 1007.3103–6 Government - furnished property.

Insert the clause set forth in § 13.502 of this title with modifications appropriate to the following:

(a) Construction contracts entered into and administered by the base purchasing and contracting officer will be modified as follows:

(1) Delete the second and third sentence of paragraph (c) appearing in § 13.502 of this title and insert in lieu thereof, "Accountable records applicable to this contract will be established and maintained by the Installations Engineer in accordance with AFR 85–5 (Operation and Maintenance of Installation Facilities)."

(2) Delete the following language appearing in § 13.502 of this title:

The following provision (f) is for use in advertised fixed-price contracts:

(f) Unless otherwise provided in this contract, the Contractor, upon delivery to it of any Government-furnished Property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and to the extent that such property is consumed in the performance of this contract.

The following provision (f) is for use in negotiated fixed-price contracts.

(3) Delete the words "industry in which the contractor is engaged" appearing in paragraph (f) (i) (II) in § 13.502 of this title and substitute therefor the words "construction industry."

(4) Delete paragraph (f) (vii) appearing in § 13.502 of this title.

(b) Construction contracts entered into and administered in behalf of the Government, by other than the base purchasing and contracting officer will be modified as follows:

(1) Delete the second sentence only of paragraph (c) appearing in § 13.502 of this title.

(2) Delete as indicated in paragraph (a) (3) of this section.

(3) Delete as indicated in paragraph (a) (4) of this section.

§ 1007.3103–8 Safety and accident prevention.

Insert the clause set forth in § 1007.4047 of this Part.

§ 1007.3103–9 Bonds.

BONDS

(a) *Payment bond.* If this contract exceeds $2,000, the Contractor agrees to furnish a payment bond with good and sufficient surety or sureties acceptable to the Government for the protection of persons furnishing material or labor in connection with the performance of the work under this contract on Standard Form 25A or Standard Form 27A. The penal sum of such payment bond shall be as follows: (i) if the contract price is not more than $1,000,000, 50 percent of the contract price; (ii) if the contract price is more than $1,000,000, but not more than $5,000,000, 40 percent of the contract price; (iii) if the contract price is more than $5,000,000, $2,500,000.

(b) *Performance bond.* If the contract price exceeds $2,000, the Contractor further agrees to furnish a performance bond with good and sufficient surety or sureties acceptable to the Government in connection with the performance of work under this contract on Standard Form 25 or Standard Form 27. Unless otherwise stated in the Schedule the penal sum of such performance bond shall be 100 percent of the contract price.

(c) Any bonds required hereunder will be dated as of the same date as the contract and will be furnished by the Contractor to the Government at the same time the contract is executed.

§ 1007.3103–10 Gratuities.

Insert the clause set forth in § 7.104–16 of this title, but change the word "Secretary" which appears twice in paragraph (a) and once in paragraph (b) therein to read, "head of the department."

§ 1007.3103–11 Title to Government buildings and appurtenances.

If any work required by this contract involves the repair, alteration, or renovation of any building or other structure, such building or structure, and any property removed therefrom, shall be subject to the provisions of paragraphs (c), (f), and (h), of the clause of the contract entitled "Government-furnished Property," and paragraph (e) as revised by this clause, but shall not be considered Government-furnished property within the meaning and for the purposes of any other provisions of that clause. For the purposes of this clause, the following shall be substituted for paragraph (e) of the clause entitled "Government-furnished Property": "The Contractor shall maintain and protect the building or structure required to be repaired, altered, or renovated under this contract, and any property removed therefrom, in accordance with sound industrial practice."

§ 1007.3103–12 Notice and assistance regarding patent infringement.

Insert the clause set forth in § 9.104 of this title.

§ 1007.3103–13 Authorization and consent.

Insert the clause set forth in § 9.102–1 of this title.

§ 1007.3103–14 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.3104 Clauses to be used when applicable.

§ 1007.3104–1 Examination of records.

If the contract results from negotiation, insert the clause set forth in § 7.104–15 of this title.

§ 1007.3104–2 Approval of subcontracts.

If the contract price is in excess of $2,000, insert the following clause.

APPROVAL OF CONTRACTS

No contract shall be made by the Contractor with any other party for furnishing any of the completed or substantially completed articles or work herein contracted for without the written approval of the Contracting Officer as to sources.

§ 1007.3104–4 Military security requirements.

According to the requirements of § 7.104–12 of this title, insert the clause set forth in that section.

§ 1007.3104–5 Utilization of small business concerns.

If the contract price is in excess of $5,000, insert the clause set forth in § 7.104–14 of this title.

§ 1007.3104–6 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.3104–9 Rights in data.

According to the instructions of Subpart B, Part 9 of this title and Subpart B, Part 1009 of this chapter insert the appropriate clauses set forth therein.

§ 1007.3104–10 Filing of patent applications.

According to the requirements of § 9.106 of this title, insert the clause set forth therein, but see § 9.106–1 of this title.

§ 1007.3104–11 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause set forth in § 7.104–18 of this title.

§ 1007.3104–12 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth in that section.

§ 1007.3105 Additional clauses.

The following clauses may be inserted when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.3105–1 Patent rights.

The clause set forth in § 9.107–2 of this title may be inserted.

§ 1007.3105–2 Superseding specifications.

The clause set forth in § 1007.4024 may be inserted.

§ 1007.3105–3 Estimated requirements.

The clause set forth in § 1007.4028(b) may be inserted subject to the limitations set forth in § 1003.405–5(b) of this chapter.

NOTE: When this clause is used, paragraph (b) and (c) of the clause set forth in § 1007.3106–1 shall be omitted.

§ 1007.3106 Required special provisions.

The following special provisions will be inserted in all construction contracts, however in contracts for alteration, rehabilitation and repair of family housing the percentage of variation in § 1007.3106–1 (SP 1–01)(c) will be changed from 90 percent–110 percent to 75 percent–125 percent.

§ 1007.3106–1 Description of work.

SP 1–01 DESCRIPTION OF WORK

(a) *Work to be done.* The work to be done is described in U.S. Standard Form 23 attached hereto. The Government will furnish to the Contractor the materials and equipment required by the statement of work to be so furnished, if any.

(b) *Quantity.* (This paragraph is applicable to all lump-sum contracts but is inapplicable to all unit price contracts.) The lump-sum price for the entire work will be the basis of payment. The Contractor will be required to complete the work as specified, subject to the provisions of Clause 3, Changes, hereof.

(c) *Quantity.* (This paragraph is applicable to all unit price contracts but is inapplicable to all lump-sum contracts.) The Contractor may reasonably expect a variation in the estimated quantity set forth in the Schedule such that the total payment for the completed work may range from 90 percent to 110 percent of the total amount stated on the Standard Form 23 attached hereto. The Contractor will be required to complete the entire work as set forth herein subject to the allotment of sufficient funds to the contract: Provided, (1) the Contractor is not authorized to perform work the cost of which will exceed the amount stated on Standard Form 23 attached hereto without the prior written authorization of the contracting officer, and (2) if the completed work ranges from 90 percent to 110 percent of the estimated quantities set forth in the Schedule, the Contractor will be allowed no claims for anticipated profits or loss of profits or for damage of any sort because of differences between the estimate of any item and the amount of any item actually required, and (3) if work less than 90 percent or more than 110 percent of the estimated quantities set forth on the Schedule causes an increase or decrease in the unit price or prices there may be an adjustment of such prices in accordance with the procedures of the Changes clause.

§ 1007.3106–2 Scope of work.

SP 1–02 SCOPE OF WORK

All work which is manifestly necessary to carry out the intent of the drawings and specifications or which is customarily performed for such work shall be performed by the Contractor. Any requirement shown on the drawings, but omitted from the specifications, or any requirement shown in the specifications but omitted from the drawings shall be considered as being required under the contract as if set forth in both. Any change in drawings or specifications directed by the Contracting Officer shall be made in accordance with the clause hereof entitled: "Changes."

§ 1007.3106–3 Site investigation and representations.

SP 1–03 SITE INVESTIGATION AND REPRESENTATIONS

The Contractor acknowledges that he has satisfied himself as to the nature and location of the work, the general and local conditions, particularly those bearing upon transportation, disposal, handling and storage of materials, availability of labor, water, electric power, roads, uncertainties of weather, the conformation and condition of the ground, the character, quality and quantity of surface and subsurface materials to be encountered, the character of equipment and facilities needed preliminary to and during the prosecution of the work and all other matters which can in any way affect the work or the cost thereof under this contract. Any failure by the Contractor to acquaint himself with all the available information concerning these conditions will not relieve him from responsibility for estimating properly the difficulty or cost of successfully performing the work. The Government assumes no responsibility for any understanding or representations made by any of its officers or agents during or prior to the execution of this contract, unless such understanding or representations by the Government are expressly stated in the contract. Representations made but not so expressly stated and for which liability is not expressly assumed by the Government in the Contract shall be deemed only for the information of the Contractor and the Government will not be liable or responsible thereof.

§ 1007.3106–4 Order of work.

SP 1–04 ORDER OF WORK

The Contractor shall start and complete the work in such order of procedure as may be prescribed by the Contracting Officer.

§ 1007.3106–5 Operations and storage areas.

SP 1–05 OPERATIONS AND STORAGE AREAS

All operations of the Contractor (including storage of materials) upon Government premises shall be confined to areas authorized or approved by the Contracting Officer. No unauthorized or unwarranted entry upon, passage through, or storage or disposal of materials shall be made upon Government premises. Government premises adjacent to the construction will be made available for use by the Contractor without cost whenever such use will not interfere with other Government uses or purposes. The Contractor shall hold and save the Government, its officers and agents, free and harmless from liability of any nature or kind arising from any use, trespass or damage occasioned by his operations on premises of third persons.

Temporary buildings (storage sheds, shops, office, etc.) shall be erected by the Contractor upon Government premises only with the approval of the Contracting Officer, and shall be built with labor and materials furnished by the Contractor without expense to the Government, and will be removed by him at his expense upon the completion of the work. With the written consent of the Contracting Officer, such buildings and/or utilities may be abandoned and need not be removed.

The Contractor shall, under regulations prescribed by the Contracting Officer, use only established roadways or construct and use such temporary roadways as may be authorized by the Contracting Officer. Where materials are transported in the prosecution of the work, vehicles shall not be loaded beyond the loading capacity recommended by the manufacturer of the vehicle or prescribed by any Federal, State, or local law or regulation. When it is necessary to cross curbings or sidewalks, protection against damage shall be provided by the Contractor, and any damaged roads, curbing, or sidewalks shall be repaired by, and at the expense of, the Contractor.

§ 1007.3106–6 Base lines and grades.

SP 1–06 BASE LINES AND GRADES

The Contractor shall lay out his work from base lines and grades established by the Government and shall be responsible for all measurements in connection therewith. The Contractor shall, at his own expense, furnish all stakes, templates, platforms, equipment, and ranges and labor that may be required in setting and cutting, or laying out any part of the work. The Contractor will be held responsible for the proper execution of the work to such lines and grades as may be established or indicated by the Contracting Officer, and all stakes or other marks thus established shall be preserved by him until their removal is authorized by the Contracting Officer. The Contracting Officer will furnish, on request from the Contractor, all location and limit marks reasonably necessary for the conduct of the work.

§ 1007.3106–7 Progress charts, Sundays, holidays and nights.

SP 1–07 PROGRESS CHARTS, SUNDAYS, HOLIDAYS AND NIGHTS

(a) The Contractor shall within five (5) days or within such time as determined by the Contracting Officer, after date of commencement of work, prepare and submit to the Contracting Officer for approval a practicable and feasible schedule, showing the order in which the Contractor proposes to carry on the work, the date on which he will start the several salient features (including procurement of materials, plant, and equipment) and the contemplated dates for completing them. The schedule shall be submitted on AFPI Form 78, "Construction Contract Progress Schedule," in accordance with the instructions printed on the reverse side of the form. The Contractor shall submit to the Contracting Officer at the end of each week a brief written report of the percentage of work accomplished for each work element during that week, or at such other intervals of time as may be established by the Contracting Officer.

(b) The Contractor shall furnish sufficient forces, construction plant, and equipment, and shall work such hours, including night shifts, overtime operations, and holiday work, as may be necessary to insure the prosecution of the work in accordance with the approved progress schedule. If, in the opinion of the Contracting Officer, the Contractor falls behind the progress schedule, the Contractor shall take such steps as may be necessary to improve his progress, and the Contracting Officer may require him to increase the number of shifts, and/or overtime operations, days of work, and/or the amount of construction plant, all without additional cost to the Government.

(c) Failure of the Contractor to comply with the requirements of the Contracting Officer under this provision shall be grounds for determination by the Contracting Officer that the Contractor is not prosecuting the work with such diligence as will insure completion within the time specified. Upon such determination, the Contracting Officer may terminate the Contractor's rights to proceed with the work, or any separable part thereof, in accordance with the clause entitled "Termination for Default—Damages for Delay—Time Extension."

§ 1007.3106–8 Standard test, quality and guarantees.

SP 1–08 STANDARD TEST, QUALITY AND GUARANTEES

(a) Tests or trials to determine the effectiveness of performance of a completed assembly or fabricated system shall be made by the Contractor, without cost to the Government.

(b) All articles and supplies, and equipment, parts and assemblies thereof, of standard manufacture, or for which detail design or requirements are not prescribed in these specifications, shall be guaranteed by the Contractor against any failure in the proper use or operation caused by defective material, workmanship, or design for a period of one (1) year from date of final acceptance of the complete work under this contract. Failure in any part due to such causes within that time shall be promptly and satisfactorily remedied by the Contractor without cost to the Government.

§ 1007.3106–9 Preservation of existing vegetation.

SP 1–09 PRESERVATION OF EXISTING VEGETATION

The Contractor will preserve and protect all existing vegetation such as trees, shrubs, and grass on or adjacent to the site which do not unreasonably interfere with the construction as may be determined by the Contracting Officer. The Contractor will be responsible for unauthorized cutting or damaging of trees and shrubs, including damage due to careless operation of equipment, stockpiling of materials, or tracking of grass areas by equipment.

Care will be taken by the Contractor in felling trees authorized for removal to avoid any unnecessary damage to vegetation that is to remain in place. Any limbs or branches of trees broken during such operations shall be trimmed with a clean cut and painted with an approved tree-pruning compound if required by the Contracting Officer. The Contractor will be liable for or may be required to replace or restore at his own expense all vegetation not protected and preserved as required herein that may be destroyed or damaged.

§ 1007.3106–10 Protection of material and work.

SP 1–10 PROTECTION OF MATERIAL AND WORK

Notwithstanding the provisions of the clause of this contract entitled "Government-Furnished Property," the Contractor shall at all times take care to protect and preserve all materials, supplies, and equipment of every description (including property which may be Government furnished or owned) and all work performed. All reasonable requests of the Contracting Officer to inclose or specially protect such property will be complied with. If, as determined by the Contracting Officer, material, equipment, supplies, and work performed are not adequately protected by the Contractor, such property may be protected by the Government and the cost thereof may be charged to the Contractor or deducted from any payments due to him.

§ 1007.3106–11 Possession prior to completion.

SP 1–11 POSSESSION PRIOR TO COMPLETION

The Government shall have the right to take possession of or use any completed or partially completed part of the work. Such possession or use shall not be deemed an acceptance of any work not completed in accordance with contract. If such prior possession or use by the Government delays the progress of the work or causes additional expense to the contractor, an equitable adjustment in the contract price and/or the time of completion will be made and the contract shall be modified in writing accordingly.

§ 1007.3106–12 Suspension of work.

SP 1–12 PRICE ADJUSTMENT FOR SUSPENSION, DELAY, OR INTERRUPTION OF THE WORK (JAN. 1961)

(a) The Contracting Officer may order the Contractor in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If, without the fault or negligence of the Contractor, the performance of all or any part of the work is for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of the contract, or by his failure to act within the time specified in the contract (or if no time is specified, within a reasonable time), an adjustment shall be made by the Contracting Officer for any increase in the cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, delay, or interruption, and the contract shall be modified in writing accordingly. No adjustment shall be made to the extent that performance by the Contractor would have been prevented by other causes even if the work had not been so suspended, delayed, or interrupted. No claim under this clause shall be allowed (i) for any costs incurred more than twenty days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply where a suspension order has issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final settlement of the contract. Any dispute concerning a question of fact arising under this clause shall be subject to the disputes clause.

§ 1007.3106–13 Identification of employees.

SP 1–13 IDENTIFICATION OF EMPLOYEES

The Contractor shall be responsible for furnishing to each employee and for requiring each employee engaged on the work to display, such identification as may be approved and directed by the Contracting Officer. All prescribed identification shall immediately be delivered to the Contracting Officer, for cancellation upon the release of any employee. When required by the Contracting Officer, the Contractor shall obtain and submit fingerprints of all persons employed or to be employed on the project.

§ 1007.3106–14 Cleaning up.

SP 1–14 CLEANING UP

The Contractor shall at all times keep the construction area, including storage areas used by him, free from accumulations of waste material or rubbish and prior to completion of the work, remove any rubbish from and about the premises, and all tools, scaffolding, equipment, and materials not the property of the Government. Upon completion of the construction, the Contractor shall leave the work and premises in a condition satisfactory to the Contracting Officer.

§ 1007.3106–15 Water.

Insert the more appropriate of the following clauses. Generally the first alternate clause will be used when the amount of water required by the contractor will be negligible and existing water systems are adequate without disruption or alteration. If the amount of water estimated to be required is substantial, would disrupt the existing water system, or would require additional connections, meters or other facilities, the second alternate should be used.

(a)

SP 1–1–15 WATER

All reasonable required amounts of water will be made available to the Contractor by the Government from Government-owned and operated water system without cost to the Contractor. The Contractor will carefully conserve all water.

(b)

SP 1–15 WATER

The responsibility shall be upon the Contractor to provide and maintain at his own expense an adequate supply of water of a quality suitable for his use for construction and domestic consumption. At his own expense, he shall install and maintain any necessary water supply connections and piping but only at such locations and in such workmanlike manner as may be authorized by the Contracting Officer. In the event water is made available by the Government, the Contractor shall at his own expense, install a meter to determine the amount of water used by him and such water will be paid for at prevailing rates to the Government or in the event the water is furnished from Government-owned and operated sources, at reasonable rates as determined by the Contracting Officer. All water shall be carefully conserved. Before final acceptance, temporary connections and piping installed by the contractor shall be removed in a workmanlike manner to the satisfaction of the Contracting Officer.

§ 1007.3106–16 Electricity.

Insert the most appropriate of the following three alternate clauses. Generally the first alternate will be used only where it is clearly practicable to meter service to the contractor and where the estimated cost of energy consumed will exceed $50.

(a)

SP 1–16 ELECTRICITY

All electric current required by the Contractor shall be furnished at his own expense. All temporary connections for electricity shall be subject to the approval of the Contracting Officer. In the event electricity is made available by the Government, the Contractor shall, at his own expense, install a meter to determine the amount of current used by him and such electricity will be paid for by or charged to the Contractor at prevailing rates charged to the Government or, in the event the electricity is generated by the Government, at reasonable rates, as determined by the Contracting Officer. All temporary lines will be furnished, installed, connected, and maintained by the Contractor in a workmanlike manner satisfactory to the Contracting Officer and shall be removed by the Contractor in like manner at his expense prior to final acceptance of the construction.

(b)

SP 1–16 ELECTRICITY

All electric current required by the Contractor shall be furnished at his own expense. All temporary connections for electricity shall be subject to approval of the Contracting Officer. In the event electricity is made available by the Government, the Contractor shall, at his own expense, install a meter to determine the amount of current used by him and such electricity will be paid for by the Contractor at prevailing rates charged to the Government or, in the event electricity is generated by the Government at reasonable rates as determined by the Contracting Officer, except that under the following conditions where electric power is furnished, such power will be furnished at no cost to the Contractor.

(1) Where fractional horsepower tools are used other than at a central location where metering is not feasible.

(2) Where the total value of the estimated quantity of electricity to be used in addition to that supplied without cost in (1) above is less than $50.

The Contractor will be furnished a statement of such charges and the amount so charged will be deducted from the final payment. All temporary lines will be furnished, installed, connected, and maintained by the Contractor in a workmanlike manner satisfactory to the Contracting Officer and shall be removed by the Contractor in like manner at his expense prior to final acceptance of the construction.

(c)

SP 1–16 ELECTRICITY,

All reasonable required amounts of electric power will be made available to the Contractor by the Government from Government-owned or -operated electrical systems and supplied without cost to the Contractor. The Contractor shall install and maintain at his own expense any necessary supply connections and facilities but only at such locations and in such workmanlike manner as may be authorized by the Contracting Officer. All electricity shall be carefully conserved. Before final acceptance, temporary connections and facilities installed by the Contractor shall be removed in a workmanlike manner to the satisfaction of the Contracting Officer. If, for any reason, the Government is unable to furnish all reasonable amounts of electric power required by the Contractor in the performance of this contract, it shall be the responsibility of the Contractor to provide an adequate supply of electric power at his own expense, subject to reimbursement by the Government on an actual cost basis.

§ 1007.3106–17 Airfield safety precautions.

SP 1–17 AIRFIELD SAFETY PRECAUTIONS

In addition to other normal safety requirements, the operation of all ground equipment (mobile or stationary), the placement of construction materials, and the performance of evacuation operations required for construction, repairs, or any other purpose within the landing and other safety precaution areas of all airdromes will be governed by the following:

(a) Definitions:

(1) Landing Areas. The term "landing areas" includes all runways and corresponding safety zones; an area 750 feet either side of the runway centerline; the clear zone extending 1,000 feet beyond ends of runways for a width of 1,500 feet; all taxiways and an area 250 feet from the taxiway edge farthest from the object (minimum of 350 feet at heavy bombardment airfields); and all aircraft parking aprons, and an area of 125-foot width adjoining the outside edges of such aprons.

(2) Safety Precaution Areas. This term includes portions of transitional and approach zones where placement of objects may result in vertical projections at or above the transitional or approach surface.

(i) Transitional Zone. The transitional zone is an area, adjoining the landing area and approach zone, covered by the transitional surface.

(ii) Transitional Surface. The transitional surface is the 1 on 7 side slope projecting upward and outward from the boundary of landing areas and approach surfaces to intersection with a horizontal surface, and imaginary plane 150 feet above established airfield elevation.

(iii) Approach Zone. The approach zone is an area beyond each clear zone extending on the ground for a distance of 25,000 feet along and symmetrical about the centerline of the runway. The width of the approach zone is 1,500 feet at the end of the clear zone, flaring to 4,000 feet wide at a distance of 10,000 feet from the clear zone, and continuing at the 4,000-foot width for the additional 15,000 feet.

(iv) Approach Surface. The approach surface is an imaginary plane covering the approach zone, beginning at the end of the clear zone at the elevation of the end of the runway and rising over the approach zone on a slope of 1 on 50 (known as the glide angle) for a horizontal distance of 10,000 feet (200 feet above the elevation of the end of runway). From this point the controlling elevation of the approach surface will remain at the 200-foot level for the remainder of the approach zone.

(b) Unless otherwise directed by the Contracting Officer, landing areas hazardous to aircraft will be outlined by yellow flags by day and electric, battery operated, low intensity, red flasher, lights by night.

(c) All vehicles (as defined in ANC–R–5 attached to AFR 62–11), while operating in the landing area, will be identified by means of a flag on a staff attached to and flying above the vehicle. This flag will be not less than 3 feet square and will consist of a checkered pattern of international orange and white squares of not less than 1 foot on each side. Flags varying in any dimension by not more than 10 percent of the specified dimensions are considered to comply with the stated requirements. All other equipment and materials in the landing areas and applicable portions of the safety precaution area, will, unless otherwise directed by the Contracting Officer, be marked with yellow flags by day and electric, battery operated, low intensity, red flasher, lights by night.

(d) Nothing will be placed upon the landing area or applicable portions of safety precaution areas without authority of the Contracting Officer.

(e) Neither equipment nor personnel will use any runway for purposes other than aircraft operation without permission of the Contracting Officer unless the runway is closed by order of the Contracting Officer and marked as indicated herein.

(f) The Contractor shall report to the Contracting Officer before initiating any work

and shall notify the Contracting Officer of proposed changes of locations and operations. At all airdromes where flying is controlled, additional permission must, in each and every instance, be obtained from the control tower operator before entering a landing area unless such area is marked as hazardous to aircraft as indicated herein.

(g) Work will be carried on in such a manner as to leave the portion of the landing area which is available to aircraft free from hazards, holes, material piles, or projecting shoulders which might damage an airplane tire. Paved surfaces such as runways, taxiways, and hardstands shall be kept clean at all times and specifically must be kept free from small stones which damage propellers.

(h) During periods of active performance of work on the airfield by the Contractor, the operation of mobile equipment will be governed by the safety provisions herein. At all other times, all mobile equipment will be removed to locations approved by the Contracting Officer at a distance no less than 750 feet from the centerline of the runway plus any additional distance necessary to insure compliance with safety provisions herein.

(i) Only those trenches for which material is on hand and ready for placing therein will be opened. As soon as practicable after material has been placed and work approved, trenches will be backfilled and compacted as required. In the meantime, all resulting hazardous conditions will be marked and lighted in accordance with safety provisions herein.

(j) Any object placed in the areas adjoining or adjacent to the landing areas, defined as safety precaution areas, which project above the transitional or approach surfaces, must be provided with a red light or lantern during the hours of darkness.

(k) No separate payments will be made for lighting and protection necessitated by safety provisions herein; all costs in connection therewith will be included in the cost of the work.

§ 1007.3106–18 Shop drawings.

SP 1–18 SHOP DRAWINGS

The Contractor shall submit to the Contracting Officer for approval four (4) copies of all shop drawings as called for under the various headings of these specifications. These drawings shall be complete and shall contain all required detailed information. If approved by the Contracting Officer, each copy of the drawings will be identified as having received such approval by being so stamped and dated. The Contractor shall make any corrections required by the Contracting Officer. Three (3) sets of all shop drawings will be retained by the Contracting Officer and one set will be returned to the Contractor. The approval of the drawings by the Contracting Officer shall not be construed as a complete check but will indicate only that the general method of construction and detailing is satisfactory. Approval of such drawings will not relieve the Contractor of the responsibility for any error which may exist, as the Contractor shall be responsible for the dimensions and design of adequate connections, details, and satisfactory construction of all work.

§ 1007.3106–19 Final examination and acceptance relating to payment.

SP 1–19 FINAL EXAMINATION AND ACCEPTANCE RELATING TO PAYMENT

(a) Within thirty (30) days after completion of all work under this contract, if possible, the work will be given a final examination. When all of the work is found to be satisfactorily completed in accordance with the specifications, the entire work will be finally accepted by the Contracting Officer for and in behalf of the Government and final payment will be made to the Contractor.

(b) Final acceptance of the work and deductions or corrections of deductions made thereon will not be reopened after having once been made, except on evidence of collusion, fraud, or obvious error in connection with such final acceptance or payment.

(c) For purposes of this clause, final acceptance refers only to final acceptance which will allow the Contractor to be paid and does not refer to the final acceptance in relation to inspection of material, in connection with which the Government reserves certain rights as set forth in clause 9 (d) of this contract.

§ 1007.3106–20 Domestic articles.

SP 1–20 DOMESTIC ARTICLES

Pursuant to clause 17 (Buy American Act) hereof, certain items of foreign origin have been exempted by the head of the department from the Buy American Act. A list of such items may be inspected at the office of the Contracting Officer.

§ 1007.3106–21 Rates of wages.

SP 1–21 RATES OF WAGES

(a) In accordance with the requirements of clause 20 of this contract, the minimum wages to be paid laborers and mechanics on this project, as most recently determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as set forth in Schedule "A," attached. The complete determination is incorporated in the contract specifications regardless of whether the Contractor will employ all of the classes of laborers and mechanics listed.

(b) Any class of laborers and mechanics not listed in Schedule "A," attached, which will be employed on this contract shall be classified or reclassified conformably to Schedule "A," attached, by mutual agreement between the Contractor and the class of labor concerned, subject to the prior approval of the Contracting Officer. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the Contracting Officer, shall be referred to the Secretary of Labor for final determination.

§ 1007.3106–22 Protection of existing structures, utilities, and work.

SP 1–22 PROTECTION OF EXISTING STRUCTURES, UTILITIES, AND WORK

The Contractor shall protect all existing structures, utilities, and work of any kind against damage or interruption of service. Damage or interruption of service resulting from failure to do so shall be repaired or restored promptly by, and at the expense of, the Contractor.

§ 1007.3107 Additional special provisions.

Additional special provisions may be inserted according to the necessities of the construction work called for by the contract, provided that no contract clauses contained in Chapter I of this title or this chapter will be included in such special provisions.

Subpart FF—Clauses for Bakery and Dairy Products Contracts

§ 1007.3200 Scope of subpart.

This subpart sets forth clauses for use in contracts for the procurement of bakery and dairy products.

§ 1007.3202 Definitions.

§ 1007.3202–1 Contracts for the procurement of bakery products.

"Contracts for the procurement of bakery products" means any contract for the procurement of bread, rolls, or other products normally procured from commercial bakeries.

§ 1007.3202–2 Contracts for the procurement of dairy products.

"Contracts for the procurement of dairy products" means any contract for the procurement of dairy products including, by way of illustration and without limitation, milk, milk products, and ice cream.

§ 1007.3203 Required clauses.

§ 1007.3203–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.3203–2 Inspection.

Insert the clause set forth in § 1007.4037.

§ 1007.3203–3 Responsibility for supplies.

Insert the clause set forth in § 7.103–6 of this title.

§ 1007.3203–4 Payments.

Insert the clause set forth in § 7.103–7 of this title.

§ 1007.3203–5 Assignment of claims.

Insert paragraph (a) of the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.3203–6 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.3203–7 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.3203–8 Notice and assistance regarding patent infringement.

Insert the clause set forth in § 9.104 of this title.

§ 1007.3203–9 Buy American Act.

Insert the clause set forth in § 6.104–5 of this title.

§ 1007.3203–10 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.3203–11 Eight-hour law of 1912; overtime compensation.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.3203–12 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 12.604 of this title.

§ 1007.3203–13 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.3203–14 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.3203–15 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.3203–16 Termination for convenience of the Government.

See § 8.705 of this title.

§ 1007.3203–17 Federal, State, and local taxes.

See § 11.401–1 of this title.

§ 1007.3203–18 Utilization of small business concerns.

Insert the clause set forth in § 7.104–14.

§ 1007.3203–19 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.3203–20 Vehicles or conveyances.

Insert the clause set forth in § 1007.4018.

§ 1007.3203–21 Federal Food, Drug, and Cosmetic Act.

Insert the clause set forth in § 1007.4019.

§ 1007.3203–22 Sanitary inspection.

Insert the clause set forth in § 1007.4017 according to instructions set forth herein.

§ 1007.3203–23 Preference for certain domestic commodities.

See § 6.305 of this title.

§ 1007.3203–24 Renegotiation.

See § 7.103–13 of this title.

§ 1007.3204 Clauses to be used when applicable.

§ 1007.3204–1 Special clauses.

Applicable clauses of Subpart NN of this part, not specifically covered herein, will be inserted according to instructions pertaining thereto.

§ 1007.3204–2 Estimated requirements.

See § 1007.4028.

§ 1007.3204–3 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.3204–4 Examination of records.

Insert the clause set forth in § 7.104–15 when the contract results from negotiation; contracts resulting from advertising will not contain this clause.

§ 1007.3204–5 Alteration in contract.

According to the requirements for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.3204–6 Milk bottles.

(a) If the contract is for the delivery of milk in bottles, except where the purpose of the procurement is to obtain milk for resale, insert the following clause:

MILK BOTTLES

When milk is delivered in glass bottles, the cost of the bottle shall not be included in the price of the milk, and the bottles shall remain the property of the contractor. The Government will endeavor to prevent undue breakage or loss of bottles while in its possession; however, the Government shall not be held responsible or liable in any way for any bottles which may become broken or lost.

(b) If the purpose of the procurement is to procure milk for commissary resale, insert the following clause:

MILK BOTTLES

The unit price of the glass containers furnished by the contractor for the delivery of milk hereunder shall be set forth separately in the Schedule. The contractor shall bill the Government for the price of the products delivered plus the price of the glass containers. The contractor shall pick up the reuseable glass containers at the Commissary Store periodically at the request of the Commissary Officer, and shall refund the Government in cash, or check payable to the Commissary Officer, the aggregate value of the picked up reuseable containers. This value shall be computed at the respective unit container prices specified in the Schedule.

§ 1007.3204–7 Laboratory analysis.

LABORATORY ANALYSIS

(a) During the life of this contract a Government inspector will draw samples from not less than three shipments during each monthly period for laboratory analysis. If such analysis reveals a percentage of butterfat below that specified elsewhere in this contract, the weighted average butterfat percentage of the lots from which the samples were drawn shall be ascertained on the basis of the percentage in the samples, and all products delivered during the month shall be deemed to have contained the average percentage of butterfat so ascertained.

(b) If the average butterfat content so determined is below contract requirements, the price per unit paid to the contractor for that month shall be in the same ratio to the contract price per unit as the average butterfat content so delivered. No payment over the contract unit price will be made for any delivery of products containing more than the required percentage of butterfat, as stated in the contract.

(c) The foregoing is an agreed formula for adjustment of prices for accepted products which might have been rejected, and is without prejudice to the Government's right to terminate for default or to pursue any other remedy under this contract or provided by law.

§ 1007.3204–8 Weight of containers.

This clause will be included in contracts for the procurement of fluid milk in dispenser type cans.

WEIGHT OF CONTAINERS

The average tare weight of cans, lids, tubes and seals, as a complete unit, will be determined by the contractor prior to the beginning of the milk contract. This tare weight will be furnished the inspector by the contractor as a certification on the shipping document, copy of which will be supplied inspector. The verification of contractors' tare weight will be the responsibility of the inspector. In the event contractor utilizes cans of different weights (different manufacturer or reworked) in a single delivery, it will be his responsibility to furnish the inspector average unit tare weight for each group, identifying features of each group and certification of different group tares. In determining the net weight, milk will be considered to weigh 8.6 lbs. per gallon.

§ 1007.3204–9 Containers.

The following clause will be included in contracts for the procurement of bakery products.

CONTAINERS

Delivery shall be made in suitable containers which shall not be included in the contract price. The contractor shall be required to pick up his containers. The Government will not be responsible for any loss or damage to the containers.

§ 1007.3204–10 Price adjustments for subsidized ingredients.

Insert the appropriate one of the following clauses where the contract is for the procurement of recombined or filled milk at oversea installations.

(a) The following clause shall be used when subsidized ingredients are not expected to be available.

PRICE ADJUSTMENT FOR SUBSIDIZED INGREDIENTS—UNEXPECTED SUBSIDIES REALIZED (OCT. 1960)

The contract price is based on the assumption that the Contractor will use, in the performance of the contract, only ingredients purchased at domestic United States market prices. If the Contractor uses in the performance of this contract any ingredients purchased at Commodity Credit Corporation subsidized prices, the Contractor shall submit to the Contracting Officer within sixty (60) days after the last delivery under the contract, unless a different time is agreed to by the parties, a statement showing the difference between the costs incurred for the subsidized ingredients and the costs which would have been incurred for ingredients purchased at United States market prices if subsidized ingredients had not been used, together with such other information as the Contracting Officer may reasonably request. Promptly after the submission of such information, the parties shall negotiate to equitably decrease the contract price by an amount reflecting the difference between such costs. Upon agreement, the contract price shall be modified accordingly. If the parties fail to agree upon such decrease within sixty (60) days after the date on which such information is required to be submitted, or within such further time as may be agreed on by the parties, the failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The following clause will be used when the Contractor quotes a price based upon the use of subsidized ingredients. When this clause is used the schedule shall contain the prices of the respective ingredients that are used in establishing the contract price. The contract schedule shall also contain a reasonable ceiling in accordance with ASPR 3-403.2(a) for the purpose of limiting the upward adjustment. This ceiling shall be no higher than the price that would be established if prices were initially negotiated on the assumption that ingredients would be purchased at Domestic U.S. Market prices.

PRICE ADJUSTMENT FOR SUBSIDIZED INGREDIENTS—EXPECTED SUBSIDIES NOT REALIZED (OCT. 1960)

The contract price is based on the assumption that the Contractor will use, in the performance of this contract, only such nonfat dry milk and anhydrous milk fat ingredients as have been purchased at the Commodity

Credit Corporation subsidized prices set forth in the Schedule. The Contractor warrants that the contract price does not include any allowance for any contingency to cover increased costs of performance which may result from the Contractor being unable to purchase such ingredients at such subsidized prices. If the Contractor is unable to purchase such ingredients at such prices for the performance of this contract or any part thereof, the Contractor may submit to the Contracting Officer within sixty (60) days after the last delivery under the contract, unless a different time is agreed to by the parties, a statement showing the difference between the costs which would have been incurred for the subsidized ingredients had they been purchased by the Contractor at such prices and the costs which were incurred in lieu thereof, together with such other information as the Contracting Officer may reasonably request. If the Contractor uses in the performance of this contract any ingredients purchased at CCC subsidized prices lower than those set forth in the Schedule, the Contractor shall submit to the Contracting Officer, within the period described above, a statement and other information as described above. Promptly after the submission of such information, the parties shall negotiate to equitably adjust the contract price by an amount reflecting the difference between such costs. Upon agreement, the contract shall be modified accordingly. If the parties fail to agree upon such adjustment within sixty (60) days after the date on which such information is required to be submitted, or within such further time as may be agreed on by the parties, the failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

§ 1007.3205 Additional clauses.

§ 1007.3205–1 General.

Any other clause authorized by Subchapter A, Chapter I of this title or this Subchapter may be used according to the instructions pertaining thereto.

Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

§ 1007.3302 Definitions.

§ 1007.3302–1 Contracts for laundry or dry-cleaning services.

"Contracts for laundry or dry-cleaning services" means any contract for the procurement of such services entered into pursuant to authority contained in applicable regulations.

§ 1007.3303 Required clauses.

The following clauses will be inserted in all contracts for laundry or dry cleaning services:

§ 1007.3303–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title, and add the following paragraphs thereto:

(d) The term "Government - furnished property" means any supplies or facilities furnished to the Contractor by the Government for use in connection with the performance of this contract, but does not include the articles delivered to the Contractor to be laundered or dry cleaned.

(e) The term "Government-owned property" means all of the articles delivered to the Contractor to be laundered or dry cleaned, expressly including any articles which may actually be owned by individual Government personnel.

§ 1007.3303–2 Inspection.

See § 1007.4037.

§ 1007.3303–3 Assignment of claims.

Insert paragraph (a) of the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.3303–4 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.3303–5 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.3303–6 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.3303–7 Eight-Hour Law of 1912; overtime compensation.

See § 12.303–1 of this title.

§ 1007.3303–8 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.3303–9 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.3303–10 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.3303–11 Termination for the convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

§ 1007.3303–12 Federal, State and local taxes.

See § 11.401–1 of this title.

§ 1007.3303–13 Renegotiation.

See § 7.103–13 of this title.

§ 1007.3303–14 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.3303–15 Utilization of small business concerns.

Insert the clause set forth in § 7.104–14 of this title.

§ 1007.3303–16 Government-furnished property.

Insert the following clause:

GOVERNMENT-FURNISHED PROPERTY

All water-repellent compounds required to be used for laundered or dry cleaned articles or garments shall be furnished by the Government, unless the Contractor uses processes requiring water-repellent compounds not stocked by the Government.

§ 1007.3303–17 Count of articles.

Insert the following clause:

COUNT OF ARTICLES

The Contractor shall be liable for the return of the number of articles furnished for service under this contract in accordance with the count of the Contracting Officer, unless a joint count shall be made by the Contractor and the Contracting Officer at the time of delivery to the Contractor, in which event the number agreed upon at such joint count shall control.

§ 1007.3303–18 Loss or damage.

Insert the following clause:

LOSS OR DAMAGE

(a) The Contractor agrees to indemnify the Government for any Government-owned property delivered to the Contractor for servicing under the terms of this contract which (i) cannot be located for return to its individual owner or (ii) is damaged and cannot, in the opinion of the Contracting Officer or the Contractor, be satisfactorily repaired. In either of the above events, the Contractor agrees to pay to the Government, or to the individual owner of any specific item, who shall be the assignee of the Government's claim with regard to that specific item, the value determined therefore in accordance with Air Force Manual 67–1; or, for items not covered by that Manual, the original cost of such items as determined by the Contracting Officer: *Provided*, That, when in the judgment of the Contracting Officer, credit should be allowed for depreciation in the value of the property at the time of such loss or damage, the parties hereto shall determine the amount of the allowa : credit. If the parties fail to agree upon the amounts of allowable credit, the dispute shall be determined as provided in the clause hereof entitled "Disputes."

(b) In case of damage to any article of such property which in the opinion of the Contracting Officer and the Contractor can be satisfactorily repaired, the Contractor agrees to repair the same at Contractor's expense in a manner satisfactory to the Contracting Officer.

§ 1007.3303–19 Records of Government-owned property.

RECORDS OF GOVERNMENT-OWNED PROPERTY

The base Laundry Officer, for general laundry and dry-cleaning services, and the base Medical Supply Officer, for hospital services, shall maintain the necessary property records in connection with their respective participation in this contract.

§ 1007.3303–20 Storage and handling.

STORAGE AND HANDLING

During the time Government-owned property is in the place of business of the Contractor it shall be stored so as to be raised at least four (4) inches from the floor. The Contractor warrants that all articles to be laundered or dry cleaned under this contract will be segregated in the Contractor's place of business and handled separately from any other work in process, and that hospital laundry and dry cleaning articles will be handled separately from other articles.

§ 1007.3304 Clauses to be used when applicable.

§ 1007.3304–1 Examination of records.

Insert the clause set forth in § 7.104–15 of this title when the contract results from negotiation; contracts resulting from advertising will not contain this clause.

§ 1007.3304–2 Approval of contract.

Whenever the contract requires manual approval, other than by the Contracting Officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.3304–3 Alterations in contract.

According to the requirements for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.3304–4 Special clauses.

Applicable clauses of Subpart NN of this part, not specifically covered herein, will be inserted according to the instructions pertaining thereto.

§ 1007.3304–5 Estimated requirements.

See § 1007.4028.

§ 1007.3305 Additional clauses.

§ 1007.3305–1 General.

Any other clause authorized by Subchapter A, Chapter I of this title or this subchapter may be used according to the instructions pertaining thereto.

Subpart HH—[Reserved]

Subpart II—Clauses for Packing and Crating Contracts

§ 1007.3502 Definitions.

§ 1007.3502–1 Contracts for packing and crating of household goods.

"Contracts for packing and crating of household goods" means any contract for the procurement of such services entered into pursuant to authority contained in applicable regulations.

§ 1007.3503 Required clauses.

The following clauses will be inserted in all contracts for the procurement of packing and crating of household goods.

§ 1007.3503–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.3503–2 Inspection.

Insert the clause set forth in § 1007.4037.

§ 1007.3503–3 Responsibility for supplies.

Insert the clause set forth in § 7.103–6 of this title.

§ 1007.3503–4 Payments.

Insert the clause set forth in § 7.103–7 of this title.

§ 1007.3503–5 Assignments of claims.

Insert subparagraph (a) of the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.3503–6 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.3503–7 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.3503–8 Notice and assistance regarding patent infringement.

Insert the clause set forth in § 9.104 of this title.

§ 1007.3503–9 Buy American Act.

See § 6.104–5 of this title.

§ 1007.3503–10 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.3503–11 Eight-hour law of 1912; overtime compensation.

See § 12.303–1 of this title.

§ 1007.3503–12 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 12.604 of this title.

§ 1007.3503–13 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.3503–14 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.3503–15 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.3503–16 Termination for convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

§ 1007.3503–17 Federal, State and local taxes.

See § 11.401–1 of this title.

§ 1007.3503–18 Utilization of small business concerns.

Insert the clause set forth in § 7.104–14 of this title.

§ 1007.3503–19 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.3503–21 Weighing and marking.

Insert the following clause:

WEIGHING AND MARKING

Each container (box, crate, barrel, etc.) shall be weighed and marked by the Contractor at the time packing and crating services are performed, except as otherwise provided in this contract. The costs of weighing and marking are included in the contract price for items calling for packing and crating services. The Contractor guarantees that the scales used for weighing are accurate and that their accuracy will be checked and certified by an inspector acceptable to the Contracting Officer not less than once every 6 months. The costs of such inspections shall be borne by the Contractor. The Contractor also guarantees that all weighing and marking will be accurately performed. Failure to meet these requirements satisfactorily, as determined by the Contracting Officer, shall be sufficient reason for termination of the contract by the Government under the clause hereof entitled "Default." Each container shall be suitably and legibly marked as designated by the Contracting Officer. Necessary information and instruction relative to markings required will be provided by the Contracting Officer for each order against this contract; such marking shall be governed by regulations applicable to the ordering agency.

§ 1007.3503–22 Contractor's liabilities.

Insert the folowing clause:

LIABILITY FOR LOSS OR DAMAGE TO HOUSEHOLD GOODS

(a) Subject to the limitation set out in paragraph (b) of this clause, the Contractor shall be liable under this contract to the owner of the household goods for any and all loss or damage to such goods while in the Contractor's control or custody, except that the Contractor shall not be liable hereunder for any loss or damage which the Contractor affirmatively shows to have resulted from an Act of God, or the public enemy, or strike, riot or civil commotion.

(b) The Contractor's liability hereunder for loss or damage to the household goods is limited to thirty dollars ($30) per 100 pounds, and the rates of compensation stipulated herein have been negotiated to reflect such limitation of liability.

(c) For any loss or damage for which the Contractor is liable hereunder, the Contractor shall make prompt payment to the owner of the goods lost or damaged.

§ 1007.3503–23 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.3503–24 Government property.

The following clause will be inserted and in addition the contract schedule will specify the individual who will maintain the Government property records in connection with the contract:

GOVERNMENT PROPERTY

(a) When household goods boxes of the types described in paragraphs 4.21 and 4.23, MIL–STD–212B are furnished by the Government, title shall remain in the Government. Title to all Contractor-acquired boxes of these types shall pass to the Government upon use in performing acceptable services ordered under this contract. All such boxes are hereinafter referred to as Government property. Government property shall be used only for the performance of this contract.

(b) The Contractor shall store Government property as specified in the Schedule, and shall utilize Government property in its possession as directed by the Contracting Officer. The Contractor shall be accountable and responsible for all Government property in its possession, and shall maintain and administer in accordance with sound industrial practice, a program for the preservation and protection of Government property, taking all responsible steps to comply with the directions of the Contracting Officer in connection therewith.

(c) In cases of loss or damage to Government property as a result of negligence of the Contractor or its employees, the Contractor agrees to indemnify the Government therefor, or to repair the Government property at the Contractor's expense, in a manner satisfactory to the Contracting Officer.

(d) Upon completion or termination of this contract, the Contractor will make disposition of residual Government property in accordance with instructions issued by the Contracting Officer.

§ 1007.3504 Clauses to be used when applicable.

§ 1007.3504–1 Special clauses.

Applicable clauses of Subpart NN of this part, not specifically covered herein, will be inserted according to the instructions pertaining thereto.

§ 1007.3504–2 Estimated requirements.

According to the requirements of § 1007.4028, insert the clause set forth in that section.

§ 1007.3504–3 Priorities, allocations and allotments.

According to the requirements of § 1.307 of this title insert the clause set forth in § 7.104–18 of this title.

§ 1007.3504–4 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.3504–5 Alterations in contract.

According to the requirements of this title, insert the clause set forth in § 7.105–1 of this title.

§ 1007.3504–6 Examination of records.

Insert the clause set forth in § 7.104–15 of this title when the contract results from negotiation; contracts resulting from advertising will not contain this clause.

§ 1007.3504–7 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth in that section.

§ 1007.3505 Additional clauses.

§ 1007.3505–1 General.

Any other clause authorized by Subchapter A, Chapter I of this title or this Subchapter may be used according to the instructions pertaining thereto.

Subpart JJ—Contracts for Care of Remains

§ 1007.3602 Definition.

As used throughout this subpart, the term "contract for the care of remains" means any contract for the procurement of services for care of remains of deceased personnel for whom services may be ordered by the Government.

§ 1007.3603 Schedule.

The following will be used as the schedule for contracts for care of remains and will be completed with appropriate information.

SCHEDULE

(Contract for Care of Remains)

PART I—SUPPLIES, SERVICES AND TRANSPORTATION TO BE FURNISHED

The Contractor shall furnish to the Government such supplies, services and transportation described in this Schedule as may be called for by the Contracting Officer during the contract period.

a. Contract period. The contract period shall extend from _____ through _____.

b. Area of performance. This contract is established to provide for care of remains in the area within a radius of 30 miles of the contractor's establishment. The contractor will from time to time be required to go beyond the 30-mile radius in performance of this contract. When required to go beyond the 30-mile radius the contractor will be paid on a per loaded mile basis for the distance traveled outside of the 30-mile radius.

c. Personnel exceptions. Except as provided below, the supplies, services and transportation described below are for care of remains of deceased personnel for whom services may be ordered by the government. Exceptions: _____

_____

(State exceptions, or if none, so state)

d. Using activities. Using activities, in addition to the installation making this contract, are as follows:

_____

_____

e. Invoices for payment shall be submitted to

_____

_____

f. Supplies, services, and transportation.

Item No.	Supplies, services, and transportation	Quantity estimated	Unit	Price Unit	Amount
1	For a Type I Casket, supplies, services and all transportation within a 30 mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876 (USAF), Paragraph 3 (subparagraphs 3.1, 3.2 and 3.3), 4 and 5.		EA		
2	For a Type II Casket, supplies, services and all transportation within a 30 mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876 (USAF), Paragraphs 3 (subparagraphs 3.1, 3.2 and 3.3), 4 and 5.		EA		
3	For transportation in a suitable funeral coach, ambulance, and/or service car when required to go beyond the 30 mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876 (USAF), Paragraph 3 (subparagraph 3.4). If an AF Aerial Port of Entry is to be a using activity, the following will be added as an addendum to the Schedule:		EA (loaded mile)		
4a	For a Type I Casket, Shipping Case, touch-up services and all transportation within a 30 mile radius of the contractor's establishment in accordance with Specification 3 (subparagraphs 3.2 and 3.5), 4 and 5.		EA		
b	Same requirement as a., except Type I Casket and shipping case oversize. (Indicate additional cost of casket and case only.)				
5a	For a Type II Casket, Shipping Case, touch-up service and all transportation within a 30 mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876 (USAF), Paragraphs 3, (subparagraphs 3.2 and 3.5), 4 and 5.		EA		
b	Same requirement as a., except Type II Casket and Shipping Case oversize. (Indicate additional cost of casket and case only.)		EA		
6	For transportation (except 30 mile radius condition) of remains in a suitable funeral coach or service car from AF Port of Entry (flight line or base) to contractor's establishment to selected carrier terminal in accordance with Specification MIL–C–9876 (USAF), Paragraph 3 (subparagraph 3.6).				
a	For transportation from AF Port of Entry to funeral home to selected rail terminal.		EA (per loaded trip).		
b	For transportation from AF Port of Entry to funeral home to selected air terminal.		EA (per loaded trip).		
c	For examining casketed adult remains prior to delivery to selected carrier terminal.		EA		
d	For any touch-up services required on casketed adult remains.		EA		

NOTE: (1) Calls for items 3, 4, 5, or 6 of Schedule and Addendum thereto will be as directed by the contracting officer; (2) Items 6c and 6d are for use of Charleston Air Force Base when casketed remains are received from Puerto Rico and the Panama Canal Zone.

§ 1007.3604 General provisions.

The following general provisions will be included in contracts for care of remains and will be entitled "Part II."

§ 1007.3604–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.3604–2 Changes.

Insert the clause set forth in § 1007.4025.

§ 1007.3604–3 Inspection.

Insert the clause set forth in § 1007.4037.

§ 1007.3604–4 Payments.

Insert the clause set forth in § 7.103–7 of this title.

§ 1007.3604–5 Assignment of claims.

Insert paragraph (a) of the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.3604–6 Federal, State, and local taxes.

Insert the clause set forth in § 11.401 of this title.

§ 1007.3604–7 Termination for convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

§ 1007.3604–8 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.3604–9 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.3604–10 Estimated requirements.

Insert the clause set forth in § 1007.4028.

§ 1007.3604–12 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.3604–13 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.3604-14 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 12.604 of this title.

§ 1007.3604–15 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.3604–16 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.3604–17 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.3604–18 Subcontracts.

Insert the clause set forth in § 1007.4030(b).

§ 1007.3604–19 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.3604–20 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.3604–21 Transportation.

Insert the following clause:

The Contractor shall transport remains to the place where the preparation of remains is to be performed, to a common carrier, and to any other place specified by the Contracting Officer.

§ 1007.3604–22 Inconsistent provisions.

Insert the following clause:

In the event of any inconsistency in the provisions of any of the parts of this contract, the following order shall control: Schedule (Part I); General Provisions (Part II); and Military Specification MIL–C–9876 (USAF) as in effect on date of this contract.

§ 1007.3604–23 Advertising prohibited.

Insert the following clause:

The Contractor shall not advertise in any way that he has a contractual relationship with the Government as a result of the award of this contract.

§ 1007.3604–24 Professional requirements.

Insert the following clause:

(a) Preparation and transportation of remains shall be performed in accordance with all applicable federal, state and local health laws, statutes and regulations. The Contractor is responsible for insuring that all necessary health department permits are in order for disposition of remains.

(b) The funeral home shall be licensed by the state health department where required, and shall have a qualified manager and a competent staff to furnish the highest quality of professional services.

§ 1007.3604–25 Facility requirements.

Insert the following clause:

(a) The funeral home shall have complete facilities for maintaining the highest standard of solemnity, reverence, assistance to the family, and arrangements for prescribed ceremonial services.

(b) Preparation room shall be clean and sanitary with adequate equipment.

(c) Chapel and reposing room shall present an appearance of careful upkeep. The funeral home shall have, or be able to obtain catafalques, church trucks and equipment for Protestant, Catholic and Jewish services.

(d) The general appearance of the funeral home, furnishings, grounds and surrounding area shall give the impression of a clean and well kept establishment.

§ 1007.3604–26 Coordination.

Insert the following clause:

Necessary coordination shall be effected with the Contractor's funeral director on all funeral arrangements, which shall include the time remains will be ready for inspection, viewing and shipment, time and place of religious services, time and place of interment and shipping schedules or final disposition of remains.

§ 1007.3604–27 Time of delivery.

Insert the following clause:

The Contractor shall furnish the Supplies and Services called for as soon as practicable after receipt of a call issued hereunder. In no case will shipment be made until the Contractor certifies that the remains will be in an acceptable state of preservation upon final delivery. The Contractor shall not be responsible for notifying the consignee of time of arrival of shipped remains.

§ 1007.3604–28 Preparation of remains at other than contractor's establishment.

Insert the following clause:

Preparation of remains at a place other than the Contractor's establishment shall require the concurrence of the Contracting Officer.

§ 1007.3604–29 Oversized casket.

When an oversized casket is required for any remains prepared under this contract, and no price therefor has been established in the schedule, the additional cost shall be allowed as approved by the Contracting Officer. Caskets exceeding either an inside length of 78 inches or an inside width of 23 inches shall be considered oversized. (Mar. 1961)

§ 1007.3604–30 Group interment.

Insert the following clause:

Payments to the Contractor for supplies and services provided for remains to be interred as a group shall be made on the basis of the number of caskets furnished rather than on the basis of the number of persons in the group.

§ 1007.3604–31 Preparation history.

Insert the following clause:

For each remains prepared, or each casket handled pursuant to the clause hereof entitled "Group Interment," the Contractor shall state briefly, on a certificate furnished by the Contracting Officer, the results of the embalming process.

§ 1007.3604–32 Major restorative art.

Insert the following clause:

The Contractor shall advise the Contracting Officer promptly of any need for Major Restorative Art technique (restoration of facial contours, such as nose, ears, mouth, chin, etc.) required for any remains prepared under this contract to permit the viewing of remains at final destination, and upon direction of the Contracting Officer, shall perform such restoration. The cost of such restoration shall be allowed as approved by the Contracting Officer.

§ 1007.3604–33 Passenger car.

When a passenger car is required to transport members of the immediate family to the funeral service and, if necessary, to the selected carrier terminal and return, the cost shall be allowed as approved by the Contracting Officer. (Mar. 1961)

§ 1007.3605 Clauses to be used when applicable.

§ 1007.3605–1 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.3605–2 Government - furnished property.

If an Air Force Aerial Port of Entry is to be a using activity, insert the clause set forth in § 13.502 of this title.

§ 1007.3605–3 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause set forth in § 7.104–18 of this title.

§ 1007.3605–4 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth in that section.

§ 1007.3606 Specifications.

The following specifications will be used in contracts for the care of remains and will be entitled "Part III."

SPECIFICATIONS (CONTRACT FOR CARE OF REMAINS)

PART III

SPECIFICATION A—PREPARATION OF REMAINS

a. *Analysis.* The preparing embalmer shall critically analyze his completed treatment keeping the following basic requirements in mind as a guide:

(1) The remains shall be bathed, and the face shaved and the hair trimmed. Hair dressing shall be accomplished on female personnel. Fingernails shall be trimmed and cleaned and cosmetics applied to render a satisfactory appearance. The mouth shall be securely closed and the eyes treated to prevent excessive wrinkling, sunken appearance or transparent lids.

(2) Lacerations, abrasions and incisions shall be adequately sutured and sealed to prevent leakage. There shall be no distention or presence of gases in the trunk cavities. Postmortem discolorations resulting from improper circulation of embalming chemicals shall not be in evidence. Postmortem stains shall be chemically bleached and rendered invisible by cosmetic treatment. Swollen or distorted features shall be reduced to the normal likeness of the deceased.

(3) Maggots and other parasites shall be destroyed, removed and their breeding media immunized. Ample time must be allotted to allow the fumes from chemicals used in treating parasites and larvae to dissipate to prevent objectionable odors.

b. *Chemicals.* Only standard commercial chemicals accepted by the profession shall be used.

c. *Types.* It shall be recognized that deceased personnel are classified into three types of remains. Necessarily each type requires variation in the embalming treatment to accomplish the maximum of results. The condition of the remains shall dictate the manner in which thorough preservation of all cellular tissue is to be accomplished. The time element involved during the interval between embalming and arrival of the remains at final destination is a factor requiring consideration during preparation. Adequate time shall be allowed for each embalming operation and for postmortem inspections to insure arrival of each remains at its final destination in an acceptable state of preservation.

(1) *Type A—Normal remains.* (a) These are remains where death is due to natural causes, and will consist of nonautopsied, nonmutilated remains in which only minor tissue destruction has occurred.

(b) Treatment. A thorough preembalming analysis shall be made to determine the most effective embalming procedure to be employed. Initial injection should consist of a proper strength chemical with subsequent injections being increased in concentration to penetrate thoroughly all capillaries. In addition, hypodermic injection, packs and other specialized treatment shall be employed to insure adequate preservation. Drainage shall be accomplished utilizing the necessary technique to produce maximum results. The abdominal and thoracic cavities should be thoroughly aspirated and injected with sufficient quantities of acceptable chemicals to insure preservation.

(2) *Type B—Autopsied remains.* (a) These are remains on which either a partial or complete autopsy has been performed.

(b) Treatment. The six-point injection technique shall be on a sectional basis with additional hypodermic injections in the upper and lower extremities. Chemicals must be of sufficient quantity and concentration to insure penetration and preservation. On thoracic or abdominal autopsies the viscera shall be removed, placed in a receptacle and covered with chemicals and intestinal and abdominal gases shall be relieved. When a cranial autopsy has been accomplished, the contents of the cranial cavity shall be treated in the same manner as the viscera. Following completion of the embalming operation, these organs shall be treated liberally with hardening compound and replaced within the cavities in the normal anatomical location.

(3) *Type C—Non-viewable remains.* (a) These are remains wherein there exists extreme mutilation, advanced stages of putrefaction or severe burning or charring and restoration to a normal lifelike appearance by major restorative art measures are precluded.

(b) Treatment.

1. Professional treatment utilized for Type A and Type B remains shall be employed depending upon the condition of the remains.

2. Mutilated remains shall be treated utilizing the arterial injection technique wherever possible, supplemented by hypodermic injections, immersion in chemicals and use of hardening compound.

3. Preservative techniques, in addition to Type A and Type B methods, shall be employed as required by the situation encountered. These supplemental techniques will include:

(*a*) Thorough aspiration of foreign material, and injection of proper embalming chemicals.

(*b*) Hypodermic injection of all unembalmed areas using proper strength chemicals.

(*c*) Liberal application of hardening compound to charred and/or mutilated portions.

(*d*) Application of chemical packs to localized area.

(*e*) Other approved techniques when appropriate.

(c) In cases where identification of remains is pending, the following procedures will be used:

1. All remains will be thoroughly treated with a 1: 3 solution of a commercially accepted cavity fluid. In addition to this treatment, the remains will also be thoroughly sprayed with a concentrated solution of a good commercial grade chemical-type deodorant (nonmasking) as required.

2. When the identification processing has been completed, preparation will be continued as prescribed in paragraph c (3) (b) above.

(d) *Inspection.* Remains shall be inspected by a licensed embalmer after a suitable time has elapsed to make certain that preservation is uniform and complete. When reinjection is necessary, it must be done before delivery of the remains. Whenever necessary, remains shall be held for repeated attention until their condition is satisfactory.

(e) *Cosmetizing.* Tissue repairs and cosmetic treatment are considered to be part of Preparation of Remains, which shall also include minor restorative art work (lacerations, contusions, abrasions, ecchymosis, etc.) to present a viewable remains upon arrival at final destination.

(f) *Dressing remains.* Remains shall be dressed in the clothing furnished, except that where remains are so mutilated as to preclude dressing, they shall be neatly wrapped in the rubber sheet and blanket furnished. Satisfactory appearance shall be insured whether the remains are dressed or wrapped.

(g) *Placement in casket.* Remains shall be placed in the casket in a manner that will create an appearance of rest and composure, and to insure maintenance of position during transit. When remains are to be shipped, pads may be placed around them to prevent shifting. The pillow shall be turned over and a clean piece of cloth placed over the face. The casket shall be of sufficient size to prevent the appearance of crowding and cramping of remains.

SPECIFICATION B—CASKET, METAL

a. *General.* This specification provides for a standard commercial type metal casket including an innerseal when called for by the contracting Officer. For identification purposes the caskets are classified as follows:

(1) Type I—Casket, metal (hinged cap) with innerseal.

(2) Type II—Casket, metal, half-couch without innerseal.

b. *Standards.* The caskets furnished under the contract shall conform to the standards herein.

(1) *Design.* Each of the two types shall have top and bottom moldings, log mold or square design, rigid handrails, square ends and be in accordance with best commercial practice.

(2) *Size.* The casket shall be furnished in standard stock sizes common to the industry. In the Type I casket the minimum dimension between the innerseal and bottom shall be 16 inches.

(3) *Construction.* The casket shall consist of a lid with oval panel and top frame, body, lining assembly, (side panels, pillow, mattress or bed, throw, lid panel), handrail assembly and in the Type I casket an innerseal. The casket shall be of welded or soldered construction or a combination of both. The casket shall be constructed so as to afford only half exposure of the remains.

(a) *Hardware.* The lid, head cap and panel shall be hinged with two or more hinges and each shall be provided with supports for retaining the member in an open position and with locks to prevent movement when closed. Locks shall be as inconspicuous as possible. All hinges shall be bolted, spot-welded, or welded, or a combination of these, to the lid and the casket body.

(b) *Lid.* Lids shall be the standard hinged-head panel construction for Type I casket and the standard half-couch construction common to the industry for the Type II casket. All lids shall be formed from terneplate or stretcher leveled cold rolled steel not less than 0.0359 inch in thickness (20 gage U. S. Standard Revised).

(c) *Body.* The body shall be welded or soldered, or both, and formed from terneplate or cold rolled steel not less than 0.0359 inch in thickness (20 gage U. S. Standard Revised). The bottom panel may be fabricated from hot rolled mild steel of the same thickness. The Type I casket body shall have a top flange of sufficient bearing surface to support the rubber gasket of the innerseal. Flanges shall be fabricated from terneplate or cold rolled steel of the same thickness as the body. The casket shall be electric spot-welded and soldered for the full length of all miters. Bottom shall be spot- or tack-welded to the sides and the ends of casket body at intervals of not more than six (6) inches between welds, or lock-seamed to sides of the body. Continuous welding shall be permitted. After lock-seaming, spot- or tack-welding, the entire length and width of bottom seams shall be soldered. The bottom panel shall be constructed from one piece of metal and shall be formed either by (1) reinforcing ridges not less than 3/8 inch deep, spaced not more than 8 inches apart, extending lengthwise or crosswise to the bottom; lengthwise ridges shall run to within approximately four inches of end-hand grooves, or full length, and cross-wise ridges shall run to within approximately one inch of side hand grooves; the bottom panel shall be reinforced with not less than two four-inch channel braces, welded to the inside of bottom either on or between ridges across the width, or the bottom panel may be constructed from one piece of 18 gage steel attached to the sides and ends of the casket body by continuous welding. All braces shall be welded to the hand hold groove on both sides of the bottom. Any method equal to or better than soldering and/or continuous welding may be employed to provide an airtight Type I casket. The Type II casket shall be of half-couch construction in accordance with the best commercial practice. Since the Type II casket need not be airtight, neither continuous welding nor soldering is required when the bottom panel is reinforced with the four-inch channel braces.

(d) *Handrails, handrail plates and corner ornaments.* The handrails shall be rigid type, oval design, and fabricated from terneplate or cold rolled steel, not less than 0.0359 inch thick (20 gage, U.S. Standard Revised). When supplied, each handrail plate or corner ornament shall be secured to the casket with a minimum of two bolts or studs not less than 3/16 inch in diameter. Spacing of handrail plates shall be three to a side and a corner ornament used as a support for a continuous bar. The handrails shall be so constructed and attached to the handrail assembly to support the weight of the casket plus an additional equally distributed weight of 350 pounds, without buckling, pulling away from the casket or showing other signs of weakness.

(e) *Innerseal (applicable to Type I).* The innerseal shall be an interchangeable all metal innerseal, crystal glass and metal innerseal or acrylic sheet and metal innerseal. The all metal innerseal shall be formed from terneplate or cold rolled steel not less than 0.0359 inch thick (20 gage U.S. Standard Revised). The crystal glass and metal innerseal or the acrylic sheet and metal innerseal shall be formed from terneplate or cold rolled steel not less than 0.0359 inch thick (20 gage U. S. Standard Revised) and shall contain a window formed of 3/16 inch acrylic sheet which shall be set in either white lead or linseed oil putty or in a synthetic or a natural rubber gasket to achieve an airtight seal. Only half exposure shall be required on the innerseal with a viewing window. The innerseal shall be fitted with a suitable gasket made of synthetic or natural rubber to fit accurately with the flange of the casket body. A suitable talc shall be placed on the rubber gasket in sufficient quantity to act as a parting agent. At least 24 cadmium plated or bronze finished clamps or screws shall be furnished to secure the innerseal to the casket and insure an airtight seal.

(f) *Welding.* All component parts to be welded shall be properly aligned into position prior to welding. Welding shall be first class. Resistance, arc, or gas welds shall be sound, free from pits, holes or fissures. Welding shall be accomplished without burning through the welded metals and calculated properly, to make a sound weld. After any flash welding outside exposed flash shall be stripped entirely and no trace of the joint shall be visible after finishing. All arc or gas welds shall have full penetration and adequate fusion, forming a joint of strength equal to that of the material welded. Exposed welds shall be ground and sanded flush to the original surface and shall be undetectable after finishing.

(g) *Finish.* The color of the body finish, handrails, handrail plates and corner ornaments shall be shaded silver gray (silvertone). This finish may be achieved through one of two methods.

1. *Synthetic enamel, baked.* All surfaces of metal components shall be thoroughly cleaned and given phosphate coating. A primer shall be applied to all surfaces which will be exposed after the casket is assembled, except the bottom shall be dry-sanded to a smooth finish. All exposed metal surfaces of the lid and head panel when viewed open or closed, and all exterior exposed metal surfaces of the casket, except the bottom, shall be coated with synthetic (shaded) gloss enamel.

2. *Nitrocellulose lacquer (air dry or flash dry).* All surfaces of the metal components shall be thoroughly cleaned and given a phosphate coating. A primer shall be applied to all surfaces and edges. Forced drying may be used, if desired. All exposed metal surfaces of the lid and head panel when viewed open or closed, and all exposed metal surfaces of the casket except the bottom, shall be given two coats of lacquer (shaded). This lacquer shall dry hard, sufficient for recoating in 30 minutes. All surfaces shall then be double coated with a clear lacquer. The exposed heads of screws or bolts used for assembling the casket shall be finished to correspond to the finish of the casket. The finish coat shall level out to produce a smooth and uniform flow without orange-peel, runs, wrinkles, drops, streaks or areas of thin film or no film. Buffing of the top shall be accomplished. The casket shall be weld finished, smooth, clear and free from defects which may affect the appearance or serviceability.

(h) *Upholstering.*

1. *Lining assemblies.* The lining assembly for the interior of the lid or head panel, sides of the casket, bedspread, pillow case, throw and, where applicable, the sides of the innerseal frame, shall be lined in eggshell french crepe (no less than 60 picks per inch) or equal and backed with cotton sheeting. If head and foot panel type is used, only the head panel shall be lined. The assemblies for the head panel; bedspread, top of the pillow case and throw shall be wave crushed, tufted or shirred either by hand or machine. The interior assemblies for the sides of the casket and the innerseal, when used, shall be shirred by hand or machine to include the padded skirt or apron.

2. *Pillow.* The pillow case shall be made of domett or cotton sheeting as used in the industry, filled with 2½ pounds, plus or minus ¼ pound, of cotton or Tufflex. The pillow shall then be inserted in the pillow cover. The pillow will be not less than 22 inches long, 18 inches wide and 6 inches thick.

3. *Bed.* The bed case shall be made of domett, ticking or cotton sheeting and filled with 18 pounds, plus or minus 1 pound of clean wood wool or excelsior topped with one layer of all cotton batt (weight; 1 yard (20 inches wide) 8 to 12 ounces). Tufflex may be used in lieu of wood wool. The bed shall have a bedspread secured to the top prior to insertion into the casket. The bed shall be not less than 78 inches long, 23 inches wide and 8 inches thick.

(i) *Workmanship.* The casket shall be produced by the best means employed by those skilled in the art of metal fabrication and upholstery. All parts shall be accurately formed and properly assembled into the finished article and the casket shall be smooth, clean, well finished and free from all defects which may affect the appearance or serviceability. The Type I casket shall be capable of withstanding the water or air test as commonly practiced in the industry. A suitable talc shall be placed on the rubber gasket in sufficient quantity to act as parting agent.

SPECIFICATION C—OUTER OR SHIPPING CASE

a. *General.* This specification provides for a standard commercial type wood box to be used as an outer or shipping case.

b. *Standards.* Unless otherwise ordered each casket shall be furnished with an outer case which when used as a shipping case shall be furnished with six drop handles, two on each side and one on each end. The handles shall support the weight of the case and casket, plus an additional equally distributed weight of 350 pounds, without buckling, pulling away from the case or showing other signs of weakness. The case shall be made of 1-inch stock of thoroughly seasoned white pine, or other wood of equal quality, standard to the industry in the locality in which it is manufactured, of not less than 5/8-inch finished thickness, properly kiln-dried, free from unsound knots, checks shakes, or other defects which would impair the strength or usefulness of the case. The case shall be constructed of tongue or dovetail joints or other accepted method of fabrication common to the industry, surfaced two sides and finished thickness to be not less than 5/8-inch. The ends shall be set in with sides securely nailed thereto. Bottom shall be of cross bottom construction, and securely nailed to the ends and sides. Top shall be of cross top construction and have two top battens not less than 5/8-inch thickness and not less than 3 inches in width, running full length of box top with shaped or chamfered edges, securely nailed or screwed to the box top from underside. Top battens shall be placed 4 inches from outside edge of top. Two 5/8-inch by 2-inch cleats shall extend from the top to the full inside depth of the case at each end. Top and bottom shall be made flush with outside of sides and ends. Cement-coated nails are to be used throughout construction. All outer surfaces of the box shall be finished with two coats of steel-gray paint. Box top shall be secured to body of box with not less than eight 1¾-inch No. 10 flat head, wood screws, evenly spaced. Size of box shall be such as to allow at least 1-inch clearance between outside of casket and inside of box. A kraft paper protective shroud and pads shall be furnished to protect the casket during transit.

SPECIFICATION D—FUNERAL COACH AND RELATED SERVICES

(a) *Removal of remains.* Transporting remains in a suitable funeral coach, ambulance, or service car to place where the preparation is performed. This service shall include calling at the installation hospital, or other place where death occurs or where remains are located when such other place is within a radius of 30 miles of contractor's establishment, receiving the remains, and removing them to the contractor's mortuary or other place of preparation.

(b) *Professional funeral service.* This service, when ordered, shall be held, as specified in order, at either the contractor's establishment or a military installation listed under paragraph D, Part I, Schedule Sheet. Such services shall include:

(1) Delivery of the remains to the place of services and, as necessary, return to the contractor's establishment; use of the contractor's equipment and facilities (including chapel); professional services and all other services incident to the conduct of a funeral in accordance with traditional standards of solemnity, reverence, and respect for the deceased and his family;

(2) Passenger car, when required, to transport members of the immediate family to the funeral service and, as necessary, to the selected carrier terminal, and return.

(c) *Funeral coach to cemetery or to selected carrier terminal.* Delivering remains in contractor's funeral coach to a cemetery or to a selected carrier terminal within a 30 mile radius of the contractor's establishment.

SPECIFICATION E—ADDITIONAL TRANSPORTATION

(a) *General.* This transportation, when ordered by the contracting officer, shall consist of providing a suitable funeral coach, ambulance, service car and passenger car, by the contractor, when required to go beyond the 30 mile radius of his establishment in performance of contract.

(b) *Terms.* The contractor will be paid on a per loaded mile basis for the distance traveled outside of the 30 mile radius.

§ 1007.3606–1 Reprocessing remains at zone of interior.

If an Air Force Aerial Port of Entry is to be a using activity, the following will be added to the specifications.

SPECIFICATION F—CARE OF REMAINS

(a) *General.* This specification provides for examining viewable and non-viewable remains and rendering any touch-up services, as required; dressing and casketing remains. These services should be performed in accordance with accepted professional standards to insure that viewable and non-viewable remains arrive at their final destination in a satisfactory condition.

(1) Viewable remains shall be examined for uniformity of preservation and rendered touch-up services, as required. Cosmetics treatment shall be performed to insure remains will be viewable at final destination.

(2) Non-viewable remains shall be examined for uniformity of preservation and rendered touch-up services as required.

(3) Removal of remains to place where services will be performed. See paragraph 28, Part II, General Provisions.

(4) Cleansing of reusable metal transfer case shall be accomplished when contractor removes the remains therefrom. Contractor shall return such cases to a location on the base as directed by the contracting officer.

SPECIFICATION G—TRANSPORTATION

(a) *General.* This transportation, when ordered, shall consist of providing a suitable funeral coach or service car for moving remains from the AF Port of Entry (flight line or base) to the contractor's establishment when required to hold remains for carrier connections and to selected carrier terminal. This specification is excepted from the 30 mile radius condition and will be called for when no other item(s) of the Schedule are required.

(b) *Terms.* The contractor will be paid on a per loaded trip basis for transportation furnished to move remains from the AF Port of Entry (flight line or base) to the contractor's establishment when required to hold for carrier arrangements to the selected carrier terminal.

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

§ 1007.3700 Scope of subpart.

This subpart sets forth clauses and arrangements for use in negotiated utility service contracts.

§ 1007.3702 Definitions.

§ 1007.3702–1 Negotiated utility service contract.

The term "negotiated utility service contract" means any contract entered into as a result of negotiation for the procurement of the following types of services only: electric, gas, water, sewage, and steam utility services.

§ 1007.3703 Required clauses and arrangements; contracts for $2,400 or less.

When a negotiated utility service contract is utilized according to § 16.501–1 of this title, DD Form 671, "Negotiated Utilities Service Contract," will be used and the following clauses added as General Provisions.

§ 1007.3703–1 Gratuities.

See § 7.104–16 of this title.

§ 1007.3704 Clauses to be used when applicable.

Contracts for $2,400 or less.

§ 1007.3704–1 Alterations in contract.

In accordance with the requirements of § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.3704–2 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth in that section.

§ 1007.3705 Additional clauses.

Contracts for $2,400 or less.

§ 1007.3705–1 General.

Any other clauses authorized by chapter I of this title and this chapter in accordance with instructions for use may be inserted when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.3706 Required clauses and arrangements; contracts for more than $2,400.

The following clauses and provisions will be inserted in all negotiated utility service contracts which involve a connection charge, or are for an estimated annual cost of more than $2,400, or both. In addition to the requirements for approval in § 1001.457 of this chapter, utility service contracts for a period of more than 1 year will be submitted for approval as specified in § 1001.461 of this chapter, and any desired deviations from the clauses set forth in this Part should be submitted in advance or concurrently according to § 1001.109 of this chapter. Any utility service contract involving a connection charge of $5,000 or more, including the agreed salvage value (see § 1007.3709–2) or a termination charge of $5,000 or more, will be submitted for review and approval to the Commander, AMC, attn: MCPC.

§ 1007.3706–1 Cover page.

The following provisions will be set forth on the cover page, and will be completed with appropriate information:

UTILITY SERVICE CONTRACT

Contract No. ------

NEGOTIATED ---------- SERVICE CONTRACT

(Premises to be served)

(City) (County) (State)

(Contractor) (Contractor's address)

Premises are: ( ) Government Owned
( ) Government Leased
Symbol No. of Lease ------
Name of Lessor ----------

Estimated annual cost hereunder $-------

Connection charge $----------.

Bills will be rendered to ----------

at ----------

Appropriation chargeable ----------

Negotiated pursuant to 10 U.S.C. 2304(a) ( ).

This Contract, entered into as of ---------, by and between the United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and ---------- whose address is ---------- hereinafter called the Contractor.

Witnesseth That the parties hereto do mutually agree as follows:

§ 1007.3706–2 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.3706–3 Rates for services.

(a) Except as provided in paragraphs (b) and (c) of this section, insert the following clause:

RATES FOR SERVICE (OCT. 1960)

Rates established under this contract shall be subject to regulation in the manner and to the extent prescribed by law by any Federal, State or local regulatory agency having jurisdiction. The Contractor agrees to give the contracting officer written notice of the filing of an application for rate changes concurrently with the filing of the application. Such notice shall fully describe proposed rate change. If during the term of this contract the public regulatory agency having jurisdiction approves rates that are higher or rates that are lower than those stipulated herein, for like conditions of service, the Contractor agrees to continue to furnish service as stipulated in this contract and the Government agrees to pay for such service at the higher or lower rates from after the date when such rates are made effective. In the event that the regulatory agency promulgates any regulation concerning other than rates which affects this contract, the Contractor shall immediately notify the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with federal laws or regulations.

(b) If the service to be furnished under the contract is not subject to regulations by any Federal, State or local regulatory agency, or if the Contractor also acts as the local public regulatory agency and its decisions are not subject to review by a higher regulatory agency insert the following clauses in lieu of the clause set forth in paragraph (a) of this section.

RATES FOR SERVICE (OCT. 1960)

(a) If at any time during the term of this contract either of the parties hereto consider it appropriate that all or part of the rates applicable to the service furnished under this contract be changed, the parties agree to promptly renegotiate such rates upon receipt by one party of a written request from the other specifying the rates as to which a change is considered appropriate, setting forth the proposed change in rates, and stating in detail the reasons for the proposed change. Any rate changes agreed to by the parties as the result of such negotiations shall be made a part of this contract by the issuance of a supplemental agreement hereto and shall become effective as of the date of the request for a change in rates, unless otherwise agreed by the parties. Failure of the parties to agree upon the appropriate adjustment of rates, if any, shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The Contractor agrees that a duly authorized representative of the Department of the Air Force shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor relating to costs which form the basis for the rates.

(c) Where contractor is a Rural Electrical Cooperative, and not subject to public regulation, the following clause shall be used:

RATES FOR SERVICE (OCT. 1960)

At the request of either party to this contract, said party having reasonable cause therefor, the rates set forth herein shall be renegotiated, and any adjustment so negotiated by mutual agreement shall become effective as provided in such agreement: *Provided, however,* That any rates so negotiated shall not be in excess of rates to any customer of the Contractor having similar conditions of service.

§ 1007.3706–4 Application of most favorable rates.

(Oct. 1960)

(a) The Contractor hereby declares that the rates applicable to the service furnished under this contract are not in excess of the lowest rates available to any prospective customer under like conditions, and agrees that during the life of this contract the Government shall continue to be billed at the lowest available rate for similar conditions of service.

(b) In the event the Contractor, during the term of this contract, shall make effective any new rate schedule or amended rate schedule applicable to the class of service furnished the Government at the service location which contains a lower rate or conditions more favorable to the Government for such class of service, the Contractor shall forward to the Contracting Officer a copy of such rate schedule or amended rate schedule within (15) days after the effective date thereof, and shall substitute such rate schedule or amended rate schedule for the rate schedule then in effect hereunder for such service location, commencing not later than the billing period immediately following the effective date of the rate change.

§ 1007.3706–5 Change in class of service.

(Oct. 1960)

(a) In the event of a permanent change in the class of service furnished the Government at the service location, service shall be furnished to such service location at the lowest available rate schedule of the Contractor which is applicable to the class of service furnished following such permanent change subject to the clause hereof entitled "Rates for Service."

(b) Where the Contractor's rate schedule on file with the regulatory agency and applicable to services provided by the Contractor does not contain a schedule applicable to the class of service furnished the Government, no clause in this contract shall preclude the parties from negotiating a rate schedule applicable to the class of service furnished.

§ 1007.3706–6 Access.

ACCESS (JULY 1955)

The Government hereby grants to the Contractor, free of any rental or similar charge, but subject to the limitations specified in this contract, a revocable permit to enter the service location for any purpose under this contract, including use of the site or sites agreed upon by the parties hereby for the installation, operation and maintenance of the facilities of the Contractor. Authorized representatives of the Contractor will be allowed access to the facilities of the Contractor at suitable times to perform the obligations of the Contractor with respect to such facilities. It is expressly understood, however, that proper military or Government authority may limit or restrict the right of access herein granted in any manner considered by such authority to be necessary for the national security.

§ 1007.3706–1 Payments.

(Oct. 1960)

(a) Payments for the services rendered under this contract shall be made monthly upon the submission of properly certified invoices.

(b) All bills shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the contractor.

(c) Recognition is given to the fact that the Government fiscal year ends on June 30. Payments hereunder shall be contingent upon the availability of appropriations therefor.

§ 1007.3706–8 Liability of contractor.

LIABILITY OF CONTRACTOR (JULY 1955)

All taxes and other charges in connection with facilities provided hereunder by the Contractor, together with all liability arising out of the negligence of the Contractor in the construction, operation or maintenance of such facilities shall be assumed by the Contractor.

§ 1007.3706–9 Assignment of claims.

ASSIGNMENT OF CLAIMS (JULY 1955)

No claim under this contract shall be assigned.

§ 1007.3706–10 Disputes.

See § 7.103–12 of this title.

§ 1007.3706–11 Termination.

(The figure of 30 days may be changed to any other figure not in excess of 90 days.)

TERMINATION (JULY 1955)

This contract may be terminated at the option of the Government by the giving of not less than thirty (30) days' advance written notice of the effective date of termination.

§ 1007.3706–12 Convict labor.

See § 12.203 of this title.

§ 1007.3706–13 Nondiscrimination in employment.

See § 12.802 of this title.

§ 1007.3706–14 Officials not to benefit.

See § 7.103–19 of this title.

§ 1007.3706–15 Covenant against contingent fees.

See § 7.103–20 of this title.

§ 1007.3706–16 Gratuities.

See § 7.104–16 of this title.

§ 1007.3706–17 Conflicts.

CONFLICTS (JULY 1955)

To the extent of any inconsistency between the provisions of this contract, and any schedule, rider or exhibit incorporated in this contract by reference or otherwise, or any of the contractor's rules and regulations, the provisions of this contract shall control.

§ 1007.3706–18 Signature page.

The following provisions will be set forth on the signature page, and will be completed with appropriate information:

In witness whereof, the parties hereunto have executed this contract as of the day and the year first above written.

THE UNITED STATES OF AMERICA

By ----------

(Contractor)

By ----------

Title ----------

§ 1007.3707 Clauses to be used when applicable; contracts for more than $2,400.

§ 1007.3707–1 Examination of records.

Insert the clause set forth in § 7.104–15 of this title except where the public utility services are to be furnished at rates not in excess of those established for uniform applicability to the general public or at such rates plus reasonable service or connection charges incident to such utility services.

§ 1007.3707–2 Multiple service locations.

If it is desired to provide for possible alternative service locations, insert the following clause:

MULTIPLE SERVICE LOCATIONS

(a) The Contracting Officer may at any time, by written order, designate any service location within the service area of the Contractor at which service shall be furnished or discontinued thereunder, and the contract shall be modified in writing accordingly by adding to or deleting from the Service Specifications the name and location of the appropriate service location, by specifying a different rate if applicable, the appropriate point of delivery, different service specification if applicable, and any other appropriate terms and conditions.

(b) The minimum monthly charge specified in this contract shall be equitably prorated for the billing period in which commencement or discontinuance of service at any service location designated under the Service Specifications shall become effective.

§ 1007.3707–3 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.3707–4 Priorities, allocations and allotments.

According to the requirements of § 1.308–2 of this chapter, insert the clause set forth in § 7.104–18 of this title.

§ 1007.3707–5 Alterations in contract.

According to the requirements of § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.3708 Additional clauses.

§ 1007.3708–1 General.

Any other clauses authorized by Chapter I of this title and this chapter, according to instructions for use, may be inserted when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.3709 Description of services.

Utility service contracts to be complete must also contain a detailed description of the services to be rendered. Since these services will vary from contract to contract, the establishment of standard provisions is not practicable, and it is the responsibility of the contracting officer to negotiate with the contractor special contract provisions which will accurately describe the services desired and which will adequately protect the interests of the Government. Set forth in § 1007.3709–1 are some sample provisions which may be useful as a guide. Other clauses, not inconsistent with the clauses set forth in this subpart, will be developed as required to suit individual conditions and will be incorporated into the contract subject to the provisions of the Conflicts clause.

§ 1007.3709–1 Technical provisions.

Set forth in this section are sample technical provisions. Similar provisions covering, to the extent applicable, the subject matter below should be included in each contract.

TECHNICAL PROVISIONS

(a) *Scope of work.* Subject to the terms and conditions hereinafter set forth, the Contractor shall sell and deliver to the Government and the Government shall purchase and receive from the Contractor ---------- service (hereinafter called service) requested by the Government from the Contractor at the premises to be served hereunder (hereinafter called the service location), all in accordance with ---------- Service Specifications attached hereto and made a part hereof.

(b) *Measurement of service.*

(i) All service furnished by the Contractor shall be measured by suitable metering equipment of standard manufacture, to be furnished, installed, maintained, calibrated and read by the Contractor at its expense. When more than a single meter is installed at the service location, the readings thereof shall be billed conjunctively. In the event any meter fails to register or registers incorrectly the service furnished therethrough, the parties shall agree upon the length of period during which such meter failed to register or registered incorrectly and the quantity of service delivered therethrough during such period and, upon agreement, an appropriate adjustment based thereon shall be made in the Government's bills. For the purpose of the preceding sentence, any meter which registers not more than two (2) percent slow or fast shall be deemed correct.

(ii) The Contractor, so far as possible, shall read all meters at periodic intervals of approximately thirty (30) days. All billings based on meter readings of less than twenty-seven (27) days or more than thirty-two (32) days shall be prorated accordingly. Invoices for service rendered hereunder shall contain statements of the meter readings at the beginning of the billing period, meter constants, consumption during the billing period and such other pertinent data as shall be required by the Government.

(c) *Meter test.* The Contractor, at its expense, shall periodically inspect and test the meters installed by it at intervals not exceeding one (1) year. At the written request of the Contracting Officer the Contractor shall make additional tests of any or all of such meters in the presence of Government representatives. The cost of such additional tests shall be borne by the Government if the percentage of error is found to be not more than two (2) percent slow or fast. No meter shall be placed in service or allowed to remain in service which has an error in registration in excess of two (2) percent under normal operating conditions.

(d) *Change in volume or character.* Reasonable notice shall, so far as possible, be given by the Contracting Officer to the Contractor respecting any material changes proposed in the volume or characteristics of the utility service required at each location.

(e) *Continuity of service and consumption.*

(i) The Contractor shall use reasonable diligence to provide a regular and uninterrupted supply of service at the service location, but shall not be liable for damages, breach of contract or otherwise to the Government for failure, suspension, diminution or other variations of service occasioned by or in consequence of any cause beyond the

control of the Contractor, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes or other catastrophes, strikes or failure or breakdown of transmission or other facilities; provided, that when any such failure, suspension, diminution, or variation of service shall aggregate more than ten (10) hours during any billing period hereunder, an equitable adjustment shall be made in the monthly rates specified in this contract (including the minimum monthly charge).

(ii) In the event the Government is unable to operate the service location in whole or in part for any cause beyond its control, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes or other catastrophes, or strikes, an equitable adjustment shall be made in the monthly rates specified in this contract (including the minimum monthly charge) if the period during which the Government is unable to operate such service location in whole or in part shall exceed fifteen (15) days during any billing period hereunder.

(f) *Rates and charges.*

(i) For all service furnished under this contract to the service location the Government shall pay the Contractor at the rate schedule ---------- attached hereto and made a part of this contract.

(ii) For purposes of charges under subparagraph (i)' above, any demands due to faulty operation of, or excessive or fluctuating pressure on, the Contractor's system shall not be included as part of the Government's demand.

(g) *Term of contract.* This contract shall commence ---------- and continue (insert "until terminated" or "until ----------" subject to the clause hereof entitled termination:")

(h) *Contractor's facilities.* The Contractor, at its expense, shall furnish, install, operate and maintain all facilities required to furnish service hereunder to and measure such service as of the point of delivery specified in the Service Specifications. Title to all such facilities shall be and remain in the Contractor and the Contractor shall be responsible for all loss of or damage to such facilities.

§ 1007.3709–2 Connection charge.

When a connection charge is to be paid by the Government, an appropriate clause, setting forth the terms and conditions applicable thereto, will be inserted. The following sample clause is furnished as a guide. See § 1007.3706 for requirements concerning the review and approval of contracts providing for a connection charge.

CONNECTION CHARGE

(a) *Charge.* The Government, in consideration of the furnishing and installation by the Contractor at its expense of the New Facilities described in Exhibit "A," attached hereto and made a part hereof, shall pay the Contractor, as a connection charge, after receipt of satisfactory evidence of completion of the facilities, the sum of $----------, representing the sum of $----------, less the agreed salvage value in the amount of $----------, as shown on Exhibit "A"; provided that, as a condition precedent to final payment, the Contractor shall, if required by the Contracting Officer, execute a release in terms acceptable to the Contracting Officer, of claims against the Government arising under or by virtue of such installation.

(b) *Ownership, operation, and maintenance of new facilities to be provided hereunder.* The facilities to be supplied by the Contractor under this clause, notwithstanding the payment by the Government of a connection charge, shall be and remain the property of the Contractor and shall, at all times during the life of this contract or any renewals thereof, be operated and maintained by the Contractor at its expense, and all taxes and other charges in connection therewith, together with all liability arising out of the construction, operation or maintenance of such facilities shall be the obligation of the Contractor.

(c) *Credits.*

(1) The Contractor agrees to allow the Government on each monthly bill for service furnished under this contract to the Service Location, a credit of ------ percent of the amount of each such bill as rendered until the accumulated credits shall equal the amount of such connection charge, provided that the Contractor may at any time so allow a credit up to 100 percent of the amount of each such bill.

(2) In the event the Contractor, prior to any termination of this contract but subsequent to completion of the facilities provided for in this clause, serves any customer other than the Government (regardless of whether the Government is being served simultaneously, intermittently or at all) by means of such facilities, the Contractor shall, unless otherwise agreed to by the parties in writing at that time, promptly accelerate the credits provided for under subparagraph (1) above, to 100 percent of each monthly bill until the connection charge is fully credited.

(3) *Termination by the Contractor.* In the event the Contractor without cause terminates service under, or otherwise defaults in performance of, this contract prior to the crediting in full, in accordance with the terms of this contract, of any connection charge paid by the Government, the Contractor shall pay to the Government an amount equal to the uncredited balance of the connection charge as of the date of such termination.

(d) *Termination prior to completion of facilities.* The Government reserves the right to terminate this contract at any time prior to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge. In the event the Government exercises this right, the Contractor shall be paid fair compensation, exclusive of profit, with respect to such facilities.

(e) *Termination subsequent to completion of facilities.* In the event the Government terminates this contract subsequent to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge, but prior to the crediting in full by the Contractor of any connection charge in accordance with the terms of this contract, the possible continued usefulness of such facilities is hereby recognized. It is, therefore, agreed that upon such termination the Contractor shall have the following options:

(1) To remove such facilities at its own expense within six months after the effective date of the termination by the Government; provided, that if the Contractor elects to so remove such facilities, the Government shall then have the option of purchasing such facilities at the agreed salvage value set forth herein; and provided further, that the Contractor will, at the request of the Government, leave in place any such facilities located on Government property which the Contractor elects to so remove and which the Government elects to purchase at the agreed salvage value.

(2) To retain such facilities in place for six months or more after effective date of the termination by the Government on condition that immediately after such six-month period the Contractor shall promptly pay in full to the Government the uncredited balance of the connection charge.

§ 1007.3709–3 Specifications.

Set forth in this section are sample specifications for various types of utility services. An appropriate specification should be incorporated by reference and attached to each contract.

(a) *Electric service specifications.*

ELECTRIC SERVICE SPECIFICATIONS

1. Premises to be served ----------
2. Estimated service requirements:
Estimated maximum demand ------- KW.
Estimated annual consumption ---- KWH.
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)
3. Point of delivery. The point of delivery service shall be ----------
4. Description of electric service. Contractor will supply ------- phase -------- wire, -------- cycle, alternating current at -------- volts. The voltage of Contractor's high tension line is --------. Substation transformers: normal capacity ------ KVA; overload capacity for -------- hours -------- KVA; delta or wye connected, high side -------, low side. Lightning arresters: type -------- Switching apparatus: high side, fused disconnects or OCB --------, Interrupting capacity -------- KVA; low side, OCB --------, interrupting capacity -------- KVA.
5. Metering and billing. Service will be measured at -------- volts by -------- watt hour meter(s) --------- demand meter(s).
6. Alterations and additions.

(b) *Gas service specifications.*

GAS SERVICE SPECIFICATIONS

1. Premises to be served ----------
2. Estimated service requirements:
Estimated maximum demand:
---------- MCF per hour.
---------- MCF per day.
Estimated annual consumption ----- MCF
(The Government is in no way obligated to use nor is it restricted to above estimated requirements.)
3. Point of delivery. The point of delivery of gas shall be ----------
4. Quality.
(a) The gas delivered hereunder shall be ---------- gas. The gas so delivered shall contain not less than ---------- Btu per cubic foot. The unit of volume for the purpose of determining total heating value shall be one (1) cubic foot of gas saturated with water vapor at a temperature of sixty degrees (60°) Fahrenheit and an absolute pressure equivalent to thirty (30) inches of mercury at thirty-two (32°) Fahrenheit:
(b) The gas delivered:
(1) shall be commercially free from dust or other solid or liquid matter which might interfere with its merchantability or cause injury to or interference with proper operation of the lines, regulators, meters and other equipment of Government;
(2) shall not contain more than a trace of hydrogen sulphide per one hundred (100) cubic feet of gas, as determined by methods prescribed in Standards for Gas Service, Circular of the National Bureau of Standards, No. 405, page 134 (1934 Edition), and shall be considered free from hydrogen sulphide if a strip of white filter paper, moistened with a solution containing five percent (5%) by weight of lead acetate, is not distinctly darker than a second paper freshly moistened with the same solution, after the first paper has been exposed to the gas for one (1) minute in an apparatus of approved form, through which the gas is flowing at the rate of approximately five (5) cubic feet per hour, the gas not impinging directly from a jet upon the test paper;
(3) shall not contain more than twenty (20) grains of total sulphur per one hundred (100) cubic feet.
(4) In the event the gas contains more than a trace of hydrogen sulphide per one hundred (100) cubic feet or more than twenty (20) grains of total sulphur per one hundred (100) cubic feet, by test prescribed by the Bureau of Standards or other recognized method, then upon the request of Government, Contractor shall reduce the hydrogen sulphide content to not more than a trace per one hundred (100) cubic feet and the total sulphur content to twenty (20) grains or less per one hundred (100) cubic feet.
5. Measurement.
(a) *Unit of measurement and metering base.* The volumetric measurement base shall be one (1) cubic foot of gas at a pressure base of thirty (30) inches of mercury (14.73 pounds per square inch absolute), and without adjustment for water vapor content. To determine the volume of gas delivered, factors for pressure, temperature, specific gravity, and deviation from Boyle's Law shall be applied.
(b) *Atmospheric pressure.* The average absolute atmospheric (Barometric) pressure shall be assumed to be fourteen and four-tenths (14.4) pounds to the square inch, irrespective of actual elevation or location of the delivery point above sea level or variations in actual barometric presure from time to time.
(c) *Temperature.* The temperature of the natural gas flowing through the meter or meters shall be the arithmetic average of the hourly temperature record; or read from established tables of monthly averages for the service location.
(d) *Specific gravity.* The specific gravity of the natural gas shall be determined by joint test using an Edwards type Balance, or other approved instrument, at the commencement of deliveries hereunder and as often thereafter as deemed necessary; or if mutually agreed upon, by the use of a recorder, periodically checked with an Edwards type Balance or by other accepted methods.
(e) *The deviation from Boyle's Law* shall be determined by tests or computed by approved methods based on the composition of the gas and conditions at point of measurement, with such reasonable frequency as found necessary.
(f) *Measuring equipment.* Contractor will maintain and operate, at the delivery points, measuring stations properly equipped with displacement or orifice meters and other necessary measuring equipment by which the volumes of gas delivered hereunder shall be measured. Orifice meters shall be installed and operated, and gas volumes computed, in accordance with specifications recommended in Gas Measurement Committee Report No. 2, dated May 6, 1935, of the Natural Gas Department of the American Gas Association, as the same may be amended from time to time, applied in a practical manner; displacement meter dial readings to be adjusted for varying pressure and temperature conditions. Government may install such check measuring equipment as it shall desire, provided that such equipment shall be so installed as not to interfere with the operations of Contractor. Contractor shall have access to such check measuring equipment at all reasonable hours, but the reading, calibrating and adjusting thereof and the changing of charts shall be done by Government unless otherwise agreed upon.

Both Contractor and Government shall have the right to be present at the time of any installing, reading, cleaning, changing, repairing, inspecting, testing, calibrating, or adjusting done in connection with the other's measuring equipment used in measuring deliveries. The records from such measuring equipment shall remain the property of their own, but upon request, each will submit to the other its records and charts, or true copies thereof, together with calculations therefrom, for inspection and verification, subject to return within thirty (30) days after receipt thereof, after which return the contractor's charts and records shall be kept on file by the Contractor for the mutual use of both parties for such period and to such extent as may be required by law.

Reasonable care shall be exercised in the installation, maintenance and operation of any pressure regulating equipment so as to avoid any inaccuracy in the determination of the volume of gas delivered.

6. Metering and billing. Gas will be measured by ----------
(Number installed and type)
meter(s).
7. Pressure. *Contractor will maintain at the point of delivery a regulated pressure within ten percent of the pressure requested by the Contracting Officer but shall not be required to maintain more than ------ pounds or less than ------ pounds per square inch gauge.
*Contractor will supply gas from its low pressure distribution system at a pressure between ------ and ------ ounces per square inch gauge.

*Delete inapplicable language.

8. Size of pipeline to point of delivery ------ inches diameter: Operating pressure ------ psig.
9. Alterations and additions.

(c) *Water service specifications.*

WATER SERVICE SPECIFICATIONS

1. Premises to be served ----------
2. Estimated service requirements:
Estimated daily maximum demand: ------

Estimated annual consumption ----------
(Government is in no way obligated to use nor is it restricted to the above estimated requirement.)
3. Point of delivery. The point of delivery of water shall be ----------
4. Description of water service. The Contractor shall have ------ gallons per minute of water continuously available at the point of delivery at a pressure of not less than ------ pounds per square inch gauge.
5. Quality of water. The Contractor will supply clear, potable water safe for human consumption in accordance with standards adopted by the United States Public Health Service for drinking and culinary water supplied by common carriers in interstate commerce and such revisions thereof as any be made from time to time.
6. Metering and billing. Water will be measured by ------ meter(s).
7. Size of contractor's pipe line to point of delivery ------ inches diameter.
8. Alterations and additions.

(d) *Sewage service specifications.*

SEWAGE SERVICE SPECIFICATIONS

1. Premises to be served ----------
2. Estimated service requirements -------
Estimated annual volume ----------
(The Government is in no way obligated to deliver nor is it restricted to the above estimated requirements.)
3. Service to be rendered. Contractor shall furnish a sanitary sewer connection and sanitary sewerage service as required by the Government and shall receive, carry, treat and dispose of all sanitary sewage originating at the project in such amounts as the Government desires to release into Contractor's sewer system and in a manner and by such means as will constitute no hazard to the public health. Contractor shall operate its sewage disposal and treatment facilities in conformity with applicable laws, rules, and regulations promulgated by State and Federal governmental authorities.
4. Point of delivery. The sewage shall be delivered to Contractor by the Government at ----------
5. Size of sewer to point of delivery ------ inches diameter.
6. Alterations and additions.

(e) *Steam service specifications.*

STEAM SERVICE SPECIFICATIONS

1. Premises to be served ----------
2. Estimated service requirements:
Estimated hourly maximum demand -----
Estimated annual consumption ----------
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)
3. Point of delivery. The point of delivery of steam shall be ----------
4. Description of steam service. The Contractor shall have ------ pounds per hour of steam continuously available at the point of delivery at a pressure of not less than ------ pounds or in excess of ------ pounds per square inch gauge.
5. Quality of steam. The steam furnished shall contain not more than 1% moisture and shall be free of condensate at point of delivery.
6. Metering and billing. Steam will be measured by ----------
(Number installed and type-condensate or flow meter)
meters.
7. Size of pipe line to point of delivery ------ inches diameter.

Subpart LL—Basic Agreement Provisions

§ 1007.3800 Scope of subpart.

This subpart sets forth provisions for use in basic agreement.

§ 1007.3801 Issuance and use.

Basic agreements will be issued and used according to the provisions of § 1003.405–4 of this chapter.

§ 1007.3802 Definition.

§ 1007.3802–1 Basic agreement.

The term "basic agreement" is defined in § 3.405–4(a) of this title.

§ 1007.3803 Required provisions.

The following provisions will be inserted in all basic agreements; provided, sections other than A and B may be omitted when it is not desired to cover the subject matter contained in those sections. If sections are omitted, the corresponding references in the Covering Agreement (§ 1007.3803–1) will be deleted.

§ 1007.3803–1 Covering agreement.

The following provisions will be used as the covering agreement and will be completed with appropriate information:

Basic Agreement No. ------
------ Pages
Page ------

BASIC AGREEMENT BETWEEN THE UNITED STATES AIR FORCE AND

(Name of contractor)

This memorandum agreement made this ------ day of ---------- 19-- has for its purpose simplification and increased efficiency in the negotiation and execution of ----------
(Type of contract; fixed price, cost reimbursement)
contracts between the United States Air force and the ----------
(Name of contractor)
a corporation incorporated under the laws of the State of ---------- The terms and provisions of Sections A, B, C and D hereinafter set forth have been agreed upon by the parties hereto. The clauses set forth in Sec-

tion A are mandatory clauses. The clauses set forth in Section B, and provisions of Sections C and D are for mutual selection as applicable to each contract. Contracts executed after the date hereof and prior to the termination hereof shall refer to all clauses and provisions of this agreement applicable to the contract and by such reference incorporate the same. Such contracts shall consist of the incorporated clauses and provisions, and any additional clauses and provisions which may be specifically set forth in such contracts.

This agreement may be terminated in its entirety by either party upon thirty (30) days notice in writing to the other party. This agreement may be terminated by the Government at any time if the parties fail to agree upon any deletion, modification or addition to this agreement which is required by statute, executive order, or the Armed Services Procurement Regulation. No deletion, modification or addition to, or termination of, this agreement shall affect any contracts theretofore entered into between the parties in which this agreement has been incorporated by reference.

This agreement shall be reviewed as a minimum annually on the anniversary of its effective date and revised to conform with all requirements of the Armed Services Procurement Regulation and any additional provisions, including applicable provisions of the Air Force Procurement Instruction, as mutually agreed to by the parties. Such revisions shall be evidenced by Supplemental Agreements hereto.

This agreement shall not be referred to by the Contractor in bids submitted in response to advertised invitations nor become a part of any contract placed through the process of formal advertisement.

In Witness Whereof, the parties hereto have executed this Agreement as of the day and year first above written:

THE UNITED STATES OF AMERICA

By ----------
(Contracting Officer)

Contractor)

By ----------
(Title)

(Address)

§ 1007.3803–2 Index page.

List the respective Sections, A, B, C, D, and E and the clauses appearing under each section, which are included in the Basic Agreement.

§ 1007.3803–3 Section A—general provisions.

Under the heading "Section A—General Provisions" set forth in full text the clauses that are mandatory for the types of contract to be prepared under the basic agreement.

§ 1007.3803–4 Section B—special provisions.

Under the heading "Section B—Special Provisions" set forth in full text the clauses which, by selection, may be made applicable to a contract being prepared under a basic agreement.

§ 1007.3803–5 Section C—letter contract provisions.

Where the basic Agreement governs fixed price contracts, set forth the following provisions under the heading "Section C—Letter Contract Provisions."

(1) The following provisions shall form a part of any letter contract incorporating the provisions of this Section C by reference.

(2) All clauses of Section A of Basic Agreement ------ excepting any clause entitled "Payment," and "Termination," are hereby incorporated into this Letter Contract by reference with the same force and effect as though herein set forth in full. Reference in any of the clauses of Section A of Basic Agreement ------ to contract prices or adjustments in contract prices and delivery schedules, to the extent such are not included in this Letter Contract, shall be inapplicable, except that any adjustments in amounts finally payable to the Contractor, or in time of performance required by such clauses, shall be made either at the time of settlement of Contractor's termination claims or shall be taken into account at the time of execution of the definitive contract contemplated hereby.

(3) By the Contractor's acceptance hereof, it undertakes without delay to enter into negotiations with the Department of the Air Force looking to the execution of a definitive contract which will include all of Section A, the Section B Clauses referred to elsewhere herein, and such other clauses as may be mutually agreeable. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties which may or may not be at variance with the provisions of this order.

(4) Termination (Insert the clause set forth in § 1007.2504–6).

§ 1007.3803–6 Section C—letter contract provisions.

Where the basic agreement governs cost-reimbursement type contracts, insert, under the heading "Section C—Letter Contract Provisions," the provisions set forth in § 1007.3803–5 with the following changes:

(a) In provision (2) of § 1007.3803–5 change the words "clauses entitled 'Payment,' and 'Termination.'" to "clauses entitled 'limitation of Cost,' 'Allowable Cost, Fixed Fee and Payment,' and 'Termination.'"

(b) In provision (2) of § 1007.3803–5, change the words "contract prices or adjustments in contract prices" to "contract costs or adjustments in fixed-fee, if any."

(c) In provision (3) of § 1007.3803–5, change the word "prices" to "estimated cost and fixed-fee, if any."

§ 1007.3803–7 Section D—research and development contract provisions.

Under the heading "Section D—Research and Development Contract Provisions" set forth in full text the clauses that are peculiar to Research and Development contracts but do not appear in Sections A and B. Where changes are authorized in clauses set forth in Section A or B when used in research and development contracts, either set forth the clause in full as changed, or describe the authorized change clearly. List any Section A clauses which are inapplicable to research and development contracts, and so state.

Subpart MM—[Reserved]

Subpart NN—Special Clauses

§ 1007.4003 Use of special clauses.

Special clauses will be inserted in contracts according to instructions for their use contained in this, or other subparts of this part. To the extent of any inconsistency between instructions for use contained in another subpart and instructions in this subpart, the instructions of the other subpart will control for the type or kind of contract treated therein.

§ 1007.4004 Shipments.

All contracts issued by Hq AMC or AMC field procurement activities which provide for delivery of supplies will contain the clause set forth in this section. Such contracts issued by other AF activities may contain the clause set forth in this section or may contain a shipments clause adapted to the particular contract.

SHIPMENTS

(a) Unless otherwise provided in this contract or unless the Contracting Officer acting under the "Changes" clause hereof directs in writing otherwise, all supplies to be furnished under this contract shall be delivered f.o.b. carrier's equipment at the plant or plants at which such supplies are to be finally inspected and accepted, or if the facilities for shipment by carrier's equipment are not available at the Contractor's plant, f.o.b. the point or points nearest thereto that carrier service is available. When the carrier's equipment is rail, any shipment occupying sufficient space in a railroad car to constitute a carload shipment subject to carload freight rates shall be properly and adequately loaded in freight cars by the Contractor, and any shipment subject to less-than-carload freight rates shall be delivered by the Contractor into the carrier's possession at the Contractor's plant, or at the point or points nearest thereto at which delivery can be effected.

(b) Whenever it is provided in this contract that supplies shall be delivered f. o. b. specified destinations, such supplies shall be shipped direct by the Contractor to the specified destinations on commercial bills of lading, at the expense of the Contractor. Provided, however, that nothing contained herein shall preclude reimbursement of the Contractor by the Government of any such transportation expenses if this is a cost-reimbursement type contract.

(c) Notwithstanding other provisions of this contract, shipments made under cost reimbursement contracts which do not exceed (i) 1,000 pounds if shipped by rail, truck, or freight forwarder, or (ii) 100 pounds if shipped by railway express, or (iii) 50 pounds if shipped by commercial air, shall be made by commercial bills of lading, charges to destination(s) paid by the Contractor.

(d) If the Contracting Officer directs in writing that any of the supplies to be furnished hereunder be delivered to a carrier for shipment from a point other than specified in this contract, equitable adjustment shall be made in the contract price in the manner provided in the general provisions of this contract entitled "Changes".

(e) *Shipping instructions.* If not otherwise provided herein, names of consignees of all supplies to be delivered by the Contractor hereunder will be furnished in writing by the Contracting Officer at a later date. Request therefor shall be made to such address as the Contracting Officer may direct, not later than thirty (30) days prior to the date on which any of the articles are ready for shipment.

(f) *Routing instructions.* If not otherwise provided herein and deliveries are other than f. o. b. specified destinations, Government routing instructions will be furnished to the Contractor in writing by the Contracting Officer at a later date. If the Government routing instructions have not been received by the Contractor thirty (30) days prior to date on which any of the articles are anticipated to be ready for shipment, request therefor shall immediately be made to the cognizant transportation activity specified herein.

(g) *Notice of shipments.* (Under this subtitle insert the clause set forth in ASPR 7-105.4 (32 CFR 7.105–4)).

(h) *Computation of delivery time.* For the purpose of determining the fulfillment of this contract so far as delivery dates are concerned, in the event the delivery point or points are not the same as the point or points of destination, the time of delivery of the supplies shall be the date of delivery to the carrier ready for shipment to destination.

(i) *Shipments by the Government.* Unless this is a cost-reimbursement type contract, any articles, supplies or other items to be delivered by the Government to the Contractor shall, unless otherwise provided herein, be delivered to the Contractor f. o. b. carrier's equipment at the plant or plants of the Contractor designated, or if facilities for shipment by carrier's equipment are not available at the Contractor's plant or plants, f. o. b. the point or points nearest thereto that carrier's equipment is available.

(j) Where the contract provides that inspection and acceptance shall be accomplished at a subcontractor's plant (whether in whole or in part) the foregoing provisions, except paragraphs (e) and (f), shall be equally applicable to such subcontractors as provided in said subcontract. Subcontractors' shipping instructions and routing instructions, if not previously furnished, shall be requested from the Prime Contractor.

§ 1007.4005 Delivery of spare parts schedule.

Any contract which provides for delivery of items of supplies, and also for spare parts for such items, may contain the following clause. This clause may be made a lettered paragraph of the clause entitled "Shipments" set forth in § 1007.4004.

DELIVERY OF SPARE PARTS SCHEDULE

Unless otherwise provided in the Schedule, all spare parts, if any, required to be furnished to the Government under this contract shall be delivered in accordance with this paragraph. The Contractor shall deliver in each month that quantity of each item of spare parts listed on the final spare parts exhibit, or exhibits, to this contract which bears the same ratio to the total quantity of such item to be furnished as the number of articles to which such spare part relates to be delivered in such month bears to the total number of such articles to be furnished. Where this formula would require delivery of a fraction of a spare part, the next higher number of whole spare parts shall be delivered if such fraction exceeds one-half (½) and the next lower numbers of whole spare parts shall be delivered if such fraction is one-half (½) or less.

§ 1007.4006 Delivery of aircraft.

Any contract providing for the delivery of aircraft to the Government may contain the following clause which may be made a lettered paragraph to the clause entitled "Shipments" as set forth in § 1007.4004.

DELIVERY OF AIRCRAFT

Unless otherwise provided in this contract all aircraft shall be delivered completely set up, serviced, tested, and ready for flight at the flying field where they are to be finally inspected. The Contractor shall furnish all fuel, oil and cooling fluid necessary (1) for engine tests and flight tests required to be made under the provisions of AF Specification No. R–1800–E and (ii) for fly-away, in amounts designated by the ferry pilot, for each aircraft delivery.

§ 1007.4007 Transportation charges.

Any fixed-price supply contract, under which the contractor has quoted a price including the transportation charges, and for which it is desired to provide for the possibility of shipment on Government bills of lading, may include the following clause:

TRANSPORTATION CHARGES

The Contractor hereby agrees that in the event that shipments hereunder which were, by the terms of this contract, to be made at the Contractor's expense are in fact made on a Government bill of lading, there shall be deducted from the contract price the commercial freight charge for delivery to the destination specified herein, including any Federal, State, or local tax directly applicable thereto. The Contractor further agrees to show any such reductions on the invoices submitted hereunder.

§ 1007.4008 Accelerated delivery.

When the contractor may deliver items of supply or perform services at a faster rate than set forth in the schedule and such accelerated delivery or performance is desirable without limitation, the following clause will be inserted:

ACCELERATED DELIVERY

The Contractor is authorized to exceed the delivery rate, or to complete performance of this contract prior to the time therefor, set forth in the schedule; provided, however, that nothing contained herein shall obligate the Government to perform any of its obligations to the Contractor at an earlier date than is set forth in this contract in order to assist the Contractor to make deliveries on an accelerated basis.

§ 1007.4009 Furnishing of materials or supplies by the Government at its option.

The following clause may be inserted in any fixed-price contract for supplies or services where it is contemplated the Government may furnish the Contractor with materials or supplies not provided for in the contract:

FURNISHING OF MATERIALS OR SUPPLIES BY THE GOVERNMENT AT ITS OPTION

The Government may at its option from time to time furnish the Contractor with materials or supplies not obtainable in the open market and which are required by the Contractor for the performance of this contract. In such event, an equitable reduction in the contract price shall be made prior to the delivery of such materials or supplies to the Contractor, or as soon thereafter as possible, but in no event later than thirty (30) days after such delivery.

§ 1007.4010 Government-furnished property to be returned in kind.

Whenever it is considered desirable in a fixed-price contract that Government-furnished property which is to be incorporated in the end items be returned by the Contractor in kind, if possible, and if not possible that an adjustment be made in the contract price, the following clause may be used:

GOVERNMENT-FURNISHED PROPERTY TO BE RETURNED IN KIND

Certain property furnished to the Contractor by the Government under the provisions of this contract may be expressly designated to be returnable in kind to the Government. Whenever replacement can be accomplished without delaying production the Contractor agrees to use its best efforts so to return like property. It is agreed that the procedures set forth below will be followed in connection with such property:

(a) In the event all the property furnished under this clause is not returned in kind to the Government, the price of supplies delivered to the Government hereunder shall be reduced equitably in accordance with the clause hereof entitled "Changes".

(b) To the extent that the Contractor shall, within 90 days after receipt of property from the Government or such extension thereof as may be agreed upon, return like property to the Government, the Government's right to a price reduction, pursuant to subparagraph (a) above shall be waived.

(c) In the event of termination of this contract, the parties shall take into consideration, as part of the termination settlement the effect of any adjustment in price required by reason of this clause and not theretofore made.

(d) The provisions of the clause of this contract entitled "Government-Furnished Property" shall be applicable to any property furnished the Contractor under this clause.

(e) From time to time, and in any event, prior to final payment under this contract a list of the property furnished, the property returned and any adjustment in price by reason thereof shall be evidenced by Change Order or Supplemental Agreement to this contract.

§ 1007.4011 Recapture clause for equipment rental contracts.

(a) When equipment for maintenance and repair is rented from a contractor, the following clause will be included in the rental contract, unless the contracting officer determines that the use of the clause will unduly limit competition:

RECAPTURE OF EQUIPMENT

(a) When and if the total rental paid or accrued to the Lessor for any equipment covered by this agreement shall equal the agreed value thereof plus 1 percent per month of the agreed value for each contract month or fraction thereof such equipment shall have been subject to use pursuant to this agreement, no further rentals shall accrue hereunder and title to such equipment shall vest in the Government. In such event the Lessor shall forthwith remove without cost to the Government any and all liens or encumbrances against such equipment.

(b) At any time during the period of this agreement, the Government may at its option purchase any equipment covered by this agreement, upon the giving of written notice of its intention so to do, by paying the difference between the agreed value plus 1 percent per month of the agreed value for each contract month or fraction thereof such equipment shall have been subject to use pursuant to this agreement, and the total rental for such equipment theretofore paid or accrued. Upon the giving of such notice, the Lessor shall forthwith transfer title to such equipment to the Government.

(c) The Lessor agrees that in the event the Government acquires title to any equipment covered by this agreement pursuant to subparagraph (a) or (b), of this clause, it will hold the Government harmless against all claims asserted against such equipment, whether asserted prior to or after passage of title to the Government, where such claims arise prior to the vesting of title in the Government.

(b) *Limitation on rental of equipment.* The existence of the above clause will not

be construed as the authority for the rental of property. Although otherwise authorized, equipment may be rented only when: (1) Reasonable rental rates are obtainable, and (2) purchase of the equipment would not be more advantageous to the Government than rental. In no event shall equipment be rented when the rental rates are so high that use of the foregoing clause makes the rental contract tantamount to the procurement of equipment on an installment basis.

§ 1007.4012 Rental of gas cylinders.

All contracts which provide for the rental of gas cylinders will contain the more applicable of the following clauses:

(a) When one cylinder at a time is rented:

RENTAL OF GAS CYLINDERS

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there will be charged, and the United States agrees to pay the Contractor, a rental of $------ per cylinder per day for the use of such cylinders.

(b) When a quantity of cylinders is rented:

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there will be charged, and the United States agrees to pay the Contractor, a rental of $------ per cylinder per day, computed on a quantity basis, as indicated below, for the use of such cylinders. This rental charge will be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days will accrue for each cylinder shipped. A debit of 1 cylinder day will accrue for each cylinder for each day held beginning with the day after date of shipment from Contractor's plant to and including the day the cylinder is released to the transportation company for return to the Contractor. At the end of the contract period, in the event the total number of debits exceeds the total number of credits, rental will be charged for the difference. If the total number of credits equals or exceeds the total number of debits, no charge will be made for the use of the cylinders.

All cylinders not returned to the Contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the Contractor at a replacement value of $------ for each oxygen cylinder up to 110 cubic feet capacity, $------ for each oxygen cylinder over 110 cubic feet capacity, $------ for each acetylene cylinder up to 150 cubic feet capacity, and $------ for each acetylene cylinder over 150 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the Contractor, and, in such event, credit shall be allowed to the Government at the replacement value paid, less rental of $------ per day beginning at the expiration of the 30-day period as aforesaid to the date upon which cylinders are turned over to the Carrier for return to Contractors' plant.

§ 1007.4013 Quality control system.

All contracts (other than base procurement contracts and those excluded by paragraph 1.2 of Military Specification MIL-Q-9858, as in effect on the date of the contract will contain the following clause:

QUALITY CONTROL SYSTEM (OCT. 1960)

The Contractor shall provide and maintain a quality control system acceptable to the Government for the supplies covered by this contract. The system of quality control shall be in accordance with Military Specifications MIL-Q-9858, U.S. Air Force Bulletin No. 515, Control of Nonconforming Supplies and U.S. Air Force Bulletin No. 520, Calibration and Certification of Measuring and Testing Equipment, as in effect on the date of this contract. The provisions of this clause shall be inapplicable if this contract is one of the types specified in paragraph 1.2 of referenced specification.

The date of the MIL-Q-9858 specification in effect on the date of the contract may be specifically identified in the contract schedule.

NOTE: The following change may be made to the clause at the option of the Contracting Officer, that: the issue in effect at the date of the contract may be more specifically identified in the schedule of the contract (Ref: par. 4.2 of MIL-Q-9858).

§ 1007.4014 Certificate acceptance.

The following clause may be used to provide for certificate inspection according to § 1014.203 of this chapter:

CERTIFICATE ACCEPTANCE (JAN. 1960)

(a) At the option of the Contracting Officer any of the supplies or services to be furnished hereunder may be accepted without prior Government inspection upon receipt of a certificate of the Contractor attached to an invoice for said supplies or services reading substantially as follows:

"I hereby certify that I did, on the ------ day of ----------, 19--, ship via ----------, in accordance with shipping instructions issued by the Contracting Officer, the supplies called for by Contract No. (insert contract number) ------; that such supplies were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications) or (complete the services called for by Contract No. (insert contract number) -----, item -----; that such services were in the quantity and of the quality called for, and were in all respects in accord with applicable specifications). This statement is furnished to support payment of the attached invoice."

(b) Notwithstanding any provisions of the certificate above referred to and notwithstanding the provisions of paragraph (c) of the clause hereof entitled "Inspection" or "Inspection of Supplies and Correction of Defects" as the case may be, the liability of the Contractor with respect to supplies accepted by the Government under the provisions of paragraph (a) above will, after inspection by the Government or after the expiration of a reasonable time following delivery to the Government within which inspection may be made, whichever occurs first, be limited (except as to supplies rejected upon such inspection) to liability for latent defects, fraud, or such gross mistakes as amount to fraud.

§ 1007.4015 Additional inspection requirements.

Any fixed-price contract which calls for the delivery of supplies may include the following clause:

ADDITIONAL INSPECTION REQUIREMENTS

(a) The Contractor shall inform the Inspector when supplies are ready for inspection.

(b) The respective points for final inspection and acceptance by the Government of all the supplies (other than aircraft to be flown away, if any) to be furnished under this contract shall be, in addition to the plant or plants of the Contractor specified elsewhere herein, any other plant or plants of the Contractor or any plant or plants of a subcontractor or vendor of the Contractor hereunder, provided that such other plant or plants of the Contractor or such plant or plants of a subcontractor or vendor shall have been approved for such purpose in writing by the Contracting Officer. It is expressly understood by the Contractor that request by it for the approval referred to in the preceding sentence must be made as soon as practicable to permit the Government to make necessary arrangements for inspection and acceptance, and that the Government is not obligated to make such final inspection and acceptance at any point so approved until a reasonable period after the date of such approval.

(c) The Contractor shall, in the manufacture of the articles to be supplied under this contract, be required to use jigs, fixtures, and/or other devices and appliances in all processes where such use is conducive to interchangeability and uniformity of the product, of such character as will reduce the necessity for selective assembly to the least practicable minimum, and whenever the inspector shall determine that any jig, fixture, device, or other appliance is incorrect, worn, damaged, or defective to such an extent as to adversely affect basic interchangeability of the article manufactured, he shall so inform the Contractor in the same manner as applied to the rejection of defective material presented for acceptance by the Government representative, and the Contractor shall not thereafter use the said jig, fixture, or appliance, in its incorrect, worn, damaged, or defective form in the manufacture of articles intended for delivery under this contract.

(d) Unless otherwise provided herein, if any aircraft are required to be furnished to the Government hereunder and the same are to be flown away, such aircraft shall be finally inspected and accepted by the Government at a flying field or fields to be approved by the Government in the vicinity of the Contractor's plant or plants specified elsewhere herein or in the vicinity of any other plant or plants of the Contractor approved for such purpose in writing by the Contracting Officer. Unless otherwise provided herein, such inspection and acceptance shall be accomplished in accordance with the provisions of MIL-A-8730, as in effect on the date of this contract.

§ 1007.4016 Inspection requirements for experimental aircraft.

In fixed-price contracts for the production of experimental aircraft, paragraph (c) of the clause entitled "Additional Inspection Requirements" set forth in § 1007.4015, may be deleted and the following paragraph, designated "(c)," substituted:

INSPECTION REQUIREMENTS FOR EXPERIMENTAL AIRCRAFT

(c) The Contractor shall, in the manufacture of the articles to be supplied under this contract, be required to use such jigs, fixtures, and/or other devices and appliances which are suitable for the fabrication of experimental-type aircraft and pertinent spares. Such jigs, fixtures and/or other devices and appliances may be of temporary-type construction but shall be adequate to maintain the dimensions called for in the applicable drawings.

§ 1007.4017 Sanitary inspection.

Insert the following clause in all contracts for the procurement of bakery or dairy products. See Subpart FF of this part and the note appearing at the end of this clause.

SANITARY INSPECTION

(a) Award of items listed on this Invitation for Bids shall be made only to a bidder whose facilities at which such items are to be produced have been inspected or otherwise approved by an officer of the Air Force Veterinary Corps or the Army Veterinary Corps within 30 days prior to the opening date of this Invitation for Bids. In the event that the inspection reveals the existence of unsanitary conditions, the bidder shall be informed of such conditions in writing, by the Contracting Officer prior to award, and no award shall be made to that bidder unless the conditions are immediately corrected, reinspection requested, and on such reinspection the facilities are found satisfactory and approved.

(b) The Government reserves the right to inspect the Contractor's facilities at all reasonable times during the performance of this contract. If an inspection reveals the existence of unsanitary conditions, the Contractor shall be requested, in writing, by the Contracting Officer to correct such conditions. Refusal to correct unsanitary condition shall constitute sufficient cause for the Government to terminate this contract immediately in accordance with the clause hereof entitled "Default" and without waiting ten days for the correction of the condition.

(c) Bidders may obtain sanitary inspection of their facilities by applying in writing to the Contracting Officer named herein not less than 10 calendar days prior to the opening date of this Invitation for Bids.

(d) The results of any sanitary inspection by the Department of the Air Force or the Department of the Army shall not be used for private sales promotion or advertising purposes.

NOTE. Paragraphs (a) and (c) above are required only in advertised procurement. In procurement placed by negotiation, this clause will consist of only paragraphs (b) and (d), which will be suitably redesignated, and the content of paragraphs (a) and (c) called to the contractor's attention in the course of negotiation.

§ 1007.4018 Vehicles or conveyances.

Insert the following clause in all contracts for the procurement of bakery or dairy products (see Subpart FF of this part):

VEHICLES OR CONVEYANCES

Vehicles or conveyances used in the transportation of items called for in this contract shall consist of clean, closed vehicles conforming to high standards of commercial transportation, equipped to protect against contamination of the product. These vehicles or conveyances shall be subject to examination at all times by the Contracting Officer or his authorized representative.

§ 1007.4019 Federal Food, Drug, and Cosmetic Act.

Insert the following clause in all contracts for the procurement of bakery or dairy products (see Subpart FF of this part):

FEDERAL FOOD, DRUG, AND COSMETIC ACT

All deliveries shall comply with the provisions of the Federal Food, Drug, and Cosmetic Act, Public Law 717, 75th Congress, as amended.

§ 1007.4020 First article approval.

(a) When it is desired that the first article or articles of the contract be subject to a First Article Engineering Test and approval, a clause providing for such testing and approval may be inserted in the contract. The delivery of the remaining articles will be scheduled for specific times after, and contingent upon, receipt of notice of approval of the first article. Provision may be made in the clause limiting the number of resubmissions of first articles after rejection caused by failure to meet specification requirements. Since the exact nature of the testing desired, and the extent to which the contractor will be authorized to proceed with production pending that testing and approval, will vary from contract to contract, establishment of a standard clause is not practicable. Set forth in this section is a sample provision which may be useful as a guide for fixed-price contracts. However, paragraphs (d) and (e) will be included in any such fixed-price provision.

FIRST ARTICLE APPROVAL

(a) The first (number to be tested) articles of Item (contract item number) are designed as First Articles and shall be delivered by the Contractor to the Government, all transportation charges prepaid, on or before ----------, 19--, for First Article Engineering Test and approval. The Contractor will be notified in writing, whether or not the First Articles are approved. After testing, said article shall be returned to the Contractor, at the Contractor's expense, in their then condition for submission as contract items after repairs and modifications, if necessary, have been made by the Contractor. Pending written approval of the First Articles the remaining items of the contract shall not be fabricated or produced but the Contractor may acquire necessary materials for fabrication.

(b) First Articles shall be delivered to (set forth consignee and address to which first articles are to be shipped).

The following marking shall be placed on the container of the First Article, below and to the left of the address:

First Articles: Contract No. ------
Item ----------
Attn: (set forth by name or symbol, and address, the laboratory or other place where the first articles are to be tested).

(c) At least thirty (30) days prior to shipping First Articles, the contractor shall send written notice of the time and method of shipment to the Contracting Officer and to the laboratory or other place designated in (b) above where the First Article Engineering Tests are to be conducted.

(d) If the Contractor fails to deliver the First Articles within the time set forth in (a) above or any extension thereof, the Contractor shall be deemed to have failed to make delivery within the meaning of (a) (1) of the clause hereof entitled "Default."

(e) If, following any submission or resubmission under this clause, the tests reveal discrepancies in the First Articles from the specification requirements, the Government may, at its option, either (1) terminate this contract in accordance with the terms of (a) (1) of the clause hereof entitled "Default," or (11) notify the Contractor in writing of the discrepancies and specify an extension of the time set forth in (a) above, in which event the Contractor shall correct and resubmit the First Articles at no cost to the Government. (*End of Clause.*)

(b) Where it is desired to permit the contractor to fabricate and produce items pending approval of the first articles, the last sentence of paragraph (a) of the clause set forth above will be deleted and the following substituted:

Pending approval of the First Articles the Contractor may proceed with fabrication and production of items, but shall make no deliveries.

(c) When adapting the clause set forth in paragraph (a), above, for use in a cost-reimbursement type contract, appropriate changes may be made. However, the following changes, at least, will be made:

(1) In paragraph (a) delete from the fifth line "all transportation charges prepaid" and delete from the seventh line "at the contractor's expense."

(2) In lieu of paragraphs (d) and (e) the following paragraph will be used:

(d) In the event the Contractor fails to deliver an acceptable First Article within the time set forth in (a), above, or any extension thereof, the Government may, at its option, either (1) terminate this contract for default in accordance with the provisions of the clause hereof entitled "Termination", or (11) notify the Contractor in writing of the discrepancies revealed between the specifications and the tendered First Article and specify an extension of the time set forth in (a), above, in which event the Contractor shall correct and resubmit the First Article.

(3) In CPFF contracts, the following phrase should be added at the end of paragraph (d): ", at no change in fixed fee."

§ 1007.4021 Production sample test.

(a) When it is desired that samples from a production quantity of articles be tested and approved, the following clause may be used. Since the exact nature, method, and place of the testing desired will vary from contract to contract, establishment of a mandatory clause is not practical. Set forth in this section is a sample provision which may be useful as a guide for fixed-price contracts. However, paragraphs (d) and (f) will be included in any such fixed price provision.

PRODUCTION SAMPLE TEST

(a) The Contractor shall forthwith deliver to the Government, all transportation charges prepaid, such articles, not to exceed a total of ------ articles, called for in Item ------ as may be designated by the Government inspector, as production samples for testing. The Government, after testing, will give the Contractor a notice in writing approving, or disapproving, the samples as submitted within ------ days after receipt thereof. After testing, said articles shall be returned to the Contractor, at the Contractor's expense, in their then condition, for submission as contract items after repairs and modifications, if necessary, have been made by the Contractor. Pending the approval by the Government of said samples, the Contractor may fabricate the remaining articles under this contract: *Provided, however*, That the Contractor shall make no deliveries, and that in the event the production samples reveal discrepancies from specification requirements, the Contractor shall make the necessary changes in all the fabri-

cated articles to correct such discrepancies at no cost to the Government.

(b) Production sample(s) shall be delivered to (set forth consignee and address to which Production Samples are to be shipped).

The following marking shall be placed on the container of the production sample(s), below and to the left of the address:

Production Sample(s): Contract No. ------
Item ----------

Attn: (set forth by name or symbol, and address, the laboratory or other place where productions sample(s) are to be tested).

(c) At least thirty (30) days prior to shipping production sample(s), the Contractor shall send written notice of the time and method of shipment to the Contracting Officer and to the Laboratory or other place designated in (b) above where the Production Samples are to be tested.

(d) If the Contractor fails to deliver the production sample(s) within the time set forth herein, or any extension thereof, Contractor shall be deemed to have failed to make delivery within the meaning of (a) (i) of the clause hereof entitled "Default."

(e) The delivery schedules set forth in the contract shall be deemed automatically extended to the extent of the time used for production sample testing. If such time is more than 90 days and does not result from any fault of the contractor, the adjustment in the delivery schedule shall be evidenced by an appropriate amendment to the contract, or the contract shall be terminated pursuant to the clauses hereof entitled "Termination for the Convenience of Government."

(f) If, following any submission or resubmission under this clause, the tests reveal discrepancies in the production sample(s) from the specifications requirements, the Government may, at its option either (i) terminate this contract in accordance with the terms of (a) (i) of the clause hereof entitled "Default," provided the time set forth in paragraph (e) above has been exceeded, or (ii) notify the contractor in writing of the discrepancies and specify an extension of the time set forth in (a) above, in which event contractor shall correct and resubmit the production samples at no cost to the Government.

(b) When it is desired to permit the contractor to deliver items pending approval of the production samples, paragraph (e) of the clause set forth in this section will be deleted, and the last sentence of paragraph (a) of said clause will be deleted and the following substituted:

Pending the approval by the Government of said samples, the Contractor may fabricate and deliver the remaining articles under this contract: Provided, however, That in the event the production samples reveal discrepancies from specification requirements, the Contractor shall make the necessary changes, in all the fabricated articles delivered after receipt of notice of discrepancy, to correct such discrepancies at no cost to the Government.

(c) When adapting the clause set forth in paragraph (a) of this section, for use in cost reimbursement type contracts, appropriate changes may be made. Guidance for the making of such changes is set forth in § 1007.4020(c).

§ 1007.4023 Inspection and audit.

The following clause will not be inserted in formal advertised contracts but will be inserted in all negotiated fixed-price-type contracts which provide for: Progress or advance payments, reimbursement of specific costs such as materials, or price redetermination or incentive price revision; and in all other negotiated fixed-price-type contracts in which the Air Force desires the right to inspect the books, records, and plants of the contractor or its subcontractors:

INSPECTION AND AUDIT

(a) The Contractor agrees that its books and records and its plants, or such part thereof as may be engaged in the performance of this contract shall at all reasonable times be subject to inspection and audit by any authorized representative of the department.

(b) The Contractor shall cause a like provision to be included in all subcontracts hereunder.

§ 1007.4024 Superseding specifications.

Any contract which requires the contractor to comply with a Government specification will contain the following clause:

SUPERSEDING SPECIFICATIONS

All references in any Government specification incorporated herein to other Government specifications shall be deemed to include all specifications supplementary to or superseding the specifications so referred to, to the extent that such supplementary or superseding specifications are in effect at the date of Contractor's latest quotation, if the Contractor was furnished or otherwise notified of the existence of such supplementary or superseding specification at the time of said quotation.

§ 1007.4025 Changes.

Any contract for supplies, services, or research and development for which another changes clause is not mandatory, may contain the following clause:

CHANGES

The Contracting Officer may, at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to drawings and specifications, issue additional instructions, require modified or additional work or services within the general scope of the contract, change the place of delivery or method of shipment, or the amount of Government furnished property. If any such change causes an increase or decrease in the cost of, or in the time required for, performance of this contract, an equitable adjustment shall be made in the contract price, or time of performance, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date or receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1007.4026 Option for increased quantity.

Any fixed-price-type supply or service contract, in which it is desired the Government have an option to increase the quantity called for, may include the following clause:

OPTION FOR INCREASED QUANTITY

The Contractor grants to the Government the right to increase the quantity or quantities of the supplies and services called for herein, not exceeding ------ percent by item, and at not more than the unit price or prices specified herein. Said increase may be applied to any or all items at the option of the Contracting Officer. The Government shall exercise this option not later than ------ days before the last scheduled delivery under this contract and exercise of this option shall be evidenced by a Change Order to the contract or by a Supplemental Agreement if reduced prices are involved. The Contractor further agrees that delivery of the items added by exercise of this option shall continue immediately after delivery of like items called for hereunder at the same rate as that called for under this contract unless otherwise agreed by the parties.

§ 1007.4028 Estimated requirements.

(a) The following clause will be inserted in all contracts for the procurement of laundry or dry cleaning services (Subpart GG of this part). The clause will also be used in requirement contracts for the procurement of (1) bakery or dairy products or packing and crating services (see Subparts FF and II of this part) or (2) other frequently procured standard commercial supplies or services where requirements are indefinite in quantity and frequency.

ESTIMATED REQUIREMENTS

(a) The quantities of supplies and services which the Government estimates that the Government activity named in the Schedule will require during the period covered by this contract are set forth in the Schedule. These quantities are estimated only and are not purchased hereby.

(b) The Government agrees to call on the Contractor for all the requirements for such supplies and services of the Government activity named in the schedule. The Contractor agrees to furnish such supplies and services when called for by the Government.

(c) In the event that the requirements of the Government activity named in the Schedule for the supplies and services described herein do not materialize in the quantities specified as either "estimated" or "maximum" in the schedule, such failure shall not constitute grounds for equitable adjustment under this contract, except as may be specifically provided in the schedule.

NOTE: (1) If desired, any one or all of the following points may be covered by adding an additional paragraph or paragraphs to the above clause:

(a) Where feasible, the maximum limit of the contractor's obligation to deliver and, in such event, also appropriate provision limiting the Government's obligation to order.

(b) Limitations, in terms of percentage, the quantities which may be called for during any specified period.

(c) Limitation on the frequency of calls.

(2) Whenever, Dairy and Bakery product requirements for both troop issue and resale have been included in the same schedule and it is contemplated that similar products will be procured on a "brand name" basis, the following clause will be included in the schedule:

The requirements contained in this contract are for specification type items, and notwithstanding anything to the contrary in the General Provisions, this contract is not to be construed to prevent the Government from procuring similar products of brand name for resale purposes from other sources.

(b) When, according to § 1003.405–5 (b) (4) of this chapter, it is desired to use a requirements contract for nonpersonal services and supplies incidental thereto, covering requirements estimated to be over and above a specific AF activity's internal capabilities of performing itself, the following shall be substituted for paragraphs (a) and (b) of the clause in paragraph (a) of this section.

(a) The quantities of supplies and services which the Government estimates that the Government activity named in the Schedule will require during the period covered by this contract are set forth in the Schedule. These quantities are not the total requirements of the activity named in the Schedule; they are estimates of requirements over and above the quantities which such activity may itself furnish within its own capabilities. Inasmuch as these are estimates only, they are not purchased hereby.

(b) The Government agrees to call on the Contractor for all the requirements for such supplies and services of the Government activity named in the Schedule over and above the quantities which such activity may itself furnish within its own capabilities. The Contractor agrees to furnish such supplies and services when called for by the Government.

§ 1007.4029 Guaranty clause for fixed-price contracts.

The following clause, which limits the contractor's liability under the "latent defects" provision of the Inspection clause to 6 months but increases the contractor's liability to include patent defects for 6 months, is authorized for use in any fixed-price contract for supplies or services, provided the contracting officer determines: (a) That the provision is in the best interest of the Government and (b) that the price being paid for the supplies or services will be no greater than without the clause. The stated period of 6 months may be increased if considered desirable by the contracting officer:

GUARANTY

(a) The Contractor guarantees that at the time of delivery thereof the articles and services provided for under this contract will be free from any defects in material (other than latent defects in "Government-furnished property," as described in the clause of this contract entitled "Government-Furnished Property") or workmanship and will conform to the requirements of this contract.

(b) Notwithstanding any other provision of this contract, final acceptance of the articles and services shall be conclusive except as regards (i) fraud; (ii) such gross mistakes as amount to fraud; or (iii) any defects or failure to conform with contract requirements (whether latent or patent) as to which the Government shall notify the Contractor within six (6) months after the date of final acceptance. The Contractor shall promptly remedy (either at its plant or at such other place as may be agreed upon between the Contractor and the Contracting Officer) any such defects or failures by correction or replacement at no increase in the contract price: *Provided,* That applicable tooling and drawings, if otherwise unavailable to the Contractor, are made available by order of the Government: *And provided further,* That the cost of any transportation in connection with the return of articles by reason of defects or failure to conform pursuant to (iii) above, for the purpose of such correction or replacement, shall be borne by the Government. Provisions of this clause shall be applicable with respect to any articles and services which the Contractor corrects or replaces pursuant to it.

(c) If the Government does not require correction or replacement of a defective or nonconforming article or services as provided for above, the Contractor, if required by the Contracting Officer within a reasonable time after the notice of defect or nonconformance, shall repay such portion of the contract price of the article or services as is equitable under the circumstances.

§ 1007.4030 Subcontracts.

All fixed-price contracts for which another subcontract clause is not mandatory, excluding those for which DD Form 1270 is authorized, will contain the applicable clause set forth in this section. See § 3.903–1 of this title and § 1003.903–1 of this chapter for contracts which contain price redetermination and incentive clauses.

(a) For supply contracts which do not contain a price redetermination clause:

SUBCONTRACTS

No contract shall be made by the contractor with any other party for furnishing any of the completed or substantially completed articles, spare parts, or work, herein contracted for, without the written approval of the Contracting Officer as to sources.

(b) For contracts for work or services, which do not contain a price redetermination clause:

SUBCONTRACTS FOR WORK OR SERVICES

No contract shall be made by the contractor with any other party for furnishing any of the work or services herein contracted for without the written approval of the Contracting Officer, but this provision will not be taken as requiring the approval of contracts of employment between the Contractor and personnel assigned for services thereunder.

§ 1007.4033 Contractual contents.

Any contract may contain the following clause when it is desirable to enumerate the components of the contract, e.g., the clauses, or the various specifications, parts, or general or special provisions:

CONTRACTUAL CONTENTS

This contract consists of [*here enumerate the contents of the contract, e.g., Schedule, General Provisions, Special Provisions, Specifications or the Contract Clauses or the Number of Pages comprising the Contract*].

§ 1007.4034 Discounts.

Any contract, under which a discount for prompt payment may be available, may contain the following clause:

DISCOUNTS

In connection with any discount offered, as may be set forth in the Schedule, time will be computed from date of the delivery of the supplies to carrier when delivery and acceptance are at point of origin, or from date of delivery at destination or port of embarkation when delivery and acceptance are at those points, or from date correct invoice or voucher (properly certified, if the contract so provides, by the Contractor) is received in the office specified by the Government if the latter date is later than the date of delivery. Payment is deemed to be made, for the purpose of earning the discount, on the date of mailing of the Government check.

§ 1007.4035 Prior instrument superseded.

Any definitive contract which replaces or supersedes a notice of award or letter contract will contain the following clause:

PRIOR INSTRUMENT SUPERSEDED

This is the definitive contract contemplated by (Letter Contract) (Notice of Award) dated ---------- and designated Contract No. ------, and supersedes said (Letter Contract) (Notice of Award). Any costs incurred or payments made thereunder will be considered to have been made under this definitive contract.

§ 1007.4036 Delay in delivery of data.

Any contract which calls for the delivery of an end item and also for technical data, such as handbooks, service manuals, or other information necessary for the proper maintenance or servicing of the end item, will include the following clause:

DELAY IN DELIVERY OF DATA

(a) It is understood that the efficient use by the Government of the supplies called for hereunder requires that the data called for hereunder be delivered not later than the time or respective times herein specified. If such data is not delivered at said time or times, the Government may at its election, so long as such data remains undelivered, unless the delay in delivery thereof arises out of causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause hereof entitled "Default," withhold payment to the Contractor for any of the amounts then due, refuse approval of the Contractor's vouchers and refuse to accept further deliveries hereunder from the Contractor or take any other action authorized by law or regulation now or hereafter in effect including termination of the contract for default to the extent and in the manner authorized by said clause, and may take any or all of the foregoing actions separately or in combination.

(b) The provisions of this clause shall only be applicable to technical data, such as handbooks, service manuals, or other information necessary for the proper maintenance or servicing of the end items called for herein.

NOTE: The word "Default" will be changed to "Excusable Delays" in cost type contracts.

§ 1007.4037 Inspection.

Any contract for supplies or services, for which another inspection clause is not mandatory, may contain the following clause:

INSPECTION

All services, material and workmanship shall be subject to inspection and test by representatives of the Government. For this purpose, the Contractor shall allow at all reasonable times inspectors and other Government personnel free access to the plant and operations and shall furnish such facilities, supplies and services as may be required for this work.

§ 1007.4038 Price warranty.

The price warranty clause, while not applicable to advertised procurements, may be used in any negotiated fixed-price contract. This clause is suitable for use in contracts for commercial items, or where a cost breakdown of a contractor's costs is not available. For contracts containing escalation provisions, see § 1003.-403–2 of this chapter.

PRICE WARRANTY

The Contractor warrants that the prices of the items set forth herein do not exceed those charged by the Contractor to any

other customer purchasing the same items in like or smaller quantities.

§ 1007.4039 Order clause under indefinite quantity contracts.

Indefinite quantity contracts (§1003.405–5(c) of this chapter and § 3.405–5(c) of this title) will include the following clause in addition to those clauses required or authorized by this Part 1007 for the type of contract involved.

ORDERS

(a) The Contractor agrees to furnish to the Government, when ordered, the supplies or services set forth in the Schedule up to and including the quantity designated in the Schedule as the "maximum quantity." The Government agrees to order the quantity of such supplies and services designated in the Schedule as the "minimum quantity." Such supplies or services will be furnished at the prices set forth in the Schedule.

(b) Orders for supplies or services shall be issued by the Contracting Officer in writing, dated, and serially numbered. They shall set forth (i) the supplies or services being ordered, (ii) the quantities to be furnished, (iii) delivery or performance dates, (iv) place of delivery or performance, and (v) packing and shipping instructions, if any. Amendments to orders may be issued in the same manner as original orders. Each order or amended order shall contain a citation of funds from which payment for the supplies or services ordered shall be made.

NOTE: An appropriate paragraph shall be added to the foregoing clause when, pursuant to § 3.405–5(c)(1) of this title, it is desired to provide for (i) maximum quantities which may be ordered under each order or during a specified period of time, or (ii) minimum quantities to be ordered under each order or during a specified period of time.

§ 1007.4040 Call procurement arrangement.

Any call procurement arrangement, issued according to § 1003.405–51 of this chapter will contain the following clause in addition to the clauses required or authorized for a contract of the type desired for the procurement arrangement.

CALLS

(a) Upon receipt by it of any Call issued hereunder by the Contracting Officer, the Contractor, pursuant to such call, shall furnish to the Government supplies or services of the type and at the prices set forth in the Schedule. Calls may be issued at the sole option of the Contracting Officer during the period set forth in the Schedule. It is understood and agreed that the Government undertakes no obligation hereby to issue Calls hereunder. The provisions of this arrangement, including the Schedule, shall govern all Calls issued hereunder during the aforementioned period.

(b) Calls for supplies or services shall be issued by the Contracting Officer in writing, dated, and serially numbered. They shall set forth (i) the supplies or services being ordered, (ii) the quantities to be furnished, (iii) delivery or performance dates, (iv) place of delivery or performance, and (v) packing and shipping instructions, if any. Amendments to Calls may be issued in the same manner as original calls. Each Call or amended Call shall contain a citation of funds from which payment for the supplies or services ordered shall be made.

§ 1007.4041 Descriptive identification data to be furnished by Government suppliers.

Supply contracts issued by Hq AMC or AMC field procurement activities as a result of PR's or MIPR's which contain a requirement for descriptive identification data according to specification MIL–D–26715 (USAF) will contain clause (a) below, where such data are required for end items on the contract, and/or (b) below, where such data are required for spare parts to be selected and furnished in accordance with a provisioning document. In the event the PR or MIPR calls for prescreening data only, the first sentence of the (a) or (b) clause will be changed to read: The contractor shall furnish prescreening data in accordance with requirements of MIL–P–9855 (USAF) as in effect on the date of this contract.

DESCRIPTIVE IDENTIFICATION DATA TO BE FURNISHED BY GOVERNMENT SUPPLIERS

(a) On item No.(s) ------, the contractor shall furnish identification data in accordance with MIL–D–26715 (USAF) as in effect on the date of this contract. This service is included as an item in the contract schedule. Such data shall be delivered to the Government in accordance with the time cycle contained in the specification. No deliveries shall be made on these items until the contract has been amended to include the appropriate stock numbers. Any delay on the part of the Government to adhere to the time cycle set forth in the specification shall be considered an excusable delay within the meaning of the clause of this contract entitled "Default" or "Excusable Delays." Any such excusable delay will automatically extend the delivery schedule by the time of the delay.

(b) The contractor shall furnish identification data in accordance with MIL–D–26715 (USAF) as in effect on the date of this contract for spare parts to be selected and furnished under provisioning procedures as established by item No.(s) ------. The price for furnishing such data shall be included in the price of said spare parts and shall be negotiated at the time and in the manner provided in this contract for the price of spare parts. Any delay on the part of the Government to adhere to the time cycle set forth in the specification shall be considered an excusable delay within the meaning of the clause of this contract entitled "Default" or "Excusable Delays." Any such excusable delay will automatically extend the delivery schedule by the time of the delay.

§ 1007.4043 Returnable containers.

(a) In placing contracts calling for shipment in containers which may be used more than once, it is necessary to cover the following matters contractually:

(1) The contract should state whether the price of the containers is included, either in the unit price or as a separate item, whether the Government will be charged for containers, or whether the contractor will invoice for them later. It is highly inadvisable to provide that the contractor will invoice later, since this is likely to lead to considerable complications.

(2) The contract should state whether the containers are to be returned, and if so, within what time limit.

(3) If the contract price includes the price of the containers (either in the unit price or as a separate item) the contract should state whether the containers are considered "one-time shippers" or whether the Government will have the right to return the containers for credit.

(4) If the Government has the right to return the containers for credit, provision should be made regarding the time limit, price, f. o. b. point, and consignment instructions.

(5) The price of containers should be listed as a separate item on the contract wherever possible, and handled separately on shipping documents and accountable records.

(b) Following are several typical clauses considered to be according to commercial practice in the various situations indicated by the wording of the clauses. Care must be exercised to insure the use of a clause which is known to be acceptable to the contractor. All of these clauses refer to "reels" but may be changed to cover drums, spools, carboys, or other containers. See § 1007.4012 for an appropriate clause for rental of gas cylinders.

REELS

(a) The cost of reels is included in the contract price. All reels referred to herein are subject to return by the Government, if in good condition, reasonable wear and tear excepted, at a credit of $------ per reel, within ------ days after delivery to the Government. If returned after said period has elapsed, the amount to be paid the Government therefor shall be decreased 5 percent for each month or fraction thereof in excess of said period.

(b) Reels returned as above shall be delivered to the Contractor f. o. b. cars or freight station [*here insert city and State of contractor's plant*], and the Contractor shall allow the commercial freight charges to such place from point of Government destination hereunder. The Government shall not be responsible for the return of lagging, nor shall the cost of lagging be included in the value of reels.

REELS

The cost of nonreturnable reels used in supplying the items called for herein is included in the contract price and such reels will not be returned to the Contractor.

REELS

All reels referred to herein are subject to return by the Government, if in good condition, reasonable wear and tear excepted, within twelve (12) months after the date of delivery, at the price of $------ per reel.

REELS

The cost of reels is included in the contract price. Such reels may be returned to the Contractor by the Government f. o. b. cars or freight station [*here insert city and State of contractor's plant*], if in good condition, reasonable wear and tear excepted, within ------ months from and after date of delivery at the price of $ ------ per reel.

§ 1007.4044 Customary commercial warranties.

Any negotiated contract may contain the following clause where a commercial article is being procured on which the contractor customarily grants to purchasers a warranty covering the same:

WARRANTY

In addition to any other rights granted under this contract, the Contractor grants to the Government the same warranty on the items procured hereunder customarily given to its commercial customers.

§ 1007.4045 Payment of fixed fee.

The following clause, to comply with § 7.203–4 of this title "Allowable Cost, Fixed Fee, and Payment," paragraph (h), may be inserted in the schedule of a cost-reimbursement-type contract to provide for payment of a fixed-fee as determined payable under Subpart N, Part 1054, of this chapter.

PAYMENT OF FIXED FEE

The fixed fee shall be paid in monthly installments based upon the percentage of completion of work, as determined by the Contracting Officer.

§ 1007.4046 Payments clause for fixed-price-type letter contracts.

The payments clause set forth below may be inserted by amendment into a fixed-price-type letter contract in which considerable deliveries are being made, and in which definitization has been delayed if it is determined by the procuring contracting officer that the delay is not due to the fault of the contractor. The use of this clause will require negotiation of an interim price. The price is for billing purposes only and should not be used in any way as a basis for fixed-price-type negotiations. It should not exceed 75 percent of the estimated unit cost. The clause should not be used in a letter contract for which progress payments provided in Subpart F, Part 1054, of this chapter have been authorized.

PAYMENTS CLAUSE FOR FIXED-PRICE-TYPE LETTER CONTRACTS

(a) Pending execution of a definitive contract, payment will be made for each item delivered and accepted upon the submission of properly certified invoices or vouchers, in accordance with the following:

(Item No.) (Nomenclature) (Quantity) (Unit price) (Total amount)

(b) It is understood that the prices stated herein are tentative only, and are subject to adjustment in accordance with the price to be established in the definitive contract.

(c) In the event of termination, the termination provisions shall govern, and the price stated herein shall not be applied for the purpose of computing a termination settlement.

(d) The aggregate payment made for deliveries under this clause shall not exceed the amount obligated under this contract.

§ 1007.4047 Safety and accident prevention.

Any contract which is to be performed in whole or in part on an AF base or other AF installation under the direct control of the Government will contain the following clause:

SAFETY AND ACCIDENT PREVENTION

In performing any work under this contract on premises which are under the direct control of the Government, the Contractor shall (i) conform to all safety rules and requirements prescribed in Air Force Manual 32–3, as in effect on the date of this contract and (ii) take such additional precautions as the Contracting Officer may reasonably require for safety and accident prevention purposes. The Contractor agrees to take all reasonable steps and precautions to prevent accidents and preserve the life and health of Contractor and Government personnel performing or in any way coming in contact with the performance of this contract on such premises. Any violation of such rules and requirements, unless promptly corrected, as directed by the Contracting Officer, shall be grounds for termination of this contract in accordance with the default provisions hereof.

§ 1007.4048 Ammunition and explosive material safety.

All contracts, including letter contracts, for: (a) manufacture, maintenance, modification, or overhaul of aircraft, missiles, rocket engines, and fire control systems, (b) manufacture of explosives or ammunition, and (c) any other contract that may involve the storage, manufacture, packaging, transportation, handling, or use of explosives or ammunition, will contain the following clause:

AMMUNITION AND EXPLOSIVE MATERIAL SAFETY

The Contractor shall comply with the applicable portions of Air Force Technical Orders 11C–1–6, 11A–1–40, 11A–1–40C, 42B–1–6 and AF Regulation 86–6, in effect on the date of this contract, in addition to local, State and Federal ordinances, laws and codes in the manufacture, handling, storage, packaging, transportation or use which may affect the performance of this contract of Government or Contractor owned ammunition or explosive material. The Contractor shall also comply with any additional safety measures required by the Contracting Officer with regard to such ammunition or explosive material; provided, that if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, an equitable adjustment will be made in accordance with the clause hereof entitled "Changes."

§ 1007.4049 Warning labels for hazardous chemicals.

All contracts for the procurement of hazardous chemicals and all contracts which require the use of such chemicals on an AF base or other premises under the control of the Government will contain the following clause:

WARNING LABELS FOR HAZARDOUS CHEMICALS

Containers of hazardous chemicals furnished to the Government or used by the Contractor in the performance of this contract in whole or in part on premises under the control of the Government shall have affixed to such containers in conspicuous place applicable warning labels in substantially the same wording as is set forth in Manual L–1 published by the Manufacturing Chemists' Association, Inc., entitled "Warning Labels," as in effect on the date of this contract. Information concerning any warning label will be furnished to the Contractor by the Contracting Officer upon request. The use of such labels shall be in addition to any other requirements of Federal, State and local laws or regulations.

§ 1007.4050 Government bill of lading.

All contracts issued by Hq AMC or AMC field procurement activities which provide for delivery of supplies will contain the clause set forth in this section. Such contracts issued by other AF activities may contain the clause set forth in this section or may contain a GBL clause adapted to the particular contract.

GOVERNMENT BILL OF LADING

(a) When it is provided in this contract that the supplies shall be delivered other than f.o.b. specified destinations, shipment(a) will be made on a Government Bill of Lading. The required number of such GBL's will be furnished to the Contractor by the cognizant transportation activity. The Contractor shall acknowledge receipt of these GBL's in the manner prescribed. As shipments are made, the contractor shall prepare and distribute the applicable GBL's in accordance with AMC Form 232, "Instructions for Completing Government Bills of Lading." The Contractor also agrees that GBL's in excess of the requirements of this contract will be returned to the cognizant transportation activity within a reasonable time after final shipment.

§ 1007.4051 Special provisions relating to Air Force equipment upon which work is to be performed.

(a) *Requirements and indefinite quantity contracts.* The clause set forth in this section will be inserted in all requirements and indefinite quantity contracts in which items are furnished by the Government for repair or modification to such items. The Schedule will identify the "Air Force equipment upon which work is to be performed" as distinct from Government-furnished property to be used in the performance of such work.

SPECIAL PROVISIONS RELATING TO AIR FORCE EQUIPMENT UPON WHICH WORK IS TO BE PERFORMED

(a) The Contractor's liability for Air Force equipment upon which work is to be performed by the contractor pursuant to this contract shall be subject to the terms and conditions as set forth in paragraph (f) of the clause of this contract entitled "Government-Furnished Property."* However, such equipment shall not be considered Government-furnished* property within the meaning and for the purposes of any other paragraph of that clause.

**(b) The Contractor shall maintain adequate property control records of Air Force equipment furnished for repair or modification in accordance with the requirements of the "Manual for Control of Government Property in Possession of Contractors" (Appendix B, Armed Service Procurement Regulation) as in effect on the date of the contract, which manual is hereby incorporated by reference and made a part of this contract.

*Change "Government-Furnished" to "Government" if the contract is of a cost-reimbursement type.

**NOTE: In lieu of paragraph (b) the following alternate clause will be substituted in base procurement contracts for repair and return of Government property to the shipping organization which are administered by the base procurement activity awarding the contract:

(b) Government property shipped for repair and return will be controlled as a suspense item within the military property account from which shipped.

(b) *Definite quantity contracts.* The clause set forth in paragraph (a) of this section, with the addition of a paragraph (c) set forth in this paragraph, will be inserted in all definite quantity contracts in which items are furnished by the Government for repair or modification to such items. The Schedule will identify the "Air Force equipment upon which work is to be performed" as distinct from Government-furnished property to be used in the performance of such work.

(c) In the event the Air Force equipment furnished for repair or modification is not delivered to the Contractor by the time or times specified in the schedule, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price,** or both and any other contractual provision affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

**Change "contract price" to "estimated cost, fixed fee" if the contract is of a cost-reimbursement type.

(c) If a procurement is formally advertised and involves the repair or modification of items such as aircraft, engines or other costly equipment, then for the the purposes of the clause set forth in paragraph (a) of this section, the paragraph (f) of § 13.502 of this title applicable to advertised procurements may be deleted and the paragraph (f) applicable to negotiated contracts substituted therefor. This substitution shall be made only when the contracting officer makes a determination, in writing, that lower bids are likely to be received as a result of such action.

(d) *Limitations.* Section 10.404 of this title provides coverage for aircraft furnished for modification, maintenance, or overhaul. Therefore, this section will not be used in any contract which requires the use of § 10.404 of this title. However, indefinite quantity contracts containing § 10.404 of this title, which have been negotiated on the basis that there will be no increase in unit price even though the actual input varies from the estimated input, must clearly state in the schedule that the quantity of aircraft to be furnished for modification is an estimate only and that notwithstanding the provisions of the Government Property clause, no increase in unit price shall be made by reason of a variation in the quantity of aircraft input from the estimated quantity set forth in the contract.

§ 1007.4052 Use of Government facilities on no-charge basis.

Where facilities have been placed with a prime contractor under a facilities contract, which provides that use on a no-charge basis in performing Government contracts may be authorized, and it is desired to permit the use of such facilities on a no-charge basis, the following provision, completed with appropriate information, will be placed in the schedule of any negotiated supply, service, or research and development contract with that prime contractor, provided the Government receives adequate consideration and the contractor is not thereby placed in a favored competitive position. Subparagraph (b) of the following provision will be included only when: (a) the price or fee of the prime contract is negotiated on the specific understanding that the use of the facilities without charge will be permitted in the performance of the specified subcontract items by the specified subcontractors, and (b) the subcontractor is not thereby placed in a favored competitive position.

USE OF GOVERNMENT FACILITIES ON A NO-CHARGE BASIS

(a) The contractor is authorized to use, in the performance of this contract, the Government-owned facilities provided to it under Facilities Contract ------ in effect on the date of this contract, on a no-charge basis.

(b) The following subcontractors having Government-owned facilities provided under the Facilities Contracts set forth below, in effect on the date of this contract, are authorized to use such facilities on a no-charge basis for the subcontract items listed below, and the subcontract shall so provide.

Subcontractor	*Facilities Contract No.*	*Subcontract Item*
----------	----------	----------
----------	----------	----------

(c) If the contractor enters into other subcontracts with subcontractors who have Government-owned facilities provided to them under Facilities Contracts which provide that no-charge use may be authorized, the contracting officer may authorize the use of such facilities on a no-charge basis, provided (i) he determines that such use will not give the subcontractor a favored competitive position, and (ii) this contract is amended to reflect adequate consideration to the Government for the use of such facilities on a no-charge basis. Such subcontracts shall specifically authorize the no-charge use, and require the manual approval of the contracting officer. No amendment to this contract will be required, as provided in (ii) above, if the contracting officer determines that an elimination of charge for use of such facilities will of itself result in an adequate decreased cost to the Government.

(d) If the Government-owned facilities provided to the Contractor or any subcontractor hereunder on a no-charge basis are increased or decreased or do not remain available during the performance of this contract, or if any change is made in the terms and conditions under which they are made available, such equitable adjustment as may be appropriate will be made in the terms of this contract, unless such increase or decrease was contemplated in the establishment of the price of this contract or a subcontract.

(e) The Contractor agrees that it will not directly or indirectly, through overhead charges or otherwise, include in the price of this contract, or seek reimbursement under this contract for, any rental charge paid by the Contractor for the use on other contracts of the facilities referred to herein. Any subcontract hereunder which authorizes the subcontractor to use Government facilities on a no-charge basis shall contain a provision to the same effect as this paragraph.

§ 1007.4053 Notice of radioactive materials.

All aircraft missile, and major components contracts, and all other contracts for items which contain radioactive materials or which will become radioactive as a result of work accomplished under the contract will contain the following clause.

NOTICE OF RADIOACTIVE MATERIALS

(a) Contractor shall advise the Contracting Officer in writing, or such office as the Contracting Officer may designate, prior to the delivery of any item or completion of any service called for under this contract if such item or any item upon which service is performed contains radioactive material which requires specific licensing under the Atomic Energy Act of 1954, as set forth as of the date of this contract in the Code of Federal Regulations, Title 10, Parts 30, 40 and 70. Such notice shall specify the part or parts of the items which contain radioactive materials, a description of such materials, the name and strength of the isotope, the manufacturer of the radioactive materials, and any other information known to the Contractor which will put users of the items on notice of the hazards involved in their use. (BOB No. 38–R027.3) Such notification shall be made to the Contracting Officer with sufficient lead time in order that the Air Force may complete licensing requirements prior to delivery and at such time that delivery dates will not be affected.

(b) All items, parts, or subassemblies which contain radioactive materials, and all containers in which such items, parts, or subassemblies are delivered to the Government, shall be clearly marked and labeled with a warning notice as may be required by the Atomic Energy Act of 1954 and outlined in Title 10, Part 20 of the Code of Federal Regulations.

§ 1007.4054 Limitation of Government's obligation.

According to the criteria and limitations for use set forth in § 1053.316 of this chapter, the most appropriate of the clauses set forth in paragraphs (a), (b), or (c) of this section may be used:

(a) When the contract is fixed-price type for supplies or services, or for development using P–100 or P–200 funds, insert the following clause:

LIMITATION OF GOVERNMENT'S OBLIGATION

(1) Of the total price of items ------ through ------ the sum of $------ is presently available for payment and allotted to this contract. It is anticipated that from time to time additional funds will be allotted to this contract until the total price of said items is allotted.

(2) The Contractor agrees to perform or have performed work on said items up to the point at which, in the event of termination of this contract pursuant to the clause hereof entitled "Termination for the Convenience of the Government," the total amount payable by the Government, (including amounts payable in respect of subcontracts and settlement costs) pursuant to paragraph (e) thereof, would in the exercise of reasonable judgment by the Contractor approximate the total amount at the time allotted to the contract. The Contractor shall not be obligated to continue performance of the work beyond such point. The Government shall not be obligated in any event to pay or reimburse the Contractor in excess of the amount from time to time allotted to the contract, anything to the contrary in the clause hereof entitled: "Termination for the Convenience of the Government," notwithstanding.

(3) It is contemplated that the funds presently allotted to this contract will cover the work to be performed, as limited by the provisions of (2) above, until the ---------- day of ----------. In the event funds allotted are considered by the Contractor to be inadequate to cover the work to be performed until the above date, or an agreed date in substitution thereof, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days the work will reach a point which, in the event of termination of this contract pursuant to the clause hereof entitled: "Termination for the Convenience of the Government," the total amount payable by the Government (including amounts payable in respect of subcontracts and settlement costs), pursuant to Paragraph (e) thereof, will approximate eighty-five percent (85%) of the total amount then allotted to the contract. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance to the above or an agreed substituted date. The Contractor shall, thirty (30) days prior to the date above written or agreed substituted date, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required for the timely performance of the contract for a further period as may be specified in the contract or otherwise agreed to by the parties. If after such latter notification, additional funds are not allotted by the date above written or by an agreed date in substitution therefor, the Contracting Officer will, upon written request of the Contractor for the same, terminate this contract on such date or the date set forth in the request, whichever is later, pursuant to the provisions of the clause of this contract entitled: "Termination for the Convenience of the Government."

(4) When additional funds are allotted from time to time for continued performance of the work under this contract, the parties shall agree as to the applicable period of contract performance which shall be covered by such funds and the provisions of Paragraphs (2) and (3) above shall apply in like manner to such additional allotted funds and substituted date pertaining thereto and the contract amended accordingly.

(5) If the Contractor incurs additional costs, or is delayed in the performance of the work under this contract, solely by reason of the failure of the Government to allot additional funds in amounts sufficient for the timely performance of this contract, and if additional funds are allotted an equitable adjustment shall be made in the price or prices (including appropriate target, billing, and ceiling prices where applicable) of said items or in the time of delivery or both. Failure to agree to any such equitable adjustment hereunder shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled: "Disputes."

(6) The Government may at any time prior to termination, and, with the consent of the Contractor, after notice of termination, allot additional funds for this contract.

(7) The provisions of this clause with respect to termination shall in no way be deemed to limit the rights of the Government under the clause hereof entitled: "Default." The provisions of this clause are limited to the work on and allotment of funds for the items set forth in (1) above. This clause shall become inoperative upon the allotment of funds for the total price of said work except for rights and obligations then existing under this clause.

(b) When the contract is a cost-reimbursement type contract, insert the following clause in the schedule.

LIMITATION OF GOVERNMENT'S OBLIGATION

(1) It is estimated that the total cost to the Government, inclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost and fixed fee set forth in the schedule, and the Contractor agrees to use its best efforts to perform the work specified in the schedule and all obligations under this contract within such estimated cost. The fixed fee for complete performance of this contract is specified in the schedule.

(2) The sum presently available for payment and allotted to this contract, the items covered thereby and the period of performance which it is estimated the allotted amount will cover, are specified in the schedule. It is anticipated that from time to time additional funds will be allotted to this contract up to the full estimated cost, including any fixed fee. When additional funds are allotted from time to time for continued performance of the work, the parties shall agree as to the applicable estimated period of contract performance which shall be covered by such funds and the provisions of Paragraphs (2), (3), and (4) of this clause shall apply in like manner to such additional allotted funds and substituted date pertaining thereto, and the contract shall be amended accordingly.

(3) The Government shall not be obligated to reimburse the Contractor for costs incurred (including amounts payable in respect to subcontracts and termination settlement costs) and to pay any fixed fee to which the Contractor may be entitled, in excess of the total amount from time to time allotted to this contract. However, when and to the extent that the total amount allotted to this contract has been increased, any costs incurred by the Contractor and any fixed fee to which the Contractor may be entitled, prior to the increase and in excess of the amount previously allotted, shall be allowable to the same extent as if such costs had been incurred and fee earned after such increase in amount allotted.

(4) In the event funds allotted are considered by the Contractor to be inadequate to cover the work to be performed for the period set forth in the schedule, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days the work will reach a point, at which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to a settlement including cost and fixed fee under Paragraph (e) of such clause will approximate eighty-five percent (85%) of the total amount then allotted to the contract. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance for the period set forth in the schedule. The Contractor shall, thirty (30) days prior to the end of the period specified in the schedule, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required, on the basis of the obligation for performance in accordance with Paragraph (2) of this clause, for the timely performance of the work under the contract for such further period as may be specified in the schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the schedule, or an agreed date in substitution therefor, the Contracting Officer will, upon written request of the Contractor, terminate this contract on such date, or on a date to be specified in such request, on which the Contractor, in the exercise of his reasonable judgment, estimates that he will have discharged his obligation to perform hereunder in accordance with Paragraph (2) of this clause, whichever is later, pursuant to the provisions of the clause of this contract entitled "Termination."

(5) When additional funds are allotted from time to time for continued performance of the work under this contract, the parties shall agree as to the applicable period of contract performance which shall be covered by such funds, and the provisions of Paragraphs (2), (3), and (4) of this clause shall apply in like manner to such additional allotted funds and substituted date pertaining thereto, and the contract shall be amended accordingly.

(6) The Government may at any time prior to termination allot additional funds for this contract, and, with the consent of the Contractor, after notice of termination, may rescind such termination in whole or in part, and allot additional funds for this contract.

(7) In the event that sufficient amounts are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled, subject to the limitations of Paragraph (3) of this clause, to a percentage of the fixed fee set forth in the schedule equivalent to the percentage of completion of the work contemplated by this contract.

(8) Nothing in this clause shall affect the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination."

(9) For the purposes of this clause the allotment or allotments specified in the schedule shall not be decreased without the consent of the Contractor.

(10) This clause shall be applicable and the clause of this contract entitled "Limitation of Cost" inapplicable until such time as an amount equal to the total estimated cost and fee set forth in the schedule is allotted to this contract, and thereafter the clause of this contract entitled "Limitation of Cost" shall be applicable and this clause inapplicable.

(c) When the contract is a time and materials type for supplies or services, insert the following clause in the schedule.

LIMITATION OF GOVERNMENT'S OBLIGATION

(1) It is estimated that the total payment to the Contractor by the Government for the performance of this contract will not exceed the estimated amount set forth in the schedule, and the Contractor agrees to use its best efforts to perform the work specified in the schedule and all obligations under this contract within such estimated amount.

(2) The sum presently available for payment and allotted to this contract, the items covered thereby and the period of performance which it is estimated the allotted amount will cover, are specified in the schedule. It is anticipated that from time to time additional funds will be allotted to this contract up to the full estimated amount. When additional funds are allotted from time to time for continued performance of the work, the parties shall agree as to the applicable estimated period of contract performance which shall be covered by such funds and the contract schedule amended accordingly. The Contractor agrees to perform or have performed work on this contract up to the point at which, in the event of termination of this contract pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to a settlement including cost and fixed fee under Paragraph (e) of such clause would, in the exercise of reasonable judgment by the Contractor, approximate the total amount at the time allotted to this contract. The Contractor shall not be obligated to continue performance of the work beyond such point.

(3) The Government shall not be obligated to make any payment to the Contractor (including payments in respect to subcontracts and termination settlement costs) in excess of the total amount from time to time allotted to this contract. However, when and to the extent that the total amount allotted to this contract has been increased, any invoice or voucher for time or materials with respect to a period prior to the increase, and in excess of the amount previously allotted, shall be paid as if such invoice or voucher were for time or materials with respect to a period after such increase in amount allotted.

(4) In the event funds allotted are considered by the Contractor to be inadequate to cover the work to be performed for the period set forth in the schedule, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days the work will reach a point, at which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to Paragraph (e) of such clause will approximate eighty-five (85) percent of the total amount then allotted to the contract. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance for the period set forth in the schedule. The Contractor shall, thirty (30) days prior to the end of the period specified in the schedule, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required, on the basis of the obligation for performance in accordance with Paragraph (2) of this clause, for the timely performance of the work under the contract for such further period as may be specified in the schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the schedule, or an agreed date in substitution therefor, the Contracting Officer will, upon written request of the Contractor, terminate this contract on such date, or on a date to be specified in such request, on which the Contractor, in the exercise of his reasonable judgment, estimates that he will have discharged his obligation to perform hereunder in accordance with Paragraph (2) of this clause, whichever is later, pursuant to the provisions of the clause of this contract entitled "Termination."

(5) When additional funds are allotted from time to time for continued performance of the work under this contract, the parties shall agree as to the applicable period of contract performance which shall be covered by such funds, and the provisions of Paragraphs (2), (3), and (4) of this clause shall apply in like manner to such additional allotted funds and substituted date pertaining thereto, and the contract shall be amended accordingly.

(6) The Government may at any time prior to termination allot additional funds for this contract, and, with the consent of the Contractor, after notice of termination, may rescind such termination in whole or in part, and allot additional funds for this contract.

(7) Nothing in this clause shall affect the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination."

(8) For the purpose of this clause, the allotment or allotments specified in the schedule shall not be decreased without the consent of the Contractor.

(9) This clause shall be applicable and paragraph (c) of the clause of this contract entitled "Payments" inapplicable until such time as an amount equal to the total estimated amount of this contract set forth in the schedule is allotted to this contract, and hereafter paragraph (c) of the clause of this contract entitled "Payments" shall be applicable and this clause inapplicable.

§ 1007.4055 Changes in fund allocations.

The following clause will be inserted in (a) Cost type contracts; (b) fixed-price contracts containing a limitation of Government's obligation clause (§ 1007.4054), and (c) letter contracts, if such contracts contain provisioning documents under which the obligation of funds will be accomplished by POOD's.

CHANGES IN FUND ALLOCATIONS

Upon receipt by the contractor of ---- (1) ---- signed by the Contracting Officer, the amount specified in ---- (2) ---- of this contract shall be deemed to be increased or decreased by the amount of funds shown as obligated or deobligated by ---- (1) ---- for the selection or release of items pursuant to the provisioning documents incorporated into this contract. Amounts obligated may be deobligated by the Government, and the amount in ---- (2) ---- decreased by the amount deobligated if the contracting officer determines that amounts obligated exceed the estimated ---- (3) ---- for items selected or released pursuant to the provisioning documents; provided, however, that deobligation may not be effected to the extent that the sum authorized to be expended under items ---- (4) ---- would be less than the sum of the Contractor's expenditures and obligations under items ---- (4) ---- plus related ---- (5) ---- to the date of deobligation of funds and provided further that deobligation of funds shall not affect the Government's obligation to pay or reimburse the contractor in accordance with the provisions of this contract providing for payment or reimbursement for work performed under Items ---- (4) ----.

(1) Insert number of form currently authorized for issuance of POOD's.

(2) Insert reference to part or paragraph which shows the amount actually allotted to the contract, i.e., contract schedule or partial funding clause, as appropriate.

(3) Insert "cost and fee" in cost-type contracts; insert "price" in FP contracts.

(4) Insert here the provisioned items.

(5) Insert "fee" in cost-type contracts; insert "estimated profit" in FP contracts.

§ 1007.4056 Domestically produced jewel bearings.

All contracts for end items, in which jeweled bearings will be incorporated, will contain the applicable one of the following clauses.

(a) For IFB's and firm fixed price negotiated contracts:

DOMESTICALLY PRODUCED JEWEL BEARINGS

It has been determined that a domestic facility for the manufacture of jeweled bearings is basic to the national economy to meet full mobilization requirements. Therefore, contractors are encouraged to procure, from the Turtle Mountain Ordnance Plant, Rolla, North Dakota, any jeweled bearings required in the performance of this contract; provided, the quantitative and qualitative requirements of the contract can be met.

(b) For redeterminable-type contracts add to paragraph (a) of this section:

Any reasonable price differential or increase in cost, incurred by procurement of jeweled bearings from the Turtle Mountain Ordnance Plant, which has been included in the contract price, will be approved by the contracting officer.

(c) For cost reimbursement-type contracts add to paragraph (a) of this section:

Any reasonable cost incurred by the contractor for jeweled bearings procured from the Turtle Mountain Ordnance Plant will be an allowable item of cost.

§ 1007.4057 Training equipment.

Any contract in which it is desired the Government have the right to secure possession of training equipment used by the contractor in performing the contract after completion of use by the contractor may include the following clause:

TRAINING EQUIPMENT

(a) The term "training equipment" as used in this clause, includes all cut-a-ways, mock-ups, transparencies, prototypes and other special devices manufactured or acquired by the Contractor under this contract for use in training its and Air Force personnel in the use, maintenance and operation of the supplies, parts or services called for by this contract.

(b) The Contractor agrees not to use any items of training equipment except in the performance of this contract without the written approval of the Contracting Officer.

(c) As and when all or any substantial portion of usable training equipment is no longer needed by the Contractor for the performance of this contract, the Contractor shall furnish to the Contracting Officer a list of such items of training equipment together with a list of the subassemblies, assemblies, components and parts to which the list of training equipment relates. Upon completion or upon termination of the contract, the Contractor shall furnish a final list in the same form covering all items not previously reported under this contract. Training equipment which has become obsolete as a result of changes in design or specification need not be reported. Information required by this paragraph will be furnished on DD Form 543, "Inventory Schedule B," as it may be amended (BOB No. 22-R075 to expire 31 August 1961).

(d) (1) If the Contractor has or foresees a need by it for use in other Government contracts for such training equipment, or any portion thereof, the Contractor may, at the time of submission of any list or lists under paragraph (c) hereof, submit a request in writing to the Contracting Officer for permission to retain possession of such equipment.

(2) If the Contractor desires to retain any or all of such training equipment free and clear of any Government interest, it shall submit an offer, for an amount designated therein, which should ordinarily be not less than the fair value of such equipment to the Contractor.

(e) Within 90 days after receipt of any list under paragraph (c) hereof, or such further period as may be agreed upon by the parties, the Contracting Officer shall furnish to the Contractor:

(i) A list of the training equipment which the Contractor may retain, if a request has been made under (d) (1) hereof, with any conditions for such retention.

(ii) An acceptance or rejection of any offer made by the Contractor under (d) (2) hereof.

(iii) A list of the training equipment of which the Government desires to obtain possession together with a request that the Contractor transfer title (to the extent not previously transferred under any other clause of this contract) and deliver to the Government all usable items of such training equipment; or

(iv) A statement with respect to any or all of the training equipment covered by such list that the Government has no further interest therein and waives its right thereto; or

(v) Any combination of the foregoing.

The Contractor shall promptly comply with any request and direction of the Contracting Officer made pursuant to (iii) above and shall, subject to paragraph (f) hereof, prepare such items for shipment by proper packing and marking, and make delivery to the Government in accordance with written instructions issued by the Contracting Officer.

(f) The Contractor agrees to take all reasonable steps necessary to maintain the identity and existing conditions of such training equipment until advised by the Contracting Officer of the disposition thereof in accordance with paragraph (e) hereof. Any cost of storage, preparation for shipment

or shipping costs incurred by the Contractor pursuant to written instructions from the Contracting Officer, as provided in paragraph (e) hereof, which was not taken into account in the negotiations of this contract shall be subject to an equitable adjustment of the contract terms in accordance with the procedure set forth in the clause of this contract entitled "Changes."

§ 1007.4058 Current reimbursement.

The following clause will be inserted in cost type letter contracts when it is desired to currently reimburse the contractor for costs incurred during the term of the letter contract (see § 1003.405–3(d) of this chapter).

CURRENT REIMBURSEMENT

Pending the placing with you of the definitive contract referred to herein, the Government will currently reimburse you for all proper expenditures made by you hereunder at the following rates:

(i) 100 percent of such approved costs representing progress payments to subcontractors under fixed-price type subcontracts, provided, that such payment by the Government to the Contractor shall not exceed 70 percent of the costs incurred by such subcontractors.

(ii) 100 percent of such approved costs representing cost reimbursement to subcontractors under cost reimbursement type subcontracts, provided that for cost reimbursement type subcontracts not covered by the exceptions listed in Paragraph 3–404.3 (d) (2) of the Armed Service Procurement Regulation, as in effect on the date of this contract, such payments by the Government shall not exceed 70 percent of the costs incurred by such subcontractors, and

(iii) • • • [1] percent of all other approved costs. Such reimbursement shall be accomplished upon certification to and approval by the Contracting Officer of vouchers and invoices for materials, tools, labor and other proper costs and charges. For the purpose of determining the amounts payable to the Contractor hereunder, allowable items of cost will be determined by the Contracting Officer in accordance with the statement of cost principles set forth in Part • • • [2] of section XV of the Armed Service Procurement Regulation. In no event shall the total reimbursement made under this paragraph exceed • • • [1] percent of the maximum amount of the Government's liability set forth in Paragraph 5 of this letter contract.

[1] Insert a percentage no greater than 70 percent, or in case of small business concerns 75 percent.

[2] Insert appropriate part of Part 15 of this title.

§ 1007.4059 Procurement of liquid oxygen converters.

(a) *Scope.* Prescribes a provision to be inserted in Invitations for Bid or Requests for Proposal where liquid oxygen converters are procured and it is desired to permit the contractor to guarantee the initial evaporation loss requirements rather than conduct the second and third evaporation tests prescribed by Specification MIL–C–25666A(USAF) and MIL–C–009082D(USAF).

(b) *Applicability.* Applies to all liquid oxygen converters procured pursuant to the above mentioned specifications.

(c) *Provisions.* The following provision may be inserted in any Invitation for Bid or Request for Proposal which call for bids or proposals for the purchase of liquid oxygen converters requiring compliance with Specification MIL–C–25666A(USAF) or MIL–C–009082D (USAF) where it is desired to allow the contractor to guarantee the converters for one year against the initial evaporation loss rather than comply with the second and third evaporation tests called for in those specifications.

Guarantee in Lieu of Evaporation Tests

The bidder, in lieu of conducting the second and third evaporation tests called for under Paragraphs 4.5.3.2 and 4.5.3.3. of Specification MIL–C–25666A(USAF) and MIL–C–009082D(USAF), may offer a guarantee that the converters procured hereunder will meet the initial evaporation loss requirements of Paragraph 4.5.3 of said specifications for one year after delivery under this contract. In the event the bidder elects to guarantee the converters furnished hereunder, it shall so indicate in the space following.

We elect to guarantee in accordance with the clause following:

The Contractor guarantees that the liquid oxygen converters furnished under this contract shall fulfill the initial evaporation loss requirements of Specifications (MIL–C–252666A(USAF)—or MIL–C–009082D(USAF)), for one year after delivery of the respective containers under this contract and agrees to replace any converters rejected by the Government for failure to meet said requirement at no additional charge to the Government. Transportation charges resulting from such rejection shall be borne by the Government. In consideration of the foregoing the Contractor shall not be required to conduct the second and third evaporation tests required by Paragraphs 4.5.3.2 and 4.5.3.3 of the abovenamed specifications.

§ 1007.4060 Humane slaughtering.

§ 1007.4060–1 Applicability.

This section applies to all purchases of livestock products except:

(a) Livestock products emanating from livestock slaughtered outside the United States, its territories, possessions and Puerto Rico.

(b) Supplies, the animal product portion of which is less than 5 percent by weight of the net unit weight.

§ 1007.4060–2 Definitions.

(a) Livestock products are defined as any article of food, or any article intended for or capable of being used as food, for either human or animals, which is derived or prepared, in whole or in part, from any portion of any cattle, calf, swine, sheep, goat, horse or mule.

(b) Methods of slaughtering designated and approved by the Secretary of Agriculture are set forth in 9 CFR Part 180 and appear in the FEDERAL REGISTER as follows: 24 F.R. 1549, March 3, 1959, 24 F.R. 4952, June 18, 1959, 24 F.R. 6434, August 11, 1959.

§ 1007.4060–3 Provisions.

(a) The following combination Statement and Contract Clause will be included in each contract or Purchase Order for livestock products:

HUMANE METHODS OF LIVESTOCK SLAUGHTER

(a) In accordance with the provisions of the Act entitled "Humane Methods of Livestock Slaughter," Title 7 U.S.C. section 1901–1906, and in particular section 1903 thereof:

---------- of
(Name of contractor)
---------- states that no
(Address of contractor)
livestock products delivered in performance of this contract shall have been produced or processed by any slaughterer or processor which in any of its plants or in any plants of any slaughterer or processor with which it is affiliated, slaughters, or handles in connection with slaughter, livestock by any methods other than methods designated and approved by the Secretary of Agriculture pursuant to section 1904 of the said Act.

---------- agrees that
(Name of contractor)
this statement shall be considered in connection with and as a part of each and every claim by ---------- upon
(Name of contractor)
or against the United States or any department or agency thereof arising under this contract.

(b) The words "livestock products" are defined to mean any article of food, or any article intended for or capable of being used as food, for either humans or animals, which is derived in whole, or in part, from any portion of any cattle, calf, swine, sheep, goat, horse or mule. Supplies, the animal product portion of which is less than 5 percent by weight of the net unit weight, are not included in the above definition.

(c) A slaughterer or processor shall be deemed to be affiliated with another slaughterer or processor if it controls, or is controlled by, or is under common control with such other slaughterer or processor.

(d) This statement is made with the full knowledge that it will be relied upon by the Government in entering into this contract and in payment of claims thereunder.

(Name of contractor)
By ----------
Title

Address

WARNING: Section 1903, Title 7, U.S.C. expressly provides that Statements of Eligibility will be such that, if false, the maker will be subject to prosecution under Section 287 of Title 18 U.S.C. which provides as a penalty for false, fictitious, or fraudulent claims, a fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

(b) In no event will deliveries be accepted until the procurement activity is in possession of a signed statement.

§ 1007.4061 Materiel inspection and receiving report and price information.

The instructions set forth in § 1007.105–7 are equally applicable to cost type contracts (including letter contracts) pursuant to which supplies are to be delivered to the Government.

(a) The following clause will be inserted in any contract which requires the inclusion of the clause in § 7.105–7 of this title.

FURNISHING OF PRICING INFORMATION (JAN. 1961)

(a) The Contractor shall furnish to the Accounting and Finance Officer as soon as practical, but in no event later than the time of delivery of the respective item, either on the DD Form 250, "Materiel Inspection and Receiving Report," or in such other written form as may be convenient for the contractor, its best estimate of the price of any item (excluding complete aircraft and missiles, drawings, blueprints, technical reports, experimental, development or research items), for which a billing, estimated or firm price does not appear in the contract, or has not otherwise been furnished to the Contracting Officer prior to the time of delivery.

(b) The Contractor shall further indicate on each DD Form 250, submitted under this

contract, the price of Government-Furnished Materiel (GFM) that is included in each line item covered by the respective DD Form 250.

(c) The Contractor shall include in each of its subcontracts under which deliveries may be made directly to the Government, a provision whereby such subcontractor agrees to prepare and distribute the DD Form 250 and to enter thereon the price of all GFM included in items so delivered to the Government. The price of GFM will be made available to the contractor or subcontractor by the Government, as the case may be. No delivery shall be delayed by reason of the failure of the Government to furnish such prices to the contractor or subcontractor. The contractor shall require such subcontractor to include a similar provision in its subcontracts.

§ 1007.4062 Preparation of dangerous materials for shipment.

The following clause shall be inserted in every contract involving the delivery of material which is an oxidizing agent and which by virtue of its properties is flammable, corrosive, combustible, explosive, toxic, radioactive or so magnetic as to materially affect aircraft navigation systems. It may be omitted from contracts where it is obvious that such material is not involved. The clause may be inserted in the schedule, General Provisions or the marking and packaging forms.

§ 1007.4063 Program progress reporting requirements.

Development contracts or development and production contracts on system, subsystem and subsystem and equipment programs resulting from PR's or MIPR's which contain a requirement for program progress reporting will contain the clause set forth below:

PROGRAM PROGRESS REPORTING REQUIREMENTS (JAN. 1961)

Contractor agrees to submit those program progress reports as are specifically set forth in AFPI Form 21, "Specification of Program Progress Reporting Requirements," attached to this contract, and made a part thereof. Reports shall be prepared in accordance with instructions contained in AMC/ARDC Manual No. AMCM 70–5/ARDCM 70–1, "Handbook, Contractor Program Progress Reporting," and any amendments in effect on the date of this contract. Bureau of Budget Clearance No. 21–R125.1 applies.

§ 1007.4064 Value engineering.

A Value Engineering clause substantially as follows will be inserted in advertised and negotiated firm fixed price supply contracts when appropriate (see § 1003.406–3 of this chapter):

VALUE ENGINEERING (JAN. 1961)

For the purpose of this clause, value engineering proposals mean any proposal for variance from the contractual requirements which, to be acceptable under the contract, would necessitate a change in the contractual requirements, and which reduces the cost of performing the contract without degradation of function or reliability of the item for governmental purposes. As an incentive for the Contractor to submit value engineering proposals during the life of this contract the parties agree that to the extent the Government accepts by incorporation into the contract, value engineering proposals presented by the Contractor during the life of this contract, the contract price shall be reduced only by 50 percent of the amount which is agreed by the parties to be the reduction in cost of performing the contract as a result of incorporating the value engineering idea into the contract. The Government shall not be obligated to accept any proposal and refusal to accept a proposal shall not be a cause for dispute under the "disputes" clause of the contract.

NOTE: See § 1003.406–3(d)(3) for instructions regarding clause for Development Contracts.

§ 1007.4065 Work requests.

The following clause will be used in maintenance, overhaul, and modification contracts whenever desired to cover the subject matter therein. (See Subpart U, Part 1054 of this chapter.)

Work Requests (Feb. 1961)

(a) Pricing Procedures for Inseverable Type Work. The Contractor shall notify the Contracting Officer, in writing, of work that is required to be performed under items ------ hereof promptly after such work is encountered. The Contracting Officer will indicate his concurrence as to the extent of the work to be performed by issuing a work request. The Contractor should furnish a quotation for the work to be performed within 30 days after receipt of the work request, and the parties shall forthwith commence negotiations to arrive at a reasonable price and delivery schedule therefor. Upon agreement an amendment to the work request shall be issued setting forth the agreed prices and delivery schedules.

(b) Ordering of Additional Work—Severable. The following procedure will be used to order additional work of the type covered by Items . . . of the contract. Such work will be called for by the issuance of work requests. It is agreed that work requests may be issued at the sole option of the Contracting Officer during the term of the contract, and that the Government has no obligation under this paragraph (b) to issue any such work request. Upon receipt of a work request, the Contractor shall quote a price and delivery schedule for the work called for but shall not proceed with the work until such price is approved by the Contracting Officer, provided, however, whenever the Contracting Officer determines that it is in the interest of the Government to not delay performance of the work until a price is negotiated, he may specify in the work request that the Contractor is authorized to proceed forthwith. Within ---- days after receipt of such order, and in every case prior to completion of the work called for therein, the parties shall negotiate a price and delivery schedule for the work order, and the work request shall be amended accordingly.

(c) Work requests issued under paragraphs (a) or (b) above shall bear the number of this contract, be serially numbered, dated, and signed by the Contracting Officer. They shall set forth the work to be performed and shall refer to the contract item pursuant to which the request was issued. They shall include, or be amended to include the price of the work and the delivery schedule therefor. In addition, work requests issued under paragraph (b) above shall cite the funds allotted for payment of the work ordered thereby. The provisions of the contract shall be applicable to all work requests issued under this clause. Failure to agree upon a reasonable price shall be considered a "dispute concerning a question of fact" within the meaning of the clause of this contract entitled "Disputes." Amendments to work requests may be issued subject to the same conditions as the original work request. The Contractor's concurrence as to the terms of the work request or amendment will be evidenced by signing the respective document. The term "work" as used herein includes both supplies and services to the extent covered by the referenced contract item. When the clauses are used in CPFF contracts, the references as to price will be changed to estimated cost and fee.

Subpart 00—[Reserved]

Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

§ 1007.4203 Special required clauses.

§ 1007.4203–1 Inconsistency between English version and translation of contract.

Contracts issued by foreign procurement activities may be published in another language as well as in English. In such cases, the contract will contain the following clause:

INCONSISTENCY BETWEEN ENGLISH VERSION AND TRANSLATION OF CONTRACT

In the event of inconsistency between any terms of this contract and any translation thereof into another language, the English language meaning shall control.

§ 1007.4203–2 Labor relations and standards.

The following clause will be inserted in all contracts issued by a foreign procurement activity:

LABOR RELATIONS AND STANDARDS

The provisions of this contract and the performance hereunder shall be subject to and in accordance with the laws of the Government of ---------- and any political subdivision thereof, from time to time in effect, which govern the hours, wages, labor relations (including collective bargaining), workmen's compensation, working conditions, and other matters pertaining to labor.

§ 1007.4205 Variations and omissions of clauses.

The words "United States" will be inserted before the word "Government" wherever the latter word appears in any clause, except where the word "Government" refers to a different, named government. In the case of any Government-to-government contract, the word "Contractor" wherever it appears in any clause will be replaced by the phrase "---------- Government" with the name of the other contracting government inserted. The following instructions will control the use of the clauses listed below in any contract issued by a foreign procurement activity. Requests by foreign procurement activities for deviations from the content of clauses set forth in Chapter I of this title and this chapter, or from requirements for their use, will be forwarded to the Commander, AMC, attn: MCPC, according to § 1001.109 of this chapter.

§ 1007.4205–1 Definitions.

The clause contained in § 7.103–1 of this title will not be inserted in the contract, but the following clause will be used in lieu thereof:

DEFINITIONS

As used throughout this contract the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the United States military department concerned; and the term "his duly authorized representative" means any person or persons (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the United States Government, or any other officer or civilian employee who is properly designated a Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "United States Government" means the United States of America.

(d) Except as otherwise provided in this contract, the term "subcontracts" means any agreement, contract, subcontract or purchase order made by the Contractor with any other party in fulfillment of any part of this contract, and any agreement, contract, subcontract or purchase order thereunder.

§ 1007.4205–2 Changes.

Whenever the clause contained in § 7.103–2 of this title is to be used it may be varied by inserting the following after "(iii) place of delivery" in the first sentence thereof: "(iv) place of inspection or acceptance; and (v) quantities of items on any spare parts list." The period of 30 days within which any claim for adjustment must be asserted may be varied up to 60 days at the option of the contracting officer.

§ 1007.4205–3 Inspection.

Whenever the clause contained in § 7.103–5 of this title is to be used, it may be varied by further defining the contractor's responsibility and liability in connection with "correction in place" where the items procured are destined for transshipment from the country of origin.

§ 1007.4205–4 Responsibility for supplies.

Whenever the clause contained in § 7.103–6 of this title is to be used, it may be varied by further defining the contractor's responsibility and liability where the items procured are destined for transshipment from the country of origin.

§ 1007.4205–5 Assignment of claims.

(a) The clause contained in § 7.103–8 of this title, when used, will be used without deviation except that the last sentence of paragraph (a) will be omitted in all cases and the following inserted in lieu thereof:

No assignment or reassignment made hereunder shall be valid or recognized unless made to an eligible trade bank in accordance with the laws of the country wherein such bank is located, as well as the laws of the country where payments are scheduled to be made hereunder. Further, such assignment or reassignment shall be made in accordance with all applicable bilateral or multilateral intergovernmental agreements to which the United States Government is a party.

(b) At the discretion of the contracting officer, an assignment of claims clause may be entirely omitted from the contract. When the clause is omitted, consideration should be given to including a clause prohibiting assignment of claims.

§ 1007.4205–6 Additional bond security.

The clause contained in § 7.103–9 of this title may be omitted from the contract at the discretion of the contracting officer if initial bond security is not required.

§ 1007.4205–7 Federal, State, and local taxes.

The clause set forth in § 11.401 of this title will not be inserted in the contract, but the clause set forth in § 1011.2002 of this chapter will be used in lieu thereof.

§ 1007.4205–8 Disputes.

Except as provided below, contracts issued by foreign procurement activities and central procurement type contracts issued by AMFEA will contain the clause in § 7.103–12 of this title. Contracts issued by foreign procurement activities located: (a) Within the geographical areas of responsibility of the Commander-in-Chief, USAFE, (b) within the jurisdiction of the Commander-in-Chief, Strategic Air Command, in Spain, and (c) contracts for base procurement requirements of AMFEA will contain the following clause:

Disputes

a. Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the person indicated in either (b) or (c) below.

b. When the total amount claimed by the Contractor, or asserted as due the Government is $25,000.00 or less, the written appeal shall be addressed to the ---------- and the decision of the said Commander-in-Chief, or that of his duly authorized representative (other than the Contracting Officer named in this contract) for the determination of such appeals, shall, be final and conclusive to the extent permitted by United States law. shall be addressed to the Commander-in-Chief, USAFE, and the decision of the said Commander-in-Chief, or that of his duly authorized representative (other than the Contracting Officer named in this contract) for the determination of such appeals, shall, be final and conclusive to the extent permitted by United States law.

c. When the total amount claimed by the Contractor or asserted as due the Government is more than $25,000.00, the written appeal shall be addressed to the Secretary of the Air Force, and the decision of the Secretary, or that of his duly authorized representative for the determination of such appeals, shall be final and conclusive to the extent permitted by United States law.

d. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

e. This "Dispute" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a), (b) and (c) above: provided, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

NOTE: In paragraph b. of the foregoing clause insert either Commander-in-Chief, USAFE, or Commander-in-Chief Strategic Air Command.

§ 1007.4205–9 Patent and data clauses.

(a) *Reporting of royalties.* According to the instructions set forth in § 9.110(b) of this title insert the clause set forth therein.

(b) *Notice and assistance regarding patent infringement.* The clause set forth in § 9.104 of this title will be used only when the contract indicates that the supplies are ultimately to be shipped into the United States, its Territories, its possessions, or Puerto Rico.

(c) *Patent indemnification of Government by contractor.* The clauses of § 9.103 of this title will be used only under the conditions of paragraph (b) of this section, in which case the instructions of §§ 9.103–2 or 9.103–3 of this title are applicable.

(d) *Classified contracts.* According to the instructions set forth in § 9.106–1 of this title insert the clause set forth therein.

(e) *Authorization and consent.* See § 9.102 of this title.

(f) *Patent rights.* According to the instructions set forth in § 9.107–3 of this title insert the clause set forth therein.

(g) *Data and copyrights.* According to instructions set forth in § 9.206 of this title insert the clause set forth therein.

§ 1007.4205–10 Buy American Act.

The clause contained in § 6.104–5 of this title may be omitted from the contract where the supplies procured are to be used outside the United States, its Territories and possessions. Foreign procurement of supplies which are to be shipped to the United States, its Territories and possessions, comes under the provisions of the Buy American Act unless specifically excepted therefrom by the Secretary of the Air Force, his duly authorized representative, or the provisions of the Act.

§ 1007.4205–11 Convict labor.

The clause contained in § 12.203 of this title will be omitted from the contract.

§ 1007.4205–12 Eight-hour law of 1912.

The clause contained in § 12.303–1 of this title will be omitted from the contract.

§ 1007.4205–13 Walsh-Healey Public Contracts Act.

The clause contained in § 12.604 of this title will be omitted from the contract.

§ 1007.4205–14 Nondiscrimination in employment.

The clause contained in § 12.802 of this title will be omitted from contracts to be performed outside the continental United States where no recruitment of workers within the continental United States is involved.

§ 1007.4205–15 Davis-Bacon Act.

The clause contained in § 12.403–1(1) of this title will be omitted from the contract.

§ 1007.4205–16 Copeland Act.

The clause contained in § 12.403–1(5) of this title will be omitted from the contract.

§ 1007.4205–19 Military security requirements.

Paragraph (c) of the clause contained in § 7.104–12 of this title will be omitted from the contract.

§ 1007.4205–21 Inspection and audit.

(a) The clause contained in § 1007.4023 will be omitted from Government-to-government contracts for purchases outside the continental United States under the Mutual Defense Assistance Act of 1949, as amended, and the Mutual Security Act of 1951, as amended.

(b) The clause contained in § 1007.4023 may be omitted from Government-to-private-producer contracts for purchases outside the continental United States under the Mutual Defense Assistance Act of 1949, amended, and the Mutual Security Act of 1951, as amended, upon a determination that such an omission is required by the circumstances of a particular situation. The authority to make such a determination for contracts to be issued by foreign procurement activities under their jurisdiction is vested in:

(1) Commanders of oversea commands with power of redelegation to, but not lower than, the staff officers responsible for procurement in such commands.

(2) Commander and deputy commander, air materiel forces, with power of redelegation to not lower than a staff officer responsible for procurement within the AMF.

§ 1007.4205–22 Examination of records.

(See § 7.104–15 of this title.)

(a) *Contracts with foreign governments.* See § 6.701–2 of this title.

(b) *Contracts with other foreign contractors.* The clause may be omitted when a determination as required by § 6.701–3 of this title is made by one of the individuals listed in § 1007.4205–21.

§ 1007.4205–23 Records.

See § 7.203–7 of this title.

(a) *Contracts with foreign governments.* See § 6.701–2 of this title.

(b) *Contracts with other foreign contractors.* The clause may be modified as provided in § 6.701–3 of this title, when a determination as required in referenced sections of chapter 1 of this title is made by one of the individuals listed in § 1007.4205–21.

§ 1007.4205–24 United States officials not to benefit.

The clause contained in § 7.103–19 of this title will not be inserted in the contract, but the following clause will be used in lieu thereof:

UNITED STATES OFFICIALS NOT TO BENEFIT

No member of or delegate to the Congress of the United States of America, or resident commissioner of the United States of America shall be admitted to any share or part of this contract, or to any benefit that might arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 1007.4205–25 Preference for certain domestic commodities.

The clause contained in § 6.305 of this title may be omitted from contracts coming within the exceptions set forth in § 6.303 of this title.

§ 1007.4205–26 Payments for Mutual Defense Assistance Program contracts.

Where contracts under the Mutual Defense Assistance Program are made, the following clause will be inserted:

FUNDS AND EXCHANGE

Payment under this contract will be made in United States dollars or in _____, or in a combination of both, at the option of the United States Government. When payment is made in _____, the rate of exchange shall be in accordance with the rate of exchange agreement between the Governments of the United States and _____, in effect on the date of this contract.

§ 1007.4205–27 Price change.

Whenever the foreign government may impose mandatory changes in rates of wages or price of materials used in performing a fixed-price contract, the following clause may be inserted:

PRICE CHANGE

The Contractor represents that the prices set forth in this contract are based on (wage rates) (material prices) [1] established by the Government of _____ and warrants that such prices do not include any contingency allowance to cover possible increase thereof. If such (wage rates) (material prices) [1] are changed by that Government, the prices herein may be revised to the extent that the contractors' actual costs of performing this contract are, as a result of the change, (i) necessarily increased or (ii) actually reduced. Either party may submit a written request for such price revision to the other party within 30 days after the effective date of such change or within such further time as the contracting officer may allow. Such a request by the contractor shall state the amount of such change and show in detail the amount by which contract prices are claimed to be affected. The parties shall then promptly negotiate to establish the amount, if any, by which contract prices shall be revised. The contractor shall make available to the contracting officer at all reasonable times its books and records pertaining to the original prices and performance of the contract. If the parties are unable to agree upon the price revision, the contracting officer shall make, and transmit to the contractor, a written determination of the revision if any, which is to be made. Any price revision negotiated by the parties, or determined by the contracting officer, pursuant to this clause shall be set forth in an amendment to this contract. Nothing in this clause shall excuse the contractor from proceeding with the contract in accordance with its terms.

[1] If only one term is appropriate, delete the other term.

§ 1007.4205–28 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth in that section.

§ 1007.4206 Construction contracts; cover sheet.

Construction contracts, as defined in § 16.400 of this title, issued by foreign procurement activities for work to be performed in foreign countries will contain a cover sheet in substantially the following format:

CONSTRUCTION CONTRACT

UNITED STATES AIR FORCE

Contract No. _____
Date of Contract _____

Name and address of contractor _____
Check appropriate box:
☐ Individual.
☐ Partnership.
☐ A corporation organized and existing under the laws of.
Contract for (work to be performed) _____
Place _____
Amount of contract _____
Administrative data _____

(If the contract results from negotiation, a reference to the subsection of the Armed Services Procurement Act of 1947 which authorized such negotiation shall be inserted here, in addition to any other administrative data.)

This contract, entered into this date by the United States of America, hereinafter called the United States Government, represented by the Contracting Officer executing this contract, and the individual, partnership or corporation named above, hereinafter called the Contractor, witnesseth that the parties hereto do mutually agree as follows:

Statement of work. The Contractor shall furnish labor, equipment and materials and perform the work above described for the amount stated above in strict accordance with the General and Special Provisions, specifications, schedules, drawings and conditions all of which are made a part hereof and designated as follows:

(Here describe the entire contents of the contract, e.g., specifications, schedules, drawings and conditions and enumerate the clauses comprising the General and Special Provisions.)

Work shall be started _____
Work shall be completed _____

In witness whereof, the parties hereto have executed this contract as of the date entered herein above.

THE UNITED STATES OF AMERICA,
By _____
_____
(Official title)
CONTRACTOR,
_____
(Name of contractor)
By _____
(Signature)
_____
(Title)

§ 1007.4207 Construction contracts; general provisions.

Construction contracts, as defined in § 16.400 of this title, issued by foreign procurement activities for work to be performed in foreign countries will contain the following clauses with the words "United States" inserted before the word "Government" wherever the latter word appears in any clause. These clauses collectively will be entitled "General Provisions."

§ 1007.4207–1 Labor relations and standards.

Insert the clause set forth in § 1007.4203–2.

§ 1007.4207–2 Definitions.

Insert the clause set forth in § 1007.4205–1.

§ 1007.4207–3 Changes.

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes in the drawing of specifications of this contract and within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim of the Contractor for adjustment under this clause must be asserted in writing within thirty days from the date of receipt by the Contractor of the notice of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and consider, and adjust any such claim asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in the clause of this contract entitled "Disputes." But nothing provided in this clause shall excuse the Contractor from proceeding with the prosecution of the work as changed. Except as otherwise herein provided, no charge for any extra work or material will be allowed.

§ 1007.4207–4 Changed conditions.

CHANGED CONDITIONS

The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (1) subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (2) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do so materially differ and cause an increase or decrease in the cost of, or the time required for, performance of this contract, an equitable adjustment shall be made and the contract modified in writing accordingly. Any claim of the Contractor for adjustment hereunder shall not be allowed unless he has given notice as above required: *Provided,* That the Contracting Officer may, if he determines the facts so justify, consider and adjust any such claim asserted before the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in the clause of this contract entitled "Disputes."

§ 1007.4207–5 Inspection.

INSPECTION

(a) Except as otherwise provided in paragraph (d) hereof, all material and workmanship, if not otherwise designated by the specifications, shall be subject to inspection, examination and test by the Contracting Officer at any and all reasonable times during manufacture or construction and at any and all places where such manufacture or construction is carried on. The United States Government shall have the right to reject defective material and workmanship or to require its correction. Rejected workmanship shall be satisfactorily corrected and rejected materials shall be satisfactorily replaced with proper material without charge therefor, and the Contractor shall promptly segregate and remove the rejected material from the premises. If the Contractor fails to proceed at once with the replacement of rejected material or the correction of defective workmanship, the United States Government may, by contract or otherwise, replace such material or correct such workmanship and charge the cost thereof to the Contractor, or may terminate the right of the Contractor to proceed as provided in the clause of this contract entitled "Termination for Default—Damages for Delay—Time Extensions," the Contractor and surety being liable for any damage to the same extent as provided in said clause for terminations thereunder.

(b) The Contractor shall furnish promptly without additional charge, all reasonable facilities, labor and materials necessary for the safe and convenient inspection and test that may be required by the Contracting Officer. All inspection and tests by the United States Government shall be performed in such manner as not to unduly delay the work. Special, full size, and performance tests shall be as described in the specifications. The Contractor shall be charged with any additional cost of inspection when material and workmanship are not ready at the time inspection is requested by the Contractor.

(c) Should it be considered necessary or advisable by the United States Government at any time before final acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the Contractor shall upon request promptly furnish all necessary facilities, labor and material. If such work is found to be defective or nonconforming in any material respect, due to fault of the Contractor or its subcontractors, it shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work is found to meet the requirements of the contract, the actual direct cost of labor and material necessarily involved in the examination and replacement, plus 15 percent, shall be allowed the Contractor and he shall, in addition, if completion of the work has been delayed thereby, be granted a suitable extension of time on account of the additional work involved.

(d) Inspection of material and finished articles to be incorporated in the work at the site shall be made at the place of production, manufacture or shipment, whenever the quantity justifies it, unless otherwise stated in the specifications; and such inspection and written or other formal acceptance, unless otherwise stated in the specifications, shall be final, except as regards latent defects, departures from specific requirements of the contract, damage or loss in transit, fraud or such gross mistakes as amount to fraud. Subject to the requirements contained in the preceding sentence, the inspection of material and workmanship for final acceptance as a whole or in part shall be made at the site. Nothing contained in this paragraph (d) shall in any way restrict the United States Government's rights under any warranty or guarantee.

§ 1007.4207–6 Payments to contractors.

PAYMENTS TO CONTRACTORS

(a) Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, or at more frequent intervals as determined by the Contracting Officer, on estimates made and approved by the Contracting Officer. In preparing estimates, the material delivered on the site and preparatory work done may be taken into consideration.

(b) In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract: *Provided, however,* That the Contracting Officer, at any time after 50 percent of the work has been completed, if he finds that satisfactory progress is being made, may make any of the remaining partial payments in full: *And provided further,* That on completion and acceptance of each separate building, public work or other division of the contract, on which the price is stated separately in the contract, payment may be made in full, including retained percentage thereon, less authorized deductions.

(c) All material and work covered by partial payments made shall thereupon become the sole property of the United States Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all materials and work upon which payments have been made or the restoration of any damaged work, or as a waiver of the right of the United States Government to require the fulfillment of all of the terms of the contract.

(d) Upon completion and acceptance of all work required hereunder, the amount due the Contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor, after the Contractor shall have furnished the United States Government with a release, if required, of all claims against the United States Government arising under and by virtue of this contract, other than such claims, if any, as may be specifically excepted by the Contractor from the operation of the release in stated amounts to be set forth therein. If the Contractor's claim to amounts payable under the contract has been assigned, a release may also be required of the assignee, at the option of the Contracting Officer. Final payment will be withheld until clearance has been obtained from the Air Provost Marshal of the Air Force Base or other installation concerned with respect to security matters including the delivery of all identification insignia such as passes and auto decals issued to Contractor's personnel for use in the performance of this contract.

(e) If tender of payment, in the currency of the country where the work is to be performed and/or of another foreign country where materials are purchased, is made by the U.S. Government, the Contractor agrees that he will accept such currency at the official rate of exchange at which currency is disbursed by U.S. accounting and finance officers in payment for work and services rendered or materials purchased in accordance with established rules and procedures of the U.S. Government governing payments in such foreign currency; provided that the amount of such foreign currency shall not exceed that portion of the total amount of each payment to the Contractor that is represented by work performed, or materials purchased in such foreign country.

§ 1007.4207–7 Taxes.

See §§ 11.403 and 11.404 of this title and § 1011.403 of this chapter.

§ 1007.4207–9 Termination for default; damages for delay; time extensions.

Insert the clause set forth in § 8.709 of this title.

§ 1007.4207–10 Disputes.

Insert the applicable clause according to § 1007.4205–8.

§ 1007.4207–11 United States officials not to benefit.

Insert the clause set forth in § 1007.4205–24.

§ 1007.4207–12 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.4207–13 Termination for convenience of the United States Government.

Insert the clause set forth in § 8.703 of this title.

§ 1007.4207–14 Notice to the United States Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

§ 1007.4207–15 Specifications and drawings.

SPECIFICATIONS AND DRAWINGS (OCT. 1957)

The Contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the Contracting Officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In any case of discrepancy either in the figures, in the drawings, or in the specifications, the matter shall be promptly submitted to the Contracting Officer, who shall promptly make a determination thereof in writing. Any adjustment by the Contractor without this determination shall be at its own risk and expense. The Contracting Officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

§ 1007.4207–16 Materials and workmanship.

MATERIALS AND WORKMANSHIP (OCT. 1957)

Unless otherwise specifically provided for in the specifications, all equipment materials and articles incorporated in the work covered by this contract are to be new and of the most suitable grade of their respective kinds for the purpose and all workmanship shall be first class. Where equipment, materials, or articles are referred to in the specifications as "equal to" any particular standard, the Contracting Officer shall decide the question of equality. The Contractor shall furnish to the Contracting Officer for his approval the name of the manufacturer of machinery, mechanical and other equipment which he contemplates incorporating in the work, together with their performance capacities and other pertinent information. When required by the specifications, or when called for by the Contracting Officer, the Contractor shall furnish the Contracting Officer for approval full information concerning the materials or articles which he contemplates incorporating in the work. Samples of materials shall be submitted for approval when so directed. Machinery, equipment, materials and articles installed or used without such approval shall be at the risk of subsequent rejection. The Contracting Officer may in writing require the Contractor to remove from the work such employees as the Contracting Officer deems incompetent, careless, insubordinate or otherwise objectionable, or whose continued employment on the work is deemed by the Contracting Officer to be contrary to the public interest.

§ 1007.4207–17 Superintendence by the contractor.

SUPERINTENDENCE BY THE CONTRACTOR (OCT. 1957)

The Contractor shall give his personal superintendence to the work or have a competent foreman or superintendent, satisfactory to the Contracting Officer, on the work at all times during progress, with authority to act for him.

§ 1007.4207–18 Permits and responsibility for work, etc.

PERMITS AND RESPONSIBILITY FOR WORK, ETC. (OCT. 1957)

The Contractor shall, without additional expense to the United States Government, obtain all licenses and permits required for the prosecution of the work. The Contractor shall be responsible for all damages to persons that occur as a result of his fault or negligence in connection with the prosecution of the work. The Contractor shall also be responsible for all materials delivered and work performed until completion and final acceptance, except for any completed unit thereof which theretofore may have been finally accepted.

§ 1007.4207–19 Other contracts.

OTHER CONTRACTS (OCT. 1957)

The United States Government may undertake or award other contracts for additional work, and the Contractor shall fully cooperate with such other contractors and United States Government employees and carefully fit its own work to such additional work as may be directed by the Contracting Officer. The Contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor or by United States Government employees.

§ 1007.4208 Construction contracts; general provisions to be used when applicable.

§ 1007.4208–1 Inconsistency between English version and translation of contract.

If the contract is published in another language as well as in English, insert the clause set forth in § 1007.4203–1.

§ 1007.4208–2 Gratuities.

According to the instructions set forth in § 7.104–16 of this title, insert the clause set forth therein.

§ 1007.4208–3 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

§ 1007.4208–4 Examination of records.

See § 1007.4205–22.

§ 1007.4208–5 Government-furnished property.

According to the requirements of § 13.502 of this title, insert the clause required by § 1007.3103–6.

§ 1007.4208–6 Approval of subcontracts.

If the contract price is in excess of $2,000, insert the clause set forth in § 1007.3104–2.

§ 1007.4208–7 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth in that section.

§ 1007.4208–8 Safety and accident prevention.

According to the instructions in § 1007.4047, insert the clause set forth therein.

§ 1007.4209 Construction contracts; additional general provisions.

The following clauses may be inserted when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.4209–1 Assignment of claims.

According to instructions in § 1007.4205–5, the clause referred to therein may be inserted.

§ 1007.4209–2 Additional bond security.

The clause set forth in § 7.103–9 of this title may be inserted if there is an initial requirement for bond security.

§ 1007.4210 Construction contracts—special provisions.

(a) Insert the special provisions as set forth in § 1007.3106, except that the following special provisions will be omitted: 1–08, Standard Test, Quality and Guarantees; 1–09, Preservation of Existing Vegetation; 1–18, Shop Drawings; 1–20, Domestic Articles; 1–21, Rates of Wages. The words "U.S. Standard Form 23 attached hereto" and "Standard Form 23 attached hereto" will be omitted from SP 1–01(a) and SP 1–01(c) and will be replaced by "the Statement of Work on the cover sheet" and "on the cover sheet as the amount of contract," respectively. Contracting officers may omit any of the other special provisions set forth in § 1007.3106, that cannot be complied with because of local conditions. In all of these special provisions the words "United States" will be inserted before the word "Government" whenever the latter word appears.

(b) Additional special provisions may be inserted according to the necessities of the construction work called for by the contract, provided that no clauses contained in Chapter I of this title and this chapter will be included in such special provisions. Additional specifications will be prepared by the Civil Engineering Office.

Subpart QQ—Clauses for Fixed-Price Architectural Engineering Service Contracts

§ 1007.4301 Statutory authority and restrictions.

Contracts for architectural engineering services will be made pursuant to the authority of Public Law 600 (79th Congress), 10 U.S.C. 2304(a)(4), and the applicable section of the current Appropriation Acts. Each of these laws will be cited on the cover page of the contract. Prior to entering into a contract for architectural engineering services, a determination and findings must be made by the Secretary of the Air Force, as set forth in Subpart C, Part 1003, of this chapter. The total amount paid the contractor, including its profit (fee) for the production and delivery of designs, plans, drawings, and specifications for specific public works or utilities projects, will not exceed 6 percent of the predetermined estimated cost, exclusive of fees, of the project to which the architect-engineer work is applicable.

§ 1007.4302 Definitions.

As used throughout this subpart the term "contract for architectural engineering services" means any contract on a fixed-price basis for the professional services of architectural engineers for the drafting of architectural plans, drawings, design, and similar work.

§ 1007.4303 Required clauses.

The following clauses will be inserted in all contracts for architectural engineering services.

§ 1007.4303–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.4303–2 Changes.

Insert the clause set forth in § 1007.4025.

§ 1007.4303–3 Default.

Insert the clause set forth in § 7.103–11 of this title.

§ 1007.4303–4 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.4303–5 Termination for the convenience of the Government.

Insert the clause set forth in § 1007.2103–16.

§ 1007.4303–6 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.4303–7 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.4303–8 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.4303–9 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.4303–10 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.4303–11 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.4303–12 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.4303–13 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.4303–14 Examination of records.

Insert the clause set forth in § 7.104–15 of this title.

§ 1007.4303–15 Subcontracts.

Insert the clause set forth in § 1007.4030(b) of this chapter.

§ 1007.4303–17 Rights in data.

Insert the clause set forth in § 9.203–1 of this title.

§ 1007.4303–19 Release of information.

Insert the following clause:

RELEASE OF INFORMATION

The Contractor agrees not to divulge or release any information developed or obtained in connection with performance of this contract concerning the details of performance of this contract or any possible construction based on the results thereof (including but not limited to plans, specifications, location, time or estimated cost of construction), except to authorized Government personnel or upon the prior written approval of the Contracting Officer.

§ 1007.4303–20 Approval of contract.

Insert the clause set forth in § 7.105–2 of this title.

§ 1007.4304 Clauses to be used when applicable.

§ 1007.4304–1 Alterations in contract.

According to instructions for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.4304–2 Reports.

Insert the following clause in all contracts of more than 6 months' duration. This clause may be inserted in contracts of less than 6 months' duration when special circumstances make inclusion desirable.

REPORTS

During the life of this contract the Contractor shall submit to the Contracting Officer, by the 10th day of each calendar month, a report of the work accomplished in performance of this contract during the preceding calendar month. These reports shall be in such detail as the Contracting Officer may reasonably require to enable accurate valuation of the Contractor's progress in performance of this contract.

§ 1007.4304–3 Preparation of specifications.

Insert the following clause in all contracts calling for the furnishing of specifications by the contractor:

PREPARATION OF SPECIFICATIONS

If specifications are called for under the terms of this contract, the Contractor shall make reference to applicable Federal specifications, if available, for items and materials to be used. If Federal specifications are not available, the contractor shall reference specifications prepared by recognized professional manufacturer or construction societies, or furnish descriptions of the items or materials containing all the fundamental properties and all the essential requirements to be met by the items or materials. When an item or material cannot be described because of its technical construction or composition or because it is a proprietary item, the name of one, and if available, several, suitable commercial products shall be included as part of the required description, followed by the words "or equal." If it is determined that one and only one brand of item or material will meet the requirement, the Contractor shall so state and shall give full justification for that determination.

§ 1007.4304–4 Military security requirement.

According to the requirements of § 7.104–12 of this title, insert the clause set forth in that section.

§ 1007.4304–5 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth in this section.

§ 1007.4305 General.

Any other clause authorized by chapter I of this title or this chapter, according to instructions for use, may be used when necessary to cover the subject matter contained in such clause.

§ 1007.4306 Required schedule provisions.

The schedule will contain, among other statements, the following provisions, to be completed with appropriate information.

§ 1007.4306–1 Preliminary recitation (without title).

It has been determined that the work and services called for hereunder will be advantageous to the national defense, and that the existing facilities of the Department of the Air Force are not adequate to perform such services.

§ 1007.4306–2 Part I—Statement of services.

PART I—STATEMENT OF SERVICES

(a) The Contractor shall furnish and supply to the Government architectural engineering services necessary for the accomplishment and delivery of plans, specifications, drawings, design analysis, cost estimates, and such other work as is specified in the Statement of Work set forth in Exhibit "A," attached hereto, and made a part hereof.

(b) The services shall be performed by personnel qualified professionally and otherwise for the work called for.

§ 1007.4306–3 Part II—Consideration and payment.

PART II—CONSIDERATION AND PAYMENT

The Government will pay the Contractor upon the satisfactory performance of work and services, and upon the submission of properly certified invoices or vouchers, approved by the Contracting Officer, as full payment for all of the work called for hereunder, a total sum of _____ dollars ($_____), payable as follows:

§ 1007.4306–4 Part III—Period of performance.

PART III—PERIOD OF PERFORMANCE

The period of performance of the work and services called for hereunder shall be:

§ 1007.4306–5 Part IV—Inspection, delivery, and acceptance.

PART IV—INSPECTION, DELIVERY, AND ACCEPTANCE

The work called for hereunder, as well as the Contractor's books, records, and place of business, related to the performance of this contract, shall, at all reasonable times, be subject to inspection by the Contracting Officer. Delivery shall be made to _____ at _____, which is designated as the place for final inspection and acceptance by the Government.

§ 1007.4307 Schedule provisions to be used when applicable.

§ 1007.4307–1 Transportation reimbursement.

If the contract provides for the reimbursement of actual cost of transportation as a separate item, the clause set forth in § 1007.4306–3 will be designated "(a)" and the following paragraph (b) added:

(b) The additional sum of _____ dollars ($_____) has been allotted to this contract to reimburse the Contractor for the cost of transporting personnel necessary to perform the contract. Reimbursement for the actual cost therefor shall be made upon the submission of properly certified invoices and other evidence satisfactory to the Contracting Officer.

§ 1007.4307–2 Option of inspection services.

When it is desired to include in an Architectural Engineering service contract an option for inspection services for the construction of the work resulting from the plans, drawings, designs or other work under the contract, the more appropriate of the following clauses will be inserted.

(a) When a detailed specification of the inspection services to be performed is available and made a part of the option, and a lump sum price therefor can be negotiated, the following clause will be inserted.

OPTION FOR INSPECTION SERVICES

(a) The Contractor agrees, at the option of the Government, to perform the construction inspection services covering the construction which may result from work based on the Statement of Work set forth in this contract. Such inspection services will be performed in accordance with the specification for inspection services which is identified as Appendix A, attached to this contract. The agreed price for such services is $_____.

(b) This option will remain in effect during the Government fiscal year in which this contract is made and also the succeeding fiscal year. The Government may exercise this option by a notice in writing to the Contractor and appropriate amendment of the contract.

(b) When no specification for inspection services is available, or the time of performance is undetermined, or for other reasons only the categories of inspection personnel and agreed payment therefor is to be included in the option the following clause will be inserted.

OPTION FOR INSPECTION SERVICES

(a) The Contractor agrees, at the option of the Government to perform the construction inspection services covering any portion or all of the construction which may result from work based on the Statement of Work set forth in this contract.

(b) The Contractor shall utilize the categories of personnel set forth in Paragraph (d) below in the performance of such inspection services. Other types of personnel shall not be utilized by the Contractor except with the prior approval of the Contracting Officer. All personnel shall be qualified professionally and otherwise for their work.

(c) This option will remain in effect during the Government fiscal year in which this contract is made and also the succeeding fiscal year.

(d) The categories of personnel, the maximum monthly rate and the maximum daily rate which shall apply for services for less than a full month are as follows:

Category of personnel_____
Monthly rate_____
Daily rate_____

(e) The exercise of this option shall be evidenced by a supplemental agreement to this contract which will include the estimated maximum amount and other provisions that may be necessary to carry out such service. The presently estimated maximum amount which will be required to pay for such services is $_____.

Subpart RR—Clauses for Teacher Contracts

§ 1007.4403 Required clauses.

The following clauses will be inserted in all contracts for teachers.

§ 1007.4403–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title, omitting subparagraph (c).

§ 1007.4403–2 Assignment of claims.

Insert the clause set forth in § 7.503–3 of this title.

§ 1007.4403–3 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.4403–4 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title, omitting the final clause which begins, "but this provision . . ."

§ 1007.4403–5 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.4403–6 Termination for convenience of the Government.

Insert the clause set forth in § 1008.751 of this chapter.

§ 1007.4403–7 Subcontracts.

Insert the clause set forth in § 1007.503–50.

§ 1007.4403–8 Change in rate of pay.

Insert the following clause:

CHANGE IN RATE OF PAY

The rate of pay for services herein provided is comparable to the rate of pay for similar services paid by nearby school districts of the State in which this contract is to be performed. In the event such nearby districts increase or decrease the rate of pay for such services during the period of this contract, the rate of pay for this contract may be proportionately adjusted and the contract amended accordingly. No such adjustment shall be made unless and until the cognizant Area Field Representative of the U.S. Office of Education certifies to the justification of such change in the comparable rates of pay. Any adjustment hereunder shall be evidenced by a supplemental agreement to this contract.

§ 1007.4404 Clauses to be used when applicable.

§ 1007.4404–1 Alterations in contract.

According to instructions for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.4405 Required schedule clauses for contracts with full-time teachers.

The schedule for contracts with teachers will contain the following provisions to be completed with appropriate information.

§ 1007.4405–1 Part I—Statement of services.

PART I—STATEMENT OF SERVICES

The Contractor shall teach elementary school at the _____ Air Force Base on regular school days at such hours as the school principal shall designate. Performance by the Contractor shall be in accordance with the direction of the school principal, and include the teaching of such subjects as may be prescribed, the keeping of required records, and such other curricular and extracurricular duties as are customarily performed by an elementary school teacher.

§ 1007.4405–2 Part II—Period of performance.

PART II—PERIOD OF PERFORMANCE

Performance of services shall commence on the _____ day of _____ 19__ and continue until the _____ day of _____ 19__. In the event the school is closed temporarily on account of an epidemic or for any other necessary cause the period of performance may be extended by the principal to make up for such lost time, and no additional payment shall be made for such make-up period.

§ 1007.4405–3 Part III—Leave of absence.

PART III—LEAVE OF ABSENCE

The Contractor will be allowed leave, when sick, with pay for not exceeding _____ days. If required by the principal, the Contractor shall furnish a doctor's certificate of illness when sick for three or more consecutive school days. When approved by the principal the Contractor will be granted leave with pay for not exceeding _____ days for reasons of death or critical illness of a member of the Contractor's immediate family.

§ 1007.4405–4 Part IV—Consideration and payment.

The second sentence of the following clause will be modified, as indicated, to conform to local practices.

PART IV—CONSIDERATION AND PAYMENT

The Government will pay the Contractor upon satisfactory performance of the above described services the sum of $_____. Payments will be made [monthly, biweekly, etc.] during the period of performance in the amount of $_____. For each pay period as described above the Contractor shall present to the Contracting Officer a certified invoice for services rendered. Deductions for Federal income tax and social security contributions will be made from payments; where withholding of payments for purposes of state income taxes is authorized by 5 U.S.C. 84b (1952), deductions for state income taxes will also be made.

§ 1007.4405–5 Part V—Qualifications.

PART V—QUALIFICATIONS

The Contractor warrants that _____ is qualified and duly licensed to teach elementary school within the State of _____ and affirms _____ loyalty to the United States of America.

§ 1007.4405–6 Part VI—Renewal.

PART VI—RENEWAL

In the event the services of the Contractor are desired by the Government for the succeeding school year the Contractor will be so advised on or before the _____ day of _____, 19__. It is agreed that such notice will be subject to the availability of funds for the succeeding Government fiscal year for this purpose.

§ 1007.4406 Required schedule clauses for contracts with substitute teachers.

The schedule for contracts with substitute teachers will contain the following provisions to be completed with appropriate information.

§ 1007.4406–1 Part I—Statement of services.

PART I—STATEMENT OF SERVICES

The Contractor shall teach elementary school at the _____ Air Force Base on regular school days at such hours and on such days as the school principal shall designate during the period of performance of this contract as set forth in Part II hereof. It is understood and agreed that this is a call contract, that the Contractor is a substitute teacher to perform services in the absence of a regularly employed teacher, and that the Government is not hereby obligated to issue any call for the Contractor's service.

§ 1007.4406–2 Part II—Period of performance.

PART II—PERIOD OF PERFORMANCE

The period during which calls may be made shall begin on the _____ day of _____ 19__ and end on the _____ day of _____ 19__. In the event the school is closed temporarily on account of an epidemic, or for any other necessary cause, the period of performance may be extended by the principal to make up for such lost time.

§ 1007.4406–3 Part III—Consideration and payment.

The second sentence of the following clause will be modified, as indicated, to conform to local practices.

PART III—CONSIDERATION AND PAYMENT

The Government will pay the Contractor upon satisfactory performance of the above described services the sum of $_____ for each day worked. Payment will be made [monthly, biweekly, etc.]. For each pay period as described above the Contractor shall present to the Contracting Officer a certified invoice for any service rendered. Deductions for Federal income tax and social security contributions will be made from payments; where withholding of payments for purposes of state income taxes is authorized by 5 U.S.C. 84b (1952), deductions for state income taxes will also be made.

§ 1007.4406–4 Part IV—Qualifications.

Insert the clause set forth in § 1007.4405–5 of this chapter.

§ 1007.4407 Required schedule clauses for contracts with principals.

The schedule for contracts employing school principals will contain the following provisions to be completed with appropriate information.

§ 1007.4407–1 Part I—Statement of services.

PART I—STATEMENT OF SERVICES

The Contractor shall act as principal of an elementary school at the _____ Air Force Base. Performance by the Contractor shall be in accordance with the direction of the Base Commander, and includes the supervision of the school, the teaching staff thereof, keeping of required records, and such other curricular and extra curricular duties as are customarily performed by an elementary school principal.

§ 1007.4407–2 Part II—Period of performance.

PART II—PERIOD OF PERFORMANCE

Performance of services shall commence on the _____ day of _____ 19__ and continue until the _____ day of _____ 19__. In the event the school is closed temporarily on account of an epidemic or for any other necessary cause the period of performance may be extended by the Base Commander to make up for such lost time, and no additional payment shall be made for such make-up period.

§ 1007.4407–3 Part III—Leave of absence.

PART III—LEAVE OF ABSENCE

The Contractor will be allowed leave when sick, with pay for not exceeding _____ days. When approved by the Base Commander the Contractor will be granted leave with pay for not exceeding _____ days for reasons of death or critical illness of a member of the Contractor's immediate family.

§ 1007.4407–4 Part IV—Consideration and payment.

Insert the clause set forth in § 1007.4405–4.

§ 1007.4407–5 Part V—Qualifications.

PART V—QUALIFICATIONS

The Contractor warrants that _____ is qualified and duly licensed to act as principal of an elementary school within the State of _____, and affirms _____ loyalty to the United States of America.

§ 1007.4407–6 Part VI—Renewal.

Insert the clause set forth in § 1007.4405–6.

Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts

§ 1007.4500 Scope of subpart.

This subpart sets forth clauses for use in fixed-price type maintenance, overhaul, and modification contracts, including such fixed-price contracts (other than purchase orders) providing for reimbursement for parts and materials.

§ 1007.4502 Definition.

As used throughout this subpart the term "maintenance, overhaul, and modification contract" means any fixed-price contract for the maintenance, modification, reconditioning, rehabilitation, or repair of Government property, except real property.

§ 1007.4503 Required clauses.

The following clauses will be inserted in all fixed-price type maintenance, overhaul, and modification contracts:

§ 1007.4503–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.4503–2 Changes.

Insert the following clause:

CHANGES

The Contracting Officer may, at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to specifications, issue additional instructions, require modified or additional work or services within the general scope of the contract, or change the place of delivery or method of shipment or packing, or the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or the time required for, performance of this contract, an equitable adjustment shall be made in the contract price or the time of performance, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as the result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1007.4503–3 Inspection and quality control.

Insert the following clause:

INSPECTION AND QUALITY CONTROL

(a) The Contractor agrees that it will employ only qualified and competent employees in the performance of this contract, and that any items delivered under this contract will conform to the requirements of this contract and will not be defective in workmanship or material. The Contractor shall not be responsible for latent defects in Government Furnished Property.

(b) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the material, fabrication methods, and the work and services hereunder. Records of all inspection work by the Contractor shall be complete and available to the Government at all reasonable times during performance of this contract and for such longer period as may be specified in the contract. The Contractor shall inform the inspector or Contracting Officer when the work is ready for inspection. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when items are not ready at the time such inspection and test is requested by the Contractor.

(c) Except as otherwise provided in this contract, the contractor's system of quality control during the performance of this contract shall be in accordance with the provisions of Military Specification MIL–Q–9858 and U.S. Air Force Specification Bulletin No. 515, Control of Nonconforming Supplies, as in effect on the date of this contract, incorporated herein by reference, unless this contract is one of the types specified in paragraph 1.2 of Specification MIL–Q–9858.

NOTE: The following change may be made to the clause at the option of the Contracting Officer, that: the issue in effect at the date of the contract may be more specifically identified in the schedule of the contract (Ref: par. 4.2 of MIL–Q–9858).

(d) All services, material and workmanship shall be subject to inspection and test by the Government to the extent practicable at all times and places including the period of performance and in any event prior to final acceptance. Final inspection and acceptance by the Government of all the items (other than aircraft to be flown away, if any) to be furnished under this contract shall be at the plant or plants of the Contractor specified in the Schedule, or any other plant or plants approved for such purpose in writing by the Contracting Officer. The Contractor shall request any approval of such plant or plants as soon as practicable so as to permit the Government to make necessary arrangements for inspection and acceptance, and the Government is not obligated to make such final inspection and acceptance at any point so approved until a reasonable period after the date of such approval. The Contractor shall allow, at all reasonable times and places, Government inspectors and other personnel free access to the plant or plants and operations of the Contractor or any of its subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premise of the Contractor or a subcontractor, the Contractor without additional charge shall provide and shall require subcontractors to provide, all reasonable facilities and assistance as may be required for this work and for the safety

and convenience of the Government personnel. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work.

(e) The Government shall have the right to reject any parts or materials which are not in conformity with the requirements of this contract, or are otherwise defective in workmanship or material, or which are unsuited for the purpose intended, and require correction or replacement thereof at no additional charge to the Government. Corrected items or items tendered as replacements shall be subject to the provisions of this clause in the same manner and to the same extent as items originally tendered, and shall not be tendered for acceptance unless the former rejection and requirement for correction or replacement is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such rejected items, the Government (i) may by contract or otherwise replace or correct such items and charge to the Contractor any increased cost occasioned the Government thereby, or (ii) terminate this contract for default as provided in the clause of this contract entitled "Default."

(f) The inspection and test by the Government of any work or items does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to final acceptance. Except as otherwise provided in this contract, final acceptance shall be conclusive except as regards latent defects, fraud or such gross mistakes as amount to fraud.

(g) Unless otherwise provided herein, if any aircraft are required to be furnished to the Government hereunder and the same are to be flown away, such aircraft shall be finally inspected and accepted by the Government at flying field or fields to be approved by the Contracting Officer in the vicinity of the Contractor's plant or plants specified in the Schedule or at such other point as may be requested by the Contractor and approved for such purpose in writing by the Contracting Officer.

The following provision is for use in contracts which provide for separate reimbursement of parts or materials.

(h) Acceptance of parts or materials acquired by the Contractor for the Government as provided in the Schedule for separate reimbursement may be deferred until final item inspection. Notwithstanding the provisions in paragraph (e) above, in the event of defects in the item due to such parts or materials, the Government will pay the cost of replacement parts or materials, but the Contractor will bear the cost of replacement.

§ 1007.4503–4 Payments.

Insert the following clause:

PAYMENTS

The Contractor shall be paid, upon the submission of invoices or vouchers, the prices stipulated herein for repaired, overhauled, or modified items which have been delivered and accepted hereunder, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or fifty percent (50%) of the total amount of this contract.

If the contract provides for separate reimbursement of parts or materials the above paragraph will be numbered (a) and the following paragraphs added.

(b) To the extent that the provisions of the Schedule provide for reimbursement to the Contractor for costs of parts and materials, the Government shall pay to the Contractor such costs as are determined by the Contracting Officer to be allowable in accordance with Part 2, Section XV of the Armed Services Procurement Regulation as in effect on the date of this contract, subject to such further definition and limitations as may be included in the Schedule of this contract, and in accordance with the following:

(1) Only the cost of direct materials as defined in the Schedule hereof shall be allowable costs. Except as otherwise may be specified in the Schedule, allowable costs of direct material shall include only those costs which under the Contractor's established accounting procedure would be properly shown as value of inventory if such materials had been procured by the Contractor independently of this contract. Costs of purchasing, inventory handling, or other indirect and administrative expense will not be reimbursable as a cost of direct materials.

(2) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to the Contracting Officer in such form and reasonable detail as required, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute Allowable Cost. Each statement of cost shall be certified by an officer or other responsible official of the Contractor authorized by it to certify such statements.

(3) As promptly as may be practicable after receipt of each invoice or voucher and statement of cost, the Government shall, except as hereinafter provided and subject to the provisions of paragraph (4) below, make payment thereon as approved by the Contracting Officer.

(4) At any time or times prior to final payment under this contract the Contracting Officer may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts included in the related invoice or voucher and statement of cost which are found by the Contracting Officer on the basis of such audit not to constitute Allowable Cost, and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers. On receipt of the voucher or invoice designated by the Contractor as the "completion voucher" or "completion invoice" and statement of cost, which shall be submitted by the Contractor as promptly as may be practicable following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may, in his discretion, approve in writing) from the date of such completion, and following compliance by the Contractor with all provisions of this contract (including, without limitation, provisions relating to patents and the provisions of paragraphs (5) and (6) of this clause), the Government shall as promptly as may be practicable pay any balance of Allowable Cost.

(5) The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, a release discharging the Government, its officers, agents, and employees of and from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor.

(B) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the contract relating to patents.

(6) The Contractor agrees that any refunds, rebates, or credits (including any interest thereon) accruing to or received by the Contractor or any assignee which arise out of the performance of this contract and on account of which the Contractor has received reimbursement shall be paid by the Contractor to the Government. The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, an assignment to the Government of refunds, rebates, or credits (including any interest thereon) arising out of the performance of this contract, in form and substance satisfactory to the Contracting Officer. Reasonable expenses incurred by the Contractor for the purpose of securing any such refunds, rebates or credits shall constitute Allowable Cost when approved by the Contracting Officer.

(7) If at any time the Contractor has reason to believe that costs reimbursable under this contract which it expects to incur in the next succeeding thirty (30) days, when added to all such costs previously incurred, will exceed eighty-five percent (85%) of the amount then set forth in the Schedule as the estimated cost for the reimbursable elements, or, if at any time the Contractor has reason to believe that the total of such reimbursable costs will be substantially greater or less than the amount then set forth in the Schedule as the estimate of such reimbursable costs, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimated total of such reimbursable costs.

(8) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under this contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of the cost-reimbursement elements of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

NOTE: In formally advertised contracts add, as a new final sentence of the foregoing clause: Under no circumstances shall the Contractor be paid any profit or handling charges in connection with direct materials, and it is understood and agreed that all profits expected to be gained under this contract shall be in connection with the fixed prices hereunder.

§ 1007.4503–5 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title but see § 1007.103–8 of this chapter.

§ 1007.4503–6 Federal, State and local taxes.

According to instructions in § 11.401 of this title and § 1011.401 of this chapter, insert the appropriate clause.

§ 1007.4503–7 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.4503–8 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.4503–9 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.4503–10 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

§ 1007.4503–11 Eight-hour law of 1912.

Insert the clause set forth in § 12.303 of this title.

§ 1007.4503–12 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title, but see § 1012.804 of this chapter.

§ 1007.4503–13 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.4503–14 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.4503–15 Termination for convenience of the Government.

Insert the clause set forth in § 1007.2103–16. If the contract provides for separate reimbursement of parts or materials the following paragraph (d) will be substituted for paragraph (d) of § 1007.2103–16:

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done, provided the contract terms do not otherwise prohibit the allowance of profit on any items thereunder, and provided that such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

§ 1007.4503–16 Authorization and consent.

Insert the clause set forth in § 9.102–1 of this title except that if the contract calls for any experimental, developmental, or research work, the clause set forth in § 9.102–2 of this title may be inserted in lieu of the clause set forth in § 9.102–1 of this title.

§ 1007.4503–17 Notice and assistance regarding patent infringement.

Insert the clause set forth in § 9.104 of this title.

§ 1007.4503–18 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.4503–19 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.4503–20 Government-furnished property.

Insert the clause set forth in § 13.502 of this title. Whenever any maintenance, overhaul, or modification contract is initiated, awarded, and administered at base level, as distinguished from depot or AMC air materiel area level, the last sentence of paragraph (c) of this clause will be deleted. If the contract provides for separate reimbursement of parts or materials, substitute for the first sentence of paragraph (c) of § 13.502 of this title, the first three sentences of paragraph (b) of § 13.503 of this title, but deleting the words "in whole or in the percentage prevailing by reason of the clause of the contract entitled 'Allowable Cost, Fixed Fee and Payment,'" in paragraph (b)(iii).

§ 1007.4504 Clauses to be used when applicable.

Clauses appearing in § 7.104 of this title and § 1007.104 of this part will be used according to pertinent instructions.

§ 1007.4505 Additional clauses.

Clauses appearing in § 7.104 of this title and § 1007.104 of this chapter and the following clauses will be used according to pertinent instructions.

§ 1007.4505–1 Records.

If the contract provides for separate reimbursement of parts or materials and the costs are to be determined according to Subpart B, Part 15 of this title, insert the clause in § 7.203–7 of this title. If this clause is included in the contract, omit the clauses in § 7.104–15 of this title, Examination of Records, and § 1007.4023, Inspection and Audit.

§ 1007.4505–2 Certificate acceptance.

The following clause may be inserted in contracts for the maintenance, overhaul, or modification of simple, non-critical items of a standard or commercial nature. The clause will not be used in contracts where the Guaranty Clause, § 1007.4029, is used.

CERTIFICATE ACCEPTANCE

(a) At the option of the Contracting Officer any of the items hereunder may be accepted without prior Government inspection upon receipt of a certificate of the Contractor attached to an invoice for said supplies reading substantially as follows:

I hereby certify that I did on the ------ day of ---------- 19--, ship via ----------, in accordance with shipping instructions issued by the Contracting Officer, the items called for by Contract No. (insert contract number) ------, that such items were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications. This statement is furnished to support payment of the attached invoice.

(b) Notwithstanding any provisions of the certificate above referred to, and notwithstanding other provisions of the clause of this contract entitled "Inspection and Quality Control," the liability of the Contractor with respect to items accepted by the Government under the provisions of subparagraph (a) above will, after inspection by the Government or after the expiration of a reasonable time following delivery to the Government within which inspection may be made, whichever occurs first, be limited (except as to items rejected upon such inspection) to liability for latent defects, fraud, or such gross mistakes as amount to fraud.

§ 1007.4505–3 Materials and parts coded CP.

Maintenance contracts, which provide that materials and parts coded CP (in Appendix B or otherwise) will be furnished by the Government to the contractor, will contain a separate item in the Schedule under which the material the Government fails to furnish may be supplied by the contractor. The item should read substantially as follows:

Item ------ The Contractor shall furnish the supplies coded CP (Central Procurement) under Appendix B, attached hereto, to the extent the Government is unable to furnish same, provided the need for the Contractor to furnish such supplies is verified by the Contracting Officer. Supplies so furnished shall be chargeable to this contract item, and Contractor's invoices or vouchers submitted for payment shall contain sufficient information to identify [the supplies furnished under this item]. The estimated cost to the Government of the supplies to be furnished hereunder by the Contractor is $------ (Oct. 1960). Any clause used for this purpose must be adequate to assure that supplies furnished by the contractor as CP items can be distinguished and charged to this item rather than to those under which supplies coded LP will be furnished by the contractor. The method of listing the parts and determining prices or terms for reimbursement will be set forth elsewhere in the Schedule. In the case payment for such supplies is on a cost reimbursement basis insert in the [☐] the following: "the costs incurred in furnishing such supplies." The estimated cost to the Government will be obligated at the time of execution of the contract.

§ 1007.4505–4 General.

Any other clause authorized by Subchapter A, Chapter I of this title, or the specific sections of this subchapter, according to instructions for use, may be used when necessary to cover the subject matter in such clause.

Subpart TT—Clauses for Cost-Reimbursement Type Maintenance, Overhaul and Modification Contracts

§ 1007.4600 Scope of subpart.

This subpart sets forth the clauses for use in cost-reimbursement type maintenance, overhaul and modification contracts other than time and materials contracts and fixed-price contracts providing for reimbursement of materials.

§ 1007.4602 Definition.

As used throughout this subpart, the term "maintenance, overhaul, and modification contract" means any cost-reimbursement type contract for the maintenance, modification, reconditioning,

rehabilitation, or repair of Government property, except real property.

§ 1007.4603 Required clauses.

The following clauses will be inserted in all cost-reimbursement type maintenance, overhaul, and modification contracts.

§ 1007.4603–1 Definitions.

Insert the clause set forth in § 7.203–1 of this title.

§ 1007.4603–2 Changes.

Insert the following clause:

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to specifications, issue additional instructions, require modified or additional work or services within the general scope of the contract, or change the place of delivery or method of shipment, or the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fixed fee to be paid to the Contractor, and (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1007.4603–3 Limitation of cost.

Insert the clause set forth in § 7.203–3 of this title.

§ 1007.4603–4 Allowable cost, fixed fee and payment.

Insert the clause set forth in § 7.203–4 of this title as modified by § 1007.203–4.

§ 1007.4603–5 Inspection and quality control.

Insert paragraphs (a) through (g) of the clause set forth in § 1007.4503–3, substituting the following paragraph (e) for paragraph (e) of § 1007.4503–3:

(e) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after final acceptance of the items last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any item which at the time of delivery thereof is defective in material or workmanship or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (f) hereof, the cost of any such replacement or correction shall be included in Allowable Cost determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment," but no additional fee shall be payable with respect thereto. Such items shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such items, the Government (i) may by contract or otherwise replace or correct such items and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of items not delivered, may require the delivery of such items, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofor paid) in such amounts as may be equitable under the circumstances, or (iii) may terminate this contract for default as provided in the clause of this contract entitled "Termination." Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

Add the following paragraph (h):

(h) Notwithstanding the provisions of paragraph (e) hereof, the Government may at any time require the correction or replacement by the Contractor, without cost to the Government, of items which are defective in material or workmanship, or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) a separate and complete major industrial operation in connection with the performance of this contract. Fraud, lack of good faith, or willful misconduct on the part of any of such supervisory personnel shall be deemed to include the selection of individual employees or the retention of employees after any of such supervisory personnel has reason to believe that such employees are habitually careless or otherwise unqualified.

§ 1007.4603–6 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title but see § 1007.103–8.

§ 1007.4603–7 Records.

Insert the clause set forth in § 7.203–7 of this title.

§ 1007.4603–8 Subcontracts.

Insert the clause set forth in § 7.203–8 of this title.

§ 1007.4603–9 Utilization of small business concerns.

Insert the clause set forth in § 7.104–14 of this title.

§ 1007.4603–10 Termination.

Insert the clause set forth in § 8.702 of this title.

§ 1007.4603–11 Excusable delays.

Insert the clause set forth in § 8.708 of this title.

§ 1007.4603–12 Disputes.

Insert the clause set forth in § 7.203–12 of this title.

§ 1007.4603–13 Notice and assistance regarding patent infringement.

Insert the clause set forth in § 9.104 of this title.

§ 1007.4603–15 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.4603–16 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.4603–17 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title, but see § 1012.804 of this chapter.

§ 1007.4603–18 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.4603–19 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.4603–20 Government property.

Insert the clause set forth in § 13.503 of this title. Wherever any maintenance, overhaul, and modification contract is initiated, awarded, and administered at base level as distinguished from depot or AMC air materiel area level, the last sentence of § 13.503 (c) of this title will be deleted.

§ 1007.4603–21 Insurance; liability to third persons.

Insert the clause set forth in § 7.203–22 of this title.

§ 1007.4603–22 Authorization and consent.

Insert the clause set forth in § 9.102–1 of this title except that if the contract calls for any experimental, developmental or research work, the clause set forth in § 9.102–2 of this title may be inserted in lieu of the clause set forth in § 9.102–1 of this title.

§ 1007.4603–23 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.4603–24 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.4603–25 Special provisions relating to Air Force equipment upon which work is to be performed.

Insert the cost-reimbursement clause set forth in § 1007.4051. The Schedule will identify the "Air Force equipment upon which work is to be performed" as distinct from Government Property to be used in the performance of the work.

§ 1007.4603–26 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

§ 1007.4603–27 Utilization of concerns in surplus labor areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.4604 Clauses to be used when applicable.

§ 1007.4604–1 Military security requirements.

According to the requirements of § 7.104–12 of this title, insert the clause set forth in that section modified as required by § 7.204–12 of this title.

§ 1007.4604–2 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth therein.

§ 1007.4604–3 Data and copyrights.

According to the requirements of Subpart B, Part 9 of this title and Subpart B, Part 1009 of this chapter, insert the appropriate clauses set forth therein.

§ 1007.4604–5 Filing of patent applications.

According to the requirements of § 9.106 of this title, insert the clause set forth in that section, but see § 9.106–1 of this title.

§ 1007.4604–6 Patent indemnity.

According to the requirements of § 9.103 of this title, insert the appropriate clause or clauses set forth in that section with additional provisions as prescribed.

§ 1007.4604–7 Patent rights.

According to the requirements of § 9.107 of this title, insert the appropriate clause or clauses set forth in that section, with additional provisions as prescribed.

§ 1007.4604–8 Negotiated overhead rates.

According to the requirements of § 3.704–1 of this title, insert the clause set forth in that section.

§ 1007.4604–9 Superseding specifications.

According to the requirements of § 1007.4024, insert the clause set forth in that section.

§ 1007.4604–10 Approval of overtime and extra shifts.

According to the requirements of § 1012.102–3(c) of this chapter, insert the applicable clause or clauses set forth therein.

§ 1007.4604–11 Priorities, allocations and allotments.

According to the requirements of § 1.308–2 of this title, insert the clause set forth in § 7.104–18 of this title.

§ 1007.4604–12 Shipments.

According to the requirements of § 1007.4004, insert the clause set forth in that section.

§ 1007.4604–13 Delivery of aircraft.

Any contract calling for the delivery of aircraft to the Government will contain the clause set forth in § 1007.4006, which may be a lettered paragraph to the clause in § 1007.4604–12, Shipments.

§ 1007.4604–14 Delay in delivery of data.

According to the requirements of § 1007.4036, insert the clause set forth in that section.

§ 1007.4604–15 Flight risk.

In any contract in which the contractor is required to have aircraft operated, insert the clause set forth in § 10.404–2 of this title.

§ 1007.4604–16 Ammunition and explosive material safety.

According to requirements of § 1007.4048, insert the clause set forth in that section.

§ 1007.4604–17 Safety and accident prevention.

According to the requirements of § 1007.4047, insert the clause set forth in that section.

§ 1007.4604–18 Alteration in contract.

According to instructions for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.4604–19 Approval of contract.

Whenever the contract, prior to becoming effective, requires manual approval other than by the contracting officer, insert the clause set forth in § 7.105–2 of this title.

§ 1007.4604–20 Superseding specifications.

According to the requirements of § 1007.4024, insert clause set forth in that section.

§ 1007.4604–21 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth in that section.

§ 1007.4604–22 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth in that section.

§ 1007.4604–23 Walsh-Healey Public Contracts Act.

According to the requirements of § 12.604 of this title, insert the clause set forth in that section.

§ 1007.4604–24 Limitation on withholding payments.

According to the requirements of § 7.104–21 of this title, insert the clause set forth therein.

§ 1007.4605 Additional clauses.

The following clauses may be used when desirable or necessary to cover the subject matter contained in such clauses.

§ 1007.4605–1 Supplies.

Section 1007.4505–3 is equally applicable to CPFF contracts prepared under this subpart.

§ 1007.4605–2 Certificate acceptance.

According to the instructions for use in § 1007.4505–2, the clause set forth in that section may be inserted.

§ 1007.4605–3 General.

Any other clause authorized by Subchapter A, Chapter I of this title, or the specific sections of this subchapter, according to instructions for its use, may be used when necessary to cover the subject matter contained in such clause.

Subpart UU—[Reserved]

Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFROTC Personnel at Civilian Colleges and Universities

§ 1007.4802 Definition.

As used throughout this subpart, the term "contract for flight instruction of AFROTC personnel at civilian colleges and universities" means any contract for flight instruction of AFROTC personnel at an approved or accredited college or university, paid for on a fixed price basis.

§ 1007.4803 Required clauses.

The following clauses will be inserted in all contracts for flight instruction of AFROTC personnel at civilian colleges and universities.

§ 1007.4803–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.4803–2 Inspection.

INSPECTION

The Contractor agrees (i) to permit representatives of the Government at all reasonable times to inspect the Contractor's facilities, operations, books and records in connection with this contract and (ii) to insert a like provision in any subcontract hereunder.

§ 1007.4803–3 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.4803–4 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.4803–5 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title. If the contract is with a state or a political subdivision thereof, preface the clause as directed in § 12.303–2 of this title.

§ 1007.4803–6 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.4803–7 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.4803–8 Covenants against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.4803–9 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.4803–10 Examination of records.

Insert the clause set forth in § 7.104–15 of this title.

§ 1007.4803–11 Termination for the convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

§ 1007.4803–12 Subcontracts for work or services.

Insert the clause set forth in § 1007.-4030(b).

§ 1007.4803–13 Insurance.

(a) In connection with the operation of aircraft in performance of this contract or the flight checking of trainees hereunder by employees or representatives of the Government, the contractor or any subcontractor engaged to provide the Flight Training shall procure and maintain at all times during the performance of services under this contract Aircraft Public Liability Insurance, including coverage of liability to passengers, against bodily injury and property damage. Such insurance shall be procured and maintained in limits of not less than $100,000 with respect to any one person injured or killed and, subject to that limit per person, an aggregate limit of $500,000 with respect to any number of persons injured or killed as the result of any one accident; and $100,000 per accident with respect to property damage. The liability limit with respect to passenger liability shall be not less than $100,000 per aircraft seat. This required insurance coverage shall be carried under terms and conditions which will protect the contractor, the subcontractor, and the student trainee.

(b) Each insurance policy evidencing this required insurance shall bear appropriate endorsements whereby the insurance carrier waives any rights of subrogation acquired against the United States of America by reason of any payment under such policy, and such policy shall further provide that the contracting officer will be given 30 days prior notice before cancellation of such policy or reduction of coverage thereunder can be effective.

(c) The contractor shall, prior to initiation of flight instruction under this contract, submit to the contracting officer or his duly authorized representative either (1) a certified copy of the insurance policy actually procured and maintained, or (2) an insurance certificate issued by the insurance carrier writing the insurance certifying to the existence of the required insurance coverage in conformity with this clause.

§ 1007.4803–14 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.4804 Clauses to be used when applicable.

§ 1007.4804–1 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth therein.

§ 1007.4804–2 Approval of contract.

Whenever the contract, prior to becoming effective, requires manual approval other than by the contracting officer, insert the clause set forth in § 7.105–2 of this title.

§ 1007.4804–3 Alterations in contract.

According to the instructions for use in § 1007.105–1, insert the clause set forth in § 7.105–1 of this title.

§ 1007.4805 Additional clauses.

Any other clause authorized by Subchapter A, Chapter I of this title, this subchapter, according to instructions for its use, may be used when it is necessary to cover the subject matter of such clause.

§ 1007.4806 Schedule provisions.

The following provisions will be included in the Schedule and will be completed with appropriate information prior to execution of the contract.

PART I—SERVICES TO BE PERFORMED

(a) The Contractor shall provide flight instruction to _____ students, designated by the Contracting Officer as pilot students. Such instruction shall be in accordance with the Syllabus of Instruction attached hereto as Exhibit "A".

(b) The Contractor shall furnish transportation of students to and from the place of flight instruction as may be approved by the Contracting Officer.

(c) The Contractor shall keep such technical, operational and administrative type records as may be required by the Contracting Officer.

(d) Additional hours of training per student above those prescribed in the Syllabus of Instruction shall be given only as authorized by the Contracting Officer. Such authorization shall be in the form of a Supplemental Agreement amending the contract.

(e) If, at any time, the Contractor is of the opinion that any student should be eliminated from further instruction under this contract, it shall notify the Contracting Officer and the appropriate CAA official thereof, stating its reasons therefor. However, the Contractor shall continue to provide to any such student the instruction called for by this contract unless the Contracting Officer directs the Contractor to eliminate such student from further instruction. The Contracting Officer may make such direction either (1) upon the recommendation of the CAA flight examiner or (2) upon the joint recommendations of the Contractor and the Professor of Air Science at the Contractor's institution. If the Contracting Officer directs elimination of any student from further instruction, whether or not under the circumstances described above in this paragraph (e), the Contractor shall eliminate the student from any further instruction under this contract promptly upon receipt of such direction.

(f) It is understood ground school instruction of students will be the responsibility of the Air Force, separate from flight instruction, thirty (30) hours of which will be accomplished during the students' regularly scheduled Air Force ROTC class periods and five hours of which will be at the discretion of the Detachment Commander.

PART II—EQUIPMENT, PERSONNEL AND QUALIFICATIONS FURNISHED BY THE CONTRACTOR

(a) Unless otherwise directed by the Contracting Officer, one _____

_____

(Designate airplane model(s) and horsepower)

(with a separate and independent three-control system, i. e., rudder, elevator and aileron controls), as approved by the Civil Aeronautics Administration and the Contracting Officer, will be provided and properly maintained at all times, for each fifteen (15) students or fraction thereof receiving instruction under this contract. Such aircraft need not be used exclusively for service under this contract.

(b) Unless otherwise directed by the Contracting Officer, one flight instructor holding a currently valid Commercial Pilot Certificate and appropriate instructor's rating issued by the CAA, will be provided for each fifteen (15) students or fraction thereof receiving instruction under this contract. Such instructors need not be employed exclusively for services under this contract.

(c) The Contractor shall assign each student to an instructor who, where practicable, will be responsible for the instruction of students assigned to him during the entire course. The Contractor shall furnish the Contracting Officer with the names of the students assigned to each flight instructor.

(d) The Contractor, or its subcontractor, if flight instructions are furnished through a subcontractor, shall possess and keep currently in effect at all times during the performance of services under this contract, a Flying School Certificate with an appropriate flying school rating issued under provisions of Part 50 of the Civil Air Regulations.

(e) All operations under this contract shall be in accordance with all applicable provisions of the Civil Air Regulations, except as otherwise provided by the Air Force and the CAA under the terms of this contract.

PART III—PERIOD OF PERFORMANCE

The Contractor shall begin flight instructions within the time designated by the Contracting Officer and shall continue until the course of instruction for the designated students is completed or until _____ whichever occurs earlier.

PART IV—CONSIDERATION AND PAYMENT

(a) To perform the services called for in Part I of this contract, the Contractor will have provided _____ solo hours and _____ dual hours of flight instruction. For full payment of such services the Government will pay the Contractor the sum of $_____ for each hour of solo instruction and $_____ for each hour of dual instruction actually provided. Any check flight administered by CAA personnel will be paid for at the solo rate.

(b) Where a student is eliminated for any reason whatsoever prior to completion of the course of flight instruction, the Government shall be obligated to pay for only the instruction services which have been performed with respect to such student prior to the date of elimination. Elimination of any student prior to completion of the course of flight instruction shall not be considered a termination within the meaning of the clause of this contract entitled "Termination for Convenience of the Government."

PART V—LOCATION AND SUBCONTRACTING

(a) The location where flight instructions will be performed is _____

(b) The items of services the Contractor presently estimates will be performed by subcontract are _____

Subpart WW—Clauses for Basic Agreements for Communication Services

§ 1007.4900 Scope of subpart.

This subpart sets forth clauses for use in basic agreements with telephone companies other than the American Telephone & Telegraph Company and the Associated Bell System Companies under which communications services and facilities will be ordered. The clauses set forth in § 1007.4902 will be used in basic agreements when the services and facilities to be ordered are not expected to involve special construction for which a charge will be made by the company to the Government in the form of a construction charge to be paid prior to the initiation of services or over a period of years, or as a result of a contingent termination liability to be imposed upon the Government in the event that services are cancelled prior to the expiration of a specified period. If any such special construction charges or the assumption of contingent liabilities are expected, the clauses set forth in § 1007.4903 will also be included in the basic agreement either at the time of its execution or by supplemental agreement if the necessity of paying such charges or of assuming contingent liabilities arises subsequent to the execution of the basic agreement.

§ 1007.4901 Limitation on use of basic agreements.

(a) Basic agreements for telephone services will not be entered into with any telephone company with respect to services for which the General Services Administration has an indefinite delivery type area contract in effect, available for Air Force use, if such GSA area contract is adequate to meet the requirements of Department of Defense activities for communication services. See § 5.803 of this title.

(b) Any basic agreement entered into according to this subpart, and any Communications Service Authorization issued under such basic agreement, will be according to the directions and limitations contained in AFM 100–22 (Commercial Communications Services).

§ 1007.4902 Clauses for basic agreements when no special construction charges are expected.

The following clauses will be inserted in all basic agreements for communications services and facilities.

§ 1007.4902–1 Introductory recital.

This contract, entered into this _____ day of _____ by the United States of America, acting through the Department of the Air Force, hereinafter called the "Department," represented by the Contracting Officer executing this contract, and _____, *a corporation organized and existing under the laws of the State of _____, hereinafter called the "Contractor," witnesseth:

*NOTE: If the Contractor is not a corporation substitute the legal composition of the Contractor.

§ 1007.4902–2 Definitions.

Insert the clause set forth in § 7.103–1 of this title and add as paragraph (d) thereof the following:

(d) The term "the Contractor's established regulations" means (1) the rates, terms, and conditions in regularly established tariffs, or, in the absence of established tariffs applicable to the services or facilities being furnished, the same rates, terms and conditions applicable to others for similar services or facilities, or (ii) special charges, terms and conditions agreed upon by the Department and the Contractor and specifically enumerated in the written order covering such services and facilities.

§ 1007.4902–3 Scope of services and facilities.

SCOPE OF SERVICE AND FACILITIES

The Contractor shall furnish to the Government upon request any services, equipment, and facilities normally offered to its customers. Requests will be made by serially numbered "communication Service Authorizations" (DD Form 428), which make reference to this contract and specify the services, equipment, and facilities desired. The services, equipment, and facilities ordered shall be subject to and in accordance with the Contractor's established regulations.

§ 1007.4902–4 Payment.

PAYMENT

The Government shall pay for services, equipment, and facilities ordered under this contract and furnished by the Contractor upon receipt of monthly bills thereafter by the office designated in the Communication Service Authorization ordering such services, equipment, and facilities. The finance officer designated in the ordering document will make payment. No payment will be made in advance of the Contractor's furnishing the services, equipment, and facilities for which payment is requested.

§ 1007.4902–5 Period of contract and termination.

PERIOD OF CONTRACT AND TERMINATION

This contract shall take effect on the date it is entered into and shall continue in effect until the following June 30th and thereafter until terminated. Either party may terminate this contract at any time upon thirty days written notice to the other party. The Government may, after such notice in writing to the Contractor, discontinue the use of any service, equipment, or facility furnished hereunder at any time, and the recurring charges pertaining thereto shall be adjusted to the date of discontinuance, subject to the Contractor's established regulation pertaining to the minimum period of service. The payments subsequent to the end of the Government's fiscal year on June 30th are contingent upon the availability of appropriations therefor.

§ 1007.4902–6 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.4902–7 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.4902–8 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.4902–9 Disputes.

Insert the clause set forth in § 7.103–12 of this title as paragraph (a) and add the following:

(d) The provisions of paragraph (a) above shall not apply to disputes which are subject to the jurisdiction of a governmental regulatory agency and such provisions shall be subject to the requirements of the law with respect to the rendition of communications services and the collection of tariff charges.

§ 1007.4902–10 Convict labor.

Insert the clause set forth in § 12.203 of this title.

§ 1007.4902–11 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.4902–12 Examination of records.

Insert the clause set forth in § 7.104–15 of this title.

§ 1007.4902–13 Reporting of royalties.

Insert the clause set forth in § 9.110 of this title, substituting the following sentence for the introductory sentence thereof:

The provisions of this clause shall be applicable to orders for services placed under this contract only if (i) the Contracting Officer determines that billings during the Government's fiscal year are expected to exceed $50,000.00 in amount and (ii) the CSA ordering such services provides that this clause will be applicable.

§ 1007.4902–14 Authorization and consent.

Insert the clause set forth in § 9.102–1 of this title, substituting the following phrases for the first nine lines of that clause:

The Government hereby gives authorization and consent (without prejudice to its rights of indemnification, if such rights are provided for in this contract) for all use and manufacture, in the performance of any order placed under this contract for communication services and facilities for which rates, charges, and tariffs are not established by a governmental regulatory body, or any part thereof or any amendments thereto or any subcontract thereunder (including any lower-tier subcontract), of any patented invention.

§ 1007.4902–15 Notice and assistance.

Insert the clause set forth in § 9.104 of this title substituting the following sentence for the introductory sentence contained in that clause:

The provisions of this clause shall be applicable only to orders placed under this contract for communications services and facilities for which rates, charges, and tariffs are not established by a governmental regulatory body.

§ 1007.4902–16 Patent indemnity.

Insert the clause set forth in § 9.103–2 of this title substituting the following for the first two lines thereof:

As to all orders placed under this contract for communications services and facilities for which rates, charges, and tariffs are not established by a governmental regulatory body, the Contractor shall indemnify the Government and its offices, agents, and employees against.

§ 1007.4902–17 Approval of contract.

Whenever a basic agreement requires manual approval, other than by the Contracting Officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.4902–18 Access to facilities.

ACCESS TO FACILITIES

The Department shall permit the Contractor access at all reasonable times to the facilities and equipment furnished by the Contractor for the purpose of inspecting and maintaining them provided that, if by reason of military necessity the Department is unable to permit such access, the Department shall at its own risk and expense maintain such facilities and equipment, and the Con-

tractor shall not be held responsible during the period of such nonaccess for the service involving any of such facilities and equipment.

§ 1007.4903 Clauses to be used when special construction charges are expected.

The following clauses will be included in basic agreements with telephone companies whenever it is expected that in order to secure the services and facilities desired it will be necessary for the Government to reimburse the company for, or to assume a contingent termination liability with respect to all or part of the costs of special construction of facilities or provision of special equipment.

§ 1007.4903–1 Direct charges for special construction.

DIRECT CHARGES FOR SPECIAL CONSTRUCTION

(a) Except to the extent provided in the clause of this contract entitled Cancellation or Termination, the Government shall not directly reimburse the Contractor for charges based on the cost of constructing any facilities or providing any equipment unless such direct reimbursement is specifically authorized by the Contracting Officer in a Communication Service Authorization issued hereunder. If at any time the service requiring the use under this contract of facilities or equipment for which the Government has, in whole or in part, directly reimbursed the Contractor is discontinued, the Contractor shall allow the Government such credit as may be appropriate for the value of the facilities and equipment, if any, which is attributable to the Government's contribution. The value of the facilities and equipment shall be determined on the basis of the foreseeable use of the facilities and equipment by the Contractor at the time their use is discontinued or on net salvage value, whichever is greater. The Contractor shall promptly pay the Government the amount of any such credit.

(b) The amount of any direct special construction charge shall not exceed the actual costs to the Contractor, properly allocable to the services to be provided to the Government, of specially constructing or providing the facilities and equipment involved. In no event shall the amount of any direct special construction charge include costs incurred by the Contractor for which a cancellation or termination charge applies or any costs which the Contractor shall recover by means of its recurring charges. The Contractor represents that in establishing its recurring charges for the services, facilities and equipment involved, it has not included in its rate base any costs for which it has been reimbursed by the Government and that depreciation charges are based only on the cost of facilities and equipment paid by the Contractor and not reimbursed by the Government.

(c) The amount of any direct special construction charge authorized to be paid to the Contractor by the Contracting Officer shall be paid to the Contractor after the special construction or installation involved has been completed either in a single payment or in monthly payments over a period not exceeding ten years, as may be agreed to by the parties. If payment is to be made in the latter manner, the Contractor shall include in its monthly bill for the services utilizing the facilities for which the direct special construction charge applies the pro rated portion of such charge separately itemized. In the event the Government discontinues the services using the specially constructed facilities or specially provided equipment before a direct special construction charge therefor is fully paid to the Contractor, the Government shall pay to the Contractor the balance due thereon; and the final bill for the services using such facilities or equipment shall include the unpaid balance of any direct special construction charge applicable to those facilities. If the Contractor furnishing services using facilities or equipment with respect to which some portion of a direct special construction charge remains unpaid, the Government will not be liable for payment of such unpaid balance, unless the Government elects to take title to the facilities under the clause of this contract entitled "Title to Communications Facilities."

§ 1007.4903–2 Cancellation or termination.

CANCELLATION OR TERMINATION

(a) In the event that the Government cancels any of the services or channels which the Contractor is requested to provide under this contract prior to the time such services and channels are made available to the Government or in the event that the Government terminates any of these services or channels in whole or in part after they are made available to the Government, the Government shall compensate the Contractor for the nonrecoverable costs which the Contractor has reasonably incurred in specially providing facilities and equipment that use of which is cancelled or terminated and for which the Contractor has no foreseeable use in place on the date of cancellation or termination. The amount of such reimbursement shall be determined in the manner set forth in (b) or (c) of this clause as applicable.

(b) The amount of the Government's liability upon cancellation or termination, in whole or in part, of any of the services or channels ordered under this contract shall be determined in accordance with applicable tariffs governing cancellation and termination charges which are filed by the Contractor with the cognizant regulatory commission and are in effect on the date of termination and which provide specific cancellation or termination charges for the facilities and equipment involved or set forth the manner in which such charges will be determined.

(c) If no such applicable tariffs are in effect on the date of cancellation or termination, the Government's liability shall be determined at the time of cancellation or termination of the facilities and equipment in the following manner:

(1) If the cancellation or termination of the use of facilities and equipment does not permit the physical removal of such facilities and equipment because of the retention in use by the Department of the Air Force of other facilities and equipment involved in the same construction or installation job and the Contractor has no foreseeable use for the facilities and equipment in place, fair and reasonable charges shall be applicable to such facilities and equipment throughout the remainder of the period over which the Government's basic termination liability is reduced in accordance with paragraph (2) (C) below.

(2) If the cancellation or termination of the use of facilities and equipment permits the physical removal of such facilities and equipment, charges shall be determined as follows:

(A) The installed costs reasonably incurred by the Contractor in specially providing facilities and equipment the use of which has been cancelled or terminated by the Government and for which the Contractor has no foreseeable use in place at the time of cancellation or termination shall be determined in accordance with the established accounting procedures prescribed by the cognizant regulatory commission, or if no such procedures have been prescribed, in accordance with generally accepted accounting procedures applicable to the provision of communication services for public use. Such costs shall include the cost of equipment and materials specifically provided or used, plus the cost of installing, including engineering, labor, supervision, transportation, rights of way and any other items which are chargeable to the capital accounts of the Contractor, except any such costs for which the Government may have directly reimbursed the Contractor. In no event shall any costs be included which are not included in determining cancellation and termination charges under the Contractor's standard practices or procedures; and no cancellation or termination charge shall be made if such charge is not ordinarily made by the Contractor with respect to similar facilities or equipment furnished under similar circumstances.

(B) From the Contractor's cost as determined in (A) above, there shall be deducted the net salvage value of the cancelled or terminated facilities and equipment at the time of cancellation or termination. Such salvage value may be estimated or based on actual sale of the facilities and equipment. In determining such net salvage due consideration shall be given to foreseeable use by the Contractor of the facilities and equipment other than in place and due allowance shall be made for costs of dismantling, removal, reconditioning, and disposal of the facilities and equipment when necessary either to the sale of the facilities and equipment or their use by the Contractor in another location.

(C) The amount determined in accordance with (A) and (B) above shall be the amount of any charge for cancellation of services and channels ordered herein and shall be the basic amount of the contingent termination liability of the Government. The Government's basic termination liability shall be reduced monthly on a pro rata basis over a period of ten years for the facility or equipment involved, or at a more accelerated rate if a more accelerated rate is applicable to the facility or equipment involved under the Contractor's standard termination practice or procedure.

§ 1007.4903–4 Title to communications facilities.

TITLE TO COMMUNICATIONS FACILITIES

Notwithstanding payment by the Government of any of the Contractor's costs of constructing communication facilities, title to all facilities used in providing communication services ordered under this contract shall remain in the Contractor except as may be specifically provided in a Communication Service Authorization issued hereunder, and the Contractor shall operate and maintain all such communication facilities. If, however, services are discontinued either by the Contractor or the Government, the Government shall have the option to take title to any communications facilities located on Government property the cost of which has been paid by the Government and which are no longer needed by the Contractor for the provision of communication services: *Provided*, That the Government shall pay to the Contractor any unpaid balance of a direct special construction charge which may be due to the Contractor from the Government with respect to such facilities. In the event the Government elects to take title to such facilities no credit shall be given to the Government by the contractor for any value of such facilities to offset any cancellation or termination charge due the Contractor or to reimburse the Government in connection with any direct special construction charge which it may have paid with respect to such facilities.

§ 1007.4903–5 Deferral or modification of requirements.

DEFERRAL OR MODIFICATION OF REQUIREMENTS

If at any time the Government defers or modifies its requirements for any of the services or channels ordered herein but does not cancel or terminate such requirements, the amount paid or payable to the Contractor for providing the services or channels deferred or modified shall be equitably adjusted in accordance with applicable tariffs filed by the Contractor with the cognizant regulatory commission and in effect at the time the deferral or modification of the Government's requirements occurs or, if no such tariffs are in effect, by written agreement between the Government and the Contractor.

§ 1007.4903–6 Relocation of communications facilities and equipment.

RELOCATION OF COMMUNICATIONS FACILITIES AND EQUIPMENT

If at any time the Government requires that communications facilities and equipment be relocated, the Government shall have the option of paying to the Contractor the Contractor's costs of relocating the facilities and equipment in accordance with the Government's requirements in lieu of paying to the Contractor any termination charge which may be applicable to the facilities and equipment involved. In the event that the Government elects to pay relocation costs in lieu of a termination charge, the termination charge applicable to the facilities and equipment in their former location shall continue to apply to the facilities and equipment in their new location.

Subpart XX—Clauses for Food Service Contracts

§ 1007.5000 Scope of subpart.

This subpart sets forth clauses for procuring services by contract for processing, preparing, and serving food for authorized messes, and contracts for food service attendants.

§ 1007.5002 Definitions.

§ 1007.5002–1 Contract for food services.

As used throughout this subpart the term "contract for food services" means any contract for procuring services for processing, preparing, and serving food for an authorized mess.

§ 1007.5002–2 Contracts for food service attendants.

As used throughout this subpart the term "contracts for food service attendants" means any contract for procuring services for preliminary preparation and serving of food and maintaining sanitation of food service facilities.

§ 1007.5003 Required clauses.

§ 1007.5003–1 Scope of work.

(a) Insert the following clause in contracts for food services.

SCOPE OF WORK

The Contractor shall furnish food handling service consisting of (i) management and operation of food handling facilities, kitchens, and dining halls, and (ii) receipt, storage, handling, processing, cooking, packaging, serving, and disposal of food at the locations and for the period of time set forth in the Schedule. Except for flight meals or box lunches, food will be served cafeteria style with service to include "bus boy" table clearing during meals.

(b) Insert the following clause in contracts for food service attendants.

SCOPE OF WORK

The contractor shall provide complete kitchen police service for the dining halls listed in the Schedule, in accordance with the specifications, terms and conditions of this contract.

§ 1007.5003–2 Contractual contents.

Insert the clause set forth in § 1007.-4033 of this chapter.

§ 1007.5003–3 Contractor personnel.

CONTRACTOR PERSONNEL

(a) The Contractor shall furnish supervisory, administrative and direct working personnel to accomplish all work required.

(b) The Contractor shall furnish personnel who are trustworthy, competent and well qualified for their work. The Contractor shall at its own expense furnish a medical certificate certifying that all employees in kitchens, dining halls and food processing facilities and in any way coming in contact with the handling of food used in carrying out the provisions of this contract are free from any communicable disease. Such personnel shall at all times be subject to inspection and physical examination by Government medical authorities to insure that proper sanitary standards are maintained.

(c) Contractor employees in kitchens, dining halls and food processing facilities shall wear uniforms of suitable type and design as approved by the Contracting Officer and also aprons, caps and hair nets where appropriate. Such apparel shall be furnished by the Contractor and worn only in a clean and sanitary condition.

(d) The names of all personnel to be employed at the site of work, together with such information concerning their history as the Contracting Officer may request, will be furnished to the Contracting Officer prior to commencement of their employment on work under this contract to determine their suitability and qualifications for security approval. No person will be employed at the site of work until after approval by the Contracting Officer. The Government will furnish contractor personnel authorized to work at the site of service such identification as is required by the Government. Such identification will be returned to the Government at the time the person to whom it is issued ceases to be employed at the site of work.

(e) The Contracting Officer may, if he finds it to be in the best interest of the Government, direct the Contractor to remove, and the Contractor shall remove, any employee from assignment to perform services under the contract.

§ 1007.5003–4 Facilities and materials furnished by the Government.

FACILITIES AND MATERIALS FURNISHED BY THE GOVERNMENT

(a) The Government shall furnish the Contractor for work under this contract the facilities, fixtures and equipment as listed in Exhibit "A." Reasonable office space, but not office supplies and equipment, will be furnished, if requested by the Contractor. The Government shall furnish all Government forms authorized and directed for use.

(b) The Government shall furnish all foods, subsistence, and packaging materials required for the performance of this contract.

§ 1007.5003–5 Sanitary conditions.

SANITARY CONDITIONS

The Contractor shall maintain all kitchens, dining halls, food processing facilities, garbage and disposal cans, racks and other property used by the Contractor in the performance of this contract in a clean and sanitary condition. Except for the cutting of grass, the Contractor shall be responsible for the proper order and cleanliness of grounds and immediate surroundings of buildings used by it. The use of tobacco and tobacco products by contractor personnel while on duty will be limited to those areas designated by the Government for smoking.

§ 1007.5003–6 Hours of operation.

HOURS OF OPERATION

The Contracting Officer may change the feeding periods, but not the total number of hours, without additional cost to the Government by giving the Contractor notice 24 hours in advance of such change. Should any change result in any greater or less number of hours of operation it will be considered a change within the clause of this contract entitled "Changes." Serving lines will be promptly opened and closed at the times fixed in the Schedule. Sufficient contractor personnel will be present at all times to efficiently and expeditiously render all services required by the contract including, but not limited to, serving, clearing tables, and cleaning up after serving.

§ 1007.5003–7 Record and charge for meals served.

RECORD AND CHARGE FOR MEALS SERVED

(a) The Food Service Officer or his representative will make a head count and check the number of military personnel, contractor personnel, and other authorized personnel to whom meals are served and will furnish a consolidated report of all meals served to the Contractor at the end of each month for use as evidence to support its monthly invoices submitted to the finance officer. The Contractor may also maintain a separate meal attendance record using AF Form 1251, "Daily Attendance Record." In the event of any discrepancy between the Food Service Officer's consolidated report and the Contractor's meal attendance record, the Contractor may submit the matter to the Contracting Officer for decision pursuant to the clause of this contract entitled "Disputes."

(b) Where prices are to be charged for meals, the Government shall establish the rate of charge thereof. Any cash charged for meals made at the time meals are served will be received and maintained by the Food Service Officer or his representative.

(c) The Contractor will maintain a separate meal attendance record, AF Form 1251, for Contractor personnel. The Contractor shall not invoice or be paid for meals served Contractor personnel. The Contractor will credit to the Government the amount charged for all meals served to Contractor personnel. The rate of charge for such meals shall not exceed the rate established for the same meals pursuant to (b) above.

§ 1007.5003–8 Manuals, regulations, technical orders, and specifications.

MANUALS, REGULATIONS, TECHNICAL ORDERS, AND SPECIFICATIONS

(a) All manuals, regulations, technical orders, and specifications, including amendments thereto, which are referred to in this contract are incorporated herein by reference. Copies of manuals, regulations, technical orders and specifications, and amendments thereto, referenced in this contract may be obtained from the Contracting Officer upon request.

(b) If directed in writing by the Contracting Officer, any amendment to manuals, regulations, technical orders or specifications or any additional manuals, regulations, technical orders or specifications which supersede, supplement, or are in addition to those referenced in (a) above shall be complied with and followed. If compliance with such amendment, or superseding or additional

manuals, regulations, technical orders or specifications directed by the Contracting Officer shall cause a change in the Contractor's cost, it shall be a change within the meaning of the clause of this contract entitled "Changes."

§ 1007.5003–9 Definitions.

Insert the clause set forth in § 7.103–1 of this title and add the following:

(d) The Food Service Officer, when performing his functions as indicated in this contract, is a representative of the Contracting Officer under (b) above.

§ 1007.5003–10 Changes.

Insert the clause set forth in § 1007.4025 of this chapter.

§ 1007.5003–11 Inspection.

INSPECTION

All services, materials, foods, facilities, fixtures and equipment used by or under the control of the Contractor shall be subject to inspection and tests by representatives of the Government at all times. The Contractor will immediately remedy all conditions which are found by the Contracting Officer not to be in conformance with the requirements of this contract.

§ 1007.5003–12 Payments.

PAYMENTS

The Contractor shall be paid, upon the submission of invoices or vouchers, the prices stipulated in the Schedule for services performed in accordance with the terms of this contract, less deductions, if any, as herein provided.

§ 1007.5003–13 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title, but see § 1007.103–8 of this chapter.

§ 1007.5003–14 Federal, State, and local taxes.

Insert the clause set forth in § 11.401–1 of this title.

§ 1007.5003–15 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.5003–16 Disputes.

Insert the clause set forth in § 7.103–12 of this title.

§ 1007.5003–18 Convict labor.

Insert the clause set forth in §12.203 of this title.

§ 1007.5003–19 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.5003–20 Nondiscrimination in employment.

Insert the clause set forth in § 12.802 of this title.

§ 1007.5003–21 Officials not to benefit.

Insert the clause set forth in § 7.103–19 of this title.

§ 1007.5003–22 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20 of this title.

§ 1007.5003–23 Termination.

Insert the clause set forth in § 1007.2103–16 of this chapter.

§ 1007.5003–24 Subcontracts.

Insert the clause set forth in § 1007.4030(b) of this chapter.

§ 1007.5003–25 Utilization of small business concerns.

Insert the clause in § 7.104–14 of this title excluding contracts exempted by § 1.707–2 of this title.

§ 1007.5003–26 Notice to Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

§ 1007.5003–27 Safety and accident prevention.

Insert the clause set forth in § 1007.4047 of this chapter.

§ 1007.5003–28 Gratuities.

Insert the clause set forth in § 7.104–16 of this title.

§ 1007.5003–29 Renegotiation.

Insert the clause set forth in § 7.103–13 of this title.

§ 1007.5003–30 Estimated requirements.

Insert the clause set forth in § 1007.4028 of this chapter.

§ 1007.5003–31 Use, conservation and responsibility for Government property.

USE, CONSERVATION, AND RESPONSIBILITY FOR GOVERNMENT PROPERTY

(a) In the event the Air Force fixtures, facilities and equipment set forth in Exhibit A, or replacements for such equipment and facilities made necessary by fair wear and tear of the original facilities and equipment, are not available for use by the Contractor at the time or times required for the performance of the contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the hours of operation or contract price or both and any other contractual provision affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(b) Except for the fixtures and facilities listed in Exhibit A, the Contractor, upon delivery to it of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of this contract. The Contractor shall use due care in the use of Government fixtures and facilities to prevent undue wear and breakage.

(c) Title to all Government-owned fixtures, facilities, and equipment used by the Contractor, and all materials and subsistence issued to the Contractor, shall remain in the Government.

(d) The Food Service Officer shall be responsible for maintaining such records as are necessary in connection with Government fixtures, facilities and equipment made available to the Contractor for use.

(e) The Contractor shall be responsible for the proper conservation and use of all food, subsistence and materials issued to it by the Government and, except for normal spoilage and waste for this type of operation, shall be liable for any loss thereof except as such food, subsistence and materials are consumed in the performance of this contract.

(f) The Contractor shall inventory all fixtures, facilities, equipment, subsistence and materials quarterly and furnish the Contracting Officer a certified copy of such inventory.

NOTE: Subparagraph (f) is not to be included in contracts for food service attendants.

§ 1007.5003–32 Insurance.

INSURANCE

The Contractor shall, at its own expense, procure and thereafter maintain the following kinds of insurance with respect to performance under this contract:

(a) Workmen's Compensation insurance, or equivalent workmen's compensation coverage, as required or prescribed by law, with minimum employer liability limit of $100,000 for accidental bodily injury or death, or for occupational disease.

(b) Comprehensive General Liability, including coverage of food products with minimum limits of $100,000 per person and $300,000 per accident or occurrence, and $10,000 per accident or occurrence for property damage.

§ 1007.5004 Clauses to be used when applicable.

§ 1007.5004–1 Examination of records.

According to the requirements of § 7.104–15 of this title, insert the clause set forth in § 7.104–15 of this title. Contracts resulting from formal advertising will not contain this clause.

§ 1007.5004–2 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause set forth in § 7.105–2 of this title.

§ 1007.5004–3 Alterations in contract.

According to instructions for use in § 1007.105–1 of this chapter, insert the clause set forth in § 7.105–1 of this title.

§ 1007.5005 Schedule clauses (not mandatory outside United States).

§ 1007.5005–1 Changes in price based on variation from estimate.

The following clause shall be used in Contractual Feeding Contracts as prescribed in § 1053.1806(c) of this chapter.

CHANGE IN PRICE BASED ON VARIATION FROM ESTIMATE

(a) If the actual number of meals served under this contract, to other than contractor personnel, varies from the number of meals estimated (in accordance with (b) below) to be served during any calendar month, the price paid the contractor for meals served in that month shall be adjusted in accordance with the following formula:

If actual meals served during month is following percent of estimated meals for month—	Price for meals served will be the following percent of basic contract price subject to the limitations in Column 3	Total payment shall not—
70–84	112	Exceed 84% est reqmts×108% basic price.
84–92	108	Exceed 92% est reqmts×104% basic price.
92–100	104	Exceed est reqmts ×basic price.
100–110	94	Be less than est reqmts×basic price.
110–120	93	Be less than 110% est reqmts×94% basic price.
120–130	92	Be less than 120% est reqmts×93% basic price.

(b) Adjustments in price by reason of this clause will be made at the end of each calendar month for the meals served during that month. The basis for determining the estimated number of meals to be served in a given month will be obtained by dividing the total estimated number of meals for the entire contract period by the total number of days in that period and multiplying the results by the number of days in the month involved.

(c) If the number of meals served in any calendar month (to other than contractor personnel) varies from the estimated requirements for that month by more than 30 percent of such requirements, the Contractor and the Contracting Officer will negotiate an equitable adjustment in the contract price for that month in the manner provided in the Changes clause of this contract.

§ 1007.5006 Specifications.

§ 1007.5006–1 Specifications for food services contracts.

Military Specifications MIL–F–9892 (USAF) will be used in contracts for food services.

§ 1007.5006–2 Specification for food service attendants contracts.

Military Specification MIL–F–9882 (USAF) will be used in contracts for food service attendants.

Subpart YY—[Reserved]

Subpart ZZ—Clauses for Contracts for the Services of Auctioneers

§ 1007.5200 Scope of subpart.

This subpart contains clauses for procuring by contract the services of auctioneers to conduct auction sales of Government owned personal property.

§ 1007.5201 General instructions.

See § 1002.2200 of this chapter.

§ 1007.5203 Schedule provisions.

The IFB and resultant contract will contain the following provisions in the Schedule. Variations may be made in these Schedule Provisions to the extent necessary to implement the terms of the sale (i.e., number of personnel required, amount of deposit, type of sale, etc.); however, no change will be made in the basic policy expressed (i.e., method of payment for advertising, liability of the contractor, nonagency, etc.).

§ 1007.5203–1 Introduction.

This Invitation for Bids covers the procurement of auctioneering services for conducting an auction sale on _____ for the
(Insert date(s))
disposal of miscellaneous Government surplus property located at _____
(Insert location(s))
The award of a contract under this Invitation for Bids will be made only to auctioneers who are on the current official "List of Auctioneers Qualified to Sell Government-owned Personal Property" at the time of bid opening. Application forms to qualify for such list may be obtained from the Central or Regional Offices of the General Services Administration. Below is a general description of the items to be sold:

(Insert in the space below a general description of the items to be sold, such as the following examples):

a. Motor vehicles and automotive spare parts.
b. Construction equipment and spare parts.
c. Electronic equipment.
d. Machine tools.
e. Hand tools.
f. Chain hoists.
g. Drills, dies and cutters, etc.
h. Laundry equipment.
i. Cable, chain and rope.
j. Galley, dental and photographic equipment, etc.

Materials are in _____ condition.
(Insert used and/or unused as applicable.)
The estimated acquisition cost of all surplus materials which will be available for sale is approximately _____.
(Insert value)
The above description and acquisition cost of the materials to be sold may vary prior to the actual publication of the catalog and time of the sale because of the necessity of removing and adding various items of property available for sale. The above description and cost estimate are given solely for the purpose of assisting bidders in determining whether or not they are interested in conducting such a sale. The materials listed above will be available for inspection by interested auctioneers at _____ on
_____
(Insert name and location of activity)
_____
(Insert days and hours that material may be inspected, e.g., Monday through Friday, from 8:30 a.m. through 3:30 p.m. beginning July 23, 1958)

Inspection of the property may be made by arrangements with the _____
_____
(Insert name of official authorized to show material, e.g., Disposal Officer, PH, Viewmore 12340, Ext. 78, Evergreen, Calif.)

§ 1007.5203–2 Price for services.

The price to be entered below covers the complete auctioneering services described in this Invitation for Bids _____
_____
(The price to be entered should be expressed in terms of a percentage of gross return, e.g., ½ of one percent)

"Gross return" means that sum actually received by the Government as a result of the sale and does not include those amounts which represent failure on the part of auction bidders to carry out their contracts, i.e., refusals to accept or pay for the material purchased.

Item.
1. Auctioneering Services
_____
(Percent of gross return)
(Insert one percentage only—do not insert a scale of prices.)

§ 1007.5203–3 Requirements.

The Contractor in consideration of the payment by the Government of the fee set forth above agrees to perform the following services in connection with the sale.

a. Furnish competent and experienced personnel actively to advise and assist the Contracting Officer with respect to the preparation, lotting and cataloging of the property for sale.

b. Furnish such competent and experienced personnel as may be necessary to manage and conduct said sale, including but not limited to one (1) Auctioneer, one (1) Recorder, two (2) Deposit Clerks, two (2) Starters or Floor Demonstrators, who can assist in "crying" the sale. The foregoing personnel will "cry" the sale and "knock-down" the hammer and generally manage the sale under the general supervision of the Contracting Officer. In the conduct of the auction, the Contractor will comply with the following:

(1) The Contractor will invite the attention of potential bidders to the terms and conditions of the sale.

(2) The Contractor will not make any warranties with respect to the property on sale.

(3) As each lot is "knocked down" the paddle number and amount of bid will be publicly announced. A 20 percent deposit will be required on each bid upon the fall of the hammer.

(4) Lots "knocked down" to an individual will be shown on the account of such individual and no other.

c. Prepare and place all advertising in regular trade publications, and in a form approved by Contracting Officer, prepare, print, publish, and distribute a brochure (consisting of not more than 4 pages) describing in general terms the property offered for sale as well as other data considered pertinent by the Contracting Officer. This brochure will supplement the sales catalog. The cost of all approved advertising shall not exceed the sum of _____ and the
(Insert amount)
Government agrees to reimburse the Contractor for the cost of such advertising upon the submission by the Contractor of properly certified invoices evidencing the advertising and certified statements that the rates paid for the advertising do not exceed applicable commercial rates. All other costs incident to the placing of advertising shall be borne by the Contractor.

§ 1007.5203–4 General.

a. The Government agrees, at its own cost and expense, to furnish the services of such available personnel and equipment as the Contracting Officer determines will be necessary to assist the Contractor in performing the services required by this contract.

The Government will provide such labor as is considered necessary for internal security, breaking material down by lots, movement of property and all other phases of the operation not included in the auctioneers duties. The Government will provide loudspeakers, lighting and internal display facilities and other equipment as may be necessary to establish a satisfactory setting for the auction.

b. All sales at public auction made under this contract shall be subject to the terms and conditions of sale as promulgated by the Contracting Officer. The terms of sale shall be substantially in accordance with the General Sale Terms and Conditions attached hereto provided, however, the Government reserves the right to make changes in such terms and conditions, and the Contractor shall perform its obligations hereunder in accordance with such changed conditions. The Government reserves the right to withdraw any property from sale at any time prior to acceptance of bid by the Contracting Officer on such property. The Government also reserves the right to reject any or all bids. The Contractor will be required to turn over to the Government at the end of each day of sale all deposits and other funds coming into his possession. The Contractor will not be required to assume the collection of any debts due the Government as a result of this sale, except that the Contractor shall be responsible for the collection of all the required deposits unless otherwise specified in this contract.

c. It is understood and agreed that the Contractor is not the agent of the Government for any purpose.

d. The Contractor warrants that it will not purchase any material whatsoever at the sale for its own account, or for the account of any person or persons. The Contractor warrants and agrees that it will not solicit or receive any commission, profit, gain, or advantage, direct or indirect, in money or favor and that its sole compensation will be percentage fee paid to it by the Government. Breach of any of these warranties by the Contractor, its employees or agents shall be cause for the termination of this contract

for default under the clause of this contract entitled "Default".

e. The Contractor shall be responsible for all acts of its employees in the performance of this contract and will reimburse the Government for loss of or damage to the property of the Government caused by the negligence or wrongdoing of the Contractor or its employees in the performance of this contract. The Contractor shall indemnify the Government for any liability to third persons (including any officer or employee of the Government), caused in whole or in part by the negligence or wrongdoing of the Contractor and/or its employees in the performance of this contract, and represented by a final judgment or by a settlement approved in writing by the Government.

f. The Contractor, in the performance of this contract, agrees to comply with all Federal, State, and local laws or ordinances governing its activities under this contract and if such laws or ordinances require the possession of an auctioneer's license, the Contractor agrees to procure or have in his possession a license prior to the date of commencement of the sale.

§ 1007.5203–5 Payments.

a. The Contractor shall be paid upon submission of properly certified invoices or vouchers, the commission payable under the terms of this contract in the following installments:

(1) Within 30 days after the last day of the sale, contractor shall be paid 90 percent of the fee applicable to the receipts received by the Government up to the time of such payment.

(2) The balance of the fee payable hereunder shall be paid no later than 90 days after the last day of the sale, except that if Dept. of Justice approval is required, final payment will be made 30 days after receipt of such approval.

b. Contractor shall be reimbursed for expenditures made pursuant to Part

---

(Refer to part calling for advertising)

---

of the Schedule, upon satisfactory evidence of payment of the cost of the required advertising. (Oct. 1960)

§ 1007.5204 Required clauses.

The following clauses will be inserted in all contracts issued under this subpart.

§ 1007.5204–1 Definition.

See § 7.103–1 of this title.

§ 1007.5204–2 Disputes.

See § 7.103–12 of this title.

§ 1007.5204–3 Convict labor.

See § 12.203 of this title.

§ 1007.5204–4 Eight-hour law of 1912; overtime compensation.

See § 12.303–1 of this title.

§ 1007.5204–5 Nondiscrimination in employment.

See § 12.802 of this title.

§ 1007.5204–6 Covenant against contingent fees.

See § 7.103–20 of this title.

§ 1007.5204–7 Officials not to benefit.

See § 7.103–19 of this title.

§ 1007.5204–8 Gratuities.

See § 7.104–16 of this title.

§ 1007.5204–9 Inspection and audit.

See § 1007.4023(a).

§ 1007.5204–10 Default.

DEFAULT (OCT. 1960)

a. The Government may terminate the whole or any part of this contract by written notice of default to the Contractor, if the Contractor fails to perform any provision of this contract. In the event this contract is terminated for default, the Contractor shall not be reimbursed for any expenses incurred, including the cost of advertising, nor paid any commissions hereunder, and shall be liable to the Government for actual damages.

b. If, after notice of termination of this contract under the provisions of paragraph a. of this clause, it is determined that the failure to perform this contract is due to causes beyond the control and without the fault or negligence of the Contractor or subcontractor such notice of default shall be deemed to have been issued pursuant to the clause of this contract entitled "Termination for Convenience of Government," and the rights and obligations of the parties hereto shall in such event be governed by such clause.

c. The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law under this contract.

§ 1007.5204–11 Renegotiation.

See § 7.103–13 of this title.

§ 1007.5204–12 Safety and accident prevention.

See § 1007.4047.

§ 1007.5204–13 Termination for convenience of the Government.

TERMINATION (OCT. 1960)

The Government may terminate this contract at any time by notifying the Contractor in writing of such termination. In the event of such termination the Government and the Contractor may negotiate and agree upon a settlement which will fairly compensate the Contractor for the services rendered. There shall be deducted from the settlement amount commissions, if any, earned by the Contractor up to the effective date of termination. In arriving at the negotiated settlement hereunder the parties shall be governed by the principles, policies and procedures set forth in ASPR Section VIII. Any failure of the parties to agree shall be governed by the "Disputes" Clause of the contract.

§ 1007.5204–14 Assignment of claims.

No claim arising under this contract shall be transferred or assigned by the contractor.

§ 1007.5205 Additional clauses.

Any other clauses authorized by Subchapter A, Chapter 1 of this title or this subchapter, according to the instructions for use, may be used when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.5206 Terms of sale.

The following General Sale Terms will be attached to the IFB, and will govern the terms of the sale being conducted as a result of any contract entered into under this subpart.

1. Standard Form 114, "Sale of Government Property Invitation, Bid, and Acceptance," together with a statement reading as follows: The "Instructions to Bidders" and references to mailing bids appearing in the Standard Form 114 are inapplicable to this auction.

2. Antitrust Laws.

To comply with Section 207 of the Federal Property and Administrative Services Act of 1949, as amended, when property offered for sale has an acquisition cost of $3,000,000 or more, or when the property consists of patents, processes, techniques, or inventions, irrespective of cost, the successful bidder will be required to furnish additional information. Award will be made only after receipt of advice from the Department of Justice that the proposed sale will not tend to create or maintain a situation inconsistent with the anti-trust laws. The Government reserves the right to withhold from making an award for a period of 90 days after date of bid opening.

3. Interest Warranty.

The bidder warrants that he (she) is not a member of the Armed Forces on active duty; a civilian employee of the Armed Forces, including the Department of Defense; nor a member of the immediate family, a dependent, or an agent of any of the foregoing.

NOTE: Such specific terms as amount of deposits, time of removal, and other pertinent conditions will be added, posted and announced at the time of auction.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1008—TERMINATION OF CONTRACTS

Subpart G—Clauses

Sec.
1008.700 Scope of subpart.
1008.750 Termination clause for fixed-price contracts for personal services.
1008.751 Termination clause for technical services contracts.
1008.752 Termination clause for time-and-material contracts.
1008.753 Termination clause for facilities contracts.
1008.754 Termination clause for letter contracts.

Subpart H—Forms

1008.850 Instructions for completing AFPI Form 49, "Termination authority."
1008.851 Supplemental settlement agreements for CPFF partial terminations.
1008.852 Supplemental settlement agreement form for settlement of two or more termination claims.
1008.853 Supplemental settlement agreement (amendment) form for settlement of partial termination of letter facilities contract.
1008.854 Form of triparty agreement for direct settlement of subcontracts.
1008.855 Direct settlement agreement by Government with subcontractors.
1008.856 Settlement of reservations.
1008.857 Assignment to the Government of prime contractor's rights under terminated subcontracts.
1008.858 Security for partial payments.
1008.859 Letter of consent by prime contractor to negotiation of amount due subcontractor.
1008.860 Form for certificate of amount due a subcontractor.
1008.861 Form for notice to and consent by the subcontractor to direct settlement by the Government of its termination claims.
1008.862 Settlement memorandum for fixed-price terminated contracts.
1008.863 Settlement memorandum for terminated cost and CPFF contracts.
1008.863–1 Summary of CPFF final settlement.
1008.863–2 Unreimbursed costs submitted on DD Form 547.
1008.864 Cover sheets for termination supplemental agreements.
1008.864–1 General.
1008.864–2 Explanation of items on cover sheet for final cost settlement of complete or partial termination of fixed-price contracts.
1008.864–3 Explanation of items on cover sheet for final cost settlement of complete termination of CPFF contract or partial termination settlement after completion of contract.
1008.864–4 Explanation of items on cover sheet for adjusting estimated cost and fixed fee on partial termination of a CPFF contract.
1008.864–5 Explanation of items on cover sheet for no-cost settlement of complete or partial termination of fixed-price contract.
1008.864–6 Explanation of items on cover sheet for settling excluded portion of previous settlement.
1008.864–7 Explanation of items on cover page used for consolidated settlement of terminations of multiple contracts.
1008.864–8 Explanation of items on cover sheet for final settlement of partial or complete termination of letter contract.
1008.864–9 Explanation of items on cover sheet when a contract is written for direct settlement by the Government with excluded subcontractor.
1008.865 Preparation of inventory schedules.
1008.865–1 Separate schedules.
1008.865–2 Inventory descriptions.
1008.866 Direct sales forms.
1008.867 Service education activities.
1008.868 Storage agreement.
1008.868–1 No-cost storage.
1008.869 Preparation of plant clearance memorandum.
1008.869–1 General.
1008.869–2 Exhibits.
1008.869–3 Content.
1008.869–4 Destruction of classified inventory.
1008.871 Delinquency notices.

AUTHORITY: §§ 1008.700 to 1008.871 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart G—Clauses

§ 1008.700 Scope of subpart.

This subpart contains special purpose termination clauses for fixed-price personal services, nonpersonal services, technical services, time and material, facilities and letter contracts.

§ 1008.750 Termination clause for fixed-price contracts for personal services.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (OCT. 1957)

(a) This contract may be terminated by the Government at any time within the period of its duration upon not less than 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon not less than 15 days' written notice to the Contracting Officer, and the consent of the Contracting Officer shall not unreasonably be withheld.

(b) After receipt of a Notice of Termination, or subsequent to the written consent of the Contracting Officer as hereinabove provided, the Contractor shall (1) discontinue all work to the extent and on the date specified in such Notice, and (2) transfer title and deliver to the Government, in the manner, to the extent and at the times directed by the Contracting Officer, the completed and partially completed work, material, plans, drawings, data, information, reports, and other property produced as a part of, or acquired in connection with the performance of, the work terminated in such Notice.

(c) Upon termination of work as provided in this clause, the Contractor shall be paid that part of the fixed price set forth in this clause of this contract entitled "Payments" which has accrued for services rendered hereunder up to the effective date of such Notice and other amounts properly owing to the Contractor under the said "Payments" clause which are theretofore unpaid. Settlement of the termination of the contract under the provisions of this paragraph (c) shall be evidenced by a Supplemental Agreement to the contract. In the event of the failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount so determined.

(d) Any dispute arising out of the termination of the contract under this clause shall be decided in accordance with the procedure prescribed in the "Disputes" clause hereof.

§ 1008.751 Termination clause for technical services contracts.

The following clause will be set forth in any fixed-price contract for technical services.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (OCT. 1957)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) discontinue all work to the extent and on the dates specified in such Notice; (2) proceed promptly with the return to its plant of such of its contractor personnel as may be covered by said Notice; and (3) transfer title and deliver to the Government, in the manner, and to the extent and at the times directed by the Contracting Officer, the completed and partially completed work, material, plans, drawings, data, information, reports, and other property produced as a part of, or acquired in connection with the performance of the work terminated in such Notice.

(c) Upon termination of work, as provided in this clause, the Contractor shall, in respect to such contractor personnel as may be covered by said Notice of Termination, be paid that part of the fixed price set forth in the clause of this contract entitled "Payments" which has accrued for services rendered hereunder up to the effective date of such Notice, and for time necessary for such contractor personnel to return to the plant of the Contractor after the effective date of said Notice and any other amounts properly owing to the Contractor under said "Payments" clause which are theretofore unpaid. If, at the date of said Notice, certain costs have actually been incurred by the Contractor in connection with the contract preliminary to the departure of the contractor personnel covered by said Notice of Termination from the plant of the Contractor which are allocable to the entire period of performance contemplated hereunder, the Government will pay to the Contractor such sum as the Contracting Officer and the Contractor may agree is properly allocable to the terminated portion of the contract. Settlement under the provisions of this paragraph (c) shall be evidenced by a Supplemental Agreement to the Contract. In the event of the failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount so determined.

(d) Any dispute arising out of the termination of the contract under this clause shall be decided in accordance with the procedure prescribed in the "Disputes" clause hereof.

§ 1008.752 Termination clause for time-and-material contracts.

The following clause will be used in any time-and-material contract:

TERMINATION (DEC. 1960)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, (1) whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term default any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of 10 days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default, or (2) whenever for any reason the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after Notice of Termination of this contract for default under (1) above, it is determined that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this contract entitled "Excusable Delays," the Notice of Termination shall be deemed to have been issued under (2) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(b) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the ex-

tent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the Contracting Officer all of the right, title, and interest of the Contractor under the orders or subcontracts so terminated; (5) with the approval or ratification of the Contracting Officer, which approval or ratification shall be final and conclusive for all the purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable, in whole or in part, in accordance with the provisions of this contract; (6) transfer title (to the extent that title has not already been transferred) and, in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination; (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the Government; and (iii) the jigs, dies, fixtures, and other special tools and tooling acquired or manufactured for the performance of this contract for the cost of which the Contractor has been or will be reimbursed under this contract; (7) use its best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of work covered by this contract or paid in such manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such actions as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest. The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining or adjusting any amount reimbursable under the provisions of this clause. At any time after expiration of the plant clearance period, as defined in Section VIII, Armed Services Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same, provided that the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination the Contractor shall submit to the Contracting Officer its termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer may determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause which amount or amounts may include a reasonable allowance for profit on work done. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (d) above, as to the amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall determine on the basis of information available to him the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount determined as follows:

(1) If the termination of the contract is for the convenience of the Government:

(i) There shall be included for direct labor hours (as defined in the Schedule of the contract) an amount which shall be determined by multiplying the number of direct labor hours expended prior and up to the effective date of termination by the hourly rate or rates set forth in the Schedule less any hourly rate payments theretofore made to the Contractor.

(ii) There shall be included therein all costs of material reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the Notice of Termination.

(iii) There shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory.

(2) If the termination of the contract is for the default of the Contractor:

(i) There shall be included for all direct labor hours (as defined in the Schedule of the contract) an amount which shall be determined by multiplying the number of direct labor hours expended prior and up to the effective date of termination by the hourly rate or rates set forth in the Schedule less the profit factor contained therein as indicated in the Schedule and less any hourly rate payments theretofore made.

(ii) There shall be included therein such costs as are set forth in subparagraphs (1) (ii) and (iii) of this paragraph (e): *Provided, however,* That there shall not be included any amounts for the preparation of the Contractor's Settlement Proposal.

(3) If the amount determined under subparagraphs (1) and (2), above, is less than the total payments theretofore made to the Contractor, the Contractor shall repay the excess amount to the Government.

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit its claim within the time provided in paragraph (c) above, and has failed to request extension of such time, it shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due to the Contractor under this clause there shall be deducted (1) all unliquidated advance or other unliquidated payments theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) In the event of a partial termination, the portion of the contract relating to hourly rates which are payable with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government; *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition.

(j) Unless otherwise provided for in this contract, or by applicable statute, the Contractor from the effective date of termination and for a period of 6 years after final settlement under this contract shall preserve and make available to the Government at all reasonable times at the office of the Contractor, but without direct charge to the Government, all its books, records, documents, and other evidence bearing on the cost and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

§ 1008.753 Termination clause for facilities contracts.

See §§ 1007.2703–13 and 1007.2803–9 of this chapter.

§ 1008.754 Termination clause for letter contracts.

See §§ 1007.2504–6 and 1007.2506–8 of this chapter.

Subpart H—Forms

§ 1008.850 Instructions for completing AFPI Form 49, "Termination authority."

(a) This form, consisting of four parts, will be completed (six copies) as follows:

(1) Part I, AFPI Form 49, Termination Request, will set forth the following information with respect to the termination:

(i) Item 1: Full designation of the procuring contracting office, including organizational code and any other appropriate identifying information, such as particular contracting officer or buyer.

NOTE: In activities, such as base procurement, where the multiple functions of: (*a*) Originating requests for procurement, (*b*) procuring, and (*c*) administering the contract are consolidated, Item 1 and Item 2 will be completed to the extent necessary to reflect the multiple functions.

(ii) Item 2: Full designation of the activity originating the request for procurement, including (*a*) Initiator, (*b*) Organizational Code, (*c*) Telephone Extension.

(iii) Item 3: Name of Contractor.

(iv) Item 4: Contractor's address, including (*a*) Street and number, (*b*) city, (*c*) postal zone, and (*d*) state, as appropriate.

(v) Item 5: Contract or purchase order number.

(vi) Item 6: Property Class when specified.

(vii) Item 7: Termination to be effective (*a*) Immediately, (*b*) on an exact future date to be specified, or (*c*) for other reasons to be fully explained under Part III (Remarks), AFPI Form 49.

(viii) Item 8A: Convenience of the Government Termination, either (*a*) Partial or (*b*) coniplete. Inexcusable contractual delinquency is normally a basis for default investigation.

NOTE: The originator of a recommendation of a termination for convenience of the Government must thoroughly assure himself no actionable basis exists for an investigation for default termination under the provisions of Subpart F of this part, Default.

(ix) Item 8B: Default of the Contractor. See Subpart F of this part.

(x) Item 9: Furnish brief factual resume of justification for termination. Justification based on "no further requirements by the Government" will require an explanation for the lack of requirement indicating why termination is more economically feasible than acceptance of the item(s).

NOTE: When used by AMC supply activities, only, a statement of justification indicating the program against which the computation was accomplished will be sufficient justification, e.g., "Reduction in Requirements as a result of (specific program or authority)".

(xi) Item 10: Items Terminated:

NOTE: If contract is Classified prepare according to § 1008.202–50(j).

For unclassified contracts list: (*a*) Contract items number, with only one item to a line, (*b*) quantity to be terminated, (c) unit of measure, such as each pair, or assemblies, (*d*) adequate description of nomenclature as should appear in the termination notice, and (*e*) total actual or estimated value of items to be terminated, listing each item separately (exact amount, or careful estimate if exact amount cannot be ascertained) with a Grand Total of all items terminated.

(xii) Item 11: Disposition of Terminated Inventory and Special Tooling. Item 11A, 11B, 11C, and 11D are self-explanatory. Accurate and complete information assists the contracting officer effecting settlement of the termination and reduces or eliminates the necessity for post termination inquiry to the originating activity regarding disposition of inventory and tooling.

(xiii) Item 12: Coordination and Approval are to be held to absolute minimum to insure expeditious processing of the Termination Request. Obtain only the necessary coordination prior to forwarding AFPI Form 49 to the procuring contracting office. Informational routing will be accomplished after approval and dispatch.

(2) Part II, AFPI Form 49, Termination Authorization prepared by the procuring contracting office, will set forth the following information with respect to the termination.

(i) Item 13: Enter the name of the local readjustment activity, citing symbol, as appropriate.

(ii) Item 14: Enter full designation of procuring contracting office, including: (*a*) Name of initiator, (*b*) organizational symbol, and (*c*) telephone extension.

(iii) Item 15: Self-explanatory.

(iv) Item 16A: See subparagraph (1) (viii) of this paragraph.

(v) Item 16B: See Subpart F of this part, (Default).

(vi) Item 17: See subparagraph (1) (x) of this paragraph. Comment upon justification given under Item 9, Part 1, AFPI Form 49 and supplement as warranted.

(vii) Item 18: See subparagraph (1) (vii) of this paragraph.

(viii) Items 19, 20, 21, 22, 23, 24, 25, and 26: Self-explanatory.

(ix) Item 27: Only essential coordination and approval will be effected prior to dispatch of the AFPI Form 49 to the local readjustment activity. Informational routing may be accomplished concurrently, or later, but will not delay the action required hereunder.

(3) Part III, AFPI Form 49, Remarks. Include any other pertinent information or special instructions.

(4) Part IV, AFPI Form 49, Termination Assignment. Assign the termination case for settlement by completing this part (see § 1008.202–50(d)).

§ 1008.851 Supplemental settlement agreements for CPFF partial terminations.

The following supplemental agreement will be used in settlements of CPFF partial termination claims covering adjustment of estimated cost and fixed fee.

SUPPLEMENTAL SETTLEMENT AGREEMENT

This Supplemental Settlement Agreement entered into this ------ day of ----------, 195--, between the United States of America, hereinafter called "the Government," represented by the Contracting Officer executing this Agreement, and----------,

(i) a corporation organized and existing under the laws of the State of ----------,

(ii) a partnership consisting of ----------,

(iii) an individual doing business as ---- ----------, (hereinafter called "the Contractor"), with its (his) principal office or place of business located at ----------,

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract AF --------- under date of ----------, which together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Contract," the same being a cost-plus-a-fixed-fee contract; and

Whereas, pursuant to Clause ------ of the Contract, by Notice of Termination dated ---------- the Government advised the Contractor of the partial termination of the Contract, as of the date and to the extent provided in such notice and as a result of which the Contract was terminated by the reduction of work hereinafter specified and hereinafter called "the terminated portion of the Contract"; and

Whereas, the continued work under the Contract is substantial and it is the desire of the parties hereto that an adjustment be made only of the estimated cost and the fixed fee under the Contract as a result of such partial termination, as hereinafter set out;

Whereas, post-termination and settlement expenses, as defined in the Armed Services Procurement Regulation, have been incurred by the Contractor in connection with the partial termination; and it is the desire of the parties hereto to determine the amount of the same and to provide for the payment thereof; (Optional)

Now Therefore, the parties hereto agree as follows:

Clause 1. Clause ------ of the Contract is hereby amended so as to delete therefrom the terminated portion of the Contract designated as follows:

Item No.	*Part No.*
Nomenclature	*Quantity Canceled*

Clause 2. The estimated cost stated in Clause ------ of the Contract relating to the terminated portion of the Contract is hereby decreased by the sum of -------.

Clause 3. The Contractor's allowable costs for the terminated portion of the Contract will continue to be reimbursed on Form 1034 cost vouchers in accordance with the applicable provisions of the Contract and of Section VIII of the Armed Services Procurement Regulation.

Clause 4. The fixed fee stated in Clause ------ of the Contract relating to the terminated portion of the Contract is hereby decreased by the sum of -------.

Clause 5. The total sum allotted to the Contract is hereby decreased by the sum of -------.

Clause 6. Except as hereby modified, either expressly or by necessary implication, all the terms, covenants and conditions of the Contract shall remain in full force and effect.

In Witness Whereof, the Government and the Contractor have executed this Supplemental Agreement as of the date first herein written.

THE UNITED STATES OF AMERICA

By _____
(Contracting Officer)

_____
(Name of Contractor)

By _____
_____
(Name) (Title)

Business Address:
_____
_____

Two Witnesses to execution by the Contractor

_____
(Name)

_____
(Address)

_____
(Name)

_____
(Address)

I, _____, certify that I am _____, Secretary of the corporation named as the Contractor herein; that _____ who signed this Supplemental Settlement Agreement on behalf of the Contractor, was then _____, of said corporation; and that said Supplemental Settlement Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

In Witness Whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____ 19__.

[Corporate Seal]

_____
(Secretary)

NOTE: See § 1053.407 of this chapter, "Execution of contracts; requirements", at end of the agreement.

§ 1008.852 Supplemental settlement agreement form for settlement of two or more termination claims.

This Supplemental Agreement of Settlement entered into this _____ day of _____, 19__, between the United States of America (hereinafter called "the Government") represented by the Contracting Officer executing this Agreement, and _____,

(i) A corporation organized and existing under the laws of the State of _____,

(ii) A partnership consisting of _____,

(iii) An individual doing business as _____, (hereinafter called "the Contractor"), with its (his) principal office or place of business located at _____,

Whereas, the Contractor and the Government have entered into _____( ) separate Contracts which are set forth in Exhibit "A" attached hereto and made a part hereof and under the respective dates as set forth in said Exhibit "A," which contracts together with any and all Amendments, Changes and Supplements thereto, are hereinafter collectively called "the contracts"; and

Whereas, the "Termination For Convenience of the Government" clause of each contract provides that the performance of the work under each contract may at the convenience of the Government be terminated by the Government in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the Government and that the Contractor and the Contracting Officer may agree upon the whole or any part of the amount to be paid to the Contractor by reason of such terminations; and

Whereas, by _____( ) separate notices of terminations dated as set forth in said Exhibit "A" attached hereto, the Government advised the Contractor of the complete terminations of the contracts for the convenience of the Government; and

Whereas, as used herein the following terms shall have the meanings hereinafter set forth:

The term "termination inventory" shall mean any items of physical property purchased, supplied, manufactured, furnished or otherwise acquired for performance of the Contracts which are properly allocable to the terminated portions of the Contracts, but shall not include any facilities, machinery, material, special tooling, or equipment which are subject to a separate contract or special contract provision governing the use or disposition thereof. It includes "Contract termination inventory" which consists of all items of termination inventory properly allocable directly to the terminated portions of the Contracts, and "subcontract termination inventory" which consists of all items of termination inventory properly allocable to the terminated portions of any subcontracts under the Contracts.

The term "subcontract" means any contract, agreement, or purchase order, and any preliminary contractual instrument, calling for the performance of any work, or for the making or furnishing of any material required for the performance of the Contracts. The term also includes any such contract, agreement, purchase order, or other instrument, placed under any one or more subcontracts as herein defined.

The term "scrap" shall mean any items of termination inventory which have no reasonable prospect of sale except for their basic material content.

Now, Therefore, the parties do mutually agree as follows:

Clause 1. The Contractor certifies that all Contract termination inventory (including scrap) has been retained or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement.

Clause 2. The Contractor certifies that, prior to the execution of this Agreement, each of the Contractor's immediate subcontractors whose claim is included in the claim settled by this Agreement has furnished to the Contractor a certificate stating (i) that all of its subcontract termination inventory (including scrap) has been retained or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, were taken into account in arriving at the settlement of the subcontract or subcontracts and (ii) that the subcontractor has received from each of the immediate subcontractors whose claim was included in its claim a substantially similar certificate.

b. The Contractor hereby transfers and conveys to the Government all the right, title, and interest, if any, which the Contractor has received, or is entitled to receive, in and to subcontract termination inventory, if any, not otherwise properly accounted for, and hereby assigns to the Government any and all of its rights relating thereto.

Clause 3. The Contractor certifies that, with respect to all items of termination inventory the costs of which were taken into account in arriving at the amount of this settlement, or in the settlement of any subcontract claim included in this settlement; (i) all such items are properly allocable to the terminated portions of the Contracts; (ii) such items are not in excess of the reasonable quantitative requirements of the terminated portions of the Contracts; (iii) such items do not include any items reasonably usable, without loss to the Contractor, on its other work; and (iv) the Contractor has informed the Contracting Officer of any substantial change in the status of such items between the dates of its termination inventory schedules and the date of this agreement.

Clause 4. It is hereby agreed that all funds paid or to be paid hereunder to the Contractor for the benefit of subcontractors or suppliers shall be held in trust by the Contractor for the benefit of such subcontractors or suppliers until such time as payment of such funds to the respective subcontractors or suppliers is accomplished or until refund by the Contractor to the Government as hereinafter provided. In all cases where the Contractor has not previously made such payments, the Contractor shall, within ten (10) days after receipt of the payment provided for hereunder, pay to each of its immediate subcontractors and suppliers (or to their respective assignees) the respective amounts to which they are entitled, after deducting, if the Contractor so elects, any amounts then due and payable to the Contractor by such subcontractors and suppliers. If the Contractor fails to make any such payment within ten (10) days, the Contractor will, upon request, return to the Government the amount so payable to such immediate subcontractors and suppliers, less any amount then due and payable to the Contractor by them.

Clause 5. a. The Contractor has received the sum of $_____ on account of work and services performed, or articles delivered under the completed portions of the contracts. The Government as a part of this negotiated settlement hereby confirms and acknowledges the right of the Contractor, subject to the provisions of Clause 6 hereof, to retain such sum heretofore paid and agrees that such sum constitutes a portion of the total amount to which the Contractor is entitled in settlement of the contracts.

b. In addition, upon the execution of this Agreement the Government agrees to pay to the Contractor or its assignee, upon presentation of properly executed invoices and vouchers the sum of $_____ arrived at by deducting from the sum of $_____ (Use proper method as set forth in Clause 5b, page 899.3, ASPR, Section VIII, depending on whether inventory or total costs basis claim is filed by the Contractor.) (1) The amount of $_____ representing all unliquidated partial or progress payments previously made to the Contractor or its assignee and all unliquidated advance payments (with interest, if any thereon), and (2) the amount of $_____ representing all applicable property disposal credits. The said sum, together with all other sums heretofore paid, constitutes payment in full and complete settlement of the amount due the Contractor by reason of the complete termination of work under the contracts and of all other claims and liabilities of the Contractor and the Government under the contracts, except as hereinafter provided in Clause 6.

c. For the purposes of budgetary allocation, the sums specified in paragraph "b" above shall be apportioned among the several contracts as set forth in Exhibit "A" of this Agreement.

Clause 6. (Standard reservations as set forth in ASPR Section VIII are to be used when applicable in addition to any special reservations needed to protect the rights of the parties.)

EXHIBIT A

(1) Contract No.	(2) Date of contract	(3) Date of notice of termination	(4) Docket No.	(5) Gross settlement	(6) Less partial payments	(7) Less property disposal credits	(8) Termination amount payable

§ 1008.853 Supplemental settlement agreement (amendment) form for settlement of partial termination of letter facilities contract.

The following supplemental agreement will be used in settlement of partial termination claims involving letter facilities contracts.

Amendment No. _____ to Letter Contract No. _____ Docket No. _____.

This Supplemental Settlement Agreement (designated as Amendment No. _____) entered into on this _____ day of _____, 19__, between the United States of America (hereinafter called "the Government"), represented by the Contracting Officer executing this agreement, and _____,

(i) A corporation organized and existing under the laws of the State of _____,

(ii) A partnership consisting of _____,

(iii) An individual doing business as _____, (hereinafter called "the Contractor"), with its (his) principal office or place of business located at _____,

Witnesseth that:

Whereas, the Contractor and the Government have entered into Letter Contract No. _____ under date of _____, which, together with any and all amendments, changes, and supplements thereto, is hereinafter referred to as "the Letter Contract", and

Whereas, the Termination Clause of the Letter Contract provides that the Government may at any time terminate said Letter Contract in whole or in part for its convenience by giving the Contractor written notice of such termination, and that in such event the Government and the Contractor may agree upon the amount or amounts to be reimbursed the Contractor as more specifically described in said Clause; and

Whereas, the Government, by notice of termination dated _____ advised the Contractor of the partial termination of the Letter Contract as of the date and to the extent provided in such Notice (as amended) as a result of which the Letter Contract was terminated by the reduction of work hereinafter specified and hereinafter called "the terminated portion of the Letter Contract"; and

Whereas, the Contracting Officer, pursuant to Armed Services Procurement Regulation 8-514 (1), has determined that the terminated portion of the Letter Contract and the costs relating thereto are clearly severable from the continuing portion of the Letter Contract (the term "continuing portion" as used herein meaning that portion of the partially terminated Letter Contract which was not already completed at the effective date of termination, and which the Contractor must continue to perform and deliver to the Government); and

Whereas, the Government and the Contractor have agreed upon a settlement as hereinafter set forth with respect to the terminated portion of the Letter Contract; and

Whereas, the Letter Contract in its existing form preclude complete reimbursement by the Government to the Contractor of allowable costs (as determined under the Cost Principles referenced therein) with respect to the continuing portion of said Letter Contract; and

Whereas, the continuing portion of the Letter Contract is substantial, and the Government has administratively determined that it is in its best interests to have such continuing portion completed and delivered; and

Whereas, as used herein, the following terms shall have the meanings hereinafter set forth:

The term "termination inventory" shall mean any items of physical property purchased, supplied, manufactured, furnished, or otherwise acquired for performance of the Letter Contract which are properly allocable to the terminated portion of the Letter Contract. It includes, "Contract Termination Inventory" which consists of all items of termination inventory properly allocable directly to the terminated portion of the Letter Contract, and "subcontract termination inventory" which consists of all items of termination inventory properly allocable to the terminated portion of any subcontract under the Letter Contract.

The term "subcontract" means any contract, agreement, or purchase order, and any preliminary contractual instrument, calling for the performance of any work, or for the making or furnishing of any material, required for the performance of the Letter Contract. The term also includes any such contract, agreement, purchase order, or other instrument, placed under any one or more subcontracts as herein defined.

The term "scrap" shall mean any items of termination inventory which have no reasonable prospect of sale except for their basic material content.

Now, Therefore, the parties hereto do mutually agree as follows:

Clause 1. The terminated portion of the Letter Contract is as set forth in Exhibit "A," attached hereto and made a part hereof.

Clause 2. The Contractor certifies that all Letter Contract termination inventory (including scrap) has been retained or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement.

Clause 3. a. The Contractor certifies that, prior to the execution of this Agreement, each of the Contractor's immediate subcontractors whose claim is included in the claim settled by this Agreement has furnished to the Contractor a certificate stating (i) that all its subcontract termination inventory (including scrap) has been retained or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, were taken into account in arriving at the settlement of the subcontract or subcontracts, and (ii) that the subcontractor has received from each of the immediate subcontractors whose claim was included in its claim a substantially similar certificate.

b. The Contractor hereby transfers and conveys to the Government all their right, title, and interest, if any, which the Contractor has received, or is entitled to receive, in and to subcontract termination inventory, if any, not otherwise properly accounted for, and hereby assigns to the Government any and all of its rights relating thereto.

Clause 4. The Contractor certifies that, with respect to all items of termination inventory, the costs of which were taken into account in arriving at the amount of this settlement, or in the settlement of any subcontract claim included in this settlement: (i) all such items are properly allocable to the terminated portion of the Letter Contract; (ii) such items are not in excess of the reasonable quantitative requirements of the terminated portion of the Letter Contract; (iii) such items do not include any items reasonably usable, without loss to the Contractor, or its other work; and (iv) the Contractor has informed the Contracting Officer of any substantial change in the status of such items between the dates of its termination inventory schedules and the date of this agreement.

Clause 5. In all cases where the Contractor has not previously made such payments, the Contractor shall, within 10 days after receipt of the payment provided for hereunder, pay to each of its immediate subcontractors and suppliers (or to their respective assignees) the respective amounts to which they are entitled, after deducting it, if the Contractor so elects, any amounts then due and payable to the Contractor by such subcontractors and suppliers.

Clause 6. Upon the execution of this Agreement, the Government agrees to pay to the Contractor or its assignee, upon presentation of properly certified invoices or vouchers, the sum of _____, arrived at by deducting from the sum of _____ (1) the amount of _____ representing all unliquidated partial or progress payments previously made on account to the Contractor or its assignee and all unliquidated advance payments (with interest, if any, thereon) applicable to the terminated portion of the Letter Contract and (2) the amount of _____ representing all applicable property disposal credits. Said sum together with all other sums heretofore paid, constitutes payment in full and complete settlement of the amount due the Contractor with respect to the terminated portion of the Letter Contract except as hereinafter provided in Clause 7.

Clause 7. Upon payment of said sum of _____, all obligations of the Contractor to perform further work or services or to make further deliveries under the terminated portion of the Letter Contract and all obligations of the Government to make further payments or to carry out undertakings in connection therewith shall cease: *Provided, however*, That nothing herein contained shall impair or affect in any way any covenants, terms, or conditions of the Letter Contract (as hereinafter amended) relating to the completed or continued portion thereof: *And provided further*, That, with respect to the terminated portion of the Letter Contracts, the following rights and liabilities of the parties are reserved (such reservations as may be necessary and proper). (See reservations in ASPR 8-712.4, Article 6.)

In Witness Whereof, the parties hereto have executed this Supplemental Agreement as of the day and year first above written:

THE UNITED STATES OF AMERICA,

By _____
_____
(Contracting Officer)

_____
(Contractor)

By _____
_____
_____
(Title)

_____
(Address)

NOTE: See corporate secretary's certificate in § 1008.851; see also § 1053.407 of this chapter.

§ 1008.854 Form of triparty agreement for direct settlement of subcontracts.

The following format will be used for the agreement when the Government settles with the consent of, and through, the prime contractor, the termination claim of a fixed-price subcontractor.

This Agreement, entered into on this _____ day of _____, 195--, between the United States of America (hereinafter called "the Government"), represented by the Contracting Officer executing this agreement, and _____,

(i) A corporation organized and existing under the laws of the State of _____,

(ii) A partnership consisting of _____,

(iii) An individual doing business as _____, (hereinafter called "the Contractor"), with its principal office or place of business located at _____, and _____,

(i) A corporation organized and existing under the laws of the State of _____,

(ii) A partnership consisting of _____,

(iii) An individual doing business as _____, (hereinafter called "the Subcontractor"), with its principal place of business located at _____,

Witnesseth that:

Whereas, the Government and the Contractor have previously entered into Contract No. _____, under which contract (hereinafter called "the Contract") a Subcontract was entered into between the abovenamed Contractor and Subcontractor (hereinafter called "the Subcontract"); and

Whereas, the Contract has been terminated for the convenience of the Government and the Subcontract has been completely terminated as a result thereof; and

Whereas, the Government, pursuant to 32 CFR 8.518–11, has undertaken to settle the termination claim of the Subcontractor and to make payment in connection therewith through the Contractor and has so notified the Contractor and Subcontractor, both the Contractor and the Subcontractor having previously consented to such direct settlement of the Subcontractor's termination claim; and

Whereas, the term "Subcontract termination inventory," as used herein, shall mean all materials (including a proper part of any common materials), determined by the parties to the pertinent Subcontract under the Contract, in connection with the settlement thereof, to be properly allocable to the terminated portion of the Subcontract, except any machinery or equipment subject to a separate contract or contract provision specifically governing the use or disposition thereof:

Now, Therefore, the parties hereto do mutually agree as follows:

Clause 1. (a) The Subcontractor certifies that all Subcontract termination inventory (including scrap) has been retained, or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereto, if any, have been taken into account in arriving at this Agreement.

(b) With respect to all the aforesaid Subcontract termination inventory not so disposed of prior to date of execution of this Agreement, and described in the inventory schedules submitted by the Subcontractor in advance of or in connection with its Settlement Proposal, the parties shall promptly execute a storage agreement.

Clause 2. (a) The Subcontractor certifies that, prior to the execution of this Agreement, each of its respective immediate subcontractors whose claim is included in the claim settled by this Agreement has furnished to the Subcontractor, a certificate stating (i) that all of its Subcontract termination inventory (including scrap), has been retained, sold, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, were taken into account in arriving at the settlement of the Subcontract or Subcontracts, and (ii) that the Subcontractor has received from each of its immediate subcontractors whose claim was included in its claim a certificate substantially similar to clause (i) and this clause (ii) of this Clause 2 (a).

(b) The Contractor and Subcontractor each hereby transfers and conveys to the Government all the right, title and interest, if any, which either or both the Contractor and Subcontractor has received, or is entitled to receive, in and to Subcontract termination inventory, if any, not otherwise properly accounted for, and each of them hereby assigns to the Government any and all of its rights relating thereto whether arising under negotiated settlements, formula determinations or otherwise.

Clause 3. It is hereby agreed that all funds paid or to be paid hereunder to the Contractor for the benefit of the Subcontractor shall be held in trust by the Contractor for the benefit of such Subcontractor until such time as payment of such funds to the Subcontractor is accomplished or until refunded by the Contractor to the Government as hereinafter provided. In all cases where either the Contractor or the Subcontractor hereunder has not previously made such payments the Contractor and the Subcontractor respectively shall, within ten (10) days after receipt by it of the payment provided for hereunder, pay to each of its immediate subcontractors and suppliers (or to their respective assignees) the respective amounts to which they are entitled, after deducting, if the Contractor or the Subcontractor, as the case may be, so elects, any amounts then due and payable either to the Contractor or Subcontractor by such subcontractors and suppliers. If the Contractor or the Subcontractor fails to make any such payment within ten (10) days after receipt thereof by it, such failing Contractor or Subcontractor will, upon request, return directly to the Government the amount so payable to the Subcontractor or such immediate subcontractors and suppliers, less any amount then due and payable to the Contractor or the Subcontractor, as the case may be, by them.

Clause 4. Upon execution of this Agreement (and of the storage agreement(s) referred to in Clause 1),[1] the Government agrees to pay to the Contractor for prompt payment to the Subcontractor hereunder, upon presentation of properly certified invoices or vouchers, the sum of $_____ (Net amount of settlement), arrived at by deducting from the sum of $_____ (Gross amount of settlement) the amounts of (1) $_____, representing unliquidated partial payments previously made on account of the termination claim(s) of the Subcontractor under its Subcontract(s) and (2) $_____, representing all applicable property disposal credits. Said sum, together with all other sums heretofore paid by the Government or the Contractor, constitutes payment in full and complete settlement of the amount due the Subcontractor by reason of the complete termination of work under the Contract(s), and the Subcontract(s) insofar as it pertains to the terminated portion(s) of the Subcontract(s), (except as hereinafter provided in Clause 5 of this Agreement).[2]

Clause 5. In consideration of the payment of said sum of $_____ (Net amount from clause 4), the Contractor and the Subcontractor do hereby assign, transfer, and set over to the United States of America all of their rights, title and interest, if any, in and to the claim against the Government for fair compensation for the termination of the Subcontract and all rights and claims of the Subcontractor against the Contractor for fair compensation for such termination, to the extent that the terminated Subcontract is allocable to the terminated portion of the Prime Contract.

(Or)

Clause 5. In consideration of the payment of said sum of $_____ (Net amount from clause 4), the Subcontractor hereby releases the Government and the Contractor from all liability with respect to its claim for fair compensation for the termination of the Subcontract under the Contract.

Clause 6. Notwithstanding any other provision of this agreement, the following rights and liabilities of the parties under the Subcontract are hereby revised:

(See Article 6 (1) through (9) in § 8.806–1 of this title and Article 6 (5) through (14) in § 8.806–4 of this title for examples of excepted or reserved items.) All rights and liabilities, if any, of the parties under those clauses inserted in the Contract because of the requirements of Acts of Congress and Executive Orders, shall be reserved as far as the Subcontractor as well as the Contractor is concerned. These clauses pertain to, without limitation, the following topics: labor law, contingent fees, domestic articles, employment of aliens, "Official not to benefit".

Clause 7. Approval of Agreement.[3] This Agreement shall be Subject to the written approval of _____ or his duly authorized representative and shall not be binding until so approved.

Clause 8. Except for the original signing of this Agreement; and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his duly designated representative. Agreement as of the date first herein written.

NOTE: Type or print names under all signatures.

THE UNITED STATES OF AMERICA,
By _____
(Contracting officer)
_____
(Name of prime contractor)
_____
Its _____
Business address:
_____
_____
Two witnesses to execution by Contractor:
_____
(Name)
_____
(Address)
_____
(City and State)
_____
(Name)
_____
(Address)
_____
(City and State)
_____
(Name of subcontractor)
By _____
Its business address:
_____
_____
Two witnesses to execution by subcontractor:
_____
(Name)
_____
(Address)
_____
(City and State)
_____
(Name)
_____
(Address)
_____
(City and State)

[1] This parenthetical phrase is to be inserted only when the second form of Clause 1 is used.

[2] This parenthetical phrase in brackets is to be inserted only when the second form of Clause 5 is used and rights are excepted from the release.

[3] Where approval of settlement review board is necessary or the contracting officer requests such approval, the foregoing clause will be inserted in the agreement.

NOTE: See corporate secretary's certificate in § 1008.851; see also § 1053.407 of this title.

§ 1008.855 Direct settlement agreement by Government with subcontractors.

The following form of settlement agreement is suggested for use in direct settlement of subcontractor termination claims by the Government with subcontractors based upon assignment to the Government of the prime contractor's rights under terminated subcontracts.

This Agreement, entered into this _____ day of _____, 19--, between the United States of America (hereinafter called "the Government"), represented by the Contracting Officer executing this Agreement, and _____(Name of subcontractor).

(i) A corporation organized and existing under the laws of the State of _____,

(ii) A partnership consisting of_____,

(iii) An individual doing business as _____, (hereinafter called "the Subcontractor"), with its (his) principal office or place of business located at _____;

Witnesseth that:

Whereas, the Government and _____ (Name of prime contractor) (hereinafter called "the Contractor"), have previously entered into Contract No. _____, under which Contract (hereinafter called "the Contract") a Subcontract was entered into between the Contractor and Subcontractor (hereinafter called "the Subcontract");

Whereas, the Subcontract has been _____ (Partially or completely) terminated as a result of the termination in whole or in part of the Contract for the convenience of the Government; and

Whereas, the Government, pursuant to section 8–518.12 of the Armed Services Procurement Regulation, has undertaken to settle directly the claim of the Subcontractor for fair compensation and has so notified the Subcontractor and the Contractor in writing and the Subcontractor having consented to such direct settlement, the Prime Contractor having assigned to the Government all its rights, title and interest in and to the terminated Subcontract; and

Whereas, as used herein the following terms shall have the meanings hereinafter set forth;

Whereas, the term "Contract termination inventory," as used herein, shall mean all materials (including a proper part of any common materials), determined by the parties hereto, in connection with this settlement, to be properly allocable to the terminated portion of the Contract, except any machinery or equipment subject to a separate contract or contract provision specifically governing the use or disposition thereof; and

Whereas, the term "Subcontract termination inventory," as used herein, shall mean all materials (including a proper part of any common materials), determined by the parties to any pertinent subcontract under the Contract, in connection with the settlement thereof, to be properly allocable to the terminated portion of any such subcontract, except any machinery or equipment subject to a separate contract provision specifically governing the use or disposition thereof;

Now, Therefore, the parties hereto do mutually agree as follows:

Clause 1. The Subcontractor certifies that all Subcontract termination inventory (including scrap) has been retained or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement.

(Or)

(Alternative)—Clause 1. (a) The Subcontractor certifies that a portion of the Subcontract termination inventory (including scrap), has been retained or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, have been taken into account in arriving at this Agreement.

(b) With respect to all Subcontract termination inventory not so disposed of prior to the date of execution of this Agreement, and described in the inventory schedules submitted by the Subcontractor in advance of or in connection with its Settlement Proposal, the parties shall promptly execute a storage agreement. (See AFPI 8–758 (32 CFR 1008.758).)

Clause 2. (a) The Subcontractor certifies that, prior to the execution of this Agreement, each of the Subcontractor's immediate subcontractors whose claim is included in the claim settled by this Agreement has furnished to the Subcontractor a certificate stating (i) that all of its termination inventory (including scrap) has been retained or otherwise acquired by it, sold to third parties, returned to suppliers, stored for the Government, delivered to the Government, or otherwise properly accounted for, and all proceeds or retention prices thereof, if any, were taken into account in arriving at the settlement of the Subcontract or Subcontracts, and (ii) that the immediate subcontractors have received from each of their subcontractors whose claims were included in its claim a substantially similar certificate.

(b) The Subcontractor hereby transfers and conveys to the Government all the right, title and interest, if any, which the Subcontractor has received, or is entitled to receive, in and to the subcontract termination inventory, if any, not otherwise properly accounted for, and hereby assigns to the Government any and all of its rights relating thereto.

Clause 3. The Subcontractor certifies that, with respect to all items of Subcontract termination inventory the costs of which were taken into account in arriving at the amount of this settlement, or in the settlement of any claim included in this settlement: (i) all such items are properly allocable to the terminated portion of the Subcontract; (ii) such items are not in excess of the reasonable quantitative requirements of the terminated portion of the Subcontract; (iii) such items do not include any items reasonably usable without loss to the Subcontractor on its other work; and (iv) the Subcontractor has informed the Contracting Officer of any substantial change in the status of such items between the dates of its termination inventory schedules and the date of this Agreement.

Clause 4. It is hereby agreed that all funds paid or to be paid hereunder to the Subcontractor for the benefit of subcontractors or suppliers shall be held in trust by the Subcontractor for the benefit of such subcontractors or suppliers until such time as payment of such funds to the respective subcontractors or suppliers is accomplished or until there is a refund by the Subcontractor to the Government as hereinafter provided. In all cases where the Subcontractor has not previously made such payments, the Subcontractor shall, within ten (10) days after receipt of the payment provided for hereunder, pay to each of its immediate subcontractors and suppliers (or to their respective assignee) the respective amounts to which they are entitled, after deducting, if the Subcontractor so elects, any amounts then due and payable to the Subcontractor by such subcontractors and suppliers. If the Subcontractor fails to make any such payment within ten (10) days, the Subcontractor will, upon request, return directly to the Government the amount so payable to such immediate subcontractors and suppliers, less any amount then due and payable to the Subcontractor by them.

Clause 5. Upon execution of this Agreement (and of the storage agreement referred to in Clause 1),[1] the Government agrees to pay to the Subcontractor or its assignee, upon presentation of properly certified invoices or vouchers, the sum of $_____ (insert net amount of settlement), arrived at by deducting from the sum of $_____ (insert gross amount of settlement) the amounts of (1) $_____ representing unliquidated partial payments previously made on account of the termination claim of the Subcontractor; and (2) $_____ representing all applicable property disposal credits. Said sum, together with all other sums heretofore paid by the Government or the Contractor constitutes payment in full and complete settlement of the amount due the Subcontractor by reason of the complete termination of work under the Subcontract (except as hereinafter provided in Clause 7 of this Agreement).

Clause 6. In consideration of the payment of said sum of $_____ (net amount from Clause 5) the Subcontractor does hereby assign, transfer, and set over to the United States of America all of its right, title, and interest in and to its claim for fair compensation for the termination of the Subcontract and all its rights and claims against _____ (Prime Contractor) for fair compensation for such termination, to the extent that the terminated portion of the Subcontract is allocable to the terminated portion of the Prime Contract.

(Or)

Clause 6. In consideration of the payment of said sum of $_____, the Subcontractor hereby releases the Government from all liability with respect to its claim for fair compensation for the termination of the Subcontract under the Contract. In consideration of the payment of said sum, the Subcontractor also hereby releases _____ (Prime Contractor) from all liability and obligation to pay such claim for fair compensation for such termination in connection with the settlement of the Prime Contract to which the terminated portion of the Subcontract is allocable.

Clause 7. Notwithstanding any other provision of this Agreement, the following rights and liabilities of the parties under the Subcontract are hereby reserved:

All rights and liabilities, if any, of the Government and the Contractor under those clauses inserted in the Contract because of the requirements of acts of Congress and Executive orders, shall be reserved as far as the Subcontractor is concerned. These clauses pertain to, without limitation, the following topics: Labor law, contingent fees, domestic articles, employment of aliens, "officials not to benefit."

Clause 8. Approval of Agreement.[2] This Agreement shall be subject to the written approval of _____ or his duly authorized rerpesentative and shall not be binding until so approved.

Clause 9. Except for the original of this Agreement, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his duly designated representative.

In Witness Whereof, the parties hereto have executed this Agreement on the date first herein written.

[1] This parenthetical phrase is to be inserted only when the second form of Clause 1 is used.

[2] Where approval of settlement review board is necessary or the Contracting Officer requests such approval, the foregoing Clause will be inserted in the Agreement.

NOTE: Type or print names under all signatures.

Two witnesses to execution by subcontractor:

(Name)

(Address)

(City and State)

(Name)

(Address)

(City and State)

THE UNITED STATES OF AMERICA,
By ---
(Contracting Officer)

(Name of subcontractor)

By ---
Its ---
Business Address:

NOTE: See corporate secretary's certificate in § 1008.851; see also § 1053.407 of this chapter.

§ 1008.856 Settlement of reservations.

The following form of settlement agreement is suggested for use in the settlement of exclusions or reservations.

This Settlement Agreement, entered into on this ------ day of ----------, 19--, by the United States of America (hereinafter called "the Government"), represented by the Contracting Officer executing this Agreement, and ----------,

(i) A corporation organized and existing under the laws of the State of ----------,

(ii) A partnership consisting of ----------,

(iii) An individual doing business as ----------, (hereinafter called "the Contractor"), with its principal office or place of business located at ----------,

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. ------ under date of ----------, which, together with any and all amendments, changes, modifications and supplements thereto, is hereinafter referred to as "the Contract"; and

Whereas, the Contract has been terminated; and

Whereas, a final settlement agreement was executed in connection with the termination of the Contract, said final settlement agreement being dated ----------, and being designated as Supplement No. ------ to the Contract; and

Whereas, said final settlement agreement excepted from the settlement therein contained certain items as more fully described in said final settlement agreement, including the item(s) described in Clause 1 of this Agreement; and

Whereas, the Government and the Contractor have agreed to a settlement of said item(s) described in Clause 1 of this Agreement;

Now, Therefore, the parties hereto do mutually agree as follows:

Clause 1. The Government agrees to pay to the Contractor the sum of $------ on account of the following item(s):

Item 1:

Clause 2. The Contractor hereby releases and forever discharges the Government from all liability, and from all claims and demands which the Contractor now has or may hereafter have, under the Contract insofar as it pertains to the Contract, based upon the item(s) described in Clause 1 of this Agreement.

In Witness Whereof, the parties hereto have executed this Agreement on the date first herein written.

NOTE: Type or print names under all signatures.

THE UNITED STATES OF AMERICA,
By ---
(Contracting Officer)

(Name of contractor)

By ---
Its ---
(Business address)

Two witnesses to execution by contractor:

(Name)

(Address)

(City and State)

(Name)

(Address)

(City and State)

NOTE: See corporate secretary's certificate in § 1008.851; see also § 1053.407 of this chapter.

§ 1008.857 Assignment to the Government of prime contractor's rights under terminated subcontracts.

As directed by the termination contracting officer, pursuant to the provisions of the termination clause, the prime contractor is obligated to assign to the Government all its right, title, and interest under any purchase orders or subcontracts terminated by reason of their relation to the terminated portion of the prime contract. The following is a suggested form of assignment.

ASSIGNMENT

Clause 1. On this ------ day of ----------, 19-- ---------- (Name of Prime Contractor), hereinafter called "the Prime Contractor," hereby transfers and assigns to the United States Government all of the right, title and interest of the aforesaid Prime Contractor in and to it Subcontract (or Purchase Order) No. ------- with ---------- (Name of Subcontractor), hereinafter called "the Subcontractor," insofar as such Subcontract or Purchase Order is allocable to the terminated portion of its Prime Contract No. -------.

Clause 2. The United States Government hereby accepts the aforesaid transfer and assignment by the Prime Contractor of all of the Prime Contractor's right, title and interest in and to the aforesaid Subcontract or Purchase Order and assumes and undertakes to settle with and pay directly to the said Subcontractor such amounts as may be found to be due said Subcontractor by reason of the termination of said Subcontract or Purchase Order, insofar as such amounts are allocable to the terminated portion of the said Prime Contract.

Clause 3. The Prime Contractor hereby releases the United States Government from any obligation which the United States Government now has or may have to reimburse the Prime Contractor for any sums which the Prime Contractor might be required to pay to the Subcontractor by reason of the termination of the said Subcontract or Purchase Order.

Clause 4. The United States Government hereby releases the Prime Contractor from all obligation to negotiate and settle with and pay to the Subcontractor the amounts which are or will be due to the Subcontractor by reason of the termination of the said Subcontract or Purchase Order, insofar as such amounts are allocable to the terminated portion of the Prime Contract under which the said Subcontract or Purchase Order was issued and terminated. The United States Government further agrees to hold the Prime Contractor harmless in the event that any litigation arises in connection with such obligation, subject to the provisions of paragraph 5 hereof and any other limitations within the purview of the Armed Services Procurement Regulation and other existing applicable regulations as well as those set forth in the Contracting Officer's letter dated ---------- directing the Prime Contractor to make this assignment.

Clause 5. In the event that the Subcontractor institutes litigation against the Prime Contractor in connection with any obligation referred to herein, the Prime Contractor hereby agrees promptly to notify the United States Government of such action and to defend such litigation or, if the United States Government so requests, to permit the United States Government to assume the defense of such litigation. The failure of the Contractor to comply with the provisions of this paragraph shall relieve the United States Government from all liability under this Assignment Agreement, or otherwise, to pay any claim arising in connection with any of such obligations.

In Witness Whereof, this Assignment Agreement has been executed by the Contractor and for and on behalf of the United States Government by the Contracting Officer as of the date first above written.

NOTE: Type or print names under all signatures.

(Name of contractor)

By ---
Its ---

THE UNITED STATES OF AMERICA,
By ---
(Contracting Officer)

Two witnesses to execution by contractor:

(Name)

(Address)

(City and State)

(Name)

(Address)

(City and State)

NOTE: See corporate secretary's certificate in § 1008.851 (insert the designation "Assignment" in place of "Supplemental Settlement Agreement" in such certificate). See also § 1053.407 of this chapter.

§ 1008.858 Security for partial payments.

The following tender and acceptance of lien will be used as security for partial payments to contractors:

(Name of Prime Contractor)
Contract No. ---
Subcontract (Purchase Order) No. ---

Prior to transfer to the United States Government of title to property the cost of which is included in the termination settlement claim and/or application of the undersigned Contractor, dated ----------, for partial payment in the amount of $------, under Contract No. -------, the Contractor hereby warrants the title to all of said property to be free and clear of liens and encumbrances. In consideration of said partial payment in the sum of $------ being made by the United States Government to or for the benefit of the undersigned Contractor, the United Government is hereby granted a lien, paramount to all other liens, upon all property the cost of which is included in the said termination settlement claim and/or partial payment application. The undersigned Contractor hereby agrees not to further encumber said property prior to transfer of title thereto to the Government and its disposition under applicable Government regulations. The lien hereby granted will be discharged upon transfer of title to said property to the Government free and clear of all other liens and encumbrances and disposition of said property under proper Government direction, authority, or approval.

(Name of contractor)

By ---
(Name and official title or partner)
Business Address:

Dated ---
Accepted:

(Contracting Officer)

§ 1008.859 Letter of consent by prime contractor to negotiation of amount due subcontractor.

XYZ Corporation

GENTLEMEN:

1. Investigation discloses that settlement of terminated contract No. ------ may be expedited if the Government undertakes to negotiate the amount due ---------- as a result of the termination by you of that company's subcontract (purchase order) under said prime contract. (If the prime contractor has requested assistance, this paragraph should be revised to conform with the facts.)

2. The Government will agree to be bound by the negotiation of the amount due said subcontractor by a contracting officer to be assigned for this purpose, if you will agree:

a. That the amount so negotiated, within maximum limits indicated by you, will be binding on you;

b. That you will upon request furnish any pertinent information accessible to you with respect to such claim;

c. That you will sign, in reliance upon the negotiated settlement made by the contracting officer to whom the subcontract is assigned for negotiation, the required certificate as to the subcontractor's charges being fair and reasonable and not more favorable to the subcontractor than you would make if reimbursement by the Government were not involved, which certificate may state that it is executed in reliance upon the determination made by the contracting officer; and

d. That you will make payment to the subcontractor of the amount certified by such contracting officer to be due the subcontractor, subject to any right of set-off you may have against the subcontractor.

3. If you sign and return the consent set forth below, the Government will undertake, to negotiate, the amount due the subcontractor on his termination claim.

4. The Government assumes no responsibility for settlement of the amount due to the subcontractor in the event that no agreement is reached by negotiation, nor does the Government hereby assume any obligation to make direct payment to the subcontractor of any amount.

(Termination contracting officer)

The undersigned prime Contractor under Government contract No. ------ agrees to the direct negotiation by the Government of the amount due subcontractor, ------, resulting from the termination of contract (purchase order) No. ------ upon the conditions set forth in the foregoing letter, subject to a maximum limitation of $------ (amount).

(Prime Contractor)

§ 1008.860 Form for certificate of amount due a subcontractor.

Certificate

The undersigned certifies that, on the basis of negotiation with ---------- (name and address of subcontractor) subcontractor to ---------- (name and address of prime contractor) prime contractor with the Government under contract No. ------, he and the subcontractor have agreed upon the amount due said subcontractor on its termination claim resulting from termination of subcontract (purchase order) No. ------ and further certifies, on the basis of the subcontractor's certification, that all the property allocable to the terminated portion of the subcontract (or purchase order), the cost of which was included in the statement of charges submitted by the subcontractor, has been retained or disposed of, and the value thereof credited to subcontractor's claim, with due approval, or has been transferred to the Government; and the total amount negotiated as settlement with the subcontractor on said termination claim is ------, which sum was reduced by credits for disposal or retention of termination inventory in the amount of ------; that advance or partial payments applicable to this subcontract have been made to subcontractor by, or with the consent of contractor, totaling ------; and that the net amount owing by the prime contractor to the subcontractor is ------.

(Termination contracting officer)

§ 1008.861 Form for notice to and consent by the subcontractor to direct settlement by the Government of its termination claims.

XYZ Corporation

Pursuant to the provisions of ASPR and AFPI 8-518.11 and 8-518.13, the United States of America, acting through the undersigned Contracting Officer, proposes to settle directly the termination claim which you have filed with ----------
(name and address of prime contractor)
arising out of the termination of your subcontract No. ---------- under Government prime Contract No. -------.

The Government will accept responsibility for settling your claim to the extent that it is allocable to the aforementioned Government contract on condition that you agree: (a) that your termination claim will be settled on the basis of the principles, policies and procedures set forth in ASPR and AFPI Sections VIII in the same manner as if your claim arose under a prime contract with the Government, (b) that upon the final settlement of your claim, by agreement or otherwise, you will, at the option of the Government, either (i) assign to the Government the claim against your purchaser resulting from the termination of your subcontract, or (ii) release your purchaser and the Government from all liability on account of the termination of your subcontract; and that you will execute such document or documents as a Contracting Officer of the Government may request to effect such assignment or release.

This proposal to accept responsibility for settling your claim, relates only to compensation for termination of your subcontract and does not include any claim which you may have for completed articles delivered to the prime Contractor prior to the termination of your subcontract or thereafter in accordance with the Notice of Termination, or any other claim which you may have against your prime Contractor under the subcontract.

If you will sign and return this consent set forth below, the Government will assume your termination claim for direct settlement on the foregoing conditions.

Very truly yours,

(Contracting officer)

Contracting Officer:

The undersigned subcontractor under Government contract No. ------ consents to the direct settlement by the Government of its claim against ---------- resulting from the termination of subcontract (purchase order) No. ------ upon the conditions set forth in the foregoing letter.

(Subcontractor)

§ 1008.862 Settlement memorandum for fixed-price terminated contracts.

The following outline is prescribed for use in preparing the Settlement Memorandum pertaining to a terminated fixed-price contract. Appropriate modifications may be made as required (see § 1008.210).

(a) *Heading.* (1) Date of memorandum.

(2) Designate as Settlement Memorandum for File or Settlement Review Board; if latter, identify by complete name (e.g., Headquarters, Air Materiel Command, Settlement Review Board) and include address.

(3) Subject: List name and address of contractor, whether prime or subcontractor, contract number, and Termination Docket Number. If settlement pertains to a subcontract, list applicable prime contractor and contract number as well as subcontractor, in the subject.

(b) *Body.* (1) Opening paragraph: Set forth the purpose of the Memorandum (i.e., the Memorandum summarizes the pertinent facts relating to the settlement of the terminated contract). If the Memorandum is addressed to a settlement review board, state the reason for such submission.

(2) Names, titles, and addresses of Government and contractor personnel who participated in the negotiation.

(3) Name and address of contractor: If a proprietorship or a partnership, include names and addresses of owner or all of the partners; if a corporation, set forth name of State in which incorporated. If claimant is a subcontractor, set forth that information and list the prime contractor and all intervening subcontractors; state whether the subcontractor is affiliated with the prime contractor or upper-tier subcontractors and explain any such affiliation.

(4) Description of terminated contract:

(i) Date of contract and contract number: (If claimant is a subcontractor, include the prime contract number and purchase order number, if any, between the prime contractor and the Government.)

(ii) Type of contract: fixed-price, fixed-price with price redetermination, letter contract, etc.

(iii) General description of items covered by the contract.

(iv) Total contract price.

(v) Brief summary of the essence of the termination clause. (Identify by contract clause number.)

(5) Description of the termination:

(i) Nature of termination: i.e., total or partial, items and quantity canceled,

unit prices (estimated if not specifically set forth in the contract) and total contract price of items canceled. State whether there were any amendments or changes to the Notice of Termination and their result. Include statement showing whether or not termination was for convenience of the Government. If not, explain reason for termination. (See also subdivision (iii) of this subparagraph).

(ii) Effective date of termination.

(iii) State whether contractor stopped work on effective date of termination and notified subcontractors to do likewise. If not, give reasons for delay, and whether or not the delay was approved or ratified by the termination contracting officer. If the delay was not approved or ratified, include a definite statement as to whether or not costs incurred by the contractor or subcontractor during such time were recognized as allowable or nonallowable in the settlement. If the latter costs were allowed, explain why.

(iv) If claimant is a subcontractor and the termination did not result from termination of the prime contract but from other circumstances (such as engineering changes) which require the Government to bear the cost of settling the terminated subcontract, describe those circumstances.

(6) Description of contractor's settlement proposal:

(i) Date filed and amount: If interim claims were filed, include information such as the number of claims, amounts, and any other facts deemed pertinent.

(ii) Type of settlement proposals: i.e., inventory basis, total cost basis, or other basis. If settlement proposal was filed on other than the inventory basis, include statement as to required approvals (see § 8.307–2 (b) and (c) of this title and § 1008.307–2) and give the reasons for such approval.

(7) Description of reviews and settlement proposal.

(i) Date copy of Settlement Proposal referred to Auditor General for review and written report; type of review requested.

(ii) Date audit report received.

(iii) In the event of an item-by-item settlement set forth either in the body of the Memorandum or as an exhibit thereto, a tabular summary of the contractor's claim, the Auditor General's recommendations, and the terminating contracting officer's recommendations substantially as follows:

Items claimed	Amount claimed	Auditors recommendation for: Acceptances, nonacceptances, further consideration	Termination contracting officer's recommendation
List of the items in the contractor's Settlement Proposal for which reimbursement is claimed.	List amount after each item claimed by contractor in its Settlement Proposal.	List the separate amounts after each item recommended by the auditor in each of the 3 categories above.	List the amount after each item allowed by the TCO.

(iv) Describe any other reviews made such as legal, engineering, plant clearance; give dates, names, titles or reviewers, and type and extent of reviews.

(8) Describe the factors considered in arriving at the negotiated settlement. This is particularly important in case of lump-sum settlement:

(i) Date or dates of negotiation.

(ii) Breakdown.

(*a*) Take each item of the claim and discuss each separately. State the amount claimed for the item by the contractor, show what the Auditor General recommended as to acceptance, nonacceptance, or further consideration. In addition, make specific references and comments as required under § 8.210 of this title as to any items included in the settlement proposal which are listed in Part 15 of this title.

(*b*) If the settlement was negotiated on an item-by-item basis, set forth the exact amounts allowed and disallowed by the termination contracting officer and explain the major and pertinent factors considered for each item resulting in the specific allowances and disallowances.

(*c*) If items recommended for nonacceptance or for further consideration by the Auditor General have been allowed in the settlement, state the reasons for the Auditor General's recommendation and explain fully and clearly the basis upon which the termination contracting officer allowed all or any part of the amount for such items.

(*d*) If the settlement was negotiated on a lump-sum basis, the provisions of (*a*), (*b*), and (c) above, explaining the factors considered should be complied with but specific amounts allowed and disallowed as to each item are not required to be set forth. However, if an item was completely disallowed, that information should be stated.

(*e*) State whether the inventory and items of the claim are allocable to the terminated portion of the contract, and set forth the steps taken to verify such allocability.

(*f*) If a partial termination is being settled, state whether contractor has filed a request for an equitable adjustment for the continuing portion of the contract.

(*g*) Describe and explain any adjustments included in the settlement in connection with any price redetermination clause in the contract, contract change notifications, or Unadjusted Contractual Changes.

(*h*) Profit: Explain the basis and factor considered in arriving at the profit. If there was an item-by-item settlement, set forth the percentage and amount.

(*i*) Termination expense: Explain in manner described in (*a*), (*b*), and (*c*) above.

(*j*) Loss contract: If a loss would have been incurred had the contract been completed, explain what adjustment for the loss was made in arriving at the settlement amount.

(*k*) Subcontractors' claims.

(*l*) List the number of subcontractors' claims settled substantially as follows:

	Number of claims	Total dollar amounts
Approved by termination contracting officer		
Approved by contractor under authority of § 8.208–4 of this title		
Approved by Settlement Review Board [1]		
No-cost settlements		

[1] If the amount of the subcontractor settlement requires review and approval of a settlement review board, it must be submitted to the board with a separate Settlement Memorandum and will not be incorporated in the prime contractor Settlement Memorandum.

(2) Set forth the facts pertaining to any unusual subcontractor matters and settlements.

(3) Explain the procedure used by the termination contracting officer in reviewing and approving subcontractors' claims and in making selective reviews of subcontractor settlements made by the contractor under the authority of § 8.208–4 of this title.

(9) Plant clearance:

(i) Give name of plant clearance officer who handled plant clearance actions. State whether dispositions were approved by termination contracting officer or by plant clearance officer under delegation of authority from the termination contracting officer.

(ii) Set forth whether all plant clearance action has been completed; describe dispositions. List dollar amounts of inventory requisitioned by Government, inventory sold, and the sums received from the sales. Comment on any unusual matters relating to plant clearance actions.

(iii) Indicate disposition of Government-furnished property, if any.

(iv) Set forth pertinent facts relating to disposition of special tooling and equipment.

(10) Deductions:

(i) Payments: List information as to any unliquidated advance or partial payments and explain how recouped in settlement.

(ii) Credits: List plant clearance disposal credits resulting from plant clearance actions, such as retentions by contractor and sales.

(iii) Other deductions: List and explain any claims by the Government against contractor and state how recouped in settlement.

(11) Assignments: List name and address of any assignee of the contract, amount of assignment, extent (that is, complete or partial assignment of funds under the contract) and whether any payment is being made to assignee.

(12) Summarize the settlement in tabular form substantially as follows:

(i) Gross termination on settlement	$----
(ii) Loss: Disposal credits	----
(iii) Net settlement amount	----
(iv) Less:	
(*a*) Advance payments outstanding	----
(*b*) Interest on advance payments	----
(*c*) Partial payments outstanding	----
(*d*) Previous partial settlements	----
(*e*) Other credits or deductions	----
Total	----
(v) Termination amount payable	----
If complete termination, add following to the above:	
(vi) Total contract price	$----
(vii) Less:	
(*a*) Total payments to date (includes payments for completed items or work plus items (iv) (*a*), (*c*), and (*d*) above)	----
(*b*) Termination amount payable (less (iv) (*b*) and (*c*) above)	----
(*c*) Funds reserved for exclusions	----
If partial termination, add the following to the above:	
(vi) Contract price of items canceled	$----
(vii) Less: Net Settlement cost (item (iii) above)	----
(viii) Reduction in contract price (credit)	----
(viii) Final contract price (items (vii) (*a*), (*b*), and (*c*) above)	----
(ix) Reduction in contract price (credit) (item (vi) minus item (viii) above)	----

(13) Exclusions: Describe any items reserved from the settlement for later disposition and indicate the amount of funds, if any, reserved.

(c) *Recommendation.* Set forth the amount of the gross settlement less amount of appropriate credits resulting in the net settlement recommended by the termination contracting officer and include a definite statement that the settlement is considered by the termination contracting officer as being fair and reasonable to the Government and contractor.

(d) *Settlement memorandum.* Must be signed by the termination contracting officer.

§ 1008.863 Settlement memorandum for terminated cost and CPFF contracts.

The following outline is prescribed for use in preparing the Settlement Memorandum pertaining to a terminated cost or cost-plus-a-fixed-fee contract. Appropriate modifications may be made as required (see § 1008.210).

(a) *Heading.* Same as § 1008.862.

(b) *Body.* (1), (2), (3). Same as corresponding numbered items of § 1008.862.

(4) Description of terminated contract.

(i) Furnish same information as listed in subdivisions (i), (iii), and (v) of § 1008.862(b)(4).

(ii) Type of contract: Cost reimbursement, cost-plus-a-fixed-fee, letter contract, etc.

(iii) Total contract price: Estimated cost and fixed fee in the case of cost-plus-a-fixed-fee contracts.

(iv) Summarize briefly the history and performance under the contract prior to termination.

(5) Description of termination: Same as § 1008.862(b)(5) except that:

(i) In lieu of unit prices as required under the Fixed-Price Memorandum, the estimated costs and fixed fee of the canceled items and the estimated total contract price of the cancellation will be listed.

(ii) If subsequent to a partial termination, the contracting officer determines, pursuant to Part 8 of this title and this part, that performance of the contract is virtually complete or that performance of any continued portion is only on subsidiary items or spare parts or is otherwise not substantial so that the partial termination is in effect a complete termination, this will be so stated.

(6) Description of contractor's settlement proposal.

(i) Same as § 1008.862(b)(6), including amount of costs and fixed fee claimed.

(ii) Type and extent of settlement proposal: For example, DD Form 547. Explain whether the settlement proposal includes costs and fixed fee or is limited to the adjustment of the fixed fee. If the proposal includes costs and fixed fee, state whether the contractor discontinued submission of Standard Form 1034 vouchers and when. If the proposal is for the fixed fee only, state that the contractor has been, or is, "vouchering out" its costs under Standard Form 1034 vouchers.

(7) Audit status date: State whether required and date established; set forth information as to date General Accounting Office final audit status letter was received and whether any formal exceptions were issued. Identify and describe essence of any GAO exceptions.

(8) Description of reviews of settlement proposal: Set forth the same type of information as outlined in § 1008.862(b)(7)(i), (ii), and (iv).

(9) Explain the negotiated settlement: Describe the factors considered in arriving at the agreed upon amount. This is particularly important in the case of lump-sum settlements.

(i) In the case of a complete termination, summarize the proposed settlement in tabular form substantially as listed in §§ 1008.863–1 and 1008.863–2.

(ii) Date or dates of negotiation.

(iii) Breakdown.

(*a*) Set forth the same type of information required under § 1008.862(b)(8)(ii) (*a*) through (*e*).

(*b*) If any costs previously disallowed by a contracting officer are included in the proposed settlement, identify and explain the reason for inclusion of such costs.

(*c*) Describe and explain any adjustments included in the settlement resulting from any contract change notifications or Unadjusted Contractual Changes.

(*d*) Show disposition of GAO exceptions by breakdown substantially as follows:

(*1*) Amount of GAO exceptions shown to be outstanding in final audit status letter. $-------.

(2) Amount cleared by GAO withdrawal and included in settlement. $-------.

(3) Amount cleared by refund and waived by contractor in settlement. $-------.

(*4*) Amount cleared by refund and subject to Reclaim Voucher approved for payment by GAO but not paid and to be reserved in settlement agreement. $-------.

(*5*) Amount cleared by refund but subject to Reclaim Voucher not approved for payment by GAO, not waived by contractor, and to be reserved in settlement agreement.

(*6*) Amount to be cleared by deduction in proposed settlement. (State whether contractor waives right to claim amount or whether same is to be reserved in the settlement agreement.) $-------.

(*e*) Describe and explain disposition in the settlement of any item of cost of the same nature as GAO exception. (See § 8.405–6(c) of this title.) Include, among the information, amount of the items, amount waived by contractor, and amount, if any, which contractor has not waived and for which rights, if any, are to be reserved in settlement agreement.

(*f*) Termination or settlement expense. Same as § 1008.862(b)(8)(ii)(*i*).

(*g*) Other adjustments in cost: Describe and explain any substantial or otherwise important adjustments in cost not covered by any of the items above.

(*h*) Subcontractor claims:

(*1*) Same as § 1008.862(b)(8)(ii)(*k*)(*1*), (*2*), and (*3*).

(*2*) If any subcontractor settlements were not presented on DD Form 547 or substantially similar settlement proposal form and the amounts were "vouchered out" by the subcontractor on Standard Form 1034 vouchers, furnish such information, including the number and dollar amount of such settlements.

(*i*) Fixed fee: State what basis was used in adjusting the fixed fee, for example, percentage of completion; if other basis, identify and describe adequately. Describe how the total fixed fee was computed, including in the description the factors considered and the extent to which such factors were weighed. Include any tabular summaries or breakdowns deemed helpful to understanding the computation process. For a discussion as to adjustment of the fixed fee, see § 8.404–1 of this title and § 1008.404–1.

(10) Plant clearance: Same as § 1008.862(b)(9).

(11) Deductions: Same as § 1008.862(b)(10). Include under this category any deductions resulting from liability of the contractor for property if same has not been described and explained under item (10) above.

(12) Assignments: Same as § 1008.862(b)(11).

(13) Exclusions: Same as § 1008.862(b)(13). Include subcontractor, claims reserved for later settlement, Reclaim vouchers, and GAO exceptions which have not been waived by contractor.

(c) *Recommendations.* Set forth the amount of the gross settlement less amount of settlement recommended by the termination contracting officer, and include a definite statement that the settlement is considered by the termination contracting officer as being fair and

reasonable to the Government and contractor.

(d) *Signature.* The Settlement Memorandum must be signed by the termination contracting officer.

(e) *Partial terminations.* The Settlement Memorandum relating to the adjustment of the fixed fee in the case of a partial termination of a CPFF contract will include to the extent applicable information outlined in paragraphs (a) and (b) of this section. In addition, the Memorandum will contain a full and complete explanation of how the fixed fee was computed and adjusted and recommendation and signature as required under paragraphs (c) and (d) of this section. Where the percentage of completion basis is used in adjusting the fixed fee, a tabular summary similar to that set forth in § 1008.404–1 is deemed advisable as an exhibit.

§ 1008.863–1 Summary of CPFF final settlement.

1. Costs reimbursed on Standard Form 1034 cost vouchers (excluding progress payments on account of unsettled overhead included in item 2):					$
a. Total paid				$	
Less: b. Uncleared GAO exceptions					
c. GAO exceptions cleared by refund only					
d. Net reimbursement on Standard Form 1034 cost vouchers					
2. Unreimbursed costs submitted on DD Form 547 and included in settlement. (See breakdown, § 1008.760–2)					
3. Other costs submitted and paid on Standard Form 1034 vouchers and not included in item 1 or 2:					
a. Post-termination expense				$	
4. Reclaim vouchers authorized for payment by GAO but not yet paid					
5. Gross costs included in settlement (total items 1–4)					
6. Total fixed fee					
7. Gross settlement (total items 5–6)					
8. Less: Deductions not reflected in items 1–7:					
a. Disposal credits				$	
b. Liability for property					
c. Other charges against contractor arising from contract					
9. Net settlement cost					
10. Less: a. Payments of fixed fee on Standard Form 1034 vouchers				$	
b. Progress payments on account of unsettled overhead					$
c. Net reimbursement on Standard Form 1034 vouchers (item 1d)					
d. Cost paid on Standard Form 1034 vouchers (item 3)					
e. Uncleared GAO exceptions					
f. Reclaim vouchers authorized for payment (item 4)					
g. Partial payments					
h. Partial settlements					
i. Unliquidated balance of advance payment					
j. Interest on advance payment fund					
11. Net amount payable under settlement agreement					
12. Claims excluded from settlement—contractor's rights to be preserved:					
a. Reclaim vouchers authorized by GAO for payment but not yet reimbursed					
b. Other reimbursable claims not liquidated (estimate)					
c. Reimbursability disputed: 6–20 MM					
(1) Uncleared GAO exceptions deducted in this settlement					
(2) Reclaim vouchers not authorized by GAO for payment					
(3) GAO exceptions cleared by previous deduction or refund and not subject to reclaim vouchers					
(4) Unreimbursed costs identical in nature with those subject to GAO exceptions					
(5) Other reimbursed costs disallowed by the Contracting Officer					

§ 1008.863–2 Unreimbursed costs submitted on DD Form 547.

(See item 2 of § 1008.863–1.)

Costs	Amounts claimed by contractor's proposal	Auditor's recommendation for—			Contracting officer's computation
		Acceptance	Nonacceptance	Further consideration	
1. Direct material	(List information as to amounts as required under § 1008.863(b)(9)(iii). If the settlement was negotiated on a lump sum basis, specific amounts as to each item are not required under the category of "Contracting Officer's Computation." However, total amount of Contracting Officer's computation must be shown under item 10 hereof.)				
2. Direct labor					
3. Indirect factory expense					
4. Dies, jigs, fixtures, and special tools					
5. General and administrative expense					
6. Engineering and development expense					
7. Other production expense					
8. Settlement expense					
9. Settlements with subcontractors					
10. Total costs (items 1–9)					

§ 1008.864 Cover sheets for termination supplemental agreements.

§ 1008.864–1 General.

(a) An appropriate cover sheet will be attached to each settlement agreement, listing pertinent information such as, but not necessarily limited to, the supplement, contract, and termination docket numbers; property classification; type of contract settled; name and address of contractor; a statement whether the agreement relates to the settlement of a partial or complete termination of the contract, settlement of an exclusion or exclusions from a previous settlement, correction of errors, or other reason that the agreement has been written; and the name of the AF office which negotiated the settlement. The cover sheet will also contain such financial data relating to the settlement as may be required by the cognizant AF accounting and finance officer. The accounting and finance officer (with address) designated under the contract to make payment will be included. The cover sheet will also direct the accounting and finance officer to make payment under the settlement agreement out of any available balances under the contract. A provision will be inserted at the bottom of the cover page stating that the cover sheet is for administrative purposes only and that it does not constitute a part of the settlement agreement.

(1) Termination agreement cover sheets will set forth the amount of the reduction in the contract price or other amount to be credited to the contract. The accounting classification to which the funds are credited will be typed on the cover sheet. If the contract cites more than one accounting classification, the TCO preparing the cover sheet will allocate such decreases to the appropriate accounting classifications which will be typed immediately below the line showing the "Reduction in Contract Price (Credit)." The allocation of funds will be based upon the knowledge and best judgment of the termination contracting officer in the light of all the facts relating to the case. Should they deem it necessary, termination contracting officers may consult with accounting and finance personnel before preparing the cover sheets.

(2) The following explains the use of cover sheets which are applicable to the various types of agreements and situations. Instructions for the preparation of specimen cover sheets are also provided. Definition of terms contained in instructions are intended solely for the purposes of the cover sheet to which the term pertains and are not necessarily applicable to any other usage.

(3) Local reproduction of the specimen cover sheets by typewriter or reproducible masters, with any necessary alterations, is authorized.

(4) The items and the language of the items contained in the specimen cover sheets are not mandatory or inflexible, but are suggested for use with such modifications as may be appropriate to each particular case. Where items set forth on specimen cover sheets do not apply to the particular case, they will be omitted from the cover sheet instead of being shown as zero. However, the basic requirements, prescribed in the following sections, as to the contents of the cover sheets will be met.

(5) Credit Purchase Requests (PR's) will not be written for any termination settlement agreements. Instead the office responsible for preparation of the settlement agreement will prepare and attach thereto a cover sheet containing suitable recapitulation of fiscal information sufficient for the purpose of the paying finance officer and the appropriate accounting division of AMC.

(b) If a case occurs for which no applicable specimen cover sheet is provided herein, a cover sheet containing suitable items will be devised to meet the basic purposes of the cover sheet and modeled, to the extent practicable, after the specimens contained in § 1008.864.

§ 1008.864–2 Explanation of items on cover sheet for final cost settlement of complete or partial termination of fixed-price contracts.

(a) The numbered items below correspond with those numbered items on the specimen cover sheet for the above type agreement as found below.

(1) *Gross termination settlement.* This item is the sum of amounts allowed on the final settlement for: (i) Payment at contract price for completed articles for which payment has not been previously made and for which invoices or vouchers have not been submitted to the accounting and finance officer, (ii) payment of cost, profit, and subcontractor's termination claims, together with any amounts paid on previous partial settlements, if any, with the contractor and settlements with subcontractors.

(2) *Gross disposal credits.* This item is the sum of prices agreed upon for retention and the proceeds of sale of terminated inventory retained or sold by the contractor.

(3) *Net settlement costs.* This item is the "Gross Termination Settlement" less "Gross Disposal Credits" and represents the cost to the Government of the settlement of the termination.

(4) *Advance payments outstanding.* This item is the sum of advance payments made under the contract which have not previously been recouped, and are to be recouped by deduction from the final settlement payment. The amount of outstanding advance payments to be recouped on the termination settlement will be ascertained from the paying accounting and finance officer and checked by close coordination with the contracting officer administering advance payments under the contract, and, where necessary, with the appropriate accounting and finance division or divisions of AMC.

(5) *Interest on advance payments.* This item is the amount of interest remaining due on advance payments under the contract and to be recouped on the settlement. The amount of "Interest on Advance Payments" will be ascertained in the same manner as "Advance Payments Outstanding," described in the preceding subparagraph. This item is separately stated for the accounting and finance officer's attention because recouped interest on advance payments must be credited to Miscellaneous Receipts. Interest on advance payments ceases to accrue as of the date of termination.

(6) *Partial payments outstanding.* This item is the sum of progress or partial payments made under the contract before termination and not liquidated by deliveries under the contract and partial payments made as interim financing after notice of termination not previously liquidated on any partial settlement and all of which are to be liquidated on the final settlement. The amount of such "Partial Payments Outstanding" will be ascertained from the paying finance officer.

(7) *Previous partial settlements.* This item is the total amount (before deduction for advance payments, interest on advance payments and partial payments) of previous partial settlements, if any, and amounts paid on direct settlement with subcontractors, if any.

(8) *Termination amount payable.* This item is the amount of money actually to be paid to the contractor upon the execution of the settlement agreement. It is the "Net Settlement Cost" less the sum of "Advance Payments Outstanding," "Interest on Advance Payments," "Partial Payments Outstanding," and "Previous Partial Settlements."

(9) *Total contract price (prior to this agreement).* This item is the same as the total amount of funds which have been obligated on the contract up to the time the settlement agreement is written and may be ascertained from the contract file (if the total amount of funds obligated on the contract is in fact different from the total contract price, the designation of this item should be changed to "Total Funds Obligated Prior to This Agreement"). However, if any interim release of funds has been made by either unilateral administrative action or by an administrative notice (REF's), such interim release will be disregarded in computing the amount of the "Total Contract Price." In case of doubt as to the "Total Contract Price," verification of the amount may be obtained by electrically transmitted message request to Terminations Branch, Contract Management Division, Hq AMC, or by communication with the paying accounting and finance officer. In the case of a partial termination, this item is the cost price of item/units terminated (CPIT), and it is the value, at prices established by the contract, of the undelivered balances of the items terminated. The undelivered balances may be ascertained by communication with the contractor and verification with the paying accounting and finance officer, contracting officer, and local inspection records.

(10) *Payments to date.* This item is the total sum of disbursements made by the paying accounting and finance officer on account of the contract up to date of the settlement agreement. Included are outstanding advance, progress, and partial payments, payments for deliveries under the contract, payments for settlement of previous partial terminations, total cost of previous partial settlements on this termination, and payments on direct settlements with subcontractors. The sum of such payments will be obtained from the paying accounting and finance officer. Special care will be exercised to ascertain from the contractor and accounting and finance officer that all invoices and vouchers for completed articles, properly delivered under the contract, are in fact paid before the execution of the agreement and preferably before its preparation, as the amount thereof will be included in the recital in the settlement agreement of the amount previously paid and will not be included in the amount agreed to be paid under the settlement agreement. Only such completed and delivered items for which invoices or vouchers have not been submitted to the paying accounting and finance officer will be included in the amount provided to be paid in the settlement agreement and hence in the "Gross Termination Settlement." Exercise of care in the foregoing respect will prevent the possibility of underpayment or overpayment to the contractor.

(11) *Termination amount payable.* This item is the same as item (8).

(12) *Final contract price.* This item represents the entire cost of the contract to the Government paid and to be paid out of the funds obligated. It is computed by adding items (10) and (11) above.

(13) *Excess funds released.* This item represents funds released by letter. Each release letter should be listed showing the date thereof and the amount of funds released.

(14) *Reduction in contract price (credit).* This item is the amount of obligated funds to be released because of the reduction effected by the termination. It is the difference between the "Total Contract Price" immediately before the agreement and the "Final Contract Price" as determined by the agreement and less any funds released as reported in item (13). If item (9) is changed to read "Total Funds Obligated (Prior to this Agreement)," then this item (14) should also be changed to read "Reduction in Funds Obligated (Credit)." In the case of a partial termination, it is the difference between the "Contract Price of Items/Units Terminated and the Net Settlement Cost."

(b) *Direction to paying accounting and finance officer.* Each cover sheet will contain a direction to the applicable accounting and finance officer to make payment out of available balance of funds obligated on the original contract (purchase order) as amended. The cover sheet will also direct the accounting and finance officer to follow the established practice of making payment from the various accounts on the basis of items involved.

(c) *Variations*—(1) *Increase in contract price.* Where, as may occasionally happen, the amount of payments made and to be made under the contract and settlement thereof is more than the amounts of funds theretofore obligated

on the contract or in partial termination where the amount of payments to be made will exceed the cost price of items/units terminated, the following changes will be made in the specimen cover sheet; item (14) will read, "Increase in Contract Price (Debit)." Add to the legend directing the accounting and finance officer to make payment the words:

and out of Procurement Authority ------, which is available to the additional extent of $------ for increase in contract price authorized and effected by this Agreement.

On the cover sheet the legend "No Purchase Request Issued" will be deleted and there will be substituted "Purchase Request No. ------."

(2) *Reservations from settlement.* If the termination settlement excludes any unsettled claims of subcontractors assumed by the Government or reserved for later settlement or any other minor element of the claim, the amounts to be reserved will be shown as additional deductions under "Cost Price of Items/Units Terminated" and thereby will be reflected in the "Reduction of Contract Price (Credit)."

(3) *Additional deductions from "Gross termination settlement."* If there are any credits or claims of the Government against the contractor arising from the contract which have not been taken into consideration in the negotiation of the "Gross Termination Settlement Amount" but are to be deducted from the settlement, such credits or claims will be shown and deducted under "Gross Termination Settlement" (See item 3 under CPFF instructions, § 1008.864–3).

(4) *Payment out of lapsed appropriations.* If the funds obligated on the contract have lapsed, add the following on the cover sheet under the direction to the accounting and finance officer:

Lapsed Allotment Nos. ------ to be forwarded to Commander, Air Force Finance Center, 3800 York Street, Denver 5, Colorado, Attn: Settlements Division, for payments out of lapsed appropriations.

(d) *Cover page for supplemental agreement to fixed-price contract for supplies/services/research and development.*

Supplemental Agreement No. ------
to Contract No. ----------
Purchase Order No. ----------
Classification ----------
Docket No. ----------

SUPPLEMENTAL AGREEMENT TO FIXED PRICE CONTRACT FOR SUPPLIES/SERVICES/RESEARCH AND DEVELOPMENT

(United States Air Force)

Contractor:
Agreement for: Partial
Complete termination settlement of contract

Settlement negotiated by:			
1. Gross termination settlement			--------
Less: 2. Gross disposal credits			--------
3. Net settlement cost:			
Less: 4. Advance payments outstanding		--------	
5. Interest on advance payments (to miscellaneous receipts)		--------	
6. Partial payments outstanding		--------	
7. Previous partial settlements (Contractor and subcontractor)		--------	--------
8. Termination amount payable:			
9. Total contract price (prior to the agreement): or contract price of item/units terminated		--------	--------
10. Payments to date		--------	
11. Termination amount payable			--------
Less: 12. Final contract price		--------	
Less: 13. Excess funds released letter dated			--------
14. Reduction (balance) in contract price (Credit)			

The Accounting and Finance Officer concerned is: Accounting and Finance Officer, USAF----------

The Accounting and Finance Officer will make payment out of any available balance of funds heretofore obligated on the original contract (or purchase order) as amended to date. The Accounting and Finance Officer will follow the established practice of making payment from the various accounts on the basis of items involved.

NO PR ISSUED

This cover sheet is for administrative purposes only and not a part of the agreement.

Strike out inapplicable items

§ 1008.864–3 Explanation of items on cover sheet for final cost settlement of complete termination of CPFF contract or partial termination settlement after completion of contract.

(a) The numbered items below correspond with those numbered items on the specimen cover sheet for the above type agreement as found at the end of this section.

(1) *Gross termination settlement.* This item is the sum of:

(i) Net reimbursement on Standard Form 1034 cost vouchers, which includes paid reclaim vouchers but excludes costs represented by progress payments (i.e., on unsettled overhead). Such net reimbursement is computed by deducting from the total of Standard Form 1034 cost vouchers the sum of: (*a*) Uncleared GAO exceptions, and (*b*) GAO exceptions which were cleared by refund.

(ii) Costs represented by reclaim vouchers which have not been paid but payment of which has been authorized by the GAO.

(iii) Amount allowed in payment for unreimbursed costs, including costs such as unsettled overhead on account of which progress payments have been made and costs on account of which partial payments and partial settlement payments have been made.

(iv) Amounts allowed for settlements with subcontractors, including settlements and expenses on account of which partial payments and partial settlement payments were made.

(v) Amounts paid on partial or final settlements with subcontractors.

(vi) Amount allowed as total adjusted fixed fee for entire contract.

(vii) Where authority to include them has been received from the Under Secretary of the Air Force, amounts allowed for previously reimbursed costs which were the subject of GAO exceptions, whether such exceptions were cleared by deduction or refund or remain uncleared.

(2) *Gross disposal credits.* This item is the sum of prices agreed upon for retention and the proceeds of sale of contractor inventory retained or sold by the contractor.

(3) *Miscellaneous charges under contract.* This item is the sum of credits or claims, if any, of the Government against the contractor arising from or under the contract which have not been taken into account in the negotiation of the "Gross Termination Settlement" amount, but are to be deducted from the settlement. This item may include such charges as the contractor's liability for loss, destruction or damage to Government property and for defective articles or parts. This item should be distinguished from, and should not include, offsets not arising under the contract such as claims for delinquent renegotiation payments for loss, damage or destruction of Government property held under other contracts, for unliquidated advance payments under other contracts and other claims under other contracts and transactions. Such offsets, to the extent known to the termination contracting officer, will be noted on, or on an attachment to, the voucher presented to the paying finance officer so that he may make such deductions on the voucher against the amount shown to be payable under the settlement agreement.

(4) *Net settlement cost.* This item is "Gross Termination Settlement" less the sum of "Gross Disposal Credits" and "Miscellaneous Charges Against The Contractor Under Contract," and represents the cost to the Government of the terminated contract, subject, however, to increase on account of claims excluded from the settlement.

(5) *Advance payments outstanding.* This item is the sum of advance payments made under the contract which have not been previously recouped and are to be recouped by deduction from the final settlement payment. The amount of outstanding advance payments to be recouped on the termination settlement will be ascertained from the paying accounting and finance officer and checked with the contracting officer administering advance payments under the contract, and, where necessary with the appropriate accounting and finance division or divisions of AMC.

(6) *Interest on advance payments.* This item is the amount of interest remaining due to advance payments under the contract and to be recouped on the settlement. The amount of "Interest on Advance Payments" will be ascertained in the same manner as "Advance Payments Outstanding," described in the preceding subparagraph. This item is separately stated because recouped interest on advance payments must be credited to Miscellaneous Receipts. Interest on advance payments ceases to accrue as of the date of termination.

(7) *Other payments made.* This item is the sum of all payments, other than unliquidated advance payments, made under the contract previous to the execution of the final settlement agreement. For the purpose of the cover sheet, vouchers approved or authorized for payment but not paid by the finance officer at the time of execution of the final settlement agreement (i.e., reclaim vouchers authorized by the GAO for payment but not yet paid) are treated as payments previously made and included in this item. Care should be taken, however, to preserve the contractor's right to receive payment on such approved reclaim vouchers by appropriate exception thereof from the release provisions of the final settlement agreement. Payments included in this item, the amounts of which may be ascertained from or verified with the paying accounting and finance officer, are:

(i) Payments made in reimbursement of costs, including reimbursements subject to uncleared GAO exceptions but excluding reimbursements subject to GAO exceptions which have been cleared by deduction or refunds and reimbursements which were included in previous final settlements of severable partial terminations, if any. Cost reimbursements herein referred to will be computed before deduction of advance payments, interest on advance payments, progress payments, and partial payments which were liquidated by such cost reimbursements.

(ii) Net settlement cost of previous final settlements of severable partial terminations, if any, i.e., before deducting advance payments, interest on the advance payments, and other payments made.

(iii) Partial and progress payments made prior to termination, to the extent not liquidated by cost reimbursement (i.e., progress payments on unsettled overhead) or by previous final settlement of severable partial terminations, if any.

(iv) Partial payments made after termination, before deduction for advance payments and interest therein if liquidated by such partial payments. This item includes partial payments made directly to or for the benefit of subcontractors.

(v) Partial settlement payments to prime contractor.

(vi) Fixed-fee payments.

(vii) Payments made on authorized reclaim vouchers.

(viii) Reclaim vouchers authorized by GAO for payment and not yet paid by the disbursing officer.

(ix) Payments made on partial and final direct settlements with subcontractors.

(8) *Termination amount payable.* This item is the amount of money actually to be paid by the Government to the contractor upon the execution of the settlement agreement. It is "Net Settlement Cost" less the sum of "Advance Payments Outstanding," "Interest on Advance Payments," and "Other Payments Made."

(9) *Estimated cost - plus - fixed - fee (prior to this agreement).* This item is the same as the total amount of funds which have been obligated on the contract up to the time the settlement agreement is written and may be ascertained from the contract file. (If the total amount of funds obligated or the contract is in fact different from the total estimated cost and fixed fee shown in the contract, the designation of this item should be changed to "Total Funds Obligated (Prior to this Agreement)".) However, if any interim release of funds has been made by unilateral administrative action (REF's), such release will be disregarded in computing the amount of the "Estimated Cost-Plus-Fixed Fee." In case of doubt as to the adequacy of the file on an AMC contract, this amount may be obtained by an electrically transmitted message request to Settlement Branch (MCPRT), Readjustment Division, Hq AMC, or by communication with the paying accounting and finance officer, whichever is more convenient.

(10) *Net settlement cost.* This item is the same as item (4).

(11) *Estimated reserve for excluded claims.* This item is the sum of claims which have been excepted from the termination settlement, to the extent that they can reasonably be estimated at the time of execution of the settlement agreement. It will not include any allowance for claims or possible claims the amount of which cannot be reasonably estimated, such as claims based upon the responsibility of the contractor to third parties and involving costs reimbursable under the contract but not known to the contractor and claims for additional premiums under retrospective rated insurance policies. It will include the stated or estimated amounts of undisputed and disputed claims shown as excluded from the settlement and the stated maximum or estimated amounts of excluded subcontractors' claims.

(12) *Final contract price.* This item represents the entire cost of the contract to the Government paid and to be paid out of the funds obligated on the contract. It is computed by adding the amount of "Net Settlement Cost" to the amount of "Estimated Reserve for Excluded Claims". The matter in parentheses under "Final Contract Price" is intended to show, for the convenience of the accounting officer, the breakdown of "Final Contract Price" between that portion which may be deemed attributable to costs and that attributable to fee.

(13) *Excess funds released.* This item will be used to designate any funds released by letter. Each release letter will be listed showing the date thereof and the amount of funds released.

(14) *Reduction in contract price (credit).* This item is the amount of obligated funds to be released because of the cancellation effected by the termination. It is the difference between the "Estimated Cost-Plus-Fixed-Fee" immediately before the agreement and the "Final Contract Price" as determined by the agreement and less any funds released as reported in item (13). If item (9) is changed to "Total Funds Obligated (Prior to this Agreement)", this item (14) should also be changed to read "Reduction in Funds Obligated (Credit)."

(b) *Directions to paying accounting and finance officer.* Each cover sheet will contain a direction to the applicable accounting and finance officer to make payment out of available balance of funds obligated on the original contract (purchase order) as amended. The cover sheet will also direct the accounting and finance officer to follow the established practice of making payment from the various accounts on the basis of items involved.

(c) *Variations*—(1) *Increase in contract price.* When the amount of payments made and to be made under the contract and settlement thereof is more than the amount of funds theretofore obligated on the contract, and when the "Final Contract Price" exceeds "Estimated Cost-Plus-Fixed-Fee (Prior to this Agreement)", the following changes will be made in the specimen cover sheet: Item (14) will read "Increase in Contract Price (Debit)". Add to the legend directing the accounting and finance officer to make payment the words:

and out of Procurement Authority ------, which is available to the additional extent of $------ for increase in contract price authorized and effected by this Agreement.

On the cover sheet the legend "No Purchase Request Issued" will be deleted and there will be substituted "Purchase Request No. ------."

(2) *Severable partial termination.* In the case of a supplemental agreement for final settlement of a partial termination where the contracting officer has determined that the terminated portion is severable from the balance of the contract (§ 8.406 of this title), the cover sheet form may be used with the following modifications:

(i) All of the items appearing in the cover sheet form will be shown except item (5), which will be changed to read "Advance Payments to be Recouped," and item (6), "Interest on Advance Payments," which will be omitted. The items listed will be made up of the elements explained in paragraphs (a)

and (b) of this section, but will be limited to the respective amounts determined by the contracting officer to be applicable to the severable portion of the contract. Statements with respect to recoupment of advance payments and liquidation of partial payments in the case of settlement of partial termination of a fixed-price contract are applicable here.

(ii) If there is an interest bearing advance payment account outstanding, the paying accounting and finance officer's attention will be called to the necessity for collecting such interest from the settlement amount by making an additional footnote reference to "Termination Amount Payable" as follows: "Subject to deduction for interest on advance payments. Credit to Miscellaneous Receipts—Account No. ------."

(d) *Cover page for supplemental agreement to CPFF contract for supplies/services/research and development.*

Supplemental Agreement No. ------
to Contract No. ----------
Purchase Order No. ----------
Classification ----------
Docket No. ----------

SUPPLEMENTAL AGREEMENT TO COST-PLUS-FIXED-FEE CONTRACT FOR SUPPLIES/SERVICES/RESEARCH AND DEVELOPMENT

(United States Air Force)

Contractor:
Agreement for: Final Settlement of Terminated Contract
Supplement negotiated by:

1. Gross termination settlement			---
Less: 2. Gross disposal credits	---		
3. Miscellaneous charges against contractor under contract	---		
4. Net settlement cost			---
Less: 5. Advance payments outstanding	---		
6. Interest on advance payments	---		
7. Other payments made	---	---	
8. Termination amount payable			---
9. Estimated cost-plus-fixed-fee (prior to this Agreement):			
10. Net settlement cost	---	---	
11. Estimated reserve for excluded claims	---		
Less: 12. Final contract price: (Consisting of $------ for reimbursement of costs and $------ for adjusted fixed fee.)			---
Less: 13. Excess funds released letter dated	---	---	
14. Reduction (balance) in contract price (Credit)			---

The Accounting Finance Officer concerned is: Accounting and Finance Officer, USAF

The Accounting Finance Officer will make payment out of any available balances of funds heretofore obligated on the original contract (purchase order) as amended to date. The Accounting and Finance Officer will follow the established practice of making payment from the various accounts on the basis of items involved.

NO PR ISSUED

This cover sheet is for administrative purposes only and not part of the agreement.

Strike out inapplicable items

§ 1008.864–4 Explanation of items on cover sheet for adjusting estimated cost and fixed fee on partial termination of a CPFF contract.

(a) The numbered items below correspond with those numbered items on the specimen cover sheet for the above type agreement as found at the end of this section.

(1) *Amount of reduction in estimated cost.* This item is the difference between the estimated cost as set forth in the contract of items or units terminated and the amount, if known, or the negotiated estimate of the expenditures and liabilities on account of preparation and work on the terminated portion and of the termination expenses attributable thereto. If there have been any direct settlements with subcontractors, the amount thereof also will be deducted from the estimated cost of items or units terminated to arrive at reduction in estimated cost. If there have been no costs or expenses applicable to the terminated portion, the amount of reduction will be the same as the estimated cost set forth in the contract for the items or units terminated.

(2) *Amount of reduction in fixed fee.* This item is the amount of reduction in fixed fee agreed upon by reason of the elimination of the terminated portion of the contract.

(3) *Release of excess funds.* Under this item show any amounts of excess funds released. Each release letter should be listed showing date of letter and amount of excess funds released.

(4) *Total credit.* This is the sum of the "Amount of Reduction in Estimated Cost" and the "Amount of Reduction in Fixed Fee" and represents the amount of funds to be released as a result of the agreement less any prior releases of excess funds as reported under item (3).

(b) *Direction to accounting and finance officer.* Ordinarily there will be no necessity for any direction to the accounting and finance officer to make payment and hence the accounting and finance officer is merely identified on the cover sheet.

(c) *Cover page for supplemental agreement to CPFF contract for supplies/services/research and development.*

Supplemental Agreement No. ------
to Contract No. ----------
Purchase Order No. ----------
Classification ----------
Docket No. ----------

SUPPLEMENTAL AGREEMENT TO COST-PLUS-FIXED-FEE CONTRACT FOR SUPPLIES/SERVICES/RESEARCH AND DEVELOPMENT

(United States Air Force)

Contractor:
Agreement for: Partial settlement of terminated contract
Settlement negotiated by:

1. Amount of reduction in estimated cost	------
2. Amount of reduction in fixed fee	------
3. Excess funds released Letter dated	------
4. Credit to contract	------

Accounting and finance officer concerned is ----------

NO PR ISSUED

This cover sheet is for administrative purposes only and not part of the agreement.

Strike out inapplicable items

§ 1008.864–5 Explanation of items on cover sheet for no-cost settlement of complete or partial termination of fixed-price contract.

(a) *Contract price of items/units terminated (credit).* This item is the value, at prices established in the contract, of the items or units terminated. The quantities may be ascertained from the termination notice and verified with the contractor, paying accounting and finance officer, resident representative, or local contracting officer, and local inspection records. The applicable prices will be ascertained from the contract file. If the independent field office file of an AMC contract is deemed inadequate, the necessary information as to contract prices will be requested by electrically transmitted message from AMC (MCPKT).

(b) *Cover page for supplemental agreement to fixed-price contract for supplies/services/research and development.*

Supplemental Agreement No. ------
to Contract No. ----------
Purchase Order No. ----------
Classification ----------
Docket No. ----------

SUPPLEMENTAL AGREEMENT TO FIXED PRICE CONTRACT FOR SUPPLIES/SERVICES/RESEARCH AND DEVELOPMENT

(United States Air Force)

Contractor:
Agreement for: Partial
Complete termination of contract at no cost
Settlement negotiated by:
Contract price of items/units terminated (credit) ----------
Accounting and Finance Officer concerned is:
Accounting and Finance Officer, USAF ----------

NO PR ISSUED

This cover sheet is for administrative purposes only and not part of the agreement.

Strike out inapplicable items

§ 1008.864–6 Explanation of items on cover sheet for settling excluded portion of previous settlement.

(a) The numbered items below correspond with those numbered items on the specimen cover sheet for the above type agreement as found at the end of this section.

(1) *Gross amount this settlement.* This item is the amount allowed in settlement of so much of the contractor's claim as was excluded from a previous settlement agreement under which provision was made for reduction of contract price and release of funds. Such excluded portion may be for certain subcontractors' claims not settled in previous agreements or for other minor elements of the contractor's claim. The gross amount would include also allowance for applicable post termination expenses.

(2) *Disposal credits.* This item is the sum of prices agreed upon for retention and the proceeds of sale of termination inventory retained or sold by the contractor and not reflected in the previous settlement.

(3) *Net cost this settlement.* This item is the "Gross Amount This Settlement" less "Disposal Credits" and represents the cost of this settlement to the Government.

(4) *Amount payable.* This item is the amount of money actually payable upon the execution of the settlement agreement. It will be the same as "Net Cost This Settlement" unless there are still outstanding advance payments and interest thereon to be recouped or partial payments to be liquidated on this settlement. In such cases (as more fully explained in paragraph (b) (2) of this section) such items will be deducted from "Net Cost This Settlement" to arrive at "Amount Payable".

(5) *Reserved for this settlement (by supp. No. ------).* This item is the amount of obligated funds shown on the cover sheet of the previous settlement agreement to have been reserved for the settlement of the portion of the claim here settled. The parentheses should indicate the identification of the Supplement on the cover sheet of which the reservation was shown.

(6) *Net cost this settlement.* Item (6) is the same as item (3).

(7) *Release of excess funds.* This item represents funds released by letter. Each release letter will be listed showing the date thereof and the amount of funds released.

(8) *Reduction in contract price (credit).* This item is the excess of obligated funds "Reserved for This Settlement" over the "Net Cost This Settlement" and hence the amount of funds to be released as a result of this settlement, less any funds previously released under item (7).

(b) *Variations*—(1) *Increase in contract price.* If the amount "Reserved for This Settlement" should be less than the "Amount Payable," item (8) will be changed to "Increase in Contract Price (Debit)." The debit Purchase Request number will be shown and reference will be made to additional funds obligated in the directions to the accounting and finance officer.

(2) *Advance payments, interest on advance payment, partial payments.* If there are any outstanding advance payments or partial payments which are to be recouped on this settlement, these will be shown as deduction items under "Net Cost This Settlement," and in the case of outstanding advance payments there will be added to the directions to the finance officer a statement to charge the amount thereof to contract obligations and to credit the applicable accounting classifications under Project ------. If the basic termination was complete, interest on advance payments will also be a deduction item and there will be added in parentheses to the directions to the accounting and finance officer a statement to charge the items for "Advance Payment Interest" and "Amount Payable" to the contract obligation and to credit the interest item to "Miscellaneous Receipts, Account No. ------". If the basic termination was partial, deduction of interest on advance payments up to date of payment will be provided for by footnote reference to the "Amount Payable."

(3) *Additional deductions.* If there remain any claims of the Government arising from the contract which are to be deducted from this settlement, they will be shown as deductions from "Gross Amount This Settlement."

(c) *Cover page for supplemental agreement to fixed-price contract for supplies/services/research and development.*

Supplemental Agreement No. ------
to Contract No. ----------
Purchase Order No. ----------
Classifications ----------
Docket No. ----------

SUPPLEMENTAL AGREEMENT TO FIXED PRICE CONTRACT FOR SUPPLIES/SERVICES/RESEARCH AND DEVELOPMENT

(United States Air Force)

Contractor:
Agreement for: Settlement of excluded portion of previous settlement of—
Partial
Complete termination of contract
Supplement negotiated by:

1. Gross amount of this settlement		---
Less: 2. Disposal credits		---
3. Net cost this settlement		---
4. Amount payable		---
5. Reserved for this settlement (By Supp. No. ------)	---	
Less: 6. Net cost this settlement (3)	---	
Less: 7. Excess funds released letter dated	---	
8. Reduction in contract price (credit)	---	

The Accounting and Finance Officer concerned is: Accounting and Finance Officer, USAF

The Accounting and Finance Officer will make payment out of any available balances of funds heretofore obligated on the original contract (or purchase) as amended to date. The Accounting and Finance Officer will follow the established practice of making payment from the various accounts on the basis of items involved.

NO PR ISSUED

This cover sheet is for administrative purposes only and not part of the agreement.

Strike out inapplicable items

§ 1008.864–7 Explanation of items on cover page used for consolidated settlement of terminations of multiple contracts.

(a) If a single agreement is used for the settlement of terminations of more than one contract of a single contractor, a multiple page cover sheet will be used.

(b) The first page of the cover sheet is intended primarily to identify the contracts affected by the consolidated supplemental agreement, listing the supplement numbers assigned to each of the contracts and indicating the consolidated amounts involved in the settlement. No direction for payment will be given to the accounting and finance officer on the first page. Each of the other cover pages containing a fiscal recapitulation for each of the several contracts involved will contain a direction to the accounting and finance officer to make payment out of any available balances of funds theretofore allotted to the particular contract. Each of the succeeding pages will be prepared as if it were a separate cover sheet for the settlement of the termination of each individual contract involved and the instructions and explanations given with respect to cover sheets for supplemental agreements for final settlements of complete and partial terminations of fixed-price contracts (§ 1008.864–2) are applicable. Multiple-page cover sheets will be numbered serially with each page showing the page number and the total number of pages in the multiple cover sheet.

(c) Since allocations between the contracts of gross settlement amount, disposal credits, net amount payable may not be ascertainable with exactitude, allocations may be made by estimated apportionment to each contract involved (see § 8.209–6 of this title).

(d) *Cover page for supplemental agreement to fixed-price contract for supplies/services/research and development.*

Supplemental Agreement No.	To contract No.	Docket No.
----------	----------	----------
----------	----------	----------
----------	----------	----------
----------	----------	----------

SUPPLEMENTAL AGREEMENT TO FIXED PRICE CONTRACTS FOR SUPPLIES/SERVICES/RESEARCH AND DEVELOPMENT

(United States Air Force)

Contractor:
Agreement for: Consolidated settlement of termination of contracts

1. Consolidated gross termination settlement---------- ------
2. Consolidated net settlement cost---------- ------
3. Consolidated termination amount payable---------- ------

Recapitulation and direction to paying accounting and finance officer as to each contract are set forth in succeeding pages of this cover sheet. This cover sheet is for administrative purposes only and not part of the agreement.

(Page __ of __ Page Cover Sheet)

§ 1008.864–8 Explanation of items on cover sheet for final settlement of partial or complete termination of letter contract.

(a) For explanation of items (1) through (8) and (10) through (12) on cover sheets for letter contracts, see explanations for corresponding items for cover sheet for "Supplemental Agreement for Final Cost Settlement of Complete or Partial Terminations of Fixed-Price Contract" (§ 1008.864–2).

Item (9): *Total authorized for obligation and expenditure (prior to this agreement).* This is the amount which the letter contract establishes as a legal bona fide obligation. This amount is usually set forth in paragraph 4 of the letter contract and is not to be confused with the estimated cost of the articles set forth in paragraph 1 of the letter contract which is not authorized for obligation. For the purposes of settlement, the total amount authorized for expenditures or obligation shall be considered as the total amount obligated on the letter contract.

Item (13): *Excess funds released.* This item represents funds released by letter. Each release letter will be listed showing the date thereof and the amount of funds released.

Item (14): *Reduction in total authorized for obligation and expenditure* (credit). This item is the amount of obligated funds to be released because of the cancellation effected by the termination. It is the difference between the "Total Amount Authorized for Obligation and Expenditure" immediately before the agreement and the "Final Amount Authorized and Obligated and/or Expended."

(b) *Direction to paying accounting and finance officer.* Each cover sheet will contain a direction to the applicable accounting and finance officer to make payment out of available balance of funds obligated on the original contract (purchase order) as amended. The cover sheet will also direct the accounting and finance officer to follow the established practice of making payment from the various accounts on the basis of items involved.

(c) *Variations.* If the termination is partial and it is determined by the contracting officer that the funds obligated on the letter contract are insufficient to cover the work on the continuing portion of the contract when it is formalized, then the following statement will be entered on the cover sheet of the termination agreement in lieu of the credit amount.

The funds obligated on Letter Contract _____ will be insufficient to cover the work on the continuing portion of the contract when formalized. Therefore, no reduction in the funds obligated on the Letter Contract will be made by this termination agreement.

(d) *Cover page for amendment to letter contract.*

Amendment No. ----------
to Letter Contract No. ----------
Classification ----------
Docket No. ----------

AMENDMENT TO LETTER CONTRACT

(United States Air Force)

Contractor:
Agreement for: Settlement of partially/completely terminated letter contract
Settlement negotiated by:

1. Gross termination settlement---------- --------
Less: 2. Disposal credits---------- --------
3. Net settlement cost---------- --------
Less: 4. Advance payments outstanding---------- --------
5. Interest on advance payments (to miscellaneous receipts) ---------- --------
6. Partial payments outstanding---------- --------
7. Previous partial settlements (contractors and subcontractors) ---------- --------
8. Termination amount payable---------- --------
9. Total authorized for obligation and expenditure (prior to this agreement)---------- --------
10. Payments to date---------- --------
11. Termination amount payable (Item 8)---------- --------
12. Final amount authorized and obligated and/or expended---------- --------
Less: 13. Excess funds released letter dated---------- --------
14. Reduction in amount authorized for obligation and expenditure (credit) ---------- --------

The Accounting and Finance Officer Concerned is ----------

The Accounting and Finance Officer will make payment out of any available balances of funds heretofore obligated on the letter contract as amended to date. The Accounting and Finance Officer will follow the established practice of making payment from the various accounts on the basis of items involved.

NO PR ISSUED

This cover sheet is for administrative purposes only and not part of the agreement.

§ 1008.864–9 Explanation of items on cover sheet when a contract is written for direct settlement by the Government with excluded subcontractor.

(a) The numbered items below correspond with those numbered items on the specimen cover sheet for the above type contract as found at the end of this section.

(1) *Gross amount this settlement.* This item is the total of amounts allowed for compensation to the subcontractor for preparation for and work done on the terminated portion of his subcontract which is allowable to the terminated prime contract, reasonable profit thereon, and post-termination expenses.

(2) *Disposal credits.* This item is the sum of prices agreed upon for retention and the proceeds of sale of termination inventory retained or sold by the subcontractor.

(3) *Net cost this settlement.* This item is the "Gross Amount This Settlement" less "Disposal Credits" and represents the cost to the Government of the direct settlement.

(4) *Partial payments.* This item is the sum of outstanding partial payments, if any, made to the subcontractor after termination as interim financing, and to be recouped on the settlement. Since such partial payments can only be authorized by the termination contracting officer, he should have the information thereon ready at hand. The amount may be verified with the paying accounting and finance officer.

(5) *Amount payable.* This item is the amount of money actually to be paid to the subcontractor on the execution of the direct settlement agreement.

(b) Credit to prime contract. If the direct settlement is made after the settlement of the prime contract and a reservation of funds obligated on the prime contract was therein made for this settlement, additional items will be added to the cover sheet as follows:

6. Funds reserved for this settlement ------ (by Supp. No. ------ to contract No. ------).
Less: 7. Net cost this settlement --------
8. Credit to prime contract No. -------

(c) If the "Funds Reserved for This Settlement" should be insufficient to meet the "Net Cost This Settlement," item (8) would read "Debit to Prime Contract No. ------" and reference would be made to the original prime contract and to the number of the debit Purchase Request by which such funds were reserved.

(d) Subadvances to subcontractors: In the case of subadvances of advance payments made by the prime contractor to the subcontractor, care should be taken in making direct settlements of termination claims that the rights of the Government and of the prime contractor are adequately protected and that the subadvance made to the subcontractor is fully recouped prior to final payment.

(e) Cover page for fixed-price contract for supplies:

Contract No. ----------
For Direct Settlement with Subcontractor Under Contract No. -------
Purchase Order No. ----------
Classification ----------
Docket No. ----------

FIXED PRICE CONTRACT FOR SUPPLIES

(United States Air Force)

Contractor:
Agreement for: Direct settlement of termination claim as subcontractor under contract No. -------
Settlement negotiated by:

1. Gross amount this settlement-- ------
Less: 2. Disposal credits-------- ------
3. Net cost this settlement-------- ------
Less: 4. Partial payments------- ------
5. Amount payable---------- ------

The Accounting and Finance Officer concerned is: Accounting and Finance Officer, USAF ----------

The Accounting and Finance Officer will make payment out of any available balances of funds heretofore allotted to the original prime contract, viz:
Contract No. -------.
Purchase order No. ------, as amended to date.
Docket No. ------.

NO PR ISSUED

This cover sheet is for administrative purposes only and not part of the contract.

§ 1008.865 Preparation of inventory schedules.

§ 1008.865–1 Separate schedules.

In addition to the requirements of § 8.503–2 of this title, separate inventory schedules wil be prepared for the following classes of property.

(a) Property in condition codes N–4, E–4, O–4, R–3, and R–4. This provision as to condition code does not apply to reserved materials, precious and semiprecious metals and strategic and critical materials, which are required to be listed on separate inventory schedules regardless of condition.

(b) Government-furnished property for experimental aircraft or missiles.

(c) Classified inventories: In addition, the grade of security classification and the office initiating the classification will be furnished.

(d) Industrial reserve property when released by the holding activity.

(e) Line items having an original cost of $300 or less. (Not applicable to bailed property.)

(f) Scrap and salvage: List as a single item with a general description of the property. However, scrap and salvage will not be listed together when offered for sale.

(g) Reserved materials (atomic energy materials) and precious and semiprecious metals regardless of quantity, size of the line item or condition.

(h) Strategic and critical materials in the minimum quantities specified by the head of the procuring activity regardless of condition.

(i) Radioactive materials.

(j) Ordnance items regardless of quantity, size of the line item or condition.

(k) The following types of property regardless of quantity or cost: Typewriters, office furniture, office machines, office equipment or supplies, motor vehicles and automotive equipment, printing and binding equipment, construction equipment except hand tools, Federal supply service stock catalog items, intangible personal property (patents, drawings).

(l) Total inventories of serviceable and usable property having an original cost of $2,500 or less may be listed on a single inventory schedule provided that screening action is not contemplated. (Inapplicable to bailed property.)

§ 1008.865–2 Inventory descriptions.

(a) *Schedule A, DD Form 542.* (1) Metals in mill product form will be described by commercial nomenclature and when in existence the Government specification.

(2) Metal extrusions will be described by manufacturer's name, die number, Government specification and condition (i.e., T, S, SO, etc.).

(b) *Schedule B, DD Form 543.* (1) All fabricated assemblies or components manufactured by the prime contractor or authorized subcontractors under approved drawing numbers of the design contractor will be listed in the same order as the items appear on the manufacturing parts breakdown list for the end items being produced (e.g., list all parts together for wing assembly).

(2) Items purchased by a prime or subcontractor will include the manufacturer's name and part number, complete item description and if available, the Federal Stock Number.

(3) AF, AN, NAF, NAS, and JAN standard type items will be listed in sequence by complete descriptive nomenclature and standard number. If Federal class code or FSC number was furnished the contractor during the provisioning conference or at any other time, this information will also be listed. For a complete description of the Federal Cataloging Program see "Stock List and Related Publication System" USAF S–1.

(4) Shelf items, i.e., items designed and manufactured for general public use, will be listed by major noun, common commercial description and application.

(5) Government-furnished property will include complete item description, manufacturer's name and part number, and if available, the Federal Stock Number. This information is usually found on the shipping document delivering the GFP to the contractor, on the nameplate, or the marking data on the shipping container.

(6) Whenever MIL–D–26715 (USAF) "Descriptive Identification Data to be Furnished by Government Suppliers" is incorporated into an Air Force Contract, the contractor will list excess property by Federal Stock Numbers assigned as a result of prescreening. Items which were processed under this military specification and not stocklisted should be annotated accordingly.

(7) Industrial Production Equipment released from the industrial reserve for plant clearance action will be fully described by including the following information.

(i) Standard commercial description.

(ii) Name of Manufacturer.

(iii) Model number.

(iv) Year of manufacture.

(v) Electrical characteristics—Input power and horsepower rating (for main driving motor only).

(vi) Condition—Appropriate condition code description, based on actual physical condition, rather than age, obsolescence or other factors.

(vii) Missing, broken or damaged parts—Indicate missing, broken or damaged parts. All machines coded in "R" condition will, as far as possible, reflect estimated cost of repair by commercial rebuilders.

(viii) Acquisition cost—actual acquisition cost of basic machine with standard equipment, not to include cost of special tooling, transportation, or installation. If the actual acquisition cost is not known, a realistic cost should be estimated and so indicated.

(ix) Remarks—special features and other characteristics.

(x) Federal Supply Class.

(8) Ordnance items will be listed by part, model, and/or type number, where the items were obtained, metal composition, method of packing, number of boxes, approximate weight, cubage and applicable weapon will also be given.

(c) *Schedule C, DD Form 544.* The description of work-in-process will include weight, percentage of completion, and cost. Metals in mill end forms should be described by the range of sizes.

(d) *Schedule D, DD Form 545.* Special tooling will be identified by the parts it produces unless the special tooling constitutes a part of a Termination Claim, in which event a description of the tooling will also be furnished. If no AF number is assigned to the part produced by the tooling, the contractor's drawing number or other identification will be used.

(e) *Condition.* In classifying property as to condition the following definitions will be used:

Condition code	*Definition*
N–1	New or unused property in excellent condition. Ready for use and identical to or interchangeable with new items delivered by a manufacturer or normal source of supply.
N–2	New or unused property in good condition. Does not quite qualify for N–1 (because slightly shopworn, soiled, or similar), but condition does not impair utility.
N–3	New or unused property in fair condition. Soiled, shopworn, rusted, deteriorated, or damaged, and its utility is slightly impaired.
N–4	New or unused property badly broken, soiled, rusted, mildewed, deteriorated, or damaged, and its utility is seriously impaired.
E–1	Used property but repaired or renovated and in excellent condition.
E–2	Used property which has been repaired or renovated, and while still in good usable condition, has become worn from further use and cannot qualify for excellent condition.
E–3	Used property which has been repaired or renovated but has deteriorated since reconditioning and is only in fair condition. Further repairs or renovation required or expected to be needed in near future.

Condition code	Definition
E–4	Used property which has been repaired or renovated and is in poor condition from serious deterioration such as from major wear and tear, corrosion, exposure to weather, or mildew.
O–1	Property which has been slightly or moderately used, no repairs required and still in excellent condition.
O–2	Used property, more worn than O–1 but still in good condition with considerable use left before any important repairs would be required.
O–3	Used property which is still in fair condition and usable without repairs; however, somewhat deteriorated, with some parts (or portion) worn and should be replaced.
O–4	Used property which is still usable without repairs but in poor condition and undependable or uneconomical in use.
R–1	Used property still in excellent condition, but minor repairs required (repairs would cost not more than 10 percent of acquisition cost).
R–2	Used property in good condition but considerable repairs required. Estimated cost of repairs would be from 11 to 25 percent of acquisition cost.
R–3	Used property in fair condition but extensive repairs required. Estimated repair cost would be from 26 to 40 percent of acquisition cost.
R–4	Used property in poor condition and requiring major repairs. Badly worn, and would still be in doubtful condition of dependability and uneconomical in use if repaired. Estimated repair costs between 41 and 65 percent of acquisition cost.
X	Salvage. Personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit (either by the holding or any other Federal agency) and its repair or rehabilitation for use as a unit (either by the holding or any other Federal agency) is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "Clearly impracticable" for purpose of this definition.

(f) *General information.* The following will be listed.

(1) Type of contract; i.e., supply, research and development, facilities, modification, etc.

(2) Termination docket number if applicable.

(3) Contract change number if applicable.

(g) *Reproduction of forms.* Substantially similar forms may be used if approved by the contracting officer. If the format of the form is altered, the DD Form number will not be used.

(h) *Disposition of records.* One (1) copy of each inventory schedule will be retained by the plant clearance officer as a record copy and filed as a supporting document with the specific terminated contract. All other copies will be destroyed after three (3) years.

§ 1008.866 Direct sales forms.

All direct sales of property (Reference § 1008.507–2(e)) will be evidenced by written contracts through the use of Standard Forms 114, 114A, 114B, 114C, and AF Form 330 will be prepared and executed in the following manner:

(a) Standard Form 114 will be prepared as follows:

(1) Invitation for bids will be issued by the authorized plant clearance officer charged with the sale of the contractor inventory involved, and awards will be made, except that contracts will be signed only by a contracting officer. The name and address of the activity issuing the invitation will be shown on the invitation in the space provided for such entry. Likewise, the name and title of the authorized plant clearance officer concerned will be indicated in the same space, for informational purposes.

(2) Each invitation will be numbered in the space provided therefore by a number composed of: (i) The station code of the activity, followed by a dash. (ii) a lower case letter "s", followed by a dash, (iii) the last two digits of the fiscal year in which the invitation is issued, followed by a dash, and (iv) the serial number of the invitation being issued. Only one series of numbers will be used by any one activity for each fiscal year. The serial number for each fiscal year will commence with the number "1." Other letters or numbers will not be prefixed or suffixed to this number.

(3) The date of the invitation will be the date the invitation is deposited in the post office for delivery to the prospective bidder or otherwise released to the bidder and will not be construed to be the date the stencil or other reproducible medium is prepared. To the extent practicable, invitations should be dated and mailed as of the last working day of the week to take full advantage of mail transmission during non-scheduled working days and to allow the bidder the full inspection period prior to the scheduled opening date.

(4) The total number of pages will be shown on the invitation in the space provided, and each page will be consecutively numbered beginning with the number "1."

(5) Sealed bids, in original only, will be required from each prospective bidder.

(6) The place, time, and date for receiving bids will be fully identified for prospective bidders. The office concerned, room and building number, and location will be shown, if applicable. The time set for receiving bids will be shown as standard time. Military timing by the 24-hour clock will not be used. Under no circumstances will the date set for receipt of bids be less than 15 days from the date of issuance of the invitation, unless prior approval for a shorter time has been obtained from the CMR commander or his authorized representative.

(7) The number of continuation sheets will be shown on the invitation.

(8) The place, time, and date that the bids will be publicly opened will be shown in the appropriate space. The time for final receipt of bids and the time for bid opening should be the same.

(9) Items of property offered for sale will be consecutively numbered.

(10) Extreme care will be taken in describing property listed for sale on invitations for bids. (Claims have arisen in many instances because of erroneous descriptions of property.) Invitations will describe in detail the property offered for sale, to gain active competition from bidders. Where term of delivery of an item offered for sale is other than "where is" delivery, the method of delivery "f.o.b. conveyance, etc.," will be shown immediately following the description of the item offered.

(11) Definite quantities will be offered where the quantity is known or can be readily ascertained. Invitations for bids for the sale of an indefinite quantity will not be issued for a period exceeding 3 months without approval of MCPKP.

(12) Property which in the opinion of the plant clearance officer has some value in excess of its basic material content or has retained its identity as an item possessing commercial utility in its present form will be offered for sale as an item. Property which has no reasonable prospect for sale except for its basic material content will be sold by the unit of pounds, net tons, gross tons, etc., whichever is common trade practice.

(13) The hours, date, locations, and name of individual, if applicable, where the property may be inspected will be shown in the appropriate space provided.

(14) A bid deposit or Standard Form 24 "Bid Bond" equal to at least 20 percent of the total sum of the bid will be required and the requirement therefor will be shown on the invitation. Credit will not be extended either with regard to deposits or payment by the successful bidder of the balance of the purchase price.

(15) The number of working days, usually 10, within which the successful bidder must remove the property will be shown.

(b) The following additions to General Sale Terms and Conditions, as prescribed on Standard Form 114c, will be made a part, by attachment, of any invitation for bid which offers for sale definite quantities of property on a unit-price basis. Such additions will be appropriately numbered as indicated below.

No. 17. *Deposits or bonds to accompany bids.* Bids must be accompanied by bid deposits of cashier's check, certified check or postal money order made payable to the Treasurer of the United States, bonds or notes of the United States (at par value) deposited in accordance with Treasury Department Regulations or by a bid bond on the standard Government form (U.S. Standard Form 24) in an amount equal to at least 20 percent of the total sum of the bid. Bids received not accompanied by the required bid deposit or bid bond may not be considered. If the bidder does not receive an award, or if a bid deposit exceeds the total sum bid on the items accepted by the Government, such bid deposit or excess thereof will be promptly returned to the bidder or purchaser. In other cases, the bid deposit will be retained as a guaranty for faithful performance of the contract: *Provided, however,* That if a bid bond is submitted, it must be replaced immediately upon the acceptance of the bid by a performance bond on the Standard Government form (U.S. Standard Form 25) in an amount equal to at least 20 percent of the total sum of the items awarded or the bidder may deposit cashier's check, certified check, or postal money order made payable to the Treasurer of the United States or bonds or notes of the United States (at par value) deposited in accordance with Treasury Department Regulations but such performance bonds or deposit shall not in any event exceed 100 percent of the award: *And provided further,* That if the deposit consists of cashier's check, certified check, postal money order, or United States bonds or notes and the contract by its terms cannot be performed in less than 30 days, the purchaser shall have the option of substituting a performance bond on U.S. Standard Form 25 in an amount equal to 20 percent of the total sum of the items awarded.

No. 18. *Cash payment.* Notwithstanding the provisions of the clause entitled "Payment," payment in cash will not be accepted under this contract.

No. 19. *Damage to property of a Government contractor.* The purchaser shall reimburse the Government for any damage to the property of a Government contractor or subcontractor caused by the removal operations of the purchaser.

No. 20. *Liability for damage.* The Government accepts no liability for damages to the purchaser's equipment, to its employees or to anything or person whatsoever.

No. 21. *Nondiscrimination in employment.* Insert the clause set forth in § 12.802 of this title, substituting the word "purchaser" for "contractor" wherever found in this clause.

No. 22. *Warranty against multiplicity of bids.* If an individual or partner, the bidder warrants that he has no property interest in any other bidder, who, to his knowledge, has submitted a bid in response to the same item number(s) in this invitation as bid herein; if a corporation, the bidder warrants that it is not affiliated by stock ownership or community or financial interest with any other corporation which, to the knowledge of the corporate signatory, has submitted a bid in response to the same item number or numbers of the invitation as bid herein. If it should be determined that the bidder has such an interest, then his bid, together with such other bid or bids, may be rejected.

No. 23. *Scrap warranty.* With respect to all scrap covered by this contract the Purchaser upon request, will execute a scrap warrant to the Government, as provided in § 8.504–2 of this title and § 1008.504–2.

No. 24. *Interest warranty.* The Purchaser warrants that he is not an officer or enlisted member of the Armed Forces of the United States, or a member of the immediate household of such officer or enlisted member, and further that he is not an officer or employee of the United States, nor an agent for any of the above mentioned persons.

(c) When property is sold on an indefinite quantity unit-price basis, General Sale Terms and Conditions 18, as indicated in paragraph (b) of this section and 19 will read as follows:

No. 18. *Contract period, termination, and payment.*

(i) *Contract period.* This contract will extend from _____ or from date of Government's acceptance, if subsequent thereto, through _____, both dates inclusive, unless sooner terminated under the provisions of this contract.

(ii) *Termination.* This contract shall remain effective until date of expiration provided that it may be earlier terminated at the convenience of the Government upon 10 days' notice in writing given by the Contracting Officer to the Purchaser.

(iii) *Payment.* Notwithstanding the provisions of the clause entitled "Payment," payment in cash will not be accepted under this contract. The Contracting Officer or Plant Clearance Officer will issue invoices to the Purchaser as deemed advisable to the best interest of the Government and the Purchaser will submit payment as invoiced within five days from date of receipt of such invoice.

No. 19. *Adjustment and variation in quantity.* The quantities of the various items listed are based upon the best information available and in each case represent the estimated and not the actual amounts which will be available for delivery during the period stated herein. Any variation between the quantity or weight for such item tendered and delivered to the Purchaser will be adjusted on the basis of the unit price quoted for such items but no adjustment for such variation will be made where an award is made on a "price for the lot" basis.

(d) *Instructions to bidders.* Instructions to bidders, in addition to those set forth in Standard Form 114c, may be used as required to afford responsive bidding by all prospective bidders.

(e) *Special provisions.* As many special provisions will be incorporated in the invitation as are required to effect sale of the property offered. Special provisions used in the invitation will in no way alter or conflict with the General Sale Terms and Conditions as set forth. Only those special provisions applicable to the type of property being offered will be incorporated in the invitation.

(f) *General.* All invitations will be circulated to a sufficient number of prospective bidders to insure wide competition. The plant clearance officer will maintain a list of prospective bidders for this purpose. Whenever practicable, the manufacturer will be invited to bid on articles bearing his identification. In addition to solicitation as prescribed in § 8.507–2 of this title, in appropriate cases copies of invitations will be posted in post offices of nearby cities and towns and may, if the original acquisition cost of serviceable material is under $25,000, be made available to newspapers for information purposes. Where this cost is exceeded, § 8.507–2(b) of this title requires that the sale be advertised in a newspaper of general circulation.

(g) *Changes.* Prior to opening of bids, changes required in any invitation will be made by means of an addendum or other form prescribed by the CMR commander. Changes will bear the same identification as the invitation that is being modified and will be numbered consecutively beginning with the number "1." If the invitation is modified by an addendum, the date set for the receipt of the bids will be extended to allow a reasonable length of time from the date of the addendum for the bidders to reply.

§ 1008.867 Service education activities.

See § 1008.508(d).

Activity	National headquarters
Civil Air Patrol, Inc.	Commander, Civil Air Patrol, United States Air Force, Washington 25, D.C.
Boys' Clubs of America	National Headquarters, Boys' Clubs of America, 381 Fourth Avenue, New York 16, N.Y.
Boy Scouts of America and their affiliated organizations including Air Explorers Division and Sea Scouts.	National Headquarters, Boy Scouts of America, New Brunswick, N.J.
Girl Scouts of the U.S.A.	National Headquarters, Girl Scouts of the U.S.A., 155 East 44th Street, New York 17, N.Y.
Camp Fire Girls, Inc.	Camp Fire Girls, Inc., 16 East 48th Street, New York 17, N.Y.

Activity	National headquarters
Admiral Farragut Academy, Pine Beach, N.J.	Admiral Farragut Academy, Pine Beach, N.J.
Admiral Farragut Academy, St. Petersburg, Fla.	Admiral Farragut Academy, St. Petersburg, Fla.
Allen Military Academy, Bryan, Tex.	Allen Military Academy, Bryan, Tex.
Army and Navy Academy, Carlsbad, Calif.	Army and Navy Academy, Carlsbad, Calif.
Augusta Military Academy, Fort Defiance, Va.	Augusta Military Academy, Fort Defiance, Va.
Bolles School, Jacksonville, Fla.	Bolles School, Jacksonville, Fla.
Bordentown Military Institute, Bordentown, N.J.	Bordentown Military Institute, Bordentown, N.J.
Brown Military Academy, San Diego, Calif.	Brown Military Academy, San Diego, Calif.
California Maritime Academy, Vallejo, Calif.	California Maritime Academy, Vallejo, Calif.
Castle Heights Military Academy, Lebanon, Tenn.	Castle Heights Military Academy, Lebanon, Tenn.
Columbia Military Academy, Columbia, Tenn.	Columbia Military Academy, Columbia, Tenn.
Culver Military Academy, Culver, Ind.	Culver Military Academy: Culver, Ind.
Fishburne Military School, Waynesboro, Va.	Fishburne Military School, Waynesboro, Va.
Fork Union Military Academy, Fork Union, Va.	Fork Union Military Academy, Fork Union, Va.
Georgia Military Academy, College Park, Ga.	Georgia Military Academy, College Park, Ga.
Georgia Military College, Milledgeville, Ga.	Georgia Military College, Milledgeville, Ga.
Gordon Military College, Barnesville, Ga.	Gordon Military College, Barnesville, Ga.
Greenbrier Military School, Lewisburg, W. Va.	Greenbrier Military School, Lewisburg, W. Va.
Howe Military School, Howe, Ind.	Howe Military School, Howe, Ind.
Kamehameha School for Boys, Honolulu, Hawaii.	Kamehameha School for Boys, Honolulu, Hawaii.
Kemper Military School, Boonville, Mo.	Kemper Military School, Boonville, Mo.
Kentucky Military Institute, Lyndon, Ky.	Kentucky Military Institute, Lyndon, Ky.
LaSalle Military Academy, Oakdale, Long Island, N.Y.	LaSalle Military Academy, Oakdale, Long Island, N.Y.
Maine Maritime Academy, Castine, Maine.	Maine Maritime Academy, Castine, Maine.
Marion Institute, Marion, Ala.	Marion Institute, Marion, Ala.
Marmion Military Academy, Aurora, Ill.	Marmion Military Academy, Aurora, Ill.
Massachusetts Maritime Academy, State Pier, Buzzard's Bay, Mass.	Massachusetts Maritime Academy, State Pier, Buzzard's Bay, Mass.
Massanutten Military Academy, Woodstock, Va.	Massanutten Military Academy, Woodstock, Va
Missouri Military Academy, Mexico, Mo.	Missouri Military Academy, Mexico, Mo.
New Mexico Military Institute, Roswell, N. Mex.	New Mexico Military Institute, Roswell, N. Mex.
New York Military Academy, Cornwall-on-Hudson, N.Y.	New York Military Academy, Cornwall-on-Hudson, N.Y.
New York State Maritime Academy, Fort Schuyler, Bronx, N.Y., N.Y.	New York State Maritime Academy, Fort Schuyler, Bronx, N.Y., N.Y.
Northwestern Military and Naval Academy, Walworth, Wis.	Northwestern Military and Naval Academy, Walworth, Wis.
Oak Ridge Military Institute, Oak Ridge, N.C.	Oak Ridge Military Institute, Oak Ridge, N.C.
Oklahoma Military Academy, Claremore, Okla.	Oklahoma Military Academy, Claremore, Okla.
Porter Military Academy, Charleston, S.C.	Porter Military Academy, Charleston, S.C.
Riverside Military Academy, Gainesville, Ga.	Riverside Military Academy, Gainesville, Ga.
Sewanee Military Academy, Sewanee, Tenn.	Sewanee Military Academy, Sewanee, Tenn.
Shattuck School, Faribault, Minn.	Shattuck School, Faribault, Minn.
St. John's Military Academy, Delafield, Wis.	St. John's Military Academy, Delafield, Wis.
St. Joseph's College and Military Academy, Hays, Kans.	St. Joseph's College and Military Academy, Hays, Kans.
St. Thomas Military Academy, St. Paul, Minn.	St. Thomas Military Academy, St. Paul, Minn.
Tabor Academy, Marion, Mass.	Tabor Academy, Marion, Mass.
Tennessee Military Institute, Sweetwater, Tenn.	Tennessee Military Institute, Sweetwater, Tenn.
Texas Military Institute, San Antonio, Tex.	Texas Military Institute, San Antonio, Tex.
The Manlius School, Manlius, N.Y.	The Manlius School, Manlius, N.Y.
Valley Forge Military Academy, Wayne, Pa.	Valley Forge Military Academy, Wayne, Pa.
Wentworth Military Academy, Lexington, Mo.	Wentworth Military Academy, Lexington, Mo.
Western Military Academy, Alton, Ill.	Western Military Academy, Alton, Ill.

§ 1008.868 Storage agreement.

The following form will be used to document storage of, and cover related services in connection with, Government property.

(a) *General.*

(Cover Sheet)

Contract No. AF ------

PR No.

SERVICE CONTRACT

UNITED STATES AIR FORCE

(Title of office in the field organization originating the Contract)

Contractor: ----------
Contractor's address: ----------
Contract for: ----------
Amount: ----------
Location of property: ----------
Payments to be made by Air Force Accounting and Finance Officer, at ----------

The services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the allotments below enumerated, the available balances of which are sufficient to cover the cost thereof.

The (----------) (Designation of AFD or AFPRO) at ---------- is designated as the office having overall administrative responsibility for this Contract.

This Contract, entered into this ------ day of ---------- 19 --, by the United States of America, hereinafter called "the Government," represented by the Contracting Officer executing this Contract,[1] and -------- a corporation organized and existing under the laws of the State of ---------- a partnership consisting of ---------- doing business as ----------, an individual doing business as ---------- of the City of ----------, in the State ----------, hereinafter called "the Contractor,"

Witnesseth that:

Whereas, the Government owns certain property, as hereinafter described, as a result of change, termination, expiration, or completion of Contract No. (or Contracts numbered); and

Whereas, the Government has determined that such property shall be properly prepared for shipping and/or storage purposes;

Now, Therefore, in consideration of the premises and of the mutual covenants and agreements herein contained, and for other good and valuable considerations, the parties hereto agree as follows:

Clause 1. *Title to property.* The Contractor hereby acknowledges and confirms that the Government has title to said property, free and clear of any and all liens and encumbrances whatsoever. Said property consists of the following: (here list and describe the property. If the list is lengthy, attach it as an Exhibit to the Contract. In such event revise the last sentence above to read: "Said property is listed and described in Exhibit 'A' attached hereto and made a part hereof." If the list is so bulky as to make the use of an attached Exhibit impracticable then the listing of the property may be incorporated by reference, in which event a provision should be inserted stating, in essence, that the property is listed and described in a Schedule or List designated as "------" and consisting of ------ number of pages, which Schedule has been prepared by ----------, and certified by the preparing party as correct as to quantities and description, and true copies of which Schedule are on file with the Government in the Office of the Contracting Officer and at Headquarters, Air Materiel Command, Wright-Patterson Air Force Base, Ohio, and with the Contractor.)

Clause 2. *Services.* The Contractor agrees to perform all the services necessary in the handling, storage, preservation, packing, and delivery of the property, preparation for shipment, including local delivery (or other services), described in more detail as follows: (Appropriate description of services. Where appropriate, give location of property before and after storage. In cases involving packaging, set forth standards of packaging.) The work will be executed in the best and most workmanlike manner by qualified, careful, and efficient workmen, with material of the best quality to be furnished by the Contractor at the Contractor's own expense, conforming to standard commercial practice

Clause 3. *Period for performance.* The Contractor shall begin performance of the services set forth in Clause 2 on or before ----------, and shall complete all of such services not later than ----------.

Clause 4. *Consideration.* Upon completion of the services described in Clause 2, to the satisfaction of the Contracting Officer, the Government will pay the Contractor upon receipt of properly certified invoices or vouchers, the sum of ------ as full payment for the services to be furnished hereunder.

Clause 5. *Inspection.* (Insert the clause set forth in AFPI 7-4037 (32 CFR 1007.4037).)

Clause 6. *Waiver of lien.* The Contractor hereby waives any lien on the property hereinabove described, to which it may be entitled and agrees it will not assert any lien thereon.

Clause 7. *Termination for convenience of the Government.*

(a) Performance of work under this Contract may be terminated, in whole or from time to time in part, by the Government whenever the Contracting Officer shall determine that such action is in the best interests of the Government.

(b) The Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination under this Clause, which amount or amounts may include a reasonable allowance for profit only in those cases where profit was allowed in the original contract price and only on costs for work done in connection with the terminated portion of the Contract. The Contract shall be amended accordingly and the Contractor shall be paid the agreed amount.

(c) Any disputes which may arise hereunder shall be subject to the provisions of the "Disputes" clause of this contract.

Clause 8. *Disposition of property.* In the event of contract completion or termination, partial or complete, the Contractor shall use its best efforts to sell any of the property, in the manner, to the extent, at the times and at the prices directed or authorized by the Contracting Officer: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the net proceeds from such sale or disposition of property shall, upon the direction of the Contracting Officer, be retained as a disposal credit or shall be forwarded to the Contracting Officer in the form of a certified check, postal money order or bank draft made payable to the Treasurer of the United States. The Contractor also agrees to furnish certified weights and scrap warranties if the material is sold as scrap.

Clause 9. *Segregation of property.* All the property shall be kept separate from all other property whether or not the property may, by law or by custom, be considered fungible, and shall be identified as Government-owned property. This does not require, however, that the property be stored in separate rooms, on different floor levels than other similar property, or in a particular space.

Clause 10. *Deliveries.* Deliveries of all, or from time to time, of part of the property from storage to the Government at the storage site or to its designated carrier or transfer agent will be accomplished by the Contractor on receipt of a written order from the Contracting Officer. However, such deliveries shall be accomplished subject to any limitations contained within Clause 2 of this Contract.

Clause 11. *Changes.* The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this Contract, in any one or more of the following: (i) method of shipment or packing; and (ii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, performance of this Contract, an equitable adjustment shall be made in the Contract price or delivery schedule, or both, and the Contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this Clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change; *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this Contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the Contract as changed.

Clause 12. *Convict labor.* (Insert the clause set forth in ASPR 12-203 (32 CFR 12.203).)

Clause 13. *Eight-hour law of 1912.* (Insert the clause set forth in ASPR 12-303.1 (32 CFR 12.303-1).)

Clause 14. *Nondiscrimination in employment.* (Insert the clause set forth in ASPR 12-802 (32 CFR 12.802).)

Clause 15. *Officials not to benefit.* (Insert the clause set forth in ASPR 7-103.19 (32 CFR 7.103-19).)

Clause 16. *Covenant against contingent fees.* (Insert the clause set forth in ASPR 7-103.20 (32 CFR 7.103-20).)

Clause 17. *Disputes.* (Insert the clause set forth in ASPR 7-103.12 (32 CFR 7.103-12).)

Clause 18. *Liability for Government-owned property.*

(a) Except as otherwise specifically provided in this Contract, the Contractor assumes the risk of, and shall be responsible for, any loss or damage, resulting from lack of reasonable care on the part of the Contractor, to property of the Government in the possession or control of the Contractor in connection with this Contract (hereinafter called "Government property").

(b) Except for loss, destruction, or damage resulting from the Contractor's willful misconduct, negligence, or lack of good faith with respect to the protection of Government property, the Contractor shall not be liable for loss or destruction of or damage to such Government property (1) caused by any peril while the property is in transit off the Contractor's premises, or (2) caused by any of the following perils while the property is on the Contractor's or Subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

Fire; lightning, windstorm, cyclone, tornado, hail; explosion; riot; riot attending a strike, civil commotion; vandalism and malicious mischief; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke, sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending, or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces, or by an agent of any such government, power, authority, or forces; or other peril, of a type not listed above, which is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locale.

The perils as set forth in (1) and (2), above, are hereinafter called "excepted perils."

(c) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government property caused by any excepted peril.

(d) Upon the happening of loss or destruction of or damage to any Government property caused by an excepted peril, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of: (1) the lost, destroyed, and damaged Government property; (2) the time and origin of the loss, destruction, or damage; (3) all known interests in commingled property of which the Government property is a part; and (4) the insurance, if any covering any part of or interest in such commingled property. The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under this subparagraph (d) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a supplemental agreement.

(e) With the approval of the Contracting Officer after loss or destruction of or damage to Government property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(f) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability under the foregoing provisions of this Clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government property in accordance with the provisions of this Contract, the Government property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this Contract.

(g) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property, caused by an excepted peril, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the exception of instruments of assignment in favor of the Government) in obtaining recovery.

(h) The Government shall at all reasonable times have access to the premises wherein any Government property is located.

Clause 19. *Taxes.* (Insert the clause set forth in ASPR 11-401 (32 CFR 11.401).)

Clause 20. *Assignment of claims.* (Insert the clause set forth in ASPR 7-103.8 (32 CFR 7.103-8).)

Clause 21. *Notice to the Government of labor disputes.* (Insert the clause set forth in ASPR 7-105.3 (32 CFR 7.104-4.)

Clause 22. *Furnishing of materials and supplies by the Government at its option.* (Insert the clause set forth in AFPI 7-4009.)

Clause 23. *Inspection and audit of books.* (Insert the clause set forth in AFPI 7-4023.)

Clause 24. *Default.* (Insert the clause set forth in ASPR 7-103.11 (32 CFR 7.103-11).)

Clause 25. *Renegotiation.* (Insert the clause set forth in ASPR 7-103.13 (32 CFR 7.103-13).)

Clause 26. *Gratuities.* (Insert the clause set forth in ASPR 7-104.16 (32 CFR 7.104-16).)

Clause 27. *Definitions.* (Insert the clause set forth in ASPR 7-103.1 (32 CFR 7.103-1).)

Clause 28. *Equipment.* If this Contract covers packing and crating services of $1,000 or more, this Clause will be a part of this Contract:

The Contractor warrants that he has sufficient equipment facilities and plant capacity to perform the services for the estimated quantities of items set forth in the schedule during the Contract period.

Clause 29. *Weighing and marking.* If this Contract covers packing and crating services of $1,000 or more, this clause will be a part of this Contract:

Each contained (box, crate, barrel, etc.) shall be weighed and marked by the Contractor at the time packing and crating services are performed, except as otherwise provided for in this Contract. The costs of weighing and marking are included in the Contract price for items calling for packing and crating services. The Contractor guarantees that the scales used for weighing are accurate and that their accuracy will be checked and certified by an inspector acceptable to the Contracting Officer not less often than once each 6 months. The costs of such inspections will be borne by the Contractor. The Contractor also guarantees that all weighing and marking will be accurately performed. Failure to satisfactorily meet these requirements, as determined by the Contracting Officer, will be sufficient reason for termination of the Contract by the Government. Each container will be suitably and legibly marked as designated by the Contracting Officer or his authorized representative. Necessary information and instructions relating to markings required will be provided by the Contracting Officer or his representative, for each order against this Contract. Such markings will be governed by regulations applicable to the ordering agency.

Clause 30. *Examination of records.* (If the amount of this contract exceeds $1,000, insert the clause set forth in ASPR 7-104.15 (32 CFR 7.104-15).)

Clause 31. *Utilization of small business concerns.* (If the amount of this contract exceeds $5,000, insert the clause set forth in ASPR 7-104.14 (32 CFR 7.104-14).)

Clause 32. *Subcontracts for work or services.* (Insert the clause set forth in AFPI 7-4030 (b) (32 CFR 1007.4030 (b)).)

Clause 33. *Extras.* (Insert the clause set forth in ASPR 7-103.3 (32 CFR 7.103-3).)

Clause 34. *Military security requirements.* (According to the requirements of ASPR 7-104.12 (32 CFR 7.104-12), insert the clause set forth in ASPR 7-104.12 (32 CFR 7.104-12).)

Clause 35. *Buy American Act.* (Insert the clause set forth in ASPR 6.104-5 (32 CFR 6.104-5).)

Clause 36. *Reporting of royalties.* (If the amount of this contract exceeds $10,000, insert the clause set forth in ASPR 9-110 (32 CFR 9.110).)

Clause 37. *Government property.* The Contractor shall comply with the provisions of Appendix B, Manual for Control of Government Property in Possession of Contractors, of the Armed Services Procurement Regulation.

Clause 38. *Approval of Contract.* (Insert the clause set forth in ASPR 7-105.2 (32 CFR 7.105-2).)

In Witness Whereof, the parties hereto have executed this Contract as of the date first herein written.

NOTE. Type or print names under all signatures.

THE UNITED STATES OF AMERICA,
By ----------
(Contracting Officer)

(Name of contractor)
By ----------
Its ----------

(Business address)
Two witnesses to execution by contractor:

(Name)

(Address)

NOTE: See corporate secretary's certificate in § 1008.712-50 (the word "Contract" should be inserted in lieu of "Supplemental Settlement Agreement"). See also § 1053.407.

§ 1008.868-1 No-cost storage.

The following changes will be made to the Storage Agreement Form provided in § 1008.868(a) to facilitate its use in the execution of a No-Cost Storage Agreement.

(1) Cover sheet: delete any reference to the making of payments.

(2) Clause 2, Services: delete and replace by the following:

The Contractor agrees to perform all services necessary in the handling, preservation and storage of the property (delete "handling" and/or "preservation" if inapplicable), and without cost to the Government release such items upon the expiration of the storage period set forth in Clause 3 below. The work will be executed in the best and most workmanlike manner by qualified, careful, and efficient workmen with material of acceptable quality to be furnished by the Contractor at the Contractor's own expense, conforming to standard commercial practice. The Contractor will permit the withdrawal for use and subsequent return to storage of such items as are requested by the Contracting Officer at no additional cost: *Provided, however,* That if such items are withdrawn and forwarded to a Government depot or Government contractor other than subject Contractor, removal and return of said items shall be at the expense of the Government: *And provided further,* That in

[1] This contract has been negotiated pursuant to the provisions of Section 2304 (a) (10) of Title, 10 U.S.C. Any required determinations and findings have been made.

the event shipping instructions are issued by the Contracting Officer for items included herein which items are to be forwarded to a Government depot or to a contractor other than subject Contractor, but which instructions are withdrawn before shipment is effected and it can be reasonably shown that Contractor has acted in furtherance of said orders, payment for packaging, preservation, and crating of said items shall be borne by the Government. With these exceptions, the services to be rendered by the Contractor under the contract will not be made the basis of any future claim against the Government for other compensation. The property will be stored on the Contractor's premises at ----------.

(3) Clause 4, Consideration: delete and replace by the following:

Performance of the work, set forth in Clause 2, will be at no cost to the Government. Furthermore, no charge for work performed under this contract will be recovered as an indirect charge to other Government work unless expressly approved by the Contracting Officer.

(4) Insert the following Clause, to be numbered "5." All clauses which follow should be renumbered to follow consecutively from this Clause.

RIGHT OF USE

Upon the written consent of the Contracting Officer, the Contractor shall have the right to remove any and all of the property from storage at such times as the Contractor or its Subcontractors require the same for the performance of contracts with the Government. The Government shall make no charge under this contract for such use. The Contractor shall have the right to modify and adapt the property at no cost to the Government under this contract to the extent necessary for use in the performance of such Government contracts, and may return the property to storage as so changed or altered. In using the property, whether altered or unaltered, the Contractor will perform reasonable maintenance, repair and service consonant with sound manufacturing procedure. At such time or times as the purpose for which such property is removed is completed, the Contractor shall return such property to storage, in its original condition, excepting alterations and reasonable wear and tear. Return to storage will be effected by the Contractor unless otherwise authorized by the Contracting Officer. The Contractor shall make no charge under this contract for the cost of removing, preserving, repackaging, and returning to storage property removed for use in the performance of contracts with the Government. (Delete "preserving" and/or "repackaging" if inapplicable.)

(5) Clause 19, Taxes: delete in its entirety.

(6) Clause 20, Assignment of Claims: delete in its entirety.

(7) Clause 22, Furnishing of Materials and Supplies by the Government at Its Option: delete the last sentence and substitute: "In such event the Government will be equitably reimbursed by the contractor upon delivery of the fair market value of such materials and supplies prevailing at that time.

(8) Clause 28, Equipment: delete in its entirety.

(9) Clause 29, Weighing and Marketing: delete in its entirety.

(10) Clause 30, Examination of Records: delete in its entirety.

(11) Clause 31, Utilization of Small Business Concerns: delete in its entirety.

(12) Clause 32, Subcontracts for Work or Services: insert the clause set forth in § 1007.4030 (b) of this chapter.

(13) Clause 33, Extras: delete in its entirety.

(14) Clause 34, Military Security Requirements: unless this clause is mandatory according to the requirements of § 7.104–12 of this title, delete in its entirety.

(15) Clause 36, Reporting of Royalties: delete in its entirety.

(16) Clause 38. Approval of contract—Delete in its entirety.

(17) Optional clause. To be included as a clause within the storage contract whenever conditions outlined in § 1008.511–50(d) exist.

"OPEN END" STORAGE PROVISION

Items of property, allocable to any or all of the Contractor's existing or subsequent contract or contracts, and available for storage as excess by reason of changes, terminations, expirations, or completions of USAF Contracts, shall be stored under the terms of this contract if, as to these items, the Contractor agrees to storage under this contract. The Contractor will submit for the approval of the Contracting Officer a list of such items of property to be incorporated within this contract; this list is to be exclusive of items used and returned by the Contractor under Clause 5, "Right of Use." Upon approval by the Contracting Officer, the list will be embodied within the contract as a consecutively lettered exhibit. Where submission of a list would be uneconomical, the Contractor may submit a description of such property, which description may take the form of appropriate references to listing contained in accountable property records.

NOTE. The reporting requirements contained herein have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942. BOB No. 21–R117

(18) All other clauses will be as set forth in § 1008.868.

§ 1008.869 Preparation of plant clearance memorandum.

(Reference: § 1008.512.)

§ 1008.869–1 General.

Each request for property disposal review board action (Reference: § 1008.512–2) will be supported by a memorandum, signed by the plant clearance officer. No forms will be used. The original of the memorandum and sufficient copies to permit distribution to all board members will be furnished.

§ 1008.869–2 Exhibits.

(a) Exhibits will either be originals or certified true copies. To extent practicable, copies of exhibits will be attached to all copies of the memorandum. At least one copy of inventory schedules listing the subject property will be attached.

(b) When applicable, the following exhibits should be attached.

(1) Where the question concerns the classification of property as scrap or non-reparable property, a written statement (if obtainable) of the contractor that no need for the property as serviceable property exists at his facility, and originals and certified true copies of correspondence relating to the classification of the property with photographs of the property in appropriate cases.

(2) The originals or certified true copies of the three highest bids.

(3) In the case of subcontractor inventories referred from another AMA (see § 1008.513–50) a copy of the delegation of authority or other evidence of authority from the contracting officer in the initiating AMA to handle the inventory of the subcontractor.

§ 1008.869–3 Content.

The following will be included whenever applicable:

(a) *Contractor.* (1) Name and address of the contractor.

(2) Number of the contract or purchase order involved.

(3) Type of contract (CPFF, fixed price, or letter).

(4) Prime or subcontract.

(5) If subcontract, the prime contractor's name and address, and the number of the prime contract.

(6) If subcontract, number of the purchase order assigned by the prime contractor or the next higher tier subcontractor.

(7) Basis of presenting the case to the Board, including a citation of the applicable regulations and directives.

(b) *Termination.* (1) Termination docket number.

(2) If the case is not the result of a termination, a description of the situation including the engineering change order number or other appropriate identification.

(c) *Property.* (1) Description and location of the property.

(2) Condition of the property.

(3) Owner of the property.

(4) Cost of the property to be sold.

(5) Number of offers or bids solicited, number received, from whom received, and the amount offered by each bidder.

(6) Statement as to whether clearance or screening is necessary, and if so, a statement of identification of the clearance obtained.

(7) Information to show that the market has been tested, and that the sale should be made at the price and quantity stated, or that the recommended disposition is proper and in the best interests of the Government.

(d) *Recommendation for specific Board action.*

§ 1008.869–4 Destruction of classified inventory.

Plant Clearance memorandum recommending the destruction of classified inventory according to applicable security regulations, will be limited to the following information.

(a) Identification of the contractor (or subcontractor) and contract.

(b) General description and total cost of the inventory.

(c) Statement that the property has been determined excess to AF requirements.

(d) Statement that the classified nature of the inventory requires destruction according to applicable security regulations.

(e) Statement that salvageable and nonclassified components will be removed prior to destruction.

§ 1008.871 Delinquency notices.

(See Subpart F, Part 1008 of this chapter.)

(All Notices should be sent Registered Mail—Return Receipt or Western Union Telegram—Written Report of Delivery Requested.)

(a) *Cure notice.* (Use only when the delivery schedule has not expired.)

You are notified that the Government considers your (specify the Contractor's failure or failures) a condition that is endangering performance of the contract in accordance with its terms. Therefore, unless such condition is cured within ten (10) days after receipt hereof (or such longer time as the Contracting Officer may deem reasonably necessary) the Government may terminate subject contract for default under General Provision No. ------ (Default).

NOTE: The "cure" notice is required by the terms of the default clause in the contract and derives its authority therefrom. Before using this notice it must be ascertained that an amount of time equal to or greater than the period of "cure" remains in the contractually established delivery schedule or any extension thereof; if the time remaining in the contract delivery schedule is not sufficient to permit a realistic "cure" period of ten (10) days or more, the "cure" notice should not be issued and the "show cause" notice may be used, if desired, immediately upon the expiration of the delivery period.

(b) *Combination show cause and cure notice.* (Use when contract contains a delivery schedule broken down into monthly or intermediate increments and the contractor is delinquent in whole or in part on one or more of such increments.)

You are hereby notified that since you have failed to perform Contract No. ------ by not making required deliveries in accordance with the contract schedule for the period ---------- to ----------, the Government is considering terminating that portion of the contract pursuant to General Provision No. ------ (Default).

It is requested that you submit to the undersigned Contracting Officer within ten (10) days from the date of receipt hereof any facts or circumstances which you believe excuse your failure to perform. You are further notified that the Government considers your failure to make progress toward completion a condition that is endangering performance of the remainder of the contract in accordance with its terms. Therefore, unless such condition is cured within ten (10) days after receipt hereof (or such longer time as the Contracting Officer may deem reasonably necessary) the Government may terminate subject contract in its entirety for default under General Provision No. ------ (Default). Your attention is invited to the respective rights of the Contractor and the Government under General Provision No. ------ (Default) and the liabilities that may be invoked in the event a decision is made to terminate for default of the contractor.

(c) *Notice of withholding of default action.* (Not to be used after expiration of the final increment of the delivery schedule.)

You are hereby notified that the Government will withhold default action under General Provision No. ------ of subject contract until ---------- to allow you to (complete performance) (delivery item number) (or upon whatever basis the Contractor is delinquent or endangering performance) so long as you continue to make progress toward its completion by that date. In the event you fail to deliver within this time, termination action may be initiated without further notice. Moreover, the Government reserves all rights under General Provision No. ------ (Default) and at law.

NOTE: The above notice is to be used only as a follow-up action as a result of a contractor response to a "cure" notice. Example: The Government in its "cure" letter to the Contractor allows thirty (30) days to cure the condition endangering performance. The contractor responds that the "cure" will take ninety (90) days -- which is still within the contractual delivery schedule -- and his explanation is considered to be justified and the time required to be realistic; accordingly, this notice is intended to defer action for the ninety (90) day period.

Caution: Do not allow the "withhold" period to go beyond the contractually established final completion or delivery date.

(d) *Show cause notice.* (Delivery schedule in part or in whole has expired.)

You are hereby notified that since you have failed to (perform Contract No. ------ within the time required by the terms thereof), (cure the conditions endangering performance under Contract No. ------ as described to you in the Government's letter of ----------,) the Government is considering terminating said contract pursuant to General Provision No. ------ (Default). Pending a final decision in this matter, it will be necessary to determine whether your failure to perform arose out of causes beyond your control and without fault or negligence on your part. Accordingly, you are hereby afforded the opportunity to present, in writing, any facts bearing on the question to Commander (insert complete address, including symbol, of activity where Procuring Contracting Officer is located) with copy thereof to the undersigned for information within ten (10) days after receipt of this notice. Failure of the Contractor to present any excuses within this time may be considered as an admission that none exist. Your attention is invited to the respective rights of the Contractor and the Government under General Provision No. ------ (Default) and the liabilities that may be invoked in the event a decision is made to terminate for default of the Contractor.

Any assistance rendered to the Contractor on this contract or acceptance by the Government of delinquent goods or services hereunder, will be solely for the purpose of mitigating damages, and is not to be construed as an intention on the part of the Government to condone any delinquency, or as a waiver of any rights the Government may have under subject contract.

(Pending decision you are instructed to stop all work immediately and to make no further commitments under subject contract. Advise all subcontractors and suppliers to do likewise.)[1]

CARROLL W. KELLEY,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61–12235; Filed, Dec. 26, 1961; 8:46 a.m.]

[1] Use stop work instructions only in the event there are no further requirements for the items or services or if the contract contains a specific provision permitting work stoppage.

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area, 1961

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 813 (26 F.R. 9382, 10547) which established allotments of the 1961 sugar quota for the Domestic Beet Sugar Area totaling 2,609,170 short tons, raw value.

This amendment is necessary to prorate deficits in the allotments of two allottees under this order. The Northern Ohio Sugar Company and Menominee Sugar Company have notified the Director of the Sugar Division in writing that they will be unable to utilize 2,942 and 803 short tons, raw value, respectively, of the allotments established for those allottees and released those portions for reallocation to other allottees.

Findings heretofore made by the Secretary (26 F.R. 9382) include the provision that this order shall be revised, without further notice or hearing, for the purpose of allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotments in proportion to the established allotments of such allottees when the written notification to the Director of the Sugar Division of such release becomes a part of the official records of the Department.

The deficits in the allotments previously established for the Northern Ohio Sugar Company and Menominee Sugar Company are herein reallocated to six allottees that have notified the Director of the Sugar Division that they will be able to utilize additional allotments. The deficits were reallocated pro rata on the basis of the previously effective allotments for the six allottees. Six other allottees notified the Director of the Sugar Division in writing that they will be able to market only a quantity equivalent to their previously established allotments.

Accordingly, allotments are herein established on the basis of and consistent with the findings prevously made by the Secretary.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public

interest and, consequently, this amendment shall be effective when filed with the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act; it is hereby ordered, that paragraph (a) of § 813.1, as amended, be further amended to read as follows.

§ 813.1 Allotment of the 1961 sugar quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1961 Domestic Beet Sugar Area quota for consumption within the continental United States of 2,609,170 short tons, raw value, is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	329,102	6,151,437
American Crystal Sugar Co	338,735	6,331,495
Buckeye Sugars, Inc	14,191	265,257
Great Western Sugar Co., The	705,593	13,188,654
Holly Sugar Corp	392,258	7,332,112
Layton Sugar Co	13,137	245,551
Menominee Sugar Co	12,016	224,608
Michigan Sugar Co	87,107	1,628,168
Monitor Sugar Div., Robt Gage Coal Co	42,239	789,509
National Sugar Mfg. Co., The	14,352	268,262
Northern Ohio Sugar Co	39,335	735,224
Spreckels Sugar Co	283,858	5,305,757
Union Sugar Div., Cons. Foods Corp	102,473	1,915,377
Utah-Idaho Sugar Co	234,764	4,388,122
All other persons	0	0
Total	2,609,170	48,769,533

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 20th day of December 1961.

ROBERT G. LEWIS,
Deputy Administrator,
Price and Production.

[F.R. Doc. 61-12255; Filed, Dec. 26, 1961; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 3]

PART 903—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Amending Order

§ 903.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Acting Secretary containing all amendment provisions of this order was issued December 15, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that;

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 903.10(b) by deleting "50 percent" wherever it appears therein and substituting "20 percent" in lieu thereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1962.

Signed at Washington, D.C., on December 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12254; Filed, Dec. 26, 1961; 8:49 a.m.]

[Navel Orange Reg. 220]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.520 Navel Orange Regulation 220.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 21, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 24, 1961, and ending at 12:01 a.m., P.s.t., December 31, 1961, are hereby fixed as follows:

(i) District 1: 350,000 cartons;
(ii) District 2: 75,000 cartons;
(iii) District 3: 40,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 22, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12289; Filed, Dec. 22, 1961; 12:30 p.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. Effective December 15, 1961, Part 261 is revised to read as follows:

PART 261—RULES REGARDING INFORMATION, SUBMITTALS, AND REQUESTS

Sec.
261.1 Published information.
261.2 Unpublished information.
261.3 Obtaining information.
261.4 Applications, requests, and submittals.
261.5 Subpoenas.

AUTHORITY: §§ 261.1 through 261.5 issued under sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1).

§ 261.1 Published information.

(a) *Federal Register.* As required by sections 3 and 4 of the Administrative Procedure Act (5 U.S.C. 1002, 1003), and subject to the exceptions therein stated, the Board publishes in the FEDERAL REGISTER (1) descriptions of its central and field organization; (2) general rules of procedure; (3) substantive rules, statements of general policy, and interpretations formulated and adopted for the guidance of the public; (4) final opinions and orders in the adjudication of certain types of cases; and (5) general notice of proposed rules or regulations. The Board also publishes in the FEDERAL REGISTER notice of receipt of applications pursuant to the Bank Holding Company Act of 1956 and notice of any formal hearing ordered by the Board.

(b) *Annual Report.* The Board's Annual Report to Congress, made pursuant to section 10 of the Federal Reserve Act (12 U.S.C. 247), contains a full account of the Board's operations during the year, an economic review of the year, and, on occasion, recommendations to Congress. As required by law, the Annual Report includes (1) a complete record of the policy actions taken by the Board and the Federal Open Market Committee, showing the votes taken thereon and the reasons underlying such actions (12 U.S.C. 247a); (2) material pertaining to the administration of the Board's functions under the Bank Holding Company Act of 1956 (12 U.S.C. 1844); and (3) material pertaining to bank mergers approved by the Board under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828).

(c) *Federal Reserve Bulletin.* In the Federal Reserve Bulletin, which has been published monthly since 1915, the Board publishes a large volume of economic and statistical information; special articles on subjects of economic interest; regulations, statements of general policy, and interpretations of general interest to the public; notice of actions by the Board on certain types of applications, such as applications for membership in the Federal Reserve System; and orders and accompanying statements of the Board with respect to certain types of adjudications. Some material that appears in the Bulletin is released in advance during the month so that it will be more nearly current, examples being certain regulations, interpretations, orders and opinions, the monthly summary of business conditions, the Board's index of industrial production, and certain other statistical series.

(d) *Other published information.* As required by section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), the Board publishes a weekly statement of the condition of the Federal Reserve Banks. From time to time, the Board issues statements to the press regarding particular monetary and credit actions, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, the more important of which are listed in the monthly Federal Reserve Bulletin.

§ 261.2 Unpublished information.

(a) *Definition.* For purposes of this part, "unpublished information of the Board" means all information which comes to the Board or any Federal Reserve Bank or to any officer, employee, or agent of the Board or any Federal Reserve Bank, in the performance of duties for or on behalf of the Board, which is not published in the FEDERAL REGISTER, the Board's Annual Report, the Federal Reserve Bulletin, or elsewhere. Such information includes any examination report or related information in connection with examinations made by examiners selected or approved by the Board. It also includes all information of the kind above described which may be contained in files, correspondence, memoranda, documents, reports, books, accounts, records, and other papers, whether located at the offices of the Board or of a Federal Reserve Bank, or elsewhere, or which may be acquired by any officer, employee, or agent of the Board or a Federal Reserve Bank in the performance of his duties.

(b) *General rule as to nondisclosure.* Except as authorized by the Board, no officer, employee, or agent of the Board or any Federal Reserve Bank shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer, employee, or agent of the Board or of a Federal Reserve Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect, examine, or copy such information or copy thereof, or otherwise: *Provided,* That unpublished economic, statistical, or similar information and unpublished information regarding interpretations by the Board of statutory or regulatory provisions may be disclosed by any such officer, employee, or agent who has knowledge of the subject matter to any person who, in the judgment of such officer, employee, or agent, has a proper interest therein, unless such information (1) is scheduled for public release at a subsequent specified time, (2) relates to or discloses the affairs of any identified person, or (3) is of any of the kinds described in paragraph (d) of this section.

(c) *Supervised banks and Government agencies.* The Board, directly or through such persons as it may designate, (1) makes available to each State member bank a copy of the report of each examination of the bank; and (2) may make available to the Comptroller of the Currency, the Federal Deposit Insurance Corporation, certain other agencies of the United States, and any governmental authority having general supervision of a State bank, copies of reports of examination and other information, for use where necessary in the performance of their official duties: *Provided,* That all reports or other information made available pursuant to this paragraph shall remain the property of the Board and,

except as otherwise provided in this Part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information except in published statistical material that does not disclose the affairs of any individual or corporation.

(d) *Certain unpublished information not disclosed.* Except as provided in paragraph (c) of this section or in other circumstances in which the Board deems such disclosure to be in the public interest, the Board, for the reasons and good cause found as set forth in paragraph (e) of this section, will not make available or otherwise disclose any unpublished information of the Board, whether or not a matter of official record within the meaning of the Administrative Procedure Act, if such information relates to any of the following:

(1) Examinations, investigations, inspections, or reports of any particular bank or affiliate thereof, holding company affiliate, bank holding company or subsidiary thereof, broker, finance company, or other person engaged, or proposing to engage, in the business of banking, extending credit, or managing or controlling banks; or information concerning the business, personal, or financial affairs of any such person or of anyone employed by or doing business with any such person.

(2) Proceedings in connection with consideration of (i) the removal of a director or officer pursuant to section 30 of the Banking Act of 1933 (12 U.S.C. 77), (ii) the termination of membership of a State bank in the Federal Reserve System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 327), (iii) the revocation of a voting permit granted to a holding company affiliate (12 U.S.C. 61), (iv) suspension from use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act (12 U.S.C. 301), or (v) the granting, denial, or revocation of approval, permission, or authority in cases in which no public hearing is held, except that the fact that the Board has granted approval, permission, or authority in such cases will be disclosed to any person having a proper interest therein upon request made in accordance with § 261.3(b) to the extent that such disclosure does not conflict with the principles stated in paragraph (e) of this section.

(3) The determination of policies concerning discount rates, reserve requirements, open market operations, interest rates, margin requirements, or other matters relating to monetary, fiscal, or credit policy.

(4) Relations between the Board and any Federal Reserve Bank; activities of any Reserve Bank on behalf of any agency of the United States or any international organization; and internal operations of the Board or any Reserve Bank, including, among other things, any matters of administration.

(5) Relations with, or activities that affect relations with, any foreign bank, banker, or country.

(6) Any other matter as to which the Board, in a particular case, determines that, in the public interest and for the reasons stated in paragraph (e) of this section, the information should not be disclosed.

(e) *Reasons for nondisclosure.* The public interest ordinarily requires that certain unpublished information, as enumerated above, be not disclosed. For the following good causes found, such nondisclosure is a manifest need in order that the Board may properly execute its statutory functions:

(1) The Board's investigating, examining, and information-gathering functions, and the appropriate safeguarding of information regarding such functions, are essential to the proper enforcement of the legislation it administers.

(2) In connection with its activities described in subparagraph (1) of this paragraph (e), its activities described in paragraph (d)(2) of this section, and its activities in the field of monetary, fiscal, and credit policy, the Board necessarily has much information that is confidential or that relates solely to the internal management of the Board or of other Government agencies. This includes advice and other information received by the Board from its staff, other Government agencies, the Federal Reserve Banks, and others. It also includes information concerning the business, personal, and financial affairs of individual banks and their holding company and other affiliates, bank holding companies and their subsidiaries, brokers, finance companies, and other extenders of credit, and persons employed or doing business with them. Improper disclosure of such information would:

(i) Permit speculators and others to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country;

(ii) Permit speculators and others to reap unfair profits and other unfair advantages by speculative trading in securities and otherwise;

(iii) Unreasonably and unnecessarily disturb and interfere with individual privacy and confidential business relations;

(iv) Interfere with the orderly execution and accomplishment of the objectives of policies adopted by other Government agencies concerned with economic and fiscal matters;

(v) Impede the Board's necessary collection of information and advice, much of which cannot be obtained except on a confidential and voluntary basis; and

(vi) Cause misinterpretations and misunderstandings as to the Board's policies and purposes, and as to the status of particular financial institutions, with resulting disturbance of securities markets and impairment of public confidence in individual institutions or in the nation's financial structure.

(3) Relations of the Board, of the Federal Reserve Banks, or of other banks, with foreign banks, bankers, or countries involve matters of foreign affairs. Other activities of the Board and of the Reserve Banks influence the flow of gold and of dollar balances to or from foreign countries, with vital effects upon such countries and the United States. Improper disclosures regarding such matters would interfere with the orderly conduct of the foreign affairs of the United States.

(4) Disclosure of unpublished information regarding personnel or other matters of the Board's internal administration could be of no proper benefit to other persons and would needlessly interfere with the privacy of the Board's personnel, with the performance of their duties for the Board, and with the Board's necessary functions.

(5) The Federal Reserve Banks, in addition to their other functions, act in many matters as the Board's field representatives and give the Board advice and assistance on both local and national problems. The Reserve Banks also perform certain functions for various agencies of the United States and certain international organizations. Disclosure of information regarding the Board's supervision and regulation of the Reserve Banks, its relations with them, or their activities for agencies of the United States or for international organizations, would damage the public interest in the manner described in subparagraphs (1) through (3) of this paragraph (e).

§ 261.3 Obtaining information.

(a) *Published information.* Anyone may subscribe to the Federal Reserve Bulletin at the standard rate, which is published in the Bulletin. A copy of each issue of the Bulletin is sent to each member bank. Current or back issues of the Bulletin, Annual Reports, rules, regulations, or other published information may be examined at the offices of the Board or any Federal Reserve Bank, and copies, if in stock, will be supplied by the Board at prescribed charges or at no cost.

(b) *Unpublished information.* Requests for access to unpublished information of the Board should be sent in the first instance to the appropriate Federal Reserve Bank, which will forward them to the Board when necessary. Any such request shall be signed by the person making it or his duly authorized agent and shall, in so far as practicable, clearly, completely, and concisely state the full name and address of the person making the request, the facts involved, the purposes for which any unpublished information requested will be used if made available, the nature of such person's interest in the matter, and the reasons for which such request should be granted.

§ 261.4 Applications, requests, and submittals.

All applications, requests, and submittals should be submitted in the manner prescribed in the Board's rules of procedure as contained in § 262.3(b) of this chapter.

§ 261.5 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Board or of a Federal Reserve Bank, has unpublished information of the Board and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information in any proceeding, he shall promptly advise the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Except as the Board has authorized disclosure of the relevant information, or except as provided in 18 U.S.C. 1906, any person who has unpublished information of the Board and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any documents or disclose any information or give any testimony with respect thereto, basing his refusal upon these rules. If, notwithstanding, the court or other body orders the production of any documents, disclosure of any information, or giving of any testimony, the person having such unpublished information of the Board shall promptly report the facts to the Board for such action as the Board may deem appropriate.

---

2. Effective December 15, 1961, Part 262 is revised to read as follows:

PART 262—RULES OF PROCEDURE

Sec.
262.1 Procedure for regulations.
262.2 Applications and requests.
262.3 Adjudications with formal hearings.
262.4 Appearance and practice.
262.5 Forms.

AUTHORITY: §§ 262.1 through 262.5 issued under sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i).

§ 262.1 Procedure for regulations.

(a) *Notice.* Notice of proposed regulations of the Board or amendments thereto will be published in the FEDERAL REGISTER, except as specified in paragraph (e) of this section or otherwise excepted by law. Such notice will include a statement of the terms of the proposed regulation or amendment and a description of the subjects and issues involved; but the giving of such notice does not indicate Board approval of any feature of any such proposal. The notice will also include a reference to the authority for the proposed regulation or amendment and a statement of the time, place, and nature of public participation.

(b) *Public participation.* The usual method of public submission of data, views, or arguments shall be in writing. Although submittals or requests may be sent directly to the Board, it is preferable that they be sent to the appropriate Federal Reserve Bank, which will forward them to the Board. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in Appendix A to the Board's Rules of Organization.

(c) *Preparation of draft and action by Board.* In the light of consideration of all relevant matter presented or ascertained, the Legal Division, in collaboration with other Divisions of the Board's staff, will prepare drafts of proposed regulations or amendments, and the staff will submit them to the Board. The Board will take such action as it deems appropriate in the public interest. Any other documents that may be necessary to carry out any decision by the Board in the matter will be prepared by the Legal Division, in collaboration with the other Divisions of the staff.

(d) *Effective dates.* Any regulation or amendment thereto issued by the Board will be published not less than thirty days prior to the effective date thereof, except as specified in paragraph (e) of this section or as otherwise excepted by law.

(e) *Exceptions as to notice or effective date.* In certain situations, notice and public participation with respect to proposed regulations may be impracticable, unnecessary, contrary to the public interest, or otherwise not required in the public interest, or there may be reason and good cause in the public interest why the effective date should not be deferred for 30 days. The reason or reasons in such cases usually are that such notice, public participation, or deferment of effective date would prevent the action from becoming effective as promptly as necessary in the public interest would permit speculators or others to reap unfair profits or to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, would provoke other consequences contrary to the public interest, would unreasonably interfere with the Board's necessary functions with respect to management or personnel, would not aid the persons affected, or would otherwise serve no useful purpose. The following may be mentioned as some examples of situations in which advance notice or deferred effective date, or both, will ordinarily be omitted in the public interest: The review and determination of discount rates established by Federal Reserve Banks, and changes in general requirements regarding reserves of member banks, maximum interest rates on time and savings deposits or credit for purchasing or carrying securities.

§ 262.2 Applications and requests.

(a) *Form.* Any application for the approval, authority, or permission of the Board of or for any action for which such approval, authority, or permission is required by law or regulation of the Board shall be submitted in accordance with the pertinent form listed in § 262.5. Copies of any such form and details regarding information to be included therein may be obtained from any Federal Reserve Bank. Any application or request for which no form is listed in § 262.5 should be signed by the person making the application or request or by his duly authorized agent, should state the facts involved, the action requested, and the applicant's interest in the matter, and should indicate the reasons why the application or request should be granted. Requests for unpublished information of the Board should be submitted as provided in § 261.3(b) of this chapter.

(b) *Procedure.* Any applications or request should be sent to the Federal Reserve Bank of the district in which the person making the application or request is located and that Bank will forward it to the Board when necessary. When appropriate, the Reserve Bank will make an investigation and report the relevant facts, with its recommendation, to the Board. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in Appendix A to the Board's Rules of Organization.

(c) *Comments by staff.* In the light of consideration of all relevant matter presented or ascertained, the appropriate divisions of the Board's staff will prepare and submit to the Board comments on the subject. The Board in due course will take such action as it deems appropriate in the public interest. Such documents as may be necessary to carry out any decision by the Board as prepared by the Board's staff.

(d) *Notice of granting or denial.* Prompt notice will be given to the applicant of the granting or denial in whole or in part of any written application or request. In the case of denial, except in affirming a prior denial or where the denial is self-explanatory, such notice will be accompanied by a simple statement of procedural or other grounds.

(e) *Action at Board's initiative.* When the Board, without receiving an application or request, takes action with respect to any matter as to which opportunity for hearing is not required by statute or Board regulation, similar procedure will be followed, including investigations, reports, and recommendations by the Board's staff and by the Reserve Banks, where appropriate.

(f) *Bank holding company and merger applications.* In addition to procedures applicable under other provisions of this part, the following procedures are applicable in connection with the Board's consideration of applications under section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), hereafter called holding company applications, and of applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828), hereafter called merger applications. Unless otherwise indicated, these procedures apply to both types of applications.

(1) The Board issues each week a list that identifies holding company and merger applications received during the preceding week. Notice of receipt of each holding company application is published in the FEDERAL REGISTER as provided in § 222.4(e)(2) of this chapter (Regulation Y).

(2) If a hearing is required by law or if the Board determines that a hearing for the purpose of taking evidence is desirable, the Board issues an order for such a hearing, and notice thereof is published in the FEDERAL REGISTER. Any such hearing is conducted by a hearing examiner or hearing officer in accordance with the Board's Rules of Practice for Formal Hearings (Part 263 of this chapter) and, unless otherwise ordered by the Board, is public.

(3) In any case in which a formal hearing is not ordered by the Board, the Board may afford the applicant and other properly interested persons (including Governmental agencies) an opportunity to present views orally before the Board or its designated representative. Unless otherwise ordered by the Board, any such oral presentation of views is public and notice of such public proceeding is published in the FEDERAL REGISTER. Participants in any oral presentation of views are allowed reasonable periods of time for presentation of their views.

(4) The Board's action on each application is embodied in an Order that indicates the voting of members of the Board and is accompanied by a Statement of the reasons for the Board's action. Both the Order and accompanying Statement are released to the press. Normally, the Statement is issued at the time of issuance of the Order; where this is not practicable, the Statement is issued as promptly as possible after issuance of the Order. Each such Order is published in the FEDERAL REGISTER; and the Order and Statement are published in the next succeeding issue of the Federal Reserve Bulletin.

(5) Each Order of the Board approving an application includes, as a condition of such approval, a requirement that the transaction approved shall not be consummated within seven calendar days following the date of such Order, except in emergency or other situations as to which the Board determines that such a requirement would not be in the public interest. Each Order approving an application also includes, as a condition of approval, a requirement that the transaction approved shall be consummated within three months and, in the case of acquisition by a holding company of stock of a newly organized bank, a requirement that such bank shall be opened for business within six months.

(6) After action by the Board on an application, the Board will not grant any request for reconsideration of its action, unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate.

§ 262.3 Adjudication with formal hearing.

In connection with adjudication with respect to which a hearing is required by law or is ordered by the Board, the procedure shall be as set forth in Part 263 of this chapter, entitled "Rules of Practice for Formal Hearings." Among such adjudications are those relating to: Termination of a bank's membership in the Federal Reserve System, removal of a bank official under section 30 of the Banking Act of 1933, revocation of a voting permit of a holding company affiliate, suspension of a member bank from the use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act, issuance of a cease and desist order under section 11 of the Clayton Act, and, in certain situations, actions with respect to applications pursuant to the Bank Holding Company Act of 1956.

§ 262.4 Appearance and practice.

Appearance and practice before the Board in all matters shall be governed by § 263.1 of this chapter.

§ 262.5 Forms.

The following forms, which are available at the Federal Reserve Banks, shall be used for the purposes indicated:

Form	
30	Application for Federal Reserve Bank Stock—Organizing National Bank
30a	Application for Federal Reserve Bank Stock—Nonmember State Bank Converting into National Bank
56	Application for Adjustment in Holdings of Federal Reserve Bank Stock (Except by Mutual Savings Banks)
56a	Application of Mutual Savings Bank for Adjustment in Holdings of Federal Reserve Bank Stock
61	Application of National Bank for Trust Powers
61b	Supplementary Application of National Bank for Additional Trust Powers
70	Application for Prior Written Consent to Effect a Merger or Other Transaction Pursuant to Section 18(c) of the Federal Deposit Insurance Act (Resulting Bank to be a State Member Bank)
83	Application for Membership in the Federal Reserve System (Cover Sheet)
83A	Application for Membership in the Federal Reserve System (State Banks except Mutual Savings Banks)
83B	Application for Membership in the Federal Reserve System (Mutual Savings Banks Authorized to Purchase Stock in Federal Reserve Bank)
83C	Application for Membership in the Federal Reserve System (Mutual Savings Banks Not Permitted to Subscribe for Stock in Federal Reserve Bank)
83D	Application for Stock in the Federal Reserve Bank (Mutual Savings Bank Admitted to Membership upon Deposit of Appropriate Amount with Federal Reserve Bank and Now Permitted to Subscribe for Federal Reserve Bank Stock under Laws under Which Organized)
83E	Certificate of Directors and Cashier
86	Application for Cancellation of Federal Reserve Bank Stock—Liquidating Member Bank
87	Application for Cancellation of Federal Reserve Bank Stock—Insolvent Member Bank
105	Report of Condition of State Member Bank
105e	(Form 105e-1)—Report of Condition of State Member Bank (Publisher's Copy)
107	Report of Earnings and Dividends of State Member Bank (Calendar Year)
107b	Report of Earnings and Dividends of State Member Bank (6-Month Period)
150	Application for Approval of Reservation of Title of a Corporation Proposed to be Organized under the Terms of Section 25(a) of the Federal Reserve Act
151	Articles of Association—Banking Corporations Authorized to Do Foreign Banking Business under Section 25 (a) of the Federal Reserve Act
152	Organization Certificate—Banking Corporation Authorized to Do Foreign Banking Business under Section 25 (a) of the Federal Reserve Act
220	Report of an Affiliate or Holding Company Affiliate of a Member Bank
220a	Report of an Affiliate or Holding Company Affiliate of a Member Bank (Publisher's Copy)
240	Report of Member Firm of a National Securities Exchange
314	Report of Condition by Foreign Banking Corporation (Semiannual)
414	Computation of Reserve to be Carried with Federal Reserve Bank by Member Bank
728	Report of Securities Credit Extended by Lender Other than a Bank or Broker
P-1	Application for a Voting Permit under Section 5144, Revised Statutes (Holding Company Affiliate)
P-2	Exhibit C—Resolution of Board of Directors or Other Governing Body of Applicant
P-3	Exhibit L—Agreement to Permit Examinations
P-4	Exhibit N—Authorization to Furnish Information
P-5	Exhibit P—Agreement by Holding Company Affiliate of State Member Bank to Accept Provisions of Section 5144, Revised Statutes
P-6	Exhibit Q—Agreement by Holding Company Affiliate (of State Bank Applying for Membership in Federal Reserve System) to Accept Provisions of Section 5144, Revised Statutes
T-1	Agreement, Resolution, Certificate—to Qualify under Section 8(a) of the Securities Exchange Act of 1934
T-2	Agreement, Resolution, Certificate—to Qualify under Section 8(a) of the Securities Exchange Act of 1934 (Bank with Principal Place of Business outside 50 States of United States)
Y-2	Application for Prior Approval of Acquisition of Bank Shares Pursuant to Section 3(a)(2) of the Bank Holding Company Act of 1956
Y-2A	Certificate of Directors or Other Governing Body Authorizing Application Pursuant to Section 3(a)(2) of the Bank Holding Company Act of 1956
Y-5	Registration Statement of Bank Holding Company Pursuant to Section 5(a) of the Bank Holding Company Act of 1956
Y-6	Annual Report of Bank Holding Company Pursuant to the Bank Holding Company Act of 1956

---

3. Effective December 15 1961, Part 263 is revised to read as follows:

PART 263—RULES OF PRACTICE FOR FORMAL HEARINGS

Sec.
263.1 Appearance and practice before the Board.
263.2 Hearings for the purpose of taking evidence.
263.3 Continuances, changes, extensions of time.
263.4 Closing of hearing; filing of transcript.
263.5 Proposed findings and conclusions of law.
263.6 Hearing examiner's report and recommended decision.
263.7 Exceptions.
263.8 Motions.
263.9 Briefs.
263.10 Oral argument.
263.11 Filing papers, docket, computation of time.
263.12 Service of papers.
263.13 Formal requirements as to papers filed.

AUTHORITY: §§ 263.1 through 263.13 issued under sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i).

§ 263.1 Appearance and practice before the Board.

(a) No register of attorneys or agents who may practice before the Board is maintained and no application for admission to such practice is required. Any person desiring to appear before or transact business with the Board in a representative capacity shall make known to the Secretary of the Board in writing the capacity in which he proposes to appear. He may be required to file a power of attorney with the Board evidencing his authority to act in such capacity and to show to the satisfaction of the Board that he is properly qualified.

(b) Any person appearing before or transacting business with the Board in a representative capacity, or desiring so to act, may, for cause sufficient in the judgment of the Board, be suspended or disbarred from so doing.

(c) Contemptuous conduct at any hearing before the Board, any member thereof, or a hearing examiner, by any person, including a person appearing in a representative capacity, shall be ground for exclusion from any such hearing or for such further period as the Board may prescribe.

§ 263.2 Hearings for the purpose of taking evidence.

(a) Hearings for the purpose of taking evidence shall be held as ordered by the Board and any such hearing will ordinarily be held before and conducted by a duly designated hearing examiner. However, the Board may, in its discretion, order such hearings to be held before the Board, one or more of its members, or, where permitted by law, a duly designated hearing officer; and hearings so held shall be subject to the same procedure as that applicable to hearings before a hearing examiner, except that the Board and members thereof are not subject under the law to the requirements regarding separation of functions prescribed by section 5(c) of the Administrative Procedure Act (5 U.S.C. 1004 (c)), and, with respect to hearings held before the Board or one or more of its members, the hearing examiner's report referred to in § 263.6 and the related exceptions and briefs referred to in § 263.7 will be omitted.

(b) Whenever a hearing is ordered by the Board, notice of such hearing shall be given to the party or parties to the proceeding by the Secretary of the Board or such other person as the Board may designate for the purpose. Such notice shall be given by serving a copy of the Order for Hearing in accordance with § 263.12 a reasonable time in advance of the hearing. Unless otherwise ordered by the Board, notice of any hearing shall be given general circulation by publication in the FEDERAL REGISTER and, where practical, by release to the public press.

In any proceeding, the Board may make amendments to the Order for Hearing.

(c) All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That, on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public. In connection with any such hearing or proceeding related thereto, the Board may designate as Board counsel an attorney from its staff or other attorney who shall represent the Board. For the purposes of these Rules, any attorney so designated is referred to as "Board counsel". In case of adjudication other than initial licensing proceedings, neither Board counsel nor any officer or employee of the Board who has engaged in the performance of any investigative or prosecuting function in the case, or a factually related case, may participate in or advise as to the hearing examiner's recommended decision or the Board's decision, except as witness or counsel in such hearing or related proceeding. Proceedings with respect to applications for initial licenses shall include, but not be limited to, applications for Board approval under the Bank Holding Company Act of 1956. In such proceedings, Board counsel shall represent the Board in a nonadversary capacity for the purpose of developing for the record information relevant to the issues to be determined by the hearing examiner and the Board.

(d) All such hearings shall be stenographically reported and a transcript thereof shall be made which shall be a part of the record of the proceeding. Transcripts will be supplied at prescribed rates to a party to the proceeding or to any person applying therefor if the Board has ordered the hearing to be public.

(e) A hearing examiner may at any time withdraw if he deems himself disqualified; and, upon filing of a timely and sufficient affidavit of personal bias or disqualification of the hearing examiner, the Board will determine the matter as a part of the record and decision in the case.

(f) Except as permitted by the Administrative Procedure Act, the hearing examiner shall not consult any person or party on any fact in issue except after notice and opportunity for all parties to participate, nor shall he be responsible to or subject to the supervision or direction of any officer, employee, or agent of the Board engaged in the performance of investigative or prosecuting functions.

(g) The hearing examiner shall regulate the course of the hearing and in connection therewith shall have authority to conduct prehearing conferences, administer oaths and affirmations, rule upon offers of proof and receive relevant evidence, rule on motions, dispose of procedural requests or similar matters, hold conferences for the settlement and simplification of the issues by consent of the parties, certify any question to the Board (at his discretion or at the Board's discretion) for its consideration and disposition, and take other action consistent with applicable rules or regulations of the Board, the Administrative Procedure Act, and other requirements of law.

(h) Any oral or documentary evidence may be received, except that irrelevant, immaterial, or unduly repetitious evidence may be excluded by the hearing examiner. Unless otherwise permitted by the hearing examiner, written exhibits will not be received in evidence unless offered in duplicate. A copy of each exhibit offered must be furnished to each of the parties at the hearing or at such other time as the hearing examiner may fix for the exchange of exhibits.

(i) Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon; and the transcript shall not include argument or debate thereon except as ordered by the Board or the hearing examiner. Rulings on such objections shall be a part of the transcript except as the Board may otherwise require with respect to a particular ruling. No exception to any such ruling need be noted before the hearing examiner in order to urge the same in the consideration of the matter by the Board.

(j) The Board or the hearing examiner may call for the production of further evidence upon any issue, and, upon appropriate notice, the hearing examiner may reopen any hearing at any time prior to his report or the Board may reopen any hearing at any time prior to entry of its order disposing of the matter.

(k) Subpoenas, when authorized by law,[1] requiring the attendance of witnesses or requiring the production of documentary evidence will be issued only by the Board, or such person as the Board may designate for this purpose. Application may be made either to the Secretary of the Board or to the person so designated by the Board. Such application shall be in writing and shall state, as definitely as practicable, the reasonable scope of the evidence sought (reasonably identifying any document desired) and the facts to be proved thereby, in sufficient detail to indicate the materiality and relevance thereof.

(l) Witnesses summoned by the Board at the request of a party or of Board counsel will be paid the same fees and mileage that are paid to witnesses in the courts of the United States. Such payments shall be made by the party at whose instance the witnesses appear.

§ 263.3 Continuances, changes, extensions of time.

Except as otherwise expressly provided by law, the Board may by the Order for Hearing or otherwise provide time limits different from those specified in these rules, may on its own motion or for cause shown change or extend any time limits prescribed by these rules or an Order for Hearing, and may continue or adjourn any hearing. Each hearing shall begin at the time and place

[1] The Board is presently authorized by law to issue subpoenas only in connection with investigations instituted pursuant to paragraph 7, sec. 25 of the Federal Reserve Act (12 U.S.C. 603).

ordered by the Board, except that, where a hearing examiner has been designated to conduct a hearing, the time and place for beginning such hearing may, for good cause shown, be changed by the hearing examiner. Thereafter, the hearing may be successively adjourned to such time and place as may be ordered by the Board or by the hearing examiner.

§ 263.4 Closing of hearing: Filing of transcript.

(a) The record of the hearing shall be closed by announcement to that effect by the hearing examiner when the taking of evidence has been concluded. In the discretion of the hearing examiner, the record may be closed as of a future specified date in order to permit the admission into the record, under circumstances determined by the hearing examiner, of exhibits to be prepared.

(b) After the close of the hearings, the transcript thereof shall be filed forthwith by the hearing examiner with the Secretary of the Board. Notice of such filing shall be given by the Secretary to all parties to the proceeding.

§ 263.5 Proposed findings and conclusions of law.

Within 15 days after the date of notice of filing of the transcript with the Secretary of the Board, or within such reasonable time thereafter as may be allowed by the hearing examiner, any party or Board counsel may submit to the hearing examiner proposed findings and conclusions of law, with supporting briefs or memoranda of law. In lieu of proposed findings and conclusions of law, and within such time as the hearing examiner shall allow, Board counsel may submit comments in respect to the evidence of record or proposed findings and conclusions of law submitted by any party. Copies of any such proposed findings, conclusions, briefs, memoranda of law, statements, or comments shall be furnished to other parties and to Board counsel as promptly as practicable. All such proposed findings, conclusions, or other such submissions shall be a part of the record.

§ 263.6 Hearing examiner's report and recommended decision.

(a) Following the expiration of the time allowed for filing proposed findings and conclusions or comments of Board counsel, the hearing examiner shall prepare and file with the Secretary of the Board his report and recommended decision. Such report and recommended decision shall contain findings and conclusions, with the reasons or basis therefor, upon all material issues of fact or law.

(b) The hearing examiner's report and recommended decision shall be forthwith served on all parties and on Board counsel by the Secretary of the Board or such other person as the Board may designate for the purpose.

(c) The report and recommended decision of the hearing examiner shall become a part of the record.

§ 263.7 Exceptions.

(a) Within 15 days after date of service of the hearing examiner's report and recommended decision, any party or Board counsel may file exceptions thereto, to his failure to follow a proposed finding or conclusion, to the admission or exclusion of evidence, or to a ruling of the hearing examiner; and within such period he may file a brief in support of his exceptions. Within 5 days following the date of service of such exceptions and briefs, any party or Board counsel may file a brief in opposition. A copy of such exceptions and briefs shall be forthwith served on each party and on Board counsel. Exceptions shall be argued orally only as allowed by the Board.

(b) Objections to the recommended decision of the hearing examiner or to his failure to follow a proposed finding or conclusion not saved by exception filed pursuant to this section will be deemed to have been abandoned and may be disregarded. Exceptions not briefed in accordance with this section and § 263.9 may be regarded by the Board as waived.

§ 263.8 Motions.

(a) All motions made subsequent to the designation of a hearing examiner and before the filing with the Board of the hearing examiner's report and recommended decision shall be addressed to and ruled upon by the hearing examiner and may be stated orally upon the record unless otherwise directed by the Board or hearing examiner. At all other times motions shall be addressed to the Board in written form and filed with the Board in accordance with the requirements of § 263.11. Written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) Within 10 days after service of any written motion, or within such other period of time as may be fixed by the Board or hearing examiner, any party or Board counsel may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the Board or the hearing examiner.

(c) No oral argument will be heard on motions except as otherwise directed by the Board or hearing examiner. Written memoranda or briefs may be filed with motions or objections or answers to motions, stating the points and authorities relied upon in support of the position taken.

(d) The hearing examiner shall pass upon all motions properly addressed to him and upon such other motions as the Board may direct, except that, if the hearing examiner finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision. The Board shall pass upon all motions properly submitted to it for decision.

(e) All motions and answers or objections thereto and rulings thereon shall become part of the record. Rulings of a hearing examiner on any motion may not be appealed to the Board prior to its consideration of the hearing examiner's report and recommended decision except by special permission of the Board, but they shall be considered by the Board in reviewing the record. Requests to the Board for special permission to appeal from such rulings of the hearing examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each party.

(f) Unless otherwise ordered by the Board, or the hearing examiner, the hearing shall continue pending the determination of the motion by the Board.

§ 263.9 Briefs.

(a) All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument and by citation of such statutes, decisions, and other authorities, and by page references to such portions of the record, as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) Except as provided in § 263.7, within 10 days after service of an original brief, any party or Board counsel may file a reply brief, which shall be confined to matters in the original brief of the opposing party. Copies of any brief or reply brief shall be filed and service thereof made, in the manner prescribed in § 263.12.

(c) Briefs not filed on or before the time fixed in these Rules, or such other time as may be fixed by the hearing examiner, will be received only upon special permission of the Board.

§ 263.10 Oral argument.

Upon written request of any party or of Board counsel made within the period of time allowed in § 263.7 for the filing of exceptions and briefs, or on its own initiative, the Board may, in its discretion, allow oral argument before the Board or one or more members thereof. Oral argument shall be limited to a party or his representative and Board counsel, unless otherwise permitted by the Board.

§ 263.11 Filing papers, docket, computation of time.

(a) All reports, exceptions, motions, briefs, and other papers required to be filed with the Board in any proceeding shall be filed with the Secretary of the Board. The Order for Hearing may provide for the number of copies of papers to be filed. Any such papers may be sent to the Secretary by mail or express but must be received by him in the office of the Board in Washington, D.C., within the time limit, if any, for such filing.

(b) Unless and until otherwise ordered by the Board, the Order for Hearing, the transcript of record, proposed findings or conclusions and briefs in support thereof, the report of the hearing examiner, exceptions thereto, and briefs in support of or in opposition to such exceptions, and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Board, appropriate members of the Board's staff, parties, and counsel.

(c) The Secretary shall maintain a docket in connection with each hearing.

(d) In computing any period of time prescribed or allowed by these rules or by order of the Board, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or holiday in the District of Columbia. Intermediate Saturdays, Sundays, and holidays shall be included in the computation. A half-holiday shall be considered as other days and not as a holiday.

§ 263.12 Service of papers.

(a) The Board will serve all orders, notices, reports, and other papers issued by it when service thereof is required, and reports filed pursuant to § 263.6. Every other paper requiring service, including motions, proposed findings and conclusions, exceptions and briefs, shall be served on any party to a proceeding by the party filing the same.

(b) Service shall be made by personal service on the party or his attorney of record, by registered mail addressed to the party or his attorney of record, or by other appropriate means specified by the Board. Service by registered mail shall be deemed to be made as of the date of receipt by the person addressed.

§ 263.13 Formal requirements as to papers filed.

(a) All papers filed under these Rules shall be typewritten, mimeographed, or printed.

(b) All papers shall be signed by the party filing the same, or his duly authorized agent or attorney, or Board counsel and, except in the case of Board counsel, must show the address of the signer.

(c) All papers filed shall include at the head thereof, or on a title page, the name of the Board, the names of the parties, and the subject of the particular paper or pleading.

4a. The purpose of these revisions is to clarify and make more specific the Rules issued pursuant to the Administrative Procedure Act (5 U.S.C. 1001–1011) and other relevant provisions of law including provisions of the Federal Reserve Act. As required by section 3 of the Administrative Procedure Act, these Rules (1) identify "the established places at which, and methods whereby, the public may secure information or make submittals or requests"; (2) state "the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations"; and (3) indicate the circumstances in which (i) final opinions or orders of the Board are made "available to public inspection" and (ii) matters of official record are made "available to persons properly and directly concerned."

b. The notice and public procedure described in section 4 (a) and (b) of the Administrative Procedure Act and the prior publication described in section 4(c) of such Act are not followed in connection with these revisions for the reasons and good cause found as stated in paragraph (e) of § 262.1 of the Board's rules of procedure (Part 262), and especially because such notice, and prior publication are unnecessary since they will not aid the persons affected and would serve no other useful purpose.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-12232; Filed, Dec. 26, 1961; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-KC-40]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11440) stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Detroit, Mich., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal, with the exception of the designation of the floors of transition areas at 1,200 feet above the surface. The ATA cited the problem involved in charting the variance of floors of controlled airspace, and recommended that the floor of the proposed transition areas be established at 700 feet above the surface in order to provide continuity and to aid in the charting problem. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In these instances the transition areas are being established specifically for the holding of en route air traffic where there is no requirement to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate these transition areas as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations of aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1094 (14 CFR 601.1094) is amended to read:

§ 601.1094 Control area extension (Flint, Mich.).

That airspace bounded on the N by VOR Federal airway No. 216, on the E by VOR Federal airway No. 84 between the Peck, Mich., VOR and the Flint, Mich., VOR, and VOR Federal airway No. 133 between the Flint VOR and the Salem, Mich., VOR; on the S by VOR Federal airway No. 2, and on the W by longitude 84°18'00" W. and VOR Federal airway No. 45, excluding the portion that coincides with the Saginaw, Mich., control area extension.

2. Section 601.1201 (14 CFR 601.1201) is amended to read:

§ 601.1201 Control area extension (Saginaw, Mich.).

That airspace within a 15-mile radius of the Tri City Airport, Saginaw, Mich. (latitude 43°31'54" N., longitude 84°04'-54" W.) and within 12 miles SW and 8 miles NE of the Saginaw VOR 317° radial extending from the 15-mile radius area to 43 miles NW of the VOR.

3. Section 601.1261 (14 CFR 601.1261) is amended to read:

§ 601.1261 Control area extension (Lansing, Mich.).

That airspace within a 15-mile radius of the Lansing, Mich., VOR, including the airspace W, N, and E of Lansing bounded on the E by longitude. 84°18'-00'' W., on the SW by VOR Federal airway No. 2, on the W by VOR Federal airway No. 193, and on the N by latitude 43°30'00'' N., excluding the portion that coincides with the Saginaw, Mich., control area extension.

4. Section 601.1266 (26 F.R. 3274) is amended to read:

§ 601.1266 Control area extension (Litchfield, Mich.).

That airspace within a 15-mile radius of the Litchfield, Mich., VORTAC, including the airspace E and SE of Litchfield extending from the 15-mile radius area bounded on the N by VOR Federal airway No. 90, on the E by VOR Federal airway No. 47, and on the S by VOR Federal airway No. 30.

5. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10837 Traverse City, Mich., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the Traverse City, Mich., VOR 136° and 316° radials extending from 65 miles SE to 12 miles NW of the VOR.

§ 601.10838 White Cloud, Mich., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the White Cloud, Mich., VOR 006° and 186° radials extending from 20 miles N to 9 miles S of the VOR.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12214; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-KC-42]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11455) stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the St. Louis, Mo., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal, with the exception of the designation of the floor of transition areas at 1,200 feet above the surface. The ATA cited the problem involved in charting the variance of floors of controlled airspace, and recommended that the floor of the proposed transition areas be established at 700 feet above the surface in order to provide continuity and to aid in the charting problem. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In these instances the transition areas are being established specifically for the holding of en route air traffic where there is no requirement to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate these transition areas as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1034 (14 CFR 601.1034) is amended to read:

§ 601.1034 Control area extension (Springfield, Mo.).

That airspace within a 25-mile radius of the Springfield, Mo., RR; the airspace within 8 miles SE and 12 miles NW of the Springfield VORTAC 058° radial extending from the 25-mile radius area to 42 miles NE of the VORTAC; the airspace bounded on the NE by the Springfield VORTAC 119° radial, on the SE by a line 10 miles SE of and parallel to VOR Federal airway No. 72, on the SW by the Springfield VORTAC 162° radial and on the NW by the Springfield 25-mile radius area; the airspace within 12 miles SE and 8 miles NW of the Springfield VORTAC 210° radial extending from the 25-mile radius area to 46 miles SW of the VORTAC.

2. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10841 Decatur, Ill., transition area.

That airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Decatur, Ill., VOR; within 10 miles NW and 7 miles SE of the Decatur VOR 032° radial extending from the 12-mile radius area to 20 miles NE of the VOR; and within 12 miles S and 8 miles N of the Decatur VOR 285° radial extending from the 12-mile radius area to the Springfield, Ill., control area extension (§ 601.1267).

§ 601.10842 Vandalia, Ill., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Vandalia, Ill., VOR 074° and 254° radials extending from 20 miles NE to 9 miles SW of the VOR.

§ 601.10843 Bible Grove, Ill., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Bible Grove, Ill., VOR 261° and 081° radials extending from 20 miles W to 9 miles E of the VOR.

§ 601.10844 Samsville, Ill., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Samsville, Ill., VOR 266° and 086° radials extending from 20 miles W to 9 miles E of the VOR.

§ 601.10845 Marion, Ill., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the Farmington, Mo., VORTAC 082° radial extending from 22 miles W to 10 miles E of the INT of the Farmington VORTAC 082° and the Centralia, Ill., VOR 169° radials.

§ 601.10846 Maples, Mo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Maples, Mo., VOR 237° and 057° radials extending from 20 miles SW to 9 miles NE of the VOR.

§ 601.10847 Oswego, Kans., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Oswego, Kans., VOR 207° and 027° radials extending from 20 miles NE to 9 miles SW of the VOR.

§ 601.10848 Richwoods, Mo., transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles NW and 12 miles SE of the Richwoods, Mo., VOR 230° and 054° radials extending from 9 miles NE to 45 miles SW of the VOR.

§ 601.10849 Vichy, Mo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Vichy, Mo., VORTAC 239° and 059° radials extending from 20 miles SW to 9 miles NE of the VORTAC.

§ 601.10850 Readsville, Mo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Readsville, Mo., VOR 280° and 100° radials extending from 20 miles W to 9 miles E of the VOR.

§ 601.10851 Hardin, Ill., transition area.

That airspace extending upward from 2,500 MSL, bounded on the E by longitude 90°22'00'' W., on the S and SW by VOR Federal airway No. 210 N alternate and on the N and NW by the arc of a 33-mile radius circle centered on Lambert Field, St. Louis, Mo. (latitude 38°44'50'' N., longitude 90°21'52'' W.).

§ 601.10852 Jacksonville, Ill., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 89°28'00'' W., on the SE by VOR Federal airway No. 426, on the S by the arc of a 25-mile radius circle centered on Lambert Field, St. Louis, Mo. (latitude 38°44'50'' N., longitude 90°21'52'' W.), on the W by longitude 90°32'00'' W., on the N by latitude 40°00'00'' N., and on the NE by the arc of a 25-mile radius circle centered on the Springfield, Ill., VOR.

These amendments shall become effective 0001 e.s.t., 0001 January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12215; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-KC-43]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Transition Area, Designation of Transition Areas, and Revocation of Control Area Extension

On December 2, 1961, a notice of proposed rule making was published in the

FEDERAL REGISTER (26 F.R. 11442) stating that the Federal Aviation Agency proposed to alter control area extensions, transition area, designate transition areas and revoke a control area extension in the Chicago, Ill., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal, with the exception of the designation of the floors of the transition areas at 1,200 feet above the surface. The ATA cited the problem involved in charting the variance of floors of controlled airspace, and recommended that the floor of the proposed transition area be established at 700 feet above the surface in order to provide continuity and to aid in the charting problem. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In these instances the transition areas are being established specifically for the holding of en route air traffic where there is no requirement to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate these transition areas as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

No other adverse comments were received regarding the proposed amendments.

Editorial changes are included in the actions taken herein for the purpose of simplifying the description of controlled airspace without altering the dimensions proposed in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following airspace actions are taken:

1. Section 601.1101 (14 CFR 601.1101) is amended to read:

§ 601.1101 Control area extension (Madison, Wis.).

That airspace bounded on the NE by VOR Federal airway No. 170, on the SE by VOR Federal airway No. 63, on the SW and W by VOR Federal airway No. 97, and on the N by latitude 43°19'00'' N. The portion of the control area extension that coincides with R-6905 shall be used only after obtaining prior approval from appropriate authority.

2. Section 601.1159 (14 CFR 601.1159) is amended to read:

§ 601.1159 Control area extension (Moline, Ill.).

That airspace within a 15-mile radius of the Cordova, Ill., VOR; that airspace bounded on the E by longitude 90°00'00'' W., on the S by VOR Federal airway No. 10 N alternate, on the SW by VOR Federal airway No. 63 and a line 12 miles SW of and parallel to VOR Federal airway No. 38, on the W by longitude 91°31'00'' W., and on the NW by VOR Federal airway No. 8: within 5 miles either side of a direct line extending from the Polo, Ill., VORTAC to the INT of the Quad City, Ill., ILS localizer E course and the 318° radial of the Bradford, Ill., VOR.

3. Part 601 (14 CFR Part 601) is amended by revoking the following section:

§ 601.1160 Control area extension (South Bend, Ind.). [Revoked]

4. Section 601.1161 (14 CFR 601.1161) is amended to read:

§ 601.1161 Control area extension (Chicago, Ill.).

That airspace within a 30-mile radius of the Chicago, Ill., Midway Airport (latitude 41°47'05'' N., longitude 87°45'05'' W.); within a 15-mile radius of the Chicago Heights, Ill., VORTAC; that airspace NE, E and SE bounded by a line beginning at the INT of E boundary of VOR Federal airway No. 7 and the S boundary of VOR Federal airway No. 84, thence E along the S boundary of VOR Federal airway No. 84 to its INT with the South Bend, Ind., VORTAC 314° radial, thence SE along this radial to its INT with the N boundary of VOR Federal airway No. 100, thence E along VOR Federal airway No. 100 to its INT with the arc of a 35-mile radius circle centered on the Battle Creek, Mich., VORTAC, thence, counterclockwise along this arc to latitude 41°57'30'' N., longitude 85°44'30'' W., thence to latitude 41°41'00'' N., longitude 85°49'40'' W., thence counterclockwise along the arc of a 15-mile radius circle centered on the Goshen, Ind., VOR to its INT with

the W boundary of VOR Federal airway No. 55 W alternate, thence S along this boundary to its INT with the N boundary of VOR Federal airway No. 38, thence W along this boundary to its INT with the E boundary of VOR Federal airway No. 7, thence along this boundary to the point of beginning.

5. Section 601.1172 (14 CFR 601.1172) is amended to read:

§ 601.1172 Control area extension (Rantoul, Ill.).

Within a 25-mile radius of Chanute AFB, Rantoul, Ill., (latitude 40°17'40" N., longitude 88°08'20" W.), including the airspace S of Rantoul within a 20-mile radius of the Champaign, Ill., VORTAC.

6. Section 601.1188 (14 CFR 601.1188) is amended to read:

§ 601.1188 Control area extension (Milwaukee, Wis.).

Within a 20-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), including the airspace bounded on the E by longitude 87°00'00" W., on the S by VOR Federal airway No. 84 E of Northbrook, Ill., VORTAC and VOR Federal airway No. 100 W of Northbrook VORTAC, on the W by VOR Federal airway No. 9, and on the N by a line 7 miles N of and parallel to the Milwaukee VORTAC 087° radial; within 11 miles W and 7 miles E of the Milwaukee ILS localizer N course extending from the Milwaukee 20-mile radius area to 40 miles N of the localizer; and within 12 miles W and 5 miles E of the Milwaukee VORTAC 198° radial extending from 22 miles N to 10 miles S of the INT of the Janesville, Wis., VOR 111° and the Milwaukee VORTAC 198° radials.

7. Section 601.10406 (26 F.R. 5122) is amended to read:

§ 601.10406 Bloomington, Ill., transition area.

That airspace extending upward from 700 feet above the surface within 10 miles SE and 7 miles NW of the Bloomington, Ill., VOR 043° and 223° radials extending from 20 miles NE to 9 miles SW of the VOR.

8. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10885 Dells, Wis., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Dells, Wis., VOR 097° and 277° radials extending from 20 miles E to 9 miles W of the VOR.

§ 601.10886 Dubuque, Iowa, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Dubuque, Iowa, VOR 159° and 339° radials extending from 20 miles SE to 9 miles NW of the VOR.

§ 601.10887 Lone Rock, Wis., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lone Rock, Wis., VOR 089° and 269° radials extending from 9 miles E to 20 miles W of the VOR.

§ 601.10888 Rewey, Wis., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and SW of the Rewey, Wis., VOR 123° and 299° radials extending from 20 miles SE to 20 miles NW of the VOR.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12216; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-KC-44]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11366), stating that the Federal Aviation Agency proposed to alter the control area extensions and designate transition areas in the Kansas City, Mo., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal with the exception of the designation of the floor of the Arkansas City, Kans., transition area at 1,200 feet above the surface. The ATA cited the problem involved in charting the variance of floors of controlled airspace, and recommended that the floor of the proposed transition area be established at 700 feet above the surface in order to provide continuity and to aid in the charting problem. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In this instance the Arkansas City transition area is being established specifically for the holding of en route air traffic where there is no requirement to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the Arkansas City transition area as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10899 Arkansas City, Kans., transition area.

That airspace extending upward from 1,200 feet above the surface within the area bounded on the N by a line 10 miles S of and parallel to the Anthony, Kans., VOR 085° radial, on the E by a line 5 miles SW of and parallel to a direct line extending from the Wichita, Kans., VOR to the Tulsa, Okla., VORTAC, on the S by VOR Federal airway No. 516 and the arc of a 15-mile radius circle centered on the Ponca City, Okla., Airport (latitude 36°43'41" longitude 97°05'57" W.), and on the W by VOR Federal airway No. 77.

§ 601.10414 Fort Dodge, Iowa, transition area.

That airspace extending upward from 700 feet above the surface within 10 miles SW and 7 miles NE of the Fort Dodge, Iowa, VOR 127° and 307° radials extending from 15 miles SE to 13 miles NW of the VOR.

§ 601.10415 Hays, Kans., transition area.

That airspace extending upward from 700 feet above the surface within 10 miles E and 7 miles W of the 176° and 356° bearings from the Hays Airport, Hays, Kans. (latitude 38°51'00" N., longitude 99°16'30" W.), extending from 9 miles N to 20 miles S of the airport.

2. Sections 601.1155, 601.1278, 601.1313 and 601.1379 (14 CFR 601.1155, 601.1278, 601.1313, 601.1379) are amended to read:

§ 601.1155 Control area extension (Omaha, Nebr.).

That airspace within a 25-mile radius of the Omaha, Nebr., RR; the airspace NE of Omaha bounded on the N by VOR Federal airway No. 172, on the E by longitude 95°00'00" W., on the S by VOR Federal airway No. 6, and on the W by the Omaha 25-mile radius area; the airspace S and SW of Omaha bounded on the E by VOR Federal airway No. 15, on the S by latitude 40°00'00" N., and on the W by longitude 98°00'00" W., and on the N by VOR Federal airway No. 6; and the airspace W of Omaha bounded on the S by VOR Federal airway No. 6, on the W by longitude 97°00'00" W., on the N by VOR Federal airway No. 172 and on the E by the Omaha control area extension 25-mile radius area.

§ 601.1278 Control area extension (Des Moines, Iowa).

That airspace within a 25-mile radius of the Des Moines, Iowa, VORTAC; within 12 miles W and 8 miles E of the Des Moines VORTAC 196° radial extending from the 25-mile radius area to 39 miles S of the VORTAC; and within 12 miles N and 8 miles S of the Des Moines VORTAC 261° radial extending from the 25-mile radius area to 37 miles W of the VORTAC; including the airspace E of Des Moines bounded on the NE by VOR Federal airway No. 172 S alternate, on the E and S by VOR Federal airway No. 294 and on the NW by VOR Federal airway No. 161.

§ 601.1313 Control area extension (Sioux City, Iowa).

That airspace within a 25-mile radius of the Sioux City, Iowa, VOR including the airspace SE of Sioux City extending from the 25-mile radius area bounded on the N by VOR Federal airway No. 100, on the E by longitude 95°30'00" W., on the S by latitude 41°50'00" N., and on the W by VOR Federal airway No. 15.

§ 601.1379 Control area extension (Waterloo, Iowa).

That airspace within a 37-mile radius of the Waterloo, Iowa, VORTAC, excluding the portion N of a line 12 miles N of and parallel to the Waterloo VORTAC 099° radial and E of a line 12 miles E of and parallel to the Waterloo VORTAC 353° radial; including the airspace SE of Waterloo within 12 miles SW and 8 miles NE of the Waterloo VORTAC 146° radial extending from the Waterloo control area extension 37-mile radius area to the Cedar Rapids, Iowa, VORTAC.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12217; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-KC-45]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11436), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Minneapolis, Minn., Air Route Traffic Control Center area.

The Air Tansport Association of America (ATA) concurred with the proposal, with the exception of the designation of the floors of the transition areas at 1,200 feet above the surface. The ATA cited the problem involved in charting the variance of floors of controlled airspace, and recommended that the floor of the proposed transition areas be established at 700 feet above the surface in order to provide continuity and to aid in the charting problem. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date of the revised holding pattern procedures makes it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In these instances the transition areas are being established specifically for the holding of en route air traffic where there is no requirement to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate these transition areas as proposed. It is expected that the charting problems associated with the changes in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action when the charting problems are resolved.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10889 Waukon, Iowa, transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the Waukon, Iowa, VOR 123° and 303° radials extending from 22 miles SE to 10 miles NW of the VOR.

§ 601.10890 Le Roy, Iowa, transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Rochester, Minn., VOR 173° radial extending from 15 miles to 37 miles S of the VOR.

§ 601.10891 Preston, Minn., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Rochester, Minn., VOR 105° radial extending from 20 miles to 42 miles E of the VOR.

§ 601.10892 Loyal, Wis., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Eau Claire, Wis., VOR 107° radial extending from 9 miles SE to 22 miles NW of the INT of the Eau Claire VOR 107° and the Wausau, Wis., VOR 258° radials.

§ 601.10893 Grantsburg, Wis., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Grantsburg, Wis., VOR 197° and 017° radials extending from 9 miles S to 20 miles N of the VOR.

§ 601.10894 Alma City, Minn., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles W and 8 miles E of the Minneapolis, Minn., VORTAC 188° radial extending from 22 miles N to 10 miles S of the INT of the Minneapolis VORTAC 188° and the Rochester, Minn., VOR 292° radials.

§ 601.10895 Hope, Minn., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Farming-

ton, Minn., VOR 184° radial extending from 22 miles S to 10 miles N of the INT of the Farmington VOR 184° and the Rochester, Minn., VOR 292° radials.

§ 601.10896 Darwin, Minn., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles N and 12 miles S of the Darwin, Minn., VOR 088° and 268° radials extending from 10 miles E to 22 miles W of the VOR.

§ 601.10897 Redwood Falls, Minn., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Redwood Falls, Minn., VOR 061° and 241° radials extending from 20 miles NE to 9 miles SW of the VOR.

§ 601.10898 Madison, Minn., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Watertown, S. Dak., VORTAC 086° radial extending from 10 miles W to 22 miles E of the INT of the Watertown VORTAC 086° and the Redwood Falls, Minn., VOR 305° radials.

2. Sections 601.1088, 601.1093, 601.1097, 601.1268, 601.1337, 601.1339, 601.1102, 601.1262, 601.1263, 601.1269, 601.1338 (14 CFR 601.1088, 601.1093, 601.1097, 601.1268, 601.1337, 601.1339, 601.1102, 601.1262, 601.1263, 601.1269, 601.1338), and 601.1103 (26 F.R. 7804) are amended to read:

§ 601.1088 Control area extension (Alexandria, Minn.).

That airspace within a 15-mile radius of the Alexandria Municipal Airport (latitude 45°52'15" N., longitude 95°-24'00" W.) and within 10 miles NW and 7 miles SE of the Alexandria, Minn., VOR 051° radial extending from the Alexandria control area extension 15-mile radius area to 20 miles NE of the VOR.

§ 601.1093 Control area extension (Fargo, N. Dak.).

That airspace within a 15-mile radius of the Fargo, N. Dak., VORTAC; including the airspace N and E of the Fargo VORTAC within a 33-mile radius of the VORTAC extending from a line 11 miles W of and parallel to the Fargo VORTAC 353° radial clockwise to the Fargo VORTAC 110° radial; the airspace SW of Fargo within a 30-mile radius of the Fargo VORTAC extending from VOR Federal airway No. 181 clockwise to VOR Federal airway No. 2 W of Fargo, and the airspace S of Fargo within 8 miles W and 12 miles E of the Fargo VORTAC 187° radial extending from 26 miles to 58 miles S of the VORTAC.

§ 601.1097 Control area extension (Grand Forks, N. Dak.).

That airspace W of the 355° and 175° radials of the Grand Forks, N. Dak., VOR within a thirty-mile radius of the Grand Forks AFB (latitude 47°57'35" N., longitude 97°24'10" W.); including the airspace SE of Grand Forks within 10 miles E and 7 miles W of the Grand Forks VOR 158° and 338° radials extending from 8 miles NW to 20 miles SE of the VOR.

§ 601.1268 Control area extension (Sioux Falls, S. Dak.).

That airspace SE of Sioux Falls, S. Dak., within a 15-mile radius of the Sioux Falls VORTAC extending clockwise from the S boundary of VOR Federal airway No. 148 to the E boundary of VOR Federal airway No. 15; that airspace within a 45-mile radius of the Sioux Falls VORTAC extending clockwise from the W boundary of VOR Federal airway No. 15 S of Sioux Falls to the S boundary of VOR Federal airway No. 120 W of Sioux Falls; that airspace within a 36-mile radius of the Sioux Falls VORTAC extending from the N boundary of VOR Federal airway No. 120 W of Sioux Falls clockwise to the N boundary of VOR Federal airway No. 148 NE of Sioux Falls; including the airspace within 11 miles S and 7 miles N of the Sioux Falls VORTAC 267° radial extending from the Sioux Falls control area extension 45-mile radius area to 52 miles W of the VORTAC, and the airspace within 12 miles SW and 8 miles NE of the Sioux Falls VORTAC 288° radial extending from the INT of the Sioux Falls VORTAC 288° and the Huron, S. Dak., VOR 140° radials, to 22 miles W of the INT.

§ 601.1337 Control area extension (Wausau, Wis.).

That airspace SE and SW of Wausau, Wis., bounded on the E by a 41-mile radius circle centered on the Stevens Point, Wis., VOR, on the S by a line 7 miles S of and parallel to VOR Federal airway No. 55, on the W by a 40-mile radius circle centered on the Wausau VOR, and on the N by latitude 45°04'00" N.

§ 601.1339 Control area extension (Oshkosh, Wis.).

That airspace bounded on the E by VOR Federal airway No. 217 on the SE by a line extending through latitude 43°40'00" N., longitude 88°00'00" W., and latitude 43°30'00" N., longitude 88°10'00" W, on the SW by a line extending from latitude 43°30'00" N., longitude 88°10'00" W., to latitude 43°46'30" N., longitude 88°38'00" W., on the W by the arc of a 15-mile radius circle centered on the Oshkosh, Wis., VOR and a line 5 miles W of and parallel to the Green Bay, Wis., VORTAC 207° radial, and on the N by a 15-mile radius circle centered on the Green Bay VORTAC.

§ 601.1102 Control area extension (Minneapolis, Minn.).

All that airspace within a 30-mile radius of the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.) lying within the E, S and W quadrants of the Minneapolis, Minn., RR, including the airspace within a 15-mile radius of the Minneapolis VOR; the airspace N of Minneapolis bounded on the NW by VOR Federal airway No. 13 W alternate, on the E by VOR Federal airway No. 13, and on the SW by VOR Federal airway No. 2; the airspace NE and E of Minneapolis within 12 miles N and 8 miles S of the Minneapolis VORTAC 100° radial extending from the Minneapolis control area 30-mile radius to 55 miles E of the VORTAC; and the airspace W of Minneapolis within 11 miles NE and 7 miles SW of the Farmington, Minn., VOR 297° radial extending from the Minneapolis control area extension 30-mile radius area to 45 miles NW of the VOR.

§ 601.1103 Control area extension (Minot, N. Dak.).

Within a 35-mile radius of Minot, N. Dak., AFB (latitude 48°25'18" N., longitude 101°22'08" W.); within a 35-mile radius of the Minot VOR extending clockwise from the 091° radial to the 147° radial of the VOR, including the airspace S of Minot within 8 miles W and 6 miles E of the Bismarck, N. Dak., VOR 333° radial extending from 58 miles NW of the Bismarck VOR to the Minot control area extension 35-mile radius area. The portion of this control area extension that lies within R-5403 shall be used only after obtaining prior approval from the appropriate authority.

§ 601.1262 Control area extension (Mason City, Iowa).

Within a 15-mile radius of the Mason City, Iowa, VORTAC including the airspace S of Mason City within 10 miles E and 7 miles W of the Mason City VORTAC 182° radial extending from the Mason City control area extension 15-mile radius area to 26 miles S of the VORTAC.

§ 601.1263 Control area extension (Rochester, Minn.).

Within a 15-mile radius of the Rochester Municipal Airport (latitude 43°54'33" N., longitude 92°29'42" W.); within 5 miles either side of the Rochester VOR 209° radial extending from the 15-mile radius area to 15 miles SW of the VOR; including the airspace N and E of Rochester bounded on the W by VOR Federal airway No. 82, on the NW by the arc of a 30-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the NE by VOR Federal airway No. 2, on the S by VOR Federal airway No. 82.

§ 601.1269 Control area extension (Watertown, S. Dak.).

Within a 15-mile radius of the Watertown, S. Dak., VORTAC, including the airspace S of Watertown bounded on the E by longitude 96°51'00" W., on the S by VOR Federal airway No. 26 and on the W by VOR Federal airway No. 78 S alternate; the airspace NW of Watertown within 10 miles S and 7 miles N of the Watertown VORTAC 297° radial extending from the VORTAC to 37 miles NW; and the airspace N of Watertown within 11 miles W and 7 miles E of the Watertown VORTAC 006° radial extending from the VORTAC to 48 miles N.

§ 601.1338 Control area extension (Green Bay, Wis.).

Within a 15-mile radius of the Austin-Straubel Airport (latitude 44°29'17" N., longitude 88°07'50" W.); including the airspace SE of Green Bay, Wis., bounded on the N by latitude 44°36'00" N., on the E by longitude 87°26'00" W., on the S and SW by latitude 44°06'00" N. and VOR Federal airway No. 217, and on the W by the 15-mile radius area; within 5 miles either side of the 239° bearing from the Green Bay RBN extending from the RBN to 15 miles SW; and within 5 miles either side of the 326° radial of the Green Bay VOR extending from the VOR to 15 miles NW.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12218; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-89]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11443) stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Phoenix, Ariz., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60-21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60-21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60-21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed-wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10856 Casa Grande, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Casa Grande, Ariz., VOR 158° and 338° radials extending from 9 miles NW to 20 miles SE of the VOR.

§ 601.10857 Portal, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Cochise, Ariz., VOR 096° radial extending from 20 miles E to 56 miles E of the VOR.

§ 601.10858 Cochise, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise, Ariz., VOR 096° and 276° radials extending from 9 miles W to 20 miles E of the VOR.

§ 601.10859 San Simon, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles of the San Simon, Ariz., VOR 089° and 269° radials extending from 9 miles W to 20 miles E of the VOR, excluding the portion which would coincide with the Cochise, Ariz. (§ 601.-10858) and Portal, Ariz. (§ 601.10857) transition areas.

§ 601.10860 Mescal, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the Tucson, Ariz., VORTAC 121° radial extending from 18 miles SE to 50 miles SE of the VORTAC excluding the portion which coincides with R-2303.

§ 601.10861 Gila Bend, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Gila Bend, Ariz., VORTAC 262° and 082° radials extending from 9 miles E to 20 miles W of the VORTAC.

§ 601.10862 Buckeye, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Buckeye, Ariz., VOR 096° and 276° radials extending from 9 miles E to 20 miles W of the VOR.

§ 601.10863 St. Johns, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns, Ariz., VORTAC 067° and 247° radials extending from 9 miles NE to 20 miles SW of the VORTAC.

§ 601.10864 Needles, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Needles, Calif., VORTAC 092° and 272° radials extending from 9 miles W to 20 miles E of the VORTAC.

§ 601.10865 Parker, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker, Calif., VORTAC 071° and 251° radials extending from 9 miles SW to 20 miles NE of the VORTAC.

§ 601.10866 Peach Springs, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs, Ariz., VORTAC 074° and 254° radials extending from 9 miles W to 20 miles E of the VORTAC.

§ 601.10867 Tuba City, Ariz., transition area.

That airspace extending upward from 1,200 feet above the surface within 10

miles S and 7 miles N of the Tuba City, Ariz., VOR 076° and 256° radials extending from 9 miles E to 20 miles W of the VOR.

2. Section 601.1186 (14 CFR 601.1186) is amended to read:

§ 601.1186 Control area extension (Tucson, Ariz.).

That airspace S of Tucson, Ariz., bounded on the N by VOR Federal airway No. 105, on the NE by VOR Federal airway No. 66, and on the S and W by VOR Federal airway No. 202; the airspace SW of Tucson within a 30-mile radius of the Tucson RR extending clockwise from VOR Federal airway No. 202 to VOR Federal airway No. 105; the airspace W of Tucson within a 36-mile radius of the Tucson RR extending clockwise from the Tucson RR 256° bearing to VOR Federal airway No. 105; and the airspace NW of Tucson bounded on the NE by VOR Federal airway No. 66 and on the S and W by VOR Federal airway No. 105. The portion of this control area extension which coincides with R–2306 shall be used only after obtaining prior approval from appropriate authority.

3. Section 601.1184 (14 CFR 601.1184) is amended to read:

§ 601.1184 Control area extension (Douglas, Ariz.).

That airspace within 5 miles either side of the Douglas, Ariz., VOR 131° radial extending from the VOR to the United States/Mexican border and within 10 miles SW and 7 miles NE of the Douglas VOR 302° and 122° radials extending from 9 miles SE to 20 miles NW of the VOR excluding the portion which coincides with R–2303, and the portion which extends outside the United States.

4. Section 601.1440 (14 CFR 601.1440) is amended to read:

§ 601.1440 Control area extension (Williams, Ariz.).

That airspace bounded on the N by latitude 33°22′00″ N., on the NE and SE by a line from latitude 33°22′00″ N., longitude 111°13′00″ W., to latitude 32°56′00″ N., longitude 110°31′00″ W., thence through latitude 32°42′00″ N., longitude 110°42′00″ W., to the N edge of VOR Federal airway No. 94, on the S by VOR Federal airway No. 94 and on the W by VOR Federal airway No. 16.

5. Section 601.1076 (14 CFR 601.1076) is amended to read:

§ 601.1076 Control area extension (Phoenix, Ariz.).

That airspace NE of Phoenix, Ariz., bounded on the NE by an arc of a 50-mile radius circle centered on the Phoenix VORTAC extending clockwise from VOR Federal airway No. 95 to a point 8 miles S of the Phoenix VORTAC 066° radial, on the SE and E by a line 8 miles S of and parallel to the Phoenix VORTAC 066° radial extending from the 50-mile radius arc to longitude 111°-27′00″ W., thence via longitude 111°-27′00″ W. to the Williams, Ariz., control area extension (§ 601.1440), on the S by the N boundary of the Williams control area extension, and on the W by VOR Federal airways Nos. 16 and 95; the airspace SW of Phoenix bounded on the N and E by VOR Federal airway No. 16, on the S by VOR Federal airway No. 94, and on the W by VOR Federal airway No. 461; and the airspace NW of Phoenix bounded on the N by latitude 34°00′00″ N., on the E by VOR Federal airway No. 95, on the S by VOR Federal airway No. 16 and on the W by longitude 112°50′00″ W.

6. Section 601.1471 (14 CFR 601.1471) is amended to read:

§ 601.1471 Control area extension (Blythe, Calif.).

That airspace within 10 miles N and 7 miles S of the Blythe, Calif., VOR 094° and 274° radials extending from 9 miles W to 20 miles E of the Blythe VOR and the airspace SW of Blythe within a 17-mile radius of the Blythe VOR extending clockwise from VOR Federal airway No. 138 to VOR Federal airway No. 64.

7. Section 601.1196 (14 CFR 601.1196) is amended to read:

§ 601.1196 Control area extension (Yuma, Ariz.).

That airspace within 5 miles W and 13 miles E of the Yuma, Ariz., VOR 180° radial extending from the VOR to 16 miles S and within 10 miles W and 7 miles E of the Yuma VOR 171° and 351° radials extending from 9 miles S to 20 miles N of the VOR excluding the portions which coincide with R–2307 and R–2301 and the portion outside of the United States.

8. Section 601.1301 (14 CFR 601.1301) is amended to read:

§ 601.1301 Control area extension (Winslow, Ariz.).

That airspace within 5 miles either side of the N and S courses of the Winslow, Ariz., RR extending from the RR to 25 miles N and S of the RR; within 5 miles either side of the Winslow VORTAC 314° and 134° radials extending from the VORTAC to 25 miles NW and SE of the VORTAC; and the airspace NE of Winslow within a 20-mile radius of the Winslow VORTAC extending clockwise from VOR Federal airway No. 95 to VOR Federal airway No. 12.

9. Section 601.1300 (14 CFR 601.1300) is amended to read:

§ 601.1300 Control area extension (Prescott, Ariz.).

That airspace within 5 miles either side of the NW course of the Prescott, Ariz., RR extending from the RR to 25 miles NW; the airspace NE of the Drake, Ariz., VOR bounded on the N and NE by a line extending from VOR Federal airway No. 257 along latitude 35°04′30″ N., to longitude 112°11′00″ W., thence through latitude 35°01′30″ N., longitude 112°06′00″ W. to VOR Federal airway No. 12, on the S by VOR Federal airway No. 12 and on the W by VOR Federal airway No. 25; and the airspace E of Prescott bounded on the N by VOR Federal airway No. 12 S alternate on the E by longitude 112°10′30″ W. and on the SW by VOR Federal airway No. 105 E alternate.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12219; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-91]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11446), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Salt Lake City, Utah, Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60–21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60–21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the Notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60–21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Editorial changes are included in the actions taken herein for the purpose of simplifying the description of controlled airspace without altering the dimensions proposed in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10868 Myton, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Myton, Utah, VOR 049° and 229° radials extending from 9 miles SW to 20 miles NE of the VOR.

§ 601.10869 Delta, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Delta, Utah, VOR 203° and 023° radials extending from 9 miles NE to 20 miles SW of the VOR.

§ 601.10870 Lucin, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin, Utah, VOR 096° and 276° radials extending from 9 miles W to 20 miles E of the VOR.

§ 601.10871 Twin Falls, Idaho, transition area.

That airspace extending upward from 1,200 feet above the surface within 20 miles W and 15 miles E of the Twin Falls, Idaho, VOR 180° and 360° radials extending from 10 miles S to 29 miles N of the VOR.

§ 601.10042 Burley, Idaho, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Burley, Idaho, VORTAC 072° and 252° radials extending from 9 miles SW to 20 miles NE of the VORTAC.

§ 601.10043 Pocatello, Idaho, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Pocatello, Idaho, VOR 046° and 226° radials extending from 9 miles SW to 20 miles NE of the VOR, within 10 miles E and 7 miles W of the Pocatello VOR 168° and 348° radials extending from 9 miles N to 20 miles S of the VOR, and within 10 miles S and 7 miles N of the Pocatello VOR 252° and 072° radials extending from 9 miles E to 20 miles W of the VOR.

§ 601.10909 Malad City, Idaho, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Malad City, Idaho, VORTAC 165° and 345° radials extending from 9 miles N to 20 miles S of the VORTAC.

§ 601.10872 Hanksville, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Hanksville, Utah, VORTAC 241° and 061° radials extending from 9 miles NE to 20 miles SW of the VORTAC.

§ 601.10873 Milford, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford, Utah, VORTAC 023° and 203° radials extending from 9 miles SW to 20 miles NE of the VORTAC.

§ 601.10874 Fort Bridger, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Fort Bridger, Wyo., VOR 079° and 259° radials extending from 9 miles W to 20 miles E of the VOR.

§ 601.10875 Riverton, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Boysen Reservoir, Wyo., VORTAC 186° radial extending from 35 miles S to 67 miles S of the VORTAC.

§ 601.10876 Boysen Reservoir, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Boysen Reservoir, Wyo., VORTAC 006° and 186° radials extending from 9 miles N to 20 miles S of the VORTAC.

§ 601.10877 Promontory Point, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Ogden, Utah, VOR 316° radial extending from 35 to 67 miles NW of the Ogden VOR.

§ 601.10878 Cherokee, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Cherokee, Wyo., VOR 081° and 261° radials extending from 7 miles E to 7 miles W of the VOR.

§ 601.10879 Tremonton, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the NE by a line extending from VOR Federal airway No. 288 through latitude 41°-50′00″ N., longitude 112°12′30″ W., and latitude 41°40′00″ N., longitude 112°-05′00″ W.; on the S by VOR Federal airway No. 288 and on the W by VOR Federal airway No. 21.

§ 601.10880 Stansbury, Utah, transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the Salt Lake City, Utah, VORTAC 265° radial extending from 13 miles to 45 miles W of the VORTAC.

2. Section 601.1439 (14 CFR 601.1439) is amended to read:

§ 601.1439 Control area extension (Battle Mountain, Nev.).

That airspace within 14 miles E and 7 miles W of the Battle Mountain, Nev., VOR 348° radial extending from the VOR to 12 miles N, and the airspace S of the Battle Mountain VOR bounded on the N by VOR Federal airways Nos. 6 W of the VOR and 32E of the VOR, on the S by VOR Federal airway No. 494 and on the W by longitude 117°17′00″ W.

3. Section 601.1298 (14 CFR 601.1298) is amended to read:

§ 601.1298 Control area extension (Promontory Point, Utah).

That airspace S of Promontory Point, Utah, bounded on the N by VOR Federal airway No. 6, on the E by VOR Federal airway No. 21, on the S by VOR Federal airway No. 32, and on the W by a line extending from latitude 40°51′30″ N., longitude 112°56′30″ W., to latitude 41°00′00″ N., longitude 112°56′30″ W., to latitude 41°00′00″ N., longitude 112°-45′00″ W., to latitude 41°10′40″ N., longitude 112°45′00″ W., to latitude 41°12′00″ N., longitude 112°52′00″ W., thence N via longitude 112°52′00″ W., to VOR Federal airway No. 6; that airspace N of Promontory Point bounded on the N by VOR Federal airway No. 288, on the E by VOR Federal airway No. 257 and on the S by VOR Federal airway No. 6.

4. Section 601.1443 (14 CFR 601.1443) is amended to read:

§ 601.1443 Control area extension (Bryce Canyon, Utah).

That airspace within 5 miles either side of the Bryce Canyon, Utah, VOR 110° radial extending from the VOR to

25 miles SE and within 10 miles SE and 7 miles NW of the Bryce Canyon VOR 240° radial extending from the VOR to 20 miles SW.

5. Section 601.1054 (14 CFR 601.1054) is amended to read:

§ 601.1054 Control area extension (Sinclair, Wyo.).

Within 5 miles either side of the Sinclair, Wyo., RR N course extending from the RR to 25 miles N; and the airspace SE of Rawlins, Wyo., bounded on the N by VOR Federal airway No. 6, on the E by the arc of a 10-mile radius circle centered on the Sinclair RR, and on the SW by VOR Federal airway No. 4.

6. Section 601.1079 (14 CFR 601.1079) is amended to read:

§ 601.1079 Control area extension (Rock Springs, Wyo.).

Within 5 miles either side of the N and S courses of the Rock Springs, Wyo., RR extending from 25 miles S to 25 miles N of the RR, and the airspace within 12 miles S and 7 miles N of the Rock Springs VORTAC 079° and 259° radials extending from 9 miles E to 20 miles W of the VORTAC.

7. Section 601.1185 (14 CFR 601.1185) is amended to read:

§ 601.1185 Control area extension (Provo, Utah).

That airspace S of Provo, Utah, bounded on the N by VOR Federal airway No. 200, on the SE by a line extending from VOR Federal airway No. 200 through latitude 40°04'00" N., longitude 111°29'00" W., and latitude 40°00'-00" N., longitude 111°45'00" W., to VOR Federal airway No. 21, and on the NW by VOR Federal airway No. 21.

8. Section 601.1077 (14 CFR 601.1077) is amended to read:

§ 601.1077 Control area extension (Elko, Nev.).

Within 5 miles either side of bearings 338° and 158° from the Elko, Nev., RBN extending from 25 miles S to 25 miles N of the RBN, including the airspace bounded on the NW by the Elko, Nev., VOR 248° radial, on the NE by the Elko, VOR 158° radial, on the SE by a line 10 miles SE of and parallel to the Elko VOR 248° radial, and on the SW by a line 20 miles SW of and parallel to the Elko VOR 158° radial.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12220; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-94]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Area

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11456), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Denver, Colo., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60-21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60-21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the Notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60-21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Editorial changes are included in the actions taken herein for the purpose of simplifying the description of controlled airspace without altering the dimensions proposed in the notice. Additionally, minor adjustments are made to the descriptions of the Pueblo, Colo., control area extension and the Gunnison, Colo., transition area to include small amounts of airspace not included in the notice. Such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10927 Chadron, Nebr., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Chadron, Nebr., VOR 275° and 095° radials extending from 20 miles W to 9 miles E of the VOR.

§ 601.10928 O'Neill, Nebr., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the O'Neill, Nebr., VORTAC 273° and 093° radials extending from 20 miles W to 9 miles E of the VORTAC.

§ 601.10929 Scottsbluff, Nebr., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Scottsbluff, Nebr., VORTAC 211° and 031° radials extending from 20 miles SW to 9 miles NE of the VORTAC.

§ 601.10930 Sidney, Nebr., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the Sidney, Nebr., VOR 261° and 081° radials extending from 20 miles W to 9 miles E of the Sidney VOR.

§ 601.10931 Laramie, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles either side of the Laramie, Wyo., VOR 332° and 152° radials extending from 20 miles NW to 9 miles SE of the VOR; and the airspace NE of Laramie bounded on the NE by VOR Federal airway No. 138, and on the S and W by VOR Federal airway No. 118.

§ 601.10932 Bear Creek, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Cheyenne, Wyo., VORTAC 347° radial extending from 16 miles N to 49 miles N of the VORTAC.

§ 601.10933 Rock River, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Rock River, Wyo., VOR 288° and 108° radials extending from 9 miles NW to 41 miles SE of the VOR; and within 12 miles N and 8 miles S of the Rock River VOR 070° radial extending from 9 miles NE to 42 miles NE of the VOR.

§ 601.10934 Kimball, Nebr., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the Sidney, Nebr., VOR 292° radial extending from 24 miles NW to 61 miles NW of the VOR.

§ 601.10935 Gunnison, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the Gunnison, Colo., VORTAC 264° and 084° radials extending from 20 miles W to 9 miles E of the VORTAC.

§ 601.10936 Kremmling, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Kremmling, Colo., VORTAC 243° and 063° radials extending from 20 miles SW to 9 miles NE of the VORTAC.

§ 601.10937 Hugo, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Hugo, Colo., VOR 113° and 293° radials extending from 20 miles SE to 9 miles NW of the VOR.

§ 601.10938 Akron, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Akron, Colo., VOR 064° and 244° radials extending from 20 miles NE to 9 miles SW of the VOR.

§ 601.10939 Thurman, Colo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Thurman, Colo., VOR 100° and 280° radials extending from 20 miles E to 9 miles W of the VOR.

§ 601.10940 Dupree, S. Dak., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles NE and 10 miles SW of the Dupree, S. Dak., VOR 295° and 115° radials extending from 20 miles NW to 9 miles SE of the VOR.

§ 601.10941 Crazy Woman, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Crazy Woman, Wyo., VORTAC 173° and 353° radials extending from 20 miles S to 9 miles N of the VORTAC.

§ 601.10942 Douglas, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Douglas, Wyo., VOR 167° and 347° radials extending from 20 miles S to 9 miles N of the VOR.

§ 601.10943 Sand Creek, Wyo., transition area.

That airspace extending upward from 1,200 feet above the surface within the airspace bounded by lines beginning at latitude 43°33'00" N., longitude 105°08'-00" W.; to latitude 43°17'00" N., longitude 104°44'00" W.; to latitude 43°02'-00" N., longitude 104°44'00" W.; to latitude 43°02'00" N., longitude 105°26'-00" W.; to latitude 43°23'00" N., longitude 105°45'00" W.; to latitude 43°33'-00" N., longitude 105°23'00" W.; to point of beginning.

2. Sections 601.1098, 601.1109, 601.1118, 601.1276, 601.1280, 601.1281, 601.1347 (14 CFR 601.1098, 601.1109, 601.1118, 601.-1276, 601.1280, 601.1281, 601.1347) and 601.1026 (26 F.R. 2388) 601.1031 (26 F.R. 786) 601.1279 (26 F.R. 8415) and 601.1277 (14 CFR 601.1277, 26 F.R. 8170) are amended to read:

§ 601.1026 Control area extension (Grand Island, Nebr.).

That airspace within 18 miles W and 7 miles E of the Grand Island, Nebr., VOR 180° and 360° radials extending from 9 miles S to 34 miles N of the VOR.

§ 601.1031 Control area extension (North Platte, Nebr.).

That airspace within a 25-mile radius of the North Platte, Nebr., VORTAC bounded on the S by VOR Federal airway No. 6; including the airspace NE of North Platte within 11 miles NW and 7 miles SE of the North Platte VORTAC 046° radial extending from the 25-mile radius area to 42 miles NE of the VORTAC; the airspace S and SW of North Platte bounded on the E by a line 7 miles E of and parallel to the 179° radial of the North Platte VORTAC, on the S and SW by VOR Federal airway No. 8, on the NW by VOR Federal airway No. 80, and on the N by VOR Federal airway No. 6; and the airspace S of North Platte bounded on the N by VOR Federal airway No. 8, on the E by a line 7 miles E of and parallel to the North Platte VORTAC 179° radial, on the S by latitude 40°20'00" N., and on the W by longitude 101°05'00" W.

§ 601.1098 Control area extension (Casper, Wyo.).

That airspace within a 33-mile radius of a center point located at latitude 42°54'32" N., longitude 106°17'54" W., extending clockwise from the 007° to the 170° bearing from the center point; within a 25-mile radius of the center point extending clockwise from the 170° to the 200° bearing from the center point; within a 38-mile radius of the center point extending clockwise from the 200° to the 240° bearing from the center point; within a 35-mile radius of the center point extending clockwise from the 240° to the 295° bearing from the center point; and within a 25-mile radius of the center point extending clockwise from the 295° to the 007° bearing from the center point, excluding the portion S of latitude 42°47'00" N., and E of the 170° bearing from the center point.

§ 601.1109 Control area extension (Goodland, Kans.).

That airspace within 5 miles either side of the Goodland, Kans., VORTAC 022° radial extending from the VORTAC to 12 miles N; and within 10 miles S and 7 miles N of the Goodland VORTAC 281° and 101° radials extending from 20 miles W to 9 miles E of the VORTAC.

§ 601.1118 Control area extension (Grand Junction, Colo.).

That airspace bounded on the NE by a line 20 miles NE of and parallel to the 125° and 305° radials of the Grand Junction, Colo., VORTAC, on the SE by a line 30 miles SE of and parallel to the Grand Junction VORTAC 220° and 040° radials, on the SW by a line 20 miles SW of and parallel to the Grand Junction VORTAC 130° and 310° radials, and on the NW by a line 32 miles NW of and parallel to the Grand Junction VORTAC 220° and 040° radials; and within 5 miles either side of a line bearing 305° from the Walker Airport (latitude 39°07'05" N., longitude 108°31'10" W.), Grand Junction, Colo., extending from 40 miles NW of the airport to its INT with the Grand Junction VORTAC 318° radial.

§ 601.1276 Control area extension (Cheyenne, Wyo.).

That airspace NE of Cheyenne, Wyo., within 5 miles either side of the 032° radial of the Cheyenne VORTAC extending from the VORTAC to 25 miles NE; the airspace bounded on the NE by VOR Federal airway No. 6, on the SE by VOR Federal airway No. 207, on the S by VOR Federal airway No. 138, and on the W by VOR Federal airway No. 89 E alternate; the airspace SE of Cheyenne within a 25-mile radius of the Cheyenne RR in the SE quadrant of the RR; and the air-

space SW of Cheyenne bounded on the N by VOR Federal airway No. 118, on the E by VOR Federal airway No. 19, and on the SW by VOR Federal airway No. 4 N alternate.

§ 601.1277 Control area extension (Denver, Colo.).

That airspace within a 34-mile radius of the Denver, Colo., VORTAC extending from VOR Federal airway No. 81 on the S clockwise to VOR Federal airway No. 4 on the N; the airspace NW of Denver from 5 miles W to 8 miles W of the Denver VORTAC 334° radial extending from the 34-mile radius area to the arc of a circle with a 57-mile radius centered at the Denver VORTAC; within 10 miles either side of the Denver VORTAC 253° radial extending from the 34-mile radius area to 49 miles W of the VORTAC; the airspace S of Denver bounded on the W by VOR Federal airway No. 89, on the N by the 34-mile radius area, on the E by VOR Federal airway No. 81, and on the S by VOR Federal airway No. 95; the airspace SE of Denver bounded on the N by VOR Federal airway No. 4, on the E by longitude 104°00'00'' W., and on the S and W by VOR Federal airway No. 148; and the airspace NE of Denver bounded on the NE by VOR Federal airway No. 132, on the SE by VOR Federal airway No. 160 and on the W by VOR Federal airway No. 89, including the airspace bounded on the N by VOR Federal airway No. 138 S alternate, on the E by longitude 103°52'00'' W., on the SW by VOR Federal airway No. 132, and on the NW by VOR Federal airway No. 207.

§ 601.1279 Control area extension (Rapid City, S. Dak.).

That airspace within a 55-nautical mile radius of Ellsworth AFB, Rapid City, S. Dak. (latitude 44°08'40'' N., longitude 103°06'10'' W.), including the airspace SW of Rapid City within 12 miles SE and 8 miles NW of the Rapid City VORTAC 251° radial extending from the 55-nautical mile radius area to 73 miles SW of the VORTAC; the airspace S of Rapid City within 10 miles E and 7 miles W of the Smithwick, S. Dak., VOR 182° radial extending from the 55-nautical mile radius area to 20 miles S of the Smithwick VOR; and the airspace E of Rapid City within 10 miles SE and 7 miles NW of the Philip, S. Dak., VOR 072° and 252° radials extending from 20 miles NE to 9 miles SW of the Philip VOR. The portion of this control area extension which coincides with R-6102 shall be used only after obtaining prior approval from appropriate authority.

§ 601.1280 Control area extension (Sheridan, Wyo.).

That airspace NE of a line 8 miles SW of and parallel to the Sheridan, Wyo., VORTAC 316° and 136° radials within a 27-mile radius of the Sheridan Municipal Airport (latitude 44°46'30'' N., longitude 106°58'40'' W.).

§ 601.1281 Control area extension (Pueblo, Colo.).

That airspace within a 21-mile radius of the Pueblo, Colo., VORTAC excluding the portion N of a line 10 miles N of and parallel to the Pueblo VORTAC 275° and 093° radials, and within a 34-mile radius of the Pueblo VORTAC extending clockwise from the 229° radial to the 360° radial of the Pueblo VORTAC excluding the portion N of a line 10 miles N of and parallel to the Pueblo VORTAC 275° radial.

§ 601.1347 Control area extension (Colorado Springs, Colo.).

That airspace bounded by a line beginning at the INT of the S edge of VOR Federal airway No. 148 with longitude 104°07'00'' W.; to latitude 39°05'00'' N., longitude 104°07'00'' W.; thence E to the INT of latitude 39°05'00'' W. with the arc of a 46-mile radius circle centered at the Colorado Springs, Colo., VORTAC; thence clockwise along this arc to a line 10 miles N of and parallel to Pueblo, Colo., VORTAC 275° and 093° radials; thence W via this line to longitude 104°52'00'' W.; thence N via this meridian to the Colorado Springs VORTAC 294° radial; thence NW via this radial to the SE boundary of VOR Federal airway No. 95; thence NE via the SE boundary of VOR Federal airway No. 95 and the S boundary of VOR Federal airway No. 148 to point of beginning. The portion of this control area extension which would coincide with R-2601 would be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12221; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-95]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions, Revocation of Control Area Extensions, and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11448), stating that the Federal Aviation Agency proposed to alter control area extensions, revoke a control area extension and designate transition areas in the Seattle, Wash., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60-21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60-21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate this procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60-21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Although not mentioned in the notice, the portion of the present Portland, Oreg., control area extension based on the Portland ILS localizer back course is no longer required and is being revoked. This portion was originally designated to accommodate activity within the Portland International Airport and Military Climb Corridor. Subsequent lowering of the continental control area floor has removed the requirement for this specific controlled airspace designation.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

A. Section 601.1039 (14 CFR 601.1039) is amended to read:

§ 601.1039 Control area extension (Portland, Oreg.).

Within a 30-mile radius of the Portland International Airport, Portland, Oreg. (latitude 45°35'11'' N., longitude 122°35'53'' W.); the area extending from the 30-mile radius area bounded on the SE by VOR Federal airway No. 99 and on the NW by a line 10 miles NW of and parallel to the Newberg, Oreg., VOR 204° radial; and the area extending from the 30-mile radius area bounded on the W by a line extending through latitude 45°40'00'' N., longitude 123°14'-00'' W. and latitude 46°15'00'' N., longitude 123°23'00'' W., on the N by latitude 46°15'00'' N., and on the E by VOR Federal airway No. 99. The portion of this control area extension which coincides with R-5703 shall be used only after obtaining prior approval from appropriate authority.

B. Section 601.1040 (14 CFR 601.1040) is amended to read:

§ 601.1040 Control area extension (Medford, Oreg.).

Within 5 miles either side of the W course of the Medford, Oreg., RR extending from the RR to 20 miles W of the RR; within 5 miles either side of the Medford VORTAC 270° radial extending from the VOR to VOR Federal airway No. 27; and within 15 miles E and 8 miles W of the Medford VORTAC 335° and 155° radials extending from 14 miles S to 20 miles N of the VORTAC.

C. Part 601 (14 CFR Part 601) is amended as follows:

1. Revoke the following section:

§ 601.1446 Control area extension (Pendleton, Oreg.). [Revoked]

2. Add the following sections:

§ 601.10046 Baker, Oreg., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 10 miles SW of the Baker, Oreg., VORTAC 139° and 319° radials extending from 20 miles NW to 20 miles SE of the VORTAC.

§ 601.10047 Yakima, Wash., transition area.

That airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Ellensburg, Wash., VORTAC 191° radial extending from 8 miles S to 15 miles N of the INT of the Ellensburg VORTAC 191° and the Yakima, Wash., VOR 304° radials.

§ 601.10809 Drain, Oreg., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles W and 8 miles E of the Eugene, Oreg., VORTAC 187° radial extending from 10 miles N to 22 miles S of the INT of the Eugene VORTAC 187° and North Bend, Oreg., VOR 070° radials.

§ 601.10881 Port Angeles, Wash., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the N by the United States/Canadian border, on the E by Amber Federal airway No. 1, on the S by latitude 48°03'00'' N., and on the W by longitude 123°35'00'' W.

§ 601.10882 The Dalles, Oreg., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of The Dalles, Oreg., VORTAC 096° and 276° radials extending from 9 miles W to 20 miles E of the VORTAC.

§ 601.10883 Ellensburg, Wash., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Ellensburg, Wash., VORTAC 064° and 244° radials extending from 9 miles SW to 20 miles NE of the VORTAC.

§ 601.10884 Kings Valley, Oreg., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VOR 204° radial extending from 10 miles NE to 22 miles SW of the INT of the Newberg VOR 204° and the Eugene, Oreg., VORTAC 340° radials.

§ 601.10952 Pendleton, Oreg., transition area.

That airspace extending upward from 1,200 feet above the surface within 18 miles NE and 7 miles SW of the Pendleton, Oreg., VORTAC 137° radial extending from 9 miles to 39 miles SE of the VORTAC; and within 10 miles SE and 7 miles NW of the Pendleton VORTAC 254° and 074° radials extending from 9 miles NE to 20 miles SW of the VORTAC.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12222; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-99]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11445), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Oakland, Calif., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60-21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60-21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60-21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace.

Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1048 (14 CFR 601.1048) is amended to read:

§ 601.1048 Control area extension (Red Bluff, Calif.).

Within a 25-mile radius of the Red Bluff, Calif., VORTAC; within 12 miles SW and 12 miles NE of the Red Bluff VORTAC 291° radial extending from the 25-mile radius area to 50 miles NE of the VORTAC, and within 12 miles SW and 12 miles NE of the Red Bluff VORTAC 342° radial extending from the 25-mile radius area to 70 miles NW of the VORTAC.

2. Section 601.1078 (14 CFR 601.1078) is amended to read:

§ 601.1078 Control area extension (Reno, Nev.).

That airspace bounded on the N by latitude 40°00'00" N., on the E and S by a line extending from latitude 40°-00'00" N., longitude 118°57'00" W. to latitude 39°06'00" N., longitude 119°-10'00" W., thence SW to latitude 38°-56'00" N., longitude 119°49'00" W., thence NW to latitude 39°05'00" N., longitude 120°00'00" W., and on the W by longitude 120°00'00" W.

3. Section 601.1174 (14 CFR 601.1174) is amended to read:

§ 601.1174 Control area extension (Ukiah, Calif.).

Within a 20-mile radius of the Ukiah, Calif., VOR, including the airspace NE of Ukiah bounded on the E by VOR Federal airway No. 25, on the S by VOR Federal airway No. 200, and on the W and N by VOR Federal airway No. 199.

4. Section 601.1194 (14 CFR 601.1194, 26 F.R. 786) is amended to read:

§ 601.1194 Control area extension (Sacramento, Calif.).

That airspace bounded on the W by the arc of a 20-mile radius circle centered on the Ukiah, Calif., VOR and VOR Federal airways Nos. 27 and 137, on the south by VOR Federal airway No. 6, on the E by the arc of a 50-mile radius circle centered on the Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.), extending clockwise from VOR Federal airway No. 200 to VOR Federal airway No. 23 SE of Sacramento, Calif., and on the N by VOR Federal airway No. 200; and that airspace NE of Sacramento bounded on the E by longitude 120°10'00" W., on the S by VOR Federal airway No. 200, on the W by longitude 121°20'00" W., and on the N by latitude 39°30'00" N., excluding the portion which coincides with R–2522.

5. Section 601.1227 (14 CFR 601.1227, 26 F.R. 786) is amended to read:

§ 601.1227 Control area extension (Lovelock, Nev.).

Within 10 miles NW and 10 miles SE of the Lovelock, Nev., VORTAC 238° and 058° radials extending from 20 miles SW to 20 miles NE of the VORTAC, excluding the portion which coincides with R–4805.

6. Section 601.1326 (14 CFR 601.1326) is amended to read:

§ 601.1326 Control area extension (Fortuna, Calif.).

Within a 30-mile radius of the Arcata, Calif., Airport (latitude 40°58'45" N., longitude 124°06'25" W.), extending clockwise from VOR Federal airway No. 27, N of Fortuna, Calif., to VOR Federal airway No. 195 SE of Fortuna; the airspace W of Fortuna bounded on the E by VOR Federal airway No. 27, on the S by the Fortuna control area extension (§ 601.1415), on the W by longitude 124°-30'00" W., and on the N by a line extending from latitude 41°07'45" N., longitude 124°30'00" W., to latitude 41°-04'30 N., longitude 124°20'00" W.; the airspace S within 10 miles NE and 7 miles SW of the Fortuna VOR 155° radial extending from the VOR to 20 miles SE; and the airspace within 11 miles N and 7 miles S of the Fortuna VOR 110° radial extending from 21 miles E to 9 miles W of the INT of the Fortuna VOR 110° and the Arcata ILS localizer SE course.

7. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10044 Paso Robles, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Paso Robles, Calif., VOR, excluding the portion which coincides with R–2504.

§ 601.10900 Beatty, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 11 miles SW and 8 miles NE of the Beatty, Nev., VOR 320° and 140° radials extending from 20 miles NW to 20 miles SE of the VOR.

§ 601.10901 Big Trees, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles N and 12 miles S of the Linden, Calif., VORTAC 077° radial extending from 22 miles W to 22 miles E of the INT of the Linden VORTAC 077° and the Fresno, Calif., VORTAC 350° radials.

§ 601.10903 Lida, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 12 miles NE of the Coaldale, Nev., VORTAC 146° radial extending from 22 miles SE to 22 miles NW of the INT of the Coaldale VORTAC 146° and the Tonopah, Nev., VOR 198° radials, including the airspace 12 miles NW and 9 miles SE of the Tonopah VOR 198° radial extending from the INT of the Coaldale VORTAC 146° and the Tonopah VOR 198° radials to 22 miles NE of the INT.

§ 601.10904 Coaldale, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Coaldale, Nev., VORTAC 087° radial extending from the VORTAC to 20 miles E and within 10 miles NE and 10 miles SW of the Coaldale VORTAC 316° and 146° radials extending from 20 miles SE to 20 miles NW of the VORTAC.

§ 601.10905 Tonopah, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 10 miles N of the Tonopah, Nev., VOR 083° and 268° radials extending from 20 miles E to 20 miles W of the VOR; and within 7 miles SE and 10 miles NW of the Tonopah VOR 198° radial extending from the VOR to 20 miles SW, excluding the portion which coincides with R–4807.

§ 601.10906 Priest, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the E by VOR Federal airway No. 107, on the S by latitude 35°55'00" N. and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by VOR Federal airway No. 25 E alternate, and on the N by VOR Federal airway No. 111.

§ 601.10907 Mina, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 10 miles S of the Mina, Nev., VOR 259° and 086° radials extending from 20 miles W to 20 miles E of the VOR; and within 7 miles SW and 10 miles NE of the Mina VOR 124° radial extending from the VOR to 20 miles SE.

§ 601.10908 Maxwell, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the E by VOR Federal airway No. 195, on the S by VOR Federal airway No. 200, on the W by VOR Federal airway No. 25 and on the N by the arc of a 25-mile radius circle centered on the Red Bluff, Calif., VORTAC.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12223; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-LA-100]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the

FEDERAL REGISTER (26 F.R. 11449), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Los Angeles, Calif., Air Route Traffic Control Center area.

The Air Transport Association of America (ATA) concurred with the proposal to designate controlled airspace to implement the new holding pattern procedures. However, ATA objected to the random implementation of CAR Amendment 60–21, with regard to the designation of transition areas and recommended that the additional controlled airspace required for holding patterns be designated as control area extensions and that any application of 60–21 be deferred for processing in an airspace package for the terminal area and/or en route segments as appropriate. In addition, ATA was concerned with the complexity of charting the various controlled airspace floors associated with control area extensions, transition areas and airways. The Federal Aviation Agency recognizes the desirability of effectively portraying on aeronautical charts varied floors of controlled airspace. However, as stated in the notice, the time limitations imposed by the effective date on the revised holding pattern procedures make it incumbent upon the Agency to expedite the designation of additional controlled airspace necessary to accommodate these procedures consistent with the requirements in the area concerned, and with a minimum penalty to other users of the airspace. In this instance, the transition areas are being established apart from CAR Amendment 60–21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future. The designation of varied floors for controlled airspace, at this time, will prevent duplication of regulatory action at a later date.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.1050 (14 CFR 601.1050) is amended to read:

§ 601.1050 Control area extension (Bakersfield, Calif.).

That airspace bounded on the E by VOR Federal airway No. 23, on the S by latitude 35°05'00" N., on the W by longitude 119°30'00" W., and on the N by latitude 36°00'00" N.; and the airspace NE of Bakersfield, Calif., bounded on the E by longitude 118°45'00" W., on the S by latitude 35°36'00" N., on the W by a line extending from latitude 35°36'00" N., longitude 119°01'03" W., to latitude 36°00'00" N., longitude 118°48'00" W., and on the N by latitude 36°00'00" N.

2. Section 601.1071 (14 CFR 601.1071, 26 F.R. 1715) is amended to read:

§ 601.1071 Control area extension (Burbank, Calif.).

That airspace bounded on the SE by VOR Federal airway No. 8–N alternate, on the S by VOR Federal airway No. 16, on the SW by VOR Federal airway No. 107, on the NW by VOR Federal airway No. 12, and the E boundary of VOR Federal airway No. 23, and on the NE by VOR Federal airway No. 137.

3. Section 601.1247 (14 CFR 601.1247) is amended to read:

§ 601.1247 Control area extension (Las Vegas, Nev.).

That airspace bounded on the N by latitude 36°16'00" N., on the W by a line extending from latitude 36°16'00" N., longitude 116°20'00" W. to latitude 36°04'00" N., longitude 116°20'00" W., thence SE to latitude 35°45'00" N., longitude 116°00'00" W., thence SW to latitude 35°19'35" N., longitude 116°-15'00" W., on the SW by VOR Federal airway No. 8 N alternate, and on the E by Las Vegas, Nev., control area extension (§ 601.1455).

4. Section 601.1436 (14 CFR 601.1436) is amended to read:

§ 601.1436 Control area extension (San Bernardino, Calif.).

The airspace NE of San Bernardino, Calif., bounded on the S by VOR Federal airway No. 16, on the NW by VOR Federal airway No. 8, on the E by longitude 116°35'00" W., extending from the S boundary of VOR Federal airway No. 8 to the Ontario, Calif., VOR 060° radial, thence SW via the Ontario VOR 060° radial, to VOR Federal airway No. 137, thence SE via VOR Federal airway No. 137 to VOR Federal airway No. 16.

5. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10916 Essex, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles S and 12 miles N of the Needles, Calif., VORTAC 272° radial extending from 10 miles W to 22 miles E of the INT of the Needles VORTAC 272° and the Goffs, Calif., VOR 205° radials.

§ 601.10917 Hector, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles S and 10 miles N of the Hector, Calif., VORTAC 091° and 271° radials extending from 7 miles W to 20 miles E of the VORTAC, the portion which coincides with R–2501 shall be used only after obtaining prior approval from appropriate authority.

§ 601.10918 Lake Mead, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles E and 12 miles W of the Mormon Mesa, Nev., VORTAC 185° radial extending from 10 miles S to 22 miles N of the INT of the Mormon Mesa VORTAC 185° and the Las Vegas, Nev., VORTAC 081° radials; and the airspace SW of the Mead INT bounded on the N by VOR Federal airway No. 21 E alternate, on the E by VOR Federal airway No. 237, and on the S by VOR Federal airway No. 105 E alternate.

§ 601.10919 Mormon Mesa, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles SE and 10 miles NW of the Mormon Mesa, Nev., VORTAC 032° radial extending from the VORTAC to 20 miles NE; and within 7 miles SE and 10 miles NW of the Mormon Mesa VORTAC 059° and 239° radials extending from 9 miles SW to 20 miles NE of the VORTAC.

§ 601.10920 Searchlight, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Las Vegas, Nev., VORTAC 157° radial extending from 10 miles NW to 22 miles SE of the INT of the Las Vegas VORTAC 157° and the Goffs, Calif., VOR 030° radials.

§ 601.10921 Willow Beach, Nev., transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles NE and 12 miles SW of the Las Vegas, Nev., VORTAC 121° radial extending from 10 miles NW to 22 miles SE of the INT of the Las Vegas VORTAC 121° and the Mormon Mesa, Nev., VORTAC 200° radials.

§ 601.10922 Gorman, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 118°45'00" W., on the S by latitude 34°30'00" N., on the W by longitude 119°30'00" W., and on the N by latitude 35°05'00"N.

§ 601.10923 Santa Barbara, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the W by VOR Federal airway No. 25, on the N by VOR Federal airway No. 248, on the NE by VOR Federal airway No. 107, on the E by longitude 119°30'00" W., and on the S by VOR Federal airway No.12.

§ 601.10048 El Centro, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the S by the United States/Mexican border, on the W by longitude 115°43'00" W., on the N by latitude 32°52'00" N., and on the E by longitude 115°15'00" W., excluding the portion which coincides with R–2512.

§ 601.10925 Twentynine Palms, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 115°12'00" W., on the S by latitude 33°28'00" N., on the W by the W. boundary of VOR Federal airways Nos. 208 and 117, the S boundary of VOR Federal airway No. 16 and longitude 116°28'00" W., and on the N by latitude 34°17'00" N., excluding the portion which coincides with R–2507. The portion of this transition area which coincides with R–2501 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12224; Filed, Dec. 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61–NY–92]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11451), stating that the Federal Aviation Agency proposed to alter control area extensions and designate transition areas in the Boston, Mass., Air Route Traffic Control Center area.

No adverse comments were received regarding the proposed amendments.

Editorial changes are included in the actions taken herein in order to more clearly define the dimensions of the controlled airspace proposed in the notice. Additionally, it has been found necessary to enlarge the dimensions of the transition area proposed at Massena, N.Y., in order to include a small amount of airspace along the Canadian border. Such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1051 (26 F.R. 9631) is amended to read:

§ 601.1051 Control area extension (Portland, Maine).

That airspace bounded by a line beginning at latitude 43°37'00" N., longitude 71°00'00" W.; to latitude 43°45'00" N., longitude 71°09'00" W.; to latitude 44°06'00" N , longitude 70°43'00" W.; to latitude 43°56'00" N., longitude 70°29'00" W.; to latitude 43°52'00" N., longitude 70°29'00" W.; thence SE to the continental limits of the United States via a line 5 miles NE of and parallel to the 132° and 312° bearings from the Portland Municipal Airport (latitude 43°38'50" N., longitude 70°18'28" W.); thence S via the continental limits of the United States to the N boundary of the Boston, Mass., control area extension (§ 601.1377); thence W along that boundary to longitude 71°00'00" W.; to point of beginning.

2. Section 601.1081 (14 CFR 601.1081) is amended to read:

§ 601.1081 Control area extension (Windsor Locks, Conn.).

Within a 30-mile radius of the Bradley, Conn., Airport (latitude 41°56'25" N., longitude 72°41'10" W.), excluding the portion which coincides with the New York, N.Y., control area extension (§601.1066) and excluding the area NE of a line extending from latitude 42°21'00" N., longitude 72°53'00" W.; to latitude 42°08'20" N., longitude 72°37'00" W.; to latitude 42°03'45" N., longitude 72°09'00" W.; to latitude 42°04'30" N., longitude 72°01'00" W.; and within the area SW of Chester, Mass., bounded on the N by VOR Federal airway No. 270, on the NE by VOR Federal airway No. 130, on the SE by VOR Federal airway No. 93, and on the W by VOR Federal airway No. 487.

3. Section 601.1100 (14 CFR 601.1100) is amended to read:

§ 601.1100 Control area extension (Rutland, Vt.).

That airspace NE of Benson, Vt., bounded on the NW by VOR Federal airway No. 91, on the NE by VOR Federal airway No. 141, and on the S by the Benson, Vt., VORTAC 092° radial; and the airspace S of Benson bounded on the N by the Benson VORTAC 092° radial, on the E by a line 24 miles E of and parallel to the Benson VORTAC 182° radial, on the S by a line 20 miles S of and parallel to the Benson VORTAC 091° and 271° radials, and on the W by VOR Federal airway No. 91.

4. Section 601.1273 (14 CFR 601.1273) is amended to read:

§ 601.1273 Control area extension (Syracuse, N.Y.).

Within the area bounded by a line beginning at latitude 43°17'00" N., longitude 76°27'00" W., clockwise along the arc of a 15-mile radius circle centered on the Syracuse, N.Y., VORTAC to latitude 43°00'10" N., longitude 76°00'00" W.; to latitude 42°29'00" N., longitude 76°00'00" W.; to latitude 42°29'00" N., longitude 76°25'00" W.; to latitude 42° 36'10" N., longitude 76°25'00" W. thence clockwise along the arc of a 40-mile radius circle centered on the Syracuse VORTAC to latitude 43°17'00" N., longitude 76°58'45" W.; to point of beginning.

5. Section 601.1303 (14 CFR 601.1303) is amended to read:

§ 601.1303 Control area extension (Albany, N.Y.).

Within a 15-mile radius of the Albany, N.Y., VORTAC extending clockwise from the 134° to the 094° radial; within a 40-mile radius of the Albany VORTAC extending clockwise from the 094° to the 134° radial; the airspace NW of Albany bounded on the N by VOR Federal airway No. 490, on the E by VOR Federal airway No. 203; and on the S by VOR Federal airway No. 2; the airspace NE of Albany extending from the 15-mile radius area bounded on the N by VOR Federal airway No. 490, on the E by VOR Federal airway No. 487, and on the S by VOR Federal airway No. 72; and the airspace SW of Albany extending from the 15-mile radius area bounded on the N by VOR Federal airway No. 72 and on the S by a line 10 miles S of and parallel to the Albany VORTAC 270° radial.

6. Section 601.1312 (14 CFR 601.1312) is amended to read:

§ 601.1312 Control area extension (Watertown, N.Y.).

Within 12 miles W and 8 miles E of the Watertown, N.Y., VOR 007° and 187° radials extending from 9 miles N of the VOR to the arc of a 40-mile radius circle centered at Griffiss AFB (latitude 43° 14'00" N., longitude 75°24'10" W.) Rome, N.Y., and the arc of a 15-mile radius circle centered at the Syracuse, N.Y., VORTAC; including the airspace within 5 miles either side of the Watertown VOR 155° radial extending from the VOR to the 40-mile radius circle centered at Griffiss AFB.

7. Section 601.1315 (14 CFR 601.1315, 26 F.R. 712) is amended to read:

§ 601.1315 Control area extension (Keene, N.H.).

Within 8 miles W and 5 miles E of the Keene, N.H., VOR 188° radial extending from the VOR to 17 miles S; within 8 miles W and 5 miles E of the 186° bearing from the Keene RBN extending from the RBN to 17 miles S; within 11 miles NW and 7 miles SE of the Keene VOR 246° radial extending from the VOR to 27 miles SW; and within 10 miles W and 7 miles E of the Keene VOR 019° radial extending from the VOR to 20 miles N.

8. Section 601.1324 (26 F.R. 9630) is amended to read:

§ 601.1324 Control area extension (Brunswick, Maine).

That airspace bounded on the NW by VOR Federal airway No. 3, on the NE by Blue Federal airway No. 84, on the E by longitude 69°15'00" W., on the S by W–103, and on the SW by a line 5 miles NE of and parallel to the 132° bearing from the Portland, Maine, Municipal Airport (latitude 43°38'50" N., longitude 70°18'28" W.); the airspace SW of Augusta, Maine, within the area from 5 miles NW to 7 miles NW of the Augusta VOR 239° radial extending from the 329° radial of the VOR to 20 miles SW; and the airspace N of Augusta within the area from 5 miles W to 10 miles W of the Augusta VOR 025° radial extending from the 295° radial of the VOR to 20 miles NE, excluding the portion which coincides with the Brunswick, Maine, Caution Area (C–516).

9. Section 601.1368 (26 F.R. 6237) is amended to read:

§ 601.1368 Control area extension (Lebanon, N.H.).

Within 8 miles SE and 5 miles NW of the Lebanon, N.H., VOR 050° radial extending from the VOR to 17 miles NE; and within 10 miles either side of the Lebanon VOR 135° and 316° radials extending from 20 miles SE to 20 miles NW of the VOR, excluding the portion which coincides with the Rutland control area extension (§ 601.1100).

10. Section 601.1374 (14 CFR 601.1374) is amended to read:

§ 601.1374 Control area extension (Limestone, Maine).

Within a 40-mile radius of Loring AFB (latitude 46°57'05" N., longitude 67°-53'10" W.), Limestone, Maine, excluding the portion outside of the United States; and the airspace S of Presque Isle, Maine, bounded on the N by the Loring AFB 40-mile radius area, on the E by the United States/Canadian border, on the SE by VOR Federal airway No. 471 N of the Millinocket, Maine, VOR and VOR Federal airway No. 39 S of the Millinocket VOR, and on the W by lines extending from the INT of the N boundary of VOR Federal airway No. 39 and longitude 69°04'00" W., to latitude 45°53'00" N., longitude 69°04'00" W., to latitude 45°53'00" N., longitude 68°30'-00" W.; thence via longitude 68°30'00" W to the 40-mile radius area.

11. In the text of § 601.1377 (26 F.R. 4147, 8377) "to latitude 43°13'11" N., longitude 71°34'33" W.; to the point of beginning," is deleted and "to latitude 43°13'11" N., longitude 71°34'33" W.; to the point of beginning; and the airspace N and NW of Concord, N.H., within the arc of a 20-mile radius circle centered at the Concord VOR," is substituted therefor.

12. Section 601.1385 (14 CFR 601.1385) is amended to read:

§ 601.1385 Control area extension (Rome, N.Y.).

Within a 40-mile radius of the Griffiss AFB (latitude 43°14'00" N., longitude 75°24'10" W.), Rome, N.Y., including the airspace S of Utica, N.Y., extending from the 40-mile radius area bounded on the NE by VOR Federal airway No. 2, on the E by longitude 74°30'00" W., on the S by a line 12 miles S of and parallel to the Rockdale, N.Y., VOR 075° radial, and on the SW by a line 5 miles N of and parallel to the De Lancey, N.Y., VOR 289° radial, and on the W by a line 5 miles E of and parallel to the Syracuse VORTAC 151° radial; and the airspace E of Utica extending from the 40-mile radius area bounded on the N by a line 8 miles N of and parallel to the Utica VOR 091° radial, and on the E and S by VOR Federal airway No. 496, excluding the portion which coincides with the Syracuse, N.Y., control area extension (§ 601.1273). The portion of this control area extension which coincides with R–5204 shall be used only after obtaining prior approval from appropriate authority.

13. Part 601 (14 CFR Part 601) is amended by revoking the following section:

§ 601.1049 (14 CFR 601.1049) Control area extension (Utica, N.Y.). [Revoked]

14. Section 601.10008 (26 F.R. 7875) is amended to read:

§ 601.10008 Montpelier, Vt., (Barre-Montpelier Airport) transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Montpelier, Vt., VOR 200° and 020° radials extending from 9 miles SW to 20 miles NE of the VOR; and within 10 miles E and 7 miles W of the Montpelier VOR 155° radial extending from the VOR to 20 miles S.

15. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10945 De Lancey, N.Y., transition area.

The airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the De Lancey, N.Y., VOR 265° and 085° radials extending from 9 miles W to 20 miles E of the VOR.

§ 601.10946 Middle Grove, N.Y., transition area.

The airspace extending upward from 1,200 feet above the surface within 11 miles W and 7 miles E of the Albany, N.Y., VORTAC 343° radial extending from the N boundary of VOR Federal airway No. 496 to 50 miles NW of the VORTAC.

§ 601.10947 Glens Falls, N.Y., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles either side of the Glens Falls, N.Y., VORTAC 006° and 186° radials extending from VOR Federal airway No. 490 on the S to latitude 44°00'00" N., on the N.

§ 601.10948 Cambridge, N.Y., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cambridge, N.Y., VOR 274° and 094° radials extending from 9 miles W to 20 miles E of the VOR.

§ 601.10949 Greenville, Maine, transition area.

The airspace extending upward from 1,200 feet above the surface within 17 miles N and 18 miles S of the Millinocket, Maine, VOR 270° radial extending from longitude 69°04'00" W., to 69 miles W of the VOR.

§ 601.10950 Massena, N.Y., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles W and 5 miles E of the Massena, N.Y., VOR 163° and 343° radials extending from the United States/Canadian border to latitude 44°00'00" N., including the airspace from 5 miles SE to 10 miles SE of the Massena VOR 241° radial extending from a line 12 miles W of and parallel to the Massena VOR 163° radial to a line 20 miles W of and parallel to the Massena VOR 163° radial.

§ 601.10951 Ogdensburg, N.Y., transition area.

The airspace extending upward from 1,200 feet above the surface within 12 miles SE and 8 miles NW of the Watertown, N.Y., VOR 033° radial extending from 33 miles NE to 65 miles NE of the VOR, excluding the portion outside the United States.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 19, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–12225; Filed, Dec. 26, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8385 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Irving Silverstein and Silverstein Brothers

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.*

Subpart—Misbranding or mislabeling: §13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Irving Silverstein trading as Silverstein Brothers, Boston, Mass., Docket 8385, Sept. 23, 1961]

In the matter of Irving Silverstein, an Individual Trading as Silverstein Brothers

Consent order requiring a Boston furrier to cease violating the Fur Products Labeling Act by failing to set forth the term "secondhand" where required on labels and invoices, and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Irving Silverstein, an individual trading as Silverstein Brothers, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation, or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to use the term "secondhand" where required.

D. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to use the term "secondhand" where required.

D. Failing to set forth on invoices the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 22, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61–12256; Filed, Dec. 26, 1961; 8:50 a.m.]

[Docket 7861 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Perfection Gear Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification;* § 13.736 *Group buying organizations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; U.S.C. 13) [Cease and desist order, Perfection Gear Company, Harvey, Ill., Docket 7861, Sept. 23, 1961]

Consent order requiring a manufacturer of automotive repair or replacement parts in Harvey, Ill., with sales in 1958 approximating 6¾ million dollars, to cease discriminating in price among competing customers in violation of section 2(a) of the Clayton Act, by giving a number of jobber customers, referred to as "group buyers", the classification of "warehouse distributors" and the more favorable discounts allowed warehouse distributors, when in fact the buying groups did not perform the functions of a warehouse distributor—thus favoring jobbers of "buying groups" over their non-group-buying jobber competitors.

The order to cease and desist is as follows:

It is ordered, That the Respondent Perfection Gear Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale to purchasers engaged in jobber distribution or redistribution to jobbers of automotive replacement parts, supplies and tools in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Discriminating in the price of such automotive products of like grade and quality by selling such products to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of Respondent's said products.

It is further ordered, That the allegation in the complaint that the effect of Respondent's alleged discriminations in price may be substantially to lessen, injure, destroy or prevent competition between Respondent and competing sellers of similar automotive products, be dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Perfection Gear Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 22, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61–12227; Filed. Dec. 26, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Subpart B—Informal Statements of General Policy or Interpretation—Statement of Dosage on Prescription Drug Labels

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), the following statement of interpertation is issued:

§ 3.514 Statement of dosage on prescription drug labels.

Section 1.106(b)(2)(ii) of this chapter requires that labels for prescription drugs bear a statement of the recommended or usual dosage. Since the dosage for some prescription drugs varies within extremely wide limits, depending upon the conditions being treated, it may not be possible in all cases to present an informative or useful statement of the recommended or usual dosage in the space available on the label or carton of the package. It is the view of the Food and Drug Administration that when such a situation prevails, compliance with this requirement would be met by a statement such as "See package insert for dosage information," where the detailed information is contained in such insert. However, if an informative, realistic, recommended or usual dosage can readily be set forth on the label, it should appear thereon.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: December 19, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61–12249; Filed, Dec. 26, 1961; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61–1492]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Coast and Ship Stations; Alaska and Mississippi River

In the matter of modification of licenses of coast and ship stations in Alaska to add frequencies 4390.2 kc/s (all zones) 4409.4 kc/s (zones 1, 2, and 3) and 4434.9 kc/s (zones 4, 5, and 6); modification of licenses of coast and ship stations on the Mississippi River and connecting inland waters (other than the Great Lakes) to add frequencies 4072.4 kc/s, 4377.4 kc/s, and 8210.8 kc/s.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of December 1961;

The Commission having under consideration the modification of the abovementioned licenses of coast and ship station licensees so as to include in all Alaska coast and ship licenses authority to operate on the frequencies 4390.2 (all zones), 4409.4 (zones 1, 2 and 3) and 4434.9 kc/s (zones 4, 5 and 6) and to include in all Mississippi coast and ship licenses authority to operate on the frequencies 4072.4, 4377.4 and 8210.8 kc/s;

It appearing, that the Commissions' Report and Order finalizing the rule making proceedings in Docket No. 13952 made the frequencies 4390.2 (all zones), 4409.4 (zones 1, 2, and 3) and 4434.9 kc/s (zones 4, 5, and 6) available for assignment to coast and ship stations in Alaska beginning December 22, 1961, and the frequencies 4072.4, 4377.4, and 8210.8 kc/s available for assignment to coast and ship stations on the Mississippi River and connecting inland waters (other than the Great Lakes) beginning on the same date; and

It further appearing, that the coast and ship stations involved operate on a "simplex" basis (i.e., transmitting and receiving on the same frequencies); that there are approximately 2500 stations involved, about three-fourths of which are located in Alaska; that for safety and operational purposes it is necessary that all coast and ship stations in the same general area operate on the same frequencies; that a coordinated service plan of changing crystals and testing transmitters on the new frequencies on a date in accordance with a prescheduled plan is necessary to avoid serious operational difficulties; that it is unlikely that, under normal licensing procedures, appropriate applications would be received from such licensees in time to effect such a coordinated change, particularly as it relates to the Alaskan licensees; and that, even if such applications were properly and timely filed, the Commission could not handle such applications in a time or manner which would make it possible for the licensees to effectuate a coordinated plan to make the necessary frequency and other changes;

It further appearing, that in view of the foregoing circumstances, there exists an emergency in which it is not feasible to follow the normal licensing procedures;

It is ordered, Pursuant to section 308(a)(3) of the Communications Act of 1934, as amended, that effective December 22, 1961:

(1) The licenses of coast and ship stations in Alaska are modified by adding the frequencies 4390.2 (all zones) 4409.4 (zones 1, 2, and 3) and 4434.9 kc/s (zones 4, 5, and 6) which were made available for assignment to such stations by the Report and Order in Docket No. 13952; and

(2) The licenses of coast and ship stations on the Mississippi River and connecting inland waters (other than the Great Lakes) are modified by adding the frequencies 4072.4, 4377.4, and 8210.8 kc/s which were made available for assignment to such stations by the Report and Order in Docket No. 13952; and

It is further ordered, That the authorizations herein ordered are hereby authorized in accordance with the applicable provisions of Parts 7, 8, and 14 of the Commission's rules;

It is further ordered, That the foregoing general authorization shall be for a period which will extend from December 22, 1961, until termination of the present license authority, of coast and ship stations affected, by the issuance of a modified or renewal license in response to an application therefor;

It is further ordered, That all rule provisions in Parts 7, 8 and 14 of the Commission's rules which are inconsistent with the actions herein ordered are hereby waived for the period specified in the foregoing ordering clause.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 308, 48 Stat. 1083, 47 U.S.C. 308)

Released: December 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61–12247; Filed, Dec. 26, 1961; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 39—Post Office Department

PART 39–1—GENERAL

Amend Title 41 by adding a Chapter 39—Post Office Department—to read as follows:

Subpart 39–1.1—Post Office Department Procurement Regulations System

§ 39–1.101 Purpose. [Reserved]

§ 39–1.102 Authority. [Reserved]

§ 39–1.103 Relation to Federal Procurement Regulations System. [Reserved]

§ 39–1.104 Content. [Reserved]

§ 39–1.105 Applicability.

Except as may be otherwise authorized by law, Agency employees engaged in procurement activities shall comply with the policies and procedures set forth in the Federal Procurement Regulations and Post Office Department Regulations.

Authority. Regulations are issued in compliance with the Federal Procurement Regulations System prescribed by General Services Administration pursuant to the Federal Property and Administrative Services Act of 1949.

LOUIS J. DOYLE, *General Counsel.*

[F.R. Doc. 61–12237; Filed, Dec. 26, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Revision of Administrative Rules and Regulations

Consideration is being given to the approval of a proposed revision of the rules and regulations, as revised (Subpart—Administrative Rules and Regulations; 7 CFR 989.101–989.180), operative pursuant to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, both effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed revision, except for minor modifications which have been made for the purpose of this notice, was submitted by the Raisin Administrative Committee, established under the marketing agreement and order, and would supersede the existing administrative rules and regulations in their entirety.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the thirtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed revision is as follows:

Subpart—Administrative Rules and Regulations, As Amended

DEFINITIONS

§ 989.101 Order.

"Order" means Marketing Agreement No. 109, as amended, and Order No. 89, as amended (§§ 989.1 to 989.97) regulating the handling of raisins produced from grapes grown in California, or as the same may be amended further hereafter.

§ 989.102 Inspection service.

"Inspection service" means the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

§ 989.103 Terms in the order.

Terms defined in §§ 989.1 to 989.97 of the order shall have the same meaning when used in this subpart.

§ 989.104 Lot.

(a) *Natural condition raisins*—(1) *Basic definition.* For the purpose of incoming and outgoing inspection of natural condition raisins, "lot" means, except as otherwise provided in this paragraph, the quantity of such raisins of the same varietal type or of differing varietal types when commingled within their containers (including sweat and picking boxes and bins), which does not exceed a car, truck, or truck-trailer load, and which is submitted for inspection at one time and in the same place.

(2) *Separation of large units.* If a quantity of raisins in excess of a car, truck, or truck-trailer load is submitted for inspection, the total quantity may, at the discretion of the inspector, be separated into such readily identifiable portions, either prior to or in the course of inspection, as can be conveniently and properly inspected, and each such portion shall constitute a lot.

(3) *Resubmission after reconditioning.* Raisins which are submitted for inspection after reconditioning (such as sorting or drying) and whose original lot identity is no longer applicable, shall be a new lot.

(4) *Meeting and failing portions.* Where a portion of a quantity of raisins submitted for inspection meets the minimum grade and condition standards and has been separated from the remainder of the raisins failing to meet such standards:

(i) The meeting portion shall be one lot; and

(ii) The remainder shall be one or more lots as necessary to cause each lot to contain either (*a*) a single defect in excess of tolerance or (*b*) two or more of the same defects in excess of tolerance occurring together within each of the individual containers.

(5) *Entire quantity failing.* Where the entire quantity of raisins submitted for inspection fails to meet such standards, then, whether such quantity shall be one or more lots shall be determined in the same manner as for the failing remainder referred to in subparagraph (4) of this paragraph.

(6) *Special condition.* Notwithstanding other provisions of this section, any quantity of raisins failing to meet such standards and which are not to be reconditioned may be a single lot.

(b) *Packed raisins.* For the purpose of outgoing inspection of packed raisins, lot means: (1) For in-line inspection (i.e., where samples are drawn from a flow of raisins prior to packaging), the aggregate quantity of raisins of the same varietal type, subtype, or size (or in their mixed form), processed in any continuous production of one calendar day and packaged in one size and style of package but excluding those rejected by inspection; and (2) for floor inspection (i.e., where samples are drawn from containers of raisins), the aggregate quantity of such raisins in like containers but not necessarily processed in one continuous production or during one calendar day, identifiable and offered for inspection as a lot.

§ 989.105 Inspection point.

"Inspection point" means any plant or receiving station of a handler or any other place where raisins are received, processed or stored by a handler, at which there are facilities for receiving, weighing of samples, and inspection of raisins and for which there is on file with the Committee an acceptable description of the premises. The inspection point(s) of the handler shall include any area(s) in which he receives grapes or raisins for dehydration unless he keeps his rasin dehydration business separate, physically and by records, from his business of handling raisins.

§ 989.106 Ship.

"Ship" means the physical movement of raisins into the channels of trade, but shall not include movement to storage for the handler's account within the general locality of the packing plant.

§ 989.107 Inspection certificate.

"Inspection certificate" means any written certification, finding, or attestation as to the quality or condition of any lot or lots issued by an authorized member of the inspection service.

RAISIN ADVISORY BOARD

§ 989.129 Voting at nomination meetings.

Any person (defined in § 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of grapes which are sun-dried or dehydrated by artificial means to produce raisins and who qualifies under the provisions of § 989.29(b) (2) shall be eligible to cast one vote for a nominee for each producer member position and one vote for a nominee for each producer alternate member position on the board which is to be filled for his district. Such person must be the one who or which: (a) Owns and farms land resulting in his or its ownership of such grapes produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of such grapes produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of such grapes or the raisins. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the persons who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.148 Compensation for attendance of alternates at Committee meetings.

Whenever a member has reason to believe that he will be unable to attend a Committee meeting and has so notified his alternate or the Committee manager, such notification or a request from the manager shall be held to be a request for the alternate to attend and he shall be reimbursed for reasonable expenses subject to the limitations contained in § 989.48.

§ 989.152 Mail or telegraphic voting.

Whenever a mail or telegraphic vote is taken, every reasonable effort shall be made to communicate with and obtain a vote from each Committee member. If a Committee member cannot be reached at his usual address or he is not readily available within normal distances for communicating with individual members, such member's alternate shall be requested to vote.

GRADE AND CONDITION STANDARDS

§ 989.158 Natural condition raisins.

(a) *Incoming inspection.* (1) Each handler shall, at his expense, provide at each of his inspection points, reasonably adequate facilities (not necessarily scales) for receiving, weighing of samples, and inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. The weight of each lot of raisins tendered for receiving, storage, reconditioning, or acquisition or disposition shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weighmaster, whether located at the inspection point or otherwise. The net weight of such raisins, for the purposes of this part, shall be determined by deducting the appropriate sand tare and box tare from the gross weight of the raisins.

(2) No handler, other than a processor, shall receive at points other than at an inspection point, natural condition raisins from a tenderer, either for acquisition, storage, reconditioning, inspection, or for disposition in outlets for animal feed, distillation, or uses other than for human consumption: *Provided,* That, this requirement shall not preclude a handler from dehydrating, free from the provisions of this part, at separate dehydrating facilities recognized in § 989.105 and located in California, raisins not delivered to an inspection point. Each handler, other than a processor, shall maintain with the Committee a current written description, defining the boundaries and other pertinent detail, of each of his inspection points. In the event the Committee determines that any inspection point, or any modification thereof, does not comply with the definition or the requirements of this part, it shall notify the handler of the changes necessary for compliance. The handler shall make such changes promptly. Any handler who accepts raisins at an inspection point for drying or other reconditioning shall be deemed to have received the raisins for reconditioning and shall be subject to the provisions of this part with respect to such raisins.

(3) For each lot of natural condition raisins received by a handler for acquisition, reconditioning, storage, inspection, or for disposition in outlets for animal feed, distillation, or uses other than for human consumption, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purpose of identifying incoming lots of raisins, other than dehydrated raisins covered by paragraph (e) of this section, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the Committee. Any such raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall be, unless returned to the tenderer, either promptly acquired by the handler or received for storage or memorandum receipt: *Provided,* That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection service to the effect that inspection cannot be furnished within a reasonable time; and *Provided further,* That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection, other than with respect to dehydrated raisins covered by paragraph (e) of this section, and furnish weight certificates promptly. Any raisins received by a handler as off-grade for disposition into animal feed, distillation, or uses other than for human consumption may be accepted under a limited inspection as to condition capable of establishing concurrence with the classification.

(4) If any lot of natural condition raisins tendered to a handler is separated into two or more lots because a portion of the original lot failed to meet minimum grade and condition standards, or because the entire lot failed due to more than one defect, the handler shall issue a prenumbered weight certificate for each such new lot not returned to the tenderer, showing the name and address of the tenderer, the weight of the lot, and the number and type of containers in the lot. The weight of any meeting lot shall be determined by weighing it, or by weighing the failing portion of the incoming lot and deducting the weight thereof from the weight of the incoming lot. The weight of each failing lot shall be determined by weighing it, or by deriving such weight by applying the original average container weight to the number of containers.

(5) Any financially interested party may, upon the payment of any fees assessed by the inspection service, obtain an appeal inspection. An appeal inspection shall be applicable only to raisins which have not been removed from their containers, with pallet control cards still affixed, are readily identifiable, and have not been removed from the original inspection point: *Provided,* That when the condition of a lot of such raisins may have changed subsequent to the original inspection, an additional inspection, rather than an appeal inspection, may be obtained.

(6) Each handler producing raisins whether outside an inspection point or by dehydration within an inspection point, shall, upon delivering the raisins to an inspection point or immediately upon completion of the dehydration, treat them the same as provided in subparagraphs (3) and (4) of this paragraph for any other raisins received by the handler.

(7) Where lots of natural condition raisins comprised of raisins of different varietal types commingled within their containers are presented for inspection, such raisins shall be inspected as a mixed lot on the basis of the most restrictive standards applicable to the varietal types and appropriate to the individual varieties: *Provided,* That with respect to Layer Muscats commingled within their containers with loose natural (sun-dried) Muscat raisins, the requirements of the provisions of the second sentence of the first paragraph of § 989.97 (Exhibit B) shall apply. Based upon such inspection, the inspection certificate shall show the percentage which the raisins of each varietal type is of the total raisins contained in the lot and whether the lot is certified on the basis that each varietal type meets the minimum grade and condition standards established for such type or is a mixed lot. If inspected on the basis of varietal types, failure of one type to meet the minimum grade and condition standards established for that varietal type, shall cause the entire lot to fail unless it is found to be practicable to divide the raisins into separate lots of standard and off-grade raisins, respectively.

(8) With respect to any lot of natural condition raisins being received and inspected at a handler's inspection point pursuant to subparagraph (3) of this paragraph, the inspector shall, upon the request of the handler, afford such handler an opportunity to fumigate the lot during the inspection and certification process. Such lot of raisins shall remain under the supervision of the inspector during the fumigation. The inspection

certificate shall not be issued until the fumigation is completed: *Provided*, That the inspection certificate shall be issued, whether or not the fumigation is completed, not later than two business days, excluding intervening non-work days, after the date the inspection and certification process is suspended by the inspector to permit fumigation. The certifications shall be on the basis of inspection information and data then available to the inspector and his determinations with respect thereto.

(b) *Submission of inspection certificates to the Committee.* A copy of each inspection certificate which a handler is required to submit to the Committee pursuant to § 989.58(d) shall be submitted not later than Wednesday of the week following the week for which such certificate was issued. This may be accomplished by authorizing the inspection service to submit a copy of each such inspection certificate directly to the Committee. A copy of such authorization shall be furnished to the Committee.

(c) *Off-grade raisins*—(1) *Holding and identification.* The inspection certificates covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. Any raisins which do not meet the applicable grade and condition standards shall be classified in one of the three categories specified in § 989.58(e)(1) within five business days (excluding Saturdays, Sundays, and holidays) after inspection or three such business days after issuance of the inspection certificate, whichever is later: *Provided*, That these time limits may be extended by the Committee under such conditions as it may deem necessary in the circumstances. The handler shall report to the Committee the information as required and specified in § 989.173(b)(5). Any such lot of off-grade raisins shall, pending the selection of one of such categories, be identified by fixing to each pallet a prenumbered RAC control card (to be furnished by RAC), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC pallet control cards shall remain fixed to each pallet or container, as the case may be, until the raisins have been (i) submitted for reconditioning, (ii) returned unstemmed to the tenderer, or (iii) disposed of by the handler for animal feed, distillation, or uses other than for human consumption, and shall be removed only by an inspector of the inspection service or authorized RAC personnel, except (*a*) that pallet control cards designating lots "held for fumigation" may be removed by the handler after the completion of fumigation to the satisfaction of the inspection service, and (*b*) the yellow pallet identification card used by the inspection service to identify raisins produced by a dehydrator may be removed by the handler after certification has been completed. Each lot of off-grade raisins held by a handler for reconditioning and subsequent inspection, for further reconditioning, or disposition in outlets for animal feed, distillation, or uses other than for human consumption shall be stored separate and apart by varietal types from all other raisins and by disposition and reconditioning categories which preserve the lot identity and, if for reconditioning, the defect identity. Off-grade raisins shall be stored in such a manner as to be accessible to the Committee.

(2) *Change in off-grade categories.* After raisins have been classified as to the categories in § 989.58(e)(1), any lot of natural condition off-grade raisins held by a handler under category (i) or (ii) of § 989.58(e)(1), may be changed to the other category, or to category (ii). Prior to making such change the handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin such change. If the raisins have had only a limited inspection and are to be changed from category (i) to category (ii), the handler shall request a full inspection. Any off-grade lot under category (ii) which has not been removed from the handler premises and is identifiable with the original inspection, may be tendered to the handler for the purposes of categories (i) or (iii) and, if accepted, the handler shall so report to the Committee. It shall be the responsibility of the handler to establish and maintain the identity of raisins in the changed categories in accordance with the applicable provisions of subparagraph (1) of this paragraph. Where the tenderer has a financial interest in the raisins the handler shall, before making any change in category, submit to the Committee evidence of the tenderer's permission to make any such change, except for changes from category (i) or category (iii) to category (ii).

(3) *Interplant and interpacker transfer of off-grade raisins.* Any packer may, for his own convenience or that of a financially interested producer, pursuant to § 989.58(e)(2), transfer to or from another packer's plant in California any off-grade raisins for reconditioning upon which the packer has submitted to the Committee a plan of movement pursuant to § 989.173(d)(2) acceptable to it and the inspection service and received written approval. Where a tenderer has a financial interest in the raisins, the application for permission to so move raisins shall contain evidence of the tenderer's agreement to the transfer. The Committee may require, as a prerequisite to granting any such approval, a written statement from the other packer that he will receive or release the raisins for reconditioning. In the same manner, except for the tenderer's agreement, any packer may transfer off-grade raisins from one of his plants or inspection stations to another of his plants in California. In both cases such raisins may be removed directly to the premises of the receiving packer or another plant of the packer without further inspection. Upon completion of the transfer all applicable provisions of this part shall apply with respect to such raisins and the packer receiving them.

(4) *Reconditioning off-grade raisins—reconditioning requirements.* (i) The handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin reconditioning each lot of raisins, unless a shorter period is acceptable to the inspection service. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of re-inspection (inspection pursuant to § 989.58(d)) after such reconditioning has been completed if no water or moisture has been added; otherwise, such raisins shall be considered as packed raisins for purposes of the inspection required pursuant to § 989.58(d) or § 989.59(d). The weight of the raisins reconditioned successfully shall be determined by reweighing, except where a lot, before reconditioning, failed due to excess moisture only, the weight of such raisins resulting from reconditioning a lot failing account excess moisture may be determined by deducting 1.2 percent of the weight for each percent of moisture in excess of the allowable tolerance. If, after reconditioning, such raisins meet the minimum grade standards, but no longer are natural condition raisins as defined in § 989.8, any handler who acquires such raisins shall meet his reserve and surplus obligations from natural condition standard raisins of the same varietal type acquired by him. The weight of the reconditioned raisins acquired as packed raisins shall be adjusted to natural condition weight by the use of factors applicable to the various degrees of processing accomplished. The applicable factor shall be that selected by the inspector of the reconditioned raisins from among the following factors:

	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Thompson seedless	.95	.93
Sultanas	.94	.92
Zantes	.93	.91
Muscats:		
Seeded		.80
Unseeded	.94	.92
Golden seedless	.96	.95

(ii) In reconditioning off-grade raisins, a handler shall use methods designed to remove the defects whereby the lot fails to qualify as standard raisins. Lots with identical defects may be reconditioned simultaneously (commingled basis) but lots with differing defects shall be reconditioned as separate lots.

(5) *General.* Reconditioning of off-grade raisins by a handler shall be done in accordance with such procedure as will enable the inspector to observe the off-grade raisins at any time and to make a proper inspection. A packer may recover raisins from residual raisin material obtained from his reconditioning operations in conformity with the applicable provisions of § 989.159(g)(1).

(6) *Off-grade raisins which are not reconditioned successfully.* (i) Except as provided in subdivision (ii) of this subparagraph, no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed (and thus are no longer in their natural condition) and which then fail to meet the applicable minimum grade and condition standards. The handler shall maintain the identity of such raisins and mark them as stemmed raisins which failed to meet the minimum grade and condition requirements after reconditioning and shall hold them separate and apart from all other raisins. He shall physically dispose of such raisins pursuant to § 989.159(g)(2) for animal feed, distillation, or uses other than for human consumption.

(ii) Any packer may, with the prior approval of the Committee arrange for or permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph), but not the residual, directly to the premises, within California, of another packer for further reconditioning of the raisins at such latter packer's premises. The Committee shall require, as a prerequisite to granting any such approval, the same movement plan, with the concurrence of the inspection service, and acceptance by the receiving packer as is required for an interpacker transfer (paragraph (c)(3) of this section). Such raisins may be received by the other handler without inspection. On and after such receipt of raisins for further reconditioning, all applicable provisions of this part shall apply with respect to such raisins and the handler so receiving them.

(7) *Return of off-grade raisins to tenderer.* Any off-grade raisins which are to be returned unstemmed to the tenderer pursuant to § 989.58(e)(1)(ii), shall be physically returned within five business days after the issuance of the inspection certificate: *Provided*, That such time limit may be extended by the Committee as it may deem justified by extenuating circumstances. The handler shall file with the Committee a report of the returned raisins as required in § 989.173(b)(4).

(d) *Reinspection of raisins held more than one hundred and twenty days on memorandum receipt.* No handler shall acquire raisins held on memorandum receipt for a period longer than one hundred and twenty (120) days unless such raisins have been reinspected and certified immediately prior to acquisition as meeting the minimum requirements for standard raisins: *Provided*, That the Committee at any other time may require such reinspection and certification of raisins held on memorandum receipt as a prerequisite to acquisition if it has reason to believe that the raisins do not then meet such requirements.

(e) *Inspection of raisins on dehydrator's premises*—(1) *Application and agreement.* (i) Any dehydrator may submit to the Committee for approval, and the Committee may approve, in accordance with the provisions of this paragraph an application and agreement, on a form furnished by the Committee, providing for dehydrator on-premise inspection of natural condition raisins produced by the dehydrator by subjecting grapes to artificial heat. Raisins so produced are referred to in paragraph (a)(3) of this section and in this paragraph as "dehydrated raisins."

(ii) The provisions of such application and agreement shall include at least the following:

(*a*) The dehydrator shall request the inspection service to inspect all dehydrated raisins which the dehydrator produces and to issue a related memorandum report of inspection at the time of loading any quantity of such raisins for delivery to a packer's inspection point;

(*b*) The dehydrator will arrange with the inspection service for the necessary inspection service to be performed by the service, and the dehydrator will submit to the Committee a statement from the inspection service that the dehydrator has adequate facilities for the inspection and that such arrangements have been made;

(*c*) All necessary reconditioning of dehydrated raisins, indentification and segregation of raisins, and movement of inspected dehydrated raisins on or from the dehydrator's premises shall be done in such manner and under such conditions as the inspection service may require;

(*d*) The dehydrator shall, at the time of the packer's receipt of such raisins, furnish to the packer to whose inspection point the inspected raisins are delivered the original and one copy of the memorandum report of inspection covering such raisins;

(*e*) The dehydrator shall maintain such records and furnish such reports and permit access to such records and the dehydrator's premises as required in the application and agreement or as the Committee may subsequently request; and

(*f*) The application and agreement may be suspended or terminated as provided therein.

(iii) The Committee will notify raisin packers of each dehydrator whose application and agreement has been approved by the Committee (such dehydrator is referred to in this subpart as "authorized dehydrator"); similarly, the Committee will notify packers of each suspension or termination of a previously approved application and agreement.

(2) *Delivery of inspected dehydrated raisins.* Any dehydrated raisins which (i) are inspected on an authorized dehydrator's premises where produced; (ii) are moved promptly and directly to a packer's inspection point from the premises of the authorized dehydrator; (iii) are accompanied by an applicable memorandum report of inspection to be furnished to the packer; and (iv) are otherwise in compliance with the provisions of such approved application and agreement and this paragraph may be received by the packer without the inspection at time of receipt required by § 989.58(d). With respect to such dehydrated raisins, the packer shall comply with all applicable requirements and procedures of this part, including, but not limited to, inspection after any necessary reconditioning and the inspection prescribed in § 989.59.

(3) *Packer's obligations.* Immediately upon a packer's receiving any such already inspected dehydrated raisins accompanied by the applicable memorandum report of inspection, the packer shall enter the net weight and scale ticket number on such memorandum report of inspection. The packer shall give to the inspector at the packer's inspection point where the dehydrated raisins were received, a copy of such memorandum report. Whenever a packer receives off-grade raisins from an authorized dehydrator he shall so advise the inspector at the packer's inspection point at the time of such recepit; and such raisins shall not be unloaded except in the presence of the inspector or in accordance with such prior arrangements as may have been made between the packer and the inspection service.

§ 989.159 Regulation of the handling of raisins subsequent to their acquisition.

(a) *Inspection facilities.* At each place where packed raisins are to be inspected each handler shall, at his own expense, provide reasonably adequate space and other facilities reasonably necessary to the proper and efficient inspection of such raisins.

(b) *Identification of inspected raisins.* (1) Each handler shall mark each shipping container with legible code or other identification, satisfactory to the Committee and the inspection service which shall indicate (i) with respect to packed raisins, the date that the raisins in such shipping containers were packed, and (ii) with respect to shipments of natural condition raisins, the date on which such raisins were inspected.

(2) Each handler shall furnish promptly to the Committee, through the inspection service, a certified report on a form furnished by the Committee showing the handler's count and weight of the raisins of each pack and varietal type packed each day.

(c) *Outgoing inspection.* (1) Outgoing inspection and certification of raisins as required by § 989.59(d) shall be made as set forth in this paragraph.

(2) Such inspection of natural condition raisins (which is subject to exceptions and exemptions provided in this part) shall be made of each individual lot and in each case not more than five days before the date of shipment or other final disposition of the lot. The certificate that the raisins meet the applicable minimum grade and condition standards for natural condition raisins, which the handler is required to obtain and submit to the Committee pursuant to § 989.59(d), shall be on Form FV 146 labeled "Certificate of Quality and Condition (Processed Foods)." If shipment involves exportation to a foreign country, the handler shall surrender to the United States Customs Service at the port of exit two copies of such inspection certificate. Such an inspection and certification (on Form FV 146) may, if requested by the handler, be made at the time of his receipt or acquisition of the raisins. In such an event, no additional inspection shall be required if the lot remains intact and identifiable, and shipment or other final disposition takes place within five days after the date of the inspection.

(3) Such inspection of packed raisins shall be made prior to shipment or other final disposition, and unless made during the final processing or packing operations so as to facilitate proper sampling, the inspector shall perform the inspec-

tion on the basis of representative samples drawn from shipping containers of the packed raisins.

(4) Except as otherwise provided in this part, where there is presented for inspection a lot of packed raisins consisting of raisins of different varietal types or sub-types commingled within their containers, each such type and sub-type shall be inspected separately, except that inspection for moisture shall be performed on the lot as a whole. The inspection certificate shall show the respective percentages which the raisins of the various types and sub-types are of the lot and whether each meets the applicable minimum grade standards. In the event the raisins of any such varietal type or sub-type contained in the lot fail to meet the applicable requirements, other than for moisture, none of the lot shall be certified as meeting minimum grade standards unless it is found to be practicable to separate the raisins into two new lots, one which meets and the other which fails to meet all of the applicable minimum standards, respectively. Any lot of mixed types or sub-types of packed raisins for which minimum grade standards are prescribed for each type or subtype pursuant to § 989.59(a) but which in their commingled form cannot be inspected against the standards for the respective varietal types or sub-types and hence are excluded from the category of "Mixed types" as defined in the then effective United States Standards for Grades of Processed Raisins, or any raisins which as a mixed lot contain moisture in excess of 18 percent, shall not be certified as meeting the minimum grade standard for packed raisins.

(d) *Submission of inspection certificates to the Committee.* A copy of each inspection certificate which a handler is required to submit to the Committee pursuant to § 989.59(d) shall be submitted not later than Wednesday of the week following the week in which the certificate was issued. This may be accomplished by authorizing the inspection service in writing to submit a copy of each such inspection certificate directly to the Committee. A copy of such authorization shall be furnished to the Committee.

(e) *Term of inspection certificate.* Any handler who fails to ship or make other final disposition of any lot of packed raisins within 21 calendar days, or of any lot of natural condition raisins within 5 calendar days, after the date of the last inspection of the lot made in connection with the proposed disposition thereof shall, before making any shipment or other final disposition thereof, have such raisins inspected for condition and shall furnish promptly to the Committee (which may be through the inspection service as provided in § 989.158 (b)) a copy of the inspection certificate showing that the raisins meet the applicable minimum grade standards.

(f) *Exemption of gift and specialty packs.* (1) Shipment under exemption. Upon obtaining approval of the Committee as provided in this paragraph, any handler may ship or dispose of raisins in gift or specialty packs without regard to the provisions of § 989.59 (a), (b), and (d). For the purpose of these exemptions: "Gift packages" means raisins specially packaged for gift purposes, composed either wholly of raisins or raisins in combination with other fruits, which are either (i) given or donated by a handler to others, or (ii) sold by a handler for ultimate disposition by the buyer as gifts; and "specialty packs" means raisins of special processing either as to moisture or coating and which may or may not be packed in tin or materials other than those employed in normal industrial or consumer packs currently used in the trade.

(2) Application for exemption. Each application for exemption shall be filed with the Committee in triplicate. The application shall contain information as to: (i) The name and address of the handler; (ii) the estimated quantity of each varietal type of raisins that will be shipped or disposed of under the exemption during the crop year; (iii) whether any special processing of the raisins is involved; (iv) each type of package or packages in which the raisins will be packed and the net weight content of each type of container; (v) the outlets in which disposition of the gift packages or specialty packs will be made, i.e., whether disposition will be made direct to consumers, to wholesalers or retailers for resale, or to persons or organizations for distribution as gifts, and any special uses expected to be made of the raisins; and (vi) the general quality, style and condition of the raisins expected to be shipped under exemption.

(3) Committee action on application. The Committee, in its discretion, shall approve each application for exemption of any varietal type of raisins if the value of the raisins (or raisin products in case the form of the raisin is changed) exceeds the value of normally processed or packaged raisins of camparable varietal type, and if it concludes that such exemption will not jeopardize the quality control or price objectives of the marketing order program. The Committee shall notify the handler promptly in writing of its approval or disapproval of his application, and if the application is approved, the maximum quantity for which approval is granted. If the application is disapproved the Committee shall inform the handler of the reasons therefor.

(4) The handler shall report shipments or other dispositions under an approved exemption as required pursuant to § 989.173(e).

(g) *Disposition of off-grade raisins*—(1) *Recovery of raisins.* For the purposes of § 989.59(f) and § 989.158(c)(4), a packer may recover raisins from: (i) Residual raisins from his processing of standard raisins; (ii) any raisins acquired as standard raisins which fail to meet the applicable outgoing grade and condition standards; and (iii) residual raisins from reconditioning of off-grade raisins: *Provided,* That such recovery under subdivision (ii) of this subparagraph must occur without blending, if the failure to meet the minimum grade standards for packed raisins is due to a defect or defects affecting the wholesomeness of the raisins; and *Provided further,* That such recovery under subdivision (iii) of this subparagraph must occur without blending, except as permitted in § 989.158(c)(4)(ii), and the weight of standard raisins in residual from off-grade raisins shall be credited equitably to the same lot or lots from which the residual was obtained. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal, or other agencies having jurisdiction.

(2) *Shipment of raisins which fail to meet minimum grade standards.* Except as otherwise provided in this subparagraph, no handler shall ship raisins which do not meet the applicable minimum grade and condition standards. Such failing raisins include but are not limited to: (i) Natural condition raisins which do not meet the minimum grade and condition standards; (ii) stemmer waste or other residual material resulting from the packing of standard raisins or the reconditioning of off-grade raisins; (iii) off-grade raisins which are not reconditioned successfully; (iv) off-grade raisins received and held by a handler for disposition in accordance with § 989.58(e)(L)(i); and (v) raisins acquired as standard raisins but which do not meet the applicable minimum outgoing grade or grade and condition standards. A handler who has received or acquired raisins falling in any such category may ship them only to points within the continental United States, for animal feed, distillation, or uses other than for human consumption: *Provided,* That he files, in advance, a written application with the Committee for permission to make such shipment and receives written approval thereof prior to shipment. However, the requirement of prior filing and approval of an application shall not apply to the transfer of any such raisins by a handler from one of his plants to another in the State of California, nor shall it apply to the shipment by a packer between points within the State of California, for the prescribed uses, of stemmer waste and other raisin waste resulting from the processing, packing or reconditioning of raisins. Each application shall include as a minimum: (*a*) The name and address of the handler and of the buyer, and the address to which the raisins are to be shipped if different from that of the buyer; (*b*) the quantity of such raisins to be shipped; (*c*) a description of such raisins as to type or origin; (*d*) the present location of the raisins; (*e*) the expected time of shipment; (*f*) a copy of the sales contract (which may be on a form furnished by the Committee) wherein the buyer agrees: not to export such raisins; to dispose of the raisins only for animal feed, distillation, or uses other than for human consumption; and to permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to such raisins; and (*g*) a provision for liquidated damages wherein the handler in consideration of the committee approving his application, agrees that, in the event any raisins

shipped pursuant to an approved application shall be exported, or disposed of for human consumption, by any persons, serious and substantial damage to the Committee and to producers and handlers of raisins will necessarily result and that it will be difficult if not impossible to measure and prove the extent of such damage, therefore, he (the handler) shall pay to the Committee the sum of $200.00 as liquidated damages for each ton exported or so disposed of, such sum being a fair measure of damages and not a penalty. If disposition of the shipped raisins is to be made by the handler, the application shall also include as to the handler all the information and agreements required with respect to the buyer other than the handler. In addition to filing such application, the handler shall make available at his office at any time during business hours all of his books and records relating to such raisins for examination by representatives of the Committee and of the Secretary of Agriculture. The Committee shall consider each such application and in the event it shall have reasonable cause to believe that such raisins will not be disposed of for distillation, animal feed, or uses other than for human consumption, in accordance with the requirements and limitations of this part, it shall disapprove the application and shall notify the applicant of such disapproval and the reason therefor. If the application is approved, the Committee shall notify the applicant in writing of such action, including the maximum quantity of such raisins covered by such approval.

(h) *Appeal inspection.* An appeal inspection on an original inspection may be obtained from the inspection service upon the request of any financially interested party and upon the payment of any fees assessed by the inspection service for such appeal inspection.

§ 989.160 Exemptions.

Any processor may receive or acquire any raisins for use in animal feed, distillation, or uses other than for human consumption, and dispose of them for such uses, without having them inspected and certified. Processors receiving or acquiring raisins under such exemption, or otherwise receiving or acquiring raisins which do not meet the applicable minimum grade and condition standards, shall not ship or otherwise dispose of any such raisins except in conformity with the provisions of § 989.159(g)(2). Processors shall report acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

§ 989.162 Prohibition of unfair trade practices. [Reserved]

VOLUME REGULATION

§ 989.166 Reserve and surplus tonnage generally.

(a) *Shrinkage allowance for normal and natural shrinkage in weight.* Each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one percent of the original natural condition weight of reserve and surplus tonnage raisins acquired by him during the crop year and held by him (for the account of the Committee) on the Saturday nearest to May 1 of the same crop year. Handlers shall be entitled to no other allowance for normal and natural shrinkage in weight for any of such raisins acquired during the crop year: *Provided,* That the Committee shall grant an additional allowance for any normal and natural shrinkage in weight of all such raisins held (for the account of the Committee) beyond the end of the crop year of acquisition, upon submission by the handler of satisfactory proof of such shrinkage occurring during the period of holding after the end of the crop year.

(b) *Satisfaction of reserve and surplus obligation with residual Muscat raisins from layering operations.* Any handler who desires to satisfy his reserve or surplus tonnage obligations referable to his acquisitions of Layer Muscat raisins by setting aside residual Muscat raisins obtained by him in the course of layering operations shall, prior to setting aside such raisins for the account of the Committee, cause them to be dried to a moisture content not exceeding 16 percent, and obtain from the inspection service a certificate, a copy of which shall be submitted to the Committee (which may be through the inspection service) within five business days (excluding Saturdays, Sundays and legal holidays) after it is issued, showing that the raisins meet the minimum grade and condition standards for natural (sun-dried) Muscat raisins (those standards for natural condition Muscat raisins other than Layer Muscat and Valencia Muscat raisins). The inspection of the residual raisins shall be made at the expense of the handler. The handler shall file with the Committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays and legal holidays) after setting aside the raisins, a certified report with respect to such use of the residual raisins, including the name of the producer of the Layer Muscat raisins and the quantity of the residual raisins so used. Also, he shall obtain a written statement from the producer evidencing agreement to the effect that the residual tonnage may be used to meet such obligation, and shall retain it for at least two years after the termination of the crop year in which the raisins were acquired.

(c) *Setaside obligations referable to mixed varietal types.* A handler who acquired any lot of natural condition raisins of mixed varietal types (commingled within their containers) shall meet his reserve and surplus tonnage setaside obligations for each varietal type contained in the mixed lot by setting aside raisins of each such varietal type which have not been mixed or commingled with raisins of any other varietal type. The obligation as to each varietal type shall be computed according to the reserve and surplus percentages established by the Secretary, and the percentage of the varietal type contained in the mixed lot as shown by the incoming inspection certificate applicable thereto.

(d) *Storage of reserve and surplus raisins*—(1) *Time limits for setting aside pool tonnage.* Handlers shall be allowed three calendar days (exclusive of Saturdays, Sundays and legal holidays) after acquiring any reserve or surplus tonnage raisins, or after publication in the FEDERAL REGISTER of the reserve and surplus percentages established for the crop year, whichever occurs later, to segregate and properly stack each varietal type.

(2) *Condition.* Each handler shall store reserve and surplus tonnage raisins in storage and under conditions which protect them from rain and which reasonably can be expected to maintain the raisins free of any biological or other infestation or contamination. Each handler may pursuant to § 989.66(b)(2), store together each varietal type of reserve and surplus tonnage raisins held by him for the account of the Committee, but such raisins shall be stored separate and apart from all other raisins. Reserve and surplus tonnage raisins shall be stored in sweat boxes, picking boxes, or other portable containers not exceeding one ton capacity: *Provided,* That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further,* That such raisins at the time of transfer shall meet the applicable minimum grade requirement except for such normal and natural deterioration and shrinkage as would have occurred if such raisins had been stored in sweat boxes or picking boxes. Storage of such raisins shall be deemed "separate and apart" if the containers are so marked and placed as to be capable of ready and clear identification as to the category in which they are held.

(3) *Substitution of free tonnage.* A handler may substitute free tonnage raisins of like quality (i.e., standard raisins) for reserve tonnage or surplus tonnage raisins, under the direction and supervision of the Committee and prior to the raisins being committed for sale or delivery, by giving the Committee reasonable advance notice in writing of his intention to make such substitution. Upon any such raisins being offered for sale or the handler being requested to deliver reserve or surplus raisins to the Committee or any handler designated by it, free tonnage raisins may not be substituted unless the substitution is acceptable to the Committee or to the designated handler.

(e) *Deferment of obligation.* (1) Any handler who desires to defer the meeting of his reserve or surplus tonnage obligations pursuant to § 989.66(c) shall file with the Committee, on a form furnished by it, a certified application for deferment of either or both such obligations. Such form shall include: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total reserve or total surplus tonnage, or both, on which deferment is requested, segregated as to his current holding—and his expected acquisitions during the deferment period;

(iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.

(2) The Committee shall grant such an application upon a showing by the handler that he has a reasonable business need for the deferment and on the condition that the handler first comply with the requirements as to the written undertaking and bond prescribed in § 989.66(c). The Committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required. The amount of said bond for a particular varietal type of raisins shall be the product obtained by multiplying the quantity for which deferment is granted by the then current field price for free tonnage raisins of the same varietal type plus 10 percent. At any time during the period for which a deferment has been granted, the handler may request the Committee to increase or decrease the amount of his deferment by submitting an application substantially in the form of the original request, and the Committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond and if a satisfactory showing is made as in the case of the original application. Also at the request of the handler, the Committee may extend the deferment beyond the original period (not beyond November 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(3) No handler shall use any of such reserve or surplus tonnage raisins as free tonnage raisins until he shall have received written approval of his application from the Committee and shall have filed with the Committee the required undertaking and bond.

(f) *Remedy in the event of failure to deliver reserve or surplus raisins.* Except in cases of deferment granted pursuant to § 989.66(c) and paragraph (e) of this section, a handler who fails to deliver to the Committee, upon request, any reserve or surplus tonnage raisins in the quantity and quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made) shall compensate the Committee for the amount of the loss resulting from his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of reserve or surplus raisins not delivered by the latest weighted average price per ton received by producers during the particular crop year for free tonnage raisins of the same varietal type or types, plus any charges already paid or credited to the handler and cost incurred by the Committee on account of the handler's failure to deliver. The weighted average price shall be determined from those sales made during the particular crop year up to the time such cash payment is requested by the Committee, or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the Committee for any reserve of surplus raisins which have deteriorated in quality during storage for reasons within his control, shall be the latest weighted average price received by the Committee for the applicable varietal type of reserve or surplus pool raisins, as the case may be, less the amount actually received by the Committee in the disposition of the deteriorated raisins delivered by the handler (or the salvage value of such raisins as determined by the Committee). Any amounts paid to the Committee in satisfaction of such deficiencies shall accrue to the earnings of the applicable pools. The remedies provided in this paragraph shall be in addition to, and not exclusive of, any or all of the remedies or penalties prescribed in the act for failure on the part of the handler to comply with the applicable provisions of the act or of this part.

(g) *Disposition of reserve and surplus tonnage raisins which become off-grade for causes beyond the handler's control.* Any reserve tonnage raisins or surplus tonnage raisins held by or for the account of the Committee which become off-grade for reasons beyond the handler's control shall, at the Committee's discretion, be reconditioned or disposed of by the Committee, or under the Committee's control, for animal feed, distillation, or uses other than for human consumption. Any monetary loss sustained in the reconditioning or disposition of such raisins, not covered by insurance carried by the Committee shall be borne by the Committee and charged to the applicable pool.

(h) *Offers of surplus tonnage raisins to handlers for sale in export.* Whenever the Committee offers surplus tonnage raisins to handlers for sale in export, it shall specify in addition to the normal contract terms and conditions, the total quantity, the price and the period within which each handler will be permitted to purchase his share of the offer. Whenever a handler's share of an offer is less than, or exceeds, his holding of surplus tonnage raisins by not more than two tons, the Committee may adjust his share so as to avoid the cost involved in the physical transfer of raisins. If, prior to the expiration of the offer period, a handler desires to obtain surplus tonnage in an amount greater than that represented by his share of the offer, he may negotiate with another handler for any unpurchased portion of the other handler's share of an outstanding offer. No such transaction shall be deemed to reduce the transferring handler's share or to increase the transferee handler's share so as to affect either handler's share privileges in subsequent offers. Transfers to implement such transactions between handlers shall be permitted by the Committee only upon receipt of written authorization, on a form furnished by the Committee, by the transferring handler. All limitations applicable to the transferred tonnage shall continue to apply. Such surplus tonnage raisins will be released by the Committee to the transferee handler upon submission of his completed application and full payment for such raisins, and such transferee handler shall be responsible to the Committee for all documentation required in connection with the transaction. All such transfers shall be made at the expense of the handlers concerned.

§ 989.167 Disposition of reserve tonnage.

(a) *Determination of reserve tonnage price.* Whenever, pursuant to § 989.67(b) the Committee concludes, with respect to any varietal type of raisins, that a downward trend in the price received by producers for free tonnage, or in the prices received by handlers for free tonnage packed raisins, makes it impracticable to sell reserve tonnage at the average price received by producers for free tonnage, plus pooling costs, the Committee, subject to the requirements of § 989.67(b), may sell reserve tonnage raisins at the currently prevailing field price for free tonnage raisins of the same varietal type, unless such price is deemed to be unrepresentative of the current f.o.b. price of free tonnage packed raisins. In such an event, or if there is no current field price, the Committee shall make any offer of reserve tonnage at approximately the computed field price obtained by deducting from the current f.o.b. price for free tonnage packed raisins of the varietal type to be offered, the approximate recent packing and handling margin between such packed price and the field price for free tonnage raisins.

(b) *Terms of reserve tonnage offers.* Whenever the Committee offers reserve tonnage raisins to handlers for use in free tonnage outlets, the Committee shall, among other terms and conditions of the offers, specify:

(1) The period in which each handler shall be given the opportunity to purchase his share of the offer; and

(2) The period in which each eligible handler shall be given the opportunity to purchase his respective share of any re-offer.

(3) The Committee may specify in any offer or re-offer of reserve tonnage the time limit by which the purchasing handler shall return the boxes and pallets used in the storage of the raisins to the handler from whose plant the raisins were transferred by the Committee, and the purchasing handler shall comply therewith.

§ 989.168 Disposition of surplus tonnage raisins in noncompetitive outlets.

Whenever the Committee proposed to offer to sell standard surplus tonnage raisins in non-competitive outlets pursuant to § 989.68(a), it shall promptly file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within seven calendar days, the making of such an offer or sale or any term or condition thereof.

§ 989.169 Substitution for Layer Muscats.

A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins (as provided in § 989.69) shall file with the Committee on forms furnished by it within seven days (exclusive of Saturdays, Sundays, and legal holidays) after making the substitution, a certified report with respect to such substitution, including the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for at least two years after the termination of the crop year in which the substitution occurred.

REPORTS AND RECORDS

§ 989.173 Reports.

(a) *Inventory reports.* Each handler shall submit to the Committee as of the close of business on August 31 of each crop year, and not later than the following September 6, an inventory report which shall show, with respect to each varietal type of raisins held by him:

(1) The quantity of free tonnage raisins, segregated as to locations where they are stored and whether they are natural condition or packed;

(2) The quantities of reserve tonnage and surplus tonnage raisins, respectively, for the account of the Committee; and

(3) The quantity of off-grade raisins segregated as to those for reconditioning and those for disposition as such. Upon request by the Committee, each handler shall file at other times, and as of other dates, any of the said information which may reasonably be necessary for the determination or revision of marketing policy and which the Committee shall specify in its request.

(b) *Reports of raisins received or acquired*—(1) *General.* (i) Except as otherwise provided in paragraph (i) of this section each handler shall submit to the Committee (on forms furnished by it) for each week (Sunday through Saturday) and not later than the following Wednesday, the reports specified in subparagraphs (2), (3), (4), and (5) of this paragraph.

(ii) For each report required to be submitted pursuant to this paragraph, the required information shall be shown separately for each varietal type. With each report other than that specified in subparagraph (4) of this paragraph, the handler shall submit a copy of the door receipt or weight certificate for each lot of raisins received or acquired by him during the reporting period and for each lot of raisins stored on memorandum or warehouse receipt which was returned to the tenderer during such period, which shall show the information to be contained on such receipts or weight certificates as specified in § 989.158(a)(3). At the time he submits the reports specified in subparagraphs (2) and (3) of this paragraph to the Committee, each handler shall submit a copy of each such report to the inspection service.

(2) *Acquisition of standard raisins.* Each handler shall report:

(i) The total net weight of the standard raisins acquired during the reporting period, segregated when appropriate as to reserve and surplus tonnage;

(ii) The location of the reserve and surplus tonnage raisins; and

(iii) The cumulative totals of such acquisitions (as so segregated) from the beginning of the then current crop year.

(3) *Standard raisins received for memorandum storage.* Each handler shall, with respect to all standard raisins held for memorandum receipt, storage, bailment, or warehousing (raisins received other than by acquisition or interhandler transfer), report:

(i) The net weight of such standard raisins held at the start of the reporting period;

(ii) The net weight of such standard raisins received during the reporting period;

(iii) The net weight of such standard raisins acquired during such period and included with the acquisitions required to be reported pursuant to subparagraph (2) of this paragraph;

(iv) The net weight of such raisins returned during such period to the persons from whom they were received; and

(v) The net weight(s) and location(s) of such raisins held at the end of such period.

(4) *Off-grade raisins returned to tenderers (producers or dehydrators).* Each handler shall report with respect to each lot of off-grade raisins which the handler returned during the reporting period to the tenderer pursuant to subparagraph (1) in § 989.58(e):

(i) The inspection certificate number;

(ii) The net weight as indicated on the inspection certificate;

(iii) The name and address of the tenderer; and

(iv) The date the lot was returned to the tenderer.

(5) *Off-grade raisins received for reconditioning or disposition in non-food channels.* Each handler who is not a processor shall, with respect to all off-grade raisins received by the handler and retained by him for reconditioning or for animal feed, distillation, or uses other than for human consumption, report for each category received or reconditioned during the reporting period:

(i) The name and address of each tenderer;

(ii) The net weight of such raisins;

(iii) The locations where received;

(iv) The inspection certificate number covering each receipt;

(v) If reconditioned, the weight of standard raisins and their inspection certificate number;

(vi) The name and address of each person to whom residual or off-grade lots were delivered for disposition, and the respective net weight delivered; and

(vii) The total net weight (according to location) of each category of off-grade raisins held by him at the end of the reporting period.

(6) *Monthly report of raisins acquired by processors under exemption.* Each processor who avails himself of the exemptions from the grade and inspection requirements as provided in §§ 989.58(a), 989.59(f) and 989.160 and acquire raisins (as the first handler thereof) shall submit to the Committee on or before the seventh day of each month a report of all such raisins acquired during the preceding month. Each report shall show for each varietal type and each acquisition:

(i) The name and address of the person from whom the off-grade raisins were acquired;

(ii) The date of the acquisition;

(iii) The net weight of the acquisition; and

(iv) The ultimate disposition made or to be made of such raisins.

(c) *Reports of disposition*—(1) *Free tonnage raisins.* Each month each handler who is not a processor shall furnish to the Committee, on an appropriate form provided by the Committee and so that it is received by the Committee not later than the seventh day of the month, a report showing the aggregate quantity of each varietal type of free tonnage packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by him during the preceding month (exclusive of transfers within the State of California between the plants of any such handler and from such handler to other handlers). Such required information shall be segregated as to:

(i) Domestic outlets (exclusive of Federal Government purchases) according to the quantity shipped in consumer cartons, the quantity shipped in bags having a net weight content of four pounds or less, and the quantity shipped in bulk packs (including, but not limited to those in bags having a net weight content of more than four pounds);

(ii) Federal Government purchases;

(iii) Export outlets according to the quantity shipped in consumer cartons, the quantity shipped in bags having a net weight content of four pounds or less, and the quantity shipped in bulk packs (including, but not limited to, those in bags having a net weight content of more than four pounds); and

(iv) Each of any other outlets in which the handler has made disposition of such raisins other than by any transfer which is excluded by the preceding sentence. For the purpose of this paragraph, Canada shall be considered as a domestic outlet and not an export outlet.

(2) *Disposition by handlers (other than processors) of off-grade raisins, stemmer waste, and raisin offal.* Each handler who is not a processor shall report to the Committee upon its request all sales and other dispositions of off-grade raisins, stemmer waste, or raisin offal resulting from his sorting and/or packing operations made during such period as it specified in the request. Such report shall be submitted on a form furnished by the Committee and shall include the following information:

(i) Date of sale or other disposition;

(ii) Name and address of buyer; and

(iii) Description and weight of material sold.

(3) *Disposition reports by processors.* Each processor shall submit to the Committee, upon its request, such of the following information and for such period as the Committee shall specify;

(i) The quantity of raisins and raisin material used by the processor in his processing operations, segregated as to the processing outlets and the kinds of

raisins or raisin material which the Committee shall specify; and

(ii) The quantity of raisins or raisin material sold or otherwise disposed of by the processor, segregated as to specified outlets and kinds of raisins or raisin material.

(d) *Reports of interhandler transfers*—(1) *Free tonnage.* Any handler who transfers free tonnage raisins to another handler within the State of California shall submit to the Committee not later than five calendar days following such transfer a report showing:

(i) The date of transfer;

(ii) The name(s) and address(es) of the handler or handlers and the locations of the plants;

(iii) The varietal type, net weight and condition of the raisins transferred; and

(iv) If packed, the inspection certificate number in the event such raisins have been inspected prior to such transfer and a certificate issued. Two copies of such report shall be forwarded to the receiving handler at the time the report is submitted to the Committee, on one of which the receiving handler shall certify to the receipt of such raisins and submit it to the Committee within five calendar days after the raisins or the copies of such report have been received by him, whichever is later.

(2) *Off-grade tonnage.* Any handler who transfers off-grade tonnage raisins to another handler within the State of California shall, prior to making such transfer, submit to the Committee, on forms furnished by it, a plan of movement showing:

(i) The intended date of transfer;

(ii) The names(s) and address(es) of the handler or handlers and the locations of the plants;

(iii) The name and address of the tenderer of each such lot;

(iv) The varietal type, net weight and condition of such raisins;

(v) The inspection certificate number applicable to each lot; and

(vi) An attachment, when applicable, indicating the tenderer's agreement to the transfer. Two copies of such plan, if approved by the Committee, shall accompany the transfer to the receiving handler, on one of which the receiving handler shall certify to the acceptance and receipt of such raisins and submit it to the Committee.

(e) *Report of shipments of gift or specialty packs under exemption.* Each handler who obtains an exemption pursuant to § 989.159(f) for the shipment of gift or specialty packs of raisins shall submit to the Committee on a copy of the approved application for exemption a report showing the quantity of raisins shipped or disposed of under such exemption. The handler shall submit the report promptly after the end of the crop year or after completion by him of all shipments of such exempted raisins, whichever is earlier.

(f) *Reports pertaining to the release of reserve tonnage and marketing policy information.* Upon request of the Committee, each handler shall submit to the Committee on forms furnished by it a report containing such of the following information for each specified varietal type of raisins as the Committee may request:

(1) The quantity of free tonnage raisins held by him in and outside California as of the date specified in the Committee's request, segregated by the portion sold and the portion not sold;

(2) The total quantity of raisins expected to be acquired by him subsequent to the date specified by the Committee, pursuant to purchase contracts with producers and dehydrators, which are in effect as of the date specified by the Committee;

(3) The weighted average price paid by him to producers and dehydrators for free tonnage raisins, natural condition basis, during the period specified by the Committee and the quantity of raisins for which such average was computed;

(4) The quantity of free tonnage raisins sold or sold and shipped (as to which category the Committee shall specify) by him during a period specified by the Committee, segregated to show the quantities sold or sold and shipped in:

(i) Domestic markets, including Canada; and

(ii) Foreign markets, including Canada; and

(5) The average weighted f.o.b. sales prices received from sales, during a period specified by the Committee, of raisins in 30 pound fibre cases in domestic markets (including Canada) and the quantity of raisins for which such average prices were computed. Each such report shall be submitted not later than the end of the fifth calendar day following either the date of the request by the Committee or the ending date of the period to be covered by the report, whichever is later.

(g) *Certification of report.* All reports submitted to the Committee pursuant to this part shall be dated, and certified to the United States Department of Agriculture and to the Raisin Administrative Committee as to the truthfulness, accuracy and completeness of the information shown thereon.

(h) *Reporting by non-profit cooperative associations.* Non-profit cooperative associations need not submit door tags, door receipts, weight certificates or other similar documents with its report as to raisins received or acquired from its members.

(i) *Exemption from filing report.* A handler may be relieved by the Committee of submitting any of the reports required pursuant to paragraph (b) of this section which he shall specify in a written application therefor to the Committee stating that no transactions subject to such reports are contemplated for the balance of the crop year: *Provided,* That any such exemption shall remain in effect only so long as said handler has no such transactions subject to such reports.

§ 989.176 Records.

Each handler shall maintain complete, accurate, and current records of all of his business affairs concerning which he is required to submit reports with the Committee, and shall maintain such records for at least two years after the termination of the crop year in which the transactions occurred.

Dated: December 21, 1961.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-12251; Filed, Dec. 26, 1961; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 983 [1]]

[Docket No. AO 239-A1]

TYPE 62—SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Court Room of the Gadsden County Court House, Quincy, Florida, beginning at 9:00 a.m., e.s.t., January 22, 1962, with respect to a proposed amendment of Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983; 17 F.R. 4971, 5052, 5058; as suspended at 20 F.R. 585; 21 F.R. 648) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in a designated Florida-Georgia production area (i.e., the counties bordering the Florida-Georgia State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west). Neither the proposed amendment of the marketing agreement and order nor any reactivation thereof has received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the proposed amended marketing agreement and order, as hereinafter set forth, and to any appropriate modifications thereof. Evidence will also be received with respect to the reactivation of this regulatory program (the provisions of which have been in suspension since February 1, 1955) as proposed to be amended.

Growers and handlers of Type 62 tobacco covered by the marketing agreement and order submitted, and requested a hearing on, a proposal to amend the marketing agreement and order regulating the handling of such tobacco, so that the text thereof will read as follows:

DEFINITIONS

§ 983.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, and any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to act in his stead.

[1] 17 F.R. 4971, 5052, 5058; as suspended at 20 F.R. 585; 21 F.R. 648.

§ 983.2 Act.

"Act" means Public Act Number 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 983.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 983.4 Tobacco.

"Tobacco" means all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30), that is grown in the production area and harvested after the effective date of this part.

§ 983.5 Production area.

"Production area" means those counties bordering the Georgia-Florida State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west.

§ 983.6 Grower; producer.

"Grower" or "producer" means any person who is engaged, in a proprietary capacity, in the commercial production of tobacco.

§ 983.7 Handler; packer.

"Handler" or "packer" means the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state).

§ 983.8 Handle; pack.

"Handle" or "pack" means to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco.

§ 983.10 Prime.

"Prime" means to pick tobacco leaves as they ripen, beginning at the bottom of the tobacco stalk and removing a few leaves at a time.

§ 983.11 Field.

"Field" means a field of tobacco within the confines of a single shade covering.

§ 983.12 Fiscal period.

"Field" means a field of tobacco within period beginning on February 1 and ending on January 31 of the following year, both dates inclusive: *Provided,* That the first fiscal period shall begin on the effective date of this part.

§ 983.13 Control Committee; Committee.

"Control Committee" or "Committee" means the Control Committee established pursuant to § 983.20.

CONTROL COMMITTEE

§ 983.20 Establishment and membership.

(a) *Establishment.* A Control Committee consisting of 11 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member, and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation*—(1) *Growers who are not handlers.* Three members shall be growers who are not handlers. Any such member may be an officer, employee or agent of a grower.

(2) *Growers who are also handlers.* Seven members shall be growers who are also handlers. Any such member may be an officer, employee or agent of a grower.

(3) *Handlers who are not growers.* One member shall be a handler who is not a grower. Such member may be an officer, employee or agent of the handler.

§ 983.21 Term of office.

(a) *Initial members.* The term of office of each initial member of the Committee shall be the first fiscal period.

(b) *Successor members.* The term of office of each successor member shall be two consecutive fiscal periods.

(c) *General.* In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member shall continue to serve until his successor is selected and has qualified. Each member shall commence to serve on the date on which he qualifies.

§ 983.22 Selection of members.

The Secretary shall select the various members of the Control Committee, and their respective alternates, on the basis and in the manner prescribed in §§ 983.20 and 983.23. However, with respect to the selection of the initial members of the Committee, the Secretary may make such selection without regard to any nominations.

§ 983.23 Nominations.

(a) *Initial members.* For the consideration of the Secretary in making the selection of the members of the Committee who are to serve during the fiscal year ending on January 31, 1963, nominations for eligible members may be submitted by growers and handlers. Nominations for the grower members who are not handlers may be submitted by growers who are not handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the grower members who are also handlers may be submitted by growers who are also handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the handler member who is not a grower may be submitted by handlers or by groups, including associations, of such handlers. Such nominations may be by virtue of elections conducted by groups of such handlers.

(b) *Successor members.* In order to provide nominations for successor members:

(1) The Control Committee shall hold or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers.

(2) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are also handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers.

(3) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select the handler member who is not a grower.

(4) The Control Committee shall give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations.

(5) The Secretary may prescribe additional rules and regulations not inconsistent with the provisions of this part, relative to the election of nominees for members on the Committee. Such action may be pursuant to recommendations of the Committee.

(6) At each such meeting held to nominate members on the Control Committee, those eligible to participate therein shall elect a chairman and secretary therefor. The chairman of each such meeting shall announce the name of each person for whom a vote has been cast, and the number of votes received by each shall be recorded in the minutes. Thereafter, the minutes of such meeting, including such information, shall be transmitted to the Secretary. In obtaining nominations, all persons eligible to participate therein shall be given a reasonable opportunity to vote.

(7) Only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. Each such person shall be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting.

(8) Nominations for members shall be supplied to the Secretary not later than December 1 of the year in which the respective meeting was held, in such manner and form as the Secretary may prescribe.

§ 983.24 Failure to nominate.

If nominations are not supplied to the Secretary within the time and in the manner and form specified by the Secretary pursuant to § 983.23(b), the Secretary may, without regard to nominations, select the Committee members on the basis prescribed in § 983.20.

§ 983.25 Qualification.

Each person selected by the Secretary as a member of the Committee shall, prior to serving on the Committee, qualify by filing a written acceptance with the Secretary within 15 days after being notified of such selection.

§ 983.26 Alternate members.

An alternate for a member of the Committee shall, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified.

§ 983.27 Substitutes for members.

In the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute.

§ 983.28 Vacancies.

To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Nominations may be submitted to the Secretary for his consideration in making such selection. The designation of nominees from among whom the Secretary may select a successor shall be in accordance with the provisions of this part applicable to the designation of nominees for successors to members of the Committee. In the event that such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy, the Secretary may select a successor without regard to such nomination.

§ 983.29 Compensation.

Members of the Control Committee shall serve without compensation, but shall be reimbursed for reasonable expense necessarily incurred in the performance of their duties under this part.

§ 983.30 Powers.

The Control Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 983.31 Duties.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To select, from among its membership, a chairman and such other officers as may be necessary; to select subcommittees composed of committee members, and to adopt such rules and regulations for the conduct of its business as it deems advisable;

(c) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(d) To keep such minutes, books, and other records as will clearly reflect all of its acts and transactions and which shall be subject to examination at any time by the Secretary;

(e) To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting, and such other information as the Secretary may request;

(f) To cause the books and other records of the Committee to be audited by one or more competent accountants at least once each fiscal period and at such other times as the Control Committee may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to this part and a copy of each such report shall be furnished to the Secretary;

(g) To give to the Secretary the same notice of meetings of the Control Committee as is given to the members of the Committee; and

(h) With the approval of the Secretary, to issue such regulations as may be necessary and appropriate for the carrying out of the provisions of this part.

§ 983.32 Procedure.

(a) The Control Committee may, upon the selection and qualification of nine of its members, organize and commence to function. It may hold meetings only after due notice to its members. The Secretary may designate the time and place of the initial meeting of the Committee.

(b) A quorum shall consist of nine members, including alternate members and substitutes then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than seven concurring votes of the members who are present at such meeting.

(c) The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided*, That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *Provided further*, That when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption.

EXPENSES AND ASSESSMENTS

§ 983.40 Use of funds collected.

All funds received by the Committee, pursuant to this part shall be used only for the purposes authorized in this part.

§ 983.41 Budget and expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. The Committee shall, not later than 30 days after the beginning of each fiscal period, prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

§ 983.42 Assessments.

(a) Each handler who first handles tobacco shall, with respect to such tobacco, pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the then current fiscal period. Each such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of tobacco handled by him as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period.

(b) In order to provide funds to carry out the functions of the Committee, handlers may make advance payments of assessments.

§ 983.43 Rate of assessment.

(a) The Secretary shall fix the rate of assessment to be paid by such handlers; and such rate shall be fixed after consideration of the Committee's recommendations and other available information applicable thereto.

(b) The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee.

§ 983.44 Refunds.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 983.45 Accountability of Committee members for funds and property.

The Secretary may, at any time, require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Control Committee, he shall account to his successor, to the Committee, or to such person as the Secretary may designate for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person.

§ 983.46 Legal action for collection of assessments.

The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION

§ 983.50 Marketing policy and report.

(a) At the beginning of each fiscal period the Committee shall consider, prepare, and submit to the Secretary, a proposed policy, including a report thereon, for the handling of tobacco during such period.

(b) In developing its marketing policy, the Committee shall investigate relevant supply and demand conditions for tobacco. In such investigation, the Committee shall give appropriate consideration to the following:

(1) Estimated supply of and demand for tobacco (after considering carryover, production, disappearance, and like factors);

(2) Market price of tobacco by grade and quality at the grower-level and the handler-level;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(c) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Control Committee shall formulate a new or revised marketing policy in the manner heretofore indicated and shall submit such marketing policy, including a report thereon, to the Secretary.

(d) The Control Committee shall notify all growers and handlers of the contents of each such report. The Committee may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 shade-grown cigar-leaf tobacco is produced.

§ 983.51 Recommendation for regulation.

(a) Whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of tobacco pursuant to this part it shall recommend to the Secretary the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof deemed by it advisable to be handled. In making such recommendation, the Committee shall give consideration to the factors referred to in § 983.50. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation.

(b) The Committee may recommend the modification, suspension, or termination of any regulation pursuant to this part whenever it finds that to do so will tend to effectuate the declared policy of the act. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation.

§ 983.52 Issuance of regulation.

(a) Whenever the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he shall so limit the handling of tobacco during a specified period or periods. Each such regulation shall specify the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof, that may be handled.

(b) The Secretary may modify, suspend, or terminate any regulation pursuant hereto whenever he finds, from the recommendation and information submitted by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act.

(d) The Secretary shall notify the Control Committee of each such regulation, modification, suspension, and termination; and the Committee shall give reasonable notice thereof to growers and handlers.

§ 983.53 Initial regulations.

Continuing until such time as suspended, modified, or terminated pursuant to this part, the maximum number of leaves of a tobacco plant grown in the production area in the calendar year 1962 or in any subsequent year that may be handled is fixed at 18 leaves.

§ 983.54 Limitations on handling.

(a) During any period or periods in which any regulation is effective pursuant to this part, no handler shall handle any leaves, of any tobacco plant, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part. Except to the extent otherwise permitted, no handler shall handle tobacco except in conformity with the provisions of this part.

(b) No person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Control Committee, handle more than the first three primings of tobacco grown in any field of any producer unless prior to such handling the Control Committee had issued a "handling certificate" with respect to such tobacco.

§ 983.55 Issuance of handling certificates.

(a) Each grower shall, with respect to the tobacco of each of his fields, be entitled, upon application to the Control Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate shall state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Notwithstanding any other provision of this part unless otherwise provided in this part, no such certificate shall be issued with respect to any tobacco the handling of which is prohibited pursuant to this part.

(b) Any grower who is dissatisfied with any determination by the Control Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary; and any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

§ 983.56 Identification of tobacco handled.

The Committee may, with the approval of the Secretary, adopt requirements of identification by handlers of tobacco handled by them during such periods of time as the Committee deems necessary.

§ 983.57 Exemption certificates.

(a) The Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) The Control Committee may issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of Acts of God or other conditions beyond his control and reasonable expectation he will be prevented because of any regulation pursuant to this part from handling, or having handled, as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of tobacco permitted to be handled during such fiscal period. Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion of production. The Committee shall maintain a record of all applications submitted for exemption certificates and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted, and a record of all exempted tobacco handled. Such additional information as the Secretary may require shall be in the record of the Committee. The Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exempted certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary.

(c) Any grower who is dissatisfied with any determination by the Control Committee on his application for the issuance of an exemption certificate may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any decision by the Secretary with respect to any exemption certificate shall be final and conclusive.

(d) The Committee shall be permitted at any time to make a thorough investigation of any grower's or handler's claim pertaining to exemptions.

MISCELLANEOUS

§ 983.60 Books and records.

(a) Each handler and each subsidiary and affiliate thereof shall keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary.

(b) Upon the request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under this part.

§ 983.61 Compliance.

Except as provided in this part, no handler shall handle tobacco, the handling of which is prohibited pursuant to this part and no handler shall handle tobacco except in conformity to the provisions of this part.

§ 983.62 Right of the Secretary.

The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 983.63 Amendment.

Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

§ 983.64 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under this part and during the existence of this part.

§ 983.65 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 983.66 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 983.67 Personal liability.

No member or alternate of the Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 983.68 Separability.

If any provision of this part is declared invalid, or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof, to any other person, circumstance, or thing shall not be affected thereby.

§ 983.69 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part and shall continue in force until terminated in any of the ways specified in this part.

§ 983.70 Termination.

(a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, or regulations pursuant to this part, whenever he finds that such provisions or regulations do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of growers who, during the preceding fiscal period, have been engaged in the production of tobacco for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such tobacco produced for market; but such termination shall be effective only if announced on or before January 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 983.71 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and the property then in the possession of, or under control of, the Committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the said Committee and upon the said trustees.

§ 983.72 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this part, or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

§ 983.73 Counterparts.

This agreement may be executed in multiple counterparts; and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 983.74 Additional parties.

After the effective date of this agreement, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary; and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

[1] Applies only to marketing agreement.

§ 983.75 Order with marketing agreement.

Each signatory handler favors and approves the issuance, by the Secretary, of an order regulating the handling of tobacco in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

The changes in the text of the provisions of the currently suspended marketing agreement and order result from the following:

1. Deletion of § 983.9.
2. Amendment of § 983.20(b).
3. Amendment of paragraph (a) of § 983.23.
4. Amendment of subparagraph (3) of § 983.23(b).
5. Amendment of § 983.51 by deleting therefrom paragraph (c) and revising paragraph (a).
6. Amendment of § 983.52 by deleting therefrom paragraph (c) and revising paragraph (a).
7. Amendment of § 983.53.
8. Amendment of paragraph (a) of § 983.54.

The Agricultural Stabilization and Conservation Service has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendment thereof that may result from this hearing.

Copies of this notice of hearing may be inspected at the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. Also, copies of this notice will be available in the Agricultural Stabilization and Conservation Service county offices of Gadsden County, Florida; Madison County, Florida; Leon County, Florida; Decatur County, Georgia; and Grady County, Georgia.

Dated: December 21, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-12234; Filed Dec. 26, 1961; 8:46 a.m.]

[1] Applies only to marketing agreement.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR PART 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346 a(d)(1)), notice is given that a petition has been filed by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, proposing the establishment of the following tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities:

	Parts per million
Range and pasture forage, grass hay, wild hay, mixed grass and legume hay	40
Corn (kernels plus cob with husks removed)	0.75

The petition also proposes an increase in tolerances for residues of the subject pesticide chemical in or on alfalfa and alfalfa hay, bean forage and bean hay, corn forage, pea forage (pea vines and pods), and pea hay to 40 parts per million; and in or on almond hulls to 3 parts per million.

The analytical methods described in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate are a sulfide method and a phosphorus method. In the sulfide method the residue is extracted with petroleum ether and then transferred to hydrobromic acid. This solution is then boiled, converting the sulfur to hydrogen sulfide. The hydrogen sulfide is trapped in zinc acetate solution and determined spectrophotometrically at 670mμ as methylene blue. In the phosphorus method, the residue in the boiled hydrobromic acid solution is treated with ammonium molybdate and the phosphorus determined by the molybdenum blue reaction at 650mμ.

Dated: December 19, 1961.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-12248; Filed, Dec. 26, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File No. 23-810]

FRANCISCO FEMENIAS LORES ET AL.

Order Temporarily Denying Export Privileges

In the matter of Francisco Femenias Lores, MIMSA (Materiales Industriales Maquinaria, S.A., Rhin 75, Mexico, D.F., Mexico; Sergio Chavez, Ramos Deseartes 6, Mexico, D.F., Mexico; J. Carlos Escobedo y Lazalde, Avenida Juarez 97, Mexico, D.F., Mexico, Respondents; Filed 23-810.

The Director, Investigations Staff, Bureau of International Programs, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application and the evidentiary materials in support thereof, and has reported thereon with his recommendation that the temporary denial order be issued for ninety days, subject to extension at that time if reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings.

It appears from the report and the evidence submitted therewith that the above named respondents bought, paid for, and caused to be exported from the United States to Mexico in September 1961 two marine diesel engines and parts. Representations were made to the U.S. exporter that the ultimate purchaser of the equipment was the Mexican Government. It further appears that these representations were false, and that upon arrival of the shipment in Mexico, it was intended to be transshipped to Cuba, contrary to the U.S. export control law. Said transshipment was frustrated, however, despite respondents' intentions.

Respondents are attempting to obtain additional U.S. origin commodities. It is found that they are not to be trusted with participating in U.S. export transactions, and that unless an order is entered and published denying to them temporarily all U.S. export privileges, they may obtain and transship U.S. commodities in violation of the applicable regulations. Now, having concluded that it is necessary to further the foreign policy of the United States, and believing that the public interest requires that this temporary order be issued, it is hereby ordered:

(1) The respondents, Francisco Femenias Lores, his firm MIMSA (Materiales Industriales Maquinaria, S.A.), and Sergio Chavez, and J. Carlos Escobedo y Lazalde, and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party to or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith;

(3) This order shall take effect forthwith and shall remain in effect for a period of ninety days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(5) A certified copy of this order shall be served upon the respondent.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, any respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: December 19, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 61-12240; Filed, Dec. 26, 1961; 8:47 a.m.]

[File No. 9A-56]

VICTOR HERNANDEZ RODRIGUEZ ET AL.

Order Temporarily Denying Export Privileges

In the matter of Victor Hernandez Rodriguez, and Emda Import and Export Company, Inc., 10434 Burbank Blvd., North Hollywood, California, and Aero Distribuidora S.A., Boulevard de Aviacion Civil 486, Mexico, D.F., Mexico, with branch offices at Torreon, Sinaloa and Los Mochis, Mexico; Dr. Ramon Alvarez Gutierrez, Refacciones y Accesories, S.A., Colorado 79, Mexico, D.F., Mexico, Respondents; File 9A-56.

The Director, Investigations Staff, Bureau of International Programs, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application and the evidentiary materials in support thereof, and has reported thereon with his recommendation that the temporary denial order be issued for 90 days, subject to extension at that time if reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings.

After careful consideration of the report and the evidence submitted therewith, it is found that there is substantial basis to believe that respondent Hernandez, acting individually and through his various companies, has for some time been supplying substantial quantities of U.S. aircraft parts and equipment to respondent Alvarez and his firm in Mexico, with knowledge that the goods were to be sold and transshipped from Mexico to Cuba in violation of the U.S. export control law. It further appears that respondent Alvarez has sold and caused such goods, obtained from respondent Hernandez and his companies and from other sources, to be transshipped from Mexico to Cuba also with knowledge that such actions were contrary to the U.S. export control law. Respondents are continuing to attempt to obtain additional U.S. origin commodities.

It is further found that respondents have demonstrated that they may not be trusted to participate in U.S. export transactions, and that in the interest of effective enforcement of the law and the foreign policy of the United States, and to protect the public interest, it is necessary to issue and publish this temporary denial order. Accordingly, it is hereby ordered:

(1) The respondents, Victor Hernandez Rodriguez, his firms Aero Distribuidora, S.A., and EMDA Import & Export Company, Inc., and Dr. Ramon Alvarez Gutierrez and his firm Refaccion y Accesorios, S.A., and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party to or representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect for a period of ninety days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in the trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondent.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, any respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: December 19, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 61-12241; Filed, Dec. 26, 1961; 8:47 a.m.]

[File Nos. IS-23-773, IS-23-811]

TRANSCONTINENTAL, S.A., ET AL.

Order Temporarily Denying Export Privileges

In the matter of Transcontinental, S.A., Ramon Cortes Buenrostro, also known as: Raimundo Cortes, Ramon B. Cortes, and Ramon B. Cortez; Francisco Ibanez Garcia, Antonio R. Mortera Sandoval, Ignacio Hernandez Garcia, all of Avenida Morelos 98, Mexico, D.F., Mexico, and Lorenzo L. Saunders, 1720 Montrose Drive, Tyler, Texas; File IS-23-773; and Cia. Impulsora Mexicana, S.A., Roberto Nunez Hernandez, Gustavo Lopez Ramirez, Pople 44, Apartado Postal 21264, Mexico, D.F., Mexico; File IS-23-811.

The Director, Investigations Staff, Bureau of International Programs, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application and the evidentiary materials in support thereof, and has reported thereon with his recommendation that the temporary denial order be issued for ninety days, subject to extension at that time if reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings.

It appears from the report and the evidentiary materials submitted therewith that Transcontinental, S. A., and the above-named officials of that Mexican company, in 1960 and 1961 purchased large quantities of U.S. automotive truck, and engine parts and equipment which they caused to be exported from the United States to Mexico. Said respondents thereupon sold and disposed of the goods, and participated in arrangements, whereby the goods were to be and part actually were on-shipped from Mexico to Cuba, in violation of the U.S. export control law.

It further appears from the report and the evidence that Cia. Impulsora Mexicana, S. A., purchased certain automotive and tractor parts in the United States and caused them to be exported to Mexico in October 1961. There is reason to believe that this Mexican company and the named officials, acting on their own or in concert with Transcontinental S. A., sold and made arrangements for the U.S. goods to be transshipped to Cuba, in violation of the U.S. export control law.

Respondents may attempt to obtain additional U.S. origin commodities. It is found that respondents have demonstrated that they may not be trusted to participate in U.S. export transactions, and that in the interest of effective enforcement of the law and the foreign policy of the United States, and to protect the public interest, it is necessary to issue and publish this temporary denial order. Accordingly, it is hereby ordered:

(1) The respondents and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party to or representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect for a period of ninety days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondent.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, any respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: December 19, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 61-12242; Filed, Dec. 26, 1961; 8:47 a.m.]

Office of Secretary

[Department Order No. 109 (Rev.)]

BUREAU OF PUBLIC ROADS

Organization and Functions

DECEMBER 6, 1961.

The following order was issued by the Secretary of Commerce on December 6, 1961. The material appearing at 25 F.R. 8237 of August 27, 1960 and at 22 F.R. 1301-1303 of March 1, 1957, is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Bureau of Public Roads.

SEC. 2. *Organization.*

.01 The Bureau of Public Roads was created as the Office of Road Inquiry under the authority of the Agricultural Appropriation Act of 1894. The Federal-Aid Road Act of 1916 (39 Stat. 355) initiated Federal aid for highways to be administered by the Secretary of Agriculture through the Office of Public Roads and Rural Engineering, which became the Bureau of Public Roads on July 1, 1918. Under Reorganization Plan No. 7 of 1949, the Bureau of Public Roads was assigned to the Department of Commerce and currently functions under provisions of Title 23, United States Code.

.02 The Bureau of Public Roads is a primary organization unit of the Department of Commerce, and under Public Law 966 (70 Stat. 900) approved August 3, 1956 shall be headed by a Federal Highway Administrator, appointed by the President, by and with the advice and consent of the Senate. The Federal Highway Administrator reports and is responsible to the Secretary of Commerce, through the Under Secretary of Commerce for Transportation, and performs such functions as the Secretary of Commerce shall prescribe.

.03 The Federal Highway Administrator shall be assisted in the operation of the Bureau by a Deputy Federal Highway Administrator, who is appointed by the Secretary of Commerce.

.04 The Bureau of Public Roads shall consist of the following organizational units:

1 Office of the Federal Highway Administrator, including:
(1) The Federal Highway Administrator
(2) The deputy Federal Highway Administrator
(3) The Assistant Federal Highway Administrator and Chief Engineer
(4) Special Assistant for Public Affairs
2 Office of Engineering:
(1) Route and Project Coordination Division
(2) Highway Standards and Design Division
(3) Construction and Maintenance Division
(4) Right-of-Way Division
(5) Secondary Roads Division
(6) Interstate Division
(7) Bridge Division
3 Office of Research:
(1) Physical Research Division
(2) Economic Research Division
(3) Traffic Operations Research Division
(4) Hydraulics Research Division
(5) Equipment and Methods Division
(6) Research Services Division
4 Office of Planning:
(1) Current Planning Division
(2) Advance Planning Division
(3) Urban Planning Division
(4) National Highway Planning Division
5 Office of Operations:
(1) Federal Highway Projects Division
(2) Defense Plans and Operations Division
(3) Foreign Projects Division
(4) Inter-American Highway Division
6 Office of Administration:
(1) Program Analysis Division
(2) Budget and Management Division
(3) Finance Division
(4) Personnel and Training Division
(5) Administrative Services Division
(6) Automatic Data Processing Division
(7) Project Examination Division
7 Office of General Counsel:
(1) Legislation and Opinions Division
(2) Contracts, Claims & Compliance Division
(3) Lands Division
(4) Western Office
8 Office of Highway Safety:
(1) Highway Safety Coordination Division
(2) Driver Register Service
9 Field Organization:

.05 The following officers, in the order designated, perform the functions of the Federal Highway Administrator in the Administrator's absence, sickness or other inability to act, or during a vacancy in the office:

1 Deputy Federal Highway Administrator
2 Assistant Federal Highway Administrator and Chief Engineer
3 Director of Engineering
4 Director of Administration
5 Director of Planning
6 Director of Operations
7 The General Counsel
8 Director of Research
9 Director of Highway Safety

SEC. 3. *Delegation of authority.*

.01 Pursuant to the authority vested in the Secretary of Commerce by law, the Federal Highway Administrator is hereby authorized to perform the functions vested in the Secretary of Commerce by Title 23, U.S.C., Highways (Public Law 85-767), including PL 86-660 as amended, and all acts amendatory thereof or supplementary thereto except with respect to the apportionment of Federal-aid highway funds among the States and such other functions as the Secretary of Commerce may reserve. In addition, the Federal Highway Administrator is designated to exercise the authority of the Secretary of Commerce derived from the Defense Production Act of 1950, as amended, with respect to highway construction and maintenance, regardless of financing, including all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations.

.02 The Federal Highway Administrator is authorized to redelegate, with such conditions and limitations as he deems appropriate, the authority conferred herein to any officer of the Bureau of Public Roads.

SEC. 4. *General functions.*

.01 The Bureau of Public Roads carries out the responsibilities and authority of the Secretary with respect to Federal and Federal-aid highway construction, administration and research. The Bureau is directly responsible for administering Federal legislation providing, (1) for the improvement, in cooperation with the 50 States, the District of Columbia, and Puerto Rico, of roads on the Federal-aid primary, secondary, and Interstate and Defense highway systems, and the urban extensions of such systems, and for coordinating the completion of a nationally integrated system of Interstate highways as contemplated by the Congress; (2) for the survey and direct construction, in cooperation with the Forest Service of the Department of Agriculture and State highway departments, of roads on the forest highway system; (3) for the survey and direct construction of selected main roads through public lands; and (4) for the survey and direct construction, in cooperation with the Central American Republics, of the Inter-American Highways; and (5) for other programs as authorized.

.02 The Bureau of Public Roads provides assistance on other highway programs in behalf of other Federal agencies, and in this connection cooperates with (1) the U.S. Forest Service of the Department of Agriculture, the National Park Service of the Department of Interior, and other Federal agencies in the construction of roads in national forests, parks and other Federal areas; (2) the Department of State, other Federal agencies and international banks in providing assistance and advice to foreign governments in various phases of highway engineering and administration; and (3) the Secretary of Defense, and such other officials as the President may designate, in meeting defense highway needs, including the survey, design, and construction of access roads certified as essential to the national defense.

.03 The Bureau of Public Roads conducts programs of planning and research on all phases of highway improvement and highway transport as a basis for the development of realistic and economical highway plans and for promotion of progressive highway engineering and administrative practices, including those in the field of highway safety.

.04 The Bureau of Public Roads is responsible for development and promotion of highway safety in the United States, maintaining liaison with all public and private organizations and groups concerned with this major domestic problem and maintaining a register of individuals reported by States, or political subdivisions thereof, for suspension or revocation of motor vehicle operator's license or permit because of (1) intoxication; or (2) highway safety code violations involving loss of life.

SEC. 5. *Functions of the Office of the Federal Highway Administrator.*

The Office of the Federal Highway Administrator plants, determines and promulgates the basic programs and policies of the Bureau of Public Roads, and directs and coordinates the implementation and operation of such programs and policies. In carrying out these functions, the Federal Highway Administrator is assisted by: (1) the Deputy Federal Highway Administrator who participates with the Administrator in prescribing basic programs and policies of the Bureau of Public Roads and performs such other functions as the Federal Highway Administrator may assign; (2) the Assistant Federal Highway Administrator and Chief Engineer who directs and controls the execution of the Bureau's programs; and (3) the Special Assistant for Public Affairs who serves as the immediate adviser to and is the representative of the Federal Highway Administrator, with responsibility for assisting in establishing and administering policies and programs of the Bureau of Public Roads pertaining to public information matters.

SEC. 6. *Functions of the Office of Engineering.*

The Office of Engineering is responsible for performing all functions relating to route locations and to the programming, design, and construction of projects on the Federal-aid primary and secondary highway systems, and the Interstate System, and to the maintenance of roads on such systems. The Office of Engineering includes the divisions listed under Section 2.04, above, which divisions plan, implement, and supervise activities relating to (1) specific route locations for Federal-aid Interstate, primary and secondary systems; (2) annual programs of projects proposed by the States; (3) development of Federal-aid highway design criteria and standards for the location and geometric and structural design of highways, including pavement and base design, highway signing and lighting, aerial surveying and photogrammetry, and roadside development; (4) development of design criteria, standards, policies and practices for bridges, tunnels and incidental structures of Federal-aid highways, including hydraulic and hydrological design features; (5) engineering supervision of construction and maintenance phases of Federal-aid highway programs, including development of standards of performance and improvements thereof for use of States in Federal-aid highway construction and maintenance projects; (6) supervision of activities relating to engineering and operational aspects of rights-of-way acquisition for highway programs, including administration of utilities matters pertaining to right-of-way and including development of standards for use of States in right-of-way acquisition, utilization and administration; (7) administration of training and promotion activities relating to the secondary roads programs of the States; and (8) development of cost estimates on the National System of Interstate and Defense Highways, engineering analysis of comprehensive data on the progress of the System, and preparation of reports relating thereto.

SEC. 7. *Functions of the Office of Research.*

The Office of Research is responsible for performing all functions relating to highway research policy and programs relating to all phases of highway construction, modernization, development, design, maintenance, financing, and traffic operations, including the effect thereon of State laws, and including assistance in the testing and developing of any material, invention, patented article, or process. The Office of Research includes the divisions listed under section 2.04, above, which divisions plan, implement and supervise specific research programs, independently and in collaboration with the several States, and including (1) laboratory and field physical research into the properties and most effective use of highway construction materials, and the practical application of findings to experimental highways projects; (2) appraisal of economic aspects of highway systems, including such factors as fiscal policies, tax bases, financial aspects of highway needs, production and maintenance costs, user and non-user benefits and other aspects of transport economics, and revenue planning; (3) traffic operations research, including studies of such factors affecting highway safety as driver behavior, highway capacity, vehicle characteristics and performance, and traffic control; (4) research in hydraulics and hydrology as applied to design, construction, maintenance and operation of highways; (5) research into highway equipment and methods, including road equipment, construction methods, and application of computer and nuclear developments to various aspects of highway construction and maintenance programs; (6) research into State right-of-way laws and other laws affecting the broad field of highway construction, operation and administration; (7) responsibility for coordinating and approving State research projects using Federal funds; and (8) such other research as will promote safety, efficiency and economy in the conduct of Federal-aid highway programs.

SEC. 8. *Functions of the Office of Planning.*

The Planning Office is responsible for performing all functions relating to systematic current and long-range planning and long-range programing in highway development. The Office of Planning includes the divisions listed under section 2.04, above, which divisions plan, implement and supervise highway planning programs, independently and in collaboration with the several States, including (1) acquisition, analysis and planning use of engineering, construction, financial and other highway data essential to sound highway program planning, both short and long-range and including conduct of comprehensive urban planning studies which result in the integrated consideration of highway needs and priorities in complex metropolitan situations; (2) promotion and guidance of planning activities of the States to bring about sound organization, application of effective methods, and comprehensive consideration of Statewide highway needs; (3) studies into advanced planning analysis techniques, methods and procedures which will result in data of maximum value to a program of systematic highway planning; (4) conduct of needs studies, resources planning, priorities and systems reviews, and evaluations of planning progress to assure that long-range programs, highway systems and route locations are being developed by the States, in such manner that annual programs of projects may be submitted on the basis of greatest need and priority and to promote the maximum contribution of the planning effort to the orderly, progressive and contiguous development of the Interstate System and other Federal-aid highways; and (5) coordination and approval of State planning projects using Federal funds.

SEC. 9. *Functions of the Office of Operations.*

The Office of Operations is responsible for performing all functions relating to direct Federal highway construction projects, defense access road projects, highway missions in overseas areas, construction of the Inter-American Highway, and defense aspects of highway programs. The Office of Operations includes the divisions listed under section 20.4, above, which divisions plan, implement

and supervise specific programs relating to (1) direct Federal highway construction of forest highways, forest development roads and trails, roads and trails in national parks, parkways, Indian Reservation roads and bridges, and public lands highways; (2) cooperation with Department of Defense and Office of Emergency Planning in the consideration of civil defense aspects of and planning for emergency mobilization with respect to highways constructed with the aid of Federal funds; (3) assistance to foreign governments by means of authorized engineering and other services in connection with the survey, construction, maintenance, and improvement of their highway systems and in the development of trained highway personnel; and (4) administration of the Inter-American Highway programs.

SEC. 10. *Functions of the Office of Administration.*

The Office of Administration is responsible for performing all functions relating to fiscal and administrative policy and programs of the Bureau of Public Roads. The Office of Administration includes the divisions listed under section 2.04, above, which divisions plan, implement and supervise specific programs relating to (1) a financial management plan designed for effective and efficient management and utilization of Federal funds, materials, manpower and other assets involved in Federal highway programs, the various elements of such plan including (a) a system for orderly and efficient apportionment of Federal funds to States, and for comprehensive, continuing analysis of the status of the Highway Trust Fund; (b) a formal program of budget development, execution and control; and (c) a comprehensive and integrated system of accounting, auditing and financial reporting; (2) personnel management and employee development for Public Roads employees; (3) management analysis, assistance and advice in connection with program development, internal management and organization, and program operation and evaluation; (4) execution of administrative programs, including such services as records management, safety, procurement, property and space management, travel, printing and reproduction; (5) administration of the internal programs of Public Roads in automatic data processing; and (6) internal review and project examination designed to promote orderly and effective administration and prosecution of Federal-aid highway programs, proper and judicious expenditure of Federal-aid highway funds, and safeguards to Federal Government interests with respect to Federal highway programs.

SEC. 11. *Functions of the Office of the General Counsel.*

Consistent with Department Order No. 104 pertaining to the Office of the General Counsel of the Department of Commerce, the Office of the General Counsel is responsible for rendering legal counsel and advice in all matters pertaining to the functions of the Bureau. The Office of the General Counsel includes the divisions listed under section 2.04, above, and a Western Office which renders legal services in Regions 7, 8, 9 and 10. These divisions plan, implement and supervise specific programs relating to (1) legislation, legal opinions and general legal services, including general legal research, legal information publication services, preparation of legal reports, handling of certain legal correspondence, and administration of the law library; (2) legal matters relating to lands used in highway programs, including Federal acquisition of real property, conveyance or transfer of real property to States, acquisition by condemnation action, and legal advice and other legal services in all real property matters, such as, legal interpretation of Federal-aid participation and procedures and compilation of laws pertaining to public acquisition of real property; (3) contracts, claims and compliance aspects of activities involving direct Federal and Federal-aid highway construction, including legal consideration of contracts and agreements within the purview of Public Roads' functions, and administration of contractors' claims, claims under the Federal Tort Claims Act, claims for damage to Public Roads' property, administrative appeals and court litigation involving claims, matters of compliance with all governing labor laws and directives, and violations of criminal laws.

SEC. 12. *Functions of the Office of Highway Safety.*

The Office of Highway Safety is responsible for coordination of highway safety activities of Federal, State and private organizations, and for development and promotion of highway safety in the United States. These responsibilities are carried out under a four-fold program to gain public support of highway safety measures; coordinate the application of results of all public and private research in the highway safety field; establish and maintain highway safety promotional and advisory relations with State, local, industry and allied groups; and promote the development and improvement of highway safety standards. The Office of Highway Safety includes the divisions listed under section 2.04, above, which divisions serve as the correlating office to work with all other Federal, State and private organizations engaged in highway safety activities, provide liaison with and advisory services to State and local governments, industry and allied groups, and to organizations having an official interest in highway safety, including the National Safety Council, the American Association of Motor Vehicle Administrators, the National Committee on Uniform Traffic Laws and Ordinances, the American Bar Association, and the National Joint Committee on Uniform Traffic Control Devices; as requested by the Secretary of Commerce, represent the Department of Commerce on special boards and committees of the Executive Branch dealing with highway safety; furnish information to the States regarding persons whose driver's licenses have been suspended or revoked because of intoxication or highway safety code violations involving loss of life; develop and promote a long-range action program for highway safety, working toward the application by the States and local communities of tested traffic safety and accident prevention measures, standards and techniques, and the continuing study and improvement of the problems of highway safety, including not only those with respect to highway engineering but those relating to traffic court procedure, driver examination, motor-vehicle inspection, uniformity of motor vehicle laws and ordinances, accident education, and traffic safety enforcement; and provide secretariat services for the President's Committee for Traffic Safety.

SEC. 13. *Field organization (see Appendix A for listing of field organization).*

.01 Field operations of the Bureau of Public Roads in the United States and Puerto Rico are administered through eleven Regional Offices. Inter-American Highway operations are administered through a Regional Office located in Central America. Assistance by Public Roads to foreign countries desiring to improve their highway facilities, under legislative authorization and in cooperation with such organizations as the Department of State, the Agency for International Development, the Export-Import Bank and the World Bank, is provided by Division Offices located in the countries for which the work is performed.

.02 *Federal-aid Operations.* In order to implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways, appropriate operating authority has been delegated to field offices.

1 Regional Offices are established throughout the United States, each encompassing a designated group of Division Offices which in turn are responsible for supervision of program activities in individual States. Each Regional Office is headed by a Regional Engineer who is responsible for uniform application of the policies established by the Administrator; for coordinating and integrating program objectives and accomplishments; for contributing to research activities leading to improved highway design, construction and maintenance; and for conducting public information activities on a collateral basis.

2 A Division Office, designated as a component of a specific Regional Office, is located in each of the several States, the District of Columbia and Puerto Rico. These are operating offices forming the link between the Regional Office and the State highway departments and other State officials. Each Division Office is headed by a Division Engineer who administers the Federal-aid highway program in the Division. Each Division is divided into geographic subdivisions or Districts, and the Districts are subdivided for operating purposes into Areas. Each District is headed by a District Engineer who directs and coordinates performance of all phases of the Federal-aid program in his district through the Area Engineers who head each Area. The Division Engineer and his staff provide leadership and guidance to the States in Federal-aid highway matters, including planning, design, engineering and construction of highways, bridges and other highway structures, right-of-way acquisition, hydraulics, materials, and Federal-aid accounting and auditing practices and systems.

.03 *Direct Federal construction operations:*

1 Regional Engineers in Regions 7, 8, 9 and 10, in addition to their Federal-aid responsibility, are responsible for administering the direct Federal construction program within their region. A Federal Highway Projects Office within each of these Regional Offices is responsible on a region-wide basis for the construction planning, contract administration, and survey and design operations of direct Federal construction programs. Division Engineers in Regions 7, 8 and 9 and the Federal Highway Projects Engineer in Region 10 are responsible for the construction and maintenance phases of the direct Federal construction programs.

2 The Regional Engineer in Region 15 is responsible for administering a program of direct Federal highway survey, design and construction throughout the Eastern United States. This includes parkways and highways in the National Parks constructed in cooperation with the National Park Service. Division Engineers in Region 15 are responsible within their respective divisions for highway locations, design and construction for the Federal agencies having jurisdiction.

.04 *Inter-American Highway:*

The Regional Engineer in the Inter-American Highway Region is responsible for carrying out the obligations of, and administering the funds appropriated by, the United States for construction of the Inter-American Highway in cooperation with the Central American Republics and for furnishing engineering supervision and assistance in the construction of this highway. The Regional Engineer is also responsible for furnishing technical advice and assistance to the Central American Republics at the request of the Department of State, or other United States Governmental agency or corporation. The organization of this region is comparable to the regions in the United States in that technical engineering specialists and administrative personnel are functionally grouped in the Regional Office to provide supervision and guidance to the Division Offices located in the Central American countries. The Regional Engineer, through the Division Offices, negotiates with the Central American Republics and develops agreements with cooperating countries, and plans for administering, financing, and supervising the construction of the Inter-American Highway in Central America; develops plans for financing and supervises construction of the "Rama Road" in Nicaragua; and provides technical highway engineering advice and assistance to other Latin American Republics at the request of other United States Government agencies or corporations.

.05 *Foreign Programs:*

Division Engineers in the foreign division offices are responsible for the performance of authorized engineering or other services in connection with the survey, construction, maintenance or improvement of highways for other Government agencies, cooperating foreign countries and other cooperating entities. The Division Engineer's technical engineering and administrative staffs, working with foreign highway authorities, aid in the establishment of modern highway departments and in the training of local personnel in all phases of modern highway practice, serve as consultants in the operation of highway programs, and assist in the purchase of highway equipment and materials.

SEC. 14. *Saving provision.*

All orders, regulations, certificates, allotments, or other actions issued by or relating to the Bureau of Public Roads, or any official thereof, shall remain in effect until specifically amended or revoked by proper authority.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[APPENDIX A]

DECEMBER 6, 1961.

BUREAU OF PUBLIC ROADS—FIELD ORGANIZATION

Regional and Division Offices

The location of the Regional Offices of the Bureau of Public Roads and the Divisions over which they have jurisdiction are as follows (Division Office location indicated in parentheses):

Region Number and (Regional Office Location); States in Region and (District Office Location)

Region 1 (Albany, N.Y.); Connecticut (Hartford), Maine (Augusta), Massachusetts (Boston), New Hampshire (Concord), New Jersey (Trenton), New York (Albany), Puerto Rico (San Juan), Rhode Island (Providence), Vermont (Montpelier).

Region 2 (Hagerstown, Md.); Delaware (Dover), District of Columbia, Maryland (Baltimore), Ohio (Columbus), Pennsylvania (Harrisburg), Virginia (Richmond), West Virginia (Charleston).

Region 3 (Atlanta, Ga.); Alabama (Montgomery), Florida (Tallahassee), Georgia (Atlanta), Mississippi (Jackson), North Carolina (Raleigh), South Carolina (Columbia), Tennessee (Nashville).

Region 4 (Chicago, Ill.); Illinois (Springfield), Indiana (Indianapolis), Kentucky (Frankfort), Michigan (Lansing), Wisconsin (Madison).

Region 5 (Kansas City, Mo.); Iowa (Ames), Kansas (Topeka), Minnesota (St. Paul), Missouri (Jefferson City), Nebraska (Lincoln), North Dakota (Bismarck), South Dakota (Pierre).

Region 6 (Fort Worth, Tex.); Arkansas (Little Rock), Louisiana (Baton Rouge), Oklahoma (Oklahoma City), Texas (Austin).

Region 7 (San Francisco, Calif.); Arizona (Phoenix), California (Sacramento), Nevada (Carson City), Hawaii (Honolulu).

Region 8 (Portland, Oreg.); Idaho (Boise), Montana (Missoula), Oregon (Salem), Washington (Olympia).

Region 9 (Denver, Colo.); Colorado (Denver), New Mexico (Santa Fe), Utah (Ogden), Wyoming (Cheyenne).

Region 10 (Juneau, Alaska); Alaska (Anchorage), Alaska (Fairbanks).

Region 15 (Falls Church, Va.); administers programs of direct Federal highway survey, design and construction in Regions 1, 2, 3, 4, 5, and 6 except western portions of North Dakota and South Dakota. District Offices in: (Arlington, Va.), (Florence, Ala.), (Gatlinburg, Tenn.), (Roanoke, Va.).

Region 19 (San Jose, Costa Rica); Costa Rica (San Jose), Guatemala (Guatemala City), Nicaragua (Managua), Panama (Panama City).

Foreign Missions

Missions are established in foreign countries as necessary to carry out agreements with other Federal agencies, cooperating foreign countries, and other cooperating entities.

[F.R. Doc. 61-12258; Filed, Dec. 26, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-191]

BABCOCK & WILCOX CO.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 2, 1961, 26 FR 11462, the Atomic Energy Commission has issued Construction Permit No. CPCX-18. The construction permit authorizes The Babcock and Wilcox Company to construct, at its Critical Experiment Laboratory located near Lynchburg, Virginia, a critical experiment facility designated by the permittee as the "Advanced Test Reactor Critical Experiment".

Dated at Germantown, Md., this 19th day of December 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-12252; Filed, Dec. 26, 1961; 8:48 a.m.]

[Docket No. 27-18]

DEPARTMENT OF THE NAVY, U.S. NAVAL RADIOLOGICAL DEFENSE LABORATORY

Notice of Proposed Amendment of Byproduct Material License

Take notice that the Department of the Navy, U.S. Radiological Defense Laboratory, San Francisco 24, California, holder of License No. 4-487-6 which authorizes the receipt, possession and disposal of byproduct material waste has applied for an amendment of that license which would incorporate the following:

1. Renewal of the license for a period of two (2) years.

2. Amendment of Condition 1 to authorize the possession of 500 curies of byproduct material at any one time. The previous possession limit was 150 curies.

3. Authorization to conduct the waste disposal activities in accordance with revised procedures which supersede and are not less restrictive than the present procedures.

The Atomic Energy Commission has reviewed the application for amendment and proposes to grant the amendment, subject to appropriate limitations, unless

within fifteen (15) days after filing of this notice with the Federal Register Division a petition to intervene and a request for a formal hearing is filed with the Commission, in the manner prescribed by Title 10, Code of Federal Regulations, Part 2, "Rules of Practice".

By applications dated March 2, 1961, and May 11, 1961, the licensee requested that they be allowed to receive and store up to 500 curies of byproduct material waste per year rather than be limited to the possession of 150 curies at any one time. The licensee's current program is being conducted under License No. 4–487–6. The findings and considerations for the findings that the radiation safety program of the licensee was adequate were published in the FEDERAL REGISTER, May 1, 1959, 59 F.R. 3706, in the Notice of Proposed Issuance of the original license. Provision is not being made to place greater quantities of activity in any container but only to authorize the storage of a larger number of containers. The facilities of the licensee are adequate for such storage.

The licensee submitted with applications dated March 2, 1961 and May 11, 1961, revised "Radioactive Waste Disposal Procedures" and "Accountability and Health Physics Measures for Radioactive Materials at USNRDL". They specify container labeling, the type and placement of pressure relief pipes to be used to further assure the integrity of sea disposal containers previously approved and incorporated by reference the provisions of 10 CFR 20 as amended January 1, 1961. The procedures supersede those having the same titles submitted with the original application dated March 6, 1959. They cover all phases of the waste disposal activities and are not less restrictive than the previous procedures.

For further details see the applications submitted by the Department of the Navy, U.S. Naval Radiological Defense Laboratory which are on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., December 20, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61–12253; Filed, Dec. 26, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14043; FCC 61M–1991]

MELODY MUSIC, INC. (WGMA)

Order Continuing Hearing

In re application of Melody Music, Inc. (WGMA), Hollywood, Florida, Docket No. 14043, File No. BR–2855; for renewal of license of Station WGMA, Hollywood, Florida.

The Hearing Examiner having under consideration a petition filed on December 19, 1961, by Melody Music, Inc., requesting that the hearing in the above-entitled proceeding presently scheduled for December 20, 1961, be continued until 10:00 a.m., January 22, 1962; and

It appearing that counsel for the Broadcast Bureau has informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition; and good cause has been shown for the grant thereof;

It is ordered, This 19th day of December 1961, that the hearing in the above-entitled proceeding be and it is hereby continued to January 22, 1962, at 10:00 a.m.

Released: December 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–12245; Filed, Dec. 26, 1961; 8:48 a.m.]

[Docket Nos. 14367–14372; FCC 61M–1993]

VETERANS BROADCASTING CO., INC., ET AL.

Order After Prehearing Conference

In re applications of: Veterans Broadcasting Company, Inc., Syracuse, New York, Docket No. 14367, File No. BPCT–2912; Syracuse Television, Inc., Syracuse, New York, Docket No. 14368, File No. BPCT–2924; W.R.G. Baker Radio and Television Corporation, Syracuse, New York, Docket No. 14369, File No. BPCT–2930; Onondaga Broadcasting, Inc., Syracuse, New York, Docket No. 14370, File No. BPCT–2931; Wage, Inc., Syracuse, New York, Docket No. 14371, File No. BPCT–2932; Syracuse Civic Television Association, Inc., Syracuse, New York, Docket No. 14372, File No. BPCT–2933; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the directions and suggestions of procedural ground rules to govern the future conduct of the hearing, the stipulations, and proposed stipulations discussed during prehearing conference in the above-entitled proceeding held December 19, 1961;

It appearing that the parties have agreed, with the Hearing Examiner's approval, to present their direct cases in written form in accordance generally with the terms of a certain draft stipulation they have prepared and to exchange this material among counsel, with one copy of each exhibit provided the Hearing Examiner, by March 1, 1962; that the parties need until March 19, 1962 to properly prepare for hearing in accordance with their draft stipulation which is designed to expedite the conduct of the hearing; further, that they have expressly undertaken to endeavor to broaden the scope of the draft stipulation to the same end; and that all of these measures and efforts are highly commendable and desirable and are conducive to the expeditious dispatch of the Commission's business and should therefore be encouraged by granting a continuance of the hearing which is now scheduled to commence on January 29, 1962;

It appearing further that additional prehearing conferences will be required in order to broaden the scope of stipulations and to enable the parties to make such broadened stipulations officially part of the record;

It is ordered, This 19th day of December 1961, that the hearing in the above-entitled proceeding presently scheduled to commence January 29, 1962 at the Commission's Washington, D.C. offices is hereby rescheduled to commence on Monday, March 19, 1962 at 10 a.m., at the same place;

It is ordered further, That a second prehearing conference is hereby scheduled for 10 a.m., Friday, January 5, 1962 at the Commission's Washington, D.C. offices; [1]

It is ordered further, That the written direct cases of the parties shall be exchanged among counsel, with one copy provided the Hearing Examiner, as otherwise provided in their draft stipulation, not later than by the close of business, March 1, 1962;

It is ordered further, That the transcript of the December 19, 1961 prehearing conference is hereby incorporated by reference herein with the same force and effect as if it were quoted verbatim with reference to directions and rulings of the Hearing Examiner adopted during said conference and all agreements, understandings, and undertakings of the parties which he approved.

Released: December 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–12246; Filed, Dec. 26, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62–226—RI62–232]

SECURE TRUSTS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [2]

DECEMBER 15, 1961.

Secure Trusts, Docket No. RI62–226; Hassie Hunt Trust, Docket No. RI62–227; H. L. Hunt, Docket No. RI62–228; Texaco Inc., Docket No. RI62–229; Southwest Gas Producing Company, Inc., et al., Docket No. RI62–230; Lawson Petroleum Company (Operator), et al., Docket No. RI62–231; The California Company (a division of California Oil Company), Docket No. RI62–232.

[1] A new broadened stipulation is to be exchanged with copies provided the Hearing Examiner and Bureau Counsel by December 27, 1961.

[2] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia, with the exception of sales by Texaco Inc., and Lawson Petroleum Company (Operator), et al., which are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date [4] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62–226	Secure Trusts, 700 Mercantile Bank Building, Dallas 1, Tex.	5	4	Texas Gas Transmission Corp. (Oberlin Field, Allen Parish, south Louisiana).	$1,490	12–1–61	1–1–62	6–1–62	18.75	[1] 20.25	
RI62–227	Hassie Hunt Trust, 700 Mercantile Bank Building, Dallas 1, Tex.	20	5	Texas Gas Transmission Corp. (Maxie Field, Acadia Parish, south Louisiana).	18,722	12–1–61	1–1–62	6–1–62	18.75	[1] 19.75	
RI62–228	H. L. Hunt, 700 Mercantile Bank Building, Dallas 1, Tex.	18	4	Texas Gas Transmission Corp. (Oberlin-North Elton Field, Allen Parish, south Louisiana).	5,571	12–1–61	1–1–62	6–1–62	18.75	[1] 20.25	
RI62–229	Texaco Inc., P.O. Box 2332, Houston, Tex.	9	16	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	92	12–1–61	1–1–62	6–1–62	11.6292	[3] 11.7168	RI61–529
RI62–230	Southwest Gas Producing Co., Inc. *et al*, P.O. Box 2927, Monroe, La.	10	2	Texas Gas Transmission Corp. (Ramos Field, St. Mary and Assumption Parishes, south Louisiana).	2,400	12–1–61	1–1–62	6–1–62	20.75	[1] 21.75	
RI62–231	Lawson Petroleum Co. (Operator) *et al*, Philtower Building, Tulsa, Okla.	1	3	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	700	11–17–61	12–18–61	5–18–62	12.0	[3] 13.0	
RI62–232	The California Co. (a division of California Oil Co.), The California Company Building, New Orleans 12, La.).	28	1	Texas Gas Transmission Corp. (Grand Lake Field, Cameron Parish, south Louisiana).	4,909	11–30–61	1–1–62	6–1–62	18.75	[1] 19.75	

[1] Periodic increase by contract.
[2] Redetermined by contract.
[3] Renegotiated by contract.
[4] The proposed effective dates are the first days after expiration of the required thirty days' notice or, if later, the date requested by respondent.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–12226; Filed, Dec. 26, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 581]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64342. By order of December 15, 1961, the Transfer Board approved the transfer to Hans Seebeck, Licking Pike, Newport, Ky., of a portion of the Certificate in No. MC 42149, issued April 4, 1957, to Thomas L. Horton, doing business as Brandt Moving and Storage, 106 East 38th Street, Covington, Ky., authorizing the transportation of: household goods, between Covington, Ky., and Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, and Ohio.

No. MC–FC 64452. By order of December 15, 1961, the Transfer Board approved the transfer to Louis Rose, doing business as Rose Trucking, Waterloo, Iowa, of a portion of the operating rights in certificate No. MC 31797, issued September 15, 1943, to H. W. Hemmingsen and R. P. Hemmingsen, a partnership, doing business as Hemmingsen's Transfer, Alden, Minn., authorizing the transportation of: agricultural machinery, between specified points in Minnesota and Iowa. John Beckman, 201 First National Building, Waterloo, Iowa, attorney for applicants.

No. MC–FC 64603. By order of December 15, 1961, the Transfer Board approved the transfer to Gay Hudson Moving and Storage Company, a corporation, St. Louis, Mo., of a portion of the operating rights in Certificate No. MC 63513, issued June 19, 1959, to Heeren Trucking Company, a Corporation, Lemmon, S. Dak., authorizing the transportation of: household goods, between points in North Dakota within 200 miles of Williston, N. Dak., on the one hand, and, on the other, points in Montana within 450 miles of Williston. Allen Milton, 316 Rio Grande National Life Building, Dallas, Tex., attorney for applicants.

No. MC–FC 64669. By order of December 15, 1961, the Transfer Board approved the transfer to Gay Hudson Moving and Storage Company, a corporation, St. Louis, Mo., of a portion of the

operating rights in Certificates Nos. MC 31797 and MC 31797 Sub 1, issued September 15, 1943 and March 16, 1954, respectively, to H. W. Hemmingsen and R. P. Hemmingsen, a partnership, doing business as Hemmingsen's Transfer, Alden, Minn., authorizing the transportation of: household goods and emigrant movables, from, to, or between specified points in Minnesota, Iowa, North Dakota, South Dakota, and Wisconsin. Allen Milton, 316 Rio Grande National Bank Building, Dallas, Tex., attorney for applicants.

No. MC–FC 64694. By order of December 15, 1961, the Transfer Board approved the transfer to Safeway Moving Co., of Johnstown, a corporation, Johnstown, Pa., of Certificates Nos. MC 94579 and MC 94579 Sub 1, both issued January 18, 1951, to Mary E. Furst doing business as Shively Motor Transport, Johnstown, Pa., authorizing the transportation of household goods, over irregular routes, between Johnstown, Pa., and points within 10 miles of Johnstown, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, West Virginia, and in the lower peninsula of Michigan. Edward G. Kuyat, Jr., 417 Lincoln Street, Johnstown, Pa., attorney for applicants.

No. MC–FC 64695. By order of December 15, 1961, the Transfer Board approved the transfer to Forest Hills Transfer and Storage, Inc., Forest Hills, Pa., of Certificates Nos. MC 41122 and MC 41122 Sub 1, issued January 25, 1941 and July 7, 1953, respectively, to John C. Onufer and Edna M. Onufer, a partnership, doing business as Forest Hills Transfer & Storage Company, Pittsburgh, Pa., authorizing the transportation of household goods, over irregular routes, between Pittsburgh, Pa., and points in Pennsylvania, Ohio, and West Virginia, within 100 miles of Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Indiana, Illinois, Missouri, Wisconsin, Minnesota, Michigan, Iowa, Alabama, Florida, Arkansas, Maine, New Hampshire, Vermont, Maryland, Rhode Island, Connecticut, New York, New Jersey, Massachusetts, Delaware, Virginia, Georgia, Oklahoma, and the District of Columbia, traversing Mississippi for operating convenience only; and between points in Grady County, Okla., on the one hand, and, on the other, points in Kansas and Texas. John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa., attorney for applicants.

No. MC–FC 64698. By order of December 15, 1961, the Transfer Board approved the transfer to Meade Transfer, Inc., Brandenburg, Ky., of Certificates Nos. MC 923 and MC 923 Sub 1, issued July 29, 1949 and February 21, 1949, respectively, to Jay Medley, doing business as Meade County Transfer, Brandenburg, Ky., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Rhodelia, Ky., and Louisville, Ky., with service authorized to and from the intermediate and off-route points of Andyville, Payneville, Sirocco, Brandenburg, Garrett, Grahamton, Mooleyville, Concordia, and Ekron, Ky.; and between West Point, Ky., and Louisville, Ky., with service authorized to and from all intermediate points. Robert H. Kinker, 711 McClure Building, Frankfort, Ky., attorney for applicants.

No. MC–FC 64701. By order of December 15, 1961, the Transfer Board approved the transfer to James Wilson & Sons Trucking Corp., Brooklyn, N.Y., of Permits Nos. MC 117250 MC 117250 Sub 1 and MC 117250 Sub 3, issued April 29, 1959, June 29, 1959, and August 10, 1961, respectively, to James Wilson, doing business as James Wilson & Sons, Brooklyn, N.Y., authorizing the transportation of such commodities as are dealt in by manufacturers of paints, colors, chemicals, and pigments, and materials and supplies used in connection therewith, in containers, over irregular routes, from Brooklyn, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J.; and returned shipments on return; paint, in containers, from Newark, N.J., to Brooklyn, N.Y.; such commodities as are dealt in by manufacturers of paints, colors, chemicals and pigments (except in bulk, in tank and hopper-type vehicles), and materials, supplies used in connection therewith (except in bulk, in tank and hopper-type vehicles), over irregular routes, from Kearny and Newark, N.J., and points in that part of the New York, N.Y., Commercial Zone as defined in the 5th supplemental report in Commercial Zones and Terminal Area, within which local operations may be conducted under the exemption provided by Sec. 203(b)(8) of the Act, to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J.; lacquers, paints, enamels, thinners, and paint dryers, from Elizabeth, N.J. to New York, N.Y.; empty drums and carboys and raw materials used in the manufacture of paints, lacquers, enamels, thinners, and dryers, on return; chemical soaps, dry, in containers, from New York, N.Y., to Elizabeth, N.J.; chemical soaps, liquid, in drums, and empty soap containers, from Elizabeth, N.J., to New York, N.Y.; lacquers, paints, thinners, enamels, and solvents, in containers from Irvington, N.J. to New York, N.Y.; and empty containers from New York, N.Y. to Irvington, N.J. Edward M. Alfano, 2 West 45 Street, New York, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–12236; Filed, Dec. 26, 1961; 8:47 a.m.]

TARIFF COMMISSION

BASEBALL AND SOFTBALL GLOVES, INCLUDING MITTS

Tariff Commission's Additional Report to the President

DECEMBER 21, 1961.

The U.S. Tariff Commission's report to the President supplying information additional to that given in the Commission's report on escape-clause investigation No. 7–97 concerning baseball and softball gloves, including mitts, was released today. The present report was prepared in response to the President's letter to the Commission of June 29, 1961; and release of the report has been authorized by the President.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.M.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61–11230; Filed, Dec. 26, 1961; 8.46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3996]

UNION ELECTRIC CO.

Notice of Proposed Acquisition of Common Stock and Income Debentures of Redevelopment Corporation

DECEMBER 19, 1961.

Notice is hereby given that Union Electric Company ("Union"), 315 North Twelfth Boulevard, St. Louis 66, Mo., a registered holding company and a public-utility company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 thereof as applicable to the proposed transaction. All interested persons are referred to said application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Union proposes to subscribe for 12,000 shares of common stock at the par value of $1 per share and for $1,188,000 principal amount of income debentures of Civic Center Redevelopment Corporation ("Redevelopment Corporation") due June 30, 1995, or a total consideration of $1,200,000. The interest payable on the income debentures, to be determined by the board of directors of Redevelopment Corporation, will be at a rate not less than 1 percent nor greater than 6 percent per annum, will be noncumulative, and will be payable only out of net earnings as specified in the trust indenture. Redevelopment Corporation does not expect to be able to pay interest on the income debentures in the foreseeable future.

The application states that Redevelopment Corporation has been organized under the Urban Redevelopment Corporation Act of Missouri for the purpose of carrying out a plan for the complete redevelopment of an area of 31 blocks, comprising approximately 82 acres, located immediately south of the main business district of St. Louis, Mo. The Corporation is being sponsored by a group of citizens of St. Louis and is being supported by subscription of newspapers, banks, department stores, manufacturers, merchants, labor unions, and public-utility companies of the metropolitan St. Louis area.

Redevelopment Corporation has the authority to issue 1,000,000 shares of $1 par value common stock and has authorized the issuance of $21,780,000 aggregate principal amount of income debentures. It is stated that the securities are being offered together and that each purchase must consist of 1 percent of common stock and 99 percent of income debentures. Both the common stock and income debentures will have voting rights, the common stock one vote per share and the income debentures one vote per dollar of principal amount.

It is stated in the application that Redevelopment Corporation has obtained a commitment from the Equitable Life Assurance Society of the United States for a $31,000,000, 6 percent, 30-year first mortgage loan, subject to the condition that Redevelopment Corporation raise a minimum of $20,000,000 from the sale of its common stock and income debentures. At November 14, 1961, total subscriptions, including Union's proposed subscription for $1,200,000, amounted to approximately $19,000,000.

Union expects to incur only nominal expenses in connection with the proposed transaction. The application states that the transaction must be authorized by the Illinois Commerce Commission, the order of which is to be filed by amendment, and that no other State and no Federal commission, other than this Commission, has jurisdiction over the matter proposed.

Notice is further given that any interested person may, not later than January 18, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–12229; Filed, Dec. 26, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

	Page
PROCLAMATIONS:	
May 27, 1907	11746
3298	11937
3401	11714
3440	11714
3441	11937
3442	12023
EXECUTIVE ORDERS:	
Nov. 10, 1917	11906
Apr. 8, 1919	11906
June 14, 1921	11906
2711	11746
3797–A	12080
8578	12292
10717	11937
10977	11471
10978	11714
10979	11937
10980	12059

4 CFR

33	12275
34	12275
35	12276
51	12277, 12278
52	12277, 12278
54	12278

5 CFR

6	11347, 11483, 11671, 11813, 11852, 12060, 12155, 12211, 12239.
29	11794
30	12109
401	11938

6 CFR

421	12157, 12239

7 CFR

1	12155
46	12209
53	12109
319	12029
401	12209, 12279
403	12210
718	11813
719	12060
722	11472, 11481, 11851, 11887
728	11795, 12109
729	11816
750	11725
775	11672
776	11347, 11407, 12210
811	11963
812	11817
813	12493
820	11965
871	11968
903	12494
904	12239
914	11417, 11817, 11851, 11890, 12062, 12063, 12156, 12494.
933	11417–11419
936	12211
937	11725
938	11725, 12063
946	12110
953	11419, 11818, 11851, 12030, 12064, 12110, 12279, 12280.
958	11483, 11852, 11970
959	12211
975	12240
990	12239
1001	12064
1019	12239
1032	12030
1034	12241, 12280
1066	12280
1067	12281
1068	12064
1069	12065, 12242
PROPOSED RULES:	
26	12132
51	12222
362	12167
812	11838
903	12167

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
904	12037
911	11495
913	11839
914	11435
944	12132
947	12132
949	12037
952	12037
953	11363
970	12294
982	11498
983	12528
989	12520
990	12037
993	12037
996	12037
999	12037
1019	12168
1026	11982
1028	11982
1050	12132

8 CFR

103	12111, 12212
204	12212
212	12066, 12212
214	12066, 12213
237	11818
242	12111, 12242, 12282
243	11819, 12113
244	12113
245	12114
249	12114
252	11797
253	11797
299	11819
PROPOSED RULES:	
242	11363

9 CFR

74	11852, 11970
77	11971
78	12067
83	11483, 11853

9 CFR—Continued

PROPOSED RULES:

17 — 12222
74 — 11804
151 — 11870
201 — 11988

10 CFR

25 — 11726

12 CFR

4 — 11353
204 — 12031
217 — 11798, 11971, 12031
261 — 12495
262 — 12497
263 — 12498
327 — 12031
329 — 11798, 12031

13 CFR

121 — 12069
122 — 11353

14 CFR

40 — 11354
41 — 11355
42 — 11356
49 — 12213
60 — 12283
221 — 11819, 12156
287 — 11890
288 — 11483, 12114
302 — 11820
385 — 12242
507 — 11672, 11821, 12032, 12033, 12213, 12214
555 — 11672
600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070, 12214, 12283.
601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074, 12215, 12246, 12247, 12283–12290, 12501–12505, 12507, 12508, 12510, 12512–12514, 12516.
602 — 11729
608 — 11729, 11730, 11859, 11861, 11894, 12033, 12215, 12283, 12290.
609 — 11939, 11946, 11951, 11960
610 — 12074

PROPOSED RULES:

3 — 12294
4b — 12294
6 — 12294
7 — 12294
18 — 11804
40 — 12294
41 — 12294
42 — 12294
43 — 11804
302 — 11685, 11841
376 — 12179
399 — 11841
411 — 12085
507 — 11870, 12042, 12256
600 — 11435, 11494, 11734
601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
608 — 11435, 11494, 11988

15 CFR

201 — 11357
230 — 11360, 11972, 12248

16 CFR

13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115, 12215, 12216, 12291, 12517, 12518.
16 — 11826

17 CFR

231 — 11896
239 — 11730

PROPOSED RULES:

270 — 11738

18 CFR

141 — 11897
260 — 11900

PROPOSED RULES:

2 — 11459, 12304

19 CFR

3 — 11362
4 — 12248
5 — 11420
21 — 11362
24 — 11731

PROPOSED RULES:

10 — 11683

20 CFR

404 — 11827, 11938

21 CFR

3 — 12518
20 — 11676
120 — 11731, 11799, 12034, 12249
121 — 11677, 11799, 11800, 11828–11830, 12035, 12077, 12249.
141a — 11801
141c — 11801
146 — 12035
146a — 11801
146c — 11801
147 — 11802
191 — 12035
305 — 12216

PROPOSED RULES:

1 — 11734
16 — 12256
27 — 11988
51 — 11988
120 — 11684, 12533
121 — 11684, 11735, 11841, 11870, 12143, 12144, 12178, 12256.
141a — 11684
146 — 11684
146a — 11684
147 — 11684
307 — 12222

24 CFR

200 — 12291
201 — 11731
220 — 12116
221 — 12118
233 — 12120

25 CFR

PROPOSED RULES:

221 — 11734

26 CFR

1 — 11436, 11677, 12077, 12216
20 — 11861
25 — 11861
45 — 11861

PROPOSED RULES:

1 — 12085
48 — 12085

28 CFR

15 — 11420

29 CFR

403 — 11678
408 — 11678
670 — 11420
678 — 11420
779 — 11802

PROPOSED RULES:

545 — 11735

30 CFR

222 — 11487

31 CFR

270 — 11938

32 CFR

272 — 11830
273 — 11831
577 — 11679
701 — 11715
710 — 11716
711 — 12158
714 — 12217
719 — 11763, 11862
720 — 12121
723 — 12121
736 — 12158, 12217
744 — 12217
755 — 11792
765 — 11680, 11794, 12158, 12217
804 — 12249
1001 — 12319
1002 — 12354
1003 — 12361
1007 — 12386
1008 — 12249, 12468
1012 — 12249
1013 — 12249
1016 — 12249
1054 — 12249
1057 — 12249
1453 — 11972
1470 — 11972
1472 — 11972
2011 — 11421

32A CFR

OIA (CH. X):
OI Reg. 1 — 11973

33 CFR

2 — 12159
125 — 11862
203 — 11803, 12105
206 — 12105
210 — 11732
212 — 11421

35 CFR

10 — 12217

36 CFR

1 — 11903
311 — 12122

PROPOSED RULES:

1 — 11363

38 CFR

6 — 11680
7 — 11802
8 — 11680
21 — 11862

39 CFR

1—204 — 11513
2 — 12122
4 — 12122
13 — 11864
15 — 12122
17 — 11903
27 — 11903
31 — 11864, 12125
33 — 11903

39 CFR—Continued

41 — 12122
42 — 12122
44 — 12122
47 — 11864
48 — 11864
94 — 12218
96 — 12218
168 — 11832

PROPOSED RULES:

61 — 11838
201 — 11426
202 — 11431
203 — 11432
204 — 11432

41 CFR

2-1 — 12126
2-3 — 12126
2-12 — 11904
9-7 — 11488
39-1 — 12519
60-1 — 11974, 12250

43 CFR

61 — 12126
64 — 12126
66 — 12126
81 — 12126
102 — 12126
161 — 11975, 12165
192 — 12126

PROPOSED RULES:

192 — 11493, 11911
200 — 11493
250 — 12254

PUBLIC LAND ORDERS:

61 — 11803
629 — 12292
842 — 11361
1058 — 12082
1238 — 11863
1744 — 12251
1843 — 12251
1942 — 12251

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

2323 — 12080
2400 — 12251
2458 — 12251
2543 — 11361
2544 — 11361
2545 — 11803
2546 — 11361
2547 — 11803
2548 — 11803
2549 — 11803
2550 — 11863
2551 — 11863
2552 — 11906
2553 — 12079
2554 — 12080
2555 — 12080
2556 — 12080
2557 — 12080
2558 — 12081
2559 — 12082
2560 — 12251
2561 — 12251
2562 — 12251
2563 — 12251
2564 — 12251
2565 — 12292
2566 — 12292
2567 — 12292
2568 — 12292
2569 — 12292

44 CFR

151 — 11425

46 CFR

2 — 11908
34 — 11908
73 — 11908
76 — 11909
78 — 11909
97 — 11909
146 — 12082
157 — 12082

46 CFR—Continued

167 — 11909
171 — 11864
221 — 12293
510 — 12252

PROPOSED RULES:

201 — 11738
206 — 11738
221 — 11738
298 — 11738
299 — 11738
Ch. IV — 12294

47 CFR

1 — 11909, 11977
2 — 11833, 11978
3 — 12024, 12083, 12165, 12220
7 — 12083, 12519
8 — 12083, 12519
10 — 11422, 11681, 11978
14 — 12083, 12519
16 — 11423, 11978
19 — 11978

PROPOSED RULES:

3 — 11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7 — 11369, 12144
8 — 11369, 11912, 12144
10 — 12145
14 — 11369

49 CFR

43 — 11835
95 — 12166
170 — 11732
174a — 11492

50 CFR

32 — 11733
33 — 11733, 11836, 11837, 11868, 11869, 11909, 12165.
80 — 12128
270 — 11979

JAN 3 1962
MAIN READING ROOM

Pages 12547–12654

FEDERAL REGISTER

VOLUME 26 NUMBER 249

Washington, Thursday, December 28, 1961

Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Tobacco inspection; tentative standards 12577

RULES AND REGULATIONS:
Prohibition of imported commodities; termination of certain rules 12559

Agricultural Research Service

PROPOSED RULE MAKING:
Importation of certain animals and poultry, and related products 12579

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain marketing areas; recommended decisions, and opportunity to file written exceptions to tentative agreements and orders:
Inland Empire 12611
Madison, Wis 12591
Milwaukee, Wis 12580

Agriculture Department

See also Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

NOTICES:
Texas; designation of area for emergency loans 12632

Atomic Energy Commission

RULES AND REGULATIONS:
Basic labor policies 12573

Civil Aeronautics Board

NOTICES:
Alaska Coastal Airlines and Ellis Air Lines, Inc.; show cause order 12632
International Air Transport Association; agreement adopted by traffic conference relating to specific commodity rates 12636
Riddle Airlines, Inc., and New York-San Juan cargo rates; investigation and suspension 12635
United Air Lines, Inc.; investigation and suspension 12635

PROPOSED RULE MAKING:
Economic proceedings; local service route proceedings 12623

Civil Service Commission

NOTICES:
Certain medical officer positions throughout the world; increase in minimum pay rates 12637

RULES AND REGULATIONS:
Defense Department; exception from competitive service 12559

Coast Guard

RULES AND REGULATIONS:
Coast Guard Reserve; miscellaneous amendments 12571
Miscellaneous amendments 12570

Defense Department

See also Navy Department.

RULES AND REGULATIONS:
Ocean transportation; Commander Military Sea Transportation Service; correction 12569

Federal Aviation Agency

RULES AND REGULATIONS:
Airworthiness directive; Navion and Twin Navion aircraft 12560
Control area extensions; alteration 12560
Jet route and jet advisory area; alteration 12561
Restricted area; alteration; correction 12561
Semiannual reporting requirement; deletion:
Certification procedures 12559
Mechanical school certificates 12559
Transition area; designation 12561

Federal Communications Commission

NOTICES:
Hearings, etc.:
Alkima Broadcasting Co. et al 12637
Levitt, Neil N 12638
Miller, Saul M., et al 12638

PROPOSED RULE MAKING:
Frequencies, frequency stability, and definitions 12627

RULES AND REGULATIONS:
Aviation services; use of certain megacycle by survival craft stations for communications and radiobeacon purposes 12574

Federal Housing Administration

RULES AND REGULATIONS:
Miscellaneous amendments 12564

Federal Maritime Commission

PROPOSED RULE MAKING:
Establishment of user charges; extension of rescission date of current permissions 12630

Federal Power Commission

NOTICES:
Hearings, etc.:
Getty, Jean Paul, et al 12636
Lone Star Gas Co 12637
Public Utility District No. 1 of Klickitat County, Washington 12637
Southern Natural Gas Co 12637

Federal Reserve System

NOTICES:
Rules of organization 12638

Federal Trade Commission

RULES AND REGULATIONS:
Prohibited trade practices:
Miller, Evelyn, et al 12562
Union Carbide Corp 12562

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petition 12623

RULES AND REGULATIONS:
Bread; enriched, milk, raisin, and whole wheat; identity standards 12563
Drug labeling; exemption from certain requirements 12563
Food additives resulting from contact with containers or equipment and additive otherwise affecting food 12564

(*Continued on next page*)

Food and Drug Administration—Continued

RULES AND REGULATIONS—Continued
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions; miscellaneous amendments 12564
Pineapple, artificially sweetened canned; definition and identity standards 12563

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

See Federal Housing Administration.

Indian Affairs Bureau

RULES AND REGULATIONS:
Extension of trust or restricted status of certain Indian lands; trust periods expiring during calendar year 1962 12569

Interior Department

See Indian Affairs Bureau; Land Management Bureau.

Internal Revenue Service

RULES AND REGULATIONS:
Income tax; taxable years beginning after Dec. 31, 1953; carryover of earnings and profits in certain corporate acquisitions 12550

Procedure and administration; directors of regional service centers; authority to make assessments, abatements, credits, and refunds 12553

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief 12652
Motor carrier:
Alternate route deviation notices 12649
Application and certain other proceedings 12642
Western Traffic Association; agreement 12641
RULES AND REGULATIONS:
Car service; authority to operate over certain trackage of Chicago, Aurora and Elgin Railway Co.; change of expiration date:
Chicago, Burlington & Quincy Railroad Co 12576
Chicago, Milwaukee, St. Paul and Pacific Railroad Co 12576
Indiana Harbor Belt Railroad Co 12576

Labor Department

See Labor-Management Reports Bureau.

Labor-Management Reports Bureau

RULES AND REGULATIONS:
Labor organization reports; miscellaneous amendments 12568

Land Management Bureau

NOTICES:
Montana; proposed withdrawal and reservation of lands 12632

Navy Department

RULES AND REGULATIONS:
Naval Reserve Officers Training Corps; miscellaneous amendments 12569

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Heyden Newport Chemical Corp 12640
Investors Diversified Service, Inc 12640
La Salle Extension University 12641
Ling-Temco-Vought, Inc 12641

Tariff Commission

NOTICES:
Ceramic mosiac tile; report to the President 12638

Treasury Department

See Coast Guard; Internal Revenue Service.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
6 12559

7 CFR
1060 12559
PROPOSED RULES:
29 12577
907 12580
926 12591
1008 12611

9 CFR
PROPOSED RULES:
92 12579

14 CFR
53 12559
406 12559
507 12560
601 (2 documents) 12560, 12561
602 12561
608 12561
PROPOSED RULES:
302 12623

16 CFR
13 (2 documents) 12562

21 CFR
3 12563
17 12563
27 12563
120 12564
121 12564
PROPOSED RULES:
121 12623

24 CFR
203 12564
207 12565
213 12566
220 12566
221 12566
232 12567
803 12567

25 CFR
Appendix 12569

26 CFR
1 12550
301 12553

29 CFR
402 12568
403 12568
415 12568

32 CFR
200 12569
711 12569

33 CFR
1 12570
3 12571
5 12571
8 (2 documents) 12571, 12573
30 12572
45 12572
62 12572
64 12572
66 12572
67 12572
68 12572
70 12572
72 12572
82 12572
90 12572
95 12573
105 12573

41 CFR
9–12 12573

46 CFR
PROPOSED RULES:
502 12630

47 CFR
9 12574
PROPOSED RULES:
9 12627

49 CFR
95 (3 documents) 12576

Public Papers of the Presidents

✦

Containing Public Messages, Speeches and Statements, Verbatim News Conferences

✦

Volumes for the following years are now available:

Truman:
1945 ..... $5.50
Eisenhower:
1953 ..... $6.75
1954 ..... 7.25
1955 ..... 6.75
1956 ..... 7.25
1957 ..... 6.75
1958 ..... 8.25
1959 ..... 7.00
1960–61 ..... 7.75

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6586]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Carryover of Earnings and Profits in Certain Corporate Acquisitions

On December 31, 1960, notice of proposed rule making with respect to regulations under section 381(c) (2) and (16) of the Internal Revenue Code of 1954, relating to the carryover of earnings and profits and certain obligations of the distributor or transferor corporation in certain corporate acquisitions, was published in the FEDERAL REGISTER (25 F.R. 14039). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed under section 381(c)(2) are hereby adopted, subject to the reservation of paragraph (c) of § 1.381(c)(2)–1, which remains outstanding as a notice of proposed rule making, and the addition of a new paragraph (d). The proposed regulations under section 381(c)(16) are also reserved and remain outstanding as a notice of proposed rule making.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: December 21, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The following regulations are hereby prescribed under section 381(c)(2) (carryover of earnings and profits) of the Internal Revenue Code of 1954. Except as otherwise provided therein, such regulations shall apply to liquidations and reorganizations, the tax treatment of which is determined under such Code.

Sec.
1.381(c)(2) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; earnings and profits.
1.381(c)(2)–1 Earnings and profits.

AUTHORITY: §§ 1.381(c)(2) and 1.381(c)(2)–1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917, 26 U.S.C. 7805.

§ 1.381(c)(2) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; earnings and profits.

SEC. 381. *Carryovers in certain corporate acquisitions.* • • •

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

• • • • • •

(2) *Earnings and profits.* In the case of a distribution or transfer described in subsection (a)—

(A) The earnings and profits or deficit in earnings and profits, as the case may be, of the distributor or transferor corporation shall, subject to subparagraph (B), be deemed to have been received or incurred by the acquiring corporation as of the close of the date of the distribution or transfer; and

(B) A deficit in earnings and profits of the distributor, transferor, or acquiring corporation shall be used only to offset earnings and profits accumulated after the date of transfer. For this purpose, the earnings and profits for the taxable year of the acquiring corporation in which the distribution or transfer occurs shall be deemed to have been accumulated after such distribution or transfer in an amount which bears the same ratio to the undistributed earnings and profits of the acquiring corporation for such taxable year (computed without regard to any earnings and profits received from the distributor or transferor corporation, as described in subparagraph (A) of this paragraph) as the number of days in the taxable year after the date of distribution or transfer bears to the total number of days in the taxable year.

§ 1.381(c)(2)–1 Earnings and profits.

(a) *In general.* (1) Section 381(c)(2) requires the acquiring corporation in a transaction to which section 381(a) applies to succeed to, and take into account, the earnings and profits, or deficit in earnings and profits, of the distributor or transferor corporation as of the close of the date of distribution or transfer. In determining the amount of such earnings and profits, or deficit, to be carried over, and the manner in which they are to be used by the acquiring corporation after such date, the provisions of section 381(c)(2) and this section shall apply. For purposes of section 381(c)(2) and this section, if the distributor or transferor corporation accumulates earnings and profits, or incurs a deficit in earnings and profits, after the date of distribution or transfer and before the completion of the reorganization or liquidation, such earnings and profits, or deficit, shall be deemed to have been accumulated or incurred as of the close of the date of distribution or transfer.

(2) If the distributor or transferor corporation has accumulated earnings and profits as of the close of the date of distribution or transfer, such earnings and profits shall (except as hereinafter provided in this section) be deemed to be received by, and to become a part of the accumulated earnings and profits of, the acquiring corporation as of such time. Similarly, if the distributor or transferor corporation has a deficit in accumulated earnings and profits as of the close of the date of distribution or transfer, such deficit shall (except as hereinafter provided in this section) be deemed to be incurred by the acquiring corporation as of such time. In no event, however, shall the accumulated earnings and profits, or deficit, of the distributor or transferor corporation be taken into account in determining earnings and profits of the acquiring corporation for the taxable year during which occurs the date of distribution or transfer.

(3) Any part of the accumulated earnings and profits, or deficit in accumulated earnings and profits, of the distributor or transferor corporation which consists of earnings and profits, or deficits, accumulated before March 1, 1913, shall be deemed to become earnings and profits, or deficits, of the acquiring corporation accumulated before March 1, 1913, and any part of the accumulated earnings and profits of the distributor or transferor corporation which consists of increase in value of property accrued before March 1, 1913, shall be deemed to become earnings and profits of the acquiring corporation consisting of increase in value of property accrued before March 1, 1913.

(4) If the acquiring corporation and each distributor or transferor corporation has accumulated earnings and profits as of the close of the date of distribution or transfer, or if each of such corporations has a deficit in accumulated earnings and profits as of such time, then the accumulated earnings and profits (or deficit) of each such corporation shall be consolidated as of the close of the date of distribution or transfer in the accumulated earnings and profits account of the acquiring corporation. See subparagraph (6) of this paragraph for determination of the accumulated earnings and profits (or deficit) of the acquiring corporation as of the close of the date of distribution or transfer.

(5) If (i) one or more corporations a party to a distribution or transfer has accumulated earnings and profits as of the close of the date of distribution or transfer, and (ii) one or more of such corporations has a deficit in accumulated earnings and profits as of such time, the total of any such deficits shall be used only to offset earnings and profits accumulated, or deemed to have been accumulated under subparagraph (6) of this paragraph, by the acquiring corporation after the date of distribution or transfer. In such instance, the acquiring corporation will be considered as maintaining two separate earnings and profits accounts after the date of distribution or transfer. The first such account shall contain the total of the accumulated earnings and profits as of the close of the date of distribution or transfer of each corporation which has accumulated earnings and profits as of such time, and the second such account shall contain the total of the deficits in accumulated earnings and profits of each corporation which has a deficit as of such time. The total deficit in the second account may not be used to reduce the accumulated earnings and profits in the first account (although such earnings and profits may be offset by deficits incurred, or deemed to have been incurred, after the date of distribution or transfer) but shall be used only to offset earnings and profits accumulated, or deemed to have been accumulated under subparagraph (6) of this paragraph, by the acquiring corporation after the date of distribution or transfer.

(6) In any case in which it is necessary to compute the accumulated earnings and profits, or the deficit in accumulated earnings and profits, of the acquiring corporation as of the close of the date of distribution or transfer and such date is a day other than the last day of a taxable year of the acquiring corporation—

(i) If the acquiring corporation has earnings and profits for its taxable year during which occurs the date of distribution or transfer, such earnings and profits (*a*) shall be deemed to have accumulated as of the close of such date in an amount which bears the same ratio to the undistributed earnings and profits of such corporation for such year as the number of days in the taxable year preceding the date following the date of distribution or transfer bears to the total number of days in the taxable year, and (*b*) shall be deemed to have accumulated after the date of distribution or transfer in an amount which bears the same ratio to the undistributed earnings and profits of such corporation for such year as the number of days in the taxable year following such date bears to the total number of days in such taxable year. For purposes of the preceding sentence, the undistributed earnings and profits of the acquiring corporation for such taxable year shall be the earnings and profits for such taxable year reduced by any distributions made therefrom during such taxable year.

(ii) If the acquiring corporation has an operating deficit for its taxable year during which occurs the date of distribution or transfer, then, unless the actual accumulated earnings and profits, or deficit, as of such date can be shown, such operating deficit shall be deemed to have accumulated in a manner similar to that described in subdivision (i) of this subparagraph.

(7) This paragraph may be illustrated by the following examples, in which it is assumed that none of the accumulated earnings and profits, or deficits, consist of earnings and profits or deficits accumulated, or increase in value of property accrued, before March 1, 1913.

Example (1). (i) M and N Corporations make their returns on the basis of the calendar year. On June 30, 1959, M Corporation transfers all its assets to N Corporation in a statutory merger to which section 361 applies. The books of the two corporations reveal the following information:

Description	*M Corporation (transferor)*	*N Corporation (acquirer)*
Accumulated earnings and profits at close of calendar year 1958	$100,000	$150,000
Earnings and profits of taxable year ending June 30, 1959	$15,000	
Earnings and profits of calendar year 1959		$36,500
Distributions during calendar year 1959	0	0

(ii) As of the close of June 30, 1959, N acquires from M accumulated earnings and profits of $115,000. Since M and N each has accumulated earnings and profits as of the close of the date of transfer, M's accumulated earnings and profits are added to N's accumulated earnings and profits as of such time. However, no part of M's accumulated earnings and profits is taken into account in determining N's earnings and profits for the calendar year 1959. Therefore, N's earnings and profits for the calendar year 1959 are $36,500.

Example (2). (i) X and Y Corporations make their returns on the basis of the calendar year. On June 30, 1959, X Corporation transfers all its assets to Y Corporation in a statutory merger to which section 361 applies. The books of the two corporations reveal the following information:

Description	*X Corporation (transferor)*	*Y Corporation (acquirer)*
Accumulated earnings and profits at close of calendar year 1958	$20,000	$100,000
Deficit in earnings and profits for taxable year ending June 30, 1959	80,000	---
Earnings and profits of calendar year 1959	---	36,500
Distributions during calendar year 1959	0	0

(ii) As of the close of June 30, 1959, Y acquires from X a deficit in accumulated earnings and profits in the amount of $60,000. This deficit may be used only to reduce those earnings and profits of Y which are accumulated, or deemed to have accumulated, after June 30, 1959. Accordingly, as of December 31, 1959, the accumulated earnings and profits of Y amount to $118,100; at such time Y also has a separate deficit in accumulated earnings and profits in the amount of $41,600. These amounts are determined as follows:

Accumulated earnings and profits of Y as of the close of 1958	$100,000
Add:	
Portion of undistributed earnings and profits of Y for 1959 deemed to have accumulated as of close of June 30, 1959 ($36,500×181/365)	18,100
Accumulated earnings and profits of Y as of close of of June 30, 1959, and also as of Dec. 31, 1959	118,100
Portion of undistributed earnings and profits of Y for 1959 deemed to have accumulated after June 30, 1959 ($36,500×184/365)	$18,400
Less:	
Deficit in accumulated earnings and profits acquired by Y from X Corporation as of close of June 30, 1959	60,000
Separate deficit in accumulated earnings and profits of Y as of Dec. 31, 1959	41,600

Example (3). Assume the same facts as in example (2), except that on September 15, 1959, Y Corporation makes a cash distribution of $96,500. The entire distribution is a dividend: $36,500 from earnings and profits for the taxable year 1959 and $60,000 from earnings and profits accumulated as of December 31, 1958. Accordingly, as of December 31, 1959, Y has accumulated earnings and profits of $40,000, and also has a separate deficit in accumulated earnings and profits of $60,000. These amounts are determined as follows:

Earnings and profits of Y for calendar year 1959	$36,500
Accumulated earnings and profits of Y as of close of 1958	100,000
Total	136,500
Less:	
Distributions during 1959	96,500
Accumulated earnings and profits of Y as of Dec. 31, 1959	40,000
Deficit in accumulated earning and profits acquired from X as of close of June 30, 1959	$60,000
Less:	
Portion of Y's undistributed earnings and profits for 1959 deemed to have accumulated after June 30, 1959	0
Separate deficit in accumulated earnings and profits of Y as of Dec. 31, 1959	60,000

Example (4). (i) M and N Corporations make their returns on the basis of the calendar year. On June 30, 1959, M Corporation transfers all its assets to N Corporation in a statutory merger to which section 361 applies. The books of the two corporations reveal the following information:

Description	*M Corporation (transferor)*	*N Corporation (acquirer)*
Accumulated earnings and profits at close of calendar year 1958	$100,000	$50,000
Earnings and profits for taxable year ending June 30, 1959	10,000	---
Deficit in earnings and profits for calendar year 1959	---	146,000
Distributions during calendar year 1959	0	0

(ii) Assuming that N has not shown its actual accumulated earnings and profits, or deficit, as of the close of June 30, 1959, N has a deficit in accumulated earnings and profits at such time which amounts to $22,400, determined as follows:

Accumulated earnings and profits of N as of close of 1958	$50,000
Less:	
Portion of deficit in earnings and profits of N for 1959 deemed to have accumulated as of close of June 30, 1959 ($146,000×181/365)	72,400
Deficit in accumulated earnings and profits of N as of close of June 30, 1959, and also as of Dec. 31, 1959	22,400

As of the close of June 30, 1959, N acquires from M accumulated earnings and profits in

the amount of $110,000, no part of which may be offset by N's own deficit of $22,400; however, such earnings and profits may be offset by deficits incurred, or deemed incurred, by N after June 30, 1959. Thus, as of December 31, 1959, N has the above-mentioned deficit of $22,400; at such time N also has accumulated earnings and profits in the amount of $36,400, determined as follows:

Accumulated earnings and profits acquired from M as of close of June 30, 1959	$110,000
Less:	
Portion of deficit in earnings and profits of N for 1959 deemed to have accumulated after June 30, 1959 ($146,000 × 184/365)	73,600
Accumulated earnings and profits of N as of Dec. 31, 1959	36,400

Example (5). Assume the same facts as in example (4), except that on September 9, 1959, N Corporation makes a cash distribution of $100,000. The amount of $82,000 is a dividend from accumulated earnings and profits, computed as follows:

Accumulated earnings and profits acquired from M as of close of June 30, 1959	$110,000
Less:	
Deficit in earnings and profits of N for 1959 deemed to have accumulated from June 30 through Sept. 8, 1959 ($146,000 × 70/365)	$28,000
Accumulated earnings and profits as of close of Sept. 8, 1959	82,000

As of December 31, 1959, N Corporation has a deficit in accumulated earnings and profits of $68,000, computed as follows:

Deficit in accumulated earnings and profits of N as of close of June 30, 1959	$22,400
Add:	
Portion of N's deficit in earnings and profits for 1959 deemed to have accumulated after Sept. 8, 1959 ($146,000 × 114/365)	45,600
Deficit in accumulated earnings and profits of N as of Dec. 31, 1959	68,000

Example (6). (i) X, Y, and Z Corporations make their returns on the basis of the calendar year. On June 30, 1959, X Corporation and Y Corporation transfer all their assets to Z Corporation in a statutory merger to which section 361 applies. The books of the three corporations reveal the following information:

Description	*X Corporation (transferor)*	*Y Corporation (transferor)*	*Z Corporation (acquirer)*
Accumulated earnings and profits (or deficit) at close of calendar year 1958	$35,000	($25,000)	($20,000)
Earnings and profits (or deficit) for taxable year ended June 30, 1959	5,000	(5,000)	----------
Earnings and profits for calendar year 1959	-------	-------	36,500
Distributions during 1959	0	0	0

(ii) As of the close of June 30, 1959, Z acquires from Y a deficit in accumulated earnings and profits of $30,000. As of such time, Z's own deficit in accumulated earnings and profits amounts to $1,900, determined as follows:

Deficit in accumulated earnings and profits of Z as of close of 1958	$20,000
Less:	
Portion of undistributed earnings and profits of Z for 1959 deemed to have accumulated as of close of June 30, 1959 ($36,500 × 181/365)	18,100
Deficit in accumulated earnings and profits as of close of June 30, 1959	1,900

The total deficit of $31,900 may be used only to offset earnings and profits of Z accumulated, or deemed to have accumulated, after June 30, 1959; such deficit may not be used to reduce the accumulated earnings and profits of $40,000 acquired from X as of the close of June 30, 1959. Thus, as of December 31, 1959, the accumulated earnings and profits of Z amount to $40,000; at such time Z Corporation also has a separate deficit in accumulated earnings and profits in the amount of $13,500, determined as follows:

Deficit in accumulated earnings and profits as of close of June 30, 1959	$31,900
Less:	
Portion of undistributed earnings and profits of Z for 1959 deemed to have accumulated after June 30, 1959 ($36,500 × 184/365)	18,400
Separate deficit in accumulated earnings and profits as of Dec. 31, 1959	13,500

Example (7). X and Y Corporations make their returns on the basis of the calendar year. On December 31, 1954, X transfers all its assets to Y in a statutory merger to which section 361 applies. The books of the two corporations reveal the following information:

Description	*X Corporation (transferor)*	*Y Corporation (acquirer)*
Accumulated earnings and profits (or deficit) at close of calendar year 1954	($50,000)	$210,000
Earnings and profits (or deficit) for calendar year:		
1955	----------	5,000
1956	----------	(20,000)
1957	----------	70,000
1958	----------	60,000
1959	----------	55,000
Cash distributions on:		
Sept. 1, 1957	----------	80,000
Sept. 1, 1958	----------	40,000
Sept. 1, 1959	----------	30,000

The balances in the accumulated earnings and profits account and the separate deficit account of Y Corporation at the close of the taxable year involved are as follows:

Year	*Deficit acquired from X Corporation*	*Accumulated earnings and profits of Y Corporation*
1954	$50,000	$210,000
1955	45,000	210,000
1956	45,000	190,000
1957	45,000	180,000
1958	25,000	180,000
1959	None	180,000

(b) *Successive acquisitions.* (1) If, as of the date of distribution or transfer, either the acquiring corporation, or the distributor or transferor corporation, or both, is considered under paragraph (a) of this section to be maintaining separate earnings and profits accounts as the result of a prior transaction or transactions to which section 381(a) applied, the accumulated earnings and profits, or deficit in accumulated earnings and profits, of each such corporation shall be combined with the appropriate earnings and profits account of the other such corporation. For example, if, as of the date of transfer, the acquiring corporation and the transferor corporation are each maintaining separate accounts, one containing accumulated earnings and profits and the other containing a deficit in accumulated earnings and profits, the amounts in the two accumulated earnings and profits accounts shall be combined into one account, and the amounts in the two deficit accounts shall be combined into a second account, and the amount in one combined account may not be used to offset the amount in the other combined account.

(2). This paragraph may be illustrated by the following examples, in which it is assumed that none of the accumulated earnings and profits, or deficits, consist of earnings and profits or deficits accumulated, or increase in value of property accrued, before March 1, 1913.

Example (1). (i) X, Y, and Z Corporations make their returns on the basis of the calendar year. On June 30, 1958, X Corporation transfers all its assets to Z Corporation in a statutory merger to which section 361 applies, and on August 31, 1958, Y Corporation transfers all its assets to Z Corporation in another statutory merger to which section 361 applies. The books of the three corporations reveal the following information:

Description	*X Corporation (transferor)*	*Y Corporation (transferor)*	*Z Corporation (acquirer)*
Accumulated earnings and profits (deficit) at close of calendar year 1957	($40,000)	$10,000	$60,000
Deficit in earnings and profits for taxable year ending June 30, 1958	(5,000)	-------	-------
Earnings and profits for taxable year ending Aug. 31, 1958	-------	2,000	-------
Earnings and profits of calendar year 1958	-------	-------	36,500
Distributions during calendar year 1958	0	0	0

(ii) As of the close of June 30, 1958, Z acquires from X a deficit in accumulated earnings and profits in the amount of $45,000, which deficit may be used only to reduce those earnings and profits of Z which are accumulated, or deemed to have been accumulated, after June 30, 1958. As of the close of August 31, 1958, Z acquires from Y earnings and profits of $12,000, no portion of which may be reduced by the deficit acquired by Z from X. Accordingly, as of December 31, 1958, Z has accumulated earnings and profits of $90,100, and also has a separate deficit in accumulated earnings and profits of $26,600. These amounts are determined as follows:

Accumulated earnings and profits of Z as of Dec. 31, 1957	$60,000
Add:	
Portion of undistributed earnings and profits of Z for 1958 deemed to have accumulated as of close of June 30, 1958 ($36,500 × 181/365)	18,100
Accumulated earnings and profits of Z as of June 30, 1958	78,100
Add:	
Accumulated earnings and profits acquired by Z from Y as of close of Aug. 31, 1958	12,000
Accumulated earnings and profits of Z as of close of Aug. 31, 1958, and also as of Dec. 31, 1958	90,100
Deficit in accumulated earnings and profits acquired by Z from X as of close of June 30, 1958	45,000
Less:	
Portion of undistributed earnings and profits of Z for 1958 deemed to have accumulated from June 30 through Aug. 31, 1958 ($26,500 × 62/365)	6,200
Separate deficit in accumulated earnings and profits of Z as of Aug. 31, 1958	38,800
Less:	
Portion of undistributed earnings and profits of Z for 1958 deemed to have accumulated after Aug. 31, 1958 ($36,500 × 122/365)	12,200
Separate deficit in accumulated earnings and profits of Z as of Dec. 31, 1958	26,600

Example (2). (i) Assume the same facts as in example (1), plus the additional fact that on June 30, 1959, Z Corporation transfers all its assets to M Corporation (which makes its return on the basis of the calendar year) in a statutory merger to which section 361 applies, and that as of such time M Corporation is considered to be maintaining separate earnings and profits accounts as the result of a previous transaction to which section 381(a) applied. The books of the two corporations reveal the following information:

Description	*Z Corporation (transferor)*	*M Corporation (acquirer)*
Accumulated earnings and profits as of Dec. 31, 1958	$90,100	$50,000
Separate deficit in accumulated earnings and profits as of Dec. 31, 1958	26,600	30,000
Earnings and profits for taxable year ending June 30, 1959	5,000	-------
Earnings and profits of calendar year 1959	-------	36,500
Distributions during 1959	0	0

(ii) As of June 30, 1959, M acquires from Z accumulated earnings and profits of $90,100, which amount is combined with M's own accumulated earnings and profits of $50,000; M also acquires from Z a deficit in accumulated earnings and profits of $21,600 ($26,600 minus $5,000), which amount is combined with M's own deficit of $11,900. The total deficit of $33,500 may be used only to reduce earnings and profits of M which are accumulated, or deemed to have accumulated, after June 30, 1959. Accordingly, as of December 31, 1959, M has accumulated earnings and profits of $140,100, and also has a separate deficit in accumulated earnings and profits in the amount of $15,100. These amounts are determined as follows:

Deficit of M as of Dec. 31, 1958	$30,000
Less:	
Portion of M's undistributed earnings and profits for 1959 deemed to have accumulated as of close of June 30, 1959 ($36,500 × 181/365)	18,100
Deficit of M as of June 30, 1959	11,900
Plus:	
Deficit of Z as of June 30, 1959	21,600
Combined deficit of M as of close of June 30, 1959	33,500
Less:	
Portion of M's undistributed earnings and profits for 1959 deemed to have accumulated after June 30, 1959 ($36,500 × 184/365)	18,400
Separate deficit of M as of Dec. 31, 1959	15,100
Accumulated earnings and profits of M as of Dec. 31, 1958, and also as of June 30, 1959	$50,000
Accumulated earnings and profits of Z as of Dec. 31, 1958, and also as of June 30, 1959	$90,100
Combined accumulated earnings and profits of M as of close of June 30, 1959, and also as of Dec. 31, 1959	140,100

(c) *Distribution of earnings and profits pursuant to reorganization or liquidation.* [Reserved]

(d) *Treatment of earnings and profits where assets are transferred to a corporation controlled by the acquiring corporation.* If, pursuant to the provisions of paragraph (b)(2) of § 1.381(a)–1, a corporation is considered to be the acquiring corporation even though a part of the acquired assets is transferred to one or more corporations controlled by the acquiring corporation, or all the acquired assets are transferred to two or more corporations controlled by the acquiring corporation, then whether any portion of the earnings and profits received by the acquiring corporation under section 381(c)(2) is allocable to such controlled corporation or corporations shall be determined without regard to section 381. See paragraph (a) of § 1.312–11.

[F.R. Doc. 61–12294; Filed, Dec. 27, 1961; 8:50 a.m.]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6585]

PART 301—PROCEDURE AND ADMINISTRATION

Authority to Directors of Regional Service Centers to Make Assessments, Abatements, Credits, and Refunds, and for Other Purposes

In order to provide directors of regional service centers with authority to make assessments of all taxes imposed by the Internal Revenue Code of 1954 or any prior internal revenue law, to certify the allowance of abatements, credits, and refunds of such taxes, and to perform necessary functions relating thereto; and in order to provide a seal of office for the Director of the Atlanta Regional Service Center, Atlanta, Georgia, the regulations on Procedure and Administration (26 CFR Part 301) are amended as follows:

PARAGRAPH 1. Section 301.6155–1 is amended to read as follows:

§ 301.6155–1 Payment on notice and demand.

Upon receipt of notice and demand from the district director (including the Director of International Operations) or the director of the regional service center, there shall be paid at the place and time stated in such notice the amount of any tax (including any interest, additional amounts, additions to the tax, and assessable penalties) stated in such notice and demand.

PAR. 2. Paragraphs (a) and (b) of § 301.6201–1 are amended to read as follows:

§ 301.6201–1 **Assessment authority.**

(a) *In general.* The district director is authorized and required to make all inquiries necessary to the determination and assessment of all taxes imposed by the Internal Revenue Code of 1954 or any prior internal revenue law. The district director is further authorized and required, and the director of the regional service center is authorized, to make the determinations and the assessments of such taxes. However, certain inquiries and determinations are, by direction of the Commissioner, made by other officials, such as assistant regional commissioners. The term "taxes" includes interest, additional amounts, additions to the taxes, and assessable penalties. The authority of the district director and the director of the regional service center to make assessments includes the following:

(1) *Taxes shown on return.* The district director or the director of the regional service center shall assess all taxes determined by the taxpayer or by the district director or the director of the regional service center and disclosed on a return or list.

(2) *Unpaid taxes payable by stamp.* (i) If without the use of the proper stamp:

(*a*) Any article upon which a tax is required to be paid by means of a stamp is sold or removed for sale or use by the manufacturer thereof, or

(*b*) Any transaction or act upon which a tax is required to be paid by means of a stamp occurs;

the district director, upon such information as he can obtain, must estimate the amount of the tax which has not been paid and the district director or the director of the regional service center must make assessment therefor upon the person the district director determines to be liable for the tax. However, the district director or the director of the regional service center may not assess any tax which is payable by stamp unless the taxpayer fails to pay such tax at the time and in the manner provided by law or regulations.

(ii) If a taxpayer gives a check or money order as a payment for stamps but the check or money order is not paid upon presentment, then the district director or the director of the regional service center shall assess the amount of the check or money order against the taxpayer as if it were a tax due at the time the check or money order was received by the district director.

(3) *Erroneous income tax prepayment credits.* If the amount of income tax withheld or the amount of estimated income tax paid is overstated by a taxpayer on a return or on a claim for refund, the amount so overstated which is allowed against the tax shown on the return or which is allowed as a credit or refund shall be assessed by the district director or the director of the regional service center in the same manner as in the case of a mathematical error on the return. See section 6213 (b)(1), relating to exceptions to restrictions on assessment.

(b) *Estimated income tax.* Neither the district director nor the director of the regional service center shall assess any amount of estimated income tax required to be paid under section 6153 or 6154 which is unpaid.

PAR. 3. Section 301.6203–1 is amended to read as follows:

§ 301.6203–1 **Method of assessment.**

The district director and the director of the regional service center shall appoint one or more assessment officers. The district director shall also appoint assessment officers in a Service Center servicing his district. The assessment shall be made by an assessment officer signing the summary record of assessment. The summary record, through supporting records, shall provide identification of the taxpayer, the character of the liability assessed, the taxable period, if applicable, and the amount of the assessment. The amount of the assessment shall, in the case of tax shown on a return by the taxpayer, be the amount so shown, and in all other cases the amount of the assessment shall be the amount shown on the supporting list or record. The date of the assessment is the date the summary record is signed by an assessment officer. If the taxpayer requests a copy of the record of assessment, he shall be furnished a copy of the pertinent parts of the assessment which set forth the name of the taxpayer, the date of assessment, the character of the liability assessed, the taxable period, if applicable, and the amounts assessed.

PAR. 4. Section 301.6204–1 is amended to read as follows:

§ 301.6204–1 **Supplemental assessments.**

If any assessment is incomplete or incorrect in any material respect, the district director or the director of the regional service center, subject to the restrictions with respect to the assessment of deficiencies in income, estate, and gift taxes, and subject to the applicable period of limitation, may make a supplemental assessment for the purpose of correcting or completing the original assessment.

PAR. 5. Section 301.6213–1 is amended by revising subparagraphs (2) and (3) of paragraph (b), and revising paragraph (c), to read as follows:

§ 301.6213–1 **Restrictions applicable to deficiencies; petition to Tax Court.**

* * * * * *

(b) *Exceptions to restrictions on assessment of deficiencies.* * * *

(2) *Tentative carryback adjustments.* (i) If the district director or the director of the regional service center determines that any amount applied, credited, or refunded under section 6411(b) with respect to an application for a tentative carryback adjustment is in excess of the overassessment properly attributable to the carryback upon which such application was based, the district director or the director of the regional service center may assess the amount of the excess as a deficiency as if such deficiency were due to a mathematical error appearing on the return. That is, the district director or the director of the regional service center may assess an amount equal to the excess, and such amount may be collected, without regard to the restrictions on assessment and collection imposed by section 6213(a). Thus, the district director or the director of the regional service center may assess such amount without regard to whether the taxpayer has been mailed a prior notice of deficiency. Either before or after assessing such an amount, the district director or the director of the regional service center will notify the taxpayer that such assessment has been or will be made. Such notice will not constitute a notice of deficiency, and the taxpayer may not file a petition with the Tax Court of the United States based on such notice. However, the taxpayer, within the applicable period of limitation, may file a regular claim for credit or refund based on the carryback, if he has not already filed such a claim, and may maintain a suit based on such claim if it is disallowed or if it is not acted upon by the Internal Revenue Service within 6 months from the date the claim was filed.

(ii) The method provided in subdivision (i) of this subparagraph to recover any amount applied, credited, or refunded in respect of an application for a tentative carryback adjustment which should not have been so applied, credited, or refunded is not an exclusive method. Two other methods are available to recover such amount: (*a*) By way of a deficiency notice under section 6212; or (*b*) by a suit to recover an erroneous refund under section 7405. Any one or more of the three available methods may be used to recover any amount which was improperly applied, credited, or refunded in respect of an application for a tentative carryback adjustment.

(3) *Assessment of amount paid.* Any payment made after the mailing of a notice of deficiency which is made by the taxpayer as a payment with respect to the proposed deficiency may be assessed without regard to the restrictions on assessment and collection imposed by section 6213(a) even though the taxpayer has not filed a waiver of restrictions on assessment as provided in section 6213(d). A payment of all or part of the deficiency asserted in the notice together with the assessment of the amount so paid will not affect the jurisdiction of the Tax Court. If any payment is made before the mailing of a notice of deficiency, the district director or the director of the regional service center is not prohibited by section 6213 (a) from assessing such amount, and such amount may be assessed if such action is deemed to be proper. If such amount is assessed, the assessment is taken into account in determining whether or not there is a deficiency for which a notice of deficiency must be issued. Thus, if such a payment satisfies the taxpayer's tax liability, no notice of deficiency will be mailed and the Tax Court will have no jurisdiction over the matter. In any case in which there is a controversy as to the correct amount of the tax liability, the assessment of any amount pursuant to the provisions of section 6213(b)(3) shall in no way be considered to be the acceptance of an offer by the taxpayer to settle such controversy.

* * * * * *

(c) *Failure to file petition.* If no petition is filed with the Tax Court within the period prescribed in section 6213(a), the district director or the director of the regional service center shall assess the amount determined as the deficiency and of which the taxpayer was notified by registered or certified mail and the taxpayer shall pay the same upon notice and demand therefor. In such case the district director will not be precluded from determining a further deficiency and notifying the taxpayer thereof by registered or certified mail. If a petition is filed with the Tax Court the taxpayer should notify the district director who issued the notice of deficiency that the petition has been filed in order to prevent an assessment of the amount determined to be the deficiency.

PAR. 6. Section 301.6215–1 is amended to read as follows:

§ 301.6215–1 **Assessment of deficiency found by Tax Court.**

Where a petition has been filed with the Tax Court, the entire amount redetermined as the deficiency by the decision of the Tax Court which has become final shall be assessed by the district director or the director of the regional service center and the unpaid portion of the amount so assessed shall be paid by the taxpayer upon notice and demand therefor.

PAR. 7. Section 301.6303–1 is amended to read as follows:

§ 301.6303–1 **Notice and demand for tax.**

(a) *General rule.* Where it is not otherwise provided by the Code, the district director or the director of the regional service center shall, after the making of an assessment of a tax pursuant to section 6203, give notice to each person liable for the unpaid tax, stating the amount and demanding payment thereof. Such notice shall be given as soon as possible and within 60 days. However, the failure to give notice within 60 days does not invalidate the notice. Such notice shall be left at the dwelling or usual place of business of such person, or shall be sent by mail to such person's last known address.

(b) *Assessment prior to last date for payment.* If any tax is assessed prior to the last date prescribed for payment of such tax, demand that such tax be paid will not be made before such last date, except where it is believed collection would be jeopardized by delay.

PAR. 8. Paragraphs (b)(2) and (f)(1) of § 301.6402–2 are amended to read as follows:

§ 301.6402–2 **Claims for credit or refund.**

* * * * * *

(b) *Grounds set forth in claim.* * * *

(2) Neither the district director nor the director of the regional service center has authority to refund on equitable grounds penalties or other amounts legally collected.

* * * * * *

(f) *Mailing of refund check.* (1) Checks in payment of claims allowed will be drawn in the names of the persons entitled to the money and, except as provided in subparagraph (2) of this paragraph, the checks may be sent direct to the claimant or to such person in care of an attorney or agent who has filed a power of attorney specifically authorizing him to receive such checks.

PAR. 9. Paragraph (c) of § 301.6402–3 is amended to read as follows:

§ 301.6402–3 **Special rules applicable to income tax.**

* * * * * *

(c) The filing of a properly executed income tax return on Form 1040A shall, in any case in which the taxpayer is not required to show his tax on such form, constitute an election by the taxpayer to have the return treated as a claim for refund, and such return shall constitute a claim for refund within the meaning of section 6402 and section 6511 for the amount of the overpayment shown by the computation of the tax made by the district director or the director of the regional service center on the basis of the return. For purposes of section 6511, such claim shall be considered as filed on the date on which such return is considered as filed, except that if the requirements of § 301.7502–1, relating to timely mailing treated as timely filing, are met the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return was mailed.

PAR. 10. Section 301.6402–4 is amended to read as follows:

§ 301.6402–4 **Payments in excess of amounts shown on return.**

In certain cases, the taxpayer's payments in respect of his tax liability, made before the filing of his return, may exceed the amount of tax shown on the return. For example, such payments may arise in the case of the income tax when the estimated tax or the credit for income tax withheld at the source on wages exceeds the amount of tax shown on the return, or where a corporation obtains an extension of time for filing its return and makes installment payments based on its estimate of its tax liability which exceed the tax liability shown on the return subsequently filed. In any case in which the district director or the director of the regional service center determines that the payments by the taxpayer (made within the period prescribed for payment and before the filing of the return) are in excess of the amount of tax shown on the return, he may make credit or refund of such overpayment without awaiting examination of the completed return and without awaiting filing of a claim for refund. However, the provisions of §§ 301.6402–2 and 301.6402–3 are applicable to such overpayment, and taxpayers should submit claims for refund (if the income tax return is not itself a claim for refund, as provided in § 301.6402–3) to protect themselves in the event the district director or the director of the regional service center fails to make such determination and credit or refund. The provisions of section 6405 (relating to reports of refunds of more than $100,000 to the Joint Committee on Internal Revenue Taxation) are not applicable to the overpayments described in this section caused by timely payments of tax which exceed the amount of tax shown on a timely return.

PAR. 11. Paragraphs (a) and (c) of § 301.6404–1 are amended to read as follows:

§ 301.6404–1 **Abatements.**

(a) The district director or the director of the regional service center may abate any assessment, or unpaid portion thereof, if the assessment is in excess of the correct tax liability, if the assessment is made subsequent to the expiration of the period of limitations applicable thereto, or if the assessment has been erroneously or illegally made.

* * * * * *

(c) Except in case of income, estate, or gift tax, if more than the correct amount of tax, interest, additional amount, addition to the tax, or assessable penalty is assessed but not paid to the district director, the person against whom the assessment is made may file a claim for abatement of such overassessment. Each claim for abatement under this section shall be made on Form 843 in accordance with the instructions relating to such form and shall be filed with the district director for the internal revenue district in which the tax would otherwise have been paid.

PAR. 12. Section 301.6407–1 is amended to read as follows:

§ 301.6407–1 **Date of allowance of refund or credit.**

The date on which the district director or the director of the regional service center, or an authorized certifying officer designated by either of them, first certifies the allowance of an overassessment in respect of any internal revenue tax shall be considered as the date of allowance of refund or credit in respect of such tax.

PAR. 13. Paragraph (b) of § 301.6511 (b)–1 is amended by revising subdivision (iv) of subparagraph (1) and subdivision (ii) of subparagraph (2) to read as follows:

§ 301.6511(b)–1 **Limitations on allowance of credits and refunds.**

* * * * * *

(b) *Limit on amount to be credited or refunded.* (1) In the case of any tax (other than a tax payable by stamp):

* * * * * *

(iv) If no claim is filed, the amount of the credit or refund allowed or made by the district director or the director of the regional service center shall not exceed the amount that would have been allowable under the preceding subdivisions of this subparagraph if a claim had been filed on the date the credit or refund is allowed.

(2) In the case of a tax payable by stamp:

* * * * * *

(ii) If no claim is filed, the amount of the credit or refund allowed or made by the district director or the director of the regional service center shall not exceed the portion of the tax paid within the 3 years immediately preceding the allowance of the credit or refund.

PAR. 14. Section 301.6601–1 is amended by revising subdivision (i) of paragraph (c)(2), paragraph (c)(4), paragraph (d), and paragraph (f)(1). These amended provisions read as follows:

§ 301.6601–1 Interest on underpayments.

* * * * *

(c) *Last date prescribed for payment.* The term "last date prescribed for payment", as used in section 6601 and this section, means the last date prescribed for payment as determined under the provisions of chapter 62 of the Code and the following rules:

* * * * *

(2)(i) If a tax or portion thereof is payable in installments in accordance with an election made under section 6152(a), the last date prescribed for payment of any installment of such tax or portion thereof shall be determined under the provisions of section 6152(b), and interest shall run on any unpaid installment from such last date to the date on which payment is received. However, in the event installment privileges are terminated for failure to pay an installment when due as provided by section 6152(d) and the time for the payment of any remaining installment is accelerated by the issuance of a notice and demand therefor, interest shall run on such unpaid installment from the date of the notice and demand to the date on which payment is received. But see section 6601(f)(4).

* * * * *

(4) In the case of taxes payable by stamp and in all other cases where the last date for payment of the tax is not otherwise prescribed, such last date for the purpose of the interest computation shall be deemed to be the date on which the liability for the tax arose. However, such last date shall in no event be later than the date of issuance of a notice and demand for the tax.

(d) *Suspension of interest; waiver of restrictions on assessment.* In the case of a deficiency determined by a district director (or an assistant regional commissioner, appellate) with respect to any income, estate, or gift tax, if the taxpayer files with such internal revenue officer an agreement waiving the restrictions on assessment of such deficiency, and if notice and demand for payment of such deficiency is not made within 30 days after the filing of such waiver, no interest shall be imposed on the deficiency for the period beginning immediately after such 30th day and ending on the date notice and demand is made. In the case of an agreement with respect to a portion of the deficiency, the rules as set forth in this paragraph are applicable only to that portion of the deficiency to which the agreement relates.

* * * * *

(f) *Applicable rules.* (1) Any interest prescribed by section 6601 shall be assessed and collected in the same manner as tax and shall be paid upon notice and demand by the district director or the director of the regional service center. Any reference in the Code (except in subchapter B, chapter 63, relating to deficiency procedures) to any tax imposed by the Code shall be deemed also to refer to the interest imposed by section 6601 on such tax. Interest on a tax may be assessed and collected at any time within the period of limitation on collection after assessment of the tax to which it relates. For rules relating to the period of limitation on collection after assessment, see section 6502.

PAR. 15. Section 301.6611–1 is amended by revising paragraph (g) and subdivisions (i) and (ii) (b) of paragraph (h)(2). These amended provisions read as follows:

§ 301.6611–1 Interest on overpayments.

* * * * *

(g) *Period for which interest allowable in case of refunds.* If an overpayment of tax is refunded, interest shall be allowed from the date of the overpayment to a date determined by the district director or the director of the regional service center, which shall be not more than 30 days prior to the date of the refund check. The acceptance of a refund check shall not deprive the taxpayer of the right to make a claim for any additional overpayment and interest thereon, provided the claim is made within the applicable period of limitation. However, if a taxpayer does not accept a refund check, no additional interest on the amount of the overpayment included in such check shall be allowed.

(h) *Period for which interest allowable in case of credits.* * * *

(2) *Determination of due date*—(i) *In general.* The term "due date", as used in this section, means the last day fixed by law or regulations for the payment of the tax (determined without regard to any extension of time), and not the date on which the district director or the director of the regional service center makes demand for the payment of the tax. Therefore, the due date of a tax (other than an additional assessment subject to the special rule provided by subdivision (iv) of this subparagraph) is the date fixed for the payment of the tax or the several installments thereof.

(ii) *Tax payable in installments.* * * *

(b) *Delinquent installment.* If the taxpayer is delinquent in payment of an installment of tax and a notice and demand has been issued for the payment of the delinquent installment and the remaining installments, the due date of each remaining installment shall then be the date of such notice and demand.

PAR. 16. Paragraph (a) of § 301.6651–1 is amended by revising subparagraphs (1) and (3) to read as follows:

§ 301.6651–1 Failure to file tax return.

(a) *Addition to the tax*—(1) *In general.* In case of failure to file a return required under authority of—

(i) Subchapter A, chapter 61, of the Code, relating to returns and records (other than sections 6015 and 6016, relating to declarations of estimated tax, and part III thereof, relating to information returns);

(ii) Subchapter A, chapter 51, of the Code, relating to distilled spirits, wines, and beer;

(iii) Subchapter A, chapter 52, of the Code, relating to tobacco, cigars, cigarettes, and cigarette paper and tubes; or

(iv) Subchapter A, chapter 53, of the Code, relating to machineguns and certain other firearms;

and the regulations thereunder, on or before the date prescribed for filing (determined with regard to any extension of time for such filing), there shall be added to the tax required to be shown on the return the amount specified below unless the failure to file the return within the prescribed time is shown to the satisfaction of the district director or the director of the regional service center to be due to reasonable cause and not to willful neglect. (See subparagraph (3) of this paragraph.) The amount to be added to the tax is 5 percent thereof if the failure is for not more than one month, with an additional 5 percent for each additional month or fraction thereof during which the failure continues, but not to exceed 25 percent in the aggregate.

* * * * *

(3) *Showing of reasonable cause.* A taxpayer who wishes to avoid the addition to the tax for failure to file a tax return must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file such return on time in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement should be filed with the district director with whom the return is required to be filed. If the district director or the director of the regional service center determines that the delinquency was due to a reasonable cause, and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, then the delay is due to a reasonable cause.

PAR. 17. Paragraph (a) of § 301.6652–1 is amended to read as follows:

§ 301.6652–1 Failure to file certain information returns.

(a) *Additional amount*—(1) *In general.* In case of each failure to file a statement, with respect to a payment to another person, required under authority of—

(i) Section 6041, relating to information at source,

(ii) Section 6042(1), relating to payments of corporate dividends,

(iii) Section 6044, relating to patronage dividends, or

(iv) Section 6051(d), relating to information returns with respect to income tax withheld or the employee tax under the Federal Insurance Contributions Act,

and the regulations under such sections, within the time prescribed for filing such statement (determined with regard to any extension of time for filing), there shall be paid by the person who failed to file such statement $1 for each such statement not filed. However, the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $1,000. The additional amount imposed for such failures shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(2) *Showing of reasonable cause.* The penalty imposed by section 6652 shall not apply if it is established to the satisfaction of the district director or the director of the regional service center that such failure to file was due to a reasonable cause and not to willful neglect. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause.

PAR. 18. Paragraph (a) of § 301.6656–1 is amended to read as follows:

§ 301.6656–1 Failure to make deposit of taxes.

(a) *Penalty.* (1) In case of failure by any person required by the Code or regulations prescribed thereunder to deposit any tax in a government depositary, as is authorized under section 6302(c), within the time prescribed therefor, a penalty shall be imposed on such person unless such failure is shown to the satisfaction of the district director or the director of the regional service center to be due to reasonable cause and not willful neglect. The penalty shall be one percent of the amount of the underpayment if the failure is for not more than one month, with an additional one percent for each additional month or fraction thereof during which failure continues, not to exceed 6 percent in the aggregate. For purposes of this section, the term "underpayment" means the amount of tax required to be deposited less the amount, if any, which was deposited on or before the date prescribed therefor, and the term "month" shall have the same meaning assigned to such term in paragraph (a)(2) of § 301.6651–1.

(2) A taxpayer who wishes to avoid the penalty for failure to deposit must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that it is made under the penalties of perjury, which should be filed with the district director for the district in which the return with respect to the tax is required to be filed. If the district director or the director of the regional service center determines that the delinquency was due to a reasonable cause, and not to willful neglect, the penalty will not be imposed.

PAR. 19. Paragraph (a) of § 301.6657–1 is amended to read as follows:

§ 301.6657–1 Bad checks.

(a) *In general.* Except as provided in paragraph (b) of this section, if a check or money order is tendered in the payment of any amount receivable under the Code, and such check or money order is not paid upon presentment, a penalty of one percent of the amount of the check or money order, in addition to any other penalties provided by law, shall be paid by the person who tendered such check or money order. If, however, the amount of the check or money order is less than $500, the penalty shall be $5 or the amount of the check or money order, whichever amount is the lesser. Such penalty shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

PAR. 20. Paragraph (a) of § 301.6671–1 is amended to read as follows:

§ 301.6671–1 Rules for application of assessable penalties.

(a) *Penalty assessed as tax.* The penalties and liabilities provided by subchapter B, chapter 68, of the Code (sections 6671 to 6675, inclusive) shall be paid upon notice and demand by the district director or the director of the regional service center and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in the Code to "tax" imposed thereunder shall also be deemed to refer to the penalties and liabilities provided by subchapter B of chapter 68.

PAR. 21. Section 301.6673–1 is amended to read as follows:

§ 301.6673–1 Damages assessable for instituting proceedings before the Tax Court merely for delay.

Any damages awarded to the United States by the Tax Court under section 6673 against a taxpayer for instituting proceedings before the Tax Court merely for delay shall be assessed at the same time as the deficiency and shall be paid upon notice and demand from the district director or the director of the regional service center and shall be collected as a part of the tax.

PAR. 22. Section 301.6861–1 is amended by revising paragraphs (d) and (e), and revising subparagraphs (1) and (2) of paragraph (f), to read as follows:

§ 301.6861–1 Jeopardy assessments of income, estate, and gift taxes.

* * * * *

(d) *Payment and collection of jeopardy assessment.* After a jeopardy assessment has been made, the district director is required to send notice and demand to the taxpayer for the amount of the jeopardy assessment. Regardless of whether the taxpayer has filed a petition with the Tax Court, he is required to make payment of the amount of such assessment (to the extent that it has not been abated) within 10 days after the sending of notice and demand by the district director, unless before the expiration of such 10-day period he files with the district director a bond as provided in section 6863. Section 6331 provides that, if the district director makes a finding that the collection of the tax is in jeopardy, he may make demand for immediate payment of the amount of the jeopardy assessment and, in such case, the taxpayer shall immediately pay such amount or shall immediately file the bond provided in section 6863. If a petition is not filed with the Tax Court within the period prescribed in section 6213(a), the district director will be so advised, and, if collection of the deficiency has been stayed by the timely filing of a bond as provided in section 6863, he should then give notice and make demand for payment of the amount assessed plus interest. After the Tax Court has rendered its decision and such decision has become final, the district director will be notified of the action taken. He will then send notice and demand for payment of the unpaid portion of the amount determined by the Tax Court, the collection of which has been stayed by the bond. If the amount of the jeopardy assessment is less than the amount determined by the Tax Court, the difference will be assessed and collected as part of the tax upon the issuance of a notice and demand therefor. If the amount of the jeopardy assessment is in excess of the amount determined by the Tax Court, the unpaid portion of such excess will be abated. If any part of the excess amount has been paid, it will be credited or refunded to the taxpayer as provided in section 6402, without the filing of claim therefor.

(e) *Abatement of excessive assessment.* The district director or the director of the regional service center may, at any time before the decision of the Tax Court is rendered, abate a jeopardy assessment in whole or in part if the district director believes that such assessment is excessive in amount.

(f) *Abatement if jeopardy does not exist.* (1) The district director or the director of the regional service center may abate a jeopardy assessment in whole or in part, if it is shown to the satisfaction of the district director that jeopardy does not exist. An abatement may not be made under this paragraph after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with such court, after the expiration of the period for filing such petition.

(2) After abatement of a jeopardy assessment in whole or in part, a deficiency may be assessed and collected in the manner authorized by law as if the jeopardy assessment or part thereof so abated had not existed. If a notice of deficiency has been sent to the taxpayer before the abatement of the jeopardy assessment in whole or in part, whether such notice was sent before or after the making of the assessment, such abatement will not affect the validity of the notice or of any proceedings for redetermination based thereon. The period of limitation on the making of assessments and the beginning of levy or a proceeding in court for collection in respect of any deficiency shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the

tenth day after the date on which such jeopardy assessment is abated in whole or in part. The provisions of this subparagraph may be illustrated by the following example:

Example: On March 18, 1958, 28 days before the last day of the 3-year period of limitations on assessment, a jeopardy assessment is made in respect of a proposed deficiency. On May 2, 1958, before the mailing of the notice of deficiency provided by section 6861(b), this assessment is abated. By virtue of this subparagraph, the last day of the period of limitations for the making of an assessment is June 9, 1958, that is, the thirty-eighth day after the date of the abatement. If the notice of deficiency provided for in section 6861(b) has been sent before the abatement, the running of the period of limitations on assessment would have been suspended pursuant to the provisions of the section 6503(a).

PAR. 23. Paragraph (f) of § 301.6901–1 is amended to read as follows:

§ 301.6901–1 Procedure in the case of transferred assets.

* * * * *

(f) *Suspension of running of period of limitations.* In the cases of the income, estate, and gift taxes, if a notice of liability of a transferee or the liability of a fiduciary has been mailed to such transferee or to such fiduciary under the provisions of section 6212, then the running of the statute of limitations shall be suspended for the period during which assessment is prohibited in respect of liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the Tax Court, until the decision of the Tax Court becomes final), and for 60 days thereafter.

PAR. 24. Paragraph (c) of § 301.6903–1 is amended to read as follows:

§ 301.6903–1 Notice of fiduciary relationship.

* * * * *

(c) *Where notice is not filed.* If the notice of the fiduciary capacity described in paragraph (b) of this section is not filed with the district director before the sending of notice of a deficiency by registered mail or certified mail to the last known address of the taxpayer (see section 6212), or the last known address of the transferee or other person subject to liability (see section 6901(g)), no notice of the deficiency will be sent to the fiduciary. In such a case the sending of the notice to the last known address of the taxpayer, transferee, or other person, as the case may be, will be a sufficient compliance with the requirements of the Code, even though such taxpayer, transferee, or other person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence. Under such circumstances, if no petition is filed with the Tax Court of the United States within 90 days after the mailing of the notice (or within 150 days after mailing in the case of such a notice addressed to a person outside the States of the Union and the District of Columbia) to the taxpayer, transferee, or other person, the tax, or liability under section 6901, will be assessed immediately upon the expiration of such 90-day or 150-day period, and demand for payment will be made. See paragraph (a) of § 301.6213–1 with respect to the expiration of such 90-day or 150-day period.

PAR. 25. Paragraph (a) of § 301.7503–1 is amended to read as follows:

§ 301.7503–1 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

(a) *In general.* Section 7503 provides that when the last day prescribed under authority of any internal revenue law for the performance of any act falls on a Saturday, Sunday, or legal holiday, such act shall be considered performed timely if performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For this purpose, any authorized extension of time shall be included in determining the last day for performance of any act. Section 7503 is applicable only in case an act is required under authority of any internal revenue law to be performed on or before a prescribed date or within a prescribed period. For example, if the 2-year period allowed by section 6532(a)(1) to bring a suit for refund of any internal revenue tax expires on Thursday, November 22, 1956 (Thanksgiving Day), the suit will be timely if filed on Friday, November 23, 1956, in the Court of Claims, or in a district court. Section 7503 applies to acts to be performed by the taxpayer (such as, the filing of any return of, and the payment of, any income, estate, or gift tax; the filing of a petition with the Tax Court for redetermination of a deficiency, or for review of a decision rendered by such Court; the filing of a claim for credit or refund of any tax) and acts to be performed by the Commissioner, a district director, or the director of a regional service center (such as, the giving of any notice with respect to, or making any demand for the payment of, any tax; the assessment or collection of any tax).

PAR. 26. Section 301.7514–1 is amended by adding at the end of paragraph (a) the following new subparagraph:

§ 301.7514–1 Seals of office.

(a) *Establishment of seals.* * * *

(4) *Director of Atlanta Regional Service Center.* There is hereby established in and for the office of the Director of Atlanta Regional Service Center, Atlanta, Georgia, an official seal. The seal is described as follows, and illustrated below: A circle within which shall appear that part of the seal of the Treasury Department represented by the shield and side wreaths. Exterior to this circle and within a circumscribed circle in the form of a rope shall appear in the upper part the words "DIRECTOR OF ATLANTA REGIONAL SERVICE CENTER" and in the lower part "Atlanta, Georgia Internal Revenue Service".



PAR. 27. Section 301.7622–1 is amended to read as follows:

§ 301.7622–1 Authority to administer oaths and certify.

The officers and employees of the Internal Revenue Service designated in paragraph (b) of § 301.7603–1 and the directors of the regional service centers are authorized to administer such oaths or affirmations and to certify to such papers as may be necessary under the internal revenue laws or regulations issued thereunder, except that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. The authority to administer oaths and to certify may be redelegated only by the Assistant Commissioner (Inspection), regional commissioners, assistant regional commissioners (alcohol and tobacco tax), assistant regional commissioners (intelligence), district directors, directors of regional service centers, and the Director of International Operations, to officers and employees under their jurisdiction.

PAR. 28. Paragraph (b) of § 301.7701–9 is amended to read as follows:

§ 301.7701–9 Secretary or his delegate.

* * * * *

(b) In any case in which a function is vested by the Internal Revenue Code of 1954 or any other statute in the Secretary or his delegate, and Treasury regulations or Treasury decisions approved by the Secretary or his delegate provide that such function may be performed by the Commissioner, assistant commissioner, regional commissioner, assistant regional commissioner, district director, director of a regional service center, or by a designated officer or employee in the office of any such officer, such provision in the regulations or Treasury decision shall constitute a delegation by the Secretary of the authority to perform such function to the designated officer or employee. If such authority is delegated to any officer or employee performing services under the supervision and control of the Commissioner, such provision in the regulations or Treasury decision shall constitute a delegation by the Secretary to the Commissioner of the authority to perform such function and a redelegation thereof by the Commissioner to the designated officer or employee.

Because this Treasury decision makes only technical changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: December 21, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–12293; Filed, Dec. 27, 1961; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (c)(2) is added to § 6.104 as set out below.

§ 6.104 Department of Defense.

* * * * *

(c) *Interdepartmenal Activities.* * * *

(2) Two positions in support of Area Redevelopment Activities.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 61–12277; Filed, Dec. 27, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER B—PROHIBITION OF IMPORTED COMMODITIES

PART 1060—GENERAL REGULATIONS APPLICABLE TO THE IMPORTATION OF LISTED COMMODITIES

Termination

(a) *Findings.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby found that the general regulations applicable to the importation of listed commodities into the United States appearing at 7 CFR Part 1060 are now obsolete in that the provisions of the aforesaid general regulations are now contained in separate regulations applicable to each such listed commodity, and that said general regulations should be terminated.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this termination until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (i) the basic procedure contained in these general regulations have now been incorporated in the respective commodity importation regulations, and (ii) no useful purpose would result by postponing the effective date of this termination procedure as importers are now operating under and are familiar with the requirements set forth in each listed commodity import regulation.

(b) *Order.* It is, therefore, ordered that Part 1060 of Chapter IX of Title 7 of the Code of Federal Regulations is hereby revoked effective at 12:01 a.m., December 30, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 21, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12290; Filed, Dec. 27, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1012; Amdt. 53–1; Supp. 4]

PART 53—MECHANIC SCHOOL CERTIFICATES

Deletion of Semiannual Reporting Requirement

Section 53.58 of the Civil Air Regulations and § 53.58–1 of the manual material contained in Part 53 presently require the holders of mechanic school certificates to submit to the Administrator a Mechanic School Report, Form FAA–392, on the first day of January and July of each year and at such other times as the Administrator may require. This report, which provides for listing the names of enrolled students and the status of enrollment in the various courses was required initially by the Federal Aviation Agency for tabulating a national listing of mechanic school activities for semiannual distribution to the Veterans Administration, certificated mechanic schools, and the general public. However, since the Agency has discontinued publication and distribution of the tabulated listing, these reports are no longer necessary. Accordingly, this amendment rescinds the requirement for the submission of these reports. Since a similar requirement is prescribed in Part 406, Regulations of the Administrator, concurrent action is being taken to rescind the semiannual reporting provisions required by § 406.16(h)(4) of that part.

Since this amendment relieves an administrative requirement and imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 53 of the Civil Air Regulations (14 CFR Part 53) is hereby amended as follows, effective December 22, 1961:

1. By amending § 53.50 by deleting reference to §§ 53.51 through 53.58 and inserting in lieu thereof §§ 53.51 through 53.57.

2. By deleting § 53.58.

3. By deleting § 53.58–1.

(Secs. 313(a), 601, 607; 72 Stat. 752, 775, 779; 49 U.S.C. 1354, 1421, 1427)

Issued in Washington, D.C., on December 22, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–12319; Filed, Dec. 27, 1961; 8:54 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

[Reg. Docket No. 1012; Amdt. 2]

PART 406—CERTIFICATION PROCEDURES

Deletion of Mechanic School Semiannual Reporting Requirement

Paragraph (h)(4) of § 406.16 of Part 406 of the regulations of the Administrator presently requires the holders of mechanic school certificates to submit a Mechanic School Report, Form FAA–392, in January and July of every year. This report, which provides for listing the names of enrolled students and the status of enrollment in the various courses was required initially by the Federal Aviation Agency for tabulating a national listing of mechanic school activities for semiannual distribution to the Veterans Administration, certificated mechanic schools, and the general public. However, since the Agency has discontinued publication and distribution of the tabulated listing, these reports are no longer necessary. Accordingly, this amendment rescinds the requirement for the submission of these reports. Since a similar requirement is prescribed in Part 53, concurrent action is being taken to rescind the semiannual reporting provisions required by §§ 53.58 and 53.58–1 of that part.

Since this amendment relieves an administrative requirement and imposes no additional burden upon any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 406 of the Regulations of the Administrator (14 CFR Part 406) is hereby

amended by deleting paragraph (h) (4) of § 406.16, effective December 22, 1961.

(Secs. 313(a), 601, 607; 72 Stat. 752, 775, 779; 49 U.S.C. 1354, 1421, 1427)

Issued in Washington, D.C., on December 22, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-12318; Filed, Dec. 27, 1961; 8:54 a.m.]

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 949; Amdt. 381]

PART 507—AIRWORTHINESS DIRECTIVES

Navion and Twin Navion Aircraft

A proposal to amend Part 507 of the regulations of the Administrator by amending AD 61-12-4, 26 F.R. 5121, to require inspection of the Temco main landing gear retract link on Navion and Twin Navion aircraft was published in 26 F.R. 10362. However, the proposal did not contain a compliance provision specifically related to the Temco inspection. Therefore, a provision is being added to AD 61-12-4 requiring the initial inspection for Temco P/N TN 57009-1 to be made within 50 hours' time in service after the effective date of this amendment.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Airworthiness Directive 61-12-4 (26 F.R. 5121), is amended by

1. Changing the first sentence in the paragraph preceding the parenthetical reference statement to read as follows: "Inspect by magnetic particle or equivalent, the main landing gear retract link assembly Navion P/N 143-33165-10 or Temco P/N TN 57009-1, whichever is installed, for cracks in or near end fitting welds."

2. By adding the following sentence to the compliance statement: "The initial inspection of the Temco P/N TN 57009-1 shall be made within 50 hours' time in service after January 29, 1962."

This amendment shall become effective January 29, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 21, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-12257; Filed, Dec. 27, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-93]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions

On December 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11453) stating that the Federal Aviation Agency proposed to alter several control area extensions in the Washington, D.C., Air Route Traffic Control area.

The Department of the Navy objected to the continued designation of controlled airspace adjacent to the Patuxent River, Md., Restricted Area Complex pending completion of negotiations for a revised letter of agreement with the Washington Air Route Traffic Control Center. The Agency has considered this objection and has determined that this matter is of an administrative/procedural nature and not pertinent to the continued designation of controlled airspace in this area. Accordingly, the controlled airspace is being designated herein as proposed.

No other adverse comments were received during the allotted time.

The increasing variations in aircraft speeds and operating altitudes has necessitated the revision of current holding patterns and the establishment of enlarged airspace dimensions to encompass the flight paths of holding aircraft. Accordingly, controlled airspace dimensions have been developed for fixed wing aircraft which were originally planned to be effective January 1, 1962. This date has now been changed to January 11, 1962, to coincide with the next scheduled aeronautical charting date. In order to provide for the safe and orderly flow of air traffic, the Administrator finds that a situation exists requiring expeditious action in the designation of such controlled airspace. Therefore, good cause exists for making these amendments effective on less than 30 days notice. Such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1059 (14 CFR 601.1059) is amended to read:

§ 601.1059 Control area extension (Lynchburg, Va.).

Within a 20-mile radius of the Lynchburg, Va., VORTAC; the area NE of Lynchburg extending from the 20-mile radius area bounded on the NW by VOR Federal airway No. 16, on the NE by VOR Federal airway No. 155, on the SE by VOR Federal airway No. 20N alternate, and on the S by latitude 37°10'00" N.; and the area NW of Lynchburg extending from the 20-mile radius area bounded on the S by VOR Federal airway No. 260 and on the NW by VOR Federal airway No. 16.

2. Section 601.1063 (14 CFR 601.1063) is amended to read:

§ 601.1063 Control area extension (Roanoke, Va.).

That airspace bounded on the NE by VOR Federal airway No. 258, on the SE by VOR Federal airway No. 222, on the SW by VOR Federal airway No. 45, and on the NW by VOR Federal airway No. 16.

3. Section 601.1129 (26 F.R. 1660, 8377) is amended to read:

§ 601.1129 Control area extension (Washington, D.C.).

Within an 85-mile radius of the Washington, D.C., VOR, extending clockwise from the Washington VOR 165° to the 245° radial; within an 88-mile radius extending clockwise from the Washington VOR 245° to the 250° radial; within an 85-mile radius extending clockwise from the Washington VOR 250° to the 310° radial; within an 80-mile radius extending clockwise from the Washington VOR 310° to the 355° radial; within a 70-mile radius extending clockwise from the Washington VOR 355° to the 165° radial; within 10 miles SE and 7 miles NW of the Casanova, Va., VORTAC 233° radial extending from the 85-mile radius area to 9 miles SW of the INT of the Gordonsville, Va., VORTAC 329° and the Casanova, Va., VORTAC 233° radials; and within 10 miles NW and 7 miles SE of the Kenton, Del., VORTAC 217° radial extending from the 70-mile radius area to 9 miles NE of the INT of the Kenton VORTAC 217° and the Salisbury, Md., VOR 340° radials; excluding the portions which coincide with the Wilmington, Del., control area extension (§ 601.1378), the Washington Prohibited Area (P-56), the Norfolk, Va., control area extension (§ 601.1149), and the Richmond, Va., control area extension (§ 601.1248). The portions which coincide with R-4002, R-4005, R-4006, R-4007 and R-6607 are excluded during the times of designation of the restricted areas. The portions which coincide with R-6601, R-6608, R-6611, R-6612, R-6613, R-4001 and R-4003 shall be used only after obtaining prior approval from the appropriate authority.

4. Section 601.1162 (14 CFR 601.1162) is amended to read:

§ 601.1162 Control area extension (Danville, Va.).

That airspace bounded on the E by longitude 78°50'00" W., on the S by latitude 36°19'00" N., on the W by longitude 79°41'00" W., and on the N by latitude 36°57'30" N.

5. Section 601.1212 (14 CFR 601.1212) is amended to read:

§ 601.1212 Control area extension (White Sulphur Springs, W. Va.).

That airspace bounded on the E by longitude 79°54'00" W., on the SE by VOR Federal airway No. 140, on the SW by VOR Federal airway No. 260, on the W by longitude 80°40'00" W., and on the N by latitude 38°15'00" N.

6. Section 601.1220 (14 CFR 601.1220) is amended to read:

§ 601.1220 Control area extension (Staunton, Va.).

That airspace bounded on the W, NW and NE by a line extending from the N boundary of VOR Federal airway No. 290 along longitude 79°25'00" W., to latitude 38°06'30" N., thence via latitude 38°06'30" N., longitude 79°13'45" W.; latitude 38°25'00" N., longitude 79°00'-45" W.; to latitude 38°15'15" N., longitude 78°39'45" W.; bounded on the SE by VOR Federal airway No. 140, and on the S by VOR Federal airway No. 290.

7. Section 601.1248 (14 CFR 601.1248) is amended to read:

§ 601.1248 Control area extension (Richmond, Va.).

Within a 25-mile radius of the Richmond, Va., RR, and within a 76-mile radius of the Richmond VOR extending from the 25-mile radius area bounded on the E by the Richmond VOR 200° radial, and on the NW by VOR Federal airway No. 20, excluding the portion within a 55-mile radius of latitude 36°57'44" N., longitude 76°24'44" W., and excluding the portion within R-6602.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 22, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12278; Filed, Dec. 27, 1961; 8:47 a.m.]

[Airspace Docket No. 61-NY-41]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On September 23, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8989) stating that the Federal Aviation Agency proposed to designate a transition area at Olean, N.Y.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR 601, 26 F.R. 1908) is amended by adding the following section:

§ 601.10413 Olean, N.Y., transition area.

The airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 209° and 029° bearings from the Olean Municipal Airport (latitude 42°14'20" N., longitude 78°22'30" W.) extending from VOR Federal airway No. 270 to 16 miles NE of the airport and including the airspace bounded on the NE by VOR Federal airway No. 164, on the S by VOR Federal airway No. 270, on the W by VOR Federal airway No. 33, and on the NW by a line 7 miles NW of and parallel to the 057° and 237° bearings from the Olean Airport.

This amendment shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 20, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12260; Filed, Dec. 27, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-189]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On October 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10137) stating that the Federal Aviation Agency proposed to designate a radar jet advisory area 16 miles either side of Jet Route No. 2 from Mission Bay, Calif., to El Paso, Texas.

The Department of the Army interposed no objection to establishment of the jet advisory area as proposed, "provided it does not decrease or curtail the use of R-2307." Jet advisory areas exclude the airspace within restricted areas except restricted areas which are included in the continental control area. Restricted area R-2307 is not included in the continental control area and would therefore not be included in the designation of this jet advisory area. The Department of the Air Force interposed no objection. No other comments were received.

Although not mentioned in the notice, the segment of J-2 between the Mission Bay VOR and the Yuma, Ariz., VOR is being realigned via the El Centro, Calif., VORTAC in order to provide adequate clearance between this jet route and Restricted Area R-2510. Such action will involve a change of only one and two degrees, respectively, in the Mission Bay VOR and Yuma VOR radials presently used to describe this segment of J-2.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7080) the text of Jet Route No. 2 is amended as follows: "via Yuma, Ariz.;" is deleted and "via El Centro, Calif.; Yuma Ariz.;" is substituted therefor.

2. In § 602.200 *En route jet advisory areas* (26 F.R. 7082) Jet Route No. 2 jet advisory area is amended to read:

Jet Route No. 2 jet advisory area. Radar—Mission Bay, Calif., to Tallahassee, Fla.

These amendments shall become effective 0001 e.s.t. February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 21, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12258; Filed, Dec. 27, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-11]

PART 608—SPECIAL USE AIRSPACE

No Man's Land Island, Mass.; Correction

On December 15, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12033) an amendment to § 608.41 of the regulations of the Administrator which altered the No Man's Land Island, Mass., Restricted Area R-4105, effective upon publication.

Upon publication of the FEDERAL REGISTER on December 15, 1961, an error was noted in the designated altitude of R-4105. Therefore, action is taken herein to correct this error.

Since this amendment corrects an error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, R-4105 No Man's Land Island, Mass., Restricted Area (26 F.R. 12033) is hereby corrected as follows:

Under Designated altitudes, "Surface to flight level 200." is deleted and "Surface to 20,000 feet MSL." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 20, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12259; Filed, Dec. 27, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES.

Chapter I—Federal Trade Commission

[Docket 6826 o.]

PART 13—PROHIBITED TRADE PRACTICES

Union Carbide Corp.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; 15 U.S.C. 18) [Divestiture order, Union Carbide Corporation, New York, N.Y., Docket 6826, Sept. 25, 1961]

In the Matter of Union Carbide Corporation, a Corporation

Order requiring the nation's second biggest chemical company and largest producer of polyethylene resins used for making polyethylene film, to divest itself of the largest manufacturer of polyethylene film, formerly an important customer, which it acquired on December 31, 1956, in an exchange of stock valued prior to the merger at $91 million.

Said divestiture order is as follows, including order requiring report of compliance therewith:

It is ordered, That the respondent, Union Carbide Corporation, a corporation, through its officers, directors, agents, representatives, and employees, within one year from the date of service of this order, shall divest itself absolutely, in good faith, of all assets, properties, rights and privileges, tangible and intangible, including but not limited to all plants, machinery, equipment, trade names, trademarks, good will and business acquired by Union Carbide Corporation as a result of its acquisition of the assets of The Visking Corporation, and so much of the plant machinery, buildings, improvements and equipment, of whatever description, as has been installed or placed by Union Carbide Corporation on the premises of Visking Company Division of Union Carbide Corporation, as may be necessary to restore Visking Company Division of Union Carbide Corporation to its former status as an effective, competitive entity in the polyethylene film industry, as organized and in substantially the basic operating form in which it existed at or about the time of the acquisition, with such additional assets as may represent the normal expansion of The Visking Corporation during the time of its operation as a division of Union Carbide Corporation.

It is further ordered, That in such divestment no property above mentioned to be divested shall be sold or transferred, directly or indirectly, to anyone who at the time of the divestiture is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control or influence of, respondent or any of respondent's subsidiaries or affiliated companies.

It is further ordered, That the complaint herein, insofar as it relates to the manufacture, offering for sale, sale and distribution of synthetic sausage casings, be, and the same hereby is, dismissed.

It is further ordered, That respondent Union Carbide Corporation shall, within sixty (60) days from the date of service upon it of this order, submit in writing, for the consideration and approval of the Federal Trade Commission, its plan for compliance with this order, including the date within which compliance can be effected.

Issued: September 25, 1961.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-12267; Filed, Dec. 27, 1961; 8:46 a.m.]

[Docket 8398 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Evelyn Miller Trading as Vitalife, etc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-52 *Medicinal, therapeutic, healthful, etc.;* § 13.170-70 *Preventive or protective;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Evelyn Miller trading as Vitalife, etc., Cedar Rapids, Iowa, Docket 8398, Sept. 23, 1961]

In the Matter of Evelyn Miller, an Individual Trading as Vitalife, Vitalife Vitamins, Vitalife Products, and as Vital Health-Foods Co.

Consent order requiring an individual in Cedar Rapids, Iowa, to cease making false therapeutic claims for her "Vitalife Vitamins and Minerals" in circulars, brochures, and radio commercials, as in the order below in detail indicated.

The order to cease and desist is as follows:

It is ordered, That Evelyn Miller, an individual trading as Vitalife, Vitalife Vitamins, Vitalife Products and Vital Health-Foods Co., or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated Vitalife Vitamin and Minerals, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or indirectly:

(a) That said preparation will be of benefit in the prevention or treatment of colds, sluggish gall bladder, heart palpitation, cataracts, rheumatic or arthritic aches or pains, arthritis, pyorrhetic conditions, shrinking of the bones, low metabolism, gray hair, loss of hair, inflammation of the intestinal tract, or any type of nerve degeneration.

(b) That said preparation will be of benefit in the treatment of tiredness, weakness, nervousness, nervous disorders, restlessness, sluggishness, insomnia, lack of pep, energy, vigor or vitality, mental inactivity, headache, dizziness, constipation, digestive distress, despondency, poor complexion, rough dry skin, infections of the mucuous membranes, sore lips, mouth sores, bleeding gums, ocular itching or burning, inflammations of tongue or mouth, muscular weakness, leg cramps, dermatitis, muscle stiffness, infection, weakened blood vessel walls, bad teeth, pale complexion, general rundown condition, brittle bones, wasting or fragility of the bones, or spasms, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an established deficiency of one or more of the nutrients provided by the preparation and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with the order to cease and desist.

Issued: September 22, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-12268; Filed, Dec. 27, 1961; 8:46 a.m.]

[1] Commissioner Kern dissenting.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Subpart B—Informal Statements of General Policy or Interpretation

EXEMPTION FROM CERTAIN DRUG-LABELING REQUIREMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner by the Secretary (25 F.R. 8625), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), the following statement of interpretation is issued:

§ 3.515 Exemption from certain drug-labeling requirements.

(a) Section 1.106(b)(3) of this chapter provides that in the case of certain drugs for which directions, hazards, warnings, and use information are commonly known to practitioners licensed by law, such information may be omitted from the dispensing package. Under this proviso, the Commissioner of Food and Drugs will offer an opinion, upon written request, stating reasonable grounds therefor, on a proposal to omit such information from the dispensing package.

(b) The Commissioner of Food and Drugs has considered submitted material covering a number of drug products and has offered the opinion that the following drugs, when intended for those uses for which they are now generally employed by the medical profession, should be exempt from the requirement of § 1.106 (b)(3), with specific conditions as stated:

(1) *Aminophylline.* For oral use, not in excess of 100 milligrams per dosage unit.

(2) *Barbiturates.* For use orally, not in excess of 100 milligrams per dosage unit; for use as suppositories, not in excess of 130 milligrams per suppository.

(3) *Digitalis.* Preparations of whole-leaf digitalis including forms such as digitalis tincture. For oral use, containing the equivalent of not more than 1 U.S.P. digitalis unit per dosage unit.

(4) *Erythrityl tetranitrate.* For oral use, not in excess of 30 milligrams per dosage unit.

(5) *Mannitol hexanitrate.* For oral use, not in excess of 32 milligrams per dosage unit.

(6) *Nitroglycerine.* For oral use, not in excess of 0.65 milligram per dosage unit.

(7) *Pentaerythritol tetranitrate.* For oral use, not in excess of 20 milligrams per dosage unit.

(8) *Pentaerythritol tetranitrate with phenobarbital.* For oral use, not in excess of 20 milligrams of pentaerythritol tetranitrate and 35 milligrams phenobarbital.

(9) *Sodium nitrite.* For oral use, not in excess of 60 milligrams per dosage unit.

(10) *Thyroid.* For oral use, not in excess of 220 milligrams per dosage unit.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: December 20, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-12285; Filed, Dec. 27, 1961; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread, Enriched Bread, Milk Bread, Raisin Bread, Whole Wheat Bread; Standards

In the matter of amending the definitions and standards of identity for bread, enriched bread, milk bread, raisin bread, and whole wheat bread (21 CFR 17.1, 17.2, 17.3, 17.4, and 17.5):

A notice of proposed rule making inviting all interested persons to submit views and comments was published in the FEDERAL REGISTER of November 3, 1961 (26 F.R. 10362), setting forth a proposal made by Foremost Dairies, San Francisco, California, and Hy-Klas Food Products, Inc., St. Joseph, Missouri, to amend paragraph (a) of the definition and standard of identity for bread (21 CFR 17.1) to make *L*-cysteine an optional ingredient permitted to be used in making bread, enriched bread, milk bread, raisin bread, and whole wheat bread. This proposal did not involve any claimed nutritive value; the *L*-cysteine is to be used to facilitate dough handling and to speed production. The cross references to the standard of identity for bread in the standards for enriched bread, milk bread, raisin bread, and whole wheat bread have the effect of making the amendment of § 17.1(a) applicable to these other kinds of bread.

Upon consideration of the views and comments submitted and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed. Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625); *It is ordered*, That § 17.1(a) be amended by adding thereto a new subparagraph (16) reading as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(16) *L*-cysteine, in a quantity not to exceed 0.009 part for each 100 parts by weight of flour used.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 21, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 61-12286; Filed, Dec. 27, 1961; 8:48 a.m.]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Artifically Sweetened Canned Pineapple; Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for artifically sweetened canned pineapple:

A notice of proposed rule making was published in the FEDERAL REGISTER of April 25, 1961 (26 F.R. 3537), setting forth the proposal of the National Canners Association, 1135 Twentieth Street NW., Washington, D.C., to adopt a definition and standard of identity for artifically sweetened canned pineapple. The notice invited all interested persons to submit comments on the proposal.

Included in the comments were proposals for the inclusion of thickening agents in addition to pectin. These, however, did not give detailed uses. Because of this, and in the light of the provisions of other regulations in this part, it is concluded that this order should not authorize additional thickeners. This conclusion is no bar to the submission of appropriate petitions giving reasonable grounds requesting amendment of this or other artificially sweetened fruit standards where the facts warrant.

Upon consideration of the comments submitted and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for artificially sweetened canned pineapple, as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That a definition and standard of identity for artificially sweetened canned pineapple be established as set forth below.

It is unnecessary to include a provision in each standard of identity calling attention to the necessity for labeling artificially sweetened canned fruit in compliance with the requirements of the regulations under section 403(j) of the Federal Food, Drug, and Cosmetic Act, because, as pointed out by the general regulation in § 10.1 of this chapter (21 CFR 10.1), nothing in a food standard may be construed as affecting the concurrent applicability of the general provisions of the act and the regulations thereunder.

Part 27 is amended by adding thereto the following section:

§ 27.57 Artificially sweetened canned pineapple; identity; label statement of optional ingredients.

(a) Artificially sweetened canned pineapple is the food that conforms to the definition and standard of identity prescribed for canned pineapple by § 27.50, except that in lieu of a packing medium specified in § 27.50(b), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b)(1) The specified name of the food is "artificially sweetened ----------," the blank being filled in with the name prescribed by § 27.50 for canned pineapple having the same optional pineapple ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned pineapple by § 27.50. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12287; Filed, Dec. 27, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Miscellaneous Amendments

1. In § 120.7 *Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities*, paragraph (d) is amended by changing "Plant Pest Control Branch" in the second sentence to read "Pesticides Regulation Division".

2. Section 120.35 *Extension of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act* of Title 21 is obsolete and is revoked effective as of the date of publication of this order in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371)

Dated: December 20, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12288; Filed, Dec. 27, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-BUTENE-1 COPOLYMER

The Commissioner of Food and Drugs, having considered the comments of industry representatives and other relevant material, has concluded that § 121.2508 of the food additive regulations should, for the purpose of clarifying certain provisions, be amended as hereinafter provided. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations (21 CFR 121.2508; 26 F.R. 5225, 6620, 6768, 9410) are amended as follows:

Section 121.2508(d)(3)(iii) is changed to read as follows:

§ 121.2508 Ethylene-butene-1 copolymer.

* * * * * *

(d) * * *

(3) * * *

(iii) Maximum soluble fraction of 5.5 percent in *n*-heptane after refluxing and subsequent cooling to 40° C. ±2° C.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 20, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12308; Filed, Dec. 27, 1961; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.100 paragraph (b) is amended to read as follows:

§ 203.100 Charges and fees to lender from borrower.

* * * * * *

(b) *Originating and closing charge.* A charge to compensate the lender for expenses incurred in originating and closing the loan, the charge not to exceed $20 or one percent of the original principal amount of the loan, whichever is greater.

Subpart B—Contract Rights and Obligations

Section 203.340 is amended to read as follows:

§ 203.340 Conditions of special forbearance relief.

(a) In addition to any other relief which may be afforded in the event of default, the Commissioner may approve special forbearance relief with respect to any mortgage covering a one- to four-family residence if he finds that:

(1) The default was due to circumstances beyond the mortgagor's control; and

(2) It is probable that the mortgage will be restored to good standing within a reasonable period of time.

(b) The Commissioner's approval shall be given upon condition that the mortgagor and mortgagee enter into a forbearance agreement providing for:

(1) The reduction or suspension of regular mortgage payments for a specified forbearance period;

(2) The resumption of regular mortgage payments after the expiration of the forbearance period; and

(3) The repayment, on or before the maturity date of the mortgage, of the amount accruing during the forbearance period.

Section 203.341 is amended to read as follows:

§ 203.341 Reimbursement for uncollected interest.

The mortgagee shall be entitled to receive an allowance in debentures for accrued and unpaid interest at the mortgage rate on failure of the mortgagor to make payments under a forbearance agreement and a subsequent foreclosure of the mortgage. This allowance shall be determined by:

(a) Reapplying payments received from the mortgagor subsequent to the effective date of the forbearance agreement to the items in the order set forth in the mortgage; and

(b) Computing mortgage interest from the date of the first unpaid monthly installment for a period not in excess of the number of monthly installments for which forbearance was approved by the Commissioner.

In § 203.367 paragraph (a) (1) and (2) are amended to read as follows:

§ 203.367 Contents of deed and supporting documents.

* * * * * *

(a) *Deed.* * * *

(1) Contain covenants which warrant title against acts of the grantor, and all claiming by, through, or under said grantor, if the grantor is the mortgagee or mortgagor; if the grantor is a party other than the mortgagee or mortgagor, the special warranty covenants may be limited or amended to accord with the law of the particular jurisdiction.

(2) Recite nominal consideration, if such recital is adequate under the laws of the State in which the property is located or such other consideration as may be necessary to support the deed.

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10 as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In Part 207 the pertinent section heading in the table of contents is amended to read as follows:

Sec.
207.15 Issuance of bonds secured by trust indenture.

Section 207.15 is amended to read as follows:

§ 207.15 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to the following conditions:

(a) The Trustee named in such trust indenture shall be a banking institution or trust company (authorized to act in a fiduciary capacity and which is a mortgagee approved by the Commissioner); and

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

(c) The holders of the bonds shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under such contract to the Trustee, without liability or accountability to the bondholders to see to the application of the mortgage insurance contract benefits; and

(d) Any such bonds shall be issued to and be held only by such holders as are eligible under applicable regulations of the Commissioner and the trust indenture shall so provide.

In § 207.33 paragraph (d)(1) is amended to read as follows:

§ 207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

* * * * * *

(d) * * *

(1) On the interest of the lessee under a lease for not less than 99 years which is renewable; or

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (a)(1)(vii) is amended to read as follows:

§ 207.259 Insurance benefits.

(a) * * *

(1) * * *

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	

Section 207.261 is amended to read as follows:

§ 207.261 Assignment of insured mortgages.

(a) *In general.* An approved mortgagee may assign, transfer or pledge an insured mortgage or a partial interest in an insured mortgage by way of a participation or other arrangement, in accordance with the terms and conditions prescribed in this section.

(b) *Bonds.* Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust may be transferred as provided in the trust indenture.

(c) *Transfers prior to full disbursement.* Transfers or pledges of the in-

sured loan may be made prior to full disbursement only with the prior written approval of the Commissioner.

(d) *Transfers after full disbursement.* Transfers after full disbursement may be made only to a transferee approved by the Commissioner. Upon assumption by the transferee of all obligations under the contract of mortgage insurance, the transferor shall be released from its obligations under such contract. The transfer shall be reported to the Commissioner on a form satisfactory to the Commissioner.

(e) *Transfer of partial interest under participation agreement.* A partial interest in an insured mortgage may be transferred without obtaining the approval of the Commissioner under a participation agreement or arrangement if the following conditions are met:

(1) The insured mortgage shall be held by an approved mortgagee subject to the inspection and supervision of a governmental agency authorized by law to make periodic examination of its books and accounts, and which shall for the purposes of this section be hereinafter referred to as the "principal" mortgagee;

(2) The "principal" mortgagee shall at all times retain at least a ten percent beneficial interest in the insured mortgage up to the time of final endorsement, and at least a five percent beneficial interest thereafter;

(3) A participation or partial interest in an insured mortgage shall be issued to and held only by holders meeting the following qualifications:

(i) A mortgagee approved by the Commissioner;

(ii) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which the "principal" mortgagee determines has lawful authority to acquire a partial interest in an insured mortgage under the conditions set forth in this paragraph;

(iii) A charitable or nonprofit organization.

(4) The participation agreement or arrangement, in addition to other provisions as may be agreed upon between the participants, shall provide that the "principal" mortgagee shall remain the mortgagee of record under the contract of mortgage insurance; and that the Commissioner shall have no obligation to recognize or deal with any other party except the mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

(f) *Notice not required.* No notice of any sale or transfer of a participating or partial interest shall be required, unless the insured mortgage is transfered in its entirety to a new "principal" mortgagee on the public records.

(g) *Unauthorized transfer, pledge or assignment.* The contract of insurance may, at the option of the Commissioner and under such conditions as he may prescribe, be terminated in the event of a transfer, pledge or assignment of an insured mortgage or of a partial or participating interest therein, which does not meet the requirements contained in this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In Part 213 the pertinent section heading in the table of contents is amended to read as follows:

Sec.
213.19 Issuance of bonds secured by trust indenture.

Section 213.19 is amended to read as follows:

§ 213.19 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to the following conditions:

(a) The Trustee named in such trust indenture shall be a banking institution or trust company (authorized to act in a fiduciary capacity and which is a mortgagee approved by the Commissioner); and

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

(c) The holders of the bonds shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under such contract to the Trustee, without liability or accountability to the bondholders to see to the application of the mortgage insurance contract benefits; and

(d) Any of such bonds shall be issued to and be held only by such holders as are eligible under applicable regulations of the Commissioner and the trust indenture shall so provide.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In Part 220 in the table of contents the references to §§ 220.505 and 220.613 are deleted.

In § 220.580 the introductory text is amended to read as follows:

§ 220.580 Title evidence.

When the principal amount of the loan exceeds $40,000, the lender, without expense to the Commissioner, shall furnish to the Commissioner a policy of title insurance as provided in paragraph (a) of this section or if the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender without expense to the Commissioner, shall furnish such evidence of title as provided in paragraph (b) of this section as the Commissioner may require. The following are the requirements covering the title insurance and abstract of title:

Section 220.613 is revoked as follows:

§ 220.613 Advance amortization requirements. [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In Part 221 the pertinent section heading in the table of contents is amended to read as follows:

Sec.
221.526 Issuance of bonds secured by trust indenture.

Section 221.501 is amended to read as follows:

§ 221.501 Certificate by Administrator to Commissioner.

Before a mortgage executed by a mortgagor other than a general mortgagor shall be eligible for insurance under this subpart, the Housing and Home Finance Administrator must certify to the Commissioner that the community in which the project is to be located has submitted to the Administrator a "workable program" which has been approved by the Administrator and which is still in effect at the time the commitment to insure is issued.

Section 221.526 is amended to read as follows:

§ 221.526 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to the following conditions:

(a) The Trustee named in such trust indenture shall be a banking institution or trust company (authorized to act in a fiduciary capacity and which is a mortgagee approved by the Commissioner); and

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

(c) The holders of the bonds shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under such contract to the Trustee, without liability or accountability to the bondholders to see to the application of the mortgage insurance contract benefits; and

(d) Any of such bonds shall be issued to and be held only by such holders as are eligible under applicable regulations of the Commissioner and the trust indenture shall so provide.

In § 221.535 paragraph (b) is amended to read as follows:

§ 221.535 Supervision applicable to investor sponsor mortgagors.

* * * * *

(b) *Transfer to cooperative mortgagor.* The consideration for the transfer to a cooperative mortgagor shall be the assumption of the mortgage indebtedness plus a downpayment in an amount which, when added to the original principal, shall not exceed the actual cost of the investor sponsor as approved by the Commissioner.

Section 221.560 is amended to read as follows:

§ 221.560 Eligibility of refinanced mortgages.

(a) Notwithstanding any other provisions of this subpart, a mortgage given to refinance a mortgage insured under sections 220, 221, 608 or 908 of the National Housing Act, shall be eligible for insurance under this subpart, if the principal amount of such new mortgage does not exceed the original principal amount, and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund taking into consideration the outstanding insurance liability under the existing insured mortgage, the new mortgage may have a term of not more than 12 years in excess of the unexpired term of the existing insured mortgage.

(b) Notwithstanding any other provision of this subpart, a mortgage given by a mortgagor other than a general mortgagor to refinance a mortgage covering an existing property or project located in an urban renewal area, shall be eligible for insurance under this subpart, provided the Commissioner finds that such insurance will facilitate the occupancy of dwelling units in the property or project by families of low or moderate income or families displaced from an urban renewal area or displaced as a result of governmental action.

(c) The provisions of §§ 221.503 through 221.508 relating to fees and charges shall not be applicable to commitments issued on or before August 1, 1962 if:

(1) The mortgage meets the requirements of paragraph (a) of this section and bears interest not in excess of the rates provided in § 221.518(b); or

(2) The mortgage meets the requirements of paragraph (b) of this section, is given to refinance an existing insured mortgage, and bears interest not in excess of the rates provided in § 221.518(b).

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In Part 232 there is added to the table of contents a new heading as follows:

Sec.
232.43 Issuance of bonds secured by trust indenture.

Part 232 is amended by adding a new § 232.43 as follows:

§ 232.43 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to the following conditions:

(a) The Trustee named in such trust indenture shall be a banking institution or trust company (authorized to act in a fiduciary capacity and which is a mortgagee approved by the Commissioner); and

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

(c) The holders of the bonds shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under such contract to the Trustee, without liability or accountability to the bondholders to see to the application of the mortgage insurance contract benefits; and

(d) Any of such bonds shall be issued to and be held only by such holders as are eligible under applicable regulations of the Commissioner and the trust indenture shall so provide.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 803—ARMED SERVICES HOUSING—MILITARY PERSONNEL

Subpart A—Eligibility Requirements

In Part 803 the pertinent section heading in the table of contents is amended to read as follows:

Sec.
803.21 Issuance of bonds secured by trust indenture.

Section 803.21 is amended to read as follows:

§ 803.21 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to the following conditions:

(a) The Trustee named in such trust indenture shall be a banking institution or trust company (authorized to act in a fiduciary capacity and which is a mortgagee approved by the Commissioner); and

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

(c) The holders of the bonds shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under such contract to the Trustee, without liability or accountability to the bondholders to see to the application of the mortgage insurance contract benefits; and

(d) Any such bonds shall be issued to and be held only by such holders as are eligible under applicable regulations of the Commissioner and the trust indenture shall so provide.

Subpart B—Contract Rights and Obligations

In § 803.259 paragraph (a)(1)(vii) is amended to read as follows:

§ 803.259 Delivery of debentures and certificate of claim.

(a) * * *

(1) * * *

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	

Section 803.261 is amended to read as follows:

§ 803.261 Assignment of insured mortgages.

(a) *In general.* An approved mortgagee may assign, transfer or pledge an insured mortgage or a partial interest in an insured mortgage by way of a participation or other arrangement, in accordance with the terms and conditions prescribed in this section.

(b) *Bonds.* Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust may be transferred as provided in the trust indenture.

(c) *Transfers prior to full disbursement.* Transfers or pledges of the insured loan may be made prior to full disbursement only with the prior written approval of the Commissioner.

(d) *Transfers after full disbursement.* Transfers after full disbursement may be made only to a transferee approved by the Commissioner. Upon assumption by the transferee of all obligations under the contract of mortgage insurance, the transferor shall be released from its obligations under such contract. The transfer shall be reported to the Commissioner on a form satisfactory to the Commissioner.

(e) *Transfer of partial interest under participation agreement.* A partial interest in an insured mortgage may be transferred without obtaining the approval of the Commissioner under a participation agreement or arrangement if the following conditions are met:

(1) The insured mortgage shall be held by an approved mortgagee subject to the inspection and supervision of a governmental agency authorized by law to make periodic examination of its books and accounts, and which shall for the purposes of this section be hereinafter referred to as the "principal" mortgagee;

(2) The "principal" mortgagee shall at all times retain at least a ten percent beneficial interest in the insured mortgage up to the time of final endorsement, and at least a five percent beneficial interest thereafter;

(3) A participation or partial interest in an insured mortgage shall be issued to and held only by holders meeting the following qualifications:

(i) A mortgagee approved by the Commissioner;

(ii) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which the "principal" mortgagee determines has lawful authority to acquire a partial interest in an insured mortgage under the conditions set forth in this paragraph;

(iii) A charitable or nonprofit organization.

(4) The participation agreement or arrangement, in addition to other provisions as may be agreed upon between the participants, shall provide that the "principal" mortgagee shall remain the mortgagee of record under the contract of mortgage insurance; and that the Commissioner shall have no obligation to recognize or deal with any other party except the mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

(f) *Notice not required.* No notice of any sale or transfer of a participating or partial interest shall be required, unless the insured mortgage is transferred in its entirety to a new "principal" mortgagee on the public records.

(g) *Unauthorized transfer, pledge or assignment.* The contract of insurance may, at the option of the Commissioner and under such conditions as he may prescribe, be terminated in the event of a transfer, pledge or assignment of an insured mortgage or of a partial or participating interest therein, which does not meet the requirements contained in this section.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

Issued at Washington, D.C., December 21, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-12325; Filed, Dec. 27, 1961; 8:55 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

PART 415—LABOR ORGANIZATION ANNUAL FINANCIAL REPORT—FISCAL YEARS ENDING PRIOR TO DECEMBER 16, 1959

Miscellaneous Amendments

Under section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 438), there is prescribed in connection with 29 CFR Part 403 a simplified reporting form (Form LM-3) entitled "Short Form Labor Organization Financial Report" on which labor organizations, not in trusteeship having gross annual receipts of less than $20,000 which because of their size were unable to submit a financial report without adding substantially to operating expenses and to the burdens of officers holding other regular jobs, could file the labor organization's annual financial report which is required by section 201(b) of the aforementioned Act (29 U.S.C. 431 (b)). It appears appropriate to provide in addition that any labor organization not in trusteeship whose gross annual receipts are less than $30,000 may properly be considered in the class of smaller labor organizations permitted to use the simplified form. Part 403 is amended accordingly.

Under section 201(a) of the aforementioned Act (29 U.S.C. 431(a)) and 29 CFR Part 402, all labor organizations are required to report changes in the information which they submitted on Form LM-1, the Labor Organization Information Report, at the same time these organizations file their Annual Financial Report. This information is required to be reported on Form LM-1A, Amendments to Labor Organization Information Report. To obviate the necessity for filing of two separate annual reports by smaller labor organizations, Form LM-3 is revised to permit smaller labor organizations qualified to use the Form LM-3 to file on this form changes in the Labor Organization Information Report (Form LM-1) previously required to be reported on Form LM-1A. The modifications of Form LM-3 are also for the purpose of facilitating reporting of financial information. Form LM-1A is still retained for use by those labor organizations which are not qualified to use Form LM-3 or which, though qualified, still desire to use Form LM-1A.

Part 415 of this chapter is now obsolete. It is concerned with the filing of financial reports for fiscal year ending prior to December 16, 1959. It is deleted by this document.

The remaining amendments in this document provide that the signature of the labor organization's Secretary required on Form LM-1A will not be necessary on Form LM-3 (revised) which must be signed by the President and Treasurer or corresponding principal officers; provide for filing of terminal financial reports on Form LM-3 (revised); and for certain editorial changes.

Since these amendments are procedural, or constitute relaxation of the reporting requirements, notice and delay in effective date in their adoption are not required. Therefore, the amendments shall become effective upon their publication in the FEDERAL REGISTER.

Accordingly, pursuant to section 208 of the Labor-Management Reporting and Disclosure Act of 1959, (29 U.S.C. 438) Chapter IV of Title 29, Code of Federal Regulations, is hereby amended as set forth below.

1. Part 402 is amended by revising §§ 402.4, 402.5, and 402.6 to read as follows:

§ 402.4 Subsequent reports.

(a) Any change in the information or the content of the documents, or both, required to be filed initially by every labor organization under section 201(a) of the Act which has not previously been reported shall be reported to the Commissioner, Bureau of Labor-Management Reports, U.S. Department of Labor, Washington 25, D.C., on the United States Department of Labor Form LM-1A entitled "Amendments to Labor Organization Information Report, Form LM-1", at the same time that the reporting labor organization files with such Bureau its annual financial report required by section 201(b) of the Act, for the fiscal year during which the said changes occurred. This report shall be signed by the President and Secretary or corresponding principal officers of the labor organization filing the report.

(b) Labor organizations which qualify to file United States Department of Labor Form LM-3 (revised),[1] Labor Organization Annual Report, pursuant to § 403.4 of this chapter need not file Form LM-1A, if they have submitted the information called for in items 13, 14, 15 and 40 of Form LM-3 (revised). The signature of the Labor organization's Secretary will not be required in that event inasmuch as the President and Treasurer, or corresponding principal officers, are the officers required to file the Labor Organization Annual Report, Form LM-3 (revised).

[1] Filed as part of original document.

(c) Labor Organizations which qualify to use Form LM-3 (revised) and file their annual financial report on that form may file Form LM-1A if they wish. In that event, they should submit the information called for in items 13, 14, and 15 of Form LM-3 (revised), and indicate in item 41 that they have submitted the detailed information on a Form LM-1A.

§ 402.5 Terminal reports.

(a) Any Labor organization required to file reports under the provisions of this part, which ceases to exist by virtue of dissolution or any other form of termination of its existence as a labor organization, or which loses its identity as a reporting labor organization through merger, consolidation or otherwise, shall file a report containing a detailed statement of the circumstances and effective date of such termination or loss of reporting identity, and if the latter, such report shall also state the name and mailing address of the labor organization into which it has been consolidated, merged or otherwise absorbed. Such report shall be signed by the President and Secretary, or corresponding principal officers, of the labor organization at the time of its termination or loss of reporting identity and, together with a copy thereof, shall be filed with the Commissioner of the Bureau, at the place aforesaid, within 30 days of the effective date of such termination or loss of reporting identity, as the case may be.

(b) Labor organizations which qualify to use Form LM-3 (revised), the Labor Organization Annual Report, pursuant to §§ 403.4 and 403.5 of this chapter may file the terminal report called for in this section on Form LM-3 (revised). This report must be signed by the President and Treasurer, or corresponding principal officers, of the labor organization.

§ 402.6 Receipt of reports and documents.

Upon receipt of all reports and documents submitted for filing under the provisions of this part, the Bureau shall assign to the initial information report filed by each labor organization, an identifying number. This number thereafter shall be entered by the reporting labor organization on all subsequent or terminal reports and all other documents which it thereafter submits for filing under this part, as well as on all communications directed to the Bureau concerning such reports and documents.

§ 403.3 [Amendment]

2. Paragraph (b) of § 403.3 and the designation "(a)" before the first paragraph of § 403.3 are hereby deleted.

3. Section 403.4 is amended as follows:

§ 403.4 Simplified annual report form for smaller labor organizations.

If a labor organization, not in trusteeship, has gross annual receipts totalling less than $30,000 for its fiscal year, it may elect, subject to revocation of the privileges as provided in section 208 of the Act, to file the annual financial report called for in section 201(b) of the Act and § 403.3 of this part on United States Department of Labor Form LM-3 (revised) entitled "Labor Organization Annual Report (revised)," in accordance with the instructions accompanying such form and constituting a part thereof.

4. In paragraph (a) of § 403.5, the word "revised" is added immediately following the term "LM-3". As amended this paragraph reads as follows:

§ 403.5 Terminal financial reports.

(a) Any labor organization required to file a report under the provisions of this part, which during its fiscal year loses its identity as a reporting labor organization through merger, consolidation, or otherwise, shall, within 30 days of the effective date of this section, whichever is later, file a terminal financial report, and one copy, with the Commissioner of the Bureau, at the place aforesaid, on Form LM-2 or Form LM-3 (revised), as may be appropriate, signed by the President and Treasurer or corresponding principal officers of the labor organization immediately prior to the time of its loss of reporting identity.

5. Part 415 is hereby deleted.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

Signed at Washington, D.C., this 22d day of December 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61-12309; Filed, Dec. 27, 1961; 8:52 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

APPENDIX—EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

Trust Periods Expiring During Calendar Year 1962

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), the Act of June 21, 1906 (34 Stat. 325, 326), and the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended will expire during the calendar year 1962, be, and the same are hereby, extended for a further period of five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 20, 1961.

[F.R. Doc. 61-12269; Filed, Dec. 27, 1961; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER F—TRANSPORTATION

PART 200—OCEAN TRANSPORTATION

Commander Military Sea Transportation Service; Correction

1. Section 200.1(d) as revised and published in the FEDERAL REGISTER of November 22, 1961 (26 F.R. 10931) is corrected by changing "Commander Military Sea Transportation," to read "Commander Military Sea Transportation Service,".

Dated: December 20, 1961.

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

[F.R. Doc. 61-12239; Filed, Dec. 27, 1961; 8:47 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 711—NAVAL RESERVE OFFICERS TRAINING CORPS

Miscellaneous Amendments

Scope and purpose. The amendments include changes required in view of the repeal of 10 U.S.C. 6907 by Public Law 87-100 of July 21, 1961 (75 Stat. 218) and update provisions concerning prohibited duplication of benefits paid from the Federal Treasury.

1. Section 711.301(a) is revised to read as follows:

§ 711.301 Types of NROTC students.

* * * * *

(a) Regular NROTC students are appointed Midshipmen, Naval Reserve, and will be granted the compensation and benefits specified in Subparts I and J of this part. In accordance with their contracts with the Government, such students are required to complete satisfactorily the prescribed training and to participate in all required summer training. Upon appointment to commissioned grade, they will serve at the pleasure of the President as career officers in the United States Navy or the United States Marine Corps. Depending upon the needs of the service at a particular time, the Secretary of the Navy will accept resignations from those officers of the Regular Naval Service who have served a minimum period of active duty and who do not desire to continue on active duty as career officers. At the present time, this minimum period of active duty is three years for those who were appointed Midshipmen, Naval Reserve, prior to 1957 and is four years for those so appointed in 1957 and thereafter.

2. Section 711.311(h) is revised to read as follows:

§ 711.311 Leave of absence.

* * * * *

(h) No educational assistance allowance may be paid to or on behalf of any otherwise eligible person during any

period when he is enrolled in an educational program authorized by other Federal laws, where payment thereof would constitute a duplication of benefits paid from the Federal Treasury. Controlling Veterans Administration Regulations specifically prohibit payment of an education and training allowance to a student participating in the Regular NROTC Program. The provisions referred to in this paragraph apply to the War Orphans' Educational Assistance Act of 1956 (38 U.S.C. 1701–1768). Regular NROTC students who elect to receive educational benefits under this Act will be placed in a leave status, without the pay and allowances of the Regular Program, at the beginning of any academic semester or quarter. Such leave status will continue through one or more complete semesters or quarters, but will be terminated at the end of scholastic work (in June) of each year provided the student is scheduled to participate in a summer cruise or training period. During the period in which the student is in a leave status for the purpose of obtaining educational benefits under this Act, he will receive no emoluments from the Navy for tuition, books, fees or retainer pay. He will, however, continue attendance at all required Naval Science classes, laboratory periods, and drills until he has completed the Naval Science curriculum requirements for a degree or a commission. It will be the responsibility of the student to make all of the necessary arrangements with the Veterans Administration for the payment of the benefits he is eligible to receive while in a leave status. Detailed information as to the procedure for application for these benefits may be obtained from the Veterans Administration.

3. Section 711.313(a) is revised to read as follows:

§ 711.313 Disenrollment.

(a) *General.* Any NROTC student dropped (i.e., involuntarily disenrolled) by the institution for academic failure or any other reason shall be immediately disenrolled by the Professor of Naval Science. The date of disenrollment shall be reported to the Chief of Naval Personnel on the NROTC Student Disenrollment Report (NavPers 364) in accordance with directions given in the NROTC Office Procedures Manual (NavPers 92539).

4. Section 711.315(a) is revised to read as follows:

§ 711.315 Commissioned status upon completion.

(a) Regular NROTC students, if in all other respects qualified, are commissioned in the Regular component of the United States Navy or Marine Corps upon successful completion of the course. They will serve at the pleasure of the President as career officers in the United States Navy or United States Marine Corps. Depending upon the needs of the Service, and as specified in § 711.301(a), resignations will be accepted after certain minimum periods of active duty as commissioned officers have been completed. Those who desire to terminate their Regular status will, upon acceptance of their resignations by the Secretary of the Navy, be appointed as Reserve officers in the United States Navy or United States Marine Corps, be ordered to inactive duty and will remain in that status, pursuant to their agreement, until their commissioned service totals a minimum of six years.

(R.S. 161, secs. 5031, 6901, 70A Stat. 278, 420, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6901)

By direction of the Secretary of the Navy.

Dated: December 19, 1961.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 61-12243; Filed, Dec. 27, 1961; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 61-55]

STATUTORY AUTHORITIES, MISCELLANEOUS EDITORIAL CHANGES AND AMENDMENTS TO A PRIOR DOCUMENT

The majority of the changes in this document bring up to date the references to statutory authorities which are cited in or with the regulations in 33 CFR Chapter I. Certain editorial changes necessary to bring the terminology or referenced material in the regulations up to date have been made.

The Coast Guard document CGFR 61-40 (26 F.R. 10343-10353), Federal Register document 61-10517, contained a description of Coast Guard Districts, Marine Inspection Zones, and Captain of the Port Areas as a new 33 CFR Part 3. In compiling these descriptions several mistakes occurred which are corrected by this document. In § 3.25-60 the address for the Norfolk Captain of the Port should be changed from "Portsmouth, Va." to "Norfolk, Va." The boundaries of the Duluth Marine Inspection Zone in § 3.45-25(b) (26 F.R. 10350) and the St. Ignace Marine Inspection Zone in § 3.45-45(b) (26 F.R. 10351), are corrected to agree with changes adopted in May 1961, which were inadvertently omitted when compiling the descriptions published November 3, 1961. For convenience in making these corrections in the regulations, appropriate amendments are set forth in this document under the sections affected.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), and section 633 of Title 14, U.S. Code, the following changes in statutory authorities and editorial amendments to the regulations in 33 CFR Chapter I are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER A—GENERAL

PART 1—GENERAL PROVISIONS

Subpart 1.01—Delegation of Authority

1. The authority note following the centerheading for Subpart 1.01 is amended to read as follows:

AUTHORITY: §§ 1.01-1 to 1.01-30 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Interpret or apply R.S. 4405, as amended, 4462, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended; 46 U.S.C. 375, 416, 2, 14 U.S.C. 2.

§ 1.01-30 Captains of the port. [Amendment]

2. Section 1.01-30(c) is amended by changing the statutory reference in the first sentence from "14 U.S.C. 45" to "14 U.S.C. 89."

Subpart 1.05—Rule Making

3. The authority note following the centerheading for Subpart 1.05 is amended to read as follows:

AUTHORITY: §§ 1.05-1 to 1.05-30 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Interpret or apply R.S. 4405, as amended, 4462, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended; 46 U.S.C. 375, 416, 2, 14 U.S.C. 2. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 1.05-10 Hearings. [Amendment]

4. The statutory authority cited at the end of § 1.05-10 is amended to read as follows:

(R.S. 4233A, as amended, 4417a, as amended, 4472, as amended, sec. 1, 30 Stat. 96, as amended; 33 U.S.C. 353, 46 U.S.C. 391a, 170, 33 U.S.C. 157)

§ 1.05-15 Hearings by Merchant Marine Council. [Amendment]

5. The statutory authority cited at the end of § 1.05-15 is amended to read as follows:

(R.S. 4233A, as amended, 4417a, as amended, 4472, as amended, sec. 1, 30 Stat. 96, as amended; 33 U.S.C. 353, 46 U.S.C. 391a, 170, 33 U.S.C. 157)

Subpart 1.10—Official Records and Documents

6. The statutory authority following the centerheading for Subpart 1.10 is amended to read as follows:

AUTHORITY: §§ 1.10-1 to 1.10-20 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Interpret or apply R.S. 4405, as amended, 4462, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended; 46 U.S.C. 375, 416, 2, 14 U.S.C. 2.

Subpart 1.20—Disclosure of Records

§ 1.20-1 Testimony by Coast Guard personnel. [Amendment]

7. The statutory authority cited at the end of § 1.20-1 is amended to read as follows:

(R.S. 4405, as amended, 4462, as amended, secs. 93, 633, 63 Stat. 504, as amended, 545; 46 U.S.C. 375, 416, 14 U.S.C. 93, 633. Interpret or apply R.S. 4403, as amended, 4450, as amended, sec. 2, 23 Stat. 118, as amended; 46 U.S.C. 372, 239, 2, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., as amended by E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Subpart 1.25—Fees and Charges for Copying, Certifying, or Searching Records and for Duplicate Documents and Certificates

§ 1.25-10 Authority. [Amendment]

8. The statutory authority cited at the end of § 1.25-10 is amended to read as follows:

(Secs. 3, 7, 49 Stat. 1934, 1936, as amended, sec. 7, 53 Stat. 1147; 46 U.S.C. 643(h), 689, 147)

§ 1.25-45 Marine casualty or accident record. [Amendment]

9. The statutory authority cited at the end of § 1.25-45 is amended to read as follows:

(R.S. 4450, as amended; 46 U.S.C. 239)

§ 1.25-50 Suspension and revocation proceeding record. [Amendment]

10. The statutory authority cited at the end of § 1.25-50 is amended to read as follows:

(R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 1, 2, 68 Stat. 834, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 367, 239a, 239b, 390b, 50 U.S.C. 198)

§ 1.25-65 Duplicate Merchant Marine documents or certificates. [Amendment]

11. The statutory authority cited at the end of § 1.25-65 is amended to read as follows:

(R.S. 4451, as amended, sec. 7, 49 Stat. 1936, as amended, sec. 7, 53 Stat. 1147, as amended; 46 U.S.C. 643, 689, 247)

Part 3—Coast Guard Districts, Marine Inspection Zones, and Captain of the Port Areas

§ 3.25-60 Norfolk Captain of the Port. [Amendment]

1. Section 3.25-60(a) published in the FEDERAL REGISTER of November 3, 1961 (26 F.R. 10348, 2nd column), is corrected by changing the name from "Portsmouth, Va." to "Norfolk, Va."

Subpart 3.45—Ninth Coast Guard District

2. Section 3.45-25(b) published in the FEDERAL REGISTER of November 3, 1961 (26 F.R. 10350, 3rd column), is corrected to read as follows:

§ 3.45-25 Duluth Marine inspection zone.

* * * * * *

(b) The Duluth marine inspection zone boundary starts on the Canadian border where the Red River of the North crosses this boundary and continues south along its course to 46°20′ N. latitude; thence due east to 88°00′ W. longitude; thence northeast to the intersection of the United States-Canadian International Boundary with 86°50′ W. longitude; thence westward along the International Boundary to the Red River of the North.

3. Section 3.45-45(b) published in the FEDERAL REGISTER of November 3, 1961 (26 F.R. 10351, 1st column), is corrected to read as follows:

§ 3.45-45 St. Ignace marine inspection zone.

* * * * * *

(b) The St. Ignace marine inspection zone boundary starts on the United States-Canadian International Boundary in Lake Huron at 45°00′ N. latitude and follows this boundary to 86°50′ W. longitude; thence southwesterly to 46°20′ N. latitude and 88°00′ W. longitude; thence due south to 45°33′ N. latitude; thence due east to 86°12′ W. longitude; thence southwesterly to 86°17′ W. longitude and 45°25′ N. latitude; thence southeasterly to 84°45′ W. longitude and 45°00′ N. latitude; thence due east along this line to the International Boundary.

PART 5—COAST GUARD AUXILIARY

§ 5.57 Traveling expenses and per diem. [Amendment]

Section 5.57 is amended in the first sentence by changing the phrase "Pay and Supply Instructions" to "Comptroller's Manual."

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

DEFINITIONS AND APPLICABILITY OF REGULATIONS

§ 8.1001 Meaning and use of terms "District Commander" and "Coast Guard District Commander." [Amendment]

1. The term "District Coast Guard Commander" has been replaced by the term "Coast Guard District Commander." Therefore, in § 8.1001 the term "Coast Guard District Commander" shall be substituted for the term "District Coast Guard Commander" in the headnote, in the first sentence of paragraph (a), and in the first sentence of paragraph (c).

ADMINISTRATION

§ 8.1203 Administrative duties of District Commander. [Amendment]

2. The names of certain offices and officers have been changed. Therefore, the following changes shall be made in § 8.1203:

i. In the headnote and 1st, 2d, 3d and 4th sentences change "district Coast Guard officer" to "District Commander."

ii. In the second sentence change the phrase "Norfolk District" to "Fifth District."

iii. In the last sentence change the phrase "district headquarters" to "district office."

ADDRESSES, OFFICIAL RESIDENCES, RECORDS, CORRESPONDENCE AND REPORTS

§ 8.1602 Official residence. [Amendment]

3. To bring up to date titles and phrases, the following changes shall be made in § 8.1602:

i. In § 8.1602(b), first sentence, change the phrase from "via the district Coast Guard officer of their districts" to "via their District Commanders."

ii. § 8.1602(d), first sentence, change the phrase from "district Coast Guard officer Headquarters via the district Coast Guard officer" to "Headquarters via the District Commander."

iii. In § 8.1602(e), the form letter is revised by changing the "From" line to read: "From: Lt. John H. JONES (00000), USCGR"; the "To" line to read: "To: Commandant (CR)"; and add immediately after the "To" line a line reading: "Via: Commander (dcr), ------ Coast Guard District"; and by changing the title of the regulations in reference (a) to read: "Regulations, United States Coast Guard Reserve."

iv. In § 8.1602(f), first sentence, change the phrase from "district Coast Guard officer's office" to "District Commander's office."

§ 8.1605 Service records enlisted men; preparation of, entries in, and disposition of. [Amendment]

4. To bring up to date titles, the following changes shall be made in § 8.1605:

i. In § 8.1605(b), first sentence, delete "district Coast Guard officer" and substitute "District Commander."

ii. In § 8.1605(c), first sentence, delete the title "district Coast Guard officer, ------ District" and substitute "Commander, ------ Coast Guard District."

§ 8.1609 Form of official correspondence. [Amendment]

5. To bring up to date titles and phrases, the following changes shall be made in the form letter in § 8.1609:

i. Change the "From" line to read: "From: Lt. John E. SMITH (00000), USCGR."

ii. Change the "To" line to read: "To: Commandant (CR)."

iii. Change the "Via" line to read: "Via: Commander, ------ Coast Guard District."

AVIATION

§ 8.1612a Coast Guard student aviation pilots. [Amendment]

6. To bring the language up to date in § 8.1612a in the first sentence change the phrase "A regular enlisted member" to "An enlisted member," and change the title "Chief Personnel Officer" to "Chief, Office of Personnel."

§ 8.1613 Letter of authority to solo Coast Guard aircraft. [Amendment]

7. To bring up to date titles, the following changes shall be made in § 8.1613:

i. In § 8.1613(a), first sentence, delete "Civil Aeronautics Authority" and substitute "Federal Aviation Agency."

ii. In § 8.1613(a), third sentence, delete "district Coast Guard officers" and substitute "District Commanders."

iii. In § 8.1613(b)(5), first sentence, delete "district Coast Guard officer" and substitute "District Commander."

INSTRUCTION AND TRAINING POLICY AND ASSIGNMENT OF INSTRUCTORS FOR COAST GUARD RESERVE

§ 8.5104 Officers of the Reserve assigned to duty on District Commander's staff to instruct Reservists. [Amendment]

8. To bring up to date the titles in § 8.5104, the headnote is amended to read

as set forth above, and in the first sentence delete "district Coast Guard officers" and substitute "District Commanders."

INSTRUCTION OF RESERVE

§ 8.5203 Naval War College correspondence courses. [Amendment]

9. In the last sentence of § 8.5203 change the title "district Coast Guard officer" to "District Commander."

10. In §§ 8.5309(a) and 8.6104(b) and (c) are requirements regarding minimum training requirements for Reservists. Therefore, the text of § 8.6104 (b) and (c) is transferred to § 8.5309 as paragraphs (b) and (c) thereof. The phrase "enlisted personnel" is changed to "enlisted men" or "enlisted man," as appropriate, in this section. As consolidated and corrected, § 8.5309 reads as follows:

§ 8.5309 Minimum training requirements.

(a) Under the Reserve regulations prescribed in § 8.1106(c), the Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements and minimum standards of performance of training duty for retention of personnel in an active reserve status. The Commandant may transfer to the Inactive Reserve Status List any officer or enlisted man who fails to meet such minimum requirements and standards.

(b) The Commandant, with the approval of the Secretary of the Treasury, may prescribe the conditions under which officers and enlisted men who have been transferred to the Inactive Reserve Status List may become eligible for restoration to an active reserve status. The Commandant may transfer officers and enlisted men who become so eligible to an active reserve status.

(c) The Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements for officer personnel to become eligible for promotion under §§ 8.3103 to 8.3112, inclusive; the names of officer personnel who thereafter fail to conform to such minimum training requirements, shall not be submitted to a promotion board and such personnel shall not receive consideration for promotion during any period in which they have failed so to conform.

PART 30—APPOINTMENT OF OFFICERS

Part 30 is hereby deleted from Chapter I of Title 33 of the Code of Federal Regulations due to obsolescence.

PART 45—ENLISTED PERSONNEL

Subpart 45.05—Reenlistments

§ 45.05–1 Reenlistments; definitions. [Amendment]

In order that the language will agree with Public Law 87–103 approved July 25, 1961, which amended 37 U.S. Code 238 and 239 by changing the words "90 days" to "three months," in the first sentence of § 45.05–1(b), the words "90 days" are amended to read "three months."

SUBCHAPTER C—AIDS TO NAVIGATION

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

1. The authority for Part 62 is amended to read as follows:

AUTHORITY: §§ 62.01–1 to 62.45–15 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply secs. 81, 87, 93, 633, 63 Stat. 500, as amended, 501, 504, 545; 14 U.S.C. 81, 87, 93, 633. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 62.40—Loran

§ 62.40–10 Charts, tables, and instruction books. [Amendment]

2. In order to bring the text up to date the last sentence in § 62.40–10 is amended to read as follows: "Coast charts of the United States with loran lines are published by the U.S. Coast and Geodetic Survey."

PART 64—MARKING OF WRECKS

The authority for Part 64 is amended to read as follows:

AUTHORITY: §§ 64.01–1 to 64.15–5 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply sec. 15, 30 Stat. 1152, secs. 86, 633, 63 Stat. 501, 545; 33 U.S.C. 409, 14 U.S.C. 86, 633. Other statutory provisions interpreted or applied are cited to text in parentheses.

PART 66—PRIVATE AIDS TO NAVIGATION

1. The authority for Part 66 is amended to read as follows:

AUTHORITY: §§ 66.01–1 to 66.01–55 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, as amended, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 83, 85, 633, 43 U.S.C. 1333. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 66.01–5 Application procedure. [Amendment]

2. In order to clarify what information is desired in the application with respect to lights, in § 66.01–5(f) the last two words "illuminating apparatus" are changed to read "description of illuminating apparatus."

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER JURISDICTION OF UNITED STATES

The authority for Part 67 is amended to read as follows:

AUTHORITY: §§ 67.01–1 to 67.50–45 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, as amended, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 83, 85, 633, 43 U.S.C. 1333.

PART 68—LIGHTING OF BRIDGES

The authority for Part 68 is amended to read as follows:

AUTHORITY: §§ 68.01–1 to 68.20–15 issued under sec. 4, 34 Stat. 85, as amended, sec. 92, 63 Stat. 503; 33 U.S.C. 494, 14 U.S.C. 92. Interpret or apply secs. 84, 85, 633, 63 Stat. 500, 501, as amended, 545; 14 U.S.C. 84, 85, 633.

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

1. The authority for Part 70 is amended to read as follows:

AUTHORITY: §§ 70.01–1 to 70.05–20 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply secs. 14, 16, 30 Stat. 1152, 1153, secs. 84, 86, 633, 642, 63 Stat. 500, 501, 545, 547; 33 U.S.C. 408, 411, 412, 14 U.S.C. 84, 86, 633, 642. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 70.05–20 Report required. [Amendment]

2. The authority cited at the end of § 70.05–20 is amended to read as follows:

(R.S. 4450, as amended, sec. 4, 67 Stat. 462; 46 U.S.C. 239, 43 U.S.C. 1333)

PART 72—MARINE INFORMATION

1. The authority for Part 72 is amended to read as follows:

AUTHORITY: §§ 72.01–1 to 72.05–10 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply secs. 93, 633, 63 Stat. 504, as amended, 545; 14 U.S.C. 93, 633. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 72.01–5 Local notices to mariners. [Amendment]

2. To bring the text into agreement with present administrative practices, the third sentence in § 72.01–5 is amended to read as follows: "These notices are published as often as required."

§ 72.01–25 Marine broadcasts. [Amendment]

3. To bring the reference to a Hydrographic Office's publication up to date, in the last sentence in § 72.01–25 the reference is changed from "Radio Navigational Aids (HO–205)" to "Radio Navigational Aids (HO–117)."

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 82—BOUNDARY LINES OF INLAND WATERS

The authority for Part 82 is amended to read as follows:

AUTHORITY: §§ 82.1 to 82.275 issued under sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151.

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 90—PILOT RULES FOR THE GREAT LAKES

1. The authority for Part 90 is amended to read as follows:

AUTHORITY: §§ 90.01 to 90.25 issued under sec. 3, 28 Stat. 649, as amended; 33 U.S.C. 243. Other statutory provisions interpreted or applied are cited to text in parentheses.

UNAUTHORIZED USE OF LIGHTS; UNNECESSARY WHISTLING

2. Following § 90.21 insert the centerheading "Unauthorized Use of Lights; Unnecessary Whistling" and add the following statutory note:

NOTE: §§ 90.21 to 20.24 interpret or apply R.S. 4405, as amended; 46 U.S.C. 375.

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

LIGHTS FOR FERRYBOATS AND BARGES

1. Following the centerheading "Lights for Ferryboats and Barges" and preceding § 95.27, insert the following statutory note:

NOTE: §§ 95.27 to 95.35, interpret or apply R.S. 4233, as amended; 33 U.S.C. 316.

LIGHTS FOR RAFTS AND OTHER CRAFT NOT PROVIDED FOR

§ 95.37 Lights for rafts and other craft. [Amendment]

2. The statutory authority cited at the end of § 95.37 is amended to read as follows:

(R.S. 4233, as amended; 33 U.S.C. 316)

SUBCHAPTER H—ROUTES FOR PASSENGER VESSELS

PART 105—NORTH ATLANTIC PASSENGER ROUTES

The authority for Part 105 is amended to read as follows:

AUTHORITY: §§ 105.01 to 105.40 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply sec. 3, 49 Stat. 1923; 46 U.S.C. 738b.

Dated: December 22, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–12310; Filed, Dec. 27, 1961; 8:52 a.m.]

SUBCHAPTER A—GENERAL

[CGFR 61–66]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

Deletions

The regulations, United States Coast Guard Reserve, in 33 CFR Part 8 have been reviewed with a view to bringing them up to date. This document lists those sections which are to be deleted from the regulations because they are either obsolete or contain material determined to be actually internal administrative matters which are not within the purview of section 1002, Title 5, U.S. Code (Administrative Procedure Act), and thereby not required to be published in the FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167–17, dated 29 June 1955 (20 F.R. 4976), and pursuant to section 633, Title 14, U.S. Code (63 Stat. 545), the following sections are deleted, effective March 1, 1962:

§ 8.1102 *Composition of Coast Guard Reserve.*
§ 8.1108 *Training duty with pay; definition of.*
§ 8.1205 *District Quotas of officers and men.*
§ 8.1601 *Official designations of reservists.*
§ 8.1608 *Official channels for correspondence.*
§ 8.1609 *Form of official correspondence.*
§ 8.1610 *When indorsements shall not be used.*
§ 8.1611 *Extra copies of correspondence not desired by headquarters.*
§ 8.1612d *Free Government life insurance.*
§ 8.1614 *Courtesy cards.*
§ 8.1615 *Continuous-service certificates.*
§ 8.1701 *Employment of reservists in civilian branch of public service.*
§ 8.1702 *Military leave.*
§ 8.2206 *Procurement of temporary reservists.*
§ 8.2207 *Transfer of temporary reservists.*
§ 8.2208 *Applicability of other provisions to temporary reservists.*
§ 8.3305 *Ratings of temporary reservists.*
§ 8.4101 *Transfers of officers.*
§ 8.4102 *Transfers of enlisted men.*
§ 8.4103 *Transfers as affecting quota charges.*
§ 8.5201 *Means of instruction provided for Coast Guard reserve.*
§ 8.5202 *Correspondence courses.*
§ 8.5203 *Naval War College correspondence courses.*
§ 8.5204 *Reading courses.*
§ 8.5205 *Training courses for enlisted men of the Reserve.*
§ 8.5501 *Reservists instructed and trained as individuals.*
§ 8.5503 *Reservists may be given instruction or training.*
§ 8.6101 *Reservists subject to regulations, U.S. Coast Guard.*
§ 8.6102 *Termination of amenability to Coast Guard jurisdiction*
§ 8.6103 *Retention on or return to duty status for disciplinary action.*
§ 8.6104 *Administration of discipline.*
§ 8.7101 *Active duty and training duty pay and allowances, commissioned officers, cadets, chief warrant officers, warrant officers and enlisted men.*
§ 8.7102 *Active duty pay and allowances, temporary members.*
§ 8.7103 *Pay for the 31st day of the month.*
§ 8.7104 *Reservists in travel status entitled to pay.*
§ 8.7107 *Vacant.*
§ 8.7116 *Uniform allowances for enlisted members.*
§ 8.7117 *Duty without pay and allowances.*
§ 8.7118 *Pay and allowances for standby reservists.*
§ 8.7201 *Compensation for injury, under the Bureau of Employees' Compensation.*
§ 8.7202 *Pensions for disability, under Veterans' Administration.*
§ 8.7203 *Medical treatment and hospitalization for sickness and disease.*
§ 8.8101 *Uniform requirements.*
§ 8.9101 *Insignia.*
§ 8.9102 *Display of insignia.*
§ 8.9103 *Unauthorized use of insignia.*

Dated: 22 December 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–12311; Filed, Dec. 27, 1961; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–12—LABOR

Subpart 9–12.1—Basic Labor Policies

Subpart 9–12.1 is added to read as follows:

§ 9–12.101 Labor Relations (Contractor Personnel Management and Labor Relations).

The extent of Government ownership of the nation's atomic energy plant and materials, and the overriding concerns of national defense and security, impose special conditions on personnel and labor relations in the atomic energy program; namely, continuity of vital operations at AEC installations must be assured; the AEC must retain absolute authority on all questions of security; the AEC reviews labor expenses under cost-type contracts as a part of its responsibility for assuring judicious expenditure of public funds. It is the intent of AEC, despite these limitations, that personnel and labor policies throughout the atomic energy program should reflect the best experience of American industry in aiming to achieve the type of stable, democratic labor-management relationships which the Commission considers are essential to the proper development of the Atomic Energy program in the national interest. The Commission believes that this purpose will be served best by making broad assignments of authority and responsibility in the field of personnel management to its contractors, enabling contractors and their employees to conduct their employment relationships with maximum freedom from interference by the Government. It looks forward to the cooperation and understanding of contractor managements and labor unions in making good the spirit and goals of this policy statement in their relationships with each other and with the AEC on the contract work.

The following is intended as an enunciation of the basic principles upon which AEC policy is founded.

(a) *Employment standards.* Contractors are expected to bring experienced, proven personnel from their private operations to staff key positions on the contract work and to recruit other well-qualified personnel as needed.

It is the policy of the AEC that no employee or applicant for employment in the atomic energy program shall be

discriminated against because of race, religion, color, or national origin.

The job qualifications and suitability of prospective employees should be established by the contractor prior to employment by careful personnel investigations. Where a security clearance will be required, the applicant's suitability must be established before a request is made to the AEC for his security clearance.

The contractor is responsible for maintaining satisfactory standards of employee qualifications, performance, conduct, and business ethics under his own personnel policies.

(b) *Security.* The Atomic Energy Commission's responsibilities for the security of the Atomic Energy Program will be carried out in a manner consistent with traditional American concepts of justice.

On all matters of security at its installations the AEC retains absolute authority and neither the security rules nor their administration are matters for collective bargaining between management and labor. Insofar as AEC security regulations affect the collective bargaining process, the security policies and regulations will be made known to both parties. To the fullest extent feasible, the AEC will consult with representatives of management and labor in formulating security rules and regulations that affect the collective bargaining process.

Loyalty to the United States is required of all participants in the atomic energy program, including those members and representatives of labor organizations who exercise authority over bargaining units of employees engaged on classified work.

(c) *Wages, salaries, and employee benefits.* Wages, salaries, and employee benefits on cost-type contracts shall be administered in a manner designed to adapt normal industry or university practices and conditions to the contract work and to provide for appropriate review by AEC. Area practices, valid patterns, and well-established commercial or academic practices of the contractors, as appropriate, form the criteria for the establishment and adjustment of compensation schedules.

It is recognized that these criteria may permit a range of reasonable positions in any given collective bargaining situation. However, the aspects of wages, hours, and working conditions which are the substance of collective bargaining in normal organized industries will be left to the orderly and peaceful processes of negotiation and agreement between AEC contractor managements and employee representatives with maximum possible freedom from government interference.

(d) *Employee relations.* The handling of employee relations on contract work, including such matters as the conduct and discipline of the work force and the handling of employee grievances, is part of the normal management responsibility of the contractor.

The AEC looks to contractors, in their personnel policies, to provide employees basic guarantees of fair treatment in their relationships with project management.

(e) *Collective bargaining.* The AEC desires that collective bargaining in the atomic energy program be carried on insofar as possible under the arrangements normally found in American industry. Management and labor in all Government-owned, privately operated atomic energy installations are expected wholeheartedly to accept a special responsibility to seek in every way by voluntary procedures and mutual agreement the peaceful and orderly settlement of all disputes.

AEC review of collective bargaining practices will be premised on the view that management's trusteeship for the operation of the government facilities includes the duty to adopt practices which are fundamental to the friendly adjustment of disputes, and which experience has shown promote orderly collective bargaining relationships. Practices inconsistent with this view may be objected to if not found to be otherwise clearly warranted.

In line with the policy of assuring continuity of operation of vital facilities, all collective bargaining agreements at Government-owned atomic energy installations should provide that grievances and disputes involving the interpretation or application of the agreement will be settled without resort to strike, lock-out, or other interruption to normal operations. For this purpose each collective bargaining agreement should provide an effective grievance procedure with arbitration as its final step, unless the parties mutually agree upon some other method of assuring continuity of operations for the term of the agreement.

The AEC expects its contractors and the unions representing contractor employees, to cooperate fully with the Federal Mediation and Conciliation Service and the Atomic Energy Labor-Management Relations Panel which has been established by the President, and which, in the event of failure of the parties to resolve their differences by negotiation, may intervene in the interest of furthering the peaceful processes of collective bargaining and of assuring essential continuity of operations.

(f) *Personnel training.* The AEC encourages and supports personnel training programs aimed at improving work efficiency or developing needed skills which are not otherwise obtainable. AEC also encourages participation by its construction contractors in building trades apprenticeship programs under Federal, State and local apprenticeship standards.

(g) *Working conditions.* Accident, fire, health and occupational hazards associated with AEC activities will be held to a practical minimum level and controlled in the interest of maintenance of health and prevention of accidents. To this end, contractors are required to maintain comprehensive continuous preventive and protective programs appropriate to the particular activities throughout all operations subject to AEC control. Appropriate financial protection in case of occupational disability will be provided employees on AEC projects.

(Sec. 161; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Maryland, this 19th day of December 1961.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 61-12283; Filed, Dec. 27, 1961; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14312; RM-275; FCC 61-1493]

PART 9—AVIATION SERVICES

Survival Craft Stations

1. A notice of proposed rule making in the above-entitled matter was released by the Commission on October 23, 1961. The notice, which made provision for the filing of comments by November 27, 1961, was duly published in the FEDERAL REGISTER on October 26, 1961 (26 F.R. 10076).

2. This amendment establishes a survival craft class of station in the Aviation Services and makes available the aeronautical emergency frequency 121.5 Mc/s, for use by aircraft and survival craft stations for radiobeacon purposes and communications.

3. Comments in this proceeding were filed by Aeronautical Radio, Inc. (ARINC), Aerospace Flight Test Radio Coordinating Council (AFTRCC), Aircraft Owners and Pilots Association (AOPA), Air Transport Association of America (ATA), National Association of State Aviation Officials (NASAO) and National Business Aircraft Association, Inc. (NBAA).

4. In addition to the comments filed by the above-named respondents, the Commission has considered an expression of views received from the United States Coast Guard, the Federal Aviation Agency and the State of Vermont Aeronautics Board, in letters dated November 24, 1961, December 4, 1961 and November 17, 1961, respectively. These letters supported the Commission's proposal. Also, the Commission requested and received the views of the Office of Emergency Planning, Executive Office of the President, on behalf of all Executive Branch agencies concerned, in a letter dated November 30, 1961. This letter also supports the proposal, provided the current status of 243.0 Mc/s is not affected and noting in particular that only specified Search and Rescue (SAR) forces of the Federal Government are capable of responding to the frequency 121.5 Mc/s.

5. The respondents interposed no objection to the proposal to establish survival craft stations in the Aviation Services and to make available to such stations the frequency 121.5 Mc/s for communications and radiobeacon purposes. The United States Coast Guard, by letter dated November 24, 1961, fully endorsed the need for survival craft radiobeacons and concurred in the proposed rule making without reservation. There are, however, aspects of the comments which require answers.

6. The NASAO proposed that the definition of survival craft station be amended to include a station installed or attached to any "aircraft." The definition in the Commission's proposal is taken from the Geneva (1959) Radio Regulations and Part 2 of the Commission's rules. In addition, it is inherent in the definition, and logical, that survival craft stations be installed on, or attached to, objects which have survival as their main purpose. It appears that the respondent's chief interest in having the definition amended is to permit installation of radiobeacons aboard aircraft in such a way that transmission from the radiobeacon will automatically commence upon impact of the aircraft in the event of a crash. A similar position was taken by the State of Vermont Aeronautics Board. The Commission believes that such operation should be allowed, but considers it preferable to accomplish this by amending § 9.312 rather than by amending the established definition of a survival craft station. Accordingly, § 9.312 is amended, from that proposed, to allow operation as contemplated by NASAO.

7. NBAA has taken the position that the use of 121.5 Mc/s should be limited to the aeronautical mobile service. Footnote 273 to the International Table of Frequency Allocations (International Radio Regulations, Geneva 1959), which has been incorporated into the National Table of Frequency Allocations (Part 2 of the Commission's rules), specifically provides that mobile stations of the maritime mobile service may communicate on this frequency for safety purposes with stations of the aeronautical mobile service. This Footnote, along with other amendments to Part 2, was the subject of public rule making (Doc. No. 13928). In addition, there is presently outstanding a notice of proposed rule making (Doc. No. 14375) to make 121.5 Mc/s available for mobile stations of the maritime mobile service to communicate with stations in the aeronautical mobile service for safety purposes. In view of these considerations, it appears that NBAA's question goes beyond the scope of the instant rule making and therefore is not being resolved at this time.

8. The Commission, in its notice of proposed rule making, specifically requested comments in four general areas—(a) the need for domestic survival craft stations, (b) the possibility of interference to voice communications caused by automatic beacons, (c) the proposition of one frequency versus several frequencies for survival craft stations, and (d) the frequency or frequencies which could best be utilized by survival craft stations. Comments in response to this request may be summarized as follows:

(a) NASAO, NBAA, AOPA, and the State of Vermont Aeronautics Board feel that a definite need exists for domestic survival craft stations because of the itinerant nature of general aviation aircraft, as opposed to fixed routes of air carriers, and the use of areas not traversed frequently or not densely populated. The respondents further represent that the lack of ability to quickly, accurately locate the scene of a distressed or crashed aircraft, in the past, has led to needless loss of life. ARINC and ATA in their joint comment state that the AOPA statement is not in conflict with the ARINC and ATA petition and, in fact, supports that petition. Due to the multiplicity of air routes involved, some of which, or parts thereof, are over the domestic USA, it was not feasible or desirable to request FCC amendments to preclude utilization of survival craft over the domestic USA. Thus, there is no conflict between the AOPA expression of need and the ARINC and ATA petition.

(b) The FAA states that "Reports on tests conducted during simulated search and rescue operations indicate no difficulties with interference to voice communications caused by VHF automatic radiobeacons. If interference of this nature develops during actual emergency operations, it may be avoided by standardized procedures for 'on the scene' emergency communications."

(c) Respondents generally favored the selection of one frequency. The frequency selected was 121.5 Mc/s primarily because of its general availability aboard the majority of U.S. civil aircraft. AOPA, however, did state they would have no objection to additional authorization for 243 Mc/s for the same purpose, if so desired by other interested parties. AFTRCC expressed reluctance to offer unqualified endorsement at this time that 121.5 Mc/s be the single frequency utilized for survival craft stations in view of the Commission's position as expressed in the notice of proposed rule making. The Office of Emergency Planning offers no objection to the proposed use of the frequency 121.5 Mc/s provided the current status of the frequency 243 Mc/s is not affected.

9. The need for domestic survival craft stations, together with the availability of the aeronautical emergency frequency 121.5 Mc/s for use by aircraft and survival craft stations for radiobeacon purposes and communications, is amply supported by the record and the Commission finds that such a need exists.

10. Concerning the question of interference to voice communications from automatic beacons, the Commission will rely upon the representations of FAA which are quoted in paragraph 8(b) above.

11. The present rule making provides only for the use of 121.5 Mc/s for survival craft stations and radiobeacons; however, this is not to be construed as a determination that only one frequency should be provided. The Commission reserves decision on the question of one frequency versus several frequencies until such time as more complete information is available as to the operation of survival craft stations.

12. The FAA and ARINC have expressed a need for expeditious action by the Commission in the present matter in order that the final United States Position to the ICAO VII COM Division Meeting in January, 1962 may be completed by approximately December 20, 1961, stating that formalization of this position is dependent upon finalization of Docket No. 14312. Accordingly, the Commission finds that it is in the public interest for these rules to become effective immediately.

13. While the Commission is prepared to issue licenses for survival beacons at this time, it is to be clearly understood that such licensing action is without prejudice to the application of additional technical standards. In particular, standardization of the A2 signal tone or tones to be employed by such beacons is anticipated, in consequence of which the purchasers of beacons prior to such standardization are cautioned that a Commission determination with respect to such additional standards may result in obsolescence of some equipment. In this regard, the Commission will initiate a new proceeding directed to the question of whether additional standards for survival beacons should be adopted and, if so, what these standards should be. This proceeding will include both Part 8, Rules, Governing Stations on Shipboard in the Maritime Services and Part 9, Rules Governing Aviation Radio Services.

14. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i), 303 (b), (c), (f) and (r) of the Communications Act of 1934, as amended, that Part 9 of the Commission's rules is amended as set forth below effective December 20, 1961; and

15. *It is further ordered,* That the proceedings in Docket No. 14312 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: December 20, 1961.

Released: December 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 9.3 is amended to include the following definition in alphabetical order:

§ 9.3 Definition of terms.

* * * * * *

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life-raft or other survival equipment.

2. The Table contained § 9.181(b)(1) is amended to read as follows:

§ 9.181 Types of emission.

* * * * * *

(b)(1) * * *

Class of emission	Emission designator	Authorized bandwidth: Below 50 Mc/s	Authorized bandwidth: Above 50 Mc/s
		Kilocycles	*Kilocycles*
A1	0.1A1	0.25	
A2	2.1A2	2.724	50
A3	6A3	8.0	50
A3a [2]	3A3a [2]	4.0	
F1	1.7F1	1.7	
F1	2.5F1	2.5	
P	(1)	(1)	

[1] To be specified on the authorization.
[2] For the purposes of this Part A3a includes single sideband full carrier and single sideband with carrier suppressed; however, operation with carrier suppressed more than 6 db below peak envelope power will be authorized only on a developmental basis except for stations operating in the aeronautical fixed service. A3a emission will be authorized only below 25,000 kc.

3. The headnote for Subpart G is amended to read as follows:

Subpart G—Aircraft Radio Stations, Radionavigation Stations Aboard Aircraft and Survival Craft Stations

4. Paragraph (e) of § 9.312 is amended to read as follows:

§ 9.312 Frequencies available.

* * * * *

(e) 121.5 megacycles: This is a universal simplex emergency and distress frequency and will not be assigned to aircraft unless other frequencies are assigned and available for use to accommodate the normal communication needs of the aircraft. This frequency may be used by radio stations aboard aircraft for emergency direction finding purposes; to establish air-ground communications in emergencies; and for search and rescue operations by aircraft not equipped to transmit on 121.6 Mc. In addition, this frequency may be used by aircraft and survival craft stations for radiobeacon purposes (Emission A2) and communications.

[F.R. Doc. 61-12324; Filed, Dec. 27, 1961; 8:55 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 928, Amdt. 6]

PART 95—CAR SERVICE

Indiana Harbor Belt Railroad Co. Authority To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Co.; Change of Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 20th day of December A.D. 1961.

Upon further consideration of Service Order No. 928 (24 F.R. 4995, 7404; 25 F.R. 80, 6361; 26 F.R. 26; 26 F.R. 6027), and good cause appearing therefor:

It is ordered, That:

Section 95.928 *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company*, of Service Order No. 928, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., June 30, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12304; Filed, Dec. 27, 1961; 8:51 a.m.]

[S.O. 929, Amdt. 6]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.; Change of Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 20th day of December A.D. 1961.

Upon further consideration of Service Order No. 929 (24 F.R. 4995, 7404; 25 F.R. 80, 6361; 26 F.R. 26; 26 F.R. 6027), and good cause appearing therefor:

It is ordered, That:

Section 95.929 *Chicago, Burlington & Quincy Railroad Company authorized to operate over certain trackage of Chicago Aurora and Elgin Railway Company*, of Service Order No. 929, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., June 30, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15 (4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12305; Filed, Dec. 27, 1961; 8:51 a.m.]

[S.O. 930, Amdt. 6]

PART 95—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.; Change of Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 20th day of December A.D. 1961.

Upon further consideration of Service Order No. 930 (24 F.R. 4996, 7405; 25 F.R. 80, 6361; 26 F.R. 26, 6027), and good cause appearing therefor:

It is ordered, That:

Section 95.930 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company*, of Service Order No. 930, be and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof.

(g) *Expiration date.* This section shall expire at 11:59 p.m., June 30, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12306; Filed, Dec. 27, 1961; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Proposed Tentative Standards

Notice is hereby given that the United States Department of Agriculture is considering an amendment, as hereinafter proposed, to the Tentative Standard Grades for Puerto Rican Cigar-filler Tobacco, U.S. Type 46, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

This proposal reduces the number of grades and simplifies the standard grade structure. Present usage is directed from long filler to short filler and homogenized cigar tobacco. The grades and grade specifications in this proposed amendment reflect this trend.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposed amendment should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Designate §§ 29.9101–29.9999 as Subpart F—Tentative Standards.

2. Insert in Subpart F of Part 29 these tentative standards to be codified as follows:

TENTATIVE STANDARD GRADES FOR PUERTO RICAN CIGAR-FILLER TOBACCO (U.S. TYPE 46)

DEFINITIONS

Sec.
29.9301 Definitions.
29.9302 Air-cured.
29.9303 Body.
29.9304 Class.
29.9305 Clean.
29.9306 Condition.
29.9307 Crude.
29.9308 Cured.
29.9309 Damage.
29.9310 Dirty.
29.9311 Foreign matter.
29.9312 Form.
29.9313 Grade.
29.9314 Grademark.
29.9315 Group.
29.9316 Injury.
29.9317 Leaf scrap.
29.9318 Length.
29.9319 Lot.
29.9320 Maturity.
29.9321 Nested.
29.9322 No Grade.
29.9323 Offtype.
29.9324 Order (case).
29.9325 Package.
29.9326 Packing.
29.9327 Quality.
29.9328 Semicured.
29.9329 Side.
29.9330 Sound.
29.9331 Stained (S).
29.9332 Stem.
29.9333 Stemmed.
29.9334 Strips.
29.9335 Sweated.
29.9336 Sweating.
29.9337 Tobacco.
29.9338 Tobacco products.
29.9339 Type.
29.9340 Type 46.
29.9341 Undried.
29.9342 Uniformity.
29.9343 Unstemmed.
29.9344 Unsweated.
29.9345 Wet (high-case).

RULES

29.9356 Rules.
29.9357 Rule 1.
29.9358 Rule 2.
29.9359 Rule 3.
29.9360 Rule 4.
29.9361 Rule 5.
29.9362 Rule 6.
29.9363 Rule 7.
29.9364 Rule 8.
29.9365 Rule 9.
29.9366 Rule 10.
29.9367 Rule 11.
29.9368 Rule 12.
29.9369 Rule 13.
29.9370 Rule 14.
29.9371 Rule 15.

GRADES

29.9381 Strippers (C Group).
29.9382 Grinders (X Group).
29.9383 Nondescript (N Group).
29.9384 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.9391 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.9396 Key to standard grademarks.

DEFINITIONS

§ 29.9301 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.9302 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.9303 Body.

The thickness and density of a leaf or the weight per unit of surface.

§ 29.9304 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.9305 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 4.)

§ 29.9306 Condition.

The state of tobacco which results from the method or preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.9307 Crude.

A subdegree of maturity. Any leaf which is crude to the extent of 20 percent of its surface may be described as crude. (See rule 14.)

§ 29.9308 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.9309 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Nondescript (N Group).)

§ 29.9310 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 15.)

§ 29.9311 Foreign matter.

Any extraneous substance or material such as stalks, straw, or abnormal amounts of dirt or sand. (See rule 15.)

§ 29.9312 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.9313 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.9314 Grademark.

A grademark normally consists of three symbols. A letter is used to indicate group and a number to indicate quality. In Type 46 the third factor denotes: P, heavy body; F, thin to medium body; T, second crop; and S, stained. For example, C1P means Strippers, first quality, heavy body.

§ 29.9315 Group.

A type division consisting of one or more grades. Groups in Type 46 are: Strippers (C), Grinders (X), Nondescript (N), and Scrap (S).

§ 29.9316 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken,

ragged, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, pole-burnt, barn-burnt, house-burnt, bleached, bruised, blackened, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 12.)

§ 29.9317 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.9318 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.9319 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.9320 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development.

§ 29.9321 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 15.)

§ 29.9322 No Grade.

A designation applied to a lot of tobacco classified as nested, offtype, semicured, or wet, tobacco that is abnormally dirty or improperly baled, contains foreign matter, or has an odor foreign to the type. (See rules 3 and 15.)

§ 29.9323 Offtype.

Tobacco of distinctly different characteristics which cannot be classified in the grades of the type. (See rule 15.)

§ 29.9324 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.9325 Package.

A bundle, bale, case, or other securely enclosed parcel.

§ 29.9326 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.9327 Quality.

A division of a group or the second factor of a grade based upon the stated specifications.

§ 29.9328 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, or tobacco that has not been thoroughly dried in the curing process. (See definition of No Grade and rule 15.)

§ 29.9329 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.9330 Sound.

Free of damage.

§ 29.9331 Stained (S).

A term applied to tobacco that is blackened, bruised, or discolored by excessive moisture. Any leaf affected 10 percent or more by any of these conditions may be described as stained. (See rule 13.)

§ 29.9332 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.9333 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.9334 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.9335 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as fermented.

§ 29.9336 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.9337 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings or dust.

§ 29.9338 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.9339 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.9340 Type 46.

That type of cigar-leaf tobacco, commonly known as Puerto Rican filler, produced principally in the inland and semi-coastal areas of Puerto Rico.

§ 29.9341 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.9342 Uniformity.

A grade requirement designating the percentage of a lot which must meet the stated specifications. (See rule 11.)

§ 29.9343 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.9344 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.9345 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 15.)

RULES

§ 29.9356 Rules.

The application of these standard grades shall be in accordance with the following rules.

§ 29.9357 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.9358 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or a representative sample of a lot.

§ 29.9359 Rule 3.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. The sides of the bundles or bales shall be completely covered with burlap or other suitable protective material. Improperly packed tobacco shall be designated as "No-G."

§ 29.9360 Rule 4.

All standard grades must be clean.

§ 29.9361 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.9362 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.9363 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree than the minimum specifications of such grade.

§ 29.9364 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.9365 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

§ 29.9366 Rule 10.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.9367 Rule 11.

Uniformity shall be expressed in terms of percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade. The remaining portion must be closely related. These percentages shall not affect limitations established by other rules.

§ 29.9368 Rule 12.

Injury tolerance shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury.

§ 29.9369 Rule 13.

First quality tobacco stained 30 percent or less shall be graded X1S. Any tobacco stained over 30 percent and under 75 percent shall be graded X2S. Tobacco stained over 75 percent shall be graded "N."

§ 29.9370 Rule 14.

Any lot containing 20 percent or more of crude tobacco shall be designated by the symbol "N."

§ 29.9371 Rule 15.

Tobacco shall be designated as No Grade, using the grademark "No–G," when it is abnormally dirty, improperly baled, nested, offtype, semicured, wet, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.9381 Strippers (C Group).

Tobacco that is free of stain and is of long filler stemming quality.

U.S. grades	Grade names and specifications
C1P	First Quality Strippers Eighty-five percent must be heavy bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.
C1F	First Quality Strippers Eighty-five percent must be thin to medium bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.

§ 29.9382 Grinders (X Group).

Short fillers or grinders.

U.S. grades	Grade names and specifications
X1P	First Quality Grinders Seventy percent must be heavy bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X2P	Second Quality Grinders Heavy bodied and over 30 percent injury tolerance; any hard or woody tobacco.
X1F	First Quality Grinders Seventy percent must be thin to medium bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X2F	Second Quality Grinders Thin to medium bodied and over 30 percent injury tolerance; any yellow tobacco; or tobacco pole-burnt over 30 percent.
X2T	Second Quality Second Crop Grinders Heavy bodied and over 30 percent injury tolerance.
X1S	First Quality Stained Grinders Seventy percent must be thin to heavy bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X2S	Second Quality Stained Grinders Thin to heavy bodied and over 30 percent injury tolerance.

§ 29.9383 Nondescript (N Group).

U.S. grade	Grade name and specifications
N	Nondescript Moldy, musty, or otherwise damaged tobacco; or tobacco bruised, blackened, stained, or injured over 75 percent.

§ 29.9384 Scrap (S Group).

U.S. grade	Grade name and specifications
S	Scrap Loose, tangled, whole or broken leaves, or the web portions of leaves reduced to scrap by any process. Scrap is free of strings, paper, excessive dirt, and other foreign matter.

SUMMARY OF STANDARD GRADES

§ 29.9391 Summary of standard grades.

2 Grades of Strippers

C1P C1F

7 Grades of Grinders

X1P X1F X1S
X2P. X2F X2T X2S

1 Grade of Nondescript

N

1 Grade of Scrap

S

Tobacco not covered by standard grades is designated as "No–G."

KEY TO STANDARD GRADEMARKS

§ 29.9396 Key to standard grademarks.

Groups

C—Strippers.
X—Grinders.
N—Nondescript.
S—Scrap.

Qualities

1—First.
2—Second.

Third Factors

P—Heavy body.
F—Thin to medium body.
T—Second crop.
S—Stained.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 21st day of December 1961.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61–12291; Filed, Dec. 27, 1961; 8:49 a.m.]

Agricultural Research Service

[9 CFR Part 92]

IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that pursuant to provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended (21 U.S.C. 102–105), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), it is proposed to amend Part 92, Code of Federal Regulations, in the following respects:

§ 92.4 [Amendment]

1. Section 92.4 would be amended by changing paragraphs (a) and (b) to read as follows:

(a) *Application for permit.* (1) For ruminants, swine, horses, poultry, and animal semen intended for importation from any part of the world, except as otherwise provided in §§ 92.19, 92.27, and 92.31, the importer shall first apply for and obtain from the Division an import permit. The application shall specify the name and address of the importer, the species, breed, number or quantity, purpose of importation, the country of origin, the port of embarkation in the foreign country, the mode of transportation, route of travel, the port of entry in the United States, and the proposed date of arrival of the animals or animal semen to be imported, and the name of the person to whom the animals or animal semen will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the animals are susceptible, as well as vaccinations or other precautionary treatments to which the animals or animal semen have been subjected. Notice of any such requirement will be given to the applicant in each case.

(2) An application for permit to import will be denied for domestic ruminants or swine, or semen from ruminants or swine, from any country where it has been declared, under section 306 of the Act of June 17, 1930, that foot-and-mouth disease or rinderpest has been determined to exist.

(3) An application for permit to import ruminants, swine, poultry, or animal semen may also be denied because of: Communicable disease conditions in the

area or country of origin, or in a country where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned countries; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the animals or animal semen; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Director believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(b) *Permit.* When a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the country of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. Animals and animal semen for which a permit has been issued will be received at the specified port of entry within the 14-day period prescribed in the permit, after which time the permit shall be void. Ruminants, swine, horses, poultry, and animal semen for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; or if the animals or semen are not handled as outlined in the application for the permit and as specified in the permit issued.

2. Section 92.7 would be amended to read:

§ 92.7 Declaration and other documents for animals and animal semen.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his agent to the collector of customs at the port of entry, upon arrival of animals or animal semen at such port, for the use of the veterinary inspector at the port of entry.

(b) For all animals and animal semen offered for importation, the importer or his agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the animals or animal semen, the number, breed, species, and purpose of the importation, the name of the person to whom the animals or animal semen will be delivered, and the location of the place to which such delivery will be made.

3. Section 92.19 would be amended to read:

§ 92.19 Import permit and declaration for animals and animal semen.

(a) For ruminants, swine, and animal semen intended for importation from Canada, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided,* That an import permit is not required for a ruminant or swine: (1) That was born in Canada or the United States, and (2) has been in no country other than Canada or the United States, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine for which a permit would be required under this Part.

(b) For ruminants, swine, horses, and poultry potentially eligible for importation into the United States from Mexico, the importer or his agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection; so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the animals. The veterinary inspector at the port of entry will provide the importer or his agent with a written statement assigning a date when the animals may be presented for import inspection.

6. Section 92.32 would be amended to read:

§ 92.32 Declaration for animals and animal semen.

For all animals and animal semen offered for importation from Mexico, the importer or his agent shall present two copies of a declaration as provided in § 92.7.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of December 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-12298; Filed, Dec. 27, 1961; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 907]

[Docket No. AO-212-A11]

MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Milwaukee, Wisconsin, on May 10-11, 1961, pursuant to notice thereof which was issued April 19, 1961 (26 F.R. 3478).

The material issues on the record of the hearing relate to:

1. Marketing area expansion;
2. Changing pool plant standards;
3. Consolidation of classes and change to separate skim milk and butterfat accounting;
4. Class I price;
5. Class II price;
6. Location differentials;
7. Equivalent price;
8. Revision of base and excess plan; and
9. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area which is now confined to Milwaukee County and parts of the adjacent counties of Ozaukee, Washington and Waukesha should be extended to include the counties of Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha; the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun in Fond du Lac County, all in the State of Wisconsin.

For the contiguous 9 counties and part of Fond du Lac County herein recommended as the marketing area, the 1960 census population was approximately 1,700,000. Because a significant portion of the sales of fluid milk products by handlers are in rural communities and because of the substantial population immediately surrounding the cities and towns, the marketing area should be defined, insofar as practicable, on the basis of county rather than town or city boundaries.

The expanded marketing area will conform more closely with the sales territory of regulated handlers. Fluid milk products from Order 7 plants are distributed on routes throughout the proposed enlarged marketing area in competition with fluid milk products from plants regulated under the Chicago and Northeastern Wisconsin orders as well as from plants of unregulated handlers. The majority of the distribution in each county of the added territory is now made by Milwaukee order handlers. The principal cities in the added territory are Racine and Kenosha. Several Milwaukee handlers have regular and substantial sales in these two cities in competition with local unregulated handlers. The Milwaukee handlers compete extensively throughout the recommended marketing area with a large number of distributors whose sales are geographically more limited.

Approximately 25 unregulated handlers distribute in the proposed marketing area and receive milk from about 250 producers. These handlers have not been required to pay the minimum class prices under the Milwaukee order to which their principal competitors are subject. A number of these handlers base their pay prices to dairy farmers on the uniform prices paid by regulated handlers under this and the Chicago order. Although utilization of milk at such plants is predominantly for Class I purposes, these prices are usually not related to the plant utilization. Price advantages enjoyed by unregulated handlers in procurement and distribution have tended to bring about instability in the marketing of milk in the proposed enlarged area and have hindered the bargaining efforts of producers serving the market. Inclusion of the additional territory will tend to insure stable and orderly marketing of milk in the area and will establish uniform minimum class prices to all handlers distributing in the area.

Fluid milk products sold by all handlers who would be regulated by the proposed amended order are distributed under a Grade A label and must be approved by local and state health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various localities in the marketing area take place through reciprocal approval of the responsible health authorities.

Territory within the boundaries of the designated marketing area such as piers, docks and wharves and territory which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions, or other establishments should be considered as within the marketing area. No proposal was made to exempt sales by a handler in any territory or to any agency and no evidence was presented which would justify such exemption. So that there will be no doubt as to the intent of the application of the marketing area definition, the order should clearly designate that all premises, wholly or partly within the marketing area, as described above will be included as part of the marketing area.

2. The pool plant standards should be revised to reflect current marketing practices in the handling of milk in the expanded marketing area.

Under the pool plant standards of the present order two types of plants may qualify for pool plant status. These include any "fluid milk plant" from which Class I milk is disposed of on a route in the marketing area and any "receiving station" from which milk received from dairy farmers is shipped to a fluid milk plant.

"Pool plant" would now include a "distributing plant" or a "supply plant" in lieu of the former definitions to more clearly designate the plants and milk to which regulation should apply.

Distributing plant standards should be changed from those now applicable to a fluid milk plant to provide that milk must be received from producers at such plant for it to qualify for pool plant status. In addition, a distributing plant in each month should be required to have route distribution in the marketing area on not less than 8 days or of not less than 45,000 pounds. The conditions herein recommended by which a distributing plant would be pooled give appropriate considerations to the pattern of marketing in the proposed enlarged marketing area and are equitable to handlers operating in the area.

To qualify for pool plant status a supply plant during each month of August through November should be required to make shipments of Grade A milk on not less than 8 days or ship a minimum of 45,000 pounds to distributing plants which are pool plants. Such standards provide a reasonable basis for pooling supply plants in this market. A supply plant which does not qualify under these standards during the months of lowest production should not be considered to be primarily associated with this market.

No requirement for pool plant status other than a shipment by a supply plant during each month should apply in December through July. Supply plants associated with this market will have demonstrated such association by shipments during the preceding August through November. For supply plants not associated with the market in the preceding short production season there is no need for more stringent performance standards in December through July, particularly since nearby sources are usually adequate for Class I needs in these months.

For a handler who operates more than one pool plant, the classified value of producer milk at all pool plants of such handler should be combined in computing the uniform price to be paid producers. Such procedure will encourage more efficient plant operation and will minimize any disadvantage multiple plant handlers might otherwise have in competing with handlers operating only one plant.

Some handlers receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is sometimes the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. If a plant physically apart from a pool plant is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it should not be considered part of a pool plant. However, if the graded and ungraded opera-

tions of a handler are not maintained separately at a pool plant, all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

A proposal made would enable a handler, under certain conditions, to consider as a separate plant the ungraded milk operations in the building housing his pool plant. It would not be appropriate under present conditions in the market to provide for this under the order and, moreover, no purpose would be accomplished currently thereby.

3. The presently designated Classes I and II (except cottage cheese) should be Class I and all other utilizations designated Class II; and the skim milk and butterfat components of milk and milk products received by handlers at each pool plant should be classified separately.

Under the present provisions of the order, Class I includes all milk disposed of in fluid form as milk, skim milk, buttermilk, flavored milk or flavored milk drinks and as concentrated (including frozen) milk, concentrated flavored milk or concentrated flavored milk drinks not sterilized. Class II includes all milk, the butterfat from which is contained in cream, mixtures of cream and milk or skim milk and cottage cheese. Class III (a) is milk and milk products, the butterfat from which is used principally in condensed milk and skim milk, evaporated milk, whole milk powder, nonfat dry milk and malted milk. Class III includes all milk and milk products, the butterfat from which is contained in any manufactured product not named in the other classifications or excluded from the other classes under specified conditions. Class IV includes all milk and milk products, the butterfat from which is contained in butter and cheese (except cottage cheese).

The products which would be included in the newly designated Class I are those generally required by health authorities in the marketing area to be obtained from milk or milk products from Grade A sources. Such classification is consistent with that of other orders using separate skim milk and butterfat accounting and will facilitate application of the revised accounting procedure.

Separate classification and pricing of reserve milk used in individual products or groups of products tend to reduce the incentive for handlers to seek higher-valued uses for reserve milk. Moreover, accounting for such reserve on the basis of the milk equivalent of the butterfat contained in various products has resulted in variations in specific product costs among handlers depending on the use made of reserve milk. Such accounting has made accurate determination of specific product costs difficult.

The consolidation of all reserve milk into one class (Class II), as herein recommended, will encourage handlers to utilize reserve producer milk in the higher-valued uses. Separate classification of skim milk and butterfat recognizes that these components are not used in most products in the same proportion as received from producers and will make possible more accurate determination of product costs.

The separate skim milk and butterfat accounting system would apply uniformly to handlers. It is the procedure generally used in Federal order markets for verification of receipts and utilization of milk and milk products.

The proposal to provide separate classification and higher pricing for skim milk and butterfat used to produce cottage cheese should not be adopted. Only the city of Milwaukee in the marketing area herein recommended requires that cottage cheese be made from Grade A milk. Cottage cheese made from ungraded milk can be distributed in all other portions of the marketing area in competition with cottage cheese made from Grade A supplies.

Classification and pricing of skim milk and butterfat used to produce cottage cheese as Class II will assist in maintaining an important outlet for reserve supplies of producer milk by assuring the continued use of producer milk in the production of cottage cheese.

Fluid milk products to which extra skim milk solids have been added, or concentrated milk disposed of for fluid use would be Class I milk. Concentrated milk would not include evaporated or condensed milk in bulk or in hermetically sealed metal containers. Any nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such products.

Class I classification would apply to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. It was not shown that nonfat milk solids added to fluid milk products displace producer milk for Class I use in this marketing area.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers. Therefore, such products should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedures, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. This will preserve the priority of assignment of current producer receipts to current Class I use.

Skim milk in fluid milk products which are dumped or sold for livestock feed should be classified as Class II milk. The market administrator would be notified in advance and afforded the opportunity to verify such dumping. The order now provides Class IV classification for the milk equivalent of the butterfat contained in such disposition. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available for using such butterfat in manufactured dairy products. It is not necessary therefore to allow Class II credit for butterfat which is dumped or disposed of for livestock feed.

The shrinkage allowance should be revised to reflect loss experience encountered under the present methods of handling milk in the market.

The maximum shrinkage allowance in Class II at each plant should be 2.0 percent of producer milk (excluding milk diverted to nonpool plants) and other source milk in bulk plus 1.5 percent of skim milk and butterfat in bulk fluid milk products received from pool plants and less 1.5 percent of skim milk and butterfat in such products transferred to other plants.

Plants operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximum herein provided.

The method for classifying transfers and diversions to nonpool plants should be more specifically set forth.

Fluid milk products transferred or diverted to a nonpool plant should be allocated to Class I to the extent that the fluid milk products disposed of from the nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant. Any remainder transferred or diverted from the regulated plant would be Class II milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of different orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under this order should not be less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary function of the transfer provision of the orders by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The "surplus disposal area" beyond which milk, skim milk and cream transferred or diverted to nonpool plants would be classified as Class I, should be limited to the State of Wisconsin or not more than 150 miles by the shortest highway distance from the City Hall in Milwaukee, Wisconsin. The area thus described is adequate to dispose of milk, skim milk and cream not needed by order handlers for Class I purposes in the marketing area. Milk, skim milk and cream moving greater distances are normally for Class I use.

When milk, skim milk and cream in bulk has been transferred or diverted to a nonpool plant located within the State of Wisconsin or not more than 150 miles from Milwaukee, the market administrator is required to verify the utilization claimed by such nonpool plant. It may be reasonably expected that the market administrator will be able to make such verification within the "surplus disposal area" without incurring undue expense.

No provision should be made for diversion of producer milk between pool plants. The present order provisions, under which milk may be transferred from one pool plant to another, are adequate in this market for allocating producer milk between pool plants and in establishing handler accountability for such milk.

Any milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler should be Class I milk and not be subject to reclassification. The current order provides for classification according to use at the plant under the same procedure established for transfers to nonpool plants. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler would normally be surplus to his operation. Such milk should be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on producer milk. At present a producer-handler may deliver his excess milk to a pool plant and receive the uniform price as a producer thereby diluting returns to all other producers at the plant.

4. The level of the Class I price should not be changed.

Although various proposals were made to increase the Class I price, there is no indication that the supply of producer milk is becoming inadequate for the market's requirements. During the years 1959 and 1960, producer milk classified in Classes III and IV under the Milwaukee order amounted to 18 and 19 percent, respectively, on a milk equivalent basis. The Milwaukee marketing area herein recommended is wholly contained in the milkshed of the Chicago market. These markets are so interrelated that a close correlation of Class I prices is essential for orderly marketing conditions and to minimize uneconomic shifts of producers and plants between the markets.

The annual average Class I differential over the basic formula should be changed from $0.86 to $0.88. This change would compensate for changes in classification and accounting for milk and together with the location differential adjustments recommended herein should maintain the present level of pricing under the order.

The present Milwaukee marketing area is geographically within the Chicago order Zones 2 through 6, a radius of 70 to 145 miles from the Chicago City Hall. In this territory are the principal points at which producers' milk is received and from which fluid milk products are distributed throughout the recommended enlarged marketing area. The announced Class I price should, therefore, be applicable at plants 70 to 145 miles from the Chicago City Hall with appropriate location adjustments at other plants.

The basic formula price herein recommended should be the higher of the prices paid by specified Midwestern condenseries or the prices paid for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota. The higher of these price series is now the Chicago order basic formula price. Official notice is hereby taken of the amended Chicago order issued by the Secretary on August 21, 1961 (26 F.R. 7957) and made effective September 1, 1961. Alignment of Class I prices between the Milwaukee and nearby Chicago order can best be achieved by providing the same basic formula prices.

5. Elsewhere in this decision it is recommended that the presently designated Classes III, III(a) and IV be included in a single class (Class II). Skim milk and butterfat utilized in this classification should be priced at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture.

The recommended classification and pricing of reserve milk recognizes that prices for manufacturing grade milk tend to be reasonably uniform regardless of the use made of the milk and reflects the competitive value of reserve milk utilized for manufacturing purposes.

Elsewhere in this decision, the need for maintaining an alignment with the Chicago Class I price is emphasized. Alignment of reserve milk prices between the two orders is no less necessary. The Class II price herein recommended is the same as the price for reserve milk under the Chicago order.

The present order prescribes three methods to determine reserve milk prices: The Midwest condensery price, local plant pay prices and a butter-powder formula. Effective February 1, 1961, use of the local plant pay price series was discontinued.

There are certain shortcomings in the use of a butter-powder formula for the pricing of reserve milk. The fact that all milk received by a handler is not used exclusively in butter and powder production necessarily means that some allocation of costs must be made to various operations. Such joint costs are not always subject to precise measurement or analysis. In addition, formula pricing tends to lag behind changes in costs and technology which would not be reflected in the formula price until appropriate order amendment action could be made.

Because formula prices are directly tied to specific products, they are not consistently aligned with prices for manufacturing grade milk. During the four months of September through December 1960 the Midwest condensery prices, in response to increased competition for manufacturing supplies, exceeded the butter-powder price by 24, 35, 41 and 50 cents, respectively. In the same months of 1959 the butter-powder formula exceeded the Midwest condensery price by two cents in September, and during October through December the Midwest condensery price exceeded the butter-powder price by only eight, seven and sixteen cents, respectively.

The only competitive pay price series now used in the order is the Midwest condensery price series. Currently, prices are received from only nine plants, two in Michigan and seven in Wisconsin. Originally, there were 18 plants or places reporting prices, but the number has gradually dwindled over the years to the point where consideration of another measure of manufacturing prices is deemed advisable.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and can be announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. This series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin 65 percent is manufacturing grade. Competition for this milk is strong in both states. Consequently, no individual

company, or group of companies, can have a significant influence upon the level of prices.

From 1957 through 1960, the Milwaukee Class IV price (butter-powder formula) averaged $2.91, and the Midwest condensery pay price $3.07. The price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5-percent butterfat basis by the Order 7 producer butterfat differential, averaged $3.06 for the four-year period.

During 1960 the average of each of these price series per hundredweight of 3.5-percent milk was: Class IV $2.86, Midwest condensery $3.15, and the Minnesota-Wisconsin manufacturing grade milk price $3.12.

The prices paid farmers in the various states for manufacturing grade milk, as reported by the United States Department of Agriculture, is at the weighted average butterfat test of milk received at these plants. Since Order 7 prices are announced on a 3.5-percent butterfat basis, it is unnecessary that the announced Minnesota-Wisconsin prices for manufacturing grade milk be adjusted to this basis. Official notice is here taken of the amendment to the Chicago order which became effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5-percent basis by a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.12. This factor is an appropriate and representative value of butterfat in the Milwaukee milkshed and should likewise be used in the order for adjusting the announced Minnesota-Wisconsin price to a 3.5-percent basis.

Separate classification of skim milk and butterfat herein recommended requires that the Class I and Class II prices be adjusted in accordance with the average butterfat content of milk in each class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of producer milk utilized in each product.

The value resulting from multiplying the Chicago butter price by 0.120 for Class I and by 0.115 for Class II milk will provide appropriate means for adjusting the prices in this market for each one-tenth percent variation in the butterfat content of milk used in various products. The use of the Chicago butter price will mirror changes in central market prices for butterfat as they occur.

The various proposals for higher Class I butterfat differentials than herein recommended would allocate more value to the butterfat in Class I milk. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential recommended will give encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create.

To coordinate the Class I price and Class I butterfat differential announcement date, the Class I differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers presently provided in the order, the Chicago butter price times 0.120, should be changed to reflect the average of the returns actually received from the sale of butterfat in producer milk under the skim milk and butterfat basis of accounting herein recommended. This would be accomplished by averaging the Class I and Class II differentials weighted by the proportion of butterfat in producer milk in each class.

6. Class I and uniform prices should be adjusted according to the location at which producer milk is received. As stated elsewhere, the announced Class I price would be applicable at plants 70 to 145 miles from the City Hall in Chicago. The Class I price for milk received at a plant beyond the 145 mile radius would be decreased two cents for each 15 miles or fraction thereof that such plant is located more than 130 miles from the Chicago City Hall. For milk received at a plant less than 70 miles from the Chicago City Hall the Class I price would be increased 4 cents. The market administrator would be responsible for determining the mileage zone aplicable to each plant.

The Class I prices herein recommended are related to the Class I price under the Chicago order. A number of plants under the Chicago order are potential and alternative sources of supply for handlers under the Milwaukee order.

The location differential rates herein recommended are patterned after and are compatible with those applicable under the Chicago order. Such differentials will recognize the geographical location of the expanded Milwaukee marketing area in relation to the Chicago market and milkshed by maintaining appropriate Class I price relationships under the two orders.

Uniform prices (including uniform prices for base milk) paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No location adjustment should be made in the Class II price because of the location of the plant receiving reserve milk. Because of the low cost per hundredweight of milk involved in transporting manufactured products to market, the prices paid for milk used for manufacturing purposes at various points in the milkshed should not vary with location.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

7. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which will be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

8. The "base and excess" plan of the order should be amended to add the month of March to the base-paying period of April, May and June.

In recent years, producers' receipts during March have exceeded such receipts in any other month. March through June are the base-paying months under the Chicago and Northeastern Wisconsin orders. In view of the relative location of milksheds of these orders with that of the Milwaukee order, it is appropriate that identical base-paying months be established.

Base milk should not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act. This provision and the inclusion of March in the base-paying period will reduce the opportunity for a handler with plants in other pools to transfer producers with wider seasonal variation in production to the Milwaukee pool during the months of seasonally high production.

The method of computing the uniform prices for "base milk" and "excess milk" should be revised to be the same as that under the Northeastern Wisconsin order which provides that Class I sales would first be allotted to base milk. Under the present order the excess milk price is the Class III price. If Class I disposition is more than the base milk received from producers in any month such additional Class I milk would now be allocated to excess milk and the uniform price for excess milk increased accordingly. This procedure will reflect the actual classified use value of such excess milk and is appropriate for the expanded marketing area.

Since excess milk will represent principally producer milk classified in Class II to which no location adjustment is applicable, the uniform prices for excess milk should not be subject to location adjustment.

New producers coming on the market during or after the base-forming period and producers electing to relinquish their bases should be allotted a base for each of the months of March, April, May and June of 60, 55, 50 and 50 percent, respectively, of their average daily deliveries in any such month. The above percentages are identical to those provided in the Chicago and Northeastern Wisconsin orders and will allow new producers to share in the Class I market during the base-paying period. It is expected that these percentages will not be so high as to encourage new producers to come on the market if their milk is not needed for Class I purposes or invite substantial numbers of old producers to relinquish their earned bases.

On or before February 15 of each year the market administrator should notify each producer and handler receiving milk from such producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of calculating and announcing bases. Also, by being notified a half-month before the beginning of the base-paying period instead of on or before the first day of the base-paying period as now provided, a producer will have reasonable advance notice of what his base shall be. The same half-month period should be allowed a producer for deciding whether to relinquish his established base for the equivalent of that accorded a new producer.

If a plant was a nonpool plant during the preceding August through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of calculating the base of a producer, deliveries of any dairy farmer during the preceding August through November to a nonpool plant that is a pool plant in any of the months of March through June would be considered producer milk received at a pool plant.

9. The order should incorporate conforming and clarifying changes necessitated by the revised classification, pricing, pooling and other provisions herein recommended. These changes, none of which are substantive in nature, will facilitate application of the order provisions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are suplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Milwaukee, Wisconsin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Definitions

§ 907.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 907.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 907.3 Department.

"Department" means the United States Department of Agriculture.

§ 907.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 907.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 907.6 Milwaukee, Wisconsin, marketing area.

"Milwaukee, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory in the State of Wisconsin which is within the boundaries of the counties of Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha; and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun in Fond du Lac County; including piers, docks and wharves and territory wholly or partly within such boundaries occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other similar establishments.

§ 907.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 907.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 907.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 907.10 Pool plant.

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section, except that of a producer-handler or a nonpool plant pursuant to § 907.63.

(a) A distributing plant from which Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes in the marketing area on not less than 8 days or is in the aggregate more than 45,000 pounds.

(b) A supply plant from which in December through July Grade A milk received from dairy farmers at such plant is shipped as fluid milk products during the month to pool plants qualified pursuant to paragraph (a) of this section or from which in August through November such shipments during the month are made on not less than 8 days or are in the aggregate more than 45,000 pounds.

§ 907.11 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 907.12 Handler.

"Handler" means any person in his capacity as the operator of a pool plant.

§ 907.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 907.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted from a pool plant to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted.

§ 907.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 907.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 907.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 907.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 907.18 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 907.19 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 907.20 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 907.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 907.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 907.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 907.75 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 907.74, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 907.30 and 907.31, or payments pursuant to §§ 907.70 through 907.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the minimum price for Class I milk pursuant to § 907.51(a) and the Class I butterfat differential pursuant to § 907.52(a), both for the current month; the minimum price for Class II milk pursuant to § 907.51(b) and the Class II butterfat differential pursuant to § 907.52(b), both for the preceding month;

(2) The 12th day after the end of each month of July through February, the uniform prices pursuant to § 907.61 and the butterfat differentials pursuant to § 907.71; and

(3) The 12th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 907.62 and the butterfat differentials pursuant to § 907.71.

(k) On or before February 15 of each year notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 907.30 Monthly reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each pool plant in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk),

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to pool plants and to nonpool plants pursuant to § 907.14, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 907.31 Other reports.

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 19th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 907.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat, and other content of all milk, and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 907.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 907.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 907.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 907.41 through 907.46.

§ 907.41 Classes of utilization.

Subject to the conditions set forth in § 907.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(4) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods in hermetically sealed containers;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to other plants pursuant to § 907.14) and other source milk in bulk but not in excess of:

(i) 2.0 percent of the skim milk and butterfat, respectively, in such receipts;

(ii) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from pool plants; and

(iii) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants.

§ 907.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to other plants pursuant to § 907.14), plus bulk fluid milk products received from other pool plants and less transfers of bulk fluid milk products to other plants;

(2) Other source milk.

§ 907.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 907.44 Transfers.

Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to another pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 907.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 907.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant located within the State of Wisconsin or not more than 150 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Milwaukee, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 907.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk re-

ceived during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the pool plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 907.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 907.30 for each pool plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 907.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 907.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk (except that in other source milk) classified as Class II milk pursuant to § 907.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, other than that received in the form of fluid milk products;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 907.44(a); and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 907.50 Basic formula price.

The basic formula price shall be the higher of the prices, rounded to the nearest cent, as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

PRESENT OPERATOR AND LOCATION

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The Class II milk price for the month.

§ 907.51 Class prices.

Subject to the provisions of §§ 907.52 and 907.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November; $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 941 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

(b) *Class II milk price.* The price for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 907.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 907.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 907.53 Location differentials to handlers.

The Class I price for producer milk received at a pool plant less than 70 miles from the City Hall in Chicago, Illinois, as determined by the market administrator, shall be increased 4 cents and the Class I price for producer milk received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That for the purpose of calculating such location differential, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 907.46(a)(5) and the corresponding step of § 907.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 907.54 Use of equivalent prices.

If for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PRICES

§ 907.60 Computation of value of milk at pool plants.

The value of producer milk received by a handler during each month at each of his pool plants shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 907.46(a)(8) and the corresponding step of § 907.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the quantities of skim milk and butterfat in producer milk classified in Class II (less shrinkage pursuant to § 907.41(b)(6) (except that in other source milk) during the preceding month or (2) the quantities of skim milk and butterfat subtracted from Class I pursuant to § 907.46(a)(5) and the corresponding step in § 907.46(b).

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 907.61 Computation of uniform prices.

For each of the months of July through February, the market administrator shall compute the uniform price for each handler as follows:

(a) To the amount computed pursuant to § 907.60, add or substract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 907.71 and multiplying the result by the hundredweight of such producer milk;

(b) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 907.72(a);

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 907.72(b);

(d) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(e) Divide the resulting amount by the hundredweight of producer milk received by such handler. The quotient, adjusted to the nearest cent, shall be the handler's uniform price.

§ 907.62 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices for base milk and excess milk for each handler as follows:

(a) From the reports submitted by handlers pursuant to § 907.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 907.60 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 907.60;

(e) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 907.72(a);

(f) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 907.72(b); and

(g) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(h) Divide the amount obtained in paragraph (a) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section. The quotient, rounded to the nearest cent, shall be the uniform price for base milk.

§ 907.63 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 907.10 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 907.30) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 907.70 Time and method of payment.

(a) Each handler, on or before the 15th day after the end of each month, shall pay each producer for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, an amount computed at not less than the uniform prices pursuant to § 907.61 or § 907.62, adjusted pursuant to §§ 907.71 through 907.74.

(b) Each handler, on or before the 13th day after the end of each month, shall make payment to a cooperative association for producer milk received during such month which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraph (a) of this section.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 907.71 Butterfat differentials to producers.

The uniform prices of each handler for producer milk pursuant to §§ 907.61 and 907.62 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (adjusted to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 907.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 907.72 Location differentials to producers.

(a) The uniform prices for producer milk pursuant to § 907.61 and the uniform prices for base milk pursuant to § 907.62 which is received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator.

(b) The uniform prices for producer milk pursuant to § 907.61 and the uniform prices for base milk pursuant to § 907.62 which is received at a pool plant less than 70 miles from the Chicago City Hall, as determined by the market administrator, shall be increased 4 cents.

§ 907.73 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 907.74 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 907.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 907.75 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 3 cents per hunderdweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production) and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 907.46(a) (2) and (3) and the corresponding steps in § 907.46(b).

§ 907.76 Overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 907.70 through 907.75 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month hereafter until such obligation is paid.

§ 907.77 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 907.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding August through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of August through November or if milk is received on less than 75 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 75 or more days during the preceding months of August through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 907.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during August through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 907.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 907.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 907.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 907.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 907.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 907.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Signed at Washington, D.C. on December 22, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12297; Filed, Dec. 27, 1961; 8:50 a.m.]

[7 CFR Part 926]

[Docket No. AO-329]

MILK IN MADISON, WISCONSIN, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Madison, Wisconsin marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Madison, Wisconsin, on May 15-18, 1961, pursuant to notice thereof which was issued April 25, 1961 (26 F.R. 3715).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Madison, Wisconsin marketing area, includes all the territory within the Wisconsin counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk, and Vernon.

Milk handled in the marketing area moves in many forms over State lines. Milk processed and packaged at plants located in Illinois, Iowa and Minnesota is regularly distributed on routes in the recommended marketing area. A number of handlers who would be regulated under the proposed order distribute fluid milk products in Illinois, Iowa and Minnesota. During months of seasonally low production milk is transported from Madison to points as far south as Florida.

Substantial quantities of milk and cream in excess of local fluid requirements are used locally for manufacturing purposes or are shipped to manufacturing plants at other locations in the Chicago milkshed. These various outlets manufacture such dairy products as hard cheese, ice cream mix, butter and nonfat dry milk. A substantial portion of such products is moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the Madison, Wisconsin, marketing area justify the issuance of a marketing agreement and order.

There is no over-all plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual fluid sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, requires that some of the Grade A milk produced for the market be disposed of in manufac-

turing channels. This excess milk must be manufactured into hard cheese, butter, nonfat dry milk, frozen dessert mix, and similar products which are sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful the classification and payment for milk in accordance with its use requires the full participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the recommended marketing area are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or a marketwide classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the Act.

The buying practices of various handlers in the market have caused instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised. Producer prices established by handlers without consideration of the use made of such milk is one of the causes of instability and uncertainty in the production area of the market.

Approximately 30 handlers who would be regulated by the proposed order receive milk from about 750 Grade A dairy farmers.

The Madison Milk Producers Cooperative Dairy, a cooperative association of approximately 380 Grade A producers, supplies a substantial portion of the Grade A milk requirements of the market on a year-round basis. Milk in excess of fluid requirements is utilized by the cooperative at its plant in the production of ice cream and various styles of American and foreign-type cheeses. For a number of years, the Madison association has sold milk on a classified use basis, pooling the returns from such sales to its membership. During 1959, the average utilization in Class I and Class II (cream) in the association pool was 64.5 percent of Grade A receipts. For the year 1960, such utilization averaged 63.5 percent. The weighted average price paid by the association for milk containing 3.5 percent butterfat averaged $3.58 and $3.83 during 1959 and 1960, respectively. During the two-year period, monthly pay prices to producers ranged from $3.32 to $4.00.

The La Crosse Milk Producers Association, representing about 150 Grade A producers, also returns to its members the proceeds from milk sold on the basis of the utilization by handlers receiving such milk. Handlers are charged negotiated Class I and Class II prices and a base and excess plan is used in paying producers. Member milk utilized for fluid purposes averaged 78.6 percent and 73.2 percent of Grade A receipts in 1959 and 1960, respectively, and the weighted average prices to producers on a 3.5 percent butterfat basis averaged $3.65 and $3.68, respectively, in these years.

Buying practices in the market are tending to impair and threaten to destroy the effectiveness of the program operated by the Madison and La Crosse cooperative associations. Although their buying handlers continue to pay the producer associations for milk purchased on a classification basis, the buying handlers' competitors do not. It is not uncommon for these handlers to use the pay prices of the major cooperative associations as a basis for paying their producers. The milk utilized by many such handlers is predominantly for Class I purposes, although their pay prices reflect the lower Class I utilization ratios of the producer associations, who bear the burden of surplus in the market. Consequently, while the major handlers in Madison and La Crosse are buying milk on a classified price basis, handlers with whom they compete purchase milk for Class I purposes at prices comparable to the associations' blend prices.

Efforts by the cooperative associations to stabilize marketing conditions in the proposed marketing area have not been successful. Producers contend that only a Federal milk marketing order, applicable to all handlers serving the market, can bring about orderly marketing and stability in the sales areas served by their buying handlers.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. However, these data are incomplete with regard to the over-all receipts and utilization of milk and milk products in the region. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

The issuance of a marketing agreement and order for the recommended marketing area would contribute substantially to the improvement of many of the conditions in this market and would tend to effectuate the declared policy of the Act. The adoption of a classified pricing plan based on the audited utilization of handlers for milk purchased from producers and a fair division among producers of the proceeds from the sale of their milk will promote pricing stability and orderly marketing in the area. Moreover, the procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearing, what the various provisions of the order should be.

3. *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This can best be accomplished by providing specific definitions to describe the area involved and to prescribe the categories of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The Madison, Wisconsin marketing area should include all the territory within the Wisconsin counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk, and Vernon.

The 1960 census population of Madison was 127,000 and of La Crosse 48,000. Other cities in the proposed area range from 5 to 10 thousand persons.

Madison and La Crosse are the principal points at which milk from producers is processed and packaged for distribution throughout the marketing area. Two of the three handlers whose plants are in Madison receive their milk requirements from the Madison producer association. The other receives milk from about 50 producers. All five handlers in the city of La Crosse receive their milk supply from the producer-members of the La Crosse association.

The aggregate sales area of these eight handlers includes the 13 Wisconsin counties recommended herein as the marketing area. In these counties, the eight handlers compete with handlers regulated by the Chicago, Milwaukee, Northeastern Wisconsin, and Quad Cities-Dubuque orders and about 20 presently unregulated handlers whose sales areas are relatively more limited.

Two Madison handlers account for a substantial proportion of the fluid milk products distributed in the 7 counties of Columbia, Crawford, Dane, Grant, Green, Iowa, and Lafayette. These handlers have approximately 44 percent of the distribution in Columbia County, 48 percent in Crawford, 59 percent in Dane, 68 percent in Grant, 38 percent in Green, 48 percent in Iowa and 42 percent in Lafayette. These two handlers are supplied by the Madison Milk Producers Association. The third Madison handler accounts for approximately 14 percent of the total sales in Dane County and the remainder is distributed by three handlers with plants at Baraboo in Sauk County.

Distribution in these seven counties is made in direct competition with handlers who would otherwise be regulated by the proposed order and handlers now regulated by adjoining Federal orders. Chicago order handlers distribute a significant portion of the total fluid milk sales in six of these counties from plants at Chemung, Illinois; Kansasville (through a distribution station at Watertown, Wisconsin), North Prairie and Portage, Wisconsin. Chicago order handlers have 41 percent of the distribution in Columbia County, 18 percent in Dane, 9 percent in Grant, 62 percent in Green, 8 percent in Iowa and 57 percent in Lafayette County.

Handlers under the Northeastern Wisconsin, Milwaukee, and Quad Cities-Dubuque orders distribute approximately 15 percent of the total sales in Columbia County, 5 percent in Crawford, 4 percent in Dane, 15 percent in Grant and 1 percent in Lafayette County.

Several other handlers distribute in this area who would otherwise be subject to regulation because of sales in adjacent counties. Crawford County is also served by a handler from a plant in La Crosse. This handler distributes about 30 percent of the total Crawford County sales in competition with Madison handlers and two local handlers with plants at Richland Center and Prairie du Chien. The local handlers account for 17 percent of the sales in Crawford County.

Three handlers from plants at Cassville, Platteville and Richland Center account for the remaining 8 percent in Grant County. The handler at Richland Center also distributes in Iowa County, competing with the three Madison handlers and with a handler who from his plant at Dodgeville makes about 40 percent of the sales in Iowa County.

In the six counties of Juneau, La Crosse, Monroe, Richland, Sauk and Vernon, Madison handlers compete with La Crosse handlers as well as local handlers.

Five handlers from plants in the city of La Crosse compete in La Crosse County with handlers operating plants at Holman, Sparta (Monroe County), Black River Falls (Jackson County) and Whitehall (Trempealeau County), Wisconsin. In addition, fluid milk products are distributed on routes in La Crosse County from a plant at Winona, Minnesota. Two producer-handlers also serve the La Crosse area.

Juneau County is served by two La Crosse handlers who compete with handlers operating plants at Mauston and New Lisbon (Juneau County), Tomah (Monroe County) and Wisconsin Dells (Columbia County).

Monroe and Vernon Counties are served primarily by two La Crosse handlers in competition with handlers whose plants are located at Sparta, Tomah, Richland Center, and Viroqua.

Seventy-five percent of the distribution in Richland County emanates from a plant at Richland Center. A Madison handler accounts for about 20 percent of the distribution and the remainder is from a plant at Baraboo.

In Sauk County a Madison handler accounts for 48 percent of the distribution, a La Crosse handler 27 percent and local handlers 21 percent. The remainder is from a Chicago order plant at Chemung, Illinois.

There was no opposition to including any of the proposed counties in the Madison marketing area. In addition to the 13 counties herein recommended, 4 other counties were proposed for inclusion in the marketing area. These are Adams, Green Lake, Marquette, and Waushara. They are located on the northeastern corner of the recommended marketing area and are near the Northeastern Wisconsin order marketing area. Only one handler who would be regulated under the proposed Madison order has distribution in this four-county area. Moreover, sales by this handler from a plant at Wisconsin Dells are limited to one of the four counties. This territory generally represents a sales area for Northeastern Wisconsin and Chicago order handlers. One Northeastern Wisconsin order handler has distribution throughout the four-county area and a Chicago order handler distributes in Green Lake, Marquette and Waushara Counties.

The inclusion of these four counties is neither necessary nor desirable to effectuate orderly marketing in the proposed Madison marketing area, particularly since most of the milk sold in these counties is priced under other orders.

So there will be no doubt as to the intent of the application of the marketing area definition in the proposed order, the Madison marketing area should include territory within such area which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants".

The basis for determining which plants shall be pool plants under the order, and thereby fully subject to regulation, should be clearly set forth and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk or an approval by specified health authorities. Such a method for determining which plants shall be subject to regulation would not provide a sound basis for administering the order for the Madison marketing area.

Essential to the operation of an order is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether plants and producers choose to supply the Madison order market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs and alternative outlets.

Performance standards should be such that any plant which supplies a substantial proportion of its Grade A receipts to the Madison market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually or incidentally associated with the order market should not be subject to complete regulation in this market. Neither should they be permitted nor required to equalize their sales with all plants in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of an entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk could be dissipated without accomplishing their intended purpose. If a plant were to be qualified and regulated merely by making a token shipment of milk or cream into a market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool.

Since reserve milk is an essential part of any fluid milk business, there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, would not represent a dependable source of milk supply for this market. If such a plant, by selling a token quantity of Class I milk in the Madison marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the pool. Such a distribution of equalization payments would reduce the blend price to producers regularly supplying the market, thereby adversely affecting the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the order would be defined as a plant in which any Grade A fluid milk product is packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

The term "route" would mean the delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I to a retail or wholesale outlet other than a milk plant or a distribution point.

Fluid milk products may be moved from a milk plant to a facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered a route distribution from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

In order to qualify as a pool plant under this order, a distributing plant should be required to distribute at least 10 percent of its total Grade A receipts

during the month as Class I milk on routes in the marketing area.

A distributing plant having more than 90 percent of its business outside the marketing area of this order or in other outlets should not be considered as essentially associated with this market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business in the marketing area. Full regulation would not be necessary to accomplish the purposes of the order and might well place such plant at a competitive disadvantage in supplying the unregulated market. Such minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition should be placed on a distributing plant. This is that its route distribution of Class I milk (both inside and outside the marketing area) must amount in any month to not less than 35 percent of its total receipts of Grade A milk. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Handlers operating such plants should be required to file reports, make their records available for audit by the market administrator, and be subject to payments hereinafter discussed, if they are not fully subject to regulation.

A distributing plant of a state educational institution operated primarily for research and instructional purposes should be excluded from pooling under the order. Such a plant is operated by the University of Wisconsin in Madison. Distribution of fluid milk products from this plant result from research and instruction in dairy technology and is generally limited to the university campus. Occasional disposition of such products off the campus is exclusively for research purposes.

In these circumstances, a clear distinction can be made between a dairy plant operated by an institution for research and educational purposes and a plant operating for commercial sale of fluid milk products. Fluid milk products disposed of from the University dairy are not a disruptive factor in the market and such disposition does not require application of the pricing and pooling provisions of the order to maintain the integrity of the regulatory plan.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the recommended marketing area is adequate on an annual basis for its needs. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers to keep their Class I outlets fully supplied. To assure that all producer milk will be available for Class I, supply plant performance standards should be set at levels which require that such milk will be available.

To qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 35 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under present conditions, be considered as primarily associated with this market.

If there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at local plants may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant previously qualified may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied a substantial portion of its producer milk to distributing plants in the market during each of the immediately preceding months of seasonally low production. This would be accomplished by providing that a supply plant which shipped 35 percent of its producer milk receipts during each of the immediately preceding months of September through November to distributing plants which are pool plants would thereby earn pool plant status for the months of March through June. As herein proposed, pool plant status for the months of March through June would automatically accrue to such supply plant unless the operator of the plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the March through June period.

A pool plant, or a distributing plant which is not a pool plant, should be defined as a "fluid milk plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the various order provisions as they apply to such plants, particularly as applied to distributing plants which are not pool plants.

Some handlers receive milk from both Grade A and ungraded sources. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. Proper safeguard should be provided in the orders to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

The Madison Milk Producers Association supplies a substantial portion of the milk which would be pooled under the order. This cooperative association maintains facilities for processing milk in excess of handler's requirements and assumes the responsibility for marketing such excess milk. Producer milk not needed by handlers is received at the association's plant where it is disposed of to other markets or manufactured into ice cream and various American and foreign-type cheeses. The cooperative association performs valuable services for the market in that it maintains an adequate supply of milk for the market's needs and assumes the responsibility for marketing all milk in excess of handler's requirements. Permitting the cooperative association, under certain conditions, to pool the returns from the sale of producer milk which moves directly to the association's plant will contribute substantially to orderly marketing.

The performance standards should be such that only a plant operated by a cooperative association whose major function is supplying milk to the market would be allowed to share in the marketwide pool. This can best be accomplished by designating as a pool plant any plant operated by a cooperative association which ships at least 50 percent of member-producer milk to other pool plants during the month. The plant of a cooperative association serving the market as herein described would acquire pool plant status for each month unless the cooperative association as the operator of such plant notified the market administrator that nonpool status had been elected for such plant on or before the first day of January of any year. Such plant would then be designated a nonpool plant for each month in such year during which it would not qualify as a pool plant based on its route distribution or on shipments to other plants.

Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more fluid milk plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant. A cooperative association which elects to be the handler with respect to the milk of its member producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such association should also be defined as a handler.

A handler, in his capacity as operator of one or more fluid milk plants, is the person who receives Grade A milk from dairy farmers or from a cooperative association as a handler on bulk tank milk and is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

Defining a cooperative association as the handler on bulk tank milk received at farms would promote a more efficient marketing by providing greater flexibility in the assignment and movement of this milk. As a handler for such milk, a cooperative would be required to report the quantities of such milk from each producer and the pool plants at which it was received. This information would be readily available to the cooperative and its reports in conjunction with the reports from pool plant operators will enable the market administrator to establish the quantities of producer milk to be accounted for at each pool plant.

A handler operating more than one pool plant or nonpool distributing plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a person operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

Producer. Producer should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

Fluid milk product. Fluid milk product should mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such, or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Producer milk. Producer milk should be defined as all skim milk and butterfat contained in Grade A milk received at a pool plant directly from dairy farmers or from a cooperative association as a handler on bulk tank milk. Producer milk would also include milk diverted from a pool plant to a nonpool plant under certain conditions.

It would be inappropriate to consider as producer milk any milk moved from a farm directly to a plant subject to the classification and pricing provisions of another order issued pursuant to the Act. Diversion to such plants, if permitted, could result in the pricing and pooling of the same milk under two orders.

Milk transferred to a fluid milk plant from another plant should not be included in the producer milk definition at the fluid milk plant. When receipts at a shipping plant are from Grade A dairy farmers and from other sources, the milk is commingled and it cannot always be ascertained whether the milk being moved is that from Grade A dairy farmers, from other sources or both.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are highest will contribute to this end. Unlimited diversion is neither necessary nor desirable under a marketwide pool during the other months of the year when milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

The recommended order should provide that producer milk regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant at any time during the flush production months and retain producer milk status under the order. In other months such producer milk status for diverted milk should be limited to a quantity not greater than the quantity of producer milk that was delivered to a pool plant from such farm. Diverted milk should be deemed to have been received at the plant from which it was diverted.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except producer milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which are not subject to the pricing provisions of the order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to determine whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of the milk shall be the personal enterprise and risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler should be classified as Class I milk. Any supplemental supplies of milk which may be obtained from pool plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received by handlers directly from Grade A dairy farmers, from other handlers, and from other sources. Milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of producer milk and to apply the classified pricing plan.

The products included in Class I milk are required by health authorities in the marketing area to be obtained from milk or milk products from "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at a level which will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such, and any mixture in fluid form of milk or skim milk and cream (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed metal containers); and skim milk and butterfat not accounted for as Class II milk.

Fluid milk products to which extra skim milk solids have been added, or concentrated milk disposed of for fluid use would be included as Class I milk. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed metal containers would not be considered as concentrated milk.

Any nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such product. Class I classification would apply to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. It was not shown that nonfat milk solids added to fluid milk products displace producer milk for Class I use in the proposed marketing area.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts; eggnog, aerated cream products, butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk.

The health ordinances applicable in the marketing area do not require that these products be made from Grade A milk. The cities of Madison and LaCrosse have ordinances with respect to Grade A milk used in cottage cheese. Cottage cheese made from ungraded milk is distributed in all other portions of the recommended marketing area in competition with cottage cheese made from Grade A supplies. Cottage cheese made from ungraded milk can be distributed in Madison and LaCrosse if the container does not bear a Grade A label.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedures, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The attached order provides for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in bulk and packaged fluid milk products. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at a plant at the beginning of any month during which such plant becomes a regulated plant for the first time should be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer milk receipts to current Class I use.

Skim milk in fluid milk products dumped or sold for livestock feed should be classified as Class II milk. Such outlets often represent the most efficient means for disposing of surplus skim milk. Transportation and handling costs are such that it is uneconomical to ship relatively small quantities of unneeded skim milk to trade outlets for surplus skim milk.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

No provision should be made for classifying as Class II milk the butterfat in fluid milk products which is dumped or disposed or for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available for utilizing such butterfat in manufactured dairy products.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each plant should be 2.0 percent of producer milk (except that diverted to a nonpool plant or on which a cooperative association is the handler), plus 1.5 percent of producer receipts from a cooperative as a handler and bulk fluid milk products from pool plants and less 1.5 percent of bulk fluid milk products transferred to other plants. However, if a handler receiving bulk tank milk from a cooperative association as a handler notifies the market administrator that he is purchasing such milk on the basis of farm weights, the allowable shrinkage should be 2.0 percent.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

To avoid duplicate shrinkage allowance on interpool plant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on milk diverted to nonpool plants.

There should be no limitation on the clasification of shrinkage of other source milk as Class II milk. It was not shown that such limitation is necessary under the proposed order to adequately safeguard producer milk priority in Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers and, therefore, should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It

is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form A handler who first receives milk from dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fliud milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferree plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk has been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless the operator of the nonpool plant, if requested, makes his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant may not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from the regulated plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this or other orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under the Madison order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provision of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk, skim milk, and cream transferred or diverted to nonpool plants located more than 150 miles by the shortest highway distance from the nearer of the City Halls of La Crosse and Madison. The area thus described is adequate to dispose of milk, skim milk, and cream not needed by order handlers for Class I purposes. Milk, skim milk and cream moving greater distances are normally for Class I use.

Limiting the area in this manner will protect the diversion provisions of the order. A larger area than that provided could encourage handlers to associate by diversion additional producers with the market permitting them to share in the marketwide pool while most of the milk of such producers could be withheld from fluid uses and be used for Class II purposes at unregulated plants not a part of this market.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order provides for determining the value of Grade A milk receipts from dairy farmers at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has other receipts of butterfat or skim milk, to determine the order of assignment of milk from all sources to each classification.

The milk of dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at regulated plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II, the market would be deprived of a dependable supply of milk and the order would not be effective in carrying out the purpose of the Act.

Packaged fluid milk products subject to pricing under another Federal order should be allocated to Class I milk. This will have the effect of giving the same treatment to such items moved from a plant under another Federal order whether distributed directly to consumers in the marketing area from such plant or imported through a plant regulated under the proposed order.

In general, the allocation procedure requires that skim milk and butterfat, respectively, in each plant be assigned to producer milk after making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Fluid milk products in consumer packages (containers not larger than a gallon) subject to pricing under another order (from Class I);

(2) Other source milk not subject to Class I pricing provisions of another order;

(3) Other source milk in bulk subject to pricing under another order;

(4) Beginning inventory;

(5) Receipts from other handlers (according to classification); and

(6) Overage.

(c) *Class prices.*

Class I price. The price for Class I milk should be computed by adding a differential to a basic formula price.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the recommended marketing area have a direct realtionship to the prices paid for milk used for manufacturing purposes.

Differentials over manufacturing milk prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and trans-

portation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

Proper recognition must be given to the prices at which alternative sources of supply are available, particularly since any milk plant wherever located may by meeting the prescribed qualifications become a pool plant under the proposed order. It is necessary, therefore, that the Class I price under this order be at levels which will not bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

The predominant overlapping of sales and production areas of the proposed order is with the Chicago order. Sales are also made in the proposed Madison marketing area by handlers regulated under other nearby orders.

Primary consideration should be given to the location of the Madison area in the Chicago milkshed in establishing the Madison Class I price level. The Milwaukee marketing area, also located in the Chicago milkshed, has a Class I price structure closely aligned with that of Chicago. Providing such alignment for the proposed Madison order is no less appropriate.

The buying and selling prices of handlers under the Chicago order are important factors in determining the availability of supplies and the prices which will be paid for milk in the Madison marketing area. The Chicago milkshed is an area of heavy milk production and milk from plants in this milkshed is shipped great distances, principally in bulk. Packaged fluid milk products also are sold over a wide area from the plants of Chicago handlers in competition with milk distributed by Madison handlers. Such packaged products are distributed regularly by Dean Milk Company on routes in the city of Madison, a distance of 85 miles from its plant in Chemung, Illinois. The Pure Milk Association from a plant at Kansasville, Wisconsin, moves packaged products regularly to its distributing station in Watertown, Wisconsin. Such products are then distributed on routes in the Madison marketing area.

Chicago supply plants are located throughout the proposed Madison marketing area. These plants, located 70 to over 355 miles from Chicago (Zones 2 to 21), represent potential sources of supply for handlers who would be regulated by the Madison order.

The Chicago order Class I price per hundredweight of milk containing 3.5 percent butterfat is computed by adding a differential to a basic formula price and adding or subtracting a supply-demand adjustment. The Class I differential added to the basic formula price averages 90 cents on an annual basis at plants in the zone 55–70 miles from the Chicago City Hall.

Effective September 1, 1961 the basic formula price under the Chicago order was amended. Official notice is hereby taken of the amendment (26 F.R. 7957). The basic formula is now the higher of either the average of the prices paid by specified Midwestern condenseries or prices paid for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the United States Department of Agriculture.

The Chicago price at plants located more than 70 miles from the City Hall in Chicago is reduced by a location adjustment at a rate of 2 cents for each 15 miles or fraction thereof. The location adjustment applicable at a Chicago plant located in the vicinity of Madison (Chicago Zone 6) is minus 10 cents. The adjustment for a Chicago plant near La Crosse (Chicago Zone 13) is minus 24 cents.

Madison and La Crosse, Wisconsin, are principal cities from which milk is distributed in the proposed marketing area. Madison is approximately 140 and La Crosse 270 miles from Chicago. The Class I price should be announced for milk received at plants in the Madison area (Chicago Zone 6) at a level which considers the availability of milk from plants in the Chicago order milkshed. The Class I prices at locations other than Madison should be adjusted by location differentials (as hereinafter set forth). Madison should be the location for which the Class I price is announced because it is the location of the heaviest concentration of producer deliveries in the marketing area.

As proposed by producers, the Madison Class I price for milk received from dairy farmers at plants in the marketing area would be the Chicago Class I price (55 to 70 mile zone) plus 9 cents. This price would be decreased by a location adjustment applicable only to plants located outside the marketing area. This level of prices would tend to create disalignment with prices at plants under the Chicago order and would place Madison handlers at a disadvantage in competing for sales with handlers under the Chicago order.

Class I prices under the proposed order should recognize that the Chicago order prices, adjusted for location throughout the milkshed, are an important factor in pricing milk in this region. The location differential rate as herein recommended is identical to the rate provided under the Chicago order. This rate will recognize that if milk were moved to a plant in the proposed marketing area, it could originate at a Chicago order plant nearer Madison and La Crosse than the city of Chicago.

The Madison Class I price should be established to average 82 cents above the basic formula price annually. However, as hereinafter discussed, an additional 5 cents above the zone prices would be applicable at plants in Dane County. The price at plants in La Crosse County would also be increased 5 cents. The Class I price thus obtained should be increased or decreased by the supply-demand adjustment employed under the Chicago order. The Madison price thus computed will provide appropriate alignment with the Chicago annual average Class I differential of 90 cents after giving consideration to the relative hauling costs to Madison from various nearby Chicago order plants and the minus location adjustments applicable at such plants.

The Chicago order Class I differential of 90 cents is varied seasonally. Similar seasonality of pricing should be followed in this order. The Madison differential should provide $1.02 August through November; 62 cents March through June and 82 cents in other months, plus an additional 5 cents at plants in Dane County. Five cents would also be added at plants in LaCrosse County.

Basic formula prices under this and the nearby Chicago order should be the same to secure the necessary alignment of Class I milk prices in this area. The basic formula price herein recommended would be the higher of the average of the prices paid at specified Midwestern condenseries or prices paid for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin as reported by the United States Department of Agriculture. Such a basic formula price is also an appropriate measure of the value of milk for manufacturing purposes throughout the area.

Class II price. The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture. This will provide a Class II price at the same level as the price for reserve milk under the Chicago order. Official notice was previously taken herein of the amendment to the Chicago order effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price under the Chicago order.

The pricing of reserve milk herein recommended will reflect the competitive value of reserve milk utilized for manufacturing purposes in the area.

Elsewhere in this decision, the need for maintaining an alignment with the Chicago Class I price is emphasized. Alignment of reserve milk prices between the two orders is equally necessary. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Producers proposed that the price for Class II milk be the higher of the average prices paid by specified Midwestern condenseries or the price computed by a butter-powder formula. The butter-powder price proposed would be computed by subtracting 75.2 cents from the sum of the amount obtained by: (1) multiplying by 4.24 the average of the daily wholesale prices of Grade AA (93-score) butter at Chicago during the month, and (2) multiplying by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk at manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month to the 25th day of the current month.

Certain shortcomings are currently involved in the use of a butter-powder formula for the pricing of reserve milk. The fact that all milk received by a handler is not used exclusively in butter and powder production necessarily means that some allocation of costs must be made to various operations. Such joint costs are not always subject to precise measurement or analysis. Furthermore, formula pricing tends to lag behind changes in costs and technology which could not be reflected in the formula price until appropriate order amendment action could be made.

Formula prices, which are derived from specific product prices are not consistently aligned with prices for manufacturing grade milk. During the four months of September through December 1960, the Midwest condensery prices, in response to increased competition for manufacturing supplies, exceeded the proposed butter-powder prices by 24, 35, 41 and 50 cents, respectively. During the same period of 1959, the butter-powder formula exceeded the Midwest condensery price by two cents in September and during October through December, the Midwest condensery price exceeded the butter-powder price by eight, seven and sixteen cents, respectively.

The competitive pay price series proposed as an alternative in determining the Class II price is the Midwest condensery price series. Currently prices are received from only nine locations, two in Michigan and seven in Wisconsin. Originally, there were 18 plants or places reporting prices, but the number has gradually dwindled over the years to the point where consideration of another measure of manufacturing prices is advisable.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. This series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin 65 percent is manufacturing grade. Competition for this milk is strong in both states. Consequently, no individual company or group of companies can have a significant influence upon the level of prices.

The proposed butter-powder formula price in the four-year period of 1957–60 averaged $2.91. The Midwest condensery pay price for the four years averaged $3.07. The price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis by the Chicago order producer butterfat differential averaged $3.06 for the four-year period.

During 1960 the average of each of these price series per hundredweight of 3.5 percent milk was: butter-powder $2.86, Midwest condensery $3.15, and the Minnesota-Wisconsin manufacturing grade milk price $3.12.

The average of the prices paid farmers in the various states for manufacturing grade milk, as reported by the United States Department of Agriculture, is at the weighted average butterfat test of milk received at these plants. Since the recommended class prices are announced on a 3.5 percent butterfat basis, it is appropriate that the announced Minnesota-Wisconsin prices for manufacturing grade milk be adjusted to this basis by a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.120. This differential is used for this purpose under the Chicago order.

Butterfat differentials. Separate classification of skim milk and butterfat herein recommended requires that the Class I and Class II prices be adjusted in accordance with the average butterfat content of milk in each class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of producer milk utilized in each product.

The value resulting from multiplying the Chicago butter price by 0.120 for Class I and 0.115 for Class II milk will provide appropriate means for adjusting the prices in this market for each one-tenth percent variation in the butterfat content of milk used in various products. The use of the Chicago butter price will mirror changes in central market prices for butterfat as they occur. The method herein recommended for adjusting the value of milk by a butterfat differential for varying butterfat tests will result in reasonable price alignment for milk of the same butterfat content.

The various proposals for higher Class I butterfat differentials than herein recommended would allocate more value to the butterfat in Class I. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential herein recommended will give encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential of 11.5 percent of the Chicago butter price herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create.

To coordinate the Class I price and Class I butterfat differential announcement date, the Class I differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the orders.

Location differentials. Location differentials should be incorporated in the order to provide an appropriate adjustment of the Class I and uniform prices based on the location of any plant at which producer milk is received.

In the Class I discussion, it is indicated that Madison and La Crosse are the principal cities from which milk is distributed throughout the proposed marketing area and it was recommended that the Class I price be announced at Madison. Madison is about 140 miles from Chicago (in the 6th zone of the Chicago order). Accordingly, the Class I price for producer milk received at a plant outside this zone should be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 145 miles, or increased 2 cents for each 15 miles or fraction thereof that such plant is less than 130 miles from the City Hall in Chicago, Illinois, as determined by the market administrator.

The Class I price recommended in this decision is closely related to the Class I price under the Chicago order, the milkshed of which is an area of heavy milk production. Plants in this milkshed, including those not regulated by that order, frequently supply the Class I needs in markets at relatively long distances from Chicago. A number of plants under the Chicago order are potential and alternative sources of supply for handlers in the proposed marketing area. The South Central and Southwestern Wisconsin Counties are areas of relatively heavy milk production. An estimated 750 million pounds of milk was produced in Dane County alone in 1959. Six Chicago order supply plants are located in

Dane County and approximately 12 in the other counties of the marketing area herein recommended. Another area of heavy milk production is in the Wisconsin counties bordering on the Minneapolis-St. Paul marketing area. A number of unregulated plants and 4 Chicago order plants are located in the counties of Barron, Chippewa and Dunn and are potential sources of supply for Madison handlers.

The Chicago Class I and producer prices applicable at Chicago regulated plants in these areas are reduced 2.0 cents for each 15 miles that such plant is located more than 70 miles from the Chicago City Hall. Providing identical location adjustment rates for Madison plants wherever located is no less appropriate. Such location adjustments are economically sound and representative of the cost of hauling milk by an efficient means to market.

A further location adjustment should be applicable at plants located in Dane and La Crosse Counties. The Class I and uniform price should be increased 5 cents for milk received directly from dairy farmers or from a cooperative association which elects to be the handler on milk delivered directly from the farm to fluid milk plants located within the boundaries of Dane County or La Crosse County.

The value to a handler of direct delivered milk is in general related to the lowest cost of an alternative supply which meets his requirements with respect to volume, seasonality and quality. Ample supplies are usually available to Madison and La Crosse handlers from a large number of producers delivering directly to nearby plants. The recommended differential will tend to maintain an adequate supply of direct delivered milk for Class I purposes.

The respective producer associations in Madison and La Crosse provide the majority of handlers in these cities with their milk requirements for fluid use. These handlers have customarily paid premiums for milk received at plants located in the areas covered by the differential herein recommended. Such premiums in part at least are paid to reflect the greater value to handlers of milk received directly at their processing plants.

A direct delivery differential of 5 cents per hundredweight will recognize the higher value of milk delivered directly to handlers' plants in the principal areas where producer milk is received and processed and packaged for distribution throughout the marketing area. This rate should be applicable to both bulk tank and can milk which is received and utilized as Class I by handlers.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various points within the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he may be expected to handle and dispose of the milk by the most advantageous method possible. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk be assigned to the available skim milk and butterfat classified in Class II in the tranferee plant before being allocated to Class I milk at such plant. Such assignment to the transferer plant should be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the Chicago City Hall.

Use of equivalent prices. If for any reason a price quotation required by these orders for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

Payments on unpriced milk. The recommended order should provide that payment be made into the producer-settlement fund on unpriced milk which is allocated to Class I milk at a pool plant.

Receipt of milk in excess of Class I disposition is necessary to cooperate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which order handlers may obtain milk. Order handlers could obtain such milk in substantial volumes from nonpool sources at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. The compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other suorce milk was received from farmers. This rate will reflect generally the difference in value between unregulated and regulated milk for Class I use.

The rates which are here found to be appropriate for the proposed order give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, since such conditions do not prevail uniformly in all instances and since all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices for payments made in individual transactions. It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk received in the form of nonfat dry milk or condensed milk should be considered to be from a source at the location of the pool plant where it is used. It would not be administratively feasible to do otherwise because concentrated milk products may be obtained from numerous sources and it would not generally be possible to ascertain at which plant location it originated.

A handler whose distributing plant (except the plant of a state educational institution) fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers which would be computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area of the order will adequately protect the regulatory plan in this market. It is expected that the size of handlers who would use this option is relatively small and the prices these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Madison order handlers might obtain supplemental supplies approximate the recommended Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Madison marketing area for Class I use at less than Class I prices.

A state educational institution should not be required to make compensation payments on fluid milk products which it as a handler disposes of on routes in the marketing area. Such disposition is either for research and educational purposes or results from milk so utilized. It was not shown that distribution by an institution such as the University of Wisconsin would have a disruptive influence on the handling of milk in the market or that full or partial regulation of such an operation is necessary to maintain the integrity of the regulatory plan.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the recommended order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying the order market that he will receive a return based on his pro rata share of the total Class I sales of such market. The "blend" price that a producer receives during each month of July through February, will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during such months. During each month of March through June, a "base and excess" plan should be used to distribute to producers payments for milk produced in such month. Although each handler will be required to pay uniform prices for producer milk in accordance with the classification of such milk, the minimum blend and base and excess prices to producers will be the same for all producers under the order irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle little or no surplus milk, many plants which would be subject to the order handle substantial quantities of milk for manufacturing purposes. Under these conditions a marketwide pool in the Madison marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for producer associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Producers proposed that a "base and excess" plan be incorporated in the order and that producers be paid uniform base and excess prices each month. Both the Madison and La Crosse associations have utilized base and excess plans in paying producer-members. These plans were used for a number of years to encourage dairy farmers to strive for more even production throughout the year. Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries. Such a plan applicable to all producers under the order will tend to encourage more even production for the market throughout the year.

The base and excess plan herein recommended would establish for each producer a base that would depend upon his deliveries of milk to pool plants during the months of September, October, and November. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for base milk and excess milk would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at pool plants from a producer during any of the months of March through June which is not in excess of an amount equal to the base of such producer multiplied by the number of days' production received at pool plants in such month. Class II disposition in the market would first be assigned to excess milk. If the aggregate Class I disposition is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess milk price increased accordingly.

The producer location adjustments herein recommended should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location adjustment is applicable, the producer price for excess milk should not be subject to the location adjustment provision of the order. The producer butterfat differential applicable to the uniform price should be used to adjust the uniform prices for base and excess milk.

September, October, and November are months of seasonally low production in this market and are the base-forming months under the Chicago order. It was proposed that August and December be included in the base-forming period. In view of the extensive overlapping of the Madison and Chicago milksheds, however, it would be inappropriate to provide for a base-forming period different from that in the Chicago order.

Base milk should not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act. This provision will reduce the opportunity for a handler with plants in other pools to transfer producers with wider seasonal variation in production to the Madison pool during the months of greatest seasonal production, thereby reducing the effectiveness of the seasonal incentive plan.

New producers coming on the market during or after the base-forming period should be allotted bases even though they did not establish any during the preceding September through November period. In addition, a producer who delivered milk during the base-forming period but desires to change his level of production should not be required to receive payment for the higher production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base-forming period because of unusual circumstances.

For a producer who does not deliver milk during the base-forming period, who delivers less than 60 days production during the base-forming period or who desires to relinquish an established base, a base for each month of March through June would be calculated by multiplying his average daily deliveries to pool plants in such month by 60 percent for March, 55 percent for April and 50 percent for May and June. The above percentages are those provided in the Chicago order. They will allow new producers to share in the Class I market during the base-operating period but will not encourage new producers to come on the market at that time if their production is not needed to supply the Class I needs of the market. At the same time, the percentages will not be such as to invite substantial numbers of producers to relinquish their earned bases.

On or before February 15 of each year the market administrator should notify each producer and handler receiving milk from such producer of the base established by such producer. This will provide sufficient time for the market administrator to complete the extensive work of calculating and announcing bases. Also, by being notified a half month before the beginning of the pay-

ing period, a producer will have reasonable advance notice of what his base will be. The same half-month period should be allowed a producer for deciding whether to relinquish his established base for the equivalent of that accorded a new producer.

If a plant was a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of calculating the base of a producer, deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June would be considered producer milk received at a pool plant.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. These are patterned after the base rules in the Chicago order and will tend to promote better understanding of the base and excess plan among producers in the areas where the Madison and Chicago milkshed overlap.

A producer should be able to transfer his base if he sells his farm. In this case, if the producer disposes of his base, it should go with the farm on which it was earned. In the event of a producer's death, provision should be made for the transfer of the base upon written notice to the market administrator from any member of the producer's immediate family.

If more than one producer ships from a farm, one base should be computed for the farm to be allocated to each producer according to his share in the sale of milk from the farm, unless one of the producers has a base earned while he was on another farm and requests that he be allowed to retain such base. Provision should also be made for division of a jointly held base and to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base. These provisions will facilitate the operation of the base and excess plan herein recommended.

Payments to producers. Each handler under the order should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 15th day after the end of each month.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the market. Such functions can be accomplished more expediently if the association is collecting payments for the sale of members' milk.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with their members authorize each of the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association for milk received during the month on or before the 13th day of the following month.

At the time settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of marketwide uniform prices each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price values would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and making such payments.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

The market administrator should report to each cooperative association, upon request, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of five cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay the market administrator, as his proportionate share of the cost of administration, not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe on (a) producer milk (including such handler's own production), (b) other source milk (not subject to administration expense under another order) at a pool plant which is allocated to Class I milk, and (c) receipts at a nonpool distributing plant (except the plant of a state educational institution), of Grade A milk received from dairy farmers on which no administration expense is being paid pursuant to another order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the orders. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the Madison marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the minimum order prices) the audit of his records by the market administrator would be substantially reduced. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such utilization is of his total receipts of Grade A milk from dairy farmers. In such instances the administrative assessment would be computed on the basis of the fluid milk products disposed of in the marketing area from the nonpool plant.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of four cents per hundredweight is necessary to meet administration expenses under the Madison order. Provision should be made which would enable the Secretary to adjust the rate of assessment downward without the necessity of amending the order. This should be done at any time that experience indicates that a lesser rate will provide sufficient revenue to administer the order properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Madison, Wisconsin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 926.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 926.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 926.3 Department.

"Department" means the United States Department of Agriculture.

§ 926.4 Person.

"Person" means any individual, partnership, corporation, association, institution or other business unit.

§ 926.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 926.6 Madison, Wisconsin, marketing area.

"Madison, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk and Vernon, all in the State of Wisconsin, including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 926.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 926.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 926.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 926.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 926.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b) or (c) of this section (except that of a producer-handler, the plant of a state educational institution or a nonpool plant pursuant to § 926.65): *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 35 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(b) A supply plant from which not less than 35 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph during each of the immediately preceding months of September through November, shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section: *Provided*, That such plant shall not be a pool plant pursuant to this paragraph during any month in which less than 50 percent of the Grade A milk of producers of such cooperative association is received at pool plants pursuant to paragraphs (a) and (b) of this section: *And provided further*, That if written application is filed with the market administrator on or before the first day of January of any year, such plant shall be designated a nonpool plant for each month in such year during which it would not otherwise qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

§ 926.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 926.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants (except a state educational institution),

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association, or

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 926.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 926.15 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer or a handler pursuant to § 926.13(c): *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further*, That in any of the months of July through December, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 926.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 926.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

§ 926.18 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 926.41(s)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 926.19 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 926.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 926.21 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 926.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 926.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 926.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 926.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 926.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 926.35 and 926.36, nor payments pursuant to §§ 926.64, 926.70, 926.74, 926.76, 926.77 and 926.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 926.51(a) and the Class I butterfat differential pursuant to § 926.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 926.51(b) and the Class II butterfat differential pursuant to § 926.52(b), both for the preceding month;

(2) The 10th day after the end of each month of July through February the uniform price pursuant to § 926.62 and the butterfat differential pursuant to § 926.71; and

(3) The 10th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 926.63 and the butterfat differential pursuant to § 926.71;

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and

(l) On or before February 15 of each year notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 926.35 Report of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 926.13(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers and from handlers pursuant to § 926.13(c) (including for each month of March through June the quantity of producer milk that is base milk and excess milk),

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 926.15, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 926.36 Other reports.

(a) Each producer handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler and a handler pursuant to § 926.13(c), shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of each month for each pool plant:

(1) His producer payroll for such month which shall show for each producer:

(i) His name and address,

(ii) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer,

(iii) The average butterfat content of such milk, and

(iv) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions; and

(2) Producer milk received from handlers pursuant to § 926.13(c), showing the total pounds of producer milk received from each such handler, its average butterfat content, and the net amount of the payment to such handler, together with the price paid and the amount and nature of any deductions.

(c) Each handler pursuant to § 926.13(c) shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 7th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month; and

(2) On or before the 20th day after the end of each month his producer payroll for such month which shall show for each producer:

(i) His name and address,

(ii) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer,

(iii) The average butterfat content of such milk, and

(iv) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 926.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct date with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all

milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 926.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided,* That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 926.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 926.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 926.41 through 926.46.

§ 926.41 Classes of utilization.

Subject to the conditions set forth in § 926.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat, respectively, (except in milk diverted to a nonpool plant pursuant to § 926.15) in shrinkage allocated pursuant to § 926.42 (b) (1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 926.13(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 926.13(c): *Provided,* That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants.

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 926.42(b)(2).

§ 926.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 926.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 926.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 926.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 926.35: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 926.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further,* That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 926.46(a)(4) and the corresponding step of § 926.46 (b): *And provided further,* That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of La Crosse and Madison, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 926.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 926.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 926.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided,* That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 926.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 926.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 926.13(c) at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 926.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 926.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursant to § 926.13(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 926.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 926.46(a)(6) and the corresponding step of § 926.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 926.46 in:

(a) The remainder after the subtraction pursuant to § 926.46(a)(6) and the corresponding stip in § 926.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 926.50 Basic formula price.

The basic formula price shall be the higher of the prices, rounded to the nearest cent, as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Richland Center, Wis.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The Class II milk price for the month.

§ 926.51 Class prices.

Subject to the provisions of §§ 926.52 and 926.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.02 August through November; $0.62 March through June and $0.82 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 941 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio;

(b) *Class II milk price.* The price for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided,* That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 926.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 926.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 926.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 926.13(c) at a fluid milk plant shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 145 miles, or increased 2 cents for each 15 miles or fraction thereof that such plant is less than 130 miles from the City Hall in Chicago, Illinois, as determined by the market administrator: *Provided,* That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 926.46(a)(6) and the corresponding step of § 926.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois: *And provided further,* That the Class I price for Grade A milk received directly from dairy farmers or handlers pursuant to § 926.13(c) at a fluid milk plant located within the boundaries of Dane County and La Crosse County, Wisconsin, shall be increased 5 cents.

§ 926.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 926.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 926.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money com-

puted by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 926.46(a)(9) and the corresponding step of § 926.46 (b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 926.46(a) (3) and (4) and the corresponding steps of § 926.46(b) by the rate of payment on unpriced milk pursuant to § 926.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified, and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 926.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 926.47(c) by the rate of payment on unpriced milk pursuant to § 926.55.

§ 926.61 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine the uniform prices as follows:

(a) Combine into one total, the values computed pursuant to § 926.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 926.35 for such month, except those in default of payments required pursuant to § 926.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 926.72 (a) and (c);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 926.72(b); and

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 926.62 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 926.61 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 926.63 Computation of uniform prices for base milk and excess milk.

For each month of March through June, the market administrator shall compute the uniform prices for base milk and excess milk as follows:

(a) Determine the aggregate classification of producer milk included in the computation pursuant to §926.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 926.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than four cents nor more than five cents from the price thus computed. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 926.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except the plant of a state educational institution) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 926.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 926.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk as such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 926.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 15th day after the end of the month to dairy farmers or handlers pursuant to § 926.13(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 926.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 926.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 926.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 926.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 15th day after the end of each month, at not less than the applicable uniform prices pursuant to § 926.62 or § 926.63 adjusted pursuant to §§ 926.71, 926.72 and 926.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section;

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 13th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided*, That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section:

(c) Except as provided in paragraph (d) of this section, in making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler;

(6) The net amount of payment to such producer or cooperative association; and

(d) In making the payments for producer milk pursuant to this section to a cooperative association in its capacity as a handler pursuant to § 926.13(c), each handler who operates a pool plant shall furnish each such cooperative association a supporting statement which shall show:

(1) The month and identity of the cooperative association;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the cooperative association is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such cooperative association.

§ 926.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 926.62 and 926.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 926.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 926.72 Location differentials to producers.

The uniform price pursuant to § 926.62 and the uniform price for base milk pursuant to § 926.63 for producer milk received at a pool plant shall be:

(a) Increased two cents for each 15 miles or fraction thereof that such plant is less than 130 miles from the City Hall in Chicago, Illinois, as determined by the market administrator;

(b) Decreased two cents for each 15 miles or fraction therof that such plant is more than 145 miles from the City Hall in Chicago, Illinois, as determined by the market administrator; and

(c) Increased five cents for Grade A milk received directly from dairy farmers or handlers pursuant to § 926.13 (c) at a pool plant located within the boundaries of Dane County or LaCrosse County, Wisconsin.

§ 926.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 926.64, 926.74, 926.75 and 926.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 926.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 926.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 926.60.

§ 926.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 926.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 926.60.

§ 926.76 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 926.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 926.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 926.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 926.46(a) (3) and (4) and the corresponding steps in § 926.46(b), and (c) receipts at a fluid milk plant which is a nonpool plant (except the plant of a state educational institution) of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 926.64(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 926.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month

following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15(A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 926.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 926.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March through June each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 926.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 926.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 926.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 926.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 926.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 926.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Signed at Washington, D.C., on December 22, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12296; Filed, Dec. 27, 1961; 8:50 a.m.]

[7 CFR Part 1008]

[Docket No. AO-275-A7]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Inland Empire marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Spokane County Court House, Spokane, Washington, on September 13–14, 1961, pursuant to notice thereof which was issued August 16, 1961 (26 F.R. 7782).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Pool plant requirements.
3. Limitation of diversions.
4. Cooperatives as handlers of bulk tank milk.
5. Classification and accounting for milk.
6. Supply-demand adjustment of the Class I price.
7. Location adjustment to handlers and to producers.
8. Obligations of handlers operating nonpool distributing plants.
9. Advance payments to producers.
10. Conforming changes.

No testimony was offered in support of a proposal in the notice of hearing to include an additional basic formula price alternative. A proposal not contained in the notice of hearing was made at the hearing with respect to conditions under which skim milk dumped may be classified as Class II milk, but no evidence was offered in support thereof. There is thus no issue presented with respect to these proposals.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should be expanded to include the remaining portions of Bonner and Kootenai Counties, all of Shoshone and Latah Counties, Idaho, and Whitman County, Washington. Nes Perce County, Idaho, and Asotin County, Washington, should not be added to the marketing area at this time.

The two cooperatives in the market, Spokane Milk Producers Association and Inland Empire Dairy Association, which represents approximately 75 percent of the total producers, proposed that the marketing area be enlarged to include all of Shoshone and Latah Counties, Idaho; Whitman County, Washington; and the remaining portions of Bonner and Kootenai Counties, Idaho. A proprietary handler operating a distributing plant at Pullman, Washington, proposed that if Latah and Whitman Counties were to be included Nez Perce and Asotin Counties should also be added to the marketing area. Representatives of the University of Idaho and Washington State University requested that their operations be exempt from regulation if Latah and Whitman Counties are added.

The addition of the portions of Bonner and Kootenai Counties not included in the marketing area at the present time will simplify the reporting of in and out of area sales required by the order. There are no plants located in these areas. At the present time there are no sales of milk by unregulated handlers in the portions of Bonner County not now included in the marketing area. The addition of Shoshone County without the addition of the remaining portion of Kootenai County would result in a small unregulated island within the marketing area. This area is presently served only by regulated handlers and those that would become regulated by the addition of Shoshone County.

The addition of Shoshone County will result in the full regulation of two handlers located in that county and partial regulation of a Missoula, Montana, handler who distributes some milk in the county. The handler operating a plant at Kellogg is supplied by 20 dairy farmers who are members of the Spokane Milk Producers Association. The Kellogg handler pays class prices of the order for this milk. Supplemental supplies of pool milk have been purchased from the Spokane Milk Producers Association by this handler in eight of the last 12 months, also at order prices. This handler has approximately 62 percent of the total sales in the county while regulated handlers account for an additional 16 percent. The other handler who will become fully regulated operates a plant in Wallace and is being supplied by five independent dairymen. These producers have been receiving less than order prices for their milk. This has placed handlers who are paying order prices at a competitive disadvantage and threatens to reduce prices to all producers who supply the area. Since it is evident that marketing in Shoshone County should be subject to order regulation on the basis of conditions existing in the county, it is appropriate that this be achieved by adding the county to the Inland Empire marketing area because of the close geographical and marketing relationships which exist. A handler whose plant is located in Missoula, Montana, distributes five percent of his total sales in this county. These sales are a minor portion of all sales in the area. He objected to the inclusion of Shoshone County because he would become partially regulated and therefore subject to the obligations required of a nonpool handler. No other opposition was offered to inclusion of Shoshone County in the marketing area.

The inclusion of Latah and Whitman Counties will bring under full regulation a plant at Pullman, Washington, which is operated by a handler who has a pool plant located in Spokane. This plant accounts for approximately 83 percent of the total sales in these counties while regulated handlers make 16 percent of all sales and a handler at Lewiston, Idaho, has minor sales in this area. Of the 38 dairy farmers supplying the Pullman plant 22 are members of one of the proponent cooperative associations. A representative of the independent shippers testified that they were satisfied with the prices they have been receiving for their milk and are opposed to the inclusion of this area in the market. Since the Inland Empire order first became effective the Pullman plant, which was then independently owned and operated, has been acquired by the handler with a Spokane plant. This handler has so integrated the operations of the two plants as to provide a substantial degree of specialization. Ice cream and cottage cheese distributed from the Pullman plant are processed at the Spokane plant from pool milk. Class I sales outside the marketing area are assigned to the fullest extent possible to the Pullman plant. Dairy farm receipts at the Pullman plant have been kept as close to Class I requirements as possible and pool milk received at the Spokane plant has been moved to Pullman when Class I sales exceed receipts from producers. By this integration of operations, producer prices at the Pullman plant have been maintained at a level competitive with order prices at Spokane but with a lesser Class I cost to the handler, and the interests of producers supplying pool plants have been adversely affected. Since these operations are integrated to this extent and the Pullman plant will be the only plant to be brought under regulation thereby, the appropriate means for protecting the interests of pool producers is to include in the marketing area the principal sales area of the Pullman plant. This area is the counties of Latah, Idaho, and Whitman, Washington.

Exemption is provided for state institutions or establishments that confine distribution of milk they process or package to their premises or those of other state institutions. The order need not regulate the activities of states in supplying the needs of their own insti-

tutions. The University of Idaho and Washington State University each presently confines distribution to milk of its own production in student dining halls on the campus. It is provided that milk that pool plants may receive from or dispose of to such institutions be treated as are receipts from, or disposition to, a producer-handler. The provisions with respect to producer-handlers in these and other respects are restated for clarification.

A handler operating the distributing plant at Pullman proposed that if this plant were to be regulated through the inclusion of Latah and Whitman Counties, then Nez Perce and Asotin Counties should also be included. Sixteen percent of all sales from this plant are made in these counties in competition with a handler at Lewiston, Idaho, in Nez Perce County. Some sales are also made by another regulated handler, who offered no testimony in favor of the proposal. The proponent was unable to offer data on the proportion of total sales in the area which are made by him or the regulated handler. There was no indication of unstable marketing conditions nor that the Inland Empire regulation would be significantly affected adversely by excluding the Lewiston handler from full regulation. The producers who supply the plant at Lewiston were opposed to regulation. It is concluded that on the basis of this record Nez Perce County, Idaho, and Asotin County, Washington, should not be included in the marketing area.

Some milk is sold in the enlarged marketing area by a Montana plant supplied by dairy farmers who are not under the routine inspection of health authorities having jurisdiction in the marketing area. While this plant would not now qualify for pool status, under which the farmers supplying it would become producers, the identity of the health authority issuing permits or ratings should not bar such farmers from producer status if the plant should qualify as a pool plant. Accordingly "producers" are defined in terms of Grade A permits or ratings issued by any duly constituted health authority.

2. *Pool plant requirements.* No change should be made in the total route disposition requirements that a distributing plant must meet to obtain pool status but a volume alternative pooling standard should be provided with respect to route disposition within the marketing area. However, if a handler operates more than one plant with the required disposition, he should be permitted to combine the receipts and utilization at such plants for purposes of compliance with the requirement for total route distribution. Also, plants operated by cooperative associations which have the required disposition on routes within the marketing area should be permitted to apply bulk deliveries to distributing pool plants of other handlers when computing the requirements for total route disposition.

The present order requires that to maintain pool status a distributing plant must dispose of 20 percent of receipts on routes within the marketing area and a total of 40 percent of receipts February through August and 50 percent September through January on all routes. A handler proposed that these requirements be reduced to 15 percent within the area and 30 percent overall, and that handlers operating more than one pool plant in the marketing area combine receipts and sales of all plants to determine qualification. The Inland Empire Dairy Association proposed that bulk deliveries from a cooperative plant to another pool distributing plant be considered route disposition.

No need for reduction in the qualification standards was demonstrated with respect to operations of plants presently regulated. Utilization in the market is well above the present minimum requirements. Expansion of the marketing area will result in a higher percentage of in-area route sales for plants now in the pool. The expansion of area does, however, afford a potential opportunity for large volume plants to have a significant percentage of the total sales in the marketing area without being pooled. From the evidence in the record it may be estimated that present fluid sales of any plant whose primary business is not in the enlarged area are substantially less than 5,000 pounds daily. In this marketing area, where Class I sales have approximated 10 million pounds monthly, 5,000 pounds daily, or 150,000 pounds monthly, represents about 1.5 percent of the total market sales. It is accordingly, considered appropriate that the pooling standard with respect to in-area route disposition be the lesser of 20 percent of receipts, as presently provided, or a daily average of 5,000 pounds. Permitting a handler who operates more than one distributing plant with the required in-area distribution to combine receipts and sales of such plants for purposes of determining compliance with the total route disposition standards will meet the needs of the handler proposing changes in the standards. This handler operates a plant at Pullman, Washington, which will be included in the enlarged marketing area. Provisions for aggregate performance will permit this handler to operate his Spokane and Pullman plants to better use the facilities available at each of these plants. Rather than mere location in the marketing area, compliance with the in-area requirement should determine the plants of a handler for which aggregate performance may be used.

The Inland Empire Dairy Association has historically marketed its packaged fluid products through the Safeway stores in the area. However, Safeway plans to build a processing plant and offer milk under its own brand name in its stores. Some raw milk will continue to be supplied by Inland. This will result in a reduction in Inland route sales but the milk will be in the pool as it has been. This will change the functions of the Inland Empire plant with respect to such milk from that of distribution to that of balancing the supply required by a distribution plant, a function which should be recognized in the pooling requirement. Since the plant is primarily a distributing plant it should be required to meet the in-area route disposition requirement. Recognition of the supply balancing functions can more appropriately be provided by adding bulk transfers to distributing pool plants of other handlers to route disposition for purposes of computing the percentage of total route disposition.

The order presently specifies in the pool plant definition the dispositions which constitute distributions on "routes". Since there is need to use the term "route" elsewhere in the order a separate definition of "route" is provided. In this definition it is specified that delivery through a distribution point constitutes route disposition of the plant at which the milk is processed. Enlargement of the marketing area will include such a distribution point through which a Spokane handler presently distributes milk in the area to be added.

3. *Limitation of diversions.* Diversions by cooperative associations and proprietary handlers to nonpool plants should be permitted from December through June. Under the present order diversions are permitted in the months of February through August.

The cooperative associations proposed that the diversion period be changed to the months of December through June. A proprietary handler proposed that diversions of producer milk to nonpool plants be permitted during all months of the year with a limit of 20 days per month for each individual producer from July through November.

The trend in the market has been for supplies to be more in line with sales during July and August and a tendency toward an excess supply in December and January. Thus, substitution of December and January for July and August as the months when diversion to nonpool plants is permitted will better serve the needs of the market.

The testimony favoring this proposal was inconclusive as to the need for year-round diversions. It was not demonstrated that any hardship has occured or is likely to because diversions are not permitted during all months. The needs of the proponent handler will be met by the changes made in the pool plant definition previously discussed.

4. *Cooperatives as handlers of bulk tank milk.* Cooperative associations should be given the option of becoming the responsible handler for bulk tank milk delivered to pool plants in trucks owned or under the control of the cooperative, if the market administrator and the operator of the pool plant are given prior notice by the cooperative of its intention to be the handler for such milk.

More than 95 percent of the producer milk in the market is handled in bulk tanks. This proposal was made by two cooperative associations in the market whose members comprise 75 percent of the total number of producers. Under the present order cooperatives are handlers for diverted milk and as operators of pool plants.

Flexibility should be provided in order that cooperatives may better meet the fluctuating day-to-day needs of handlers in a more efficient manner. When loads are split among handlers it is impossible to identify the milk of any single producer. Thus, the plants must rely on haulers to maintain producer records for such milk. Accounting will be simplified if the cooperative is permitted to become the responsible handler in these cases.

In settling with the cooperative associations for any milk for which an association is the handler, payment should be made at the uniform producer price and settlement made for pool equilization with the market administrator. To accomplish this, milk received from the cooperative association should be accounted for by the handler on the same basis as are receipts direct from producers. This system has the merit that any adjustments in classification found on audit of a handler's records will be made directly with such handler by the market administrator.

The order presently provides that a cooperative association may, within certain limits, divert milk from one pool plant to another without such milk being included in the computation determining pool status of either plant. Administration of this provision would not be feasible if the plant to which such milk is diverted is also supplied by the same cooperative association as a bulk tank handler. Accordingly, such interplant diversion is limited to cases in which the plant actually receiving the diverted milk is not also receiving milk from the same cooperative association as a bulk tank handler.

5. *Classification and accounting for milk.* The order presently classifies milk into Classes I, II(a), and II, but does not distinguish clearly between Class II(a) and Class II in all respects. For clarification these classes are redesignated Classes I, II, and III so that assignment of utilization between the classes may be made more explicit. In order to simplify language of the order a definition of "fluid milk products" is provided to include those products which are now classified as Class I milk when disposed of in fluid form.

(a) *Solids used for fortification and in dietary products.* The classification provisions should be revised to include dietary foods in Class I. Fluid milk products fortified with added nonfat milk solids should be classified as Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content. The skim milk equivalent of the added solids should be classified as Class III milk.

Two proprietary handlers proposed that only the actual pounds of skim milk powder used in fortification of fluid products be classified as Class I with no provisions for accounting for the skim equivalent. Another handler, who will become partially regulated due to the enlargement of the marketing area, proposed a modification of the proposals to permit retention of the skim equivalent accounting method. The Spokane Milk Producers Association opposed any change in present system of accounting for fortified products.

Dietary foods should be specifically designated as fluid milk products and classified as Class I. Such items have been classified as Class I because they were considered to be flavored milk drinks.

The water associated with milk solids added to fortified products cannot be shown to be displacing producer milk in this market. However, the order should continue to account for reconstituted milk products on the basis of the original volume, including all the water originally associated with the solids. These products compete for the same sales as whole milk or skim milk and would displace producer milk available for the same purpose.

There is an incentive for handlers to fortify fluid milk products, which are primarily derived from producer milk, to meet the demand of consumers for low fat products which are high in nutritional value. The sale of such products helps to maintain or even increase Class I sales.

To maintain proper accounting the nonfat solids added should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of fortified products and the actual weight of the product disposed of in fluid form should be classified as Class III. The skim milk equivalent would be considered as a receipt of other source milk.

(b) *Shrinkage.* The two percent maximum allowance for Class III classification of shrinkage should be divided between the receiving and other operations when performed at different plants. The proration of total shrinkage should be between pool milk and other source fluid milk products.

The cooperative associations proposed that pool plants and cooperatives transferring milk in bulk tank lots to another pool plant be allowed 0.5 percent shrinkage leaving 1.5 percent allowable shrinkage for the processing plant. They also proposed to prorate total shrinkage between pool milk and other source milk.

The division of shrinkage on bulk tank milk to allow 0.5 percent to the plant (or cooperative handler) receiving milk from producers, and the remaining 1.5 percent to the plant at which the milk is processed, is in line with experience in other markets. Of course, the amount of shrinkage experienced by different handlers for various operations will vary, but this division would provide adequate allowance for normal operations.

When cooperatives deliver bulk tank milk in their capacity as handlers to pool plants, the operator of the pool plant may elect to purchase such milk on the basis of weights taken at the farm. In this case the pool plant operator should be allowed the full two percent shrinkage, because the cooperative would have no need for shrinkage allowance. However, a handler should be permitted to exercise this option only if he notifies the market administrator in advance that the purchase of such milk from the cooperative is on the basis of farm weights.

This change in computing the shrinkage allowance makes it necessary to prorate shrinkage between the volume of pool milk to which the maximum shrinkage allowance of two percent would apply and receipts of other source fluid milk products, rather than between producer milk and other source milk. Otherwise a disproportionate share of the total shrinkage could be assigned to pool milk.

(c) *Classification of milk delivered to nonpool plants outside the area.* Evidence was offered at the hearing, without objection, in support of a proposal that milk moved to nonpool plants outside the marketing area and used for manufacturing be classified separately and priced at 25 cents per hundredweight less than the Class II (new Class III) price of the order. It was claimed that lack of surplus handling facilities in the area and distance to nonpool plants required a transportation allowance. It was also claimed that modification of the order in this respect was required if the marketing area was to be enlarged. No evidence was offered that at current levels of supply disposal of reserve milk supplies has been a problem which would require lowering the Class III price. Neither does it appear that enlargement of the marketing area will in any way affect the problem of disposition to nonpool plants. The proposal is accordingly denied.

6. *Supply-demand adjustment of Class I price.* The present supply-demand adjustment limit of plus or minus 50 cents should not be changed. The cooperative associations proposed a reduction in the limit to plus or minus 25 cents.

The supply-demand adjuster was last amended in October 1959. Since that time the maximum adjustment has been 9 cents. This indicates that receipts and utilization have been in close alignment. The purpose of the supply-demand adjuster is to provide automatic price changes to encourage or discourage additional supplies as the relationship between receipts and utilization in the market changes. There may be need for adjustment in excess of the proposed 25-cent limit if there is a substantial change in the ratio of supplies to sales. Therefore the maximum rate should not be changed at this time.

7. *Location adjustment to handlers and producers.* Location adjustments should be applicable only at pool plants located more than 90 miles from the City Hall in Spokane.

The order presently provides location adjustments to handlers and producers on milk received at pool plants located more than 50 miles from the City Hall in Spokane. The cooperative associations proposed that location adjustments apply only at pool plants located outside the marketing area and more than 90 miles from Spokane without changing the rates applicable at such plants. Opposition was offered by a handler who operates a distributing plant at Pullman, Washington, which will become a pool plant under the expanded area of the order.

At the present time only one regulated plant, at Sandpoint, Idaho, is located more than 50 miles from Spokane. The handler operating this plant has for some time paid his producers at the

f.o.b. Spokane price without deducting the location adjustment permitted under the order. Enlargement of the marketing area is expected to bring under full regulation three additional plants, all located in the territory being added; all of these are located more than 50 but less than 90 miles from Spokane.

One plant to become regulated, at Kellogg, Idaho, has been purchasing its milk from Spokane Milk Producers Association at full class prices of the order (with no location adjustment) and the producers supplying this plant have received prices approximately the same as producers delivering milk to Spokane plants. Another, at Pullman, Washington, has paid producer prices approximately equal to producer prices at Spokane under the order, but has had to rely on pool sources for reserve supplies of milk. The third plant, at Wallace, Idaho, is located within 11 miles of the plant at Kellogg and buys milk in competition with it. Within this area Spokane handlers and the plants to be newly regulated compete actively with each other. In view of present relationships, class prices and producer prices should be equal within this area. Since 90 miles includes all locations in the marketing area at which there are likely to be any plants, location adjustments are provided at all plants located more than 90 miles from Spokane. There are no plants outside the enlarged marketing area affected by this change. The rate presently applicable at Missoula, Montana, at which is located a plant that may become partially regulated, is not changed.

8. *Obligations of handlers operating nonpool distributing plants.* The operator of a plant distributing Class I milk in the marketing area that does not qualify as a pool plant should have the option of paying into the pool any amount by which the classified value of receipts from dairy farmers exceeds the gross payment to such farmers or the present rate of compensatory payment computed on the volume of his distribution in the marketing area less the amount of Class I purchases from pool plants. The expense of administration should be the same as that for a fully regulated handler if the first option is elected and computed only on the net volume of sales in the marketing area under the second option. If the first option is elected, credit should be given for payments to the producer-settlement and administrative funds of any other Federal order under which the plant may also be subject to partial regulation.

It was proposed by the cooperative associations that partially regulated handlers have the choice of making payments to the dairy farmers supplying them in amounts determined in the same manner as for a fully regulated handler or making compensatory payments as provided for in the present order. A handler whose plant at Missoula, Montana, will become partially regulated due to the expanded marketing area, proposed a modification to permit the volume of sales in the marketing area under the second option to be reduced by the amount of Class I purchases from pool plants. This handler also proposed that credit be given for costs of administration assessed under state orders, and favored a change in the rate of compensatory payment.

The order presently provides that operators of nonpool distributing plants shall pay compensatory payments on their Class I sales in the marketing area at a rate equal to the difference between the Class I and Class II (new Class III) prices. Testimony was offered that during months of short production this rate should be the difference between the Class I and uniform price of the order, on the theory that it might be assumed that milk could not be procured at that season for less than the uniform prices of the order. During much of this season the uniform prices of the Inland Empire order will in the future be increased through the fall incentive payment plan adopted effective September 1, 1961, and thus may even exceed the Class I price. The evidence offered in support of the changed rate is not such as to justify a change in the rate of payment.

The provisions adopted will assure the fully regulated handlers in the market that any of their competitors who are primarily associated with another market have no procurement advantage. If the partially regulated handler chooses the first option, his total minimum obligations for milk will be determined exactly as if he were fully regulated. The plants to which the provisions may presently apply are so located that their procurement areas do not overlap those of fully regulated handlers. Local plants that might fail to qualify as pool plants would be those with Class I utilization far below the market average. The full use value of their milk that such handlers may pay to the dairy farmers supplying them under this option will not be competitive, in this market and under these circumstances, with the uniform order price paid Inland Empire producers by fully regulated handlers.

The obligation of a nonpool plant under the second option will be the same as that of a pool plant with respect to other source milk used for Class I purposes. Permitting the partially regulated handler to make a compensatory payment on the net of Class I sales in the marketing area (actual sales less purchases of Class I milk from pool plants) will not result in any loss to the pool because the regulated handler from whom the milk is obtained will account to the producer-settlement fund for such sales at the Class I price.

The assessment of administrative expense should depend upon the option chosen by the nonpool distributor. The first option requires the same verification of receipts and utilization by the market administrator as in the case of a pool plant, therefore, the expense of administration should be the same. Under the second option comprehensive audits are not required so the expense of administration should only be computed on the sales in the marketing area. There should be no credit given for administrative expense paid under a state order. Responsibility for administration of the order may not be delegated to a state agency.

9. *Advance payments to producers.* The order should provide for an advance payment for producer milk received during the first half of each month. The rate of payment should be at the Class III price for the previous month.

The Spokane Milk Producers Association proposed that advance payments be made to producers. Proprietary handlers contended this was not necessary because advance payments are available to producers on request.

The order presently provides that producers be paid by the 17th of each month for milk delivered during the previous month. This permits handlers the use of producer money for milk for a period of up to a month and a half at some risk to the producers. Many producers are presently receiving advances and the order should provide for such payments to be made to all producers. Milk production under present conditions requires substantial operating capital. The producers must make substantial cash investments and have ready cash to meet credit obligations. Provisions for regular partial payment for milk delivered early in the month will reduce the need for producers to increase operating capital.

Since cooperative associations will be permitted to become handlers for their member's milk it will be necessary, in order that associations may make advance payments to their members, for handlers to make advance payments at the same rate on the aggregate amount of milk received from the cooperative. For member milk for which the cooperative is not the handler, but for which it collects payments, a statement showing the receipts from each member producer should also be required on the 20th day of the month for milk delivered the first half of the month and the 7th for milk received the last half of the previous month. In either case payments to cooperatives should be made at least two days prior to the date of payment to individual producers. Thus, cooperatives will be able to make advance payments to their members and all producers in the market will receive payment at the same time.

Use of the Class III price for the previous month in computing advance payments will result in a minimum of overpayments. Administrative detail will be kept at a minimum in that no adjustments for butterfat, hauling or other deductions are required.

10. *Conforming changes.* The amendments required to carry out the conclusions of this decision require change in almost every section of the order. The entire order has accordingly been rewritten to incorporate these conforming changes and for clarity and specificity of provisions. Certain plants which have discontinued operations are deleted from the list of those whose paying prices are used as an alternative basic formula price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Inland Empire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 1008.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1008.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1008.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1008.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1008.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 Inland Empire marketing area.

"Inland Empire marketing area" hereinafter called the "marketing area" means all of Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone Counties, Idaho; Spokane and Whitman Counties, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

§ 1008.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products.

§ 1008.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1008.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products on routes within the marketing area equals or exceeds the lesser of 5,000 pounds per day or 20 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1008.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk during the current month during the period of October through December, or 20 percent or more during the current month during the period January through September. Any such plant which has forwarded more than 50 percent of such receipts for the entire period October through December shall be a pool plant for the months of January through September immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

(c) For the purposes of computing the percentages specified in this section the following shall apply:

(1) Receipt of milk from dairy farmers shall not include, at either plant involved, milk diverted pursuant to § 1008.15(c)(2);

(2) If a plant operated by a cooperative association meets the requirements of paragraph (a)(1) of this section, bulk milk delivered to distributing pool plants of other handlers shall be added to disposition on routes for purposes of computing the percentage specified in paragraph (a)(2) of this section; and

(3) If a handler operates more than one distributing plant meeting the requirements of paragraph (a)(1) of this section, the aggregate route disposition and receipts of all such plants shall be used to compute the percentage specified in paragraph (a)(2) of this section for each of such plants.

§ 1008.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1008.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by a duly constituted health authority for distribution as Grade A milk whose milk is received at a pool plant or diverted as producer milk pursuant to § 1008.12.

§ 1008.12 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers;

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section; and

(3) That to be classified pursuant to § 1008.44(b);

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1008.15(c)(1), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1008.15(c)(2) and (d); and

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through June if milk from the same producer was received at a pool plant during some portion of the period July through November immediately preceding; and

(2) For the purpose of location adjustments pursuant to §§ 1008.53 and 1008.81, milk so diverted shall be priced at the location of the plant from which diverted.

§ 1008.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source except (1) producer milk; or (2) receipts from other pool plants; and

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1008.14 Other order milk.

"Other order milk" means all skim milk and butterfat received at a pool plant in the form of a fluid milk product which is subject to the pricing and payment provisions of any other order issued pursuant to the Act.

§ 1008.15 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products labeled Grade A are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers caused to be diverted for its account:

(1) From a pool plant to a nonpool plant during any of the months of December through June; and

(2) From a pool plant to another pool plant to which such cooperative association delivers no milk pursuant to paragraph (d) of this section during the month, and not exceeding a period of 90 consecutive days for any producer; and

(d) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for all such milk. Milk so delivered shall be considered to have been received by the cooperative association at the location of the plant to which delivered.

§ 1008.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

§ 1008.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, concentrated milk, skim milk or milk drinks not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

§ 1008.18 Route.

"Route" means any delivery, including delivery by a vendor or disposition from a plant, plant store or distribution point, of fluid milk products to retail or wholesale outlets other than delivery to a milk plant or distribution point, or pursuant to § 1008.41(c)(3).

MARKET ADMINISTRATOR

§ 1008.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1008.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk delivered by such cooperative association pursuant to § 1008.15(c)(2) and (d) or form its member producers to each handler. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70 of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1008.70(e);

(iii) The uniform price;

(iv) The totals of the amounts computed in the manner provided by § 1008.80;

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.62 of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51(a) and the Class I butterfat differential pursuant to § 1008.52(a), both for the current month; and the respective minimum prices for Class II milk and Class III milk pursuant to § 1008.51 (b) and (c) and the Class II and III butterfat differential pursuant to § 1008.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 1008.71 and the butterfat differential computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 Reports of receipts and utilization.

On or before the 7th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1008.62(b), shall report to the market administrator in the detail and on the forms prescribed by the market administrator the following information for the preceding month:

(a) Each handler operating pool plants shall report the quantities of skim milk and butterfat in:

(1) Receipts of each such plant in:

(i) Producer milk, showing separately that to be classified pursuant to § 1008.44(b)(2);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, including other order milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, and (ii) in route disposition outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request.

(b) Each handler specified in § 1008.15(b) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1008.15(c) and (d) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1008.15(c)(1);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1008.15(c)(2) and (d); and

(4) Such other information as the market administrator may require.

§ 1008.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 1008.61 or one making payments pursuant to § 1008.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1008.62(a), his payroll for dairy farmers delivering Grade A milk) for deliveries made the preceding month which shall show for each producer:

(a) The name and address of the producer or dairy farmer;

(b) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer; and

(c) The price, amount and date of payment with the nature and amount of any deductions.

§ 1008.32 Other reports.

(a) Each producer-handler, each handler required to report pursuant to § 1008.61 and each handler making payments pursuant to § 1008.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1008.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1008.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1008.30, 1008.31 and 1008.32;

(b) The weights and tests for butterfat and other contents of all milk and milk products handled; and

(c) Payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1008.35 Handler reports to producers and cooperative associations.

(a) In making payments to producers pursuant to § 1008.80(b), each handler on or before the 17th day after the end of each month, for milk received during such month, shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate at which payment to such producer is required pursuant to § 1008.80;

(4) The rate which is used in making payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(b) In making payments to a cooperative association pursuant to § 1008.80(c) each handler upon request shall furnish to the cooperative association on or be-

fore the 20th day of the month with respect to milk received during the first half of the month and on or before the 7th day of the month with respect to milk received during the last half of the previous month for each producer for whom such payment is made, the information specified in subparagraphs (1), (2), and (5) of paragraph (a) of this section, and the daily weights of milk purchased from each of the association's member producers.

CLASSIFICATION

§ 1008.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to § 1008.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1008.41 Classes of utilization.

Subject to the conditions set forth in §§ 1008.42, 1008.43 and 1008.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraphs (c) (2) and (3) of this section; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In skim milk:

(i) Disposed of for livestock feed;

(ii) Dumped pursuant to the conditions specified in § 1008.32(b); and

(iii) In fluid milk products which are excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(3) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(4) Contained in inventories of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1008.42(b) (1) but not to exceed the following:

(i) Two percent of receipts directly from producers (including in the case of a cooperative association, such receipts for which it is the handler pursuant to § 1008.15 (c) or (d)), plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1008.15 (c) or (d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm-bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants (when the exception specified in (ii) hereof applies, the applicable percentage shall be two percent); and

(6) In shrinkage allocated to receipts of other source milk.

§ 1008.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in pool milk in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1008.41 (c) (5); and (2) skim milk and butterfat in other source milk.

§ 1008.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise:

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1008.44 Transfers.

Skim milk and butterfat disposed of by a handler, either by transfer or diversion, shall be classified as follows:

(a) As Class I milk if transferred in bulk in the form of fluid milk products from a pool plant to another pool plant unless:

(1) Utilization in another class is claimed by the operators of both pool plants in their reports pursuant to § 1008.30;

(2) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, remaining after the allocation pursuant to § 1008.46(a) (1) through (6) and the corresponding steps of § 1008.46(b); and

(3) The classification of the skim milk or butterfat so transferred shall be classified so as to allocate to producer milk the greatest possible total Class I utilization at both plants;

(b) Milk for which a cooperative association is the handler pursuant to § 1008.15 (c) (2) or (d) shall be deducted from the producer milk to be classified as that of the cooperative association and shall be included in producer milk classified at the plant of the transferee handler;

(c) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(d) As Class I milk if transferred or diverted except as provided in paragraph (e) of this section as a fluid milk product in bulk form to a nonpool plant, unless the following conditions are met:

(1) The operator of the pool plant claims utilization in another class in his report for the month submitted pursuant to § 1008.30;

(2) The operator of the nonpool plant maintains books and records showing the utilization of the skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) If the condtions set forth in subparagraphs (1) and (2) of this paragraph are met the market administrator shall determine the classification of all skim milk and butterfat at such nonpool plant and the transfer from the pool plant shall be allocated in sequence to the highest class uses remaining after allocating, in series beginning with Class I, such nonpool plant's regular dairy farm receipts of Grade A milk and receipts of milk classified as Class I milk under another Federal order;

(e) Transfers to nonpool plants fully regulated under the terms of another Federal order issued pursuant to the Act, shall be classified as Class III milk if in bulk form and allocated in the transferee-plant, pursuant to the terms of the order to which such plant is subject, as other than Class I milk, otherwise such transfers shall be classified as Class I milk.

§ 1008.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler at all of his pool plants.

§ 1008.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1008.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the shrinkage of skim milk classified as Class III milk pursuant to § 1008.41(c) (5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk received in a form other than a fluid milk product;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk in the form of fluid milk products exclusive of other order milk;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other order milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 1008.44; and

(8) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Allocate butterfat in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1008.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used on computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 Class prices.

Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II milk, and Class III milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

(b) *Class II milk.* The price for Class II milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "Class I utilization percentage";

(4) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is the "minus net deviation percentage"; and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	79	82
February	November–December	76	79
March	December–January	73	76
April	January–February	73	76
May	February–March	72	75
June	March–April	70	73
July	April–May	68	71
August	May–June	63	66
September	June–July	65	68
October	July–August	69	72
November	August–September	73	76
December	September–October	77	80

(5) For a minus net deviation percentage the Class I price shall be decreased, and for a plus net deviation percentage the Class I price shall be increased, as follows:

(i) One cent for each such full percentage point of net deviation; plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding; or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the second preceding month.

§ 1008.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class III milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1008.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 90 miles by the shortest highway distance as determined by the market administrator, from the City Hall, Spokane, Washington, and disposed of as Class I milk or assigned to Class I pursuant to paragraph (b) of this section, the price computed pursuant to § 1008.51(a) shall be reduced two cents for each 10 miles or fraction thereof, up to 200 miles and one cent for each 10 miles or fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington; and

(b) For purposes of calculating this adjustment, transfers between pool plants shall be assigned to Class I in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts at such plant from producers and cooperative associations pursuant to § 1008.15 (c) (2) and (d), such assignment to transferor plants to be made first to plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location differential would apply.

§ 1008.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1008.60 Producer-handlers.

Sections 1008.40 through 1008.45, 1008.50 through 1008.53, 1008.70, 1008.71, and 1008.80 through 1008.88 shall not apply to a producer-handler.

§ 1008.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to any distributing or supply plant which would be subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products are disposed of on routes or to pool plants in the Inland Empire marketing area than in the marketing area regulated pursuant to such other order, except that the operators of such plants shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1008.62 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 1008.80 through 1008.87, each handler, other than a producer-handler or one exempt pursuant to § 1008.61, who operates during the month a nonpool distributing plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 1008.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1008.70, if such handler had operated a pool plant, the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1008.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order; and

(b) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value at the Class I price applicable at the location of such handler's plant, of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area, in excess of the skim milk and butterfat received at such nonpool plant from a pool plant during the month which was classified as Class I milk under this part less the value of such skim milk and butterfat at the Class III price; and

(2) As his share of the expense of administration the rate specified in § 1008.88 with respect to the net Class I milk so disposed of in the marketing area.

§ 1008.63 State institutions.

A state owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other state institutions or establishments shall be exempt from all provisions of this part. Milk received from such institutions at pool plants shall be other source milk and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 1008.70 Computation of the value of producer milk.

The value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1008.46(c), by the applicable class prices, adjusted pursuant to §§ 1008.52 and 1008.53;

(b) Add or subtract the amount necessary to correct errors disclosed by the verification of reports of receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(c) Add the amount obtained in multiplying the pounds of overage deducted from each class pursuant to § 1008.46(a) (8) and the corresponding step of § 1008.46(b) by the applicable class prices;

(d) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1008.46(a) (2) and the corresponding step of § 1008.46(b) by the difference between the Class III price and the Class I price, each adjusted by the respective butterfat differentials;

(e) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1008.46(a) (3) and the corresponding step of § 1008.46(b) by the difference between the Class III price and the Class I price adjusted for butterfat content and location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(f) Add the amount obtained in multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1008.46(a) (5) and the corresponding step of § 1008.46(b); or

(2) The hundredweight of skim milk and butterfat remaining in Class III after the calculation pursuant to § 1008.46(a) (6) and the corresponding step of § 1008.46(b) in the preceding month; and

(g) Subtract the value of payments applicable under any other Federal order issued pursuant to the Act, if confirmed by the market administrator of such other order, on transfers of skim milk or butterfat in bulk form pursuant to § 1008.44(e) which are other source milk under such other order.

§ 1008.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate values of the location adjustments pursuant to § 1008.81;

(c) Subtract for each of the months of April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(d) Add for each of the months of September, October and November one-third of the aggregate amount subtracted pursuant to section (c) of this section;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1008.82 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

PAYMENTS

§ 1008.80 Time and method of payment to producers and cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at not less than the Class III price for the preceding month;

(b) On or before the 17th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1008.71 subject to the butterfat differential computed pursuant to § 1008.82 and location adjustment computed pursuant to § 1008.81, and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1008.87, and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1008.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers the foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1008.15 (c) (2) and (d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5) (F) of the Act from making payment for milk to its producers in accordance with such provisions of the Act.

§ 1008.81 Location adjustments to producers.

In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 Producer butterfat differential.

In making payments pursuant to § 1008.80(a) the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 4.0 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1008.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1008.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1008.62 (a) (1) and (b) (1), 1008.84 and 1008.86 and out of which he shall make all payments to handlers pursuant to §§ 1008.85 and 1008.86.

§ 1008.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month each handler shall pay to the market administrator the amount, if any, by which the total value of the milk received by such handler from producers computed pursuant to § 1008.70 (plus, in the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1008.80(e)) is greater than the value of such handler's producer milk at the applicable uniform price specified in § 1008.80.

§ 1008.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers computed pursuant to § 1008.70 (plus, in the case of a cooperative association that is a handler, the minimum amount due from other handlers

pursuant to § 1008.80(e)) is less than the value of such handler's producer milk at the applicable uniform price specified in § 1008.80, except that the market administrator shall offset any payments due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1008.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative assocation from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80(a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1008.88 Expense of administration.

As his pro rata share of the expense of administration of the order each handler, including any cooperative association which is a handler, shall pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may prescribe:

(a) On or before the 14th day after the end of the month with respect to receipts at a pool plant of (1) producer milk, including such handler's own farm production and that classified pursuant to § 1008.44(b), and (2) other source milk, except other order milk, allocated to Class I; or

(b) On or before the 14th day after the end of the month with respect to producer milk for which a cooperative association is the handler pursuant to § 1008.15 (c) and (d) in excess of that delivered to the pool plants of other handlers; and

(c) The quantities of milk at handler's nonpool plants and at the time as specified in § 1008.62.

§ 1008.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1008.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1008.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1008.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on December 22, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12295; Filed, Dec. 27, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 640) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of calcium disodium ethylenediaminetetraacetate at a level not to exceed 60 parts per million (calculated as the anhydrous compound) in dry soluble seasonings to control trace-metal ions.

Dated: December 21, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-12307; Filed, Dec. 27, 1961; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Procedural Regs. Docket No. 13305]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Rules Applicable to Local Service Route Proceedings; Notice of Proposed Rule Making

DECEMBER 21, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed amendment to Part 302 of the procedural regulations which would establish special rules prescribing a standardized cost method for proceedings concerned with changes in the authorized operations of certain designated local service carriers and prohibit the use of other costing techniques, except upon the granting of a motion for waiver.

The principal features of the proposed amendment are explained in the attached explanatory statement below and the proposed amendment to Part 302 is set forth below. This regulation is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section of the Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before January 26, 1962, will be considered by the Board before taking final action on the proposed rule, Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. One of the major considerations affecting a Board decision in a local service route proceeding is the prospective financial impact of the proposed authorization on the affected carrier. Generally speaking, a local service route otherwise found to be required by the public convenience and necessity will be authorized if it appears that operations pursuant to the route award will be profitable or will not require an unreasonable amount of subsidy.[1] On the other hand, if it is found that a proposed route authorization will result in an unreasonable excess of expenses (including capital costs) over revenues, the proposal normally will be denied notwithstanding that other standards of public convenience and necessity are satisfied.

The factors determining the prospective financial result of a local service route proposal are the estimated amounts of traffic and expenses which will be generated. Various methods are employed by parties to local service route proceedings in forecasting traffic and in predicting the cost of a proposed local service. For reasons hereinafter set forth, the Board has determined (1) to prescribe a standardized methodology for estimating the expense of operating proposed [1a] local service segments with a given number of frequencies and stops and generating the forecast traffic volume, and (2) to adopt as the prescribed method the expensing technique regularly used by the Bureau of Economic Regulation in local service proceedings, with certain modifications. The proposed rule is not concerned with traffic forecasting methods in such proceedings.

Need for standardization of costing procedure. There are several reasons warranting the adoption of a standard costing methodology. The determination of additional costs or cost savings resulting from proposed route extensions or deletions is not a matter which can be precisely determined by any method. The best that can be hoped for through the use of any costing technique is a reasonable approximation of the change in dollar expenses which will be experienced as a result of specific changes in local service operations. Moreover, the Board can discharge its statutory responsibility in authorizing operations by local service carriers only when reliable comparisons can be made between the costs which will be respectively incurred by competing applicants seeking to provide the same or similar services. Likewise, it is essential that the Board be able to apply the same measure of cost when striking a proper balance between the rival needs of various communities for local service. Experience has demonstrated that when parties to local service route proceedings are free to choose individual costing methods, the resulting expense estimates, based upon dissimilar methods, cannot be readily compared or reconciled. Furthermore, the introduction in evidence of cost estimates based upon varying cost techniques has engendered an undue expansion of the record in such proceedings.

The Board does not believe that the use of any individual cost method will produce significantly more accurate results than the use of any reasonably appropriate standard cost method. Furthermore, only a standard costing method will provide the necessary degree of comparability in the financial results achieved. The Board also finds that the use of a standardized costing method which may be objectively applied by the mechanical determination of certain basic facts is inherently superior to the use of any method dependent upon the subjective judgment of adversary parties in route proceedings. For these reasons, the Board is proposing a uniform and objective method of costing local service operations.

In the Board's opinion, this method should result in a substantially curtailed and more useful record, produce significant savings in time in the decisional process, and avoid considerable expense for the parties and the Board. A uniform costing procedure will also be

[1] The Board presently has under consideration a related proposed policy for adjustment of a carrier-applicant's subsidy payments to correct, under certain circumstances, substantial variances between subsidy payable under the class rate and the subsidy requirement related to particular route amendments. Questions as to the procedure and methods of computation to be employed in making such subsidy adjustments will be considered by the Board in connection with the implementation of the subsidy adjustment policy.

[1a] The standard costing method prescribed herein is applicable to proposed suspensions and deletions of existing local service points and segments, in addition to proposed route extensions.

advantageous in eliminating one of the variable components in a revenue and expense forecast, thereby restricting any area of controversy to traffic and revenue estimates and narrowing the issues for decision by the examiner and the Board. Moreover, since the cost standards prescribed herein will define the categories of expense which the Board will recognize in the costing of a local service route proposal, comparison of differing revenue and expense forecasts will be simplified and facilitated.[2] As a by-product, the establishment of a single costing standard will eliminate the practice of some parties of shifting from one costing technique to another in different route proceedings.

While the Board believes that it is essential to adopt a standardized, objective method of determining costs in local service proceedings, it is fully aware of the complexity, magnitude and importance of the problem of formulating an appropriate method which can be prescribed for exclusive use in all local service proceedings. For this reason, the method described in the attached Proposed Rule should be viewed as a tentative solution which is being advanced because it is the only costing technique currently known to the Board which satisfies the desired criteria of uniformity and objectivity. This costing system is substantially similar to the method developed by the Bureau of Economic Regulation with modifications to permit its mechanical application upon the basis of Form 41 reports and special statistical summaries which will be periodically prepared and published by the Board's staff. The Board believes that the publication of all pertinent details concerning this tentative solution should aid interested persons in the development of alternative solutions and of improvements to the proposed method. The Board will carefully review and thoroughly consider any such constructive comments as well as comments concerned with the desirability and feasibility of adopting any standardized costing procedure.

The Bureau of Economic Regulation's costing method. With respect to the particular costing technique to be prescribed, the Board has given consideration to all the various costing methods employed in local service proceedings, and has decided to adopt a costing system substantially similar to that developed by the Bureau of Economic Regulation. The Bureau's technique has been used for a number of years, its mechanics are well known, and its soundness has most recently been thoroughly tested in the current series of local service area cases now nearing completion. In addition, the Bureau's methodology has gained increasing acceptance with the Board and its examiners, local service carriers, civic parties, and economic consultants. Indeed, a number of the costing systems used by the local service carriers follow the pattern of the Bureau's method, with modifications.

The outstanding feature of the Bureau's system is its uniform approach and basic objectivity. Fundamentally, the Bureau's method of cost analysis consists of a statistical analysis of reported airline expenses and the relation of these expenses to commonly accepted measures of effort expended by carriers. Unit costs, at experienced levels for each carrier, are determined by correlations of the various units of effort with the appropriate expense classification. The total cost of any operation is then obtained by multiplying the number of units of each type of effort by the unit cost.

Thus, the Bureau presently classifies the expenses of a local service operation into three basic categories: (1) Aircraft operating expense, consisting of (a) flying operations and maintenance expense, (b) aircraft depreciation and rental expense, and (c) stewardesses' salaries, (2) servicing expense, consisting of local servicing expense and regional and system servicing expense, and (3) return on investment. Under the Bureau's existing system of costing a proposed operation, (1) aircraft miles and aircraft stops determine the amount of aircraft operating expense, (2) revenue aircraft hours determine the amount of aircraft depreciation, rental expense, and stewardesses' salaries, (3) number of stations and their size as measured by volume of tons originated and number of employees determine the amount of local servicing expense, and (4) revenue ton-miles, as modified by a haul-density factor, determine the amount of regional and system servicing expense. Obviously, since there are differences in unit costs as between airlines, the Bureau's expensing of an identical operation will differ from carrier to carrier.

Proposed costing method. The standardized costing technique prescribed herein retains the fundamental characteristics of the Bureau's system. Thus, like the Bureau's method, it is based upon a statistical analysis of reported airline expenses to the end that average unit costs for specified categories of expense are obtained. However, the uniform procedure established hereby also accomplishes several changes in the Bureau's system. These modifications are deemed desirable in order to (1) simplify the technique, and (2) attain increased objectivity by removing factors involving the exercise of judgment. In affecting these alterations in the Bureau's method, the Board recognizes that in certain categories of expense some degree of accuracy may be lost and that techniques which are more complex or which are related to the experience of individual carriers in specific situations might provide more accurate results in particular classes of expense. However, the Board believes that the over-all advantages of a relatively simple and universally applicable standard costing system far outweigh whatever minor loss of accuracy might occur.

(a) *Categories of expense.* Under the proposed rule prescribing a uniform system of costing local service route proposals, expenses are classified in four broad categories: (1) aircraft operating expense, which is limited to the expense of flying operations and maintenance, (2) servicing expense, consisting of local servicing expense and regional and system servicing expense, (3) aircraft depreciation expense, and (4) return on investment. These categories of expense are somewhat different from the expense classifications now used by the Bureau, but the over-all costing technique embraces substantially the same fundamental items of expense. Thus, the item of stewardesses' salaries, which is now classified by the Bureau under aircraft operating expense, is included in the regional and system servicing expense category in the proposed rule. Also, where the Bureau's aircraft operating expense category covers aircraft depreciation and rentals—flight equipment expense, the proposed classification of expenses establishes aircraft depreciation expense in a separate, independent category.

As part of the standardized costing procedure prescribed herein, the Board intends to issue semiannually, at the end of the first quarter and at the end of the third quarter of each calendar year, a publication setting forth for the previous 12-months period the basic data and computations involved and the unit costs derived for each category of operating expense.

(b) *Method of forecasting aircraft operating expense.* The method of computing aircraft operating expense in the proposed rule is exactly the same as in the Bureau's present methodology. This category of expense consists of the cost of flying operations and maintenance, and is calculated by adding (1) the cost of en route flight, and (2) the cost associated with landing, taxiing, and takeoff. In order to determine the cost of en route flight, the carrier's cost per plane-mile is multiplied by the number of plane-miles. The cost of landing, taxiing, and takeoff is computed by multiplying the carrier's cost per aircraft stop by the number of aircraft stops.[3]

With respect to aircraft operating expense, the proposed rule also adopts the Bureau's method of deriving unit costs[4] under which the cost per departure is correlated to the length of hop. A simple correlation is used to produce an industry average cost (by type of aircraft) per stop and per plane-mile, which is adjusted to each carrier's own expense level by relating such carrier's expense, as computed by the formula, to its reported aircraft operating expense (by type of aircraft).

c. *Method of forecasting servicing expense.* (1) Regional and system servicing expense.

Under both the Bureau's system and the method prescribed herein, servicing expense is the sum of regional and system servicing expense and local servicing expense. However, the techniques for computing the component items of servicing expense differ. Thus, in the proposed rule, the amount of regional and system servicing expense is calculated by multiplying the number of additional ton-miles generated by the proposed operation by the carrier's incremental ton-mile rate (as explained hereinafter). This method is a simplification of the Bureau's existing method which is based upon a ton-mile factor with a complex haul-density adjustment. The haul-density index was developed by the Bureau to take into account the fact that the route being costed might differ from the carrier's present system in terms of length of haul and volume of traffic, thereby tending to increase or decrease, as the case might be, the cost per ton-mile. Historical experience establishes an absence of any present need for the complicated haul-density adjustment for the purpose of estimating regional and system servicing expense.

In determining a carrier's incremental ton-mile rate which is employed in forecasting regional and system servicing expense, a simple correlation of the carrier's total regional and system servicing expense to its total ton-miles, in the form of a statistical time-series, is prescribed. This time-series produces a trend line representing the carrier's historic ton-mile rate of cost increase, with volume, for regional and system servicing expense. Illustrative of this approach are the Bureau's Exhibits BAO–8 and 9 in the Quad Cities-Twin Cities Case, Docket 7192.

This technique for ascertaining a carrier's incremental ton-mile rate is not the method presently used by the Bureau, but is one which was employed by the Bureau several years ago and which appears to have been laid aside for two principal reasons: first, it was believed that with the change in Form 41 reporting made in 1957, there would be a lack of continuity in regional and system servicing expense data for the purposes of a time-series analysis; and second, it was anticipated that with the increasing size of local service carriers, there would be a decrease in the carrier's cost rate per ton-mile, which could not be accurately measured by the individual carrier time-series method. The Bureau thereupon adopted the methodology presently in use whereby a multiple correlation of industry experience utilizing a haul-density adjustment, as previously described, was substituted. The Board's review of the Bureau's current procedure from the standpoint of more recent carrier experience establishes that the earlier individual carrier time-series method continues to produce a sound correlation of regional and system servicing expense and ton-miles, notwithstanding the 1957 changes made in Form 41 reporting. In addition, it appears that the local service industry has not achieved the reductions in unit costs which were anticipated at the time of the Bureau's change in regional and system servicing expense costing technique. Since it is presently evident that the individual carrier time-series method is superior to the Bureau's current method, from the standpoint of simplicity, objectivity, and accuracy, the Board has determined to adopt the Bureau's earlier procedure in the subject rule.

(2) *Local servicing expense.* Under the proposed rule, in order to determine the amount of local servicing expense where the proposed operation does not require the establishment of new stations, the number of additional tons which will be originated by the proposed operation is multiplied by the carrier's rate per ton originated (as explained hereinafter). If the proposed operation requires the establishment of one or more new stations, the amount of local servicing expense, as determined above, is increased by the cost resulting from multiplying the number of new stations by the carrier's system average fixed cost per station. This costing method differs from the Bureau's current system by eliminating the number of station employees as a factor. Consideration of this factor is essentially a matter of judgment necessitating a decision whenever conflicting estimates of the number of additional employees required are made. By removing this judgment factor, greater objectivity is achieved with little or no loss of accuracy in the estimate.

As in the case of aircraft operating expense and regional and system servicing expense, a simple correlation is utilized in order to derive the unit cost amounts used in computing local servicing expense. In substance, a relationship between the carrier's tons originated and total local servicing expense is established. The unit costs so derived represent the latest experience of each carrier.

d. *Method of forecasting aircraft depreciation expense.* The proposed standard procedure for estimating the amount of aircraft depreciation expense involved in a new local service operation is entirely different from the Bureau's existing methodology. The latter technique is based upon an assignment of a proportionate share of the carrier's total amount of aircraft depreciation expense to each of the carrier's route segments. In order to obtain the amount of aircraft depreciation expense assigned to a proposed operation, the following steps are required under the Bureau's method: (1) The number of additional revenue flight hours necessary for the proposed service are added to the total number of hours reported for the carrier's system; (2) the resulting total figure is divided into the carrier's total system depreciation cost (as augmented by the estimated depreciation cost of new equipment, if required by the proposed operation); and (3) the quotient is multiplied by the number of additional revenue flight hours necessary for the proposed operation. It appears to the Board that this technique is subject to improvement from the standpoint of (1) uniform treatment of all categories of expense, in that the Bureau's method excludes the treatment of aircraft depreciation expense from the classes of expense estimated on an incremental cost basis, and (2) elimination of judgment factors entering into the estimate, namely, the determination of whether additional aircraft are required and, if so, how many aircraft, their value, and the applicable depreciation schedule.

The Board's proposed technique for estimating aircraft depreciation expense will supply the uniformity and objectivity of treatment absent from the existing method. To accomplish this, the Board will (a) determine the number of additional aircraft required for a proposed operation on the basis of each carrier's experienced utilization, (b) determine the value of aircraft from the latest purchase price data available in CAB Forms 41,[5] and (c) use the depreciation schedules established in the Board's Class Subsidy Rate Investigation.[6] The proposed procedure for computing aircraft depreciation expense entails the following steps:

1. From a table, to be published by the Board, ascertain (by type of aircraft) the carrier's experienced annual mileage utilization per aircraft. The exact number of additional aircraft required is determined by dividing (a) the number of plane-miles involved in the proposed operation by (b) the carrier's experienced annual mileage utilization for the same type of aircraft.

2. From a table, to be published by the Board, ascertain the annual amount of depreciation for one aircraft of the particular type. When this amount is multiplied by the total number of additional aircraft required, the total annual amount of aircraft depreciation expense is determined.

e. *Method of forecasting return on investment.* Under the proposed rule, the return on investment for a proposed local service operation is computed by applying the rates of return established for debt and equity in the Rate of Return Local Service Carriers Investigation[7] to the investment requirement for the proposed operation. This investment requirement is directly related to the value of the additional aircraft required, as determined above, plus an additional amount (standardized at 50 percent of the value of the flight equipment required) representing parallel investment in items such as ground support equipment and working capital. The investment requirement, standardized at 90 percent debt and 10 percent

[2] To facilitate comparison of financial forecasts, the Board is herein prescribing the use of a new Form CAB ------ "Estimated Annual Financial Result of Local Services," for the submission of estimates of revenues and expenses in local service cases.

[3] The total aircraft operating expense will equal the carrier's reported rate per plane-mile if the length of hop for the proposed operation is the same as the carrier's current system average length of hop. If the length of hop for the proposed operation is shorter than the carrier's system average, the result is a higher total cost per plane-mile, since the cost of the aircraft stop is spread over a fewer number of plane-miles; inversely, a length of hop longer than the carrier's system average will result in a lower total cost per plane-mile.

[4] This method is set forth in the Bureau's standard cost exhibits in recent local service route proceedings for particular types of aircraft, *e.g.*, Exhibit BER–3 for DC–3 aircraft, Exhibit BER–4 for Convair/Martin aircraft, and a similar exhibit for F–27 aircraft.

[5] The value for depreciation purposes will be the average cost less an appropriate amount for the value of the so-called built-in-overhaul.

[6] Order E–16380, dated February 16, 1961.

Equipment type:	*Service life*	*Residual value (percent)*
DC–3	3	10
All other piston	7	15
Turbine	10	15

[7] Order E–15696, dated August 26, 1960.

equity, is combined with the carrier's existing unadjusted investment base, in order to establish a new system debt-equity ratio. This new ratio is then used to determine the amount of debt and the amount of equity applicable to the investment requirement. To the return on investment thus computed, an allowance for taxes is added after deducting interest expense.

In the foregoing method for computing return on investment, certain standard factors and procedures representing generally industry experience or normal Board practices are employed. Thus, the standard factor of 50 percent which is added to the value of flight equipment to create an amount representative of total investment is based upon the experienced relationship of flight equipment investment to total investment (unadjusted) for the local service industry. Another standard factor, the 90–10 debt-equity ratio, represents the experienced debt-equity ratio of new investment capital obtained under the Board's Guaranteed Loan Program. A third standard factor, interest expense, which is used for the purpose of computing the tax allowance, is based upon the average rates paid during the latest one-year period on funds borrowed under the Guaranteed Loan Program. The rates of return established in the Rate of Return Local Service Carriers Investigation, supra, and used currently by the Board in rate cases, are 5.5 percent return on debt and 21.35 percent return on equity. The carrier's unadjusted investment base is determined from Form 41 reports, and is the total of (1) reported long-term debt plus 75 percent of reported current notes payable, and (2) reported stockholder equity.

Providing for waiver of prescribed costing method. The Board recognizes that there may be situations when unusual circumstances concerning a carrier's operations or the operational or traffic characteristics of a particular route or segment might make it inequitable to insist upon the prescribed costing technique with respect to the determination of each and every one of the four broad categories of expense established by the proposed rule. In such cases, a party who is adversely affected by the use of the standard method may file a motion requesting permission to substitute a specifically defined alternative procedure or technique, under § 302.18, at the prehearing conference or at a later time if good cause is shown for failure to seek timely relief. Provision is made, however, that no such motions will be entertained unless made within 15 days after the prehearing conference, in order to avoid undue prejudice to other parties who have prepared their exhibits on the assumption that the standard cost method will be used.

The proposed rule also establishes standards whereby the examiner may determine when the granting of such relief shall be deemed in the public interest. Thus, the rule provides that the motion shall be granted when the moving party can satisfactorily demonstrate that unusual circumstances would otherwise result in material prejudice; the specified alternative procedure or technique would yield a substantially more accurate portrayal of anticipated operating results; and the departure from uniformity will not destroy or significantly impair comparability of estimates as between competing air carrier applicants or rival communities.

In consideration of the foregoing, it is proposed to amend Part 302 of the Procedural Regulations (14 CFR Part 302) by enacting a new Subpart I to read as follows:

§ 302.900 Applicability of this subpart.

This subpart sets forth the specific rules applicable to the presentation of all cost estimates submitted by any party or non-party, in hearing or non-hearing proceedings under the Act, which involve the local service operations of the air carriers named in this section, unless such proceedings are conducted under the authority of sections 403, 406 or 1002 of the Act. This subpart prescribes the method of estimating the cost effect of a proposed route change; the form of estimate to be used; and the procedure for the granting of waivers from the requirements and prohibitions herein prescribed.

(a) Allegheny Airlines, Inc.
(b) Bonanza Air Lines, Inc.
(c) Central Airlines, Inc.
(d) Frontier Airlines, Inc.
(e) Lake Central Airlines, Inc.
(f) Mohawk Airlines, Inc.
(g) North Central Airlines, Inc.
(h) Ozark Air Lines, Inc.
(i) Pacific Air Lines, Inc.
(j) Piedmont Aviation, Inc.
(k) Southern Airways, Inc.
(l) Trans-Texas Airways, Inc.
(m) West Coast Airlines, Inc.

§ 302.901 Prescribed cost estimates.

Each cost estimate submitted in a proceeding subject to this subpart shall be made in accordance with the method prescribed herein for the determination of either the additional cost or the reduction in cost, on an annual basis, attributable to proposed route extensions or deletions or other route modifications. Any such cost estimate which does not comply with the requirements of this subpart shall be deemed to constitute irrelevant, immaterial, or unduly repetitious evidence, and shall not be received in evidence in a hearing proceeding and will not be considered in a non-hearing proceeding, unless a prior waiver of such requirements has been obtained pursuant to § 302.908. In the absence of such prior waiver, no person shall submit a cost estimate based upon any non-prescribed method of costing or form of estimate, whether such estimate is intended in lieu of or as a supplement to the prescribed estimate.

§ 302.902 Total annual expense of proposed local service operation.

In order to determine either the additional cost or the reduction in cost, on an annual basis, attributable to proposed route extensions or deletions or other route modifications, add the following amounts:

(a) The amount of aircraft operating expense, as determined pursuant to § 302.903,
(b) The amount of servicing expense, as determined pursuant to § 302.904,
(c) The amount of aircraft depreciation expense, as determined pursuant to § 302.905, and
(d) The amount of return on investment, as determined pursuant to § 302.906.

§ 302.903 Aircraft operating expense.

(a) In order to determine the amount of aircraft operating expense, add (1) the cost of en route flight and (2) the cost associated with landing, taxiing, and takeoff, as determined herein.

(b) In order to determine the cost of en route flight, multiply the carrier's unit cost per plane-mile for the type of aircraft by the number of plane-miles necessitated by the modified operation.

(c) In order to determine the cost of landing, taxiing and takeoff, multiply the carrier's unit cost per aircraft stop by the number of aircraft stops necessitated by the modified operation.

(d) In order to ascertain the carrier's unit costs per plane-mile and per aircraft stop, refer to the CAB publication for the latest 12-months period setting forth such unit costs by carrier and by type of aircraft.

§ 302.904 Servicing expense.

(a) In order to determine the amount of servicing expense, add (1) the amount of regional and system servicing expense and (2) the amount of local servicing expense, as determined herein.

(b) In order to determine the amount of regional and system servicing expense, multiply the change in ton-miles forecast for the modified operation by the carrier's incremental ton-mile rate, as determined herein.

(1) In order to ascertain the carrier's incremental ton-mile rate, refer to the CAB publication for the latest 12-months period setting forth such rate for each carrier.

(c) In order to determine the amount of local servicing expense, (1) where the modified operation does not require the establishment of new stations or the elimination of existing stations, multiply the number of additional tons forecast for the modified operation by the carrier's rate per ton originated, as determined herein, and (2) where the modified operation requires the establishment of one or more new stations or the elimination of an existing station or stations, add to the amount of local servicing expense so determined an amount determined by multiplying the number of stations by the carrier's system average fixed cost per station, as determined herein.

(d) In order to ascertain the carrier's rate per ton originated and system average fixed cost per station, refer to the CAB publication for the latest 12-months period setting forth such rate and fixed cost by carrier.

§ 302.905 Aircraft depreciation expense.

In order to determine the amount of aircraft depreciation expense, follow steps in paragraphs (a) through (c) of this section:

(a) Refer to the CAB publication for the latest 12-months period setting forth, by type of aircraft, each carrier's experienced annual mileage utilization per aircraft, and ascertain the applicable amount.

(b) Divide the number of plane-miles forecast by the amount ascertained in paragraph (a) of this section in order to determine the change in the number of aircraft of the type involved.

(c) Refer to the CAB publication for the latest 12-months period setting forth the annual depreciation rate, by type of aircraft, and ascertain the annual amount of depreciation for one aircraft of the type or types proposed for use in the modified operation. Multiply the amount so ascertained by the number of additional aircraft required, as determined in paragraph (b) of this section, in order to determine the total annual amount of aircraft depreciation expense.

§ 302.906 Return on investment.

In order to determine the amount of return on investment, follow steps in paragraphs (a) through (h) of this section:

(a) Refer to the CAB publication for the latest 12-months period setting forth, by type of aircraft, the value of one unit of such aircraft. Multiply the value so ascertained by the number of units, as determined in § 302.905(b), and obtain the total value of flight equipment involved.

(b) Multiply the total value of flight equipment, as ascertained in paragraph (a) of this section, by 1.5 in order to obtain the total investment requirement of the modified operation.

(c) Refer to the carrier's latest quarterly balance sheet (CAB Form 41, Schedule B–1) and ascertain (1) and the amount of long-term debt by adding the amount shown in account 2210 and 75 percent of the amount shown in account 2010, and (2) the amount of equity from the figure shown in account 2995.

(d) Add to the long-term debt amount ascertained in paragraph (c) of this section above 90 percent of the amount of the total investment requirement, as determined in paragraph (b) of this section. Add to the equity amount ascertained in paragraph (c) of this section 10 percent of the amount of the total investment requirement, as determined in paragraph (b) of this section. Add the long-term debt and equity amounts so adjusted in order to obtain the new system investment base.

(e) Determine the percentages of the new system investment base represented by the adjusted long-term debt amount and the adjusted equity amount, in order to derive the new system debt-equity ratio.

(f) Multiply the total investment requirement as determined in paragraph (b) of this section, by the percentages, as ascertained in paragraph (e) of this section, in order to obtain the debt capital portion and the equity capital portion amount of the total investment requirement.

(g) Add (1) 5.5 percent of the amount of debt capital, as ascertained in paragraph (f) of this section, and (2) 21.35 percent of the amount of equity capital, as ascertained in paragraph (f) of this section, in order to determine return on investment.

(h) Refer to the CAB publication for the latest 12-months period setting forth the industry's experienced interest rate. Multiply the amount of debt capital, as determined in paragraph (f) of this section, by the industry's experienced interest rate in order to ascertain the amount of interest expense. Deduct the amount of interest expense so determined from the return on investment, as determined in paragraph (g) of this section. Divide the remainder so determined by 0.48, in order to ascertain the return on investment with allowance for taxes.

§ 302.907 Form of estimate.

Estimates of the total annual expense for a modified operation shall be submitted on Form CAB ------ "Estimated Annual Financial Result of Local Services."

§ 302.908 Procedure for waiver of prescribed costing method or form of estimate.

A waiver from the prohibitions embodied by this subpart, against the use of any non-standard method of estimating the total annual expense for a proposed local service operation or form of estimate thereof, may be made by the Board or an examiner when a timely and adequate motion requesting such relief is filed. Such motion shall comply with, and will be processed under, the basic provisions of this section and the general provisions of § 302.18. Each motion for such waiver shall specify every particular category of expense (as respectively defined in §§ 302.903—302.906, inclusive) with respect to which relief is sought from the prescribed method of costing or form of estimate. In addition, such motion shall expressly demonstrate that: Unusual circumstances make it inequitable to apply the prescribed method and form and the requested relief is necessary to avoid material prejudice; a specifically defined alternative method or form set forth in the motion would yield a substantially more accurate portrayal of anticipated operating results; and the application of such alternative procedure will not destroy or significantly impair the comparability of estimates as between competing air carrier applicants or rival communities. Such motion must be made no later than the prehearing conference unless good cause is shown for the failure to have sought such relief at an earlier time: *Provided, however,* That under no circumstances will any such motion be entertained by the Board or an examiner unless it is made within 15 days after the prehearing conference.

[F.R. Doc. 61–12316; Filed, Dec. 27, 1961; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 14452; RM 288; FCC 61–1487]

IMPLEMENTATION OF CERTAIN REQUIREMENTS OF THE GENEVA RADIO REGULATIONS (1959) REGARDING FREQUENCIES, FREQUENCY STABILITY AND DEFINITIONS; PETITION FILED BY SYLVANIA ELECTRIC PRODUCTS, INC.

Notice of Proposed Rule Making

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Commission released a Second Memorandum Opinion and Order (Docket No. 13928) October 25, 1961, entitled "Amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations to align that Part with the Geneva (1959) Radio Regulations to the extent practicable." The present Notice parallels the Part 2 amendment in that it includes those proposals which are applicable to the Aviation Services; however, the instant proposal contains matters which are not contained in the Part 2 amendment but appear in Geneva and are applicable to the Aviation Services.

3. The proposed amendment contains a number of changes in frequency tolerances; deletes, adds and amends definitions as necessary to conform with those adopted in the Geneva Radio Regulations, and includes additional definitions considered necessary in the administration of the Part 9 Aviation Services.

4. Provisions of the Geneva Radio Regulations allocate bands for aeronautical radionavigation for airborne devices. The allocation of these bands conforms with Footnote 341, which reads:

> The bands 960–1215 Mc/s, 1535–1660 Mc/s, 4200–4400 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

In addition, the bands 14,000–14,400 Mc/s and 24,250–25,250 Mc/s have been allocated by the Geneva Radio Regulations for the radionavigation service. These allocations are contained in the present proposal along with the proposed substitution of mean power for peak power and a revised definition of occupied bandwidth.

5. Action taken herein with respect to the frequency band 4200–4400 Mc/s is substantively responsive to a petition filed by Sylvania Electric Products, Inc., New York, N.Y., on October 24, 1961. Sylvania requested that Part 9 of the Commission's rules be amended so as to make the band 4200–4400 Mc/s assignable for aircraft radio altimeter functions. In support of its request Sylvania alleged, among other matters,

that "Altimeters operating within [the currently available frequency band 420–460 Mc/s] utilize equipment which was designed prior to World War II and has been outmoded and outdated for many years." Sylvania further claimed "Advantages in the use of 4200–4400 megacycles are the availability of relatively light weight and small size antennae and power sources at these frequencies and the high accuracies of altitude indication which can be obtained at these frequencies." Provision is contained herein for the use of 4200–4400 Mc/s for aircraft radio altimeter functions.

6. In connection with the foregoing, Sylvania requested that this rule amendment be effective without following the public notice and procedure and effective date provisions of section 4 of the Administrative Procedure Act. Although a legal basis may exist for Sylvania's request in the sense that such rule making may not be rendered procedurally defective, it is considered to be administratively desirable to handle in one proceeding all service rule changes required to carry into effect the allocation provisions of Part 2 of the Commission's rules and the International Radio Regulations (Geneva, 1959). This is particularly true in the instant case where the Sylvania request differs to some degree from the present proposal which incorporates the language contained in footnote US47 to the Part 2 Table of Allocations which reads as follows:

The band 4200–4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

In addition, the comments filed by Aeronautical Radio, Inc. in response to the Sylvania petition for rule making opposed the amendment in the form proposed and opposed that part of the petition which requests an omission of the notice and effective date provisions of section 4 of the Administrative Procedure Act. Reply comments which were filed by Sylvania Electric Products, Inc. to the ARINC comments recognize that the question of whether the Commission requires a notice of proposed rule making or adopts the requested change forthwith is a matter for the Commission's discretion. Petitioner asserts that the public safety factors involved are such that the Commission should exercise its discretion to adopt the rule and make it effective immediately.

7. The Commission does not find that there is sufficient evidence of any immediate public safety factors which require the action requested by Sylvania; therefore, for the considerations enumerated above, it is not deemed desirable to affect the proposed rule change without following the public notice and procedure and effective date provisions of section 4 of the Administrative Procedure Act.

8. The proposed amendments to the rules, as set forth below are issued pursuant to the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 19, 1962, and reply comments on or before February 5, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: December 20, 1961.

Released: December 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 9.3 [Amendment]

1. Section 9.3 is amended as follows:

a. The following definitions are deleted:

Aeronautical Marker Beacon Station;
Altimeter Station;
Radiolocation; and
Radiolocation Service.

b. The following definitions are added in alphabetical order:

Aeronautical telemetering land station. A telemetering land station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical telemetering mobile station. A telemetering mobile station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

Coast station. A land station in the maritime mobile service.

Earth-Space service. A radiocommunication service between earth stations and space stations.

Earth station. A station in the earth-space service located either on the earth's surface or on an object which is limited to flight between points on the earth's surface.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radio communication service operating in accordance with this chapter.

Instrument landing system. A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing.

Instrument landing system glide path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent.

Instrument landing system localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway.

Ionospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the ionization of the ionosphere.

Marker beacon. A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft.

Marker beacon station. An aeronautical radionavigation land station employing a marker beacon.

Meteorological aids service. A radiocommunication service used for meteorological, including hydrological, observations and explorations.

Public correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station. A radionavigation land station which employs a racon.

Radar. A radiodetermination system based on the comparison of reference signals with radio signals reflected, or re-transmitted, from the position to be determined.

Radio altimeter. A radionavigation equipment, on board an aircraft, which makes use of the reflection of radio waves from the ground to determine the height of the aircraft above the ground. (For the purpose of this definition, "ground" refers to the surface of the earth.)

Radio astronomy. Astronomy based on the reception of radio waves of cosmic origin.

Radio astronomy service. A service involving the use of radio astronomy.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

Radiodetermination service. A service involving the use of radiodetermination.

Radiodetermination station. A station in the radiodetermination service.

Radio direction-finding. Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

Radio direction-finding station. A radiodetermination station using radio direction-finding.

Radionavigation land station. A station in the radionavigation service not intended to be used while in motion.

Radionavigation mobile station. A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, and which transmits meteorological data.

Radiosonde station. A station in the meteorological aids service employing a radiosonde.

Tropospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the physical properties of the troposphere.

Space service. A radiocommunication service between space stations.

Space station. A station in the earth-space service or the space service located on an object which is beyond, or intended to go beyond, the major portion of the earth's atmosphere and which is not intended for flight between points on the earth's surface.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life raft or other survival equipment.

Telemetering fixed station. A fixed station, the emissions of which are used for telemetering.

Telemetering land station. A land station, the emissions of which are used for telemetering.

Telemetering mobile station. A mobile station, the emissions of which are used for telemetering.

c. The following definitions are amended:

Aeronautical mobile service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft may also participate.

Aeronautical station. A land station in the aeronautical mobile service. In certain instances an aeronautical station may be placed on board a ship.

Aircraft station. A mobile station in the aeronautical mobile service on board an aircraft.

Land station. A station in the mobile service not intended to be used while in motion.

Radiobeacon station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to the radiobeacon station.

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radionavigation service. A radiodetermination service involving the use of radionavigation.

Telemetering. The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument.

2. Section 9.180 (a) and (b) is amended to read as follows:

§ 9.180 Frequency stability.

(a) Except for microwave stations for which the frequency stability is specified in § 9.190, radar stations above 2400 Mc/s, and stations transmitting single sideband emissions, the carrier frequency of each station in the Aviation Services shall be maintained within the applicable following percentage of the assigned frequency:

Frequency bands (lower limit exclusive, upper limit inclusive) and categories of stations	Tolerances applicable until Jan. 1, 1963, to transmitters in use and to those to be installed before Jan. 1, 1964	Tolerances applicable to new transmitters installed after Jan. 1, 1964 and to all transmitters after Jan. 1, 1966 [1]
(1) Band: (10 to 535 kc/s):		
Land stations	0.01	0.01
Mobile stations	.02	.02
(2) Band: (1605 to 4000 kc/s):		
Fixed stations:		
Power 200 w or less	.01	.01
Power above 200 w	.005	.005
Land stations:		
Power 200 w or less	.01	.01
Power above 200 w	.005	.005
Mobile stations	.01	.01
(3) Band (4 to 29.7 Mc/s):		
Fixed stations:		
Power 500 w or less	.01	.005
Power above 500 w	.003	.0015
Land stations:		
Power 500 w or less	.01	.01
Power above 500 w	.005	.005
Mobile stations	.01	.01
(4) Band (29.7 to 100 Mc/s):		
Fixed stations:		
Power 200 w or less	.01	*.005
Power above 200 w	.01	.003
Land stations:		
Power 15 w or less	.01	.005
Power above 15 w	.01	.002
Mobile stations:		
Power 5 w or less	.01	.01
Power above 5 w	.01	.005
(5) Band (100 to 470 Mc/s):		
Fixed stations:		
Power 50 w or less	.01	*.005
Power above 50 w	.01	*.002
Land stations	.01	.005
Mobile stations	.01	.005
Except land mobile stations with power above 5 w	.01	.002
(6) All stations on frequencies above 470 Mc/s	.01	.01

[1] January 1, 1970 in the case of all tolerances marked with an asterisk.

(b) The power set forth in paragraph (a) of this section is mean power, which is defined as the power supplied to the antenna transmission line by a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in the modulation. A time of 1/10 second during which the mean power is greatest will be selected normally.

3. Section 9.182 is amended to read as follows:

§ 9.182 Bandwidth of emission.

(a) Occupied bandwidth is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5% of the total mean power radiated by a given emission.

(b) The authorized bandwidth is the maximum occupied bandwidth authorized to be used by a station.

§ 9.190 [Amendment]

4. The Table in § 9.190 is amended as follows:

a. The following frequency bands are deleted:

2500–2700
10550–10700

b. The following frequency bands are added:

2500–2690 *
10550–10680

* Existing stations holding a valid authorization to operate in the band 2690–2700 Mc/s as of December 1, 1961, may continue to so operate and shall not be required to afford protection to the radio astronomy service in this band.

5. Section 9.191 is amended to read, in part, as follows:

§ 9.191 Station identification.

(a) *Telephony.* * * *

(3) Aircraft survival craft stations: In lieu of a radio station call sign, the official aircraft registration number of the parent aircraft followed by a single digit other than 0 or 1 may be used.

(4) When use is made of the aircraft registration number, the full number must be given upon the initial call of each continuous series of comunications. In other communications in each series, the aircraft station may use an abbreviated identification consisting of the name of the owner of the aircraft (company or individual) followed by the last two characters of the aircraft registration, or the type of aircraft followed by the last two characters of the aircraft registration if the practice, in either case, is initiated by the ground station operator.

(5) An aeronautical public service aircraft station may use the identification of the aircraft station with which it is associated or an assigned telephone number, provided that, adequate records are maintained to permit ready identification of the aircraft station.

(6) A ground station in the aviation services may use, in lieu of the assigned radio call sign, the name of the city, area, or airdrome which it serves, together with such additional identification as may be required.

(b) *Telegraphy.* (1) A station shall be identified by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: name of station, location of station, operating agency, official registration mark, flight identification number, characteristic signal, characteristic of emission or other clearly distinguishing features readily recognized internationally.

(2) In order that stations may be readily identified, each station shall transmit its identification at the beginning and termination of each contact. After communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the contact except that ground stations shall transmit identifi-

cation at least once each hour during periods of transmission.

6. Section 9.312 is amended to read, in part, as follows:

§ 9.312 Frequencies available.

* * * * *

(a) 410 kilocycles: International direction-finding frequency for use outside the continental United States.

* * * * *

(m) 960–1215 Mc/s: The band 960–1215 Mc/s is for the use of airborne electronic aids to air navigation and directly associated ground-based facilities.

(n) 1300–1350 Mc/s: The use of the band 1300–1350 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars, and, in the future, to associated airborne transponders which are actuated by radars operating in this same band.

(o) 1535–1660 Mc/s: The band 1535–1660 Mc/s is for the use of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(p) 4200–4400 Mc/s: The band 4200–4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

(q) 5000–5250 Mc/s: The band 5000–5250 Mc/s is for the use of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(r) 5350–5470 Mc/s: The use of the band 5350–5470 Mc/s by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(s) .8750–8850 Mc/s: The band 8750–8850 Mc/s is available for use by airborne doppler radars in the aeronautical radionavigation service only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 Mc/s.

(t) 9000–9200 Mc/s: The use of the band 9000–9200 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders which are actuated by radars operating in this same band. Operation in this band may be subject to receiving some degree of interference from stations operating in the radiolocation service.

(u) 9300–9500 Mc/s: The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(v) 9750–9850 Mc/s: The band 9750–9850 Mc/s is available for temporary use by airborne doppler radars until moved to a frequency band allocated to the aeronautical radionavigation service. Any interference to airborne doppler radars from the radiolocation service must be accepted.

(w) 13250–13400 Mc/s: The band 13250–13400 Mc/s is available for airborne doppler radar use.

(x) Mc/s:

13,000–14,400
24,250–25,250
31,800–33,400

These frequency bands are available for airborne radio-navigation devices.

(y) 15400–15700 Mc/s: The band 15400–15700 Mc/s is for the use of airborne electronic aids to air navigation and any directly associated ground-based facilities.

7. Section 9.411(b) is amended to read as follows:

§ 9.411 Frequencies available.

* * * * *

(b) 200–285, 325–405 kilocycles: Frequencies in these bands are available for assignment in addition to a very high frequency. Use must be supplemented by a service on one of the very high frequencies: *Provided, however,* That until further notice of the Commission, upon application therefor, the Commission may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station.

8. Section 9.447 is amended in part to read as follows:

§ 9.447 Frequencies available.

* * * * *

(a) The frequencies listed in this paragraph may be assigned under the conditions set forth in subparagraphs (1) through (6) of this paragraph. (Stations authorized to operate in the band 73–74.6 Mc/s as of December 1, 1961 may continue to operate in this band and are not required to afford protection to the radio astronomy service.)

Mc	*Mc*	*Mc*	*Mc*
72.02	72.42	72.82	75.62
72.06	72.46	72.86	75.66
72.10	72.50	72.90	75.70
72.14	72.54	72.94	75.74
72.18	72.58	72.98	75.78
72.22	72.62	75.42	75.82
72.26	72.66	75.46	75.86
72.30	72.70	75.50	75.90
72.34	72.74	75.54	75.94
72.38	72.78	75.58	75.98

* * * * *

(e) Band 2500–2690 Mc/s

9. Section 9.511 (e) and (f) is amended to read as follows:

§ 9.511 Frequencies available.

* * * * *

(e) Radiobeacon stations: 200–415 kilocycles.

(f) (1) 960–1215 Mc/s: The band 960–1215 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(2) 1300–1350 Mc/s: The band 1300–1350 Mc/s is available to the aeronautical radionavigation service for ground-based radars.

(3) 1535–1660 Mc/s: The band 1535–1660 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(4) 5000–5250 Mc/s: The band 5000–5250 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(5) 9000–9200 Mc/s: The band 9000–9200 Mc/s is available to the aeronautical radionavigation service for ground-based radars. Operation in this band may be subject to receiving some degree of interference from stations operating in the radiolocation service.

(6) 14,000–14,400 Mc/s: The band 14,000–14,400 Mc/s is available for use in the aeronautical radionavigation service.

(7) 15,400–15,700 Mc/s: The band 15,400–15,700 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(8) 24,250–25,250, 31,800–33,400 Mc/s: In these bands, ground-based radionavigation aids are permitted where they operate in cooperation with airborne radionavigation devices.

10. Section 9.611(c) is amended to read as follows:

§ 9.611 Frequencies available.

* * * * *

(c) 1435–1535 Mc/s: The frequencies between 1435 and 1485 Mc/s will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1535 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles, or major components thereof. Specifically included as permissible usage for aeronautical telemetering stations in the band 1435–1535 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

[F.R. Doc. 61–12323; Filed, Dec. 27, 1961; 8:54 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 3]

ESTABLISHMENT OF USER CHARGES

Extension of Rescission Date of Current Permissions

In F.R. Doc. 61–9708 appearing in the FEDERAL REGISTER issue of October 11, 1961 (26 F.R. 9602) as amended by Notice of Extension of Time in F.R. Doc. 61–10677 appearing in the FEDERAL REGISTER issue of November 8, 1961 (26 F.R. 10520) notice of proposed rule making was issued under 46 CFR Part 502 relative to the establishment of user charges or fees.

Pursuant to action of the Federal Maritime Commission taken on December 21, 1961, notice is hereby given that paragraphs (a) and (b) of § 502.1 of said proposed rule shall be modified to read as follows:

(a) *Rescission of prior permissions.* All permissions to appear and/or practice before the Federal Maritime Commission, previously granted to persons pursuant to §§ 201.21 to 201.31, of this title are hereby rescinded, effective February 1, 1962.

(b) *Applications.* An application by any person for permission to appear and/or practice before the Federal Maritime Commission after January 31, 1962, shall be filed with the Secretary, Federal Maritime Commission, Washington 25, D.C. on forms which may be obtained from his office.

The aforesaid modifications are not intended to extend, nor do extend the time within which interested persons may submit their data, views, or arguments regarding the proposed rule making.

Dated: December 21, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–12299; Filed, Dec. 27, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 047538]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 19, 1961.

The Forest Service, Department of Agriculture has filed an application, Serial Number Montana 047538 for the withdrawal of the lands described below, from location and entry under the general mining laws subject to existing valid claims. The applicant desires the land for protection and preservation of Zortman Cave Geological area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 25 N., R. 25 E.,
Sec. 19: E½SE¼SE¼ (E½ Lot 7) excluding Zortman Claim 6447;
Sec. 20: W½SE¼SW¼, SW¼SW¼ (Lot 17) excluding Zortman Claim 6447;
Sec. 29: NW¼NW¼, W½NE¼NW¼;
Sec. 30: E½NE¼NE¼.

BRUCE SCHUYLER,
Acting Manager, Land Office.

[F.R. Doc. 61-12317; Filed, Dec. 27, 1961; 8:54 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Harrison County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12292; Filed, Dec. 27, 1961; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13028; Order E-17861]

ALASKA COASTAL AIRLINES AND ELLIS AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of December 1961.

By joint application filed on September 11, 1961, Alaska Coastal Airlines (Coastal) and Ellis Air Lines, Inc. (Ellis) have requested the Board's approval under section 408 of the Federal Aviation Act of 1958 of the consolidation of Ellis, Alaska Air Transport, Inc. (Alaska Air), and Marine Airways (Marine) into a single air carrier corporation to be known as Alaska Coastal-Ellis Airlines (ACEA).

Coastal is a partnership of Marine and Alaska Air, two corporations established under the laws of the State of Alaska. Coastal holds a certificate of public convenience and necessity for Route 122, which authorizes the air transportation of mail, persons, and property between points and over routes in southeastern Alaska. Its principal office and place of business is in Juneau. Ellis is a corporation organized and existing under the laws of the State of Alaska which holds a certificate of public convenience and necessity for Route 125 authorizing the air transportation of mail, persons, and property between points and over routes in southeastern Alaska, and which has its principal office and place of business in Ketchikan.

Accompanying the joint application is an agreement of consolidation, dated July 28, 1961, by and between Ellis, Marine and Alaska Air providing for the assumption by ACEA of the rights, privileges, powers, and franchises, including certificates of public convenience and necessity issued by the Board, currently held by Coastal and Ellis and describing the manner in which the consolidation will be carried into effect.

Ellis has an authorized capitalization of 300,000 shares of common stock, of the par value of $1 a share, of which 200,000 shares have voting rights and 100,000 do not. Of the voting stock, 80,528 shares are issued and outstanding; of the non-voting stock, 300 shares are issued and outstanding. Marine has an authorized capitalization of 500,000 shares of common stock, of the par value of $1 a share, of which 20,001 are issued and outstanding, and 500,000 shares of 5½ percent cumulative non-voting preferred stock, of the par value of $1 a share, of which 206,207 shares are issued and outstanding. Alaska Air has an authorized capitalization of 500,000 shares of common stock, of the par value of $1 a share, of which 25,000 shares are issued and outstanding and 500,000 shares of 5½ percent cumulative non-voting preferred stock, of the par value of $1, of which 173,994 shares are issued and outstanding.

Under the terms of the consolidation, the new corporation would succeed to all of the rights, privileges, powers, and franchises, as well as the property, of Ellis, Marine, and Alaska Air, with the debts, liabilities and duties of each of the consolidated corporations preserved as enforceable obligations against the new entity. The officers and directors of the consolidating corporations are empowered to take the actions necessary to accomplish the vesting of the various rights and property of their respective corporations in ACEA.

The new corporation would have a capitalization of four million shares of $1 par value common stock with voting privileges and one million shares of $1 par value 5½ percent cumulative preferred stock, which may be redeemed by the new corporation upon the payment of its par value and accrued dividends. The preferred stock is to have no voting rights unless specifically conferred by the laws of the State of Alaska, in which case the preferred will be voted as a class. On approval of the consolidation plan,[1] shareholders of the cumulative preferred stock of Marine and Alaska Air will be issued the cumulative preferred stock of the new corporation on a share-for-share basis. The new corporation will issue 80,828 shares of its common stock to the owners of the common voting and non-voting stock of Ellis on a pro rata basis. A similar number of shares of the common stock of the new corporation will be issued and allotted on a pro rata basis between the owners of the common stock of Marine and Alaska Air according to their respective interests in the copartnership, Coastal.

The Board of Directors of the new corporation will number 15, seven of whom have been initially nominated by Ellis and eight by Marine and Alaska Air, jointly. They are to serve during the organizational period of ACEA. Pending approval of this application, none of the consolidating corporations will increase its outstanding capital common stock. Each carrier, however, may pay a cash dividend of up to $15,000 to its common stockholders for the year of 1961.[2]

On October 9, 1961, the Air Line Pilots Association, International (ALPA), the duly designated bargaining agent for the first pilots and copilots of Ellis, filed a petition for leave to intervene. It asserts that if the integration of the systems of Coastal and Ellis is carried into execution without an adequate inquiry into the rights of the employees affected, it would "defeat the declared policies and long and well-established practices and precedents established under the * * * Act." The principal concern of the ALPA appears to be the equitable adjustment of the pilots' and copilots' seniority rights in the consolidated corporation. The applicants have indicated that the consolidated corporation will adopt the labor protective conditions which have been developed by the Board in the past merger proceedings and which have been enunciated most recently in the United-Capital Merger Case.[3]

The directors of any of the three consolidating corporations may act to abandon the consolidation agreement if it fails to obtain our approval, inter alia, or if it be deemed that we have conditioned our approval in such a manner as to adversely affect any of the three corporations.

In response to a request made by the Bureau of Economic Regulation, the applicants have furnished us with detailed information, including current financial, accounting, and statistical data about the existing carriers and forecast data of the same kind concerning the proposed consolidated corporation. Based on the information before us we have tentatively concluded that the proposed consolidation would be consistent with the public interest and would not result in creating a monopoly or monopolies which would restrain competition or jeopardize any other air carrier not a party to the consolidation.

Ellis and Coastal both presently operate with the assistance of subsidies which have been steadily rising. Coastal's subsidy increased from approximately $342,000 in fiscal 1954 to approximately $619,000 in fiscal 1959,[4] and the carrier has estimated that it will require subsidy of $936,921 for calendar year 1962. Coastal's mail rate has been open since September 15, 1959. Subsidy for Ellis increased from approximately $270,000 in fiscal 1954 to approximately $422,000[5] in fiscal 1960. Ellis opened its mail rate by petition filed September 30, 1960, and forecasts that it will require subsidy of $737,504 for calendar year 1962. It appears that the consolidated corporation will be able to operate profitably at a level of break-even need and subsidy substantially below the sum of the existing carriers' separate requirements. The combined operation shows promise also of attaining a degree of system efficiency which could reverse the upward spiral of subsidy demand. If attained, these salutary results, among others, will clearly be in the interest of the public. They can be achieved, in our judgment, with no failure of conformity to the statutory tests of public interest and without a relaxation of the standards which must be used to protect the public interest and the interest of other air carriers.

The applicants have furnished forecast traffic, cost, and revenue figures for the calendar year 1962 for Ellis and Coastal separately, as well as for the consolidated carrier, based on the experience of the previous year. These figures project a smaller total of revenue plane miles than would be flown by Ellis and Coastal separately, and reductions in flying operations, maintenance, and general and administrative expenses below those forecast for the two carriers operating separately. Consequently, the break-even need and subsidy requirement are calculated to be smaller for the consolidated corporation than would be the sum of those items for the separate corporations.[6] However, we believe that there are additional areas of probable cost savings which can be effectuated by ACEA and which should result in a still greater reduction in subsidy need.

We are not prepared to accept the cost figures supplied by the applicant as irreducible, without regard to the requisite standards of efficient management and reasonable accounting practices. The operational costs of the proposed consolidated carrier, as well as all the other items in the corporation's profit and loss statement need to be evaluated in a separate proceeding under section 406 of the Act before the amount of subsidy assistance can be fixed. Therefore, while we accept the applicants' estimates as an encouraging starting point, and as indicating a lesser subsidy need for combined rather than independent operations, we do not indorse them, nor bind ourselves to approve subsidy payments which are locked into those figures.

In determining whether a consolidation is consistent with the public interest, one of the principal considerations is whether an integrated and coordinated route system will emerge. Ellis and Coastal are certificated carriers which are operating between points in Southeastern Alaska viz., the narrow strip of mainland bordering British Columbia plus the off-shore islands of the Alexander Archipelago. Coastal's Route 122 is comprised of the following segments: 1—Ketchikan/Annette Island Airfield-Sitka (on a circular off-shore route emanating from the mainland intermediate point of Juneau); 2—Juneau-Skagway; 3—Petersburg-Petersburg (on a circular off-shore route). Route 125 of Ellis consists of the following segments: 1—Ketchikan-Sitka (via off-shore intermediate points); 2—Ketchikan-Juneau; 3—Ketchikan-Annette Island Airfield; 4—Ketchikan-Prince Rupert, British Columbia.[7] A combination of the existing certificate authorities of the applicants would result in a system having the following route characteristics: (1) service the length of mainland Southeastern Alaska from Ketchikan northwest to Skagway; (2) Ketchikan to Sitka service (via intermediate off-shore points); (3) two circular routings serving off-shore points from the mainland, one emanating from Juneau with Sitka as terminal point, and the other emanating from Petersburg with Port Alexander as terminal point; and (4) service between Ketchikan/Annette Island and Prince Rupert, British Columbia.

The proposed route system of ACEA would present as tightly integrated a system as that presently operated by either carrier since, in effect, one system will be superimposed on the other. Each carrier serves the mainland points of Ketchikan, Wrangell, Petersburg, and Juneau, and the island points of Annette and Sitka. Only Skagway, Haines, and Prince Rupert are not common mainland points. Thus, the system proposed for the new carrier would provide the public with service connecting mainland points[8] with the significant off-shore points. Included in the consolidation plans is the reduction from daily to twice weekly of the Grumman G-21A VFR service presently operated by Ellis over their Ketchikan-Sitka segment, which will be permitted by the PBY service over Coastal's Ketchikan-Sitka segment which will be continued at its present frequency by ACEA. Also, as dictated by the traffic requirements, flights on Ellis' Ketchikan-Sitka segment will turnaround short of the destination terminal points. The same type of curtailment of flight scheduling will be employed through turnaround short of terminal points on the Ketchikan-Sitka routing now operated by Coastal. Thus, any curtailment of service on the segments over which certification will be requested by ACEA will be responsive to the public need. The consolidation would, therefore, produce a coordinated and integrated route system which will adequately satisfy the area's service requirements.

Similarly, the physical plants and operations of the carriers can be readily and logically integrated, giving rise to cost savings in the combined facilities. Ellis' principal terminal and shop facilities are at Ketchikan. They would be continued in use with the shop facilities performing the overhaul on all Grumman aircraft. The Coastal terminal and shop facilities at Juneau will be utilized for engine overhaul and overhaul of C28-5ACF type aircraft. Ticket facilities, line maintenance, and inspection and purchasing procedures can be easily integrated at common points. Since the

---

[1] On August 31, 1961, the required percentages of the shareholders of Marine and of Alaska Air approved a resolution of their directors authorizing the consolidation. On the same day, the required percentage of the shareholders of Ellis also approved a resolution of their directors authorizing the consolidation.

[2] The directors of Ellis declared a common stockholders' dividend for 1961 totaling $15,001.68 on September 6, 1961.

[3] Order E-16605, adopted April 3, 1961, Docket 11699.

[4] Service Mail Pay and Subsidy for U.S. Certificated Carriers, February 1961.

[5] Ibid.

[6] See Appendix A (filed as part of original document).

[7] Ellis is certificated from Ketchikan to Prince Rupert for persons and property only; it provides mail service between those points by exemption. Order E-12451, adopted May 2, 1958, Docket 9326.

[8] Juneau, Ketchikan, and Sitka are among the five largest cities in Alaska.

character of the service provided by the combined carrier will be similar to that which Ellis and Coastal now provide, the aircraft of either is peculiarly suitable for use within that service pattern. Only five points which would be served by ACEA have airports and, therefore, it necessarily must continue to utilize amphibious or seaplane equipment. ACEA proposes to operate a combined fleet of three C28–5ACF aircraft (PBY's) with 24-seat configuration and 16 Grumman G–21A aircraft with 8-seat configuration. It is alleged by the applicants that all of these aircraft are needed to meet peak summer traffic and that no aircraft suitable for replacement are now being designed or constructed. The applicants are considering acquiring three Cessna 180 aircraft, to be financed, in part, by the liquidation of five small aircraft presently owned by Coastal.

Since the proposed consolidation will involve exchanges of stock rather than cash purchases, no problem is presented with respect to the valuation of assets for rate making purposes. The net values of the assets which are shown on the books of Coastal and Ellis, respectively, are the values which will be reflected on the books of ACEA; these values will not be inflated because of market values which may be in excess of net book values. Accordingly, depreciation and return on investment would be predicated on the present depreciated base and the full benefits of the consolidated operation would be available to the shareholders and the Government.

In our judgment, approval of the application is consistent with the provisions of section 408 of the Act. For practical purposes, competition would not be restricted as a result of the consolidation because the competition which has existed between Ellis and Coastal has been minimal during most of the history of the carriers' operations. They were not originally certificated as a result of a determination that there was a necessity for the services of two carriers in this area; rather, as established operators, they were awarded "grandfather" rights.[9] On the mainland, no carrier competes with Coastal between Juneau, Haines, and Skagway and no carrier competes with Ellis betwen Ketchikan and Prince Rupert. Ellis and Coastal do operate parallel routes between Ketchikan and Juneau; however, since 1943, under various agreements providing for cooperative scheduling and joint use of facilities, approved because of the special conditions existing in the area, competition on this portion of the carriers' mainland segments has been virtually nonexistent. Both Ellis and Coastal encounter competition on their Ketchikan-Juneau segment portions from Pan American World Airways, Inc. (Pan American) which is permitted to offer service between these points on flights originating in or destined for Seattle, Washington. Both Coastal and Ellis are certificated to provide service between Ketchikan/Annette Island Airfield and Sitka, but, here again, the carriers do not genuinely compete. Ellis may provide this service only if it stops at two of the following intermediate points, and three if Ketchikan is served through Annette: Hydaburg, Craig, Klawak, and Edna Bay. Coastal, on the other hand, may serve Sitka nonstop through the coterminal points Ketchikan and Annette Island Airfield. In effect, therefore, the applicants are not competitive between Ketchikan and Sitka and this result has been achieved intentionally. In the Additional Air Service in Southeastern Alaska Case, Docket 5081 et al., decided June 11, 1958, Order E–12780, the Board concluded that two carrier competition in these markets was not warranted and amended the applicants' certificates in the fashion described above to insure that it would not occur. Thus, since Ellis and Coastal do not really compete between any points in their systems, the consolidation cannot operate to diminish competition which in fact has never existed. Moreover, the consolidation will not jeopardize a third carrier since only Pan American, between Ketchikan and Juneau, also operates in this area. There is little likelihood that ACEA would divert traffic not heretofore enjoyed by the applicants from Pan American because, inter alia, ACEA is expected to operate only the number and kind of equipment now owned by the applicants and it has given no indication that it plans to operate any flights in addition to the frequencies now operated by the applicants.

The protection of the seniority and other rights of the employees of merging carriers has long been of prime concern to the Board.[10] We foresee no significant adverse effect on the employees of either Ellis or Coastal as a result of the proposed consolidation, in view of the applicants' willingness to adopt labor protective conditions similar to those adopted by the carrier in the United-Capital Merger Case, supra. Such jobs as may become surplus as a result of combining and integrating services in ACEA will be removed by the device of not filling vacancies which may occur prior to the actual consolidation. Therefore, the applicants allege, there will be no employees involuntarily released as a result of the consolidation.

With the exception of equipment depreciation charges which will not be changed, the forecast figures furnished by the applicants are less for each expense item for the consolidated carrier than would be the sum of each expense item of the separate carriers. The resulting break-even need reduction is, as we have stated, encouraging, and we are convinced that the consolidated operation will have a smaller break-even need than the sum of the separate carriers.

We are not convinced, however, that the applicants' forecasts necessarily represent wholly reasonable estimates either as to revenue or expense components. For example, we question whether the revenue plane miles scheduled and the resulting load factors reflect the most efficient traffic management attainable. It is our belief that a fuller appreciation of the economies of consolidated operations can reduce substantially all of ACEA's projected expense items. As the operations of the consolidated corporation become more fully integrated, direct operating and maintenance expenses should show savings beyond those already planned for as a result of the elimination of excessive mileage and capacity, and of duplicative facilities and cuts in the requirements for inventories, personnel and recordkeeping. The elimination of duplicative facilities and the efficiency to be gained from performing one, rather than two, operations in any function contributes, we feel, the potential for also reducing general and administrative expenses of the new carrier. Legal and technical services can be reduced, as can the costs of advertising and memberships. Utility costs and clerical expenses are items of the same nature. Renegotiation of insurance contracts may well result in costs computed at rates more favorable than the sum of those costs to the currently certificated carriers.

In sum, we find that there are clearly savings to be realized in many operational areas which would not be attainable by two separate carriers operating a comparable number of revenue plane miles, and that the proposed consolidation would be in the public interest. For the foregoing reasons, it is our tentative conclusion that, because the consolidation of Ellis, Marine, and Alaska Air, and the transfer of Routes 122 and 125 from Coastal and Ellis to ACEA will result in a substantial saving to the Government and will in other respects be consistent with the public interest and will not create a monopoly and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, the consolidation should be approved.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are directed to show cause, within 7 days of the service date of this order, why the Board should not approve the consolidation of Ellis, Alaska Air and Marine into a direct air carrier corporation to be known as Alaska Coastal-Ellis Airlines, and approve the transfer to that entity of the certificates of public convenience and necessity for Routes 122 and 125, presently held by Coastal and Ellis, which carriers will cease their existence and operations when the consolidated carrier comes into being;

2. That on expiration of the 7-day period allowed for the filing of objections to our tentative findings and conclusions, this application shall be set for immediate hearing in Washington, D.C., before an Examiner of this Board;

3. That copies of this order shall be served on Alaska Coastal Airlines, Ellis Air Lines, Inc., the Air Line Pilots Association, International, Pacific Northern Airlines, Inc. and Pan American World Airways, Inc.; and

4. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61–12312; Filed, Dec. 27, 1961; 8:53 a.m.]

[Docket No. 11278 etc.; Order E–17856]

RIDDLE AIRLINES, INC., AND NEW YORK-SAN JUAN CARGO RATES INVESTIGATION

Proposed Reduction of Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of December 1961.

By tariff revisions marked to become effective December 24, 1961, Riddle Airlines, Inc. (Riddle) proposes to reduce its general commodity rates between San Juan, Puerto Rico, on the one hand and Baltimore, New York, and Philadelphia, on the other. The reductions apply to most weight breaks, the percentage of decrease ranging approximately from 3.5 to 17.5 percent among the several weight breaks and depending on the direction of movement.

Allied Air Freight International Corp. and Eastern Air Lines, Inc. have filed complaints requesting investigation and suspension.[1] In summary, these complaints allege that the proposals would lead to retaliatory reductions by other carriers, both direct and indirect; that the San Juan market which had become stabilized since the inauguration of the pending Board investigation would become upset; that the rates proposed are below those against which Riddle had complained as uneconomically low when they were proposed by competitive carriers; that the rates are under Riddle's own costs of operating cargo aircraft in this market; that some weight breaks have been eliminated without justification; and, finally, that the same factors apply here as those considered by the Board when it suspended similar proposals by Riddle recently. Riddle claims that its proposed rates are identical to those recently filed by, or in effect for, freight forwarders; that through their current rate advantage, forwarders have secured a significant percentage of the market, while Riddle's volume has declined sharply; that it cannot afford to await the outcome of the Board's investigation; that the volume spreads proposed are equal to or larger than those in domestic freight rates before the Board's revocation of minimum rates; that all direct carriers have been compelled, because of the forwarders' rate advantage, to curtail all-cargo service in this market, leading to a decline in the total volume of air freight; that carriers have the right to meet competitive rates; and that shippers and the general public will benefit from Riddle's proposal because Riddle would be enabled to offer improved service and to increase its sales efforts.

Upon consideration of the matters of record the Board finds that the rate reductions proposed by Riddle may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. Riddle's proposals would significantly undercut the rates of other direct carriers in the market. While it is true that these proposals would meet the rates in effect for freight forwarders in these markets, such rates have been in effect for a number of months, as long as 24 months in one market. We have, on a number of occasions in the past 20 months, dealt with the problems essentially raised by Riddle's instant proposal. The first of these was our instituting an investigation chiefly of general commodity rates in the New York-San Juan market in effect for all carriers by Order E–15085, adopted April 8, 1960 (Docket 11278 et al.). This investigation was subsequently broadened to include numerous specific commodity rates, proposed reductions in which we also suspended (Order E–15851, September 29, 1960). In denying Riddle's petition to vacate this suspension,[2] we quoted our earlier statement, "Our action in this matter is designed to maintain, during the pendency of our investigations, the situation substantially as it now exists with respect to freight rates. There may result inequities as between the two groups of carriers, as well as between carriers in either group, but we believe these are outweighed by the necessity of maintaining the status quo."[3] The present situation is essentially the same as the one referred to above. Under these circumstances, we shall consolidate the investigation instituted herein in the investigation pending in Docket 11278 et al., and suspend the tariff proposals pending the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions between Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, Puerto Rico, on the one hand, and Baltimore, Md., New York, N.Y., and Philadelphia, Pa., on the other, on 19th Revised Page 6 of C.A.B. No. 7 of Riddle Airlines, Inc., are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions between Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, Puerto Rico, on the one hand, and Baltimore, Md., New York, N.Y., and Philadelphia, Pa., on the other, on 19th Revised Page 6 of C.A.B. No. 7 of Riddle Airlines, Inc., are suspended and their use deferred to and including March 23, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The investigation instituted in Dockets 13260 and 13263 upon the complaints of Allied Air Freight International Corporation and Eastern Air Lines, Inc., respectively, is consolidated with the proceeding designated New York-San Juan Cargo Rates Investigation, Docket 11278 et al. The complaint of Transportation Corporation of America, d/b/a Trans Caribbean Airways, is dismissed.

4. Copies of this order shall be filed with the tariff and shall be served upon Allied Air Freight International Corporation, Eastern Air Lines, Inc., and Riddle Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61–12313; Filed, Dec. 27, 1961; 8:53 a.m.]

[Docket No. 13269; Order E–17860]

UNITED AIR LINES, INC.

Proposed Revision of Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of December, 1961.

By tariff filings marked to become effective December 24, 1961, United Air Lines, Inc. (United) proposes significant revisions in its freight rates. Eastbound from Los Angeles and San Francisco, on the one hand, to Boston, Chicago, New York, and Philadelphia, on the other, these revisions generally consist of reductions in freight rates above 100 pounds, although several increases are also proposed. Reductions are chiefly to be effected by introducing at lower rates several new specific commodity groups containing a number of the commodities comprised in current groups. Increases are proposed typically by canceling certain specific commodity groups, leaving the commodities currently contained therein subject to the higher applicable general commodity rates and by a realignment of the commodity groupings. In numerous secondary markets, it is proposed to increase rates on many commodities by canceling several specific commodity groups. In the foregoing filings, United proposes essentially to join in rate revisions recently made effective for American Airlines, Inc. and Trans World Airlines, Inc.

Between Cleveland, on the one hand, and Los Angeles and San Francisco, on the other, United proposes several new commodity groups. Eastbound to Cleveland, the proposals are similar to those

---

[9] 3 CAB 804, 881, 884 (1942).

[10] Delta-Chicago and Southern Merger Case, 16 C.A.B. 647 (1952); West Coast-Empire Merger Case, 15 C.A.B. 971 (1952); Braniff-Mid-Continent Merger Case, 15 C.A.B. 708 (1952).

[1] In addition, Transportation Corporation of America d/b/a Trans Caribbean Airways filed a telegraphic support of the Eastern complaint, which was not in accordance with Rule 505 (14 CFR 302.505) of the Board's rules of practice.

[2] Order E–15997, November 4, 1960.

[3] Suspension and Investigation, Air Freight Tariffs, 8 C.A.B. 621 at 622 (1947).

proposed for the major markets, as described above, generally involving reductions at weight breaks above 100 pounds. In addition, reductions are proposed on games and toys and on office and business machines at certain weight breaks. Westbound from Cleveland, United proposes rates on Group 567 at reduced levels for weight breaks above 100 pounds, as well as increases on several commodities.

The Flying Tiger Line Inc. (Tiger) has filed a complaint, chiefly against the proposed rates for Group 567, requesting investigation and suspension. In summary, the complaint alleges that the proposals are unjust and unreasonable; that they are uneconomically low, based upon operating costs; that the volume spreads are too high; and that they are confined to segments involving competition with Tiger and thus are discriminatory.

Upon consideration of the matters of record, the Board finds that the following proposed rates may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated: Rates on Group 567, at weight breaks above 100 pounds from Cleveland to Los Angeles and San Francisco, on games and toys at weight breaks above 100 pounds from Los Angeles and San Francisco to Cleveland, and on office and business machines at 100 pounds from San Francisco to Cleveland. With regard to Group 567, United proposes to undercut significantly rates charged by other carriers at higher weight breaks on a broad group of commodities but has furnished no basis upon which to justify such reductions. The proposed rates are at a low level for westbound movements, as low as 11.2 cents per ton-mile. The foregoing rates on games and toys and on office and business machines similarly would undercut competition and are on low levels. In view of the dilution of carrier revenues which might result from the application of the foregoing rates and the absence of support for these reductions, the Board has further concluded to suspend these portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto are suspended and their use deferred to and including March 23, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permision by the Board.

3. The complaint of Flying Tiger Line Inc. in Docket 13269 is dismissed except to the extent granted herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon United Air Lines, Inc., and The Flying Tiger Line Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

APPENDIX A

AGENT B. H. SMITH'S OFFICIAL AIR FREIGHT SPECIFIC COMMODITY TARIFF NO. 5–B, C.A.B. NO. 12

On 68th, 69th, 70th and 71st Revised Pages 89, the specific commodity rates subject to minimum weights of 5,000 and 10,000 pounds applying on Commodity Group No. 571 from Los Angeles, Cal. to Cleveland, Ohio via routing "UA".

On 36th, 37th and 38th Revised Pages 104, the specific commodity rates subject to minimum weights of 5,000 and 10,000 pounds applying on Commodity Group No. 571 from San Francisco, Cal. to Cleveland, Ohio via routing "UA", and the specific commodity rate subject to a minimum weight of 100 pounds applying on Commodity Group No. 569 from San Francisco, Cal. to Cleveland, Ohio via routing "UA".

On 20th Revised Page 159, the specific commodity rates subject to minimum weights of 1,000, 2,000, 3,000, 5,000 and 10,000 pounds applying on Commodity Group No. 567 from Cleveland, Ohio to Los Angeles, Cal. via routing "UA".

On 17th Revised Page 160, the specific commodity rates subject to minimum weights of 1,000, 2,000, 3,000, 5,000 and 10,000 pounds applying on Commodity Group No. 567 from Cleveland, Ohio to San Francisco, Cal. via routing "UA".

[F.R. Doc. 61–12314; Filed, Dec. 27, 1961; 8:53 a.m.]

[Docket No. 11879; Order E–17859]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by Traffic Conference Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of December, 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memoranda, names an additional specific commodity rate and cancels one rate as indicated below:

C.A.B. 14827	IATA memorandum	Commodity Item No.	From/to
B–69	TC1/Rates 1306	9995	Miami to Panama City (Cancel).
B–70	TC1/Rates 1314	0006	Panama City to San Juan.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R–69 and R–70, is approved.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–12315; Filed, Dec. 27, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–10342 etc.]

JEAN PAUL GETTY ET AL.

Notice of Severance

DECEMBER 20, 1961.

Jean Paul Getty, trustee of the estate of Sarah Getty, deceased, et al., Docket No. G–10342, et al.; J. C. Trahan Drilling Contractor, Inc., Tidewater Oil Company, Docket No. CI61–1388; Docket No. CI61–1663.

Notice is hereby given that the above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on December 27, 1961, in the consolidated proceedings entitled Jean Paul Getty, Trustee of the Estate of Sarah Getty, Deceased, et al., in Docket No. G–10342, et al., are severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–12263; Filed, Dec. 27, 1961; 8:45 a.m.]

[Docket No. G–8763]

LONE STAR GAS CO.

Notice of Application To Amend

DECEMBER 20, 1961.

Take notice that on October 18, 1961, Lone Star Gas Company (Movant) filed a motion to amend the Commission's order issued December 4, 1956, in Docket No. G–8763 so as to enable Movant to sell and deliver additional volumes of natural gas to Natural Gas Pipeline Company of America (Natural).

In the December 4, 1956, order the Commission authorized Movant to construct and operate certain facilities and to sell and deliver an average of 80,000 Mcf of natural gas per day and up to a maximum of 100,000 Mcf of natural gas per day to Natural at a point in Stephens County, Oklahoma. Movant herein proposes to increase these authorized volumes to a daily average of 100,000 Mcf with a maximum of 125,000 Mcf per day.

Movant states that because of the loss of certain markets involving power plant sales, it will have a total of 30,553 Mcf of gas per day available to help meet the proposed increased sales of natural gas to Natural.

Concurrently with the filing of its motion, Movant filed a superseding service agreement, dated October 10, 1961, providing for the proposed increased sales to Natural.

No additional facilities are required to effectuate the subject proposal.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 15, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–12264; Filed, Dec. 27, 1961; 8:45 a.m.]

[Project No. 2241]

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY, WASHINGTON

Notice of Application for License

DECEMBER 20, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Klickitat County (correspondence to Amos W. Larsen, President, Public Utility District No. 1 of Klickitat County, Goldendale, Washington) for license for proposed Project No. 2241, known as the Nine Foot Creek Section of the White Salmon River Hydroelectric Project, to be located on White Salmon River, Green Canyon Creek, Ninefoot Creek and Trout Lake Creek, in Skamania and Klickitat Counties, Washington, near Troutlake, Washington, and affecting lands of the United States within Gifford Pinchot National Forest.

The proposed project would consist of: Nine Foot Creek Dam on White Salmon River at mile 34.7—a concrete gravity dam 100 feet high with free overflow spillway and gated diversion works to maintain minimum flows in the White Salmon River; a diversion conduit consisting of about 1,500 of steel pipe, 400 feet of tunnel and 6,100 feet of open canal into a drop structure at Green Canyon Reservoir; Green Canyon Reservoir on Green Canyon Creek—an earth fill dam about 5,000 feet long with maximum height of about 80 feet; a small emergency saddle spillway at the upper end of the reservoir; a reservoir containing 6,000 acre-feet storage; a steel penstock 4,000 feet long from the reservoir to a powerhouse on Trout Lake Creek; and Trout Creek Powerhouse—an outdoor type structure containing one vertical Francis turbine of 27,000 horsepower connected to a 20,000 kilowatt generator with appurtenant electrical and mechanical equipment; a 115 KV transmission line 28 miles long, 18 miles of which from the Trout Creek powerhouse to the future B–Z powerhouse is on wood poles, with the remaining 10 miles constructed on double circuit steel towers from B–Z powerhouse to a substation at White Salmon or Bingen, Washington, where a connection with Bonneville Power Administration will be made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 14, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–12265; Filed, Dec. 27, 1961; 8:45 a.m.]

[Docket Nos. G–9201, G–14587]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 20, 1961.

Take notice that on August 7, 1961, Southern Natural Gas Company (Petitioner) filed a petition to amend the Commission's orders issued November 2, 1955, in Docket No. G–9201, and August 7, 1959, in Docket No. G–14587, so as to permit Petitioner to transport and deliver to Southern Nitrogen Company (Nitrogen), an existing customer, a maximum of 16,750 Mcf of natural gas per day, of which 10,100 Mcf will be firm gas and 6,650 Mcf interruptible, in lieu of the presently authorized deliveries of 11,000 Mcf per day, of which 6,500 Mcf is firm gas and 4,500 Mcf interruptible.

In Docket No. G–9201 Petitioner was authorized to construct and operate certain facilities in order to sell and deliver a maximum of 11,000 Mcf of natural gas per day, on an interruptible basis, to Nitrogen, a new direct industrial customer. Nitrogen uses the gas as raw material and fuel in the production of nitrogenous fertilizers at its plant near Savannah, Georgia. In Docket No. G–14587 Petitioner was authorized to transport and deliver to Nitrogen up to 6,500 Mcf of the authorized 11,000 Mcf per day on a firm basis.

Petitioner states that it has been advised that Nitrogen proposes to enlarge its facility at Savannah and will require increased volumes of firm and interruptible gas.

Petitioner and Nitrogen have entered into an amendatory agreement, dated July 27, 1961, for the proposed additional volumes of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 15, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–12266; Filed, Dec. 27, 1961; 8:46 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN MEDICAL OFFICER POSITIONS THROUGHOUT THE WORLD

Notice of Increase in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for medical officer positions in all specializations as indicated below. The increases will be effective on the first day of the second pay period which begins after December 22, 1961, and applies to these positions on a worldwide basis.

New minimum rates for medical officer positions in all specializations have been set as follows:

GS–602–11, $8,860 (rate f).
GS–602–12, $10,255 (rate f).
GS–602–13, $11,935 (rate f).
GS–602–14, $13,510 (rate f).
GS–602–15, $15,030 (rate e).
GS–602–16, $16,295 (rate e).
GS–602–17, $17,570 (rate e).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 61–12276; Filed, Dec. 27, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12414 etc.; FCC 61M–1995]

ALKIMA BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., Marshall L. Jones, d/b as Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414,, File No. BP–10640; Herman Handloff, Newark, Delaware, Docket No. 12711, File No. BP–12190;

Howard Wasserman, West Chester, Pennsylvania, Docket No. 12712, File No. BP-12208; for standard broadcast construction permits.

It is ordered, This 21st day of December 1961, that a prehearing conference in the above-entitled matter will be held commencing at 9:00 a.m., January 10, 1962, in the Commission's offices in Washington, D.C.

Released: December 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12320; Filed, Dec. 27, 1961; 8:54 a.m.]

[Docket No. 14354; FCC 61M-1996]

NEIL N. LEVITT

Order Continuing Hearing

In re application of Neil N. Levitt, Roswell, New Mexico, Docket No. 14354, File No. BP-13811; for construction permit.

The Hearing Examiner having under consideration a change of date for the commencement of hearing;

It appearing that the hearing was scheduled to commence on January 9, 1962, by order of the Acting Chief Hearing Examiner but that a different date was agreed upon at a conference held on December 20 in order to allow sufficient time for the preparation and study of the applicant's exhibits;

It is ordered, This 21st day of December 1961, that the date for commencement of hearing is changed from January 9 to February 1, 1962.

Released: December 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12321; Filed, Dec. 27, 1961; 8:54 a.m.]

[Docket Nos. 14425-14442; FCC 61M-1998]

SAUL M. MILLER ET AL.

Order Scheduling Hearing

In re applications of Saul M. Miller, Kutztown, Pa., Docket No. 14425, File No. BP-13844; Hudson Broadcasting Corp., Reading, Pa., Docket No. 14426, File No. BP-13848; Russell H. Morgan, Chestertown, Md., Docket No. 14427, File No. BP-13906; Arnold Katinsky and Martin Pinsker, d/b as Main Line Broadcasters, Radnor, Pa., Docket No. 14428, File No. BP-13951; Voice of Cape Henlopen, Inc., Rehoboth Beach, Del., Docket No. 14429, File No. BP-13985; Patapsco Broadcasting Corporation, Sykesville, Md., Docket No. 14430, File No. BP-14118; VIP Broadcasting Corporation (WFYI), Mineola, N.Y., Docket No. 14431, File No. BP-14328; Charles Shapiro, Maple Shade, N.J., Docket No. 14432, File No. BP-14389; John D. Worthington, Lee L. Case, Samuel Miller, Arthur A. Snowberger, LeRoy Stokes, and George W. Truelove, d/b as Bel Air Broadcasting Company, Bel Air, Md., Docket No. 14433, File No. BP-14816; Chandler W. Drummond and E. Theodore Mallyck, d/b as Bi-States Broadcasters, Ocean City-Somers Point, N.J., Docket No. 14434, File No. BP-14817; Radio Haddonfield, Inc., Haddonfield, N.J., Docket No. 14435, File No. BP-14821; Pennland Broadcasting Co., Inc., McSherrystown, Pa., Docket No. 14436, File No. BP-14855; C. J. Luczak, tr/as Penn. Public Service, West Chester, Pa., Docket No. 14437, File No. BP-14885; Paul W. Stoneburner, tr/as Salem County Radio, Salem, N.J., Docket No. 14438, File No. BP-14887; Austin E. Harkins, tr/as Cornwall Broadcasting Company, Lebanon, Pa., Docket No. 14439, File No. BP-14889; Chandler W. Drummond and E. Theodore Mallyck, d/b as Bi-States Broadcasters, Annville-Cleona, Pa., Docket No. 14440, File No. BP-14890; Edgar G. Shelton, Jr., West Chester, Pa., Docket No. 14441, File No. BP-14916; Chandler W. Drummond and E. Theodore Mallyck, d/b as Bi-States Broadcasters, Quakertown, Pa., Docket No. 14442, File No. BP-14919; for construction permits.

It is ordered, This 21st day of December 1961, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 20, 1962, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, January 25, 1962.

Released: December 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12322; Filed, Dec. 27, 1961; 8:54 a.m.]

TARIFF COMMISSION

CERAMIC MOSAIC TILE

Additional Report to the President

DECEMBER 22, 1961.

The U.S. Tariff Commission's report to the President supplying information additional to that given in the Commission's report on escape-clause investigation No. 7-100 concerning ceramic mosaic tile, was released today. The present report was prepared in response to the President's letter to the Commission of June 29, 1961; and release of the report has been authorized by the President.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets, NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-12282; Filed, Dec. 27, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

RULES OF ORGANIZATION

Effective December 15, 1961, the Rules of Organization are revised to read as follows:

Sec.
1. Composition and location.
2. Central organization.
3. Field organization.
4. Delegations of final authority.

SECTION 1. *Composition and location*—(a) *Governors, Chairman, Vice Chairman.* The Board of Governors of the Federal Reserve System (hereinafter sometimes called the Board) consists of seven members appointed by the President, by and with the advice and consent of the Senate, for 14-year terms. The members of the Board are required by law to devote their entire time to the business of the Board. One of them is designated by the President as Chairman and one as Vice Chairman to serve as such for terms of four years. At meetings, the Chairman presides or, in his absence, the Vice Chairman presides. In the absence of the Chairman and Vice Chairman, the Board elects a member to act as Chairman Pro Tempore. The Chairman of the Board, subject to its supervision, is its active executive officer. The Board usually meets daily to consider matters relating to monetary and credit policies, supervisory duties with which it has been charged by the Congress, and administrative questions arising from the conduct of the work of the Board and of the System. The details of operation are indicated in these rules.

(b) *Location and business hours.* The principal offices of the Board are in the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington 25, D.C. The Board's regular business hours are from 8:45 a.m. to 5:15 p.m. each week day except Saturday; but such business hours may be changed from time to time.

SEC. 2. *Central organization.* The Board's central organization, in addition to the members of the Board, consists of personnel organized as follows:

(a) Office of the Secretary is headed by the Board's Secretary, who acts as the administrative officer of the Board in its relations with the Divisions of its staff and with the Federal Reserve Banks. This Office clears and conducts official correspondence of the Board and is charged with responsibility for maintaining the official records of the Board.

(b) Legal Division, headed by the Board's General Counsel, advises and assists the Board with respect to legal matters, including legislation, regulations, interpretations, opinions, applications, hearings, orders, and litigation.

(c) Division of Research and Statistics, headed by a Director, provides the Board with economic information necessary for formulation of monetary and credit policy; fosters governmental and public knowledge and understanding of economic trends underlying System policies; and conducts research on money and banking, public finance, production, trade, agriculture, prices, national income, employment and wages, capital markets, consumer credit and finances, flow of funds, and savings.

(d) Division of International Finance, headed by a Director, advises and assists the Board on international financial and economic matters and conducts research in this field. It carries on staff work in connection with the supervision of foreign operations of the Federal Reserve System and the membership of the Chairman of the Board on the National Advisory Council on International Monetary and Financial Problems.

(e) Division of Bank Operations, headed by a Director, advises and assists the Board with respect to matters concerning the condition, operation, and reports of the Federal Reserve Banks, arranges for printing and shipment of Federal Reserve notes to supply the Federal Reserve Banks, collects and prepares various data regarding the condition, operations, expenses, and earnings of Reserve Banks, member banks, and other banks, and maintains liaison with Treasury Department and other Government agencies on Fiscal Agency operations of Reserve Banks.

(f) Division of Examinations, headed by a Director, examines the Federal Reserve Banks and keeps currently informed on the activities of their internal auditing staffs, reviews and coordinates the bank examination functions of the Federal Reserve Banks (which examine the State member banks and their holding company and other affiliates), reviews reports of such examinations, and advises and assists the Board with respect to bank supervisory activities of the Federal Reserve System, and with respect to various applications, such as applications for membership in the System, for trust powers, for establishment of foreign banking and financial corporations, for establishment of branches, for bank mergers, and for establishment or expansion of bank holding companies.

(g) Division of Personnel Administration, headed by a Director, is responsible for the administration of the Board's personnel program, serves as the security office, and advises and assists the Board on personnel matters pertaining to the Federal Reserve Banks.

(h) Division of Administrative Services, headed by a Director, serves as the central procurement, electronic computer, machine tabulation, duplicating, communications, and service unit of the Board and advises and assists the Board with respect to such matters. It also performs various administrative functions, including the distribution of Board publications and the operation of the Board's building and other facilities.

(i) Office of the Controller, headed by the Board's Controller, is responsible for the receipt and disbursement of the Board's funds, maintenance of the books of account, and the formulation of the Board's budget. It analyzes operations and conducts internal audits, computes assessments upon the Federal Reserve Banks for the expenses of the Board and of System leased wire operations, and handles reimbursement to the Treasury Department for printing, issuing, and redeeming Federal Reserve notes.

(j) Office of Defense Planning, headed by a Coordinator, is responsible for the development of the Board's defense planning program and the coordination of that program with those of the Federal Reserve Banks. It maintains liaison regarding defense matters with Government departments and agencies, and promotes the commercial bank preparedness program.

(k) Other personnel. In addition to the Divisions mentioned above, the staff of the Board includes Advisers and Assistants to the Board and a Legislative Counsel. The Federal Reserve Bulletin is issued monthly under the direction of a Staff Editorial Committee which is responsible for interpretations and opinions expressed therein, except in official statements and signed articles. The Board does not employ hearing examiners as regular members of its staff; but, in accordance with applicable provisions of law and in individual cases as the need may arise, the Board obtains and utilizes hearing examiners, whose functions in such capacity are appropriately separated from investigative and prosecuting functions of the staff as required by law.

SEC. 3. *Field Organization.* The United States is divided into 12 Federal Reserve districts. In one city in each Federal Reserve district there is located a Federal Reserve Bank, and in 10 of the districts there are one or more branches of the Federal Reserve Bank in other cities. Each Federal Reserve Bank is a separate legal entity, created pursuant to the Federal Reserve Act and operating under the general supervision of the Board. The locations of the 12 Federal Reserve Banks and their 24 branches and the boundaries of the Federal Reserve district and branch territories are shown in Appendix A. Each Federal Reserve Bank, in addition to its other duties, carries out local functions for the Board pursuant to instructions of the Board, and in many matters acts as the Board's field representative in the Bank's district. It assists in administering the Board's regulations and policies locally under instructions of the Board, keeps the Board informed of local conditions, and recommends such action as it thinks appropriate for general policies or in particular cases.

It is desirable and convenient for persons concerned with Federal Reserve matters to deal in the first instance with the Federal Reserve Bank of the appropriate district or a branch thereof, and the Board requests all persons to follow this procedure.

At each Federal Reserve Bank, one of the three directors of the Bank appointed by the Board is designated by the Board as Chairman of the board of directors of the Bank and as Federal Reserve Agent. He acts as the Board's official representative and maintains a local office of the Board on the premises of the Federal Reserve Bank.

SEC. 4. *Delegations of final authority.* The Board does not delegate its authority on any question of general policy, and its functions are such that there is no delegation of final authority.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

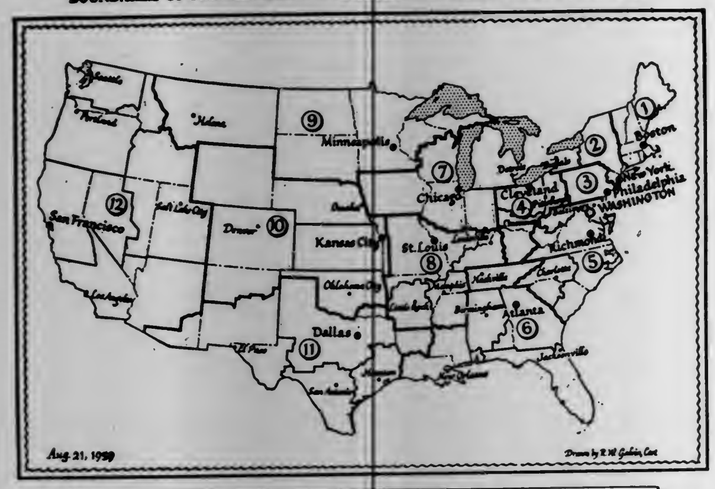
APPENDIX A

LIST OF FEDERAL RESERVE BANKS AND BRANCHES

Federal Reserve Bank and Address

Boston: 30 Pearl Street, Boston 6, Mass.
New York: 33 Liberty Street, New York 45, N.Y.
Buffalo Branch: 160 Delaware Avenue, Buffalo 5, N.Y.
Philadelphia: 925 Chestnut Street, Philadelphia 1, Pa.
Cleveland: 1455 East Sixth Street, Cleveland 1, Ohio.
Cincinnati Branch: 105 West Fourth Street, Cincinnati 1, Ohio.
Pittsburgh Branch: 717 Grant Street, Pittsburgh 30, Pa.
Richmond: 100 North Ninth Street, Richmond 13, Va.
Baltimore Branch: 114-120 East Lexington Street, Baltimore 3, Md.
Charlotte Branch: 401 South Tryon Street, Charlotte 1, N.C.
Atlanta: 104 Marietta Street NW., Atlanta 3, Ga.
Birmingham Branch: 1801 Fifth Avenue North, Birmingham 2, Ala.
Jacksonville Branch: 515 Julia Street, Jacksonville 1, Fla.
Nashville Branch: 301 Eighth Avenue North, Nashville 3, Tenn.
New Orleans Branch: 147 Carondelet Street, P.O. Box 1630, New Orleans 11, La.
Chicago: 230 South La Salle Street, P.O. Box 834, Chicago 90, Ill.
Detroit Branch: 160 Fort Street West, P.O. Box 1059, Detroit 31, Mich.
St. Louis: 411 Locust Street, P.O. Box 442, St. Louis 66, Mo.
Little Rock Branch: 121 West Third Street, P.O. Box 1261, Little Rock, Ark.
Louisville Branch: 410 South Fifth Street, P.O. Box 899, Louisville 1, Ky.
Memphis Branch: 170 Jefferson Street, P.O. Box 407, Memphis 1, Tenn.
Minneapolis: 73 South Fifth Street, Minneapolis 2, Minn.
Helena Branch: 400 North Park Avenue, Helena, Mont.
Kansas City: 925 Grand Avenue, Kansas City 6, Mo.
Denver Branch: 1111 Seventeenth Street, Denver 17, Colo.
Oklahoma City Branch: 226 Northwest Third Street, Oklahoma City 1, Okla.
Omaha Branch: 102 South Seventeenth Street, Omaha 2, Nebr.
Dallas: 400 South Akard Street, Station K, Dallas 2, Tex.
El Paso Branch: 301 East Main Street, P.O. Box 100, El Paso, Tex.
Houston Branch: 1701 San Jacinto Street, P.O. Box 2578, Houston 1, Tex.
San Antonio Branch: 210 West Nueva Street, P.O. Box 1471, San Antonio 6, Tex.
San Francisco: 400 Sansome Street, San Francisco 20, Calif.
Los Angeles Branch: 409 West Olympic Boulevard, P.O. Box 2077, Los Angeles 54, Calif.
Portland Branch: 915 SW. Stark Street, P.O. Box 3456, Portland 8, Oreg.
Salt Lake City Branch: 120 South State Street, P.O. Box 780, Salt Lake City 10, Utah.
Seattle Branch: 1015 Second Avenue, P.O. Box 3567, Seattle 24, Wash.

BOUNDARIES OF FEDERAL RESERVE DISTRICTS AND THEIR BRANCH TERRITORIES



THE FEDERAL RESERVE SYSTEM



Legend

Boundaries of Federal Reserve Districts — Boundaries of Federal Reserve Branch Territories

Board of Governors of the Federal Reserve System

Federal Reserve Bank Cities • Federal Reserve Branch Cities

[F.R. Doc. 61-12231; Filed, Dec. 27, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3455]

HEYDEN NEWPORT CHEMICAL CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

DECEMBER 21, 1961.

In the matter of Heyden Newport Chemical Corporation, 4⅜ Second Preferred Stock, File No. 1-3455.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: There remain outstanding only 3,893 shares with only 192 holders of record.

Upon receipt of a request, on or before January 5, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12270; Filed, Dec. 27, 1961; 8:46 a.m.]

[File No. 812-1448]

INVESTORS DIVERSIFIED SERVICES, INC.

Order for Hearing on Application for Exemption of a Proposed Stock Split of Non-Voting Common Stock

DECEMBER 19, 1961.

The Commission on November 2, 1961, issued a notice that Investors Diversified Services, Inc. ("IDS"), 800 Investors Building, Minneapolis, Minn., a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), had filed an application, pursuant to section 18(j)(1), or alternatively section 6(c), of the Act for an order exempting, from the provisions of section 18(j)(1) of the Act, the issuance of 8,791,810 shares of non-voting common stock, Class A, with a par value of 10 cents per share, in exchange for 879,181 shares of non-voting common stock, Class A, with a par value of $1 per share, in connection with a contemplated 10 for 1 split of all the existing capital stock of IDS. In addition to its outstanding non-voting common stock, Class A, IDS also has 574,540 shares of $1 par value voting common stock presently outstanding which it proposes to exchange for 5,745,400 shares of 10-cent par value voting common stock.

Such notice provided that any interested person might, not later than November 22, 1961, submit in writing to the Commission a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted. Pursuant to such provisions of said Notice, Allan P. Kirby, as a holder of an assertedly substantial number of shares of IDS and the largest single stockholder of Alleghany Corporation, which owns approximately 47½ percent of the common stock of IDS, has in writing expressed opposition to the granting of said application and requested that a hearing thereon be held.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 10th day of January 1962 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person other than Allan P. Kirby desiring to be heard or otherwise to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in that Rule, setting forth the nature and extent of the applicant's interest in the proceeding. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon IDS. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) should be filed contemporaneously with the request.

It is further ordered, That Irving Schiller, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the issuance of additional non-voting shares by IDS as part of a proposed stock split is (a) in the public interest, or (b) necessary or appropriate for the protection of investors; or alternatively,

(2) Whether the proposed issuance of additional non-voting shares by IDS is (a) necessary or appropriate in the public interest, (b) consistent with the protection of investors, and (c) consistent with the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Order by registered mail to Investors Diversified Services, Inc., and Mr. Allan P. Kirby and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12271; Filed, Dec. 27, 1961; 8:47 a.m.]

[File No. 1-213]

LA SALLE EXTENSION UNIVERSITY

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

DECEMBER 21, 1961.

In the matter of La Salle Extension University, Common Stock, File No. 1-213.

Midwest Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The shares publicly held are too few to make a Stock Exchange market. The Crowell-Collier Publishing Company owns over 85 percent of the outstanding stock and has offered to purchase any of the balance at a price paid for shares already acquired.

Upon receipt of a request, on or before January 5, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12272; Filed, Dec. 27, 1961; 8:47 a.m.]

[File 7-2213]

LING-TEMCO-VOUGHT, INC. (DEL.)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 21, 1961.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Ling-Temco-Vought, Inc. (Del.) File 7-2213

Upon receipt of a request, on or before January 5, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12273; Filed, Dec. 27, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application No. 2]

WESTERN TRAFFIC ASSOCIATION

Application for Approval of Agreement

DECEMBER 22, 1961.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed December 18, 1961, by: T. H. Maguire, Attorney-in-Fact, Room 514 Union Station, Chicago 6, Ill. Amendments involved: Change Article IX of the Articles of Organization and Procedure so as to provide that regular meetings of the Louisiana members of the General Traffic Committee be held on the first Tuesday of each month in Dallas, Tex., instead of on Wednesday following the third Tuesday of each month in New Orleans, La.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-12303; Filed, Dec. 27, 1961; 8:51 a.m.]

[Notice 412]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 22, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2978 (Sub-No. 13), filed November 3, 1961. Applicant: CLE-MAR CARTAGE, INC., P.O. Box 168, Cromwell, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* from the plant site of Bell Fibre Products Corporation, Grand Rapids, Mich. (actually located 1.3 miles from city limits of Grand Rapids in the town of Wyoming, Mich.), to points in Illinois, Indiana, and Ohio; and (2) *Machinery*, used or useful in the manufacture of paper products, between the plant site of Bell Fibre Products Corporation, Grand Rapids, Mich., on the one hand, and on the other, the plant sites of Bell Fibre Products Corporation at Chicago, Ill., and Marion, Ind.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Applicant states that it is under common control with Apex Grain, Inc., and its president also operates O. W. Martin, doing business as Martin Trucking. It further states that there is no duplication in the authority sought herein and that presently held by it or any of its commonly controlled carriers.

HEARING: January 31, 1962, at the Palmer House, Chicago, Ill., before Examiner Henry C. Darmstadter.

No. MC 5483 (Sub No. 3), filed October 3, 1961. Applicant: ELK TRANSPORTATION COMPANY, INC., 916 Grand Street, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glassware and glass articles*, from points in New York, N.Y., Commercial Zone, to points in Nassau and Suffolk Counties, N.Y., and *empty containers, rejected, refused and returned shipments, or other such incidental facilities*, (not specified) used in transporting the commodities specified, on return.

NOTE: Applicant states the proposed service will be "restricted to transportation having a prior movement in interstate commerce".

HEARING: January 29, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 19157 (Sub-No. 11), filed October 24, 1961. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., 151 Erie Boulevard, Schenectady, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive material*, new and spent, and *associated material and equipment*, in the development and use of Reactor Power Plants, between Schenectady, N.Y., Town of Niskayuna (Schenectady County), N.Y., West Milton, Town of Milton (Saratoga County), N.Y., Town of Malta (Saratoga County), N.Y., Hudson Falls (Washington County), N.Y., and Fort Edward (Washington County), N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia.

HEARING: February 12, 1962, at the Federal Building, Albany, N.Y., before Examiner Raymond V. Sar.

No. MC 23939 (Sub-No. 128), filed November 22, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in government-owned or shipper-owned specially designed tank trailers, loaded or empty, between (1) Painesville, Ohio, and points in Tennessee; and (2) between West Palm Beach, Fla., and points in Tennessee.

HEARING: February 5, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 24583 (Sub-No. 9), filed July 24, 1961. Applicant: FRED STEWART, CORDELIA STEWART, RODNEY STEWART, AND TROY STEWART, doing business as FRED STEWART COMPANY, Magnolia, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, between points in Arkansas and points in Oklahoma.

NOTE: Applicants state they are presently authorized to transport the above-specified commodities, and the purpose of this application is to remove the necessity of traversing Texas as a gateway.

HEARING: February 5, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 217, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 25798 (Sub-No. 57) (AMENDMENT), filed November 16, 1961, published in the FEDERAL REGISTER, issue of December 8, 1961, amended December 18, 1961, republished, as amended, this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen citrus products* and *frozen fruit juices*, from points in Cameron, Hidalgo, and Willacy Counties, Texas, to points in Washington, Oregon, Nevada, Idaho, Utah, Montana, Wyoming, Colorado, North Dakota, South Dakota, Tennessee (except Memphis on straight truckload shipments), Alabama, Florida, Georgia, North Carolina, South Carolina, Pennsylvania (except Pittsburgh on straight truckload shipments), West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia; and (2) *Citrus products*, not canned and not frozen, from points in Cameron, Hidalgo and Willacy Counties, Texas, to points in the United States except Alaska and Hawaii. This amendment, affecting part (1) only, adds frozen fruit juices as a commodity to be transported, and broadens the scope by adding nine destination states.

HEARING: Remains as assigned, January 25, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Wm. N. Culbertson.

No. MC 32699 (Sub-No. 17), filed November 22, 1961. Applicant: HUGH F. MC GOLDRICK, INC., Iyanough Road, Hyannis, Mass. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Commonwealth Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and containers*, used in the sale or distribution of gypsum products for the account of The Flintkote Company, from Camden, N. J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Florida, Delaware, and Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: February 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Garland E. Taylor.

No. MC 59759 (Sub-No. 17) (REPUBLICATION), filed May 10, 1961, published in the FEDERAL REGISTER, issue of September 7, 1961, and republished this issue. Applicant: JONES TRUCKING CO., a corporation, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. The subject proceeding was published in the FEDERAL REGISTER, issue of September 7, 1961, at page 8426. Hearing was held on October 16, 1961, at New York, N.Y., at which time the application was amended to include service to Worcester County, Mass., which point was inadvertently omitted from notice of filing of the application as published. In a Report and Order, served November 16, 1961, Hearing Examiner Donald R. Sutherland, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of such merchandise as is distributed by a premium stamp redemption center in the redemption of trading stamps, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, except commodities in bulk, in tank vehicles, from the warehouses of Merchants Green Trading Stamp Company in Linden, N.J., to points in Columbia, Dutchess, Greene, Montgomery, Suffolk, Sullivan, and Ulster Counties, N.Y., Hampden and Worcester Counties, Mass., Middlesex, New Haven and New London Counties, Conn., and those in Providence County, R.I., (2) of returned shipments of the commodities specified in (1) above, premium stamp books with stamps affixed, and tax monies, from points in the destination territory described in (1) above to the warehouses of Merchants Green Trading Stamp Company in Linden, N.J., limited to a transportation service to be performed under a continuing contract with Merchants Green Trading Stamp Company, and (3) of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, except commodities in bulk, in tank vehicles, between Linden, N.J., on the one hand, and, on the other, points in Columbia, Dutchess, Montgomery, Putnam, Suffolk, and Westchester Counties, N.Y., Hampden and Worcester Counties, Mass., and those in Providence County, R.I., limited to a transportation service to be performed under a continuing contract with Food Fair Stores, Inc., provided, however, that because of the possibility that parties who relied upon the notice of the application as originally published in the FEDERAL REGISTER, may have been prejudiced by the lack of notice respecting service to Worcester County, Mass., 30 days from the date of this republication are allowed for such persons to file an appropriate pleading in opposition to the grant of authority in regard to the inclusion of Worcester County, Mass., as part of the territory authority to be served.

No. MC 59759 (Sub-No. 19), filed October 17, 1961. Applicant: JONES TRUCKING CO., a corporation, 500 West Edgar Road, Linden, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies* used in conduct of such business, between Linden, N.J., on the one hand, and, on the other, points in Litchfield, Hartford, Tolland, and Windham Counties, Conn., Berkshire, Franklin, Hampshire, Middlesex, Essex, and Norfolk Counties, Mass., Fulton, Saratoga, Schoharie, Warren, and Washington Counties, N.Y., and Bristol, Kent, and Newport Counties, R.I. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Food Fair Stores, Inc., and (2) *such merchandise as is distributed by a premium stamp redemption center in the redemption of trading stamps*, and, in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, from Linden, N.J., to points in Litchfield, Hartford, Tolland, and Windham Counties, Conn., Berkshire, Franklin, Hampshire, Middlesex, Essex, and Norfolk Counties, Mass., Fulton, Saratoga, Schoharie, Warren, and Washington Counties, N.Y., and Bristol, Kent, and Newport Counties, R.I., and *returned shipments* of the commodities specified in (2) above, and *premium stamp books with stamps affixed*, and *tax monies*, on return. RESTRICTION: The operations authorized in (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Merchants Green Stamp Trading Company.

HEARING: February 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 75406 (Sub-No. 19), filed November 2, 1961. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Harrisburg, Ark., as an off-route point in connection with applicant's authorized regular route operations in Certificate MC 75406 and Subs thereunder.

HEARING: February 8, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 75406 (Sub-No. 20), filed November 2, 1961. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), serving Des Arc, Ark., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: February 8, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 81133 (Sub-No. 1), filed November 24, 1961. Applicant: CORKERY FUEL AND MATERIALS COMPANY, a corporation, 4401 Ridgewood Street, St. Louis 16, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal;* between points in Grundy, Livingston, Peoria, Fulton, Woodford, Bureau, Putnam, Will, Kankakee, La Salle, Marshall, Logan, Sangamon, Christian, Menard, McDonough, Schuyler, Montgofnery, Bond, Knox, Macoupin, Vermillion, Mason, Fayette, Clinton, Marion, Washington, Randolph, Perry, Franklin, Jackson, Williamson, Saline, Jefferson, Shelby, and Gallatin Counties, Ill., on the one hand, and, on the other, St. Louis, Mo. and points in St. Louis County, Mo.

HEARING: February 2, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135.

No. MC 83539 (Sub-No. 81), filed November 21, 1961. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A), (1) *Machinery, equipment, materials* and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except in connection with main pipe lines, and (B) *Road and bridge building machinery* and *equipment*, between points in Michigan, on the one hand, and on the other, points in Kansas, Louisiana, Oklahoma, and Texas.

HEARING: February 15, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 96952 (Sub-No. 3), filed October 6, 1961. Applicant: MAX J. POSNER SERVICE, INC., 321 West 35th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, accessories and hangers;* between New York, N.Y. and White Plains, N.Y.

HEARING: January 31, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 104951 (Sub-No. 16), (CORRECTION), filed September 18, 1961, published FEDERAL REGISTER, issue of December 6, 1961, republished as corrected, this issue. Applicant: W. R. HALL TRANSPORTATION AND STORAGE COMPANY, a corporation, 2518 U.S. Highway 6–50, Grand Junction, Colo. Applicant's attorney: Lester R. Gardiner, Jr., Suite 300, 65 South Main Street, Salt Lake City 11, Utah. Notice of filing of the subject application was published in the FEDERAL REGISTER, issue of December 6, 1961, which also assigned the application for hearing January 15, 1962, at Salt Lake City, Utah, before Examiner Lyle C. Farmer. That notice had appended thereto a note reading: "Applicant states it seeks to extend operations under its present authority is to be eliminated." The purpose of this republication is to strike that note which was appended in error.

HEARING: Remains as assigned January 15, 1962, at the Utah Public Service Commision, Salt Lake City, Utah, before Joint Board No. 212, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 105275 (Sub-No. 21), filed October 20, 1961. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, from Balmat, Emeryville and Hailesboro, N.Y., to New York, N.Y., and points in New Jersey, Pennsylvania, Ohio, Maryland, Delaware, Massachusetts, Connecticut, Rhode Island, and New York.

HEARING: February 16, 1962, at the Federal Building, Albany, N.Y., before Examiner Raymond V. Sar.

No. MC 107403 (Sub-No. 367), filed November 17, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Wilford Building, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, (1) from the plant site of Alpha Portland Cement Company at Lime Kiln, Md., to points in Bedford, Blair, Cambria, Fulton, Huntingdon, Juniata, Lebanon, Mifflin and Perry Counties, Pa., and (2) from the plant site of the Whitehall Cement Manufacturing Company at Cementon, Pa., to points in the District of Columbia, points in Schuyler, Cayuga, Seneca and Yates Counties, N.Y., and Accomac and Northampton Counties, Va.

NOTE: Applicant states it is authorized to control Reader Brothers, Inc. Applicant holds contract authority under MC 117637, therefore, dual operations may be involved.

HEARING: January 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 107403 (Sub-No. 368), filed November 24, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-edible fish oil and sea animal oil and blends thereof*, in bulk, in tank vehicles, from Pettisville, Ohio, to points in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: Applicant states it is authorized to control Reader Brothers, Inc. (MC–F 6886), and Edwin E. Clarke, dba Clarke Bulk Transfer (MC–F 7909). Applicant holds contract authority in MC 117637 and Sub 1, therefore, dual operations may be involved.

HEARING: February 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 107515 (Sub-No. 374), filed October 27, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *packinghouse products*, as described by the Commission in Ex Parte MC–43, from Austin, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: Applicant states J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of ½ of its common stock holds permits as a contract carrier (MC 104589 and subs thereunder).

HEARING: February 16, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 108207 (Sub-No. 86), filed December 8, 1961. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by packinghouses*, between Miami, Okla., on the one hand, and, on the other, points in Ohio, Indiana, Wisconsin, and Minnesota.

HEARING: February 13, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 109397 (Sub No. 51), filed April 28, 1961. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, blasting materials, supplies and agents*, (1) from Atlas, Mo., and points within 5 miles thereof, to points in Tennessee, Kentucky, Alabama, Louisiana, Mississippi, Georgia, Florida, North Carolina, and South Carolina, and (2) from Watson, Ala., and points within 10 miles thereof, to points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, Oklahoma, Texas, and New Mexico, and *returned shipments*, of the above commodities, on return.

HEARING: February 19, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 110525 (Sub-No. 474), filed November 24, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Stockertown, Pa., to points in New York (except New York City and points in Nassau and Suffolk Counties, N.Y.).

NOTE: Applicant holds contract authority under MC 117505 and Subs thereunder, therefore, dual operations may be involved.

HEARING: January 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 110525 (Sub-No. 476), filed November 24, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Nazareth, Pa., to points in New York (except that portion of New York in and south of Chemung, Tioga, Broome, Chenango, Delaware, Greene, and Columbia Counties).

NOTE: Applicant holds contract authority in MC 117507, therefore, dual operations may be involved.

HEARING: January 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 111656 (Sub-No. 1), filed October 27, 1961. Applicant: FRANK LAMBIE, 112 East 27th Street, New York, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton and synthetic fabrics*, on racks and frames, from the site of shipper's plant in Clifton, N.J., to New York, N.Y., and (2) *racks and frames*, empty, from New York, N.Y., to the site of shipper's plant in Clifton, N.J.

NOTE: Applicant states the proposed service will be under a continuing contract with Collins & Aikman of Clifton, N.J. Applicant further states it presently holds contract carrier Permit MC 111656 and has been serving supporting shipper over 5 years.

HEARING: February 8, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 112020 (Sub-No. 136), filed October 16, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, syrups* and *blends* thereof, in bulk, from points in Arkansas to points in Oklahoma, Louisiana, Mississippi, Arkansas, Tennessee, and Texas.

HEARING: February 13, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 112020 (Sub-No. 138), filed November 3, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starches, sugars, syrups*, and *corn products*, in bulk, in specialized equipment, from Kansas City, Kans-Mo., to points in Arkansas, Oklahoma, Louisiana, Texas, Mississippi, Tennessee, Kentucky, Missouri, Kansas, Colorado, Nebraska, Iowa, Illinois, Indiana, Ohio, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Wisconsin, Minnesota, Michigan, North Dakota, and South Dakota.

HEARING: February 12, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 113267 (Sub-No. 50), filed November 13, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, shortenings, vegetable oil and vegetable oil shortenings*, from Memphis, Tenn., to points in Illinois, Iowa, Kansas, Nebraska, Missouri, North Dakota, and South Dakota.

NOTE: Applicant has pending contract authority MC 50132 Sub 57. Applicants state they are "stockholders and officers" in the following Motor Carriers of passengers their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: February 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 113267 (Sub-No. 51), filed November 15, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by products, dairy products, articles distributed by meat packing houses* (except soap, soap stock, detergents, and abrasives), *frozen foods*, when transported in the same vehicle with shipments of meats, meat products and dairy products, in vehicles equipped with mechanical refrigeration, from Memphis, Tenn., to points in Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, Ill.

NOTE: Applicant has pending contract authority MC 50132 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of Passengers and their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Line, Inc. MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: February 7, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 113267 (Sub-No. 53), filed November 15, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* (when transported in the same vehicle with shipments of meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses), from Memphis, Tenn., to points in that part of Missouri located south and east of Perry, St. Francois, Washington, Crawford, Phelps, Pulaski, Laclede, Wright, Douglas, and Ozark Counties, Mo.

NOTE: Applicant has pending contract carrier authority MC 50132 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of passengers their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: February 8, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 113267 (Sub-No. 54), filed November 15, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses* (except soap, soap stock, detergents, and abrasives), *frozen foods*, when transported in the same vehicle with shipments of meats, meat products and dairy products in mechanically refrigerated vehicles, from Memphis, Tenn., to points in Kentucky.

NOTE: Applicant has pending contract authority MC 50137 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of passengers, their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: February 9, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 113388 (Sub-No. 35), filed October 12, 1961. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen cheese*, from Bellows Falls, Vt., to Philadelphia and Pottstown, Pa.

HEARING: February 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 114848 (Sub-No. 7), filed November 20, 1961. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. Applicant's attorney: Ramsay Wall, First National Bank Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay airfloat*, dried and crushed, crude, powdered and in pellet form, in bulk, in hopper-type vehicles, from points in Henry and Weakley Counties, Tenn., and points in Graves County, Ky., to points in Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Oklahoma, Texas, Pennsylvania, New Jersey, New York, Connecticut, Michigan, Wisconsin, Kansas, Maryland, and Delaware; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to points in Henry and Weakley Counties, Tenn., and to points in Graves County, Ky.

HEARING: February 5, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 117119 (Sub-No. 33), filed November 2, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College Street, Fayetteville, Ark., *and* A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, from points in Washington, Oregon, and Idaho to points in Oklahoma, Arkansas, Louisiana, Texas, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Maryland, New Mexico, Arizona, Kansas, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: February 9, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Leo M. Pellerzi.

No. MC 117330 (Sub-No. 5), filed August 31, 1961. Applicant: FLEMINGTON TRANSPORTATION, INCORPORATED, 21 Mine Street, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Winchester, Va., and Washington, D.C., to

New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Schenectady, Albany, Greene, Ulster, Sullivan, Delaware, Broome, Orange, and Rockland Counties, N.Y., points in New Jersey, and points in Fairfield, New Haven, and Hartford Counties, Conn.

HEARING: February 5, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 118776 (Sub-No. 5), filed September 22, 1961. Applicant: C. L. CONNORS, INC., 2700 South Front Street, Quincy, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, in bulk, in dump vehicles, between points in Illinois, Iowa, and Missouri (except road construction materials between Quincy, Ill., on the one hand, and, on the other, points in Clark, Scotland, Knox, Lewis, Shelby, Marion, Monroe, Ralls, and Pike Counties, Mo.).

HEARING: February 1, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 46.

No. MC 118876 (Sub-No. 5), filed November 21, 1961. Applicant: GRAVES TRANSFER CO., a corporation, Gravel Hill, R.D., Georgetown, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil, fish solubles*, in drums and in bulk, in tank vehicles, *fish scrap and fish meal*, in bulk and in bag, for use and consumption only in animal and poultry feeds and in fertilizer, from Wildwood, N.J., to Wilmington, Del.

HEARING: January 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 118876 (Sub-No. 6), filed November 24, 1961. Applicant: GRAVES TRANSFER CO., a corporation, Gravel Hill, R.D., Georgetown, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil, fish solubles*, in drums and in bulk, in tank vehicles, and *fish scrap* and *fish meal*, in bulk and in bags, for use and consumption only in animal and poultry feeds and in fertilizer, from Port Monmouth, N.J., on the one hand, and, on the other, Bristol, Waterbury, Norwich, Groton, West Suffield, and New London, Conn., Bridgewater and Congamond, Mass., Waverly, Olean, Buffalo, and Cayuga, N.Y., Manheim, Lancaster, Lemoyne, York, Harrisburg, and Catawissa, Pa., Wilmington, Del., and Berlin, Md.

HEARING: January 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 119531 (Sub-No. 11), filed November 24, 1961. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and tubing*, between Lapel, Ind., on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Ohio, Wisconsin, Kentucky, and the Lower Peninsula of Michigan.

HEARING: February 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 119988 (Sub-No. 6), filed November 20, 1961. Applicant: GREAT WESTERN TRUCKING CO., INC., 1506 Jacksonville Drive, Henderson, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, in bulk and containers, in vehicles other than tank or hopper vehicles, from (1) points in Otero, Bent, Prowers, Crowley, Cheyenne, and Kiowa Counties, Colo., (2) points in Arkansas on and east of a line beginning at the boundary over Arkansas and Louisiana, thence over U.S. Highway 65 to Little Rock, thence over U.S. Highway 67 to its junction with Arkansas Highway 25, thence of Arkansas Highway 25 to boundary of Arkansas and Missouri, (3) Memphis, Tenn., (4) points in Mississippi on and west of line beginning at the boundary of Mississippi and Tennessee, thence over U.S. Highway 51 to Jackson, thence over U.S. Highway 80 to the boundary of Mississippi and Louisiana, (5) Shreveport, Winnfield, Opelousas, and New Iberia, La., and (6) Hugo, Okla., to points in Texas on and bounded by a line beginning at Texarkana, thence along the boundary of Texas and Louisiana to its intersection with Texas Highway 63, thence over Texas Highway 63 to Jasper, thence over U.S. Highway 190 to Livingston, thence over U.S. Highway 59 to Humble, thence over F–M Highway 1960 to Addicks, thence over U.S. Highway 90 to Waelder, thence over Texas Highway 97 to Gonzales, thence over U.S. Highway 183 to its junction with Texas Highway 21, thence over Texas Highway 21 to Bryan, thence over U.S. Highway 190 to Hearne, thence over Texas Highway 6 to Mexia, thence over U.S. Highway 84 to Palestine, thence over Texas Highway 19 to Sulphur Springs, thence over Texas Highway 11 to Commerce, thence over F–M Highway 1281 to Wolfe City. Thence over F–M Highway 272 to Leonard, thence over U.S. Highway 69 to Trenton, thence over F–M Highway 121 to Tioga, thence over Texas Highway 99 to the boundary of Texas and Oklahoma, thence along said boundary to the boundary of Texas and Arkansas, thence along said boundary to Texarkana, and *rejected, damaged, and refused specified commodities*, on return.

HEARING: February 14, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 123408 (Sub-No. 3), filed October 3, 1961. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies used in the conduct of such business*, between Elizabeth, N.J., on the one hand, and, on the other, points in Hartford County, Conn. and Ulster, Dutchess and Orange Counties, N.Y.

NOTE: Applicant states the proposed operation is for the account of Wakefern Food Corporation. Applicant is affiliated with M. Satsky Co., Inc.—Permit MC 52523.

HEARING: January 30, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 123762 (Sub-No. 1), filed October 30, 1961. Applicant: PAUL STREIT, doing business as STREIT TRUCK SERVICE, 1921 President Street, St. Louis, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel reinforcing bars and accessories therefor, steel joists and accessories therefor*, and *welded wire mesh*, and *refused and rejected shipments of the above-described commodities*, between the plant site of Laclede Steel Company at Madison, Ill., and points in that area of St. Louis County, Mo., south, west and north of the outer boundary of the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, bounded by a line beginning at the southern boundary of St. Louis County and the Mississippi River, thence west along such county boundary to its intersection with Missouri Highway 141, thence northward and northwestward along Missouri Highway 141 to its intersection with U.S. Highway 40–61, thence westward along U.S. Highway 40–61 to the Missouri River, thence eastward along the Missouri River to the Mississippi River, thence southward along the Mississippi River to the northern boundary of the St. Louis-East St. Louis Commercial Zone, thence westward, southward and eastward along such commercial zone boundary to the Mississippi River 0.5 mile south of the Jefferson Barracks Bridge across the Mississippi River, thence southward along the Mississippi River to the point of beginning, including points on both sides of said highway boundaries.

HEARING: February 2, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135.

No. MC 123789 (Sub-No. 1), filed October 10, 1961. Applicant: G. T. McGOVERN TRUCKING CO., INC., 331 East 25th Street, New York 10, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slippers and hosiery*, between Stamford, Conn., and New York, N.Y.

NOTE: Applicant states service is to be performed under a continuing contract with Alex Lee Wallau, Inc., of New York, N.Y.

HEARING: February 6, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 123814 (Sub-No. 2), filed October 18, 1961. Applicant: GEORGE A. HALL CARTAGE CO. LTD., 1281 Conde Street, Montreal (Quebec), Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Xyol and toluol*, from Albany, N.Y., to the Port of Entry on the International Boundary line between the United States and Canada at Champlain, N.Y.

NOTE: Applicant states the commodities proposed to be transported are destined to Montreal, Province of Quebec.

HEARING: February 15, 1962, at the Federal Building, Albany, N.Y., before Examiner Raymond V. Sar.

No. MC 123895 (Sub-No. 1), filed August 3, 1961. Applicant: H. B. SHEARIN AND WALTER LUTES, doing business as SHEARIN & LUTES TRANSPORTATION SERVICE, Route 2, Box 326–A, Blytheville, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers, and their baggage*, in the same vehicle with passengers, between the Port of Entry at Hidalgo, Tex., on the International Boundary line between the United States and Mexico, and points in Mississippi County, Ark.

HEARING: February 7, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 152, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 123922 (Sub-No. 1), filed December 8, 1961. Applicant: CONTINENTAL BULK SYSTEM, INC., 1060 Broad Street, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, dry, in bulk, from Josephtown, Pa., to New York, N.Y., and points in New Jersey on and north of New Jersey Highway 33, and *returned, refused or rejected shipments* on return.

NOTE: Applicant states that it controls Continental Bulk Service, Inc., through stock ownership.

HEARING: January 11, 1962, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC–123935, filed September 19, 1961. Aplicant: BYRON SHIRLEY, doing business as SHIRLEY MOTOR COMPANY, Third and Walnut, Paris, Ark. Applicant's attorney: Thomas Harper, Kelley Building, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gas well drilling equipment, machinery and supplies, pipe, and oil and gas field equipment and supplies*, between points in Arkansas and points in Oklahoma.

HEARING: February 6, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 217, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 123952, filed October 2, 1961. Applicant: RENTAR TRUCKING, INC., 89–89 Union Turnpike, Glendale 27, N.Y. Applicant's attorney: Arthur Kaplan, 2 Lafayette Street, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, and *materials, supplies, equipment* and *fixtures used in the operation of such stores*, between shipper's stores and warehousing facilities in New York City, Carle Place, West Islip, Huntington, Nanuet, and Scarsdale, N.Y., North Brunswick, Watchung, Audubon and Trenton, N. J., Hartford, Conn., and Camp Hill, Springfield, and Philadelphia, Pa.

HEARING: January 30, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 123982, filed October 11, 1961. Applicant: HOMER W. WOODRUFF, doing business as BUTLER COAL & OIL CO., 40 Mechanic Street, Port Jervis, N.Y. Applicant's attorney: Jerome Markovits, 90 North Street, Middletown, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bituminous coal*, from Port Jervis, N.Y., to Woodbourne, N.Y.; from the Erie Railroad Freight yard at Port Jervis, over New York Highway 42 to the site of the Woodbourne Correctional Institution of the State of New York at Woodbourne, serving no intermediate points.

NOTE: Applicant states the proposed operation will have a prior movement by rail.

HEARING: February 6, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 123998, filed October 20, 1961. Applicant: JIMED TRUCKING CORP., 2860 West 25th Street, Brooklyn, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tin cans and containers and related supplies*, from New York, N.Y., to points in New Jersey and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return, and (2) *tin cans and containers and related supplies and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified between points in New Jersey and points in Pennsylvania.

NOTE: Applicant states deliveries are to be made and supplies picked up at various firms in the states of New York, New Jersey and Pennsylvania.

HEARING: February 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 124011, filed October 26, 1961. Applicant: LOUIS CAVALUZZI, doing business as LOUIS CAVALUZZI MOVING & STORAGE COMPANY, 401 East 77th Street, New York, N.Y. Applicant's attorney: Martin Weinraub, 19 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used upholstered and reupholstered furniture*, between New York, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn.

HEARING: February 8, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

No. MC 124024 (Sub-No. 1), filed November 3, 1961. Applicant: PULP TRANSPORT, LTD., 644 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp*, from Ports of Entry on the International Boundary line between the United States and Canada, at or near Ogdensburg, Alexandria Bay, and Rooseveltown, N.Y., to points in New York, and *empty containers or other such incidental facilities* (not specified) used in transporting wood pulp, on return.

NOTE: Applicant states the proposed service will be under a continuing contract with Thurso Pulp and Paper Company, Thurso, Quebec. Applicant also states it is owned and controlled by the same persons who own and control W. T. Byrns Motor Express, Inc.

HEARING: February 15, 1962, at the Federal Building, Albany, N.Y., before Examiner Raymond V. Sar.

No. MC 124037, filed November 9, 1961. Applicant: LAUREL TRANSPORT LTD., 775 Cremazie West, Montreal 9, Quebec, Canada. Applicant's attorney John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between port of entry on the International Boundary line between the United States and Canada at U.S. Highway 9 near Rouses Point, N.Y., on the one hand, and, on the other, Champlain, N.Y., over U.S. Highway 9, a distance of approximately two (2) miles, serving all intermediate points; and (2) between port of entry on the International Boundary line between the United States and Canada at U.S. Highway 9 near Rouses Point, N.Y., on the one hand, and, on the other, Plattsburgh and Morrisonville, N.Y., over U.S. Highway 9, a distance of approximately fifteen (15) miles between the International Boundary line and Plattsburgh, N.Y., serving all intermediate points.

NOTE: Applicant states that the above routes will be restricted to traffic moving from or to points in Canada which is interchanged with other motor carriers at Champlain, N.Y., and/or Plattsburgh, N.Y., either before or after going through Customs.

HEARING: February 13, 1962, at the Federal Building, Albany, N.Y., before Examiner Raymond V. Sar.

No. MC 124060, filed November 21, 1961. Applicant: JOHN Y. WIGGINS, doing business as JOHNNY'S EXPRESS,

4127 Newtown Road, Astoria, Long Island, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antiques*, and *new furniture*, uncrated, and *store fixtures, displays, advertising material* and *department store supplies*, (A) between Carlstadt, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, and Dutchess Counties, N.Y., and New York, N.Y., and points in Fairfield County, Conn.; and (B) between New York, Garden City, and Manhasset, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn.

HEARING: January 31, 1962, at 346 Broadway, New York, N.Y., before Examiner Raymond V. Sar.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 314), (AMENDMENT) Filed October 27, 1961, published FEDERAL REGISTER issue of December 13, 1961, amended December 19, 1961, republished as amended this issue.

Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Newark, and Clifton, N.J., beginning at Pavillion Apartments (Seventh and Clifton Avenues), Newark, thence over Seventh Avenue to junction Broadway, thence over Broadway to junction Clay Street, thence over Clay Street to junction New Jersey Highway 21 (McCarter Highway), Newark, and thence over New Jersey Highway 21 to junction New Jersey Highway 3, Clifton. Returning over the same route to junction Clay Street and Broadway, Newark, thence over Broad Street to junction Plane Street, thence over Plane Street to junction State Street, thence over State Street to junction High Street, thence over High Street to junction Seventh Avenue, thence over Seventh Avenue to the Pavillion Apartments at junction Clifton Avenue, Newark, N.J. Serving all intermediate points (except between junction Clay Street and New Jersey Highway 21 (McCarter Highway), Newark, and junction New Jersey Highway 3 and New Jersey Highway 21, Clifton, N.J.)

NOTE: The purpose of this republication is to clarify the proposed service as shown above.

HEARING: Remains as assigned January 25, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 23135 (Sub-No. 2), filed December 11, 1961. Applicant: ERIE TRUCKING COMPANY, a Corporation, 1314 West 18th Street, Erie, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Erie, Pa., and New York, N.Y., (1) from Erie, over Pennsylvania Highway 8 to its junction with Pennsylvania Highway 89 at Lowville, thence over Pennsylvania Highway 89 to its junction with U.S. Highway 6, thence over U.S. Highway 6 to Scranton, Pa., thence over U.S. Highway 611 to junction U.S. Highway 46 near Columbia, N.J., thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 69 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same routes, (2) from the junction of U.S. Highway 22 and New Jersey Highway 18 at Bound Brook, N.J., thence over New Jersey Highway 18 to junction U.S. Highway 1 at Highway Park, N.J., thence over U.S. Highway 1 to New York City, and return over the same routes, and (3) from Buttzville, N.J., over U.S. Highway 46 to New York, N.Y., and return over the same route. Applicant contemplates serving the intermediate points on the above described routes between Erie and Kane, Pa., including Kane, and serving points in the New York, N.Y., Commercial zone, as defined by the Commission, Port Chester, N.Y., and points in New Jersey within twenty (20) miles of Columbus Circle, New York, N.Y.

NOTE: The granting of the above specified regular routes is conditioned on applicant's request for revocation of that portion of its irregular route operations.

No. MC 76177 (Sub-No. 285), filed December 4, 1961. Applicant: BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, and *blasting supplies*, between Port Ewen, N.Y., and points within fifteen (15) miles thereof, on the one hand, and, on the other, Flintstone, Ga., Louisville and Bardstown, Ky., Winchester and Roanoke, Va., and points in that part of Virginia west of Giles, Pulaski, and Carroll Counties, including said counties.

NOTE: Applicant states W. D. Sellers, Jr., and Baggett Transportation Company control Alabama Highway Express under Docket No. MC–F 7010.

No. MC 110525 (Sub-No. 482), filed December 11, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium ferrocyanide*, in bulk, in tank vehicles, from Warners, N.J., to Willow Island, W. Va.

NOTE: Applicant holds contract authority in MC 117507, therefore dual operations may be involved.

No. MC 114789 (Sub-No. 9), filed December 11, 1961. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, Builders Exchange, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and automatic feeders*, from Minneapolis and South St. Paul, Minn., to points in Oklahoma and Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states it is authorized under its contract carrier authority in MC 114789 Sub-Nos. 4 and 6 to transport animal and poultry feed from Minneapolis to points in Oklahoma and Texas for the accounts of National Vitamin Products Co. and Land O'Lakes Creameries, Inc. The purpose of this application is to add K & K Manufacturing, Inc. of Minneapolis, Minn., and animal feed manufacturer, as an additional shipper. Applicant also holds common carrier authority in MC 117940 Sub 1.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

MC–F–8026. Authority sought for purchase by GEORGE L. HOOKER, INC., Tuscarawas Road, Uhrichsville, Ohio, of the operating rights of E. Z. RAMEY, an individual, doing business as RAMEY MOTOR WAYS, R.F.D. No. 2, Wooster, Ohio, and for acquisition by GEORGE L. HOOKER, also of Uhrichsville, Ohio of control of such rights through the purchase. Applicants' attorney: Richard H. Brandon, 808 Hartman Building, 79 East State Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Bituminous or sewer pipe joint compound*, as a *contract carrier* over irregular routes from Barberton, Ohio, to points in Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia; *sewer pipe and related products*, from Brazil, Ind., Grand Ledge, Mich., and Columbus, East Liverpool, Goshen, Lisbon, and Toronto, Ohio, to points in the above-described territory; *drain tile, filter block, segment block, sewer pipe, wall coping*, and *experimental articles*, from Palmyra (Diamond), Ohio, to points in the above-described territory; *sewer pipe and related clay products*, including hot tops and pouring channels, from Uhrichsville, Ohio, to points in the above-described territory; *brick, silo blocks, forms of building block, veneer slab*, and *other commodities in the brick line*, including everything that goes with face brick building material, from Sugar Creek, Ohio, to points in the above-described territory; and *salt, silica, barium, lath, sewer pipe, lumber, machinery*, and *machine parts*, from points in the above-described territory, to the above-specified origin points; *clay, clay products, concrete pipe*, and *asphalt compound*, from Ancor, Ohio, to points in Indiana, and *returned or rejected shipments of the above-specified commodities*, from points in Indiana, to Ancor, Ohio; *sewer pipe, sewer pipe fittings, clay products, concrete pipe*, and *concrete pipe fittings*, from points in Warwick, Goshen, and Mill Townships (in Tuscarawas County, Ohio) and Palmyra Township (in Portage County, Ohio), to points in Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Maryland, Virginia, Delaware, and the District of Columbia; and *lumber, iron forms, steel mesh, machinery*, and *machinery parts*, used in the manufacture of the above-specified commodities, from points in the District of Columbia and the States named above, to the respective points in the Townships named above. Vendee is authorized to operate as a *contract carrier* in Ohio, Florida, Georgia, North Carolina, South Carolina, Pennsylvania, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8027. Authority sought for control by WILLIAM GRIMM, an individual, doing business as JOHNSTOWN-PITTSBURGH EXPRESS, Progress and Chesbro Streets, Pittsburgh 12, Pa., of JOSEPH W. TREHAN, INCORPORATED, 715 Mahoning Avenue, Youngstown, Ohio. Applicants' attorney: John B. Conly, 416 Frick Building, Pittsburgh 19, Pa. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes between Pittsburgh, Pa., and Youngstown, Ohio, serving all intermediate and certain off-route points; *materials, supplies*, and *equipment*, used or useful in the manufacture of steel and the maintenance of steel mills, from Wheeling, W. Va., to specified points in Pennsylvania; from specified points in Pennsylvania to Youngstown, Ohio, and *empty steel drums* and *rejected materials*, used or useful in the manufacture of steel and the maintenance of steel mills, from Youngstown, Ohio, on the one hand, and, on the other, Wheeling, W. Va.; *materials, supplies*, and *equipment*, used or useful in the manufacture of steel and the maintenance of steel mills, over irregular routes from Wheeling, W. Va., to Butler, Pa., *empty containers* for the above-specified commodities, from Butler, Pa., to Wheeling, W. Va.; *clay and concrete products*, from Warren, Ohio, and points within ten miles thereof to Ashland, Ky., and specified points in Michigan, Pennsylvania, New York, West Virginia and Kentucky; *empty pallets*, used in connection with the transportation of clay and concrete products, from Ashland, Ky., and points in the destination territory specified above to Warren, Ohio; *clay products*, from Canfield, Ohio, to Ashland, Ky., and points in Kentucky; and *empty pallets* used in transporting clay products, from the above-specified destination points to Canfield, Ohio. WILLIAM GRIMM, an individual, doing business as JOHNSTOWN-PITTSBURGH EXPRESS is authorized to operate as a *common carrier* in Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8028. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., of the operating rights of CHARLES MEEK, an individual, doing business as C & M TRUCKING COMPANY, Mountain View, Calif., and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, Calif., of control of such rights through the purchase. Applicants' attorneys: Lee Reeder and W. E. Griffin, 1012 Baltimore Avenue, Kansas City 5, Mo., and Marvin Handler, 625 Market Street, San Francisco 5, Calif. Operating rights sought to be transferred: Operations under the Second Proviso of Section 206(a)(1) of the Interstate Commerce Act, in the State of California, as more specifically described in MC–99542. Vendee is authorized to operate as a *common carrier* in Texas, California, Illinois, Missouri, Georgia, Kansas, Indiana, New Mexico, Oklahoma, Arizona, Arkansas, Tennessee, Alabama, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–110325 Sub-28 is a matter directly related.

No. MC–F–8029. Authority sought for purchase by LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky., of the operating rights and property of C. A. BLACK, doing business as BLACK MOTOR LINES (BERTHA BLACK, ADMINISTRATRIX), Hardinsburg, Ky., and for acquisition by CHARLES E. CRANMER, also of Louisville, Ky., of control of such rights and property through the purchase. Applicants' attorney: Leonard A. Jaskiewicz, Dow, Lohnes and Albertson, 600 Munsey Building, Washington 4, D.C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Kentucky, covering the transportation of commodities generally, as a *common carrier* between Hardinsburg, Ky., and Louisville, Ky., serving all intermediate points, and between Hardinsburg and the Dixie Highway (U.S. 31 west at Tip Top, Kentucky). Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Michigan, Illinois, Tennessee, Missouri, Iowa, Wisconsin, Minnesota, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Florida, and New York. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–112617 Sub 104 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8025. Authority sought for purchase by KEYSTONE CHARTER SERVICE, INC., 901 North Cameron Street, Harrisburg, Pa., of the operating rights and property of D. D. BUSHEY, an individual, doing business as BUSHEY BUS SERVICE, Forster and State Streets, Harrisburg, Pa., and for acquisition by AMERICAN TRANSPORTATION ENTERPRISES, INC., 14 East 75th Street, New York, N.Y., and in turn by MARC HAAS, C. ROBERT ALLEN, TERRY ALLEN KRAMER, BRUCE J. ALLEN, and HAROLD ALLEN as Trustee for HERBERT ANTHONY ALLEN, JR., and SUSAN K. ALLEN, all of 30 Broad Street, New York 4, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C., Lloyd S. Benjamin and Charles E. Thomas, 208 Walnut Street, Harrisburg, Pa. Operating rights sought to be transferred: *Passengers* and their baggage, in round trip charter operations, with no pick-up or discharges of passengers on route, as a *common carrier* over irregular routes beginning and ending at Harrisburg, Pa., and points within 10 miles thereof east of the Susquehanna River and extending to points in Ohio, New Jersey, New York, Maryland, Delaware, Virginia, and the District of Columbia. Vendee holds no authority from this Commission. However, AMERICAN TRANSPORTATION ENTERPRISES, INC., is affiliated with (1) The Cincinnati, Newport and Covington Transportation Company, 11th and Lowell Streets, Newport, Ky., and (2) Delaware Bus Company, 1609 Delaware Avenue, Wilmington, Del., which are authorized to operate as *common carriers* in (1) Kentucky and Ohio, and (2) Delaware and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–12302; Filed, Dec. 27, 1961; 8:51 a.m.]

[Notice 191]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 22, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 30), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed December 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Asheville and Greensboro, N.C., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Winston Salem, N.C., over U.S. Highway 421 to Greensboro; and from Winston Salem, N.C., over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Hickory, N.C., thence over U.S. Highway 70 to Asheville, and return over the same routes.

No. MC 8600 (Deviation No. 2), WERNER TRANSPORTATION COMPANY, 2601 32d Avenue South, Minneapolis 6, Minn., filed December 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From the junction of U.S. Highway 12 and Interstate Highway 94, west of Eau Claire, Wis., over Interstate Highway 94 to junction Interstate Highway 90, (B) from La Crosse, Wis., over Interstate Highway 90 to junction Interstate Highway 94 near Tomah, Wis., thence over Interstate Highways 90 and 94 to Madison, Wis., (C) from Madison, Wis., over Interstate Highway 94 to Milwaukee, Wis., thence over Interstate Highway 94 to Chicago, Ill., (D) from Madison, Wis., over Interstate Highway 90 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the junction of U.S. Highway 12 and Wisconsin Highway 172, west of Eau Claire, over Wisconsin Highway 172 to junction Wisconsin Highway 53, thence over Wisconsin Highway 53 to junction U.S. Highway 12, east of Eau Claire, thence over U.S. Highway 12 to Madison; also from the junction of U.S. Highways 12 and 16 near Wisconsin Dells, Wis., over U.S. Highway 16 to Portage, Wis., thence over U.S. Highway 51 to Madison; from Madison, over U.S. Highway 14 to Janesville, Wis., also from junction U.S. Highway 51 and Wisconsin Highway 30 over U.S. Highway 51 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction U.S. Highway 51, thence over U.S. Highway 51 to Janesville, Wis.; from Janesville, Wis., over U.S. Highway 51 to Rockford, Ill., thence over U.S. Highway 20 to Chicago; from the junction of U.S. Highway 51 and Wisconsin Highway 30 over Wisconsin Highway 30 to junction U.S. Highway 18, also from Madison over U.S. Highway 18 to Milwaukee, thence over U.S. Highway 45 to Chicago, and from La Crosse, over U.S. Highway 16 to Tomah, and return over the same routes.

No. MC 35628 (Deviation No. 13), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., filed December 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Chicago, Ill. over Interstate Highways 90 and 94 to Minneapolis, Minn., (B) from La Crosse, Wis. over Interstate Highway 90 to Tomah, Wis., and (C) from Chicago, Ill. over Interstate Highway 94 to Madison, Wis., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, over U.S. Highway 20 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 14, thence over U.S. Highway 41 to junction U.S. Highway 12, and thence over U.S. Highway 12 to Minneapolis; from La Crosse, over U.S. Highway 16 to Tomah; and from Chicago over U.S. Highway 41 to Milwaukee, thence over U.S. Highway 18 to Madison, and return over the same routes.

No. MC 42487 (Deviation No. 11), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 9 First Street, San Francisco 5, Calif., filed December 4, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis, Minn. over Minnesota State Highway 7 to junction U.S. Highway 12, at or near Ortonville, Minn., thence over U.S. Highway 12 to junction U.S. Highway 10 approximately two miles east of Miles City, Mont., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 10 and 12, east of Miles City, over U.S. Highway 10 to Fargo, N. Dak., thence over U.S. Highway 52 to Minneapolis, and return over the same route.

No. MC 43475 (Deviation No. 2), GLENDENNING MOTORWAYS INC., 1665 West County Road C, Roseville-St. Paul 13, Minn., filed December 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Eau Claire, Wis., over Interstate Highways 90 and 94 to Chicago, Ill., (B) from La Crosse, Wis., over Interstate Highway 90 to Tomah, Wis., and (C) from the junction of U.S. Highway 41 and Interstate Highway 94, near the Illinois-Wisconsin State Line, over Interstate Highway 94 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Eau Claire, over U.S. Highways 12 and 14 to Chicago; from La Crosse over U.S. Highway 16 to Tomah; and from the junction of U.S. Highway 41 and Interstate Highway 94, near the Illinois-Wisconsin State Line, over U.S. Highway 41 to Chicago, and return over the same routes.

No. MC 52310 (Deviation No. 1), BRUCE MOTOR FREIGHT, INC., P.O. Box 623, 2011 Easton Boulevard, Des Moines 17, Iowa, filed December 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis, Minn. over Interstate Highways 90 and 94 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Minneapolis over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 to Eau Claire, Wis., thence over U.S. Highway 53 to junction U.S. Highway 12, east of Eau Claire, Wis., thence over U.S. Highway 12 via Tomah, Wis., to Wisconsin Dells, Wis., thence over U.S. Highway 16 to Portage, Wis., thence over U.S. Highway 51 to Madison, Wis., and thence over U.S. Highway 14 to Chicago; from Minneapolis, over U.S. Highway 12 to Madison, Wis., thence over Wisconsin Highway 13 to Beloit, Wis., thence over city streets to the Wisconsin-Illinois State line, thence over Illinois Highway 2 to Rockford, Ill., thence over U.S. Highway 20 to Chicago, and return over the same routes.

No. MC 59583 (Deviation No. 4), THE MASON & DIXON LINES, INCORPORATED, P.O. Box 969, Eastman Road, Kingsport, Tenn., filed December 12, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 81 and U.S. Highway 11W, 2½ miles west of Bristol, Tenn., over Interstate Highway 81 to junction U.S. Highway 11, 2½ miles north of Abingdon, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Bristol over U.S. Highway 11W to Knoxville, Tenn., and from Bristol over U.S. Highway 11 to Harrisburg, Penn., thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction New Jersey Highway 439, thence over New Jersey Highway 439 to New York, N.Y., and return over the same routes.

No. MC 59649 (Deviation No. 2), PEORIA CARTAGE COMPANY, 905–911 Southwest Washington Street, Peoria, Ill., filed December 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between East Peoria and Morton, Ill. over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 72285 (Deviation No. 1), MOTOR TRANSPORT COMPANY, 4101 West Blue Mound Road, Milwaukee, Wis., filed December 12, 1961. Attorney Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Wisconsin Highway 30 and Wisconsin Highway 16 (formerly Wisconsin Highway 19) over Wisconsin Highway 30 to junction Interstate Highway 90, immediately east of Madison, Wis., thence over Interstate Highway 90 to junction Wisconsin Highway 33, southwest of Portage, Wis., thence over Wisconsin Highway 33 to Portage, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Milwaukee, Wis. over U.S. Highway 16 to Portage, and return over the same route.

No. MC 77486 (Deviation No. 2), ADMIRAL TRANSIT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed December 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From St. Paul, Minn. over Interstate Highways 90 and 94 to Chicago, Ill.; (B) from La Crosse, Wis. over Interstate Highway 90 to Tomah, Wis., and (C) from Milwaukee, Wis. over U.S. Highway 41 to the Illinois-Wisconsin State line, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From St. Paul over U.S. Highways 12 and 14 to Chicago; from La Crosse, over U.S. Highway 16 to Tomah; and from Milwaukee over U.S. Highway 41 to Chicago, and return over the same routes.

No. MC 104004 (Deviation No. 21), ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y., filed December 13, 1961. Carrier's representative John P. Tynan, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn. over Interstate Highway 40 to junction U.S. Highway 70, approximately 2 miles northwest of Kingston, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn. over U.S. Highway 70N to junction U.S. Highway 70S, thence over U.S. Highway 70S to Crossville, thence over U.S. Highway 70 to Knoxville, and return over the same route.

No. MC 104004 (Deviation No. 22), ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y., filed December 14, 1961. Carrier's representative John P. Tynan, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 75 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction U.S. Highway 42, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 42 to Cleveland, Ohio, and return over the same route.

No. MC 105957 (Deviation No. 2), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed December 6, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 67 to Virginia, Ill., thence over Illinois Highway 78 to junction U.S. Highway 24, thence over U.S. Highway 24 to Peoria, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis over U.S. Highway 66 to junction Alternate U.S. Highway 67 (formerly U.S. Highway 66), thence over U.S. Highway 67 to junction Illinois Highway 162 (formerly U.S. Highway 66), thence over Illinois Highway 162 to junction Nameoki Avenue (formerly City U.S. Highway 66), thence over Nameoki Avenue to junction Illinois Highway 3 (formerly U.S. Highway 66) thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66 (formerly U.S. Highway 66), thence over By-Pass U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Lincoln, Ill., thence over Illinois Highway 121 to Morton, Ill., thence over U.S. Highway 150 to Peoria, and return over the same route.

No. MC 107605 (Deviation No. 2), UNITED SHIPPING CO., 2601 Broadway Road, Minneapolis 13, Minn., filed December 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Minneapolis, Minn. over Interstate Highways 90 and 94 to Chicago, Ill., and (B) from La Crosse, Wis. over Interstate Highway 90 to Tomah, Wis., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Minneapolis over U.S. Highways 12 and 14 to Chicago; from La Crosse over U.S. Highway 16 to Tomah, and return over the same routes.

No. MC 109265 (Deviation No. 4), W. L. MEAD, INC., P.O. Box 31, Cleveland Road, Norwalk, Ohio, filed December 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Providence, R.I. over Rhode Island Highway 146 to the Rhode Island-Massachusetts State line, thence over Massachusetts Highway 146 to Worcester, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Providence over Rhode Island Highway 122 to the Rhode Island-Massachusetts State line, thence over Massachusetts Highway 122 to Worcester, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 72), THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed December 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70 at Kingston, Tenn., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Knoxville, over U.S. Highway 41 to Kingston, and return over the same route.

No. MC 109780 (Deviation No. 7), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 2, Tex., filed December 11, 1961. Attorney C. Zimmerman, P.O. Box 730, Wichita 1, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 36 and Interstate Highway 70, near Bennett, Colo., thence over Interstate Highway 70 to junction U.S. Highway 36, southwest of Watkins, Colo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Denver, Colo. over U.S. Highway 36

via Watkins and Bennett, Colo., to Phillipsburg, Kans., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12301; Filed Dec. 27, 1961; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 22, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37483: *Starch and dextrine from Cedar Rapids, Iowa.* Filed by Western Trunk Line Committee, Agent (No. A-2216), for interested carriers. Rates on starch, dextrine and related articles, in carloads, from Cedar Rapids, Iowa, to Palatka, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Western Trunk Line Committee tariff I.C.C. A-4396.

FSA No. 37484: *Soda ash from Lake Charles, La., to Boylston, Ala.* Filed by Southwestern Freight Bureau, Agent (No. B-8126), for interested rail carriers. Rates on soda ash, in bulk, or in bulk in bags, barrels, boxes or pails, in carloads, from Lake Charles, La., to Boylston, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4450.

FSA No. 37485: *Soda ash from Lake Charles and West Lake Charles, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8127), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from Lake Charles and West Lake Charles, La., to Bessemer City and Sylva, N.C., Laurens, S.C., Harriman, Kingsport, and Holston, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4450.

FSA No. 37486: *Roofing and building material from Oklahoma City, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B-8121), for interested rail carriers. Rates on Roofing and building materials, and related articles, in carloads, from Oklahoma City, Okla., to points in southern territory, also Helena and West Helena, Ark., Cairo and Metropolis, Ill., Evansville, Ind., Cincinnati, Ohio, and Mississippi River crossings, Memphis and south thereof.

Grounds for relief: Market competition.

Tariff: Supplement 2 to Southwestern Freight Bureau tariff I.C.C. 4440.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-12300; Filed, Dec. 27, 1961; 8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

	Page
PROCLAMATIONS:	
May 27, 1907	11746
3298	11937
3401	11714
3440	11714
3441	11937
3442	12023
EXECUTIVE ORDERS:	
Nov. 10, 1917	11906
Apr. 8, 1919	11906
June 14, 1921	11906
2711	11746
3797-A	12080
8578	12292
10717	11937
10977	11471
10978	11714
10979	11937
10980	12059

4 CFR

33	12275
34	12275
35	12276
51	12277, 12278
52	12277, 12278
54	12278

5 CFR

6	11347, 11483, 11671, 11813, 11852, 12060, 12155, 12211, 12239, 12559.
29	11794
30	12109
401	11938

6 CFR

421	12157, 12239

7 CFR

1	12155
46	12209
53	12109
319	12029
401	12209, 12279
403	12210
718	11813
719	12060
722	11472, 11481, 11851, 11887
728	11795, 12109
729	11816
750	11725
775	11672
776	11347, 11407, 12210
811	11963
812	11817
813	12493
820	11965
871	11968
903	12494
904	12239
914	11417, 11817, 11851, 11890, 12062, 12063, 12156, 12494.
933	11417-11419
936	12211
937	11725
938	11725, 12063
946	12110
953	11419, 11818, 11851, 12030, 12064, 12110, 12279, 12280.
958	11483, 11852, 11970
959	12211
975	12240
990	12239
1001	12064
1019	12239
1032	12030
1034	12241, 12280
1060	12559
1066	12280
1067	12281
1068	12064
1069	12065, 12242

7 CFR—Continued

PROPOSED RULES:

26	12132
29	12577
51	12222
362	12167
812	11838
903	12167
904	12037
907	12580
911	11495
913	11839
914	11435
926	12591
944	12132
947	12132
949	12037
952	12037
953	11363
970	12294
982	11498
983	12528
989	12520
990	12037
993	12037
996	12037
999	12037
1008	12611
1019	12168
1026	11982
1028	11982
1050	12132

8 CFR

103	12111, 12212
204	12212
212	12066, 12212
214	12066, 12213
237	11818
242	12111, 12242, 12282
243	11819, 12113
244	12113
245	12114

8 CFR—Continued

	Page
249	12114
252	11797
253	11797
299	11819
PROPOSED RULES:	
242	11363

9 CFR

74	11852, 11970
77	11971
78	12067
83	11483, 11853
PROPOSED RULES:	
17	12222
74	11804
92	12579
151	11870
201	11988

10 CFR

25	11726

12 CFR

4	11353
204	12031
217	11798, 11971, 12031
261	12495
262	12497
263	12498
327	12031
329	11798, 12031

13 CFR

121	12069
122	11353

14 CFR

40	11354
41	11355
42	11356
49	12213
53	12559
60	12283
221	11819, 12156
287	11890
288	11483, 12114
302	11820
385	12242
406	12559
507	11672, 11821, 12032, 12033, 12213, 12214, 12560.
555	11672
600	11357, 11484, 11485, 11674, 11726, 11727, 11822-11824, 11853, 11893, 12069, 12070, 12214, 12283.
601	11485, 11674, 11675, 11726-11728, 11822-11825, 11853-11859, 11893, 11894, 12070, 12071, 12073, 12074, 12215, 12246, 12247, 12283-12290, 12501-12505, 12507, 12508, 12510, 12512-12514, 12516, 12560, 12561.
602	11729, 12561
608	11729, 11730, 11859, 11861, 11894, 12033, 12215, 12283, 12290, 12561.
609	11939, 11946, 11951, 11960
610	12074
PROPOSED RULES:	
3	12294
4b	12294
6	12294
7	12294
18	11804
40	12294
41	12294
42	12294
43	11804

14 CFR—Continued

	Page
PROPOSED RULES—Continued	
302	11685, 11841, 12623
376	12179
399	11841
411	12085
507	11870, 12042, 12256
600	11435, 11494, 11734
601	11364-11368, 11435, 11436, 11438, 11440-11443, 11445, 11446, 11448, 11449, 11451, 11453-11456, 11494, 11686, 11734, 11988.
608	11435, 11494, 11988

15 CFR

201	11357
230	11360, 11972, 12248

16 CFR

13	11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115, 12215, 12216, 12291, 12517, 12518, 12562
14	11826

17 CFR

231	11896
239	11730
PROPOSED RULES:	
270	11738

18 CFR

141	11897
260	11900
PROPOSED RULES:	
2	11459, 12304

19 CFR

3	11362
4	12248
5	11420
21	11362
54	11731
PROPOSED RULES:	
10	11683

20 CFR

404	11827, 11938

21 CFR

3	12518, 12563
17	12563
20	11676
27	12563
120	11731, 11799, 12034, 12249, 12564
121	11677, 11799, 11800, 11828-11830, 12035, 12077, 12249, 12564.
141a	11801
141c	11801
146	12035
146a	11801
146c	11801
147	11802
191	12035
305	12216
PROPOSED RULES:	
1	11734
16	12256
27	11988
51	11988
120	11684, 12533
121	11684, 11735, 11841, 11870, 12143, 12144, 12178, 12256, 12623.
141a	11684
146	11684
146a	11684
147	11684
307	12222

24 CFR

	Page
200	12291
201	11731
203	12564
207	12565
213	12566
220	12116, 12566
221	12118, 12566
232	12567
233	12120
803	12567

25 CFR

Appendix	12569
PROPOSED RULES:	
221	11734

26 CFR

1	11436, 11677, 12077, 12216, 12550
20	11861
25	11861
45	11861
301	12553
PROPOSED RULES:	
1	12085
48	12085

28 CFR

15	11420

29 CFR

402	12568
403	11678, 12568
408	11678
415	12568
670	11420
678	11420
779	11802
PROPOSED RULES:	
545	11735

30 CFR

222	11487

31 CFR

270	11938

32 CFR

200	12569
272	11830
273	11831
577	11679
701	11715
710	11716
711	12158, 12569
714	12217
719	11763, 11862
720	11722
723	12121
736	12158, 12217
744	12217
755	11792
765	11680, 11794, 12158, 12217
804	12249
1001	12319
1002	12354
1003	12361
1007	12386
1008	12249, 12468
1012	12249
1013	12249
1016	12249
1054	12249
1057	12249
1453	11972
1470	11972
1472	11972
2011	11421

32A CFR

OIA (CH. X):	
OI Reg. 1	11973

33 CFR

	Page
1	12570
2	12159
3	12571
5	12571
8	12571, 12573
30	12572
45	12572
62	12572
64	12572
66	12572
67	12572
68	12572
70	12572
72	12572
82	12572
90	12572
95	12573
105	12573
125	11862
203	11803, 12105
206	12105
210	11732
212	11421

35 CFR

10	12217

36 CFR

1	11903
311	12122
PROPOSED RULES:	
1	11363

38 CFR

6	11680
7	11802
8	11680
21	11862

39 CFR

1—204	11513
2	12122
4	12122
13	11864
15	12122
17	11903
27	11903
31	11864, 12125
33	11903
41	12122
42	12122
44	12122
47	11864
48	11864
94	12218
96	12218
168	11832
PROPOSED RULES:	
61	11838
201	11426
202	11431
203	11432
204	11432

41 CFR

2-1	12126
2-3	12126
2-12	11904
9-7	11488
9-12	12573
39-1	12519
60-1	11974, 12250

43 CFR

61	12126
64	12126
66	12126
81	12126
102	12126
161	11975, 12165
192	12126
PROPOSED RULES:	
192	11493, 11911
200	11493
250	12254
PUBLIC LAND ORDERS:	
61	11803
629	12292
842	11361
1058	12082
1238	11863
1744	12251
1843	12251
1942	12251
2323	12080
2400	12251
2458	12251
2543	11361
2544	11361
2545	11803
2546	11361
2547	11803
2548	11803
2549	11803
2550	11863
2551	11863
2552	11906
2553	12079
2554	12080
2555	12080
2556	12080
2557	12080
2558	12081
2559	12082
2560	12251
2561	12251
2562	12251
2563	12251
2564	12251
2565	12292
2566	12292
2567	12292
2568	12292
2569	12292

44 CFR

151	11425

46 CFR

2	11908
34	11908
73	11908
76	11909
78	11909
97	11909
146	12082
157	12082
167	11909
171	11864
221	12293
510	12252
PROPOSED RULES:	
201	11738
206	11738
221	11738
298	11738
299	11738
Ch. IV	12294
502	12630

47 CFR

1	11909, 11977
2	11833, 11978
3	12024, 12083, 12165, 12220
7	12083, 12519
8	12083, 12519
9	12574
10	11422, 11681, 11978
14	12083, 12519
16	11423, 11978
19	11978
PROPOSED RULES:	
3	11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7	11369, 12144
8	11369, 11912, 12144
9	12627
10	12145
14	11369

49 CFR

43	11835
95	12166, 12576
170	11732
174a	11492

50 CFR

32	11733
33	11733, 11836, 11837, 11868, 11869, 11909, 12165.
80	12128
270	11979

THE UNIVERSITY OF MICHIGAN
JAN 3 1962
MAIN READING ROOM

Part II begins on page 12729

Pages 12655–12745

PART I

FEDERAL REGISTER

VOLUME 26 NUMBER 250

Washington, Friday, December 29, 1961

Contents

Agricultural Marketing Service

RULES AND REGULATIONS:
Grading and inspection of domestic rabbits, edible products thereof, egg products, shell eggs, poultry and edible products thereof; miscellaneous amendments 12677
Irish potatoes grown in Maine; shipments limitation 12682
Navel oranges grown in Arizona and designated part of California; handling limitation 12682

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in Greater Kansas City marketing area; decision on proposed amendments to tentative marketing agreement and order 12710

RULES AND REGULATIONS:
Allotment of direct-consumption portion of mainland sugar quota for Puerto Rico; six-month period ending June 30, 1962 12679
Allotment of sugar quota for domestic beet sugar area for six-month period ending June 30, 1962 12678
Milk in St. Louis, Mo., marketing area; order suspending certain provisions 12682
Sugar requirements and quotas; Hawaii and Puerto Rico; six-month period ending June 30, 1962 12677

Agriculture Department

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

RULES AND REGULATIONS:
Turkey eggs for hatching and sorghum sirup; determination of parity prices 12676

Atomic Energy Commission

RULES AND REGULATIONS:
Statement of organization, delegations, and general information (*see* Part II of this issue).

Coast Guard

RULES AND REGULATIONS:
Distinctive markings for Coast Guard vessels and aircraft; aircraft markings 12693

Commerce Department

See International Programs Bureau.

Commodity Credit Corporation

RULES AND REGULATIONS:
Rye loan and purchase agreement program; 1961 crop; support rates 12658

Defense Department

See Navy Department.

Federal Aviation Agency

NOTICES:
Assistant Administrators, Central, Western, and Alaskan Regions; responsibility and authority 12719
Organization:
Southern Region 12718
Southwest Region 12719

RULES AND REGULATIONS:
Control zone; alteration 12684
Restricted area; alteration 12684
Restricted area and Federal airways; alteration 12683
Restricted area, Federal airway and continental control area; alteration 12683

Federal Home Loan Bank Board

RULES AND REGULATIONS:
Federal savings and loan system; operations; distribution of earnings 12675

Federal Maritime Commission

NOTICES:
Agreements filed for approval:
Globe Shipping Co., Inc., and A. W. Fenton Co., Inc. 12722
T. R. Spedden and Loretz & Co. 12722

Federal Power Commission

NOTICES:
Hearings, etc.:
California Co. et al 12719
Champlin Oil & Refining Co. et al 12721

Federal Reserve System

NOTICES:
Fifth Third Union Trust Co.; order approving application 12722
Wells Fargo Bank American Trust Co.; order approving merger of banks 12722

Fish and Wildlife Service

NOTICES:
Depredating common mergansers (American mergansers) in, on, or over designated lakes and streams in western Washington; order permitting killing 12717

RULES AND REGULATIONS:
Sport fishing:
De Soto National Wildlife Refuge; Iowa and Nebraska 12700
Lacreek National Wildlife Refuge, South Dakota 12700
Tamarac National Wildlife Refuge, Minnesota 12700
Union Slough National Wildlife Refuge, Iowa 12699
Valentine National Wildlife Refuge, Nebraska 12700

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petition; correction 12714

(Continued on next page)

General Services Administration
RULES AND REGULATIONS:
Miscellaneous amendments to chapter ... 12693

Health, Education, and Welfare Department
See Food and Drug Administration; Social Security Administration.

Indian Affairs Bureau
PROPOSED RULE MAKING:
Election of officers of Osage Tribe; miscellaneous amendments ... 12708

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau.

Internal Revenue Service
RULES AND REGULATIONS:
Statement of procedural rules; miscellaneous amendments ... 12688

International Programs Bureau
NOTICES:
Hesselgren Instrument; order denying export privileges for indefinite period ... 12718

Interstate Commerce Commission
NOTICES:
Fourth section applications for relief ... 12723
RULES AND REGULATIONS:
Explosives and other dangerous articles; miscellaneous amendments ... 12701

Labor Department
See Wage and Hour Division.

Land Management Bureau
NOTICES:
Alaska; notice of proposed withdrawal and reservation of lands ... 12715
Arizona:
Proposed withdrawal and reservation of lands ... 12716
Small tract classifications (2 documents) ... 12715, 12716
California:
Chief, Division of Lands and Minerals Management; redelegation of authority ... 12716
Proposed withdrawal and reservation of lands, and partial termination thereof ... 12717
Wyoming; notice of filing of protraction diagrams (unsurveyed land) ... 12716
RULES AND REGULATIONS:
Alaska; reindeer grazing; issuance of permits ... 12696
Colorado; public land order; withdrawing lands for reclamation purposes (Curecanti Unit, Colorado River Storage Project) ... 12699
Federal Range Code for Grazing Districts; miscellaneous amendments ... 12698

Navy Department
RULES AND REGULATIONS:
Dependents' assistance; delegations ... 12658
Medical care for eligible persons at naval medical facilities ... 12661
Missing persons act; allotments and transportation of dependents ... 12658
Navy Discharge Review Board; miscellaneous amendments ... 12659
Navy foreign claims; miscellaneous amendments ... 12674
Navy general claims; miscellaneous amendments ... 12674
Nonjudicial punishment, naval courts and certain fact-finding bodies; miscellaneous amendments (2 documents) ... 12659

Reclamation Bureau
NOTICES:
Missouri River Basin Project, Montana; first form reclamation withdrawal; correction ... 12717

Securities and Exchange Commission
NOTICES:
Hearings, etc.:
Dial-A-Disk, Inc ... 12723
Dunhill International, Inc ... 12723
Siltronics, Inc ... 12725
PROPOSED RULE MAKING:
Transmission or segregation of funds by best-effort underwriters ... 12714

Small Business Administration
NOTICES:
Branch Counsel, Columbia, S.C.; delegation relating to legal functions ... 12725
Wicaco Machine Corp.; additional company accepting request to participate in small business production pool ... 12725

Social Security Administration
RULES AND REGULATIONS:
Federal old-age, survivors, and disability insurance; payments and reports by States ... 12684

Treasury Department
See also Coast Guard; Internal Revenue Service.
NOTICES:
Treasurer of Board of Trustees of Postal Saving System; designation ... 12715
Universal resissue savings bond; notice of use ... 12715

Wage and Hour Division
RULES AND REGULATIONS:
Exemptions applicable to agriculture, processing of agricultural commodities, and related subjects; place of first marketing ... 12658

Checklist

CFR SUPPLEMENTS

(As of January 1, 1961)

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) $3.75; Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) $6.25; Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75); General Index ($1.00).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

6 CFR
421 ... 12658

7 CFR
5 ... 12676
54 ... 12677
55 ... 12677
56 ... 12677
70 ... 12677
812 ... 12677
813 ... 12678
815 ... 12679
903 ... 12682
914 ... 12682
970 ... 12682
PROPOSED RULES:
913 ... 12710

10 CFR
1 (see Part II of this issue).

12 CFR
545 ... 12675

14 CFR
600 (2 documents) ... 12683
601 (2 documents) ... 12683, 12684
608 (3 documents) ... 12683, 12684

17 CFR
PROPOSED RULES:
240 ... 12714

20 CFR
404 ... 12684

21 CFR
PROPOSED RULES:
121 ... 12714

25 CFR
PROPOSED RULES:
73 ... 12708

26 CFR
601 ... 12688

29 CFR
780 ... 12658

32 CFR
715 ... 12658
718 ... 12658
719 (2 documents) ... 12659
724 ... 12659
728 ... 12661
750 ... 12674
753 ... 12674
765 ... 12661

33 CFR
23 ... 12693

41 CFR
5–2 ... 12693
5–3 ... 12693
5–7 ... 12693
5–53 ... 12694

43 CFR
63 ... 12696
161 ... 12698
PUBLIC LAND ORDERS:
2570 ... 12699

49 CFR
72—78 ... 12701

50 CFR
33 (5 documents) ... 12699, 12700

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5783, 9627, 6703, 9121, 9308 and containing the specific requirements for the 1961-crop rye price support program are hereby amended as follows:

Section 421.487(b) is amended by increasing the following basic county support rate.

IDAHO

County	Rate per bushel From—	To—
Bonner	$1.02	$1.03

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 22, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-12340; Filed, Dec. 28, 1961; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 780—EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS

Place of First Marketing

Pursuant to the Fair Labor Standards Act of 1938 (secs. 1–19, 52 Stat. 1060, as amended; 75 Stat. 65–75; 29 U.S.C. 201–219). Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, § 780.416 of Part 780 of the Code of Federal Regulations, as recently revised (26 F.R. 10377–10420), is hereby amended in the manner indicated below. The amendment of § 780.416 clarifies the interpretation of the phrase "Place of * * * first marketing" contained therein.

The amendment shall become effective upon publication in the FEDERAL REGISTER. The amendment is interpretative. Therefore, the procedural and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

As amended, 29 CFR 780.416 (26 F.R. 10400) reads as follows:

§ 780.416 "Place of * * * first marketing."

A "place of * * * first marketing" is the second of the two types of places to which the freshly harvested fruits or vegetables may be transported from the farm under the exemption provided by section 13(a)(22). Typically, a place of first marketing is a farmer's market of the kind to which "delivery to market" is made within the meaning of section 3(f) of the Act when a farmer delivers such commodities there as an incident to or in conjunction with his own farming operations. Under section 13(a)(22), of course, there is no requirement that the transportation be performed by or for a farmer or as an incident to or in conjunction with any farming operations. (See § 780.402; and see § 780.167 and § 780.169 of this part.) A place of first marketing may be described in general terms as a place at which the freshly harvested fruits or vegetables brought from the farm are first delivered for marketing, such as a packing plant or an establishment of a wholesaler or other distributor, cooperative marketing agency, or processor to which the fruits or vegetables are first brought from the farm and delivered for sale. A place of first marketing may also be a place of first processing (see Mitchell v. Budd, 350 U.S. 473) but it need not be. The "first place of packing" to which the just-harvested fruits or vegetables are transported from the farm is intended to be included. (See 107 Cong. Rec. (daily ed.) p. 4323.) Transportation to places which are not first processing or first marketing places is not exempt.

Signed at Washington, D.C., this 26th day of December 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-12363; Filed, Dec. 28, 1961; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 715—DEPENDENTS' ASSISTANCE

Delegations

1. Section 715.2 is revised to read as follows:

§ 715.2 Delegations.

The Director, Personal Affairs Division, Bureau of Naval Personnel, with respect to personnel of the Navy, and the Head, Personal Affairs Branch, Personnel Department, Headquarters United States Marine Corps, with respect to personnel of the United States Marine Corps, have been granted the authority by the Secretary of the Navy to make determinations including determinations of dependency and relationship, and on the basis of new evidence or for other good cause to reconsider or modify any such determination. The Commanding Officer, Navy Finance Center, Cleveland 14, Ohio, with respect to personnel of the Navy, and the Head, Personal Affairs Branch, Personnel Department, Headquarters United States Marine Corps, with respect to personnel of the United States Marine Corps, have been granted the authority by the Secretary of the Navy to waive the recovery of any money erroneously paid under the provisions of the act, whenever it is determined that such recovery would be against equity and good conscience.

(R.S. 161, sec. 102, 63 Stat. 804, sec. 10, 64 Stat. 796, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 37 U.S.C. 231, 50 U.S.C. App. 2210)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 22, 1961.

[F.R. Doc. 61-12372; Filed, Dec. 28, 1961; 8:51 a.m.]

PART 718—MISSING PERSONS ACT

Allotments; Transportation of Dependents

1. Sections 718.2 and 718.3 are revised to read as follows:

§ 718.2 Allotments.

During such period as a person is in a status of missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered by a hostile force, or besieged by a hostile force, allotments from his pay and allowances may be initiated, continued, discontinued, increased, decreased, suspended or resumed in behalf of his dependents and for such other purposes as are justified by the circumstances and are in the interests of the person or of the Government.

§ 718.3 Transportation of dependents.

(a) Whenever a person in active service is officially reported as dead, injured, missing for a period of 30 days or more, interned in a foreign country, or captured by a hostile force, his dependents, household and personal effects including one privately owned motor vehicle, where the vehicle is located outside the continental limits of the United States or in Alaska, may be moved (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) to the official residence of record for any such person or to the residence of his dependent, next of kin, or other person entitled to receive custody of the effects in accordance with the provisions of paragraph (d) of this section; or, upon application by such dependent, next of kin, heir or legal representative, or other person determined in accordance with paragraph (d) of this section, or upon the person's application if injured, to such location as may have been determined in advance or as may be subsequently approved, except that a reasonable relationship must exist between the condition and circumstances of the dependents and the destination to which transportation is requested. In the case of a person in an injured status, transportation of his dependents or household and personal effects may be authorized only when the hospitalization or treatment of the injured person will be of prolonged duration. Payment in money of amounts equal to such commercial transportation costs or a monetary allowance in lieu of transportation as authorized by law for the whole or such part of the travel for which transportation in kind is not furnished, may be authorized, when such travel has been completed.

(b) When the Secretary of the Navy or his designee determines that an emergency exists and that such sale would be in the best interests of the Government, he may provide for the disposition of the motor vehicles and other bulky items of such household and personal effects of the person by public or private sale. Prior to any such sale, and if practicable, a reasonable effort shall be made to determine the desires of the interested persons. The net proceeds received from such sale shall be transmitted to the owner, next of kin, heir or legal representative, or other person determined in accordance with paragraph (d) of this section; but if there be no such persons or if such persons or their addresses are not ascertainable within one year from the date of sale, the net proceeds may be covered into the Treasury as miscellaneous receipts.

(c) The Secretary of the Navy or his designee is authorized to store the household and personal effects of the person until such time as proper disposition can be made. The cost of such storage and transportation, including packing, crating, drayage, temporary storage, and unpacking of household and personal effects, will be charged against appropriations currently available.

(d) The following provisions apply to the determination of the "other person" or persons referred to in paragraphs (a) and (b) of this section who may receive the effects or proceeds.

(1) If no duly appointed legal representative of the owner of the personal effects makes demand upon the Department of the Navy for the effects, the determination by naval authorities as to the next of kin or heirs of the owner of the personal effects may be made on the basis of the following:

(i) Personnel records; or

(ii) Other documents applicable to the case; or

(iii) Title 10, U.S. Code, Section 2771 to the extent that it prescribes an order of precedence among next of kin or heirs, namely, the widow or widower of the owner; if no widow or widower, then the child or children of the owner and decendants of deceased children, by representation; if none of the above, the parents of the owner or the survivor of them; or if none of the above, other persons determined to be eligible under the laws of the domicile of the owner.

(2) Such determination should be regarded as administrative rather than legal, as the determination does not vest title to effects or proceeds in the next of kin, heirs, or legal representative to whom the effects are delivered. Therefore, delivery of the personal effects to other than the owner will be made subject to the following advisory note which should be written on a copy of the inventory or in a letter:

> Delivery of the personal effects into the custody of other than the owner thereof, by the Department of the Navy, does not in any way vest title to the effects in the recipient. Delivery of the effects to the recipient is made so that distribution may be made in accordance with the laws of the state in which the owner of the effects was legally domiciled or to restore the effects to the owner in the event of his return from a missing status.

(3) When it is impracticable to divide the personal effects of a person into equal shares and two or more persons within a class, as provided in 10 U.S. Code 2771, are entitled to receive the effects or a share of the effects but who cannot agree among themselves as to which one of them shall receive the effects, then all of the effects may be delivered to one such person and other persons in the class concerned may be advised of the name of the person to whom the effects were delivered.

(R.S. 161, 56 Stat. 143, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 50 U.S.C. App. 1001–1012, 1013–1015)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 22, 1961.

[F.R. Doc. 61-12373; Filed, Dec. 28, 1961; 8:51 a.m.]

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Types of Fact-Finding Bodies

1. In § 719.151, paragraph (b) is revised and paragraph (e) is added to read as follows:

§ 719.151 Types of fact-finding bodies.

* * * * *

(b) *Courts of inquiry.* A court of inquiry consists of at least three commissioned officers as members and a commissioned officer as counsel for the court. It is always a formal fact-finding body. See article 135 of the Code. It is always convened by a written appointing order, and whether or not so directed in the appointing order, a court of inquiry will take testimony under oath and record proceedings verbatim.

* * * * *

(e) *Attendance of witnesses.* Except for boards convened for the redress of injuries to property under article 139 of the Code (see Part 755 of this chapter), a court of inquiry is the only naval fact-finding body which possesses the power to subpoena civilian witnesses. Testimony of any witness may, however, be requested by the other fact-finding bodies, and the investigation is not confined to any Federal reservation in its quest for evidence by witnesses.

(R.S. 161, 183, secs. 801–940, 5031, 70A Stat. 36–78, 278, E.O. 10214 (3 CFR 1949–53 Comp. p. 408), as amended; 5 U.S.C. 22, 93, 10 U.S.C. 801–940, 5031)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

DECEMBER 26, 1961.

[F.R. Doc. 61-12384; Filed, Dec. 28, 1961; 8:51 a.m.]

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Section 719.203 is amended by changing the word "sections" in line 2 of the caption of § 719.203 to read "paragraphs".

(R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

DECEMBER 26, 1961.

[F.R. Doc. 61-12385; Filed, Dec. 28, 1961; 8:51 a.m.]

PART 724—NAVY DISCHARGE REVIEW BOARD

Miscellaneous Amendments

1. The citation of authority is revised to read as follows:

AUTHORITY: §§ 724.1 to 724.31 issued under sec. 1553, 72 Stat. 1267; 10 U.S.C. 1553.

2. Section 724.1 is revised to read as follows:

§ 724.1 Authority.

A board for the review of discharges and dismissals of former personnel of the Navy and Marine Corps is established by the Secretary of the Navy pursuant to Title 10, United States Code, section 1553. To carry out the duties imposed by section 1553, administrative regulations and procedures are formulated in this part.

3. Section 724.2 (a) and (e) is revised to read as follows:

§ 724.2 Jurisdiction.

(a) In accordance with the precept of the Secretary of the Navy, the Navy Discharge Review Board, in this part known as the Board, has been established within the Department of the Navy to review, upon its own motion, or upon request by or on behalf of the individual former officer or enlisted man or woman, or if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, the type and nature of dismissal certificate or other documentary evidence of discharge or dismissal of former members of the naval service, except a discharge or dismissal by reason of the sentence of a general court-martial. This jurisdiction is construed to include every separation from the naval service, irrespective of the manner evidenced or brought about, except separations by reason of the sentence of a general court-martial.

* * * * *

(e) Title 10, United States Code, section 1553 provides for a review of the type and nature of a discharge or dismissal by the Board, subject to review only by the Secretary of the Navy. Unless otherwise authorized by the Secretary of the Navy, after final adjudication further proceedings before the Board will be permitted only upon the basis of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Navy.

4. Section 724.3(d) is revised to read as follows:

§ 724.3 Request for review.

* * * * *

(d) No request for review of a discharge or dismissal shall be valid unless filed with the Board within 15 years after the date of the discharge or dismissal.

5. Section 724.4(a) is revised to read as follows:

§ 724.4 Review on own motion.

(a) The Board shall not conduct a review of the type and nature of a discharge or dismissal on its own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin or legal representative or, if incompetent, to his guardian, by registered mail, return receipt requested.

* * * * *

6. Section 724.6 is revised to read as follows:

§ 724.6 Counsel.

As used in this part, the term "counsel" will be construed to include members in good standing of a Federal Bar or the Bar of any State, accredited representatives of veterans organizations recognized by the Administrator of Veterans' Affairs under Title 38, United States Code, section 3402, and such other persons as, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for review, unless barred by law.

7. Section 724.12(b) is revised to read as follows:

§ 724.12 Evidence.

* * * * *

(b) The Board shall not be restricted by the rules of evidence appropriate to a trial in court. However, the President of the Board hearing a petitioner may, in his discretion, advise petitioner's counsel to limit his presentation to that evidence having a material and relevant bearing on the circumstances surrounding the discharge.

8. Section 724.19 is revised to read as follows:

§ 724.19 Order.

A written order based on the decision shall be prepared for transmittal to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and signed by the Director, Navy Council of Personnel Boards.

9. Section 724.21 is revised to read as follows:

§ 724.21 Transmittal of record.

The original Record of Review of Discharge in each case shall be transmitted forthwith by the Director, Navy Council of Personnel Boards to the Secretary of the Navy for final review.

10. Sections 724.23(a) and 724.24 are revised to read as follows:

§ 724.23 Members.

(a) The Panel shall consist of officers designated by the Director, Navy Council of Personnel Boards.

§ 724.24 Changes in membership.

Additions to and other changes in the membership of the Panel shall be made as circumstances warrant.

§§ 724.25, 724.26 [Deletion]

11. Sections 724.25 and 724.26 are deleted.

12. Section 724.27 is renumbered § 724.25 and paragraphs (a) and (b)(5) thereof are revised to read as follows:

§ 724.25 Duties of Panel officers.

(a) President: (1) The President of the Panel shall, from time to time, constitute boards charged with the review functions over discharges and dismissals of Navy and Marine Corps personnel, as required by Title 10, United States Code, section 1553. In the exercise of the statutory review functions, each such board is the Discharge Review Board for the case reviewed.

(2) He shall designate a Secretary of the Panel and the recorders of the several boards.

(3) He shall make provisions for close liaison with the Army and Air Force Discharge Review Boards and for such exchange of information as may be considered mutually beneficial.

(4) He shall maintain close contact with the Veterans' Administration.

(5) He shall report to and be responsible to the Director, Navy Council of Personnel Boards.

(6) In the absence or incapacity of the President, the next senior member of the Panel will serve as acting President for all purposes.

(b) Secretary: * * *

(5) He shall maintain custody of all records and documents transmitted to or filed with the Panel.

13. Sections 724.28 to 724.30 are renumbered 724.26 to 724.28 and revised to read as follows:

§ 724.26 Members.

A board shall consist of five members, and at least three of the five members of each board should belong to the branch of the naval service (Navy or Marine Corps) from which the person whose case is being reviewed was discharged or dismissed unless petitioner specifically waives this requirement in writing.

§ 724.27 Reporter.

A reporter shall record the proceedings of a Board in all hearings and such other discharge reviews as the President of the Panel may desire.

§ 724.28 Time and place of meeting.

The boards shall be convened at the call of the President of the Board and shall recess and adjourn at his order. The boards shall sit at a time and place to be fixed by the President of the Board.

14. Section 724.31 is renumbered § 724.29 and paragraphs (b) and (c) (1), (2) and (5) are revised to read as follows:

§ 724.29 Duties.

* * * * *

(b) President: The senior member of a board, normally a Colonel in a Marine Corps case, shall serve as president thereof and shall rule upon matters of evidence and procedure. He may be overruled by a majority vote.

(c) Recorder: (1) The recorder of the Board shall insure that a complete and accurate summary of the official record of the discharged person is presented to the Board.

(2) The recorder shall maintain close liaison with petitioner's counsel in each case, making available, in the offices of the Panel, such official records pertaining to petitioner as counsel may require in the proper preparation of petitioner's case, except—

(i) Classified matter and original files of the Office of Naval Intelligence. (See § 724.18(b).)

(ii) Service records of other personnel, whether on active duty, inactive or discharged. (See § 724.13(b).)

* * * * *

(5) The recorder shall have such other duties as may be assigned to him by the President of the Panel.

15. Section 724.30 (a revised version of old § 724.26) is inserted to read as follows:

§ 724.30 Administrative regulations.

The President of the Panel shall, from time to time, initiate such changes in the administrative regulations and procedures as may be deemed advisable, for the approval of the Secretary of the Navy.

§ 724.32 [Redesignation]

16. Section 724.32 is renumbered § 724.31.

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

DECEMBER 26, 1961.

[F.R. Doc. 61-12386; Filed, Dec. 28, 1961; 8:51 a.m.]

SUBCHAPTER G—MISCELLANEOUS RULES

PART 728—MEDICAL CARE FOR ELIGIBLE PERSONS AT NAVAL MEDICAL FACILITIES

PART 765—RULES APPLICABLE TO THE PUBLIC

Miscellaneous Amendments

Scope and purpose. Part 728, heretofore entitled "Medical care of supernumeraries," has been revised to conform with Bureau of Medicine and Surgery Instruction 6320.31 of October 2, 1961. Part 728, as revised, (1) defines those persons eligible to receive medical care at naval medical facilities; (2) prescribes the extent and conditions under which medical care may be provided such persons at naval medical facilities; and (3) sets forth the charges, collections, and reports required for medical care and/or subsistence furnished pay patients at naval medical facilities. Section 765.5 *Admission of civilians to naval medical-treatment facilities* is deleted as its content is covered by Part 728 as revised.

1. Part 728 is revised to read as follows:

Subpart A—General

Sec.
728.1 Mission of naval medical facilities.
728.2 General restrictions.
728.3 Definitions.

Subpart B—Members of the Uniformed Services on Active Duty

728.11 Authority.
728.12 Definitions.
728.13 Members of the Navy and Marine Corps.
728.14 Members of the other uniformed services.
728.15 Charges and collections.

Subpart C—Members of the Reserve Components, Reserve Officers Training Corps, and Navy and Marine Corps Officer Candidate Programs

728.21 Reserve components of the Armed Forces.
728.22 Members of the Navy and Marine Corps reserve components, and the Fleet Reserve and Fleet Marine Corps Reserve.
728.23 Members of the Army and Air Force reserve components.
728.24 Members of the Coast Guard reserve component.
728.25 Members of the Reserve Officers Training Corps (ROTC).
728.26 Members of Navy and Marine Corps officer candidate programs.
728.27 Navy and Marine Corps officer candidates; special physical examination.
728.28 Inactive reserve commissioned officers of the Public Health Service; physical examination.

Subpart D—Retired Members of the Uniformed Services

728.31 Authority.
728.32 Retired member of a uniformed service defined.
728.33 Scope of medical care authorized.
728.34 Application for medical care.
728.35 Members retired for physical disability.
728.36 Medications for retired members.
728.37 Charges and collections.

Subpart E—Dependents of Uniformed Services

728.41 General.
728.42 Medical care at naval medical facilities.
728.43 Medical services not otherwise provided.
728.44 Maternity cases.
728.45 Charges and collections.

Subpart F—Members of Foreign Military Services and Their Dependents

728.51 Medical care authorized in the United States.
728.52 Members of foreign military services assigned to NATO and their dependents.
728.53 Members of Canadian armed forces other than NATO and their dependents.
728.54 Foreign Military Assistance Program trainees.
728.55 Members of other foreign military services.
728.56 Dependents of members of foreign military services other than NATO and Canadian personnel.
728.57 Medical care authorized outside the United States.

Subpart G—Beneficiaries of Other Federal Agencies

728.61 Beneficiaries of the Veterans' Administration.
728.62 Beneficiaries of the Bureau of Employees' Compensation.
728.63 Beneficiaries of the Public Health Service, not members of the uniformed services.
728.64 Selective Service registrants.
728.65 Beneficiaries of the U.S. Naval Home.
728.66 Agents of Federal Bureau of Investigation and Department of Justice claimants.
728.67 Beneficiaries of the Department of State; officers and employees of the Foreign Service and their dependents.

Subpart H—Other Persons

728.71 Former women members of the Armed Forces—maternity care.
728.72 American Red Cross representatives.
728.73 Civilian employees.
728.74 Designees of the Secretary of the Navy.
728.75 Civilians under special circumstances.
728.76 U.S. Navy technicians.
728.77 Other persons outside the United States.
728.78 Prisoners of war and similar persons.

Subpart I—Adjuncts to Medical Care

728.81 Adjuncts to medical care.
728.82 Policy.
728.83 Chart of adjuncts to medical care.

Subpart J—Charges, Collections, and Reports

728.91 Charges and collections.
728.92 Rates.
728.93 Reports.
728.94 Table of pay patients, charges, and collections.

AUTHORITY: §§ 728.1 to 728.94 issued under R.S. 161, secs. 5031, 6011, 70A Stat. 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6011. Interpret or apply R.S. 4807, sec. 4, 57 Stat. 81, secs. 5537, 6148, 70A Stat. 319, 383, secs. 1071–1085, 72 Stat. 1445–1450, as amended; 10 U.S.C. 1071–1085, 5537, 6148, 24 U.S.C. 15, 34. Additional authority is cited in the sections affected.

Subpart A—General

§ 728.1 Mission of naval medical facilities.

The primary mission of naval medical facilities is to provide adequate medical care for members of the Navy and Marine Corps on active duty and for members of the other uniformed services on active duty, who may be sick, injured, or disabled. In addition, naval medical facilities may provide medical care to members not on active duty in the uniformed services and to such other persons as authorized by law, U.S. Navy Regulations, and Department of Defense and/or Department of the Navy directives. These authorizations also provide that naval medical facilities may sometimes be called upon to furnish medical care to civilians and to other persons not otherwise entitled to medical care pursuant to the laws of humanity or principles of international courtesy.

§ 728.2 General restrictions.

(a) *No interference with primary mission.* Medical care of persons other than active duty members of the uniformed services may not be permitted to interfere with the primary mission of the Medical Department. This mission consists of a responsibility imposed on the Surgeon General and the Medical Department to maintain and to restore the health of members of the Navy and Marine Corps on active duty and members of the other uniformed services for whom medical care is provided.

(b) *Determination by cognizant medical authority.* The cognizant medical authority of the naval medical facility has the responsibility and authority over the extent to which his facility can provide care for persons other than members of the uniformed services on active duty. A determination by the cognizant medical authority of the naval medical facility, or his designee, as to the availability of space and facilities and to the capabilities of the medical staff shall be conclusive.

(c) *Availability.* Persons other than members of the uniformed services on active duty and retired members placed on the temporary disability retired list who require hospitalization in connection with periodic physical examinations

may be provided medical care, subject to the availability of space and facilities and to the capabilities of the medical staff.

(d) *Identification.* Persons requesting medical care shall furnish the cognizant medical authority with satisfactory identification to prove their eligibility for medical care, or a written authorization when prescribed.

(e) *Ambulance service.* Ambulance service may be provided when sound medical judgment indicates the necessity therefor. Such use of ambulances shall be subordinate to local needs of the naval medical facility in support of the primary mission to care for active duty members of the uniformed services.

§ 728.3 Definitions.

For the purpose of this part, the following definitions apply:

(a) *Medical care.* The term medical care embraces outpatient and inpatient professional care and treatment, nursing care, diagnostic tests and procedures, physical examinations, immunizations, prophylactic treatments, medicines, biologicals, other similar medical services, and ambulance service. Prosthesis, hearing aids, spectacles, orthopedic footwear, and similar adjuncts to medical care may be furnished only where such adjuncts are authorized.

(b) *Hospitalization.* The term hospitalization includes inpatient care at naval hospitals, hospital ships, station hospitals, and dispensaries.

Subpart B—Members of the Uniformed Services on Active Duty

§ 728.11 Authority.

(a) *Statute.* 10 U.S.C. 1074(a) provides that under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education and Welfare, a member of a uniformed service who is on active duty is entitled to medical care in any facility of any uniformed service.

(b) *Joint regulations.* Pursuant to the joint directive issued to implement the statute (see Part 70 of this title), members of the uniformed services on active duty are entitled to, and shall be provided medical care and adjuncts thereto. Under ordinary circumstances, such members will receive medical care at the medical facility of the uniformed service which serves the organization to which the member is assigned. A member who is away from his duty station, or is on duty where there is no medical facility of his own service available, may receive care at the nearest available medical facility of the uniformed services.

(c) *Differentiation dependent on active duty.* Under the provisions of 10 U.S.C. 1074(a), members of the Reserve components, the Fleet Reserve, the Fleet Marine Corps Reserve, Reserve Officers Training Corps, the Navy and Marine Corps officer candidate programs, and retired members of the uniformed services, who are on active duty (including active duty for training) are entitled to the same medical care in any facility of the uniformed services as provided for active duty members of the regular services. Provisions for medical care for such members after separation from active duty and for members of the Reserve components on other types of duty are set forth in Subparts C and D of this part.

§ 728.12 Definitions.

(a) *Uniformed services.* Uniformed services are the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey, and their reserve components.

(b) *Active duty.* Active duty means full-time duty in the active uniformed service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

§ 728.13 Members of the Navy and Marine Corps.

(a) *Standard.* Active duty members of the Navy and Marine Corps who may be sick or injured shall be provided the most careful professional attention and care consistent with the highest standards of modern medicine. Such care may include, but is not limited to, that medical care as defined by § 728.3(a). Adjuncts to medical care shall be furnished when required and authorized.

(b) *Arrangements for required care.* When an active duty member of the Navy or Marine Corps requires care beyond the capabilities of the naval medical facility, the commanding officer is authorized to arrange for the required care by:

(1) Transfer to the nearest medical facility of the uniformed services where the required care is available; or

(2) Procurement from civilian sources of the necessary supplemental materials and professional and personal services required for the proper care and treatment of the patient in his facility. Costs for such materials and services are chargeable to the maintenance and operation allotment of the naval medical facility furnishing the care.

(c) *Extension.* An enlisted member of the naval service on active duty whose term of enlistment expires while he is suffering from disease or injury incident to service and not due to his own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with his consent, until he recovers to the extent that he is able to meet physical requirements for reenlistment or until it is determined that recovery to that extent is impossible (10 U.S.C. 5537).

§ 728.14 Members of the other uniformed services.

(a) *Principle.* Members of the other uniformed services on active duty are entitled to medical care and adjuncts thereto in naval medical facilities to the same extent as active duty members of the Navy and Marine Corps.

(b) *Available facility.* Under ordinary circumstances, these members will receive medical care at the medical facility of the uniformed service which serves the organization to which they are assigned. A member away from assigned duty station or on duty where there is no medical facility of his own service available may receive care at a naval medical facility if available.

(c) *Request or application.* The member may be provided medical care at naval medical facilities when requested by appropriate authority of the member's service, the Public Health Service medical officer in case of members under the Public Health Service cognizance, or by application of the member himself upon presentation of satisfactory identification.

(d) *Referral.* Referral of active duty members of the other uniformed services to a naval medical facility for admission may be accomplished by letter, or by other appropriate means. Referral of active duty members of the Coast Guard for admission will ordinarily be effected by Form NCG 2522.

(e) *Notification.* When admitted without referral, or on member's application, the member's commanding officer, or if appropriate the nearest Public Health Service medical officer, shall be immediately notified with details as to date of admission, diagnosis, condition, prognosis, circumstances of injury if applicable, anticipated duration of hospitalization, notifications made to next of kin, and any other pertinent information. The method of notification (telephone, message, etc.) shall be determined by the urgency of the circumstances. At those medical facilities to which technical service units or liaison units are attached, notification to such units or officers will suffice.

§ 728.15 Charges and collections.

(a) *Officers.* All commissioned and warrant officers of the uniformed services (including naval aviation cadets) shall be charged the value of a hospital ration at a naval hospital or hospital ship. When subsisted in a general mess, they shall be charged subsistence at the rates specified in the Bureau of Supplies and Accounts Manual or Marine Corps directives. Collections shall be made locally from the individual officer except for the following: At naval hospitals and hospital ships, active duty Navy and Marine Corps officers shall pay for the charges through a payroll checkage instituted by the hospital command with actual collection being made at the Bureau level.

(b) *All other members.* No charges shall be collected locally from the other members of the uniformed services on active duty. Reimbursement to Bureau of Medicine and Surgery (BUMED) managed activities for the average cost of rations furnished to enlisted Navy and Marine Corps members shall be effected in accordance with instructions contained in the Financial Management Handbook (NAVMED P–5020). For activities not under the management of BUMED, reimbursement shall be effected in accordance with instructions contained in the Navy Comptroller (NAVCOMPT) Manual.

Subpart C—Members of the Reserve Components, Reserve Officers Training Corps, and Navy and Marine Corps Officer Candidate Programs

§ 728.21 Reserve components of the Armed Forces.

The reserve components are the Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve (10 U.S.C. 261).

§ 728.22 Members of the Navy and Marine Corps reserve components, and the Fleet Reserve and Fleet Marine Corps Reserve.

(a) *Authority.* Under the provisions of 10 U.S.C. 6148, members of the Naval Reserve, the Fleet Reserve, the Marine Corps Reserve, and the Fleet Marine Corps Reserve are eligible for certain medical benefits for an injury or disease incurred in the line of duty.

(b) *Injury incurred in line of duty.* A member of the Naval Reserve, the Fleet Reserve, the Marine Corps Reserve, or the Fleet Marine Corps Reserve who is ordered to active duty (including active duty for training), or to perform inactive-duty training, for any period of time, and is disabled in line of duty from injury while so employed, is entitled to the same hospital benefits as are provided by law or regulation in the case of a member of the Regular Navy or the Regular Marine Corps. For the purpose of these benefits, a member who is not in a pay status shall be treated as though he were receiving the pay and allowances to which he would be entitled if serving on active duty.

(c) *Disease incurred in line of duty while on active duty.* A member of the Naval Reserve, the Fleet Reserve, the Marine Corps Reserve, or the Fleet Marine Corps Reserve who is ordered to active duty (including active duty for training) for a period of more than 30 days, and is disabled in line of duty from disease while so employed, is entitled to the same hospital benefits as are provided by law or regulation in the case of a member of the Regular Navy or the Regular Marine Corps.

Exception: A member of the Naval Reserve or the Marine Corps Reserve who is ordered to perform involuntary active duty for training under the provisions of 10 U.S.C. 270 is only eligible for the limited medical benefits described in paragraph (d) of this section, following termination of the training duty period.

(d) *Illness or disease contracted in line of duty in peacetime.* A member of the Naval Reserve or the Marine Corps Reserve who, in time of peace, becomes ill or contracts disease in line of duty while on active duty (including active duty for training) or performing inactive-duty training is entitled to receive medical, hospital, and other treatment appropriate for that illness or disease. The treatment shall be continued until the disability resulting from the illness or disease cannot be materially improved by further treatment. Such member is also entitled to necessary transportation and subsistence incident to treatment and return to his home upon discharge from treatment. The treatment may not extend beyond 10 weeks after the member is released from active duty, except:

(1) Upon an approved recommendation of a board of medical survey consisting of one or more officers in the Medical Corps, or

(2) upon authorization of the Surgeon General, based on the certificate of a reputable physician that the illness or disease is a continuation of the illness or disease for which the member was initially treated and that benefit will result from further treatment.

(e) *En route to or from active duty.* A member of the Naval Reserve or Marine Corps Reserve is authorized medical care for an injury or disease incurred while en route to or from active duty or active duty for training, but not while en route to or from inactive-duty training.

(f) *Injury or disease not in line of duty.* A member of the Naval Reserve or the Marine Corps Reserve is not entitled to medical care either before or after the training period for an injury or disease not incurred in the line of duty. Charges for care for such an injury rendered after expiration of the training period shall be at the general reimbursement rate and shall be collected from the member locally.

(g) *Review cases.* A member of the Naval Reserve or the Marine Corps Reserve who has been released to inactive duty and whose case is being reviewed by the Naval Physical Disability Review Board may be admitted to a naval hospital for diagnosis upon request of the senior member or the president of the Board.

(h) *Nonnaval medical care.* BUMED Instruction 6320.32 series, deals with eligibility of members of Navy and Marine Reserve components to medical care at other than naval medical facilities.[1]

(i) *Charges and collections.* Officers in a pay status shall be charged the value of a hospital ration or subsistence, and the amount collected locally. For members not entitled to hospitalization at Government expense, the general rate shall be charged and collected locally. Reimbursement to BUMED managed activities for the average cost of ration furnished to enlisted men shall be effected in accordance with instructions contained in the Financial Management Handbook (NAVMED P–5020). For activities not under the management of BUMED, reimbursement shall be effected in accordance with instructions contained in NAVCOMPT Manual.

§ 728.23 Members of the Army and Air Force Reserve components.

(a) *Authority.* Members of the reserve components of the Army and Air Force are entitled to medical benefits for injuries or disease incurred in line of duty under provisions of 10 U.S.C. 3721–3722 and 8721–8722.

(b) *On active duty for training.* Members of the Army and Air Force Reserve and the National Guard are entitled to the same medical care as members of the Regular components when they are injured or incur disease in line of duty while on active duty for training. They may be provided necessary hospitalization, rehospitalization, and medical and surgical care appropriate for the treatment of the injury or disease until the resulting disability cannot be materially improved. Transportation incident to hospitalization is also authorized. (Medical care is authorized for injury or disease contracted while en route to or from active duty for training.)

(c) *On inactive duty for training.* Members of the Army and Air Force Reserve and the National Guard injured in line of duty while on inactive duty training, such as training assemblies or flights in Government owned aircraft under proper authority and incident to training, are entitled to medical care for such injury until the resulting disability cannot be materially improved. Medical care is not authorized for injuries incurred while en route to or from inactive duty training or for disease contracted while on, or en route to or from, inactive duty training.

(d) *Injuries or disease incurred not in line of duty.* Members of the Army and Air Force Reserve and the National Guard are not entitled to medical care beyond the training period for injuries or disease incurred not in line of duty. Charges for care rendered after expiration of the training period shall be at the general reimbursement rate and shall be collected from the individual locally. The patient shall be notified of change of status prior to termination of the training period.

(1) *Doubtful line of duty cases.* In doubtful line of duty cases, the commanding officer shall immediately request a line of duty status determination before the end of the training period. Should a recommended in-line-of-duty determination be made at the local level, medical care may be furnished after date of expiration of active duty. If this recommended in-line-of-duty determination should be reversed by the final approval authority, the individual concerned may be furnished care without charge (except for subsistence in the case of officers in a pay status) from the date of expiration of active duty to the date of notification to the individual of the final line of duty determination. Medical care received subsequent to the individual's notification is not authorized and the charges therefor shall be collected locally.

(e) *Admission.* Except in emergencies, a written authorization from the appropriate commander shall be required before the admission to naval medical facilities of members of the Army and Air Force Reserve and the National Guard who are serving on active duty for training or inactive duty training. In an emergency admission, appropriate authorization shall be obtained as soon

[1] BUMED Instruction 6320.32 will be issued in the near future and is intended to be republished in the FEDERAL REGISTER. Until then, regulations on the subject of medical care from nonnaval sources may be found in the Manual of the Medical Department, Chapter 20, and BUMED Instruction 6320.26.

as possible. The authorization shall include the full name, service number, grade, and organization of the patient; the type and period of duty in which engaged; diagnosis (if known); and include a statement that the disability was or was not incurred in the line of duty, and that the patient is, or is not, entitled to medical care.

(f) *Hospitalization beyond training period.* Members of the Army and Air Force Reserve and National Guard shall be transferred to an Army or Air Force medical facility, as appropriate, when it is determined that they will need hospitalization after their training duty period ends. The transfer should be made as soon as the patient's condition permits.

(g) *Charges and collections.* Officers in a pay status shall be charged the value of a hospital ration or subsistence, and the amount collected locally. For all other categories, no charges shall be collected locally. For members not entitled to hospitalization at Government expense, the general rate shall be charged and collected locally.

§ 728.24 Members of the Coast Guard reserve component.

(a) *Authority.* 14 U.S.C. 755(c) provides that members of the Coast Guard Reserve who suffer sickness, disease, or injury are entitled to the benefits as prescribed for members of the Naval Reserve who suffer sickness, disease, or injury under similar conditions. Accordingly, medical care as authorized in § 728.22 will be applicable in case of members of the Coast Guard Reserve.

(b) *Admission.* Members of the Coast Guard Reserve may be admitted to naval medical facilities upon written authorization of an appropriate Coast Guard authority or Public Health Service medical officer in the same manner as members of the Regular Coast Guard.

(c) *Charges and collections.* Officers in a pay status shall be charged the value of a hospital ration or subsistence, and the amount shall be collected locally. For all other categories of Coast Guard Reserve patients, no charges shall be collected locally. For members not entitled to hospitalization at Government expense, the general rate shall be charged and collected locally.

§ 728.25 Members of the Reserve Officers Training Corps (ROTC).

(a) *Authority.* Pursuant to the provisions of 10 U.S.C. 4385, 6901, and 9385, members of the Reserve Officers Training Corps of the Army, Navy, and Air Force are entitled to medical care as indicated in this section.

(b) *Scope of care authorized.* Hospitalization, medical and surgical care, and necessary transportation incident to that hospitalization, medical or surgical care, are authorized for members of the ROTC who:

(1) Suffer an injury while engaged in flight instruction.

(2) Suffer an injury or disease while attending a training camp or training cruise.

(3) Suffer an injury while performing authorized travel to or from a training camp or training cruise.

(c) *Members of Army and Air Force ROTC.* Hospitalization furnished members of the ROTC of the Army or Air Force will be subject to reimbursement by the appropriate Department.

(d) *Medical care beyond the training period.* Medical care may not be provided members of the NROTC at Department of the Navy expense beyond the training period specified in orders.

(e) *Beneficiary of Bureau of Employees' Compensation (5 U.S.C. 802).* (1) Members of the ROTC who are injured in line of duty while engaged in training or travel described in paragraph (b) (1), (2), or (3) of this section, and who require medical care beyond the period of training specified in orders, will be reported to the Bureau of Employees' Compensation as potential beneficiaries of that Bureau.

(2) For the purpose of this section, members of the ROTC who contract a disease or illness which is the proximate result of the performance of training indicated in paragraph (b)(2) of this section shall be considered to have been injured in line of duty during that period.

(f) *Forms required.* When it is determined that an ROTC member who has been admitted to a medical facility for an injury, disease, or illness incurred in the line of duty requires care beyond period of attendance specified in his training orders, the commanding officer shall insure that a Form CA–16 (Request for Treatment of Injury Under the United States Employees' Compensation Act) or Form CA–17 (Request for Treatment of Injury Under the United States Employees' Compensation Act When Cause of Injury Is in Doubt), as appropriate, is submitted to the hospital by the patient's commanding officer. In such cases, the ROTC member shall be handled and reported as a beneficiary of the Bureau of Employees' Compensation.

(g) *Care in not-in-line-of-duty cases.* A member of the ROTC may be provided medical care in naval medical facilities, during the period while in attendance at training course or cruise, for an injury, disease, or illness contracted not in line of duty. Hospitalization after termination of the training period is not authorized at Government expense. The general reimbursement rate shall apply from the first day following the end of the training period and shall be collected locally from the patient. The patient shall be notified of change of status before termination of training period.

(h) *Not applicable.* The provisions of this section do not apply to members of the NROTC who hold an appointment as a midshipman in the Naval Reserve (Regular students) (see § 728.26).

(i) *While not performing training duty.* Members of the ROTC are not authorized medical care at Government expense while in attendance at colleges, universities, or other institutions. However, they are authorized to receive physical examinations prior to reporting for active duty for training or when requested by proper authority, and immunizations prior to reporting for active duty for training.

(j) *Charges and collections.* When authorized at the expense of the member's military service, no charges or collections shall be made locally. Reimbursement to BUMED managed activities for the average cost of rations furnished naval members shall be accomplished in accordance with instructions contained in the Financial Management Handbook (NAVMED P-5020). When authorized as a beneficiary of the Bureau of Employees' Compensation, charges at the interagency rate shall be made and collected by continental naval hospitals. Overseas naval hospitals shall make no charges or collections locally. For activities not under the management of BUMED, reimbursement shall be effected in accordance with instructions contained in NAVCOMPT Manual.

§ 728.26 Members of Navy and Marine Corps officer candidate programs.

Members of the Naval Reserve Officers Training Corps who are appointed midshipmen in the Naval Reserve (Regular students), members of the Reserve Officer Candidate Program, and the Platoon Leaders Class are entitled to the same medical care and hospital benefits as provided by law or regulation in case of members of the Navy and Marine Corps reserve components. Accordingly, provisions of § 728.22 shall apply for members of Navy and Marine Corps officer candidate programs.

§ 728.27 Navy and Marine Corps officer candidates; special physical examination.

Admission to naval medical facilities of candidates for, or individuals enrolled in, the Naval Reserve Officers Training Corps, the Platoon Leaders Class, Women Officers' Training Class, or the Naval Reserve Officer Candidates program who are not on active duty, is authorized for the purpose of conducting special physical examination procedures which have been requested by the Bureau to determine their physical fitness for appointment to, or continuation in, such a program. Upon a request from the individual's commanding officer or the officer in charge of the cognizant Navy or Marine Corps recruiting station or officer selection officer, naval medical facilities are authorized to admit persons in this category, when in the cognizant officer's opinion, hospitalization is deemed necessary for special physical examinations. Hospitalization should be kept to a minimum. Treatment other than for humanitarian reasons, unless otherwise provided for in this part, is not authorized.

§ 728.28 Inactive reserve commissioned officers of the Public Health Service; physical examination.

U.S. naval hospitals in the United States are authorized to conduct physical examinations of and administer immunizations to inactive Reserve commissioned officers of the Public Health Service upon presentation of written authorization from the U.S. Public Health Service. The authorization shall indicate the scope of the examination and immunizations required and the complete mailing address to which the completed report thereof is to be submitted. The examination and immunizations

shall be given on an outpatient basis and consist of (a) a general physical examination reported on Standard Forms 88 and 89, to include X-ray, urinalysis (routine and microscopic), serological test for syphilis, hematocrit or hemoglobin, and red blood count, and (b) immunizations as necessary.

Subpart D—Retired Members of the Uniformed Services

§ 728.31 Authority.

Medical care is authorized for retired members of the uniformed services by 10 U.S.C. 1074(b) and by § 70.8 of this title.

§ 728.32 Retired member of a uniformed service defined.

(a) *Inclusion.* A retired member of a uniformed service is defined to include:

(1) A member or former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay as a result of active duty in a uniformed service.

(2) A retired member of a Reserve component of the uniformed services who is entitled to retired pay from a uniformed service on attaining 60 years of age and who has completed 20 or more years of creditable service as set forth in 10 U.S.C. 1332, provided that he has served 8 or more years in a uniformed service on active duty other than for training.

(3) A member of a Reserve component of the uniformed services who is entitled to disability retired pay regardless of the period of active duty served.

(b) *Exclusion.* A retired member of a Reserve component of a uniformed service, who is entitled to retired pay by reason of years of satisfactory Federal service and who has not served on active duty for 8 years other than for training duty, is not eligible for medical care in medical facilities of the uniformed services under the provisions of 10 U.S.C. 1074(b).

§ 728.33 Scope of medical care authorized.

Retired members of the uniformed services (as defined in § 728.32(a)) are entitled to required medical care and adjuncts thereto to the same extent as provided for active duty members in medical facilities of the uniformed services, subject to mission requirements and the availability of space and facilities and the capabilities of the medical staff as determined by the cognizant medical authority in charge of the medical facility. Nothing in this section is intended to change or modify the provisions of Executive Order 10122 of April 14, 1950 (3 CFR 1949–53 Comp., p. 313), as amended by Executive Order 10400 of September 27, 1952 (3 CFR 1949–53 Comp. p. 900).

§ 728.34 Application for medical care.

Retired members of the uniformed services may, upon request and presentation of valid identification, receive medical care and adjuncts thereto at naval medical facilities subject to provisions of §§ 728.33 and 728.35.

§ 728.35 Members retired for physical disability.

(a) *Chronic diseases.* All duties, powers, and functions incident to the hospitalization of retired members placed on the temporary disability retired list, or permanently retired for physical disability, or receiving disability retirement pay, who require hospitalization for chronic diseases, are vested in the Administrator of Veterans' Affairs. Such members may not be hospitalized in naval medical facilities, except:

(1) When hospitalization is authorized by the Veterans' Administration; or

(2) When such members have completed 20 or more years of active duty and elect not to receive hospitalization in Veterans' Administration facilities for chronic diseases other than blindness, neuropsychiatric or psychiatric disorders and tuberculosis, and are acceptable medically to the commanding officer of the naval medical facility.

(b) *Definition.* For the purpose of this section "chronic diseases" shall include chronic arthritis, malignancy, poliomyelitis with disability residuals, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees, psychiatric or neuropsychiatric disorders, neurological disabilities, degenerative diseases of the nervous system, and severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics.

(c) *Scope.* This section shall not be considered to affect eligibility for hospitalization for conditions not defined as chronic diseases nor for outpatient treatment regardless of the nature of the illness for which treatment is required.

(d) *Temporary disability retired list.* Retired members placed on the temporary disability retired list who require hospitalization in connection with the conduct of periodic physical examinations may be admitted to naval medical facilities.

(e) *Emergency officers' retired list.* Persons placed upon the emergency officers' retired list who are receiving retired pay shall be eligible for hospitalization privileges provided by law or regulation for officers of the Regular Navy who have been retired for physical disability. Other persons placed upon the emergency officers' retired list without retired pay and entitled only to compensation pursuant to law or regulation of the Veterans' Administration may be admitted only as a beneficiary of that agency.

§ 728.36 Medications for retired members.

The provisions of § 728.43 shall apply in furnishing medications to retired members.

§ 728.37 Charges and collections.

(a) *Retired members.* Retired officers, drawing retired or retainer pay or equivalent pay as a result of active duty in a uniformed service, shall be charged the value of a hospital ration or subsistence. Charges shall be collected locally from the officer. No local charges or collections shall be made for enlisted retired members.

(b) *Reimbursement for cost of ration.* Reimbursement to BUMED managed activities for the average cost of rations furnished enlisted naval members shall be accomplished in accordance with instructions contained in the Financial Management Handbook. For activities not under the management of BUMED, reimbursement shall be effected in accordance with instructions contained in NAVCOMPT Manual.

Subpart E—Dependents of Uniformed Services

§ 728.41 General.

(a) *Eligible dependents.* The Dependents' Medical Care Act (10 U.S.C. 1071–1085) authorizes certain medical care to be provided eligible dependents of members and retired members of the uniformed services, and dependents of persons who died while a member or retired member of a uniformed service.

(b) *Joint uniformed services regulations.* The medical service policies and procedures for administering the medical care program for dependents are promulgated by joint uniformed services regulations. Reference shall be made to these regulations (SECNAVINST 6320.8 series, see §§ 577.60 through 577.68 of this title) for information and guidance with respect to the following:

(1) Definition of terms peculiar to dependent medical care program.

(2) Determination of eligibility and authorization for admission of dependents.

(3) Determination of source from which dependents are to receive medical care.

(4) Administration of medical care for dependents at medical facilities of the uniformed services.

(5) Administration of medical care obtained from civilian sources for spouses and children of active duty members of the uniformed services.

(6) Administration of medical care not otherwise provided for.

(c) *Fiscal aspects.* The policies and procedures for guidance of naval activities with respect to fiscal aspects of medical care for dependents of the uniformed services are promulgated by SECNAVINST 6320.9 series (see §§ 577.80 through 577.84 of this title) and BUMEDINST 6322.6 series.

§ 728.42 Medical care at naval medical facilities.

(a) *Care for eligible dependents.* Upon request, and presentation of valid DD Form 1173 (Uniformed Services Identification and Privilege Card), authorized medical care shall be provided for eligible dependents of members and retired members of the uniformed services and dependents of eligible persons who died while a member or retired member of a uniformed service at U.S. naval fixed medical treatment facilities designated by the Bureau of Medicine and Surgery to provide inpatient and outpatient medical care for dependents. Normally, medical care shall be limited to those dependents residing in the areas which

the facilities have been designated to serve.

(b) *Outpatient.* Except in cases of emergency, or as otherwise indicated by distance traveled or other extenuating circumstances, outpatient medical care for dependents is to be routinely available only during the regular working hours of the facility.

§ 728.43 Medical services not otherwise provided.

(a) *Prescriptions.* Prescriptions written by civilian physicians (non-Navy-employed) for dependents who present a valid DD Form 1173 (Uniformed Services Identification and Privilege Card) may be filled if:

(1) The commanding officer determines that pharmacy personnel and funds are available.

(2) The items are routinely stocked.

(3) The amounts are reasonable and correct as to dosage.

(4) Narcotics are not included. (Articles 3–31 and 3–33, Manual of the Medical Department, deal with prescribing and dispensing drugs.)

(b) *Medications.* Medications shall not be furnished by mail to retired personnel or dependents unless they are directly under the care of a naval physician. Such medications shall be limited to those regularly stocked, in reasonable amounts, correct as to dosage, and shall not include narcotics.

(c) *Therapeutic measures.* X-ray, laboratory, physical therapy, and other ambulatory diagnostic or therapeutic measures for eligible dependents requested by non-Navy-employed civilian physicians may be provided upon approval of the commanding officer or department heads designated by him, if the rendering of such services is subordinated to and does not unduly interfere with providing adequate inpatient and outpatient care to active duty personnel and other persons eligible to receive care at naval medical facilities.

(d) *Guard against excessive demands.* All activities shall guard against excessive demands for the privileges extended by paragraphs (a) through (c) of this section.

§ 728.44 Maternity cases.

The per diem charge for a maternity-case dependent shall include the mother and the newborn infant until the mother is allowed to leave the medical facility. If further hospitalization of the infant is required, the per diem charge shall continue for the infant. For purposes of computing per diem charge, a multiple birth shall be considered as one birth. The same per diem charge shall apply whenever an infant under 1 year of age is hospitalized, such charge to include the mother if she is required by the activity to remain with the infant. If the mother is hospitalized, and of necessity an infant under 1 year of age accompanies or remains with her, the per diem charge for the mother shall also include such infant. For a child 1 year of age or over, the per diem charge shall be in addition to the charge for the mother. A Standard Form 535, Newborn Record, shall be prepared. The infant shall be taken up in the Register of Patients as indicated in article 23–222, Manual of the Medical Department.

§ 728.45 Charges and collections.

Eligible dependents of active duty and retired members of the uniformed services, and dependents of persons who died while on active duty or in a retired status of the uniformed services shall be charged the dependent's rate. Charges shall be collected locally.

Subpart F—Members of Foreign Military Services and Their Dependents

§ 728.51 Medical care authorized in the United States.

(a) *Furnishing of medical care.* Members of foreign military services on active duty in the United States may be furnished medical care at naval medical facilities as authorized in this subpart and subject to the provisions of Subpart A of this part. In general, the policies of this subpart shall govern the furnishing of medical care to members of foreign military services on duty in the United States.

(b) *Inpatient care.* Inpatient care shall be limited to those cases which will benefit from definitive hospital care within a reasonable period of time. When a patient is found to require hospitalization in excess of 90 days, or his condition indicates that he should be transferred to a hospital within his own nation, or to a private institution, a notification shall be submitted promptly to the Bureau of Medicine and Surgery, giving full identification of patient, diagnosis, prognosis, estimated period of hospitalization, and recommended disposition. The Bureau will arrange appropriate disposition. Hospitalization generally shall not be granted to members of foreign military services who require prolonged hospitalization for chronic conditions, hospitalization for nervous or mental disorders, or domiciliary care, except in an emergency to preserve life or prevent suffering.

(c) *Adjuncts.* Prosthetic devices, hearing aids, orthopedic footwear and similar adjuncts are not authorized for members of foreign military services. Spectacles may be furnished when required to enable the member to perform his assigned duties and the spectacles are not available through civilian sources.

§ 728.52 Members of foreign military services assigned to NATO and their dependents.

(a) *General.* This section applies to medical care and treatment authorized for foreign personnel assigned to full-time duty with the North Atlantic Treaty Organization in the United States.

(b) *Authority.* By agreement signed in London June 19, 1951, regarding the status of their forces (TIAS 2846, 4 UST 1792), the parties to the North Atlantic Treaty of 1949 have pledged among other things that members of a force or a civilian component (and their dependents) may receive medical and dental care, including hospitalization, under the same conditions as comparable personnel of the receiving state.

(c) *Member countries.* Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Turkey, United Kingdom, and the United States.

(d) *Medical care—(1) Members of foreign military services (NATO).* These personnel will be provided medical and surgical treatment and hospitalization at naval medical facilities, comparable to that provided members of the naval service.

(2) *Dependents of members of foreign military service (NATO).* These dependents are eligible to receive outpatient and inpatient care at naval medical facilities comparable to that authorized for dependents of the uniformed services. Medical care for dependents will be subject to the provisions of Subpart A of this part. Dependents shall not be furnished hospitalization for chronic diseases, nervous or mental disorders, elective medical or surgical care, or domiciliary care.

(3) *Civilian components (employees of foreign military services).* These persons may be provided immediate and ambulatory outpatient care for injuries and illness incurred in the performance of and proximately caused by the employment and for nonoccupational illness and injuries where facilities permit, to the extent that it will aid the individual to remain on the job.

(e) *Dental care—(1) Members of foreign military services (NATO).* Eligible personnel may receive dental care at any naval activity having a dental facility. Orthodontic treatment is not authorized nor is prosthetic treatment unless it is required to restore an extensive loss of masticatory function or to restore anterior teeth when lost incident to active service.

(2) *Dependents of members of foreign military services—within United States, not in a designated remote area.* These dependents may be provided dental care at designated naval medical activities only as an adjunct to inpatient care. This care is limited to injuries such as fractures of the jaw and treatment of acute infections. Routine operative care, fixed or removable prosthodontic restorations, or orthodontic treatment are not to be construed as adjunctive to medical or surgical treatment. At other naval activities, dependents may receive only such emergency dental treatment as demanded by the laws of humanity.

(3) *Dependents of members of foreign military services—at designated remote areas within United States.* At designated remote areas within the United States where adequate civilian dental facilities are not available, routine dental care is authorized. Routine dental care includes general operative, surgical, and prosthodontic treatment which active duty members of the uniformed services are furnished. Determinations made by the senior dental officer of the uniformed service dental facility, or his designee, as to the professional aspects of providing necessary dental care within the availability and capability of the dental staff shall be conclusive. Determinations as to the availability of space and facilities, or lack of them, for dependent dental care, shall be made by the senior dental officer of the dental facility with the approval of the installation commander whose personnel are served by the dental facility concerned.

(4) *Civilian components (employees).* These persons may be provided emergency dental care for injuries incurred in the performance of duties, when such treatment is necessary and demanded by the laws of humanity, and when such treatment is available and practicable.

(f) *Disposition.* When it is found necessary to return individuals to their home country for medical reasons, immediate notification shall be made to the NATO unit sponsoring the patient. The notification is to include pertinent information regarding the physical condition of the individual concerned.

(g) *Charges and collections.* Charges for subsistence shall be collected locally from officer personnel at the established hospital ration rate. No reimbursement shall be required for periods when such officers are authorized to "subsist out" or while in an authorized "leave" status. No collections shall be made locally from enlisted personnel. Charges for inpatient medical care provided dependents of military personnel shall be collected locally at the established dependent rate. No charges shall be made locally for care provided civilian components (employees) covered by this part. Charges and collections for hospitalization and/or subsistence shall be made and reported in accordance with current instructions applicable at the time care was provided.

§ 728.53 Members of Canadian armed forces other than NATO and their dependents.

(a) *Authority.* This section is based on Department of Defense Directive 6310.5 of March 5, 1956, dealing with medical and dental care for Canadian military personnel and their dependents.

(b) *Policy* Members of the armed forces of the Dominion of Canada who are assigned to duty within the United States, or on an authorized pass or official leave of absence from such duty station in the United States, will be provided medical and dental care by the Navy only in its medical and dental treatment facilities in the United States. Dependents of Canadian armed forces members who are living with their sponsors in the United States during the period of such assignment will likewise be provided medical and dental care. Eligible members of the Canadian armed forces and their dependents shall receive inpatient and outpatient medical and dental care in naval medical and dental facilities comparable in all respects to that which is authorized generally, or in a specific locality, for active duty members of the Navy and Marine Corps and their dependents.

(c) *Application.* Members of the Canadian armed forces and their dependents will be provided medical and dental care upon request of the member's commanding officer or consular official or application of the member or dependent upon presentation of proper identification.

(d) *Notification.* When a member of the Canadian armed forces is admitted to or discharged from a naval medical facility in the United States, the commanding officer of the facility will, at the earliest practicable date, furnish appropriate notification directly to the Canadian Joint Staff, 2450 Massachusetts Avenue, NW., Washington 25, D.C. This notification will be in the form of copies of extracts of admission and disposition reports, or lists, as may be routinely prepared.

(e) *Charges and collections.* Canadian military personnel shall be charged the value of a hospital ration or only for subsistence incident to inpatient medical and dental care received in a Navy medical or dental facility in the United States. Charges shall be collected locally from all Canadian military personnel (officers and enlisted) at the subsistence rate current at the time of hospitalization. Charges for inpatient medical and dental care furnished dependents of Canadian military personnel shall be collected locally at the established dependent's rate current at the time of hospitalization. All local collections shall be credited to the appropriation that funds the operation of the activity, as applicable. No charge shall be made or reported for outpatient medical or dental care covered by this part. Prompt payment of authorized charges for subsistence and treatment obtained is the personal responsibility of the Canadian military member concerned.

§ 728.54 Foreign Military Assistance Program trainees.

(a) *Authority.* 22 U.S.C. 1750 et seq., followed by Public Law 87–195 (75 Stat. 424–434), and Office of the Chief of Naval Operations (OPNAV) Instruction 4950 series.

(b) *General policy.* Foreign Military Assistance Program trainees who have been selected by their country for training are presumed to be in good physical and mental health, as well as being free from communicable diseases as a prerequisite to selection. If, upon arrival, it is discovered that a trainee cannot qualify for training for reasons of physical and/or mental condition, and will require more than a small amount of treatment before entering training, a trainee shall be returned to his country immediately, or as soon thereafter as his condition will permit travel.

(c) *Hospitalization.* When a trainee requires hospitalization, or is disabled after starting a course of instruction, he shall be returned to his home country as soon as practicable when, in the opinion of the commanding officer of the naval medical facility, the hospitalization or disability will prevent the training for a period in excess of 30 days.

(d) *Surgical operations.* The overall policy in reference to elective and definitive surgery in case of foreign trainees is that conservatism should at all times prevail, except in the case of bona fide emergency situations which might threaten the life or health of certain trainees. Elective surgical operations are not authorized, except when permission is granted by the Chief of Naval Operations.

(e) *Notification.* The commanding officer of the naval medical facility shall notify the Chief of Naval Operations (OP–63) with information to the cognizant Chief, Navy Section Military Assistance Advisory Group (MAAG), BUMED, BUSANDA, and the cognizant bureau or office, when it becomes necessary to return a foreign trainee, who is hospitalized, to his home country. The notification shall include all pertinent information concerning the trainee's physical or mental condition, and a prognosis if the case is complicated.

(f) *Charges and collections.* Officers shall be charged the value of a hospital ration and collection made locally. No charges or collections are to be made from enlisted members.

§ 728.55 Members of other foreign military services.

(a) *Medical care upon request.* Members of foreign military services, not included in §§ 728.52 through 728.54, who are on active duty with a foreign military unit or organization within the United States may be provided inpatient and outpatient care at naval medical facilities upon request of the member's commanding officer or consular representative. Members of foreign military services within the United States include:

(1) Foreign military personnel in the attaché system carried on the current "Diplomatic List" (Blue) and foreign military personnel carried and designated as military personnel on the list of Employees in the Embassies and Legations in Washington not printed in the "Diplomatic List" (White), published by the Department of State. Those members appearing on the "Blue List" include the military and naval attachés and their assistant attachés who are accredited to this country. The members appearing on the "White List" include all other military members attached to the particular diplomatic staff.

(2) Foreign military personnel assigned or attached to United States military units for duty or training; foreign military personnel on foreign government military or supply missions accredited to and recognized by one of the military departments; foreign military personnel on duty in the United States at the invitation of the Secretary of Defense or one of the military departments. This category shall not include a MAP trainee.

(3) Foreign military personnel accredited to joint United States defense boards or commissions when stationed in the United States.

(4) Foreign military personnel covered in agreements entered into by the Secretary of Defense, Secretary of State, or one of the military departments to include, but not limited to, United Nations forces personnel of foreign governments.

(b) *Availability.* Medical care may be furnished to these members of foreign military services to the extent facilities are available and subject to the provisions of § 728.51.

(c) *Charges and collections.* Officers shall be charged the value of a hospital ration and collection made locally. No charges or collections shall be made from enlisted members.

§ 728.56 Dependents of members of foreign military services other than NATO and Canadian personnel.

(a) *Policy.* Dependents of a member of foreign military service on duty in the United States, who himself is entitled to medical care, when residing with their sponsor in the United States during the period of such assignment, are eligible for admission and treatment in naval medical facilities under the same terms, rates, and conditions as apply to dependents of members of U.S. uniformed services; provided that necessary care is not available from facilities supported by the foreign government and provided further that precedence for admission of such dependents is after that accorded U.S. uniformed services dependents at the admitting medical facility.

(b) *Charges and collections.* Charge for hospitalization shall be at the dependent rate and collected locally. Dependents shall not be classified or reclassified as indigent without prior approval of the management bureau. Any account presenting collection difficulty shall be referred promptly to the management bureau in detail and shall not be reported uncollectible until so directed.

§ 728.57 Medical care authorized outside the United States.

(a) *Outside United States.* Major overseas commanders may authorize treatment to members of friendly foreign military services in naval medical facilities outside the United States when adequate facilities are available and when the necessary medical care cannot be obtained by the member in medical facilities of his own country.

(b) *Transfer for treatment at naval medical facilities in the United States.* (1) Members of foreign military service shall not be transferred to the United States solely for the purpose of obtaining medical care at naval medical facilities. Consideration may be given, however, to cases in special and unusual circumstances pursuant to the laws of humanity or principles of international courtesy.

(2) Treatment at naval medical facilities in the United States of members of foreign military services located outside the United States requires approval of the Secretary of the Navy. Naval commands, therefore, shall not commit the Navy by a promise of treatment at naval medical facilities in the United States of foreign military personnel located outside the United States.

(3) Approval generally will not be granted for treatment of members of foreign military services who suffer from incurable afflictions, who require excessive nursing and custodial care, or those who have adequate facilities in their own country.

(4) When a request is received concerning a member of a foreign military service located outside the United States, for treatment at a naval medical facility in the United States, the following procedures shall apply.

(i) The request will be forwarded to the Chief of Naval Operations for administrative processing.

(ii) The request shall include: (*a*) Full name and grade of the service member, (*b*) the country of which a citizen; (*c*) results of coordination with the chief of the diplomatic mission to the country involved; (*d*) medical report giving the history, diagnosis, clinical findings, results of diagnostic tests and procedures and all other pertinent medical information; (*e*) availability of professional skills and adequacy of facilities for treatment in the member's country; and (*f*) who will assume financial responsibility for costs of hospitalization and travel.

(5) The Chief of Naval Operations will obtain appropriate State Department clearance and guidance, and advise the Secretary of the Navy accordingly. The Chief, Bureau of Medicine and Surgery, will furnish the Chief of Naval Operations information and recommendations relative to the medical aspects of the case and the U.S. naval hospital having the capabilities to provide the required care. In event of approval, the Chief of Naval Operations will furnish the commanding officer of the naval hospital written authorization for admission of the member for treatment.

(c) *Charges and collections.* Officers shall be charged the value of a hospital ration and collection made locally. No charges or collections shall be made from enlisted members.

Subpart G—Beneficiaries of Other Federal Agencies

§ 728.61 Beneficiaries of the Veterans' Administration.

(a) *Bed allocation.* Designated naval hospitals have beds allocated for Veterans' Administration patients. The VA office of jurisdiction of the area in which the hospital is located will effect use of these beds. The number of beds set apart for VA patients may be exceeded during any month with the approval of the commanding officer of the hospital, provided that use thereof be correspondingly reduced in other months so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

(b) *Authorization.* A VA beneficiary may be admitted to a naval hospital having beds allocated for VA patients on the presentation of a written authorization for admission from the VA office of jurisdiction. (Only in a bona fide medical emergency will an admission be authorized to a naval medical facility not having beds allocated for VA patients.) In general, only medical and surgical cases requiring hospital treatment will be admitted. Neurological and certain neuropsychiatric cases without obvious evidence of psychosis and not requiring restraint may be admitted for diagnosis. Cases of suspected tuberculosis may be admitted for diagnosis. When diagnosed, cases of psychosis, psychoneurosis, and tuberculosis of present clinical significance shall be reported to the VA office of jurisdiction with the request for prompt transfer to a VA facility.

(c) *Medical care.* A VA beneficiary admitted for inpatient treatment may be furnished complete medical and surgical care. Elective medical or surgical care is not authorized. Prostheses such as eyes or limbs and appliances such as hearing aids, spectacles, or orthopedic footwear may be furnished when required for the proper treatment of the patient. When a prosthesis or appliance is furnished a VA beneficiary receiving inpatient care in a naval hospital, no additional charge for such items is to be made since the reimbursement rate covers costs of all medical and surgical care and adjuncts to medical care in treatment of VA patients.

(d) *Emergency admissions.* A VA beneficiary presenting a bona fide medical emergency, other than a psychotic condition, may be admitted to a naval medical facility in the United States on his own application and the presentation of satisfactory evidence of eligibility, such as evidence of receipt of VA compensation or discharge for a service-connected disability. In an emergency admission, the commanding officer of the naval medical facility shall notify the appropriate VA office of jurisdiction by message or other expeditious means within 72 hours after the date and hour of admission and shall request authorization for the admission and emergency treatment. In case the VA office of jurisdiction does not authorize the emergency admission and care, or in the case VA authorization is not received while the beneficiary is an inpatient, the patient shall be personally responsible for payment of the charges for his hospitalization at the general reimbursement rate. Collection shall be effected locally.

(e) *Disposition of emergency admissions.* A VA beneficiary admitted in an emergency shall be discharged promptly upon termination of the emergency, unless arrangements have been made with the VA office of jurisdiction:

(1) For transfer to a VA hospital if further hospitalization is required; or

(2) To retain him as a VA beneficiary chargeable against a bed allocated to the VA.

(f) *Case number.* Each VA beneficiary upon admission shall be assigned a case number from the Register of Patients, NAVMED–39. The case number should appear on all records of the patient. Each VA beneficiary admitted shall be required to conform to regulations governing the internal administration of the naval hospital. Restrictive or punitive measures and assignment to work details shall conform as nearly as possible to VA instructions.

(g) *Resolution of problems.* All problems pertaining to a VA beneficiary, including admission, medical or other records, and correspondence shall be matters of resolution between the commanding officer of the naval hospital and the VA office of jurisdiction authorizing admission. Questions of policy and administration which cannot be so resolved shall be forwarded to the Administrator of Veterans Affairs via the Bureau for resolution.

(h) *Outpatient examinations.* Certain naval hospitals may be designated by the Bureau to provide outpatient examinations, required in the adjudication of claims for disability compensation. Such examinations shall be performed only when properly authorized by the VA. When the examination requires more than 1 day, the claimant shall be admitted as an inpatient from the beginning of the examination. The proper VA authorization for such admission shall be obtained.

(i) *Charges and collections.* Beneficiaries of the VA shall be billed at the interagency rate and collection made locally from the VA office of jurisdiction by hospitals located within the United States. For hospitals outside of the United States, charges and collections shall be made at the bureau level. Where authorized, charges for outpatient services rendered to certain VA beneficiaries patients shall be collected locally at the examination rate.

§ 728.62 Beneficiaries of the Bureau of Employees' Compensation.

(a) *Authority.* When a civilian employee sustains a personal injury while in the performance of duty, he is entitled to full medical care for effects of the injury under the Federal Employees' Compensation Act (5 U.S.C. 751–793). The term "injury" includes a disease which is proximately related to the duties of the employee. The term "employee" includes:

(1) All civil officers and employees of all branches of the Government of the United States (including officers and employees of instrumentalities of the United States wholly owned by the United States).

(2) Employees of the government of the District of Columbia (except members of the Police and Fire Departments of the District of Columbia).

(3) Persons rendering personal services of a kind similar to those of civilian officers or employees of the United States to any department, independent establishment, or agency thereof (including instrumentalities of the United States wholly owned by it) in any case in which acceptance or use of such services is authorized by an act of Congress.

(b) *Authorization for admission.* (1) A civilian employee may be admitted to a naval medical facility for treatment as a BEC beneficiary upon presentation of a properly prepared Form CA–16 or CA–17 from the employee's supervisor. Authorization may be given for admission in an emergency without presentation of the required forms, provided that the employee's supervisor is notified immediately and requested to issue and furnish a properly prepared Form CA–16 or CA–17 within 48 hours. Without a request for medical treatment on Form CA–16 or CA–17 issued in accordance with regulations governing administration of the Federal Employees' Compensation Act, a naval medical facility has no authority to admit an employee as a BEC beneficiary.

(2) Form CA–16 has been provided by the BEC for use in cases in which there is no doubt concerning the right of the employee to receive care. Form CA–17 has been provided for use in cases in which there may be doubt whether the disability of an employee is due to injury coming within the purview of the act, and authorizes only necessary emergency treatment pending receipt of advice from the BEC. If the BEC finds that the employee's injury or disease was not incurred in performance of his duty, that agency will advise the naval facility that no further treatment shall be rendered to the employee as a BEC beneficiary. Charges for hospitalization then become the personal responsibility of the employee on and after the date of receipt of the notice of disallowance. The employee shall be notified of the Bureau's ruling and collection shall be effected from the employee for any period of hospitalization subsequent to date of receipt of the notice of disallowance.

(3) The Forms CA–16 and CA–17 provide authority for admission; however, it is a responsibility of the medical facility to prepare and submit a Form CA–20 and supporting papers to the BEC in all cases and to submit a narrative summary, Standard Form 502, in all cases where (a) the disability is protracted 30 days or more, or (b) the medical relationship of the condition of an alleged injury or the occupational condition is not clear.

(4) It is the primary duty of the employee's immediate supervisor to refer the employee for medical care in accordance with the act. The Bureau of Employees' Compensation administers the medical care program and decides all questions arising in the furnishing of medical care to civilian employees.

(c) *Medical care authorized.* (1) Complete medical and surgical care necessary for treatment for an injury sustained while in the performance of duty, including where not excluded by law, diseases proximately caused by the condition of employment, may be furnished a BEC beneficiary hospitalized in a naval medical facility. A BEC beneficiary patient requiring prolonged hospitalization shall be reported to the BEC for transfer from the naval medical facility as soon as the patient's condition permits. Transfer shall be at the expense of the BEC.

(2) When an orthopedic or prosthetic appliance is deemed necessary by reason of an injury which has been found by the BEC to have occurred while in the performance of duty, a request shall be submitted to the BEC for approval and shall include the necessity therefor, and a brief description and cost of the appliance. When an appliance is furnished a BEC beneficiary while undergoing treatment as an inpatient, no additional charge shall be made for the item since the reimbursement per diem rate covers all cost incurred in treatment of inpatients.

(3) Members of the Reserve Officers Training Corps will be provided medical care as BEC beneficiaries for the conditions set forth in Subpart C. Form CA–16 or CA–17 shall be required the same as for other BEC beneficiaries.

(d) *Regulations governing administration of the Federal Employees' Compensation Act.* The BEC, Department of Labor, has published in booklet form, Regulations Governing Administration of the Federal Employees' Compensation Act, which is available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. Reference shall be made to this regulation for further information in handling beneficiaries of the BEC. (See 20 CFR Ch. I, Subchap. B.)

(e) *Charges and collections.* Beneficiaries of the BEC shall be billed at the interagency rate and collection made locally from BEC office of jurisdiction by hospitals located within the United States. For hospitals outside the United States, charges and collections shall be made by the Bureau for BUMED managed activities. Charges and collections for naval medical facilities not under the management control of BUMED will be made at the activity level.

§ 728.63 Beneficiaries of the Public Health Service, not members of the uniformed services.

(a) *Authority.* Public Health Service Act, 42 U.S.C. 249 and 253. The following persons, not members of the uniformed services, are entitled to medical, surgical, and dental treatment and hospitalization under the Public Health Service Act, and may receive such care and treatment at the expense of the Public Health Service and from other Government medical or hospital facilities when authorized by officials of that agency.

(1) Noncommissioned ships' officers and members of crews of the U.S. Coast Guard and Geodetic Survey on active duty.

(2) Seamen employed on vessels of United States Registry.

(3) Seamen employed on State school ships or on vessels of the United States Government of more than 5 tons' burden.

(4) Cadets at State maritime academies on State training ships.

(5) Seamen on vessels of the Mississippi River Commission and officers and crew of vessels of the Fish and Wildlife Service.

(6) Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Corps.

(7) Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty.

(b) *Authorization for admission.* (1) Persons in the categories listed in paragraph (a) of this section may be admitted to naval medical facilities within the United States as beneficiaries of the Public Health Service upon presentation of the prescribed form, Treatment Authorization (Form PHS 894), prepared and signed by the medical officer of the nearest Public Health Service medical facility.

(2) In the case of detached personnel, or those serving in a locality where a Public Health Service medical officer is not available, who require emergency medical care, a written request for hospitalization signed by either the individual or the commanding officer (or ship's master) may be accepted. Nonemergency cases shall not ordinarily be ad-

mitted until eligibility for admission has been verified. There is no exception to the treatment members of the American Merchant Marine may receive as long as they can show proof that they have been employed as a seaman for 60 days of continuous service, a part of which time must have been during the 90 days immediately preceding application for medical care. In emergency or nonemergency cases, the medical officer in charge of the nearest Public Health Service hospital or outpatient clinic shall be immediately notified of the details, and requested to verify the propriety of such request for treatment. In cases involving Military Sea Transportation Service civil service seamen, the verification may be obtained by contacting the nearest MSTS facility. The method of notification (telephone, telegraph, etc.) shall be determined by the urgency of the situation at hand. The verifying officer will forward one copy of the Treatment Authorization.

(c) *Emergency status.* In determining emergency and nonemergency classifications, consideration should be given to the seaman's present status. For instance: a seaman may request treatment for what would normally be considered as a nonemergency ailment; however, it may be of such a nature that unless treated the man would not be able to sail with his ship. Such cases should be treated as an emergency.

(d) *Outpatient treatment.* Outpatient care may be furnished persons in the categories listed in paragraph (a) of this section only in an emergency when immediate treatment is required. In such cases, the commanding officer of the naval medical facility shall obtain authorization as required by paragraph (b)(2) of this section.

(e) *Outside the United States.* Outside the United States only persons in the following categories may be provided medical care as Public Health Service beneficiaries:

(1) Noncommissioned ships' officers and members of the Coast and Geodetic Survey on active duty.

(2) Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty.

(f) *Charges and collections.* Charges and collections for beneficiaries of the U.S. Public Health Service shall be made at the Bureau level.

§ 728.64 Selective Service registrants.

(a) *Authority:* Selective Service registrants who suffer illness or injury while acting under orders issued under the Universal Military Service and Training Act are entitled to emergency medical care, including hospitalization in accordance with rules and regulations prescribed by the Director of Selective Service (50 U.S.C. App. 461). Registrants shall be provided necessary medical care and treatment, including inpatient care, upon request of the local Selective Service official.

(b) *Charges and collections.* No local collections are to be made. Reimbursement will be at the Bureau level.

§ 728.65 Beneficiaries of the U.S. Naval Home.

(a) *Admission.* A beneficiary of the U.S. Naval Home at Philadelphia, Pa., may be admitted to a naval hospital upon the request of the Governor of the Naval Home. If a beneficiary is admitted in an emergency, the Governor of the Naval Home shall be notified immediately.

(b) *Charges and collections.* No charges are to be made for hospitalization.

§ 728.66 Agents of Federal Bureau of Investigation and Department of Justice claimants.

(a) *FBI agents.* Agents of the Federal Bureau of Investigation are authorized to receive physical examinations at naval medical facilities upon letter of authorization from the Department of Justice. Hospitalization, not to exceed 3 days, is authorized for diagnostic purposes only if necessary to determine the individual's physical fitness.

(b) *Claimants against United States.* Claimants against the United States whose claims or suits are being handled by the Department of Justice or a U.S. attorney may be given physical examinations at naval medical facilities upon written authorization from the Department of Justice or U.S. attorney in the case. The purpose of such examinations will be to determine the extent and nature of the injuries or disabilities claimed, and the report of such examination shall be furnished promptly to the U.S. Department of Justice or attorney. Hospitalization, not to exceed 3 days, is authorized if necessary to the proper conduct of the examination.

(c) *Charges and collections.* Charges for physical examinations and hospitalization shall be collected by the management bureau upon receipt of letter authorizing the physical examination.

§ 728.67 Beneficiaries of the Department of State; officers and employees of the Foreign Service and their dependents.

(a) *Authority.* In the event an officer or employee of the Foreign Service who is a citizen of the United States, or his dependent, incurs an illness or injury while located abroad, which requires hospitalization or similar treatment, the Secretary of State is authorized to pay for the cost of treatment of the illness or injury under the Foreign Service Act of 1946, as amended (22 U.S.C. 1156).

(1) In case of a dependent, maternity care is not included.

(2) The term "dependent" includes: wife, who is not an employee of the Foreign Service; husband who is physically or mentally incapable of supporting himself; and unmarried children (including step and adopted children) under 21 years of age, or regardless of age, if physically or mentally incapable of supporting themselves.

(b) *Authorization for care.* (1) Foreign Service personnel and their dependents may be furnished inpatient and outpatient care at naval medical facilities for an illness or injury incurred abroad, upon written request from an appropriate Department of State official. In event that a Foreign Service employee or his dependent is admitted in an emergency without the required written request, the commanding officer of the naval medical facility shall obtain proper written authorization as soon as possible from the appropriate Department of State official. Outpatient care at the expense of the Department of State is authorized only when treatment is furnished for an illness or injury incurred abroad which requires hospitalization. Outpatient care before and following hospitalization is authorized.

(2) The written request for admission shall include complete identification of the Foreign Service employee or his dependent, and statements that the treatment is authorized under Foreign Service Act of 1946 and that reimbursement will be made by the Department of State.

(c) *Admission to naval medical facilities overseas.* (1) In event of an illness or injury of a Foreign Service employee or his dependent which, in the opinion of the principal or administrative officer of the Department of State, meets the conditions of eligibility for hospitalization, such officer will furnish the commanding officer of the overseas naval medical facility a letter, in duplicate, requesting admission of the employee or dependent at expense of the Department of State.

(2) In the event that the Department of State's principal or administrative officer believes that the illness or injury does not meet the conditions of eligibility for hospitalization, that officer may request admission of the Foreign Service employee or dependent at the patient's own expense. If admission is authorized by the commanding officer of the oversea naval medical facility, all hospitalization expenses incurred shall be the responsibility of the employee and shall be collected locally. If payment is not made within the prescribed period, the commanding officer shall notify the administrative officer of the nearest Foreign Service post. The principal officer at the employee's post will take immediate steps to insure that the naval medical facility is reimbursed by the Foreign Service employee.

(d) *Evacuation to the United States.* If it is determined that a Foreign Service employee or his dependent requires prolonged hospitalization, the commanding officer of the naval medical facility shall report the case to the nearest Department of State officer and request authority to return the patient to the United States. Aeromedical evacuation may be utilized in accordance with OPNAV Instruction 4630 series. Dependent patients requiring prolonged hospitalization who decline evacuation shall be released to custody of their sponsor.

(e) *Admission to U.S. naval hospital in United States.* The Medical Director, Department of State, will arrange with the commanding officer of naval hospitals in the United States for admission of Foreign Service personnel and their dependents. Written authorization for admission, in duplicate, will be furnished by the Medical Director. In the event an officer, employee, or dependent is admitted without prior authorization to a naval hospital in the United States in an emergency for treatment of an illness or injury incurred abroad, the commanding officer shall request authorization from the Medical Director, Department of State. Admission is not authorized for an illness or injury incurred in the United States.

(f) *Physical examinations and immunizations.* (1) The Foreign Service Act of 1946, as amended, authorizes the Secretary of State to provide for physical examinations for applicants for employment and for officers and employees of the Foreign Service who are United States citizens, and for their dependents, including examinations necessary to establish disability or incapacity for retirement purposes. In addition, the Act authorizes the Secretary of State to provide for administration of inoculations and vaccinations for such officers and employees (22 U.S.C. 1158).

(2) Physical examinations may be conducted, whenever practicable, by medical officers at naval medical facilities, and immunizations may be furnished upon presentation of written authorization from an appropriate Department of State official. The authorization, in duplicate, will include type of examination or immunization required and state that the individual is entitled to services at the expense of the Department of State. Reports of physical examinations shall be submitted as requested by the letter of authorization.

(g) *Charges and collections.* All charges and collections for beneficiaries of the State Department shall be made at the Bureau level for BUMED managed activities, and at the activity level for other than BUMED managed activities.

Subpart H—Other Persons

§ 728.71 Former women members of the Armed Forces—maternity care.

(a) *Eligibility.* Former women members of the Armed Forces separated from active duty or from the service because of pregnancy, or separated from the service for reasons other than pregnancy who are found to have been pregnant at the time of separation may be provided maternity care at naval medical facilities, subject to the provisions of Subpart A of this part.

(b) *Authorized care.* Authorized maternity care includes medical and surgical care incident to the pregnancy, including prenatal care, hospitalization, confinement, and postnatal care in the hospital or as an outpatient not to exceed 6 weeks following delivery.

(c) *Application.* In making application for maternity care, a former enlisted woman should present her discharge certificate or a photostat thereof. An officer should present a certified copy of her request for resignation (if she was separated through acceptance of resignation) and her separation orders. A physician's certification will be accepted in any case where a woman has been separated for reasons other than because of pregnancy and it can be reasonably determined that the condition of pregnancy existed at the time of separation. At the time of separation, such pregnant women personnel shall be advised to register at a military medical activity, where suitable facilities are available, at least 30 days prior to anticipated date of delivery. In areas where there is more than one military facility providing maternity care, personnel must apply to the medical facility of the service from which they were separated if one is available in that community. Referral to other medical facilities may be made only when bed space is not available in a medical facility of the service from which the individual was separated.

(d) *The child.* The military departments assume responsibility for care of the child only during the mother's hospitalization, and further arrangements for the child must be made by the mother. If the mother contemplates release of the child for adoption, all arrangements must be made by the mother with local civil authorities in advance of hospitalization. In such cases, discharge of the mother shall not be made until she personally releases the child to appropriate local authorities. Local Red Cross and public welfare activities are in a position to advise in such matters.

(e) *Charges and collections.* Charges shall be made for the value of a hospital ration or subsistence only and shall be collected locally. No charge shall be made for the newborn infant while the mother is an inpatient.

(f) *Overseas.* Women members of the Navy and Marine Corps who become pregnant will ordinarily be returned to the United States by the first suitable means of transportation for separation from the service. If, however, the health of the woman would be endangered by such transportation, she shall be retained overseas until delivery. The following procedure shall apply in the case of women members of the Navy and Marine Corps:

(1) Her commanding officer shall provide for her hospitalization at a naval medical facility if available within his command. If not available, the services of any other Federal hospital which may be available should be utilized. (If a Federal hospital is not available, see BUMED Instruction 6320.32 series regarding care in civilian facilities.[1])

(2) She shall be returned to the United States as soon after delivery as her physical condition permits, except that she may remain as a patient in proximity to her infant if the latter is certified by a naval medical officer as unfit to travel. Until the mother is separated from the service the infant shall be treated as a dependent of military personnel. Return of an infant with its mother who is in the naval service is authorized. Orders and passenger lists shall indicate the name of the infant. If circumstances warrant, both individuals shall be classified as "patients" and ordered to a naval hospital in the United States which can be reached by the first suitable means of transportation. Separation of the woman from the naval service shall be effected as soon as possible thereafter. The infant may be admitted to the naval hospital pending the completion of the procedures for separation of its mother from the service.

§ 728.72 American Red Cross representatives.

(a) *Authority.* 10 U.S.C. 2602.

(b) *Outpatient care.* Accredited American Red Cross representatives assigned to naval activities may be furnished outpatient treatment at naval medical facilities for illnesses and injuries occurring while in performance of duties in the same manner as provided Federal civilian employees who are not beneficiaries of the Bureau of Employees' Compensation.

(c) *Other care.* Accredited American Red Cross representatives serving with the uniformed services in a locality where civilian medical facilities are not available or adequate, as aboard a naval vessel or outside the United States, shall be afforded medical care at available naval medical facilities to the same extent as members of the naval service. Dental care shall be limited to relief of pain or emergency measures.

(d) *Charges and collections.* No charge shall be made for outpatient care. Charges for hospitalization in the United States shall be at the general rate; outside the United States, charges shall be for value of hospital ration or subsistence only. Charges shall be collected locally.

(e) *Disposal of records.* Upon completion of treatment of an accredited representative of the American National Red Cross, the medical records including all clinical records and X-ray films shall be forwarded to the Medical Director, National Headquarters, American Red Cross, 18th and E Streets NW., Washington, D.C.

§ 728.73 Civilian employees.

(a) *Authority.* 5 U.S.C. 751–793; 24 U.S.C. 34; 5 U.S.C. 150; 10 U.S.C. 7205 and 7472; Executive Order 4071 of Sept. 4, 1924.

(b) *Health program for civilian employees.* Federal civilian employees of the Navy, including civilian marine seamen in the service of vessels operated by the Military Sea Transportation Service who are Federal civilian employees and paid from appropriated funds, shall be furnished authorized treatment for on-the-job illnesses and injuries, and physical examinations at naval medical facilities without charge under the Health Program for civilian employees, regardless of the day or time of day that treatment is given. Immunizations required by conditions of employment, such as for employment overseas and for dependents of employees, will also be given without charge. This program as prescribed in chapter 26, Manual of the Medical Department, applies worldwide. When a civilian employee of the Navy sustains a personal injury in performance of his duties, he will be provided medical care as prescribed by § 728.62.

(c) *Physical examinations for disability retirement.* Physical examinations in connection with disability re-

[1] See footnote to § 728.22(h).

tirement may be conducted at naval medical facilities for Federal civilian employees upon request of authorized representatives of the U.S. Civil Service Commission. No charge shall be made for such examinations.

§ 728.74 Designees of the Secretary of the Navy.

The Secretary of the Navy may designate certain persons to be provided medical care. These designees may receive necessary care and treatment at naval medical facilities and shall be charged the general reimbursement or outpatient rate, as applicable, unless otherwise directed by the Secretary.

§ 728.75 Civilians under special circumstances.

(a) *Civilian humanitarian.* Any member of the civilian population who suffers critical injury or accident in the presence of a Navy official or immediate vicinity of a naval medical facility may be admitted for humanitarian reasons to any naval activity having facilities for inpatient care at the discretion of the commanding officer if a naval medical officer determines that movement to a nongovernmental institution is likely to result in loss of life. The patient pays the general rate for hospitalization. Such a patient shall be classified as indigent only after reasonable attempts to collect charges for hospitalization have been unsuccessful in the opinion of the commanding officer. (5 U.S.C. 22; arts. 0430, 0627, and 0970, U.S. Navy Regulations; 10 U.S.C. 6011; 24 U.S.C. 14 et seq.)

(b) *Recording.* First-aid treatment and emergency medical care rendered to members of the civilian population shall, in addition to such medical history as should be routinely recorded, be made the subject of an entry in the daily journal (Officer-of-the-Day Log).

(c) *Civilians attending National Police Academy.* Persons in attendance at the National Police Academy, Marine Barracks, Quantico, Va., may be admitted to the U.S. Naval Hospital at Quantico for emergency hospitalization in the following cases:

(1) Employees of the Federal Bureau of Investigation who are injured in the performance of duty may be entitled to medical care at the expense of the Bureau of Employees' Compensation and should be admitted and reported as beneficiaries of the Bureau of Employees' Compensation. Such employees also may be admitted for treatment of disease and in this case are admitted and reported as civilian humanitarian patients.

(2) Representatives of police organizations of various States, cities, and countries who are in attendance at the National Police Academy may be hospitalized as civilian humanitarian patients with the approval of the Commanding General.

(d) *Charges and collections.* No charges shall be collected locally from civilians hospitalized as beneficiaries of other Government agencies. When hospitalized and classed as Civilian, Humanitarian, Nonindigent, charges at the general rate shall be collected locally.

§ 728.76 U.S. Navy technicians.

(a) *Authority.* OPNAV Instruction 5720 series.[1]

(b) *Authorized care.* U.S. Navy technicians may be given medical care while serving with the Navy in a locality where civilian medical care is not obtainable, such as on board a naval vessel or outside the United States. This is not to be construed to include dental treatment except for the relief of pain or other emergency.

(c) *Charges and collections.* Charges shall be made for subsistence only and collected locally.

§ 728.77 Other persons outside the United States.

(a) *Authority.* 24 U.S.C. 34, 35; 42 U.S.C. 1701.

(b) *Eligibility.* When not otherwise authorized, outpatient and inpatient care may be provided at naval medical facilities outside the United States and in Alaska and Hawaii to the following persons:

(1) Officers and employees of any department or agency of the Federal Government.

(2) Employees of a contractor with the United States or his subcontractors.

(3) Dependents of above persons.

(4) In emergencies, other persons designated by the Secretary of the Navy.

(5) Civilian marine seamen who are Federal civilian employees in service of vessels operated by the Military Sea Transportation Service; American seamen aboard vessels chartered by the Military Sea Transportation Service; persons engaged by the United States under personal services contract; civilian employees paid from nonappropriated funds administered by the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy exchanges, Marine Corps exchanges, officers' and noncommissioned officers' open messes, enlisted men's clubs, special service activities; persons or organizations of the United States under the jurisdiction of the Department of Defense and conducted for the mental, physical and morale improvement of personnel of the military service and their dependents; persons employed or engaged for personal services by an American employer providing welfare or similar services for the benefit of the Armed Forces authorized by the Secretary of Defense; employees of commercial airlines under contract to the Military Air Transport Service; officers and crews of U.S. airlines; shipwreck or enemy action refugees; humanitarian cases.

[1] Paragraph 4a of OPNAV Instruction 5720.3A of Nov. 15, 1955, defines a U.S. Navy technician as follows:

a. *Technician.* A technician is a male civilian citizen of the United States (not an employee of the Naval Establishment) who is accredited to take passage in naval vessels or Government aircraft or to enter overseas areas under naval sponsorship for the purpose of observing the operation or installation of equipment and armament and/or assisting in the maintenance and repair of such equipment, and for scientific research. He is a manufacturer's technician or engineer or a contractor's representative.

(c) *Limitation.* Medical care for the persons listed in paragraph (b) of this section shall be provided only where reasonably accessible and appropriate non-Federal medical facilities are not available. Hospitalization is authorized for acute medical and surgical conditions. Hospitalization is not authorized for nervous and mental disorders, chronic diseases, or those requiring domiciliary care.

(d) *Charges and collections.* Charges for hospitalization and outpatient treatment shall be at the extracontinental rate and shall be collected locally.

§ 728.78 Prisoners of war and similar persons.

(a) *Authority.* 31 U.S.C. 649a.

(b) *Persons authorized care.* Medical care may be provided at naval medical facilities for:

(1) Prisoners of war and other persons in the Navy or Marine Corps custody whose status is determined to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

(2) Prisoners of the Navy or Marine Corps whose punitive discharge has been executed and who are hospitalized beyond execution of sentence.

(c) *Charges and collections.* No charges shall be made for hospitalization furnished prisoners of war or similar persons.

Subpart I—Adjuncts to Medical Care

§ 728.81 Adjuncts to medical care.

(a) *Definition.* Adjuncts to medical care include prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports or aids which are required for the proper care and treatment of the patient.

(b) *Scope.* This subpart covers the provision of adjuncts at naval medical facilities. BUMED Instruction 6320.32 series deals with referrals to civilian sources.[1]

§ 728.82 Policy.

(a) *Assistance in overcoming physical handicap.* Adjuncts to medical care shall be provided at naval medical facilities to eligible persons as inpatients or outpatients when, in the opinion of the medical officer, the device will offer substantial assistance in overcoming the physical handicap and thereby contributing to the well being of the patient.

(b) *Period of service.* Unless necessary for humanitarian reasons, orthopedic and prosthetic appliances are not to be furnished on an elective basis to members of the naval service with short periods of service when the defect requiring the appliance existed prior to entry into the service and when these members are to be separated from the service because of these defects. For active duty members, the initial allowance of orthopedic footwear and orthopedic alterations to standard footwear shall be in the same quantity as provided in the initial clothing allowance.

[1] See footnote to § 728.22(h).

(c) *Number.* The number of orthopedic and prosthetic appliances issued or replaced for authorized recipients shall be based upon the individual's requirements as determined by the medical officer and shall be consistent with the highest standards of modern medicine.

(d) *Costs.* Costs of adjuncts to medical care are chargeable to the operation and maintenance funds of the medical facility furnishing the care and adjuncts.

(e) *Referral to VA.* Retired members of the uniformed services who served in either World War I, World War II, or Korean War, as well as persons otherwise eligible by law who have elected to receive disability compensation from the Veterans' Administration for service-connected disease or injury, should be advised that they may obtain orthopedic and prosthetic appliances for service-connected disabilities from a VA facility.

(f) *Dependents.* Dependents shall not be provided artificial limbs, artificial eyes, hearing aids and parts, orthopedic footwear, or spectacles.

Exception: Dependents may be provided such items if available from Government stocks at invoice cost under the following situations:

(1) Outside the United States.

(2) At a station within the United States where adequate civilian facilities are not available, and the station has been designated as remote by the Secretary of the Navy upon approval of the Secretary of Defense.

§ 728.83 Chart of adjuncts to medical care.

The chart and following footnotes provide information relative to adjuncts which may be furnished the several categories of patients eligible for medical care at naval medical facilities.

Item	Members of the uniformed services	Retired members of the uniformed services	Dependents	Beneficiary of other Federal agencies to whom reimbursement applies
Artificial limbs	Yes	Yes	No	Yes.[1]
Joint braces	Yes	Yes	No	Yes.
Orthopedic shoes	Yes	Yes	No	No.
Spectacles [2]	Yes	Yes	No	No.
Contact lens [3]	Yes [4]	Yes [4]	No	No.
Artificial eyes	Yes	Yes	No	Yes.
Cosmetic restorations	Yes	Yes	No	No.
Hearing aids [5 6]	Yes	Yes	No	No.
Replacement parts for hearing aids [7]	Yes	Yes	No	No.
Wheel chairs [8]	Yes	Yes	Yes	Yes.
Crutches [8]	Yes	Yes	Yes	Yes.

[1] When, in the opinion of cognizant medical authority, such appliances are medically indicated for the completion of treatment.

[2] Further information may be found in BUMED Instruction 6810.4 series.

[3] Issued at U.S. naval hospitals only for postocular surgery or service-incurred disease or disability where their use is mandatory for retention of personnel in an active status. Not to be issued solely for cosmetic reasons. Further information may be found in BUMED Instruction 6810.4 series.

[4] Issued at U.S. naval hospitals only for postocular surgery or service-incurred disease or disability when considered justified by the medical officer in charge as offering substantial assistance to the patient in overcoming his handicap and thereby contributing to his well-being. Not to be issued solely for cosmetic purposes.

[5] Initial issue will include, in addition to the hearing aid, one spare receiver cord, approximately 1 month's supply of batteries, and a statement indicating make, model, type of receiver, serial number, code, part number, "B" battery voltage, and type of "A" and "B" batteries required.

[6] Replacement of hearing aids shall be upon the same basis as the initial issue and except in unusual circumstances shall not be effected within 2 years of the initial furnishing of the last replacement of the appliance.

[7] Servicing of hearing aids and replacement parts thereof shall be limited to the manufacturer's guarantee and shall be based upon a personal relationship between the recipient and the manufacturer only.

[8] On custody basis at the discretion of the medical officer.

Subpart J—Charges, Collections, and Reports

§ 728.91 Charges and collections.

Charges for hospitalization and/or subsistence furnished pay patients shall be collected in the manner and at the rate indicated in the table under § 728.94. Detailed information concerning methods of collection, disposition of locally collected funds, and required reports for naval hospitals and medical centers are contained in the Financial Management Handbook (NAVMED P-5020), and NAVCOMPT Manual and Instructions for station hospitals and dispensaries.

§ 728.92 Rates.

Rates to be charged for hospitalization and hospital rations furnished pay patients are promulgated by BUMED Instruction 6320.4 series. The rates are defined as follows:

(a) *Interagency.* The per diem rate prescribed by the Bureau of the Budget for reimbursement between uniformed services when members or retired members of the uniformed services are hospitalized in a facility of a service other than their own. Also, for use in all cases of reimbursement between Federal agencies for patients authorized care completely at Government expense unless a different rate is established by or pursuant to a specific requirement of law.

(b) *General.* The per diem rate prescribed by the Bureau of the Budget for reimbursement between uniformed services when dependents of members or retired or deceased members are hospitalized in a facility of a service that is not that of the member. Also for use for patients authorized to receive care partially at Government expense or at no expense to the Government unless a different rate is established by or pursuant to a specific requirement of law.

(c) *Dependents.* The per diem rate prescribed by the Dependents' Medical Care Act to be collected locally from the patient or sponsor for hospitalization furnished dependents of members or retired or deceased members.

(d) *Hospital ration.* The per diem rate prescribed periodically by the Chief, Bureau of Medicine and Surgery, as the value of one hospital ration.

(e) *Extracontinental and Alaska.* The rate established by Executive Order 9411 (3 CFR 1943–48 Comp., p. 290) for hospitalization or outpatient service for other than dependents of the uniformed services:

(1) Outpatient treatment, examination, or consultation	$1
(2) Inpatient treatment, per diem	5

(f) *Examination.* Rate fixed by negotiation with requisitioning agency.

§ 728.93 Reports.

(a) *General.* Reports of hospitalization of pay patients at naval hospitals and medical centers shall be submitted to the Bureau as prescribed by the Financial Management Handbook. Station hospitals and dispensaries shall submit reports as required by NAVCOMPT Manual and Instructions.

(b) *Report of Treatment Furnished Pay Patients, Hospitalization Furnished (Part A), DD Form 7, Report Symbol MED–6322–1*—(1) *General.* This report, accompanied by appropriate substantiation if necessary, shall be submitted in accordance with existing instructions.

(2) *Preparation instructions.* The numbered spaces on the report form shall be completed to show the following information:

(a) *1—Installation providing hospitalization.* Enter name and location of the Navy and/or Marine Corps activity submitting the report. Comply with current security regulations, when applicable.

(b) *2—Month and year covered by this report.* Enter the calendar month and year of the report period.

(c) *3—Category of patients.* Enter category of patients reported. A separate report shall be utilized and submitted in the case of each different category of pay patient.

(d) *4—Authority for admission.* State regulation or directive authorizing admission. In cases where documentary authorization is required, attach copy of authorization to the DD Form 7 at time of submission of report.

(e) *5—Name and serial number.* Complete as appropriate. (Special instructions for station hospitals and dispensaries: DD Form 7 reports prepared for members of the uniformed services and their dependents shall NOT list each individual, but shall show instead in item 5 the category of patients in total and in item 14 the total for the category. Item 11 shall be blank.)

(f) *6—Grade.* Complete as appropriate.

(g) *7—Organization.* Enter organization of each pay patient, military or other Federal agency, as applicable, unless other information is required by regulations. For merchant seamen, enter the name of vessel to which attached; if vessel is not prefixed by the letters USNS, include name of owner or operator.

(h) *8—Diagnosis.* Enter title in language commonly accepted by professional usage, preferably in terms of titles listed in the Joint Armed Forces Statistical Classification and Basic Diagnostic Nomenclature of Diseases and Injuries (NAVMED P–1294).

(i) *9—Admission date.* Enter month, day, and year in that order. No sick days shall be accrued for pay patients admitted and discharged from the sicklist on the same day, nor shall fractional days be considered.

(j) *10—Discharge date.* Enter month, day, and year in that order. If a patient is remaining on the sicklist at the end of the month being reported, enter only the notation "Remaining" in this column.

(k) *11—Total.* Enter the total days for the month reported for each individual patient. When for any reason a patient being reported is subsisted out or on leave during the period reported, information to that effect shall be so reported on the DD Form 7, to show the total days hospitalized and total days subsisted out or on leave. Use abbreviation "SO" for subsisted out and "OL" for on leave. Sick days shall be computed in all cases by excluding the day of admission and including the day of discharge.

(l) *12—Date.* Enter the date of certification of report by the commanding officer or his duly authorized representative.

(m) *13—Certified correct.* Enter the name, grade, and organization of the commanding officer or his duly authorized representative certifying the accuracy and completeness of the report. Signature required on original form only.

(n) *14—Total days hospitalized.* Enter grand total of all days hospitalized irrespective of days subsisted out and/or on leave. This figure shall be verified to insure that all computations have been entered correctly.

(3) *Footnote data for station hospitals and dispensaries.* All DD Forms 7 shall show as a footnote the appropriation, subhead, allotment, budget project, and expenditure account to be credited and the accounting number of the activity accounting for the receivable.

§ 728.94 Table of pay patients, charges, and collections.

	Charges	Collections
(a) Members, uniformed services and reserve components, and retired members uniformed services—		
(1) Navy and Marine Corps:		
(a) Officers, active duty only (including aviation cadets).	Hospital ration [1]	Bureau, checkage on S&A 534 by local command.)
	Subsistence [2]	Local.[3]
(b) Officers, training duty, in a pay status	Hospital ration [1]	Do.
	Subsistence [2]	Do.
(c) Officers, training duty, not in a pay status.	Hospital ration [1]	Bureau.
	Subsistence [2]	Do.
(d) Officers, retired	Hospital ration [1]	Local.
	Subsistence [2]	Do.
(e) Enlisted, all categories (including midshipmen, officer candidates, NROTC, and reserve officer candidates).	Average cost of ration [1]	Do.
(2) Other uniformed services:		
(a) Officers, all categories	Hospital ration [1]	Do.
	Subsistence [2]	Do.
(b) Dependents, uniformed services	Dependent rate	Do.
(c) Members, foreign military services, and their dependents:		
(1) Officers, all categories	Hospital ration [1]	Do.
	Subsistence [2]	Do.
(2) Enlisted, Canadian Armed Forces	Hospital ration [1]	Do.
	Subsistence [2]	Do.
(3) Dependents	Dependent rate	Do.
(d) Beneficiaries, other Federal agencies:		
(1) Beneficiaries, VA, in United States	Interagency	Do.
(2) Beneficiaries, BEC, in United States outside United States	do	Do.
	do	Bureau.[1]
		Local.[3]
(3) Beneficiaries, Department of State:		
(a) Officers and employees, Foreign Service	Interagency	Bureau.[1]
		Local.[3]
(b) Dependents, officers, and employees Foreign Service.	General rate	Bureau.[1]
		Local.[3]
(e) Other persons:		
(1) Former women members Armed Forces—maternity.	Hospital ration [1]	Do.
	Subsistance [2]	Do.
(2) American Red Cross representatives:		
(a) In United States less Alaska	General rate	Do.
(b) Outside United States and in Alaska	Hospital ration [1]	Do.
	Subsistence [2]	Do.
(3) Secretary of Navy designees:		
(a) In United States less Alaska	General rate	Do.
(b) Outside United States and in Alaska	Extracontinental rate	Do.
(4) Civilian, humanitarian:		
(a) In United States less Alaska	General rate	Do.
(b) Outside United States and in Alaska	Extracontinental rate	Do.
(5) U.S. Navy technicians outside United States	Hospital ration [1]	Do.
	Subsistence [2]	Do.
(6) Other persons outside United States and in Alaska.	Extracontinental rate	Do.

[1] U.S. naval hospitals and hospital ships.
[2] Other activities—station hospitals and dispensaries not BUMED managed.

§ 765.5 [Deletion]

2. Section 765.5 is deleted.

(R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 19, 1961.

[F.R. Doc. 61-12244; Filed, Dec. 28, 1961; 8:45 a.m.]

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS
PART 753—NAVY FOREIGN CLAIMS

Miscellaneous Amendments

Scope and purpose. The amendments implement Public Law 87-212 of September 8, 1961 (75 Stat. 488, 10 U.S.C. 2736), authorizing the Secretary of the Navy or designees to make emergency payments not exceeding $1,000 in advance of claims under 10 U.S.C. 2733 or 2734 to persons, or their legal representatives, who were injured or killed, or whose property was damaged or lost, as a result of accidents involving aircraft or missiles under the control of the Department of the Navy. In addition, the amendments extend the settlement authority for Sixth Fleet cases under sections 750.48 and 753.29 from claims below $100 to claims below $200 in accordance with current Department of Defense regulations. Substantially identical amendments to the Manual of the Judge Advocate General (JAG Instruction P5800.7) will be distributed to holders of the Manual in due course.

1. The citation of authority for Subpart B of Part 750 is revised to read as follows:

AUTHORITY: §§ 750.17 to 750.28c issued under R.S. 161, secs. 2733, 5031, 7625, 70A Stat. 153, 278, 473, sec. 2736, 75 Stat. 488, as amended; 5 U.S.C. 22, 10 U.S.C. 2733, 2736, 5031, 7625.

2. Sections 750.28a, 750.28b and 750.28c are inserted after § 750.28, as follows:

§ 750.28a Statutory authority.

10 U.S.C. 2736 authorizes the Secretary of the Navy or his designee to pay an amount not in excess of $1,000 in advance of the submission of a claim to or for any person, or his legal representatives, who was injured or killed, or whose property was damaged or lost, as the result of an accident involving an aircraft or missile under the control of the Department of the Navy for which allowance of a claim is authorized by law. Payments under this law are limited to those which would be payable under the Military Claims Act (10 U.S.C. 2733) or the Foreign Claims Act (10 U.S.C. 2734). Payment of an amount under this law is not an admission by the United States of liability for the accident concerned and any amount so paid shall be deducted from any amount that may be allowed under any other provision of law to the person, or his legal representative, for injury, death, damage, or loss attributable to the accident concerned.

§ 750.28b Conditions for payment under 10 U.S.C. 2736.

Prior to making a payment under 10 U.S.C. 2736, the adjudicating authority (designated in § 750.41(e)) will ascertain that:

(a) The injury, death, damage or loss resulted from an accident involving an aircraft or missile under the control of the Department of the Navy.

(b) The injury, death, damage or loss would be payable under the Military Claims Act (10 U.S.C. 2733) or the Foreign Claims Act (10 U.S.C. 2734).

(c) The payee, insofar as can be determined, would be a proper claimant under this part or the Navy Foreign Claims regulations (Part 753 of this chapter), or is the spouse or next of kin of a proper claimant who is incapacitated.

(d) The provable damages are estimated to exceed the amount to be paid.

(e) There exists an immediate need of the person who suffered the injury, damage or loss, or his family, or the family of a person who was killed, for food, clothing, shelter, medical or burial expenses or other necessities, and other resources for such expenses are not reasonably available.

(f) The prospective payee has signed a statement that it is understood that the payment is not an admission by the Navy or the United States of liability for the accident concerned and that the amount paid is not a gratuity but shall constitute an advance against and shall be deducted from any amount that may be allowed under any other provision of law to the person, or his legal representatives, for injury, death, damage or loss attributable to the accident concerned.

§ 750.28c Exclusion.

No payment under 10 U.S.C. 2736 may be made if the incident occurred in a foreign country in which the NATO Status of Forces Agreement (4 U.S.T. 1792, TIAS 2846) or other similar agreement is in effect and the injury, death, damage or loss (a) was caused by a member or employee of the Department of the Navy acting within the scope of his employment or (b) occurred "incident to noncombat activities" of the Department of the Navy as defined in § 750.21.

3. The citation of authority for Subpart C of Part 750 is revised to read as follows:

AUTHORITY: §§ 750.29 to 750.48 issued under R.S. 161, secs. 2671-2680, 62 Stat. 982-984, secs. 2733, 5031, 7625, 70A Stat. 153, 278, 473, sec. 2736, 75 Stat. 488, as amended; 5 U.S.C. 22, 28 U.S.C. 2671-2680, 10 U.S.C. 2733, 2736, 5031, 7625.

§ 750.41 [Amendment]

4. Section 750.41 is amended by adding the following paragraph (e):

(e) *Payments under 10 U.S.C. 2736.* Pursuant and subject to the provisions of 10 U.S.C. 2736 and §§ 750.28A, 750.28B and 750.28C, the following are designated to approve payments under this law:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(5) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) The Director, Office of the Judge Advocate General, West Coast.

(7) Such other officers as may be designated by the Secretary of the Navy.

5. In § 750.48, the introductory paragraph of paragraph (a), preceding the itemization, and paragraph (b) are revised to read as follows:

§ 750.48 Single service assignment of responsibility for processing of claims.

(a) *Assignment of responsibility for processing of claims.* The Secretary of Defense (Department of Defense Notice, 26 F.R. 2004, as amended) has assigned responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under:

* * * * *

(b) *Sixth Fleet cases under $200.* Notwithstanding the provisions of paragraph (a) of this section, the Department of the Navy has been authorized by the Secretary of Defense to settle non-scope of duty claims under $200 arising in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

6. The citation of authority of Part 753 is revised to read as follows:

AUTHORITY: §§ 753.1 to 753.31 issued under R.S. 161, secs. 1-4, 68 Stat. 1006-1007, secs. 2734, 5031, 70A Stat. 154, 278, sec. 2736, 75 Stat. 488, as amended; 5 U.S.C. 22, 10 U.S.C. 2734, 2736, 5031, 31 U.S.C. 2241-2—2241-5.

§ 753.29 [Amendment]

7. In § 753.29(b), the introductory paragraph preceding the first itemization and the text after the second itemization are revised to read as follows:

(b) *Single service assignment of responsibility for processing of claims.* The Secretary of Defense (Department of Defense Notice, 26 F.R. 2004, as amended) has assigned responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under:

* * * * * *

Nothwithstanding the foregoing provisions of this paragraph, the Department of the Navy has been authorized by the Secretary of Defense to settle non-scope of duty claims under $200 arising in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

8. Section 753.31 is inserted after § 753.30 to read as follows:

§ 753.31 Payments under 10 U.S.C. 2736.

10 U.S.C. 2736 authorizes the Secretary of the Navy or his designee to pay an amount not in excess of $1,000 in advance of the submission of a claim to or for any person, or his legal representative, who was injured or killed, or whose property was damaged or lost, as the result of an accident involving an aircraft or missile under the control of the Department of the Navy for which allowance of a claim is authorized by law. The regulations controlling such payments are contained in §§ 750.28a, 750.28b, 750.28c, and 750.41(e) of this chapter.

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

DECEMBER 26, 1961.

[F.R. Doc. 61-12387; Filed, Dec. 28, 1961; 8:51 a.m.]

Title 12—BANKS AND BANKING

[No. 15,320]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Amendments Relating to Distribution of Earnings

DECEMBER 22, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of §§ 545.1-1, 545.1-2, and 545.1-3 of the rules and regulations for the Federal Savings and Loan System (12 CFR §§ 545.1-1, 545.1-2, 545.1-3) relating to the distribution of earnings, including quarterly distribution, withdrawals between distribution dates, grace periods and determination dates by Federal savings and loan associations, for the purpose of shortening and improving the organization of said sections in the regulations and to liberalize the provisions thereof, hereby amends said sections as follows, effective immediately:

1. Section 545.1-1 is amended to read as follows:

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

(a) *Small accounts.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, by resolution of its board of directors, provide that such Federal association shall not distribute earnings on savings accounts of less than $50.

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on savings accounts as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the six-month period ending on June 30 and December 31, respectively, next succeeding: *Provided,* That no such Federal association may so distribute earnings prior to June 30, 1963 if the home office of such Federal association is in a State, district, or territory (including Puerto Rico, Guam, and the Virgin Islands) where building and loan or savings and loan associations, homestead associations, cooperative banks, or mutual savings banks are prohibited by the laws of such State, district or territory from distributing earnings quarterly.

(c) *Amounts withdrawn between distribution dates.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on amounts withdrawn from savings accounts between the dates as of which such Federal association regularly distributes earnings on savings accounts: *Provided,* That,

(1) The savings account from which the amount is so withdrawn shall have been outstanding for a period of not less than six months; and

(2) Earnings on any amount so withdrawn shall neither be distributed for any greater portion of the dividend period than that during which such amount remained in the association nor at a rate in excess of the rate at which earnings, exclusive of any bonus, are distributed on savings accounts for the dividend period in which such amount is so withdrawn:

Provided further, That, prior to June 30, 1963, no such Federal association may so distribute earnings on amounts so withdrawn if the home office of such Federal association is in a State, district or territory (including Puerto Rico, Guam and the Virgin Islands) where building and loan or savings and loan associations, homestead associations, cooperative banks, or mutual savings banks are prohibited by the laws of such State, district or territory from distributing earnings on amounts withdrawn between the dates as of which earnings are regularly distributed.

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the twentieth of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments, affected by such determination date, received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments, affected by such determination date, received subsequent to such determination date, shall receive earnings as if invested on the first of the next succeeding month.

(e) *Grace period with respect to withdrawals.* For the purpose of computing and distributing earnings on savings accounts, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, consider withdrawals, total or partial, made during the last three business days of any period for which earnings are distributed on savings accounts as having been made immediately after the close of such period.

2. Sections 545.1–2 and 545.1–3 are repealed.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendments only relieve restrictions, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restrictions, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61–12354; Filed, Dec. 28, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 8]

PART 5—DETERMINATION OF PARITY PRICES

Turkey Eggs for Hatching and Sorghum Sirup

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended) are amended as hereinafter specified in order to provide for the calculation of parity prices for turkey eggs for hatching and to discontinue the calculation of parity prices for sorghum sirup. The need for parity prices on turkey eggs for hatching arises from the proposal to establish a Marketing Order for turkey eggs for hatching. Due to the decreasing importance of sorghum sirup, the Crop Reporting Board has discontinued estimates of production and price. The parity price for turkey eggs for hatching will first be published in December 1961. Computation of parity prices for sorghum sirup will be discontinued as of January 1962.

§ 5.2 [Amendment]

1. In § 5.2, the paragraph headed "Sugar Crops" is amended by deleting "sorghum sirup,".

2. Section 5.3 is amended to read as follows:

§ 5.3 Selection of calendar year price data.

In computing the adjusted base price for those commodities for which calendar year price data are used, "* * * the average of the prices received by farmers for such commodity, at such times as the Secretary may select during each year * * *," as used in section 301(a)(1)(B)(i), shall be the simple average of the 12 monthly estimates of prices received by farmers as published by the Statistical Reporting Service in "Agricultural Prices" for those commodities for which such prices are available. An allowance for unredeemed loans and purchase agreement deliveries and any supplemental payments resulting from price support operations shall be added to the price specified above. Prices received for milk wholesale, butterfat, beef cattle, sheep, and lambs shall include wartime subsidy payments as provided by section 301(a)(1)(B). For Maryland Tobacco, type 32, the price data for each calendar year shall be the weighted average price of type 32 tobacco sold during the period January 1–December 31. For turkey eggs for hatching the estimated annual average of the prices received by farmers for such commodity shall be used.

§ 5.4 [Amendment]

3. In § 5.4, the paragraph headed "Sugar Crops" is amended by deleting "sorghum sirup,".

4. In § 5.4, the paragraph headed "Other Commodities" is amended by adding "turkey eggs for hatching;" after "eggs;".

Done at Washington, D.C., this 27th day of December 1961.

ORVILLE L. FREEMAN, *Secretary of Agriculture.*

[F.R. Doc. 61–12419; Filed, Dec. 28, 1961; 10:10 a.m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

Pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States Specifications for classes, standards, and grades with respect thereto (7 CFR Part 54); the regulations governing the grading and inspection of egg products (7 CFR Part 55); the regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs (7 CFR Part 56), and the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards and grades with respect thereto (7 CFR Part 70) are hereby amended as follows:

A. As to Part 54: Amend §§ 54.101(a), 54.104(a), 54.107(a)(2), and 54.108(a)(1) of Part 54 by deleting the figure "$5.00" and substituting in lieu thereof "$5.60."

B. As to Part 55: Amend §§ 55.61(b), 55.62(b), and 55.68(a)(1) of Part 55 by deleting the figure "$5.00" and substituting in lieu thereof "$5.60."

C. As to Part 56: Amend §§ 56.46(b), 56.51, and 56.52(a)(1) of Part 56 by deleting the figure "$5.00" and substituting in lieu thereof "$5.60."

D. As to Part 70: Amend §§ 70.131(b), 70.133, 70.134(a), 70.138(a)(1), and 70.141(a)(2) of Part 70 by deleting the figure "$5.00" and substituting in lieu thereof "$5.60."

The foregoing amendments change the hourly rate of charge for performing grading and inspection services from $5.00 to $5.60. This increase of $0.60 per hour is necessary to cover the costs of performing services on an intermittent fee basis.

It is hereby found that it is impractical, unnecessary and contrary to the public interest to give notice and engage in public procedure hereon for the reasons that: (1) Legislation requires that the fees charged shall be reasonable and shall, as nearly as possible, cover the cost of the service; the cost of the service is peculiarly within the knowledge of the Department and the hourly fees set forth herein are necesary to cover such costs; and (2) costs have increased due to legislation enacted in 1960 with respect to salary increases and health insurance and the rates have not been changed to reflect these increased costs since the enactment of the legislation.

(60 Stat. 1090, as amended; 7 U.S.C. 1624)

Issued at Washington, D.C., this 22 day of December 1961, to become effective February 1, 1962.

G. R. GRANGE, *Deputy Administrator, Marketing Services.*

[F.R. Doc. 61–12368; Filed, Dec. 28, 1961; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

Six-Month Period Ending June 30, 1962

On pages 11838 and 11839 of the FEDERAL REGISTER of December 9, 1961, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1962 and establishing quotas for the 6-month period ending June 30, 1962, for Hawaii and Puerto Rico. Interested persons were given 10 days in which to submit written data, views or arguments for consideration in connection with the proposed regulation.

All data, views and comments received relative to the proposed regulation were thoroughly considered.

The proposed regulation is hereby adopted without change.

Issued at Washington, D.C., this 26th day of December 1961.

ORVILLE L. FREEMAN, *Secretary.*

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine during December 1961 sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas for the six-month period ending June 30, 1962, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1962.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amounts of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1962 is 50,000 short tons, raw value, and a quota of 25,000 short tons, raw value, is hereby established for Hawaii for local consumption for the six-month period ending June 30, 1962.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1962 is 130,000 short tons, raw value, and a quota of 65,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the six-month period ending June 30, 1962.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the six-month period ending June 30, 1962, all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the six-month period ending June 30, 1962, has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and processors marketings for local consumption in Puerto Rico during the twelve-month period ended October 31, 1961, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The official estimate of the total population for Hawaii as of July 1, 1960, is approximately 642,000 and for Puerto Rico 2,361,000 Compared to official estimates of 1959 population, this represents small increases for both Puerto Rico and Hawaii. No official estimate for either of these areas for 1961 or 1962 is available.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand varies enough to make it a significant factor in the total sugar requirements. Recent trends and year-to-year variations suggest the possibility that requirements may be higher in 1962 than in the twelve months ended October 31,

1961, when distribution was approximately 43,500 short tons, raw value. In view of the distribution for local consumption in Hawaii during the twelve-month period ended October 31, 1961, and after making allowance for consumption increases in 1962 resulting from possible population increases it is expected that 50,000 short tons, raw value, may be needed to meet requirements for local consumption in Hawaii.

In Puerto Rico for the twelve-month period ending October 31, 1961, marketings by processors for local consumption totaled approximately 125,000 short tons, raw value, consisting of approximately 2,200 tons lost in refining, approximately 107,000 tons delivered for local consumption, and approximately 16,000 tons held as increased refiners' stocks charged to the quota and available for local market distribution.

In view of the increase in marketings by processors and the increase in refiners' stocks noted above, and after making allowance for consumption increases in 1962 resulting from possible population increases, it is expected that 130,000 short tons, raw value, may be needed to meet the requirements for local consumption in Puerto Rico in 1962.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1962 local quota is not completely filled. It is, therefore, desirable to establish the 1962 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1962 have been determined to be 50,000 and 130,000 short tons, raw value, respectively. Pursuant to Public Law 87-15 approved March 31, 1961, the quotas for local consumption in Hawaii and Puerto Rico for the six-month period ending June 30, 1962, have been established at one-half of the determined local consumption requirements for 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1120; sec. 1, Public Law 87-15)

[F.R. Doc. 61-12371; Filed, Dec. 28, 1961; 8:51 a.m.]

[Sugar Reg. 813.2]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area; for the Six-Month Period Ending June 30, 1962

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of establishing allotments of a portion of the Domestic Beet Sugar Area quota for the 6-month period ending June 30, 1962, to be effective for the period January 1, 1962, to the date allotments of the entire quota are prescribed for the full 6-month period.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on November 15, 1961 (26 F.R. 10691) of a public hearing to be held in Washington, D.C., Room 239-E Administration Building, U.S. Department of Agriculture, on November 28, 1961, beginning at 10:00 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, and (2) to establish a fair, efficient and equitable allotment of a portion of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962.

A hearing was held on November 28, 1961, at the time and place specified in the notice and testimony was given with respect to all issues referred to in the hearing notice which pertained to establishing interim allotments for the six-month period ending June 30, 1962. The hearing was recessed after the receipt of testimony and evidence and is to be reconvened February 8, 1962, as provided in the notice of hearing, for the purpose of receiving evidence pertaining to the allotment of the entire quota for the six-month period ending June 30, 1962, or for the calendar year 1962, or a part thereof.

In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining therefor.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of beet sugar available for marketing is substantially in excess of the probable quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Domestic Beet Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. Inventories of sugar expected to be held on January 1, 1962, may be such as to make it possible for some individual processors to market immediately a quantity of sugar greater than the quantity that may ultimately be established as their allotment for the six-month period ending June 30, 1962. In view thereof, it is imperative that allotments become effective on January 1, 1962. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, consequently, this order shall become effective on January 1, 1962.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him • • •

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in the calendar year 1962, or a part thereof, exceeds any probable Domestic Beet Sugar Area quota that may be established for any such period to an extent that allotment of the quota is necessary to prevent disorderly marketing and to provide all processors of beet sugar equitable marketing opportunities within the limitations of the quota (R. 7).

The allotment method set forth in this order follows the proposal made by the government witness and is the same as the allotment method recommended by the Beet Sugar Industry Task Force in their letter of November 22, 1961, to the Director of the Sugar Division which was accepted in evidence at the hearing as Exhibit 5 (R. 12, 13). Such method provides that interim allotments of a portion of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, be determined by applying to the portion of such quota to be allotted, the percentage that each processor's allotment was of the total quota allotted in Sugar Regulation 813, Amendment 1, for 1961 (R. 13, 14). Allotment of 80 percent of the 1962 Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, was proposed by the government witness (R. 14). The proposed method of allotting the quota would give effect to the three factors cited in section 205(a) of the Act in the same manner that these factors were given consideration in allotting the 1961 quota for the Domestic Beet Sugar Area (R. 17).

The hearing record discloses that no beet sugar processor objects to the preliminary finding made by the government regarding the necessity of allotments in 1962, or to the method proposed to be used in determining interim allotments (R. 23, 24).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) At the time of the hearing it was estimated that processors of beet sugar in the Domestic Beet Sugar Area will have effective inventories on January 1, 1962, of approximately 1,950,000 to 2,000,000 short tons, raw value, of sugar. This supply of sugar is sufficiently in excess of the proposed quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) It is necessary to allot the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, and to make any allotment of the quota, or a portion of the quota, effective January 1, 1962, in order to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area. Allotment of the entire quota for the six-month period ending June 30, 1962, should be deferred until processings of the 1961-crop sugar beets can be known or closely estimated for all allottees.

(3) The findings in (2), above, require that, effective for the period January 1, 1962, until the date allotments of the entire quota for the six-month period ending June 30, 1962, are prescribed, a quantity equivalent to 80 percent of such quota for the six-month period shall be allotted. Allotments shall be established by allotting to each allottee the same proportion of the quantity to be allotted, as his allotment was of the total 1961 allotments established by Sugar Regulation 813, Amendment 1, for 1961.

(4) The allotments of the 1961 quota referred to in (3), above, are as set forth in the following table:

Processor	Allotments (hundredweight, refined sugar)
Amalgamated Sugar Co., The	6,135,309
American Crystal Sugar Co	6,331,495
Buckeye Sugars, Inc	264,561
Great Western Sugar Co., The	13,154,075
Holly Sugar Corp	7,332,112
Layton Sugar Co	245,551
Menominee Sugar Co	239,608
Michigan Sugar Co	1,628,168
Monitor Sugar Div., Robert Gage Coal Co	787,439
National Sugar Manufacturing Co., The	268,262
Northern Ohio Sugar Co	790,224
Spreckels Sugar Co	5,305,757
Union Sugar Division, Consolidated Foods Corp	1,910,355
Utah-Idaho Sugar Co	4,376,617
Total	48,769,533

(5) Establishing allotments by the method provided in Finding (3) gives consideration to the three statutory factors, "processings • • • from • • • proportionate shares," "past marketings," and "ability to market" specified in section 205(a) of the Act, and provides, for the period January 1, 1962 until the date allotments of the entire quota for the six-month period ending June 30, 1962, are established, a fair, efficient and equitable distribution of the quota for the six-month period ending June 30, 1962.

(6) Official notice will be taken of any regulation issued by the Secretary which establishes the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962.

(7) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(8) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered:

§ 813.2 Allotment of the sugar quota for the domestic beet sugar area for the six-month period ending June 30, 1962.

(a) *Allotments.* For the period January 1, 1962, until the date allotments of the entire sugar quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, are prescribed, a quantity of 826,345 short tons, raw value, of such quota, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	103,956	1,943,103
American Crystal Sugar Co	107,280	2,005,233
Buckeye Sugars, Inc	4,483	83,704
Great Western Sugar Co., The	222,881	4,166,000
Holly Sugar Corp	124,234	2,322,131
Layton Sugar Co	4,161	77,776
Menominee Sugar Co	4,060	75,888
Michigan Sugar Co	27,587	515,645
Monitor Sugar Division, Robert Gage Coal Co	13,342	249,383
National Sugar Manufacturing Co., The	4,546	84,972
Northern Ohio Sugar Co	13,389	250,262
Spreckels Sugar Co	89,900	1,680,374
Union Sugar Division Consolidated Foods Corp	32,369	605,028
Utah-Idaho Sugar Co	74,157	1,386,112
Any other person	0	0
Total	826,345	15,445,701

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor and the sugar or liquid sugar processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotments of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816, Rev. 1; 23 F.R. 1943).

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 115, 1119)

Done at Washington, D.C., this 26th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12369; Filed, Dec. 28, 1961; 8:51 a.m.]

[Sugar Reg. 815.2]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Six-Month Period Ending June 30, 1962

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (herein called the "act"), for the purpose of allotting the portion of the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within probable mainland and local quotas (R. 12). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the mainland quota to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consumption sugar in the continental United States. The allotments made by this order are small in relation to the quantities of sugar that could be produced for marketing and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective on January 1, 1962, in order to fully effectuate the purposes of section 205(a) of the Act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1962.

Preliminary statement. Under the provisions of section 205(a) of the Act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of

interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205(a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the direct-consumption portion of the quota is necessary and a notice was published on October 18, 1961 (26 F.R. 9781), of a public hearing to be held at Santurce, Puerto Rico, in the Board Room of the Association of Sugar Producers of Puerto Rico, Condado Building, on November 9, 1961, at 10:00 a.m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the six-month period ending June 30, 1962, or for the calendar year 1962 or a part thereof. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions and regulatory provisions contained herein, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining to the allotment of the direct-consumption portion of the mainland quota. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Basis for findings and conclusions. Sec. 205(a) of the Act reads in pertinent part as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of Sec. 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. • • •

The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within the probable quotas (R. 12, 13). The direct-consumption portion of the mainland quota for Puerto Rico for the six-month period ending June 30, 1962, was established in Part 811 (26 F.R. 11963) at 70,342 short tons, raw value, which is equal to one-half of the direct-consumption limitation which would be effective for a calendar year at the level of sugar requirements of 9,500,000 short tons, raw value.

To prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market sugar within the quota as required by section 205(a) of the Act, allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the six-month period ending June 30, 1962, is found to be necessary (R. 13, 14).

While all three factors specified in the provisions of section 205(a) of the Act quoted above have been considered, only the "past marketings" and "ability to market" factors have been given percentile weightings in the formula on which the allotment of the direct-consumption portion of the mainland quota for Puerto Rico is based. Testimony indicates that allottees accounting for 94 percent or more of the direct-consumption sugar brought into the continental United States each year do not process sugar from sugarcane and, accordingly, no weight should be given to the factor "processings from proportionate shares" (R. 15).

The government witness proposed the factor "past marketings" be measured for each processor and refiner by the average annual quantity of direct-consumption sugar which he marketed in the continental United States within the mainland quotas for Puerto Rico during the five years 1957 through 1961, inclusive, expressed as a percentage of the sum of such quantities for all processors and refiners. The witness stated that the use of the quantities marketed in the most recent five-year period will reflect market conditions similar to those which would be expected to occur in the marketing of direct-consumption sugar in the mainland in 1962 or a part thereof, and furthermore that a five-year average of such marketings tends to minimize short-run influences affecting data for a single year and adds stability to the "past marketings" factor (R. 16).

The government witness proposed that the factor "ability to market" be measured by the largest quantity of direct-consumption sugar marketed in the mainland by each refiner and processor in any one of the past five years, 1957 through 1961, expressed as a percentage of the sum of such quantities for all refiners and processors. The witness stated that marketings of direct-consumption sugar in the recent period, 1957 through 1961, are considered to be the best measure of processor's and refiner's relative ability to market direct-consumption sugar in the mainland in 1962 or a part thereof, and that the use of a more remote period would not be as indicative of current ability to market (R. 16, 17).

In determining allotments of the direct-consumption portion of the mainland quota for the six-month period ending June 30, 1962, the government witness proposed that the factors "past marketings" and "ability to market," measured as proposed above, be weighted equally and such weighted percentages shall be applied to the quantity to be allotted in determining individual allotments (R. 17).

The order allotting the direct-consumption portion of the mainland quota for 1961 established a liquid sugar reserve for other than named allottees. At the hearing held November 9, 1961, one processor of liquid sugar indicated a desire to ship to the continental United States in 1962 a quantity of liquid sugar, in a form known as melao cane sirup, equivalent to approximately 34 short tons, raw value (R. 32, 33). At the hearing the government witness proposed that a liquid sugar reserve in an amount not to exceed 50 short tons, raw value, be established to permit the marketing of liquid sugar in the continental United States in 1962 by other than named allottees (R. 35). In view of this proposal and other testimony, provision has been made in the findings and the order for a liquid sugar reserve of 20 short tons, raw value, for the six-month period ending June 30, 1962. Provision is therefore made for determining allotments by applying the weighted percentage factors for each allottee to the direct-consumption portion of the mainland quota less such liquid sugar reserve.

At the hearing a representative of Central Roig Refining Company, while not making a proposal, did express the inability of his company to approve the government proposal with respect to the allotment of the direct-consumption portion of the mainland quota for 1962 (R. 30, 31). A representative of Puerto Rican American Sugar Refining Company made a statement supporting the allotment method proposed by the government (R. 32).

In accordance with the record of the hearing (R. 21–23) provision has been made in the findings and the order to revise allotments for the 6-month period ending June 30, 1962, without further notice or hearing for purposes of (1) giving effect to the substitution of revised estimates or final data or both for estimates of the quantity of direct-consumption sugar imported into the continental United States by each allottee and (2) giving effect to any increase or decrease in the direct-consumption portion of the mainland quota. Also, as proposed in the record (R. 26), the findings and order contain provisions relating to restrictions on marketing similar to those contained in the 1961 Puerto Rican allotment order since such provisions operated successfully in 1961 and no objection was made in the record to their inclusion.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) Based upon the rate of production of refiners and processors in Puerto Rico in 1961, the potential capacity of Puerto Rican processors and refiners to produce direct-consumption sugar during the calendar year 1962 is at least 310,000 short tons and this quantity is proportionately far greater than the total quantity of such sugar which may be marketed within the local sugar quotas for Puerto Rico for the six-month period ending June 30, 1962.

(2) The allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the six-month period ending June 30, 1962, is necessary to prevent disorderly marketings of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of percentile weight to the "processing from proportionate shares" factor in the allotment formula would not result in fair, efficient and equitable allotments.

(4) An allotment of 20 short tons, raw value, shall be established as a liquid sugar reserve to permit the marketing of liquid sugar in the continental United States by persons other than named allottees during the six-month period ending June 30, 1962.

(5) The "past marketings" factor shall be measured by each allottee's percentage of the average entries of direct-consumption sugar by all allottees in the continental United States during the years 1957 through 1961.

(6) The "ability to market" factor shall be measured for each allottee by expressing each allottee's largest entries of direct-consumption sugar into the United States during any one of the past five years, 1957 through 1961, as a percent of the sum of such entries for all allottees.

(7) The quantities of sugar and percentages referred to in paragraphs (5) and (6), above, based on data involving estimates for 1961 direct-consumption entries which shall be used to establish allotments pending availability and substitution of revised or final data for such estimates, are set forth in the following table:

Allottee	Average annual marketings 1957–61		Highest annual marketings 1957–61	
	Short tons, raw value (1)	Percent of total (2)	Short tons, raw value (3)	Percent of total (4)
Central Aguirre Sugar Co., a trust	4,892	3.4961	6,931	4.2978
Central Roig Refining Co	20,700	14.7933	21,937	13.6026
Central San Francisco	1,513	1.0813	1,625	1.0076
Puerto Rican American Sugar Refinery, Inc	90,173	64.4424	104,701	64.9786
Western Sugar Refining Co	22,650	16.1869	25,986	16.1134
Total	139,928	100.0000	161,270	100.0000

(8) Allotments totaling the direct-consumption portion of the Puerto Rican mainland quota for the six-month period ending June 30, 1962, less the liquid sugar reserve provided for in Finding (4), above should be established by giving fifty percent weight to past marketings, measured as provided in Finding (5), above, and fifty percent weight to ability to market, measured as provided in Finding (6), above.

(9) This order may be revised without further notice or hearing for the purpose of substituting revised estimates or final data or both for previous estimates of the Puerto Rican direct-consumption sugar entries by and on behalf of each allottee in 1961 when such revised data or final data or both become part of the official records of the Department.

(10) This order shall be revised without further notice or hearing to revise allotments to give effect to any change in the direct-consumption portion of the quota for Puerto Rico for the six-month period ending June 30, 1962, on the same basis as is provided in these findings for establishing allotments.

(11) Official notice will be taken of (a) estimates and final data for 1961 calendar year marketings of sugar for direct-consumption on the mainland that become a part of the official records of the Department, and (b) any regulation issued by the Secretary which changes the mainland sugar quota for Puerto Rico and the direct-consumption portion thereof established for the six-month period ending June 30, 1962.

(12) Each allottee during the 6-month period ending June 30, 1962, shall be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of his allotment established herein or the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico and the quantity of sugar acquired from Puerto Rican processors by the allottee during such period for shipment to the mainland within the applicable mainland quota for Puerto Rico. All other persons shall be prohibited from bringing direct-consumption sugar into the continental United States during the six-month period ending June 30, 1962, for consumption therein except such sugar acquired in such period from an allottee within his allotment established herein or sugar brought in within the liquid sugar reserve established for other than named allottees. All persons collectively shall be prohibited from bringing into the continental United States any direct-consumption sugar other than crystalline sugar in excess of the quantity by which the direct-consumption portion of the mainland quota exceeds 63,016 short tons, raw value. Of that part of the direct-consumption portion of the mainland quota that may be filled by either liquid or crystalline sugar, 20 short tons, raw value, shall be reserved to cover shipments of liquid sugar by other than named allottees as provided in Finding (4).

(13) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(14) Allotments established in the foregoing manner and the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, and in accordance with the findings and conclusions heretofore made, it is hereby ordered:

§ 815.2 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the six-month period ending June 30, 1962.

(a) *Allotments.* The direct-consumption portion of the sugar quota for Puerto Rico for the 6-month period ending June 30, 1962, amounting to 70,342 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	2,741
Central Roig Refining Co	9,984
Central San Francisco	734
Puerto Rican American Sugar Refinery, Inc	45,506
Western Sugar Refining Co	11,357
Liquid sugar reserve for persons other than named above	20
Total	70,342

(b) *Restrictions on marketing.* (1) During the 6-month period ending June 30, 1962, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States within an allotment established for such allottee, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico, and the quantity of sugar produced from Puerto Rican sugarcane which was sugar acquired by the allottee in 1962 for further processing and shipment within the direct-consumption portion of the mainland quota for Puerto Rico for the 6-month period ending June 30, 1962.

(2) During the 6-month period ending June 30, 1962, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except that acquired from an allottee within the quantity limitations established in subparagraph (1) of this paragraph and that brought in within the liquid sugar reserve for persons other than named allottees.

(3) Of the total quantity of direct-consumption sugar allotted in paragraph (a) of this section, 63,016 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principally of crystalline structure, except that 20 short tons, raw value, of such balance is reserved to cover shipments of liquid sugar by other than named allottees.

(c) *Revision of allotments.* The Deputy Administrator for Price and Production, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under

this section without further notice or hearing to give effect to (1) the substitution of revised estimates or final data for estimates as provided in Finding (9) accompanying this section, and (2) any increase or decrease in the direct-consumption portion of the mainland quota for Puerto Rico for the 6-month period ending June 30, 1962, as provided in Finding (10) accompanying this section.

(d) *Transfer of marketing rights under allotments.* The Director of the Sugar Division, Agricultural Stabilization and Conservation Service, of the Department, consistent with the provisions of the Act, may permit a quantity of sugar produced from sugarcane grown in Puerto Rico to be brought into the continental United States for direct-consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon relinquishment by the latter allottee of an equivalent quantity of his allotment and upon receipt of evidence satisfactory to the Secretary that a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119; sec. 1, Public Law 87-15)

Done at Washington, D.C., this 26th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12370; Filed, Dec. 28, 1961; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 3]

PART 903—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 903), it is hereby found and determined that:

(a) The following provisions of the order, relating to the qualification of country plants as pool plants, no longer tend to effectuate the declared policy of the Act for the month of December 1961:

(1) In the opening paragraph of § 903.10(b)—"no less than 50 percent of"; and

(2) Section 903.10(b)(1).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to effective date;

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(3) A hearing to review § 903.10(b) was held at St. Louis, Missouri, on November 28, 1961, and a decision recommending a reduction in pool plant qualifications was issued on December 15, 1961, but an amendment to the order cannot be made effective soon enough to afford the needed relief for the month of December 1961; and

(4) This suspension order will permit cooperative associations to maintain the pool status of certain country plants for the month of December 1961 and, thus, insure the participation of their producer members in the marketwide pool.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of December 1961.

Effective date: Upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., December 22, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12367; Filed, Dec. 28, 1961; 8:50 a.m.]

[Navel Orange Reg. 219, Amdt. No. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) and (iii) of § 914.519 (Navel Orange Regulation 219, 26 F.R. 12063) are hereby amended to read as follows:

(i) District 1: 325,000 cartons;
(iii) District 3: 65,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 22, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12365; Filed, Dec. 28, 1961; 8:50 a.m.]

[970.308 Amdt. 1]

PART 970—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 970.308 (26 F.R. 9038), delete paragraph (a) and in lieu thereof substitute new paragraph (a) as set forth below.

§ 970.308 Limitation of shipments.

* * * * *

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties.* U.S. No. 1 grade, 2¼ inches minimum diameter and 4 inches maximum diameter.

(2) *Long varieties.* U.S. No. 2 grade, 6 ounces minimum weight; or U.S. No. 1 grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* (i) Round varieties—at least 90 percent fairly clean; (ii) long varieties—packs of less than fifty pounds, at least generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty; packs of fifty pounds or larger may be shipped if at least 90 percent fairly clean.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated December 27, 1961 to become effective January 3, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 61-12418; Filed, Dec. 28, 1961; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-84]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Federal Airway and Continental Control Area

The purpose of these amendments to §§ 600.6004, 601.7101, and 608.67 of the regulations of the Administrator is to reduce the size of the Yakima, Wash., Restricted Area R-6714 and to designate the area for joint use; alter the description of low altitude VOR Federal airway No. 4; and to include R-6714 in the continental control area.

The Department of the Army has concurred in the joint use of R-6714 and has advised that there is no longer a requirement for the portion of R-6714 which currently coincides with low altitude VOR Federal airway No. 4. Therefore, the Seattle, Wash., ARTC Center is being designated as the controling agency of R-6714 and the description of Victor 4 is being altered to delete reference to R-6714. In adidtion, the continental control area is being altered to include the airspace within R-6714. Such actions are taken herein.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.67 *Washington,* R-6714 Yakima, Wash., Restricted Area (26 F.R. 7204) is amended to read:

R-6714 Yakima, Wash.

Boundaries. Beginning at latitude 46°-51'00" N., longitude 119°58'00" W.; along the W shore of the Columbia River, to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'-30" W.; to latitude 46°33'00" N., longitude 120°13'00" W.; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°-51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'-00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°-51'00" N., longitude 120°08'30" W.; to the point of beginning.

Designated altitude. Surface to 65,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding General, Fort Lewis, Wash.

2. In the text of § 600.6004 (14 CFR 600.6004; 26 F.R. 2220, 3275, 10588) "portions of this airway which coincide with R-6705 and R-6714." is deleted and "airspace within R-6705." is substituted therefor.

3. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-6714 Yakima, Wash.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 26, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-12379; Filed, Dec. 28, 1961; 8:50 a.m.]

[Airspace Docket No. 59-LA-60]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Federal Airways

On August 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8076) stating that Federal Aviation Agency was considering an amendment to § 608.64 of the regulations of the Administrator, which would alter the time of designation of the Tooele, Utah, Restricted Area R-6403 from "Sunrise to sunset" to "0800 to 2000 P.s.t.".

No adverse comments were received regarding the proposed amendment; however, the State of Utah Aeronautics Commission believes the time of designation should be expressed in mountain standard time rather than Pacific standard time as published in the notice. Aeronautical charts place the location of R-6403 within the Pacific time zone. In addition the using agency, Commander, Tooele Ordnance Depot has concurred in the time of designation as published in the notice. Therefore, the time of designation "0800 to 2000 P.s.t." is being retained.

Subsequent to publication of the notice, the Department of the Army advised the Federal Aviation Agency that R-6403 may be reduced in size. This alteration will more accurately describe the area in which the hazardous activities are contained. Although this modification results in an overall reduction of restricted airspace, the alteration of the restricted area boundaries entails the inclusion within R-6403 of a small amount of undesignated airspace bordering the southern edge of the present area. This additional area contains less than one square mile and would not affect current aeronautical operations. In addition, low altitude VOR Federal airway No. 257 is described in part with reference to the Tooele Restricted Area R-399 and the Deseret Restricted Area R-514. These restricted areas have since been renumbered as R-6403 and R-6401 respectively. Action is taken herein to reflect these changes.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 608.64 Utah, Restricted Area R-6403 (26 F.R. 7202) is amended to read:

R–6403 Tooele, Utah.

Boundaries. Beginning at latitude 40°-30'44" N., longitude 112°27' 30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°-29'15" W.; to the point of beginning.

Designated altitude. Surface to 9,000 feet MSL.

Time of designation. 0800 to 2000 P.s.t.

Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

2. In the text of § 600.6257 (14 CFR 600.6257; 26 F.R. 8626) "The portions of this airway which lie within the geographic limits of and between the designated altitudes of, the Tooele Restricted Area (R–399) and the Deseret Restricted Area (R–514) are excluded during the designated times of use of these restricted areas." is deleted and "The portions of this airway within R–6401 and R–6403 are excluded." is substituted therefore.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 26, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–12378; Filed, Dec. 28, 1961; 8:50 a.m.]

[Airspace Docket No. 61–NY–106]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment is to change the name of Lycoming County Airport to Williamsport-Lycoming County Airport in the description of the Williamsport, Pa., control zone in order to correctly reflect the name of this airport.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2201 (14 CFR 601.2201) is amended to read:

§ 601.2201 Williamsport, Pa., control zone.

Within a 5-mile radius of the Williamsport-Lycoming County Airport (latitude 41°14'30" N., longitude 76°-55'20" W.), within 2 miles either side of the W course of the Williamsport RR extending from the 5-mile radius zone to the RR.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 21, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–12327; Filed, Dec. 28, 1961; 8:45 a.m.]

[Airspace Docket No. 60–KC–39]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On September 23, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 8991) stating that the Federal Aviation Agency was considering the alteration of the Camp Grayling, Mich., Restricted Area R–4201.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following action is taken:

In § 608.42 Michigan, the Camp Grayling, Mich., Restricted Area R–4201 (26 F.R. 7196, 7962) is amended to read as follows:

R–4201 Camp Grayling, Mich.

Boundaries. Beginning at latitude 44°-54'00" N., longitude 84°29'00" W.; to latitude 44°41'00" N., longitude 84°29'00" W.; to latitude 44°41'00" N., longitude 84°40'00" W.; to latitude 44°43'00" N., longitude 84°40'-00" W.; to latitude 44°43'00" N., longitude 84°38'00" W.; to latitude 44°47'00" N., longitude 84°38'00" W.; to latitude 44°47'00" N., longitude 84°39'00" W.; to latitude 44°-52'00" N., longitude 84°39'00" W.; to latitude 44°52'00" N., longitude 84°37'00" W.; to latitude 44°52'00" N., longitude 84°37'-00" W.; to the point of beginning.

Designated altitudes. The area N of latitude 44°47'00" N., surface to 29,000 feet MSL June 1 through August 31; surface to 20,000 feet MSL September 1 through May 31. The area S of latitude 44°47'00" N., surface to 9,000 feet MSL.

Time of designation. The area N of latitude 44°47'00" N., continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of latitude 44°47'00" N., continuous June 1 through August 31.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 22, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–12328; Filed, Dec. 28, 1961; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Payments and Reports by States

On November 25, 1961, there was published in the FEDERAL REGISTER a notice of proposed rule making and text of proposed amendments to Part 404, of Chapter III, of Title 20, Code of Federal Regulations. The proposed regulations relate to the increase in contribution rates provided by the Social Security Amendments of 1961 and to the provisions of section 218(e) of the Social Security Act, regarding the limitation on the amount of contributions due under a State's old-age, survivors, and disability insurance coverage agreement with the Secretary of Health, Education, and Welfare in certain situations where an individual is employed by more than one political subdivision, or by the State and one or more political subdivisions, during a calendar year. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments, suggestions, or objections have been received. Therefore, the proposed regulations are hereby adopted, subject to the changes set forth below which are being made solely for purposes of clarification.

PARAGRAPH 1. Paragraph (b) of § 404.1222a is amended by changing the word "therein", appearing at the end of the second sentence, to read "in such agreement or modification".

PAR. 2. Paragraph (a) of § 404.1256 is amended by changing the words "Such records", appearing at the beginning of the sixth sentence of paragraph (a), which sentence immediately precedes subparagraph (1), to read "The records required by this paragraph".

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: December 22, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.1221 is amended to read as follows:

§ 404.1221 Rate and computation of contributions.

(a) *Contributions for calendar years prior to 1955.* The rates of taxes imposed on employees by section 1400 of the Internal Revenue Code of 1939 for the respective calendar years are as follows:

For the calendar years	Percent
1951 to 1953, both inclusive	1½
1954	2

The rates of taxes imposed on employers by section 1410 of the Internal Revenue Code of 1939 for the respective calendar years are as follows:

For the calendar years	Percent
1951 to 1953, both inclusive	1½
1954	2

(b) *Contributions for calendar years after 1954.* (1) The rates of taxes imposed on employees by section 3101 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

For the calendar years:	Percent
1955 and 1956	2
1957 and 1958	2¼
1959	2½
1960 and 1961	3
1962	3⅛
1963 to 1965, both inclusive	3⅝
1966 and 1967	4⅛
1968 and subsequent years	4⅝

(2) The rates of taxes imposed on employers by section 3111 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

For the calendar years:	Percent
1955 and 1956	2
1957 and 1958	2¼
1959	2½
1960 and 1961	3
1962	3⅛
1963 to 1965, both inclusive	3⅝
1966 and 1967	4⅛
1968 and subsequent years	4⅝

(c) *Method of computation of contributions.* The contributions are computed by applying to the wages actually or constructively paid to an employee the rate in effect at the time such wages are actually or constructively paid.

Example: During 1953, A is engaged in the performance of service in employment. In the following year, 1954, A receives $250 from his employer as remuneration for services which he performed in the preceding year. The applicable rate is the rate for the year 1954 (the year in which the wages are received), and not 1½ percent, the rate for the calendar year 1953 (the year in which the services were performed).

2. Section 404.1222 is amended to read as follows:

§ 404.1222 Liability of State for contributions.

(a) *In general.* The State is liable for contributions with respect to the wages paid to individuals performing services in employment as employees in any coverage group included in the agreement. With respect to service covered under the agreement and performed subsequent to the date of execution of the agreement, the liability of the State attaches at the time that the wages are either actually or constructively paid to individuals performing service in employment as employees in any coverage group included in the agreement, notwithstanding the fact that the wages are paid in media other than money (for example, wages paid in board or lodging; see § 404.1026(a)). If the agreement is effective retroactively with respect to service in employment performed by individuals as members of any coverage group, the liability of the State with respect to wages paid during such retroactive period attaches as of the date of execution of the agreement, or the modification of the agreement pursuant to which the coverage group is included thereunder, as the case may be.

(b) *Measure of State's liability.* The amount of the State's liability for contributions is equal to the sum of the taxes which would be imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939, if the services of the employees covered by the agreement constituted employment as defined in section 1426 of such code, and the sum of the taxes which would be imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954, if the services of the employees covered by the agreement constituted employment as defined in section 3121 of such code. (See § 404.1222a for the computation of contributions where the provisions of section 218(e)(2) of the Act are applicable.)

3. A new § 404.1222a is added following § 404.1222, to read as follows:

§ 404.1222a Limitation on State's liability for contributions for multiple employment.

(a) *In general.* Notwithstanding paragraph (b) of § 404.1222, where:

(1) An individual in any calendar year performs services in employment as an employee of a State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of the State in one or more coverage groups included in an agreement, or as an employee of more than one political subdivision in one or more coverage groups of each such political subdivision included in an agreement; and

(2) Such State provides all of the funds for the payment of that portion of the contributions payable with respect to the remuneration of such individual for services in employment in the coverage groups included under the agreement which is equivalent to the tax which would be imposed by section 3111 of the Internal Revenue Code of 1954 if the services of such individual constituted employment as defined in section 3121 of such code; and

(3) The State is not reimbursed by any political subdivision involved for the payment of such amounts, the agreement may provide (either in the orignal agreement or by a modification thereof) that the amount of the State's liability for contributions attributable to the remuneration of such individual for such services in employment included under the agreement shall be computed as though the individual had performed services in employment in the employ of one political subdivision, and, in accordance with such agreement, the State shall so compute the contributions attributable to the remuneration of such individual.

(b) *Identification of employees in multiple employment.* Any agreement or modification of an agreement which provides for the computation of contributions in the manner prescribed in paragraph (a) of this section shall identify therein the class or classes of employees with respect to whose wages such manner of computing contributions shall apply. For example, the State may provide that such computation shall apply with respect to the wages paid to all individuals for services performed in positions covered by a particular retirement system, or it may provide that such computation shall apply with respect to the wages paid to all individuals who are members of any two or more coverage groups designated in such agreement or modification. The State shall promptly notify the Department if the conditions in paragraph (a) of this section are no longer met with respect to any class or classes of the employees previously identified in the agreement or modification thereof. Such notification shall identify each class of employees and the date on which such conditions cease to be met.

(c) *Effective date.* The agreement or modification thereof shall also provide that such computation of contributions shall apply with respect to wages paid after an effective date specified therein. Such date may be the last day of any calendar year but in no event may the contributions be so computed with respect to wages paid before January 1, 1957, in the case of an agreement or modification which is mailed or delivered by other means to the Secretary before January 1, 1962, or with respect to wages paid before the first day of the year in which the agreement or modification is mailed or delivered by other means to the Secretary if on or after January 1, 1962.

4. Section 404.1240 is amended by the insertion of a new paragraph (d) in place of the present paragraph (d) and by a revision of present paragraph (d) and the redesignation of this paragraph as paragraph (e). Section 404.1240 (d) and (e) as revised will read as follows:

§ 404.1240 Identification numbers.

* * * * *

(d) *Unit numbers where contribution amounts are limited.* Where an agreement or modification of an agreement provides for the computation of contributions in the manner prescribed in § 404.1222a with respect to some but not all of the employees of any political subdivision of the State, special unit numbers will be assigned to the political subdivision, as required, for the purpose of identifying the employees of the political subdivision with respect to whose remuneration contributions are so computed. No special unit number will be assigned to a political subdivision in which the contributions based on the remuneration of all of the employees are computed in the manner prescribed in § 404.1222a.

(e) *Use.* The identification number (including coverage group numbers assigned to coverage groups and unit numbers assigned) shall be shown on the State's records, reports, returns, and claims to the extent required by §§ 404.-1254, 404.1255(a), 404.1256, and 404.1263 and by the instructions relating to Forms OAR–S1, OAR–S2, OAR–S3, OAR–S4, and OAR–S11 to be used by States for

reporting wages, adjustments, and contributions.

5. Section 404.1250 is amended to read as follows:

§ 404.1250 Wage reports and contribution returns in general.

(a) *Wage reports.* Every State which enters into an agreement shall make or cause to be made, with respect to individuals performing services in employment as employees in a coverage group included in an agreement, a wage report on Form OAR–S3 for each calendar quarter (whether or not wages are paid therein), beginning with the first calendar quarter with respect to which the agreement is effective, until it files a final report as required by the provisions of § 404.1252. Every State shall make such wage report on Form OAR–S3 with respect to employees of the State in each coverage group included in an agreement and shall obtain, with respect to employees in every other coverage group included in the agreement a complete and correct wage report on Form OAR–S3 for the employees in each such coverage group. The State shall prepare a recapitulation report, Form OAR–S2, identifying each political subdivision by the identification number assigned to each political subdivision and, where appropriate, identifying each political subdivision and each coverage group by the coverage group number and the payroll record unit number assigned to it, in accordance with instructions relating to Form OAR–S2, and shall file the original of the recapitulation report, along with the original of each wage report (Form OAR–S3), with the Department of Health, Education, and Welfare, Social Security Administration, Baltimore 35, Maryland.

(b) *Wage reports of remuneration for agricultural labor subject to $100 wage limitation.* If any State which enters into an agreement shall, in accordance with section 218(c)(5) of the Social Security Act, exclude from such agreement with respect to any coverage group services the remuneration for which would be excluded from wages under paragraph (2) of section 209(h) of the Act, the State shall include or cause to be included in the wage report on Form OAR–S3 and on any report of adjustments on Form OAR–S4 for such coverage group any remuneration paid in any calendar quarter for such services subject to the limitation on wages for such services in said section 209(h)(2) of the Act; and the State shall identify or cause to be identified on the wage report (Form OAR–S3) and on any report of adjustments (Form OAR–S4) the individuals in such coverage group performing such services, in accordance with instructions relating to Form OAR–S3 and Form OAR–S4.

(c) *Contribution returns.* The State shall also file with the Federal Reserve Bank, or any branch thereof, serving the district in which the State is located, a quarterly contribution return (Form OAR–S1), and shall accompany such return with payment of the amount of contributions due and payable. A Certificate of Deposit (Form OAR–S11) shall be filed in quadruplicate. It is not necessary that any of the copies of Form OAR–S11 be signed by the depositing officer of the State. Form OAR–S1 shall be securely stapled to the back of the triplicate copy of Form OAR–S11. Checks for such contributions shall be made payable to the Treasurer of the United States. A copy of the contribution return (Form OAR–S1) shall be attached to the recapitulation report (Form OAR–S2) filed by the State with the Department of Health, Education, and Welfare. For the purposes of reports and returns under the Act, the quarters shall each be 3 calendar months as follows: (1) January 1 to March 31, both dates inclusive; (2) from April 1 to June 30, both dates inclusive; (3) from July 1 to September 30, both dates inclusive; and (4) from October 1 to December 31, both dates inclusive.

(d) *Filing of wage reports and contribution returns with district directors of internal revenue.* (1) Where a State or any of its political subdivisions has in its employ individuals performing services for the State or a political subdivision of the State as members of a coverage group included under an agreement and such individuals also regularly perform services identical in nature in the employ of employers who are subject to the provisions of subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954 with respect to the wages paid by such employers for such services to such individuals, and where, with the approval of the Internal Revenue Service, the payment of the taxes and the filing of information returns required of employers under subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954 are made for all such employers by an agent appointed by them, such State may, with respect to such individuals, elect to permit the agent of such employers to file tax and information returns with, and to make payment thereon to, a district director of internal revenue in the manner and according to the conditions prescribed in regulations of the Internal Revenue Service relating to the employees' tax and the employers' tax under subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954.

(2) Where the Secretary has been furnished with written evidence to the effect that a State has made such an election and that the Commissioner of Internal Revenue has agreed to permit a district director of internal revenue to accept and receive such contribution and information returns and payment of contributions, the filing of such tax and information returns with, and the payment of such contributions to, the district directors shall be deemed to be compliance with the requirements imposed upon the State by paragraphs (a) and (c) of this section, except that nothing contained in this paragraph shall relieve any such State of its obligations and responsibilities under its agreement and the regulations in this subpart relative to its liability for the payments required under its agreement.

6. Sections 404.1250a and 404.1250b are added immediately after present § 404.1250 to read as follows:

§ 404.1250a Wage reports and contribution returns for employees performing services in more than one coverage group.

(a) *Employee of State in more than one coverage group.* Where an individual performs services in employment as an employee of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the State, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(b) *Employee of political subdivision in more than one coverage group.* Where an individual performs services in employment as an employee of a political subdivision of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the political subdivision, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(c) *Employee of State and of one or more political subdivisions.* Where an individual performs services in employment as an employee of the State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of a State in one or more coverage groups included in an agreement and the State agreement does not provide for the computation of contributions pursuant to section 218(e)(2), the aggregate wages paid to such employee by the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the State, shall be reported by the State in accordance with paragraph (a) of this section, and the aggregate wages paid to such employee by each political subdivision of the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each political subdivision in accordance with paragraph (b) of this section.

(d) *Employee of more than one political subdivision.* Where an individual performs services in employment as an employee of one or more coverage groups included in an agreement and as an employee of one or more other political subdivisions in one or more coverage groups included in an agreement and the State agreement does not provide for the computation of contributions pursuant to section 218(e)(2), the aggregate wages paid to such employee by each such political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each such political subdivision in accordance with paragraph (b) of this section.

(e) *Employees performing services for more than one employer; section 218(e)(2) applicable—(1) Employee of State and one or more political subdivisions.* Where an agreement provides for the computation of contributions for any calendar year in accordance with section 218(e)(2) of the Act with respect to an individual who performs services in employment as an employee of the State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of such State in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by the State and the political subdivisions, not in excess of $4,200 paid in any such calendar year after 1956 and prior to 1959, and not in excess of $4,800 paid in any such calendar year after 1958, shall be reported. The wages shall be reported by the State and each such political subdivision in accordance with § 404.1255 for the calendar quarter in which paid until the maximum amount for each such calendar year has been reached. In determining when the maximum amount has been reached for any such calendar year, the State shall consider only the wages with respect to which it has been authorized by the agreement to compute the contributions in accordance with section 218(e)(2).

(2) *Employee of more than one political subdivision.* Where an agreement provides for the computation of contributions for any calendar year in accordance with section 218(e)(2) of the Act with respect to an individual who performs services in employment as an employee of one political subdivision of the State in one or more coverage groups included in an agreement and as an employee of one or more other political subdivisions of the State in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by such political subdivisions, not in excess of $4,200 paid in any such calendar year after 1956 and prior to 1959, and not in excess of $4,800 paid in any such calendar year after 1958, shall be reported. The wages shall be reported by each such political subdivision in accordance with § 404.1255 for the calendar quarter in which paid until the maximum amount for each such calendar year has been reached. In determining when the maximum amount has been reached for any such calendar year, the State shall consider only the wages with respect to which it has been authorized by the agreement to compute the contributions in accordance with section 218(e)(2).

§ 404.1250b Filing of single wage report where individual is jointly employed by more than one employer.

Where the State and any of its political subdivisions or any two or more political subdivisions jointly employ any individuals to perform services in employment, the aggregate wages paid to such individuals by the State and any of its political subdivisions, or by any two or more political subdivisions, as the case may be, may, upon request by the State and with the approval of such request by the Secretary, be reported by an agent duly appointed to file such reports if:

(a) There is included in the agreement each of the coverage groups of employees of the State and its political subdivisions, or of two or more political subdivisions, as the case may be, of which such individuals are members;

(b) There is uniformity with respect to such coverage groups in the effective dates of coverage and both in the services covered and the services excluded from coverage;

(c) There is filed by such agent one wage report for each calendar quarter on Form OAR–S3, which includes the aggregate of the wages paid to such individuals as employees of the State and as employees of any of its political subdivisions, or as employees of any two or more political subdivisions, as the case may be. In computing the aggregate wages to be reported, there shall be included in the wage report the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by the State and the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State, or, if the individual is not employed by the State, the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State by which such individual is employed. (For provisions relating to the furnishing of wage statements to employees see § 404.1230.)

(d) There is included on the wage report (Form OAR–S3) the name and identification number of the State and of each political subdivision of the State, by which the individual is employed, or, if the individual is not employed by the State, the name and identification number of each such political subdivision, and the name and address and the identification number of the agent by which the wage reports are filed.

7. Section 404.1256(a) is revised to read as follows:

§ 404.1256 Records.

(a) *Records of States.* Every State which enters into an agreement shall keep or cause to be kept accurate records of all remuneration (whether in cash or in a medium other than cash) paid to employees performing services in employment in a coverage group included in an agreement after the effective date of such agreement, for services covered by such agreement. Such records may be maintained by such State, or, with respect to employees of any political subdivision thereof, by such political subdivision. No particular form is prescribed for keeping the records required by this paragraph. Each State shall use or cause to be used such forms and systems of accounting as will enable the Secretary to ascertain whether the contributions for which the State is liable are correctly computed and paid. Where contributions attributable to the remuneration of an employee are computed by a State in accordance with § 404.1222a, the State shall use or cause to be used procedures of record keeping or systems of accounting from which the State can ascertain currently accurate information as to the amount of wages subject to such computation received by such employee from all political subdivisions by which he is employed in any calendar year. The records required by this paragraph shall show with respect to each employee:

(1) The name, address, and account number of the employee (see § 404.1243 relating to account numbers) and such additional information with respect to the employee as is required by § 404.1243(a) when the employee does not show his account number card as issued to him by the Social Security Administration.

(2) The total amount (including any sum withheld therefrom as contribution, or for any other reason) and date of each remuneration payment and the period of services covered by such payment;

(3) The amount of such remuneration payment which constitutes wages (see § 404.1026 for wages and § 404.1027 for exclusion from wages); and

(4) The amount of employees' contribution, if any, withheld or collected with respect to such payment, and if collected at a time other than the time such payment was made, the date collected. If the total remuneration payment (subparagraph (2) of this paragraph) and the amount thereof which is subject to contribution (subparagraph (3) of this paragraph) are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement made pursuant to § 404.1261 or § 404.1262 shall also be kept.

8. Section 404.1262 is amended to read as follows:

§ 404.1262 Adjustment of overpayment of contributions.

(a) *In general.* If a State pays more than the correct amount of contributions, the State shall cause the adjustment of the overpayment by reporting such amount either as an adjustment of total contributions due with the first quarterly wage report filed after notification of the overpayment by the Social Security Administration or as a single adjustment of total contributions due

with any contribution return filed prior to the filing of such quarterly wage report. Such report or return shall include, or be accompanied by, a statement of the reason for the overpayment and of the reason why adjustment is in order.

(b) *Overpayment due to overreporting of wages; in general.* If the overpayment is due to an overreporting of the amount of wages paid to one or more employees during one or more calendar quarters, and such overpayment is not adjusted in accordance with paragraph (a) of this section, a report on Form OAR–S4 showing the amount or amounts of wages previously reported for the quarter or quarters and the correct amount or amounts of wages if any, paid to such employee in such calendar quarter or quarters, shall be filed upon ascertainment of the error by the State, together with a copy of the Form OAR–S1 prepared in accordance with the instructions contained thereon. Such report shall include, or be accompanied by, a statement of the reason why the original reporting of wages was incorrect.

(c) *Refund of overpayment due to overreporting of wages; section 218(e)(2) applicable*—(1) *In general.* If the overreporting of the amount of wages paid to one or more employees during one or more calendar years is due to a computation of contributions in accordance with § 404.1222a for a year or years prior to the year in which the agreement or modification providing for such computation is entered into or if the overreporting is due to a failure to compute contributions as required in accordance with § 404.1222a, the State shall adjust the overpayment by a report on Form OAR–S4 in accordance with the procedures in paragraph (b) of this section. An overpayment due to an overreporting of wages paid to one or more employees during one or more calendar quarters which does not result from the computation of contributions or a failure to compute contributions in accordance with § 404.1222a shall also be adjusted by the State on Form OAR–S4 in accordance with paragraph (b) of this section. If the adjustment of such an overpayment will result in an underreporting of wages for any employee by the State or any political subdivision, the report which adjusts the overpayment shall be accompanied by an adjustment report prepared in accordance with § 404.1261 with respect to each such underreporting. If the adjustment of such an overpayment will not result in an underreporting of wages for any employee by the State or any political subdivision, the report which adjusts the overpayment shall include, or be accompanied by, a statement that the adjustment of the overpayment will not result in any such underreporting.

(2) *Extent of refund or credit.* If the State has collected or caused to be collected contributions from employees with respect to such overpayment in amounts which exceed the amount of taxes which would have been imposed by section 3101 of the Internal Revenue Code of 1954 if the services covered under the agreement were performed in the employ of one employer and constituted employment as defined in section 3121 of such code and Forms W–2 have been issued to the employees which reflect such excess collection of contributions with respect to an amount of wages which is being adjusted, the State's claim for refund or credit shall be limited to the amounts overpaid which are equivalent to the taxes which would have been imposed by section 3111 of the Internal Revenue Code of 1954 if the services constituted employment as defined in section 3121 of such code. In this event the State shall not amend or cause to be amended any previously issued employee's statement on Form W–2 for the purpose of conforming the amounts of wages on such previously issued statements with the amounts as adjusted in accordance with the provisions of this section. (See § 404.1266 relating to adjustment of employee contributions.) If (i) the State has not collected or caused to be collected such excess contributions from employees with respect to such overpayment and the Forms W–2 which have been issued to such employees show only the amount of contributions actually collected from employees with respect to an amount of wages which is being adjusted, or (ii) such excess contributions have been collected from employees with respect to such overpayment but Forms W–2 which reflect such excess collection have not yet been issued with respect to an amount of wages which is being adjusted, the State may claim a refund or credit with respect to the amounts overpaid equivalent to the taxes which would have been imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 if such services had constituted employment as defined in section 3121 of such code. Where the State's claim for refund or credit is for this total amount of the overpayment, the adjustment report shall include, or be accompanied by, a statement that such excess contributions have not been collected from employees, or, where such excess contributions have been collected, that Forms W–2 have not yet been issued and that such forms when issued will show the correct amount of employee contributions.

9. Section 404.1266 is amended to read as follows:

§ 404.1266 Adjustment of employee contributions.

(a) *In general.* If a State deducts or causes to be deducted employees' contributions with respect to remuneration paid to employees in coverage groups included in an agreement with the Secretary of Health, Education, and Welfare, the amount deducted or caused to be deducted from the remuneration of an employee or any correction in the undercollection or overcollection of such amount, is a matter for settlement between the employee and the State or political subdivision, as the case may be. Any correction of an undercollection or overcollection of an employee's contribution shall be shown on statements furnished to the employee in accordance with § 404.1230. Where, however, statements have been issued to an employee on Forms W–2 and the State submits an adjustment of an overpayment in accordance with § 404.1262(c) with respect to which the State's claim for refund or credit is for less than the total amount of the overpayment, the previously issued Forms W–2 shall not be corrected to reflect such adjustment.

(b) *Multiple employment involved.* If wages are paid to an employee during a calendar year by the State and one or more political subdivisions thereof or by more than one political subdivsion and the amount of contributions collected or caused to be collected from the employee with respect to such wages exceeds the amount of tax which would have been imposed by section 3101 of the Internal Revenue Code of 1954 if the services were performed for one employer and constituted employment as defined in section 3121 of such code, the employee may claim a refund or credit of that part of such contributions which exceeds the amount of such tax by complying with the provisions of section 31(b) and section 6413(c) of the Internal Revenue Code of 1954.

[F.R. Doc. 61-12355; Filed, Dec. 28, 1961; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This part as filed with the FEDERAL REGISTER on June 29, 1955, and as last amended on July 29, 1961, is further amended as follows:

PARAGRAPH 1. Paragraph (b) of § 601.101 is amended to read as follows:

§ 601.101 Introduction.

* * * * *

(b) *Scope.* This part sets forth the procedural rules of the Internal Revenue Service respecting all taxes administered by the Service, and supersedes the previously published statement (26 CFR (1949 ed., Part 300–End) Parts 600 and 601) with respect to such procedural rules. Subpart A provides a descriptive statement of the general course and method by which the Service's functions are channeled and determined, insofar as such functions relate generally to the assessment and collection of internal revenue taxes. Certain provisions special to particular taxes are separately described in Subpart D of this part. Conference and practice requirements of the Internal Revenue Service are contained in Subpart E of this part. Specific matters not generally involved in the assessment and collection functions are separately described in Subpart B of this part. A description of the rule-making functions of the Treasury Department with respect to internal revenue tax matters is contained in Subpart F. The procedural rules of the Service with respect to distilled spirits, wines, beer, tobacco products (manufactured tobacco, cigars, and cigarettes), tobacco materials, cigarette papers and tubes, and certain firearms are described in Subpart C of this part. Subpart G of this part relates to matters of official record in the Internal Revenue Service and the extent to which records and documents are subject to publication or open to public inspection. This part does not contain a detailed discussion of the substantive provisions pertaining to any particular tax or the procedures relating thereto, and for such information it is necessary that reference be made to the applicable provisions of law and the regulations promulgated thereunder. The regulations relating to the taxes administered by the Service are contained in Titles 26 and 27 of the Code of Federal Regulations.

PAR. 2. Paragraph (c)(1) of § 601.103 is amended to read as follows:

§ 601.103 Summary of general tax procedure.

* * * * *

(c) *Disputed liability*—(1) *General.* If the informal conference does not result in agreement on the adjustments proposed to be made, the taxpayer is given an opportunity to submit a protest in writing, stating under penalties of perjury the facts on which he relies and the grounds for his contention that the adjustments are not proper. Following review of the protest, the case will be referred to the Appellate Division of the region (if that Division has jurisdiction, see § 601.106(a)(3)), and the taxpayer may also be accorded a conference in the Appellate Division. The determination of tax liability by the Appellate Division is final insofar as the taxpayer's appellate rights within the Service are concerned.

PAR. 3. Section 601.105 is amended by revising subparagraph (5) of paragraph (b), by revising subparagraph (1) of paragraph (d), and by adding a new paragraph (i) at the end. These amended provisions read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

* * * * *

(b) *Examination of returns.* * * *

(5) *Technical advice from the National Office.* Where the district director decides that an issue requires technical advice from the National Office, the taxpayer will be advised of the proposed referral. If he so desires, the taxpayer may submit a brief of the facts, law, and argument to be transmitted with the case to the National Office. Similarly, a taxpayer may request that an issue be referred to the National Office for technical advice on the grounds of lack of uniformity or that the issue is so unusual or complex as to warrant National Office consideration. If the examining officer (or informal conferee, in case of an informal conference) is of the opinion that the circumstances do not warrant such referral, the matter will be submitted to the Chief, Audit Division, for decision. If the Chief, Audit Division, determines that advice from the National Office will not be requested, he will inform the taxpayer, in writing, of his decision.

* * * * *

(d) *Thirty-day letters and protests*—(1) *General.* The report of the examining agent, as approved after review, recommends one of four determinations:

(i) Acceptance of the return as filed and closing of the case;

(ii) Assertion of a given deficiency or additional tax;

(iii) Allowance of a given overassessment, with or without a claim for refund, credit, or abatement;

(iv) If a claim for refund, credit, or abatement has been filed and has been found wholly lacking in merit, denial of the claim.

If any one of the last three determinations is made (except a full allowance of a claim in respect of any tax), unless the taxpayer has previously agreed with the finding by signing an agreement form as described in this section, the district director sends to the taxpayer a preliminary or "30-day letter". This is a form letter which states the determination proposed to be made. It is accompanied by a copy of the examining agent's report explaining the basis of the proposed determination. It suggests to the taxpayer that if he concurs in the recommendation, he indicate his agreement by executing and returning the enclosed form of waiver or acceptance. The preliminary letter also advises the taxpayer that if he disagrees with the proposed determination he may file a written protest under penalties of perjury within 30 days from the date of the letter stating the grounds for his disagreement and he may have a hearing in the Appellate Division of the region if requested and if that Division has jurisdiction (see § 601.106(a)(3)). Failure by the taxpayer to make any response within 30 days will result in the issuance of a statutory notice of deficiency or other appropriate action, such as the issuance of a notice of adjustment or the denial of a claim in income, profits, estate, and gift tax cases, and appropriate adjustment of the tax liability or denial of a claim in excise and employment tax cases.

* * * * *

(i) *Regional post review of examined cases.* Regional commissioners review samples of the examined cases closed in their district offices to assure uniformity throughout their districts in the application of the provisions of the Code, regulations, and rulings, as well as the general policies of the Service. In certain circumstances, such as where substantial errors are found or where there is evidence of fraud or collusion, the regional commissioner has authority to reopen the case. When a re-examination of books and records is necessary, Form 2756, Notice of Re-examination, will be delivered to the taxpayer at the time the re-examination is begun.

PAR. 4. Section 601.106 is amended by revising subparagraph (2)(iii) of paragraph (a), revising paragraph (b), revising subparagraph (1) of paragraph (d), revising subparagraph (1) of paragraph (e), revising subparagraphs (1), (4), and (5) of paragraph (f), and revising subparagraph (1) of paragraph (g). These amended provisions read as follows:

§ 601.106 Appellate functions.

(a) *General.* (1) * * *

(2) * * *

(iii) Eliminate the ad valorem fraud penalty in any income, profits, estate, or gift tax case not docketed in the Tax Court, except with the concurrence of regional counsel;

* * * * *

(b) *Initiation of proceedings before the Appellate Division.* In any case in which the district director has issued a preliminary or "30-day letter" and the taxpayer files a written protest under penalties of perjury against the proposed determination of tax liability, except as to those taxes described in paragraph (a)(3) of this section, the taxpayer has the right (and will be so advised by the district director) of administrative appeal to the Appellate Division of the region. Organizations such as labor unions and trade associations which have been examined by the district director to determine the amounts expended by the organization for purposes of lobbying, promotion or defeat of legislation, political campaigns, or propagands related to those purposes are treated as "taxpayers" for the purpose of this right of administrative appeal. Thus, upon filing a protest to the district director's findings that a portion of member dues is to be disallowed as a deduction to each member because expended for such purposes, the organization will be afforded full rights of administrative appeal to the Appellate Division of the region similar to those rights afforded to taxpayers generally. After review of any protest by the district director, the case and its administrative record are referred to the Appellate Division. No taxpayer is required to submit his case to the Appellate Division for consideration. Appeal is at the option of the taxpayer. A request for administrative appeal to the Appellate Division will not be denied because no informal conference was held in the district director's office. After the issuance by the district director of a statutory notice of deficiency, upon the taxpayer's request, the Appellate Division may take up the case for settlement and may grant the taxpayer a hearing thereon. Except in unusual circumstances, however, no hearing in such a case will be granted prior to the filing of a petition in the Tax Court for a redetermination of the deficiency proposed in the statutory notice.

* * * * *

(d) *Disposition and settlement of cases before the Appellate Division*—(1) *Cases not docketed in the Tax Court.* (i) If after consideration of the case by the Appellate Division of the region a satisfactory settlement of the issues is reached with the taxpayer, he will be requested to sign Form 870–AD or other appropriate agreement form waiving restrictions on the assessment and collection of any deficiency and accepting any overassessment resulting under the agreed settlement.

(ii) If after consideration of the case by the Appellate Division of the region it is determined that there is a deficiency in income, profits, estate, or gift tax, to which the taxpayer does not agree, a statutory notice of deficiency will be prepared and issued by the Appellate Division after consideration by the regional counsel of the memorandum recommending the issuance of such statutory notice. Officers of the Appellate Division having authority for the administrative determination of tax liabilities referred to in paragraph (a) of this section are also authorized to prepare, sign on behalf of the Commissioner, and send to the taxpayer by registered or certified mail any statutory notice of deficiency prescribed in sections 6212 and 6861 of the Code, and in corresponding provisions of the Internal Revenue Code of 1939. Within 90 days, or 150 days if the notice is addressed to a person outside the States of the Union and the District of Columbia, after such a statutory notice of deficiency is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day), the taxpayer may file a petition with the Tax Court of the United States for a redetermination of the deficiency. In any other unagreed case, the case and its administrative record will be returned to the district director with directions to take such action with respect to the tax liability determined in the Appellate Division as may be appropriate, such as the issuance of a statutory notice of disallowance of a claim for refund or credit in whole or in part, the preparation of a notice of adjustment or other appropriate action, or the collection of any additional tax (excise and employment tax cases).

* * * * *

(e) *Transfer and centralization of cases.* (1) If a case is docketed in the Tax Court of the United States and the place designated by the Court for trial is within one region, and such case originated in the office of a district director situated within another region, the Commissioner has the authority to confer all or any part of the jurisdiction, authority, and duties vested in the Appellate Division of the region in which the case originated upon the Appellate Division of the region within which the place designated for trial is located. Except in unusual cases, jurisdiction will not be transferred to the Appellate Division of the region which includes Washington, D.C., in any docketed case designated for trial at Washington, D.C., which did not originate within such region, unless the taxpayer currently resides within that region and can produce all required books and records there. Likewise, the Chief Counsel has corresponding authority to transfer the jurisdiction, authority, and duties of the regional counsel for any region to the regional counsel of another region within which the case has been designated for trial before the Tax Court.

* * * * *

(f) *Conference and practice requirements.* * * *

(1) *Rule I.* The Appellate Division conferee shall bear in mind that an exaction by the United States Government which is not based upon law, statutory or otherwise, is a taking of property without due process of law, in violation of the Fifth Amendment to the United States Constitution. The conferee, in his conclusions of fact or application of the law, shall hew to the law and the recognized standards of legal construction. It shall be the duty of the conferee to determine the correct amount of the tax, with strict impartiality as between the taxpayer and the Government, and without favoritism or discrimination as between taxpayers.

* * * * *

(4) *Rule IV.* Where the Appellate Division official having settlement authority and the district director deem it advisable, the district director may be represented at any Appellate Division conferences on a non-docketed case. This rule is also applicable to the Director of International Operations in the event his office issued the preliminary or "30-day letter".

(5) *Rule V.* In order to bring an income, profits, estate, or gift tax case in prestatutory notice status or an unagreed employment or excise tax case before the Appellate Division, the taxpayer must first file with the district director a written protest under the penalties of perjury, setting forth specifically the reasons for his refusal to accept the district director's findings. The protest and any new facts, law, or argument presented therewith will be reviewed by the district director for the purpose of deciding whether further development and action is required prior to referring the case to the Appellate Division.

* * * * *

(g) *Limitations on the jurisdiction and functions of the Appellate Division—(1) Overpayments of more than $100,000.* If the Appellate Division of a region determines in any case that there is an overpayment of income, war profits, excess profits, estate, or gift tax, including penalties and interest, in excess of $100,000, such determination is subject to review by the Office of the Chief Counsel. See § 601.108.

* * * * *

PAR. 5. Section 601.108 is amended by revising the heading, revising paragraph (a) and revising paragraph (b) to read as follows:

§ 601.108 Review of overpayments exceeding $100,000.

(a) *By Office of Chief Counsel.* Determinations of overpayments (other than overassessments of alcohol, tobacco, and certain firearms taxes) with respect to any internal revenue tax exceeding $100,000 are subject to review by the Office of the Chief Counsel. If upon review of such a determination by the Office of the Chief Counsel that office questions the proposed refund or credit, the taxpayer or his representative will ordinarily, if a legal question is involved, be advised by letter regarding such issue. Such letter will also advise the taxpayer or his representative that upon request a conference will be granted by the Office of the Chief Counsel at which time the taxpayer or his representative may appear and present his views regarding the issue.

(b) *Other applicable procedures.* If there are issues involved and agreement is reached with the taxpayer on such issues (including agreement with the Office of the Chief Counsel on any issue raised by that office), the taxpayer will be requested to file a letter stating his agreement with any proposed revision of the amount determined for refund or credit and the basis thereof, and also to agree in such letter to execute Form 870–AD or other appropriate agreement form accepting such revised amount and, where appropriate, agreeing not to file any further claims for refund, credit, or abatement with respect to any tax, penalty, or interest to which such refund or credit relates.

PAR. 6. Paragraph (b)(1) of § 601.109 is amended to read as follows:

§ 601.109 Bankruptcy and receivership cases.

* * * * *

(b) *Procedure in office of district director.* (1) While the district director is required by section 6871 of the Code to make immediate assessment of any deficiency in income, estate, or gift taxes, such assessment is not made as a jeopardy assessment (see § 601.105(h)), and the provisions of section 6861 do not apply to any assessment made under section 6871. Therefore, the notice of deficiency provided for in section 6861(b) will not be mailed to the taxpayer. Nevertheless, a letter (Form 7900) will be prepared and addressed in the name of the taxpayer, immediately followed by the name of the trustee, receiver, debtor in possession or other person designated by the court in which the bankruptcy or receivership proceeding is pending as in control of the assets or affairs of the debtor. Such letter will state how the deficiency was computed and advised that within 30 days a written protest under penalties of perjury may be filed with the district director showing wherein the deficiency is claimed to be incorrect, and that upon request an informal conference will be granted with respect to such deficiency. If, after protest is filed and any informal conference is held, adjustment appears necessary in the deficiency, appropriate action will be taken. Except where the interests of the Government require otherwise, Form 7900 letters are issued by the office of the district director. If at the time of the adjudication of bankruptcy in a liquidating proceeding or the approval of a petition in any other proceeding under the Bankruptcy Act or appointment of a receiver a case was pending before the Tax Court of the United States, the prescribed Form 7900 letter will not advise the addressee of any right to file a protest or to request a conference in the office of the district director. Protests must be filed in triplicate. In general, the procedure concerning informal conferences described in § 601.105(c) is also applicable to an informal conference held after the issuance of a Form 7900 letter, except that the examining agent's report may be prepared prior to such conference.

PAR. 7. Section 601.203 is amended by revising paragraph (b), revising subparagraph (3) of paragraph (c), and revising paragraph (d). These amended provisions read as follows:

§ 601.203 Offers in compromise.

* * * * *

(b) *Use of prescribed form.* Offers in compromise are required to be submitted on Form 656 (Rev. 7–57), properly executed, and accompanied by a financial statement on Form 433 (if based on inability to pay). Form 656 is used in all cases regardless of whether the amount of the offer is tendered in full at the time the offer is filed or the amount of the offer is to be paid by deferred payment or payments. Copies of Form 656 may be obtained from district directors. An offer in compromise should be filed with the district director charged with the duty of collecting the tax sought to be compromised.

(c) *Consideration of offer.* * * *

(3) The district directors are authorized to reject any offer in compromise referred for their consideration. Offers considered in the Office of the Chief Counsel in Washington which are not acceptable are rejected by the Commissioner. Offers considered by Regional Counsel which are not acceptable are rejected by district directors. If an offer is not acceptable, the taxpayer is promptly notified of the rejection of the offer. If an offer is rejected, the sum submitted with the offer is returned by the district director to the proponent. A selective post review of offers rejected by a district director involving liabilities totaling $5,000 or more is made by each regional commissioner.

* * * * *

(d) *Conferences.* Before filing a formal offer in compromise, a taxpayer may request a conference in the office which would have jurisdiction of the offer filed by him for the purpose of exploring the possibilities of compromising the unpaid tax liability. A conference may also be requested by the taxpayer in the office which has jurisdiction of the offer filed by him after all investigations have been made for the purpose of determining the amount which may be accepted as a compromise. If the offer is one with respect to which the district director has processing jurisdiction and the proponent does not agree with the rejection or proposed rejection, and neither the internal revenue agent nor the conferee of the district director's office has been able to convince the proponent of the correctness of the conclusion reached, the proponent will be apprised of his privilege of submitting a request in writing for a hearing before the Appellate Division of the region. The procedure outlined in the preceding sentence will not be followed if the offer relates to a tax as to which the Appellate Division does not have authority to function. See § 601.106(a)(3). Taxpayers and their representatives are required to fulfill and comply with the conference and practice requirements of the Internal Revenue Service. See §§ 601.501 to 601.511.

PAR. 8. Paragraph (b) of § 601.204 is amended to read as follows:

§ 601.204 Changes in accounting periods and in methods of accounting.

* * * * *

(b) *Methods of accounting.* A taxpayer who changes the method of accounting employed in keeping his books shall, before computing his income upon such method for purposes of income taxation, comply with the provisions of the income tax regulations relating to changes in accounting methods. The regulations require that, in the ordinary case, the taxpayer secure the consent of the Commissioner to the change. See section 446 of the Code and the regulations thereunder. Application for permission to change the method of accounting employed shall be made on Form 3115 and shall be submitted to the Commissioner of Internal Revenue, Washington 25, D.C., within 90 days after the beginning of the taxable year in which it is desired to make the change. Permission to change the method of accounting will not be granted unless the taxpayer and the Comissioner agree to the terms and conditions under which the change will be effected. The request will be considered by the Tax Rulings Division except that if the proposed change relates to depletion, depreciation, or obsolescence the request will be considered by the Special Technical Services Division.

PAR. 9. Paragraph (c) of § 601.301 is amended by revising subdivisions (i), (vi), (vii) and adding a new subdivision (viii) to subparagraph (2), revising subparagraph (10), revising subparagraph (17), and revising subparagraph (18). These amended provisions read as follows:

§ 601.301 Imposition of taxes, qualification requirements, and regulations.

* * * * *

(c) *Regulations.* * * *

(2) *Miscellaneous liquor transactions.* * * *

(i) Restamping of packages of distilled spirits by persons other than proprietors of distilled spirits plants;

* * * * *

(vi) Redemption of unused distilled spirits excise tax stamps and unused rectification tax stamps;

(vii) Manufacture and sale of certain compounds, preparations, and products containing alcohol; and

(viii) Redemption, in Puerto Rico, of unused rectification tax sheet stamps and unused special Puerto Rican rectification stamps.

* * * * *

(10) *Labeling and advertising of distilled spirits.* Regulations No. 5 (27 CFR Part 5), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of distilled spirits under the Federal Alcohol Administration Act, including standards of identity for distilled spirits, standards of fill for bottles of distilled spirits, withdrawal of bottled imported distilled spirits from customs custody, and the issuance of certificates of label approval and certificates of exemption from label approval.

* * * * *

(17) *Labeling and advertising of malt beverages.* Regulations No. 7 (27 CFR Part 7), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of malt beverages (beer) under the Federal Alcohol Administration Act, including withdrawal of imported malt beverages from customs custody, and the issuance of certificates of label approval.

(18) *Liquor dealers.* Part 194 of this chapter contains the regulations relative to the special (occupational) taxes imposed on wholesale and retail dealers in liquors, wholesale and retail dealers in beer, and limited retail dealers; restrictions on purchases of distilled spirits; reuse or refilling of liquor bottles (see also Part 175 of this chapter); sale or possession of refilled or used liquor bottles; and repackaging of alcohol for industrial use.

PAR. 10. Paragraph (a) of § 601.302 is amended to read as follows:

§ 601.302 Taxes.

(a) *Collection.* Taxes on distilled spirits, wines, beer, and rectified products are paid by returns. If the person responsible for paying the tax has filed a proper bond with the assistant regional commissioner (alcohol and tobacco tax), he may file semimonthly returns, with proper remittances, to cover the taxes incurred on distilled spirits, wines, beer, and rectified products during such semimonthly period. If the taxpayer is not qualified to defer taxpayment, or has been placed on a prepayment basis by the assistant regional commissioner, he must prepay the tax on the distilled spirits, wines, beer, or rectified products. Distilled spirits and rectification tax returns are filed with an officer designated by the assistant regional commissioner (alcohol and tobacco tax), or with the district director when so directed by the assistant regional commissioner, except that where a remittance is in cash the return must be filed with the district director. Returns of tax on beer and wine are filed with the district director in all cases. The forms for filing these tax returns are furnished to industry members by the assistant regional commissioner (alcohol and tobacco tax). Special tax stamps are issued to denote the payment of special (occupational) taxes by liquor dealers, brewers, rectifiers, still manufacturers, and manufacturers of nonbeverage products; such stamps are required to be posted in the taxpayer's place of business as evidence of taxpayment. Special tax stamps are also issued to denote payment of the commodity tax on stills and condensers, and are required to be cancelled and secured to the article or furnished to the user of the apparatus for retention at the premises where such apparatus is set up, available for inspection by internal revenue officers. Detailed information respecting the payment of tax on liquors and the payment of occupational and commodity taxes, including the forms to be used and

the procedure to be followed, is contained in the respective regulations described in § 601.301(c).

PAR. 11. Section 601.303 is amended by revising subparagraph (2) of paragraph (c), and revising paragraph (d), to read as follows:

§ 601.303 Claims.

* * * * * * *

(c) *Claims for refund.* * * *

(2) *Taxes on liquors lost, destroyed, returned to bond, or taken as samples by the United States.* A taxpayer may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the assistant regional commissioner (alcohol and tobacco tax) for refund of tax paid on (i) spirits returned to bonded premises, lost in rectification or bottling operations, lost by accident or disaster, or taken as samples by the United States, or (ii) wine returned to bond as unmerchantable, or lost by disaster, or (iii) beer removed from the market, or lost by disaster. If the claim is allowed, a notice of allowance with a check for the amount of the refund is forwarded to the claimant; except, that where there are any unpaid taxes outstanding against the claimant, the refund may be applied to the outstanding taxes and a check for the balance, if any, forwarded to the claimant. If the claim is rejected, a notice giving the reasons for rejection is forwarded to the claimant.

(d) *Claims for allowance, credit, or relief.* A qualified permittee, manufacturer, or proprietor may, subject to the conditions in the appropriate regulations, file claim on Form 2635 with the assistant regional commissioner (alcohol and tobacco tax) for allowance of loss, credit of tax, or relief from tax liability, as aplicable, on (1) spirits returned to bonded premises, lost or destroyed on bonded premises or in transit thereto, or lost in rectification or bottling operations; (2) wine lost or destroyed on bonded premises or in transit thereto, and unmerchantable domestic wine returned to bond; (3) beer removed from the market, lost (other than by theft), or destroyed by fire, casualty, or act of God; (4) denatured spirits lost or destroyed in bond, or lost on the premises of a qualified dealer or user or in transit to such premises; and (5) tax-free spirits lost on the premises of a qualified user or in transit to such premises.

PAR. 12. Section 601.304 is amended by revising subparagraphs (5) and (6) and adding a new subparagraph (7) to paragraph (g), and revising paragraph (k). These amended provisions read as follows:

§ 601.304 Preparation and filing of claims.

* * * * * * *

(g) *Miscellaneous.* * * *

(5) Payment of an amount equal to the internal revenue tax paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of a major disaster occurring in the United States after December 31, 1954,

(6) Redemption of unused distilled spirits excise tax stamps or unused rectification tax sheet stamps, and

(7) Redemption, in Puerto Rico, of unused rectification tax sheet stamps and unused special Puerto Rican rectification stamps.

* * * * * * *

(k) *Distilled spirits used in nonbeverage products.* Procedural instructions in respect of claims (1) for drawback of tax on distilled spirits used in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, and (2) for refund or adjustment of special (occupational) tax, are contained in Part 197 of this chapter.

PAR. 13. Paragraph (d) of § 601.315 is amended to read as follows:

§ 601.315 Claims.

* * * * * * *

(d) *Refund of tax.* Taxes paid by return, or otherwise, on tobacco products and cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, importer, or export warehouse proprietor, or withdrawn by him from the market, may be refunded. A claim for refund of tax is filed on Form 843 with the assistant regional commissioner (alcohol and tobacco tax) for the region in which the tax was paid. If tax was paid in more than one region, a claim may be filed with the assistant regional commissioner for any one of the regions in which tax was paid.

PAR. 14. Section 601.320 is amended to read as follows:

§ 601.320 Taxes relating to machine guns and certain other firearms.

Part 179 of this chapter contains the regulations relative to the (a) payment of special (occupational) taxes by manufacturers and importers of, and dealers (including pawnbrokers) in, certain types of firearms, including machine guns and silencers or mufflers, (b) payment of the tax on the making or transfer of such firearms, (c) registration, identification, importation and exportation of such firearms, (d) keeping of books and records and rendering of returns, and (e) the forfeiture and disposition of seized firearms under the provisions of the National Firearms Act.

PAR. 15. Section 601.402 is amended by adding at the end of paragraph (d) the following new subparagraph:

§ 601.402 Sales taxes collected by return.

* * * * * * *

(d) *Registration and bonding requirements.* * * *

(3) Every importer of foreign cars, trucks, buses, etc., taxable under chapter 32 of the Code must make application to the district director for the district in which he will file returns of the tax for a determination whether he is required to give bond securing the payment of the tax on his sales of such commodities. Detailed instructions as to the information required to be included in the application and the procedure to be followed by the importer are set forth in the applicable regulations. Form 3006 has been prescribed for the convenience of importers and may be obtained from the district director.

PAR. 16. Section 601.403 is amended by revising subparagraph (2) of paragraph (c) to read as follows:

§ 601.403 Miscellaneous excise taxes collected by return.

* * * * * * *

(c) *Collection of tax.* * * *

(2) *Collected taxes.* The other miscellaneous excise taxes referred to in this section are imposed on the person making the payment for the admission, telephone, transportation or other service involved. These taxes are required to be collected by the theatre, telephone company, railroad, or other person receiving the payment. All taxes collected in this manner are held by the collecting agent in trust for the United States until deposited in accordance with the Depositary Receipt procedure or paid over to the district director. The collecting agencies are required to file returns and the tax is payable, without notice from the district director, at the time fixed for filing returns. If the person from whom the tax is required to be collected refuses to pay it or, if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency is required to report to the district director for the district in which its returns are required to be filed the name and address of such person, the nature of the service or facility rendered, and amount paid therefor, and the date on which paid. Upon receipt of this information the district director will proceed against the person to whom the facilities were provided or the services rendered to assert the amount of tax due, affording such person the same informal conference, protest and appellate rights as are available to other excise taxpayers. In addition, when a field or office audit of a collecting agency's records, or of a taxpayer's records, discloses that the collecting agency failed during prior reporting periods to collect taxes due, the district director may assert such taxes directly against the persons to whom the facilities were provided or the services rendered, whether or not the collecting agency had attempted collection or the persons liable for the tax had refused payment thereof.

PAR. 17. Section 601.404 is amended by revising subparagraph (1) of paragraph (j) to read as follows:

§ 601.404 Miscellaneous excise taxes collected by sale of revenue stamps.

* * * * * * *

(j) *Provisions special to commodity stamp taxes.* (1) Provision is made for the withdrawal of filled cheese and playing cards from factories, free of tax, for the use of the United States. The procedure to be followed and the form of exemption certificate to be used in the case of such withdrawals are prescribed in the applicable regulations. Provision is also made for the exportation without payment of tax on adulterated butter and playing cards. The procedure to be followed in the case of such exportation is prescribed in the applicable regulations.

PAR. 18. Section 601.702 is amended by revising subparagraph (1) of paragraph (a) and revising subparagraph (1) (i) of paragraph (b), to read as follows:

§ 601.702 Publication and public inspection.

(a) *General.* * * *

(1) *Inspection of tax returns.* The inspection of returns is governed by the provisions of the internal revenue laws and rules promulgated by the President or by the Secretary of the Treasury pursuant to such provisions. See the regulations under section 6103 of the Code.

* * * * * * *

(b) *Final opinions and orders.* * * *

(1) *Accepted offers in compromise—*

(i) *Income, profits, estate, or gift tax.* For a period of one year, a copy of the Abstract and Statement for each accepted offer in compromise in respect of income, profits, estate, or gift tax liability is made available for examination (*a*) in the Public Information Division of the National Office when the offer covers a liability of $5,000 and over; and (*b*) in the office of the appropriate district director when the offer covers a liability of less than $5,000. See the regulations under section 6103 of the Code and section 9 of Revenue Procedure 60–22 (C.B. 1960–2, 992).

(R.S. 161; 5 U.S.C. 22)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

[F.R. Doc. 61–12361; Filed, Dec. 28, 1961; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 61–61]

PART 23—DISTINCTIVE MARKINGS FOR COAST GUARD VESSELS AND AIRCRAFT

Coast Guard Aircraft Markings

The purpose of the amendment to 33 CFR 23.25, as set forth in this document, is to bring up-to-date the Coast Guard aircraft markings. In § 23.25(a)(5) the phrase "fluorescent red orange" is substituted for "brilliant yellow" in two places. In § 23.25(b) the subparagraph (1) regarding color of body and tail cone of helicopters is deleted, and subparagraphs (2) through (5) are redesignated (2) through (4).

By virtue of the power vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order No. 167–17, dated June 29, 1955 (20 F.R. 4976), § 23.25 is amended by revising paragraphs (a) (5) and (b) to read as follows, which shall be effective on and after the date of publication of this document in the FEDERAL REGISTER:

§ 23.25 Coast Guard aircraft markings.

(a) * * *

(5) Aircraft specifically adapted for search and rescue shall in addition have wing tips painted fluorescent red orange and a fluorescent red orange band around the body forward of the horizontal stabilizer.

(b) Rotary wing aircraft (helicopters) of the Coast Guard have the following distinctive markings:

(1) The National Insignia shall be applied to both sides of the helicopter.

(2) The letters "USCG" shall be applied in black to the under side of the body or tail cone.

(3) The name "U.S. COAST GUARD" shall be applied in black on both sides of the fuselage or tail cone.

(4) The Coast Guard emblem shall be applied on both sides of the fuselage.

(Sec. 638, 63 Stat. 546; 14 U.S.C. 638. Interpret or apply sec. 639, 63 Stat. 546; 14 U.S.C. 639; E.O. 10707, 22 F.R. 3211, 3 CFR, 1957 Supp.)

Dated: December 19, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61–12350; Filed, Dec. 28, 1961; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5 is amended as set forth below:

PART 5–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5–2.2—Solicitation of Bids

Section 5–2.201–50 is added, to read as follows:

§ 5–2.201–50 Security requirements.

(a) Where making classified information available to contractors or prospective contractors is contemplated, the invitation for bids shall include the appropriate clause required by § 5–7.150, § 5–7.650, or § 5–7.5101. If it is determined that these clauses are not applicable for a particular contract (e.g., a research or personal services contract), the Head of the Service or Staff Office concerned with the procurement shall provide a suitable substitute clause. These clauses require adherence, by the contractor, to the security agreement (DD Form 441) made by industrial concerns with DOD to abide by the Industrial Security Manual for Safeguarding Classified Information. The release of classified information to contractors or prospective contractors shall be effected in accordance with the provisions of § 5–53.202.

(b) In connection with the industrial security program within GSA, the GSA Security Officer provides overall coordination and administration, including the furnishing of technical advice and guidance to contracting officers, maintaining liaison with DOD, and authorizing release of classified information to contractors.

PART 5–3—USE OF NEGOTIATION

Subpart 5–3.1—Use of Negotiation

Section 5–3.102–50 is added, to read as follows:

§ 5–3.102–50 Security requirements.

Where making classified information available to contractors or prospective contractors is contemplated, the request for proposals shall include the appropriate security requirements clause required by § 5–7.150, § 5–7.650, or § 5–7.5101. (See also § 5–2.201–50.) The release of classified information to contractors or prospective contractors shall be effected in accordance with the provisions of § 5–53.202.

PART 5–7—CONTRACT CLAUSES

Subpart 5–7.1—Fixed-Price Supply Contracts

Section 5–7.150 is added, to read as follows:

§ 5–7.150 Classified information.

Fixed-price supply contracts involving classified information shall contain the following clause:

SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential," including "Confidential—Modified Handling Authorized," or higher.

(b) The Government shall notify the Contractor of the security classifications of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(i) The Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) Any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of General Services Administration shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the se-

curity requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the Security Office of the cognizant Military Department or the General Services Administration of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

[End of clause]

Subpart 5–7.6—Fixed-Price Construction Contracts

Section 5–7.650 is added, to read as follows:

§ 5–7.650 Classified information.

Fixed-price construction contracts involving classified information shall contain the clause set forth in § 5–7.150.

Subpart 5–7.51—Contracts Involving Classified Information

Subpart 5–7.51 is added, to read as follows:

Sec.
5–7.5100 Scope of subpart.
5–7.5101 Cost-reimbursement type supply and construction contracts.

AUTHORITY: §§ 5–7.5100 and 5–7.5101 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–7.5100 Scope of subpart.

This subpart sets forth contract clauses for use in contracts which involve classified information except fixed-price supply contracts (see § 5–7.150) and fixed-price construction contracts (see § 5–7.650).

§ 5–7.5101 Cost-reimbursement type supply and construction contracts.

Cost-reimbursement type contracts shall contain the following clause when the contract involves classified information:

SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential", including "Confidential—Modified Handling Authorized", or higher.

(b) The Government shall notify the Contractor of the security classifications of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(i) The Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) Any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of General Services Administration shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the Security Office of the cognizant Military Department or the General Services Administration of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment sequent to the date of the subcontract shall be accomplished in the manner set forth in the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding paragraph (e) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into thereunder may contain, in lieu of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

[End of clause]

PART 5–53—CONTRACT ADMINISTRATION

Subpart 5–53.2—Classified Information Involved in GSA Contracts

Subpart 5–53.2 is added, to read as follows:

Sec.
5–53.201 General.
5–53.202 Requests for release of classified information.
5–53.202–1 Authorization for release.
5–53.202–2 Termination of authorization for release.
5–53.203 Processing security requirements check list.
5–53.203–1 Prime contracts.
5–53.203–2 Subcontracts.
5–53.204 Periodic review.
5–53.205 Recurring procurement.
5–53.206 Control of classified information.
5–53.206–1 Records.
5–53.206–2 Markings.
5–53.207 Return of classified information to GSA.
5–53.207–1 Return from prospective contractors.
5–53.207–2 Return from contractors.
5–53.207–3 Termination, revocation, or inactivation of facility security clearance.
5–53.208 Breaches of security.

AUTHORITY: §§ 5–53.201 to 5–53.208 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–53.201 General.

(a) Where contracts involve information of a classified nature, the release and control of such classified information shall be as provided for in this Subpart 5–53.2. Classified information shall be released only to those persons whose employment, in the performance of the contract, require access and knowledge or possession of such classified information in the interest of national defense.

(b) The provisions of this Subpart 5–53.2 implement and are based on the requirements of the Armed Forces Industrial Security Regulations and the Department of Defense Industrial Security Manual for Safeguarding Classified Information. By agreement, Department of Defense will act for and in behalf of GSA in rendering security services required for safeguarding classified defense information released by GSA.

(c) As used in this Subpart 5–53.2, the term "U.S. industry" pertains to those industries (including educational and research institutions) located within the United States, its possessions, and Puerto Rico. The term "security services" relates to those functions performed by DOD to protect classified information released to industry in connection with solicitations of bids or offers, awards, contract performance, or termination of contracts or subcontracts.

§ 5–53.202 Requests for release of classified information.

Prior to entering into discussion, or negotiation, or solicitation of bids for contracts involving the disclosure of classified defense information, the appropriate contracting officer shall prepare, in duplicate, Section I of GSA Form 1720, Request for Release of Classified Information to U.S. Industry. After signing as the requesting officer and obtaining approval from his immediate supervisor, he shall forward both copies to the GSA Security Officer.

§ 5–53.202–1 Authorization for release.

The GSA Security Officer, after determining that release of classified information is proper, shall complete the appropriate parts of Section II, GSA Form 1720, and return one copy to the contracting officer. In no event shall classified defense information be disclosed, or made accessible to any contractor or prospective contractor until the completed form has been received from the GSA Security Officer. Where only Item 14b, Section II, of the form has been checked, contracting officers shall be guided in their actions by the instructions on the reverse of the form. In the event that any contractor or individual coming within the scope of this Subpart 5–53.2, is found to be not eligible for security clearance, the GSA Security Officer shall advise the contracting officer.

§ 5–53.202–2 Termination of authorization for release.

Where information develops that a clearance should be withdrawn or revoked, the GSA Security Officer shall advise the contracting officer of the termination of authorization to release classified information. This shall include instructions as to actions to take in order to safeguard, withhold, or obtain return to classified information. Reasons for such termination may include:

(a) Failure of the contractor to maintain the physical standards required by the Industrial Security Manual for Safeguarding Classified Information.

(b) Information indicating contractor should no longer be eligible for clearance.

(c) Contractor no longer requires access to classified information.

§ 5–53.203 Processing security requirements check list.

(a) Prime contracts and subcontracts involving the access to classified information by the prime contractor or subcontractor also require preparation of DD Form 254, Security Requirements Check List, to identify and indicate to DOD and contractors the areas of classified information involved. In the case of contracts for consultant and other services, a written notice of classification may be used in lieu thereof.

§ 5–53.203–1 Prime contracts.

(a) Except for procurement of a recurring nature (see § 5–53.205), the contracting officer shall prepare and furnish one copy of DD Form 254 to the prime contractor, and four copies to the GSA Security Officer immediately upon award. If practicable this may be done when requests for proposals or invitations for bids are issued. An additional copy shall be prepared and retained in the contract file, for periodic review pursuant to § 5–53.204. The areas of classified information shall be identified and indicated on the form. Where feasible, the contracting officer may develop the data for preparation of DD Form 254, based upon recommendations of the contractor(s) and the contractor may be required to assist in the preparation including the forms for subcontracts. In lieu of entering classified information on DD Form 254, such classified information shall be transmitted separately by letter or similar document, reference thereto being made on Item 15 of the form.

(b) DD Form 254 is not required in connection with research contracts or those for consultant or other services in which there is no requirement for a breakdown by Security classification of the various elements of the contract. Such contracts may be identified by a letter of notification of classification for the entire contract.

§ 5–53.203–2 Subcontracts.

When a prime contractor notifies the contracting officer that a subcontractor has been selected and the contract will involve access to classified information, a DD Form 254 shall be prepared and distributed in the same manner as shown in § 5–53.203–1 except that three copies (in lieu of one copy) shall be furnished to the prime contractor.

§ 5–53.204 Periodic review.

Contracting officers shall review DD Form 254 whenever a change in phase of performance occurs, or at other times at the discretion of the contracting officer, but in any event at least once a year, to determine whether the classified information can be downgraded or declassified. The contractor shall be informed of the results of the review by issuance of a revised check list, or by written instructions in lieu of DD Form 254 (where authorized), or, in the event the review results in no change in the classification specifications, by written notification to that effect. Upon termination or completion of the contract, a final check list shall be prepared.

§ 5–53.205 Recurring procurement.

When procurement is of a recurring nature a new DD Form 254 is not required if the end item is not changed and there is no change from the previous security classification.

§ 5–53.206 Control of classified information.

Pursuant to the appropriate security requirements clause (prescribed in Part 5–7), contractors, subcontractors, and prospective contractors are required to protect classified defense information in compliance with the Industrial Security Manual for Safeguarding Classified Information. GSA Administrative Manual, 8–16 thru 39, prescribes detailed instructions with respect to safeguarding of classified information within GSA.

§ 5–53.206–1 Records.

Contracting officers shall insure that a record is maintained of GSA classified information released to contractors or prospective contractors. GSA Form 1237, Classified Document Receipt, shall be used for transmission of classified matter to a contractor or prospective contractor pursuant to the GSA Administrative Manual, 8–29. Such material shall be addressed and delivered directly to the contractor.

§ 5–53.206–2 Markings.

Classified material furnished to a contractor or subcontractor shall be marked in accordance with the provision of the GSA Administrative Manual, 8–23.

§ 5–53.207 Return of classified information to GSA.

Unless the classified information has been destroyed as provided for in paragraph 14 of the Industrial Security Manual for Safeguarding Classified Information, the contracting officer shall obtain the return or surrender of this information pursuant to the provisions of this § 5–53.207. Where classified information is furnished to a GSA contractor by another Government agency, the return of such information is the responsibility of that agency.

§ 5–53.207–1 Return from prospective contractors.

Where a bid or proposal has not been submitted or is not to be submitted, any classified information furnished shall be required to be returned or surrendered prior to the time set for opening or the closing date for receipt of proposals or immediately thereafter. In connection with unsuccessful bidders or offerors, any classified information shall be required to be returned or surrendered within 15 days after contracts have been awarded. In either event the material may be destroyed when authorized in writing by the contracting officer.

§ 5–53.207–2 Return from contractors.

All classified information furnished a contractor shall be required to be returned or surrendered at the termination or completion of the contract or when otherwise directed by the contracting officer.

§ 5–53.207–3 Termination, revocation, or inactivation of facility security clearance.

(a) When a contracting officer has been advised (1) by the GSA Security Officer that authorization to release classified information has been withdrawn, or (2) by the cognizant security officer that the facility security clearances have been revoked or inactivated, immediate action shall be taken for the return or surrender of classified information.

(b) If the contracting officer is advised that a facility does not have adequate means for safeguarding classified information in its possession, additional classified information shall not be furnished. Any classified information previously furnished shall be required to be returned or surrendered as in (a), above, until the facility meets the standards required by the Industrial Security Manual for Safeguarding Classified Information.

§ 5–53.208 Breaches of security.

When an unauthorized disclosure of classified information is discovered, which apparently emanated from an industrial source and appears to have resulted from a violation of paragraphs 5 m, n, or o of the Industrial Security Manual for Safeguarding Classified Information, the GSA contracting officer or other GSA employee responsible for the

information shall promptly refer the facts of such breach or compromise to the GSA Security Officer for appropriate remedial action.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 21, 1961.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 61-12341; Filed, Dec. 28, 1961; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—ALASKA

[Circular 2074]

PART 63—GRAZING

On page 6476 of the FEDERAL REGISTER of July 19, 1961, there were published proposed additions to Part 63 designated as § 63.31 to § 63.51, Title 43, Code of Federal Regulations, providing regulations for the issuance of reindeer grazing permits in the State of Alaska. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No objections have been received and comments submitted do not require a revision of the proposed additions. However, in order to clarify the regulations a new center heading has been added. Also the statutory authority specified in § 63.31 has been corrected to refer to section 12 rather than section 14 of the act. The amendments are adopted with this correction and the addition of a center heading entitled "Reindeer Grazing." The complete text is set forth below. These additions shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 20, 1961.

The following new sections are added to Part 63:

REINDEER GRAZING

Sec.
63.31 Statutory authority.
63.32 Definitions.
63.33 Application for grazing permit; Bureau of Indian Affairs certification of reindeer assignment; source of reindeer other than Government; listing of improvements.
63.34 Lands subject to grazing permit.
63.35 Filing fee; grazing fee.
63.36 Qualifications of applicants.
63.37 Rights reserved; public land laws applicable.
63.38 No right acquired by applicant prior to issuance of grazing permit.
63.39 Term of grazing permit; renewals.
63.40 Grazing permits to designate range to be used.
63.41 Maximum number of reindeer.
63.42 Adjustment of grazing permit area.
63.43 Report of grazing operations; assignments.
63.44 Crossing permits.
63.45 Permits for construction and maintenance of improvements; fences.
63.46 Termination of grazing permit; cancellation.
63.47 Removal of improvements and other property.
63.48 Protests.
63.49 Location, settlement, entry, and other disposition of lands included in grazing permit; notice to permittee of disposition and reduction of permitted area.
63.50 Appeals.
63.51 Trespass.

REINDEER GRAZING

§ 63.31 Statutory authority.

Section 12 of the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250k), authorizes the Secretary of the Interior to promulgate such rules and regulations as, in his judgment, are necessary to carry into effect the provisions of 48 U.S.C. 250–250n.

§ 63.32 Definitions.

(a) "Reindeer" includes reindeer and such caribou as have been introduced into animal husbandry or have actually joined reindeer herds and the increase thereof.

(b) "Natives" include the native Indians, Eskimos, and Aleuts of whole or part blood inhabiting Alaska at the time of the Treaty of Cession of Alaska to the United States and their descendants of whole or part blood, together with the Indians and Eskimos who, since the year 1867 and prior to September 1, 1937, have migrated into Alaska from the Dominion of Canada, and their descendants of whole or part blood.

(c) "Bureau" means Bureau of Land Management.

(d) "Director" means Director, Bureau of Land Management.

(e) "Authorized Officer" means the Bureau official who has been authorized to issue a reindeer grazing permit.

(f) "The Act" means the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250, 250a–250p).

§ 63.33 Application for grazing permit; Bureau of Indian Affairs certification of reindeer assignment; source of reindeer other than Government; listing of improvements.

(a) An application for a grazing permit must be executed in duplicate on a form approved by the Director and filed in the Bureau office which has jurisdiction over lands applied for.

(b) A certification of reindeer allotment to the applicant, signed by the authorized Bureau of Indian Affairs officer, must accompany the application if the applicant is to receive a herd from the Government.

(c) If reindeer are to be obtained from a source other than the Government, the applicant should state the source and show evidence of his purchase or option to purchase.

(d) With the initial application for any grazing permit issued under these regulations, the applicant must list by location and description the improvements found in the area under application which are owned by the applicant. Such statement of ownership will be verified by a Bureau of Indian Affairs official prior to submitting it to the Bureau of Land Management. Such existing improvements will be permitted by the terms of the initial grazing permit. Improvements to be constructed subsequent to the issuance of the initial grazing permit must be under permit in accordance with § 63.45.

§ 63.34 Lands subject to grazing permit.

Vacant and unreserved and unappropriated public lands are subject to inclusion in a reindeer grazing permit. Where these lands are within the natural migration routes of caribou, or when they have other important wildlife values, the lands may be included in a permit, at the discretion of the authorized officer after consultation with the Bureau of Sport Fisheries and Wildlife, subject to such special terms and conditions as may be jointly agreed upon. Public lands which have been withdrawn for any purpose may also be included in a grazing permit with the prior consent of the Department or agency having administrative jurisdiction thereof, and subject to such additional terms and conditions as such Department or agency may impose.

§ 63.35 Filing fee; grazing fee.

A filing fee of $10 must accompany each application for a reindeer grazing permit or application for renewal thereof. No grazing fee will be charged.

§ 63.36 Qualifications of applicants.

An applicant is qualified if he is a native or group, association or corporation of natives as defined by the Act of September 1, 1937, organized under the laws of the United States or the State of Alaska.

§ 63.37 Rights reserved; public land laws applicable.

(a) Grazing permits under §§ 63.31–63.51 shall be subordinated to higher uses and subject to modification or reduction by the authorized officer to the extent necessary to allow:

(1) The protection, development and utilization, under applicable laws and regulations, of the mineral, timber, water and other resources on or in the lands included in the grazing permit, including their use for agriculture.

(2) The allowance of applications for and the acquisition of homesites, easements, permits, leases, or other rights and uses pursuant to applicable public land laws.

(3) The temporary closing of portions of the permitted area to grazing whenever, because of improper handling of the reindeer, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition.

(b) No permittee may so enclose roads, trails, or highways as to disturb public travel thereon, nor interfere with existing communication lines or other improvements on the permitted area; he shall not prevent legal hunting, fishing or trapping on the land, or ingress of miners, mineral prospectors and other persons entitled to enter the area for lawful purposes.

(c) Persons using public lands for grazing of reindeer or for driving of reindeer across such lands must comply with applicable State and Federal laws relative to livestock quarantine and sanitation.

§ 63.38 No right acquired by applicant prior to issuance of grazing permit.

The filing of an application will not segregate the land applied for from application by other persons for a grazing permit, or from other disposition under the public land laws. As the issuance of a grazing permit is discretionary, the filing of an application will not create a right for such a permit, or to the use of the lands applied for pending the issuance of a grazing permit.

§ 63.39 Term of grazing permit; renewals.

(a) Reindeer grazing permits shall be issued for a maximum term of 10 years, except where the applicant desires a shorter term, or where the authorized officer determines that a shorter period will be in the public interest.

(b) Application for renewal of a grazing permit shall be made not less than four months or more than eight months before the expiration date of the permit. The authorized officer may at his discretion offer the permittee a renewed grazing permit containing such terms, conditions, and of such duration as he determines to be in the public interest.

§ 63.40 Grazing permit to designate range to be used.

Permits will restrict grazing use to a definitely described area. Grazing permits will be granted only for such areas as may be deemed adequate and usable according to the needs of the permittee.

§ 63.41 Maximum number of reindeer.

The grazing permit will indicate the maximum number of reindeer which may be grazed on the permitted area, based on range conditions, and will be subject to adjustment as the condition of the range indicates.

§ 63.42 Adjustment of grazing permit area.

The permitted area may be reduced at any time, after not less than 30 days notice to the permittee, when in the opinion of the authorized officer the area is excessive for the number of reindeer grazed thereon. The permit may be increased by the authorized officer on his own motion or upon request of the permittee, when in the opinion of the authorized officer the area is insufficient for the number of reindeer grazed thereon. The permittee shall have opportunity within such notice period to to show cause why the area included in the grazing permit should not be adjusted.

§ 63.43 Report of grazing operations; assignments allowed.

(a) Before April 1 of the second permit year and each year thereafter, the permittee shall file with the authorized officer a report in duplicate of his grazing operations during the preceding year on an approved form.

(b) No part of the land included in the permit may be subleased. Proposed assignments of a permit, in whole or in part, must be filed in duplicate with the authorized officer within 90 days from the date of its execution. Such assignments must contain all of the terms and conditions agreed upon by the parties thereto, accompanied by the same showing by the assignee as to qualifications and a reindeer allotment as is required of applicants for a permit, and by the assignee's statement agreeing to be bound by the provisions of the permit. No assignment shall be effective until approved by the authorized officer.

§ 63.44 Crossing permits.

A permit for the crossing of reindeer over public lands, including lands under grazing permit, may be issued free of charge, upon application filed with the authorized officer at least 30 days prior to the date the crossing is to begin. The application must show the number of reindeer to be driven, date of starting, approximate period of time required, and the land to be traversed.

§ 63.45 Permits for construction and maintenance of improvements; fences.

Application for a permit to construct and maintain range improvements should be filed, in duplicate, with the authorized officer on an approved form. The grazing permittee, upon obtaining a permit from the authorized officer, may construct, maintain and utilize any fence, building, corral, reservoir, well, or other improvement needed for the exercise of the grazing privileges under the grazing permit. The permittee will be required to comply with the laws of the State of Alaska with respect to the construction and maintenance of fences, but any such fence shall be constructed to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

§ 63.46 Termination of grazing permit; cancellation.

(a) A grazing permit may be surrendered by the permittee upon prior written notice filed with the authorized officer, effective upon the date indicated in such notice, but not less than 30 days from the date of filing.

(b) A grazing permit may be cancelled by the authorized officer if the permit was issued improperly through error with respect to a material fact or facts, or if the permittee shall fail to comply with any of the provisions of the permit or of §§ 63.31–63.51. No permit shall be cancelled for default in complying with the provisions of the permit or of §§ 63.31–63.51 until the permittee has been notified in writing of the nature of the default and has been afforded an opportunity of not less than 30 days to show why the permit should not be cancelled.

§ 63.47 Removal of improvements and other property.

The permittee, within 90 days from the date of expiration or termination of the grazing permit, or within any extension of such period, shall be allowed to remove all personal property belonging to him, together with any fence, building, corral, or other removable range improvements owned by him. All such property which is not removed within the time allowed shall thereupon become the property of the United States.

§ 63.48 Protests.

Protests against an application for a grazing permit shall be filed in duplicate, with the authorized officer; contain a complete disclosure of all facts upon which the protest is based; and describe the lands involved in such protest. It shall be accompanied by evidence of service of a copy of the protest upon the applicant. If the protestant desires to obtain a grazing permit for all or part of the land embraced in the application against which the protest is filed, the protest shall be accompanied by an application for a grazing permit.

§ 63.49 Location, settlement, entry, and other disposition of lands included in grazing permit; notice to permittee of disposition and reduction of permitted area.

(a) Lands included in grazing permits under the act are subject to settlement, location, and acquisition under the non-mineral public land laws applicable to the State of Alaska.

(b) Upon settlement, location or entry of any lands included within a reindeer grazing permit, the permittee shall be notified of the settlement, location or entry, and the permitted area shall be reduced by the area involved in the settlement, location or entry.

(c) Unless otherwise withdrawn therefrom, lands included in grazing permits under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining laws, in accordance with the applicable regulations of Parts 69 and 185 of this chapter.

§ 63.50 Appeals.

An appeal may be taken from any decision of the authorized officer to the Director, and from any decision of the Director to the Secretary, pursuant to the rules of practice (Part 221 of this chapter).

§ 63.51 Trespass.

(a) Any use of the Federal lands for reindeer grazing purposes, unless authorized by a valid permit issued in accordance with the regulations in §§ 63.31–63.51, is unlawful and is prohibited.

(b) Any person who wilfully violates any of the rules and regulations in §§ 63.31–63.51 of this part shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment for not more than one year, or by a fine of not more than $500.

[F.R. Doc. 61-12335; Filed, Dec. 28, 1961; 8:46 a.m.]

SUBCHAPTER H—GRAZING

[Circular 2073]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

On page 6853 of the FEDERAL REGISTER of August 1, 1961, there were published proposed amendments to § 161.6, 161.7 161.8, 161.9, 161.10, and 161.17, Code of Federal Regulations, providing regulations to guide the apportionment of increased grazing capacity and to correct certain technical defects in the existing regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No objections have been received. A minor addition is required to make the exception set forth in § 161.6(e)(9)(i) complete. Accordingly the amendments are adopted without change except the last portion of subparagraph (i) of § 161.6(e)(9) is amended as follows: "• • • use has been reduced under (f)(1)(iii), (3) and (5) of this section, or § 161.12(e)". The amendments shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 20, 1961.

1. Paragraph (e)(9), subdivision (i), and paragraph (g) of § 161.6 are revised as follows:

§ 161.6 Issuance of licenses and permits.

• • • • • •

(e) *Terms and conditions.* • • •

(9) Base property qualifications, in whole or in part, will be lost upon the failure for any two consecutive years:

(i) To include in an application for a license or permit or renewal thereof, the entire base property qualifications for active, nonuse, or combination of active and nonuse, except where the base property qualifications are included in an outstanding current term permit, or where the allowable use has been reduced under paragraph (f)(1)(iii), (3), and (5) of this section, or § 161.12(e).

• • • • • •

(g) *Allotments; agreements; increases.* (1) Allotments of Federal range will be made to licensees or permittees when conditions warrant. Division of the range by agreement or former practice will be followed where practicable, provided such division is in substantial conformity with the qualifications for grazing privileges of the respective applicants and the agreement is reduced to writing and approved by the district manager.

(2) Increases in grazing capacity, when conditions warrant, and after recommendation of the advisory board and approval of the district manager, will be apportioned in a manner that will assist in the stabilization of livestock operations controlling qualified base property, with emphasis being given to the restoration of reductions that have been imposed to reach the grazing capacity of a particular allotment or range area, and to allocation of increased grazing capacity to operators or interests whose efforts were responsible for such increases.

2. Paragraph (a)(1) of § 161.7 is revised as follows:

§ 161.7 Transfers of base property; base property qualifications; relinquishments.

(a) *Transfer of base property; effect.* (1) A transfer of a base property or part thereof, whether by agreement, operation of law, or testamentary disposition, will entitle the transferee, if qualified under § 161.3(a), to so much of the grazing privileges as are based thereon. Except as otherwise herein provided, the existing license or permit and the grazing privileges thereunder shall automatically and without further notice be terminated or decreased by such transfer to the extent of the grazing privileges attaching to the transferred base property; except that further grazing under the license or permit may be temporarily extended pursuant to request and notification filed in accordance with § 161.6(e)(8)(i); except, also, where the transfer arises as a result of testamentary disposition the existing license or permit may continue in effect until the end of the current grazing season. Thereafter applications for renewal of a license or permit shall be filed by the heirs, devisees, executor, administrator, or personal representative, as the case may be.

3. Paragraph (c) of § 161.8 is revised as follows:

§ 161.8 Fees; time of payment; refunds.

• • • • • •

(c) *Crossing permits.* Upon application filed with the district manager by any person showing the necessity for crossing the Federal range with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of one cent per head per day for cattle, two cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $5 will be made for each crossing permit, except that no fee will be charged where the trail to be used is so limited and defined that no substantial amount of forage will be consumed in transit.

4. Paragraph (a), subparagraph (4), and paragraphs (b) and (c) of § 161.9 are revised as follows:

§ 161.9 Procedure in applications; protests.

(a) *Filing and consideration of applications; interdistrict agreements; recommendations; service of notice.* • • •

(4) The advisory board will make its recommendation to the district manager and, if such recommendation is to any extent adverse, it shall set forth the reasons therefor. If such recommendation is favorable and the district manager approves, he will notify the applicant by ordinary mail, which notice may be the fee billing. If the advisory board recommendation is favorable but the district manager disagrees, notice will be served on the applicant in person or by certified mail sent to his address of record, setting forth the recommendation of the advisory board and the manager's disapproval, together with the reason or reasons for a prospective adverse decision, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient, and naming a date, not less than ten days thereafter, on or before which oral or written protest may be presented to the district manager. If the recommendation of the board is to any extent adverse, notice will be served on the applicant in person or by certified mail sent to his address of record, setting out the reason or reasons given by the advisory board for the adverse recommendation, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient, and naming a place and date, not less than ten days thereafter, when protest against the recommendation will be heard. The district manager may also serve notice on any other applicant or applicants who may be directly affected by the adoption of the advisory board recommendation or the prospective decision of the manager which will allow an appropriate protest. In any case where consideration of an application involves only issues previously adjudicated involving the same applicant or his predecessors in interest, the same base property and the same area of use, the advisory board may recommend that a protest meeting not be held, whereupon the district manager may accept the recommendation of the board as its final consideration.

(b) *Protests; reconsideration by advisory board; service of notice.* At the time and place fixed for the protest meeting, any licensee, permittee, or applicant may appear, in person or by attorney or other representative, or may file a written protest with the advisory board, which thereupon will reconsider its previous recommendation in the light of the protest and will make a final recommendation to the district manager. If such recommendation is favorable to the protestant, and the district manager approves, he will notify the protestant thereof by ordinary mail, which notice may be the fee billing. If the recommendation is to any extent adverse, and the district manager approves, a notice giving the reason or reasons therefor will be served on the protestant in person or by certified mail, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts that serve as controlling factors. Such notice will constitute the district manager's final decision for purposes of appeal.

(c) *Allowance or rejection of application; modification; service of notice.* The district manager, in the light of all facts and circumstances and after reference to the advisory board, may issue or refuse to issue a grazing license or permit. When the district manager takes an adverse action on any application, a notice including a recital of the specific reasons for the action taken will be served on the applicant in person or by certified mail. The notice will advise the applicant of his privilege to appeal to an examiner.

5. A new subparagraph (2) is added to paragraph (a) of § 161.10 as follows, and the present subparagraph (2) is renumbered (3). The present subparagraph (3) is revised and is renumbered (4). Paragraphs (g) and (k) of this section are revised as set forth below.

§ 161.10 Appeals and hearings.

(a) *Appeal to examiner; motion to dismiss.* • • •

(2) Any applicant for a grazing license or permit or any other person who, after proper notification, fails to protest or appeal a decision of the district manager within the period prescribed in the decision, shall be barred thereafter from challenging the matters adjudicated in such final decision.

• • • • • •

(4) The district manager will promptly forward the appeal to the State Director. Within thirty days after his receipt of the appeal the State Director may file on behalf of the district manager a written motion, serving a copy thereof upon the appellant, requesting that the appeal be dismissed for the reason that it is frivolous, the appeal was filed late, the errors are not clearly and concisely stated, the issues are immaterial, the issue or issues were included in a prior final decision from which no timely appeal was made, or all issues involved therein have been previously adjudicated in an appeal involving the same privileges, the same parties or their predecessors in interest. The appellant may file a written answer within twenty days after service of the motion upon him. The appeal, motion, the proofs of service, and the answers will be transmitted to the examiner, who shall rule on the motion, and, if the motion is sustained, dismiss the appeal by written order.

• • • • • •

(g) *Appeals to the Director.* An appeal from any decision of the examiner shall be filed in the Office of the Director, Bureau of Land Management, Department of the Interior, Washington 25, D.C., together with any brief in support thereof, within thirty days after date of receipt of the transcript of testimony, or, if the transcript is not requested, within thirty days after receipt of the examiner's decision. Within the same period a copy of the appeal and of any brief must be served on each party named in the examiner's decision, and upon the State Director, either personally or by certified mail. Any party, including the State Director, opposing the appeal will be allowed twenty days from date of receipt of the copy of the appeal and brief within which to file in the Office of the Director a reply brief, a copy of which must be served on the appellant(s) in the same manner and the same period. The appeal in other respects shall be made in accordance with the rules of practice (Part 221 of this chapter).

• • • • • •

(k) *Notice and proof of service.* Any notice or other document required to be served under this section shall be served in person or by certified mail sent to the last address of record. In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client, and service of any document upon such attorney relating to the proceedings will be deemed to be service upon the party he represents. Proof of such service shall be filed in the same office where the notice or document was filed within fifteen days after such service, unless filed with the notice or document. Proof of service shall consist of the affidavit of the person making the personal service, signed acknowledgment of the person served, or the certified mail receipt.

6. Section 161.17 is revised as follows:

§ 161.17 Contributions for administration, protection, and improvement of public lands.

The district manager may accept contributions under section 9 of the act, of labor, materials, equipment, or money, toward any of the Bureau's functions in administering, protecting, and improving public lands under its jurisdiction in the States.

(a) Any individual, association, corporation, grazing district advisory board, State or local body or private group, may enter into an agreement with the district manager with respect to such contribution. Where the contribution is to include money, the contributor should execute forms 4–1268 or 4–1269 as requested by the district manager.

(b) Contributions may be conditioned upon their use for specific projects or in specific localities.

(c) Upon written request of the contributor, the district manager may authorize refund of any amounts deposited in excess of the contributor's proper share of the expense incident to the purpose for which the contribution was made.

[F.R. Doc. 61–12334; Filed, Dec. 28, 1961; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2570]

[Colorado 053752]

COLORADO

Withdrawing Lands for Reclamation Purposes (Curecanti Unit, Colorado River Storage Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Curecanti Unit, Colorado River Storage Project, as contemplated by the said section 3:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 7 W.,
Sec. 11, SE¼;
Sec. 14, N½N½, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 23, NW¼NE¼.

The areas described aggregate approximately 600 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 20, 1961.

[F.R. Doc. 61–12333; Filed, Dec. 28, 1961; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Union Slough National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to fishing. This open area, comprising 6 acres or one percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Smallmouth and largemouth bass, bullheads, yellow perch, and other minor species permitted by State regulations.

(b) Open season: January 1, 1962, through February 28, 1962; daylight hours only; except season for bass closes February 15, 1962.

(c) Daily creel limits:

Smallmouth and largemouth bass—10, combined.

Bullheads—no limit.

Yellow perch—15.

Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines, with one hook on each line, may be used for fishing; one hook means a single, double, or treble pointed hook.

(2) The use of minnows or fish, or parts thereof, for bait is not permitted.

(3) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations

which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 21, 1961.

[F.R. Doc. 61-12342; Filed, Dec. 28, 1961; 8:46 a.m.]

PART 33—SPORT FISHING

De Soto National Wildlife Refuge, Iowa and Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the De Soto National Wildlife Refuge, Iowa and Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 850 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Smallmouth and largemouth bass, sauger, and other minor species permitted under States' regulations.

(b) Open season: January 1, 1962, through February 28, 1962, daylight hours only.

(c) Daily creel limits:

Smallmouth and largemouth bass—10, combined or singly.

Sauger—10.

Creel limits for other minor species are as prescribed by States' regulations.

(d) Methods of fishing:

(1) No more than two lines, with one hook on each line, may be used for fishing; one hook means a single, double or treble pointed hook.

(2) Trot lines are not permitted.

(3) The use of boats is permitted.

(4) See applicable States' regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 21, 1961.

[F.R. Doc. 61-12343; Filed, Dec. 28, 1961; 8:46 a.m.]

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 9,260 acres or 59 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, perch, bullheads, and other minor species permitted under State regulations.

(b) Open season: Daylight hours from effective date of this publication through February 15, 1962.

(c) Daily creel limits: Northern pike—3; perch—no limit; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Tackle—No more than one line and one hook may be used, except that three artificial flies may be used in angling for large and small-mouthed black bass, crappies, sunfish or rock bass, and except that a single artificial bait may contain more than one hook.

(2) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 20, 1961.

[F.R. Doc. 61-12344; Filed, Dec. 28, 1961; 8:46 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,900 acres or 40 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, largemouth bass, yellow perch, black bullhead; and other minor species permitted by State regulations.

(b) Open season: From effective date of this publication through March 15, 1962; daylight hours only.

(c) Daily creel limits:

Northern pike—6.

Largemouth bass—10.

Yellow perch—no limit.

Black bullhead—50.

Other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used.

(2) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any seine or net for capturing minnows.

(3) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 16, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 21, 1961.

[F.R. Doc. 61-12345; Filed, Dec. 28, 1961; 8:47 a.m.]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 190 acres or 15 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappies, and other minor species permitted under State regulations.

(b) Open season: From effective date of this publication through February 28, 1962; daylight hours only.

(c) Daily creel limits:

Largemouth bass—10.

Crappies—50.

Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Anglers may use a maximum of 2 lines, and a maximum of 3 hooks on each line.

(2) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 20, 1961.

[F.R. Doc. 61-12346; Filed, Dec. 28, 1961; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order No. 53]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 21st day of December 1961.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It apearing, that Notice No. 53, dated October 17, 1961, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on October 31, 1961 (26 F.R. 10182), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 53 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 53, dated October 17, 1961, as revised by the specific deletions and modification set forth as follows:

In § 73.23, delete the proposed amendment of paragraph (a).

In § 73.119, delete the proposed amendment of paragraph (b) (4).

In § 73.315, paragraph (h) table, delete the proposed amendment of "Liquefied petroleum gases," and delete the proposed addition of Note 1 thereto.

In § 73.392, amend paragraph (f).

In § 74.532, delete the proposed addition of Note 1 to paragraph (b) (1).

It is further ordered, That this order shall become effective March 20, 1962, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (25 F.R. 3098, Apr. 12, 1960) (15 F.R. 8266, 8268, 8269, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*).	Nonf. G	73.302, 73.308, 73.314, 73.315.	Green	300 pounds.
Hexafluoropropylene	Nonf. G	73.302, 73.306, 73.314, 73.315.	Green	300 pounds.
*Magnesium, metallic, powdered, pellets, turnings, or ribbon.	F.S	73.153, 73.220	Yellow	100 pounds.
(Add)				
*Aqua ammonia solution containing anhydrous ammonia.	Nonf. G	73.302, 73.306, 73.314, 73.315.	Green	300 pounds.
Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.	F.L	No exemption, 73.134.	Red	2 ounces.
Uranium, normal or depleted, in solid metal form (*not borings, chips, or pieces*).	Pois. D	73.302(f)	Radioactive material, Group 1, Red.	See § 73.391(b).

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.31 amend paragraph (g) (9) Table 2 and add Footnote h thereto (21 F.R. 4563, June 26, 1956) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

• • • • • • • • •

(g) • • •

(9) • • •

TABLE 2—RETEST PERIODS AND PRESSURES

Classification	Tank retest (years [b])	Safety valves (years [a])	Tank test: Holding time minimum (seconds)	Tank test: Hydrostatic displacement test (psi)	Tank test: Air test for leaks (psi)	Safety valve (psi)	Safety valve vapor tight (psi)
(*Change*)							
ICC–107A****[b]	[b]5	[c]2	30	(4)	None	(5)	(5)
ICC–110A500–W	[a]5	2	10 minutes	500	None	375	300

[b] ICC–107A**** tanks used exclusively in helium gas service shall be exempt from the quinquennial hydrostatic retest requirement until December 31, 1971. This exemption shall be applicable to tank cars presently operated in helium service by the United States Bureau of Mines and to additional cars that are placed in helium service by the Bureau of Mines.

Subpart B—Explosives; Definitions and Preparation

In § 73.51 amend paragraph (q) (26 F.R. 9399, Oct. 6, 1961) to read as follows:

§ 73.51 Forbidden explosives.

* * * * * * *

(q) New explosives except samples for laboratory examination (see § 73.86) and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Naval Weapons, Department of the Navy; or Commander, Air Force Systems Command and Commander, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Bureau of Explosives.

In § 73.63 add paragraph (a) (3) (15 F.R. 8288, Dec. 2, 1950) to read as follows:

§ 73.63 High explosive with liquid explosive ingredient.

(a) * * *

(3) Spec. 23F or 23H (§ 78.214 or 78.219 of this chapter). Fiberboard boxes having one inside 26-gauge metal container, measuring not over 8 inches in diameter and 31 inches long, containing high explosives (ammonium dynamite core) surrounded by nitrocarbonitrate. Authorized gross weight not to exceed 65 pounds.

In § 73.79 amend paragraph (b) (21 F.R. 3009, May 5, 1956) to read as follows:

§ 73.79 Jet thrust units (jato), explosive, class A or igniters jet thrust (jato), explosive, class A.

* * * * * *

(b) Jet thrust units (jato), class A, or igniters, jet thrust (jato), class A, packed in any other manner must be approved by the Bureau of Explosives.

In § 73.92 amend paragraph (b) (21 F.R. 3009, May 5, 1956) to read as follows:

§ 73.92 Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.

* * * * * * *

(b) Jet thrust units (jato), class B, or igniters, jet thrust (jato), class B, packed in any other manner must be approved by the Bureau of Explosives.

In § 73.93 amend paragraph (a) (7) (17 F.R. 1560, Feb. 20, 1952) to read as follows:

§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(7) Spec. 14, 15A, 15B, or 15C (§§ 78.165, 78.168, 78.169, or § 78.170 of this chapter) wooden boxes, or spec. 12B, 23F, or 23H (§§ 78.205, 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be spec. 13 (§ 78.140 of this chapter) metal kegs. Spec. 12B (§ 78.205 of this chapter) fiberboard boxes shall contain not more than 6 metal kegs not over 5 pounds net weight each in one outside box. Gross weight not to exceed 200 pounds in wooden boxes or 65 pounds in fiberboard boxes.

In § 73.100 amend paragraphs (b) (2) and (i) (22 F.R. 3925, June 5, 1957) (15 F.R. 8295, Dec. 2, 1950) to read as follows:

§ 73.100 Definition of class C explosives.

* * * * * *

(b) * * *

(2) Ammunition of caliber less than .75 inch (19.05 millimeters) designed to be fired from machine guns.

* * * * * *

(i) Delay electric igniters consist of small metal, fiberboard, or pasteboard tubes containing a wire bridge in contact with a small quantity of ignition compound. The ignition compound is in contact with or in close proximity to a short piece of safety fuse.

Subpart C—Flammable Liquids, Definition and Preparation

In § 73.118 add paragraph (c) (38) (15 F.R. 8298, Dec. 2, 1950) to read as follows:

§ 73.118 Exemptions for flammable liquids.

* * * * * *

(c) * * *

(38) Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.

In § 73.128 amend paragraph (a) (2) (20 F.R. 4414, June 23, 1955) to read as follows:

§ 73.128 Paints and related materials.

(a) * * *

(2) Spec. 37A or 37B (§ 78.131 or 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams, irrespective of flash point or viscosity. Spec. 37A (§ 78.131 of this chapter) metal drums constructed with 26-gauge body sheets, 24-gauge removable heads, and 26-gauge bottom heads are authorized for not over 80 pounds gross weight. Because of the present emergency and until further order of the Commission, spec. 37A or 37B (§ 78.131 or 78.132 of this chapter) metal drums of 8½ gallons capacity with welded side seams and made of 24-gauge metal are authorized provided flash point of material shipped is above 20°F.

In § 73.134 amend the heading and introductory text of paragraph (a); amend paragraphs (a) (5), (b), and add paragraph (c) (25 F.R. 6625, July 14, 1960) (25 F.R. 10392, Oct. 29, 1960) (15 F.R. 8302, Dec. 2, 1950) to read as follows:

§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl-magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof.

(a) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof must be shipped in devices or apparatus of a type approved by the Bureau of Explosives or in specification containers as follows:

* * * * * *

(5) Spec. 17C or 37A (§ 78.115 or 78.131 of this chapter). Metal drums (single-trip) with inside metal cans not over 1-gallon capacity each, constructed of not less than 28-gauge electro-coated tin plate. Inside containers shall have no opening exceeding 1-inch diameter and shall be closed with air-tight soldered screw-cap closures. Inside containers must be surrounded on all sides with incombustible cushioning material. Spec. 17C (§ 78.115 of this chapter) 30-gallon capacity drums shall contain not more than 20 gallons of pyroforic solution per drum and 55-gallon capacity drums shall contain not more than 35 gallons of pyroforic solution per drum; each layer of inside containers must be separated by a tin plate separator in addition to cushioning material. Spec. 37A (§ 78.131 of this chapter) drums shall not exceed 5-gallons capacity each. Authorized only for pyroforic fuel mixed with solvent.

(b) Aluminum triethyl, aluminum trimethyl and mixtures or solutions thereof, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof, when offered for transportation by rail express must be packed in glass ampules not over 2 ounces capacity each, securely cushioned with absorbent material in sufficient quantity to completely absorb contents in event of breakage, within an inside metal container, spec. 2R (§ 78.34 of this chapter) enclosed in a strong wooden box.

(c) Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent must be packed in containers as prescribed by paragraphs (a) or (b), or in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside glass bottles not over 1-quart capacity each. Authorized gross weight not over 65 pounds.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

In § 73.148 paragraph (a) (4) add Note 1 (25 F.R. 3100, Apr. 12, 1960) to read as follows:

§ 73.148 Monoethylamine.

(a) * * *

(4) * * *

NOTE 1: Tanks complying with ICC–106A or ICC–110A specifications may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter for rail freight-motor vehicle shipments.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.190 amend paragraph (c) (3) (26 F.R. 4995, June 6, 1961) to read as follows:

§ 73.190 Phosphorus, white or yellow.

(c) * * *

(3) Spec. 29 (§ 78.226 of this chapter). Mailing tube having a watertight rigid polyethylene container in which is placed a quartz tube containing not more than 100 grams of phosphorus sealed under nitrogen, with the remaining space in the polyethylene container filled with water. The polyethylene container shall be cushioned within the mailing tube with incombustible cushioning material.

In § 73.220 amend the heading; redesignate paragraphs (b) and (c) as paragraphs (a) (1) and (2) respectively; add a new paragraph (b) (25 F.R. 6626, July 14, 1960) (17 F.R. 7281, Aug. 9, 1952) to read as follows:

§ 73.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, or turnings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(a) * * *

(1) Magnesium or zirconium scrap consisting of clippings or scrap sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(2) Magnesium or zirconium scrap consisting of clippings or scrap sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(b) Magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon must be packed in containers as prescribed in § 73.154.

(1) Magnesium metallic (other than scrap), pellets, turnings, or ribbon in closed metal drums, metal pails, fiber drums, wooden boxes with inside containers, fiberboard boxes with inside glass bottles not over 1 pound capacity each, with not more than 25 pounds net weight of product in each outside fiberboard box are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.245 amend paragraph (a) (5) (15 F.R. 8313; Dec. 2, 1950) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) * * *

(5) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs; these containers must be lined with asphalt, paraffin, or wax impervious to the lading.

In § 73.262 add paragraph (b) (2) (15 F.R. 8316, Dec. 2, 1950) to read as follows:

§ 73.262 Hydrobromic acid.

* * * * *

(b) * * *

(2) Spec. 6J (§ 78.100 of this chapter). Steel drum with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

In § 73.271 add paragraph (a) (16) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(16) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with no opening exceeding 2.3 inches in diameter. Drums must be lined with a material impervious to the lading. Authorized for phosphorus trichloride only.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.314 amend paragraph (a) Table (25 F.R. 3102, Apr. 12, 1960) (22 F.R. 2227, Apr. 4, 1957) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(*Change*)	*Percent*	
Hexafluoropropylene	110	ICC–106A500, 106A500–X, 110A500–W, Note 12.
(*Add*)		
Aqua ammonia solution containing anhydrous ammonia.	Note 6	ICC–105A100–W, 105A200–W, 105A300–W, 105A100AL–W, 105A200AL–W, 105A300AL–W, 109A100AL–W, 109A200AL–W, 109A300AL–W, 109A300–W, 111A100–W–4, Note 5.

In § 73.315 amend paragraph (a) (1) Table and Note 3, and add Note 12 thereto; amend paragraph (h) Table; amend paragraph (i) (2) Table (23 F.R. 2327, 2328, Apr. 10, 1958) (21 F.R. 3012, May 5, 1956) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
(*Add*)				
Aqua ammonia solution containing anhydrous ammonia.	See par. (c) of this section.	See Note 7	MC 330; see Note 12.	100; see subpar. (c)(1) of this section.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 9).	See par. (c) of this section.	do	MC 330	250.
Hexafluoropropylene	110	do	do	250.

* * * * * * *

NOTE 3: If cargo tanks and portable tank containers for carbon dioxide and nitrous oxide are designed to comply with the requirements for "Low Temperature Operation of the A.S.M.E. Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels," the design pressure may be reduced to 100 psig or the controlled pressure, whichever is greater.

* * * * * *

NOTE 12: No aluminum, copper, silver, zinc, or alloy of any of these metals shall be used in the cargo tank construction where it can come into contact with the lading.

* * * * * *

(h) * * *

Kind of gas	Permitted gauging device
(*Add*)	
Aqua ammonia solution containing anhydrous ammonia.	Rotary tube; adjustable slip tube; fixed length dip tube.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	None.
Hexafluoropropylene	None.

* * * * * * *

(i) * * *

(2) * * *

Kind of gas	Minimum start-to-discharge pressure (psig)
(*Add*)	
Aqua ammonia solution containing anhydrous ammonia.	100
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	250
Hexafluoropropylene	250

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.349 add paragraph (a)(3) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.349 Carbolic acid (phenol) liquid.

(a) * * *

(3) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5-pints capacity each. Not more than 6 inside glass bottles of 5-pints capacity each shall be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

In § 73.357 amend paragraph (b)(1) and add Note 1 thereto (21 F.R. 7603, Oct. 4, 1956) to read as follows:

§ 73.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

* * * * *

(b) * * *

(1) Spec. 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, or 4C (§ 78.36, 78.37, 78.38, 78.40, 78.41, 78.42, 78.49, 78.50, 78.51, or 78.52 of this chapter). Metal cylinders of not over 275 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders closed by means of solid plugs may have the plugs protected by metal collars. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

NOTE 1: Because of the present emergency and until further order of the Commission, cylinders not exceeding 458 pounds water capacity are authorized for mixtures containing not over 15 percent by volume of chlorpicrin.

In § 73.359 add paragraph (a)(12) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) * * *

(12) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside securely closed metal containers not over 1-gallon capacity each. Fiberboard boxes shall be constructed of not less than 500-pound test (Mullen or Cady) double-wall corrugated fiberboard. Not more than six 1-gallon metal containers shall be packed in one outside container; authorized for organic phosphate compound mixtures, liquid, n.o.s., only. Authorized gross weight not over 65 pounds.

In § 73.377 add paragraph (g)(2) (16 F.R. 11780, Nov. 21, 1951) to read as follows:

§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

* * * * * *

(g) * * *

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and top and bottom pad of at least 275-pound test fiberboard. Product must be contained within a tightly closed polyethylene or other equally efficient plastic bag constructed of material having minimum thickness of 0.003 inch. Not more than 50 pounds net weight of product may be packed in one outside box.

In § 73.392 add paragraph (f) (15 F.R. 8339, Dec. 2, 1950) to read as follows:

§ 73.392 Exemptions for radioactive materials.

* * * * *

(f) Uranium, normal or depleted, in solid form (not borings, chips, or pieces) must be packed in strong, tight, wooden or plywood boxes and as such are exempt from specification packaging and marking except for conformance with § 73.393 (c) and (d). Boxes weighing more than 500 pounds must be mounted on skids. Boxes must be labeled as described in § 73.414(d). Other exemptions from loading, storage, and placarding are described in Parts 74, 75, and 77 of this chapter.

In § 73.394 amend paragraph (c) (26 F.R. 1016, Feb. 2, 1961) to read as follows:

§ 73.394 Radioactive materials labels.

* * * * *

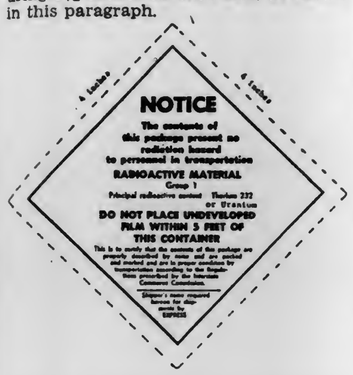
(c) Each bundle, box, barrel, or crate of magnesium-thorium alloys in formed shapes or uranium, normal or depleted, in solid metal form must be labeled with a label as described in § 73.414(d) unless exempt by § 73.392 (a) and (b).

In § 73.414 amend paragraph (d) including label (26 F.R. 1016, Feb. 2, 1961) to read as follows:

§ 73.414 Radioactive materials labels.

* * * * *

(d) Label for radioactive material, such as magnesium-thorium alloys in formed shapes or uranium, normal or depleted, in solid metal form (see § 73.392 (e) or (f)), must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown in this paragraph.



PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.532 amend paragraphs (i), (j)(2), and (j)(2)(i) (25 F.R. 6627, July 14, 1960) (26 F.R. 1017, Feb. 2, 1961) to read as follows:

§ 74.532 Loading other dangerous articles.

* * * * *

(i) Compressed gases in cylinders: Cylinders containing compressed gases shall be securely lashed in an upright position so as to prevent their overturning; or loaded into racks securely attached to the car; or packed in boxes or crates of such dimensions as to prevent their overturning; or loaded in a horizontal position. Spec. ICC–4L cylinders must be loaded in an upright position and be securely braced.

* * * * *

(j) * * *

(2) The amount of radioactive materials, other than radioactive ores, residues, or similar materials, loaded in a freight car, shall be limited so that the quantity does not exceed 40 units as determined by totaling the number of units shown on the individual labels on the packages. (The requirements of this paragraph do not apply to bundles, boxes, barrels, or crates of magnesium-thorium alloys or uranium, depleted or normal, described by § 73.392 (e) and (f) of this chapter.)

[No change in Note 1.]

* * * * *

(i) Containers of radioactive material weighing 5,000 pounds or more or strong wooden boxes with inside containers of solid radioactive material, securely braced and cushioned, and concrete-filled metal drums or concrete vaults weighing 700 pounds or more may be loaded in gondola cars (drop bottom cars not authorized); containers of radioactive material weighing 15,000 pounds or more may be loaded on flat cars. Containers must be so blocked and braced that they connot change position during transit.

Subpart E—Handling by Carriers by Rail Freight

In § 74.584 amend paragraph (a) Table Footnote 1 (26 F.R. 1017, Feb. 2, 1961) to read as follows:

§ 74.584 Waybills, switching orders, or other billing.

(a) * * *

[1] These requirements do not apply to billing prepared for shipments of magnesium-thorium alloys or uranium, depleted or normal, described in § 73.392 (e) and (f) of this chapter and bearing red label as described in § 73.414(d) of this chapter.

In § 74.586 amend paragraph (h)(4) Note 1 (26 F.R. 1017, Feb. 2, 1961) to read as follows:

§ 74.586 Handling explosives and other dangerous articles.

* * * * *

(h) * * *

(4) * * *

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, depleted or normal, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 amend paragraph (j)(7) Note 1 (26 F.R. 1017, Feb. 2, 1961) to read as follows:

§ 75.655 Protection of packages.

* * * * *

(j) * * *

(7) * * *

NOTE 1: Except for subparagraph (7), the requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, depleted or normal, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.840 amend paragraphs (a)(1) and (c) (25 F.R. 6627, 6628, July 14, 1960) to read as follows:

§ 77.840 Compressed gases.

(a) * * *

(1) *Cylinders.* Cylinders containing compressed gases shall be securely lashed in an upright position so as to prevent their overturning; or loaded into racks securely attached to the motor vehicle; or packed in boxes or crates of such dimensions as to prevent their overturning; or loaded in a horizontal position. Spec. ICC–4L cylinders must be loaded in an upright position and be securely braced.

* * * * *

(c) Tanks complying with ICC–106A or ICC–110A (§ 78.275, 78.276, 78.293, or 78.295 of this chapter) specifications used for the transportation of compressed gases and flammable liquids as authorized in §§ 73.314(a), 73.134(a)(2) and 73.148(a)(4) of this chapter may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560(b)(1) of this chapter.

In § 77.841 amend paragraph (d)(5) Note 1 (26 F.R. 1018, Feb. 2, 1961) to read as follows:

§ 77.841 Poisons.

* * * * *

(d) * * *

(5) * * *

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, normal or depleted, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart B—Specifications for Inside Containers and Linings

In § 78.21–3 amend paragraph (a) (25 F.R. 10397, Oct. 29, 1960) to read as follows:

§ 78.21 Specification 2T; polyethylene container.

§ 78.21–3 Material.

(a) Containers shall be made of polyethylene and shall have the following properties (see Note 1):

Melt index	2.6 maximum.
Density	0.910–0.925.
Tensile strength	1500 pounds per square inch minimum.
Percent elongation	400 percent minimum.

NOTE 1: Properties to be obtained by a test method approved by Bureau of Explosives. Other materials may be added which shall not affect the properties specified in paragraph (a) of this section.

(1) Container must have a minimum weight and wall thickness in accordance with the following table:

Marked capacity not over (gallons)	Minimum wall thickness (inch)	Minimum weight of containers (pounds)
5	0.0625	3
6½	.0625	4
13	.0625	8

Subpart C—Specifications for Cylinders

In § 78.44–12 amend paragraph (b) Footnote 1 (24 F.R. 10113, Dec. 15, 1959) to read as follows:

§ 78.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 78.44–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.

* * * * *

(b) * * *

[1] Available for a nominal charge from the American Standards Association, 70 East 45th Street, New York 17, New York and the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In § 78.51–17 amend paragraph (c) Footnote (2) (25 F.R. 10500, Oct. 29, 1960) to read as follows:

§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 78.51–17 Tests.

* * * * *

(c) * * *

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In § 78.54–8 amend paragraph (a) (2) Footnote 1; in 78.54–18 amend paragraph (a) Footnote 1 (25 F.R. 10400, Oct. 29, 1960) to read as follows:

§ 78.54 Specification 4B240–FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.

§ 78.54–8 Manufacture.

(a) * * *
(2) * * *

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

* * * * *

§ 78.54–18 Radiographic examination.

(a) * * *

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In § 78.56–2 amend paragraph (a); in § 78.56–17 amend paragraph (b) Footnote 2 (19 F.R. 1281, Mar. 6, 1954) (25 F.R. 10401, Oct. 29, 1960) to read as follows:

§ 78.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.

§ 78.56–2 Type, size, and service pressure.

(a) Must be welded type, having not over 1,000 pounds water capacity (nominal). Closures welded by spinning process not permitted.

* * * * *

§ 78.56–17 Tests of welds.

* * * * *

(b) * * *

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In § 78.57–9 amend paragraph (c) Footnote 3 (21 F.R. 7605, Oct. 4, 1956) to read as follows:

§ 78.57 Specification 4L; welded cylinders insulated.

§ 78.57–9 Welding.

* * * * *

(c) * * *

[3] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In § 78.58–8 amend paragraph (a) Footnote 2 (21 F.R. 7608, Oct. 4, 1956) to read as follows:

§ 78.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 78.58–8 Manufacture.

(a) * * *

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In § 78.60–18 amend paragraph (a) (1) Footnote 2 (25 F.R. 10402, Oct. 29, 1960) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60–18 Weld tests.

(a) * * *
(1) * * *

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In § 78.68–17 amend paragraph (b) Footnote 1 (25 F.R. 10402, Oct. 29, 1960) to read as follows:

§ 78.68 Specification 4E; welded aluminum cylinders.

§ 78.68–17 Weld tests.

* * * * *

(b) * * *

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In Appendix A, amend section 22, paragraph (b) (4) (b) Footnote 1 of Specification 4B Alloy Steel Cylinders now reading, "Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N.Y." to read "Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York." (25 F.R. 10402, Oct. 29, 1960)

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks, and Boxes

In § 78.107–9 amend paragraph (a) (3) (16 F.R. 5329, June 6, 1951) to read as follows:

§ 78.107 Specification 42B; aluminum drums.

§ 78.107–9 Marking.

(a) * * *

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

In § 78.108–9 amend paragraph (a) (3) (16 F.R. 5329, June 6, 1951) to read as follows:

§ 78.108 Specification 42C; aluminum barrels or drums.

§ 78.108–9 Marking.

(a) * * *

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

In § 78.109–9 amend paragraph (a) (3) (16 F.R. 5329, June 6, 1951) to read as follows:

§ 78.109 Specification 42D; aluminum drums.

§ 78.109–9 Marking.

(a) * * *

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

In § 78.110–8 amend paragraph (a) (3) (17 F.R. 7286, Aug. 9, 1952) to read as follows:

§ 78.110 Specification 42F; aluminum barrels or drums.

§ 78.110–8 Marking.

(a) * * *

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches in thinnest part; rated capacity in gallons; and year of manufacture (for example, 11–50–52 or 0.0907–50–52). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 11/10–50–52 or 0.0907/0.1018–50–52 for body 11-gauge and head 10-gauge).

In § 78.111–8 amend paragraph (a) (3) (24 F.R. 10116, Dec. 15, 1959) to read as follows:

§ 78.111 Specification 42G; aluminum drums.

§ 78.111–8 Marking.

(a) * * *

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

In § 78.133–5 amend the heading and paragraph (a); amend paragraph (a) Table first column now reading, "Marked capacity not over (gallons)" to read "Drums for plastic liner of rated capacity not over (gallons)"; amend Footnote 1 to Table (23 F.R. 2330, Apr. 10. 1958) (26 F.R. 9404, Oct. 6, 1961) to read as follows:

§ 78.133 Specification 37P; steel drums with polyethylene liner.

§ 78.133–5 Parts and dimensions for steel drums.

(a) Parts and dimensions for steel drums shall be as follows:

* * * * *

[1] Drum interior shall be free of projections, burrs, or any edges that will cause damage to liners, and shall be free of lubricants, oil, or other foreign matter. Drum shall provide a snug fit for the plastic liner.

In § 78.136–9 amend paragraph (a) (3) (16 F.R. 5329, June 6, 1951) to read as follows:

§ 78.136 Specification 42E; aluminum drums.

§ 78.136–9 Marking.

(a) * * *

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

In § 78.140–3 amend paragraph (a) Table in its entirety and add Footnote 2 (15 F.R. 8455, Dec. 2, 1950) to read as follows:

§ 78.140 Specification 13; metal kegs.

§ 78.140–3 Parts and dimensions.

(a) Parts and dimensions as follows:

	Gross weight of kegs and contents			
	Not over 15 pounds	Not over 30 pounds [1]	Over 30 pounds but not over 75 pounds	Over 75 pounds but not over 150 pounds
Thickness of material:				
Body	30 gauge	28 gauge	24 gauge	24 gauge.
Head	do	do	28 gauge	28 gauge.
Width of lap for side seam [2]	5/16 inch	7/16 inch	7/16 inch	½ inch.
Number of corrugations in each end of body	3	3	5	7.
Minimum depths of corrugations	1/16 inch	3/32 inch	3/32 inch	3/32 inch.
Width of laps on body and head seams [2]	3/16 inch	3/16 inch	3/16 inch	5/16 inch.
Width of laps on head for head seams [2]	5/16 inch	3/8 inch	3/8 inch	3/8 inch.
Head seams	Double lap	Double lap	Double lap	Single lap.

[1] Smokeless powder 32 pounds gross.
[2] Dimension requirements do not apply for kegs manufactured with double-seamed, compound-lined chime seams and lapped and soldered side seam.

NOTE: Dimensions of materials specified are minimum requirements. Gauge specified is for commercial plate, United States standard. Corrugations not required in body of kegs for gross weights not over 7 pounds.

Subpart E—Specifications for Wooden Barrels, Kegs, Boxes, Kits, and Drums

In § 78.168–4 amend paragraph (a) (15 F.R. 8460, Dec. 2, 1950) to read as follows:

§ 78.168 Specification 15A; wooden boxes, nailed.

§ 78.168–4 Sides, top, and bottom.

(a) Joints tongued, grooved, and glued, or one-piece equivalent, except that boxes for shipment of high explosives may have tops and bottoms made of paper-covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of ⅛ inch and free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength. Paper covering shall be at least kraft untreated linerboard having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing, and when used lumber thicknesses specified by § 78.168–12 do not apply.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.209–15 add paragraph (b) (2) Note (20 F.R. 8110, Oct. 28, 1955) to read as follows:

§ 78.209 Specification 12H; fiberboard boxes.

§ 78.209–15 Material.

* * * * *

(b) * * *
(2) * * *

NOTE: The test shall be conducted on a sample no greater than 6 inches in diameter when exposed to water. The sample shall be rigidly fastened to a water column device so constructed as to provide at least a 3-inch head of water on the outer surface of the fiberboard sample. The water column device must be suspended in such manner that free circulation of air on the inner surface of fiberboard sample which is not exposed to water is permitted. After contact with water for 3 hours under conditions specified, the water column device shall be emptied, the sample blotted, and immediately subjected to Mullen or Cady test. (A 6-inch diameter pipe having a welded flange to which the sample is secured by a bolted ring flange is acceptable.)

In § 78.214–19 add paragraph (b) (2) Note (15 F.R. 8480, Dec. 2, 1950) to read as follows:

§ 78.214 Specification 23F; fiberboard boxes.

§ 78.214–19 Material.

* * * * *

(b) * * *
(2) * * *

NOTE: The test shall be conducted on a sample no greater than 6 inches in diameter when exposed to water. The sample shall be rigidly fastened to a water column device so constructed as to provide at least a 3-inch head of water on the outer surface of the fiberboard sample. The water column device must be suspended in such manner that free circulation of air on the inner surface of fiberboard sample which is not exposed to water is permitted. After contact with water for 3 hours under conditions specified, the water column device shall be emptied, the sample blotted, and immediately subjected to Mullen or Cady test. (A 6-inch diameter pipe having a welded flange to which the sample is secured by a bolted ring flange is acceptable.)

In § 78.219–15 add paragraph (b) (2) Note (17 F.R. 1565, Feb. 20, 1952) to read as follows:

§ 78.219 Specification 23H; fiberboard boxes.

§ 78.219–15 Material.

* * * * *

(b) * * *
(2) * * *

NOTE: The test shall be conducted on a sample no greater than 6 inches in diameter when exposed to water. The sample shall be rigidly fastened to a water column device so constructed as to provide at least a 3-inch head of water on the outer surface of the fiberboard sample. The water column device must be suspended in such manner that free circulation of air on the inner surface of fiberboard sample which is not exposed to water is permitted. After contact with water for 3 hours under conditions specified, the water column device shall be emptied, the sample blotted, and immediately subjected to Mullen or Cady test. (A 6-inch diameter pipe having a welded flange to which the sample is secured by a bolted ring flange is acceptable.)

Subpart H—Specifications for Portable Tanks

In § 78.245–1 paragraph (b) add Exception (3) thereto (15 F.R. 8483, Dec. 2, 1950) to read as follows:

§ 78.245 Specification 51; steel portable tanks.

§ 78.245–1 Requirements for design and construction.

* * * * *

(b) * * *

Exceptions. (1) The openings for liquid level gauging devices, or for safety devices, may be installed separately at the other location or in the side of the shell; (2) one plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere; (3) an opening of 3-inch National Pipe Size or less may be provided at another location, when necessary, to facilitate installation of condensing coils.

[F.R. Doc. 61–12397; Filed, Dec. 28, 1961; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 73]

ELECTION OF OFFICERS OF THE OSAGE TRIBE

Notice of Proposed Rule Making

Pursuant to the Acts of June 28, 1906 (34 Stat. 539), March 2, 1929 (45 Stat. 1475), and August 28, 1957 (71 Stat. 471), §§ 73.21, 73.32, 73.33, 73.35, 73.40, 73.41, 73.42, 73.43, and 73.49 are proposed to be amended as set forth below and § 73.44 is proposed to be revoked. The purpose of these amendments is to improve the procedure for conducting tribal elections under 25 CFR Part 73.

It is the policy of the Department of Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Sections 73.21, 73.32, 73.33, 73.35, 73.40, 73.41, 73.42, 73.43 and 73.49 are amended to read as shown below.

§ 73.21 General.

Only members of the Osage Tribe who will be twenty-one years of age or over on election day and whose names appear on the quarterly payment immediately preceding the date of election will be entitled to hold office or vote for any tribal officers. Each such voter shall be entitled to cast one ballot and each ballot shall have exactly the same value as the voter's headright interest shown on the last quarterly annuity roll. Any fraction of a headright, however, shall be valued as to the first two decimals only unless such interest is less than one one-hundredth of a share, then it shall have its full value.

§ 73.32 Election Board.

The Principal Chief, or in his absence, the Assistant Principal Chief shall, not more than seventy-five days nor less than sixty-five days preceding the day appointed by law for the holding of an election of officers of the Osage Tribe, issue in the form and manner prescribed in § 73.37, an election notice and appoint an election board consisting of a Supervisor who shall be chairman, Assistant Supervisor, five judges, one of whom in addition to his regular duties shall act as interpreter, and five clerks, whose duties shall be to conduct the election as provided in the regulations in this part: *Provided further*, That the Superintendent on the recommendation of the election board may designate extra clerical assistants. Prior to the date of the election, the election board shall assemble and make necessary arrangements for the election in a building to be designated by the Superintendent of the Osage Agency as the polling site and make the necessary preparation for receiving prospective voters, for receiving absentee ballots, and see to it that voting booths are arranged to afford privacy. Members of the election board and any extra clerical assistants designated by the Superintendent under authority contained in this section, other than employees of the Osage Agency when duly appointed or designated as provided for in this part may be compensated for conducting each quadrennial election at rates to be fixed by the Osage Tribal Council. If a member of the election board desires to be relieved from duty for any cause he shall notify the Principal Chief or in his absence the Assistant Principal Chief, in writing to that effect and the Principal Chief, or in his absence the Assistant Principal Chief shall designate someone else to serve as a member of the election board. The Supervisor, or in his absence the Assistant Supervisor, shall see that the rules prescribed for conducting the election are faithfully carried out. The ballots shall be handed out by a judge to the voters as they present themselves to vote, after being identified by a clerk who shall be supplied with a copy of the list of voters prepared pursuant to § 73.35. The judge before handing out a ballot shall remove the detachable portion. A judge shall receive the ballot after the voter has indicated his choice thereon by placing an "X" mark opposite the name of each candidate for whom he desires his vote counted and shall deposit same in the ballot box. The duties of the remaining judges in conjunction with the Supervisor will be to read the names on the ballot when requested so as to identify the candidates or furnish such other information as may be desired in that connection and also to assist prospective voters unable because of language difficulties or physical incapacity to cast votes for candidates of their choice, and to undertake such other duties as may be assigned by the Supervisor.

§ 73.33 Watchers and challengers.

Any candidate or political party may name a person to act as watcher and challenger at any election provided for by the regulations in this part. Each watcher and challenger shall be appointed in writing by the candidate or political party he or she represents. The watchers and challengers shall have the right to be present in the polling place but outside the voting booths and to watch the election officials, the balloting, the call, the tally, and the recording of the result of the vote. It shall be the duty of the watcher to watch, listen, and observe the count for all candidates voted for to insist upon an honest and fair count but shall have no further authority than to have the election judges and clerks note or record any objections to the count and to challenge the result thereof. The challenger shall have the right to question any voter and his right to vote. Watchers shall not divulge or give out any intimation or information as to the count prior to announcement by the election board and shall be subject to the same rules governing the election board with regard to leaving and returning to the polling place. A watcher or challenger shall receive no compensation for his services.

§ 73.35 List of voters.

The Superintendent of the Osage Agency shall compile a list of the voters of the Tribe who are qualified under § 73.21. Such list shall set forth only the name and last known address of each voter. The Superintendent shall furnish copies of the list to the Supervisor of the election board and shall post copies at the headquarters of the Osage Agency at Pawhuska, Okla., and such other places as the election board may determine to be appropriate. The compilation, posting and distribution of copies to the Supervisor of the election board shall be done as soon as possible after preparation of the last quarterly annuity roll preceding the election. Copies of the list shall also be made available to all qualified candidates for office and for the purpose of checking off the name of each voter as his ballot is cast and for determining, in the event of question, the right of any individual to vote.

§ 73.40 Ballots.

The Superintendent of the Osage Agency shall have ballots printed showing the name and the office for which each candidate has been nominated and there shall be space for writing in names of any individuals qualified to hold office, whose names do not appear on the ballot and also space for showing the value of the respective ballots. The Superintendent shall have recorded on a detachable portion of each ballot the name of the voter. The value of each voter's ballot shall be recorded on the principal portion of the respective ballots. Any faction or group has the right to nominate any candidate it chooses, in accordance with the regulations prescribed in this part. The names of such candidates shall be printed on the ballot in the manner set forth as follows:

(a) Under the heading, Principal Chief, with notation to vote for one, shall appear names of all candidates for that office. Similarly for Assistant Chief. Under the heading, Members of Council, with notation to vote for eight, shall appear names of all candidates for Council. Names of candidates for office shall appear only once on ballot, regardless of the fact that they may have been nominated on more than one ticket. The order in which names of qualified candidates for office will be placed on the ballot shall be by lot method of drawing,

in a manner to be determined by the Tribal Council, and to be free from or regardless of party or factional affiliations. A record shall be kept of any ballots that may be mutilated, cancelled, or used as samples.

(b) Upon each ballot will be a space in which the clerk prior to issuing the ballot shall see that the value of the ballot shall be exactly the same value as the voter's headright interest as shown on the last quarterly annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. As verification the clerk shall initial the ballot so numbered in the margin. In addition each ballot shall be stamped "Official Ballot" (facsimile signature Supervisor Osage Election Board). Should any voter spoil or mutilate his ballot in his effort to vote he may surrender the ballot to the Supervisor who shall give the voter in lieu thereof another ballot which shall show its appropriate value. The spoiled or mutilated ballot shall be retained with other records pertaining to the election.

§ 73.41 Absentee voting.

(a) Any eligible voter who will be unable to appear at the polls in Pawhuska on election day shall be entitled to vote by absentee ballot and his ballot shall have exactly the same value as the voter's headright interest shown on the annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. All applications for absentee ballots shall be made in writing by the absent voter to the Supervisor. It shall be the duty of the Supervisor, upon receipt of such an application to forward to such absent voter an envelope enclosing a ballot (after removing the detachable portion). There also shall be enclosed an inner envelope on which has been imprinted the below described form of affidavit, and an outer envelope. This shall be done not more than 30 days before any election provided for in this part, except that supplies, affidavits, and ballots may be mailed to absent voters residing outside the continental limits of the United States at any time after the issuance of the election notice. Each ballot shall indicate the value of the votes to which each voter is entitled. The Supervisor shall maintain a file of all applications received, together with a record of the names and addresses of all persons to whom absentee ballots are mailed, including date of mailing and shall write, mark, stamp, or print in a margin of each such ballot the words "Absentee Ballot," and the date of issuance.

(b) The absent voter shall prepare and fold the ballot and enclose it in the "inner envelope" supplied to him by the Supervisor and he shall execute the affidavit imprinted thereon which shall be in the following form:

I, do solemnly swear (or affirm) that I am a member of the Osage Tribe of Indians; that I will be twenty-one years of age or over at the election date; that I am now a resident of ----------; and will be unable to appear at the polls in Pawhuska, Okla., on election day.

Subscribed and sworn to before me this ------ day of -------, 19--.

(c) The absentee voter shall enclose only his ballot in the inner envelope. The inner envelope shall then be sealed by the voter and enclosed in the outer envelope (mailing envelope). It shall be incumbent on the voter to affix the necessary postage stamps. The outer preaddressed envelope shall be printed to show address as follows: (1) Supervisor, Osage Election Board, (2) the post office box number, (3) Pawhuska, Okla.

§ 73.42 Absentee ballots.

The absentee ballots shall remain in the locked box in the post office, Pawhuska, Okla., until 8 a.m. on the day of election at which time the Supervisor or Assistant Supervisor of the election board, accompanied by the Superintendent of the Osage Agency or his designated representative, shall receive the locked box from the post office and shall personally transport it to the polling site where it shall be delivered immediately still locked to the Supervisor or Assistant Supervisor of the election board. No absentee ballots will be received or counted after 8 a.m. The Supervisor or Assistant Supervisor in the presence of the judges shall immediately unlock the locked box containing the absentee ballots and then open each outer envelope but shall not open the inner envelope; shall then determine whether the person whose name which is signed to the affidavit is a duly qualified voter of the Osage Tribe and check said voter against and off the poll list. The sealed inner envelope shall then be deposited in an official ballot box for absentee ballots only. The ballot contained in any inner envelope which shall have been opened or unsealed before it has been delivered to the judges shall be rejected and not deposited in the official ballot box nor counted. After it has been determined that all of the absentee ballots have been made by duly qualified voters of the Osage Tribe the Supervisor in the presence of the election board shall unlock and open the absentee ballot box and shall cause the inner envelope containing absentee ballots to be opened after which the count shall be started. Two judges shall act as official counters and two clerks shall record the value of each vote. These figures shall be recorded on a sheet or sheets opposite the name of each candidate for whom the voter has designated his choice and shall continue this manner of recording until all votes have been counted or until 7 p.m. The duties of the remaining election officials shall be to conduct the election at the polls as set forth in this part. After the recording from each absentee ballot is completed that ballot shall be pierced by a needle and string and after all absentee ballots have been so treated up to 7 p.m., the ends of the string shall be tied together and shall be delivered to the Supervisor who shall handle these ballots, when the count of all ballots has been completed, the same as all other ballots as set forth in § 73.43.

§ 73.43 Canvass of election returns.

Promptly at one minute past 8 p.m. the Supervisor in the presence of the election board shall open the official ballot box and move the slide on inside of box closing the slot and thereafter shall immediately and in the presence of said board close and lock the ballot box until the count of the ballot is to be started. The Supervisor shall then in the presence of the election board unlock and open ballot box, after which the count shall be started. Any absentee ballots not counted as provided in § 73.42 prior to 7 p.m. shall be mingled with all other ballots. The total of the absentee ballots counted prior to 7 p.m. shall be added to the final count. The Supervisor and not less than two of the judges shall remain continuously in the room until the ballots are finally counted. Two judges shall act as official counters and the clerks shall record the value of each vote. These figures shall be recorded on a sheet or sheets opposite the name of each candidate for whom the voter designated his choice and shall continue this manner of recording until all votes have been recorded. The duties of the remaining officials of the election board will be to assist in the correct counting and recording of the value of each vote cast and the totaling of the values of the votes for each candidate. After the recording from each ballot is completed that ballot shall be pierced by a needle and string and after all ballots have been so treated the ends of the string shall be tied together and the ballots, together with the absentee ballots counted and strung before 7 p.m., deposited with the list of names of voters kept by the clerk during the election in the ballot box which shall then again be locked and the keys retained by the Supervisor. After the ballot box is securely locked the Supervisor shall not again open it, but shall deliver said box in that condition to the Superintendent of the Osage Agency, and the box shall be retained in a safe place by said Superintendent, until opened by order of the Supervisor or the election board in the event a contest is filed. In no event shall the ballots be destroyed for a period of at least 180 days after the election is held. A statement shall be prepared by the Supervisor pertaining to the conduct of the election and correctness of vote tallied opposite each candidate, in which shall be incorporated the names of each candidate declared to have been elected, with designation of office and total value of votes credited each, and duly acknowledged before an officer qualified to administer oaths, which instrument shall, with the keys to the ballot box, be delivered by the Supervisor to the Superintendent of the Osage Agency for appropriate disposition.

§ 73.49 Expenses of elections.

All expenses of elections including compensation to the members of the election board and any clerical assistants designated by the Superintendent under § 73.32, stationery supplies, meals, printing and postage shall be borne by the Osage Tribe as set forth in an appro-

priate Osage Tribal Council resolution establishing current pay scale.

§ 73.44 [Revocation]

2. Section 73.44 is revoked.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 61-12381; Filed, Dec. 28, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 913]

[Docket No. AO-23-A20 and AO-23-A22]

MILK IN GREATER KANSAS CITY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Kansas City, Missouri, on November 15–16, 1960, and October 31, 1961, pursuant to notices thereof issued on November 1, 1960 (25 F.R. 10573), on October 10, 1961 (26 F.R. 9717) and on October 18, 1961 (26 F.R. 9946).

Upon the basis of the evidence introduced at the November 1960 hearing and the record thereof, the Assistant Secretary on September 1, 1961 (26 F.R. 8455; F.R. Doc. 61-8588) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Upon the basis of the evidence introduced at the October 1961 hearing and the record thereof, the Assistant Secretary on December 6, 1961 (26 F.R. 11839; F.R. Doc. 11697), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which proposed amendments numbered 1 through 4, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri, on November 15–16, 1960, pursuant to notice thereof which was issued November 1, 1960 (25 F.R. 10573).

The material issues on the record of that hearing which are dealt with in this decision related to:

1. Location adjustments to handlers and producers;
2. Qualifications for obtaining pool plant status;
3. Miscellaneous administrative and conforming changes; and
4. Accounting for fortified products.

Other issues considered at that hearing were dealt with in a recommended decision issued February 14, 1961 (26 F.R. 1406; F.R. Doc. 61-1450) and a final decision issued March 22, 1961 (26 F.R. 2620; F.R. Doc. 61-2680).

The hearing on the record of which proposed amendments numbered 5 through 8, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri, on October 31, 1961, pursuant to notice thereof which was issued October 10, 1961 (26 F.R. 9717) and a supplemental notice issued October 18, 1961 (26 F.R. 9946).

The material issues on the record of that hearing related to:

5. Marketing area definition;
6. Class I pricing formula; and
7. Definition of a fluid milk product.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the respective records thereof:

1. *Location adjustments.* The adjustment of Class I prices and blend prices at plants located 50 miles or more from specified cities in the marketing area should be revised. Plants 50–60 miles from such specified cities should be allowed a 10-cent per hundredweight location credit and the rate for plants more than 90 miles should be increased to one cent for each additional 10 miles. No change should be made in the rates applicable to plants located in the 60–90 mile zone.

Proponents of a change in the location differential asked that no adjustment be allowed on milk received at plants located 50–60 miles from specified cities. The present allowance at such plants is 16 cents. The adjustment rate at this location zone affects only plants located in St. Joseph, Missouri. There are three plants in that city which dispose of milk in the Greater Kansas City marketing area and are partially regulated by the order regulating milk prices in the area.

On August 11, 1961, a final decision with respect to a proposed milk order for the St. Joseph, Missouri, milk marketing area was issued by Secretary of Agriculture Orville L. Freeman (26 F.R. 7673, F.R. Doc. 61-7848). An order containing terms identical to those in the final decision was issued August 28, 1961. Official notice is hereby taken of that decision and order. In that decision the appropriate Class I price at St. Joseph, Missouri, was determined to be Class I price for plants in the Greater Kansas City market area less 10 cents. The three plants which are located in St. Joseph and sell milk in the Greater Kansas City area would be regulated by the St. Joseph order rather than the Kansas City order when the order contained in the final decision becomes effective. These handlers asked that a decision with respect to location differentials applicable under the Kansas City order be delayed until a decision on a proposed St. Joseph order could be issued.

The St. Joseph, Missouri, market is so near the Greater Kansas City market and the routes of handlers in the two markets are so intermingled that close price alignment between the two markets is necessary to maintain stability in both markets. The 10-cent lower Class I price proposed at St. Joseph, Missouri, recognizes the cost of hauling milk to St. Joseph versus the cost of hauling milk 50 miles further to Kansas City. Therefore, the Kansas City Class I price should be adjusted by a location credit of 10 cents applicable to the 50–60 mile zone in which St. Joseph, Missouri, is located.

There is a milk plant serving the Kansas City market which is located at Butler, Missouri. Butler is 65 miles from Kansas City, Missouri, according to the Standard Highway Mileage Guide published by Rand McNally and Company This plant is in the 60–70 mile zone and no change in rate was proposed at that location.

There is a plant located at Sedalia, Missouri, which has at times been a pool plant. Sedalia is 88 miles from Kansas City, Missouri, according to the Standard Highway Mileage Guide. Under present provisions that plant is assigned a location differential of 17 cents. It was proposed that the rate be increased to 18 cents but no showing was made that a higher rate is needed to haul milk from that plant to the Kansas City market. Therefore, the rate for plants located at 80–90 miles should remain at 17 cents.

The location adjustment at plants located more than 90 miles from the specified cities should be the 80–90 mile zone rate of 17 cents plus one cent for each additional 10 miles or fraction thereof. The present rate of increase is one-half cent for each 10 miles and is inadequate to reflect present milk hauling costs.

2. *Pool plant qualifications.* The percentages of approved milk receipts utilized by each plant in Class I which are used to distinguish between a milk plant primarily serving the fluid market as compared to a plant primarily engaged in manufacturing should be revised. The percentage of approved milk receipts required to be sold as Class I milk in the marketing area to qualify as a pool plant should be reduced from 20 percent to 15 percent. The limitation of "approved plant" to that portion of a plant with health approval should be deleted so that all facilities operated as a single physical unit will be recognized as one plant.

It is necessary to have standards in an order which identify plants which are subject to the regulation of the order. Plants which are required to pay for milk they receive from producers the minimum class prices established by the order are known as pool plants. Pool plants are plants primarily engaged in fluid milk sales whose proportion of sales in the Greater Kansas City marketing area is substantial.

The performance requirements for pool plant status in terms of Class I use and sales in the marketing area make it possible for each plant operator to know under what conditions he becomes subject to regulation. These provisions also identify the producers who serve the regulated fluid milk market and who share the uniform prices established by the order.

Milk plants are identified as fluid milk plants on the basis of percentages of approved milk utilized in Class I each month. These percentages under the Greater Kansas City milk order vary by months but average 37.5 percent of approved receipts in Class I per year. An increase in the Class I percentage requirement to 50 percent Class I in each month was proposed at the hearing. The proposal was supported by two cooperative association witnesses and no one opposed the proposed change.

The average annual use of producer milk in Class I by all pool plants is over 70 percent. Althought some individual plants would, of course, utilize less than the market average percentage of receipts in Class I, the percentages now used to identify plants primarily engaged in the fluid milk business would include plants using nearly two-thirds of their producer milk in manufactured dairy products.

The required Class I use percentages should be 45 percent during the months July through February and 35 percent in March, April, May and June. This requirement will identify plants using nearly half of their milk receipts in Class I products but it will allow some tolerance for a plant which might not meet the 50 percent figure in some months.

In addition to being primarily fluid milk plants, pool plants regulated by the order must make a substantial share of their sales in the regulated marketing area. This is necessary to identify the plant with this market rather than another regulated or unregulated market.

The requirement for identifying a distributing plant with the Greater Kansas City market is that 20 percent of its approved milk receipts be disposed of as Class I milk in the marketing area. This requirement should be changed to 15 percent.

As fluid milk plants extend their sales on routes over wider areas the proportion of their sales in one designated area often becomes smaller. Hence, plants which are now qualified as pool plants could lose their pool status by increasing their sales outside the marketing area. The reduction in the percentage of receipts which must be disposed of in the marketing area from 20 to 15 percent will assure continued pooling of such plants.

The change in this pooling requirement might make some plants located in St. Joseph, Missouri, subject to the regulation of this order if an order were not issued for the St. Joseph marketing area. These handlers asked that a decision on pooling requirements be delayed until the proposed order for the St. Joseph area could be considered. As heretofore stated, an order has been issued to become effective partially September 1, 1961 and fully effective October 1.

A handler whose plant is located at Sedalia, Missouri, opposed the proposed change from 20 percent to 10 percent since it would make his plant a pool plant. This handler disposes of 11 percent of his approved milk receipts in the area. Since his percentage of sales in the area is close to the proposed 10 percent requirement he could be subjected to uncertainty from month-to-month concerning his pool or nonpool status. The 15 percent requirement will provide a margin for certainty based on his present sales in the area. If he expands sales in the marketing area he would become regulated as a pool plant.

The requirements for pooling should be clarified to include specifically in the approved milk receipts against which the qualifying percentages of use are measured any receipts by a plant from a cooperative association which acts as a handler in moving milk of its member producers to such plant. There is no need then for a definition of approved milk as proposed.

3. *Miscellaneous administrative and conforming changes.* In the recommended decision issued with respect to certain issues on February 14, 1961, it was recommended that the limitation of the term "approved plant" to that portion of a plant with health approval should be deleted, so that all pertinent factors may be considered in the determination as to what consitutes a regulated plant. No exceptions to this recommendation were filed by interested parties but a request was made that the final decision with respect to this issue be delayed until a decision could be made also on certain proposed changes in pool plant requirements. Accordingly, the recommendation with respect to plant determination is incorporated in this decision.

4. *Accounting for fortified products.* No change should be made in the method of accounting for milk used in fluid milk products fortified with additional nonfat milk solids.

Accounting for such added nonfat solids on the basis of the amount of fluid skim milk used to produce or represented by such solids was proposed. This accounting method was proposed to assure full payment on the fluid volume of reconstituted products. Reconstituted products are fluid milk products made by recombining milk solids with water to yield a weight of product equal to the volume of product from which the concentrated product was made by the removal of water.

The term "fortification" implies the process of adding milk solids to a fluid milk product to yield a finished product of higher milk solids content than an equivalent volume of normal milk. The use of skim milk equivalent accounting in the case of a fortified product would inflate both receipts and sales beyond their actual volume. Since fortified products are classified as Class I this inflated volume would increase Class I sales beyond the actual poundage of such sales.

There was no objection to the use of skim milk equivalent accounting for reconstituted products. There is no need, however, to make any special provision for such accounting. Reconstituted milk is a fluid product which contains all of the water originally associated with the milk solids it contains.

Fortified products are accounted for on the basis of their actual weight. That weight includes any water which may have been added to a product which is both reconstituted and fortified. Therefore, it is not necessary to make any administrative determination of that portion of a product reconstituted versus that which is fortified.

5. *Marketing area definition.* The marketing area definition should be expanded to include all of Geary County, Kansas and Fort Riley, which is in Geary and Riley Counties, Kansas.

The territory proposed for inclusion in the marketing area is bounded on the north and the south by portions of the present marketing area. Three handlers sell fluid milk products in the area. Two of these handlers are regulated by the Kansas City order. Their sales comprise 30 percent of the total sales in Geary County exclusive of Fort Riley. The remainder of the sales in Geary County and Fort Riley are made by the handler who proposed the area expansion. The Fort Riley contract is presently supplied by this handler but handlers now regulated under the Kansas City order are potential alternative suppliers.

The handler who proposed addition of this territory to the marketing area disposes of 98 percent of his entire fluid milk product sales within this territory at the present time. However, during the period January–June 1961 he made sales in the Greater Kansas City marketing area and because of such sales his plant was a regulated plant under the Kansas City order. The sales in the marketing area during that period were military contract sales. The handler expects to bid on these contracts again and if he obtains such contracts would again be regulated under the Kansas City order. The handler testified that both he and the producers who supply him desire to be affiliated on a continuing basis with the Kansas City market rather than have the plant regulated briefly and then become unregulated. There is also a possibility that the plant might become regulated under the Wichita order by reason of some sales in the Wichita area.

This handler receives 30 percent of his supply directly from producers and 70 percent from a plant regulated under the St. Joseph, Missouri order. A representative of producers supplying this handler stated that producers were desirous of having the plant regulated continuously by the Kansas City order so that they would have continuity in the type of base-excess plan under which they are paid.

Since this territory is closely related geographically to the present marketing area and handlers already regulated make substantial sales in the area, the addition of this territory will promote orderly marketing throughout the area. The extension of regulation will establish minimum uniform prices for milk purchased by handlers for sales in the Geary County and Fort Riley areas thus removing incentives to uneconomic shifts in sales arising from differences in prices paid producers.

There was no opposition to the proposed area extension.

6. *Class I pricing formula.* The Class I pricing formula should be revised as follows:

1. Change from one to one-half cent the adjustment associated with each per-

centage deviation from the normal supply-sales relationship.

2. Include milk receipts and Class I sales in the St. Joseph, Missouri market in computing the supply-demand adjustment percentage.

3. Reduce the Class I differential from $1.49 (August–March) and $1.18 (April–July) to $1.40 and $1.10, respectively, to maintain the present price level with the smaller supply-demand adjustment resulting from changes 1 and 2.

Representatives of producers and handlers testified in favor of some limitation on the amount of adjustment in the price which is brought about by the supply-demand adjuster. Producers proposed a limiting device which was related to the amount of price change from the previous year in the Kansas City market versus changes in surrounding markets. Three handlers favored an absolute limit in the adjuster of 30 cents per hundredweight. One handler proposed a limit of 23 cents.

Both producers and handlers find it difficult to make good business decisions due to the uncertainty of prospective prices which may change rapidly under the mechanics of the present supply-demand adjuster. Sometimes military contracts which the market could supply are lost because handlers are reluctant to bid in the face of possible erratic variations in the Class I price.

One alternative suggested to curb the activity of the adjuster was to limit the amount of adjustment for each percentage deviation from the norm to one-half cent rather than one cent. This alternative is more appropriate than an absolute limit on the adjuster because it will continue to signal necessary price adjustments regardless of the level of supply versus sales. It is preferable to the limit based on price changes in other markets since that scheme could make accurate price predictions even more difficult.

Although the supply-demand adjuster has produced variable prices, it has accomplished some needed reductions in the Class I price level. The adjuster has reduced the Class I price in each month, except May and June 1960, since August 1959. During this period the average price reduction has been 14.6 cents. In spite of this reduction in price, milk receipts have been increasing relative to Class I sales. In 1959, 72 percent of producer milk was used as Class I. In 1960 the percentage dropped to 71. During the first nine months of 1961 only 66 percent of producer milk was used in Class I as compared to 71 percent in the same period last year.

Since the existing price structure has resulted in an adequate supply of milk for the market, the net Class I price level should not be increased as a result of the limitations placed on the supply-demand adjuster. To compensate for the smaller adjustments due to the proposed change in the rate of adjustment the Class I price differential should be reduced six cents. The average amount of adjustment during the period August 1959–November 1960 was 14.6 cents. The average adjustment at the one-half cent rate would have been 8.4 cents.

The receipts from producers and the Class I sales in the St. Joseph, Missouri market should be included with receipts and sales in the Kansas City market in computing the utilization percentage for the supply-demand adjuster. The St. Joseph market is contiguous to the Kansas City market on the north and routes of handlers in the two markets are interspersed to some extent. Since marketing conditions are similar in the two markets, the Class I price in the St. Joseph market is directly related to the Kansas City Class I price.

Failure to include the St. Joseph market receipts and sales would distort the utilization percentage particularly when military contracts shift from one market to the other. As discussed in connection with marketing area, the addition of Fort Riley would add to the Kansas City market the Class I sales of the handler who supplies that military installation. It would not add 70 percent of the supply of that handler which is producer milk under the St. Joseph order.

The inclusion of the St. Joseph receipts and sales will result in a percentage of producer milk used in Class I in the two markets which is somewhat larger than the Kansas City figure. In September 1961 the combined market use of producer milk in Class I was 75 percent as compared to 73 percent in Kansas City alone. With the larger percentage of producer milk in Class I in the two markets combined, the supply-demand adjustments would be smaller. It is difficult to estimate precisely from the limited data available the amount of price adjustment which would offset this factor. A reduction of 3 cents in the Class I differential would offset a reduction in the supply-demand adjustment resulting from a decrease of 2 points in the current ratio of receipts to Class I sales.

In order to maintain about the same average Class I price level as has existed in the market, the Class I differentials should be $1.40 in the months August through March and $1.10 in the months April through July. The reduction of approximately nine cents from present differentials will offset the net effect of the proposed changes in the supply-demand adjuster (6 cents to compensate for the lower rate of adjustment and 3 cents for the inclusion of the St. Joseph, Missouri, receipts and sales).

7. *Definition of a fluid milk product.* The definition of a fluid milk product should not be changed.

A handler proposed to change the definition to assure that a product he called milk shake mix be excluded from the fluid milk product definition when it is sold in large containers. The purpose of the proposed amendment was to make it clear that a product which is marketed in liquid form to be frozen commercially and sold as "ice milk mix" (the legal term) and which is not subject to the fluid milk product ordinance is excluded from the fluid milk product definition. The market administrator has been classifying such ice milk products in Class II.

Milk shake mixes of the type which are sold to consumers in liquid form without freezing are required to be made from Grade A milk. Such products are clearly identified as Class I fluid milk products.

Since the "ice milk" product which is marketed in the area and in which the proponent is interested is recognized by the market administrator as a Class II item under the present definition and milk shake mixes are recognized as Class I, there is no reason to change the definition.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions filed with respect to each of the recommended decisions heretofore cited was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such amount not to exceed two cents per hundredweight as the Secretary may prescribe, with respect to the quantities of milk specified in § 913.61 and § 913.88.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, and the aforesaid order is hereby amended as follows:

1. Delete § 913.9 and substitute therefor:

§ 913.9 Approved plant.

"Approved plant" means any milk plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

2. Delete § 913.10 and substitute therefor:

§ 913.10 Pool plant.

"Pool plant" means any approved plant other than that of a producer-handler or a plant exempt pursuant to § 913.62:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 15 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) including receipts from a cooperative association in its capacity as a handler pursuant to § 913.11(c) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of as Class I milk an amount not less than the applicable percentage of such receipts, as follows:

(i) March through June, 35 percent;

(ii) July through February, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided,* That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 913.53 [Amendment]

3. Delete § 913.53(a) and substitute therefor:

(a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas or Emporia, Kansas, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 913.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall, by 16 cents if such plant is located 60 to 80 miles from such City Hall, and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 80 miles.

4. Delete § 913.81 and substitute therefor:

§ 913.81 Location adjustment to producers.

In making payments pursuant to § 913.80(a), the applicable uniform prices for all milk received during the months of August through January and for base milk received during the months of February through July shall be adjusted according to the location of the pool plant where such milk was received (or from which it was diverted) at the rate provided pursuant to § 913.53.

5. In § 913.6 delete the phrase "Riley County, Kansas, exclusive of the Fort Riley military reservation." and substitute therefor: "Geary and Riley counties, Kansas, including the Fort Riley military reservation."

6. In the portion of § 913.51(a) preceding § 913.51(a)(1) delete "$1.18" and "$1.49" and substitute therefor "$1.10" and "$1.40", respectively.

7. Delete § 913.51(a)(1) and substitute therefor the following:

(1) Divide the amount computed pursuant to subdivision (i) of this subparagraph by the amount computed pursuant to subdivision (ii), multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(i) Add to the total receipts of producer milk in the second and third months preceding, the total receipts of producer milk reported for the same months by handlers regulated under the St. Joseph, Missouri Federal milk order.

(ii) Add to the total gross volume of Class I milk at pocl plants in the second and third months preceding, the total gross volume of Class I milk during the same period at pool plants under the St. Joseph, Missouri Federal milk order. Interhandler transfers which duplicate Class I sales are excluded from the total gross volume in each market and for the two markets.

8. In § 913.51(a)(3) change "one cent" to "one-half cent" in each place it appears and add a subdivision (iv):

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

[F.R. Doc. 61-12366; Filed, Dec. 28, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Correction

In F.R. Doc. 61-12138, appearing at page 12256 of the issue for Friday, December 22, 1961, the percentage appearing within parentheses should read "(0.02 percent)" instead of "(0.2 percent)".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-6689]

TRANSMISSION OR SEGREGATION OF FUNDS BY BEST-EFFORT UNDERWRITERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a Rule 15c2-4 (§ 240.15c2-4) under the Securities Exchange Act of 1934 which would make it a "fraudulent, deceptive or manipulative act or practice" within the meaning of section 15(c)(2) of the Act for any broker-dealer participating in a best-efforts underwriting to accept any part of the sale price of any security being distributed unless (1) it is promptly transmitted to the persons entitled thereto, or (2) if the distribution is being made on an "all-or-none" basis, or on any other contingent basis, the money is put into a trust account or delivered to an escrow bank until the event or contingency has occurred and then promptly transmitted or returned to the persons entitled thereto.

Section 15(c)(2) of the Act makes it unlawful for a broker or dealer to effect or induce a transaction in a nonexempt security otherwise than on a national securities exchange in connection with which he engages in any fraudulent, deceptive or manipulative act or practice, and it provides that the Commission shall, by rules and regulations, define and prescribe means reasonably designed to prevent such acts and practices.

The staff has reported that there have been instances in which underwriters and other brokers participating in best-efforts underwritings have sold securities, collected the amount due, and then have failed to remit it to the issuer or other person entitled thereto. In some of these situations insolvency of the broker make it impossible for the issuer to receive the proceeds of the sale.

A best-efforts underwriter acts as an agent for the person on whose behalf the distribution is being made; and he and any other brokers participating in the distribution generally receive payment for the securities as agent for such person. Frequently, the issuer on whose behalf the distribution is being made is a comparatively new company and is making the public offering to raise the capital necessary to begin or expand its activities. The failure to receive it will substantially impair its ability to continue in business or to conduct necessary operations. In some cases the "sale" becomes final only if all the securities are sold within a specified period of time; and the arrangement contemplates that the payments made by customers will be returned to them if the distribution is not completed within the required time. The failure of the underwriter or a participating broker to transmit the funds or to maintain them so that they will be insulated from and not be jeopardized by his unlawful activities or financial reverses could involve a fraud either upon the person on whose behalf the distribution is being made or upon the customer to whom the payment is to be returned if the distribution is not completed. The proposed rule is designed to prevent this by requiring that the payment received by the underwriter and any other broker participating in the distribution be promptly transmitted or, in the event that it is not to be transmitted until some further event occurs (e.g., all the securities have been sold), that the funds be properly segregated in a separate trust account, or be deposited with an escrow, until the contingency occurs, so that thereafter it can be properly transmitted or returned to the person entitled to it.

The text of the proposed rule, which would be adopted under the provisions of the Securities Exchange Act of 1934, and particularly sections 15(c)(2) and 23(a) thereof, is as follows:

§ 240.15c2-4 Transmission or segregation of funds by best-effort underwriters.

It shall constitute a "fraudulent, deceptive, or manipulative act or practice" as used in section 15(c)(2) of the Act, for any broker-dealer participating in any best-efforts underwriting to accept any part of the sale price of any security being distributed unless:

(a) The money or other consideration received is promptly transmitted to the persons entitled thereto; or

(b) If the distribution is being made on an "all-or-none" basis, or on any other basis which contemplates that payment is not to be made to the person on whose behalf the distribution is being made until some further event or contingency occurs, (1) the money or other consideration received is promptly deposited in a separate bank account, as trustee for the persons who have the beneficial interest therein, until the appropriate event or contingency has occurred, and then the funds are promptly transmitted or returned to the persons entitled thereto, or (2) all such funds are promptly transmitted to a bank which has agreed in writing to hold all such funds in escrow for the persons who have the beneficial interests therein and to transmit or return such funds directly to the persons entitled thereto when the appropriate event or contingency has occurred.

(Secs. 15 and 23, 48 Stat. 895, 901, as amended, 15 U.S.C. 78o, 78w)

All interested persons are invited to submit their views and comments on or before January 26, 1962. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 20, 1961.

[F.R. Doc. 61-12339; Filed, Dec. 28, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

NOTICE OF USE OF UNIVERSAL REISSUE SAVINGS BOND

Notice is hereby given that, effective January 1, 1962, a punch card bond of a single form and design, hereinafter referred to as the "universal reissue bond" will be used for reissue transactions in United States Savings Bonds of Series E regardless of the issue dates of the bonds submitted for reissue.

The term "reissue" includes but is not limited to those transactions involving the issuance of new bonds to show a change in registration, for example, reissue in the names of surviving beneficiaries or coowners or, where there are no such survivors, in the names of the legatees under the will or the next of kin of a deceased owner. The new bonds in such cases bear the same issue dates (that is, the same month and year) as the original bonds and have the same rights and privileges as the originals.

The universal reissue bond (a specimen of which is filed herewith) issued upon reissue on and after January 1, 1962, will also bear the same issue dates and will have the same rights and privileges as the bonds submitted for reissue. In short, the use of the new universal reissue bond will in no way abridge the rights and privileges of the owners of the original bonds or of their successors in title.

Slightly different in form and design but not in substance, the universal reissue bond is the result of the continuous sale of United States Savings Bonds of Series E over a period of more than 20 years and the changes which have been made from time to time in the investment yields of those securities.

Series E bonds were originally offered for sale at an investment yield, if held to maturity, of 2.9 percent compounded semiannually. From time to time new Series E bonds with investment yields of 3 percent, 3¼ percent and 3¾ percent, all compounded semiannually, if held to maturity, were offered for sale. The first Series E bonds had a maturity of ten years. The changes in the investment yields resulted in changes in the terms of maturity—9 years 8 months, 8 years 11 months, and 7 years 9 months, respectively. With each change new stocks of bonds were printed specifically stating the term of maturity on their face with tables of redemption values on the reverse consistent with the rates and terms of the bonds.

Accordingly, the Federal Reserve Banks and Branches have been maintaining stocks of each of the four types of Series E bonds so that in cases of reissue they deliver bonds of exactly the same design as the bonds submitted for reissue. In some reissue transactions all four types of bond stock are used.

However, because of changes in interest yields and extensions of maturity dates many of the original bond designs do not show the current terms and values of such bonds. The universal reissue bond is designed to eliminate the cumbersome and costly procedure of maintaining four different bond designs. Unlike the Series E bonds issued on original issue, the universal reissue bond will not specifically state the term of maturity on its face, but its face refers to a table on the back which will show the term of maturity by reference to issue date.

As the universal reissue bond indicates, the term of maturity actually depends upon the issue date of the original bond. The redemption value tables have been omitted from the universal reissue bond. With the exception of the Series E bond currently on sale, which has an investment yield of 3¾ percent compounded semiannually if held to maturity—7 years 9 months from the issue date, the tables of redemption values on all other stocks of bonds are obsolete, because the redemption values of all such bonds for the remaining period to original maturity or extended maturity were increased under the terms of Department Circular No. 653, Fifth Revision, dated October 6, 1959.

In order to ascertain the redemption values of outstanding Series E bonds issued prior to June 1, 1959, or of the universal reissue bond, at any time, owners may contact their local banks or other financial institutions which act as issuing or paying agents of savings bonds, or the Federal Reserve Bank, or Branch, of the district. Over 15,000 financial institutions (commercial banks, trust companies, savings banks, savings and loan associations, and building and loan associations, etc.) which are authorized to pay Series E bonds over the counter to individual owners and coowners of the securities have tables showing the redemption values of the bonds.

[SEAL] W. T. HEFFELFINGER, *Fiscal Assistant Secretary.*

DECEMBER 15, 1961.

[F.R. Doc. 61-12351; Filed, Dec. 28, 1961; 8:47 a.m.]

[Treasury Department Order No. 177-20]

UNITED STATES TREASURER

Designation as Treasurer of Board of Trustees of Postal Savings System

Pursuant to the authority contained in 39 U.S. Code, section 5203(b), the Treasurer of the United States is designated as Treasurer of the Board of Trustees of the Postal Savings System.

Dated: December 22, 1961.

[SEAL] DOUGLAS DILLON, *Secretary of the Treasury.*

[F.R. Doc. 61-12362; Filed Dec. 28, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1961.

The United States Forest Service has filed an application, Serial Number A. 052289 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws and disposal of materials but excepting the mineral leasing laws. The applicant desires the land for an administrative site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 6th & Cordova, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TOWNSITE OF ANCHORAGE

U.S. Survey 3458 A and B,
North Addition No. 7,
Tract B, Block Y: Lot 1 and 2.

Containing 17,048 square feet.

ROGER R. ROBINSON, *State Director.*

[F.R. Doc. 61-12347; Filed, Dec. 28, 1961; 8:47 a.m.]

[Classification No. 81]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961, (26 F.R. 8216), I hereby classify the following described public lands, totaling 480.54 acres in Pinal County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 CFR 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 3: Lots 3, 4, S½NW¼, SW¼, SW¼NE¼, W½SE¼, S½NE¼SE¼, N½SE¼, SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations

under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. The lands are affected by 95 preference right applications, as provided for by 43 CFR 257.5, which will be processed as soon as possible.

FRED J. WEILER,
State Director.

DECEMBER 20, 1961.

[F.R. Doc. 61-12348; Filed, Dec. 28, 1961; 8:47 a.m.]

WYOMING

Notice of Filing of Wyoming Protraction Diagrams (Unsurveyed Land)

DECEMBER 19, 1961.

Notice is hereby given that effective January 29, 1962, the following protraction diagrams are officially filed of record in the Wyoming Land Office, 2002 Capitol Avenue, Cheyenne, Wyoming. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing land in applications and lease offers at and after 10 a.m. of the above effective date. Until this time and date, the diagrams have been placed in the open files and are available to the public for information only. Copies will be for sale at one dollar ($1.00) per sheet by the Division of Engineering, State Office, Bureau of Land Management, 2002 Capitol Avenue, P.O. Box 929, Cheyenne, Wyoming.

SIXTH PRINCIPAL MERIDIAN

Approved September 7, 1961

Diagram No. 1

Townships:
T. 57 N., R. 103 W.;
T. 58 N.
T. 57 N., R. 104 W.;
T. 58 N.
T. 57 N., R. 105 W.;
T. 58 N.
T. 57 N., R. 106 W.;
T. 58 N.
T. 57 N., R. 107 W.;
T. 58 N.
T. 57 N., R. 108 W.;
T. 58 N.
T. 58 N., R. 109 W.

Diagram No. 3

Townships:
T. 49 N., R. 104 W.
T. 49 N., R. 105 W.
T. 49 N., R. 106 W.;
T. 50 N.;
T. 51 N.;
T. 52 N.
T. 49 N., R. 107 W.;
T. 50 N.;
T. 51 N.;
T. 52 N.
T. 49 N., R. 108 W.;
T. 50 N.;
T. 51 N.;
T. 52 N.
T. 49 N., R. 109 W.;
T. 50 N.;
T. 51 N.;
T. 52 N.
T. 51 N., R. 110 W.;
T. 52 N.

Diagram No. 4

Townships:
T. 45 N., R. 105 W.;
T. 46 N.;
T. 47 N.;
T. 48 N.
T. 45 N., R. 106 W.;
T. 46 N.;
T. 47 N.;
T. 48 N.
T. 45 N., R. 107 W.;
T. 46 N.;
T. 47 N.;
T. 48 N.
T. 45 N., R. 108 W.;
T. 46 N.;
T. 47 N.;
T. 48 N.
T. 45 N., R. 109 W.;
T. 46 N.;
T. 47 N.;
T. 48 N.

Diagram No. 11

Townships:
T. 37 N., R. 114 W.;
T. 38 N.;
T. 39 N.;
T. 40 N.
T. 37 N., R. 115 W.;
T. 38 N.;
T. 39 N.;
T. 40 N.
T. 37 N., R. 116 W.;
T. 38 N.;
T. 39 N.;
T. 40 N.
T. 37 N., R. 117 W.;
T. 38 N.;
T. 39 N.;
T. 40 N.
T. 37 N., R. 118 W.;
T. 38 N.;
T. 39 N.;
T. 40 N.

Diagram No. 16

Townships:
T. 36 N., R. 115 W.
T. 36 N., R. 116 W.

Diagram No. 16A

Township: T. 35 N., R. 118 W.

Diagram No. 16B

Township: T. 33 N., R. 117 W.

THOMAS H. FLOYD, JR.,
Land Office Manager.

Approved: December 19, 1961.

ED PIERSON,
Wyoming State Director.

[F.R. Doc. 61-12349; Filed, Dec. 28, 1961; 8:47 a.m.]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number 031173, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the land for control and maintenance of the Colorado River.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix 1, Ariz.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 2 S., R. 23 W.,
Sec. 6: Lot 8;
Sec. 7: Lot 5.

The area described above aggregates 11.80 acres.

Dated: December 21, 1961,

FRED J. WEILER,
State Director.

[F.R. Doc. 61-12352; Filed, Dec. 28, 1961; 8:47 a.m.]

CALIFORNIA; CHIEF, DIVISION OF LANDS AND MINERALS MANAGEMENT

Redelegation of Authority

DECEMBER 14, 1961.

In accordance with section 1.1(a) of Bureau of Land Management Order No. 684 (26 F.R. No. 168, August 31, 1961), I hereby authorize the Chief, Division of Lands and Minerals Management, Sacramento, Calif., to perform the functions listed in section 1.5(a), Classification of Lands, of the above cited order which are delegated to me.

Order of Redelegation of Authority by State Supervisor (19 F.R. No. 230, November 19, 1954, page 7697, F.R. Doc. 54-9344) is hereby revoked.

NEAL D. NELSON,
State Director.

[F.R. Doc. 61-12331; Filed, Dec. 28, 1961; 8:46 a.m.]

[Classification No. 75]

ARIZONA

Small Tract Classification: Amendment

1. Effective December 18, 1961, Federal Register Document 61-5515 appearing on page 5376 of the issue for June 15, 1961, is revoked as to the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 2 S., R. 4 W.
Sec. 11: E½;
Sec. 12: W½.

The areas described aggregate 640 acres.

2. The public lands affected by this order are hereby restored as of 10:00 a.m., on January 18, 1962, to the operation of the public land laws, subject to any valid existing rights, the provisions of the existing withdrawals, and the requirements of applicable laws, rules, and regulations.

RAYMOND C. CLEGHORN,
Acting State Director.

DECEMBER 18, 1961.

[F.R. Doc. 61-12332; Filed, Dec. 28, 1961; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands, and Partial Termination Thereof

DECEMBER 22, 1961.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 068844 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land to protect the aesthetics and the Government's investments in the improvements of a roadside zone.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Court House and Federal Building, 650 Capitol Avenue, Sacramento 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TAHOE NATIONAL FOREST

Forest Highway No. 96, Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Highway No. 96 through the following legal subdivisions:

T. 14 N., R. 11 E.,
Sec. 25: SE¼NE¼, N½S½;
Sec. 26: SW¼SW¼, E½SE¼;
Sec. 29: SW¼SW¼;
Sec. 30: Lots 4, 5, 43; Lots 6 and 7 (except for patented M.S. 3663); W½SE¼, SE¼SE¼;
Sec. 31: Lots 1 and 7; Lot 6 and NW¼NE¼ (except for patented M.S. 3663); Lots 42 and 43, E½NE¼;
Sec. 32: NW¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, NE¼SE¼;
Sec. 33: N½S½;
Sec. 34: N½, NW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 35: N½NE¼, SW¼NE¼, NW¼NW¼, S½NW¼.
T. 14 N., R. 12 E.,
Sec. 20: E½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 21: N½NE¼;
Sec. 30: Lot 2, N½NE¼, E½NW¼.

The areas within the Roadside Zone aggregate approximately 748 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on Jan. 22, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TAHOE NATIONAL FOREST

Forest Highway No. 96, Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Highway No. 96 through the following legal subdivisions:

T. 14 N., R. 11 E.,
Sec. 30: Patented Lots 15 and 50; and that portion of patented M.S. 3663 extending into Lots 6 and 7;
Sec. 31: That portion of Patented M.S. 3663 extending into Lot 6 and NW¼NE¼;
Sec. 35: N½SW¼.

WALTER E. BECK,
Manager.

[F.R. Doc. 61-12382; Filed, Dec. 28, 1961; 8:51 a.m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, MONTANA

First Form Reclamation Withdrawal

Correction

In F.R. Doc. 55-7318, appearing at page 6680 of the issue for Saturday, September 10, 1955, the following correction is made in the land description: The section 7 entry, appearing under T. 29 N., R. 8 E., should read as follows: "Sec. 7, Lot 4, SE¼SW¼;".

Fish and Wildlife Service

[Depredation Order]

DEPREDATING COMMON MERGANSERS

Order Permitting Killing In, On, or Over Designated Lakes and Streams in Western Washington

It has been determined from investigations and observations made by the Bureau of Sport Fisheries and Wildlife and the Washington State Department of Game that serious depredations to trout populations in certain streams and lakes are occurring because of large numbers of common mergansers (American mergansers) present in western Washington and cannot be considered as localized injury. It was further determined that these depredations can best be minimized or alleviated by permitting depredating common mergansers (American mergansers) to be killed and taken by shooting in any affected areas under specific conditions and restrictions. This order will become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER. Accordingly, pursuant to authority contained in § 10.65, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Common mergansers (American mergansers) may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder, during the daylight hours only, on or over the following lakes and streams in western Washington when committing or about to commit serious depredations upon trout populations:

CLALLAM COUNTY

Sutherland Lake.

CLARK COUNTY

La Camas Lake.

COWLITZ COUNTY

Silver Lake. Yale Reservoir.

GRAYS HARBOR COUNTY

Failor Lake.

ISLAND COUNTY

Cranberry Lake.

JEFFERSON COUNTY

Croker Lake. Leland Lake.

KING COUNTY

Ames Lake. Pine Lake.
Beaver Lake. Shadow Lake.
Desire Lake. Shady Lake.
Joy Lake. Star Lake.
Meridian Lake. Steel Lake.
Morton Lake. Wilderness Lake.
North Lake.

KITSAP COUNTY

Horseshoe Lake. Scout Lake.
Island Lake. Tiger Lake.
Kitsap Lake. Wildcat Lake.
Mission Lake.

MASON COUNTY

Aldrich Lake. Panther Lake.
Benson Lake. Phillips Lake.
Cady Lake. Spencer Lake.
Clara Lake. Tiger Lake.
Devereaux Lake. Trails End Lake.
Haven Lake. Trask Lake.
Isabella Lake. Twin Lake.
Lost Lake. U Lake.
Nahwatzel Lake. Wooten Lake.

PACIFIC COUNTY

Loomis Lake.

PIERCE COUNTY

Bay Lake. Crescent Lake.
Clear Lake (Eatonville). Tanwax Lake.

SAN JUAN COUNTY

Hummel Lake.

SKAGIT COUNTY

Beaver Lake. Hart Lake.
Cavanaugh Lake. Pass Lake.
Clear Lake.

SNOHOMISH COUNTY

Bosworth Lake. Roesiger Lake.
Crabapple Lake. Serene Lake (Hwy. 99).
Flowing Lake. Shoecraft Lake.
Goodwin Lake. Silver Lake.
Ki Lake. Storm Lake.
Loma Lake. Wagner Lake.
Martha Lake (Alderwood Manor).
Martha Lake (Warm Beach).

THURSTON COUNTY

Clear Lake (Bald Hills). Lawrence Lake.
Deep Lake. McIntosh Lake.
Hicks Lake. Summit Lake.
Ward Lake.

WHATCOM COUNTY

Silver Lake.

Streams	
Bogachiel River.	Satsop River.
Chehalis River.	Skagit River.
Cowlitz River.	Skokomish River.
Dosewallips River.	Skykomish River.
Duckabush River.	Snohomish River.
Dungeness River.	Snoqualmie River.
Elochoman River.	Sol Duc River.
Grays River.	Soos River.
Green River.	Stillaguamish River.
Hoh River.	Tahuya River.
Humptulips River.	Tilton River.
Kalama River.	Tolt River.
Lewis River and forks.	Toutle River.
Newaukum River.	Union River.
Nisqually River.	Washougal River.
Nooksack River.	Willapa River.
Puyallup River.	Wind River.
Salmon River.	Wynooche River.

(b) The authorization to kill mergansers, as contained in this order shall terminate on April 10, 1962: *Provided*, If prior to that date it is found that the emergency condition no longer exists, the killing of common mergansers (American mergansers) as permitted under this order will be terminated earlier by publication of an order of revocation in the FEDERAL REGISTER.

(c) Common mergansers (American mergansers) killed under the provisions of this order may be used for food and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes, but they may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any American mergansers which cannot be utilized for the purposes stated in this paragraph because of their unfitness for human consumption may be completely destroyed.

2. This order does not permit the killing of common mergansers (American mergansers) in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving depredations and is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 27, 1961.

[F.R. Doc. 61-12380; Filed, Dec. 28, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 23-689]

HESSELGREN INSTRUMENT AND TORE HESSELGREN

Order Denying Export Privileges for an Indefinite Period

In the matter of Hesselgren Instrument and Tore Hesselgren, Borensvagen 1, Johanneshov, Stockholm, Sweden, respondent.

The Investigations Staff of the Bureau of International Programs, U.S. Department of Commerce, is conducting an investigation of the facts involved in the delivery to the above-named respondents in Sweden of a certain oscilloscope of United States origin, the representations made by the respondents as to the intended use and disposition of said electronic instrument, and the possible unauthorized reexportation thereof. It has applied for an order denying to respondents all export privileges for an indefinite period because of their failure and refusal to respond to written interrogatories duly served upon them. The application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of International Programs who, after considering evidence in support thereof, has recommended that it be granted.

Now, on receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, from which evidence it appears (1) that an investigation is being conducted as noted above and that it is impracticable to issue a subpoena to the respondents, and (2) that relevant and material interrogatories were duly served on the respondents to which they have failed, omitted, and refused to respond without reasonable cause and without adequate explanation and, having concluded further (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondents may be prevented from receiving commodities exported from the United States so long as it is effective:

It is hereby ordered:

(1) All outstanding validated export licenses in which the respondents, Tore Hesselgren and the firm Hesselgren Instrument, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation;

(2) The respondents, their representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application or any document to be submitted therewith; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) Such denial of export privileges shall apply not only to the parties set forth in paragraph (2) hereof but also to any other person, firm, corporation, or business organization with which any of them may now or hereafter be related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or related services;

(4) This order shall remain in effect until the respondents satisfactorily answer and furnish written information and documents in response to the interrogatories heretofore served on them or give adequate reasons for their failure or refusal to respond, except insofar as this order may hereafter be amended or modified in accordance with the Export Regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from, the Bureau of International Programs, U.S. Department of Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or firms within the scope of paragraphs (2) and (3) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

Dated: December 26, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 61-12364; Filed, Dec. 28, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[Agency Order 24]

SOUTHERN REGION

Organization

1. *Purpose.* This order describes the approved organization of the Regional Headquarters of the Southern Region; defines general authorities with respect to that region; and prescribes organizational relationships between Agency Headquarters and the region.

2. *Organization of the Regional Headquarters.* The basic organizational structure of the Regional Headquarters of the Southern Region, approved August 4, 1961, is shown in Appendix A.

3. *Responsibility of Assistant Administrator.* The Assistant Administrator, Southern Region, shall be responsible for the planning, direction, and execution of FAA programs in the region, subject to applicable laws and to Agency-wide programs, plans, policies, and standards: *Provided*, That, in the discharge of this responsibility the Assistant Administrator is subject to such limitations as may be prescribed by or on behalf of the Administrator.

4. *Delegation of authority.* The authority vested in the Assistant Administrator of the Southwest Region, which pertains to program functions conducted in the Southern Region, shall be withdrawn from that Assistant Administrator and vested in the Assistant Administrator of the Southern Region concurrently with the assumption by the latter of the program function concerned. The assumption of program functions by the Assistant Administrator of the Southern Region shall be in accordance with a schedule approved by the Administrator.

5. *Redelegation.* The Assistant Administrator may redelegate any authority conferred upon him to any of his subordinates, except as the Administrator may otherwise provide. Any redelegation shall be in writing, and a copy shall be filed in the Office of Management Services.

6. *National policy.* Each Washington Office and Service with respect to its functional responsibilities shall provide to the Assistant Administrator: Direction in the form of national program definitions and plans, national policies, and national standards; technical guidance; and advice and assistance.

7. *Effective date.* This order is effective as of the date of its issuance, superseding the provisions of all other orders or instructions or parts thereof which may be inconsistent or in conflict herewith.

N. E. HALABY,
Administrator.

DECEMBER 18, 1961.

[F.R. Doc. 61-12374; Filed, Dec. 28, 1961; 8:50 a.m.]

[Agency Order 25]

SOUTHWEST REGION

Organization

1. *Purpose.* This Order describes the approved organization of the Regional Headquarters of the Southwest Region; defines general authorities with respect to that Region; and prescribes organizational relationships between Agency Headquarters and the Region.

2. *Organization of the Regional Headquarters.* The basic organizational structure of the Regional Headquarters of the Southwest Region, approved September 23, 1961, is shown in Appendix A.

3. *Responsibility of assistant administrator.* The Assistant Administrator, Southwest Region, shall be responsible for the planning, direction, and execution of FAA programs in the Region, subject to applicable laws and to Agency-wide programs, plans, policies, and standards: *Provided*, That in the discharge of this responsibility the Assistant Administrator is subject to such limitations as may be prescribed by or on behalf of the Administrator. Under the same conditions, the Assistant Administrator shall be responsible for the planning, direction, and execution of FAA programs in the Southern Region until responsibility therefor is assumed by the Assistant Administrator of the Southern Region in accordance with the schedule approved by the Administrator.

4. *Delegation of authority.* All authority currently delegated to the Regional Manager, to the Chiefs of Field Divisions, and to other organizational elements of the former Region 2, is hereby delegated to the Assistant Administrator, Southwest Region.

5. *Redelegation.* The Assistant Administrator may redelegate any authority conferred upon him to any of his subordinates, except as the Administrator may otherwise provide. Any redelegation shall be in writing, and a copy shall be filed in the Office of Management Services. Any redelegation heretofore made to personnel in the former Region 2, in effect as of the date of this Order, is hereby affirmed as constructively constituting a redelegation of the Assistant Administrator and shall remain in effect until revoked by him.

6. *National policy.* Each Washington Office and Service with respect to its functional responsibilities shall provide to the Assistant Administrator: direction in the form of national program definitions and plans, national policies, and national standards; technical guidance; and advice and assistance.

7. *Effective date.* This Order is effective as of the date of its issuance, superseding the provisions of all other orders or instructions or parts thereof which are inconsistent or in conflict herewith.

N. E. HALABY,
Administrator.

DECEMBER 18, 1961.

[F.R. Doc. 61-12375; Filed, Dec. 28, 1961; 8:50 a.m.]

[Agency Order 26]

ASSISTANT ADMINISTRATORS, CENTRAL, WESTERN, AND ALASKAN REGIONS

Responsibility and Authority

1. *Purpose.* This Order describes the responsibility and authority of the Assistant Administrators of the Central, Western, and Alaskan Regions and prescribes organizational relationships between Agency Headquarters and the Regions.

2. *Responsibility of Assistant Administrators.* The Assistant Administrators shall be responsible for the planning, direction, and execution of FAA programs in their respective Regions, subject to applicable laws and to Agency-wide programs, plans, policies, and standards; *Provided*, That in the discharge of this responsibility, the Assistant Administrators are subject to such limitations as may be prescribed by or on behalf of the Administrator.

3. *Delegation of authority.* All authority currently delegated to the Regional Manager, to the Chiefs of Field Divisions, and to other organizational elements of the Regions affected, is hereby delegated to the respective Assistant Administrators.

4. *Redelegation.* The Assistant Administrators may redelegate any authority conferred upon them to any of their subordinates, except as the Administrator may otherwise provide. Any redelegation shall be in writing, and a copy shall be filed in the Office of Management Services. Any redelegation heretofore made to personnel in the former Regions, in effect as of the date of this Order, is hereby affirmed as constructively constituting a redelegation of the Assistant Administrator and shall remain in effect until revoked by him.

5. *National policy.* Each Washington Office and Service with respect to its functional responsibilities shall provide to the Assistant Administrators: Direction in the form of national program definitions and plans, national policies, and national standards; technical guidance; and advice and assistance.

6. *Effective date.* This Order is effective as of the date of its issuance, superseding the provisions of all other orders or instructions or parts thereof which are inconsistent or in conflict herewith.

N. E. HALABY,
Administrator.

DECEMBER 18, 1961.

[F.R. Doc. 61-12376; Filed, Dec. 28, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-248—RI62-260]

CALIFORNIA CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 20, 1961.

The California Company, Docket No. RI62-248; Westhoma Oil Company, Docket No. RI62-249; Texas Gas Corporation, Docket No. RI62-250; Shell Oil Company, Docket No. RI62-251; Texaco Inc., Docket No. RI62-252; Humble Oil and Refining Company, Docket No. RI62-253; Parker Petroleum Company, Inc. (Operator), et al., Docket No. RI62-254; United Producing Company, Inc., Docket No. RI62-255; Petroleum, Inc. (Operator) et al., Docket No. RI62-256; Placid Oil Company, Docket No. RI62-257; Union Texas Natural Gas Corporation (Operator), et al., Docket No. RI62-258; Union Texas Natural Gas Corporation, Docket No. RI62-259; Bruce Anderson, et al., Docket No. RI62-260.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-248	The California Co., 800 The California Co. Building, New Orleans 12, La.	3	7	Union Gas Pipe Line Co. (St. Martinville Field, St. Martin Parish, South Louisiana).	$1,460	11-22-61	1-1-62	6-1-62	[2] 20.0	[4] 22.0	G-14313
		5	5	Texas Gas Transmission Corp. (East Lake Palourde Field, Assumption Parish, South Louisiana).	56,020	11-22-61	1-1-62	6-1-62	[2] 21.75	[4] 23.75	----------
		21	1	Texas Gas Transmission Corp. (Mallard Bay Field, Cameron Parish, South Louisiana).	7,300	11-22-61	1-1-62	6-1-62	[2] 18.75	[4] 19.75	----------
RI62-249	Westhoma Oil Co., 1670 Denver Club Building, Denver 2, Colo.	2	6	Panhandle Eastern Pipeline Co. (Camerick Field, Texas County, Okla.).	4,480	11-22-61	12-23-61	5-25-62	[2] 16.6	[4] 17.0	G-20279
RI62-250	Texas Gas Corp., P.O. Box 6846, Houston 5, Tex.	1	16	Texas Eastern Transmission Corp. (Various Fields, Jefferson, Chambers, and Orange Counties, Tex.) (R.R. District No. 3).	9,000	11-22-61	[7] 12-23-61	5-23-62	[2] 14.3975	[4] 14.5975	RI62-166
RI62-251	Shell Oil Co., 50 West 50th Street, New York 20, N.Y.	145	5	Northern Natural Gas Co. (Farnsworth Field, Ochiltree County, Tex.) (R.R. District No. 10).	3,615	11-24-61	2-1-62	7-1-62	[2] 15.5	[4] 16.5	----------
		161	1	Northern Natural Gas Co. (Englewood Field, Clark County, Kans.).	702	11-24-61	1-1-62	6-1-62	[3] [8] 15.0	[4] [8] 16.0	----------
RI61-252	Texaco Inc., P.O. Box 2332, Houston, Tex.	158	1	Northern Natural Gas Co. (Barlow Field, Ochiltree County, Tex.) (R.R. District No. 10).	3,431	11-24-61	12-25-61	5-25-62	[2] 15.5	[7] [8] 16.5	----------
RI61-253	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	27	7	Olin Gas Transmission Corp. (Carthage Point Field, Adams County, Miss.).	14,910	11-24-61	1-1-62	6-1-62	[2] 14.0	[4] 18.0	----------
		203	1	Northern Natural Gas Co. (Elmwood Southeast and Southwest Field, Beaver County, Okla.).	979	11-24-61	1-1-62	6-1-62	[2] 15.0	[4] 16.0	----------
RI62-254	Parker Petroleum Co., Inc. (Operator), et al. % Francis S. Irvine, attorney, 1400 Republic Building, Oklahoma City 2, Okla.	2	1	Northern Natural Gas Co. (Beaver County, Okla.).	5,413	11-27-61	1-1-62	6-1-62	[3] [8] 15.0	[4] [8] 16.0	----------
RI62-255	United Producing Co., Inc., P.O. Box 1503, Houston 1, Tex.	27	2	Northern Natural Gas Co. (Clark County, Kans.).	4,928	11-27-61	1-1-62	6-1-62	[3] [10] 14.0	[4] 15.0	----------
		26	4	Northern Natural Gas Co. (Clark County, Kans.).	3,000	11-27-61	1-1-62	6-1-62	[3] [11] 15.0	[4] 16.0	----------
RI62-256	Petroleum, Inc. (Operator), et al., P.O. Box 1374, Oil Center, Lafayette, La.	13	3	Trunkline Gas Co. (Fields Field, Beauregard Parish, La.) (South Louisiana).	1,047	11-27-61	1-1-62	6-1-62	[2] 18.5	[4] 18.7	RI61-296
RI62-257	Placid Oil Company, 418 Market Street, Shreveport, La.	7	8	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	108,521	11-24-61	1-1-62	6-1-62	[2] 20.25	[4] 22.25	G-13180
RI62-258	Union Texas Natural Gas Corp. (Operator), et al., 811 Rusk Avenue, Houston 2, Tex.	24	3	Arkansas Louisiana Gas Co. (Chicksaw Field, Grady County, Okla.).	2,300	11-24-61	12-25-61	5-25-62	[2] 11.0	[7] 12.0	----------
		19	3	Arkansas Louisiana Gas Co. (Chicksaw Field, Grady County, Okla.).	1,000	11-24-61	12-25-61	5-25-62	[2] 11.0	[7] 12.0	----------
RI62-259	Union Texas Natural Gas Corp.	21	3	Arkansas Louisiana Gas Co. (Chicksaw Field, Grady County, Okla.).	1,000	11-24-61	12-25-61	5-25-62	[2] 11.0	[7] 12.0	----------
RI62-260	Bruce Anderson, et al., % Tippit & Haskell, Denver Club Building, Denver 2, Colo.	1	1	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	(12)	11-20-61	1-1-62	6-1-62	[13] [9] 12.0	[7] [14] 12.0	----------

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] The pressure base is 15.025 psia.
[3] The pressure base is 14.65 psia.
[4] Periodic increase by contract.
[5] Two-step periodic increase by contract.
[6] Requests waiver of notice.
[7] Renegotiated increase.
[8] Seller relinquishes right to process gas.
[9] Subject to upward B.t.u. adjustment.
[10] Previously reported as 14.07 cents, which included 0.07 cents Kansas severance tax, now invalidated.
[11] Previously reported as 15.075 cents, which included 0.075 cents Kansas severance tax, now invalidated.
[12] Annual amount of increase due to imposition of a floor of 11.0 cents per Mcf on the downward B.t.u. adjustment is approximately $1,095.
[13] Effective rate is reduced by heating value deficiency to 9.448416 cents per Mcf.
[14] Effective rate is reduced by heating value deficiency to 11.0 cents per Mcf (amounting to increase of 1.551584 cents per Mcf).

The proposed increased rates, except that proposed by Bruce Anderson, et al., exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56). The increased rate proposed by Bruce Anderson, et al., may result in the sale of less than pipeline quality gas at the area price level for pipeline quality gas.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 12, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12261; Filed, Dec. 28, 1961; 8:45 a.m.]

[Docket Nos. RI62-233—RI62-246]

CHAMPLIN OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 20, 1961.

Champlin Oil & Refining Company, Docket No. RI62-233; J. P. Owen (Operator), et al., Docket No. RI62-234; J. M. Huber Corporation, Docket No. RI62-235; Pan American Petroleum Corporation (Operator), et al., Docket No. RI62-236; Kerr-McGee Oil Industries, Inc., Docket No. RI62-237; Socony Mobil Oil Company, Inc., Docket No. RI62-238; Oklahoma Natural Gas Company, Docket No. RI62-239; Phillips Petroleum Company (Operator), et al., Docket No. RI62-240; Southwest Gas Producing Company, Inc., (Operator), et al., Docket No. RI62-241; Champlin Oil & Refining Company (Operator), et al., Docket No. RI62-242; Big Piney Oil and Gas Company, Docket No. RI62-244; Cities Service Petroleum Company, Docket No. RI62-245; Cities Service Company, Docket No. RI62-246.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-233	Champlin Oil & Refining Co., P.O. Box 9365, Fort Worth 7, Tex.	68	3	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	$408	11-28-61	[1] 1-1-62	6-1-62	[2] 12.0	13.0	----------
		42	5	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.).	966	11-28-61	[1] 1-1-62	6-1-62	[2] 11.0	12.0	----------
		70	2	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	2,411	11-28-61	[1] 1-1-62	6-1-62	[2] 12.0	13.0	----------
RI62-234	J. P. Owen (Operator), et al., 1423 Oil Center Station, Lafayette, La.	6	3	United Fuel Gas Co. (West Duson Field, Arcadia and Lafayette Parishes, La.)(Southern Louisiana).	1,197	11-28-61	[3] 12-29-61	5-29-62	[4] 19.9	20.3	RI61-220
		3	2	United Fuel Gas Co. (West Duson Field, Lafayette Parish, La.).	4,218	11-28-61	[3] 12-29-61	5-29-62	[4] 19.9	20.3	RI61-220
RI62-235	J. M. Huber Corp., 2401 East Second Avenue, Denver 6, Colo.	38	1	Northern Natural Gas Co. (Harper Ranch Field, Clark Co., Kans.).	3,578	11-29-61	[1] 1-1-62	6-1-62	[2] 15.0	16.0	----------
RI62-236	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	192	13	Northern Natural Gas Co. (Lips Ranch Field, Hansford, Ochiltree, and Roberts Counties, Tex.)(R.R. District No. 10).	59,238	11-29-61	[1] 1-1-62	6-1-62	[2] 16.5	17.5	----------
RI62-237	Kerr-McGee Oil Industries, Inc., Kerr-McGee Building, Oklahoma City 2, Okla.	74	1	Texas Gas Trans. Corp. (Jeanerette Field, St. Mary Parish, La.)(Southern Louisiana).	5,293	11-27-61	[1] 1-1-62	6-1-62	[4] 20.75	21.75	----------
RI62-238	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	105	2	Northern Natural Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.).	674	11-27-61	[1] 1-1-62	6-1-62	[2] 15.0	16.0	----------
		156	2	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.).	518	11-27-61	[1] 1-1-62	6-1-62	[2] 14.0	15.0	----------
RI62-239	Oklahoma Natural Gas Co., % John L. Arrington, Jr., attorney, 510 Oklahoma National Building, Tulsa 19, Okla.	8	2	Northern Natural Gas Co. (Mocane Field, Beaver County, Okla.).	4,390	11-28-61	[1] 1-1-62	6-1-62	[2] 15.0	16.0	----------
RI62-240	Phillips Petroleum Co. (Operator), et al., Bartlesville, Okla.	336	3	Northern Natural Gas Co. (Beaver Co., Okla.).	2,131	11-28-61	[1] 1-1-62	6-1-62	[2] 15.0	16.0	----------
RI62-241	Southwest Gas Producing Co., Inc. (Operator), et al., P.O. Box 2027, Monroe, La.	12	2	Texas Gas Trans. Corp. (Southwest Dryex Plant, St. Mary Parish, La.) (Southern Louisiana).	8,400	11-28-61	[1] 1-1-62	6-1-62	[4] 20.75	21.75	----------
RI62-242	Champlin Oil & Refining Co. (Operator), et al., P.O. Box 9365, Fort Worth 7, Tex.	41	12	Northern Natural Gas Co. (Hugoton Field, Kearny, Finney, and Haskell Counties, Kans.).	8,114	11-28-61	[1] 1-1-62	6-1-62	[2] 11.0	12.0	----------
RI62-244	Big Piney Oil and Gas Co., 306 Phillips Petroleum Building, Salt Lake City 1, Utah.	1	1	El Paso Natural Gas Co. (Big Piney Field, Sublette Counties, Wyo.).	13,005	11-30-61	[1] 1-1-62	6-1-62	[2] 14.625	15.6	----------
RI62-245	Cities Service Petroleum Co., Cities Service Building, Bartlesville, Okla.	106	8	United Gas Pipe Line Co. (S. Lewisburg Field, Acadia Parish, La.) (Southern Louisiana).	1,178	11-30-61	[1] 2-27-62	7-27-62	[4] 20.25	22.25	----------
RI62-246	Cities Service Co., Cities Service Building, Bartlesville, Okla.	25	9	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (Southern Louisiana).	50,023	11-30-61	[1] 2-11-62	7-11-62	[4] 20.25	22.25	----------

[1] The stated effective date is that requested by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12262; Filed, Dec. 28, 1961; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

GLOBE SHIPPING CO., INC., AND A. W. FENTON CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. 8726 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are Globe Shipping Co., Inc., New York, N.Y., and The A. W. Fenton Co., Inc., Cleveland, Ohio. Pending the issuance of licenses, these forwarders are operating under their registration numbers during the 120-day period provided for in Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally.

The agreement may be canceled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

Agreement No. 8726 enables each party to use the services of the other in connection with its shipments moving through New York or Cleveland, respectively.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: December 26, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-12356; Filed, Dec. 28, 1961; 8:48 a.m.]

T. R. SPEDDEN AND LORETZ & CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. 8749 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are T. R. Spedden, New Orleans, La., and Loretz & Co., Los Angeles, Calif., who, pending issuance of licenses, are operating under their registration numbers during the 120-day period provided for in Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally.

The agreement may be canceled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

Each party is enabled by this arrangement, to use the services of the other in connection with its shipments moving through New Orleans or Los Angeles, respectively.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: December 26, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-12357; Filed, Dec. 28, 1961; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIFTH THIRD UNION TRUST CO.

Order Approving Application

In the matter of the application of The Fifth Third Union Trust Company, Cincinnati, Ohio, for approval of acquisition of assets of The Norwood-Hyde Park Bank and Trust Company, Norwood, Ohio.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by The Fifth Third Union Trust Company, Cincinnati, Ohio, for the Board's prior approval of the acquisition by The Fifth Third Union Trust Company of the assets of The Norwood-Hyde Park Bank and Trust Company, Norwood, Ohio, and the assumption of the liabilities of the latter Bank.

Pursuant to said section 18(c), notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, and the proposed acquisition of assets and assumption of liabilities be and hereby are approved: *Provided,* That said acquisition and assumption shall be consummated within not less than seven calendar days nor more than three months from the date of this order.

Dated at Washington, D.C., this 22d day of December, 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-12329; Filed, Dec. 28, 1961; 8:45 a.m.]

WELLS FARGO BANK AMERICAN TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Wells Fargo Bank American Trust Company for approval of merger with The Farmers and Merchants National Bank of Santa Cruz.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Wells Fargo Bank American Trust Company, San Francisco, Calif., for the Board's prior approval of the merger of The Farmers and Merchants National Bank of Santa Cruz, Santa Cruz, Calif., with and into Wells Fargo Bank American Trust Company, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger; in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[2] of this date.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland. Dissenting statement of Governnors Robertson and Shepardson also filed as part of the original document and available upon request.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of San Francisco. Dissenting statement of Governors Balderston, Robertson, and Mitchell also filed as part of the original document and available upon request.

that said merger be, and hereby is, approved: *Provided,* That said merger shall be consummated within not less than seven calendar days nor more than three months from the date of this order.

Dated at Washington, D.C., this 22d day of December, 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-12330; Filed, Dec. 28, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 26, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37487: *Commodities from and to points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2218), for interested rail carriers. Rates on paper, scrap or waste, and related articles, electrical machinery and related articles, in carloads, between points in Wyoming west of Casper and Gillette, Wyo., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 7 to Western Trunk Line Committee tariff I.C.C. A-4390.

FSA No. 37488: *Machinery from Tarrant, Ala., to Illinois Territory.* Filed by O. W. South, Jr., agent (No. A4146), for interested rail carriers. Rates on machinery, machines and parts thereof, in carloads, from Tarrant, Ala., to points in Illinois territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 496 to Illinois Freight Association tariff I.C.C. 485.

FSA No. 37489: *Asphalt from Montana points to Sioux City, Iowa.* Filed by Trans-Continental Freight Bureau, agent (No. 386), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), in tank-car loads, subject to aggregate shipment of not less than twenty cars, from Billings, East Billings, and Laurel, Mont., to Sioux City, Iowa.

Grounds for relief: Rail carrier competition.

Tariff: Supplement 48 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37490: *Asphalt from Montana points to points in Wisconsin.* Filed by Trans-Continental Freight Bureau, agent (No. 385), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), in tank-car loads, subject to aggregate shipment of not less than 20 cars, from Billings, East Billings, Great Falls, and Laurel, Mont., to specified points in Wisconsin.

Grounds for relief: Rail carrier competition.

Tariff: Supplement 48 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12353; Filed, Dec. 28, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1426]

DIAL-A-DISK, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 22, 1961.

I. Dial-A-Disk, Inc. (Issuer), filed with the Commission on November 2, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 150,000 shares of 5 cents par value common stock at $2.00 a share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A, promulgated thereunder. McClane & Co., Inc., 26 Broadway, New York 4, N.Y., was named as underwriter and the offering was commenced on January 16, 1961.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A, have not been complied with in that the names and addresses of all promoters were not shown as required by item 3 of Form 1-A and paragraph 9(a) of Schedule I and certain material transactions or proposed material transactions were not disclosed as required by paragraph 9(c) of Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the fees paid to Leonard Ross, its finder, the existence of a contract with Ross and liabilities created thereunder.

2. The failure to disclose adequately and accurately the aggregate amount of expenses to be incured by the issuer and the net proceeds to be received by the issuer from this offering.

3. The failure to disclose the underwriter's indebtedness to the issuer.

4. The failure of the financial statements to disclose the true cash position of the issuer and to disclose adequately and accurately the nature of the officer's loan mentioned in footnotes to the financial statements.

5. The designation of Robert B. Bruce as an independent accountant.

6. The use in the offering circular of an unqualified certificate prepared and signed by an accountant who in fact was not independent.

C. The issuer, its accountant, Robert B. Bruce, and its finder, Leonard Ross, in the distribution of the issuer's securities, have engaged in transactions, practices and a course of business in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-12336; Filed, Dec. 28, 1961; 8:46 a.m.]

[File No. 812-1458]

DUNHILL INTERNATIONAL, INC.

Notice of and Order for Hearing on Application for an Order Exempting Certain Transactions Incident to a Merger, and for an Order Exempting Certain Transactions

DECEMBER 21, 1961.

Notice is hereby given that Dunhill International, Inc. ("Dunhill"), a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a management closed-end nondiversified investment company, has filed an application, and amendments thereto, pursuant to section 17(b) of the act for an order of the Commission exempting from the provisions of section 17(a) of the act certain transactions incident to a merger of The Pyramid Rubber Company ("Pyramid"), two of its wholly-

owned subsidiaries, Oil City Glass Company and Crator Manufacturing Company, and two of its affiliated companies, Harcort Manufacturing Company ("Harcort"), and Archer Service Company ("Archer") hereinafter referred to collectively as ("Pyramid Group"), into Dunhill. Dunhill also requests an order pursuant to section 6(c) of the act exempting it, as the surviving corporation, from the provisions of section 18(c) to the extent that Dunhill will have outstanding more than one class of senior securities representing indebtedness. All interested persons are referred to the application on file with the Commission for a complete statement of the transactions which are summarized below.

The application states that the present business of Dunhill is the ownership of marketable securities which, together with the securities owned by its wholly-owned subsidiary, Alfred Dunhill of London, Inc. ("London") had a quoted market value as of September 29, 1961, aggregating in excess of $28,000,000. In addition, Dunhill owns certain parcels of real estate in New York and Pennsylvania and also operates a retail store in Philadelphia, Pa., under the name "John Middleton" for the sale of tobacco and allied products. London operates 5 retail stores selling tobacco and accessory products in different cities throughout the United States.

On October 25, 1961 (the record date for Dunhill stockholders' vote on the merger), Dunhill had outstanding 1,525,439 shares (exclusive of 4,070 Treasury shares) of common stock.

The application recites that Pyramid is an Ohio corporation which manufactures and sells nursing bottles, nipples, bottle caps, sterilizers, warmers, pitchers and other products ancillary to the baby feeding equipment field. Most of its products are sold domestically under the registered trademark "Evenflo" to wholesale druggists, chain drug companies, grocery chains, department stores, and baby shops. The Pyramid Group of companies represents an integrated group of manufacturing facilities in rubber, glass, and plastics. Total assets of the Pyramid Group on August 31, 1961, amounted to $16,882,511, valuing investment securities at market, inventories at the lower of cost or market, and other assets at cost. Of this amount, investment securities comprised $5,299,462 and the other assets comprised $11,583,049. Net income of the Pyramid Group for the last 3 fiscal years ending September 30, 1958, 1959, and 1960, has averaged about $1,500,000.

Dunhill states that all of the outstanding shares of Pyramid, Harcort and Archer are owned by the members of four families (and trusts for several of them) totaling fourteen shareholders in all.

Under the terms of the merger, the authorized capital stock of Dunhill will be increased from 2,500,000 shares to 10 million shares, and 2 million of such shares will be issued in exchange for all of the shares of the merging companies as follows:

(a) The 20,000 outstanding shares of common stock and 7,650 outstanding shares of preferred stock of Pyramid will be exchanged for 1,862,333 shares and 51,000 shares, respectively, of common stock of Dunhill;

(b) The 4,270 outstanding shares of common stock of Harcort will be exchanged for 80,000 shares of common stock of Dunhill (with the treasury shares of Harcort being cancelled); and

(c) The 500 outstanding shares of common stock of Archer will be exchanged for 6,667 shares of common stock of Dunhill.

The merger agreement also provides that all of the outstanding shares of the companies to be merged into Dunhill will be canceled, and that the 2 million shares of Dunhill common stock to be issued to the Pyramid Group will be required to be listed on the New York Stock Exchange.

The Agreement of Merger was approved by the boards of directors of each of the merging companies and by the stockholders of Dunhill at a special meeting held on December 14, 1961. Delaware statutes afford certain rights to shareholders of Dunhill objecting to the merger and, upon compliance with certain statutory requirements, dissenting stockholders of Dunhill may require the appraisal of their shares and the payment of the appraised value in cash. Otherwise, Dunhill shareholders will continue to hold their shares. If there are no dissenting stockholders, the surviving corporation will, upon consummation of the merger, have 3,525,439 shares of common stock outstanding.

While Dunhill presently has no direct or indirect interest in any of the companies comprising the Pyramid Group and none of these companies or any of their stockholders have any direct or indirect interest in Dunhill, both Dunhill and Pyramid Group own substantial amounts (21.6 percent and 22.5 percent, respectively) of the outstanding common stock of A. G. Spalding & Bros., Inc. ("Spalding"). Under section 2(a)(3) of the act, when one person owns 5 percent or more of the outstanding voting securities of another person, each person is an affiliate of the other. Accordingly, Pyramid is an affiliated person of an affiliate (Spalding) of Dunhill.

The application further states that Dunhill has outstanding at the present time promissory notes in the principal amount of $6,750,000 which were issued to and are presently held by several banks and a pension fund not affiliated with Dunhill. Such notes, which were issued at various times and have different maturity dates, are unsecured, and one of the notes in the principal amount of $1,500,000 is subordinate to other notes.

Under the terms of the Agreement of Merger, Dunhill will assume four outstanding note obligations of the merging companies in the principal amount of $1,495,000. Of such notes, which were issued at various times and have different maturity dates, $900,000 is secured by a pledge of Spalding stock owned by Pyramid and $35,000 is secured by real estate and chattel mortgages.

An order is requested, pursuant to section 17(b), for exemption of the transactions between affiliates incident to the merger, and pursuant to section 6(c), for exemption from the debt-limitation provisions of section 18(c) to the extent necessary to permit Dunhill to have outstanding and to issue more than one class of senior security representing indebtedness.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application, as amended;

It is ordered, Pursuant to section 40(a) of said act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the Rules of the Commission thereunder be held on the 15th day of January, 1962, at 10 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the amended application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policies of Dunhill as recited in its registration statement and reports filed pursuant to the act;

(3) Whether the proposed transactions are consistent with the general purposes of the act; and

(4) Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy of the Act to grant an Order, pursuant to section 6(c), exempting certain transactions from the provisions of section 18(c) of the act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Dunhill International, Inc., The Pyramid Rubber Company, Harcort Manufacturing Company, Oil City Glass Company, Crator Manufacturing Company, and Archer Service Company, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That Dunhill International, Inc. shall mail a copy of this notice and order to all its stockholders and to the stockholders of The Pyramid Rubber Company, Harcort Manufacturing Company, and Archer Service Company at their last known addresses at least 14 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVIL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12337; Filed, Dec. 28, 1961; 8:46 a.m.]

[File No. 24W-2490]

SILTRONICS, INC.

Notice and Order for Hearing

DECEMBER 22, 1961

I. Siltronics, Inc. (issuer), a Pennsylvania corporation, with its principal offices located at Pittsburgh, Pa., filed with the Commission on March 23, 1961, a notification on Form 1-A and an offering circular relating to an offering of 150,000 shares of common stock at $2. per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b).

II. The Commission on November 24, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording any person having an interest in the matter an opportunity to request a hearing. The Division of Corporation Finance has requested that a hearing be held in this matter.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on February 5, 1962, at the Main Office of the Commission, 425 Second Street NW., Washington 25, D.C., with respect to the matters specified in subparagraphs A, B, and C of Section II of the Commission's order of temporary suspension entered on November 24, 1961, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That Robert N. Hislop, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Siltronics, Inc., Blair F. Claybaugh & Company, Atlantic Equities Company, First Pennington Corporation, John R. Wilson, Jr., Co., Shawe & Co., Inc., Lenchner, Covato & Co., Inc., and Strathmore Securities, Inc.; that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before February 1, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-12338; Filed, Dec. 28, 1961; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

WICACO MACHINE CORP.

Notice of Additional Company Accepting Request To Participate in a Small Business Production Pool (Allied Specialities Company, Philadelphia, Pa.)

Pursuant to section 11 of the Small Business Act (85-536), the name of the following company, which has accepted the request to participate in the operations of the Allied Specialties Company, is herewith published. The original list of companies accepting such request was published in 18 F.R. 4529 (August 1, 1953).

The Wicaco Machine Corporation, 4801 Stenton Avenue, Philadelphia 44, Pa.

Dated December 15, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-12359; Filed, Dec. 28, 1961; 8:49 a.m.]

[Delegation of Authority No. 30-IV-36]

BRANCH COUNSEL, COLUMBIA, SOUTH CAROLINA

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30-IV-20 Revision 3 as amended, (25 F.R. 9082 and 26 F.R. 11932), there is hereby redelegated to the Branch Counsel, Columbia, South Carolina Branch Office, the authority to disburse approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: October 16, 1961.

HOWARD M. MCKENZIE, *Branch Manager, Columbia Branch Office.*

[F.R. Doc. 61-12358; Filed, Dec. 28, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

PROCLAMATIONS:
- May 27, 1907 — 11746
- 3298 — 11937
- 3401 — 11714
- 3440 — 11714
- 3441 — 11937
- 3442 — 12023

EXECUTIVE ORDERS:
- Nov. 10, 1917 — 11906
- Apr. 8, 1919 — 11906
- June 14, 1921 — 11906
- 2711 — 11746
- 3797–A — 12080
- 8578 — 12292
- 10717 — 11937
- 10977 — 11471
- 10978 — 11714
- 10979 — 11937
- 10980 — 12059

4 CFR

- 33 — 12275
- 34 — 12275
- 35 — 12276
- 51 — 12277, 12278
- 52 — 12277, 12278
- 54 — 12278

5 CFR

- 6 — 11347, 11483, 11671, 11813, 11852, 12060, 12155, 12211, 12239, 12559.
- 29 — 11794
- 30 — 12109
- 401 — 11938

6 CFR

- 421 — 12157, 12239, 12658

7 CFR

- 1 — 12155
- 5 — 12676
- 46 — 12209
- 53 — 12109
- 54 — 12677
- 55 — 12677
- 56 — 12677
- 70 — 12677
- 319 — 12029
- 401 — 12209, 12279
- 403 — 12210
- 718 — 11813
- 719 — 12060
- 722 — 11472, 11481, 11851, 11887
- 728 — 11795, 12109
- 729 — 11816
- 750 — 11725
- 775 — 11672
- 776 — 11347, 11407, 12210
- 811 — 11963
- 812 — 11817, 12677
- 813 — 12493, 12678
- 815 — 12679
- 820 — 11965
- 871 — 11968
- 903 — 12494, 12682
- 904 — 12239
- 914 — 11417, 11817, 11851, 11890, 12062, 12063, 12156, 12494, 12682.
- 933 — 11417–11419
- 936 — 12211
- 937 — 11725
- 938 — 11725, 12063

7 CFR—Continued

Page

- 946 — 12110
- 953 — 11419, 11818, 11851, 12030, 12064, 12110, 12279, 12280.
- 958 — 11483, 11852, 11970
- 959 — 12211
- 970 — 12682
- 975 — 12240
- 990 — 12239
- 1001 — 12064
- 1019 — 12239
- 1032 — 12030
- 1034 — 12241, 12280
- 1060 — 12559
- 1066 — 12280
- 1067 — 12281
- 1068 — 12064
- 1069 — 12065, 12242

PROPOSED RULES:
- 26 — 12132
- 29 — 12577
- 51 — 12222
- 362 — 12167
- 812 — 11838
- 903 — 12167
- 904 — 12037
- 907 — 12580
- 911 — 11495
- 913 — 11839, 12710
- 914 — 11435
- 926 — 12591
- 944 — 12132
- 947 — 12132
- 949 — 12037
- 952 — 12037
- 953 — 11363
- 970 — 12294
- 982 — 11498
- 983 — 12528
- 989 — 12520
- 990 — 12037
- 993 — 12037
- 996 — 12037
- 999 — 12037
- 1008 — 12611
- 1019 — 12168
- 1026 — 11982
- 1028 — 11982
- 1050 — 12132

8 CFR

- 103 — 12111, 12212
- 204 — 12212
- 212 — 12066, 12212
- 214 — 12066, 12213
- 237 — 11818
- 242 — 12111, 12242, 12282
- 243 — 11819, 12113
- 244 — 12113
- 245 — 12114
- 249 — 12114
- 252 — 11797
- 253 — 11797
- 299 — 11819

PROPOSED RULES:
- 242 — 11363

9 CFR

- 74 — 11852, 11970
- 77 — 11971
- 78 — 12067
- 83 — 11483, 11853

9 CFR—Continued

Page

PROPOSED RULES:
- 17 — 12222
- 74 — 11804
- 92 — 12579
- 151 — 11870
- 201 — 11988

10 CFR

- 1 — 12730
- 25 — 11726

12 CFR

- 4 — 11353
- 204 — 12031
- 217 — 11798, 11971, 12031
- 261 — 12495
- 262 — 12497
- 263 — 12498
- 327 — 12031
- 329 — 11798, 12031
- 545 — 12675

13 CFR

- 121 — 12069
- 122 — 11353

14 CFR

- 40 — 11354
- 41 — 11355
- 42 — 11356
- 49 — 12213
- 53 — 12559
- 60 — 12283
- 221 — 11819, 12156
- 287 — 11890
- 288 — 11483, 12114
- 302 — 11820
- 385 — 12242
- 406 — 12559
- 507 — 11672, 11821, 12032, 12033, 12213, 12214, 12560.
- 555 — 11672
- 600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070, 12214, 12283, 12683.
- 601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074, 12215, 12246, 12247, 12283–12290, 12501–12505, 12507, 12508, 12510, 12512–12514, 12516, 12560, 12561, 12683, 12684.
- 602 — 11729, 12561
- 608 — 11729, 11730, 11859, 11861, 11894, 12033, 12215, 12283, 12290, 12561, 12683, 12684.
- 609 — 11939, 11946, 11951, 11960
- 610 — 12074

PROPOSED RULES:
- 3 — 12294
- 4b — 12294
- 6 — 12294
- 7 — 12294
- 18 — 11804
- 40 — 12294
- 41 — 12294
- 42 — 12294
- 43 — 11804
- 302 — 11685, 11841, 12623
- 376 — 12179

14 CFR—Continued

Page

PROPOSED RULES—Continued
- 399 — 11841
- 411 — 12085
- 507 — 11870, 12042, 12256
- 600 — 11435, 11494, 11734
- 601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
- 608 — 11435, 11494, 11988

15 CFR

- 201 — 11357
- 230 — 11360, 11972, 12248

16 CFR

- 13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115, 12215, 12216, 12291, 12517, 12518, 12562
- 14 — 11826

17 CFR

- 231 — 11896
- 239 — 11730

PROPOSED RULES:
- 240 — 12714
- 270 — 11738

18 CFR

- 141 — 11897
- 260 — 11900

PROPOSED RULES:
- 2 — 11459, 12304

19 CFR

- 3 — 11362
- 4 — 12248
- 5 — 11420
- 21 — 11362
- 54 — 11731

PROPOSED RULES:
- 10 — 11683

20 CFR

- 404 — 11827, 11938, 12684

21 CFR

- 3 — 12518, 12563
- 17 — 12563
- 20 — 11676
- 27 — 12563
- 120 — 11731, 11799, 12034, 12249, 12564
- 121 — 11677, 11799, 11800, 11828–11830, 12035, 12077, 12249, 12564.
- 141a — 11801
- 141c — 11801
- 146 — 12035
- 146a — 11801
- 146c — 11801
- 147 — 11802
- 191 — 12035
- 305 — 12216

PROPOSED RULES:
- 1 — 11734
- 16 — 12256
- 27 — 11988
- 51 — 11988
- 120 — 11684, 12533
- 121 — 11684, 11735, 11841, 11870, 12143, 12144, 12178, 12256, 12623, 12714.
- 141a — 11684
- 146 — 11684
- 146a — 11684
- 147 — 11684
- 307 — 12222

24 CFR

Page

- 200 — 12291
- 201 — 11731
- 203 — 12564
- 207 — 12565
- 213 — 12566
- 220 — 12116, 12566
- 221 — 12118, 12566
- 232 — 12567
- 233 — 12120
- 803 — 12567

25 CFR

- Appendix — 12569

PROPOSED RULES:
- 73 — 12708
- 221 — 11734

26 CFR

- 1 — 11436, 11677, 12077, 12216, 12550
- 20 — 11861
- 25 — 11861
- 45 — 11861
- 301 — 12553
- 601 — 12688

PROPOSED RULES:
- 1 — 12085
- 48 — 12085

28 CFR

- 15 — 11420

29 CFR

- 402 — 12568
- 403 — 11678, 12568
- 408 — 11678
- 415 — 12568
- 670 — 11420
- 678 — 11420
- 779 — 11802
- 780 — 12658

PROPOSED RULES:
- 545 — 11735

30 CFR

- 222 — 11487

31 CFR

- 270 — 11938

32 CFR

- 200 — 12569
- 272 — 11830
- 273 — 11831
- 577 — 11679
- 701 — 11715
- 710 — 11716
- 711 — 12158, 12569
- 714 — 12217
- 715 — 12658
- 718 — 12658
- 719 — 11763, 11862, 12659
- 720 — 11722
- 723 — 12121
- 724 — 12659
- 728 — 12661
- 736 — 12158, 12217
- 744 — 12217
- 750 — 12674
- 753 — 12674
- 755 — 11792
- 765 — 11680, 11794, 12158, 12217, 12661
- 804 — 12249
- 1001 — 12319
- 1002 — 12354
- 1003 — 12361
- 1007 — 12386
- 1008 — 12249, 12468
- 1012 — 12249
- 1013 — 12249
- 1016 — 12249
- 1054 — 12249

32 CFR—Continued

Page

- 1057 — 12249
- 1453 — 11972
- 1470 — 11972
- 1472 — 11972
- 2011 — 11421

32A CFR

- OIA (CH. X): OI Reg. 1 — 11973

33 CFR

- 1 — 12570
- 2 — 12159
- 3 — 12571
- 5 — 12571
- 8 — 12571, 12573
- 23 — 12693
- 30 — 12572
- 45 — 12572
- 62 — 12572
- 64 — 12572
- 66 — 12572
- 67 — 12572
- 68 — 12572
- 70 — 12572
- 72 — 12572
- 82 — 12572
- 90 — 12572
- 95 — 12573
- 105 — 12573
- 125 — 11862
- 203 — 11803, 12105
- 206 — 12105
- 210 — 11732
- 212 — 11421

35 CFR

- 10 — 12217

36 CFR

- 1 — 11903
- 311 — 12122

PROPOSED RULES:
- 1 — 11363

38 CFR

- 6 — 11680
- 7 — 11802
- 8 — 11680
- 21 — 11862

39 CFR

- 1—204 — 11513
- 2 — 12122
- 4 — 12122
- 13 — 11864
- 15 — 12122
- 17 — 11903
- 27 — 11903
- 31 — 11864, 12125
- 33 — 11903
- 41 — 12122
- 42 — 12122
- 44 — 12122
- 47 — 11864
- 48 — 11864
- 94 — 12218
- 96 — 12218
- 168 — 11832

PROPOSED RULES:
- 61 — 11838
- 201 — 11426
- 202 — 11431
- 203 — 11432
- 204 — 11432

41 CFR

- 2–1 — 12126
- 2–3 — 12126
- 2–12 — 11904
- 5–2 — 12693

41 CFR—Continued Page

5–3 ... 12693
5–7 ... 12693
5–53 ... 12694
9–7 ... 11488
9–12 ... 12573
39–1 ... 12519
60–1 ... 11974, 12250

43 CFR

61 ... 12126
63 ... 12696
64 ... 12126
66 ... 12126
81 ... 12126
102 ... 12126
161 ... 11975, 12165, 12698
192 ... 12126

PROPOSED RULES:
192 ... 11493, 11911
200 ... 11493
250 ... 12254

PUBLIC LAND ORDERS:
61 ... 11803
629 ... 12292
842 ... 11361
1058 ... 12082
1238 ... 11863
1744 ... 12251
1843 ... 12251
1942 ... 12251
2323 ... 12080
2400 ... 12251
2458 ... 12251
2543 ... 11361
2544 ... 11361
2545 ... 11803
2546 ... 11361
2547 ... 11803
2548 ... 11803
2549 ... 11803

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
2550 ... 11863
2551 ... 11863
2552 ... 11906
2553 ... 12079
2554 ... 12080
2555 ... 12080
2556 ... 12080
2557 ... 12080
2558 ... 12081
2559 ... 12082
2560 ... 12251
2561 ... 12251
2562 ... 12251
2563 ... 12251
2564 ... 12251
2565 ... 12292
2566 ... 12292
2567 ... 12292
2568 ... 12292
2569 ... 12292
2570 ... 12699

44 CFR

151 ... 11425

46 CFR

2 ... 11908
34 ... 11908
73 ... 11908
76 ... 11909
78 ... 11909
97 ... 11909
146 ... 12082
157 ... 12082
167 ... 11909
171 ... 11864
221 ... 12293
510 ... 12252

PROPOSED RULES:
201 ... 11738
206 ... 11738

46 CFR—Continued Page

PROPOSED RULES—Continued
221 ... 11738
298 ... 11738
299 ... 11738
Ch. IV ... 12294
502 ... 12630

47 CFR

1 ... 11909, 11977
2 ... 11833, 11978
3 ... 12024, 12083, 12165, 12220
7 ... 12083, 12519
8 ... 12083, 12519
9 ... 12574
10 ... 11422, 11681, 11978
14 ... 12083, 12519
16 ... 11423, 11978
19 ... 11978

PROPOSED RULES:
3 ... 11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7 ... 11369, 12144
8 ... 11369, 11912, 12144
9 ... 12627
10 ... 12145
14 ... 11369

49 CFR

43 ... 11835
72–78 ... 12701
95 ... 12166, 12576
170 ... 11732
174a ... 11492

50 CFR

32 ... 11733
33 ... 11733, 11836, 11837, 11868, 11869, 11909, 12165, 12699, 12700.
80 ... 12128
270 ... 11979

Pages 12729–12745

PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 250

Washington, Friday, December 29, 1961

Atomic Energy Commission

Organization, Delegations, and General Information

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Revision and Codification

Pursuant to section 3(a)(1) of the Administrative Procedure Act, 5 U.S.C. 1002(a)(1), Part 1 of this chapter, "Statement of Organization, Delegations, and General Information," is published in order to bring up to date and replace the "Statement of Organization and General Information" published in 22 F.R. 9972. In addition, the provisions of former Part 1, "Seal," of the AEC Rules and Regulations are incorporated in the following revised statement, and said former part is hereby repealed. The Atomic Energy Commission has entered into an agreement with the Director, Office of Federal Register, to have this revised statement codified under Part 1 of this title.

Because the statement relates to matters of internal agency management, the Atomic Energy Commission has found that general notice of proposed rulemaking and public procedure thereon are unnecessary, and that good cause exists why the statement should be made effective without the customary period of prior notice. However, members of the public are invited to submit any comments and suggestions they may have concerning the statement to the Atomic Energy Commission, Attention: Secretary, Washington 25, D.C.

Pursuant to the Administrative Procedure Act and 1 CFR 13.2, the following statement is published as a document subject to codification, to be effective upon publication thereof in the FEDERAL REGISTER and to be amended, as appropriate, from time to time by the Secretary of the Commission.

Subpart A—Information

Sec.
1.1 Creation and authority.
1.2 Purpose.
1.3 Programs.
1.4 Organization pattern.
1.5 Delegation and redelegation of authority.
1.6 Location of principal offices.

Subpart B—Commission Headquarters

THE COMMISSION
1.10 The Commission.
OFFICES REPORTING TO THE COMMISSION
1.15 Office of Hearing Examiners.
1.16 Office of the Secretary.
THE GENERAL MANAGER
1.20 Office of the General Manager.
THE DIRECTOR OF REGULATION
1.25 Office of the Director of Regulation.
OFFICE OF THE GENERAL COUNSEL AND DIVISION OF INSPECTION
1.30 Office of the General Counsel.
1.35 Division of Inspection.
OFFICES AND DIVISIONS REPORTING TO THE GENERAL MANAGER
1.40 Office of Special Assistant for Disarmament.
1.41 Office of Special Assistant for Congressional Liaison.
1.42 Office of The Controller.
1.43 Division of Military Application.
1.44 Division of Public Information.
1.45 Division of Industrial Participation.
THE ASSISTANT GENERAL MANAGER FOR PLANS AND PRODUCTION
1.50 Office of the Assistant General Manager for Plans and Production.
DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR PLANS AND PRODUCTION
1.51 Division of Production.
1.52 Division of Raw Materials.
1.53 Division of Plans.
1.54 Division of Peaceful Nuclear Explosives.
1.55 Division of Operations Analysis and Forecasting.
THE ASSISTANT GENERAL MANAGER FOR RESEARCH AND DEVELOPMENT
1.60 Office of the Assistant General Manager for Research and Development.
DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR RESEARCH AND DEVELOPMENT
1.61 Division of Research.
1.62 Division of Biology and Medicine.
1.63 Division of Reactor Development.
1.64 Division of Isotopes Development.
THE ASSISTANT GENERAL MANAGER FOR INTERNATIONAL ACTIVITIES
1.70 Office of the Assistant General Manager for International Activities.
DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR INTERNATIONAL ACTIVITIES
1.71 Division of International Affairs.
1.72 Division of Special Projects.
THE ASSISTANT GENERAL MANAGER FOR ADMINISTRATION
1.80 Office of the Assistant General Manager for Administration.
DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR ADMINISTRATION
1.81 Division of Classification.
1.82 Division of Technical Information.
1.83 Division of Intelligence.
1.84 Division of Nuclear Materials Management.
1.85 Division of Security.
1.86 Division of Headquarters Services.
1.87 Division of Personnel.
THE ASSISTANT GENERAL MANAGER FOR OPERATIONS
1.90 Office of the Assistant General Manager for Operations.
DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR OPERATIONS
1.91 Division of Contracts.
1.92 Division of Construction.
1.93 Division of Operational Safety.
1.94 Division of Labor Relations.
OFFICE AND DIVISIONS REPORTING TO THE DIRECTOR OF REGULATION
1.100 Division of Licensing and Regulation.
1.101 Division of Compliance.
1.102 Office of Radiation Standards.

Subpart C—Major Field Offices

OFFICES REPORTING TO THE GENERAL MANAGER
Sec.
1.200 Chicago Operations Office.
1.201 Idaho Operations Office.
1.202 Oak Ridge Operations Office.
1.203 New York Operations Office.
1.204 Hanford Operations Office.
1.205 Savannah River Operations Office.
OFFICE REPORTING TO THE DIVISION OF RAW MATERIALS
1.210 Grand Junction Office.
OFFICE REPORTING TO THE ASSISTANT GENERAL MANAGER FOR RESEARCH AND DEVELOPMENT
1.215 Brookhaven Office.
OFFICES REPORTING TO THE DIVISION OF REACTOR DEVELOPMENT
1.225 Pittsburgh Naval Reactors Office.
1.226 Schenectady Naval Reactors Office.
OFFICES REPORTING TO THE DIVISION OF MILITARY APPLICATION
1.227 Albuquerque Operations Office.
1.228 San Francisco Operations Office.

Subpart D—Committees, Boards and Panels

1.140 Advisory Committees Established by Atomic Energy Act of 1954, as amended.
1.141 Patent Compensation Board.
1.142 Atomic Energy Labor-Management Relations Panel.
1.143 Other Advisory Committees, Boards and Panels.

Subpart E—General Information

1.150 Research and development contracts.
1.151 Information services.
1.152 Industrial participation.
1.153 Classification review.
1.154 Commission licensing.
1.155 Patent program.
1.156 Conduct of employees.

Subpart F—Seal

1.160 Seal.

AUTHORITY: §§ 1.1 to 1.160 issued under sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201.

Subpart A—Introduction

§ 1.1 Creation and authority.

The Atomic Energy Commission was established by the Atomic Energy Act of 1946 (60 Stat. 755; 42 U.S.C. 1801 et seq.) approved August 1, 1946, as amended by the Atomic Energy Act of 1954 (68 Stat. 919; 42 U.S.C. 2011 et seq.), approved August 30, 1954. Pursuant to section 9(a) of the 1946 Act, certain interests, property and facilities of the Manhattan Engineer District were transferred to the Commission December 31, 1946, by Executive Order 9816 of the same date.

§ 1.2 Purpose.

It is the purpose of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended (hereafter Act), to effectuate the declared policy of the United States that:

(a) The development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security.

(b) The development, use and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living and strengthen free competition in private enterprise.

§ 1.3 Programs.

The Act provides for the following major programs relating to atomic energy:

(a) A program of conducting, assisting, and fostering research and development in order to encourage maximum scientific and industrial progress.

(b) A program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, subject to appropriate safeguards, so as to encourage scientific and industrial progress.

(c) A program for Government control of the possession, use, and production of atomic energy and special nuclear material so directed as to make maximum contribution to the common defense and security and the national welfare.

(d) A program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public.

(e) A program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit.

(f) A program of administration which will be consistent with the foregoing policies and programs, with international arrangements and with agreements for cooperation, which will enable the Congress to be currently informed so as to take further legislative action as may be appropriate.

§ 1.4 Organization pattern.

(a) The Act establishes in the Headquarters a Commission, a General Manager, a Deputy General Manager, Assistant General Managers, an Office of the General Counsel, an Inspection Division, a Division of Military Application, and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities, including a division or divisions, the principal responsibilities of which include the development and application of civilian uses of atomic energy. In addition, the Commission has established the Office of the Director of Regulation.

(b) The Atomic Energy Commission is composed of five members, each of whom must be a citizen of the United States. The Director of Regulation and the General Manager report to the Commission.

(c) The Director of Regulation is authorized and directed to discharge the licensing and other regulatory functions of the Commission, except where final decision rests with a Hearing Examiner or the Commission after hearing and except also the issuance of regulations. The Director of Regulation is responsible for recommending to the Commission policies and objectives in the functional areas of the agency under his authority. The Director of Regulation discharges the functions assigned to him through such officials, employees and agents of the Commission under his authority as he may designate and exercises the necessary statutory authorities of the Commission in the discharge of his functions.

(d) Subject to the provisions of 161 n. of the Atomic Energy Act of 1954, as amended, and subject to policy and program approval of the Commission, the General Manager is authorized and directed to discharge the administrative and executive (but not the licensing and other regulatory) functions of the Commission. The Deputy General Manager acts in the stead of the General Manager and in his absence when so directed by the General Manager, and performs such other administrative and executive functions as the General Manager directs. The Assistant General Manager performs such administrative and executive functions as the General Manager directs. The other Assistant General Managers are each delegated responsibility for a major functional area composed of a number of separate but related programs.

(e) Headquarters divisions or offices have, or are, assigned staff, administrative services or program responsibility.

(f) The AEC field organization consists of (1) Operations Offices, (2) Offices, (3) Area Offices, (4) Branch Offices, and (5) Compliance Regions and Areas.

(g) Operations Offices are the field installations to which authority is delegated to conduct and administer a variety of substantive program activities at assigned geographic locations.

(h) Offices are field installations established primarily to administer a specific program activity under the supervision of a Headquarters division or office.

(i) Area Offices are geographic subdivisions of the field offices described in paragraphs (g) and (h) of this section. Branch Offices are geographic subdivisions of Area Offices.

§ 1.5 Delegation and redelegation of authority.

(a) The head of each of the organizational units listed in sections of this Part has been authorized and directed by the Commission, General Manager, or the Director of Regulation, with respect to licensing and regulatory functions, to take such action as is necessary to carry out the responsibilities assigned to each unit. Except as expressly prohibited or limited by the provisions of the appropriate delegation, the head of each organizational unit is authorized to redelegate to personnel under his jurisdiction any of the authority vested in him.

(b) Where reference hereto is hereafter made in this part, the Headquarters official concerned is authorized and directed by the General Manager to:

(1) Make purchases; enter into, extend, modify and terminate contracts; grants where applicable; and agreements with other governmental agencies; provided that the following actions shall be submitted for approval of the General Manager, his authorized representative, or higher authority as required:

(i) Any individual action involving estimated costs in excess of $10,000,000;

(ii) Any prime contract with a foreign party involving more than $300,000;

(iii) Selection of a cost-type contractor to operate a Government-owned facility; and

(iv) Any new or unusual type of transaction, which, in the judgment of the Headquarters official concerned may be of interest to the General Manager or the Commission;

(2) Represent the AEC in all matters relating to contracts made under his authority or assigned to him. This authority may only be exercised within the limitations set forth below for each authorized official.

(c) Where reference hereto is hereafter made in this part, the Managers of field offices concerned are authorized and directed by the General Manager, with further authority to redelegate, to:

(1) Make purchases; enter into, extend, modify, and terminate contracts; enter into, extend, modify, and terminate agreements with other governmental agencies, approve subcontracts and extensions or modifications of subcontracts, and approve purchases by contractors and subcontractors, but any such action involving in excess of $5,000,000 (or any lesser amount hereinafter provided in this part) is subject to the authorization or approval of the appropriate Headquarters official including preliminary contractual agreements when it is believed that the ensuing definitive contract or subcontract may exceed such amount, and any contract or subcontract which by the exercise of any option or options contained therein would exceed such amount.

(2) Act as the representative of the AEC in all matters relating to contracts made under his authority or assigned to him.

§ 1.6 Location of principal offices.

(a) The agency Headquarters is located at Germantown, Maryland. As a part of the Headquarters, pursuant to the Act, office facilities are maintained within the District of Columbia at 1717 H Street, NW., for the service of process and papers. The mail address of the Headquarters is Washington 25, D.C.

(b) The major operating field offices are located as follows:

(1) Albuquerque Operations Office, P.O. Box 5400, Albuquerque, N. Mex.

(2) Brookhaven Office, Upton, N.Y.

(3) Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.

(4) Grand Junction Office, Grand Junction, Colo.

(5) Hanford Operations Office, P.O. Box 550, Richland, Wash.

(6) Idaho Operations Office, P.O. Box 2108, Idaho Falls, Idaho.

(7) New York Operations Office, 376 Hudson Street, New York 14, N.Y.

(8) Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tenn.
(9) Pittsburgh Naval Reactors Office, P.O. Box 1105, Pittsburgh 30, Pa.
(10) San Francisco Operations Office, 2111 Bancroft Way, Berkeley 4, Calif.
(11) Savannah River Operations Office, P.O. Box A, Aiken, S.C.
(12) Schenectady Naval Reactors Office, P.O. Box 1069, Schenectady, N.Y.

(c) The compliance field offices are located as follows:

(1) Region I. Division of Compliance, USAEC, 376 Hudson Street, New York 14, N.Y.
(2) Region V, Division of Compliance, USAEC, 2111 Bancroft Way, Berkeley 4, Calif.
(3) Albuquerque Compliance Area, P.O. Box 5400, Albuquerque, N. Mex.
(4) Chicago Compliance Area, 9800 South Cass Avenue, Argonne, Ill.
(5) Idaho Compliance Area, P.O. Box 2108, Idaho Falls, Idaho.
(6) Oak Ridge Compliance Area, P.O. Box E, Oak Ridge, Tenn.
(7) Savannah River Compliance Area, P.O. Box A, Aiken, S.C.

Subpart B—Commission Headquarters

The Commission

§ 1.10 The Commission.

(a) The five Commissioners are appointed each for a term of five years (except where the appointment is to fill an unexpired term) by the President with the advice and consent of the Senate. The President designates one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence.

(b) The Chairman (or the Acting Chairman in the absence of the Chairman) presides at all meetings of the Commission, and a quorum for the transaction of business consists of at least three members present. Each member of the Commission, including the Chairman, has equal responsibility and authority in all decisions and actions of the Commission, has full access to all information relating to the performance of his duties or responsibilities, and has one vote. Action of the Commission is determined by a majority vote of the members present.

(c) The Chairman (or Acting Chairman in the absence of the Chairman) is the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public and, on behalf of the Commission, sees to the faithful execution of the policies and decisions of the Commission, and reports thereon to the Commission from time to time or as the Commission may direct.

(d) The Commission appoints the Hearing Examiners, the General Manager, the Director of Regulation, the General Counsel, the Director of the Division of Inspection, the Director of the Division of Military Application, and the Directors of other program divisions established under section 25 a. of the Act. Appointments of the Deputy General Manager, Assistant General Managers, Directors of Headquarters Offices and Divisions and Deputies thereof, all Field Office Managers and significant changes in the organization of the Commission, are submitted to the Commission for approval.

(e) Among other statutory responsibilities and consistent with the specific delegations contained in this Part, the Commission exercises the final authority of the agency with respect to reasonable assurance of public health and safety under the Atomic Energy Act of 1954, as amended, including directives issued by the President pursuant to section 91 of the Act.

Offices Reporting to the Commission

§ 1.15 Office of Hearing Examiners.

(a) The Office of Hearing Examiners consists of the Chief Hearing Examiner and other Hearing Examiners appointed by and for, and responsible to, the Commission, pursuant to Section 11 of the Administrative Procedure Act of 1946, 5 U.S.C. 1010, for (1) the conduct of hearings, and the issuance of orders and decisions with respect thereto, in licensing cases, on appeals from decisions of AEC contracting officers, and in patent licensing matters under section 153 of the Act, 42 U.S.C. 2183, and (2) the performance of such other administrative and professional duties as may be assigned by the Commission not inconsistent with the duties and responsibilities of a hearing examiner under the Administrative Procedure Act of 1946.

(b) In addition to his duties as a Hearing Examiner, the Chief Hearing Examiner is responsible to the Commission for (1) coordinating and supervising the activities of the Office of Hearing Examiners; (2) preparing and maintaining hearing calendars of all assigned cases, fixing or approving the time and place for the commencement of hearing cases, assigning Hearing Examiners to conduct hearings in conformity with the Administrative Procedure Act of 1946, and coordinating and approving arrangements for facilities, services, and travel incident to the conduct of hearings; (3) developing, receiving, correlating, and presenting to the Commission, as appropriate, recommendations of the Hearing Examiners on matters relating to changes in rules and regulations governing hearing procedures; and (4) preparing reports, statistical data, and other information requested or required by the U.S. Civil Service Commission or other U.S. agencies concerned with the proper operation of the Office of Hearing Examiners.

(c) The Chief Hearing Examiner and Hearing Examiners have authority in proceedings at which each presides (1) to administer oaths and affirmations; (2) to issue subpoenas authorized by law; (3) to rule upon offers of proof and receive evidence; (4) to take or cause depositions to be taken; (5) to regulate the course of the hearings; (6) to dispose of procedural requests or similar matters; (7) to examine witnesses; (8) to consider facts in the record and arguments and contentions made, or questions involved; (9) to set the dates for the submission of transcript corrections, proposed findings and conclusions, and briefs and memoranda upon matters presented; (10) within his discretion or upon direction of the Commission, to certify questions thereto for consideration and disposition; (11) to render decisions, consisting of findings and conclusions as well as the reasons and basis therefor, upon all material and significant issues of fact, law, or discretion presented on the record, such decisions to become final unless ordered to be reviewed by the Commission on its own motion or upon petition for review filed by a party; (12) to certify and file with the Commission a copy of the record of the hearings and a statement of the appropriate rule, order, sanction, relief, or denial thereof; and (13) to take any other action consistent with the rules of the Commission, the Administrative Procedure Act of 1946, and the Atomic Energy Act of 1954, as amended.

(d) The authority of the Chief Hearing Examiner or Hearing Examiners may not be redelegated unless such redelegation is specifically authorized by the Commission.

§ 1.16 Office of the Secretary.

(a) The Secretary (1) assists the Commission in the planning and scheduling of the Commission's Agenda and Regulatory Calendar; coordinates and attends all Commission meetings, AEC-MLC conferences and other meetings attended by the Commission; (2) prepares Minutes and other records of Commission meetings, records, decisions, or other actions taken by the Commission at these meetings, and provides background information on and interpretations of these decisions to the staff; (3) notifies designated divisions or offices of actions required to implement Commission decisions, directives, and requests; (4) provides guidance to AEC staff on the preparation and scheduling of Commission papers; (5) provides administrative services for the AEC office facilities located at 1717 H Street NW., Washington, D.C.; (6) reviews all proposed Commission papers for staff coordination, adequacy, and completeness, relationship with existing Commission policy, and form of presentation; (7) processes and circulates documents to the Commission for decision or information; (8) prepares an official history of the AEC; (9) maintains direct administrative liaison with the General Advisory Committee, the Military Liaison Committee, and the Advisory Committee on Reactor Safeguards, and assists the Commission in maintaining an effective relationship with other advisory committees; (10) maintains the official records of the Commission; (11) serves as custodian of the official seal of the Commission, with authority to use or make available said seal whenever necessary and proper; (12) assists the Commission in scheduling Commission review of regulatory matters as appropriate; issues all orders and other promulgations of the Commission in such matters; and assures the proper notification of parties and appropriate public officials; (13) signs all notices of rule making and notices of proposed rule making approved by the Commission for public issuance, and maintains the official Commission record of rule-making action; (14) receives for the Commission all requests for intervention in regulatory proceedings; (15) develops and maintains the official docket of the Commission in regulatory matters involving hearings before the Commission and the Hearing Examiners; and appropriately processes all issuances by the Commission and the Hearing Examiners; (16) establishes dockets and official files on all contract appeals, patent appeals, licensing, and rule-making activities of the Commission; (17) administers the Commission's Public Document Room; and (18) transmits to the Federal Register all documents requiring publication therein.

(b) The Secretary is directly responsible to the Commission for all the functions above except that he is directly responsible to the General Manager and the Director of Regulation for the functions set forth in paragraph (a)(3), (4), and (5) of this section; and to the Commission, General Manager, or Director of Regulation, as appropriate, for the functions in paragraph (a)(6) of this section.

The General Manager

§ 1.20 Office of the General Manager.

(a) The position, General Manager, is established by the Atomic Energy Act of 1954, as amended. The General Manager is appointed by the Commission.

(b) Subject to the provisions of 161n of the Atomic Energy Act of 1954, as amended, and subject to policy and program approval of the Commission, the General Manager is authorized and directed to discharge the administrative and executive (but not the licensing and other regulatory) functions of the Commission.

(c) In discharging his delegated functions, the General Manager keeps the Commission fully and currently informed on all significant matters, including particularly relations with the Congress, other governmental agencies, and the public, which are areas of special interest and responsibility of the Commission.

(d) Contract actions involving estimated costs for the contract period in excess of $10,000,000, or the selection of a new cost-type contractor to operate a Government-owned facility shall be subject to Commission approval. A modification to an existing contract which has the effect of bringing the total amount of the contract in excess of $10,000,000, will be brought to the attention of the Commission for its information. All contractual matters of a new or unusual nature, or matters likely to provoke unusual public interest, and all prime contracts with foreign parties in excess of $300,000, are brought to the Commission's attention prior to approval.

(e) The General Manager discharges delegated functions through such officers, employees, and agencies of the Commission as he may designate and may exercise the statutory authorities of the Commission in the discharge of those functions. Any authority delegated may, within the discretion of the General Manager, be redelegated with or without authority to make successive redelegations and under such terms, conditions and limitations as he may deem appropriate.

(f) Appointments of the Deputy General Manager, Assistant General Managers, Directors of Headquarters Divisions and Offices and Deputies thereof, all Field Office Managers, and significant changes in the organization of the Commission, are submitted to the Commission for approval.

(g) Offices and Divisions reporting to the General Manager, either directly or through an Appropriate Assistant General Manager are: Office of the Controller, Office of the Special Assistant for Disarmament, Office of the Special Assistant for Congressional Liaison, Division of Contracts, Division of Plans, Division of Inspection, Division of Public Information, Division of Operational Safety, Division of Industrial Participation, Division of Production, Division of Operations Analysis and Forecasting, Division of Labor Relations, Division of Raw Materials, Division of Construction, Division of Research, Division of Reactor Development, Division of Biology and Medicine, Division of Isotopes Development, Division of Peaceful Nuclear Explosives, Division of Military Application, Division of Headquarters Services, Division of Personnel, Division of Classification, Division of Security, Division of Nuclear Materials Management, Division of Technical Information, Division of Intelligence, Division of International Affairs, and Division of Special Projects.

The Director of Regulation

§ 1.25 Office of the Director of Regulation.

(a) The Director of Regulation is appointed by the Commission. The Director of Regulation is authorized and directed by the Commission to discharge the licensing and other regulatory functions of the Commission except where final decision rests with a Hearing Examiner or the Commission after hearing and except also the issuance of regulations.

(b) The Director of Regulation may discharge the functions assigned to him by such officials, employees and agents of the Commission under his authority as he may designate and may exercise the necessary statutory authority of the Commission in the discharge of these functions. Any authority, herein delegated to the Director of Regulation may be delegated in writing, with or without authority to make successive redelegations in writing, under such terms, conditions and limitations as he may deem appropriate.

(c) Divisions and Offices reporting to the Director of Regulation are: Division of Compliance, Office of Radiation Standards, and Division of Licensing and Regulation.

Office of the General Counsel and Division of Inspection

§ 1.30 Office of the General Counsel.

(a) The Office of the General Counsel is established by the Act. The Office is responsible for all matters of law and legal policy concerning the AEC.

(b) The General Counsel is responsible to the Commission for all legal advice and assistance given by the Office of the General Counsel.

(c) The General Counsel is also responsible to the General Manager and the Director of Regulation for the performance of all legal functions necessary for the effective operations of the AEC, including providing the General Manager, Director of Regulation, Heads of Divisions and Offices, Headquarters, and Managers of Field Offices with legal advice and assistance.

(d) The Assistant General Counsel for Patents administers for the General Counsel matters relating to patents and inventions.

§ 1.35 Division of Inspection.

The Division of Inspection is established by the Act, and assigned the function of gathering information to show whether or not the contractors, licensees and officers and employees of the Commission are complying with the provisions of the Act (except those for which the Federal Bureau of Investigation is responsible) and the appropriate rules and regulations of the Commission. The Division of Inspection (a) conducts the necessary checks and inspections to ascertain the integrity and efficiency of all AEC operations; (b) for operations under the General Manager, develops standards and policies for inspection and appraisal and reporting of incidents, appraises application of these standards and policies, and investigates serious incidents as necessary; (c) for operations under the Director of Regulation, reviews inspection procedures and standards and ascertains that approved procedures and standards are followed; (d) directly investigates all questions of employee misconduct and fraud; and (e) performs other independent investigations, reviews and appraisals and makes reports as the Commission directs.

Offices and Divisions Reporting to the General Manager

§ 1.40 Office of Special Assistant for Disarmament.

The Special Assistant for Disarmament (a) develops, coordinates, and executes AEC activities in support of the United States disarmament program, maintains contact with developing policy on disarmament, and advises the General Manager and Commission on possible AEC positions in this field; (b) plans, develops, and recommends projects and activities to assure the availability of scientific data upon which disarmament and test suspension decisions may be based, and initiates and is responsible for projects in AEC laboratories and facilities to examine specific problems in disarmament relating to AEC interests; (c) directs the collection, interpretation, and analysis of disarmament data, and proposed actions, and recommends courses of action for Commission decision in regard to the United States position on disarmament, and (d) initiates contacts, and maintains liaison with the Department of State, and other Governmental agencies to exchange information, discuss issues, and

develop interrelated plans and policies for the conduct of the disarmament program.

§ 1.41 Office of Special Assistant for Congressional Liaison.

The Special Assistant for Congressional Liaison (a) plans and directs the receipt, control, and handling of all Congressional inquiries addressed to the Commission; (b) with respect to Congressional matters, deals with members of Congress, Congressional committees, and staff representatives of other Government agencies and private industries; (c) coordinates for the General Manager the discharge of the Atomic Energy Commission's responsibilities to the Congress generally, and to the Joint Committee on Atomic Energy in particular; and (d) maintains close liaison with Congressional committees and individual Congressmen in order to ascertain their views regarding the policies, procedures, and plans of the Commission in both technical and administrative fields.

§ 1.42 Office of the Controller.

The Controller reports to the General Manager but also has direct responsibilities to the Commission for advice and counsel on financial matters. The Office of the Controller: (a) Develops and maintains the policies, procedures, and standards of accounting, auditing, budgeting, pricing, insurance, contract finance, records and personal property and supply management, and related reporting that are essential to the financial integrity and efficient management of the Atomic Energy Commission's direct and contract operations and to the safeguarding of AEC funds and property; (b) provides technical guidance to field staffs performing such functions; (c) reviews activities on an AEC-wide basis to evaluate the adequacy of established policies, procedures, and standards governing functions for which the Office of the Controller has responsibility and to evaluate the performance of such functions; (d) develops an internal audit program covering activities of Headquarters, field offices, and their contractors, that have an impact upon the financial interests of AEC; (e) coordinates, reviews and recommends action on budget and financial plan proposals; and provides central administration of AEC-wide budgets and appropriations; (f) serves as liaison with the General Accounting Office, Bureau of the Budget, Treasury Department, General Services Administration, other agencies and Congressional committees and industry in areas of the Controller's responsibility; (g) approves contractors' insurance programs and negotiates settlements with insurance companies; (h) performs accounting, auditing, budgeting, insurance, and certain statistical functions for the Headquarters office, and to the extent that such financial activities are centralized, for the AEC as a whole; (i) reports the financial status of the agency and the results of its operations; (j) maintains the AEC system for reporting over-all program status and progress; (k) develops, interprets, and modifies contract cost principles; (l) maintains accounting for the Combined Development Agency, and reviews financial and accounting aspects of proposed CDA contracts and other agreements; (m) provides staff advice and assistance on automatic data processing systems and equipment for all AEC operations, including cost-type contract operations, and (n) provides staff advice and assistance on and conducts AEC-wide programs for personal property and supply management.

§ 1.43 Division of Military Application.

(a) The Division of Military Application is established by the Act. The Division of Military Application (1) directs the research, development, production, custody, storage, readiness assurance and testing of atomic weapons; (2) supervises the activities of the Albuquerque Operations Office and the San Francisco Operations Office; and (3) assists in maintaining liaison between the Atomic Energy Commission and the Department of Defense.

(b) The Director, Division of Military Application, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(b) except that he is limited to $5,000,000 under § 1.5(b)(1)(a). Within the scope of his functions, he is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.44 Division of Public Information.

(a) The Division of Public Information prepares, coordinates the review of, and issues public information for the Headquarters.

(b) The Division develops policies, standards and procedures to govern the conduct of public information services AEC-wide and coordinates the public information programs of the operations offices as necessary with respect to national and international policy considerations.

§ 1.45 Division of Industrial Participation.

The Division of Industrial Participation (a) identifies industrial activities now, or to be, performed by private industry and recommends policies, plans and programs for the assumption of such activities by private industry; (b) stimulates, where warranted and with due regard that the interest of the Government is protected, private industry participation and investment in the development and utilization of atomic energy for civilian purposes and for support of Government programs by (1) informing industry of opportunities in both the private economy and in support of Government programs, and (2) providing a focal point for industry inquiries and proposals and their referral, handling and resolution; (c) recommends policy and prepares specific guidance, criteria and instructions for the implementation of Commission policy regarding industrial participation for issuance to Headquarters divisions and offices and field offices; (d) recommends policy, standards, criteria, procedures, and guides for issuing and administering access permits under the AEC access permit program; and (e) reviews proposed prices for AEC materials and services to assure conformance to industrial participation program objectives.

THE ASSISTANT GENERAL MANAGER FOR PLANS AND PRODUCTION

§ 1.50 Office of the Assistant General Manager for Plans and Production.

(a) The Assistant General Manager for Plans and Production directs and coordinates the programs of the Divisions of Production, Raw Materials, Plans, Peaceful Nuclear Explosives, and Operations Analysis and Forecasting.

(b) The Assistant General Manager for Plans and Production is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(b) with respect to the procurement of source material and the operation of the Grand Junction Office.

(c) Within the scope of his functions, the Assistant General Manager for Plans and Production is responsible for assuring that adequate provision is made for the health and safety of Government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects Government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR PLANS AND PRODUCTION

§ 1.51 Division of Production.

(a) The Division of Production develops and directs programs for the production of special nuclear materials including the preparation of feed materials and the conduct of related process development.

(b) Within the scope of his functions, the Director, Division of Production, is responsible for assuring that adequate provisions are made to protect the health and safety of Government and contractor personnel and of the general public against the hazards of atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.52 Division of Raw Materials.

(a) The Division of Raw Materials develops and executes the AEC's programs, both domestic and foreign, involving evaluation of resources, the production and acquisition of source materials, and the procurement of certain special materials, and advises the Assistant General Manager for Plans and Production on uranium ore and concentrate procurement.

(b) The Division supervises the Grand Junction Office.

(c) The Director, Division of Raw Materials is authorized and directed to exercise contract authority as described in § 1.5(b) with respect to the procurement of source material and the operation of the Grand Junction Office. Within the scope of his functions, he is responsible for assuring that adequate provisions are made for the health and safety of Government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects Government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.53 Division of Plans.

The Division of Plans analyzes AEC long- and intermediate-range program and organization plans and recommends proposed action to improve the coordination and effectiveness of such plans.

§ 1.54 Division of Peaceful Nuclear Explosives.

The Division of Peaceful Nuclear Explosives (a) develops and administers research, development and engineering programs and policies for utilizing nuclear explosives for peaceful purposes (Plowshare Program); (b) evaluates proposals involving peaceful use of nuclear detonations and recommends action to the Assistant General Manager for Plans and Production; (c) approves initiation and implementation of specific projects; (d) conducts activities to promote the further development of applications of peaceful nuclear explosives; (e) establishes technical characteristics and numerical requirements for nuclear explosive devices for peaceful purposes; (f) gives program direction to the Lawrence Radiation Laboratory, other AEC laboratories, and to the Albuquerque and San Francisco Operations Offices with respect to Plowshare projects, and (g) assures in carrying out the above functions and responsibilities, that adequate provision is made for the health and safety of Government and contractor personnel and of the general public.

§ 1.55 Division of Operations Analysis and Forecasting.

The Division of Operations Analysis and Forecasting (a) evaluates existing and proposed technical programs, short and long-range AEC technical objectives and optimum use of facilities in meeting over-all schedules; and (b) provides long-range forecasts of requirements for nuclear materials and assists in the development of prices and charges for materials and services furnished to industry.

THE ASSISTANT GENERAL MANAGER FOR RESEARCH AND DEVELOPMENT

§ 1.60 Office of the Assistant General Manager for Research and Development.

The Assistant General Manager for Research and Development (a) directs, reviews and coordinates for the General Manager all non-weapons research and development programs of the national laboratories, including the evaluation of over-all AEC research and development objectives, recommendations for changes in program direction, identification of major problem areas and recommending

(b) develops policies, standards, and procedures and provides AEC-wide services relating to the functions and responsibilities assigned to the Divisions of: (1) Reactor Development, (2) Research, (3) Biology and Medicine, (4) Isotopes Development.

(c) provides a central point for the development of policy, planning, assistance, coordination, and reporting with respect to all nuclear education programs within the AEC.

(d) plans, coordinates, and acts for the General Manager in directing the activities of the assigned divisions and the Brookhaven Office.

(e) is authorized and directed by the General Manager to (1) exercise contract authority as described in § 1.5(b), except that such authority, with respect to contracts, is limited to the programs of the Brookhaven Office, the Naval reactor development program, and the space nuclear propulsion, and shall not exceed $5,000,000 for each individual action associated with the programs of the Brookhaven Office, the Naval reactor development program and the space nuclear propulsion program; (2) enter into, extend, modify and terminate agreements with other government agencies as needed to carry out programs under his direction, not to exceed $5,000,000 for each such action; and (3) approve grants under the provisions of section 31b of the Atomic Energy Act, as amended, not to exceed $500,000 for each such action.

(f) within the scope of his functions, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR RESEARCH AND DEVELOPMENT

§ 1.61 Division of Research.

The Division of Research develops, coordinates, and supervises programs of research in the fields of physics, mathematics, chemistry, metallurgy, solid state physics, ceramics and materials, and programs in various fields of science and technology relating to the development of controlled thermonuclear reactions. The Director, Division of Research, is authorized and directed, as required, to:

(a) Enter into, extend, modify, and terminate agreements with other governmental agencies; provided, that the following actions shall be submitted for approval of the Assistant General Manager for Research and Development or of higher authority, as required: (1) Any individual agreement or extension, modification, or termination of an agreement involving more than $2,000,000; (2) any new or unusual type of transaction, which, in the judgment of the Director, may be of interest to the General Manager or the Commission.

(b) Represent the AEC in all matters relating to agreements made under his authority or assigned to him for administration.

(c) Delegate in writing, the authority granted above, subject to the further limitation that authority for individual agreement transactions involving not more than $100,000 may be redelegated without power of further redelegation to others.

§ 1.62 Division of Biology and Medicine.

(a) The Division of Biology and Medicine develops and administers programs in (1) medical research, (2) biological research, (3) environmental sciences research, and (4) the application of radioisotopes in the solution of disease mechanisms and biological and agricultural problems.

(b) The Division of Biology and Medicine develops technical criteria for use in the design of protective construction related to civil defense activities, and coordinates proposals for civil effects experiments in conjunction with weapons tests. It provides technical assistance in the development of policies, procedures, and design criteria for dispersal of facilities, personnel shelters, and protective construction.

(c) The Division of Biology and Medicine administers an AEC-wide program for the design, development, standardization, procurement and testing of radiation detection instruments.

(d) The Director, Division of Biology and Medicine, is authorized and directed to (1) enter into, extend, modify, and terminate agreements with other governmental agencies; and approve educational grants pursuant to section 31b of the Atomic Energy Act of 1954, as amended: *Provided*, That the following actions shall be submitted for approval of the Assistant General Manager for Research and Development or of higher authority, as required:

(i) Any individual agreement or extension, modification, or termination of an agreement involving more than $1,000,000;

(ii) Any grant involving more than $100,000;

(iii) Any new or unusual type of transaction, which, in the judgment of the Director, may be of interest to the General Manager or the Commission.

(2) represent the AEC in all matters relating to agreements and grants made under his authority or assigned to him for administration.

§ 1.63 Division of Reactor Development.

(a) The Division of Reactor Development develops and directs programs for the development of nuclear reactor systems and associated chemical processing and waste disposal operations, including various types of reactors and reactor components for ship propulsion, military purposes, aeronautical and space missions, generation of electric power, and other civilian purposes.

(b) The Director, Division of Reactor Development (1) is authorized and directed by the General Manager to exer-

cise authority for contracts and agreements as described in § 1.5(b) except that such authority with respect to contracts and agreements is limited to transactions to accomplish the naval reactor development program and the space nuclear propulsion program not involving more than $5,000,000, and agreements with other governmental agencies, for accomplishment of other programs, involving not more than $5,000,000; and (2) within the scope of his functions, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

(c) The Manager, Naval Reactors, Division of Reactor Development, is authorized and directed by the Director, Division of Reactor Development, to:

(1) Supervise the Pittsburgh Naval Reactors Office and Schenectady Naval Reactors Office;

(2) Exercise authority for contracts and agreements pertaining to the Naval reactor program except that the authority is limited to transactions involving not more than $5,000,000, including but not limited to contractual transactions involving purchases of shipboard reactor cores by the AEC for the account of the Navy; and

(3) Exercise primary responsibility within the Commission to assure that adequate provision is made for the health and safety of government and contractor personnel; and of the general public, and for the protection of government property, within the Naval Reactors and Shippingport programs, and to further assure that the functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of assigned functions;

(d) The Manager, Space Nuclear Propulsion Office, Division of Reactor Development, is authorized and directed by the Director, Division of Reactor Development, to:

(1) Plan and direct programs for nuclear rocket propulsion systems for space vehicle applications, carried out by the Space Nuclear Propulsion Office (SNPO) established and staff in accordance with the interagency agreement between AEC and National Aeronautics and Space Administration (NASA);

(2) Supervise SNPO extensions at Cleveland, Albuquerque, and such other locations as may be used for programs under the AEC–NASA agreement;

(3) Exercise authority for contracts and agreements pertaining to the space nuclear propulsion program except that the authority is limited to transactions involving not more than $1,000,000, and is subject to such other limitations as may be imposed by NASA when the transactions involve use of NASA funds or as may be imposed jointly by AEC and NASA for specific types of transactions; and

(4) Assure that adequate provision is made for the health and safety of government and contractor personnel and the general public against the hazards of atomic energy induced radiation and all other health and safety hazards arising from the performance of assigned functions.

§ 1.64 Division of Isotopes Development.

(a) The Division of Isotopes Development develops and directs programs for (1) accelerating the development of widespread applications of radioisotopes and high-intensity radiation; (2) radioisotope production, process development, pricing and marketing; (3) encouraging private production and distribution of isotopes; and (4) isotopes and radiation technology training.

(b) The Director, Division of Isotopes Development, is authorized and directed by the General Manager to: (1) Enter into, extend, modify, and terminate agreements with other governmental agencies; provided, that the following actions shall be submitted for approval of the Assistant General Manager for Research and Development or of higher authority, as required:

(i) Any individual agreement or extension, modification, or termination of an agreement involving more than $250,000;

(ii) Any new or unusual type of transaction, which, in the judgment of the Director, may be of interest to the General Manager or the Commission.

(2) represent the AEC in all matters relating to agreements made under his authority or assigned to him for administration.

The Assistant General Manager for International Activities

§ 1.70 Office of the Assistant General Manager for International Activities.

The Assistant General Manager for International Activities:

(a) Develops policies, standards and procedures, and provides AEC-wide service relating to the functions and responsibilities assigned to the Divisions of International Affairs and Special Projects;

(b) Participates in international programs conducted under the auspices of the United Nations, the International Atomic Energy Agency, and other international organizations;

(c) Is authorized and directed to exercise contract authority as described in § 1.5(b) with respect to contracts and grants associated with the authorized responsibilities of the Divisions of International Affairs and Special Projects, not to exceed $300,000 for each such action.

Divisions Reporting to the Assistant General Manager for International Activities

§ 1.71 Division of International Affairs.

The Division of International Affairs:

(a) Develops and directs a program of international cooperation consistent with the Atomic Energy Act of 1954, as amended, and United States policy;

(b) Maintains liaison with the Department of State, other Federal agencies, and foreign officials in connection with assigned programs;

(c) Coordinates the development of requirements for special nuclear materials needed in the program of international cooperation; and

(d) Exercises contract authority as described in § 1.5(b) with respect to contracts and grants associated with his assigned responsibilities not to exceed $300,000 for each such action.

§ 1.72 Division of Special Projects.

(a) The Division of Special Projects: is responsible for operational aspects of international nuclear programs and studies, as may be assigned, in which the United States, and AEC specifically, have a participating interest.

(b) The Director, Division of Special Projects, is authorized and directed to: (1) Exercise contract authority as described in § 1.5(b) with respect to contracts, associated with his assigned responsibilities, not to exceed $300,000 for each such action; and (2) act as the representative of the AEC in all matters relating to contracts made under his authority or assigned to him.

The Assistant General Manager for Administration

§ 1.80 Office of the Assistant General Manager for Administration.

(a) The Assistant General Manager for Administration develops policies, standards, and procedures, and provides AEC-wide services relating to the functions and responsibilities assigned to the Divisions of (1) Classification, (2) Intelligence, (3) Nuclear Materials Management, (4) Security, (5) Headquarters Services, (6) Personnel, and (7) Technical Information.

(b) The Assistant General Manager for Administration is authorized and directed to exercise contract authority as described in § 1.5(b) with respect to the assigned responsibilities of the Division of Headquarters Services, not to exceed $100,000 for each such action.

Divisions Reporting to the Assistant General Manager for Administration

§ 1.81 Division of Classification.

The Division of Classification develops, recommends, and administers AEC-wide policies, standards, and procedures for the classification and declassification of information.

§ 1.82 Division of Technical Information.

The Division of Technical Information (a) administers AEC programs for the dissemination of classified and unclassified scientific information; (b) administers the operation of the Technical Information Extension at Oak Ridge, Tennessee, which provides central AEC publishing, reference, document collection, and standard and special distribution services; and (c) develops AEC-wide policies, standards, and procedures for technical information services and appraises the technical information programs of operations offices.

§ 1.83 Division of Intelligence.

The Division of Intelligence directs the intelligence functions of the AEC.

§ 1.84 Division of Nuclear Materials Management.

The Division of Nuclear Materials Management has staff responsibility for ensuring that appropriate control is maintained over the AEC's source, special nuclear, and other materials, including (a) development and maintenance of procedures to provide quantitative control and ensure its scientific validity; (b) development and implementation of policies and procedures for an AEC standard materials and standard measurements program; and (c) compilation and review of requirements for source and special nuclear materials.

§ 1.85 Division of Security.

The Division of Security (a) plans and develops proposed over-all policies, standards, and procedures for safeguarding Restricted Data and other classified information and for protecting facilities, equipment, and materials of security interest or strategic importance to the AEC security program; (b) provides staff assistance, including inspection service, on all aspects of the AEC security program; and (c) maintains liaison with other Government agencies on security matters and administers the operational security program for AEC Headquarters, Washington.

§ 1.86 Division of Headquarters Services.

(a) The Division of Headquarters Services: (1) develops proposed AEC-wide policies and standards for printing and duplication and proposed policies, procedures, and programs pertaining thereto; and (2) provides complete office services to the Headquarters.

(b) The Director, Division of Headquarters Services, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(b) with respect to his assigned responsibilities, not to exceed $100,000 for each such action.

§ 1.87 Division of Personnel.

The Division of Personnel develops (a) proposed policies, standards, and procedures governing the organization of AEC activities; (b) performs management analysis studies; (c) administers the system for issuance of management directives; (d) develops proposed policies, standards and procedures applicable throughout the AEC for all aspects of Federal personnel administration; and (e) provides Federal personnel services.

The Assistant General Manager for Operations

§ 1.90 Office of the Assistant General Manager for Operations.

The Assistant General Manager for Operations assists the General Manager in supervising Operations Offices to assure that assigned responsibilities and programs are carried out in accordance with policies and procedures prescribed by the General Manager, and that proper coordination is maintained among Operations Offices performing related functions, including (1) review of AEC program assignments to Operations Offices and the scheduling of execution of programs by the Operations Offices, (2) assisting Operations Offices in obtaining timely guidance and assistance from AEC Headquarters on field problems, (3) giving guidance and direction to Managers of Operations Offices on all functions not specifically assigned to other units of the Headquarters organization, and (4) maintaining continuous review of the overall performance of Operations Offices and providing the General Manager with a coordinated Headquarters appraisal of the performance of each Operations Office.

(b) The Assistant General Manager for Operations develops policies, standards, and procedures and provides AEC-wide services relating to the functions and responsibilities assigned to the Divisions of (1) Contracts, (2) Operational Safety, (3) Construction, and (4) Labor Relations.

Divisions Reporting to the Assistant General Manager for Operations

§ 1.91 Division of Contracts.

(a) The Division of Contracts: (1) Furnishes a central contracting service for Headquarters Offices and Divisions to which contracting authority is not delegated; (2) plans, develops, and maintains over-all policies, standards, and procedures for selection of contractors and the negotiation and approval of both fixed-price and cost-type contracts by AEC, and subcontracting by AEC cost-type prime contractors; (3) develops and controls the AEC Procurement Regulations part of the Federal Procurement Regulations System; (4) establishes contractor selection boards for contracts initiated at Headquarters; (5) reviews and assures proper coordination and approval of all contracts, contractor selections, and related actions proposed to be awarded in Headquarters and field actions which require Headquarters approval; (6) provides staff advice and assistance on the application of contract policies, standards, and Federal regulations, including interpretations as applied to problems or unique situations; (7) assists contracting officers, upon their request, with contract negotiations; (8) develops and maintains a program for keeping small business concerns generally informed about how to do business with AEC and its contractors; (9) maintains liaison and serves as principal point of contact with Small Business Administration and Renegotiation Board; (10) represents the AEC on over-all contract policy matters with other Federal agencies; and (11) operates the contract reporting and file system.

(b) The Director, Division of Contracts, is authorized and directed to exercise contract authority as described in § 1.5(b).

§ 1.92 Division of Construction.

The Division of Construction: (a) Provides a central construction and engineering service for Headquarters and field offices by developing and maintaining policies, standards, criteria, and procedures for and providing, in conjunction with program divisions involved, for Headquarters direction, coordination, and administration of AEC-wide activities related to (1) design and construction of AEC facilities; (2) telecommunications, including cryptographic facilities and systems; (3) transportation and traffic management; (4) real estate management; (5) continuity of essential agency functions and coordination of emergency, disaster, and mobilization planning, including civil defense measures; and (6) industrial mobilization; (b) maintains liaison with the Office of Emergency Planning, the Department of Defense, and other Federal agencies on AEC mobilization planning and civil defense; (c) provides procurement assistance to Headquarters and field offices in obtaining equipment and materials to meet program requirements; and (d) provides advice and assistance on the purchase of gas and electric power and the generation of electric power, and, upon request, provides assistance and consulting services on maintenance of AEC facilities.

§ 1.93 Division of Operational Safety.

(a) The Division of Operational Safety develops, recommends, and promulgates for the General Manager policies, guides, and requirements for the protection of Government and AEC contractor personnel, of the public and of property from hazards resulting from AEC operations. These policies, guides, and requirements apply to industrial health, safety, and fire protection, and to radiation protection. These policies, guides and requirements should be consistent with the standards, policies, and requirements recommended by the Director of Regulation and approved by the Commission. When overriding national security considerations dictate, then the standards, policies, and requirements will be established by the Commission as the situation dictates.

(b) The Division of Operational Safety: (1) Develops procedures for appraising and evaluating operating programs for the protection of personnel and property from hazards resulting from AEC operations; (2) appraises and evaluates the performance of AEC field offices and AEC contractors in the protection of health, safety, and property in accordance with established policies, guides, procedures, and requirements; (3) provides technical staff assistance to the General Manager, Headquarters officials, and managers of field offices on operational health and safety matters; (4) provides a central point of coordination with, and assistance to, the Director of Regulation and other groups, committees, and Federal agencies for developing health and safety codes, policies, guides, and requirements applicable to AEC operations; (5) develops and coordinates the Interagency Radiological Assistance Program; (6) prescribes procedures for the collection and compilation of data and reports related to accident experience, controls, and performance, and collects, compiles, analyzes, and disseminates summaries, tabulations, and conclusions based on the data and reports; and (7) establishes and maintains training and educational programs in the field of operational safety, with special reference to the hazards of

atomic energy, for AEC and AEC contractor personnel, fire departments, and public safety officials.

§ 1.94 Division of Labor Relations.

The Division of Labor Relations (a) develops proposed AEC-wide policies, standards, and procedures concerned with employment conditions, labor-management relations and disputes settlements, and Federal labor laws and regulations for AEC work performed by contractors; (b) advises and assists AEC groups and outside organizations in the development and administration of scientific, engineering, and skilled training programs; and (c) develops and maintains information on current and future supplies of and needs for scientific engineering and skilled personnel in the atomic energy field.

OFFICE AND DIVISIONS REPORTING TO THE DIRECTOR OF REGULATION

§ 1.100 Division of Licensing and Regulation.

(a) The Division of Licensing and Regulation:

(1) Develops proposed licensing and regulatory policies and procedures for carrying out the Commission's responsibilities to regulate (i) the possession, use and transfer of special nuclear, byproduct and source material, (ii) the construction and operation of production and utilization facilities, and (iii) the qualifications of individual operators of production and utilization facilities;

(2) Develops proposed licensing and regulatory policies and procedures relating to the financial responsibility of licensees and the indemnification of licensees and others for public liability arising out of or in connection with licensee activities;

(3) Develops proposed policies and procedures for the allocation of source, special nuclear and byproduct material to Commission licensees;

(4) Administers licenses and regulations applicable to licensees and to authorizations under Part 115 of this chapter;

(5) As directed by the Director of Regulation on request of the General Manager, evaluates the potential nuclear hazards of each proposal to build a new Commission-owned reactor exempt from licensing or to modify significantly an existing Commission-owned reactor exempt from licensing to determine that the nuclear hazard which the reactor presents is acceptable;

(6) As directed by the Director of Regulation on the request of the Department of Defense, evaluates the nuclear safety aspects of the design of military power and research reactors exempt from licensing and reviews and evaluates operating procedures and general nuclear safety standards submitted by the Department of Defense;

(7) Develops proposed licensing and regulatory policies incorporating nuclear health and safety standards, guides and codes for possession, use and transfer of materials and facilities licensed by the Commission;

(8) Develops proposed rules and regulations and amendments thereto applicable to AEC licensees;

(9) Issues, reviews, modifies, amends, suspends, and revokes licenses including the granting of exemptions, the imposition of special conditions and other licensing actions, and issues notices of denials, notices of violations, and orders;

(10) Recommends to the Commission the initiation of nuclear safety research programs and interprets results relevant to the regulatory program;

(11) Assists in the development of procedures for conducting investigations of licensed activities;

(12) Provides assistance in liaison with state and local governments and other Federal agencies relative to the AEC regulatory program;

(13) Determines requirements for special nuclear materials for use by licensees and prospective licensees;

(14) Initiates enforcement proceedings;

(15) Maintains liaison with the Advisory Committee on Reactor Safeguards; and

(16) Performs such other functions as may be assigned by the Director of Regulation;

(b) The Director, Division of Licensing and Regulation, is authorized and directed by the Director of Regulation, and has been delegated authority, to:

(1) Issue, renew, amend, modify, suspend, and revoke licenses, including the grant of exemptions and the imposition of special conditions, except where final decision rests with a Hearing Examiner or the Commission after hearing on the record under the Atomic Energy Act of 1954, as amended, and Part 2 of this chapter.

(2) Take necessary or appropriate action in accordance with decisions of a Hearing Examiner or the Commission where final decision rests with a Hearing Examiner or the Commission after hearing on the record under the Act and Part 2 of this chapter;

(3) Issue, pursuant to § 2.102 of this chapter, notices of the denial of applications for licenses or of applications for amendment or renewal of licenses;

(4) Issue notices of violation and orders pursuant to the provisions of Subpart B of Part 2 of this chapter;

(5) Except where final decision rests with a Hearing Examiner or the Commission after a hearing on the record under the Act, and Part 2 of this chapter, issue such orders to govern the possession and use of special nuclear material, source material, or byproduct material possessed by any person without a license as may be necessary or desirable to protect health or to minimize danger to life or property; and

(6) Execute indemnity agreements with licensees pursuant to section 170 c. of the Act.

(c) The Director, Division of Licensing and Regulation, has redelegated, except where final decision rests with a Hearing Examiner or the Commission after a hearing on the record under the Act and Part 2 of this chapter, to officials under his jurisdiction as set forth below:

(1) Authority hereinabove delegated to the Director, Division of Licensing and Regulation, except the authority to redelegate, to the Deputy Director, Division of Licensing and Regulation, and to the Assistant Director, Division of Licensing and Regulation, in the absence of the Director and Deputy Director from the official Headquarters of the AEC;

(2) Authority to issue, renew and amend byproduct material licenses, including the grant of exemptions and the imposition of special conditions, pursuant to Part 30 of this chapter, to the Assistant Director for Materials Licensing and to the Chief and the Assistant Chief, Isotopes Branch.

(3) Authority to issue, renew and amend source material and special nuclear material licenses, including the grant of exemptions and the imposition of special conditions, pursuant to Parts 40 and 70 of this chapter, to the Assistant Director for Materials Licensing and to the Chief and the Assistant Chief, Source and Special Nuclear Materials Branch, Division of Licensing and Regulation;

(4) Authority to issue notices of denial of applications for byproduct, source, or special nuclear material licenses or of applications for amendment or renewal of such licenses, to the Assistant Director of Materials Licensing;

(5) The authority to issue, renew and amend construction permits and licenses, including the grant of exemptions and the imposition of special conditions for the construction and operation of nuclear reactors other than testing reactors and Class 103 and Class 104b reactors, to the Assistant Director for Facilities Licensing and to the Chief, Test and Power Reactor Safety Branch;

(6) Authority to issue, renew and amend operators' licenses, including the grant of exemptions and the imposition of special conditions, pursuant to Part 55 of this chapter, to the Assistant Director for Facilities Licensing and to the Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

(7) Authority to execute indemnity agreements with licensees pursuant to section 170c of the Act and Part 140 of this chapter, to the Assistant Director, Division of Licensing and Regulation;

(8) Authority to issue notices of violations pursuant to the provisions of § 2.201 of Subpart B of Part 2 of this chapter, to the Assistant Director and to the Chief, Enforcement Branch, Division of Licensing and Regulation; and

(9) Authority to grant or deny requests, filed pursuant to § 2.790 of Subpart G of Part 2 of this chapter, for the withholding of any document, or any part thereof, from public inspection, to the Assistant Director, Division of Licensing and Regulation.

§ 1.101 Division of Compliance.

(a) The Division of Compliance is assigned the following functions:

(1) Develops and executes a program for the inspection of materials and facility licensees to ascertain whether license provisions, rules, orders, and regulations of the AEC are complied with and to observe and report as to the safety of licensed operations;

(2) Develops inspection policies, instructions, and procedures, for the inspection of licensees;

(3) Develops and executes a program for such inspections and investigations of activities of licensees as may be necessary in connection with the issuance or denial of a construction permit or license or an order to suspend, modify or revoke a license;

(4) Develops and executes a program, in accordance with Commission policies and standards, for the investigation of accidents, incidents, or unusual circumstances involving materials or facilities subject to license and regulation by the Commission.

(5) Develops and executes a program for the issuance of notices by members of the compliance staff to licensees with respect to licensed activities which, as a result of inspection, are found to be in accord with, or substantially in accord with, AEC rules, regulations and license provisions.

(6) Performs such other functions as may be assigned by the Director of Regulation.

(b) The Director, Division of Compliance, is authorized and directed to take such action as may be necessary to carry out the responsibilities assigned to him by this or other official issuances or communications. Any authority herein delegated to the Director, Division of Compliance, may be redelegated in writing, with or without authority to make successive redelegations in writing, under such terms, conditions and limitations as he may deem appropriate.

(c) Personnel engaged in compliance inspections and investigations are under the direction of the Director, Division of Compliance. Field compliance staffs are located at the Commission's Chicago Operations Office, Idaho Operations Office, New York Operations Office, Oak Ridge Operations Office, Savannah River Operations Office, Albuquerque Operations Office and San Francisco Operations Office.

(d) The Director, Division of Compliance, has authorized the Assistant Director for Reactors, the Assistant Director for Materials, and directors of compliance field staffs within their assigned areas of responsibility, to conduct and to require subordinates to conduct, and has authorized each inspector and investigator as directed to conduct, inspections and investigations with respect to materials, facilities, equipment and operations subject to license and regulation by the Commission, including authorizations under Part 115 of this chapter, to:

(1) Ascertain the status of compliance by any person with license provisions, rules, orders and regulations of the Commission;

(2) Make observations and report as to the safety of licensed operations;

(3) Obtain information and evidence as required in connection with the issuance of a license or denial of an application for a license, or in connection with any order to suspend, modify or revoke a license, or in connection with any other order of the Commission issued to govern the possession and use of materials and facilities subject to license and regulation; and

(4) Report results of inspections and investigations as directed by the Director, Division of Compliance.

(e) The Director, Assistant Directors, directors of compliance field staffs, inspectors and investigators, Division of Compliance, are authorized to take possession and control of materials and facilities, as directed by the Commission.

(f) The Director, the Assistant Director for Materials, directors of compliance field staffs, inspectors and investigators, Division of Compliance, are authorized to issue notices to persons who possess licenses issued pursuant to Parts 30, 40, and 70 of this chapter, concerning the results of an inspection (1) where no violation of Commission license provisions or regulations is found during the inspection, or (2) where results of an inspection disclose violations of particular license provisions or regulations which pertain to posting and labeling, posting of information and notices to employees, and keeping of survey, disposal, personnel exposure, leak test, receipt, transfer, export, and inventory records.

§ 1.102 Office of Radiation Standards.

(a) The Office of Radiation Standards is assigned the following functions:

(1) Developing and recommending proposed health and safety standards for the protection of employees and the public from atomic energy induced radiation, and serving as a central point of contact to arrange for or provide technical advice and information on such standards for the use of Federal and State health and safety agencies and other AEC divisions and offices;

(2) Providing staff assistance to the Commission with respect to matters involving the Federal Radiation Council;

(3) Compiling reports from licensees and from the General Manager on radiation safety experience in all types of licensed and AEC operations;

(4) Developing and administering programs in accordance with Commission policy for cooperation with the States under section 274 of the Atomic Energy Act of 1954, as amended; and

(5) Performing such other functions as may be assigned by the Director of Regulation.

(b) The Director, Office of Radiation Standards, is authorized and directed to take such action as may be necessary to carry out the responsibilities assigned to him by this or other official issuances or communications. Any authority herein delegated to the Director, Office of Radiation Standards, may be redelegated in writing, with or without authority to make successive redelegations in writing, under such terms, conditions and limitations as he may deem appropriate.

Subpart C—Major Field Offices

OFFICES REPORTING TO THE GENERAL MANAGER

§ 1.200 Chicago Operations Office.

(a) The Chicago Operations Office, under the direction of a Manager of Operations responsible to the General Manager, is responsible for administering contracts in the fields of biological, medical, and physical science research and for the development of nuclear reactors and reactor systems including the supervision of related engineering and construction programs. The Office supervises the Canoga Park Area Office.

(b) The Manager, Chicago Operations Office, performs the functions associated with administration of contracts for research and development programs conducted at the Ames Laboratory and the Argonne National Laboratory under the program direction of the Assistant General Manager for Research and Development and conducts other research and development and training programs in assigned fields.

(c) The Manager, Chicago Operations Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(d) The Manager, Chicago Operations Office, administers AEC access permits in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

(e) Within the scope of his functions, the Manager, Chicago Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.201 Idaho Operations Office.

(a) The Idaho Operations Office, under the direction of a Manager of Operations responsible to the General Manager, (1) provides for the design, construction and operations of nuclear reactors as assigned, together with necessary facilities and services; (2) manages the National Reactor Testing Station; (3) performs other special assigned functions; and (4) administers related engineering and construction programs.

(b) The Manager, Idaho Operations Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(c) The Manager, Idaho Operations Office, administers AEC access permits in Colorado, Idaho, Montana, Utah, and Wyoming.

(d) Within the scope of his functions, the Manager, Idaho Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.202 Oak Ridge Operations Office.

(a) The Oak Ridge Operations Office, under the direction of a Manager of Operations responsible to the General

Manager, is responsible (1) for the production of special nuclear materials including the preparation of feed materials; (2) for the supervision of related process development, engineering and construction programs; and (3) for the supervision of Paducah, Portsmouth, St. Louis, Fernald, New Brunswick, and Puerto Rico Area Offices.

(b) The Oak Ridge Operations Office performs the functions associated with administration of contracts for research and development programs conducted at the Oak Ridge National Laboratory under the program direction of the Assistant General Manager for Research and Development and conducts other research and development and training programs in assigned fields.

(c) The Manager, Oak Ridge Operations Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(d) The Manager, Oak Ridge Operations Office, administers AEC access permits in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Puerto Rico, Tennessee, Virginia, and West Virginia.

(e) Within the scope of his functions, the Manager, Oak Ridge Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.203 New York Operations Office.

(a) The New York Operations Office, under the direction of a Manager of Operations responsible to the General Manager, is responsible (1) for administering contracts in the fields of biological, medical, and physical science research and for the development of nuclear reactors and reactor systems; (2) for the supervision of related engineering and construction programs; and (3) for the direct administration of the AEC Health and Safety Laboratory.

(b) The Manager, New York Operations Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(c) The Manager, New York Operations Office, administers AEC access permits in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(d) Within the scope of his functions, the Manager, New York Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.204 Hanford Operations Office.

(a) The Hanford Operations Office, under the direction of a Manager of Operations responsible to the General Manager, is responsible for the production of special nuclear materals and the supervision of related process development, engineering and construction programs.

(b) The Manager, Hanford Operations Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(c) The Manager, Hanford Operations Office, administers AEC access permits in Alaska, Oregon, and Washington.

(d) Within the scope of his functions, the Manager, Hanford Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.205 Savannah River Operations Office.

(a) The Savannah River Operations Office, under the direction of a Manager of Operations responsible to the General Manager, is responsible for the production of special nuclear materials and the supervision of related process development, engineering, and construction programs.

(b) The Manager, Savannah River Operations Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(c) The Manager, Savannah River Operations Office, administers AEC access permits in Alabama, Florida, Georgia, North Carolina, Panama Canal Zone, South Carolina, and Virgin Islands.

(d) Within the scope of his functions the Manager, Savannah River Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

Office Reporting to Division of Raw Materials

§ 1.210 Grand Junction Office.

(a) The Grand Junction Office, under the direction of a Manager responsible to the Director, Division of Raw Materials, is responsible for the administration of programs throughout the Western United States for the acquisition and production of uranium concentrates and the acquisition of raw source materials including mining, leasing, and related activities and the appraisal of source material resources.

(b) The Manager, Grand Junction Office, is authorized and directed to exercise the contract authority described in § 1.5(c), except that the dollar limitation is $2,000,000.

(c) Within the scope of his functions, the Manager, Grand Junction Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

Office Reporting to the Assistant General Manager for Research and Development

§ 1.215 Brookhaven Office.

(a) The Brookhaven Office, under the direction of a Manager reporting to the Assistant General Manager for Research and Development, is responsible for (1) administering contracts for the operation, maintenance and use of the Brookhaven National Laboratory, including the conduct of programs of research in reactor development, physical research, biology, and medicine and isotopes development; (2) negotiating contracts in support of the programs of the Brookhaven National Laboratory; and (3) directing engineering and construction activities associated with the Brookhaven National Laboratory which are performed by prime AEC engineering and construction contractors.

(b) The Manager, Brookhaven Office, is authorized and directed to exercise contract authority as described in § 1.5(c), except that the dollar limitation is $3,000,000.

(c) Within the scope of his functions, the Manager, Brookhaven Office, is responsible for assuring that adequate provision is made for the health and safety of Government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects Government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

Offices Reporting to the Division of Reactor Development

§ 1.225 Pittsburgh Naval Reactors Office.

(a) The Pittsburgh Naval Reactors Office, under the direction of a Manager reporting to the Manager, Naval Reactors, Division of Reactor Development, is responsible (1) for developing and improving naval nuclear propulsion plants, reactor cores and associated equipment, processes, materials, and facilities; (2) for the operations of prototype plants and the Shippingport reactor; (3) for AEC-wide procurement, production, and distribution of zirconium and hafnium; (4) for procuring naval prototype and naval shipboard cores; and (5) for supervising related research and development, engineering, and construction programs.

(b) The Manager, Pittsburgh Naval Reactors Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(c) Within the scope of his functions, the Manager, Pittsburgh Naval Reactors Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.226 Schenectady Naval Reactors Office.

(a) The Schenectady Naval Reactors Office, under the direction of a Manager reporting to the Manager Naval Reactors, Division of Reactor Development, is responsible (1) for developing and improving Naval nuclear propulsion plants, reactor cores and associated equipment, processes, materials, and facilities; (2) for operating prototype plants; (3) for conducting related research and development; (4) for procuring cores for prototype and shipboard plants; and (5) for supervising related engineering and construction programs.

(b) The Manager, Schenectady Naval Reactors Office, is authorized and directed by the General Manager to exercise contract authority as described in § 1.5(c).

(c) Within the scope of his functions, the Manager, Schenectady Naval Reactors Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further assuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

Offices Reporting to the Division of Military Application

§ 1.227 Albuquerque Operations Office.

(a) The Albuquerque Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Military Application, is responsible for (1) research, development, production, custody, storage, readiness assurance, and testing in the field of atomic weapons; (2) supervising facilities for these purposes; (3) for supervising engineering and construction programs; and (4) supervising AEC activities at (i) the Rocky Flats, San Antonio, Burlington, Dayton, Kansas City, Pinellas, and South Albuquerque Area Offices, (ii) the Los Alamos Area Office which administers the contract for operation of the Los Alamos Scientific Laboratory, and (iii) the Sandia Area Office which administers the contract for operation of the Sandia Laboratory.

(b) The Albuquerque Operations Office performs the functions associated with administration of contracts for non-weapons research and development programs conducted at the Los Alamos Laboratory under the program direction of the Assistant General Manager for Research and Development and conducts other research and development and training programs in assigned fields.

(c) The Manager, Albuquerque Operations Office, is authorized and directed by the General Manager to: (1) Exercise contract authority as described in § 1.5 (c); and (2), in accordance with the provisions of Section 167 of the Atomic Energy Act of 1954, as amended, consider, ascertain, adjust, determine, settle, and pay any claim for money damage of $5,000 or less against the United States accruing on or after August 30, 1954, on account of bodily injury, death or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device. If the Director considers that a claim in excess of $5,000 is meritorious and would otherwise be covered by Section 167, he reports the facts and circumstances thereof to the General Manager. This authority may be redelegated to the Deputy Manager, Albuquerque Operations Office.

(d) The Manager, Albuquerque Operations Office, administers AEC access permits in Arizona, Kansas, New Mexico, Oklahoma, and Texas.

(e) The Manager, Albuquerque Operations Office, supervises performance of functions relative to management of the community at Los Alamos, New Mexico, including, but not limited to, the following specific programs:

(1) Establishment and development of a community at White Rock, 26 F.R. 1070 (1961);

(2) Establishment of a residential area to be known as Barranca Mesa Subdivision No. 1, 23 F.R. 5550 (1958);

(3) Establishment of a residential area to be known as Barranca Mesa Subdivision No. 2, 26 F.R. 8323 (1961); and

(4) Leasing of Government-owned lands and buildings for commercial purposes.

(f) Within the scope of his functions, the Manager, Albuquerque Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel, and of the general public, and for further asuring that these functions are executed in a manner that protects government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

§ 1.228 San Francisco Operations Office.

(a) The San Francisco Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Military Application, (1) is responsible for research and development of atomic weapons; (2) supervises facilities for these and other programs at Livermore, California, and such other installations as may be designated; and (3) administers related engineering, construction and maintenance programs.

(b) The Manager, San Francisco Operations Office, is authorized and directed by the General Manager to exercise the contract authority described in § 1.5(c).

(c) The Manager, San Francisco Operations Office, administers AEC access permits in California, Hawaii, Nevada, and U.S. Pacific Territories.

(d) Within the scope of his functions, the Manager, San Francisco Operations Office, is responsible for assuring that adequate provision is made for the health and safety of government and contractor personnel and the general public against atomic energy induced radiation and all other health and safety hazards arising from the performance of these functions.

Subpart D—Committees, Boards and Panels

§ 1.140 Advisory Committees Established by Atomic Energy Act of 1954, as Amended.

The Act establishes the following committees to advise the Commission on appropriate matters, which committees are not subject to the provisions of Part 7 of this chapter:

(a) The General Advisory Committee (GAC), composed of nine members appointed from civilian life by the President for terms of six years each, advises the Commission on scientific and technical matters relating to materials, production, and research and development.

(b) The Military Liaison Committee (MLC) consists of representatives of the Army, Navy, and Air Force in equal numbers as determined by the Secretary of Defense and of a Chairman appointed by the President with the advice and consent of the Senate. At the present time the MLC has seven members. The Commission advises and consults with the Department of Defense through the MLC on all atomic energy matters which the Department of Defense deems to relate to the military application of atomic weapons or other matters relating to atomic energy. The Department of Defense through the MLC keeps the Commission fully and currently informed on all matters within the Department of Defense which the Commission deems to relate to the development or application of atomic energy.

(c) The Advisory Committee on Reactor Safeguards (ACRS) consists of a maximum of fifteen members appointed by the Commission for terms of four years each. The ACRS reviews safety studies and facility license applications referred to it, makes reports thereon, advises the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and performs such other duties as the Commission requests. The ACRS is required by the Act to review each application under section 103 or 104b. thereof 42 U.S.C. 2133 and 2134(b), for a license for a facility, any application under section 104c of the Act, 42 U.S.C. 2134(c), for a testing facility, and any application under sections 104a. and c. of the Act, 42 U.S.C. 2134(a) and (c), specifically referred to it by the Commission, and to

submit a report thereon, which shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure (see Parts 2 and 50 of this chapter).

§ 1.141 Patent Compensation Board.

The Patent Compensation Board is established by the Act and is appointed by the Commission. The Board makes the initial decision with respect to applications to the AEC for a reasonable royalty fee, compensation, or grant of an award pursuant to sections 157 and 173 of the Act, 42 U.S.C. 2187 and 2223, and to section 1 of the Patent Act of July 19, 1952, 35 U.S.C. 183 and 188 (see Part 80 of this chapter).

§ 1.142 Atomic Energy Labor Management Relations Panel.

(a) The Atomic Energy Labor Management Relations Panel was established at the direction of the President on March 24, 1953, and was transferred from the Federal Mediation and Conciliation Service to the Atomic Energy Commisison, effective July 1, 1956.

(b) The Panel serves as a supplementary facility to regular conciliation and mediation processes in labor-management disputes in the Atomic Energy Program.

§ 1.143 Other Advisory Committees, Boards, and Panels.

(a) The following committees and boards are subject to the provisions of Part 7 of this chapter:

(1) Advisory Committee on Isotopes and Radiation Development;

(2) Advisory Committee of State Officials;

(3) Patent Advisory Panel;

(4) Advisory Committee for Standard Reference Materials and Methods of Measurement;

(5) Advisory Committee on Medical Uses of Isotopes;

(6) Advisory Committee on Plowshare.

(b) The following committees and boards are subject to the provisions of Part 7 of this chapter, except § 7.4 thereof:

(1) Advisory Committee for Biology and Medicine;

(2) Advisory Committee on Industrial Information;

(3) Advisory Committee on Reactor Physics;

(4) Committee of Senior Reviewers;

(5) Nuclear Cross Sections Advisory Group;

(6) Historical Advisory Committee; and

(7) AEC Computer Advisory Group.

(c) The following boards are not subject to the provisions of Part 7 of this chapter (see Part 25 of this chapter):

(1) Personnel Security Review Board.

Subpart E—General Information

§ 1.150 Research and development contracts.

(a) The Commission has entered into many contracts with public and private institutions for the prosecution of research and development work in various branches of physical, biological and medical science and technology. These contracts are negotiated and supervised on behalf of the Commission by the General Manager, the Managers of field offices and their authorized representatives, and the scientific staff of the divisions concerned.

(b) The Division of Research is responsible for the development and supervision of the research program involving the physical sciences in AEC installations and outside organizations. Inquiries regarding participation in this program may be addressed to the Director, Division of Research, U.S. Atomic Energy Commission, Washington 25, D.C.

(c) The Division of Biology and Medicine is responsible for administration of the program for the support of research relating to atomic energy in the fields of biology and medicine. Inquiries regarding participation in this program may be addressed to the Director, Division of Biology and Medicine, U.S. Atomic Energy Commission, Washington 25, D.C.

(d) The Division of Reactor Development is responsible for the program of research in reactor technology. Inquiries regarding participation in this program may be addressed to the Director, Division of Reactor Development, U.S. Atomic Energy Commission, Washington 25, D.C.

(e) The Division of Isotopes Development is responsible for a program of research in the application of radioisotopes, fission byproducts, and radiation reactors for industrial processing, tracers, and food processing. Inquiries regarding participation in this program may be addressed to the Director, Division of Isotopes Development, U.S. Atomic Energy Commission, Washington 25, D.C.

§ 1.151 Information services.

Requests for publicly releasable information concerning the Commission's organization and activities should be directed to the Division of Public Information, U.S. Atomic Energy Commission, Washington 25, D.C.

§ 1.152 Industrial participation.

Requests for information concerning private industry participation and investment in the development and utilization of atomic energy for civilian purposes and for support of Government programs should be directed to the Division of Industrial Participation, U.S. Atomic Energy Commission, Washington 25, D.C.

§ 1.153 Classification review.

Informational material may be submitted to the Atomic Energy Commission for security classification review. Assistance in determining if material is free of classified information will be given insofar as national security permits. Such submission of material should be directed to the Division of Classification, U.S. Atomic Energy Commission, Washington 25, D.C.

§ 1.154 Commission licensing.

The AEC licensing program embraces the licensing of source, special nuclear and byproduct material and production and utilization facilities and operators of such facilities, which are the subject of other parts of this chapter.

§ 1.155 Patent program.

The AEC patent program is designed to protect the Government and industry with respect to inventions resulting from Government sponsored work in the field of atomic energy. The Commission accords nonexclusive licenses to industry on Commission-owned inventions. The patent program is the subject of regulations in Parts 80, 81 and 82 of this chapter.

§ 1.156 Conduct of employees.

In implementation of section 6 of Executive Order 10939, the Commission has issued AEC Manual Chapter 4124, "Conduct of Employees," which is, without appendices, attached to this subpart.

APPENDIX—U.S. ATOMIC ENERGY COMMISSION AEC MANUAL

Chapter 4124 Conduct of Employees

4124-01 *Purpose and scope.*

011 This chapter, issued pursuant to section 6 of Executive Order 10939, sets forth the AEC policies, standards, and instructions regarding the conduct of employees as defined in AEC 4124-043. This chapter also covers certain kinds of actions or types of conduct prohibited to Federal employees by the laws of the United States.

012 The purpose of these instructions is to protect the interests of the public and employees by setting forth policies, standards, and instructions in such manner that they may be readily understood by the individuals involved and practicably administered by the AEC. Of necessity, because of the nature of the criminal statutes involved and of the subject matter involved, these instructions cannot deal with all of the problems which may arise with regard to the conduct, including conflict of interests, of employees and former employees. It is expected that these instructions will be observed and administered in a manner which is consistent with both their spirit and their letter and which, at the same time, recognizes the public and private interests involved.

013 The paraphrased version of any criminal or civil statute in this chapter shall not constitute a binding interpretation thereof upon the AEC or the Federal Government.

014 Employees are encouraged to discuss with their immediate superiors any problem arising out of the administration of this chapter. Supervisors, in turn, are expected to inform themselves about all facts bearing upon any such problem of employees working under their supervision and to take prompt action to see that the problem, if it cannot be resolved, is referred to higher authority.

4124-02 *Basic policy.*

021 The Personnel Policy of the United States Atomic Energy Commission (AEC Manual Appendix 4101), states in part: "The Atomic Energy Act requires the Commission to assure itself that the character, associations, and loyalty of workers in atomic energy are of a high order. Conduct and self-discipline, both on and off the job, must measure up to unusual standards. • • •"

022 Employees shall:

a. Conduct themselves in such a manner as to create and maintain respect for the Commission and the United States Government. In all their activities, personal and official, they should always be mindful of the high standards of integrity expected of them.

b. Not give or appear to give favored treatment or competitive advantage to any member of the public including former employees of the AEC appearing before them on their own behalf or on behalf of any nongovernmental interest.

c. Be guided in all their actions by the Code of Ethics for Government Service, adopted by concurrent resolution of the Congress.

023 Section 157 a. of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Section 2187 (a), "Compensation, awards, and royalties—Patent Compensation Board," provides certain exceptions from conflict of interest statutes.

024 Section 163 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Section 2203, "Advisory committees," provides certain exceptions from conflict of interest statutes.

025 Section 29 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Section 2039, provides that the provisions of Section 163 of the Act shall be applicable to the "Advisory Committee on Reactor Safeguards."

4124-03 *Specific provisions, including prohibitions and procedures.*

031 *Conflict of interest.* An employee shall avoid situations which require or appear to require a balancing of private interests or obligations against official duties.

A conflict of interests exists whenever the official responsibility of the AEC employee in the proper administration of his office clashes or appears to clash with a direct and substantial economic interest of the individual involved, with actual or potential detriment to the performance of that official's responsibility.

A conflict of interests does not necessarily presuppose that actions by the employee favoring one of these interests will be prejudicial to the other, nor that the employee will, in fact, resolve the conflict to his own personal advantage rather than to that of the AEC.

032 *Direct and substantial economic interests.* No employee shall participate as an employee through approval, disapproval, recommendation, decision, the rendering of advice, investigation, or otherwise, in a transaction involving the Government in the consequences of which to his knowledge he has a direct and substantial economic interest, unless so authorized pursuant to the following procedure:

a. The employee shall inform the field Office Manager, or the Head of Division or Office, Headquarters, as appropriate, of the nature and circumstances of the transaction and of the financial interests involved and shall request a determination as to the propriety of his participation in the transaction.

b. The Field Office Manager, or the Head of Division or Office, Headquarters, as appropriate, after examining the information submitted, may relieve the employee from participation in the transaction; or, he may approve the employee's participation in the transaction upon determining in writing:

1. That the financial interests of the employee are remote or inconsequential, and

2. That no provision of law and no instruction in this chapter would appear to be violated by the employee's participation in the transaction.

c. A copy of each determination made under the provisions of a., and b., above, shall be forthwith forwarded directly to the General Manager.

d. When the Field Office Manager, or Head of Division or Office, Headquarters, believes it is inappropriate for him to make a finding as provided in b., above, he shall forthwith submit the information with his recommendation directly to the General Manager for a determination, in which case, the General Manager shall make a determination as provided in b., above, forwarding the original of his determination to the submitting official and a copy to the employee involved.

e. Whenever it can be reasonably anticipated that there will be a need to invoke these procedures repeatedly, and where it also appears that a burden would be placed on the AEC thereby, consideration should be given to dismissal or transfer of the employee to another position where the problems will not arise, or to the elimination of the outside interest creating the difficulty. It is expected that the employee concerned will take the initiative in resolving any problem in this area.

f. The prohibitions contained in this subsection may not be avoided by a transfer of the employee's direct or substantial economic interests to his spouse or minor child in contemplation of, or subsequent to, AEC employment.

033 *Future employment.*

a. Solicitation for private employment by an employee who is acting on behalf of the AEC in any particular matter in which the prospective employer is the party chiefly affected, or a representative of the party chiefly affected, is prohibited. With the approval of his supervisor, an employee may be relieved of any assignment which, in the absence of such relief, might preclude such solicitation.

b. No employee shall undertake to act on behalf of the AEC in any capacity in a matter that to his knowledge affects even indirectly any party outside the Government with whom he is discussing or entertaining any proposal for future employment, except pursuant to the direction of the General Manager, or in the case of a field employee, the Field Office Manager, under whom he is employed.

034 *Outside employment.*

a. AEC employees are entitled to the same rights and privileges with regard to outside employment as all other citizens. There is, therefore, no general prohibition against employees having outside employment. Except that: no full-time employee shall engage in employment outside his official hours of duty or while on leave status, if such employment will:

1. In any manner interfere with the proper and effective performance of the duties of his position;

2. Appear to create a conflict of interests situation, or

3. Appear to subject the AEC to public criticism or embarrassment.

b. In any case in which a question is raised as to the propriety of outside employment in which a full-time employee proposes to engage, and when the Field Office Manager or Head of the Division or Office, Headquarters, concludes that the proposed outside employment may be in violation of AEC policy, the following information shall be sent to the Director, Division of Personnel, Headquarters, for prior approval of the proposed activity: (1) name, job title, and grade of the employee involved; (2) a brief summary of his official AEC duties; (3) a brief description of the proposed work, including the compensation to be received; and (4) the name and nature of the business of the employing individual or organization.

035 *Employment of persons on extended leave of absence from a previous employer with reemployment rights or other benefits with the previous employer.* AEC may employ persons on extended leave of absence from former employers where it is the way most advantageous to the AEC to obtain qualified employees with needed skills and no violation of conflict of interest statutes would be involved. The necessity for continued employment of such persons shall be reviewed annually by the Director, Division of Personnel, Headquarters. In their AEC assignments, such employees shall not be permitted to handle, directly or indirectly, or have access to, business confidential data of their former employers' competitors.

When it is proposed to employ a person on this basis, a statement of the exact terms and conditions of the leave of absence from his employer will be obtained from the prospective employee and submitted to the General Counsel for a prior determination of possible violation of statute.

036 *Interest in claims against the United States.* No employee shall act as an agent or attorney for prosecuting any claims against the United States, or aid or assist in the prosecution of any such claims, otherwise than in the discharge of the employee's proper official duties, or receive any gratuity or any share of or interest in any such claim from any claimant. (Based on Section 283, Title 18, U.S.C.). In addition, a former Government employee is prohibited within two years after the time such employment ceased from prosecuting or acting as counsel, attorney or agent for prosecuting any claims against the United States involving any subject matter directly connected with which such person was so employed or performed duty. (Based on Section 284, Title 18, U.S.C.).

037 *Receiving salary from source other than the United States Government.* No employee shall receive any salary in connection with services as a Government official or employee from any source other than the Government of the United States, except as may be contributed out of the Treasury of any State, county, or municipality. For limited exception to this prohibition based on the Government Employees Training Act, see AEC Manual Chapter 4150, "Employee Development and Training," Appendix 4150, Part VI. (Based on Section 1914, Title 18, U.S.C.).

038 *Procurement of contracts.* No employee shall directly or indirectly take or receive any money or thing of value for aiding any person in procuring any contract from the United States or from any officer, department, or agency thereof. (Based on Section 216, Title 18, U.S.C.).

039 *Compensation to employees in matters affecting the Government.* No employee shall receive or agree to receive any compensation for any service rendered or to be rendered, either by himself or another, in relation to any matter in which the United States is a party or is directly or indirectly interested before any department or agency. (Based on Section 281, Title 18, U.S.C.).

0310 *Interested persons acting as Government agents.* No employee shall transact business as an officer or agent of the United States with any business entity if he is an officer, agent, or member of, or directly or indirectly interested in the pecuniary profits or contracts of such business entity. (Based on Section 434, Title 18, U.S.C.).

0311 *Acceptance of bribes.* No employee shall ask, accept, or receive a bribe of any kind with the intent of having one's decisions on any official matter influenced thereby. (Based on section 202, Title 18, U.S.C.)

0312 *Ex parte contacts.* Certain *ex parte* contacts by an employee are prohibited in quasi-judicial proceedings under 10 CFR section 2.757.

0313 *Assisting former employees.*

a. *Restrictions.*

1. An employee will not knowingly do business with or assist any former employee, who represents an interest other than (a) the Federal or State Governments and political

subdivisions thereof, or (b) nonprofit educational institutions, during the period within two (2) years after such former employee's AEC employment ceased, unless and until such former employee has filed, and there is presently effective, a statement with the AEC as described in b., below, or has been issued an exception as provided in e., below.

2. An AEC employee will not knowingly do business with or assist any former AEC employee if such action would result in violation of policies, standards, or instructions set forth in this chapter or any of the prohibitions of any statute.

b. *Statement.* A statement filed by a former AEC employee as provided in a., above, shall contain the following in substantially the form provided in Form AEC-269, "Former Employee's Statement":

1. Title of his former position or positions.

2. Person or organization to be represented.

3. Particular matter, program, or project of planned appearance before AEC.

4. A certification that:

(a) he did not while an employee or member of the U.S. Atomic Energy Commission have under his official responsibility, or personally and substantially participate in, through approval, disapproval, recommendation, decision, the rendering of advice, investigation, or otherwise, the particular matter, program, or project with regard to which he proposes to request assistance from or do business with the Atomic Energy Commission.

(b) to the best of his knowledge and belief the proposed representation before the Atomic Energy Commission in the particular matter described is not prohibited by any Federal statute or AEC instruction or regulation.

c. *Procedures.* When a former AEC employee desires to do business with or requests assistance from AEC during the period within two (2) years after which such employment ceased, he shall be advised to file a statement in triplicate as described in b., above, either with the Head of the Office or Division, Headquarters, or with the Field Office Manager with whom he proposes to do business or request assistance. The receiving office shall:

1. Assure that the appropriate certifications are made without modification.

2. Forthwith forward the original to the General Manager.

3. Acknowledge receipt of the statement on the first copy and return it to the former employee.

4. Retain the second copy.

Upon presentation of the receipted copy of the statement by the former employee, an employee may do business with or assist the former employee with respect to the particular matter, program, or project identified in the statement unless the employee has personal knowledge of information contrary to that contained in the statement, in which event such employee shall forthwith forward such information to the General Manager, and so informs the former employee.

d. *Review of statements.* The General Manager shall review all statements filed under c., above, as appropriate. If, upon review of the information contained in such statement and from such other information as the General Manager may secure from any other source, it appears that the proposed representation before AEC may be inconsistent with the policies or prohibitions set forth in these instructions, the General Manager shall so advise the former AEC employee with the reasons therefor, may direct the suspension of assistance to such former employee, and shall afford such former employee thirty (30) days within which to present further material or statements to him relative to such determination.

If further material or statements are submitted to the General Manager by the former AEC employee, then all of the material including the initial statement will be reconsidered under the policies and criteria contained in these instructions and a further determination thereon by the General Manager shall be furnished to the former employee.

The former employee may appeal such further determination to the Commission within thirty (30) days thereafter. Such appeal shall be in writing with a concise statement of the reasons therefor. The Commission shall make a determination on the appeal within thirty (30) days after receipt.

e. *Exceptions.* When a former employee is unable to make the certifications required in the statement as described in b., above, and makes application for an exception provided by this paragraph, or has received a determination by the General Manager or the Commission, as the case may be, the General Manager or the Commission, as the case may be, may grant an exception upon a finding that:

1. There is nothing adverse to the public interest in the proposed representation by such former AEC employee, and

2. No violation of Federal statute appears thereby to be involved.

Such determination of exception shall be furnished to the former employee in writing and shall be recognized by employees in the same manner as a receipted statement.

f. *Public records.* A copy of each determination of exception as provided in e., above, and any additional written statements or other documents with respect thereto and the transcript of any oral presentation before the General Manager or the Commission shall be placed in the public records of the AEC.

0314 *Improper use of official information.* No employee shall use for personal financial gain or make other improper use of information which comes to him by reason of his status as an AEC employee and which is not generally available to the public. In this connection, Section 68a., of the Atomic Energy Act of 1954, 42 U.S.C., Section 2098(a), "Public and acquired lands," provides as follows:

"a. No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to August 30, 1954, made such location, entry, or settlement, or caused the same to be made for his, or its, or their benefit."

0315 *Fees and reimbursements for speeches, lectures and articles.*

a. Writing and lecturing by employees are generally encouraged when the statutes, policies, and instructions of this chapter pertaining to conflicts of interest and the restrictions on outside employment and improper use of official information are observed. These activities frequently serve to enhance the employee's value to the Government as well as to increase the dissemination of scientific and technical information and encourage the development of the atomic energy industry. However, such activities must not be dependent on information obtained as a result of the employee's official Government position if such information is not otherwise available to the public.

b. No employee shall accept a fee or reimbursement for expenses from an outside source on account of a public appearance, a speech, or lecture, if the public appearance or the preparation or delivery of the speech or lecture was a part of the official duties of the employee, if the public appearance, the speech, or the lecture was made during official working hours, or if travel in connection with the public appearance, speech, or lecture was made at Government expense.

c. No employee shall accept a fee for the preparation, publication, or review of an article, story, or book if it was prepared during official working hours and/or was a part of the official duties of the employee.

0316 *Acceptance of accommodations.*

a. No employee shall use his official position for personal financial gain, nor shall he accept any personal advantage from anyone under circumstances which might reasonably be interpreted as an attempt to influence the recipient in the conduct of his official duties. Gifts, personal loans, advances, or other financial accommodations, not readily available on the same terms to the general public, should not be accepted by AEC personnel from any AEC contractors, or prospective contractors, licensees or prospective licensees, or representatives of any of them.

b. No employee shall accept free transportation in motor vehicles, aircraft, or other means, for official or unofficial purposes from AEC contractors, prospective contractors, licensees or prospective licensees, or representatives of any of them when such transportation might reasonably be interpreted as seeking to influence the impartiality of the employee or the agency.

0317 *Gifts from foreign governments.* No employee of the Federal Government shall receive from any foreign government "any present, decoration, or other thing," unless authorized by act of Congress and tendered through the Department of State. (Based on Article 1, Section 9, Clause 8, of the Constitution, and Title 5, U.S.C., Section 115).

0318 *Gifts or favors to official superiors.* No employee shall solicit contributions from other Government employees for a gift or present to anyone in a superior official position. No employee in a superior official position shall receive a gift or present offered or presented to him as a contribution from Government employees receiving a less salary than himself. No employee shall make any donation as a gift or present to any official superior. (Based on Section 113, Title 5, U.S.C.)

0319 *Private use of public money.* No employee engaged in handling funds of the United States shall convert to his own use, loan or deposit in any bank, or exchange for other funds, any public money entrusted to him except as specifically allowed by law. (Based on Section 653, Title 18, U.S.C.)

0320 *Appropriation of Government property for personal use.* No employee shall appropriate any article of Government property for his own use. (Based on Section 641, Title 18, U.S.C.) (See also AEC Manual Chapter 5101, "Property and Supply Management Policies.")

0321 *Use of motor vehicles or aircraft.* No employee shall use or authorize the use of any motor vehicles or aircraft owned or leased by the Government for other than official purposes except as authorized by statute. (Based on Section 78c., Title 5, U.S.C.) (See also AEC Manual Chapter 5141, "Personal Use of AEC Motor Vehicles and Aircraft.")

0322 *Handling of funds entrusted by fellow employees.* No employee shall receive, disburse, or deposit in any bank funds entrusted to him by fellow employees, e.g., credit union deposits or donations to charitable organizations, except with the utmost care in the safeguarding of such funds and the maintenance of full and complete records with regard to the receipt, custody, and disbursement of such funds. Such records shall be made available to appropriate authorities upon proper request.

0323 *Employee indebtedness.* The AEC considers the credit affairs of its employees essentially their own concern. The AEC will not be placed in the position of acting as a collection agency or of determining the validity of contested debts. Failure on the part of an employee without good reason to honor debts acknowledged by him to be valid or to make or adhere to satisfactory arrangements for settlement may be cause for disciplinary action. In this connection each employee is expected to meet his responsibility for payment of Federal, State, and local taxes in accordance with the laws of the jurisdiction in which he is domiciled or works.

0324 *Use of appropriated funds to influence legislation.* No employee shall use official time or facilities, supplies, or funds of the AEC, in the absence of express authorization by Congress, to influence, directly or indirectly, a member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress. This prohibition does not prevent officers and employees from submitting, through proper official channels, requests for legislation or appropriations to members of Congress on the request of any member of Congress. (Based on Section 1913, Title 18, U.S.C.)

0325 *Fiscal irregularities.* No employee shall make false entries in official records with intent to defraud, or make false reports concerning money or securities with such intent. (Based on Section 2073 of Title 18, U.S.C.)

0326 *Falsification of official records.* No employee shall knowingly and willingly make false statement or representation in any official papers or documents in the conduct of the Government's business. (Based on Section 1001, Title 18, U.S.C.)

0327 *Unauthorized destruction of official records.* No employee shall willfully conceal, remove, mutilate or destroy official Government records, except in connection with the disposition of records as authorized in AEC instructions. (Based on Section 2071, Title 18, U.S.C.; refer to AEC Manual Chapter 0230, "Records Disposition Policies and Regulations.")

0328 *Speculation.* An employee shall be guided by the following letter from the President to the Civil Service Commission, dated April 22, 1937, in respect to the purchase and/or sale of securities or commodities:

"I believe it to be a sound policy of the Government that no officer or employee shall participate directly or indirectly in any transaction concerning the purchase or sale of corporate stocks or bonds or of commodities for speculative purposes, as distinguished from bona fide investment purposes. Engagement in such speculative activities by any officer or employee, whether under the competitive civil service or not, should be among the matters considered by the heads of departments and establishments and by the Commission in passing upon questions concerning his qualifications for retention or advancement."

(Federal Personnel Manual, Chapter C-2, "Conduct of Officers and Employees.")

0329 *Gambling in AEC facilities, plants, etc.* No employee shall participate in games for money or property, operating of gambling devices, conducting an organized lottery or pool, or selling or purchasing of "numbers" tickets in AEC-owned or -occupied plants, laboratories, office buildings and related facilities.

0330 *Scandalous conduct.* No employee shall engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the service.

0331 *Strikes against the Government.* No employee shall engage in a strike against the Government, or belong to an organization of Government employees that asserts the right to strike against the Government. In addition, the use of appropriated funds for payment of salary or wages of any person who engages in a strike against the Government of the United States, or who is a member of an organization of Government employees that asserts the right to strike against the United States, is prohibited. (Based on 5 U.S.C., section 118 p.) (See AEC Manual Chapter 4121, "Oath of Office.")

0332 *Political activity.* The basic restrictions on political activity of AEC employees are set forth in Section 9(a) of the Hatch Act. (5 U.S.C., 1181 et seq.) (See AEC Manual Chapter 4122, "Political Activity.")

4124-04 *Definitions.*

041 *Commission*—means the Commission of five members or a quorum thereof sitting as a body, as provided by Section 21 of the Atomic Energy Act of 1954, as amended, 42 U.S.C., Section 2031.

042 *AEC*—means the agency established by the Atomic Energy Act of 1954, as amended, comprising the members of the Commission and all officers, employees, and representatives authorized to act in any case or matter, whether clothed with final authority or not.

043 *Employee*—means AEC officers and employees, AEC consultants, members of AEC advisory boards, and insofar as statutory and Executive Order restrictions are concerned, members of the Commission.

044 *Former employee*—means former AEC officers and employees as defined in 043 above plus former members of the Commission.

045 *AEC consultant*—means a person employed by means of a personal service contract, pursuant to AEC Manual Chapter 4139, "Consultants and Advisory Boards."

046 *Members of AEC advisory boards*—means persons employed to serve on advisory boards pursuant to AEC Manual Chapter 4139, "Consultants and Advisory Boards."

047 *Assist*—means, with regard to AEC business, to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to, another person believing that such action is of help, aid, advice, or assistance to such person and with intent so to assist such person.

4124-05 *Responsibility and authorities.*

051 a. *Employees* are responsible for:

1. Complying with the rules, standards of conduct, and statutes set forth in this chapter and appendix.

2. Consulting the full text of the applicable instructions or statutes as to whether the action may in any way violate any instructions or statutes, in addition to securing the advice of their supervisor.

b. Violation of any of the instructions or statutes referred to in this chapter may subject an employee to disciplinary action by AEC in addition to the penalty prescribed by the law in case of such violation.

052 *Field office managers, and the director, division of personnel, headquarters:*

a. Provide a copy of this chapter and all revisions to each employee.

b. Provide a copy of this chapter to each new employee at the time of employment.

c. Bring the provisions of this chapter to the attention of each employee at least semi-annually.

053 *The director of regulation, assistant general managers, directors of divisions and offices, headquarters (referred to in this chapter as heads of divisions and offices, headquarters), and field office managers:*

a. Bring to the attention of appropriate contractors under their jurisdiction those provisions of this chapter which may affect the actions of a contractor and his employees in dealing with AEC employees, i.e., -033, "Future Employment"; -0312, "Ex Parte Contacts"; -0313, "Assisting Former Employees"; -0316, "Acceptance of Accommodations"; and -06, "Cancellation of Contracts."

b. Report to the Division of Inspection all complaints concerning fraud, graft, corruption, diversion of AEC assets and misconduct of AEC employees, taking action as a result of investigations, and reporting on action taken, as provided in AEC Manual Chapter 0702, "Reporting and Investigating Irregularities."

c. Assume responsibilities assigned in subsections -032, -033, -034, and -0313.

054 *The director, division of personnel, headquarters,* provides consultative service on questions of application of this chapter and assumes the responsibilities assigned in subsections -034 and -035.

055 *The general manager* assumes responsibilities assigned in subsections -032, -033, and -0313.

056 *The director, division of inspection, headquarters,* investigates all questions of employees' conduct, fraud, etc., in AEC, in accordance with AEC Manual section 0103-062.

057 *The general counsel* provides legal advice with respect to the interpretation of this chapter in addition to specific responsibilities assigned in subsection -035.

4124-06 *Cancellation of contracts.*

The Commission reserves the right to declare void, in accordance with law, any contract negotiated or administered in violation of the provisions of AEC regulations, or statute.

Subpart F—Seal

§ 1.160 Commission seal.

Pursuant to the Atomic Energy Act of 1954, as amended, the Commission has adopted an official seal the design and description of which follows:

On a dark blue disk, a stylized atomic symbol consisting of the nucleus, in orange red, surrounded by four electrons tracing their orbits in gold. On a light blue annulet edged in gold the inscription "ATOMIC ENERGY COMMISSION" in upper portion. In lower portion, "UNITED STATES OF AMERICA". A five-pointed gold star appears between the words "ATOMIC" and "UNITED" and another between the words "COMMISSION" and "AMERICA."

Dated at Washington, D.C., this 22d day of December 1961.

[SEAL] W. B. McCOOL,
Secretary.

[F.R. Doc. 61-12326; Filed, Dec. 28, 1961; 8:45 a.m.]

Pages 12747–12792

FEDERAL REGISTER

VOLUME 26 NUMBER 251

Washington, Saturday, December 30, 1961

THE UNIVERSITY OF MICHIGAN
JAN 3 1962
MAIN READING ROOM

Contents

THE PRESIDENT

Executive Order

Inspection of income, excess-profits, estate, and gift tax returns by the Senate Committee on the Judiciary 12749

EXECUTIVE AGENCIES

Agricultural Marketing Service

NOTICES:
Market agencies at Kansas City stock yards; notice of petition for modification of rate order .. 12783

PROPOSED RULE MAKING:
Handling of apricots grown in designated counties in Washington; hearing on proposed amendment of marketing agreement and order 12782
Handling of fresh Bartlett pears, plums, and Elberta peaches grown in California; changes in representation of certain districts on Bartlett Pear Commodity Committee 12782

RULES AND REGULATIONS:
Changes in codification; cross reference 12751
Handling limitations:
Lemons grown in California and Arizona (2 documents) .. 12751, 12752
Navel oranges grown in Arizona and designated part of California 12751
Marketing order for fruits, vegetables, and specialty crops; changes in codification 12751

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Milk in Greater Kansas City marketing area; order amending order 12753
Milk orders; changes in codification 12752

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

Army Department

See also National Guard and State Guard.

RULES AND REGULATIONS:
National Guard and State Guard regulations; cross reference .. 12767

Atomic Energy Commission

NOTICES:
Mistrot M. Sullivan and Southwestern Radiological Service Co.; order to show cause and order suspending license; correction 12783

Civil Aeronautics Board

NOTICES:
Hearings, etc.:
Aerovias Internacional Balboa, S.A 12783
Inspiration Helicopters, Ltd .. 12783
Swissair, Swiss Air Transport Co., Ltd 12783

Commerce Department

See International Business Bureau; International Programs Bureau.

Commodity Credit Corporation

RULES AND REGULATIONS:
Cotton products export program; new classes of cotton products and clarifications 12750

Defense Department

See also Army Department; National Guard and State Guard; Navy Department.

RULES AND REGULATIONS:
Civil defense; redesignation of regulations 12766

Emergency Planning Office

NOTICES:
Request to participate in Voluntary Agreement Relating to Foreign Petroleum Supply, as amended, to create a special subcommittee of the Foreign Petroleum Supply Committee .. 12787

RULES AND REGULATIONS:
Changes in codification 12768

Federal Aviation Agency

RULES AND REGULATIONS:
Carriage of cargo in passenger compartments:
Certification and operation rules for scheduled air carrier operations outside continental limits of U.S. 12762
Irregular air carrier and off-route rules 12762
Scheduled interstate air carrier certification and operation rules 12762
Special airport traffic area rules and traffic patterns; revocation; correction 12762

Federal Communications Commission

NOTICES:
Canadian broadcasting stations; outstanding notifications to OIR of stations which are not yet in corresponding operation because of difficulties beyond control of the administration (2 documents) 12785, 12786

Hearings, etc.:
Hayes, Clifford C 12783
Lindsay Broadcasting Co. et al. 12784
Neal, William B., and Williams, James R 12784

RULES AND REGULATIONS:
Aviation services; microwave operation; frequencies available .. 12780
Public safety radio services; miscellaneous amendments 12781

Federal Power Commission

NOTICES:
Idaho; Idaho Power Co.; notice of land withdrawal; modification .. 12786

Hearings, etc.:
South Texas Natural Gas Gathering Co 12786
Trunkline Gas Co 12786

RULES AND REGULATIONS:
Initial service rates; Louisiana ... 12765

(*Continued on next page*)

Food and Drug Administration

RULES AND REGULATIONS:
Food additives:
Deletion of obsolete material from extension list (2 documents) ---- 12771
Extensions of effective dates of statute for certain specified additives (3 documents) ---- 12768–12770

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

NOTICES:
Loans for housing for the elderly; delegation of authority ---- 12787

Interior Department

NOTICES:
Wade, Alexander H., Jr.; statement of changes in financial interests ---- 12783

International Business Operations Bureau

RULES AND REGULATIONS:
Addition of chapter and transfer of regulations ---- 12765

International Programs Bureau

RULES AND REGULATIONS:
Changes in codification ---- 12763
Export regulations:
Denial of export privileges ---- 12763
Enforcement provisions ---- 12763
Exportations of technical data ---- 12763

Interstate Commerce Commission

NOTICES:
Boston and Maine Railroad; applications for loan guaranties ---- 12788
Diversion or rerouting of traffic:
Louisville and Nashville Railroad Co. and Southern Railway Co ---- 12788
Rutland Railroad Corp ---- 12789
Eastern railroads; application for approval of amendments to agreement ---- 12788
Fourth section application for relief ---- 12788
Specification of types of cases in respect of which determinations may be made by Finance Review Board ---- 12789

National Guard and State Guard

RULES AND REGULATIONS:
National Guard regulations; transfer of redesignation; editorial note ---- 12767

Navy Department

RULES AND REGULATIONS:
Personnel; disposition of cases involving physical disability; miscellaneous amendments ---- 12767

Post Office Department

RULES AND REGULATIONS:
Revised procedures ---- 12771

Securities and Exchange Commission

NOTICES:
Apex Minerals Corp.; order summarily suspending trading ---- 12788

RULES AND REGULATIONS:
Net capital exemption; amendment ---- 12765

Veterans Administration

RULES AND REGULATIONS:
Adjudication; pension, compensation, and dependency and indemnity compensation; miscellaneous amendments ---- 12766

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
10981 ---- 12749

6 CFR

482 ---- 12750

7 CFR

900—1073 (2 documents) ---- 12751, 12752
914 ---- 12751
953 (2 documents) ---- 12751, 12752
1001—1159 ---- 12752
1064 ---- 12753

PROPOSED RULES:
922 ---- 12782
936 ---- 12782

14 CFR

40 ---- 12762
41 ---- 12762
42 ---- 12762
60 ---- 12762

15 CFR

360–399 ---- 12763
360 ---- 12763
362 ---- 12763
364 ---- 12763
381 ---- 12763
382 ---- 12763
385 ---- 12763
901 ---- 12763

17 CFR

240 ---- 12765

18 CFR

2 ---- 12765

21 CFR

121 (5 documents) ---- 12768–12771

32 CFR

220—229 ---- 12766
564 ---- 12767
725 ---- 12767
1101 ---- 12767
1700—1713 ---- 12768
1709—1710 ---- 12768

38 CFR

3 ---- 12766

39 CFR

201 ---- 12771
202 ---- 12776
203 ---- 12777
204 ---- 12778

47 CFR

9 ---- 12780
10 ---- 12781

Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10981

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON THE JUDICIARY

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)) and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1950 to 1961, inclusive, shall, during the Eighty-seventh Congress, be open to inspection by the Senate Committee on the Judiciary, or any duly authorized subcommittee thereof, in connection with its investigation of the administration, operation, and enforcement of the Internal Security Act of 1950 and other internal security laws pursuant to Senate Resolution 49, Eighty-seventh Congress, agreed to January 31, 1961, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 28, 1961.

[F.R. Doc. 61-12436; Filed, Dec. 29, 1961; 11:46 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-10, Amdt. 4]

PART 482—COTTON

Subpart—Cotton Products Export Program

NEW CLASSES OF COTTON PRODUCTS AND CLARIFICATIONS

In order to establish new classes of cotton products in line with new trends in textile production and to clarify certain provisions relating to eligibility of cotton products, the Cotton Products Export Program Regulations (Announcement CN-EX-10) dated April 19, 1960 (25 F.R. 3544), as amended, are hereby further amended as follows:

1. Section 482.351 is revised to read as follows:

§ 482.351 General statement.

Commodity Credit Corporation (referred to in this subpart as "CCC") will, upon the terms and conditions stated in this subpart, carry out a Cotton Products Export Program (referred to in this subpart as "the program") under which equalization payments will be made to exporters in connection with the exportation of cotton products which are made from upland cotton grown and wholly processed in the United States (referred to in this subpart as American upland cotton) and which have not been previously exported and returned to the United States. The program is administered through the ASCS Cotton Products and Export Operations Office, 80 Lafayette Street, New York 13, N.Y. (referred to in this subpart as the "New York office"). Additional information pertaining to the operation of the program may be obtained from the Director of the New York office.

2. Section 482.352(b) is revised to read as follows:

§ 482.352 Definitions.

* * * * *

(b) *Cotton textiles.* "Cotton textiles," as used herein, means any new product or article which contains not less than 50 percent by weight of American upland cotton (not including cotton linters) and is processed or manufactured from lint cotton, card strips, or comber noil, including slivers, laps, rovings, yarns, fabrics, and manufactured articles processed or manufactured from any processed form thereof. (The phrase "new product or article" means—and has always been interpreted by CCC to mean—a product or article which is undamaged, unimpaired, and in its original condition, which has not been used or worn, which has not been salvaged from a fire or other calamity, and which is not so old as to have deteriorated in strength, condition, or quality.) Fabrics must be at least one yard in length. The term "cotton textiles," as used herein includes such products only when exported as the principal product and does not include such products when used as containers, wrappers, packing, or protective coverings, or for similar purposes.

3. Section 482.357 is amended to add four new classes and is revised to read as follows:

§ 482.357 Classes of cotton products and related equalization payment rates.

The classes of cotton products eligible for payment under this subpart and the percentage of the base equalization payment rate applicable to each such class are shown below. This percentage will be used in calculating the rate of payment for each class. CCC's determination as to the class in which a cotton product belongs shall be final.

Class	Principal item of export	Percent of base equalization payment
A	Card strips, comber noil, spinners laps, and roving waste.	90.0
B	Picker laps and cotton batting [1]	106.0
C	Sliver, sliver laps, ribbon laps, roving and drawing sliver.	112.0
D	Yarn, thread, twine, cordage, and rope.[1]	114.0
E	Gray fabrics and absorbent cotton.[2 3]	112.0
F	Knitted articles [1]	119.0
G	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn).[2 3]	118.0
H	Articles (excluding bags) manufactured from finished fabrics.[3]	135.0
I	Coated, rubberized, and impregnated yarns and coated, rubberized, and impregnated fabrics, other fabrics, absorbent cotton, yarn, thread, twine, cordage, and rope, containing not less than 50 percent by weight of American upland cotton.[3]	70.0
J	Coated, rubberized, and impregnated articles, articles manufactured from fabrics, knitted articles, and mops, containing not less than 50 percent by weight of American upland cotton.	83.0
K	Gray or finished fabrics 1 yard or more but less than 10 yards in length.[4 or 5]	85.0
L	Coated, rubberized, and impregnated fabrics, and other fabrics, containing not less than 50 percent by weight of American upland cotton, 1 yard or more but less than 10 yards in length.	53.0
M	Articles manufactured from gray fabrics; bags; and mops.[3]	120.0
N	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn).[3 4]	111.0
O	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn).[3 5]	116.0
P	Articles (excluding bags) manufactured from finished fabrics.[4]	133.0
Q	Coated, rubberized, and impregnated yarns and coated, rubberized, and impregnated fabrics, other fabrics, absorbent cotton, yarn, thread, twine, cordage, and rope, containing not less than 70 percent by weight of American upland cotton.[4]	91.0
R	Coated, rubberized, and impregnated articles, articles manufactured from fabrics, knitted articles, and mops, containing not less than 70 percent by weight of American upland cotton.	105.0

[1] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 8 percent.

[2] No payment will be made on any fabric less than ten yards in length, except as provided in Classes K and L.

[3] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 13 percent.

[4] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 20 percent.

[5] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed seven percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 11 percent.

If an article contains two or more cotton products, it shall be considered as being within the class of the cotton product constituting the largest portion by weight of such article. No payments will be made in connection with any products containing less than 50 percent by weight of American upland cotton, and except as otherwise provided, all cotton products must be composed entirely of American upland cotton.

(Sec. 4, 5, 62 Stat. 1070, as amended, 15 U.S.C. 714b, 714c)

Effective date. This amendment is effective as to export sales made on or after the date this amendment is published in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 27, 1961.

ROBERT C. TETRO,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-12414; Filed, Dec. 29, 1961; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

CHANGES IN CODIFICATION

The heading of Chapter IX of Title 7 is changed to read as set forth above. This chapter will contain the general regulations affecting all marketing agreements and orders (Part 900) and orders for fruits, vegetables, and specialty crops. Existing parts of the Code of Federal Regulations containing material affecting these commodities are hereby renumbered as indicated in the following table:

MARKETING ORDERS FOR FRUITS, VEGETABLES, AND SPECIALTY CROPS

New part or section No.	Old part No.	Commodity and area
900	900	General Regulations.
		FRUITS
905	933	Oranges, Grapefruit, Tangerines, Tangelos—Florida.
906	1031	Oranges, Grapefruit—Texas.
907	914	Navel Oranges—California, Arizona.
908	922	Valencia Oranges—California, Arizona.
909	955	Grapefruit—California, Arizona.
910	953	Lemons—California, Arizona.
911	1001	Limes—Florida.
915	969	Avocados—Florida.
916	937	Nectarines—California.
917	936	Bartlett Pears, Plums Elberta Peaches—California.
918	962	Peaches—Georgia.
919	940	Peaches—Colorado.
920	950	Peaches—Utah.
921	934	Peaches—Washington.
922	1020	Apricots—Washington.
923	1022	Sweet Cherries—Washington.
924	1029	Fresh Prunes—Washington, Oregon.
925	1030	Fresh Prunes—Idaho, Oregon.
926	951	Tokay Grapes—California.
927	939	Winter Pears—Oregon, Washington California.
944.1	1067	Avocados—Import Regulation.
944.100	1068	Grapefruit—Import Regulation.
944.200	1069	Limes—Import Regulation.
944.300	1072	Oranges—Import Regulation.
		VEGETABLES
945	957	Potatoes Idaho, Eastern Oregon.
946	992	Potatoes—Washington.
947	959	Potatoes—Oregon, California.
948	958	Potatoes—Colorado.
949	938	Potatoes—Red River Valley of North Dakota and Minnesota.
950	970	Potatoes—Maine.
951	920	Potatoes—Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont.
952	979	Potatoes—Eastern South Dakota.
953	981	Potatoes—Southeastern States.
958	1017	Onions—Idaho, Eastern Oregon.
959	1033	Onions—South Texas.
965	1021	Tomatoes—Rio Grande Valley of Texas.
966	945	Tomatoes—Florida.
970	1032	Carrots—South Texas.
971	1034	Lettuce—Rio Grande Valley of Texas.
972	910	Vegetables—Colorado.
980.1	1066	Irish Potatoes—Import Regulation.
980.100	1070	Onions—Import Regulation.
		SPECIALTY CROPS
981	909	Almonds—California.
982	997	Filberts—Oregon, Washington.
984	984	Walnuts—California, Oregon, Washington.
987	1003	Domestic Dates—California.
989	989	Raisins—California.
990	1026	Grapes for Crushing—Central California.
993	993	Dried Prunes—California.
999.1	1073	Dates—Import Regulation.
999.100	1071	Walnuts—Import Regulation.

This renumbering will be effective as of January 1, 1962. All issuances subsequent to that date should follow the new numbering system.

Dated: December 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12274; Filed, Dec. 29, 1961; 8:45 a.m.]

CHANGES IN CODIFICATION

CROSS REFERENCE: For changes in codification affecting certain parts in this chapter, see F.R. Document 61-12275, Chapter X of this title, *infra.*

[Navel Orange Reg. 221]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.521 Navel Orange Regulation 221.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 28, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 31, 1961, and ending at 12:01 a.m., P.s.t., January 7, 1962, are hereby fixed as follows:

(i) District 1: 375,000 cartons;

(ii) District 2: 200,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 29, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12434; Filed, Dec. 29, 1961; 11:25 a.m.]

[Lemon Reg. 931, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public

interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 953.1038 (Lemon Reg. 931, 26 F.R. 12279) are hereby amended to read as follows:

(i) District 1: 32,550 cartons;
(ii) District 2: 153,450 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 28, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12432; Filed, Dec. 29, 1961; 8:49 a.m.]

[Lemon Reg. 932]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1039 Lemon Regulation 932.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such Committee meeting was held on December 26, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 31, 1961, and ending at 12:01 a.m., P.s.t., January 7, 1962, are hereby fixed as follows:

(i) District 1: 27,900 cartons;
(ii) District 2: 139,500 cartons;
(iii) District 3: 27,900 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 28, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-12433; Filed, Dec. 29, 1961; 8:49 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

CHANGES IN CODIFICATION

In order to regroup the material appearing in Chapter IX in a manner which will more precisely conform with the organizational structure of the Department of Agriculture and to permit the publication of future volumes of the Code of Federal Regulations in five geographical groupings of the orders regulating the handling of milk, the following reassignment of Part and Order numbers to orders regulating the handling of milk which now appear in Chapter IX will become effective January 1, 1962.

A new chapter is added to Title 7, designated "Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture." This chapter will contain all orders affecting milk, arranged by geographical areas affected. All milk orders are hereby renumbered and recodified as indicated in the following table. On and after the effective date thereof, all published references to the Part numbers or Order numbers heretofore in effect shall be deemed to be references to the reassigned Part or Order numbers as set forth herein:

MILK ORDERS

Geographical Grouping of Markets, Part and Order Numbers

EASTERN

New Part No.	New Order No.	Old Part No.	Old Order No.	Market and group
1001	1	904	4	Boston.
1002	2	927	27	New York-New Jersey.
1003	3	902	2	Washington, D.C.
1004	4	961	61	Philadelphia.
1005	5	972	72	Tri-State.
1006	6	996	96	Springfield, Mass.
1007	7	999	99	Worcester.
1008	8	1002	102	Wheeling.
1009	9	1009	109	Charksburg.
1010	10	1010	110	Wilmington.
1011	11	923	23	Appalachian.
1012	12	-----	-----	(Reserved.)
1013	13	1018	118	Southeastern Florida.
1014	14	990	90	Southeastern New England.
1015	15	1019	119	Connecticut.
1016	16	1027	127	Upper Chesapeake Bay.
1017–1029	17–29	-----	-----	(Reserved.)

EAST NORTH CENTRAL

1030	30	941	41	Chicago.
1031	31	967	67	South Bend-LaPorte-Elkhart.
1032	32	947	47	Suburban St. Louis.
1033	33	965	65	Cincinnati.
1034	34	971	71	Dayton-Springfield.
1035	35	974	74	Columbus.
1036	36	975	75	Northeastern Ohio.
1037	37	995	95	North Central Ohio.
1038	38	991	91	Rockford-Freeport.
1039	39	907	7	Milwaukee.
1040	40	924	24	Southern Michigan.
1041	41	930	30	Toledo.
1042	42	985	85	Muskegon.
1043	43	916	16	Upstate Michigan.
1044	44	1011	111	Michigan Upper Peninsula.
1045	45	1016	116	Northeastern Wisconsin.
1046	46	1024	124	Ohio Valley.
1047	47	932	32	Fort Wayne.
1048	48	960	60	Youngstown-Warren.
1049	49	1025	125	Indianapolis.
1050–1059	50–59	-----	-----	(Reserved.)

WEST NORTH CENTRAL

1060	60	-----	-----	(Reserved.)
1061	61	915	15	St. Joseph, Missouri
1062	62	903	3	St. Louis
1063	63	944	44	Quad Cities-Dubuque
1064	64	913	13	Kansas City
1065	65	935	35	Nebraska-Western Iowa
1066	66	948	48	Sioux City
1067	67	921	21	Ozarks
1068	68	973	73	Minneapolis-St. Paul
1069	69	954	54	Duluth-Superior
1070	70	931	31	Cedar Rapids-Iowa City
1071	71	928	28	Neosho Valley
1072	72	956	56	Sioux Falls-Mitchell
1073	73	968	68	Wichita
1074	74	919	19	Southwest Kansas
1075	75	917	17	Black Hills
1076	76	929	29	Eastern South Dakota
1077	77	-----	-----	(Reserved.)
1078	78	1005	105	North Central Iowa
1079	79	1023	123	Des Moines
1080–1089	80–89	-----	-----	(Reserved.)

MILK ORDERS—Continued

Geographical Grouping of Markets, Part and Order Numbers—Continued

SOUTH CENTRAL

New Part No.	New Order No.	Old Part No.	Old Order No.	Market and group
1090	90	1000	100	Chattanooga.
1091–1093	91–93	-----	-----	(Reserved.)
1094	94	942	42	New Orleans.
1095	95	946	46	Louisville-Lexington.
1096	96	966	66	Northern Louisiana.
1097	97	918	18	Memphis.
1098	98	978	78	Nashville.
1099	99	977	77	Paducah.
1100	100	-----	-----	(Reserved.)
1101	101	988	88	Knoxville.
1102	102	976	76	Fort Smith.
1103	103	987	87	Central Mississippi.
1104	104	986	86	Red River Valley.
1105	105	905	5	Mississippi Delta.
1106	106	906	6	Oklahoma Metropolitan.
1107	107	1014	114	Mississippi Gulf Coast.
1108	108	908	8	Central Arkansas.
1109–1119	109–119	-----	-----	(Reserved.)

WESTERN

1120–1124	120–124	-----	-----	(Reserved.)
1125	125	925	25	Puget Sound.
1126	126	943	43	North Texas.
1127	127	949	49	San Antonio.
1128	128	982	82	Central West Texas.
1129	129	952	52	Austin-Waco.
1130	130	998	98	Corpus Christi.
1131	131	1004	104	Central Arizona.
1132	132	911	11	Texas Panhandle.
1133	133	1008	108	Inland Empire.
1134	134	980	80	Western Colorado.
1135	135	994	94	Colorado Springs-Pueblo.
1136	136	963	63	Great Basin.
1137	137	901	1	Eastern Colorado.
1138–1159	138–159	-----	-----	(Reserved.)

Effective date: January 1, 1962.

Signed at Washington, D.C., December 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-12275; Filed, Dec. 29, 1961; 8:45 a.m.]

[Milk Order 64]

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

Order Amending Order

Sec.
1064.0 Findings and determinations.

DEFINITIONS

1064.1 Act.
1064.2 Secretary.
1064.3 Department.
1064.4 Person.
1064.5 Cooperative association.
1064.6 Greater Kansas City Marketing area.
1064.7 Producer.
1064.8 Route.
1064.9 Approved plant.
1064.10 Pool plant.
1064.11 Handler.
1064.12 Producer-handler.
1064.13 Producer milk.
1064.14 Other source milk.
1064.15 Delivery period.
1064.16 Base milk.
1064.17 Excess milk.
1064.18 Fluid milk product.
1064.19 Nonpool plant.

MARKET ADMINISTRATOR

Sec.
1064.20 Designation.
1064.21 Powers.
1064.22 Duties.

REPORTS, RECORDS AND FACILITIES

1064.30 Reports of receipts and utilization.
1064.31 Payroll reports.
1064.32 Other reports.
1064.33 Records and facilities.
1064.34 Retention of records.

CLASSIFICATION

1064.40 Skim milk and butterfat to be classified.
1064.41 Classes of utilization.
1064.42 Shrinkage.
1064.43 Responsibility of handlers and reclassification of milk.
1064.44 Transfers.
1064.45 Computation of skim milk and butterfat in each class.
1064.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1064.50 Basic formula price.
1064.51 Class prices.
1064.52 Butterfat differentials to handlers.
1064.53 Location adjustments to handlers.
1064.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1064.60 Exempt handlers.
1064.61 Handler operating a nonpool plant.
1064.62 Milk subject to other orders.

DETERMINATION OF BASE

1064.65 Computation of daily base for each producer.
1064.66 Daily base rules.

DETERMINATION OF UNIFORM PRICE

1064.70 Computation of the value of milk received from producers by each handler.
1064.71 Computation of uniform price.
1064.72 Computation of uniform price for base milk and excess milk.

PAYMENTS

1064.80 Time and method of payment.
1064.81 Location adjustment to producers.
1064.82 Producer butterfat differential.
1064.83 Producer-settlement fund.
1064.84 Payments to the producer-settlement fund.
1064.85 Payments out of the producer-settlement fund.
1064.86 Adjustment of accounts.
1064.87 Marketing service.
1064.88 Expense of administration.
1064.89 Termination of obligation.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1064.90 Effective time.
1064.91 Suspension or termination.
1064.92 Continuing obligations.
1064.93 Liquidation.

MISCELLANEOUS PROVISIONS

1064.100 Agents.
1064.101 Separability of provisions.

AUTHORITY: §§ 1064.0 to 1064.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1064.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to the quantities of milk specified in §§ 1064.61 and 1064.88.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decisions of the Assistant Secretary and the Acting Secretary were issued September 1, 1961, and December 6, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 22, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1962, and that it would be

contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1064.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1064.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 1064.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1064.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1064.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers as defined in § 1064.7, which

§ 1064.6 Greater Kansas City marketing area.

"Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson, Cass, Bates, Lafayette, Johnson, Henry, and St. Clair Counties, all in Missouri; those portions, excluding Platte City, Mo., of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U.S. Highway 69, thence north to the north section line of section 26 in Washington Township in Clay County, thence east along the north section lines of sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; all of the counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, Morris, and Miami in the State of Kansas, and Geary and Riley counties, Kans., including the Fort Riley military reservation.

§ 1064.7 Producer.

"Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which: (1) Is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. Milk diverted pursuant to paragraph (a)(2) of this section shall be considered as having been received at the plant from which it is diverted.

§ 1064.8 Route.

"Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 1064.9 Approved plant.

"Approved plant" means any milk plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the U.S. Government located within the marketing area.

§ 1064.10 Pool plant.

dairy farmers qualified to become producers (as defined in § 1064.7) including receipts from a cooperative association in its capacity as a handler pursuant to § 1064.11(c) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of as Class I milk an amount not less than the applicable percentage of such receipts, as follows:

(i) March through June, 35 percent;

(ii) July through February, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 1064.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler or to the plant of a

ducers which is delivered in cans to the pool plants of two or more handlers in a single delivery period (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

(e) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1064.12 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person or from a cooperative association pursuant to § 1064.11(c) but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers or from a cooperative association pursuant to § 1064.11(c); and

(d) Such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

§ 1064.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers; (b) received by a cooperative association in its capacity as a handler pursuant to § 1064.11 (c) or (d); or (c) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1064.7.

§ 1064.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products except:

(1) Fluid milk products received from other pool plants and cooperative associations acting in the capacity of handler pursuant to § 1064.11 (c) and (d), or

(2) Producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are

§ 1064.16 Base milk.

"Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily base computed pursuant to § 1064.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 1064.65.

§ 1064.17 Excess milk.

"Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 1064.65.

§ 1064.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 1064.19 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

MARKET ADMINISTRATOR

§ 1064.20 Designation.

The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1064.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1064.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1064.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1064.30 through 1064.32,

(2) Maintained adequate records and facilities pursuant to § 1064.33, or

(3) Made payments pursuant to §§ 1064.80 through 1064.86,

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by

contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1064.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1064.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 1064.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1064.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1064.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers as defined in § 1064.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 1064.6 Greater Kansas City marketing area.

"Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson, Cass, Bates, Lafayette, Johnson, Henry, and St. Clair Counties, all in Missouri; those portions, excluding Platte City, Mo., of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U.S. Highway 69, thence north to the north section line of section 26 in Washington Township in Clay County, thence east along the north section lines of sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; all of the counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, Morris, and Miami in the State of Kansas, and Geary and Riley counties, Kans., including the Fort Riley military reservation.

§ 1064.7 Producer.

"Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which: (1) Is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. Milk diverted pursuant to paragraph (a)(2) of this section shall be considered as having been received at the plant from which it is diverted.

§ 1064.8 Route.

"Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 1064.9 Approved plant.

"Approved plant" means any milk plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the U.S. Government located within the marketing area.

§ 1064.10 Pool plant.

"Pool plant" means any approved plant other than that of a producer-handler or a plant exempt pursuant to § 1064.62:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 15 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 1064.7) including receipts from a cooperative association in its capacity as a handler pursuant to § 1064.11(c) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of as Class I milk an amount not less than the applicable percentage of such receipts, as follows:

(i) March through June, 35 percent;

(ii) July through February, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided,* That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 1064.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler or to the plant of a producer-handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.);

(d) Any cooperative association which chooses to report as a handler with respect to the milk of its member-producers which is delivered in cans to the pool plants of two or more handlers in a single delivery period (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

(e) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1064.12 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person or from a cooperative association pursuant to § 1064.11(c) but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers or from a cooperative association pursuant to § 1064.11(c); and

(d) Such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

§ 1064.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers; (b) received by a cooperative association in its capacity as a handler pursuant to § 1064.11 (c) or (d); or (c) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1064.7.

§ 1064.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products except:

(1) Fluid milk products received from other pool plants and cooperative associations acting in the capacity of handler pursuant to § 1064.11 (c) and (d), or

(2) Producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1064.15 Delivery period.

"Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

§ 1064.16 Base milk.

"Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily base computed pursuant to § 1064.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 1064.65.

§ 1064.17 Excess milk.

"Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 1064.65.

§ 1064.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 1064.19 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

MARKET ADMINISTRATOR

§ 1064.20 Designation.

The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1064.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1064.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1064.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1064.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1064.30 through 1064.32,

(2) Maintained adequate records and facilities pursuant to § 1064.33, or

(3) Made payments pursuant to §§ 1064.80 through 1064.86,

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk pursuant to § 1064.51(a) and the Class I butterfat differential pursuant to § 1064.52(a), both for the current delivery period; and on or before the 5th day

of each month the minimum price for Class II milk pursuant to § 1064.51(b) and the Class II butterfat differential pursuant to § 1064.52(b), both for the delivery period immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform price(s) computed pursuant to §§ 1064.71 and 1064.72 and the producer butterfat differential computed pursuant to § 1064.82, both applicable to milk delivered during the previous delivery period;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information; and

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 1064.65, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler received milk.

REPORTS, RECORDS, AND FACILITIES

§ 1064.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 1064.61 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of fluid milk products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period.

§ 1064.31 Payroll reports.

On or before the 23d day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 1064.61(a)[9] shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of base milk and excess milk,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1064.32 Other reports.

(a) Each producer-handler and each handler making payments pursuant to § 1064.61(a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 1064.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23d day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period;

(i) The pounds per shipment, the total pounds of milk (base milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 1064.86.

§ 1064.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary or the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 1064.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1064.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 1064.30 shall be classified by the market administrator pursuant to the provisions of §§ 1064.41 through 1064.46.

§ 1064.41 Classes of utilization.

Subject to the conditions set forth in §§ 1064.43 and 1064.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products except those classified pursuant to paragraph (b)(5) of this section, or (2) not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any products other than fluid milk products; (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in inventory of fluid milk products on hand at the end of the month; (6) in shrinkage allocated to receipts specified in § 1064.42(b)(1) but not to exceed the following:

(i) 2 percent of receipts of skim milk and butterfat in milk received from producers, including that which is received by a cooperative association in its capacity as a handler pursuant to § 1064.11(c) or (d) but not including producer milk diverted in cans to a nonpool plant(s) pursuant to § 1064.7; plus

(ii) 1.5 percent of skim milk and butterfat, respectively, received in bulk tank lots from other pool plants; plus

(iii) 1.5 percent of skim milk and butterfat, respectively, received directly from a cooperative association which is a handler pursuant to § 1064.11(c) except that if the handler operating the pool plant files with the market administrator notice that the purchase of such milk is

on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; less

(iv) 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots from pool plants to other milk plants; and less

(v) 1.5 percent of skim milk and butterfat, respectively, disposed of to plants by a cooperative association which is the handler pursuant to § 1064.11(c) unless the exception provided in (iii) of this § 1064.41(b)(6) applies in which case the applicable percentage shall be 2 percent; and

(7) In shrinkage allocated to receipts of other source milk.

§ 1064.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 1064.11 (c) and (d) and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 1064.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1064.44 Transfers.

Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1064.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the City Hall in Kansas City, Mo., Manhattan, Kans., or Emporia, Kans., whichever is closest by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located not more than 200 miles from the City Hall in Kansas City, Mo., Manhattan, Kans., or Emporia, Kans., whichever is closest by shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I Grade A milk, receipts of skim milk and butterfat at such nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for Grade A usage of such nonpool plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second nonpool plant under paragraph (d), the same conditions of audit, classification, and allocation shall apply.

§ 1064.45 Computation of skim milk and butterfat in each class.

For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 1064.41(b)(6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract the pounds of skim milk in other source milk received from a plant(s) fully regulated under another order issued pursuant to the act, as specified:

(i) If such product was not processed or packaged in the pool plant during the month, subtract from the pounds of skim milk in Class I milk the pounds of skim milk in sour cream or yogurt packaged in consumer or institutional size packages, classified and priced either as Class I milk pursuant to another order issued pursuant to the act or as Class II milk pursuant to Order No. 30, regulating the handling of milk in the Chicago, Illinois, marketing area (Part 1030 of this chapter), and disposed of in the same packages as received;

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim, milk in other source milk, other than that subtracted pursuant to (i) of this subparagraph, received from such a plant(s), and classified and priced as Class I milk under such other order(s).

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association pursuant to § 1064.11(c) according to its classification as determined pursuant to § 1064.44(a);

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1064.50 Basic formula price.

The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.5.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 1064.51 Class prices.

Subject to the provisions of §§ 1064.52 and 1064.53, and rounded to the nearest cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.10 during each of the delivery periods of April, May, June, and July, and plus $1.40 during all other delivery periods plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the amount computed pursuant to subdivision (i) of this subparagraph by the amount computed pursuant to subdivision (ii), multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(i) Add to the total receipts of producer milk in the second and third months preceding, the total receipts of producer milk reported for the same months by handlers regulated under the St. Joseph, Missouri Federal milk order.

(ii) Add to the total gross volume of Class I milk at pool plants in the second and third months preceding the total gross volume of Class I milk during the same period at pool plants under the St. Joseph, Missouri Federal milk order. Interhandler transfers which duplicate Class I sales are excluded from the total gross volume in each market and for the two markets.

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October-November	132	140
February	November-December	133	141
March	December-January	131	139
April	January-February	126	134
May	February-March	124	132
June	March-April	128	136
July	April-May	138	146
August	May-June	143	151
September	June-July	134	142
October	July-August	128	136
November	August-September	124	132
December	September-October	124	132

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(ii) One-half cent times the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

(b) *Class II milk.* The higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 19 cents:

Present Operator and Location
Borden Co., Fort Scott, Kans.
Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift & Co., Parsons, Kans.

or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 74 cents.

§ 1064.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to either class pursuant to § 1064.46(c) is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 1064.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 1064.50(b)(1) by 1.2, divide the result by 10; and round to the nearest one-tenth of a cent.

(b) For Class II milk, multiply the butter price specified in § 1064.50(b)(1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 1064.53 Location adjustments to handlers.

(a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Mo., Lawrence, Kans., Topeka, Kans., Manhattan, Kans., Council Grove, Kans., or Emporia, Kans., whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 1064.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall, by 16 cents if such plant is located 60 to 80 miles from such City Hall, and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 80 miles.

(b) Milk moved in bulk from a plant as defined in § 1064.10 (b) or (c) to a plant as defined in § 1064.10(a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided*, That if milk is received by a plant defined in § 1064.10(a) from more than one plant, the milk so classified as Class I shall be deemed to have been transferred from the transferor plants in the order of their lowest applicable location adjustment.

§ 1064.54 Use of equivalent prices.

If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

Application of Provisions

§ 1064.60 Exempt handlers.

Sections 1064.40 through 1064.45, 1064.50 through 1064.53, 1064.61, 1064.70, 1064.71, and 1064.80 through 1064.88 shall not apply to a producer-handler or to a handler operating a plant from which less than an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

§ 1064.61 Handlers operating a nonpool plant.

In lieu of the payments required pursuant to §§ 1064.80 through 1064.89, each handler, other than a producer-handler or one exempt pursuant to § 1064.62, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the delivery period the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 1064.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in §1064.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1064.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the delivery period from dairy farmers whose milk was approved for fluid use; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1064.88 had such plant been a pool plant.

§ 1064.62 Milk subject to other orders.

Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area shall be exempted for such delivery period from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

Determination of Base

§ 1064.65 Computation of daily base for each producer.

The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of October through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding.

§ 1064.66 Daily base rules.

(a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

Determination of Uniform Price

§ 1064.70 Computation of the value of milk received from producers by each handler.

The value of milk received during each delivery period by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 1064.46(c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1064.46(a)(7) by the applicable respective class prices;

(c) Add an amount computed by multiplying the hundredweight of skim milk and butterfat pursuant to subparagraph (1) or (2) of this paragraph, whichever is less, by a rate equal to the difference between the Class II price for the preceding delivery period and the Class I price for the current delivery period: (1) that remaining in Class II after the computations pursuant to § 1064.46(a)(4) and the corresponding step of § 1064.46 (b) for the preceding delivery period, or (2) that subtracted from Class I milk pursuant to § 1064.46 (a)(4) and (b); and

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat specified in subparagraphs (1) and (2) of this paragraph by a rate computed at the difference between the Class II price and the Class I price applicable at the location of the nearest nonpool plant(s) from which an equivalent volume of such other source milk was received: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the delivery period are not more than 120 percent of the total Class I utilization of such plants for the delivery period.

(1) That subtracted from Class I pursuant to § 1064.46 (a)(2) and (b); and

(2) That subtracted from Class I pursuant to § 1064.46 (a)(4) and (b), which is in excess of the sum of (i) skim milk and butterfat applied pursuant to paragraph (c) of this section; and (ii) the skim milk and butterfat subtracted from Class II pursuant to § 1064.46 (a)(3)(ii), and (b) in the preceding month.

§ 1064.71 Computation of uniform price.

For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1064.70 for all handlers specified in § 1064.11 (a), (c), or (d) and who made the payments pursuant to §§ 1064.80 and 1064.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 1064.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add for each one-tenth percent that such average butterfat content is less than 3.5 percent, an amount computed by multiplying the butterfat dif-

ferential computed pursuant to § 1064.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received at pool plants f.o.b. marketing area.

§ 1064.72 Computation of uniform price for base milk and excess milk.

For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 1064.70 for all handlers who filed reports pursuant to § 1064.30 and who make the payments pursuant to §§ 1064.80 and 1064.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers, pursuant to § 1064.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement funds;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add for each one-tenth percent that such average butterfat content is less than 3.5 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 1064.82 by the total hundredweight of such milk.

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content received from producers at pool plants, f.o.b. marketing area.

PAYMENTS

§ 1064.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.72, adjusted by the butterfat differential computed pursuant to § 1064.82, subject to the location adjustment to producers pursuant to § 1064.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 1064.87, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1064.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.5 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) To a cooperative association with respect to milk for which such association is acting in the capacity of a handler pursuant to § 1064.11 (c) and/or (d):

(1) On or before the 20th day of the delivery period an amount equal to the rate specified in paragraph (b) times the volume received during the first 15 days of the delivery period; and

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the value of such milk as classified pursuant to § 1064.44(a) at the applicable respective class price(s) less payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1064.80, 1064.81 and 1064.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1064.87 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 1064.81 Location adjustment to producers.

In making payments pursuant to § 1064.80(a), the applicable uniform prices for all milk received during the months of August through January and for base milk received during the months of February through July shall be adjusted according to the location of the pool plant where such milk was received (or from which it was diverted) at the rate provided pursuant to § 1064.53.

§ 1064.82 Producer butterfat differential.

In making payments pursuant to § 1064.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, an amount computed by adding 4 cents to the butter price specified in § 1064.50(b)(1) dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 1064.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) and (b) of this section and out of which he shall make all payments required pursuant to paragraph (c) of this section.

(a) Payments made by handlers pursuant to § 1064.61 (a)(1) and (b)(1), and §§ 1064.84 and 1064.86.

(b) Payments received from the administrator of another order issued pursuant to the act which have been required under such order with respect to milk distributed in the marketing area regulated by such other order from pool plants regulated by this order.

(c) Payments due handlers pursuant to §§ 1064.85 and 1064.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1064.61, 1064.84, 1064.86, 1064.87 and 1064.88.

§ 1064.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 1064.70 is greater than the amount required to be paid producers by such handler pursuant to § 1064.80 before deductions (a) for marketing services pursuant to § 1064.87 and (b) authorized by the producer.

§ 1064.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 1064.70 is less than the amount required to be paid producers by such handler pursuant to § 1064.80 before deductions (a) for marketing services pursuant to § 1064.87 and (b) authorized by the producer: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 1064.86 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1060.80, 1060.84, 1060.85, 1060.86(a), 1060.87, and 1064.88 shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1064.87 Marketing service.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 1064.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1064.80(a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 1064.88 Expense of administration.

(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 1064.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1064.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1064.91.

§ 1064.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1064.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the

final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1064.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1064.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 1064.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: January 1, 1962.

Signed at Washington, D.C., on December 27, 1961.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 61-12417; Filed, Dec. 29, 1961; 10:37 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 152; Amdt. 40-33; Supp. 35]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Carriage of Cargo in Passenger Compartments

On November 27, 1961, the Federal Aviation Agency issued Amendment 40-32 to Part 40 of the Civil Air Regulations (26 F.R. 11354), to become effective on January 2, 1962.

Subsequent to the issuance of this amendment, certain air carriers requested reconsideration of those provisions of the amendment restricting the height of the cargo bins which may be approved for the carriage of cargo in the passenger compartments. A preliminary reevaluation of this request indicates that the height restriction may be relaxed or eliminated without adversely affecting safety. Accordingly, in order to provide sufficient time for the completion of this reevaluation and to make other required clarifying changes, the effective date of Amendment 40-32 is being postponed from January 2, 1962, until January 20, 1962.

In view of the foregoing, I find that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40) is hereby amended, effective January 2, 1962:

By amending the January 2, 1962, effective date of Amendment 40-32 and Supplement No. 34 to read January 20, 1962.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on December 28, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-11873; Filed Dec. 29, 1961; 8:48 a.m.]

[Reg. Docket No. 152; Amdt. 41-41]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Carriage of Cargo in Passenger Compartments

On November 27, 1961, the Federal Aviation Agency issued Amendment 41-40 to Part 41 of the Civil Air Regulations, (26 F.R. 11355) to become effective on January 2, 1962.

Subsequent to the issuance of this amendment, certain air carriers requested reconsideration of those provisions of the amendment restricting the height of the cargo bins which may be approved for the carriage of cargo in the passenger compartments. A preliminary reevaluation of this request indicates that the height restriction may be relaxed or eliminated without adversely affecting safety. Accordingly, in order to provide sufficient time for the completion of this reevaluation and to make other required clarifying changes, the effective date of Amendment 41-40 is being postponed from January 2, 1962, until January 20, 1962.

In view of the foregoing, I find that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41) is hereby amended, effective January 2, 1962:

By amending the January 2, 1962, effective date of Amendment 41-40 to read January 20, 1962.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on December 28, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-12122; Filed, Dec. 29, 1961; 8:48 a.m.]

[Reg. Docket No. 152; Amdt. 42-36]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Carriage of Cargo in Passenger Compartments

On November 27, 1961, the Federal Aviation Agency issued Amendment 42-35 to Part 42 of the Civil Air Regulations, (26 F.R. 11356) to become effective on January 2, 1962.

Subsequent to the issuance of this amendment, certain air carriers requested reconsideration of those provisions of the amendment restricting the height of the cargo bins which may be approved for the carriage of cargo in the passenger compartments. A preliminary reevaluation of this request indicates that the height restriction may be relaxed or eliminated without adversely affecting safety. Accordingly, in order to provide sufficient time for the completion of this reevaluation and to make other required clarifying changes, the effective date of Amendment 42-35 is being postponed from January 2, 1962, until January 20, 1962.

In view of the foregoing, I find that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended, effective January 2, 1962:

By amending the January 2, 1962, effective date of Amendment 42-35 to read January 20, 1962.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on December 28, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-12422; Filed, Dec. 29, 1961; 8:48 a.m.]

[Reg. Docket No. 531; Supp. 60-32]

PART 60—AIR TRAFFIC RULES

Special Airport Traffic Area Rules and Traffic Patterns; Revocation; Correction

In F.R. Doc. 61-12194, appearing on page 12283 of the issue for Saturday, December 23, 1961, that part of the heading which is enclosed in brackets should read as set forth above.

JAMES B. WATSON,
Acting Director.
Air Traffic Service.

[F.R. Doc. 61-11622; Filed, Dec. 29, 1961; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Programs, Department of Commerce

CHANGES IN CODIFICATION

Title 15, Commerce and Foreign Trade, is amended in the following particulars:

1. The heading of Chapter III, now designated as the Bureau of Foreign Commerce, Department of Commerce, is redesignated to read as set forth above.

2. Part 360, Requisitioned Property, and Part 362, Awards for Training in the Field of International Trade for Qualified Citizens of Other American Republics, are revoked.

3. Part 364, Trade Fairs in the United States, is transferred from Chapter III to Chapter IX and redesignated as Part 901. See new Chapter IX added in this issue, infra.

(R.S. 161, as amended; 5 U.S.C. 22)

WILLIAM RUDER,
Assistant Secretary for Administration and Public Affairs.

[F.R. Doc. 61-12425; Filed, Dec. 29, 1961; 8:48 a.m.]

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Revision of Export Regs., Amdt. 56]

PART 381—ENFORCEMENT PROVISIONS

PART 382—DENIAL OF EXPORT PRIVILEGES

PART 385—EXPORTATIONS OF TECHNICAL DATA

Miscellaneous Amendments

1. Part 381, Enforcement Provisions, is amended by adding a new § 381.11 to read as follows:

§ 381.11 Record keeping.

(a) *Transactions subject to this regulation.* This section applies to transactions involving exportations of commodities or technical data from the United States and any known reexportations, transshipments or diversions of commodities or technical data originally exported from the United States, regardless of whether the exportation or reexportation is made, or proposed to be made, by any person with or without authorization by a validated license, a general license, or any other export authorization. It includes all negotiations connected with such transactions, except that a mere preliminary inquiry or offer to do business and negative response thereto shall not constitute negotiations, unless the inquiry or offer to do business proposes a transaction which a reasonably prudent exporter would believe likely to lead to a violation of Export Orders or Regulations. It includes as well any exportations to Canada, if, at any stage in the transaction, it appears that a person in a country other than the United States or Canada has an interest therein or that the commodity or technical data involved is to be reexported, transshipped, or diverted from Canada to another foreign country.

(b) *Persons subject to this regulation.* Any person in the United States who, as principal or agent (including a forwarding agent), participates in any transaction described in paragraph (a) of this section, and any person in the United States or abroad who is required to make and keep records pursuant to any provisions of the Export Regulations, shall keep all the records described in paragraph (c) of this section which are made or obtained by such person, and shall produce them in the manner provided in paragraph (d) of this section.

(c) *Records to be kept.* The records to be kept pursuant to this section shall include memoranda, notes, correspondence, books, export control documents, and other written matter pertaining to the transactions described in paragraph (a) of this section, which may be made or obtained by a person described in paragraph (b) of this section. In addition to the records required to be kept by this section, the provisions of §§ 368.1, 371.8, 372.4, 372.9, 373.3, 373.4, 373.51 376.3, 377.3, 379.10, and 380.1 of this subchapter require certain records to be made and kept by persons in the United States or abroad in connection with export transactions. The revocation or revision of any such provision of the Export Regulations which requires the making and keeping of records shall not be retroactive in effect unless specifically provided and shall not affect the original requirement to keep such records for the prescribed period.

(d) *Production and inspection.* Every person, whether in the United States or abroad, required to keep records by any provision of the Export Regulations or of any Order, shall produce all records required to be kept and make them available for inspection and copying upon request by any authorized agent, official, or employee of the Bureau of International Programs, the Bureau of Customs, or a United States Foreign Service post, or by any other accredited representative of the U.S. Government.

(e) *Period of retention.* Records required to be kept under this section shall be kept for a period of three years from, whichever is later, the time of: (1) The exportation from the United States; or (2) Any known reexportation, transshipment, or diversion; or (3) Any other termination of the transaction, whether formally in writing or by any other means.

2. Section 382.7 *Hearings* is amended to read as follows:

§ 382.7 Hearings.

(a) A respondent who has not filed a written answer is not entitled to a hearing, and the case against him in such instance shall be considered by the Compliance Commissioner as provided in paragraph (a) of § 382.4. If an answer has been filed and no oral hearing has been demanded, the same shall be deemed waived, and the Compliance Commissioner shall proceed to consider the case upon all the pleadings and evidence available and shall provide for the making of the record in such manner as he deems appropriate. If an answer has been duly filed and an oral hearing has been demanded, the Compliance Commissioner shall set the case for such hearing, and due notice thereof shall be given to the respondent. A respondent is not entitled to notice of hearing unless he has answered, raised issues to be determined as provided in § 382.5 and has made demand for hearing. If neither the respondent nor anyone on his behalf shall attend a hearing which has been so after due notice given the hearing shall nevertheless proceed in his absence, and such absence shall not affect the validity of the hearing or any proceedings or action thereafter.

(b) Hearings shall be conducted by the Compliance Commissioner in a fair and impartial manner. The rules of evidence prevailing in courts of law shall not apply, but all evidentiary material relevant and material to the inquiry shall be received and given appropriate weight.

(c) Because the Export Control Act of 1949, as amended, is concerned with national security and foreign policy, relevant and material evidentiary materials, bearing on the enforcement of the act, whether classified or not, must be considered by those making decisions in proceedings under the export regulations. Diligent effort shall be made, however, to declassify such classified materials or to secure unclassified summaries of or extracts from such classified materials, when not contrary to any statute or security regulations. Whenever an unclassified summary or extract of classified evidentiary materials shall be offered, the Compliance Commissioner shall compare it with the related classified materials. If he finds that the summary or extract is supported by the classified materials and omits only so much as remains classified, he may, subject to the right of the respondent to object on grounds of relevancy and materiality, admit the unclassified summary or extract as part of the open record, to the extent he deems said summary or extract relevant and material. Thereafter, the respondent may submit evidence in explanation or contradiction thereof. In no case shall the respondent or his attorney be entitled to inspect the classified materials.

(d) The Compliance Commissioner may administer oaths and affirmations. Respondent may be represented by counsel but need not be. The proceeding shall be taken by a reporter, transcribed, and filed with the Compliance Commissioner. Respondent shall have an opportunity to examine the transcript and to obtain a copy upon payment of proper costs.

§ 385.2 [Amendment]

3. Section 385.2 *General licenses*, paragraph (b) *General license GTDU; un-*

classified technical data either unpublished or not generally available in published form, subparagraph (4) is amended to read as follows:

(4) Except as provided in subdivision (iii) of this subparagraph, this general license is not applicable to any exportation of technical data of the kind described in subdivision (i) or (ii) of this subparagraph unless, prior to the exportation, the exporter has received written assurance from the importer that neither the technical data nor the direct product[1] thereof is intended to be shipped, either directly or indirectly, to a Subgroup A destination, Poland (including Danzig), or Cuba. Where such assurance is not obtained, the exportation of the technical data may be made only under a validated license. An application for such validated license shall include an explanatory statement setting forth the reason(s) why such assurance cannot be obtained. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data for use only in a country not in Subgroup A, Poland (including Danzig), or Cuba, and prohibits shipment of the direct product[1] thereof by the licensee to a Subgroup A country, Poland (including Danzig), or Cuba. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. In addition this general license is not applicable to any exportation of technical data of the kind described in subdivision (i) or (ii) of this subparagraph if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to a Subgroup A destination, Poland (including Danzig), or Cuba.

(i) Technical data and services listed in (*a*) of this subdivision for the plants, processes, and equipment listed in (*b*) of this subdivision:

(*a*) Types of technical data and services:

(*1*) Proprietary research and the results therefrom;

(2) Processes developed pursuant to research (including technology with regard to component equipment items);

(3) Catalyst production, activation, utilization, reactivation and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(5) Construction and operation of plant and equipment.

(*b*) Types of plants, equipment, and processes: The following plants, equipment or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom;[2]

alkylation	nitration
aromatization	oxidation
cracking	oco process
dehydrogenation	ozonolysis
desulfurization	polymerization
halogenation	reduction
hydrogenation	reforming
isomerization	

(ii) Technical data relating to the following materials and equipment:

(*a*) Steel line pipe of a size greater than 19'' o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B Nos. 60627 and 60630);

(*b*) Forged steel pipe fittings having a pipe size connection greater than 19'' o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B No. 61857);

(*c*) Centrifugal pumps designed for an internal pump-case working pressure of over 300 psi and a power input greater than 1,000 hp and specially fabricated parts and accessories (Schedule B Nos. 77101 and 77119);

(*d*) Air and gas compressors, reciprocating, centrifugal, axial flow and mixed flow types, capable of receiving a power input greater than 2,000 hp and designed for a discharge greater than 300 psi and specially fabricated parts and accessories (Schedule B Nos. 77046, 77073, 77076, and 77078);

(*e*) Steel valves, with an inlet or outlet dimension greater than 19'' and designed for a working pressure of over 300 psi and specially fabricated parts and accessories (Schedule B Nos. 77450, 77460, and 77465);

(*f*) O-ing and U-ing presses specially designed for the manufacture of steel pipe of a size greater than 19'' o.d. and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74468);

(*g*) Straightener-expander for pipes or tubes of a size greater than 19'' o.d. and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74469).

(iii) The limitations set forth in this subparagraph do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Post Office.

§ 385.4 [Amendment]

4. Section 385.4 *Exportation under a validated license*, paragraph (c) *Completion of application form and application processing card* is amended to read as follows:

(c) *Completion of application form and application processing card*—(1) *General instructions for completing Application Form, FC–419.* Form FC–419 shall be completed as provided in § 372.5 of this subchapter, except that the items for producer or supplier, quantity to be shipped, Schedule B number, and price, shall be left blank. The commodity description item shall contain a general statement which specifies the form(s) of the technical data (blue prints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form FC–419 immediately above the printed words "United States of America."

(2) *Special provisions for certain commodities.* These special provisions are applicable to technical data relating to the following commodities:

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities (§ 399.1 of this subchapter).

(ii) The following electronic commodities listed on the Positive List of Commodities (§ 399.1 of this subchapter):

(*a*) Electrical and electronic instruments, Schedule B Nos. 70372 and 70379, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(*b*) Airborne transmitters, receivers, and transceivers, Schedule B No. 70779.

(*c*) Airborne direction finding equipment, Schedule B No. 70797.

(*d*) Airborne electronic navigation apparatus and airborne radar equipment, Schedule B No. 70867.

(iii) For all license applications covering technical data relating to any of the commodities in subdivision (i) or (ii) of this subparagraph for export to any destination other than Poland (including Danzig), a Subgroup A destination, Cuba, the Republic of the Congo (Leopoldville), or the Dominican Republic, an applicant shall attach to the license application a written statement of assurance from his foreign consignee that the technical data will not be reexported directly or indirectly to any country without prior authorization from the Office of Export Control; and that the direct product[1] produced by use of the technical data will not be exported directly or indirectly to Poland (including Danzig), a Subgroup A destination, Cuba, the Republic of the Congo (Leopoldville), or the Dominican Republic, without prior authorization from the Office of Export Control. For a license application for a shipment of such technical data to the Republic of the Congo (Leopoldville), or to the Dominican Republic, the same written statement is required except that the list of destinations set forth thereon to which the direct product[1] may not be exported shall omit, as appropriate, the Republic of the Congo (Leopoldville), or the Dominican Republic. However, if the United States exporter is not able to obtain the required statement, or the consignee is unwilling to furnish assurances with respect to all of the requirements, the exporter may attach an explanatory statement to his license application setting forth the reasons therefor.

(3) *Completion of Application Processing Card Form FC–420.* The Application Processing Card, Form FC–420, shall be completed as provided in § 372.5 of this subchapter except that the Schedule B number, processing code, related commodity group number and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the processing code.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 10945, 26 F.R. 4487)

F. D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 61–12284; Filed, Dec. 29, 1961; 8:47 a.m.]

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that if the immediate product is a petroleum or chemical product it is not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products.

[2] This includes plants, equipment or processes for the production, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

[1] The term "direct product" used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data. The coverage of the term does not extend to the results of the use of such "direct product". For example, if the technical data relate to the design of a new or improved airborne transmitter, the airborne transmitter produced from such data is a direct product of the data. However, if the technical data relate to the design of equipment which will be used for the production of airborne transmitters, then the equipment rather than the transmitter is the direct product of the technical data.

Chapter IX—Bureau of International Business Operations, Department of Commerce

ADDITION OF CHAPTER AND TRANSFER OF REGULATIONS

Title 15, Commerce and Foreign Trade, is amended in the following particulars:

1. A new Chapter IX, headed Bureau of International Business Operations is added.

2. Part 364, Trade Fairs in the United States is transferred from Chapter III to Chapter IX and redesignated as Part 901.

(R.S. 161, as amended; 5 U.S.C. 22)

WILLIAM RUDER,
Assistant Secretary for Administration and Public Affairs.

[F.R. Doc. 61–12426; Filed, Dec. 29, 1961; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34–6691]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Net Capital Exemption

The Securities and Exchange Commission today announced that, at the request of the Salt Lake Stock Exchange, it has amended paragraph (b)(2) of Rule 15c3–1 (§ 240.15c3–1) under the Securities Exchange Act of 1934 to delete the exemption previously available to members of the Salt Lake Stock Exchange. On and after January 22, 1962, members of that exchange will be subject to Rule 15c3–1.

Rule 15c3–1 (§ 240.15c3–1) provides that no broker or dealer shall permit his aggregate indebtedness to exceed 2,000 percent of his net capital. Paragraph (c) of the rule defines the terms "aggregate indebtedness", "net capital" and other terms used in the rule. Paragraph (b)(2) thereof exempts from the rule the members of specified exchanges whose rules and settled practices were deemed by the Commission to impose requirements more comprehensive than the requirements of the rule. However, a condition precedent to the continuation of any such exemption is that the exchange conduct such inspections and maintain such other procedures as are necessary to be reasonably sure that members are complying with the capital requirements of the exchange. The Salt Lake Stock Exchange has indicated that it requested termination of the exemption for its members because it was burdensome for it to conduct the inspections and other procedures necessary to a continuation of the exemption.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15(c)(3) and 23(a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act, hereby amends paragraph (b)(2) of Rule 15c3–1 (§ 240.15c3–1) to read as stated below. The Commission for good cause finds that the notice and public procedure specified in sections 4 (a) and (b) of the Administrative Procedure Act are not necessary since the action was taken at the request of the exchange.

(b) *Exemptions.* The provisions of this section shall not apply to:

* * * * *

(2) Any member of the American Stock Exchange, Boston Stock Exchange, Midwest Stock Exchange, New York Stock Exchange, Pacific Coast Stock Exchange, Philadelphia-Baltimore Stock Exchange, or Pittsburgh Stock Exchange, all of whose rules and settled practices are deemed by the Commission to impose requirements more comprehensive than the requirements of this rule: *Provided*, That the exemption as to the members of any exchange may be suspended or withdrawn by the Commission at any time, by sending at least ten (10) days written notice to such exchange, if it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do.

(Secs. 15, 23, 48 Stat. 895, 901 as amended, 15 U.S.C. 78o, 78w)

This amendment shall be effective January 22, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 20, 1961.

[F.R. Doc. 61–12421; Filed, Dec. 29, 1961; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Codification Statement for 4th Amendment to Statement of General Policy No. 61–1]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Initial Service Rates; Louisiana

Section 2.56 by its Fourth Amendment issued October 31, 1961, to the Statement of General Policy No. 61–1, issued September 28, 1960, as amended, the Commission in pertinent part stated:

* * * On October 25, 1960, the Commission issued its first amendment to Statement of Policy [No. 61–1] announcing a price level of 21.5¢ per Mcf (at 15.025 psia) (not including state taxes) for initial sales from Southern Louisiana. * * * Since that date, four Courts of Appeals have passed upon the proper level for initial rates in Southern Louisiana in light of the Supreme Court's decision in the case of *Atlantic Refining Co. v. Public Service Commission of New York*, 360 U.S. 378 (Catco); they have unanimously viewed this price level for initial sales in the area as being "out-of-line."

* * * * *

It is apparent that it would be contrary to the public interest for us to maintain a price level in Southern Louisiana which the courts have ruled out-of-line. Indeed, apart from the fact that we are necessarily guided by decisions of the courts, it is the present opinion of the Commission that the order of October 25, 1960, fixed the price at a level which afforded inadequate assurance of protection to customer and consumer interests. * * *

* * * * * *

Our guiding purpose has been to arrive at a revised price which will enable the Commission to hold the line on new sales in the area at a level consistent with the public interest and, at the same time, to enable producers to obtain authorizations which provide them a reasonable basis for proceeding with their operations and furnishing needed supplies of gas. We conclude that, effective this date (October 31, 1961), the ceiling price level for initial sales in Southern Louisiana, inclusive of State taxes, shall be 21.25¢ per Mcf (at 15.025 psia).

[Also] * * * We conclude that, effective this date, the level for initial off-shore sales *not* subject to the taxing jurisdiction of the State of Louisiana [i.e. solely within the Federal domain] shall be 19.5¢ per Mcf (at 15.025 psia). The differential (1.75¢) between this price and the price set for sales which fall within the State's taxing jurisdiction is less than the amount of the State's taxes (2.3¢ per Mcf). This differential provides producers with an additional incentive to explore for and extract natural gas of great value to the Nation's economy in areas beyond the limits of the State's jurisdiction.

See footnote on p. 12764.

The table at the end of this § 2.56 setting forth the various area price levels is amended by deleting the Initial service rates/Mcf for Louisiana; Southern, viz., 20.96 (21.5 cents at 15.025 psia) and inserting the following:

Area	Initial service rates/Mcf
Louisiana:	
Southern:	
(a) Within the State taxing jurisdiction	[1] 20.72
(b) Within the Federal Domain	[2] 19.01

[1] 21.25 cents at 15.025 psia; tax inclusive.
[2] 19.5 cents at 15.025 psia.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12420; Filed, Dec. 29, 1961; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. Section 3.952 is revised to read as follows:

§ 3.952 Protected ratings.

Ratings under the Schedule of Disability Ratings, 1925, which were the basis of compensation on April 1, 1946, are subject to modification only when a change in physical or mental condition would have required a reduction under the 1925 schedule, or an increased evaluation has been assigned under the Schedule for Rating Disabilities, 1945 (loose-leaf edition), after which time all evaluations will be under the 1945 schedule (loose-leaf edition) only. Such increased evaluations must be of an other than temporary nature (due to hospitalization, surgery, etc.). When a temporary evaluation is involved, the 1925 schedule evaluation will be restored after the period of increase has elapsed unless the permanent residuals would have required reduction under that schedule, or unless an increased evaluation would be assignable under a 1945 schedule (loose-leaf edition) rating. In any instance where the changed condition represents an increased degree of disability under either rating schedule but the evaluation provided by the 1945 schedule (loose-leaf edition) is less than the evaluation in effect under the 1925 schedule on April 1, 1946, the 1925 schedule evaluation and award are protected.

2. In § 3.953, paragraph (c) is amended to read as follows:

§ 3.953 Public Law 85–56 and Public Law 85–857.

* * * * *

(c) *Service connection established under prior laws.* In the absence of fraud, misrepresentation of material facts or clear and unmistakable error, all cases where compensation was payable on December 31, 1957, for disability service connected under prior laws, repealed by Public Law 85–56, including those service connected under the second proviso of section 200 of the World War Veterans' Act, 1924, as amended, are protected by section 2316(b), Public Law 85–56 and section 10, Public Law 85–857 as to both service connection and rate of compensation, so long as the conditions warranting such status and rate continue. Any disability so service connected may be evaluated under the Schedule for Rating Disabilities, 1945 (loose-leaf edition) and benefits awarded on the basis thereof, as well as special monthly compensation under 38 U.S.C. 314, provided such action results in compensation payable at a rate equal to or higher than that payable on December 31, 1957. Where a changed physical condition warrants reevaluation of service-connected disabilities, compensation will be awarded under the provisions of 38 U.S.C. 314.

3. Section 3.955 is revised to read as follows:

§ 3.955 Death pension.

In determining eligibility for pension under laws in effect on June 30, 1960, for the purpose of 38 U.S.C. 541 through 544 it will be considered that the veteran was "receiving or entitled to receive compensation or retirement pay based on a service-connected disability" even though there is a rating decision severing service connection or holding that the service-connected condition was not disabling, if at the time of death the award had not been discontinued.

4. Sections 3.956 and 3.957 are added to read as follows:

§ 3.956 Public Law 86–211.

(a) Any person receiving or entitled to receive pension on June 30, 1960, under title 38, U.S.C. based on service in World War I, World War II, or the Korean conflict may receive pension under all applicable provisions of that title in effect on that date for such period or periods thereafter for which he can qualify under such provisions. This protection ceases when the claimant (or his fiduciary) has elected benefits under Public Law 86–211. (Sec. 9, Public Law 86–211.)

(b) Protection is afforded despite the fact that receipt of pension on June 30, 1960, resulted from mistake of fact or law on the part of the Veterans Administration. Eligibility is not protected, however, if receipt of pension on June 30, 1960, was due to a deliberate act of commission or omission by the payee. Entitlement to protection includes those cases in which:

(1) A veteran in receipt of pension on June 30, 1960, is found to be not permanently and totally disabled after that date.

(2) An award to a person who was in receipt of pension on June 30, 1960, has been discontinued after June 30, 1960, because of income or a change in dependency status.

(3) Pension was being paid on June 30, 1960, and was discontinued retroactively to a date prior to June 30, 1960, because of failure to timely report additional income, change in rate of income or change in dependency status, if the contingency occurred after June 30, 1960.

(4) Pension was being paid on June 30, 1960, and was discontinued retroactively to a date prior to June 30, 1960, because of failure to timely report additional income, change in rate of income or change in dependency status, if the contingency occurred before July 1, 1960, and the payee was without fault in connection with the overpayment.

§ 3.957 Service connection.

Effective January 1, 1962, service connection for any disability or death granted or continued under title 38, U.S.C. which has been in effect for 10 or more years will not be severed except upon a showing that the original grant was based on fraud or it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge. The 10-year period will be computed from the effective date of service connection. Service connection which has been in effect less than 10 years may not be severed under § 3.105 unless, after compliance with the requirements of § 3.105 (d), the rating decision terminating service connection is signed within the 10-year period. (38 U.S.C. 359.)

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective January 1, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-12391; Filed, Dec. 29, 1961; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER G—CIVIL DEFENSE

ASSISTANT SECRETARY OF DEFENSE (CIVIL DEFENSE)

Redesignation of Civil Defense Regulations

1. (a) Executive Order 10952 of July 20, 1961 (26 F.R. 6577), transferred major civil defense responsibilities to the Secretary of Defense, with authority to redelegate any such functions delegated to him. The Assistant Secretary of Defense (Civil Defense) has been assigned major civil defense functions and responsibilities (26 F.R. 6604).

(b) No changes have been made in the text of civil defense regulations issued before the effective date of Executive Order 10952. Wherever the terms "Federal Civil Defense Administration" and "Office of Civil and Defense Mobilization" appear in the regulation designated herein as Chapter I, Part 220 et seq. they mean the Department of Defense, Office of Civil Defense. Further, in the redesignated regulations, the terms "Administrator, Federal Civil Defense Administration" and "Director, Office of Civil and Defense Mobilization" mean the Assistant Secretary of Defense (Civil Defense).

2. Those parts of Chapter XVII of Title 32 of the Code of Federal Regulations, which relate to civil defense are redesignated as Parts of Chapter I, Subchapter G—"Civil Defense" of Title 32, of the Code of Federal Regulations, as follows:

Old part	Title of regulation	New part
1700	Definitions	220
1701	Contributions for Civil Defense Equipment.	221
1702	Surplus Property	222
1703	Procedure for Stopping or Withholding Payments Under Section 201(i) of the Federal Civil Defense Act of 1950.	223
1704	Financial Assistance from Reconstruction Finance Corporation for Civil Defense Purposes.	224
1707	United States Civil Defense Corps	225
1708	Official Civil Defense Insigne	226
1711	Contributions for Civil Defense Personnel and Administrative Expenses.	227
1712	Labor Standards for Federally Assisted Contracts.	228
1713	Reimbursement Toward Expenses of Students Attending OCDM Schools.	229

3. Parts 1705, "FCDA Survival Plan Projects" and 1706, "Contractual Standards To Be Followed by the Federal Civil Defense Administrator Under Executive Order No. 10243 of May 11, 1951" of Chapter XVII of Title 32 of the Code of Federal Regulations are revoked.

4. This notice shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 401, 64 Stat. 1254, 50 U.S.C. App. 2253; Reorg. Plan No. 1 of 1958, 72 Stat. 1799; E.O. 10952, 26 F.R. 6577; Organizational Statement, Assistant Secretary of Defense (Civil Defense), published Sept. 14, 1961, 26 F.R. 8604)

STEUART L. PITTMAN,
Assistant Secretary of Defense (Civil Defense).

DECEMBER 27, 1961.

[F.R. Doc. 61-12399; Filed, Dec. 29, 1961; 8:46 a.m.]

Chapter V—Department of the Army

NATIONAL GUARD AND STATE GUARD REGULATIONS

CROSS REFERENCE: For transfer of National Guard and State Guard regulations of the Department of the Army to this chapter, see editorial note to Title 32, Chapter XI, *infra*.

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Miscellaneous Amendments

1. The citation of authority is revised to read as follows:

AUTHORITY: §§ 725.101 to 725.907 issued under R.S. 161, secs. 1216, 5031, 70A Stat. 100, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 1216, 5031. Interpret or apply sec. 15, 56 Stat. 367, as amended, sec. 104, 68A Stat. 30, secs. 266, 270, 1004, 1163, 1201–1215, 1217–1221, 1372, 1373, 1554, 6011, 6148, 6331, 6485, 70A Stat. 11, 79, 89, 91–100, 105, 375, 383, 397, 417, as amended: 37 U.S.C. 115, 26 U.S.C. 104, 10 U.S.C. 266, 270, 1004, 1163, 1201–1215, 1217–1221, 1372, 1373, 1554, 6011, 6148, 6331, 6485.

2. Section 725.229 is revised to read as follows:

§ 725.229 Areas of responsibility.

As used in Subpart E of this part, the terms, "Areas of responsibility," "technical specialty" and "Secretary's Advisor" shall be construed to refer to the duties and responsibilities and technical control aspects of the Commandant of the Marine Corps or the cognizant Bureau or Office as set forth in chapters 3 and 4, section 1, subsections A, B, and F, U.S. Navy Regulations.

3. Section 725.402(a) is revised to read as follows:

§ 725.402 Convening authorities.

(a) The Secretary of the Navy and such officers as he may designate may convene Physical Evaluation boards. The following officers are hereby designated as empowered to convene such boards:

Chief of Naval Personnel.
Commandant of the Marine Corps.
Commandants of the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, Twelfth, and Thirteenth Naval Districts.
Commandant, Potomac River Naval Command.
Commandant, Marine Corps Schools, Quantico, Va.
Commanding Generals of Marine Corps Base, Camp Lejeune, N.C. and Camp Pendleton, Oceanside, Calif.
Commanding General, Marine Corps Recruit Depot, Parris Island, S.C.

§§ 725.413, 725.414 [Amendments]

4. The cross-references in §§ 725.413 and 725.414 to "§ 719.3" are changed to read "§ 719.135".

5. Section 725.416 is revised to read as follows:

§ 725.416 Proceedings.

The proceedings of Physical Evaluation boards shall be conducted in accordance with instructions set out in this part and in accordance with chapters II through XI of the Manual of the Judge Advocate General (JAG Instruction P5800.7) insofar as practicable except that an oath or affirmation need not be administered to the members of the Board or the Counsel.

6. Section 725.436 is revised to read as follows:

§ 725.436 Preparation and authentication of proceedings.

The record of proceedings of a Physical Evaluation Board shall be prepared in accordance with sections 0210–0212, 0429, 0435, and 1104 of the Manual of the Judge Advocate General (JAG Instruction P5800.7) insofar as practical and shall be authenticated as provided in § 725.411.

7. Section 725.623 is revised to read as follows:

§ 725.623 Preparation of record of proceedings.

The record of proceedings of the Physical Disability Review Board shall be prepared in accordance with sections 0210–0212, 0429, 0435, and 1104 of the Manual of the Judge Advocate General (JAG Instruction P5800.7) insofar as practicable. The record shall include a verbatim transcript of the testimony of all witnesses and shall contain a copy of all documentary evidence before the Board. The registered mail receipt and notification shall be appended to the record. The record of proceedings shall be signed by the Senior Member sitting as Chairman of the Board acting on the particular case, and by the recorder. If the Senior Member is absent or otherwise unavailable to sign the record, it shall be signed by the next Senior Member available of the said Board.

8. Section 725.703(b) is revised to read as follows:

§ 725.703 Effective date of retirement.

* * * * *

(b) *Poor prognosis cases.* When an individual is to be retired for a disability which will almost certainly result in his death in the near future, a special situation is encountered. The survivors of such a member may benefit if retirement antedates death. Benefits under the Retired Serviceman's Family Protection Plan (10 U.S.C. 1431–1446) can not accrue until retirement. In addition when death occurs within a period of 120 days following release from active duty, the death gratuity may be paid. In order to insure that the beneficiaries of members having a poor prognosis may be eligible for maximum benefits under the law, it is the responsibility of the Counsel of the Physical Evaluation Board, the Physical Review Council, or the Counsel of the Physical Disability Review Board, as appropriate, to insure that the case is handled in the most expeditious manner and that the reviewing authorities are informed at the earliest date practicable that the prognosis is poor in the case and whether the member concerned has made an election under the Retired Serviceman's Family Protection Plan.

(R.S. 161, secs. 1216, 5031, 70A Stat. 100, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 1216, 5031)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, JR.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

DECEMBER 27, 1961.

[F.R. Doc. 61-12398; Filed, Dec. 29, 1961; 8:46 a.m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

Transfer and Redesignation of Regulations

EDITORIAL NOTE: Part 1101—National Guard Regulations (§§ 1101.1–1101.58) is hereby transferred to Chapter V, Subchapter E, of this title, and redesignated Part 564 (§§ 564.1–564.58).

Because of this transfer, this Chapter XI is vacated and reserved.

Chapter XVII—Office of Emergency Planning

CHANGES IN REGULATIONS

1. The Office of Civil Defense of the Department of Defense has removed the civil defense regulations to a new chapter of Title 32 of the Code of Federal Regulations, and Parts 1705 and 1706 have been revoked. Parts 1709 and 1710 are the only parts that remain in Chapter XVII of Title 32 of said Code.

2. The heading of Chapter XVII of Title 32 of the Code of Federal Regulations is changed as set forth above.

3. On the basis of Reorganization Plan No. 1 of 1958 (23 F.R. 4991), Executive Order 10773 of July 1, 1958 (23 F.R. 5061), as amended (23 F.R. 6971; 26 F.R. 6577), Public Law 85–763 and Public Law 87–296, wherever the terms "Federal Civil Defense Administration" and "Office of Civil and Defense Mobilization" appear in the regulations in Parts 1709 and 1710 of Chapter XVII of Title 32 of the Code of Federal Regulations, they shall be replaced by "Office of Emergency Planning," except in paragraphs (d) and (e) of § 1710.13. Similarly, in these two parts, the terms "Administrator" of the Federal Civil Defense Administration and "Director" of the Office of Civil and Defense Mobilization shall be replaced by "Director" of the Office of Emergency Planning, and the terms "Regional Administrator" of the Federal Civil Defense Administration and "Regional Director" of the Office of Civil and Defense Mobilization shall be replaced by "Area Office Director" of the Office of Emergency Planning.

4. These changes shall be effective upon publication in the FEDERAL REGISTER.

FRANK B. ELLIS,
Director,
Office of Emergency Planning.

[F.R. Doc. 61–12407; Filed, Dec. 29, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of the following substances, under the conditions prescribed in this order:

1. Section 121.90 (21 CFR 121.90) is amended by adding thereto the following new items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Mineral oil: The standard reference absorption shall be the absorption of a solution of naphthalene (Nat. Bur. of Standards Standard Material No. 577 or naphthalene of equivalent purity) at a concentration of 7 mg. per liter in purified iso-octane measured against iso-octane of the same spectral purity in a 10-mm. cell at 275mμ. (This absorption as reported is 0.30). The absorption of the mineral oil measured under the same instrumental conditions as the standard reference absorption shall not exceed any of the following limits: 1. The standard reference absorption when the absorption of the oil is measured in a 1-mm. cell against water at 275mμ. 2. 75% of the standard reference absorption when the absorption of the oil is measured in a 10-mm. cell against water in the range 295 mμ to 299mμ inclusive. 3. 60% of the standard reference absorption when the absorption of the oil is measured in a 10-mm. cell against water in the range 300 mμ to 400mμ inclusive.	In coatings for fresh fruits and vegetables; limited to 35 p.p.m. in food on which used. Defoamer used in food processing; limited to 150 p.p.m. in food. Lubricant and binder for capsules and tablets supplying small quantities of flavor, spice, condiment, and vitamins. In animal feed, 600 p.p.m. in total daily ration; zero in tissues of slaughtered animals, milk, and eggs. Sealant in food production to prevent access of air and retard evaporation; limit 50 p.p.m. in food.	Jan. 1, 1963[1] Do.[1] Do.[1] Do.[1]
Petrolatum, N.F. and U.S.P. Ultraviolet absorptivity (as defined in ASTM E–131) at 290mμ/liters per gram centimeter: 2.0 maximum.	Component of coating for fruits and vegetables. Component of defoamer in yeast and beet sugar production; limit 5 p.p.m. in final product.	Do.[1] Do.[1]
Wax, microcrystalline and paraffin: Type I: A congealing point of 160° F. maximum (ASTM D–938), an absorptivity at 290 mμ of 0.04 liter per gram centimeter maximum (ASTM E–131), an oil content of 1.5% maximum (ASTM D–721), and a Saybolt color of 20 minimum (ASTM D–156). Type II: Absorptivity at 290mμ of 1.0 liter per gram centimeter maximum, an oil content of 5.0% maximum, and a color of 3.0 maximum (ASTM D–1500).	Component of a defoamer used in yeast and beet sugar production; limit 5 p.p.m. in final product. Component of coating on fresh fruits and vegetables. In matrix formation or external application to vitamin products.	Do.[1] Do.[1]

[1] Progress report due July 1, 1962.

2. Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Mineral oil meeting the following specifications: Virgin distillate from petroleum; no cracked products present. Percent boiling below 700° F. (50% minimum). Percent boiling below 775° F. (95% minimum). Mineral oil: The standard reference absorption shall be the absorption of a solution of naphthalene (Natl. Bur. of Standards Standard Material No. 577 or naphthalene of equivalent purity) at a concentration of 7 mg. per liter in purified isooctane measured against isooctane of the same spectral purity in a 10-mm. cell at 275mμ. (This absorption as reported is 0.30.) The absorption of the mineral oil measured under the same instrumental conditions as the standard reference absorption shall not exceed any of the following limits: 1. The standard reference absorption when the absorption of the oil is measured in a 1-mm. cell against water at 275mμ. 2. 75% of the standard reference absorption when the absorption of the oil is measured in a 10-mm. cell against water in the range 295mμ to 299mμ, inclusive.	As a secondary plasticizing agent in rubber articles having food contact. As a component of packaging materials. Dough divider oil, pan oil, and trough grease; limit 1,500 parts per million in bakery products. Lubricant in meat-packing plants; limit 50 p.p.m. in meat. Release agent in drying pans in preparing dried egg albumin; limit 1,000 p.p.m. in dried egg albumin Lubricant in tableted, capsulated or extruded food, excluding confectionery; limit 10 p.p.m. in food. Release agent in drying pans in preparing dried fruits and vegetables; limit 200 p.p.m. in dried fruits and vegetables. Component of an impregnant in tissue paper used for wrapping fruits and vegetables; limit 150 p.p.m. on food.	Jan. 1, 1963[1] Do.[1] Do.[1] Do.[1] Do.[1] Do.[1] Do.[1] Do.[1]
3. 60% of the standard reference absorption when the absorption of the oil is measured in a 10-mm. cell against water in the range 300mμ to 400 mμ inclusive.	As an impregnant of butcher paper for meat packing; limit 150 p.p.m. on food. Used in manufacture of molded pulp apple trays; limit 150 p.p.m on food.	Do.[1] Do.[1]

See footnote at end of table.

[1] Progress report due July 1, 1962.

2. Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS—Continued

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Petrolatum, N.F. and U.S.P. Ultraviolet absorptivity (as defined in ASTME 131) at 290mμ/liters per gram centimeter: 2.0 maximum.	As a secondary plasticizing agent in rubber articles having food contact.	Jan. 1 1963[1]
	As a component of packaging materials.	Do.[1]
	Dough divider oil, pan oil, and trough grease; limit 1,500 p.p.m. in bakery products.	Do.[1]
	Lubricant in meat-packing plants; limit 50 p.p.m. in meat.	Do.[1]
	Release agent in drying pans in preparing dried egg albumin; limit 1,000 p.p.m. in dried egg albumin.	Do.[1]
	Lubricant in tableted, capsulated or extruded food, excluding confectionery; limit 10 p.p.m. in food.	Do.[1]
	Release agent in drying pans in preparing dried fruits and vegetables; limit 200 p.p.m. in dried fruits and vegetables	Do.[1]
	Constituent of food-packaging materials and protective coatings; lubricant or release agent.	Do.[1]
Wax, microcrystalline and paraffin: Type I: A congealing point of 160° F. maximum (ASTMD–938), an absorptivity at 290 mμ of 0.04 liter per gram centimeter maximum (ASTME–131), an oil content of 1.5% maximum (ASTMD–721), and a Saybolt color of 20 minimum (ASTMD–156). Type II: Absorptivity at 290mμ of 1.0 liter per gram centimeter maximum, an oil content of 5.0% maximum, and a color of 3.0 maximum (ASTMD–1500).		

[1] Progress report due July 1, 1962.

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.90 (21 CFR 121.90) is amended by adding thereto the following items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Dittany of Crete, Origanum dictamnus L. Gentian, stemless, Gentiana acaulis L. Pine needles, Pinus spp. Sodium nitrate	Flavoring substance do do On smoked, cured shad; limit 200 p.p.m. expressed as nitrite.	Jan. 1, 1963[1] Do.[1] Do.[1] Do.[1]
Sorbitan monooleate	Adjuvant in special dietary products; limit 360 mg. per day based on recommended dosage of product.	July 1, 1962

[1] Progress report required by July 1, 1962.

2. Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Aldol-8-naphthylamine condensate	Antioxidant and/or antiozonant as a protective agent component of rubber and rubber products for food-handling equipment.	Jan. 1, 1963[1]
Diphenylamine-acetone-formaldehyde resin of average mol. wt. 550, and 6.3% nitrogen content.	Antioxidant as a protective agent component of rubber and rubber products for food-handling equipment.	Do.[1]
Ethoxylated isomeric decyl alcohols, phosphate salts	Surface active agents in pulp suspensions used in manufacture of paper and paperboard.	Nov. 1, 1962[1]
4-Methoxy-4-methyl pentanone-2	Component of coatings used for food fruits and vegetables; limit 5 p.p.m. residue on food.	July 1, 1962
Petroleum oil, aromatic, sp. gr. 0.98 to 1.032, viscosity 47 SSU to 150 SSU at 210° F., aniline point 90° F. –120° F.	Used in the manufacture of rubber and rubber products for food-handling equipment.	Jan. 1, 1963[1]
Silicone basic polymers as described in ASTM code D–1418–61T: SI–Silicone elastomer (only methyl containing groups in polymer chain). FSi–Silicone elastomer methyl and phenyl groups. Fsi–Silicone elastomer methyl and fluorine groups. PVSi–Silicone elastomer phenyl, methyl, vinyl groups. Sodium decylbenzene sulfonate	Elastomer used in the manufacture of rubber and rubber products used for food-handling equipment.	Do.[1]
* * *	* * *	* * *
Asphalt, steam-refined: 1. The asphalt is steam-refined asphalt meeting the following requirements: Softening point, 175° F. minimum; flashpoint, 500° F. minimum; penetration at 77° F., 28 maximum; loss of heating at 325° F. (for five hours), 0.1% maximum; loss by volatization when heated at 325° F. for 5 hours, 0.5% maximum. There is no transfer of odor from asphalt to the food. Asphalt steam refined, air blown with softening point of 240° F. minimum, 245° F. maximum; penetration at 77° F., 4 minimum, 6 maximum; flashpoint, 410° F. minimum. Carbon black (furnace)	Component of coatings used in food packaging... * * * Internal sizing agent in manufacture of food packaging material for dry and aqueous food. * * * Component of a protective coating for beverage tanks. Component of inks for outside printing of burlap and cotton textile bags for dry food packaging.	July 1, 1963[1] * * * Jan. 1, 1963[1] * * * Do.[1] July 1, 1962

[1] Progress report required by July 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Pub. L. 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: December 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–12281; Filed, Dec. 29, 1961; 8:45 a.m.]

MISCELLANEOUS—Continued

Product	Specified uses or restrictions	Effective date of statute extended to—
2-Ethylhexyl acrylate polymer	Component of film for food packaging	Jan. 1, 1963 [1]
Do	Component of sizings and coatings of paper and paperboard for food-packaging materials	Do.[1]
Formaldehyde	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Hexane	do	Do.[1]
Hexylene glycol (2-methyl-2,4-dihydroxypentane)	do	Do.[1]
N-Hydroxyethyl-lauramide	do	Do.[1]
N-*N*-bis (Hydroxyethyl) lauramide	do	Do.[1]
Isobutyl oleate, sulfated	do	Do.[1]
Itaconic acid	Component of sizings and coatings of paper and paperboard for food-packaging materials	Do.[1]
Lignin sulfonates, calcium and sodium salts	Paper coating adjuvant used in manufacture of food packages and paperboard	Do.[1]
Methacrylic acid polymer	Component of sizings of paper and paperboard for food-packaging materials	Do.[1]
Oleic acid, sulfated	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Polyoxyethylene (1–15 mols) ether of *p*-isooctylphenol (1 mol)	do	Do.[1]
Polyoxyethylene (1–15 mols) ether of *p*-nonylphenol	do	Do.[1]
Polyoxyethylene (20) ether of oleyl alcohol	do	Do.[1]
Polyoxyethylene (1.5–15 mols) ether of tridecyl alcohol (1 mol)	do	Do.[1]
Polyoxyethylene (20) sorbitan monolaurate	Component of sizing and coatings of paper and paperboard for food-packaging materials	Do.[1]
Polyoxyethylene (40) sorbitan tristearate	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Polyoxypropylene (16–30 mols)-polyoxyethylene (17–400 mols)-glycol	Component of food-packaging material	Do.[1]
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate)	In films used in food packaging	Do.[1]
Rapeseed oil, sulfated	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Ricebran oil, sulfated	do	Do.[1]
Sodium diamylsulfosuccinate	Component of sizing and coatings of paper and paperboard for food-packaging materials	Do.[1]
Sodium dilsooctylsulfosuccinate	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Sodium dodecylbenzenesulfonate	Component of food-packaging material	Do.[1]
Sodium lauryl sulfate	do	Do.[1]
Sodium mercaptobenzothiazole	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Sodium *N*-methyl-*N*-oleyl taurate	do	Do.[1]
Sodium *o*-phenyl-phenate	Component of sizings and coatings of paper and paperboard for food-packaging materials	Do.[1]
Sodium salt (tri- or tetra-) of ethylenediamine tetraacetate	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Sorbitan tristearate	do	Do.[1]
Sperm oil, sulfated	do	Do.[1]
Styrene polymer	Component of sizings of paper and paperboard for food-packaging materials	Do.[1]
Styrene-methacrylic acid copolymer, potassium salt	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Tallow, sulfated	Component of sizings and coatings of paper and paperboard for food-packaging materials	Do.[1]
Tetrasodium-*N*-(1,2-dicarboxyethyl)-octadecyl-sulfosuccinate	do	Do.[1]
Triethanolamine	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Trilsopropanolamine	do	Do.[1]
Vinyl acetate polymer	Component of sizings of paper and paperboard for food-packaging materials	Do.[1]
Vinylidene chloride-itaconic acid copolymer	Component of film for food packaging	Do.[1]
Vinylidene chloride-methyl acrylate copolymer	do	Do.[1]
Vinylidene chloride-methyl acrylate-itaconic acid terpolymer	do	Do.[1]

[1] Progress report due July 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: December 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12280; Filed, Dec. 29, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of the following substances, under the conditions prescribed in this order:

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following new items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Alcohols: Butyl, *tert*-butyl, isobutyl, myristyl	Paper coating adjuvant used in manufacture of food packages.	Jan. 1, 1963 [1]
Butoxypolypropylene (20) glycol, mol. wt. 1,200	do	Do.[1]
Butoxypolypropylene (40) glycol, mol. wt. 2,400	do	Do.[1]
Butoxypolypropylene (20) glycol monooleate	do	Do.[1]
Butoxypolypropylene (4) glycol monostearate	do	Do.[1]
tert-Butylhydroperoxide	Component of sizings and coatings of paper and paperboard for food-packaging materials	Do.[1]
Castor oil, hydrogenated	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Castor oil, potassium soap	do	Do.[1]
Castor oil, sulfated	do	Do.[1]
Castor oil, sulfated, potassium soap	do	Do.[1]
p-Chlormetacresol	Paper coating adjuvant used in manufacture of food packages as a preservative	Do.[1]
Cyclohexanol (hexahydrophenol)	Paper coating adjuvant used in manufacture of food packages	Do.[1]
Diethanolamine	Component of calender sizings for paper and paperboard for food packaging; limit not more than 0.5% of coating	Do.[1]
tert-Dodecyl mercaptan and ethylene oxide condensation product having a ratio of ethylene oxide to mercaptan of 1.6:1.8	Component of sizings of paper and paperboard for food-packaging materials	Do.[1]
Ethyl acrylate polymer		

See footnote at end of table.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Pub. L. 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: December 21, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12279; Filed, Dec. 29, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

DELETION OF OBSOLETE MATERIAL FROM EXTENSION LIST

Effective as of the date of the publication of this order in the FEDERAL REGISTER, the following items are deleted from § 121.90 (21 CFR 121.90; 26 F.R. 5502, 7544, 8390, 8441, 9337, 11210, 11241):

Mineral oil.
Petrolatum, N.F. and U.S.P.
Wax, microcrystalline and paraffin Type I and Type II.

(Sec. 6(c), Pub. L. 85-929, as amended, sec. 2, Pub. L. 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: December 28, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12423; Filed, Dec. 29, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

DELETION OF OBSOLETE MATERIAL FROM EXTENSION LIST

Effective as of the date of the publication of this order in the FEDERAL REGISTER, the following items are deleted from § 121.91 (21 CFR 121.91; 26 F.R. 5221, 6271, 6323, 6831, 7087, 7580, 7963, 8173, 8393, 8508, 8509, 9410, 9715, 11210, 11242):

Alcohols: Butyl, *tert*-butyl, isobutyl, myristyl, polyvinyl.
Butoxypolypropylene (20) glycol, mol. wt. 1,200.
Butoxypolypropylene (40) glycol, mol. wt. 2,400.
Butoxypolypropylene (20) glycol monooleate.
Butoxypolypropylene (40) glycol monostearate.
tert-Butylhydroperoxide.
Castor oil, hydrogenated.
Castor oil, potassium soap.
Castor oil, sulfated.
Castor oil, sulfated, potassium soap.
p-Chlormetacresol.
Cyclohexanol (hexahydrophenol).
Diethanolamine.
tert-Dodecyl mercaptan and ethylene oxide condensation product having a ratio of ethylene oxide to mercaptan of 1.6:1.8.
Ethyl acrylate polymer.
2-Ethylhexyl acrylate polymer.
Formaldehyde.
Hexane.
Hexylene glycol (2-methyl 1-2, 4-dihydroxypentane).
N-Hydroxyethyl-lauramide.
N-*N*-bis (Hydroxyethyl) lauramide.
Isobutyl oleate, sulfated.
Itaconic acid.
Lignin sulfonates, calcium and sodium salts.
Methacrylic acid polymer.
Mineral oil.
Oleic acid, sulfated.
Petrolatum, N.F. and U.S.P.
Petroleum oil, aromatic.
Polyoxyethylene (1–15 mols) ether of *p*-isooctylphenol (1 mol).
Polyoxyethylene (1–15 mols) ether of *p*-nonylphenol.
Polyoxyethylene (20) ether of oleyl alcohol.
Polyoxyethylene (1.5–15 mols) ether of tridecyl alcohol (1 mol).
Polyoxyethylene (20) sorbitan monolaurate.
Polyoxyethylene (20) sorbitan tristearate.
Polyoxypropylene (16–30 mols)-polyoxyethylene (17–400 mols)-glycol.
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).
Rapeseed oil, sulfated.
Ricebran oil, sulfated.
Silicone basic polymer.
Sodium diamylsulfosuccinate.
Sodium dilsooctylsulfosuccinate.
Sodium dodecylbenzenesulfonate.
Sodium lauryl sulfate.
Sodium mercaptobenzothiazole.
Sodium *N*-methyl-*N*-oleyl taurate.
Sodium *o*-phenyl-phenate.
Sodium salt (tri- or tetra-) of ethylenediamine tetraacetate.
Sorbitan tristearate.
Sperm oil, sulfated.
Styrene polymer.
Styrene-methacrylic acid copolymer, potassium salt.
Tallow, sulfated.
Tetrasodium-*N*-(1,2-dicarboxyethyl)-octadecyl-sulfosuccinate.
Triethanolamine.
Trilsopropanolamine.
Vinyl acetate polymer.
Vinylidene chloride-itaconic acid copolymer.
Vinylidene chloride-methyl acrylate copolymer.
Vinylidene chloride-methyl acrylate-itaconic acid terpolymer.
Wax, microcrystalline and paraffin Type I and Type II.

(Sec. 6(c), Pub. L. 85-929, as amended sec. 2, Pub. L. 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: December 28, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-12424 Filed, Dec. 29, 1961; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

REVISED PROCEDURES

A notice of proposed revision, effective December 31, 1961, in the procedures of the Post Office Department, in Subparts A and L of Part 201, and Parts 202, 203, and 204 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of December 2, 1961, at pages 11426 through 11435. Interested persons were given twenty days in which to submit written comments.

No adverse comments were received by the Department with respect to the proposed procedures.

Therefore, the Department has reached the conclusion to adopt the proposal as so published, subject to the addition of a new section to Subpart A of Part 201 with respect to procedures relating to fraud, lottery, and obscenity orders. This section includes a provision for filing a motion for reconsideration of a final Departmental decision.

In view of the foregoing, the Procedures of the Post Office Department in Subpart A of Part 201 as so published are amended by redesignating §§ 201.27 through 201.32 as §§ 201.28 through 201.33 and by inserting a new § 201.27.

Accordingly, the procedures of the Post Office Department in Subparts A and L of Part 201 and Parts 202, 203, and 204 are hereby adopted, effective December 31, 1961, to read as follows:

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Subpart A—Rules of Practice in Proceedings Relative to Fraud, Lottery and Obscenity Orders Under 39 U.S.C. 4003, 4005, and 4006

Sec.

201.1 Authority for rules.
201.2 Scope of rules.
201.3 Informal dispositions.
201.4 Office, business hours.
201.5 Complaints.
201.6 Interim impounding.
201.7 Notice of hearing.
201.8 Service.
201.9 Filing documents for the record.
201.10 Answer.
201.11 Default.
201.12 Amendment of pleadings.
201.13 Continuances and extensions.
201.14 Hearings.
201.15 Change of place of hearing.
201.16 Appearances.
201.17 Presiding officers.
201.18 Evidence.
201.19 Subpoenas.
201.20 Witness Fees.
201.21 Depositions.
201.22 Transcript.
201.23 Proposed findings and conclusions.
201.24 Decisions.
201.25 Exceptions to initial decisions or tentative decision.
201.26 Judicial Officer.
201.27 Motion for reconsideration.
201.28 Orders.
201.29 Modification or revocation of orders.
201.30 Supplemental orders.
201.31 Computation of time.
201.32 Official record.
201.33 Public information.

§ 201.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department (See § 201.26) pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86-676), Headquarters Circular 61-45 (26 F.R. 10813))

§ 201.2 Scope of rules.

These rules of practice shall be applicable in all formal proceedings before the Post Office Department initiated under or pertaining to 39 U.S.C. 4003, 4005, and 4006, including such cases instituted under prior rules of practice pertaining to these or predecessor statutes, unless timely shown to be prejudicial to the respondent.

§ 201.3 Informal dispositions.

These rules do not preclude the disposition of any matter by agreement between the parties either before or after the filing of a complaint when time, the nature of the proceeding, and the public interest permit.

§ 201.4 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., and are open Monday through Friday from 8:45 a.m. to 5:15 p.m.

§ 201.5 Complaints.

When the General Counsel of the Post Office Department or his designated representative believes that a person (1 U.S.C. 1) is using the mails in a manner requiring formal administrative action under 39 U.S.C. 4005 or 4006, he shall prepare and file with the Docket Clerk a complaint which names the person involved; states the legal authority and jurisdiction under which the proceeding is initiated; states the facts in a manner sufficient to enable the person named therein to make answer thereto; and recommends the issuance of an appropriate order. The person so named in the complaint shall be known as the respondent.

§ 201.6 Interim impounding.

In preparation for or during the pendency of a proceeding initiated under 39 U.S.C. 4005 or 4006, mail addressed to a respondent may be impounded upon obtaining an appropriate order from a United States District Court, as provided in 39 U.S.C. 4007, as amended by 74 Stat. 553 (Public Law 86–673).

§ 201.7 Notice of hearing.

When a complaint is filed the Docket Clerk shall issue a notice of hearing stating the time and place of the hearing and the date for filing an answer which shall not exceed 15 days from the service of the complaint, and a reference to the effect of failure to file an answer or appear at the hearing. (See §§ 201.10 and 201.11.) Whenever practicable, the hearing date shall be within 30 days of the date of the notice.

§ 201.8 Service.

(a) The Docket Clerk shall cause a notice of hearing and a copy of the complaint to be transmitted to the postmaster at any office of address of the respondent or to the inspector in charge of any division in which the respondent is doing business, which shall be delivered to the respondent or his agent by said postmaster or a supervisory employee of his post office or a postal inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent and forwarded to the Docket Clerk, Room 3350, Post Office Department, Washington 25, D.C., to become a part of the official record.

(b) In the event no person can be found to accept service of the notice of hearing and complaint pursuant to paragraph (a) of this section, the notice may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing shall be forwarded to the Docket Clerk and constitute evidence of service.

§ 201.9 Filing documents for the record.

(a) Each party shall file with the Docket Clerk pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be delivered promptly to other parties to the proceeding and to the presiding officer.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the presiding officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the docket number and title of the proceeding. Any pleading or other document required by order of the presiding officer to be filed by a specified date shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 201.10 Answer.

(a) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint.

(b) Any facts alleged in the complaint which are not denied or are expressly admitted in the answer may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(c) The answer shall be signed personally by an individual respondent, or in the case of a partnership by one of the partners, or, in the case of a corporation or association, by an officer thereof.

(d) The answer shall set forth the respondent's address and the name and address of his attorney.

(e) The answer shall affirmatively state whether the respondent will appear in person or by counsel at the hearing.

(f) If the respondent does not desire to appear at the hearing in person or by counsel he may request that the matter be submitted for determination pursuant to paragraph (b) of § 201.11.

§ 201.11 Default.

(a) If the respondent fails to file an answer within the time specified in the notice of hearing, he shall be deemed in default, and to have waived hearing and further procedural steps. The Judicial Officer shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the presiding officer shall receive complainant's evidence and render an initial decision.

§ 201.12 Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Docket Clerk. Amendments proposed thereafter shall be filed with the presiding officer.

(b) By consent of the parties a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the complaint, the presiding officer shall make such ruling on the motion as he deems to be fair and equitable to the parties.

(c) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the complaint are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the presiding officer that an amendment of the pleadings would prejudice him on the merits, the presiding officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The presiding officer may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 201.13 Continuances and extensions.

Continuances and extensions will not be granted by the presiding officer except for good cause shown.

§ 201.14 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 201.15 Change of place of hearings.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C.

The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 201.16 Appearances.

(a) A respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Department in accordance with applicable rules issued by the Judicial Officer. See Part 202 of this chapter.

(c) When a respondent is represented by an attorney, all pleadings and other papers subsequent to the complaint shall be mailed to the attorney.

(d) A respondent must promptly file a notice of change of attorney.

§ 201.17 Presiding officers.

(a) The presiding officer at any hearing shall be a Hearing Examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010) or the Judicial Officer (74 Stat. 553, P.L. 86–676). The Chief Hearing Examiner shall assign cases to Hearing Examiners upon rotation so far as practicable. The Judicial Officer may, for good cause shown, preside at the reception of evidence in proceedings where expedited hearings are requested by either party.

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon offers of proof, admissibility of evidence and matters of procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs or memoranda of law on any matter upon which he is required to rule;

(7) Order pre-hearing conferences for the purpose of the settlement or simplification of issues by the parties;

(8) Order the proceeding re-opened at any time prior to his decision for the receipt of additional evidence;

(9) Render an initial decision, which becomes the final Departmental decision unless a timely appeal is perfected: the Judicial Officer may issue a tentative or a final decision.

§ 201.18 Evidence.

(a) Except as otherwise provided in these rules, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern. However, such rules may be relaxed to the extent that the presiding officer deems proper to insure a fair hearing. The presiding officer shall exclude irrelevant, immaterial or repetitious evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) Authoritative writings of the medical or other sciences, may be admitted in evidence but only through the testimony of expert witnesses or by stipulation.

(f) Lay testimonals will not be received in evidence as proof of the efficacy or quality of any product or thing sold through the mails.

(g) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, that the witness shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(h) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the presiding officer are unnecessary.

§ 201.19 Subpoenas.

The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses.

§ 201.20 Witness fees.

The Post Office Department does not pay fees and expenses for respondent's witnesses or for depositions requested by respondent.

§ 201.21 Depositions.

(a) Not later than five days after the filing of respondent's answer, any party may file application with the Docket Clerk for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions and answers together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. The deposition officer shall put the witness on oath. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of a deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 201.22 Transcript.

(a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the assigned presiding officer. Argument upon any matter may be excluded from the transcript by order of the presiding officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Post Office Department and the reporter. Copies of parts of the official record other than the transcript may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon

the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Opposing counsel shall, within such time as may be specified by the presiding officer, notify the presiding officer in writing of his concurrence or disagreement with the requested corrections. Failure to interpose timely objection to a proposed correction shall be considered to be concurrence. Thereafter, the presiding officer shall by order specify the corrections to be made in the transcript. The presiding officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the Hearing Examiner other than by agreement of the parties shall be subject to objection and exception.

§ 201.23 Proposed findings and conclusions.

(a) Each part to a proceeding, except one who fails to answer the complaint or having answered, either fails to appear at the hearing or indicates in the answer that he does not desire to appear, may, unless at the discretion of the presiding officer such is not appropriate, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form in the discretion of the presiding officer. The presiding officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally the date set for filing of proposed findings of fact and conclusions of law shall be within 15 days after the delivery of the official transcript to the Docket Clerk who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion shall be separately stated.

§ 201.24 Decisions.

(a) *Initial decision by hearing examiner.* A written initial decision shall be rendered with all due speed. The initial decision shall include findings and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof. The initial decision shall become the final Departmental decision unless an appeal is perfected in accordance with § 201.25.

(b) *Tentative or final decision by the Judicial Officer.* When the Judicial Officer presides at the hearing he shall issue a final or a tentative decision. Such decision shall include findings and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof. The tentative decision shall become the final Departmental decision unless exceptions are filed in accordance with § 201.25.

(c) *Oral decisions.* The presiding Officer may render an oral decision (an initial decision by a hearing examiner, or a tentative or final decision by the Judicial Officer) at the close of the hearing when the nature of the case and the public interest warrant. A party who desires an oral decision shall notify the presiding officer and the opposing party at least 5 days prior to the date set for the hearing. Either party may submit proposed findings and conclusions either orally or in writing at the conclusion of the hearing.

§ 201.25 Exceptions to initial decision or tentative decision.

(a) A party in a proceeding presided over by a hearing examiner, except a party who failed to file an answer, may appeal to the Judicial Officer by filing exceptions in a brief on appeal within 15 days from the receipt of the examiner's initial decision.

(b) A party in a proceeding presided over by the Judicial Officer, except one who has failed to file an answer, may file exceptions within 15 days from the receipt of the Judicial Officer's tentative decision.

(c) If an initial or tentative decision is rendered orally by the presiding officer at the close of the hearing, he may then orally give notice to the parties participating in the hearing of the time limit within which an appeal must be filed.

(d) Upon receipt of the brief on appeal from an initial decision of a hearing examiner, the docket clerk shall promptly transmit the record of the proceedings to the Judicial Officer. The date for filing the reply to an appeal brief or to a brief in support of exceptions to a tentative decision by the Judicial Officer is 10 days after the receipt thereof. No additional briefs shall be received unless requested by the Judicial Officer.

(e) Briefs upon appeal or in support of exceptions to a tentative decision by the Judicial Officer shall be filed in triplicate with the Docket Clerk and contain the following matter in the order indicated:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited with page references.

(2) A concise abstract or statement of the case.

(3) Numbered exceptions to specific findings and conclusions of fact or conclusions of law of the presiding officer.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(f) Unless permission is granted by the Judicial Officer no brief shall exceed fifty printed or one hundred typewritten pages double spaced.

(g) The Judicial Officer will extend the time to file briefs only upon written application for good cause shown. The Docket Clerk shall promptly notify the applicant of the decision of the Judicial Officer on the application. If the appeal brief or brief in support of exceptions is not filed within the time prescribed, the defaulting party will be deemed to have abandoned the appeal or waived the exceptions, and the initial or tentative decision shall become the final Departmental decision.

§ 201.26 Judicial Officer.

The Judicial Officer is authorized (a) to act as presiding officer at hearings, (b) to render tentative decisions, (c) to render final Departmental decisions, (d) to issue Departmental orders for the Postmaster General, (e) to refer the record in any proceeding to the Postmaster General or the Deputy Postmaster General for final Departmental decision and (f) to revise or amend these rules of practice. The entire official record will be considered before a final Departmental decision is rendered. Before rendering a final Departmental decision, the Judicial Officer may order the hearing reopened for the presentation of additional evidence by the parties.

§ 201.27 Motion for reconsideration.

Within 10 days from the date thereof, or such longer period as may be fixed by the Judicial Officer, either party may file a motion for reconsideration of a final Departmental decision. Each motion for reconsideration shall be accompanied by a brief clearly setting forth the points of fact and of law relied upon in support of said motion.

§ 201.28 Orders.

If an order is issued which prohibits delivery of mail to a respondent it shall be incorporated in the record of the proceeding. The Docket Clerk shall cause the order to be published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to place the order into effect.

§ 201.29 Modification or revocation of orders.

A party against whom an order has been issued may file an application for modification or revocation thereof. The Docket Clerk shall transmit a copy of the application to the General Counsel, who shall file a written reply. A copy of the reply shall be sent to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

§ 201.30 Supplemental orders.

When the General Counsel or his designated representative shall have reason to believe that a person is evading or attempting to evade the provisions of any such order by conducting the same or a similar enterprise under a different name or at a different address he may file a petition with accompanying evidence setting forth the alleged evasion or attempted evasion and requesting the issuance of a supplemental order against the name or names allegedly used.

Notice shall then be given by the Docket Clerk to the person that the order has been requested and that an answer may be filed within ten days of the notice. The Judicial Officer, for good cause shown, may hold a hearing to consider the issues in controversy, and shall, in any event, render a final decision granting or denying the supplemental order.

§ 201.31 Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday or legal holiday, in which event the period runs until the close of business on the next business day.

§ 201.32 Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding shall constitute the official record of the proceeding.

§ 201.33 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all initial, tentative and Departmental decisions. The Docket Clerk maintains the complete official record of every proceeding.

* * * * *

Subpart L—Rules of Procedure for the Board of Contract Appeals

Sec.
201.101 Authority for rules.
201.102 Purpose.
201.103 Membership.
201.104 Office.
201.105 Jurisdiction of the board.
201.106 Decision of the contracting officer.
201.107 Appeal.
201.108 Reconsideration.
201.109 Duties of department counsel.
201.110 Practice.
201.111 Prehearing conference.
201.112 Settlement.
201.113 Depositions.
201.114 Stipulations.
201.115 Hearing.
201.116 Continuance.
201.117 Procedure.
201.118 Service.
201.119 Decisions.
201.120 Reconsideration by the board.
201.121 Conflicts.

§ 201.101 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86–676), Headquarters Circular 61–45 (26 F.R. 10813))

§ 201.102 Purpose.

This subpart prescribes the functions and rules of procedure of the Board of Contract Appeals.

§ 201.103 Membership.

The Board of Contract Appeals consists of three members: (a) the Judicial Officer of the Post Office Department who is the Chairman; (b) the Chief Hearing Examiner; and (c) one of the hearing examiners assigned to the Department to be designated by the Judicial Officer. An alternate may be appointed by the Deputy Postmaster General for any absent or disqualified member. No member of the Board may consider an appeal if he has participated in the formulation or administration of, or has any interest, directly or indirectly, in the contract in dispute.

§ 201.104 Office.

The Office of the Board of Contract Appeals shall be in the Office of the Judicial Officer in the Post Office Department Building, Washington 25, D.C. A suitable docket of contract appeals cases shall be maintained for public inspection at that office.

§ 201.105 Jurisdiction of the board.

As the duly authorized representative of the Postmaster General, the Board is authorized to exercise the full authority of the Postmaster General in all cases in which, by the terms of a contract, the contractor may appeal from findings of fact or decisions of a contracting officer to the Postmaster General or his representative. The Board has the authority to conduct hearings, dismiss proceedings, and take official notice of facts within general knowledge and decide all questions of fact and law raised by the appeal. Decisions of the Board are by a majority of the Board except as hereinafter provided. There is no further administrative appeal from the decision of the Board.

§ 201.106 Decision of the contracting officer.

The Contracting Officer shall be required to promptly make a written decision in which he shall decide every material fact in dispute or other matter from which an appeal to the Board may be taken. A copy of the decision shall be furnished to the contractor.

§ 201.107 Appeal.

(a) *Notice.* An appeal from a finding of fact or decision of the Contracting Officer may be made by notice of appeal in writing, addressed to the Postmaster General within 30 days from the date of receipt of the written decision of the Contracting Officer unless otherwise provided in the contract. The notice shall be delivered to the Contracting Officer and shall identify the contract and the Contracting Officer and specify the portion of the findings of fact or decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney.

(b) *Petition.* A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after the mailing or filing of the notice of appeal. The petition should set forth:

(1) A copy of the decision of the Contracting Officer from which the appeal is taken.

(2) A simple, concise and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

(3) Documentary evidence when applicable in support of claims as exhibits to the petitioner.

(c) *Reply.* The contractor may file a reply within 15 days after receipt of the answer of Department counsel provided in § 201.109(b).

(d) *Contracting Officer.* The Contracting Officer shall forward any notice of appeal received by him immediately to the Chairman of the Board. In any case in which the original notice of appeal is filed directly with the Board, the Chairman shall immediately forward two copies to the Contracting Officer. Within 15 days from the date of receipt of the notice of appeal or copies thereof, the Contracting Officer shall furnish one copy of the notice of appeal to the General Counsel for use of the Department counsel together with an appeal file consisting of: (1) The decision from which the appeal is taken, (2) any and all findings of fact that may have been made in connection with the dispute, (3) all documents relied upon in making findings or decision, (4) the contractor's claim in connection with the dispute, (5) a copy of the contract and pertinent plans, specifications, amendments and change orders, (6) all correspondence between the parties relating to the dispute, (7) transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the notice of appeal and (8) any other information which the Contracting Officer may consider material. True copies may be substituted for originals in this file.

§ 201.108 Reconsideration.

The Contracting Officer may reconsider his decision during the period allowed for appeal and should the decision be modified or changed during that period the time for appeal shall be computed from the date the modification or change is served on the contractor.

§ 201.109 Duties of department counsel.

(a) The Department counsel, designated by the General Counsel, shall upon receipt of the appeal file, notify the contractor, or his attorney, of his designation, furnish him with a copy of these rules and inform him that the appeal file is available at his office for inspection by the contractor or his attorney.

(b) Within 30 days after receipt of the petition by the Board, the Department counsel shall transmit to the Board an answer stating the Government's position on each claim asserted and if desired, or requested by the Board, a supporting brief. The appeal file shall be transmitted in duplicate with the answer. It shall thereafter be available for inspection by either party in the offices of the Board.

§ 201.110 Practice.

Any contractor may appeal in person, through an officer of the corporation or any attorney eligible to practice before the Post Office Department in accordance with Part 202 of this chapter.

§ 201.111 Prehearing conference.

(a) The Chairman may direct the parties to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:

(1) Simplification of issues;

(2) Possibility of obtaining stipulations as to admissions of fact and introduction of documents;

(3) Limitation of the number of expert witnesses, if a hearing is to be held, and

(4) Such other matters as may aid in the disposition of the matter.

(b) The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made a part of the record.

§ 201.112 Settlement.

A dispute may be settled at any time (a) by the contractor filing written notice withdrawing his appeal, (b) by written stipulation between the contractor and the Contracting Officer approved by the Board settling either the entire dispute or any part thereof. The appeal shall continue as to any issues remaining in dispute.

§ 201.113 Depositions.

(a) Depositions upon oral examination or upon written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) Depositions may be taken before any person authorized by laws of the United States or by the laws of the place where they are taken to administer oaths.

(c) Either party may take a deposition of a witness by giving the opposite party at least 15 days notice in writing of the time and place where such deposition will be taken. The notice shall contain: The name, address and official title of the officer before whom it is proposed to take the deposition; the name of the witness and the address; whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case the notice can be dispensed with. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation. The opposing party may serve cross interrogatories to be propounded to the witness within 10 days after receipt of the interrogatories, by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to his opponent.

(d) A deposition taken under the provisions of this rule may be offered in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board which may exclude any part determined to be irrelevant, immaterial or otherwise not admissible as evidence in the proceedings.

§ 201.114 Stipulations.

The parties or their attorneys may stipulate in writing as to any facts that are relevant and material to the issues involved and what documents or facts may be received in evidence without formal proof subject to relevance and materiality.

§ 201.115 Hearing.

The parties may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. In the absence of a request, the Board may, in its discretion, order a hearing on any appeal. The parties will be given a minimum of 15 days' notice in writing of the time and place of the hearing. The hearing may be conducted by the entire Board or one member of the Board in the discretion of a majority of the Board. If the hearing is conducted by one member at least one other member must concur in the decision of the member who conducted the hearing before it shall become a decision of the Board of Contract Appeals. All hearings shall be held in Washington, D.C., unless upon motion of either party the Board shall determine for good cause shown that the hearing shall be held elsewhere.

§ 201.116 Continuance.

Any time after notice of appeal is filed, the Board may grant a continuance for good cause shown.

§ 201.117 Procedure.

(a) Insofar as possible hearings shall be informal. Both parties may offer oral and written evidence, subject to the exclusion by the Board or the presiding member of any irrelevant, immaterial or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Chairman or the presiding member.

(b) Attention of the witnesses shall be invited to 18 U.S.C. 1621. Testimony shall be under oath or affirmation. All witnesses may be examined or cross-examined by the Board, the parties, or counsel.

(c) The Board shall make provision for a transcript of the hearing which ordinarily shall be a verbatim transcript. But the Board with the consent of the parties may in its discretion direct a summary of the transcript to be prepared in lieu of the verbatim transcript. If at the direction of the Board a summary is prepared, the contractor and Department counsel shall either indicate in writing that it is accurate or file specific written objections for resolution by the Board.

§ 201.118 Service.

The parties shall file with the Board an original and two copies of all pleadings, except the notice of appeal, and shall at the same time serve a copy on the opposing party or his representative of record. The appeal file shall be filed in duplicate. Service of papers shall be made in person or by certified mail.

§ 201.119 Decisions.

Decision of the Board shall be by a majority of the members. A copy of the decision shall be furnished to both parties and shall be available for public inspection in the Post Office Department Library.

§ 201.120 Reconsideration by the board.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Reconsideration of any decision may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 201.121 Conflicts.

Any conflict between these rules and specific provisions of any contract in dispute shall be resolved in favor of the provisions of the contract.

II. In Part 202 redesignate Subpart C—Procedure to Adjudicate Claims for Personal Injury or Property Damage Arising Out of the Operation of the Postal Service—as new Subpart O of Part 201; and strike out the title heading and the remainder of Part 202 and insert in lieu thereof the following:

PART 202—PROCEDURE GOVERNING THE ELIGIBILITY OF PERSONS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

Sec.
202.1 Authority for rules.
202.2 Eligibility to practice.
202.3 Persons ineligible to practice.
202.4 Authorization of appearance may be required.
202.5 Complaint of misconduct.
202.6 Censure, suspension or disbarment; grounds.
202.7 Notice of disbarment; exclusion from practice.

§ 202.1 Authority for rules.

The Judicial Officer promulgates these rules pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86–676), Headquarters Circular 61–45 (26 F.R. 10813))

§ 202.2 Eligibility to practice.

(a) Any individual who is a party to any proceeding before the Judicial Officer, the Board of Contract Appeals or a hearing examiner may appear for himself or by an attorney at law.

(b) The head of any bureau or office may establish such special rules and regulations pertaining to eligibility to practice before such bureau or office as he may deem to be necessary or desirable.

(c) Generally, except as provided in § 202.3, any attorney at law who is a member in good standing of the Bar of the Supreme Court of the United States or of the highest court of any State, District, Territory, Protectorate or Possession of the United States, or of the District of Columbia, and is not under any order of any court or executive department of one of the foregoing governmental entities suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law may represent others before the Post Office Department.

(d) When any person acting in a representative capacity appears in person or signs a paper in practice before the Post Office Department his personal appearance or signature shall constitute a representation to the Post Office Department that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts. The Post Office Department does not generally take formal action or issue any certificate to show that an individual is eligible to practice before the Department. (But see § 202.4.)

§ 202.3 Persons ineligible for admission to practice.

(a) No person disbarred from practice in this Department or in any other executive department of any of the governmental entities mentioned in § 202.2(d) will be eligible to practice before the Post Office Department until said order of disbarment shall have been revoked.

(b) Any person who, subsequently to being admitted to practice before the Post Office Department, is disbarred by any governmental entity mentioned in § 202.2(d) shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as attorney for prosecuting before this Department or any office thereof any case or matter which he was in anywise connected while he was such attorney, officer, clerk, or employee.

(d) No person coming within the prohibitions of 5 U.S.C. 99, 18 U.S.C. 281, or 18 U.S.C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.4 Authorization of appearance may be required.

The Judicial Officer, the head of any bureau or office or any hearing examiner may require any person to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.5 Complaint of misconduct.

(a) If the head of any bureau or office of the Department has reason to believe, or if complaint be made to him, that any person is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the Judicial Officer.

(b) Whenever any person submits to the Judicial Officer a complaint against any person who has practiced, is practicing or holding himself out as entitled to practice before the Post Office Department, the Judicial Officer may refer such complaint to the Chief Inspector for a complete investigation and report.

(c) At any time, the Judicial Officer may refer the complaint to the General Counsel for the preparation of formal charges to be lodged against and served upon the person against whom the complaint has been made.

§ 202.6 Censure, suspension or disbarment; grounds.

(a) The Judicial Officer may censure, suspend or disbar any person against whom a complaint has been made and upon whom charges have been served as provided in § 202.5 if he finds that such person:

(1) Does not possess the qualifications required by § 203.1;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the Bar of any court of which he is a member;

(3) Represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(4) By use of his name, personal appearance, or any device, aids or abets an attorney to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(5) Displays towards the Judicial Officer, Board of Contract Appeals or any hearing examiner assigned to the Department, conduct which, if displayed toward any court of any State, the United States, any of its Territories or the District of Columbia, would be cause for censure, suspension or disbarment; or

(6) Is otherwise guilty of misconduct or lacking in character or professional integrity.

(b) Before any person shall be censured, suspended or disbarred, he shall be afforded an opportunity to be heard by the Judicial Officer on the charges made against him. The General Counsel or his designee shall prosecute such cases.

(c) In the event the Judicial Officer is unavailable for any reason, cases relating to the censure, suspension or disbarment of attorneys will be governed as herein provided, except that the hearing will be conducted by a hearing examiner appointed pursuant to the provisions of the Administrative Procedure Act or by some other disinterested member of the headquarters staff of the Post Office Department who shall be appointed by the Deputy Postmaster General.

§ 202.7 Notice of disbarment; exclusion from practice.

Upon the disbarment of any person, notice thereof will be given to the heads of the bureaus and offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be entitled to practice before the Post Office Department or any bureau or office thereof.

III. Amend Part 203 to read as follows:

PART 203—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAILABILITY

Sec.
203.1 Authority for rules.
203.2 Limitation.
203.3 Initiation.
203.4 Complaint.
203.5 Notice of hearing; service.
203.6 Compromise and informal dispositions.
203.7 Answer.
203.8 Default.
203.9 Hearing.
203.10 Change of place of hearing.
203.11 Presiding officers.
203.12 Proposed findings of fact.
203.13 Initial decision.
203.14 Appeal.
203.15 Departmental decision.
203.16 Expedition.
203.17 Disposition.

§ 203.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86–676), Headquarters Circular 61–45 (26 F.R. 10813))

§ 203.2 Limitation.

The rules shall be applicable only to cases where the matter offered for mailing shall be of substantial value or quantity. The initial determination of this question by the General Counsel may be appealed to the Judicial Officer.

§ 203.3 Initiation.

Upon receipt of mail matter of doubtful mailability under the provisions of 18 U.S.C. 1302, 1461, 1463, 1717 or 1718 (see also 39 U.S.C. 4001) submitted by a postmaster pursuant to § 14.9(b) of this chapter (§ 124.92 of the Postal Manual), the General Counsel shall: (a) File a complaint with the Docket Clerk of the Post Office Department or (b) instruct the postmaster to accept such matter for mailing.

§ 203.4 Complaint.

The complaint shall: (a) State statutory and/or regulatory authority for withholding the matter from the mails; (b) specify the character or content of the matter which the Complainant believes to be nonmailable; and (c) request the issuance of a notice of hearing by the Docket Clerk.

§ 203.5 Notice of hearing; service.

Upon receipt of the complaint the Docket Clerk shall issue a notice setting the time and place for the hearing. The date set for the hearing shall be within ten days of the date of the filing of the complaint. The notice, together with copies of the complaint and these rules, shall be sent promptly to the postmaster at the place of mailing to be served upon the mailer or his agent. A receipt therefor shall be obtained and forwarded immediately to the Docket Clerk. If personal service cannot be made, the notice of hearing shall be deposited in the mails for delivery in the regular course which shall constitute valid service. A report of such delivery shall be promptly forwarded to the Docket Clerk.

§ 203.6 Compromise and informal dispositions.

The mailer may request a conference with the Complainant to consider informal disposition of any question of mailability or apply to the Complainant for the withdrawal of the matter from the mails. When such a request is received, the scheduled hearing date will be postponed for such period of time as may be necessary but in no event longer than five days unless specifically requested by the mailer. If no agreement is reached, the proceeding shall promptly be rescheduled for hearing.

§ 203.7 Answer.

The mailer may file an answer to the complaint and appear in person or by counsel at the hearing. The answer shall contain a reply to each allegation in the complaint and shall be filed in triplicate with the Docket Clerk in Room

(2) Possibility of obtaining stipulations as to admissions of fact and introduction of documents;

(3) Limitation of the number of expert witnesses, if a hearing is to be held, and

(4) Such other matters as may aid in the disposition of the matter.

(b) The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made a part of the record.

§ 201.112 Settlement.

A dispute may be settled at any time (a) by the contractor filing written notice withdrawing his appeal, (b) by written stipulation between the contractor and the Contracting Officer approved by the Board settling either the entire dispute or any part thereof. The appeal shall continue as to any issues remaining in dispute.

§ 201.113 Depositions.

(a) Depositions upon oral examination or upon written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) Depositions may be taken before any person authorized by laws of the United States or by the laws of the place where they are taken to administer oaths.

(c) Either party may take a deposition of a witness by giving the opposite party at least 15 days notice in writing of the time and place where such deposition will be taken. The notice shall contain: The name, address and official title of the officer before whom it is proposed to take the deposition; the name of the witness and the address; whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case the notice can be dispensed with. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation. The opposing party may serve cross interrogatories to be propounded to the witness within 10 days after receipt of the interrogatories, by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to his opponent.

(d) A deposition taken under the provisions of this rule may be offered in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board which may exclude any part determined to be irrelevant, immaterial or otherwise not admissible as evidence in the proceedings.

§ 201.114 Stipulations.

The parties or their attorneys may stipulate in writing as to any facts that are relevant and material to the issues involved and what documents or facts may be received in evidence without formal proof subject to relevance and materiality.

§ 201.115 Hearing.

The parties may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. In the absence of a request, the Board may, in its discretion, order a hearing on any appeal. The parties will be given a minimum of 15 days' notice in writing of the time and place of the hearing. The hearing may be conducted by the entire Board or one member of the Board in the discretion of a majority of the Board. If the hearing is conducted by one member at least one other member must concur in the decision of the member who conducted the hearing before it shall become a decision of the Board of Contract Appeals. All hearings shall be held in Washington, D.C., unless upon motion of either party the Board shall determine for good cause shown that the hearing shall be held elsewhere.

§ 201.116 Continuance.

Any time after notice of appeal is filed, the Board may grant a continuance for good cause shown.

§ 201.117 Procedure.

(a) Insofar as possible hearings shall be informal. Both parties may offer oral and written evidence, subject to the exclusion by the Board or the presiding member of any irrelevant, immaterial or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Chairman or the presiding member.

(b) Attention of the witnesses shall be invited to 18 U.S.C. 1621. Testimony shall be under oath or affirmation. All witnesses may be examined or cross-examined by the Board, the parties, or counsel.

(c) The Board shall make provision for a transcript of the hearing which ordinarily shall be a verbatim transcript. But the Board with the consent of the parties may in its discretion direct a summary of the transcript to be prepared in lieu of the verbatim transcript. If at the direction of the Board a summary is prepared, the contractor and Department counsel shall either indicate in writing that it is accurate or file specific written objections for resolution by the Board.

§ 201.118 Service.

The parties shall file with the Board an original and two copies of all pleadings, except the notice of appeal, and shall at the same time serve a copy on the opposing party or his representative of record. The appeal file shall be filed in duplicate. Service of papers shall be made in person or by certified mail.

§ 201.119 Decisions.

Decision of the Board shall be by a majority of the members. A copy of the decision shall be furnished to both parties and shall be available for public inspection in the Post Office Department Library.

§ 201.120 Reconsideration by the board.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Reconsideration of any decision may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 201.121 Conflicts.

Any conflict between these rules and specific provisions of any contract in dispute shall be resolved in favor of the provisions of the contract.

II. In Part 202 redesignate Subpart C—Procedure to Adjudicate Claims for Personal Injury or Property Damage Arising Out of the Operation of the Postal Service—as new Subpart O of Part 201; and strike out the title heading and the remainder of Part 202 and insert in lieu thereof the following:

PART 202—PROCEDURE GOVERNING THE ELIGIBILITY OF PERSONS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

Sec.
202.1 Authority for rules.
202.2 Eligibility to practice.
202.3 Persons ineligible to practice.
202.4 Authorization of appearance may be required.
202.5 Complaint of misconduct.
202.6 Censure, suspension or disbarment; grounds.
202.7 Notice of disbarment; exclusion from practice.

§ 202.1 Authority for rules.

The Judicial Officer promulgates these rules pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86-676), Headquarters Circular 61-45 (26 F.R. 10813))

§ 202.2 Eligibility to practice.

(a) Any individual who is a party to any proceeding before the Judicial Officer, the Board of Contract Appeals or a hearing examiner may appear for himself or by an attorney at law.

(b) The head of any bureau or office may establish such special rules and regulations pertaining to eligibility to practice before such bureau or office as he may deem to be necessary or desirable.

(c) Generally, except as provided in § 202.3, any attorney at law who is a member in good standing of the Bar of the Supreme Court of the United States or of the highest court of any State, District, Territory, Protectorate or Possession of the United States, or of the District of Columbia, and is not under any order of any court or executive department of one of the foregoing governmental entities suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law may represent others before the Post Office Department.

(d) When any person acting in a representative capacity appears in person or signs a paper in practice before the Post Office Department his personal appearance or signature shall constitute a representation to the Post Office Department that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts. The Post Office Department does not generally take formal action or issue any certificate to show that an individual is eligible to practice before the Department. (But see § 202.4.)

§ 202.3 Persons ineligible for admission to practice.

(a) No person disbarred from practice in this Department or in any other executive department of any of the governmental entities mentioned in § 202.2(d) will be eligible to practice before the Post Office Department until said order of disbarment shall have been revoked.

(b) Any person who, subsequently to being admitted to practice before the Post Office Department, is disbarred by any governmental entity mentioned in § 202.2(d) shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as attorney for prosecuting before this Department or any office thereof any case or matter which he was in anywise connected while he was such attorney, officer, clerk, or employee.

(d) No person coming within the prohibitions of 5 U.S.C. 99, 18 U.S.C. 281, or 18 U.S.C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.4 Authorization of appearance may be required.

The Judicial Officer, the head of any bureau or office or any hearing examiner may require any person to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.5 Complaint of misconduct.

(a) If the head of any bureau or office of the Department has reason to believe, or if complaint be made to him, that any person is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the Judicial Officer.

(b) Whenever any person submits to the Judicial Officer a complaint against any person who has practiced, is practicing or holding himself out as entitled to practice before the Post Office Department, the Judicial Officer may refer such complaint to the Chief Inspector for a complete investigation and report.

(c) At any time, the Judicial Officer may refer the complaint to the General Counsel for the preparation of formal charges to be lodged against and served upon the person against whom the complaint has been made.

§ 202.6 Censure, suspension or disbarment; grounds.

(a) The Judicial Officer may censure, suspend or disbar any person against whom a complaint has been made and upon whom charges have been served as provided in § 202.5 if he finds that such person:

(1) Does not possess the qualifications required by § 203.1;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the Bar of any court of which he is a member;

(3) Represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(4) By use of his name, personal appearance, or any device, aids or abets an attorney to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(5) Displays towards the Judicial Officer, Board of Contract Appeals or any hearing examiner assigned to the Department, conduct which, if displayed toward any court of any State, the United States, any of its Territories or the District of Columbia, would be cause for censure, suspension or disbarment; or

(6) Is otherwise guilty of misconduct or lacking in character or professional integrity.

(b) Before any person shall be censured, suspended or disbarred, he shall be afforded an opportunity to be heard by the Judicial Officer on the charges made against him. The General Counsel or his designee shall prosecute such cases.

(c) In the event the Judicial Officer is unavailable for any reason, cases relating to the censure, suspension or disbarment of attorneys will be governed as herein provided, except that the hearing will be conducted by a hearing examiner appointed pursuant to the provisions of the Administrative Procedure Act or by some other disinterested member of the headquarters staff of the Post Office Department who shall be appointed by the Deputy Postmaster General.

§ 202.7 Notice of disbarment; exclusion from practice.

Upon the disbarment of any person, notice thereof will be given to the heads of the bureaus and offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be entitled to practice before the Post Office Department or any bureau or office thereof.

III. Amend Part 203 to read as follows:

PART 203—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAILABILITY

Sec.
203.1 Authority for rules.
203.2 Limitation.
203.3 Initiation.
203.4 Complaint.
203.5 Notice of hearing; service.
203.6 Compromise and informal dispositions.
203.7 Answer.
203.8 Default.
203.9 Hearing.
203.10 Change of place of hearing.
203.11 Presiding officers.
203.12 Proposed findings of fact.
203.13 Initial decision.
203.14 Appeal.
203.15 Departmental decision.
203.16 Expedition.
203.17 Disposition.

§ 203.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86-676), Headquarters Circular 61-45 (26 F.R. 10813))

§ 203.2 Limitation.

The rules shall be applicable only to cases where the matter offered for mailing shall be of substantial value or quantity. The initial determination of this question by the General Counsel may be appealed to the Judicial Officer.

§ 203.3 Initiation.

Upon receipt of mail matter of doubtful mailability under the provisions of 18 U.S.C. 1302, 1461, 1463, 1717 or 1718 (see also 39 U.S.C. 4001) submitted by a postmaster pursuant to § 14.9(b) of this chapter (§ 124.92 of the Postal Manual), the General Counsel shall: (a) File a complaint with the Docket Clerk of the Post Office Department or (b) instruct the postmaster to accept such matter for mailing.

§ 203.4 Complaint.

The complaint shall: (a) State statutory and/or regulatory authority for withholding the matter from the mails; (b) specify the character or content of the matter which the Complainant believes to be nonmailable; and (c) request the issuance of a notice of hearing by the Docket Clerk.

§ 203.5 Notice of hearing; service.

Upon receipt of the complaint the Docket Clerk shall issue a notice setting the time and place for the hearing. The date set for the hearing shall be within ten days of the date of the filing of the complaint. The notice, together with copies of the complaint and these rules, shall be sent promptly to the postmaster at the place of mailing to be served upon the mailer or his agent. A receipt therefor shall be obtained and forwarded immediately to the Docket Clerk. If personal service cannot be made, the notice of hearing shall be deposited in the mails for delivery in the regular course which shall constitute valid service. A report of such delivery shall be promptly forwarded to the Docket Clerk.

§ 203.6 Compromise and informal dispositions.

The mailer may request a conference with the Complainant to consider informal disposition of any question of mailability or apply to the Complainant for the withdrawal of the matter from the mails. When such a request is received, the scheduled hearing date will be postponed for such period of time as may be necessary but in no event longer than five days unless specifically requested by the mailer. If no agreement is reached, the proceeding shall promptly be rescheduled for hearing.

§ 203.7 Answer.

The mailer may file an answer to the complaint and appear in person or by counsel at the hearing. The answer shall contain a reply to each allegation in the complaint and shall be filed in triplicate with the Docket Clerk in Room

3350, Post Office Department, Washington 25, D.C., at least three days prior to the date set for the hearing. Each allegation not answered shall be deemed admitted.

§ 203.8 Default.

If no answer to the complaint is filed, the mailer shall be deemed in default and the Judicial Officer shall instruct the postmaster of the disposition to be made of the matter in accordance with § 203.17. If the mailer files an answer but fails to appear at the hearing, the Hearing Examiner shall receive the evidence of the Complainant and render an initial decision pursuant to § 203.13.

§ 203.9 Hearing.

Unless otherwise ordered by the presiding officer, the hearing shall be held in Room 5241, Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., on the date set in the notice.

§ 203.10 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining: (a) The evidence to be offered in such place; (b) the names and addresses of the witnesses who will testify; (c) the reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 203.11 Presiding officers.

The presiding officer at any hearing shall be a Hearing Examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010) or the Judicial Officer (74 Stat. 554, Public Law 86–676). The Chief Hearing Examiner shall assign cases to Hearing Examiners upon rotation so far as practicable. The Judicial Officer may, for good cause shown, preside at the reception of evidence in proceedings where expedited hearings are requested by either party.

§ 203.12 Proposed findings of fact.

Unless otherwise ordered, proposed findings of fact and conclusions of law shall be submitted orally or in writing at the conclusion of the hearing.

§ 203.13 Initial decision.

Unless given orally at the conclusion of the hearing, the Hearing Examiner shall render an initial decision as expeditiously as practicable following the conclusion of the hearing, and the receipt of the proposed findings, if any. The initial decision shall become the departmental decision if an appeal is not perfected.

§ 203.14 Appeal.

Either party may file exceptions in a brief on appeal to the Judicial Officer within five days after receipt of the initial decision unless additional time is granted. A reply brief may be filed within five days after the receipt of the appeal brief by the opposing party.

§ 203.15 Departmental decision.

The Judicial Officer shall render a Departmental decision or refer the matter to the Postmaster General for decision. The decision shall be served upon the parties and the postmaster.

§ 203.16 Expedition.

For the purposes of further expedition the parties may, with the concurrence of the Judicial Officer, agree to waive any of these procedures. When the Judicial Officer presides at the hearing, he shall render a tentative or final decision after the conclusion of the hearing. Exceptions may be filed to a tentative decision in accordance with § 203.14.

§ 203.17 Disposition.

Matter found to be nonmailable shall be held at the post office where detained for a period of fifteen days from the date of the Departmental decision, unless extended by the Judicial Officer. During that time the mailer may make application for the withdrawal of the matter. The Judicial Officer shall order the matter returned to the mailer or otherwise disposed of in accordance with 39 U.S.C. 4001(b).

IV. Amend Part 204 to read as follows:

PART 204—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION OR REVOCATION OF SECOND-CLASS MAIL PRIVILEGES

Sec.
- 204.1 Authority for rules.
- 204.2 Scope of rules.
- 204.3 Informal dispositions.
- 204.4 Office, business hours.
- 204.5 Application.
- 204.6 Revocation or suspension.
- 204.7 Failure to appeal proposed action.
- 204.8 Pleading.
- 204.9 Default.
- 204.10 Intervention.
- 204.11 Hearings.
- 204.12 Change of place of hearing.
- 204.13 Appearances.
- 204.14 Presiding officers.
- 204.15 Judicial Officer.
- 204.16 Procedure.
- 204.17 Transcript.
- 204.18 Proposed findings and conclusions.
- 204.19 Initial decision.
- 204.20 Appeal and final decision.
- 204.21 Motion for reconsideration.
- 204.22 Continuances.
- 204.23 Computation of time.
- 204.24 Official record.
- 204.25 Public information.

§ 204.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

(R.S. 161, as amended; 5 U.S.C. 22; 39 U.S.C. 309; 501; 74 Stat. 554 (Public Law 86–676), Headquarters Circular 61–45 (26 F.R. 10813))

§ 204.2 Scope of rules.

The rules of practice shall apply to all Post Office Department proceedings concerning applications, denials, suspensions and revocations of second-class mailing privileges arising under 39 U.S.C. 4351, 4352, 4353, 4354, 4355, 4356, and 4369.

§ 204.3 Informal dispositions.

These rules do not preclude the informal disposition of second-class mailing privilege matters before or after institution of proceedings.

§ 204.4 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., and are open Monday through Friday from 8:45 a.m., to 5:15 p.m.

§ 204.5 Application.

A publisher may file an application for second-class mailing privileges. (See Part 22 of this chapter.) An authorized official of the Bureau of Operations, Post Office Department (hereinafter called "the Director") rules upon all applications. If he denies the application he shall notify the publisher specifying the reasons for his denial and attaching a copy of these rules. Before taking action on an application, the Director may call upon the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish such information or evidence may be cause for the Director to deny the application as incomplete or, on its face, not fulfilling the requirements for entry.

§ 204.6 Revocation or suspension.

When the Director determines that a publication is no longer entitled to second-class mailing privileges, he shall issue a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons and attaching a copy of these rules.

§ 204.7 Failure to appeal proposed action.

A ruling of the Director shall become final upon failure of the publisher to file a petition in accordance with the requirements of § 204.8.

§ 204.8 Pleading.

(a) *Place of filing.* Parties shall file documents of record in triplicate, unless otherwise ordered by the presiding officer after intervention pursuant to § 204 with Docket Clerk of the Post Office Department, who shall cause copies to be delivered to the other parties and to the presiding officer. The Docket Clerk shall maintain a docket and the files in all proceedings.

(b) *Petition.* A publisher may appeal from a ruling of the Director by filing a petition within 15 days of the receipt of the ruling unless the time is extended by the Director. The petition shall state the reasons why the publisher believes the ruling of the Director is erroneous. The petition shall also allege facts showing compliance with each provision of law or regulation on which the publisher's claim to second-class mail privileges is based. The publisher shall attach to his petition a copy of the letter of the Director denying, suspending or revoking second-class mail privileges.

(c) *Notice of hearing.* Upon receipt of the petition the Docket Clerk shall set a date for the hearing and issue a notice of hearing to the parties stating the time and place of the hearing, the date for filing an answer, and the name of the presiding officer.

(d) *Answer.* The director shall answer the petition within 15 days after filing and admit or deny each allegation of the petition.

(e) *Amendment.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing. If the presiding officer deems it appropriate to permit the amendment of a pleading, he may impose such conditions, by way of continuance of the hearing date or otherwise, as he considers necessary to assure a fair hearing.

§ 204.9 Default.

If a publisher fails to appear at the hearing, the presiding officer may: (a) Dismiss the petition; (b) order the petitioner to show cause within 30 days from the date of the order why an order of dismissal should not be entered, and thereafter enter such order as the presiding officer deems to be appropriate. If the petition is dismissed by order of a Hearing Examiner, the dismissal may be appealed to the Judicial Officer within 15 days from the date of the order.

§ 204.10 Intervention.

To intervene a person not a party to the proceeding shall file an application in writing not less than three days before the time fixed for hearing. The application shall state whom the potential intervenor represents, his interest, the extent to which he desires to participate, and the evidence he seeks to introduce. The presiding officer shall grant an application to intervene upon a proper showing of interest. Participation of an intervenor shall be limited to the filing of a brief before the presiding officer.

§ 204.11 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 204.12 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement setting forth:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C.

The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 204.13 Appearances.

(a) The General Counsel of the Post Office Department or a member of his staff designated by him shall represent the Director.

(b) A publisher or intervenor may appear and be heard in person or by attorney. Attorneys may practice before the Department in accordance with applicable rules issued by the Judicial Officer. See Subpart A of Part 202 of this chapter.

(c) An attorney representing a publisher or intervenor shall file a written authorization from the publisher or intervenor before he may participate in the proceeding. The publisher or intervenor must promptly file a notice of change of attorneys.

(d) When a publisher or intervenor is represented by an authorized attorney all subsequent pleadings shall be served upon the attorney.

§ 204.14 Presiding officers.

(a) The Chief Hearing Examiner shall assign a case to a Hearing Examiner, so far as practical in rotation, to preside over the hearing. The Hearing Examiner shall be qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010).

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon matters of evidence and procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs on any matter upon which he is required to rule;

(7) Order prehearing conferences for the settlement or simplification of issues by consent of the parties;

(8) Order the proceeding reopened at any time prior to his decision for the receipt of additional evidence;

(9) Render an initial decision.

§ 204.15 Judicial Officer.

The Judicial Officer is authorized (a) to act as presiding officer at hearings and (b) to render a final Departmental Decision for the Postmaster General. On appeal from an Initial Decision of a Hearing Examiner, the Judicial Officer will consider the entire record including the initial decision and the exceptions to that decision. Before any final agency decision has been rendered, the Judicial Officer may order the hearing reopened for the presiding officer to take additional evidence.

§ 204.16 Procedure.

(a) *Evidence.* The general rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States apply. The rules may be relaxed to the extent that the presiding officer may deem proper to insure an adequate and fair hearing. The presiding officer may exclude irrelevant or repetitious evidence.

(b) *Subpoenas.* The Post Office Department is not authorized to issue subpoenas.

(c) *Fees.* The Post Office Department does not pay fees and expenses for witnesses of, or depositions requested by, the publisher or intervenor.

(d) *Depositions.* Depositions may be taken as follows:

(1) Not later than five days after the filing of Director's answer, any party may file application with the presiding officer for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(2) If the application is granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(3) Each witness testifying upon deposition shall be duly sworn by the deposition officer and the adverse party shall have the right to cross-examine. The questions and answers together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the deposition officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(4) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(5) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(6) Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United

States, or any other person designated in the order for the taking of a deposition.

(7) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the deposition officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 204.17 Transcript.

(a) A contract reporter of the Post Office Department under the supervision of the presiding officer shall report hearings. The reporter shall supply the parties with copies of the transcript at rates not to exceed those fixed by contract between the Department and the reporter.

(b) Changes in the official transcript may be made only when they involve substantial errors. A party may file a motion for correction of the official transcript within 10 days after his receipt of the transcript or any part thereof. Other parties shall, within such time as may be specified by the presiding officer, notify the presiding officer in writing if they object to the requested corrections. Failure of a party to interpose timely objection to a proposed correction may be considered by the presiding officer to be concurrence. The presiding officer shall then specify the corrections to be made in the transcript. He may on his own initiative order corrections in the transcript after notice to the parties subject to their objection.

§ 204.18 Proposed findings and conclusions.

(a) A party to a proceeding may submit proposed findings of fact and conclusions of law to the presiding officer. The presiding officer shall determine whether they shall be oral or written. The presiding officer may require parties to a proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. When the proposed findings and conclusions are not submitted orally they shall be filed within 15 days after delivery of the official transcript to the Docket Clerk. The Docket Clerk shall notify the parties of the filing date which shall be the same for both parties. If not submitted by that date, the findings and conclusions will not be considered or included in the record.

(b) Except when presented orally, proposed findings of fact and conclusions of law shall be set forth in numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits relied upon to support the conclusions proposed. Each proposed conclusion shall be separately stated.

§ 204.19 Initial decision.

(a) Upon request of either party the presiding officer may render an oral initial decision at the close of the hearing when the nature of the case and the public interest warrant. If a party desires an oral initial decision he shall notify the presiding officer and the opposing party at least 5 days prior to the date set for hearing. Parties may then submit proposed findings and conclusions orally or in writing at the conclusion of the hearing.

(b) If an oral initial decision is not rendered, the presiding officer shall render a written initial decision with all due speed after the parties have submitted all post-hearing material. The initial decision shall become the final Departmental Decision unless it is appealed.

(c) The initial decision shall include findings upon all material issues of fact and law presented on the record and the reasons for those findings.

§ 204.20 Appeal and final decision.

(a) A party may appeal to the Judicial Officer from an initial decision by filing exceptions in a brief on appeal within 15 days from the receipt of a written or oral initial decision.

(b) Upon receipt of the appeal brief the Judicial Officer shall set the date for the filing of the reply brief. No additional briefs shall be received unless requested by the Judicial Officer.

(c) Appeal briefs shall contain the following matter in the order indicated:

(1) A subject index of the matters presented with page references;

(2) A table of cases alphabetically arranged;

(3) A list of statutes and texts cited with page references;

(4) A concise abstract or statement of the case;

(5) Numbered exceptions to the findings and conclusions of the presiding officer and the reasons for the exceptions.

§ 204.21 Motion for reconsideration.

Within 10 days from the date thereof, or such longer period as may be fixed by the Judicial Officer, either party may file a motion for reconsideration of a final Departmental decision.

§ 204.22 Continuances.

For good cause shown, continuances or extensions may be granted by the presiding officer. Similar action may be taken by the Judicial Officer when the proceeding is on appeal.

§ 204.23 Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or holiday, in which event the period runs until the close of business on the next working day.

§ 204.24 Official record.

The pleadings, orders, exhibits, transcript of testimony, briefs, decisions and other documents filed in the proceeding constitute the official record of the proceeding.

§ 204.25 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all Initial and Departmental Decisions. The Docket Clerk of the Post Office Department maintains a complete official record of every proceeding. A person may examine a record upon authorization by the Judicial Officer.

LOUIS J. DOYLE,
General Counsel.

The foregoing are hereby adopted as rules of procedure for the Post Office Department.

REVA BECK BOSONE,
Judicial Officer.

[F.R. Doc. 61-12390; Filed, Dec. 29, 1961; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 9—AVIATION SERVICES

Microwave Operation

In the matter of amendment of Part 9, Aviation Services of the Commission's rules for the purpose of making editorial changes therein concerning microwave operation.

The Commission, having under consideration the amendment of Part 9 Aviation Services, to effect the editorial changes described below; and

It appearing, that the Commission, by report and order (FCC 61-764) docket No. 14029, in the matter of amendment of Parts 7, 9, 10, 11, 16, and 19 of the Commission's rules for licensing of private microwave systems on a regular basis on certain bands above 952 Mc and to provide type acceptance requirements for such systems, released June 23, 1961, published in the FEDERAL REGISTER June 29, 1961 (26 F.R. 5798), amended the above enumerated parts to provide, inter alia, special provisions for stations operating above 952 Mc and type acceptance requirements, the formal codification of such changes to be accomplished by subesquent order; and

It further appearing, that the Commission, by report and order (FC 61-952), docket No. 13953, in the matter of amendment of Parts 7, 8, 9, 10, 11, and 16 of the Commission's rules to provide frequency pairing in the 952-960 Mc frequency band, and to make the channel 952.5 Mc available to public safety licensees for omnidirectional operations, released July 27, 1961, published in FEDERAL REGISTER August 1, 1961 (26 F.R. 6849), amended the above enumerated parts to provide omnidirectional operation for other than traffic signal control and certain paired frequencies to be available on a regular grant basis rather than developmental, the formal codification of such changes to be accomplished by subsequent order; and

It further appearing, that some of the band limits for the microwave frequencies set forth in Part 2 of the Commission's rules differ somewhat from those appearing in Part 9 of the rules; and

It further appearing, that the formal codification of the changes herein ordered conform without any substantive change to the terms in the above-described orders and, being editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 27th day of December 1961, that, effective December 27, 1961, Part 9 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 9.447, paragraphs (b), (c), and (d) are amended and paragraphs (e), (f), and (g) are deleted. As amended, paragraphs (b), (c), and (d) read as follows:

§ 9.447 Frequencies available.

* * * * *

(b) The frequencies listed in the table in this paragraph may be assigned for operational fixed microwave operation subject to the conditions set forth in paragraph (d) of this section and the limitations contained in the footnotes to the table.

BAND (MC/S)

952-960 [1]	10550-10680
1850-1990	12200-12700
2110-2200	13200-13250 [3]
2450-2500 [2]	17700-13900 [2]
2500-2690	19400-19700 [3]
6575-6875	27525-31300 [3]
8400-8500 [3]	38600-40000 [3]

[1] Available for assignment in accordance with the frequency pairing plan as contained in paragraph (c) of this section.

[2] Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

[3] Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(c) The frequencies between 952 and 960 Mc/s will be assigned as follows:

Paired frequencies

959.9—956.3 [1]	958.1—954.5
959.8—956.2 [1]	958.0—954.4
959.7—956.1	957.9—954.3
959.6—956.0	957.8—954.2
959.5—955.9	957.7—954.1
959.4—955.8	957.6—954.0
959.3—955.7	957.5—953.9
959.2—955.6	957.4—953.8
959.1—955.5	957.3—953.7
959.0—955.4	957.2—953.6
958.9—955.3	957.1—953.5
958.8—955.2	957.0—953.4
958.7—955.1	956.9—953.3
958.6—955.0	956.8—953.2
958.5—954.9	956.7—953.1
958.4—954.8	956.6—953.0
958.3—954.7	956.5—952.9 [1]
958.2—954.6	956.4—952.8 [1]

Unpaired frequencies

952.4 [1 2] 952.3 [1 2] 952.2 [1 2] 952.1 [1 2]

[1] Available on developmental basis only for omnidirectional operation, and for other than the control of traffic signals.

[2] The maximum rated power output of transmitters for omnidirectional operations authorized to operate on this frequency is 100 watts.

(d) Operation on frequency pairs authorized prior to July 20, 1961, which are not in accordance with the plan of frequency pairing set forth in paragraph (c) of this section may continue provided interference is not caused to the operation of systems which are utilizing channels in accordance with that plan.

[F.R. Doc. 61-12413; Filed, Dec. 29, 1961; 8:46 a.m.]

PART 10—PUBLIC SAFETY RADIO SERVICES

Miscellaneous Amendments

The Commission, having under consideration the amendment of Part 10 of the rules governing the Public Safety Radio Services, to effect the editorial changes described below; and

It appearing, that the explanations of assignment limitations appearing in §§ 10.255(h)(12), 10.305(g)(7), and 10.355(e)(12) are now meaningless since they refer to the Atlantic City Table of Frequency Allocations; and

It further appearing, that the Atlantic City Radio Regulations have been superseded by the Geneva (1959) Radio Regulations; and

It further appearing, that the Table of Frequency Allocations appearing in Part 10 of the Rules conform to the Geneva allocations; and

It further appearing, that the deletion herein ordered make no substantive change, and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 27th day of December 1961, that effective December 27, 1961, Part 10 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 10.255 is amended as follows:

a. In paragraph (g), limitation 12 is deleted wherever it appears in column 3 of the frequency table.

b. In paragraph (h), the text of subparagraph (12) is deleted and the word [Reserved] inserted in lieu thereof.

2. Section 10.305 is amended as follows:

a. In paragraph (f) limitation 7 is deleted wherever it appears in column 3 of the frequency table.

b. In paragraph (g), the text of subparagraph (7) is deleted and the word [Reserved] inserted in lieu thereof.

3. Section 10.355 is amended as follows:

a. In paragraph (d), limitation 12 is deleted wherever it appears in column 3 of the frequency table.

b. In paragraph (e), the text of subparagraph (12) is deleted and the word [Reserved] inserted in lieu thereof.

[F.R. Doc. 61-12431; Filed, Dec. 29, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

[Docket No. AO–290–A1]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN STATE OF WASHINGTON

Notice of Hearing With Respect to Proposed Amendment of the Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Pacific Power and Light Auditorium, 7 North Third Street, Yakima, Wash., beginning at 10 a.m., P.s.t., January 18, 1962, with respect to proposed amendments to the marketing agreement and Order No. 922 (7 CFR Part 922), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of apricots grown in designated counties in Washington. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The amendments to the marketing agreement and order, which have been proposed by the Washington Apricot Marketing Committee, are as follows:

1. Revise § 922.4 to read as follows:

§ 922.4 Production area.

"Production area" means the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all the counties in Washington lying east thereof.

2. Revise § 922.13 to read as follows:

§ 922.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport apricots within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of apricots from the orchard where grown to a packing facility located within such area for preparation for market.

§ 922.14 [Amendment]

3. Revise § 922.14(a) to read as follows:

(a) "District 1" shall include all counties within the production area not included in District 2.

§ 922.52 [Amendment]

4. Amend subparagraph (3) of paragraph (a) of § 922.52 by inserting the word "markings" immediately following the word "dimensions."

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1218 Southwest Washington Street, Portland 5, Oreg.

Dated: December 27, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–12389; Filed, Dec. 29, 1961; 8:45 a.m.]

[7 CFR Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Proposed Changes in Representation of Certain Districts on Bartlett Pear Commodity Committee

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 936.100, 24 F.R. 409, 25 F.R. 403) currently in effect pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Control Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment changes the representation of certain districts on the Bartlett Pear Commodity Committee.

The said amendment is as follows:

Delete § 936.116 and substitute therefor the following:

§ 936.116 Changes in representation of certain districts on Bartlett Pear Commodity Committee.

The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(a) One (1) member to represent the North Sacramento Valley District and the Central Sacramento Valley District;

(b) Three (3) members to represent the Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District;

(c) Two (2) members to represent the Placer District and the Colfax District;

(d) Three (3) members to represent the Lake District;

(e) One (1) member to represent the North Coast District and the North Bay District;

(f) Two (2) members to represent the El Dorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: December 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12416; Filed, Dec. 29, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 14, 1961.

Dated: December 14, 1961.

ALEXANDER H. WADE, Jr.

[F.R. Doc. 61–12383; Filed, Dec. 29, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on September 29, 1961 (20 A.D. 939), continuing in effect to and including October 31, 1963, an order issued on October 29, 1959 (18 A.D. 1168), authorizing the respondents, Market Agencies at Kansas City Stock Yards, Kansas City, Mo., to assess the current temporary schedule of rates and charges.

On December 13, 1961, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges by adding the following provision to section B–2 thereof:

Item 3. *Branding of sheep.* A charge of 5 cents per head will be assessed the buyer to brand sheep and lambs when necessary to conform with State livestock health requirements.

The proposed modification involves a new rate or charge for services not heretofore covered by order. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 26th day of December 1961.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61–12360; Filed, Dec. 29, 1961; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 42–7236–1 (G–63)]

MISTROT M. SULLIVAN AND SOUTHWESTERN RADIOLOGICAL SERVICE CO.

Order To Show Cause and Order Suspending License

Correction

In F.R. 61–11916 appearing at page 12089 of the issue for Saturday, December 16, 1961, the material appearing in the first column of page 12090 beginning with the line reading: "(c) On October 16, November 3; 4, and" and ending with the third line of the center column of that page reading "Fabricating Company, Houston, Texas", is corrected by transferring it to immediately follow paragraph 2. (b) in the center column of page 12090.

CIVIL AERONAUTICS BOARD

[Docket No. 13150]

AEROVIAS INTERNACIONAL BALBOA, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held January 4, 1962, 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 27, 1961.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 61–12403; Filed, Dec. 29, 1961; 8:45 a.m.]

[Docket No. 13308]

INSPIRATION HELICOPTERS LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 4, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., December 26, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–12404; Filed, Dec. 29, 1961; 8:45 a.m.]

[Docket No. 13267]

SWISSAIR, SWISS AIR TRANSPORT COMPANY LTD.

Notice of Prehearing Conference

In the matter of the application of Swissair, Swiss Air Transport Company Limited for amendment of its foreign air carrier permit to read as follows: "between a point or points in Switzerland, the intermediate points Frankfurt, Germany; Cologne, Germany; Manchester, England; Shannon, Eire; Lisbon, Portugal; Santa Maria, Azores; and Gander, Newfoundland, Canada and the coterminal points New York, N.Y. and Chicago, Ill."

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 8, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., December 27, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–12405; Filed, Dec. 29, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14458]

CLIFFORD C. HAYES

Order To Show Cause

In the matter of Clifford C. Hayes, Charleston, South Carolina, Docket No. 14458; order to show cause why there should not be revoked the license for Radio Station 6Q1601 in the citizens radio service.

The Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, by the captioned radio station licensee;

It appearing that, on September 7, 1961, the Commission, pursuant to section 308(b) of the Communications Act of 1934, as amended, directed a letter to the licensee by Certified Mail—Return Receipt Requested (No. 97414) requesting that he respond to certain interrogatories contained therein under oath or affirmation within fifteen days of receipt of such letter; and

It further appearing that the Commission's letter of September 7, 1961, was received on September 13, 1961, but no reply thereto was made; and

It further appearing that the Commission, on November 2, 1961, again directed a letter by Certified Mail—Return Receipt Requested (No. 97309) to the licensee pursuant to section 308(b) of the Communications Act of 1934, as amended, requesting that he reply to certain interrogatories contained therein within ten days of his receipt of such letter; and

It further appearing that, the Commission's letter of November 2, 1961, was received on November 14, 1961, but that no reply thereto was made; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended;

It is ordered, This 22d day of December 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b)(8) of the Commission's Statement of Delegations of Authority that the licensee show cause why the license for Citizens Radio Station 6Q1601 should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail (Air Mail)—Return Receipt Requested to Clifford C. Hayes, 353 Grove Street, Charleston, S.C.

Released: December 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12408; Filed, Dec. 29, 1961; 8:46 a.m.]

[Docket Nos. 14097-14100; FCC 61-1497]

LINDSAY BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Richard E. Lindsay, tr/as Lindsay Broadcasting Company, Punta Gorda, Florida, Docket No. 14097, File No. BP-12914; Peace River Broadcasting Corporation, Punta Gorda, Florida, Docket No. 14098, File No. BP-13336; William H. Martin, Fort Myers, Florida, Docket No. 14100, File No. BP-13997; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed October 25, 1961, by Richard E. Lindsay; (2) an opposition filed by William H. Martin on November 1, 1961; (3) Lindsay's reply, filed November 13, 1961; (4) the Broadcast Bureau's comments, filed November 17, 1961; and (5) Lindsay's reply to the Bureau, filed November 30, 1961.

2. Lindsay and Martin each request that an issue be added to determine what efforts have been made by the other to ascertain the programing needs of the area he proposes to serve and the manner in which he proposes to meet such needs. In support of these requests, each relies upon the fact that the programing proposals of the other are substantially identical with program proposals contained in other applications with which the other is, or has been, associated. Lindsay and Martin oppose each other's request; each of them asserts that he is familiar with the community he proposes to serve, and supports these assertions with allegations that he has visited the community on numerous occasions and has talked with several civic and business leaders concerning the proposed operation. The assertions of each in this regard are disputed by the other.

3. The identity of programing proposals for different communities raises a substantial question as to whether, or the extent to which, the programing proposals have been tailored to meet the needs of the area proposed to be served, particularly where, as here, it is not clear to what extent either Lindsay or Martin based his programing proposals on the previously ascertained needs of the community proposed to be served. The Commission is, therefore, of the view that both Martin and Lindsay should be required to show at an evidentiary hearing the manner in which, and when, each of them ascertained these needs, and to show that their respective programing proposals were designed to meet these needs.

4. Martin also requests that the issues be enlarged to determine whether Lindsay can be relied upon to carry out his programing proposals. In support of this request, Martin alleges that on May 26, 1954, Lindsay signed as secretary an application of Chronicle Publishing Company, Inc., for a new standard broadcast station at Marion, Ind. This application was subsequently granted, and the call letters WMRI were assigned to it. Lindsay was also a director of this applicant and its largest (16 percent) single stockholder. Martin alleges that although this applicant proposed a balanced program schedule, its 1958 renewal application discloses that in its first license period, WMRI departed from its programing proposals in the following respects: 46 percent of its time, as against 16.3 percent as proposed, was devoted to news; no time was devoted to educational programs, although 3.5 percent had been proposed; the time devoted to religious programs was reduced from the proposed 8.4 percent to 4 percent; and that there was a reduction from 60.8 percent to 36 percent in the time devoted to entertainment. However, as pointed out by Lindsay in his opposition to Martin's request, this stock interest was not sufficient to vest in him legal control over the operation of Station WMRI, and Martin has made no showing that Lindsay was responsible for the program changes. Under the circumstances, the request for this issue will be denied.

5. Both Lindsay and Martin contend that the other did not have good cause for the late filing of his request for enlargement of the issues. In view of the importance of the questions raised by the pleadings before us, we have considered them on our own motion, and the question of whether there was good cause thus becomes academic.

Accordingly, it is ordered, This 20th day of December 1961, That the petition to enlarge issues, filed October 25, 1961, by Richard E. Lindsay, tr/as Lindsay Broadcasting Company, and the request for alternate relief, filed November 1, 1961, by William H. Martin, are granted to the extent indicated herein and in all other respects are denied;

It is further ordered, That the issues in this proceeding are amended by renumbering issues 6 and 7 as issues 7 and 8, and that the issues in this proceeding are enlarged by the addition of the following issue:

6. To determine what efforts have been made by William H. Martin and Richard E. Lindsay, respectively, to determine the programing needs of the area he proposes to serve and the manner in which he proposes to meet such needs.

Released: December 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12409; Filed, Dec. 29, 1961; 8:46 a.m.]

[Docket Nos. 14453-14454; FCC 61-1503]

WILLIAM B. NEAL AND JAMES R. WILLIAMS

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William B. Neal, Joplin, Missouri, requests: 1560 kc, 250 w, Day, Docket No. 14453, File No. BP-13695; James R. Williams, Lamar, Missouri, requests: 1560 kc, 250 w, Day, Docket No. 14454, File No. BP-14087.

1. The Commission has before it for consideration the above captioned applications for new standard broadcast stations and a "Petition by William B. Neal for Reconsideration of the Commission's Memorandum and Order Released October 13, 1961." The background of this proceeding has been fully set forth in the Commission's Order of October 13, 1961, and will not be repeated here. In substance, the Commission, at that time, refused to grant a joint request by the subject applicants for approval of an agreement whereby Williams would withdraw his subject application and Neal would reimburse Williams for the expenses incurred in connection with preparing and filing his application. Instead, the Commission found that a prime factor in any choice between these two mutually exclusive applications would be determination, pursuant to section 307(b) of the act, as to which proposal would better provide a fair, efficient, and equitable distribution of radio service; that since Joplin has three existing stations and Lamar has none a strong presumption of need for first service arises in the case of the latter application; and that the public interest would not be served by approving a removal of the demand for service at Lamar without allowing other prospective applicants a chance to file for similar facilities. Accordingly, the Commission invoked § 1.316(b) of the rules and directed Williams to publish local notice, at Lamar, of his intention to withdraw and of the fact that any new application for a broadcast station for Lamar, on 1560 kc, with substantially the same engineering characteristics and proposing to serve substantially the same service area as the application sought to be withdrawn would be entitled to comparative consideration with other mutually exclusive applications if filed no later than 30 days following the last date of publication of the notice required.

[1] Commissioner Hyde dissenting in opinion.

2. On October 18, 1961, following release of the Order noted above, the Commission received another letter from James R. Williams. Mr. Williams stated that he wished to "reinstate" his application and that he had not received any payment from William B. Neal for its withdrawal. On October 30, 1961, William B. Neal filed the present subject petition. In seeking reconsideration of the Commission's Order of October 13, Neal advances numerous substantive contentions to support his position that the Commission's action, upon the then facts, was an improper application of § 1.316(b) of the rules. It is unnecessary for us to consider these contentions, however, since they are rendered moot by petitioner's further statement, supported by letters submitted with the petition, that he has now rescinded his agreement with Mr. Williams.

3. Since no agreement to withdraw the Williams application for Lamar now exists—and lacking any indication that either party has attempted to abuse the Commission processes—the state of facts as between the two subject applicants must revert to that existing prior to the submission of the joint request for Williams' dismissal on March 29, 1961.

4. Petitioner contends, further, that if the state of facts prior to March 29, 1961, is restored, the Williams application should be dismissed immediately for failure to file the revised section V-A of the application Form 301. It is true that James R. Williams had not, on March 29, 1961, filed an acceptable revised section V-A, nor has Williams yet filed that section. It is equally true that failure to file the section V-A prior to January 10, 1961—as provided by Commission Public Notice—rendered the Williams application subject to dismissal. However, two factors persuade us that the public interest would not here be served through dismissal of the Williams application. First, the Commission had completed its study of the application, without the revised section V-A, prior to the listed "cut-off" date of the application. Additionally, the unique circumstances of this case—in which dismissal of the Lamar application would remove the only demand for service for a city having no local service—weigh strongly against dismissal of the Williams application.

5. Accordingly, the subject applications must be designated for hearing to determine which, if either, should be granted. Prior to the necessary determination, pursuant to section 307(b) of the act, as to which proposal would better provide a fair, efficient, and equitable distribution of radio service, it will be necessary to examine the efforts made by James R. Williams to determine the programming needs of the area he seeks to serve and the manner in which he proposes to meet those needs. Williams has proposed no programming in the "Discussion" or "Talks" categories and has submitted a skeletal program schedule giving but scant indication of the actual content of the broadcasts to occur.

6. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below. Accordingly: *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine the efforts made by James R. Williams to ascertain the programing needs and interests of the area to be served and the manner in which James R. Williams proposes to meet such needs and interests.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the aforementioned petition filed October 30, 1961, by William B. Neal is granted to the extent heretofore indicated and is denied in all other respects.

It is further ordered, That this order shall supersede, in all respects, the Commission's Memorandum Opinion and Order released October 13, 1961, pertaining to the two subject applicants.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing (either individually or, if feasible, jointly), within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: December 20, 1961.

Released: December 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12410; Filed, Dec. 29, 1961; 8:46 a.m.]

[List No. ON-2]

CANADIAN BROADCASTING STATIONS

Outstanding Notifications to OIR of Stations Which Are Not Yet in Corresponding Operation Because of Difficulties Beyond Control of the Administration

AUGUST 1, 1961.

Call letters	Location	Power kw	Frequency kc	Operation time class	
New	Fort St. John, B.C.	1	590	DA-1	U III
CHLP	Montreal, P.Q.	10	1410	DA-1	U III

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12411; Filed, Dec. 29, 1961; 8:46 a.m.]

[List No. ON-3]

CANADIAN BROADCASTING STATIONS

Outstanding Notifications to OIR of Stations Which are Not Yet in Corresponding Operation Because of Difficulties Beyond Control of the Administration

NOVEMBER 1, 1961.

Call letters	Location	Power kw	Frequency kc	Operation time class	
New	Langley Prairie, Manitoba	1	850	DA-2	U II
New	Winnipeg, Manitoba	5	1470	DA-1	U III
New	New Westminster, B.C.	5	1480	DA-1	U III
New	Calgary, Alta.	10	1550	DA-1	U II

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-12412; Filed, Dec. 29, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1971]

IDAHO

Notice of Land Withdrawal (Modification)

DECEMBER 26, 1961.

In the matter of Idaho Power Company, Boise-Brady No. 2, 230 kv Transmission Line, Project No. 1971.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, this Commission, on September 19, 1960, gave notice of the reservation of approximately 2,030 acres of United States land pursuant to the filing on July 8, 1960, of map exhibits for this right-of-way.

On October 30, 1961, The Idaho Power Company filed revised maps Exhibits "J", sheets 1 and 2, and Exhibit K sheet 2, (FPC Nos. 1971—192, 193, and 194 respectively) of the "as built" Boise-Brady No. 2 transmission line and location changes.

A re-examination of the project land, in accordance with the above mentioned revised maps filed October 30, 1961, indicates the realignment of the transmission line affects United States land not previously included in a land withdrawal notice.

Therefore, in accordance with section 24 of the act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 1971 and are, from the date of filing of revised map exhibits, October 30, 1961, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

BOISE MERIDIAN

All portions of the following described subdivisions lying within 75 feet, on either side of the center line survey of the transmission line right-of-way location as delimited on map Exhibit "K" sheet 2 (FPC No. 1971-194).

T. 5 S., R. 12 E.,
sec. 23: S½N½;
sec. 24: S½N½.

T. 5 S., R. 13 E.,
sec. 19: Lot 2, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
sec. 29: NW¼NW¼, SE¼NW¼;
sec. 30: NE¼NE¼.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Report 128), with respect to lands reserved for power transmission line purposes only, is applicable to those portions of the above-described land occupied for that purpose only.

The additional project land reserved by this notice is approximately 63.60 acres.

Copies of revised maps, FPC Nos. 1971-192, 193, and 194, are being transmitted to the Bureau of Land Management, Bureau of Reclamation and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12400; Filed, Dec. 29, 1961; 8:45 a.m.]

[Docket No. CP62-126]

TRUNKLINE GAS CO.

Notice of Application and Date of Hearing

DECEMBER 22, 1961.

Take notice that on November 21, 1961, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston 1, Tex., filed in docket No. CP62-126 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1962, at a total cost not to exceed $2,500,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas which will be purchased from producers thereof in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 24, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12401; Filed, Dec. 29, 1961; 8:45 a.m.]

[Docket No. CP62-124]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application and Date of Hearing

DECEMBER 28, 1961.

Take notice that on November 20, 1961, South Texas Natural Gas Gathering Company (Applicant), P.O. Box 521, Corpus Christi, Tex., filed in docket No. CP62-124 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 65 miles of 16-inch and 6 miles of smaller diameter pipeline, a 2,500 horsepower addition to Applicant's existing Compressor Station No. 10, and appurtenant facilities, and authority to sell and deliver an additional volume of up to 70,000 Mcf of natural gas per day through the aforesaid facilities to Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application and exhibits which are on file with the Commission and open to public inspection.

The purpose of the subject application is to effectuate that provision in Applicant's basic contract dated February 17, 1959, with Transco, on file with the Commission as Applicant's FPC Gas Rate Schedule No. 2, which provides for an increase in deliveries from the presently authorized maximum of 140,000 Mcf per day to 210,000 Mcf per day commencing with the 1961–62 winter heating season. The increased volumes of gas proposed to be made available to Transco are intended to augment Transco's supply for its existing customers. No new markets are proposed to be supplied by Transco from these volumes.

The estimated total cost of the facilities proposed under this application is $3,243,000 which will be financed by the private sale of new securities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-12377; Filed, Dec. 29, 1961; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Loans for Housing for the Elderly

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of loans for housing for the elderly on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q):

1. To execute loan agreements;

2. To amend or modify any such loan agreement;

3. To redelegate to the Regional Director of Community Facilities Activities the authority delegated herein; and

4. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Wash., any of the authority delegated herein.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 22d day of December 1961.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 61-12406; Filed, Dec. 29, 1961; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

REQUEST TO PARTICIPATE IN VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS FURTHER AMENDED TO CREATE A SPECIAL SUBCOMMITTEE OF THE FOREIGN PETROLEUM SUPPLY COMMITTEE

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the Voluntary Agreement Relating to Foreign Petroleum Supply, as amended, was approved by the Attorney General, after consultation with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Emergency Planning. The companies listed below have accepted the request to participate in the voluntary agreement as amended.

The existing Voluntary Agreement Relating to Foreign Petroleum Supply is further amended to authorize the creation of a special subcommittee of the Foreign Petroleum Supply Committee to be composed of technical experts from the oil companies who are capable of making petroleum studies needed by the Government for national defense preparedness. This amended voluntary agreement has been approved by the Director of the Office of Emergency Planning and found to be in the public interest as contributing to the national defense.

The request and original list of members were published in 21 F.R. 5703, July 28, 1956; and additional acceptances were published in 21 F.R. 6687, Sept. 5, 1956; 21 F.R. 6964, Sept. 14, 1956; 21 F.R. 7640, Oct. 4, 1956; 22 F.R. 1162, Feb. 27, 1957, and 25 F.R. 4937, June 3, 1960.

CONTENTS OF REQUEST

The Secretary of the Interior has recommended that the existing Voluntary Agreement Relating to Foreign Petroleum Supply be further amended to authorize the creation of a special subcommittee of the Foreign Petroleum Supply Committee to be composed of technical experts from the oil companies who are capable of making the complex petroleum studies needed by the Government for national defense preparedness. You are requested to participate in the activities of the Voluntary Agreement Relating to Foreign Petroleum Supply, as so amended. Copies of the agreement and the amendment are enclosed herewith.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I have approved the voluntary agreement, as amended, and have found it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Director, Office of Oil and Gas, Department of the Interior, Washington 25, D.C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Foreign Petroleum Supply Committee and its subcommittees and your participation therein are within the limits set forth in the voluntary agreement, as amended. The earlier requests for your participation in the activities of this committee are superseded and withdrawn.

Your cooperation in this matter will be appreciated.

Sincerely,

FRANK B. ELLIS,
Director.

The following companies have agreed to participate in the amended voluntary agreement and this list supersedes previous publications in the FEDERAL REGISTER of membership in the Voluntary Agreement Relating to Foreign Petroleum Supply, as amended.

American Independent Oil Company, New York, N.Y.
Arabian American Oil Company, New York, N.Y.
California Transport Corporation, San Francisco, Calif.
Caltex Oil Products Company, New York, N.Y.
Cities Service Company, Inc., New York, N.Y.
Continental Oil Company, Houston, Tex.
Gulf Oil Corporation, Pittsburgh, Pa.
Phillips Petroleum Company, Bartlesville, Okla.
Plymouth Oil Company, Pittsburgh, Pa.
Signal Oil and Gas Company, Los Angeles, Calif.
Sinclair Oil Corporation, New York, N.Y.
Socony Mobil Oil Company, Inc., New York, N.Y.
Standard Oil Company of California, San Francisco, Calif.
Standard Oil Company (Indiana), Chicago, Ill.
Standard Oil Company, Inc. (New Jersey), New York, N.Y.
The Standard Oil Company (Ohio), Cleveland, Ohio.
Standard-Vacuum Oil Company, White Plains, N.Y.
Sunray Mid-Continent Oil Company, Tulsa, Okla.
The Atlantic Refining Company, Philadelphia, Pa.
The Frontier Refining Company, Denver, Colo.
The Ohio Oil Company, Findlay, Ohio.
Texaco, Incorporated, New York, N.Y.
Tidewater Oil Company, Los Angeles, Calif.

(Sec. 708, 64 Stat. 618, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953; 18 F.R. 4939; Reorg. Plan No. 1 of 1958; 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: December 26, 1961.

FRANK B. ELLIS,
Director,
Office of Emergency Planning.

[F.R. Doc. 61-12402; Filed, Dec. 29, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

DECEMBER 26, 1961.

The common stock, $1.00 par value, of Apex Minerals Corp., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934, and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934, that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 27, 1961 to January 5, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-12388; Filed, Dec. 29, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 27, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37491: *Sand to Crossville and Harrisburg, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8122), for interested rail carriers. Rates on sand, noibn, in carloads, from Van Buren, Ark., Joe, Kengle, Price, Shirk, and Tulsa, Okla., to Crossville and Harrisburg, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 142 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commision.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12392; Filed, Dec. 29, 1961; 8:46 a.m.]

[Notice 18]

APPLICATIONS FOR LOAN GUARANTIES

DECEMBER 26, 1961.

Notice is hereby given of the filing of the following application under Part V of the Interstate Commerce Act:

Finance docket No. 21888 filed December 21, 1961, by Boston and Maine Railroad, 150 Causeway Street, Boston 14, Mass., for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $5,845,348. Applicant's representative: G. F. Glacy, Vice President—Accounting and Finance, Boston and Maine Railroad, 150 Causeway Street, Boston 14, Mass. Loan is for the purpose of the refinancing of certain additions and betterments and other capital improvements made after January 1, 1957.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12393; Filed, Dec. 29, 1961; 8:46 a.m.]

[Sec. 5a, Application 3]

EASTERN RAILROADS

Application for Approval of Amendments to Agreement

DECEMBER 27, 1961.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed December 20, 1961, by J. W. Grady, General Commerce Counsel, The New York, New Haven and Hartford Railroad Co., 54 Meadow Street, New Haven 6, Conn.

Amendments involved: Change the agreement (1) by abolishing the New England Passenger Committee and the Trunk Line-Central Passenger Committee and combining their functions in the new General Passenger Committee-Eastern Railroads, and making such other incidental changes as are necessary in this connection; and (2) by adding "(Richard Joyce Smith, William J. Kirk and Harry W. Dorigan, Trustees)" to the name of The New York, New Haven and Hartford Railroad Co.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2:

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12394; Filed, Dec. 29, 1961; 8:46 a.m.]

[Rev. S.O. 562, Amdt. 1 to Taylor's I.C.C. Order 133]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND SOUTHERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 133 (the Louisville and Nashville Railroad Co. and the Southern Railway Co.) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 133 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 8, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 26, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61-12395; Filed, Dec. 29, 1961; 8:46 a.m.]

[Rev. S.O. 562, Amdt. 4 to Taylor's I.C.C. Order 136]

RUTLAND RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corp.) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m, December 31, 1961, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 26, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61-12396; Filed, Dec. 29, 1961; 8:46 a.m.]

FINANCE REVIEW BOARD

Specification of Types of Cases in Respect of Which Determinations May Be Made

It appearing, that Item 7.6(d) of the Organization Minutes of the Commission (26 F.R. 4773, 5167, 8434, and 10991) delegates to the Finance Review Board authority to determine matters in proceedings under the provisions of law set forth in Item 4.4 thereof in cases or types of cases specified from time to time by the Chairman of Division 3 of the Commission, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits:

It is ordered, That the following types of cases, limited to those which have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, are specified in respect of which determinations may be made by the said Finance Review Board:

(a) Proceedings under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity;

(b) Proceedings under section 5(2) involving (1) acquisition by a carrier by railroad of trackage rights over, or joint ownership in or joint use of, any railroad line or lines owned by any other such carrier, or (2) transactions which do not involve any carrier whose operating revenues, in the last calendar year for which data are contained in the record exceed $1 million;

(c) Proceedings under sections 207 and 209 directly related to proceedings specified in paragraph (b) above;

(d) Proceedings under section 20a (2) to (4), inclusive, and section 214, relating to securities;

(e) Proceedings under sections 212(b), 312, and 410(g), relating to the transfer of certificates and permits:

Provided, however, That the aforesaid specification shall be effective in respect to particular cases of the classes named on and after the date of service of a recommended order of a hearing examiner or joint board, in such a case, or the effective date of this order, whichever date is later: *And provided further,* That this specification shall not apply to (a) cases which on the effective date hereof are under active consideration by a Commissioner, a Division, or the Commission, or (b) any case which has been consolidated for the purpose of an examiner's report and recommended order with a case not delegated to the said board.

It is further ordered, That this order shall be effective on January 1, 1962.

Dated at Washington, D.C., this 20th day of December A.D. 1961.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-12211; Filed, Dec. 29, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

PROCLAMATIONS:
- May 27, 1907 — 11746
- 3298 — 11937
- 3401 — 11714
- 3440 — 11714
- 3441 — 11937
- 3442 — 12023

EXECUTIVE ORDERS:
- Nov. 10, 1917 — 11906
- Apr. 8, 1919 — 11906
- June 14, 1921 — 11906
- 2711 — 11746
- 3797-A — 12080
- 8578 — 12292
- 10717 — 11937
- 10977 — 11471
- 10978 — 11714
- 10979 — 11937
- 10980 — 12059
- 10981 — 12749

4 CFR

- 33 — 12275
- 34 — 12275
- 35 — 12276
- 51 — 12277, 12278
- 52 — 12277, 12278
- 54 — 12278

5 CFR

- 6 — 11347, 11483, 11671, 11813, 11852, 12060, 12155, 12211, 12239, 12559.
- 29 — 11794
- 30 — 12109
- 401 — 11938

6 CFR

- 421 — 12157, 12239, 12658
- 482 — 12750

7 CFR

- 1 — 12155
- 5 — 12676
- 46 — 12209
- 53 — 12109
- 54 — 12677
- 55 — 12677
- 56 — 12677
- 70 — 12677
- 319 — 12029
- 401 — 12209, 12279
- 403 — 12210
- 718 — 11813
- 719 — 12060
- 722 — 11472, 11481, 11851, 11887
- 728 — 11795, 12109
- 729 — 11816
- 750 — 11725
- 775 — 11672
- 776 — 11347, 11407, 12210
- 811 — 11963
- 812 — 11817, 12677
- 813 — 12493, 12678
- 815 — 12679
- 820 — 11965
- 871 — 11968
- 900—1073 — 12751, 12752
- 903 — 12494, 12682
- 904 — 12239
- 914 — 11417, 11817, 11851, 11890, 12062, 12063, 12156, 12494, 12682, 12751.
- 933 — 11417–11419

7 CFR—Continued

Page

- 936 — 12211
- 937 — 11725
- 938 — 11725, 12063
- 946 — 12110
- 953 — 11419, 11818, 11851, 12030, 12064, 12110, 12279, 12280, 12751, 12752.
- 958 — 11483, 11852, 11970
- 959 — 12211
- 970 — 12682
- 975 — 12240
- 990 — 12239
- 1001—1159 — 12752
- 1001 — 12064
- 1019 — 12239
- 1032 — 12030
- 1034 — 12241, 12280
- 1060 — 12559
- 1064 — 12753
- 1066 — 12280
- 1067 — 12281
- 1068 — 12064
- 1069 — 12065, 12242

PROPOSED RULES:
- 26 — 12132
- 29 — 12577
- 51 — 12222
- 362 — 12167
- 812 — 11838
- 903 — 12167
- 904 — 12037
- 907 — 12580
- 911 — 11495
- 913 — 11839, 12710
- 914 — 11435
- 922 — 12782
- 926 — 12591
- 936 — 12782
- 944 — 12132
- 947 — 12132
- 949 — 12037
- 952 — 12037
- 953 — 11363
- 970 — 12294
- 982 — 11498
- 983 — 12528
- 989 — 12520
- 990 — 12037
- 993 — 12037
- 996 — 12037
- 999 — 12037
- 1008 — 12611
- 1019 — 12168
- 1026 — 11982
- 1028 — 11982
- 1050 — 12132

8 CFR

- 103 — 12111, 12212
- 204 — 12212
- 212 — 12066, 12212
- 214 — 12066, 12213
- 237 — 11818
- 242 — 12111, 12242, 12282
- 243 — 11819, 12113
- 244 — 12113
- 245 — 12114
- 249 — 12114
- 252 — 11797
- 253 — 11797
- 299 — 11819

PROPOSED RULES:
- 242 — 11363

9 CFR

Page

- 74 — 11852, 11970
- 77 — 11971
- 78 — 12067
- 83 — 11483, 11853

PROPOSED RULES:
- 17 — 12222
- 74 — 11804
- 92 — 12579
- 151 — 11870
- 201 — 11988

10 CFR

- 1 — 12730
- 25 — 11726

12 CFR

- 4 — 11353
- 204 — 12031
- 217 — 11798, 11971, 12031
- 261 — 12495
- 262 — 12497
- 263 — 12498
- 327 — 12031
- 329 — 11798, 12031
- 545 — 12675

13 CFR

- 121 — 12069
- 122 — 11353

14 CFR

- 40 — 11354, 12762
- 41 — 11355, 12762
- 42 — 11356, 12762
- 49 — 12213
- 53 — 12559
- 60 — 12283, 12762
- 221 — 11819, 12156
- 287 — 11890
- 288 — 11483, 12114
- 302 — 11820
- 385 — 12242
- 406 — 12559
- 507 — 11672, 11821, 12032, 12033, 12213, 12214, 12560.
- 555 — 11672
- 600 — 11357, 11484, 11485, 11674, 11726, 11727, 11822–11824, 11853, 11893, 12069, 12070, 12214, 12283, 12683.
- 601 — 11485, 11674, 11675, 11726–11728, 11822–11825, 11853–11859, 11893, 11894, 12070, 12071, 12073, 12074, 12215, 12246, 12247, 12283–12290, 12501–12505, 12507, 12508, 12510, 12512–12514, 12516, 12560, 12561, 12683, 12684.
- 602 — 11729, 12561
- 608 — 11729, 11730, 11859, 11861, 11894, 12033, 12215, 12283, 12290, 12561, 12683, 12684.
- 609 — 11939, 11946, 11951, 11960
- 610 — 12074

PROPOSED RULES:
- 3 — 12294
- 4b — 12294
- 6 — 12294
- 7 — 12294
- 18 — 11804
- 40 — 12294
- 41 — 12294

14 CFR—Continued

Page

PROPOSED RULES—Continued
- 42 — 12294
- 43 — 11804
- 302 — 11685, 11841, 12623
- 376 — 12179
- 399 — 11841
- 411 — 12085
- 507 — 11870, 12042, 12256
- 600 — 11435, 11494, 11734
- 601 — 11364–11368, 11435, 11436, 11438, 11440–11443, 11445, 11446, 11448, 11449, 11451, 11453–11456, 11494, 11686, 11734, 11988.
- 608 — 11435, 11494, 11988

15 CFR

- 201 — 11357
- 230 — 11360, 11972, 12248
- 360—399 — 12763
- 360 — 12763
- 362 — 12763
- 364 — 12763
- 381 — 12763
- 382 — 12763
- 383 — 12763
- 901 — 12763

16 CFR

- 13 — 11360, 11486, 11675, 11730, 11825, 11895, 11938, 12033, 12034, 12115, 12215, 12216, 12291, 12517, 12518, 12562
- 14 — 11826

17 CFR

- 231 — 11896
- 239 — 11730
- 240 — 12765

PROPOSED RULES:
- 240 — 12714
- 270 — 11738

18 CFR

- 2 — 12765
- 141 — 11897
- 260 — 11900

PROPOSED RULES:
- 2 — 11459, 12304

19 CFR

- 3 — 11362
- 4 — 12248
- 5 — 11420
- 21 — 11362
- 54 — 11731

PROPOSED RULES:
- 10 — 11683

20 CFR

- 404 — 11827, 11938, 12684

21 CFR

- 3 — 12518, 12563
- 17 — 12563
- 20 — 11676
- 27 — 12563
- 120 — 11731, 11799, 12034, 12249, 12564
- 121 — 11677, 11799, 11800, 11828–11830, 12035, 12077, 12249, 12564, 12768–12771
- 141a — 11801
- 141c — 11801
- 146 — 12035
- 146a — 11801
- 146c — 11801
- 147 — 11802
- 191 — 12035
- 305 — 12216

PROPOSED RULES:
- 1 — 11734
- 16 — 12256

21 CFR—Continued

Page

PROPOSED RULES—Continued
- 27 — 11988
- 51 — 11988
- 120 — 11684, 12533
- 121 — 11684, 11735, 11841, 11870, 12143, 12144, 12178, 12256, 12623, 12714.
- 141a — 11684
- 146 — 11684
- 146a — 11684
- 147 — 11684
- 307 — 12222

24 CFR

- 200 — 12291
- 201 — 11731
- 203 — 12564
- 207 — 12565
- 213 — 12566
- 220 — 12116, 12566
- 221 — 12118, 12566
- 232 — 12567
- 233 — 12120
- 803 — 12567

25 CFR

- Appendix — 12569

PROPOSED RULES:
- 73 — 12708
- 221 — 11734

26 CFR

- 1 — 11436, 11677, 12077, 12216, 12550
- 20 — 11861
- 25 — 11861
- 45 — 11861
- 301 — 12553
- 601 — 12688

PROPOSED RULES:
- 1 — 12085
- 48 — 12085

28 CFR

- 15 — 11420

29 CFR

- 402 — 12568
- 403 — 11678, 12568
- 408 — 11678
- 415 — 12568
- 670 — 11420
- 678 — 11420
- 779 — 11802
- 780 — 12658

PROPOSED RULES:
- 545 — 11735

30 CFR

- 222 — 11487

31 CFR

- 270 — 11938

32 CFR

- 200 — 12569
- 220—229 — 12766
- 272 — 11830
- 273 — 11831
- 564 — 12767
- 577 — 11679
- 701 — 11715
- 710 — 11716
- 711 — 12158, 12569
- 714 — 12217
- 715 — 12658
- 718 — 12658
- 719 — 11763, 11862, 12659
- 720 — 11722
- 723 — 12121
- 724 — 12659
- 725 — 12767
- 728 — 12661
- 736 — 12158, 12217

32 CFR—Continued

Page

- 744 — 12217
- 750 — 12674
- 753 — 12674
- 755 — 11792
- 765 — 11680, 11794, 12158, 12217, 12661
- 804 — 12249
- 1001 — 12319
- 1002 — 12354
- 1003 — 12361
- 1007 — 12386
- 1008 — 12249, 12468
- 1012 — 12249
- 1013 — 12249
- 1016 — 12249
- 1054 — 12249
- 1057 — 12249
- 1101 — 12767
- 1453 — 11972
- 1470 — 11972
- 1472 — 11972
- 1700—1713 — 12768
- 1709—1710 — 12768
- 2011 — 11421

32A CFR

OIA (CH. X):
- OI Reg. 1 — 11973

33 CFR

- 1 — 12570
- 2 — 12159
- 3 — 12571
- 5 — 12571
- 8 — 12571, 12573
- 23 — 12693
- 30 — 12572
- 45 — 12572
- 62 — 12572
- 64 — 12572
- 66 — 12572
- 67 — 12572
- 68 — 12572
- 70 — 12572
- 72 — 12572
- 82 — 12572
- 90 — 12572
- 95 — 12573
- 105 — 12573
- 125 — 11862
- 203 — 11803, 12105
- 206 — 12105
- 210 — 11732
- 212 — 11421

35 CFR

- 10 — 12217

36 CFR

- 1 — 11903
- 311 — 12122

PROPOSED RULES:
- 1 — 11363

38 CFR

- 3 — 12766
- 6 — 11680
- 7 — 11802
- 8 — 11680
- 21 — 11862

39 CFR

- 1—204 — 11513
- 2 — 12122
- 4 — 12122
- 13 — 11864
- 15 — 12122
- 17 — 11903
- 27 — 11903
- 31 — 11864, 12125
- 33 — 11903
- 41 — 12122
- 42 — 12122

39 CFR—Continued

	Page
44	12122
47	11864
48	11864
94	12218
96	12218
168	11832
201	12771
202	12776
203	12777
204	12778
PROPOSED RULES:	
61	11838
201	11426
202	11431
203	11432
204	11432

41 CFR

2–1	12126
2–3	12126
2–12	11904
5–2	12693
5–3	12693
5–7	12693
5–53	12694
9–7	11488
9–12	12573
39–1	12519
60–1	11974, 12250

43 CFR

61	12126
63	12696
64	12126
66	12126
81	12126
102	12126
161	11975, 12165, 12698
192	12126
PROPOSED RULES:	
192	11493, 11911
200	11493
250	12254
PUBLIC LAND ORDERS:	
61	11803
629	12292
842	11361
1058	12082

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
1238	11863
1744	12251
1843	12251
1942	12251
2323	12080
2400	12251
2458	12251
2543	11361
2544	11361
2545	11803
2546	11361
2547	11803
2548	11803
2549	11803
2550	11863
2551	11863
2552	11906
2553	12079
2554	12080
2555	12080
[illegible]	12080
2557	12080
2558	12081
2559	12082
2560	12251
2561	12251
2562	12251
2563	12251
2564	12251
2565	12292
2566	12292
2567	12292
2568	12292
2569	12292
2570	12699

44 CFR

151	11425

46 CFR

2	11908
34	11908
73	11908
76	11909
78	11909
97	11909
146	12082

46 CFR—Continued

	Page
157	12082
167	11909
171	11864
221	12293
510	12252
PROPOSED RULES:	
201	11738
206	11738
221	11738
298	11738
299	11738
Ch. IV	12294
502	12630

47 CFR

1	11909, 11977
2	11833, 11978
3	12024, 12083, 12165, 12220
7	12083, 12519
8	12083, 12519
9	12574, 12780
10	11422, 11681, 11978, 12781
14	12083, 12519
16	11423, 11978
19	11978
PROPOSED RULES:	
3	11458, 11495, 11870, 11911, 11989, 11990, 12085, 12179, 12180.
7	11369, 12144
8	11369, 11912, 12144
9	12627
10	12145
14	11369

49 CFR

43	11835
72–78	12701
95	12166, 12576
170	11732
174a	11492

50 CFR

32	11733
33	11733, 11836, 11837, 11868, 11869, 11909, 12165, 12699, 12700.
80	12128
270	11979

FEDERAL REGISTER

Telephone WOrth 3-3241

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.